SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) Number 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MONDAY, FEBRUARY 28, 2005

8:30 A.M.

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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Santa Maria, California
Monday, February 28, 2005
8:30 a.m.

THE COURT: Good morning.
THE JURY: (In unison) Good morning.
COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor. Good morning.
THE COURT: There's two things we're going to do before we commence with the opening statement.

One of them is that I'm going to read the Indictment.

Remember, during jury selection, I generally told you what the Indictment contained, and it does contain that. But I want to read it specifically to you because it's a little more detailed than the general description.

The second thing I'm going to do is to give you some pre-trial jury instruction. And they're very brief, but they're meant to help you as you start to hear the evidence, and as you hear the opening statements of counsel.

What I'm going to do is, again, come down to where you are to talk to you. I just -- this distance between us is disturbing to me.

This is the Indictment:

The People of the State of California versus Michael Joe Jackson, Defendant.

Count 1: The Grand Jury of the County of Santa Barbara, State of California, by this Indictment, hereby accuses Michael Joe Jackson of a felony, to wit: a violation of Penal Code Section 182, subdivision (a), sub (1), conspiracy, in that on or about and between February 1, 2003, and March 31, 2003, in the County of Santa Barbara, State of California, he did conspire with Ronald Konitzer, Dieter Weizner, and Frank Cascio, aka Frank Tyson, Vinnie Amen, Frederic Marc Schaffel, and other uncharged co-conspirators and co-conspirators whose identities are unknown, to commit the crime of a violation of Penal Code Section 278, child abduction, a felony; a violation of Penal Code Section 236, false imprisonment, a felony; a violation of Penal Code Section 518, extortion, a felony; and that pursuant to and for the purpose of carrying out the objectives and purposes of the aforesaid conspiracy, to wit: unlawfully controlling, withholding, isolating, concealing, enticing and threatening John Doe, James Doe, Judy Doe, all minor children, and Jane Doe, an adult, did commit one or more of the following overt acts in the State of California, at least one of them in the County of Santa Barbara:

Over Act Number 1: On or about February 4th, 2003, Michael Joe Jackson told Jane Doe that the lives of her children, John, James and Judy Doe,

were in danger due to the recent broadcast on British television of the documentary "Living with Michael Jackson," in which John Doe appears with Michael Joe Jackson. And Michael -- excuse me, appears with Michael Joe Jackson, period. Michael Joe Jackson did tell Jane Doe that she and her three children would be flown to Miami to participate in a press conference, which press conference never took place.

Overt Act Number 2: On and between February 4th, 2003, and February 5th, 2003, the documentary "Living with Michael Jackson," in which John Doe appears, was broadcast in the United States. Michael Joe Jackson did personally prevent the Doe family from viewing the program, while at the Turnberry Resort Hotel in Miami, Florida.

Overt Act Number 3: On and between February 7th, 2003, and February 8th, 2003, Michael Joe Jackson did return the Doe family to Santa Barbara in a private jet. On the flight, Michael Joe Jackson did sit with John Doe and did give him an alcoholic beverage, concealed in a soft drink can. Michael Joe Jackson did then present John Doe with a wristwatch. Michael Joe Jackson did tell John Doe that the watch was worth $75,000. Michael Joe Jackson did tell John Doe not to tell anyone about them drinking alcoholic beverages together.

Overt Act Number 4: On or about February

8th, 2003, Michael Joe Jackson brought the Doe family to Jackson's Neverland Ranch, where John, James, Judy and Jane Doe remained for approximately five days.

Overt Act Number 5: On and between February 6th, 2003, and February 12th, 2003, in both Miami, Florida, and at Neverland Ranch in Santa Barbara County, Ronald Konitzer and Dieter Weizner did tell Jane Doe that there were death threats made against her and her children by unknown individuals. They did further tell Jane Doe that the only way to assure the safety of her family was for the Does to participate in the making of a "rebuttal" video favorable to Michael Joe Jackson.

Overt Act Number 6: On and between February 12th, 2003, and February 15th, 2003, after the Doe family had departed Neverland Ranch in the night, Frank Cascio, aka Frank Tyson, did telephone Jane Doe and did urge her to return with her children to Neverland Ranch and did say, quote, "I know Michael would love for you to come back to the ranch, for the safety of all concerned," unquote; and, quote, "Now is not the time to be out there alone," unquote; and, quote, "Never turn your back on Michael," unquote; and, "Michael wants to see you and the family," that's in quotes; and, quote, "You need to go back up to the ranch and see Michael, because he's very concerned," unquote; and, quote, "Even staying another night alone is not safe," unquote.

Frank Cascio, aka Frank Tyson, did tell Jane Doe that, "We would love for you to go on tape and just say something beautiful about Michael." Frank Cascio did assure Jane Doe and John Doe that Ronald Konitzer and Dieter Weizner would no longer be present at the ranch if they returned. He did state, "They are not there; I know that for a fact."

Overt Act Number 7: On and between February 2003 and March 2003, at Neverland Ranch, Frank Cascio, aka Frank Tyson, did threaten James Doe that Cascio did have ways to make James Doe's parents disappear. Frank Cascio did tell John Doe, "I could have your mother killed."

Overt Act Number 8: On or about February 14th, 2003, and February 15th, 2003, Michael Joe Jackson's personal chauffeur, Gary Hearne, did drive to Jane Doe's Los Angeles residence and did transport her and her children back to the Neverland

Ranch in Santa Barbara County.

Overt Act Number 9: On and between February 14th, 2003, and February 15th, 2003, upon the Doe Family's return to Neverland Ranch, Ronald Konitzer and Dieter Weizner were, in fact, present; whereupon Jane Doe asked to leave with her children. Ronald Konitzer and Dieter Weizner did tell Jane Doe that she was free to depart, however her children must remain at the ranch.

Overt Act Number 10: During the month of February 2003, in Santa Barbara County, California, Michael Joe Jackson's personal security staff was directed in writing not to allow John Doe to leave Neverland Ranch.

Over Act Number 11: During the month of February 2003, Frederic Marc Schaffel, Christian Robinson and an unknown attorney did prepare a script of questions to be asked of the Doe family during the filming of the "rebuttal" video by Hamid Moslehi, Michael Joe Jackson's personal videographer.

Overt Act Number 12: On or about February 19th, 2003, the Doe children were transported by Hamid Moslehi from Neverland Ranch to Moslehi's home in the San Fernando Valley, and on the same date, Vinnie Amen did transport Jane Doe to Hamid Moslehi's filming of the "rebuttal" video.

Overt Act Number 13: On or about February 19th, 2003, in Los Angeles County between 11:00 p.m. and 1:00 a.m., the employees and associates of Michael Joe Jackson did tape the "rebuttal" video, an interview of the Doe family, in the presence of Vinnie Amen and Bradley Miller, a licensed private investigator. During the taping, previously scripted questions were asked of the Doe family.

Overt Act Number 14: On or about February 20th, 2003, Vinnie Amen did transport Jane Doe to Norwalk, in Los Angeles County, to obtain birth certificates of the Doe family for the purpose of obtaining passports and visas to travel to Brazil.

Overt Act Number 15: On and between February 25th, 2003, and March 2nd, 2003, Vinnie Amen did take the Doe family from Neverland Ranch to the Country Inn and Suites in Calabasas, Los Angeles County. Vinnie Amen did transport Jane Doe to public offices in Los Angeles County where passports showing the destinations of Italy and France and visas for entrance to Brazil for the Doe family were obtained. Frederic Marc Schaffel, business partner of Michael Joe Jackson and president of Neverland Valley Entertainment, did pay expenses in connection with this activity.

Overt Act Number 16: On or about February 25th, 2003, Frederic Marc Schaffel did make airline reservations for the Doe family to travel to Brazil on March 3rd, 2003.

Overt Act Number 17: On or about February 26th, 2003, Frederic Marc Schaffel and Frank Cascio, aka Frank Tyson -- excuse me.

On or about February 26th, 2003, Frederic Marc Schaffel paid Frank Cascio, aka Frank Tyson, $1,000 in connection with "vacation" expenses of the Doe family.

Overt Act Number 18: On or about February 23rd (sic), 2003, Frederic Marc Schaffel did pay Vinnie Amen the sum of $500 cash for costs related to the Brazilian visas of the Doe family.

Overt Act Number 19: On and between February 2003 and March 2003, at the Neverland Ranch, Michael Joe Jackson did have John Doe sleep in his bedroom and in his bed.

Overt Act Number 20: On and between February 2003 and March 2003, at Neverland Ranch, Michael Joe Jackson did house Jane and Judy Doe in a guest cottage on Neverland Ranch where Jane and Judy Doe slept.

Overt Act Number 21: On and between February 2003 and March 2003, at Neverland Ranch, Michael Joe Jackson did show sexually explicit materials to John and James Doe.

Overt Act Number 22: On and between February 2003 and March 2003, at Neverland Ranch, Michael Joe Jackson did drink alcoholic beverages in the presence of John and James Doe and provided alcoholic beverages to them.

Overt Act Number 23: On and between February 2003 and March 2003, Michael Joe Jackson did monitor and maintain control over the activities at Neverland Ranch by means of multiple interior door locks, proximity sensor alarm devices, and a keypad combination lock, as well as video and telephone surveillance equipment. Michael Joe

Jackson did personally monitor telephone conversations of Jane Doe, without her knowledge or permission.

Overt Act Number 24: On or about March 1st, 2003, Vinnie Amen did pay the rent on the residence of the Doe family in Los Angeles County and moved their belongings into storage.

Overt Act Number 25: On or about March 6th, 2003, Vinnie Amen did go to John Burroughs Middle School in Los Angeles County and he did withdraw John and James Doe from their enrollment there, telling school authorities that the children were relocating to Phoenix, Arizona.

Overt Act Number 26: On or about March 9th, 2003, Michael Joe Jackson was told by John Doe that John Doe had a medical appointment the following day, at which time he was to give his medical staff a 24-hour-long urine collection specimen for laboratory analysis.

Michael Joe Jackson, in Santa Barbara County, did tell John Doe to cancel the appointment, because the sample would reveal that John Doe had been consuming alcoholic beverages while staying at the Neverland Ranch.

On or about March 10th, 2003, in Los Angeles County, after Jane Doe refused to cancel the medical appointment and while on the way to the medical appointment, Vinnie Amen did destroy most of John

Doe's collected urine specimen, intended for laboratory analysis in connection with John Doe's follow-up treatment for the disease of cancer.

Overt Act Number 27: On and between February 2003 and March 2003, in Los Angeles County, and as revealed by a surveillance tape located on November 18th, 2003, in the office of Private Investigator Bradley Miller, an unknown co-conspirator conducted video surveillance of John Doe and various members of John Doe's family, including his grandmother and grandfather, his mother, his mother's boyfriend, his brother and his sister, at and near their respective residences and elsewhere.

Overt Act Number 28: On or about March 31, 2003, Michael Joe Jackson did direct Frederic Marc Schaffel to pay Frank Cascio, aka Frank Tyson, the sum of one million dollars, from "Petty Cash" of Neverland Valley Entertainment on behalf of Michael Joe Jackson.

Those are the end of the overt acts. We're now going to Count 2.

Count 2: The Grand Jury of the County of Santa Barbara, State of California, by this Indictment, hereby accuses Michael Joe Jackson of a felony, to wit: a violation of Penal Code Section 288, subdivision (a), lewd act upon a child, in that on or about and between February 20th, 2003, and March 12th, 2003, in the County of Santa Barbara, State of California, he did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of John Doe, a child under the age of 14 -- under the age of 14 years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of said defendant and the said child.

The further allegation that in the circumstances of the crime alleged in this count the crime constituted substantial sexual conduct with a child under the age of 14 years, within the meaning of Penal Code Section 1203.066, subdivision (a)(8).

Count 3: The Grand Jury of the County of Santa Barbara, State of California, by this Indictment, hereby accuses Michael Joe Jackson of a felony, to wit: a violation of Penal Code Section 288, subdivision (a), lewd act upon a child, in that on or about and between February 20th, 2003, and March 12th, 2003, in the County of Santa Barbara, State of California, he did willfully, unlawfully and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of John Doe, a child under the age of 14 years, with the intent of arousing, appealing to, and gratifying the lust, passions and sexual desires of said defendant and said child.

The further allegation that in the circumstances of the crime alleged in this count the crime constituted substantial sexual conduct with a child under the age of 14 years, within the meaning of Penal Code Section 1203.066, subdivision (a)(8).

Count 4: The Grand Jury of the County of Santa Barbara, State of California, by this Indictment, hereby accuses Michael Joe Jackson of a felony, to wit: a violation of Penal Code Section 288, subdivision (a), lewd act upon a child, in that on or about and between February 20th, 2003, and March 12th, 2003, in the County of Santa Barbara, State of California, he did willfully, unlawfully and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of John Doe, a child under the age of 14 years, with the intent of arousing, appealing to, and gratifying the lusts, passions, and sexual desires of said defendant and the said child.

The further allegation that in the circumstances of this count, the crime constituted substantial sexual conduct with a child under the age of 14 years, within the meaning of Penal Code Section 1203.066 (a)(8).

Count 5: The Grand Jury of the County of Santa Barbara, State of California, by this Indictment, hereby accuses Michael Joe Jackson of a felony, to wit: a violation of Penal Code Section 288, subdivision (a), lewd act upon a child, in that on or about and between February 20th, 2003, and March 12th, 2003, in the County of Santa Barbara, State of California, he did willfully and unlawfully and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of John Doe, a child under the age of 14 years, with the intent of arousing, appealing to, and gratifying the lusts, passions, and sexual desires of said defendant and said child.

The further allegation that in the circumstances of the crime alleged in this count the crime constituted substantial sexual conduct with a child under the age of 14 years, within the meaning of Penal Code Section 1203.066, subdivision (a)(8).

Count 6: The Grand Jury of the County of Santa Barbara, State of California, by this Indictment, hereby accuses Michael Joe Jackson of a felony, to wit: a violation of Penal Code Sections 664 and 288, subdivision (a), attempt to commit a lewd act upon a child, in that on or about and between February 20th, 2003, and March 12th, 2003, in the County of Santa Barbara, State of California, he did willfully, unlawfully and lewdly attempt to have John Doe, a child under 14 years of age, commit a lewd and lascivious act upon and with Defendant Michael Joe Jackson's body and certain parts and members thereof, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of the said defendant and the said child.

Count 7: The Grand Jury of the County of Santa Barbara, State of California, by this Indictment, hereby accuses Michael Joe Jackson of a felony, to wit: a violation of Penal Code Section 222, administering an intoxicating agent to assist in the commission of a felony, in that on or about and between February 20th, 2003, and March 12th, 2003, in the County of Santa Barbara, State of California, he did unlawfully administer to John Doe an intoxicating agent, to wit: alcohol, with the intent thereby to enable and assist him to commit a felony, to wit: child molestation, in violation of Penal Code Section 288, subdivision (a).

Count 8: The Grand Jury of the County of Santa Barbara, State of California, by this Indictment, hereby accuses Michael Joe Jackson of a felony, to wit: a violation of Penal Code Section 222, administering an intoxicating agent to assist in the commission of a felony, in that on or about and between February 20th, 2003, and March 12th, 2003, in the County of Santa Barbara, State of California, he did unlawfully administer to John Doe an intoxicating agent, to wit: alcohol, and with the intent thereby to enable and assist himself to commit a felony, to wit: child molestation, in violation of Penal Code Section 288, subdivision (a).

Count 9: The Grand Jury of the County of Santa Barbara, State of California, by this Indictment, hereby accuses Michael Joe Jackson of a felony, to wit: a violation of Penal Code Section 222, administering an intoxicating agent to assist in the commission of a felony, in that on or about and between February 20th, 2003, and March 12th, 2003, in the County of Santa Barbara, State of California, he did unlawfully administer to John Doe an intoxicating agent, to wit: alcohol, with the intent thereby to enable and assist him to commit a felony, to wit: child molestation, in violation of Penal Code Section 288, subdivision (a).

Count 10: The Grand Jury of the County of Santa Barbara, State of California, by this Indictment, hereby accuses Michael Joe Jackson of a crime, to wit: a violation of Penal Code Section 222, administering an intoxicating agent to assist in the commission of a felony, in that on or about between February 20th, 2003, and March 12th, 2003, in the County of Santa Barbara, State of California, he did unlawfully administer to John Doe an intoxicating agent, to wit: alcohol, with the intent thereby to enable and assist him to commit a felony, to wit: child molestation, in violation of Penal Code Section 288, subdivision (a).

It is further alleged that Counts 2 through

5 are serious felonies within the meaning of Penal Code Section 1192.7, subdivision (c)(6).

As to Counts 2 through 5, it is further alleged, pursuant to Penal Code Section 1203.066, subdivision (a)(8), that the victim in the above offense, John Doe, was under the age of 14 years and Michael Joe Jackson had substantial sexual conduct with John Doe.

Pursuant to the provisions of Penal Code Section 293.5 the use of "John Doe" as it appears in the Indictment is for the purpose of protecting the privacy of the alleged victim.

This Indictment is signed by Ronald Zonen on behalf of Tom Sneddon, signed by Gordon Auchincloss on behalf of Thomas Sneddon, and is declared to be a true bill by the foreperson of the grand jury, who signed it on April 21st, 2004.

Up until this time the Indictment in this case has been sealed. It is hereby unsealed.

I'm now going to read to you a short two- or three-page statement of some jury instructions that I hope will help you as you begin to listen to the case. But I need some water.

And I want to remind you, after reading that entire Indictment, that Mr. Jackson has pled not guilty to all those charges. He's put every allegation in those charges at issue by pleading not guilty. And the Indictment is not evidence of his

guilt.

Members and alternate members of the jury:

You have been selected and sworn as jurors and alternate jurors. I shall now instruct you as to your basic functions, duties and conduct.

At the conclusion of the case, I will give you further instructions on the law. All of the Court's instructions, whether given before, during or after the taking of testimony, are of equal importance.

You must base the decisions you make on the facts and the law. First, you must determine the facts from the evidence received in the trial and not from any other source.

A fact is something proved by the evidence or by a stipulation. A stipulation is an agreement between attorneys regarding the facts.

Second, you must apply the law that I state to you to the facts as you determine them, and in this way arrive at your verdict and any finding you are instructed to include in your verdict.

You must accept and follow the law as I state it to you, regardless of whether you agree with it or not. If anything concerning the law said by the attorneys in their arguments or at any other time during the trial conflicts with my instructions on the law, you must follow my instructions.

You must not be influenced by pity for the defendant, or by prejudice against him. You must not be biased against the defendant because he has been arrested for this offense, charged with a crime, or brought to trial. None of these circumstances is evidence of guilt. And you must not infer or assume any or all of them -- assume from any or all of them that he is more likely to be guilty than not guilty.

You must not be influenced by mere sentiment, conjecture, sympathy, passion, prejudice, public opinion, or public feeling. Both the People and the defendant have a right to expect that you will conscientiously consider and weigh the evidence, apply the law, and reach a just verdict, regardless of the consequences.

Statements made by the attorneys during the trial are not evidence. However, if the attorneys stipulate or agree to a fact, you must regard that fact as proven.

If an objection is sustained to a question, do not guess what the answer might have been. Do not speculate as to the reason for the objection.

Do not assume to be true any insinuation suggested by a question asked a witness. A question is not evidence and may be considered only as it helps you to understand the answer. Do not consider for any purpose any offer of evidence that is rejected or any evidence that is stricken by the Court. Treat it as though you had never heard it.

You must not independently investigate the facts or the law or consider or discuss facts as to which there is no evidence. This means, for example, that you must not, on your own, visit the scene, conduct experiments, or consult reference works or persons for additional information.

You must not converse among yourselves or with anyone else, including, but not limited to, spouses, spiritual leaders or advisors or therapists on any subject connected with the trial, except when all of the following conditions exist: A, the case has been submitted to you for your decision by the Court following arguments by counsel and jury instructions; B, you are discussing the case with a fellow juror; and, C, all 12 jurors and no other persons are present in the jury deliberating room.

You must not read or listen to any accounts or discussions of the case reported by the newspapers or other news media, including radio, television, the Internet, or any other source.

You will be given notebooks and pencils.

Leave them on your seat when you leave each day and at each recess. You will be able to take them into the jury room when you deliberate.

A word of caution: You may take notes.

However, you should not permit note-taking to distract you from the ongoing proceedings.

Remember, you are the judges of the believability of the witnesses.

Notes are only an aid to memory and should not take precedence over recollection. A juror who does not take notes should rely on his or her recollection of the evidence and not be influenced by the fact that other jurors do take notes. Notes are for the note-taker's own personal use in refreshing his or her recollection of the evidence.

Should a discrepancy exist between a juror's recollection of the evidence and a juror's notes, or between a juror's recollection and that of another, you have a right to, and may request, the court reporter read back the relevant testimony, which must prevail.

You will be permitted to separate at the evening recess. You must return following -- on the following days at such times as I instruct you.

During recess, you must not discuss with anyone, any subject connected with this trial.

As for the alternate jurors, you are bound by all these admonitions. You must not converse among yourselves or with anyone else on any subject connected with the trial or form or express any opinion on it until the case is submitted to you, which means until such time as you are substituted in for one of the 12 jurors and begin deliberating on the case.

This means that you must not decide how you would vote if you were deliberating with the other jurors, and that you must not form or express an opinion about the case unless and until you have been substituted in as a juror in the case.

You are not to visit or view the premises or place where the crime or crimes charged were allegedly committed or any other premises or place mentioned or involved in the case.

During the course of this trial, and before you begin your deliberations, you must keep an open mind on this case, and upon all of the issues that you will be asked to decide. In other words, you must not form or express any opinions on this case until the matter is finally submitted to you.

Before and within 90 days of your discharge as a juror in this matter, you must not request, accept, agree to accept, or discuss with any person receiving or accepting any payment or benefit in consideration for supplying any information concerning the trial.

You must promptly report to the Court any incident within your knowledge involving an attempt by any person either to improperly influence any member of this jury or to tell a juror his or her view of the evidence of the case.

At this time, the lawyers will be permitted to make an opening statement, if they choose to do so. An opening statement is not evidence. Because it is not evidence, do not take any notes during the opening statement.

Neither is it argument. Counsel are not permitted to argue the case at this point in the proceedings.

An opening statement is simply an outline by counsel of what he or she believes or expects the evidence will show in this trial. Its sole purpose is to assist you in understanding the case as it is presented to you.

Mr. Sneddon.

MR. SNEDDON: Yes, Your Honor.

THE COURT: I understand there is a change in the way we're going to refer to the alleged victims in this case.

MR. SNEDDON: That's correct, Your Honor. And the change is that we are going to use the real names.

THE COURT: All right. Counsel agree.

MR. MESEREAU: Defense would agree to that, Your Honor.

THE COURT: And I understand the reason for this change in this case is that there is so much documentary, written evidence that has their names in it would be pretty much impossible to proceed without reaching this agreement.

MR. SNEDDON: That's correct, Your Honor. I discussed it with the family and explained to them the technical problems of trying to go through all the redaction process with every tape and video and everything else, and they understood. And they said that they were comfortable with it, the decision to change it back.

THE COURT: All right. I'll accept that agreement and request. And I will allow the names of the victims to be used in this case.

In doing so, I want to express to the members of the press who did not reveal the names of the victims in accordance with our law, how deeply appreciated that was by the Court.

And I want you to know that in other cases, it would remain very important to continue your policies that you expressed not revealing the victim's names in these type of cases.

Are you ready to proceed.

MR. SNEDDON: Judge, there's one final thing that we discussed a long time ago, but I wanted to double-check with the Court. There is a motion to exclude witnesses; is that correct.

THE COURT: I don't remember. Yes, there was, during one of the hearings, a motion -- is there a motion to exclude witnesses during the trial.

MR. SNEDDON: Yes, sir. I believe that was the request of both parties.

MR. MESEREAU: We would make a similar motion, Your Honor.

THE COURT: All right. The motion to

exclude witnesses made by both parties is granted.

MR. SNEDDON: Yes, sir.

THE COURT: Does that require witnesses not to be present during your opening remarks or just during the testimony.

MR. SNEDDON: Well, I understand -- I'm sorry, Your Honor. My understanding would sort of defeat the proposition if they were allowed to remain in the courtroom during the opening statement, by either party.

THE COURT: All right. Then --

MR. SNEDDON: Other than the investigating officer, of course, who's been designated.

THE COURT: All right. Any witnesses that have been subpoenaed to testify in this case or who expect to testify, if you're in the courtroom at this time, you're required to leave the courtroom.

Seeing nobody leaving, you may proceed.

I am going to take breaks at the standard time, so -- just so you know.

MR. SNEDDON: Good morning.

THE JURY: (In unison) Good morning.

MR. SNEDDON: On February the 3rd of 2003, Michael Jackson, the defendant in this case, world was rocked. And it didn't rock in a musical sense.

It rocked in a real life sense. And it was rocked by the fallout from the broadcast in the United Kingdom of the Martin Bashir video documentary, "Living with Michael Jackson."

And his life was rocked so badly that one of his long-time closest and most trusted associates, and co-conspirator in this case, Marc Schaffel described it as "a train wreck."

Now, I'm sure that some of you ladies and gentlemen are going to be a little surprised to learn, as the testimony and the evidence unfolds in this case, that actually for years prior to the Bashir video that the defendant in this case was heavily in debt. That his musical assets --

MR. MESEREAU: Objection.

MR. SNEDDON: -- and his real estate property --

MR. MESEREAU: Objection.

THE COURT: Sustained.

MR. SNEDDON: Your Honor, that's the motive for the --

MR. MESEREAU: Objection, again, Your Honor.

THE COURT: The --

MR. MESEREAU: He's violating your order.

THE COURT: The final determination as to the financial evidence coming in has not been reached.

MR. SNEDDON: Very well, Your Honor.

Unfortunately, for Mr. Jackson, the effect of the Bashir documentary had just the opposite effect.

This case, in Count 1, is a case about conspiracy. It's about the train wreck situation caused by the Bashir documentary. It's about the world's reaction and how it created the motive for the once superstar's desperate attempt to salvage his once very powerful musical career.

This is also a case about Michael Jackson's exploitation of a 13-year-old boy and cancer survivor, Gavin Arvizo.

It's about how Jackson, after almost a year of having no contact with this young boy, reached out to the young boy and invited him to Neverland Ranch to participate in the Bashir documentary.

It's about how he never told this boy that the interview was anything other than an audition. That the boy nor any member of their family realized that the interview that occurred on the ranch that day was going to be broadcast internationally around the world and seen by millions and millions of people.

This case is about the defendant. It's about his manipulation of the young boy's adolescence through exposing him to strange sexual behavior and introducing him to sexually graphic adult magazines.

It's about how he traded on the boy's obvious and often expressed admiration for the defendant. And it's about how he exploited the knowledge of the fact that the child had no father in his life, and had had no father in his life for over a year, because of the separation and divorce of the parents, and the fact that there was a court restraining order prohibiting the father from seeing the children.

He exploited this paternal relationship and created another relationship with the child as a surrogate father, encouraging both the child, Gavin Arvizo, the mother, and other members of the family to refer to him as "Daddy" or "Michael Daddy."

You will soon see, as one of the first

witnesses in this case, the Martin Bashir documentary. You will see Bashir's probing and incredulous questioning of the defendant.

And you will see the defendant's almost casual responses to his questions in trying to justify his admitted practice and long-standing custom and habit of sharing his bedroom, and his bed, with young boys.

You will soon hear the testimony from such witnesses as Ann Gabriel, Rudy Provencio, Ian Drew, and others close to the defendant in this case, that the Bashir documentary was deemed a disaster. And that the Arvizo family was a dangerous loose end. One that needed to be isolated, one that needed to be controlled, and one that needed to be convinced to participate in a pro Michael Jackson video that was planned to be aired later in mid-February.

As the trial unfolds, you will also learn that maintaining that isolation and maintaining that control became very problematic. And gaining the cooperation of the mother, Janet Arvizo, was very, very difficult. And you will learn the reasons why.

The evidence through the Arvizo family, and corroborated by tape-recordings and other witnesses, will show that when logic and reason appeals to trust, deceit, and lies and threats, failed.

That the defendant in this case and his co-conspirators were able to obtain the valuable interview that they needed from the Arvizo family through extortion. And it was done very simply.

As events turned out -- and I will explain to you in later detail during other parts of my opening statement here this morning -- that as a result of the things that occurred in this case, authorities from the school contacted the Department of Social Services in Los Angeles, and they contacted Mrs. Arvizo, and they wanted Mrs. Arvizo to produce the children for an interview on February the 20th in Los Angeles.

But Mrs. Arvizo had a problem. Because Mrs. Arvizo at that point in time was not on the ranch, and the children were. And she had refused to participate in the video that they desired on a number of occasions prior to this.

She placed a phone call to one of the co-conspirators in this case, Frank Tyson, who also goes by the name of Frank Cascio. And it was put to her quite simply: No children; no video. No children; no video.

She had no choice but to agree for herself and the children to participate in the video.

What followed was kind of a bizarre event in the sense that the children were taken from Neverland Ranch by Michael Jackson's personal videographer --

THE BAILIFF: Hit the switch.

MR. SNEDDON: Well, I know I've had some effects on people before, but I don't think I've ever had that one.

(Laughter.)

BAILIFF CORTEZ: Okay. Back on.

THE BAILIFF: Wait just one second.

MR. SNEDDON: I don't need it.

THE BAILIFF: You don't need it.

MR. SNEDDON: I told you, I don't need it.

I guess that gives new meaning to an electric personality.

I think we were at that point in time now where we're talking about the fact that the children are at the ranch. And the defendant's personal viedographer, Hamid Moslehi, is commissioned to bring the children from the ranch to his Calabasas residence where the filming is going to take place.

Another member of the co-conspirator's team named Vinnie Amen, who also goes by the name of Vinnie Black, picks up Janet Arvizo at a West Los Angeles apartment where she's staying with her future husband and fiance, Major Jay Jackson.

They meet at Moslehi's residence in Calabasas. And it's now approaching about 11:30 or almost midnight when everybody arrives. What results is a video that occurs -- and I'm going to speak more about later in my presentation -- but occurs and doesn't end until two o'clock in the morning. And the children are then taken back to West Los Angeles for a nine o'clock appointment with the Department of Social Services people, the very next morning.

Now, what I want to do is -- at this point, is I want to share with you just a few of the comments from the Bashir transcript. I want to share with you some of the things that caused the reactions and the movement of the people and the parties involved in this particular case that I've already discussed rather briefly.

And before I do that, though, I want to stop and tell you, in caution and in candor and in fairness, this video that you will hear is about an hour and 40 minutes long. And it's not my intention to lift from that -- from that video just a portion of it. But you will see from what I'm going to lift, that it is the parts that deal most specifically with this case.

This is the interview of Martin Bashir and the defendant. It's the interview that occurs towards the end of the eight-month journey in the filming of the life and "Living with Michael Jackson" video documentary.

"Martin Bashir: It was a great privilege to meet Gavin because he's had a lot of suffering in his life.

"Michael Jackson: Yeah.

"Martin Bashir: When Gavin was there, he talked about the fact that he shares your bedroom.

"Michael Jackson: Yes.

"Martin Bashir: Can you understand why people would worry about that.

"Michael Jackson: Because they're ignorant.

"Bashir: But is it really appropriate for a 40-year-old man to share a bedroom with a child that is not related to him.

"Michael Jackson: That's a beautiful thing.

"Martin Bashir: That's not a worrying thing.

"Michael Jackson: Why should it be worrying. Who's the criminal. Who's the Jack the Ripper in the room. This is a guy trying to help and heal a child. I'm sleeping in a sleeping bag on the floor. I give him the bed because he has a brother named Star, so him and Star took the bed and I'm on the floor in the sleeping bag.

"Did you ever sleep in bed with him.

"No, but I have slept in bed with many children. I sleep in bed with all of them.

"Bashir: But is that right, Michael.

"Michael: It's very right. It's very loving. That's what the world needs now. More love, more love.

"Martin Bashir: The world. The world needs....

"Michael Jackson: More heart.

"Martin Bashir: The world. The world needs a man, 44, sleeping in bed with children.

"Michael Jackson. No, you're making it -- no, no, you're making it all wrong. That's wrong.

"Bashir: Well, tell me. Help me.

"Michael Jackson: Because what's wrong with sharing a love. You don't sleep with your kids and some other kids" -- I'm sorry. "You don't sleep with your kids or some other kids who need love who didn't have a good childhood.

"Martin Bashir: No. No, I don't. I never dream of sleeping --

"Michael Jackson: Well, I would. I would. Because you've never been where I've been mentally."

Later on in the transcript, Bashir goes on:

"But isn't that precisely the problem, that when you actually invite children into your bed, you never know what's going to happen.

"Michael Jackson: But when you say 'bed,' you're thinking sexual. They make it sexual. It's not sexual. We're going to sleep. I tuck them in. We put -- I put a little, like, music on. We do a little story time. I read a book. It's very sweet. We put the fireplace on. We give them hot milk, you know, and we have little cookies. It's very charming. It's very sweet."

Ladies and gentlemen, this case begins with ten-year-old Gavin Arvizo. It begins in the year 2000. It begins when Gavin Arvizo is living with his mother, Janet Arvizo, and his father David, and his older sister Davallin, and his younger brother Star, in a studio apartment in East Los Angeles.

It begins with his diagnosis of stage four cancer at the age of 10. In an attempt to stem the cancer, a medicine-sized -- medicine-ball-size tumor, weighing 16 pounds, is removed from his abdomen. Lesions were removed from his lungs. His gall bladder was removed. Lymph nodes were removed. And one kidney was also removed.

For a year, he underwent chemotherapy. Long recuperative hospitalizations and long periods of recuperation at his grandparents' place. And in all candor, the doctors told the Arvizos and told Gavin Arvizo to prepare for his funeral, that he wasn't going to survive.

But, you see, Gavin's a fighter, and Gavin wasn't willing to quit. And because of a miracle, today Gavin is alive and his cancer is in remission and he's a freshman in high school. And he's an active member of a Navy Explorer unit and has gone through a boot camp in 2003 in Virginia. And he played football on his freshman high school football team this year.

During Gavin's fight for life, however, there were people actively involved in supporting him. And one of those people that you're going to learn about in this case is Jamie Masada.

Now, Jamie Masada you probably have not heard of, but you may have heard of the company that he founded. He started with The Laugh Factory on Sunset Boulevard in Los Angeles. He now has places in Hawaii and he has a place in New York City. It's for comedians. And as one of the things that Mr. Masada did, is he sponsored camps during the summer for underprivileged children.

And during the summer one year when the children were younger, the three children, Davallin, Star and Gavin, participated at The Laugh Factory in a summer program for underprivileged children.

Jamie Masada took a liking to the children. He particularly took a liking to Gavin. And when he heard that Gavin was -- had cancer, that it was serious and that he may not live, he began to visit Gavin on a regular basis.

And some of -- you know, unfortunately one of the things that happens to kids that are going to die from cancer, there are organizations and people and individuals, allow them to try to make a last wish, to make a wish.

And Gavin's wish, Gavin's wish was to meet some comedians and entertainers. And Gavin's wish was to meet Chris Tucker. And Gavin's wish was to meet Adam Sandler. And Gavin's wish was to meet the defendant in this case, Michael Jackson.

He actually met all of them. The first call came from the defendant while Gavin Arvizo was in the hospital recuperating from one of his chemotherapy sessions. Over the next several weeks, they exchanged television calls on a regular basis. The calls often lasted hours.

And during one of the recuperative periods when Gavin was at home, Michael Jackson invited the Arvizo family from East Los Angeles to the ranch of Neverland here in Santa Barbara County.

In August of 2000, the Arvizo family,

Gavin's -- Gavin, ten, and Star, nine, were picked up in a limousine with their mother and their father

and their brother, and traveled to Neverland Valley Ranch.

It was here -- and you can imagine just about the excitement that must have been with the family, coming from an environment like that to the ranch and this beauty that we have here in Santa Barbara County. And the family was put up in the guest cottages at the ranch and they were there for several days.

Now, on the night before the last day that they were to leave, Michael Jackson, the defendant in this case, takes Gavin aside, and he says to Gavin, "Gavin, why don't you ask your parents if you can spend the night in my bedroom, at the dinner table tonight."

Well, obviously here's a little kid who's in the midst of a life-threatening disease --

MR. MESEREAU: Objection.

MR. SNEDDON: -- a chance to spend the night --

MR. MESEREAU: Objection.

THE COURT: Overruled. Go ahead.

MR. SNEDDON: -- the chance to spend the night with one of his idols. Gavin obliges. Gavin asks his parents at dinner, "Can I spend the night with Michael Jackson in his bedroom."

And the parents say, "Yes"; they agree. And it's agreed that Star will go along with them.

Now, what happens that night is this: The defendant, Frank Tyson, the defendant's children, particularly his son Prince, Prince Michael, and the two Arvizo boys are in the downstairs area of the Jackson bedroom suite. And after a few hours, they go upstairs to the bedroom. And when they get up into the bedroom, Tyson pulls out a laptop computer, and Jackson and Tyson are hooking the computer up to the Internet. And when they get on the Internet, they then place the computer with the boys there, and they take the boys, nine-year-old and ten-year-old, on a tour of sexually explicit websites. Naked ladies. They take them on a tour of a number of websites. And it lasts approximately 30 to 40 minutes.

And during the time that they travel through these websites, at one of the points in time when a female is shown to -- with her shirt up, exposing her breasts, the defendant turns and exclaims: "Got milk." And he turns around to the sleeping Prince on the bed and says, "Prince, you're missing a lot of pussy."

The Arvizo boys spent the night with Michael Jackson. They did not sleep in bed with him. They slept in the bed. And it is true, Jackson slept on the floor.

The Arvizo boys returned to the ranch a couple of times during 2000. Never with their mother or their sister again. Jackson was rarely there. And after several months, the relationship drifted apart. The number that Gavin had been given for the defendant was no longer good. There was no more phone calls and there was relatively no contact between the Arvizos and Michael Jackson.

However, the participation of Gavin Arvizo in the Martin Bashir video changed his life forever. Because, you see, Gavin Arvizo ended up being one of those boys who shared a bed with the defendant, Michael Jackson.

He didn't do it in 2000 on the first visit to the ranch. And he didn't do it, as many people suspected, when they saw the Martin Bashir video. But he did it in February and in March of 2003 at Neverland Valley Ranch.

I want to take you now back to some of the statements that we heard in the Bashir tape made by the defendant in this case. I want to take you back to the admissions that are found in that video about his public statements acknowledging sharing his bedroom and his bed with young boys, and to the circumstances of the explanation under -- in which he says he does so. Let's explore that for a moment.

You see, the private world of Michael Jackson is quite different from what he said on that video. As the testimony and the evidence unfolds in this particular case, you will learn that the stories he refers to in that video remark do not consist of children's books, but the Internet visits to sexually explicit sites, the exposure of children to suitcases, briefcases laden with sexually explicit magazines and centerfold cutouts from magazines such as Hustler and Playboy, with titles like "Barely Legal Hard-Core," "Barely Legal" and many others with far more offensive covers and cover titles.

You see, the private world of Michael Jackson reveals that instead of cookies and instead of milk, you can substitute wine, vodka, and bourbon.

Now, publicly Michael Jackson says he doesn't drink. But his private behavior and conduct is quite the opposite, as you will learn through numerous witnesses in this case.

First he's caught on film talking to Martin Bashir about wine. And he uses it and describes it as "Jesus Juice," the same exact expression that the Arvizo children told detectives in this case that Michael Jackson used in referring to red wine that he provided to them, and he referred to it as "Jesus Juice."

Former employees and security guards and maids of the defendant will tell you that he furnished alcohol, that he encouraged children to drink, and on occasion he was actually viewed to pour drinks for children.

Several airline stewardesses will testify in this case. They work for a charter jet organization. They are the stewardesses on chartered planes chartered by the defendant in this case. And they have, in conjunction with the work that they do, a profile of information as to what to take on the plane to satisfy the people that are going to be on the plane.

They will tell you that they have not only seen -- they have not only seen the defendant drink alcohol on the planes, they have furnished it. And they have furnished it in a method and a manner exactly like the Arvizo children told detectives in this case that the defendant does; and that is, that it is put in Diet Coke or soda pop cans.

Indeed, several employees, including his long-time security guard Chris Carter, and others, will tell you that they observed children on the ranch drinking, in highly intoxicated states on a number of occasions when Jackson is on the ranch.

Security Guard Chris Carter will tell you that he observed one incident one night where he encountered Gavin Arvizo. It was late. It was dark. Gavin was intoxicated, and he wanted to get into one of the little carts, electric carts that you can use to drive around the premises.

Carter stopped him. He saw that Gavin was in no condition to drive. And he told him that he couldn't do that. When Carter asked the boy why he was drinking, he replied, Michael Jackson told him that he had to be a man and drink.

In another incident, Michael Jackson's personal attendant and a long-time employee, Jesus Salas, will describe taking a full bottle of wine and a full bottle of vodka on a tray into Michael Jackson's bedroom with four glasses.

And when he got into the bedroom, he saw the defendant and three children sitting on the bed. And when he came back the next morning to clean out the bedroom, both bottles were empty, and the glasses had been used.

Another ranch employee, Kiki Fornier, is going to testify in this case. And she will tell you that on a number of occasions she saw three local Santa Ynez boys intoxicated, saw them at a time when Jackson was on the ranch and Jackson was with the boys. And she viewed this on a number of occasions.

The private world of Michael Jackson reveals that instead of bedtime discussions and children's books and discussions of Peter Pan, at the same time that this 44-year-old man is sharing with 13-year-old Gavin and 12-year-old Star and another 11-year-old boy his collection of sexually explicit

magazines, that he's talking to Gavin about masturbation. And he's telling him that it is normal, and that it is okay, and that everybody does it.

That each of these acts are calculated to desensitize the boy, to change his moral antenna, and to add the trust and the admiration of an adult voice to the boy's conduct to convince him that what was being done was all right in the adult world.

And it worked.

Lastly, you're going to be able to peek into the defendant's private world, and you're going to hear Gavin Arvizo describe to you his molestation.

You will hear Star Arvizo tell you how, on other occasions, he happened upon seeing Michael Jackson masturbating himself with one hand while Jackson's other hand was inserted into the underpants of his brother, Gavin.

Your Honor, I think this will probably be a good place to take the morning recess.

THE COURT: All right. We'll take a 15-minute recess.

(Recess taken.)

--o0o--

THE COURT: Mr. Sneddon. Go ahead.

MR. SNEDDON: Thank you, Your Honor.

Ladies and gentlemen, the scene for most of the events that occur in this particular case is going to be the defendant's home, Neverland Valley Ranch. And I think you'll get a very good feel for the ranch through videos that are going to be shown probably by both sides, as well as snippets of tape and footage that is shown in the Martin Bashir documentary.

But for just a moment, since probably most or none of you have an idea of what the ranch is like, I want to take you on a little visual tour of what it is.

And I want to say, first and foremost, that the ranch is something that is a beautiful thing. And it's been used for beautiful causes. For the children, the underprivileged children, for the children who have been suffering, who have been brought there to share a day or a weekend on the ranch. It's something very good.

But just like so many things in life, something very good can end up being, on another occasion, in another setting, something very bad.

And several of the witnesses in this case are going to tell you that some of the young visitors at the ranch, that stay on and that visit with Mr. Jackson, and who are there on a prolonged basis, begin to change because of the personality of the ranch. That it creates a no-rules, no-restriction, no-wants environment. And people who walk in there with manners walk out and can be described by some of the staff as hellions, rude, obnoxious. And what is there about Neverland that can do that to somebody.

What is there about Neverland Valley Ranch.

Well, first of all, for those of you who may not know where it is, I'll try to describe it to you briefly. It's at the foot of the Los Padres National Forest. It's about 2,800 acres. And it's about 4.5 miles from Los Olivos, or, better put, Mattei's Tavern, up Figueroa Mountain Road. It has a zoo with lots of animals. And you heard Mr. Mesereau talk about some of those animals during the questioning of some of you folks.

It has an amusement park with a ferris wheel and a merry-go-round and a lot of other rides for the enjoyment of children and adults.

It has a NASCAR-type racing track with small miniature NASCAR cars that people, even adults, can drive around the track. And it has a theater complex with a huge screen and a stage, where people can go to watch movies at any time of the day or night, with a snack bar with free popcorn, free ice cream, and free candy of just about any variety or sort that you may desire.

Neverland Valley Ranch, where selected guests are allowed to drive electric-powered golf carts out around the ranch's many acres into the back country on roads, paths, many times unsupervised. Complete with a two-story video arcade. Video arcade with just about every imaginable video game that you can think of, from the old traditional type to the most recent virtual reality type of video games. Two stories high, packed with these things.

The arcade also has a cellar. The cellar is hidden behind a juke box. Behind the juke box, you remove it, go down into the cellar. And in the cellar, wine and alcohol. And it's a place where special guests of Mr. Jackson are taken and they're invited into the cellar and they're treated to alcoholic beverages poured by Mr. Jackson himself.

Neverland Valley Ranch, where music is piped throughout the entire main residence area. The lawns are sprinkled with statues and figurines of kids and animals. An area that has a Disneyland-like replica train station, and a Disneyland-like replica train that takes people throughout the grounds, to the zoo, and to the amusement park, and the theater, and back to the main house residence.

The residence is complete with four guest cottages that are nestled down by two lakes that form a boundary to the house.

Neverland Valley Ranch, where the main residence has at least two rooms on the second floor totally dedicated to every imaginable toy that a child would ever want. Electric trains, games, figures. Lifelike figurines of R2-D2, Darth Vader, Superman, Batman, Daffy Duck. You name it. One whole room devoted to dolls and dollhouses in the main residence.

Next to the arcade and on the back side of the house is a swimming pool and a Jacuzzi. And on the other side is another part of the lake, a teepee, trees to climb, tree houses. You name it. It has everything.

Next to the main business -- main residence is another building that's attached to it by an arch. And in that arch, in that building, is a security office on one end. And at the other end is a personal office of the defendant, Michael Jackson. In that office is a small museum with figurines, a lot of lifelike figures in the back office, and six large-sized plasma T.V.'s.

It's in this room that during the course of the execution of the search warrant on November the 18th, 2003, that at least two sexually explicit magazines were found, one teenaged themed.

Neverland Valley Ranch, where the defendant reigns supreme in his own two-bedroom -- two-floor suite. One bedroom, two-floor suite. The bottom floor of the bedroom -- and let me take you on a little tour, if I can, visually. You'll see it through photographs during the course of the trial. And let me see if I can lay the foundation for that now.

The bottom floor is entered through -- you walk down a hallway. And when you come into the door, you turn to your left, you open up into the main part of the downstairs.

And what you will see, what you did see, if you were a visitor there at the time of the Arvizo boys, was a room that is cluttered. It's cluttered with figurines. It's cluttered with boxes. It's cluttered with video games. There's a piano. There's all kinds of things in a very small, relatively small area. And including king and queen chairs and figures, life-sized figures in the chairs and at other locations in the room.

There's a piano that plays different tunes and is electric, can be changed to different formats.

In this room, when you walk towards the back of it, towards what would be the back side of the room that fronts onto the back part of the house, you move to the right. As you move to the right, you walk into the master bathroom. As you move into the master bathroom, you see, at the far end of the master bathroom, a large Jacuzzi tub.

It was in this room on November the 18th that police officers seized at least 15 sexually explicit magazines and DVDs lining the tub at the time of the execution of the search warrant.

It's in this same room - right next to the tub is a briefcase containing correspondence private to the defendant in this case, Michael Jackson - that two more sexually explicit magazines are found.

In a drawer just above that are found numerous envelopes containing cards and letters and correspondence from the Arvizo family. Almost all of them are signed or salutated with the phrase "Michael Daddy" or "Michael," and with greetings and with love and admiration for the defendant in this case.

It's actually in this room and from some of the materials in this room that for the first time the boys were shown sexually explicit magazines during their visit to Neverland Ranch during February and March of 2003.

And let me pause for a second and let me tell you something that you will learn during the testimony and the evidence in this case about the defendant's master suite.

There will be maids, like Blanca Francia, Jesus Salas, other people who are responsible for serving the defendant and taking care of his private premises in this house, and that is, that the defendant, Michael Jackson, was pathological about not allowing people in there without his permission. And that entrance could only be secured by those who knew the secret password and that there was an alarm that went off when anybody approached the door, to give him knowledge of people approaching.

Neverland Valley Ranch, where the

defendant's bedroom is located on the second floor of this master suite. It's a bedroom that can only be accessed by one entrance and exit. Only one. As you walk through the room into another vanity type of bathroom and you turn immediately to the left, there's a stairway. And as you walk up the stairwell to the top of the stairs, there are walls on both sides until you reach about two-thirds of the way up the stairwell. At that point the right side of the wall gives way to a banister and to pedestals that are separated about 18 inches apart.

Ladies and gentlemen, it's in this room and on the bed that you see when you reach the landing and you can see through the pedestals, that the defendant, Michael Jackson, on the second occasion, opened up his Samsonite briefcase and displayed to the boys numerous sexually explicit magazines, both adult and teenaged themed.

It's on -- in this room and in this bed that the defendant took a mannequin from the -- from the corner -- I forgot to tell you, when you reach the top of the bed (sic) and you look over to the far right-hand corner, there's a female mannequin. A young, 13-, 14-, 15-year-old-looking mannequin. And it's in this room and on that bed that the defendant, in the presence of these two boys, put that mannequin, put it on the bed, and began to simulate an act of sexual intercourse with this mannequin.

It's in this room and on that bed where the boys were sitting there watching T.V. one night, and all of a sudden, the defendant appears from the stairwell, absolutely stark naked, with an erection. And when the boys look at him - and Star will say he was grossed out - that the defendant says, "It's natural. It's okay. Why don't you boys do the same thing." Their response was to get up from the bed and go downstairs and pretend like they had to go to the bathroom.

It's in this room and on that bed that Gavin Arvizo was molested by the defendant in this case. And it's in this room and on that bed that Star Arvizo saw his brother Gavin molested on two separate occasions.

During the course of the execution of the search warrant in this case, at the foot of the bed was a box. And in that box, Sergeant Robel, from the Santa Barbara Sheriff's Department, found 17 more sexually explicit adult and teenaged themed pornographic, sexually-themed magazines.

MR. MESEREAU: Objection.

MR. SNEDDON: And --

THE COURT: Just a moment. Grounds.

MR. MESEREAU: You ruled that term not to be used.

THE COURT: Overruled. You may proceed.

MR. SNEDDON: Sexually explicit adult magazines and sexually explicit teenaged themed.

And by that, "teenaged themed," I mean, when you see them - and you will see them - it is clear that if these young ladies are 18 years old, which they're supposed to be, they sure don't look 18 years old.

Also found in his books -- in this box were 23 -- 23 '60s vintage nudist magazines whose common denominator is naked pictures of children.

As you will see from the photographs presented to you and from the testimony and the evidence of witnesses in this case, that in the room, the defendant's bed is in the center of this room. In the center of this room the bed is flanked by two nightstands on each side.

In the nightstand on the left, which was opened by Detective Zelis serving the service of the search warrant, he observed a photograph of the three Arvizo children. Next to the photograph were 53 more sexually explicit adult magazines.

The Samsonite briefcase that I described to you that was shown and laden with these materials was found by Detective Bonner downstairs in the master bedroom (sic).

Now, these materials, not only the ones from the Samsonite briefcase, but other materials found at other locations in the house, were obviously taken by the sheriff's department. And some of those materials, many of those materials, were sent to their forensic unit, and they were sent to the forensic unit for the purpose of ascertaining whether or not there were any fingerprints that could be identified with participants in this particular lawsuit.

So what they did was they attempt to find latent prints. And Sergeant Bob Spinner is going to testify in this case. Sergeant Spinner is actually retired and he was called back to do the work in this particular case.

Sergeant Spinner has been a long-time employee of the sheriff's department and has testified on numerous occasions throughout the courts in this county as an expert in fingerprint analysis. And he will tell you that the sheriff's department was able to recover from the magazines, not only the ones in the Samsonite briefcase, but others, latent prints. And it was the job and the responsibility of Sergeant Spinner to look at those latent prints and to compare them with the known prints of the defendant in this case that was obtained during his arrest and booking back in December of 2002, and the known prints of the Arvizo boys which were taken by the sheriff's department in this case.

Sergeant Spinner is going to tell you ladies and gentlemen that he was able to make identifications. He was able to match the prints of the defendant in this case with the latent prints recovered from some of those magazines in that briefcase and some in other locations.

He's also going to tell you that he was able to recover the latent prints -- he was able to identify the prints of the boys, both Star and Gavin, on some of those magazines. And, in fact, he was able to find at least one magazine where the prints of the defendant and the prints of Gavin are on the same magazine.

You will also hear testimony from both Star and from Gavin that at no time since their visit to that ranch have they ever had an opportunity to touch those magazines since they left, and that includes during the time that they testified at the grand jury.

Now, moments ago, you heard the Judge read to you the charges in this case involving the lewd and lascivious conduct with a child under the age of 14 and an attempt by the defendant to do the same thing, and that these molestations were accomplished during times when the child was fueled by alcohol.

You will learn from the testimony of Gavin Arvizo and Star Arvizo that these acts were acts of masturbation and acts of touching of the -- of Gavin. The Indictment covers the time period from February 20th to March the 12th. And the location of these crimes is Neverland Valley Ranch.

Now, you heard in the little pieces that I read to you other things from that Bashir video that the defendant said. You heard him say that sleeping with young boys is innocent, that it's a beautiful thing, and there's nothing sexual about it.

Ladies and gentlemen, again, the differences between his public statement and his private life could not be more different.

Through the testimony of Gavin Arvizo and Star Arvizo, you will see the molestations of Gavin. You will see it as the product of use of liberal doses of alcohol on a child with one kidney, the use of sexually explicit materials to whet the young boys' blossoming sexual awareness, and the defendant's conversations encouraging them to masturbate and describing it as normal and natural, and manipulating the trust and the loyalty bond that had been created, and the pacts of silence that you will hear about in the forbidden world and the forbidden conduct.

Indeed, Gavin Arvizo will tell you that it wasn't at Neverland, the first time that he was given alcohol by the defendant in this case. The fact of the matter is, that when they were taken to Miami in February, that Gavin Arvizo was given alcohol by the defendant on that occasion.

But the truth and the fact is, that when they got back to the ranch on the 7th of February, that continuously when the defendant was there, almost every night that they were there with the defendant, the boys drank alcohol. And the fact of the matter is, they will tell you that on virtually every night in which the defendant is there, from February 17th till March 12th when they left, that they shared a bed with the defendant, Michael Jackson.

Let me pause for just a second and talk to you a little bit about Gavin Arvizo's brother, Star. Star is a year younger. He was born on December 9th of 1990. But I think one of the things that will strike you when you see Star testify in this particular case, and also when you see photographs of Star depicted of what he looked like when he was nine years old and what he looked like when he was 12 years old when he visited the ranch in the year 2002 and 2003; that Star doesn't look anything like the boy in those pictures or the boy who visited the ranch at the time of these particular events.

Because what you will see is Star Arvizo walk in here, who is a 225-pound center on the freshman football team. He's a boy who's grown considerably since these events occurred. He's also a boy that has been active in the Navy Explorer unit, just like his brother Gavin.

Star Arvizo will describe to you what he saw one night. He was at the movie theater with other guests at the ranch, and his brother and the defendant were nowhere to be seen. And after the movie was over with, as was his custom, he went back to the main residence. And when he got to the residence, he walked down the hallway, he put in the code, he heard the "ding" go off of the little alarm. He walked back through the -- towards the stairwell, pushed on the door, the door was closed. The door was locked. It was latched from the top. He pushed again. The latches gave way. He went into the little bathroom and turned to his left and headed up the stairway.

Now, I described to you how those stairways work and I described to you how they open up to the right. And as he walked up those stairwells, when he got to the location where those banisters appear and the pedestals are located, and he turned to his

right, he was frozen. And he was frozen by what he saw. And this is what he saw:

Lying on the bed directly in front of him was the defendant, Michael Jackson. The defendant was lying on his back. He had on a shirt, underwear, and socks. Lying next to Jackson was his brother Gavin dressed in underwear and a shirt.

Gavin was curled up, and Star thought he was sleeping. He wasn't moving. No motion.

What he saw at that particular point in time also was, on the nightstand directly to the right of the bed, which he had seen on numerous other occasions, were empty glasses and bottles of wine and Skyy Vodka that the three of them had shared on many occasions and were there that night.

Jackson on the left, Gavin on the right.

What he saw was Jackson's hand. He saw his left hand wrapped into the inside of Jackson's private parts, into his underwear. And he saw Jackson's left hand over the top of his brother and inside his brother's pants. And what he saw was the motion of Jackson's hand inside of his underpants rhythmically moving up and down and his body moving up and down while he masturbated with his hand under the underpants of the motionless Gavin Arvizo.

He stared for about five or ten seconds and then he ran off, and he went back into the guest cottages, and he never stayed in those bedrooms again.

There was a second occasion where Star Arvizo encountered the same thing. It was about a couple of days later, to his recollection. Again, this time he thinks it was between 1 and 2 o'clock in the morning. And again, the defendant and Gavin were nowhere to be seen.

Star headed back up to the bedroom. And again, going up the stairway, and again when he turned to his right, he saw the defendant. This time things were just a little bit different. Not a lot. This time the defendant was still on the left. Gavin was still on the right. This time they were both laying on their backs. They were dressed in exactly the same way, except this time Gavin had on shorts instead of the underpants. At this time the actions were exactly the same, except that this time the defendant had his hand up underneath the pants of Gavin, and Star saw him masturbating Gavin at the same time that he was masturbating himself. And again, he ran off.

Star told no one of what he saw. He didn't tell his mother. He didn't tell his brother. And he didn't tell his sister. He told no one. The first person that Star Arvizo told about what he saw was Dr. Stanley Katz, a psychologist, who an attorney had referred the child -- the Arvizo children to see.

Now, let me just take a few moments to describe how this all came about.

You see, you will learn later on in my remarks here that there was a point in time where the possessions of the Arvizos were taken and put in storage and that -- at a location they knew nothing about. And when they eventually were able to get off the ranch, they were trying to get their belongings together.

And Jamie Masada, the family friend, again came to the rescue. Jamie Masada said to Janet Arvizo, "Why don't you contact my lawyer, Bill Dickerman. And why don't you ask Bill Dickerman to try to get your property back."

And you're going to see a number of correspondence between Mr. Dickerman and the attorney representing the defendant in this case, Michael Jackson, Mark Geragos, trying to get their personal property back.

You will also see correspondence indicating that one of the things that Mr. Dickerman was interested in doing was Janet Arvizo was angry, but not at the defendant. She was angry at Martin Bashir. She was angry because her boy was shown around the world without her permission. And she wanted something done about it.

Now, Dickerman, in turn, was aware of Mr. Feldman. It was Dickerman's idea to refer the family to Feldman. Mr. Feldman was aware from prior litigation of his relationship with the defendant.

And it was Mr. Feldman, without any consultation from the family, who made the decision to send these children to Dr. Katz.

And it was during the course of these conversations that both Star and Gavin Arvizo, for the first time, told Dr. Katz what happened at Neverland Valley Ranch, what Star Arvizo saw the defendant do to his brother, and what Gavin Arvizo experienced and told the doctor the defendant did to him.

At no time during this period did Janet Arvizo ever request either lawyer to file any kind of a lawsuit against Michael Jackson or to pursue any litigation against Michael Jackson.

Gavin Arvizo will describe to you his sexual experiences with the defendant, Michael Jackson. He will do it here. He will do it in open court. And he will do it with the whole world watching. He will describe to you with vivid particularity the two separate occasions he was molested by the defendant, Michael Jackson.

Gavin will describe to you how he was lying on the bed next to Mr. Jackson, how he was lying there in his underwear and a shirt, in much the same way that Star had described. How Jackson asked him, Gavin Arvizo, whether he masturbated, and Gavin said, "Number"

Jackson replied, "It's okay. It's normal. Everybody does it."

Jackson then reached over and inserted his hand up underneath Gavin's underpants. And he proceeded to masturbate Gavin for about ten minutes while he simultaneously masturbated himself.

The second occasion was pretty much like the first. The barriers had been knocked down. He again inserted his hand into the private areas of the young boy, masturbated him while he masturbated himself. But one thing happened on this occasion that didn't happen on the first occasion. On this occasion, the defendant, Michael Jackson, reached over and he grabbed Gavin's arm, and he grabbed Gavin's arm and he began to move it down to the area of Jackson's private parts. Gavin Arvizo immediately yanked his arm away, and that was the end of the event.

Now, one of the other things that you should know about the incidents that were described by Star and the incidents that were described by Gavin Arvizo from the witness stand that will be described is that both of those incidents, all of those incidents actually occurred after -- after the rebuttal video at Hamid Moslehi's place that I'm going to describe to you, and they occurred after -- after these children had been interviewed by the

Department of Social Services and had said that the defendant had never inappropriately touched them. And interestingly enough, they occurred after all of the preparations had been made for this family to be taken to Brazil and isolated from the media.

Ladies and gentlemen, Count 1 of this Indictment does not involve lewd and lascivious acts. Probably some of you are saying that that's a relief.

It does, however, involve the defendant, Michael Jackson. It charges him with conspiring with five named individuals, Mark Schaffel, Dieter Weizner, Ronald Konitzer, Frank Cascio, who is also known as Tyson, and Vincent Amen, who is also known as Vinnie Black.

As the Judge read to you, you now know that Indictment also includes charges that -- of the conspiracy that it was -- the objectives of the conspiracy were to extort, to falsely imprison, and to abduct the children. It specifies, as you've heard now, 28 different acts that the conspirators hoped to achieve in that conspiracy.

And as you now know and see, the central focus of those -- of those acts was to isolate and to control the Arvizo family and to keep them away from the media, and to convince them to participate in a network planned rebuttal video to be produced by the defendant and his co-conspirators.

Who are these co-conspirators and what are their relationships to the defendant in this case.

Well, first of all, let's start with Marc Schaffel. The testimony will be produced, there's probably no dispute about this fact, that they were long-time friends, long-time business acquaintances.

Records found at Schaffel's house when a search warrant was executed showed that Schaffel was in business with the defendant in a partnership called Neverland valley Entertainment, and that Marc Schaffel was the president and was paid generously by the defendant for his partnership in that business. That, actually, the defendant had, as part of this partnership, deeded his residuals to a production that Schaffel was listed as the producer on, on a video called "What More Can I Give."

Schaffel's presence in Germany with the defendant during the Bashir documentary filming, you'll see it during the video. You can see him in the background there.

Schaffel, in turn, was a partner and business adventurers with Ronald Konitzer and Dieter Weizner. And Konitzer and Weizner both being German nationals, one living in Germany and the other living in Vancouver, British Columbia. Weizner, by the way, is also captured on the video with Schaffel and Jackson during the Bashir filming in Munich, Germany.

Now, the Neverland Valley logs that were seized during the course of the execution of the search warrant on November 18th show that during 2002, particularly during the last part of 2002, that Dieter Weizner and Ronald Konitzer and Frank Tyson Cascio were regular visitors at the ranch of Michael Jackson.

Documents further show that at the time of the events that are right at the heart and the crux of this particular lawsuit, that the defendant, Michael Jackson, Marc Schaffel, Dieter Weizner and

Ronald Konitzer were involved financially and artistically in the production of the video that was going to derail the Bashir video, a video that was going to be aired and was eventually sold to FOX network to be aired in the United States on February the 20th.

E-mails, documents, press releases from the Jackson camp and the FOX network will show that an important ingredient that was put out to the public about this rebuttal film for the 20th for FOX was the participation of the Arvizo family supporting the defendant, Michael Jackson, who was under siege. The Arvizo family participation was very important to the success of this project.

Another important step occurred during this time of the crisis created by the Bashir tape, and that was an individual by the name of Ann Gabriel.

Ann Gabriel will testify -- she's actually going to be one of the first witnesses who testifies in this case. Ann Gabriel runs a business called Gabriel Media and she has a specialty. Her specialty is crisis management. And in crisis management what she does is she helps people, or people who have products, that are having a bad time with the media or the public, and that's her expertise.

She was first approached about this by Jackson's lawyer, David LeGrand, in Washington D.C. even before the video was shown and just before LeGrand left Washington D.C. to fly down to Miami to be with the defendant in late January, early February, at the time the Bashir tape was about to be shown.

As a member of the Jackson team - very short-lived member, I might add - Ann Gabriel will confirm to you the hierarchy and the way that the team operates. She will confirm to you that Dieter Weizner and Ronald Konitzer and Marc Schaffel were at the top and that they were in charge of public relations; that there was another firm in England called Bell Yard, which was the equivalent of what she did. Bell Yard was the crisis management team from Great Britain dealing with the outfalls of the Bashir video over there.

And she will confirm to you of being part of conversations, conference calls, decisions involving how to handle the furor created by the Bashir tape.

Not only that, ladies and gentlemen, we will produce witnesses in this case that will tell you that the defendant was intimately involved in the day-to-day discussions and decisions and planning of the response to the Bashir video.

Rudy Provencio was working for Marc Schaffel during this period of time. And Rudy Provencio will tell you that he was present during conversations, present when he overheard conversations involving the defendant and Marc Schaffel over all of the things that I just talked to you about.

There's also no disputing the relationship between the defendant in this case and Vinnie Cascio Tyson. Actually, Vinnie -- not Vinnie, Frank, was seen back in the 1990s, early 1990s, on film clippage traveling with Michael Jackson in Europe. Later, he went to work for MJJ Productions, which is the headquarters for the defendant's master -- overhead headquarters, handles his business projects, at a very, very generous monthly salary.

Now, on the other hand, Vinnie Amen's only connection with these people was that he was a friend of Frank Tyson's. And Vinnie came to California with Frank Tyson. And they came there in February, and he was hired by Schaffel and he was placed in an office right next to Schaffel helping with this crisis management project.

The decision for the defendant to participate with Martin Bashir on a video documentary, as you will learn during the testimony and the evidence, was well thought out. It was part of a comeback that he was trying to make. And in the course of agreeing to do that, there were four segments that were filmed. It was an eight-month project. Segment filmed in Munich, Germany. There was a segment filmed in Las Vegas, Nevada. There was a segment filmed -- the last segment in Miami, Florida. And there was a segment filmed at Neverland Valley Ranch in the fall of 2002.

Now, the defendant had had -- at this point in time, in the fall of 2002, had had little or no contact with the Arvizo family for a long period of time. Even though the kids had visited the ranch with Chris Tucker during the summer, the defendant wasn't there.

So it's rather strange, but understandable, why, in the fall of 2002, the defendant, Michael Jackson, arranges to have a call made inviting the Arvizo children to come to Neverland Valley Ranch.

And the plan is for Jackson to use cancer survivor Gavin Arvizo as part of his comeback attempt in the Bashir video, and to enlist him in an interview to take place on the ranch.

Understandably, the children were eager to renew their friendship and acquaintanceship with the

defendant in this case and agreed.

The mother was not invited, nor did she insist that she come, and no releases for these children were obtained by either Martin Bashir or the defendant.

A limousine picked the children up at the apartment, brought them to the ranch. As soon as they arrived at the ranch, Gavin was taken aside from the other two children by the defendant, and he was taken into a small room and the door was closed, and he will tell you they were there for about five to ten minutes.

Gavin will tell you what went on inside that room during that five or ten minutes. And what he will tell you was that the defendant told him this was like an audition. The defendant already knew that Gavin wanted to be an entertainer. He said it was like an audition. He didn't tell him it was going on international T.V. It was an audition and he told him what to say and he told him what not to say. And after the rehearsal was done, they came out.

Gavin, for his part, was then placed on a couch next to the defendant. And during the course of the interview that occurred, that you will see in this courtroom, that's part of the reason that the Bashir video backfired on the defendant in this case. For in part of that video, you will see Gavin

Arvizo holding hands with the defendant, Gavin Arvizo affectionately putting his head on the defendant's shoulder. And the reaction, not only to people who saw it, but the reaction from Bashir, was instantaneous.

And you can see by the questions he begins to ask Jackson about his relationship not only with Gavin Arvizo but with other children, led to the questions that I read to you and to the defendant's answers in the follow-up interview in Miami, Florida.

Now, what happened was that after the

filming, defendant left the ranch immediately. The children stayed around that night and then were taken home early the next morning. Between the time of the filming of that video and the time of the Martin Bashir video, there was no contact between the defendant and the family. Not a single phone call.

Marc Schaffel, through his contacts in the media, had received an advanced copy of the transcript of the Bashir documentary. And he immediately contacted Ronald Konitzer. And they immediately contacted Michael Jackson. And it was apparent to anybody who saw it that even though the video starts out in a very favorable way to the defendant, that the totality of the video was clearly not what the defendant anticipated, what he expected, but it was clearly a boomerang on a comeback attempt, and they saw it as a public relations disaster.

The entire video was broadcast in England for the first time on February the 3rd of 2003 to 17 million people in Europe on a show called "Trevor McDonald."

As I said, Bashir was less than complimentary, and he expressed open disbelief and concern about Jackson's admissions and his behavior with children, both his and others.

So there will be no argument about the fact that somehow Bashir had tricked the defendant into going into this topic or somehow misled him down a path. The defendant reiterated pretty much the same statements about sleeping with young boys in a follow-up conversation with Ed Bradley on 60 Minutes, two weeks later.

Through the testimony of insider Ann Gabriel, Rudy Provencio, Ian Drew, as well as documents, computer printouts seized at Marc Schaffel's residence, you will learn how Jackson and Jackson's own employees and the co-conspirators all felt that the Bashir documentary was like a moving landslide. And if it wasn't stopped, it was going to destroy everything in its path, including Michael Jackson.

Documents weekly show that the group went into a damage control environment, mentality. There are other parts of the Bashir tape that I haven't mentioned that you will see. And I'm not going to go into them in great detail, but also were of concern of the people involved in the crisis management of the situation for the defendant.

There were parts -- there were parts about scenes that were taken at the Munich Zoo with the trip with the kids. There were scenes involving incidents that occurred at a hotel. There were things that occurred in Las Vegas during a spending spree and again the outfootage and takes during the Gavin Arvizo interview.

The enormity of the furor, just to give you an idea of just how big it was, looked at from the side of Michael Jackson, is that Ann Gabriel, who was hired, was asked to give an opinion on a scale of 1 to 10 how bad things were for Michael Jackson. She said it was a 25. A 25.

Christian Robinson, a writer who was hired by the Jackson's co-conspirators to do commercials and documentaries, and who actually did the interview of the Arvizo family on the 19th and 20th of February, described the "Living with Michael Jackson" as a nightmare for Jackson.

For the Arvizo family, they had no idea. They didn't receive an advanced copy of the transcript. They were not able to see the

documentary when it was shown in England. And the way they found out that their children were shown on this documentary was BBC reporters started coming around the house and pounding on the door, and more media came and then went to the schools asking for interviews. And, of course, the Arvizo family had no idea what was going on.

And the worst of it came because Gavin Arvizo and the Arvizo family had never seen the interview. They had never seen the context. They had never seen the Miami interview. And they had never seen the questions and answers with Bashir about sleeping with young boys.

But Gavin found out in a very difficult way about how his role played out in this video when classmates and friends came up to him and began calling him "faggot," and began calling him rude, crude, sexual remarks about his relationship with the defendant in this case. That's how Gavin Arvizo found out about this video.

Further documents from the Schaffel residence and e-mails that were exchanged between Konitzer and Schaffel and Weizner, and other people involved in this management situation, reveal that the idea was -- at this point in time the primary focus was to get the Arvizo family and to get them isolated and sequestered and away from the media in a way they would not make any statements to the

media, and hopefully to enlist them, as I said, in this planned pro Jackson video.

When all of this public storm hit, and when Schaffel and Konitzer got the advanced copy of the Bashir tape in late January, the defendant in this case was in Florida. And he was in the Turnberry Inn. It's not an inn, it's a resort. It's a very swanky resort, actually. They'd be very upset if I called it an inn, I guess.

He was down there with co-conspirators Dieter Weizner, Ronald Konitzer. And he summoned Frank Cascio from New Jersey, who got down there immediately and was there about the time the Arvizo family arrived.

Now, it's February the 4th of 2003, and the Martin Bashir video has already been shown in England. It's already been seen by an international audience. On February the 6th, it's going to be rebroadcast in the United States on network T.V., on ABC, on 20/20. Barbara Walters was the commentator and Bashir was a guest to narrate some of the events of the documentary.

Before that documentary was broadcast in the United States on the 6th, Michael Jackson took the initiative. It was Michael Jackson, who, on the 4th of February, who had had no contact with the Arvizo family or children since fall, set forth -- actually called his office, MJJ Productions. And there are

notations in Evvy Tavasci, his business manager's book, showing a request on the part of Jackson to try to locate the Arvizos and get telephone numbers so he can contact them.

There are not only the notations in the book, but the television records from the Turnberry Inn and his suite reflect those phone calls being made on the 4th. It also reflects that on the 4th, after that information is obtained, that the defendant twice tried to contact the Arvizos at Janet Arvizo's parents.

She wasn't there.

The next morning, again it's the defendant's voice who's heard in this, reasserting himself back into the life of the Arvizos. It's the defendant, as the records at the Turnberry Resort show, made a 27-minute phone call to the Arvizo family that was currently at that particular time in West Los Angeles with Major Jay Jackson, who was going to be the future husband of Janet Arvizo.

That phone call took place at 6:58 California time, 9:58 in Miami, Florida. It was Jackson who spoke to Janet Arvizo and Gavin Arvizo. And it was Jackson who told them that there were people out there who wanted to kill them, who told them that it was dangerous out there for them, and that Gavin was in danger. It was Jackson who wanted Gavin to join him in Florida. And it was Jackson who told them that he wanted Gavin to participate in a press conference. And it was Jackson who told them that a strong statement supporting him, Michael Jackson, would go a long way to making these killers go away.

Janet Arvizo refused. She wasn't going to let her boy fly on a plane all by himself to Miami, Florida. She refused. And there were arguments between Jackson and Janet Arvizo. And it finally was settled. Gavin Arvizo would go to Florida. But he would only go to Florida with his mother, and his brother, and his sister. Jackson was upset and he was angered, but he had to agree, because he needed Gavin in Florida.

Their airline records reflect they were made by MJJ Productions and through the travel agency characteristically and uniformly used by MJJ Productions to make reservations for this family to fly to Miami in the afternoon of the 5th, the very same morning, by the way, that the phone call was made. They were scheduled to leave out of Los Angeles Airport at two o'clock in the afternoon.

The flight never occurred. And the reason it didn't occur was because Chris Tucker, who was also planning a trip to Miami on a chartered jet, it was arranged the children would go with Chris Tucker later that night. And that was, in fact, what happened.

So on the night of February 5th, on the night of February 5th, the night before the 20/20 viewing, this family is on a chartered jet with entertainer Chris Tucker and his family flying to Miami, Florida. And they get there. It's probably after midnight by the time they get there, and they land at the Miami airport, and they're picked up by a limousine and they're taken to the Turnberry Resort. And they were put up in, what would be by any standards, a very, very nice room. But it's late. And after some conversations with Chris Tucker, they all go to bed. Everybody sleeps in until the next morning.

But, you see, the plan is working perfectly, because the family is now there, they're now under their control, and they're now isolated from the media and the public.

Now for a description for you about what happened in the next couple of days about the control and the attempts to convince the family to participate in the video.

Again, it is Michael Jackson's voice that is heard first and foremost in this attempt. On the 6th, when everybody got up, they went upstairs, and Jackson's suite was right above the room occupied by the Arvizo family. And they went into the room. It's a large room. It's the presidential suite. There was plenty of room and plenty of people there.

In fact, they were introduced to Ronald Konitzer and Dieter Weizner, who were also in the room. And by that time, Frank Cascio Tyson are also in the room, along with his brother and his sister.

It's at this point that the defendant, Michael Jackson, introduces Ronald Konitzer and Dieter Weizner to Janet Arvizo. And it is the defendant, Michael Jackson, who instructs Janet Arvizo to "Do everything that Ronald and Dieter tell you to do." It is Jackson who concludes by saying to Janet Arvizo, "These are the ones that are going to make the threats go away."

It was for that reason, trusting the defendant and trusting what he said, that Janet Arvizo agreed to the request by Weizner and Konitzer to sign two blank pieces of paper with her signature, one on the 6th and one on the 7th before they left.

Unbeknownst to her, and without her permission, that blank signature on the bottom of that page ended up having a typed part at the top saying that she authorized and joined in Michael Jackson's lawsuit or complaint to the British Standards Commission against Bashir. She had never been consulted on that and had never agreed to have her signature used in that capacity.

There was some other significant events that occurred on the day of the 6th and just before the evening of the 20/20 broadcast. It's clear from the testimony of a number of different people who will testify in this lawsuit that Michael Jackson was adamant about one thing: He was adamant that no one was going to watch the "Living with Michael Jackson" broadcast that night. They were prohibited. And they didn't. Except that at one point in time, Janet Arvizo decided she'd like to see it, and she went down to her room.

When they found out that she had left, they sent somebody down to get her, and brought her back up to Jackson's room so she couldn't see the documentary.

Another thing happened on the 6th. It was the beginning of the efforts by the people who would make this thing go away, Konitzer and Weizner, to convince Janet to participate in the rebuttal and to say nice things about Jackson.

And there's no coincidence that the same people who were involved in these efforts in Miami, you will learn in a few moments, or a few minutes, to be candid, that these are the same people involved in the attempts, once they're at Neverland Ranch, to get the same interview, and the same remarks, and the same support for Michael Jackson.

It began in Miami, but they weren't making any progress.

Konitzer and Weizner echoed the same words, almost word for word, that Michael Jackson said about there being threats, only this time they expanded the threat not only from Gavin, but to the entire family.

One of the other things that happened was during the time that they were in Miami, they released a press release quoting Janet Arvizo attacking Bashir and supporting the defendant.

Janet Arvizo will tell you she never was asked about that press release. She never gave authority and knew nothing about it. Ian Drew, another member of this, that was hired by the co-conspirators, who is also involved in production of videos, an interviewer of some note, will tell you that he was contacted while he was in Miami during the time everybody was there on the 6th and 7th. He was contacted by Weizner, and he was contacted by Konitzer and particularly Weizner. And Weizner told him, "Call Marc Schaffel. We want you to be a part of this network broadcast program as one of the interviewers," and that the Arvizo family was to be one of the key parts of it.

Ladies and gentlemen, there's another thing that happened in Miami, and this is where the attempts by the co-conspirators to enlist the support of the Arvizo family, to isolate them and to control them, converged with the infatuation of the defendant with Gavin Arvizo.

And you will learn that in addition to having Gavin Arvizo come to Miami, Florida, that on the day of the 6th, almost immediately when Gavin was in the presidential suite, that Jackson beckoned him, beckoned him to come back in his room. And he closed the door, and he began to reacquaint himself with Jackson, between Jackson and Gavin, and they were having conversations.

And he talked, and he remembered that Gavin wanted to be an -- in entertainment. And he said, "Why don't we pretend like this is an audition. And why don't we do this: Why don't we have a cussing contest, and we'll use cuss words. I'll use a cuss word, you use a cuss word. We'll just go back and forth. You pretend like it's an audition," and he did.

Well, the cuss words escalated until they involved very sexually graphic cuss words that I'm sure all of you have heard on a number of occasions, on the playground or the gym, or other places.

It was interrupted when one of the nannies walked into the room. It was the first step in desensitizing the boy. It was the first step in introducing him again to the no-rules, no-restrictions and no-wants world of the defendant and Neverland Ranch.

In addition to this, it was on this occasion and on this day and in that room that the defendant later took Gavin Arvizo aside and brought him into the room and offered him wine, wine that the defendant was drinking out of a Diet Coke can.

Gavin Arvizo will tell you that when he woke up the next morning, he had a stomachache and he had a headache. Doesn't that sound familiar.

And his brothers and sisters will tell you on that particular night, on the 6th, that Gavin was acting very weird. He was acting out of character, and he was very talkative.

Other things that happened during the next few days to cement this relationship were further furnishing of alcohol to not only Gavin, but to Star. And in the attempt to create this trust bond between the defendant and this child, who already, and had in the past, referred to him as "Daddy," and "Daddy Michael," he gave him presents. He gave him his jacket. He gave him a watch that was purportedly worth $75,000, which it wasn't. And it was cemented through other acts of kindness and generosity on his part to the child and to the child's family.

On the following day, everybody left Turnberry. So we're now, from the point where the video was shown for the first time on the 3rd, it was shown in America on the 6th, and it's now the morning of the 7th, and we're still at The Turnberry. And there's one final last thing that happened. Chris Tucker had arranged that the ladies, meaning Davallin Arvizo and Janet Arvizo, were taken down to the salon and were able to have a pedicure. And these boys, who were at this time 12 and 13 years old, were taken in and were given a massage. Having pedicured them and massaged them, they were told to pack and that they were leaving and they were taken to the airport.

And when they got to the airport, there was one final problem: Janet Arvizo was told she was not to be on the chartered jet taking the family back to California. She was to take a flight the next day.

I don't think it takes a whole lot of imagination to figure what your reaction would be to that, or what her reaction to that was. "It ain't going to happen." And it didn't happen.

So eventually one of the bodyguards had to get off the charter flight, Janet Arvizo was on it, and the flight left Miami.

Now, the flight itself was highlighted by a number of events. It was highlighted by the fact that there was more drinking. The stewardesses will tell you unequivocally, without hesitation and without contradiction, that on that flight with these boys, that she served alcohol in those cans full of wine. And the boys drank, especially Gavin. They will also tell you it was during this time that the defendant, as both the brother and the sister will tell you, would lean over and whisper in Gavin's ear, and Gavin would lean over and whisper in the defendant's ear, like a conspiracy. And that at one point in time after the leaning over and the whispering in each ear, the defendant gave him the jacket. And on another occasion, he gave him the watch.

And Gavin will tell you what all that was about was the defendant swearing him to secrecy not to tell anybody about the wine. The presents were, in effect, a bribe for that secrecy.

They'll tell you at least two other incidents during the time of the call -- during the time of this flight back to Neverland -- and by the way, I didn't say it, but I should, should tell you who else was on that plane. There were two other children, the brother and sister of Frank Tyson Cascio. There were nannies. There were Michael Jackson's children. And there was a physician by the name of Al-Farschian who was also on that flight.

During the flight, after the kids had consumed the alcoholic beverages, the defendant and Gavin began to make crank calls using the plane's telephone system. They would call people, just at random numbers, and make various crass and crude remarks and then hang up. That happened.

On another occasion during the flight, after Gavin had gone to sleep and put his head on Jackson's shoulder, both the mother and the brother observed Jackson to be caressing the face of Gavin Arvizo with his hands and to reach over and to lick his forehead with his tongue. They will tell you that they thought that at that point in time Jackson was also intoxicated.

The plane landed in Santa Barbara. Michael Jackson's chartered plane landed in Santa Barbara. It didn't take the family back to their home. A limousine was there, and the limousine took them to Michael Jackson's secluded and isolated ranch, not back to the apartment on Soto Street. There was never a press conference held in Miami. None.

Zero.

Once at Neverland Ranch, the experiences of the mother and the daughter and the two Arvizo boys were quite different. And they couldn't be more contrasting. For the boys, there was no school. There was no homework. They had free rein at Neverland. The arcade, the cars, the amusement park, the theater, the toys. They, in effect, had the undivided attention of Michael Jackson. They slept in his bed. They enjoyed his wine, enjoyed his magazines that I've described previously, and they dominated his attention.

And I don't think it takes a whole lot of imagination for you, or for anybody else in this world, to imagine that for young 12- and 13-year-old boys, it just doesn't get much better than that.

Meanwhile, Janet Arvizo and Davallin Arvizo, their experiences were quite different.

Now, let me pause for just a second and just give you a quick bio about Davallin Arvizo.

Davallin is the older sister of these two boys, and the first child of Janet Arvizo. Davallin, at the time of these events, was approximately 14 or 15 years old, and she was a high school student at Monte Vista High School in El Monte.

Now, Davallin now will tell you that she has graduated from high school. And that also at the time of these events back in the summer when some of the events were going on, that she was a member of the Los Angeles Police Department Academy, because she wants to be a forensic scientist, crime scene investigator, and that she's taking classes in that regard right now at City College and maintaining a full-time job.

Davallin and Janet Arvizo were placed in the guest cottages that I described to you. Janet will tell you, Janet Arvizo, that she rarely, if ever, left the guest cottage. That will be confirmed not only by her children, but by the ranch employees.

Janet became a recluse. She didn't leave the cottage on hardly any occasion.

Davallin, for her part, rarely saw the boys. They were off with Jackson, and it was a boys' thing and girls weren't invited. And they made it very clear that she wasn't to be invited.

On the one occasion that she was brought into -- she was able to follow the boys into Jackson's bedroom, she'll describe to you that incident and how eventually she had to leave, because it became very uncomfortable and very obvious that they did not want her around. She was a girl.

She'll tell you how this family that was so close and had bonded so much together because of the adversity that they had felt and experienced through so many things with their family, with their father, with the divorce, with the sex -- with the physical abuse of the father that was on both the children and on the mother that they witnessed and experienced, they were a close family. And she could see the boys being pulled apart and that she was no longer a part of their world.

At the same time now this family is at Neverland. This is the 7th, the 8th, the 9th, the 10th, the 11th and the 12th of February. At the same time, the co-conspirators begin to travel to California, they begin to travel to Los Angeles, and they begin to travel to Neverland Ranch. The first to arrive is Dieter Weizner. He arrives on the 8th.

He flies into LAX from Miami and he immediately goes to the ranch. And the ranch logs confirm that he's on the ranch, and he's there for days.

On the 10th, Ronald Konitzer from Vancouver, and Frank Tyson and Vinnie Amen arrive almost within like three or four minutes. Konitzer goes to the ranch. Tyson and Vinnie originally go to Schaffel's place. Vinnie Amen is put to work. He's hired. He's on the payroll for the conspirators.

Meanwhile, some other things are happening. And what's happening is we're now at the point in time, ladies and gentlemen, where the 20/20 program has occurred. We're now at the program where the Jackson team is planning the network production that was sold eventually to FOX T.V. for $3 million to be aired on the 20th. Now, between that period and the 20th of February, the crisis continues to get worse, not better. And not because of Bashir or the documentary.

What happens is kind of the things that Mr. Mesereau talked about in his statements to you during voir dire. The media sees the hot topic. CBS, not to be outdone by ABC, has an Ed Bradley program and an interview with the defendant. NBC, not to be outdone by either one of them, has a program called Dateline, which is another very,

very, very bad piece about the defendant.

At the same time as that's going on during this two-week period, a website called smokinggun.com decides to publish documents involving some litigation involving the defendant --

MR. MESEREAU: Objection.
THE COURT: Sustained.
MR. SNEDDON: I'm sorry.
THE COURT: Sustained.
MR. SNEDDON: It's about this time that Ann Gabriel is added to the team and about this time she begins to participate in conference calls with Schaffel, Konitzer, Mark Geragos, David LeGrand, and other people associated with this, the events that occurred here.

The other thing that was found during the course of the search warrant at Marc Schaffel's residence is the fact that I spoke to you about the FOX film that was going to be shown on the 20th. There are clearly documents which reflect the fact that the defendant in this case, Michael Jackson, was in partners with Marc Schaffel, Dieter Weizner, Ronald Konitzer in this production and the distribution of the shares of the moneys from that production.

There's another thing that the testimony and the evidence is going to show in this case that was different between the experiences of the boys, who were spending their time with Michael Jackson, and Janet Arvizo. During this time period, from the 7th of February till the 12th of February, Ronald Konitzer and Dieter Weizner were trying to convince Janet Arvizo to participate in the promised footage for the February 20th production. We know this not only from e-mails and records and documents, but we know it from Michael Jackson's own personal videographer, Hamid Moslehi.

The fact of the matter is, they attempted to try to encourage her, much as they did in Miami. And then it became quite confrontational. They had scripts that they showed her. They tried to convince her to participate, and she would not. They told her that people went out to the school, that they were in danger, and people were looking for the children at the school. They went out and said that these were the only people who could protect them from these fictitious killers or people who were threatening throughout the community and that they needed to stay at the ranch to be isolated from that danger. As I said, they were presented with scripts.

Now, you don't need, and you will not have to take the word of the Arvizo family that the eventual interview that took place on the 19th and 20th was scripted.

You will hear testimony from Christopher Robinson -- Christian Robinson that, in fact, he worked on the script with Schaffel and a lawyer, and

that others saw the script and heard the conversations over the telephone, including Rudy Provencio. And Janet was refusing to participate.

On one day things came to a crisis and Dieter Weizner asked that Gavin Arvizo give him the watch back. He said they would put it in a safe place, they would keep it for him, and they would give it back to him later. They gave no reason for wanting to get the watch all of a sudden.

Gavin refused. And Janet Arvizo refused.

And things became so tense that the family was going to attempt to try to leave the ranch.

Now, this is probably a very good time to talk a little bit about the person you've heard so much about, and the person that I can tell you probably unequivocally will be on the witness stand in this case up there for a number of days during this trial. It's the mother of Gavin Arvizo and Star Arvizo and Davallin Arvizo, Janet.

And let me tell you a little bit about what I think that the testimony and the evidence in this case is going to disclose about Janet Arvizo.

She was married at 16. She had three children by the time she was 21. She was in a violently abusive, physically abusive relationship with her husband for 16 years. Not only physically abusive to her but to her children when they'd try to come to her defense.

I think you will see, through the testimony and the evidence presented here, that she presents as someone who's somewhat insecure, somewhat dependent, easily influenced, and at times can be adamant and quite emotional and determined. Heavily religious, and personally overly affectionate.

I think you will see and get a sense of Janet Arvizo from the tape-recorded conversations not only with Frank Tyson, but a later conversation I'll discuss with you in a few moments by a private investigator hired by the Jackson camp, Brad Miller.

That she speaks fondly of love and affection, that she desperately wants to be loved and her family to be loved, and to be part of a family that they weren't able to have because of the fact that there was no father in the particular family at this time.

That she's taught her children to do something which, to a lot of people, kind of sets them off, and that is that when they greet you, instead of giving you their hand, they like to hug you and say they're glad to meet you. Some people are not used to, on a first occasion or encounter, to that kind of a greeting. But that's the kind of person that Janet Arvizo is and that's the kind of things that she instills in her family.

The testimony and the evidence in this case will show you, like virtually every one of us in our

life, that she's made mistakes, that she's done things that were wrong. The testimony will show in this particular case that, in fact, on one occasion during the lawsuit that she lied in a deposition. She was asked whether her husband ever beat her, and she lied. Because she knew at that point in time nobody knew it except for her and the children. And that if she had to admit the truth, she most certainly would get another beating. She lied under oath.

It's true also that she obtained welfare funds when she wasn't entitled to them. She's going to tell you that, and she's going to admit that. It's not a large amount of money. But she did it. And it was wrong. And she knows it was wrong.

She's not a person, as you will see from the testimony and the evidence in this case, that made necessarily the kinds of decisions that you, or you, or you would have made during the facts or circumstances of this case. But none of us can put ourself in her place.

But we're going to help you -- we're going to help you in that respect, by having an expert come in and testify to you to what it's like to be a person -- to be in a relationship that's abusive for 16 years, and how that affects their judgment system and the reaction to certain things.

MR. MESEREAU: Objection.

THE COURT: Sustained.

MR. SNEDDON: Judge, you approved that.

THE COURT: No, I didn't. I haven't ruled on it.

MR. SNEDDON: I think one of the things that also will be shown throughout this trial about Janet Arvizo is that on these same tapes that I referred to with Frank Tyson and Vinnie Amen, that she, without hesitation, over and over and over again during the events and the times that these things happened, expressed open admiration for the defendant, open love for the defendant and appreciation for what the defendant had done for the family; that she trusted him; that she loved him in that kind of a respectful way.

She never talked about suing Michael Jackson. And she will tell you today on the witness stand here that even though her attitude towards Michael Jackson is no longer loving and no longer respectful, or no longer does she feel him the father figure in her life, that she's bitter about what happened, she will tell you that she wants not one penny from the defendant in this case. She will tell you, "I do not want the devil's money."

As I told you, the situation degenerated pretty badly. And on the 12th, Janet Arvizo went up to Jesus Salas and, speaking in Spanish between the two of them, she asked Salas if she could take them, the family, from the ranch. And he said, "Yes."

She had asked to leave before, but was denied by Dieter and Ronald the ability to leave. Jesus grabs a car and takes them down to Los Angeles. It isn't until the following morning that the co-conspirators and Michael Jackson learn that the Arvizo family has fled the ranch. And the second explosion occurs within the Jackson camp.

Ann Gabriel will tell you about a conversation early in the morning that she received by an agitated and concerned Marc Schaffel about the fact that he described the Arvizo's flight from the ranch as a disaster.

She will later tell you about a second conversation where Schaffel called and was much relieved to say that the situation -- that they had contained the situation.

You will soon learn, after we take -- I think, Your Honor, we're going to take a break at 11:30; is that correct.

THE COURT: Correct.

MR. SNEDDON: -- after the break, just exactly what it meant to have the situation "contained."

But let me tell you that the evidence that will be presented in this case through the telephone records that have been subpoenaed and obtained through search warrants will show you that the lines burned off their hooks between the co-conspirators, Michael Jackson, Neverland Ranch, and some of the parties involved in the conspiracy.

THE COURT: All right. We'll take our 11:30 break.

(Recess taken.)

THE COURT: Mr. Sneddon.

MR. SNEDDON: We're now at that point in time where the Arvizo family is off of the Neverland Valley Ranch premises. And they're at, originally, their grandparents, where they were taken by Jesus Salas. And then eventually Janet Arvizo and the boys end up over at Major Jay Jackson's apartment in West Los Angeles.

The first contact between the co-conspirators and Janet Arvizo in their attempts to get the Arvizo family to come back to the ranch occurred in the early morning hours of the 13th out here and the 14th in New Jersey. And they occurred between Frank Tyson Cascio and Janet Arvizo. And there were three calls that were placed at right around 1:45 a.m., Eastern Standard Time.

Between that call on that date and that time and February 17th, when the Arvizo family finally returned to Neverland Valley Ranch, there were over 40 telephone calls between Janet Arvizo and Frank Tyson Cascio, with Cascio trying to convince Janet Arvizo to return to the ranch.

Now, there is one particular conversation that probably will be of interest to you. And the reason that we can provide this information to you was that it was a tape that was found in Private Investigator Brad Miller's office when the sheriff's department executed a search warrant. And it is obviously a surreptitiously tape-recorded conversation between Frank Tyson, on one end, who is in New Jersey at this point in time, and Janet Arvizo, who is in Los Angeles at this point in time, and the family, who is not on the ranch at this particular point in time.

The conversation lasted approximately 19 minutes. And I'm not going to go into the whole conversation itself, because you will hear it played here in the courtroom and you can make of it what you want. But the highlights of that conversation, I believe, are as follows:

Frank Tyson acknowledges the high pressure and threatening tactics of Dieter Weizner and Ronald Konitzer over and over again on this tape. Janet Arvizo is heard to complain about those two individuals. And Frank Tyson is over and over again heard to say, "They're businessmen. They're businessmen. They don't know about family. Don't take it that way."

Tyson promises Janet, and he promises Gavin, when Gavin complains about these two individuals, he promises that if they come back to the ranch, that neither one of them will be there. In fact, he goes farther than that. He says, "They're already gone, and you won't have to deal with them, so please come back to the ranch, Janet."

The third part of the conversation you will hear, that he is so willing and working so hard to try to get Janet back to the ranch during this conversation, that when he asks her what she's going to do this weekend, and she says, "I'm going to go to church," he says to her, "Oh, whoa, come back to the ranch. I'll take you to church here in Santa Ynez." He's in New Jersey, and he's telling her that.

Tyson implores Janet Arvizo to do the video. "Do the video and say beautiful things about Michael Jackson." He reiterates the scare tactics that we've heard from Miami and from the ranch, from Dieter and from Michael Jackson, from Ronald Konitzer; that it's dangerous out there for the family to be away from the ranch; that there are evil people out there; and only they and only the ranch can protect them. "Come back to the ranch."

He expresses to Janet, on behalf of Jackson, how much Jackson misses them, how much he feels that they're family, how much Jackson loves them and how much Michael Jackson wants this family back on the ranch. You betcha.

He goes further than that. He reminds Janet Arvizo that when the tape is done, the tape they want, that there will be a trip to Brazil, and there will be pleasure for everyone. And that Michael Jackson, the defendant in this case, will join them there.

Well, it doesn't work. She's not convinced.

But they are persistent. There are more calls. There are 21 calls between Michael Tyson and the other co-conspirators, including Marc Schaffel. And between Tyson and Brad Miller, there's another 15. And there's numerous calls between Schaffel and the ranch, and the ranch and other people involved in this conspiracy.

That the defendant is actively involved in this counteroffensive. I think I've mentioned to you already the testimony of Rudy Provencio about him being present during conversations between Marc Schaffel and the defendant.

There are other indications of that. The fact that the defendant himself was the one who called his ex-wife and surrogate mother to his children, Debbie Rowe. And it was Michael Jackson that asked Debbie Rowe to participate in part of the FOX network interview.

Chris Carter, Jackson's own security guard, and Davallin Arvizo will tell you that during this period of time, often they observed the defendant, Michael Jackson, Dieter Weizner and Ronald Konitzer huddled up in meetings in Michael Jackson's office. And that this was a consistent thing that was going on during this period of time when the crisis was raging uncontrolled.

Debbie Rowe will testify to some interesting evidence in this case. She's going to tell you that her interview was also scripted, only a little bit different from the Arvizos, because they took her upstairs and did a complete rehearsal before they ever brought her down to be interviewed. And when she's doing the interview, when they didn't like her answers, they would stop the tape and they would tell her how to answer that.

If you don't believe Debbie Rowe, you don't have to, because her attorney, who was present during the entire time, is going to testify that that's exactly what they did. They scripted that interview, just like they scripted the Arvizo interview.

As part of the attempt to get Janet back to the ranch and part of the attempts to provide statements from the Arvizo family, Private Detective Brad Miller was sent over to the Arvizos' house on the 16th. This is now Sunday. And she is -- and he is let into the house by the Arvizos, because Frank Tyson has told them that he's coming.

When he arrives, he has a cell phone, and he has Frank Tyson on the phone. And Frank convinces Janet to give him a statement. You'll hear that. Because that statement is also on a tape that was seized during the search warrant of his office.

It's kind of an interesting conversation, because what you'll see and what you'll hear from experts that are going to be called, when that tape was sent out to be examined by experts, that that tape has all kinds of blanks in it, and that it was edited, and that it was stopped and it was started, which is entirely consistent exactly with what the Arvizo family will tell you. When Brad Miller didn't like an answer, he would stop it, he would erase it, he would go back, and he would tell them what to say.

It's now been what must seem like an eternity to you, but it's only been two weeks in the life of the Arvizo family, because it's the 17th. And -- but the school officials are getting very antsy. They're also getting pressure by the media. "What are you doing about this. What are you doing about this."

So the principal of John Burroughs Middle School, where the Arvizo boys were students, contacts the Los Angeles Department of Child & Family Services and lodges a complaint and asks them to look into the allegations of whether Janet Arvizo is a fit mother and what -- what is the nature of their relationship between the defendant in this case and the Arvizo boys.

On the 17th, the social workers from that department called up Mrs. Arvizo and said that they wanted a meeting, and they wanted to see the boys and the family. And the meeting was set for Thursday, and it was set for the 20th.

Shortly after that, one of Michael Jackson's employees picks up the Arvizo family. She's finally decided to go back to the ranch. They take her back to the ranch. And when she gets to the ranch that evening, she gets out of the car, and who do you think she sees. Dieter Weizner and Ronald Konitzer.

She's been deceived. She's angry. She's upset. She insists that they want to go home. They don't want to be at the ranch. They don't want to be around these people and they want to leave. And Weizner and Konitzer tell her flat out, "You can go wherever you want, but your children are not leaving this ranch."

And that's what happened. Security Guard Chris Carter then took her in one of the ranch vehicles back to Los Angeles and back to Jay Jackson -- Major Jackson 's apartment. And he will describe to you the trip. And he'll tell you that Janet was upset, that she was crying. She had her head down, and she was praying almost the entire way to Los Angeles.

During the time that the mother is in the car being transported back to Los Angeles, of course the boys gravitate right back to the defendant, Michael Jackson. They begin drinking. They begin sleeping in his bed.

For Davallin, it becomes an isolation now. She's the only woman on the ranch and she's by herself in one of the guest cottages.

What happens next is, when Janet gets back home, she then calls, a few days later, Frank Tyson Cascio and says to him, "I need the boys and Davallin for the meeting with the social workers on Thursday, the 20th." And it's at this point in time that the conversation occurs that I referenced earlier this morning. "No children; no video. Give us the video; we'll give you the children." She agrees. And that's when the video is done.

Now, let me talk to you a little bit about the video itself. Shortly before the children -- now, you have to understand the children are at the ranch, and she's in West Los Angeles.

And shortly before Hamid takes them to his house in Calabasas for the filming, they are brought into the residence and one last time Dieter Weizner shows them a script, a written script, and tells them what they have to say about Michael Jackson, the good things that need to be said about Michael. They're told -- Janet is told by Tyson that if the family does a really good job in the interview, and if they do a really good job in talking to the social workers, that the family can leave the ranch. "Do a really good job."

All right. So what happens.

They do the video. And you're going to see the video. And let me tell you a little bit about the video right now. There are parts of the video that you can see are over the top. You will see Janet Arvizo and the children, particularly Gavin, very flattering, very bubbly, very out of character for the situation they're in. You will see the children say things about Michael Jackson that they will tell you are lies, that are not true. They will tell you that they said on the video that Michael Jackson -- that they had his phone number at all times and could contact him any day or night. They'll tell you that's not true, they didn't have his phone number, and hadn't had his phone number for a long, long, long time. They'll tell you that's a lie.

That Michael Jackson helped them do their homework. They never did any homework when they were there. In fact, their books were found, during the search warrant, up in a video room which is adjacent to the house. They never did any homework, much less have Michael Jackson help them with it.

They will tell you that Michael Jackson never really helped Gavin with his cancer. That, in fact, Michael Jackson, after a short time period, had had very little contact with Gavin during his fight with cancer.

In the beginning he was and did support Gavin. But in the later months, he wasn't around. He'll tell you that's a lie.

What is the truth, though, is that both -- at least insofar as Janet Arvizo is concerned, but at least insofar as Gavin was concerned especially, that Gavin's statements on that video probably express his feelings towards Michael Jackson at this particular point in life.

And exemplary of that is the fact that you will hear that what happened when they left the ranch on the 12th and they got to their grandparents' house, that he blew up, that he threw a tantrum, that he raged, that he didn't want to be there, and he wanted to be back on the ranch, and he wanted to be with Michael Jackson.

That was his attitude. And that was the pervasive effect of the defendant on this child of 13.

As I told you before, the video was completed sometime in the early morning hours of the 20th. We're now at February 20th. We're now taking these children over to the residence of Major Jay Jackson and we're now talking about a fact that the

social workers are going to be there on the 20th.

Let me tell you what happens on the morning of the 20th at this apartment.

First of all, before the social workers show up, one of the first people who arrived is a security guard named Asaf Vilchic. Big, hulking guy. And he's there to represent the Jackson team. And he's identified as a security guard. He's really there to make sure what happens. Also in the room at that time are some friends of the Arvizos. Actually Chris Tucker's girlfriend, who Miss Arvizo calls and asks to come over for support.

There is a period of time in the room where the security guard tells Janet Arvizo that he wants the interview tape-recorded, and asks her to hide the tape on her person, and goes farther than that, and he tells her, "Don't turn it off, because there's another one in the room and we're going to hear what went on anyhow."

And you're going to hear parts of that tape. Not very much. Enough to confirm and to corroborate what Janet Arvizo tells you about what happened in that room, and tells you about that investigator, and tells you about that tape-recorder.

Now, the social workers arrive, and they're ready for their interview. And at that point, they're introduced to this private investigator, who's there on behalf of Michael Jackson. And they

say to the people who are there, "All of you folks have to leave, except for the family and the mother."

And Janet Arvizo says, "No, no, I want them to stay." And the social workers say no, because that's what she was told to say beforehand.

Now, they're told to leave and they do leave, and then the interview proceeds. But before the interview proceeds, there's a disk, a DVD, and it's a DVD of when Gavin Arvizo visited Michael Jackson back in the year 2000. And you'll see that DVD. I'll play that DVD and you'll see what Gavin looked like at that time. And it's not a pretty sight. He was in the ravages of his cancer, full-blown, at that particular point in time.

The social workers begin their conversations with the family. And there are two aspects to the conversation. The first aspect is simply for them to determine whether these kids are being cared for properly by the mother in this case, Janet Arvizo. That is put to rest almost immediately. I mean, these are social workers from Los Angeles. They see that these kids are well kept. There's no bruises, there's no scars. They're articulate. They're satisfied. And they write that in their report. "Well taken care of. Fit mother."

And then they get to the part where they ask about what happens at Neverland Ranch and they ask about the kids' relationship with Michael Jackson. And the family repeats a lot of the things that were said during the video the night before, but they add some things to it this time, because now for the first time they're asked to give explanations for why the boys would be sleeping with Michael Jackson in his bedroom and in his bed that were never asked on the tape the night before.

Now, for their part, the Department of Social Services workers apparently were not alarmed by the fact that there was an investigator there, and nor were they alarmed by the fact that when the children spoke, they spoke almost the same exact words each time in describing Michael Jackson.

But then what happened was the addition of this information that dealt specifically with the inappropriate conduct. And here's where the family added some things that were pretty preposterous, if you know anything about the way Neverland Valley Ranch operates, and they could have been objectively determined to be not true, like the logs and the employees of that particular ranch.

Statements by the family were the children were never alone with Mr. Jackson. There was always an adult with them. The children never shared a bed with Michael Jackson. Mrs. Arvizo specifically told the social workers she was usually up walking around the house all night. Not only was she not walking around the house, she was never in the house. She was in a guest cottage. And the Neverland Valley Ranch logs show that.

Gavin Arvizo stated that his mother went in and out of Jackson's bedroom all the time and was always around to know what was going on. And Janet Arvizo, in fact, has never been in Jackson's bedroom, ever. Both Star and Gavin deny ever sleeping in Jackson's bed with Jackson or ever having any inappropriate contact with him. Star added to this, that his mother was always present in Michael Jackson's bedroom.

Davallin Arvizo, for her part, added that she stayed in the house and that she had a friend of hers from school staying there in the main house in a room down the hall, and that her mother always knew what was going on.

Well, as I said, the Neverland Ranch records and the employees who were Jackson employees, by the way, will confirm that the truth, like so many things in this case, is quite different.

The truth is that they never stayed in the house. The truth is that Janet Arvizo rarely left the guest cottage, much less walked around the house at night. And the truth is both Janet Arvizo and Davallin rarely saw the boys, because they were with Michael Jackson. And the truth is that Janet Arvizo was off the ranch between the 17th and the 20th, and

between the 10th and the 12th of March. And the truth is that the boys will testify that they were constantly spending the night in Michael Jackson's bed, and Davallin will tell you they were not staying in the guest cottage.

After the social workers left, the children got in the car, and they were taken back to Neverland Ranch. And Mrs. Arvizo was with Vinnie Amen. And Vinnie Amen placed a call to Frank Tyson to find out whether the video was acceptable and whether the interview with the social workers was okay. And she was told no, it wasn't enough. It wasn't good enough. "And now you folks are going to Brazil."

Well, on the very day, the 20th, records will show that Vinnie Amen took Janet Arvizo to Norwalk to get duplicates of birth certificates, and pay the money for that and pay for the expedited process of that. Those certificates, birth certificates, were picked up on the 20th.

Detective Craig Bonner of the Santa Barbara Sheriff's Department is going to testify in this case, and he's going to tell you about being present during the execution of the search warrant at Marc Schaffel's. And he's going to tell you about what he found there. And he's going to tell you that he found a black binder. And in that black binder, he found information about the -- and this is not me -- this is the Arvizo "vacation," in quotes, expenses. There's also a floppy disk. And the floppy disk contains a complete printout of probably seven or eight pages of all the money that was expended --

MR. MESEREAU: Objection. Objection.

THE COURT: Reason.

MR. MESEREAU: No visuals.

MR. SNEDDON: All right. I'll take it down, Judge. That's --

THE COURT: That's all right. You were just waving a paper. That's --

MR. SNEDDON: It's a seven- or eight-page expense account. You're going to see it. You don't need me to tell you about it, but I can tell you that it outlines virtually every movement, every movement of this family with Frank Tyson and Vinnie Amen that was being directed from Marc Schaffel's residence in nearby Calabasas.

Because you see what happens was, this family was taken from the ranch on the 25th of February, and they were put up in the Calabasas Inn, and they were put up under the watchful eye of Amen and Tyson, and a security guard was placed in the lobby to make sure they didn't go anywhere. That security guard is the same security guard that was present when the DSS workers from L.A. arrived on the 20th at Jay Jackson's place.

Let me tell you about a few of the things that happened - quickly - between the 25th and March 2nd on the preparation of this trip of the Arvizos to go to Brazil, because I think you'll find some of it quite interesting.

One of the things that was done is that Vinnie Amen goes to school, to the John Burroughs School, and checks the children out. And he pays $123 for missing books. And he puts on the checkout form that the family's moving to Arizona.

And then on another day, he goes down and gets passports for the family. He has to pay extra money to get expedited passports. And when he goes to fill out the passports, he tells the government officials, the United States government officials, the custom officials, that the family is going to Italy or France.

And then, when he later goes over to the Brazilian consulate, of course he tells them they're going to Brazil. And, in fact, the Brazilian consulate would not issue visas for them to go to Brazil without confirmed airline tickets, which were procured by MJJ Productions, through MJJ Productions' Heir Apparent, the company they always do business with.

And you'll see those records. You don't have to take my word for it.

You will find out that during this same period of time, the family's possessions, what little possessions they had, were put in storage. They were taken to Dino's Storage. They didn't where know they were taken. They just know they were taken. They were moved, lock, stock and barrel, out of their apartment and the rent that was due for two months was paid by Vinnie Amen, the moneys that were advanced by Marc Schaffel out of the Neverland Valley Entertainment business account on the partnership between the defendant in this case and Marc Schaffel.

You'll also learn when you see this document that the family was treated to some movies. They were treated to meals. That, in fact, Janet Arvizo was taken to a beauty shop for whatever you lovely ladies do at beauty shops. And that the boys and Davallin and Janet were bought clothes, because they didn't have any clothes because all their stuff had been put in storage. And there was probably over $2,000 in suitcases, because they didn't have any suitcases, and new clothes for the trip to Brazil.

All during this time that they were at the Calabasas Inn, with the security guard in the lobby and Vinnie Amen and Frank Tyson there.

Well, the mission was accomplished and all arrangements were made, ready to go to Brazil. And by the way, they didn't want to go to Brazil. You'll learn that. It was not their idea. And they are taken back to the ranch. And this is March 2nd.

And the logs show they were brought back to the ranch. I don't think there will be any dispute to that.

Now, let me just back up a bit, because I think you're going to find it interesting what the evidence will show in this respect.

On the -- on the 28th of February, the defendant, Michael Jackson, is in the Los Angeles area, and the ranch. He actually flies on the 28th to Miami, Florida. Now, it's only 28 days, so we're now talking about March 1st. On March 1st, his family, with Security Guard Chris Carter, flew from Los Angeles to Miami, okay. We have records to prove it. We can show who went on the plane. We can show the cancelled tickets. We can show all these were booked through MJJ Productions.

The interesting part about it, however, is that Chris Carter, the security guard who flew with the family on the 1st and arrived in Miami around six o'clock in the morning on the 2nd, an hour and a half later gets on a plane with the defendant, Michael Jackson, and flies back to L.A, and they go to Neverland Ranch where the Arvizos are.

I believe that the records from the ranch logs and the testimony from individuals involved here will show that from basically March the 2nd to March the 5th, that the defendant and the Arvizos were on the ranch together. That again, from March 9th until March 12th, when the Arvizos left for the last time, that the Jackson -- Michael Jackson, the defendant in this case, was present.

Let me tell you how this all comes to a head. The boys are back at the ranch now. Janet Arvizo is back at the ranch. And many of the things that I told you earlier in the morning that I talked about - and I'm not going to go into repeating all those things - the things that had to do with the display of the magazines and the unusual sexual conduct and some of those other things, occurred during this period of time.

And one of the things that I think that you're going to want to ask yourself in connection with the allegations in the Indictment alleging that the alcohol was used in the commission of these offenses is, why would any adult give alcohol to a minor. But more importantly, why would any adult give alcohol to a cancer survivor with one kidney.

And I think the answer is rather apparent, based upon what I've indicated to you the testimony and evidence will show occurred on that ranch between the boys and Michael Jackson, and what the ultimate effect and impact of it was on their lives in terms of their being molested, or Gavin being molested.

One final crisis occurred on the ranch, if you could believe that. On the 9th, when everybody's back at the ranch, Gavin tells the defendant, "I'm worried."

"Why."

"Because I got a doctor's appointment tomorrow. And I have to take to the doctor one of these two-quart urine specimens so they can check and see if my kidney's working okay."

I'm sure you're thinking what he was thinking. Well, if you're going to show urine and they're going to do tests, it may show that he had alcohol in his system. And both the defendant in this case and Gavin were worried that that urine specimen was going to show that this child was being provided with alcohol.

The defendant tries to talk Gavin into not going to his doctor's appointment, and Gavin says, "It won't do you any good. My mother is adamant. I will be going to that appointment." He's worried. So he calls his mother, and he confesses to the alcohol. She's irate. Just livid. And she sends Davallin over to try to get the boys from Jackson's room.

Davallin goes to the door and she pounds on the door and pounds on the door and nobody answers. She goes back and tells the mother she can't get through or nobody's there.

The following morning, Vinnie Amen is directed to take Gavin, Janet Arvizo, and the urine specimen to the Kaiser Hospital. When they make a stop on the way and they come back to the car, Vinnie Amen says that the urine specimen has been tipped over, the lid came off and it's been spilled. And there's now only a small amount of the urine left in the bottle. Of course Janet doesn't believe that because she's seen these jars and she knows how the lids go on 'em, and they don't fall off that way. If you've ever been in a hospital bed, you'll know they're the ones they put on the side with the caps. This is not something that comes off.

So she's had enough. They take the child -- and maybe for you, or some of you, it may have been enough a long time ago. But at least for her, it reached the point that, after the Kaiser visit to the hospital, she asks Vinnie Amen -- in fact, she didn't ask. She insisted that Vinnie Amen take her to the beauty parlor. Not because she wanted to get a manicure or pedicure or anything else. But it was a beauty parlor that was located very close to the place where Major Jay Jackson worked for the United States Army.

And the first thing she did was she got there, she got on the phone, and she called him and asked him to come down immediately. And he did. And she refused to go back to the ranch. And she didn't want Gavin going back to the ranch. And there were a number of calls between Frank Tyson and Vinnie Amen at that time.

And I can tell you, frankly and candidly, that Gavin wanted to go back to the ranch. And it was finally decided that Gavin would go back and she would not. And it was decided between -- as you will learn through the testimony and the evidence here, that it was at this point that the plan was made and discussed to try -- on how to get those kids off the ranch permanently. And that will unplay over here in the next couple of days.

Now, the other thing that happened on the 10th after the visit, after Vinnie Amen takes Gavin back to the ranch, is before they leave, Janet Arvizo says, and reminds him, "Listen, I have a court appearance tomorrow. I have a court appearance in my divorce with my husband. I need the kids in court. Will you bring the kids to court." He says, "Sure."

The next morning on the 11th when they show up to court, he's there; there's no kids.

She's really insistent now. What happens then is, although the kids are still back in the ranch and the same things are going on, and some of the events that I described to you previously are occurring right during this particular point in time, the fact of the matter is, they're serious about what they're going to do about this now.

So what they do is, Janet Arvizo calls Frank Tyson, and she says, "Listen, I'll agree to go to

Brazil. I'll agree to cooperate. I'll make this an easy thing for all of you guys. But my father's sick and these children need to see their grandfather before this trip. So if you agree, let the children come over for one night to see the grandfather, I'll agree to come back to the ranch and we'll go to Brazil and this thing will be a done deal." And Tyson bit.

So what happened was on the 12th, the children were told to pack their bags and they packed their bags. And it's around noon, give or take a few minutes, or 15 minutes or 20 minutes, but it's around noon and the children are waiting to get in the car to leave.

But one last thing happens. Frank Tyson comes out and he says to Gavin, "You can't take your suitcase." And they say, "Why." He says, "You're not taking your suitcase. We'll give it to you later." The children get in the car, they're taken back to the home of the grandparents in Los Angeles.

Later, when that suitcase shows up, all of his underpants are missing and his tap dancing shoes.

Now, the family at that point is back away from the ranch. And they're not going back and they don't go back. But it doesn't stop there. Because what happens over the next few days is private investigators are sent down, telephone calls are made. They video-surveillance the kids coming and going from school. They had to involve the security officer from Davallin's high school because of the activities. Notes are slipped under the door, "Call Vinnie," all these kinds of conduct and behavior over the next few days. But Janet was adamant, "They're not going back to the ranch."

I think the way to conclude my remarks to you this morning are simply to talk to you about what Davallin Arvizo will tell you about her brother Gavin, and about what Davallin will tell you about Gavin's conduct after they left the ranch.

She will tell you it was like having a stranger for a brother. She will tell you that a family that used to love and hug and touch and be with each other, that he wouldn't let anybody in the family touch him. He would go like that (indicating); "Don't touch me. Don't touch me."

That he was explosive, that he was frustrated, and his conduct was not like the Gavin Arvizo that she knew before all of this stuff happened with the trip to Miami. She will tell you how he was silent and he was indifferent and how she wanted to have her brother back, and that it's taken a long time for her to get her brother back.

I'd like to conclude by thanking you for your patience and for your attention to what even in a profession which is known to be long-winded, was a very lengthy opening statement. It's extraordinary in its length, but this is an extraordinary case.

And the lives of these people will be affected forever. And the fact of the matter remains that no matter how complicated the events that I have unfolded to you here this morning and as they unfold over the next several months in this trial or how tragic it is to everybody involved in this situation, there's only one person responsible for the conduct and the consequences of what happened, and that person is sitting right here in the courtroom, and that's the defendant, Michael Joe Jackson.

THE COURT: All right. Thank you, Mr. Sneddon.

Mr. Sneddon, would you and Mr. Mesereau approach.

(To the jury) Which means you can talk to each other.

(Discussion held off the record at sidebar.)

THE COURT: That's a little more formal than me saying, "Cut it off."

All right. Mr. Mesereau, are you ready to proceed, or do you need another minute to gather --

MR. MESEREAU: Could I take one more minute, Your Honor.

THE COURT: You certainly may.

MR. MESEREAU: Thank you.

I'm ready, Your Honor.

THE COURT: Go ahead.

MR. MESEREAU: Thank you very much. Good afternoon.

THE JURY: (In unison) Good afternoon.

MR. MESEREAU: I think it's afternoon. I get mixed up with this no break for lunch.

Ladies and gentlemen, as you know, my name is Tom Mesereau. And it is my honor and privilege to speak to you on behalf of Mr. Jackson. The prosecutor has outlined some very serious charges and made some very serious allegations, as you well know.

If he is to be believed, Mr. Jackson conspired to imprison a family, abduct children and extort. If he is to be believed, Mr. Jackson molested children, and gave a cancer-patient child alcohol to reduce his inhibitions and molest him. And I'm here to tell you that these charges are fictitious, they're bogus, and they never happened.

Now, an opening statement, as I think you all know, is generally thought to be an outline or a preview of what's to come. It's often described as a blueprint of what the evidence will be like in court.

I want to take it a step further, and I want to let all of you know that I think an opening statement is a contract. You make promises in an opening statement, you better fulfill them. Because at the end of the trial, the jury's going to know whether you did or didn't. And I say to you right now, I am going to make some promises in this case, I am going to fulfill them, and I want you to judge me accordingly at the end. These charges are fake, silly, ridiculous --

MR. SNEDDON: Your Honor, I'm going to object as argumentative.

THE COURT: Sustained.

MR. MESEREAU: Ladies and gentlemen, I have an organized opening statement for you. I'm going to take you through various topics. Who Mr. Jackson is, what Neverland is, how he met these people, what kind of lives they have led.

But I've decided, in light of what was just said, to start off with a couple of issues that I'd like you to think about throughout the trial. Because I'm going to prove exactly what I'm going to tell you now.

First of all, the Arvizo family is from Los Angeles. We are going to bring in witnesses to tell you about their behavior. For example, Janet and Gavin called Comedian Jay Leno and tried to get money from Mr. Leno. Mr. Leno has told the Santa

Barbara police, "Something was wrong. They were looking for a mark. It sounded scripted. The mother was in the background, and I terminated the conversation."

Comedian George Lopez was approached by Gavin and Janet. He was asked for money. He didn't want to give money, and then they accused him of stealing $300 from Gavin's wallet.

MR. SNEDDON: Your Honor, I'm going to object to that statement. The Court has a 403 ruling.

THE COURT: Sustained.

MR. MESEREAU: An actress named Vernee Watson, who has appeared on Fresh Prince of Bel Air and the movie Antoine Fisher, met this family at a dance school. As soon as she met Janet and Gavin, they wanted to move into her house and wanted money. She refused.

A comedian named Louise Palanker was approached by Janet, told they needed money for medical bills and living expenses. She was not told that insurance was covering all the medical bills. She gave them $20,000, two $10,000 checks.

She then went to the home to check out the room she thought she was contributing to, to redo for Gavin when he came home to heal. She knew of a builder who had gone to the home and redid the room. She found out the builder had been stiffed, not

paid, and the money had been used for a huge T.V. and DVD player. And she was upset.

This kind of behavior, we will prove to you, went on and on and on. Michael Tyson was approached. Efforts were made to reach Adam Sandler. Jim Carey. A number of celebrities.

And we will prove to you that the best-known celebrity and the most vulnerable celebrity became the mark: Michael Jackson.

Who is Michael Jackson. You're going to learn a lot about him in this trial. Because Michael Jackson, as you know, has been the subject of so much speculation, so much false reporting, so much embellished documentary, so many shows for so many years, the question you're going to be asking is, "Who is he." And you're going to learn.

You're going to learn that Michael Jackson was born in Gary, Indiana, in a large family, a very famous musical family. They didn't have much in those days. Michael Jackson had to work hard from the age of five to develop his musical talents and his musical genius, and he did so. He went to school, he came home, he did his homework.

And instead of having the freedom that many young people had, he then had to rehearse, and rehearse, and rehearse. And on weekends, there were performances in various cities, Chicago, Detroit, and he worked very hard. And a success that you know about has come about through a combination of genius, and very, very hard work.

Michael Jackson has often said, "I missed some of my childhood. I didn't have as much freedom as other kids. I couldn't be as spontaneous, because when I wasn't in school and I wasn't doing my homework, I seemed to be rehearsing into the wee hours of the morning." And he's always taken an interest in his own childhood and how it relates to the world, his career, and his life.

The prosecutor has presented to you a picture of Neverland. He purchased Neverland in 1988. It's approximately 2,800 acres in Los Olivos. The prosecutor presented a picture of Neverland being some haven for crime, some lure for despicable conduct. It is not.

Neverland was created by Michael Jackson for a number of reasons. If you go into Neverland, you are struck by the childlike, Disneylike, fantasylike atmosphere. You'll see statues of children. Boys and girls playing in various ways. You'll see a train. You'll see a lake. You'll see a zoo with elephants and giraffes, with tigers and all kind -- alpacas and all kind of animals. You will see a theater. You'll see rolling hills. And you'll see an invitation to play and be childlike. And as I think you already know, children come there all the time. Most of them inner city children from poverty, drugs, violence, problems. They go there for recreation. It is an invitation for them.

You will also see the main street named after his mother. You will go into the main house and see beautiful antiques that he has purchased and you will see pictures of his beautiful children and his family all over. Some of them painted. Some of them photographs. He created Neverland for particular reasons. He felt that his childhood had been somewhat deprived by all the work I just described. And he wanted a place where children, particularly these kinds of children from the inner city with problems, could come and have fun and be free and spontaneous, innocent, have a wonderful time.

He did it in honor of his family. As I said to you before, the main street's named after his mother, whom he loves very much. He did it because this is where he wanted to live. In this community, in this fashion. And that's why he chose Los Olivos. It could have been anywhere in the world.

Michael Jackson met the Arvizo family because he was contacted and told a young boy had cancer and wanted to meet him and needed his help. And unlike others who spelled the ruse, he didn't. He contacted the child. They talked on the phone. He sent toys and favors to the family. The mother was extremely eager to meet Michael Jackson. Because we will prove to you, the mother, with her children as tools, was trying to find a celebrity to latch on to. They were trying to find a celebrity to create their life and give them advantages they didn't have. And they were looking far and wide for that celebrity. And unfortunately, for Michael Jackson, he fell for it. That's where it all begins.

Now, Michael Jackson, you will learn about in court. You will learn that the person who's not on stage is really a very shy person, a very private person, a person who in some ways shuns the limelight when he's not on stage, and a person who has chose to live his life as he wants to live it, based on his background, what he thinks he was deprived of, and his dreams.

He has written of the importance of dreams, not only as a creative process, but as the basis for living your life. And he has tried to do that at Neverland. And Neverland, we will prove to you, is not a haven for criminal activity, a lure for molestation, a magnet for crime. It is none of the things the prosecutor tried to tell you it is.

We will prove that in this case.

Michael Jackson wanted to help Gavin Arvizo. He let them come to Neverland. He sang songs to Gavin. His parents were around, his brothers and sisters were around. And he tried to help Gavin in ways he thought might work. The child was described to him as having very serious cancer, as having had rounds of chemotherapy, various organs removed. He was told, Michael, that is, that this child was on his last legs.

He took him around Neverland. He showed him the animals. He showed him the kind of Disneylike atmosphere that he thought and believes and knows children like. He did things that were unusual.

Michael is a voracious reader. He loves to read books and all subject matters. He has close to a million books at Neverland. And he tried to use techniques that he had read about to help cancer patients.

For example, he asked Gavin to envision he's playing Pac Man, and the cancer cells are being gobbled up by the good people. He had gotten that from studies of visualization techniques that were perfected in England years ago for cancer patients.

Their theory is that if you will visualize and imagine in your mind a way to beat a disease, if you will visualize the good cells going after the bad cells - they're sometimes described as fish, the good fish eating the bad fish - if you will visualize healing, if you will visualize through imagery how you can beat a disease, the studies show it sometimes succeeds. And he taught that to Gavin.

He taught him to climb trees when he was well. He did the kinds of things his mother and father had asked Michael Jackson to do. He took a lot of time away from his career to help this child and help his family, never knowing that the trap was being set. And I'm going to tell you how the trap was set.

First of all, ladies and gentlemen, I am going to prove to you in this case that there is a pattern by Janet and her children of ensnaring people for money.

First of all, the prosecutor alluded to a deposition where he said she admittedly lied. He didn't tell you the details. Let me tell you some of them.

Janet Arvizo sued J.C. Penney in West Covina in Los Angeles County. She was living in Los Angeles with her family at various locations, which will become important, and I will tell you why.

She claimed that she was the victim and her children were the victim of battery, false imprisonment and infliction of emotional distress. This was in July of 1999.

Almost a year later, she amended that complaint to add sexual assault by a security officer. What did she say the security officer had done in the J.C. Penney public parking lot.

She said her breasts were fondled, her nipple was squeezed 10 to 20 times, she was punched with a closed fist by a J.C. Penney security guard, she was molested in her vaginal area, and she was called racial slurs. That is the case where she was testifying under oath. That is the case where the prosecutor says she lied. She has admitted lying in that case.

Her son was ill. The lawsuit was settled. The family got a total of $152,500. That's the Arvizo family.

Janet Arvizo's ex-husband, David, says Janet coached her children in that case what to say. A witness named Mary Holzer, an employee for a law firm that represented Janet Arvizo, Gavin Arvizo, Star Arvizo, and David Arvizo in the J.C. Penney case, has come forward to testify that Janet admitted she lied.

Let me take this a step further: Miss Holzer says that Janet said her husband had a cousin in the Mexican mafia and this woman says she never came forward because she feared harm.

This is the first pattern I want to identify for you with respect to this family. Let's go to the second example of this pattern.

On December 18th, in the year 2000, in the deposition in the J.C. Penney case, Janet Arvizo said her husband David never assaulted her. She now says she was assaulted for 17 years, every year of their marriage.

On September 29th, 2001, Janet Arvizo told the Los Angeles Police Department she was assaulted by David Arvizo, her husband. Less than a month later, she filed for divorce. Exactly a month after she filed for divorce, she filed a welfare application that said her husband had assaulted her.

And incidentally, we will prove the 152,000 I just talked about never appeared on her welfare application, and that application was under penalty of perjury.

On November 26th, 2001, Janet Arvizo told the LAPD, the Los Angeles Police Department, for the first time that David Arvizo, her soon-to-be ex-husband, molested her daughter 12 years earlier.

She had never raised that allegation before.

Again, she claimed false imprisonment. She said she was the victim of terrorist threats. And she claimed that her ex-husband had willfully harmed her children.

The allegations against Michael Jackson are the third claim of false imprisonment she has made. They are, by our count, approximately the fourth claim for sexual assault she has made.

On November 26th, 2001, Davallin Arvizo, parroting her mother, claims her father physically abused her brothers and threatened to kill her mother.

Ladies and gentlemen, we will call witnesses who will tell you that Mrs. Arvizo in the past often says people are trying to kill her.

On November 26th, 2001, Janet Arvizo filed a copy of an arrest report on her husband with the Social Services agency in Los Angeles to expedite the aid, the public assistance she wanted. That's the public assistance that she applied for without disclosing assets, bank accounts, the J.C. Penney settlement, and other things she had, and other things she was required to disclose. And I repeat, those forms are under penalty of perjury.

In the current case, she claims that her former husband, David, struck her and the children for many, many years. As the prosecutor suggested to you, she's claiming that she's the victim of a whole lifetime of abuse. What he didn't tell you was that she also claims other relatives are in the drug business and abused she and her kids as well.

Let me tell you a little bit about the evidence that we're going to present to you about her efforts to get money from celebrities by claiming she's destitute, when she's not.

You have heard a description from the prosecutor about that little apartment in East Los Angeles, where that furniture allegedly came from, that he says Michael Jackson somehow wanted to arrange to steal through others. I guess the implication is that Michael Jackson needed her furniture.

That was a studio apartment in East Los Angeles where her family had lived from time to time, but generally not often. That was a studio apartment which had a few furnishings, was sparsely decorated, looked like it really hadn't been used because, for the most part, it wasn't.

For the most part, she lived with her parents in El Monte. And when she became engaged to her current husband, she moved in with him and the family.

But when she wanted celebrities to contribute money to her, after she told them her son had cancer, and they were destitute, and they needed money for medical bills, guess where she took them. The studio apartment in East Los Angeles. She kept it even when she was living in other locations.

Her husband worked at Von's. He was a Teamster. And he had all the medical benefits the Teamsters provide, including full medical coverage. Gavin was treated at Kaiser Hospital on Sunset in Los Angeles. There were no co-payments. There were no deductibles. His medical expenses were paid in full. But Janet Arvizo put into effect a program to take her son and try and use him to obtain money.

She approached the Mid Valley News, an El Monte newspaper. She said she couldn't pay her son's medical bills. She told them it was $12,000

per chemo treatment. Those treatments were being paid by the insurance company. She asked them to help her raise money. She wanted an ad in the newspaper. They did put an ad in the newspaper. But she was kind of squirrelly about the account, because the people at the newspaper said, "If it's for your son, and we are raising money for your son, you have to have an account in your son's name."

And she said Number

We will prove that she went to one woman to help her set up the account. This woman's sister was an attorney and offered to help. This woman wanted Gavin's Social Security number. Janet said Number she wanted an account with her name on it, and we will prove to you eventually she found a clever mechanism for doing this. She set up an account in her name, with she being the signatory, and she said it was for Gavin's benefit, and she put money in the account and she withdrew money from the account.

The people at the newspaper will tell you that they were so moved by the story of Janet and Gavin, that they brought her a turkey on Thanksgiving day, thinking they were engaging in an act of goodwill, good fortune. They knocked on the door. Janet answered, and was upset. She didn't want a turkey; she wanted money.

On June 15th, the year 2000, Janet received $10,000 from Mrs. Louise Palanker. I mentioned her. She's a comedian and an actress who used to hang out at a place called The Laugh Factory in Los Angeles.

Janet Arvizo wanted her children to be actors. She made no secret about that. And she took them to acting school in Los Angeles. They performed at The Laugh Factory. The check that they -- that Mrs. Arvizo received from Louise Palanker was then deposited into Janet's mother's account, so she didn't have to disclose it to welfare authorities and didn't have a paper trail that they actually had money as she made and pursued her efforts to con people out of funds.

On June 10th, 2000, David Arvizo, her husband, received $10,000 from Mrs. Palanker again. Mrs. Palanker will testify that she was told they were destitute. They needed it for medical bills and living expenses.

On July 19th, 2000, almost a week after she hid this money, Gavin requested to meet Michael Jackson. Now, there's a bit of a dispute over exactly who contacted Michael Jackson first, because a hairdresser friend of his, Carol Lamir, has indicated that she arranged the contact through Mr. Jackson's assistant when she heard about Gavin. And she learned about Gavin because her son was at the same dancing school that Gavin was at, a dancing school at Olympic and Fairfax in Los Angeles. That is the dancing school where Janet approached Actress Vernee Watson and asked for money and wanted to move in.

Michael Jackson learned about this child's illness and was very upset and very concerned. He arranged for a gift basket, toys, to be sent to the hospital.

In August of 2000, August 27th, the Arvizo family first came to Neverland. And again, that was all part of Michael Jackson's attempt to help a family, he was told, was destitute, with a seriously ill child.

By all accounts, during these early months, the Arvizo children were pretty well behaved. Nobody seems to have had a problem with them on the premises. That later changed, as I will explain to you in my opening statement.

On September 21st, 2000, the Arvizos visited Neverland. They enjoyed the rides. They stayed over. It was the whole family; the mother, the husband, and the three children. The mother stayed in a particular guest quarters at Neverland. This is the guest quarters where she later claims she was falsely imprisoned. It is a beautifully decorated room that Elizabeth Taylor and Marlon Brando always requested when they visited Neverland. It is one of the most beautiful rooms you'll ever see. She says she was falsely imprisoned there on a future date.

She also says that she was prevented from knowing time, couldn't see a clock anyplace. Prevented from just determining when she could leave and not leave.

You will learn in this trial that overlooking Neverland, on one of the most prominent hills with one of the most prominent views of Neverland, is a huge clock. It's lit at night. It's prominent in the daytime. You can't miss it.

To the right of that huge clock is another huge clock. And throughout Neverland are clocks, many of them with a Disneylike type of style to them. Big, ornate clocks.

In the fall of 2000, just as they were visiting Neverland, they hustled Jay Leno, George Lopez, and Weatherman Fritz Coleman in Los Angeles. I've explained to you the approach to Jay Leno, who, by the way, doesn't associate with Michael Jackson at all. And he told the Santa Barbara police something was wrong. The conversation was recorded. They got on the phone. Mr. Leno says, "I'm actually easier to reach than a lot of people think, particularly if I hear somebody's in need." It was Gavin calling him, not Janet. But he said, "I could hear the mother in the background. And the way he approached me, saying, 'I love you, I watch you late at night,'" suggested to him something was wrong. And he terminated the conversation fairly

quickly. He told the police they were looking for a mark.

I already mentioned the problem with George Lopez. See, The Laugh Factory is a magnet for comedians in Los Angeles. Many have started their careers there. And accomplished comedians like Jay Leno and George Lopez once in a while like to drop by again, and they maintain their contacts in the world of comedy.

Fritz Coleman is a newscaster, a weatherman in Los Angeles, very well known. He was approached by Janet and Gavin Arvizo. Janet told him her son was seriously ill with cancer. He arranged a fund-raiser at The Laugh Factory. And we will prove to you that as you entered The Laugh Factory for the fund-raiser, there was Gavin with his hand out in the lobby, with Janet prodding him on.

Now, The Laugh Factory is owned by someone named Jamie Masada, who was mentioned in the prosecutor's opening statement. Masada claims that he's the one who contacted Michael Jackson to talk about Gavin. We believe Carol Lamir. But they both make that claim.

When questioned about where the money went, Mr. Masada first said, "Well, we delivered it to the hospital." But the hospital has no record of cash being paid, because you didn't need to pay anything. The Teamsters insurance policy paid every medical expense.

Fritz Coleman doesn't know where the money went either. It has disappeared in thin air. Where do you think it went.

This was the time when they accused George Lopez of ripping off 300 bucks from Gavin's wallet --

MR. SNEDDON: Your Honor, I'm going to object again.

THE COURT: Sustained.

MR. MESEREAU: Oh, I'm sorry. I'm not supposed to --

MR. SNEDDON: That's twice.

MR. MESEREAU: In October of 2000, Janet, through Gavin, approached Michael Jackson, and said, "We have no means of transportation. We're poor. We can't do it." And Michael gave them an SUV.

We will prove to you that Janet didn't want her name on the registration, because she never disclosed it in her welfare applications and other requests for public assistance, including disability. Nor did she itemize her disability income on her welfare application as required.

When she met with the police at a later date, one of her major complaints was she wanted her car back. The car was severely damaged. No one knows exactly how. There are varying stories about it. It went back to Neverland for repairs. And one

of the first things she said to the police were words to the effect, "Where's my SUV."

Janet Arvizo never directly went to Michael Jackson and asked for money. She always used Gavin and the children. They were always coming to him and saying, "We need this, we need that. Can you help us." And they were helped. Not as part of some criminal conspiracy to abduct a family, imprison a family, extort a family, molest a family, intoxicate a family. Number they were done because he had concern for what they had told him and he had concern for Gavin's health.

One month after Michael Jackson gave the SUV to the Arvizos, that incident with the El Monte newspaper happened. I just told you about the turkey. Her request to an ad. She was very angry at the publisher, because the ad about her family needing money didn't mention the Washington Mutual bank account. She expressed her anger on numerous occasions that they hadn't put the name of the account to deposit money into. That's the account where she had the argument about Gavin's Social Security number.

On November 29th, 2000, the El Monte newspaper reported that it was costing the Arvizos $12,000 for treatment of chemotherapy. All of that was being paid by the Teamsters insurance.

In late 2000, you had the fund-raiser at The

Laugh Factory. You had a number of fund-raisers at The Laugh Factory. Where the money went, nobody knows.

THE COURT: Counsel.

MR. MESEREAU: Yes, Your Honor.

THE COURT: Can we take a break.

MR. MESEREAU: Yeah.

(Recess taken.)

THE COURT: Mr. Mesereau.

MR. MESEREAU: Yes. Thank you, Your Honor.

Ladies and gentlemen, when I began my opening statement, I told you that I was going to begin by concentrating on who these people are and what they have done. And I'd like to continue that little journey for the time being.

We left off when I told you we would prove that in late 2000, there was a fund-raiser at The Laugh Factory, which is a comedy club in Los Angeles owned by Jamie Masada.

On December 22nd, the year 2000, the Arvizos successfully hustled $2,000 out of Actor Chris Tucker --

MR. SNEDDON: I'm going to object to the term "hustled." It's argumentative.

THE COURT: Sustained.

MR. MESEREAU: December 22nd, 2000, the Arvizos obtained $2,000 from actor and comedian Chris Tucker, claiming they were destitute and needed the money for medical bills. I think you know who Actor Chris Tucker is. He was in Rush Hour 1 and Rush Hour 2, the movies.

On October 1st, 2001, Janet Arvizo reported her husband to the police claiming assault, terrorist threats, et cetera. She told the police in Los Angeles that Michael Jackson, Kobe Bryant and Fritz Coleman will help her in her suit against her ex-husband.

Kobe Bryant doesn't know who she is.

On the same day that she made that statement to the police and they put it in a report, the Arvizos convinced police in Los Angeles that they were destitute and had nothing.

On October 4th, 2001, Janet Arvizo brought a video and photos of celebrities she knew to show the police. The police then tried to raise money for she and her family. And they did.

On October 31st, 2001, Chris Tucker took them to Knott's Berry Farm. They had asked him for help because of Gavin and their being destitute.

On that same day, Janet Arvizo went on disability so she could receive $104 per week, didn't disclose the money she'd raised, didn't disclose the J.C. Penney settlement. And as I said before, she never disclosed the disability that she was receiving to the welfare authorities who were paying her as well.

That's the 31st, 2001. She starts getting $104 a week, and almost ten days later, November 9th, 2001, she buys a new car for $23,000.

A week after she buys the car for $23,000, she applies for welfare and food stamps. She reports no assets. She omits her disability income.

She never mentioned her Washington Mutual Bank account, her City National Bank account or the $152,000 J.C. Penney settlement, and those applications are under penalty of perjury. We'll call this the second act of perjury.

On November 20th, 2001, five days after she applied for welfare and food stamps, she filed her arrest report on her husband with L.A. welfare to help her get expedited public assistance. And in December of that year, the LAPD, the Los Angeles Police Department, had a drive to get Christmas presents for the Arvizos because they were destitute and can't pay their medical bills.

In January of 2002, Michael Jackson continued to give gifts to the Arvizos, all kinds of gifts.

Meanwhile, back at the ranch, on January 12th, Janet receives a welfare check. On January 31st, she receives a welfare check. December 8th, she gets a welfare check. March 20th, she gets a welfare check. April 6th, she gets a welfare check. In October of 2002, she reapplies for welfare,

falsely claimed she has not received any assistance in the prior three years and has no assets.

This is the person making these claims against Michael Jackson.

On December 2nd, excuse me, of that year, the Arvizos moved into a new home on St. Andrews Place in Los Angeles with Mrs. Arvizo's fiance, who she has since married. His name is Jay Jackson. He is in the Army. He has paid her rent, she has not disclosed the rent, and she was taking her welfare checks and depositing them into his account to hide them.

On December 22nd, moving along that year, she signed an income and expense statement under penalty of perjury in her divorce action, and she omitted any assistance her boyfriend/fiance was giving her from that declaration, which was under penalty of perjury.

On January 3rd, moving along, her boyfriend paid her back rent at the Soto Street address, which is the studio apartment I described to you before where she brought people to show them how poor they were living. She kept it for that purpose. The family wasn't living there at all.

On January 10th, 2003, she signed a welfare eligibility report under penalty of perjury. She falsely claimed she had not received cash or other benefits, and as I've just told you, we will prove she most certainly had. It goes on and on.

I am going to go through the events of what happened at Neverland and elsewhere so I can prove to you in this trial there was never any molestation or any crime of any kind committed by Michael Jackson. But before I do that, I think it might be wise to tell you a little bit about the purchases she made, care of Michael Jackson, while she claimed she was falsely imprisoned at luxury hotels and Neverland.

Now, keep in mind Ms. Arvizo and her children are claiming that they were falsely imprisoned, that Mr. Jackson masterminded a conspiracy to falsely imprison the entire family at Neverland, where he lives and where he has approximately 40 or 50 employees, many of them ex-police officers, others licensed in day care and things of that sort. She says she was falsely imprisoned on a flight to Florida with Chris Tucker, not with Michael Jackson. She says she was falsely imprisoned at the Turnberry Resort in Florida, a luxury hotel where Michael Jackson was staying. She says she was falsely imprisoned at the Calabasas Inn, a very nice hotel in Calabasas, and she says that she was falsely imprisoned three times at Neverland and went back every time. She has said that under penalty of perjury.

Let's go through what she was buying and what was ultimately billed to Michael Jackson during this terrible period of false imprisonment:

February 14th, 2003: Full leg wax at Bare Skin Salon for $50; a lip wax; a bikini wax. Has her face done at Aromatherapy Day Spa. The total is $140.

February 21st, Lisa's Beauty, hair products for Janet Arvizo are purchased for $28.91. The same day, she buys bras and Jockey bikinis at Robinson-May, a total of $92.24, all billed to Michael.

On February 25th at Anchor Blue, she buys clothing for $448.04 for she and her children. She also goes to Robinson's-May, buys bras, thongs and bikinis for $115.83 in care of Michael Jackson. She buys cosmetics at Lisa's Beauty for $34.29.

On February 26th, during this period of

alleged false imprisonment, she buys clothing at Pacific Sunwear for $26.80. She buys socks, bras, and underwear at the Jockey store for $454.64. At Banana Republic, she buys shirts and boxers for a total of $416.18. She spends $64.32 on clothing at Gap. She spends $436.77 at the Levi's outlet, same day, during this period of alleged false imprisonment.

She spends $74.69 at Abercrombie & Fitch; $88.06 at Robinson's-May for junior clothes; $160.58 at Robinson's-May, again for bras and shorts; and she goes to Foot Locker and spends $91.44 for shoes for her son Star.

The next day, February 27th, another day of alleged false imprisonment by this grand conspirator called Michael Jackson, Robinson's-May cosmetics, day-wear treatment, $129.36; cosmetics, facial soap and lotion for Janet, $30.85; slippers, $28.12. Spends over $63, care of Michael Jackson.

She goes to Rite-Aid during this period of false imprisonment. She buys a mechanical pencil, body spray, feminine hygiene products, Chap Stick and gum for $62.09. She goes to Anchor Blue and spends $92.01.

Gavin gets a haircut the next day at Hsong's Barber Shop for $20. She gets a manicure and a pedicure for $51.

March 3rd, Anchor Blue, more clothing for Janet, $29.23. Then we go to Robinson's-May, cosmetics for Janet, $71.86.

And finally on March 10th, Lovely Nails, a manicure and pedicure for Janet Arvizo, $115.

The total of what I just read to you is $3,312.05 for Janet Arvizo while she's falsely imprisoned at luxury hotels and Neverland.

Ladies and gentlemen, I'd like to address the issue of the Bashir documentary, which the prosecutor has dramatically suggested to you led to incredibly bizarre criminal and frantic behavior by Michael Jackson and others. Before I do that, however, I'd like to put this in perspective a little bit.

You heard the prosecutor tell you that when the Bashir documentary aired, there was panic, a frantic reaction. The media was everywhere. And they were. The Department of Children & Family

Services in Los Angeles was investigating what happened. I will represent to you that we'll prove the District Attorney's Office in Santa Barbara was investigating what went on, and Michael Jackson knew about it.

It all starts really getting going in February, January and February 2003. You have, from all sides, the following: Media everywhere; the D.A's Office looking into what all this means; the Department of Children & Family Services looking at what all this means; the people around Michael Jackson allegedly panicked and concerned. And there was concern, but I'll tell you what it was all about.

The networks start negotiating to have a responsive show to the Bashir documentary, which ultimately happens. So they're converging on Neverland. They're converging on Michael's people and his advisors and himself to try and do something to respond to the Bashir documentary. And guess what happens, they say, in the middle of all of this. That's when they say the child molestation begins.

I submit to you we will prove it never, ever happened.

Can you imagine a more absurd time for it to ever happen. Because what the prosecutor said to you about the media was true. They were everywhere. They were following the Arvizos to their home. They were trying to get interviews. And the Arvizos were asking for money from the media, just like they wanted money to do a production with Michael Jackson.

We will bring in witnesses who will tell you Janet Arvizo wanted distribution rights. She was on the phone with attorneys trying to get distribution rights. Her fiance wanted millions of dollars. He said, "A house, a son's education, none of this is enough. We want a piece of this action."

And when they weren't going to get it, the molestation allegations started to form, just like the pattern I outlined to you before at J.C. Penney and with the ex-husband David. They don't start right away. They end up developing over a period of time, just when they think they're not going to live at Neverland forever, Michael's not going to be a father as she always referred to him everywhere, just as they realized they're probably not going to get rich off a production involving Michael Jackson, just as they realized documents were not going to be executed because Gavin had been in the Bashir documentary that would give them some piece of the net or gross profits.

Just as they realize all of this free ride, this party was ending, did they go to the police with the molestation allegation.

Number they went to a lawyer. And then they went to another lawyer, never to the police, until they had worked out all their legal rights and opportunities. And I will get into that a little more deeply in my opening statement.

And by the way, we will prove to you that down the line, when Janet Arvizo realized it didn't look too good, if there really was a molestation that went on, that you would go to a lawyer and not the police, guess what she started to say. "I learned it from the police."

This was after her lawyer went to the police to report the alleged molestation. We will prove this to you.

Let me tell you how the Bashir documentary happened. It didn't happen exactly as the prosecutor told you.

A journalist, British journalist, named Bashir, Martin Bashir, wanted to do a documentary on Michael Jackson. He wanted it to be scandalous, and he wanted to get rich. And that's what he did. But he knew that getting close to Michael Jackson may not be easy.

After all, so many people around the world want to get near him. They want opportunities they believe he carries with him. This has been an ongoing issue with Michael Jackson his whole life. Because he's a musical genius, because he's so well known, because he's perceived as being so successful, people are always buzzing around him trying to get a hook into his business, trying to just grab something that will give them fame and fortune. It's an ongoing reality. It's an ongoing problem.

And as Michael Jackson has said many times, "I am very lonely because of it." He has written that in his autobiography and he has said it; "Everybody wants a piece of me."

Martin Bashir was no exception, just like the Arvizos were no exception.

So Martin Bashir decided the best way to get to Michael Jackson is a form of flattery. "I will misrepresent to him my true intentions, and I will find that little point of vulnerability that will get him to me so I can work with him and get this project that's going to make me wealthy."

Bashir had interviewed Princess Diana of England sometime previously. He knew Michael Jackson was a great fan and friend of Princess Diana. To any of you who know anything about Princess Diana, you can understand why.

She had the opportunity to simply live in wealth, pomposity, a rigidity in the social structure in England, and she didn't want it, she wasn't happy with it, and she branched out on her own and offended people. And she went to Africa and she worked with children with AIDS, and she made a crusade out of trying to stop land mines around the world which explode and hurt children, mines for civil war. And she decided she was going to live her life the way she chose. She and Mr. Jackson had a friendship and a camaraderie, because he saw that he had pursued a similar life.

Bashir concluded that, "I'll get to him through his love and affection for Princess Diana."

Bashir knew that a psychic in England named Uri Geller, who's been on T.V. doing things, he thought Uri Geller could get to Michael Jackson. And it turns out he could.

He called up Uri Geller and he was gushing with flattery. He said he admired what Michael had done for children around the world. He specifically referred to Michael's visits to sick children in hospitals around the world. He said, "I so admire this. We need to promote it better. We need to do a documentary that will show the world what kind of a person Michael is, and we will focus on children."

And he had some specific ideas. He told Uri Geller that Michael Jackson has always wanted an International Children's Day, much like Mother's Day or Father's Day. And he told Uri Geller that he wanted to bring Michael Jackson to meet Kofi Annan, the Secretary General of the United Nations, and he was hoping by doing so, that Michael would visit Africa and help children with AIDS.

He told Uri Geller, "I can accomplish that," and Geller was very interested.

Geller arranged a meeting between Michael Jackson and Martin Bashir in London. And Bashir gave the same routine that I just described: "You are misunderstood. What you've done is so phenomenal. The world needs to know. I'm the one best positioned to do this project so the world really will understand who you are and what you've accomplished."

And he showed him a letter, somewhat crumbled up letter, from Princess Diana commending him for the way he had conducted her interview.

Everything was sugar and spice and everything nice. Unfortunately, it was false. It was deception par excellance.

The meeting was arranged. Michael met with Mr. Bashir. He agreed to do the documentary because he believed what I just told you.

Michael had some conditions. He didn't want his children's faces to appear on the documentary.

Michael loves his children. They're beautiful little kids. They live with him at Neverland, and they were living there throughout these alleged events, these so-called crimes that didn't happen.

But nevertheless, Bashir wanted to follow him around, and he did follow him to various cities, Berlin, et cetera.

Michael was terrified that his children's faces would be on that documentary. He is perpetually terrified that something will happen to his children. They'll be kidnapped; there will be extortion; there will be a ransom request; they'll be injured, or worse. Bashir agreed. "Their faces will never appear. They will not be recognizable on that documentary." And that was false.

Michael asked him if he could see the footage before it was broadcast, because Michael has been in this business his whole life. He has seen what the media can do to anybody. They can take footage and remove it. They can take footage and connect it. They can take words and replace them. They can do whatever they want and make you look terrible if they want, and it had been done to him often throughout his career. He didn't want that to happen in this documentary.

Martin Bashir assured him he would have full editorial control, and that was a falsehood.

Michael wanted any money he received to go to charity. Bashir assured him it would. Uri Geller also wanted money to go to charity, but he also wanted a personal service fee. He wanted a percentage of the net proceeds, and he worked that out with Bashir, not with Michael.

Let me give you a flavor for what Bashir said to Michael Jackson to induce him to do this project:

On July 23rd, 2002, he sent a letter to Michael's assistant. He had a plan of action for filming at Neverland. He said on July 29th, they wanted to feature Michael with a large group of children, around 50, welcoming them and sharing with them his extraordinary home so that, for one day, their lives can be enriched seeing Michael with the children on the rides and then taking them into his movie theater to watch a film.

The next day, Tuesday, July 30th, "I was hoping that Mac Culkin will be available to visit." He is an extremely close friend of Michael's and has provided support throughout the years. That's Macauley Culkin, the actor.

Wednesday, July 31st, this would be a day spent working with Michael, the musical genius, listening to the song he has written for the international children's holiday, and also viewing some tapes from his extraordinary career, reflecting upon 30 years of success.

Thursday, August 1st, a walk around Neverland, the zoo and all the other attractions that have been built both for Michael and the benefit of others. The beautiful landscape encouraging all of us to become "as little children again," quote, unquote.

Friday, August 2nd, late-night drive through L.A, how Michael still connects with the inner city, and how he has drawn inspiration for his dance scenes from the ghetto kids.

"I shall give you a call tomorrow to check through this, but hope that it will be possible. Obviously, the trip to Africa, plus the U.N. visit are in the early stages of planning, but I shall certainly give you full details as soon as matters are confirmed."

You will learn, ladies and gentlemen, what Bashir said to Michael face to face, as he did this project, a project designed to humiliate, degrade and deceive, he said to him at one point with respect to Michael and children, "I saw yesterday, just to explain, a very special interaction between you, and it was a privilege to see it. I've got three children, and to be honest, it was a bit of an education to watch," referring to Michael and children.

He said to Michael, "You know, nobody ever asks you these questions about how you approach children, how you love children, what you do for children, and how you raise your own." He said, "Nobody ever asks Michael any of these questions. They all ask these ignorant things," and he called those people "scum."

He told Michael, "Neverland is an extraordinary, a breath-taking, a stupendous, an exhilarating, an amazing place. I can't put together words to describe Neverland," flattering Michael, trying to lead him to his destruction.

He said, "One of the things that puzzles me, that I find difficult to understand, is why an artist like yourself, who has brought such beautiful music to the world, who has written the melody of most of our lives, my life - my romantic development was partially shaped by your records - why I find it so difficult to understand is why is it that, having brought this to the world, people are quick to criticize."

He said being with Michael and children was like a beautiful journey. He said to Michael Jackson, "One of the things I noticed about you over the last year is your relationship with your children. Your relationship with your -- and I have to say to you that I didn't know you before, but your relationship with your children is spectacular. It almost makes me weep when I see you with them, because your interaction is so natural, loving, so caring, and everyone who comes in contact with you knows that."

As the prosecutor has told you, he will show you that documentary. Keep in mind, if you will, what I just told you when you see it.

Ladies and gentlemen, Mr. Bashir traveled with Michael through Europe and the United States, spent time at Neverland. Took about eight months to put it together. And on that documentary, Michael Jackson makes very clear, "I don't do anything sexual with children. I don't commit crimes."

Gavin Arvizo is on that documentary.

But ladies and gentlemen, Janet wanted her children in films. She always said that. We have witnesses who will confirm that, and the children all went to acting schools. They wanted to be actors. In fact, while they were visiting Neverland, Michael tried to assist them. He let Star do his own video, called it "The Neverland Channel." They were trying to get him to help them break in. And he did help them.

She knew exactly what was happening when her children went to Neverland and when Gavin was in that documentary. But she had one problem: She wanted money, and she didn't see it coming.

We will prove to you, throughout this trial, that her reaction to this film was primarily, "How do I profit. How do I get distribution rights. What documents should I sign. How do I negotiate the documents." In fact, one witness will tell you that before the family filmed what has been called the rebuttal show that the prosecutor talked to you about, she not only appeared happy as can be about filming it, but she delayed it because she was on the phone with a lawyer trying to figure out what her rights were. And when presented with what is called a model document to deal with distribution rights, she complained, didn't want to sign it, wanted to get advice.

Her main complaint was she didn't profit from the Bashir documentary that became world famous. She did have media following her around. There is no question about that. They did follow her to her house. They followed her everywhere.

There also is no question that we will prove she wanted security with her because she said the media were hounding them so badly. And this stuff about security from Michael Jackson somehow being there to imprison her we will prove is false. She wanted security. She didn't want the media just hounding them, but she did want money from the media. That we will prove also.

Her fiance, now her husband, has testified that they didn't want money, but we have a witness who will tell you that he approached them at their home, and Jay Jackson wanted $15,000 for a photo and article. We will also prove to you that he made the statement, "Michael Jackson can give us a house. Michael Jackson can pay for college. Michael Jackson can pay for benefits. That's not enough. We want big money."

Davallin told a friend of Michael Jackson, "We're getting a home in the Hollywood Hills."

The statements designed to get something of a financial benefit are endless, and we will prove them in this trial.

July of 2000 was the first contact between Gavin Arvizo and Michael Jackson, as I said before. And in August, the Arvizos visited Neverland for the first time. They then came with their father David, they stayed a number of nights, and in October Michael gave them an SUV.

In June -- in the year 2000 -- excuse me, the year 2001, there was very little contact.

Now, I've told you about some of the financial stuff that was going on during the year 2001, but Michael Jackson didn't really see these people in the year 2001. They surfaced again in 2002, but I have already explained to you all the efforts to latch on to other celebrities that they tried, and it didn't completely work.

Michael Jackson, as I said before, did everything he could to help this family overcome

cancer, and they repeatedly commended him for doing so. They repeatedly make public statements that Michael had helped save Gavin's life; that the friendship, the warmth, the encouragement, what went on at Neverland helped save him from cancer. I will read from transcripts to you words to that effect. The accolades were endless until they realized he wasn't going to support them forever, and that's when everything changed and this nightmare of false allegations started.

Bashir arrived at Neverland and he did film Michael Jackson and he filmed Gavin, and he took statements from both. Nobody expected any of this to be secret or quiet. Everyone knew it was for worldwide distribution. What Michael said on that documentary he expected to be publicized throughout the world. It wasn't meant to be a private thing. It was meant to be a public thing, and that needs to be understood as you watch it and hear his words.

And I repeat, he repeatedly says, "Nothing sexual happens with me and children, ever."

He does display some idealism on the film.

He talks about children coming to school with guns and why they need love, why they need caring, that there's got to be a way to change this. He talks about children who need attention and affection, and something must be wrong with all the violence in the world. Yes, that's Michael Jackson's idealism, some might say, to some extent, naivete. Certainly naivete when it comes to making yourself vulnerable to false claims.

At this point, I would like to go through some of what was said in Bashir.

Much of what was said did not appear on Bashir. Fortunately, Mr. Jackson had his own videographer filming while Bashir filmed, and as you can imagine, and this is not unusual with eight months of work, it had to be condensed down into a show. Much of what Michael said about his view of the world, his view of the need for peace and love, his desire to see more creativity in the world and his great belief in children as a cause was left out, and in its place what you will see is commentary by Bashir designed to create a scandal, and he did.

In September of 2002, ladies and gentlemen, the Arvizo family made numerous visits to Neverland, one of them with Actor Chris Tucker. As Gavin says on the Bashir documentary, on one occasion he slept on Michael's bed and Michael slept on the floor. Nowhere in that documentary does he say, "I had sex with Michael Jackson." In fact, months afterward, he was saying in various recorded statements, "He saved my family. He saved me from cancer. He's never done anything wrong."

Now Janet's spin was, "That was because we were falsely imprisoned."

I'm going to go through those statements also.

Incidentally, the prosecutor talked about a videotaped interview with the family, and he used the word "scripted." He used the word "scripted" to suggest that everything you're going to see - because if they don't play it, we will - was somehow memorized, forced, false and fabricated.

Not only is that not true, I invite you to watch it. Watch their facial expressions. Watch their demeanor. Watch the spontaneous answers. Watch how long those answers go on for, and watch the point where Janet doesn't think she's on tape. And when you see that stuff, you ask yourself, "Is this all memorized, or is something wrong here."

Yes, it was a show designed to show the good side of Michael Jackson, to commend him, as Bashir told him he was going to be commended. And, yes, it was designed to show what he had done for Gavin. And, yes, before it, there was a sheet of questions, and everybody pretty much knew, kind of, what was going to be asked. But the responses, just watch them.

Davallin cries as she praises Michael Jackson of what he did for her brother. Janet goes on and on, calling him a surrogate father, the father to her children, says they had no father, and then goes into a long tirade of what victims they have been throughout their lifetime, that you really need to see. She says, "We were spat on because of our race. Nobody would help us. We ate cereal together. Department of Children & Family Services in Los Angeles did nothing for us." And you'll see the anger and you'll see the "I'm a victim" type of mentality throughout. She says, "We were destitute, had nowhere to turn, and Michael Jackson rescued us."

Look at the film, and see if it's memorized. And look at the part where she doesn't know she's on film. The reality is, ladies and gentlemen, she did her own makeup. She had a little curl over the top of her head so she'd look like Michael's well-known sister, Janet Jackson. She wanted to be on film.

Christian Robinson will tell you that she was happy as a lark before it, was eager to do it, was on the phone with someone he thought was a lawyer talking about how much money she could make from it. The notion that this family was falsely imprisoned with some gun to their head and forced to make all those statements is absolutely false.

Gavin Arvizo, as you know, appeared in the Bashir film. It aired in the United Kingdom, England, in February, on February 3rd, 2003. The next day, the media were in a frenzy. As I said before, they began to track down the Arvizo family to follow them around. They were actually camped in front of their home.

That was the day Jay Jackson, her boyfriend, demanded $15,000 for a tabloid interview. He has since denied under oath that he did that. We will prove that he did.

Two days later, on February 6th, 2003, the Bashir program aired in the United States, and Prosecutor Sneddon began an investigation. And Mr. Jackson knew that. Of course, the allegations now are a few weeks after the media frenzy, and the D.A. investigation, and the DCFS investigation, and Michael suddenly starts molesting Gavin.

By the way, we're going to prove something else. Initially when the prosecutors charged Mr. Jackson, they said the molestation began in early February. Later on, they learned that during a DCFS interview, Department of Children & Family Services, the family had all said Mr. Jackson did nothing but help them. Never hurt them. Never did anything wrong.

They later learned that on that video which the prosecutor referred to where he says they had essentially a gun to their head, or words to that effect, and they also praised Mike Jackson and said nothing bad was done, ever, and guess what. That Complaint went by the wayside. An Indictment was returned that changed the dates of the alleged

molestation to begin after those statements. And that's a fact.

And incidentally, we will prove to you that after learning how important those statements could be, where you're recorded twice, actually more than twice, you're recorded over three times saying Michael never did a thing wrong, never molested, never touched, never did anything like that, Gavin changed his story as well. Suddenly it all started later on after the statements made to the Department of Children & Family Services.

How are we doing timewise, Your Honor.

THE COURT: Five more minutes.

MR. MESEREAU: Okay.

It's important, ladies and gentlemen, that I talk about these dates, because the progression of what develops and who gets involved, and the amount of activity going on everywhere is critical to understanding how utterly absurd these dates of child molestation are. And I ask you to consider that as you look at the evidence in this case.

As I said before, the Bashir program aired in the United States on February 6th, 2003. The same day Prosecutor Sneddon announced he was going to investigate, because people were talking about the way Bashir handled this issue of boys allegedly being in the bed. As I said before, Michael said he slept on the floor one time. It wasn't at all the way Bashir was trying to make it look.

The next -- two days later, February 8th, 2003, Ed Bradley of the T.V. show 60 Minutes arrived with a film crew to Neverland. Also present were Jack Sussman, the president of CBS Entertainment, and attorneys David LeGrand and Mark Geragos.

Various networks were trying to compete for the right to do the rebuttal show, the show that was supposed to be a response to Bashir's scandal show.

And there was a lot of activity going on at Neverland and among people associated with Mr. Jackson because, yes, there was great dislike for what Bashir had done and the way he tried to hurt Michael's reputation. But there also were, to a lot of people around Michael, a great business opportunity, because they saw the opportunity to make millions of dollars in a production that never could have happened if Bashir hadn't aired. It was called by everybody a rebuttal piece.

So, yes, there was concern, and, yes, there was elation by certain people around Michael because they thought they could make money. And networks were approaching Michael and people around him to try and benefit from that opportunity. And ladies and gentlemen, millions were made by certain people on the rebuttal film.

On February 16th, 2003, Janet Arvizo and her family were taped by Investigator Brad Miller saying, "Michael's wonderful. He never did anything improper." Now, that's supposed to be part of this, I guess, false imprisonment thing, that apparently they're being forced to do that.

They're living at Jay Jackson's apartment.

Jay Jackson is in the United States Army. Excuse me.

Nobody calls the police, calls the United States Army, complains that, "We're falsely imprisoned. They've got -- they're forcing us to make statements. They're forcing us to testify.

They're forcing us to say certain things complimentary to Michael Jackson." Nobody does because there was no reason to. And the security people were requested by Janet because of all the media frenzy. This may be a good place to end, Your Honor. Thank you.

THE COURT: All right. We'll take our afternoon recess. We'll reconvene tomorrow morning at the same time. Remember my admonitions. Don't discuss the case. Don't form any opinions or conclusions. See you tomorrow morning.

(The proceedings adjourned at 2:30 p.m.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) Number 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify: That the foregoing pages 3 through 170 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on February 28, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, February 28, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
OFFICIAL COURT REPORTER

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

TUESDAY, MARCH 1, 2005

8:30 A.M.

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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Santa Maria, California
Tuesday, March 1, 2005
8:30 a.m.

THE COURT: Good morning.

COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor. Good morning.

THE COURT: Mr. Mesereau.

MR. MESEREAU: Thank you, Your Honor. Good morning.

THE JURY: (In unison) Good morning.

MR. MESEREAU: Ladies and gentlemen of the jury, I would like to clarify some statements I made yesterday, correct a couple of statements, and talk a little bit more about a few other things I mentioned.

First of all, the prosecutor, in his opening statement, made an allegation that Mr. Jackson had intentionally, knowingly provided alcohol to a child on a flight from Florida.

You will learn in the trial that on that private flight were Mr. Jackson, two of his children, his physician, security personnel, and other guests, as well as the Arvizos. And you will hear from his physician that he was in a seat on that plane where he could see everything and never slept. And he never saw anything like this so-called licking that the prosecutor described.

But in that regard, you need to understand that the charges in this case involving alcohol are not charges like a bartender giving an underaged kid alcohol. The charges are that Mr. Jackson gave alcohol for the purpose of molesting.

The alcohol charge is directly tied into allegations of molestation. One doesn't exist without the other in those alcohol charges. And Mr. Jackson absolutely denies that.

In that regard, we will prove to you, through witnesses, people who worked at and visited Neverland, that the Arvizo kids, at times, were out of control, broke into the wine cellar, were caught drinking alcohol themselves, without Mr. Jackson even being present or knowing about it. They also were caught breaking into the refrigerator in the kitchen, drinking alcohol, and they were caught grabbing alcohol from a cupboard. There is one witness who will tell that you Mr. Jackson ordered some alcohol for he and guests and the children stole it. They were caught intoxicated. They were caught with bottles. Mr. Jackson was nowhere around.

We will prove to you that they are now trying to say that he was behind all of this. And it's false.

We also will prove to you that the Arvizo children, as I said before, initially seemed very

well behaved, but that changed. And it changed radically. For example, there are workers who are in charge of the amusement rides. There is a ferris wheel. There are other carousels that children, when they visit Neverland, ride on and play on.

One of the workers in charge of those rides will tell you that he's not sure how this happened, but they appeared to have memorized the codes to start those rides. And he was shocked and horrified to find the kids on a ferris wheel up at the top throwing objects at elephants and people.

They also, we will prove, did that with various codes in the house. They somehow found a way to roam around the house at will when Mr. Jackson wasn't even in town and were actually caught in his room. Those witnesses will testify to those facts. They were out of control.

The prosecutor told you that there were girlie-type magazines and sexually explicit material in Mr. Jackson’s home, and there were. Mr. Jackson will freely admit that he does read girlie magazines from time to time. And what he does is he sends someone to the local market, and they pick up Playboy and they pick up Hustler, and he has read them from time to time. He absolutely denies showing them to children. And, in fact, the magazines the prosecutor referred to were in a locked briefcase. And Mr. Jackson will tell you he found those kids going through his magazines, and grabbed them from him and locked them in his briefcase. That will be proven at trial.

I want to emphasize that Mr. Jackson was paid nothing from Bashir. The original negotiations were that money would go to charities in England. They were talking about 250,000 pounds, British pounds they are.

That, from Mr. Jackson’s point of view, the incentive for doing that documentary was that he trusted Mr. Bashir was going to present him in an appropriate and honorable and honest light. And that’s not what happened.

Yesterday, I mentioned Mrs. Arvizo, while she said she was falsely imprisoned, going for a body wax treatment. I checked the receipt, and I mistakenly said February 14th. It’s February 11th, for the body wax. What is particularly significant about that, other than the fact that it’s hard to believe while you’re being falsely imprisoned you’re going for a local body wax. The significance is this: She, at her own request, was driven from Neverland to a salon. She was gone for about three hours. She was left at the salon alone. She was there for over an hour getting a treatment, when she says she was falsely imprisoned and couldn’t communicate with anyone. That is the significance and that is absurd.

On that particular day, some very odd things happened. Her boyfriend and now her husband, as I mentioned, was a Major Jay Jackson, who’s in the Army Reserve, and he was making approximately $8,000 a month while she was accepting welfare. And he was allowing her to deposit her welfare checks into his account. And as I said to you yesterday, she was not disclosing his income or support in any of her requests for public assistance, which were under oath.

On that particular day, Major Jackson spoke to her on the phone, and something strange happened. In between the body waxes and whatever else she was doing at Neverland, she claims and he claims that she said she had trouble at Neverland and that he called 9-1-1. But when he told her that he had called 9-1-1, she said, “I’m not having trouble. We don’t need 9-1-1.” So the opportunity to call 9-1-1, to call the police, to call the military police, was always there. She says she was kept from these people during all of this false imprisonment by some conspiracy she claims was engineered by Michael Jackson. And that’s false.

On that note, we will prove to you, ladies and gentlemen, that during the period she says she was falsely imprisoned, she had access to the Los Angeles Police Department, and was, in fact, in contact with police officers in the Los Angeles Police Department who she associated with, and never raised an issue about false imprisonment. She was in contact with Major Jay Jackson, who also had access to the military police, and no complaint was made.

She went to a federal building in Los Angeles to get a passport for the trip to Brazil. That federal building was loaded with federal employees, federal agents. Nobody was told there was a problem.

She had access to the Department of Children & Family Services in Los Angeles because they interviewed her. Where. At Jay Jackson’s home. Did she complain, “We’re being falsely imprisoned. We’re being abducted. We’re being pressured. We’re being defrauded. My children are at risk”. No, never.

All of this during the period that the prosecutor says the family was being abducted, falsely imprisoned, children were being harmed, et cetera.

I told you yesterday that Michael Jackson flat out denies these molestation allegations. They are false.

Now, the prosecutor told you that Ms. Arvizo and her children will come in and say there was molestation. They gave you this lurid discussion of masturbation and things of that sort. Well, ladies and gentlemen of the jury, the Santa Barbara Sheriffs raided Neverland. Approximately 70 officers showed up --

MR. SNEDDON: Excuse me, Counsel. I’m going to object as argumentative.

THE COURT: Sustained.

MR. MESEREAU: Ladies and gentlemen, the Arvizo children’s DNA was never found in Mr. Jackson’s bedroom after searching and testing. Their DNA isn’t there. Because the molestation claims are fiction.

I did mention yesterday that Mr. Jackson owns approximately a million book. He does, but I think I may have suggested that they were all in his house. Actually, a lot of them are in storage. So I want to make sure that’s clear. But he is a voracious reader and book collector.

I also indicated to you that the prosecutors initially had filed a Complaint against Mr. Jackson alleging that molestation had occurred, based on what the Arvizos told them before the Arvizos did the rebuttal tape praising Michael Jackson saying he never did anything wrong. And you’ll see it in the trial. And also before they were interviewed by the Los Angeles Department of Children & Family Services where they repeated their absolute denials that he’d ever done anything wrong. They did nothing but praise him to the hilt.

And what I said to you was after the reality of those statements set in, the prosecutors changed the dates of the alleged molestation and now they’re supposed to have occurred after those interviews.

And as I said to you, this is a time when the media and Mr. Sneddon’s investigating, and everybody is talking about this Bashir documentary, and the networks are coming out to see if they can vie for the ability to do a rebuttal tape. This is when they’re claiming these acts of molestation occurred. They didn’t.

Now, Mr. Sneddon, the prosecutor, said to you, “Janet Arvizo doesn’t want money. She’s not doing this for money.”

Well, we will prove to you the following:

As I said yesterday, when she allegedly learned of these molestation claims, she didn’t go to the police, she went to a lawyer. And I just mentioned to you that she was in touch with various members of the Los Angeles Police Department during this period of so-called false imprisonment, this period of a so-called conspiracy by Michael Jackson and his associates.

One of those police officers will testify that Janet said to him, “Something big is happening, and I got a lawyer.” That’s number one.

Number two, as I said to you yesterday, she realized at some point that going to a lawyer first doesn’t look too good. And that’s when she began to claim that she learned about it from the police, not the lawyers. The problem is, that the lawyers are the ones who eventually went to the police. So you’ll have to figure that one out.

Janet Arvizo told the Santa Barbara Sheriffs in one of her interviews, “You know, my kids have till the age of 18 to file civil suits.” And she was correct, because someone underage who has a claim is not held to what is called a statute of limitations the way adults are.

A statute of limitations, as many of you know, is a certain period of time you have to sue if you have a claim, or your claim gets stale. It gets thrown out, because they don’t want -- basically the law says that people can’t go sitting around forever waiting to file claims, or the whole system would be chaotic.

So the statutes of limitation have been defined by the legislature. And they give time periods during which somebody can sue.

For her children, the alleged victims of molestation, they have till 18. And she told that to the police, just as she told the police that she had hired lawyers. Why did she tell that to the police. And why in her police interviews, as we will prove, did she repeatedly say, “I need money, I want money,” or words to that effect.

Ladies and gentlemen, we will prove to you the relationship between a criminal prosecution and a civil claim for damages based upon the same type of alleged conduct. What am I referring to. I think some of you know this already, but we’re going to prove it to you anyway.

Here’s what it is: There is what is called a burden of proof in a criminal case; and that is, you must prove beyond a reasonable doubt the allegations are true and that the defendant’s guilty.

In a civil case what is called the burden of proof is lighter. It’s easier. It’s called preponderance of the evidence.

MR. SNEDDON: Your Honor, I’m going to object to this.

THE COURT: Sustained.

MR. MESEREAU: Ladies and gentlemen, we will prove that Janet and her children are using this case to win a civil case.

MR. SNEDDON: Your Honor, I'm going to object to that as argumentative.

THE COURT: Sustained.

MR. MESEREAU: We will also prove that her lawyer, Larry Feldman, who the prosecutor acknowledged had sued Mr. Jackson a long time ago, a lawyer very well known in Beverly Hills, California, we will prove to you that this lawyer was having

lunch with CNN talk show host Larry King and told him, "She wants money."

Ladies and gentlemen, the prosecutor yesterday alleged that acts of molestation occurred during certain dates. We will prove to you that most of those dates, not all of them, but most of them, Michael Jackson wasn't even near Neverland. Based upon our investigation, we can find four approximate dates where he was at Neverland. But a lot of the dates you heard the prosecutor identify, he isn't even near the place.

Now, ladies and gentlemen, I'd like to talk to you a little bit about these conspiracy allegations, particularly as they relate to the so-called co-conspirators that Mr. Jackson is supposed to be aligning with for the purpose of committing felonies.

The first thing you need to know is what they're saying is that Mr. Jackson committed crimes by agreeing with others to commit crimes, so-called co-conspirators. And the prosecutor identified who those co-conspirators are supposed to be. And indeed, in the charging document, Judge Melville read you their names. Schaffel, Dieter, Konitzer, Cascio, Amen. You know that none of them have been charged. Do you know that the only one they charged with conspiracy is Michael Jackson.

MR. SNEDDON: Your Honor, I'm going to

object as argumentative.

THE COURT: Counsel, it is really -- the way you're saying what you're saying is argumentative form of -- you're not saying, "We're going to prove this, we're going to prove that."

MR. MESEREAU: Okay. Thank you, Your Honor.

We will prove to you that none of those so-called co-conspirators have been charged with any crime. The only one these government prosecutors have pointed out is Mr. Jackson when it comes to these conspiracy allegations.

As I said to you yesterday, Mr. Jackson has a certain lifestyle and presence that attracts all kinds of people on a continual basis who seek to profit at his expense. It's an ongoing problem. It's an ongoing issue. He is one of the world's best known megastars. He's known as a musical genius, one of the greatest in the world. And he's known around the world as someone who's made lots of money. This is the reputation people come to him with and they want to profit from it.

And you can just guess at the characters who show up trying to get their nose under the tent with an idea. An idea for a concert --

MR. SNEDDON: Your Honor, I'm going to object again as argumentative.

MR. MESEREAU: I will -- I will change that, Your Honor.

THE COURT: Rephrase it.

MR. MESEREAU: We will prove to you that Mr. Jackson, because of his presence around the world in the music industry, continually attracts people who seek to profit.

We will prove to you, ladies and gentlemen, that this creates a problem in his life. And here is the problem we'll prove to you exists: Mr. Jackson is an artist. That is what his primary work is. He's an artist. He is called a musical genius. He is a creative person who dances to a creative drummer.

Mr. Jackson was interviewed by Mr. Bashir about how he lives, how he feels, and how he works. And among other things, he responded to Mr. Bashir's questions along those lines. He said, “I have to be inspired. I can’t wake up each day and say, ‘You know, today I have a goal. I’m going to create music. I’m going to create choreography. I’m going to create a video. I’m going to find the message. I’m going to translate it into music and choreography. This is what I’m going to do today.’” He told Mr. Bashir, “I can’t do that. That’s not the way it works. I have to be inspired. I don’t know when I’m going to be inspired. I have to make myself open for inspiration in order to do the kind of work I do.” And to do that, he has to live a certain way.

For example, Mr. Bashir expressed surprise when he said to him, “I have a tree on my property. And lots of times I go up and I sit in the tree alone. And I’m peaceful and I’m still, and I meditate. And very often God gives me that creative spark that I need to do the work that I excel in.” We will prove to you that Mr. Jackson will often wake up at 3:00 in the morning at Neverland. He will walk out of his house alone, and he will take a walk alone under the stars, under the moon, under the sky. He will meditate in his own way, and wait for ideas and inspiration to come. And he often says when it comes to dance or music, “I can’t think my way to the result. It has to come to me, and I have to feel it.” This is his lifestyle, we will prove. And one of the problems, we will prove, is that if you’re going to be that kind of a creative genius, it doesn’t always leave time to sit down with lawyers and accountants and business advisors on a regular basis. In fact, he has said, “When I spend time in those areas, I create less.” What does that mean, ladies and gentlemen. It means he’s vulnerable to being taken advantage of financially and legally. And we will have witnesses tell you, they have observed him presented with documents, and he signs them without reading them. And these types of behavior -- this type of behavior has caused problems in the past for him. But he is the creative spirit he is, and he has to live the way he lives. And he doesn’t live like a criminal, as they have told you.

At one point, a number of individuals approached him, were able to actually get face to face with him and convince him that they could help him out with his affairs. Of course, this has been going on for years. This has been going on, we will prove to you, since he was a child. Because he began performing at the age of five. And by the age of eight was being recognized for his genius and his talent. That’s an early age.

And he was, and his family, were working with studios like Motown, where they got a big break. And as part of the business of music, they were told, “We have publicists, press people, agents, managers. They will tell you what to say. Image is business. Image is critical. You can’t just walk out there and freely discuss your feelings, your life, what you do, what you like or don’t like. We’ll tell you what to say, and you’ll say it.”

And things like personal habits, personal fears, personal idiosyncrasies, were hidden, because, after all, this was big business.

You heard the names Konitzer and Dieter. They did arrive, and they did claim they were going to somehow rescue Michael Jackson from this world of charlatans and profiteers, and would-be do-gooders with a hand in his pocket.

They also revealed who they were during the course of his experience with them. The prosecutor would have you believe that Mr. Jackson was somehow involved with these people on a daily basis, getting all kinds of information from them and knew everything they were doing. He did not.

MR. SNEDDON: Your Honor, I’m going to

object as argumentative.

THE COURT: Overruled.

MR. MESEREAU: He didn’t. This is what Dieter and Konitzer were planning to do with regard to Mr. Jackson: Now, as for his involvement, referring to Michael Jackson, Michael is an entertainer and not a businessman. He does not like business. He does not care about any formalities, proper procedures, detailed briefings, et cetera. Any one of those elements kills his creative energy. He wants to stay out of that. That is the reason why he gave us an extensive power of attorney.

Do you know what a power of attorney is, ladies and gentlemen. I’m sure some of you do. Maybe you all do. It’s giving away to somebody an ability to sign for your affairs and represent you in signing things and doing things from a legal point of view. It’s a very serious act when you

give someone a power of attorney. But they got one out of Michael.

They said further, “His intention was definitely not being bothered with signatures here and there, every other day, and with personal meetings with each and every member of the team. We realized that some might feel insulted, but it’s not personal. Signatures and meetings with Michael will, in general, not happen. Only in very special cases, exceptions will be made.”

We will prove to you that these so-called business advisors made a concerted effort to keep Michael Jackson away from a lot of what they were trying to do on his behalf and to control his affairs, particularly the music business.

On January 11th, 2003, this is what one of them wrote: “Yes, I and Mr. Weizner, whom you met in Las Vegas, are authorized to engage you. We shall gain control of financial affairs, records, documents, agreements, and also operations, anything else belonging to Michael Jackson in their possession or control.”

They identified two phases of activity they were going to pursue: One, take-over. Two, cleanup operation, clean up old business. And they said they were going to create what they called “The Michael Jackson Universe.” This was their business proposal for managing and controlling all of Michael Jackson’s business, while he spent his time creating and writing and choreographing and the things he loves to do.

We will prove to you that, unlike what you were told, he didn’t know a lot of things they were doing, because they intended that he not know what they were doing. And they weren’t telling him a lot of what was going on.

We will also prove to you that a lawyer named David LeGrand was, at one time, retained to help Mr. Jackson. David LeGrand had been a securities law prosecutor. As a securities law prosecutor, we will prove that he had prosecuted people for financial crimes, stock fraud, not following proper procedures and disclosures if you’re selling stock or securities. Things of that sort.

David LeGrand began to smell that something was wrong, and he confronted Dieter and Konitzer with his suspicions, even writing to them and saying, “Why are you withdrawing money. Who told you to do that. Who gave you permission. Where’s it going. What are you doing with it.”

They then were able to convince Michael Jackson to fire LeGrand. But before that happened, David LeGrand commenced an investigation into the activities of these alleged co-conspirators, Dieter, Konitzer, Schaffel and others. He hired a top-flight investigative firm in New York to check out their backgrounds, to check out what they were doing, to see if they were hiding things overseas, to see if Mr. Jackson was being, as he said, defrauded, and to see if they were engaging in acts as what he described as self-dealing.

But they were able to get to Michael and stop the investigation by getting him to fire LeGrand, because they convinced him that LeGrand was doing something wrong.

An investigative report was prepared. It wasn't completed, but it was prepared. It was printed and it was given to Mr. LeGrand.

Marc Schaffel, the prosecutor told you that Mr. Jackson was a partner in his business. We will prove to you he was never a partner in his business.

Marc Schaffel was a film producer who had met Mr. Jackson in the early '90s. And at one point Mr. Jackson said he wanted nothing to do with him. That was in writing from his attorneys.

Marc Schaffel, like so many others, wanted to do business with Mr. Jackson. And typically, as we will prove, when people are on the outs, they band with other people on the outs and look for a way to get back in. They look for a way to glom onto somebody who has Mr. Jackson's ear during the limited time he has to deal with these things. And Mr. Schaffel came forward with a proposal that a

rebuttal show be done with FOX.

Mr. Schaffel travels to Brazil all the time. Mr. Schaffel has friends in Brazil and production facilities in Brazil. And Mr. Schaffel convinced Janet Arvizo that she should come to Brazil, because Michael Jackson was going to be with them in Brazil. And she was all for it. We will produce witnesses who will tell you that Janet Arvizo was very excited about going to Brazil. Her children, apparently, weren't excited, because they wanted to stay at Neverland.

But we will prove to you through witness testimony that she was very happy about going to Brazil until she concluded that Schaffel and Dieter and Konitzer and others were somehow trying to profit off Michael Jackson and keep her out of the profits. That's when all these new claims began to surface.

And when she decided not to go to Brazil, she didn’t go to Brazil. When she decided not to go to Brazil, Marc Schaffel went to Brazil anyway.

Because that’s where he was planning to go all along.

We will produce witnesses who will tell you that she was excited about this vacation. She thought she was going to be with Michael Jackson.

And one of the constant themes I’ve been articulating to you is that when she realized Michael wasn’t going to be there taking care of the family the rest of their life, her attitude suddenly changed. And when she realized she couldn’t make millions of dollars one way, she looked for another way. And here we are.

I was going through a chronological description yesterday of events, and we were into February of 2003. I told you that the Bashir program had aired in the United States on February 6th, 2003. I also told you, ladies and gentlemen, we would prove that that’s the day that Prosecutor Sneddon announced he was investigating. And according to this prosecutor, a little over a month after he starts investigating, and Michael Jackson learns about it, he suddenly begins to molest. It’s false and absurd.

I told you that two days later, on February 8th, 2003, Ed Bradley at 60 Minutes arrived at Neverland with his film crew. Also present was the president of CBS Entertainment, Jack Sussman; Attorney David LeGrand, whom I just mentioned to you, the one who began investigating the backgrounds and the activities of these alleged co-conspirators; and Attorney Mark Geragos.

Now, Attorney Mark Geragos you’ve heard about because he’s been in some high-profile cases in California. And he had been contacted by Mr. LeGrand because Mr. Sneddon had started an investigation. He was at Neverland that day also. That's February 8th.

On February 13th, Janet Arvizo has a phone conversation with Frank Cascio that is recorded, without her knowledge. And I'd like to tell you a few of the things she said in that phone conversation February 13th.

She didn't like those German people, she said, and of course she was referring to Dieter and Konitzer. She said to Frank Cascio, "I love you so much. You don't know how much I love you. Your little sister and your little brother."

Janet Arvizo: "Yeah, it's like we're family, you know, Frank."

Frank tells her, "And to protect Michael, because we've been in this situation many times, Janet. And you know what, it ends up hurting the kids, and we don't want -- and Michael does not want Gavin to be hurt."

Janet, as I said yesterday, has been complaining that the media are harassing her. And that her son, who was in the Bashir documentary, is being hassled at school. She has requested security help and she has gotten it. We will prove to you now she has converted all of this into this notion of being imprisoned.

Janet: "Oh, I know, I know. That's why I'm getting all those information. Oh, for example,

ahh, there was like a year and a half ago, a year and a half ago they did an investigation of me and David." David, of course, is her ex-husband.

"We understand that Michael Jackson and Chris Tucker are involved with you and the kids."

And they said -- and the kids spoke up and they said, "They're family to us. If we didn't have Michael, if we didn't have Michael, we wouldn't have a father, a father figure in our life."

And then the social worker, referring to the Department of Children & Family Services: "Okay. I'll give the person here a call. Name, David Arvizo. And she documented it and everything. So

I'm returning the note paper so you can have all these papers."

She continually says, "Michael is our father." Ladies and gentlemen, Michael Jackson will tell you one time at Neverland he got a very bad feeling and intuition. They were in the theater that you've heard about. There is a theater at Neverland, where you can just go in, and kids can have their seats. It's on an incline. You got a stage and you got a big screen.

He was there with Janet Arvizo and the three kids, Gavin, Star and Davallin. And all of a sudden, Janet Arvizo grabs Michael's hand and has her children all hold hands, and she says, "Let's all kneel down and pray with our Daddy Michael."

And Michael Jackson got a very bad feeling.

And after that, he concluded, "I got to get away. I got to get away. I love helping this child, but something is wrong."

And we will prove to you that he was warned by others, "Get away."

Janet Arvizo continues in that recorded phone conversation, "I know we're family, Frank. Me -- you, me, my kids, are family. You, Marie Nicole, my kids, Baby Rubba, are family. Michael, Marie Nicole, you, me, are family, and my parents, that's all I got."

"So that's why these German people" -- and it's inaudible what she says, but presumably it's not too kind.

She is sensing that Dieter and Konitzer, the ones who wanted to take over Michael's business, are keeping her away from Michael, the daddy figure, the one who's supposed to rescue her family from all of their troubles.

Further on, she says to Frank Cascio, "So he's -- I told him, I told the German people, 'But you don't understand. He's family to us and we're family to him.' And oh, ahh..."

And he goes, "Your kids are unimportant, you know."

"Michael's family to me. My kids call him 'Daddy Michael'."

Yesterday the prosecutor told you he would prove that Michael wanted this. Nonsense.

Frank Cascio: "Michael wants to see you."

Janet Arvizo: "Tell him he's our family."

Frank Cascio: "You don't have to talk to him."

Janet Arvizo: "I thought, like everything, my family was in jeopardy."

Frank Cascio: "No."

Janet Arvizo: "Meaning us being with Michael and Michael being with us."

She fears that relationship is ending.

Ladies and gentlemen, we will prove that three days later, the Arvizo family are interviewed by Brad Miller, a licensed California investigator, employed by Attorney Mark Geragos.

Now, Mr. Geragos at this point was concerned about who the Arvizos were, and what they were up to, and what they really were trying to accomplish.

During this period of alleged false imprisonment, the investigator visits them at their home. Does Major Jay Jackson of the Army Reserve call the police.

No. They have an interview with the investigator that is tape-recorded. Again, three days after that phone conversation with Frank was recorded and she didn't know it was being recorded.

Okay.

She starts talking about her son's cancer.

Janet Arvizo: "To this day it's an unknown cancer. And it's been declared that by multiple laboratories and a team of 12 doctors."

And she talks about her son's internal organs that have been removed. Left adrenal, kidney, tip of his pancreas, spleen, lymph nodes, et cetera.

The investigator says to her, “Okay. Thank you. And what was Mr. Jackson’s role in his recovery.”

Janet Arvizo: “Like a -- like a father to him.”

Investigator: “What would Michael do.”

Janet Arvizo: “Everything a loving father -- unselfish, kind” - inaudible - then “exhibits unconditional love.”

She goes on: “And that’s one thing the role Michael was -- there’s not -- he wasn’t just a father figure to Gavin, he also was to Star and Davallin, because he knew all three of them needed him. And he was, um, is family to me and he also realized that I needed him.”

This is when she’s living with her boyfriend, whom she later married.

Janet Arvizo - we go on further - “Yes, and all -- David’s role - her ex-husband - to make sure he appeared to be a good father to people, because

he knows of the harm that he placed on me and my children for years.”

“How long were you married to David.”

“17 years. I’m living -- we’re legally separated, pending divorce.”

And then she talks about her being the victim of domestic violence by the ex-husband.

I remind you, in the J.C. Penney deposition, she said he had never touched her, under oath.

She talks about her ex-husband committing acts of child endangerment and terrorist threats.

Sound familiar.

Then Gavin says about his father, “He hit me while I -- during my cancer treatment. Even when I had surgery, he hit me a lot.”

Star Arvizo: “He used to hit me in the head a lot and used to always kick me.”

Davallin: “He would throw us against the wall and he would yank us by the hair.”

Davallin: “My mom has bald spots resulting from my father.”

Then Janet talks about how he would abuse their dog and their pet ferret.

Continuing with Janet Arvizo in this conversation that she knew was recorded: “No, I’m just a regular person, Brad. I had to live with him for 17 years. And for 17 years I wished that one day me and my children were going to be delivered from this evil. And when Michael came into the picture, I knew that Michael was kind and gentle and a loving person, and he too had to be delivered from him.”

Continuing; Janet Arvizo: “Yes, he went -- they had filmed. When they had filmed the beautiful story about Michael and my son, David was there, present.”

That’s the Bashir filming. “And he no longer allowed me to be around Michael because he was afraid that I was going to tell Michael about everything. Everything that the children had -- were undergoing by his -- his -- I don’t know how to classify it -- evil demonic ways.”

She calls the ex-husband demonic. Didn’t Mr. Sneddon tell you that she refers to Michael as “the devil”.

Continuing in this interview; Janet Arvizo: “And that one day the kids and me were going to tell Michael. So only one time I went with David up there when he was the -- and me and Michael were dancing. Just dancing. We were approximately -- maybe like 20 feet from each other and we were dancing to the same song. And when I -- and when we were taken back into that room, that’s why the rest of the trip Michael never saw me again. I was beaten up.” She says she was beaten up inside the guest room by her ex-husband at Neverland.

Were police called. No. Were complaints made. No. Did anyone hear about it. No. Were security yards contacted at Neverland. No. Kitchen staff, zookeeper, management, administration, fire truck operator. No.

“And me, because I knew that Michael was going to help us. I knew he was going to protect us, as any loving father would, as any head of household. Because that’s how I see Michael, as a family man. He’s a family man.”

The investigator looks at Gavin, and he says, “Gavin, tell me about when you would spend the night with Michael. Where would you sleep.”

“I spent the night with Michael one time when he slept on the floor.”

He says his brother and he slept on Michael’s bed. Michael slept on the floor. And “Michael slept on the floor. Michael slept on the floor.”

“When I had cancer, he would sleep on the floor. And my brother would be there with me.”

“Was there ever anything inappropriate with Michael.

Janet: “Never.”

Davallin, the sister, says the following:

“He’s a bigger father to all of us. He’s given us safety. He’s given us love. He’s given us everything we’ve ever wanted. He’s been our father figure. He’s the only thing we know to be a father.”

Michael Jackson is being sucked in. And look what happens when you try to sever the connection and not take responsibility for this family for the rest of your life, after you were kind enough to help them when they were in need.

Janet Arvizo: “And being what I endured for 17 years, I would be the most sensitive to any little thing. And Michael has never, absolutely never made me feel, in any way, form or shape or matter, that anything was different, other than Gavin, as a son to Michael, Star as a son to Michael, Davallin as a daughter to Michael. And Michael father, like a father to all three of them. And to me, family. We, my kids and me, no rejection. We know neglection. We’ve been rejected, neglected, spit on, fried, tried, burned, abused, the door shut in our face, opportunities lost. And Michael said -- took us from way behind in the line and pulled us up to the front, and said, “You matter to me. You may not matter to many people, but you matter to me. And that’s what’s important.’”

The prosecutor wants you to think this was all scripted and done through force at the Major’s home. The Major in the United States Army.

Janet talks a little bit about her life, ladies and gentlemen. That obviously is going to be an issue in this courtroom. She says David, her ex-husband’s older brother, is a convicted drug dealer. She says she would get beatings “because I wouldn’t participate in drug activities or drug sales. I got beat up for things I stood for.”

Always leading up to “Michael has rescued us from destruction. We are his family. He is responsible for us.”

As I mentioned to you, that was February 16th, 2003, three days after the recorded phone conversation.

Now we go to February 20th, four days later.

We will prove to you that Janet and the kids did a video, freely, voluntarily; they wanted it. The kids wanted to be on camera. They wanted to be actors. The mother wanted to be on camera. The hitch was they wanted lots of money.

They arrived at the home of the videographer in Los Angeles. We will produce witnesses who will tell you that Janet seemed happy as a lark, excited and interested; but delayed it so she could talk to someone whom she thought was an attorney. She didn’t want to sign a document releasing rights. She wanted rights. She wanted money if they were going to be filmed. So they went through a lot of discussion like that.

No false imprisonment, no abduction. No

force. Nothing like that.

She was laughing and giggling throughout the video, as you will see. You will see her laughing during the filming. And you will see her laughing with her kids when they think they're not being filmed.

She goes through the same routine I just read to you. The same victim routine. "We were spat on because of our race, our poverty. Nobody would help us. We shared cereal. We were going nowhere," words to that effect. "And Daddy Michael rescued us. Took us into his fold, became the surrogate father." And they all praise him to the hilt. This is February 20th. They praise him for all he has done to help Gavin with his illness. They praise him for all he has done to help them enjoy life. But implicit in everything she says is, "We are now his family. He is now our dad."

Again, while she's living with Major Jay Jackson of the United States Army. Again, she says, this is all part of the false imprisonment. And as I said to you yesterday, when you see this tape - and if they don't show you, we will - just watch the responses. Watch the facial expressions. Watch the spontaneity in the Arvizos. Watch Davallin shed tears about wonderful Michael is. Watch Gavin praise him for being a father figure; and say to yourself, "Is this whole family rehearsed because

there's a gun to their head." Absolutely, positively no.

She does bring religion in; I'll tell you that. She says that, "God's grace as God works through people, so does the devil. But God elected to work in Michael to breathe life into Gavin and to my two other children, and to me a much necessary love in a very traumatic time in our life." On, and on, and on.

The next morning, she's interviewed by the Los Angeles Department of Children & Family

Services. Now, the prosecutor told you that this was all under the gun too, because there was some security guy imprisoning them or stopping their movement or stopping them from calling someone on a telephone. Did they ever tell the interviewers from the Los Angeles Department of Children & Family Services, “We’re being held against our will, my children are being abducted, I’m being falsely imprisoned, we are prisoners of Michael Jackson”.

No. They sang his praises again.

And you know something. Actor Chris Tucker, from the Rush Hour Series, girlfriend was there too. Did they ever look at her and, say, “Please, sneak a call to the police. Call 9-1-1. Do something. Help us. We’re being restricted”.

No.

After they realized the effect of these

interviews, after they realized it might be a tough sell, that this is all scripted and done by force, that’s when the dates of the alleged molestation changed to after these interviews. Gavin has said to the police on one occasion it was before the DCFS interview, and then changed it to it was after. How come.

How come.

The day after those interviews, Ms. Arvizo went to a lawyer named William Dickerman. She had concluded that she had been duped by Schaffel, Dieter, Konitzer, Frank, Vinnie. She had concluded she was not going to get a piece of the action from any rebuttal show, which, as you know, was supposed to be a response to the Bashir documentary.

And as I said to you yesterday, yes, there was concern over Michael being placed in a false light, and Bashir. But also these people saw great money-making opportunities, because you could do another show and the networks were bidding for the other show.

She decided she wasn’t going to be able to obtain what she wanted and now it was time to take legal action. She had the lawyer send a series of letters to Geragos. And they started coming. First of all, she was upset that she was joined with Michael as a complainant, a plaintiff in a British lawsuit against the company that produced the Bashir documentary. Because as I said to you yesterday, we will prove Michael was duped by Bashir, didn’t want his children revealed so you could recognize them on the show, thought he had editorial control, and trusted Bashir.

Janet claimed to be upset that her son was on the show. In reality, we’ll prove, she wanted money from the show. That was the problem. She had joined Michael Jackson in a suit in England with Michael Jackson paying the fees. And it was done through LeGrand, his lawyer who I mentioned before, who had obtained legal counsel in England.

She decided, “I’m not going to get much out of any of this.” So she went to this lawyer and he starts writing letters to Mr. Geragos, saying she wants her property back, which is in storage.

At her request, her property was taken from the studio apartment, put in storage. Her back rent was paid by these people who were helping her out, because she wanted to go to Brazil, and she always complained, “I want to live in a nicer place.”

In fact, her daughter stated to one witness, “We’re going to get a nice home in the Hollywood Hills.” Her fiance and now husband complained, “We want more than a house out of this. We want more than a college education out of this. You guys are making millions. What are we getting.”

She wanted out of that location. What she decided to do when she thought she couldn’t make money the friendly way was to make money through lawyers the hostile way. And Dickerman started sending letters, “We want her furniture back, we want her possessions back,” as if Michael Jackson wanted to steal her furniture and possessions. But nevertheless, he also said, “We don’t want Mr. Jackson’s people hassling her, harassing her.

Interestingly enough, the letters keep coming, and there’s never any mention of child molestation. Not in any of these letters.

Those claims evolved with time.

In late March, Janet Arvizo bumped into one of the Department of Children & Family Services workers who had interviewed her at a hamburger place, late March 2003. Never mentioned sexual misconduct, false imprisonment, extortion, child abduction, giving alcohol to minors for sexual purposes. Never mentions any of this stuff. Sees her at a public place.

March 26th, Lawyer Dickerman contacts Mark Geragos and never mentions sexual misconduct. It’s in April of 2003 that Janet Arvizo goes to Lawyer Larry Feldman.

On April 16th of 2003, the Santa Barbara Sheriff’s Department closes their case investigating Michael Jackson. They conclude no criminal activity has gone on.

In May of 2003, that’s May 15th, Larry Feldman, who, as you know, has sued Michael Jackson before, gets Janet and the children to talk to a psychologist that he uses as an expert witness in other cases. In other words, lawyers often will have experts they want to use and the experts get paid, and they’re kind of in bed together.

Not until May 29th, 2003, does this psychologist suddenly claim he has a reasonable suspicion there was molestation. I repeat the date. May 29th, 2003. She hires Attorney Feldman in April. It’s not till the very end of May that they come up with these false claims.

On June 5th, 2003, the psychologist meets with Lawyer Feldman and Lawyer Dickerman. They’re all collaborating. Doesn’t go to the police. Janet doesn’t go to the police. The kids don’t go to the police.

Psychologist Katz and Lawyer Feldman go to the Los Angeles Department of Children & Family Services on June 13th to report this.

I’d like you to hear this one, ladies and gentlemen: On September 30th, 2003, Lieutenant Klapakis from the Santa Barbara Sheriff’s Office calls the Los Angeles Department of Children & Family Services and doesn’t want them to interview the Arvizos. I repeat, doesn’t want them to interview the Arvizos. They already had.

On March 29th, 2004, Janet Arvizo testifies under oath before a grand jury in Santa Barbara and says she learned for the first time about the molestation from the police. That, we will prove, is false.

Ladies and gentlemen, it’s going to be a long trial and you’re going to see and hear lots of evidence. We are extremely confident that, when you do, you are going to find Michael Jackson absolutely not guilty of any of this.

Thank you. `

THE COURT: Thank you, Mesereau.

MR. MESEREAU: Thank you, Your Honor.

THE COURT: We’ll take our morning recess. Remember the admonition.

(Recess taken.)

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(An off-the-record discussion was held in chambers.)

THE COURT: All right. Is there a stipulation reached.

MR. SNEDDON: Yes, Your Honor, between counsel.

MR. SANGER: Yes, Your Honor.

THE COURT: Would you state, briefly state the stipulation.

MR. SNEDDON: Yes, Your Honor. The stipulation is that there are certain exhibits lodged with the Court in connection with the grand jury proceedings, and there’s a stipulation that those exhibits can be released to us, to the People, and that -- for mutual use by both sides.

MR. SANGER: So stipulated, Your Honor.

THE COURT: I’ll approve that stipulation and release the exhibits.

MR. SNEDDON: Thank you, Your Honor.

THE COURT: Leslie, is the unit on here. Is this on.

THE BAILIFF: You need to --

THE COURT: No, I just asked if the --

THE BAILIFF: It takes about ten seconds to heat up.

THE COURT: You may call your first witness.

MR. SNEDDON: Thank you, Your Honor. Call Martin Bashir.

Mr. Bashir, come forward, please.

THE COURT: Come forward to the witness stand. And when you get to the witness stand, remain standing, face the clerk here, raise your right hand.

MARTIN BASHIR

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name is Martin Bashir. M-a-r-t-i-n; surname, B-a-s, as in “sugar,” h-i-r.

DIRECT EXAMINATION

BY MR. SNEDDON:

Q. Mr. Bashir, I'm going to ask you if you'd scoot a little closer to that microphone, if you can.

A. I'm not particularly tall. I'm sorry.

Q. That's all right.

Mr. Bashir, what is your profession or occupation.

A. I'm a television journalist.

Q. And how long have you been involved in that occupation.

A. I've been involved in journalism for 20 years, and I've been a television journalist for around 18 years.

Q. Could you just --

THE COURT: Somehow you need to get closer to that mike. Can you swing it towards you a little bit.

BAILIFF CORTEZ: It's bolted down.

THE COURT: It moves this way.

THE WITNESS: I'm sorry.

THE COURT: Okay.

THE WITNESS: Sorry.

THE COURT: You'll have to move to it. It doesn't --

THE WITNESS: I'm sorry. I've been working as a journalist for 20 years, and I've been working as a television journalist for around 18 years.

Q. BY MR. SNEDDON: Tell us a little bit, to the ladies and gentlemen of the jury, if you would, a little bit about what a television journalist does.

A. A television journalist is somebody who performs the task of journalism, which is, in effect, to report, to research, to investigate, to report stories. The distinction would be that a television journalist, as opposed to a newspaper journalist, would use the medium of television so that -- when I started my career, I would write for newspapers, do stories for newspapers, did some sports reporting, some general news. And then when I moved on to television, it was the same core task of reporting, but it was done using the medium of television.

Q. And then how does the profession -- how does the way that you practice that profession differ, if it does in any respect, from those that we see on the nightly network news stations reporting the news as a journalist.

A. There would be no distinction as to what I’m doing. I’m covering stories and reporting. I suppose the distinction would be that news journalists would tend to file shorter reports. My career has tended to be fixed around long-form films. I mean by that documentaries, half-hour, one-hour, and in some cases two-hour films, current affairs programs. So I would tend to be described in the United Kingdom as a current affairs specialist, somebody who does long-form film as opposed to nightly news.

Q. Now, in the practice of your profession, where is it that you’ve worked professionally.

A. As a television journalist.

Q. Yes, sir.

A. I began at the BBC with what we call regional broadcasting. That would be like a local affiliate to you.

Q. Now, what is the BBC.

A. The BBC is the British Broadcasting Corporation. It is a state-funded broadcasting organization which does everything from drama, comedy, to news and current affairs, light entertainment, music, and I joined a local regional station in London covering news that was breaking in London. I did that for three years. Then after that, I was promoted to a network position on a current affairs program called “Public

Eye." And there I did a variety of domestic stories, everything ranging from car crime, to stories about violent attacks and racist attacks on immigrant groups in London.

After that -- I did that for about three years, and then after that I moved on to a program called "Panorama," and that was in 1992. "Panorama" is the BBC's flagship current affairs program. And whilst on that program, I did a number of important stories, and the first film I did for "Panorama" was actually a film about allegations of satanic abuse. I did a film which investigated whether there was such a thing. There was so-called satanic covens --

MR. MESEREAU: Objection. Narrative.

THE COURT: Sustained.

Q. BY MR. SNEDDON: In the year of 2002 -- excuse me just a second.

(Brief interruption.)

Q. BY MR. SNEDDON: All right, Mr. Bashir,

let's jump forward in your career to the year 2002, if we could.

A. Sure.

Q. Where were you employed professionally in the year 2002.

A. I was employed by the United Kingdom's biggest commercial television network ITV.

Q. And what does "ITV" stand for.

A. Independent Television.

Q. And in connection with your professional responsibilities there, did you do video documentaries.

A. What do you mean by "video documentaries".

Q. All right. Then obviously you didn't, if you don't know what it's called.

When you do programs, what do you call them.

A. I call them films.

Q. Films.

A. Yeah. Current affairs films.

Q. Current affairs films, so we can talk about the same thing.

Now, could you give me just two or three or maybe four, just by name, of individuals that you’ve done current affairs films for over the years.

A. Sure. I did a one-hour special on a notorious serial killer called Harold Shipman, who is alleged to have murdered 273 people and was found guilty in court and in fact committed suicide quite recently. I did an hour on that.

I did a special hour on an extraordinary story featuring a Maltese couple who came to the United Kingdom, and the mother was --

MR. MESEREAU: Objection. Relevance.

THE COURT: The qualifications is overruled.

Q. BY MR. SNEDDON: Did you do a current affairs piece on Princess Diana.

A. I did, yeah. That was not in 2002. That was in 1995.

Q. All right. So you did do that.

A. I did.

Q. And how long was that production.

A. I think the total duration was around an hour and 50 minutes, an hour and 45 minutes.

Q. All right. Now, in connection with your current affairs occupation or business during the year 2000, did you do a current affairs film on the defendant in this case, Michael Jackson.

A. I did.

Q. And could you tell me when it was that you commenced that, in what year.

A. 2002.

Q. And when did you finish it.

A. The broadcast date was the 3rd of February, 2003.

Q. When did you actually complete the project, the filming of it.

A. The filming of it, I think the last day of filming was the 14th of January, 2003, in Miami.

Q. Now, during the time -- and you have -- let me ask you this: Did you review the actual film that was used in connection with the broadcast you just mentioned in Great Britain.

A. I’m sorry, what do you mean, did I “review” it.

Q. The one that was shown on the television.

Excuse me, let me just go back for a second if we can.

What was the name of the program in which the current affairs film on the defendant in this case, Mr. Jackson, was shown in the United Kingdom.

A. It was titled, “Living with Michael Jackson.”

Q. And what program was it connected with.

Some individual program, or just --

A. It was made by a team. The current affairs team that supplied the weekly output for ITV was called “Tonight.” The show was called “Tonight.”

Q. That’s what I was after, what the show was called.

A. Forgive me, I’m sorry. The program itself, because it was longer than a normal “Tonight” show, was actually broadcast on a different night in the evening for a longer duration, so it was given its own specific title for that reason.

MR. SNEDDON: All right. Your Honor, at this time I have two exhibits I’d like to have marked as People’s 1 and People’s 2 for identification purposes.

Actually, if you would excuse me, I will make my way over to the clerk.

(Off-the-record discussion held at counsel table.)

MR. SNEDDON: Your Honor, the exhibits that I’ve just had the clerk mark for identification purposes, People’s 1 is a custodian of the records declaration from a Phillip Lunt, L-u-n-t, from Granada Productions as the declarant, as the custodian.

And the second exhibit is the -- I’m opening the package and removing from it the film. That’s been marked as People’s Exhibit No. 2, which according to the authentication, is a copy of the program that was shown in Great Britain on February the 3rd, so I'd like to have both of these moved into evidence as People's 1 and 2, and I intend to then show the video to the jury.

THE COURT: All right. They're admitted.

Q. BY MR. SNEDDON: Mr. Bashir, one last question before we actually show the video.

During the time that you were in production of the video "Living with Michael Jackson," were you aware of the fact that Mr. Jackson also had one of his videographers accompanying you during the filming of your footage.

MR. BOUTROUS: Objection.

Your Honor, I should probably introduce myself. I'm Mr. Bashir's counsel, Theodore J. Boutrous, Jr., and I'm joined here today by Henry Hoberman, who is a senior vice-president and the head of litigation for ABC News, and pursuant to the Court's prior order, I'm going to object to this question on the grounds that it calls for unpublished information that's protected by the California Constitution's journalist shield law which is meant to protect the independence of journalists from being called to testify.

And I'd like to renew our objection to Mr. Bashir being called today and also would rely on the First Amendment, First Amendment privilege for journalists.

Thank you, Your Honor.

THE COURT: Mr. Boutrous, the objection you raise, it's not a privilege. It's a shield from contempt. So from the standpoint of sustaining your objection, I won't sustain the objection.

The question's been asked. Are you going to answer the question.

MR. BOUTROUS: Your Honor, the First Amendment privilege is a privilege, so I would request that the Court enforce that privilege. This is unpublished information gathered in the newsgathering process, and it's important for journalists to have that freedom to gather news and report it without intrusion of the courts. And I would ask the Court to enforce the First Amendment privilege.

We have great respect for the Court and don't want to go into contempt, but we would ask the Court to preclude that type of questioning. And based on some of the arguments, I'm concerned that this will become a side issue, and it could really do harm to the ability of journalists to gather information that's of important public interest and concern and disseminate it to the public.

So I'd ask the Court to at this point limit the questioning to published information and background information about Mr. Bashir on both sides, because I'm concerned about where the --

THE COURT: The rights are different on both sides.

MR. BOUTROUS: They are, Your Honor, and in fact it's an absolute privilege with respect to -- yes, it's an absolute privilege with respect to the District Attorney, and on that ground, I would ask the Court to enforce it absolutely and preclude this question, and Mr. Jackson's lawyers have not made any showing thus far that they have any ability --

THE COURT: True. We're not at that issue.

MR. BOUTROUS: Okay. Thank you, Your Honor.

THE COURT: The question, though, has been asked. The objection is overruled. And I'm asking the witness if he's going to answer the question. Would you like it read back to you.

THE WITNESS: I would, yes.

MR. SNEDDON: Thank you.

(Record read.)

THE WITNESS: The answer to the question is yes, but the individual concerned --

MR. MESEREAU: Objection.

THE WITNESS: -- only filmed on two

occasions.

THE COURT: Wait. You answered the question, and there’s an objection. The question is answered.

MR. SNEDDON: Okay.

THE COURT: And the answer was “Yes.”

MR. SNEDDON: Okay. Your Honor, I understand you have a button that has to be activated before we can show the VCR.

THE COURT: That’s true.

MR. SNEDDON: And my second question is, Your Honor, we do have a transcript of this if, in the Court’s discretion, you would like to have the jurors have them at this time. If not, that’s fine.

THE COURT: Because I’m not sure at this point that the transcripts are transcripts of this, and you couldn’t make that representation to me, I’m

not going to allow the transcript to be passed around.

MR. SNEDDON: That’s perfectly understandable, Your Honor. All right.

THE COURT: Now, I think I pushed the right button.

MR. BOUTROUS: Could I make a request. Would it be possible for Mr. Bashir to come down so he can watch the broadcast rather than -- I can vacate my seat if that would --

THE COURT: Oh, yeah, absolutely. But I didn’t want to have him come down yet until we’re sure that -- I think we’re at that point.

MR. BOUTROUS: No problem.

MR. MESEREAU: If I may lodge an objection, Your Honor; no transcripts. The rules of Court require them before you show a tape.

THE COURT: Audiotape. They require them on videotape.

MR. MESEREAU: I believe so, Your Honor. They also require that the jury have the transcript.

THE COURT: I don’t think that’s the case.

MR. SNEDDON: I thought that what it required was that the record on appeal requires a transcript, not that it’s required at the time.

THE COURT: You have to lodge the tape with the Court, which I didn't prevent him from doing. He wanted to hand the jurors copies, and you weren't in chambers, but it was represented in chambers that he hasn't had the opportunity to compare his transcript to this tape. So I'm not -- you know, I'm not having that. I wouldn't want to hand it to the jury at this point.

MR. SNEDDON: Because it just got here.

THE COURT: Yeah, this tape just got to my office last Friday.

MR. SNEDDON: Yes, sir, at the court.

MR. MESEREAU: Could I request, Your Honor, that we get a copy of their transcript.

THE COURT: Certainly.

MR. MESEREAU: Thank you.

THE COURT: Now, I'm going to let Mr. Bashir sit down, if you're sure you don't have any other questions to ask him.

MR. SNEDDON: I better quit while I'm ahead, Your Honor. I guess we'll have Mr. Bashir come down here, I'll give him my chair, and he can watch.

THE COURT: I can't see. Is there any room. There's someone nodding affirmatively. He can sit next to that individual.

Mr. Bashir, you may step down now.

THE WITNESS: Thank you.

MR. BOUTROUS: Just to be clear, too, this is Mr. Hoberman, who I identified in passing.

MR. HOBERMAN: Good morning, Your Honor.

THE COURT: The individual shaking his head was co-counsel.

MR. HOBERMAN: Good morning, Your Honor.

THE COURT: Good morning.

Whenever you're ready. I have a button here that also allows me to have the screen go blank, and if counsel is concerned, any of the attorneys is concerned -- huh.

MR. SNEDDON: I thought you were still talking.

THE COURT: If you’re concerned, tell me and just say, “Blank it,” and I’ll do that.

MR. SNEDDON: All right.

THE COURT: That would only be because it shows something I don’t anticipate.

(Whereupon, a portion of a videotape, People’s Exhibit No. 2, was played for the Court and jury.)

THE COURT: You know, would you hold it a second.

There’s one admonition that I want to make to the jury before we watch this, and I’m going to give you a more detailed instruction on this later, but I just want to prepare you for this right now:

That the video of “Living with Michael Jackson,” which is this video, at this point is not offered for the truth of anything said or shown in the program, with the exception of certain passages that will later be identified.

You will receive additional instruction with regard to these identified passages. The rest of the contents of the video is hearsay and not -- and cannot be considered by you to prove anything other than the fact that the program aired in February of 2003.

You may now go forward.

MR. ZONEN: Your Honor, we’re ready.

THE COURT: Yes.

(Whereupon, a portion of a videotape, People’s Exhibit No. 2, was played for the Court and jury.)

MR. SNEDDON: There’s about a 30-second break, Your Honor. Or 45 seconds.

THE COURT: Thank you.

MR. SNEDDON: We’re missing the commercials.

MR. AUCHINCLOSS: Your Honor, I can try and fast forward through this if you’d like.

THE COURT: Whatever you’d like.

(Whereupon, a portion of a videotape,

People's Exhibit No. 2, was played for the Court and jury.)

THE COURT: Well, it's almost time for the 11:30 break, so let's take the 11:30 break.

(Recess taken.)

THE COURT: All right. You may proceed.

(Whereupon, a portion of a videotape, People's Exhibit No. 2, was played for the Court and jury to its conclusion.)

THE COURT: Do you anticipate needing the screen again for a while.

MR. SNEDDON: No, sir. I have no further questions, Your Honor.

CROSS-EXAMINATION

BY MR. MESEREAU:

Q. Mr. Bashir, my name is Thomas Mesereau, and I speak for Mr. Jackson.

A. Thank you.

Q. At some point in time, you made an effort to contact Mr. Jackson about doing this show, correct.

A. That is correct.

Q. And approximately when was that.

A. I think it was around April 2002.

Q. And you contacted someone named Uri Geller, correct.

MR. BOUTROUS: Objection, Your Honor. I think Mr. Mesereau is now straying directly into the areas covered by the California shield law and the First Amendment, and we would ask the Court to rule that that kind of inquiry is off limits.

THE COURT: Before we rule on that objection, I think we need to discuss the scope of the examination here. As I see it, the prosecution put him on simply to authenticate the tape. I suspect you would like to examine him at length, based on your opening statement, about a lot of things.

MR. MESEREAU: Yes, Your Honor. But he does give special thanks to Mr. Uri Geller at the end of the tape. And the prosecution played that tape, and I think they've opened the door on that one.

MR. SNEDDON: It's not even in for the truth of the matter stated, Your Honor.

THE COURT: I think I'll -- do you have him under subpoena.

MR. MESEREAU: No.

THE COURT: What I think I should do is to limit your examination of him at this time as to the foundation of the tape. So that's what I'm going to do.

Q. BY MR. MESEREAU: Mr. Bashir, in order to produce the show we've just watched, you had to speak to Mr. Jackson, true.

MR. BOUTROUS: Objection, Your Honor. Again, this is unpublished information. It's clear from the face of the tape that Mr. Bashir talked to Mr. Jackson, and that's published material and that's the limits of the proper examination.

THE COURT: I'll overrule the objection for the same reason I stated earlier.

Would you be more comfortable to be at counsel table where you have a microphone.

MR. BOUTROUS: That might be helpful, Your Honor. It might be better for the jury, and they

won't have to see me jumping up and down. I don't want -- I'm a little uncomfortable taking one side or the other.

THE COURT: Well, I think you need to take a chair. We won't assume you're taking anyone's side.

MR. BOUTROUS: Okay. Thank you.

And, Your Honor, may I just inquire on the procedure that the Court is following. Because the approach the Court took, the initial objection was to ask Mr. Bashir to decide whether to answer. And I'm reluctant to have him make that decision without knowing that I'm going to be able to argue against a potential contempt finding based on the shield law.

So if the Court could clarify the procedures that it's following, that would be very helpful.

THE COURT: Well, the procedure I was following was to let you make your objection. Then I'll ask the witness if he wishes to answer the question, and we will go from there.

MR. BOUTROUS: Will I have an opportunity, if the witness declines to answer based on the constitutional shield law protecting journalists, to then argue that the material's protected and the Court should not hold Mr. Bashir in contempt.

THE COURT: Of course.

MR. BOUTROUS: Thank you, Your Honor.

MR. MESEREAU: Your Honor, the prosecution did go into Mr. Bashir's qualifications. May I cross-examine in that area.

THE COURT: Yes.

MR. MESEREAU: Thank you, Your Honor.

Q. First of all, Mr. Bashir, I did ask you a question, and that question I'll repeat: In order to produce what the jury has just seen, you had to make contact with Mr. Jackson, correct.

A. Correct.

Q. And you made numerous attempts to contact Mr. Jackson, true.

MR. BOUTROUS: Again, Your Honor, I object on the grounds that that's unpublished information, and it's also unclear from the face of the tapes that he had contact with Mr. Jackson.

MR. MESEREAU: Your Honor, I have correspondence from Mr. Bashir. It's pretty obvious that, in a nonprivileged context, he was trying to make contact and say what he wanted to do.

THE COURT: The objection is overruled.

Do you wish to answer that question, Mr. Bashir.

MR. BOUTROUS: I'm going to leave it to Mr. Bashir. It puts him in a difficult position. Because there's a very important legal principle that's taken. It does not matter whether Mr. Mesereau claims to have correspondence or that there's other documents. That's the limits of the permissible --

THE COURT: I think I understand the legal parameters.

MR. BOUTROUS: -- information.... I just want to make sure I preserve the record and that the --

THE COURT: You are doing an excellent job.

MR. BOUTROUS: Thank you, Your Honor.

THE WITNESS: Your Honor, my preface is to simply stand by the film as you've seen it and to testify as to its contents.

THE COURT: All right.

MR. MESEREAU: I'll object, Your Honor, and move to strike his comments. They were not in response to any question.

THE COURT: Well, actually they were a response to my question if he wanted to answer the question.

THE WITNESS: Sorry, sir. That --

THE COURT: So I won't let you strike that. All right. He is following his counsel's advice and he's not answering that question. Next question.

MR. MESEREAU: Your Honor, I would move for sanctions against the witness. Or I would move to strike all of his testimony, including the prosecution's playing of this tape, if he refuses to be cross-examined.

THE COURT: The way I would like to proceed

with this is that he -- he does have some protection under the shield law that his counsel has been pointing out. That protection is against contempt of court.

What I think I'll do is let you ask him the questions, let his attorney make the objections, let him decide whether he's going to answer. And then I'll make a record -- we have a record of those questions, and then I'll review them later to determine whether or not I feel a contempt charge

should be issued. It’s really a ticklish area of the law.
MR. MESEREAU: Thank you, Your Honor.
Q. Mr. Bashir, you outlined some qualifications you have in the world of journalism, correct.
A. I didn’t outline any qualifications, sir. I just referred to the chronology of my career.
Q. Did you mean, when you did that, to explain that you’re a qualified professional journalist.
A. I meant simply to explain my career chronologically, sir.
Q. Do you consider yourself as a professional journalist.
A. I do, sir.
Q. Do you consider yourself a professional journalist because you’ve had certain experience in journalism.
A. I do, sir.

Q. Do you consider yourself to be a professional journalist because you’re educated in the world of journalism.
A. My academic studies were not in journalism. They were in the arts and humanities. So I don’t have a formal qualification, if that’s what you’re asking, sir, but I have the experience that comes with working in the profession.
Q. Now, as a journalist in England, you are regulated by a certain administrative agency, correct.
A. Could you repeat the question.
Q. Sure. Is there an organization or an administrative agency that goes by a title somewhat like British Broadcasting Standards Board.
A. There is an organization called the Broadcasting Complaints Commission. Would you be referring to that.
Q. I think I am. Do you work with that organization in any capacity.
A. That organization doesn’t employ journalists.
Q. Have you been sanctioned by that

organization.

A. Could you repeat the question.

Q. Have you been sanctioned by that organization.

A. By the Broadcasting Complaints Commission.

Q. Yes.

A. The answer to that question is, three complaints were made against me. Two of the key complaints were entirely rejected, and they were to do with balance and fairness. One of the three was upheld. This is -- sir, just so I can explain so people understand, because they --

Q. Certainly.

A. -- because they may not understand.

The Broadcasting Standards Commission is not a legal body, and it has no particular merit in a legal setting.

Q. Nevertheless, a complaint against you as a journalist was upheld, true.

A. As I said, sir, three complaints were made. The two key complaints were entirely rejected. One complaint was upheld of the three.

Q. Let's talk about the one that was upheld, sir. There was a complaint against you that was upheld by that agency, correct.

A. There was, sir, yes.

Q. And what did they complain about, Mr. Bashir.

A. The complaint related to -- to what -- to what -- to how I described what I was doing with the story that I was working on.

Q. And what were you doing, Mr. Bashir.

A. I was doing journalism.

Q. Could you put a little teeth on that and just tell the jury what we're talking about.

A. In relation to.

Q. You don't know what we're talking about.

A. Do you mean the specific program. Sorry, I don't know whether -- sorry, I apologize. Are you asking me about the complaint, or are you asking me about the story, the reporting that I was doing.

Q. Why don't you tell the jury about both.

MR. BOUTROUS: Your Honor, I'm going to object. Mr. Mesereau is now inquiring about unpublished information or unbroadcast information about another matter. Same objection.

THE COURT: Well, it's a compound question. Sustained.

MR. MESEREAU: Okay.

Q. Please describe for the jury the subject matter of the complaint you just identified, Mr. Bashir.

A. The story was about a teenaged prodigy, a mathematics genius, who had run away from university, had legally emancipated herself from her family. And the story was to describe what had happened from both sides.

Q. You were accused of misrepresentations, true.

A. No, that's incorrect.

Q. You were not accused of misrepresenting

anything in that complaint.

A. I was accused of unfairness, which was entirely rejected. I was accused of breaching an agreement, which was entirely rejected. I was accused of not representing the entirety of what I was doing with that broadcast to one of the individuals.

Q. Kind of what you've been accused of here, right.

MR. BOUTROUS: Objection.

MR. SNEDDON: Argumentative, Your Honor.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Mr. Bashir, how long was the film you did on Mr. Jackson.

A. The total duration.

Q. Yes, please.

A. I'm afraid I don't know in exact terms. It's some time -- it's over two years since the film was broadcast. I think it was around an hour and 15 minutes.

Q. And how many hours of footage did you obtain during the time you spent with Mr. Jackson.

MR. BOUTROUS: Objection, Your Honor. Unpublished information, covered by the shield law and the First Amendment.

THE COURT: The objection is overruled. Do you wish to answer.

THE WITNESS: No, I don’t.

THE COURT: Next question.

Q. BY MR. MESEREAU: You don’t know at all. Can’t even estimate.

THE COURT: He doesn’t --

THE WITNESS: That’s not what I wish to answer.

THE COURT: He chose not to answer.

MR. MESEREAU: Your Honor, I would move that the entire testimony be stricken and the prosecution’s evidence be stricken.

THE COURT: That’s denied.

MR. MESEREAU: I would ask for contempt, Your Honor.

THE COURT: The procedure that I’m going to follow I already outlined.

MR. MESEREAU: Okay. Okay. For the record, Your Honor, could I have a running objection if he refuses to answer a question, or shall I make my request each time.

THE COURT: No, you don’t need to do that. Let me just understand what we’re having a running record about.

MR. MESEREAU: Yes.

THE COURT: If he -- if his attorney objects, and he declines to answer based on his attorney’s advice, I will review that question for contempt proceedings without further necessity on your part to request that. Your motion to strike his entire testimony and evidence is denied.

MR. MESEREAU: Okay. Your Honor, could I have that be a running objection as well.

THE COURT: Yes.

MR. MESEREAU: Okay. Thank you.

Q. Mr. Bashir, you communicated with Mr. Jackson's assistant by letter before you began filming this show, correct.

MR. BOUTROUS: Again, Your Honor, I object. It's unpublished information created and prepared in the course of news gathering and covered by the shield law and the First Amendment.

THE COURT: Do you wish to answer.

THE WITNESS: No.

MR. MESEREAU: Same objection, Your Honor.

THE COURT: And I'll review the record.

Q. BY MR. MESEREAU: Mr. Bashir, you wrote to Mr. Jackson's assistant and said you would very much like to feature Michael with a large group of children, around 50, welcoming them and sharing with them his extraordinary home so that, for one day, their lives can be enriched, correct.

MR. BOUTROUS: Same objection, Your Honor.

THE COURT: Do you wish to --

MR. SNEDDON: Your Honor -- excuse me. Could I add an objection to that also. Beyond the scope of direct examination.

THE COURT: Sustained as to beyond the scope of the direct examination.

Q. BY MR. MESEREAU: Mr. Bashir, you interviewed Mr. Jackson and repeatedly asked him questions about his desire for an international children's holiday, correct.

MR. BOUTROUS: Same objection, Your Honor, in that would seem to be beyond the scope of the direct examination as well.

THE COURT: Sustained as to beyond the scope.

MR. MESEREAU: Your Honor, will the Court permit me to ask questions about what's actually on the tape.

THE COURT: No, because the tape's being

introduced not for the truth of the matter asserted, but for a different purpose. There are some areas, however, that I didn't instruct the jury on about the assertions that they wish to have considered for the truth of the matter. And those would not be out of bounds, because -- well, let me ask the District Attorney.

You do not intend to offer any other evidence of those statements that were the subject of the motion to have the Court consider the statements for the truth of the matter.

MR. SNEDDON: No, I think we outlined in our motion, and the Court made its ruling last week. Is that what you're referring to, Your Honor.

THE COURT: Well, I'm asking you, this is the only evidence you're going to have of those statements, so --

MR. SNEDDON: Yes, sir.

THE COURT: Then those statements open cross-examination as to those statements.

Do you understand what I'm saying.

MR. MESEREAU: I think I do, Your Honor.

The statements you had us isolate for purposes of constituting admissions --

THE COURT: Yes.

MR. MESEREAU: -- is what you're talking about.

THE COURT: That's correct.

MR. MESEREAU: May I take a second just to obtain those.

THE COURT: Yes.

MR. MESEREAU: Thank you.

While we're getting those, Your Honor, if I may, I'll just continue.

THE COURT: Sure.

Q. BY MR. MESEREAU: Mr. Bashir, you had Michael Jackson sign an agreement without a lawyer present, true.

MR. BOUTROUS: Again, Your Honor, beyond the scope of the direct and covered by the shield law.

THE COURT: I'd overrule that objection.

Will you answer that question.

THE WITNESS: Mr. Jackson signed two

agreements in which he asked for no conditions whatsoever and agreed that I was free to make the film with him. And the first of those agreements was signed in November 2002, and the second agreement was signed in January 2003, just about two weeks prior to broadcast of the British version of the film that you've just seen.

MR. MESEREAU: Your Honor, I would move to strike the answer and request that the Court order the witness to answer the question.

THE COURT: All right. It's stricken. And I'll ask the court reporter to read back the question so that you understand the question.

(Record read.)

MR. BOUTROUS: I renew my objection, Your Honor. That goes to news gathering and relates to information prepared in connection with news gathering.

THE COURT: The objection is overruled. Do you wish to answer that.

THE WITNESS: I think I agree with my attorney that I have protections under the shield law, Your Honor.

THE COURT: All right.

MR. MESEREAU: Same objection would be noted, Your Honor.

MR. SANGER: I'm sorry, Your Honor, it's hard for Mr. Jackson and for us to hear the witness.

THE WITNESS: I apologize. It's my fault. Sorry. I'm sorry.

THE DEFENDANT: Speak up.

THE COURT: And, yes, you don't need to. I'm going to review all of the questions.

MR. MESEREAU: Thank you, Your Honor.

Q. Mr. Bashir --

THE COURT: If you want to, you can.

MR. MESEREAU: Okay.

Q. Mr. Bashir, you have been accused in England of forging signatures, correct.

A. Incorrect.

Q. No one has ever made that accusation, sir.

MR. BOUTROUS: I’m going to object, Your Honor. Hearsay; lack of foundation; beyond the scope of direct examination.

THE COURT: Sustained on beyond the scope of direct.

Q. BY MR. MESEREAU: Mr. Bashir, to qualify as a professional journalist, do you have to fulfill any particular educational program.

A. In the United States or in the United Kingdom, sir.

Q. Anywhere.

A. I’m frankly unsure about how that applies in the United States. And in the United Kingdom, there would be different ways of progressing your career. Some people would do it through the route of

experience. And others would do it through some kind of academic qualification. I think others will have a mix of the two.

Q. How did you do it.

A. A mix of the two.

Q. Could you please explain that.

A. I was given training during my employment at the BBC. And I also took opportunities to work in print and radio journalism, so I combined the experience part with the training.

Q. You are currently a paid legal analyst for ABC, correct.

A. Incorrect, sir.

Q. Are you a paid employee by ABC in any capacity.

A. I am, sir.

Q. Could you please tell the jury what that is.

A. I’m employed as a correspondent for ABC News, which is owned by Disney.

Q. How long have you been paid as a correspondent for ABC.

A. My contract began on the 1st of September, last year.

Q. Are you covering this case as a correspondent who is paid.

MR. BOUTROUS: Objection, Your Honor, beyond the scope; and again, requiring him to cover news gathering activities is covered by the shield law.

THE COURT: Overruled. Do you wish to answer that question.

THE WITNESS: No, I don’t, Your Honor.

MR. MESEREAU: Same objection. Thank you.

THE COURT: Noted.

Q. BY MR. MESEREAU: Mr. Bashir, if you look at the two documents you referred to that you say Mr. Jackson signed, his signature appears to be different from document to document, correct.

MR. BOUTROUS: Same objection, Your Honor. And -- same objection on the shield law, Your Honor; and beyond the scope of direct.

THE COURT: Sustained; beyond the scope.

Q. BY MR. MESEREAU: Mr. Bashir, did you request that Michael Jackson bring Macauley Culkin so you could film him at Neverland.

MR. BOUTROUS: Same objection under the shield law and the First Amendment, Your Honor. And beyond the scope of direct.

THE COURT: Sustained on beyond the scope.

Q. BY MR. MESEREAU: In the process of putting this film together, Mr. Bashir, did you write to Michael Jackson’s assistant and say you wanted to film the beautiful landscape encouraging all of us to become as little children again.

MR. SNEDDON: I’m going to object as beyond the scope.

THE COURT: You must let him finish his question before you interrupt. Don’t interrupt is what I’m saying.

MR. BOUTROUS: Could I just object, though.

The scope of the direct is very clear. Mr. Mesereau knows what the scope of direct is. And now he’s just knowingly asking questions that are beyond the scope of direct. And I would ask the Court to ask him to refrain from doing that. That would truncate the examination.
THE COURT: I would like to be able to hear the question he’s asking so that I can make a reasoned ruling on his question.
Q. BY MR. MESEREAU: Mr. Bashir --
THE COURT: You had not finished the last question.
Would you read back his answer as far as you got it. His question.
(Record read.)
THE COURT: Is that the complete question.
MR. MESEREAU: Yes.
THE COURT: And the objection.
MR. BOUTROUS: Same objection. Beyond the scope of direct; shield law; First Amendment.
Q. BY MR. MESEREAU: Mr. Bashir, did you, in the process of getting -- making contact with Mr. Jackson so you could make this film, misrepresent that you were putting together a trip to Africa for Mr. Jackson to visit sick children.

MR. BOUTROUS: Same objection, Your Honor. Beyond the scope of direct; shield law; First Amendment.
THE COURT: I’ll sustain the objection; beyond the scope of direct.
Q. BY MR. MESEREAU: Mr. Bashir, did you allow Mr. Jackson any editorial control over this film.
MR. BOUTROUS: Same objections, Your Honor.
THE COURT: The objection beyond the scope is sustained.
Q. BY MR. MESEREAU: Mr. Bashir, before this film was shown - and I’m talking about the actual film itself, not generally speaking. I’m talking about what the prosecution has used in this courtroom today, all right. - did you watch that actual reel.

MR. BOUTROUS: Same objections. Beyond the scope; shield law; First Amendment.

MR. MESEREAU: I think we're discussing authentication, Your Honor.

THE COURT: The objection is overruled. Do you want the question read back.

THE WITNESS: Yes, please, Your Honor.

(Record read.)

THE WITNESS: I don't wish to answer the question. The question is -- is protected under the shield law.

MR. MESEREAU: Your Honor, I would --

THE COURT: Maybe you didn't understand the question. I hope I did. The question is, did you watch this reel right here, just before we showed it.

THE WITNESS: Today.

THE COURT: Today.

THE WITNESS: Oh. I'm happy to answer that question, Your Honor.

THE COURT: Is that your question.

MR. MESEREAU: Yes, Your Honor.

THE COURT: Okay.

THE WITNESS: No, I did not.

MR. MESEREAU: Move to strike the prosecutor's evidence and testimony as being unauthenticated.

THE COURT: I'll take that under advisement. I'll have to go back and look at it.

Q. BY MR. MESEREAU: Before you testified today, did you discuss your testimony with Prosecutor Sneddon.

A. I did not.

Q. Before you testified today, did you discuss your testimony with anyone.

A. I had private discussions with my attorney.

Q. Other than your attorney, before you testified today, did you discuss what you were going to say with anybody.

A. No.

Q. No one with your company.

A. No.

Q. Never mentioned it to any other journalists, Mr. Bashir.

A. Today.

Q. Yes, sir.

A. I haven’t been with any other journalists, sir.

Q. How about yesterday.

A. I wasn’t with any journalists yesterday, sir.

Q. Have you discussed with any other journalist at any time what you were going to say in this courtroom in this case, Mr. Bashir.

MR. SNEDDON: Your Honor, what’s the materiality of this question. That has nothing to do with the direct examination.

THE COURT: Overruled.

You may answer.

THE WITNESS: The only -- I’ve discussed this case with my attorney.

Q. BY MR. MESEREAU: To your knowledge, when did you receive a subpoena in this case, Mr. Bashir.

A. At the beginning of this year.

Q. Are you telling this jury, under oath, that since you received a subpoena, or since you knew you received a subpoena, till today, you’ve never discussed what you were going to say with anyone

other than your attorney.

A. I’m trying very hard to remember so that I can be accurate, sir.

Q. You can take your time.

A. Thank you.

As far as my recollection goes, I recall discussing the matter with my attorney.

Q. Let me state the question again, because you may not have understood it. You learned you had received a subpoena when.

A. At the beginning of this year.

Q. Since you learned you had received a subpoena, have you ever discussed the fact that you were going to be a witness with anyone other than your attorney.

MR. BOUTROUS: Your Honor, I'm going to object. That's a different question than discussing what he was going to say. I'm not sure how he could discuss what he was going to say before the trial.

MR. MESEREAU: Objection, Your Honor. These are speaking objections. This is improper form.

THE COURT: The objection's overruled.

Q. BY MR. MESEREAU: You're free to answer.

THE COURT: And I can have it read back for you.

THE WITNESS: That's okay, Your Honor. Thank you.

I'm happy to state that I discussed the

matter with my attorney.

Q. BY MR. MESEREAU: You may be happy to say that, sir, but would you please answer the question.

MR. SNEDDON: Your Honor, that's argumentative.

THE COURT: Sustained.

Read the question back to him, please.

(Record read.)

THE WITNESS: I discussed the matter with my attorney, sir.

MR. MESEREAU: Your Honor, could I ask that the witness be ordered to respond to the question.

THE COURT: You haven't quite answered it.

THE WITNESS: I understand, Your Honor. The difficulty is I want to be completely accurate in my answers, unequivocal and clear. And what I know for certain is that I have discussed the matter with my attorney.

THE COURT: And no one else.

THE WITNESS: I'm pretty sure that's the case, but I can't -- I can't be as unequivocal as I'd like to be, and that's why I'm hesitant.

THE COURT: Okay. Next question.

Q. BY MR. MESEREAU: Correct me if I'm wrong, Mr. Bashir - and I might be - you do not have a clear recollection of telling any other journalist, since you learned you had a subpoena, that you’re going to be a witness in this case, right.

A. No.

MR. SNEDDON: Your Honor, I’m going to object to that question. That was not the question that was asked.

MR. MESEREAU: It’s another question.

MR. SNEDDON: Then the framing of the question is improper.

MR. MESEREAU: It’s not improper, Your Honor.

THE COURT: The objection is overruled. I’m going to have the question read back. Whenever there’s an argument like that --

THE WITNESS: Thank you.

THE COURT: -- we lose the question.

(Record read.)

THE WITNESS: The fact of my subpoena, sir, was published in various forms of media, so that everybody knew that I had been subpoenaed as a result of that. It is possible that during my work for ABC, I may have mentioned that I had been subpoenaed.

If you are suggesting that I had a detailed discussion about what I was going to say, that is completely untrue. But it is possible -- as I say, I wish to be as clear as I can, but it is possible that I mentioned the fact of my subpoena to my colleagues.

Q. BY MR. MESEREAU: But as you sit here today, you just don’t remember ever mentioning it to any particular colleague, true.

A. That’s not what I said.

Q. What are you saying.

MR. BOUTROUS: Asked and answered; and argumentative.

THE COURT: Overruled. You may answer.

MR. MESEREAU: I’ll restate it, Your Honor, if it will make it easier.

Q. Mr. Bashir, are you telling this jury, under oath, that you don’t have a clear recollection of ever telling any journalist that you were going to be a witness in this case.

A. Sir, what I said was, that news of the subpoena was published broadly and wide, internationally. And as I returned to my core task at ABC News, I may have mentioned the fact that I had received a subpoena.

Q. Are you telling this jury that you don’t have a clear recollection of ever telling any particular journalist that you were going to be a witness in this case; yes or no, Mr. Bashir.

A. Sir --

MR. SNEDDON: I’m going to object to that. It’s argumentative.

THE COURT: I’m going to sustain the objection, only because you said, “Are you telling this jury,” as opposed to just asking a question.

MR. MESEREAU: I’ll rephrase it.

THE COURT: Everybody is telling this jury everything. They’re sitting right there.

Q. BY MR. MESEREAU: Mr. Bashir, do you recall telling any particular journalist that you were going to be a witness in this case.

A. As I’ve said, news of my subpoena was published. And I’m quite sure that it’s possible that I may have mentioned the fact that I had received a subpoena in relation to these proceedings.

What I am -- your earlier question, which slightly confused me, was that you were suggesting that I may have had a discussion with individuals about the content of what I would say.

Q. Mr. Bashir, please tell us if you don’t understand the question. Okay.

A. Thank you.

Q. Do you recall ever telling any journalist that you were going to be a witness in this case; yes or no.

A. I've answered the question.

MR. MESEREAU: May I ask that the witness be instructed to answer the question, Your Honor.

THE COURT: You have not answered the question. Would you answer the question.

THE WITNESS: My answer to the question, Your Honor, is that I cannot specifically recollect a time, a day, and an individual with whom I had a detailed discussion about the subject of my subpoena. What I am saying is it is perfectly possible that it was mentioned to me, or by me, as I returned to work.

Q. BY MR. MESEREAU: Mr. Bashir, I'm not asking you about day or time. I'm just asking you if at any time you told any journalist that you're going to be a witness in the case.

A. It's possible.

Q. Are you saying under oath you don't recall any specific individual that you spoke to about that.

A. That's what I'm saying, sir.

Q. And you don't recall any specific journalist you ever told, "I'm going to be a witness in the Michael Jackson case".

A. I just can't be specific, I'm afraid, sir.

Q. Is your office in New York with ABC.

A. It is, sir.

Q. Are there other offices near your office at ABC.

A. There are, sir.

Q. Are there journalists who occupy those offices at ABC, Mr. Bashir.

A. There are, sir.

Q. Do you tend to chat with those journalists from time to time, sir.

A. I have a private office. And I tend to spend a large amount of time out on the road. So opportunities to talk like that are not very frequent.

Q. Whose office is next to yours at ABC.

MR. BOUTROUS: Your Honor, I'm going to object on relevance grounds and beyond the scope of direct, and asked and answered, and many things.

THE COURT: The problem is, Counsel, that he said that he only spoke to his attorney about this, and he has a privilege which we all understand. The reason I have not sustained objections is, counsel has been exploring whether or not he spoke to anyone else about that besides his attorney.

But guess what. It's time for a break.

THE WITNESS: Thank you, Your Honor.

(Recess taken.)

THE COURT: You may proceed.

MR. MESEREAU: Thank you, Your Honor.

Q. Mr. Bashir, I'd like to ask you some questions about some statements of Michael Jackson that Judge Melville has deemed to be legal admissions. They are statements that were contained in your show.

To obtain those statements, you told Michael Jackson he was underappreciated, true.

MR. BOUTROUS: Objection, Your Honor.

Covered by the shield law; beyond the scope of direct; and covered by the First Amendment.

THE COURT: Just so you know, I was going to allow him to go outside of direct for these issues rather than have your client come back on some other date. There have been hearings outside the presence of the jury concerning these statements.

MR. BOUTROUS: Your Honor, then I would request that Mr. Mesereau be limited to nonleading questions, since he will be handling this as a direct witness. And I'll continue to make my objections, but if he's going outside the scope, I would request that.

MR. SNEDDON: Judge, I have a further

comment. In fairness to Mr. Bashir, perhaps he should have the statements in front of him, so he knows which ones they are, since we’ve just watched an hour and a half of the video. He has the disadvantage from us, I think.

THE COURT: Well, I think the witness right now is Mr. Mesereau’s. I’ll allow him to conduct the examination as he chooses.

MR. MESEREAU: Thank you, Your Honor.

Q. I’ll repeat the question, Mr. Bashir. To obtain statements from Mr. Jackson, you told him he was underappreciated, correct.

MR. BOUTROUS: Same objections, Your Honor. Plus, leading question.

THE COURT: The Court will sustain the objection for ambiguity.

Q. BY MR. MESEREAU: Mr. Bashir, to obtain an interview with Mr. Jackson, you told him you were a friend of Princess Diana, correct.

MR. BOUTROUS: Same objections, Your Honor.

THE COURT: The objection being, when you say “same objection” --

MR. BOUTROUS: First, impermissible leading question; beyond the scope of the direct elicited by the District Attorney. In addition, it seeks unpublished information connected to news gathering prepared and gained during news gathering. Conversations with the source is news gathering. So I would invoke the California shield law and the First Amendment.

THE COURT: Here’s the problem, Mr. Mesereau: You’re back to the general question on the whole tape, the whole thing. And my prior statement that the question was ambiguous is that he doesn’t know what statements you’re talking about. So --

MR. MESEREAU: I will --

THE COURT: -- if you would --

MR. MESEREAU: I could refer to some statements, Your Honor.

THE COURT: All right.

MR. MESEREAU: Sure.

Q. Mr. Bashir, in the show you prepared, which we've just seen, Mr. Jackson made statements to the effect that nothing sexual was going on in his bed, correct.

A. Correct.

Q. To obtain the interview you had with Mr. Jackson when he made that statement, you told him that he was underappreciated, true.

MR. BOUTROUS: Objection, Your Honor, on the shield law grounds and First Amendment grounds, unpublished information, and the tape that the jury has seen speaks for itself.

THE COURT: All right. The objection is overruled.

Do you wish to answer that question.

THE WITNESS: I'm standing on the broadest privilege and the shield law, Your Honor.

MR. MESEREAU: Objection noted, Your Honor.

THE COURT: Yes.

MR. MESEREAU: Thank you.

Q. Mr. Bashir, in the show about Michael Jackson, Mr. Jackson says that nothing sexual went on in his bedroom. To obtain that statement, you told Mr. Jackson that your romantic development was partially shaped by his records, true.

MR. BOUTROUS: Objection, Your Honor. Same grounds. First Amendment; shield law.

THE COURT: Do you wish to answer that question.

THE WITNESS: No, Your Honor.

THE COURT: All right. The objection is noted.

Q. BY MR. MESEREAU: Mr. Bashir, on the show we just saw in this courtroom, Mr. Jackson says that nothing sexual goes on in his bedroom.

To obtain that statement from Mr. Jackson, you told him that when you looked at his relationship with children, it almost made you weep,

correct.

MR. BOUTROUS: Same objections, Your Honor. California shield law and the First Amendment. And I object to that question as being ambiguous as well, the first phrase, “to obtain that statement.” Object to that.

THE COURT: The objection is overruled. Do you wish to answer that.

THE WITNESS: I don’t, Your Honor.

MR. MESEREAU: Objection noted, Your Honor.

THE COURT: Yes.

Q. BY MR. MESEREAU: Mr. Bashir, on your show, Mr. Jackson says that nothing sexual ever went on in his bedroom.

To obtain that statement from him, you told him that you believe in his vision of an international children’s holiday, correct.

MR. BOUTROUS: Same objections, Your Honor. The shield law and the First Amendment.

THE COURT: Overruled. Do you wish to answer that question.

THE WITNESS: I don’t, Your Honor.

MR. MESEREAU: Objection noted, Your Honor.

THE COURT: Noted.

Q. BY MR. MESEREAU: Mr. Bashir, in this interview you did of Michael Jackson, he says that nothing sexual went on in his bedroom.

To obtain that statement, you told him, “Neverland is an extraordinary, a breathtaking, a stupendous, an exhilarating and amazing place. I can’t put together words to describe Neverland.” True.

MR. BOUTROUS: Same objections, Your Honor. First Amendment and the California shield law.

THE COURT: Do you wish to answer that question.

THE WITNESS: I don’t, Your Honor.

THE COURT: Noted; objection noted.

MR. MESEREAU: Thank you, Your Honor.

Q. Mr. Bashir, to prepare the show you’ve just shown the jury where Michael Jackson says nothing sexual went on in his bedroom, you told him that you had an abiding sense that he is selfless and a most generous person, correct.

MR. BOUTROUS: Same objections, Your Honor.

THE COURT: Do you wish to answer that question.

THE WITNESS: I don’t, Your Honor.

THE COURT: Noted.

MR. MESEREAU: Yes, Your Honor. Thank you.

Q. Mr. Bashir, to obtain the statement from Mr. Jackson that nothing sexual goes on in his bedroom, you described Neverland as a beautiful landscape encouraging all of us to become as little children again, true.

MR. BOUTROUS: Objection, Your Honor, and I want to repeat my objection on the leading question ground, and I believe the improper form of the question, and again, reassert the California shield law’s protection of unpublished information prepared and gathered in news gathering, and the First Amendment.

THE COURT: The objection’s overruled.

Do you wish to answer.

THE WITNESS: I don’t, Your Honor.

Q. BY MR. MESEREAU: Mr. Bashir, to obtain Michael Jackson’s statement that nothing sexual goes on in his bedroom with children, you complimented him for what he does for disadvantaged children from the ghetto, true.

MR. BOUTROUS: Same objections, Your Honor.

THE COURT: Do you wish to answer.

THE WITNESS: I don’t, Your Honor.

THE COURT: The objection is noted.

MR. MESEREAU: Thank you, Your Honor.

I just need to get one notebook, if I can, Your Honor.

Q. Mr. Bashir, to obtain the statement from Mr. Jackson that nothing sexual went on in his bedroom with children, you told him that you were going to arrange a meeting with Kofi Annan, the Secretary General of the United Nations, and would plan a trip to Africa with Mr. Jackson and Kofi Annan to help African children with AIDS, true.

MR. BOUTROUS: Same objections, Your Honor.

THE COURT: The objection is overruled. Do you wish to answer.

THE WITNESS: I don’t, Your Honor.

THE COURT: The objection is noted.

MR. MESEREAU: Yes. Thank you, Your Honor.

Q. Mr. Bashir, to obtain Mr. Jackson’s statement that nothing sexual ever went on in his bedroom with children, you told him that you had great admiration for his visiting sick children in hospitals in England, true.

MR. BOUTROUS: Same objections, Your Honor.

THE COURT: The objection’s overruled. Do you wish to answer.

THE WITNESS: I don’t, Your Honor.

THE COURT: The objection’s noted.

Q. BY MR. MESEREAU: Mr. Bashir, I would like to ask you further questions about how you obtained Michael Jackson’s statement that nothing ever goes

on in his bedroom that is sexual with children. Do you intend to not answer any questions along those lines.

MR. BOUTROUS: Let me just say that I intend to continue making the same objections, if Mr. Mesereau is seeking to short-circuit the process - the First Amendment, the shield law - if that’s helpful.

THE COURT: Do you intend to follow your counsel’s advice on those issues.

THE WITNESS: I do, Your Honor.

Q. BY MR. MESEREAU: Mr. Bashir, I would like to ask you questions about other statements Mr. Jackson made in your interview, and I would like to ask you about how you got face to face with him to obtain those statements. Are you saying that you are not going to respond to any such questions.

A. I'm --

MR. BOUTROUS: Just to make clear, he's doing so based on my assertions of the California shield law protecting the independence of journalists, as well as the First Amendment.

THE COURT: You would continue to object on those questions.

MR. BOUTROUS: I would indeed, Your Honor. Thank you.

THE COURT: Would you continue to follow your counsel's advice.

THE WITNESS: I would, Your Honor.

MR. MESEREAU: Objection noted, Your Honor.

THE COURT: Noted.

Q. BY MR. MESEREAU: Mr. Bashir, in the process of attempting to obtain statements from Mr. Jackson, you called him "the boss," didn't you.

MR. BOUTROUS: Same objections.

THE COURT: The objection's overruled. Do you wish to answer that.

THE WITNESS: I don't, Your Honor.

THE COURT: The objection's noted.

Q. BY MR. MESEREAU: Mr. Bashir, do you intend to not answer any question I ask you on cross-examination in this trial.

MR. BOUTROUS: To preserve the record, Your Honor, I will continue to object on the grounds which we believe are well-founded. And Mr. Bashir is acting on my instruction and my objections under the California Constitution and the U.S. Constitution.

THE COURT: Do you intend to follow his advice on all questions relating to this interview and the trial.

THE WITNESS: I do, Your Honor.

Q. BY MR. MESEREAU: Mr. Bashir, have the answers you actually have given been 100 percent truthful.

A. I believe so.

Q. Do you know for sure.

A. I think so.

Q. Okay. Now, while you were obtaining statements from Mr. Jackson, someone named Hamid Moslehi was present, true.

MR. BOUTROUS: I reassert the objection I made during direct, Your Honor, which was First Amendment and California law. It’s unpublished information. Observations of a journalist during the journalistic process is protected under the California shield law, including people who are in public places.

THE COURT: Do you wish to follow your counsel’s advice --

THE WITNESS: I do, Your Honor.

THE COURT: -- and not answer the question.

THE WITNESS: I do, Your Honor.

THE COURT: The objection’s noted.

MR. MESEREAU: Thank you, Your Honor.

Q. Mr. Bashir, in preparing for your testimony today, did you discuss what answers you would give with anyone other than your lawyer.

A. No.

Q. To your knowledge, has anyone from the District Attorney’s Office ever tried to contact you about your testimony in this case.

A. No.

Q. To your knowledge, has anyone from the District Attorney’s Office tried to get -- excuse me, to communicate with any representatives -- any representative of yours regarding your testimony in this case.

MR. BOUTROUS: Your Honor, I will object, to the extent that calls for the attorney-client communication or attorney work product.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Mr. Bashir, have you discussed your testimony today with any representative of the Santa Barbara Sheriff’s Office.

A. I have not, sir.

Q. Have you provided any statements to anyone associated with the prosecution.

A. I have not, sir.

Q. Among the journalists you associate with at ABC, have you ever discussed with any of them what you were going to say in this courtroom.

A. I don't believe so.

Q. You don't think so. Mr. Bashir, do you know for sure whether or not you ever discussed with any journalist at ABC what you were going to say in this courtroom.

MR. BOUTROUS: Asked and answered, Your Honor.

THE COURT: I'm not sure it is. I'll have to go back to that series of questions. But I'm willing to do that, if you want.

MR. BOUTROUS: I think he asked this question many times, if I'm hearing it correctly.

THE COURT: I think -- I think it's a little different, but let me look.

MR. BOUTROUS: Okay.

THE COURT: Overruled. You may answer, but I'll have the question read back. It's been a while.

(Record read.)

THE WITNESS: As far as I can recollect, I don't think I discussed what I was going to say in this courtroom, sir.

Q. BY MR. MESEREAU: You used the words "as far as I can recollect." Is that correct.

A. Yes.

Q. Are you saying you have no present recollection of ever speaking with any journalist about what you were going to say in this courtroom.

A. That's correct, sir.

Q. Is it possible you had a recollection at some other point in time about who you had spoken to.

MR. SNEDDON: Your Honor, that calls for speculation.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Mr. Bashir, did you review any documents to prepare for your testimony today.

A. No, I did not.

Q. To your knowledge, has anyone from the District Attorney’s Office sent you any documents regarding this case.

A. No, they have not, sir.

Q. Okay. Have you ever spoken to District Attorney Thomas Sneddon.

A. Never.

Q. Never said hello to him.

A. I think I may have said hello to him today.

Q. When you arrived at court this morning, were you taken to any office associated with the District Attorney.

A. I was taken -- I was taken to an office. I don’t know if it was the District Attorney’s Office, but I was taken with my attorneys to an office where we waited, because you were in session this morning. So we were waiting.

Q. And when you got here today, did you meet anyone from the District Attorney’s Office.

A. Not to my knowledge. We were -- we were -- we were given access by a female member of staff. We were left in a room. And when we were required to come down, we were invited to do so.

Q. When you arrived, to your knowledge, did you meet anyone associated with the District Attorney’s Office.

A. To my knowledge, no.

Q. Okay. Did anyone come up to you and introduce themselves as from the District Attorney’s Office.

A. No.

Q. Okay. Have you met any of the prosecutors who are sitting here today on a prior occasion.

A. No.

Q. Did you meet them today for the first time.
A. I did, sir.
Q. Okay. Have you ever spoken to any of them on the telephone.
A. Not the prosecutors, no.
Q. Okay. How about the sheriffs.
A. I received a phone call from a police officer sometime ago.
Q. Who was that.
A. Detective Paul Zelis.
Q. Did you speak to him on the telephone.
A. I did, sir.
Q. And approximately when did you speak to Detective Paul Zelis on the telephone.
A. It was prior -- it was prior to my arrival at ABC, so it would have been during 2004.
Q. Where were you when he called you.
A. I was in England.
Q. Did you speak to him in England.
A. I did, sir.
Q. How long was the phone conversation.

A. Very brief.
Q. Okay. Have you ever spoken to him since.
A. No, but he did call again. He did call and leave a message, sir.
Q. Is he the only person from the Santa Barbara Sheriff’s Office you’ve spoken to.
A. I believe so.
Q. Do you know for sure.
A. Yes, I think so.
Q. Okay. Has anyone from the Santa Barbara Sheriff’s Office, to your knowledge, sent you any documents to review.
A. Never.
Q. Who made arrangements for you to come here today, to your knowledge.
MR. BOUTROUS: Objection to the extent it’s an attorney-client communication or work-product issue, Your Honor.
THE COURT: To the extent it is, I’ll sustain the objection.

MR. BOUTROUS: I made his hotel reservation.

Q. BY MR. MESEREAU: Mr. Bashir, in how many locations did the filming take place that appears in your show.

MR. BOUTROUS: Objection, Your Honor. Again, the film speaks for itself. It was on screen. The jury's seen it. Anything else is unpublished information covered by the shield law.

THE COURT: The objection is overruled. Do you wish to answer that.

THE WITNESS: The evidence of where we were filming was clear from the film, from the documentary which has just been shown.

MR. MESEREAU: Could I ask that the witness be instructed to answer, Your Honor.

THE COURT: You did not answer the question. Do you wish to answer the question.

THE WITNESS: Yes.

MR. BOUTROUS: I will reassert my objections under the shield law, Your Honor. Again, it's just classic unpublished information. The film speaks for itself.

THE COURT: All right. Your objection is overruled. Do you wish to answer the question.

THE WITNESS: No, Your Honor.

THE COURT: The objection's noted.

Q. BY MR. MESEREAU: Did you fly to these locations with Mr. Jackson.

MR. BOUTROUS: Same objection, Your Honor. First Amendment; shield law.

THE COURT: The objection's overruled. Do you wish to answer.

THE WITNESS: No, Your Honor.

THE COURT: The objection's noted.

Q. BY MR. MESEREAU: Did you travel by car to any of the locations where you filmed any footage that appears in this documentary with Mr. Jackson.

MR. BOUTROUS: Same objections, Your Honor. And I think in the last series of questions Mr. Mesereau's has veered back into being far beyond the scope of direct, so I will again assert that that question was beyond the scope of direct examination, as were the last several.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Mr. Bashir, after this show appeared, you were sued by Mr. Jackson in England, correct.

MR. BOUTROUS: Again, Your Honor, beyond the scope of direct and --

THE COURT: Sustained.

MR. BOUTROUS: Thank you.

MR. MESEREAU: Your Honor, in light of the refusal to answer questions, I'm going to terminate my cross-examination. But I would ask that the Court order this witness back to appear as a defense witness.

THE COURT: I will order you to return at a time when the defense requests that you return. Is that a satisfactory -- I'm assuming -- I don't mean to say, "Is that satisfactory." I mean, is it a satisfactory way of handling -- if you're willing to have your client appear and he's willing to appear on notice by the defense, then I'll release him under our normal convenience-type subpoenas. If not, I'd have to have him appear at a certain date to retain jurisdiction.

MR. BOUTROUS: Your Honor - if I may step up here. Thank you - I guess two things: The defense has known for several weeks that the prosecutors had subpoenaed Mr. Bashir. And they had indicated they had put Mr. Bashir on their witness list, and I argued that the defense had not made the showing. I put them on notice that I planned to invoke the shield law and the First Amendment and that there were standards for them to meet. And they knew Mr. Bashir was going to be here.

And for them now -- he lives part of the time in the United Kingdom, part of the time in New

York. To now make him come back seems unfair and burdensome, particularly without the defense making the requisite showing that they need to make in terms of necessity of his testimony, lack of alternative sources, the tests that they would need to make to justify piercing the reporter's privilege. So I would ask the Court to reject that request.

THE COURT: I'll modify my order. I will order him to return. However, I will require the defense to file the appropriate application for subpoena, with the reasons, and allow you to file an opposition to that.

But to just short-circuit the problem of actually serving him, I'll order him to appear under those conditions I've previously announced, unless we advise him otherwise, if you succeed on your motion.

MR. BOUTROUS: That makes sense, Your Honor. And just to clarify on the questions today, I think there were a number that he declined to answer on the shield law grounds. And I wanted to clarify that my objections also go to the questions being beyond the scope of direct testimony and wanted to clarify and make sure that we would have a chance to brief these issues, before the Court makes a contempt ruling, to try to either --

THE COURT: Oh, absolutely.

MR. BOUTROUS: Thank you, Your Honor.

THE COURT: The procedure I would intend to follow would be as indicated. I'll review the transcript and the law. If it appears that he's in contempt or -- I will issue a contempt citation, and then you'll have your opportunity to be heard.

MR. BOUTROUS: I just would like to have the chance to persuade you that the information was protected and no contempt citation should be issued before any contempt finding.

THE COURT: I will give you that opportunity.

MR. BOUTROUS: Thank you, Your Honor.

THE COURT: I think we're talking about the same thing. There's a difference between citing him so you can speak to me through your written pleadings, and holding him in contempt. I'm not going to do the latter without giving you an opportunity to be heard.

MR. BOUTROUS: Thank you, Your Honor. And my apologies to the jury for not having more creative or different objections every time. But thank you very much, Your Honor.

THE COURT: All right. Do you have further questions.

MR. SNEDDON: I think not, Your Honor.

THE COURT: Thank you. You may step down. You're not excused. You're on call subject to the arrangements that I've made with your counsel. Should you no longer need this counsel, you have the direct personal responsibility to me to return if I ask you to. Do you understand that.

THE WITNESS: I do, Your Honor.

THE COURT: Okay.

MR. BOUTROUS: Thank you, Your Honor.

THE COURT: Call your next witness.

MR. AUCHINCLOSS: Thank you, Your Honor. Our next witness will be Ann Kite, and she is on her way down from our office.

THE COURT: When you get to the witness stand, remain standing. Face the clerk and raise your right hand.

ANN KITE

Having been sworn, testified as follows:

THE WITNESS: Yes, I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name is Ann Marie Kite, K-i-t-e. But I use Ann Gabriel as my professional name.

DIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Good afternoon, Ms. Kite.

A. Good afternoon.

Q. Can you tell me who you work for, please.

A. Currently.

Q. Currently, yes.

A. I am the president of an organization called the Webcaster Alliance.

Q. What is Webcaster Alliance.

A. Webcaster Alliance is a group of webcasters who play music on the Internet.

Q. How long have you been employed with Webcaster.

A. Well, the organization's been in association for about two years, since 2002.

Q. And in what capacity are you employed.

A. President.

Q. And what are your duties as president of Webcaster Alliance.

A. To help move forward legislation to make it easier for people to be able to produce music and information on the Internet. Also to help people produce programming.

Q. At sometime prior to -- well, maybe at the same time. At some point previously, were you the president of an organization called Gabriel Media.

A. Yes, that's correct.

Q. What was Gabriel Media.

A. Gabriel Media was a public relations firm and a marketing firm.

Q. And what was your role in Gabriel Media.

A. To help people and products get their information out to the public.

Q. Basically PR.

A. Yes.

Q. Public relations.

A. Yes.

Q. Have you had a background in public relations.

A. Yes, I have.

Q. Can you describe that for me, please.

A. Sure. For about the last 20 to 25 years I’ve been involved in a number of different businesses, all with the intention of helping people meet, take their products and move them to the public, to help them look better, to help them market themselves better.

Q. Do you have a background that qualified you for that position.

A. Life experience. A lot of life experience. I’ve worked in a number of different businesses, specifically with products, to help people and their products reach the public.

Q. All right. So when you say 20 years of experience in public relations, can you elaborate on that for me a little bit.

A. Certainly. I’ve had a number of different clients. For example, I went through a period where I did a lot of things with technology, high technology. Consumer products; both Sony and JVC, Panasonic. Those types of things. Then I also worked with some people who might be considered personalities, where I helped them to define their image to the public. I helped them if they got into a difficult position with their image in the public, and helped them make a plan to move themselves forward.

Q. When you say “personalities,” does that include celebrities.

A. Yes.

Q. All right. Can you tell me what the term “crisis management” means.

A. Well, crisis management is a different type of public relations. Crisis management comes about when you have someone, or a product or a person, who gets into a situation that is unexpected. And in the case of crisis management, you have to do a couple of different things. First of all, you want to try to analyze the assets of the client or the product, and then also their vulnerabilities, what areas might they be attacked on.

And so crisis management is the - for lack of a better term - the difficult part of public relations, the difficult part of trying to help someone present themselves or their product to the public.

Q. What do you mean when you say “the assets of a client”.

A. Well, any client or any product has assets, the things that are good about them, the thing that the public perceives good about them.

Q. In general terms, can you tell me what the goal of a public relations specialist is.

A. In general terms, on the best days, it is to make sure that your client’s product, or their person, the personality, is always presented in the best light to the public.

Q. And the purpose for that would be.

A. So that they can create things for themselves, whether they want to create more assets

as far as dollarwise, entertainment value, or whatever it is they’re trying to sell.

If it’s themselves that they’re trying to sell, you want to make sure they’re always presented in the best light.

Q. Is it fair to say that a celebrity’s image is his stock in trade for purposes of marketability and selling whatever entertainment that that particular celebrity is involved in.

A. Oh, yes, absolutely.

MR. MESEREAU: Objection, leading.

MR. AUCHINCLOSS: It’s foundational, Your Honor.

THE COURT: Overruled. The answer was yes.

MR. AUCHINCLOSS: All right.

Q. Do you know an individual by the name of David LeGrand.

A. Yes, I do.

Q. Ms. Kite -- Ms. Kite, I show you People’s Exhibit No. 3. Can you identify that for me, please.

A. Yes, that’s David LeGrand.

MR AUCHINCLOSS: Move to admit People’s 3, Your Honor.

MR. MESEREAU: No objection.

THE COURT: It’s admitted.

Q. BY MR. AUCHINCLOSS: How do you know David LeGrand.

A. David and I met in March of 2002, and we worked together on several projects.

Q. What is Mr. LeGrand’s occupation.

A. He’s an attorney.

Q. How did you meet him.

A. We met through a mutual friend.

Q. Okay. And what projects did you work on.

A. Well, we worked on Webcaster Alliance together. David had a client that had some products that they were looking to sell, and he wanted me to look at their business plan and see how I could help them move forward with it, do some public relations with them on that.

And then, of course, with Michael Jackson.

Q. Okay. Was Mr. LeGrand affiliated with Webcaster Alliance.

A. Yes, he was.

Q. In what capacity.

A. He was a director.

Q. And what were the other associations you had with him in a business sense.

A. Well, we worked together in Washington D.C. to put together legislation for webcasters.

Q. Was that it.

A. Yes.

Q. Okay. Did you have a personal relationship with Mr. LeGrand.

A. Yes, I did.

Q. And when did that begin.

A. In July of 2002.

Q. And did that end at some point.

A. Yes, at the end of January of 2003.

Q. Okay. Was that a dating relationship --

A. Yes, it was.

Q. -- something of that nature.

A. Yes.

Q. I'm sorry, I didn't write down the date. When did you say it ended.

A. At the end of January of 2003.

Q. In January of 2003 -- well, let me back up. You mentioned an affiliation with Mr. LeGrand concerning Michael Jackson.

A. Yes.

Q. When did that begin.

A. I don't understand your question. When was the first time that he mentioned anything to me about Michael Jackson.

Q. When did you -- well, let me back up. Did Mr. LeGrand himself become associated with Michael Jackson at some point.

A. Yes, he did.

Q. When was that.

A. Officially.

Q. As far as you know. In any fashion, let's start there.

A. As far as I knew --

MR. MESEREAU: Objection, hearsay and foundation.

THE COURT: Foundation's sustained.

MR. AUCHINCLOSS: All right.

Q. At some point, did David LeGrand recruit you to go to work for Michael Jackson.

A. Yes, he did.

MR. MESEREAU: Objection. Leading.

THE COURT: Sustained.

MR. AUCHINCLOSS: I can rephrase.

Q. At some time did Mr. LeGrand ask to employ you, to come work for Michael Jackson.

MR. MESEREAU: Objection. Hearsay.

THE COURT: Overruled.
You may answer.
THE WITNESS: Yes, he did.
Q. BY MR. AUCHINCLOSS: All right. And when was that.
A. At the end of January of 2003.
Q. And did you go to work for Michael Jackson.
A. Yes, I did.
Q. When you say the end of January 2003 was when Mr. LeGrand approached you, do you have the approximate dates.
A. It was around the 27th -- the 26th, the 27th of January.
Q. In what capacity were you -- were you employed.

A. Public relations.
Q. And at some point did you actually go to work for Michael Jackson.
A. Yes, I did.
Q. When was that.
A. February 9th of 2003.
Q. As a public relations employee for Michael Jackson, what was your -- what was your job. What were you hired to do.
MR. MESEREAU: Objection. Misstates the evidence.
THE COURT: The preamble to the question.
MR. MESEREAU: Yes, Your Honor.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: What were you hired to do.
A. To help with image management.
Q. Okay. And was there a specific reason why Michael Jackson’s image needed to be managed.
MR. MESEREAU: Objection. Foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Were you informed as to what your duty was to manage Michael Jackson’s public relations image.
MR. MESEREAU: Objection. Leading.
THE COURT: The objection’s overruled. But

you can only answer yes or no to that question. Do you want the question --

THE WITNESS: Yes.
THE COURT: Oh, you answered.
Q. BY MR. AUCHINCLOSS: Okay. And what were you told.
A. I was told that there would --
MR. MESEREAU: Objection. Hearsay.
THE COURT: Still foundation also as to who told you.
MR. AUCHINCLOSS: Okay. And that's where we're -- okay.
Q. Who told you what your assignment was to be as a public relations employee for Michael Jackson.
MR. MESEREAU: Objection. Foundation and hearsay; it misstates the evidence.
THE COURT: Overruled.
You may answer.
THE WITNESS: Initially it was David LeGrand.
Q. BY MR. AUCHINCLOSS: All right. And what did Mr. LeGrand tell you your duties were.
MR. MESEREAU: Objection. Hearsay; foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: To help with the fallout from the Martin Bashir video.
Q. BY MR. AUCHINCLOSS: All right. What did you understand your duties were at that point.

A. To immediately begin protecting Mr. Jackson's reputation.
Q. Did you research the issue, the problem.
A. Yes, I did.
Q. Did you evaluate the problem.
A. Yes, I did.
Q. Did you come up with a plan of attack.
A. Yes, I did.

MR. MESEREAU: Objection. Leading and privilege.

THE COURT: The leading is overruled. The other one I don’t understand.

MR. MESEREAU: She’s retained by a law firm. She’s not supposed to be --

THE COURT: You’re raising that privilege.

MR. MESEREAU: Yes. She’s not supposed to be violating her duty of confidentiality.

THE COURT: Do you want to address the attorney-client privilege.

MR. AUCHINCLOSS: The attorney-client privilege has already been divulged to us, number one. Number two, counsel has not established that she was acting as an agency on behalf of the law firm in a legal capacity. This is an area that probably, if counsel wants to make that objection, he should have it briefed and address the Court with points and authorities on it.

In addition, Your Honor, I can --

MR. MESEREAU: She says she was hired by an attorney for Mr. Jackson, Your Honor. Mr. Jackson’s never met her.

THE COURT: All right. The objection’s overruled. You may proceed.

MR. AUCHINCLOSS: All right.

Q. So, my last question, if I can recall it correctly was, what was the plan that you formulated to approach -- well, let me back up. Let me just start at the beginning here.

You said you formulated an assessment of the problem. How did you go about doing that.

A. Well, I took a look at a lot of the press that was coming out, the information that was out in the media. I looked at what was being played most prominently, and figured that that was probably the most vulnerable area of attack for Mr. Jackson at that point.

So I began to formulate a plan, based on my information of things that had come out in the press in the past, and to immediately try to take the focus off of Mr. Jackson’s frailties as a human and put them back on his genius as a musician. That was my plan.

Q. Okay. Did you sign a contract to come on as a PR specialist.

A. Yes, I did.

Q. When did you do that. When was that contract signed.

A. In the afternoon of the 14th of February.

Q. Did you become familiar with any other individuals who were also hired to work on the same problem.

A. Yes, I did.

Q. Did you communicate with them.

A. Yes, I did.

Q. Who were these people.

A. Ronald Konitzer. Marc Schaffel. Stuart Backerman. Melanie Riley. And Richard, I think it’s Eldon, from Bell Yard. And a team of some other attorneys in the United K -- United Kingdom.

Q. During the course of your employment for Mr. Jackson, did you communicate with these individuals.

A. Yes, I did.

Q. Did you communicate directly with Ronald Konitzer.

A. Yes, I did.

Q. In what fashion. In what medium.

A. Both by e-mail and by telephone.

Q. Did you contact and speak directly with Marc Schaffel.

A. Yes, I did.

Q. Did you also communicate with him by e-mail.

A. Yes, I did.

Q. How about Mr. Backerman.

A. Yes, I did.

Q. Did you ever talk to an attorney by the name of Mark Geragos.

A. Yes, I did.
Q. Who did you report to. Who did you report to in terms of the hierarchy of this team.
A. Well, I spoke to David. I spoke to Marc Schaffel. I spoke to Mr. Geragos. And I spoke to Ronald.
Q. So would it be fair to say, you reported to all of those four individuals.
A. Yes, at different times.
Q. And Mr. Konitzer, did you have an understanding of what his function was in relation to Michael Jackson.
A. I understood that Mr. Konitzer was the lead --
MR. MESEREAU: Objection. Leading; and foundation.
THE COURT: Foundation; sustained.
MR. AUCHINCLOSS: It’s a yes or no question. I would follow with foundation.
MR. MESEREAU: Same objection.
THE COURT: All right. I’ll allow a yes or no answer.
Do you want the question read back.
THE WITNESS: Yes, please.
Q. BY MR. AUCHINCLOSS: Okay. The question --

THE COURT: The court reporter will read it back. Thank you.
(Record read.)
THE WITNESS: Yes.
Q. BY MR. AUCHINCLOSS: All right. And what was it that you based that opinion on, or that assessment on.
MR. MESEREAU: Objection. Leading and foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: On information that David had given me.
Q. BY MR. AUCHINCLOSS: Okay. Did you also base it on information that you obtained in the course of conversing with Mr. Konitzer.

A. Yes, I did.
Q. And Mr. Schaffel.
A. Yes, I did.
Q. Did you base it on information that you obtained by way of e-mails from other members of the team.
A. Yes, I did.
Q. And from Bell Yard.
A. Yes, I did.
Q. Was it clear from -- clear to you -- well, did you also base it upon the conduct of all of these individuals on the team that you previously mentioned.

MR. MESEREAU: Objection. Leading; foundation.
THE COURT: Sustained; leading.
Q. BY MR. AUCHINCLOSS: Did you consider conduct as part of this assessment.
MR. MESEREAU: Same objection.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes, I did.
Q. BY MR. AUCHINCLOSS: Okay. And based on all this information, did you form a belief or an understanding as to what Mr. Ronald Konitzer’s role was in relation to Michael Jackson and this team that you’ve described.
A. Yes, I did.
Q. What was that.
A. That he was the leader.
Q. Also based on all that information that I’ve asked you about, were you able to form an opinion as to what Mr. Schaffel’s role was in this team.
A. Yes. Yes, I did.
Q. And what was that.
MR. MESEREAU: Objection. Foundation.
THE COURT: Overruled.
THE WITNESS: That he was in charge of the public relations effort for Michael Jackson.
Q. BY MR. AUCHINCLOSS: Same question as to

Mr. Backerman. Based on all the information you obtained during the course of your employment, were you able to form an assessment or did you obtain an understanding of what Mr. Stuart Backerman’s role was.

A. Yes, I did.

Q. And what was that.

A. That he was the spokesperson for Mr. Jackson.

Q. What’s a spokesperson in the PR realm.

A. Well, in Mr. Backerman’s case, it was my understanding that he would be the one that would, for the most part, get out and speak in front of the press.

Q. So the actual face person that would be in front of the camera.

A. For the most part, yes.

Q. All right. You previously said that you assessed the problem based upon your review of what.

A. The information that was coming out in the press.

Q. Uh-huh.

A. The information that was coming from the Bashir documentary.

Q. Uh-huh.

A. And the bombardment of questions that were coming from people in the press that were looking to delve into other aspects of Mr. Jackson’s empire.

Q. All right.

THE COURT: All right. We’re going to stop for the afternoon.

MR. AUCHINCLOSS: Okay.

THE COURT: I have a couple of points I want to address.

One is that the District Attorney must lodge a transcript of the videotape that was played today with the Court as soon as you can.

MR. SNEDDON: Judge, in order to do that, I’ll need permission of the Court to withdraw the exhibit so I can have it -- have a transcript made perfect.

THE COURT: Any objection to that.

MR. MESEREAU: No objection, Your Honor.

THE COURT: All right.

MR. SNEDDON: Thank you.

THE COURT: The second thing is that even though we are not redacting documents anymore, sealing documents, California Rule of Court 2073, which relates to the filing of documents on the Internet, which we do in this case, has some restrictions that you cannot put on the Internet. For example, addresses, phone numbers of parties. I'm not going to read the whole statute to you, but that's what I'm talking about.

So when you file a document, you must file it -- file a redacted version in compliance with

California Rule of Court 2073 so that may be placed on the Internet.

I don't intend to do any separate sealing orders, because they're just -- it's a statutory requirement that you redact those.

Any questions about that.

MR. AUCHINCLOSS: No, Your Honor.

MR. MESEREAU: No, Your Honor.

THE COURT: All right. We'll recess until tomorrow morning. I'll see you tomorrow at 8:30.

(The proceedings adjourned at 2:30 p.m.)

--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 175 through 296 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 1, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
March 1, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, MARCH 2, 2005

8:30 A.M.

(PAGES 298 THROUGH 336)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note:
Mr. Sneddon is listed as "SN" on index.
Mr. Zonen is listed as "Z" on index.
Mr. Auchincloss is listed as "A" on index.
Mr. Franklin is listed as "F" on index.
Mr. Mesereau is listed as "M" on index.
Ms. Yu is listed as "Y" on index.
Mr. Sanger is listed as "SA" on index.
Mr. Oxman is listed as "O" on index.

PLAINTIFF'S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
KITE, Ann Marie (cont'd)	306-A			

E X H I B I T S

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
403	February 2003 e-mails - page 17, Marc Schaffel's Fire Brewing file from Kite to Konitzer	331	

Santa Maria, California
Wednesday, March 2, 2005
8:30 a.m.

THE COURT: Good morning.

COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor. Good morning, Your Honor.

THE JURY: (In unison) Good morning.

THE COURT: Sorry we kept you waiting a short time this morning. This is going to occur -- is the mike -- can you hear me? Is that better?

A VOICE: Can't hear you.

THE COURT: Should be on now. They can't hear. What I'm going to do --

Would the witness step down for a moment, please?

Can you hear me now?

THE JURY: (In unison) Yes.

THE COURT: I sound like one of those commercials for the cell phone; "Can you hear me now?"

I want to talk to you a little bit about the reason we were late this morning. We were -- we really weren't late. The attorneys and I were working on a legal problem that arose at the end of the day yesterday.

And that's the nature of a lawsuit. It's a work in progress. And it's not all determined before you get here, and then it just happens. It happens in front of you. And so there's a couple of things that I want to tell you. And I think perhaps the best thing to do is to talk to you about the co-conspirator statements. And the best way to talk to you about that is to read the law to you, as you will hear again at the end of the case.

Evidence of a statement made by one alleged conspirator other than at this trial shall not be considered by you as against another alleged conspirator unless you determine, by a preponderance of the evidence; one, that from other independent evidence that at the time the statement was made, a conspiracy to commit a crime existed.

Two, that the statement was made while the person making the statement was participating in the conspiracy, and that the person against whom it was offered was participating in the conspiracy before and during that time.

And three, that the statement was made in furtherance of the objective of the conspiracy. The word "statement" as used in this instruction includes any oral or written, verbal expression or nonverbal conduct that a person -- intended by that person as a substitute for an oral, written, verbal expression.

So what is going to happen in this trial is that certain statements are going to come in. And you will later not be able to consider those statements unless you determine, in accordance with this instruction, that there was a conspiracy and that those statements were in the furtherance of an objective of the conspiracy. But the law allows the parties to present statements before and after they think the conspiracy is proved or disproved. So it would be very difficult to handle the case in another way. So you're going to hear statements and later determine your use, as a jury, of those statements in accordance with the law.

So I'm going to conditionally admit some statements this morning and the condition is that you will later determine how you're going to use those statements.

Along those same lines, during the course of the trial, the attorneys make objections. I rule on those objections, and I'm following rules of evidence.

Quite often it's not necessary that you know why I make a ruling. If I sustain an objection, you just -- you reject the question. You don't consider the answer, if part of it came in or all of it. If I overrule an objection, that doesn't mean that I'm favoring that evidence. All I'm saying is that side has the right to give you that evidence for you to consider, and it has nothing to do with my feelings about it. Okay?

In that regard, yesterday, the witness, who just stepped down, her name --

MR. SNEDDON: Miss Gabriel.

MR. AUCHINCLOSS: Gabriel Kite.

THE COURT: Ms. Kite, Miss Gabriel, said -- the question was asked, "And did you go to work for Michael Jackson?" And the answer was, "Yes, I did."

Earlier, the question had been asked, "At some time did Mr. LeGrand ask to employ you and come to work for Michael Jackson?" And there was an objection as hearsay.

Well, I overruled that objection, and the reason I did is that the -- at that point in the proceeding, it is my opinion that wasn't offered for the truth of the matter; i.e., that she worked for Michael Jackson. It was offered only to show you why she came to work and what she thought she was doing. So it wasn't the truth of the matter, that she worked for Mr. Jackson. That, in fact, you will have to determine whether or not she did. I don't know the answer to that. That will be your decision. But each side will present evidence on that.

So as to yesterday, the question, "At some time did Mr. LeGrand ask to employ you to come to work for Michael Jackson?" She said, "Yes, he did." The instruction I'm giving you is that's to be considered only -- at this point only to show what she thought she was doing. Not for the truth of the matter that she was working for Michael Jackson. Okay?

Very complicated. But I'll continue to instruct you, as needed, to help you with this. Very difficult area of dealing with statements and conspiracies. Okay?

You may resume the witness stand.

MR. AUCHINCLOSS: Thank you, Your Honor.

THE COURT: When you take the witness stand, I'll remind you that you are still under oath.

ANN MARIE KITE

Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION (Continued)

BY MR. AUCHINCLOSS:

Q. Good morning, Ms. Kite.

A. Good morning.

Q. Yesterday, when we left off, we were talking a little bit about your history, the chronology of events in your employment. And let me revisit the question of who you believed you were working for.

First of all, who was it that actually hired you for this work that you did for Michael Jackson?

A. Who asked me to come to work for Michael Jackson?

Q. Yes.

A. David LeGrand.

Q. Okay. And when did you -- was there a period of time in which you discussed with Mr. LeGrand working for Michael Jackson?

A. Yes --

Q. Prior to your employment, actual employment?

A. Yes, there was.

Q. And when was that -- when did that discussion begin?

A. About the 27th of January.

Q. Okay. Were there further discussions -- when were you actually hired?

A. On the 9th of February, Mr. LeGrand sent me an e-mail along with other people that were working on the MJJ working group that said, "Welcome to the team."

Q. Okay. And between that period of time when you began discussions with Mr. LeGrand and the time that you actually became a member of the team, did you continue to have discussions with Mr. LeGrand about the issues involved in being a PR person for Michael Jackson?

A. Yes, I did.

Q. Were you paid for your employment?

A. Yes, I was.

Q. How much?

A. $10,000.

Q. Was that payment in advance or arrears of your employment?

A. Well, it was supposed to be $20,000 for the month. When I signed the contract on the 14th of February, David gave me a $10,000 check, so that was an advance.

Q. So you began your work on the 9th?

A. Yes.

Q. You signed your contract on the 14th?

A. Yes.

Q. What time did you sign that contract?

A. Late in the afternoon. It was between three and four o'clock.

Q. And where did that take place, the signing?

A. At Mr. LeGrand's law office.

Q. And where is that?

A. In Las Vegas.

Q. Okay. As far as your background as a public relations person, what do you consider to be your greatest assets in that field?

A. I believe it's crisis management. Being able to see a problem, and determine what needs -- steps can be taken to correct it.

Q. Are there any contacts or other qualities that you possess that enable you to conduct that type of work?

MR. MESEREAU: Objection; vague.

MR. AUCHINCLOSS: Well, I can be a little more specific.

Q. What is it that enables you to conduct crisis management in terms of any abilities, any -- well, let me just leave it open. Let me leave it open-ended. What do you do -- how do you go about conducting crisis management work?

A. Well, other than being neurotic, which comes in very handy, I think I have a very good grasp of the media as a whole. Internet, television, radio, newspaper. And an innate ability to be able to size up the client or the product that I'm representing, find out where their assets are, the best aspects that they have to represent themselves to the public, or the product, and to be able to move them forward from there.

But regardless of if it's a crisis management client or if it's just a client that you're trying to do public relations for, I think probably my greatest asset is being able to see the total product or the total person, and to explore other avenues of being able to bring them to fruition.

Q. Do you have a philosophy about how to approach crisis management?

A. Absolutely.

Q. What is that?

A. Very proactive.

Q. And what do you mean by "proactive"?

A. Being out in front of the media, having a crisis plan just in case something happens. A lot of times when people begin to promote themselves or to promote a product, they like to think of the good -- the upside, the good things that can come out of promoting themselves or their product, and they don't like to analyze the bad things that might happen.

I have an ability to be able to do both before I start with the client, so that they can be comfortable and not panic if something happens. I want them to know that I've been able to thoroughly research both the ups and downs of everything they do and that, you know, I can cover them on either side.

Q. Is it important to confront the bad things?

A. Absolutely.

Q. Why do you believe that?

A. Because if you don't confront it, somebody else is going to confront it for you, and then you're going to be caught in a downward spiral.

Q. All right. When you were first in discussions with Mr. LeGrand in late January, what did you perceive to be Michael Jackson's status issues, what have you, regarding public relations?

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: When you began

discussions with Mr. LeGrand concerning working with Michael Jackson or working on his behalf, did you do some research into news media, Mr. Jackson's background, anything of that nature, to better understand the public relations issues involving Mr. Jackson?

A. Yes.

Q. And based on that research, were you able to form an opinion as to what PR issues needed to be addressed or should be addressed if you were called to become an employee?

A. Yes, I was.

MR. MESEREAU: Objection; foundation.

MR. AUCHINCLOSS: Your Honor, she is testifying in some capacity as an expert witness in this area.

THE COURT: The objection is overruled.

MR. AUCHINCLOSS: All right.

THE WITNESS: Yes, I was.

Q. BY MR. AUCHINCLOSS: All right. How did you evaluate Mr. Jackson from a PR point of view at that point, late in January?

A. What was my evaluation and recommendation, is that the question?

Q. Yes.

A. I believed that there was too much negative exposure on Mr. Jackson's actions, and not enough exposure on his strength as a musician. And so I told Mr. LeGrand that I felt immediately the focus needed to be taken off of him as a person, as a man, and the things that the public may or may not like about him, and put back on all of the years of wonderful music that he had given to the public.

Q. Okay. And sometime between the time when you were recruited and the time that you actually became an employee, did something occur that changed your perspective as to what the necessary issues were dealing with PR?

A. Yes.

MR. MESEREAU: Objection, Your Honor. May I 402 the witness on her credentials, the basis for her opinion?

THE COURT: No.

Go ahead.

THE WITNESS: Can you repeat the question?

Q. BY MR. AUCHINCLOSS: The question was, between late January and the time that you were actually hired, I believe you said it was the 9th of February, did something happen that changed your perception of Mr. Jackson from a public relations standpoint?

A. Yes.

Q. What was that?

A. The Martin Bashir documentary.

Q. All right. What -- how did that -- the Martin Bashir documentary present itself as an issue

for you, from a public relations standpoint?
A. As an absolute disaster.
Q. Why do you say that?
A. I felt that the documentary was put together in a way that portrayed Mr. Jackson in an extremely negative light.
Q. Were there particular issues with that documentary that you believed presented problems for Mr. Jackson from a PR point of view?
A. Yes, there were.
MR. MESEREAU: Objection. Foundation; relevance; 352.
THE COURT: Overruled.
You may answer.
Q. BY MR. AUCHINCLOSS: What were those issues?
A. I believed that Mr. Jackson was portrayed in a very negative light in his actions as far as the shopping spree, as far as climbing the tree, as far as statements made portraying himself as Peter Pan, and the interaction that he had with the person that was on the video.
Q. The young boy?
A. Yes.
Q. And how did -- did you monitor the international media during this period of time?
A. Yes, I did.
Q. Is that part of your job?
A. Yes, it is.

Q. And what was the reaction of the international media at this point?

A. Well, there was an immediate reaction, and they jumped on exactly what I believed that they would, which was to --

MR. MESEREAU: Objection; nonresponsive.

THE COURT: The question was, "What was the reaction." And I'll sustain the objection.

MR. AUCHINCLOSS: All right. I'll reask the question.

Q. In terms of the reaction of the international media, how did you evaluate in your role as a public relations person?

A. That it was extremely negative.

Q. All right. Was there any positive media?

A. Not to my knowledge.

Q. Okay. You have -- have you ever been asked to characterize or measure this crisis on a scale of 1 to 10?

A. Yes, I have.

Q. And how did you characterize it?

A. A 25 --

MR. MESEREAU: Objection; foundation.

THE COURT: Overruled.

THE WITNESS: A 25.

Q. BY MR. AUCHINCLOSS: So you perceived this to be a big problem?

A. Absolutely.

Q. Did you formulate a plan to deal with this problem?

A. Yes, I did.

Q. Did you work with other people in formulating this plan?

A. Somewhat, yes.

Q. Okay. Were they other members of the team?

A. Yes.

Q. Okay. Specifically, who?

A. Specifically Melanie Riley from Bell Yard.

Q. And tell me a little bit more about Bell Yard, if you would.

A. Bell Yard is a crisis management public relations firm in the United Kingdom.

Q. Are they a small firm, large firm, medium?

A. I don't know.

Q. And was there just Melanie that you dealt with from Bell Yard, or other people as well?

A. I believe Richard was the other gentleman that I dealt with from Bell Yard.

Q. Do you know their last names?

A. Melanie is Riley. And I don't remember Richard's last name.

Q. Okay. So in the beginning, when you were formulating this plan, what was your -- what was your idea, what was your goal?

A. Well, my goal was to immediately speak with someone and assess all of the negative impacts from the Bashir documentary, addressing each one. Because my fear was that while one media source might pick up on one thing, another media source would pick up on another thing, so there would be multiple angles coming at us.

And I felt and believed that unless we had a clear plan of attack to be able to address each one of these issues, we were not going to be as proactive on Mr. Jackson's behalf as we needed to be.

Q. Were there any other goals other than attacking the current media problem?

A. Yes. My goal was to begin an immediate rehabilitation on his image.

Q. So how did you plan to go about these goals?

A. Well, I needed to address, first of all, the negative items that were coming out in the press. And then once that was taken care of, I wanted to begin to do the rehabilitation on his image.

Q. So in terms of the nuts and bolts of public relations, how do you go about doing that?

A. How would I personally go about doing that?

Q. Yes.

A. I would write out a list of questions, decide how people wanted to respond or to react. I would look at what was potentially coming up in the media. Because you have to understand, with the media, they don't call you up politely and say, "We're going to write a story about your client, and we'd love to give you an opportunity to respond and please tell us your side." They send you a very short e-mail or give you a call and say, "Look, this is what we're printing about your client, and I'm on a deadline, so if you don't get back to me, too bad." I mean, that's pretty much what it was.

And so I believed that we needed to immediately sit down and assess all of the negative things that could have come out of this documentary for Mr. Jackson, and decide how we wanted to respond so that we didn't get stuck in a downward spiral of people printing things because they didn't get a response quickly enough.

Q. Did Martin Bashir figure in in any way to your plan of attack?

A. Yes.

Q. In what way?

A. I wanted to look at the credibility of the other documentaries that he had done.

Q. Was Bell Yard in agreement with that?

A. Yes, they were.

Q. Generally speaking, was Bell Yard's approach to the problem of Mr. Jackson's PR consistent with your own?

A. Yes, it was.

Q. Did you participate in conference calls with Bell Yard with any of the members of the team?

A. Yes, I did.

Q. Which members?

A. I believe one or two times Mr. Geragos and Mr. Konitzer were on the calls. The other times it was mostly the team from the UK; Andrew Hochhauser, Hamish Porter, Peter and Janie Castle.

Q. Okay.

A. John Genga, too, also was on those phone calls. And then David LeGrand.

Q. What was Mr. Castle's and Genga's duties? Who were they?

A. They were other attorneys. I don't know specifically what their duties were, other than I believe they were involved in the litigation that was -- that Mr. Jackson had undertaken against Granada and ITV.

Q. So I believe yesterday you testified that one of the people you reported to was Marc Schaffel?

A. Yes, that's correct.

Q. Did you also report to Ronald Konitzer?

A. Yes, I did.

Q. And what about Mark Geragos?

A. Yes, I did.

Q. When did Mark Geragos become part of the team?

A. I believe it was around the 7th of February.

Q. Okay. During the time -- or the month of February, early February, did the problem of Mr.

Jackson's PR become exacerbated in any fashion?

A. Yes, it did.

Q. Specifically why?

A. Besides the documentary?

Q. Yes.

A. There was some information released about Mr. Jackson in the public that I felt also negatively impacted his image.

Q. Okay. What? What was it?

MR. MESEREAU: Objection. 352; foundation; and hearsay.

MR. AUCHINCLOSS: This is also offered to explain her conduct as well as the conduct of the team and the level of the crisis.

MR. MESEREAU: Your Honor, I would object. She's not qualified as an expert.

MR. AUCHINCLOSS: She's not offering an opinion at this point.

THE COURT: I'm not considering her testimony as expert testimony. She's a percipient witness as to what happened during this time period, and that's the only way that I'm considering her testimony. That's why I denied your 402 request, because she's just a percipient witness.

So -- and on your 352 objection, was that over a time -- I'm not sure -- which of the many specific areas were you objecting under 352?

MR. MESEREAU: Well, Your Honor, she worked for less than two --

THE COURT: No, which of the legal subsections of 352 are you relying on --

MR. MESEREAU: All of them.

THE COURT: -- for your objection?

MR. MESEREAU: All of them.

THE COURT: All right. Overruled.

MR. AUCHINCLOSS: Okay.

Q. So I'll back up a little bit. You've said that there were additional problems that arose in the media. Did you have to perceive it as your duties to deal with these problems as a PR representative for Mr. Jackson?

A. Yes, I did.

Q. So these problems became your problems?

A. Absolutely. I felt it was my position to address anything that affected Mr. Jackson negatively.

Q. So what was coming out in the media at this point?

A. There were documents that were released on a website, thesmokinggun.com, that, in conjunction with the Bashir documentary, I felt was just absolutely beyond a disaster for Mr. Jackson.

Q. Okay. And what did those documents concern?

MR. MESEREAU: Objection. Hearsay; foundation; 352.

MR. AUCHINCLOSS: As reported in the media, is the question.

MR. MESEREAU: Same objection, Your Honor.

THE COURT: I'll overrule the objection, but advise the jury, again, that this area is not being offered for the truth of the matter asserted; that whatever she's going to testify to that appeared on The Smoking Gun is being offered strictly to show why she took her next action.

Q. BY MR. AUCHINCLOSS: And I'm not asking you specifically what was written in those documents. I'm just asking in general terms, what was that document about?

A. It addressed another PR issue that Mr. Jackson had in 1993.

Q. What was that PR issue?

MR. MESEREAU: Objection.

MR. AUCHINCLOSS: That's my question.

MR. MESEREAU: 352; foundation; hearsay; no personal knowledge.

MR. AUCHINCLOSS: I believe she has personal knowledge --

THE COURT: I've already ruled on this. The objection is overruled. Go ahead.

Q. BY MR. AUCHINCLOSS: You may answer the question.

A. They involved Mr. Jackson having inappropriate actions with a young boy.

Q. Okay. The '93 case?

A. Yes.

Q. Okay. What else was there? What other problems, other than the '93 case, did you -- that came up? You said there were several.

A. Besides the documentary, the things that were contained in the documentary?

Q. Yes, uh-huh.

A. Well, the media then began to pick up on any number of things about Mr. Jackson. Pediatricians were weighing in about the way that he fed his baby on the documentary. There was just several -- they were attacking him personally from every angle.

Q. Okay. Were there any other news -- purported news programs that were coming?

A. Yes, there were.

Q. What was that?

A. NBC was doing a program about Mr. Jackson's purported plastic surgeries.

Q. Just that, or did that include other things?

A. Also included other things.

Q. Okay. Was that actually aired?

A. Yes, it was.

Q. Was that positive or negative for Mr. Jackson, in general terms?

A. In general, I felt it was very negative.

Q. What about members of the team specifically? Were there ever any members of the team that became problems or burdens in terms of the media and Mr.

Jackson's image?

A. Yes, there was.

Q. Who?

A. Mr. Schaffel.

Q. Marc Schaffel?

A. Marc Schaffel, yes.

Q. And why was he a problem?

MR. MESEREAU: Objection. 352; foundation; hearsay.

THE COURT: Vague; sustained.

Q. BY MR. AUCHINCLOSS: What was it specifically that was reported in the media? And I'm just asking you -- well, let me just say generally, why was Mr. Schaffel a problem in the media concerning Mr. Jackson?

MR. MESEREAU: Objection. Foundation; hearsay; vague; 352.

THE COURT: The objection's overruled.

THE WITNESS: Mr. Schaffel had a very negative image and I felt very strongly that that image might taint Mr. Jackson.

Q. BY MR. AUCHINCLOSS: All right. Who else had a problem?

A. With Mr. Schaffel?

Q. No. Was there any other member of the team that presented a problem for Mr. Jackson, I should say?

A. Not of the team per se. But there were --

there was someone else that Mr. Jackson's name was associated in the press that I felt would be a problem.

Q. Okay. Who else was that?

A. Mr. Malnik. Al Malnik.

Q. Okay. You say you were hired by Mr. Jackson. Have you ever met Mr. Jackson?

A. No, sir, I have not.

Q. And why did you believe that you were working for him?

A. Because David LeGrand told me that I was. And the contract that I signed said "MJJ Productions" on it.

Q. All right. And did you, in fact, work on Mr. Jackson's behalf?

A. Yes, sir, absolutely.

Q. Okay. Who did you understand was paying your $10,000 retainer?

A. Mr. Jackson.

Q. What proactive measures, if any, did you want to take to address these issues?

A. Well, I believed that immediately there should be a very strong on-camera statement from Mr. Jackson himself. I wanted to be able to explore the documentary that Mr. Bashir had created to see if there were any technical inconsistencies. I wanted to be able to use everything at my disposal to try to find a way to address the issues that

Mr. Jackson was experiencing and give the other side of the story.

Q. Have you ever heard of the organization called "Fire Mountain"?

A. Yes, I have.

Q. What is Fire Mountain?

A. Fire Mountain is a corporation --

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Was there a film that was being prepared to help address the PR issues?

A. Yes, there was.

Q. Whose idea was that?

A. I don't know the answer to that --

Q. Okay.

A. -- specifically.

Q. But it wasn't your idea?

A. No, sir.

Q. Was there a member of the team that was preparing this film?

A. Yes.

Q. Who was that?

A. Mr. Schaffel.

Q. Do you know what the subject matter of this film was?

A. It was to be a rebuttal to Martin Bashir's documentary.

Q. Did you have any discussions with the team concerning what network or what broadcast medium would be used to show this film?

A. Yes, I did.

Q. Do you know whether it was ultimately aired?

A. Yes, it was.

Q. On which network?

A. FOX.

Q. Do you know why FOX was chosen?

A. Yes, I do.

Q. Why is that?

A. Because they would give Mr. Schaffel an element of creative control.

Q. Were there any other networks that were bidding for it?

A. Yes, there was.

Q. Who?

A. NBC.

Q. Did you have any input into whether or not certain people would be included on this rebuttal film?

A. I had a discussion with Mr. Schaffel about the rebuttal film, yes.

Q. Did you provide him some -- your insights as to what should be presented?

A. He told me some things that he thought -- some people that he thought he was going to put on the film and asked me what I thought. And I told him --

MR. MESEREAU: Objection; hearsay.

MR. AUCHINCLOSS: This is offered to explain conduct and -- actually, I can -- I can move on and get more to the point. So I'll withdraw the question and allow the striking of the answer.

THE COURT: I'll strike the answer. But she never got to say anything about what was said.

MR. AUCHINCLOSS: Very well.

THE COURT: Go ahead.

Q. BY MR. AUCHINCLOSS: Did you have -- did you have a discussion about Mr. Jackson's ex-wives with Mr. Schaffel?

A. Yes, I did.

Q. Did you have a suggestion for him about whether one of these -- one or both of these ex-wives should be presented on the rebuttal film?

A. Yes, I did.

MR. MESEREAU: Objection. 352; foundation.

THE COURT: The question calls for hearsay.

MR. AUCHINCLOSS: The question -- Your Honor, I haven't asked for a statement. I've just asked whether she had a discussion.

THE COURT: All right. I'll overrule the objection.

MR. AUCHINCLOSS: All right.

Q. Did you have a discussion with Mr. Schaffel about that?

A. Yes, I did.

Q. And did you make a suggestion?

A. Yes, I did.

Q. What did you suggest?

MR. MESEREAU: Objection. 352; foundation.

THE COURT: Calls for hearsay.

MR. MESEREAU: Hearsay.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Did Mr. Schaffel ever make any comments to you concerning his influence over Debbie Rowe?

MR. MESEREAU: Objection. Leading; foundation; hearsay; 352.

MR. AUCHINCLOSS: I'll be happy to give you an offer of proof, Your Honor.

THE COURT: The leading is sustained.

Q. BY MR. AUCHINCLOSS: Ms. Kite --

(Laughter.)

THE COURT: Go ahead.

BAILIFF CORTEZ: Try it again?

THE COURT: Yes.

BAILIFF CORTEZ: It's back on, Judge.

THE COURT: All right. Go ahead.

Q. BY MR. AUCHINCLOSS: Did you have a discussion with Mr. Schaffel about proposed -- any proposed individuals that would appear on the rebuttal film?

MR. MESEREAU: Objection. Leading; foundation; hearsay; 352.

MR. AUCHINCLOSS: Hardly leading.

THE COURT: Objection is overruled.

THE WITNESS: Yes, I did.

Q. BY MR. AUCHINCLOSS: Okay. Who did you discuss?

A. Debbie Rowe.

Q. Okay. And did you have a feeling about whether or not, from a PR standpoint, she would be a good candidate for this rebuttal film?

MR. MESEREAU: Objection. Hearsay; foundation; 352; leading.

MR. AUCHINCLOSS: The question is, did she have a feeling.

MR. MESEREAU: Relevance; and vague.

THE COURT: Overruled.

You may answer.

THE WITNESS: I'm sorry, you're going to have to ask again after all that.

THE COURT: I'll have the question read back.

(Record read.)

THE WITNESS: Yes, I did.

Q. BY MR. AUCHINCLOSS: What was that?

MR. MESEREAU: Objection. 352; relevance; foundation; hearsay.

THE COURT: Overruled.

THE WITNESS: I'm sorry.

THE COURT: I can have it read back.

THE WITNESS: Please.

(Record read.)

THE WITNESS: Yes, I did.

Q. BY MR. AUCHINCLOSS: And what was that feeling?

A. I didn't think she was the strongest candidate.

Q. And what was Mr. Schaffel's response?

MR. MESEREAU: Objection. Hearsay; 352.

MR. AUCHINCLOSS: This is offered in furtherance of the conspiracy.

MR. MESEREAU: Foundation.

THE COURT: All right. I'm taking the -- this testimony subject to the proving up of the conspiracy. I'll allow the question.

Q. BY MR. AUCHINCLOSS: What did Mr. Schaffel tell you?

A. He said that he could get Debbie Rowe to say whatever he wanted her to say.

Q. Thank you.

This notebook is coming apart, Your Honor. If I can have just a moment.

During the course of your work with the team, I believe you testified that you used the Internet to communicate through e-mails?

A. Yes, that's correct.

MR. AUCHINCLOSS: I previously provided counsel with copies of all these documents, Your Honor, that I'm going to be showing the witness.

And for the record, this is document number -- from original exhibits, Schaffel files, and appears to be a document itemized under 403, page 17. It appears to be a three-page e-mail from Ronald at High Tech America to Marc in L.A. dated 2-16-03.

THE COURT: Is it marked?

MR. MESEREAU: May we see that for a second, please? Thank you.

MR. AUCHINCLOSS: I provided you with copies.

(Off-the-record discussion held at counsel table.)

Q. BY MR. AUCHINCLOSS: All right.

THE COURT: Now, this is a formally marked exhibit?

MR. AUCHINCLOSS: It is, Your Honor.

THE COURT: 403 is the exhibit number?

MR. AUCHINCLOSS: It is the exhibit number. and it is beginning on page 17 of Exhibit No. 403.

Q. If you could take a moment and just look at page four -- or Exhibit No. 403, what I've identified, pages 17, 18, and 19.

MR. SANGER: Could we just have a moment?

MR. MESEREAU: Excuse me. We don't have the second page of that exhibit. Maybe we could --

MR. AUCHINCLOSS: It's in the packet I gave you.

MR. MESEREAU: It's in the back?

MR. AUCHINCLOSS: It's in the packet I gave you yesterday. Do you have that?

MR. MESEREAU: It's not in the binder. Is it somewhere else?

MR. AUCHINCLOSS: Yes.

MR. MESEREAU: It appears to say page one of two, but there's no page two.

MR. AUCHINCLOSS: Is it in --

MS. YU: The individual packet?

MR. AUCHINCLOSS: Yeah, it's in there.

(Off-the-record discussion held at counsel table.)

Q. BY MR. AUCHINCLOSS: Have you had a moment to look at that?

A. Yes.

Q. Can you identify that for me?

A. Yes.

MR. MESEREAU: I'm not blaming anybody. We don't seem to have page two of the exhibit.

MR. AUCHINCLOSS: I'm sorry. I'll take a moment and show counsel.

(Off-the-record discussion held at counsel table.)

Q. BY MR. AUCHINCLOSS: All right. Have you had a chance to look at that?

A. Yes, I have.

Q. Can you identify it for me?

A. Yes, it's an e-mail that I sent to Ronald Konitzer with --

Q. Okay. What was the date of the e-mail that you sent to Ronald Konitzer?

A. It was the 14th of February.

Q. And what was -- I'm not going to ask you to read it to the jury at this time. We're going to lay some additional foundation with this exhibit at a later time. But I'm going to ask you to tell me what was the substance of that e-mail, and what was your purpose in sending it. And let's start with, what was -- what was the concern you expressed in that e-mail?

A. I expressed great concern that there were many things that were preparing to break negatively against Mr. Jackson over the next 72 hours, which would have been between the 14th of February and the 17th. And I just did not understand why there wasn't anyone --

MR. MESEREAU: Objection. Narrative and nonresponsive.

THE COURT: Sustained as to the last sentence is stricken.

MR. AUCHINCLOSS: Okay.

Q. So I was asking you what your concerns were. What concerns specifically did you express in that e-mail?

A. That --

MR. MESEREAU: Objection; hearsay.

MR. AUCHINCLOSS: Your Honor, this is offered to show knowledge on behalf of the co-conspirators, the reasons for the part of the motive of this case, the nature of the crisis, and the action that were taken on behalf of this witness to alert --

MR. MESEREAU: Objection. That is a speaking objection, Your Honor.

MR. AUCHINCLOSS: Goes to the objection.

THE COURT: Are you offering this -- are you offering this to explain a response from the recipient of this e-mail?

MR. AUCHINCLOSS: I am offering it, Your Honor, to explain -- it's offered to explain the conduct as well as the information that was conveyed by this witness to the co-conspirators regarding the degree of the crisis that existed at that time.

Now, it is not being offered into evidence at this time, but I'm laying foundation for its offering that will provide additional foundation at a later date.

MR. MESEREAU: May I object, Your Honor?

MR. AUCHINCLOSS: Her purposes in sending this e-mail and the fact that she did send it to Mr. Konitzer and provided him with this information is relevant as to Mr. Konitzer's knowledge of the events.

MR. MESEREAU: I object on hearsay and foundation. And there's no evidence whatsoever Mr. Jackson's involved in any conspiracy.
MR. AUCHINCLOSS: That remains to be seen.
THE COURT: Any of the conspiracy evidence is being received subject to the proving up of the conspiracy, as I've indicated.
The Court will allow the question here with the admonition that the information that is being conveyed in the e-mail is not offered for the truth of the matter asserted, but to show that the recipient received this information. Or not that he received it; that it was sent to him.
MR. AUCHINCLOSS: All right.
THE COURT: Go ahead.
Q. BY MR. AUCHINCLOSS: So, back to my question. I'll rephrase it. Why don't we -- what was your purpose in sending this e-mail? Why don't I ask it that way.
A. To advise Mr. Konitzer that over the next 72 hours Mr. Jackson was going to face another barrage of extremely negative publicity, and it needed to be addressed immediately.
Q. Were the --
THE COURT: All right. Let's take our morning break.
MR. AUCHINCLOSS: All right.
(Recess taken.)

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 302 through 335 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 2, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, March 2, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, MARCH 2, 2005

8:30 A.M.

(PAGES 337 THROUGH 528)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note:
Mr. Sneddon is listed as "SN" on index.
Mr. Zonen is listed as "Z" on index.
Mr. Auchincloss is listed as "A" on index.
Mr. Mesereau is listed as "M" on index.
Ms. Yu is listed as "Y" on index.
Mr. Sanger is listed as "SA" on index.
Mr. Oxman is listed as "O" on index.

PLAINTIFF'S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
KITE, Ann Marie		363-M	490-A	513-M
LAFFERTY, Albert	516-S			

EXHIBITS

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
4	Map of Santa Ynez Valley	520	521
5	Map of Los Olivos, Figueroa Mountain Road and Ranch location	520	521
6	Aerial photo showing Neverland Ranch		
7	Aerial photo showing security office, arcade, main house and guest house on Neverland Ranch	520	521
8	Aerial photo showing main house, guest house, train station at Neverland Ranch	520	521
9	Aerial photo showing theater, race track and amusement area at Neverland Ranch	520	521
10	Aerial photo showing theater at Neverland Ranch	520	521
11	Aerial photo showing zoo at Neverland Ranch	520	521
12	Aerial photo showing train station at Neverland Ranch	520	521
405	2-8-03 Bell Yard embargoed statement of Janet Arvizo	341	
410	List of phone numbers	343	
412	Appearance, Consent and Release form	345	

THE COURT: Go ahead.

MR. AUCHINCLOSS: Thank you, Your Honor.

Madam Reporter, could I have a read-back on the last question? I think we left on a question.

(Record read.)

MR. AUCHINCLOSS: All right. Thank you.

Q. Showing you at this time Exhibit No. 405, page one. It appears to be a statement from Bell Yard regarding Janet Arvizo, dated February 8th, 2003.

Ms. Kite, did you prepare that statement?

A. No, sir, I did not.

Q. Did you have anything to do with the preparation of that statement?

A. No, sir, I did not.

Q. Are you familiar with that type of statement in the capacity of being a PR --

A. Yes, I am.

Q. -- person?

What does it mean when a statement is embargoed?

A. It means that the statement is prepared and sent out to the news wires, but that the media isn't allowed to release the statement until the time that's stated on the press release. That's what embargoed means. It means we'll send you the information, but you need to hold it until the time we've specified before you can put it out.

Q. So this statement would be -- it would not be allowed to be printed in the media until what time, according --

MR. MESEREAU: Objection; foundation.

Q. BY MR. AUCHINCLOSS: Assuming this statement is a statement for -- that is embargoed until February 8th, midnight.

A. 22 --

MR. MESEREAU: Objection; leading and no foundation. She's not familiar with the document, Your Honor.

MR. AUCHINCLOSS: These are expert questions, Your Honor.

THE COURT: I haven't been accepting her testimony at this point as an expert.

MR. AUCHINCLOSS: Well, I do think she had familiarity sufficient to talk about the nature of embargoed documents when they are released to the media.

THE COURT: And she has. But the question now you asked was specifically as to this document.

MR. AUCHINCLOSS: I can talk hypothetically, if you'd like.

THE COURT: All right.

Q. BY MR. AUCHINCLOSS: All right. Hypothetically speaking, if a document was embargoed for a date, let's say January 1st, at twelve noon, what does that mean in terms of its production in

the media?
A. Well --
MR. MESEREAU: I'm going to object, Your Honor. She's not qualified as an expert.
MR. AUCHINCLOSS: This is an area where she has knowledge, Your Honor. It's beyond the -- it's beyond the scope of a layperson's understanding in these areas.
THE COURT: The objection is overruled.
You may answer.
THE WITNESS: What it means is that the person producing the document puts the information together, and sends it out to the media. The media has it in their hands, but they cannot release it for public consumption until the time that's stated on the document.
Q. BY MR. AUCHINCLOSS: All right. Moving on to Exhibit No. 410, page one. It appears to be a list of phone numbers. First name is Mark Geragos, Criminal Lawyer, in the upper left-hand side.
Is your name on that list of phone numbers?
A. Yes, sir, it is.
Q. Are there any other members of the team on that list of phone numbers?
A. Yes, there are.
Q. Which ones?
MR. MESEREAU: Objection. Foundation; hearsay.

THE COURT: The foundation is sustained. And what I'm thinking of -- I'm not sure what Mr. Mesereau was thinking of, but what I'm thinking of is "the team" is vague.

MR. AUCHINCLOSS: As to members of the team.

THE COURT: You said that, yes. That was your question. And I don't know what you're referring to.

MR. AUCHINCLOSS: All right.

Q. You mentioned that there was a number of people that were on a PR team; is that correct?

A. Yes.

Q. To deal with the issues, the PR problem that you previously identified, regarding Michael Jackson?

A. Yes.

Q. Are there any other members of that PR team that are on that phone sheet that is before you?

A. Yes, there are.

Q. Which ones?

A. Mark Geragos, Ronald Konitzer, Richard Elsen, Stuart Backerman, David LeGrand, and myself. And these are the people that I dealt with directly.

Q. Is there a phone number associated with your name?

A. Yes, there is.

Q. Is it correct?

A. Yes, it is.

Q. Are there any other names on that list that were the subject of the PR issues that you were addressing?

A. Yes, there is.

Q. What names?

A. Gavin Arvizo.

Q. Any others?

A. Yes. Debbie Rowe.

Q. All right. Is that it?

A. Yes, as far as I can tell.

Q. All right. Thank you.

Finally, I'll show you what appears to be a release form, Exhibit No. 412, page number two. Have you ever seen that document?

A. Yes, I have.

Q. Did you prepare that -- a portion of that document?

A. Yes, I did.

Q. Was there a portion of that document that was not prepared by you?

A. Yes, there was.

Q. Where did you get that document from, that portion that you're describing?

A. David LeGrand.

Q. Okay. First of all, describe for me what they have here as that exhibit.

A. This is an appearance, consent and release form.

Q. And it came to you from David LeGrand?

A. Yes, it did.

Q. On what date; do you know?

A. I believe it was around the 10th of February.

Q. And were you instructed to do something with this document?

A. Yes, I was.

Q. What was that?

A. I was instructed to take out the words "MJJ Productions Inc." and put in "Gabriel Media, Inc."

Q. Did you do that?

A. Yes, I did.

Q. What did you do with the document then?

A. I sent it back to Mr. LeGrand.

Q. Do you know what the purpose of that action was?

MR. MESEREAU: Objection; hearsay.

MR. AUCHINCLOSS: It's a yes or no question.

MR. MESEREAU: Foundation for elements.

THE COURT: Foundation; sustained.

Q. BY MR. AUCHINCLOSS: All right. During your work for Mr. Jackson, at some point, did you become aware of a problem involving the Arvizo family?

A. Yes, I did.

Q. How did you become aware of that problem?

MR. MESEREAU: Objection. Hearsay; foundation; 352.

MR. AUCHINCLOSS: Offered in furtherance of the conspiracy.

THE COURT: Overruled.

THE WITNESS: Mr. Schaffel called me.

Q. BY MR. AUCHINCLOSS: Do you remember the approximate date or the date that that call took place?

A. Yes, it was the 13th of February.

Q. And what did Mr. Schaffel tell you?

MR. MESEREAU: Objection; hearsay.

MR. AUCHINCLOSS: Offered in furtherance of the conspiracy.

THE COURT: Overruled.

THE WITNESS: He told me that Janet had taken the kids and left the ranch either late at night or early in the morning.

Q. BY MR. AUCHINCLOSS: Did you express any concern to him?

MR. MESEREAU: Objection; leading.

Q. BY MR. AUCHINCLOSS: At that time?

THE COURT: You may answer.

THE WITNESS: Well, I didn't understand what it was that he was trying to say to me. I mean, I knew what he said, but I wasn't understanding where he was going with it.

Q. BY MR. AUCHINCLOSS: Was Mr. Schaffel -- what was his demeanor when he was telling you this?

A. He was extremely agitated.

Q. Did you understand what was the source of his agitation?

A. Yes. That Janet had taken the kids and left the ranch.

Q. Sometime later, did you receive another phone call or have another phone conversation with Mr. Schaffel concerning this subject?

A. Yes, I did.

Q. When was that?

A. It was later that day.

Q. And what was said?

MR. MESEREAU: Objection; hearsay.

MR. AUCHINCLOSS: Offered in furtherance of the conspiracy.

THE COURT: All right. The objection's overruled.

THE WITNESS: He said that the situation had been contained.

Q. BY MR. AUCHINCLOSS: Did that concern you?

A. Yes, it did.

Q. Okay. Why?

A. Because I believed that if somebody had taken their children and left the ranch, there must be some type of problem. And the way that he answered me by saying the situation was contained made me very uncomfortable.

Q. Did you ask him any other questions about that?

A. No, I did not.

Q. Did you have any further conversations with Mr. Schaffel about this subject?

A. During the -- one of the two conversations, and I believe it was the last one when he said the situation had been contained, he told me that he --

MR. MESEREAU: Objection; nonresponsive.

MR. AUCHINCLOSS: You can answer the question yes or no, first of all.

THE WITNESS: Yes.

Q. BY MR. AUCHINCLOSS: And what was said in that conversation?

MR. MESEREAU: Objection; hearsay.

MR. AUCHINCLOSS: Offered in furtherance of the conspiracy

THE COURT: Overruled.

THE WITNESS: That he was going to fax me a letter; that he wanted me to put it away for safekeeping.

Q. BY MR. AUCHINCLOSS: Did you ask him any further questions about that?

A. No, sir, I did not.

Q. Did he ever say anything to you about the ranch, about the family?

MR. MESEREAU: Objection; leading.

MR. AUCHINCLOSS: Offered to refresh recollection.

THE COURT: The objection is sustained.

MR. AUCHINCLOSS: All right.

Q. Did he make any further statements to you about the Arvizo family?

A. Yes, he said that they had been brought back to the ranch.

Q. Did this conversation concern you?

A. Yes, it did.

Q. Why?

A. Because I didn't understand why he would be so upset about them leaving the ranch and then telling me the situation had been contained and that they had been brought back to the rather all within a span of approximately 12 hours or so.

Q. Did you have any conversations with other members of the team regarding this issue?

A. Yes, I did.

Q. Who else?

A. David LeGrand.

Q. When did that conversation take place?

A. It was later that same day, on the 13th.

Q. Did you call him or did he call you?

A. I called him.

Q. And what did you ask him?

A. I said, "Did I hear right, what Marc Schaffel said to me; that Janet left the ranch?" And I said, "Don't make me believe --

MR. MESEREAU: Objection; nonresponsive.

THE COURT: Overruled.

THE WITNESS: I said, "Don't make me believe that these people were hunted down like dogs and brought back to the ranch."

THE COURT: Okay. I'm going to strike that answer in response to the nonresponsive objection. The jury's to disregard the answer.

MR. AUCHINCLOSS: Okay.

Q. When did you tell Mr. LeGrand -- well, let me rephrase that.

Did you tell Mr. LeGrand -- express to Mr. LeGrand your concern about the Arvizos?

A. Yes, I did.

MR. MESEREAU: Objection; leading.

Q. BY MR. AUCHINCLOSS: What did you say?

THE COURT: Just a moment. Overruled.

Q. BY MR. AUCHINCLOSS: What did you say? How did you express your concern to Mr. LeGrand?

A. What words did I use?

Q. Yes.

MR. MESEREAU: It's hearsay, Your Honor.

MR. AUCHINCLOSS: The response is what is being offered. The responses to the question is being offered in advance of the conspiracy.

THE COURT: All right. I'll allow the answer.

Do you need the question read back?

THE WITNESS: Yes, Your Honor. I don't understand the --

THE COURT: All right. She doesn't understand. You need to rephrase your question. We won't read it back.

Q. BY MR. AUCHINCLOSS: I need you to answer this question one more time for me. What did you say to Mr. LeGrand concerning -- well, you previously said that Mr. LeGrand -- well, no. Let me strike that.

What did you say to Mr. LeGrand expressing your concern about the Arvizos, specifically? What did you say?

A. Do you want my verbatim?

Q. Yes.

MR. MESEREAU: Hearsay and foundation.

THE COURT: Overruled.

THE WITNESS: I said, "Don't make me believe that these people were hunted down like dogs and brought back to the ranch."

Q. BY MR. AUCHINCLOSS: Did Mr. LeGrand answer your question directly?

A. Yes, he did.

Q. What did he say?

A. He said, "I can't discuss this right now."

Q. Then what happened?

A. Um, we continued to discuss what happened on the morning conference call with Bell Yard, and hung up.

Q. Did you ever express your concern or ask any questions about this subject to any other members of the team?

A. Yes, I did.

Q. Who was that?

A. Ronald Konitzer.

Q. How did you express your concern to Ronald Konitzer? Let me back up.

First of all, when did this conversation take place?

A. It was later in the day of the 13th.

Q. And how did you express your concern to Mr. Konitzer?

MR. MESEREAU: Objection. Hearsay; foundation.

MR. AUCHINCLOSS: Same purpose, Your Honor.

THE COURT: To explain the response that's --

MR. AUCHINCLOSS: Yes.

THE COURT: -- that's in the furtherance of a conspiracy?

MR. AUCHINCLOSS: Yes.

THE COURT: All right. I'll overrule the objection.

THE WITNESS: I asked him about Marc Schaffel's comment about the situation being contained.

Q. BY MR. AUCHINCLOSS: And do you recall specifically what you asked him?

A. Yes. I said, "What was" -- "What was the situation with Janet and Gavin leaving the ranch?"

Q. And what did he tell you?

A. He told me that --

MR. MESEREAU: Objection; hearsay.

MR. AUCHINCLOSS: Offered in furtherance of the conspiracy.

THE COURT: The objection's overruled

THE WITNESS: He told me that the situation had been taken care of.

Q. BY MR. AUCHINCLOSS: Did he offer any other explanation?

A. No, sir, he did not.

Q. Did anyone ever provide you with any further explanation of the Arvizo issue?

A. No, sir.

Q. Did this cause you concern?

A. Yes, it did.

MR. MESEREAU: Objection; leading.

MR. AUCHINCLOSS: I'll rephrase.

THE COURT: I'll sustain the objection.

Q. BY MR. AUCHINCLOSS: How did you feel about that?

A. Very concerned.

Q. Okay. So during your tenure working with the team, how did you feel, or did you agree with how the team was conducting itself in terms of the PR --

MR. MESEREAU: Objection; vague.

Q. BY MR. AUCHINCLOSS: -- addressing the PR issues that you were hired to address?

MR. MESEREAU: Objection; vague.

THE COURT: Compound. Sustained.

Q. BY MR. AUCHINCLOSS: Did you agree with the team, how the team was handling the PR problem?

A. No, I did not.

Q. Why not?

A. Because I believed that they were leaving Mr. Jackson exposed in a way that was extremely negative for him.

Q. How were they leaving him exposed?

A. By not addressing the issues that were being raised by the press.

Q. Were they being proactive?

A. No, not at all.

Q. When were you terminated as a PR representative?

A. On the 15th of February.

Q. Were you given an explanation as to why you were terminated?

A. I received an e-mail, if that's your question.

Q. Did they explain why -- the reason for your termination?

A. No. There was no explanation. I can tell you what the e-mail said.

Q. What did the e-mail say?

A. The e-mail said Ronald --

MR. MESEREAU: Objection; hearsay.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Okay. I'll go back to the question. Did the e-mail explain -- it didn't explain the reason for your termination?

A. No, sir. It didn't.

MR. MESEREAU: Objection; hearsay.

MR. AUCHINCLOSS: It's not a statement.

THE COURT: It's not a statement. It's an unstatement. Sustained.

Q. BY MR. AUCHINCLOSS: Did you -- were you ever provided, by anybody, with an explanation --

A. No, sir, I was not.

Q. -- as to why you were terminated?

A. No, sir.

Q. At some point did you prepare to make a statement, while you were still employed, on television?

A. Yes, I did.

Q. What was the television show?

A. Access Hollywood.

Q. And when was that?

A. When was it scheduled?

Q. Yes.

A. For the 14th of February.

Q. Were you ever told to clear such appearances before any member of the team?

A. Not when the preparations for Access Hollywood were being made, no.

Q. Did you clear your appearance on Access Hollywood with any member of the team?

A. Yes, sir.

Q. Who?

A. I spoke with Mr. Schaffel, I spoke with Mr. Geragos and I spoke with Mr. Konitzer.

Q. Did you tell them what you were going to say?

A. Yes, sir.

Q. Did they agree with you to go ahead?

A. Yes, sir.

Q. And did you go to Access Hollywood and prepare to make that statement?

A. Yes, I did.

Q. I take it this was a pro Jackson statement on Mr. Jackson's behalf?

A. Yes, sir.

Q. Did something unusual happen while you were on the set?

A. Yes.

Q. What was that?

A. I was pulled off the set by Mr. Geragos.

Q. In what fashion?

A. He called Access Hollywood and told them to not do the interview with me.

Q. How much time before the expected filming of the set were you pulled off?

A. I was actually miked and sitting on the set with Pat O'Brien.

Q. Okay. Did that cause you some concern?

A. Yes, it did.

Q. Why?

A. Because I was of the belief that Mr. Jackson had been barraged by so much negative publicity, and I wanted to be able to get back into a proactive cycle for him.

Q. Did Mr. Geragos's involvement in this action cause you any concern?

A. Yes, it did.

Q. Why?

A. Because he was a criminal attorney.

Q. Why would that cause you concern?

MR. MESEREAU: Objection. Relevance; hearsay

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Did you subsequently have a conversation with Mr. Geragos about your employment --

MR. MESEREAU: Objection; leading.

Q. BY MR. AUCHINCLOSS: -- for Mr. Jackson?

THE COURT: Overruled.

You may answer.

THE WITNESS: I'm sorry, I don't understand your question.

Q. BY MR. AUCHINCLOSS: After you were pulled off the set of Access Hollywood, did you subsequently have any conversations with Mr. Geragos about your employment with Mr. Jackson?

A. I had a conversation with Mr. Geragos, yes.

Q. When did that take place?

A. On the set of Access Hollywood.

Q. So you spoke to him then?

A. Yes, on the phone.

Q. All right. And what was that conversation about?

MR. MESEREAU: Objection; hearsay.

MR. AUCHINCLOSS: Offered in furtherance of a conspiracy.

THE COURT: I'll sustain the objection, because it's vague, "What was the conversation about?" It calls for a conclusion of the witness.

Q. BY MR. AUCHINCLOSS: I can be more specific.

Did Mr. Geragos make any request of you?

A. Yes, he did.

Q. What was the request?

A. He --

MR. MESEREAU: Objection; hearsay.

MR. AUCHINCLOSS: Offered in furtherance of the conspiracy.

THE COURT: Overruled.

THE WITNESS: He asked me to stay in town overnight and come into his office the next morning and meet with him.

Q. BY MR. AUCHINCLOSS: For what purpose?

A. To sign a private --

MR. MESEREAU: Same objection.

THE COURT: Overruled.

THE WITNESS: To sign a private investigator's confidentiality agreement.

Q. BY MR. AUCHINCLOSS: Are you a private investigator?

A. No, sir.

Q. Do you understand what that would have done to you if you had signed such an agreement?

A. I had an idea, sir.

MR. MESEREAU: Calls for speculation, Your Honor.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Did you have an understanding as to the effect, the legal effect of that agreement, if you signed it?

MR. MESEREAU: Foundation; speculation.

MR. AUCHINCLOSS: Goes to her intent as to whether she wanted to sign the agreement or not.

MR. AUCHINCLOSS: I can ask another foundational question.

THE COURT: All right. Go ahead.

Q. BY MR. AUCHINCLOSS: Did you sign that agreement?

A. No, sir.

Q. Why not?

MR. MESEREAU: Objection. Relevance; hearsay; foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: Because I believed that it would negatively impact me.

Q. BY MR. AUCHINCLOSS: Why? In what way?

MR. MESEREAU: Objection. Speculation; relevance; foundation; hearsay.

THE COURT: Overruled.

You may answer.

THE WITNESS: I believed it was designed to shut me up.

Q. BY MR. AUCHINCLOSS: Based on your performance as a PR person for Michael Jackson, how would you evaluate your attempted performance or your attempt to help him in a PR sense?

MR. MESEREAU: Objection. Hearsay; relevance, foundation; calls for speculation; hearsay.

MR. AUCHINCLOSS: How is this hearsay? I don't see any -- this is her evaluation. This is a spurious objection.

MR. MESEREAU: An opinion.

THE COURT: I'll sustain the objection and relevancy. An opinion of her own performance.

MR. AUCHINCLOSS: Okay.

Q. Did you ever form an opinion, based on everything that happened during this period of time that you were working for Mr. Jackson and the time immediately preceding it, as to why they terminated you? Based on all the conduct of the parties, based on all you knew about this case and your job, did you ever form an opinion as to why you were terminated?

A. Yes, I did.

Q. What was your -- what's your opinion on that?

MR. MESEREAU: Objection. Opinion; relevance.

THE COURT: Sustained.

MR. AUCHINCLOSS: Not a proper lay opinion?

THE COURT: The objection was sustained.

MR. AUCHINCLOSS: All right.

Q. After your termination, Ms. Kite, did you have a conversation with David LeGrand about Janet Arvizo?

A. Yes, I did.

MR. MESEREAU: Objection. Leading; hearsay.

MR. AUCHINCLOSS: It's -- it's a yes or no question. It is not hearsay. And it's hardly leading. It's just an open-ended question, whether she had a conversation.

THE COURT: Objection is overruled. She did answer. She said, "Yes, I did."

MR. AUCHINCLOSS: All right.

Q. When did this conversation take place?

A. Approximately a week to ten days after I was terminated.

Q. Were you in a room with him? Telephone? You tell me.

A. We were on the telephone.

Q. And did he convey some information to you about Janet Arvizo?

A. Yes, he did.

Q. What did he say to you?

MR. MESEREAU: Objection. Hearsay; foundation; relevance.

MR. AUCHINCLOSS: Offered in furtherance of the conspiracy.

THE COURT: The objection is overruled.

THE WITNESS: He said that they no longer had to worry about Janet Arvizo because they had her on tape and they were going to make her look like a crank whore.

MR. AUCHINCLOSS: Thank you, Ms. Kite. No further questions.

THE COURT: Cross-examine?

MR. MESEREAU: Yes, please, Your Honor.

CROSS-EXAMINATION

BY MR. MESSEREAU:

Q. Good morning.

A. Good morning.

Q. Ms. Kite, my name is Thomas Mesereau and I speak for Mr. Jackson.

MR. AUCHINCLOSS: I'm going to object to counsel's preamble concerning who he represents.

THE COURT: Overruled.

(Laughter.)

Q. BY MR. MESEREAU: Ms. Kite, I'd like to refer you to Exhibit 410, which is a document the prosecutor showed you, which has names and phone numbers on it. Do you see that document? I think it's labeled as 410 in the book you have.

A. Yes, sir, I do.

Q. And just for the record, that is a document you referred to while the prosecutor was asking you questions, correct?

A. Yes, sir.

Q. And it's a document that appears to have names and phone numbers on it only, correct?

A. Yes, that's correct.

Q. And you looked at that document when you were testifying and you gave the names of people who were on the team, correct?

A. Yes, that's correct.

Q. And this was the team that you worked with for purposes of public relations, right?

A. Yes, sir.

Q. Does Mr. Jackson's name appear on that document?

A. No, sir, it does not.

Q. Does Mr. Jackson's phone number appear on that document?

A. No, sir, it does not.

Q. And while you were working with this team, you never met Mr. Jackson, correct?

A. No, sir, I did not.

Q. And you never spoke with Mr. Jackson, correct?

A. No, I did not, that's correct.

Q. You never met any of the Arvizos, correct?

A. That's correct, sir.

Q. And at that time you never spoke to the Arvizos, correct?

A. No, sir, I did not.

Q. Have you ever been to Neverland?

A. No, sir, I have not.

Q. How long were you employed by this team?

A. From the 9th of February to the 15th of February.

Q. So you were brought on board on the 9th?

A. Officially, yes.

Q. You were terminated on the 15th?

A. Yes, sir.

Q. So you worked for less than a week?

A. That's correct, sir.

Q. Now, while you worked on this team for less

than a week, did you have other clients?
A. Yes, sir, I did.
Q. How many other clients were you working for during this six-day period?
A. Just one.
Q. Okay. Who was that?
A. Webcaster Alliance.
Q. And you have represented that client for a long time; have you not?
A. At that time, no, I had not.
Q. Well, did you have a position with that client as well?
A. Yes, I did.
Q. What was your position with that client?
A. The president.
Q. Okay. You were president of the Webcaster Alliance, correct?
A. Yes, sir.
Q. Would you please tell the jury what the Webcaster Alliance is?
A. The Webcaster Alliance is an organization that supports Internet-related webcasters, support services, manufacturers, anything to do with broadcasting music over the Internet.
Q. And how many people are members of that -- or excuse me, let me rephrase that.
How many people were members of that alliance at this particular time?

A. At that time I don't remember specifically. I think it was a little bit over 100, but I'm not sure.

Q. In the six days that you represented Mr. Jackson, as you described it, and were president of this alliance, did you think you became an expert on Mr. Jackson's life?

A. Oh, no, sir, I would never profess to be an expert on anybody's life.

Q. Please answer my question.

A. No, sir.

Q. During the six days you claim you worked for this team, did you think you became an expert on Mr. Jackson's music?

A. No, sir.

Q. Okay. During the six days that you worked with this team, and at the same time were president of the Webcaster Alliance, you didn't really become an expert on anything associated with Mr. Jackson, did you?

A. No, sir.

Q. Okay. Now, you told the Santa Barbara sheriffs that you were very concerned that these people were ripping off Mr. Jackson, didn't you?

A. I don't remember saying that, sir.

Q. Did you ever tell anything to the Santa Barbara sheriff that suggested you thought these people were taking advantage of Mr. Jackson?

A. I don't remember saying anything like that, sir.

Q. Okay. You met with the Santa Barbara sheriffs approximately when; do you know?

A. I believe it was in March of 2004.

Q. Okay. It was approximately March 11th, correct?

A. Yes, sir.

Q. And you gave them a lengthy statement, did you not?

A. Yes, I did.

Q. To your knowledge, was that statement recorded?

A. Yes, I believe it was.

Q. And were you told that your statement was going to appear in the form of a police report?

A. I don't remember, sir.

Q. Have you discussed your statement with anyone on the prosecution team at any time?

A. The statement in the police report?

Q. Yes.

A. Yes, I did.

Q. And when did you last discuss that with any member of the prosecution team?

A. I don't remember. Sometime probably in the last couple weeks.

Q. Who did you talk to about that?

A. To Gordon, Mr. Auchincloss.

Q. Okay. And that's the prosecutor who just asked you questions, correct?
A. Yes.
Q. Did he give you a copy of that police report to look at?
A. Yes, he did.
Q. Did you read it?
A. Yes, I did.
Q. Did you discuss its contents with Mr. Auchincloss?
A. I don't understand your question.
Q. Did you discuss the contents of that police report with Mr. Auchincloss?
A. I discussed --
Q. Let me rephrase the --
A. Okay.
Q. Maybe I'm being --
A. Yeah, I'm sorry. I'm not trying to be stupid.
Q. No, you're not. Don't worry.
Mr. Auchincloss gave you a copy of the police report, correct?
A. Yes, that's correct.
Q. He asked you to read it, correct?
A. Yes, he did.
Q. And it's a pretty long report, isn't it?
A. Yes, it is.
Q. And, in fact, it goes for many pages,

correct?

A. Yes, it does.

Q. And it is a narrative summary about what you told the police, true?

A. Yes, it is.

Q. What you told the sheriffs?

A. Yes, it is. That's correct.

Q. And it actually -- you had an approximately 90-minute conversation with the sheriffs in March when you were interviewed, true?

A. Yes, somewhere around there. I don't remember the time. But it was lengthy.

Q. You told them a lot of things you haven't said today, correct?

A. Yes, I did.

Q. You told them a lot of things that you felt about the way the so-called team was handling Mr. Jackson --

A. Yes, I did.

Q. -- correct?

A. That's correct.

Q. Okay. Now, you are referred to as Ann Gabriel in the report, correct?

A. That's correct, sir.

Q. That was your name at the time, right?

A. That's the name I used professionally.

Q. Okay. Was your name Kite at the time, your legal name?

A. My legal name is still Kite, but I go professionally by Ann Gabriel.

Q. Okay. And your understanding was that you would be referred to as "Gabriel" in the police report, true?

A. Yes, sir.

Q. You told the sheriffs that you are the owner of Gabriel Media, Inc., right?

A. Yes, sir.

Q. And you were asked how you got involved in this matter, right?

A. Yes, sir.

Q. Okay. And you told the police that you were hired by Attorney David LeGrand, correct?

A. Yes, sir, that's correct.

Q. And you had previously dated David LeGrand, right?

A. Yes, sir.

Q. You didn't tell that to the police at that time, correct?

A. No, sir, I did not.

Q. Okay. Now, correct me if I'm wrong, did you stop dating Mr. LeGrand when you were hired by the team?

A. Yes, sir, that's correct.

Q. Okay. So you and LeGrand had a professional relationship only at that time?

A. Yes, that's correct.

Q. And are you telling the jury that you ended the dating relationship just as you began this professional task?

A. Yes, sir, that's correct.

Q. Okay. Did you and Mr. LeGrand talk about the fact that it might not look good if you guys were dating while you took this job?

A. No, sir, we did not.

Q. Did you ever disclose to other members of this team that you and Mr. LeGrand had dated before?

A. No, sir, I did not.

Q. You both agreed to keep that hidden, right?

A. No, sir. We never agreed on anything. We never discussed it. We never agreed or disagreed or talked at all about hiding it or not hiding it.

Q. Okay. Now, let me just explore that a little bit. You and Mr. LeGrand are dating, and suddenly you decide to be hired as a professional public relations person, true?

MR. AUCHINCLOSS: Objection; argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You and Mr. LeGrand were dating right up until the very moment that you were hired as a professional by this team?

A. No, sir, not right up until the very moment.

Q. Okay. How much time was there between your relationship ending and you being hired to do public relations for this team?

A. My relationship with Mr. LeGrand on a personal level --

Q. Yes.

A. -- stopped for that moment at the end of January, but it was always hanging out there.

Q. Okay. And I'm not trying to pry into the nature of your relationship at all.

A. No, I have no problem answering your question. I just want you to understand specifically, that for that moment in January, when we decided not to see each other personally anymore --

Q. Right.

A. -- it had nothing to do with any professional performance that he may engage me in in the future.

Q. Okay. Now --

A. We were involved in other projects together on the professional side.

Q. When you were dating up until -- is it the 9th of January, is that what you said?

A. No, the end of January.

Q. The end of January. When you were dating Mr. LeGrand up until the end of January, did you ever discuss the possibility of your being hired to do public relations for this team?

A. Yes, sir.

Q. And at some point, you must have both agreed, '"We're going to terminate the relationship and I'm going to be hired on the team," right?

MR. AUCHINCLOSS: Objection; argumentative.

THE COURT: It's asked and answered. Sustained.

Q. BY MR. MESEREAU: Needless to say, you never told Mr. Jackson that you had had this prior relationship, right?

A. Oh, no, sir, I never spoke to Mr. Jackson.

Q. Never wrote him either?

A. No, I did not.

Q. Okay. Okay. Now, when the prosecutor was asking you questions about the people you were working with, remember you said you thought Mr. Jackson was at the top?

A. I don't remember the prosecutor asking me anything about if I thought Mr. Jackson was at the top.

Q. Well, during his questions of you yesterday, do you remember he sort of tried to emphasize that Mr. Jackson was at the top of some structure?

A. I don't remember him bringing Mr. Jackson's name up at the top of a structure. I believe he asked me about the team that I worked with.

Q. Well, at no time when you were interviewed by the police or the sheriffs did you ever say Mr. Jackson was on this team, right?

A. No, sir, I did not.

Q. Because based upon your experience, Mr. Jackson wasn't on this team, correct?

A. That's correct, sir.

Q. You described the team to the Santa Barbara sheriffs as composed of the following individuals: Mr. LeGrand, right?

A. Yes, sir.

Q. Mark Geragos, right?

A. Yes, sir.

Q. Stuart Backerman, right?

A. Yes, sir.

Q. Ronald Konitzer?

A. Yes, sir.

Q. And Dieter Weizner, right?

A. Yes, sir.

Q. You told the Santa Barbara sheriffs there were also attorneys from the UK, correct?

A. Yes, sir.

Q. But you told them you had not spoken with them or met them, true?

A. No, I never said I had not spoken with them. I'm sure I had said I had not met them since they were in the UK. But I couldn't say I had not spoken with them when I had been on conference calls with them.

Q. Would it refresh your recollection if I just show you this page in the report?

A. Sure. Absolutely, you can.

MR. MESEREAU: Okay. May I approach, Your Honor?

THE COURT: Yes.

MR. MESEREAU: Thank you.

THE WITNESS: Oh, yes. I had not spoken with them or met them up until the point that Mr. LeGrand sent me the e-mail welcoming me to the team. That's what that's about.

Q. BY MR. MESEREAU: Doesn't say that there, does it?

A. Yes, that's what that paragraph says.

Q. Let me just -- for the record --

THE COURT: Counsel, you've showed her something to refresh her recollection.

MR. MESEREAU: Okay.

Q. Mrs. Kite, early in your interview with the Santa Barbara sheriffs, you told them you had not spoken with or met with attorneys from the UK, true?

A. Yes.

Q. Okay. You told the Santa Barbara sheriffs that you had been brought in by Mr. LeGrand because Mr. LeGrand was not PR savvy, true?

A. That's correct. Yes.

Q. And you told them there was a huge media crisis due to the Martin Bashir interview, right?

A. That's correct.

Q. You told the Santa Barbara sheriffs you believed you had the ability to read what was going on, in connection with the press, right?

A. That's correct.

Q. You thought your connections with the press were pretty good, correct?

A. Yes, I did.

Q. And you told the Santa Barbara sheriffs you had been involved in public relations for approximately 20 years?

A. That's correct, sir.

Q. And that's correct, right?

A. Yes, sir.

Q. Excuse me, it was at the time, right?

A. Yeah. I'm a little older now, yes.

Q. All right. And you also told them you had done broadcasting, right?

A. That's correct, that's correct.

Q. What broadcasting had you done?

A. I had done Internet broadcasting.

Q. Can you please explain what that is?

A. Sure, absolutely. It's just like television, but it's done over the Internet.

Q. How long had you done that at that time?

A. At that time, since 1997. So whatever year it was that I spoke with the police. 2004.

Q. Were you doing Internet broadcasting while you were working with this team?

A. No, sir, I was not.

Q. Okay. Please tell the jury what you were doing as president of the Webcasters Alliance?

A. Well, at that point, we were working toward legislation for webcasters to help them be allowed to play music on the Internet. It was more working on the political side.

Q. Now, who was opposing your efforts to play music on the Internet?

A. The Recording Industry Association of America.

Q. Okay. And who does that comprise, if you know?

A. That comprises the five major labels -- well, there were five at the time. There's three now, so....

Q. And are you saying it's composed of record labels?

A. That's correct, sir.

Q. What record labels were opposing you at that time?

A. The ones that belonged to the Recording Industry Association of America.

Q. Okay. Do you know who they were?

A. I can give you the majors, which would be Warner Music, Universal, BMG, Sony.

Q. Okay. They were opposing you, right?

A. Yes, sir.

Q. Now --

A. They were opposing webcasters.

Q. Webcasters. All right. Okay.

A. Yes.

Q. They were opposing them pretty vigorously, right?

A. Yes, sir, they were.

Q. Do you know why they were opposing you so vigorously?

A. Are you asking me personal opinion or are you asking what they said to the public? They're two different things.

Q. Okay. They gave -- actually, in the course of your work to get legislation passed, the record labels hired lobbyists, didn't they?

A. Yes, they did.

Q. And the lobbyists went around to various politicians opposing what you were trying to do, correct?

A. Yes, sir, that's correct.

Q. To your knowledge, they did that because they felt it would hurt the music industry, at least as far as they're concerned, if you could play this music on the Internet, right?

A. Yes, sir, that's correct.

Q. In fact, they made a pitch that they could lose a lot of money if this music was played on the Internet, right?

A. That was their pitch, yes.

Q. And you felt, and the members of your organization felt, that you should be free to take these songs generated by these music companies and play them on the Internet, right?

A. Well, no, sir, not the way that you're stating it, that's not correct.

Q. How would you state it?

A. We felt that Internet broadcasters should fall under the same realm as traditional terrestrial radio stations did. And we believed that Internet broadcasting was every bit, if not more so, valuable to performers and artists, especially independent artists who might not have a chance to be heard on traditional terrestrial radio stations.

Q. Now, you certainly knew, while you were doing this, that Mr. Jackson had business arrangements with some of these major record labels, right?

A. I knew that Mr. Jackson had spoken out vigorously against the labels earlier. And I knew that he also still had an existing contract or believed that he still had an existing contract with Sony.

Q. But your position as president of the Webcasters Alliance was against Sony, right, at least as far as that issue was concerned?

A. Well, I wouldn't market against Sony. Our position was to try to explain to the labels that we could be every bit as friendly to them as a terrestrial radio station would.

We certainly didn't want to be against them. We wanted to help them promote their artists' music and sell more music.

Q. You knew Mr. Jackson had a relationship with Sony at that time, correct?

A. Yes, sir, I did.

Q. Did you ever make any effort to advise Mr. Jackson that you might have a conflict of interest, if you were taking this position against Sony while Mr. Jackson was in a business relationship with Sony?

A. No, not Mr. Jackson. But Mr. LeGrand was aware of it because Mr. LeGrand was working on the legislation with me.

Q. Did he tell you there was no problem?

A. Well, if Mr. LeGrand was working on the legislation with me and went to the Recording Industry Association of America with me while he was also representing Mr. Jackson, I wouldn't have any reason to think there would be a conflict on my part.

Q. So correct me if I'm wrong. What you're saying is you never actually discussed a possible conflict, but you assumed, because Mr. LeGrand hired you, it must be okay with Mr. Jackson, correct?

A. Yes, sir, you're absolutely right.

Q. All right. All right. You told the Santa

Barbara sheriffs that you were contacted by telephone by Mr. LeGrand regarding your being hired to do public relations work, correct?

A. That was not my initial contact with Mr. LeGrand about doing public relation for Michael Jackson; nor was that how I found out that Mr. LeGrand hired me.

Q. Didn't you tell the Santa Barbara sheriffs that you had actually spoken with LeGrand in Washington D.C., but you were contacted by telephone regarding the public relations work?

A. I had spoken face to face with Mr. LeGrand about doing public relations for Mr. Jackson in Washington D.C.

Q. Okay. Would it refresh your recollection if I just show you the report?

A. Yes, you can show it to me. That's fine.

MR. MESEREAU: May I, Your Honor? Thank you.

THE WITNESS: Yes.

Q. BY MR. MESEREAU: Have you had a chance to look at that report, Ms. Kite?

A. Yes, I have.

Q. And is the report accurate or inaccurate?

A. Yes, I did speak with Mr. LeGrand in Washington D.C. about working for Mr. Jackson. But my recollection is -- as I sit here right now, was receiving an e-mail from Mr. LeGrand on the morning of the 9th of February that said, "Welcome to the team."

Q. Okay. But -- I showed you the report. Does that appear to be slightly inaccurate, as far as you're concerned?

A. I don't -- I don't know, sir.

Q. Okay.

A. I'm telling you, sitting here right now, my recollection is that I received an e-mail from Mr. LeGrand --

Q. Okay.

A. -- on the morning of the 9th.

Q. Well, you received an e-mail welcoming you to the team, correct?

A. Yes, sir, that's correct.

Q. But you told the police that you were contacted by telephone before that about taking the job, right?

A. I guess so, sir.

Q. Okay. Sound right to you?

A. I guess, if you say so.

Q. No, I'm asking you.

A. Yes.

Q. All right. Had you represented any celebrities before?

A. Yes, I have.

Q. Who had you represented?

A. Well, I'm sure you wouldn't consider him a celebrity, but he considers himself one. Would be Mr. Sylver, Marshal Sylver, who lives in Las Vegas.

Q. Who is he?

A. He's an entertainer. He also has done a lot of commercials, infomercials. And he did, you know, television. He was very much into self-hypnosis and things like that.

Q. Okay. Any other celebrities?

A. I have interviewed celebrities, yes.

Q. Correct me if I'm wrong. The question was --

A. No, sir.

Q. The question was, "Did you represent any other celebrities?"

A. No, sir, not in the way that I did Mr. Sylver.

Q. Really, I think what you're saying, he was the only celebrity that you had actually represented as a PR spokesperson --

A. Yes, sir, that's correct.

Q. -- before you joined this team?

A. Yes, sir, that's correct.

Q. Okay. Now, you said you were an expert at media crisis management, right?

A. Are you asking me what I believe?

Q. Well, I'm asking you what you said.

A. Yes, sir.

Q. Correct me if I'm wrong --

A. Yes, sir.

Q. -- didn't you tell the jury you were an expert on media crisis management at this point in time?

A. Yes, sir.

Q. All right. Did you do media crisis management for Mr. Sylver?

A. Yes, I did.

Q. So, actually, you had only done media crisis management for one person you consider a celebrity before you joined this team?

A. For one person that I would consider a celebrity, yes, sir.

Q. Okay. You really weren't very experienced in handling media crisis management for celebrities, were you?

A. Are you asking me what I believe or are you making a statement?

Q. I'm asking you to answer a question. You really weren't very experienced in handling media crisis management for celebrities before you joined this team, right?

A. I believed I was.

Q. Because you represented one?

A. Because I've seen a lot.

Q. I'm not asking you what you've seen; I'm asking you what you've done. Okay?

A. Yes, I have represented one person that was a celebrity, sir.

Q. Okay. His name was Sylver?

A. Marshal Sylver, yes. S-y-l-v-e-r.

Q. To your knowledge, is he on television a lot?

A. He had been at the time. I don't believe he is anymore, no.

Q. He had been in television in what capacity?

A. He had produced infomercials.

Q. Did he appear himself on television?

A. Yes, sir, he did.

Q. Where did these info commercials appear, do you know?

A. I don't remember. This was several years ago, and I don't -- I mean, they appeared in a lot of markets.

Q. Okay. And were you helping him do the infomercials?

A. I was helping him promote himself on the Internet. He had an Internet radio talk show. I was helping schedule other appearances for him on television shows. And we were working on another book for him, and other infomercials that he had in the future, yes.

Q. Okay. And just how long did your representation of Mr. Sylver go for?

A. I think it was about a year, but I don't remember. This was a while ago.

Q. And what year was that?
A. Maybe around 98 or '99.
Q. Okay. So before you joined the team to handle crisis management for Mr. Jackson, you had done this kind of work for one person you considered a celebrity for one year, right?
A. Yes, sir.
Q. And you believed that one of your duties was to help the team put together a plan, correct?
A. Yes, sir, that's correct.
Q. And it was supposed to be a plan that would be consistent with your philosophy of being proactive, right?
A. I don't understand your question.
Q. Okay. I'll break it down.
Correct me if I'm wrong, you testified that you wanted to be proactive?
A. Yes, sir, that's correct.
Q. With respect to the response to the Bashir recording, correct?
A. Yes, sir, that's correct.
Q. And that also was just your general philosophy when it comes to dealing with crisis for celebrities, correct?
A. Yes, sir, that's correct.
Q. Had you been proactive with Mr. Sylver?
A. Yes, sir, I had.
Q. Okay. Did he have a crisis?

A. Yes, sir, he did.

Q. And did you feel that you handled the crisis pretty well?

A. Did I feel that he handled it very well?

Q. That you did.

A. Yes, I felt that I did. I didn't believe that he did, but I felt that I did.

Q. Okay. Is there any reason why you only spent a year with him?

A. Yes, I moved on to other things.

Q. Like what?

A. More Internet broadcasting. I began to get into more technical aspects of promoting products and services.

Q. Okay. And out of crisis management?

A. No, never out of it. But just -- technology was very fascinating for me, and so I began to do a lot of productions from conventions in Las Vegas. Consumer electronic show, the National Association of Broadcasting. Those types of things. Comdex.

Q. But your proactive philosophy meant what?

A. Did you say "meant what"?

Q. Yes, please.

A. The proactive philosophy meant that I would -- in terms of taking care of a client, is that what you're asking me?

Q. Yes.

A. That I would assess their assets and

vulnerabilities and map out a plan for them to be able to address any issues that might come up in the future and to be able to promote themselves in the manner that they aspire to.

Q. Now, with all due respect, how do you assess the assets and vulnerabilities of Mr. Jackson if you've never met him?

A. Mr. Mesereau, there are millions of people in the world that have never met Mr. Jackson and judge him based on what they read in the media.

I believe, for myself, as someone who handles public relations - and I'm not going to term myself as an expert in deference to you - what those people read in the media directly reflects to them who Mr. Jackson is. They have never met him either. So what better way to try to connect with the public's thinking than to read what's printed in the media about him and try to counteract it to his benefit?

Q. But -- let me repeat my question: You can't really know a person if you haven't met them, right?

MR. AUCHINCLOSS: Objection; argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: When you put this plan together, you didn't know the person called Michael Jackson at all, right?

MR. AUCHINCLOSS: Objection; asked and answered numerous times.

THE COURT: Asked and answered; sustained.

MR. MESEREAU: Okay.

Q. You told the Santa Barbara sheriffs that one of the goals of the team was to put together a plan of action, right?

A. Yes, sir.

Q. And you said another goal of the team was to sue Granada, the company that had produced the Martin Bashir program, correct?

A. Yes, sir, that's correct.

Q. And, to your knowledge, Granada was a British company, right?

A. Yes, sir, to my knowledge.

Q. And it was your understanding that there was a lawsuit going on in England, right?

A. Yes, sir, that's correct.

Q. Now, was that lawsuit going on when you were hired for those six days, or were you discussing filing a suit?

A. I believe it had already been filed, sir.

Q. Okay. And is that why you were on the phone call with the British attorneys?

A. Yes, sir.

Q. Okay. And did Mr. LeGrand want you on that phone call?

A. Yes, sir, he did.

Q. Were you mostly reporting to LeGrand at this period of time?

A. No, sir.
Q. Okay. Well, you're hired for six days, right?
A. Yes, sir.
Q. And during those six days, you're talking to various members of the team, right?
A. Yes, sir.
Q. Now, what members of the team did you speak to during those six days you were hired?
A. You want me to rename them to you?
Q. Yes, please.
A. Mr. Backerman. Mr. Schaffel. Mr. Konitzer. Mr. Geragos. David LeGrand. And the team in the UK. And you if allow me to look at one of these e-mails, I can read their names off to you, too. Okay?
Q. Okay. Sure. Thank you.
A. I'm sorry, I'm looking for the three-page e-mail here.
Q. That's all right. Take your time. As long as Judge Melville doesn't mind.
A. I'm sorry. This is a thick book. Do you have a copy of that three-page e-mail that Gordon showed me earlier? Because the names were listed on there.
Q. Let me see. I think I do.
MR. SNEDDON: It's 43, Gordon. Page 43.
MR. MESEREAU: Thank you.

Q. All right. You mentioned Backerman, Konitzer, Geragos, LeGrand? And who else? Schaffel?

A. Yes, sir.

Q. And the British lawyers, correct?

A. Yes, sir, and the British -- and the UK crisis management team, Bell Yard.

Q. Okay. Okay. And Bell Yard, you had mentioned one woman's name, right?

A. Melanie Riley and also Richard. I believe Richard's name is on that e-mail too.

Q. These are all members of the team that you worked with, right?

A. Yes, sir.

Q. For those six days?

A. Yes, sir.

Q. Did you have any conference calls where every member of the team was on the phone?

A. No, sir, I can't remember that we had any conference call when every single member of the team was on the phone.

Q. Did you have face-to-face conversations with the various team members?

A. With Mr. LeGrand.

Q. Anyone else?

A. No. Not that I remember.

Q. Have you ever personally met Mr. Schaffel?

A. No, sir, I have not.

Q. Have you ever personally met Mr. Konitzer?
A. No, sir, I have not.
Q. Never personally met Mr. Geragos?
A. No, sir, I have not.
Q. Never personally met any of the British lawyers?
A. No, sir, I did not.
Q. Ever personally met Mr. Backerman?
A. No, sir, I did not.
Q. So one member of the team only you had face-to-face conversations with, right?
A. Yes, sir, because Mr. LeGrand was in Las Vegas.
Q. Okay. That's where you were?
A. Yes, sir.
Q. Okay. Now, is your office near his?
A. It was about 20 minutes away. 25 minutes away.
Q. Okay. During those six days, did you have a lot of meetings with Mr. LeGrand face to face about the team?
A. No, I did not.
Q. How many meetings did you have with Mr. LeGrand during those six days regarding the team?
A. Face to face?
Q. Yes, please.
A. Just one.
Q. Did you have a lot of phone calls with Mr.

LeGrand during those six days?

A. Yes.

Q. About the team?

A. I did.

Q. How many phone calls do you think you had with Mr. LeGrand during those six days where you discussed the team?

A. I don't understand your question. Are you talking about where we discussed the team as -- as far as it relates to what the team has discussed or where we discussed the team as far as it relates to my objections to things that were going on?

Q. Well, anything what have so far about the team. So let me restate the question.

A. Oh.

Q. During the six days you were on this team, you've indicated Mr. LeGrand is the only person you ever saw face to face, right?

A. Yes, sir.

Q. And you've indicated that you had a lot of phone calls with Mr. LeGrand during those six days to discuss team business?

A. Yes, sir.

Q. Approximately how many phone calls do you think you had with Mr. LeGrand during those six days to discuss team business?

A. Probably more than 50.

Q. Okay. How many phone calls did you have with Mr. Backerman during those six days, if you can guess. Or not guess; if you know.

A. As few as possible.

Q. How many?

A. Maybe seven. Between five and seven.

Q. Okay. Mr. Backerman really was a competitor of yours, wasn't he?

A. No, sir. He wasn't.

Q. He was in the public relations business, was he not?

A. Mr. Backerman was hired as the official spokesperson. It was my understanding that Mr. Backerman was hired as Mr. Jackson's spokesperson.

Q. Okay. What was your official title while you were a member of the team?

A. I never asked for an official title, sir.

Q. What did you consider yourself to be?

A. Just someone who would handle public relations for Mr. Jackson.

Q. Okay. Okay. Did you ever speak to the media directly during those six days?

A. Yes, sir, I did.

Q. Who did you speak for?

A. I don't remember. I couldn't tell you. I do remember that I was on a couple of phone calls with people from the media. Overflow calls I got directed to me, or calls that Stuart wasn't answering and Bell Yard was concerned about, they wanted me to speak to them directly. And I did speak with Claudia Eaton with NBC.

Q. And when you spoke to these people, you must have identified yourself as having some role involving Mr. Jackson?

A. I believe I just said I handled public relations for Mr. Jackson. I couldn't -- I mean, I couldn't tell you exactly. But I am pretty sure that I didn't identify myself with a grandiose title.

Q. Did you have any business cards printed up --

A. For Mr. Jackson?

Q. -- that identified you as a spokesperson for Mr. Jackson?

A. No, sir, never.

Q. Any kind of stationery printed up to identify yourself as a spokesperson for Mr. Jackson?

A. No, sir, never.

Q. Any kind of name tag or anything?

A. No, sir, never.

Q. Okay. Did you have any role in the lawsuit against Granada?

A. I don't understand your question.

Q. Well, you've indicated you were on a phone conversation with British lawyers, correct?

A. Yes, sir.

Q. And that concerned the lawsuit against

Granada, right?

A. Yes, sir.

Q. Did you have any role in that lawsuit, of any kind?

A. In how the lawsuit was being portrayed in the press, yes, I did.

Q. And what did you do during those six days about that?

A. I don't understand your question. What actions did I take during those six days, or what considerations were had?

Q. Well, wham did you ever do during the six days you were on the team to effect the Granada lawsuit?

A. Spoke with the other members of the team as far as the public relations were concerned, to put out information about the lawsuit with Granada.

Q. Did you actually put out information, yourself?

A. No, sir, I did not.

Q. Did you ever issue any press release yourself?

A. No, sir, I wasn't allowed to.

Q. Ever issue any type of statement anywhere during those six days?

A. Not that I can remember, no.

Q. Did you think during those six days you had learned enough to really understand that litigation in England?

A. I wasn't trying to understand the litigation in England, sir.

Q. Now, you were asked by the Santa Barbara sheriffs if you had any say-so in the decision-making of the team. And you said, "Yes and no." Do you remember that?

A. Yes, I did.

Q. And you reviewed this report before you came in to testify today, right?

A. Yes, sir, I did.

Q. When did you last review it?

A. I don't know. It was probably about a week or so ago.

Q. Do you have a copy in your possession?

A. No, sir, I don't.

Q. Were you sent a copy and given an opportunity to read it?

A. Yes, sir.

Q. Then did you have to return the copy?

A. No, sir, I didn't.

Q. Where did the copy go; do you know?

A. Yes, it's in Louisiana. I didn't bring it with me.

Q. Someone sent you the police report in Louisiana?

A. Yes, sir.

Q. Do you know who did that?

A. No, sir, I don't.

Q. Did Mr. Auchincloss do that?

A. I'm not --

MR. AUCHINCLOSS: Objection; asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Have you shown that report to anyone?

A. No, sir, I have not.

Q. All right. Have you discussed your testimony today with anyone before you came in?

A. I don't understand your question. The testimony that I'm giving right now?

Q. Yes.

A. No, sir, I have not.

Q. You haven't discussed it with anyone before testifying today?

A. I don't understand you. Are you asking if I spoke with Mr. Auchincloss? You need to ask me specifically, because I don't understand your term of "anyone."

Q. You don't know what "anyone" means?

A. I do know what "anyone" means, but I don't know what you mean by -- when you say it.

Q. Let me break it down slowly.

A. Okay.

Q. Did you discuss what you were going to say in court today with anyone before you came in and testified?

A. No one had told me what to say in court. But Gordon did tell me in general what to expect of the questions from him.

Q. How long was your meeting with Gordon?

A. Yesterday, when I was here?

Q. Yes.

A. You didn't give him much time. I don't know, maybe ten minutes. I don't remember. I don't remember.

Q. How long was your prior meeting with Gordon?

A. The night before?

Q. Yes.

A. A couple of hours.

Q. And in a couple of hours with Gordon, the night before, you never discussed what you were going to say in this courtroom?

A. No. Mr. -- Gordon told me generally what questions he was going to ask me.

Q. Okay.

A. He said that it would be about the same type of things that he went over with me in the grand jury testimony, and that was it.

Q. Okay. So why did it last two hours?

A. Well, I think probably because I had a lot of questions for him also.

Q. So you were discussing what you were going to say today, right?

A. No. That doesn't mean that I was trying to ask him questions about what we were going to discuss today. I was very curious about this whole process and the process of the lawsuit.

Q. Did you ever tell Mr. Auchincloss what you intended to say in this courtroom during that meeting that lasted a number of hours the day before yesterday?

A. No, sir, I don't remember that I ever told him what I intended to say during any of my testimony.

Q. So, Prosecutor Auchincloss told you what he was going to ask you, and you never commented on what you were going to say at any time during that meeting which lasted a couple of hours, right?

A. I wouldn't have needed to, sir, because he told me basically it was the same questions that he had already asked me in the grand jury testimony, and I knew what my answers were.

Q. So why did it take so long, if you know?

A. Because, like I said, I was curious about the whole process of the lawsuit. I was asking questions about what the courtroom looked like, and that type of thing.

Q. Okay. So you didn't ever respond to any of his questions, true?

A. Any of what questions?

Q. When Prosecutor Auchincloss met with you and

I said, "I'm going to ask you," whatever the question was, you just didn't comment, right?

A. There was no need for me, sir, because he said it would be basically the same questions that he asked me in my grand jury testimony.

He didn't say that he was going to ask me anything different, and he didn't say that it was going to deviate.

Q. Well, let's take the timing. Prosecutor Auchincloss meets with you for a couple of hours. He tells you, "I'm going to ask you the same questions I asked you for the grand jury," which takes about five seconds. What else did you talk about?

MR. AUCHINCLOSS: Objection; this is argument.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Ms. Kite, you did discuss with Prosecutor Auchincloss things you were going to say in court today, didn't you?

MR. AUCHINCLOSS: Objection; these questions have been asked and answered numerous times.

THE COURT: Sustained.

Q. BY MR. MESEREAU: How many conference calls with attorneys from the United Kingdom did you have -- excuse me. Let me rephrase that.

How many conference calls did you participate in with attorneys from the UK during the six days you were hired?

A. With just the attorneys, or with the Bell Yard also?

Q. Just with the attorneys.

A. I don't know. Maybe five or six. One a day.

Q. And how many conference calls did you have with other people employed in the United Kingdom during those six days?

A. At least double or triple that, because I talked to Bell Yard several times a day.

Q. Okay. Now, were you giving Bell Yard your ideas about public relations issues in England?

A. Is your question was I giving Bell Yard information about how I felt they should handle public relations issues in England? No, sir --

Q. Sure.

A. -- I did not.

Q. Were they calling you for advice on what to do in England?

A. No. They weren't calling me for advice on what to do in England. We were talking together to be able to coordinate the same type of public relations effort between the United Kingdom and the United States.

Q. Was it your understanding that Bell Yard was issuing press releases in England during those six days?

A. I believe they issued one or two, but I don't know how many. They -- I don't know.

Q. Did you ever see the one or two statements that they issued?

A. Yes, I believe I did.

Q. Did they fax them to you?

A. E-mailed them to me, I believe.

Q. Did they ask you for your thoughts on the content?

A. Yes, sir.

Q. Did you give them the thoughts on the content?

A. Yes, sir.

Q. Did you feel they followed your advice?

A. Yes, sir.

Q. So you never had any dispute with Bell Yard in England with respect to public relations, correct?

A. No, sir. Bell Yard and I agreed very much on how we felt that the public relations effort should be handled for Mr. Jackson.

Q. Now, correct me if I'm wrong, you've testified that you thought these team members -- not including Mr. Jackson, because he wasn't on the team -- these team members overruled your ability to be proactive; is that correct?

A. Yes, sir. That's correct.

Q. But you felt they didn't overrule Bell

Yard's efforts to be proactive, correct?

A. No, sir, that's not correct. I believed that they did overrule Bell Yard also.

Q. Did you think the statements that you saw issued by Bell Yard during those six days were proactive?

A. There was an issue with Bell Yard when I was brought on.

Q. And you had an issue with them?

A. No, there was an issue within the team with Bell Yard when I was brought on.

Q. Here's what I'm getting at: And if I misstate something, just tell me.

A. Uh-huh.

Q. You told the jury you were overruled in your desire to make a public statement on behalf of the team, right?

A. Okay. Then I understand where you're going. And let me answer you this way: The press releases that were put out by Bell Yard during that time mainly had to do with the lawsuit against Granada, and didn't at all affect the crisis issues that I felt were negatively impacting Mr. Jackson's reputation.

Q. But the crisis involving Bell Yard was a crisis concerning the Bashir program, right?

A. It was concerning the program itself. It didn't concern the attacks that were being launched against Mr. Jackson about everything else.

Q. The lawsuit was filed by attorneys for Mr. Jackson, true?

A. Yes, that's correct, sir.

Q. And Mr. Bashir was sued, correct?

A. I don't remember, sir. I believe so.

Q. And Granada was the company that produced the Bashir show, correct?

A. Yes, sir.

Q. To your knowledge, the lawsuit had to do with their not meeting their obligations --

A. To my --

Q. -- to Mr. Jackson, right?

A. To my knowledge, I believed that the lawsuit was launched to stop the distribution of additional footage. Not to attack the integrity of the lawsuit, or the integrity of the documentary.

Q. Did you ever read any of the legal documents filed in the lawsuit?

A. I don't remember, sir. I don't remember.

Q. After your conference calls with the attorneys in England, did anyone ever send you copies of the legal documents that were filed in that lawsuit, if you remember?

A. I don't remember if there were copies that were sent to me. But I do believe that there were snippets of issues that needed to be addressed or things that were going to be put into the lawsuit, yes.

Q. Okay. When were you first -- let me strike that.

Did you have a conference call with those attorneys the first day you were hired?

A. I don't remember. I remember having several calls, but I don't remember if it was the attorneys that were on the call or not. That short six-day period of time, as you classify it, was basically 24 hours a day for me, and there was so much that happened. And I couldn't tell you exactly if there was anything that first day.

Q. Okay. Now, you told the Santa Barbara sheriffs that you were on a conference call with Mr. Konitzer and Mr. Geragos, correct?

A. Yes, that's correct.

Q. And you told the Santa Barbara sheriffs you were on two conference calls to the United Kingdom that included Konitzer and Geragos, right?

A. Yes.

Q. Did you believe you were reporting to Mr. Geragos?

A. I believed that Mr. Geragos was one of the persons that I did speak to. But as far as the hierarchy is concerned, Mr. Konitzer told me that Mr. Schaffel was in charge of public relations for Michael Jackson. There were times that Mr. Geragos called me and spoke to me about certain issues regarding public relations; there was times that Mr. Konitzer called me; and there was times that I spoke with Mr. Schaffel or I spoke with Mr. LeGrand. So, I mean, there wasn't a direct pecking order that I had to report to. It depended on what it was that they were looking for.

Q. Well, was it your understanding, if Mr. Geragos asked you to do something, that you were supposed to do it?

A. Yes.

Q. Was it your understanding, if Mr. Konitzer asked you to do something, that you were supposed to do it?

A. Generally, if Mr. Konitzer asked me to do something, I called Mr. LeGrand.

Q. Okay. Let me just rephrase the question. Was it your understanding -- and either it was or it wasn't -- that you were supposed to do what Mr. Konitzer asked you to do?

A. Yes.

Q. Okay. Was it your understanding that, during those six days, you were supposed to do what Mr. Schaffel asked you to do?

A. Yes, sir.

Q. Was it your understanding that you were supposed to do whatever Mr. Backerman asked you to do?

A. No, sir, never.

Q. Did you ever feel you reported to Backerman?

A. No, sir, I did not.

Q. Did you ever try to replace Mr. Backerman?

A. No, sir, I did not.

Q. Okay. Did you think you were supposed to do what the British lawyers asked you to do during those six days?

A. The British lawyers never asked me to do anything. We -- again, on the conference calls that we had, we were discussing how the public relations effort between the UK and the United States would mesh together, so there was never a directive from the British lawyers. It was more of a summation of the day's events and how they would be handled in the press.

Q. Okay. Now, a sheet of names and phone numbers that you were presented by the prosecutor is Exhibit 410, right?

A. Yes, I believe so.

Q. Do you have that in front of you?

A. Yes, sir.

Q. Now, is that a sheet that you used during your work?

A. It may -- they sent me several different iterations of contact numbers. This isn't anything that was ever typed up that I saw.

Q. Okay. So when did you first see this document?

A. I don't remember when I first saw it.

Q. Did the prosecutor show it to you?

A. They very well may have. I don't remember.

Q. Well, before you came into court to testify and began to answer questions from Prosecutor Auchincloss, have you ever seen the document?

MR. AUCHINCLOSS: Objection; asked and answered.

THE COURT: Overruled.

THE WITNESS: I may have. I just don't remember. There was several different iterations of documents that were sent, of e-mails that were sent to me with names and phone numbers on them. This may have been one of the iterations. I don't remember.

Q. BY MR. MESEREAU: When you met with Prosecutor Auchincloss, did he ever show you this document and say he was going to ask you about names and numbers on the document?

A. No, sir, he did not.

Q. To your knowledge, is the first time you ever saw this thing when you were shown it in court?

A. To my knowledge, yes.

Q. Okay. Well, what makes me curious is your own name and number is on that document, right?

MR. AUCHINCLOSS: Objection to the form of the question.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You didn't have a document of phone numbers and names that had your own on it, did you?

A. Yes, sir, the iterations of information that I was sent contained everyone's phone number. We would include mine too.

Q. And were you sent Exhibit 410?

A. I don't know, sir. I was sent several iterations.

Q. Now, there's a number for Gavin Arvizo on that document. Do you see that?

A. Yes, sir, I do.

Q. Did you have a document with Gavin Arvizo's number?

A. I don't remember, sir. I was sent several iterations of documents. I don't remember.

Q. Well, you certainly know who Gavin Arvizo is, right?

A. Yes, sir, I do.

Q. And if you had been carrying around a document with his name and number, you'd probably remember that, wouldn't you?

A. I didn't carry it around. It came to me in an e-mail and I only accessed the numbers that I needed.

Q. Okay. But certainly you're testifying that Mr. Auchincloss didn't go over this document before you testified?

A. Yes, sir, that's correct.

Q. The questions just came out fresh and cold, as far as you're concerned, right?

A. As far as I'm concerned, yes, sir.

MR. AUCHINCLOSS: Objection. Argumentative; asked and answered.

MR. MESEREAU: I withdraw it.

Q. You told the Santa Barbara sheriffs that Mr. Geragos had the final say-so on everything, did you not?

A. I told the Santa Barbara sheriffs that I was told that Mr. Geragos had the final say-so, yes, sir, I did.

Q. And who told you that Mr. Geragos had the final say-so on everything?

A. Mr. LeGrand and Mr. Konitzer.

Q. And during those six days you were employed, you operated with the understanding that essentially the buck stopped with Mr. Geragos, right?

A. Yes.

Q. Okay. You told the Santa Barbara sheriffs that on major things, you were to answer to Schaffel, right?

A. Yes, sir, that's correct.

Q. And did you answer to Schaffel during those six days?

A. Yes, sir, I did.

Q. Okay. How many times do you think you spoke to Schaffel on the phone during those six days?

A. It would be very hard for me to estimate. Maybe ten, maybe 15.

Q. Okay. And was it your understanding that Mr. Schaffel was in charge of Mr. Jackson's public relations?

A. That's what Mr. Konitzer told me, yes, sir.

Q. Konitzer told you that?

A. Yes, sir, he did.

Q. And obviously Mr. Jackson never told you that?

A. No, sir, he did not. I never spoke to Mr. Jackson.

Q. Okay. You told the Santa Barbara sheriffs that you thought Mr. Schaffel answered to Konitzer, right?

A. Yes, sir, that's correct.

Q. And why did you think that?

A. Why did I think that?

Q. Yes.

A. Because Mr. Konitzer told me to -- that Mr. Schaffel was in charge of Michael Jackson's public relations. And obviously Mr. Schaffel would have to answer to someone and to me. That someone would be Mr. Konitzer.

Q. Okay. When did you last talk to Mr. Schaffel?

A. It was either the 13th or the 14th of

February. I don't remember.

Q. And that would be that year?

A. Yes, sir.

Q. Have you talked to Mr. Schaffel since you were terminated?

A. No, sir.

Q. Have you talked to Mr. Konitzer since you were terminated?

A. No, sir.

Q. Have you talked to Mr. Geragos since you were terminated?

A. Yes, sir.

Q. When did you last talk to Mr. Geragos?

A. I don't remember.

Q. Can you tell me approximately when it was?

A. I don't remember.

Q. Was it this year?

A. No, sir.

Q. Was it last year?

A. No, sir.

Q. Was it the year before last, if you know?

A. It would have probably been shortly after I was terminated. Maybe, you know, a few days or something. And then -- I don't remember.

Q. Do you consider yourself to be on good terms with Mr. Geragos?

A. I wouldn't consider myself either way, to be on any terms with Mr. Geragos.

Q. Okay. When did you last talk to Mr. Backerman?

A. On the 14th of February.

Q. Okay. So you've not been in touch with him since you were terminated?

A. No, sir.

Q. Now, did you include someone named Dieter Weizner as a member of the team?

A. I never met Dieter, sir.

Q. Did you ever talk to him on the phone?

A. No, sir, I never did.

Q. So no contact with him ever?

A. Never.

Q. Okay. Now, you told the Santa Barbara sheriffs that you knew that Konitzer had obtained a power of attorney over Michael Jackson, true?

A. Yes, sir, that's correct.

Q. How did you know that Konitzer had obtained a power of attorney on behalf of Michael Jackson?

MR. AUCHINCLOSS: Objection. Hearsay, unless this witness has personal knowledge.

MR. MESEREAU: I asked how she learned, Your Honor. State of mind.

THE COURT: The objection is overruled.

You may answer the question. Do you want it read back?

THE WITNESS: No.

Mr. LeGrand told me.

Q. BY MR. MESEREAU: Okay. And approximately when did he tell you that Konitzer had gotten a power of attorney over Michael Jackson?

MR. AUCHINCLOSS: Same objection.

THE COURT: Overruled.

THE WITNESS: Are you asking me when he actually physically signed the power of attorney or when Mr. LeGrand told me that it was going to be signed?

Q. BY MR. MESEREAU: I'm asking you when you learned that Konitzer was going to have a power of attorney over Michael Jackson.

A. At the end of January.

Q. Okay. When you first heard about it, was it your understanding that it had already been signed or was it about to be signed?

A. It was about to be signed.

Q. Okay. And do you remember why -- excuse me. Let me rephrase.

In what context did Mr. LeGrand discuss that with you, if you know? Why did it come up?

A. David had been telling me for a while that he was preparing to take on a new client, that he had been working on it for a number of months. I think it was probably close to a year. And he was excited about it. He never told me who the client was until he told me about the power of attorney and who the client was.

Q. And was it your understanding that David LeGrand prepared that power of attorney?

A. Yes, it was.

Q. Okay. Did you ever learn that David LeGrand had commenced an investigation of Schaffel, Konitzer, Dieter, Geragos, Malnik?

A. I asked Mr. LeGrand to start an investigation.

Q. And you did that because you thought they were stealing from Michael Jackson, correct?

MR. AUCHINCLOSS: Objection; argumentative.

THE COURT: Overruled.

THE WITNESS: No, sir. I did that because I couldn't understand why they would allow Mr. Jackson's reputation to fall into total ruin in the press.

Q. BY MR. MESEREAU: Well, didn't you tell the police that you had learned that Konitzer used the power of attorney to embezzle $980,000 from Michael Jackson?

A. I told --

MR. AUCHINCLOSS: Objection. Hearsay; multiple hearsay.

THE COURT: Overruled.

You may answer.

THE WITNESS: I told the police that Mr. LeGrand told me that.

Q. BY MR. MESEREAU: Well, correct me if I'm wrong, didn't you say to the Santa Barbara sheriffs Konitzer had power of attorney and he embezzled $980,000 from Michael Jackson?

A. Yes, sir, that was my statement. But your're phrasing it in a way that I didn't say it. I did say that he did have power of attorney, and he embezzled $980,000, but that was told to me by Mr. LeGrand. I had no personal knowledge of Mr. Konitzer take the money from Mr. Jackson.

Q. So your source was strictly David LeGrand, right?

A. Yes, sir, that's correct.

Q. Do you know approximately when he told you that Konitzer had used that power of attorney to embezzle $980,000 from Mr. Jackson?

A. It was somewhere in the beginning of March. But I don't remember the exact date.

Q. So that was after you were terminated, right?

A. Yes, sir, that's correct.

Q. Now, after you were terminated, you --

THE COURT: Counsel, can we take our break?

MR. MESEREAU: Yes, Your Honor.

(Recess taken.)

THE COURT: You may proceed.

MR. MESEREAU: Thank you, Your Honor. It's almost noontime.

Q. Okay. When you had your interview with the

Santa Barbara sheriffs, you were asked by Detective Zelis if you knew if Michael Jackson was aware of what the team was doing, do you remember that?

A. Yes, sir, I do.

Q. And you told him you had no idea whether Michael knew anything about it, right?

MR. AUCHINCLOSS: Objection, Your Honor. Calls for speculation; no foundation.

THE COURT: Overruled. You may answer.

THE WITNESS: As you said, I have never talked to Michael Jackson.

Q. BY MR. MESEREAU: But you told Detective Zelis you had no idea whether Michael Jackson knew what this team was doing, correct

A. That's correct. Because I never spoke with Mr. Jackson.

Q. Okay. You tried to speak to him, didn't you?

A. No, sir.

Q. Didn't you tell the Santa Barbara sheriffs that on one occasion you asked Mr. Konitzer to get Michael Jackson on the phone to find out about the contract with Martin Bashir, right?

A. No, sir, that wasn't me that asked to get Michael Jackson on the phone. That was an attorney from the UK. That's -- that's the incident that I was relating to the police.

Q. Didn't you tell the police - correct me if

I'm wrong - you asked Konitzer to get Michael Jackson on the phone to find out about the contract concerning the Bashir interview, and you told him that Konitzer would say, "He's busy," referring to Jackson, correct?

A. No, sir, I don't remember saying that.

Q. Would it refresh your recollection if I show you the report?

A. You can show me the report. But the incident that you're talking about, I remember very vividly. And it didn't have anything to do with me telling Mr. Konitzer to get Mr. Jackson on the phone. It was an attorney from the UK who was very upset at the lack of responsiveness from Mr. Jackson about his not being on these conference calls that he felt were extremely important.

Q. You actually said you tried to get him on the phone and the attorney in Britain tried to get him on the phone, and you both failed, correct?

A. No, sir, I don't remember saying I tried -- I didn't have a phone number for Mr. Jackson. How would I try to get him on the phone?

Q. Well, you asked Mr. Konitzer to put him on the phone, didn't you?

MR. AUCHINCLOSS: Objection; argumentative.

Q. BY MR. MESEREAU: Would it refresh your recollection if I show you the report?

A. You can --

MR. AUCHINCLOSS: Objection. He's asked the witness if it would refresh her recollection, and she said it would not.

THE COURT: No, actually she did say that, but she said something else, too.

Would it refresh your recollection to be shown that report?

THE WITNESS: You can show me the report, but I remember the incident very specifically. And I would never tell Mr. Konitzer to get Mr. Jackson on the phone.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: No, she says that she remembers specifically.

Q. BY MR. MESEREAU: In other words, if the report of the police officer, which I remind you was recorded, says you told them, "I asked Mr. Konitzer to get Mr. Jackson on the phone, and he told me he was busy," that would be wrong?

MR. AUCHINCLOSS: Objection; argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you tell the Santa Barbara sheriffs that you believed Konitzer, Schaffel and Weizner created an environment that allowed Jackson to pursue his other interests while they ran the day-to-day operation of his business matters?

A. Yes, sir, I did.

Q. Did you ever ask any member of the team at any time if you could get Mr. Jackson on the phone?

A. Not to my knowledge, sir, no.

Q. You were asked by the Santa Barbara sheriffs if you had ever met Dr. Farshshian, correct?

A. Yes, sir, that's right.

Q. And you said you had not?

A. No, sir, I had not.

Q. You also told him you had never met the Arvizo family, right?

A. Yes, sir, that's correct.

Q. Okay. And you've described what Schaffel told you had happened with Janet Arvizo at the ranch, right?

A. Yes, sir.

Q. But your knowledge of that only came from Schaffel, correct?

A. Yes, sir, that's correct.

Q. And it goes without saying, Mr. Jackson was not involved in that conversation, correct?

A. That's correct, sir.

Q. Schaffel also told you that Janet Arvizo was going to sell her story to a British tabloid, correct?

MR. AUCHINCLOSS: Objection; hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you tell the police that Schaffel told you Janet was selling a story to a British tabloid?

MR. AUCHINCLOSS: Same objection.

THE COURT: Sustained.

Q. BY MR. MESEREAU: As part of your work during those six days, you had to consider what to do if Ms. Arvizo sold a story to a British tabloid, right?

A. At that -- are you asking me at that point, or are you asking me before that?

Q. I'm not talking about any point. I'm asking you if you told the Santa Barbara sheriffs that you were considering what to do if Janet Arvizo sold her story to a British tabloid.

A. I don't remember that.

Q. Would it refresh your recollection if I show you the report?

A. Absolutely, sure.

MR. MESEREAU: May I show her the report?

THE COURT: You may.

THE WITNESS: That's what I said.

Q. BY MR. MESEREAU: Have you had a chance to look at your report?

A. Yes, sir.

Q. Does it refresh your recollection about that issue?

A. Yes, it does.

Q. Okay. In the course of your duties during those six days, did you take into consideration what to do if and when Janet Arvizo sold her story to a British tabloid?

A. I didn't know what story Miss Arvizo could sell to a British tabloid.

Q. Did you ever, during those six days, as part of your work, discuss the possibility of Ms. Arvizo selling a story to a British tabloid with any member of the team?

A. No, because no one would go over the crisis plan with me. I couldn't discuss anything with anyone because they all had different agendas.

Q. So you never discussed it with Schaffel, correct?

A. I never discussed what the team would do if Miss Arvizo sold a story to the British tabloids, no.

Q. Did you ever tell the Santa Barbara sheriffs that Schaffel told you he was going to fax you a letter about that?

A. Yes, sir, I certainly did.

Q. And did you tell them anything else about that issue?

A. That I never received a letter from Mr. Schaffel.

Q. But you told them Schaffel told you he was going to fax you a letter about Janet Arvizo selling a story to the tabloids; is that correct?

A. No, sir, that's not what I said.

MR. AUCHINCLOSS: Objection, hearsay.

THE WITNESS: That's not what I said.

Q. BY MR. MESEREAU: What did you say?

MR. AUCHINCLOSS: I have an objection pending.

THE COURT: Just a moment.

The objection's sustained.

Q. BY MR. MESEREAU: Did you ever discuss with the Santa Barbara sheriffs that Schaffel had told you he was concerned that Janet Arvizo was going to make a deal with the British tabloids?

MR. AUCHINCLOSS: Same objection.

THE COURT: Overruled.

THE WITNESS: Yes, sir, I did.

Q. BY MR. MESEREAU: Okay. Now, the only knowledge you ever had about the Arvizos leaving the ranch was through Schaffel, right?

A. No, I discussed it later in the day with Mr. Konitzer.

Q. Okay. But you first learned about it through Schaffel, didn't you?

A. Yes, sir, that's correct.

Q. Okay. And did you discuss it with Schaffel and Konitzer?

A. Not at the same time, sir.

Q. At any time?

A. On separate occasions on the 13th, yes.

Q. Okay. And at some point you learned the

Arvizo family had returned to the ranch, right?

A. I was told that.

Q. Was that by Schaffel?

A. Yes.

Q. Okay. And you testified that Schaffel told you "the situation is contained," correct?

A. Had been contained, yes.

Q. Okay. Is that after he told you the Arvizos had returned to the ranch?

A. No, sir, that was in the same conversation.

Q. So he told you they're back at the ranch, the situation's contained; is that right?

A. I think he told me it the other way around, but, yes, that's pretty much the way I remember it.

Q. And was that after Schaffel told you that he thought Janet Arvizo was selling a story to the British tabloids?

A. Yes, sir, it was.

Q. Okay. Okay. You told the police the first thing you wanted to do was laugh, because it sounded like something out of a bad "B" movie, correct?

A. Yes, I did, sir.

Q. You told the police you remember these dates because you had a rental car you were driving, right?

A. That's correct.

Q. And you had to renew the rental, the weekly rental agreement, right?

A. That's correct.

Q. You told them the rental office opened at 7:30 a.m., and that was the time you received the call on your cellular phone from Schaffel, correct?

A. It was -- I received the call on my phone from Schaffel as I was driving into the parking structure --

Q. Okay.

A. -- yes.

Q. Now, the next day is when you flew from Las Vegas to Hollywood to film the show Access Hollywood, right?

A. That's correct, sir.

Q. And you told Detective Zelis you never asked Schaffel what the story was that Janet was supposedly going to sell to the British tabloids, right?

A. That's correct.

Q. And after Schaffel told you "The situation is contained," you called David LeGrand, correct?

A. Later that day, yes.

Q. Okay. And you were concerned about what Schaffel had told you, true?

A. Yes, that's correct.

Q. You told David LeGrand you were concerned about Schaffel, Backerman, Konitzer and Weizner, correct?

A. I don't think I said Weizner, because I didn't think at the time that I even knew that Dieter was part of the group.

Q. Would it refresh your recollection if I show you the report?

A. Certainly.

MR. MESEREAU: May I approach, Your Honor?

MR. AUCHINCLOSS: May I see it, Counsel?

MR. MESEREAU: Sure.

That's what he's referring to. That's her interview.

MR. AUCHINCLOSS: Well, that's his impression.

MR. MESEREAU: We'll see.

THE WITNESS: Yes.

Q. BY MR. MESEREAU: Have you had a chance to look at that?

A. Yes, I did.

Q. Okay.

MR. AUCHINCLOSS: Your Honor, may the record reflect that the document that was shown the witness in this case had parentheses around the names that were provided by --

THE WITNESS: I didn't say those names. I said the word "they."

Q. BY MR. MESEREAU: So when the police officer said, referring to those names, he just pulled that out of someplace?

A. I did not say those names. And I know I wouldn't have said Dieter's name, because I -- I hadn't spoken to Dieter.

Q. Okay. Well, at this point you were concerned about what the team was doing; is that right?

A. Yes, sir, that's correct.

Q. Would the team refer to all of the people that you had previously identified as members of the team?

A. Except for Bell Yard and the attorneys on the UK side, yes.

Q. So Geragos, Konitzer, Schaffel?

A. Schaffel, Backerman.

Q. Were you concerned about what LeGrand was doing?

A. No, I felt that David was under a lot of pressure, and, you know, I had no reason to suspect that at that time he would be doing anything wrong.

Q. But at that point, LeGrand was telling you he was suspicious of the other members of the team, wasn't he?

A. No. Not at that point.

Q. At some point he did, didn't he?

A. At some point later, yes, he did.

Q. Now, when you arrived in Los Angeles to go on Access Hollywood, did you talk to any member of the team on the phone after you arrived?

A. Yes, I did.

Q. Who did you talk to?

A. David LeGrand.

Q. Did you ever talk to Konitzer that day?

A. Not that day, I don't believe so, but I don't remember, sir.

Q. Okay. Who told you to appear on that show?

A. Well, initially the decision came from Marc Schaffel. And then I spoke -- Access Hollywood sent the questions to me. I forwarded them to Mr. Geragos. We went through them together and created the replies. And then I spent about an hour and a half or so on the phone on Thursday, the 13th, with Mr. Konitzer going over everything for it. So there were -- and then, of course, Mr. LeGrand was aware -- actually, I believe I was in his office on the 11th when I talked to Access Hollywood to initially set something -- to do something up with them, so --

Q. But you've told the police that you thought Geragos didn't want anybody to do public relations work for Michael Jackson, correct?

A. I don't remember saying that specifically. I mean, I don't -- no, I don't remember saying that specifically, that Geragos didn't want anybody to do public relations work for Michael Jackson.

Q. Didn't you tell the Santa Barbara sheriffs in that interview that you had a theory as to why you were pulled off the Access Hollywood show, right?

A. Yes, I did.

Q. You told them that you were told by Geragos that you were pulled off the interview because he did not want anyone to do PR work for Michael Jackson, right?

A. When I was on the phone with Mr. Geragos when I was on the set of Access Hollywood, that was one of the things that he told me at that time. He didn't say anyone ever, he just said for that day. He wanted me to stay around, to stick in town, he wanted to talk to me. He wanted me to come in the next day, sign a private investigator's agreement, and then he would -- he would fill me in on the rest, is exactly what he said to me.

Q. Again, let me just rephrase the question. You told the police you were told by Geragos that you were pulled off the interview because he did not want anyone to do PR work for Michael Jackson, right?

A. Well, as you said, that's a summary of my tapes --

Q. Okay.

A. -- and I don't remember saying those words exactly.

Q. Didn't you tell the police that this made no sense to you?

A. Yes, I did.

Q. It made no sense that Geragos would not want you on the show for that reason; is that correct?

A. It made no sense that no one on the team would try to do anything publicly to refute the absolutely horrible things that were coming out about Mr. Jackson.

Q. Okay. And you told the police you thought Michael Jackson was being slammed by this team, correct?

A. Yes, I believe I did.

Q. The word you used was "slammed," right?

A. I believe so, yes.

Q. You thought they were not doing their job to help Michael Jackson, right?

A. Well, they were there longer than my six days, so maybe I was wrong.

Q. I'm not asking maybe. But, basically, your opinion at that point was that this team is not out to protect or help Michael Jackson?

A. That was absolutely my opinion, yes.

Q. You told the police that Access Hollywood had a fax from Mr. Geragos saying, "Don't interview Gabriel," right?

A. That's correct, yes, sir.

Q. Did you actually see the fax?

A. Yes, sir, I did.

Q. You told the police that LeGrand and Geragos clashed over several things, right?

A. Yes, sir, that's correct.

Q. And you were getting your information about that from LeGrand, weren't you?

A. Yes, sir. That's correct.

Q. And you told the police you thought Konitzer brought Geragos in because Konitzer had power of attorney, right?

MR. AUCHINCLOSS: Objection; hearsay. And --

THE COURT: Overruled.

MR. AUCHINCLOSS: -- speculation. No foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: Can you repeat the question? I'm sorry.

Q. BY MR. MESEREAU: Yes. You told the police that you believe Konitzer brought in Geragos because Konitzer had a power of attorney, right?

A. I believed that because Mr. Konitzer had the power of attorney that allowed him to make the decision to bring Geragos into the team, yes.

Q. Now, did you discuss that with Mr. LeGrand at any time?

A. Did I discuss Mr. Geragos being brought in?

Q. Yes.

A. And that Mr. Konitzer had brought him in?

Q. Yes.

A. I don't remember. I mean, I'm sure that we did, but I don't remember in specifics. I just remember that David was not happy with Mr. Geragos.

Q. Okay. Did you ever see this power of attorney that Konitzer had --

A. No, sir, I never saw it.

Q. -- over Mr. Jackson? You never saw it?

A. No.

Q. You learned everything about that from Mr. LeGrand, right?

A. Yes, sir, that's correct.

Q. Okay. And you were fired through an e-mail by Konitzer, right?

A. Well, no. It was through an e-mail by David. David sent me the e-mail.

Q. Well, you told the police that you were fired on February 15th by an e-mail from Konitzer, didn't you?

A. David sent me the e-mail. I'm sure that I said that David sent me the e-mail.

Q. Okay. Would it refresh your recollection if I just show you the report?

A. You can show me the report, but the e-mail didn't come from Ronald. The e-mail came from David. And I can tell you what it said, if you would like me to.

Q. No, that's okay. But you're saying you didn't tell the sheriffs Konitzer sent it. You told them David sent it, is that right?

A. I don't remember if I said specifically David sent it. But the e-mail said that Ronald made the decision, so that may be why it reads that way.

Q. Okay. You told the police you had sent an e-mail to Konitzer, right?

A. That's correct.

Q. And you told the police you sent an e-mail to Konitzer saying, "Schaffel, Backerman and Weizner have no plan of action and that Michael Jackson is going to get skewered on national T.V.," right?

A. Again, I would have never said Weizner, because I never heard Dieter's name during that time. And, yes, I probably did say that Michael was going to get skewered. And that was -- one of my major concerns was that there was no plan of action to protect his interests from scurrilous accusations.

Q. Okay. Okay. Was there ever any discussion between you and members of this team about getting rid of Backerman and Schaffel?

A. In the e-mail that I sent to Ronald, I detailed reasons why I thought that he needed to get rid of Mr. Backerman and Mr. Schaffel, yes.

Q. Did you actually tell him he ought to do that?

A. I put it in the e-mail to Mr. Konitzer, yes, I did.

Q. And why did you think Mr. Backerman should go?

A. Because he had done things that I felt were detrimental to the positive public relations effort we were trying to move forward.

Q. Okay. To make a long story short, you thought you had a better plan to protect and represent Mr. Jackson than this team, right?

A. I believed that I had Mr. Jackson's public relations interests at heart much more than Mr. Backerman or Mr. Schaffel, yes, absolutely.

Q. What about the other members of the team? Did you think you had more of an interest in doing a good job for Mr. Jackson than the other members, like Mr. Geragos?

A. I didn't know what Mr. Geragos's position was. So I can't speak to their intentions. I don't know. I can only speak to what I know.

Q. Okay. You told the sheriffs that when you saw the Bashir interview, it disgusted you and made you ill, right?

A. Yes, that's correct.

Q. And you told them, the police -- pardon me, I keep saying "police" -- the sheriffs that Konitzer and Weizner have a record of making very bad business deals, right?

A. Yes, that's correct.

Q. You told the sheriffs that Konitzer and Weizner have scammed people out of millions of dollars, right?

A. Yes, that's correct.

Q. You told the sheriffs that after you were fired by Konitzer, Mr. LeGrand hired you to do public relations work, right?

A. Yes, that's correct.

Q. Now, was that for his law firm?

A. No, that was for him personally.

Q. Him personally?

A. Uh-huh.

Q. To your knowledge, was he a partner at a law firm then?

A. Yes, that's correct.

Q. You told the sheriffs LeGrand ran a background check on Konitzer, right?

A. I didn't hear your question, I'm sorry.

Q. You told the sheriffs that LeGrand was doing a background check on Konitzer, right?

A. Yes, he did.

Q. Did you encourage him to do that?

A. Yes, I did.

Q. Because you were suspicious of what Konitzer was up to, right?

A. I was suspicious of everything, yes.

Q. On that team?

A. On that team, yes.

Q. Did you tell that to Mr. LeGrand?

A. Yes, I did. Many, many times.

Q. Okay. You told the sheriffs that it was your understanding that LeGrand and Konitzer had been casual friends for about nine years, right?

A. That's what David told me, yes.

Q. And you told the sheriffs you thought Konitzer hired LeGrand because he thought LeGrand would be quiet and just do his job, correct?

A. Yes, that's correct, that's what I said.

Q. But at some point you learned that LeGrand started an investigation of Konitzer, right?

A. At some point I pushed David to go in that direction, yes.

Q. And you pushed David to investigate a lot of other people, didn't you, besides Konitzer?

A. Who?

Q. Malnik.

A. No. I didn't push David to investigate Al Malnik.

Q. But you learned that he was investigating him, didn't you?

A. I don't remember David ever telling me that he was investigating Al Malnik.

Q. How about Schaffel?

A. I don't remember David ever telling me he was investigating Marc Schaffel either.

Q. Okay. So you don't know anything about that investigation, if it existed, right?

A. No, sir, I don't.

Q. Never seen any documents that LeGrand showed you about those people being investigated?

A. No, sir, I did not.

Q. Okay. You told the sheriffs that LeGrand would not have investigated if you had not put these questions in his head, right?

A. I believe that to be true, yes, because he told me in the beginning that I was overreacting.

Q. Okay. And you told the sheriffs that once LeGrand started doing his investigation and background checks on Konitzer, he spoke with accounting people and found out Konitzer had embezzled $980,000 from Mr. Jackson, right?

A. That was the total figure that he told me, yes.

Q. You told the sheriffs that one thing of value that Michael Jackson has is a Sony catalog, correct?

A. That's correct.

Q. How did you learn about the Sony catalog?

A. Through several sources.

Q. Can I ask you who they are?

A. Well, first of all, public knowledge. And of course David told me.

Q. And what is your understanding of what the Sony catalog is?

A. It's a collection of music, copyrights on music.

Q. And what kinds of music are you talking about?

A. Popular music. But basically music from The Beatles and other artists.

Q. You told the sheriffs your understanding was that Sony had an interest in that catalog, along with Mr. Jackson, right?

A. Yes, that's correct.

Q. And you told the sheriffs that you thought Konitzer was being paid to isolate Michael Jackson, create Michael Jackson's downfall so Sony can get the catalog back, didn't you?

A. No, that's not what I said.

Q. Would it refresh your recollection if I show you the report?

A. You can show me the report, but that's not what I said.

Q. Did you ever say the following, Ms. Kite: "Gabriel said it makes sense to her that Konitzer and Weizner were being paid to isolate Michael Jackson and let him do his own thing and let him create his downfall so that Sony can get the catalog back"?

A. No, sir.

Q. Never made that statement?

A. Not in that way, never, sir.

Q. Okay. Did you ever tell the sheriffs you thought the recording industry was just as bad as Al

Malnik?

A. I probably did, yes.

Q. Okay. Now, you read this report before you came in to testify, right?

A. Yes, sir, I did.

Q. Did you ever point out to anyone that you thought some of the statements were not accurate?

A. Yes, sir, I did.

Q. Who was that?

A. To Gordon.

Q. When was this?

A. I don't remember.

Q. You don't remember? You talked to him for a couple of hours two nights ago, correct?

A. Yes, sir.

Q. Did you talk to him about the report then?

A. No, I don't believe I did talk to him about the report then.

Q. Okay. You told the sheriffs you're not saying that Sony is paying Konitzer and Weizner, but if you could prove it, you'd love to?

A. Yes, I said that as a facetious remark. Absolutely. I did say that.

Q. You told the sheriffs you have a lot of sources inside of Sony, correct?

A. That's correct, yes.

Q. And you told the sheriffs that those sources inside of Sony have told you that they've been waiting for years to get the Sony catalog back from Michael Jackson, correct?

A. Yes, sir, that's correct.

Q. And you told the sheriffs that if you look at Konitzer and Weizner's track record, they're not the type of people that should be managing anything for Michael Jackson, right?

A. Yes, sir, that's what I believed, yes.

Q. Told the sheriffs, "If you look at their track record, they're not good business people," right?

A. Yes, sir, that's correct.

Q. You told the sheriffs that they caused Michael Jackson to lose his logo in the United Kingdom?

A. Yes, sir, that's correct, I did say that.

Q. How did you know that?

A. I read that through news reports and I believe David confirmed that for me.

Q. And you thought -- you told the Santa Barbara sheriffs you thought Konitzer and Weizner were tight with Schaffel, right?

A. Yes, sir, that's correct, I did.

Q. And you thought they all were hurting Michael Jackson, right?

A. Yes, sir, I do, absolutely.

Q. And you still believe that, right?

A. Yes, absolutely.

Q. You told the Santa Barbara sheriffs that you think somewhere down the line Konitzer and Weizner were going to get a payoff, right?

A. I don't remember -- you know, I don't remember using those exact words, and I don't know what context I would use it in.

Q. Would it refresh your recollection if I show you the report?

A. Sure you can.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

Q. BY MR. MESEREAU: Have you had a chance to look at the report?

A. Yes, sir, I have.

Q. Does it refresh your recollection about what you said?

A. Yes, it does.

Q. And regardless of where you got your knowledge, I'm just asking if you said this to the sheriffs.

A. Yes, I believe I did say that, yes.

Q. So you told them it made sense to you that down the line Konitzer and Weizner were going to get some kind of payoff?

A. Yes, sir, that's correct. But that payoff could have been from a business interest; it could have been from any number of things.

Q. You told the Santa Barbara sheriffs you believed that Konitzer, Weizner and Schaffel concocted the business with Janet Arvizo, right?

A. Again, I wouldn't have used Dieter's name, because I had no knowledge of Dieter at the time. That I believe they concocted the business with her? Meaning --

Q. That they were doing something with Arvizo --

A. Yes.

Q. -- that was harmful to Michael Jackson, correct?

A. Yes.

Q. And you were concerned that Schaffel and Konitzer had done something to Janet Arvizo as well, right?

A. Yes, sir, that's correct.

Q. So, basically what you were telling the sheriffs was, you think Michael Jackson's a victim and Janet Arvizo is a victim of these guys, right?

MR. AUCHINCLOSS: Objection; that's argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Now, again, you have no personal knowledge of what happened at the ranch with Miss Arvizo, right?

A. You're absolutely correct, sir, I have no personal knowledge of that.

Q. And you have no personal knowledge of really anything Michael Jackson's done in his lifetime, because you've never been there to watch him, right?

A. That's absolutely correct, sir.

Q. And how many times did you talk to Schaffel about what he said happened to Janet Arvizo at the ranch, do you know?

A. After the first phone call in the morning?

Q. Uh-huh.

A. I don't know. Maybe two times, three times total that day. Not many.

Q. Uh-huh. Did he ever really describe to you what had happened at the ranch?

A. Other than telling me that they left the ranch, no.

Q. And he told you they returned, right?

A. He told me that the situation had been contained.

Q. And he also told you they returned.

A. That they had returned, yes.

Q. Did he ever give you any details about that?

A. About how they returned?

Q. Yes.

A. No, sir, he did not.

Q. So Schaffel never gave you any details about how they left or how they returned, right?

A. No. He just said they left in the middle -- in the middle of the night --

Q. Right.

A. -- or sometimeearly in the morning.
Q. Right.
A. And due to his level of agitation, I assumed they didn't go out in a chauffeur-driven limousine.
Q. Do you know how they went out?
A. No, sir, I do not.
Q. Did anyone ever tell you it was a chauffeur-driven car?
A. No, sir.
Q. Ever discuss that with Prosecutor Auchincloss?
A. No, sir, I did not, ever.
Q. Okay. But at one point you used the word "kidnap," didn't you, to the sheriffs?
A. Yes, sir, I absolutely did.
Q. But you didn't know she was kidnapped.
A. No, I didn't.
Q. You knew none of the details at all, right?
A. No, that was my own personal feeling based on Marc Schaffel's level of agitation.
Q. I guess it goes without saying, you didn't trust Mr. Schaffel very much either?
A. No, sir, I did not.
Q. You didn't trust Mr. Konitzer either?
A. No, sir, I did not.
Q. Did you trust Mr. Geragos?
A. I didn't trust or distrust Mr. Geragos.
Q. Okay. The ones you were most suspicious

about were Schaffel and Konitzer, right? Would that be accurate?

A. An accurate reflection would be to say that I was most suspicious about anyone who was taking their eye off of the devastation that was happening to Mr. Jackson at that time.

Q. Okay. And I guess it goes without saying, you were concerned about Mr. Jackson's welfare as a public relations professional?

A. Absolutely, sir, yes.

Q. You thought he was mistreated and misadvised, right?

A. Yes, sir. For the six days I was there.

Q. You've told the Santa Barbara sheriffs that Mr. Geragos was being paid by Al Malnik, right?

A. I don't remember saying that specifically. You can show me the report, and I remember reading that in the report, but I don't remember saying that specifically to them.

Q. Well, you told them that he was being paid by Malnik, but when they questioned you, you said it was just an assumption, didn't you?

A. I believe the context of that comment came from when Mr. Jackson was -- from when the ranch was raided in November, and Mr. Jackson was taken from Las Vegas back to L.A., or back here.

Q. Well, in referring to this interview, the one I've been asking you all the questions about --

A. Right.

Q. -- you told the Santa Barbara sheriffs that you assumed Mr. Geragos was being paid by Al Malnik, correct?

A. The fee for Mr. Geragos at the time to represent Mr. Jackson. Not during the public relations period that I worked there --

Q. Okay.

A. -- but after, later in the month. Yes, that's what I said.

Q. Okay.

A. Uh-huh.

Q. Let me just get it straight so I understand: You told the Santa Barbara sheriffs you thought Mr. Geragos was being paid by Al Malnik, but you're referring to a period after the six days you had worked?

A. Yes, sir, that's absolutely correct.

Q. Okay. Thank you.

Now, you made some statements about what you think a proactive public relations effort is. But you knew that a rebuttal film was being prepared that was supposed to be a public relations response to the Bashir tape, correct?

A. That's correct.

Q. And you told the Santa Barbara sheriffs that somebody was getting $3 million for that rebuttal video; right?

A. That's correct.

Q. Was it your understanding that Schaffel was getting that money?

A. No, it was my understanding that it was going into a corporation.

Q. Okay. Do you know what corporation?

A. Fire Mountain, I believe.

Q. Okay. So realistically, you knew that something was being done to respond to the Bashir video, right? Or, excuse me, the Bashir show?

A. Realistically, I knew that something was being done. Whether or not it was something that I agreed with or thought was the level that Mr. Jackson deserved is a totally different question.

Q. Did Schaffel or Konitzer really include you in the production of that rebuttal video?

A. What do you mean by "include"?

Q. Well, during the six days you worked with this team, did they ask you for any advice on how to do a rebuttal video?

A. Not on how to do the video. But Mr. Schaffel did call me to discuss with me who would appear on the video. And I told him that I felt very strongly that Mr. Jackson needed to appear on it to refute, himself, the claims that were being made against him.

Q. Okay. And were you asked anything else about what your thoughts were on that rebuttal video?

A. I don't remember.

Q. Is that the only suggestion you gave, that you can recall?

A. That I can recall sitting right here right now, yes.

Q. Okay. Did you feel in some way that they were cutting you out of the development of that rebuttal video?

A. No, I didn't, because there were so many other fires going on and so many other things that needed to be done. And the way that that video was being structured wasn't really anything that I felt that I could give input to anyway.

Q. Did you think that video was being prepared with Mr. Jackson's interests in mind?

A. I believed that Mr. Konitzer and Mr. Schaffel were preparing -- were preparing it with Mr. Jackson's interests in mind, yes.

Q. But you thought they could do a better job, is that it?

A. Absolutely, yes, sir.

Q. Did you think they had a profit motive in trying to put that video together?

A. Yes, sir, I did.

MR. AUCHINCLOSS: I'll object and move to strike just as to foundation. And speculation.

THE COURT: Overruled.

Q. BY MR. MESEREAU: You told the sheriffs that Schaffel was part of an agreement with FOX Television regarding a rebuttal video, correct?

A. Yes, sir, that's correct.

Q. You told them that it was your understanding Schaffel had reaped some of those profits, right?

A. Yes, sir, that's correct.

Q. And you told the sheriffs that, if you saw it, you could identify Schaffel's agreement, correct?

A. Yes, sir, that's correct.

Q. Did you actually see the agreement at one time?

A. Yes, I believe I saw a draft copy of the agreement.

Q. Now, you never met Schaffel personally, right?

A. No, sir.

Q. How did you end up seeing Schaffel's agreement with FOX Television?

A. Because the initial agreement, David LeGrand called me and asked me to have a friend of mine in Chicago, who had done entertainment work, help him prepare it.

Q. Okay. And who was that?

A. Don Hancock.

Q. Okay. Did you help Don Hancock put that agreement together?

A. No, he did it pretty much on his own, because I was busy with other things.

Q. Okay. And it was your understanding the agreement was strictly between Schaffel and FOX; is that correct?

A. No, sir, that --

Q. What was your understanding in that regard?

A. It was my understanding that the agreement was being done on behalf of Mr. Jackson, but that there were stipulations in the agreement that Mr. Schaffel could and would profit from.

Q. Okay. At the time this was all being done, you thought Schaffel was trying to make a large sum of money on this, didn't you?

A. I didn't know how much money Mr. Schaffel was trying to make on it. I don't know.

Q. Did Schaffel ever discuss that with you?

A. How much money he would make on it?

Q. Yes.

A. Not that I remember, no.

Q. Did you ever discuss that with Konitzer?

A. How much money Mr. Schaffel would make on something like this?

Q. Yes.

A. Not that I remember, no, sir.

Q. Was it your understanding that Mr. Konitzer was going to make money on this video?

A. No, sir. That wasn't my understanding of why the video was being made.

Q. All right. Let me explore that for a second. You certainly believed people were trying to make money on this rebuttal video, right?

A. That's correct.

Q. You thought Schaffel was one of them, right?

A. That's correct.

Q. Did you think anyone else was making money on it?

A. Yes, sir, that's correct, I did.

Q. Was that Konitzer?

A. No, it wasn't.

Q. Who was it?

A. Mr. Jackson.

Q. Okay. How did you know that?

A. Because David LeGrand told me.

Q. Okay. Did you think LeGrand was going to make any money on it?

A. I didn't ask him. I had no idea.

Q. Okay. Okay. Did you look at the draft of the agreement?

A. I don't remember. I may have, but I really -- after I spoke with Don initially, I put him in touch with David, and they pretty much took care of it.

Q. But you never discussed, obviously, with Mr. Jackson any role he had in this video at all, right?

A. No, sir, I did not.

Q. And you never actually watched Mr. Jackson play any role in this, did you?

A. No, sir, I did not. No.

Q. You told the sheriffs that there were two deals with FOX, correct?

A. Yes, sir, that's correct.

Q. One was for a $3 million deal and one was a $2 million deal?

A. Yes, sir, that's correct.

Q. The first was a videotape that Schaffel or someone named Christian had videotaped, right?

A. They were involved in it, yes.

Q. And the second had to do with Michael Jackson home videos, right?

A. Yes, sir, that's correct, sir.

Q. Did you play any role in the development of these home videos?

A. No, sir.

Q. Have you ever seen the rebuttal video that was telecast by FOX?

A. Yes, I believe I did.

Q. When did you see it?

A. I don't remember. I don't remember. It may have been around the time that it was shown or it may have been later. I truly don't remember.

Q. Did you ever see the home videos you referred to?

A. I believe I did, but I don't remember.

Q. Were you asked advice on the development of the home videos?

A. David and I had discussed that before when we talked about a plan to -- to rehabilitate Mr. Jackson's image, but that was before it actually came into being.

Q. Okay. You told the sheriffs that Geragos was paid money by Malnik, right?

A. Yes, sir, I did.

Q. And you learned that from Mr. LeGrand; is that correct?

A. I don't remember who I learned that from. And I believe, again, you're talking about the time after I was there for the six days. And I don't remember if it came from Mr. LeGrand or not. I don't remember.

Q. You told the sheriffs that you were told by LeGrand that the remaining money owed to Geragos was paid by Al Malnik, to, quote, "keep this thing going," correct?

A. Yeah, that's probably true.

Q. Okay. You told the sheriffs you did not know what the connection was, if any, between Malnik and Michael Jackson, right?

A. That's correct, yes.

Q. Because you've never seen Mr. Malnik with Mr. Jackson, right?

A. Just in the newspaper like everyone else, that's correct.

Q. And you never met Mr. Malnik personally, right?

A. No, sir, I never did.

Q. You told the sheriffs you kept quizzing Mr. LeGrand about Malnik and the video and what this team is doing, right?

A. After -- when I went to work for David public-relations-wise? Is that your question?

Q. Yes.

A. I mean, I'm asking you timeframe-wise.

Q. Yes.

A. Yes, that's correct.

Q. And he would often give you information, right?

A. Yes, that's correct.

Q. Okay. And you told them that Mr. LeGrand is scared of an attorney named John Branca, right?

A. That's what he told me, yes, sir.

Q. And you told them that he was scared of Branca because he had fired Mr. Branca, correct?

A. Yes, sir, that's correct.

Q. "He" being LeGrand?

A. Yes, sir, that's correct.

Q. And you told the sheriffs that Mr. Branca had worked for Mr. Jackson off and on for approximately 20 years, right?

A. Yes, sir, that's correct.

Q. And you told them Mr. Branca gets a percentage of music deals that Michael Jackson signs; is that correct?
A. Yes, sir, that's correct.
Q. How did you know that?
A. Mr. LeGrand told me that.
Q. And you told them that Branca has an account that this money goes to, right?
A. Yes, that's correct.
Q. And Mr. LeGrand told you he was scared of Branca because he knew a lot about what Branca was doing with Michael Jackson's money, correct?
A. I don't remember that I phrased it that way.
Q. How did you phrase it, if you know?
A. I just remember saying that Mr. LeGrand was afraid of Mr. Branca.
Q. Did Mr. LeGrand tell you he was suspicious of what Mr. Branca was doing with Mr. Jackson's money?
A. I don't remember him using the word "suspicious." I don't remember specifically what he said about it.
Q. Okay. But based upon your conversations with LeGrand, you formed the conclusion that LeGrand was suspicious of what Branca was doing with Mr. Jackson's affairs, true?
A. I can't answer that, because I can't speak to what was in David's mind. I don't have -- you

know, I don't know how I could form an opinion at that point.

Q. But you told the sheriffs that LeGrand told you that he was physically afraid of Branca, right?

A. Yes, he did.

Q. You told the Santa Barbara sheriffs that Mr. LeGrand would refer to Al Malnik as "Uncle Al," correct?

A. That's correct, he did.

Q. Did he tell you he was afraid of Uncle Al?

A. No.

Q. Okay. Didn't you tell the Santa Barbara sheriffs that Mr. LeGrand told you, "Mr. Malnik has connections, and I don't want to see anyone end up dead in an alley"?

A. He didn't say it in that context, sir. Not at all.

Q. Okay. I'm not asking you in what context he said it, but didn't you tell the sheriffs that LeGrand told you that?

A. I did not make a statement like that, no.

Q. Would it refresh your recollection if I show you the report?

A. You can show me the report, and I know what you're referring to, and I did not make a statement like that.

Q. You were misquoted, do you think?

A. I think so, yes. I know exactly what that statement was referring to.

Q. Just correct me if I'm wrong. You didn't tell the Santa Barbara sheriffs that LeGrand told you words to the effect, "I know Malnik has some connections and I don't want to see anyone end up dead in an alley"?

A. You're taking it totally out of context. No. Mr. -- Mr. LeGrand never said anything to me or words to those effect, using it the way you are in the statement, no.

Q. Okay. You told the Santa Barbara sheriffs words to the effect that you thought Konitzer and Schaffel and others were conspiring against Michael Jackson, correct?

MR. AUCHINCLOSS: Objection; foundation. Also requires hearsay to form that opinion.

THE COURT: The objection's overruled.

You may answer.

THE WITNESS: I don't believe I said words to the effect that I believe they were conspiring against Mr. Jackson. What I did say was that I believed that their actions were not beneficial to Mr. Jackson.

Q. BY MR. MESEREAU: But you certainly discussed with Mr. LeGrand Mr. LeGrand's concern about what these individuals were doing to Mr. Jackson, correct?

A. It was my concern about the way that Mr.

Jackson's public relations image was being handled, and I took that concern continuously to Mr. LeGrand.

Q. But I'm not asking you about that. You and Mr. LeGrand repeatedly discussed his concerns and your concerns that these characters were taking advantage of Mr. Jackson, correct?

A. My concerns, which David told me several times that I was overreacting, until I continued to press him on it, and he began the investigation.

Q. Okay. Thank you.

You told the sheriffs that Konitzer told you Michael Jackson hadn't seen Mr. Schaffel for months, right?

A. That's correct, yes.

Q. You told the Santa Barbara sheriffs that Konitzer said, "Schaffel's a good guy"; is that right?

A. That statement is in the report, but it wasn't Mr. Konitzer that said that about Mr. Schaffel.

Q. He never said that to you?

A. Not to my recollection.

Q. Okay. And you told the sheriffs you felt that Konitzer, Weizner and Schaffel manipulated Mr. Jackson to get whatever they wanted, right?

MR. AUCHINCLOSS: Objection. Calls for a conclusion; speculation.

THE COURT: Overruled.

THE WITNESS: I don't believe I said they manipulated Mr. Jackson. I believe I said they manipulated the situation.

Q. BY MR. MESEREAU: But the situation had everything to do with Mr. Jackson's welfare, right?

MR. AUCHINCLOSS: Objection; argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You told them Mr. LeGrand would continually talk to you about what was occurring with Michael Jackson and seek your advice?

A. That's correct.

Q. And did he do that?

A. Yes, he did.

Q. You complained about Al Malnik, correct?

A. I complained about -- well, I don't know if "complained" is the right word. But I told Mr. LeGrand that I was afraid that a high-profile public association with Mr. Malnik, compounded with everything else that Mr. Jackson had going on, would be very detrimental to him, yes, I did.

Q. Did you discuss with Mr. LeGrand that Al Malnik had connections with Sony?

A. I don't remember ever discussing that with Mr. LeGrand.

Q. Did you and Mr. LeGrand ever discuss Al Malnik's connection to the catalog?

A. I don't remember.

Q. Now, you indicated to the sheriffs, and I believe you testified today that Mr. Geragos wanted you to sign a private investigator's nondisclosure, correct?

A. That's correct, sir.

Q. And was it your understanding that he wanted to call you a private investigator?

A. I had no understanding. I can just tell you what he said to me. That's all.

Q. But, I mean, was your reaction to this, "He's trying to make me look like a private investigator so everything is confidential"? Is that the idea?

A. Um --

Q. Is that what you thought? Let me rephrase the question. It's an awkward question.

I gather Mr. Geragos told you he wanted you to sign this form, true?

A. That's correct.

Q. And your understanding was it was a nondisclosure form, right?

A. I -- I don't think "nondisclosure" would cover it. I think it was ratcheted up -- you know, a step up from a nondisclosure.

Q. Well, correct me if I'm wrong, you told the Santa Barbara sheriffs that Mr. Geragos wanted to bring you in under a private investigator's nondisclosure. Does that sound right?

A. Yeah. I don't remember using the word "nondisclosure," but, yes.

Q. And when he talked to you about this, was it your belief that he wanted you to sign something that pledged you to confidentiality?

A. It sounded to me like it was pledging me to more than confidentiality.

Q. Well, and it was going to be under the guise that you were somehow an investigator, right?

A. I don't know what it would be under the guise of. I just --

Q. Well, let me just ask you this: What did he tell you about that?

A. He said to me exactly what I said. He asked me to stay in town overnight. He wanted me to come into the office the next day. He wanted me to sign the private investigator's agreement, and then he would fill me in on everything that was going on.

Q. Okay. And you didn't feel good about that, right?

A. No, sir, I did not.

Q. Something seemed wrong with that?

A. Yes, sir, it did.

Q. Because you're not a private investigator, right?

A. That's correct.

Q. You didn't like the idea you'd sign something that said you were something you're not, right?

A. That was part of it.

Q. Okay. You also didn't want to be "gagged," as you used the word with the sheriffs, right?

A. That's correct.

Q. You wanted to be free to discuss your work with anyone you wanted?

A. No, that's not true. I put together the situation that happened the day before with Marc Schaffel calling me about Janet Arvizo. 24 hours later, Mr. Geragos is telling me that -- after I had already spoken to Ronald and asked him about the situation, spoken to David, and David said he couldn't talk to me about it right now. Then Mr. Geragos is asking me to stick around 24 more hours and come in and sign something and he would talk to me. I didn't know what it meant.

But obviously I wasn't -- obviously I didn't go around talking to the press about it, because it didn't get out, so....

Q. Actually, you had signed an agreement at some point to be a public relations person with the team, didn't you?

A. Yes, sir, I did.

Q. That actually had a confidentiality clause, didn't it?

A. I don't believe it did, sir.

Q. Didn't have any?

A. No.

Q. So when you signed an agreement, you thought you were free to say whatever you wanted that you heard from that team?

A. I did not have a confidentiality agreement in that agreement. But that didn't mean I was seeking to actively breach a confidence.

Q. Well, you talked in your direct examination about an agreement.

A. Yes, sir.

Q. And you signed a consulting agreement, didn't you?

A. Yes, I believe so.

Q. And you probably sign them in your work quite often, true?

A. Yes, I do. But I remember looking at this one at Mr. LeGrand's office and there wasn't anything in there about confidentiality, in that agreement.

Q. Okay. Did you have further discussions with Mr. Geragos?

A. After that day?

Q. Yes.

A. No.

Q. Now, you don't know how often Mr. Geragos spoke to Mr. Jackson, do you?

A. No, sir, I don't.

Q. So if Mr. Geragos hardly ever saw Mr. Jackson or talked to him, you wouldn't know one way or the other, right?

A. No, sir, I wouldn't.

Q. Mr. Geragos told you, "I want to see if I can keep you on the team," didn't he?

A. Yes, he did, sir.

Q. And when did that discussion happen?

A. I don't remember.

Q. You told Mr. Jackson you were concerned about Konitzer, Weizner, and Schaffel, right?

A. Again, I wouldn't have said Dieter's name. But, yes, I believe I told him that.

Q. As I think you know in this report --

A. I understand it says that. I know. I just want to make sure that you know.

Q. Okay. But you told Mr. Geragos you were concerned about what Konitzer and Schaffel were doing, right?

A. I believe so, yes.

Q. And you arranged to meet with Mr. Geragos on some future dates, right?

A. Yes, I did.

Q. And they never happened, right?

A. No, they did not.

Q. To your knowledge, why did they get cancelled?

A. Mr. Geragos told me that he was in court.

Q. Any other reasons?

A. Not to my knowledge, no.

Q. Didn't you tell the Santa Barbara sheriffs that you quit pursuing a meeting with Mr. Geragos because there were more things that LeGrand was telling you and you had more distrust for Mr. Geragos?

A. That's correct. I thought you were asking me about on Mr. Geragos's part why they didn't happen. Yes, that's correct.

Q. And your understanding was that Mr. LeGrand didn't trust Mr. Geragos, correct?

A. That's what he told me, yes, that's correct.

Q. And one of the reasons he told you he didn't trust Mr. Geragos was he thought Mr. Geragos was tight with Mr. Malnik, true?

A. I don't remember.

Q. Well, he told you that he thought Mr. Geragos was being paid by Al Malnik, correct?

A. But that was after. You're taking two instances and juxtaposing them.

Q. Okay.

THE BAILIFF: Mr. Mesereau, is your microphone on?

MR. MESEREAU: I haven't looked.

THE COURT: Oh, has he been talking?

(Laughter.)

THE BAILIFF: We'll fix it at the break.

MR. MESEREAU: We'll start again, Your Honor.

(Laughter.)

THE COURT: Did you hear that? Screams of protest from the jury.

MR. MESEREAU: Doesn't work at all.

THE BAILIFF: Do you want me to fix it now or wait till the break?

THE COURT: Actually, he's heard quite well, I think. Do people in the back hear him?

A VOICE FROM THE AUDIENCE: No.

THE COURT: You should signal if you can't hear.

A VOICE FROM THE AUDIENCE: We did; we have.

THE BAILIFF: They have been, and I turned the air conditioner off.

THE COURT: You've been working on it, okay.

(Discussion off the record.)

THE COURT: Why don't you call.

THE BAILIFF: I did call.

BAILIFF NARRON: She did. I thought in the meantime they could use that one.

THE COURT: Why don't you say something so we can see if they can hear you in the back.

MR. MESEREAU: "Hello; hello."

A VOICE FROM THE AUDIENCE: Very good.

MR. MESEREAU: Thank you.

Q. Ms. Kite, you told the sheriffs that, from the outside looking in, your opinion was that Michael Jackson did not know the things that

Konitzer and the team were doing around them, right?

A. Yes, sir, that's correct.

MR. AUCHINCLOSS: Objection; requires speculation. She's never met Michael Jackson. There's no way she could have knowledge of what Mr. Jackson knows.

THE COURT: Overruled.

THE WITNESS: Yes, sir, that's correct. I said that.

Q. BY MR. MESEREAU: Now, did you say before that you had never issued any press releases while you worked for the team?

A. I wrote a press release, but I don't believe it ever went out on the wires.

Q. Okay. Didn't you tell the Santa Barbara sheriffs that you personally wrote various press releases that went out and got the approval from Schaffel?

A. I don't believe -- I wrote press releases and I sent them to Marc Schaffel for approval, but they did not go out.

Q. None of them went out?

A. No. Not to my knowledge, no.

Q. Did you tell the police that some went out?

A. I don't believe that I said that they went out or they didn't. I remember saying that I wrote the releases and I got -- you know, sent them to Marc Schaffel for approval.

Q. Would it refresh your recollection if I just show you the report?

A. You can show me the report, but I don't -- if that's what it says, I don't remember saying that they did or didn't. I distinctly remember writing the releases and sending them to Mr. Schaffel for approval, and Mr. Konitzer.

Q. And you told the Santa Barbara sheriffs you don't think Michael Jackson even knew about these releases, correct?

A. That's correct, yes, I did.

THE COURT: Just a moment.

(To a sound technician) Why don't you just wait till the break. And then you'll be better able to -- 15 minutes.

Go ahead.

MR. MESEREAU: Oh. I thought we were taking a break. Excuse me, Your Honor.

THE COURT: No, I wanted -- I didn't want him to try and fix that while you were trying to ask questions. We have sound right now, so --

Q. BY MR. MESEREAU: Do you know someone named Jermaine Jackson?

A. Yes, I do.

Q. Who is Jermaine Jackson?

A. Jermaine is Michael's brother.

Q. Do you know him personally?

A. Yes, I do.

Q. How do you know him personally?

A. I met with him.

Q. Approximately when was that?

A. I believe in April of 2003.

Q. And did you arrange that meeting?

A. Mr. Jackson and I, Jermaine Jackson and I, spoke on the phone and arranged it together, yes.

Q. Did you call him?

A. He called me initially.

Q. Okay. Do you know how he got your number?

A. Yes, from Rita Cosby at FOX.

Q. Did you meet with Jermaine?

A. Yes, I did.

Q. Where did you meet with him?

A. At his home in Encino, California.

Q. You told Jermaine Jackson that Al Malnik and other people pretended to be Michael's friends, but were not, true?

MR. AUCHINCLOSS: Objection; hearsay.

THE COURT: Overruled.

You may answer.

THE WITNESS: I don't remember saying that to Mr. Jackson.

Q. BY MR. MESEREAU: You met with Jermaine Jackson for approximately six or seven hours, right?

A. For several hours, yes.

Q. And you told the Santa Barbara sheriffs about that meeting, true?

A. Yes, that's correct. I did.

Q. And you mentioned Al Malnik, correct?

A. Yes, I did.

Q. You mentioned Konitzer, correct?

A. Yes, I did.

Q. You mentioned Geragos, correct?

A. I don't remember if I mentioned Geragos. I don't remember.

Q. You mentioned Schaffel, didn't you?

A. Yes, absolutely I did.

Q. You told Jermaine Jackson, "These people are not your brother Michael's friends," right?

A. I don't remember that those were my exact words.

Q. Would it refresh your recollection if I just show you the report?

A. Sure you can.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: That's not what it says. It says I told you about him and other people that were not Michael Jackson's friends, but it doesn't say -- it doesn't quote me as saying that --

THE COURT: Wait. When he shows you to refresh your memory, just look at it, and then you can tell him whether or not it does refresh your memory.

THE WITNESS: Okay. Okay.

Q. BY MR. MESEREAU: Have you had a chance to look at that police report?

A. Yes, I have.

Q. And did you tell Jermaine about Al Malnik and other people that were Michael Jackson's friends but were really not?

A. I did not say it in those terms. I told Mr. Jermaine Jackson about people that were associated with Mr. Jackson, but I don't -- and I did not say and it does not quote me in there as saying that these people were Mr. Jackson's friends but were really not. That's not what it quotes me as saying.

Q. Well, I want to ask you if this is a correct quote: "Gabriel said she told Jermaine Jackson about Al Malnik and other people that were Michael Jackson's friends but were really not." Did you say anything to that effect?

A. That is not a direct quote from me. That's not how it reads.

Q. Did you say words to that effect?

A. I told Mr. Jermaine Jackson about people that were associated with Mr. -- with Mr. Michael Jackson that I felt were detrimental to him. But I don't believe I ever said they were pretending to be his friend, but they're really not.

Q. So these words are wrong that I just read you?

A. The exact word using them as a quote is wrong, yes.

Q. Yes. Yes. Now, Mr. Jackson's mother was at the meeting, correct?

A. Mr. Jackson's mother was at the house.

Q. Was she at the meeting?

A. No, she wasn't.

Q. Did you ever speak to her that day?

A. Yes, I did.

Q. And how long did you speak to her?

A. Just for a minute or two.

Q. Did Mr. Jermaine Jackson introduce you to Michael's mother?

A. Yes, he did. And to his wife also.

Q. Okay. Is it true the meeting went six or seven hours?

A. I was there for about six hours, yes.

Q. Okay. And you told the Santa Barbara sheriffs Jermaine was in a complete state of denial about the people around Michael Jackson, right?

A. That's what I felt, yes.

Q. And you told Jermaine words to the effect, "These people are taking advantage of Michael Jackson," true?

A. I told Jermaine Jackson that I believed, especially Marc Schaffel and his continued association with Mr. Michael Jackson, was going to be very detrimental to him, yes. And Mr. Jackson told me that his brother didn't associate with those type of people.

Q. Okay. You told Jermaine Jackson you thought Michael needed to be around his family and away from these people, right?

A. Yes, I did.

Q. And you felt frustrated that you weren't getting through to Jermaine about your concerns, right?

A. I don't believe "frustrated" would -- I felt sad.

Q. You told the Santa Barbara sheriffs you thought that Michael Jackson's lawyers would just shut you up if you complained to them, correct?

A. I told them that I didn't believe it would do me any good to talk to Mr. Jackson's lawyers about what was going on, because they wouldn't want to hear anything I had to say, yes, that's correct.

Q. And when you say "Michael Jackson's lawyers," are you talking about Mr. Geragos?

A. Yes.

Q. Are you talking about Mr. LeGrand?

A. No. I mean, David always listened to what I had to say, so, no.

Q. How long after this meeting with Jermaine Jackson did you learn that Mr. LeGrand had started a private investigation of whether or not these people were defrauding Michael Jackson?

A. The investigation was started before the meeting with Mr. Jackson.

Q. Okay. And did you discuss that investigation with David LeGrand.

A. The investigation that he started?

Q. Yes.

A. As it was ongoing?

Q. Yes.

A. Not to my knowledge, no.

Q. Did he tell you that he had suspicions that these people were stealing from Michael Jackson at some point?

A. He told me that he had called the accountants and got them to give him some information without Mr. Konitzer's knowledge, and that's how he figured out that there was an amount of money missing.

Q. Okay. But at some point did he say to you words to the effect, "I'm hiring a top-flight investigative firm to investigate all of these people, because I think they're stealing from Michael Jackson"?

A. No.

MR. AUCHINCLOSS: Objection; hearsay.

THE COURT: Overruled.

THE WITNESS: No, he did not. We were on the phone. And he told me to call his managing partner and ask him to begin an investigation into these people.

Q. BY MR. MESEREAU: Okay.

A. And I sent an e-mail to the managing partner and said, "David asked me to e-mail -- to contact you and," you know, "begin an investigation."

Q. Okay. Okay. Now, you considered going to the police to tell them what was being done to Mr. Jackson, didn't you?

A. No, sir, I did not.

Q. Well, you told the Santa Barbara sheriffs that you didn't go to the tabloids or the police to tell them your story, right?

A. That's correct. Yes.

Q. But you had considered it, right?

A. Oh, no. I had no information or hard knowledge to go to the police with. And I certainly would never go to the tabloids with a story.

Q. When you told the Santa Barbara sheriffs you were concerned about what these people were doing to Michael Jackson, you also mentioned the names Frank and Vinnie, correct?

A. Yes, I believe I mentioned the names.

Q. And you told them you had heard Frank and Vinnie were involved with these individuals who you thought were defrauding Michael Jackson, correct?

A. No, I said I had heard the names. But I don't -- don't remember specifically commenting on the capacity of their involvement with Mr. Jackson.

Q. Okay. You told the police you had no

further information on Frank and Vinnie?

A. That's correct, I did.

Q. You also told the sheriffs that Stuart Backerman was brought in by Konitzer and you thought he would do anything Konitzer wanted, right?

A. Yes, I did.

Q. So clearly, you thought Mr. Backerman was harming Mr. Jackson, right?

A. Yes, I did.

Q. Okay. Did you think he was dishonest?

A. I -- I believed that anyone who would put out a press release on himself above serving the press interests of Mr. Jackson at a critical time was just not someone who would serve Mr. Jackson in the capacity that he deserved.

Q. Okay. I guess it goes without saying, you thought that Mr. Backerman's public relations efforts were harming Mr. Jackson; does that make sense?

A. I didn't believe they were helping Mr. Jackson.

Q. Okay. You felt he was putting his personal interests ahead of his client Michael Jackson?

A. Yes, sir, I did.

Q. Okay. Did you ever tell that to Backerman directly?

A. No, sir. I did -- Stuart and I had a conversation a few days earlier. He was extremely upset because someone had quoted -- used my name in a newspaper and quoted me as being Mr. Jackson's spokesperson. And he called me to yell at me about that.

And I told him that this was not the time to nitpick about stuff like that; that I never asked to be called Mr. Jackson's official spokesperson. And that when the fire was burning, it was time to roll up the sleeves and pitch in and not worry about such petty things.

Q. When you met with Jermaine Jackson, Michael's brother, at the home, how long after you had been terminated did this happen?

A. Several weeks. Maybe six weeks. I don't remember. Four weeks. Somewhere around there.

Q. So it was pretty close to the time that you were terminated?

A. Yes, uh-huh.

Q. But in this six-day period that you were working with this team, you appear to have obtained an awful lot of information about the team, correct?

A. Yes, that's correct.

Q. Your information came a lot -- excuse me. Your information about this team came from many discussions with David LeGrand, true?

A. Yes.

Q. And those discussions preceded your joining the team, right?

A. Not -- David didn't really discuss information with me about the team per se before I joined the team. So I had no preconceived notions when I joined the team.

Q. After you left the team, you continued your discussions with David LeGrand, true?

A. Yes, that's correct.

Q. About the team, right?

A. In a manner of speaking, but not specifically.

Q. After you left the team, were you and LeGrand still close friends?

A. Yes, we were.

Q. Okay. And you're close friends today, correct?

A. No, we're not.

Q. You're not close friends at all?

A. No, sir.

Q. Are you antagonists?

A. No, I wouldn't -- no.

Q. How would you describe your relationship? Just not a friendly one now?

A. The last time that David called me was the day that the Santa Barbara Police came to interview me. And he left me a message and I didn't call him back. I didn't return the call. And -- because I didn't -- I didn't want to be put into -- in a bad position.

Q. Did the Santa Barbara sheriffs tell you not to speak to anybody about the interview?
A. Not to speak with anybody at all?
Q. About your interview, yes.
A. No, I don't remember that they said that to me, no. No, sir.
Q. Okay. So correct me if I'm wrong, he tried to reach you on March 11th, 2004, and you didn't return the call, right?
A. That's correct.
Q. And you haven't talked to him since, right?
A. No, sir, that's correct.
Q. Okay. Do you still do any public relations work for his firm or him?
A. No, sir.
Q. When did your public relations work for him stop?
A. Visibly, I would say probably sometime around the beginning of April. But throughout the summer and, you know, even up to around the time of the raid of the ranch, he would send me e-mails and ask me to check things out for him, or I would send him articles.
Q. Okay. You told the Santa Barbara sheriffs that Backerman was more concerned with his own public relations than taking care of Michael Jackson, right?
A. Yes, I did.

Q. And you still believe that, right?

A. Yes, I do.

Q. Now, did Backerman ask you to help him with his own press release about what a great guy he was?

A. Oh, God, no, he didn't.

Q. Did you see that -- did you see that press release by surprise, or how did you learn about it?

A. I saw it in the newspaper, yeah.

Q. Was this during the six days you worked for Michael?

A. Yes, sir, it was. I believe it was the 13th of February.

Q. And was it announcing that Mr. Backerman will be doing PR for Michael Jackson?

A. Yes, sir, it was.

Q. And you don't know if Backerman's ever met Michael Jackson, do you?

A. No, sir, I don't.

Q. Certainly in any discussions you had with Mr. Backerman, Michael wasn't there, right?

A. That's correct. If he was, I think he would have been very upset.

Q. Now, you told the police that Backerman was upset that there was an article about you in the New York Times saying that you represented Michael, right?

A. That's correct. It wasn't an article. It was a quote. I had received an overflow, what we called an overflow call from a reporter who was looking for a quote on a story that he was going to run. I did not identify myself to that reporter as his spokesperson, and -- but when the report was printed, that's how it quoted me. And Mr. Backerman was extremely, extremely annoyed about that.

Q. Okay. What did he say to you?

A. He said, "How could you go around telling people that you're Mr. Jackson's spokesperson? I'm his official spokesperson, not you."

Q. And what was your response?

A. I won't give you my verbatim response. But my response basically was, "Stuart, it was a call that I took. I never told anyone that I am Mr. Jackson's official spokesperson. This -- our client is in severe trouble and this is not the time to be wasting an hour or so on the phone arguing about something so petty as this."

Q. And did you tell the sheriffs where Backerman was staying at that point in time?

A. Yes, sir, I did.

Q. Where did you tell the Santa Barbara sheriffs that Backerman was staying?

A. At Mr. Schaffel's house.

Q. How did you learn that?

A. From Mr. Backerman and from David LeGrand.

Q. You've indicated that you thought Schaffel -- excuse me, not "you thought." You were told Schaffel's in charge of public relations at one point, right?

A. Yes, sir.

Q. Backerman told you he's in charge of public relations at one point, didn't he?

A. No, Backerman never said he was in charge of public relations.

Q. What did he say his role was?

A. He was Mr. Jackson's official spokesperson.

Q. And he told you that he was Mr. Jackson's official spokesperson while living at Mr. Schaffel's place; is that correct?

A. Yes.

Q. And, of course, you don't know if -- if Backerman even cleared anything ever with Michael Jackson. You don't know?

A. I have no idea if Mr. Backerman ever spoke with Mr. Jackson, no.

Q. Your suspicion was he was issuing press releases without Mr. Jackson even knowing about it, right?

A. Stuart never, to my knowledge, during the time I was there, issued a press release either. No releases except for Bell Yard's went out at that time.

Q. Okay. And you told the sheriffs that you didn't think Konitzer even filled in Backerman about all the information he had?

A. That's correct. Yes, I did.

Q. So you thought Backerman was being left in the dark about what Konitzer was doing, right?

A. I believed that there was an intense lack of communication among the team that could have worked to Mr. Jackson's benefit to help quench some of the fires.

Q. So what you wanted was a better team, a team with more integrity, correct?

A. What I wanted was a team that would be extremely proactive on Mr. Jackson's benefit.

Q. And you felt this team was putting their own interests ahead of Mr. Jackson's?

A. Yes, sir, I did.

THE COURT: Let's take our break.

(Recess taken.)

THE COURT: Counsel?

MR. MESEREAU: Yes. Thank you, Your Honor.

Q. Ms. Kite, you told the Santa Barbara sheriffs that you have no personal knowledge of anything Michael Jackson has done, correct?

A. That's correct, yes.

Q. You told them you had no personal knowledge that any molestation ever took place with Michael Jackson, correct?

A. That's correct, yes.

Q. You also told them you had no personal knowledge about Janet Arvizo ever being kidnapped,

correct?

A. Other than what I heard from Marc Schaffel and my own feelings.

Q. You told the police that you may be wrong, you may have overreacted, and maybe there was no kidnapping, right?

A. That was always a possibility, but that's not what I believed.

Q. Well, you told the police that, in your mind, maybe you're wrong; maybe you overreacted; maybe there was no kidnapping at all, right?

A. That's what I said, yes.

Q. Okay. For obvious reasons. You weren't there.

A. That's correct.

Q. Okay. You told them you can't imagine what it's like to be in a cage and watched all the time, right?

A. That's correct, yes.

Q. You told the sheriffs that you were on the phone with LeGrand and Schaffel when NBC was negotiating for footage regarding the rebuttal tape, right?

A. Yes, sir, that's correct.

Q. And that's the footage that eventually went to FOX, correct?

A. Yes, sir, that's correct.

Q. That's the footage that was produced in

response to the Bashir documentary, correct?
A. Yes, sir, that's correct.
Q. And you said that LeGrand issued a statement to the press that Geragos ordered to make NBC look bad, right?
A. No, that's not what I said. That's -- that's not what I said. If you'd like me to explain that incident to you, I'd be glad to.
Q. Is that wrong, what I just said? I'm just looking at the report. Is that wrong?
A. You're taking it out of context. Yes, it's wrong.
Q. Would it refresh your recollection if I just show you the paragraph?
A. You can show me the paragraph. I know what it's referring to, and it's a summary of what I said, and it's not correct.
Q. Okay. I didn't summarize it.
A. That's okay. I'm just letting you know.
Q. Okay. Okay. Did you complain that Mr. Geragos wanted to make NBC look bad?
A. No. I didn't say anything about Mr. Geragos trying to make NBC look bad, no.
Q. Do you know where the sheriffs got that remark?
A. I said it about Mr. Schaffel, not about Mr. Geragos.
Q. Okay.

A. And Mr. Geragos gave the okay to release the information.

Q. Okay. Did you tell the sheriffs that Mr. Geragos gave the okay to release information that was damaging to NBC?

A. Yes, I did.

Q. And correct me if I'm wrong, I think what you're saying is that Schaffel prepared that information, right?

A. What I'm saying is that Schaffel spoke with Mr. Geragos and Mr. LeGrand and pushed for the information to be released.

Q. Okay.

A. Yes.

Q. And did you object to releasing that information?

A. I didn't know about it when it happened. But when I found out, I objected vigorously, yes.

Q. Was that because you didn't want to make NBC look bad?

A. It was because I felt it was bad precedent, period.

Q. Okay. Was it your understanding that Schaffel and Mr. Geragos were trying to make NBC look bad?

A. It was my understanding that Mr. Schaffel in particular was trying to make NBC look bad.

Q. But you thought Mr. Geragos had okayed it?

A. David LeGrand told me that the okay came from Mr. Geragos.

Q. Okay. And you said you wanted to publicly exonerate NBC and CBS, true?

A. I remember saying NBC, but I don't remember saying CBS.

Q. Okay. You wanted to somehow make up for the fact that NBC ended up looking bad?

A. No, I didn't want to make up for it. I felt terrible for the fallout that NBC received based on the memo that Mr. Schaffel arranged to have released. It wasn't right and it wasn't fair.

Q. Okay. And did Schaffel tell you why he wanted to do this?

A. I knew why he wanted to do it. He didn't have to tell me.

Q. What did he tell you about it?

A. Well, he was upset because NBC was producing another special about Mr. Jackson and they were referring to Mr. Schaffel's past.

Q. Okay. Okay. And Mr. Schaffel also was upset that he wasn't getting any profit from that show, correct?

A. I don't know if he would have gotten profits from the NBC show or not. I don't know.

Q. Okay. All right. Did you believe Mr. Backerman was involved in that effort?

A. In what effort?

Q. The effort by Schaffel and Geragos.
A. To NBC?
Q. Yes.
A. To release that memo?
Q. Yes.
A. No, I don't believe so.
Q. Okay. Now, at some point you told the sheriffs that Geragos brought in another PR firm; is that right?
A. That's correct.
Q. Who was that?
A. Eric Dezenhall.
Q. From Washington D.C.?
A. Yes, I did.
Q. Did you ever speak to him?
A. Yes, I did.
Q. When did you last speak to him?
A. Probably in April of that same year, 2003.
Q. And did you speak to him about the work he was going to do?
A. I spoke to him -- David had asked me to speak to him about several different things.
Q. Okay. And you complained that Mr. Dezenhall told you that Mr. Jackson is not socially relevant?
A. Yes, he did say that.
Q. And you were upset that a public relations spokesperson would ever say that about a client, right?

A. Yes, I was.

Q. You were particularly upset that he would say that about his new client, Michael Jackson, right?

A. I was upset because I didn't believe, no matter what, that there would ever come a time that Mr. Jackson wasn't socially relevant.

Q. And you don't know if Mr. Dezenhall ever met or spoke to Mr. Jackson, do you?

A. No, sir, I don't.

Q. Your understanding is simply that Mr. Geragos hired him?

A. Yes, sir, that's correct.

Q. You complained that Mr. Dezenhall shouldn't make a statement like that about Mr. Jackson, true?

A. I don't know that I complained, but I -- I would never make a statement about that about a client of mine, no matter what.

Q. You accused him of doing nothing and saying nothing, right?

A. I didn't accuse him. I believed that he would be a very good fit for the team because he had the same hunker-down philosophy, the same philosophy of "Don't say anything. Don't put anything out. It doesn't matter what bad press is out there, we can't refute it. We're already behind the eightball."

Q. Did you complain that you thought Mr. Dezenhall was throwing his client to the wolves?

A. I don't remember saying that about Mr. Dezenhall.

Q. Did you use words to that effect?

A. I believe I said "the team," or I felt that basically that's what the team was doing to Mr. Jackson by not being proactive and responding for him in the press.

Q. Okay. You complained that Mr. Konitzer wanted to build a website called "MJJ Invincible," right?

A. I didn't complain. I stated that when I was hired, Mr. Konitzer asked to put up a website, and the URL that he wanted to use was "MJJ Invincible." And I told him I thought that was highly inappropriate, given the backlash that was out there with all of the -- with the Bashir documentary and everything else going on. I didn't believe that Mr. Jackson should put himself in that position to be subject to more ridicule from the press by having a website domain of that name.

Q. But you don't know if Mr. Jackson even knew about this idea, right?

A. No, sir, I don't.

Q. You said Konitzer was "out of his mind," right?

A. Yes, I did. I did.

Q. You said, "That's the last thing they should do," correct?

A. That's absolutely what I said.

Q. Okay. You thought that Mr. Schaffel was saying things to the press to get himself back in Michael Jackson's good graces, correct?

A. Yes, sir, I did.

Q. Because you knew that Mr. Schaffel was not in Michael Jackson's -- Michael Jackson's good graces, right?

MR. AUCHINCLOSS: Objection; requires speculation as to what she knew about Mr. Jackson's intent or knowledge.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did someone tell you that Marc Schaffel was not in Michael Jackson's good graces?

A. No one told me that specifically.

Q. Well, but you did tell the sheriffs you thought Schaffel was trying to get back into his good graces, true?

MR. AUCHINCLOSS: Objection; argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You told the Santa Barbara sheriffs that Michael Jackson has a lot of talent but never matured past the age of 12, right?

A. I didn't say it that way, no, sir.

Q. You said something to that effect, didn't you?

A. No, what I said to him -- to the sheriffs, when they spoke to me, was that I felt that Mr. Jackson was very talented, extremely talented, but the way that he was portrayed was that he hadn't matured past the age of 12.

Q. Okay. And clearly, you didn't think this team was helping him deal with any of this, did you?

A. No, sir, I did not.

Q. You thought they were actually hurting him, didn't you?

A. Yes, sir, I did.

Q. Now, clearly you have never personally observed Mr. Jackson do anything wrong --

THE COURT: Counsel, you've asked that question ten times today. I want you to look at the jury and realize that they're tired of listening to this.

MR. MESEREAU: Okay.

THE COURT: You know, the -- you need to grasp the evidence and present it, not keep repeating it.

MR. MESEREAU: Okay. Yes, Your Honor.

Just a few more questions.

Q. Did you send the team a series of letters that appeared to have favorable responses to the Bashir documentary by e-mail?

A. I don't know what you're referring to.

Q. Well, did you ever send to -- just one second.

May I just take a second, Your Honor?

THE COURT: Yes.

Q. BY MR. MESEREAU: When you first were retained, you were sending various e-mails to the team, correct?

A. Sending and receiving, yes.

Q. And you were trying to educate the team about responses to the Bashir documentary, correct?

A. I don't remember.

Q. Okay. Do you remember what the subject of those e-mails was?

A. I don't remember, sir. I sent a lot of e-mails during that time.

Q. Did you ever send an e-mail that basically said -- showed letters where people were saying they thought Mr. Jackson was being exploited in Bashir?

A. I don't remember.

Q. Okay. Do you remember ever discussing that?

A. We may have discussed it as a way to attack Mr. Bashir. But I don't remember. I mean, part of the plan was to try to get Mr. Jackson's image rehabilitated. So obviously anything that could show Mr. Bashir had ill intent towards Mr. Jackson would be very helpful to us.

Q. Did you investigate Mr. Bashir's background yourself?

A. No, sir, I didn't have the time.

Q. Did you plan to do that?

A. Yes, sir, I did.
Q. Did you take any measures to do that at all?
A. No. Not at the time, no.
Q. Did you hire anybody to do that?
A. No, sir, I didn't.
Q. Do you know Mr. Bashir?
A. No, sir, I do not.
MR. MESEREAU: Okay. No further questions.
THE COURT: Thank you.

REDIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Ms. Kite, you mentioned when you were referring to Mr. Dezenhall you had that hunker down approach?
A. Yes, I did.
Q. What did you mean by that?
A. Don't say anything to the press. Don't talk. If negative publicity comes out, you just brush it off and move on.
Q. Is that an uncommon philosophy in PR?
A. I think it's more uncommon, yes.
Q. Is it a nonexistent philosophy? I mean, is it very rare, I should say?
A. I would think that it would be more rare than common.
Q. Okay. Do some PR firms implement that philosophy?

A. Yes, they do.
Q. Was it evident to you that that was the philosophy of the team?
A. Yes, it is. Yes, it was.
Q. Including Bell Yard?
A. No, not Bell Yard.
Q. Okay. Everybody with the exception of Bell Yard?
A. Yes, that's correct.
Q. And did you have an impression as to whether or not the team thought that was the best way to go about these things, whether or not --
A. Whether to hunker down or not?
Q. Yes.
A. My impression was that they didn't want to do anything. They wanted to hunker down, because anything I asked to be able to do on behalf of Mr. Jackson I was told not to.
Q. Did you ever develop an impression as to why they wanted to hunker down?
A. My impression was that there was obviously something more important than Mr. Jackson's public relations going on.
Q. Okay. You said that you've never met Mr. Jackson.
A. That's correct.
Q. And do you know if anybody from Bell Yard, that you dealt with, ever met Mr. Jackson?

A. Not to my knowledge.

Q. And Mr. Backerman, you said, never met Mr. Jackson?

A. Not to my knowledge.

Q. Okay. There was some -- a statement made to you by Mr. Schaffel concerning Janet selling her story to the tabloids.

A. Yes.

Q. Do you recall talking about that?

A. Uh-huh.

Q. Did you ever have any information or knowledge that Janet wanted to sell a story to the tabloids?

A. No, sir, I did not.

Q. Did you ever have any information that Janet even had a story to tell the tabloids?

A. No, sir, I did not.

Q. Did you question anybody about that? "What's this story about?" Did you ever --

A. I thought it -- when Mr. Schaffel said that he was afraid she was going to sell her story to the tabloids, my first thought was, "What story?" But I never really questioned anybody about it.

Q. You said that one of the witnesses, I believe it was -- well, I can't recall. I believe you stated that Schaffel -- someone told you Schaffel hadn't seen Jackson for a couple of months.

A. Yes. Mr. Konitzer told me that in a

telephone call.

Q. Do you know if that's true?

A. I have no direct knowledge of that.

Q. What was the context of that conversation?

A. I was, again, extremely concerned, because the media was raising questions about Mr. Schaffel's background, and I wanted to be able to answer them. And Mr. Konitzer, I kept telling him, "This is not a good thing to have Mr. Schaffel continuously linked with Mr. Jackson in the press. We need to stop here this." And he told me at that point that Mr. Schaffel hadn't seen Mr. Jackson for a couple of months.

Q. Okay. But you have no idea whether that's true?

A. No, sir, I don't.

Q. Do you know anything about Mr. Schaffel's relationship with Mr. Jackson?

A. Not personally, no.

Q. As to how many times he talks to him or sees him or any of that?

A. No, I don't.

Q. What about Mr. Geragos's relationship with Mr. Jackson? Do you have any knowledge as to how often they talk or dealt with each other during this point?

A. No, sir.

Q. Mr. Konitzer, same question.

A. No, sir, I don't. I know that Ronald portrayed to me that he stayed at the ranch, that he talked directly to Michael, but I couldn't tell you if that's true or not.

Q. No personal knowledge. What about Mr. LeGrand? Did he tell you whether or not he talked with Mr. Jackson?

A. Yes, he did.

Q. What did he say about that?

A. Told me that he had talked to Mr. Jackson; that he met him in Miami when he went to do the power of attorney; that he went to Neverland to be there on a day that they were supposed to tape a special with CBS that got cancelled. And I don't remember the times after that, but I know there were other times after that.

Q. Did Mr. LeGrand have Mr. Jackson's phone number; do you know?

A. I'm sure he did. I never asked him.

Q. Did Mr. LeGrand -- you stated that Mr. LeGrand expressed some concerns to you about these people that were around Mr. Jackson. Did Mr. LeGrand ever express those concerns to Mr. Jackson, according to Mr. LeGrand?

A. Yes, he did.

Q. So he told you he did talk to Mr. Jackson about it?

A. Yes.

Q. And informed him of the problems?

A. Yes, that's correct.

Q. When did this happen?

A. In March. Mid March.

Q. You said that Mr. Konitzer had a power of attorney at some point?

A. Yes, that's correct.

Q. And do you know anything about the power of attorney?

A. The only thing that I know is David told me that it could be overridden at any time by the client and that it required two signatures.

Q. Okay. So, two signatures; what does that mean?

A. I don't know. That's just what he said.

Q. So the power of attorney required two signatures. Could you tell whether or not he was talking about actions taken under the power of attorney or the power of attorney itself?

A. I couldn't tell you.

Q. Okay. The FOX special. First of all, who is Fire Mountain? You testified briefly about Fire Mountain.

A. Fire Mountain is a corporation that David set up in Las Vegas.

Q. And who are the parties, the principals in that corporation?

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

MR. AUCHINCLOSS: Okay.

Q. There was this NBC memo that Mr. Schaffel was upset about. Do you know what that was all about?

A. What the memo was about?

Q. Yes.

A. Yes, the memo was --

MR. MESEREAU: Objection. Hearsay; foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: You said that the FOX rebuttal program produced -- or there was a contract for that program to produce $3 million, correct?

A. Yes.

Q. Okay. And you also said you believed some of that money went to Mr. Jackson?

A. Yes, I believe that.

Q. What did you base that on?

A. I just -- I guess based on what David said and -- I mean, I never saw money actually transferred into Mr. Jackson's hands, so --

Q. Did this transaction take place while you were working as a PR person?

A. Yes, it did.

Q. Were you upset about it?

A. Yes, I was.

Q. Why?

A. Because I said that I didn't believe that Mr. Jackson should have to sell the proof of his innocence.

Q. Was that a PR move on your behalf?

A. Yes, absolutely.

Q. Did you express your concern to anybody?

A. Yes, I did.

Q. To whom?

A. To Mr. LeGrand. To Mr. Schaffel. To Mr. Konitzer. To Bell Yard.

Q. Do you know why they didn't take your advice?

A. Yes, I did.

MR. MESEREAU: Objection; calls for speculation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Did they tell you why they wanted money for this?

A. Yes, they did.

Q. What did they say?

A. Because there was no money.

Q. What do you mean?

MR. MESEREAU: Objection; the Court's ruling.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Was there any information -- you mentioned a number of fires burning, right? What did you mean by that?

A. Attacks on Mr. Jackson in the press.

Q. Okay. Were there any attacks on Mr. Jackson in the press concerning finances --

A. Yes.

Q. -- his finances?

MR. MESEREAU: Objection; the Court's ruling.

MR. AUCHINCLOSS: I believe this door has been opened.

MR. MESEREAU: I don't think it has, Your Honor.

THE COURT: The question, as presented, I'll allow, and the answer that was given. "Were there any attacks on Mr. Jackson in the press concerning finances?

"Answer: Yes."

That's as far as you can go at this time on that subject.

MR. AUCHINCLOSS: All right.

Q. Who did Mr. LeGrand -- he was an attorney. Who was he an attorney for?

A. Mr. Jackson.

Q. Anybody else, as far as you know? I mean, in this relationship with Mr. Jackson, was he an attorney for a corporation of Mr. Jackson's, or any other entity involving Mr. Jackson?

A. I don't know. I don't know.

Q. And as an attorney, who did he report to, as

Mr. Jackson's attorney?

MR. MESEREAU: Objection; foundation.

MR. AUCHINCLOSS: If you know; if you've been told.

THE COURT: Just a moment. I'm not quite sure what the question was.

I'll sustain the objection.

Q. BY MR. AUCHINCLOSS: You mentioned that the power of attorney at some point was revoked?

A. Yes.

Q. You were I believe referring to the power of attorney for Mr. Konitzer?

A. Yes.

Q. Do you know when that was?

A. In mid March of 2003. I believe it was sometime around the 12th of March.

Q. Do you know if that terminated Mr. Konitzer as an employee or from working for Mr. Jackson?

MR. MESEREAU: Objection; foundation.

MR. AUCHINCLOSS: Your Honor, she was asked a portion of statements.

THE COURT: That's true.

MR. AUCHINCLOSS: This is the full statement.

THE COURT: You're correct. I understand that. Just let me --

MR. AUCHINCLOSS: Thank you.

THE COURT: All right. The foundation

objection is sustained. But do you want the question read back so you know what I'm ruling on?

MR. AUCHINCLOSS: Sure. Thank you.

(Record read.)

MR. AUCHINCLOSS: All right. I'll rephrase the question.

Q. Did you learn from anybody that Mr. Konitzer was continuing to work for Mr. Jackson after the power of attorney was revoked?

MR. MESEREAU: Objection; foundation.

MR. AUCHINCLOSS: It's establishing the foundation. It's a yes or no question.

THE COURT: Well, it calls for hearsay, too. It's a little more complicated than that.

MR. AUCHINCLOSS: Well, I can limit it some more.

THE COURT: Okay.

Q. BY MR. AUCHINCLOSS: When you learned that -- well, let me back up. When did you learn that the power of attorney was revoked?

A. Around the 12th of March.

Q. From?

A. David LeGrand.

Q. Okay. And do you know whether or not that power of attorney, when it was revoked, terminated Mr. Konitzer's employment by Mr. Jackson --

MR. MESEREAU: Objection.

Q. BY MR. AUCHINCLOSS: -- based upon these conversations with Mr. LeGrand?

MR. MESEREAU: Foundation and hearsay.

THE COURT: All right. I'm going to let you answer that question yes or no. The question is just whether or not you know, not what the result was.

THE WITNESS: Yes, I know.

THE COURT: Then the rest of the foundation would be how does she know that, without telling us the answer.

Q. BY MR. AUCHINCLOSS: Okay. How do you know the answer to that question?

A. Mr. LeGrand told me.

Q. And what did Mr. LeGrand tell you?

A. He told me that the power of attorney had been terminated; that Ronald didn't have any more control over Michael's finances, but that he was still going to continue to do business with him.

Q. When you went and spoke with Jermaine Jackson, can you tell me how that meeting came together?

A. I had been speaking with Rita Cosby from FOX. She suggested that I might want to call Jermaine Jackson because he was very concerned about his brother. She gave Mr. Jackson my telephone number.

He called me. We spoke. He asked if I'd be willing to come and meet with him. And I told him yes, I would. And I went.

Q. And you expressed concern about some of the team members to Mr. Jermaine Jackson?

A. Yes, I did.

Q. Did you express any other concerns about Mr. Jackson to Jermaine at that time?

A. Yes, I did.

Q. What did you tell him?

A. I expressed concern about his --

MR. MESEREAU: Objection. Relevance; 352; foundation.

MR. AUCHINCLOSS: The full conversation.

THE COURT: Overruled.

THE WITNESS: I expressed concern about Mr. Jackson's financial situation.

Q. BY MR. AUCHINCLOSS: In what respect?

A. Um --

MR. MESEREAU: Objection, Your Honor. The Court's ruling.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Did Mr. Jermaine Jackson indicate whether or not he was close to his brother during this conversation?

A. I don't think he ever said he was close to his brother, but he didn't say he was distant either. He indicated great concern about his brother.

Q. Did he indicate whether or not he had communications with his brother?

A. Yes, he did.

Q. You also mentioned that Mr. Konitzer and Mr. Weizner had a history of bad business decisions.

A. Yes.

Q. What did you base that on?

A. Information from David and information that I'd read in the press.

Q. Okay. And as far as these bad business deals that you had read about in the press, can you give me an approximate time frame as to when these things were published?

A. No. I'm sorry, I can't. They were -- some of them were before my employment with Mr. Jackson --

Q. Okay.

A. -- and some of them after.

Q. It was published in the press, these bad business dealings?

A. Yes.

Q. Did you, in your dealings with Mr. Schaffel, ever receive any information from him, direct information from him, that he intended to hurt Michael Jackson?

A. Never.

Q. What about with Mr. Konitzer?

A. No.

Q. Mr. Backerman?

A. No.
Q. Mr. Geragos?
A. No.
Q. Or Mr. LeGrand?
A. No.
Q. Did you ever have any information that they intended him any malice, this group of people? Well, that's compound.
MR. MESEREAU: Objection.
MR. AUCHINCLOSS: I'll strike that.
Q. Your assessment that they were hurting Michael Jackson, is that based on your professional experience in the public relations field as far as what was going on, or based on something else?
A. It was based on what I saw in the public relations side, the lack of action.
Q. You felt that the hunker-down approach was all wrong here?
A. Yes, I did.
MR. AUCHINCLOSS: Your Honor, there's two areas that I feel are relevant at this point regarding Mr. Schaffel and Mr. Malnik concerning the cross-examination. However, I don't want to go into these areas without the Court's permission.
THE COURT: All right. Counsel want to approach?
(To the jury) That means you can talk. Not only that, you have to talk.

(Discussion held off the record at sidebar.)

THE COURT: All right. Thank you for talking.

Counsel, proceed.

MR. AUCHINCLOSS: Thank you.

Q. Ms. Kite, with respect to the public relations problems associated with Mr. Jackson that you've identified, the fires specifically - and I'm talking only about issues that had made their way into the media - was there any negative PR associated with Mr. Jackson specifically regarding Marc Schaffel?

A. Yes, there was.

Q. What was it?

MR. MESEREAU: Objection.

THE COURT: Overruled.

Q. BY MR. AUCHINCLOSS: You may answer the question.

MR. MESEREAU: Your Honor, the basis is hearsay; 352.

THE COURT: The hearsay objection's overruled. The 352, again, if you're talking about undue use of time, it's overruled.

This is more evidence, though, it's more evidence that isn't being offered for the truth of the matter asserted. The witness has testified that she was trying to help put out fires - for lack of a better word, I'll use that word - concerning Mr.

Jackson, and then there was some cross-examination. And I've now agreed to let the attorney cover two more areas that she might -- or she'll testify. We'll see what she testifies to about those things.

MR. MESEREAU: We object on foundation also, Your Honor.

THE COURT: Huh?

MR. MESEREAU: We object on foundation also.

THE COURT: All right. Go ahead.

Q. BY MR. AUCHINCLOSS: So I think you previously testified you researched the Internet, you researched the news services, television, et cetera, correct?

A. Yes.

Q. Based on that, what specific problem did you identify involving Mr. Jackson's association with Marc Schaffel?

MR. MESEREAU: Vague as to time, Your Honor.

MR. AUCHINCLOSS: I'll be specific.

Q. As to during this month of February in 2003.

A. David told me, and I discovered, that Mr. Schaffel -- am I allowed to say?

THE COURT: Yes.

Q. BY MR. AUCHINCLOSS: Let's focus specifically on what came out in the media during that month.

A. What came out in the media during that month was that Mr. Schaffel was a gay pornography producer.

Q. All right. And let's move on to the -- and did you perceive that as a negative public relations association?

A. With respect to Mr. Jackson, yes, absolutely.

Q. Let's move on to Mr. Malnik. Was there any negative -- same question. Based upon all your review of the different news services, was there ever any negative public relations issues presented in the media by virtue of Mr. Jackson's association with Al Malnik?

A. Yes, there was.

Q. And what was that?

A. There were --

Q. Speaking about the month of February 2003 again.

A. There was articles about Mr. Jackson's association with Mr. Malnik as he was reputed to be a known mobster.

MR. AUCHINCLOSS: All right. Thank you. I have no further questions.

MR. MESEREAU: Yes, sir.

THE COURT: Any cross?

RECROSS-EXAMINATION

BY MR. MESEREAU:

Q. Ms. Kite, you have no knowledge whatsoever that Mr. Jackson has ever been involved in anything related to gay pornography production?

A. No, sir, I don't.

Q. And you have no information of Mr. Jackson himself ever being involved in mobster-type activities?

A. No, sir, I don't.

Q. In fact, you were repeatedly complaining, "You've got to get these people away from Mr. Jackson"?

A. Absolutely, I was.

Q. And you complained they were exploiting him, correct?

MR. AUCHINCLOSS: Objection. Vauge as to who "they" are. Argumentative as to the word "exploiting."

THE COURT: Overruled. You may answer.

THE WITNESS: Can you read it back? I'm sorry.

THE COURT: Yes.

(Record read.)

THE COURT: I think the answer came in before the objection, but I overruled the objection.

Q. BY MR. MESEREAU: And you went to Mr. Jackson's mother's home, and you met with Jermaine and his mother to tell them that these people were taking advantage of Mr. Jackson, and Mr. Jackson appears to be nowhere to be seen, right?

A. I went to tell them that I was concerned about the association between these people and Mr. Jackson, yes, I did.

Q. And you never saw these people with Mr. Jackson, did you?

A. No, sir, I did not.

MR. MESEREAU: Thank you. No further questions.

MR. AUCHINCLOSS: Nothing further.

THE COURT: Thank you. You may step down.

Is this witness excused?

MR. MESEREAU: Yes, Your Honor.

THE COURT: You're excused.

Call your next witness.

MR. SNEDDON: Do you want to keep going, Your Honor?

THE COURT: What time --

MR. MESEREAU: Your Honor, can we make it subject to re-call?

THE COURT: Excuse me?

MR. MESEREAU: We would like to make the witness subject to re-call.

THE COURT: All right. You're not permanently excused. You may leave, but you may be recalled. Is that all right?

THE WITNESS: Okay.

MR. SNEDDON: Judge, could we approach for just five, ten seconds?

THE COURT: All right.

MR. SNEDDON: I promise it won't be longer than that.

(Off-the-record discussion held at sidebar.)

MR. SNEDDON: Call Al Lafferty, Your Honor.

THE COURT: Come forward. When you get to the witness stand, remain standing. Raise your right hand. Face the clerk.

THE CLERK: Please raise your right hand.

ALBERT LAFFERTY

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Albert Lafferty. A-l-b-e-r-t, L-a-f-f-e-r-t-y.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. SNEDDON:

Q. Good afternoon. Good afternoon, Mr. Lafferty.

A. Good afternoon.

Q. How are you employed?

A. I'm employed by the Santa Barbara County Sheriff's Office.

Q. How long have you been a deputy sheriff?

A. 18 years.

Q. And directing your attention back to November of 2003, okay?

A. Yes.

Q. What were your duties and assignments at that time?

A. At that time I was assigned to the forensics investigation unit, the criminal investigation division.

Q. Could you just take a moment and explain to the ladies and gentlemen of the jury what that job with the forensics unit involved?

A. It was our job to respond to crime scenes, document those scenes, search for evidence, collect and preserve the evidence, and process any evidence which was within our capabilities.

Q. With regard to November 18th of 2003, did you participate on the execution of a search warrant on Mr. Jackson's ranch at Neverland Valley Ranch?

A. Yes, I did.

Q. And what particular duty assignments were you assigned on that day?

A. I was assigned to shoot video and photographs of the main residence.

Q. Now, was there some significance attached to the manner in which you shot your footage in relationship to the chronology of the events that day?

A. Yes.

Q. Would you explain that to the ladies and gentlemen of the jury?

A. I was initially tasked with photographing the interior of the main residence before any search had been conducted.

Q. And the purpose for that?

A. To document the scene as it was before anything had been disturbed by any of the searching members.

Q. Now, did you also participate in the production -- or did you also videotape the premises that day?

A. That was my purpose, yes, that was to videotape.

Q. So you did video and not still photography?

A. I did several still photos, but my primary assignment was for video.

Q. And when you did video, were you assigned to a particular location at the ranch premises?

A. Yes, I was.

Q. Would you tell the ladies and gentlemen of the jury where you were assigned?

A. It was the main residence located on the ranch.

Q. Now, were you also assigned responsibility subsequent to that time to take some aerial photographs?

A. Yes, I was.

Q. And what specifically was your assignment?

A. To document the ranch property, overall views and specific views of the buildings located on the ranch.

Q. And do you recall when you did that?

A. That was on March 2nd of 2004.

Q. And in that connection, were you also assigned to do some research on just some basic information on the location of the ranch?

A. Yes.

Q. And the purpose of that?

A. To be able to identify in the photographs which buildings they were.

Q. Now, were you also -- can you tell us whether or not you were involved in the preparation of an exhibit which was used for purposes of court demonstration, actual map location of the premises --

A. Yes.

Q. -- and the ranch itself --

A. Yes, I was.

Q. -- in relation to other places in Santa Barbara County?

A. Yes.

Q. Could you describe to the ladies and gentlemen of the jury what you did in that connection?

A. In that connection what I did was use the Microsoft Streets and Map Program, which our unit had at the time, to display a map showing the surrounding area of Santa Ynez Valley and the location of the ranch.

MR. SNEDDON: Your Honor, at this time I've had four -- I'm sorry, Exhibits 4 through 12 marked for identification purposes. I'm going to show them to counsel for their examination. I believe they have a copy of them already, but....

Your Honor, I intend to lay the foundation and ask for their admission. And I want to make sure the procedure's okay with the Court ahead of time and then display what I have here on the board --

THE COURT: That's --

MR. SNEDDON: -- as we go through them.

THE COURT: That's how I would like to do that.

MR. SANGER: Your Honor, I have no objection if it will save time, he can put them on the board and show the witness at the same time, if that's all right with the Court.

THE COURT: Yes, it is. If there's no objection, that would save time.

MR. SNEDDON: Can we move these admitted into evidence at this time, then, Your Honor?

MR. SANGER: In this case, that's fine, Your Honor. We'll do it that way.
THE COURT: In this case, they're admitted.
MR. SNEDDON: In this case, I'll accept it.
Q. All right. Deputy Lafferty, let me just hand you those. And let's start with the first exhibit. Could you indicate what People's Exhibit No. 4 is?
THE COURT: See, what he was suggesting, he agreed they come into evidence, so you could just put them right on the --
MR. AUCHINCLOSS: We have it set up with the computer, Your Honor.
THE COURT: You do.
MR. AUCHINCLOSS: If you could activate the PC button.
THE COURT: The PC button? Okay.
MR. AUCHINCLOSS: It takes a few minutes for the projector to warm up.
THE COURT: It's on, isn't it?
MR. AUCHINCLOSS: It's coming.
MR. SNEDDON: Maybe we could dim the lights.
THE BAILIFF: Do you want all of them dimmed?
Q. BY MR. SNEDDON: All right. Deputy Lafferty, could you explain to the ladies and gentlemen of the jury what People's Exhibit No. 4 is?

A. This is the map I made using the Microsoft Streets and Maps showing the Santa Ynez Valley area, community, and the ranch location.

MR. SNEDDON: Your Honor, may I approach the witness?

THE COURT: Yes.

MR. SNEDDON: Thank you.

Q. All right. I've handed you a little laser pen to help with some of the directions here.

Could you locate, for instance, the town of Solvang on there for us?

A. The City of Solvang is located right here in the lower center portion of the map.

Q. All right. And Los Olivos?

A. Los Olivos is directly north of that. Right in this area.

Q. Right under the word "California"?

A. That's correct.

Q. Now, I notice that towards the top of the exhibit, People's No. 4, and in the middle toward the top is a little red arrow; is that correct?

A. Yes.

Q. Could you indicate to the ladies and gentlemen of the jury what that red arrow -- and could you find it with the laser? There you go.

A. This right here?

Q. Yes. What is that?

A. That's a small push pin used to identify the entrance location of the ranch.

Q. All right. Let's move to the next exhibit, People's 5, if we could.

With regard to People's 5, it's in evidence, could you tell the ladies and gentlemen of the jury what that is?

A. This is a closer-in view of the area, with the town of Los Olivos being located in the center lower portion of the picture. The yellow line highlights Figueroa Mountain Road as it proceeds north from the town of Los Olivos and ends again at a red push pin indicating the ranch entrance.

Q. All right. Now, let's go to the next exhibit, People's No. 5 -- or No. 6.

Could you explain to the ladies and gentlemen of the jury what People's No. 6 is?

A. This is an overall aerial photograph showing the ranch property.

Q. Now, with regard to the information that's been placed on this exhibit, the writing that's on there in yellow, did you do that?

A. Yes, I did.

Q. And from what sources of information did you put those letters and designations on there?

A. That was information provided by Sergeant Robel and yourself.

Q. You've been to the ranch yourself, though, have you not?

A. Yes, I have.
Q. So you recognize the areas depicted up there, correct?
A. Yeah, that's correct.
Q. Now, with regard to this particular exhibit, People's No. 6, there's an arrow that points back towards Los Olivos?
A. Yes.
Q. And the road just to the bottom on the diagram, that's marked Figueroa Mountain Road?
A. That's correct.
Q. Do you know approximately what the distance is from the gate where it says "ranch entrance" to -- back to, say, where 154 -- Highway 154 is?
A. It's just over five miles.
Q. Could we go to People's No. 7?
Now, People's No. 7 is another aerial photograph that you took?
A. Yes, it is.
Q. And with regard to the designation of the -- of the areas of buildings located on this exhibit, did you put those on there?
A. Yes, I did.
Q. Is that based on your personal information and observations?
A. Yes, it is.
Q. While you were at the ranch?
A. That's correct.

Q. All right. Let's go to the next number, if we could, which I believe is 8?
A. That's correct.
Q. All right. And People's No. 8 is another aerial you took, correct?
A. That's correct.
Q. And with regard to the information placed on there, did you place that information on there?
A. Yes, I did.
Q. And is that information you gathered while you were personally at the ranch on the occasion that you were there?
A. Yes.
Q. Now, I notice on this particular photograph, this particular exhibit, that there's a road that runs in the upper top of the photograph, about in the middle. Do you see that?
A. This road here?
Q. Yes, sir. Do you know where that road goes to?
A. That was the road leading from the main gate entrance on Figueroa Mountain Road that we came in on.
Q. So that's the road that takes you from the main gate to the house?
A. Yes.
Q. And to the areas depicted on this photograph?

A. Yes.

Q. All right. Why don't we go to the next exhibit, then. This is No. 9?

A. That's correct.

Q. And with regard to People's No. 9, did you place the designations on these particular areas?

A. Yes, I did.

Q. And this is another aerial that you took?

A. Yes.

Q. Have you ever been in the theater itself?

A. No, I have not.

Q. All right. Let's go to the next exhibit, which would be People's No. 10. And 10 is just a wider view of 9 but has more information; is that correct?

A. Yes, slightly different angle.

Q. And it just shows the theater and the amusement park?

A. Yes.

Q. All right. Let's go to People's No. 11.

People's No. 11 is another aerial that you took; is that correct?

A. It is correct.

Q. And the designation that's on there is the zoo?

A. Correct.

Q. That's the zoo area, as you know it to be?

A. Yes.

Q. Or at the time you took these photographs?

A. Yes.

Q. All right. I believe there's one last photograph there, Deputy. What is that?

A. This is an aerial view of the train station area.

Q. And that's the -- okay. And that's another -- in this particular photograph, there is a road that runs directly into the train station where the clock is and goes to the bottom of the photograph.

A. Yes.

Q. Do you know where that road leads to?

A. That's the road that leads past the main residence.

Q. Okay. Thank you.

Your Honor, I do have more questions for this witness, but it will take considerably more than the two minutes we have left.

THE COURT: All right. We'll recess for the afternoon.

Court's in recess.

(The proceedings adjourned at 2:30 p.m.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 341 through 527 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 2, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, March 2, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

THURSDAY, MARCH 3, 2005

8:30 A.M.

(PAGES 529 THROUGH 580)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
LAFFERTY, Albert	534-S	547-SA (cont’d)		
ARVIZO, Davellin	579-S			

E X H I B I T S

		FOR	IN
PLAINTIFF'S NO.	DESCRIPTION	I.D.	EVID.
336	DVD	538	539

Santa Maria, California
Thursday, March 3, 2005
8:30 a.m.

THE COURT: Good morning.

COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor. Good morning, Your Honor.

THE JURY: (In unison) Good morning.

THE COURT: I told you that when I knew that we were going to have a day that you weren't going to be here, I would let you know as soon as I could. And I'm going to do that right now.

BAILIFF CORTEZ: I'm sorry, Judge, they can't hear you in the back, sir.

THE COURT: That's because my microphone's off.

Next Friday, not this Friday, the 11th of March, the jury will not come in. We are going to have a day just of motions outside the presence of the jury. So we've set up a whole day to do that. And that will give you a nice break.

In addition to that, on Tuesday, next week -- I don't have the date in front of me.

THE CLERK: It would be the 8th.

THE COURT: The 8th, we're going to stop one hour early. And I have a meeting that afternoon, so we'll go to -- we'll probably go to close to 12:00 and then stop. So it's not a day off, but it's an

afternoon off, I guess you'd say.

All right. Those are the only times right now that I know that I can give to you.

Let's see, where were you. Are you ready to proceed.

Do you want me to show the screen now.

MR. SNEDDON: I have a few questions first, Your Honor. But we are going to use the DVD player, so we can alert the Court to that.

ALBERT LAFFERTY

Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION (Continued)

BY MR. SNEDDON:

Q. Good morning.

A. Good morning.
Q. Deputy Lafferty, you told the ladies and gentlemen of the jury yesterday that you were involved in the execution of the search warrant on Neverland Ranch on the 18th of November, 2003, correct.
A. That’s correct.
Q. Now, can you tell the ladies and gentlemen of the jury, what time was it when you arrived on the ranch that morning.
A. I arrived on the ranch property at

approximately 9:07 that morning.
Q. And I think you told us yesterday one of your main responsibilities was to photograph the interior of the main residence; is that correct.
A. To videotape the --
Q. Videotape.
A. That’s correct.
Q. And did you keep time -- track of the time in which you actually started your responsibilities of videotaping the inside of the residence.
A. Yes, I did.
Q. Did you note that in a report.
A. Yes, I did.
Q. And what time was it that you started the video of the interior of the main residence at Neverland Valley Ranch.
A. I would have to look on my report to find the exact --
Q. Do you have it with you.
A. I do have a copy of it.
Q. All right. Go ahead. See if that refreshes your recollection.
A. At approximately 0955 hours I began the video of the main residence.
Q. Now, later that same day, were you assigned responsibilities in connection with documenting the status of the inside of the interior when the sheriff’s department left.

A. Yes, I was.

Q. Would you explain to the ladies and gentlemen of the jury what your responsibilities were.

A. It’s basically the same as I had done the prewarrant service video. I retraced my steps the same way, going back through the residence, showing the condition of the residence after the search had been completed.

Q. And do you recall what time you started doing that particular video documentary.

A. If I could refer to my report for --

Q. Please. If you could.

A. At approximately 8:40 p.m., I was told that the search had been completed in the main residence, with the exception of the master bedroom area, and I began the video of the residence at that time.

Q. Now, at some point that evening, did you actually go up and video-document the main bedroom.

A. Yes, I did.

Q. The defendant’s bedroom.

A. Yes, I did.

Q. What time did that start.

A. That was at approximately 10:38 p.m.

Q. And do you have in your notes the time that you actually finished that project.

A. Yes, I do.

Q. What was that.

A. That was at 10:55 p.m.

Q. Now, after you left the defendant’s bedroom, did you do any more video-documenting before you left the house.

A. Yes, I did.

Q. Would you tell the ladies and gentlemen of the jury what it was you did.

A. Prior to leaving the residence, I went back into the dining room, I believe what would be the formal dining room area of the residence, and videotaped copies of the search warrant and the property, itemized list of the items that were taken from the residence during the search warrant. They were laid out on the dining room table and videoed the fact that they had been left at the residence.

Q. Were there people actually present when you did that.

A. Yes, there were.

Q. Who was present, to your knowledge.

A. I believe it was Sergeant Robel and Lieutenant Klapakis.

Q. Were there any representatives of Mr. Jackson there.

A. Yes, there were.

Q. Do you remember her name, or their name.

A. I believe her name was Violet. I don't recall the last name.

Q. Okay. And then did you prepare a report

documenting the times at which you performed the various functions you've told the ladies and gentlemen of the jury about.

A. Yes, I did.

Q. You incorporated that into an official Santa Barbara Sheriff's Department report.

A. Yes, I did.

Q. Now, with regard to the film that you took on the occasion of the 18th, what did you do with that film.

A. That evening, when I returned to the station, it was secured in a locked locker within our forensics unit property area. And then at a later date, it was booked into evidence.

MR. SNEDDON: Your Honor, I have an exhibit which I've had marked -- premarked, with the help of the court clerk, as 336. It's a DVD. And counsel has a copy of it, but -- may I approach the witness for just a second with this, Your Honor.

THE COURT: Yes.

Q. BY MR. SNEDDON: I'm going to stay here because I'm going to ask you a few questions and walk back.

The particular exhibit marked as 336, the DVD inside of that container there, have you had an

occasion to view that before you came to court.
A. Yes, I did.
Q. Does that contain the product of your

walk-through of the ranch on the 18th of November of 2003.
A. Yes, it does.
Q. All right.
MR. SNEDDON: Move that People’s Exhibit 336 be admitted into evidence.
MR. SANGER: No objection, Your Honor.
THE COURT: All right. It’s admitted.
MR. SNEDDON: Your Honor, I propose to play this for the jury now, with the Court’s permission.
THE COURT: All right. How long is it.
MR. SNEDDON: It’s, I would say, 12 minutes, something like that. Between ten and 12 minutes, Your Honor.
THE COURT: Thank you.
MR. SNEDDON: And -- don’t start it.
With the Court’s permission, we may stop it from time to time to ask the officer a comment on certain locations.
THE COURT: Of course.
MR. SNEDDON: Can you do that.
(Whereupon, a portion of a DVD, People’s Exhibit 336, was played for the Court.)
Q. BY MR. SNEDDON: Now, Deputy Lafferty, what is being depicted on the scene up there on the screen right now.
A. This is the view from just outside the main entry door of the main residence on the ranch.

MR. SNEDDON: All right. Go ahead.
Your Honor, for purposes of the record, when we stop it, we have a recorder, we can reference the point on the tape for the Court for the record. Would that be appropriate.
THE COURT: You may do that.
MR. SNEDDON: This would be at 00.17. Thank

you. Go ahead.

(Whereupon, a portion of a DVD, People's Exhibit 336, was played for the Court.)

Q. BY MR. SNEDDON: Now, Detective Lafferty, do you recognize the area on the video where we've stopped it at this point.

A. Yes, I do.

Q. And what is that.

A. This is just inside of the main door, looking to the right as you would face the door from the exterior. And it's a view looking down the hallway towards the master bedroom area.

MR. SNEDDON: This would be at 00.29. All right. Go ahead.

(Whereupon, a portion of a DVD, People's Exhibit 336, was played for the Court.)

Q. BY MR. SNEDDON: Now, do you recognize what's at the still at this particular point on the documentary.

A. Yes, I do.

Q. What's that.

A. This is an area that had a large number of items in reference to where it is in the residence. It's -- as you enter through the front door, if you would proceed straight through the foyer to that, and then turn to the left.

MR. SNEDDON: Okay. That's at 00.39. Go ahead.

(Whereupon, a portion of a DVD, People's Exhibit 336, was played for the Court.)

MR. SNEDDON: Stop it right there.

Q. Now, we're at a point on the video, which is 01.40. Can you tell us what this shows.

A. This is the hallway leading from the foyer area towards the master bedroom.

Q. Do you see in this photograph the master bedroom doors.

A. There's a small portion of it visible, yes.

Q. Would you show that to the ladies and gentlemen of the jury.

A. It's the dark brown door here to the -- to the right of the screen.

MR. SNEDDON: All right. Go ahead.

(Whereupon, a portion of a DVD, People's Exhibit 336, was played for the Court.)

MR. SNEDDON: Stop.

Q. Now, we're at 01.44. Could you tell the ladies and gentlemen of the jury what's depicted here.

A. This is a view looking down. It's just the inside of the door, the prior stop, the master bedroom door, just inside there.

Q. So we're at the entrance of the master bedroom.

A. Just inside of that, yes.

MR. SNEDDON: All right. Go ahead.

(Whereupon, a portion of a DVD, People's Exhibit 336, was played for the Court.)

MR. SNEDDON: All right. Stop.

Q. All right. Deputy Lafferty, we're at 02.19 on the video. What is depicted where we stopped it.

A. This is a staircase leading up to the bed area and the master bedroom.

Q. We're still inside the suite, the bedroom area.

A. That's correct.

MR. SNEDDON: Go ahead. Play it.

(Whereupon, a portion of a DVD, People's Exhibit 336, was played for the Court.)

MR. SNEDDON: All right. Go ahead. Keep going. All right. Stop it there.

Q. Now, we're at a point on the video which is 03.07. Would you tell the ladies and gentlemen of the jury where you're located approximately in the bedroom at this point.

A. This is just up at the top landing of the stairs starting to turn to the right.

MR. SNEDDON: All right. Go ahead.

(Whereupon, a portion of a DVD, People's

Exhibit 336, was played for the Court.)

MR. SNEDDON: Stop.

Q. Now, we’re at a point at four -- 04.48. Can you tell the ladies and gentlemen of the jury where we are in that particular portion of the house at this point in the video documentary.

A. This is still in the master bedroom suite back down on the first level. Just inside, actually behind us, would be the main entry door, just starting to go towards the left.

MR. SNEDDON: All right. Go ahead.

(Whereupon, a portion of a DVD, People’s Exhibit 336, was played for the Court.)

Q. BY MR. SNEDDON: All right. Deputy, could you tell the ladies and gentlemen of the jury where we are at this point.

A. This is the doorway leading into the master bedroom/bath area.

MR. SNEDDON: And this is at 05.14. All right. Go ahead.

(Whereupon, a portion of a DVD, People’s Exhibit 336, was played for the Court.)

MR. SNEDDON: All right. Stop it.

Q. Now, where are we on the documentary at this point.

A. This is just exiting the bathroom area back into a sitting area, which is the first room you come into as you enter the master bedroom suite.

MR. SNEDDON: All right. We’re at 06.54. Go ahead.

(Whereupon, a portion of a DVD, People’s Exhibit 336, was played for the Court.)

MR. SNEDDON: Stop.

Q. Now, Deputy Lafferty, with regard to the documentation of the search of Neverland Valley Ranch on November 18th, did you also have other responsibilities after you had completed the video documentary.

A. Yes, I did.

Q. What was that.

A. To assist Detective Clark in taking still photographs of items that was requested by the searching people at the location.

Q. Would you describe to the ladies and gentlemen of the jury how that process worked.

A. We stood by and the people who -- when the warrant was executed, there were different teams that were assigned to search various locations. When those people would conduct a search and find an item that they would like to have documented, they would contact us, and we would go and take still photographs of that item before it was collected.

Q. When you say to the ladies and gentlemen of the jury “before it was collected,” does that mean

where it is before it’s either touched or picked up.

A. To the best of our knowledge, yes.

Q. And then you would take a photograph of that.

A. That’s correct.

Q. And with regard to the area that we’ve just seen in the photograph that you’ve described as the master bedroom and the - the first floor and second floor, okay. - were you involved in photo-documenting the location of items that were taken from this particular area of the house.

A. There were only a few items that I took photographs of. The majority of that was done by Detective Clark.

Q. So there were two of you there doing that.

A. Yes.

Q. But you were responsible for taking some of the photographs.

All right. Go ahead. Move on.

(Whereupon, a portion of a DVD, People’s Exhibit 336, was played for the Court.)

Q. Let’s stop right here. That’s a good place right away. Do you recognize this room.

A. Yes, I do.

Q. Would you tell the ladies and gentlemen what this room is, where it’s located in the house generally.

A. This room was a room that we refer to as the doll room. It consists of a lot of dolls in there. It's located on the second level of the main residence outside of the master suite. As you enter the end of the foyer, there was a staircase to the right-hand side as you followed the stairs up. When you reached the second story, you went to the left side, which the room is located on the -- what would be the northwest area of the floor.

MR. SNEDDON: All right. Go ahead.

(Whereupon, a portion of a DVD, People's Exhibit 336, was played for the Court.)

MR. SNEDDON: All right. Stop.

Q. Now, we've obviously moved into another room. And we've stopped it at 08.14. Could you tell the ladies and gentlemen of the jury what this particular room is.

A. This is a room that we referred to as the toy room. It is located off of what we referred to as the doll room. It would be on the west side of that location. As you went through shortly before this picture, you entered a rest room area, and would proceed to the right. It went through another door which led into this room.

MR. SNEDDON: All right. Go ahead.

(Whereupon, a portion of a DVD, People's Exhibit 336, was played for the Court.)

MR. SNEDDON: That's it. Don't go back.

Q. Okay. I just have one last final question. With regard to the video footage that we've just -- that the ladies and gentlemen of the jury have just seen, was that part of the footage from the -- when you first got there, or was that from the footage before you left that evening.

A. This was the prewarrant service footage.

Q. So it's the condition of the house as it was when you arrived there on the morning of the 13th of November of 2003.

A. November the 18th.

Q. Thank you. I just wanted to see if you were still awake.

No further questions.

THE COURT: Cross-examine.

MR. SANGER: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. SANGER:

Q. Is it Detective or Deputy.

A. At the time that this was, I was a detective. I have since been reassigned and it’s Deputy now.

Q. You prefer “Deputy”.

A. That’s fine.

Q. There you go. All right. Deputy Lafferty, why don’t we just pick up where we left off - that’s always a good place - and we’ll go to some of the other areas.

First of all, the video that we just saw -- and I’m going to go back over some of the parts again. But the video that we just saw, Exhibit 336, was taken on the day of the search of the ranch, correct.

A. That’s correct.

Q. And it was November the 18th, 2003; is that correct.

A. That’s correct.

Q. Now, prior to that search, you were briefed along with quite a number of other officers about what was going to take place; is that correct.

A. That’s correct.

Q. And you received a briefing outline, briefing memo of some sort; do you recall that.

A. Not all of us were given that. But teams were assigned, and there was a packet given to each team leader.

Q. Did you get a packet.

A. No, I did not.

Q. You were aware of the purpose of the search; is that correct.

A. Yes.

Q. And you were aware that this arose out of allegations by the Arvizo family; is that correct.

A. I do not know who the victim was.

Q. Do you recall that the allegations were with regard to activities that may or may not have occurred in February and March of 2003; is that correct.

A. I don’t recall.

Q. All right. In any event, what you have shown here on the video is part of the tape that you did that day, right.

A. That’s correct.

Q. And the tape you did that day documents what the premises looked like on November 8 -- I’m sorry, November 18th, 2003, correct.

A. That’s correct.

Q. And it does not document how the premises looked in February or March of 2003.

A. That’s correct.

Q. All right. Now, how many officers came out to the Neverland Valley location.

A. I’m not aware of the total number.

Q. Was it about 45 or so.

A. I don’t know.

Q. You indicated that you arrived at the ranch at 9:07, and you started your video at 0955 hours; is that correct.

A. That is correct.

Q. That’s about the same time that Chris Pappas -- what’s -- what’s Mr. Pappas’s rank.

A. Sergeant.

Q. Sergeant. That’s about the time that Sergeant Pappas issued a press release to the press; is that correct.

A. I don’t know. I wasn’t aware what time he did that.

Q. You were aware he did that, though, is that

right.
A. At some point during the day, yes.
Q. And the officers -- well, you don't know how many, but there were quite a number, were there not, sir.
A. Yes, there were.
Q. You've been trained in the academy before you became a sheriff's deputy, correct.
A. Yes.
Q. And part of your training in the academy is to observe and document what you see at a scene; is that correct.
A. Correct.
Q. All right. And you were not responsible for counting the number of officers, I take it.
A. No, I was not.
Q. But as a trained deputy, you can tell me generally how many people were out there, can't you. More than, say, 30.
A. Yes.
Q. All right. And this was Mr. Jackson's home, that was your understanding; is that correct.
A. That's correct.

Q. And it's a home that he appeared to live in; is that right.
A. Yes.
Q. With his family.
A. It appeared so.
Q. And he had, at that time, and has three children; is that correct.
A. I believe so. I don't know the total number.
Q. When you went through the house, you saw that there were bedrooms for his three children; did you not.
A. There were three bedrooms upstairs, yes.
Q. And they actually had name tags on the door, didn't they.
A. There were tags on the doors, yes.
Q. Okay. And each of those bedrooms for the children had a key pad to keep people from coming in

without a combination if the door was locked; is that correct.

A. I do recall seeing key pads on the doors.

Q. And Mr. Jackson’s suite, the part that you showed on the video there, where you go through the double doors, had a key pad to restrict access; is that correct.

A. I believe so, yes.

Q. Okay. Now, we’ll go back over it so everybody has a clearer picture, but just to do a

word picture first, when you come into the house -- you showed some pictures. You come into the house, there’s a -- what you might call a living room area; is that right.

A. There’s the foyer area where the stairs are. There’s a hallway leading north from where the front door area is.

Q. And if you go north, there’s an area that has a castle.

A. That’s correct.

Q. But it also has chairs and a television set and clocks and that sort of thing; is that correct.

A. I don’t recall any seating areas in the areas with the castle.

Q. Okay. We’ll go back and look at the pictures again. But you also showed an area that had sort of a blue plaid -- or a sitting area with a fireplace or -- a fireplace; is that right.

A. Right.

Q. And that’s sort of a family room area; is that right.

A. Yes, that’s just off of the kitchen.

Q. That’s off that big kitchen area that you showed with the copper hood and all that.

A. Correct.

Q. Next to that is a dining area; is that correct --

A. Yes.

Q. -- with a dining table. Something you didn’t show on the video, if you were going to the right of what I’m calling the living room area, is a library; is that right. Do you remember that.

A. Yes. If you walk through the foyer area, and go to the right, there was what appeared to be a library or a study area.

Q. So when you go into -- let me withdraw that. When you’re in that part of the house that we’ve just described, that’s all pretty open. In other words, you can walk freely from the back door through the kitchen, to the family area, the living room, the study, or library, the dining area, the front foyer and the front door, right.

A. Right.

Q. Correct. The actual living areas for Mr. Jackson and his children are accessible by using the key pads; is that right.

A. When I was in the residence, those doors were all open. But there were key pads next to the doors.

Q. Okay. So to get to the children’s room, you would go upstairs, off the foyer to the right, you’d go upstairs, and the children’s rooms are all up in that area; is that correct.

A. Correct.

Q. That’s the same place where you saw what you described as the doll room; is that correct.

A. Correct.

Q. And the area you called the toy room, we might call it a craft room, but that’s in the same area where the children’s suite is; is that correct.

A. That’s correct.

Q. Okay. And, in fact, above that -- you didn’t show us a picture of this -- but above that or in that area is a classroom. Remember the classroom.

A. There was another -- appeared to be another toy room. There were numerous toys, things in that area, yes.

Q. And there were little desks and sort of a little mini classroom, don’t you -- do you recall that.

A. There were a number of things in there. I don’t specifically remember desks.

Q. Remember there was a train set.

A. I do remember the train.

Q. In one end -- and if you go in the other end, there’s a more open area. There may or may not have been desks there; is that what you’re telling us.

A. I don’t specifically recall a desk. But --

Q. All right. Going back -- just doing this with a word picture so the film will make a little more sense, hopefully. When you -- if we go back to the front door, and instead of going up the stairs to the children’s area we go to the right, there’s a hallway. That I think you showed on there; is that correct.

A. Correct.

Q. And that’s where the double doors are to Mr. Jackson’s private area; is that correct.

A. That’s correct.

Q. And that’s where he has a key pad, correct.

A. Yes.

Q. And inside of that area he has what you called a sitting room, but it’s like a living room on the first floor; is that right.

A. Correct.

Q. There’s a grand piano.

A. Yes.

Q. There are books.

A. Yes.

Q. Lots of books.

A. Yes.

Q. Okay. There’s a big screen T.V..

A. Yes.

Q. Okay. And while you’re in that first floor area, you showed us on the video something that you referred to as the bathroom; remember that.

A. Yes.
Q. And that had that Jacuzzi tub in there.

A. Yes.
Q. Now, if you walk through the door, and you do a right face, you would be facing that big screen T.V.. If you walk through the door, get in the middle of the room, do a right face, you're facing the big screen T.V., correct.
A. It would be 90 degrees to the T.V.
Q. Okay. Half right.
A. Yes.
Q. All right. Do a half right face. Point is, on that wall with the big screen T.V., you then have a door to the left.
A. Correct.
Q. And that goes into what you call the master bathroom, is that correct, or you call it a bathroom. Whatever you call it.
A. Uh-huh.
Q. That has a Jacuzzi.
A. Right.
Q. And that area with the Jacuzzi actually has a number of books, there's writing materials, there's VCRs, there's all sorts of things in there; is that correct.
A. That's correct.
Q. There's a place to sit that -- perhaps when the house was designed it was a vanity, but there's a place to sit, which appears to also include stacks of books and VCRs and things like that, correct.

A. Yes.
Q. The actual water closet, as they say in England, but the toilet area is in a separate room off to the right of that; is that correct.
A. That's correct.
Q. And there's a closet in there that has even more books and other things in it; is that correct.
A. That's correct.

Q. And, in fact, right there, there's a back door to go out the back of the house, is there not.

A. Yes, there is.

Q. Okay. And then if we back out of there and we come back, having done that half right, we're facing the big screen T.V., on the right side there's another bathroom area; is that correct.

A. Yes, there is.

Q. Okay. And there's a lot of stuff stored all over the place there, is that right, when you were there.

A. Yes, there was.

Q. A lot of movie memorabilia.

A. Yes.

Q. And you saw, you know, original things that appeared to be signed by all sorts of celebrities.

A. Yes.

Q. Walt Disney, Shirley Temple, Steven Spielberg, people like that.

A. Yes.

Q. And as you go in that bathroom area, there is an actual water closet or bathroom sink area that's off of that; is that correct.

A. Correct.

Q. And then you go up those stairs, up to the area where the bed is that you showed us; is that correct.

A. Yes.

Q. Now, what kind of equipment were you using to film this.

A. I was using a Sony DVCAM.

Q. Okay. And how do you operate that.

A. It's a basic camera used by a lot of the media that you see outside. It's a larger format camera.

Q. Okay. Do you put it on your shoulder.

A. It's a shoulder-mount-held, yes.

Q. And you're looking through at -- your eye level is roughly the level of the lens; is that correct.

A. That's correct.

Q. Okay. And how tall are you, sir.
A. Five-ten.
Q. Okay. So when you walk up the stairs, you’re walking up the stairs shooting at your eye level for a five-ten person; is that correct.
A. That’s correct.
Q. All right.

All right. Let me venture into the unknown and try to work this, if I may, Your Honor. What I propose to do is -- with the approval of the Court, and if there’s no objection from the People, I propose to fast forward and just go to the particular points that I want to highlight, if that’s all right.
THE COURT: I think that would be good.
MR. SANGER: All right.
(Laughter.)
MR. SNEDDON: I better not have any objection.
MR. SANGER: And Mr. Sneddon’s free to play it all again, if he wants.
MR. SNEDDON: I’m not that stupid.
MR. SANGER: Did you turn it off. It’s already -- okay. Okay. I’m actually going to pause here quickly.
Q. There’s a little shot right at the beginning, the first few seconds, when you put this in the machine, it shows this area. And I don’t think you commented on this.
There appear to be some big video games and some arcade kind of games in the picture here. I stopped it at 07.
A. Yes, that’s correct.
Q. Where is that located.
A. I have been informed that this was the

arcade room, which was a building behind the main residence.
Q. Now, when you say you’ve been informed, does

that mean you took this.

A. I did not shoot this video, no.

Q. Were you in that building.

A. No, I was not.

Q. Do you know who shot this footage.

A. Yes, I do.

Q. Who do you believe shot this.

A. Detective Wittenbrock.

Q. Okay. Now, your official designation at the time you were doing this was as a forensic deputy, is that -- or what was the official title that you had.

A. I was a detective assigned to the forensics bureau.

Q. Forensics bureau. Now, there’s what’s called crime scene investigators, or sometimes referred to as CSI crime scene investigator. I’m not talking about television. I’m talking about in your department. Unlike television, in your department, a CSI may not be an actual forensic deputy; is that correct.

A. That is my job, crime scene investigation.

MR. SANGER: Oops. Need to get closer. I didn’t know what the bailiff was doing to me right then.

(Laughter.)

MR. SANGER: I’m glad it was a friendly gesture.

THE COURT: She wasn’t going to hug you.

MR. SANGER: I knew she was armed. I was afraid it might be something else.

Q. The -- okay. So at least at some point in your department, they might have a sergeant go out and be a CSI for a particular crime scene; is that correct.

A. Correct.

Q. But you now have a forensics bureau, and the forensic -- the officers, the deputies assigned to the forensic bureau are supposed to be the crime scene investigators, forensic experts or specialists in your department; is that correct.

A. Correct.
Q. All right. And you were one of them.
A. Yes.
Q. How many forensic people did you have on November 18th, 2003.
A. I believe there were seven of us.
Q. How many of them were detailed to this particular case.
A. All of them.
Q. Okay. Were they all out there that day.
A. Yes.
Q. Now, we were talking about who was out there. Besides however many police officers there were, there were a number of D.A.'s investigators; is that correct.

A. Correct.
Q. Those are people who work for the District Attorney's Office as opposed to the sheriff or the police department; is that correct.
A. Correct.
Q. In addition to that, Mr. Sneddon actually came out and walked through Mr. Jackson's home; is that correct.
A. Correct.
Q. And Mr. Franklin came out and did the same, is that correct, Deputy D.A. Franklin.
A. I recall seeing him outside the residence. I don't know if he walked through.
Q. Now, let's go through this quickly, if we can.
So we have some footage here -- let's see, I've got to point this right at it, I guess. There we go.
We have some footage that fades out, and now the rest of this film is what you shot; correct.
A. That's correct.
Q. Okay. So, we've been over it, but that's the front door leading into the foyer. And in the distance you can see an area that has -- well, let's see, you have your pointer there.

A. Yes.

Q. Is there a big clock right in there; do you recall.

A. The pillar directly in this area, yeah.

Q. That’s a big clock right there. All right.

Oops. I’ll point that there.

Now, we just saw off to the left -- this may or may not work the way I’m -- there we go.

Okay. There’s a fella standing there.

A. Yes.

Q. Is that a real person.

A. No, it’s not.

Q. A mannequin.

A. Yes, it is.

Q. There are a number of mannequins all over Neverland.

A. Yes, there are.

Q. Some down by the -- by the big gates, when you come through the big gates --

A. Yes.

Q. -- in a little house there.

They’re all over the house in various places --

A. Yes.

Q. -- correct.

That one appears to be a butler and he’s holding a dish with cookies in it; is that right.

A. That’s correct.

Q. Did you go into Mr. Jackson’s office.

A. No, I did not.

Q. Let’s see if I can fast forward here.

Okay. And then that’s a double door to the right of the door that we talked about. You go down a little hallway. There are books in the bookcases there; is that right.

A. That’s correct.

Q. That’s not the actual library we talked about, though, is it.

A. No, it’s not.

Q. If you go to the left through the double doors that you can see in the picture there, can you point that out to the --

A. There is a set of double doors right here, which led into that library area also.

Q. Okay. And there’s a library of books all over the place in there on bookshelves, correct.

A. Correct.

Q. And if you go down this little hallway, that’s where the double doors are to Mr. Jackson’s suite --

A. Yes.

Q. -- that you described.

Okay. And just to the left of that -- so we don’t take too much time, I’ll fast forward. But just to the left of this is the stairway. Outside the picture, there’s a stairway that goes up to the children’s suite.

A. Yes.

Q. Now, this is the area here at .38, .39. See the sitting area there.

A. Yes, I do.

Q. Okay. This is what I was referring to as the living room. Does that make sense.

A. Yes.

Q. All right. And then this is the family room. I said plaid -- there’s plaid on the wall, blue couches there.

A. Yes.

Q. Family room.

And that’s -- if you turn right around and did an about face from where you were just showing the family room, you do an about face, you’re looking at the kitchen.

A. Yes.

Q. And it’s open, this counter is right in between the two, right.

A. Yes, there is.

Q. And when you were there, when the -- when the sheriffs arrived, there were a number of employees in this area; is that correct.

A. I was told that there were, yes.

Q. Okay. And so this is an open area where employees are, guests might come in, that sort of thing; is that your understanding.

A. I believe so, yes.

Q. All right. I'll fast forward again.

Okay. Back to the -- that's down the hallway. And that's going into Mr. Jackson's area. We're at 153. That's going into his first-floor area.

And then to the right, this is -- this is that right-hand area that we talked about. It actually -- you got into the closet here, I guess. We're looking at the screen at 203.

A. Yes.

Q. But there's the right-hand bathroom. And you said if you face that big screen T.V. on the right side, the half right there, the big screen T.V., on the right side is the bathroom area and closets, correct.

A. Yes.

Q. There's the stairway. And you're coming up the stairway there with the camera up to your eye, and you get up to the top there, and you look in; is that correct.

A. That's correct.

MR. SNEDDON: I'm going to object to that question. It's not at the top. The video speaks for itself in relationship to where it is.

THE COURT: Overruled. Go ahead.

MR. SANGER: Thank you.

Q. We're going to fast forward here.

Now, we're back down -- this is the area that you did the half right to the video screen, a big screen T.V. And you go to the left and you go into this area, correct.

A. That's correct.

Q. And this you described as a bathroom. It does have that Jacuzzi tub at the end, correct.

A. Correct.

Q. Okay. And I'll try to fast forward. Can you show us where the door to the back is.

A. It was behind the curtains in this area.

Q. If you go by that safe and you go to the right, and that's the actual door; is that correct.

A. Yes.

Q. And those curtains are -- the curtains fit outside to the garden, I would suspect; is that right.

A. I believe so, yes.

Q. There are curtains over windows to the outside. All right. And then if you go to the right, there's a safe there.

A. Yes.

Q. With a picture of a little girl on the thing. And if you go to the right there, that's an area -- sort of a closet area, has a lot of books and other things in it; is that correct.

A. Right here, this area, is that what you're referring to.

Q. Yes.

A. That is the area that has the toilet in it.

Q. Are there two doors, or just one there.

A. There's two doors on that side of the room.

Q. And you believe that's the one that goes to the toilet area.

A. I believe so, yes.

Q. Okay. Could that be the one that goes to the toilet area, the one on the right.

A. The one on the left is the one that goes into the toilet area.

Q. You're right. There's a toilet; how about that.

So the other one is the one that goes into the closet that has books and other memorabilia and stuff.

A. Yes.

Q. Okay. And here we have the sort of living room. There's a couch. There's a fireplace. To the left, you can’t see it, but there’s a big screen T.V., which we’re about to see. There it is, with the movie cut out in front of it. And then you go back out the door.

All right. I’m going to stop it. And we can turn it off, I think.

THE BAILIFF: Can you just hit “black screen”.

Q. BY MR. SANGER: Now, how long was the actual video that you did in this -- on this location. I mean, you did one video before the search. How long was that video.

A. It was approximately an hour.

Q. Okay. And then you did more documentation afterwards. About how long was that.

A. I did a total of three tapes. The post-search video was approximately an hour also.

Q. All right. So out of the first hour, you selected so many minutes that we just saw there; is that right.

A. Yes.

Q. All right. Now, you did take some still photos, you said, of various items. Did you take any still photos in one of the bathroom areas, which you’ve described as the bathroom.

A. Yes.

Q. Did you take photos of a briefcase.

A. Yes, I did.

Q. All right. Now, at some point, as the forensic investigator in this case, did you take charge of the materials that were inside of that briefcase.

A. The initial collection was done by the detectives who were conducting the search. It was later turned over to us, which was secured in our lab.

Q. All right. What -- do you know the sheriff’s number for the materials that were inside that briefcase.

A. No, I do not.

Q. Does 317 ring a bell.

A. I don’t know.

Q. Okay. Did you bring your reports with you.

A. Yes, I did.

Q. Can you tell by looking at your various reports what the number of those items was.

A. I do not show -- I’m sorry. I do have one report that refers to No. 317.

Q. Okay. So the contents of the briefcase were Sheriff’s Item 317; is that correct.

A. I was not involved with the assignment of the number. I don’t know what number it was assigned at the time.

Q. Let’s talk about numbers just for a second. We have exhibit numbers in court here that are assigned by the clerk. There may be reference to exhibit numbers from another proceeding; for instance, the grand jury. But when the sheriff -- when your department seizes evidence, you mark down a number on an inventory sheet, and then you put that number on a tag, and you put that on the actual item that’s seized; is that correct.

A. That’s correct.

Q. So you can keep track -- no matter what numbers the Court gives, or, say, the grand jury gives something, there’s also the sheriff’s number. And we can go back to that, and you can say that’s the item, because it was given that number; is that correct.

A. Yes.

Q. All right. Now, do you remember checking the contents of the briefcase out of the sheriff’s lockup; in other words, sheriff’s evidence lockup to take to the lab.

MR. SNEDDON: Your Honor, I’m going to object, because there were several briefcases taken. And I’m -- it’s unclear as to which one he’s talking about. He has no personal knowledge as to what the

itemization of the number was, so lack of foundation would be the short way of putting it.
THE COURT: Foundation; sustained.
MR. SANGER: Okay.
Q. All right. And you can’t tell -- you can’t tell us from your reports what items you took out of the sheriff’s lockup to do testing on.
A. Yes, I can.
Q. Do you want to tell us what numbers those were.
A. The original ones which I was assigned to begin with was 304, 306, 307, 309, and 313.
Q. Did you eventually take 317.
A. The only involvement that I had with that initially was I picked up Item 317 from the Department of Justice Lab and took it back for photo documentation at our lab.

Q. All right. And what date was that.
A. That was on 5-20-04.
Q. Do you recall on January 30th assisting Deputy Herman. Is that Lisa Herman.
A. Hemman.
Q. Sorry. Hemman. Do you recall assisting Deputy Hemman in going through various evidence items.
A. Yes, I do.
Q. And among those evidence items was 317, one of those items.
A. It may have been. I don’t recall the specific number.
Q. And when you were working with Deputy Hemman -- when you were assisting Deputy Hemman, what were you doing. Were you doing fingerprints.
A. That was an alternate light source search.
Q. So you weren’t looking for fingerprints.
A. No.
Q. You were looking at the items to see if there was some other substance, fluid, blood, semen, something on them; is that right.
A. Correct.
Q. And you didn’t find anything on 317.

A. I don’t know.

Q. All right. Okay.

Can I have -- and I suppose the clerk has them now -- the exhibits that this witness referred to. And I think it was 4 or 5 through about 12. The photographs. Okay. Thank you.

Now, venturing into yet another area, with the Court’s permission, I’m going to try to use the overhead projector. And let’s see here. I think we hit that button.

THE BAILIFF: And you hit the “black screen” button. And is it on.

MR. SANGER: Yes, it is. How about that.

Q. I want to direct your attention -- okay. If you put the lights on it there’s a little more light, but then there’s glare.

If you look at Exhibit 8, which has been received in evidence - and I put it up on the overhead camera - that’s one of the pictures you told us that you had taken, and then you put the labeling on to show what the various parts of the ranch were, correct.

A. That’s correct.

Q. And with your laser there, if you could, show us where the lake is. I think we can see it. But just to orient, because it’s a little dark.

A. The dark area, beginning in the center of the photograph, extending up and to the left, around. That area there.

Q. Okay. And right there where it says “Guesthouse,” those are the guest units on the property; is that correct.

A. Yes.

Q. And they’re right on the lake; is that right.

A. That’s correct.

Q. Did you determine what the numbers of the guest units were. 1, 2, 3, 4.

A. No, I do not.
Q. There are four, though, four units in that area, correct.
A. I’m not aware of how many there are.
Q. In any event, there’s a guesthouse that appears to have more than one unit. Would you grant me that.
A. Yes.
Q. There you go.
And then the main house is depicted. You can see the main house from the guesthouse, correct.
A. Yes.
Q. And, in fact, you just walk -- how far is the main house from the guesthouse.
A. 75 yards.
Q. Oh. Now, see the train station there.
A. Yes.
Q. And the train station is actually up on a hill; is that right.

A. Yes.
Q. And there’s a road that leads -- in the picture that’s going up, but actually goes downhill towards the main house and the guesthouse; is that correct.
A. Yes.
Q. Can you show the jury where that is, please.
A. This is the building of the train station here. And this is the road that leads up past the main house.
Q. So the main house is on the left and the guesthouse is on the right.
A. Correct.
Q. And there’s a clock that -- a large decorative clock that is located right in front of that train station; is that correct.
A. Yes.
Q. And I’m going to put up No. 12, which has been received into evidence.
No. 12 is an aerial shot of that clock; is that correct.
A. Yes, it is.

Q. And of course, from the air, everything looks flat on the ground. You don’t really see the contours of the hills and so on; is that right.

A. Correct.

Q. And, in fact, the clock itself is created on about a 45-degree angle; was it not.

A. I was not in that area, so I couldn’t say.

Q. So you took the picture from up above.

A. Yes.

Q. And how high were you. What was your elevation when you took that picture.

A. We were about 1200 to 1500 feet.

Q. Okay. So this clock would be visible from thousands of feet in the area; is that right.

A. Yes.

Q. And it tells time. It’s a working clock, correct.

A. I do not know that.

Q. When you -- when you were on the ground there, you didn’t look over and see that clock.

A. I did see the clock.

Q. So when you’re on the ground, by the house and the guest units, you could look over and see that clock, correct.

A. Yes.

Q. All right. And when I said “45-degree angle,” I’m not trying to quibble. I don’t know. I didn’t measure. Okay. But it’s not on the ground flat, facing into space.

A. Correct. It is at an angle.

Q. It’s at an angle so you can see it from the property.

A. Yes.

Q. Did you notice that there were a number of other clocks that were positioned in various place on this property.

A. The only area that I was on the property was at the main residence.

MR. SANGER: Okay. Let me just have one moment, Your Honor, please.

I have no further questions. Thank you.

MR. SNEDDON: No questions, Your Honor.

Your Honor, I --

THE COURT: You may step down, Officer. Thank you.

MR. SNEDDON: I have the next witness ready. It’s five minutes to break time. Do you want to take the break five minutes early before we start that witness.

THE COURT: No, we can start the witness.

MR. SNEDDON: It will take two minutes to get her here.

MR. SANGER: Let me use ten seconds of the two minutes, Your Honor.

THE COURT: Well, the witness is on its way. You can go ahead.

MR. SANGER: I was just going to say before Deputy Lafferty leaves, that we would like him to remain on re-call. And I think we will have to call him back when we have other officers to testify to the chain of custody on the items we’re talking about.

THE COURT: All right. Officer, you’ll remain on call, please.

MR. SANGER: Thank you, Your Honor.

MR. SNEDDON: Judge, I’m sorry. My understanding was that the witness was right behind your door, right off your room in the anteroom there, and it would take less than 20 seconds to get here. It’s one of the children in this case. I apologize, but that was my understanding. It’s not -- she’s not up in my office.

Jill. Right off your room in the anteroom there, and it would take

THE COURT: Come forward to the witness stand, please. Remain standing. Face the clerk, over here, raise your right hand.

DAVELLIN ARVIZO

Having been sworn, testified as follows:

THE WITNESS: Yes.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name is Davellin Arvizo. D-a-v-e-l-l-i-n, A-r-v-i-z-o.

THE BAILIFF: You’re going to have to scoot real close.

//

//

DIRECT EXAMINATION

BY MR. SNEDDON:

Q. Good morning.

A. Good morning.

Q. You’re going to lean right into that and talk to it so everybody can hear what you have to say. Okay.

A. Okay.

Q. Miss Arvizo, how old are you.

A. I’m 18 years old.

Q. And you currently go to school; without giving me the name of the school, but a school.

A. Yes.

Q. And what level are you in the school.

A. I’m a freshman in college.

Q. And do you have a full-time job.

A. Yes, I work full time.

THE COURT: Just a moment. Just a moment. Mr. Sneddon, they can’t hear. It is time for the break. Maybe you could work with her on the mike for a moment after we take our break. We’ll take our break.

(Recess taken.)

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REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 529 through 579 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 3, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
March 3, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

THURSDAY, MARCH 3, 2005

8:30 A.M.

(PAGES 581 THROUGH 766)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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EXHIBITS

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
13	Photo of Fritz, Davellin, Star and Gavin	588	588
14	Photo of Davellin, Star, Gavin and Chris	605	606
17	Photo of Dieter Weizner	648	648
18	Photo of Ronald Konitzer	648	648
19	Photo of Vincent Amen aka Vinnie Black	712	714
20	Photo of Frank Cascio aka Frank Tyson	647	648
21	Photo of Aldo Cascio	647	648
22	Photo of Marie Nicole Cascio	647	648
23	Photo of Brad Miller	712	714
28	Photo of Jamie Masada	586	587
29	Photo of Hamid Moslehi	720	720
30	Photo of Jesus Salazar Salas	712	714
31	Photo of Janet Arvizo	617	618
35	Photo of David Gavino Arvizo	617	618
43	Photo of Grace Rwaramba	646	648
48	Photo of Jay Jackson	646	648
49	Photo of Davellin, Gavin, Star and Louise	605	606
125	Photo of Calabasas Country Inn and Suites	713	714
135	Photo of kitchen of Calabasas Inn, Room 200	713	714
138	Photo of Room 200 looking toward entrance and hallway	713	714

EXHIBITS

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
194	Photo of View of living room of Hamid Moslehi's residence	713	714
199	Photo of Star, Gavin and Kobe Bryant	605	606

337	Photo of Gavin and Star	606	606
338	Photo of Davellin, Gavin and Star	618	618
339	Photo of interior of the private jet from Miami	669	670

MR. SNEDDON: Your Honor, just to forewarn the Court, we may be wanting you to go to Input 1, to hook up the computer to --

THE COURT: I’ll be ready.

MR. SNEDDON: I hope so.

Q. So how we doing on the mike.

A. Fine.

Q. Lean into it.

A. Sorry.

Q. All right. Talk loud. Okay.

Now, you’re a full-time student at a college as a freshman, correct.

A. Yes.

Q. And you have a job.

A. Yes. I work full time.

Q. Now, let’s go back in time a little bit.

A. Okay.

Q. All right. And let’s go back to the year of 1999.

A. Okay.

Q. Okay. Where did you go to school then.

A. It was either eighth grade or the beginning of freshman year in coll -- no, high school.

Q. And let's talk about the eighth grade in 1999. All right. Where did you go to the eighth grade; what school.

A. Hollywood Middle School.

Q. Then you went to high school as a freshman

in the same year, '99.

A. Uh-huh.

Q. You have to say "Yes" or "No."

A. Yes.

Q. And what high school did you go to.

A. I went to Hollywood High School.

Q. Where were you living at this time.

A. In East L.A.

Q. How is it that you ended up at Hollywod High School when you lived in East Los Angeles.

A. The school bus would come pick me up because I was a magnet student.

Q. Could you explain to the ladies and gentlemen of the jury what a magnet student means.

A. You have to have good grades. And they have, like, special extracurricular activities.

Q. And what particular extracurricular activities were you involved in.

A. Performing arts.

Q. And were you doing that as like a -- what aspect of that.

A. Like fixing the stage and stuff like that.

Q. So you were the technical person, huh.

A. Yeah.

Q. You weren't the performer.

A. No.

Q. Now, how long were you at Hollywood High.

A. For about two years.

Q. So it would be through your freshman and sophomore years.

A. Yes.

Q. Now, during the time that you were at Hollywood High, during your time that you were there, where were you living. Specifically, what address.

A. Um, it was on Soto Street. It was a bachelor’s apartment.

Q. Could you describe to the ladies and gentlemen of the jury what the size of the interior of this apartment was.

A. About from here to that other wall. It wasn’t very big at all.

Q. “From here,” do you mean from the railing of the jury box.

A. Yeah.

Q. To the far wall of the courtroom.

A. No, the end of that wall.

Q. Where the sign says “Lorna Frey”.

A. Uh-huh.

MR. SNEDDON: I wanted to get you on the record.

(Laughter.)

Q. BY MR. SNEDDON: Now, how many people were living in this apartment or --

A. At the beginning, five.

Q. Five. And who would that be.

A. My father, my mother, and me and my brothers.

Q. All right. Let’s go back. Your father’s name is.

A. David.

Q. And his last name.

A. Arvizo.

Q. And your mother’s first name.

A. Janet.

Q. And your brother’s first name.

A. Gavin.

Q. Is Gavin younger or older than you.

A. He’s younger.

Q. And do you have another brother.

A. Yes.

Q. And that brother’s name.
A. Star.
Q. And is he younger or older than Gavin.
A. He’s younger.
Q. And you now have another brother; is that correct.
A. Yes.
Q. And his name is.
A. Jett.
Q. And how old is Jett.
A. He’s seven months.
Q. So at that time, there were the five of you living in this apartment.

A. Uh-huh. Yes.
Q. Now, during the -- sometime in 2000, did something happen with regard to one or more of your brothers.
A. Yes. Gavin was diagnosed with cancer.
Q. Do you remember approximately when that was.
A. Before I was a freshman in high school. During the summer of eighth grade.
Q. Now, what happened when Gavin was diagnosed with cancer. Where did -- did they have to take him somewhere for treatment or --
A. Yeah, he would go to Kaiser Hospital.
Q. Did you ever go with him to the hospital.
A. I would visit him once in a while. As much as I could. Because I was in school at that time, too.
Q. At some point -- at this time, the family unit, your father, your mother and your brothers, are still living with you; is that correct.
A. Yes.
Q. All together.
A. Yes.
Q. Now, when Gavin was in the hospital - okay. - to your knowledge, did Gavin know at that time a person by the name of Jamie Masada.
A. Yes. We already knew him before then.
Q. All right. Now, could you tell the ladies and gentlemen of the jury how you knew Jamie Masada.

A. In the summer of 1999 we were in a comedy camp.

Q. Okay.

A. At his club.

Q. Do you know the name of the club.

A. The Laugh Factory.

Q. And you say “we” were, who was in the camp.

A. Me and my brothers.

Q. And you met Mr. Masada at that time.

A. Yes.

Q. Did you meet any other people, comedians, at that time.

A. Yeah. Every time we had a meeting, a new star would come and just teach us little techniques and stuff.

Q. And who were some of the people that came to that camp.

A. Fritz. Paul Rodriguez. One of the -- Shawn Wayans went. George Lopez. That’s all I can remember right now.

Q. Okay. I’m going to show you a photograph.

MR. MESEREAU: May I see what that is.

MR. SNEDDON: I’ll bring it over.

MR. MESEREAU: Okay. Thank you.

MR. SNEDDON: Your Honor, I have a photograph that’s been premarked as No. 28 for identification purposes.

Q. Miss Arvizo, do you recognize the person depicted in that photograph.

A. Yes.

Q. And who is that.

A. Jamie Masada.

Q. Is that an accurate representation of Mr. Masada.

A. Yes.

MR. SNEDDON: Move it be admitted, Your Honor.

MR. MESEREAU: No objection.

THE COURT: It’s admitted.
MR. SNEDDON: Display that for the jury, if you could.
THE COURT: Just show the jury.
MR. SNEDDON: No, we’re going to do it up here.
Q. Can you see that, Miss Arvizo.
A. Yes.
Q. Is that Jamie Masada.
A. Yes.
Q. And this is the person from The Laugh Factory.
A. Yes.
Q. Okay. Did I hear you say something about somebody named Fritz.
A. Yes.
Q. Who is that.
A. He’s the weather guy from Channel 4.

Q. You met him at this camp.
A. Yes, he did host in one of the little classes.
MR. SNEDDON: Your Honor, I have an exhibit marked as People’s 13 for identification purposes. And I’m showing it to counsel.
MR. MESEREAU: Okay.
Q. BY MR. SNEDDON: I’m going to hand you People’s 13 for identification. Go ahead, you can grab it. I’m sorry, excuse my bad manners.
A. That’s okay.
Q. Now, with regard to that particular photograph, do you recognize the individuals in that photograph.
A. Yes.
Q. And is that an accurate depiction of the people in that photograph.
A. Like accurate how.
Q. Is that the way you looked.
A. Looked back then.
Q. Back then. That’s the way Mr. Coleman looked.
A. Yes.

MR. SNEDDON: All right. Move that be admitted, Your Honor.

MR. MESEREAU: No objection, Your Honor.

THE COURT: It’s admitted.

Q. BY MR. SNEDDON: Now, the person on the far

left of the photograph, who’s that.

A. That’s me.

Q. How old were you when this was taken.

A. About 13.

Q. And the person just below you with your hands on their shoulder.

A. That’s Star.

Q. And that’s your brother.

A. Uh-huh, yes.

Q. And do you recognize the person in the middle.

A. Yes.

Q. Who’s that.

A. Fritz.

Q. And the person with his arm on Fritz’s shoulder, who’s that.

A. That’s Gavin.

Q. Okay. And do you recall when this was taken.

A. Yeah. That was during the comedy camp.

MR. SNEDDON: All right. Go ahead and put the lights back on, Your Honor.

Q. Now, you told the ladies and gentlemen that your brother was sick, that he had been diagnosed with cancer.

A. Uh-huh.

Q. Now, did -- to your knowledge, did you know about any of his wishes to meet certain people while

he was in the hospital.

A. Yes.

Q. And do you recall the names of any of the people that he wanted to meet.

A. Yes.

Q. Who were they.
A. He gave a list to Jamie Masada. It was Chris Tucker, Adam Sandler, and Mr. Jackson.
Q. To your knowledge, did he meet those people.
A. He met two of them, yes.
Q. Which two.
A. Mr. Jackson and Chris Tucker.
Q. And were you -- have you ever been with Mr. Tucker.
A. Yes.
Q. On how many occasions.
A. Lots of occasions.
Q. Did he kind of become a friend of the family.
A. Yes.
Q. Now, with regard to your brother and Mr. Jackson, do you know of your own personal knowledge whether there were any contacts -- when the first contacts between your brother and Mr. Jackson occurred.
A. It was on a telephone call. He called Kaiser.
MR. MESEREAU: Objection. Foundation; hearsay.

THE COURT: Sustained.
Q. BY MR. SNEDDON: Were you present when that conversation occurred.
A. No, I wasn’t.
Q. So you heard about it from somebody else.
A. Gavin had told me when I got there later on.
MR. MESEREAU: Objection; hearsay.
THE COURT: Sustained.
MR. MESEREAU: Move to strike.
THE COURT: Stricken.
Q. BY MR. SNEDDON: Were you ever present at your grandparents’ house when Mr. Jackson called.
A. Yes.
Q. And were you present during the conversation.
A. No.
Q. But you were at the house.

A. Yes.

Q. Was there a point in time when you and your family went to Neverland Valley Ranch.

A. Yes.

Q. And do you remember approximately when that was.

A. It was at the beginning of Gavin's cancer, so around 2000.

Q. Were you in school at that time.

A. Yes. I think so. I don't remember. I had either -- I had to be in school, yeah.

Q. Do you remember who all went to the ranch.

A. It was me, my father, and my brothers and my mom.

Q. And do you recall how you got to the ranch.

A. A limo came and picked us up.

Q. And where did they pick you up.

A. At the Soto apartment.

Q. Do you remember what day of the week it was that they picked you up.

A. No.

Q. Now, when you got to the ranch, could you tell the ladies and gentlemen of the jury, as the limousine got onto the ranch and up to the main residence, what happened.

A. We were greeted by the cooks. And then we were brought into like the dining room area, like it's right in front of the kitchen area, and then Mr. Jackson came and greeted us.

Q. Did you spend the night.

A. Yes, we did.

Q. Where did you spend the night.

A. In one of the guest rooms.

Q. And do you know where your brothers spent the night.

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained. Actually, I'll allow her to answer that "Yes" or "No" as part of the

foundation.

MR. SNEDDON: Thank you.

Q. Do you know -- do you know where your brothers stayed.

A. Yes.

Q. At least the first night.

A. Yes.

Q. Okay. Were you ever in their room.

A. With them. No.

Q. Did you go -- not did you sleep there, but did you ever go into their room.

A. No.

Q. Did -- were your parents -- do you know where your parents stayed that night.

A. Yes.

Q. Did you go into your parents' room.

A. Yes.

Q. And where did your parents stay that night.

A. They stayed in another guest room.

Q. And where was that guest room in relationship to where you stayed.

A. Right next to mine. Well, kind of towards the back area, facing the lake.

Q. Facing the lake.

A. Uh-huh.

Q. And you were in the front of that.

A. Yeah.

Q. During the time that you were at Neverland,

when you first got there, after you were greeted by Mr. Jackson -- by the way, do you recognize Mr. Jackson.

A. Yes.

MR. SNEDDON: Can the record so indicate that, Your Honor.

THE COURT: Yes.

Q. BY MR. SNEDDON: When you were greeted by Mr. Jackson, after that, what did you do. What did you do.

A. Just went out and went to the arcade and drove around the little carts.

Q. Did you do that by yourself.

A. Yeah.

Q. Was there anybody else with you.

A. Well, during that visit, me and my parents would go out and -- occasionally, but I was mainly by myself.

Q. And where did you drive in the carts.

A. Towards the movie theater and to the zoo and stuff.

Q. You’re going to have to lean into it.

A. Towards the movie theater and the zoo.

Q. So you just took a tour.

A. Uh-huh.

Q. Now, during the time that you were there, was there ever an incident that occurred between your mother and your father.

A. Yes.

Q. Were you present.

A. Yes.

Q. Who else was present.

A. Star was.

Q. Tell us what happened. And let me ask you this: Let’s go back just a second, if we can. Do you remember about what time it was when you arrived at Mr. Jackson’s Neverland Valley Ranch on the first occasion when you arrived there.

A. It was daytime. I don’t know when.

Q. Do you remember what time it was in relationship to dinner.

A. Oh, it was far from dinner.

Q. So it was in the afternoon hours.

A. Uh-huh.

Q. Did you go to school that day; do you recall.

A. I don’t think so.

Q. So that -- the incident that I’m about to ask you to describe, did that occur on that day or another day.

A. I think it was another day.

Q. Do you recall when it was in relationship to when you first got there. Like was it the next day, or the next day, or what.

A. Probably the next or a couple days after.

Q. What happened.

MR. MESEREAU: Objection. Hearsay; and vague.

MR. SNEDDON: Judge, I already laid the foundation that she was there and she was in the room.

THE COURT: The objection is overruled.

Q. BY MR. SNEDDON: What happened.

A. My parents were arguing back and forth, and my dad threw a soda can at my mom.

Q. And what happened after he threw the can at her.

A. He ran, like walked -- stormed out of the room.

Q. And what was your mother’s reaction.

A. She just started crying.

MR. MESEREAU: Objection; hearsay.

THE COURT: Overruled. The answer is, “She started crying.”

Q. BY MR. SNEDDON: Now, during the time that you were living with your father and your mother and your brothers at the Soto Street residence, did you ever see your father strike your mother.

A. Yes.

Q. On how many occasions.

A. Too many to count. So many.

Q. Did he ever strike you.

A. Yes.

Q. How about your brothers.

A. Yes.

Q. On how many occasions.

A. Lots.

Q. Has your mother ever struck you.

A. Never.

Q. Now, when you were at the ranch -- go back to the ranch for just a second. You were at the ranch, and you’re visiting. Do you know -- were you present during a conversation, at any time while you were on the ranch, concerning whether or not the boys would stay with Mr. Jackson in his bedroom.

MR. MESEREAU: Objection. Hearsay; foundation.

MR. SNEDDON: I haven’t asked for the --

THE COURT: All right.

You may answer that “Yes” or “No.”

The objection is overruled.

THE WITNESS: What was the question again.

THE COURT: I’ll have the court reporter read it to you.

MR. MESEREAU: And leading, Your Honor.

THE COURT: Overruled.

(Record read.)

THE WITNESS: Yes.

Q. BY MR. SNEDDON: And where did that conversation take place.

A. In the main dining room.

Q. And who was present when the conversation

took place.

A. Me, my father, my brothers and Mr. Jackson.

Q. And what was going on at the time that it took place.

A. We were eating.

Q. Who brought up the subject.

A. Gavin did.

MR. MESEREAU: Objection; hearsay.

THE COURT: Overruled.

Q. BY MR. SNEDDON: I’m sorry, I don’t think we heard your answer. Who brought it up.

A. Gavin.

Q. Gavin did.

A. Uh-huh.

Q. In response to his request --

MR. MESEREAU: Objection. Misstates the evidence; leading; hearsay.

MR. SNEDDON: I haven’t even finished the question yet.

THE COURT: But I think you caught yourself.

MR. SNEDDON: No, I --

THE COURT: I'll sustain the objection as leading. It's --

Q. BY MR. SNEDDON: As a result of the conversation that particular night, do you know, of your own personal knowledge, where your brother slept.

A. Yes.

Q. Where.

MR. MESEREAU: Objection. Foundation; hearsay; relevance.

THE COURT: Foundation; sustained.

Q. BY MR. SNEDDON: With regard to your -- I asked you of your own personal knowledge.

A. Yes.

Q. And what was that based on.

A. Gavin telling me -- well, no --

MR. MESEREAU: Objection. Hearsay; move to strike.

MR. SNEDDON: I'll rephrase it this way, Judge:

Q. As a result of the conversation that -- without telling us what was said, as a result of the conversation that occurred at the dinner table, did your brothers sleep in the guest room that night.

A. No.

Q. Now, after this visit to Neverland Valley Ranch that you've described to the ladies and gentlemen of the jury, to your knowledge, only based on your knowledge, when was the next time that you went back to the ranch.

A. Not for a while. It was -- the next time I went was with Chris.

Q. Chris who.

A. Tucker.

Q. Now, let me see if I can put that in

relationship to something.

Do you remember a time -- can you tell us whether or not you ever visited the ranch in conjunction with a filming.

A. Yes.

Q. Now, was the time that you went to the ranch with Mr. Tucker before or after that.

A. Before.

Q. And do you recall approximately how long before that.

A. A while. Months.

Q. A couple of months. It's the same year, or a different year.

A. Pretty close, I think.

Q. How many different times did you go to the ranch with Mr. Tucker.

A. Two.

Q. Was the defendant, Mr. Jackson, present during the times you went to the ranch.

A. No.

Q. Was he present during the time that you went there for the Bashir filming.

A. Yes.

MR. MESEREAU: Objection; foundation.

THE COURT: Overruled.

Q. BY MR. SNEDDON: Now, the time that you went to the ranch with your mother and your father and your brothers, that was the first time you went, correct.

A. Yes.

Q. The one you described to the jury.

A. Yes.

Q. The times that you went to the ranch with Mr. Tucker that you've described --

A. Yes.

Q. -- can you tell the jury whether or not your mother went with you on those occasions.

A. She didn't.

Q. On the occasion of when you went there for the Bashir filming, was your mother with you.

A. No.

Q. Between the time that you went to the ranch on the very first time that you've described to the ladies and gentlemen of the jury, the incident

involving your mother and father, let’s put it that way, until the time you went back with Chris Tucker, do you know, of your own personal knowledge, whether your brother and your father went back to the ranch.
A. Yes.
Q. Do you know how many times.
MR. MESEREAU: Objection; foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: Quite a bit of times. I don’t know exactly how many times.
Q. BY MR. SNEDDON: Did your mother, to your knowledge, ever go with them.

A. No.
Q. Now, during the time that your brother Gavin was hospitalized with cancer -- okay. We’re going to start talking about that now.
A. Okay.
Q. Did you ever attend -- to your knowledge, were there ever efforts to raise money to help the family offset some of the expenses for the --
A. The only one I know about was a benefit at The Laugh Factory.
Q. Okay. And did you go to that.
A. Yes, I did.
Q. And who else went to it from your family.
A. My father, my two brothers.
Q. Did your mother go.
A. No.
Q. And do you know who was sponsoring the benefit.
A. Jamie Masada or Chris. It was like a graduation of other com -- like little kids, like we did.
Q. So that was a graduation ceremony.
A. Yeah.
Q. And you said Mr. Masada. I heard you say Chris. Chris who.
A. Chris Tucker. He was there also. But I don’t know whether he was sponsoring it or not.

Q. And you were present at that particular benefit.

A. Yes.

Q. During the time that your brother was undergoing his treatments for cancer, was it required for the family to make some adjustments in the living conditions for your brother.

A. Yes.

Q. And where was he living during that time.

A. He was living with my grandmother.

Q. And could you tell the ladies and gentlemen of the jury what adjustments had to be made.

A. They had -- they had to be very, very clean; no dust. It had to be very cool. He couldn’t be in hot conditions or he would either go into a seizure or he would pass out. He was very, very delicate.

Q. All right. What -- were there any special things that had to be purchased or changes made in the room in which Gavin stayed at your grandmother and grandfather’s.

A. Yes.

Q. Could you describe that to the ladies and gentlemen of the jury.

A. In that room, the carpet was totally torn out, and they put linoleum down. Because his bones, they ache a lot. And then my mom bought an orthopedic-type bed. And then all the walls were repainted. They bought an air conditioning -- like a little unit, tore a hole through that wall, so the -- like the bad heat would go out through the air conditioning.

Q. Were there any sort of little treats that were bought for Gavin during this time.

A. Yeah, his --

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

You may answer.

THE WITNESS: Yes, because we constantly wanted to make him very happy because of the things that the doctors were telling us. So my mom bought him a T.V., a DVD player, a stereo. That's all I remember right now.

Q. BY MR. SNEDDON: Now, the things that you just described, what room in the house were those items located.

A. In one of the bedrooms in my grandmother's house.

Q. The one that Gavin occupied.

A. Yes.

Q. And with regard to this T.V. that was in the room that Gavin was in, how big was this T.V..

A. About 25 inches or so. Not -- it was only about -- the screen -- the screen's only about that big.

MR. SNEDDON: Your Honor, at this time I'm going to show counsel some more photographs.

Q. The first photograph I'm going to show you is People's 14.

Your Honor, would it be all right for me to stay here to lay the foundation and then go back to ask the questions.

THE COURT: All right.

Q. BY MR. SNEDDON: Do you recognize the people depicted in that photograph.

A. Yes.

Q. Is that an accurate representation of those individuals as they were at that point of time.

A. Yes.

Q. We'll go through who they are in just a second.

I'm going to show you a photograph marked as Exhibit 199. Do you recognize that photograph.

A. Yes.

Q. Do you recognize the people depicted in that photograph.

A. Yes.

Q. Is that an accurate representation of those people at that particular point in time.

A. Yes.

Q. And with regard to Exhibit No. 49, ask if you recognize the people depicted in that photograph.

A. Yes.

Q. Is that photograph an accurate representation of those people at that point in time.

A. Yes.

Q. And lastly, I’m going to show you a photograph marked as 337 for identification. Do you recognize that.

A. Yes.

Q. Is that an accurate depiction of how those individuals looked in that photograph at that particular point in time.

A. Yes.

Q. All right. Now, if you could just go back and put them -- yeah, that’s good. I’ll -- all right.

Move they be admitted into evidence, Your Honor.

MR. MESEREAU: No objection, Your Honor.

THE COURT: They’re admitted.

MR. SNEDDON: All right. And we’re going to use the display again, Your Honor, with the Court’s permission.

Q. Miss Arvizo, do you recognize the people depicted in that photograph.

A. Yes.

Q. Who are the people in that photograph.

A. Me, Star, Gavin, Chris; and the baby, Dustin. And Aja.

Q. And do you recall --

BAILIFF CORTEZ: It’s back on.

THE COURT: Give us the exhibit number that’s being shown to the jury.

MR. SNEDDON: I’m sorry, Your Honor. This would be Exhibit No. 14, Your Honor.

Q. I think I was about to -- I think I was

about to ask you, do you recall when this particular photograph was taken.
A. Yes.
Q. And where were you.
A. We were at Chris Tucker’s older brother’s wedding.
Q. So he invited you to a wedding with him.
A. Yes.
Q. And do you recall approximately what -- like what year was it.
A. I don’t remember.
Q. Do you remember what grade in school you were in.
A. I know I was still in high school, but I don’t remember.
Q. All right. Now I’m going to ask you to pick up the exhibit that has the number “199” on it.
A. Yes.
Q. Do you see that.
A. Yes.
Q. Do you recognize the people depicted in that photograph.

A. Yes.
Q. And with regard to the person in the upper left-hand side with the blue shirt on, who’s that.
A. That’s Star.
Q. And the person that has the little visor --
MR. SNEDDON: I don’t need this, Your Honor.
THE BAILIFF: They’re on their way, Judge.
BAILIFF CORTEZ: Should I put -- turn it back on.
Q. BY MR. SNEDDON: With regard to the person with the little visor on that says “Raiders,” who is that.
A. That’s Gavin.
Q. And from the photograph, can you tell whether or not this was taken during the time that he was having this battle with cancer.
A. Yes.
Q. And of course I think we all recognize the person with his arm draped around him; is that

right.

A. Yes.

Q. Who is that.

A. That’s Kobe Bryant.

Q. And that jersey that’s depicted on the table there, did Gavin end up getting that jersey and wearing it.

A. Yes.

Q. All right. Now, if you could pick up the photograph marked as 49 for us, if you would. Do you have that.

A. Yes.

Q. All right. Okay. Now, who are the people -- who are the people in that photograph.

A. Me, Gavin, Star, and Louise.

Q. Do you know Louise’s last name.

A. Palanker.

Q. And do you recall when this was taken.

A. This was during the comedy camp.

Q. Is that when you first met her.

A. Yes.

Q. Now, after you met Louise Palanker, did you stay friends with her.

A. Yes.

Q. Could you describe to the ladies and gentlemen of the jury what the nature -- nature of the relationship was between you and her, the family.

A. She would come over to our house. She was just very loving. Very sweet lady. She cared about us a lot.

Q. When Gavin was diagnosed with cancer and during the time that he was being treated for cancer, was she still coming to see the family.

A. Yes.

Q. Do you know about, during that period of time, how long it was that she was with you and the family.

A. Like --

Q. That’s a bad question. That’s a bad question.

How often did she come to see Gavin.

A. Very often.

Q. Would she come to the house.

A. Yes.

Q. And you were there when she came.

A. Yes.

Q. And to your knowledge, did she give money to your family.

A. Yes.

Q. All right --

THE COURT: Do you want to just wait a minute.

MR. SNEDDON: I guess I can. I didn’t know how long he was going to be, Your Honor. I guess we don’t want his head popping up when I show the photographs.

THE SOUND TECHNICIAN: My apologies.

THE COURT: Thank you, Peter.

MR. SNEDDON: Try it again.

Q. All right. Now, if you could take the next photograph, which I believe is marked as 337. Do you see that one in front of you.

A. Yes.

Q. All right. Now, who is the person in the middle of that photograph.

A. That’s Gavin.

Q. And can you tell -- who’s the person over on the right-hand side.

A. That’s Star.

Q. Now, do you recognize the room in which this photograph is taken.

A. Yes.

Q. Could you tell the jury what it is, what room it is.

A. It’s the room that we fixed up for Gavin in my grandma’s house.

Q. And is that what Gavin looked like.

A. Yes.

Q. Now, do you, of your own personal knowledge, know where the money came to fix that room up.

A. Yes.

Q. Who.

A. Louise.

Q. She gave you the money to do all that.

A. Yes.

Q. Now, you talked about an air conditioning unit that had to be put in the room so that he wouldn’t go into seizures. Do you see that air conditioning unit in that photograph.

A. Yes. It’s right behind Star’s head.

Q. There’s a little laser up there. Do you see that little black, long thing that looks like a pencil. Well, I guess it’s not up there.

MR. ZONEN: Right there.

Q. BY MR. SNEDDON: Could you turn around to the exhibit that’s been displayed on the board there. And this is Exhibit 337. And can you point out the air unit you were talking about.

A. It’s right there.

Q. Okay. That’s right behind Star’s head. And is the -- Gavin appears to be seated on a bed.

A. Yes.

Q. Is that the bed that you bought, or was that bed in there before.

A. No, that was the new bed.

MR. SNEDDON: All right. I think we can take the photograph down, Your Honor, and put the lights back on.

Q. Did you ever meet an individual by the name of Carol Lamir.

A. Yes.

Q. Where did you meet her.

A. We met her at a dance studio.

Q. Did you -- how did that come about that you met her at the dance studio.

A. Well, we just started a dance -- well, we went to Mr. and Mrs. Kennedy’s dance studio.

Q. I couldn’t get that, so I’m sure the jury didn't. Say it again.

A. We went to a dance studio. Mr. and Mrs. Dance Studio -- Mr. and Mrs. Kennedy's dance studio.
Q. Was that before or after you had attended the comedy camp.
A. This is way before.
Q. And you say "we." Who's "we".
A. Me and my brothers.
Q. What kind of a dancing school was it.
A. Kind of everything. But mostly, like, tap was focused on.
Q. Now, did you, as a result -- let me ask you this: Ms. Lamir, was she working there, or how did you meet her.
A. Her grandson was taking a class there.
Q. So you met her through a mutual acquaintance.
A. Yes.
Q. Did you ever stay with Miss Lamir.
A. Yes.
Q. And when I say "stayed," where did you stay with her.
A. At her house.
Q. And do you recall on how many occasions that was.
A. A couple, three maybe. I don't remember. But I would stay about a week or so.
Q. And do you remember anything in particular about your stays with Mrs. Lamir.

A. They weren't that pleasant.
Q. I'm sorry.
A. They weren't that pleasant.
Q. Why.
A. Because I'd mostly clean and do stuff for her.
Q. Now, was there a time when your mother and your father became separated.
A. Yes.

Q. And do you recall approximately when that was.

A. That was during my sophomore year.

Q. And during that year, do you remember about whether it was in the spring part of that year or the fall --

A. The beginning.

Q. Now, when your father and your mother separated, where did the family -- where did you stay. Where did you live after that.

A. Me and my mom and my brothers stood at the East L.A. apartment.

Q. So he moved out.

A. Yes.

Q. Do you remember what school you were in at the time your father left.

A. I was still in the Hollywood High School.

Q. And so that would have been -- how many years did you go to Hollywood High School.

A. Two.

Q. And that would have been what years. I mean, in terms of the four years --

A. 2000. Or -- 2001.

Q. But is it like senior-junior. Junior-sophomore.

A. Well, when he left.

Q. Well, how many years did you go to Hollywood High.

A. Two.

Q. Okay.

A. Freshman and sophomore.

Q. Okay. That’s what I was trying to get at. Now, after Hollywood High School, where did you go your junior year.

A. Roosevelt High School.

Q. And how far is Roosevelt High School from the place where you lived at Soto Street.

A. Three lights. It’s four blocks or so. It’s not that far.

Q. And how -- this would have been your junior year now.

A. Yes.

Q. And did you complete the whole junior year at Roosevelt.

A. Yes. Well, most of it. I finished my sophomore year there.

Q. All right. So you didn't complete two full years at Hollywood.

A. No, I left right before my sophomore year ended at Hollywood High School.

Q. And then the next year, you took up at Roosevelt.

A. Yes.

Q. And this would have been your junior year.

A. Yes.

Q. Now, at the time that you -- that your father left, you folks still lived at Soto Street, correct.

A. Yes.

Q. At the time that you went to school at Roosevelt, where did the family live.

A. We still lived at the East L.A. apartment.

Q. Is that -- what's the address there, the street at least.

A. Yeah, the Soto Street apartment.

Q. Let's just refer to it as the Soto Street apartment.

A. Okay.

Q. So everybody knows what you're talking about when we talk about that. Okay.

A. Okay.

Q. Now, during the time that you were living at the Soto Street apartment, during the summer, did you ever go to any academies.

A. Yes.

Q. Now, I'm going to show you another picture.

A. Okay.

MR. SNEDDON: I think what I'll do, I'll save us some time here, Your Honor.

Q. All right. I have three more photographs. And let’s take these and put them up here out of the way, so we don’t get them mixed up. And, first of all, let’s just start with these three.
A. Okay.
Q. And I’m just going to ask you a couple of questions. Do you recognize the person depicted in that photograph.
A. Yes.
Q. Is that an accurate depiction of what she looks like.
A. Not right now.
Q. Not right now. But I mean --
A. Not her hair.
Q. Not her hair right now.
A. But, yes.
Q. Okay. And the next person -- the next photograph, which is 35.
THE COURT: What exhibits are you referring to.
MR. SNEDDON: I think I mentioned it was 31, Your Honor.
THE COURT: Thank you.

MR. SNEDDON: And the next one is 35.
Q. Do you recognize that.
A. Yes.
Q. And is that an accurate depiction of the person.
A. Yes.
Q. Okay. And let’s go to the next one, which is -- move your hand back a little -- 338. Do you recognize that.
A. Yes.
Q. Is that an accurate depiction of the people depicted in there.
A. Yes.
MR. SNEDDON: Move they be admitted into evidence.
MR. MESEREAU: No objection, Your Honor.
THE COURT: Admitted.

MR. SNEDDON: All right. If we could have the lights down for just a second.

Q. And I want to direct your attention to the exhibit marked as 31 in evidence. No, not that one. I'm sorry, my fault. There. 31.

Do you recognize that person.

A. Yes.

Q. Who is that.

A. That's my mommy.

Q. It's your who.

A. Mommy.

Q. You say she doesn't look like that now, because her hair -- what's different.

A. Her hair is darker and shorter.

Q. Other than that, it looks like your mom.

A. Yes.

Q. All right. The next one, let's go to 35.

All right. Who's that.

A. That's David.

Q. David who.

A. My father.

Q. All right. Let's go to the next one.

All right. Do you recognize that photograph.

A. Yes.

Q. And what was the occasion for this particular photograph; do you remember.

A. Just taking pictures of each other. And I had my Explorer uniform on. So we just went and took pictures.

Q. Okay. What -- you say your "Explorer uniform on." What do you mean by that. What is an Explorer.

A. I worked with the Los Angeles Police Department.

Q. And how long did you work for them.

A. For about a year.

Q. Did you have to go to some kind of training before you could work for the department.

A. Yes.
Q. And what kind of training did you go to.
A. It was a little academy. It was about 12 Saturdays during the summer.
Q. And then at the end, there’s a --
A. A graduation.
Q. And then you get a uniform.
A. Yeah.
Q. Is that what you wore to work when you went to work.
A. Yeah.
THE COURT: What exhibit number is it.
MR. SNEDDON: 338, Your Honor.
All right. You can take that photograph down, and we can get the lights back on, Your Honor.
Q. Now, you told the ladies and gentlemen of the jury that at some point in time you had gone to the ranch, Mr. Jackson’s ranch, Neverland Valley Ranch. Did -- to your knowledge, did Mr. Jackson ever give the family any presents.
A. Yes.
Q. Now, with regard to your going to the police academy, were any of those presents used in connection with that.
A. What do you mean.
Q. Well, just what I said. Were there any things that Mr. Jackson gave you that were used in --

A. Yes.
Q. What.
A. It was a white Bronco.
Q. So Mr. Jackson gave you folks a car.
A. Yes.
Q. Do you remember when that was.
A. That was during Gavin’s cancer.
Q. Do you remember when it was in relationship to the academy, how much before you started the academy.
A. How long did we keep it.
Q. Let me go back and ask you another question.

When you went to the Explorer’s academy --

A. Yes.

Q. -- was this during the summer or was it during the school year.

A. It was during the summer.

Q. And do you remember between what grades it was.

A. Freshman -- freshman and sophomore, I think it was. Yeah, because I was -- I graduated in 2001. The academy was in August. It ended in August. I started it -- I joined the Explorers in May. The academy ended in August.

Q. And who took you to the academy on Saturdays.

A. My mom did.

Q. And how did you get there.

A. We would take the white Bronco.

Q. Do you know how long you’d had that Bronco before you started the academy.

A. It was given to Gavin like in the middle of his cancer, so like six months or so before that.

Q. And do you know what happened to the Bronco.

A. It started stalling and started breaking down, and just wouldn’t turn on anymore.

Q. Okay. Did you keep it at the house.

A. Yes.

Q. What happened to it after that.

A. Somebody came and picked it up and took it away.

Q. Did you ever see it again.

A. No.

Q. Now, were there other things that you did with Chris Tucker, other than going to the Neverland Valley Ranch with him.

A. Yes.

Q. What other things did you do with Chris Tucker.

A. He took us to the Oakland game. We went --

Q. Oakland --

A. Raiders game.

Q. Okay.

A. And we would just go to his house. And sometimes I would go sleep over Aja's house.
Q. Who is Aja.

A. That's Chris Tucker's fiancee.
Q. Any other occasions you recall being places with Mr. Tucker.
A. Not that I remember right now.
Q. At some point in time, you went back to the ranch on another occasion; is that correct.
A. Yes.
Q. Other than the first one you've talked about.
A. Yes.
Q. Tell the ladies and gentlemen of the jury about that.
MR. MESEREAU: Objection; vague.
THE COURT: Sustained.
Q. BY MR. SNEDDON: All right. Do you recall approximately when it was you went back to the ranch.
A. About a year.
Q. What time of the year was this, now.
A. I think it was during the summer. I really don't remember.
Q. Okay. Let me ask you this, because that was probably a bad question on my part: When you went back to -- to the ranch with regard to the Bashir filming that you've described to us --
A. Yes.
Q. -- do you remember when that was. What time of year was that.

A. That was in November. The Bashir taping.
Q. Who went.
A. Me and my brothers.
Q. And how did you get there.
A. A limo came and picked us up.
Q. And when you got to the ranch, could you tell the jury, what was the first thing that

happened after you got out of the limo.

A. We walked to -- in the entrance, in the back entrance. Then Mr. Jackson came and met us.

Q. All right. What part of the house were you in.

A. In the back of -- right before you get to the kitchen. There's like refrigerators and stuff right there.

Q. Now, when you went into the house, did your brothers go with you.

A. Yes. We all three went in at the same time.

Q. Could you tell the ladies and gentlemen of the jury what happened when Mr. Jackson appeared.

A. He told me and Star -- he told me and Star to excuse him, that he needed to talk to Gavin for a couple minutes.

Q. And did you see where Mr. Jackson went.

A. They walked into the main dining room.

Q. You say "they." Who is that.

A. Gavin and Mr. Jackson.

Q. And is that an enclosed area.

A. Yeah. It has a swinging door. You can close it.

Q. So they went on the other side of the swinging door.

A. Yes.

Q. And how long were Mr. Jackson and your brother gone.

A. About five, ten minutes.

Q. Now, after -- after they -- after that, what happened.

A. They did the taping.

Q. All right. When you say "They did the taping," will you tell them what you saw. Where were you.

A. I was standing inside the kitchen. And they were sitting down in the little sitting area right in front of the kitchen.

Q. So you could see what was going on.

A. Yes.

Q. And did you see your brother interviewed.

A. Yes.

Q. Was there another part of the time that you were there that -- where you were filmed.

A. Yes.

Q. And where did that occur.

A. Inside the kitchen.

Q. What was going on.

A. Gavin and Star were doing their little Navy marching thing. And I was standing there talking to Mr. Jackson.

Q. Now, when the three of you went to the ranch that day, you were picked up on the limo and taken to Mr. Jackson’s ranch, did you know what the purpose of the trip was.

A. No.

Q. Did you discuss it with your brothers at all.

A. No.

Q. Did you know there was going to be a film that day.

A. I think I remember just -- when we got there, we saw -- we thought it was just one of his, like, personal tapings.

Q. What do you mean by “personal tapings”.

A. Well, because there had been a previous video that he taped of him and Gavin and Star.

Q. After the filming was completed, did you stay at the ranch.

A. Yes.

Q. Did your brothers, to your knowledge, stay at the ranch.

A. Yes.

Q. How long did the three of you stay.

A. Just that night.

Q. And so you left the next day.

A. Yes.

Q. Now, Mr. Jackson; did you see Mr. Jackson after that.

A. After they were done with the taping, he left.

Q. So how long, in your estimation, were you there in Mr. Jackson’s house with Mr. Jackson from the time that you first walked through the door to the time that Mr. Jackson walked out. How long do you think that was.

A. Half an hour, 45 minutes.

Q. Did your mom go with you.

A. No.

Q. Now, at the time that you were called by Mr. Jackson -- strike that.

At the time you were called and you went to the ranch for the Bashir filming --

A. Yes.

Q. -- where were you living.

A. We were living at the East L.A. apartment.

Q. And who was living there.

A. Me, my mom and my brothers.

Q. And where were you going to school.

A. Roosevelt.

Q. After the time that you -- well, let me just ask one other thing here. Are you familiar or acquainted with a person by the name of Jay Jackson.

A. Yes.

Q. And who, to your knowledge, is Jay Jackson.

A. He’s my stepfather.

Q. And do you remember approximately when it was you first met Mr. Jackson, Jay Jackson.

A. It was after the Bashir taping, I think. I don’t -- yeah.

Q. And to your knowledge, what is Mr. Jackson’s profession or occupation.

A. He’s a major in the Army.

Q. And was he a major in the Army at the time that you first met him.

A. Yes.

Q. And to your knowledge, did Mr. Jackson and your mother begin to date.

A. Yes.

Q. Now, after the Bashir filming, did something

unusual happen with regard to people coming around the house.
A. Yes.
Q. Would you tell us what happened.
A. Well, a couple of British reporters came to the East L.A. apartment.
Q. Do you know of your own personal knowledge -- well, were you there when they came.
A. Yes.
Q. And who did they want to talk to.
A. They wanted to talk to Gavin.
Q. Was your mother there when they came.
A. Yes.

Q. Who else was there.
A. Me and my brother and Jay.
Q. Did anybody actually do an interview with them that day.
A. No.
Q. Now, where do your grandparents live.
A. They live in El Monte.
Q. And in relationship -- I know this is kind of -- but just give us a rough estimation. How far is it from where they live in El Monte to where you lived on Soto Street in East Los Angeles.
A. Without any traffic, about 20, 30 minutes.
Q. Now, were you ever present at your grandparents when any reporters came.
A. Do you mean during that time that --
Q. Yeah.
A. No.
Q. During that time.
Now, at this point in time, where the reporters came to the Soto Street apartment - okay. - what high school were you going to.
A. Roosevelt.
Q. Still at Roosevelt.
A. Yes.
Q. And still living in the apartment.
A. Yes.
Q. Shortly after that -- let me go back. Do you -- do you have a cell phone.

A. Right now, yes.
Q. Did you have a cell phone then.
A. No.
Q. And so if you wanted to call your mother, how did you do that.
A. I would call her from the pay phone.
Q. Did you have a practice or a custom of doing that.
A. Yeah. I would always call her probably during my lunch or right before I would get on the bus to go home, just to say hi or tell her I’m coming home, or see how the boys are doing.
Q. Do you consider your family a close family.
A. Very close.
Q. And what do you mean by that.
A. Well, me and my brothers especially were very close because of what we’ve gone through with my father and stuff.
Q. When you -- when you meet somebody, how do you greet them.
A. We hug them.
Q. Even if it’s the first time.
A. Yes.
Q. And you did that to me, didn’t you.
A. Yes.
Q. You do it to everybody.
A. Yes.
Q. Who taught you to do that.

A. My mom did.
MR. SNEDDON: Your Honor, I -- it’s eleven o’clock. Is that not the right time. I’m sorry. Okay. I just want to make sure.
THE COURT: You sure like those breaks, don’t you.
(Laughter.)
MR. SNEDDON: Well, when your stomach starts growling, it’s telling you something. You don’t, so....

Q. All right. Now -- one of your better ones. Did you at some time talk to your mom on the phone and learn that you were going to be going on a trip.

A. Yes.

Q. Could you tell the jury about that.

A. I called my mom, just a regular phone call, and then she said that --

MR. MESEREAU: Objection; hearsay.

THE COURT: Sustained.

Q. BY MR. SNEDDON: So you called your mom on the phone.

A. Yes.

Q. And without telling us what was said, did your mom talk to you.

A. Yes.

Q. And as a result of what your mom told you, did you do something.

A. Yes.

Q. Okay. What did you do.

A. Went -- we went to the East L.A. apartment and then Adrian came and picked me up.

Q. When you went to the East L.A. apartment, was your mother there.

A. No, she wasn’t.

Q. Were your brothers there.

A. No.

Q. And do you know who Adrian is.

A. Yes.

Q. Who’s Adrian.

A. He’s kind of like Chris Tucker’s assistant/friend.

Q. And before you got in the car with this Adrian, did you do anything while you were at the house.

A. Tried to gather some things. I didn’t really have that many clothes there.

Q. Why did you do that.

A. Because we were going on a trip.

Q. Did you understand where you were going.

A. Yes.

Q. Where.

A. Miami.

Q. Okay. So you packed some clothes. And then Adrian took you where.

A. He took me to Chris Tuck -- Chris Tucker's house.

Q. Do you know where Chris Tucker lives.

A. Yes.

Q. Or lived at that time.

A. Yes.

Q. Where.

A. He lives off Reseda Boulevard. I don't know what city it is. All I know is the street we get off to go to his house on the freeway.

Q. And when you got to Chris Tucker's, who was there.

A. My mom, my brothers, Chris, the bus driver. I don't -- I don't remember.

Q. All right. When you all -- when you arrived at Chris Tucker's, at any point in time did you leave.

A. Yes.

Q. Where did you go.

A. We left in Chris Tucker's private bus and he took us to a jet.

Q. Took you where.

A. To a private jet.

Q. And you say "us." Could you tell us who "us" were.

A. Me, my brothers and my mom.

Q. All right. Was there anybody else on the bus.

A. Chris.

Q. Any of his family.

A. No.

Q. And do you know where -- you ended up at an airport somewhere. Do you know where it was.

A. No. I don't remember. It was dark.

Q. So you got into -- now, was this like a commercial airline, plane.
A. It was a private jet.
Q. All right. And who got on the plane.
A. Me, my brothers, and my mom and Chris.
Q. Were there any other people on the plane.
A. Besides the pilot and the flight attendant, no.
Q. So there was a flight attendant.
A. Yes.
Q. Was that a male or a female.
A. Female.
Q. Now, about what time is it when you finally got to the airport.
A. It's nighttime. Like early night.
Q. Was it light or dark.
A. Dark. Starting to fade.
Q. And you flew -- how long did the flight last.
A. Five, six hours.
Q. And do you know where you were when you landed.
A. Miami.

Q. Is that the first time you'd ever been in a private jet.
A. Well, we went to Oakland in a private jet, too, when he took us to the Oakland game.
Q. Mr. Tucker.
A. Yes.
Q. So that's the second time you've been in a private jet.
A. Yes.
Q. On this particular occasion when you were flying with Mr. Tucker, by this time, how long had you known him.
A. For a while.
Q. Had you already been to his brother's wedding.
A. Yes.
Q. And you'd already been to his house.
A. Yes.

Q. Did you consider him a good friend.

A. Yes.

Q. Now, tell us what happened when you got to Miami.

A. We got off the plane. We went to Chris Tucker's room for a while. We chatted. And then we went to our room.

Q. Do you remember the name of the place that you stayed at.

A. I just know it was a resort.

Q. Was it a nice resort.

A. Yes.

Q. Now, in relationship to where your room was, where was Mr. Tucker's room.

A. I don't know. In a totally different building.

Q. And do you remember, in terms of the building that you were in with your room, on what floor it was.

A. I don't remember. I think it was the sixth floor. I'm not sure. I don't remember.

Q. It wasn't the bottom floor.

A. No.

Q. And on -- after you visited with Mr. Tucker, you said you went back to your room. When you say "you," who was with you.

A. My mom, my brothers and me.

Q. Were you all in the same room.

A. Yes.

Q. Now, when you got back to your room that night, what did you do.

A. Went to sleep.

Q. And then the next morning, what did you do. Do you remember what time you got up.

A. Early afternoon. And we got up and we went to go see Mr. Jackson.

Q. Now, when you went to see Mr. Jackson, where did you go in that building.

A. One floor up.

Q. And where was your room in relationship to his room. I mean, it’s one floor up, but do you --

A. Pretty much right on top of ours.

Q. When you got into Mr. Jackson’s room, can you describe what the room looked like.

A. It was very big. It had a kitchen, a living room, bedroom, a little dining room area. And then there was another room connected.

Q. With regard to the bedroom, was there a door that led from the open area in the living room area that you described to the bedroom.

A. Yes.

Q. So you could close the door.

A. Yes.

Q. It isn’t like a regular hotel where there’s just a bed there and everyone’s all in the same room with the bed.

A. Yeah, it’s different.

Q. Now, when you were in Mr. Jackson’s room, did you meet some people there for the first time.

A. Yes.

MR. MESEREAU: Objection; foundation.

THE COURT: Overruled.

Q. BY MR. SNEDDON: I’m sorry, I didn’t hear your answer.

A. Yes.

Q. Now, when you first got there, were you introduced to some people, you personally. Were you introduced to some people.

A. Yes.

Q. Was Mr. Jackson there when you got there.

A. Yes.

Q. Did Mr. Jackson introduce you to anybody.

A. Yes.

Q. Who did Mr. Jackson introduce you to.

A. To Dieter and Ronald.

Q. Do you know Dieter’s last name.

A. No.

Q. Do you know Ronald’s last name.

A. No.

Q. Did he introduce you to anybody else.

A. Two younger kids that were there too.

Q. Just using their first names, do you know the first names of those children.

A. Marie Nicole and Aldo.

Q. Now, did you at some point meet anybody who was related to those two children.

A. Yes.

Q. And who was that.

A. Frank.

Q. And do you remember Frank’s last name.

A. Yes.

Q. What is it.

A. Tyson.

Q. And where was it that you met Mr. Tyson.

A. There, but I had heard of him before.

Q. You what.

A. I had never officially met him until being at the resort.

Q. At the time that you met the people you referred to as Dieter and Ronald, was Mr. Tyson in the room at that time, or did he come in later.

A. I think he came in later.

Q. And who introduced you to Mr. Tyson.

A. I think it was just a hi to each other and introduce ourselves. I don’t remember.

Q. Okay. Were there any other people in the -- in Mr. Jackson’s room other than Mr. Jackson and the people you’ve just described.

A. When we first got there, there was the two nannies and the three kids.

Q. Okay. Now, the two nannies. Did you ever learn their names.

A. I just know one of their names.

Q. And who was that.

A. Grace.

Q. You don’t know Grace’s last name.

A. No.

Q. And you say “the three children.” Are you talking about Mr. Jackson’s children.

A. Yes.

Q. And did -- were they -- they were in that room at the time you got there.

A. Yes.

Q. Now, if we can just go back just a moment. Do you remember about what time it was when you first got to Mr. Jackson’s room and you entered the room and were introduced to Dieter and Ronald and saw the children.

A. Yes.

Q. What time was it.

A. Early afternoon.

Q. So you guys slept in, huh.

A. Yeah.

Q. And do you recall -- what was the first thing that occurred there after the introductions.

A. We just sat down, just -- I don’t remember really. We just sat down or played around, like with the kids and stuff.

Q. You played with the kids.

A. Yeah, just --

Q. What kids.

THE COURT: She needs to speak up, Counsel.

THE WITNESS: Prince and Paris.

Q. BY MR. SNEDDON: Now, were your brothers with you.

A. Yeah, they were in the same room.

Q. Did you at any point in time see the defendant in this case, Mr. Jackson, and your brother Gavin go back into Mr. Jackson’s bedroom.

A. Yes.

MR. MESEREAU: Objection; leading.

THE COURT: Sustained.

MR. MESEREAU: Move to strike.

THE COURT: Stricken.

Q. BY MR. SNEDDON: Could you tell us whether or not at some point in time on that particular day, when you were in that particular room with those particular people, that the defendant went anywhere with your brother.

A. Yes.

Q. Okay. Would you tell us where.

A. He pulled him aside into his room.

Q. I couldn’t hear you.

A. He pulled him aside into his room.

Q. Can you tell us whether or not the door was open or closed after they went into his room.

A. It was shut.

Q. To your knowledge, did anybody else go in the room with them at the time that they went in the room and closed the door.

A. Not that I remember.

Q. Do you recall how long they were in there.

A. For 15, 30 minutes. I don’t -- for a while. I don’t know approximately timewise.

Q. Were there -- were there any other times while you were in the room that day that the defendant in this case, Mr. Jackson, and your brother Gavin went into that room again.

A. A couple of times.

Q. So how many times in total do you think it was that your brother Gavin and Mr. Jackson went back into his bedroom.

A. About two, three times.

Q. And on those occasions, can you tell us whether or not, like the first time, the door was closed or open.

A. It was closed.

Q. And like on the first occasion, to your knowledge, did anybody else go in there with them.

A. Not that I remember.

Q. Now, how long did you stay in Mr. Jackson’s suite.

A. All day.

Q. Do you remember about what time it was you left.

A. Nighttime, when we were going to go to sleep.

Q. So was it light or dark outside.

A. Dark. We don’t really know, because all the windows were shut, all the curtains were closed.

Q. But you were tired, huh.

A. Yeah. It was -- it had to be night.

Q. Now, at any time on that particular day when you were in Mr. -- let me just go back and make sure we lay the foundation of this correctly so everybody understands.

You got there at some time in the afternoon, and you don't leave till sometime at the night.

A. Yes.

Q. Correct. Did you ever leave that room.

A. No.

Q. Mr. Jackson's complex there.

A. No.

Q. To your knowledge, did Gavin ever leave that room.

A. No.

Q. And to your knowledge, did Star ever leave that room.

A. No.

Q. Now, at some time during the time that you're in Mr. Jackson's complex and the rooms that he has there, did you see your brother Gavin act in what you considered, in your opinion, to be peculiar.

MR. MESEREAU: Objection. Leading; vague.

THE COURT: It's leading.

Q. BY MR. SNEDDON: Could you the tell the ladies and gentlemen of the jury whether or not you observed anything unusual about your brother's behavior that night.

A. He was just very hyper.

Q. Describe what you mean by that.

A. Very talkative. Running around. Very, very playful.

Q. Why did you consider that noteworthy.

A. I don't know. It was just more than usual. Like more talkative, more jumpy and stuff.

Q. Now, on that particular evening -- let me strike that.

During the time that you were in Mr. Jackson’s suite, did Mr. Jackson -- can you tell us whether or not Mr. Jackson ever said anything with regard to any of the programs that were going to be seen on the television that night.

A. Yes.

Q. All right. What did he say.

A. For us not to watch it.

Q. Watch “it”; what’s “it”.

A. The Bashir documentary.

Q. How do you know he was talking about the Bashir documentary.

A. Because he said, “The Bashir tape.” Well -- yeah.

Q. Do you recall what his attitude was towards that at the time that he said it, or his demeanor.

A. Kind of like upset about it; didn’t want to see it.

Q. At any point that night -- I’ve talked to you about you and your brothers. At any point while you were in Mr. Jackson’s room that night, did your mother leave.

A. No. Well, yeah, at one point she did.

Q. Okay. When was that.

A. During the Bashir taping.

Q. How do you know it was during the Bashir taping.

A. Because Mr. Jackson already had said for us not to watch it.

Q. And then she left.

A. Yeah, she went downstairs to our room.

Q. And what happened. When your mother left, did anybody else leave after that.

A. Well, they came and asked where she was. And then I told them that she was downstairs, because she had a headache. And they went down and got her.

Q. And she came back up to the room.

A. Yes.

Q. Do you remember who it was specifically who went to get her.

A. I think it was Frank.

Q. Mr. Tyson.

A. Yes.

Q. All right. Let's show you some more photographs at this point.

MR. MESEREAU: Oh, I'm sorry. Beg your pardon.

MR. SNEDDON: All right. I have a series of photographs that I've shown to counsel and I'd like to be able to show them to the witness. I'll identify them by number.

THE COURT: All right.

Q. BY MR. SNEDDON: I'm going to put these down here for just a second. And before I ask any questions, I'm going to move these others up here. All right. With regard to the one that's in front of you, that's People's No. 48 for identification, do you recognize that photograph.

A. Yes.

Q. Is that an accurate depiction of that particular individual.

A. Yes.

Q. Okay. Why don't you just turn that over on top of that binder right there for just a second.

A. This.

Q. Not that way. No, no, no. All right. There you go. Okay. The next one is People's No. 43 for identification. Do you recognize that person.

A. Yes.

Q. And who is that. Don't tell me who it is. With regard to that, is that an accurate depiction of that individual.

A. Yes.

Q. Flip that one over the other way. Flip them this way so the jury doesn't see them.

A. Oh.

Q. With regard to the next one, which is

People's 22, do you recognize the person depicted in that photograph.

A. Yes.

Q. Is that an accurate depiction of that person.

A. Yes.

Q. Okay. Perfect.

And the next one is People's 21. Do you recognize that person.

A. Yes.

Q. Is that an accurate depiction of that individual.

A. Yes.

Q. Okay. And People's No. 20 for identification, is that an accurate depiction of that particular person.

A. Yes.

Q. All right. Flip that one over, if you would.

And do you recognize that person.

A. Yes.

Q. Is that an accurate depiction of that particular person.

A. Yes.

Q. Okay. Let's go on to the last one.

THE CLERK: Judge, we need a number.

THE COURT: What's the number on the last one.

MR. SNEDDON: 18. Sorry.

Q. And with regard to the next one, which is People's 17, do you recognize that person.

A. Yes.

Q. Is that an accurate depiction of that particular person.

A. Yes.

Q. And why don't you flip them over and take them all and put them right side up, and I'm going to ask you some questions about it. Perfect.

Okay. Let's start with the one that has --

it's probably on the bottom, but People's 17.
And, Your Honor, if we could have the -- I move that those be admitted into evidence.
MR. MESEREAU: No objection, Your Honor.
THE COURT: They're admitted.
Q. BY MR. SNEDDON: All right. We're now -- People's 17. Do you recognize that person.
A. Yes.
Q. Who is that.
A. That's Dieter.
Q. And where was that person -- when were you first introduced to that person.
A. In Mr. Jackson's hotel room.
Q. And where, in what town.
A. Miami.
Q. Okay. Turn that one over, if you would.
Now, with regard to the individual -- I'm sorry, Gordon.

All right. With regard to this particular individual that you know by the name of Dieter -- okay. -- after you were introduced to this person Dieter, did you -- could you tell us whether or not he remained in the suite that day.
A. He came in and out.
Q. And when he came in and out, did you see whether or not he had any interaction with the defendant in this case, Mr. Jackson.
A. Yes.
Q. What kind of interaction.
A. They would go in the room and close the door.
Q. In which room.
A. Mr. Jackson's room.
Q. The same one Gavin went in.
A. Yes.
Q. Do you remember on how many occasions that occurred.
A. Several. I don't know.
Q. How many is "several".
A. Two, three.
Q. Okay. Now, let's go to the next one, which

is I believe 18. It’s probably on the bottom. I think I -- there you go.

All right. Do you recognize the person in People’s 18.

A. Yes.

Q. Who is that.

A. That’s Ronald.

Q. That’s the person you were introduced to as Ronald.

A. Yes.

Q. Now, at the time you entered the suite, did you see this person Ronald that day and did he stay, or leave, or what.

A. He would go in and out also.

Q. When you say “in and out,” do you mean in and out of the --

A. Of the hotel room.

Q. Do you know whether or not he ever had any interaction that day with Mr. Jackson.

A. Yes.

Q. And what kind of interaction did he have.

A. He would go in the room also and close the door.

Q. Now, when you said he would go in the room and close the door with Mr. Jackson, were there any other people that would go in and out with them.

A. Dieter.

Q. So it was the three of them.

A. Yes.

Q. All right. Let’s go to the one that’s marked as People’s 20. Do you recognize that person.

A. Yes.

Q. And who is that.

A. That’s Frank.

Q. Do you know his last name.

A. Mr. Tyson, yes.

Q. That’s how you knew him by.

A. Frank, yes.
Q. Now, with regard to this particular individual, was he in the room also during that day.
A. Yes.
Q. Was he there the entire time or did he come and go.
A. He would come and go also.
Q. Was he ever -- did you ever see him interact with Mr. Jackson that day.
A. Kind of talking, but I don’t remember really.
Q. Can you tell us whether or not --
MR. SANGER: I’m sorry, Your Honor, it’s hard to hear the answer.
Q. BY MR. SNEDDON: Can you lean in and tell us again. Did he have any interaction with the defendant that day, Mr. Jackson.
A. Yeah, they would talk, but I don’t really remember.
Q. Did Mr. Tyson go back in the room when Mr. Jackson would go in the room with this person Dieter and this person Ronald.

A. I don’t remember if it was with them, but I think I saw him once. I don’t remember.
Q. All right. Let’s go to the next one, which would be 21 for -- right. Do you recognize the person depicted in that photograph.
A. Yes.
Q. And what is that person’s name.
A. Aldo.
Q. The first name.
A. Aldo.
Q. And did he have a nickname that he went by.
A. Yes.
Q. What was it.
A. Baby Rubba. Baby Rubba.
Q. Okay. And was this person in the suite that day.
A. Yes.
Q. And do you know whether or not this particular individual left that day.

A. No.

Q. He was there the whole time that you were there.

A. Yes.

Q. At the time that you first met this person Aldo, do you recall what age he was.

A. Around Star’s age. I don’t remember.

Q. All right. Let’s go to the next photograph, which would be 22. Do you recognize that person.

A. Yes.

Q. And who is that.

A. Marie Nicole.

Q. And with regard to this particular person, was she in the suite -- did she remain in the suite after you were introduced to her.

A. Yes.

Q. And do you know whether or not she left at any time before you did.

A. No.

Q. And we have one left.

A. Two left.

Q. Two left, okay. And with regard to -- what’s the number on this one.

A. 43.

Q. 43. With regard to 43, who is that.

A. That’s Grace.

Q. That’s the person you knew as Grace.

A. Yes.

Q. Did you know what Grace’s responsibilities were for Mr. Jackson.

A. She was the nanny.

Q. And by “nanny,” what do you mean.

A. She took care of the kids.

Q. And this lady depicted in the photograph, People’s 43, was in the room that day.

A. Yes. For a moment. Yeah.

Q. For a moment.

A. They didn’t stay the whole time.

Q. And we have one last one. And the number on that is.
A. 48.
Q. All right. And People’s 48, who’s that person.
A. That’s my stepfather, Jay Jackson.
Q. All right.
I think we can turn the lights back on, Your Honor.
The night following -- well, let me go back.
Did you see any other activities on this -- the day we’re talking about, okay, when you were in the suite and you got there in the afternoon and you stayed there till late at night, just so we know we’re talking about the same day, did you see any other occasions where your brother Gavin would go somewhere with Mr. Jackson.
A. No.
Q. So --
A. We stood in the suite the whole day.
Q. Okay. Now, after that evening, you left. Where did you go. Where did “you” go.
A. Straight to my room.
Q. And did anybody else go with you.
A. Well, me, my brothers and my mom.
Q. So you all left at the same time.
A. Yes.

Q. When you went back to your room that evening, did you leave the room at any time.
A. No.
Q. Now, the next day when you got up, what did you -- what was the first thing you did, if you recall, of significance.
A. Just went straight up to Mr. Jackson’s room.
Q. I’m sorry.
A. We just went straight up to Mr. Jackson’s room.
Q. All of you.
A. Yes.
Q. Or just you.
A. All of us.

Q. Now, on this particular day, did you get some kind of a treat.

A. This is the last day that we were there. This is the last day, we got -- I got a manicure and pedicure.

Q. And how did that come about.

A. Well, me and Chris Tucker and Gavin, Star, went to, like, the spa area.

Q. You have to speak up.

A. Me and Mr. -- Chris Tucker and my brothers, we all went to the spa area.

Q. Okay. And you got --

A. I got a manicure and pedicure, and the boys and Mr. Tucker got massages.

Q. Now, on this particular day, after that, did you leave.

A. Yes.

Q. Where did you go.

A. We went to the ranch. Neverland Ranch.

Q. How did you get there.

A. On a private jet.

Q. And who was on the jet.

A. Me, my brothers, Paris and Prince, and Prince the II, Mr. Jackson, Grace, another nanny, Marie Nicole, Aldo, and I think Mr. Jackson’s doctor.

Q. And was Mr. Jackson on the plane.

A. Yes.

THE COURT: Is this a good place for a break.

MR. SNEDDON: I want to keep going, Judge.

THE COURT: We’ll take our morning break.

(Recess taken.)

THE COURT: Go ahead.

Q. BY MR. SNEDDON: Before we start talking about the plane ride from Miami, I want to go back and -- go back, if we could.

A. Okay.

Q. From the time that you left - okay. - till the time that you left with Chris Tucker on the plane to Miami, did you have any contact with your father.

A. Yes.

Q. On how many occasions.

A. Once or twice.

Q. I'm sorry.

A. Once or twice.

Q. Was there on one occasion that led to a situation where you ended up talking to law enforcement authorities.

A. Yes.

Q. And you ended up having to go to court.

A. Yes.

Q. And testify against your father.

A. Yes.

Q. And you were the victim.

A. Yes.

Q. Since the time that that occurred until you left to Miami, have you ever seen your father, had any contact with him.

A. No. Not personally.

THE COURT: Counsel, I'm sorry to interrupt you, but my feed isn't working here.

(Brief interruption.)

Q. BY MR. SNEDDON: Just moving to another event now, and just going back and filling in some details I left out while you and I were talking earlier this morning, you recall earlier that you testified that there was a point where some media people came to your door at your apartment.

A. Yes.

Q. Do you recall that.

A. Yes.

Q. Do you remember how -- how that -- how many days that was before you left for Miami.

A. A couple of days before.

Q. I'm sorry, I couldn't hear the answer.

A. A couple days before.

Q. Did it happen on more than one occasion.

A. My grandma had called us and said there was media at her house, but other -- to the apartment, no.

Q. Now, one last thing, and then we'll get back on the plane there in Miami.

Your senior year in high school, where did you go to high school.

A. Mountain View High School.

Q. What community is Mountain View High School located.

A. In El Monte.

Q. Where did you live while you were going to Mountain View High School.

A. With my grandmother.

Q. And they live in where.

A. El Monte.

Q. Now, after you graduated from high school, where did you -- where did you live. With your grandparents or somebody else.

A. We went back to live with my parents.

Q. With your parents meaning.

A. Jay Jackson and my mom.

Q. Have you lived there continuously since that time.

A. Yes.

Q. How would you describe your relationship with your stepfather.

A. Very nice relationship. Very, very loving. I love him a lot.

THE COURT: Mr. Sneddon. This is a good place to interrupt.

I'm not sure if it's catching up. It's going back through the -- this morning.

THE REPORTER: It will eventually catch up.

MR. SANGER: It's doing the same for us, if that's of any consolation.

MR. ZONEN: Us too.

THE COURT: That's no consolation.

I'd like to wait a minute, if we could, so we catch up.

(Brief interruption.)

THE COURT: All right. I think we can go

forward now.

MR. SNEDDON: Thank you, Your Honor.

Q. Okay. We're going to go back now and we're going to start talking about the part of Miami where you're flying, you're getting on a plane in Miami. Okay.

A. All right.

Q. Now, you told us who was on the plane before.

A. Yes.

Q. Now, I want to ask you something. Was there an incident that occurred before you guys got on the plane.

A. Like -- incident how.

Q. Was your mother on the plane.

A. Yes.

Q. And was your mother supposed to be on the plane.

A. No.

Q. Okay. What happened.

A. They didn't want my mom to go on the flight, on the same flight that we were on.

MR. MESEREAU: Objection; hearsay.

THE COURT: Sustained.

Q. BY MR. SNEDDON: Were you present when your mom was having a discussion about who was going to go on the plane.

A. Yeah, she was on the phone.

Q. She was on the phone.

A. Yeah.

Q. And who else was present.

A. I think my brothers were. But it was in our room, but it's when we were getting ready to leave.

Q. Do you know who she was on the phone with.

A. Probably --

Q. To your knowledge, without --

MR. MESEREAU: Objection.

Q. BY MR. SNEDDON: Not something that somebody told you, but to your knowledge.

A. I don’t know.

Q. And how long did that discussion take.

A. They were on the phone for like ten minutes.

Q. And at the end of that conversation, did your mom get on the plane with you.

A. Yes.

Q. Was -- were any people identified to you as security guards on that plane when it left.

A. When it left, there was no security guards on the plane.

Q. On the plane -- where -- let’s just do it this way: You’re on the plane. Where are you seated on the plane in relationship to your brother Gavin.

A. Right across from him.

Q. And who’s sitting next to you, if anyone.

A. Paris is.

Q. Paris.

A. Yes.

Q. And with regard to the defendant in this case, Mr. Jackson, where is he.

A. He’s sitting next to Gavin.

Q. And is there anything in between you and Paris and Gavin and the defendant.

A. We were sitting at, like, a dining room -- like a little table. There were, like, cupholders and stuff.

Q. Now, during the flight, during this flight, did you at any time see Gavin drinking anything.

A. He had a Diet Coke can.

Q. Do you know where he got it from.

A. Mr. Jackson passed it to him.

Q. Did you see him actually drink from the can.

A. Yes.

Q. Do you remember on how many occasions.

A. They were sipping it back and forth.

Q. Now, when they were sipping this -- what kind of a can was it.

A. A Diet Coke can.

Q. When they were sipping this Diet Coke can,

passing it back and forth, was there anything else going on between your brother Gavin and the defendant in this case, Mr. Jackson.
MR. MESEREAU: Objection; vague.
THE COURT: Overruled.
THE WITNESS: They were whispering.
Q. BY MR. SNEDDON: I’m sorry.
A. They were whispering back and forth.
Q. At any time during the time that they were whispering back and forth, did you see Mr. Jackson do anything.

A. He would pass the Diet Coke, they would whisper, and then at one point Mr. Jackson took off his watch and gave it to Gavin.
Q. Did you see Mr. Jackson do that.
A. Yes.
Q. Can you tell the ladies and gentlemen of the jury, when he took the watch off and gave it to Gavin, whether he said anything to him at that time.
A. He was whispering in his ear and then Gavin put it on.
Q. During the course of this flight, did you see Mr. Jackson give Gavin anything else.
A. Yes.
Q. What.
A. The jacket he had on.
Q. Can you describe the jacket.
A. It’s black and it’s sparkly on the back.
Q. Now, do you recall how long the plane ride took from, say, Miami to where you eventually landed.
A. Six, seven hours.
Q. Did you -- were you awake during the whole trip.
A. No, I fell asleep at one point.
Q. Now, your brother Star was on the plane; is that correct.
A. Yes.
Q. And where was your brother Star located on

the plane.

A. There was a bench behind Mr. Jackson and Gavin. I'm -- not exactly behind, but like to the back, my left-hand side, there was a bench. And he would go from right there into a chair that was right in front of them. He would go back and forth.

Q. So this was a plane you could get up and move around on.

A. Yes.

Q. Where was your mom.

A. My mom was sitting behind me in one of the four chairs that's behind us.

Q. During the time that you were on this plane, did you see whether or not the plane had any kind of a telephone on it.

A. Yes.

Q. Where was the telephone located.

A. Right on my right-hand side, on the wall.

Q. And during the time of this ride on the plane, did you see -- can you tell us whether or not that telephone was ever used.

A. I saw Gavin use it once. He was calling one of his friends.

Q. All right. Did you see that on any other occasions.

A. No.

MR. SNEDDON: Excuse me just a moment, Your Honor.

I have an exhibit. This will be 339, I believe, for identification purposes.

(Off-the-record discussion held at counsel table.)

Q. BY MR. SNEDDON: All right. I'm going to hand you People's Exhibit No. 339 and ask you if you recognize that.

A. Yes.

Q. Can you tell the ladies and gentlemen of the jury what that is.

A. The -- how -- the plane, the private jet.

Q. Is that the interior.

A. Yes.

Q. All right. I’m going to hand you this pen. And just hang on to that for a second. Does that diagram accurately represent the interior of the plane as you recall it.

A. Yes.

MR. SNEDDON: I move that it be admitted into evidence, Your Honor.

MR. MESEREAU: I’m sorry, Your Honor. I didn’t hear.

THE COURT: It’s okay. He moved that exhibit into evidence. She identified it.

MR. MESEREAU: There’s still a foundational problem, Your Honor, as to whether that is actually an accurate depiction of the interior of that plane. I don’t think the foundation has been laid.

THE COURT: I’ll admit it. I think that’s a subject of cross-examination.

MR. MESEREAU: Okay.

MR. SNEDDON: All right. We’re going to display something up on the Elmo, Your Honor. And what we’re going to display is 339.

Q. Now, you have the exhibit in front of you, okay. What I want you to do is, I want you to take a felt tip pen, if you would, and I want you to put your initials in the seat in which you were located. Well, first of all, let me do this. Take that light, the black thing with the light, okay, and show the ladies and gentlemen of the jury where you were seated.

A. Right there.

Q. All right. And where was your brother Gavin.

A. Right there.

Q. And where was the defendant.

A. Right here.

Q. And where was Paris.

A. Right here.

Q. Okay. Now, what I want you to do is on the exhibit that you have in front of you, I want you to take that red pen I gave you, and I want you to put your initials in your seat.

Okay. What did you put.

A. “DA.”

Q. That figures.

Now, would you please put the initials for your brother in the seat that he was in on Exhibit 339.

And then put just like an “MJ” for where Mr. Jackson was sitting.

And a “PJ” for where Paris was sitting.

Now, would you show the ladies and gentlemen of the jury with the light again, if you would, where your mother was sitting on the plane.

A. She was sitting in one of these four seats.

Q. So you’re not sure which one of those four.

A. I don’t remember.

Q. So why don’t you just put your mother’s initials right in the middle on the diagram. And you put a what.

A. “JJ.” “JJ.”

Q. “JJ”.

A. Yeah, that’s my mom’s initials.

Q. Oh, Janet Jackson. You threw me for a second. Way ahead of me.

All right. Now, your brother Star, when the plane took off, do you recall where he was.

A. Yes.

Q. Would you show the ladies and gentlemen of the jury.

A. He was either sitting right here or he would

go to this seat.

Q. So he moved back and forth between those seats.

All right. The two seats that you said he moved back and forth between, would you put his initials in those seats on the Exhibit 339. Would you put them in both of them.

Now, I want to direct your attention to where you believed that you saw the telephone. Okay.

A. Okay.

Q. Would you point that out to the jury.

A. Right here.

Q. Okay. And would you put -- you can put -- on the white area, put “TFC,” and then the arrow to where it was located on the exhibit. Would you do that. Good. Thank you.

Now, on the exhibit that looks like a blue series of chairs, do you see that.

A. Yes.

Q. What is that.

A. That’s like a couch.

Q. And you told us that one of those seats was occupied from time to time by your brother Star.

A. Yes.

Q. Who, if anyone, occupied the other seat.

A. Aldo and Marie Nicole were sitting in that area, too.

Q. Do you remember which seats they were in.

A. No, they would switch around.

Q. Why don’t you just go ahead and put their initials, just Aldo and Marie Nicole, in those two seats, just -- and an arrow back and forth. How’s that. Okay.

Now, you told us -- who else was on the plane.

A. Mr. Jackson’s doctor and the two nannies.

Q. Do you know the doctor’s name.

A. No.

Q. Do you know where he was seated.

A. He was in one of the four chairs.

Q. Show us.

A. In one of these chairs.

Q. Okay. Who else was up in that four-chair area besides your mother and this doctor.

A. The two nannies.

Q. Okay. So why don’t you just put “Doctor,” just put a “DR,” just -- and “2-nannies.”

Okay. Now, if we could just move the exhibit a little bit farther to the right, so it shows all the way to the front, or all the way to the end.

Okay. Now, from this particular exhibit, 339, the one that's in front of you, looking at the far left-hand part of the exhibit that's on the board above you, do you see that. What end of the plane is that.

A. This is the back of the plane.

Q. Okay. Could you just write in the white space above it “back” and put an arrow down to that.

Can you tell us, what are the areas depicted in this particular part of Exhibit 339.

A. This is the bathroom. There was an area back -- I don't know. It was an area back here where the flight attendant would make the food and stuff.

Q. Okay.

A. And then the luggage is way in the back.

Q. Okay. So show us the bathroom again.

A. Right here.

Q. Okay. So that little white box that's on the screen there, do you see the little white box. Is that part of the bathroom, on the lower part.

A. Yeah.

Q. Why don't you write “BR” in there.

Okay. We're going to slide the Exhibit 339 all the way to the other end. Okay.

So I take it that would be the front part of the plane.

A. Yes.

Q. So could we just write “front” on there, if you would.

Do you remember where the door to the plane is where you got on.

A. It's right there.

Q. Okay. Do you want to write “door” in that space.

All right. I think we're done with that exhibit. Thank you.

May I have a moment, Your Honor. We can turn the lights back on.

All right. Now, that exhibit that you put in front of you, that's 339, the plane.

A. Yes.

Q. Would you please just write your name on it. Because we're going to have several of those, and we want to make sure that we have your name on it.

Thank you. Now, one other thing that I think that I probably forgot to ask you that needs to be asked: You told the ladies and gentlemen of the jury that your brother had been diagnosed with cancer.

A. Yes.

Q. And that he had had a battle with cancer, and had been going to the hospital and out of the hospital from time to time.

A. Yes.

Q. How long was it before -- how long did it last. How long did that illness last.

A. A year.

Q. And what happened at the end of the year.

A. He was in remission. There was no more -- they couldn't find no more cancer cells.

Q. So it was a year from when it first happened to when it went into remission.

A. Yes.

Q. Can you peg that for us in terms of where you were in your schooling when he actually went into remission.

A. My sophomore year.

Q. Was your father still in the house at the time that he -- that Gavin -- Gavin went into remission.

A. No.

Q. He was already gone.

A. Yes. He had left the month before.

Q. I'm sorry.

A. He had left the month before.

Q. Okay. Let's move back to where we were chronologically. And we're talking about on the plane coming from Miami.

Now, when the plane landed, did you know where you were.

A. We were back in -- near the Neverland Ranch.

Q. And when you got off the plane, where did you go.

A. We got picked up in a limo and we got took to the ranch.

Q. Now, could you tell us, when you got off the plane and you got into the limo, was it night or day.

A. It was night.

Q. Do you remember about what time it was.

A. No. It was just pitch black.

Q. So you got into the limo. And were there any stops between the airport and the ranch, to your knowledge.

A. No. No.

Q. And when you got to the ranch, where did you go.

A. I went to the guest room.

Q. Was it the same one you were in before or a different one.

A. It was the same one.

Q. And do you know -- did you go in your mom's room, wherever your mom was staying.

A. Not that night. Just to say goodnight, but not to stay there.

Q. So you went in there to say goodnight.

A. Yeah.

Q. Where was she staying.

A. She was staying next to me.

Q. Okay. In the guest quarters.

A. Yes.

Q. Now, with regard to your brothers, did you see where they went when you got back to the ranch and got out of the limo.

A. I just seen -- I saw them run off with Mr.

Jackson.

Q. I couldn’t hear you.

A. I just saw them run off with Mr. Jackson.

Q. Did you see in what direction they took off.

A. Towards the main house.

Q. Did you -- how far did you see them go before you went and did something else.

A. I just saw them go into the main house.

Q. So you actually saw them go into the house.

A. Yeah.

Q. Did you see them at all the rest of that night.

A. No.

Q. Now, while you were at the ranch now, had you missed school.

A. No, because I was off track at that time.

Q. What does that mean.

A. I go to -- at that time I was on a year-round school. So I would go to school for three months; get three months off; and go to school for three months.

Q. Now, you told us that when you were -- when you heard about the trip to Miami, you called your mom on a pay phone.

A. Yeah, it was like a couple days before the vacation.

Q. But were you in school at that time.

A. I was in summer -- in like -- they have two

intersessions. One like summer school, but they had it during the winter.

Q. Okay.

A. And I think I was -- I had some classes. That’s why I was at school.

Q. Okay. And were your brothers, to your knowledge, in school.

A. I think they were.

Q. Do you remember which school they were going to at this time. By “this time,” I mean when you’re at Neverland Valley Ranch after you’ve come back from Miami.

A. I think they were in Hollenbeck. But I couldn’t remember. I don’t remember really.

Q. Okay. At any time after you arrived back at the ranch that night, did the person you described previously as Dieter, the one you met in Miami at the hotel --

A. Yes.

Q. -- did you ever see him on the ranch.

A. Later on.

Q. Okay. How many days later was it.

A. I think it was the next day or the following day.

Q. Did you ever see the person that you named as Ronald and identified in the photograph, did you see that person come to the ranch.

A. Yes.

Q. Do you remember when that was.

A. Around the same time as Dieter.

Q. And during the time that you got to the ranch, and when these two individuals arrived at the ranch, did you know whether or not they were staying at the ranch.

A. Yeah. I think so. Because they were there all day from -- I’d see them.

Q. When you saw them, can you tell us whether or not you ever saw them with Mr. Jackson.

A. Yes.

Q. On how many occasions during those first days.

A. Well, anytime I’d really come into the main house --

Q. You have to speak up.

A. Anytime I really, like, passed by the main house, I would see them occasionally talking with each other. But I really don’t remember.

Q. Okay.

A. It was a couple of times.

Q. Did you ever see them meeting and talking in any other places on the location there.

A. No, not that I remember.

Q. Okay.

A. Like later on they would meet in the guest quarters, but -- like Mr. Jackson and Ronald. But not at the beginning.

Q. I couldn't hear that.

A. Like later on --

Q. Okay.

A. -- like Mr. Jackson and Ronald would meet in the guest quarters. But other than that, no.

Q. Okay. That was later on, though.

A. Yes.

Q. Now, did you personally have any contact with the people -- let's say Dieter first. Let's start with the person you described as Dieter. Did you ever have any conversations with him.

A. Couple times.

Q. What were the subjects of the conversations.

A. On the rebuttal film and us going to Brazil.

Q. All right. Let's talk about the rebuttal film, all right. What did Dieter tell you about the rebuttal film. And first of all, let's go back. Where did -- excuse me. Where did that conversation take place.

A. There was one conversation in one of the guest quarters with me and my mom and my brothers.

Q. All right. Anybody else present.

A. No, it was just Dieter and us.

Q. And how many days do you think it was that you'd been there before that conversation occurred.

A. Less than a week. Three days, four days.

Q. And what was the subject matter of the conversation.

MR. MESEREAU: Objection; hearsay.

MR. SNEDDON: It's offered under 223.

THE COURT: I'll accept it conditionally. Excuse me. I'll accept the testimony conditionally under the instructions I gave you earlier.

Q. BY MR. SNEDDON: Go ahead.

A. It was about the watch.

Q. All right. What about the watch.

A. He wanted it back.

Q. Who wanted it back.

A. Dieter wanted it back from Gavin.

Q. And what was said.

A. That he wanted it back; that he could put it in a safe and take care of it for him and he might lose it, and he just wanted it back.

Q. All right. And did he get it back.

A. No.

Q. Why.

A. Gavin didn’t want to give it to him.

Q. What was your mother’s attitude towards that.

A. Just -- she didn’t see no point in it. She just -- whatever Gavin wanted.

Q. Now -- I got it. It’s all right.

Now, you told us that the other conversations that you had with this gentleman Dieter involved the rebuttal film.

A. Yes.

Q. Okay. Now, when you talk about a rebuttal film, what do you mean by that.

A. They said they wanted to do another video, and they wanted it to just be of us.

Q. Who’s “they”.

A. Dieter and Frank talked about it.

Q. Now, when -- let’s talk about Dieter first of all, okay. When did you have a conversation with Dieter about this rebuttal film.

A. I think it was in -- near, like, the kitchen area. In that area. Like in the sitting area.

Q. Okay. And do you recall how long you’d been at the ranch before -- when that conversation took place.

A. It was after the watch incident, so five days or so. I think.

Q. What did he say about -- what did he say to you about the rebuttal.

MR. MESEREAU: Objection; hearsay.
MR. SNEDDON: Offered for the same purpose, Your Honor.
THE COURT: All right. I’ll accept it conditionally.
Q. BY MR. SNEDDON: Go ahead.
A. It was just -- we were supposed to say nice things about him and just -- and he offered us -- to give us a paper.
Q. A paper. What do you mean by “a paper”.

A. It was kind of like a script, just of things to say.
Q. Did you read it.
A. Yeah.
Q. Do you remember what was on it.
A. Just nice things of Mr. Jackson, and that’s it.
Q. Now, at some point in time after you arrived at the ranch from Miami, and you’re on the ranch, okay --
A. Yes.
Q. -- did you leave.
A. From --
Q. From Neverland. I’m not asking you how long. I’m just asking did you leave.
A. We left at -- just to do the rebuttal.
Q. Okay.
A. And there was -- that’s all I remember, yeah.
Q. Do you remember meeting a man at the ranch by the name of Jesus.
A. Yes.
Q. Okay. Who is Jesus.
A. He’s one of the security guards there or just one of the head people around the ranch.
Q. And did you ever leave the ranch with Jesus.
A. Yeah. Now I remember, yeah.
Q. Do you recall with regard to that particular

incident -- between the time that you arrived at the ranch at Neverland and the time that you left with Jesus, okay. We’re talking about that time.

A. (Nods head up and down.)

Q. Where did your mother stay on the ranch.

A. She stood in the guest quarters.

Q. And could you tell us, under your personal observations and opinion, did your mother come out of the room very often.

A. Never.

Q. Why.

A. She just never came out, and then --

MR. MESEREAU: Objection. Calls for speculation; hearsay. And no foundation.

MR. SNEDDON: Let me see if I can go back and cure it a little bit, Judge. I think I can do that without any problem.

THE COURT: All right.

Q. BY MR. SNEDDON: Okay. During the time that you got from Miami and you got to the ranch --

A. Yes.

Q. -- to the time that you left with Jesus, okay --

A. Yes.

Q. -- where were your brothers.

A. They were running around with Mr. Jackson.

Q. Did you see much of them.

A. Not really.

Q. So the only person that you know on the ranch was your mother.

A. Yes.

Q. And did you spend time with your mother.

A. Yes.

Q. And where did you spend time with your mother.

A. In her room.

Q. And your room was next door to your mother’s room.

A. Yes.

Q. So, do you have an opinion with regard to how much your mother came out of her room.

A. Hardly never. Not really at all.

Q. During the time that you were there from -- you got back from Miami and before you left with Jesus - okay. - how long was that; do you recall.

A. I’m sorry, repeat the question. I was thinking about me and my mom in the room.

Q. Did I forget to ask you something about you and your mom.

A. No, just thinking about the whole situation. Can you repeat the question.

Q. Sure. From the time you arrived at the ranch till the time you left with Jesus, okay, how many days do you think that was.

A. I don’t remember. Close to a week or less. I don’t remember.

Q. Okay.

A. It had been a while, though.

Q. Now, had -- can you describe your mother’s demeanor and attitude during the time that she was at the ranch between the time you got there and the time you left with Jesus.

A. She seemed kind of worried and just didn’t really understand the whole situation, what was really going on. And she was kind of scared.

Q. Now, when -- when you left with Jesus, do you remember what time of the night or day it was that you left.

A. It was night.

Q. How do you know that.

A. Because it was really dark out.

Q. And do you remember the circumstances under which you left.

A. Yeah, we were scared and we just --

MR. MESEREAU: Objection. Hearsay; foundation; calls for speculation.

THE COURT: Overruled.

Q. BY MR. SNEDDON: Go ahead.

A. We were kind of scared and we just really didn’t -- the way the conversations with Dieter went, they were real aggressive and just -- we were scared, so -- of course Gavin didn’t want to leave.

But my mom and me, mainly my mom wanted to get us out of there.

Q. All right. And then do you recall how Mr. Salas -- I’m sorry, how Jesus got involved in this.

A. My mom asked him to take us to home.

Q. Were you present when she did that.

A. Not that I remember.

Q. So at some point you were told what, by your mom.

A. By my mom, that we were leaving.

Q. And you gathered up your stuff, I take it.

A. Some little things. Not really. We just really wanted to get out of there.

Q. And then what did you do.

A. We left.

Q. And who went.

A. Jesus, me, my brothers and my mom.

Q. Now, I don’t want you to speak for anybody else, okay. I want you to speak for yourself. Why was it that you felt that you were scared.

A. Just the whole situation. The whole secrecy. The -- just real aggressive. I was just scared. I didn’t understand what was going on and why it was like this. I was just scared.

Q. Did you -- during this time, when you first got to the ranch and before you left with Jesus, did you have any interaction with the defendant in this case, Mr. Jackson.

A. Just little interaction, yeah.

Q. All right. And can you describe that.

A. Hi; a hug; there would be times where I’d walk in where Mr. Jackson and the boys and Aldo would be and just say hi and stuff like that. But I would leave immediately.

Q. Why.

A. Because they would tell me, “Oh, don’t you want to go do that.” And just felt uncomfortable, like if they didn’t want me there.

Q. So, just to fill in the rest of it for the jury, the people that you’ve identified in those photographs as Aldo and Marie Nicole, did they go to the ranch at the same time that you folks did. From the limo, from the plane, to the ranch.

A. Yes.

Q. And they were there.

A. Yes.

Q. And do you know where Marie Nicole was staying.

A. She stood in the main house.

Q. And how do you know that.

A. Because we would talk and stuff. And then I stood in the room with her at one time, just sitting and talking.

Q. To your knowledge, at any time did the boys come back and stay in the guest cottage.

A. One time Star did.

Q. Between the time that you arrived from Miami till the time you left with Jesus, did the boys come

back and stay in the guest cottage.

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. SNEDDON: To your knowledge, based upon what you saw and observed, did you ever see the boys stay the night in the guest cottage before you left with Jesus.

MR. MESEREAU: Same objection; foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: Um, I think that was after, after we came back.

Q. BY MR. SNEDDON: What was after.

A. The incident with Star coming to sleep in the room. It was after we had come back.

Q. Come back from.

A. I don’t know where it was placed. All I know, there was one incident Star came and slept with me in the room.

Q. Okay. So there was one time.

A. Yeah.

Q. All right. Can you tell us whether or not, from your own personal observation -- strike that. Did you see your mother interact with Dieter and Ronald.
A. There was one incidence I saw him coming out of my mom’s room, but -- I don’t remember. She would tell me --

Q. Don’t tell us what she said.
A. Okay.
Q. It’s not your fault.
A. From what I saw, no.
Q. You weren’t present during those conversations.
A. No.
Q. But there were occasions when you saw Dieter and Ronald coming out of your mom’s room.
A. Yeah.
Q. Did you go into -- don’t tell us what she said. But after that, did you go in to see her right away.
A. Yeah.
Q. Could you tell us whether or not she was upset.
A. Yes. She seemed upset.
MR. MESEREAU: Objection.
I’ll withdraw the objection.
Q. BY MR. SNEDDON: Now, when you left with Jesus, do you remember where you were taken.
A. Yes.
Q. Where were you taken.
A. To my grandmother’s house.
Q. And was your grandmother still living in El Monte.
A. Yes.
Q. Now, after -- I’m sorry. Now, after you got

to -- got to El Monte, do you remember what time it was.
A. It was night.

Q. Still night.

A. Uh-huh.

Q. So that night, did you spend the night there with your grandparents.

A. Yes.

Q. At this point, was -- to your knowledge, was your mother still seeing Major Jackson.

A. Yes.

Q. And, in fact -- let me put it this way: At the point before you left for Miami, okay, for the trip to Miami, was she still seeing Major Jackson.

A. Yes.

Q. At that point in time, was your mother staying at the Soto Street address or with Major Jackson.

A. Um --

Q. If you know.

A. At the very beginning we were still staying at the Soto apartment.

Q. Okay.

A. And then would go sleep over at his house, but we were still living at the Soto apartment.

Q. When you got back from Neverland Ranch, you're back at your grandparents' place, all right. Now, did you remain at your grandparents' or did you go somewhere else.

A. We went to Jay Jackson's house.

Q. And do you remember how many days you were there.

A. We didn't sleep over that night.

Q. How about the next night.

A. I think that's the day that the ladies came over from -- the social workers.

Q. Do you ever remember --

MR. MESEREAU: Excuse me.

THE COURT: She's not speaking loud enough. You need to speak up.

MR. SNEDDON: Okay.

THE COURT: Would you like the answer read back.

MR. MESEREAU: Yes, please, Your Honor.

Thank you.

THE COURT: Please.

(Record read.)

Q. BY MR. SNEDDON: Okay. Do you remember an incident at Jay Jackson’s apartment where a private investigator came to the apartment.

A. Yes.

Q. Was that before or after the time you went to talk to the social workers.

A. This was before.

Q. Was it before -- well, was it after you left the ranch with Mr. Jesus.

A. I think it was after. I don’t remember.

Q. Do you remember what day of the week it was.

A. No.

Q. Okay. Describe the meeting to us, if you would.

A. Mr. Miller came in and --

Q. You knew his name.

A. Yes.

Q. Okay. What was it.

A. Mr. Bradley Miller.

Q. Okay. Go ahead.

A. Mr. Miller -- we all sat on the -- Jay’s couch, and -- me and my mom and my brothers and Jay and Mr. Miller. And Mr. Miller just told us to say what we thought about our father and say how we felt about Mr. Jackson.

Q. Did -- did you remain during the entire time that Mr. Miller was there.

A. Yes.

Q. To your knowledge, did you ever see a tape-recorder.

A. Yes.

Q. Where was the tape-recorder.

A. It was placed on the glass table.

Q. Whose tape-recorder was that.

A. That was Mr. Miller’s.

Q. And during the course of the conversations between you and Mr. Miller, did he ever turn it off.

A. Yes.

Q. Do you remember how many times he did that.

A. It was several times. But he would turn it off and say “Um, that’s not necessary. You don’t need to talk about that. Let’s start over. I want to talk about this now,” and he would restart the tape.

MR. MESEREAU: Objection.

THE COURT: Just a moment. Overruled. Go ahead. Overruled.

Q. BY MR. SNEDDON: Okay. Go ahead.

A. He would start to rewind it and say, “That’s” -- “You don’t need to say that.”

Q. Do you remember how long the conversation with Mr. Miller lasted.

A. Half an hour, I think.

Q. Now, at some point after this tape-recorded conversation with this person you knew as Mr. Miller -- okay. -- did you go back to the ranch.

A. Yes.

Q. And who did you go back to the ranch with.

A. My brothers and my mom.

Q. And how did you get back to the ranch.

A. Someone came and picked us up.

Q. Now, do you remember the name of the person who picked you up.

A. I don’t remember who it was.

Q. When you were picked up, do you remember where you were when you got picked up.

A. At Jay’s apartment.

Q. You’re going to have to speak up.

A. At Jay’s apartment.

Q. That’s great. Just keep it right like that. Okay. At Jay’s apartment. And where did you go.

A. To Neverland Ranch.

Q. Were there any stops made between the point you left Major Jackson’s place and you got to the ranch, to your knowledge or recollection.

A. I think there was a point that we stopped at Jamie’s, The Laugh Factory.

Q. You have to --

A. I think that was the point that we stopped at The Laugh Factory.

Q. You remember there was an incident that you stopped at The Laugh Factory.

A. Yeah.

Q. Okay. You got back to the ranch at some point, correct.

A. Yeah.

Q. And when you got back to the ranch, did you see anybody at the ranch that you recognized that had been there before, when you first got there.

A. Frank was there. And I met Vinnie.

Q. Can you tell us whether or not Dieter was there.

A. I don’t think he was. I don’t remember.

Q. When you guys got back to the ranch on this occasion, did your mother stay with you.

A. I think she did. I’m trying to place where I was at.

Q. All right. Take a second and place it, okay.

A. Okay.

I think so.

(Off-the-record discussion held at counsel table.)

MR. SNEDDON: Excuse me just a second, Your Honor. It will take me just a second, Your Honor.

Q. Let me ask you something else while I’m looking for this. Let’s go back just a moment in time.

At the time you were at the ranch before you left with Mr. Salas, with Jose -- Jesus, did you hear anybody threaten you or any member of your family.

MR. MESEREAU: Objection; leading.

THE COURT: Sustained.

THE WITNESS: Um --

THE COURT: Just a moment. He’ll have to ask you another question.

THE WITNESS: Oh.

Q. BY MR. SNEDDON: Well, can you tell us whether or not you personally ever received any

comments from somebody that scared you.

MR. MESEREAU: Objection; leading.

MR. SNEDDON: It's not a leading question. It's an open-ended question.

THE COURT: All right. Overruled.

THE WITNESS: There was one point that Frank had told us that there was death threats on us.

Q. BY MR. SNEDDON: All right. Okay. Do you remember a point in time where you -- let me ask this question: Have you ever been to the residence of Hamid Moslehi.

A. Yes.

Q. And what was going on when you went to his house. Why did you go there.

A. That's where we did the rebuttal at.

Q. And where had you been prior to going to his house.

A. The ranch.

Q. And who was at the ranch at that time.

A. Frank -- no, Frank wasn't there. Vinnie was --

Q. Let me ask it this way: How did you get from the ranch to his house.

A. Hamid came and picked us up.

Q. Who did.

A. Hamid.

Q. Who was in the car with you.

A. Me, my mom and my brothers.

Q. Okay. And you went to where.

A. To his house.

Q. Okay. And what was the -- what was the -- why were you there.

A. To do the rebuttal film.

Q. Now, before you left the ranch that

particular night, did you have a conversation with anybody about the film.
A. Yes.
Q. And who was that.
A. Dieter.
Q. And what did Dieter tell you.
A. To say nice things.
MR. MESEREAU: Objection; hearsay.
MR. SNEDDON: Same purpose, Your Honor.
THE COURT: Overruled.
THE WITNESS: To say nice things and to not talk about what goes on around the ranch.
Q. BY MR. SNEDDON: I'm sorry.
A. What goes on in the ranch.
Q. I didn't hear you. You're going to have to lean in there and talk --
A. To say nice things about Mr. Jackson.
Q. And you said something else.
A. And to not talk about what goes on in the ranch.
Q. Where did this conversation take place.
A. I think it was the main house.

Q. What -- what time was it when you left the ranch.
A. It was night.
Q. Was it dark outside.
A. Yeah. It was late night.
Q. When you got to Hamid's house, who else was there.
A. Frank was there. Vinnie was there. And another male, younger male was there. And Bradley was there, Mr. Miller was there.
Q. Okay. And that night, you eventually ended up in a video; is that correct.
A. Yes.
Q. An interview.
A. Yes.
Q. Do you remember the name of the gentleman who actually did the interviewing.
A. No. I don't remember. He was a young male.
Q. Can you describe him at all.

A. Thin face. White skin. He was young-looking. I don’t remember.

Q. Now, before -- when you got to Mr. -- when you got to Hamid’s house and before the filming took place, what were you doing. You personally, what were you doing. Where you were in the house.

A. In Hamid’s house.

Q. Yes.

A. Standing, facing the -- like the area where we filmed it.

Q. Did you see where your mother was in the house.

A. She was getting ready, like in the rest room, like --

Q. Did you see your mom have any conversations with anybody.

A. Don’t remember.

Q. Okay. Now, who participated in the video.

A. Me, my mom and my brothers.

Q. And how long did it last.

A. Very long time. We were there until, I think it was like 4:00 in the morning.

Q. Now, during the interview -- I want you to speak for yourself, okay.

A. Okay.

Q. Nobody else. During the interview, you were depicted at one point crying on the interview.

A. Yes.

Q. Okay. And why were you crying.

A. I was crying for my brother.

Q. And why were you crying for your brother.

A. Because I was talking about things about him.

Q. What was so upsetting about that.

A. Because Gavin had heard, like, people say that he was a faggot. And he would cry to me about that. And that hurt me, being his older sister. I wanted to protect him any way I can.

Q. Were there any other things that you had heard that were upsetting you when you were talking on this video that made you cry.

MR. MESEREAU: Objection; leading.

THE WITNESS: No.

THE COURT: Overruled. You may answer.

THE WITNESS: The only thing that hurt me was things about my brother. There was no other reason to cry.

Q. BY MR. SNEDDON: Didn’t have anything to do with the defendant.

A. No.

MR. MESEREAU: Objection.

THE COURT: Leading; sustained. The answer is stricken.

Q. BY MR. SNEDDON: On the video, there are some statements with regard to Mr. Jackson helping -- helping you kids with homework. Do you remember those statements.

MR. MESEREAU: Objection; leading.

MR. SNEDDON: Just foundational, Your Honor.

MR. MESEREAU: And hearsay.

THE COURT: Yeah, the objection is overruled. You may answer the question. I’ll have it read back for you.

(Record read.)

THE WITNESS: Yes.

Q. BY MR. SNEDDON: Did Mr. Jackson ever help you with your homework.

A. No.

Q. Why are you smiling about that.

A. Becasue they took us out of school. There was no homework to help us with.

Q. On the video, there are statements to the effect that Mr. Jackson was always there and you had a phone number where you could call him.

A. Uh-huh.

Q. Do you remember that.

A. Yeah.

MR. MESEREAU: Objection. Leading.

THE COURT: Overruled.

Q. BY MR. SNEDDON: Was that statement true.

A. No.

Q. Why.

A. Because any phone number we had of him, that Gavin had of him, it would get disconnected.

MR. MESEREAU: Excuse me, Your Honor. I didn’t quite hear that. Could I have it read back, please.

THE COURT: Yes.

MR. MESEREAU: Thank you.

(Record read.)

MR. MESEREAU: Thank you.

Q. BY MR. SNEDDON: At this particular point in time, with regard -- I only want you to speak for yourself, not for anybody else on that video. Okay. There are statements on that video that -- about people thinking of Mr. Jackson as family.

A. Yeah.

Q. And as your dad.

A. Yeah.

Q. Or daddy. Only speaking for yourself at this point in time, were those sentiments that you shared.

A. At the beginning, I found him like a close friend, but they started changing, my feelings towards him.

Q. Why.

MR. MESEREAU: Objection; nonresponsive.

THE COURT: Just a moment, please. Sustained; nonresponsive. Do you want the question read back.

MR. SNEDDON: I do, because I thought it was. Maybe I can look at it on the screen or read it back.

(Record read.)

THE COURT: I sustained the objection. I didn’t mean for you to read the answer.

THE REPORTER: I’m sorry.

THE COURT: The question was -- just rephrase the question so we can move on.

Q. BY MR. SNEDDON: With regard to the

statements about considering Michael Jackson, the defendant in this case, as “Daddy” or “Michael Daddy,” did you share those sentiments.
A. No.
Q. Did you share them at one time.
A. As a close friend, yes.
Q. Pardon.
A. I felt him as a close friend, yes.
Q. When was that.
A. At the beginning.
Q. Now, after this -- before you went up to the -- let’s go back, now, before you’ve gone to the filming, okay. What was the atmosphere like for you personally at the ranch before the filming.
A. It was just a lot of secrecy. I was mainly by myself. Or other times I would go in my mom’s room. Just -- I don’t know. It was weird.
Q. Did you have any interaction with Dieter, with the person you’ve identified as Dieter.
A. Not by myself, no.
Q. Not by yourself. With you and others.
A. Yeah, with my brothers. Like he would pull us aside and talk to us and he would say, “I need to talk to you guys.”
Q. And what would he talk to you about.
A. Well, during the time of the rebuttal film, he had told us about the death threats.
MR. MESEREAU: Objection; hearsay.

MR. SNEDDON: Same offer, Your Honor.
THE COURT: Conditionally admitted.
Q. BY MR. SNEDDON: Okay. Could you start over again about what Dieter told you.
I don’t know why I’m leaning into this.
It’s not on.
A. Other than the rebuttal film, it was that he told us there was death threats on us. And that’s why we needed to leave.

Q. All right. After the filming took place, where did you go. After you filmed at Hamid's house, where did you guys go that night.
A. Vinnie took us -- we stood at a hotel in Calabasas, I think. I think that was a period of time.
Q. Did you remember a situation where you met with some social workers.
A. Yes.
Q. And when did that occur. Before or after the rebuttal film.
A. That was after the rebuttal film.
Q. Do you remember when in relationship to the rebuttal film, in terms of time.
A. After.
Q. Okay. Bad question. How long after.
A. I think it was the next day. Next morning. That morning. Because we did -- we slept -- we didn't really get that much sleep, and then the ladies came that morning.

Q. Okay. Where did the interview occur.
A. At Jay's house.
Q. How did you get to Jay's.
A. Vinnie took us.
Q. From where.
A. From Hamid's house.
Q. From Hamid's house.
A. Yeah.
Q. Now, were you a part of that conversation.
A. Yes.
Q. And prior to the time -- let's just try it this way. What time -- do you remember what time it was when everybody started to arrive at the apartment.
A. It was early. Late morning, early -- yeah, it was early afternoon.
Q. Okay. So who's at the apartment.
A. Um --
Q. Before anybody arrives, who's at the apartment.
A. Jay -- no. Jay wasn't there. It was me, my

mom, my brothers.
Q. Who's the first person to arrive.
A. Aja is.
Q. And Aja is who.
A. Chris Tucker's fiancee.
Q. Okay. And when they arrived, did she bring somebody with her.

A. She brought her little baby, Dustin.
Q. And who arrived after that.
A. One of Mr. Jackson's security bodyguards.
Q. Can you describe this guy for us.
A. He was a big man, light skin, blondish-type hair, orange, I don't know. And he was just -- big arms.
Q. Called "buffed".
A. Yeah.
Q. All right. Now, had you ever met him before at this point in time.
A. No.
Q. And were you present when he actually came into the apartment.
A. Yes.
Q. Did you answer the door.
A. No. I think the door was open.
Q. And did you hear him identify himself.
A. Yeah. He talked to my mom.
Q. Okay. Now, did anybody else arrive before the social ladies -- social workers.
A. Other than Aja and the bodyguard, no.
Q. Now, do you recall what happened when the social service ladies arrived.
A. They asked everybody to leave. They only wanted to talk to me and my mom and my brothers.
Q. How many ladies came.

A. Three ladies.
Q. Do you remember their names at all.
A. No.
Q. Now, did anything happen before, or at the

time that the ladies asked everybody to leave.

A. Yeah.

Q. What happened.

A. There was a time that Mr. Jackson’s bodyguard pulled my mom aside into her room -- well, Jay’s room.

Q. So you couldn’t hear what was going on inside that room.

A. No.

Q. Could you see anything.

A. Well, after he left --

Q. No --

A. Not after he left, but like the door --

Q. Let me rephrase the question. At that time, when your mother and the bodyguard walked into the bedroom, could you see anything at that point in time.

A. No.

Q. Okay. Now, later, did you go into that bedroom.

A. Later I could see into the bedroom.

Q. Okay. And what did you see.

A. There was, like, a black little square thing on the bed. And I saw my mom grab it and put it on top -- inside the closet, on top.

Q. Okay. Now, did -- were there any other things that occurred before you started your interview with the ladies.

A. No.

Q. Did you see a video played at any time.

A. Not that I remember.

Q. All right. Tell us what happened during the interview. Who’s present during the interview.

A. Me, my mom and my brothers and the three ladies.

Q. And were you interviewed all at the same time or at separate times.

A. All together.

Q. And how did that occur.

A. They just asked us what were the sleeping arrangements, how we felt about Mr. Jackson, and that's what I remember.

Q. Do you remember what you said during that time.

A. I don't remember.

Q. Were you present during the entire conversation. All of you stayed there the whole time.

A. Yes.

Q. Okay. Now, how long did that conversation take.

A. About 30 minutes. It wasn't that long.

Q. And you guys -- when I say "you guys," you and your brothers and your sister and your mother -- all remained in the same room through the entire conversation.

A. Me and my brothers and my mom, yeah.

Q. Yeah, your sister. I apologize.

Now, after that conversation with the social ladies - all right - where did you go.

A. Aja took us back to the ranch, because --

Q. Took "us." Who is "us".

A. Me and my brothers. My mom stayed. But the bodyguard wanted to take us, but we asked Aja to take us.

Q. So the bodyguard was still there when you guys finished the meeting.

A. Afterward. We didn't know where he went. And then he showed up afterwards. And we were, like, near Aja's car, and we were saying bye to her.

Q. And where did your mother go, to your knowledge.

A. She stood there at Jay's apartment.

Q. So you went back to the ranch, and did you stay there, that night, at the ranch.

A. Yes.

Q. Okay.

MR. SNEDDON: All right. I want to show some photographs at this point.

All right. We've had a little break here.

I'll just move this over. All right. You ready.

MR. MESEREAU: Yes.

MR. SNEDDON: I didn't want to start --

MR. MESEREAU: Thank you.

Q. BY MR. SNEDDON: The photograph you have in front of you is People's 19 for identification. Do you recognize that.

A. Yes.

Q. I'm sorry. Do you recognize that. Is that an accurate depiction of the person it represents.

A. Yes.

Q. Just flip that over, if you could. Now, turn that one sideways. No, the other one, the new one, so I can see the number. All right. That's People's 30 for identification. Do you recognize the person in this photograph.

A. Yes.

Q. And is that an accurate depiction of that person.

A. Yes.

Q. Okay. Why don't you turn that one over. And People's 23, do you recognize that person.

A. Yes.

Q. Is that an accurate depiction.

A. Not really.

Q. Okay. He's a little different than when you saw him, right.

A. Yes, he's --

Q. We'll go into that in just a second. But you recognize the person.

A. Yes.

Q. Okay. Now, the exhibit that you have there, that you just turned sideways, is 194. And do you recognize that.

A. Yes.

Q. Okay. Is that an accurate depiction of what it represents.

A. Yes.
Q. Okay. Turn that over.
135. And do you recognize that.
A. Yes.
Q. And is that an accurate depiction.
A. Yes.
Q. Okay. And 138, do you recognize that.
A. Yes.
Q. And is that an accurate depiction.
A. Yes.
Q. All right. The last one, which is 125, do you recognize that.
A. Yes.
Q. And is that an accurate depiction.
A. Yes.
Q. Okay. Why don’t you flip those back over in the same order, and I’m going to ask you some questions about them. And we’re going to show some photographs.

MR. AUCHINCLOSS: Can we go to Input 1, Your Honor. Thank you.
Q. BY MR. SNEDDON: All right. The photograph that’s on the board there -- first of all, I’m sorry, Your Honor, I apologize. I don’t think there’s any issue, move to admit these exhibits that have just been identified.
MR. MESEREAU: There’s no objection.
MR. SNEDDON: I’m sorry.
THE COURT: They’re admitted.
Q. BY MR. SNEDDON: What is the number of the exhibit that’s on the board up there.
A. 19.
Q. Do you recognize that person.
A. Yes.
Q. Who is that.
A. Vinnie.
Q. Do you know Vinnie’s last name.
A. No.
Q. Okay. Why don’t you turn that one over, then.
Do you remember where it was that you met

Vinnie for the very first time.

A. It was at the ranch.

Q. All right. The next -- what's the number of the next one in front of you.

A. That's Jesus. No. 30.

Q. No. 30. Okay. And would you look up on the -- that's No. 30.

A. Yeah.

Q. Who is that.

A. Jesus.

Q. Okay. Where did you meet Jesus for the first time.

A. At the ranch.

Q. Okay. And the next one. What number is that.

A. 23.

Q. 23. And who is that.

A. That's Bradley Miller.

Q. And you said that there's something about this photograph that's a little different than you remember about this individual at the time.

A. He's bigger. He's --

Q. I'm sorry.

A. He's not as thin any -- he's not as thin. He's fuller in the face.

Q. Now or then.

A. Now he's fuller in the face.

Q. Okay. So he looks skinnier in this photograph.

A. Yeah.

Q. Okay. And where was Mr. Miller the first time that you met him; do you remember.

A. At Jay Jackson's apartment.

Q. All right. Why don't you turn that over and we'll get to the next one.

All right. What's the number on that.

A. 194.

Q. 194. Okay. And what is one -- not that one. Keep going. No, keep going. Okay. Is that 194 that’s on the board there now.

A. Yes.

Q. And with regard to that particular photograph, what is that.

A. That’s Hamid’s house.

Q. And --

A. That’s where we filmed the rebuttal.

Q. In that room.

A. In that area.

Q. Okay. What part of the area. Take the light. Take the light, that little meter, and show the ladies and gentlemen of the jury where it is.

A. Right here. They moved the couch and they put a screen behind us.

Q. Okay. Hold on just a second. The next number that you have there.

A. It’s 135.

Q. Okay. What’s 135.

A. It’s -- it’s a -- it’s the kitchen of the --

Q. Tell us what’s in the photograph.

A. It’s the kitchen of the suite.

Q. All right. All right. There we go. Now, do you recognize that.

A. Yes.

Q. Okay. And you say, “The kitchen of the suite.” Where was this.

A. In Calabasas.

Q. Now, let’s -- that’s all right. Just leave it up there. Now, did you stay in the room in Calabasas.

A. Yes.

Q. How long were you there.

A. Couple days.

Q. And who was -- who stayed in that room with you.

A. Me, my mom and my brothers.

Q. Were there any other people staying at the same -- at the same time at that place.

A. Yes.

Q. Who.

A. Frank and Vinnie were. Well, at first it was Vinnie and then Frank came later on.

Q. Do you know, of your own personal knowledge, where their room was.

A. If you -- if you were to go out the door, there was a hallway of just rooms. And we couldn’t get to the elevator unless we passed by their room.

Q. And how -- what floor were you on.

A. I think it was the second or third floor.

Q. Okay. Could you see the lobby from your -- outside your room.

A. If you walk out our door and go to the right, you can look down into the lobby.

Q. When you went into the lobby area, did you see anybody you recognized.

A. Yes.

Q. Who was that.

A. It was one of the bodyguards.

Q. Had you ever seen him before.

A. Yeah. I think he was the same one that gave us the -- he was the one that came during the ladies, with the meeting with the ladies from -- the social workers.

Q. How often did you see him down in the lobby.

A. Anytime we looked down there.

Q. And were there times when you would walk down the hall towards the elevator.

A. Yeah.

Q. You and your brothers.

A. And either -- they would have their door open if they were there.

Q. Who’s “they”.

A. Frank and Vinnie.

Q. And what happened.

A. Just -- they would ask us, “Where are you going. What do you need to do. We’ll get it. Just stay in your room.”

Q. All right. The next photograph is -- do you recognize what’s depicted in that photograph in front of you.
A. Yeah.
Q. And what’s the number.
A. 138. That’s the room that I stood in.
Q. The one that’s on the board now is 138, correct.
A. Yes.
Q. That’s the one you stayed in.
A. Yes.
Q. Did you have a room all by yourself.
A. Yes.
Q. And then the next one is 125.
A. Yes.
Q. And that’s -- what’s 125.
A. That’s the outside of the hotel.
Q. And this is the hotel you stayed in.
A. Yes.
Q. Now, when you say this is the hotel you stayed in, it’s the one that has the kitchen and the bed that you just talked about for the ladies and gentlemen of the jury.
A. Yes.
MR. SNEDDON: Now, I have one last photograph, Your Honor, I neglected to get marked,

or identified. It’s People’s 29.
Q. Okay. Now, do you recognize the person depicted in that photograph.
A. Yes.
Q. People’s 29 for identification.
A. Yes.
Q. And with regard to the person depicted in that particular photograph, is that an accurate depiction of the individual --
A. Yes.
Q. -- as you recall them.
A. Yes.
MR. SNEDDON: Move that it be admitted, Your Honor.
MR. MESEREAU: No objection, Your Honor.

THE COURT: It's admitted.

Q. BY MR. SNEDDON: All right. Well, let's just put it this way: Who is that person.

A. Hamid.

Q. All right. So that's the individual who picked you up and took you to his house.

A. Yes.

Q. And did the filming.

A. Yes.

Q. Okay. There we go. So that's Hamid.

A. Yes.

THE BAILIFF: Judge, it's 1:15.

MR. SNEDDON: You can take that down. We're not going to ask any more questions on that.

Q. Now I want to ask you some questions about your time at the ranch. Okay.

A. (Nods head up and down.)

Q. During the time that you were staying at Neverland Ranch, did you ever see your brothers drink.

A. Yes.

Q. On how many occasions.

A. Once.

Q. Could you tell the ladies and gentlemen of the jury, where was that when you saw it.

A. It was in the arcade. It was -- if you move a jukebox out of the way, it leads into a staircase. You go down the staircase, you make a right, there's another room and it has like sleeping bags and stuff. And you go into a little tiny room that's -- if you go into that room, make a right, there's a little tiny room and then that's the wine cellar.

Q. Okay.

A. That's where Mr. Jackson, my brothers and Aldo were.

THE COURT: Would you like to take a break.

MR. SNEDDON: (Nods head up and down.)

THE COURT: All right. We'll take one.

(Recess taken.)

THE COURT: Go ahead.

MR. SNEDDON: Judge, may I make a request of the Court.

THE COURT: Yes.

MR. SNEDDON: I understand there may be some difficulty with some of the people being able to hear the witness, and that if that's the case, maybe somebody -- if it's a lawyer or the jury, they could raise their hand and let us know so we can take action accordingly.

THE COURT: Yes.

MR. SNEDDON: Okay. Thank you.

THE COURT: We're working on that problem. We're going to try and get a different mike for them.

MR. SNEDDON: That would be great. Thank you.

Q. I think where we left off was at Neverland Ranch.

A. Yes.

Q. And you had described to us the arcade and the cellar inside the arcade.

A. Yes.

Q. And I think what I asked you was, did you ever see your brothers drink at the ranch.

A. Yes.

Q. On how many occasions.

A. Once.

Q. And where.

A. It was in the wine cellar under the arcade.

Q. And who else was present at that time.

A. Mr. Jackson, Gavin, Star and Aldo.

Q. And what was going on when you -- did you walk down there with them, or did you join them there.

A. No, I had always seen people walking down there and they would come up with cups. But I never knew what was really down there until one time I walked in, and I just followed them when they were going down.

Q. And this is the one time you're talking about.

A. Yeah.

Q. All right. When you followed them in there, tell us what you saw.

A. When I walked into the wine cellar, I saw Mr. Jackson pouring wine into cups.

Q. Into what.

A. Into cups.

Q. Lean forward. I'm sorry, we got to do that. And how many cups.

A. I don't know. They were just cups. I don't remember how many there were.

Q. Did everybody have one.

A. Yeah.

Q. Did you see anybody drink out of it.

A. Yeah.

Q. Who drank.

A. Well, I saw Gavin, Star and Aldo drinking.

Q. All right. Anybody else.

A. Well, Mr. Jackson was drinking also.

Q. Did you get offered something to drink.

A. Yes.

Q. And did you take it.

A. Yes.

Q. And what was it.

A. It was wine.

Q. What makes you think it was wine.

A. I don't know. Because it was clear and -- I don't know anything about liquor, so I don't know.

Q. How did it taste.

A. Funny and, I don't know, weird.

Q. All right. Is that -- were there any other occasions while you were at the ranch that you saw your brothers drinking with Mr. Jackson.

A. No.

Q. Were there any other occasions at the ranch where you drank.

A. No.

Q. How long were you downstairs in the wine cellar.

A. Ten minutes.
Q. Did they all leave in ten minutes or did just you leave.
A. Well, we all went up.
Q. Where did you go.

A. Back up to the arcade.
Q. Did you take your cups with you, or did you leave them down there. Tell me what you did with your cup.
A. Well, I drank some, and then we went upstairs and I just left it on the counter.
Q. A counter where.
A. In the -- in the arcade there's a counter, and you could just put it -- I just put it right there, and there's like a slushy machine there next to it.
Q. A what.
A. A slushy machine next to it. It's kind of like -- I don't know how to describe it. It's just a counter, and then behind it there's like a fake cash register and stuff.
Q. You put your cup there.
A. Uh-huh.
Q. Now, with regard to the other individuals that were in the cellar, let's talk about them one by one. Okay.
A. Yes.
Q. You came up the stairs and put your cup on the counter there.
A. Yeah.
Q. With regard to the defendant, Michael Jackson, did he come up the stairs at the same time as you.

A. Well, yeah, one after another.
Q. And so everybody came upstairs.
A. Yeah.
Q. Everybody at the same time.
A. Yeah.

Q. Did -- when you all got upstairs and you were all back in this arcade area, what went on then.

A. They just listened -- well, we all listened to music and then they were playing some games.

Q. By “they,” who do you mean.

A. Well, all of us. Gavin, Star, and then Mr. Jackson was listening to music.

Q. Did Mr. Jackson stay there.

A. Yes.

Q. Now, with regard to the cups that everybody had downstairs, can you tell us whether anybody besides yourself brought their cups upstairs.

A. Everybody did.

Q. When you were up there, did you see whether or not the people who brought their cups upstairs continued to use those cups and continued to drink.

A. I saw them sipping on it and drinking it. I don’t know when they stopped or -- but from what I saw, they kept drinking it.

Q. Did you see your brother Gavin drinking upstairs.

A. Yeah.

Q. And your brother Star.

A. Yeah.

Q. And Aldo.

A. Yeah.

Q. And how about the defendant.

A. Yes.

Q. How long were you up there in the arcade with them that time.

A. Not very long because it was already night and I was tired, so I didn’t stay there very long.

Q. When you left the arcade that night, can you tell us whether or not anybody left with you.

A. No, they stood there.

Q. I’m sorry.

A. No, they stood there.

Q. Now, when -- when you came up the stairs out of the cellar --

A. Yeah.

Q. -- okay. - is there a door to that cellar.

A. What do you mean, like “door”. Like when you walk down the stairs, I don’t remember seeing a door. That’s not the actual wine cellar. You got to go to the right, and there’s a little room and that’s where the wine bottles are at.

Q. Okay. When you came back up out of the wine cellar into the other room and up the stairs into the arcade - okay. --

A. They just put the juke box back.

Q. Pardon.

A. They just put the juke box back. That’s what blocks the staircase.

Q. That’s what I’m asking. You’re way ahead of me. So there is a juke box up there.

A. Yeah.

Q. And where did it go.

A. It blocks the staircase.

Q. Okay. And did they put it back.

A. Yeah.

Q. Do you remember who put it back.

A. No. I don’t remember. I just remember it got put back.

Q. Now, during the time that you were at Neverland Valley Ranch, did you ever go into Mr. Jackson’s bedroom.

A. During the stay at Neverland Ranch, yes, I did once.

Q. How many times.

A. Once.

Q. And do you remember when it was that you went into his bedroom, in terms of how long you’d been there once you got back from Miami.

MR. MESEREAU: Objection. Misstates the evidence; leading question.

THE COURT: Sustained as to misstates the evidence. Just rephrase it.

Q. BY MR. SNEDDON: You told the ladies and

gentlemen of the jury that you had been in Mr. Jackson’s bedroom on one occasion.
A. Yes.
Q. This is at the ranch.
A. Yes.
Q. All right. When, in point in time, was it that you went into his bedroom. Was it in the daytime or in the nighttime.
A. It was in the nighttime.
Q. And was it before -- was it after you arrived back from Miami.
A. Yeah.
Q. So it was during that time frame.
A. Yes.
Q. Now, would you tell us the circumstances under which you got into Mr. Jackson’s bedroom.
A. I went after the boys, because there’s no way I could get into the room unless it was after them.
Q. Why is that.
A. Because there’s a code to get into his room.
Q. Did you have the code.
A. No.
Q. And you said the boys went -- you followed the boys.
A. Yes.
Q. Was there anybody with the boys.
A. Aldo was there, I think. I think Mr. Jackson was already in the room. I’m not sure.

Q. So you followed them into the room, in any case.
A. Yeah.
Q. Okay. Describe what you saw when you got into the room.
A. There’s a couch.
Q. Lean into the mike. Nice and loud, please.
A. There’s a couch there. There’s a music thing. There’s a little game that -- that’s all I remember. And then if you go straight back, there’s his bathroom, and then right up next to the door of the bathroom there’s, like, a desk and it has a

phone on there.

Q. Now, when you followed the boys into the room, what part of the room did you go into at first.

A. Just that front area. I guess it’s like a living-room-type.

Q. And how long were you there.

A. Ten minutes. Not that long.

Q. And Mr. Jackson was there.

A. Yeah. I don’t remember. I just remember us like sitting and me looking around, like, because I’d never been in there before.

Q. Okay. Did you ever go upstairs.

A. Yes. I went upstairs after.

Q. And when you got upstairs, describe the

upstairs to me.

A. There’s a bed in the middle and then there’s a little nightstand. There’s a bunch of figurines. When you first walk up the stairs, like, a bunch of like toys and like figurines right here. And then there’s a screen that can be pulled down to watch movies. That’s all I remember.

Q. Do you remember whether the screen was down or up at the time you went in.

A. I think it was down already.

Q. Now, who was in the bedroom.

A. Mr. Jackson, Gavin, Star, Aldo and me.

Q. Okay. Where was Mr. Jackson in the room.

A. Well, after we all got settled, Mr. Jackson was laying on the bed, and then Gavin was next to him, and then Star. That’s what I remember.

Q. Do you remember where Aldo was.

A. I think he was sitting on like the corner of the bed. And I was sitting on a chair.

Q. Go ahead.

A. I was sitting on a chair.

Q. When you walked into that room that time, did you see any alcohol in the room.

A. Yes. I saw empty bottles or half full bottles.

Q. Of what.

A. Of alcohol -- I know the shape of bottles, but I don't know what they were, like the names.

Q. Where did you see it.

A. Some were on the nightstand. Some were on the desk, like a stand where the computer was. Some were on that, where the figurines were.

Q. Okay. I've got a couple more photographs I'm going to show you before you get to step down. People's 75, do you recognize that.

A. Yes.

Q. And is that an accurate depiction of what the room looked like.

A. Yeah. It's real -- messier.

Q. So we'll talk about that in just a moment. And People's 76, do you recognize that.

A. Yes.

Q. And is that an accurate depiction.

A. Yeah. There's some extra things, but that's pretty much how it was.

MR. SNEDDON: Okay. Move that 75 and 76 be admitted into evidence, Your Honor.

THE COURT: They're admitted.

MR. SNEDDON: All right. I'd like to have 75 put up on....

Q. All right. With regard to the exhibit, People's 75, do you recognize that.

A. Yes.

Q. And what is that.

A. That's where I kept saying where there was figurines there.

Q. Lean into the mike.

A. That's where I kept saying there was figurines at, like in that area.

Q. Now, do you see things that are different in that photograph now than when you were there, that you recall.

A. I don't remember seeing that T.V. It wasn't as messy.

Q. Okay. Now, do you see locations in that photograph, People's 75, in which you saw the bottles that you thought were liquor.

A. Like there was some right here. There was some, like, where there was enough stability to put them. Like anywhere there was, like, stability to put one, there -- because it looks different. I don't know.

Q. Go ahead and put the light on where you put it the first time, and let's talk about that.

A. Like, they were on the nightstands.

Q. Okay. And leave the light on. Okay. On the nightstand on the left-hand side of the bed.

A. And there was some on the other side nightstand, too.

Q. Were there any bottles located on this side of the room that's depicted in People's 75, that you recall.

A. Yeah. There was some -- well, when -- this was not as messy. There was some right here, and then there was one or two right there.

Q. Okay. Let's go to the next exhibit. That exhibit is People's 76. Do you see that.

A. Yes.

Q. All right. Now, is there anything that's in that photograph that wasn't there when you were there.

A. The crib and this was -- I don't remember seeing that.

Q. So by "this," do you mean there's a little object that looks like it has a screen that's directly underneath a lamp or between a lamp and the crib.

A. Yes.

Q. And that wasn't there, to your recollection.

A. I don't remember.

Q. And what was the other thing.

A. The crib wasn't there.

Q. All right. Now, indicate to the ladies and gentlemen of the jury -- could you indicate where it was that Mr. Jackson was inside the room when you saw him.

A. Right here.

Q. And where was Gavin.

A. Next to him.

Q. So let's go back to Mr. Jackson. If you'd put the red light up there again. On People's 76, you're indicating on the far left-hand side of the

bed.

A. Yes.

Q. And next to him was Gavin.

A. Yes.

Q. And then where was your brother Star.

A. He was on the other end, but I'm trying to remember. I think his son was there too. Like in between Star and Gavin. I'm trying to remember.

Q. All right. Go ahead.

A. Yeah.

Q. And where on that exhibit, People's No. 76, did you see bottles.

A. There was some more on this nightstand, and then if you face the other way.

Q. Lean into the microphone. Go ahead.

A. If you face the other way, like, facing that way, there was a computer to the left of the T.V. screen. It used to be a computer right there. There was some right there.

Q. And what was the computer on.

A. On a stand, I guess. I don't remember.

Q. All right. Do you remember how long you were there in the room with Mr. Jackson and the boys before you left.

A. 30, 45 minutes.

Q. Couldn't hear you.

A. 30, 45 minutes.

Q. Do you remember what was going on.

A. Well, we started watching a movie.

Q. Do you remember the movie.

A. No. It was just -- I remember it had

subtitles. I just remember it had subtitles.
Q. And how were you watching the movie. Was it on the --
A. On that big screen that you pull down.
Q. Okay. Now, when you left Mr. Jackson’s room, did the boys leave with you or did you go by yourself.
A. I left by myself.
Q. Did anybody else leave with you at that time.
A. No.
Q. Where did you go.
A. I went to my room.
MR. SNEDDON: Now, we can take that down now, if you want. And turn the lights on, would be fine, Your Honor.
Q. You told the ladies and gentlemen of the jury that there was a time that you went to that Calabasas hotel that you identified in those photographs.
A. Yes.
Q. Now, while you were at that particular hotel - okay. - did you go anywhere with Frank Tyson or Vinnie Amen.
A. Yes.

Q. Where did you go.
A. They took us to go get passports.
Q. Did you go with them.
A. Yes.
Q. Where else.
A. That’s all I remember right now.
Q. Did you ever go shopping.
A. Oh, we did go shopping one time.
Q. Where did you go.
A. We went to like an outlet place to go pick up some luggages. And then we went to the mall and picked up some clothes.
Q. And what was the reason you went shopping.
A. They told us we were going to Brazil.
Q. I’m sorry, I couldn’t hear you.
A. Because they told us we were going to

Brazil.
Q. Who told you that.
A. Frank. And then earlier on Dieter had already said that.
Q. Did they say why you were going to Brazil.
A. Because they said that -- to get us away because there was death threats on us.
Q. Who told you that.
A. Dieter. And then Frank told me another time, also.
Q. And you mentioned earlier in your testimony that you had made a trip to The Laugh Factory.

A. Yes.
Q. Okay. Where is The Laugh Factory; do you know.
A. It's in Hollywood.
Q. And do you remember -- was it during the time you were at Calabasas or some other time.
A. I think it was during that time.
Q. Now, who went to The Laugh Factory.
A. We all -- Vinnie, my mom, my brothers and me went to The Laugh Factory. But my mom and Gavin were the only ones that got off.
Q. "Got off." What do you mean, "got off".
A. Got off the car and went to go see Jamie. Because Vinnie told us to stay --
Q. Just slow down. Let's take it one at a time. Okay. Make sure we got all the characters here.
You got into a car. You left from Calabasas, and you went to The Laugh Factory.
A. Yeah.
Q. Who's in the car.
A. Vinnie, me, my mom, and my brothers.
Q. All right. Now, you get to The Laugh Factory. Who leaves the car.
A. My mom and my brother Gavin.
Q. Okay. Now, did Vinnie tell you something at that point in time.
A. He told me and Star to stay.

Q. Did he say why.
A. No.
Q. So your mother and Gavin went inside.
A. Yes.
Q. Now, did you ever go inside during that trip.
A. Yes, because Vinnie -- sorry.
Q. That's all right. We'll take it one step at a time. So you went inside.
Now, how long had it been before -- how long were you in the car with your brother and with this Vinnie person that you've identified in the photograph before you went inside.
A. About 15 minutes. About 15 minutes.
Q. Okay. Now, what happened.
A. Um --
Q. Why was it that you went inside.
A. Because Vinnie kept saying, "Where's your mom. Where's your mom. Go get her." Because he was, I don't know, impatient. He wanted us to leave.
Q. Did he know, to your knowledge, who your mother was meeting with.
A. Just Jamie.
Q. Now, when you went -- you told the jury you went inside.
Do you want some water.
A. Yeah.

Q. All right. Did Star go in with you.
A. No.
Q. Why.
A. Vinnie told him to stay.
Q. So he let you go, but he kept Star.
A. Yes.
Q. All right. Now, you went inside. And when you went inside, who did you see.
A. I saw Gavin, my mom and Bill.
Q. Did -- okay. Anybody else.
A. That was it.

Q. Now, the person you’ve identified as Bill --
A. Yes.
Q. -- had you ever met him before.
A. Never.
Q. This is the first time you met him.
A. Yes.
Q. How long were you inside with your mother and Gavin and this person you’ve identified as Bill.
A. Five minutes, because I just ran and told -- I just ran in and told my mom what Vinnie told me to tell her.
Q. So after that, did you leave The Laugh Factory.
A. Yes. And I went back outside.
Q. Who came with you.
A. My mom and Gavin stood there a little bit longer and then they came out.

Q. Did -- while you were at the Laugh Factory that day, did you ever see Jamie Masada.
A. Yeah, he was sitting right there.
Q. Right where.
A. With my mom and Gavin and Bill.
Q. So he was there.
A. Yeah.
Q. So how long do you think in total that it was that your mother was indeed with this person Bill and Jamie Masada.
A. I think about 30 minutes.
Q. Now, after you came out of The Laugh Factory, where -- did you get back in the car.
A. Yes.
Q. And your mother and Gavin came out at some point, I would assume.
A. Yeah.
Q. You all got in the car.
A. Yeah.
Q. And where did you go; do you remember.
A. I think we went back in the hotel in Calabasas.
Q. Now, let’s talk about the Calabasas hotel for just a moment. Okay.

A. Okay.

Q. Do you remember any of the buildings or locations that were around the Calabasas hotel.

A. There was a shopping center across the street, I think. It had like a Ralph's in it, I think. I don't really remember. I just saw it when we were driving by.

Q. Did you ever go over to the shopping center.

A. No.

Q. Why.

A. We were -- didn't leave the hotel room.

Q. Why.

A. I don't know. Vinnie and Frank said to -- not to leave.

Q. Did you ever go down -- does the Calabasas -- does it have a swimming pool.

A. Yeah.

Q. Did you ever go down swimming.

A. No.

Q. Why.

A. Just -- we couldn't leave the room, so -- we didn't even bother to ask, because we know it would be "No."

Q. Does the -- to your knowledge, does the lobby of the hotel have like these machines where you can get Cokes and candy or treats or stuff in it.

A. They have like -- set out on a counter, like coffee and little muffins and stuff.

Q. And did you ever go down to get any of that.

A. Yeah. Yeah.

Q. And is that when you saw this person sitting in the lobby.

A. Well, when we had first got there, Frank -- Vinnie introduced us to him and said that he was supposed to be there to keep us safe and stuff.

Q. Did you ever go downstairs to try to get anything.

A. Yeah. We did one time.

Q. What happened.

A. They just said not to leave the room. They seemed kind of irritated about it.

Q. Who's that.

A. Frank.

Q. And when you say that they took you to get a passport, did you actually physically go with somebody to do that.

A. Yeah. Vinnie's the one that took us.

Q. And do you know where you went.

A. No. All I know was it was an office place. I don't know.

Q. And were there any other places that you went; do you recall.

A. Other than to go get clothes and luggage, no.

Q. All right. In that big binder that's right there in front of you -- why don't we just clear the area --

Your Honor, if you don't mind, I could just --

Counsel.

(Off-the-record discussion held at counsel table.)

MR. SNEDDON: Your Honor, there have been -- I will direct the Court's attention to the book that it has, and in particular to Exhibits 260 and 261 that have been premarked for identification purposes.

THE COURT: I have them.

MR. SNEDDON: And 262, Your Honor, is a series of passport applications that have been duly certified by the United States Government. And, in fact, they've been signed off by Colin Powell. May those be admitted into evidence.

MR. MESEREAU: No objection, Your Honor.

THE COURT: They're admitted.

MR. SNEDDON: And then with regard to the second set, Your Honor, they are a set of documents of visas from the Republic of Brazil. And those are also accompanied by the certification of the Brazilian consulate. And I ask that those be admitted into evidence as 262.

MR. MESEREAU: May I just see those for a second.

MR. SNEDDON: Sure.

(Off-the-record discussion held at counsel table.)

MR. MESEREAU: No objection, Your Honor.

THE COURT: It's admitted.

Q. BY MR. SNEDDON: Okay. Now, why don't you let me have these.

MR. SNEDDON: Your Honor, with the Court's permission and counsel's permission, I would like to use the originals of these documents to be displayed on the Elmo, rather than copies. Because the copies, you know, the Xeroxing --

MR. MESEREAU: No objection, Your Honor.

MR. SNEDDON: Is it okay -- I would ask some questions to the witness, and perhaps I could give the witness the Xerox copies which I've shown to counsel with the Bates stamp numbers.

MR. MESEREAU: No objection to that.

THE COURT: I have a question about my numbers on the exhibits. Lorna, is it --

THE CLERK: I have a question also, Judge.

THE COURT: According to our premarked exhibits, 261 and 262 are not --

MR. SNEDDON: No, it's 260 and 261. If I misspoke myself, I apologize.

THE COURT: Okay. Thank you.

MR. SANGER: Excuse me. Just for bookkeeping purposes, Your Honor, what has been admitted is 260 and 261 and not 262.

THE COURT: Correct.

MR. SANGER: Thank you.

MR. SNEDDON: With the Court's permission,

I wanted to use the Elmo. I don't know if you need to use a toggle switch or do something --

THE BAILIFF: Input four.

Q. BY MR. SNEDDON: All right. We have up on the board Document 260. Yes, 260. All right. Do you recognize that document.

A. Yes.

Q. Do you recognize the photograph of the person on that document.

A. Yes.

Q. That’s you, huh.

A. Yes.

Q. All right. Now, with regard to the writing that is on that particular document, is that your handwriting.

A. No.

Q. With regard to the signature where it says “Applicant” underneath the photograph, is that your handwriting.

A. I don’t remember signing it.

Q. Does it look like your handwriting.

A. No.

Q. With regard to -- do you see on the document the -- just a moment. Looking on the document, 260, right over in this area here; do you see that.

A. Yeah.

Q. Does it indicate the destination there, where you’re going.

A. Yeah.

Q. What’s it say.

A. Italy and France.

Q. Did you ever put that in there.

A. No.

Q. Have you ever heard you were going to Italy or France.

A. No.

Q. Did you see this document filled out.

A. Yeah.

Q. Who filled it out.

A. Vinnie did.

Q. Did you give him the information to put in there.

A. I don’t remember. I think he asked my mom for it.
Q. And do you know why you were making this application.
A. Well, they told us we were going to Brazil.
Q. Were you interested in going to Brazil.
A. Not really.
Q. Okay. Now, why don’t you direct your attention to 261 for just a second, if you would, the other document. Okay. Do you have that in mind.
A. Yes.
Q. That’s your photograph again, correct.
A. Yes.

Q. Do you remember having that photograph taken.
A. Yeah, now I remember. They took us to Walgreen’s to take pictures.
Q. When you say “they,” who took you to Walgreen’s.
A. Vinnie did.
Q. So it was just Vinnie.
A. Yeah.
Q. And where was the Walgreen’s.
A. It was near Calabasas. I don’t remember where.
Q. And who did they take to get the photographs.
A. Me, my mom and my brothers.
Q. All at the same time.
A. Yes.
Q. All right. Now, on this particular information, the -- on this particular document that we’re referring to, 261, there’s lot of printing on it. Is that your printing.
A. No.
Q. You didn’t fill that out.
A. No.
Q. And the information for this, do you know where it came from.
A. Um --

Q. Were you present when it was put on there.

A. Yeah.

Q. All right. And how did that information get conveyed onto this document. Who wrote it.

A. Well, Vinnie wrote it, but he was asking my mom.

Q. He didn’t ask you; he asked your mother.

A. Yeah.

Q. Okay. All right. I think we can --

Wait just a second, Your Honor. We’re going to move the document up just a little farther.

Okay. Do you recognize the signature at the bottom by the seal. Right there. And we’re talking now about the lower left-hand portion of the document, if you’re looking at it from the top.

A. I think that’s Vinnie’s signature. I’m not sure.

Q. I couldn’t hear you.

A. I think that’s Vinnie’s signature. I’m not sure.

Q. Okay. All right.

Let’s turn the lights on now, Your Honor.

Now, you said that during the time that you were at Calabasas, that you recall at least one trip where you went shopping for clothes and a suitcase, something like that.

A. Yeah.

Q. Okay. Now, from -- did you have clothes with you at the ranch.

A. Yeah, but -- a couple. Not really anything.

Q. And where were your belongings.

A. They were in my guest room. Where I was staying at.

Q. All right. And then with regard to your other belongings that weren’t at the ranch, where were they.

A. They were at my -- some of them were at my -- at the Soto apartment. And most of them were

more at my grandmother’s house.
Q. Now, why would some of them have been at your grandmother’s house.
A. Because I had to stay with my grandmother, because she needed me.
Q. So you were still going to school at --
A. Roosevelt.
Q. Okay.
A. Uh-huh.
Q. Why did your grandmother need you.
A. Because she had gotten surgery on her ankle. They had to move something - I forgot what it was - and she couldn’t really walk. And my grandfather’s a truck driver, so she didn’t have anybody but me. Her other granddaughter, she lives too far. And I’m her only other granddaughter.
Q. Speaking of your grandmother and your grandfather. Your grandfather’s a trucker.
A. Yeah.

Q. Who does he work for.
A. He works for Ralph’s.
Q. How long has he done that, to your knowledge.
A. Since he was 18 years old.
Q. And your grandmother.
A. Yes.
Q. Does she speak English.
A. No. Not at all.
Q. But your grandfather does.
A. Yeah, he speaks English and Spanish.
Q. Now, when -- do you remember how many days it was that you stayed at the Calabasas Inn.
A. Three days. Four days. I don’t remember. About that.
Q. I’m sorry.
A. About three days, I think.
Q. Do you remember whether you were in the same room the entire time.
A. No, we went to another one.
Q. So do you remember the room numbers at all.
A. No. I just remember one was on top of the

other.

Q. So one was on a higher floor. They were not on the same floor.

A. No.

Q. Okay. Let’s do it this way: With regard to the first room you went into, was it on the lower

floor or the higher floor.

A. I think it was on the one on the higher floor.

Q. And then you went to the one on the lower floor.

A. The next floor.

Q. Were one of the rooms bigger than the others.

A. Yeah.

Q. What was the difference.

A. One of them had one more bed. Yeah.

Q. Did they both have kitchens.

A. Yeah, they both had kitchens.

Q. And do you know, when you moved floors, whether or not, to your personal knowledge, Vinnie or Frank changed their room.

A. Yes.

Q. And how did they change their room. I don’t mean how. They didn’t go downstairs. But, I mean, were they on the same floor as you folks.

A. Yes.

Q. Now, when you go back -- after Calabasas. You’re finished at Calabasas. Okay. Let me just ask you a few more questions about Calabasas. You’re at Calabasas. And I saw in that photograph that you identified that it has a kitchen unit.

A. Yes.

Q. Did your mom cook while you were there.

A. No.

Q. So you didn’t use the kitchen unit.

A. No.

Q. So how did you get your meals.

A. They would either bring it to us -- I think one time we did go out to eat. But most of the time everything was brought to us by the bodyguard guy.

Q. So you were in your room and they brought the food.

A. Yeah.

Q. All right. Now, after Calabasas - after you left the Calabasas Inn, okay. - tell the ladies and gentlemen of the jury where you went.

A. We went back to Neverland.

Q. Back to where.

A. Neverland.

Q. And how did you get there.

A. They took us. Vinnie did.

Q. Now, during the time -- let me go back to just one point. During the time that you were at the Calabasas Inn, you've told us that Vinnie was there. Was Frank Tyson ever there.

A. Yeah, he came at one point.

Q. Do you remember how long he was there for.

A. I don't remember. I think a day or two.

Q. So it was not on a consistent basis.

A. No, it was mostly Vinnie that stood there.

Q. Okay. When I asked that, I mean, was he there all of that day, or was he in and out that day. To your knowledge, what you saw.

A. I don't know. We were in our room.

Q. Okay. Fair enough. So you were taken back to the ranch by Vinnie.

A. Yes.

Q. And when you get back to the ranch, do you remember whether it's dark or whether it's daylight.

A. I think it was daylight.

Q. And when you got to the ranch, where did you go.

A. Went to go put our stuff away. And I went to put my stuff in the room, guest room.

Q. So you were back in the guest room.

A. Yeah.

Q. And your mother.

A. She went back to her same room.

Q. Now -- and during that period of time, and during that day at some point, did you see Mr. Jackson.

A. I don’t remember.

Q. Do you remember where your brothers were when they got back to the ranch.

A. I don’t remember seeing them.

Q. They weren’t with you, in any case.

A. Yeah.

Q. And you were where. In your room.

A. Yeah.

Q. The entire time.

A. No, I went out to go, like, eat and stuff, but -- and go drive around and go to the arcade.

Q. Did you see them during that time.

A. I don’t really remember.

Q. Okay. Do you remember an occasion after you came back from Calabasas -- I’ll get away from that. At any time while you were at Neverland Ranch, did you ever go on a trip to Toys R Us.

A. Yes.

Q. Do you remember, in relationship to your time that you spent at Neverland Valley Ranch, when that was.

A. I don’t remember.

Q. I mean, was it like early on, late on, in the middle; do you remember.

A. In the middle. And later on. Like somewhere in there.

Q. Do you remember who you went with.

A. Mr. Jackson. Aldo. Marie Nicole. Gavin. Star. Me. Frank went. Chris, the bodyguard went also, I think.

Q. Who.

A. Chris, Mr. Jackson’s bodyguard also.

Q. A guy by the name of Chris.

A. Yeah.

Q. Okay.

A. And we had picked up some fans also.
Q. Where did you pick up some fans.
A. Driving down the road, like before we made a turn. They were on the corner.
Q. Is this on the ranch premises or off the premises.
A. Off.
Q. And how many of them went with you.
A. I don’t really remember how many there were. I just -- I just remember that one boy.
Q. And then you went where. Do you remember what town you went to, to go to Toys R Us.
A. I don’t remember.
Q. How far it was.
A. 20 minutes. I don’t remember. It wasn’t close by, though.
Q. I’m sorry.
A. It wasn’t close by, though.
Q. And how long were you there at the store.
A. 45 minutes. 30 minutes.
Q. What was going on.
A. They were just getting toys and we were just shopping.
Q. Who was.
A. Everybody that went.
Q. So everybody was buying things.
A. Yeah.
Q. What did you buy.

A. I think I got some roller skates. I think I got roller skates.
Q. So after this trip to the toy store, where did you go.
A. Back to the ranch.
Q. Now, with your brother -- his cancer’s been in remission, you said.
A. Yes.
Q. And to your knowledge, does your brother still have to go back and see the doctor periodically.
A. Yes, he does.

Q. How often.

A. Well, now that they --

Q. Let me --

A. Back then.

Q. Yeah, back then.

A. Okay. He would have to go every so many weeks. Because they were monitoring his kidney.

Q. And was there something that he had to do in connection with that monitoring.

A. Yes, he did.

Q. What was that.

A. He would have to pee in a bottle for two days or 24 hours, something like that.

Q. And have you ever seen this bottle.

A. Yes, I have.

Q. Could you describe it to us.

A. It's about this height, of this.

Q. Of the water container there.

A. Yes. And then it has a thick handle, it's plastic. And it's got a real secure, like, top.

Q. Now, while you were at the ranch, did you receive any information - don't tell me what it was - that caused you to go looking for your brothers about the trip to the hospital.

A. Yes.

Q. From who was it that you got the information.

A. My mother.

Q. And did you do something as a result of that information.

A. Yes.

Q. And what did you do.

A. I went to Mr. Jackson's -- because there's two doors. A door that goes straight into the room and there's a door that goes into a hallway that goes into his room. That door, I was knocking and pounding on.

Q. Okay. When you say "that door," I'm not exactly clear yet. Talk about that again.

A. Because there's a door that goes straight into his room. That's the one that has the code on

it.

Q. Right.

A. Then there's a door down -- that's on the hallway, in the front of the hallway. That door was locked.

Q. Okay.

A. So I was pounding on that door.

Q. You were pounding on that door. So you never got into the hallway.

A. No, it was locked.

Q. And did anybody ever come to the door.

A. No.

Q. Did you go back -- where did you go after that.

A. I went to my mom and told her that, "They're not letting me in"; that, "They're not answering."

Q. Now, after the -- after -- the day after the incident where you were pounding on the door - okay. - did you see your mother leave the ranch.

A. Yeah, her, Gavin and Vinnie were taking Gavin to his doctor's appointment.

Q. Did you actually see them leave.

A. Yes.

Q. Do you know whether it was in the morning or the afternoon or --

A. It was in the morning.

Q. And did you actually see them get into the car.

A. Yes.

Q. Did you see whether or not at that point in time Gavin had his bottle full of urine.

A. Yes.

Q. And who was actually physically carrying the bottle at that point.

A. I think Gavin was carrying it at the beginning, but he passed it to my mom.

Q. Now, did you see where they were seated in the car.

A. Gavin was sitting in the back and my mom was in the front and Vinnie was driving.
Q. And was it at this point -- when your mom was in the front of the car, could you tell us whether or not she had the bottle at that point.
A. I think she did, because right before they got in the car, that’s when Gavin passed the bottle to him -- to my mom.
Q. So I take it you just saw them drive off.
A. Yeah.
Q. Now, later that day, did you see your brother Gavin.
A. Yes.
Q. After he had gone to the hospital.
A. Yes.
Q. Was he back on the ranch.
A. Yes.
Q. Did you see him drive up or --
A. Vinnie drove him up.
Q. Did you see that.
A. Yeah.

Q. So where were you when you saw Vinnie and your brother come back.
A. I was in front of the main house.
Q. Was your mother with them.
A. No.
Q. All right. When your brother got out of the car, where did he go.
A. I think he went to go look for Mr. Jackson.
Q. I’m sorry.
A. I think he went to go look for Mr. Jackson. I don’t remember.
Q. But your mother wasn’t there.
A. No.
Q. Now, during the time that you were at the ranch, and the boys were at the ranch, and Mr. Jackson was at the ranch --
A. Yeah.
Q. -- talking about that period once you come back from Miami. All right. Just speaking for yourself. Okay. Was there a difference in the

relationship between you and your brothers.

A. Yes.

MR. MESEREAU: Objection; vague.

THE COURT: Sustained.

Q. BY MR. SNEDDON: You’ve described yourself to the jury already as a close family, correct.

A. Yes.

Q. All right. Was there anything that changed with regard to that description that you’ve given the jury about the closeness of the family between you and your brothers.

A. Yes.

MR. MESEREAU: Objection; vague.

THE COURT: Overruled.

THE WITNESS: Yes.

Q. BY MR. SNEDDON: Would you tell the ladies and gentlemen of the jury what it is.

A. Me and my brother are very, very close. When -- during this all, it just felt like he didn’t want to be near me. He didn’t really want to really talk to me. He didn’t really want to talk to me. He didn’t want to be near me. It just felt weird. And me being his older sister, I just knew something. I don’t know. I don’t know. Just felt weird.

Q. Anything else about his behavior that changed, that you noticed.

A. He didn’t really want to talk to me. He was very distant. He just didn’t want to even see my mom. He just thought differently.

Q. Now, after your brother and Vinnie came back from the hospital trip - okay. - at some point in time after that, did you have a telephone conversation with your mother.

A. Yeah.

Q. And as a result of the telephone conversation with your mother, did you do something.

A. Yes.

Q. What did you do.
A. I packed all of our stuff and I just threw everything together. My stuff was pretty much already together. Just the boys’ clothes were everywhere.
Q. And what did you do with the boys’ clothes.
A. Put them back in suitcases.
Q. Now, when you talked to your mother on the phone - okay.
A. Yeah.
Q. - was anybody present with you.
A. No.
Q. And at any point in time, were you present when your mother was talking to anybody else at the ranch on the phone before you packed your bags.
A. I don’t remember.
Q. Now, when you come out after packing your bags, do you know where you’re going.
A. I’m going to my grandparents’ house.
Q. And did anything -- did anything happen when you came out.
A. Came out of the ranch, or --
Q. No, no, no. You packed your bags, you’re going to get a ride, and you’re going back to your grandparents’ house, right.
A. Uh-huh.

Q. Before you left, did anything happen.
A. Yeah.
Q. Okay. Tell the jury what happened.
A. Well, Vinnie came -- or I think it was Frank came up to me and said, “Just leave that suitcase.” And --
MR. MESEREAU: Objection; hearsay.
MR. SNEDDON: It’s offered under 223, Your Honor.
THE COURT: All right. It will be conditionally accepted.
Q. BY MR. SNEDDON: All right. Lean into the microphone.
A. Well, Frank had told me, “Just leave that suitcase.” And Gavin said, “Yeah, just leave it.”

It was Gavin’s things in there.

Q. And did you leave the suitcase.

A. Yeah.

Q. And to your knowledge, did you ever get that suitcase back.

A. No.

Q. You didn’t see it come back.

A. I don’t remember getting it back.

Q. When you left the ranch, who left.

A. Me and my brothers.

Q. Do you know who took you.

A. Either Frank or Vinnie. I don’t remember.

Q. Where did they take you.

A. To my grandparents’ house.

Q. When you got to your grandparents’ house, who was there.

A. My mom and my grandparents. I think Jay was there, too.

Q. Who.

A. I think Jay was there, too.

Q. Now, did you ever go back to Neverland Valley Ranch after that.

A. No.

THE COURT: Take our afternoon break now.

MR. SNEDDON: Thank you.

THE COURT: See you tomorrow morning. Remember the admonitions.

(The proceedings adjourned at 2:30 p.m.)

--o0o--

REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 585 through 765 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 3, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
March 3, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
OFFICIAL COURT REPORTER

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

FRIDAY, MARCH 4, 2005

8:52 A.M.

(PAGES 767 THROUGH 780)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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INDEX

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
ARVIZO, Davellin	772-S			

E X H I B I T S

		FOR	IN
PLAINTIFF'S NO.	DESCRIPTION	I.D.	EVID.
340	Rebuttal Film (Two DVDs)	773	774

Santa Maria, California
Friday, March 4, 2005
8:52 a.m.

THE COURT: Good morning.

THE JURY: (In unison) Good morning.

MR. MESEREAU: Good morning.

THE COURT: I'll tell you how my day started out so you get a picture of this. Every morning my research attorneys come in and meet with me to see if there's anything that needs to be done. And they came in this morning at eight o'clock. And I said, "Oh, don't worry about a thing, you know, we're ready to go." And then I was told we have motions. So -- and I had to spend some time and that's why you had to wait. So my -- "Okay, everything's all right, it's a go," went like that.

(Laughter.)

THE COURT: So I apologize for keeping you waiting and we'll get started right now.

Are you ready to proceed.

MR. SNEDDON: Yes, Your Honor. I am. Thank you.

THE COURT: We'll let you use that until it squeals at you.

MR. SNEDDON: It does have a mind of its own, I'll tell you that.

//

DAVELLIN ARVIZO

Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION (Continued)

BY MR. SNEDDON:

Q. Good morning.

A. Good morning.

Q. You told the ladies and gentlemen of the jury that you and your mother and your brother and your sister (sic) were part of a film that was done at the house of an individual by the name of Hamid Moslehi, correct.

A. Yes.

Q. And you remember that incident.

A. Yes.

Q. Now, on that particular evening, do you remember the filming of the -- the actual interview that was done of the family.

A. Yes.

Q. Did you participate in all of the interview.

A. No.

Q. What happened -- about how much of it were you involved in; do you recall.

A. 20 minutes, half an hour.

Q. And was that the first part or the last part.

A. I think that was the first part.

THE COURT: You need to speak a little louder.

THE WITNESS: I think that was the first part.

Q. BY MR. SNEDDON: That's just perfect. If you can just keep that -- just like that. We can all hear.

And when you were no longer a participant in the interview, what, if anything, did you do.

A. I don't really remember, but I was just there for like a couple minutes. Like standing on the side.

Q. And then what.

A. I don't remember. But I don't remember being right there watching.

Q. So you didn't stick around and watch it.

A. No.

Q. Okay. Now, you have seen the footage, the film of the interview itself, correct.

A. Yes.

Q. Of you and your family.

A. Yes.

Q. You were asked to review that in connection with your testimony, correct.

A. Yes.

MR. SNEDDON: Your Honor, at this time I'd like to have marked as People's Exhibit No. 340 for identification, there's two CD disks, or DVD disks, I’m sorry, of the rebuttal, what’s called the rebuttal, or the Hamid interview. And I think counsel and I would both agree it should come into evidence. Correct.

MR. MESEREAU: Yes, the whole tape, Your Honor.

THE COURT: All right. It’s admitted.

MR. SNEDDON: There are two disks in that, Your Honor, and I look the liberty of preloading one of them in the -- and we’ll need the Court to activate the “DVD” switch up there on the bench.

MR. MESEREAU: Your Honor, may I inquire as to what is coming into evidence. Is it one DVD. Is it the entire exhibit.

THE COURT: They can’t hear you in the back.

THE BAILIFF: Nobody can hear you.

MR. MESEREAU: I’m sorry, Your Honor. Your Honor, I’m inquiring as to what exactly Mr. Sneddon is proposing to put into evidence. Is it the entire interview, as recorded, or is it part of it.

MR. SNEDDON: Well, at this point, Your Honor, the only part of it I can lay the foundation for is the part involving this witness, because she was not present, as she just indicated, during the latter part of it.

THE COURT: At this time you’ll just put in the part she can identify.

MR. SNEDDON: Yes, sir.

THE COURT: We’ll deal with the other part later.

MR. SNEDDON: It’s my -- just to satisfy the Court and counsel, it is my understanding that the first DVD that is in the machine now involves the entire family. And that the second one ends somewhere around -- maybe eight or nine or ten minutes into it, it stops, and she is no longer a participant in it, so everybody knows. The first one would be the -- entirely is the family, all of it.

MR. MESEREAU: That's not our understanding, obviously.

MR. SNEDDON: Well --

MR. MESEREAU: Is Mr. Sneddon proposing to use as an exhibit the first DVD and just ten minutes into the second, or is he proposing to use, as an exhibit, both. I don't understand that, Your Honor.

THE COURT: I don't either.

MR. SNEDDON: I'm only proposing to use what I can personally lay a legal foundation for. And that is the first part of the first tape of the DVD and that portion in which this witness was a participant and knew something about. I can't ask her to authenticate something she's never seen.

THE COURT: You aren't answering the question, though.

Does that involve all of the first DVD and part of the second DVD.

MR. SNEDDON: Yes, Your Honor.

THE COURT: Does that answer your question.

MR. MESEREAU: It does, Your Honor.

MR. SNEDDON: I apologize if I didn't make that clear.

All right. At this time, Your Honor, with the Court's permission and counsel's permission, I propose to play the first of the DVDs.

THE COURT: All right.

MR. MESEREAU: No objection.

MR. SNEDDON: Your Honor, excuse me just a second.

THE COURT: Yeah.

MR. SNEDDON: Should we have the witness come down to view it, like we did Mr. Bashir, or would you prefer she just stay there.

THE COURT: Depends on how well she can see it from --

MR. SNEDDON: Okay. Why don't you try looking at it. If you have a hard time seeing it, let us know. Okay.

THE WITNESS: Okay.

THE COURT: Are you going to question her while it's being played.

MR. SNEDDON: I am not. I am going to allow the thing to play in its entirety that involves her.

THE COURT: All right.

MR. SNEDDON: There will be one break simply to change the CDs.

THE COURT: Which input should that be.

THE BAILIFF: Four.

(Whereupon, a portion of People's Exhibit No. 340, Disk 1, was played for the Court and jury.)

MR. MESEREAU: Excuse me, Your Honor. We can't hear what's said. Can we request it be started again.

THE COURT: All right. I couldn't hear it either. Do you want to start it over.

MR. SNEDDON: Your Honor.

THE COURT: Yes.

MR. SNEDDON: Apparently the volume would need to go up louder, but the technician told Mr. Auchincloss if he turned it up any louder that we'd get a lot of screeching.

MR. AUCHINCLOSS: I can try it, Your Honor.

THE BAILIFF: I'm calling right now the technician.

THE COURT: Well, we can't hear it.

MR. SNEDDON: I understand that. I had no way of knowing that before we activated it.

MR. AUCHINCLOSS: I think if we turn off these microphones, it stops the feedback loop and we can turn it up.

THE COURT: All right. Everyone turn off your mikes.

(Whereupon, a portion of People's Exhibit No. 340, Disk 1, was played for the Court and jury.)

(Off-the-record discussion held at counsel table.)

MR. SNEDDON: Your Honor, I believe what

happened, there's an overlap between the first and the second CDs and that this is the overlap. This did not appear in the home version.

Your Honor, may the record reflect that we have stopped the first disk at 3106 and I would propose to put the second disk in at this time.

THE COURT: All right.

MR. SNEDDON: I'm willing, if counsel, which I think he does, would waive the foundation for the second part. We'll just play this whole disk all the way to the end.

MR. MESEREAU: That's acceptable, Your Honor.

THE COURT: All right. I'll approve that stipulation. And the whole second disk will be played without further foundation.

(Whereupon, a portion of People's Exhibit No. 340, Disk 2, was played for the Court and jury.)

THE COURT: Can you cut it there. We'll take a break.

MR. SNEDDON: Your Honor, for the record, that would be at 9.39 on the tape.

(Recess taken.)

--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 771 through 779 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 4, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
March 4, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION

DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

FRIDAY, MARCH 4, 2005

8:52 A.M.

(PAGES 781 THROUGH 959)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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INDEX

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES DIRECT CROSS REDIRECT RECROSS

ARVIZO, Davellin 798-M

E X H I B I T S

DEFENDANT'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
5000	Audiotape of Bradley Miller interview	933	934

THE COURT: All right.
MR. SNEDDON: We'll continue with the tape at this point.
THE COURT: All right.
(Whereupon, People's Exhibit 340, Disk 2, was played to its conclusion for the Court and jury.)
MR. SNEDDON: Your Honor, may the record reflect that it ends at 30:28.
THE COURT: All right.

MR. SNEDDON: I think we can clear the --

THE BAILIFF: Can you turn the microphone back on.

Q. BY MR. SNEDDON: Miss Arvizo, with regard to the tape we just saw, the exhibit, People’s 340 - okay. --

A. Yes.

Q. -- I asked you about when you were in Miami. Remember that.

A. Yes.

Q. At the hotel there.

A. Yes.

Q. And I believe you told us yesterday that you were not allowed to watch the Bashir tape in Miami.

A. Yes.

Q. Now, prior to seeing this film itself -- let me put it this way: From the point that this was made at Mr. Moslehi’s house on the night that you videoed it - okay. - between the time you were in

Miami and the time that you went for the filming of this particular thing, had you ever seen the Bashir documentary.

A. Never.

Q. And from the time -- when was the first time that you saw it.

A. I’ve never seen it to this day. I’ve only saw what, like, the press has aired, like the one little spot. But I’ve never seen it.

Q. Now, to your knowledge, in your presence, from the time that you were in Miami to the time that this film was made that we just saw, did your mother ever see the Bashir documentary.

A. No.

Q. There’s a statement in this video that says that you had full access to Michael Jackson, 24 hours a day, seven days a week. Is that a true statement.

A. Me. No.

Q. Let me ask you a few other questions about Miami, so we can go back and focus on Miami. Okay.

A. Okay.

Q. Just a couple.

When you left to go to Miami, did you have an understanding with regard to how long you were going to be gone.

A. No.

Q. When you packed your belongings to go on the trip, how many days' clothing did you take; do you recall.

A. A couple of days.

Q. Now, when you got to Miami, you told us that on the day after you arrived, you were in Mr. Jackson's room all day that day. Correct.

A. Yes.

Q. Did anybody at that time tell you that you couldn't leave.

A. Well, they just had us in the room. They didn't really say, "You go anywhere." We had asked to go to the beach one time, and they just kept saying, "We'll do it later; we'll do it later."

Q. And who said that.

A. We'd ask Frank, and that's all I remember who we would ask.

Q. "Frank" meaning Frank --

A. Tyson. Mr. Tyson.

Q. Now, let's go back to the time that we're talking about; you were at the ranch, at Neverland Ranch. Okay.

A. Okay.

Q. Were you, at any time while you were on the ranch, you personally - okay. - told anything about any threats.

A. Like --

MR. MESEREAU: Objection. Vague; and hearsay.

MR. SNEDDON: I didn't ask her what they said, Your Honor. I'm just trying to lay a foundation, there was some conversations.

THE COURT: The question is ambiguous. I'll sustain the objection.

Q. BY MR. SNEDDON: From the time that you got back to the ranch, Neverland Valley Ranch, after you left Miami - okay. - until the time that you left to go to your grandparents’ house - okay. - did you ever have a conversation with anyone at the ranch about threats.

A. Yes.

Q. And with whom did you have that conversation.

A. With Dieter and Frank.

Q. All right. With regard to Dieter, do you recall when those conversations took place.

A. They were before the rebuttal video, but I don’t know when.

Q. And do you recall what Dieter told you about threats.

A. He said there were death threats on us.

Q. Do you recall what else he said, if anything, about that.

A. I don’t remember. It’s too long ago.

Q. Okay. And you said, I believe, that there was somebody else who talked to you about threats.

A. Yes.

Q. And who was that.

A. Mr. Tyson.

Q. All right. What did Mr. Tyson say to you.

A. He said the same thing; that there was death threats on us.

Q. With regard to either one of those two individuals, did they ever say that there were threats against your family, threatened your family.

A. That’s what the death threats were, were on our family.

Q. Now, with regard to the trip to Brazil - okay. - did you ever have a conversation on the ranch between the time that you had arrived there from Miami till the time that you eventually left for the last time, did you have a conversation with Mr. Tyson about your mother and the trip to Miami.

A. Yes.

Q. And what did Mr. Tyson say to you in that connection.

MR. MESEREAU: Objection; hearsay.

MR. SNEDDON: Offered for the same reason. 1223.

THE COURT: I'll admit it conditionally under the instructions previously given to you.

THE WITNESS: He just said that my mom was being really difficult, that I need to talk to her, she's not cooperating, and stuff like that.

Q. BY MR. SNEDDON: Did he call her a name.

A. Yeah, he called her a "B," b-i-t-c-h.

Q. Did he spell it for you or did he just say it.

A. He said it.

Q. Do you recall whether that statement was made to you before or after the filming of the rebuttal.

A. I think it was after the rebuttal.

Q. And do you recall where you were when you had that conversation with Mr. Tyson.

A. All I remember is I was sitting down. I don't remember where it was at.

Q. Okay. Let me take you to the point where we were yesterday when we took our recess. Okay. I believe you indicated that you'd packed the bags, and then you had then left the ranch and gone to your grandparents.

A. Yes.

Q. Now, when you left the ranch and you went to your grandparents' place - okay. - did you go back to school.

A. Yes.

Q. And what school did you go back to.

A. Mountain View High School.

Q. And while you were going to Mountain View High School, with whom did you live with.

A. My grandparents.

Q. Now, when you left the ranch, you went back to school, and you were in high school at this point, correct.

A. Yes.

Q. Did anything happen to you within a few days of leaving the ranch with regard to your comings and goings at school.

A. Yes.

Q. Would you tell the ladies and gentlemen of the jury what happened.

A. I was walking home from school, because my school, the Mountain View High School, is only a few blocks from my grandmother's house. And about the block right before I got to my grandmother's house, a black car pulled up to me, and it was one of Mr. Jackson's bodyguards. He tried to ask me how --

MR. MESEREAU: Objection; hearsay.

MR. SNEDDON: Offered for the same purpose, Your Honor.

THE COURT: Accepted conditionally.

THE WITNESS: He said, "Oh, how are you doing." He was fidgeting a lot, like under the car. I couldn't see what was going on. I was just really trying to get really quick, and I said, "I got to go, I got to go." And I just, like, walked really fast to my grandmother's gate. And when I was closing the gate, I looked back and he was videotaping me.

Q. BY MR. SNEDDON: Did you ever have any other contact with that individual.

A. Yes.

Q. What was that.

A. This was the night before that incident with him driving next to me. I was laying down in my grandmother's room. This is the room that Gavin used to sleep in. It faces towards the outside and it has a big window.

All of a sudden, I heard rocks that were falling on the roof, like someone was throwing them. And I ran to my grandmother and I said, "Somebody's throwing rocks." And we went to the front door, and we just opened, like, the wood door, and we had the screen door closed.

And then all of a sudden, one of the rocks hit the glass. And my grandma screamed, “Hey,” and she ran out. And I ran to go get my shoes to run out, too.

And I -- all I saw was the guy running to his car and take off. And it was the same car that I had seen the next day, so it was him.

Q. Now, at some point after you’re back at your grandmother’s, the -- did your brother Gavin’s suitcase arrive from the ranch.

A. Yes, I think it did.

Q. And were you there when that happened.

A. No, I didn’t -- I got to see it afterwards, but I didn’t see when it arrived.

Q. Okay. But was it still closed when you arrived.

A. No. It was open. My mom and everybody had went through it to see what was there.

Q. Okay. And so your mother did that.

A. Well, yeah, with Gavin.

Q. Okay. But you weren’t there when they did it.

A. No.

Q. Okay. Fine.

Have you ever -- have you ever heard of the name Marc Schaffel.

A. Yes.

Q. And how have you heard of that name.

A. They just said that -- well, Frank would tell us that --

MR. MESEREAU: Objection; hearsay.

MR. SNEDDON: Offered under 1223, Your Honor.

THE COURT: It’s -- all right. I’ll admit it under the conditional limitation that I have.

MR. SNEDDON: Okay.

THE WITNESS: Frank had just told us that it was one of Michael’s friends, and he was helping him. I didn’t know anything else.

Q. BY MR. SNEDDON: Had you ever been to Mr. Schaffel's house.

A. We saw the outside of it. Frank and Vinnie had drove over there with us on the car and he told us to stay in the car.

Q. And did they then go into the house.

A. They went into the house.

Q. Came back out.

A. Yes.

Q. Now, you told the ladies and gentlemen yesterday that while you were on the ranch, that, in your opinion, there was some change in your brother's behavior. Remember that.

A. Yes.

Q. Now, at the point where you -- the family was back off the ranch, now, for the last time -- okay. --

A. Yes.

Q. -- did your brother's behavior change in any respect from the way you described it.

A. Yeah.

Q. What was that.

A. Gavin's a very affectionate little boy. He loves to be kissed, he loves to be held, just everything, his big sister.

MR. MESEREAU: Objection; this is asked and answered.

THE COURT: Sustained.

MR. SNEDDON: This is a different point in time. This is not on the ranch anymore. This is after they left the ranch.

THE COURT: When was the point in time she was talking about yesterday.

MR. SNEDDON: On the ranch. She was talking about the isolation and the changes she saw on the ranch. Now she's talking about what happened after they left the ranch.

MR. MESEREAU: If I may, Your Honor, I think

they said they were back and forth many times.
THE COURT: The objection is sustained.
Q. BY MR. SNEDDON: Yesterday, when we were talking about how things were on the ranch - okay. --
A. Yes.
Q. -- and when you didn’t see too much of your brothers at that point in time --
A. Yeah.
Q. -- was the description that you gave your brother at that time and the changes that you saw, were those the changes that occurred on the ranch or after the ranch.
A. On the ranch, he was more separate from me and stuff. But when we were at my grandmother’s house, I saw a lot more of how much he had changed.
MR. SNEDDON: Your Honor, with the Court’s permission, I’d like to go into that.
THE COURT: You may.
MR. SNEDDON: All right.
Q. Now, would you describe to the ladies and gentlemen of the jury what changes that you observed, after he left the ranch, in Gavin’s behavior.

A. He didn’t want nobody to talk to him. He didn’t want to be hugged. He didn’t want to be kissed. He didn’t want to do nothing. He just wanted to be by himself. He didn’t want to talk to me. He didn’t want to talk to anybody. It just hurts, because I’m his older sister.
Q. Okay. Do you have some water up there.
A. Uh-huh.
Q. Go ahead. Take a drink of water. We got all kinds of time.
A. Okay.
Q. Okay now. Okay. I’m almost done.
A. Okay.
Q. I want to take you back to the time that you were on the ranch. Okay.
A. Okay.
Q. And I want to ask you, at any time while you

were on the ranch, between the time that you arrived there from Miami till the time that you left for the last time to your grandparents - okay. --

A. Okay.

Q. -- did you ever see anything with regard to the defendant in this case, Mr. Jackson, touching your brother Gavin in an inappropriate way.

MR. MESEREAU: Objection. Leading; move to strike.

THE COURT: Overruled.

You may answer.

THE WITNESS: He would constantly be --

Q. BY MR. SNEDDON: Just “Yes” or “No.”

A. Yes.

Q. Okay. Now, where was that when you saw it.

A. Well, he would be constantly hugging Gavin and kissing him. So anytime I saw them, really.

Q. Now, when you say “hugging” and “kissing,” what do you mean by “kissing”.

A. On the cheek or on the head.

Q. Did you -- were there any other occasions that you remember that you saw things that you thought were inappropriate.

MR. MESEREAU: Objection; leading.

THE COURT: It’s overruled.

You may answer.

THE WITNESS: Well, when I was in the bedroom that one time.

Q. BY MR. SNEDDON: What did you see on that occasion.

A. Well, he had his arm, and Gavin was laying on his arm like this, and they were just hugging over and over. And he just was kissing him over and over on his head and --

MR. SNEDDON: All right. Thank you very much.

THE COURT: Okay. Cross.

MR. MESEREAU: Yes, please, Your Honor. May

I just take a second to bring something up.
THE COURT: Yes.
MR. MESEREAU: Thank you.
MR. SNEDDON: Would you mind if I got my water, Your Honor, by walking around. Thank you.
MR. MESEREAU: May I proceed, Your Honor.
THE COURT: Yes.
MR. MESEREAU: Thank you.

CROSS-EXAMINATION
BY MR. MESEREAU:
Q. Good morning.
A. Good morning.
Q. Ms. Arvizo, we've never met before, right.
A. No.
Q. We've never spoken either on the telephone or anywhere else, right.
A VOICE FROM THE AUDIENCE: Louder.
THE BAILIFF: Please, louder.
MR. MESEREAU: I don't think --
MR. SANGER: Just hit the tip of it.
THE COURT: Just talk into it.
MR. MESEREAU: Hello, hello.
THE COURT: Back there, in the front row that was signalling, you okay now.
MR. MESEREAU: Hello.

THE COURT: They're hearing you now.
MR. MESEREAU: Okay. Thank you, Your Honor.
Let me start again.
Q. We have never met before, correct.
A. No.
THE COURT: Now they can't hear you.
Q. BY MR. MESEREAU: We've never met before, right.
A. No.
Q. And we've never spoken either by telephone or in person, correct.
A. No.
Q. Okay. Miss Arvizo, my name is Thomas Mesereau, and I just want you to know I speak for Mr. Jackson. Okay.

A. Okay.

Q. If I ask you any question and you don’t understand it, please don’t answer it. Just tell me you don’t understand. Okay.

A. Okay.

Q. If anything I say is unclear, just don’t answer. Just tell me, “It’s unclear. Would you please rephrase it.” Just don’t answer - okay. - unless you really understand it. Is that okay.

A. That’s fine.

Q. All right. Now, yesterday you were asked by the prosecutor if you recalled a meeting at Mr. Jay Jackson’s home with three social workers; do you

remember that.

A. The meeting with the three social workers, I remember that, yes.

Q. And they were three women from the Los Angeles Department of Children & Family Services, correct.

A. Yes, that’s what they told me.

Q. And you were at that meeting, right.

A. Yes.

Q. And you were interviewed at that meeting --

A. Yes.

Q. -- right. And that meeting took place after the rebuttal video, that was just shown, was filmed, right.

A. Yes.

Q. In fact, your family went from Mr. Moslehi’s home, where the rebuttal was filmed, to Jay Jackson’s home, right.

A. Yeah, it was like 4:00 in the morning.

Q. Okay. 4:00 in the morning, you went to Jay Jackson’s home, correct.

A. Yes.

Q. And that’s Major Jay Jackson of the United States Army, true.

A. Yes.

Q. And your mother was living with him at the time, correct.

A. Well, they would sleep over. They weren’t officially living there, yeah.

Q. Well, correct me if I’m wrong, didn’t your mother spend more time living there than the Soto address at that point.

A. It was kind of even.

Q. Okay. Okay. Did you live at Jay Jackson’s home at that point in time.

A. No, I would go from -- I would visit there. And I would stay at the Soto apartment and I would visit with my grandparents, because they needed me.

Q. Okay. When the meeting with the three social workers from the Los Angeles Department of Children & Family Services took place, where were you living primarily.

A. Mostly with my grandparents, because she really needed me.

Q. Okay. So you were spending most of the time in El Monte at that point, correct.

A. Yes.

Q. Your mother was sort of splitting time between Soto Street and Jay Jackson’s home, right.

A. This is what I can remember, yes.

Q. Okay. But the meeting with the three social workers was at Major Jackson’s home, right.

A. Yes.

Q. And you went right from Mr. Moslehi’s home, where the video that was just shown was filmed, to Jay Jackson’s home for the interview, right.

A. Yes, because it was closer.

Q. And who drove you from Mr. Moslehi’s home to Major Jackson’s home for that interview.

A. I think it was Vinnie.

Q. Okay. Did he drive all four of you to Major Jackson’s home.

A. From what I remember, yes.

Q. Okay. Now, that interview with the three social workers, was their desire -- excuse me, let me rephrase that.

The interview with the three women from the Los Angeles Department of Children & Family Services took place because they were investigating whether or not Mr. Jackson had done anything wrong and whether or not your mother was fit to be a parent, right.

MR. SNEDDON: Your Honor, I'm going to object.

THE WITNESS: I didn't know --

MR. SNEDDON: I'm going to object. Lack of foundation that she even knows what the reason for the meeting was.

MR. MESEREAU: I'll be happy to go into that. I'll withdraw the question, Your Honor.

Q. Do you know why the meeting with the three social workers took place.

A. I didn't know.

Q. Did you talk about that meeting with anyone before you attended it.

A. Um, I think so. I forgot who it was, but they had just said, "Just say nice things."

Q. But your mother asked you to do that also, didn't she.

A. I don't remember her asking me to say anything.

Q. Well, but they were investigate -- I mean, did you think they were investigating your mother at that time.

A. I don't know.

MR. SNEDDON: I'm going to object; calls for speculation.

THE COURT: She said, "I don't know." She did answer the question.

Q. BY MR. MESEREAU: Okay. At that meeting, you said nice things about Mr. Jackson, right.

A. Yes.

Q. And you said those things because you meant them, right.

A. Kind of.

Q. Well, do you remember appearing before a grand jury in Santa Barbara County.

A. Yes, I do.

Q. Didn’t you tell the grand jury in Santa Barbara County that you meant exactly what you said about Mr. Jackson.

A. Well, yes.

Q. You didn’t say these nice things about Mr. Jackson because someone else asked you to, correct.

A. Well, that’s why I say “I don’t know,” because things -- I just remember later on.

Q. Well, let me just try and explore that a little bit.

A. Okay.

Q. You told the Santa Barbara Grand Jury that you said nice things about Mr. Jackson, right.

A. Yes.

Q. And you were asked by the prosecutor why you said those things, right.

A. Yes.

Q. You said you said those things because you felt that way towards Mr. Jackson, right.

A. At that moment in time I did, yes.

Q. So you didn’t say the things you said about Mr. Jackson because somebody had told you to say those things, correct.

A. I really don’t remember. It’s so long ago. I mean, I can’t remember every little detail.

Q. But do you remember that meeting at all.

A. There was so many meetings. I don’t remember.

Q. You don’t remember the meeting at Jay Jackson’s house with the three social workers.

A. I remember that, yes.

Q. Do you remember who was at the meeting.

A. It was me -- who first arrived was Aja and her little baby, and then Mr. Jackson’s bodyguard. And then the three ladies.

Q. And did Aja arrive by herself or did someone bring her there, to your knowledge.

A. She drove over there.

Q. So Aja drove to Jay Jackson’s home with her child, right.

A. Yes.

Q. And Aja is Actor Chris Tucker’s girlfriend at the time, right.

A. Yes.

Q. And do you know why Aja drove to Jay Jackson’s home at that point.

A. For support. She’s our very close friend.

Q. Okay. Is she still your close friend.

A. No. Well, how can -- all this is causing friction. Nobody knows what to think.

Q. Okay. But is she still your close friend.

A. We don’t talk to her right now, no.

Q. Do you talk to Chris Tucker at all at the moment.

A. Not right now.

Q. When did you last talk to Chris Tucker, if you remember.

A. Don’t remember.

Q. When did you last talk to Aja.

A. When I was at the rebuttal film.

Q. Now, you testified yesterday that you saw the three social workers arrive, right.

A. Yes.

Q. You were there when they came into your -- to Jay Jackson’s apartment, right.

A. Yes.

Q. And did you introduce yourself to them.

A. Yeah.

Q. Did your mother introduce herself to them.

A. Yes.

Q. And did your brothers introduce themselves to the three social workers.

A. Yes.

Q. And had you discussed with your mother before that meeting anything that you were going to say at the meeting.

A. I don’t remember that, no.

Q. You don’t remember that at all.
A. No.
Q. Do you remember discussing what you were going to say at that meeting with anyone.
A. I don’t remember.
Q. Don’t remember at all.
A. No.
Q. Okay. Well, you said yesterday you remembered somebody with a tape-recorder in another room, or something that looked like a recorder,

correct.
A. Yes.
Q. Had you gone over that question and answer with the prosecutor before you testified.
A. Well, yeah, when they first asked me what it was.
Q. And approximately when was that.
A. I don’t remember.
Q. Did you meet with any member of the prosecution team last night.
A. No. Not last night, no.
Q. Did you meet with any member of the sheriff’s department last night.
A. No.
Q. Did you meet with any attorney last night.
A. No.
Q. At any point, did you discuss how much of that rebuttal video you were present at with anyone from the prosecution team.
A. No.
Q. Well, at some point did you tell Mr. Sneddon or anyone associated with Mr. Sneddon that you were gone for part of what appeared on that tape.
A. Well, when I was at the rebuttal, I knew there was a moment that I wasn’t there, because I was there.
Q. When did you last discuss that with any member of the prosecution team.

A. I -- I called someone and told them that I wasn’t in the next part and asked them if I was going to be asked about that, because I don’t know.

Q. And when did you make that call.

A. Last night.

Q. And who did you call.

A. Steve Robel.

Q. And he’s a Santa Barbara Sheriff.

A. Yes.

Q. Did he call you or did you call him.

A. I called him. Because I was concerned, because I didn’t want to be questioned on something I don’t know about.

Q. Well, how did you know the rebuttal tape was going to be shown today.

A. Well, because they gave me the CD to review so I could refresh my memory. Nobody was sitting there with me.

Q. And who was “they”.

A. Well, Steve Robel brought it over to me, and I reviewed it.

Q. Was that last night.

A. Yes.

Q. Did he bring it to your home.

A. He brought it to where I was staying at.

MR. SNEDDON: I’m going to object to that question, as to where the witness is, for purposes of security and safety.

MR. MESEREAU: I’m not -- I object to Mr. Sneddon’s statement, that he’s suggesting things that aren’t true, Your Honor. But I’m not going to ask her her address anyway.

MR. SNEDDON: You asked where the home was.

THE COURT: No, he didn’t.

MR. MESEREAU: No, I didn’t.

THE COURT: Read the question back. The objection is overruled. He didn’t ask that. You misheard. Read the question back.

(Record read.)

THE COURT: Okay.

Q. BY MR. MESEREAU: And did you have a discussion with this sheriff last night.

A. No, he just handed me the CD.

Q. Did he say anything to you at all.

A. No.

Q. Did he tell you it was likely to be shown today.

A. Well, he said it was kind of going to be shown eventually, so they just wanted me to review it.

Q. And was that all he said.

A. Yeah.

Q. Did you ever meet with any member of the prosecution team to discuss what you were going to say in court in this case.

A. Yeah, we did meet once or twice.

Q. And who did you meet with.

A. Mr. Sneddon.

Q. And when did that take place.

A. Couple of days ago. Don’t remember.

Q. And did he come to where you were staying.

A. No, I went to where he was.

Q. Did someone pick you up and bring you to see Mr. Sneddon.

A. Yes.

Q. And who was that, if you know.

A. I think it was Steve Robel’s wife.

Q. Okay. And was anyone in the meeting besides you and Mr. Sneddon.

A. Mr. Robel would come in and out, but it was mainly me and Mr. Sneddon.

Q. And was any other prosecutor there; do you know.

A. No.

Q. Just you and Mr. Sneddon at times, and no one else present.

A. No.

Q. Do you know if that conversation was recorded.

A. No.

Q. Did anyone tell you it was going to be recorded.

A. No.

Q. How long did that meeting with Mr. Sneddon take place.

A. Like 15 minutes.

Q. Only 15 minutes.

A. Yeah.

Q. Did you discuss what you were going to be asked in court.

A. No. He just -- he just helped me refresh my memory.

Q. Now, how did he help you refresh your memory.

A. They just gave me what I said.

Q. Do you mean police reports.

A. No.

Q. Would it be transcripts.

A. Yes.

Q. Did he tell what you transcripts he was giving you to read.

A. Just of the grand jury, and that’s all I remember. That’s the only one.

Q. Okay. And did he give you any materials to take home with you.

A. Well, that.

Q. Okay. So you took the transcript home with you that Mr. Sneddon gave you.

A. Yes.

Q. And that was your grand jury testimony.

A. Yes.

Q. And did you read it.

A. Yes.

Q. Okay. Did you read anything else to prepare for your testimony in court.

A. I don’t remember.

Q. Okay. How many times have you met with Mr. Sneddon regarding this case.

A. Four times. Five times.

Q. And can you recall approximately when those meetings were.

A. I don’t remember. But it wasn’t till a while.

Q. Have they been in the last year.

A. Well, those two meetings that I had with him, but I don’t remember.

Q. At your meetings with Mr. Sneddon, other than the one you just described, has anyone else been present.

A. At the beginning, they were the sheriff’s department talking to us.

Q. Okay. How about the other meetings.

A. It was mainly just the officers.

Q. Other than the last meeting you described where Mr. Sneddon was meeting with you at times alone, have you ever met with him alone before.

A. No.

Q. Was that the first time he ever met with you alone.

A. I mean, there was no door. I mean, they could walk in and out. There was a kitchen right in front of us. It wasn’t like restricted.

Q. I didn’t ask you that. But I just want to ask you if that was the only meeting you ever had with Mr. Sneddon where you spent a lot of time with him alone.

A. It was --

MR. SNEDDON: Objection. The classification is it was “a lot of time.” She described it as 15 minutes. It’s a misstatement of the testimony. I object.

THE COURT: Overruled.

You may answer.

THE WITNESS: It wasn’t a lot of time.

Q. BY MR. MESEREAU: Okay. Is that the only time that you ever met with Mr. Sneddon alone to talk about your testimony.

A. It wasn’t alone. Mr. Robel would come in. And time alone with Mr. Sneddon was like five minutes, if you count the time that Mr. Robel was

there.

Q. Okay. Did you time it.

A. No. I mean, it was a short time. It was just practically there, sat down, “Are you feeling okay.” You know, that’s it.

Q. Has Mr. Sneddon ever had what looked like an outline in front of him that he asked you questions from.

A. Well, yeah. He had just -- I don’t know.

Q. Did he have a pad in front of him.

A. He had paperwork in front of him, but I don’t know what it was.

Q. Did he ask you questions from the paperwork.

A. Not in the last two days. He would just ask me questions.

Q. Okay. Now, you say, “The last two days.” Did you talk to him more than once during the last two days.

A. No. Well -- no, I’ve only met with him two times during this whole time that I’ve been here.

Q. Has anyone else asked you questions during the last two days.

A. No.

Q. Well, why did you say the last two dates.

A. I was thinking about the last two meetings, not the last two days. Because we didn’t even meet at all yesterday. We didn’t meet at all the day before, so --

Q. Have you met with any member of the Santa Barbara Sheriffs in the last two days, other than Mr. Robel last night.

A. No.

Q. Has anyone called you on the phone to talk about what you were going to say in court.

A. No.

Q. Okay. Have you discussed what you were going to say in court with your mother.

A. No.

Q. Not at all.

A. Not at all.

Q. Did you ever discuss what you were going to say before the Santa Barbara Grand Jury with your mother.

A. Never.

Q. Never talked about it once.

A. Never.

Q. How did you arrive to testify before the Santa Barbara Grand Jury.

A. One of the sheriff’s department officers came and picked me up.

Q. Did you discuss what you were going to say in court with either of your brothers.

A. No.

Q. Just didn’t talk to one of them.

A. No.

Q. At any time.

A. No.

Q. Did you ever discuss what you were going to say before the Santa Barbara Grand Jury with any of your brothers.

A. No.

Q. Not once.

A. Never.

Q. Did your brothers ever call you to talk about what they were going to say.

A. No.

Q. So are you in contact with your brothers.

A. Yes.

Q. Regular contact.

A. Of course.

Q. Are you in contact with your mother.

A. Of course.

Q. Is it regular contact.

A. Yes, of course.

Q. And yet, during all of this regular contact, nobody has even discussed what was going to happen in this courtroom.

A. What’s more important to us is our feelings and if we’re okay. That’s what’s important to us.

Q. So no one has even discussed it, right.
A. No.
Q. Not once.
A. Never.
Q. How often do you talk to your mom.
A. Every day, more than -- probably like every hour. We talk a lot.
Q. Every hour.
A. Yeah, we talk a lot. We're very close.
Q. Okay. Would it be accurate to say you talk to her maybe 12 to 15 times a day.
A. Probably a little less, but, yeah.

Q. Okay. And how long have you talked with her on that type of basis. Has it gone on for years.
A. Oh, yeah.
Q. You and your mom are very close, right.
A. Yes.
Q. And you and your brothers, Star and Gavin, are very close.
A. Even closer.
Q. Do you talk to them every day as well.
A. Of course.
Q. And approximately how many times a day do you talk to Gavin.
A. Because he's going to school, he's in stuff right now, I can't really talk to him. But I called him before he went to school today, and I try to catch him before he goes to sleep.
Q. And how about Star.
A. I talk to him regularly too, as much as I could. They're very busy little boys.
Q. Okay. But you talk to them every single day.
A. Yeah, I live with them.
Q. Live with them now.
A. Yes.
Q. Where do you live with them.
Excuse me, I'm not supposed to go into your address. Pardon me. Strike that.
THE COURT: Stricken.

MR. MESEREAU: Okay. All right.

Q. Have you discussed what you were going to say today with Jay Jackson.

A. No.

Q. At any time.

A. No.

Q. Have you ever discussed this case with Jay Jackson.

A. No.

Q. Ever discussed this case with your mother.

A. No.

Q. Ever discussed this case with Gavin.

A. No.

Q. Ever discussed this case with Star.

A. No.

Q. At the home that you share with your mom, Gavin and Star, have you ever seen any documents about this case.

A. No.

Q. None.

A. Well, just what was given to us for us to think, but we’ve never seen them. We just saw what they came in, but we’ve never read through each other’s stuff.

Q. Okay. Let me just explore that, if I can. You saw documents come in some type of package; is that correct.

A. We all got separate packages, yes.

Q. And are you saying you never looked at what was in those packages.

A. Just of what was for us.

Q. And were there packages for your mom.

A. No. They all came in separate packages. They had our names on them.

Q. Okay. How many packages are we talking about.

A. Well, there’s five of us. So five.

Q. Okay. So five people got five separate packages of documents.

A. Yes.
Q. And to your knowledge, was each of the five people's names on different packages.
A. Yes.
Q. And were those packages given to the people whose names were on them.
A. Yes.
Q. And was there one that said your name on it.
A. Yes.
Q. And did you ever discuss any of those documents with anyone else at home.
A. No.
Q. Never talked with Jay Jackson about the documents.
A. No.
Q. Or your mom.
A. No.

Q. Or Gavin.
A. No.
Q. Or Star.
A. No.
Q. Never said anything to them like, "What did you receive."
A. No. We knew they were documents of the case. We know we're not supposed to talk to each other, so we don't.
Q. Don't say a word to each other at all.
A. No.
Q. Are you currently represented by an attorney.
A. Other than these, no. Other than these, not that I know of.
Q. To your knowledge, is your mother currently represented by an attorney.
A. Not that I know of. I don't know.
Q. To your knowledge, is Gavin currently represented by an attorney.
A. I don't know.
Q. To your knowledge, is Star currently represented by an attorney.
A. I don't know.

Q. Do you know an attorney named Larry Feldman.

A. Yes.

Q. How do you know an attorney named Larry Feldman.

A. We met with him one time a long time ago.

Q. And when was that.

A. I don’t remember.

Q. Let me just be clear about this. You don’t know one way or the other whether your mother currently has an attorney.

A. We don’t -- I don’t know -- I don’t talk to my mom about that stuff.

Q. And do you talk to Gavin about whether or not he has an attorney.

A. We don’t talk about that stuff.

Q. Do you talk to Star.

A. That’s not our concern. We don’t --

Q. Do you talk to Star about whether or not he has an attorney.

A. We don’t talk about that.

Q. You don’t know one way or the other.

A. We don’t know.

Q. Okay. You’ve had attorneys before, correct.

A. No.

Q. Ever gotten advice from a lawyer.

A. No.

Q. Never at all.

A. No. Other than the city attorney that was involved with the -- the abuse my father put on us. That’s all I’ve --

Q. That’s the only attorney you’ve ever spoken to.

A. And we have a -- a -- I -- against my father. That’s the only attorney I know of.

Q. Okay. Do you remember visiting Kaiser Permanente Hospital for a consultation with a doctor on June 26th, 2003.

A. I don’t know what that is.

Q. Do you remember going to Kaiser Permanente to complain about headaches.

A. Yeah.

Q. And you were with your mom, right.

A. No, that was the time that I was living with my grandmother. And I went with my grandmother.

Q. Did your mother go to the hospital with you.

A. No, it was just me and my grandmother.

Q. Did you talk to a doctor.

A. Yes.

Q. Do you remember telling the doctor that you had headache problems.

A. Yeah, it was due to, like, stress and stuff.

Q. And you told the doctor you got three hours of sleep per week, right.

A. Yeah.

Q. And you told the doctor you got 12 hours of sleep during weekends, correct.

A. Yeah.

Q. And when he asked you to explain your family situation, you said you couldn't do it because a lawyer told you not to explain it, right.

A. Well, yeah. I was scared that somehow my father would do something, so I just said that.

Q. Who was the lawyer that told you, "Don't tell the physician what's going on at home".

A. That's what I'm telling you, I don't know.

Q. Okay. But you told that to the physician, didn't you.

A. I don't remember. Probably, yes.

Q. And your mother was with you with the physician, true.

A. No, my grandmother was.

Q. Okay. You went to that physician because you had a civil lawyer representing you at the time, right.

A. Not that I remember. I don't know.

Q. Well, had you spoken to an attorney named Dickerman at that point.

A. We spoke once, yes.

Q. Do you know approximately when that was.

A. No.

Q. And after meeting with Mr. Dickerman, you met with Attorney Larry Feldman, correct.

A. Yes.

Q. And after meeting with Attorney Larry Feldman, you went to Kaiser, true.

A. That had nothing to do with it.

Q. I have to ask you, just -- if you can, just answer the question. After meeting with Attorney Feldman, you went to Kaiser, true.

A. Yes.

Q. And you went to Kaiser because you were putting together a claim for damages, correct.

A. No. This had nothing to do with it. I had -- I still get those headaches to this day. Those are headaches of lack of sleep. I don't -- it's hard for me to sleep.

Q. Why would you tell a physician, "I can't tell you the reasons because an attorney told me not to".

A. Because I'm afraid of my father. I don't know what he would do. I don't know. I was scared. I was little then.

Q. Okay. But your mom accompanied you, right.

A. No.

Q. Well --

MR. SNEDDON: Object as asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Would it refresh your recollection if I just show you the medical report.

A. That's fine.

Q. May I show it to you.

A. I never saw it before. I only saw when the doctor was writing it.

MR. MESEREAU: May I approach, Your Honor.

THE COURT: I'm not sure you've laid a foundation yet.

Q. BY MR. MESEREAU: Okay. Would it refresh your recollection that your mother was with you when you told the doctor, “A lawyer told me not to discuss it”.

A. My grandmother was there. I was living with my grandmother. My mom was not with me.

Q. Okay. So if I showed you the report that says your mother was there, that wouldn’t change your mind. Is that what you said.

A. Well, I call my grandmother my mother. And because of like -- because I was underage, they wouldn’t allow my grandmother sharing things because, like, she’s a grandmother and the mother has to be present, so I would just say she’s my mother.

Q. Okay. You call your mother your mother and your grandmother your mother.

A. I call my grandmother “Ma.”

Q. Okay. And did you tell the physician at Kaiser that your grandmother was with you, not your mother.

A. I told her I was with my ma.

Q. Okay.

A. How she put it down, I don’t know.

Q. Okay. When you were talking with this physician, you explained that your brother Star had a cyst, right.

A. Yes.

Q. You explained your brother Gavin was recovering from cancer, right.

A. Yes.

Q. And you said your mother has vertigo, right.

A. Yes.

Q. And you said all of this after meeting with Attorneys Dickerman and Feldman, right.

A. They -- no. My mom has always had vertigo. She was just asking me, like, history and to find out why I was having those headaches.

Q. Okay. I’d like to ask you a little bit about your testimony yesterday. Okay.

A. Okay.

Q. Do you know how many times in total you’ve been to Neverland.

A. About four times, I think. I don’t remember.

Q. And do you know how many times were before the Bashir documentary and how many times were after it.

A. Counting the Bashir documentary, that’s four. I wasn’t counting that one. Counting the Bashir documentary, that’s four.

Q. Okay. Would that be four visits to Neverland before the Bashir documentary, or four after it, or what would it be.

A. That’s three before the Bashir documentary.

Q. Okay. Three before the Bashir documentary aired --

A. If you count the Bashir documentary, that’s four.

Q. That would be -- I’m just trying to get it clear, and I apologize if I don’t understand. Would it be three visits that you made to Neverland before the Bashir documentary, and one after the Bashir documentary.

A. No. It was three before the Bashir documentary.

Q. Okay. Are they all of your visits to Neverland.

A. Yes. In total, yes.

Q. So no visits to Neverland after the Bashir documentary.

A. Yes, there were.

Q. Okay. Can I ask you how many times you went after the Bashir documentary, if you know.

A. About three. I don’t remember.

Q. Approximately three, you think.

A. I think. I don’t know.

Q. So you think you’ve been to Neverland about seven times.

A. Well, if you count going back and forth, it’s more than -- it’s only -- if you count all those back and forth, it’s only one after the Bashir documentary.

Q. Okay. Now, you did testify before that no one in your family watched the Bashir documentary, right.

A. Yes.

Q. Do you recall on the videotape your mother talking about her holding her hand with Gavin like they did in the Bashir documentary.

A. Yes.

Q. She must have learned that by watching the Bashir documentary, right.

A. No.

Q. Well, how did she learn that, if you know.

A. Dieter had told us to -- to do that somehow, because they wanted to erase what everybody had saw on the Bashir documentary.

Q. But her comment - and it seemed to be a spontaneous comment - was, “We want to hold hands like in the Bashir documentary,” right.

A. Yes, well, Dieter told her to do that. Bradley Miller was standing right there, and she knew anything that we didn’t do and say, that Bradley Miller would go and tell Dieter.

Q. Now, when the Bashir documentary came out, you testified the press -- excuse me, representatives of the media approached your home, right.

A. The Soto apartment, yes.

Q. Did you see them.

A. I saw a glimpse of them.

Q. What do you mean by that.

A. Because we closed the door.

Q. Okay. Did anyone in your home speak to them.

A. I think Jay did for a moment.

Q. Do you have any idea what they talked about.

A. No.

Q. Did you hear what they talked about.

A. No.

Q. Okay. You learned at some point that your family was being represented in a lawsuit in England, right.

A. No.

Q. You never heard anything about that.

A. No.

Q. Did you ever hear your mother even talk about that.

A. No.

Q. Okay. Do you know for sure that Gavin has never looked at the Bashir documentary.

A. Yeah.

Q. And how do you know that.

A. From what he's told me. Well, I'm constantly with him, and we haven't seen it.

Q. How about Star.

A. I don't think so either.

Q. Are you 100 percent sure that Star has never seen the Bashir documentary.

A. Well, if they've seen it at school. There's no way they could see it at school, so I don't think they've seen it.

Q. Do you know for sure your mother's never seen it.

A. I don't think so. I'm with my mom always.

Q. Well, there are times you've lived separately from your mother, right.

A. Yeah, but I would visit almost every day.

Q. Okay. So, realistically, you don't know for sure if your mother had ever seen it.

A. Well, they would talk about it.

Q. They would talk about it.

A. If they knew -- if -- like, if they had seen it, they would have mentioned it somehow. And nobody did.

Q. Have you ever discussed the Bashir documentary with your mom.

A. No.

Q. Have you ever discussed the Bashir documentary with Gavin.

A. No.

Q. And have you ever discussed the Bashir documentary with Star.

A. No.

Q. And have you ever discussed the Bashir documentary with Jay Jackson.

A. No.

Q. Have you all sort of agreed not to talk about the Bashir documentary.

A. We just don’t really like to talk about anything associated with this. It just upsets us.

Q. And you say you’ve only met with Mr. Feldman once.

A. Yes.

Q. How about Mr. Dickerman.

A. Once also.

Q. Okay. And you don’t think Mr. Feldman still represents you at all, right.

A. I don’t know.

Q. You don’t know.

A. I don’t think so.

Q. Okay. Okay. But you know that your mother has had meetings with him, right.

A. I don’t know. I work. I’m a full-time student. I’m a full-time cashier. I don’t know.

Q. Do you know if your mother has ever gone to Beverly Hills to meet with him.

A. I don’t know.

Q. You never heard anything about that.

A. No.

Q. Never been discussed in the home.

A. No.

Q. Okay. The prosecutor showed a photograph of your family with Kobe Bryant; do you remember that.

A. Yes.

Q. Do you know when that photograph was taken.

A. That was during Gavin’s cancer.

Q. Okay. Do you know where it was taken.

A. At the comedy camp. Well, not the comedy camp. At The Laugh Factory.

Q. Now, have you ever associated with Mr. Bryant, other than having the picture taken.

A. I wasn’t there. I just knew because Gavin was excited that he met him.

Q. But do you know if Gavin or your mother have ever been with Mr. Bryant, other than when they had a photo taken with him.

A. Well, David and Gavin and Chris Tucker had went to a Laker game before too.

Q. To see Kobe play.

A. Yeah, and Chris had taken them.

Q. Taken them into where.

A. Taken them to the locker room, and they had talked and stuff.

Q. But you consider -- or at least at the time you considered Chris Tucker to be a close friend, right.

A. Yes.

Q. You never considered Kobe Bryant to be a close friend, did you.

A. No. Just -- it made Gavin happy to know that he knew that person.

Q. Right. But he never was somebody that your family hung out with.

A. Not as close as Chris Tucker, no. We never hung out.

Q. Never hung out with Kobe Bryant, right.

A. No.

Q. And you mentioned Fritz Coleman.

A. Yes.

Q. And Fritz Coleman is a weatherman in Los Angeles, right.

A. Yes.

Q. And he does comedy stuff at The Laugh Factory, right.

A. Yes.

Q. And that’s where you met him, right.

A. Yes.

Q. And did you consider Fritz Coleman to be a close friend of the family.

A. Yes.

Q. And what do you mean by “close friend”.

A. He would come over and visit, and we’d laugh, and, you know, spend time.

Q. And where would he come to visit.

A. The East L.A. apartment.

Q. That’s on Soto Street, right.

A. Yes.

Q. How many times did you see Fritz Coleman at Soto Street.

A. Two, three times, that I remember.

Q. Did you ever see him at Jay Jackson’s place.

A. No.

Q. Did you ever see him at your grandmother’s in El Monte.

A. No, we didn’t live there. He would only go to the East L.A. apartment.

Q. But you saw him at Louise Palanker’s home.

A. No, we never went to Louise’s house.

Q. Did you ever go to Louise’s house at all.

A. No.

Q. Now, she gave your family $20,000.

A. No, she gave us ten.

Q. Two checks for $10,000, right.

A. I don’t know anything. You got to ask my mom.

Q. Okay. But you knew she’d given a large sum of money to your family, right.

A. Yeah.

Q. Was it your understanding that all that money was spent on the room, to make it ready for Gavin.

A. It was.

Q. Okay. Is that what your mother told you.

A. No. That’s what I saw.

Q. Okay. So you saw the money spent for that purpose.

A. Yes.

Q. Did you ever talk to Louise Palanker about whether the man who redid that room was actually paid.

A. I don’t know. I wouldn’t talk to her about that kind of stuff.

Q. You never saw anybody pay the person who renovated that room, right.

A. I just saw him come, and he did the floors and the closet and everything.

Q. Right. Right. But if he was paid or not, you don’t know.

A. I don’t know.

Q. And you don’t know what the total cost was, right.

A. Well, all the little stuff that was in there, it was -- I guess it was a lot.

Q. Okay. But you don’t really know how much, right.

A. Like the air conditioning was, like, $2,000. And the bed itself was a lot. And then the linoleum, the closet, the stereo, the T.V., the DVD player. The whole room was repainted. There was blinds put up. There was everything redone in the whole room. It’s totally different from the whole house.

Q. Did you ever learn that the man who renovated that room wasn’t paid at all.

A. I don’t know anything.

Q. Okay. Because you weren’t in charge of the money, correct.

A. No.

Q. Okay. Do you know who was.

A. I think David was.

Q. And David was your father, right.

A. Yes.

Q. And he’s the man that your mother refers to as “the biological father,” right.

A. Yes.

Q. Okay. To your knowledge, did Fritz Coleman get involved in a fund-raiser for Gavin at The Laugh

Factory.

A. I don’t know.

Q. You don’t know anything about that.

A. Huh-uh.

Q. Were you ever involved in any fund-raising activities for Gavin.

A. The only one that I went to was the one that I met Chris at. And that was really just a graduation.

Q. That’s at The Laugh Factory.

A. Yes.

Q. Okay. Was it a fund-raiser.

A. It was just a graduation, like how we had, like how we were little comedians. That’s what it was.

Q. Okay. Okay. And you did indicate that you knew Jamie Masada.

A. Yes.

Q. And Jamie Masada introduced you to a bunch of celebrities, right.

A. They would come to our little classes that we had.

Q. Did you meet Mike Tyson at one point.

A. Yeah.

Q. How did you meet Mike Tyson.

A. Through Chris Tucker.

Q. Did he take you to Mike Tyson’s home.

A. Yes.

Q. Do you know when that was.

A. That was during -- when Chris had took us to the Rush Hour 2 in Vegas.

Q. And did you meet Adam Sandler.

A. We never met him.

Q. Did you ever meet Jim Carey.

A. No.

Q. Your brother tried to meet Jim Carey, didn’t he.

A. Yeah. That’s one of his favorite comedians, too.

Q. Right. Right. Okay. Now, other than Chris Tucker, who you felt was a close friend, and Michael

Jackson, who was a close friend, are there any other celebrities - I guess that would include Fritz Coleman - that you considered close friends at this point in time.

A. Well, Fritz also. And that’s it, that I can remember. Well, George Lopez, too. George Lopez was a close friend of ours, too.

Q. How did you meet George Lopez.

A. Through the comedy camp also.

Q. Did you go to his home.

A. We never went to his home. He would come and visit Gavin at the hospital.

Q. Did he ever come to your home, to your knowledge.

A. Not that I remember.

Q. Do you know if George Lopez was involved in any efforts by your mother to raise money.

A. Any efforts to raise money was by my father. And I don’t know what he would do. He’s just a crazy man. I don’t know.

Q. Did you -- are you aware of whether or not your mother and Gavin called Jay Leno on the phone to ask for money.

A. I don’t remember that.

Q. Do you know anything about that.

A. I don’t remember that. I was never told anything like that.

Q. Okay. Do you know anything about the Santa Barbara Sheriffs recording that conversation.

A. I don’t remember that.

Q. Okay. So as far as you know, your mother never tried to raise money from anybody.

A. Yes.

Q. You’re saying she never tried to raise money from anybody, right.

A. Yes.

Q. Is that what you’re saying.

A. Yes.

Q. Okay. Your mother never asked for money from anyone to help Gavin at any time, right.

A. No.

Q. Never saw that, never heard about it.

A. No.

Q. Okay. Are you saying, under oath, that the only person in your family that tried to raise money for Gavin was your father, David.

A. Yeah, he would pester a lot of people. And then when my mom would find out, she would get kind of upset about it.

Q. Really. Your mother would get upset if she thought David was trying to raise money.

A. He’s just -- I don’t know, he’s a weird man.

Q. Well, who asked Louise Palanker for money; do you know.

A. She gave it to us. We never asked her for anything. She gave it to us.

Q. She just volunteered it.

A. Yeah.

Q. Did you ever see your mother talking to Louise Palanker.

A. Well, they would talk on the phone once in a while, yeah, as friends do.

Q. Now, you saw the rebuttal video, obviously, right.

A. Yes.

Q. And you’ve seen it before, right.

A. Well, yesterday I saw it.

Q. Yesterday. And you see your mother saying that, “When we were” -- words to the effect that, “When we needed help, nobody would help us.” Remember that.

A. Yeah.

Q. And she says, “Department of Children & Family Services wouldn’t help,” right.

A. Yes.

Q. She says, “Nobody would help and we had to eat cereal,” right.

A. Yes.

Q. Are you telling the jury you’ve never seen your mother ask for help.

A. No.

Q. Never in your lifetime.

A. No, she was just trying to make it more dramatic, because that’s what they wanted.

Q. Okay. Okay. So your mother really wasn’t being honest when she gave that talk about, “Nobody would help us when we needed help”; is that right.

A. Yeah, she was just trying to make it more dramatic, because that’s what they wanted.

Q. So are -- okay. So as far as you’re concerned, that was all memorized.

A. Not memorized, but everything -- we had been given a script. You can even see at the end, with the guy holding it.

Q. Right. There’s a sheet with some questions on it, right.

A. That was the script also.

Q. Okay. Are you saying that everything you all said on that tape was memorized word for word.

A. It wasn’t memorized, but it was just things, you know, “You got to remember this, you got to remember that.” I’m not going to remember everything right now.

Q. Well, did your mother, in your opinion, volunteer any of the comments she made on that video.

A. I don’t know. You gotta ask her.

Q. Have you ever discussed this video with your mother.

A. No.

Q. Ever discussed this video with Gavin.

A. No.

Q. Ever discussed it with Star.

A. No.

Q. Ever discussed it with Jay Jackson.

A. No.

Q. Not at any time.

A. Never.
Q. Okay. Now, did you see your mom last night.
A. No.
Q. Did you see your mom in the last two days.
A. No.
Q. But you watched this last night, right.
A. Yes.
Q. Did you watch it at home.
A. I watched it where I’m staying at.
Q. Okay. Okay. Did you watch it with anyone.
A. No, I was by myself in the room, with the door shut.
Q. Okay. It was delivered to you by Mr. Robel, right.
A. Yes.
Q. Have you ever discussed anything that’s said in this video with your father.
A. My stepfather --
Q. Yes.
A. -- or David.
Q. Yes.
A. Never.
Q. Ever discussed anything that’s in this video with the sheriffs.
A. Well, other than with -- they asked us questions about it.

Q. Okay. But never with anyone in your family.
A. Never.
Q. Okay. Just like Bashir; you never discussed Bashir with anyone in your family, right.
A. Never.
Q. Never. All right. Now, when you first went to Neverland, who first told you you were going to Neverland.
A. I don’t remember. All’s I know is that we went. It was a long time ago.
Q. Okay. So the first time you went, it’s unclear to you, at least this morning, whose idea it was, right.
A. I don’t remember.
Q. Okay. And do you remember how you got there

the first time.

A. A limo came and picked us up.

Q. Do you remember who was driving the limousine.

A. No.

Q. Okay. When did you first talk to Michael Jackson.

A. That day.

Q. And was that the first time you had seen him.

A. Yeah.

Q. Okay. You indicated yesterday that you stayed in a guest cottage, right.

A. Yes.

Q. And can you describe the room you stayed in.

A. Well, it has two beds. A window faces the main house, and then there’s another window to the left. There’s a desk under that window. There’s a rest room to the right.

Q. Did you ever go into your mother’s room --

A. Yes.

Q. -- that visit.

A. Yes.

Q. And was the room next to yours.

A. Yes. For that -- which visit are you talking about.

Q. The first one.

A. The very first one.

Q. Yes.

A. That’s with David and my mom. Yes, I went into that room.

Q. Did you ever go into David’s room.

A. They stood together.

Q. Okay. Now, correct me if I’m wrong, did you tell the jury that the first day you arrived at Neverland, you all had dinner in the main house.

A. Yes.

Q. And your father, your mother, Star, Gavin and you had dinner in the main dining room in that main house, right.

A. Yes.

Q. And was Michael Jackson there.

A. Yes.

Q. Was anyone else there.

A. Not that I remember.

Q. There was certainly kitchen help around, right.

A. Well, they would come in and out.

Q. Right. And that was the first time your family ever had dinner with Michael Jackson, right.

A. Yes.

Q. And without going into what anyone said, did you tell the jury yesterday that the first time you had dinner with Michael Jackson and the family, you discussed whether Gavin was going to stay in the main house.

A. Yeah. At that dinner, yes.

Q. The first time you ever had dinner with him.

A. Yes.

THE COURT: Counsel, sorry to interrupt.

MR. MESEREAU: Oh. Okay. Okay.

(Recess taken.)

THE COURT: You may proceed.

MR. MESEREAU: Thank you, Your Honor.

Q. Ms. Arvizo, do you remember on December 20th, 2003 -- excuse me, excuse me. Pardon me. Not December. Pardon me.

Do you remember, in your meeting with the social workers, saying that you often take a girlfriend with you to Neverland to keep you company.

A. No. No one ever went with me at Neverland.

Q. Would it refresh your recollection if I show you the social workers’ report.

A. Well, I know I said that, but that’s not true.

Q. But you did say that --

A. Yeah.

Q. -- to the three social workers from the Los

Angeles Department of Children & Family Services.

A. Yes, I did.

Q. Okay. And you also told them that you denied that your mother Janet had ever neglected you, right.

A. My mom never neglected us.

Q. But my question is, you told the three social workers that your mother had never neglected you, right.

A. Yes.

Q. And you told the social workers your mother, “Always knows what’s going on when she is at Neverland with us,” right.

A. Yeah.

Q. You told them that.

A. Yeah.

Q. Was that true.

A. No.

Q. That was a lie.

A. Yeah.

Q. And you’re telling us today that when you told those three social workers that you’d bring a girlfriend with you to keep you company at Neverland, that was a lie, right.

A. Yeah. There was no one to take, in the first place.

Q. You told those social workers, “Michael is like a father to all of us,” right.

A. Yeah.

Q. You told the social workers, “Michael is so kind and loving,” right.

A. I don’t remember a lot of things I said. It was a really long time ago.

Q. Would it refresh your recollection if I just show you the report.

A. It’s not me writing it, so I don’t know.

Q. Well, would you want to give it a chance.

A. Okay.

Q. Do you want to see it.

A. It’s fine. You’re reading it anyways.

Q. You don’t want to see it.

A. No, that’s fine.

Q. Okay. So you don’t want to see if it refreshes your recollection.

A. Well, the lady wrote it, so it’s not going to refresh anything.

Q. You don’t want to try.

MR. SNEDDON: Your Honor, I’m going to object as argumentative.

MR. MESEREAU: Okay. I’ll move on, Your Honor.

THE COURT: All right.

Q. BY MR. MESEREAU: You told the social workers your father threatened to kill your mother, right.

A. Yes.

MR. SNEDDON: I’m going to object as hearsay. He’s reading the report into the record, here.

THE COURT: Overruled.

You may answer. You may answer.

THE WITNESS: Yes.

Q. BY MR. MESEREAU: You told the social workers you’d gone to Neverland several times with your brothers, right.

A. I don’t remember. I don’t know what was said on that report.

Q. Would you like to see the report to see if it refreshes your recollection.

A. No.

Q. Don’t want to even look at it.

A. It’s not my writing, it’s not what I wrote, so it’s not going to refresh my memory.

Q. Did you tell the social workers, “I’ve never

seen Michael do anything sexually inappropriate with Gavin or Star”.

A. I don’t remember what I said.

Q. Would it refresh your recollection if I show you --

A. No.
Q. -- that part of the report.
A. No. It’s not --
Q. It just wouldn’t.
A. It wouldn’t.
Q. Have you discussed what you were going to say today in court with anybody.
A. No.
Q. Nobody.
A. No.
Q. All right. Now, yesterday you identified some photographs. Remember those photographs.
A. Yes.
Q. Before you were asked to identify them in court by the prosecutor, had you seen those photographs before.
A. Once, yes.
Q. Who showed them to you.
A. Mr. Sneddon did.
Q. And when did Mr. Sneddon show you the photographs.
A. A couple of days before I even -- a day or two before I even saw them here.

Q. Okay. Now, where did he meet with you to show you the photographs.
A. In where he was located, in there.
Q. Excuse me.
A. Where he was located.
Q. Okay. So you came to Mr. Sneddon’s office.
A. It wasn’t an office.
Q. Was it a home.
A. It was in somebody’s home. But it was a home, yes.
Q. Okay. And before, all you said was, “Mr. Sneddon gave me some grand jury testimony to look at,” right.
A. Well, now that you’re asking me about pictures, I remember.
Q. Now you remember them.
A. Yeah.
Q. Okay. And did Mr. Sneddon show you that

picture of the room that was renovated for Gavin.

A. He showed me the pictures and then I would tell him what they were. He wouldn’t tell me what they were.

Q. Did he ever tell you where he got the pictures.

A. I don’t know.

Q. You don’t know if he said it or not.

A. I don’t know where he got them.

Q. Did he ever show you the picture of Gavin’s room and say, “Here’s a picture,” and tell you where he got it.

A. Well, those are our pictures.

Q. They’re your pictures.

A. Of -- with Gavin in his room.

Q. Yes.

A. Yes, those are our pictures.

Q. Did you give the picture to Mr. Sneddon.

A. Yes. He wanted a picture of Gavin, yes.

Q. Did you give Mr. Sneddon any other photos.

A. The Kobe Bryant picture, yes. There’s other pictures that we’ve given them.

Q. And when did you give him those pictures.

A. I don’t remember.

Q. Was it within the last two weeks.

A. I think so, yes.

Q. Has anyone ever told you what I said in my opening statement in this courtroom.

A. No.

Q. No one’s even discussed anything I said.

A. No. Not that I remember.

Q. Not that you remember.

A. I don’t know, no.

Q. In the last week, has anyone said to you words to the effect, “Mr. Mesereau said the following about the case”.

A. No. Not that I remember.

Q. Not that you remember. Okay.

Has anyone ever suggested to you that, “You need to address some issues that Mr. Mesereau talked about in his opening statement”.
A. Not that I remember, no.
Q. Not that you remember.
A. No.
Q. Are you sure about that.
A. Yeah.
Q. You’re sure.
A. Yes.
Q. Okay. All right.
Now, you told the jury that the first night you and your family were at Neverland, you had dinner in the main dining room and discussed whether or not Gavin was going to sleep in Michael Jackson’s bedroom, right.
A. Yes.
Q. Now, that was the first day you’d ever met Michael Jackson, right.
A. Yes.
Q. You had arrived in the afternoon, right.
A. Yes.
Q. You said you had played at Neverland with your brothers that afternoon, right.
A. I don’t remember what we did. All I remember is me meeting him, and the rooms, and that we ate dinner that day.
Q. So would you say you were there a couple of

hours before you had dinner.
A. Yeah.
Q. Okay. Was your mother in the dining room.
A. Yes, we were all in the dining room.
Q. And the subject at dinner came up, “Will Gavin sleep in Michael’s bedroom,” the first dinner.
A. Yes, Gavin brought it up in the dining room, yes.
Q. Okay. To your knowledge, did your father approve.
A. I don’t remember. I think he did.
Q. To your knowledge, did your mother approve.
A. Yeah, I think she did.

Q. Okay. When you met with the social workers, did you tell them that your father and mother had approved Gavin sleeping in Michael Jackson’s bedroom the first time you were at Neverland.

A. If they had asked me, I probably would have said, “Yes.”

Q. Because you would have told them the truth that day.

A. Yes, well, on certain things. Because --

Q. You would have told them the truth about certain things, but not other things, right.

A. Well, yeah, because you already kind of knew not to say what went on at Neverland.

Q. So you would have lied about some things and not lied about other things, depending on what you were asked, right.

A. Yeah.

Q. But you never discussed with your mother what you were going to say if questioned by the three social workers, right.

A. Not that I remember, no.

Q. Never did.

A. Not that I remember.

Q. Okay. I believe you said you went to Neverland twice with Mr. Tucker, right.

A. Yes.

Q. And approximately when was that.

A. I don’t remember when. It was after our first visit, after Gavin was already in remission. I don’t remember when.

Q. Was Mr. Tucker there during the Bashir filming.

A. No.

Q. Didn’t you testify yesterday that Mr. Tucker was there for the Bashir filming.

A. No.

Q. You accompanied your brothers to Neverland for the Bashir film, true.

A. Yes.

Q. And did you discuss with your brothers on the way the fact that you were going to be filmed.

A. We didn't know we were until we got there.

Q. Okay. You thought you were just visiting.

A. Yeah. We just thought that Michael wanted to see us.

Q. Didn't you say something yesterday about filming your brothers like had been done before.

A. Yeah, they thought it was like when they had done one previously of just my brothers and Mr. Jackson.

Q. Right. So you thought that's what it was going to be.

A. Well, when we got there, we found out we were going to get filmed, yes.

Q. Okay. And were your brothers eager to be filmed, as far as you knew.

A. I don't know. You have to ask them.

Q. Well, what was your impression.

A. I didn't think I was going to get filmed at all. I thought the whole focus was on Gavin.

Q. Did someone tell you to say that today.

A. No.

Q. No.

A. That's my own words.

Q. Oh, okay.

You were filmed, correct.

A. Yes.

Q. You spoke on the film, right.

A. Yes.

Q. And you were majoring in performing arts, true.

A. Majoring in performing arts.

Q. Uh-huh.

A. I'm not majoring in performing arts.

Q. Were you studying performing arts at the time.

A. I was taking extra classes at my school because that's the ones they have you take, yes.

Q. Did you want to be in that film.

A. No. I didn’t know I was going to be in that film until, like, they were saying, “Okay, now we’re going to film, you know, everybody in the kitchen.” I didn’t know I was. I thought the whole focus was Gavin.

Q. Did you want to be in the film.

A. I didn’t care. I was just watching Gavin.

Q. Did you want to be in the film; yes or no.

A. I didn’t care for it, no.

Q. Did you tell anyone, “I don’t want to be in this film”.

A. I just -- I did along with what they were asking me.

Q. Okay. So you felt you had no say in the matter, right.

A. Well, I --

MR. SNEDDON: Object as argumentative, Your Honor.

MR. MESEREAU: Okay. Withdrawn.

Q. Now, has your mother ever told you to say in court that she never tried to raise money for Gavin.

A. She’s never told me anything to say in court.

Q. Okay. You’ve never discussed what you’ll say in court with her at any time.

A. Never. Never.

Q. Okay. Do you have any knowledge of your mother going to a newspaper in El Monte to place an ad in the paper to raise money for Gavin.

A. No. What that was, was my aunt’s -- that’s her friend, and she wanted to do a story, because they found out of Gavin’s illness.

Q. Do you have knowledge about that.

A. A little bit. Not really.

Q. Do you know if your mother ever spoke to anyone with that newspaper about raising money for Gavin.

A. No. Not that I remember.

Q. So you don’t think she did.

A. No.

Q. Never discussed that with your mom, as to

whether or not she approached them.
A. They just asked a couple of questions to my mom about Gavin’s illness and stuff. That was it.
Q. Do you have any knowledge of your mother calling the paper up and complaining that they hadn’t put the bank account in the ad.
A. I don’t remember that.

Q. Never heard anything about that.
A. I don’t remember that.
Q. Okay. But as far as you know today, your mother never approached that paper about raising money.
A. No.
Q. Okay. Did you ever discuss that issue with your mother.
A. No.
Q. Have you followed this case on television at all.
A. Just when you’re flipping the channels and you see something. But I keep going, because it just upsets us.
Q. Have you watched any shows on television that talked about the case.
A. No.
Q. Never.
A. Never.
Q. Okay. Have you watched any shows on television that talked about your mom.
A. No.
Q. Never.
A. Never.
Q. Ever discuss with your mom any shows that appeared on television about the case.
A. No.
Q. Never.

A. Never.
Q. Ever discuss with Gavin any shows that appeared on television about this case.

A. Especially not, no.

Q. Have you ever discussed with your brother Star any shows on television that appeared about the case.

A. No.

Q. Ever discuss with Jay Jackson any of these television shows that talked about this case.

A. No.

Q. Now, your mother and Jay Jackson are married now, right.

A. Yes, he's my stepfather.

Q. He's still in the United States Army, right.

A. Yes, he is.

Q. As a reserve.

A. No, he's active now.

Q. He is active now.

A. Yes, he is. He's been since my mom -- since my mom and them have been dating, he's been in active duty.

Q. He was in the reserve at one point, wasn't he.

A. They turned him back in because of the war.

Q. Where is he stationed now, if you know.

MR. SNEDDON: Judge, I'm going to --

Q. BY MR. MESEREAU: I don't mean the address, but is he stationed at an Army base.

A. He's stationed --

MR. SNEDDON: Excuse me.

Counsel, I want to object, Your Honor, in terms of where he's living now with the family in terms of the location. I don't think it's relevant to this litigation, and it presents certain problems that I'll address at sidebar, if you wish me to, but --

THE COURT: Do you need to know where he is for any reason.

MR. MESEREAU: I was just wondering where he was stationed. I didn't want the address.

THE COURT: Let's go ahead.

MR. MESEREAU: Okay. Okay.

Q. Now, you testified yesterday about the size of a T.V. set in Gavin’s renovated room, right.

A. Yes.

Q. Did somebody tell you they were going to ask you that question before you appeared yesterday.

A. No.

Q. So yesterday was the first time you learned that that might even be an issue in the case.

A. Yeah.

Q. Okay. No sheriff ever discussed that with you.

A. I don’t remember. I don’t -- I don’t know.

Q. Mr. Sneddon never discussed it with you.

A. Well, he had asked me what things were in that room.

Q. Okay.

A. I told him there was a T.V. and stuff.

Q. Do you have any knowledge of Louise Palanker visiting that room and complaining about what was in it.

A. I don’t remember.

Q. Did you ever see Louise Palanker in that room.

A. I don’t remember. I just mainly remember her going to the hospital where Gavin was at.

Q. Okay. Okay. You had your photo taken with Louise Palanker, right.

A. Yes, several.

Q. And were they all at The Laugh Factory.

A. No, some were at the hospital also.

Q. So she was a regular visitor at the hospital, right.

A. Yes.

Q. Okay. Now, you know someone named Carol Lamir, correct.

A. Yes.

Q. How did you meet Carol Lamir.

A. At a dance studio.

Q. And approximately when was that.

A. I don’t know. We were really young.

Q. And at some point you moved in with Carol

Lamir, true.

A. I never moved in with her.

Q. You never lived at her place for a sustained period of time.

A. I visited her for about a week.

Q. Just one week.

A. Well, it was several visits that she would come and pick me up, but I never moved in with her.

Q. Did you ever live with her for a month at a time.

A. No.

Q. How about a week at a time.

A. Maybe so, a week.

Q. How many weeks do you think you lived at her place.

A. The longest I stood there at a time was week. And I think it was like two or three times that I stood with her.

Q. Well, you lived with her during the summer of the year 2000, right.

A. Yes.

Q. For how long did you live --

A. I didn't live with her, though. I stood with her in the year 2000.

Q. Pardon me.

A. I didn't live with her. I stood with her in the year 2000.

Q. You --

A. I never lived with Carol Lamir.

Q. Did you ever bring a suitcase with clothes to Carol Lamir's home.

A. Yeah, I was visiting. I took clothes.

Q. And you stayed weeks at a time, right.

A. Just one week at a time. That was the max. I don't remember staying any longer.

Q. How many times did you stay for approximately a week at Carol Lamir's home.

A. Probably like -- I stood there a week at one time, and then close to a week the other two times.

Q. You asked her if you could move in, didn’t you.

A. No, I didn’t.

Q. Okay. You told Carol Lamir stories about your mother, didn’t you.

A. No.

Q. You told her your mother would awaken you at 2:00 in the morning, correct.

A. No.

Q. You told her your mother would beat your father, didn’t you.

A. No. I told her my -- I tried telling her that my father would beat my mother.

Q. You told Carol Lamir that your mother was telling you to attack your father, when, in reality, your mother was beating your father, right.

A. No.

Q. You never said anything like that to Carol Lamir.

A. No.

Q. You constantly told Carol about Janet hitting you and your brothers, true.

A. No.

Q. And at one point you told Carol Lamir that your family was going to move into a big house in the Hollywood Hills, correct.

A. I never told her that.

Q. Never said that at all.

A. No.

Q. Was it your understanding that Carol Lamir asked Michael Jackson for a vehicle for your family to use.

A. I don’t know.

Q. Don’t know anything about that.

A. I don’t know.

Q. Did you tell Mrs. Lamir that Michael Jackson gave Gavin video games and players.

A. Yeah.

Q. Do you know when you told that to Carol Lamir.

A. One of the times that I was staying there.

I don’t know.

Q. Okay. But you don’t remember how many times you stayed there, right.

A. I don’t know.

Q. Has anyone discussed --

A. It’s not clear. It was too long ago.

Q. Has anyone discussed with you what you said to Carol Lamir before today.

A. Not that I remember, no.

Q. Has any police officer discussed it with you.

A. Not that I remember. I don’t know.

Q. Any sheriff.

A. Not that I remember. I don’t know.

Q. Mr. Sneddon.

A. Not that I remember. I don’t know.

Q. Mr. Robel.

A. All they have asked me is who she is. And I told him who she was.

Q. And when did you last tell any of them who she is.

A. A couple weeks ago. I don’t know.

Q. You don’t know when. Was it in the last week.

A. No. It was farther than that.

Q. Okay. Did anyone ask you any questions about Carol Lamir in the last week.

A. No.

Q. Okay. Has anyone told you I mentioned Carol Lamir in my opening statement in this case.

A. No. Nobody talked to me about your opening statement.

Q. Okay. Who did you discuss Carol Lamir with.

A. I don’t remember. One of the officers. I don’t remember.

Q. Was that in the last month.

A. I think so.

Q. Okay. Did you ever tell Carol Lamir that

Janet would take her children places and intentionally not feed them or bring food.

A. No.

Q. Did you ever tell Carol Lamir that it was Janet's intent that the children be fed by whoever they were visiting.

A. No.

Q. Never said anything like that.

A. No.

Q. Are you saying you never complained about your mother at all to Carol Lamir.

A. No. My mom's a very, very, very good mother to me.

Q. And you never complained about her one bit.

A. No.

Q. Never complained about her to Carol.

A. No.

Q. Okay. Were you at the fund-raiser that Jamie Masada put together.

A. I don't know which one you're talking about.

Q. Were you ever at a fund-raiser for Gavin at The Laugh Factory.

A. The one that I thought was a fund-raiser was the one with Chris, but it ended up just being a graduation.

Q. It wasn't a fund-raiser at all.

A. Not that I know of. It was just little kids, like us, that were graduating, like how we did.

Q. Did anyone try and raise money for Gavin at that event, to your knowledge.

A. Not that I know of.

Q. Never heard anything about that.

A. No.

Q. Okay. Were you there.

A. Yes, I was there.

Q. Okay. Do you know when that was, approximately.

A. I think it was in -- I don't know.

Q. Did Gavin perform at that fund-raiser.

A. I think he did, for a second.

Q. Okay. And “for a second,” what do you mean.

A. Like for a couple minutes. That’s when he was going through chemotherapy, so he couldn’t stand for that long.

Q. Okay. So he just performed a little bit.

A. Yeah.

Q. All right. But you think that was just for a graduation, not to raise any funds.

A. Well, it was like 13 kids. They were doing little acts.

Q. Okay.

A. It was just like what we did.

Q. And Chris Tucker was there.

A. Yes, he was.

Q. Any other celebrities there; do you know.

A. Not that I remember.

Q. Okay. How many times have you testified before under oath, if you know.

A. Well, the grand jury. Then the one that I did because my father abused us.

Q. Now, the grand jury was approximately April -- March 30th to April 1st, 2004; does that sound right to you.

A. Yes, it was the day before my birthday.

Q. Okay. Okay. And you came and testified, under oath, to the grand jury, right.

A. Yes, I did.

Q. Now, what you’re saying is you testified in a court proceeding involving your father and mother previously, right.

A. Involving my father, yes.

Q. Okay. Do you know approximately when that was.

A. I was in high school. I was 15 years old.

Q. Okay. Now, that had to do with a restraining order, correct.

A. It had to do with -- I don’t know what it was about, but the Judge wanted to speak with me on how I felt towards my father and what he’s done to me.

Q. And did you talk to the Judge.

A. Yes, I did.

Q. Was your mother there.

A. She was there outside, but the Judge had brought us into her chambers. Because my father’s sisters and Carol Lamir were making faces at us.

Q. So Carol Lamir was there, too.

A. Yes, she came with David.

Q. And she was making faces at you.

A. Yes.

Q. And did you think she was siding with David.

A. Yes.

Q. Okay. Was your mother, at that time, employed; do you know.

A. I don’t remember.

Q. Were you living with your mother then.

A. Yes, I was.

Q. Now, the court proceeding you went to concerned whether or not your father had spoken to you, right.

A. I don’t remember. All I know is that she asked -- the city attorney asked me questions about my father and how our relationship was, and different events, yes.

Q. And was your mother there.

A. She was on the outside. The Judge had brought us into her chambers.

Q. And what was your mother’s state of health at that point; do you know.

A. She had gotten two operations on her feet, because her bones, they needed fixing. One was cracked and repinned together, and the other was shaved.

Q. Okay.

A. So she could hardly walk that far.

Q. Do you recall -- and this is a sensitive area, and I’ll stop, you know, if you need a break, with Judge Melville’s permission, of course.

Do you recall members of your family

accusing each other of molestation.

A. No.

Q. Do you recall your mother ever telling the Los Angeles Police Department that David had molested you.

A. Yes.

Q. Do you recall Gavin ever making any allegations of molestation before.

A. Gavin never made any to David. What that was, was that the Judge -- the detective had asked my mother, “Is there anything you want to get off your chest.” And she said, “Well, one time when she was younger,” and I know, because I was there when the detective came. But that court proceeding had nothing to do with this. The detective just asked her, “If you wanted to get anything off your chest.”

Q. To your mother.

A. Yes.

Q. Do you recall Gavin making any allegations before this case.

A. Never did.

Q. Did you ever hear anything about that.

A. He never did. He never has.

Q. Do you ever recall -- did anyone ever tell you that they had heard Gavin had made an allegation against your mother.

A. He never has. He never has made any allegations against anybody.

Q. Okay. Do you know if he’s ever made them with anyone with the Department of Children & Family Services.

A. He never has.

Q. You’re sure of that.

A. Yes, I’m sure.

Q. Were you there when they interviewed him.

A. No, but I know him.

Q. Okay. So as you sit here today, you’ve never heard anything about Gavin ever making any other allegation about molestation against anybody.

A. No.

Q. Okay. Never.

A. Against my parents, I’ve never heard him say

any allegations.

Q. My question is this: Have you ever -- has anyone ever told you, regardless of whether you think it’s true or not, that Gavin ever made an allegation against your mother before.

A. No. Never made an allegation against my mother.

Q. Okay. I’m not asking if you think he did it or not. I’m asking if anyone’s ever told you they had heard that he had.

A. No.

Q. You don’t know anything about it.

A. No.

Q. Were you ever interviewed by the Department of Children & Family Services during the 1990s.

A. One lady had came over to the East L.A. apartment.

Q. Do you know approximately when that was.

A. No, I don’t.

Q. Okay. Were you interviewed.

A. I don’t remember if I was.

Q. Do you know if Gavin was interviewed.

A. I don’t remember if any of us were. I know she spoke to my mom; but I don’t know if we were interviewed. I don’t remember.

Q. Did you ever talk to your mom about that event.

A. No.

Q. Ever discussed it with your mom.

A. No.

Q. You don’t know what happened.

A. I don’t remember.

Q. Okay. Now, at some point you reported your father to the Los Angeles police, right.

A. Yes, I did.

Q. Okay. Did you ever discuss with your mother in advance what you were going to say to the police.

A. No, I didn't.

Q. Never talked about it at all with her.

A. I kept it to myself for a couple days, because I was scared.

Q. Okay.

A. Still scared of him. And then I told her what happened. And then she told me we should tell the police.

Q. Okay. And did you call the police.

A. She called the police, and then the detective came over.

Q. Okay. You told the police that you were being abused five times a week -- five times a week, right.

A. We were abused every day, more than once, by my father.

Q. Okay. Were you there when your mother was interviewed.

A. I -- I don't remember if she was interviewed. I just remember the detective coming to the East L.A. apartment.

Q. Okay. And did you accuse your father of falsely imprisoning you.

A. Yes, I did.

Q. Okay. And to your knowledge, did your mother accuse your father of falsely imprisoning her.

A. Not that I remember.

Q. Okay. And did you accuse your father of terrorist threats.

A. Yes, I did.

Q. Did your mother accuse your father of terrorist threats.

A. Not that I remember.

Q. All right. And you accused your father of willful harm to a child, right.

A. I don't know what that is.

Q. Okay. Okay. But were you present when your mother told the LAPD that your father had molested you.

A. No, but I had heard when he had asked her, “If you want to get anything off your chest,” and she said, “Yes,” and that’s when they went to the kitchen area of the East L.A. apartment.

Q. But when you were interviewed by the police, you never told them your father had molested you, did you.

A. Because they weren’t asking me about that, and I didn’t know. I was very young.

Q. Okay. Okay.
Have you ever discussed with your mother what your father did to you.

A. They were both present that day.

Q. Okay.

A. He had -- she had said, “Well, I never told Davellin that.” And he says, “Well” -- he said, “Well, she doesn’t need to know anyways.”
It was just a horrible experience for me to find out that he did that to me when I was young.

Q. And you found that out through your mother.

A. From both of them. Because he had agreed to it when I was standing right there. Because they were having an argument, and my mom screamed it out at him.

Q. And your father agreed he had done that.

A. Yeah.

Q. Do you want to take a second.

A. I’m fine.

Q. Do you want to wait one second.

A. I’m okay.

Q. Ready to go.

A. Yeah.

Q. Are you aware that your mother claimed that security guards at J.C. Penney sexually assaulted her.

A. I wasn’t there. I don’t know anything about that case. I was not involved in that case. All I know is that Gavin complained of his elbow and started complaining of his head, because I picked him up with my grandparents. That’s all I know about it.

Q. Have you ever discussed that case with your mom.

A. Never.

Q. Never talked about it at all.

A. Never.

Q. Okay. Have you discussed that case with Gavin ever.

A. Never.

Q. Okay. Do you know even what your mother was claiming.

A. I don’t, really. I was not involved in that case. I had nothing to do with that case. I don’t know anything of that case.

Q. But when your mother filed a suit, did she talk to you about it.

A. She didn’t, really. We didn’t really talk about it.

Q. Okay. Okay. And Gavin never talked to you about it either.

A. No.

Q. But to your knowledge, Gavin was involved in that.

A. I know that Gavin, my mom, and David and my mom -- Gavin, Star, David and -- Gavin, Star, David and my mom were all involved in it. That’s all I know.

Q. And you don’t know what they were claiming happened at J.C. Penney.

A. I don’t know details. I don’t know anything. It was too long ago and I wasn’t involved in it.

Q. And you haven’t discussed it with anyone in the last year, correct.

A. No.

Q. Okay. To your knowledge - and I’m only asking what you know - who made contributions to help Gavin pay for medical bills.

A. We never asked anybody for medical bills, to help pay for it.

Q. Never did. Never asked Chris Tucker.
A. Never asked him for help.
Q. Never asked Louise Palanker.
A. We have medical insurance. We don’t need help with our medical bills.
Q. Did you ever ask Louise Palanker.
A. No.
Q. Ever ask Chris Tucker.
A. No.
Q. Were the fund-raisers at The Laugh Factory for medical expenses.

A. I don’t know. I was too young. I don’t know.
Q. Have you ever discussed the purpose of those fund-raisers with your mom.
A. I don’t know. You’ll have to ask David.
Q. Did you ever discuss those fund-raisers with your mom.
A. No.
Q. Did you ever see an ad in a newspaper in El Monte which said that Gavin’s chemotherapy treatments cost $12,000 apiece. Did you ever see that ad.
A. I don’t remember about that. All I remember is Gavin’s picture. I don’t remember anything that was in the newspaper.
Q. Okay.
A. It was too long ago.
Q. Okay. Do you ever remember police officers in Los Angeles having a fund-raiser to raise money for Gavin’s medical bills.
A. They didn’t have a fund-raiser for us. What the Los Angeles Police Department did was, Officer Lassak brought his old Christmas tree for us. And that’s all I remember them doing.
Q. Do you know who spoke to them about Gavin’s health.
A. Officers.
Q. Yes.

A. Officer Lassak spoke to the police department about it.
Q. Who is Officer Lassak.
A. I met him through my LAPD Explorers.
Q. He was a friend of your mom, right.
A. He was a friend of the family, yes.
Q. Okay. And you -- the last couple of years, you’ve spoken to him from time to time.
A. I haven’t spoke to him.
Q. Did you ever see your mother speak to him.
A. I haven’t seen her speak to him. I work. I’m a full-time student and full-time worker.
Q. Do you have any knowledge of your mother speaking to Andrew Lassak of the LAPD.
MR. SNEDDON: Excuse me, Your Honor. I’m going to object. At what point in time. Vague.
MR. MESEREAU: Sure. I’ll rephrase it, Your Honor.
Q. During the period of time, say, from January to June of 2003, do you recall ever seeing Andrew Lassak.
A. I don’t -- the last time I saw him, we were living at the East L.A. apartment and I was still involved in Explorers.
Q. And approximately when was that, if you know.
A. I don’t remember. In the year 2001. I don’t remember.

Q. Do you know if your mother was in contact with Andrew Lassak during 2003.
A. I know he would come and visit us once in a while, but I don’t know.
Q. Do you know about your mother approaching Andrew Lassak about raising money to pay for Gavin’s medical expenses.
A. She never approached him that way.
Q. Now, how do you know that.
A. Because that never happened.
Q. It never happened.
A. No.

Q. And you’re not aware of any LAPD police officers trying to raise, you know, funds to pay Gavin’s medical expenses.

A. No. Not that I remember. Not that I know of.

Q. Did you know anything about Chris Tucker sending $2,000 to your mom.

A. No. I don’t know that.

Q. Did you ever discuss that with Chris Tucker.

A. No. We’re not going to bring up anything like that.

Q. Do you know if Fritz Coleman helped arrange to raise any money for Gavin’s medical expenses.

A. I don’t know. Our medical bills are paid by insurance. I don’t know --

Q. And I agree with you on that. That’s why I have to ask you about this. Did Fritz Coleman ever get involved in a fund-raiser for Gavin at The Laugh Factory.

A. I didn’t know about the fund-raisers. The only one that I know is the one I met Chris at.

Q. At The Laugh Factory, right.

A. Yes.

Q. The fund-raiser to pay for Gavin’s medical costs, right.

A. I guess it was a fund-raiser. But it was just like a graduation, like we had. It didn’t look like a fund-raiser or anything. It just looked like a get-together.

Q. Okay. You indicated yesterday that Mr. Jackson gave you presents, as the prosecutor described it, that you used at the police academy, right.

A. Yes. The car.

Q. Okay. Now, how did you use Mr. Jackson’s car at the police academy.

A. My mom would drive me from the East L.A. apartment to my police academy.

Q. Okay. Do you know who approached Mr. Jackson about giving your family a car.

A. I don’t know.

Q. Do you know if your mother did it.

A. I don’t know.

Q. Do you know if Gavin did it.

A. I don’t know.

Q. Okay. But certainly, to the extent that car was used with the police academy, it was to help you, right.

A. Well, I know when the car was given, it was given for Gavin.

Q. Okay.

A. For his doctors’ appointments.

Q. Okay. And it was also used to take you to the police academy.

A. That was after. I didn’t join the LAPD Explorers until 2001, I think.

Q. So as far as you know, the car was used for both purposes, to help Gavin get to the hospital and you to get to the police academy; is that right.

A. It was given for Gavin.

Q. How do you know that.

A. Because that’s when Gavin was getting chemotherapy, and that’s what I had heard --

Q. Okay.

A. -- from David.

Q. Okay. Did your mother ever discuss that with you.

A. No.

Q. Never talked to you about where the car came from.

A. I knew it came from Mr. Jackson, and I knew it was for Gavin’s doctors’ appointments.

Q. Did your mother ever discuss that with you.

A. No.

Q. Never talked to your mother about why the car was given to your family.

A. No, I heard it through David or Gavin, because they were the ones that were at the hospital. They’re the ones that would go to

Neverland mostly. Mom never went to Neverland, only that first visit, and then this --

Q. Now, who would take you to the police academy in the car that Mr. Jackson gave your family.

A. My mom.

Q. And that was a white Bronco; is that right.

A. Yes.

Q. I'd like to ask you just how much of a friend your family was with Chris Tucker. Did you guys hang out a lot together.

A. Yeah, he invited us to his brother's wedding.

Q. Okay. And approximately when was that.

A. I don't remember.

Q. And did you go other places with him.

A. He would take us to the Oakland game. He would take us -- he would ask us to come visit him at his house. I slept over Aja's house one time. We were really close with them.

Q. Do you know approximately when your friendship seemed to fall off with them.

A. When this started. This whole thing.

Q. Okay. Did you try to contact them, and they just didn't respond, or --

A. No, we just -- nobody did.

Q. Okay. Now, I believe you said that approximately a year passed between your first visit to Neverland and your second; is that right.

A. That's from what I remember. I don't know.

Q. You told the jury about your being on a plane with Chris Tucker, right.

A. Yes. There's two separate occasions, yes.

Q. And what was the first occasion that you were on a plane with Chris Tucker.

A. We went to the Oakland Raider game.

Q. Okay. And the second one was when you and Chris Tucker and your family went to Miami, right.

A. My mom and my brothers and me and Chris Tucker went to Miami in the private jet.

Q. All right. And did you think you were going to Miami on Chris Tucker’s plane against your will.

A. No. They just said -- to our knowledge, we thought we were going for a press conference.

Q. And what was the press conference supposed to be about, to your knowledge.

A. I don’t know.

Q. Do you know if it was supposed to be about Bashir.

A. I don’t know. All I know is there was supposed to be a press conference.

Q. But no one told you what it was going to be about, to your knowledge.

A. No.

Q. And was it your understanding your mother wanted to be in a press conference.

A. She never asked for it. They’re the ones that told us.

Q. They told you to get on Chris Tucker’s plane and go to Florida.

A. They asked us to come to Miami, and that there was going to be a press conference over there.

Q. Okay. How long were you in Miami, if you remember.

A. A couple of days. I don’t remember.

Q. And after those couple of days were over, you got on a plane with Mr. Jackson and his family to come back, right.

A. Do you want me to specify who was on the plane.

Q. We’ll get into that. Sure. Sure. But basically the flight to Miami was with Mr. Tucker.

A. Yes.

Q. And the flight back was with Mr. Jackson, right.

A. Yes. And all his people, yes.

Q. And there were a couple of days in between in Florida, right. A couple of days in between in

Miami, right.
A. Yeah.
Q. Okay. All right. How many nights do you think you spent in Miami.
A. A couple. I don’t know. I don’t remember.
Q. Just a couple.
A. I don’t remember.
Q. All right. Now, on the flight back, Mr. Jackson was on the flight, right.
A. Yes.
Q. His son, right.
A. Yes.
Q. And just what is his name.
A. Prince.
Q. And how old was Prince at the time; do you know.
A. I don’t remember. Very young, though.
Q. He was a little kid, wasn’t he.
A. Yes.
Q. There were two nannies on the plane, right.
A. Yes.
Q. Grace, right.
A. Yes.
Q. She was a nanny, right.
A. Yes.
Q. And who was the other one; do you remember.

A. I don’t remember who.
Q. But there was a second nanny, right.
A. Yes.
Q. And you said that Mr. Jackson’s doctor was on the plane, right.
A. Yes.
Q. You don’t remember his name, do you.
A. I don’t remember his name.
Q. Okay. Did you meet him in Florida when you were there.
A. We met him -- where I remember meeting him was when we got in the car to go to the jet to go back to Neverland.
Q. Okay. All right. You said that Marie Nicole was on the plane, right.

A. Yes.
Q. And you said that Aldo was on the plane.
A. Yes.
Q. Your mom was on the plane.
A. Yes.
Q. You were on it, of course.
A. Yes.
Q. And Gavin and Star, right.
A. Yes.
Q. And was it your understanding that was a private chartered plane.
A. Yeah.
Q. The group you've just identified, they were the only ones on that plane, right.

A. Other than the flight attendant and the pilot.
Q. Okay. And were most of the seats taken, as far as you remember.
A. Yeah.
Q. Were they all taken, as far as you remember.
A. Yeah.
Q. When you were in Miami, you said you visited Mr. Jackson's suite, right.
A. We stood in Mr. Jackson's suite the whole day, yeah.
Q. Was that just one day or a second day; do you know.
A. I don't really know, I'm not sure, but when we were there, we went straight up to the suite and stood there all day.
Q. But it was no more than two days, right.
A. Yeah, I think. I don't know.
Q. So when you got there, there were two nannies and three little kids, right.
A. Got where.
Q. To Miami.
A. Yes.
Q. Aldo, Marie Nicole.
A. Frank and Dieter were all in the room.
Q. Okay. But the children I'm talking about. How many children, besides your family.

A. When we went right to the suite, Prince, Paris and Prince II were there, and Marie Nicole and Aldo were there.
Q. So Prince and Paris are Michael Jackson's children, right.
A. Yes.
Q. A boy and a girl.
A. Yes.
Q. And they were with him in his suite, right.
A. Yes.
Q. Did you ever see Prince and Paris at Neverland when you visited.
A. Yes.
Q. And to your knowledge, where were Prince and Paris living at Neverland.
A. In their room. Upstairs in the main house.
Q. Did you ever see Mr. Jackson with Prince and Paris.
A. Yes. A couple of times, yes.
Q. Would you see him walking around the property with them.
A. Not really.
Q. Would you see him in his house with them.
A. He would go up to the room and see them, yes.
Q. You've been to every room in Mr. Jackson's house, haven't you.
A. Yeah.

Q. You've seen them all, right.
A. From -- yeah, I guess.
Q. Have you ever seen Prince and Paris's room in Mr. Jackson's house.
A. Yes. It's upstairs.
Q. Did you see those rooms the first time you visited Neverland.
A. No, I didn't.
Q. Did you see them the second time you visited Neverland.

A. No, I didn’t. I saw them when he had come back from Miami.

Q. Okay. Can you describe Prince and Paris’s room.

A. I don’t remember. All I know is where it was at. I don’t remember all the little details, because I was only in there for about only one -- maybe 15 minutes, and that was the only time that I went in there.

Q. You did describe for the jury Mr. Jackson’s room --

A. Yes.

Q. -- in his main house, right.

A. Yes.

Q. Before you testified yesterday, did you go over that description with anyone.

A. A week before.

Q. Who did you go over that description with.

A. I don’t remember who it was.

Q. Was it a sheriff.

A. I don’t remember who it was.

Q. Was it Mr. Sneddon.

A. I don’t remember who it was.

Q. Was it in the last two weeks; do you know.

A. I don’t think so.

Q. Did anyone show you before yesterday the tape of Mr. Jackson’s home.

A. The tape. What tape.

Q. Well, there was a tape played in this court which showed certain parts of Neverland, including Mr. Jackson’s room.

A. I have never seen a tape.

Q. Never seen that.

A. No.

Q. Did anyone show you any photographs of Mr. Jackson’s room before yesterday.

A. The ones that I identified. They’re the ones that they put up here, yes.

Q. Now, who showed you those photographs before yesterday.

A. Mr. Sneddon.

Q. Okay. And did you discuss what you remembered being in that room with Mr. Sneddon.

A. Yes.

Q. Did he show you the photos of the room while you were discussing this with him.

A. I don’t know when they were shown, but I know it was some point.

Q. Have you ever been into any of Mr. Jackson’s closets.

A. Not that I know of, no.

Q. And have you been into Mr. Jackson’s bathroom.

A. Just saw it, yeah.

Q. When did you see it.

A. When I went in that one time.

Q. Did you use the bathroom.

A. No.

Q. Did someone take you into the bathroom.

A. No, I was walking around in the downstairs of it, just looking. Because it had been the only time I’ve been in there, so I was just looking around.

Q. So you were just alone looking around in Mr. Jackson’s room.

A. No, I wasn’t alone in the room.

Q. I’m sorry.

A. I wasn’t alone in the room.

Q. Who were you with.

A. I was just walking around.

Q. Who were you walking around with.

A. I wasn’t walking around with nobody. They were sitting down and playing. There was, like, a little arcade game in there. And they were playing that and listening to music. And I was just looking around.

Q. In Mr. Jackson’s room.

A. Yes, on the downstairs.

Q. Okay. And approximately when was that, if you know.

A. I don’t know.

Q. Was it the first time you visited.

A. No.

Q. Was it the last time you visited.

A. I don’t remember when. But it was after Miami.

Q. After Miami.

A. Yes.

Q. So you had never seen Mr. Jackson’s room till after Miami.

A. Yes.

Q. You had never been on a tour of the house.

A. Not in his room, no. We had just saw the library and the -- the kitchen and stuff. But we never went in his room.

Q. Do you know someone named Rio.

A. No.

Q. Do you know named Simone.

A. No. I don’t remember.

Q. Did you ever share a room at Neverland with any other children.

A. I was always by myself. I slept by myself.

Q. Did you ever play with any other children at Neverland.

A. I remember some came, but I was mainly by myself. I don’t remember.

Q. So the name Rio doesn’t ring a bell.

A. I don’t remember.

Q. The name Simone doesn’t ring a bell, right.

A. I don’t remember.

Q. Did you and your brothers ever go to the zoo area at Neverland.

A. I was hardly ever with my brothers. If I wanted to go, I would go in the little cart.

Q. Okay. Did you ever go to the zoo area at Neverland.

A. Yeah.

Q. Did you ever go with your brothers.

A. No.

Q. Always alone.

A. Well, sometimes I would go with Marie Nicole. But I was mainly by myself.

Q. The first time you visited Neverland, was Marie Nicole there.

A. No, she wasn’t.

Q. When did you first see Marie Nicole at Neverland.

A. After we got back from Miami.

Q. Okay. When you were in Miami, do you recall your mom ever discussing the Bashir documentary.

A. No. We just knew that it was being aired. And we weren’t allowed to see it, but we didn’t discuss it.

Q. Did you ever discuss it with your mom.

A. No.

Q. Did you ever talk to your mom about the fact that you appeared in that documentary.

A. She knew we had got filmed, so I guess we knew that we would be on there.

Q. Did you ever discuss that with her.

A. No.

Q. Did you ever discuss the fact that Gavin was on that film with your mother.

A. We didn’t know that it was going to be aired until, like, the press came. We just thought it was like a personal video.

Q. Okay. So you’ve never really discussed with Gavin what appears in that documentary.

A. No. Well, when they were filming it, I was standing right there. So....

Q. Did you meet Mr. Bashir.

A. Yes.

Q. And was the day of the taping the first time you met Mr. Bashir.

A. Yes.

Q. Did you ever discuss what Mr. Bashir was doing with him.

A. No. We didn’t talk to Mr. Bashir. We just said hi.

Q. Okay. But after you and Gavin and Star were taped, did you go home and discuss what happened with your mom.

A. We just told her that we got filmed, but we thought it was just one of his personal videos.

Q. Okay. And when you say “personal video,” what are you talking about.

A. Like because Gavin had been taped before, during his cancer, with Star. And it was just a personal video, like for Mr. Jackson.

Q. And that was a personal video about Gavin’s recovering from cancer, right.

A. No, this was during his cancer.

Q. But it was about him trying to recover from it, wasn’t it.

A. I don’t know.

Q. Did you ever see it.

A. I just saw it once.

Q. Where did you see it.

A. At Hamid’s house.

Q. Okay. Now, you indicated that Ronald was in Florida, right.

A. Yes.

Q. Did you talk to him.

A. Just to be introduced.

Q. Okay. And was Frank in Florida, too.

A. I know he came later on, like later on in the day, the first day that we got there.

Q. But correct me if I’m wrong, yesterday you said that Mr. Jackson had a room in his suite, right.

A. Yes.

Q. There were other rooms in the suite, right.

A. No, there’s not other rooms in the suite. There’s just one in the suite. And then there was a connecting room that was -- that was another hotel room, but they had the doors open, so it connected it.

Q. With another whole tower.

A. There was another hotel room connected to

Mr. Jackson’s suite, so they had that door open.

Q. And you indicated that, for most of the day, people were going in and out, right.

A. Yeah, Mr. Dieter and Ronald would.

Q. And Marie Nicole and Aldo were there too.

A. Yes.

Q. And Mr. Jackson’s children were there too.

A. They left after a while. They weren’t there the whole time.

Q. But they were there a lot of the time, weren’t they.

A. A good amount.

Q. And the nannies were with them, right.

A. Yes.

Q. Now, you testified yesterday and today, that you saw behavioral changes in Gavin at some point, right.

A. Yes.

Q. Have you ever discussed those behavioral changes with Mr. Sneddon.

A. He just asked me if there was anything different about Gavin.

Q. And when was that.

A. A while ago.

Q. Did you ever discuss what you were going to say in court today about those behavioral changes.

A. No.

Q. Let me ask you this: Were you ever aware that Gavin had a lot of disciplinary problems in school.

A. I know he would talk a lot, yeah.

Q. Were you ever aware that teachers were upset because he would get up in class and disrupt the courtroom -- the classroom.

A. He was very talkative, yes.

Q. Well, he was described as disruptive, wasn’t he.

A. Yeah, he would get very talkative. He would get very talkative, that’s what his problem was.

Q. He was described by his teachers as getting up in the middle of class and disrupting the class,

right.

A. Well, I don’t know --

MR. SNEDDON: Your Honor, I’m going to object as asked and answered. Lack of foundation, if she has any personal knowledge of this.

THE COURT: Sustained on foundation.

Q. BY MR. MESEREAU: Do you have any knowledge yourself of Gavin having disciplinary problems in school before he ever met Mr. Jackson.

A. I knew he was very talkative. That’s all I know of. I was very young.

Q. On the rebuttal tape, Gavin mentions gang signs; do you remember that.

A. I don’t know.

Q. Well, you saw the rebuttal tape, right.

A. Yeah, I heard of it. I heard that. But I don’t think it was Gavin that said it. My mom said it. She was just playing around with Gavin.

Q. Your mother was playing along with Gavin when your mother mentioned gang signs.

A. No, because Gavin was messing with his hands.

Q. Yes.

A. And I think that’s what it was. And I think my mom was just playing with him, saying, “Stop throwing those gang signs.”

Q. To your knowledge, has Gavin ever been associated with anybody in a gang.

A. No.

Q. Never at all, right.

A. Never.

Q. Okay. And you’ve never seen Gavin make a gang sign, right.

A. No, he’s a good boy.

Q. Okay. How did you learn Gavin was having problems with his conduct at school.

MR. SNEDDON: I’m going to object as lack of foundation.

MR. MESEREAU: I think she said she knew, Your Honor.
THE COURT: Sustain the objection.
MR. MESEREAU: Okay.
Q. Did you ever discuss with your mother the fact that Gavin was having any problems at school.
A. I don’t remember.
Q. Okay. So you don’t remember ever having a discussion like that.
A. All I know is that I would tell Gavin, you know, “Just be quiet and listen to what the teachers tell you.” That’s all I know. All I know is Gavin talks a lot.
Q. To your knowledge, was he ever asked to leave school.
A. I don’t know.
Q. You don’t know.
A. I don’t know. I was young. I wasn’t really paying attention to his school.
Q. Okay. So as you sit here today, you know nothing about Gavin ever being asked to leave school, right.

A. No, I don’t know that.
Q. Never heard anything about that.
A. No.
Q. Okay. Now, in Miami, you said you got a manicure and a pedicure.
A. Yes.
Q. And I think you said Chris Tucker, Gavin and Star got massages, right.
A. Yes.
Q. And that was before you got on the plane to go back, right.
A. Yeah, that was right before we left.
Q. Do you know who paid for those pedicures, manicures and massages.
A. Yes, Mr. Jackson did. They were charged to the room.
Q. Okay.
A. Or -- Mr. Tucker’s was charged to his room. I don’t know, really. But I think Mr. Jackson paid

for my pedicure, but I don’t know about the massages.

Q. How did you know who charged what to their rooms.

A. Because they had given us, like, a little thing to take and say that it was fine to charge it to the room.

Q. Okay. Now, I’d like to just get straight in my mind, if I can, the schools you mentioned yesterday that you went to.

A. Yes.

Q. You mentioned Hollywood High, right.

A. Yes.

Q. Now, when did you go to Hollywood High.

A. For my freshman and half of my sophomore year.

Q. So what years would that be.

A. 2000, 2001.

Q. And when did you go to Mountain View.

A. Mountain View was the beginning of -- it was -- part of my junior year, like the ending part, and then my senior year was there.

Q. Did you mention a third school.

A. Yes, I did.

Q. Which one was that.

A. That was Roosevelt.

Q. When did you go to Roosevelt.

A. I went to Roosevelt in between my sophomore year and my junior year.

Q. For how long.

A. Part of my sophomore, and part of my junior.

Q. Okay. Now, did you move to these schools because you had moved your home.

A. No, because -- I left Hollywood High School because my father didn’t leave me alone.

Q. Okay.

A. So I had to move.

Q. Okay. And you went from Hollywood.

A. To Roosevelt.

Q. To Roosevelt. And where in Los Angeles was Roosevelt.

A. Like five minutes away from the Soto apartment. It was that high school for that address.

Q. Okay. And I gather your father didn't come to that school to see you, right.

A. Not that I remember, no.

Q. But you were concerned that he was coming to Hollywood High to see you.

A. No, he was coming to Hollywood High. That's why I left.

Q. Okay. Okay.

When you were at Hollywood High, were you living at Soto.

A. Yes, I was.

Q. When you were at Mountain View, were you living at Soto.

A. No, I wasn't. I was living with my grandparents.

Q. Okay. Yesterday you put little notations on a large diagram of the interior of the plane --

A. Yes.

Q. -- remember.

Had you gone over that diagram before you testified.

A. I have said where I saw everybody sit, and I had seen the diagram before.

Q. And who had showed it to you.

A. Mr. Sneddon was sitting there. I know there was somebody else. But --

Q. And do you know approximately when that was.

A. I don't remember when it was.

Q. Did someone tell you, "This is a diagram of the interior of that plane".

A. "This is a diagram of the description that you've given us of the plane," yes.

Q. Who told you that.

A. Mr. Sneddon, I think. I don't remember.

Q. And you don't know if that diagram is completely accurate, do you.

A. That’s from what I saw, so --

Q. Who put the diagram together.

A. I don’t know.

Q. Okay. You hadn’t been on that plane since when, January of 2003, February of 2003.

A. It was for Miami, so I don’t know.

Q. All right. So correct me if I’m wrong, Mr. Sneddon said to you, “Here’s a diagram of the interior of the plane,” right.

A. “Of what you described.”

Q. Okay. And did he have you, in front of him,

start marking off where people sat.

A. No.

Q. He didn’t.

A. No.

Q. So the first time you did it was yesterday.

A. Yes.

Q. Okay. And when Mr. Sneddon put it in front of you, he never said, “Tell me where people were sitting”.

A. From what I remember, “Where do you think they were sitting.”

Q. Okay. All right. Was this during that short meeting you had a couple days ago.

A. Yes.

Q. And Mr. Sneddon and you agree that was only a 15-minute meeting.

A. Yeah. There was two meetings and they were both pretty short.

Q. With Mr. Sneddon.

A. Well, Mr. Sneddon, and then Mr. Robel would come in. It was an open area. It was right in front of the kitchen.

Q. Okay. Now, you indicated yesterday that at some point on the plane, Mr. Jackson gave Gavin his watch, right.

A. Yes.

Q. And you said at some point on that plane trip, Mr. Jackson gave Gavin his jacket.

A. Yes.

Q. All right. Now, was this after Mr. Jackson had given the family an automobile.

A. Yes. The automobile was given during Gavin's cancer. That was -- the watch and the jacket were on the plane.

Q. Okay. And you indicated you saw some whispering between Mr. Jackson and Gavin, but you didn't hear what it was.

A. No, they were whispering and they were passing the Diet Coke can back and forth.

Q. And you have no idea if Gavin asked Mr. Jackson for a watch, because you couldn't hear, correct.

A. All I know is that Mr. Jackson gave it to him.

Q. Okay. And at some point, I believe you said that it was Ronald who wanted the watch from you, your family.

A. No, Dieter was the one that wanted it back.

Q. Was that at Neverland.

A. Yes, it was.

Q. So Dieter appeared upset that Mr. Jackson had given Gavin a watch, right.

A. Yeah.

Q. All right. Did Dieter ever try to get the car back.

A. I didn't meet Dieter at that time.

Q. When did you first meet Dieter.

A. At Miami.

Q. All right. And was this in the suite.

A. Yes, it was.

Q. When did you first see Dieter try and get that watch back.

A. We were all together in one of the guest rooms. And he was asking Gavin for the watch back.

Q. And Mr. Jackson wasn't there, right.

A. No.

Q. You did say yesterday, in response to the prosecutor's question about the plane, that people would switch their seats around, remember.

A. Yeah, that would be Star, Aldo and Marie Nicole that would switch their seats around.

Q. Did you ever see -- excuse me. I'm sorry. Let me rephrase that. Strike that. Did you ever see Aldo and Marie Nicole switch their seats around.

A. Yeah, they would switch back with Star. They would go back and forth.

Q. Do you know where the doctor sat on the plane.

A. He was in one of those four chairs that were behind me. I don't remember where.

Q. Yesterday did you tell the prosecutor where the doctor was seated.

A. No, I just wrote that he was in one of those four seats.

Q. Okay. And he was with the two nannies, right.

A. Yes. And my mom was sitting -- all those four -- in those four seats were my mom, the doctor, and the two nannies. I don't know how they were seated or anything.

Q. Okay. And is it your recollection that Mr. Jackson was facing the rear of the plane.

A. He was facing the front of the plane.

Q. Okay. And where were you facing.

A. I was facing the back of the plane, right in front of Gavin.

Q. Okay. And who was next to you.

A. Paris was.

Q. All right. And the doctor was at the back of the plane facing the front, to your knowledge.

A. I don't know where he was seated. All I know is he was in those four chairs behind me.

Q. Okay. Gavin's illness lasted approximately a year, right.

A. Yes.

Q. And he had a number of surgeries, right.

A. He had one major surgery.

Q. Okay. What was that for, if you know. Didn't they remove the spleen.

A. They took out his spleen. They took out a 16-pound tumor. They took out lymph nodes. They took out the -- that's all I remember. They took out his kidney, because it was totally eaten by the cancer. And that's all I remember.

Q. And when you said on the rebuttal tape that you thought Mr. Jackson had helped him recover, were you telling the truth.

A. I had said that. I don't remember saying that.

Q. Okay. Do you ever remember your mother saying Mr. Jackson had helped your brother recover from cancer.

A. What do you mean.

MR. SNEDDON: Your Honor, I'm going to object as to vagueness, as to when in point in time.

THE COURT: Point in time.

MR. MESEREAU: Sure, Your Honor. I'll rephrase.

Q. Do you remember, on the rebuttal tape, your mother saying that Mr. Jackson helped your brother Gavin recover from cancer.

A. I know she said it on the rebuttal tape.

Q. Did you ever hear her say it any other time.

A. No, she owed all credit to God.

Q. So other than the rebuttal tape, you never heard your mother ever say Mr. Jackson helped Gavin recover from cancer.

A. Not that I remember.

Q. What about when Brad Miller was at Jay Jackson's apartment.

A. I don't -- if she did, I don't remember. I was young. It was too long ago.

Q. Okay. Now, when you arrived from Miami, you were taken to Neverland Ranch, right.

A. Yes.

Q. And was that a limousine.

A. Yes.

Q. Do you know who drove that.

A. I don't remember.

Q. Okay. And when you got there, you said that Dieter or Ronald were there, right.

A. No, they weren't.

Q. They weren't there.

A. They didn't get there until the next day, I think.

Q. Okay. And you've never flown with them, right.

A. No.

Q. Okay. When you left Neverland with Jesus Salas, you were in a Rolls Royce, right.

A. Yes, we were.

Q. And your mother asked Jesus to take the family back home, right.

A. Yes.

Q. And Jesus put you all in a Rolls Royce and drove you to Los Angeles, right.

A. Yes, he drove us. I don't remember -- I

think he took us to my grandmother's house.

Q. Okay. And at some other point, the family all went back to Neverland, right.

A. Yes.

Q. And approximately when was that.

A. Timewise, I don't know. It was so long ago.

Q. Okay. After you got back from Miami, if you know, how many times did you go back and forth to Neverland.

A. Twice, I think. I think it was twice.

Q. Twice.

A. Or three times. I don't remember.

Q. One time you went back with Aja, correct.

A. Yes.

Q. And Aja drove you to Neverland, right.

A. Yes.

Q. And did you ask her to drive you, or did she just volunteer to, if you know.

A. Because we were going to be taken back anyways, because we asked her to take us instead.

Q. Okay. When Aja drove you back to Neverland, there was no security person in your car, true.

A. No.

Q. You mentioned to the jury at one point that you were scared, right.

A. Yes.

Q. Okay. And when did you get scared, if you remember.

A. Like --

Q. I'm talking about when you were at Neverland.

A. Like after they started telling us about the death threats and stuff.

Q. After what.

A. After they started telling us about the death threats and how Dieter started getting more aggressive.

Q. Dieter was getting more aggressive.

A. Yes.

Q. This is right after the Miami trip, right.

A. No. This is -- this is closer to the rebuttal film.

Q. Okay. Okay. So you first started to get scared around the time of the rebuttal film, right.

A. Yes.

Q. Now, you mentioned that Aja drove you back to Neverland, right.

A. Yes.

Q. Was your mother in the car.

A. No, she wasn't.

Q. Where was she.

A. She was at Jay Jackson's apartment.

Q. Okay. When you were at Jay Jackson's apartment to talk to the three social workers, your mother never complained that you were being falsely imprisoned, did she.

A. About what.

Q. About anything.

A. About falsely imprisoned with who.

Q. With Frank, with Vinnie, with Dieter, with Konitzer, with Schaffel. Anybody.

A. No, we were kind of scared, because the bodyguard was downstairs.

Q. Okay. But you never told any of the three women from the Department of Children & Family Services, “We need help,” right.

A. Not that I remember, no.

Q. And your mother certainly never did that, right.

A. Not that I remember, no.

Q. And you don’t recall your mother ever telling Aja, “Call the police; we’re having problems,” right.

A. I remember there would be occasions that she would call Aja. I don’t know what they talked about. And I did talk to Aja once when they were at Neverland Ranch.

Q. And you never heard your mother ever call the police, right.

A. I heard about an occasion, yes, that she tried to.

Q. Okay. When was this.

A. I don’t know when it was. But it was when they were at the ranch.

Q. Okay. How about when you were at Jay Jackson’s house, an active member of the United States Army who your mother was having a relationship with. Do you recall your mother ever saying anything like, “Major Jackson, call the police”. Do you ever recall that.

A. She had called, because she dialed up -- if you press 9-1-1 at the Neverland Ranch, it goes to their security.

Q. Right.

A. So she had to call Jay and ask him to call.

Q. How about when she was at Jay Jackson’s apartment.

A. Not that I remember, no.

Q. All right. You indicated that an investigator named Bradley Miller took a recorded statement from your whole family.

A. Yes.

Q. Right.

A. Yes.

Q. And that was at Jay Jackson’s apartment, right.

A. Yes, it was.

Q. And Jay Jackson was actually in and out, wasn’t he.

A. No, he was sitting right there.

Q. Okay. So you’re at Jay Jackson’s home, with Jay Jackson sitting there, and an investigator is

taking a statement. And nobody complains about Dieter, Konitzer, Frank, Vinnie, Schaffel, or anybody, right.

A. I don’t think it was at that point. He just asked us to speak of things of my father.

Q. Okay. But I’m asking if your mother at that point ever called the police or did anything that suggested that Ronald, Dieter, Frank, Vinnie, anybody was causing problems.

A. I guess -- I don’t know. You have to ask her what she thought.

Q. Okay. Okay. Now, when you were being interviewed by Brad Miller, he asked you about David, right.

A. Yes.

Q. And you talked about things like child endangerment and terrorist threats, right.

A. I don’t remember what I said. All I know is I talked about David.

Q. Okay. You talked about abusive behavior by him, right.

A. Yes, I did.

Q. Okay. Do you remember telling Brad Miller that Michael is a father to all of you.

A. I don’t remember what I said on the tape. It was very long ago. All I remember is the key point was on David.

Q. Okay. Do you remember telling Brad Miller Michael has given your family safety, love, and everything you've ever wanted.

A. I don't remember what I said. All I remember is the key point was about David.

Q. Okay. Would it refresh your recollection if I just showed you a transcript of what you said.

A. No, it wouldn't. I would have to hear my own voice.

Q. You don't want to see this.

A. No, it's okay.

Q. Okay. Okay. Did your mother ever tell you that, "We're being forced to make positive statements about Michael Jackson in the interview with Brad Miller".

MR. SNEDDON: Excuse me, Your Honor. I'm going to object as to what point in time. Vague; lack of foundation.

THE COURT: Sustained; time.

Q. BY MR. MESEREAU: We're talking about Sunday, February 16th, 2003. Okay. And that's the approximate time you were at Jay Jackson's apartment being interviewed by Brad Miller, right.

A. You're asking me what.

Q. Well, I'm asking you if that sounds like the approximate time you were interviewed by Brad Miller.

A. I don't know the date. All I know is that he came to Jay Jackson's house.

Q. Does February of 2003 sound around the time.

A. I don't know.

Q. Was it after your trip to Miami.

A. Yes, it was.

Q. Okay. Was it before the rebuttal video.

A. I don't remember.

Q. Do you think it was around the time of the rebuttal video.

A. I don't think so.

Q. All right. But Jay Jackson sat at the table.

A. We were seated in the living room.

Q. And Jay Jackson was sitting there during the interview, right.

A. Yes, he was.

Q. Was he introduced to Brad Miller as a member of the United States Army; do you know.

A. All I remember -- it's too long ago. All I remember is us sitting on the blue couch. And Bradley Miller had the tape-recorder on the table. And he was asking us questions. And the main subject was David.

Q. And Jay was just sitting there and listening, right.

A. Yes, Bradley Miller said he didn't need him to talk.

Q. Okay. So he just sat there and listened, right.

A. Yes.

Q. And you complained about stories that were being told about your brother, right.

MR. SNEDDON: Your Honor, I'm going to object again as lack of foundation and vagueness as to what point in time.

MR. MESEREAU: All my questions, unless I tell you otherwise --

MR. SNEDDON: Well, that's not fair to the witness.

MR. MESEREAU: I'm going to withdraw the question and rephrase it, if you want to do that.

THE COURT: All right.

MR. MESEREAU: Okay.

Q. I'm going to ask you a number of questions about the Brad Miller interview. All right.

A. Okay.

Q. I'm going to ask you questions about what you said. All right.

A. Okay.

Q. And I'm going to ask you questions about who was there.

A. Okay.

Q. And I’ve already asked you questions about where it was. It was at Jay Jackson’s apartment, right.

A. Yes, it was.

Q. Okay. Who was there, besides Jay Jackson and you.

A. My mom and my two younger brothers.

Q. And Brad Miller, of course was there, right.

A. Yes.

Q. And have you discussed that interview with anyone with law enforcement.

A. We told them that we took the interview, yes.

Q. Have you discussed that interview with your mother at all.

A. No.

Q. Never have.

A. No.

Q. So ever since you had that interview, you’ve never talked to your mom about it, right.

A. Not really, no. It was just strange because he would stop and redo it and say, “That’s not necessary to talk about.” He would rewind it. Stop it. I mean, we talked about how strange that was.

Q. And did Jay Jackson ever say a word.

A. No, he never did.

Q. Did your mom ever complain about that.

A. I don’t know. I don’t remember.

Q. Okay. All right. Was it your understanding that the purpose of the interview was to get your feelings about Michael Jackson on tape.

A. I thought the purpose was about David.

Q. Was about David.

A. Yeah.

Q. But you and your mother and your brothers kept referring to Michael Jackson as the father, right.

A. I don’t remember what I said. All I remember is that the main focus was David.
Q. Okay. Now, when the rebuttal video was done that we saw in court today --
A. Yes.
Q. -- was your mother still involved with Jay Jackson, as far as you know.
A. Yes.
Q. Okay. Were they engaged at that point; do you know.
A. No. I don’t think so. They were still dating.
Q. At that point in time, was Andrew Lassak, of the LAPD, a friend of the family.
A. I don’t think we talked to him at that point. I don’t remember.
Q. Okay.
THE BAILIFF: Mr. Mesereau, I’m going to turn the air conditioner on. So will you speak up.
MR. MESEREAU: Oh. Sure.
Q. Did you think that Brad Miller didn’t want certain statements about David on the tape.
A. He didn’t want certain statements about -- I don’t remember. All I know is he would rewind it,

and say, “That’s not necessary, we don’t need to talk about that.” And he would rewind it, tape over it, stop it, and then, “We’re going to talk about this now,” and that’s what I remember. And then he would stop and rewind it a lot.
Q. Did he ever tell you, if you remember, that he worked for Mark Geragos.
A. No, I thought he was just from Mr. Jackson.
Q. Okay. At the beginning of that interview, he says he works for Mr. Geragos, right.
A. I don’t remember. All I remember is that he was from Mr. Jackson.
Q. Okay. Have you discussed this issue with your mother at any time.
A. No.
Q. Now, you knew that your mother was going to testify in a pre-trial hearing in this case, right.

A. I knew she was coming up here, yes.

Q. Did you ever discuss what she was going to be asked with her.

A. I didn’t know what she was being asked. All I know is that she came up here.

Q. Did you ever talk to her about what she said after she appeared in court.

A. No.

Q. Ever discussed it one time with her.

A. Huh-uh.

Q. All right. At the time she testified in a pre-trial hearing in this case, you were living with her, right.

A. I’ve been living with them ever since I started college.

Q. And you’re not aware of you and your brothers ever talking to her about what she said in court that day, right.

A. No, I don’t remember hearing her talk about anything with the court.

Q. Do you recall her coming back home after she testified in a pre-trial hearing in this case.

A. Yeah, I remember her coming home.

Q. Do you recall ever discussing what went on with her.

A. No, we just greeted her, and that was it. And the baby was there with her.

Q. And so everybody just agreed to be silent.

A. Yeah, we know we’re not supposed to talk about each other.

Q. Who told you that.

A. Well, they told us that.

Q. Who did.

A. Mr. Sneddon and everybody with law enforcement.

Q. So you never discussed this case with each other at all.

A. No, we know we’re not supposed to.

Q. Okay. Okay.

MR. MESEREAU: Can I take a second.

Q. Around the time that you were visiting Neverland, say in 2002, did you use a computer.

A. No, I never used a computer when I was up there.

Q. Were you able to use a computer.

A. No.

Q. Did you ever use a computer at Carol Lamir’s home.

A. Once, because she had me doing her son’s project.

Q. Did you use a computer at her home.

A. Yeah. One time, yeah.

Q. Okay. Did you ever discuss your use of the computer with her.

A. She was the one that told me to get on the computer and do his project.

Q. Around the time that you first visited Neverland, did you have a computer at home.

A. Well, Mr. Jackson had given Gavin a computer on our first visit, when we got there.

Q. Did he take that computer home.

A. Yes, he did.

Q. Was the family using it at home.

A. Mainly Gavin would use it.

Q. Did anyone else use it.

A. Not that I remember.

Q. Did you ever use it.

A. No, not really. Just when I was seeing what Gavin was doing. But not really.

Q. Was that the only computer you had at home.

A. Yes.

Q. Now, at some point, did Gavin take that computer out of the home.

A. No. What happened was -- I don’t know who or what happened, that he had called saying that the -- something was messing up with it. So he sent it to Mr. Jackson’s people, and we never got it back.

Q. Okay. And your mother used to complain about that, right.

A. About what.

Q. Not getting the computer back.

A. Not that I remember. I don’t know.

Q. And she used to complain about not getting the car back, right.

A. I don’t remember. I don’t know.

Q. You never heard her do that.

A. I don’t know.

Q. Well, you said yesterday at some point the car didn’t work, right.

A. Yes.

Q. And it went back to Neverland, you thought, right.

A. I just knew that somebody came and picked it up. I didn’t know where it went.

Q. Your mother used to complain about that, didn’t she.

A. Complain about what.

Q. The fact that it was her car at that point.

A. No, it wasn’t her car. We still called it Gavin’s car.

THE COURT: Counsel.

MR. MESEREAU: Yes.

THE COURT: Break time.

MR. MESEREAU: Oh.

(Recess taken.)

MR. SANGER: Your Honor, does the Court have the right button on there for “PC”.

THE COURT: There’s two inputs, either 1 or 4.

THE BAILIFF: Input 1.

THE COURT: That’s 1; and that’s 4. 1 is for the PC, I’m told. Anything that goes through the PC, I push 1; and any other media, I would push 4.

MR. SANGER: 4.

THE COURT: Is there some other subject you could cover. We’ve got less than an hour, and they could have that ready for you Monday morning on the tape.

MR. MESEREAU: I could do that.

THE COURT: Can you.

MR. MESEREAU: Sure.
THE COURT: Let’s try that.
MR. MESEREAU: May I ask how long it might take. Because I’d love to end the day with this, if I can.

THE COURT: Yes.
MR. MESEREAU: I think -- we’re not sure how long it would take. So I could move on, if you’d like.
THE COURT: I think it would be a better use of time than -- he’s working under a great deal of pressure with all of us watching him.
MR. SANGER: The watched pot phenomenon.
THE COURT: We work better when we’re all calm and sure.
THE BAILIFF: Can we try using that one. Take that one out and use that one.
MR. SANGER: I think you need to go to 4, then, for this; is that right.
MR. MESEREAU: I think we’re ready to go, Your Honor.
THE COURT: All right. We’ll go.
Q. BY MR. MESEREAU: Ms. Arvizo, you testified yesterday that you went into the arcade area at Neverland one time.
A. Yes.
Q. A juke box was moved and you went into a wine cellar, correct.
A. No, I had saw some people going down in the staircase, so I just followed.
Q. Okay. And you’ve testified that you saw Michael Jackson pouring wine, correct.

A. Yes.
Q. You said that Michael Jackson gave you a glass of wine to drink, right.
A. Yes.
Q. And you said it tasted --
A. Funny.

Q. Funny.

A. Yes.

Q. You didn’t want to drink it, right.

A. I only took a couple of sips, yes.

Q. Okay. Do you remember you were interviewed by the Santa Barbara Sheriff’s Department July 6th, 2003, and asked questions about that.

A. I know I was asked questions about it, yes.

Q. You were asked by a Santa Barbara sheriff how you knew it was wine, right.

A. Yes.

Q. And your answer was, you knew it was wine because it’s a wine cellar and there’s nothing else to be drinking in a wine cellar, right.

A. Yes, there is wine bottles along the left wall.

Q. Never told them you had seen Michael Jackson pouring wine from any bottle, correct.

A. They never asked me that question, but I did see him.

Q. Well, they asked you how you knew it was wine, and your answer was, “They were in a wine cellar and there’s nothing else to be drinking in a wine cellar,” correct.

A. I’m not going to grab a cup off the counter. It was handed to me.

Q. Well, why didn’t you tell that to the Santa Barbara sheriffs then.

A. They didn’t ask me about it.

Q. Well, they actually did. Would it refresh your recollection to show you the police report.

A. I just told them about the building. And they said how did I know it was wine. Because it was a wine cellar.

Q. But yesterday, you said you saw Michael Jackson pouring a bottle of wine into a cup, true.

A. Yes.

Q. That’s not what you told the sheriffs on that day, right.

A. Well, I was in a wine cellar also. I didn’t know I had to say every little detail. I was young back then. I didn’t know I had to say every little detail for it to be right. Different things come up.

Q. Okay. On that particular day, you never said you saw Michael Jackson pouring wine and you never even told them that he gave you wine, right.

MR. SNEDDON: I’m going to object as argumentative and asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did someone tell you that when the defense lawyer asks you questions in court, if you’ve got a problem, to say, “I was very young and I just don’t remember”.

A. No, that’s -- I have no way of knowing, because it was years ago. I was very young.

Q. Did you ever use that stock phrase in answering any of the prosecutor’s questions.

A. I don’t know. Maybe I did; maybe I didn’t. I don’t know.

Q. Now, nobody told you that, when in trouble or when in doubt, that’s what you say.

A. Nobody told me what to say. When I say it, it’s from me.

Q. Okay. You mentioned that, at one point, you drove to The Laugh Factory on Sunset, right.

A. Yes.

Q. And The Laugh Factory is on a corner on Sunset in Los Angeles, right.

A. Yes.

Q. You’ve been there many times, right.

A. Yes.

Q. And you said you met a lawyer at The Laugh Factory, right.

A. I didn’t know who he was. I just saw -- I just was introduced that he was Bill. I just ran up there real quick to give my mom the message that

Vinnie had given me. I didn’t know who he was.

Q. But correct me if I’m wrong, you were in a car, you drive to The Laugh Factory, right. Your mom gets out, right.

A. Yes.

Q. She goes into The Laugh Factory, right.

A. Her and Gavin go in together and Vinnie asked us to stay.

Q. And they see a civil lawyer in there, right.

A. I didn’t know who he was at that point.

Q. But you do know now, right.

A. I still kind of really don’t know.

Q. Well, you’ve had meetings with him.

A. I know he’s a lawyer, but I don’t know.

Q. How many times have you met with him.

A. Once.

Q. And when was that, approximately.

A. I don’t remember.

Q. Well, let me ask you this: Your mother went into The Laugh Factory and met with Jamie Masada and a lawyer named Dickerman, right.

A. I just saw him there. I didn’t know he was a lawyer at that point.

Q. And to your knowledge, your mother never complained that anybody’s being falsely imprisoned or abused or told what to say or restrained or anything.

A. You got to ask her. I don’t know.

Q. Have you ever discussed what she said to that lawyer with her.

A. I don’t know.

MR. SNEDDON: Your Honor, I’m going to object to that question. Lack of foundation. And also, it could be a violation of attorney-client privilege.

MR. MESEREAU: Your Honor, that privilege was waived a long time ago.

MR. SNEDDON: No, it wasn’t.

THE COURT: I’ll allow the question. Actually, there is -- the question and the answer was given before the objection. The question was, “Have you ever discussed what she said to that lawyer with her.”

“Answer: I don’t know.”

Next question.

Q. BY MR. MESEREAU: To your knowledge, when your mother and Gavin got out of the car, went into The Laugh Factory, saw a lawyer, saw Jamie Masada, they never complained that anyone was being held against their will, to your knowledge, right.

A. All I knew is that they were going in to see Jamie Masada. I walked in, saw Bill, Mr. Masada, my mom and Gavin sitting there, and I gave my mom the message Vinnie had given me, and I walked right out. I don’t know what they said. I don’t know what happened.

Q. And you’ve never, to this day, discussed with your mother what was said.

A. No.

Q. But since that day, you’ve met with this lawyer named Dickerman, right.

A. Once, yes.

Q. To your knowledge, has your mother had a lot of meetings with Dickerman.

A. I don’t know.

Q. You don’t know. You have never discussed it with her.

A. No.

Q. All right. Okay. After that meeting was over, did your mother and Gavin come out of The Laugh Factory.

A. About five minutes after I had ran in and given them the message from Vinnie.

Q. How long had they been in The Laugh Factory, if you really know.

A. Before Vinnie started getting impatient, about 15 minutes or so. I don’t know.

Q. And where did you go after they got back in the car, after they were in The Laugh Factory.

A. I don’t remember whether we went back to Neverland or to Calabasas. I don’t remember.

Q. But it was one of the two, right.

A. Yeah.

Q. All right. And your stay at the Calabasas

Inn was about two days, right.

A. I don’t remember how long it was.

Q. Okay. Did you ever tell someone named Simone that your mother wanted to go to Brazil.

A. I’ve never told anybody. I don’t remember that person.

Q. Did you ever tell someone named Rio that your mother wanted to go to Brazil, but your brothers didn’t want to go.

A. I never -- I don’t know who that person is.

MR. MESEREAU: Your Honor, at this point we’d like to play the Brad Miller taped interview.

THE COURT: All right.

MR. MESEREAU: Can we mark it as next in order.

THE COURT: It’s just an audiotape, right.

MR. MESEREAU: Yes, it is, Your Honor. We need to mark it next in order.

THE COURT: It’s not marked.

MR. SANGER: It’s in the machine. If we can mark it when we take it out.

THE CLERK: It would be Defense Exhibit 5000.

MR. MESEREAU: Okay.

THE COURT: That’s what their exhibits start with.

THE CLERK: Yes.

MR. MESEREAU: We’ll see if it works, Your Honor.

MR. SNEDDON: For the record, I have no objection. I’ll waive the foundation.

THE COURT: Thank you.

(Whereupon, a portion of an audiotape, Defendant’s Exhibit 5000, was played for the Court and jury.)

MR. MESEREAU: I don’t think that’s going to work.

It’s not working. It’s not working.

MR. SANGER: It was working here, but we

couldn’t get it through the wires to the --

THE COURT: Well, you can work with the technician after court and play it Monday.

MR. SANGER: We can do that. Thank you, Your Honor.

Q. BY MR. MESEREAU: You left Jay Jackson’s and you went to The Laugh Factory, right.

A. I don’t know what you’re talking about. I don’t remember.

Q. When you left Jay Jackson’s after the tape-recorded statement, did you go to Neverland or The Laugh Factory.

A. I think that’s the point I went to The Laugh Factory. I’m not sure.

Q. Okay. Did you leave Major Jay Jackson at his residence.

A. Yeah.

Q. Did Vinnie pick you up at Major Jay Jackson’s home.

A. I think it was Vinnie. Because Vinnie’s the one that brought us to The Laugh Factory, but I’m not sure. But I know he was the one that took us to The Laugh Factory.

Q. Okay. Did Vinnie take you to Hamid Moslehi’s home as well.

A. No. It was Hamid that came and picked us up at Neverland.

Q. What kind of car did Vinnie drive.

A. They had the -- it’s like a silver Buick. I think it was a Buick. I’m not sure.

Q. Do you remember when you went to get a passport.

A. I kind of do, but I know we went to, like, an office-type place, but --

Q. Well, it was a federal building, wasn’t it.

A. Yeah.

Q. And that was in Los Angeles, right.

A. Yes, it was.

Q. And Vinnie drove you; is that correct.

A. Yes. Yes, it is.

Q. And he parked the car somewhere near the federal building, right.

A. I guess, yeah.

Q. And you were with your mom, right.

A. Yeah, we were all together.

Q. With Gavin and Star, right.

A. Yes.

Q. You parked your car, and all of you got out of the car and walked into the federal building, right.

A. Yes.

Q. Did you ever hear anybody scream, “Help, we’re being held against our will,” or words to that effect.

A. No.

Q. There were federal employees and agents all over that building, right.

A. Yeah.

Q. And nobody said a word, right.

A. Yeah. They’re that scary.

Q. Your mother came up with the idea of calling Michael Jackson “Daddy,” right.

A. No.

Q. You testified yesterday that your mother never came out of the cottage, right.

A. Yes.

Q. And that’s not true, is it.

A. That is true.

Q. Your mother was in the theater from time to time, was she not.

A. No.

Q. You were never in the theater with your mother and your brothers watching a film at Neverland.

A. On the first visit, I think we went and all saw something. That was the very first visit of -- with David and everything. But other than that, I don’t remember us going in the theater.

Q. Do you remember the time you, your mother, Gavin and Star and Michael Jackson were in the theater and your mother asked everyone to “kneel down and say a prayer to Daddy”.

A. I don’t remember that.

Q. Do you ever remember being in the theater at Neverland with your mother, Gavin, Star and Michael Jackson.

A. I don’t remember that.

Q. Do you ever remember being with your mother at this zoo at Neverland.

A. On the very, very first visit when we all came up together with David, we did go to the zoo.

Q. Are you saying that, after that, your mother never left her cottage.

A. My mom didn’t leave her cottage.

Q. Were her meals served at the cottage, to your knowledge.

A. Yes, they were brought to her.

Q. Three times a day.

A. I think it’s -- I don’t know. I wasn’t watching.

Q. Do you remember, your mother told the three social workers from the Los Angeles Department of Children & Family Services that she’s always at the main residence.

A. Yeah.

Q. Remember, she told those workers that she’s there all times of day.

A. Yeah.

Q. Do you think your mother was lying.

A. Yes.

Q. Do you think your mother lied throughout that interview.

A. Somewhat. I don’t know. But I know those comments can’t be true.

Q. And that was the day you lied about bringing girlfriends to Neverland, right.

A. Yeah.

Q. And you’re telling this jury that you’ve never brought any girlfriend to Neverland.

A. No.

But you told it to the Los Angeles Department of Children & Family Services.

A. Yes, I did.

Q. Did you discuss with your mother ahead of time that you were going to tell those social workers that you bring your girlfriend to Neverland.

A. Not that I remember, no.

Q. You don't remember ever talking to your mom about what you were going to say.

A. Not that I remember, no.

Q. Okay. Were you in the room when your mother told her lies to the social workers.

A. I don't know if it was all lies. I don't know. I don't remember what was said.

Q. But you remember some of them were lies, correct.

A. Yeah, I remember -- when you tell me certain things, I do remember.

Q. Okay. Now, at some point, you learned your mother didn't want to go to Brazil, right.

A. She didn't want to go to Brazil at all.

Q. Well, at some point, you learned that you weren't going to Brazil, right.

A. My mom didn't want to go at all.

Q. I know you're saying that.

A. When that subject was brought up.

Q. And your position is, that you've never told any other witness that your mother wanted to go to Brazil, but your brothers wanted to stay, right.

A. My brothers wanted to stay and be with Michael, yes.

Q. At some point, instead of going to Brazil, your entire family was brought home, right.

A. Yes.

Q. And who brought them home.

A. I think it was Vinnie that brought us all back to my grandmother's house.

Q. So Vinnie drove you to your grandmother's house and dropped the family off, right.

A. Yes, because we had to make up -- my mom called me and said vaguely, “Your grandfather’s sick. You need to come home. Davellin, get your stuff together, it’s time to go.” And she just -- you could tell she just wanted to get us out of there.

Q. And when you went to leave, Vinnie took you to your grandparents, right.

A. Well, they were kind of irritated about the whole fact we had asked them over and over, and they finally agreed to it.

Q. I know what you’re saying. But the reality is, when you wanted to leave, you went home, right.

A. After a hassle, yes, we did.

Q. And when you asked Jesus Salas on an earlier date to take you to Los Angeles in the middle of the night, he did it, right.

A. Yeah, we had to do it very quiet, and we had to be very quiet.

Q. I know your position. Have you discussed what words you’re going to say about this event with anybody before today.

A. No, these are my feelings. This is what I saw happening.

Q. Okay. Okay. You testified yesterday that when you were in Michael Jackson’s bedroom, you saw alcohol, right.

A. Yes, I did.

Q. You said, “I know the shape of bottles, but I don’t know what they were,” right.

A. Yeah.

Q. And you never tasted what was in those bottles, correct.

A. No, I just saw that they were there in the bedroom.

Q. Okay. You never said Mr. Jackson gave you anything that was in those bottles, right.

A. Not while in the bedroom, no.

Q. Okay. What else did you see in Mr. Jackson’s room that only time you say you were

there.
A. Other than what I’ve already said.
Q. Yes.
A. I don’t remember anything else.
Q. Remember any pictures on the walls.
A. I don’t remember.
Q. Any toys in the room.
A. Don’t remember.
Q. Do you know where his children were at that point.
A. I think they were there at the beginning, but then the nannies came and got them. I’m not sure about that.
Q. Okay. Did you see nannies in the main house at that point.

A. When I was --
MR. SNEDDON: Excuse me, Your Honor, I’m going to object as to what “that point” is as vague.
MR. MESEREAU: Sure.
THE COURT: Sustained.
MR. MESEREAU: I’ll rephrase it, Your Honor.
Q. When you went to Mr. Jackson’s bedroom for the only time you say you were ever there, you saw nannies, correct.
A. When they came and got them.
Q. Did you ever see the room the nannies live in.
A. I don’t remember.
Q. Did you meet the nannies at Neverland.
A. I met -- I had met Grace the first time we had went, with David and everybody. But I met the second nanny at Miami.
Q. Two nannies, right.
A. Yes.
Q. Same nannies you saw at Neverland when you were in Michael’s room, right.
A. Yes.
Q. Have you ever told anyone that you were in Michael’s room more than once.
A. No.
Q. You testified when you were at the Calabasas

Inn, you went shopping, right.

A. Yes.

Q. Where did you go shopping.

A. For the suitcases, we went to an outlet mall. And then for the clothes, we went to like a mall-mall.

Q. And you went to a number of stores in the mall where you bought clothes, right.

A. No, we just went to one department store. That’s all I remember.

Q. Do you recall anyone in that department store saying words to the effect, “Help, we’re being restrained or held against our will.”

A. No, none of us said that. Vinnie was with us the whole time.

Q. You said you went to a -- was it a Walgreen’s where you had a photo taken.

A. Yes, we did.

Q. Where was that Walgreen’s located, if you know.

A. Near Calabasas, I guess. It was when we were at Calabasas.

Q. When you went into the Walgreen’s, do you recall anybody saying words to the effect, “Help, we’re being held against our will”.

A. No.

Q. Okay. Do you recall security personnel in any of those malls.

A. I don’t remember.

Q. Do you recall security personnel in Walgreen’s.

A. I don’t think so.

Q. Do you recall security personnel in the store you went and bought clothes at.

A. There was -- I don’t remember seeing any.

Q. Where did you eat that day when you were shopping; do you know.

A. I don’t remember.

Q. It was not at the hotel, right.

A. I think there was the one time he took us to eat somewhere. I don’t remember.

Q. But you certainly don’t recall your mom or anybody telling anybody at the restaurant, “Help us, we’re being restrained or held against our will,” right.

A. No, I don’t.

Q. Okay. How long were you in Walgreen’s; do you know.

A. 20 minutes.

Q. And you had your photo taken.

A. All of us did.

Q. Okay. Have you ever discussed the J.C. Penney case with your dad.

A. Which dad. My stepfather or David.

Q. David.

A. No.

Q. Never talked to him about it at all.

A. No.

Q. And I think I asked you this earlier. If I did, I apologize. You never discussed the J.C. Penney case with Gavin or your mom, right.

A. None of them.

Q. Okay. Ever see your mom, during the J.C. Penney case, ask your brothers to write out what happened and then go over it with them.

A. No. The only -- the only writing I saw was David would sit at the kitchen table and write, but that’s the only writing that I saw.

Q. Never saw your mother do it.

A. Never saw her write anything.

Q. Was David writing about what happened at J.C. Penney.

A. I don’t know what he was writing, but I think that he liked to do notes or whatever. I don’t know.

Q. But why do you remember that when I mentioned J.C. Penney.

A. Because that’s -- that’s the only notes that I remember.

Q. About J.C. Penney.

A. Yeah.

Q. So you remember David writing notes about J.C. Penney.

A. Yeah.

Q. Do you remember what he did with those notes.

A. I don't know. I guess he was just reviewing what he thought or what happened to him or whatever. I don't know what he was writing about, really. But I know that he would write a lot.

Q. About J.C. Penney, right.

A. I guess so. You have to ask him. I don't know what he was writing.

Q. But clearly, if this jogs your memory a little bit, it must have been the time of that case you saw David writing things out.

A. Yeah. He's not really good with -- memory-wise, so I don't know. You'll have to ask him.

Q. Okay. Did you see David talking to your mom about what he was writing.

A. I don't remember what happened. I was too young to remember. And all I remember about that case is Gavin's elbow, and we came and picked him up. He was hurting and Star's head was hurting. That's all I remember. I wasn't involved in that case at all.

Q. Okay. Okay. Do you recall your mom saying that David's brother Ray will have people killed.

A. David had said that.

Q. Pardon me.

A. David had told me that.

Q. Well, have you ever told people that your mom talked about that.

A. No. David was the one that told that to me.

Q. Okay. Told you that he had a brother Ray that can have people killed.

A. Well, I know he has a brother Ray, and David always said, “Oh, my brother has connections,” and stuff like that. And when he held me in that car that time, that’s when he told me all those threats and stuff.

Q. But your mom’s never discussed it, to your knowledge.

A. No, she --

Q. Never talked about it.

A. No.

Q. Okay. Did you ever see your mom dancing on the premises at Neverland.

A. No, not that I remember. She was always in her room.

Q. So she’d stay in her room for days and days, right.

A. Which visit are you talking about.

Q. How about any visit.

A. The only visit that I really saw her come out was the first visit. And after that, the other visit, she never really came out.

Q. Do you know anything about your mother wanting to set up an account -- a bank account for the money that was raised in the fund-raisers.

A. All I know, Gavin had a trust fund. That’s all I know about it.

Q. Okay. And how did you learn about that.

A. I just heard about it. I don’t know.

Q. Your mom told you she was setting up a trust fund, right.

A. I don’t know. All I know is Gavin had a trust fund. I don’t know who set it up or what, because David and my mom were still together.

Q. Okay. Did you ever tell Fritz Coleman you wanted him to help raise money.

A. I don’t -- I’ve never asked anybody for money.

Q. Okay. Let me just ask you if you know some people. Do you know any of the employees at Neverland.

A. On just a hi/bye basis, yeah.

Q. Ever meet any of the employees at Neverland.
A. Just a hi and bye.
Q. I'm sorry.
A. Just a hi and bye and --
Q. So you don't know any of their names.
A. No, I just remember how they look.
Q. Okay. Do you know Arlene Kennedy.
A. Yes.
Q. Who was Arlene Kennedy.
A. She was the owner of the dance studio that we went to.
Q. When did you last talk to her; do you know.

A. A while ago. I don't remember.
Q. Do you remember your mother telling Mrs. Kennedy that the press were causing havoc after the Bashir documentary.
A. I don't remember. I know they were, but I don't remember if she told her or not.
Q. Okay. Your mother constantly complained about the press causing problems after Bashir, right.
A. Well, they'd mainly go to my grandparents' house. Only one person came to the East L.A. apartment. And my grandparents are old and just -- she just wanted to protect them and not have them go through that.
Q. But you just said the press was causing havoc, right.
A. Yeah, at my grandparents' house. That's where they would go.
Q. But your mother always complained about the press causing problems, after Bashir, for your family, right.
A. Well, they are family. Those are my grandparents.
Q. No, your mother was complaining about what the press was trying to do to you and Gavin and Star and she, right.
MR. SNEDDON: Your Honor, I'm going to object as vague as to when and where; lack of

foundation.

MR. MESEREAU: Sure. I thought I said after the Bashir --

MR. SNEDDON: Well, that's wide open.

MR. MESEREAU: I'll rephrase it, Your Honor.

THE COURT: All right.

Q. BY MR. MESEREAU: Shortly after the Bashir documentary, your family was hassled by media, true.

A. Just one came to the East L.A. apartment where we were at. The rest were constantly going to my grandparents' house.

Q. Now, it sounds like you've memorized that answer, because you've said the same identical answer so many times.

MR. SNEDDON: Object as argumentative. Ask that be stricken.

THE COURT: Sustained as argumentative.

MR. MESEREAU: I'll withdraw it.

Q. After the Bashir documentary, is it true that your mother spoke to a lot of people in your presence and complained about the media.

A. Yes. The media that was going to my grandparents' house. That's where my mom's, like, driver's license and everything is registered at.

Q. After the Bashir documentary, didn't your mother constantly complain about the way Gavin was hassled.

A. One reporter -- okay, one -- there were two of them together, but it was one that came to the East L.A. apartment. The rest were going to my grandparents' house. That's all I remember.

THE COURT: Just a moment. You're not listening to the question. He's not asking you what happened. He's asking you about a complaint.

Would you read the question back to her.

(Record read.)

THE WITNESS: No. Only one came to the apartment, and I don't know.

THE COURT: Just -- no, just answer the

question.

THE WITNESS: No.

Q. BY MR. MESEREAU: Did you go over that answer with anyone before you testified today.

A. No.

Q. Did you -- in your meeting with Mr. Sneddon, did you talk about what your response to that question was going to be.

A. No, we didn't talk about that.

Q. Did anyone tell you to memorize that answer and just repeat it every time you were asked that question.

A. No.

Q. You'd agree that whenever you're asked that question, the same identical words come out.

MR. SNEDDON: I'm going to object, and ask that be stricken and counsel be admonished. This is like the fourth time within the last five minutes.

MR. MESEREAU: I'll withdraw it.

MR. SNEDDON: I'll order -- ask that the jury be ordered to disregard the statement of counsel.

THE COURT: The objection is sustained. You're admonished not to argue with the witness.

MR. MESEREAU: Yes, sir.

Q. You said George Lopez was a close friend of your family, correct.

A. Yes.

Q. And when did you last see George Lopez.

A. It was during Gavin's cancer, because David's the one that demolished that relationship.

Q. Did you meet with him a number of times.

A. He would go to the hospital and visit Gavin.

Q. And were you there when he visited Gavin.

A. Yes, he would bring him, like, a little toy car and stuff.

Q. Did you ever see him at The Laugh Factory.

A. Yes.

Q. How many times, if you can estimate.

A. We saw him much -- he was the one that was our personal one that they had chosen for us, to teach us how to do our little comedy acts.

Q. Did he teach you and your brothers how to do comedy routines.

A. While we were at The Laugh Factory, yes.

Q. Was he part of the class you took there.

A. Yes.

Q. At some time, your father had a falling out with George Lopez, right.

A. What do you mean by that. Like the relationship was gone.

Q. Yes.

A. Well, because of David's fault, yes.

Q. Okay. At some point, your mother accused George Lopez of stealing 300 bucks from Gavin, right.

A. No.

Q. Did you ever hear anything about that.

A. No. I never heard anything like that.

Q. Well, you certainly heard something about why the relationship ended --

A. Yes.

Q. -- right. And you're blaming that all on David, right.

A. Yes. Because he went and he argued with George.

Q. Do you know what he argued about.

A. All I know is it was an open event, and he went to argue with George about -- I don't know what it was about. And after that, George didn't -- told him he didn't want to see him ever again.

Q. After that event, did George ever see your mother, you, Gavin or Star again.

A. He didn't come and see us anymore.

Q. Did you try to reach him.

A. No. David had told us that George didn't want to see us anymore.

Q. Okay. Do you know someone named Brett Ratner.

A. Yes.
Q. Who is Brett Ratner.
A. He was the director for Rush Hour 2.
Q. Where did you meet him.
A. On the set of Rush Hour 2.
Q. Did Chris Tucker introduce you to him.
A. Yes, he did.
Q. Did you get to know him pretty well.
A. Somewhat. Not really.
Q. Were you ever at his house.
A. No.
Q. Did you ever hang out with him anyplace.
A. No.
Q. Did you ever see him off the set of Rush Hour.
A. Well, Chris took us to like -- like a restaurant they were at. And we just sat with them for like a couple minutes, and then I think we went back to our hotel room.
Q. When did you last see him.
A. I don't remember.
Q. Did you ever see Gavin talking to Brett Ratner.

A. While they were on the set, yeah. They would play with each other and laugh and stuff.
Q. Now, getting back to your comments that you saw a change in your brother at some point. Remember those comments you made in response to the prosecutor's questions.
A. Yes.
Q. Do you have any knowledge of an event where Gavin --
THE COURT: They can't hear you now.
THE BAILIFF: You have your book on the microphone. You turned it off.
MR. MESEREAU: Oh, the book's on the....
Q. Do you recall an event where your brother Gavin shot your mother with a BB gun.
A. Yes, I do. He shot me also.
Q. When did that happen.
A. That was after we came back from -- after we

left Neverland for good.

Q. Okay. And he took a BB gun and shot the two of you.

A. Yes, he did. He was always -- from the point that he left Neverland, he had changed dramatically into an aggressive person.

Q. But he never was aggressive in school before he had gone to Neverland, is that what you’re saying.

A. No, he never got into fights and stuff at school, not that I remember. He was just very talkative.

Q. But he was thrown out, wasn’t he.

A. No, he was never thrown out of school.

Q. Was he ever thrown out of class, to your knowledge.

A. I don’t know.

Q. You don’t know.

A. Gavin had never been aggressive to me and my mom before.

Q. Are you aware of your brothers, Star and Gavin, ever being caught in the wine cellar at Neverland alone.

A. No. They were always with Michael.

Q. How do you know that.

A. Because that’s -- I never saw them anywhere by themselves. If I did see them, they were with him.

Q. Didn’t you say that you didn’t hang out with them at Neverland.

A. Yeah, but I would go around the ranch. And every time that I saw them passing by, or I would go in a room that they were, like, in the office or anything, they were with him.

Q. Did you ever learn that Gavin and Star were caught breaking into the wine cellar at Neverland without Michael Jackson anywhere in sight.

A. No, I never heard of that.

Q. Did you ever learn that Gavin and Star were caught with alcohol at other parts of Neverland without Michael Jackson ever being there.

A. Not that -- I never heard of that ever.

Q. Never heard of that at all.

A. No.

Q. Okay.

(Off-the-record discussion held at counsel table.)

THE COURT: I can tell it’s late Friday afternoon. Can’t you.

Let me have counsel approach for a second.

MR. SNEDDON: May I go this way, Your Honor.

THE COURT: Yes.

(Off-the-record discussion held at sidebar.)

THE COURT: We’ve had a very serious conference here. We’re going to quit ten minutes early. I can -- I can tell when things are going downhill.

(Laughter.)

Let me remind you, you know, the admonishment applies every day, every minute. But we’re going -- we’ve gone through a long week here, and now we’re going to go through a weekend. And it’s extremely important that you keep in mind that you don’t talk to anybody about the case or anything related to the case, don’t watch news reports or

listen to television, none of that.

Remember the admonition. It’s extremely important. People are watching you. You know, you’re -- people in the community are watching you. And it’s just -- just so important that you follow this admonition.

And another important admonition is don’t form any opinions about this case until you’ve heard all the evidence, you’ve heard the instructions of the law, and you’ve had an opportunity to hear counsel argue their -- how they think the facts and the law come together for your judgment.

If you reach the judgment before all of that happens, you would be short-changing one side or the other, or both sides. Certainly the system of justice. So let’s keep an open mind, and I’ll see you Monday at 8:30.

One final thing. I’m announcing now that the grand jury transcript is unsealed.

And Lorna, that has to be in the minutes.

THE CLERK: All right.

(The proceedings adjourned at 2:20 p.m.)

--o0o--

REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 785 through 958 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 4, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
March 4, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MONDAY, MARCH 7, 2005

8:30 A.M.

(PAGES 960 THROUGH 996)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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INDEX

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES DIRECT CROSS REDIRECT RECROSS

ARVIZO, Davellin 964-M (cont’d)

E X H I B I T S

DEFENDANT'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
5000	Brad Miller DVD	983	985 (Remarked)

Santa Maria, California
Monday, March 7, 2005
8:30 a.m.

THE COURT: Good morning.
THE JURY: (In unison) Good morning.
THE COURT: Mr. Mesereau.
MR. MESEREAU: Thank you, Your Honor.
Should I check this, double-check this.
Hello.
THE JURY: Hello.
MR. MESEREAU: All right.

CROSS-EXAMINATION (Continued)

Q. Miss Arvizo, you testified last week that you recall a trip from Neverland with Michael Jackson to a store named Toys R Us; do you remember that.
A. Yes.
Q. And you testified that Mr. Jackson took you and your brothers and some fans to Toys R Us, right.
A. Yes.
Q. Do you know approximately when that was.
A. I don’t remember when.
Q. And you did say that on the way Mr. Jackson saw some fans and picked them up, and you all went to Toys R Us together, right.
A. Yes.

Q. And Mr. Jackson paid for toys for everybody, correct.
A. Yes.
Q. Do you recall anybody ever complaining that they were being falsely imprisoned at Toys R Us.
A. No.
Q. Do you recall anybody complaining that they were there against their will, at Toys R Us.
A. No.
Q. Now, do you know what a sworn deposition is in a civil case.
A. Kind of. Not really.
Q. Has anyone ever told you that a sworn deposition is a procedure in a civil case where somebody sits down and answers questions under oath.
A. Yes.

Q. And who told you that.

A. Well, I was sitting in the one that Gavin took during the J.C. Penney's case.

Q. And you were also sitting in the one that Star gave in the J.C. Penney case, correct.

A. I don't remember that. I was just sitting with Gavin.

Q. Well, didn't you tell the jury last week that you know nothing about the J.C. Penney case.

A. I just remembered right now when you said "deposition."

Q. So you sat there in Gavin's deposition in the J.C. Penney case, correct.

A. Because he wanted me to be next to him, and I held his hand.

Q. And your mother was there too, correct.

A. I don't remember her sitting there.

Q. You also sat in Star's deposition, true.

A. I don't remember sitting in Star's.

Q. Would it refresh your recollection if I just show you the page of the deposition transcript that lists you as attending.

A. (Nods head up and down.)

Q. Could I show it to you.

A. That's fine. I just didn't remember. All I remember is really sitting with Gavin.

Q. Okay.

MR. MESEREAU: May I approach, Your Honor.

THE COURT: Yes.

THE WITNESS: Okay.

Q. BY MR. MESEREAU: Have you had a chance to look at that page.

A. No, that was the first time.

Q. Well, does it refresh your recollection that you were present for Star's deposition as well.

A. All I remember is the taping of Gavin's. I don't remember Star's.

Q. Okay. What -- my point is this: When you told the jury last week you didn't know anything about the J.C. Penney case, that wasn't correct,

right.

A. Well, when you said “deposition,” it refreshed my memory. That was a long time ago. I was, like, 11.

Q. Okay. Now, you also told the jury last week you have no knowledge of Gavin having disciplinary problems at school before he ever met Mr. Jackson, right.

A. I know he talks a lot, yes.

Q. Well, that’s what you said, the only problem you were aware of is that he was talkative, correct.

A. Yes.

Q. You also said to -- you were asked by me, “To your knowledge, was he ever asked to leave school,” and you said you don’t know, right.

A. I don’t -- no, I don’t remember.

Q. Well, you sat there in Gavin’s deposition in the J.C. Penney case where he admitted that he got in lots of fights and got thrown out of school, right. You were sitting right there, right.

A. He’s never been thrown out of school.

Q. You heard him say it under oath, didn’t you.

A. I don’t remember. It was a long time ago. All I remember, I was in my grandmother’s house, and I was holding his hand, and they were taping the deposition. That’s all I remember.

Q. Do you remember at the deposition Gavin was asked, “Have you ever had problems at school where you got into a lot of fights.” And he said, “Yes”.

MR. SNEDDON: I’m going to object as asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you remember Gavin saying he was thrown out of school for fighting.

MR. SNEDDON: Object; asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Are you telling the jury you never heard Gavin ever make a statement like that at any time.

MR. SNEDDON: Your Honor, I’m going to object as asked and answered, and ask the Court to admonish counsel. He knows better than this.

MR. MESEREAU: I object, Your Honor, to the colloquy.

MR. SNEDDON: I have a right to make a record. And I -- I’m asking the Court -- this is the third objection in a row that’s been asked and answered.

THE COURT: Sustained. You may sit down.

MR. SNEDDON: Thank you.

Q. BY MR. MESEREAU: Are you telling the jury today, under oath, that you have no knowledge of Gavin ever being asked to leave school before he met Mr. Jackson.

MR. SNEDDON: Object as asked and answered.

THE COURT: Overruled.

THE WITNESS: All I know is that he was very talkative. I don’t remember. I’m not involved in that.

Q. BY MR. MESEREAU: I’m sorry, excuse me. I interrupted.

A. I’m not involved in that. My mom is.

Q. Have you ever discussed with Gavin his being thrown out of school for fighting.

A. All I know is he would get in trouble, so I would tell him, “Just be quiet, Gavin. You don’t need to talk back.” That’s all I remember.

Q. Have you ever discussed with Gavin his problems with fights in school before he met Mr. Jackson.

MR. SNEDDON: I’m going to object as asked and answered.

THE COURT: Overruled.

THE WITNESS: I don’t know. I don’t remember.

Q. BY MR. MESEREAU: Okay. Do you remember, I asked you last week if you had ever discussed the J.C. Penney case with Gavin or your mom. Remember, I asked you that question.

A. Yes.

Q. You said you had not discussed it with either of them, right.

A. Yes.

Q. How could that be, if you attended those depositions.

A. I'm not talking to them about it.

Q. Before.

A. No. I haven't talked to them about it at all. I'm just sitting there. I don't know anything about the case. I was just sitting there to comfort my brother. He wanted me to be with him. I'm not even paying attention to what he's saying. I'm just paying attention to how he's looking. And that was during his chemo.

Q. So you had never discussed the J.C. Penney case with him before you attended his deposition.

A. No.

Q. And you never discussed the J.C. Penney case with any of your family members before you attended Star's deposition.

A. Never.

Q. You never discussed the J.C. Penney case with Gavin or your mom or Star after Gavin's deposition.

A. Never.

Q. And you never discussed the J.C. Penney case with Star, your mom or Gavin after Star's deposition.

A. Never.

Q. You just kind of got there, silently listened, left, and never talked to anybody about it, right.

A. No.

Q. Okay. Now, you testified last week about seeing Mr. Jackson and your brothers go into the wine cellar, correct.

A. I saw somebody going downstairs. And then when I was already in the wine cellar, I knew who it

was.

Q. Was that the only time you ever saw anybody go into the wine cellar.

A. I saw several times people go down, but I never really went. I always saw, like, open -- people going down, but I never really followed. It was just that one time.

Q. Just the one time.

A. Yes.

Q. And you described the --

THE COURT: Excuse me, Counsel. Mr. Jackson needs to go to the rest room. We'll take a break.

MR. OXMAN: Thank you, Your Honor.

(Recess taken.)

MR. SANGER: Your Honor, would it be useful to take care of a stipulation on a technical matter while Mr. Jackson's --

THE COURT: I think we need to wait till he comes back.

MR. SANGER: Okay. Very well.

MR. MESEREAU: May I see Mr. Jackson, Your Honor.

(Brief interruption.)

Q. BY MR. MESEREAU: Do you recall, Miss Arvizo, giving the Santa Barbara Sheriffs a detailed description of the wine cellar at Neverland.

A. Yes.

Q. And what did you tell them.

A. I told them that I walked down the stairs, and then you make a right, and there's a room and it has sleeping bags. And then there's another room, and it's a way smaller room. And on the left-hand side, there's wine bottles on the wall. And then there's a -- I think there's a counter in the room, too, and cupboards.

Q. Did you tell them anything about sleeping bags.

A. Yeah.

Q. What did you tell them.

A. That after you walk down the stairs and you make a right into the room, and I think there's sleeping bags on the wall. I don’t remember.

Q. You told them about cubbyholes with sleeping bags, correct.

A. Yes.

Q. Now, you’re telling the jury today that you’ve only been down there one time, correct.

A. Yes.

Q. The truth is, you’ve been down there many times with your brothers without Mr. Jackson, true.

A. No.

Q. Do you recall being interviewed by the Santa Barbara Sheriffs on August 13th, 2003, or approximately that time.

A. Yes.

Q. Do you remember, you were asked when you observed the wine cellar, and you said “many times” during your visits to Neverland.

A. Well, many times I’ve seen it. But I never went down there many times.

Q. How can you see it if you don’t go down the stairs into the wine cellar.

A. Maybe I misunderstood the questions. But I only remember going down there once and seeing it.

Q. Are you saying you never told the Santa Barbara Sheriffs you’d been down there many times.

A. I don’t remember. All I remember is being down there once and being able to see everything. I don’t --

Q. Did you ever learn that your brothers had been caught down there without Mr. Jackson, having broken into the cellar and drinking.

A. I don’t remember that.

MR. SNEDDON: Object. It also -- excuse me. Calls for -- assumes facts not in evidence.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Now, you’re aware that alcohol is kept in the kitchen area, correct.

A. I don’t know.

Q. Did you ever tell the police there's a glass-like closure on a refrigerator that has alcoholic beverages in the kitchen area.
A. I know behind, like, a glass cupboard there's some -- I don't know.
Q. Did you ever see any alcoholic beverages in that refrigerator area.
A. I don't know. I don't remember.
Q. Well, you've been in that area many times, correct, with your brothers, right.
A. When I would go to eat myself, yes.
Q. And typically when would you go to eat by yourself.
A. In the afternoon.
Q. And when you went by yourself, were you easily able to get in the main house.
A. Yes.
Q. How did you get in the main house.
A. I would either ring for somebody to come, or if I remembered the code to get into the main house.
Q. And how did you get the code.
A. One of the security guards gave it to me.
Q. And did you have any other codes.
A. No. That was the only one I had.
Q. Your brothers had codes, didn't they.
A. Yes.

Q. They had codes to the wine cellar, didn't they.
A. I don't remember that.
Q. They had codes to Mr. Jackson's room, didn't they.
A. I didn't know they had that one.
Q. And they went up to the room without Mr. Jackson present, correct.
A. Anytime Mr. Jackson wasn't on the ranch, they were with me.
Q. That's not what you said last week, is it. Last week you said that when your brothers were on the ranch, they always left you alone, correct.
A. No. When Mr. Jackson wasn't on the ranch, they were with me.

Q. Well, you had knowledge that your brothers were going into the main house when Mr. Jackson wasn't even there, correct.

A. When Mr. Jackson wasn't there, they were with me. There was no reason for us to be apart if Mr. Jackson wasn't there.

Q. Well, you -- correct me if I'm wrong, didn't you tell the jury last week, "When I would visit Neverland, my brothers would go off and, for the most part, leave me alone". Did you say that.

A. If Mr. Jackson was there, yes, I said that last week.

Q. So you're -- now you're saying whenever Mr. Jackson wasn't there, all three of you hung around together; is that right.

A. Yes.

Q. Did you go into the main house together when Mr. Jackson wasn't there.

A. Yes. To go eat and watch T.V., yeah.

Q. And how many times do you think you did that when Mr. Jackson wasn't there.

A. I don't know.

Q. Many times, correct.

A. Well, they're growing boys. They wanted to eat a lot, I guess.

Q. And you visited Neverland many occasions when Mr. Jackson wasn't even there, right.

A. No. Not me.

Q. Well, you went there a couple of times with Chris Tucker, did you not.

A. Yes.

Q. Mr. Jackson wasn't there during those visits, right.

A. Yes.

Q. And did you go into the main house with Chris Tucker.

A. Well, with -- with Chris Tucker, who was there, and with my brothers, yes.

Q. And would you simply grab food when you wanted it.

A. Whatever was on the -- where the drinks were. I wouldn't go into the kitchen.

Q. Well, if you go in the main house, you walk into a lobby area, correct.

A. When you go into the -- through the back way, there's glass refrigerators, and I would grab a drink from there. But I wouldn't go into the kitchen area and grab stuff.

Q. Well, you have to go into the kitchen area to grab food, don't you.

A. To sit down, and they make it for you.

Q. But to go in on your own and to pick up food in the kitchen area, you have to go into the kitchen, correct.

A. Yeah, but I'm not going in there where the refrigerators are and stuff.

Q. If you're in the kitchen area, you have to be near the refrigerators, don't you.

A. But I'm sitting down. I'm not making it for myself or going through things.

Q. But if -- you're talking about sitting down at the counter area. Is that what you're talking about.

A. Like the bench area, yes.

Q. And Mr. Jackson has buns and rolls and things available right where you sit down, correct.

A. Yes.

Q. And right to your left is the refrigerator area, true.

A. Towards the back area and to the left, yes.

Q. And there's sliding doors, right.

A. They're -- no, they're pulling doors.

Q. How do you know they're pulling doors.

A. Because I would open them and get a drink once in a while.

Q. And your brothers would also, correct.

A. Yes.

Q. And you will find alcohol in those refrigerator areas, correct.

A. All I remember is there was Yoohoos, juice, different waters. I don’t remember seeing alcohol.

Q. But clearly your brothers would go into that refrigerator area when Mr. Jackson wasn’t around, right.

A. Yes.

Q. They would go into the kitchen when Mr. Jackson wasn’t around, right.

A. To get something, yes.

Q. And they would walk through the house when Mr. Jackson wasn’t around, correct.

A. We wouldn’t really go into the main house, because there wasn’t really anything else to do but eat.

Q. Well, you have all kinds of rooms with toys, games, all kinds of things in that main house, don’t you.

A. But I’m not really interested in those kind of little toys.

Q. Well, they’re not all little toys, now, are they.

A. Mainly from what I remember, yes.

Q. Your brothers were caught on numerous occasions in that house with Mr. Jackson absent, right.

A. To go get something to eat, that’s all I remember.

Q. Well, you described in detail to the sheriffs what you saw in Mr. Jackson’s room, correct.

A. Yes.

Q. You described in detail that there was a lower level, a stairway, and a higher level, correct.

A. Yes.

Q. You told the sheriffs in detail what you saw on those various levels, right.

A. Yes.

Q. That’s because you were in there on numerous occasions, correct.

A. No.

Q. And you know that your brothers had that code to get in there when Mr. Jackson wasn't around, didn't they.
A. Yeah, but the outer door, that's locked too.
Q. But they seemed to get into that also, didn't they.

A. Not that I remember, no.
Q. Well, you gave the Santa Barbara Sheriffs a detailed description of Mr. Jackson's bathroom, right.
A. The one that's inside the room, yes.
Q. Well, you had spent time in there, correct.
A. No. I never went to the rest room in there.
Q. How could you give a detailed description of the rest room if you haven't spent time looking at what's in there.
A. Because I was in the room the one time, and I was just looking around. I had never been in there. I wanted to see. And you just -- you can look in and see what's in there.
Q. When your brothers and you were at Neverland without Mr. Jackson, did you go into the theater.
A. Yes.
Q. What did you do in the theater with your brothers when Mr. Jackson wasn't there.
A. Watch movies, get little snacks.
Q. What are the kinds of movies you used to watch.
A. I don't remember.
Q. Okay. How did you get the movies.
A. We would ask somebody from the front. I don't remember.
Q. Okay. But you had access to the theater when you wanted, right.

A. Yes. It was open.
Q. No one ever told you you couldn't enter the theater and watch a film, right.
A. Not that I remember, no.

Q. Nobody ever told you you couldn’t have food in the theater, popcorn, ice cream, sodas, whatever you wanted, right.

A. Not that I remember, no.

Q. And you indicated that one particular -- you first met Mr. Jackson approximately in the year 2000, right.

A. Yes.

Q. You indicated that you didn’t come back, you don’t think, in the year 2001, right.

A. Yes.

Q. Okay. You started to come back in 2002, right.

A. Yes.

Q. When did Chris Tucker first take you to Neverland, if you know.

A. In 2001. Because we didn’t meet him until 2001.

Q. And you indicated that at one point Mr. Jackson had given your family a vehicle, right.

A. Yes.

Q. Were you ever in any discussions with Aja Tucker about getting another vehicle from Chris Tucker.

A. I know -- because we didn’t have no car at that time. And Chris had told me, “I’m giving you guys a Christmas present, and it’s Aja’s old car.”

Q. And you gave Aja and Chris your mother’s driver’s license information, correct.

A. Yes.

Q. You gave it to them so the car could be transferred into your mother’s name, right.

A. Yeah, they wanted it so they could put it in my mom’s name.

Q. You never told them that Michael Jackson had given your car a family as well.

A. Well, we didn’t have that car at that time. We had no car at that time.

Q. When did you first get a car from Mr. Jackson.

A. When Gavin was -- during his chemotherapy.

It was for Gavin.

Q. And didn't you tell the jury last week that you never asked Chris Tucker for any assistance.

A. We didn't ask him for it. He said, "I want to give this to you guys for a Christmas present."

Q. So you then got the driver's license info from your mother and sent it to Chris.

A. No, I gave it to Aja.

Q. Did you ever get that car.

A. No.

Q. What happened.

A. I don't know. It just -- we didn't get it after all, because of -- the communication broke off because of this.

Q. Okay. So in your mind, but for this investigation, you would have gotten a second car from Aja, correct.

A. We've only -- we didn't have a car at that time, so it wouldn't have been a second car.

Q. Okay.

A. We were driving the bus. We were in the bus.

MR. MESEREAU: Your Honor, at this time I'd like to, with the Court's permission, play the Brad Miller interview tape for the jury.

MR. SANGER: Your Honor, let me address a technical matter on that, if I may.

THE COURT: Yes.

MR. SANGER: I've talked with Mr. Sneddon, and this is acceptable. We're not quite sure what all the technical problems were, so we got a new disk that was made directly from the original, and it is not the one that's marked 5000.

And what we would ask to do - it's in the machine right now - after we play it, we'd ask that the new disk be marked as 5000, and this --

THE BAILIFF: You need to speak into the microphone.

MR. SANGER: And this old disk is -- the one that was marked just be given back to us, if that’s all right.

THE COURT: In other words, you want to exchange the new disk for the old disk and keep the same number.

MR. SANGER: That’s correct.

THE COURT: Is that agreeable, Mr. Sneddon.

MR. SNEDDON: It is, Your Honor.

THE COURT: All right. I’ll approve that.

THE BAILIFF: Are you playing off the DVD.

MR. SANGER: We’re going to play off the DVD. And with the Court’s permission now, we will play Exhibit 5000.

THE BAILIFF: Are you playing off the player down there.

MR. SANGER: I’m playing off the player down there.

THE BAILIFF: So you need to go to “Input 4,” and you need to push the DVD player.

MR. SANGER: Right. I think they had it all set up.

THE COURT: And the screen doesn’t matter, because it’s just an audiotape.

MR. SANGER: May I proceed, Your Honor.

THE COURT: Yes.

(Whereupon, an audiotape, Defendant’s Exhibit No. 5000, was played for the Court and jury.)

THE COURT: Lorna, is that in evidence.

THE CLERK: No.

MR. MESEREAU: May I proceed, Your Honor.

THE COURT: Are you offering that in evidence.

MR. MESEREAU: Yes, we are.

MR. SNEDDON: Your Honor, I have no objection. With the Court’s permission, I would like an opportunity to get a copy of that one. I won’t say anything else. But just -- if the Court would give me permission to get a copy.

THE COURT: You have permission.

MR. SNEDDON: Thank you.
THE COURT: It’s admitted into evidence.
Q. BY MR. MESEREAU: Miss Arvizo, you testified last week that you didn’t know Mr. Miller worked for Mr. Geragos, correct.
A. Yes.
Q. He said that twice in this interview, true.
A. Yes.
Q. Have you ever discussed with your mother who Mr. Brad Miller worked for.
A. Wasn’t really a subject.
Q. Well, have you ever discussed it with her.
A. No.
Q. Now, you know that your mother appeared for a pre-trial hearing in this case a number of months ago, right.

A. Yes.
Q. And you knew the issue was whether or not she knew Mr. Miller worked for Geragos, didn’t you.
A. No. All I knew is she came up here.
Q. You never discussed what she was coming up here for with her.
A. No.
Q. And never discussed what she said.
A. No.
Q. Okay. Now, this interview that you just heard took place on February 16th, 2003, right.
A. Yes.
Q. And you heard that date when Mr. Miller began the interview, right.
A. Yes.
Q. This was after your mother and Gavin had sued J.C. Penney for false imprisonment and sexual assault, true.
A. Yes.
Q. And this was after your mother had claimed that security guards at J.C. Penney, in a public parking lot, pulled her breasts out of her blouse and falsely imprisoned her, right.
MR. SNEDDON: Your Honor, I am going to object. There’s no facts into evidence of this.

She said she didn’t know anything about the lawsuit. Counsel is just doing this deliberately.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Now, this interview on February 16th, 2003, was also after your mother had called the police on David Arvizo, correct.

A. Yes.

Q. It was after she had called the police on David Arvizo and accused him of false imprisonment and molestation, right.

A. After I had told her, yes.

Q. Okay. Approximately one week after this interview, you and your mother went to another attorney, correct.

A. I don’t remember.

Q. You went to someone named William Dickerman, correct.

A. I don’t know William.

Q. Well, you met with him at The Laugh Factory, right.

A. I know his name is Bill. I don’t know.

Q. And you and your mother met with him to try and put together a lawsuit against Michael Jackson, right.

A. I never met with him. I only met with him that one time.

Q. What time was this.

A. A while ago.

Q. And approximately when; do you know.

A. No.

Q. Well, you testified last week that at some

point, Vinnie picked you and your mom up and drove you to The Laugh Factory on Sunset, right.

A. All of us went. It was me, my brothers, and my mom.

Q. You all went to The Laugh Factory on Sunset, right.

A. Yes.

Q. And that was after your interview with the three social workers, right.
A. I think so. I don’t remember -- no, it wasn’t. Because after the interview with the three ladies was when Aja took us up to Neverland.
Q. When did you go to The Laugh Factory on Sunset with Vinnie.
A. I think it was during the time we were in Calabasas. I don’t remember.
Q. You stopped at The Laugh Factory with Vinnie, right.
A. Yes.
Q. And your mom got out to meet Jamie Masada and a lawyer named Bill Dickerman, right.
A. I didn’t know who he was at that time.
Q. Okay.
A. And, like, Gavin got off with her.
Q. So Gavin and your mom went to meet with the attorney named Bill Dickerman in The Laugh Factory, right.
A. All I knew is they were going to go see 988 Jamie. I met him when I went upstairs for a few -- couple of seconds. And I didn’t hear what they were saying. I just said -- I gave my mom a message and ran back downstairs.
Q. When you say you met him, do you mean you met Attorney Bill Dickerman.
A. Yeah, I just saw him there. I didn’t really --
Q. So your mom and Gavin were meeting with him, right.
A. Jamie was there also, yes.
Q. And that’s after this interview with Brad Miller on February 16th, 2003, right.
A. I don’t know.
Q. Okay. Did you ever meet with Attorney Bill Dickerman after that day at The Laugh Factory.
A. A while after, yes.
Q. And how many times did you meet with Attorney Bill Dickerman.
A. Once.

Q. Were you with your mother.
A. All of us were in the room.
Q. And do you mean Gavin as well.
A. Yes.
Q. And Star as well.
A. Yes.
Q. Okay. Is that the only meeting you recall ever having with Attorney Bill Dickerman.

A. Yes.
Q. Now, at some point, you went and met with an attorney named Larry Feldman, right.
A. Yes.
Q. That was after you first met Attorney Bill Dickerman, correct.
A. Yes.
Q. And that was at an office in Beverly Hills, right.
A. I don’t know where it’s at.
Q. Okay. You went with your mother, Gavin and Star, right.
A. And Jamie was there. And so was Jay.
Q. Jay Jackson.
A. I think he went with us. I don’t remember. But Jamie was.
Q. Now, at this recorded interview by Brad Miller that we just heard of February 16th, 2003, Major Jay Jackson is sitting there listening to it, right.
A. He’s sitting there, yes.
Q. And it’s in his home, right.
A. Yes.
Q. And you’re saying that after this interview, Jay Jackson went to a lawyer with the family.
A. I don’t remember when we went, but it wasn’t during then.
Q. And the interview with the three social

workers was at Jay Jackson’s home also, right.
A. Yes.

Q. And was Jay Jackson there that day.

A. No, he wasn’t.

Q. How many times did you meet with Attorney Larry Feldman.

A. Once.

Q. And at some point, he agreed to represent the whole family, true.

A. I don’t know that.

Q. Well, you knew that he had sued Michael Jackson in the early ‘90s, true.

A. I didn’t know who he was. I just --

Q. Never discussed it with your mom.

A. Never.

Q. All right. Will you agree that shortly after this recorded interview of February 16th, 2003, your family began meeting with lawyers.

A. No. It wasn’t shortly after then, no.

Q. How long after it was it.

A. I don’t know. But it was way after.

Q. Way after. Like how long; do you think.

A. After March. I don’t know.

Q. Okay. But you met with Dickerman --

A. Once.

Q. -- on Sunset.

A. I didn’t meet with him. I just saw him there.

Q. Okay. Okay. And you think that was after you left the Calabasas Inn, right.

A. I’m not sure.

Q. Okay. Okay. Now, you’d agree that in this recorded interview with Brad Miller, and in the rebuttal videotape that was shown last week, and in your interviews with the social workers, your mother continually praised Michael Jackson as a father figure, right.

A. Yes.

Q. And you continually praised Michael Jackson as a father figure, right.

A. I was just really copying, because I didn’t know what to say. I was just latching onto something because David was never really a father.

So I was just latching on something to call a father. I didn’t know what a father is.

Q. Did you ever discuss with your mother, “We’re going to call Michael Jackson a father figure”.

A. No.

Q. Never did.

A. No. It’s the boys that brought it up.

Q. Okay. Well, certainly your mother praises him in all of these interviews as being a father to her children, true.

A. I guess seeing the boys so excited, you know, anything that makes us happy, she -- I don’t know. She gets it from us.

Q. You were sitting in this interview when your mother said, essentially, she liked the boys to be with Michael Jackson at night because they’re safe, right.

A. I think she was just talking about the times that Gavin would go to Neverland with Gavin and we don’t know what happened.

Q. But your mother was encouraging your brothers to go into the main house and be with Michael Jackson, right.

A. You would have to ask her that. But I would -- she never encouraged it. It was the boys wanted to be there.

Q. Well, doesn’t she say that in that recorded interview.

A. If it makes him happy, she’s going to push it. She loves for us to be happy. Anything that makes us happy, she’s going to say, “Go ahead, go.”

Q. But isn’t it true that, as far as you know, she pushed your brothers to be in the main house with Michael Jackson shortly before she went to a lawyer to try and develop a lawsuit against him, right.

A. What are you asking me. Like --

Q. If you know an answer to what I just said. Do you have any --

MR. SNEDDON: I’m going to object as

argumentative.

THE COURT: She's asked you to rephrase the question.

MR. MESEREAU: Okay. Okay.

Q. As far as you know, your mother was encouraging your brothers to be in Michael Jackson's house at night shortly before she went to a lawyer to try and develop a lawsuit against Michael Jackson, right.

MR. SNEDDON: I'm going to object to that question as argumentative and assumes facts not in evidence. It's also compound.

THE COURT: Sustained on compound.

Q. BY MR. MESEREAU: You would agree, you heard your mother on many occasions encourage your brothers to go into the main house and spend time with Michael Jackson in the evening, right.

A. She wouldn't encourage them. She'd just see them happy. She wouldn't push them to go do it. She just -- they would go.

Q. You heard your mother --

A. I heard it, but I'm telling you what I know.

Q. Okay. She would encourage your brothers to spend time with Michael Jackson at night because she wanted Michael to be the father figure in the family, right.

A. She never encouraged it. It's whatever the boys want, whatever makes them happy, she's going to let them do.

Q. Now, you said in the interview with Brad Miller, referring to Michael Jackson, "He's a bigger father to all of us. He's given us safety. He's given us love. He's given us everything we've ever wanted. He's been our father figure. He's the only thing we know to be a father." You said that, right.

A. Yes.

Q. And you meant it when you said it, didn't

you.

A. At that point, I still liked Mr. Jackson. And that was the point that David had left and -- I don't know, I was just latching onto something, because I don't know what a description of a father is. I had 16 years of just abuse. I don't know what it is. I just latched onto something.

Q. Do you want to take a minute.

A. I'm fine.

THE COURT: I think it's time for the morning break now.

MR. MESEREAU: Okay.

(Recess taken.)

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 964 through 995 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 7, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
March 7, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

MONDAY, MARCH 7, 2005

(PAGES 997 THROUGH 1184)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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INDEX

Note: Mr. Sneddon is listed as "SN" on index.
Mr. Zonen is listed as "Z" on index. Mr. Auchincloss is listed as "A" on index.
Mr. Mesereau is listed as "M" on index. Ms. Yu is listed as "Y" on index.
Mr. Sanger is listed as "SA" on index. Mr. Oxman is listed as "O" on index.

PLAINTIFF'S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
ARVIZO, Star David	1013-S			

E X H I B I T S

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
50	Photograph	1040	1042
52	Photograph	1040	1042
53	Photograph	1041	1042
54	Photograph	1041	1042
55	Photograph	1131	1134
58	Photograph	1131	1134
69	Photograph	1131	1134
71	Photograph	1132	1134
72	Photograph	1132	1134
74	Photograph	1132	1134

77	Photograph	1133	1134
78	Photograph	1133	1134
79	Photograph	1133	1134
86	Photograph	1154	1158
90	Photograph	1131	1134
91	Photograph	1130	1134
92	Photograph	1130	1134
93	Photograph	1130	1134
94	Photograph	1133	1134
95	Photograph	1134	1134
97	Photgraph	1133	1134
110	Photograph	1042	1042
111	Photograph	1042	1042

EXHIBITS (Continued)

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
153	Photograph	1161	1161
158	Photograph	1131	1134
165	Photograph	1132	1134
188	Photograph	1040	1042
193	Photograph	1118	1118
196	Photographi	1041	1042
341	Diagram of interior of private jet (Star Arvizo)	1082	1083
470	Clear plastic bag containing briefcase	1151	

MR. MESEREAU: Thank you, Your Honor.

Q. BY MR. MESEREAU: Miss Arvizo, in the Brad Miller tape-recording that we just heard --

THE BAILIFF: Would you turn your microphone on, please.

MR. MESEREAU: Oh, excuse me.

Let me start again.

Q. Ms. Arvizo, in the Brad Miller tape-recording that we just heard, your mother talks about the family being inundated with British, local newspapers, national newspapers, magazines, T.V. shows, Celebrity Justice, et cetera. Do you remember that.

A. What's the word "inundated". What does that mean.

Q. Pardon me.

A. What does "inundated" mean.

Q. I'm sorry. I should have chose a better word.

Your mother says that different kinds of media have attempted to contact her; do you recall that.

A. Yes.

Q. And do you recall her being contacted by Celebrity Justice.

A. The only one --

Q. Do you remember that.

A. The only one I remember is the one coming to the apartment.

Q. Okay.

A. That's all I remember.

Q. Okay. She says, "The children's old school and the children's new school are being contacted by media." Did you know anything about that.

A. I don't know.

Q. Okay. And if the school told that to your mother, you weren't involved, right.

A. All I remember is that one coming to the apartment. I don't remember any others.

Q. So she uses words, "It's been swarmed." But you don't know anything more than what you just testified to, right.

A. Yeah.

Q. Okay. Now, your mother says, "We've been rejected, neglected, spit on, fried, tried, burned, abused, the doors shut in our face, opportunities lost. And Michael said -- took us from way behind in the line and pulled us up to the front and said, 'You matter to me. You may not matter to many people, but you matter to me and that's what's important.'"

Do you know what she was referring to when she talked about your family being rejected, neglected, spit on, fried, et cetera.

A. I don't know. I guess emotions from David. I don't know.

Q. Okay. You were present with your mom when she reported David to the Los Angeles Police Department, right.

A. Which time.

Q. Well, there was October -- excuse me, October 1st, 2001, do you remember that.

A. The one that I asked her to call the police, I was present for that one. But the one that -- the first one, I don't -- I wasn't there.

Q. Were you present when your mother told the Los Angeles Police Department that Michael Jackson, Fritz Coleman and Kobe Bryant would assist her with this incident.

A. I don't remember that.

Q. Okay. Were you present with her on October 4th, 2001, when she called the Los Angeles Police Department about your father.

A. I don't know the dates, but I was only present after I told her what had happened with me and my father. Then she called the police. The other one -- any other incident I was not present.

Q. Were you present when she told the police officer from Los Angeles that she wanted to show him a videotape and numerous photos of she and her children spending time with various celebrities.

A. I don’t remember that.

Q. Okay. Do you recall your mother said on the Brad Miller interview that Michael Jackson prayed with the family.

A. Yes, I heard it.

Q. That happened one time in the theater, didn’t it.

A. No.

Q. You don’t remember that.

A. No.

Q. Do you remember the family praying with Michael Jackson.

A. Not really.

Q. Okay. Do you think maybe your mother and Michael and the brothers did it without you.

A. I don’t believe so.

Q. Is that possible.

A. My mom prays like every couple of seconds, like little prayers, so --

Q. Okay. Now, you discussed the Bashir tape with Attorney Larry Feldman, didn’t you.

A. I don’t remember what we discussed.

Q. Well, didn’t your family approach him and talk about the Bashir tape.

A. All I remember -- we had a meeting that day. I don’t remember. It was too long ago.

Q. Did you ever drink alcohol on a plane where Michael Jackson was present.

A. I didn’t drink alcohol on a plane.

Q. Thank you.
Do you recall meeting with a psychologist named Stan Katz.

A. I remember meeting Mr. Katz.

Q. And you were referred to him by Attorney

Larry Feldman, right.

A. All I know is we went that day.

Q. And to your knowledge, Mr. Katz has a business relationship with Attorney Larry Feldman, right.

A. I don’t know.

Q. Okay. One final question: Have you told the truth throughout your testimony.

A. Yes.

MR. MESEREAU: Thank you.

THE COURT: Mr. Sneddon.

MR. SNEDDON: Be right there, Your Honor. Just wanted to make arrangements to have the next witness brought down, Your Honor.

REDIRECT EXAMINATION

BY MR. SNEDDON:

Q. All right. Miss Arvizo, first of all, I’d like to direct your attention to the time that you were in the car with Vinnie and your brother outside The Laugh Factory. Okay.

A. Yes.

Q. At some point in time you were given a message by Vinnie and sent inside, correct.

A. Yes.

Q. What was the message that he gave you to give to your mother.

A. To tell my mom to hurry up, because we needed to go.

Q. Is that what you did.

A. Yes, I went and got her. Or I went and told her. She came out after me.

Q. After you gave the message, did you stick around at all.

A. No, I went.

Q. Now, you told the jury that there was this incident which led to your request to have your mother call the police --

A. Yes.

Q. -- involving you and your father.

A. Yes.

Q. What happened.

A. It was before school. I was walking to McDonald’s to go get something to eat. And my father was parked in the parking lot at McDonald’s across from my high school, and he started waving at me, and to -- going like this, to “come here.” And I just kept trying to go and I didn’t want to, but I was too scared of him. And I walked over, and he told me to get in the car.

Q. So did you do that.

A. Yes.

Q. What happened when you got in the car.

A. He locked the doors, and then he was just telling me, “What are you guys doing.” And he just started being mean to me. And I just, “Yes, Daddy. Yes, Daddy. I’m sorry, I’m sorry.”

Q. Did you try to leave. Did you tell him you wanted to leave.

A. I told him I had to leave. It was already, like, during my first period. I had to leave. And he just wouldn’t let me go. He said, “No, I need to talk to you,” and he would grab my arm, and I didn’t know -- I was just really scared. I didn’t -- I didn’t know what to do.

Q. It’s okay. It’s okay. During the time that you were in the car with your father and he wouldn’t let you go, did he ever molest you at that time.

A. No.

Q. Now, you’ve heard Mr. Mesereau use the word “terrorist threats.” Do you remember him saying that.

A. Yes.

Q. Did you ever use those words to the police officer.

A. No.

Q. Do you even know what that means.

A. All I know is the word “threats,” so I’m just putting two and two together, like threatening threats. I don’t know.

Q. But you never used the word “terrorist”.

A. No.

Q. Now, you told the ladies and gentlemen of the jury there was a time when you attempted to talk to Carol Lamir about your father’s abusive behavior towards the family.

A. Yes.

Q. Do you remember that.

A. Yes.

Q. And you indicated, I believe, that she didn’t want to listen to it.

A. She didn’t want to listen to it. She always seemed like she had kind of a -- I don’t know, a crush on my father, because my father would go cook for her and stuff.

Q. I just have a couple more questions. Before your family went to Miami to be with the defendant in this case, Mr. Jackson - okay. - before that time, your brother Gavin had already been in remission.

A. Yes.

Q. For some time.

A. Yes.

Q. And did you ever hear your mother express her belief as to who was responsible for that remission.

A. Yes.

Q. Who.

A. God. And only God.

Q. You never heard her mention Michael Jackson.

A. No.

Q. With regard to the -- going back to the incident with your father in the car, okay.

A. Okay.

Q. The one at school. I just -- my colleagues want me to ask you a question, so I’ll do it.

A. Okay.

Q. You said that you didn’t know the word “terrorist,” but you knew the word “threats”.

A. Yes.

Q. Did you -- in your conversations with police officers in describing what happened, did you use the word “threats”.

A. No, I just told them what he had told me.

Q. And what did he tell you.

A. That we better not say anything about what happened, because he could have us killed.

Q. Do you know what the term “false imprisonment” means.

A. Not really.

Q. Did you describe to the police officers what happened.

A. Yes.

Q. And what words did you use to describe what happened with regard to your ability to leave the car.

A. I told him he locked it, and that anytime I really tried to leave, he would grab my arm and tell me “No.”

Q. Now, lastly, with regard to the questions that you were asked by Mr. Mesereau, and you were candid with the jury and told them that there were statements that you made to the social workers which were not true, do you recall that.

A. Yes.

MR. MESEREAU: Objection; leading.

MR. SNEDDON: Foundational, Your Honor.

THE COURT: Overruled.

You may -- go ahead.

Q. BY MR. SNEDDON: With regard to those particular questions that you answered to Mr. Mesereau that you had lied, why did you lie.

A. I don’t know. I just -- I kind of still liked Mr. Jackson, and I didn’t want him to get in trouble. And I know I was scared because the bodyguard was there before. And just mixed feelings. I didn’t know, really. I was just....

MR. SNEDDON: All right. I have nothing further, Your Honor. Thank you.

THE COURT: Mr. Mesereau.

MR. MESEREAU: Just briefly.

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RECROSS-EXAMINATION

BY MR. MESEREAU:

Q. Ms. Arvizo, when the three social workers came to Jay Jackson’s house and interviewed you, they were asking you questions about your mother, correct.

A. No.

Q. They were investigating whether your mother was fit, true.

A. I really don’t remember what they were investigating. I didn’t know what they were investigating.

Q. Well, it wasn’t really just Mr. Jackson that they were asking questions about, right.

A. I don’t remember.

MR. MESEREAU: Okay. No further questions, Your Honor.

MR. SNEDDON: Nothing further, Your Honor.

THE COURT: All right. Thank you. You may step down.

MR. SNEDDON: May I have just a moment, Your Honor.

MR. MESEREAU: She’s subject to re-call, Your Honor.

THE COURT: Yes, I didn’t excuse her.

MR. MESEREAU: Oh. Thank you.

MR. SNEDDON: Call Star Arvizo.

THE COURT: He called him.

BAILIFF CORTEZ: Oh, he did.

THE BAILIFF: You need to adjust this to your height.

THE COURT: Remain standing, please. Face the clerk and raise your right hand.

STAR DAVID ARVIZO

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name is Star David Arvizo.

THE BAILIFF: Talk into the mike.

THE WITNESS: Oh, S-t-a-r, D-a-v-i-d, A-r-v-i-z-o.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. SNEDDON:

Q. How old are you.

A. 14 years old.

Q. You nervous.

A. A little bit.

Q. What’s your birth date.

A. 12-11-90. December 11th.

Q. I’m sorry.

A. December 11th.

Q. And what year in school are you right now.

A. Right now, in ninth grade.

Q. And do you have brothers and sisters.

A. Two -- oh, three, actually.

Q. All right. Why don’t you tell us their names.

A. Jett Daniel Jackson. Davellin Arvizo. And Gavin Anton Jackson, or Arvizo. God.

Q. Okay. And your mother’s name.

A. Janet Jackson.

Q. And the current husband of your mother.

A. Jay Daniel Jackson.

Q. And Mr. Jackson’s occupation.

A. Major -- he’s a United States Major in the Army right now.

Q. And your grandparents, do you have grandparents that are still alive --

A. Yes.

Q. -- on your mother’s side of the family.

A. Yes.
Q. What are your grandparents' names.
A. Maria Ventura and Jesus David Ventura.
Q. And your grandfather, what does he go by.
A. He goes by David Ventura.
Q. Do you know where they live.
A. They live in El Monte.
Q. And how long have they lived in El Monte.
A. 34 years.

Q. Long time.
A. A long time, yeah.
Q. All right. Let's talk a little bit about your school career.
A. Okay.
Q. Where did you start.
A. Start --
Q. What's the name of the school.
A. In Maxson Elementary.
Q. How is that spelled.
A. M-a-x-s-o-n.
Q. And how long were you there.
A. Four years.
Q. What grades would that have been, then.
A. Kindergarten through third.
Q. And then for the fourth grade, where did you go.
A. Nueva Vista Elementary.
Q. And do you recall what town that was in.
A. The City of Bell.
Q. How about Maxson. Where was Maxson, what city.
A. It was located in El Monte.
Q. And then how long were you at Nueva Vista.
A. Four through five.
Q. And then in the sixth grade, where did you go.
A. I went through -- I mean, I went to LeConte

Middle School.

THE REPORTER: LeConte.
THE WITNESS: Yes.
Q. BY MR. SNEDDON: Can you spell that.
A. C-o-n-t-e.
Q. And it would be L-a.
A. Yes.
Q. Or LeConte.
A. Oh, LeConte. L-e-C-o-n-t-e.
Q. And where was that school located.
A. It was located in Hollywood.
Q. And where were you living at this point in your life.
A. In East L.A.
Q. Do you remember the name of the street.
A. Soto. Soto near Cesar Chavez, I think.
Q. So how did you get from your Soto Street address in East L.A. to Hollywood to go to school each day.
A. There was a school bus that picks us up on Cesar Chavez and takes us all the way to our middle school and then continued on to Hollywood High.
Q. How many years did you go there.
A. To LeConte.
Q. Yes.
A. One year.
Q. And after that, where did you go to school.

A. To another -- well, in seventh grade, we went to middle school that was near our Soto address. And -- for about three weeks. And then my mom decided to put us in a better school, in John Burroughs Middle School.
Q. So what was the name of the first school.
A. Hollenbeck Middle School.
Q. And then you went to John Burroughs.
A. Yes.
Q. Was there a point in time -- where did you go to the eighth grade.
A. I went to -- I went to John Burroughs for seventh grade, through eighth. But then half of my eighth grade, I continued on with independent

studies. Well, not after. A little bit towards the end.

Q. What does “independent studies” mean.

A. It’s where you stay at home, and you get your homework and everything. You go to a teacher once a week, and he gives you your homework, and you go home and do it.

Q. So you don’t really go to school.

A. No. No.

Q. But this year you’re in a regular school, a freshman.

A. Yes. Yes.

Q. You’ve told the ladies and gentlemen of the jury that you lived on Soto Street in East Los Angeles. Do you recall how long it was that you remember living at Soto Street.

A. Probably about four years. I don’t remember if it’s exact, but --

Q. Do you remember where you lived when you were in kindergarten.

A. Well, actually, my parents and my brother and my mom, they lived there for a year, because I was living in my grandmother’s house, and I continued going to Maxson Elementary.

Q. Okay.

A. So it was probably -- yeah, it was probably about four years. I don’t know. Probably four years. Guessing.

Q. Describe to the ladies and gentlemen of the jury this Soto Street address, as you recall it.

A. The address.

Q. Yeah. No, what was inside. What is the room like.

A. It was really small. Probably -- it was a bachelor apartment. It was really small.

Q. Did it have a separate bedroom.

A. Well, it was like a living room/bedroom.

Q. I’m sorry.

A. It was like a kitchen, like an area, and then a little bathroom.

Q. So where did people sleep.

A. Big area.

Q. All together.
A. Yes.
Q. The whole family.
A. Yes.
Q. How would you describe the -- just let us -- what was it like, the relationship between your mother and your father during these times.
A. It wasn’t good.
Q. What do you mean by that.
A. Well, they’d always get in arguments, and it would always lead to my father hitting my mom.
Q. Did he ever hit you.
A. Yes.
Q. Did you ever see him hit your brother and sister.
A. Yes.
Q. Was there a point in time when your dad left.
A. Yes.
Q. Do you remember when that was in terms of what grade you were in.
A. I was in sixth grade, and it was in the morning.
Q. Do you remember the incident.
A. Yes.
Q. Were you in school that day.
A. It was a weekend.
Q. And when your father left, did he ever come back.

A. No, I never saw him again.
Q. Okay. Let me talk to you a little bit about some of the things that you’ve done.
Have you ever been to a place called The Laugh Factory.
A. Yes.
Q. Do you recall what the first occasion was when you went to The Laugh Factory.

A. It was for a comedy camp.

Q. And do you remember approximately when that was.

A. The year.

Q. Or just put it -- the year, if you can remember, or between what grades it was.

A. It was between third and fourth, probably. Because it was right before my brother was -- had cancer.

Q. And was this during the school year or at some other time.

A. It was during the summer.

Q. And who went to the camp.

A. Me and my brother and my sister.

Q. And how long did it last.

A. I don't remember how exact, but it lasted for probably about a month.

Q. And did you meet any people at the camp that you ended up having -- becoming friends of the family.

A. George Lopez. Louise.

Q. Do you know Louise's last name.

A. No.

Q. Okay.

A. Jamie Masada. Can't remember right now.

Q. Well, let me show you some photographs, if I can. All right.

A. Okay.

MR. SNEDDON: Your Honor, you might have to turn on the screen eventually. I just thought I'd give you a heads up.

MR. MESEREAU: Excuse me. Have I seen those.

MR. SNEDDON: Yes, they're in evidence, all three of them. I'll identify them for the record. But if you want to look at them again -- I'm sorry. I should have showed you now.

Q. Just look at those for a second. I've shown you an exhibit that's in evidence marked as People's 28, People's 13, and People's 49 that are in evidence. Okay. Just hold those there for a second. All right. Go ahead and put 28 up there. I want you to look at People’s 28, Star. Okay. Do you have that in front of you.

A. Yes.

Q. Do you recognize the person in that photograph.

A. Yes. It’s Jamie Masada.

MR. AUCHINCLOSS: Your Honor, do you have it on “Input 3”.

THE COURT: We have “1” or “4.”

MR. AUCHINCLOSS: Oh, “Input 1.”

THE COURT: It was on “1.” The PC.

MR. SNEDDON: “No signal.”

THE BAILIFF: Did you push the other thing.

MR. SNEDDON: There we go.

Q. All right. Now, People’s 28 you identified as whom, Star.

A. Jamie Masada.

Q. All right. Now, if you put that aside for just a second and go to the one that’s marked as People’s 13.

A. Okay.

Q. Do you recognize the people depicted in that photograph.

A. That’s my sister, me, my brother, and Fritz Coleman.

Q. All right. You recognize the person named Fritz Coleman.

A. Yes.

Q. Where did you meet him.

A. At The Laugh Factory.

Q. And what was he doing there.

A. He was helping out the kids with their comedy act.

Q. And the people in that photograph, do you recognize those people.

A. Yes.

Q. A little different than what you look like now, huh.
A. Yeah.
Q. All right. Put that aside, if you would. And let's look at the one that's 49 that's in evidence, people's 49, okay. Do you recognize the people in that photograph.
A. Yes.
Q. Who are those.
A. It's me, my brother, my sister, and Louise.
Q. Okay. Do you know Louise's last name.
A. No.
Q. Did you guys have a nickname for her.
A. Yeah, we called her Weezie.
Q. Weezie.
A. Yeah.
MR. SNEDDON: (To the reporter) I'm sorry, you're on your own in trying to spell it.
Q. Okay. And do you recall when this photograph was taken.
A. Oh. Yes.
Q. When was it taken.
A. It was during the comedy camp.
Q. During the summer you went to comedy camp.

A. Yeah. Yes.
Q. All right. Thank you. Your Honor, we can turn the lights back on. Thanks. Okay. Just take those and turn them over and set them up there on the counter, if you would. Thanks. Now, at some point in time, did your brother Gavin -- did you learn that your brother Gavin had come down with cancer.
A. Yes.
Q. Do you remember in terms of what year you were in school, or what was going on at that particular time in your life that you remember that happening.
A. Yes.
Q. All right. Tell the jury.

A. I was in fourth grade. My brother was -- well, he was moved up to fifth grade. So -- and then he was diagnosed with cancer, so he had to leave school.

And I continued on going to school through the fifth grade. And then he went into remission during sixth grade, when he was able to come back with me during sixth grade.

Q. So you were in the same grades then.

A. Yes.

Q. Now, do you remember in terms of about what time of the school year it was that Gavin learned that he had cancer.

A. The year.

Q. What time of the school year. Like beginning, end, middle.

A. Probably middle. Yeah.

Q. Do you recall.

A. Huh. No, I don’t recall. I don’t know exactly.

Q. Tell us in terms of your -- at the time that Gavin learned that he had cancer, where was he living at that time.

A. We were still living in East L.A.

Q. And the name of the street.

A. Soto.

Q. Okay. And then when Gavin -- did Gavin at some point begin to go to the hospital.

A. What.

Q. Did -- did Gavin ever have to go to the hospital.

A. Yes.

Q. Because of the cancer.

A. Yes.

Q. Where was he living then.

A. Oh, he -- Louise gave my dad money so he could fix, at my grandma’s house, a room for him.

Q. So he was at your grandma’s house.

A. Yes.

Q. And in what town was that.
A. El Monte.
Q. Okay. Were there times that he was in the hospital.
A. Yes.
Q. Were you present at any times when the defendant in this case, Michael Jackson, called your brother.
A. Yes.
Q. On how many occasions.
A. Twice.
Q. Where.
A. Well, two times that I know of, and -- in the hospital room, and a couple times at my grandma's house in El Monte.
Q. So they were separate locations.
A. Yes.
Q. Now, at some point when your brother had been diagnosed with cancer, were you -- did you and your family go to Neverland Ranch.
A. Yes.
Q. Do you recall when it was the first time that you went, like what time of the year it was.
A. Time of the year. What year it was.
Q. What time of the year. Were you in school. Was it the summer.
A. I think we were during school.
Q. Was it the beginning of school or end of school; do you remember.
A. Middle of school.
Q. How old were you at this point.
A. Ten or 11. I was 11. I don't remember.
Q. I'm sorry.
A. I don't really remember how old I was.
Q. Do you remember what year it was that you went.
A. No.
Q. Was it during the time that your brother had cancer.
A. Yes.

Q. All right. So what year was it your brother got cancer.

A. 2000, 2001.

Q. So how old were you in 2000.

A. 12. Or 11. Oh, I was probably 11. It was right before my birthday.

Q. I couldn't hear what you said.

A. It was before my birthday.

Q. So it was before your birthday that year.

A. Yes.

Q. Who went to the ranch the first time.

A. My mom, my dad, me, my brother and my sister.

Q. How did you get there.

A. Limousine.

Q. And do you remember about what time it was when you arrived at the ranch.

A. Daytime.

Q. What happened when you got there.

A. Got there; they had -- my mom and my dad signed papers, and then we went into the ranch and there's cooks and, like, maids, people standing outside the door.

Q. Okay. You need to talk into that microphone so people can hear you. Okay.

A. Okay.

Q. Standing outside the door where. What door.

A. The front door.

Q. To what.

A. To the main house.

Q. All right. After you -- after you got there, you were greeted by these folks. What happened next. What was the next thing you recall happening.

A. I remember just me and my brother and my dad were in the kitchen -- well, yeah, in the kitchen. Or near the kitchen. We weren't inside the kitchen.

Q. All right. What were you doing in there.

A. We were waiting for Michael.

Q. And did Mr. Jackson come down at some point.

A. Yes.

Q. Do you recall when that was.

A. Uhh --

Q. How long had you been there before Mr. Jackson came down.

A. 30 minutes.

Q. Do you remember -- do you remember seeing Mr. Jackson on that occasion.

A. After.

Q. No, when he came down. The first time you ever met him. Was that the first time.

A. Yes.

Q. And what was he dressed like.

A. He had a red shirt on with black pants, and tape over his nose.

Q. And what.

A. And tape over his nose.

Q. After this greeting, where did you guys go. What did you do. Did you talk to Mr. Jackson for a while.

A. He said we were going to drive some cars.

Q. Did you do that.

A. Yes. We drove some golf carts.

Q. And you say “we.” Who is “we”.

A. My brother and me.

Q. And who else.

A. Michael and Frank.

Q. Frank who.

A. Tyson.

Q. Had you ever met Mr. Tyson prior to that time.

A. No.

Q. So the four of you went somewhere on the ranch; is that correct.

A. We went around the ranch.

Q. And what are these carts like that you drove.

A. They’re like golf carts.

Q. And how many carts were being driven by the four of you. Four carts.

A. No, it was two carts.

Q. Two carts.

A. Yes.

Q. Who was in the carts, the two carts.

A. Me and Michael were in one car, and my brother and Frank were in another car.

Q. So where did you go.

A. We went around the ranch.

Q. In the carts.

A. Yes.

Q. How long were you out there.

A. 20 minutes. Ten minutes.

Q. Now, when you came back, do you recall what happened, what you did after that; after you came back from driving around with Mr. Jackson and Mr. Tyson and your brother.

A. No.

Q. Where did you sleep that night.

A. In the guest units.

Q. And do you recall where your mother and father slept that night.

A. I think my sister and my mom slept together. And my dad, me and my brother slept in another room.

Q. Do you remember how long you stayed there on that first visit.

A. I think it was two days.

Q. Now, do you remember an incident occurring between your mother and your father on this particular visit.

A. Yeah, it was the next day.

Q. The next what.

A. It was the next day. Me and my brother were trying to get up so we could go outside, and my dad wouldn't let us go outside because he wanted to sleep in.

And so eventually, like about 12 o'clock, we went outside and we got breakfast. And my brother was like messing around on the ranch somewhere. And I came back and went into my mom's unit, and my dad was sitting down in the chair. And he was yelling at my mom, and she was trying to put on her makeup. And he -- he got up and he grabbed the club soda that was on the dresser and threw it at my mom's face.

Q. What did you do.

A. Tried to comfort her. I walked over and I hugged her, and I said "I love you" to her. She told me to go out and play.

Q. She did what.

A. She told me to go outside and play.

Q. Did you do that.

A. Yes.

Q. What did you do.

A. I don't know. I just probably went outside and drove a golf cart.

Q. Do you recall the first time that you went to Mr. Jackson's bedroom.

A. Yes.

Q. When was that.

A. That was probably the second visit.

Q. And do you recall about what time it was when you went to his bedroom.

A. Nighttime.

Q. Tell us how you -- how you got into the bedroom. Tell us the way it is that you get into Mr. Jackson's bedroom.

A. First you walk through a hallway, and then you come through a door, and then you continue walking. You go through another door and you walk up the stairs.

Q. Are there any kinds of alarms or bells or anything that goes off.

A. Yes. There's like a bell that goes off, and -- while you're walking through the hallway. And then there's a key pad to the first door.

Q. All right. Did you at some point in time

learn the code to that key pad.

A. Yes.

Q. And how did you acquire that information. In other words, who gave it to you.

MR. MESEREAU: Objection; assumes facts not in evidence. Move to strike.

THE COURT: Sustained. You have a compound question.

Q. BY MR. SNEDDON: At some point in time you had obtained the code to that key pad.

A. Yes.

Q. Who gave you the codes.

A. Michael.

Q. Were there more than one code.

A. Yes. There was the door code and the master code to all the doors.

Q. And which one did Mr. Jackson give you.

A. The 1960 one.

Q. I'm sorry.

A. The -- it was the one code that could get into his bedroom.

Q. And do you remember the numbers.

A. Yes.

Q. What were they.

A. 1960.

Q. And those are the ones Mr. Jackson gave you.

A. Yes.

Q. Now. Were there another set of numbers.

A. Yes, it was another code that was 1849 that got you in every door.

Q. And where did you get that code from.

A. I got it from the security guard.

Q. Do you remember the security guard's name.

A. No.

Q. Do you remember what he looks like.

A. He was -- he was white, but I don't exactly remember his face.

Q. I couldn't hear what you said.

A. I don't remember his face.

Q. Okay. And do you remember when it was that you got that code from the security -- let me ask it this way: At some point in time you went to Miami, correct.

A. Yes.

Q. And then after Miami, you came back to the ranch.

A. Yes.

Q. Now, with regard to the code number that Mr. Jackson gave you - all right. --

A. Yeah.

Q. -- when did you get that code number from him. Before or after you went to Miami.

A. After.

Q. And with regard to the code number that you got from the security guard, was it before or after you went to Miami.

A. After.

Q. I’m sorry.

A. After.

Q. So on the first occasion that you went to Mr. Jackson’s room, you did not have a code number.

A. No.

Q. Who all went to the room when you went to the room.

A. First occasion.

Q. Yes.

A. Frank, Michael, me and my brother.

Q. And where did you go in the room.

A. First we sat down and talked, and then we went on a kitchen raid.

Q. You say you sat down and talked. Where did you sit down and talk.

A. In the living room. Well, where the -- downstairs.

Q. Okay. Downstairs in the house.

A. Yes.

Q. Where in the house.

A. In his bedroom area downstairs.

Q. So you were in there talking.

A. Yes.

Q. Who was present.

A. Frank, Michael, me and my brother.

Q. And do you recall how long you were there before you went to somewhere else.

A. Not really.

Q. So you told the jury you went somewhere else. Where did you go, and what was the purpose for going there.

A. We went to -- on a kitchen raid.

Q. What do you mean by “a kitchen raid”.

A. We went to go get some food.

Q. And whose idea was that.

A. Michael’s.

Q. And what was it you were going to get.

A. Food. And my brother suggested that he wanted some s’mores.

Q. Some s’mores.

A. Yes.

Q. What happened when you went to the kitchen. What did you do.

A. We got some food.

Q. Who actually went to the kitchen.

A. Me, Frank, Michael, and my brother.

Q. Okay. Tell us what happened in the kitchen.

A. My brother wanted to make s’mores, so Michael called the security guard and got some Hershey chocolates and then we all went back to the bedroom.

Q. By the way, you’ve said “Michael” this, and “Michael” that. Do you recognize the defendant in this case.

A. Yes.

Q. That’s the “Michael” you’re talking about.

A. Yes.

Q. All right. You’re back in the bedroom. Who’s back in the bedroom now, and where are you in the bedroom.

A. Right now we’re still downstairs. Me and my brother are starting to make the s’mores. And then Michael says that he’s going to go to sleep.

Q. So does he then leave you.

A. Yes. But then we didn’t want to make them anymore, so we just went upstairs then.

Q. So you’re in the downstairs area of his bedroom, and you said -- where did you go then.

A. We went upstairs.

Q. How do you get there.

A. You go in through a door, and then you go upstairs.

Q. Now, when you went into the bedroom area, who all was there.

A. Frank, Michael, me and my brother.

Q. Anybody else.

A. Oh, Prince and Paris were there also.

Q. Now, when did Prince and Paris come into the picture.

A. They were also there. They were also with us on the kitchen raid, when we went to go get food.

Q. Now, when you got upstairs and you’re in the room, what happened then.

A. They were asleep on the bed, and Frank had a computer. It was a computer that Michael gave him the first time.

Q. Gave who.

A. Gave Gavin.

Q. Okay.

A. And this time it already had Internet access, so Frank did something and the Internet was on, and we started going on sites.

Q. Going on sites.

A. Yes.

Q. What kind of sides.

A. Pornography sites.

Q. And where was Mr. Jackson during this time.

A. He was sitting right next to us.

Q. Where were you seated.

A. On the bed.

Q. And where was Mr. Tyson.

A. Typing.

Q. Typing. Where was he located in the room.

A. Right off the bed and kneeled against the bed and --

Q. Could you see the screen.

A. Yes.

THE BAILIFF: You can pull it down a little.

Q. BY MR. SNEDDON: Now, do you recall whose idea it was to go on the Internet.

A. Michael’s.

Q. Do you recall what he said.

A. No. But while we were on one of those sites, a lady had her shirt up, and Michael said, “Got milk”.

Q. Do you remember that.

A. Yeah. And then he leaned over to Prince and says, “You’re missing some p-u-s-s-y,” but he said it, in his ear, but Prince was still asleep.

Q. How many sites do you feel that you went to that night.

A. I don’t really remember, but probably, say, five or six.

Q. And what did the sites have. You don’t need to go into all the details, but generally what was the common denominator.

A. Females.

Q. Huh.

A. Females.

Q. And can you tell us whether or not they had clothes on.

A. They didn’t have clothes on.

Q. Females only.

A. Yes.

Q. Where did you sleep that night.

A. Michael’s bed.

Q. And where did your brother sleep that night.

A. Right next to me.

Q. And Mr. Jackson, where did Mr. Jackson

sleep.

A. He slept on the foot of the bed on the floor.

Q. And Mr. Tyson.

A. To the right of the bed on the floor.

Q. And Prince and Paris, did they --
A. They -- I think they slept on the bed with us.
Q. Do you remember what you did after -- let me ask you this: How long do you think you were watching these --
A. Sites.
Q. -- sites that you went to.
A. 15, ten minutes. Ten minutes.
Q. And then where -- what did you guys do.
A. We -- after all that, we started watching some Simpsons videos.
Q. Okay. Then what.
A. And then Michael told us not to tell no one what we did.
Q. I'm sorry.
A. He told us not to tell our parents what we did.
Q. Who said that.
A. Michael.
Q. All right. I have some more photographs I want to show you.
A. All right.

Q. Okay. Star, I'm going to ask you some -- no, you need it; I don't. I'm asking some questions about the photographs I put in front of you.
And for the record, Your Honor, I've shown them to counsel for his examination.
All right. The first one you have in front of you is marked as People's 188 for identification. Do you recognize what's depicted in that photograph.
A. Yes.
Q. Is that an accurate picture of what's in there, of what it shows.
A. Yes.
Q. Just turn it over. Set it right over there. That's it. Good.
Now, the next one is, I'm sorry, 50, People's 50 for identification. Do you recognize that.
A. Yes.

Q. And is that an accurate representation of what it depicts.

A. Yes.

Q. All right. Turn it over. I'm going to ask you some questions about these, but I just want to lay the foundation first.

All right. With regard to 52 for identification, do you recognize that.

A. Yes.

Q. And is that an accurate depiction of what it represents.

A. Yes.

Q. All right. Turn that over, if you would.

And we'll move on to the next one, which is People's 53. Do you recognize that.

A. Yes.

Q. And is that an accurate depiction of what it represents.

A. Yes.

Q. Okay. Flip it over, if you would.

And People's 54, do you recognize that.

A. Yes.

Q. Is that an accurate depiction of what it represents, or purports to represent.

A. Yes.

Q. Okay. Now, the next photograph is one that is actually in evidence, and so you can just turn that over. I'll ask you questions about that later.

And the next one is 196 for identification purposes. Do you recognize the people in that photograph.

A. Yes.

Q. And is that an accurate depiction of what those people looked like at the time that it was taken.

A. Yes.

Q. All right. Turn that over.

And the next photograph is 110. And is that an accurate depiction of what it represents.

A. Yes.

Q. And with regard to 111, is that an accurate depiction.

A. Yes.

Q. Thank you.

Your Honor, I’d move that those photographs be admitted into evidence.

MR. MESEREAU: No objection.

THE COURT: They’re admitted.

Q. BY MR. SNEDDON: All right. Now, Gavin, just -- Star, just flip those over and I’m going to ask you some questions about those photographs, if we can. Okay.

A. Okay.

Q. You can flip them back over so you’re looking at them, so they’re in the same order.

Could I have just a second, Your Honor.

(Off-the-record discussion held at counsel table.)

Q. Now, the first photograph that you have is a photograph that’s on the board.

Ron, could you give me that, please. The black case. Thank you.

It’s on the board. Do you recognize the photograph that’s in evidence as People’s 188.

A. Yes.

Q. All right. Would you tell the ladies and gentlemen of the jury what that is.

A. That’s the front view of the main house.

Q. “Of the main house.” Of whose house.

A. Michael’s house. It’s the front door.

Q. All right. Now, do you want to turn that over.

And we’ll pick up the next photograph, which is the one that’s marked as People’s 50.

A. Okay.

Q. Do you have People’s 50 there.

A. Yes.

Q. Do you recognize the photograph that’s depicted on the board behind you. Take a look at it, and make sure they’re the same.

A. Yes.

Q. They are. Okay.

And what is that. Tell the ladies and gentlemen of the jury what that is.

A. That’s the hallway leading to Michael’s bedroom.

Q. Now, this particular door that leads to the hallway, does that door have a key pad on it.

A. No.

Q. Is there another way in to Mr. Jackson’s hallway that leads to his bedroom, other than this door.

A. Through the library.

Q. And do you see the door in this photograph that you can use to get into that hallway from the library.

A. Yes.

Q. All right. I’m going to give you this marker.

Now, would you show the ladies and gentlemen of the jury on the photograph behind you where that other door is that you can access that hallway.

So you’re talking about the one that’s just above the duck.

A. Yes.

Q. And about in the middle of the photograph.

A. Yes.

Q. Okay. Put that down.

Now, with regard to getting into the hallway from the library, do you need a code of any kind to get in from there.

A. No.

Q. All right. Now, let’s go to the next photograph, which is People’s 52 in evidence. Do you recognize that photograph.

A. Yes.

Q. Tell the ladies and gentlemen of the jury what 52 is.

A. It’s the hallway leading to Michael’s bedroom.

Q. And can you use the little -- yeah, the black thing. I know there's a name for those

things, it just escapes me.

A. A laser.

Q. What.

A. It's a laser.

Q. Can you use the laser pencil for us and show us the view where Mr. Jackson's -- the entrance to his bedroom.
So straight in the middle of the photograph towards the rear.

A. Yes.

Q. All right. Now, let's turn to the next photograph, which is 53; is that correct.

A. Yes.

Q. All right. Now, what's 53.

A. It's just a closer view of Michael's -- oh, it's just a view of the doors.

Q. Now, on this particular photograph, would you use the laser for us again, please, and tell us where the key pad is.

A. Right there. It's behind all this stuff.

Q. Okay. Lean in -- turn around and lean into the microphone.

A. It's behind all this stuff.

Q. All right. So you're indicating behind the machine that says "Wild Water".

A. Yes.

Q. It's behind there.

A. Yes.

Q. Now, with regard to the photograph that you have on the board right now, do you see that on the far right-hand side of the photograph.

A. Yes.

Q. Do you recognize that thing that's depicted there.

A. Yes.

Q. What is that.

A. That's like detectors.
Q. What.
A. Something like -- I don't know what they're called, but --
Q. During the time that you were at -- staying at the ranch, did those -- did that -- did that work.
A. I don't know.
Q. Were there any other things that, while you were visiting the ranch, that, when you went to a certain point, gave off noise.
A. Oh, it was like a sensor. Like once you reached like the middle of the hallway, it was like -- it was like a ring.
Q. What kind of a ring.
A. Like "ding." I don't know. It was like a ring. It wasn't like a constant ring. It was like on and off for a little while.
Q. Okay.
Q. How long.

A. Five seconds.
Q. All right. Let's go to the last photograph, if we can.
A. Do you mean this one.
Q. And what's that, 54.
A. 54, oh. That's the view entrance of Michael's bedroom.
Q. All right. Now, you can put that one down. And the next photograph I'm going to have you look at is People's 20 in evidence. Do you recognize that person.
A. Yes.
Q. Who is that.
A. It's Frank Tyson.
Q. Now, did you ever know Mr. Tyson by any other name than "Tyson".
A. No. No.
Q. All right. Why don't you put that photograph down.
Now, when you told the ladies and gentlemen of the jury that you were there on that first

occasion that you went into Michael's bedroom, is this the person you were referring to.
A. Yes.
Q. All right. Let's go to 196. Do you recognize that photograph.
A. Yes.
Q. Do you recognize where it was taken.

A. It was in Neverland.
Q. And do you recognize the people in the photograph.
A. Yes.
Q. And who are the people in the photograph.
A. Michael, my brother and me. Michael, my brother and me.
Q. I'm sorry, I didn't hear the last part. Now, is that the way your brother looked back at that point in time.
A. Yes.
Q. Was that a wheelchair that you got at the ranch or was that one that your family had for Gavin.
A. That was at the ranch.
Q. All right. And then there are two last photographs. But before we go, do you recall approximately when it was that that photograph, People's 196, was taken.
A. What year.
Q. If you can.
A. I don't know. It was the time between when he had cancer. When he had cancer.
Q. It was obviously during one of your visits.
A. Yes.
Q. Do you recall whether it was the first visit or some visit after that.
A. It was some visit after that.

Q. Why do you think that.
A. It wasn't the first visit.
Q. I didn't hear you.

A. It wasn’t the first visit.

Q. And why do you know that.

A. Because we didn’t do that the first visit.

Q. So it’s sometime after that.

A. Yes.

Q. Do you remember how long after that.

A. No.

Q. All right. Let’s go to the photograph 110.

A. Okay.

Q. Do you see -- do you see the photograph 110.

A. Yes.

Q. All right. You’ve told us about riding around in some carts.

A. Yes.

Q. Now, tell us about this photograph.

A. That’s Michael’s Bentley. And that’s -- the light blue car is Marie Nicole’s car.

Q. Which one are you referring to.

A. This one. This one.

Q. How do you know it’s Marie Nicole’s car.

A. It had “Marie Nicole” on the hood.

Q. All right. How many such cars like that did you see on the ranch. “Cars.” Carts.

A. Probably, like, ten of them.

Q. All right. Let’s go to People’s 111. Do you recognize that photograph.

A. Yes.

Q. Tell us about it.

A. That’s the Spiderman cart, and that’s Marie Nicole’s car. And --

Q. Where is the Spiderman’s cart.

A. Right there.

Q. All right.

A. And that’s the video library.

Q. By that, do you mean -- you pointed to the roof up by a place where there’s a window about the middle of the roof and to the far left of the photograph.

A. Yes.

Q. And you’ve been in the video library.

A. Yes.

Q. How many times do you think you’ve been in the video library.
A. A lot of times.
Q. Yeah. Why don’t you go ahead and put those up there, and we’ll turn the lights back on. After the time that you were at the ranch, and it was the night, the first -- the first night that you spent in Mr. Jackson’s bedroom --
A. Uh-huh.
Q. -- okay. - did you go back to the ranch on other occasions during the time that Gavin had cancer.

A. Yes.
Q. And how many times do you think you went.
A. I don’t know exact.
Q. Did your mother ever go with you.
A. No.
Q. Who went.
A. Just my brother, me, and my dad. But sometimes it was just mostly my brother and my dad.
Q. So there were times that you didn’t even go, but just your father and Gavin went.
A. No.
Q. What.
A. No. Wait.
Q. Okay. Yeah, you -- I might have misunderstood you. It’s my fault. So let’s just go back. I asked you if there were times that your mother went with you and your father, other than the times you’ve told us about. Okay.
A. Okay.
Q. Were there any other times your mother went.
A. No. Except after the Miami trip. Then she came.
Q. Okay. So up to the Miami trip.
A. Yeah.
Q. Now, were there times that you went back with your father.
A. Yes.
Q. And who else went with you.

A. My brother.
Q. Did your sister go.
A. No.
Q. Now, were there times that Gavin and your father would go, but you wouldn’t go.
A. Yes.
Q. The times that you went to the ranch after the time that you were in Michael Jackson’s bedroom and spent the night - okay. --
A. Okay.
Q. -- from those times that you went with your father, when you went, was Mr. Jackson there.
A. No. No.
Q. Do you remember the first time that you went back to the ranch after your dad left the family.
A. Yes.
Q. When was that.
A. That was when we were heading to the ranch, just me, my brother and my sister by ourselves.
Q. And did you go with somebody.
A. Me, my brother and my sister.
Q. Okay. Anybody else.
A. No.
Q. Did you ever go to the ranch with Chris Tucker.
A. Yes.
Q. Why. What were the occasions.
A. I don’t know. He just wanted to go to the ranch.

Q. How many times did you go with him.
A. Four times.
Q. All right. Tell us about the first time. Or tell us about -- anything about those times stand out.
A. There’s one time we went to go celebrate his son’s birthday, and we just ended up staying there for about a week with Chris.
Q. Mr. Tucker was there the whole time.
A. Yes.

Q. And where did you stay during the times you were there with Mr. Tucker.

A. Guest units. And then the last night we stood in a teepee.

Q. Was Mr. Jackson there on any of those occasions.

A. No.

Q. Who stayed in the teepee.

A. There was a lot of people. There was Chris, me, my brother, my sister. Wait. I don't think my sister was there. I don't know. But --

Q. I couldn't hear what you said.

A. I don't know if my sister was there. She was probably there. But it was a female. There was a kid named Adrian. There was another person there also. I don't remember their names.

Q. Do you recognize the name Martin Bashir.

A. Yes.

Q. And how do you recognize it.

A. He was the person that did the taping of "Living with Michael Jackson."

Q. How do you know that.

A. Because we were introduced to him.

Q. Where were you introduced to him.

A. At the ranch.

Q. Do you remember about when that was.

A. No.

Q. Was it before or after the time that you'd gone to the ranch with Mr. Tucker and his children, or child.

A. It was after.

Q. And do you recall, was it during the time that you were in school or was it during the summer.

A. School.

Q. And who all went to the ranch on this time, on this occasion.

A. It was only me, my brother and my sister. We went up there by ourselves.

Q. And how did you get there.

A. By limo.

Q. And where were you picked up.

A. The -- the East L.A. apartment on Soto.

Q. And do you remember what time of the day or night it was that you got there, in terms of was it daylight, was it dark, was it in the morning; do you recall.

A. It was probably in the morning. Somewhere around there.

Q. I'm sorry.

A. It was probably in the morning.

Q. Now, do you remember when you got there, what -- what you did. Where did you go when you got out of the limo.

A. We entered through the back of the main house, and Michael took my brother aside.

Q. Now, when you say you entered through the back, the photograph that we saw just a few moments ago, the photograph 188 in evidence, the People's exhibit, does that show the entrance you went into.

A. No. That's the front entrance.

Q. So if I were standing in the front of the house, if I were a juror in this case standing in the front of the house, where would I have to go to get into the entrance that you went into the day of the Bashir incident.

A. You would have to walk around the house to the left, and there's a door back there, if you walk around the house.

Q. Lean into the mike, please.

A. You have to walk around the house to the left.

Q. All right. When you walk in the door, what room are you in in the house.

A. Through the back exit.

Q. Yes, the one you came in.

A. You're looking at the -- the workers' lounge or something.

Q. Okay. And then where -- where does that lead to.

A. It leads to the kitchen, to the dining area. To everywhere.

Q. So where was it that you saw your brother Gavin go with Mr. Jackson.

A. He told us, me and my sister, to wait right there, and so we did. And he took my brother off to the dining area.

Q. Did you lose sight of your brother.

A. Yes.

Q. Now, how long was your brother gone; do you recall. Just approximately.

A. 20 minutes. 20 minutes.

Q. And when he came back, what happened.

A. They sat down and --

Q. Who sat down.

A. Michael and my brother.

Q. And where did they sit down.

A. On the couch that was near the kitchen.

Q. Were you at any time ever introduced to Mr. Bashir that day.

A. I think it was probably before the taping.

Q. So -- you say “before the taping.” When did

that occur.

A. What.

Q. What was going on at the time that you were introduced by Mr. Bashir. Who introduced you.

A. Michael.

Q. Now, did you have an understanding -- did you personally have an understanding that you were going to appear on film that day.

A. No.

Q. Did you eventually appear on film that day.

A. Yes.

Q. And what were you doing on film.

A. We were showing Michael one of our military cadences that we learned from a program, military program.

Q. What military program.

A. At that time we were in the NLCC. Stood for Naval League Cadet Corps. That’s what it -- it was a Navy program.

Q. And do you remember when you joined that program.

A. I was 11.

Q. Before the Bashir -- I mean in relation to the Bashir --

A. It was before.

Q. Are you still in that program.

A. No.

Q. Are you in another program.

A. Yes.

Q. What’s that.

A. It’s Infantry Explorers.

Q. And what service is that connected with.

A. Army.

Q. And how long have you been in that program.

A. It’s going on four months. We barely joined.

Q. I’m sorry.

A. We barely joined four months ago.

Q. Were you ever in a Navy program.

A. Yes.

Q. What was that.

A. That was the Naval Sea Cadets. It was an older program. It’s for older kids. It’s from 13 to 17.

Q. And how long were you in that.

A. About a year.

Q. Now, at the time that you were there with the -- Mr. Jackson and your brother and your sister and Mr. Bashir, were you told before you got there why you were going to the ranch.

A. No.

Q. You personally were never told.

A. No, I was never told.

Q. Now, after the -- were you present during the time that your brother appeared with Mr. Jackson on that film.

A. Yes.

Q. Did you watch it.
A. Yes.
Q. Did you watch it get filmed.
A. Yes.
Q. After the filming was done, they came back and filmed you folks in the kitchen there.
A. Yes.
Q. With Mr. Jackson.
A. Yes.
Q. After that was done, did you see where Mr. Jackson went.
A. No.
Q. Did you see him any more during the visit.
A. No.
Q. Did Mr. Jackson at any time tell you where he was going.
A. No.
Q. Did you -- did you stay at the ranch, or did you leave.
A. We stood.
Q. The night.
A. Yes.
Q. Now, at some point in time, you’ve told us that you went to Miami.
A. Yes.
Q. Now, between the time that you had gone to the ranch and been with Mr. Jackson and your brother Gavin when they -- the Martin Bashir filming took place - okay. --

A. Okay.
Q. -- between that time and the time you left for Miami, did you personally have any contact with Mr. Jackson.
A. No.
Q. Did you go to the ranch on any occasions between those two periods of time, the time of the Bashir filming and the time you left for Miami.
A. No.
Q. To your knowledge, did anybody from your family go to the ranch during that period of time.
A. No.

Q. To your knowledge, did anybody have any contact with Mr. Jackson during that period of time.

A. No.

Q. Without telling me what was said, when was it that you first learned -- from whom did you first learn you were going to Miami.

A. My brother.

Q. And were you present during a time where a telephone call occurred between your brother and Mr. Jackson.

A. Yes.

Q. Where were you and your brother at that point in time.

A. We were barely waking up to go to school.

Q. Very literal. All right. You're barely waking up.

So what house -- what location were you at.

A. Oh. We were at the St. Andrews apartment.

Q. Whose apartment is that.

A. It's Jay's apartment.

Q. Major Jackson.

A. Yes.

Q. And was your mother there at that time.

A. Yes, she was.

Q. And how about Mr. Jackson, was he -- I know that's his apartment. But at the time that your brother was on the phone, was Mr. Jackson there.

A. No, he was at work.

Q. Now, were you present during the -- not a part of it, but were you present when your brother was on the phone.

A. Yes.

Q. Did your mother participate in that conversation, as you recall.

A. Yes.

Q. At the end of that conversation, were you told to do something.

A. Pack my bags.

Q. Who told you that.

A. My brother.

Q. Did you do that.

A. Yes.

Q. So you didn’t go to school that day.

A. No. No.

Q. Were you told how you were going to get to Miami.

A. Yes.

Q. How.

A. We were going to go by a commercial airline.

Q. Did you go to Miami by commercial airline.

A. No.

Q. What form of transportation did you take to get to Miami.

A. We went with Chris Tucker on his private jet, or lear jet.

Q. So how was it that you hooked up with Mr. Tucker that day to go on this flight to Miami.

A. What do you mean.

Q. How did you get from your apartment at St. Andrews, or Mr. Jackson’s.

A. Someone dropped us off there.

Q. Dropped you off where.

A. At the airport, where we met. Wait. I don’t remember. But I know that someone picked us up. Either drove us to his house or to the airport.

Q. Okay. You say “his house.” Who do you mean by “his house”.

A. Chris Tucker’s house.

Q. So you don’t remember whether you went there or the airport, but that’s where the plane was.

A. Yes.

Q. Who was on the plane.

A. Me, my brother, my sister, my mom, and Chris. And there was another guy, but I don’t remember his name.

Q. Now, Chris Tucker --

A. Yes.

Q. -- had you known Mr. Tucker prior to this -- prior to going to Miami.

A. Yes.

Q. And do you remember how it was that you met Mr. Tucker.

A. Yes.

Q. Tell the jury how you met Mr. Tucker.

A. I met him through The Laugh Factory comedy -- it was after the comedy camp.

Q. Okay. After the comedy camp.

A. Yes.

Q. What was the -- how did you meet him. How did that come about.

A. He was there one day, and my brother wanted to go see the show. And so my brother met Chris Tucker.

Q. Did you sort of become friends with Mr. Tucker.

A. Yes.

Q. Did you go places with Mr. Tucker.

A. Yes.

Q. Where are some of the places you went with him.

A. Nickelodeon Kids Awards. And to his house. To Oakland to see a Raiders game. And other places. I don’t --

Q. Were you ever present during a situation where your brother met Kobe Bryant.

A. Yes.

Q. Where did that occur.

A. Oh, and Chris also took us to a Lakers game.

Q. Okay. Let’s talk about the first one. You were present on that -- at the time that happened.

A. I wasn’t, no. I wasn’t present when he went into the locker room.

Q. You’re talking about the Laker game now.

A. Yes.

Q. Okay. What about the first time.

A. Oh, yeah, I was present. He was at The Laugh Factory.

Q. And was Chris Tucker involved in that, too.

A. Yes.

Q. And the second occasion was at a Laker game.

A. Yes. The first occasion was at the Laker game. The second occasion was at The Laugh Factory.
Q. Oh, okay. Now, at the Laker game, was your brother -- other than going to the locker room, was there some other form of unusual thing that occurred that evening.

A. He was shown on the big screen, or shown on the big screen.
Q. So your brother’s picture was shown on the big screen.
A. Yes.
Q. At the Laker game.
A. Yes.
Q. All right. Let’s talk a little bit about the trip to Miami. You’re on the plane. Do you remember how long it took you to get there.
A. Five hours or so. Yeah, five hours.
Q. And where did you land.
A. At an airport.
Q. Good answer. Stupid question, but good answer.
When you got to the airport and the plane landed, where did you go from there and how did you get there.
A. We were going to the Turnberry Resort. And we -- we left by limousine.
Q. And was it -- was it daytime or nighttime at the time, if you remember.
A. It was nighttime.
Q. Do you remember about what time it was.
A. It was really late.
Q. So when you got to the Turnberry, do you remember the first thing you did.
A. We went to Chris Tucker’s room.

Q. Okay.
A. And then we went to our room.
Q. When you say “we went to our room,” who went to the room that you call “our room”.

A. My mom, my brother and my sister and me.
Q. So you were all in one room.
A. Yes.
Q. Now, when you got to your room after visiting with Mr. Tucker, what did you do.
A. We went to sleep.
Q. All right. The next day when you woke up, do you remember about what time it was when you woke up.
A. It was really late. It was probably around 2:00.
Q. In the afternoon.
A. Yes. In Florida.
Q. So when you woke up, what did you do.
A. We -- we went to Chris's room, and then we went to Michael's room.
Q. Now, you say you went to Chris's room. When you went to Chris's room, did Chris go with you to Mr. Jackson's room --
A. Yes.
Q. -- or did he stay in his room.
A. Yes.
Q. In relationship to your room, where was Mr. Jackson's room.

A. The floor above us.
Q. Do you remember what floor you were on.
A. Fifth floor.
Q. Now, do you remember what you saw when you got off the elevator on the floor where Mr. Jackson's room was.
A. There was security guards all over the floor.
Q. Okay. And what did you do.
A. Went to his room.
Q. And when you went in the room, who was in the room when you first got into the room.
A. It was Marie Nicole, Aldo, Michael and -- that's who we first saw.
Q. During the time that you were there, did you get introduced to any other people that day.
A. Yeah, we were introduced to Dieter and

Ronald.

Q. And did you see Mr. Tyson at all that day.

A. Yeah, later that day.

Q. Do you remember approximately when later that day.

A. Nighttime.

Q. Now, during the time that you were in -- you come -- let’s go back when you first got in there and you were introduced to Aldo and Marie Nicole. Okay.

A. Okay.

Q. Now, was Mr. Jackson present in the -- at the time you walked through the door.

A. Yes.

Q. Did you have any greetings with Mr. Jackson.

A. Yes.

Q. What did you do.

A. We all sat down and we started talking and he asked us if we were hungry.

Q. He what.

A. He asked us if we were hungry.

Q. Were you.

A. A little bit. It was -- so then we ordered room service. And then Michael took my brother into a separate room.

Q. Did you actually see Mr. Jackson and your brother go to a separate room.

A. Yes.

Q. Did you, at some point, go into that room.

A. Yes.

Q. What was going on when you walked into the room.

A. They were cussing.

Q. What do you mean, “they were cussing”.

A. They were saying bad words.

Q. And what was the nature of what they were doing.

A. They were probably saying the “F” word, the “B” word, all different combinations.

Q. And did you join into this.
A. I was right there, and he told me, yeah.
Q. Who told you.
A. Michael.
Q. Told you what.
A. To join in.
Q. Why.
MR. MESEREAU: Objection; calls for speculation.
THE COURT: Sustained.
Q. BY MR. SNEDDON: Did Mr. Jackson, when he said “join in,” did he say anything else about what you were joining.
A. What do you mean.
Q. Okay. At the time you walked in there, and they’re cussing, correct.
A. Yes.
Q. And you’re asked to join in.
A. Yes.
Q. How was this going about. Just --
A. They were just cussing. Like saying different combinations. And that’s all. And he told me to join in.
Q. Did you do that.
A. Yeah.
Q. How long did this go on.
A. Probably two minutes before Grace walked in.
Q. And did you see where Grace -- who is Grace, by the way.
A. It’s Prince and Paris’s nanny.
Q. Was this the first time you met her or had you met her before.
A. I’ve met her before.
Q. Where did you meet her the first time.
A. The ranch. Neverland Ranch.
Q. During your earlier visits.
A. Yes.
Q. So, she walks -- when Grace walks in, what happened.
A. We stopped.

Q. And then did she remain in the room.

A. She was talking to Michael.

Q. And how long -- what happened after she finished talking to Mr. Jackson.

A. We went into his bedroom where Prince and Paris were.

Q. By “you,” who do you mean.

A. Me and my brother and Michael and Grace. We all went back into the bedroom.

Q. So the room that you were in where all the cussing was going on was a separate room from the bedroom.

A. Yes.

Q. And how long did you remain in there.

A. Where.

Q. Yes.

A. Five minutes probably. I don’t know.

Q. And then where did you go.

A. I went back outside.

Q. And what about your brother Gavin.

A. He stood with Michael.

Q. Where.

A. In the bedroom. Wherever he went.

Q. So you didn’t see Gavin come out.

A. No.

Q. At some point that day, did -- well, let me ask it this way: How many times that day do you think you saw your brother Gavin go into a room with Mr. Jackson.

A. Probably once. I was off playing with Prince and Paris.

Q. Okay. Where were you with Prince and Paris.

A. I was in the kitchen filling up water balloons.

Q. Later, did you notice anything unusual about your brother.

A. Probably --

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

You may answer.

THE WITNESS: He was stumbling around.

Q. BY MR. SNEDDON: Your brother.

A. Yes. And he had a soda can in his hand.

Q. What else did you notice about your brother.

A. He wasn’t acting right. He was acting funny.

Q. Do you remember about what time of the day it was when all this was going on, when you saw your brother in this condition.

A. Nighttime.

Q. Did you say anything to your mom about it.

A. No.

Q. Did you know what was -- what -- did you know why he was acting that way.

A. He walked over to me and told me -- well, I saw into the brim of his soda.

MR. MESEREAU: Objection; nonresponsive. Move to strike.

THE COURT: Sustained; stricken.

MR. SNEDDON: I couldn’t hear the Court.

THE COURT: Sustained; stricken.

Q. BY MR. SNEDDON: When your brother was in this condition, did he come over and talk to you at all.

A. Yes.

Q. And when he did, did you observe anything.

A. Yes, I saw --

Q. Tell us what you observed.

A. I saw into his -- well, I saw the brim of his 7-Up can. 7-Up’s clear, and I saw red around the 7-Up can. It was like -- it wasn’t really dark red, but it was like light red. It was --

Q. Did he say anything -- don’t tell me what he said. Did he say anything to you at that time.

A. No, he was just, like, saying weird stuff. It didn’t make sense.

Q. Now, that evening, was Mr. Jackson present in the -- in the main room of the -- of the room there where Mr. Jackson’s rooms were. Was he present.

A. I don’t remember.

Q. Do you remember that evening whether you were going to watch something on T.V..

A. Oh, yeah. The “Living with Michael Jackson” was coming on.

Q. How do you know that.

A. We knew that day that that was for -- that was the first day it was going to be aired. And Michael said for none of the T.V.’s to be on.

Q. I couldn’t hear you.

A. Michael said for none of the T.V.’s to be on.

Q. Were you present when he said that.

A. No, it was just whenever we tried to turn on T.V., they were just turned off.

Q. Who turned them off.

A. Well, anybody, really. What do you mean. Like --

Q. Who turned the T.V.’s off when you turned them on.

A. There was one time I was sitting in the bedroom, and I was watching another -- it was like another special, or it was like an old one. And he walked in and he told me not to watch that, and he turned it off.

Q. Who.

A. Michael.

Q. The defendant.

A. Yes.

Q. Now, about the program that night, did you hear Mr. Jackson say anything about whether people could watch it or not watch it at their choice.

A. No.

Q. Now, the people that you said that you were introduced to by the name of Dieter and Ronald --

A. Yes.

Q. -- did you see them that day.

A. Yes.

Q. Did you see them with Mr. Jackson that day.

A. Yes.

Q. Can you tell us what you saw them doing.
A. Walking around.
Q. Where.
A. They walked into the bedroom.
Q. And do you recall how long they were in there.
A. No.
Q. Can you give me an approximate of how long you think they were in there.

A. 20 minutes.
Q. Were they in there on more than one occasion, that you saw personally.
A. No. Well, I only saw them once.
Q. You just saw the one occasion.
A. Yeah, I was somewhere else.
Q. You said you were somewhere else. Where was the “somewhere else” that you were.
A. With Prince and Paris and with Marie Nicole and Aldo.
Q. And where was that in this complex.
A. Kitchen, the living room, the other bedroom that was right next to this hotel room or resort room.
THE COURT: Let’s take our break.
(Recess taken.)
THE COURT: All right. Go ahead.
MR. SNEDDON: Thank you, Your Honor.
Q. Okay. Star, we’re -- I’d like to go back to the point where we were in Miami at the Turnberry. Okay.
A. Okay.
Q. And ask you a few more questions about some things that happened that evening. Okay.
A. Okay.
Q. Now, at any time that evening, did you see your mother leave Mr. Jackson’s rooms.

A. Yes.
Q. Do you remember about what time that was.

A. It was probably nighttime.
Q. And do you know where she went.
A. She went back to the room.
Q. And when your mother left, did you see something happen.
A. Um, I don’t know who it was, but they sent someone to go get my mom.
Q. Did you see that.
A. No.
Q. No, I meant, did you see them send somebody.
A. Yes.
Q. And then did you see your mom come back.
A. Yes.
Q. And was she alone or with somebody.
A. She was with someone.
Q. The same person who left.
A. Yes.
Q. When you were in Miami, did you personally ever participate in a press conference.
A. No. No.
Q. To your knowledge, did your brother ever participate in a press conference.
A. No.
Q. Actually, I think we all liked it the better way where you could be heard. Could you lean a little closer.

A. Okay.
Q. That’s perfect. You’ll save everybody a lot of problems if you just speak like that.
On the time that you’re in Miami at the Turnberry, did you ever drink any alcohol on that time.
A. No.
Q. Do you remember the day that you left Miami.
A. No.
Q. I mean, do you remember anything that happened that day. Do you remember getting on the plane.
A. Yeah.
Q. All right. What time was it when you got to the plane. Was it daylight or dark, or what.

A. It was turning into night.

Q. And that particular day, during that day, do you remember anything that happened.

A. That day. I think that was the day that Michael gave my brother a watch.

Q. Do you remember anything else that happened that day besides that.

A. Going home.

Q. Did you see Chris Tucker that day.

A. Yes.

Q. Where did you see him.

A. Michael's room.

Q. On the day you left.

A. Oh, the day we left. No. Chris took me, my brother to the resort massage area, or where -- I don't know what it's called.

Q. Okay. When he took you there, what happened.

A. He -- we got massages.

Q. Did you ever have a massage before.

A. No.

Q. Pardon.

A. No.

Q. How did you get from the hotel to the airport.

A. By a shuttle.

Q. And who was with you.

A. Michael, me and my brother, my sister, my mom, Grace, Prince and Paris, Marie Nicole, Aldo. Everyone that was there. And a guy named Dr. Farshshian, I think. I think that's how you pronounce his name.

Q. Now, did -- did you get on the plane.

A. Yes.

Q. Did all of those folks get on the plane.

A. Yes.

Q. Now, I want to go back in point of time to ask you one other question about Miami, before we start talking about the plane trip. Okay.

A. Okay.

Q. You told the ladies and gentlemen of the jury that at some point on one evening, you saw your brother acting kind of weird and saying some things that didn’t make sense.

A. Yes.

Q. Did you notice anything about your brother the next morning.

MR. MESEREAU: Objection; vague.

THE COURT: Sustained.

Q. BY MR. SNEDDON: Were you in the room the next morning when your brother -- when you woke up, was your brother in the room.

A. I think so.

Q. Did your brother have any problems the next morning.

A. He didn’t feel good. He had a headache.

Q. Anything else.

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

THE WITNESS: He was -- he had a headache. He felt like he was going to throw up. Just didn’t feel good.

MR. SNEDDON: All right. Your Honor, at this point, if we could use the lights again, I’m going to show the witness some photographs. Counsel.

(Off-the-record discussion held at counsel table.)

Q. BY MR. SNEDDON: All right. I’m going to show you some photographs. I’m going to lay them in front of you - they’re all in evidence - and I’m going to go through them one by one with you. All right. Do you recognize the photograph that’s marked as People’s No. 17 in evidence.

A. Yes.

Q. Who is that.

A. It’s Dieter.

Q. And where was it that you met Dieter for the first time.

A. In Miami.

Q. And where in Miami.

A. In Michael’s room.

Q. All right. And put that one down. Pick up the next one, People’s 18 in evidence. Do you recognize that person.

A. Yes.

Q. Who is that.

A. Ronald.

Q. And where did you meet Ronald for the first time.

A. Michael’s room.

Q. And where in Michael’s -- were you in Miami.

A. Yes.

Q. All right. Put that one down. The next photograph, which is People’s 21, who is that.

A. That’s Aldo.

Q. Where was it the first time you met the person you know as Aldo.

A. In Miami.

Q. Does Aldo have a nickname.

A. Yes, it’s Baby Rubba.

Q. Okay. Where did you meet him in Miami.

A. In Michael’s bedroom.

Q. All right. 22, People’s 22 in evidence, who’s that.

A. Marie Nicole.

Q. And where did you meet her for the first time.

A. In Michael’s room.

Q. Would that have been in Miami also.

A. Yes.

Q. All right. Put that one down. The next one is People’s 43. Do you recognize the person in that photograph.

A. Yes.

Q. Who is that.

A. It’s Grace. Prince and Paris’s nanny.

Q. Okay. You can put that one down. And the next one is People’s 14. Do you recognize that photograph.

A. Yes.

Q. Who's that.

A. That's Dustin, Chris Tucker, Aja, my sister, me and my brother.

Q. Okay. Why don't you use that little light and just show us which one is Dustin. That's the little child, correct.

A. Yes.

Q. All right. Now, I have an exhibit that I've had marked as People's 341 for identification purposes at this point.

I'm going to show it to you and ask you to look at it.

Do you recognize that.

A. Yes.

Q. And what is that.

A. It's the airplane.

Q. What airplane.

A. That we flew back from Miami.

Q. Does that appear to be the interior of that airplane.

A. Yes.

MR. SNEDDON: Your Honor, I move that 341 come into evidence.

We used it -- Your Honor, I might indicate to the Court, we used it to illustrate the various locations of the individuals as they were seated on the plane to this witness's knowledge.

THE COURT: All right. It's admitted.

MR. SNEDDON: All right.

Q. Star, would you put that down in front of you, please, and take those other photographs and stick them up on top for me. Thank you very much.

Now, I'm going to hand you this, and I'm going to give you this pen.

Actually, I changed my mind. I'm going to give you this pen.

Your Honor, with the Court's permission, I'm going to use the Elmo.

THE COURT: All right.

THE BAILIFF: You need to push "Elmo" on the little --

Q. BY MR. SNEDDON: All right. Star, turning around and looking at the exhibit that's on the board - okay. - do you see that.

A. Yes.

Q. That's just like the one in front of you, correct.

A. Yes.

Q. All right. Would you show the ladies and gentlemen of the jury where the defendant, Michael Jackson, was sitting on the plane.

Okay. Now, would you please, on your exhibit in front of you, the one that's in front of you, put an "MJ."

Now, where was your brother on the plane.

Okay. You're indicating the bottom of the diagram in the seat next to Mr. Jackson, correct.

A. Yes.

Q. All right. Would you put a "G" at that location.

A. It's not working.

Q. The pen's not working.

A. No.

MR. SNEDDON: That's all the county can afford, though.

Q. Try that one. Is that working.

A. Yes.

Q. And that's red instead of blue.

A. Yes.

Q. All right. Stick with that.

Where were you sitting on the plane.

A. Right here.

Q. All right. Would you put your -- put an "S" in there for -- and by "here," you mean to the far right side of the diagram in the white seat across from the blue couch.

A. Yes.

Q. And where was Aldo and Marie Nicole sitting, to your knowledge.

A. Aldo was sitting right here. And Marie Nicole was sitting right here.

Q. On each side of the area that's in blue, correct.

A. Yes.

Q. Okay. Would you put "A" for where Aldo is seated. And just put an "MN" for Marie Nicole on the Exhibit 341.

Now, where is -- where's your mother; do you recall.

A. She was sitting right there.

Q. So it's the -- on the lower half of the diagram, it's the seat up toward the left side, correct.

A. Yes.

Q. All right. Why don't you put a "JA" in there.

And then you mentioned a person by the name -- a doctor.

A. Yes.

Q. Doctor what.

A. Dr. Farshshian.

Q. Where was he seated.

A. Right there.

Q. Why don't you just put a "DR" in there. And that's the seat right across from where your mother was; is that right.

A. Yes.

Q. Now, who else was on the plane.

A. Prince, Paris, my sister, a lady named Patty, and Grace.

Q. Where was Patty.

All right. Why don't you just put a "P" in there.

And then the lady you've identified as Grace, the nanny, where was she.

Okay. Why don't you put a "GR" in there. And by that, you're referring to the top part of the plane, correct.

A. Yes.

Q. Now, where was your sister Davellin.

A. She was right there.

Q. Okay. Why don't you put a "DA" there.

A. The pen is starting to run out. Wait. There it goes. Never mind.

MR. ZONEN: It's just the surface.

MR. SNEDDON: The surface. All right.

Q. Did it work.

A. Yeah, it's working now.

Q. And next to Davellin was who.

A. Paris.

Q. Who.

A. Paris.

Q. All right. Just put a "PA" in there, if you would.

Now, during the time that you were on the plane, after you left Miami, did you ever get up and move to any other location on the plane.

A. Yes.

Q. Where did you move to.

All right. You're indicating in the blue area.

A. Yes.

Q. And the seat the farthest to the left of the blue area.

A. Yes.

Q. And who was in that seat when you took off.

A. Aldo.

Q. All right. So would you please put "S-1" in there.

A. The pen's not working anymore.

Q. Just try it. I think it's the surface, not the pen.

A. Okay.

Q. Did it work.

A. No. But --

THE BAILIFF: Here. Mr. Sneddon.

Q. BY MR. SNEDDON: All right. Let’s try this one.
A. It’s working.
MR. SNEDDON: Thank you.
THE BAILIFF: Uh-huh.
Q. BY MR. SNEDDON: All right. Now, was there a telephone on the plane.
A. Yes.
Q. Where.
All right. On your exhibit, put a “TF.”
A. “TF”.
Q. “TF,” where the telephone was.
Now, at any time when you were on the plane, did you see your brother and Mr. Jackson drinking anything.

A. Yes.
Q. What did you see.
A. I saw Michael with a Diet Coke can, and my brother with a Sprite can.
Q. With a -- what kind.
A. A -- I don’t know exactly what brand it is, but it was a soda can.
Q. Now, were you ever offered to drink out of either one of those cans.
A. Yes.
Q. By whom.
A. By Michael.
Q. And what did he say to you.
A. He leaned over and he handed it to me. I thought it was Diet Coke so -- I didn’t want to be rude, so I took a drink, and it tasted like the smell of, like, rubbing alcohol. It tasted really -- so I handed it back to him. And I asked him what it was, and then he said it was wine.
Q. Did you drink any more out of that can during this trip.
A. No.
Q. Did -- tell me what you saw your brother and Mr. Jackson doing during the trip.
A. I saw my brother -- after a while he didn’t feel too good. So my brother leaned over on his --

on Michael’s chest and he -- I saw Michael’s head licking my brother’s -- the top of his head.

Q. What do you mean.
A. He was just licking his head.
Q. How long did that last.
A. I don’t know. Six seconds probably.
Q. Did you notice any change in the behavior of Mr. Jackson during the flight.
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
THE WITNESS: Really weird.
Q. BY MR. SNEDDON: What do you mean, “really weird”.
A. Like, just didn’t make sense.
Q. Who.
A. Michael. And my brother.
Q. That telephone that’s on the plane, did you ever see the telephone used during the trip.
A. Yes.
Q. By whom.
A. By Michael.
Q. And what did you see happen. Or did you hear anything, also.
A. He made a crank call.
Q. I’m sorry.
A. He made a crank call.
Q. What do you mean, “a crank call”.
A. He called someone and he --
Q. You have to lean into the phone there, lean into the microphone, if you would.

What is a crank call, to you.
A. To me.
Q. What does it mean.
A. Oh. Just when you call someone and hang up on them.
Q. All right.
A. That’s what it means to me.
But what I saw Michael doing, was he called

up and he said he was having a consensus, and he wanted to know how big her p-u-s-s-y was. And that’s what he said to her.

Q. How many such calls did you hear him make.

A. Two, on the plane.

Q. Did your brother make any calls.

A. I don’t remember. He probably did.

Q. Did you make any calls.

A. No.

Q. Now, you mentioned something about a watch. When was the first time that you saw your brother Gavin with a watch.

A. It was at the end of the flight, and I saw it on his wrist.

Q. Now, did your brother ordinarily have a watch.

A. No, he never wears a watch.

Q. The first time you saw it was when you got off the plane.

A. Yes.

Q. Did you see it at all on the plane.

A. No.

Q. Where were you when you saw the watch for the first time.

A. We were leaving. We were getting off the plane.

Q. Now, did you see Mr. Jackson at any point in time wearing a jacket.

A. Oh, yeah. That was at the -- Miami. When he first opened the door, he had a black jacket with a bunch of shiny stuff on his back.

Q. When your brother got off the plane --

A. He had that on also.

Q. Now, when the plane landed, can you tell us….

Your Honor, I think we can put the lights back on, if the Court would like, and we can take this item off.

Okay. Star --

A. Yes.

Q. -- just -- we don’t need -- let me grab the diagrams.

Oh, would you write your name on the bottom of that diagram, please. “The diagram” meaning 341.

A. I’ll have to carve it in, because it doesn’t appear. There you go.

Q. All right. When you got back -- when -- excuse me. When the plane landed, did you know where you were.

A. We were at a private airport in Santa Barbara.

Q. And when you got off the plane, where did you go. I mean, what -- physically, where did you go.

A. We were heading for the ranch.

Q. And how did you get to the ranch.

A. By a stretch white Excursion limousine.

Q. Do you remember about how long it took to get from the airport to the ranch.

A. 30 minutes.

Q. And when you got to the ranch, was it daytime or nighttime.

A. Nighttime.

Q. And when you got to the ranch, what did you do.

A. We all went to sleep. And me, Aldo, my brother, we went to Michael’s room and --

Q. You’re going to have to lean into the microphone. I can’t even hear you.

A. Me, Aldo, my brother, we all went to bed. We all went to sleep in Michael’s bed.

Q. Where was the defendant, Mr. Jackson.

A. There also.

Q. Where did he sleep.

A. In the bed with us.

Q. Now, did you see -- when you got to the ranch, did you see where your mother went.

A. No.

Q. Pardon.

A. No.

Q. Did you see where your sister went.

A. No.

Q. Now, I want to jump forward just a moment, Star. Are you familiar with a person by the name of Jesus.

A. Yes.

Q. And to your knowledge, who was Jesus.

A. He was part of security.

Q. And where did you meet Jesus.

A. At the ranch.

Q. And when was the first time you met Jesus.

A. After the Miami trip.

Q. And at some point in time after you got back from Miami and you were on the ranch, did you leave the ranch with Jesus.

A. Yes.

Q. Where did you go.

A. We went to -- I think we went to our grandmother's house.

Q. Do you remember who drove you.

A. Jesus.

Q. Do you remember what car you went in.

A. It was a Rolls Royce or something like that. It was --

Q. A fancy car.

A. Yes.

Q. Now, here's what I want to do. I want to ask you some questions, Star --

A. Okay.

Q. -- about what happened when you got back on the ranch from Miami, or you got on the ranch from Miami, to the time you left the ranch with Jesus. Okay.

A. Okay.

Q. Between that time period.

A. Okay.

Q. During the time that you were there, from the time you got -- that you went to the ranch from Miami and the time that you left with Jesus, was the defendant, Michael Jackson, on the ranch.

A. Yes.

Q. During that time that you were on the ranch, can you tell us where you spent the nights during that period of time.

A. Michael's bedroom.

Q. With whom.

A. With Michael, my brother, Aldo.

Q. And where did you sleep.

A. On the bed.

Q. Where did your brother sleep.

A. On the bed.

Q. Where did the defendant sleep.

A. On the bed.

Q. And where did Aldo sleep.

A. On the bed.

Q. Do you remember who slept next to who.

A. It was -- depends on your point of view.

Q. Depends on the point of view.

A. Yeah.

Q. Okay. Who slept next to you.

A. Aldo.

Q. And who slept -- and who slept next to Aldo.

A. My brother.

Q. And who slept next to your brother.

A. Michael.

Q. Now, between the time that you got to the ranch from Miami and the time that you left with Jesus - okay. --

A. Okay.

Q. -- did you drink any alcohol.

A. Yes.

Q. Do you remember on how many occasions.

A. I think so.

Q. Pardon.

A. It was -- it was a lot of times.

Q. And with whom did you drink.

A. Only with Michael.

Q. I'm sorry.

A. Only with Michael.

Q. Was there anybody else present when you and

Mr. -- when the defendant were drinking alcohol.
A. Me, my brother, and Aldo.
Q. And where did you drink alcohol with Mr. Jackson during that time.
A. Bedroom. His office. And the wine cellar.
Q. Can you describe where the wine cellar is.
A. It’s in the arcade downstairs, and the jukebox thing covers the stairs.
Q. What did you drink when you drank with the defendant.
A. Red or white wine.
Q. How many times do you think you were in Mr. Jackson’s office and drank with him.
A. A couple times.
Q. And how many times do you think you drank with him in his bedroom.
A. A lot of times.
Q. And the cellar.
A. Probably twice.
Q. Do you remember what Mr. Jackson drank during these occasions.
A. Wine, with us. It was either red or white.
Q. Did Mr. Jackson have a term that he referred to in connection with the wine.
A. He called it “Jesus juice.”
Q. Would you describe to us -- now, I want to make sure we’re just talking about the time when you got there from Miami till the time that you left

with Jesus. Okay.
A. Yes.
Q. All right. Did you at any time, during that period of time when you were drinking with the defendant, Mr. Jackson, see him get intoxicated.
A. Yes.
Q. How many times.
A. I don’t remember. But it was probably a couple times.
Q. During the time that you stayed at the ranch, did you learn where the location of the

alcohol was on the ranch.

A. Yes.

Q. Where.

A. It was in the wine cellar. And it was also -- it was just in the wine cellar.

Q. I’m sorry.

A. It was just in the wine cellar. And there’s some type of alcohol in a refrigerated area.

Q. And where is this refrigerated area located.

A. Right when you walk in through the back of the house, of the main house, there’s, like, refrigerators and glass doors. And it’s, like, back there.

Q. And did you actually see the alcohol in that area.

A. No. But I know there was some there.

Q. The wine cellar, how do you get into the wine cellar.

A. You need a key and you need to go through a door.

Q. And did you know where the key was.

A. Not really. It was in the lounge. And I know where it was. Whoever opened the wine cellar, it was like -- it was Jesus or someone else.

Q. Were you ever in the wine cellar without the defendant.

A. No.

Q. Now, you told the ladies and gentlemen of the jury that when you were on the plane, you overheard Mr. Jackson make some crank calls, correct.

A. Yes.

Q. Were you ever present where any crank calls were made from the ranch.

A. Yes.

Q. And where was that. Where did that occur.

A. Upstairs in his bedroom.

Q. And who was present.

A. Me, Aldo, my brother, and Michael.

Q. The defendant.

A. Yes.

Q. Tell us what went on.
A. Started making crank calls.
Q. Who.
A. Michael, Aldo, me and my brother.

Q. And tell us, when you made the crank calls, how did you pick the number.
A. Just dialed any number.
Q. And when people picked up the phone, what was said.
A. I don’t know. I don’t know exactly what was said.
Q. Did you ever make any of these calls.
A. I think so, yes.
Q. What happened if nobody picked up on the other end of the line.
A. Michael would have us take a drink of wine.
Q. Who would.
A. If the phone number didn’t exist, we’d have to drink a drink of wine, or he’d have us drink wine.
Q. Did you see alcohol in Mr. Jackson’s bedroom.
A. Yes.
Q. On how many occasions.
A. Many occasions. Many occasions.
Q. Where was it, usually.
A. Probably on the floor, or around the dresser somewhere.
Q. Do you remember how many particular occasions that you -- that the four of you did these crank calls. Was it on more than one night.
A. Yes.

Q. How many nights.
A. Many nights.
Q. I’m sorry.
A. Many nights.
Q. Can you give me an estimate.
A. Seven. I don’t know exactly.

Q. Were all of these occasions where -- when you placed the crank calls before you left with Jesus.

A. Yes.

Q. Did you -- during the time that you got to Neverland Ranch and the time that you left with Jesus, did you see your mother at all.

A. No.

Q. Did you see her out around the grounds at all.

A. No.

Q. Did you visit her at all.

A. A couple times.

Q. Where did you visit her.

A. In her guest room, guest unit.

Q. Now, from the time that you arrived at the ranch from Miami till the time you left with Jesus - okay. --

A. Uh-huh.

Q. I showed you a photograph of a person that you've identified as the person you knew as Dieter.

A. Yes.

Q. Did you ever see Dieter at the ranch.

A. Yes.

Q. And the person who you identified as Ronald. Did you ever see Ronald at the ranch.

A. Yes.

Q. And the person you identified as Tyson, Frank Tyson, did you ever see him at the ranch.

A. Yes.

Q. Now, during the time that you were at the ranch, when you got there until the time you two left with Jesus, did you go to school.

A. No.

Q. Did you do any homework.

A. No.

Q. What did you do.

A. Nothing. We -- nothing.

Q. What time did you ordinarily go to bed.

A. 2:00 in the morning, and 3:00. It was really late at night.

Q. Did you see -- while you were at the ranch, between the time you arrived there from Miami till the time that you left with Jesus, did you see the defendant, Mr. Jackson, with either Dieter or Ronald.

A. Yes.

Q. On how many occasions.

A. Probably saw him about three occasions.

Q. And were both Dieter and Ronald with Mr. Jackson, or was it just one of them.

A. I think it was both of them.

Q. Do you recall where you saw them.

A. In his bedroom, in a guest unit, and in his office.

Q. Now, did you ever have any -- during the same time frame - okay. - did you have any contact with Dieter.

A. No. I don’t think so.

Q. Did the subject matter of your brother’s watch ever come up during this time.

A. Yes.

Q. Tell the jury what happened in that regard.

A. He pulled us into a guest unit.

Q. Who’s “he”.

A. Dieter.

Q. Okay.

A. And he said that he wanted to take the --

MR. MESEREAU: Objection; hearsay.

MR. SNEDDON: Your Honor, it’s offered as -- under 2 -- 1223.

THE COURT: All right. I’ll admit it conditionally, as I have other hearsay statements.

Q. BY MR. SNEDDON: Go ahead.

A. Okay. So he said that he wanted to take back the watch and put it in a safe, so when he turns 18 he could take it out.

Q. And were you present -- what did your brother say.

A. He said, “No.”

Q. Were you able to see the relationship between your mother and Dieter and Ronald.

A. What do you mean.

Q. Did you see any interaction between them, between your mother and Dieter and Ronald.

A. I don’t think so.

Q. Did you -- during this period of time, from the time you arrived from Miami until the time that you left with Jesus, did the subject matter of you participating in a video interview come up.

A. They wanted -- they wanted us to only say good things about Michael.

Q. Who’s that.

A. Dieter was telling me and my -- my mom, my brother, my sister and me, they only wanted us to say good things about Michael.

Q. Did you ever see anything written down.

A. Yes.

Q. Where. Where were you when you saw that.

A. I was in the guest unit.

Q. And who was present.

A. Dieter, me and my mom and my brother, my sister.

Q. Now, do you remember -- do you remember leaving with Jesus.

A. Yes.

Q. All right. And tell the jury what time you left and under what circumstances.

A. It was really late at night. It was really late at night, and it was spontaneous. He just -- he pulled around the car and we left.

Q. Now, where were all your clothes prior to leaving.

A. In the room.

Q. What room.

A. Guest unit.

Q. Your clothes were in the guest unit.

A. Yes.

Q. So you gathered up your belongings, you got in the car and you left. Where did you go.

A. To my grandma’s house.

Q. Now, at the time that you were at the ranch before you left with Jesus, were you -- did you personally -- not what somebody else said, but did you personally hear anybody threaten anyone.

A. When I was trying to head to my -- when I was trying to head to my mom’s guest unit, Frank approached me, and he was -- he was -- I don’t remember what I was trying to do, but I was trying to go to my mom’s guest unit, and Frank was telling me that he has ways that my grand --

MR. MESEREAU: Objection; hearsay.

MR. SNEDDON: Same offer, Your Honor.

THE COURT: All right. This is conditionally admitted under the previous instruction.

Q. BY MR. SNEDDON: Go ahead. You can tell us, please.

A. He was saying that he has ways that my grandparents could disappear.

Q. And that was told to you personally.

A. Yes.

Q. Did you tell that to anybody else.

A. No.

Q. Now, did you ever go back to the ranch after that.

A. Yes.

Q. Okay. So I want to talk about now, I want to talk about some events that occurred from the time that you left the ranch with Jesus till the time you went back.

A. Okay.

Q. Okay. Do you -- where did you spend that time.

A. At my grandma’s house.

Q. Were you ever over at Jay Jackson’s house.

A. I don’t remember.

Q. Do you remember an occasion where a private investigator came to Mr. Jackson’s house and there was an interview with you and the family.

A. Yes.

MR. MESEREAU: Objection; leading.

THE COURT: Overruled. The answer was, “Yes.” Next question.

Q. BY MR. SNEDDON: Can you tell us when you believe that to have occurred.
A. Oh, it was probably a couple days after we came back from the ranch the first time.
Q. And were you present during that conversation.
A. Yes.
Q. And did you participate in that conversation.
A. Yes.
Q. Now, you said -- I believe you just said you went back to the ranch.
A. No, when we came back from the ranch.
Q. When you came back from the ranch. Did you ever go back to the ranch.
A. Yes.
Q. Do you remember who you were with when you went back to the ranch.
A. No, I don’t remember.
Q. You went back by yourself.
A. No, I went back with my -- my brother, my sister and -- I don’t think -- I don’t know. I think it was --
Q. I’m sorry, you’re going to have to lean into the mike.
A. I think it was my brother, my sister, me and my mom.

Q. Do you remember what time it was when you got back to the ranch.
A. I don’t remember.
Q. Was it daytime or nighttime.
A. I don’t remember.
Q. Did anything unusual happen when you got back to the ranch.
A. I don’t remember.
Q. The people you’ve identified as Dieter and

Ronald --

A. Yes.

Q. -- do you remember whether or not they were at the ranch when you got back.

A. Yes, they were there.

Q. When you got back to the ranch, where did you go that night. Where did you sleep that night.

A. Michael's room.

Q. All right. And who else was there.

A. My brother, Michael. I don't -- Aldo.

Q. Pardon.

A. Aldo.

Q. Now, you -- you left the ranch again, correct. Do you remember the next time you left the ranch.

A. Yes.

Q. What was the reason you left.

A. To do a rebuttal.

Q. And who did you leave with.

A. Hamid.

Q. And do you know where you went.

A. We went to his house.

Q. By "his house," you mean who.

A. Hamid's house.

Q. And who else was with you in the car besides you and Hamid.

A. My brother and my sister.

Q. When you got to Hamid's house, what did you do.

A. Me and my brother, we sat down, we started playing video games.

Q. Was there anybody else there at the time that you arrived besides you and your brother and your sister and Hamid.

A. No.

Q. Did anybody else arrive after that.

A. Yes.

Q. Who arrived after that.

A. Vinnie, my mom, other people.

Q. Do you remember the names of any of those people.

A. No.
Q. Do you remember how many there were.
A. A lot.
Q. Now, you said you and your brother were playing video games. What room were you in.
A. The living room.

Q. And do you recall the filming -- the actual filming that occurred later. Was it in that room or a different room.
A. It was in that room.
Q. And when your mother arrived, where was your mother. Was she in that room or another room.
A. She was -- she was in another room.
Q. With you.
A. What do you mean. Like --
Q. I couldn’t hear you.
A. At what time.
Q. When she first got there, where was she.
A. She was where the pool table was.
Q. Is that in the living room or another room.
A. That’s another room.
Q. And so she was in there. How long was she in there.
A. I don’t know.
Q. You weren’t in there, right.
A. No.
Q. Now, before you left the ranch -- before you left the ranch with Hamid to go to his house - okay. - could you tell me whether or not Dieter or Ronald were there.
A. They were there.
Q. Can you tell me whether or not you had any meeting with -- or conversation with them.
A. Yes, we had a conversation with them.

Q. And what did -- let’s talk about Dieter. Who was doing the talking.
A. Dieter.
Q. What did he say.

A. He was telling me just to say only good things and -- about Michael.
Q. Who else was present during that conversation.
A. My brother, my sister, my mom.
Q. Okay. You’re at Hamid’s house and you’re about ready to -- for the filming. Do you remember what time it was when you got to Hamid’s.
A. 1:00 in the morning, when we first got there.
Q. And do you remember the filming.
A. Yes.
Q. Were you in the whole film.
A. I think so.
Q. Now, the things that you said on the film, the rebuttal film - okay.
A. Okay.
Q. You have to indicate “Yes” or “No.”
A. Oh, yes.
Q. There’s a statement in there that the defendant, Mr. Jackson, helped you do your homework. Was that true.
A. No.
Q. And there’s a statement in there that you always had his telephone number so you could get ahold of him. Is that true.

A. No.
Q. How did you feel about Mr. Jackson at the time you participated in this rebuttal film.
A. I don’t remember. Probably at that point I thought he was an okay guy.
Q. Now, after the film, do you remember about what time it was when you left.
A. 3:00 in the morning.
Q. Where did you go.
A. To Major Jackson’s house. Jay Jackson’s.
Q. Who took you there.
A. Vinnie.
Q. And who was with you when you went there.
A. Me, my brother, my sister and my mom.
Q. Do you remember meeting some ladies from

the -- social workers.
A. Yes.
Q. And when did that happen.
A. The next morning.
Q. And where did it happen.
A. At the apartment.
Q. At whose apartment.
A. Jay’s apartment.
Q. And do you remember about what time it was when that happened.
A. Probably 10:00 a.m.

Q. And who -- that morning, were there other people there besides the social workers.
A. My mom.
Q. Who else.
A. My brother, my sister and me.
Q. Anybody else.
A. Well, in the beginning of the morning, there was a, like, bodyguard sent by Michael or something. And he had a tape-recorder. And Aja was there also.
Q. And Aja is Chris Tucker’s fiancee --
A. Yes.
Q. -- at the time.
A. Yes.
Q. Had you ever met this bodyguard before.
A. No.
Q. Do you remember what his name was at all.
A. No.
Q. Would you describe him for us, please.
A. Big.
Q. You say he had a tape-recorder. How do you know that.
A. He had it in his -- I believe it was his left hand.
Q. Did you ever see him talk to your mother.
A. He said that someone wanted her to have this, or something.
Q. Were you present when that occurred.
A. Yes.

Q. You heard him say that.

A. Yes.

Q. Did you hear what your mother said.

A. No. I don’t remember what my mom said. But the -- but the three ladies said that she can’t have that, and they both need to wait downstairs.

Q. They both had to wait downstairs. Who are “they”.

A. Aja and the guy.

Q. Did they leave the room --

A. Yes.

Q. -- at some point.

A. Yes.

Q. Did you ever see the tape-recorder after that.

A. No. I never saw him after that.

Q. And then you had an interview with the ladies from -- the three social workers.

A. Yes.

Q. Now, when you had the interview with the social workers, was everybody in the same room or did they take people separately.

A. Everyone was in the same room.

Q. And do you remember any conversations with the social workers about what you said to them.

A. Not really. I don’t remember what I exactly said.

Q. Do you remember the topics that were covered by the questions.

A. I think everyone was wondering whether -- no, I don’t remember.

Q. Well, take your time.

A. I don’t remember.

Q. Was everything you told them the truth.

A. No, not exactly.

Q. What do you mean, “not exactly”.

A. Like -- I don’t know. Just, like, he never -- he never really helped us with our homework. He -- can’t think of another example.

Q. During the time -- during the entire time that you were at Neverland Ranch, from the time you got there from Miami till the time you left for the very last time - okay. - from that time period, did you ever see your mother in Michael Jackson’s bedroom.

A. No. She never left her guest unit.

Q. So how did she eat.

A. I don’t know. There’s a couple times I brought her some food I made her, but --

Q. Did you ever tell your mom the code to get into Michael Jackson’s bedroom.

A. No. She never asked.

Q. To your knowledge, did you ever see your sister Davellin sleep in that main residence/house.

A. No.

Q. To your knowledge, did your sister Davellin ever have a friend of hers that went to school with her up at the ranch during this period of time.

A. Never.

Q. Now, during the time that you knew Mr. Jackson, did he used to call you “Star”.

A. No. No.

Q. What did he call you.

A. “Blow Hole.”

Q. “Blow Hole”.

A. Yes.

Q. And when he talked to Gavin, did he call Gavin “Gavin”.

A. Yes, he called him “Apple Head” or “Doo-Doo.”

Q. And did you have a name that you called the defendant.

A. No.

Q. Did you ever -- anybody refer to him as “Michael” or “Michael Daddy,” or “Daddy”.

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

THE WITNESS: My brother called him “Daddy.”

Q. BY MR. SNEDDON: Did you hear him do that on more than one occasion.

A. Yes.

Q. How many.

A. I know it was more than twice.

Q. Now, after the -- excuse me. After you had the interview with the social workers - okay. --

A. Okay.

Q. -- where did you go.

A. Me, me brother, my sister went with Aja back to the ranch.

Q. And your mother.

A. I think she stood behind.

Q. Okay. Now, I would like to show you a few more photographs at this point, if we could.

All right. I’m going to start with a couple of photographs that are already in evidence. And I’m going to show you a photograph marked as People’s No. 30. And tell the ladies and gentlemen of the jury who that is.

A. That’s Jesus.

Q. And -- let me just leave these here, and I’ll go get them and ask you some questions.

MR. AUCHINCLOSS: Can we switch to the PC, Your Honor. Thank you.

Q. BY MR. SNEDDON: All right. So the person -- that’s the person that took you to your grandparents’ place.

A. Yes.

Q. Now, let’s look at the next one, No. 29. Who is that.

A. That’s Hamid.

Q. Do you remember where it was that you met Hamid for the very first time.

A. Can’t remember.

Q. All right. Why don’t you turn that over, then.

And the next one is 193. Is that the number on it.

A. It’s 194.

Q. 194. All right. What is that.

A. That’s not the picture I’m looking at.
Q. I’m sorry.
A. 194.
Q. What about it.
A. That’s not the picture.
Q. What’s the number.
A. That one, that’s it.
Q. That’s 194.
A. Okay.
Q. Okay. What is that.
A. This is Hamid’s living room and this is where we did the videotaping.
Q. All right. You were in here playing video games.
A. Yes.
Q. Where.
A. Right there. Right there.
Q. Were you playing it on the T.V..
A. Yes.
Q. So the T.V. that’s located on the far left-hand corner of that exhibit, correct.

A. Yes.
Q. 194.
Now, where is the area where the filming was done.
A. All in this area.
Q. You’re indicating where the glass doors are and the farthest of the two rugs.
A. Yes.
Q. Now, is -- all right. Let’s go to the last photograph. Before -- it’s already on the board.
Do you recognize that.
A. Yes.
Q. What number is that.
A. 193.
Q. And 193, is that an accurate depiction of the pool table room.
A. Yes.
MR. SNEDDON: Your Honor, 193 is not in evidence. Ask that it be admitted.
MR. MESEREAU: No objection.

THE COURT: It’s admitted.
Q. BY MR. SNEDDON: And where is the -- where is the -- can you see in that photograph the room where the video took place.
A. Yes.
Q. And “that photograph” being 193.
A. Yes.
Q. Would you show the ladies and gentlemen of the jury.

So it’s through the opening there where the rug is shown on the far left-hand side, correct.
A. Yes.
Q. All right.
MR. SNEDDON: Counsel. I just have a few more.
(Off-the-record discussion held at counsel table.)
MR. AUCHINCLOSS: Your Honor, could we black out the screen for just a moment.
Thank you.
(Off-the-record discussion held at counsel table.)
Q. BY MR. SNEDDON: I’m going to hand you those.
All right. Would you please pull up the photograph up there that has the number “125” on it.
Do you see that.
A. Yes.
Q. Do you recognize that.
A. Yes.
Q. Tell me what it is.
A. That’s the hotel that we stood at while we were getting our passports and visas.
MR. SNEDDON: Judge, could we go to “Input 1”.
Thank you.

Q. And who were you there with.
A. Frank, Vinnie, and a guy named Johnny. And

my mom, my brother and my sister.

Q. And who was in the room with you.

A. My mom, my brother and my sister.

Q. And the guy Johnny, where was he.

A. He was in the lobby.

Q. Do you know approximately how long you stayed at this place, the Country Inn and Suites.

A. Four days, something like that.

Q. All right. Let’s see the next photograph, which should be --

A. 135.

Q. -- 135. Do you recognize that.

A. Yes.

Q. What is that.

A. That’s the hotel’s kitchen. Well, that’s the room that we stood in. And that’s the kitchen.

Q. Okay. And then the next photograph, which is No. 19 that’s in evidence, do you recognize the person in that photograph.

A. That’s Vinnie.

Q. Do you remember where it was that you met Vinnie for the first time.

A. It was at the taping at Hamid’s house.

MR. SNEDDON: All right. I think we can go back to the regular lights, Your Honor.

Q. Now, you’ve told the ladies and gentlemen of the jury that you were at the Calabasas Inn for a number of days.

A. Yes.

Q. What did you do there. Tell me what -- some of the things you did.

A. We got our passports and visas.

Q. Did -- you say “we.” Who’s “we”.

A. My brother, my sister and my mom.

Q. Did you do that -- were you alone when you did that or did somebody go with you.

A. Frank and Vinnie were with us.

Q. Do you remember where you went to get the passports.

A. I think it’s -- I don’t remember where the building was. But I remember where we got a pass --

our pictures.
Q. Where did you get your pictures taken.
A. At a Walgreen's.
Q. Did -- were you with -- did you go to get a visa.
A. Yes.
Q. And who went with you.
A. Frank and Vinnie.
Q. And anybody else.
A. My mom, my brother and my sister and me.
Q. While you were at the Calabasas Inn there, did you go shopping.
A. Yes.

Q. Where did you go shopping.
A. We went to some outlets. We shopped at a Levis store, Club Banana store, and we shopped for luggage.
Q. Did you know why you were shopping.
A. Because we were going to go to Brazil.
Q. And who told you you were going to go to Brazil.
A. I think it was Frank. Because he wanted us to -- he wanted it to be educational or something.
Q. Is that what he said.
A. Yeah, that's what he was telling us.
Q. Did Frank say anything to you whether or not the defendant, Michael Jackson, was going to go to Brazil with you.
A. He said about four weeks after we were there, then Michael was going to come.
Q. So it was going to be a long trip.
A. Yeah.
Q. Do you remember anything else about the time that you stayed in Calabasas. Did you ever go to the swimming pool.
A. No.
Q. Why.
A. We never had time to. Well, we never went to the swimming pool.
Q. Did you -- during the time you were there, do you know where Frank and Vinnie were staying.

A. Yes.
Q. Where.
A. Down the hall from us.
Q. How do you know that.
A. Because we saw them.
Q. Tell us how that happened.
A. When we were -- when he set us up in our room, we saw him walk back to his room.
Q. Did you ever see them on any other occasions when they were in their room, or when you walked past their room.
A. What. I don’t -- no.
Q. Okay. So when you came back -- so after you were at Calabasas, where did you go after all that was done, the things you’ve described.
A. We went back to the ranch.
Q. And who took you back to the ranch.
A. Frank.
Q. Now, at any time while you were at the ranch, after you got back from this trip where you were at -- not “trip,” but stay at Calabasas, okay. Are you with me.
A. Yes.
Q. Okay. Did the subject of monitoring telephones ever come up.
A. Monitoring telephones.
Q. Telephone calls, yeah.
A. There’s a way that we could listen in to 1124

people’s calls.
Q. How did you know that.
A. Michael showed us. Showed us.
Q. When did he show you that.
A. I think it was after the Calabasas that we stood at.
Q. Were you present when he did that.
A. Yes.
Q. Tell us about it.
A. You just push “speaker” and “mute” -- I

don’t know, you just -- he showed us one day. And we were listening to the guards’ conversation.
Q. With who.
A. I think he was talking to another guard, or somebody. He was talking to somebody. But I don’t remember.
Q. How many occasions did you see that happen, with Mr. Jackson.
A. Two occasions.
MR. SNEDDON: May I have one moment, Your Honor.
(Off-the-record discussion held at counsel table.)
Q. BY MR. SNEDDON: All right. Now, tell us, where were these phones located in Mr. Jackson’s room.
A. The master phone.
Q. The one that you’ve told us about.

A. Oh. It’s located near the piano. On the dresser near the piano.
Q. Now, you told us earlier that there was a phone -- the time when you made crank calls --
A. Yes.
Q. -- where was that phone.
A. The phone upstairs.
Q. Upstairs where.
A. In his bedroom.
Q. So these are different phones.
A. Yes.
Q. Now, how did it work that you could overhear somebody’s conversation.
A. You push the “speaker” button, you push “mute,” and then you pushed on the green light.
Q. How did you learn that.
A. From Michael.
Q. Which of the two phones was it that you could monitor conversations on.
A. The one downstairs.
Q. All right. Now, are you familiar with a movie called “The Devil’s Backbone”.
A. Yes.

Q. All right. Where was it the first time you saw that movie.

A. Upstairs.

Q. Upstairs where.

A. In his bedroom.

Q. Whose bedroom.

A. Michael's bedroom.

Q. And how many times have you seen that movie.

A. Three times.

Q. And where did you see it the other two times.

A. In his bedroom.

Q. Did Mr. Jackson ever say anything to you about that movie.

A. There was one time, Frank was walking up, and there was a girl on the movie -- or a movie, and he just kept on saying "clitoris."

Q. Who did.

A. Michael.

Q. Do you know what that means.

A. No.

Q. Do you know what it means now.

A. No.

Q. Do you know what it meant then.

A. No.

Q. Now, was there -- after you got back from Calabasas - okay. --

A. Okay.

Q. -- was there ever an occasion where anything else unusual happened between you and your brother and the defendant, Michael Jackson.

A. Do you mean after staying at Cal -- what was it. What was the question.

Q. Yeah. Anything else unusual that you saw about the defendant, Michael Jackson.

A. No.

Q. Pardon.

A. I don't know.

Q. Do you ever recall an occasion where he walked into the room and you and your brother were on a bed.

A. Oh.

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

Q. BY MR. SNEDDON: Just -- do you recall that occasion, when you were sitting on the bed, and he walked into the room.

A. Yes.

Q. Tell the ladies and gentlemen of the jury what you saw.

A. Me and my brother were watching a movie, and Michael walked up naked. And he walked to the corner of the room, picked up something. Me and my brother were grossed out. And he sat on the bed and he told us it was natural, and then he walked back downstairs.

Q. Did either you or your brother say anything to him. Let me break it up, because I don’t want to get a compound problem here.

Did you say anything to him when he walked in.

A. I was just grossed out.

Q. No, but did you say anything to him.

A. No.

Q. Did brother say anything to him in your presence.

A. No.

MR. MESEREAU: Objection; hearsay.

THE COURT: Overruled.

Q. BY MR. SNEDDON: The answer was.

A. “No.”

Q. How long was it that Mr. Jackson was in the room with you and your brother naked.

A. Probably about two minutes.

Q. Did you see anything else about Mr. Jackson at that time.

A. No.

Q. When you say he was naked, what was he wearing, if anything.

A. Nothing.
Q. Totally naked.
A. Yes.
Q. So you could see his private parts.
A. Yes.
Q. Did you see anything about his private parts, one way or the other.
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
THE WITNESS: What.

Q. BY MR. SNEDDON: I asked you if you saw his private parts.
A. Yes.
Q. Anything unusual about his private parts.
A. Oh, he had a hard-on.
Q. That’s what you call it.
A. Well, that’s what Dr. Katz called it, so --
Q. What do you call it.
A. Erection.
Q. Either way, that’s what you saw.
A. Yes.
MR. SNEDDON: All right. I think we can get this in before the break, Your Honor, or at least part of it.
Q. I’m going to show you a series of photographs and ask you --
A. Okay.
Q. -- ask you to see if you can identify these photographs.
Okay. Now, I’m going to ask you questions about each one of these. All right.
A. Okay.
Q. But I’m just going to ask you questions to lay the foundation that they’re accurate, and then we’ll discuss what they are later. All right.
A. All right.
Q. So, make sure you don’t tell us what’s in the photograph until I’ve properly authenticated it.

All right.

A. Okay.

Q. Thanks, Star.

Let's start with the photograph that's marked as People's 91 for identification purposes. Do you recognize what's depicted in that photograph.

A. Yes.

Q. Is that -- is the -- are the items that are depicted in that photograph an accurate depiction as you know them to be.

A. Yes.

Q. All right. Why don't you turn that one over. And we're going to have to do this through all of them, okay.

The next one's 93, I believe.

A. Yes.

Q. With regard to 93, is that an accurate depiction of the area as you know it to be.

A. Yes.

Q. And the next one is 92; is that correct.

A. Yes.

Q. Is that the right number.

A. Yes.

Q. All right. And is that an accurate depiction of the area as you know it to be.

A. Yes.

Q. All right. And the next one is 90; is that correct.

A. Yes.

Q. And is that an accurate depiction of the area as you know it to be.

A. Yes.

Q. And the next one is what number. 69.

A. Yes.

Q. Is that an accurate depiction of the area as you know it to be.

A. Yes.

Q. And 55, is that the next one.

A. Yes.

Q. And is that an accurate depiction.

A. Yes.

Q. And what is the number on the next one.
A. 58.
Q. And 58, is that an accurate depiction --
A. Yes.
Q. -- of the area as you know it to be.
A. Yes.
Q. All right. And the next one is 158.
A. Yes.
Q. And is that an accurate depiction of the area as you know it to be.
A. Yes.
Q. And the next one is 165.
A. Yes.
Q. And is that an accurate depiction of the area as you know it to be.

A. Yes.
Q. And 71.
A. Yes.
Q. Do you recognize that.
A. Yes.
Q. Is that an accurate depiction.
A. Yes.
Q. All right. 72.
A. Yes.
Q. Is that an accurate depiction.
A. Yes.
Q. All right. Turn that one over. And 74, is that the next one.
A. Yes.
Q. Is that an accurate depiction of the area as you know it to be.
A. Yes.
Q. All right. Turn that over. Now, the next two should be 75; is that correct.
A. Yes.
Q. That’s already in evidence. So just turn that over for right now. And is the next one 76. Correct.
A. Yes.
Q. And that’s already in evidence, so why don’t

you turn that one over. And the next one is 78.

A. 77.
Q. 77. I’m sorry. I was just checking. Do you recognize that area.
A. Yes.
Q. Is that an accurate depiction of the area as you know it to be.
A. Yes.
Q. All right. And 78.
A. Yes.
Q. Is that an accurate depiction of the area as you know it to be.
A. Yes.
Q. And 79.
A. Yes.
Q. Is that an accurate depiction of the area as you know it to be.
A. Yes.
Q. And the next one, I believe, is 94, correct.
A. Yes.
Q. Is that an accurate depiction of the area as you know it to be.
A. Yes.
Q. And the next one is 97.
A. Yes.
Q. Is that an accurate depiction of the area.
A. Yes.
Q. And then 95.
A. Yes.

Q. Is that an accurate depiction of the area as you know it to be.
A. Yes.
Q. And 96.
A. Yes.
Q. Is that an accurate depiction of the area.
A. Yes.
Q. All right. Thank you.

That's the last one, correct.

A. Yes.

MR. SNEDDON: Your Honor, at this time I was going to propose that we show those photographs to the jury, but I see -- I believe it's close to the break time.

THE COURT: A few more minutes.

MR. SNEDDON: Do you want me to turn out the lights and get started.

All right. Fine.

I move that all those be admitted into evidence.

THE COURT: Any objection.

MR. MESEREAU: No objection, Your Honor.

THE COURT: They're admitted.

Q. BY MR. SNEDDON: All right. We're now looking at the exhibit marked -- what -- do you have 91 in front of you.

A. Yes.

Q. All right. Tell us what 91 is.

A. It's Michael's downstairs bedroom.

Q. Now, do you see anything in that photograph that is different than it was when you were there.

A. That photo wasn't there.

Q. The photo against the far wall.

A. Yes.

Q. Of the child.

A. Yes.

Q. Anything else.

A. No.

Q. Okay. Let's move to -- did we establish where this was, 91, in the house.

A. Yes.

Q. Where is it.

A. It's Michael's downstairs.

Q. Downstairs to what.

A. Bedroom.

Q. Now, let's move over to 93. Is that 93 that you have in front of you.

A. Yes.

Q. All right. 93, do you recognize that.

A. Yes.

Q. What is that.

A. That’s the downstairs bedroom. Downstairs.

Q. Is there anything in this part of the photograph that was different from when you were there.

A. No.

Q. All right. Let’s move to 92.

All right. Do you have 92 in front of you.

A. Yes.

Q. Is that the same one that’s on the screen.

A. Yes.

Q. All right. Is there anything in this photograph that’s different from the time when you were there.

A. Or, wait a minute. That isn’t right. 92.

Q. Show me what 92 is.

A. That one’s 90.

Q. All right. Let’s go back one, then. The next one.

Let me have that for just a second, Star.

(Off-the-record discussion held at counsel table.)

MR. SNEDDON: It’s not in there. Okay. All right.

Q. 92, I guess we didn’t get it into the Power Point. So just do that on your own. Describe to us what 92 is.

A. It’s the downstairs of Michael’s bedroom.

Q. Okay. Anything about that photograph, 92, that’s different from when you were there.

A. Uhh --

Q. That’s a different photograph. Just tell us.

A. Right next to the T.V. there’s -- there used to be, like, a jukebox thing.

Q. And it’s not there now in that photograph.

A. No.

THE COURT: All right. Let’s take our break.

(Recess taken.)

THE COURT: Go ahead.

MR. SNEDDON: And we’re going to continue with the photographs. Thank you.

Q. All right. Would you tell us what No. 90 is.

A. It’s the downstairs of Michael’s bedroom.

Q. And is there anything different about this photograph, People’s 90, than when you saw it when you were there.

A. Should be, like, the music playing thing, juke box. Where all the boxes were. And that’s it.

Q. Could you show the ladies and gentlemen what area you’re talking about.

So it’s the area right next to the red seat with the child upside down.

A. Yes.

Q. So those boxes weren’t there then.

A. No.

Q. All right. Why don’t you turn that photograph over.

And let’s go to the next one, which should be People’s No. 69; is that correct.

A. Yes.

Q. All right. Do you recognize People’s 69.

A. Yes.

Q. Is 69 the same one that’s up on the board there behind you.

A. Yes.

Q. All right. Now, tell us what 69 is.

A. It’s the downstairs room of Michael’s. And that’s the master phone, right there. Right there.

Q. And that’s the one you talked about earlier in your testimony.

A. Yes.

Q. All right. And just to the left of that is a doorway entrance. Do you know what room that enters into.

A. It enters into, like, a bathtub almost.

Bathtub.

Q. All right. And is there anything different in this photograph than when you were there.

A. The extra telephone wasn’t there.

Q. What’s that.

A. The extra telephone wasn’t there.

Q. So you’re talking about the one that’s to the right.

A. Yes.

Q. You see the all-white one on the photograph.

A. Yes.

Q. All right. Let’s go to the next photograph, if we can. What is the number in front of you.

A. 55.

Q. All right. Will you tell us about 55.

A. That’s the cash register.

Q. Lean into the microphone, please.

A. That’s the cash register, and -- in Michael’s room downstairs.

Q. All right. And through the door, what leads through that room.

A. It leads to, like, the Jacuzzi tub.

Q. All right. Do you see anything in that photograph that’s different than when you were there.

A. No.

Q. Let’s go to the next photograph, if we could. And is that No. 58.

A. Yes.

Q. All right. Do you recognize 58.

A. Yes.

Q. Tell us about 58.

A. That’s the inside -- that’s --

Q. Inside of what.

A. Michael’s room. Downstairs in the -- it’s the room all the way to the left, inside of it.

Q. Do you have a name for that room.

A. It’s probably a bathroom or rest room.

Q. Did anything occur in this room while you were there.

A. There’s a black suitcase.

Q. What about it.

A. It had pornography in there.

Q. In this room.

A. Yes.

Q. All right. Let's put that down for just a second.

And the next number.

A. 158.

Q. All right. What's 158.

A. It's a close-up on the master telephone.

Q. Is this the telephone you were talking about.

A. Yes.

Q. Yes. And is that -- anything different in that photograph than when you were there.

A. No.

Q. All right. Let's go to the next one. And what is that.

A. It's the same thing. But different angle.

Q. Now, can you tell us -- could you just illustrate to the jury, using the laser, if you would, how it worked that somebody could overhear a conversation of another party.

First of all, how would you know somebody else is using the phone, to your knowledge.

A. A green light will light up.

Q. Where would the green light light up.

You're indicating on a row of buttons to the -- is that correct.

A. Yes.

Q. And then what would happen when the light would light up. What would you have to do.

A. You would have to push "Speaker," and then you'll push "Mute."

Q. Careful with that razor.

A. And then you'll push "Mute," and then you'll push on the button that's lit up.

Q. And then what.

A. And then you can listen to the conversation.

Q. All right. Okay. The next photograph.
A. 71.
Q. Yes. What is that.
A. This is downstairs, Michael’s bedroom.
Q. All right. And have you been in that room.
A. Yes.
Q. Is there anything different about that room, as you look at it now, than when you were there.
A. No.
Q. Let’s go to the next one. What number is that. 78.
A. 72.
Q. 72. Can’t read my own handwriting. Tell me about 72.
A. That’s the stairway leading up to Michael’s bed area.
Q. Anything different about that photograph.

A. No.
Q. Than when you were there.
A. No.
Q. All right. Let’s move to 74. Do you recognize that.
A. Yes.
Q. What’s that.
A. That’s the stairway leading to Michael’s bedroom.
Q. Is there anything different in that photograph than when you were there.
A. Yes.
Q. What.
A. This wasn’t here.
Q. That little gate.
A. Yes.
Q. Anything else.
A. And -- that’s it.
Q. Okay. 75. Do you recognize that.
A. Yes.
Q. All right. Tell us what that is.
A. This is Michael’s bed area.
Q. Now, is there anything in that photograph that’s different than when you were there.

A. No.
Q. I’m sorry. I didn’t hear you.
A. No.
Q. Okay. All right. Put that one down, then, if you would. 76.

A. Yes.
Q. Do you recognize that.
A. Yes.
Q. What is that.
A. That’s Michael’s bedroom.
Q. Is there anything different in this photograph than when you were there.
A. No. Except the crib wasn’t there and the computer wasn’t there either.
Q. What are you calling a computer. So the item that’s just to the left of the crib.
A. Yes.
Q. And the crib is in the far right-hand side in the middle of the photograph.
A. Yes.
Q. Anything else.
A. No.
Q. All right. Let’s go to the next photograph, 77. All right. 77. Do you recognize that.
A. Yes.
Q. Tell us what it is.
A. That’s Michael’s bedroom.
Q. All right. You’ve already told us that the crib and the computer weren’t there. Is there anything else different in this photograph that’s different than when you were there, in People’s 77.

A. All this stuff wasn’t here.
Q. What stuff. You’re talking about the items that are on the floor.
A. Yes.

Q. To the right-hand side of the photograph.

A. Yes.

Q. I see in the back, there is what appears to be some kind of a statue or a mannequin of some kind.

A. Yes.

Q. Do you see that.

A. Yes.

Q. Was that there when you were there.

A. Yes.

Q. Was it in that location or in another location.

A. It was in that location.

Q. Was there anything different about the mannequin when you saw it than when it's depicted in that photograph.

A. It had hair.

Q. What kind of hair.

A. Braided hair.

Q. All right. Let's go on to 78. Now, look at that. Is that 78.

A. Yes.

Q. I mean back there.

A. Yes.

Q. All right. Now, anything else in this photograph that you haven't already told us about that was different than from when you were there.

A. There used to be a computer table right here.

Q. And what about the black part, the -- was that there.

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

THE WITNESS: No.

Q. BY MR. SNEDDON: "No," what.

A. It wasn't there.

Q. Anything else.

A. The stuff in front of it, it wasn't there either.

Q. What stuff in front of it. Could you show the jury.

You're indicating the items at the bottom of the photograph on the floor; is that correct.

A. Yes.

Q. Now, on this particular photograph, there's a screen. What appears to be a screen. Do you see that.

A. Uh-huh.

Q. Do you know how that screen works.

A. It comes down.

Q. Do you know how it comes down; I mean, how you activate it to come down or go up.

A. Not really.

Q. Was that screen down the entire time you were there or was it up on some occasions.

A. It was up on some occasions.

Q. All right. Let's move on to the next photograph. And that number is.

A. 79.

Q. All right. Now, 79. Do you see anything in that photograph that's different from when you were there.

A. All this stuff wasn't here.

Q. All right. Show us.

So the -- you're indicating from -- was the chair there.

A. No.

Q. And the paintings or photos, were they there.

A. No.

Q. Those are the items at the bottom of the photograph below the screen, correct.

A. Yes.

Q. Now, you told the ladies and gentlemen of the jury that there was a computer table there.

A. Yes.

Q. Or a table of some kind.

A. Yes.

Q. Could you describe to the ladies and

gentlemen of the jury what that table looked like.
A. It had drawers, and then it had an opening.
Q. Okay. How many legs did it have or --
A. Four legs.
Q. And what was on top of it.
A. A computer.
Q. What kind of a computer.
A. An old computer. It was pretty big.
Q. Sorry.
A. It was big.
Q. All right. Let's move on to the next photograph.
What's People's 94.
A. That's a toy room.
Q. Okay. Is there anything different about that than when you were there.
A. No.
Q. How about the next one. Is that 97.
A. Yes.
Q. What about 97. Anything different about that than when you were there.
A. There used to be a rocking horse.
Q. Where. Right where that pinkish item is.
A. Yes.
Q. Just below R2-D2.
A. Yes.
Q. Anything else.

A. No.
Q. Okay. The next photograph, what number is that.
A. 95.
Q. Anything different about 95.
A. No.
Q. How about 96.
A. No.
Q. All the same. Anything different.
A. No.
Q. Okay. Why don't you put that up, then.
Now, before we move on to the next area, I neglected to do something earlier.
We can turn the lights on, Your Honor.

Your Honor, I -- oh, Counsel.

Okay. I’m going to hand you an exhibit that’s part of the exhibit that’s already in evidence that’s 260, and ask if you recognize that.

A. No.

Q. Do you recognize the person in it.

A. Yes.

Q. Who’s that.

A. Me.

Q. Were you present when the information was filled out on that document.

A. No.

Q. Okay. I’m going to ask you a few questions about it in just a second.

261, do you recognize that.

A. No.

Q. Pardon.

A. No.

Q. Do you recognize the photograph of the person in that document.

A. Yes.

Q. Who’s that.

A. Me.

Q. Were you present when the information was filled out.

A. No.

Q. All right. I’ll have to ask you a few questions now.

We’re going to change over to the Elmo, Your Honor.

Now, 261 is an exhibit that’s in evidence, Star. With regard to the writing on that particular exhibit, did you place any of that on there at any time.

A. No.

Q. Underneath your photograph, which is on the left-hand side of that particular exhibit, is that your signature.

A. No.

Q. On the area -- do you have your little red thing.

A. Yes.

Q. Okay. I'm going to ask you to use it.
Straight across from your photograph, all the way over on the right-hand side, there's a box. That box right there, okay. And it says "Italy" and "France." Did you ever hear anything about you going to Italy or France.
A. No.
Q. Okay. Now, let's take the next document, which is 261.
Now, the photograph, do you recognize the photograph.
A. Yes.
Q. Who is that.
A. Me.
Q. And is that your handwriting on that particular document.
A. No.
Q. Were you present when that information was filled out.
A. No.
Q. Do you know what that document is.
A. Not really.
Q. All right. Thank you.
We can turn the lights on, Your Honor.
Okay. I have another exhibit I'd like to have marked as 470 for identification purposes.
There's no edges on it.
THE CLERK: Here's another one.

MR. SNEDDON: All right. For the record, Your Honor, 470 is a clear plastic bag with the number "122980" in white on the front of it. And it's been marked 470 for identification. I've shown it to counsel.
MR. MESEREAU: Excuse me, Your Honor. Could I ask that the prosecutor and the witness be admonished to follow your order with respect to describing the contents.

THE COURT: Yes.

MR. MESEREAU: Thank you, Your Honor.

Q. BY MR. SNEDDON: I'm going to show you 470. Recognize that.

A. Yes.

Q. What is it.

A. This is the suitcase that held all the pornography in it.

MR. MESEREAU: Objection; move to strike.

THE COURT: It's stricken. The pre-trial order requires that you and the witness refer to adult material as "adult material," not the conclusion.

MR. SNEDDON: Okay. I don't even know --

THE COURT: There are a couple words that you could use.

MR. SNEDDON: I'm not sure he would know any of those words, but I'll -- could I have a second to talk to him about it, then. I didn't know that

meant to the witness, because that would be me telling him words, but -- okay. Let me just....

(Whereupon, there was an off-the-record discussion held between the witness and Mr. Sneddon.)

Q. BY MR. SNEDDON: All right. Where was that exhibit the first time you saw it.

A. It was -- it was in the downstairs, near the bathtub that was like a Jacuzzi. It was near there.

Q. All right.

THE COURT: Just a minute, Counsel. I want to tell the jury something about our last little discussion, because I don't want to leave this up in the air like that.

The -- the reason that the witness and the attorneys are to refer to this material as "adult material" - or there's another word I used, I can't remember now - instead of "pornography," is that "pornography" really is a legal conclusion that the trier of fact is the person who decides what the nature of the material is.

So by having the witness and the attorneys

refer to it in a somewhat neutral time frame, it stops any conclusions from being made that would bias the jury. That’s the whole purpose.
Go ahead, Counsel.
Q. BY MR. SNEDDON: Who was with you when you saw that suitcase for the first time.

A. Me, my brother, Aldo, and Michael.
Q. The defendant.
A. Yes.
Q. And who -- how was it that you were actually shown that suitcase.
A. Uhh --
Q. Tell us what happened.
A. Just walked in the room and it was open. It was -- there used to be a couch right there.
Q. Yeah.
A. And -- well, it wasn’t really a couch. It was like a chair. And it was on there, and it was open.
Q. All right. And then what happened.
A. Michael just started to show us magazines.
Q. You say “show” you. Tell us what he did.
A. He handed them to us.
Q. All right. And did you look at them.
A. Yes, with him.
Q. And did you look at them one at a time or did everybody have a different one at a different time. How did it happen. Tell us what happened.
A. We all looked at them one at a time.
Q. Did anybody make any comments about anything.
A. No.
Q. Do you remember how many of them you saw.
A. A couple.

Q. How long was it that you were there going through them.
A. I don’t know. Probably ten minutes.
Q. Now, when did that take place, when you saw

these for the first -- that suitcase for the first time.
A. When.
Q. Yeah.
A. I think after the Calabasas hotel.
Q. Now, I have one other exhibit that is No. 86 marked for identification purposes.
Now, I’m going to show you this in just a second, but I want to talk to you a little bit more.
Did you ever see that black suitcase that’s been marked as People’s 470 before. After that, after the time that you discussed --
A. Yes.
Q. Where.
A. It was upstairs in his bed area.
Q. Where.
A. In his -- where his bed was.
Q. And where in his bedroom.
A. Near the T.V.
Q. All right. And where were you.
A. What do you mean.
Q. Where were you in the bedroom.
A. On the bed.
Q. All right. Who was with you.

A. Aldo, my brother and Michael.
Q. And where was the suitcase located. I mean, how did -- did you ever look at the suitcase, inside of it.
A. Yes.
Q. What happened.
A. There was adult material in there.
Q. All right. But how did it get opened.
A. Michael pulled it out.
Q. All right. Tell us what he did.
A. He picked it up, sat on the bed and opened it.
Q. And then what.
A. He pulled the magazine out and started showing us.
Q. How many magazines do you think you saw that time.

A. Four. Three. I don’t know.
Q. Did you look through the entire magazines.
A. No. It was probably a section or something like that.
Q. What did you see in the magazines.
A. Nude females.
Q. What.
A. Nude females.
Q. Do you remember the names of any of the titles of the magazines that you saw.
A. “Barely Legal” and “Playboy.”

Q. Were there others that you saw besides that, or are those the only ones you saw.
A. Those are the only ones I remember.
Q. I’m going to show you a photograph marked as People’s 86 for identification purposes.
And that’s -- first of all, I’m going to move that People’s 470 be admitted into evidence, Your Honor.
MR. MESEREAU: Objection; foundation.
THE COURT: We’ll take that up separately.
Q. BY MR. SNEDDON: All right. People’s 86.
Do you recognize that.
A. Yes.
Q. Is that an accurate depiction of what it represents.
A. Yes.
Q. All right. I’m going to ask you some questions about People’s 86.
And put it on the board, Your Honor. I move it be admitted into evidence.
MR. MESEREAU: Objection. Foundation; and authenticity and relevance.
THE COURT: On 86.
MR. SNEDDON: Yes. I asked him and he said it accurately depicted the materials.
THE COURT: I’m not sure. I haven’t seen the --
MR. SNEDDON: In your book, it’s No. 86,

Your Honor --
THE COURT: Okay.
MR. SNEDDON: -- in your photographs.
MR. MESEREAU: Also 352, Your Honor.
THE COURT: I don’t think that’s an adequate foundation for that particular photograph, that it accurately depicts what it is. You need a further foundation.
Q. BY MR. SNEDDON: Star, the materials that are depicted in that photograph, People’s 86, do you see those.
A. Yes.
Q. Do you recognize any of those.
A. Yes.
Q. Where do you recognize them from.
A. The black suitcase.
Q. And which time.
A. The first and second time.
Q. Does that photograph represent the items that you saw with the defendant, Michael Jackson.
A. Yes.
Q. In his bedroom and in his Jacuzzi, or in his bathroom.
A. Yes.
MR. SNEDDON: I move it be admitted, Your Honor.
THE COURT: All right. That is an adequate foundation.

Your 352 was on what basis, Counsel.
MR. MESEREAU: He didn’t identify some of what’s in that photograph, Your Honor, at all.
THE COURT: I found that the foundation is adequate now. You had a 352 objection.
MR. MESEREAU: Yes.
THE COURT: What was that.
MR. MESEREAU: Well, basically because he didn’t identify it, and because after describing what he said was there, and then looking at the photo and saying it accurately depicts it, he didn’t identify everything, I think basically it’s

prejudicial and irrelevant.
THE COURT: All right. The probative value exceeds the prejudicial --
THE DEFENDANT: I can’t hear.
THE COURT: It’s admitted.
THE DEFENDANT: I can’t hear you.
MR. SANGER: Your Honor, it’s a little hard for Mr. Jackson to hear you.
THE DEFENDANT: Please speak up.
THE COURT: Yes. The probative value of Exhibit 86 exceeds any prejudicial effects, and so it’s admitted.
THE DEFENDANT: Thank you.
THE COURT: Sorry.
Q. BY MR. SNEDDON: Star, the exhibit that we have on the board up there, the suitcase, and it’s open and displayed, are those among the items that you saw with Mr. Jackson.

A. Yes.
Q. Do they represent the things that you saw with him when he took the magazines out.
A. Yes.
Q. All right. On the occasion that you saw the materials from this suitcase that are depicted in this photograph - okay. - who else was present.
A. My brother and Aldo, me, and Michael.
Q. Do you recall how many -- how much time elapsed between the first time you saw the materials downstairs till the time you saw them upstairs.
A. A few days.
Q. And did you see how the suitcase got from downstairs to upstairs.
A. No.
Q. When you saw the suitcase in the bedroom, upstairs, on the second occasion, was it open or was it closed.
A. It was open.
Q. And where was it on the floor, or where was it in the room.
A. On the floor.
Q. And where.

A. Right next to the T.V.
Q. So when you say “it’s open,” tell me what you mean by “it’s open.”

A. It was cracked.
Q. What do you mean by that.
A. It was cracked open.
Q. Do you see the briefcase in the exhibit as we see it in the courtroom.
A. Yes.
Q. All right. Was it open in that condition.
A. No. No.
Q. Was the lid up or down when you saw it in the bedroom.
A. It was -- it was like this, standing up. And it was cracked open.
Q. Oh, the briefcase.
A. Yes.
Q. Oh, I see. So it wasn’t in the same position that it’s shown in this photograph.
A. No.
Q. Now, how about when you saw it downstairs.
A. It was like that, but it was closed.
Q. Like what.
A. Standing straight up, but it was closed, leaning up against something.
Q. In the bathroom area.
A. Yes.
Q. And how did it get opened.
A. What do you mean.
Q. Well, you said it was closed. You looked at the material --

A. The first time it was closed. The second time it was cracked open.
Q. Okay. We can take that down.
THE BAILIFF: Do you want to go ahead and push “Black Screen”.
MR. SNEDDON: Counsel.
THE BAILIFF: Judge, can you push “Black

Screen”.

Q. BY MR. SNEDDON: Hang onto that for just a second.

All right. Do you recognize the photograph I’ve just handed you, which is People’s 153. Is that the right number on it.

A. Yes.

Q. All right. Do you recognize that.

A. Yes.

Q. Is that an accurate depiction of the -- of what it purports to represent.

A. Yes.

Q. As you saw it when you were there.

A. Yes.

MR. SNEDDON: All right. I move that 153 be admitted into evidence.

MR. MESEREAU: No objection, Your Honor.

THE COURT: It’s admitted.

Q. BY MR. SNEDDON: All right. Star, would you tell the ladies and gentlemen of the jury what 153 is.

A. It’s a mannequin.

Q. And where was the mannequin located in the room when you saw it.

A. To the corner.

Q. And with regard to this particular mannequin, did you ever see anything, relative to the defendant in this case, occur.

A. Yes.

Q. Tell the ladies and gentlemen of the jury what you saw.

A. He was -- one time -- he was jerking around and he grabbed the mannequin, and he was pretending like he was having intercourse with it.

Q. And where did that occur.

A. On the bed. He was fully clothed. He was acting like he was humping.

Q. I didn’t hear what you said.

A. He was acting like he was humping it.

Q. Now, who else was in the bedroom when this happened.

A. Aldo, my brother and me.
Q. And do you remember how this -- how it started or what happened, or were there --
A. I don't even remember. I'm sorry.
Q. Did the defendant say anything while he was doing it.
A. He was laughing.
Q. And how long did the whole episode last.

A. Probably five seconds.
Q. Okay. Do you want to put that down.
Star, did you -- can you tell us whether or not the topic of masturbation ever came up in any conversations with the defendant.
MR. MESEREAU: Objection; leading.
THE COURT: Sustained.
MR. SNEDDON: Judge, "whether or not" makes it an open-ended question. It doesn't suggest the answer. I don't mean to argue with the Court, but I mean --
MR. MESEREAU: It does not, Your Honor. That's leading.
THE COURT: Could you rephrase the question.
MR. SNEDDON: Yes, Your Honor. I can do that.
Q. Star, did you ever have any conversations with the defendant about any other sexual matters.
A. Yes.
Q. About what.
A. Masturbation.
Q. All right. Will you tell the ladies and gentlemen of the jury --
A. I don't know how the topic came about, but he was asking me if I ever masturbated. And I said, "No." And he said --
MR. MESEREAU: Objection. There's no question pending. He just went off.

THE COURT: Sustained.
MR. SNEDDON: I'll frame one, Your Honor.

Q. Okay. So did you have a conversation.
A. Yes.
Q. All right. Now, would you tell the ladies and gentlemen of the jury, where was it.
A. It was -- this was when another child was here. His name was Rio.
Q. I can’t hear you.
A. This was in Michael’s bedroom.
Q. And who else was present, if anyone.
A. Rio, my brother, and that was it. And me.
Q. And to your knowledge, who is Rio.
A. I don’t know.
Q. Somebody you met at Mr. Jackson’s.
A. Yes.
Q. And do you recall when this was in terms of before or after you went to Calabasas.
A. It was after.
Q. And do you recall whether it was in the daytime or at nighttime.
A. Nighttime.
Q. All right. Would you tell us what was said, what the defendant said.
A. He asked me if I masturbated. And I said, “No.” He -- he -- then he said to me that, “Everyone does it. You should try it. It’s okay,” and all this stuff.

Q. Were you the only one he asked that question of.
A. Yes. Well, yeah. Yes.
Q. And when you said, “No,” did he say anything else.
A. Yeah. He said, “It’s okay,” and “Everyone does it,” and “You should try it.” That’s what he said.
Q. Was there anything else said besides that.
A. No.
Q. Do you -- when you came back from Calabasas --
A. Uh-huh.
Q. -- okay. - till the time that you left - all right. - where did you sleep.

A. In Michael’s room. And towards the end, I slept in the guest unit.
Q. And was there any drinking that went on during that period of time.
A. Yes.
Q. And who was drinking.
A. Mostly my brother and Michael.
Q. You say “mostly.” Did you drink.
A. Yes.
Q. On the occasion that you were there with -- in the room with Mr. Jackson and your brother, and this person that you know -- is it Rio.
A. Yes.

Q. -- were you drinking then.
A. I think so.
Q. Do you remember what you were drinking.
A. Just wine.
Q. Now, on the evenings after you came back from Calabasas and until you stopped sleeping in Mr. Jackson’s room, where did your brother sleep.
A. Michael’s room.
Q. During that period of time, was there an incident where you saw Mr. Jackson come into bed with you and your brother.
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes. I was --
Q. BY MR. SNEDDON: Just -- just -- you can only answer “Yes” or “No.”
A. Yes.
Q. All right. Now, you said there was an incident. Where were you prior to the time that Mr. Jackson came into the room.
A. Sleeping.
Q. Where.
A. On the bed.
Q. And where was your brother.
A. Right next to me.
Q. All right. We’ve seen that bed here in the photographs. Okay.

A. Okay.

Q. And when we’re looking straight at the bed towards the back of the wall - okay. - where were you located on the bed.

A. All the way to the right.

Q. And where was your brother.

A. In the middle.

Q. And were you under the covers.

A. Under the covers.

Q. Over the covers.

A. Under the covers.

Q. And how were you dressed.

A. In PJ’s.

Q. Do these PJ’s -- describe them.

A. Sweat pants.

Q. I’m sorry.

A. Sweat pants and a shirt.

Q. All right. And do you recall what your brother was wearing.

A. Not really.

Q. Now, did you see -- tell us what happened.

A. I was sleeping. It was in the morning. And I saw Michael come up, and I tried to say hi, but I couldn’t. He got in bed. Started scooting over closer and closer to my brother. And for a time he didn’t stop until I moved, and then he stopped.

Q. And what happened when he heard you move.

A. He stopped.

Q. Okay. Did you see whether or not he did anything.

A. No. I was -- no.

Q. Okay. Okay. Star, we’re almost done.

Okay.

Now, some night when you were at -- at the ranch - all right. - did you go up to Mr. Jackson’s bedroom by yourself.

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

THE WITNESS: Yes.

Q. BY MR. SNEDDON: Where had you been just prior to that.

A. I was heading to the theater.

Q. Where.

A. I was heading to the theater.

Q. Why were you going to the theater.

A. To get some chocolate.

Q. How did you get down there.

A. The golf cart.

Q. Did you get some chocolate.

A. Yes.

Q. And what did you do when you came back.

A. I was heading to Michael’s room to go to sleep.

Q. All right. Would you tell the ladies and gentlemen of the jury what you did when you got to the house.

A. Um, I went through the door.

Q. Which door.

A. The first door. The first door. And then the second door, it was kind of -- I don’t know, it was, like, kind of locked. And so I pushed on it till it opened, and then --

MR. MESEREAU: Objection, Your Honor. Could we have a time. Vague as to time.

THE COURT: Overruled.

Go ahead.

THE WITNESS: So I went upstairs, and --

Q. BY MR. SNEDDON: Let’s go back. You were at the door, and the door what.

A. The door was kind of locked, so I pushed it, and it opened. So I went halfway to where the computer table used to be, and I saw directly into the bed. And I stopped. And my brother was outside of the covers. And I saw Michael’s left hand in my brother’s underwears and I saw his right hand in his underwears, so -- so I --

Q. Let’s just stop there for a second - okay. --

A. Okay.

Q. -- and ask you some questions. Why were you coming back to the room that night, after you’d gone down to get the chocolate.

A. To go to sleep.

Q. When you got to the point on the stairs where you saw your brother and Mr. Jackson on the bed - okay. - when you’re looking at the bed, just like we saw it on the photograph here - what side of the bed was the defendant on.

A. Left side.

Q. And what side was your brother on.

A. Right side.

Q. And what position was Mr. Jackson in.

A. On his back. On his back.

Q. And what position was your brother in.

A. He was curled up, looking to the left. He was curled up facing left.

Q. Now, would that be looking towards Mr. Jackson or away from Mr. Jackson.

A. Away.

Q. Now, at that time, could you see what the defendant was wearing.

A. Socks, underwears and an undershirt.

Q. Now, could you tell what kind of underwear it was.

A. No.

Q. I mean -- I’m sorry.

A. No.

Q. With regard to your brother, what was he wearing.

A. I can’t quite remember what he was wearing. I’m not --

Q. Do you remember what you could see of him. Was there part of him that he didn’t have anything on.

A. Yeah, I know he had a shirt and -- he had his socks. I think he had pants or underwears on. I don’t remember.

Q. All right. Now, you said you saw “his hand.” Whose hands are you talking about.
A. Michael’s.
Q. All right. And where were his hands.
A. Left hand was in my brother’s pants and right hand was in his pants.
MR. MESEREAU: Objection; asked and answered.
THE COURT: Overruled. You may proceed.
Q. BY MR. SNEDDON: Now, when you say “in his pants,” and who are you talking about.
A. Michael.
Q. All right. When you saw that, did you see what, if anything, he was doing.
A. He was masturbating.
Q. What do you mean by that.
A. He was rubbing himself.
Q. And how could you tell that.
A. Because he had his hand in his pants. And he was stroking up and down.
Q. Did you see anything else about the defendant while he was doing that.
A. No.

Q. What else did you see.
A. That’s all.
Q. Could you tell whether Mr. Jackson had his eyes open or closed.
A. He had his eyes closed.
Q. Could you tell whether or not your brother was asleep or not.
A. He was asleep.
Q. How do you know that.
A. Because he was kind of snoring.
Q. I can’t hear you. You’re going to have to talk into that mike.
A. He was kind of snoring.
Q. Now, on this particular occasion, how long did you stay there watching.
A. Couple seconds.
Q. Well, how long is that.
A. Four.

Q. What were the lighting conditions like in the room.

A. The stairs were only lit, and the rest was -- nothing else was -- had lights on. It was just the stairs had lights.

Q. So you saw the photographs earlier that we showed that had the lights on over the bed, correct.

A. Yes.

Q. Were those lights on or off.

A. Off.

Q. When you looked into the room, did you see any alcohol.

A. Um --

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

THE WITNESS: I don’t think so.

Q. BY MR. SNEDDON: So what was your reaction to what you saw.

A. I didn’t know what to do.

Q. I’m sorry.

A. I didn’t know what to do. I just went back to the guest units where my sister was sleeping.

Q. What guest room did you stay in.

A. I don’t remember. But my sister was sleeping in one guest room. And I went to the one that she was in.

Q. Did you see anything like that occur on any other occasion.

A. Yes, a second occasion.

Q. When.

A. It was probably just driving around; and same thing.

Q. No, I meant in relationship to the first one. How many days, if any, elapsed.

A. Two days.

Q. All right. Where were you that night.

A. Probably driving around in the golf cart. And I came back --

Q. Now, you say “probably.” Do you remember.

A. Not really what I was doing.

Q. Pardon.

A. I don’t really remember what I was doing.

Q. All right.

A. I’m not sure. Walking in, the door wasn’t locked. The door was closed but it wasn’t locked. I went upstairs. The same thing was happening, but my brother was on his back as well.

Q. You say “the same thing was happening.” Tell me what was happening.

A. My brother was asleep. Michael was masturbating while he had his left hand in my brother’s underwears.

Q. And what kind of underwear was your brother wearing.

A. I don’t know.

Q. Now, when you said you saw the defendant masturbating, were the -- where were they on the bed. What were the positions of the people on the bed on this occasion. If you’re looking at the bed, who was on the left.

A. Michael.

Q. And who was on the right.

A. Gavin.

Q. And you said that you saw him masturbating again. What did you actually see occurring.

A. What.

Q. The defendant, what did you see him doing.

A. Masturbating. Stroking up and down.

Q. Where.

A. In -- his thing. His private area.

Q. Could you see what the other hand was doing.

A. Moving. It was -- I don’t know how to explain it.

Q. Well, can you just show us what you saw.

A. It was going like that (Indicating).

Q. And that’s the hand that was where.

A. In my brother’s underwears.

Q. So just for the record, just sort of got a fist and opening it up and sort of like that.

A. Yeah.

MR. SNEDDON: Doesn’t help any, does it. Sort of like semi closing and opening the hand.

Q. And the second time, how long did you stay.

A. Three seconds. It was less than the first time.

Q. And where did you go.

A. Back to my sister’s guest unit.

Q. Did you ever tell your -- let me -- from the point that you were -- you went back to the guest unit and you were still on the ranch, did you ever tell your sister what you saw.

A. No.

Q. Who was the first person that you told what you saw.

A. Dr. Katz.

Q. You never told your mother.

A. No.

Q. Or your brother.

A. No.

Q. On the second occasion, what was Mr. Jackson wearing, if anything.

A. Socks, underwears and an undershirt.

Q. And your brother.

A. Uhh --

Q. You already told us what’s on the bottom. Was he wearing anything on the top.

A. Yes, he was wearing an undershirt.

Q. What.

A. Well, he was wearing a shirt.

Q. Where did you go to sleep that night, on the second incident.

A. My sister’s guest unit.

Q. Now, at some point while you were at Neverland Ranch - okay. - did an incident -- well, let me go back. Let’s go back. Does your brother, because of his condition with cancer, have to go to the doctor regularly.

A. Yes.

Q. And when he goes to the doctor regularly, what does he have to do.

A. A urine sample. Blood sample. He has to go to the kidney specialist. He has to go to two different doctors. I don’t know what they do.

Q. Now, in preparation for his visits to the doctor - okay. - you said he had -- something to do with urine. Does he have to collect that before he goes.

A. Sometimes he -- the doctors would send home a bottle for him to fill up and then bring back.

Q. Do you remember an occasion while you were at the ranch that he had to go to the doctor and take a urine sample with him.

A. Yes.

Q. Were you present when he and Mr. Jackson discussed that.

MR. MESEREAU: Objection. Leading; and foundation.

THE COURT: Overruled.

THE WITNESS: No.

Q. BY MR. SNEDDON: Were you present at any time.

A. (Shakes head from side to side.)

Q. Okay. Did you see what happened to the urine sample.

A. No. But I heard about it.

Q. No, I know. I just want to know what your -- the night before your -- did you know when your brother left for the medical appointment.

A. Yes.

Q. And that night before that, were you with him.

A. No.

Q. Pardon.

A. No.

Q. Not at all.

A. No.

Q. Where were you.

A. I don’t know.

Q. Did you see him leave in the morning.

A. No, I was probably still asleep.

Q. Can you describe the container. Let me go back.

Did you see the container on the occasion that he was going to the doctor while he was at the ranch.

A. Yes.

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

THE WITNESS: Yes.

Q. BY MR. SNEDDON: And where was it when you saw it.

A. Where was the bottle.

Q. Yeah.

A. It was in the guest units.

Q. When your brother came back from that appointment, were you there.

A. No.

Q. You weren't on the ranch when -- did you see him when he came driving up.

A. No.

Q. When did you first see your brother after he went to the doctor's appointment.

A. I don't remember. Probably later that night.

Q. Do you know how long he was gone.

A. Probably about six hours.

Q. Do you know whether or not your brother was with him when he came back.

A. I don't know.

Q. Did -- was your sister at the ranch while he was gone.

A. Yes.

Q. So you and your sister were there.

A. Yes.

Q. You don't remember what you did that day at all.

A. No.

Q. Okay. Now, at this point, after this, did you at some time eventually leave the ranch for the

last time.
A. Yes.
Q. And do you remember how many days or when it was in relationship to this appointment that your brother went to the doctor’s for.
A. I don’t know.
Q. Well, was it a long time, a short time, a --

A. A short time. A short time.
Q. What makes you think that.
A. I don’t know. It was --
Q. Is that just a guess.
A. Yes.
Q. All right. Take a minute and think about it.
A. I don’t know.
Q. All right. And how was it that you learned that you were going to leave the ranch.
A. I heard from -- I think it was from my sister, that my grandfather was ill. Well, they said my grandfather was ill, but he wasn’t.
MR. MESEREAU: Objection. Narrative; nonresponsive.
THE COURT: Sustained.
Q. BY MR. SNEDDON: Okay. You learned it from whom.
A. I learned of it from my sister.
Q. All right. And what did you learn.
A. That my grandfather was ill.
Q. Was that true.
A. No.
Q. Did your sister tell you that.
A. Yes.
Q. So when you heard that, then what did you do.
A. I thought he was ill, so I wanted to go

home.
Q. And did the three of you leave.
A. Yes.

Q. And how did you get from -- from there to -- where did you go.

A. We went to our grandma’s house.

Q. Did you ever go back to the ranch after that.

A. Never.

Q. And who was it that left that day.

A. Left home.

Q. Who was with you when you left.

A. My brother, sister and me.

MR. SNEDDON: Judge, I have about five more minutes. I don’t know if you want to keep going or you want to --

THE COURT: No.

MR. SNEDDON: Okay.

THE COURT: It’s 2:30. We’ll end the session today.

I want to tell you, tomorrow, remember, we’re going to have a shorter session. We’re going to start at 8:30, and we’re going to end at 11:30. I’ll tell you that so that you can make your plans for tomorrow. I was a little vague about when we were going to end last week, but I think the best time is at our normal break, and we’ll just end for the morning. And then we’ll start again on Wednesday with the regular schedule.

See you tomorrow. Remember the admonition.

(The proceedings adjourned at 2:30 p.m.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 1002 through 1183 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 7, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
March 7, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, MARCH 8, 2005

8:30 A.M.

(PAGES 1185 THROUGH 1253)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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INDEX

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES DIRECT CROSS REDIRECT RECROSS

ARVIZO, Star David 1189-S 1195-M (cont’d)

EXHIBITS

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
80	Photograph	1190	1191
82	Photograph	1191	1191

Santa Maria, California
Tuesday, March 8, 2005
8:30 a.m.

THE COURT: Good morning.
THE JURY: (In unison) Good morning.
MR. MESEREAU: Good morning.
THE COURT: You may proceed.

STAR DAVID ARVIZO
Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION (Continued)
BY MR. SNEDDON:
Q. Good morning.
A. Good morning.
Q. I just have a few questions left. Okay.
You've indicated to the ladies and gentlemen of the jury that an individual by the name of Aldo was present during some of the events that you've described; do you recall that.
A. Yes. Yes.
Q. Were there times when you were at the ranch and Aldo was not there.
A. Yes.
Q. Were there times when you were at the ranch when Mr. Jackson and Aldo was not there.

A. Yes.
Q. With regard to your sister - okay. - Davellin --
A. Okay.
Q. -- did Mr. Jackson ever make any statements about Davellin to you.
A. He told us not to tell her anything because he's afraid we might tell our mom.
Q. About what.
A. About what we're doing.
Q. What do you mean. What were you doing at the time that Mr. Jackson was making those statements to you.
A. Drinking.
Q. Now, I want to just show you two last photographs.

Mr. Mesereau.
Just take a look at those for a second, and I’m going to ask you some questions.
The first number on that is People’s No. 80 for identification; is that correct.
A. Yes.
Q. And with regard to the photograph, People’s 80 for identification, do you recognize that.
A. Yes.
Q. And is that an accurate depiction of what it purports to represent.

A. Yes.
Q. And with regard to People’s 81 for identification --
A. 82.
Q. It’s 82.
A. Yeah.
Q. Okay. With regard to that, is that an accurate depiction of what it purports to represent.
A. Yes.
MR. SNEDDON: Your Honor, I move that 80 and 82 be admitted into evidence.
THE COURT: They’re admitted.
Q. BY MR. SNEDDON: All right. Now, would you put 80 on the top, Star. Do you have 80 on top.
A. Yes.
Q. Okay.
Now, Your Honor, with the Court’s permission, could we activate the overhead.
All right. Now, with regard to No. 80, would you tell the ladies and gentlemen of the jury what that is.
A. That’s the view of the bed from the stairway.
Q. Now, with regard to this particular photograph, People’s 80, is there anything different about the photograph than the night that you went up there and saw your brother on the bed with Mr. Jackson with the events that you’ve described to the

jury yesterday, late yesterday.
A. No.
Q. Now, with regard to the next photograph, People’s 82 -- is that People’s 82.
A. Yes.
Q. All right. With regard to that view, what is that.
A. That’s the view of the bed from the stairway.
Q. Now, with regard to that particular photograph, were the lighting conditions the same or different than depicted in this photograph.
A. Different.
Q. And how were they different.
A. The lights above the bed were off.
Q. And what was the light -- the source of the light when you made your observations on the two occasions.
A. The lighting was from the stairs.
Q. Now, you see the -- the comforter, or the cover of the bed there.
A. Yes.
Q. Can you tell us whether or not that was the same comforter or bed covering that was on the bed at the time that you were visiting the ranch back in February and March of 2003.
A. It was.
Q. And on the night that you said that you saw your brother on the bed on the first occasion with Mr. Jackson, was that comforter on the bed on that occasion.

A. No. It was rolled down.
Q. Rolled down where.
A. On the floor.
Q. And so what was the surface of the bed at that point.
A. Another blanket.
Q. Do you recall what color that blanket was.
A. No. It was like red. It was different

colors.

Q. All right. Now, with regard to the second time that you saw your brother on the bed with Mr. Jackson that you described to the jury yesterday, where -- where -- what was the condition of that comforter at that time, the blue comforter.

A. Rolled up and on the floor.

Q. So it was the same both times.

A. Yes.

Q. Okay. You can put that down, if you like. Do you remember whether or not on the night that you saw Mr. Jackson -- on the first occasion when you saw Mr. Jackson on the bed with your brother, whether or not the screen, the movie screen, was up or down.

A. It was down.

Q. So it was in the same condition that it is now.

A. Yes.

Q. And how about on the second occasion.

A. It was up.

Q. Now, at any time while you were at the ranch from the time you got back from Miami till the time that you left for the last time, did Mr. Jackson ever make any statements to you about -- other than -- about your sister, about not telling things.

MR. MESEREAU: Objection; leading.

THE COURT: Sustained.

MR. SNEDDON: What did he say. I didn’t hear what he said. I’m sorry. I didn’t hear the Court’s ruling.

THE COURT: Sustained.

Q. BY MR. SNEDDON: At any time while you were at the ranch during the period of time from Miami till the time that you left, did you have any other conversations with Mr. Jackson that you haven’t told us about. Just “Yes” or “No.”

A. Yes. Yes.

Q. Okay. And with regard to those conversations, what topics have you not told us about so far in your testimony that you had a discussion with Mr. Jackson about.

A. There was one time Michael told me -- well, it was me, my brother and Aldo were on the bed, and he was telling us not to tell anything that happened, “Not even if they put a gun to your head.”

Q. Did he say why.

A. No.

MR. SNEDDON: No further questions, Your Honor.

THE COURT: Cross-examine.

MR. MESEREAU: Yes, please, Your Honor.

CROSS-EXAMINATION

BY MR. MESEREAU:

Q. Good morning.

A. Good morning.

Q. Mr. Arvizo, we’ve never spoken before, right.

A. No.

Q. We’ve never met each other before, right.

A. Yes.

Q. When you say “Yes,” we actually haven’t met, right.

A. What.

Q. You’ve never met me before, right.

A. Yes.

Q. When you say “Yes,” do you mean we’ve met or we haven’t met.

A. We haven’t met.

Q. Okay. My name is Thomas Mesereau. Okay.

A. Okay.

Q. And I speak for Mr. Jackson. All right.

A. Okay.

Q. I’m on his side. You know that.

A. Yes.

Q. Okay. Now, I’m going to ask you a bunch of questions. Okay.

A. Okay.

Q. And I'm going to ask you some questions about some things you said in the courtroom. All right.

A. Okay.

Q. If anything I say is not clear to you, don't answer it. Okay.

A. Okay.

Q. Just tell me, "I don't understand."

A. Okay.

Q. Is that all right.

A. Yes.

Q. If I say something that seems confusing, for whatever reason, just tell me, "I'm confused. Could you repeat the question." Is that okay.

A. Okay.

Q. We don't want you to answer anything if you don't really understand what I'm asking you. Is that understood.

A. Okay.

Q. Okay. Now, you've testified before today, right.

A. Yes.

Q. How many times have you testified under oath before today.

A. Three times.

Q. Three times. And could you please tell the jury the three times that you testified under oath before -- I said "today." I meant yesterday. Okay. Please tell the jury the other three times that you testified under oath.

A. Two times at the grand jury, and one time yesterday.

Q. Are they the only times you've testified under oath before.

A. I think so.

Q. Do you know for sure.

A. Not really.

Q. Well, you did testify under oath in a deposition in the J.C. Penney case, right.

A. Yes.

Q. And how old were you when you testified in that case under oath.
A. I don’t remember, but I was really young.
Q. Were you about ten.
A. No.
Q. Were you nine.
A. I think I was eight.
Q. You were eight. Okay.
Was that the first time you ever testified

under oath.
A. Yes.
Q. Okay. And you testified under oath in support of what your mother was claiming happened to her, right.
A. What happened to us.
Q. “What happened to us.” You, Gavin and your mother, right.
A. Yes.
Q. Okay. Let me ask you some questions about the alarm system at Neverland.
A. Okay.
Q. You were interviewed by the police on numerous occasions about what happened at Neverland, right.
A. Yes.
Q. Do you know about how many times you’ve been interviewed by the police about what happened at Neverland.
A. Twice.
Q. And do you remember giving them descriptions about the alarm system.
A. Yes.
Q. You have given the police different descriptions of the alarm system from time to time, right.
A. Yes.
Q. And let me ask you a couple of questions

about the alarm. Is there an alarm that goes off

when someone enters Michael Jackson's bedroom.
A. Through the hallway or through his bedroom.
Q. Let's start with the hallway.
A. Yes.
Q. Is there an alarm that goes off when you enter Michael Jackson's hallway.
A. Yes.
Q. How do you know that there's an alarm that goes off when you enter Michael Jackson's hallway.
A. Because while you're walking through the hallway, you can hear it.
Q. And have you heard it before.
A. Yes.
Q. When did you hear the alarm that goes off when you enter Michael Jackson's hallway.
A. Every time you walk through it.
Q. How many times do you think you've heard that alarm go off.
A. A lot of times.
Q. And it's pretty loud, isn't it.
A. Not really.
Q. Well, do you know why the alarm is there.
A. No.
Q. Did you ever ask Mr. Jackson, "Why is the alarm there."
A. No.
Q. You have set the alarm off yourself, haven't you.

A. Yes.
Q. How many times have you set the alarm off yourself when walking through Michael Jackson's hallway.
A. It's not an alarm. It's just a bell.
MR. SANGER: Your Honor, I'm sorry, it's hard to hear the witness here.
Q. BY MR. MESEREAU: You say it's not an alarm, it's just a bell.
A. Yes.
Q. Is it an electric bell.
A. Yes.
Q. How do you know it's electric.

A. Because it doesn’t sound real.

Q. It doesn’t sound real.

A. Yeah.

Q. It sounds like a loud bell, doesn’t it.

A. It sounds electric.

Q. Have you ever tried to turn that alarm system off.

A. I don’t know how to.

Q. Did you ever ask anyone, “How do you turn that alarm system off.”

A. No.

Q. Okay. So, as far as you know, every time you’ve walked through that hallway, that bell has gone off, right.

A. Yes.

Q. And your understanding is that the purpose of that bell is to let Michael Jackson know if somebody goes through his hallway, right.

A. Yes.

Q. That’s the purpose of the alarm, right.

A. Yes.

Q. Did you ever have any discussion with any security guard at Neverland about that alarm system.

A. No.

Q. Did you ever ask anyone, “How does it work.”

A. No.

Q. You said you got a code from security guards at Neverland, correct.

A. Yes.

Q. And what code did you get from security guards at Neverland.

A. The master code.

Q. And do you know what security guard gave that to you.

A. No. I don’t remember.

Q. And what is the master code.

A. 1849.

Q. And what does it do.

A. It gets you into all the doors in Neverland.

Q. Is that every door at Neverland.

A. Yes.

Q. Is that every door in every room.

A. Yes.

Q. And would that master code get you into Michael's children's bedroom.

A. Yes.

Q. You've been in that bedroom, correct.

A. Yes.

Q. You've been in both of them, right.

A. Yes.

Q. You've been in both of his children's bedrooms many times, right.

A. Yes.

Q. And you've been in other rooms in the main house, correct.

A. Yes.

Q. You've been into what other rooms in the main house.

A. His room, Michael's room. Prince and Paris's room. I think that -- I think those are the doors -- oh, and then the two doors to enter the main house.

Q. Have you been into any other rooms in the main house.

A. The kitchen room. The living room. The kitchen. Those are the only rooms I've been in.

Q. When did you get the code that lets you into every room in the house.

A. A little after the Miami trip.

Q. You had been into every room in the house before you went to Miami, hadn't you.

A. No.

Q. You had not been into every room in the house before you went to Miami.

A. Not every room.

Q. Didn't you go into the main house when Chris Tucker was there and Michael Jackson was absent.

A. Yes.

Q. And you went upstairs when Chris Tucker was there and Michael Jackson was absent, didn’t you.

A. No.

MR. MESEREAU: Your Honor, I think we’re having trouble hearing, hearing the witness. If he could just talk a little louder.

THE COURT: Everyone seems to be hearing.

MR. SANGER: Sometimes you can’t.

THE COURT: The audience is all nodding affirmatively.

THE JURY: (In unison) We’re not.

THE DEFENDANT: Thank you. We can’t hear. We can’t hear.

MR. MESEREAU: I didn’t want to instruct the witness. I didn’t think it was my -- it was appropriate. If the Court would, I’d appreciate it, Your Honor.

THE COURT: You need to speak up. People right there can’t hear you.

THE WITNESS: Okay.

MR. MESEREAU: Because some people didn’t hear, I’m going to go over a little bit of this again.

Q. How many times were you at Neverland before the Miami trip.

A. I don’t know exactly.

Q. Approximately.

A. I don’t know exactly.

Q. I’m just asking if you can estimate.

A. Ten.

Q. Ten. And of those ten trips, how many do you think Michael was present at. I’m talking about the trips before you went to Miami.

A. I don’t know. I know it was more than twice.

Q. Okay. When did you first learn there was an alarm system when you entered the hallway to go to Michael Jackson’s bedroom.

A. First time we entered his bedroom.

Q. And approximately when was that, if you know.

A. I don’t know.

Q. And did you see Michael Jackson do anything to the alarm system --
A. No.
Q. -- when you first entered his bedroom.
A. No.
Q. So it went off, didn't it.

A. What.
Q. When you first entered Michael Jackson's bedroom, the alarm system in the hallway went off, right.
A. The bell.
Q. The bell that is an alarm system, right.
A. I didn't think it was an alarm system.
Q. You didn't think the bell that went off when you entered the hallway was an alarm system.
A. Well, because I'm thinking, like, an alarm, like.
Q. But you knew it was an electric bell, correct.
A. Yes.
Q. And you knew anytime you entered that hallway it went off, right.
A. Yes.
Q. When you first went into the hallway, you heard that bell, didn't you.
A. Yes.
Q. You never saw Michael Jackson dismantle that system, did you.
A. No.
Q. In fact, every time you've walked into that hallway to go into Michael Jackson's bedroom, that bell has rung, right.
MR. SNEDDON: I'm going to object, asked and answered.

MR. MESEREAU: I didn't -- excuse me, Your Honor, I don't think I've ever asked that question.
THE COURT: Overruled.
THE WITNESS: Repeat the question.

Q. BY MR. MESEREAU: Sure. Every time you --

THE COURT: I’ll have the court reporter repeat it.

MR. MESEREAU: I’m sorry.

(Record read.)

THE WITNESS: Yes.

Q. BY MR. MESEREAU: Now, during the two times you claim you saw Michael Jackson touch your brother in bed, that bell went off, didn’t it.

A. Yes.

Q. When you walk into the hallway, Mr. Arvizo, is there another alarm system.

A. Which hallway.

Q. The hallway going into Mr. Jackson’s bedroom. Once you go through the hallway, the bell goes off, right.

A. Yes.

Q. And when you try to go into Michael Jackson’s bedroom upstairs, is there any other alarm.

A. No.

Q. Have you ever had heard of there being another alarm that goes off as you try to enter Michael Jackson’s bedroom.

A. No.

Q. Okay. You’re aware that if you’re in Michael Jackson’s bedroom upstairs, you can hear that bell.

A. When the doors are open.

Q. Pardon me.

A. When the doors are open.

Q. Well, the purpose of it is to let Michael Jackson know, if he’s upstairs, if anybody’s come into the hallway, isn’t it.

MR. SNEDDON: I’m going to object to that. Calls for speculation on the part of this witness.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Mr. Arvizo, did Mr. Jackson ever tell you that the reason that alarm system goes off is to let him know if anyone is trying to enter his bedroom.

A. No.
Q. So you were not aware of that.
A. No.
Q. Okay. You have heard that alarm system go off when you were upstairs, haven't you.
A. When the doors open.
Q. Yes. You're saying when the door's closed, Michael Jackson can't hear the alarm system.
A. No.
Q. Is that what you're saying.
A. Yes.

Q. Did you discuss yesterday's testimony with anyone last night.
A. No.
Q. Talk to your mom about it.
A. No.
Q. Talk to your dad about it.
A. No.
Q. Talk to your sister about it.
A. No.
Q. Talk to Gavin about it.
A. No.
Q. Talk to the D.A. about it.
A. No.
Q. Did you know what questions Mr. Sneddon was going to ask you when you came in this morning.
A. One or two of them.
Q. Okay. How did you know about one or two of them.
A. He called me this morning to clarify something.
Q. He called you at home.
A. Yeah -- yes.
Q. So you did discuss yesterday's testimony with someone, didn't you.
A. No, today.
Q. You did discuss what you said yesterday with Mr. Sneddon before you took the stand this morning, right.

MR. SNEDDON: Your Honor, I’m going to object to that question. Assumes a fact not in evidence, that it was yesterday’s materials we discussed.

MR. MESEREAU: Objection, Your Honor. Mr. Sneddon’s testifying. Move to strike his comments.

THE COURT: Sustained. Stricken.

Mr. Sneddon, you have been using speaking responses, which I do not allow.

MR. SNEDDON: All right, Your Honor. Then I object. Assumes facts not in evidence.

THE COURT: I’ve heard your objection. The objection is overruled.

Would the court reporter read back the question to the witness, please.

(Record read.)

THE WITNESS: No.

Q. BY MR. MESEREAU: Did you speak to Mr. Sneddon between your testimony yesterday and your testifying today.

A. Yes. In the morning.

Q. And about what time was that.

A. 7:00.

Q. Did Mr. Sneddon talk to you about what he was going to ask you today.

A. He was asking me -- he was trying to clarify if -- about some things.

Q. Well, he told you that he was going to ask you about Aldo, correct.

A. No.

Q. He never told you he was going to ask you anything about Aldo today.

A. Um, he didn’t say. He just said -- he asked me if Aldo was there the whole time.

Q. And did he tell you he was going to ask you a question about that this morning.

A. No.

Q. Did he tell you he was going to ask you about any photographs this morning.

A. No.

Q. Have you ever seen the photographs you just identified before.

A. Um, yes.

Q. When did you see them before.

A. On Sunday.

Q. On Sunday.

A. Yes.

Q. Now, Mr. Sneddon showed you a bunch of photographs and kept asking you a question, “Is that an accurate depiction.” Remember those questions.

A. Yes.

Q. Had he asked you those questions before.

A. No.

Q. Had he showed you photographs before and said to you, “When you come into court, I’m going to ask you if that’s an accurate depiction”; remember.

A. No.

Q. Do you remember those questions he asked you.

A. No.

Q. Do you remember, Mr. Sneddon showed you photographs in the courtroom and said, “Is this an accurate depiction of what’s in the photograph.”

A. Yes.

Q. Had he told you before you testified yesterday that he was going to ask you that question.

A. No.

Q. Is that the first time you ever heard him ask you that question.

A. Yes.

Q. You went through photograph after photograph, and when he said to you, “Is that an accurate depiction.” You always said “Yes,” right.

A. Yes.

Q. Was that the first time he’d ever asked you that question in the courtroom.

A. Yes.

Q. Now, you made a lot of statements that this was an accurate depiction, and then afterwards told the jury that there were things in the photographs that you didn’t think were accurate, right.

A. Yes.

Q. And that was because you have a detailed memory of what went on when you used to go to Neverland, right.

A. Yes.

Q. You had never gone over that with Mr. Sneddon or any other member of the prosecution before, right.

A. About what.

Q. About those photos.

A. No.

Q. Okay. Before you testified yesterday, had you ever discussed what you were going to say with your mom.

A. No.

Q. Before you testified yesterday, had you ever discussed with Gavin what you were going to say.

A. No.

Q. Before you testified yesterday, had you ever discussed with your sister Davellin what you were going to say.

A. No.

Q. Have you ever discussed this case with your mom.

A. No.

Q. Ever discussed this case with Gavin.

A. No.

Q. Have you ever discussed this case with Davellin.

A. No.

Q. Have you ever discussed this case with an attorney.

A. Yes.

Q. Who.

A. Tom, Gordon and Ron.

Q. Excuse me.

A. Tom, Gordon and Ron.

Q. I’m sorry, we’re having trouble hearing the name.

A. Tom, Gordon and Ron.

Q. Tom, Gordon and Ron.

Have you ever discussed this case with Larry Feldman.

A. No, I don’t remember.

Q. Do you know who Larry Feldman is.

A. I think so.

Q. Who do you think he is.

A. I don’t know what he does.

Q. Okay. You never heard the name “Larry Feldman” before.

A. No.

Q. Have you ever heard the name “William Dickerman” before.

A. Yes.

Q. And have you met with Attorney William Dickerman before.

A. Yes.

Q. How many times do you think you’ve met with Attorney William Dickerman.

A. Once.

Q. And that was before you ever spoke to anyone with the sheriff’s department, right.

A. I don’t know.

Q. Well, do you know whether or not William Dickerman sent your entire family to Attorney Larry Feldman.

A. No. I don’t know.

Q. And you don’t recall ever meeting with Attorney Larry Feldman.

A. I do recall meeting with him, but I don’t know who sent us to him.

Q. And how many times have you met with Attorney Larry Feldman.

A. Probably twice.

Q. And do you know approximately when that was.

A. No.

Q. Was it in the last year.

A. No.

Q. Last two years.
A. I don’t remember.
Q. Okay. Was your mom at that meeting.
A. We never had a meeting. Well, I don’t -- I don’t remember.
Q. Okay. Now, you’ve given different descriptions at different times of what you say happened in Michael Jackson’s bedroom, right.

A. I don’t understand.
Q. Well, you’ve been asked to describe many times what happened in Michael Jackson’s bedroom at Neverland, right.
A. Yes.
Q. You’ve been asked by the sheriffs a couple of times, right.
A. No.
Q. Well, you’ve been interviewed by the Santa Barbara Sheriffs about what you claim happened in Michael Jackson’s bedroom, right.
A. Yes.
Q. And they’ve asked you to describe what went on in Michael Jackson’s bedroom, right.
A. Yes.
Q. And you’ve also been before a grand jury to testify about what went on in Michael Jackson’s bedroom, right.
A. Yes.
Q. You’ve also met with a psychologist named Stanley Katz, right.
A. Yes.
Q. And Stanley Katz works for Larry Feldman, right.
A. I didn’t know that.
Q. Well, you knew that Larry Feldman sent you to Stanley Katz, right.
A. I didn’t know.

Q. Never heard anything about that.
A. No.

Q. Your mother never told you that.
A. No.
Q. Well, when you met with Psychologist Stanley Katz, you also describe what you claim happened in Michael Jackson’s bedroom, right.
A. Yes.
Q. And would you agree that you’ve given different descriptions almost every time that you have described it.
A. I don’t remember exactly what I said.
Q. Well, you’ve given different descriptions about what Michael Jackson was wearing, right.
A. I don’t remember exactly what I said.
Q. You’ve given different descriptions of what Gavin was supposed to be wearing, right.
A. I don’t remember exactly what I said.
Q. You’ve given different descriptions about what you claim Michael Jackson did in the bedroom, right.
A. No.
Q. Well, there were times you said that Michael Jackson put his hand on top of your brother’s underwear, right.
A. I don’t remember saying that.
Q. And there are other times you said he put his hand inside his underwear, right.

A. Yes.
Q. And there are times you’ve said your brother was wearing pajamas, right.
A. Yes.
Q. There are times you said he was wearing underwear, right.
A. I don’t remember.
Q. And there are times you said that Michael Jackson touched his butt and not his crotch, right.
A. When was this.
Q. When you did some interviews, right.
A. About what.
Q. About what Michael Jackson, you claim, was doing in his bedroom, right.
A. I never said he touched his butt.

Q. Did you ever tell anyone that when you saw Michael Jackson in bed with your brother, he was rubbing his butt.

A. No.

Q. Never said that at any time to anybody.

A. No.

Q. Never said it to Mr. Katz, right.

A. No.

Q. Never said it to the sheriffs, right.

A. No.

Q. And never said it to a grand jury, right.

A. No.

Q. Okay. You indicated yesterday that Michael

Jackson was trying to teach you and your brother cuss words, right.

A. Yes.

Q. And was that the truth.

A. He wasn’t trying to teach us. He was just telling us to cuss.

Q. Did you ever use cuss words before you met Michael Jackson.

A. Not really.

Q. Did you ever know what those cuss words even meant.

A. No.

Q. Okay. When you were -- let me strike that. Let me rephrase.

You had your deposition taken in the J.C. Penney case on December 15th, the year 2000, right.

A. I don’t remember the dates.

Q. Would it refresh your memory if I just show you the deposition date.

A. Sure.

MR. MESEREAU: May I approach, Your Honor.

THE COURT: Yes.

MR. MESEREAU: Thank you.

THE WITNESS: Okay.

Q. BY MR. MESEREAU: Mr. Arvizo, have you had a chance to look at that page.

A. Yes.

Q. And it says, “December 15th, 2000,” right.

A. Yes.
Q. Okay. Where were you living during December 15th, 2000.
A. I was living at the Soto address.
Q. Well, in that deposition, you said you were living on Raymer Street; do you remember.
A. Yes. No, I don’t remember the deposition.
Q. Would it refresh your recollection if I just show you that part of your deposition.
A. Sure.
MR. MESEREAU: May I approach, Your Honor.
THE COURT: Yes.
THE WITNESS: Okay.
Q. BY MR. MESEREAU: Have you had a chance to look at that page of your deposition of the J.C. Penney case.
A. Yes.
Q. And does it refresh your recollection that you said you were living on Raymer Street at that point.
A. Yes.
Q. Now, where is Raymer Street.
A. It’s in El Monte.
Q. Okay. Is that where your grandparents live.
A. Yes.
Q. Okay. And when you answered these questions in the J.C. Penney case under oath, you were ten years old, right.

A. I think so.
Q. Okay. In that deposition, you were asked whether you had discussed the facts of the J.C. Penney case with anyone before you were deposed, right.
A. Yes.
Q. Do you remember that. And you said you had not discussed the facts --
A. Actually, I don’t remember that question.
Q. Would it refresh your recollection if I just

show you that page.
A. It’s okay.
Q. Huh.
A. It’s okay.
Q. What do you mean, it’s --
A. Oh, okay.
MR. MESEREAU: May I approach, Your Honor.
THE COURT: Yes.
THE WITNESS: Where’s the question.
MR. MESEREAU: Right here.
THE WITNESS: Okay.
Q. BY MR. MESEREAU: Have you had a chance to look at that page in your deposition in the J.C. Penney case.
A. Yes.
Q. Does it refresh your recollection that you said you had not discussed the facts of that case with your mother or anybody else.

A. Yes.
Q. And was that true.
A. What.
Q. Was it true that before you answered questions under oath in the J.C. Penney case that you had never discussed the facts of that case with anyone.
A. After the --
Q. Between the time the events happened, or that you claim happened in the parking lot at J.C. Penney, and the time you answered questions under oath, you had not discussed the facts with anybody, right.
A. Yes.
Q. Okay. You hadn’t discussed the facts with your mother, right.
A. Yes.
Q. Hadn’t discussed them with Gavin, right.
A. Yes.
Q. Hadn’t discussed them with Davellin, right.
A. Yes.
Q. And you hadn’t discussed them with your father David, right.

A. Yes.

Q. Now, you indicated to the jury that you've done some training as a comedian; is that right.

A. It wasn't really actual training. We just did it for fun.

Q. Pardon me.

A. It wasn't actually training. We just did it for fun.

Q. Okay. But did you take a class.

A. No.

Q. Did you take an acting class.

A. No.

Q. Have you ever modeled.

A. That was for our -- our dance group that we used to be in.

Q. Where did you model.

A. I don't remember.

Q. Well, you claim you have modeled at J.C. Penney's, right.

A. I don't remember the store.

Q. Would it refresh your recollection if I show you your deposition in the J.C. Penney case.

A. Sure.

MR. MESEREAU: May I approach, Your Honor.

THE COURT: Yes.

Q. BY MR. MESEREAU: Have you had a chance to look at that page.

A. Yes.

Q. Does it refresh your recollection that you claim you were modeling at J.C. Penney.

A. Not really.

Q. Were you modeling at J.C. Penney.

A. I think so.

Q. Pardon me.

A. I think so.

Q. You think so.

A. Yeah. Since it says it on the -- there.

Q. Well, please tell the jury what the truth is. Were you really modeling at J.C. Penney.

MR. SNEDDON: I’m going to object to that question as argumentative.

THE COURT: Sustained.

The jury is admonished to disregard Mr. Mesereau’s remark.

Q. BY MR. MESEREAU: Were you modeling at J.C. Penney on that day.

A. What day.

Q. The day the events happened in the parking lot.

A. No. That was -- that was way before then.

Q. But you testified under oath that you were there to model, didn’t you.

A. No. I was there -- I was there to model about -- years ago. We were just waiting for our mom to come out of her job interview.

Q. Correct me if I’m wrong, when you were testifying under oath in a deposition, you said under oath that you were there to model that day, didn’t you.

A. Not that day. We were there before to model. Not at that J.C. Penney’s.

Q. Did you model before.

A. Yes.

Q. When was that.

A. It was a long time ago when we were little. It was a long time ago when we were little.

Q. Now, you testified under oath that your brother Gavin took some clothes that weren’t paid for into the parking lot, right.

A. I don’t remember.

Q. You don’t remember saying that.

A. No. It was long ago.

Q. Has anyone told you to give a response like that to my questions.

A. No.

Q. Has anyone told you to say “I don’t remember” when you respond to my questions.

A. If I don’t remember, I don’t remember.

Q. Okay. Okay. Do you remember testifying

that your brother went into the parking lot with clothes that weren’t paid for to trick your father into buying them.
A. I don’t remember.
Q. Would it refresh your recollection if I show you your testimony.
A. Yes.
MR. MESEREAU: May I approach, Your Honor.
THE COURT: Yes.
Q. BY MR. MESEREAU: Have you had a chance to look at that page.

A. Yes.
Q. Does it refresh your recollection about what you said under oath in the deposition.
A. A little bit.
Q. Well, you said your brother wanted to trick your dad into buying clothes, right.
A. Yes.
Q. And you said that that’s why he went into the mall with the unpaid clothes, right.
A. He went into the mall.
Q. Into the parking lot in the mall.
A. Oh.
Q. Let me restate it.
You testified under oath that your brother left J.C. Penney’s with clothes that weren’t paid for because he was trying to trick your dad into buying them, right.
A. Yes, but the paragraph wasn’t over.
Q. Okay. What else did you say about that.
A. Um -- could I reread it.
Q. Sure.
May I return, Your Honor.
THE COURT: Yes.
THE WITNESS: Thank you.
Okay.
Q. BY MR. MESEREAU: Have you had a chance to look at the page again.

A. Yes.
Q. And does it refresh your recollection about what you testified to that day.
A. A little bit.
Q. Okay. How has it refreshed your recollection.
A. It said right there that -- that my dad took them and put them back.
Q. Okay. Now, you said that Gavin wouldn’t steal because he wants to be a priest, right.
A. I don’t remember saying that.
Q. You said he wants to be a priest and a comedian, right.
A. I don’t remember saying that.
Q. Well, did anyone ask you to say that, if you recall.
A. No.
Q. Before you went into that deposition to testify under oath, did anyone tell you if you’re asked if Gavin stole, say, “No, he wants to be a comedian and a priest”.
A. I don’t remember nothing in that case.
Q. Would it refresh your recollection if I just show you another page.
A. Yes.
MR. MESEREAU: May I approach, Your Honor.
THE COURT: Yes.
Q. BY MR. MESEREAU: Have you had a chance to

look at that page.
A. Yes.
Q. Does it refresh your recollection about what you said.
A. A little bit, yes.
Q. And didn’t you say that Gavin wants to be a priest and a comedian when he grows up.
A. Yes.
Q. And you said that he wouldn’t steal, right.
A. Yes.
Q. Okay. But no one told you to say that before the deposition, right.
A. Hmm, what was it. Say it again.

Q. Yeah. Nobody told you to make that statement before you went into that deposition and testified, right.

A. Yes.

Q. Now, you testified under oath that security guards from J.C. Penney approached your mother in the parking lot and said, “We’re going to fuck you up,” and called your dad “a fucking asshole,” right.

MR. SNEDDON: Your Honor, I’m going to object to the question as a violation of the Court’s ruling.

THE COURT: Sustained.

THE WITNESS: I don’t remember the exact words.

THE COURT: Just a minute. You don’t have to answer that question.

Q. BY MR. MESEREAU: But you’re telling the jury that before you met Michael Jackson, you had never used the “F” word, right.

A. I spelled it out for them.

Q. Spelled it out for you.

A. The people that were interviewing us or -- I didn’t say it.

Q. Okay. And in your personal life as a young boy, you had never used that word once, right.

A. No.

Q. The first time you heard it was in the J.C. Penney parking lot, right.

A. Yes.

Q. Now, you testified that your mother had been beaten up in the parking lot, right.

A. Yes.

Q. You said that her private parts had been touched.

MR. SNEDDON: Your Honor, I’m going to object. Same objection.

THE COURT: Sustained.

Q. BY MR. MESEREAU: When you went to Stanley Katz, you knew he was a psychologist, right.

A. No.

Q. Did you know he was a therapist.

A. Not really.
Q. Had you been to a therapist ever before.

A. Yes.
Q. When was that.
A. During the J.C. Penney case.
Q. Okay. Did you go with your mom.
A. I don’t remember.
Q. Okay. Well, your whole family went to a therapist in that case, right.
A. I don’t remember.
Q. Don’t remember at all.
A. No.
Q. Okay.
MR. MESEREAU: May we approach, Your Honor.
THE COURT: No.
Q. BY MR. MESEREAU: In the J.C. Penney case, you testified to what these guards were doing to your mother, right.
A. Yes.
MR. SNEDDON: Your Honor, I’m going to object. Same objection.
THE COURT: Sustained.
Q. BY MR. MESEREAU: And that was the first time you ever testified, right.
A. When.
Q. In the J.C. Penney deposition.
A. Yes.
Q. And nobody told you what to say before it, right.
A. Yes.

Q. Never discussed it with your mom before you went into the deposition, right.
A. Yes.
Q. Just like you’ve never discussed the facts of this case with your mom at any time, right.
A. Yes.
Q. Okay. When was the first time that you ever discussed what you claim Mr. Jackson had done to

you.
A. What.
Q. When is the first time you ever discussed with anybody what you say Mr. Jackson did to you.
A. I think it was with Dr. Katz.
THE COURT: Excuse me. If you can’t hear him, I’d like to have hand signs. There’s no way I can know. And that way I can just have him speak up. The people in the audience are hearing him fine. But when he drops off, I can’t tell whether you’re hearing him or not. Sorry, Counsel. Go ahead.
MR. MESEREAU: Thank you, Your Honor.
Q. When is the first time you ever discussed what you claim Mr. Jackson did to you.
A. I think it was with Dr. Katz.
Q. Was that before you ever discussed any of this with any police officer.
A. Yes.
Q. And you discussed what you claim Mr. Jackson did to you with Attorney Larry Feldman, right.

A. I don’t remember.
Q. Do you remember one way or the other.
A. I didn’t understand that question.
Q. Sure. Are you saying you don’t remember ever discussing this case with Attorney Larry Feldman.
A. No, I don’t remember.
Q. Okay. But you do remember meeting with Larry Feldman, right.
A. Yes.
Q. And your mom was there, right.
A. Yes.
Q. Gavin was there, right.
A. Yes.
Q. Do you remember saying in the J.C. Penney deposition that your mom and dad never fight.
MR. SNEDDON: Your Honor, I’m going to object. Same objection.
THE COURT: Overruled.
Q. BY MR. MESEREAU: Do you remember saying

that.

A. Not really.

Q. Would it refresh your recollection if I show you a page from that deposition.

A. Yes.

MR. MESEREAU: May I approach, Your Honor.

THE COURT: Yes.

MR. MESEREAU: Oops.

THE WITNESS: That’s okay.

Q. BY MR. MESEREAU: Have you had a chance to look at that page from the deposition.

A. Yes.

Q. Does it refresh your recollection about what you said.

A. A little bit.

Q. And didn’t you say under oath that your mother and dad never fight.

A. Yes.

Q. Was that true.

A. Hmm, I really don’t -- sometimes.

Q. I’m sorry, I didn’t understand your answer. When you told -- excuse me. Let me rephrase. When you stated under oath in the J.C. Penney deposition in the year 2000 that your mom and dad never fight, were you telling the truth.

A. No.

Q. Did someone tell you to lie in that deposition.

A. I don’t remember.

Q. You don’t remember at all.

A. No. It happened a long time ago.

Q. You also said in that deposition under oath that your dad never hit you; do you remember that.

A. Not really.

Q. Would it refresh your recollection if I show

you that page.

A. Sure.

MR. MESEREAU: May I approach, Your Honor.

THE COURT: Yes.

THE WITNESS: Okay.

Q. BY MR. MESEREAU: Have you had a chance to look at that page of your deposition.

A. Yes.

Q. And does it refresh your recollection about what you said that day.

A. Yes.

Q. You were asked if your dad had ever hit you, and you said, “Never,” right.

A. Yes.

Q. Was that the truth.

A. No.

Q. Did someone ever tell you to lie about that under oath in your deposition in the J.C. Penney case.

A. I really don’t remember.

Q. Don’t remember at all.

A. No. I don’t remember nothing from there.

THE BAILIFF: Judge, they can’t hear him. They can’t hear him.

THE COURT: You can’t hear in the back. The witness, is it.

You need to lean into the microphone like that.

THE WITNESS: Okay.

Q. BY MR. MESEREAU: Have your -- excuse me. Has -- did your father ever coach you about what to say in the J.C. Penney deposition.

A. No.

Q. Did your mother ever coach you about what to say in the J.C. Penney deposition.

A. No.

Q. Please tell the jury why you lied under oath.

A. I don’t remember. It was, like, five years ago. I don’t remember nothing.

Q. Have you discussed the J.C. Penney deposition with any of the prosecutors.

A. No.

Q. Have you discussed the J.C. Penney

deposition with your mom.
A. No.
Q. Have you discussed the J.C. Penney deposition with your dad.
A. No.
Q. Have you ever discussed the J.C. Penney deposition with Gavin.
A. No.
Q. Have you ever discussed the J.C. Penney deposition with Davellin.
A. No.
Q. Have you ever discussed the J.C. Penney

deposition with any attorney.
A. No.
Q. You had an attorney representing you at the J.C. Penney deposition, right.
A. Yes.
Q. Who was that.
A. I don’t remember.
Q. Have you ever discussed this case with your grandmother.
A. No.
Q. Have you ever discussed it with your grandfather.
A. No.
Q. Have you ever discussed the J.C. Penney lawsuit with your grandmother.
A. No.
Q. And have you ever discussed the J.C. Penney lawsuit with your grandfather.
A. No.
Q. Okay. Was Michael Jackson the first person you ever heard use a cuss word.
A. No.
Q. Who was, if you remember.
A. It was a kid at school.
Q. That’s the first time you ever heard those words.
A. I don’t remember.
Q. But you’ve never used them yourself, right.

A. Yes, I’ve used them.
Q. Do you use them now.
A. No.
Q. Never use them.
A. What do you mean.
Q. Well, in your personal life right now, do you ever use the “F” word.
A. No.
Q. Do you ever use the “B” word.
A. No.
Q. You indicated yesterday that you visited Neverland with Chris Tucker when Michael Jackson wasn’t there, right.
A. Yes.
Q. Now, how did you end up going there with Chris Tucker.
A. I don’t know. I think it was my brother that set it up. I don’t remember.
Q. Okay. Do you know kind of how you ended up going there with Chris.
A. No.
Q. Okay. Who drove you to Neverland during those trips that you went with Chris Tucker.
A. During all the trips.
Q. Yes.
A. A bus driver.
Q. You went by bus to Neverland with Chris Tucker.

A. Yes.
Q. Okay. Was it a private bus.
A. Yes.
Q. Do you know how that was arranged.
A. No.
Q. Okay. Who went on those bus rides.
A. Me and my brother, my sister, Chris, Chris’s apprentice. I don’t know. There was other people, too.
Q. Okay. And did you know that Michael Jackson was not going to be there when you arrived.

A. I don’t remember all the times.

Q. Well, when you went with Chris Tucker, did you think Michael Jackson was going to be there.

A. Probably.

Q. Excuse me.

A. Probably.

Q. Okay. Do you know if Chris told you he would be there.

A. No.

Q. Why did you think Michael would be there.

A. I don’t know. I don’t remember.

Q. By the way, do you remember yesterday when you told the jury that on the plane you looked at a soda can that Michael Jackson had and you saw a red ring around it.

A. Yes.

Q. You told that to the police in one of your interviews also, didn’t you.

A. I think so.

Q. You also told the police that you looked in the can and saw white wine, correct.

A. When.

Q. When you told them there was a red ring around the can, you then told them you looked in the can and saw white wine, remember.

A. I don’t remember saying that.

Q. Would it refresh your recollection if I show you a transcript from a police interview.

A. Sure.

MR. MESEREAU: May I approach, Your Honor.

THE COURT: Yes.

MR. SNEDDON: Excuse me, what page.

THE WITNESS: The lady might have misheard me.

Q. BY MR. MESEREAU: Excuse me, what did you just say.

A. I never looked into the can.

Q. You said a lady might have misheard you.

A. The -- I don’t know what her -- what the --

Q. The court reporter.

A. Yes.

Q. Oh, you think the court reporter made a mistake.
A. Yes.
Q. Because, as you’ve seen, it says you told the police there was a red ring around the can and then you looked in and saw white wine, right. That’s what it says, doesn’t it.

A. Yes.
Q. But what you’re telling the jury is you think the court reporter made a mistake.
A. Yes.
Q. Do you have a lot of experience with court reporters.
A. No.
Q. Did you tell Michael Jackson you wanted to be an actor.
A. No.
Q. Did you ever tell Michael Jackson you wanted to make videos.
A. No.
Q. Did you ever make any videos with Michael Jackson.
A. Yes.
Q. When did you do that.
A. A long time ago.
Q. And just approximately when was that, if you know.
A. I don’t know.
Q. Was it when you first met Michael Jackson.
A. I don’t know.
Q. Did you ever make a video at Neverland yourself.

A. Yes.
Q. And please tell the jury when that was.
A. I don’t know when it was.
Q. And describe what you did when you made that video.
A. I think we were -- I don’t remember exactly.

We were just talking about the animals and talking about the ranch.

Q. And who is “we”.

A. Me and whoever happened to be there. Like the zoo lady or train driver.

Q. And was that in the fall of 2002.

A. I don’t remember.

Q. Okay. Do you remember the approximate year when you first went to Neverland.

A. 2000.

Q. And how do you know it was 2000.

A. I don’t know.

Q. Did somebody tell you it was the year 2000.

A. No, I just remember my brother had cancer in the year 2000.

Q. Okay. Now, how long after your brother contracted cancer did you and he visit Neverland, if you know.

A. I don’t know.

Q. Was it a number of months.

A. I don’t know.

Q. Do you know if your brother was undergoing medical treatment when he first went to Neverland.

A. Yes.

Q. And if you remember, had the treatment just begun.

A. I don’t remember.

Q. What was your understanding about how your brother first communicated with Michael Jackson.

A. By telephone.

Q. And did you hear about that right away, if you know.

A. What.

Q. Did your brother tell you right away, “I just spoke to Michael Jackson on the telephone”.

A. Yes.

Q. Did he call you up and tell you that.

A. I was standing -- I was laying right next to him.

Q. Okay. This was in the hospital.

A. Yes.

Q. Okay. And suddenly the phone rang and it was Michael Jackson.
A. I didn’t know it was Michael Jackson.
Q. Okay. How did you find out it was him.
A. After my brother hung up.
Q. Now, in your police interviews, you keep referring to David as “My biological father,” right.
A. Yes.
Q. You also refer to him as “My biological dad,” right.

A. Yes.
Q. Who told you to use the word “biological”.
A. I learned it in one of my English classes.
Q. Well, other members in your family have been referring to him as their biological dad, right.
A. Yeah, and also my sister uses it.
Q. Did your mom ever tell you to refer to David as your biological dad.
A. No.
Q. She never did once.
A. No.
Q. Did you ever hear your mother telling your sister to refer to David as your biological dad.
A. No.
Q. Ever hear your mom tell Davellin to refer to her father as her biological dad.
A. No.
Q. Okay. That was something you came up with, right.
A. Yes. This was after we met Jay, so we didn’t think of my dad as a dad anymore. So that’s why we called him a biological dad, because we were calling Jay “Dad.”
Q. Now, you’ve been into Prince and Paris’s bedroom, right.
A. Yes.
Q. And just please tell the jury who Prince and Paris are.

A. They're Michael's children.

Q. When you first went to Neverland, did you meet Michael's children.

A. I think so.

Q. Do you remember who introduced you to Michael's children.

A. I don't remember.

Q. Did you see them on the first visit to Neverland.

A. I think so.

Q. Pardon me.

A. I think so.

Q. Okay. And where did you first meet Prince and Paris.

A. At Neverland.

Q. Do you know what ages they were when you first met them.

A. I think they were three and four.

Q. And could you describe them to the jury.

A. They're small. Small. One has blonde hair. The other one has long brown curly hair. What else. That's all.

Q. And you told the jury that Prince and Paris were in Miami when you made a trip to Miami, right.

A. Yes.

Q. And you told the jury that Prince and Paris were in Michael's suite, right.

A. Yes.

Q. And when you first went into Michael's suite, Prince and Paris were there, right.

A. What part of the suite.

Q. Any part.

A. Yes.

Q. Okay. And when you went back on the plane from Miami to Santa Barbara, Prince and Paris were on the plane, right.

A. Yes.

Q. And two nannies were with them, right.

A. One nanny was with two kids, and the other nanny was with the baby.

Q. Okay. And tell the jury who the baby was.

A. Michael’s son.

Q. Okay. Would you please describe the baby to the jury.

A. Small.

Q. Okay. And who was the nanny with Michael’s baby.

A. Her name was Patty.

Q. And who was the nanny with Prince and Paris.

A. Grace.

Q. And they’re all on the plane with you when you go back from Miami, right.

A. Yes.

Q. And a physician was on the plane as well, right.

A. I didn’t know what his profession was.

Q. Okay. Did you know he was a doctor.

A. From his name, yes.

Q. Okay. You heard people call him “Doctor,” right.

A. Yes.

Q. And was it your understanding his name was Farshshian.

A. Yes.

Q. Okay. So Dr. Farshshian’s on the plane as well, right.

A. Yes.

Q. Did you ever ask anyone whose doctor he was.

A. All I knew is that he was Michael’s doctor.

Q. Okay. Okay. Now, yesterday you told Prosecutor Sneddon where everybody was sitting, right.

A. Yes.

Q. And --

A. Yes.

Q. -- you looked at this diagram, and you said, “That’s a diagram of the inside of that plane,” right.

A. Yes.

Q. How did you know that was a diagram about the inside of that plane.

A. Because that’s how it looked inside.

Q. Did you ever go over that diagram with any prosecutor before you testified.

A. I think so, yes.
Q. You think so.
A. Yes.
Q. Are you sure.
A. Yes.
Q. Okay. You did do it, right.
A. Yes.
Q. And what prosecutor did you go over that diagram with before you testified.
A. Um, let me remember. It was Tom.
Q. Is that Tom Sneddon.
A. Yes.
Q. And when did you do that with him.
A. On Sunday.
Q. Did he visit you on Sunday.
A. No, I visited him.
Q. Okay. At his office.
A. Yes.
Q. Okay. And did someone bring you to his office.
A. Yes.
Q. Do you know who that was.
A. It was Steve Robel.
Q. Okay. That's a Santa Barbara sheriff, right.
A. Yes.
Q. And had you seen that diagram before Sunday.

A. No.
Q. Did Mr. Sneddon tell you, "This is a diagram of the inside of the plane".
A. No. I knew it was a diagram. I was the one that drew it up for Tom.
Q. So you drew the whole diagram up for Prosecutor Sneddon.
A. No, I just drew a picture and I gave it to Tom.

Q. Okay. Do you know where that picture is.
A. No.
Q. Did -- you just gave it to Sneddon.
A. Yes. Well, it was in the beginning of this case.
Q. I'm sorry. Pardon.
A. It was in the beginning of the case.
Q. Okay. So the beginning of this case, you did a diagram of the interior of that plane.
A. I just did a drawing.
Q. Okay. A drawing of the plane that you flew on from Miami, right.
A. Yes.
Q. And when you say, "At the beginning of this case," what do you mean.
A. It was before the grand jury.
Q. And do you know whatever happened to the drawing.
A. No.

Q. Did you remember where all the seats were --
A. Yes.
Q. -- inside that plane.
A. Yes.
Q. Okay. And that's what you drew in the drawing, right.
A. Yes.
Q. And did Mr. Sneddon tell you that the diagram you had was based upon your drawing.
A. No.
Q. Okay. He just came up with this and showed it to you on Sunday, right.
A. Yes.
Q. And did he ask you to put little initials where everybody was sitting.
A. No. We did that yesterday.
Q. That was the first time you'd ever done that.
A. Yes.
Q. First time you'd ever looked at that drawing and put initials where everybody was sitting.
A. Yes.

Q. When you were with Mr. Sneddon on Sunday, did you point out to him where people were sitting.

A. He told me not to.

Q. He told you not to tell him where people were sitting.

A. Yes.

Q. Okay. Well, let me ask you this: If he showed you this diagram of the plane, do you know why he would tell you, “Don’t tell me where people are sitting”.

A. I was actually -- well, I wanted to see it.

Q. You wanted to see what.

A. I wanted to see the diagram.

Q. Okay. Did you ask him in advance that you wanted to see the diagram.

A. No.

Q. Okay. You’re sitting with Mr. Sneddon in a Sunday meeting, right.

A. Yes.

Q. And what time was that.

A. I don’t remember. It was afternoon.

Q. Afternoon. Okay. Do you know about how long the meeting went.

A. No.

Q. Were you there alone with Prosecutor Sneddon.

A. No.

Q. Who else was there.

A. Steve Robel.

Q. Okay. Was Sheriff Robel talking.

A. No.

Q. Who first gave you the diagram.

A. Steve walked in with it.

Q. Okay. So he walks in with it and hands it to you, right.

A. Yes.

Q. And he asks you about the diagram, right.

A. Yes.

Q. And you're saying that Prosecutor Sneddon said, "Don't tell us where people were sitting".

A. No, I was about to, but then he said, "No, don't tell me." So I didn't say nothing. I just wanted to go over it by myself.

Q. You wanted to go over the diagram just by yourself.

A. Oh, in my head.

Q. In your head.

A. Yes.

Q. Okay. So correct me if I'm wrong, you looked at this diagram; everybody was silent, and you thought about it in your head, right.

A. Yes.

Q. And then you gave it back to Prosecutor Sneddon, right.

A. Yes.

Q. Never discussed anything about what's on the diagram, right.

A. Yes.

Q. Never discussed it at all, right.

A. Yes.

Q. Okay. Now, in one of your police interviews, you were asked if you knew the difference between right and wrong, remember.

A. Yes.

Q. And you said you learned the difference between right and wrong from your mom, right.

A. Yes.

Q. And that was the truth, right.

A. Yes.

Q. Okay. Your mom told you never to lie, right.

A. Yes.

Q. Did she tell you that before the J.C. Penney deposition.

A. She told us that our whole life.

Q. Whole life.

A. Yes.

Q. Okay. You actually told the police that you think lying is a sin, right.

A. Yes, I think so.
Q. Do you remember if you did that.
A. Not really.
Q. Okay. Would it refresh your recollection if I show you the transcript.
A. Sure.
MR. MESEREAU: May I approach, Your Honor.
THE COURT: Actually, he testified that, yes, he told the police that.
MR. MESEREAU: Oh, I thought -- I didn’t --
THE COURT: Then you went on to his memory.

So, denied.
MR. MESEREAU: Okay.
THE COURT: Move along.
MR. MESEREAU: All right.
Q. You know you’re not supposed to lie under oath, right.
A. Yes.
Q. Okay. Has anyone discussed that with you before.
A. My whole family.
Q. Okay.
A. The D.A.
Q. They have all told you, “Don’t ever lie under oath,” right.
A. Yes. They just told me to tell the truth.
Q. Okay. Now, you talked about driving golf carts at Neverland, right.
A. Yes.
Q. And you and your brothers used to do that during your visits to Neverland, right.
A. Yes.
THE COURT: Let’s take our break, Counsel.
MR. MESEREAU: Yes, Your Honor.
(Recess taken.)
--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 1189 through 1252 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 8, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, March 8, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304L

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

TUESDAY, MARCH 8, 2005

(PAGES 1254 THROUGH 1332)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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E X H I B I T S

DEFENDANT'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
5001	Father's Day card and envelope	1299	1300

THE COURT: Go ahead.
MR. MESEREAU: Thank you, Your Honor.
Q. Do you know approximately when your family --
THE BAILIFF: You have to turn your mike on.
MR. MESEREAU: Oh, okay. Sorry. I'll start

again.

Q. Do you know approximately when your family left Neverland and never came back.

A. No.

Q. It was in the spring of 2003, wasn't it.

A. I don't know.

Q. Well, it was -- let me try and see if we can get to that place. You went to Miami in February of 2003, right.

A. I don't remember. I just know when we finally left, we had enough time to go back to school.

Q. Okay. And when did school start.

A. September.

Q. Okay.

A. September.

Q. Do you think you were at Neverland in June 2003.

A. I don't know.

Q. Do you think you were there in April of 2003.

A. I don't know.

Q. Okay. Have you ever discussed with your mom when you left Neverland and never came back.

A. No.

Q. Okay. Do you think you were at Neverland in August of 2003.

A. I don't know.

Q. Were you there right before you started school.

A. No.

Q. You actually left many months before you started school, didn't you.

A. No. We were in school.

Q. You were in school when you left Neverland, never to come back.

A. No. No. I didn't understand your question.

Q. Okay. Let me try and not confuse you. You come back from Miami, right.

A. Okay.

Q. And you go to Neverland, right. And at some point you left Neverland, right.

A. Yes.

Q. And you're back from Miami, you stay at Neverland, and then you leave. Where do you go when you leave.

A. Back to Jay's house.

Q. Okay. That's Jay Jackson, right.

A. Yes.

Q. And is that when you had the interviews at Jay Jackson's house.

A. When we left the last time.

Q. Yes.

A. We never had an interview.

Q. Never had an interview at Jay Jackson's house.

A. No.

Q. Okay. Did you ever have an interview with three social workers at Jay Jackson's house.

A. Yes, but that was during this whole thing at Neverland.

Q. Okay. I'm just trying to find out approximately when -- excuse me. Yesterday you told the jury that at one point you left Neverland for the last time, right.

A. Yes.

Q. And you never came back again, right.

A. Yes.

Q. And that was before you went to see Attorney Larry Feldman, wasn't it.

A. Before we left Neverland.

Q. No. You left Neverland for the last time before you first met Attorney Larry Feldman, right.

A. I don't understand the question.

Q. Okay. At some point you met Attorney Larry Feldman, right.

A. Yes.

Q. And you went to see Attorney Larry Feldman with your mom, right.

A. Yes.
Q. And that was after you had left Neverland for the last time, right.
A. Yes.
Q. And at some point, Larry Feldman sent you to a psychologist named Katz, right.
A. I didn’t know -- I didn’t know he sent us.
Q. Okay. Well, you went to see a psychologist named Stanley Katz, right.
A. Yes.
Q. And you saw him after you first met Attorney Larry Feldman, right.
A. Yes. Yes.
Q. And you met Attorney Larry Feldman after you met Attorney William Dickerman, right.
A. Yes.
Q. And this all happened in the spring of 2003, didn’t it.
A. I don’t -- I don’t remember.
Q. You don’t know. You were never at Neverland in the summer of 2003, were you.
A. Correct.
Q. Pardon me.
A. Correct.
Q. And you discussed many times with the Santa Barbara Sheriffs the fact that you left Neverland in the spring of 2003 and never came back, right.
A. Wait.

Q. Sure.
A. I was there in 2003.
Q. No, no. You were there in 2003, but you left in the spring, didn’t you.
A. I don’t remember when I left.
Q. Okay. Have you ever discussed with the sheriffs when you left.
A. I don’t remember.
Q. Okay. Do you know if you were there in July of 2003.
A. Don’t remember.
Q. Okay. You could have been.
A. Probably.

Q. Pardon me.

A. Probably.

Q. Okay. You told the jury the first night you spent at Neverland, you slept where.

A. First out of all the trips.

Q. Yes.

A. In the guest unit.

Q. And that was your first night, right.

A. Of the first time I ever went to Neverland.

Q. Okay. Now, the first time you went to Neverland, do you recall having dinner with Michael Jackson in the main dining room.

A. Yes.

Q. And who was there for that dinner.

A. My mom -- wait. I know it was my dad, my

brother, me, my sister, Michael. I think my mom was there also.

Q. Okay. Let me ask you this: You don’t recall seeing Psychologist Sanely Katz in May of 2003, right.

A. I don’t -- I don’t know the dates.

Q. Okay. Would it refresh your recollection if I just show you his testimony. Would that help you.

A. His.

Q. If I showed you what Psychologist Stanley Katz told the grand jury.

A. Sure. But I don’t know the dates.

Q. Okay. If I showed you what he said, would that remind you.

A. I never knew the dates.

Q. Okay. Okay. So even if you saw it, it wouldn’t --

A. No.

Q. -- wouldn’t jog your memory.

Okay. Okay. And if I told you you saw Stanley Katz again in June of 2003, that wouldn’t jog your memory, would it.

A. No.

Q. All right. And if I told you when you first saw Attorney Larry Feldman, that wouldn’t jog your memory, would it.

A. No.
Q. Okay. But you never went back after you met Psychologist Katz, right.

MR. SNEDDON: Excuse me, Your Honor. Vague.
THE COURT: Sustained.
MR. MESEREAU: Okay.
Q. Do you know if you ever returned to Neverland after you first met Psychologist Stanley Katz.
A. We never returned after we met Stanley Katz.
Q. Okay. And would it be true -- excuse me. It is true that you never returned to Neverland after you met Attorney Larry Feldman, right.
A. Yes.
Q. And you first spoke to the Santa Barbara Sheriffs after you met Stanley Katz, right.
A. Yes.
Q. And you first went to the Santa Barbara Sheriffs after you met Attorney Larry Feldman, right.
A. Yes.
Q. Is there anything I could show you that would remind you --
A. I never knew the dates.
Q. Okay -- - of when you met Attorney Feldman. Don’t know.
A. Never knew.
Q. All right. Okay. Do you have any idea what month it was when you last went to Neverland.
A. No.

Q. Okay. All right. But you never were there in August of 2003, were you.
A. I don’t remember the dates.
Q. You don’t know, okay. Now, you told the Santa Barbara Sheriffs about the locks in Michael Jackson’s home, did you not.
A. Yes.

Q. You said his bedroom has double doors, right.
A. Yes. When you first enter the room.
Q. And you said there are several locks, right.
A. There’s seven locks.
Q. Seven locks.
A. Yes.
Q. Including a combination lock, right.
A. Yes.
Q. How did you know there were seven locks.
A. I don’t know. I just remember looking at them.
Q. Did you know the combination to that combination lock.
A. Do you mean the digit key pad.
Q. Well, you told the police there’s a combination lock, didn’t you.
A. I said there was a key pad.
Q. Okay. Was that the code you were talking about.

A. Yes.
Q. All right. And did that code unlock the seven locks.
A. No, it only unlocked one lock. The other six locks were unlocked manually.
Q. Were what.
A. Were unlocked by hand.
Q. Okay. Have you ever unlocked any of those several locks.
A. I really don’t remember.
Q. You don’t remember at all.
A. No.
Q. You were caught trying to unlock those locks one time, weren’t you.
A. When.
Q. At Neverland.
A. I don’t remember that.
Q. Do you recall anyone from security ever catching you trying to open those locks.
A. From the outside.
Q. Yes.

A. You -- it’s impossible to open them from the outside.

Q. Did you ever try to do it.

A. No.

Q. Were you ever caught by any security person trying to open those locks.

A. No.

Q. Don’t recall that at all.

A. If -- if I ever went to the door and punched in the -- the key code, if it didn’t open, I just left. I never tried to force it open.

Q. So, you’re telling the jury that you did go, on at least one occasion --

A. No, I’m saying if that ever happened.

Q. If it ever happened.

A. If those two doors were locked.

Q. Right. If they were locked and you didn’t know the code, you couldn’t get in, right.

A. Yes.

Q. And are you saying you tried a code one time that didn’t work.

A. No, I’m just saying.

Q. Just saying what.

A. If the door was locked and you punch in the key code, there’s no other way you could possibly get in.

Q. All right. Because you tried it and it didn’t work one time, right.

A. I never said I did.

Q. Did you.

A. I’m just saying if I tried, that would happen.

Q. Did you ever try that.

A. No.

Q. Never once.

A. No.

Q. And never were caught by anyone trying to use the wrong code.

A. No.

Q. Okay. Do you know if your brother was ever caught trying to use the wrong code to get in.

A. No.

Q. Okay. Now, you told the sheriffs that the code was either 1960 or 1849, right.

A. It was 1960 and 1849.

Q. How did you know that.

A. Because 1849 was the master code. And 1960, 1960 got you into Michael’s room.

Q. Okay. You told the sheriffs that 1849 is a general combination for Neverland, right.

A. Yes. It’s the master code.

Q. And 1960 is a combination for Michael’s bedroom, right.

A. Yes. It’s the code for Michael’s bedroom.

Q. Which one are you telling the jury the security guard gave you.

A. 1849.

Q. Do you know why the security guard gave it to you and not Michael.

A. We never really asked Michael for that. He just showed us one day.

Q. The security guard did.

A. Yes.

Q. And you remember the codes to this day, right.

A. Yes.

Q. How many times do you think you’ve used those codes.

A. A lot of times.

Q. How many times; do you think.

A. Probably over a hundred.

Q. Over a hundred times you’ve been to Michael Jackson’s bedroom.

A. No, it gets you in everywhere.

Q. So you’ve probably used these codes to see every room in Neverland, right.

A. No, I just -- I just knew the codes.

Q. Huh.

A. I memorized them.

Q. Okay.
A. So I won’t get locked out.
Q. But you’ve used them about a hundred times you said, right.
A. Yes.
Q. You’ve been into every single room at Neverland, haven’t you.
A. At one point, yes.
Q. You went in with your brothers, right. Or, excuse me, your brother, right.
A. In every room.
Q. Yes.

A. No.
Q. Did you go to every room by yourself.
A. No, I was either with -- I was with someone.
Q. Well, you weren’t always with Michael, right.
A. I was probably in the toy room with Prince and Paris and Grace.
Q. Okay. Did you let them into the room.
A. What.
Q. Did you use the code and let them into the room.
A. No. Grace knew the code.
Q. I’m asking you if you remember how many times you think you’ve used these codes --
A. A lot of times.
Q. -- to get into the rooms at Neverland. You said about 100, right.
A. No, I’m guessing. I’m just saying I used them a lot of times.
Q. Why did you pick the number 100.
A. I don’t know. I’m just trying to show that I used them a lot of times.
Q. All right. And you used them many times when Michael Jackson wasn’t even at Neverland, right.
A. He was there. It got you into the house. It got you into his bedroom. Got you into the front door.

Q. But you’ve used those codes many times when Michael Jackson wasn’t even at Neverland, right.

A. When.

Q. I’m asking you.

A. I never used them. What did you say.

Q. No, let me rephrase it.

You personally, Star Arvizo, have used those codes to get into rooms at Neverland when Michael Jackson wasn’t even there, right.

A. No. No.

Q. You’re saying --

A. We barely learned those codes after the Miami trip. I never knew them before.

Q. Do you recall ever being caught in the wine cellar --

A. The wine cellar doesn’t have a combination lock.

Q. Do you recall ever being caught in the wine cellar drinking wine when Michael Jackson wasn’t present.

A. Never.

Q. Never happened.

A. It -- it’s always locked, and it always -- it -- to unlock it you need a key. There’s no combination to get in there.

Q. Let me repeat my question.

Do you recall ever being caught in the wine cellar at Neverland with Gavin drinking wine when Michael Jackson wasn’t even there.

A. No.

Q. Are you saying that never happened.

A. Yes.

Q. Do you ever recall being caught at any other location in Neverland drinking wine when Michael Jackson wasn’t there.

A. No.

Q. Okay. That never happened.

A. Yes.

Q. Okay. Now, you just told the jury

voluntarily where the key is to get in the wine cellar, right.
A. No, I said that the door, the wine cellar needed a key to get in there.
Q. And you knew where the key was, correct.
A. I knew it was in the lounge.
Q. You knew where it was hanging in the lounge, right.
A. Not exactly. I didn’t know where it was hanging. I just knew it was in the lounge.
Q. Well, please describe the lounge for the jury.
A. It has a closet, a couch, a rest room with a shower. It was pretty small.
Q. You’ve been in the lounge many times, haven’t you.
A. No.

Q. How many times have you been in the lounge.
A. Once to put on a cooking shirt.
Q. You’ve been in the lounge once to put on a cooking shirt.
A. Yes.
Q. And that’s the lounge that’s right next -- excuse me, that’s right next to the wine cellar, correct.
A. No. The wine cellar’s in the arcade, under -- downstairs.
Q. How do you get into the wine cellar.
A. You push a jukebox out of the stairs, and you go downstairs.
Q. And when you go downstairs, what do you see.
A. It’s like a bomb shelter thing, almost. There’s sleeping bags, there’s pillows. There’s like canned sausages and a bunch of, like, little Michael Jackson gold energy drinks. And you enter into another small room which has a bunch of wine and a bunch of alcohol in there.
Q. And to get into that room with the wine, what do you have to do.
A. Need someone with a key.
Q. And where do you find the key.

A. I don’t know. I just knew it was in the lounge, and Jesus had one, and that’s all I knew.

Q. Okay. Now, how many times have you been down in the wine cellar.

A. Twice.

Q. So when you described the lounge in detail, you weren’t talking about the wine cellar, right.

A. Yes.

Q. You just described the little room right next to the wine cellar, right.

A. No, I described a room that’s in the main house. The wine cellar’s in the arcade.

Q. Okay.

A. Away from the house.

Q. When you go into the wine cellar, you go downstairs, right.

A. Yes.

Q. What does that stairs look like.

A. It’s wooden, and they go down. And they have steps.

Q. And you go down the steps and what’s the first thing you see.

A. A wall.

Q. Pardon me.

A. A wall.

Q. Okay.

A. And then you look to your right and there’s a door.

Q. Okay. And what does the door look like.

A. It’s wooden. And it looks like an old-fashioned door.

Q. Okay. And if you’re facing the door and you look to your left, what do you see.

A. A wall.

Q. Okay. And if you’re facing the door and you look to your right, what do you see.

A. The stairs leading up to the arcade.

Q. Is there any room close to the wine cellar.

A. No except a little room upstairs in the arcade that had a bunch of books in it.

Q. Okay. And to get into that wine cellar, there’s a key, correct.

A. Yes.

Q. And the key was hanging in one location, correct.

A. I said I didn’t know where the key was.

Q. But you really did know where it was, didn’t you.

A. Not really.

Q. Not really.

A. No.

Q. But you got the key one time yourself, didn’t you.

A. I’ve never gotten the key myself.

Q. You asked for the key, didn’t you.

A. What.

Q. You asked for the key to the wine cellar at one point, didn’t you.

A. Never. Never.

Q. You knew where the key was hanging --

A. No.

Q. -- because you were watched taking that key at one point, weren’t you.

A. I never took the key at one point.

Q. Okay. All right. So how many times have you been in the wine cellar, then.

A. Twice.

Q. All right. And you learned this description of the wine cellar by just being there twice, correct.

A. Yes.

Q. Were you ever caught drinking wine in the guest quarters.

A. Never.

Q. Never once.

A. Never.

Q. Never touched it at the guest quarters, right.

A. Never.

Q. Okay. You gave a description of Michael’s bedroom to the jury yesterday, right.
A. Yes.
Q. And what did you tell the jury you’d find on the first floor.
A. The first floor.
Q. Yes. The first floor of Michael’s bedroom, yes.
A. The room to the right or to the left.

Q. Let’s take the room to the left. What do you see in the room to the left.
A. All the way to the left.
Q. Yes.
A. There’s like -- there’s a counter with a bunch of perfumes and colognes. There’s a mirror. There’s another big mirror behind it. There’s speakers. There’s a bunch of electric razors in a drawer. There’s a big bathtub, Jacuzzi-type thing. There used to be a reclining chair there. It wasn’t -- you couldn’t -- it was -- it was like a square cushion, and there was a cushioned chair, and there’s a dresser. There’s a door with a small -- with a toilet in there. There’s glass doors all the way to the end. There’s a big safe in there. What else. There’s a -- yeah.
Q. And how about the room to the right.
A. All the way to the right, there’s another counter with a bunch of stuff on it. There’s a poster of Harry Potter and his two friends. There’s a rest room all the way, if you keep walking down, with a shower. There’s a closet to your left with a bunch of clothes and a bunch of souvenirs from other movies.
There’s -- when you first walk in, there’s a closet with a bunch of pajamas. And if you go to your left, there’s the stairs going up. What else is there. There’s a -- that’s it.

Q. You and your brother were caught in that room when Michael Jackson wasn't even at Neverland, weren't you.

A. To sleep, yeah.

Q. You and your brother used to go into that room when Michael wasn't even at Neverland, right.

A. Yes, Michael opened his room up to us so we could sleep there while he was gone.

Q. You were actually asked to leave that room when you were caught during a time when Michael wasn't even at Neverland, right.

A. No.

Q. And you and your brother rummaged through every room in that bedroom area, correct.

A. No.

Q. You went snooping around the entire bedroom area when Michael wasn't even there, correct.

A. No.

Q. You went into that closet when Michael wasn't even there, correct.

A. No.

Q. How do you know there are pajamas in the closet.

A. Because Michael showed us.

Q. So Michael was showing you every little bit of the bedroom.

A. No, he just showed us where the pajamas were.

Q. And you were never caught in there and asked to leave; is that what you're saying.

A. Yes.

Q. Okay. Now, referring to Exhibit 86 --

May I approach the witness, Your Honor.

THE COURT: Yes.

MR. MESEREAU: Thank you.

Q. Star, I'm showing you a photograph that you identified yesterday. The number is 86. Do you see that.

A. Yes.

Q. And that's a briefcase with some girlie magazines, right.

A. Yes.

Q. And you told the jury yesterday, they're the magazines you saw at Neverland, right.

A. Yes.

Q. And before you testified about these magazines --

May I show the jury this, Your Honor.

THE COURT: Yes.

MR. MESEREAU: Thank you.

Shall I just hand it to them.

THE COURT: If that's what you would like.

MR. SANGER: Tom, do you want to put it up on the screen.

MR. MESEREAU: Sure.

MR. SANGER: I've turned this on.

THE BAILIFF: It would be "Input 4."

THE COURT: It would be "4".

Q. BY MR. MESEREAU: Now, do you see that briefcase, Star.

A. Yes.

Q. And what you're looking at is Exhibit 86, right.

A. I don't see the number.

Q. Okay. Just -- what you're looking at is a -- appears to be a black briefcase with some girlie magazines, right.

A. Yes.

Q. And the first one says "Barely Legal" on it; do you see that.

A. Yes.

Q. And it appears to be a blonde woman lifting up her shirt, correct.

A. Yes.

Q. And it appears to be a blonde woman who's exposing her breasts, right.

A. Yes.

Q. And she appears to be wearing a dark pair of shorts, right.

A. Yes.

Q. Before you testified yesterday you looked at that photograph with Prosecutor Sneddon, correct.

A. Yes.

Q. You told Prosecutor Sneddon that those are the magazines you had seen at Neverland, right.

A. Yes.

Q. You told Prosecutor Sneddon that Michael Jackson had showed you those magazines, right.

A. Yes.

Q. Michael Jackson never showed you that magazine, “Barely Legal,” did he.

A. What.

Q. Michael Jackson never showed you that magazine, “Barely Legal,” did he.

A. He did show us.

Q. He did.

A. Yes.

Q. Well, Star, did you look at the date of the magazine. It’s August of 2003, is it not.

A. Well, I never said that was exactly that one.

Q. Well, your family had left Neverland many months before, never to return, correct.

A. That -- I’m telling you that that wasn’t exactly the one he showed us.

Q. That’s not what you said yesterday, and it’s not what you said today, right.

MR. SNEDDON: Your Honor, that’s argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: When you told the jury yesterday that Michael Jackson showed you the magazine “Barely Legal,” you were not telling the truth, right.

A. Um, I said that he did show us Barely Legal. I didn’t say that he showed us that exact one. He showed us those magazines.

Q. You told the jury yesterday that Michael showed you the particular magazine depicted in the photograph, didn’t you.

A. No. I said that he showed us those type of magazines.

Q. You’re saying it now because you just found out what the date is, right.

A. I never said those were exactly the ones.

Q. Okay. Okay. Did you discuss this issue with Prosecutor Sneddon this morning.

A. No.

Q. Have you ever discussed this issue with any prosecutor.

A. Never.

Q. Ever discussed this issue with any Santa Barbara Sheriff’s officer.

A. Never.

Q. Okay. You testified yesterday to the jury that you found that briefcase cracked open, correct.

A. Yes.

Q. In fact, you and your brother were caught trying to get into that briefcase, weren’t you.

A. No.

Q. You deny that anyone at Neverland ever caught you trying to get into the briefcase.

A. Yes.

Q. Are there any locks at Neverland other than the ones you described.

A. Any other.

Q. Yes.

A. There’s a lot more locks.

Q. Please tell the jury where the other locks are.

A. Almost on every door.

Q. And how do you get into those locks.

A. On every single door.

Q. Yes.

A. Do you want me to explain every lock.

Q. Sure, the ones you know about. Sure.

A. Mostly all locked from the inside, not -- I don’t know what you’re trying to ask me.

Q. Well, I’d like you to tell the jury what you know about each lock at Neverland.

A. There’s like hundreds of locks.

Q. Okay. Let’s take ten of them.

A. Okay.

Q. Wherever they may be. Just tell the jury what you know about those ten locks and where they are.

A. They all lock from the inside.

Q. And how do you unlock them.

A. From the inside.

Q. Is there any other way to unlock them.

A. No.

Q. Have you unlocked any of those locks, ever.

A. From the inside.

Q. Yes.

A. Probably coming out of the rest room.

Q. Which lock are you talking about.

A. The rest room lock.

Q. What other locks have you unlocked at Neverland.

A. Um -- um -- rest room lock, door lock. What else. I can’t really remember every lock I unlocked.

Q. Do you remember testifying in front of the Santa Barbara grand jury.

A. A little, yes.

Q. Do you remember the prosecutor handed you a girlie magazine to look at.

A. When.

Q. When you were in front of the Santa Barbara grand jury.

MR. SNEDDON: Your Honor, I’m going to object; assumes facts not in evidence.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Were you ever asked to look at a girlie magazine when you testified in front of the Santa Barbara grand jury.

A. I was never handed a girlie magazine.

Q. Has Mr. Sneddon ever shown you a girlie magazine during your interviews.

A. No, except on the -- on the photo that you just showed.

Q. Okay. And when was that.

A. When.

Q. When was that.

A. Just a moment ago.

Q. Okay. Just a moment ago.

A. Yes. I’m talking about the picture you just showed a moment ago.

Q. Yes. Yes. He showed you that picture, right.

A. Yes. In the grand jury.

Q. And did you testify in the grand jury that you saw these magazines.

A. No, I said I saw those types of magazines.

Q. Okay. Mr. Arvizo --

A. Yes.

Q. -- you told Mr. Sneddon, in no uncertain terms, that those were the magazines you had seen, didn’t you.

A. I said those -- those are the type of magazines we saw.

Q. Okay. Had you ever seen any girlie magazines in your life before you say Michael Jackson showed them to you.

A. Hmm, no.

Q. Never.

A. Well, I was only like 11, 12.

Q. Weren’t you caught at Neverland looking in girlie magazines.

A. I said no.

Q. No one ever caught you and your brother looking at girlie magazines at Neverland.

A. Never.

Q. Okay. Okay. And your testimony is until you got to Neverland, you and your brother had never looked at a girlie magazine at any time; is that right.

A. Yes.

Q. Okay. Before you got to Neverland, had you ever used a computer.

A. Yes. In school.

Q. Had you ever used one at home.

A. No.

MR. SNEDDON: Your Honor, I’m a little late on the trigger on this one, but I want to object to that as vague and have it stricken in terms of what point in time we’re talking about.

MR. MESEREAU: I’ll rephrase it, Your Honor.

THE COURT: All right.

MR. SNEDDON: Could the question and the answer be stricken, please.

THE COURT: Denied.

Q. BY MR. MESEREAU: Before your first visit to Neverland, had you ever used a computer.

A. No.

Q. Did you know anything about computers before you made your first visit to Neverland.

A. I knew I could punch in some keys and I could spell a word.

Q. And where had you learned to do that.

A. At school, at word-processing class.

Q. Before you were first interviewed by the Santa Barbara Sheriffs, did you know anything about computers.

A. Yes.

Q. And what did you know about computers at that point.

A. How to type and how to surf the net.

Q. You knew how to surf the net before you first went to Neverland, didn’t you.

A. I didn’t even know we had Internet. Well, I might have, but never really --

Q. You say you might have.

A. Yeah, I might have, but I never really saw the point of going there.

Q. When you were first interviewed by the Santa Barbara Sheriffs, you told them about what you’ve claimed Michael Jackson and Frank did with a computer, right.

A. Yes.

Q. And you told the Santa Barbara Sheriffs that they found a site like the AOL, right.
A. Like the AOL.
Q. Yes.
A. Well, I was kind of nervous -- I was kind of nervous in that interview. I might have dropped off on half of my sentence.
Q. You were kind of nervous in the interview and you might have dropped off like half of your sentence.
A. Yes. Whenever -- well, that’s how I speak. Whenever I’m nervous, I cut off part of my sentence. Or -- I don’t know, I’m just -- that’s how I am.
Q. Has anyone showed you a record of your interview before you testified today.
A. Yes.
Q. Who.
A. D.A.’s Office.
Q. Excuse me.
A. The D.A.’s Office.
Q. Who in the D.A.’s Office showed you a transcript of your interview before you testified today.
A. What interview. The Santa Barbara.
Q. Yes.
A. It was mailed to me.
Q. And do you know who mailed it to you.
A. No.

Q. Do you know when you received it.
A. About a month ago.
Q. Did you read it.
A. No.
Q. You didn’t read it at all.
A. Well, I did read it towards the end.
Q. Did you read the whole thing.
A. Yes.
Q. Did you then discuss that transcript with anybody.
A. No.
Q. Never.

A. No. Tom told us not to.

Q. Okay. Well, I haven't showed you that portion of the transcript yet today, right.

A. What.

MR. SNEDDON: Your Honor, I object as vague.

MR. MESEREAU: I'll rephrase it. I'll rephrase.

Q. The part of the transcript where you told the sheriffs about AOL - okay. --

A. Okay.

Q. -- when did you last see that page.

A. I don't even remember seeing it.

Q. You never saw it.

A. No, I don't remember seeing it, but it was probably in there.

Q. Okay. Well, I'll represent to you that your

sentence does sort of break off.

A. Yes.

Q. Okay.

A. A lot of my sentences do.

Q. How did you know that sentence broke off.

A. Because when I'm nervous, that's how I talk.

Q. Pardon me.

A. When I'm nervous, that's how I talk.

Q. You clearly looked at that before you testified today, didn't you.

A. No. I didn't look at those papers.

Q. Never looked at them once.

A. No. Probably looked at them when I got up here, when -- no, not right here, but when I came up to Santa Barbara.

Q. When you came up to Santa Barbara, you're saying you looked at your transcript of your police interview, right.

A. No.

Q. Okay. I'm sorry, I'm not understanding what you're saying. And if I'm not being clear, just tell me. Okay.

A. Okay.

Q. There was a point in your sheriff's interview where you talked about Frank and Michael

Jackson showing you a computer, right.

A. Yes. It was the -- that was the same computer my brother had.

Q. And is that a computer that Michael Jackson gave to your brother.

A. Yes.

Q. Do you know when he gave it to him.

A. During the first visit.

Q. Okay. And you told the Santa Barbara Sheriffs, like you told the jury yesterday, that during that first visit, Michael Jackson and Frank showed you the computer, right.

A. Yes.

Q. You told the sheriffs they looked at a site like AOL, correct.

A. I don’t -- I don’t know what I meant by saying that.

Q. But you said it.

A. I know. I probably cut off the sentence.

Q. You’re saying that you told the sheriffs it was a site like AOL, but you don’t know what AOL means.

A. I probably meant we probably went on AOL and we found a site there.

Q. Do you know what “AOL” means.

A. It’s an Internet company.

Q. When you told the Santa Barbara Sheriffs you went on a site --

A. Yes.

Q. -- like AOL, you knew how to use the Internet, right.

A. No. I don’t remember saying that.

Q. When you were first interviewed by the Santa Barbara Sheriffs --

A. Okay.

Q. First interview, okay.

A. Right.

Q. You told them Michael Jackson and Frank showed you and your brother a site on the computer, right.

A. Yes.

Q. You told them it was a site like AOL, right.

A. Yes.

Q. You knew what AOL was when you mentioned that, didn't you.

A. Yes.

Q. Why did you just tell the jury you didn't know.

A. I knew it after my brother was -- was, I don't know, I don't know, was connected or -- I don't know the word, but when he was -- because when Michael gave him the laptop, he had someone call him and set up an AOL account for my brother for his laptop.

Q. Okay. You and your brother had looked at Internet sites before you ever visited Neverland, hadn't you.

A. No. I had -- I was -- never really used the Internet.

Q. Your brother had, as far as you know, right.

A. No. I never -- never really monitored my brother.

Q. Pardon me.

A. I never really monitored my brother.

Q. When Michael Jackson gave your brother a computer --

A. Yes.

Q. -- you and your brother already knew how to use it, correct.

A. No. He called someone to hook it up. Well, talked to my brother on the phone of how to hook it up.

Q. You told the police in your first interview you looked at www dot p-u-s-s-y dot com.

A. No, I was making an example that I was trying to say, that wasn't the exact site. I'm just saying, I was just making an example.

Q. Okay. You also told the police you might have looked at www dot t-e-e-n p-u-s-s-y dot com,

right.

A. No. I never said that.

Q. You never said that to the sheriffs.

A. No.

Q. Would it refresh your recollection if I show you their report.

A. Sure.

MR. MESEREAU: May I approach, Your Honor.

THE COURT: Yes.

Q. BY MR. MESEREAU: Have you had a chance to look at that page.

A. Yes, but --

Q. “But” what.

A. I never said that. That’s just a paragraph that somebody wrote.

Q. So you never said that to the Santa Barbara Sheriffs --

A. I might have, but I don’t remember saying it.

Q. Well, you are saying that if it appears in a report, it’s wrong.

A. Well, I’m saying I never remember saying it.

Q. Okay. Star, you and your brother were caught at Neverland looking at computer sites when Michael wasn’t even there, right.

A. There’s no computers at Neverland.

Q. Your brother had one.

A. At the beginning. But then it broke, and then we never had it again. And the only other computer there was Frank’s computer, and Frank took it everywhere he went.

Q. Okay. So you never were caught by anybody --

A. No.

Q. -- looking at adult material sites on a computer.

A. No.

Q. Is that correct.

A. There's no computers in Neverland.

Q. Okay. Now, did you tell the sheriffs that Michael Jackson kept your family away from clocks.

A. Well, we never knew the time.

Q. Well, did you tell the Santa Barbara Sheriffs that, "Michael Jackson would never let us look at clocks," or words to that effect.

A. Words -- could I see it.

Q. I'm just asking you.

A. No. Well, yes. Probably said it to an extent like that.

Q. Well, just tell the jury, if you would, how you remember saying it.

A. I just remember saying that -- I don't remember how exactly how I said it.

Q. Well, you said words to the effect, "Michael Jackson kept my family away from clocks and time," right.

A. Were those my exact words.

Q. No, I'm saying, words to that effect. Do you remember exactly how you said it to the sheriff.

A. No. I don't know exactly.

Q. Do you remember roughly how you said it to the sheriffs.

A. Not really.

Q. Did you say anything like that to the

sheriffs.

A. Yes.

Q. Please tell the jury what you told the sheriffs.

A. I'm going to be guessing, because I don't know my exact words.

Q. Okay. I'm not asking for your exact words. I'm just asking you for generally what you said.

A. They kept us away from the clocks. We didn't know the exact time or the date or nothing.

Q. Would you agree that overlooking Neverland is a huge clock.

A. Yes. It's a flower clock.

Q. Yes. And to the right of that big flower clock is another clock, correct.

A. Probably.

Q. There are clocks all over Neverland, correct.

A. Yes.

Q. And you and your brothers used to run all around Neverland, right.

A. Yes.

Q. You wanted the sheriffs to think that you and your family were imprisoned and kept away from clocks.

A. No.

Q. That’s why you told them that lie, right.

A. No.

Q. If there are clocks all over Neverland, if there’s a big flower clock on a hill overlooking Neverland, and if you and your brothers were running freely around Neverland, why did you tell the Santa Barbara Sheriffs “We were kept away from clocks and time”.

A. Because they were wrong and we were kept away from them. We weren’t able to know the time.

Q. Your mother told you to say that, didn’t she.

A. No.

Q. It was a lie, wasn’t it.

A. No.

Q. It defies common sense, doesn’t it.

A. Can you explain that.

Q. You don’t know what that means.

A. I know what common sense is.

Q. Everywhere you go at Neverland, you can see clocks, right.

A. Not everywhere.

Q. Most places, right.

A. Yes, most places.

Q. And you and your brother were up on a hill --

A. They weren’t always correct. Yeah, they had clocks there, but they weren’t always correct.

Q. Well, if you didn’t know what time it was, how do you know they weren’t correct.

A. Because the clocks were -- one clock was saying five o’clock and another clock was saying nine o’clock. That’s how I knew they were wrong.

Q. Star, you knew what time it was at Neverland, didn’t you.

A. No.

MR. SNEDDON: Object as argumentative, Your Honor.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you ever send letters or cards to Michael Jackson.

A. Yes.

Q. Do you know when you did that.

A. When we first met Michael.

Q. And approximately when was that again.

A. When I was 10, 11.

Q. And do you know approximately when you first met Michael.

A. While my brother was having cancer.

Q. Was that probably the fall of 2000.

A. I don’t know the date.

Q. Was it 2001.

A. I don’t know the date.

Q. Was it 2002.

A. I just know it was between when my brother was having cancer.

Q. Did your mother help you write your letters to Michael.

A. Hmm, no.

Q. Did you write them yourself.

A. Yes.

Q. You wrote a letter to Michael, Star, where you said -- you thanked him, “Because even when your hearts get broken and shattered into tiny little pieces, we always still love, need and care about you with every tiny little piece of our hearts,” right.

A. Are you reading that from a card.

Q. I'm asking you if you remember saying anything like that.

A. No.

Q. Never said it.

A. No.

Q. Would it refresh your recollection if I show you a card --

A. Yes.

Q. -- that you sent to Michael.

A. Yes.

MR. MESEREAU: May I approach, Your Honor.

THE COURT: Yes.

MR. SNEDDON: Your Honor, could I see the card before counsel shows him.

MR. MESEREAU: Sure. My mistake.

MR. SNEDDON: That's okay. My mistake; I just didn't....

MR. MESEREAU: May I have this marked as the

exhibit next in order, Your Honor.

THE COURT: Yes.

MR. SNEDDON: Excuse me, Your Honor. If he's going to refresh the individual's recollection first, and that --

MR. MESEREAU: Excuse me, Your Honor, I'm doing it.

THE COURT: He's changed his --

MR. SNEDDON: I object.

THE COURT: He's changed his approach.

MR. MESEREAU: I'm doing it.

THE COURT: He was going to refresh. Now he's asking if the exhibit may be marked. He can have the exhibit marked.

MR. MESEREAU: Thank you, Your Honor.

THE CLERK: It's 5001.

MR. MESEREAU: 5001.

MR. SNEDDON: No objection that it come in.

MR. MESEREAU: Your Honor, that would be a card and an envelope. Would you like them to be two exhibits or can they be the same.

THE COURT: I think they can be the same.

MR. MESEREAU: Okay. Thank you.

Q. Star, I’m going to show you a card and envelope that have been marked as Exhibit 5001. Okay.

A. I think I wrote this off another card.

Q. Okay. But you did write it, right.

A. Yes.

Q. Have you seen that before.

A. I haven’t seen this in a long time.

Q. But that’s your handwriting, isn’t it.

A. Yes, when I was really little. Yes.

Q. And how about the envelope. Have you seen that envelope, the purple envelope. Have you seen that before.

A. Yes.

Q. That’s the envelope the card came in.

A. I don’t remember if the envelope came with this card.

Q. Okay. And you gave Michael Jackson your phone number, right, at the bottom.

A. Looks like it.

Q. Okay.

A. Wait. I don’t remember that being my phone number. But if it is, it was.

MR. MESEREAU: I would move this document into evidence, Your Honor.

MR. SNEDDON: I already said no objection, Your Honor.

THE COURT: It’s admitted.

Q. BY MR. MESEREAU: You said to Michael Jackson, “My super, super, best, best friend,” right.

A. Yes.

Q. You said, “I love you, I love you,” repeatedly, right.

A. Yes.

Q. And you referred to Father’s Day, right.

A. I didn’t read the card.

Q. Would it refresh your recollection if I show you the envelope.

A. Sure.

MR. MESEREAU: May I approach, Your Honor.

THE COURT: Yes.

THE WITNESS: “Happy Father’s Day.”

Q. BY MR. MESEREAU: Yeah, you said “Happy Father’s Day” on the envelope, right.

A. Wait. Can I see it one more time.

Q. Sure.

May I.

THE COURT: Yes.

THE WITNESS: Sorry. Okay.

Q. BY MR. MESEREAU: You sent the card on Father’s Day, correct.

A. Sure. I don’t remember, but, okay.

Q. You told Mr. Jackson, “You always heal us in a very special way,” right.

A. I wrote that off another card.

Q. What other card did you write that off of.

A. It was a card that already had it written on there.

Q. Where did you get that card.

A. Probably from a supermarket or --

Q. Excuse me.

A. Probably from a supermarket.

Q. Okay. So you took a card from a supermarket --

A. Yes.

Q. -- and wrote the words.

A. It was a card lying around. My grandmother got a lot of cards from her grandchildren.

Q. You said, “Michael, you are special to us,” right.

A. Okay.

Q. “We loyally and faithfully love you more,” right.

A. Yes.

Q. “We love you unconditionally, to infinity and beyond forever,” right.

A. Okay.

Q. And you said, “Thank you, Michael, for being our family,” right.

A. Okay.

Q. “Love, your Blow Hole, Star Arvizo,” right.

A. Okay.

Q. 626-452-1693, right.

A. I don’t even remember having that phone number, but --

Q. The card is signed “Davellin, Gavin, Star and me,” right.

A. “Me”. Okay.

Q. Well, there’s other people’s writings on there also, correct.

A. Yes.

Q. And you all used to write to Michael and tell him about how he had healed your family, right.

A. What do you mean. We never -- we probably wrote to him like --

Q. Pardon me.

A. I only wrote to him, like, three times.

Q. Okay. But you would write to him and tell him how he had healed your family, true.

A. I don’t remember that.

Q. Your mother would ask you to do that, right.

A. No.

Q. And your family often referred to Michael as a father figure, right.

A. Um, sure.

Q. You did that often, right.

A. Refer to him as a father figure.

Q. Yes. You always referred to Michael as being part of your family, didn’t you.

A. Yes. Part of our family.

Q. Your mother used to do that, correct.

A. What do you mean.

Q. You don’t know what I mean.

A. No.

Q. Your mother used to refer to Michael Jackson as being part of your family, didn’t she.

MR. SNEDDON: Your Honor, I’m going to object as to vague as to time.

MR. MESEREAU: I’ll rephrase it, Your Honor.

Q. From the time you first met Michael Jackson, you used to refer to him as being part of your family, didn’t you.

A. Yes.

Q. From the time your mother first met Michael Jackson, she used to refer to him as being part of your family, right.

A. I can’t speak for my mom.

Q. You never heard her say that.

A. Not really.

Q. From the time your sister first met Michael Jackson, she used to refer to him as being part of the family, right.

A. I don’t know.

Q. Did you ever hear her say that.

A. No.

Q. But you started doing it yourself, correct.

A. Yes.

Q. And you say you did it by copying a card from a supermarket.

A. Yes, I just plugged his name in.

Q. Okay. So this handwriting of yours all comes from a supermarket card; is that correct.

A. No, not from a supermarket card. I rewrote the supermarket card.

Q. Okay. So when you said to Michael, “Thank you, Michael, because even when our hearts are and get broken and shattered into tiny little pieces, we always still love, need and care about you with every tiny little piece of our hearts, because you always heal us in a very special way,” did you get that from a supermarket card.

A. I plugged some words in, I plugged his name in, and that’s how I got that paragraph.

Q. And you recall sending it to him.

A. What.

Q. Do you recall sending it to him.

A. Not really.

Q. Do you recall giving it to him.

A. Not really.

Q. Yesterday you told the jury that when you were interviewed on that rebuttal tape and your family said things about Michael healing Gavin and being a father, that that was something scripted, correct.

A. Yes.

Q. But nobody scripted the words in this card, did they.

A. No. But that was before all that happened.

Q. Before what happened, Star.

A. Before the Miami trip, and before we finally left.

Q. So what you're saying is before the Miami trip, you always, you and your family always referred to Michael as "Daddy" and as someone who would heal.

A. We never had a constant connection with Michael during that time.

Q. Then why would you write a card like this to him.

A. Probably when we came back from Neverland. I don't know. I was really little when I wrote that card.

Q. Your mother asked you to write it, didn't she.

A. No.

Q. Your mother never asked you to write to Michael.

A. No.

Q. Your mother -- how old were you when you wrote the card; do you think.

A. Probably -- I don't know. I don't know.

Q. Well, how old do you think you were. Ten. Nine.

A. I can't guess. I don't know.

Q. Well, how old are you now.

A. 14.

Q. We're talking about a couple of years ago, right.

A. I don’t know. I don’t want to say the wrong age.

Q. Pardon me.

A. I don’t want to say the wrong age.

Q. No, just do your best. Just estimate. We’re talking about a couple of years ago, correct.

A. No.

Q. Huh.

A. No.

Q. Well, how long ago do you think you were visiting Neverland.

A. Back in 2000 and 2001.

Q. All right. How old do you think you were in 2000 and 2001.

A. Ten.

Q. Are you saying that when you were ten years old nobody told you what words to write on this card.

A. Yes.

Q. You wrote it all yourself when you were ten.

A. No, the card helped me.

Q. Well, what about the words, “When we get broken and shattered into tiny little pieces we always still love, need and care about you with every tiny little piece of our hearts, because you always heal us in a very special way”. Did you make those words up at the age of 10.

A. No, the card did.

Q. The card did.

A. Yes. The card already had them written on there.

Q. Oh, I see, so you took a card and copied it.

A. Yes, I told you.

Q. And your mother wasn’t involved in that.

A. No.

Q. And your father wasn’t involved in that.

A. No.

Q. And Gavin wasn’t involved in that.

A. No.
Q. And Davellin wasn’t involved in that, right.
A. No.
Q. You did it all yourself, right.
A. Yes.
Q. Then how come you got other family members writing on the same card.
A. Well, they probably wrote on the card after I was done with it.
Q. Did you see them do that.
A. No, I just wrote on it, and I left it there.
Q. Are you saying they probably did that, or you know they did that.
A. They probably did that.
Q. Okay. But what you’re telling the jury - and correct me if I’m wrong - is long before the rebuttal video, your family was referring to Michael as “Daddy,” and as someone who had healed the family, true.
MR. SNEDDON: Object, Your Honor, as compound.

MR. MESEREAU: I’ll rephrase it, Your Honor. I think it is compound.
THE COURT: All right.
Q. BY MR. MESEREAU: Long before the rebuttal film, your family was referring to Michael as a father figure, right.
A. It was long before the Miami trip, too.
Q. You say long before it.
A. Yes.
Q. Well, in the year --
A. And --
Q. Pardon me.
A. And my brother was referring to him as a father figure.
Q. Okay. Long before the Miami trip, correct.
A. Yes.
Q. And long before the Miami trip, your mother was referring to him as a father figure, right.
A. My brother.
Q. Is that true.

A. Yes, my brother needed a father at that time. He was barely coming out of his terminal illness.

Q. And long before the Miami trip, you were referring to Michael Jackson as a father figure, right.

A. I don’t remember doing it, but okay. 1309

Q. Well, did you do that.

A. No.

Q. Pardon me.

A. No.

Q. You didn’t do it.

A. No.

Q. What about the card.

A. So. That’s what -- that’s what the card had on it, so I -- I rewrit it on a piece of paper and -- and I plugged in his name.

Q. Now, “Blow Hole” was a nickname for a fish, right.

A. Yes.

Q. Your nickname was based on a fish, right.

A. I made it up. I was going to give it to Michael. We had a rock/paper/scissors, I lost, so I got stuck with that name.

Q. Okay. Do you remember meeting with Psychologist Stanley Katz to talk about what you claim Michael Jackson did to your mother. Do you remember that.

A. Yes.

Q. You told Stanley Katz that Michael Jackson gave you red wine and vodka, correct.

A. I don’t remember saying that.

Q. Would it refresh your recollection if I show you his testimony.

A. Whose testimony. 1310

Q. Stanley Katz.

A. I never said that to him, so --

Q. Would it refresh your recollection if I just show you what he says you told him.

A. That’s what he said.

Q. Okay. Would it refresh your recollection if I just show you what he said.

A. Okay, but it’s not going to help.

Q. It’s not going to help you.

A. Yeah, I remember saying red and white wine, and there’s one time we got vodka, yes.

Q. You told Stanley Katz that you were given vodka.

A. Yes.

Q. But yesterday you told the jury it was just wine, right.

A. I forgot.

Q. You might have forgot yesterday.

A. Yes.

Q. Okay. You told Stanley Katz that the first time you observed your brother in bed with Michael Jackson, that Michael Jackson had put his hand on your brother’s crotch, right.

A. Yes.

Q. You then changed that to say he had put his hand inside your brother’s pants, right.

A. He might have said it, but I know what I said.

Q. Excuse me. I’m sorry.

A. Repeat the question.

Q. Originally, you told Stanley Katz that Michael Jackson had put his hand near your brother’s crotch, right.

A. Near.

Q. Yes.

A. Okay.

Q. Is that right.

A. No.

Q. Well, you said he put his hand on his crotch, correct.

A. In his underwears.

Q. And as time went on, after interview and after interview, you changed that to masturbation, true.

A. Masturbating my brother.

Q. Let me rephrase it.

A. Okay.

Q. You told Stanley Katz that the first time you saw Michael Jackson in bed with your brother, the time you went up the stairs, that Michael Jackson had put his hand on your brother’s crotch, right.

A. When they were going up the stairs.

Q. Yes.

A. While they were going up the stairs.

Q. While you’re going up the stairs.

A. Okay.

Q. Let me rephrase it. Don’t answer it if you’re confused. Okay.

A. Okay.

Q. You told the jury yesterday you went up the stairs one night, right.

A. Yes.

Q. You got into the room yourself, right.

A. Yes.

Q. You said the bell went off, right.

A. When I first walked in through the hallway, yes.

Q. And even though the bell went off, you kept going up the stairs, right.

A. The bell went off while I was -- made my way through the hallway.

Q. The bell went off when you opened the door, didn’t it.

A. No, it stopped.

Q. Pardon me.

A. It stopped.

Q. It just stopped.

A. Yeah. It goes for a couple more minutes and then it stops.

Q. And then what happens.

A. That’s it.

Q. It never goes on again.

A. No.

Q. It goes off so Michael can hear it, correct.
A. If the door’s closed, you can’t hear nothing.
Q. Can’t hear anything upstairs.
A. No.
Q. Is that what you’re saying.
A. Yes.
Q. Okay. The bell goes off. You say Michael doesn’t hear it, right.
A. Yes.
Q. And you say that you open his door to the stairway, right, and you say you go upstairs, right.
A. Okay.
Q. The first one you say you describe that to was Stanley Katz, correct.
A. Yes.
Q. You told Stanley Katz that Michael Jackson had his left hand on Gavin’s crotch, right.
A. Yes.
Q. Never told him that Michael Jackson was masturbating Gavin.
A. He wasn’t masturbating. He was just feeling.
Q. He was just feeling him.
A. Yes.
Q. Do you remember yesterday you told the jury he was masturbating him.
A. No, I said Michael was feeling my brother

while he was masturbating.
Q. Okay. Did you ever tell the jury yesterday that Michael was masturbating your brother.
A. No.
Q. Did you ever tell that to anybody.
A. No.
Q. Okay. Do you remember when you described for Stanley Katz the second time you claim Michael Jackson was observed by you in bed with your brother. Do you remember that.
A. What.

Q. Do you remember telling Stanley Katz there was a second time that you went up the stairs and observed Michael Jackson touching your brother.

A. Yes.

Q. Did you tell Stanley Katz that Michael Jackson had his hand on your brother's crotch.

A. Yes.

Q. That's really not what you told him at all, is it.

A. What are you talking about.

Q. Well, you told Stanley Katz that Michael Jackson was rubbing his penis against Gavin's buttocks, didn't you.

A. When. The second time.

Q. Yes. Did you tell Stanley Katz that.

A. No.

Q. Would it refresh your recollection if I show you his grand jury testimony.

A. I know what I said, though.

Q. Are you denying telling Psychologist Stanley Katz --

A. The second time.

Q. -- that you told him the second time you observed Michael Jackson touching your brother in bed, that Michael Jackson was rubbing his penis against your brother's buttocks.

A. No.

Q. You never told that to Stanley Katz.

A. No.

Q. If I showed you his testimony, would that jog your memory.

A. No. I know what I said, though.

Q. Okay. You tried to tell Stanley Katz that you smelled marijuana, didn't you.

A. I don't know how marijuana smells.

Q. Didn't you tell Stanley Katz you smelled marijuana.

A. No.

Q. Would it refresh your recollection if I show you that page of his testimony.

A. No.

Q. Okay. Now, are you saying that you never told Michael Jackson you wanted to be an actor.

A. No.

Q. Never told him that at all, right.

A. No.

Q. Okay. To your knowledge, did your mother ever tell Michael Jackson you wanted to be an actor.

A. I can’t speak for her.

Q. Did you ever hear her say that.

A. No.

Q. You went to dancing classes, right.

A. Yes.

Q. And what school did you go to.

A. I went to Mr. and Mrs. Kennedy’s Dance Studio. I went to -- where else did I go. I went to ballet classes, rhythm/tap, a little bit of jazz. What else. That’s it.

Q. And you went to comedy class, right.

A. Sure. Yes.

Q. When did you go to comedy class.

A. In the summer. In the summer.

Q. What summer was that.

A. In between third and fourth.

Q. Were you trying to learn to be a comedian.

A. No, I just wanted to do it for fun.

Q. Okay. Ever tell anyone you wanted to be a comedian.

A. No.

Q. Okay. Now, you told the Santa Barbara Sheriffs that Frank threatened you and your family, right.

A. He just threatened me.

Q. He just threatened you alone.

A. He probably threatened my family.

Q. Did he threaten you alone.

A. Yes.

Q. Do you know when that was.

A. I don’t know the date.

Q. Was it when you first got to Neverland.
A. I don’t really remember.
Q. Was it after the Miami trip.
A. Yes.
Q. Do you know how soon after the Miami trip.
A. I think it was right before the rebuttal.
Q. Right before the rebuttal.
A. I was trying to go talk to my mom.
Q. So this would be before, if I represent to you the rebuttal was June 20th, right.
A. Yes.
Q. Excuse me, February 20th, pardon me. February 20th was the rebuttal tape, right.
A. Okay.
Q. And you’re saying that Frank threatened you right before the rebuttal tape.
A. While I was trying to walk to my mom’s guest unit.
Q. Okay. But it was -- as far as you know, it’s before the rebuttal tape, right.
A. Yes.
Q. Okay. And in one of your sheriffs’ interviews, you were asked why Frank made that threat, right.

A. Yes.
Q. And you told the sheriffs, “Because he already knew that what Michael did to us, and if we told them the truth, he would have went to jail,” right.
A. Can I read that.
Q. Yes.
May I approach, Your Honor.
THE COURT: Yes.
Q. BY MR. MESEREAU: Have you had a chance to look at that page.
A. Yes.
Q. Do you remember saying that to the sheriffs.
A. Yes.
Q. And you told them, essentially, that Frank said that to you, threatened you, because he knew that if you told anybody what Michael had done,

Michael would go to jail, right.

A. Yes.

Q. That was right before the rebuttal tape, right.

A. I think so, yes.

Q. Have you discussed the charges in this case with the sheriffs.

A. No.

Q. Have they told you they're claiming that molestation went on starting the 20th of June.

A. Okay.

Q. February, I mean. Have they told you that.

A. Okay. No, they haven't told me.

Q. Did you ever give them dates.

A. No. I knew more back then than I do now.

Q. You knew more back then than you do now.

A. Yes, it was fresh in my memory back then.

Q. Did someone tell you to say that.

A. No, I'm saying it right now, because I have school, I have tests to study for, and most of that stuff leave my memory, most of the details.

Q. That's because you're studying for tests in school.

A. Yes. Yes.

Q. And you think if you weren't studying for tests in school, you'd know a lot more today.

A. It's not just tests. It's just learning.

Q. So the learning you've done in school has interfered with your memory about this case.

A. No, I know -- I know -- I know everything happened. I just don't know it in detail like I did in those testimonies.

Q. Okay. Okay. You had a lot of details yesterday, didn't you.

A. Well, yeah. I do remember details. But not all the details.

Q. Okay. But you said you've reviewed a transcript of your police interview, right.

A. Yes. I didn’t memorize 300 pages.
Q. They told you to memorize it.
A. No, I’m just telling you I didn’t memorize them. I just read through them.
Q. Now, where did you get 300 pages.
A. I’m just saying, I’m just giving you an example.
Q. Please tell the jury how many pages you were mailed to review before you testified.
A. I didn’t count them.
Q. Do you know approximately how many.
A. No.
Q. Didn’t you just say 300.
A. I was showing you an example.
Q. Okay. And when did you get these pages, however many there were.
A. When did I get them.
Q. Yes.
A. About a month ago.
Q. Do you know where they came from.
A. No.
Q. No idea.
A. No.
Q. They just popped up in the mail.
A. Yes.
Q. And when you got them, what did you do.
A. I didn’t read them.

Q. Where did you put them.
A. Put them right near my bed.
Q. Never looked at them again.
A. No. Until -- until I almost came up here.
Q. So when you almost came up here, you looked at those pages for the first time, right.
A. Yes.
Q. And how many of them did you look at.
A. How many.
Q. Yeah. Roughly.
A. I don’t know.
Q. Did you look at all of them.
A. Yes.
Q. Did someone tell you to read them.

A. Yes.
Q. Who.
A. Tom.
Q. Prosecutor Sneddon.
A. Yes.
Q. Told you to read all the pages, right.
A. Yes. Just to look through them.
Q. Told you to read them, to get ready for your testimony in this case, right.
A. Yes. Just to look through them.
Q. And that’s how you knew your sentence to the sheriffs about AOL dropped off and wasn’t completed, right.
A. I didn’t know about that.

Q. You didn’t know about that.
A. No.
Q. Didn’t you just testify about that.
A. I said I read through them.
Q. Read through what.
A. My transcripts.
Q. Okay. You read through them because Prosecutor Sneddon wanted you to make sure that you testified consistently with what you had in the reports, right.
A. Okay.
Q. Is that what he said.
A. No. He just told me to thumb through them, to look through them.
Q. He told you just to thumb through them.
A. No, just to look through them.
Q. Okay. Now, when did he do this.
A. Hmm, about a month ago.
Q. Did you do what he asked you to do.
A. No. I had school to concentrate on. I had a final.
Q. Okay. So you didn’t do what Prosecutor Sneddon asked you to do; isn’t that correct.
A. I eventually did it.
Q. Eventually you did. And can you just tell us when.
A. What.

Q. Can you just tell us when you eventually did what Prosecutor Sneddon asked you to do.
A. Four weeks after he told me, or three weeks.
Q. Okay. And was that in the last month.
A. Yes.
Q. So you read all the documents you were sent by Prosecutor Sneddon, right.
A. Yes. I didn’t memorize them. I just read them and -- yeah.
Q. Well, did anyone tell you to memorize them.
A. No, I’m telling you I didn’t memorize all those pages.
Q. Okay. Do you remember telling the Santa Barbara Sheriffs that there’s a big telescope on a hill at Neverland that you and Gavin used to look through.
A. We looked through once or twice, yes.
Q. And describe for the jury where that telescope is, if you would.
A. It’s on a hill right before you enter the -- the second gate into the ranch.
Q. And from that hill, can you get a view of Neverland.
A. Yes. You can also view into a guest unit.
Q. And you told the sheriffs that you and Gavin used to look through that telescope into the guest units, right.
A. Yes, we saw into one guest unit where my mom was staying.

Q. Okay. So you used to kind of look at your mom through the telescope, right.
A. No, no, we just -- we were looking and we saw a guest unit, and then we continued looking somewhere else.
Q. Did you look into the window of that guest unit.
A. Yes. Yes.
Q. And that’s where your mom was, right.

A. Yes.

Q. You saw your mom, right.

A. All you saw was her television and her bed. But you didn’t -- you saw like a part of her bed. You didn’t see her complete bed.

Q. Did you see her in the unit.

A. No.

Q. But your testimony was that your mom never came out of the guest quarters, right.

A. Yes.

Q. Do you remember -- strike that. Did you ever see your mom dancing with Michael Jackson.

A. No.

Q. Did you ever go into the theater with your -- with Michael Jackson and your mom.

A. I went in the theater a lot of times.

Q. Did you ever go into the theater with your mom, Michael, Davellin and Gavin.

A. Yes, to watch a movie.

Q. And how often did you do that.

A. My mom rarely came out.

Q. Well, but you just said -- first you said she never went out. Then you admitted you’d been in the theater with her, right.

A. I was thinking about something else.

Q. Okay.

A. You kind of got it mixed into my memory.

Q. Okay. I don’t want to mix you up. First you said your mom never came out of the guest cottage, right.

A. Yes.

Q. And then you admitted she’d been in the theater with Michael and the family, right.

A. And I told you that my memories got mixed in and I said something else.

Q. Okay. I’m just trying to find out what the truth is, if I can.

A. Okay.

Q. You said you were in the theater with your mom, Michael, Gavin and Davellin, right.

A. Yes. But then I said after that, that no, she wasn’t, because she wasn’t.

Q. Okay. So your mom never was in the theater you’re saying now, right.

A. She probably was, but I wasn’t there. I just remember going in there and watching movies.

Q. All right. Now, the telescope on the hill is a telescope that you and your brother used to look through, correct.

A. It was twice we looked through the telescope.

Q. And does the telescope move.

A. Yes. Moves in all directions.

Q. And if you take that telescope, you can see the clocks at Neverland, can’t you.

A. Okay.

Q. Can you.

A. Trees were in the way.

Q. Trees are in the way.

A. Yes. There’s a lot of trees at Neverland.

Q. You can’t see one clock from that telescope.

A. Which clock are you referring to.

Q. Any of them.

A. There was, like, two clocks right beside each other and a clock way over there by the carnival. You can see the hands on that clock.

Q. That’s the clock by the carnival.

A. Yes.

Q. And you said there are two other clocks you mentioned.

A. Well, there’s one big clock.

Q. Right. One big clock.

A. Yes.

Q. Can you see that through the telescope.

A. No.

Q. What clocks can you see through the telescope.

A. The one by the carnival, but it’s too small to look through. I mean, it’s too small to see the hands moving.

Q. What about the big flower clock --

A. Okay.

Q. -- on the hill that overlooks Neverland. Can you see that through the telescope.

A. No, the trees are in the way.

Q. You’re sure of that.

A. Yes.

Q. Did you try to do it.

A. Not really. We were looking; we just wanted to look through it. We weren’t trying to look for time. We were just looking through it, because -- because it was up there, so we were just trying to look through it.

Q. You’re making up that trees block your view through the telescope, aren’t you --

A. I’m just saying --

Q. -- Star.

A. -- I never really expected to look for a clock. I just looked through it. I remember trees and probably -- yeah. I remember trees, but I never really -- the telescope was up there, so me and my brother tried to look through it.

Q. Why did you just tell the jury that trees prevent you from seeing clocks through the telescope on the hill that overlooks Neverland.

A. What does it matter. I mean, even when you’re down there, you can see the clock. When you’re driving the car. I don’t know what you’re trying to get at.

Q. What else have you seen through that telescope on the hill that overlooks Neverland.

A. Rides. And trees.

Q. What else.

A. And the guest unit.

Q. What else.

A. Hills.

Q. Can you see the theater.

A. Never really tried to see the theater.

Q. Can you see the main house.

A. Probably. I don’t know. I never really tried.

Q. Well, did you and your brother take that telescope and look all over Neverland on that hill with the telescope that you’ve described moves.

A. It’s -- okay.

Q. Did you look all over Neverland at that -- through that moving telescope.

A. No, we just looked through it. We didn’t try to examine the whole Neverland.

Q. How far away, if you know, is the guest unit from that telescope, if you know.

A. I don’t know, but I could guess.

Q. But you say you were up there only twice with your brother, right.

A. Yes.

Q. Do you know what time of day that was.

A. Daylight. Daytime.

Q. Okay. And certainly you’ve been to Neverland at night, right.

A. Yes.

Q. Have you noticed that these clocks are lit up at night.

A. The flower clock.

Q. Any of them.

A. Sure.

Q. You’ve noticed they’re lit up at night, haven’t you.

A. I just noticed that the train station is lit up, and so is the flower clock. I can’t -- there’s the flower clock overlooking Neverland. Not overlooking. It’s right there.

Q. Right up on a hill above the main house, correct.

A. Yes.

Q. You’ve seen that clock lit at night, true.

A. I don’t remember if it was lit, but it was probably lit, yeah.

Q. Well, why do you tell the jury it was probably lit.

A. I don’t know. I’m trying to remember.

THE COURT: Is this a good place to stop, Counsel.

MR. MESEREAU: Yes, Your Honor.

THE COURT: All right. Remember the admonition, and I’ll see you tomorrow morning at 8:30.

(The proceedings adjourned at 11:30 a.m.)

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REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR,

CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 1257 through 1331 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 8, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, March 8, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH ; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE , JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA ,)
Plaintiff ,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, MARCH 9, 2005

8:30 A.M.

(PAGES 1398 THROUGH 1525)

REPORTED MICHELE MATTSON McNEIL, RPR , CRR, CSR #3304
BY : Official Court Reporter

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Note:

I N D E X

Mr . Sneddon is listed as “SN” on index . Mr. Zonen is listed as “Z” on index.
Mr. Auchincloss is listed as “A” on index. Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr . Sanger is listed as “SA” on index. Mr . Oxman is listed as “O” on index .

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
ARVIZO, Star David	1452-S	1467-M	1476-S	

(Further)

ARVIZO, Gavin-Anton 1477 -S

EXHIBITS

DEFENDANT'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
5002	DVD entitled “Neverland Channel Demo”	1419	1419
5003	DVD entitled “Michael Jackson and Gavin, Neverland , 9600 ”	1426	1426
5002	Various cards	1442	1443

THE COURT : You may proceed .

MR . MESEREAU: Thank you, Your Honor.

Q. Star, the day that your family left Neverland with Jesus , do you remember that day?

A. Yes.

Q. And the driver ‘s name was Jesus Salas, right ?

A. I didn’t know his last name.

Q. Okay. Were you with your mother that day ?

A. That entire day?

Q. Yes.

A. No .

Q. Were you with your mother part of that day?

A. Yes.

Q. Were you with your mother when she went into Los Olivos and had a body wax that day ?

A. I don ‘t remember that happening.

Q. Okay. So you don ‘t know about that ?

A. No .

Q. Okay. Do you recall being at Neverland around February 24th , 2003 ?

A. I don ‘t know any of the dates .

Q. Okay. Do you remember that your family went for a dental appointment?

A. Yes.

Q. And the dental appointment was with a Dr. Seamont, correct?

A. I don ‘t remember the doctor’s name, but he was a dentist.

Q. Okay. You, your mother , Gavin went to the dentist, right ?

A. Just me and my brother.

Q. Pardon me. You and your brother ?

A. Yes.

Q. Was your mother there?

A. Yes.

Q. Three of you, right?

A. Yes.

Q. Davellin wasn’t there, right?

A. Yes, she went back to the ranch.
Q. Okay. How did you get to the dentist’s?
A. By car.
Q. Do you know who drove you?
A. A guy named Joe.
Q. Okay. Was he working at Neverland?
A. Yes.
Q. Okay. And whose car was it; do you know?
A. It was the cook’s car.
Q. Okay.
A. It ‘s a van.
Q. Okay. And if you know, where was the dentist’s office?
A. I don ‘t know.
Q. Okay. Was it nearby , to your knowledge?
A. We just drove there at night.
Q. Drove there at night . Okay. And your mother wanted the dentist to remove Gavin ‘s braces , right?

A. And also mine.
Q. And your braces, too ?
A. Yes.
Q. Did the dentist remove your braces?
A. Yes.
Q. Did he remove Gavin’s braces?
A. Yes.
Q. Okay. And the driver dropped you all off at the dentist ‘s office , right?
A. No , he stood there with us .
Q. Stood there with you in the dentist ‘s office?
A. Yes.
Q. In the lobby? Or was he with you when you were having your braces removed?
A. He was there standing next to us .
Q. When you had your braces removed ?
A. Yes.
Q. Okay. Who paid for that dental visit; do you know ?
A. I don ‘t know.
Q. Okay. Did your mother tell the dentist to polish your teeth ; do you know?
A. It was a long time ago.

Q. Don’t remember that?
A. No .

Q. Okay. Do you recall the dentist and his assistant asking you and your brother not to go into the dental supplies?
A. That was long — it was long ago . I don’t remember .
Q. Okay. Were there phones in the dentist’s office?
A. No .
Q. Didn’t see any ?
A. There was probably some at the front desk .
Q. Did you ever call your mother asking you to use the phone?
A. No .
Q. Okay. Let me get back to the grand jury transcript. Okay ?
A. Okay.
Q. Do you recall telling the Santa Barbara Grand Jury that the first time you saw Mr . Jackson inappropriately touch your brother, that your brother was looking out towards the far wall ?
A. Yes.
Q. And what do you mean by that?
A. If you’re looking at the bed –
Q. Oh .
A. – like the picture we saw earlier –
Q. Sure.
A. – he was facing to the right .
Q. Okay. So correct me if I’m wrong, you said

Mr . Jackson was lying flat , right?
A. Yes, on his back.
Q. And he appeared to be sleeping or –
A. Who?
Q. Mr . Jackson appeared to be sleeping , correct?
A. No . No.
Q. Didn’t appear to be sleeping?
A. He had his eyes closed, but he was masturbating.
Q. Okay. So his eyes are closed . You say Mr . Jackson is masturbating, you say your brother is

turned towards the far wall –

A. Yes.

Q. – right ? And you’re saying Mr. Jackson has his arm over your brother turned towards the far wall, right ?

A. Yes.

Q. And Mr. Jackson is moving his hand, right ?

A. Yes.

Q. Now, when you were speaking to the grand jury, you said there was vodka around, right ?

A. Yes.

Q. Well, if you went up the stairs, there ‘s no light over the bed, and you only see what you see for a few seconds , how do you see vodka?

A. The light from the stairwell, it wasn’t just one light. It was like two lights or something like that. But it was bright enough to shine into the room.

Q. Okay. So you see all of this in a few seconds, with all the lights out over the bed, correct?

A. Yes.

Q. Okay. Now, did your mother ever complain to you that she wanted to leave the ranch ?

A. Yes.

Q. Do you know about when that was?

A. No . I don’t know exactly.

Q. Do you remember telling the Santa Barbara Grand Jury when you were asked the question, “Star , while you were at the ranch, did you ever have any discussions with your mother about the subject of her wanting to leave the ranch?” and your answer was, “No “?

A. I remember her saying it to me. Probably didn’t even remember at that time.

Q. Would it refresh your recollection if I show you what you told the Santa Barbara Grand Jury?

A. You told me what I said .

Q. Would it refresh your recollection to show you the transcript?

A. Okay.

MR . MESEREAU: May I approach , Your Honor ?

THE COURT : Yes .

Q. BY MR . MESEREAU: Have you had a chance to

see that page of transcript?

A. Yes.

Q. Does it refresh your recollection about what you told the Santa Barbara Grand Jury under oath?

A. Yes.

Q. Your answer to the question was “No ,” correct?

A. Yes, but probably at that time I didn’t remember .

Q. At that time you didn’t remember ?

A. Yes. Probably . Yes .

Q. So your memory ‘s better now than it was when you testified before the Santa Barbara Grand Jury?

A. No , after you testify, you remember some things that you didn ‘t say ; that you forgot to say .

Q. Okay. So your memory is better today than it was March 29th , 2004 , right?

MR . SNEDDON : Object as argumentative, Your Honor .

THE COURT : Sustained .

Q. BY MR . MESEREAU: Did you ever talk to your brother or sister about leaving the ranch ?

A. No .

Q. Just another question about the door leading up to the stairwell to Michael’s bedroom. You were asked questions about that while you were in front of the Santa Barbara Grand Jury, correct?

A. Okay.

Q. You were asked questions by the prosecution?

A. Yes.

Q. And do you remember being asked the following question: “Now, on both occasion — on the first occasion, you said the door was sort of locked and it came loose. On the second occasion, can you tell us whether or not that door was open or closed?”

And your answer was, “It was open. Well, the door was closed, but it was unlocked.”

Why did you begin by saying, “It was open “?

A. Like the lock wasn’t locked.

Q. Your answer began with the words , “It was open.”

A. Yeah. The door –

Q. Was it open ?

A. If it was unlocked, yes .

Q. Okay. So you didn’t mean the door was open.

A. Yes.

Q. You just meant it was unlocked?

A. Yes.

Q. Okay. You told the Santa Barbara Grand Jury that the first time you saw Michael Jackson inappropriately touching your brother, you had about five or six seconds, and the second time three or four seconds, right?

A. Yes.

Q. And you told them both times the light was out above the bed ?

A. Yes.

Q. Now, on both of these occasions that you’ve described as Mr. Michael Jackson inappropriately touching your brother, did your brother ever move?

A. No .

Q. Do you know someone named Kiki –

A. Yes.

Q. – who works at Neverland? Who’s Kiki ?

A. She’s a — I don’t know what her — she’s a house -cleaning lady.

Q. Did you have a dispute with her?

A. No . We’re friends.

Q. Okay. You’re friends to this day?

A. I don ‘t know. I haven’t talked to her .

Q. Okay. When did you last see her ?

A. At Neverland.

Q. Pardon me?

A. At Neverland.

Q. Do you know when you last spoke to her ?

A. At Neverland.

Q. Okay. So that ‘s quite a while ago, right ?

A. Yes.

Q. You told the Santa Barbara Grand Jury that on a flight coming back from Miami, Dr . Farshshian was facing Michael Jackson , right?

A. Yes.

Q. So he would have been facing Michael Jackson when you claim Michael started licking your brother’s hair , right?

A. No , my mom was — she was turned around most of the time .

Q. No , I’m talking about Dr. Farshshian.

A. Oh , yes.

Q. He was facing Michael Jackson the whole time?

A. Yes.

Q. Okay. Now, you never reported either of these two times you claim Mr. Jackson was inappropriately touching your brother, right ?

MR . SNEDDON : I’m going to object as vague as to time.

MR . MESEREAU: I’ll rephrase it. He’s right .

Q. You didn ‘t immediately go to your mother and report that , did you , when you saw it happen ?

A. No .

Q. You didn ‘t immediately go to your father and report it, right?

A. My dad wasn ‘t there.

Q. You didn ‘t immediately tell Davellin about it , right?

A. No .

Q. Okay. And you say you never slept in the theater, right ?

A. Yes.

Q. Okay.

A. Only my sister and Marie Nicole did .

Q. Okay. But you didn’t?

A. Yes.

Q. “Yes” means you never slept there, right?

A. Yes.

Q. Okay. When your father was with you at Neverland, did you ever sleep in Michael Jackson’s room?

A. Yes.

Q. How many times ?

A. Once.

Q. That was the first time you visited Neverland, right?

A. Yes.
Q. And every other time your father was there, you didn ‘t sleep in Michael’s room, correct?
A. Yes.
Q. But you’re saying the first time you visited Neverland, your father let you sleep in Michael ‘s room?
A. Yes.
Q. Was your mother there on that trip?
A. Yes.
Q. Did your mother let you sleep in Michael’s room?
A. She was probably with my sister. We just asked our dad.

Q. Well, you all had dinner in the main house that night, right ?
A. Yes.
Q. Was there a discussion at the dinner table about whether or not you and Gavin could sleep in Michael Jackson’s room?
A. No .
Q. Okay. Did your mother at any time when she was at Neverland ever ask you where you were sleeping in the main house ?
A. I don ‘t remember. I don’t remember .
Q. Okay. Do you remember telling the Santa Barbara Grand Jury that your mother never asked you one time where you were sleeping in the main house ?
A. I don ‘t know if I did.
Q. Would it refresh your recollection if I just show you the page from the grand jury transcript?
A. Okay.
MR . MESEREAU: May I, Your Honor ?
THE COURT : Yes .
Q. BY MR . MESEREAU: Have you had a chance to look at that page of the grand jury transcript?
A. Yes.
Q. Does it refresh your recollection about what you told the Santa Barbara Grand Jury?
A. Yes. I said, “I think so. I don’t remember ,” on the transcript.
Q. Well, you said in response to the question,

“Did your mother ever ask you where you were sleeping inside the main house?” You said, “No .”

A. And right below it, it says, “I think so. I don’t remember .”

Q. Do you know , or not?

A. No .

Q. It says, “Did you ever have a conversation with” –

And you go, “Wait . I think so. I don ‘t remember .”

Is that what you’re referring to ?

A. Yes.

Q. Okay. But you ‘re not sure if you did?

A. Yes.

Q. You never did at the dinner table, though ?

A. No .

Q. Well, then we went further , Star . It says you said , “No,” and you said, “I think so .”

“Let me ask the question again: Did your mother ever talk with you about where you slept inside the main house?

“A. No.”

A. But I don’t think so . I don’t really remember .

Q. Okay. You don ‘t remember saying that to the grand jury, or you don’t remember if you talked to your mom about it ?

A. I don ‘t remember if I talked to my mom about it .

MR . MESEREAU: Okay. I think I’ve already done so, Your Honor, but I think I’d like to read that portion of the grand jury –

THE COURT : Give me that citation . I have the transcript now.

MR . MESEREAU: Yes, Your Honor. It ‘s page 1585. Actually, let me start before that . It’s page 1584, lines 22 to 28, and page 1585, lines 1 to 6.

MR . SNEDDON : The second page , how far did you end up?

THE COURT : Do you have a volume?

MR . MESEREAU: Yes, I think I do . It would be Volume 6. No, it ‘s Volume 7.

THE COURT : I have it . Thank you .
MR . MESEREAU: Okay. Thank you, Your Honor.
“Q. Did your mother ever ask you where you were sleeping inside the main house?
“A. No.
“Q. Did you ever have a conversation with –
“A. Wait. I think so. I don’t remember .
“Q. I’m sorry?
“A. I think so. I don ‘t remember.
“Q. I don ‘t?
“A. I think so. I don ‘t remember.
“Q. You said ‘No,’ and you said, ‘I think so.’ Let me ask the question again: Did your mother ever talk with you about where you slept inside the main house?

“A. No.”
Q. Do you remember you told the Santa Barbara Grand Jury that you saw Michael Jackson touching your brother a lot?
A. Probably . I don’t remember.
Q. You said he would try to fix your brother ‘s shirt . Do you remember that?
A. Yeah.
Q. You said he would be touching him a lot, right ?
A. I don ‘t remember.
Q. You said , “He would, like, fix his shirt.” Do you remember that ?
A. Not really.
Q. Okay. Would it refresh your recollection if I just show you that page of the transcript?
A. Sure.
MR . MESEREAU: May I, Your Honor ?
THE COURT : Yes .
Q. BY MR . MESEREAU: Have you had a chance to look at those pages?
A. Yes.
Q. Do they refresh your recollection about what you told the Santa Barbara Grand Jury?
A. Yes.
Q. Okay. You were asked the question, “He would be touching him a lot?”

“A. Yeah.

“Q. Not his genitals, not his penis?
“A. I never saw that.”
A. At the table.
Q. “I saw it in the paper.”
A. I saw it on paper ?
Q. That’s what you said , right?
A. I don ‘t know what I meant by saying not on paper .
Q. Now, at the time you claim you watched Mr . Jackson in his bedroom inappropriately touch your brother, you were approximately five -feet-two ; is that right?
A. Sure. Yeah . I don’t — I don’t remember how exactly — how tall I was .
Q. You told the grand jury you were five-feet-two, right?
A. I was just guessing.
Q. Okay. Do you think you were five-feet -two?
A. I don ‘t know.
Q. Do you have any idea ?
A. (Shakes head from side to side.)
Q. And you told the Santa Barbara Grand Jury on both of the occasions when you claim you saw Mr . Jackson in bed with your brother, you never went to the top of the stairs, right?
A. Yes.

Q. And you claim that both occasions when you saw Mr. Jackson and your brother , they were not under the sheets, right ?
A. Yes.
Q. You said they were on top of a blanket , right ?
A. Yes.
MR. MESEREAU : At this time , Your Honor , I’d like to play a video , DVD. It would be –
MR . SANGER: Your Honor , if I may, just for bookkeeping purposes , we’d like to have marked for identification next in order a video that ‘s entitled , “Neverland Channel Demo.”
BAILIFF CORTEZ : Can ‘t hear you.
MR . SANGER: Oh. Sorry .
I’d like to mark — to mark next in order a video or CD that is labeled “Neverland Channel

Demo.” We have discussed this with the District Attorney , Mr. Sneddon. He has no objection to our playing it.

THE COURT : What’s the exhibit number, then?

THE CLERK: It ‘s 5003.

MR . SANGER: Okay . Thank you .

THE BAILIFF : Do you want it on the box?

MR . SANGER: And if it’s acceptable to the Court , we’ll play it at this time.

THE BAILIFF : Are you playing it out of your computer or –

MR . SANGER: We’re going to play it .

THE BAILIFF : It’s “Input 4.”

THE COURT : So it’s admitted into evidence . There ‘s no objection ?

MR . SNEDDON : There is none, Your Honor.

THE CLERK : I’m sorry , Judge. That should be Exhibit 5002. I skipped one.

MR . SANGER: Your Honor , I think we need the screen.

THE COURT : You need “Input ” –

THE BAILIFF : “4.”

THE COURT : “4”? Are you ready?

MR . SANGER: I hope so.

(Whereupon, a DVD , Defendant’s Exhibit 5002, was played for the Court and jury.)

MR . SANGER: Your Honor , you can turn the screen off.

THE COURT : Thank you .

Q. BY MR . MESEREAU: Star, you had asked Michael Jackson to help you be in a video like that?

A. No .

Q. You never asked Michael Jackson to help you do that video?

A. No .

Q. Your brother wanted Michael Jackson to help him do a video also, didn’t he?

A. I can ‘t speak for my brother.

Q. Okay. You never heard your brother ask Michael Jackson that ?

A. No .

Q. So as far as you know, Michael Jackson knew nothing about this video you were putting together at Neverland?

A. No . He asked me if I wanted to be in it, and I said, “Yes.”

Q. And you told him you wanted to narrate a video , correct ?

A. No . I just said, “Okay .”

Q. You never told Michael Jackson you wanted to be the narrator?

A. No .

Q. Never told Michael Jackson you wanted to be the center of attention on the Neverland Channel video , right?

A. No .

Q. Okay. So Michael Jackson, in your mind, was not doing you a favor when he helped you make this video ?

A. No .

Q. Okay. And in your mind , Michael Jackson was not doing Gavin a favor when he helped you make this video , right?

A. We didn’t have no one to interview, so we interviewed my brother.

Q. No one to interview. You had kids everywhere, didn’t you?

A. No , not at that time . They brought them.

Q. To your knowledge , did your mother know you were making this video?

A. I don ‘t know if she did or not.

Q. Never told her ?

A. Long time ago. I don’t know if she did or not.

Q. But you don ‘t recall ever telling your mother that you and Gavin were going to make this video at Neverland?

A. My dad knew .

Q. Did your mother know ?

A. I don ‘t know. I can ‘t speak for my mom.

Q. Do you remember ever telling your mom, “We’re going to make a video at Neverland “?

A. No . I don’t remember telling her.

Q. Do you think she knew about it before you made it?

A. I don ‘t know.
MR . SNEDDON : Object as asked and answered.
MR . MESEREAU: I’ll withdraw it. I’ll withdraw .
Q. Do you ever recall Gavin telling your mother, “We ‘re going to make a video at Neverland”?
A. I can ‘t speak for my brother, and I can’t speak for my mom.
Q. I’m just asking what you heard. Okay? You never heard him discuss it with your mother, right ?

A. No .
Q. After this video was made, did you ever show it to your mother ?
A. We never got a copy, so I was unable to show it to my mom.
Q. Did you ever watch it at Neverland?
A. No . After we recorded it, we never saw it.
Q. So you’ve never seen it since you made it , right ?
A. We saw it at Hamid’s house , while we were about to do the rebuttal.
Q. Yes.
A. I found it at Hamid’s house.
Q. Well, but you were there with your mother then.
A. When?
Q. At Hamid ‘s. That ‘s where you filmed the rebuttal video .
A. My mom, when I got there, she wasn’t there. She hasn ‘t — well, she didn’t arrive at that time when I watched it . Vinnie was still picking her up from St. Andrews.
Q. Okay. So who watched the video at Hamid’s house ?
A. I think it was me , my brother , and probably my sister.
Q. And you never wanted your mother to see it?
A. I didn’t care if she saw it or not.

Q. Okay. Okay . Gavin saw it at Hamid ‘s house?
A. Okay, yes.
Q. And you saw it at Hamid ‘s house?
A. Yes.

Q. How do you know the video was at Hamid ‘s house ?

A. We were hooking up the Play Station to play “Need for Speed 2,” and we saw it above his DVD player.

Q. Okay. And that’s the first time you had seen it, right ?

A. Yes.

Q. Okay. And were you excited when you made the video?

A. I was kind of tired.

Q. You were kind of tired when you made this video ?

A. Yes.

Q. The Neverland Channel?

A. Okay. Whatever you call it.

Q. Okay. So you weren’t too excited when you made it, right ?

A. I was kind of sleepy .

Q. Okay. And were you excite d when it finally got put together?

A. What do you mean?

Q. Well, when it finally was completed , were you excited ?

A. At the end of the day?

Q. Pardon me?

A. I don ‘t –

Q. I’m sorry, let me just rephrase the question . I’ll withdraw it.

When this video was completed , how old were you?

A. When we record ed it?

Q. Yes.

A. Fourth grade.

Q. Fourth grade?

A. Yeah, I had long hair in fourth grade.

Q. I’m sorry, pardon me ?

A. I had long hair in fourth grade.

Q. Okay. How old do you think you were when you made this video?

A. I don ‘t know. I was probably about 10 or 11 .

Q. And my question to you is, were you excited to narrate a video like this at Neverland ?

A. No . I was sleepy .
Q. Okay. All the time?
A. What? During that — no, I slept really late last night. Well, that night.
Q. That night you were sleepy . When you found out you had narrated a video called “The Neverland Channel” at Michael Jackson’s ranch , my question to you is, were you excited about it?

A. And I said no.
Q. Okay. All right.
MR . SANGER: Your Honor , with the Court’s permission, we ‘re going to ask to play Exhibit 340 , which is already in evidence.
THE COURT : All right . That’s a DVD ?
MR . SANGER: Yes, sir.
Your Honor, just for the record, there are two disks in 340, Disk 1 and 2. And I’m going to put Disk 1 in at this time .
MR . SNEDDON : Your Honor, can I ask a procedural question before we begin this?
THE COURT : Yes .
MR . SNEDDON : Since we’ve already seen it , is this a situation where we’re going to play a portion of it and ask questions about it, or are we just going to look at the whole video again, which I think would be repetitive?
MR . MESEREAU: Excuse me.
(Off-the-record discussion held at counsel table .)
MR . SANGER: Oh, I’m sorry .
MR . MESEREAU: I can answer that question .
We are going to — next we ‘re going to play the rebuttal video , with your permission, Your Honor, and we’re going to stop it and ask questions about it , as we go, of the witness, yes.
MR . SANGER: Sorry.

THE BAILIFF : You need to use your microphone.
MR . SANGER: We’re going to — we had a technical problem . We’re going to ask , then , that a DVD that ‘s entitled, “Michael Jackson and Gavin , Neverland 9-6-0-0,” that that be marked as defense

next in order, and we would like to play that. We have discussed this with the District Attorney, and he has no objection to the foundation or to us playing it.
(Off-the-record discussion held at counsel table .)
MR . SNEDDON : Yeah, that's fine. Yeah , we talked about it. That's fine .
THE COURT : This one would be 5003, then.
MR . MESEREAU: Your Honor, this I would play and then ask questions after it. The rebuttal video I would be asking questions throughout it . Thank you.
THE COURT : There's no objection to it going in evidence , then ?
MR . SNEDDON : No, Your Honor, there is not.
THE COURT : It's admitted.
MR . SANGER: Just before we start....
(Off-the-record discussion held at counsel table .)
MR . SANGER: Okay . Are you ready?
(Whereupon, a DVD , Defendant's Exhibit 5003, was played for the Court and jury.)

Q. BY MR . MESEREAU: Star, have you seen that video before?
A. I think so, yes.
Q. In fact, your mother showed that video to the three social workers when they came to Jay Jackson's apartment to interview her about her fitness as a mother and what Michael Jackson had done, correct?
A. I don 't remember that.
Q. Well, she showed that video to the social workers to let them know that Michael Jackson had tried to help heal your brother from cancer, right ?
A. Are you telling me this , or –
Q. I'm asking a question.
A. I don 't know.
Q. Okay. Do you remember seeing it with the three social workers ?
MR . SNEDDON : I'm going to object. Asked and answered.
THE COURT : Sustained .

Q. BY MR . MESEREAU: When you appeared in this video , your family had asked Michael Jackson to help them with Gavin, who they thought was dying of cancer, right?

A. I never heard my family say that .

Q. Never heard anyone in your family say, “Michael , would you please help us, our son is dying of cancer”?

A. Probably did. I wasn’t there .

Q. Okay. Well , it’s your understanding that Michael Jackson met your brother because your brother was at Kaiser, in the hospital , and wanted to talk to Michael Jackson , right?

A. Okay.

Q. Is that your understanding ?

A. Yeah.

Q. Okay. And your entire family wanted to come to Neverland and asked Michael if he would help them with your brother , who was dying of cancer, right?

MR . SNEDDON : I’m going to object. Assumes a fact not in evidence.

THE COURT : Sustained .

Q. BY MR . MESEREAU: Ever hear your mother ask Michael Jackson to please help your family because Gavin has terminal cancer, or words to that effect ?

A. No .

Q. Do you remember hearing Michael Jackson talk about Pac Man and how you can eat up cancer cells?

A. No .

Q. Never heard that?

A. No .

Q. Okay. Ever hear Michael Jackson encourage your brother to get better , that he could survive this?

A. When?

Q. One time ?

A. No , I said when?

Q. Anytime.

A. Probably told him over the phone .

Q. Pardon me?

A. Probably told him over the phone . I don’t know.

Q. To your knowledge , Michael Jackson spent a lot of time with your brother at Neverland trying to encourage him to beat cancer, right ?

MR . SNEDDON : Objection , Your Honor . Calls for facts not in evidence; lack of foundation.

THE COURT : Overruled .

He ‘s asking your knowledge , if you know that.

THE WITNESS : Michael was only there with Gavin a couple times while he was at Neverland. He wasn’t there the whole entire cancer.

Q. BY MR . MESEREAU: Okay. I didn’t ask you that. Let me just ask the question again , because you probably didn ‘t understand it.

To your knowledge –

THE COURT : Counsel, he answered your question . Please ask another question .

MR . MESEREAU: Okay.

THE COURT : I don’t want you commenting like that.

MR . MESEREAU: I apologize , Your Honor . I withdraw that comment.

Q. When did you last see this particular video, if you know ?

A. I don ‘t remember, but it was a long time ago.

MR . MESEREAU: At this point, Your Honor, we ‘d like to play the rebuttal video, which is in evidence .

THE COURT : All right .

MR . MESEREAU: Thank you.

MR . SANGER: For the record, that would be Exhibit 340 and we’re going to start with Tape 1 of 2. Actually, it says Tape 1 of 2, but it would be DVD 1 of 2.

THE BAILIFF : I’m not sure if that’s –

MR . SANGER: That ‘s on the film.

THE BAILIFF : Oh.

MR . SANGER: It will be over in a second.

Sorry .

(Whereupon, a portion of a DVD, People ‘s Exhibit 340 , Disk 1, was played for the Court and jury.)

Q. BY MR . MESEREAU: Now, Star, when you made those comments , were you telling the truth?

A. No .

Q. Were you lying ?

A. I was actually talking about my stepdad.

Q. You weren't talking about Michael Jackson ?

A. No ; how Jay stepped in and took over where my dad left off.

Q. So when you said, "My first impression was like a father. He actually seemed more fatherly -like than my biological father. He – there is — I just — that was my first impression of Michael," you were really talking about Jay Jackson?

A. Yes, sir .

Q. Why did you use the name "Michael"?

A. Well, because he told us to say good things only about — because he told us only to say good things about Michael .

Q. Okay. So you really were referring to Jay Jackson?

A. Exactly.

Q. I see . Okay.

We can keep going through.

(Whereupon, a portion of a DVD, People 's Exhibit 340 , Disk 1, was played for the Court and jury.)

Q. BY MR . MESEREAU: Now, Star, when you heard your mother make those comments about Michael Jackson, did you think she was talking about Jay Jackson?

A. I wasn't really listening. I was like practically falling off my chair .

Q. So you didn 't really hear any of this?

A. No , I was really sleepy. It was like 4:00 in the morning .

Q. So you really don 't know what your mother was talking about ?

A. No . I –

Q. Okay. We can keep going.

(Whereupon, a portion of a DVD , People's Exhibit 340 , Disk 1, was played for the Court and jury.)

Q. BY MR . MESEREAU: Now, you said — Davellin says about Michael, “He gives Gavin advice,” and then you say, “He helps me with homework,” right?

A. Okay.

Q. Was that the truth?

A. No . We didn’t even have homework.

Q. Was that a lie ?

A. Yes.

Q. We can keep going .

(Whereupon, a portion of a DVD, People ‘s Exhibit 340 , Disk 1, was played for the Court and jury.)

Q. BY MR . MESEREAU: Star, do you remember making those comments about Michael Jackson?

A. Sure.

Q. Were you telling the truth ?

A. No , not really .

Q. Were you lying ?

A. Yeah. On there, yes .

Q. So you were lying .

So when you said Michael lets you feel like his son, you weren’t telling the truth ?

A. Yes.

Q. And when you said he lets you call him “father,” you weren’t telling the truth?

A. Yes.

Q. “And we call him ‘father’ and he calls us ‘son,’” you weren ‘t telling the truth?

A. Yes.

Q. And you say , “He helps us with basically anything we ask and we love him.” When you said that, you weren’t telling the truth , right?

A. Repeat it.

Q. “He helps us with basically anything we ask and we love him.” You’re saying you weren’t telling the truth?

A. Yes. The only reason why we did that is because Dieter told us to.

Q. So everybody just memorized all these lines?

A. I just said whatever came to my head.

Q. Okay. Okay .

A. I was trying to get out of there . I was kind of tired.

Q. I understand. So , so far every statement you've made is a lie , you're saying , right?

A. Basically, yes .

MR . MESEREAU: Okay. We can keep going.

(Whereupon, a portion of a DVD, People 's Exhibit 340 , Disk 1, was played for the Court and jury.)

Q. BY MR . MESEREAU: Star, you heard your mother make those remarks, right ?

A. Yes.

Q. Did you think she was lying?

A. I wasn't really paying attention .

Q. Pardon me?

A. Um , I don't know.

Q. You don't know , right?

A. Yeah, I can 't speak for her.

Q. I'm just asking what you thought . Did you think your mother was telling lies when she made that statement ?

A. I wasn't really paying attention .

Q. Okay.

(Whereupon, a portion of a DVD, People 's Exhibit 340 , Disk 1, was played for the Court and jury.)

Q. BY MR . MESEREAU: Now, Star, when you heard your mother make the statement, "He claimed these three little munchkins as his kids," did you think your mother was telling the truth?

A. Um , no.

Q. Did you think your mother was lying ?

A. No , she was doing what Dieter asked her to do .

do .

Q. Did you think she was lying?

A. No , she was doing what Dieter asked her to

Q. So you don't think your mother was acting in a spontaneous kind of way when she answered these questions, right?

A. I don 't know. It was her emotions.

Q. Okay.

(Whereupon, a portion of a DVD, People ‘s Exhibit 340 , Disk 1, was played for the Court and jury.)

Q. BY MR . MESEREAU: Star, did you ever discuss with your mother the idea that Michael Jackson would be a father figure to you?

A. To me ?

Q. Yes.

A. No .

Q. Did you ever discuss with your mother the notion that Michael Jackson would be a father figure to Gavin ?

A. No .

Q. Ever discuss with your mother the idea that Michael Jackson would be a father figure for your sister?

A. No .

Q. So you and your mother never talked about Michael Jackson being any kind of a father figure at all, right?

A. Yes.

MR . MESEREAU: Okay. Keep going .

(Whereupon, a portion of a DVD, People ‘s Exhibit 340 , Disk 1, was played for the Court and jury.)

Q. BY MR . MESEREAU: Now, Star, are you telling the jury , under oath , you never heard Michael Jackson ever mention anything about Pac Man to your brother?

A. No . I was yawning in the video –

Q. Pardon me?

A. I don ‘t remember even hearing that.

Q. Okay.

(Whereupon, a portion of a DVD, People ‘s Exhibit 340 , Disk 1, was played for the Court and jury.)

MR . SANGER: Your Honor , that ‘s — actually, that does that , and that’s the end of this tape , so I’m going to stop it , if that ‘s all right .

THE COURT : Yes .

Q. BY MR . MESEREAU: Star, you heard your mother say all of her children want to be in movies.

Is that a true statement?
A. No , I don’t want to be in movies .
Q. So is your mother lying ?
A. No , she’s doing what Dieter told her to do.
Q. Okay. Okay . So as far as you know , none of the children wanted to be in movies ; is that right ?

MR . SNEDDON : Your Honor, I would object. Assumes facts not in evidence .
THE COURT : Overruled . You may answer .
THE WITNESS : What was the question again ?
Q. BY MR . MESEREAU: As far as you know, neither you , Gavin or Davellin ever wanted to be in movies?
MR . SNEDDON : It’s compound now.
THE COURT : Sustained .
Q. BY MR . MESEREAU: You’ve said you never wanted to be in movies, right ?
A. Yes. I’m too shy to act.
THE COURT : You ‘re going to put in the other disk?
MR . SANGER: I put in Disk 2, if that’s all right , Your Honor .
THE COURT : Okay.
(Whereupon, a portion of a DVD, People ‘s Exhibit 340 , Disk 2, was played for the Court and jury.)
Q. BY MR . MESEREAU: Star, do you know what your mother is referring to when she mentioned “gang signs “?
A. Probably the guy behind the camera was doing something.
Q. You say “probably .” Is that something you thought at the time?

A. At that time?
Q. Yes.
A. No . I was just thinking about sleep.
Q. Did you think your mother was talking about a cameraman making gang signs ? Is that what she was saying?
A. She was pointing at off camera, so it couldn’t be the cameraman. It had to be someone

else.

Q. Okay. Let me just get this straight. You think she was talking about the cameraman –

A. No , I know she was talking about not the cameraman, but someone off camera.

Q. Making gang signs ?

A. They probably weren’t even doing gang signs. He was probably doing a signal or something. I don’t know.

Q. But I think what you ‘re saying is you don ‘t know what she was referring to, right?

A. No .

Q. Now, was it your — are you telling the jury that while all this was going on , your family was being falsely imprisoned?

MR . SNEDDON : Objection . Argumentative, Your Honor. It’s a legal conclusion using those words .

THE COURT : Sustained .

Q. BY MR . MESEREAU: Do you feel that while this was all going on, your family was not free to leave ?

A. Yes.

Q. Okay. And do you think the way your mother was acting, that she was in fear ?

A. I don ‘t know. I can ‘t speak for her.

Q. Were you in fear?

A. I was just sleepy .

Q. Okay. All right.

(Whereupon, a portion of a DVD, People ‘s Exhibit 340 , Disk 2, was played for the Court and jury.)

THE COURT : Hold on, please . Take our break.

MR . MESEREAU: Yes, Your Honor.

(Recess taken.)

THE COURT : Go ahead.

MR . MESEREAU: Thank you, Your Honor. Oops.

THE COURT : Do you want me to — are you ready to continue with the film?

MR . MESEREAU: Yes, please , Your Honor .

(Whereupon, a portion of a DVD, People ‘s Exhibit 340 , Disk 2, was played for the Court and jury.)

Q. BY MR . MESEREAU: Star, the person who ‘s doing the interview says, “Davellin , Star , when you guys first went to the ranch, I’m sure you were pretty down .”

When you first went to Neverland Ranch , were you pretty down?

A. The first ever time?

Q. Yes.

A. Yes.

Q. And you were down because your brother was ill, right?

A. Yes.

MR . MESEREAU: Keep going.

(Whereupon, a portion of a DVD, People ‘s Exhibit 340 , Disk 2, was played for the Court and jury.)

Q. BY MR . MESEREAU: Now, Star, when you made that statement , were you telling the truth?

A. What was the statement?

Q. The statement was , “The first time before our brother ever went to the ranch, he was always sad, he was always crying, he was always just down all the time. When he went to the ranch, he was always happy. He was always playful. He was happy again . He was cheerful , and it also gave him something to look forward when we left .”

Was that a true statement?

A. It was kind of true, because my brother was sad and — what’s the other word I used? Well, he was sad and down, because he was going through a life-threatening disease.

Q. And he was happy at the ranch , correct ?

A. Yes. In the beginning, yes.

Q. Okay.

(Whereupon, a portion of a DVD, People ‘s Exhibit 340 , Disk 2, was played for the Court and jury.)

Q. BY MR . MESEREAU: At this point, Star, you’re trying to speak out , correct ?

A. No . I was just saying I was sleepy .

Q. Well, he said he can hear you , Star , right?

A. Yeah. I was complaining.

Q. Was it your understanding that this film was supposed to be on a television show ?

A. No .

Q. Did you ever learn that this film was supposed to appear on FOX Television?

A. No .

Q. Okay.

We can go forward .

(Whereupon, a portion of a DVD, People ‘s Exhibit 340 , Disk 2, was played for the Court and jury.)

MR . MESEREAU: Your Honor, there ‘s a final piece of evidence we ‘d like to use that the prosecution wants to look at. It’s on DVD. It ‘s a card on DVD , and I think — is it true you have that?

MR . SNEDDON : No. You came up at the break and asked me for something , and it’s locked up in evidence at the sheriff ‘s department.

MR . SANGER: Your Honor , we have it . I said we ‘d show it to him. And we’re going to try to use — we’re going to try to use the electronic version, and then they’ll bring the actual piece of evidence over later, and we can substitute that .

So with the Court ‘s indulgence, we need just a minute for them to huddle over here, or somebody to take a look at it , if that ‘s all right .

THE COURT : Go ahead.

MR . SNEDDON : Do you have it?

MR . SANGER: I have it right here. It ‘s on the screen.

MR . SNEDDON : Oh, it ‘s on your computer.

MR . SANGER: Yeah .

(Off-the-record discussion held at counsel table .)

MR . SNEDDON : Judge, I have no objection to them using that in lieu of the original for right now, and we ‘ll get the original over here , if not today , tomorrow.

THE COURT : All right . We will give it a number now. So it will be 5004. And we’ll mark the original when you bring it over.

MR . SANGER: Your Honor , I believe there are three cards , if I’m not mistaken . But we can mark them as a group as 5004 . We don ‘t have to give them separate numbers, unless the Court wants to.

THE COURT : Okay. Well, let’s mark them, three cards , as a group , numbered 5004 .

MR . SANGER: May I walk around here ? I have to hook the thing up to the screen. Is that all right , Your Honor ?

THE COURT : Yes .

THE BAILIFF : It will be “Input 1.”

THE COURT : “Input 1,” okay .

THE BAILIFF : And Mr . Mesereau, can you hit the “PC” button?

THE COURT : These are agreed they go in evidence ? No objection to them going into evidence?

MR . SNEDDON : No, none whatsoever, Your Honor .

THE COURT : All right . They’re admitted. 5004 is admitted.

MR . MESEREAU: Thank you, Your Honor.

Q. BY MR . MESEREAU: Star –

THE BAILIFF : You need to hit “Black Screen.”

Q. BY MR . MESEREAU: – you have sent greeting cards from time to time ?

A. Your microphone’s not on.

Q. Excuse me? You’re right.

THE COURT : They’re having trouble hearing you.

MR . MESEREAU: You’re right.

Q. You have sent greeting cards from time to time to people whom you asked for money, true?

MR . SNEDDON : Object ; assumes facts not in evidence .

THE COURT : Sustained .

Q. BY MR . MESEREAU: The language that you hear on that rebuttal tape is language similar to language you have used in greeting cards to people you were seeking money from, right?

A. We were never seeking –

MR . SNEDDON : Object , Your Honor . I object. Assumes facts not in evidence .

MR . MESEREAU: I'll start again.

Q. Do you know Louise Palanker?

A. Yes.

Q. How long have you known Louise Palanker?

A. Since the comedy camp.

Q. Are you still in touch with her?

A. Yes.

Q. When did you last talk to Louise Palanker ?

A. I think my sister talked to her. I haven 't talked to her since — I don't know exactly. But it was — it was within this year. Well –

Q. You — I'm sorry.

A. It was within the last year.

Q. Okay. You sent Louise Palanker greeting cards and you called her "Mommy," correct ?

A. I don 't remember doing that.

Q. Would it refresh your recollection if you see a greeting card that you signed ?

A. Sure.

MR . SANGER: I take it Your Honor has it on the one where –

THE COURT : I have it on "1." Do you want me to try it on "4"?

MR . SANGER: May as well.

THE COURT: That's "4."

(Off-the-record discussion held at counsel table .)

MR . SNEDDON : I have a suggestion.

THE COURT : Yes .

MR . SNEDDON : Since he's only asking him to refresh his recollection, just take the computer and show it to him .

MR . MESEREAU: We 've moved it into evidence, Your Honor. I'd like the jury to see it, if we can.

THE COURT : It is in evidence.

THE BAILIFF : It will just be a minute .

THE COURT : Do you have a technician coming?

THE BAILIFF : We do.

THE COURT: There 's someone coming to help. I remember when an attorney just had to be able to come into court and talk .

(Laughter.)

THE COURT: Now they 're froze n if the

machine doesn’t work .

MR . SANGER: I understand there’s somebody coming down in one second.

THE COURT : Yes , somebody’s been –

MR . MESEREAU: I can ask a few questions in the meantime, if you ‘d like, Your Honor.

THE COURT : That would be good .

Q. BY MR . MESEREAU: Do you know whether or not Louise Palanker gave $20,000 to your family?

A. I know that she gave it to my dad, yeah.

Q. Do you know what the purpose for giving that money was?

A. To fix my brother ‘s bedroom at my grandma ‘s house , so he can live in it.

THE COURT : Would you like to wait just a moment, so –

MR . MESEREAU: Sure.

THE COURT : It would be better to let the technician....

(Off-the-record discussion held at counsel table .)

MR . SANGER: Oh, how about that? Your Honor, I just learned something new.

THE BAILIFF : So everything is ready.

THE COURT : Yes . Thank you .

THE TECHNICIAN : No problem.

Q. BY MR . MESEREAU: You asked Louise Palanker for a computer , didn ‘t you ?

A. No . That’s not my writing .

Q. We ‘ll get to that . There’s some other pages .

A. Okay.

Q. Did you ever ask Louise Palanker for a computer ?

A. Never .

Q. Are you aware of anyone else in your family asking Louise for a computer?

A. No .

Q. Ever get a computer from Louise, to your knowledge?

A. No .

Q. Okay. Now, I want to show you this card.

It says, “From your boys and girl, Louise Mommy .” Do you see that?
A. Yes.
Q. It says, “You’re smiling when I’m happy and you hug me when I’m hurt.” Do you see that?
A. Yes.
Q. Did you call Louise “Mommy “?
A. Looks like my sister ‘s writing.
Q. Let me ask you if you called her “Mommy,” ever?
A. No .
Q. Did you ever hear your sister or Gavin call her “Mommy”?
A. No .
Q. Do you know why a card was sent to her that said “Mommy “?
A. I don ‘t know.

Q. Okay.
Let’s go to some other pages, if we can, Bob. Thanks.
Now, who is in that picture?
A. Me , my brother , my sister.
Q. Okay. Do you know approximately when those photos were taken ?
A. When my sister was in the Los Angeles Explorers.
Q. Okay. Do you know about what year that is?
A. No .
Q. Okay. Okay . Let ‘s look at this , then . Do you see the message at the bottom?
A. Okay.
Q. It says, “Dear Louise, I think of you every second of my like (sic) and pray for every night, every morning. I love you . I wish I can spend time with you . Love, Star,” right ?
A. I misspelled “life.”
Q. That’s your writing, though, isn ‘t it?
A. Yeah.
Q. Okay. The question I have is , you see a message from Gavin and a message from Davellin, right ?
A. Okay.
Q. And why is everybody calling her “Mommy”; do

you know ?

MR . SNEDDON : Your Honor, I’m going to object to that question .

MR . MESEREAU: Excuse me, I’ll rephrase it.

Q. Do you have any idea why the card is addressed to “Mommy”?

A. “Mommy’s” not –

Q. Pardon me?

A. “Mommy’s” not in my letter .

Q. I’m asking about the card.

A. I don ‘t know what ‘s written on there. Doesn ‘t look like my writing.

Q. Did you see the card before you wrote on it, if you remember?

A. No .

Q. But did you refer to her as “Mommy” ever?

A. No .

MR . SNEDDON : Asked and answered , Your Honor .

THE COURT: Sustained.

Q. BY MR . MESEREAU: Okay. Let’s go to the next card. Okay. Now, this is another card .

A. Okay.

Q. It says, “Dear Louise, once I see you, my day is wonderful. Louise, I miss you. I love you . Every day I want to be with you. Thank you. I love you. Love, Star.” Do you see that ?

A. Yes.

Q. Did you often send cards to Louise?

A. Not really.

Q. Do you remember how many you might have sent?

A. No .

Q. Okay. Keep going .

Do you see that card , Star ?

A. Yes.

Q. It says, “Our darling Louise, Wheezy.” Do you see that?

A. Yes.

Q. And that says, “We dearly love you and care about you. We love you to the moon and back . Faith fully, devotedly, your friends , your family, Davellin , David, Gavin, Janet , Star .” Do you see that?

A. Yes.

Q. Did you used to refer to Louise as being in your family ?

A. Not really. Just my brother probably did , because she was with my brother during the whole cancer.

Q. The question I want to ask you is this : Did you typically call people “family” that your mother was seeking funds from?

A. My mom was never seeking funds from –

Q. She never did that with anybody?

A. No .

Q. Not Chris Tucker?

A. No .

Q. Not Louise?

A. No . You can even ask Louise. My dad was the one trying to seek funds from her.

Q. And your mother was never involved in that at all?

A. No .

Q. How about with Jay Leno ?

A. I’ve never met Jay Leno in my life.

Q. Are you aware of your mother ever seeking funds from him ?

A. No .

MR . MESEREAU: Okay. I have no further questions.

THE COURT : Redirect?

Are you through with this exhibit?

MR . MESEREAU: Yes, Your Honor.

THE COURT : Do you need it?

MR . SNEDDON : No, I don ‘t need it.

Your Honor, I’m going to need a moment to get a couple of photographs from the clerk, if you don’t mind.

THE COURT : All right .

MR . SANGER: Your Honor , while that ‘s occurring, did the Court want to –

THE BAILIFF : You have to use the microphone.

MR . SANGER: I’m sorry.

Did the Court want to have us lodge this DVD with the Court until the physical exhibits are here?

THE COURT : That would be a good idea.

MR . SANGER: All right.

THE COURT : Just temporarily. Temporary Exhibit 5004.

MR . SANGER: Thank you.

MR . SNEDDON : Your Honor, with your permission, I'd like to show the exhibits — the witness some exhibits and put them up on the board . And I'm specifically — we 're going to start with People's No . 50 in evidence.

REDIRECT EXAMINATION

BY MR . SNEDDON :

Q. Star, let me begin by asking you some questions about Mr. Jackson's bedroom. How many floors are there to his bedroom?

A. One.

Q. And how many floors are there in the suite to his bedroom ?

A. In the suite?

Q. Well, let me ask — let me show you a photograph.

A. Okay.

Q. Let me do it this way. I don 't want to get sidetracked here.

You told the ladies and gentlemen of the jury during your testimony that on the occasion that you saw Mr. Jackson lying on the bed with your brother, that you had to walk up some stairs .

A. Yes.

Q. Is that correct?

A. Yes.

Q. And so is the bedroom where you saw those activities occur on the same level as the area below ?

A. No .

Q. I'm going to have to do it one at a time while I'm down here.

Now, the exhibit that you have that 's in front of you that 's People 's 50, do you see that?

A. Yes.

Q. Now, what door is that? Where does that lead to?

A. That’s leading to a hallway that leads to the second double door into his bedroom.

Q. And in relation to this particular door, is this the door you go through that sets off the sensors?

A. Yes.

Q. Where about , when you go through those doors , do you actually hear it?

A. A little after you pass the duck . The duck.

Q. And can you tell the ladies and gentlemen of the jury , what is the sound that you hear when it goes off ?

A. It ‘s hard to explain . But it goes like “doom -doom-doom.” Something like that .

Q. How long do you think it is?

A. Couple seconds .

Q. Is that the only sound that goes off?

A. Yes.

Q. The exhibit number on that photograph, I believe, is 53 ; is that correct?

A. Yes.

Q. Do you see in that photograph what you were referring to in answering Mr. Mesereau ‘s questions as the sensors ?

A. What do you mean?

Q. Well, he asked you about some sensors. Do you remember that ?

A. Oh , yes.

Q. All right. And what were you referring to? Do you see anything in that photograph that you were referring to in answering his questions?

A. Yes.

Q. All right. What is it?

A. It ‘s the silver one to the right of the picture. It’s under the picture of a little girl.

Q. Now, just wait a second . All right. Now, show the ladies and gentlemen of the jury what you were referring to just a moment ago .

A. Okay.

Q. So there ‘s one on each side?

A. Yes.

Q. Now, is there a separate key pad entry that you have to touch to get in?

A. Yes.

Q. Now, when you were answering Mr. Mesereau ‘s questions, you indicated that there was a double door you had to go through to get into Mr . Jackson ‘s bedroom.

A. Yes.

Q. Do you recall that?

A. Yes.

Q. Do you see the double doors that you were referring to in your testimony to Mr. Mesereau?

A. Yes.

Q. Would you point them out to the jury in this photograph?

A. Okay.

Q. So you’re indicating in the middle of the photograph, one on the right and one on the left?

A. Yes.

Q. I’ve now handed you People ‘s 54. Do you recognize that photograph?

A. Yes.

Q. Now, what is that ?

A. That’s the view inside Michael’s bedroom.

Q. Now, do you see in that photograph the double doors you were referring to in answering Mr .

Mesereau ‘s questions ?

A. Yes.

Q. Okay. Would you point it out to the jury ?

A. Okay.

Q. You’re indicating to the right and to the left of the photograph?

A. Yes.

Q. Now, directly ahead in that photograph , do you see that?

A. Yes.

Q. What is that? What part of the room is that?

A. That’s the downstairs.

Q. The downstairs to what?

A. Michael’s bedroom . That’s the big area.

Q. That’s the what?

A. That’s the big area.

Q. Now, earlier in your testimony the other day, when we were going through — and I’m not going to walk through all of them, but we were going through the photographs , you identified an area as a bathroom that had a tub in it . Do you recall that ?

A. Yes.

Q. What floor is that on?

A. The first floor.

Q. And the area with the piano?

A. It ‘s on the first floor also.

Q. Now, in that photograph , if one were to enter those doors and want to go to Mr . Jackson ‘s bedroom – okay ? – which way would they turn after they come through those doors ?

A. You would turn to the right.

Q. And then after you turn to the right, where would you have to go ?

A. You would have to open up a door and turn to your left and walk up the stairs .

Q. And do you know approximately how much distance there is between the time you enter the door and turn right, before you get to the door ?

A. Like 17 stairs .

Q. No , no, that’s not what I asked you . What I asked you was , when you turn to the right through this door , before you get to the door that leads to the stairway , approximately how far is that?

A. Eight feet.

MR . AUCHINCLOSS: Your Honor, could you black the screen just for a moment?

(Off-the-record discussion held at counsel table .)

MR . SNEDDON : Now — do you want to put that back up?

MR . AUCHINCLOSS: Thank you, Your Honor. That’s fine .

MR . SNEDDON : Put the other one back up. I have one last question on the original one . There we go .

Q. All right. Star, you indicated to Mr. Mesereau that there was a door that had several locks on it from the inside. Do you recall that?

A. Yes.

Q. And can you tell us which door or doors it is that has those locks ?

So you’re referring — and the exhibit number on that , Star ?

A. Yes.

Q. Hate to interrupt you, but — what’s the exhibit number on that?

A. 54 .

Q. 54 . So you were indicating the two doors to the entrance to the bedroom?

A. Yes.

Q. Okay. Now, are those doors visible in this photograph or on the other side of the doors ?

A. The other side of the doors.

Q. And what kind of locks are they?

A. Um , there’s two at the top — well, one on each door at the top . And you have to push it till it locks . And on the bottom, it ‘s like the same thing , but you ‘re pushing down.

Q. So you counted each one of those things as a lock?

A. Yes.

Q. Okay. And what else was locked, do you consider a lock?

A. The key pad . It will lock the — I don’t know what it’s called, but it ‘s that (indicating). Not the doorknob. It was like — well , it will just unlock it.

Q. And where was the key pad that unlocked it? Back over there that you showed us on that other photograph?

A. Yes. And there’s a lock that you just twist , and there’s one more lock . Wait. Wait, I think there ‘s just six, then.

Q. Okay. In any case, those were what you considered the locks that you were talking about with the jury?

A. Yes. Yes.

Q. All right. Now, let ‘s go to the –

A. Six.

Q. All right. We have a photograph marked as People’s 72 . It’s in evidence. Do you see that?

A. Yes.

Q. Is that the one you have in front of you right now?

A. Yes.

Q. Now, with regard to that particular photograph, there is a door depicted in that particular photograph. Do you see that?

A. Yes.

Q. Now, with regard to your testimony and the answering of the questions of Mr . Mesereau yesterday and today, do you see the door that you were referring to that leads to Mr . Jackson ‘s bedroom?

A. Yes.

Q. All right. Can you point that out to the jury?

A. Yes.

Q. All right. And that ‘s the door that is indicated about two-thirds of the way over on the left-hand side of the photograph ?

A. Yes.

Q. Right by the stairwell?

A. Yes.

Q. Now, is that door a different — is that door different from the one you showed us before that you come into the entryway?

A. No .

Q. Pardon?

A. Well, yes, it’s different. It’s a single door.

Q. And when you referred to a door the first time that you went up the stairs that was — that you thought was locked until you pushed it the second time , is that the door you’re referring to?

A. Yes.

Q. Now, Star, you can put that down if you’d like.

And we can turn the lights on , if you’d like, Your Honor.

Just a couple of other things that have to do with the residence.

You indicated in your testimony that you needed a combination for pads to get into certain locations in Mr. Jackson’s — at Neverland Ranch.

A. Yes.

Q. Now, you ‘ve described some of the locations that you needed the pad to get into certain locations. Did you need a combination to get into the arcade?

A. No .

Q. Did you need a combination to get into Mr . Jackson’s office?

A. Yes.

Q. Did the combination that you had work?

A. Yes.

Q. Did you need a combination to get into the theater?

A. I think it was locked with a key .

Q. With a key?

A. Yeah.

Q. Did you know where they kept the key?

A. No , I think security had the key . I don’t know who exactly had the key.

Q. With regard to the kitchen , did you need a pad to get into the kitchen?

A. No , it was open.

Q. And when you told us about entering the front door, but there is a rear entrance to Mr. Jackson’s residence, correct?

A. Yes.

Q. Did you need to have a combination to get in there ?

A. Yes.

Q. And the same combination you’ve described in answering both my questions and Mr. Mesereau ‘s, that combination worked?

A. Yes.

Q. Now, speaking of the kitchen, Mr . Mesereau asked you about being in the kitchen, and you indicated that you had been out there looking around for some utensils to cook.

A. Yes.

Q. Do you recall that?

A. Yes.

Q. Okay. Will you tell the ladies and gentlemen of the jury why you were in the kitchen cooking?

A. Because sometimes the cooks didn ‘t cook it right , so I cooked some stuff .

Q. Do you like to cook?

A. Yes.

Q. Is that one of your hobbies?

A. One of my hobbies , yes.

Q. One other thing, just — when you answered

Mr . Mesereau’s question and you said that Gavin went to Neverland Valley Ranch when he was seriously ill; do you recall that?

A. Yes.

Q. What did you mean by that?

A. He was seriously ill and he went to Neverland Ranch.

Q. What did you mean by “seriously ill “?

A. He had cancer.

Q. Is that what you meant?

A. Yes.

Q. How did you find out that there was a telescope up on the hill?

A. We — me , my brother and — I don’t remember who, but me , my brother and someone else were riding up there with our ATV’s and we saw a trail, and so we went up there, and we found like a glass table and — it was like a covered area. And there was a telescope that was mounted right there .

Q. All right. I’m going to ask you some questions now about some things that Mr. Mesereau asked you about. Okay?

A. Okay.

Q. Now, do you remember Mr . Mesereau asking you about the incident that you described where Mr. Jackson got on the bed and scooted over towards your brother, and I think Mr . Mesereau said put his arm around him and was next to him?

A. Yes.

Q. Do you recall Mr. Mesereau asking you that?

A. Yes.

Q. Now, did you tell the Santa Barbara Sheriff’s Department about that incident?

A. Yes.

Q. And did you also tell the sheriff’s department that there were two other incidents that you saw Mr. Jackson on the bed with your brother?

A. Yes.

MR . MESEREAU: Objection; leading.

THE COURT : Overruled .

THE WITNESS : Yes .

THE COURT : The answer was in.

Q. BY MR . SNEDDON : So you told them there were actually three incidents that occurred ?

A. Yes.

Q. And you told them that in the initial interview; isn ‘t that correct ?

A. Yes.

Q. And you also testified to that at the grand jury, did you not ?

A. Yes.

Q. You testified to all three incidents?

A. Yes.

Q. So there was two you saw on the stairs , and one you saw when you were in the bedroom?

A. Yes.

Q. Now, with regard to the time that you saw Mr . Jackson on the bed with your brother, okay?

A. Okay.

Q. And that you’ve described to the jury with Mr . Jackson ‘s hand inside your brother ‘s private parts , okay ?

A. Okay.

Q. Now, did you have any difficulty seeing what was going on?

A. No .

Q. Could you see their eyes?

A. A little bit, yes .

Q. Could you tell whether or not in the first incident , whether or not your brother’s eyes were opened or closed?

A. His head was facing down, and I saw his eyes. They were closed .

Q. And with regard to Mr. Jackson in the first incident , did you see whether his eyes were open or closed?

A. His eyes were closed .

Q. And in the second — well, in the first incident , I think you indicated that you — well, let me just do it the other way.

When you said that you had seen alcohol in Mr . Jackson ‘s room before –

A. Yes.

Q. – on the first incident when you went up there and you saw Mr . Jackson on the bed next to your brother and your brother curled up, did you see alcohol on that occasion?

A. Yes.

Q. And where was it in the room?

A. It was the nightstand next to the bed.

Q. On which side?

A. My brother’s side .

Q. So you had no difficulty seeing the alcohol on the nightstand ?

A. No .

Q. Now, you were asked by Mr. Mesereau to look at a section of the transcript during your grand jury testimony about whether you saw Mr. Jackson fiddling with your brother ‘s shirts or otherwise touching him. Do you recall him asking you that?

A. Yes.

Q. And then you were asked a question by Mr. Mesereau , where you said — there was a question,

“He would be touching him a lot?”

“Yeah .”

And then you said , “Not his genitals. Not his penis. I never saw that.” Okay?

A. Yes.

Q. What were you referring to in connection with that statement in relationship to the information you had just talked about?

A. I was talking about at the table .

Q. At the what ?

A. At the table.

Q. Is that where that incident occurred?

A. Yes.

Q. So you didn ‘t see him touch your brother’s privates or genitals at the table?
A. Yes.
Q. Star, is there any doubt in your mind as to what you saw with regard to your brother and the defendant while they were laying on the bed on the two occasions you testified to the ladies and gentlemen of the jury?
A. No .
Q. Was it the truth?
A. Yes.
MR . SNEDDON : I have no further questions , Your Honor.
THE COURT : Recross?
MR . MESEREAU: Very briefly, Your Honor. If I may take a second.
THE COURT : Yes .

RECROSS-EXAMINATION
BY MR . MESEREAU:
Q. Have you told the truth throughout your testimony in this courtroom?
A. Yes.
Q. Have you told any lie at all?

A. No .
Q. Did you tell the truth to the grand jury?
A. Yes.
Q. Ever tell any lie to the grand jury ?
A. No .
Q. Did you tell the truth to the police every time you interviewed with them?
A. Yes.
Q. Ever tell them any lies ?
A. No . No.
Q. Have you ever lied before?
A. Yes.
THE COURT: Counsel? One of the jurors needs to use the rest room , so we’ll — I think what we should do is break early.
MR . MESEREAU: Yes, Your Honor.
THE COURT : We’re on a break.
(Recess taken.)
THE COURT: Go ahead , Counsel .

MR . MESEREAU: Thank you, Your Honor.
Q. Star, you said there were 17 stairs , right?
A. Give or take a few, yes .
Q. Did you count them?
A. Over time, yeah.
Q. What do you mean, “over time”?
A. We stood there for a long time.
Q. Well, I’m asking you , did you count the stairs?

A. Yeah.
Q. How did you come up with the number “17”?
A. I don ‘t know.
Q. Pardon me?
A. Most stairs like that have 17 stairs.
Q. Most stairs like that have 17 stairs?
A. Well, most stairways like that have 17 stairs.
Q. How do you know that ?
A. Because my house has 17 stairs.
Q. Did someone from the prosecution team tell you there was 17 stairs ?
A. No , they — no , I just knew there were 17 stairs.
Q. Did someone from the sheriff’s department tell you there were 17 stairs ?
A. No .
Q. Did you actually count those stairs ?
A. Yes.
Q. When?
A. I don ‘t know the exact date. But I remember counting them.
Q. When you were at Neverland ?
A. Yes.
Q. And what was the purpose for counting them?
A. I don ‘t know. I do that at every house I go to with stairs . I just count the stairs.
Q. So you’re a compulsive stair-counter?

A. No . I just count the stairs.
Q. Is that one of your hobbies also ?
A. No , my other hobby’s building airplanes, model airplanes.
Q. In none of the police reports do you mention

"17 stairs," correct ?

A. No .

Q. Before the grand jury, you never mentioned "17 stairs," correct ?

A. Yes.

Q. But you're saying years ago, you counted 17 stairs, right?

A. Yes, I just remember the number.

Q. You did it just for fun , right?

A. Yeah. Just happened to count them.

Q. Okay. Now, you gave an eight -feet figure . Remember that?

A. Yeah.

Q. How did you figure out eight feet –

A. I don 't know. It looked like eight feet, so I just said –

Q. Did you measure that also?

A. No .

Q. Okay. You just kind of guessed?

A. Well, I don 't know. Yeah.

Q. Did the prosecutor ever tell you eight feet?

A. No .

Q. Did any member of the sheriff 's department ever tell you to say eight feet?

A. No .

Q. How many stairs are there in the main house leading to the kids' room?

A. Let's see. Six — I don't know exactly how –

Q. You didn 't count them?

A. No . They're not in a straight line , so I didn't count them .

(Laughter.)

Q. So when you count stairs, you only do it when they're in a straight line?

A. When they're straight.

Q. Okay. You didn't count those stairs, did you?

A. I did count those stairs.

Q. You mentioned you some rode ATV's, right?

A. Yes.

Q. And you and your brother used to ride – rode ATV 's on the ranch , right?

A. Until someone got lost in the mountains, so ....
Q. You actually rode those ATV’s into Los Olivos one day , didn ‘t you ?
A. We never left the ranch .
Q. Huh?
A. We never left the ranch .
Q. Well, you were caught in Los Olivos with them, weren ‘t you ?

A. By who?
Q. By someone who works on the ranch.
A. No , it’s not true .
Q. Never went off the property on the ATV ‘s?
A. No .
Q. Never were caught by anybody?
A. No .
Q. Now, you were not supposed to be in the kitchen cooking, correct?
A. The cooks encouraged me to cook.
Q. You were confronted by Kiki one time about you were not supposed to be in the kitchen, right?
A. No .
Q. You don’t recall that?
A. No .
Q. You don’t recall threatening Kiki with a knife when she confronted you in the kitchen ?
A. No .
Q. Never happened ?
A. No .
Q. Now, Prosecutor Sneddon asked you what you meant when you told the grand jury you hadn’t seen Michael Jackson touch Gavin’s genitals or penis . Do you remember that ?
A. Yes.
Q. And your response to Mr . Sneddon was, “Well, I was just talking about the dinner table ,” right?

A. Yes.
Q. How come you never mentioned “dinner table” to the grand jury when you made that statement?
A. I don ‘t know if they asked me .
Q. Well, let me just go through what you said.
A. Okay.
Q. Okay?

“Q. What kind of things?

“Fix his shirt .

“Q. What else ?

“A. He looked like from — if you’re standing in front of him, it looked like he ‘s trying to fix his shirt. But it’s hard to explain . But he would like fix it , like he would touch — well , it was weird.

“Q. He would be touching him a lot?

“A. Yeah.

“Q. Not his genitals, not his penis?

“A. I never saw that. But I saw it in the paper.”

A. I don ‘t know what I meant by “paper ,” but I was trying to say that I didn ‘t see it that time.

Q. But you never mentioned any kitchen table , right ?

A. But it wasn’t the kitchen table.

Q. But you never mentioned any table at all, correct?

A. I know.

Q. When did you come up with that explanation?

MR . SNEDDON : Object ; argumentative .

THE COURT : Sustained .

Q. BY MR . MESEREAU: Did you discuss with Prosecutor Sneddon that you were going to be asked that question?

A. No .

Q. Have you ever discussed the statement you made to the grand jury about not seeing genitals or penis ; ever discuss that statement with Mr. Sneddon?

A. No .

Q. Ever discuss it with any prosecutor ?

A. No .

Q. Ever discuss it with anyone in the sheriff’s department?

A. No .

Q. You don’t mention that kitchen table in this context anywhere in the police reports , do you?

A. I don ‘t know.

MR . SNEDDON : Your Honor, I’m going to object. Assumes facts not in evidence as to — I won’t say anything.

THE COURT : I don’t think he knows what ‘s in the police reports, so –

MR . MESEREAU: Okay. I’ll rephrase it , Your Honor .

Q. In none of your police interviews do you ever make that statement and say , “I’m limiting this to what I saw at the kitchen table,” right?

MR . SNEDDON : That’s what I’m objecting to. It assumes facts not in evidence as to the — I know you don’t want me to speak , but –

THE COURT : I don’t want you to speak.

MR . SNEDDON : All right . Then –

THE COURT : I’ll allow the question. I’ll have it read back .

(Record read .)

THE WITNESS: No.

Q. BY MR . MESEREAU: And in none of your police interviews do you limit that statement about not seeing genitals or penis touched to any table, right ?

A. No .

Q. Today is the first time you ever limited that statement to what you saw at a table , correct ?

A. I don ‘t — yes .

Q. Now, you ‘ve indicated the first time you ever discussed any alleged inappropriate touching by Michael Jackson was with Psychologist Stanley Katz , right ?

A. Yes.

Q. And you have admitted that you gave Stanley Katz a different description than you’ve given in this courtroom , right?

A. Yes.

Q. In fact, you never mentioned the third event that you ‘ve described today to Stanley Katz?

A. Because I might have forgot about it.

MR . MESEREAU: No further questions .

THE COURT : Mr. Sneddon?

FURTHER REDIRECT EXAMINATION

BY MR . SNEDDON :

Q. Star, with regard to the table that you’re talking about, was it the kitchen table?

A. It was the dinner table .
Q. And there’s — there ‘s a difference in that particular residence between the kitchen table and the dinner table, correct?
A. Yes.
Q. And when you were asked this question, you were asked this question at the grand jury, correct?
A. Yes.
Q. And you were asked by Mr. Zonen?
A. Yes.
Q. And he was asking you about Mr. Jackson fiddling with your brother ‘s shirt?
A. Yes.
Q. Is that the only occasion that you saw him fiddling with his shirt ?
A. Yes.
Q. And that was in response to Mr. Zonen’s question ?
A. Yes.

MR . SNEDDON : Nothing further , Your Honor .
MR . MESEREAU: Nothing further, Your Honor.
THE COURT : All right . Thank you . You may step down.
Call your next witness.
MR . SNEDDON : Gavin Arvizo , Your Honor .
THE COURT: When you get to the witness stand here, please remain standing.
GAVIN ARVIZO: Yes, sir .
THE COURT : Face the clerk here. Raise your right hand.

GAVIN-ANTON ARVIZO
Having been sworn, testified as follows :

THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS : Gavin — Gavin-Anton Arvizo .
THE CLERK : Will you spell your name , please?
THE WITNESS : G-a-v-i-n, dash , A-n-t-o-n, A-r-v-i-z-o.
THE CLERK : Thank you .

DIRECT EXAMINATION
BY MR . SNEDDON :
Q. Okay. I’m going to have to ask you to lean

right into that mike and talk loud so we can all hear what you have to say. All right?

A. All right.

Q. Do you recognize the defendant in this case?

A. Yes.

Q. Who is that ?

A. Michael Jackson.

Q. Did you know Mr. Jackson for a while?

A. Yes.

Q. All right. Gavin , tell the ladies and gentlemen of the jury, how old are you ?

A. Right now, I'm 15 years old.

Q. And what ‘s your date of birth ?

A. December 2nd, 1989.

Q. And do you have any brothers and sisters?

A. Yes. One brother and one sister . And right now I have one half brother. One big brother.

Q. And your mother's name?

A. Janet — well, I guess her name right now is Janet Jackson.

Q. And your stepfather's name ?

A. Jay Jackson .

Q. And your father's name?

A. David Gavino Arvizo.

Q. Do you have a sister ?

A. Yes.

Q. His name — her name ?

A. Davellin Love Arvizo .

Q. And you have a brother?

A. Yes.

Q. Another brother?

A. Star David Arvizo .

Q. And you said you have a half brother. I'm assuming you mean –

A. Jett.

Q. Jett?

A. Yes.

Q. Now, when you were growing up and you started school , do you remember what school you started at?

A. Well, like, I think the first school I went to is a school called Durphy. And then I went to a

school called Norwood.
Q. You got to lean into the mike .
A. I think the first school I went to was Durphy, and it was like when I was like four years old. And the teacher said I wasn’t, like , old enough to go to school, and I had to go to kindergarten to another school when I was five, something like that.
Q. When you were — like, say , from kindergarten through the third or fourth grade, where were you living?
A. I was living at my — first my grandmother’s house , and then we moved to East L.A.
Q. And do you remember the street in East L.A. that you moved to ?
A. Soto.

Q. And when you lived on Soto Street, who did you live with at that place, in the beginning?
A. I lived with my biological father David and my mom Janet.
Q. And what about your brother and sister ?
A. My brother Star, and my sister Davellin.
Q. And can you describe to the ladies and gentlemen of the jury what the inside of the place that you lived at on Soto Street was like ?
A. It was like one room , and then we had like a kitchen, there was like a hallway kind of , and we had to put all our appliances and stuff in there. And we had one rest room, and one closet, so it was like a bachelor apartment.
Q. And where did you sleep in that room?
A. We slept like — when you would open the door, there was — we would put our bunk beds right there . But then later we didn’t have any more bunk beds, and then we all slept on one bed together .
Q. Now, during the time that you were living on Soto Street in your — well, let me ask it this way: At some point did your father leave ?
A. Yeah.
Q. Do you remember that ?
A. I was at my grandmother ‘s house when it happened . But my mom told me that something happened where he wanted him to take — she wanted

to take my — my sister and my brother to go to , like, a park or something, and he got angry and he left.

Q. Now, did you ever see your father after that?

A. No .

Q. During the time that your mother and father lived together and you lived with your mother and your father – okay? –

A. Uh -huh.

Q. – how would you describe the nature of their relationship?

A. Well, like, they would fight every day , about where we lived and, like, bills and whatever .

Q. You got to lean in there.

A. They would fight about bills, and his family, and our family. Well , the — like my mom’s mother and father , and their cousins and my — they would fight about his family; you know what I mean ?

Q. Did you ever see any physical abuse ?

A. Yeah.

Q. By whom?

A. My dad would hit my mom sometimes. Like I saw him one time grab a fire hydrant and my mom tripped over a cart — or those — it was like a black cart that was like about that tall.

Q. What did you use the cart for ?

A. Used it for grocery shopping. It broke really easy , though. And my mom tripped over it because my dad was about to hit her with a fire hydrant.

Q. Do you mean — a fire hydrant ; do you mean like –

A. It was a fire — oh, it was a fire hydrant about that big , about that tall. They had them in our apartment.

Q. Okay. Were you ever struck by your father?

A. Yeah.

Q. How many times were you struck?

A. Well, I was not hit as much as my mom was , but I got hit sometimes .

Q. How about your brothers and sisters ?

A. I saw him hit my brother a lot, like in his head. He — and my sister sometimes, too , he slapped her .

Q. During the summer one time , did you ever attend a comedy camp ?

A. Yes.

Q. Tell the ladies and gentlemen of the jury about that.

A. When I was — when I was eight years old, my mom found this flyer , and she always thought that I was, like, kind of funny. So she wanted me to go to this comedy camp that was at a comedy club, and it was called Laugh Factory.

And so I went there, and we would — Jamie would have comedians come, and then we would — they

would teach us and we would take notes and stuff.

And then , like , toward the end — well , when we have our graduation from comedy camp, we each had like a — like our own coach for each people — for each person, and my coach was George Lopez.

Q. Now, you used the name “Jamie .” Do you know Jamie ‘s last name ?

A. Masada.

Q. And did he become a family friend?

A. Yeah. He’s really close. Like when I had cancer, he would always visit me . And he would feed me food, because I didn ‘t really want to eat , because the chemotherapy makes you always nauseous and always want to throw up. And it got to the point where I got to , like , 68 pounds. And Jamie would feed me pineapple and melon and stuff.

Q. Now, when you were at the comedy camp that summer – okay? – did you have somebody that you admired as a comedian?

A. Uh -huh.

Q. Who was that?

A. Jay Leno .

Q. And did you ever talk to anybody about Jay Leno?

A. Yeah.

Q. Who? Just tell me who first.

A. Jamie .

Q. Okay. Go ahead.

A. At the comedy camp, I would always ask Jamie if Jay Leno was ever going to come, if Jay Leno ‘s going to come and teach us , come to the camp , because I really liked him . Jay Leno was my favorite comedian . But he never came to the camp.

Q. At some point in time, you learned — you became ill, correct?

A. Yes.

Q. And when you became ill , what was the first thing that you realized that something wasn’t right with your body ?

A. Well, my stomach was hurting a lot, like it felt like there was a knife in your stomach. And I couldn’t sleep at night . I would put my pillow in my stomach, because it really hurt. And then I looked at myself in the mirror and lifted up my shirt , and I saw there was a big bump, like my lower left torso.

Q. Okay.

A. And my grandmother came , and she saw it, and she told my parents. And a couple days later we went to the hospital , and they told me — the doctors were saying, like, it ‘s an inflamed spleen or it ‘s this and that. They weren’t really saying it was cancer yet .

Q. When you went to the hospital for the first time and they examined you , did they put you in the hospital on that date?

A. Yeah. And then I had a surgery that same week on Thursday. So we went there on Monday, I think , and then surgery was on Thursday.

Q. When did you personally learn that you had cancer?

A. Um , it was before my surgery. They were very open. They would — didn’t try to hide it from me that I had cancer . The surgeons came in and they talked about it, and they said what the cancer was . And they said how they were going to take it out, and they were going to need to take out this – they’re going to need to remove the cancer. And then Thursday they did the surgery. And they had – they didn’t just have to take out the cancer , they

had to take out my spleen and my left kidney , because the cancer was eating away at the — my spleen and my kidney .
Q. Now, after you came out of surgery, and you — did you remain in the hospital for some period of time ?
A. Yes.
Q. How long ; do you remember?
A. A few weeks , I guess .
Q. During that first period of time after the surgery and you were there for two weeks, did you have any visitors ?
A. Yeah.
Q. Who was that?

A. Like my old coach , George Lopez, came, and he would always — he visited me . Jamie would visit me . And then Louise Palanker would visit me . My grandparents would visit me a lot. George Lopez would always bring me shirts and stuff , because a lot of my clothes didn’t fit me anymore. And Jamie would buy me these little toys that I could play with.
Jamie would always say like — I remember hearing him say to my parents actually , to “Always keep him happy . Always keep him happy .”
Q. Now, did you become friends with George Lopez ?
A. Oh , yeah . He was like a brother to me . He was very close and caring about everything that happened with my cancer .
Q. Are you still close to Mr. Lopez ?
A. No . Not really.
Q. What happened?
A. Well, I heard about something that happened between my biological father and George Lopez. There was a confrontation where he went to one of his clubs — not one of his clubs. One of his shows at a club, and –
Q. Between your — between who?
A. My biological father David and George.
Q. After that, did you have any contact with Mr . Lopez?

A. No .

Q. Was that after your cancer had gone into remission?

A. Yes, I believe so .

Q. So Mr . Lopez was there for you during the time you were having cancer?

A. Yeah, he was always there for me . He would always call and talk to me , call me and say that to “Always” — that “Always be happy.” He’d cheer me up when I was sad and stuff.

Q. Now, during the time that you were in the hospital with cancer , did you ever have a conversation with regard to some people that you would like to meet?

A. Yeah.

Q. Now, at the time that you asked — you made the request to meet these people , what was your condition at that point in time in terms of whether you thought you were going to live or die ?

A. Well, me , when I had cancer, I never thought I was going to die. I always — I never even thought about that. I always thought about, oh , getting done with the chemo and going to school again ; you know what I mean?

Q. Did the doctors tell you something different?

A. Yeah, there was one time that I was — well, they thought I was sleeping in my bed, and they were

talking to my mother and my biological father. And my doctor told them to prepare for my funeral. And that if the cancer didn ‘t kill me, the chemotherapy would . Because the chemotherapy is toxic and they were giving me adult dosages.

Q. So who did you make the request of to meet some people while you were under going cancer treatment?

A. Jamie .

Q. And who did you ask to see ?

A. Well, there ‘s — I asked — like every time I would watch Jay Leno’s shows was — Jay Leno was a really nice , really nice comedian, and I always wanted to meet him. And he was like — I thought he was like the coolest comedian .

And then Louise Palanker and Jamie Masada knew that, and so they gave me his phone number . And I would call him up , and I would ask him if he could come and visit me or he could give me his phone number so I could call him , and I would leave messages .

Q. Anybody else other than Mr . Leno ?

A. Michael.

Q. Okay. Anybody else?

A. Chris Tucker.

Q. Okay. Were there any others? Were there others that you asked to meet but you didn’t meet?

A. Oh , that I didn’t meet? No, I don’t think so .

Q. Okay. Tell me about Mr . Tucker. How was it that you met Mr. Tucker ?

A. He came to my first benefit that Jamie allowed me to have. And he was sitting there and talking to me, and he was talking to me about God and stuff, and that God ‘s going to bless me and all this stuff like that . And then he wrote his phone number down on a napkin . He told me to call him and that we would hang out sometime.

And then so — the next day I called him because I was — because it was Chris Tucker and he was really cool.

Q. Okay. Did he come over ?

A. I went over to his house.

Q. How did you get there?

A. I think my dad drove me over the first time.

Q. So you met Mr. Tucker at his house, the first time you met him in person ?

A. Yeah. No, I met him in person the first time at the benefit. Like he was there. He was – he was wearing like this white hat and white shirt .

Q. During the time that you had cancer , did you become close friends with Mr. Tucker?

A. Yeah. He is –

Q. Tell us what Mr. Tucker did to help you.

A. He was really close to me. Like , he would always — like , he took us to the Nickelodeon Awards like two years in a row . And he said, “Well , this is our tradition. We’re always going to go to the Nickelodeon Awards.” And he got really — like , we were really close .

And, like, one night , on New Year’s, I was feeling really sad because I had to be in the hospital , and I was watching the New Year ‘s stuff. And so I called up Chris, and I asked him , “Hey” — I actually — I just left a message . I didn’t really talk to him in person . I said , “Chris, man , I need my brother. I don ‘t really have anybody here.”

And then he didn’t even — he didn’t call me back. But like at twelve o’clock midnight, he was at my hospital — well, actually , he was in the elevator coming up to my hospital room as New Year ‘s rang out . And then he came up there, and we were like — I was all , “Oh, Chris .” And he brought Aja, his girlfriend , and little Dustin, his baby. And then I didn ‘t think they were going to come because New Year ‘s already rang out and stuff. Like , ten – seven — five seconds after New Year’s, he was in my hospital room. And I was really happy , and — I don’t know. And he said, “Well, it ‘s not about looking at when it rings out. It’s about being with the people you love.” And that’s one of the reasons I really like Chris and I got close to Chris .

Q. Did Mr. Tucker take you any other places?

A. Yeah, he took me to Neverland a couple of times . He took me out there.

Q. All right. Any other places that you recall going with Mr. Tucker?

A. Oakland.

Q. Oakland?

A. Yeah. To see –

Q. What was the occasion?

A. Oh , because he knew I liked the Raiders football team, so he — he knew this guy, he knew one guy on the football team. I don’t know his first name, but his last name is Pope. And he took me up there in his plane, and then we went and saw an Oakland Raider game. And I remember the Raiders played the Jets. And then the Raiders won that game. And we went into the locker room afterwards . I met a bunch of players and he signed a jersey that I had . So it was pretty cool .

Q. Did you ever go to any Laker games with him?

A. Yeah.

Q. Tell us about that.

A. Like, he had these — like , these pretty rich friends, and he would take me to — over there, and he would always have, like, front-row seats to the Laker games, and they would take me. And then , like , Chris — one time Chris bought me a jersey, and we would always have those — like, I remember seeing — always go right when we come in, and it was the front-row seats so you could see the line of the court . It was pretty cool.

Q. Did you ever go in the locker room?

A. No . We went — it wasn ‘t really a locker room we went to. It was like — kind of like a garage place, and then we saw , like , all the players. They were already like dressed, leaving. And then I saw Shaq. Like , his whole — it was like my head came barely past his waist.

Q. Big guy, huh?

A. Yeah.

Q. Are you friends with Mr . Tucker anymore currently?

A. Well, I don ‘t know if he still wants to be my friend, but I’m — no, I haven’t called him in a while . And he hasn’t — he hasn ‘t called me and we haven ‘t really talked in a while .

Q. Why?

A. I don ‘t know. I guess because of all this stuff .

Q. Now, you told the ladies and gentlemen of the jury that you had gone to a benefit. I think that’s what you said . A benefit ?

A. Uh -huh.

Q. At The Laugh Factory ?

A. Yeah. Jamie donated one of his nights to – for me. I think it was like Thursday or something .

Q. And was that a different night or the same night that you met Mr. Tucker for the first time?

A. I think that was the — the first night I met him was — oh , actually, when I met Chris Tucker, I met him at a graduation for the 2000 class of comedy camp . Like, Jamie invited me over there for that , and Chris Tucker was there. That wasn’t when the benefit was . I just remembered that right now. It was then .

Q. But did you meet him at a benefit?

A. I met Chris at the graduation for, like, 2000 comedy camp.

Q. All right. Do you know whether Mr. Tucker ever attended any of the benefits that Mr . Masada arranged ?

A. Yeah, he came to my first benefit.

Q. Now, were you at the benefit?

A. Yes. I performed in it .

Q. Well, who else was there, from your family?

A. I had my doctor, my — Chris and his — all his friends . And Kobe was there . And he brought his girlfriend or his now wife. I don ‘t know, some — it was a lady. Louise Palanker was there. A lot of people came , so....

Q. And members of your family . Who was there?

A. My mom was there, and my biological father. Oh , I don’t know if my mom was there. My biological father was there, I think.

Q. Any of your brothers or sisters?

A. I’m pretty sure they were there.

Q. Now, did you have occasion on that particular night to meet Kobe Bryant?

A. No . The first time I really met — I met Kobe Bryant was at one of the Laker games that Chris brought me. And they were all talking , like , in this hallway. It was — I don’t know, it was like — it was like a really long hallway . It was all cement.

And then Chris and, like, all these other guys were talking to Kobe and they were all leaning against the wall and they were all talking, and I was just sitting there because I was bored. They were all talking about, like, adult stuff .

Q. Did you ever have a picture taken with Mr .

Bryant?

A. Yeah.

Q. Where was that picture taken at?

A. That was at my first benefit.

Q. At where ?

A. At The Laugh Factory .

Q. Now, at any of these benefits — there were two benefits; is that correct ?

A. Yes.

Q. I don ‘t want to put words in your mouth. Were there more than two, or is that –

A. No , I’m pretty sure there was only two .

Q. And where was the second benefit ?

A. At The Laugh Factory .

Q. And do you remember how much time elapsed between the first benefit and the second benefit?

A. Probably a month maybe.

Q. At the first benefit — or at the second benefit — let ‘s just go to the second benefit for a second. Just tell me what members of your family were at that benefit .

A. I don ‘t know. Maybe — I guess my dad would be there .

Q. Why?

A. Because he was the one that was always with me .

Q. At either of these benefits, did you ever hear your mother ask for any money?

A. No .

Q. Did you ever hear your father ask for any money at these benefits ?

A. I wouldn ‘t really see him asking for money, but I knew he would be the one getting the money.

Q. How do you know that ?

A. Because he would be the one talking to Jamie about that stuff.

Q. During the time that you had cancer , was it necessary for the members of your family to do something to — with regard to where you stayed when you were not in the hospital?

A. Yeah.

Q. What was that?

A. Well, they didn’t want me to stay at the apartment anymore . And they wanted to also make me happy , and they knew I loved my grandma, so they had me go live with my grandma .

But the problem was, I couldn ‘t go to my grandma’s house, because they didn’t have a room that I could stay in that was clean , because I had to stay in a clean room .

So Louise Palanker gave us some money so that we could fix up a room at my grandma ‘s house. And they gave us money so I could get, like, a – linoleum tile floors , and — because I couldn’t have carpet because it would be too dusty and bacteria could be there . And I didn’t have a spleen, and I had, like, no white blood cells, so I could get sick, really sick , and get fevers and have to go to the hospital and stuff. That ‘s why they had to put down linoleum floors . And then they painted the rooms all, like, this green color. And then they painted white because it was a different color. They got me a better bed and then they also found me a T.V. in my room .

Q. Do you remember, how big was the T.V.?

A. It was probably about that big (indicating).

Q. Okay. I’m a bad judge of distance there.

About three feet?

A. I don ‘t know.

MR . SNEDDON : Counsel, three feet?

Q. Depending whether they’re Shaq’s or not, I guess , huh?

Okay. That ‘s good.

All right. I’m going to show you some photographs .

A. Okay.

MR . SNEDDON : Hang on a second. Could we have the lights, Your Honor?

Q. Okay. Gavin, do you recognize the people depicted in that photograph?

A. Yeah.

Q. Would you tell the ladies and gentlemen of the jury — and what the number is on that photograph?

A. It was like four numbers. Exhibit number ?

Q. Yes.
A. 49 .
Q. 49 . Okay. People’s 49 in evidence . Who are those people?
A. All the way to the right is my little brother Star. And then that lady right there is Louise Palanker. And then that’s my sister to the right of Louise Palanker. And then that’s me.
Q. And do you recall when that photograph was taken ?
A. That was during our camp at Laugh Factory .

Q. Do you know where the money came from to fix up your room?
A. I think it came from Louise.
Q. Did you have a nickname you used to call her?
A. Wheezy. Wheezy.
Q. Okay. Why don ‘t you turn that photograph over. And I think the next one is 199 ; is that correct?
A. Yes.
Q. All right. Do you recognize that photograph?
A. Yes.
Q. And is that you in that photograph?
A. Yes.
Q. Do you recall where you were when that was taken ?
A. I believe that was in my first benefit . And then at The Laugh Factory.
Q. Okay. Why don ‘t we turn over — let’s go to the next photograph, if we could . Do you recognize that?
A. Yeah.
Q. And the number on that photograph is — look on the exhibit , if you would.
A. 337.
Q. 337. Okay. Do you recognize that person ?
A. Yeah, that’s me.

Q. And where was this taken, this photograph ?
A. This is in a room that Louise got me, the room that Louise paid for so that I could have it.
Q. This is what it looked like after they fixed

it up ?

A. Yeah.

Q. All right. Thanks, Gavin.

A. All right.

MR . SNEDDON : All right . We can turn the lights back on , Your Honor . Thank you .

Q. Gavin , at some point in time, did you have some contact with the defendant in this case , Mr. Jackson?

A. Yes.

Q. Would you tell the ladies and gentlemen of the jury how that happened ?

A. I’m not sure who exactly got Michael to call me . But he — one night — it was either Jamie or this lady named Carol Lamir. One day when I was in the hospital, Michael called me up — well, someone called me up, and I was like, “Who is this?”

Q. Lean into the microphone, please .

A. Someone called me in my hospital room, and I asked who was this? And then they said they were Michael Jackson.

Q. And did you believe them?

A. Well, yeah.

Q. And how long did the conversation last ?

A. That was a pretty short conversation. It was only about , like , five minutes long.

Q. Now, did you have other conversations with Mr . Jackson ?

A. Yeah.

Q. How many do you think you had — let me ask you this . Let ‘s do it this way: At some point in time, were you invited to go to Mr. Jackson’s ranch at Neverland Valley Ranch?

A. Yeah.

Q. Between the time you received the first telephone call from the person identifying themselves as Michael Jackson until you went to the ranch , how many calls did you think you had between you and Mr. Jackson?

A. That was — there was only one call , because the first time that he called me , he invited me up to the ranch, said he wanted me to come down .

Q. Were you undergoing chemotherapy at this

time?

A. Yes, I was in the middle of a round of chemotherapy.

Q. During this conversation with Mr . Jackson , was a date set for you folks to go there, or how was it that the date was set for you to go ?

A. He just said that he wanted me to come down. And then I’m not sure how it got set up, but he was telling me like — about, like, my cancer , and talked to me about — that he wanted me to go to his ranch and stuff like that.

I don ‘t know how it got set up to go up there . I think they talked to my parents or something.

Q. During the time that you had cancer , did you have other telephone calls with Mr. Jackson?

A. Yes.

Q. Could you give us an estimate of how many calls that you had from him?

A. I don ‘t know. Like 20 maybe. 20 calls.

Q. Were some of them quite lengthy?

A. Yeah.

Q. Were they all in the hospital ?

A. No .

Q. Where were you when you had other calls with Mr . Jackson ?

A. My grandma’s house.

Q. Now, you said that you were invited by Mr . Jackson to go up to his ranch ?

A. Uh -huh.

Q. And had you ever heard of Mr. Jackson’s ranch prior to that?

A. No . After when he, like, called me and said “ranch,” I thought it was like a ranch with horses .

Q. So how did you get up to the ranch?

A. There was a limousine that came to my grandma’s house and then we went up in a limousine .

Q. And who went up there?

A. It was me, my mom , my biological father, my sister, my brother and me.

Q. And do you remember about — like, was it daylight or was it dark when you got there?

A. It was daylight.

Q. And do you remember what happened when you first got there?

A. Um , yeah , I think — I guess they told Michael we were up there already . And he had a bib on , because he was eating. And then he ran out and he greeted us and he had, like, a red shirt on, a black tie.

Q. All right. Did you have any conversation with Mr. Jackson at that time , during the greetings?

A. Well, he just said hi to us, because he had to go do something.

Q. So where did you go after Mr. Jackson went to do something?

A. I think we ate .

Q. All right.

A. I guess.

Q. What did you do after that ?

A. We went and saw the unit that he put us in. And then they were afraid — like, my dad was kind of afraid of putting me on rides , because he thought maybe , because of my surgery, I might, like, rupture something or whatever. And then — but I eventually

talked him into letting me go on rides , and we started going on rides and stuff .

Q. At the amusement park?

A. Yeah, at the ranch.

Q. Now, let ‘s go back just a moment . Okay? You said that you were placed in some room somewhere to stay. Where — where were those located in relationship to the main residence?

A. They were like 50 , 100 yards away from the main house, and that ‘s where they put, like, all our bags and stuff .

Q. All the what?

A. All our bags. All in the place where we were staying. They put all our bags in those rooms.

Q. The room that you stayed in, who stayed in that room with you?

A. Well, the first night I didn’t really stay in that room. But the person that was supposed to stay in that room was me and my brother.

Q. And where was your mother and your sister ?

A. My mother, my sister stood in the guest – a queen-sized room or something. No, I think me, my brother, and my sister was going to stay in one room, and then my mom and my biological father were going to stay in another.

Q. Do you remember any incident while you were at Neverland Ranch on this first visit involving your mother and your father?

A. Yeah.

Q. What happened?

A. They kind of got in a fight again, and my mom had makeup on and my dad made fun of her and said she looked like a clown, and then my dad got a cup of soda and threw it in her face.

Q. Now, after you got to Neverland Ranch, before we go to the next day or to that night, did you ever ride any of the carts, the motorized carts there ?

A. Yeah.

Q. Tell us about that.

A. Well, I couldn ‘t really ride one yet because Michael said, like, I had to go through his driving test to see if I could drive the carts . And then I could drive them. So –

Q. What did the test amount to?

A. Just make sure I wouldn ‘t crash it; I knew how to, like, drive it and not run into things.

Q. And did you — did you ride in one of those carts ?

A. Yeah.

Q. Was somebody with you?

A. Well, when — like, riding — those times when I was riding it ?

Q. I’m sorry, I couldn’t hear you.

A. What do you mean? That one time ?

Q. Yeah, in the beginning.

A. I had to take his test first. So Michael was in the car with me. And it was in his cart , like a black one with doors and, like, it ‘s all covered up.

Q. And what about your brother, Star?

A. I didn’t really see when he got his test, but my brother would ride in one , too.

Q. All right. When you were at Neverland Ranch , was there ever an occasion where you slept in Mr . Jackson ‘s room with Mr . Jackson ?

A. Yeah.

Q. Would you tell the ladies and gentlemen of the jury how it came about that you ended up sleeping with Mr. Jackson in his bedroom?

A. I think we were in his office . We were all talking.

Q. Who’s “we”?

A. Me , my brother and Michael . We were all in his office, and we were talking. And then Michael said we should sleep in his room . And then I was like — I was, like, “Okay , yeah ,” because we were , like, wanted to sleep in his room, too . And then he told us to ask in front of our parents if we could sleep in his room .

So I think it was like at dinner , we had asked her — we asked our parents if we could sleep in Michael’s room , and then so we did. And then my parents said yeah , it was okay.

Q. So when you say “we,” who else went with you?

A. My brother.

Q. Now, at some point that night , then , you go into Mr. Jackson’s bedroom ?

A. Yes.

Q. What were you doing in there; do you recall?

A. Well, it started out , like , we were going to watch some Disney cartoons , and a bunch of these videotapes of the Simpsons . And then Frank had – Frank Tyson had a computer — I don ‘t remember whether it was my computer or his computer — in there .

Q. Okay. Tell us what happened.

A. And then he set up the computer. And then Frank started doing this — doing stuff on the Internet . And then they started looking up, like, adult material sites .

Q. Where — was Mr. Jackson there?

A. Yeah.

Q. Was Mr. Jackson involved in that ?

A. Yes.
Q. And in what way?
A. Well, we were — he was , like , pointing out girls . Like, “Oh , I like her .” And then — but, I mean, he wasn’t typing. Frank was typing .
Q. So how long do you think — how many different sites do you think you went to?

A. Maybe , like , seven sites. We didn’t go to that many sites.
Q. And how long do you think you were doing this?
A. I don ‘t know. Maybe , like , 15, 30 minutes. Something like that.
Q. I couldn ‘t hear you.
A. I think maybe, like, 15 , 30 minutes or something.
Q. And you described it as adult materials. Can you tell us whether it was male or female?
A. It was female.
Q. Can you tell us about the age — in your estimation, the age of the females that you saw ?
A. Maybe , like , 15 to, like, 25 years old .
Q. So between that range?
A. Yeah.
Q. Now, during the time that you were on the – you were seeing the –
The bailiff tells me that I’m to ask you to scoot closer to the microphone. And we all do what the bailiff says. Okay ?
A. All right.
Q. So lean into it and talk into it just like I am . Okay?
A. All right.
Q. Perfect.

Now, during the time that you were in the room going through these sites on the computer, did Mr . Jackson say anything?
A. Yeah.
Q. Tell the jury what he said .
A. Like one time we were, like, looking at the site, and there was this girl with her shirt up . And Michael says — like, it was all quiet and

stuff , and Michael was like, “Got milk ?” And we started laughing because he said that.
Q. Okay. Did he say anything else?
A. Like, Paris and Prince were sleeping in his bed. And then Michael leaned over to Prince in his ear and he said, “Prince, you ‘re missing all the p-u-s-s-y.”
Q. Did he spell it?
A. No .
Q. During the time that you became acquainted with Mr. Jackson, did you have a nickname that he used?
A. Well, it wasn’t really a nickname just for me . Like, he would call all the kids that came to his ranch that . It was either like “Doo-Doo Head” or “Apple Head .”
Q. So he would call you either one of those two things?
A. Yes.
Q. And do you recall whether he had a nickname for your brother?

A. Yeah. Like , we were trying to make up nicknames one time. He has a video library. And then we made up one for my brother, “Blow Hole.”
Q. Did your sister Davellin have a nickname?
A. No .
Q. After you visited the ranch on the occasion that you described — just described to us – okay? - did you go back to the ranch?
A. Yeah.
Q. Did you go back to the ranch?
A. Yes.
Q. Who did you go back with?
A. My biological father .
Q. And do you recall how many times you went back?
A. Maybe , like , seven, ten times , something like that. I mean –
Q. Do you remember a time when you went back to the ranch and there was a video taken of you and Star with Mr. Jackson?
A. Yes.
Q. And do you recall on that particular occasion when the video was made , like how many –

where on these trips was that ? In the beginning, the middle or the end? Where was it?

A. It was really toward the beginning.

Q. And did your mother go with you on any of those trips ?

A. No . I think she, like, didn’t come with me after the first time .

Q. How about your sister?

A. I don ‘t think she did either, because she was at school. Between that and to Miami , or –

Q. Yes.

A. – when I had cancer ?

Q. Yes, between that and Miami.

A. Okay.

Q. Was there — let me put it this way : Was there a time when you went back to the ranch with Chris Tucker?

A. Yes.

Q. Okay. So let’s just use that as a point in time. All right?

A. Okay.

Q. From the time you went there for the very first time with your whole family, when Mr. Jackson invited you , to the time when you went back with Mr. Tucker – okay? – for the first time ?

A. Okay.

Q. How many times had you visited the ranch?

A. Maybe , like , seven times probably.

Q. And during those times — during that period of time, was your mother ever with you , other than the first time ?

A. No .

Q. How about your sister?

A. No , I don’t think so .

Q. The video that shows you and Mr. Jackson and your brother Star , when you’re wheeled around in the wheelchair –

A. Uh -huh.

Q. – did anybody tell you why they were doing that?

A. No . Michael just said he wanted to make a video and keep it , of me and him .

Q. During the time from when — the first time you went to the ranch that you’ve described to us to the time that you went there with Mr. Tucker - okay? – during that, I think you said seven times, how many of those times was Mr. Jackson actually present on the ranch ?

A. Maybe twice .

Q. And on those occasions when Mr. Jackson was on the ranch, did you have any contact with him ?

A. Those two occasions, yeah. But, I mean, like, sometimes I would go up to the ranch and he would say that he ‘s not there , and then he would be there .

Q. What do you mean by that?

A. Like, when I would have cancer. I don ‘t know what happened, but Michael, like, kind of stopped talking to me and stuff, right in the middle of my cancer.
And, like, I would go up there, and I would see, like, Prince and Paris playing there , and I would think that Michael was there, and they would tell me that Michael wasn’t there. And then , like , I would see him somewhere, and — I don’t know.

Q. Was there one occasion when you actually ran into him by accident ?

A. Yeah.

Q. Tell the jury about that.

A. Well, I was playing with Prince and Paris outside, like in the back of the house near where the arcade was . And then we were walking into the — into the main house . And I knew the code, because they would give me the codes. And then I walked in the door with Prince in my hand and Paris in my other hand, and — we were holding hands. And then we walked into the house and there I saw Michael walking, like, toward me . But I guess he didn’t see me turn the corner . And then he acted as if , “Oh, crap,” you know what I mean? Like, he saw me . And then — then he just played it off and , like, acted like, “Oh, hi, Doo-Doo Head.” You know, at the time I — I was kind of hypnotized and, like, he ‘s my –

MR . MESEREAU: Objection; calls for a

narrative and non responsive.

THE COURT : Sustained .

Q. BY MR . SNEDDON : Okay.

A. And then , like –

Q. That’s all right. I’ll give you a question. So in any case , you bumped into him ?

A. Yeah. And I was — because of –

Q. That’s okay . How much more contact did you have with him on that time when you bumped into him? How much time did the contact last?

A. I didn’t really see him through my cancer a lot.

Q. I mean, you told the ladies and gentlemen of the jury there was an occasion where you were there when you kind of bumped into him by accident ?

A. Yeah.

Q. When you actually made contact with him - okay? – how long did that last? Just — how long was the conversation between the two of you?

A. Maybe , like , five minutes. When — that time we bumped into each other, and then we just talked about — and stuff, and he said he had to go somewhere.

Q. Now, you mentioned that you — well , let me ask you this: Did you ever have a phone number for Mr . Jackson ?

A. Yeah. He gave me a lot of phone numbers.

Q. I couldn ‘t hear you.

A. Yes.

Q. And how did you get those phone numbers?

A. Michael would give them to me , or Frank would sometimes.

Q. And when did you get those phone numbers?

A. Toward the beginning .

Q. Beginning of what ?

A. Like, the beginning of my cancer . First or second time we went up to the ranch .

Q. Was there a certain point in time when those phone numbers weren’t working anymore?

A. Yeah. Like –

Q. Do you remember how long it was into your cancer when those phone numbers were no longer good?

A. Maybe , like , halfway through. Like , it seemed like he changed all his numbers , or the numbers that I called, he wouldn ‘t pick up. And – or , like , Frank’s cell phone wasn’t — he wouldn’t pick up. Frank wouldn’t pick up his phone either. And –

Q. Now, you told the ladies and gentlemen of the jury that there was a time that you went back to the ranch with Mr . Tucker. Do you remember that? Do you remember when you went ?

A. Yes.

Q. Tell the jury when it was you went.

A. I don ‘t know. It was for his little son’s — Dustin’s birthday .

Q. And who went with you?

A. Me , my now dad Jay, and I think my mom went, and my brother and my sister, and they had his birthday party there .

Q. Were there other times that you spent on the ranch with Mr. Tucker?

A. Yeah.

Q. And how long do you think you were there with Mr. Tucker?

A. For — with Dustin’s party ?

Q. Yes.

A. I don ‘t know. It was just a day thing . We went up there for one day and then we came back .

Q. You came what?

A. I think we just went there for that and then came back home .

Q. Were there other occasions when you were up there with Mr. Tucker?

A. Yeah, one other time .

Q. And how long did you stay on that occasion?

A. We stood there for, like, a few — like a week or — maybe a week and a half, something like that.

Q. Was Mr. Jackson there on the day of Mr . Tucker’s son’s birthday ?

A. No .

Q. And when you went back and stayed for about a week or a week and a half, was Mr . Jackson there ?

A. With Chris?

Q. Yes.

A. He was there, like, for a few days. That was when — I believe that was when the Martin Bashir thing happened.

Q. I’m sorry?

A. I believe that was when the Martin Bashir thing happened .

Q. Okay. Let’s talk a little bit about Martin Bashir.

Were you introduced to a person by the name of Martin Bashir?

A. Yes.

Q. And where were you introduced to the person by the name of Martin Bashir?

A. In Michael’s living room, in his main house.

Q. And who introduced you to Mr. Bashir?

A. Michael.

Q. Now, how did you get to the ranch?

A. Um , I think Chris drove me up that time. And then — in his bus.

Q. And did any other members of your family go with you ?

A. It was only me , my sister and my brother.

Q. And did you know why you were going to the ranch ?

A. Michael wanted me to go up there , and then I think I called Chris . Because I would always tell him that we never went up there, like together. We ‘d never been at the ranch together with Chris. He would go up there one time , and I would be at home. And then I would go up , and he would be home. So we said that we’d all go there together. So we all went up there , and Chris took us up there.

Q. Do you — when you got there — let me go back in point in time.

Did you have a conversation with Mr . Jackson before you went up to the ranch for the Bashir thing – meaning Mr. Bashir – within , let’s say, days of that?

A. Michael told me that he wanted me to go up to the ranch, but — that’s when he wanted me to go with — well, that’s when it was set up with Chris , but I mean before that, I didn’t talk to him in a very, very long time .

Q. So when you said Mr. Jackson told you he wanted you to go up to the ranch , how did that communication occur between you and Mr . Jackson ?

A. I don ‘t know. He called my house. And he kind of said he was trying to find me or something .

Q. All right. So you go up to the ranch and you meet Mr . Bashir. When you got to the ranch , what was the first thing that happened ?

A. Well, he put our bags away . And then I had — and I went into the main house. And – Michael took me to the main house.

Q. Who did?

A. Michael.

Q. The defendant?

A. Yes.

Q. Okay.

A. And then introduced me to Martin Bashir.

Q. All right. What happened then?

A. He told me –

Q. Who’s “he”?

A. No , actually, I don’t think that ‘s the first thing that happened. I think — he started talking to me about what was going to happen and stuff. Like, he was pointing — he was telling me about another young man that was a burn victim. And he was telling me about how he helped him or whatever .

Q. Who’s this? Who’s the “he “?

A. I don ‘t know.

Q. No , who was talking to you ?

A. Michael.

Q. Okay.

A. And then –

Q. Where were you when you had this conversation?

A. I think we were driving in one of the carts. And then he was telling me that he was filming something or something like that .

Q. All right. Did — did you at some point go inside?

A. Yeah.

Q. Did you have any other conversations with

Mr . Jackson ?

A. Yeah, that’s when he introduced me to Martin Bashir.

Q. Any other conversation with Mr. Jackson?

A. Yeah. Like , he introduced me to Martin Bashir, and then he took me — I think it was in the library where he took me. And then he was telling me , “Hey , you want to be an actor, right? And I was like, “Yeah . I want to be comedian though.” And then he was like, “But you can act too , right?” And then I was like, “Yeah.”

“Well , I’m going to put you in the movies . And this is your audition. Okay ?”

And I was like , “Oh, all right.”

And he told me , “Okay. I want you to go in and then tell them about how I helped you .” And he told me to, like, make sure — tell them about, like, this and that, and about “that you call me dad,” or “Daddy,” or –

MR . MESEREAU: Objection. Nonresponsive; calls for a narrative.

MR . SNEDDON : Your Honor, this is the conversation.

THE COURT : Well, it is narrative , though.

MR . SNEDDON : All right .

THE COURT : Sustained .

Q. BY MR . SNEDDON : Was there anything else said during the conversation?

A. He told me that he wanted me to say certain things on the videotape .

Q. What did he tell you to say on the videotape?

A. He told me to say that he helped me , and that he — he pretty much cured me of cancer .

Q. Did you do that?

A. Um –

Q. On the video?

A. Yeah.

Q. Was it true ?

A. Not really, because he — during my cancer, he wasn’t really even there. I mean, the real people — I mean, it ‘s, like, the real people who were there were George Lopez, because he would always visit me in the hospital like every day, and he would bring me shirts and stuff. Chris Tucker would always visit me in the hospital. Louise Palanker would come and we ‘d make jokes because , like, I wasn’t good at smelling stuff. Chemotherapy would clear out everything . And then Fritz Coleman, would always come with Louise and talk to me , and –

Q. At this point in time, when you went up to the Bashir video –

A. Yeah.

Q. – to the Bashir interview , okay ? –

A. Uh -huh.

Q. – did you have — did you admire Mr. Jackson?

A. Yeah. I was like –

Q. What was your attitude towards Mr. Jackson at this point in time?

A. I thought, like, he was the coolest guy in the world. He was like my best friend ever. Do you know what I mean?

Q. So you had a genuine affection for Mr. Jackson at this time ?

A. Yeah, I really liked him. He was like — I don’t know, he was just — like — I –

Q. So during the course of the interview with Mr . Bashir – okay ? – after that interview was completed, all right ?

A. Uh -huh.

Q. Tell us what happened after the interview was completed. Was there any other filming that went on that day?

A. No , I don’t think so .

Q. Do you know whether or not your brother and sister ever got their picture taken in the filming ?

A. Well, yeah. Well , there was one time that I saw on the tape that they filmed us . I didn ‘t even know the camera was on. And they were inside of the kitchen and my sister and brother were there . And me and my brother were showing Michael a marching cadence from one of the programs that we were in that we had learned.

Q. Okay. What was — what was the — what was the marching cadence from, what program?

A. It ‘s from a program called the United States Naval Sea Cadets.

Q. And had you — what was the situation of you learning this cadence? Just part of the training?

A. Yeah, it was part of the basic training that we went to.

Q. How long was the basic training?

A. Two weeks ago.

Q. Where was it?

A. He went to a Navy Leaguer boot camp , and it was for, like, younger kids. And then I went to a sea cadet boot camp. It’s harder and it’s for older kids.

Q. Now, did you know at the time that Mr. Bashir was interviewing you with Mr . Jackson , the defendant in this case, did you know that that video was going to be shown around the world ?

A. No , not at all . I thought it was another thing like — like he had filmed before, like him carrying me across the bridge , that video . I thought it was going to be another thing like that , like he was going to , like , put it away somewhere and keep it just for himself.

Q. Had there been other instances on the ranch where you had been filmed with Mr. Jackson, other than the one with him carrying you across the bridge, and the one with Mr. Bashir , that you recall?

A. No .

Q. Now, after the filming was over, do you recall seeing Mr. Jackson at all , after that ?

A. After the film ? After the Martin Bashir thing ?

Q. Yes.

A. Well, I think he left, like, the next day . And me and my brother and my sister , like , stood up there , and we were, like, swimming and stuff .

Q. Did you have any contact with Mr . Jackson after the filming ?

A. No . Like, the same thing happened. Like , the phone number they gave me while I was up there wasn’t working no more.

Q. It ‘s a bad question on my part.

While you were at the ranch for the Mr . Bashir filming and after the filming was over with but before you and your brother or your sister left, did you have any contact with Mr . Jackson at all?

A. No . A day after the filming, he left the ranch and went somewhere.

Q. So where did you spend the night after the Bashir film ?

A. In our unit that they gave us .

MR . SNEDDON : Your Honor, this would be a good place to stop. If you want me to go on –

THE COURT : All right . You know, I’ve decided that if I have to go to the rest room, I’m not going to say that. I’m going to say, “I have an important call .”

(Laughter.)

See you tomorrow at 8:30.

(The proceedings adjourned at 2:30 p.m.)

–o0o–

REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR , CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 1402 through 1524 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 9, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction .

DATED: Santa Maria , California , April 12 , 2012 .

MICHELE MATTSON McNEIL, RPR, CRR , CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

THURSDAY, MARCH 10, 2005

8:35 A.M.

(PAGES 1526 THROUGH 1529)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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Santa Maria, California
Thursday, March 10, 2005
8:35 a.m.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: Good morning.
Try that again. Good morning.
COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.
THE COURT: I notice the defendant's not present.
MR. MESEREAU: Yes, Your Honor. Mr. Jackson is at --
THE COURT: They can't hear you. Speak into the microphone, please.
MR. MESEREAU: Mr. Jackson is at Cottage Hospital in Santa Ynez with a serious back problem. My understanding is he's on his way in. The doctor

does want to talk to you on the phone. That's the last information I have.

I did give the -- I had the doctor on my cell phone. I did give it to your clerk and tried to make contact with you, but I -- I know that they're waiting, hoping to speak to you about it.

My understanding is that he does plan to come in.

THE COURT: I'm going to issue a warrant for his arrest. I'm forfeiting his bail.

MR. MESEREAU: Your Honor --

THE COURT: I'm going to hold that order for one hour. In one hour I'm going to execute that order.

Court's in recess.

(Recess taken.)

--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 1527 through 1528 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 10, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
March 10, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

THURSDAY, MARCH 10, 2005

(PAGES 1530 THROUGH 1714)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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INDEX

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES DIRECT CROSS REDIRECT RECROSS

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1608-SN 1686-M
(cont’d)
ROBEL, Steve Daniel 1598-SN 1600-SA 1607-SN

EXHIBITS

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containing the sound of bedroom suite chimes 1594 1608
346 Notes in Gavin Arvizo’s handwriting 1610 1611
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Santa Maria, California
Thursday, March 10, 2005
10:00 a.m.

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: Good morning.

THE JURY: (In unison) Good morning.

COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.

THE COURT: I’m sorry for the delay. Mr. Jackson had a medical problem this morning, and it was necessary for me to order his appearance. I’m telling you that because I don’t want you to draw any adverse inference about his guilt or inference from the fact that I had to order him here.

If one of you had called in and had not appeared, or one of the attorneys, I would have had to do the same thing. The trial is going to go forward.

So I just want you to understand, in doing that, I'm not expressing any opinion about the case, about Mr. Jackson, or about the District Attorney. It has nothing to do with guilt or innocence. Okay.

All right. Let's see. Are you ready to go forward.

MR. SNEDDON: I am, Your Honor. And before I begin, some housekeeping from yesterday.

THE COURT: Mike.

MR. SNEDDON: How's that.

THE COURT: They've quit waving at me. It's probably okay.

MR. SNEDDON: Some housekeeping from yesterday, Your Honor.

THE COURT: Yes.

MR. SNEDDON: Yesterday we saw the overheads of those cards. For the record, I have consulted with Mr. Sanger. The cards came from Item No. 1796 from the sheriff's department. I now have the cards themselves, and I will give them to the clerk to substitute for the video in terms of the evidence.

THE COURT: All right.

MR. SANGER: I think it's Exhibit 5004, and we had temporarily lodged the disk. And now the actual cards are being exchanged.

THE COURT: It is 5004, and I will release the disk to you now. And thank you.

MR. SANGER: Thank you, Your Honor.

THE COURT: The cards are admitted into evidence.

MR. SANGER: Thank you.

THE COURT: Oh, there's one other issue I want to address. And as you heard yesterday, this witness has one kidney. That causes a problem. Sometimes he needs to go to the rest room more than others. Although we all seem to have that problem.

(Laughter.)

THE COURT: If he needs to go, he’s going to signal me, and we’ll just wait a minute while he does that.

Go ahead.

MR. SNEDDON: Thank you, Your Honor.

GAVIN-ANTON ARVIZO

Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION (Continued)

BY MR. SNEDDON:

Q. Good morning.

A. Morning, Tom; Mr. Sneddon.

Q. I want to go back and talk about a couple of things that I neglected to cover yesterday. And I want to take you back in time to the first visit to Neverland Ranch, and in particular to the computer that Mr. Jackson gave you. Do you recall that.

A. Yes.

Q. What kind of computer was it.

A. It had an apple on it. I think it was a Mac computer or something like that. It was, like, a laptop.

Q. After Mr. Jackson gave you the computer, did you -- were you contacted by somebody to set up some kind of Internet account for that computer.

A. Yes. Well, Michael told me to call Evvy and see -- because he said he wanted me to get the Internet for the computer.

Q. Did you know who Evvy was.

A. She was, like, an assistant lady for Michael.

Q. Did you do that.

A. Yeah.

Q. And as a result of that, did you -- did somebody contact you after you talked to Evvy.

A. Yeah. It was a guy named David, I think.

Q. And what was the purpose for which David contacted you.

A. To help -- to tell me how to set up the

Internet account, because I didn’t know how.

Q. And who paid for that.

A. Michael did.

Q. Now, when you set up the Internet account, did you have an e-mail address.

A. Yes.

Q. And where did you -- what was the e-mail address.

A. Whitehawk344, I think.

Q. Now, you say “whitehawk.” Where did the e-mail address come from.

A. Well, my name “Gavin” in Irish, it means -- well, it means a lot of stuff. It means, like, three different things, but one of the things it means is “whitehawk.”

Q. So where did you get the idea to do that.

A. Because “Gavin” means “whitehawk,” so that’s why I it put on my screen name.

Q. Did you have a password.

A. Yeah.

Q. What was your password.

A. Well, it could have been a lot of things, but I think it was “American.”

Q. Did you change it from time to time.

A. Yes.

Q. Do you remember any of the other passwords you used.

A. Password 123456, 654321.

Q. So you just changed the sequence of the numbers.

A. Yeah.

Q. One other thing I want to talk to you about. Between the time that -- well, let me ask it this way: Did you ever visit Mr. Jackson at any hotels.

A. Yes.

Q. Where was that.

A. Once at a Universal Hilton.

Q. And was this before, during or after the time you had cancer.

A. This is during the time I had cancer.
Q. And do you remember how long you visited with him.
A. Two hours.
Q. And how did you get there.
A. My biological father drove me over there.
Q. Yesterday you testified about the Bashir video. Do you recall that.
A. Yes.
Q. And have you ever seen that video from start to finish.
A. No, I’ve seen pieces of it, and I saw when he interviewed me, but I didn’t really see the whole thing.
Q. So you did see the part that involved you.
A. Yes.
Q. And when was the first time you saw that.
A. Well, when we were -- when I was in Miami, me and Michael, he didn’t want to see it, so we didn’t watch it there. I saw it in my house later when VH-1 was showing it.
Q. Was this after you left the ranch for good.
A. Yeah, I believe so.
Q. Now, that portion of the video that shows you sitting on the couch with Mr. Jackson, there’s a point in time where you place your head on his shoulder and hold hands with Mr. Jackson. Do you recall that part of it.

A. Yes.
Q. How did that come about.
A. I don’t know. We were just sitting there. Well, the holding hands part, that was one of the things that Michael told me to do. But I put my head on his shoulder.
Q. Why did you do that.
A. Because -- I don’t know. It was -- like he was -- I was really close to Michael, and he was like my best friend, so I just put my head on his shoulder.
Q. Okay. Now, from the time that you had the

interview with you and Mr. Jackson and Mr. Bashir till the time that you left to go to Miami, did you have any contact with Mr. Jackson.
A. From when I left from Martin Bashir.
Q. Right.
A. Can you repeat the question.
Q. Sure. From the time that you had the interview with Mr. Bashir and Mr. Jackson and you --
A. Okay.
Q. -- okay. -- till the time shortly before you left for Miami, did you have any contact with Mr. Jackson.
A. No.
Q. Do you remember when the next contact with Mr. Jackson was.
A. Like, right when the stuff came out, when

the video documentary started showing on T.V.
Q. How did you find out that the documentary was shown on T.V..
A. Well, it was -- it was being showed over in Britain, but they were talking about it on the news and stuff, so that’s how I found out.
Q. You actually heard it on the news yourself.
A. Yeah.
Q. Did any people come around your house at all, that you know of.
A. No. I don’t know of any.
Q. Now, when you heard it on the news, about the documentary, did you at some point have a telephone conversation with the defendant, Mr. Jackson.
A. Yes. He called me.
Q. All right. Tell us about the conversation.
A. He told --
Q. Where were you when you got the call.
A. I was in the house, in my house, when -- the first time I moved in with my stepfather. And then he called and wanted me to go to Miami because of all the stuff that was going on. And he said that he wanted to hold a press conference. And he wanted me to be with him.

Q. With him --
A. During the press conference.
Q. What else did he say.

A. He said that he wanted me to go over there. And he said that -- that -- like, we were talking about what was going on. And I was saying, “Ahh,” like, “it’s not right what they’re saying,” and stuff like that.
Q. Did Mr. Jackson make comments about -- to you about what was going on.
A. No. He just said that he wanted me to go over to Miami.
Q. Now, did you go to Miami.
A. Yes.
Q. Did you go by yourself.
A. No.
Q. Who went with you.
A. It was me, my brother, my sister, and my mom. But at first, Michael didn’t really want -- he only really wanted --
MR. MESEREAU: Objection; nonresponsive. Move to strike.
THE COURT: Sustained.
MR. SNEDDON: I’ll move on from there.
THE COURT: The last sentence is stricken.
Q. BY MR. SNEDDON: Now, during the conversation with Mr. Jackson - okay.
A. Okay.
Q. -- did the subject of the rest of your family going to Miami come up.
MR. MESEREAU: Objection; leading.

THE COURT: Overruled. You may answer.
THE WITNESS: Can you repeat the question.
MR. SNEDDON: Yeah.
Q. During the time of your conversation with Mr. Jackson, did the subject of the rest of your family coming to Miami come up during the

conversation.

A. Yes.

Q. Would you tell us about it.

A. At first I asked him if my brother can come, and then he was like, “Yeah.” And then I asked him if my sister could come, and then he was, like, Uhh, hmm, okay.”

And then I asked if my mom could come, but he kind of got angry a little bit about my mom coming. And then -- but I told him, “I can’t come without my mom. My mom probably won’t let me.” And he was like, “Okay,” and my mom came.

Q. Did -- during that conversation, did you -- did you see -- did you hear your mother talk to Mr. Jackson.

A. I don’t really remember.

Q. Now, after that telephone conversation, did you go to Miami.

A. Yes.

Q. With -- and how did you get to Miami.

A. I went with Chris Tucker on his private plane.

Q. Do you recall how you got to the plane.

A. First we went to his house, and then we put our bags in the bus, and then we went to the airport.

Q. And how did you get from your place to his house.

A. I’m not sure. I think either I drove over there, or -- yeah, I think I drove over there.

Well, my family took me over there.

Q. Now, do you remember about what time it was when you left for Miami -- for Miami with Mr. Tucker.

A. When we got there, there was -- like, something was going on with the plane or whatever, and we weren’t leaving for a while. And I was -- we stood around for a while. So I think it was maybe, like, 1:00 or 2:00 probably. I’m not sure.

Q. Was it still -- was it light or dark out.

A. It was light out.

Q. When you arrived in Miami, was it light or dark out.
A. It was dark.
Q. And when you landed in Miami, where did you go.
A. We went, all in a limousine, to the hotel. Turnberry Resort, I think it was called.
Q. Now, on the plane going there, you've told us that your family was there and that Mr. Tucker was there. Was there anybody else, if you recall, on the plane.

A. With -- on Chris's plane.
Q. Yes.
A. No.
Q. When you got to the airport, you left in a limo, and you went where.
A. To the Turnberry Resort in Miami.
Q. Do you remember what you did when you got there.
A. They put our -- they got our bags and Michael put us up in the room. And then we were in the room, and then -- yeah.
Q. And do you recall what you did the next day.
A. Yeah, the next day they told us that Michael wanted to see us.
Q. Who told you that.
A. I forgot. But, I mean, just people. And then so that morning we went up to Michael's room, and then we went and saw him.
Q. Who went up there.
A. Me, my mom, my brother, and my sister.
Q. And when you got up to Mr. Jackson's room in the hotel, was Mr. Jackson there.
A. Yes.
Q. And when you got there, did you meet people that you didn't know.

A. Yes.
Q. Who did you meet.

A. Marie Nicole, Aldo. And then these two guys were there, Dieter and Ronald.
Q. They were there when you got there.
A. Yeah -- well, I don’t know if they were there when I got there, but I just remember I met them in Michael’s room.
Q. And do you know what the relationship is between Aldo and Marie Nicole and anybody else that you met there that day or that you know.
A. Well, they told us that Marie Nicole and Aldo were related to Frank Tyson. Like brother and sister.
Q. Did you see Mr. Tyson that day.
A. Um, I don’t think I did.
Q. Did you see him at any time that you were in Miami.
A. No, I don’t think so.
Q. Tell us what you did in Mr. Jackson’s room.
A. Well, he wanted me to have a meeting with Ronald and Dieter, and so we went in there, and they were talking about how they’re going to, like --
MR. MESEREAU: Objection; hearsay.
THE COURT: Sustained.
MR. SNEDDON: Your Honor, offered under 1223.
THE COURT: Well, the question -- it’s not responsive, so I don’t know that. He’s -- next question.

MR. SNEDDON: All right.
Q. You told the ladies and gentlemen of the jury you went somewhere with Mr. Jackson, you went into a room with Mr. Jackson.
A. Yeah.
Q. Who else was in the room.
A. Dieter and Ronald.
Q. And who else.
A. Michael.
Q. Now, did you have a conversation with the three of them.
A. Yes.
Q. All right. Would you tell us about the

conversation.
And it’s offered under 1223, Your Honor.

THE COURT: All right. This is offered conditionally, as my previous instruction covered. Go ahead.

THE WITNESS: We just -- Dieter and Ronald told me about how they were going to, like, stop all the media stuff from going on or whatever.

Q. BY MR. SNEDDON: Did they say how they were going to do that.

A. No, not really. Dieter told me how he’d, like -- he said that he owned, like, the name, the rights to Michael’s name or something like that.

Q. At any time while you were in Miami, did you learn of any threats to you or your family.

MR. MESEREAU: Objection; leading.

THE COURT: Sustained.

Q. BY MR. SNEDDON: Do you recall any other conversations that you had with Dieter or Ronald or Mr. Jackson.

A. Not really. Well, there was some -- I had talked with Michael in the room. It’s kind of like connected to his big hotel room.

Q. All right. Let me just stop you there. So you had another conversation with Mr. Jackson.

A. Yes.

Q. Were Dieter and Ronald present.

A. Well, first Michael was having, like, a meeting with Ronald. And then Ronald left, and then I went in there and was talking to him.

Q. Now, is this the same meeting that you testified to the ladies and gentlemen of the jury, or is this another meeting.

A. This is another one.

Q. Tell us about that meeting.

A. Michael was just, like, talking to me and stuff, asking me how I was, and stuff like that. And he gave me, like, another little audition thing, and he improv’d, if he was a principal of a school, and then a girl said that I did something bad, and then --

MR. MESEREAU: Objection. Nonresponsive. Move to strike.

THE COURT: “Tell us about the meeting” calls for a narrative, so I’ll sustain the objection.

Q. BY MR. SNEDDON: Well, tell us what Mr. Jackson said to you in the meeting.

A. He was, like, giving me a little audition, and then we were improv-ing.

Q. All right. Describe the improv-ing.

A. He was, like, the principal of a school, and I was a student that got in trouble because a girl said that I, like, stole something from her or something.

Q. How long did this go on between you and Mr. Jackson.

A. I think it was like five minutes.

Q. Now, did anything else happen between you and Mr. Jackson during your stay at the Turnberry.

A. Yes.

Q. What.

A. He brought me this -- he had poured -- I didn’t really see what he did, but I found out later. Like, I guess --

MR. MESEREAU: Objection; calls for speculation.

Q. BY MR. SNEDDON: Just tell us what he did, what you saw personally.

A. Okay. He brought me --

THE COURT: Just a moment. I’ll sustain the objection, but you’re asking another question.

MR. SNEDDON: I am, Your Honor.

MR. MESEREAU: Move to strike, Your Honor.

THE COURT: I’ll strike the last half of his answer. Go ahead.

Q. BY MR. SNEDDON: All right. Tell us what you saw Mr. Jackson do.

A. Michael gave me a Diet Coke can.

Q. Did he tell you what was in the can.

A. Yeah, he told me that it was --
MR. MESEREAU: Objection; leading.
THE COURT: Overruled. You may answer “yes” or “no.”
THE WITNESS: Michael --
Q. BY MR. SNEDDON: Just, did he tell you -- “yes” or “no”; did he tell you what was in the can.
A. Yes.
Q. All right. What did he tell you.
A. He told me if I ever heard of Jesus Juice, and then --
Q. And what did you say.
A. And I said I didn’t know really what it was.
Q. And did he say anything after that.
A. Yeah, he told me, “You know how, like, Jesus drank wine.” And I was like, “Yeah.” And then he told me, “Well, we call it Jesus Juice.” And then he said that -- to drink it. And

I took a little sip, and I told him it --
MR. MESEREAU: Objection. Calls for a narrative; nonresponsive; move to strike.
THE COURT: Strike after -- where he starts to say “I took a little sip,” that’s stricken.
Q. BY MR. SNEDDON: After Mr. Jackson handed you the can and he told you that it was Jesus Juice, what did you do.
A. I drank a little bit of it, and I told him that it tasted ugly.
Q. And what did he say.
A. He said that, “It’s okay, because it will relax you,” and he told me that he knows that I’m all stressed out because of all the media stuff that’s going on, and that the Jesus Juice will relax me.
Q. Now, during -- do you recall how long you’d been in Mr. Jackson’s suite at the time that he provided the alcohol to you.
A. I was in there for a while. Like, it was after the second meeting with him in the other room, the improv thing.
Q. And from the time that Mr. Jackson gave you

the can for the first time and you tasted it, how many times do you think you drank out of that can.

A. Well, we went -- well, after he --

Q. Just -- first of all, I'll -- first of all, just how many times, that you estimate.

A. Oh, I probably drank maybe -- I don't think I drank the whole can, but I probably drank like three-fourths of it or something.

Q. Was the can ever refilled.

A. I don't think it -- I'm not sure if it was refilled. I don't think it was.

Q. Had you ever had wine before.

A. Well, in church, but that's about it.

Q. Now, did you have any further conversations with Mr. Jackson, other than the ones that you've already told the ladies and gentlemen of the jury about, about the wine and drinking it.

A. Well, we -- after he told me that, about Jesus Juice or whatever, we went into the living room where everybody was, like Chris was and then my mom, Marie Nicole and Aldo and stuff like that, and we were sitting there, and then Michael was right next to me. And then I don't think my mom knew what was going on.

MR. MESEREAU: Objection. Calls for speculation; narrative; nonresponsive. Move to strike.

MR. SNEDDON: Your Honor --

THE COURT: Just a moment.
What were you going to say.

MR. SNEDDON: I'm not going to say it now. I'll pick it up later.

THE COURT: The question was really if you had any further conversations with Mr. Jackson. You need to listen to the question. Just answer the question. That would have been a "yes" or "no" type question. So I'll sustain the objection and have you answer that question.

I'll strike the rest of his answer.

THE WITNESS: Yes.

Q. BY MR. SNEDDON: Where did those conversations take place.

A. In the living room.

Q. And were there other people present.

A. Yes.

Q. And what did Mr. Jackson say to you.

A. He was, like, telling me to keep drinking the can of the wine.

Q. And where were you in the living room.

A. I was sitting on the couch, and he was sitting next to me.

Q. Were there other people present in the room.

A. Yes.

Q. Who else was around.

A. Chris Tucker, my mom, Aldo, Marie Nicole, my brother, my sister.

Q. And you say you were drinking out of a can. What kind of a can.

A. Pretty sure it was a Diet Coke can.

Q. And do you recall whether -- the kind of wine it was.

A. I'm pretty sure it was white wine.

Q. Were there -- how many occasions were you in the bedroom alone with Mr. Jackson.

A. At Miami.

Q. Uh-huh.

A. Once.

Q. Were you alone with him in any other rooms in his suite or complex there.

A. No.

Q. Now, when you woke up the next day, how did you feel.

A. Well, I didn't know if it was from the wine, but I felt really -- like, my head kind of hurt and I felt like I just wanted to lay down.

Q. Now, after -- at some point in time that night when you were in Mr. Jackson's suite -- let me strike that.

At some point when you were in Mr. Jackson's suite, did the subject of the Bashir video come up.

A. Yes.

Q. Tell us in what connection it came up. Who spoke about it.

A. It was going to be shown in America that same night, and it was going to come on, and then Michael didn't want us --

MR. MESEREAU: Objection. Nonresponsive; move to strike.

THE WITNESS: Can I have some water.

MR. SNEDDON: Sure. Help yourself.

THE COURT: All right. The last three words I'll strike, or four words, "Michael didn't want us...." He answered the question up till that point.

THE WITNESS: I didn't want to, like, interrupt anything.

MR. SNEDDON: Okay.

Q. Now, about the Bashir filming that night, did Mr. Jackson say anything.

A. Yeah, he said that he didn't want --

Q. He said something.

A. Yes.

Q. All right. Tell us what he said.

A. He said that he didn't want to watch it on T.V.

Q. So was anybody else interested in watching it.

A. Yeah.

MR. MESEREAU: Objection.

THE COURT: Overruled. Next question.

Q. BY MR. SNEDDON: Were they allowed to watch it.

A. Not in his room.

Q. At some point that night, did you see your mother leave.

A. I think so. I think she went back to the room.

Q. Did you -- did you see her later come back to the -- to Mr. Jackson’s suite, or bedroom area, after she left.

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

You may answer.

THE WITNESS: Yes.

Q. BY MR. SNEDDON: Now, at some point you left Miami, correct.

A. Yes.

Q. And how -- when you left Miami, how -- what form of transportation did you take.

A. It was in one of Michael’s planes.

Q. And how did you get to the plane.

A. In a limousine, I think.

Q. Now, who was on the plane.

A. Me, my brother, my sister, Marie Nicole. Prince, Paris. Grace. My mom. Michael. And me. So it was a pretty packed plane.

Q. Now, while you were on the plane, where were you seated.

A. I sat next to Michael in the window.

Q. I’m sorry.

A. I had a window seat and Michael was sitting right next to me.

Q. And do you recall who was sitting across from you.

A. I think Prince and Paris were sitting in

front of us, but then they kept on -- they got up during the flight, and then other people would sit there and stuff.

Q. So were people changing seats during the flight.

A. Yes.

Q. Did you ever change seats.

A. No.

Q. Did Mr. Jackson ever change seats.

A. I think he got up for something once, but I never moved from that seat.

Q. During the course of the flight from Miami, did you ever drink any alcohol.

A. Yes.
Q. Now, who provided that alcohol to you.
A. Michael.
Q. And can you tell us in what -- what it was provided to you in.
A. I think it was another Coke can or Diet Coke can.
Q. And what kind of alcohol was it.
A. I think it was white wine again.
Q. And where -- did you see where Mr. Jackson got the can from.
A. From the little place where they keep all the sodas in the plane.
Q. Now, when -- where were you when you physically drank out of the container, the can.

A. I was next to Michael.
Q. And did Mr. Jackson say anything to you when he gave you the can.
A. Yeah, he told me it was more Jesus Juice. And he said that -- on the plane that -- he told me about how he used to get scared about planes, and he said that if I was scared and -- to drink the Jesus Juice, because it will relax me.
Q. How much do you think you drank while you were on the plane.
A. I think I drank the whole can.
Q. Was the can ever refilled.
A. Yes.
Q. Do you know how many times.
A. No.
Q. Were you always drinking out of the same can as Mr. Jackson.
A. Yes.
Q. Did Mr. Jackson ever say anything to you about him providing alcohol to you.
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: Um, yes.
Q. BY MR. SNEDDON: Will you tell us what he said.

A. He would tell me that -- can you repeat the question again. I’m sorry.

MR. SNEDDON: Would you read it back.

(Record read.)

THE WITNESS: Yeah, he just told me that he was getting it for me. I don’t really understand too good.

Q. BY MR. SNEDDON: Did Mr. Jackson ever give you any presents.

A. Yes.

Q. Other than the computer.

A. Yes.

Q. Did he ever give you any presents while you were in Miami.

A. Well, he had, like, all these games from EA.

Q. I’m sorry.

A. EA, Electronic Arts, I think they’re called. They got me a whole bunch of games. And then he let me have all the games that Aldo didn’t really like.

Q. When you were on the plane, did Mr. Jackson give you anything.

A. Yes.

Q. What did he give you.

A. As we were taking off -- well, in the hotel, he also gave me a jacket. But when we were taking off on the plane, he showed me a watch, and then he had it on, and he told -- he gave me the watch as we were taking off.

Q. Did he say why he gave you the watch.

A. He said not to tell anybody about the Jesus Juice, and he said that this is like a symbol that we’ll be friends forever or something like that. And then he gave me the watch.

Q. Did you have his jacket and his watch.

A. Yes.

Q. During the course of the flight, were you awake the entire time.

A. No, I don’t think so. I think I fell asleep once.

Q. Do you have any idea how long you were out.

A. No.

Q. Is there a telephone on this plane.

A. Yes.

Q. And where is the telephone located.

A. It was, like, right next to us. Probably like right here. So I was sitting -- the window was here and Michael was here, and the telephone was right here.

Q. And did you see anybody use the telephone during the course of the flight.

A. No, I don't think so.

Q. Did you use the telephone during the flight.

A. Yeah.

Q. Pardon.

A. Yes.

Q. And what did you use the telephone for.

A. I called a friend of mine.

MR. SNEDDON: Your Honor, I have an exhibit

marked 343 for identification purposes, a brown bag with contents, and I'll show it to the witness. And I'm also going to leave in front of the witness a clear plastic bag with the number "342" on it, and the contents of that bag.

Q. Gavin, would you take a look at -- just look inside and see if you recognize the item in 343.

A. Yes. I recognize the item.

Q. What is it.

A. It's a jacket that Michael gave me in Miami.

MR. SNEDDON: Move that it be admitted into evidence, Your Honor.

MR. MESEREAU: No objection, Your Honor.

THE COURT: It's admitted.

Q. BY MR. SNEDDON: Okay. Could you just, Gavin, stand up, and just put the jacket out so that the ladies and gentlemen can see the jacket, the front and the back.

Thank you.

Now, the next exhibit in front of you is a clear plastic bag.

A. Yes.
Q. And what’s the number on that exhibit.
A. 342.
Q. All right. Do you recognize the contents of People’s 342.
A. Yes.
Q. And what is that.

A. This is the watch that Michael gave me right before the plane took off.
MR. SNEDDON: Move that it be admitted into evidence, Your Honor.
MR. MESEREAU: No objection.
THE COURT: It’s admitted.
Q. BY MR. SNEDDON: Yeah, why don’t you --
A. Give it to you.
Q. No, just stand up and show it to them. Okay. Now I’m going to ask you a question about the watch. With regard to that particular watch, did Mr. Jackson make any statements to you about the value of the watch when he gave it to you.
A. He told me that it was $75,000.
Q. Now, did you keep that watch.
A. Yes.
Q. At some point, did you give that watch to somebody.
A. Yeah. I think I gave it to Tom.
Q. To me.
A. I mean -- no, Larry.
Q. Larry.
A. Yes.
Q. Do you know who Larry is.
A. Larry Feldman, I think.
Q. And do you remember when that was. Had you left Neverland for the last time.
A. Yes.

Q. And that’s -- and after that, you gave the watch to him.
A. Yes.

Q. Now, when you were at Neverland Ranch, did anybody ever ask you to give the watch back.

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

You may answer.

THE WITNESS: No.

Q. BY MR. SNEDDON: Now, let’s go back to the flight just a second, if we can. All right.

A. Uh-huh.

Q. Where was your brother Star on the plane.

A. He was walking around on the plane.

Q. Did you ever see Star drink out of the soda can.

A. Yes.

Q. Tell the jury what happened.

A. We called my brother Star over, and Michael asked him if he knew what Jesus Juice was. And then we gave him the can and we just told him to drink it. And then when he drank it, he said that it tasted bad, and so, like -- I don’t know. That’s what happened.

Q. Did you see the expression on his face when he drank it.

A. Yeah, he acted like it was a gross-tasting taste, face. I don’t know how to say it.

MR. SNEDDON: I have another exhibit we’re going to spend a little time with.

THE WITNESS: Okay.

MR. SNEDDON: Your Honor, this exhibit is - I’m sorry, Counsel - 344 for identification purposes. I’m going to hand this to the witness.

And why don’t you hand me those two things right there.

Take that. And here’s a pen. Don’t do anything yet.

Q. All right. Do you recognize the exhibit that I’ve just placed in front of you.

A. Yeah, it looks like the inside of the plane that we were in.

MR. SNEDDON: All right. Your Honor, I’m going to move that be admitted into evidence for the purpose of illustrating his testimony.

MR. MESEREAU: I have no objection.

THE COURT: It’s admitted.

MR. SNEDDON: Okay. We’re going to put a diagram on the board -- on the Elmo in just a second.

This is a laser.

THE WITNESS: Okay.

MR. SNEDDON: Go ahead. Put it up.

MR. AUCHINCLOSS: It should be coming up.

THE BAILIFF: It will take a moment.

Q. BY MR. SNEDDON: Okay. Gavin --

A. Yes.

Q. -- I want you to look up on the board, and ask if you can show the ladies and gentlemen of the jury where you were seated on the plane.

Okay. So you’re indicating in the middle of the diagram, correct.

A. Yes.

Q. Now, on the chart that’s in front of you - okay. - 344 --

A. Yes.

Q. -- I want you to take that pen I gave you and I want you to put your initials in the seat that you’ve just showed to the ladies and gentlemen of the jury.

Now, I want you to show the ladies and gentlemen of the jury where Mr. Jackson was seated, sitting.

Okay. It’s the one right next to you, closest to the aisle; is that correct.

A. Yes.

Q. Would you put an “MJ” on the seat where he was located.

Now, do you recall where your brother Star was sitting at the time that he was offered the can with the alcohol in it by Mr. Jackson.

A. I don’t think he was sitting. He was standing, and he was --

Q. Where was he standing.

A. Right there.
Q. Right in that area.
A. Yes.
Q. Would you put your brother’s initials -- and by “that area,” you’re meaning in the aisle at the end of the table, correct.
A. Yes.
Q. Okay. Just put your brother’s initials where you….
Now, do you remember where your mom was sitting.
A. I think she was sitting over here somewhere.
Q. Okay. Move the diagram, if you would. Do you think she was down there.
A. Yeah, I think so.
Q. Okay. Put your mother’s initials in there, if you would. And by “there,” we mean on the upper side of the diagram with the chair that’s the farthest to the left.
A. Okay. What do I put. “JJ” or --
Q. “JA.”
Do you remember where any other of the people on the plane were sitting.
A. I’m not sure, but Prince and Paris started out right there. And then I think Grace was in there.
Q. Okay. Why don’t you -- where you say Prince and Paris were, put two “P’s” on your diagram, 344.

A. Okay.
Q. And you mentioned a person by the name of Grace. Who is that, to your knowledge.
A. It’s like -- like Prince and Paris’s guardian lady.
Q. Okay. So why don’t you put a “G” where you think that the individual you knew as Grace was sitting.
All right. Anybody else. Do you remember where Aldo and Marie Nicole were sitting.
A. I’m not sure. I think they might have been

sitting on those things.
Q. On the area in blue.
A. Yeah.
Q. Okay.
A. I don’t know.
Q. But you’re not sure.
A. No.
Q. Okay. And how about your sister.
A. I think she was sitting there.
Q. Was she there the whole time.
A. No.
Q. Did you see where she moved to.
A. I don’t know. I’d just see her pass by. We were all sitting sometimes.
Q. You indicated for your sister a seat that’s up on the front part of the left side of the diagram on the lower side of the plane, correct.

A. Yeah.
Q. All right. Why don’t you put your sister’s initials in there, then.
A. Okay.
Q. All right. I think we’re done with that.
A. Okay.
MR. SNEDDON: We can turn the lights back on, Your Honor.
Put the cap on the pen, if you would, please. Thanks, Gavin.
Q. Gavin, do you know what it means to be intoxicated.
A. Yes.
Q. What’s that mean, in your words.
A. When you have a lot of alcohol in your system.
Q. When you were on the plane, did you feel intoxicated.
A. I don’t know. I don’t think so. Well, maybe a little.
Q. Okay. Do you remember when you landed in the plane whether it was daylight or dark outside.
A. I think it was -- it was dark.
Q. And when you landed, where did you go.

A. We went to Neverland.
Q. And how did you get there.
A. Michael had, like, this big SUV, white, limousine.

Q. And when you got to Neverland Ranch, where did you spend the night.
A. I'm pretty sure we spent the night in Michael's room.
Q. You say "we." Who is "we".
A. Me and my brother.
Q. Do you remember if anything happened that particular night.
A. When we got there, me and my brother ran straight to the carts, because we wanted to ride the carts, drive the carts around. But then we went to Michael's room and we slept there, and we all slept in the bed together.
Q. In whose bed.
A. Michael's.
Q. Now, are you familiar with a person by the name of Jesus.
A. Yes.
Q. And where did you meet Jesus.
A. At the ranch.
Q. And to your knowledge, what was Mr. -- what was Jesus's responsibility.
A. I think he was like the manager of the ranch.
Q. Now, after you got back from Miami and you were on Neverland Ranch - okay. - at some point did Jesus take you somewhere.
A. Yes.

Q. Where did he take you.
A. He took us back to my grandma's house.
Q. When you say he took "us," who is "us".
A. Me, my mom, my brother, my sister.
Q. Now, I want to talk about some things that happened between the time that you got back from

Miami and you went to the ranch --
A. Uh-huh.
Q. -- okay. -- till the time that Mr. Salas, I’m sorry, that Jesus took you to your grandmother’s place, okay.
A. Okay.
Q. Now, you told us that the first time that night you spent in Mr. Jackson’s room and you slept in his bed, along with your brother and Mr. Jackson. From the time you got back from Miami till the time you left with Jesus, where did you sleep.
A. Can you repeat the question. I’m sorry.
Q. Uh-huh. From the time you got back from Miami and you went to the ranch --
A. Okay.
Q. -- okay. -- till the time you left with Jesus - all right. - where did you sleep.
A. Whenever Michael was there, we would all sleep in Michael’s room.
Q. Was Mr. Jackson there during that time period.
A. Yeah.

Q. During the time after you got to the ranch, when the limousine took you from the airport to Neverland Valley Ranch, till the time you left with Jesus, did you ever have any more alcohol.
A. Yes.
Q. On how many occasions.
A. Every night that Michael was there.
Q. All right. Do you remember where you drank.
A. We would -- like, in the arcade, because that’s where the wine cellar was. Well, it’s kind of like a wine cellar.
Q. You say “we.” Who’s “we”.
A. Me, my brother, Michael mainly.
Q. And how did you get into the wine cellar.
A. Michael would take us there.
Q. Can you tell the ladies and gentlemen of the jury, just describe how you get down there.
A. Okay. In the back of the main house, there’s an arcade. And then, like, you walk across,

and there's a pool to the right, and then you go inside the arcade. And then, like, there's this jukebox, and then you have to move the jukebox. And then you walk down these stairs, and there's a door that you open. It's kind of like to the right. And then you walk in there, and there's no alcohol in the first room. There's, like, sleeping bags, I think, like a little green couch.

And then you walk through, and then to the right there's another door, and then there's like this hallway kind of thing, and then that's where, like, all the alcohol was, in refrigerators and stuff like that.

Q. And who was it that took you down to that area the first time.

A. Michael.

Q. Did you ever go down there without Mr. Jackson.

A. No. Well, we went down there once. That was just because we wanted to, like, look at the little green thing that they had there with all the trees and stuff on there. It was kind of like a model thing.

Q. Did you ever go down there and drink any alcohol without Mr. Jackson being present.

A. No.

Q. And you said "we" went down there to look at these little green things. Who was it that went with you.

A. Me and my brother.

Q. Was it a time when Mr. Jackson was on the ranch.

A. Yes.

Q. Now, were there any other locations on the ranch where you drank with Mr. Jackson.

A. Yes.

Q. Where.

A. In his office and in his room.

Q. And would this be during the same time period we're talking about, from the time period from when you got there from Miami till the time you left with Jesus.

A. If it happened.

Q. Yes.

A. Yes.

Q. Was there ever any occasion that you drank something other than wine.

A. Yes.

Q. Tell us what it was.

A. I drank Bacardi, vodka and Jim Bean.

Q. Jim what.

A. Jim Bean, I think it was called.

Q. Did you say "bean".

A. Bean.

Q. Can you spell it.

A. B-e-a-n.

Q. Okay. And who provided you with the Bacardi.

A. Michael.

Q. Who provided you with the Jim Bean.

A. Michael.

Q. And who provided you with the vodka.

A. Michael.

Q. Did Mr. Jackson ever say anything to you about drinking and providing this alcohol to you.

A. No, he just said, like, well, it's Jesus Juice and it was okay because Jesus drank it, and stuff like that.

Q. Did you ever tell Mr. Jackson that you only had one kidney.

A. Yes.

Q. And did you ever tell Mr. Jackson anything about alcohol and your kidney.

MR. MESEREAU: Objection; leading.

THE COURT: Sustained.

Q. BY MR. SNEDDON: Did you ever have a conversation with Mr. Jackson about your kidneys.

A. Yes.

Q. Kidney.

A. Kidney, yeah.

Q. Sorry. What did you tell him.

A. I told him that it was bad for me to drink alcohol. And he said it’s okay; that it’s fine; that nothing’s going to happen.

Q. Do you recall how many occasions you had that conversation with Mr. Jackson.

A. I think like three times.

Q. I couldn’t hear you.

A. Maybe like three times.

Q. And where was it when you had these conversations with Mr. Jackson.

A. I think once was in the office and the other two times were in kind of like the wine cellar thing.

Q. Were there times that you went down to the wine cellar where your brother wasn’t present.

A. It was just me and Michael.

Q. Yes.

A. Yes.

Q. How many times do you think that just you and Michael went down to the wine cellar. Now, I want to stay -- that was a bad question. Let me just start over again. Okay.

A. Okay.

Q. I want to focus on the time where you got there from Miami and the limo took you to the ranch till the time that you left with Jesus, okay.

A. Okay.

Q. Did you ever go to the wine cellar with just you and Mr. Jackson.

A. Yes.

Q. And on how many occasions was it just you and Mr. Jackson in the wine cellar.

A. Not many. But, like, maybe five times between Miami and Jesus.

Q. During the time that you were there from Miami to Jesus, did you ever drink in the bedroom.

A. Yes.

Q. How many times do you think that was.

A. A lot, because we would sleep in his room, and then we would take the Jesus Juice up there.

Q. So you’d take the stuff up there to drink.

A. Yes.

Q. Now, let me ask you a question: Do you know what the term “crank call” means.

A. Yes.

Q. Tell the jury what “crank call” means.

A. When you call, like, a person that doesn’t know you, and you, like, say something or make fun of them and it will make you laugh, the people that are making the phone call.

Q. Did you ever make any crank calls from Mr. Jackson’s residence.

A. Yes.

Q. Where were you when you made them.

A. In his room mainly.

Q. Was there anybody else present.

A. Yes.

Q. Who.

A. My brother.

Q. And anybody else.

A. Aldo.

Q. Anybody else.

A. Michael. I guess that’s it. Yeah, that’s it.

Q. Did anybody else make any crank calls besides you.

A. We were all making crank calls.

Q. You say “we were all.” Who do you mean by “we”.

A. Aldo, Michael, me, my brother.

Q. And in connection with making these calls, was there anything that -- do you know what it means when the call doesn’t go through, you don’t get somebody.

A. Yes.

Q. What happened when you did that.

A. Oh, this happened once. We had this big -- like, it was a bottle of wine, it was like that big. And we made up this game. If you make a phone call and, like, we would dial random numbers, and if it rang and nobody picked up, you have to take a big gulp of wine. Because we didn't really like how it tasted, so we made up that game.

Q. "So" what.

A. We didn't really like how it tasted, so we made that game up so we would have a drink, a gulp of wine, if the call didn't go through.

Q. Did anybody have to drink because the call didn't go through that night.

A. Yeah.

Q. You have that look on your face like it was you.

A. Yeah, it was me.

Q. Anybody else.

A. I think my brother once or twice. It's because, like, I would always -- because I kind of liked making crank calls, so I would make a lot of them, and so then a lot of them wouldn't go through.

Q. During the time you were at the ranch again, from the time you got there in the limo till the time you left with Jesus, do you know where your mother was staying.

A. In her unit.

Q. In her what.

A. In her unit that they gave her.

Q. And did you ever go visit her.

A. Yes.

Q. How many times do you think you visited her.

A. Like, three times a week.

Q. And did you have -- don't tell us what she said, just tell us -- I want to know, did you have any conversations with her.

A. Yes.

Q. Did you ever have any conversations with her about leaving.

A. Yes.

Q. Did you want to leave, you personally.

A. Not really, because I was kind of having fun.

Q. Could you describe your mother's demeanor or attitude during the time that you'd visit her.

A. She was scared and she wanted to leave, and she was --

MR. MESEREAU: Objection. Move to strike; nonresponsive.

THE COURT: The last part of the answer is stricken after "she was scared."

MR. SNEDDON: Your Honor, I believe that I'm offering the second part of it with regard to conduct in conformance with the state of mind. It was an exception.

THE COURT: The question was, "Could you describe your mother's demeanor or attitude." Which he then started describing her actions, so it's nonresponsive.

MR. SNEDDON: All right. I'll break it up.

Q. Did your mother tell you that she wanted to leave.

MR. MESEREAU: Objection. Hearsay; and leading.

THE COURT: Further foundation would be necessary.

MR. SNEDDON: All right.

Q. Were -- the conversations that you had with your mother, where were they.

A. They were usually in her room.

Q. And how did the topics about her being scared come up. Don't tell us what was --

MR. MESEREAU: Objection.

Q. BY MR. SNEDDON: Just tell us who brought the subject matter up.

A. She did.

MR. MESEREAU: Objection. Foundation; leading.

THE COURT: Overruled. Proceed with the

foundation.
MR. SNEDDON: I’m sorry.
Q. Who brought them up.
A. My mom.
Q. And were there any other persons present.
A. No, I don’t think so.
Q. During those conversations -- how many conversations do you think you had with her about the fact that she was scared.
A. Like every time I would go there.
Q. During those conversations, did she tell you anything about whether or not she wanted to be on the ranch.
A. Yes.
MR. MESEREAU: Objection. Hearsay; foundation.
THE COURT: Overruled. State of mind.
Q. BY MR. SNEDDON: You may answer.
A. Yes.
Q. What did she tell you.
A. She told me that she was afraid that they were going to kill us, and then that she wanted to leave.
Q. Now, when you got back to the ranch -- back to the ranch, Neverland Valley Ranch, after you came from Miami - okay. -- I think there’s a better way. Let me do it this way. Your Honor, I’m just going to -- instead of showing them on the overhead, I’m just going to show them to the witness because they’ve been up so many times already, with the Court’s permission.
THE COURT: All right.
MR. MESEREAU: Excuse me, are they all in evidence.
MR. SNEDDON: Yes. No, I’d show you anything new.
Q. I’m going to show you a photograph. I’ll just put these in front of you. Okay.
A. Okay.
Q. I’ll show you a photograph marked People’s 28. Do you recognize the person in that

photograph.

A. Yes.

Q. Who is that.

A. Jamie Masada.

Q. All right. Why don’t you turn the next one over. Just show it to the jury, if you would, for just a second.

All right. Do you recognize the person depicted in that photograph.

A. Yes.

Q. Who is that.

A. Dieter.

Q. Okay. Turn it over.

The next one, what’s the number on that.

A. 18.

Q. 18. And who is that.

A. Ronald.

Q. Okay. Turn it over.

And the next one. All right. Who is that, and what’s the number on that. Is that 20.

A. 20.

Q. All right. Who is that.

A. Frank.

Q. Turn that one down.

Does Frank have a last name, that you know of.

A. Tyson.

Q. All right. The next one is what number. 21.

A. Yes.

Q. All right. Who’s that.

A. Aldo.

Q. All right. Why don’t you turn that one over.

And the last one is 22.

A. Yes.

Q. And who is that.

A. That’s Marie Nicole.

Q. All right. Just go ahead and turn that one

over. Now, let me ask you a question about the people you’ve identified as Dieter and Ronald. Okay.
A. Okay.
Q. Now, when you got back from -- from Miami and you went to the ranch - okay. - and before you left with Jesus, same time period --
A. Okay.
Q. -- did you see either Dieter or Ronald at Neverland Valley Ranch.
A. No, I don’t think so.
Q. Did you ever see them at the ranch.
A. Yes.
Q. When do you think you saw them there.
A. I think I saw them when we came back when -- after we left with Jesus.
Q. Now, you’ve identified the photograph of Mr. Tyson.
A. Yes.
Q. And did you see Mr. Tyson at the ranch.
A. I don’t know. I don’t think so.
Q. During the entire time you were there, you don’t recall seeing him.
A. Yeah, I remember seeing him there at Neverland.
Q. Oh, okay. Do you recall when it was you saw him there.

A. I don’t remember the first time.
Q. Do you remember on how many occasions you saw him there.
A. No. But I saw him there a lot. Well --
Q. I can’t hear you.
A. No, but I saw him there.
Q. Did you ever see -- the two people that you talked about there, Dieter and Ronald - okay. --
A. Okay.
Q. -- were they at the ranch at the same time as Mr. Jackson.
A. Yes, I believe so.

Q. Did you ever see them together.

A. I think so. I did once or twice.

Q. All right. You left with the person you’ve identified to the jury as a person by the name of Jesus. Do you recall that.

A. Yes.

Q. And you told us you went to your grandparents’ place. What time was it when you left with Jesus.

A. Late at night.

Q. And do you recall who it was that -- well, was it the person you knew as Jesus who did the driving.

A. Yes.

Q. When you got to your grandparents’ place, did you ever go back to Neverland Valley Ranch after that.

A. Yes.

Q. And do you recall how many days there were in between the time you left and the time you went back.

A. I’m not sure. I think a few days.

Q. Do you ever recall, during the time that you were off of the ranch, having a telephone conversation with Frank Tyson.

A. Yes.

Q. And where were you when you received -- when you participated in that telephone conversation.

A. I’m not sure.

Q. Do you recall who else was present during the conversation.

A. My mom.

Q. And did you talk to Mr. Tyson.

A. Yes.

Q. And what did Mr. Tyson say to you.

And it’s offered under 1223, Your Honor.

THE COURT: All right. I’m accepting this testimony conditionally, as before.

MR. MESEREAU: Objection noted, Your Honor.

THE COURT: Noted.

MR. MESEREAU: Thank you.

THE WITNESS: He was telling me about that they were scared that something was going to happen to me, and that they were worried, and they wanted us to come back up, stuff like that.

Q. BY MR. SNEDDON: Did you ever make any complaints to Mr. Tyson.

A. Yeah.

Q. And what complaint did you make to Mr. Tyson.

A. That I didn’t like the -- Dieter and Ronald.

Q. And why did you say that.

A. Because they had my mom worried, really. And my mom was scared of them, so....

Q. Where was it that your mom had contact with Dieter and Ronald.

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. SNEDDON: Do you know where it was that your mother had contact with Ronald or Dieter.

A. Now that I think back, I think it was at Neverland, so I think they were there before we left with Jesus. Or it could have been a phone call.

Q. I couldn’t -- all right. So you -- you voiced a complaint to Mr. Tyson on the phone.

A. Yes.

Q. And what did Mr. Tyson say to you about the complaint. Do you recall anything.

A. He said that we’ll never have to see them again.

MR. MESEREAU: Objection, hearsay.

MR. SNEDDON: Offered for the same purpose, Your Honor.

THE COURT: All right. I’ll allow the testimony under the conditional admittance of hearsay that I’ve ruled on before.

I’m a little concerned, though. It’s not clear to me --

MR. SNEDDON: How about if I go back and ask a clarifying question. I think I know where the Court's going.

THE COURT: All right.

MR. SNEDDON: I might be able to help the Court.

Q. You told the ladies and gentlemen of the jury that you had a telephone conversation with Mr. Tyson at some point after you had left the ranch with Jesus; is that correct.

A. Yes.

Q. And that your mother was present during that conversation.

A. Yes.

Q. And that you personally talked to Mr. Tyson.

A. Yes.

Q. All right. Now, you were about to tell us something that Mr. Tyson said, and I believe -- if you could do that.

And again, it's offered for the same reason, Your Honor.

MR. MESEREAU: Objection; hearsay.

THE COURT: I'll admit it conditionally.

Q. BY MR. SNEDDON: Go ahead.

A. He just told me that I would never have to see them again.

Q. See "them," meaning who.

A. Dieter and Ronald.

Q. Now, at some point you went back to the ranch --

A. Yes.

Q. -- is that correct.

And do you recall how you got back there.

A. I'm not too sure.

Q. Who went back with you.

A. Me, my mom, my brother, my sister.

Q. And when you got back to the ranch, do you recall whether -- what time of the day or night it was.

A. No.

Q. When you got back to the ranch, do you recall whether or not you saw Dieter or Ronald.

A. Yes.

Q. Do you recall where they were when you saw them.

A. I think I saw Dieter in the kitchen sitting on the stool thing. And he's saying that we were going to, like, go to --

Q. You're going to have to talk into that and not mumble.

A. And he told us that he wanted to, like, go to Australia or Brazil, or something like that, for a vacation.

Q. Do you know whether or not your mom remained on the ranch, or left that night or that day that you got back.

A. I think that was the day that she went down to see my now stepdad.

Q. I can't hear you.

A. I think that was the day that she went down to go see my now stepdad.

Q. Now, during the time that you were at Neverland Valley Ranch, you've told us that you were in Mr. Jackson's bedroom and in his bed, correct.

A. Yes.

Q. Now, how do you get into Mr. Jackson's bedroom.

A. You walk through these big double doors, and then -- and then you walk to the other door, and then you punch in a code, and then there are two other double doors, the little lock goes off, and then you can open the door, and then -- and that's his room.

Q. Now, are there any -- does anything go off when you get to a certain point --

A. Yes.

Q. -- that you're walking down the hallway.

A. Yes.

Q. What is it that goes off.

A. Well, when you go in the first door, it goes like this, a little ringing sound goes off. And then when you punch in the code, another -- it goes off again.

Q. Can you hear from the outside of -- when it goes off.

A. Yes.

Q. Can you tell us what it sounds like.

A. “Dee-doo, dee-doo.” Sounds like that.

Q. And do you recall how many times it goes -- I’m not going to imitate you -- how many times it does that.

A. I’m not sure. I think it was like -- maybe like three times.

Q. Now, where did you get the code to get into Mr. Jackson’s bedroom or into his bedroom suite.

A. Michael.

Q. Pardon.

A. Michael.

Q. Was there more than one code to get in there.

A. Yeah, I think so. Because the nurse -- I mean, not the nurse. The maid lady would punch in a different code than the one I knew.

Q. So did you get another set of codes from somebody.

A. Oh, from -- for the other -- well, there’s 1590 another door to the main house that I knew a code for.

Q. You did or did not.

A. Did.

Q. All right. Where did you get that information from.

A. Either it was Michael that gave it to me or the maids gave it to me. Because they change it sometimes, so --

Q. Now, do you remember -- you told us that some of the times that you drank vodka with Mr. Jackson, correct.

A. Yes.

Q. Do you ever remember a situation -- what effect did the vodka have on you.

A. Well, there was just one time -- well, vodka really tasted --

Q. You’re going to have to lean into that and talk so we can hear you.

A. I don’t really understand what you’re --

Q. What effect did the vodka have on you.

A. What did it make me feel like.

Q. Yeah.

A. Well, there was one time where -- where the first time that Michael introduced me to vodka, he had, like, a glass about that big --

MR. MESEREAU: Objection. Calls for a narrative; nonresponsive.

THE COURT: It’s nonresponsive.

Q. BY MR. SNEDDON: All right. Did Mr. Jackson provide vodka to you.

A. Yes.

Q. And how did he -- and what did he provide it to you in.

A. In a glass about that big.

Q. So you’re indicating maybe two or three inches.

A. I guess. I don’t know.

Q. And what kind of a glass -- where were you when he provided it to you.

A. I was in the wine cellar.

Q. And did you see him pour the vodka into it.

A. No.

Q. Did you know what it was when you first sipped it.

A. No.

Q. How was it that you ended up drinking that particular glass.

A. I walked down there, because I asked where Michael was -- well, we were in the arcade, and that’s what we usually kind of did. And then so I went down to the wine cellar and I saw Michael there, and then Michael had the glass poured. And then I asked him what that was, and he said, “Drink it.” And then he said like --

MR. MESEREAU: Objection.

MR. SNEDDON: All right.
MR. MESEREAU: Nonresponsive.
Q. BY MR. SNEDDON: What did he say to you.
A. He told me to drink the --
THE COURT: Just a moment. There's an objection pending, or just to the narrative.
MR. MESEREAU: Narrative, Your Honor.
THE COURT: Go ahead with your next question.
Q. BY MR. SNEDDON: What did he say to you.
A. He told me to drink the vodka.
Q. And did you do that.
A. Yes, but I didn't know it was vodka. I thought it was water, because it's, like, clear.
Q. Okay.
A. So I drank it really fast like if it was water. And then I didn't really -- when I brought it to my nose, it smelled like rubbing alcohol, and then I chucked it back really quick, and it started burning. Well, I, like, took down the whole thing, but it really burned.
And then like two or three seconds later my head started -- like it looked like the room was spinning, so I put my head inside the couch. You know the green couch that I was talking about. I put my head inside it so I couldn't see the room spinning, because it was kind of hurting.
Q. Why did you do that. Why did you put your head into the couch, in the pillow.

A. I -- I remember when I was a little, we'd spin around a lot when we play. I would close my eyes or put my head into a pillow or something, so that way I wouldn't see the room spin.
Q. Was that the only occasion that you drank vodka with Mr. Jackson.
A. No.
Q. Were there other occasions.
A. Yeah.
Q. How many, do you think, where you had vodka

with Mr. --

A. I’m not sure. Because when we’d drink wine, we’d usually have a little bit of vodka, so -- a lot of times.

MR. SNEDDON: Your Honor, at this time I have an exhibit marked as 345 for identification purposes. And I’ve shown it to Mr. Sanger, but I’ll show it to other counsel.

(Off-the-record discussion held at counsel table.)

Q. BY MR. SNEDDON: Okay, Gavin.

A. Okay.

Q. I put in front of you an item marked as Exhibit 345. Okay.

A. Yes.

Q. Do you recognize that.

A. Yes.

Q. Were you asked to look at that last night.

A. Yes.

Q. And with regard to looking at that, were you asked to see if you recognized the material that’s on that video.

A. Yes.

Q. And did you.

A. Yes.

MR. SNEDDON: I move that it be admitted and played to the jury, Your Honor.

MR. MESEREAU: Your Honor, we’re going to object on foundation grounds. We’ve reviewed that. There are severe problems with the accuracy of that.

BAILIFF CORTEZ: Can’t hear you, Mr. Mesereau.

MR. MESEREAU: Oh. Pardon me.

THE COURT: Do you want to restate your objection.

MR. MESEREAU: Yes, Your Honor. We have reviewed the DVD. We strongly object on foundation grounds and authenticity grounds. We think it’s a mischaracterization and a misrepresentation of what it tries to depict, and we have factual reasons for that.

THE COURT: What is it a DVD of.

MR. SNEDDON: It’s the chimes that go off when you go in the door.

THE COURT: Oh.

MR. SNEDDON: And it was -- I won’t say anything more, unless you want me to.

MR. MESEREAU: It’s inaccurate, Your Honor.

THE COURT: That’s subject to cross-examination, though.

MR. MESEREAU: Your Honor, I think --

THE COURT: There is a foundation problem, though. He didn’t create the video. He just watched it.

MR. SNEDDON: That’s correct. But it’s illustrative of what his testimony is with regard to the sound. So I think it’s admissible on that basis. And I’ll represent to the Court, without any question we’ll be able to lay the foundation as to who took that and that it is accurate.

MR. MESEREAU: We’d object on authenticity and foundation, Your Honor. It’s not an accurate depiction of what it purports to be.

THE COURT: The -- all right. Let me look a minute, here.

All right. I’m going to sustain the foundation objection. Right now the foundation that you laid was: “Do you recognize 345.

“Yes.

“Were you asked to look at it last night.

“Yes.

“And with regard to looking at that, were you asked to see if you recognized the material on the video.

“Yes.

“And did you.

“Yes.”

So I find that is an insufficient foundation.

MR. SNEDDON: All right. Then what I propose to do at this point, Your Honor, would be to have this witness step down and I'll put Sergeant Robel on to lay the foundation.
THE COURT: All right.
MR. SNEDDON: I can do that between now and the break, and then the witness can come back immediately afterwards.
MR. MESEREAU: All right.
MR. SNEDDON: All right. Gavin, would you step out, please.
Call Sergeant Robel.

STEVE DANIEL ROBEL
Having been sworn, testified as follows:

THE WITNESS: Yes, I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Steve Daniel Robel. R-o-b-e-l.
THE CLERK: Thank you.
//

DIRECT EXAMINATION
BY MR. SNEDDON:
Q. You're a Sergeant with the Santa Barbara Sheriff's Department.
A. Yes, I am.
Q. How long have you been with the sheriff's department.
A. Approximately 22 years.
Q. Now, on November the 18th of 2003, were you present during the execution of a search warrant at Neverland Valley Ranch.
A. Yes, I was.
Q. And are you one of the lead investigators into the case against the defendant in this case, Michael Jackson.
A. Yes, I am.
Q. Were you present at the time that entry was made into his residence.

A. Yes, I was.
Q. And were you in the company of the individual who was filming the entry into the house.
A. Yes, I was.
Q. And did you accompany that person all through the house.
A. Yes, I did.
Q. And have you had occasion to review -- and did he videotape the entire house before anybody made any other entry into it.

A. Yes, he did.
Q. Did you accompany him in that part of the house where the hallway leads into Mr. Jackson’s bedroom suite.
A. Yes, I did.
Q. Were you present when he videotaped that.
A. Yes, I was.
Q. And have you reviewed that videotape in connection with this investigation.
A. Yes.
Q. And with regard to the particular exhibit that’s in front of you marked as -- 345. 344.
A. It’s 345.
Q. 345. Did you review that.
A. Yes.
Q. Is that a portion of the videotape that was taken by the person who accompanied you at the time that you folks executed the search warrant --
A. Yes, it is.
Q. -- on the 18th.
A. Yes, it is.
Q. And is it an accurate depiction of the sound that you heard when you entered Mr. Jackson’s bedroom suite.
A. Yes.
THE COURT: Cross-examine.
MR. SANGER: That’s my witness, if that’s all right.

MR. SNEDDON: No further questions, I guess I should have said, Your Honor.

CROSS-EXAMINATION

BY MR. SANGER:

Q. Sergeant Robel, at the time -- let’s start with this. 345 is a snippet, as it were, from a many-hour-long video; is that correct.

A. Yes, it is.

Q. And that little snippet was selected today, or for today’s proceedings, by you; is that right. Or was it selected by somebody else.

A. This was off of a CD.

Q. Who selected it.

A. I did and Detective Bonner.

Q. You did.

A. And Detective Bonner.

Q. And Detective Bonner.

A. Yes.

Q. So you went through to find a part of that CD where you might hear a bell.

A. Yes.

Q. Okay. At the time that you were going through the residence when this tape was actually being made, you were not listening for that bell, were you.

A. No, we weren’t.

Q. Okay. You were walking through, and you were -- this was your first opportunity to go inside Mr. Jackson’s bedroom suite; is that right.

A. As -- under a circumstance of a protective sweep, yes.

Q. In other words, you started your search by going through the house and making sure that there was nobody in the rooms, and making sure you knew where everything was; is that right.

A. Exactly. And making sure that if there were people in the rooms, we would bring them downstairs and centrally locate them, yes. Safety purposes.

Q. And the filming was going on at that time.

A. Yes.

Q. And you had never been in Mr. Jackson’s bedroom suite before that time; is that correct.

A. No, I hadn’t.

Q. So you were looking around. You were vigilant to see if there was anybody in there. You were doing your job at that point, correct.

A. Yes.

Q. All right. So you weren’t really listening for that bell.

A. I wasn’t. Not actively, no.

Q. And the reason you found this part of the tape is, you went back to listen to the tape, and you and Detective Bonner found a place where you heard something about the bell; is that correct.

A. That’s incorrect.

Q. Okay. Well, let’s move on.

THE COURT: Let’s take a break.

MR. SANGER: Let’s take a break and move on.

(Recess taken.)

THE COURT: Go ahead, Counsel.

MR. SANGER: May I proceed. Thank you, Your Honor.

Q. Sergeant Robel, this particular tape we’re talking about, 345, was not made for the express purpose of representing how this bell sounded inside of Mr. Jackson’s room when the bell went off, was it.

A. No, you are correct.

Q. Okay. And the equipment that was used, the sound-recording -- it’s a video; it’s part of a videotape, right.

A. I believe so, yes.

Q. And the sound-recording device that was used, are you familiar with that particular device.

A. I’m really not.

Q. Okay. Do you know if it measures the decibel level of the sounds that it’s recording.

A. No, I don’t believe so.

Q. And this particular tape doesn’t preserve in any way the decibel levels of the sounds that it’s recording, does it.

A. I don't believe so.

Q. All right. Now, you've listened to this carefully, I take it, this 345; is that right.

A. Yes.

Q. And it is -- it is, in part, a scene where you are talking with a gentleman about the key pad, and getting the correct combination to go into the suite of rooms that we've described as Michael Jackson's bedroom suite, the first floor, second floor, that area, correct.

A. Correct.

Q. So you're talking to him, he's giving some instructions. And in the background, if you listen, you can hear the bell ringing, is that correct, while you're still in the hallway.

A. Up by the key pad, I believe you're correct, yes.

Q. In other words, I'm talking about, you reviewed this --

A. Right.

Q. -- trying to remember what this shows. Okay.

A. Right.

Q. This particular 345. You start to hear a fairly faint bell as you're standing in the hallway before you go through the door, correct. You start to hear on this tape --

A. I just need clarification. When you talk about the door, are you talking about the first set of doors that we're going through going down the hallway, or talking about the double doors to Michael's bedroom.

Q. The double doors to Michael's bedroom, what we're calling Michael's bedroom. This is where you have the first floor and you go back and there's a second floor, right.

A. Okay. The second floor I'm familiar with inside his bedroom, yes.

Q. So we're talking about going through the double doors that lead you down three or four steps into a living room area, correct.

A. Correct.

Q. And then behind that is the door and the stairway to a second floor; is that correct.

A. Correct.

Q. All right. So we're at those double doors. You're in this video that you have reviewed, Exhibit 345, you and some other officers are up there at or near this front double door area that goes into this living room; is that right.

A. Correct.

Q. And the cameraman -- I was going to move back, but then you wouldn't be able to hear me, or somebody wouldn't -- the cameraman is standing back a few paces behind all of you; is that correct.

A. I believe so. I don't know exactly where he was. But he was behind me, yes.

Q. And the microphone, to pick up the sound, is on his camera; is that correct.

A. That is correct.

Q. Didn't have a boom mike or somebody else wasn't miked in this situation.

A. Correct.

Q. All right. And when you reviewed this, at some point you start to hear the dinging of the bell that's fairly faint from the cameraman's position in the hallway; is that correct.

A. Where I heard it was when I was standing at the key pad. That's when I first heard it.

Q. All right. And I'm talking about this -- what this depicts.

A. Right.

Q. This depicts sound picked up from this cameraman back in the hallway, and the bell rings about 12 times; is that correct.

A. I didn't count them, but it was more than once, yes.

Q. It was more than three.

A. Right.

Q. And it was about 12, was it not, sir.

A. If -- I would say it was approximately that, yes.

Q. All right. And as the cameraman -- as you come in, and you walk down the few steps into the living room area, you then make -- you start to walk

towards the door that goes up the stairway to Mr. Jackson’s bedroom; is that correct.

A. I believe so.

Q. And just as you get to his door, that’s pretty much where this tape ends; is that right.

A. I think so, yes.

Q. Okay. And as you’re getting to his door, the cameraman is just starting to walk into the room and down the stairs, into this living room area down the stairs, correct.

A. Correct.

Q. And the sound is becoming louder, the sound of the bell is becoming louder just as the tape ends; is that correct.

A. Really didn’t pay attention as far as whether it was becoming louder or not. I mean, I could hear it, and I was in front. When I was viewing that, I didn’t determine whether it was louder or fainter.

Q. In other words, I understand what -- your recollection of what really happened when you were there is, but what this depicts is a cameraman several paces behind a group of three officers and a civilian; is that correct.

A. Correct.

Q. And your group, at least the three officers, move into the downstairs, and move towards the door to Mr. Jackson’s stairway and his upper bedroom,

right.

A. Correct.

Q. And the cameraman is still back -- he’s behind you, moving up.

A. Correct.

Q. And the sound is actually louder as you get closer to that bedroom door; isn’t that correct.

A. I don’t know. I don’t know until I hear that again. I mean, I viewed that two or three times, but I never really determined whether it was louder or not.

MR. SANGER: I have no further questions.

THE COURT: Thank you.

MR. SANGER: The objection stands.

THE COURT: You may step down.

Bring the other witness in.

MR. SNEDDON: Wait. I have a question.

THE COURT: All right.

REDIRECT EXAMINATION

BY MR. SNEDDON:

Q. Sergeant Robel, with regard to the bell system itself, is that laser-activated, to your knowledge.

A. To my knowledge, yes.

Q. So that every time somebody passes it, it sets it off again.

A. That is correct.

Q. So when Mr. Sanger asked you if you heard it go 12 times in a row, every time one of the people connected with the walk-through went through, it would go off again.

A. Correct.

MR. SANGER: I’m going to object and move to strike. That is a leading question and --

THE COURT: Overruled.

You may step down.

I’m going to allow the exhibit to go in.

Bring the witness in.

BAILIFF CORTEZ: Yes, Your Honor.

THE COURT: You may be seated. You’re still under oath.

GAVIN-ANTON ARVIZO

Having been previously sworn, resumed the stand and testified further as follows:

THE COURT: Go ahead.
MR. SNEDDON: We're activating the disk, Your Honor. It's --
THE BAILIFF: Are you playing it out of your computer.
THE COURT: Do you need "Input 1".
MR. AUCHINCLOSS: Your Honor, we'd ask for "Input 4." Thank you.
THE COURT: "Input 4".

MR. AUCHINCLOSS: Yeah.
(Whereupon, a portion of a DVD, People's Exhibit 345, was played for the Court and jury.)

DIRECT EXAMINATION (Continued)
BY MR. SNEDDON:
Q. Gavin, did you hear the chime go off.
A. Yes.
Q. Is that the chime that went off when you were visiting Neverland Valley Ranch.
A. Yes.
Q. Now, I want to ask you a couple more questions and then we'll move on to another subject, okay. But I want to ask you a little bit about some of the drinking that you did at the ranch.
A. Okay.
Q. Do you know what the term "passed out" means.
A. Yes.
Q. Tell the jury what that means.
A. When you, like, lay down and you, like, go to sleep and you sleep for a long time and you sleep pretty hard.
Q. During the time that you were at the ranch and you drank alcohol with the defendant, Mr. Jackson, did you ever pass out.
A. Maybe once or twice. But I don't think I really ever -- well, when I'd go to sleep, I would

usually sleep pretty hard, but I don't know about, like, just sitting somewhere and just (indicating); you know what I mean.

Q. I guess. I wouldn't admit it even if I did. Did you ever get sick.

A. Yeah.

Q. How did you feel when you got sick.

A. Felt like -- my stomach hurt a lot. I don't think I ever really threw up, though. But, like, I felt, like, nauseated.

Q. All right. We're going to move on to another subject now, if we can, and I'm going to show you a couple more exhibits. And I'm going to show them to counsel first, so just give me a moment.

A. Okay.

(Off-the-record discussion held at counsel table.)

Q. BY MR. SNEDDON: All right. I'm going to hand you an eight-by-ten piece of paper, and ask you if you recognize the notes, that particular exhibit.

A. Yes.

Q. Is that your handwriting.

A. Yes.

Q. And you wrote it.

A. Yes.

Q. Now I'm going to hand you an exhibit marked as 347 for identification purposes. Do you recognize that.

A. Yes.

Q. And whose handwriting is that.

A. Michael's. It looks like Mike -- yeah, it's Michael's.

Q. And that particular exhibit, 347, was that something that was given to you at one time by Mr. Jackson.

A. Yes.

Q. I'm sorry.

A. Yes.

MR. SNEDDON: All right. Your Honor, I’m going to ask the Court’s permission to put these on the Elmo, and ask the witness some questions about them, and I move that they be admitted into evidence.
MR. MESEREAU: No objection.
THE COURT: They’re admitted.
THE BAILIFF: You need to take it off “Black Screen.”
Q. BY MR. SNEDDON: All right. Gavin, I’m going to ask you to look at the first two at the top, and the note makes reference to a trip to Florida. Do you see that.
A. Yes.
Q. Have you ever been to Florida with Mr. Jackson on more than one occasion.
A. No. Only went there once.

Q. Just the one you testified to.
A. Yes.
Q. And did you write this note. Do you recall when it was you actually wrote this note to Mr. Jackson.
A. No. But I think it was like toward the beginning -- like maybe a week or two after we came back from Miami.
Q. Was the time that you flew to Miami with Mr. Carter the first time you were ever on the plane.
A. Mr. Carter.
Q. Tucker, I’m sorry.
A. Chris Tucker.
Q. Yes.
A. That was -- I mean, when I flew to Oakland with him to the Raider game --
Q. Okay.
A. -- that was, like, the first time I was ever in a plane.
Q. Okay.
A. And this is the first time I was ever on a plane with Michael.
Q. Oh, okay. All right.

Now we're going to show the other exhibit, People's 346 -- 347, I'm sorry. Well, and the last part of the exhibit, 346, do you recognize that.

A. Well, not really. But I think I wrote that.

Q. Looks like your handwriting, does it not.

A. Yeah.

Q. Or does it.

A. Well, kind of.

Q. All right. Let's put up 347.

Now, when the exhibit says, "I want you to have a great time in Florida. I'm very happy to be your Daddy," now, do you recall when it was Mr. Jackson gave you this particular note.

A. No. It was probably around the time that I wrote him those notes. I think -- I think Frank gave me those notes. Or, no, I don't think Frank. I think somebody gave me those notes because Michael was busy, and he gave me those notes from Michael.

Q. Did you ever discuss them with Mr. Jackson.

A. Not really.

Q. But you recognize the handwriting as being his.

A. Yes.

MR. SNEDDON: All right. You can take that down.

Q. Now, in the exhibit, 347, it's signed by Mr. Jackson as "dad," and in the exhibit he makes reference to being your "daddy."

A. Yes.

Q. Had you -- had Mr. Jackson ever called you -- asked you -- strike that.

Had Mr. Jackson ever used the word "daddy" to you prior to the time he wrote this note to you.

A. I don't know. I would call him "dad" sometimes, because I don't really have, like, a set dad at that time; you know what I mean.

Q. So how long do you think it was between you and Mr. Jackson that you were calling him “dad”.

A. When I was up there.

Q. Up where.

A. After Miami, like a couple weeks after Miami, he started calling me “son,” and I would call him “dad.”

Q. So that was a fairly usual thing between the two of you.

A. Yeah.

Q. At some point in time, did you participate in a taped interview other than the one with Mr. Bashir.

A. It wasn’t really an interview. It was, like, where -- I don’t know what you would refer to, but there was one time when he taped me carrying me across a bridge. I don’t know if you’re talking about that, but --

Q. Okay. You were filmed -- and was this when you had cancer.

A. Yes.

Q. And when you were filmed in that particular piece, did you ever see that piece.

A. Yes.

Q. When did you see it for the first time.

A. We showed it to Chris. And then when he showed it to Chris, that’s when I saw it.

Q. Okay. Now, do you know an individual by the name of Hamid.

A. Yes.

Q. All right. Where did you meet Hamid for the first time.

A. At -- I’m not sure. I think he was the guy that filmed Michael carrying me across the bridge, but I’m not sure.

Q. Okay. The time after you came back from Miami -- all right.

A. Okay.

Q. -- and you were at the ranch, did you ever meet Hamid there.

A. Yes.

Q. All right. Tell us about -- where were you when you met him.

A. I don’t know. But I was somewhere on the ranch, because I remember he drove us to his house.

Q. He drove you to his house.

A. From Neverland.

Q. And who is you.

A. It was me, my mom, my brother and my sister.

Q. And you went to his house. Do you remember where he lived.

A. No.

Q. Do you remember how long it took to get there.

A. Two hours, probably.

Q. And when you got there, what did you do.

A. They had this camera set up and like this big sheet thing that was coming down. Well, actually, the first thing, I went there, he had some video games, and I started playing his video games. And then, I don’t know, they waited for some people to come, or whatever, and then they came.

Q. Do you remember who the people were you were waiting for.

A. Dieter.

Q. Anybody else you remember.

A. I think it was Vinnie. We were waiting for Vinnie, too.

Q. Is that the first time you ever met Vinnie, or had you met him before that.

A. I think that was the first time I ever met Vinnie.

Q. Do you remember anybody else arriving. Let me ask it this way: Did Vinnie come alone or was he with somebody.

A. I think he might have been with Frank. I’m not too sure.

Q. Now, during the time that you were there, did an interview take place or a filming of some

kind take place.

A. Yes.

Q. And who was doing the filming.

A. I believe it was Hamid.

Q. And do you recall about what time it was when the filming started.

A. It was really late at night. It probably started like around 11:00 -- 10:00, 11:00 or midnight, one of those, around there, because I remember being really, really tired while I was doing it.

Q. Now, prior to the time that you participated in that interview at Hamid’s house -- okay.

A. Uh-huh.

Q. -- had anybody ever told you what to say on that interview.

A. Yes.

Q. And who was that.

A. Dieter.

Q. And what did Dieter say to you. And it’s offered under 1223, Your Honor.

THE COURT: I’ll admit this testimony conditionally. The objection is noted.

MR. MESEREAU: Objection noted, Your Honor.

THE WITNESS: Dieter would say -- like he was telling us -- you know, remember how, like, Michael told me what to say in the Martin Bashir thing.

Q. BY MR. SNEDDON: Okay.

A. Like, Dieter was kind of doing the same thing. Like, he was telling us - me, my mom and my brother, my sister - what to say on this tape thing for -- they said it was like a rebuttal tape, or something like that.

Q. And what did he tell you to say.

A. He said that, like, tell them -- tell him, like, Michael helped us a lot and, like, cured me from cancer practically, and stuff like that.

Q. Did you ever see anything written down about what you were to say.

A. Yeah. They had like -- well, it was -- I don’t think it was really -- well, they had, like, this paper with a bunch of questions and stuff, but -- you know.

Q. And did you -- did you get a chance to see the questions before you went on the film.

A. Yeah.

Q. And did you go over the answers to those questions before you went on to film.

A. Well, kinda. It wasn't really like we sat down for an hour and was, like, talking and stuff. It was kind of a brief thing. He wanted us to say this and this and that; you know what I mean.

Q. Okay. At the time that you participated in this particular video at Hamid's house late in the evening or -- what was your attitude towards Mr.

Jackson.

A. Well, I liked him a lot. I was like -- he was like my best friend in the whole world.

Q. Still at this point.

A. Yes.

Q. Now, on that particular video -- you've had a chance to see it since the time it was made, have you not.

A. Yes.

Q. Was everything that you said on the video true.

A. Not really.

Q. What parts of that video do you recall as not being true.

A. I mean -- because, like, I said stuff like that Michael helped me a lot during -- while I had cancer. And, like, really he wasn't really there all that much.

Q. Anything else.

A. Um, I'm not too sure. It was a while ago.

Q. I'm sorry.

A. I'm not too sure. It was a while ago.

Q. That's the one that sticks out in your mind.

A. Yes.

Q. After the, what you call the rebuttal tape was filmed that night, do you recall where you went.

A. I think Vinnie and Frank took us to, like, an inn.

Q. Do you recall what you did the next day.
A. Um, no. Not really.
Q. Do you ever recall having a meeting with some social workers.
A. Oh. Yeah. It was --
Q. When did that occur.
A. It was in the East -- no, no, where we used to live on St. Andrews.
Q. Where you used to live on St. Andrews with who.
A. Jay.
Q. Who else lived there with you.
A. My mom, my brother.
Q. Your sister.
A. I don't think she lived there. I think she was at my grandma's.
Q. Now, in -- just so the ladies and gentlemen of the jury can understand, in relationship to the Hamid rebuttal film that you've talked about - okay. - was the meeting with the social workers before or after that.
A. It was -- I'm pretty sure it was after.
Q. Do you remember who was present during that interview.
A. The social worker one.
Q. Yeah.
A. It was me, my brother, my mom. Aja was there, Chris's girlfriend.

Q. Okay.
A. And the social worker ladies. And I think Vinnie was there. But I don't think he was upstairs. I'm not too sure. And there was this guy in a blue shirt.
Q. Describe the guy in the blue shirt for us.
A. I think he had like black hair and light skin, kind of like me. And he was wearing, like, dress pants and dress shoes and, like, a blue shirt.

Q. Can you describe what he was like physically.

A. Well, probably like five-foot-eleven or something like that. And about my body mass, but, like, just bigger.

Q. Do you know who that person was. Did he introduce himself to you.

A. No.

Q. Were you present when he arrived.

A. Yes.

Q. Did you hear him identify himself at any time to anybody.

A. No.

Q. Did you at any time while you were there see a tape-recorder that morning.

A. Yes.

Q. And where did you see a tape-recorder.

A. I saw it on our kitchen counter -- yeah, on our kitchen counter.

Q. And did you ever see anybody pick up the tape-recorder.

A. I think I saw my mom pick it up, or -- yeah.

Q. And did you ever see your mom discuss talking to this other individual you’ve described as the --

A. I saw him and my mom go into another room where my mom and my stepdad sleep, slept. And I don’t know, they were talking in there, I guess.

Q. Did you see where the tape-recorder was at the time they went into the bedroom.

A. No. I think it might have been in my mom’s hand, but I’m not sure.

Q. When you actually had the interview with the social workers, did everybody remain in there during the interview.

A. No. I think Brad left or -- yeah, that’s his name, Brad, because I was just thinking, like, Brad, because -- wasn’t it Brad Miller.

Q. I’m not testifying.

A. Oh, okay. All right.

Q. All right. So somebody left.

A. Yeah.
Q. All right. And who was left during the interview.
A. Me, my mom, my brother, and my sister, I think.
Q. And do you recall the questions that the social workers asked you.

A. They asked me about Michael and --
Q. And do you remember what you told them.
A. Yeah.
Q. What did you tell them.
A. I told them that he was a nice guy, and that -- like the stuff that we said on the rebuttal tape.
Q. Pretty much the same stuff.
A. Yeah.
Q. Do you remember -- did they ask you whether or not you slept in a bed with Mr. Jackson.
A. Yes.
Q. And what did you say.
A. I said that we do now, because we were over at the ranch, but I told them that nothing happens when we’re on the bed.
Q. I’m sorry.
A. I told them nothing, like, bad happens.
Q. Was that the truth.
A. At the time, yes.
Q. After the interview with the social workers, do you remember where you went.
A. I think we went back up to Neverland with Aja.
Q. And by “we,” who do you mean.
A. Me, my brother, my sister.
Q. And when you went back up to the ranch, when was the next time you left, if you recall.

A. Left from the ranch.
Q. Yeah. Do you remember going anywhere after you got back up there from the social workers.

A. Yeah.

Q. Did you at any time ever go shopping with Frank or Vinnie.

A. Yes.

Q. All right. Tell the jury where -- where that occurred.

A. Well, we went to a mall, and they took us to a place called Anchor Blue.

Q. And what did you do at Anchor Blue.

A. They bought us clothes because we didn’t have any clothes. We didn’t have that many clothes.

Q. Now, why were they buying you clothes.

A. Because they didn’t really want us to go back to our apartment, so they had us buy clothes from there.

Q. Now, at the time that you went to Anchor Blue and they bought you these clothes, where were you staying at that point in time.

A. I believe I was staying -- yeah, that’s when I was staying at the Cal -- bleh. The Calabasas Inn place. The inn in Calabasas.

Q. Okay. And who was there with you.

A. My mom, my brother, and my sister, and Frank and Vinnie.

Q. Now, were Frank and Vinnie in the same room as you.

A. No.

Q. Do you recall where their room was, if you know.

A. No. I believe -- I’m pretty sure it was down the hall.

Q. Now, at the time that you went to the Calabasas Inn and you went shopping with Frank and Vinnie, did you go any other places.

A. Yes.

Q. Where.

A. They went to get us visas and passports.

Q. And why were you getting visas and passports.

A. Because they said they were going to take us to Brazil.

Q. When did you first learn that you were going to go to Brazil.

A. From Dieter.

Q. And when did you first learn from Vinnie and Frank Tyson that they were going to take you out and buy you clothes and things.

A. I don't remember. It was probably a few days after when I found out from Dieter. But I'm not sure.

Q. Did you actually go with them when the passports and the visas were obtained.

A. Yes.

Q. And were both Vinnie and Frank with you.

A. I believe so. I think Vinnie was there. I don't think Frank was there.

Q. Now, what was your understanding about when you were going to go to Brazil.

A. A few weeks after we got our visas.

Q. Now, did you, in the presence of the defendant in this case, Mr. Jackson, ever have a conversation about the trip to Brazil.

A. Yes.

Q. And who else was present during that conversation.

A. Frank.

Q. Frank Tyson.

A. Yes.

Q. And where did that conversation take place.

A. In his room.

Q. "In his room" --

A. Michael's room.

Q. And which part of the room in his house.

A. On his bed. Like, Frank was on his knees, like on -- his hands were over the bed like that (indicating).

Q. And where were you.

A. Me and Michael were laying on the bed.

Q. All right. Tell us about the conversation.

MR. MESEREAU: Objection; vague.

THE COURT: Sustained.
Q. BY MR. SNEDDON: How did the subject of Brazil come up.
A. Frank was getting angry because my mom didn't want to go. And then Frank was yelling because he was, like, "Oh, we have a tutor over there and we still haven't left, and we ended up paying for a tutor," or something like that.
And then Michael was -- he didn't really respond much, but he was, like, nodding his head, like --
Q. You've nodded your head which way.
A. Up and down.
Q. To you, what does that mean.
A. "Yeah." "Yes."
Q. Okay. And how many times did you see Mr. Jackson nod his head up and down.
A. A few times.
Q. Did Mr. Jackson ever say anything to you about going to Brazil.
A. Yeah.
Q. What did he say.
A. He said that we were going to go to Brazil and that we were going to have a good time.
Q. Do you remember anything else Mr. Jackson said to you about that trip.
A. That he was going to come a week later after we got there.

Q. Now, let's go back to the point that you were at Calabasas at the inn. Okay.
A. Uh-huh.
Q. Now, you tell us that Frank and Vinnie were there; is that correct.
A. Yes.
Q. Did you see any other people there that Frank and Vinnie knew.
You just have to answer that "yes" or "no" first, and then I'll ask you the next question.
A. No.
Q. Okay. Did you see anybody in the lobby.

A. The lobby of the inn.

Q. Yeah.

A. I don’t think so.

Q. When you were at the Calabasas Inn, did you feel you were free to come and go as you pleased.

A. No.

Q. Why not.

A. Because they had our cards to our hotel -- to our room, or whatever.

Q. Who did.

A. Vinnie and Frank had the cards, the key cards.

Q. Did you ever try to go anywhere.

A. Not really, because even if we tried to go out in the hallway or anything, they would tell us to go back in our room.

MR. MESEREAU: Objection. Calls for speculation. Move to strike.

THE COURT: Overruled.

MR. SNEDDON: Your Honor, I’m going to need just a second. Can I go this way or -- excuse me, Mr. Oxman.

Q. All right.

A. Do you want me to take this stuff out.

Q. No, that’s all right. Just leave it in for right now.

I’ve placed in front of you the exhibit book, and in that exhibit book is what we’re calling Exhibit 260. Okay.

A. All right.

Q. Do you recognize the piece of paper in front of you.

A. Kinda.

Q. Do you recognize the photograph of the person in that piece of paper.

A. Yes.

Q. And do you remember when it was that that photograph was taken, where it was taken.

A. I think it was when we were getting, like, our visas or our passports, or whatever like that.

Q. Now, on that particular document, there was -- there’s -- by your picture on the document is a signature line, correct.

A. Yes.

Q. Is that your signature.

A. Right next to my name. Oh. Well, it’s my name.

Q. I know. But is that your signature.

A. Not really.

Q. Did you fill -- do you recall ever filling that application out.

A. No.

Q. Do you remember anybody ever telling you you were going to go to Italy or France.

A. No. They always told me I was going to go to Brazil.

Q. All right. Now, I want you to turn -- turn -- I put a little pink pad -- do you see it at the top.

A. Yes.

Q. Okay. Would you turn to that document. This is in 261.

A. Okay.

Q. That’s a document from the Brazilian consulate, correct.

A. Like a -- yes.

Q. I couldn’t hear you.

A. Yes.

Q. And again, it has your photograph on it.

A. Yes.

Q. And do you recall ever filling out that application. Let me put it this way: Is that

handwriting on the application yours.

A. No.

Q. Do you remember going to the Brazilian consulate.

A. Yes.

Q. Do you recall who you went with.

A. Vinnie.

Q. Were there any other people present with you.

A. My mom, my brother, and my sister, I think.

Q. All right. You can close that up, Gavin. You told us that you recall going to the shopping outlet, or a mall of some kind, to go to Anchor Blue.

A. Yes.

Q. Do you recall any other places that you went to buy clothes.

A. No, I think we just went to that place.

Q. Were there times that anybody would buy things for you and bring them back to the room for you.

A. Yes.

Q. Who did that.

A. I think it was -- I don't know. Probably Vinnie. They bought me some shoes.

Q. Was this while you were at the Calabasas Inn.

A. No, this is up in Neverland.

Q. Okay. Was there any times when you were at the Calabasas Inn where people would buy you things and bring them back, that you recall.

A. Maybe food once, but I'm not -- no.

Q. But not clothes.

A. No.

Q. Did you have a suitcase with you.

A. For my clothes.

Q. No, for going to Brazil.

A. No, I don't think so.

Q. Do you know what you were going to pack your stuff in.

A. Well, we came down there with a suitcase, but I don't think the suitcase was for us to go to Brazil, because I think we were going to go back up to Neverland, and later we were going to go to Brazil somewhere.

Q. Where did you get the suitcase.

A. They bought us a suitcase.

Q. Who's "they".

A. Vinnie and Frank.
Q. All right. Now, after you come back from Calabasas - okay. - the trip that you told the ladies and gentlemen of the jury about, after you came back, did you go back to Neverland.
A. After that, with Vinnie and them to get the visas and passports.
Q. Yeah.

A. Yeah.
Q. And Mr. Jackson, was he there.
A. To Neverland. I don’t think he was.
Q. Did he come, at some point, after that.
A. Yes.
Q. And where did you sleep when Mr. Jackson -- after Calabasas, when Mr. Jackson was on the premises, where did you sleep.
A. When Michael Jackson was there.
Q. Yeah.
A. I would sleep in his room.
Q. With who.
A. It would be me and my brother and Michael. And sometimes Aldo would sleep there, too.
Q. Was there ever any times when there was just you and Mr. Jackson.
A. Yes.
Q. And when, in relationship to when you came back to the ranch after the Calabasas trip, was that.
A. That was, like, toward the end, like when -- like maybe a month in relation to the end, where we finally left for good.
Q. Do you remember leaving for good.
A. Yes.
Q. And do you remember how it was you left for good, what happened.
A. I’m not too sure, but -- I’m not sure. I’m

not too sure how we left, but I remember being there, and, like, Frank came down. I was trying to think. They were knocking on the door and stuff, and they left some stuff that we had with us up there in front of our door.

Q. At your home.

A. Yeah.

Q. After you left.

A. Yeah.

Q. Is that your suitcase.

A. Yes. They bought us suitcases.

Q. Now, after the time you came back from Calabasas, and before you left -- all right.

A. Uh-huh.

Q. -- were there any nights where there were just you and Mr. Jackson sleeping together.

A. Yes.

Q. And were there nights, after you came back from Calabasas and before you left, where you drank any alcoholic beverages.

A. Can you repeat -- I mean, with Michael or --

Q. With anybody.

A. We would only really drink with Michael, so --

Q. All right. So when you came back from Calabasas and Mr. Jackson was there, did you drink with him.

A. Yes.

Q. Was there ever an occasion when you were on the ranch -- I'm not talking about back when you were sick with cancer or when you were there with Chris Tucker, but from the time you came back from Miami till the time you left for the very last time --

A. Yes.

Q. -- okay. -- was there ever an occasion where you and Mr. Jackson were on the ranch at the same time that you didn't drink.

A. No, I don't think so, because it would usually be at nighttime when we would drink. And we'd rarely drink in the daytime.

Sometimes, like while we were in his office, we'd usually drink some wine or whatever. But it was usually toward it was getting dark, and we would start running to the arcade, and played video games and drink and stuff. But every time Michael was there, we would drink.

Q. Okay, Gavin. We’re just going to do a little bit of cleanup work here. Okay.

A. Okay.

Q. I’ve handed you a photograph that’s marked as People’s Exhibit 188. Do you recognize that.

A. Yes.

MR. SNEDDON: Hang on just a second. We got some technical difficulties.

We’re not going to need the lights, Your Honor. I’m not going to....

Thank you. That’s dark enough.

Q. Okay. 188, Gavin, do you see what that is.

A. Yes. I’m sorry.

Q. I’m not keeping you awake, am I.

(Laughter.)

THE WITNESS: All I need is a pillow.

Q. BY MR. SNEDDON: All right. 188, what is that.

A. It’s the front door to Neverland. Or the front entrance to Neverland.

Q. The front entrance for what at Neverland.

A. Not Neverland. The main house at Neverland, sorry.

Q. Mr. Jackson’s house.

A. Yes.

Q. Why don’t you turn that over.

Now, what’s the next photograph.

A. It’s like you’re in the hallway --

Q. No, wait a minute.

Go ahead.

A. You’re like in the hallway to go to his room. And this is at the door.

Q. The door to what.

A. The door that would like, if you opened it, the chimes rung.

Q. And are you talking about the bedroom or the main room.

A. The bedroom. Well --
Q. Downstairs or upstairs.
A. Downstairs.
Q. Okay. Why don’t you turn that over.
And that’s a picture of who.
A. Hamid.
Q. And what number is that.
A. 29.
Q. All right. And the next picture is of.
A. Jesus Salas.
Q. And that is No. 30.
A. Yes.
Q. All right. Would you turn that over.
Do you recognize those pictures of the people. And who’s that and what number is it.
A. It’s 19.
Q. And who is that.
A. Vinnie.
Q. Yes.
So in your testimony here, the person you referred to as Vinnie, that’s the person you were talking about.
A. Yes.
Q. Okay. Turn that over.
And the next photograph.
A. That’s the Country -- well, that’s the inn that we stood at.
Q. When you went shopping that time.

A. Yes.
Q. Okay. Turn that over now.
What’s the number on the next one. By the way, let’s go back one, Gavin. I don’t think I got the numbers. Is that 125.
A. Yes.
Q. All right. By “that,” I mean the Calabasas Inn photograph.
A. Yes.
Q. All right. Now, let’s go to the next one.

And what number is that.
A. 99.
Q. All right. And what is that.
A. That’s the arcade.
Q. So, in your testimony when you were talking about going into the arcade down to the wine cellar, that’s the building that you were talking about.
A. Yes.
Q. All right. Why don’t you turn that one over.
THE CLERK: Judge, 99 hasn’t been identified.
MR. SNEDDON: It hasn’t.
THE CLERK: No.
Q. BY MR. SNEDDON: Do you recognize that. Is that an accurate depiction of that photograph, 99.
A. Well, that’s the side of the -- of the arcade, but the front entrance is, like, over here.

Well, the entrance to the arcade is over here.
Q. Let me have the photograph.
Move that -- apparently 99 is not in evidence, Your Honor, the clerk tells us. And I’ve shown it to counsel, and I don’t think he has any problem with it.
MR. MESEREAU: No objection, Your Honor.
THE COURT: All right. Admitted.
MR. SNEDDON: Getting dangerous back here. The cords came up, Your Honor.
Q. All right. I have one other photograph I want to show you.
A. Okay.
Q. This is 153, and it’s in evidence.
A. Uh-huh.
MR. SNEDDON: We’re going to display that, Your Honor. There’s going to be some testimony about it.
THE COURT: Do you need it on “1” or “4”.
MR. AUCHINCLOSS: Could we have that on “1,” Your Honor.
Q. BY MR. SNEDDON: All right. Do you recognize what’s up on the board.

A. Yes.

Q. That's a copy of the photograph that you have in front of you, correct.

A. Yes.

Q. Now, have you ever seen that mannequin

before.

A. Yes.

Q. Where was it the first time you saw it.

A. In Michael's room.

Q. You're going to have to turn around and talk into that mike.

A. Michael's room.

THE COURT: Is that 153 that's on the screen.

MR. SNEDDON: It is, Your Honor. I apologize for that.

Q. All right. Where was it on the floor.

A. It was next to the computer on the floor.

Q. Next to the computer on the floor.

A. Yeah.

Q. Now, where was the computer located in Mr. Jackson's room.

A. Well, there's the bed, and then like at the foot of the bed, the computer was right there on -- near the -- it was like the railing. It was wood railing to the stairs.

Q. And do you recall what kind of computer it was.

A. No. It was -- it was a desktop computer, but I don't know what kind it was. Like nobody used it, because it was --

Q. I'm sorry.

A. Nobody used it because it was bad, like it wasn't connected.

Q. The computer that Mr. Jackson gave you, the one that you described as an Apple.

A. Yes.

Q. -- was that a desktop or a laptop.

A. It was a laptop, the one that he gave me.

Q. Now, directing your attention to the mannequin that’s in the photograph in front of you - okay. - did you ever see Mr. Jackson do anything with that mannequin.

A. Yes.

Q. Tell us what he did.

A. Well, me and my brother were looking at the mannequin, and we started laughing at it because it was shaped funny, and then we showed Michael and he started laughing. And then he started acting like he was, like, having sex with the mannequin because it was shaped funny.

Q. I couldn’t hear you.

A. Because it was shaped funny.

Q. All right. So what did he do with the mannequin.

A. He acted like he was humping it.

Q. And where was he when he was doing that.

A. On the bed.

Q. Where were you and your brother.

A. I was sitting on the bed and I think my brother might have been standing up.

Q. Now, the time that you saw Mr. Jackson on the bed with the mannequin, do you recall whether that happened before or after you went to Calabasas.

A. I’m not sure. It was probably before. But I’m not too sure.

Q. But you remember the incident.

A. Yes.

Q. All right. We can take that down, if you’d like.

I’m going to show an exhibit marked as 470.

A. Uh-huh.

Q. Ever seen that before.

A. Yes.

Q. Where was it the first time you saw it.

A. It was next to, like, this -- it wasn’t really a couch. Well, it felt like a couch, but -- it was like a one-person couch, and it had, like, this place where you could put your feet up --

Q. Okay.

A. -- that was, like, the same material, but it was like a little square cushion thing, and you put your feet up there.

Q. And what -- what building was this.

A. This was in his room.

Q. Do you know what room it was.

A. It was in Michael’s room. But when you walk in the door, like to the right would be the door to go up to his bed, and then if you walk in there and you walk this way and then go to the right inside

this room, and you’d walk and there’s a couch thing.

Q. Was there anything else in that room.

A. Yeah, there was like a sink with a bunch of his, like, perfumes and colognes. And there was like a big mirror, like three-sided mirror. And then there was a rest room. And then there’s a big kind of tub, but kind of looks like a Jacuzzi, though.

Q. Now, when you first saw the suitcase, where was it in that room.

A. It was next to -- it was to the left of that couch thing.

Q. And did you ever see Mr. Jackson pick up the Exhibit 470.

A. Yeah, like I was hanging out with him in there, and he was like putting on his makeup or something, I don’t know. And then he -- he grabbed the -- grabbed the suitcase, and then he told me -- he told me it was Frank’s. And he showed me, he was like, “This is” --

Q. Okay. Well, what did he show you.

A. He was, like, “Look at the” -- “Look at this stuff. Frank’s stinking a-s-s.” Frank’s stinking -- it was S- -- Frank’s stinking ass.

Q. All right. What was inside the suitcase.

A. Adult materials.

Q. And how many did you look at with Mr. Jackson.

A. Well, he showed me just one -- like he showed me, and there was this girl in there and then he put it away.

Q. And how was the girl.

A. She had her legs spread open, and her vagina was, like, showing.

Q. All right. Did you ever see that suitcase again.

A. Yes.

Q. Where.

A. We had it -- like, we had it up in his -- near his bed, and then we were looking at all the stuff.

Q. Who was “we”.

A. Me, my brother and Michael.

Q. And do you recall, where in the bedroom was the suitcase when you first saw it that time.

A. The first time I saw it, it was in the rest room kind of thing. And then the second time we -- I don’t know if we brought it up there or, like, Michael brought it up there or something. I don’t know. But it was up next to his bed. And we were all going through the thing and we were making fun of Frank.

Q. Did you look at the magazines.

A. Yes.

Q. How many magazines do you think you saw.

A. We saw, like, practically everything, but there was a few we didn’t look at.

Q. How much time do you figure you were looking at all those things.

A. 30 minutes to an hour, probably.

Q. Did Mr. Jackson make any comments during the time -- other than the ones you’ve talked about, any other comments that he made at any of the photographs or the magazines.

A. Not really. We just were, like, making fun of Frank.

Q. Okay. Now, with regard to the first time you saw it downstairs - okay. - in that room that you described where he puts his makeup on, things like that, do you remember whether that occurred before or after Calabasas.

A. Well, while we were in there. That was like --

Q. The first time.

A. Me and Michael only. When he showed me the thing I said about Frank.

Q. Right.

A. Okay. That was like the same day that we got back -- no. Yeah, the same night we got back from Miami.

Q. All right. What about the second incident where you were upstairs. When was that in relationship to Calabasas.

A. A few weeks -- a week later, probably, or

two weeks.

Q. So can you tell us whether that would be before or after Calabasas.

A. Before Calabasas.

Q. Was there anything else in the suitcase that you saw other than magazines themselves.

A. There was, like, cut-out pieces of magazines.

Q. What kind of cut-out pieces from the magazines.

A. Cut-out pieces of, like, girls taking a shower or, like, just girls naked.

Q. All right.

(Off-the-record discussion held at counsel table.)

Q. BY MR. SNEDDON: I have another photograph I’m going to show you. It’s 165. Would you take a look at that, please. Do you recognize that.

A. Yes.

Q. What is that.

A. It’s a telephone that, like, we would listen to, like, security guards talking to, like, their girlfriends and stuff.

Q. How do you know that.

A. Michael showed me.

Q. Showed you what.

A. How to, like -- because what you do, like when you see one of these lights flashing, it means that someone’s on one of those lines, and then you push the line and you can hear them. But once you push it, you can’t say anything because they can hear you. And then you push “mute” so they can’t hear you, and then you can hear who they’re talking to and what they’re talking about and stuff.

Q. Now, who showed you how to do that.

A. The first time Michael did.

Q. Now, were you present with Mr. Jackson when he listened in on people’s conversations.

A. Yes.

Q. How many times.

A. We would do it a lot. Like, we would listen to security guards talking to their girlfriends.

Q. You say “we.” Who do you mean by “we”.

A. Me and Michael.

Q. Were there any times when you overheard conversations of your mother.

A. Yes.

Q. How many times.

A. Like three times. Or once or twice. I don’t know.

Q. Were those with Mr. Jackson or were those by yourself.

A. I think they were with Michael. And then maybe one time I was by myself listening.

Q. Did you ever have a conversation with Mr. Tyson about overhearing conversations.

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

THE WITNESS: Yes.

MR. SNEDDON: Offered under 1223, Your Honor.

Q. What did he tell you.

MR. MESEREAU: Objection; hearsay.

MR. SNEDDON: Wait just a second. Let

the --

THE COURT: I'll admit it for limited purposes.

Q. BY MR. SNEDDON: Go ahead.

A. Wait, can you repeat the question.

Q. Yeah. What did Mr. Tyson tell you.

A. About listening to my mom.

Q. Listening to conversations, yes.

A. He just told me that my mom -- just told me about him listening to my mom's phone calls talking with Jay.

Q. Did he tell you how many occasions he'd overheard or listened to your mom's conversations.

MR. MESEREAU: Objection; hearsay. And leading.

THE COURT: Overruled. And I'll again admit it for the conditional use. I said "limited use," but I meant conditional use.

Go ahead.

THE WITNESS: He told me about my mom and

how he would listen to him, and he would kind of -- was talking to me about it kind of angrily, about my mom talking to Jay and saying she wanted to leave, and stuff like that.

Q. BY MR. SNEDDON: That's what Mr. Tyson told you.

A. Yes.

Q. All right. You can put that photograph down. Just turn it over. Okay.

Now, while you were at Mr. Jackson's ranch, did you ever watch a movie called -- it had a title in it that -- in Spanish, with subtitles.

A. Yes.

Q. Do you remember the name of the movie.

A. No, but it was about like a 1940, or whatever, those years. And it was about a ghost, and like a little kid that got killed, and an older man killed him and put him in, like, this pool where there was a lot of water.

And then the little kid was trying to, like, warn, like, all the other orphans in the orphanage, that's where it was, and that they were all going to die, or something like that. It was all in Spanish.

Q. Did you watch that movie on more than one occasion while you were at Mr. Jackson's ranch.

A. I think we saw it twice. We really liked it.

Q. Pardon.

A. We really liked it.

Q. Now, did -- while you were watching that movie on any occasion, did you see Mr. Jackson enter the room or was he watching the movie with you.

A. Well, I'm pretty sure the first time, we were watching the movie with him.

Q. Okay.

A. But I don't really remember him walking up there while we were watching that. I thought the second time, he was watching with us, too. I'm not too sure.

Q. Did you ever have any conversations with Mr. Jackson with regard to whether it was natural to be naked or nude.

MR. MESEREAU: Objection; leading. Move to strike.

THE COURT: Stricken.

MR. MESEREAU: Ask that the prosecutor be admonished.

MR. SNEDDON: Well --

THE COURT: Ask another question, please.

Q. BY MR. SNEDDON: Was -- was there ever any occasion where you had -- well, was there ever an occasion where you saw anything with regard to Mr. Jackson coming up the stairs.

A. Yes.

MR. MESEREAU: Objection; vague.

THE COURT: Overruled.

Q. BY MR. SNEDDON: And where were you when you saw Mr. Jackson coming up the stairs.

A. Me and my brother were laying on the bed.

Q. And what were you doing.

A. I think we were just laying there.

Q. All right. And when Mr. Jackson came up the stairs, did you notice anything.

A. Yeah, he was naked.

Q. When you say “naked,” what do you mean by that.

A. Like, not clothes on.

Q. Did Mr. Jackson do or say anything at that point in time.

A. No, he just ran up and just got something and went back down.

Q. I’m sorry.

A. I think he just ran up there and got something and went back downstairs.

Q. Do you recall him saying anything at that point.

A. No.

Q. And what was your reaction to what you saw.

A. Nothing. It was just kind of like -- me and my brother were kind of like, “eeuuww”; you know what I mean.

Q. Kind of like what.

A. “Eeuuww,” like we never really saw a grown man, like, naked before.

Q. I want to show you one other exhibit, if we can.

A. Okay.

MR. SNEDDON: Your Honor, I have a brown paper bag that’s been marked as 348 for identification purposes. And I’ve shown it to Counsel. And with Counsel’s permission and the Court’s permission, I’d like to open the package.

MR. MESEREAU: May I just see what’s in there, Your Honor.

THE COURT: Yes.

MR. MESEREAU: Thank you.

MR. SNEDDON: Do you want to open it, Tom.

MR. MESEREAU: I can stand there while you open it.

MR. SNEDDON: No, we can do it down here.

THE BAILIFF: (To a person in the audience) Sit down.
THE COURT: 348.
MR. SNEDDON: 348. Is it all right if I take it out of the bag to show it to the witness.
MR. MESEREAU: Yes.
MR. SNEDDON: Your Honor, for the record, there was a brown paper bag which has the number “348” on it, and I’ve broken the seal on the bag, the evidence seal, with counsel, and we’ve removed from the bag a brown -- “a brown.” A blue bag. And I’m going to show the blue blag (sic) to the witness at this point.

THE WITNESS: Blue blag.
MR. SNEDDON: Blue. Don’t make fun of me. This is a tough job.
Q. All right. Okay. Gavin, first of all, with regard to the blue bag, do you recognize the blue bag.
A. Yes.
Q. And where did you see that blue bag the first time.
A. That was the case that my brother’s sleeping bag came from. It was in -- or -- yeah.
Q. It was your brother’s, Star.
A. That was a case where my brother’s sleeping bag was in.
Q. Now, from the blue bag, we took out a number of items, correct.
A. Yes.
Q. And do you recognize those.
A. Yes.
Q. And what are those.
A. They’re like my seventh grade or eighth grade -- I’m not sure. They’re like my junior high school books that I used for school.
Q. And did you have those books with you at Neverland.
A. Yes.
Q. And do you recall where they were at

Neverland.

A. They were -- I think they were -- we left them in a rest room on the way to Michael's room.

Q. Now, so -- now, the exhibits that we have just -- that you just talked about, you recognize all of them; is that correct.

A. Yes.

MR. SNEDDON: All right. Your Honor, I'd like to have them admitted into evidence, 348.

MR. MESEREAU: No objection.

THE COURT: They're admitted. Number 348 is admitted.

MR. SNEDDON: Okay. And then I'd like to show on the board with the lights, Your Honor, some of the exhibits.

THE COURT: All right. Which input do you need.

MR. AUCHINCLOSS: "Input 1," Your Honor.

THE COURT: Are you ready.

Q. BY MR. SNEDDON: Okay. Gavin, with regard to one of the items that was taken out of 348, do you recognize that, the one that's on the board right now.

A. Yes.

Q. Would you tell the ladies and gentlemen of the jury what that is.

A. That's my workbook that I had for English and junior high school.

Q. Okay. Now, let's go to the next one, so we get them all identified.

Do you recognize that.

A. Yes.

Q. And what class was that from.

A. Before I left -- it was an English class also. It was like Black Education Month.

Q. I don't think we can hear you. You're going to have to turn around and --

A. Before we had left to go to Neverland, I think it was like Black History Month, and then our

teacher wanted us to write about a black person, to write an essay or something.
Q. Did you ever do that.
A. I never had time to. I never really did, because we came up here, came up to Neverland.
Q. So you didn’t do the assignment while you were at Neverland.
A. No.
Q. All right. Is there any other books or materials there.
A. Yes.
Q. All right. Let’s look at the next one. That’s just the inside of the first one.
A. Yeah, that’s the inside. And that’s my teacher, Miss Super.
Q. Who was that.
A. Miss Super.

Q. And what are those on the board there.
A. Those -- those are, like, the assignments that they gave me to do.
Q. Go ahead.
A. Because my mom asked -- or I don’t know who. I think my mom asked Frank and Vinnie to do it, to get my homework that I needed to do.
Q. All right. And those materials were contained in a little -- like a manila envelope.
A. Yes.
Q. Inside of Exhibit 348.
A. Yes.
Q. Okay. Thank you. Now, there’s one last book up on the board, if you could. Do you recognize that.
A. Yes.
Q. Do you see a book in the materials in 348.
A. Yes.
Q. All right. What is that.
A. It’s because in our program, the United States Naval Sea Cadets, I was going to become an E-3, and --
Q. A what.
A. E-3.

Q. Okay.

A. So I was going to move up rank, because I was E-2, and you either have to study and pass a test either from a seaman book, an airman book, or a fireman book. And I chose airman, because I like planes and jets and stuff. So I wanted to study an airman and pass the test, and so I took it up there and I figured I would study.

Q. Did you do it.

A. No. I studied and then passed the test later.

Q. How long have you been in that program.

A. I've been in it for -- since -- well, I joined the Navy League when I was 12, and then I went to boot camp. So I've been in it for maybe three years.

Q. Where did you go to boot camp.

A. I went to sea cadet boot camp in Port Huenema in Ventura, I think.

Q. How long was that.

A. Two weeks long.

Q. Have you been to any other boot camps associated with the military training.

A. Yes.

Q. Where.

A. I went to one in Norfolk, Virginia.

Q. And when was that.

A. It was during the winter.

Q. And how long was that.

A. It was also two weeks long, or more like ten days long. It was petty officer leadership academy. I wanted to become a petty officer, and I wanted to do that so I could gain leadership ability before I went to pass the test for petty officer. So I went to that program, that class, for -- that training for two weeks, and I gained a lot of leadership skills.

Q. Now, I just have one last question. With regard to this program that you were in, how often do you have to go to participate in it.

A. It's two times a month.

Q. On what days.

A. Every third and fourth Saturday of the month.

MR. SNEDDON: All right. I think we can take that down.

Counsel.

Your Honor, I have a clear plastic bag which contains an orangish bottle inside. I've shown it to counsel. It's 349 for identification purposes. And I'd like to show it to the witness at this time.

THE COURT: All right.

Q. BY MR. SNEDDON: Do you recognize that.

A. Yes.

Q. What's that.

A. The doctor would sometimes order a 24-hour-period urine test. And so I would have to -- because of my kidney and, like, stuff like that. And so what you do is, you wake up in the morning, and then you start your first pee in the bottle, and then you -- all the pees on, until that time again.

So, like, say you wake up at eight o'clock. You say, "Okay, this is my morning pee." I'm going to go pee in this bottle. And then every pee you have to do till eight o'clock the next morning you do in the bottle.

Q. Was there ever a time when you were at Neverland Ranch where you had to pee in the bottle.

A. Yes.

Q. And take it to a doctor.

A. Yes.

Q. And is that the type of bottle that you used, that you had to use.

A. Yes.

Q. At any time while you were on the ranch, Neverland Valley Ranch, did you ever have a discussion with Mr. Jackson about you having to pee in that bottle.

A. Yes.
Q. And when was that discussion; do you recall.
A. It was down in the cellar, and I was afraid that --
Q. I mean, let me just ask a few more questions before I ask you what was said. Okay. You told us it was in the cellar.
A. Yes.
Q. Who else was there.

A. It was only me and my -- me and Michael.
Q. Okay. And you're in the cellar. And can you tell us whether it's daytime or nighttime.
A. I think it was nighttime. Or early night. So it was probably like 7:00 or 8:00.
Q. And how did the subject of the urine specimen come up, or urine bottle come up, peeing in the bottle.
A. I was afraid that the alcohol would show up in my urine, so I asked Michael, I told him, "Michael, I think the alcohol might show in my urine."
MR. MESEREAU: Objection; calls for a narrative; nonresponsive. Move to strike.
THE COURT: Overruled.
Q. BY MR. SNEDDON: All right. So you're talking to Mr. Jackson.
A. Yes.
Q. Okay. And now -- and you already told us that you told him about the test. Tell us the rest of the conversation, what you told Mr. Jackson.
A. I told him that I was afraid that the alcohol was going to show up in my urine when they got the test. So I asked him, "What should I do." And then he said, "Doo-Doo, just don't take the test."
Q. He said what.
A. "Doo-Doo, just don't take the test."

Q. What do you mean, "Doo-Doo".

A. Well, he called a lot of kids “Doo-Doo” or “Doo-Doo Head.”

Q. Did you say anything back to Mr. Jackson when he told you, “Just don’t take the test”.

A. Well, I kind of told him I had to take the test. And he just said, “Don’t take the test.” And then after that, I just kind of nodded my head and didn’t say anything.

Q. Did you do any drinking after that.

A. Like, we were already in the wine cellar and I had my glass poured.

Q. Well, did you drink it.

A. Yeah.

Q. Did Mr. Jackson drink.

A. Yes.

Q. Now, at some point later, did you tell anybody that you had been drinking alcohol, other than Mr. Jackson.

A. Yes.

Q. Let me rephrase that question, because that’s not a good question.

A. Okay.

Q. At some point, did you tell somebody else that you’d been drinking alcohol in connection with the fact that you had to collect your pee in that bottle.

A. Yes.

Q. Who was that.

A. It was my mom.

Q. And do you remember where you were when you told your mom.

A. I was in Michael’s room, and that phone with all the lines, I called my mom up.

Q. Do you know where Mr. Jackson was at the time you made the call.

A. He was upstairs on the bed.

Q. And when you made the call to your mother, do you remember about what time it was.

A. Like four o’clock in the morning.

Q. And when was it you were supposed to go to the doctor.

A. Well, I was going to start the test that morning. And so the day after that, I guess.

Q. How long -- did you tell your mother.

A. Well --

Q. Let me go back. What did you say to your mother.

A. Well, I called her, and I told her, “Well, mom, you know how Jesus drank juice” -- I mean, “Jesus drank wine.” And then she told me -- I don’t know. I don’t remember what exactly she said. She was like, “Yeah.”

And then, like, I just tried to tell her, and then I’m not really too sure what happened in that conversation. I know I called my mom and I told her, and then --

Q. Do you remember, after you called your mom, anybody coming to the doors and banging on the doors.

MR. MESEREAU: Objection, leading.

THE COURT: Sustained.

Q. BY MR. SNEDDON: Do you remember, after the telephone conversation that you had with your mother, that anything unusual occurred.

A. No. Because after the conversation I went to sleep.

Q. Now, did you -- did you at some point go to the doctor’s with that bottle there that’s in front of you.

A. Yes.

MR. MESEREAU: Objection. Assumes facts not in evidence; misstates the evidence; and leading.

THE COURT: Overruled. Do you want the question read back.

THE WITNESS: Yes.

(Record read.)

THE COURT: Okay. It’s already in.

Okay. We’ll take our break.

(Recess taken.)

MR. SANGER: Your Honor, your clerk wanted us to clarify one thing. I talked to Mr. Sneddon -- if we could do that.

THE COURT: Yes.

MR. SANGER: With regard to Exhibit 5004, those were the cards that we showed on the screen --

THE COURT: Yes.

MR. SANGER: -- and I said at the time I showed them that I believe there were three cards. It turns out, when we had the actual paper, there are four cards. However, these pages in this 5004 are all of the pages that were shown on the screen. It is the same thing. It’s just there are actually four separate cards, instead of three.

THE COURT: All right.

MR. SANGER: And Mr. Sneddon, I believe, agrees with that.

MR. SNEDDON: I do.

MR. SANGER: And we’ll then give this back to your clerk.

THE COURT: Thank you, Counsel.

MR. SNEDDON: Ready, Your Honor.

Q. Gavin, we were talking before the break about the bottle.

A. Yes.

Q. Okay. Did you ever take that to the doctor’s appointment.

A. Yes.

Q. And do you recall who went with you.

A. I know that Vinnie, my mom and me went, but I don’t know if anybody else went.

Q. And do you recall at the time that you left to go to the doctor’s appointment, how much pee you had put in the bottle, just generally.

A. It was filled up all the way to the top.

Q. And when -- when you got in the car, where did you sit in the car.

A. I sat right behind my mom. My mom was in the passenger seat, so --

Q. And who was doing the driving.

A. Vinnie.

Q. And at some point between the time you left the ranch with Vinnie and your mother -- well, let me go back. Who had the bottle.

A. It was, like, sitting -- it was on the floor in front of my mom.

Q. Now, at some point on the -- and when you left the ranch and before you got to Kaiser, did you stop for any reason.

A. Yeah. I needed to pee.

Q. And so where did you go. Do you remember where you stopped.

A. I think we stopped at a Denny's.

Q. And you went inside.

A. Yes.

Q. Do you know whether or not your mother went inside.

A. Yeah, I'm pretty sure my mom went inside with me.

Q. Now, at any time during that trip, did you hear some conversation about the contents of that bottle in front of you with the pee.

A. Yes.

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

THE WITNESS: Yes.

Q. BY MR. SNEDDON: And with regard to that conversation, who spoke first; do you recall.

A. I think it was my mom.

Q. Do you recall what she said.

A. She said the bottle was empty.

Q. And was this before you actually got to the hospital itself and went inside.

A. When --

Q. If you can answer "yes" or "no" first.

A. Yes.

Q. Okay. Now, where was it when that conversation occurred.

A. Well, it was -- we were pulling up to the curb right next to the hospital entrance, and I think my mom was about to pick it up to go inside the hospital, and I think that's when she figured out that the bottle was empty.

Q. Did you actually handle the bottle at any time after that. When she said it was empty, did you pick it up yourself.

A. No.

Q. Did you go into the hospital with your mother.

A. Yes.

Q. Did Vinnie go with you.

A. No, I don’t think so. I think he went to go park the car or something.

Q. I want -- let me grab that out of the way for just a second.

THE COURT: That’s not been admitted yet. Were you offering it, or not.

MR. SNEDDON: I am, Your Honor. I thought we did.

MR. MESEREAU: I’m going to object, Your Honor. Because the witness did not say that was the actual bottle he used.

THE COURT: They can’t hear you back there.

MR. MESEREAU: The witness did not state under oath that’s the actual bottle he used. I believe Mr. Sneddon presented it like a bottle that supposedly looked like it.

MR. SNEDDON: Well, may I be heard on that, Your Honor, before you rule.

THE COURT: Yes.

MR. SNEDDON: Your Honor, you’re allowed to use exhibits, even if they’re not exact ones, that are illustrative of the ones that were used. And I believe the witness has established that this was like the one that he used. You don’t need to bring in the exact one that was used. What if it was destroyed. You don’t need to do that.

THE COURT: Okay. I’ll take that under advisement.

MR. MESEREAU: Thank you.

Q. BY MR. SNEDDON: All right. Gavin, I want to go back for just a second. Do you remember me asking you questions about Mr. Jackson coming up the stairs.
A. Yes.
Q. And the time that you said he was naked.
A. Yes.
Q. And I asked you whether or not he said anything to you at that particular point in time.
A. Uh-huh.
Q. And you said you didn’t recall anything.
A. I do not.
Q. Do you recall testifying at the grand jury.
A. Yes.
Q. You testified there a couple of times, did you not.
A. Yes.
Q. One time that I asked you questions and one time that Mr. Zonen did.
A. Yes.
Q. Would it refresh your recollection if I showed you what you said to the grand jury about that incident.
A. Probably.

MR. MESEREAU: Objection. Objection.
THE BAILIFF: You have to go -- -
MR. MESEREAU: Improper question. He can’t coach the witness like that, Your Honor.
THE COURT: I agree.
MR. SNEDDON: I can’t refresh his recollection, Your Honor.
THE COURT: Not till he says he doesn’t recollect.
THE WITNESS: I do not recollect.
(Laughter.)
THE COURT: Oh, that’s it.
MR. SNEDDON: He already said that. Now may I approach the witness.
THE COURT: No.
MR. SNEDDON: Sorry.
Q. Do you have a recollection of what you told

the grand jury.

A. About that situation.

Q. Yeah.

A. I don’t recollect anything that he said when he came up there.

Q. Do you recall what you told the grand jury about that.

A. No.

Q. Would it refresh your recollection if you were able to see what you told the grand jury.

A. Yes.

MR. MESEREAU: I’m going to object, Your Honor. This is highly improper. He’s trying to coach the witness with a transcript.

THE COURT: The --

MR. MESEREAU: You can’t just lead him along and say --

THE COURT: It’s not clear to me what you’re asking about that he doesn’t recollect, so --

MR. SNEDDON: I’ll go back and do it again, then, Your Honor.

Q. Gavin, with regard to that portion of your testimony, when you indicated to this jury just a little while ago that you had no recollection of what Mr. Jackson said when he walked in front of you naked, do you recall that.

A. Yes. Well, he didn’t really walk. He just came up the stairs.

Q. He came up the stairs.

A. Yes.

Q. And you saw that he was naked.

A. Yes.

Q. And I asked you if you recall whether he said anything to you, do you recall that, in front of this jury here.

A. Yes.

Q. And you said you did not.

A. Yes.

Q. Now, did you testify --

MR. MESEREAU: Objection; leading. They're all leading questions. Move to strike.
MR. SNEDDON: It's foundational to whether --
THE COURT: Overruled. The next question is.
MR. SNEDDON: You interrupted me. I forgot, Judge.
All right. I think I can --
THE COURT: Would you like the court reporter to read it back to you.
MR. SNEDDON: I don't think I got it out. It was one of those senior citizen moments.
I do want the last question read back.
Thank you.
If you don't mind.
(Record read.)
MR. SNEDDON: Thank you.
Q. Did you testify to an incident before the grand jury with regard to Mr. Jackson coming in.
A. I believe I did testify about that.
Q. And did you tell them what he said; do you recall.
A. I don't recall him saying anything.
Q. Would it refresh your recollection if you were able to look at that testimony.
A. Yes.
MR. MESEREAU: Same objection.

THE COURT: You may -- you may show him the testimony to see if it refreshes his recollection.
MR. SNEDDON: Thank you, Your Honor.
Counsel, page 424, lines 1 to 3.
Q. Gavin, I'm going to show you this and -- and I just want you to read it to yourself. Don't say anything about it. Okay.
A. All right.
MR. SNEDDON: Actually, Counsel, I'm looking to start on the lines before, just so he gets the whole incident. I'll start at line 24.
Q. All right. Having read your grand jury

testimony, does that refresh your recollection as to what you told the ladies and gentlemen of the grand jury.

A. Yes.

Q. What did you tell them about whether or not the defendant made any statements.

A. Oh, we were sitting on the bed. When me and my brother were “eeuuww,” that’s when Michael said, “It’s okay,” that it’s natural. And I remember that by reading the grand jury testimony.

Q. So that refreshed your recollection.

A. Yes.

Q. I want to go back and just ask one or two questions about your homework, and then we’ll move on to another subject. Okay.

The books that you have in front of you there, in the exhibit -- I think it was 349. 348. What is that. We don’t have the bag.

A. Oh, yeah, it was in the brown bag.

MR. SNEDDON: Madam Clerk, could you help me with that. Somehow the tag must have come up.

THE CLERK: I’m sorry, what was that.

MR. SNEDDON: It’s the one with the homework in it.

THE COURT: That’s 348.

MR. SNEDDON: The sticker must be -- I have it. It was stuck to some plastic.

Q. All right. With regard to the items, 348, that are in front of you, some of those items that are in front of you look like you have some writing on them. Did you ever do any homework while you were at Neverland.

A. I think I, like, started and never --

Q. I can’t hear you.

A. I probably started, like, one assignment, and then never finished it, and then went and played some more.

Q. I can’t hear you.

A. I think I just started like one, like, homework, but I didn’t finish and just went and played some more.

Q. Now, on the rebuttal video -- do you remember that.

A. Yes.

Q. Do you remember somebody making a comment about Mr. Jackson helping with their homework.

A. Yes.

Q. Did he ever help you with your homework.

A. Yeah, I think that was the time. Like, I was in his room.

Q. You were in his room.

A. Yeah.

Q. And he helped you.

A. Well, for that part. And then we started, like, playing around.

Q. All right. I'm going to show you some photographs. This is the last bit of photographs. And I'm almost done. Okay.

A. Okay.

Q. I'm going to show you the photographs that are marked as 76, 77, 78, and 79 - okay. --

A. Okay.

Q. -- in evidence.

All right. The first one on top is 77, correct.

A. No. 76.

Q. 76. All right. Go ahead and put it up on the board.

With regard to the photograph, 76, is that the one that's up on the board.

A. Yes.

Q. All right. Do you recognize that.

A. Yes.

Q. What is that.

A. That's Michael's bed.

Q. And with regard to this particular photograph, you've told the ladies and gentlemen of the jury -- let me strike that. Start over again.

You told the ladies and gentlemen of the jury that at times that you were with Mr. Jackson and you were in that bedroom and you drank alcohol.

A. Yes.

Q. Do you see any places in that photograph where you used to put the alcohol.

A. On the sides of the bed.

Q. What do you mean “on the side of the bed”. There’s a little laser up there. Can you show the ladies and gentlemen of the jury. No, there isn’t. Okay. Go ahead.

A. He would sometimes put the wine bottles on the sides of the bed. I think I put it one time on this ledge, but it didn’t really work too good because of all this stuff here.

Q. Now, is there anything in this particular photograph that you see that’s different than when you were there.

A. Yeah, that crib. The crib wasn’t there. And then this computer wasn’t there.

Q. Those are on the far right-hand side of the exhibit, 76; is that correct.

A. Yes.

Q. All right. Let’s go to the next photograph. Do you recognize that photograph. What number is that, by the way.

A. 77.

Q. All right. Do you recognize that.

A. Yes. It’s the same room.

Q. Pardon.

A. It’s the same room.

Q. All right. And was there anything in that particular photograph that’s different from when you were there.

A. There -- I’m pretty sure there was a desk right here. And hey, there’s the vacuum. But the crib was right here, and then -- I mean, the crib wasn’t there, and the computer wasn’t there.

Q. All right. Now, would you hold the spot where you thought there might be a desk right by where that silver case is on the floor in the yellow bag.

A. Yes.

Q. Let's go to the next photograph. Now, do you recognize that.

A. Yes.

Q. And that photograph is what number.

A. 78.

Q. All right. And I want to show you the next

one, and then I'm going to ask you some questions about both of them. What's the next photograph you have.

A. 78.

Q. And the next one.

A. Oh. 79.

Q. All right. Now, do you recognize 79.

A. Yes.

Q. Okay. Now, you have 78 and you have 79 in front of you.

A. Yes.

Q. Okay. Which -- where was the table that you were talking about with the computer that didn't work.

A. Right here.

Q. All right. I'm going to take this little -- okay. You can take this pen and sort of draw where it is that you saw the table, where you believe the table was, on the photograph.

And would you put your initials on that, please. Just somewhere on the photograph.

MR. SNEDDON: Your Honor, we're going to transition to the Elmo for just a second. We're done with this, Your Honor.

THE COURT: So we want to go to the -- is it the same input.

THE BAILIFF: The input is "4."

MR. SNEDDON: We've got it, Your Honor.

Q. Up on the board is the photograph I asked you to mark, correct.

A. Yes.
Q. And the “GA,” that’s your initials.
A. Yes.
Q. And the area that’s in black represents what.
A. That’s the little -- where the desk was.
Q. Now, do you see where you put the “GA,” in the white area there.
A. Yes.
Q. What is that.
A. That’s, like, kind of like a movie screen thing. And then -- oops, sorry. And then there’s -- then we would direct all the movies that we would watch onto that screen.
Q. Turn around and look into the microphone, if you can, for me. With regard to that screen, was that screen there when you were there.
A. After we came back from Miami, yes.
Q. All right.
Go ahead and turn the lights on.
Now, Gavin --
A. Yes.
Q. -- at any time while you were at Neverland Ranch, did Mr. Jackson ever touch you inappropriately.
A. Yes.

Q. All right. How many times.
A. What I saw in my memory is only twice, but, I mean, there’s -- like I kind of feel it was more than twice, but, I mean, the only times that I saw in my mind that he did it was only twice.
Q. All right. Tell us about the first occasion.
A. The first time -- well, my brother stopped sleeping in our room with us.
Q. You’re going to have to slow down and talk right into that mike now. I know you’re nervous, but go ahead.
A. My -- my brother had stopped sleeping in our room and --
MR. MESEREAU: Objection; nonresponsive.

Move to strike.

MR. SNEDDON: I'll lay some foundation, Your Honor.

THE COURT: Stricken.

Q. BY MR. SNEDDON: Gavin, the first time he touched you, where were you. What room.

A. We were in his room.

Q. Where were you in his room.

A. On the bed.

Q. Was there anybody else present besides you and Mr. Jackson.

A. No, I think it was only us.

Q. Now, you told the ladies and gentlemen of

the jury that on many occasions, that you and your brother and Mr. Jackson shared a bed in his bedroom, correct.

A. Yes.

Q. On this particular occasion, had your brother Star been with you and Mr. Jackson in bed before that.

A. Before this --

MR. MESEREAU: Objection; leading.

MR. SNEDDON: That's a terrible question anyhow. I'll withdraw it.

Q. Was there a period of time where your brother Star stopped sleeping with you and Mr. Jackson.

A. Yes.

MR. MESEREAU: Objection; leading.

THE COURT: Overruled. The answer was "Yes."

Q. BY MR. SNEDDON: And was it before or after the time that Mr. Jackson touched you for the first time.

A. When my brother stopped.

Q. Yeah.

A. It was before, because he stopped sleeping in our room -- in the room.

Q. All right. Tell the jury how it came about that you and Mr. Jackson were in bed together and what you were doing.

A. Well, we were -- well, we just had come back from drinking a lot in the arcade, and it was --

Q. Doing what.

A. Drinking in the arcade.

Q. Can you pull that down just a little bit. There. Okay. Go ahead.

A. We just came back from drinking in the arcade, and then we went up to his room. And then we were sitting there for a while, and Michael started talking to me about masturbation.

Q. So you were in the room for a while and the defendant started talking to you about masturbation.

A. Yes.

Q. What did he say to you.

A. He -- he told me -- he said that if men don’t masturbate, that they can get to a level where they can -- might rape a girl or they might be, like, kind of unstable. So he was telling me that guys have to masturbate.

And he told me a story that --

MR. MESEREAU: Objection; nonresponsive.

Q. BY MR. SNEDDON: All right. We’ll stop right there.

A. Okay.

Q. What else did he say to you.

A. He told me a story of he saw a boy one time - he was looking over a balcony or something - and he saw a boy who didn’t masturbate and he had sex with a dog.

Q. Did he tell you anything else during this conversation.

A. That particular section. Or --

Q. Yeah. I mean, did he tell you anything else.

A. He told me that boys had to masturbate, or males have to masturbate.

Q. Okay.

THE BAILIFF: They cannot hear.

Q. BY MR. SNEDDON: They couldn’t hear what you had to say, Gavin. I know it’s hard. Lean right into it.

A. He told me that males have to masturbate.

Q. All right. Now, when he said that, what, if anything, did he do or say after that.

A. He said that if I masturbated; and I told him that I didn’t. And then he said if I didn’t know how, that he would do it for me.

Q. And what did you say.

A. And I said I didn’t really want to.

Q. All right. And then what happened.

A. And then he said it was okay, that it was natural, and that it’s natural for boys to do it.

Q. All right. What happened after that.

A. And then so he -- we were under the covers, and I had his pajamas on, because he had this big thing of pajamas and he gave me his pajamas.

Q. Okay.

A. And so I was under his covers, and then that’s when he put his hand in my pants and then he started masturbating me.

Q. Could you see Mr. Jackson while he was doing that to you.

A. Not really. I wasn’t really looking at him.

Q. Could you tell whether or not he was moving.

A. Well, he was -- he was himself.

Q. Yes.

A. I wasn’t really looking at him. All I could -- I could kind of feel him moving, but, I mean, I never really saw him moving.

Q. Do you know approximately how long Mr. Jackson masturbated you.

A. Maybe five minutes, I guess.

Q. Did -- do you know what an “ejaculation” is.

A. Yes.

Q. And did you have an ejaculation.

A. Yes.

Q. Did Mr. Jackson say anything to you afterwards.

A. I kind of felt weird. I was embarrassed about it. And then he said it was okay; that it was natural.

Q. Did anything else happen that evening between you and Mr. Jackson.

A. No. We just -- after that, we just -- he tried to say that it was okay and that -- kind of

like to comfort me, because I felt weird. I felt weird about it. And then after a while, we just went to sleep.

Q. Was there any other occasion where Mr. Jackson touched you.

A. Yeah.

Q. When was that.

A. Well, there was about a day after that, he did it -- he did it one more time.

Q. All right. Where were you.

A. In his bed.

Q. And was it daytime or nighttime.

A. It was nighttime.

Q. And who else was -- was there anybody else present besides you and Mr. Jackson.

A. No.

Q. And what were you doing up in his bedroom at this point in time.

A. Well, we just came back from the arcade again, and then we went up to his room. And then we were sitting -- I think we were watching T.V. or something, and then we were on top of his covers, and he did it again.

Q. How were you dressed on this occasion.

A. In his pajamas again, because I would always use his pajamas.

Q. All right. And how was Mr. Jackson dressed; do you remember.

A. He was in his pajamas, too.

Q. Now, with -- tell us what happened.

A. The same thing happened again. And he said that he wanted to teach me. And then we were laying there, and then he started doing it to me. And then he kind of grabbed my hand in a way to try to do it to him. And I kind of -- I pulled my hand away, because I didn’t want to do it.

Q. Did Mr. Jackson say anything before he reached over and grabbed your private parts.

A. He would always say that it was natural and, “Don’t be scared,” and it was okay.

Q. Now, how long do you think it lasted the second time.

A. The same time.

Q. Did you ejaculate the second time.

A. I think I did.

Q. Now, when was it, at point in time, that Mr. Jackson reached over and grabbed your arm.

A. Maybe like halfway through it.

Q. Did you say anything to him when you pulled your hand away.

A. I said that I didn’t want to.

Q. Did Mr. Jackson say anything to you.

A. I don’t think he did.

Q. Were there any other occasions where Mr. Jackson tried to do something to you that you felt was inappropriate, that you remember.

A. No.

MR. SNEDDON: Nothing further, Your Honor.

THE COURT: Cross-examine.

CROSS-EXAMINATION

BY MR. MESEREAU:

Q. Gavin, my name is Thomas Mesereau and I speak for Mr. Jackson. Okay.

A. Okay.

Q. I’m on his side. All right.

A. All right.

Q. Not the government. I’m on Mr. Jackson’s side. Okay.

We’ve never spoken before, right.

A. No.

Q. We’ve never met, right.

A. No.

Q. If I ask you any question and you don’t

understand the question, just say so. Don’t answer it. Okay.
A. Okay.
Q. If something seems unclear, just say, “It’s unclear, I don’t understand it.” Okay. And I’ll try and rephrase it.
A. Okay.
Q. Now, you’ve told the jury that it was not till after your interview with three social workers that any inappropriate touching happened, right.

A. Hmm.
Q. Did you tell the jury that it was not until after your interview with three social workers in Los Angeles --
A. Yes.
Q. -- that Mr. Jackson inappropriately touched you.
A. It was after.
Q. It was after, right.
A. Yes.
Q. Now, in that interview, you told the three social workers that Mr. Jackson was a good guy, right.
A. Yes.
Q. You said he had been like a father figure to you, right.
A. Yes.
Q. You said he had helped you with your cancer, correct.
A. Um, I don’t know in that interview if I did. But I just said he was a good guy.
Q. You said a lot of good things about him, true.
A. Pretty much, yeah.
Q. Okay. Now, that was the point in time where you claim that Mr. Jackson wanted your family to go to Brazil, right.
A. I don’t know if I told the social workers

that we were going to go to Brazil. I don’t think I did.
Q. But your statement about Mr. Jackson and Frank wanting you to go to Brazil was before or after the three social workers interviewed you.
A. The statement to who.
Q. You said that Mr. Jackson said something about wanting you to go to Brazil, didn’t you.
A. Yes.
Q. And when was that, approximately.
A. When Michael wanted me to go to Brazil.
Q. Yes.
A. I’m not too sure.
Q. Was it before or after you interviewed the three social workers -- or, excuse me, they interviewed you.
A. I’m not too sure, but I believe --
Q. Well, you left Neverland --
MR. SNEDDON: Your Honor, he’s answering the question.
MR. MESEREAU: Pardon me. Pardon me.
THE COURT: Go ahead.
THE WITNESS: I believe we went to Calabasas after -- I think it was after the social workers.
Q. BY MR. MESEREAU: So you went to Calabasas after the interview with the social workers, right.
A. Yes.
Q. The interview with the social workers was at 1688 Jay Jackson’s apartment, right.
A. Yes.
Q. And Vinnie took you to Calabasas, correct.
A. Yes.
Q. You stayed at the Calabasas Inn, right.
A. Vinnie and Frank took us there.
Q. Yes. You went right to the Calabasas Inn from the interview, right.
A. No.
Q. Where did you go after the interview.
A. Aja took us up to Neverland.
Q. And you had a discussion -- the plans for Brazil were already being discussed, weren’t they.

A. Not with me.
Q. Well, you'd heard about it.
A. I don't know if I had.
Q. Well, let me just ask you this: You complained after the Bashir documentary that people in the school yard were making fun of you, correct.
A. Yes.
Q. You went to Florida right after that.
A. Yes.
Q. You came back, right.
A. Yes.
Q. There were media around your house, right.
A. I can't -- I don't know, because I didn't even -- from Miami I went to Neverland.
Q. Well, the DCFS interview, the interview with

the social workers, had to do with an investigation of Mr. Jackson, true.
A. Yes, and as a result of the Martin Bashir documentary.
Q. Yes. And you went to Calabasas after that, right.
A. No, I went up with Aja to Neverland.
Q. How long were you at Neverland then.
MR. SNEDDON: Your Honor, excuse me, the witness didn't get a chance to finish his answer.
MR. MESEREAU: I'm sorry. I'm sorry.
THE WITNESS: After -- after the DCSF, we went up to Neverland with Aja.
Q. BY MR. MESEREAU: Yes.
A. Yes.
Q. And to the best of your knowledge, there were plans in effect to take you to Brazil, right.
A. I don't know. I'm not sure if I knew about them at that time.
Q. So what you're telling the jury is that after you were interviewed by three social workers investigating Michael Jackson and after all the commotion that followed the Bashir documentary, somehow Mr. Jackson starts to improperly touch you, correct.
A. No, it was more toward the end. Toward when

we were already about to leave, after we’d been drinking alcohol and all that stuff. It wasn’t directly after the DCSF. It was more toward the end of the --

Q. So right before you’re supposed to leave to Brazil --

A. No, right before we left Neverland.

Q. Oh, right before you left Neverland for good.

A. No, right before -- maybe a few days.

Q. A few days before you left Neverland for good.

A. Yes, because -- yeah.

Q. Okay. So it’s actually a little bit after the interview with the social workers, then, right.

A. Maybe it’s a little bit after. And it’s probably -- I don’t think it happened right -- like, it didn’t happen, like, the day -- like, he did it, and then the day after, we left. I don’t think it happened like that.

Q. But it’s right before you leave Neverland for good, right.

A. Maybe a week before, or something like that.

Q. Okay. Okay. And you’ve already had the interview with the social workers, as you said, right.

A. Yes.

Q. You’ve already been to the Calabasas Inn, right.

A. Yes.

Q. And you’ve already left the Calabasas Inn and gone by The Laugh Factory and met with an attorney, right.

A. I believe so.

Q. So after you meet with an attorney, you suddenly come up with a story that you were masturbated by Michael Jackson, correct.

MR. SNEDDON: Object. Argumentative, Your

Honor.

THE WITNESS: No, because --

MR. SNEDDON: Excuse me.

THE COURT: Overruled. You can go ahead and answer.

Q. BY MR. MESEREAU: Correct.

A. No, because I did not tell the attorney anything about what Michael was doing.

Q. But you’re saying it started after --

A. Yes, I did not tell the attorney anything about alcohol or anything like that.

Q. Okay. Okay. Vinnie takes you, your mom, and Star to The Laugh Factory on Sunset, correct.

A. Yes.

Q. You and your mom get out of the car, right.

A. Yes.

Q. You go into The Laugh Factory on Sunset, correct.

A. Yes.

Q. You meet with Jamie Masada and an attorney named William Dickerman, correct.

A. Yes.

Q. You have a meeting with the two of them, right.

A. Yes.

Q. You come back, you get in the car, right.

A. Yes.

Q. You go back to Neverland, right.

A. I think we did.

Q. And then you leave Neverland again, right.

A. I don’t know. I think. I guess.

Q. And not long after your meeting with the attorney, you say that Mr. Jackson inappropriately masturbates you, true.

A. No, because I didn’t really say it right after I met him. I didn’t.

Q. It was a while after you met him, right.

A. Yeah.

Q. That’s when the inappropriate touching starts.

A. I didn’t -- the only person I said it to was to my psychologist, Dr. Katz, and the officer, Steve Robel, and Paul Zelis, that's --

Q. We'll get to that. You first went to Attorney Larry Feldman after Attorney William Dickerman, correct.

A. Yes.

Q. And Attorney Larry Feldman then referred you to a psychologist, right.

A. Yes.

Q. When you first went to Attorney William Dickerman, you were talking about being harassed and things of that sort, correct.

A. I -- I don't remember what I talked about.

Q. Well, you met with him with your mom, true.

A. Yes.

Q. And then you and your mom met with Larry Feldman, right.

A. Yes.

Q. It was only after you met with Larry Feldman that you started talking about inappropriate touching, true.

A. I didn't talk -- I didn't randomly talk about it with people.

Q. Well, I didn't ask if you randomly talked about it. I asked if you talked about it.

A. Who are you specifying that I talked about it to.

Q. Larry Feldman, whom you knew had sued Michael Jackson in the early '90s, right.

A. No, I did not tell anything like that to Larry Feldman. The only person I told anything even resolving (sic) to that was Dr. Katz. And I told the whole story to Steve Robel and Paul Zelis.

Q. But, no, you first went to the two lawyers, a psychologist, before you went to any police officer, true.

MR. SNEDDON: I'm going to object as argumentative by saying "no" in the beginning.

MR. MESEREAU: I'll rephrase it, if you want, Your Honor.

THE COURT: All right.

Q. BY MR. MESEREAU: You went to two lawyers, and a psychologist whom Larry Feldman referred you to, before you went to any police officer, right.

A. Yes.

Q. Now, these weren't the first attorneys you've ever talked to, correct.

A. I've talked to other people, other attorneys before.

Q. Well, you had an attorney representing you in the J.C. Penney case, correct.

A. I think so. I'm pretty sure.

Q. You testified under oath in that case, correct.

A. Yes.

Q. Did you tell the truth under oath in that case.

A. Of course.

Q. Didn't tell one solitary lie.

A. No.

Q. You said that security guards had body slammed your mother in a parking lot.

MR. SNEDDON: Your Honor, I'm going to object. 403 ruling.

THE COURT: Sustained.

Q. BY MR. MESEREAU: How many days -- just a couple of days before you left Neverland for good, you're saying this inappropriate touching went on.

A. No, I said probably -- maybe a week or two.

Q. Couple of days. You said a couple days before, didn't you.

A. No, I said maybe a week or two.

Q. Well, but after you went with the lawyer, though, right.

MR. SNEDDON: Object as argumentative, Your Honor.

MR. MESEREAU: All right. It's asked and answered. I'll rephrase.

MR. SNEDDON: That, too.

Q. BY MR. MESEREAU: Now, you told the jury yesterday that Michael Jackson didn't do much for your cancer, correct.

A. Yes.

Q. Was that a true statement.

A. Yeah, because I didn't see him much. He would tell me that he wasn't there, when he was there at the ranch. And it made me really sad, because in my mind, he was my best friend in the whole world, and my best friend was trying to avoid me while I had cancer.

Q. Did Michael Jackson call you at the hospital while you had cancer.

A. Yes, he called me and invited me up to the ranch.

Q. He talked to to you a lot in the hospital, didn't he.

A. No.

Q. Do you remember telling the police in your first interview -- you were asked the question, "And did you talk to him a lot while you were in the hospital."

"A. I talked to him a lot. Like, he would call and I'd call him and stuff, and we'd just talk about, like, video games."

Do you remember that.

A. Yeah. I probably meant lengthy conversation as in time.

Q. You were then asked, "How often did he call you."

"I don't know. But I think it was probably at least three times a week or something."

Do you remember that.

A. Yeah. Including outside of the hospital. My grandmother's house.

Q. But that's not what you told the sheriffs, was it. You told him that he called you approximately three times a week.

MR. SNEDDON: Excuse me. He's not even giving the witness a chance to answer the question.

MR. MESEREAU: I thought he answered the question.

THE COURT: You’re cutting him off.

MR. MESEREAU: I apologize. Pardon me. Let’s go over it again.

Q. You told Santa Barbara Sheriffs in your first interview, Mr. Arvizo, that Michael Jackson called you about three times a week at the hospital and you would talk for two or three hours at a time, correct.

A. Yeah. During the -- probably during the period of when -- in the beginning, of the first few -- two months of my cancer where I was actually going and hanging out with Michael. And after those two months, it was all cut off.

Q. Did you tell the Santa Barbara Sheriffs that when you were in the hospital with cancer --

A. Uh-huh.

Q. -- Michael Jackson would call you at least three times a week, and speak to you for an hour, two hours or three hours at a time.

A. Michael would call me during the -- probably -- during the beginning of my cancer, probably three times a week. And I would call him and we would talk for a long time. We would talk about video games. We would talk about people he knew, people I knew, stuff like that.

Q. In the hospital, right.

A. Sometimes he would call me in the hospital.

Q. I’d like to explore your statement to the jury that he didn’t do much to you -- much for you when you had cancer.

A. Okay.

Q. You’ve just talked about the calls, right.

A. Yeah.

Q. He invites your family to his home, correct.

A. He invited us to Neverland in the beginning, yeah.

Q. He lets your family stay at his home for

weeks, correct.
A. Yeah.
Q. He gives you a car to use, true.
A. Yes, same car he takes back in the middle of the time that I really needed a -- that my family needed a car.
Q. Gives your family an SUV so they can go back and forth to the hospital, right.
A. Yes.
Q. Gives you a computer, right.
A. Yes.
Q. Flies your family to Florida and lets them stay at a resort for two nights, right.
A. No, he took me to Florida in result of the Martin Bashir documentary that was being aired.
Q. Did your family stay at the resort hotel called Turnberry in Florida.

A. Michael put us up in the resort, in the Turnberry.
Q. Did you get a massage.
A. Yes. Chris Tucker paid for that massage.
Q. Okay. Did you get a massage.
A. Yes. Chris Tucker paid for that massage.
Q. Did you get a watch --
A. Yes.
Q. -- from Mr. Jackson.
A. Yes.
Q. Did you get a jacket from Mr. Jackson.
A. Yes.
Q. Did your family go back and forth and stay at Neverland free.
A. Everyone stays at Neverland for free.
Q. Well, who do you think pays the bills.
MR. SNEDDON: Object as argumentative, Your Honor.
THE COURT: Well, on both parts. Let’s start another question. Don’t --
Q. BY MR. MESEREAU: Mr. Arvizo --
THE COURT: Just a minute. I’m sorry. I’ll instruct both the witness and the attorney not to argue with each other.

Q. BY MR. MESEREAU: Mr. Arvizo, your family would stay for weeks free of charge at Neverland, true.
A. Yes.

Q. Your meals would be paid by -- for by Mr. Jackson, true.
A. Probably. Yes.
Q. Do you know someone else that paid for it.
A. No. But I was pretty sure it was Michael.
Q. You would travel by limousine back and forth, true.
A. Yes.
Q. You also traveled by Rolls Royce on occasion, true.
A. No, I only traveled in a Rolls Royce when I was escaping from Neverland with Jesus.
Q. When you were escaping.
A. Yes.
Q. And you went back -- how long after you escaped did you go back there again.
A. I think a few days later, when Vinnie and Frank came down.
Q. Okay. Okay. When you escaped, where did Jesus take you.
A. He took me to my grandmother's house.
Q. And then two days later you went back with Vinnie.
A. I don't know about two days, but maybe a few days.
Q. So you went back, and then you escaped a second time, right.
A. I think so. Whatever.

Q. And then you went back and you escaped a third time, right.
A. No.
Q. Well, there were like three escapes, weren't there.
A. I don't know.

Q. Okay. Have you ever talked to Mr. Sneddon about how many times you people went back voluntarily and then escaped from Neverland.

A. Mr. Sneddon.

Q. Yes.

A. I think we did. I'm pretty sure we did.

Q. When you were at Neverland, you would use the amusement park when you wanted, correct.

A. Yes. But -- well, I couldn't always do it because I would feel sick all the time --

Q. Well --

A. -- with cancer.

Q. -- who do you think paid the utilities to run all the amusement rides at Neverland.

A. Probably Michael.

Q. And you would use the zoo when you wanted, correct.

A. No, because I wouldn't go to the zoo. Michael would take us over there when he wanted to take us over there, and we'd see the tigers.

Q. Who do you think was paying for all of that.

A. Michael, because Michael wanted all that in his house.

Q. Oh. And do you think he was really being good to you by letting you stay there and go to the zoo, the amusement rides.

A. He probably was. But, I mean, this is talking about the first few months. And I don't really -- see, Mr. Mesereau, it takes more --

MR. MESEREAU: Objection, Your Honor. Could he just answer the question.

THE COURT: Sustained. Just answer the question.

Q. BY MR. MESEREAU: Did you use ATV's at Neverland.

A. Yes. Yes.

Q. Who paid for the ATV's.

A. I'm pretty sure Michael paid for the ATV's.

Q. What else did you do at Neverland when you used to hang out there with your brother, your sister, your father, your mother.

A. Probably be in my unit, because I was sick.
Q. Was there a blood drive for you at Neverland.
A. Yeah.
Q. And Mr. Jackson put that together, didn’t he.
A. Probably.
Q. You don’t know.
A. No, I heard something about a blood drive,

but I can’t really remember too much about it.
Q. You don’t remember a blood drive at Neverland that Mr. Jackson put together for you when you had cancer.
A. I remember -- I remember something about my friend -- my friend had come down to the hospital and told me about it, but I don’t -- I remember something about a blood drive, but I’m not too sure about it. He -- I’m pretty sure he did.
Q. Now, I believe you told the jury yesterday you thought George Lopez did more for you when you had cancer than Michael Jackson, correct.
A. Yeah. For my 11 year-old mind, he came and visited me and would always talk to me and buy me shirts and stuff.
Q. Did Mr. Lopez let your family move into his home.
MR. SNEDDON: Object as argumentative, Your Honor.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Mr. Arvizo, did Mr. Lopez give you a Rolls Royce for your family to ride around town in.
A. No.
Q. Did he provide limousines for your family to ride around town in.
A. No.
Q. Did he pay a lot of your bills so your

family could stay at hotels.

A. I don’t know. That’s up to my --

Q. Did he pay for flights so your family could go cross country.

A. I’m pretty sure he did, to pay for us to go to Miami.

Q. How many times do you think your family visited Neverland and stayed there.

A. Every time Michael wanted us to.

Q. But you went there many times when Michael wasn’t even there, right, Mr. Arvizo.

A. Only with Michael’s permission.

Q. Did you and your family go to Neverland and stay many times when Michael Jackson wasn’t even around.

A. I would. Not my whole family. Me and my father would. Because in the first two months of my cancer, when I was -- when I thought I was pretty close to Michael, I would go up there and stay with him between my rounds of chemotherapy.

Q. Can you look this jury in eye and tell them Michael Jackson did nothing for you when you had cancer.

A. I never said Michael did nothing for me.

Q. Did you say he did very little.

A. Yeah. He didn’t do as much as I felt, as my 11-year-old mind felt.

Q. He should.

A. No. He shouldn’t -- it’s not his obligation to do anything.

Q. Well, are you telling the jury you deserved a lot more from Michael Jackson than you and your family got.

A. No.

Q. Is that what you’re saying.

A. No. I’m just saying that -- see, when I have a friend, Michael, and you’re saying all these things that he did, but, you know, when my 11-year-old mind -- and when I see my friend say that he’s not there, and he’s not at Neverland Ranch trying -- and I see him walking and I see his car that he only drives going down at Neverland, you know, it felt like my heart broke right there.

Q. So by doing all of these things --

A. And I don’t remember George Lopez or Jamie Masada or Louise Palanker ever doing that to me.

Q. Did they take your family into their homes, any of them.

A. Actually, I went over to -- actually, I spent a night at Chris Tucker’s house.

Q. Did he let your family move into his home; yes or no.

A. I’m sure he probably would have if we really got to a point where we couldn’t live at our house no more.

Q. There isn’t one celebrity that you approached who let your family move into his home, except Michael Jackson, true.

A. I didn’t --

MR. SNEDDON: Excuse me. I’m going to object to the question. Assumes a fact not in evidence, and it’s argumentative.

THE COURT: Overruled.

THE WITNESS: I never moved into Michael’s house. I never moved my stuff over there and lived there permanently. I stood there and visited.

Q. BY MR. MESEREAU: Your family was there for weeks at a time, correct.

A. Yes. And they also kept us there for weeks at a time when we wanted to leave.

Q. Is this one of your many escapes where you came back.

MR. SNEDDON: Object as argumentative, Your Honor.

THE COURT: Sustained.

MR. MESEREAU: I withdraw it, Your Honor.

Q. Mr. Arvizo, when your family decided not to go to Brazil, where did they go.

A. What do you mean.

Q. Well, when your family decided they didn’t want to go to Brazil, they went to your grandparents’ house, right.

A. When we left with Jesus, we went to my grandma's house. I don't really understand.

Q. When you left with Vinnie for the final time, you went to your grandparents', right.

A. I don't really -- as I told Mr. Sneddon, I don't really remember how it came about that we left the last time.

Q. I'm not asking you how it came about. But you got in a car with Vinnie and went to your grandparents' the last time.

A. Now you're telling -- right now you're telling me how it came about. I don't know how it came about.

Q. Do you recall Vinnie taking your family to your grandparents' when you left Neverland for good.

A. No, because I do not remember what happened when we left for the last time.

Q. Do you remember leaving for the last time at all.

A. I know that we left, because I remember, I went to my grandma's house.

Q. When you say you escaped with Jesus, where did you escape to.

A. We went to my grandma's house.

Q. Jesus took you in a Rolls Royce to your grandma's house, right.

A. Yes.

Q. When your family wanted to leave, they left, right.

MR. SNEDDON: Object; argumentative.

THE COURT: Overruled.

THE WITNESS: Can you repeat the question.

Q. BY MR. MESEREAU: When your family wanted to leave Neverland, you either had a limousine or a Rolls Royce take you where you wanted to go, right.

A. No. It wasn't a limousine. And we never left in a limousine, because when we left it was when they didn't really know.

Q. It was a Rolls Royce, wasn't it.

A. Yes, because that was the only car available. It wasn't as if we told Jesus to take us in a Rolls Royce.
Q. Okay.
A. It was a vehicle. An automobile that we can use to leave.
Q. Has any lawyer told you what to say in this courtroom.
A. No.
Q. Has any lawyer ever told you what to say under oath.
A. No.
Q. Remember, your deposition was taken in the J.C. Penney case.
A. Yes. It was taken when I had cancer, because I was unable to show up at the court case.
Q. And that was when you and your mom were suing J.C. Penney, correct.
A. I believe it was my whole family that was suing them.

Q. Did a lawyer tell you what to say in that case.
A. No.
Q. Remember, you said under oath, "Did anyone tell you what you should testify about here today or how you should say things," and your answer was, "Only our lawyer".
A. What.
Q. Do you remember saying that in the J.C. Penney deposition.
A. No.
Q. Would it refresh your recollection if I just show that to you.
A. Uhh, sure, I guess.
MR. MESEREAU: May I approach, Your Honor.
THE COURT: Yes.
Q. BY MR. MESEREAU: Have you had a chance to review that page of your deposition in the J.C. Penney case.
A. Yes.
Q. Remember testifying that a lawyer had told

you what to say.

A. They didn’t tell us what to say.

Q. Huh.

A. They didn’t tell us what to say.

Q. But that’s what you said when you had your deposition taken, right.

A. They probably -- I don’t know, because, I mean, I was eight years old. And I don’t really remember what was going on.

Q. You were ten years old, right.

A. Maybe -- ten years old probably at the deposition. But, I mean, I was eight years old when it happened.

Q. Did you and your mom talk about the facts of that case before your deposition was taken.

A. No, I don’t think we were allowed to.

Q. So you never discussed it with your mom before the deposition was taken.

A. No.

Q. Have you ever talked about the facts of this case with your mother.

A. No. I don’t think we’re allowed to either.

Q. So you’ve never discussed the facts of this case with your mother.

A. Um, no.

Q. Have you ever discussed the Bashir documentary with your mother.

A. Yeah.

Q. When.

A. We had talked about it with her sometimes, like how I felt about what I said on there.

Q. And when did you last discuss the Bashir documentary with your mother.

A. I do not remember.

Q. Pardon me.

A. I don’t remember.

MR. MESEREAU: Okay.

THE COURT: We’ve come to the end of the day.

MR. MESEREAU: Thank you, Your Honor.

THE COURT: We're going to do something different. Everyone remain seated, please.

Take the jury and the witness out.

I'll see you all Monday.

A JUROR: Bye.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: I just didn't want to say this in front of the jury.

This morning I issued a warrant for Mr. Jackson's arrest and held it for an hour. The warrant is recalled.

The Court also forfeited Mr. Jackson's bail at the request of Mr. Jackson. His bonding company has agreed to resume the liability on the bond, and has given the Court permission to reinstate the bond. The Court therefore reinstates the bond as previously -- as previously filed and orders that the reinstatement be filed with the Court.

Court's in recess. Thank you.

(The proceedings adjourned at 2:30 p.m.)

--o0o--

REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 1534 through 1713 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 10, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
March 10, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

MONDAY, MARCH 14, 2005

8:30 A.M.

(PAGES 1794 THROUGH 1864)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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INDEX

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES DIRECT CROSS REDIRECT RECROSS

ARVIZO, Gavin-Anton 1797-M (cont’d)

Santa Maria, California
Monday, March 14, 2005
8:30 a.m.

THE COURT: Good morning.

COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.

THE COURT: Let's see, the witness is in his place.

I'll remind you that you're still under oath.

Mr. Mesereau, you may proceed.

MR. MESEREAU: Thank you, Your Honor.

Good morning.

THE JURY: (In unison) Good morning.

GAVIN-ANTON ARVIZO
Having been previously sworn, resumed the stand and testified as follows:

CROSS-EXAMINATION (Continued)
BY MR. MESEREAU:

Q. Mr. Arvizo, on Thursday you testified about how you learned what masturbation was. Remember that.

A. I believe so.

Q. Pardon me.

A. I believe so.

Q. Okay. And you testified that Mr. Jackson told you what masturbation is, right.

A. Uh-huh.

Q. Is that true.

A. Yes.

Q. And you testified to the jury that Mr.

Jackson said that if men don’t masturbate, that they can get to a level where they can -- might rape a girl. Remember that.

A. Uh-huh.

Q. Do you remember saying that.

A. Yes.

Q. Do you remember being interviewed by the Santa Barbara Sheriff’s Department on a number of occasions.

A. Yes.

Q. And do you remember who interviewed you.

A. Most likely Steve Robel or Paul Zelis.

Q. Do you remember being asked, “Before we get started on the next set of questions, can you describe to us what your opinion is, what you think masturbation is.” Do you remember one of the sheriffs asked you that during an interview.

A. I believe so.

Q. And you knew those interviews were being recorded, right.

A. Yes.

Q. Remember you said, “My grandma explained it

to me. She told me that -- that your -- the only reason is because like if -- if men don’t do it, men might get to a point where they might go ahead and rape a woman”. Do you remember saying that to the sheriffs.

A. I believe so.

Q. Why did your story change between that interview and your testimony last Thursday.

A. Well, what do you mean “changed”.

Q. Well, you told the police your grandmother made that quote to you, and you came into court under oath and told the jury Mr. Jackson made that quote to you.

A. That didn’t change. Because Michael tried to explain to me first. And I -- he was more pushing on me that men have to masturbate.

Now, later when I came back from Neverland, I guess my grandmother saw that I was very confused about sexuality and things like that. And my

grandmother explained to me a lot of things.
Q. So it just so happened that after Mr. Jackson told you, “If a man doesn’t do it, they may get to a point where they rape a woman,” your grandmother made the almost identical quote to you. Is that what you’re saying.
A. Not really. She didn’t make the same exact thing that Michael said. But I’m not exactly sure what my grandmother said. I know my grandmother

explained a lot of things to me.
Q. Would it refresh your recollection if I show you a transcript of your sheriff’s interview.
A. Probably.
MR. MESEREAU: May I approach, Your Honor.
THE COURT: Yes.
MR. MESEREAU: Whoops, I’m sorry. Your Honor, I spilled a little water with my notebook, so --
THE BAILIFF: How about you put that over here.
Q. BY MR. MESEREAU: Mr. Arvizo, have you had a chance to look at that page of transcript.
A. Yes.
Q. Does it refresh your recollection about what you told the sheriffs about what masturbation was.
THE COURT: Just a moment, Counsel.
THE WITNESS: It refreshes my --
THE COURT: Just a moment. Let’s take care of one thing at a time. You may start again on that.
MR. MESEREAU: Yes, thank you, Your Honor.
Q. Mr. Arvizo, have you had a chance to look at that page of transcript of your sheriff’s interview.
A. Uh-huh.
Q. Does it refresh your recollection about what you told the sheriffs your grandmother said.
A. It refreshes -- I can recall what my

grandmother was telling me. She was -- she saw that

I was embarrassed about things like masturbation and growing up, and my mother was telling me that it’s okay to do it. And Michael was telling me that you have to do it.

Q. Well, Mr. Arvizo, I understand your position. But when the sheriffs asked you what masturbation was, you didn’t say, “Mr. Jackson told me if a man doesn’t do it, he may rape a woman.” You said if -- “My grandmother told me that if a man doesn’t do it, he may rape a woman,” correct.

A. I believe so. That’s what you showed me. But --

Q. And between the time of that interview --

MR. SNEDDON: Excuse me. Your Honor, he was about to say something when he got cut off by counsel.

MR. MESEREAU: Oh, I apologize. I had no idea.

THE WITNESS: But --

MR. MESEREAU: Excuse me. Go ahead.

THE WITNESS: But that still doesn’t mean that Michael did not tell me.

Q. BY MR. MESEREAU: But what you’re telling the jury is it was sort of a coincidence that both your grandmother and Michael used almost the identical phrase about raping a woman.

A. Both my grandmother and Michael were trying to talk to me about the -- pretty much the birds and the bees story.

Q. Okay. And they pretty much said the identical thing, is that what you’re telling me.

A. Not exactly.

Q. Not exactly.

A. No.

Q. Well, the quotes are almost identical, aren’t they.

A. You see, Michael was trying to tell me that I have to masturbate. My mom -- my grandmother was actually telling me -- giving me the talk. Michael was just talking about masturbation.

Q. But your grandmother said to you, “If men don’t do it, men might get to a point where they might go ahead and rape a woman,” correct.

A. Michael also told me that.

Q. Well -- so you’re saying they basically said the same thing.

A. My grandmother said it’s okay to do it, because sometimes, some men, they can’t control themselves and might do that.

Q. But in that police interview, you never mentioned that Michael Jackson had said that to you, did you.

A. I’m sure in one of the other transcript I mentioned about Michael.

Q. Not in that interview, correct.

A. But I’m sure in another one I did.

Q. Okay. I’d like to ask you just about the allegations in the J.C. Penney case, okay. We’re not going to go into the evidence, just what the allegations were. Okay.

A. Uh-huh.

Q. Do you remember that case.

A. Uh-huh.

Q. And you and your mother Janet sued J.C. Penney, correct.

A. I think we did. I’m pretty sure we did.

Q. Okay. And originally your family sued for battery, false imprisonment and infliction of emotional distress, right.

A. I don’t know.

Q. Okay. Later on, your mother amended the complaint to add sexual assault. Do you remember that.

A. Not really.

Q. Do you remember that you were asked questions about that in a sworn deposition.

A. I don’t remember being asked about my mom being -- whatever.

Q. Do you remember being asked questions about your mother’s allegations that J.C. Penney guards fondled her breasts in a parking lot.

MR. SNEDDON: Your Honor, I’m going to

object; 403.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you remember that case at all.

A. Um, a little bit. I mean, I was in the middle of my chemotherapy.

Q. Okay. Your chemotherapy was going on at the same time.

A. At the same time as those depositions.

Q. Okay. And how many -- how many appointments for chemotherapy had you had at that point, if you know.

A. They would have it once a month -- once every three weeks, actually. Then I had ten rounds. And I wasn't like a regular kid that had cancer that would just go in for a few hours and get one bag of chemotherapy. I would go there for a week, in the hospital, and -- in a bed, and they would give me chemotherapy.

Q. Okay. And approximately when did the chemotherapy end.

A. June 2001.

Q. Okay. Do you remember last Thursday I asked you when these alleged acts of masturbation by Michael Jackson occurred. Do you remember that.

A. Uh-huh.

Q. And within an approximately 20-minute period you first said a couple of days before you left with Jose Salas, right.

A. What do you mean.

Q. Jesus Salas, excuse me.

A. Couple days before I left with Jose Salas.

Q. Yes. You said a couple of days before you left Neverland with Jose Salas the masturbation occurred. Do you remember that.

A. No, I did not say that.

Q. You didn't say that.

A. No, I said that it happened approximately the last two weeks of when we left Neverland for good.

Q. Well, first you said a few days, and then you said a week, and then you said a couple of weeks, right.

A. Maybe you said that it was a few days.

Q. Did you discuss over the weekend these facts with anybody.

A. No.

Q. Did you discuss the case with anybody over the weekend.

A. I had a brief conversation with Mr. Sneddon.

Q. Okay. And what did you talk about.

A. We talked about certain things that you might ask me.

Q. And like what.

A. Just things about me.

Q. Pardon me.

A. Things that you might ask about me.

Q. Like what.

A. Like my history.

Q. Your history.

A. Uh-huh.

Q. And what do you mean, your “history”.

A. In school maybe.

Q. Pardon me.

A. In school maybe.

Q. And what did Mr. Sneddon say to you about that.

A. He just told me to answer honestly.

Q. And what else did he talk to you about.

A. That’s pretty much it right there.

Q. How long was the discussion.

A. 15 minutes.

Q. Did he say anything to you about an interview he had with a witness over the weekend.

A. With a witness besides me.

Q. Yes.

A. No.

Q. Did he ask you anything about one of your teachers at school.

A. Um, yes. He asked me about it.

Q. And who was that.

A. My teacher.

Q. Yes.

A. It’s -- he wasn’t really my teacher. His name is Richard Geralt.

Q. What did Mr. Sneddon say to you about Mr. Geralt.

MR. SNEDDON: I’m going to object. It assumes facts not in evidence that I said anything.

MR. MESEREAU: I’ll rephrase the question, Your Honor.

THE COURT: All right.

Q. BY MR. MESEREAU: Did Mr. Sneddon say something to you about Mr. Geralt.

MR. SNEDDON: Same objection.

THE COURT: Overruled.

THE WITNESS: Can you repeat the question.

Q. BY MR. MESEREAU: Did Mr. Sneddon say anything to you over the weekend about Mr. Geralt.

A. He didn’t have to tell me anything. I told him everything. I told him the facts about Mr. Geralt.

Q. Let me ask the question again. Did Mr. Sneddon over the weekend say anything to you about a Mr. Geralt.

A. He asked me about Mr. Geralt, so it’s kind of knowing, I guess.

Q. What did he ask you about Mr. Geralt.

A. He asked me what do I know of Mr. Geralt.

Q. And did you tell him.

A. Yes.

Q. What did you tell him.

A. I told him about -- that I knew Mr. Geralt.

Q. Excuse me.

A. I told him that I knew of Mr. Geralt.

Q. Did you tell him anything else.

A. About Mr. Geralt.

Q. Yes.

A. I told him about school and how Mr. Geralt was.

Q. And what did you tell him.

A. About Mr. Geralt.

Q. Yeah. What did you tell him about Mr. Geralt and school.

A. I told him that -- about a time when he -- he was a detention teacher. And I had detention, and I was in there.

Q. Pardon me.

A. I was in his detention.

Q. Okay. What else did you tell Mr. Sneddon about Mr. Geralt.

A. I told him that one time when I was in detention, I was sitting there, and he told us we had to do work, our homework. I didn't have a pencil. So I asked him, "Mr. Geralt, may I have a pencil." And then he put me against the wall, because I asked if I could have a pencil.

Q. Did you tell Mr. Sneddon anything else about Mr. Geralt.

A. Uh-huh.

Q. What else.

A. That sometimes in the middle of his class he would go outside and smoke a cigarette.

Q. What else.

A. Um, that he always tried to handle his classes as if he was a drill sergeant.

Q. Okay. What else.

A. I told him a story about -- that detention.

Q. Okay. What did you tell him.

A. I told him there was one time that I was in detention, same -- and then when I was against the wall, I asked Mr. Geralt, "Why is it that I'm against the wall. I would like to do my work as you told me to do."

Q. What else did you tell Mr. Sneddon.

A. And then Mr. Geralt asked me, he said if I was on drugs. He said that if I was on -- doing marijuana or doing crack or something, and he told me he was going to give me a drug test.

Q. What else did you tell Mr. Sneddon.

A. I told him that I was -- “Mr. Geralt, I’m not on drugs.” And then Mr. Geralt said that he’s going to call the cops, and this and that, because he was saying that I was on drugs. But he was doing it in a way that he was making fun of me.

Q. Now, Mr. Geralt was a teacher, correct.

A. He was a teacher at the school.

Q. At what school.

A. John Burroughs Middle School.

Q. Did you tell Mr. Sneddon anything else about Mr. Geralt.

A. Yes.

Q. What else did you tell him.

A. I -- then I told Mr. Geralt that, “Why is it that you’re going to call a police officer here who would rather be doing something more important than something as my minute and dumb as this.”

Q. And anything else you told Mr. Sneddon about Mr. Geralt.

A. And then after I told Mr. Geralt that, he realized that I was right, and he put his phone away. And then he called the campus supervision. And then he kept on going on that I was doing drugs and this and that. He said he -- he was just saying stuff like that.

And then he went into -- he called campus supervision, and then they took me into the office. And then I told the teachers what happened, and they said they know how Mr. Geralt is.

Q. Did you tell Mr. Sneddon anything else when you spoke to him over the weekend.

A. No. We talked about a lot -- we talked about a few things. I don’t remember too much.

Q. You don’t remember too much.

A. Well, I do, and -- I don’t remember the exact things, I mean, word for word.

Q. Why don’t you just tell us generally what

you talked about.
A. My history, mostly.
Q. Pardon me.
A. My history.
Q. Your history.
A. Yes.
Q. Please tell the jury what you told Mr. Sneddon about your history.
A. I just told you.
Q. Anything else come up in that discussion.
A. Yeah.
Q. What else.
A. Are you trying to specify something.
Q. No, I’m just simply asking you to tell the jury what you told Mr. Sneddon when you spoke to him over the weekend about your testimony in this case.
A. Please be specific.
Q. Well, I’m just asking you. I wasn’t in the conversation. What else do you remember. Please tell the jury anything else that was discussed.
A. Talked about my father.
Q. Did you talk about a Mr. Alpert.
A. Oh, yes. Yes, we did.
Q. Did I just jog your memory a little bit about that.
A. Yes.
Q. Did Mr. Sneddon tell you he had been in an interview with a Mr. Alpert on Saturday.

A. Yes. Well, I don’t know if -- no, he said if I was -- if Mr. -- the dean, Alpert, interviewed me or talked to me.
Q. And did he ask you questions about any discussions you ever had with Dean Alpert at John Burroughs School.
A. Yeah, he asked some questions about it.
Q. In fact, Mr. Arvizo, he asked you whether you had been interviewed by Dean Alpert and whether you had confessed to him that Mr. Jackson never did anything to you of a sexual nature, right.
A. Yeah.

Q. Why didn’t you say that at the beginning.

A. I told Mr. Alpert that he didn’t do anything to me.

Q. You told Dean Alpert that twice, correct.

A. I don’t know how many times I told him.

Q. Well, that was the reason Mr. Sneddon telephoned you, wasn’t it, as far as you knew.

A. What do you mean.

Q. Mr. Sneddon telephoned you --

A. Oh, telephoned.

Q. -- to ask you whether you had ever confessed to Dean Alpert that Michael Jackson never did anything to you of a sexual nature, right.

A. I don’t remember Mr. Sneddon calling me and asking me that question.

Q. You don’t recall Mr. Sneddon asking you any questions like that over the weekend.

A. Over the weekend, if Michael had done anything to me.

Q. No, Mr. Arvizo. Let me just -- let me just try and rephrase it, if I have confused you.

Mr. Sneddon called you over the weekend, right.

MR. SNEDDON: Your Honor, I’m going to object. That’s a misstatement of his testimony and it assumes facts not in evidence that I called him.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did Mr. Sneddon telephone you over the weekend.

A. No, he did not.

Q. Did you telephone Mr. Sneddon over the weekend.

A. No, I did not.

Q. Did you engage in a conversation with Mr. Sneddon over the weekend.

A. Yes, I did.

Q. Where did that conversation take place.

A. In a house.

Q. Okay. Did Mr. Sneddon come to see you.

A. No.

Q. Did you go to see Mr. Sneddon.

A. Yes.

Q. Where did you go to see Mr. Sneddon.

A. In a house.

Q. In his house.

A. In a house.

Q. Okay. Who was with you, if anybody.

A. Detective Robel. Mr. -- Ron, Gordon and Mr. Sneddon, and I believe Mr. Mag was there.

Q. Okay. Let me just get it straight. Mr. Robel was there from the Santa Barbara Sheriffs, right.

A. Yes.

Q. Mr. Sneddon was there, right.

A. The attorneys were there.

Q. Prosecutors. Prosecutor Zonen was there, right.

A. All of the district -- all of the attorneys were there.

Q. Prosecutor Auchincloss was there, right.

A. Auchincloss.

Q. Yes. The fellow seated right to my left.

A. Oh, Gordon, yeah.

Q. Anyone else there besides those four.

A. Mag.

Q. Who.

A. Mag. I don’t know his full name.

Q. Okay. Is this another sheriff.

A. No, this is an attorney.

Q. Another prosecutor.

A. He’s another attorney.

Q. So you met with four prosecutors and a Santa Barbara Sheriff over the weekend, right.

MR. SNEDDON: Your Honor, I’m going to object again. It assumes facts not in evidence that all of those people were present during the meeting.

MR. MESEREAU: I think that’s what he just said.

MR. SNEDDON: No, he didn’t.

THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you meet over the weekend with three prosecutors.
A. No.
Q. Did you meet with four prosecutors.
A. No.
Q. Did you meet with any prosecutors.
A. Yes.
Q. Who were they.
A. One, Mr. Sneddon. And Steve Robel -- and Detective Steve Robel was present.
Q. Okay. Was anyone else present.
A. They were there, but they were in another room.
Q. Okay. Who was there but in another room.
A. Ron, Mr. Zonen, Gordon and Mag.
Q. Okay. I'm not hearing that. Is it Meg or Mick.
A. Mag.
Q. Mag. Okay. And as far as you know, Mag's a prosecutor, correct.

A. Yes, I believe so.
Q. Okay. Now, what day did you have this meeting.
A. I believe it was yesterday.
Q. And approximately what time did the meeting take place.
A. 6:00, maybe 7:00.
Q. So that would be last evening, right.
A. Uh-huh.
Q. Did you learn in advance that the meeting was going to take place.
A. A couple hours before.
Q. And how did you learn the meeting was going to take place.
A. They -- they told me.
Q. Okay. Who's "they".
A. Detective Steve Robel told me.
Q. Okay. Did he call you on the phone.
A. No, he told me.
Q. Did he call you on the phone.

A. He told me.
Q. Okay.
A. No, did he not call me on the phone.
Q. Did you call him on the phone.
A. No.
Q. Did he show up at your house.
A. No. I don’t live up here.
Q. I’m just trying to ask you how you found out about the meeting. That’s all I’m asking.

A. I told you, he told me.
Q. Okay. Where did he tell you about the meeting.
A. He told me at a house.
Q. Where you’re staying, right.
A. Yes.
Q. Okay. Did he come to the house.
A. Yes.
Q. Okay. Approximately what time did Mr. Robel come to the house to tell you there was going to be a meeting that evening with all the prosecutors.
MR. SNEDDON: Your Honor, I’m going to object to that question. There was no meeting with all those prosecutors. Misstatement of his testimony.
MR. MESEREAU: I’ll rephrase it, Your Honor.
THE COURT: All right.
Q. BY MR. MESEREAU: Mr. Arvizo, at approximately what time yesterday did you learn you were going to travel to another location to meet with Mr. Sneddon and others.
A. Um, other -- it was around maybe 5:00 or something like that.
Q. Okay. And you obviously attended the meeting, right.
A. Yes.
Q. Do you know if the conversation was recorded.

A. I don’t believe it was recorded.

Q. Do you know if anyone was taking notes.

A. Um, no, I don’t think anyone was taking notes.

Q. Okay. Did anyone tell you what the purpose of the meeting was.

A. No.

Q. No one explained why you were having a meeting last night.

A. No. They told me that Tom was going to have to talk to me about some things.

Q. Okay. And Mr. Sneddon did talk to you about some things, correct.

A. Yes.

Q. And he talked to you about an interview that had been conducted on Saturday, right.

A. No.

Q. Did Mr. Sneddon ever tell you he had conducted an interview with a Mr. Alpert on Saturday.

A. No, did he not tell me that he conducted an interview.

Q. Okay. Did he ever tell you he had spoken with Mr. Alpert.

A. Yes.

Q. And what did he say about that.

A. He asked me about Mr. Alpert.

Q. Okay.

A. What I knew.

Q. And did he ask you if you ever had a meeting with Mr. Alpert, correct.

A. Yes.

Q. And you told him you did, right.

A. Yes.

Q. You told him you met --

A. I told him that I’m pretty sure I did -- I did. Because I didn’t really remember too good.

Q. You didn’t remember too good that you had told Mr. Alpert that Mr. Jackson had never touched you sexually.

A. Well, I believe it happened, because he was a dean of the school. And so -- I’m pretty sure I had a conversation with him.

Q. Okay. And did you tell Mr. Sneddon you were pretty sure you had had a conversation with Dean Alpert at John Burroughs School.

A. Yes.

Q. Did you tell Mr. Sneddon approximately when you had that discussion.

A. No.

Q. Did Mr. Sneddon ever ask you when you had that discussion.

A. No.

Q. Where did the discussion with Dean Alpert take place.

A. I don’t remember. It was probably in his office.

Q. Okay. And the purpose of the discussion was what, if you know.

A. It was probably about Michael.

Q. Okay. You say “probably about Michael”.

A. Uh-huh.

Q. But you’re not sure.

A. I’m not sure what the whole conversation was about.

Q. Okay. But sometime in that conversation, Dean Alpert looked you in the eye and said, “Are these allegations that Mr. Jackson sexually abused you true,” right.

A. Uh-huh.

Q. And you said they were not true, right.

A. Yeah. I told him that Michael didn’t do anything to me.

Q. Okay. Mr. Alpert asked you twice whether or not Michael Jackson had ever done anything of a sexual nature to you, correct.

A. I don’t know if he asked me twice.

Q. Well, the first time he asked you, you shook your head “No,” right.

A. I don’t know.

Q. And the second time he asked you, you said to him, “No, he did not touch me in any sexually inappropriate way,” correct.

A. I don't know.

Q. You don't know.

A. I'm pretty sure I told him that.

Q. Okay.

A. But, I mean, I don't know how exactly it happened.

Q. Okay. Now, based on what you've already said, you also discussed a teacher named Geralt, right.

A. Yes.

Q. When I started asking you questions about your discussion with Mr. Sneddon, the first person you mentioned was Mr. Geralt, correct.

A. Yes.

Q. Mr. Geralt was also a teacher at the school, right.

A. Yes.

Q. Okay. And in summary, you had some disciplinary problems with Mr. Geralt, right.

A. I had a lot of disciplinary problems.

Q. Excuse me.

A. I had a lot of disciplinary problems.

Q. You had a lot of them.

A. Uh-huh.

Q. What disciplinary problems did you have.

A. I would get into fights sometimes at school.

Q. Pardon me.

A. I would get into fights sometimes at school.

Q. Okay. You got into a lot of them, didn't you.

A. Not a lot. I got into a few.

Q. Okay. And were you ever asked to leave the school.

A. No, I don't think so.

Q. Were you ever asked to leave class.

A. Yes.

Q. Okay. And approximately when did that happen.

A. Um, well, a lot of teachers at John Burroughs Middle School, once anyone even talks out of turn, they'll send you out of class.
Q. Well, you got up in class and accused Teacher Geralt of having his balls in his mouth, right.
A. His balls in his mouth.
Q. Yes.
A. No, because I was never in one of his classes.
Q. Do you deny doing that.
A. I don't even remember ever doing that.
Q. Were you in any programs after school with Teacher Geralt.
A. I believe he was an ROTC instructor.
Q. Okay. So you were in ROTC at the time, right.
A. No. Not exactly. Because I had so much

experience in that field of marching, and military, military aspects, he -- they liked me being an advisor there.
Q. Well, you were accused by Mr. Geralt of being totally disruptive in that program, right.
A. In the ROTC program.
Q. Yes.
A. I don't remember that. I remember them loving me there because the whole -- the whole -- their whole cadet corps was disciplined, and -- and knew what they were doing. It was getting better at marching.
Q. And you accused the cadet core of being stupid, right.
A. I might have called a few cadets -- that they looked stupid with their uniforms. But -- if their uniforms look ugly, that they need to make them look better. But I don't think I remember calling the whole core stupid.
Q. Now, you said you were accused of being on drugs, right.
A. Yes.
Q. And you say that was false, right.

A. Yes. I don’t -- will never go on drugs.

Q. Okay. Who accused you of being on drugs.

A. Mr. Geralt.

Q. Okay. And did he ask you if you were on drugs.

A. He was doing it in a way that he was trying to make fun of me.

Q. Were you escorted away from the other students at one point.

A. During the detention.

Q. Yes.

A. Actually, all of the students in there were kind of cheering me on because they all knew how Mr. Geralt is, and no one’s ever stood up to him before.

Q. But you stood up to the teacher, right.

A. I was already standing up, so --

Q. Excuse me. I’m sorry, I didn’t hear what you said.

A. I guess so.

Q. You did stand up to Teacher Geralt, right.

A. Yes.

Q. You confronted him, right.

A. Yes, after he had brought himself down to my level by doing those things. By not -- see, because I believe teachers are higher than me because I’m just a student. When a teacher does something like that and makes fun of me and tries to say I’m on drugs, he’s no longer the level of a teacher, he’s come down to my level.

Q. And you were angry about that, right.

A. Um, I felt as if he was -- didn’t deserve respect as a teacher.

Q. Didn’t deserve respect as a teacher.

A. No.

Q. Okay. So you did not respect him because you didn’t think he deserved it, right.

A. I didn’t respect him as a person.

Q. And you told him that, didn’t you.

A. I didn’t tell him those exact words.

Q. Pardon me.

A. I didn’t tell him, “I don’t respect you.” I didn’t tell him in those exact words.

Q. Okay. Did Teacher Geralt do anything to discipline you, that you can recall.

A. He gave me detention once, I think.

Q. Okay. And when you say “detention,” what do you mean.

A. Detention with him again.

Q. Excuse me.

A. A detention with him again.

Q. Okay. And what was detention. What did he take you do.

A. He had us go in this -- the auditorium, because there was a lot of kids. Well, first we’d be in his classroom, and usually there would be a lot of kids, so we would usually move over to the auditorium because it was bigger, and then we would do our homework in there. It was after school.

Q. Okay. Since we’re on the subject of school, I’d like to just ask you some questions about your 1825 experiences at school. Okay.

A. Uh-huh.

Q. Did you know a teacher named Murphy.

A. Mr. Murphy, yes.

Q. You were disciplined by Mr. Murphy as well, correct.

A. I don’t remember too much about Mr. Murphy.

Q. Well, was Mr. Murphy one of your teachers.

A. He was for a while, but I asked the counselor -- my counselor to move me out of his class.

Q. Why did you want to get out of Mr. Murphy’s class.

A. I didn’t like how he conducted his classroom.

Q. What didn’t you like about it.

A. He was just hard to understand, the way he was trying to teach.

Q. Well, he accused you of being disruptive in his class, didn’t he.

A. Uh-huh. Yes.

Q. Okay. Were you disruptive.

A. Um, now that I look back, yes. I -- I was dis --

Q. How were you disruptive in Mr. Murphy’s class.

A. I might ask a question without raising my hand.

Q. Excuse me.

A. I might ask a question without raising my hand.

Q. Okay. Your answer is, “I might ask a question.” Did you or did you not do that.

A. I’m pretty sure I did. I mean --

Q. Well, he accused you of being uncooperative and disruptive, didn’t he.

A. He accused me of being uncooperative because I didn’t sign a detention he gave me because I didn’t believe it was correct.

Q. I’m sorry, you’re speaking a little fast. I couldn’t understand that. Could you just repeat it.

A. He accused me of being uncooperative because of a detention he had given me and I did not want to sign it because I didn’t believe it was a --

Q. What didn’t you want to sign.

A. A detention.

Q. Excuse me.

A. A detention that he had written up.

Q. Did you refuse to sign it.

A. Yes.

Q. And what happened after you refused to sign it.

A. He told me -- he gave me -- he wrote up a referral, and I believe he sent me to Dean Alpert.

Q. Did you know a Mr. Parker at school.

A. Yes.
Q. Who was Mr. Parker.
A. He was a new guy that came. I think he was going to take Dean Alpert’s spot, and Dean Alpert was going to move up or something.
Q. At one point you apologized to Mr. Parker, didn’t you.
A. Yes.
Q. What did you apologize to Mr. Parker for.
A. Probably apologized about the way I was in school and stuff.
Q. And what do you mean by that.
A. About how I disrespected teachers sometimes.
Q. Okay. And that was correct, wasn’t it. You did disrespect your teachers sometimes, correct.
A. Yes.
Q. Did you know a Mr. Collins.
A. I don’t remember Mr. Collins.
Q. Do you remember anyone named Collins at the school.
A. No.
BAILIFF CORTEZ: I need you to speak up a little louder. Okay.
THE WITNESS: Okay.
Q. BY MR. MESEREAU: How about a Mr. or Mrs. Slaugh, S-l-a-u-g-h.
A. Probably talking about Miss Slaughter.
Q. Okay, Slaughter.

A. Uh-huh.
Q. Do you remember a Miss Slaughter.
A. Yes.
Q. Do you remember having problems in -- with Miss Slaughter.
A. I was -- not really. I mean --
Q. You don’t recall arguing with that teacher.
A. Oh, yeah. I remember.
Q. What was that argument about.
A. It’s because I asked to go to the rest room. And I told her that I had to go to the rest room or else I’ll have problems. And then she still wouldn’t let me go.

Q. And then what happened.

A. I told her about how I had cancer and stuff, and she still wouldn't let me go to the rest room.

Q. And what did you do about that.

A. I sat back in my seat.

Q. You requested to be transferred out of that class, right.

A. Well, it's like they had all these -- I didn't really request to get out of Miss Slaughter's class, but I wanted to get out of Mr. Murphy's class. They have different -- they have A, B, C and D, I think. And then C was what I was in. And C is a whole block of teachers that everyone is in, and they all switch around.

Q. Okay. Well, you were accused of screaming

words that the other students were jumping around like retarded people, right. Do you remember that.

A. I don't know.

Q. Do you remember that.

A. Yes.

Q. And --

A. Well --

Q. Please tell the jury --

A. Barely.

Q. -- what happened.

A. I don't really remember what I said. It probably happened, because a lot of times there was -- I would stand up to the teacher. A lot of the kids would kind of congratulate me, and then --

Q. You were kind of a hero for standing up to teachers.

A. Sometimes.

Q. Okay. Do you remember a teacher named Fink.

A. I think you're talking about Mr. Finklestein.

Q. Who is Mr. Finklestein.

A. He was my math teacher.

Q. You had problems in that class also, didn't you.

A. I think everyone in his class had a problem with him.

Q. Let me just ask about you. Did you have problems in Mr. Finklestein's class.

A. I was "everyone."

Q. Pardon me.

A. I was one of the "everyone."

Q. You're saying everybody had a problem.

A. If everyone had a problem, then I would be one of them, right.

Q. I'm just asking about yourself. Okay. Did you have problems with your conduct --

A. Yes.

Q. -- in Mr. Finklestein's class.

A. Yes.

Q. Please tell the jury what those problems were.

A. Same problems with every other teacher.

Q. And what do you mean by that.

A. I was kind of argumentative sometimes, and I shouldn't have been. I didn't like the way he taught because I wasn't learning anything.

Q. And what did you do in his class that caused a disruption.

A. I would argue sometimes about the way he would teach, and that he wouldn't use our textbooks. And I asked him why we have these textbooks, if he didn't let us use them.

Q. And were you disciplined at all.

A. Yes, sometimes he would send me out of class.

Q. And how many times were you asked by this teacher to leave the class.

A. I don't know.

Q. Was it more than five.

A. I don't know.

Q. Was it -- do you think it was ten.

A. I don't know.

Q. Do you have any idea at all.

A. I remember him -- I know I got sent more than once, but, I mean, I don’t remember the exact number.

Q. Okay. But you were accused of disrupting that class, right.

A. Yes.

Q. Do you remember someone named Moon. Is there a teacher named Moon.

A. I remember the name, but I’m not sure which teacher it was.

Q. Well, you were accused of singing in the classroom and disrupting the class, right.

A. Can you tell me more about Mr. Moon. Because I don’t remember really who he is.

Q. Let me ask you this: Were you accused of being defiant, singing in the classroom, talking, disrupting testing, and they had to call your parents.

A. Mr. Moon. Mr. Moon. Oh, he’s my home room teacher. I don’t know.

Q. You don’t recall any problems with that teacher.

A. No, because he was my home room teacher, and I hardly do anything in that class.

Q. Okay. So you don’t recall any problem with a teacher named Moon, right.

A. No.

Q. Okay. Now, how many times did you refuse to write an apology to teachers.

A. I don’t remember being asked to write an apology.

Q. Well, didn’t you just say before you were asked to apologize at one point.

A. No, I have -- they didn’t ask me to apologize. I apologized to Mr. Parker.

Q. But you were asked to write an apology to a child who you insulted in class, correct.

A. I don’t remember that.

Q. Okay. Would it refresh your recollection if I just show you a note from your school records.

A. Yes.

MR. MESEREAU: May I approach, Your Honor.

THE COURT: Yes.

MR. SNEDDON: Go ahead.

THE WITNESS: I can’t really understand that writing.

Q. BY MR. MESEREAU: You can’t read that.

A. I see “apology” -- it’s kind of messed up writing.

THE COURT: Wait a minute. Just a moment. He’s just asking you to read that and see if it refreshes your memory, not to comment on it. Just -- no, you just read it and see if it refreshes your memory.

THE WITNESS: I can’t understand it.

Q. BY MR. MESEREAU: You didn’t read that at all.

A. It looks like -- kind of like scribbles.

Q. I’m sorry.

A. It’s like doctor’s writing.

Q. You can’t read any of it.

A. I can’t read that. It’s unlegible.

Q. Okay. Do you recall an incident like that.

A. Writing to a student, no.

Q. Pardon me.

A. Writing an apology letter to a student, I don’t remember.

Q. Do you recall being asked to write an apology to a student.

A. No.

Q. Okay. Do you recall being accused of not completing your school assignments and tasks.

A. Yeah, I wouldn’t ever do my homework or anything.

Q. You would never do it.

A. Okay. I did it sometimes. Like in eighth grade I did it for my science class, because I kind of liked it.

Q. Now, you testified last week that Mr. Jackson didn’t help you with your homework, right.

A. No. I said that he might have helped me for that one little bit of homework that I did, but he didn’t really help me too much.
Q. Okay. But he helped you a little bit, right.
A. Foe that one little bit of the assignment.
Q. Okay. Do you know a Mr. Davy.
A. Yeah, he was the vice principal. He was a cool guy.
Q. Which school.
A. John Burroughs.
Q. Okay. Do you remember having discussions with Mr. Davy about your disciplinary problems.
A. Yes.
Q. And please tell the jury what those discussions were all about.
A. I don’t really remember too good. Probably the same thing I talked about like with dean -- or Mr. Parker, that to get better.
Q. Well, you had discussions with Mr. Davy, right.
A. Uh-huh.
Q. The subject of the discussions was your being disruptive, right.
A. Probably, yes.

Q. Please tell the jury what you and he discussed.
A. I don’t really remember. It was in the eighth grade. Well, it was a while ago.
Q. Would it refresh your recollection if I just show you one of your school records. And this is typed up.
A. Oh, yes.
MR. MESEREAU: May I approach, Your Honor.
THE COURT: Yes.
Now, when he shows you that, he’s just going to ask you if that refreshes your memory. You’re not to say what’s on the page or you’re --
THE WITNESS: Oh, okay.
THE COURT: -- not to discuss it. There’s only one issue in front of you. Go ahead.

THE WITNESS: All right.

Oh, I remember Miss Super.

Q. BY MR. MESEREAU: Have you had a chance to read that document.

A. Yes.

Q. Does it refresh your recollection about problems you had with Mr. Davy.

A. Well, that wasn’t a letter from Mr. Davy. That was a letter from --

THE COURT: Just a moment. He’s just asked you whether or not that refreshes your recollection about problems you had with Mr. Davy. That’s a “yes” or “no” answer.

THE WITNESS: No, I never had problems with Mr. Davy.

THE COURT: That’s not the question. Listen. Did that paper refresh your recollection about any problems you have had with Mr. Davy. “Yes” or “no.”

THE WITNESS: No.

THE COURT: All right. Next question.

MR. MESEREAU: Yes, Your Honor.

Q. Did you ever have a discussion with Mr. Davy about your disciplinary problems with other teachers.

A. Yes.

Q. Please tell the jury what went on in that discussion.

A. I don’t really remember too good. I mean, he would tell me to get better, or stuff like that.

Q. Anything else.

A. Pretty much that’s it.

Q. Do you know someone named Bender.

A. Yes, yes. Miss Bender.

Q. Who is Miss Bender.

A. She was my history teacher.

Q. And she was your history of teacher in November of 2002, correct.

A. Yeah, I think so.

Q. Okay. And she complained to Mr. Davy about

you having disciplinary problems in school, right.
A. Probably.
Q. Do you remember that.
A. Not really. But, I mean, she probably did.
Q. Would it refresh your recollection if I show you a memo from her to Mr. Davy.
A. I don't think so, because I would never really see those. They would -- the teachers would give them to them about me. They wouldn't, like, pass it to me to give to them. They wouldn't have me read it.
Q. To your knowledge, she did complain about your behavior, true.
A. She probably did. Because a lot of teachers did.
Q. In her class, right.
A. Yeah.
Q. Okay. You got complaints from almost every teacher at John Burroughs School, right.
A. Uh-huh.
Q. And you were going to John Burroughs School in 2002, correct.
A. Uh-huh.
Q. Were you there in 2001.
A. I had cancer in 2001.
Q. So you weren't at John Burroughs School then.
A. I had -- that was -- I had finished my 1838

chemotherapy in June 2001. So I started -- I believe I started in seventh grade in -- or -- I'm not sure. Probably the sixth grade. I don't know. All I know is what -- because when I got out of cancer, I think I was in the sixth grade at LeConte Middle School.
Q. But you entered Miss Bender's class in world history and geography in 2002, right.
A. Uh-huh.
Q. Okay. And she complained that you were defiant on a regular basis and disrespectful to her,

correct.

MR. SNEDDON: Your Honor, I'm going to object as asked and answered. He's already answered this question.

THE COURT: Overruled.

You may answer.

THE WITNESS: Can you repeat the question.

THE COURT: I'll have it read back.

THE WITNESS: Thank you.

(Record read.)

THE WITNESS: Yes, I believe so.

Q. BY MR. MESEREAU: She also said you appeared to have good acting skills, right.

A. I don't know if she said that.

Q. Would it refresh your recollection if I show you her memo to Mr. Davy.

A. Probably not, because I never saw the memo before.

Q. Well, do you recall her ever saying anything to the effect, "You have good acting skills".

A. No.

Q. Okay. When you were at John Burroughs School, what kind of grades did you get, generally speaking. Were they good.

A. No.

Q. Were they poor.

A. Yeah.

Q. Okay. And how long were you at John Burroughs School.

A. Seventh and eighth grade, I believe.

Q. Okay. So that would be two years.

A. Probably. I mean, because I don't think I stood there the whole seventh and eighth grade.

Q. I'm sorry, I couldn't hear that.

A. I don't think, because, I mean, a few months I was at Neverland, I don't think I stood there the whole two years of school.

Q. Did you discuss these disciplinary problems that you had at John Burroughs School with Mr. Sneddon last night.

A. Yes.

Q. Did he ask you about all these teachers.

A. No.

Q. Well, he asked you about some teachers, didn't he.

A. Yes.

Q. What teachers did Mr. Sneddon ask you about last night.

A. He asked me -- well, I don't think he asked me about teachers. I think he just -- I just recall Mr. Geralt. And Alpert, the dean.

Q. Do you recall a teacher named Martinez.

A. Oh, yes.

Q. Martinez was your drama teacher, correct.

A. Yes.

Q. And you were accused of being disruptive in that class, weren't you.

A. Probably.

Q. Now, were you taking -- excuse me, let me rephrase that.

Let's talk about the year 2002 when you were having these disciplinary problems in John Burroughs School, okay. Were you taking any medication then.

A. I was taking my 500 milligrams of Amoxicillin, the antibiotics I have to take for like the rest of my life, and the -- and five milligrams of Lycinopril for my kidney.

Q. Now, at some point you entered into an agreement to do independent study, right.

A. Yes.

Q. And approximately when was that.

A. I'm not sure. Toward the end -- probably the second semester of the eighth grade.

Q. And approximately what year would that be.

A. 2003, I think.

Q. Excuse me.

A. Maybe 2003.

Q. Okay. You attended Roosevelt High School at one point, right.

A. No.
Q. Did you ever go to Roosevelt High School.
A. No.
Q. Did you ever go to City of Angels.
A. No.
Q. Ever do an independent study program with City of Angels.
A. I don’t know if it was with City of Angels, but I did an independent study program.
Q. Okay. Again, what year was that, if you know.
A. Probably 2003.
Q. Okay. And how about Bernice Carlson Hospital School. Do you recall that school.
A. No.
Q. Don’t recall ever being enrolled there. All right. Before Burroughs, which school did you go to.
A. I think it was LeConte Middle School.
Q. Excuse me.
A. LeConte Middle School.
Q. Is it LeComt. 1842

A. LeConte.
Q. LeConte. And where was that located.
A. North Hollywood. It was a magnet school.
Q. Did you ever have any disciplinary problems at that school.
A. Yeah, probably.
Q. Please tell the jury what disciplinary problems you had at that school.
A. Same stuff. I mean, I was -- I wasn’t that good of a kid then.
Q. Okay. And what did you do that was a problem.
A. Argue with teachers, stuff like that.
Q. Did you get disciplined at that school.
A. Yeah, I’m pretty sure I did.
Q. Please tell the jury how you were disciplined.
A. They would probably give me detention or something like that.

Q. And what were you accused of doing at that school.

A. Being argumentative and confrontational and stuff like that.

Q. Let me get back to your conversation with Mr. Sneddon last night. Did he ask you who Jeffrey Alpert is.

A. He asked me who Dean Alpert was.

Q. And did you tell him who Jeffrey Alpert is.

A. I don't know if Dean Alpert was the same Jeffrey Alpert, because, I mean, I only call him Dean Alpert. So I don't know if we're talking about the same guy, because there's -- I think there's another guy named Alpert there.

Q. Okay. Did you tell Mr. Sneddon you knew who Dean Alpert was.

A. Yes.

Q. Did you tell him when you first met Dean Alpert.

A. Yes. Well --

Q. What did you tell Mr. Sneddon.

A. Well, I didn't really tell him when I first met him, but I told him that I knew that I met him.

Q. Okay. Did the conversation begin with a discussion about Mr. Alpert or Mr. Geralt.

A. I believe it was about Mr. Geralt first.

Q. Okay. And you told Mr. Sneddon your history with Mr. Geralt, right.

A. I told him about that one story that I told you.

Q. Pardon me.

A. I told him about that one story that I told you.

Q. Okay. And after you finished telling Mr. Sneddon about your experiences with Mr. Geralt, did you then start talking about Mr. Alpert.

A. No, he asked me if I remember who Mr. Alpert

was.

Q. Okay. Now, you were sent to Mr. Alpert's office many times for disciplinary problems, correct.

A. Uh-huh.

Q. Generally fights, correct.

A. Um, not really. Because I didn't want to fight in the seventh grade -- well, every time I would get into a fight, I would be sent there. I got into one fight in seventh grade with an eighth grader, and I'm not -- I remember one fight, but I know I got into more than one in the eighth grade.

Q. Okay. But you were -- you had a lot of meetings with him about --

A. Yes.

Q. -- allegations, at least, that you were a discipline problem, right.

A. No, I had meetings with him because I was a disciplinary problem.

Q. Okay. Okay. And do you know approximately when Dean Alpert called you in his office to ask you if any of these allegations involving Michael Jackson were true.

A. I believe it was after I came back from Neverland.

Q. Pardon me.

A. I'm pretty sure it was after I came back from Neverland, the eighth grade.

Q. Okay. And he looked at you, and he said, "Look at me, look at me, Gavin. I can't help you unless you tell me the truth. Did any of this happen. Did anything bad happen." Remember that.

A. Um, yeah, I believe so.

Q. And your response was, "No, nothing happened," right.

A. Yeah.

Q. Okay. You used to send a lot of letters and cards to Michael Jackson, correct.

A. Yes.

Q. When did you begin sending letters and cards to Michael Jackson.

A. When I met him, I guess.

Q. Excuse me.
A. When I met him.
Q. Would that be the first trip to Neverland.
A. Yeah, I don’t think I gave him a card when -- the first day I met him, but, I mean, it was probably around the times that I knew him.
Q. You also were sending cards to his assistant named Evvy, right.
A. Yes. She was a really nice lady.
Q. Please tell the jury who Evvy is.
A. I think she’s like the assistant to Michael or something like that.
Q. You sent a card to her saying that you loved her, right.

A. Yeah -- I believe I did.
Q. Yeah, your whole family did, right.
A. I think we did.
Q. Said, “Evvy, sweetheart, we love you,” right.
A. I don’t know if we said that, but I mean --
Q. Would it refresh your recollection if I just show you a copy of a card.
A. Sure. Yes.
MR. MESEREAU: May I approach, Your Honor.
THE COURT: Yes.
MR. SNEDDON: Could I see the card for just a second.
THE WITNESS: It’s --
THE COURT: Just a moment. He’s just showing you the card, remember.
THE WITNESS: Okay.
THE COURT: Now he’s going to ask you if it refreshes your recollection.
THE WITNESS: All right.
Q. BY MR. MESEREAU: Have you had a chance to look at that card.
A. Yes.
Q. Does it refresh your recollection about sending a card to Evvy.
A. A little bit. Because I knew we sent cards to Evvy.

Q. Okay. You called her a sweetheart and said

you loved her, right.

MR. SNEDDON: Your Honor, I’m going to object to that question, because counsel’s not laid the foundation that he recognizes the handwriting as being his.

THE WITNESS: That’s my mom’s --

THE COURT: Just a moment.

MR. SNEDDON: Lack of foundation.

MR. MESEREAU: I’ll go into it, Your Honor.

THE COURT: The objection is overruled.

THE COURT: You may answer. I’ll have the question -- do you want the question read back.

THE WITNESS: Yes.

(Record read.)

THE WITNESS: Yes.

Q. BY MR. MESEREAU: And you used to write cards to Michael and call him “daddy,” correct.

A. Yes.

Q. And you would refer to yourself as his son, right.

A. Well, I called him “daddy,” and then he would call me his son.

Q. Well, you yourself wrote to him and said, “To Daddy Michael, from your son Gavin,” correct.

A. That’s probably after he called me “son.”

Q. Let me just ask you the question again, because you got to answer the question.

A. Okay.

Q. Isn’t it true that you sent a letter to Michael Jackson, you addressed it to “Daddy Michael, from your son Gavin”.

A. I mean, I’m -- I don’t know every letter I ever sent to him, but, I mean, I probably did.

Q. Do you remember doing that.

A. Not really.

Q. Would it refresh your recollection if I just show you that, the letter.

A. Yes.
MR. MESEREAU: May I approach, Your Honor.
THE COURT: Yes.
THE WITNESS: Yeah.
Q. BY MR. MESEREAU: Have you had a chance to look at that document.
A. Yes.
Q. Does it refresh your recollection about sending Michael Jackson a letter that said, “To Daddy Michael, from your son Gavin”.
A. Yes.
Q. Do you remember sending another card to Michael Jackson that said, “I miss you, Daddy Michael”.
A. I don’t know -- I probably did send him that.
Q. Do you know for sure if that happened.
A. Not for sure, but I’m pretty sure I did.
Q. Would it refresh your recollection if I just

show you the card.
A. Yes.
MR. MESEREAU: May I approach, Your Honor.
THE COURT: Yes.
THE WITNESS: Oh, yes.
Q. BY MR. MESEREAU: Okay. Have you had a chance to look at that document.
A. Yes.
Q. Does it refresh your recollection about your sending a card to Michael Jackson that said, “I miss you, Daddy Michael”.
A. Yes.
Q. Okay. How often would you send cards or letters to Michael Jackson.
A. I’d probably send them maybe once a month or something like that.
Q. And you used to ask him for his phone numbers, right.
A. He would give me some of his phone numbers.
Q. Pardon me.
A. He would give me some of his phone numbers. He gave them.

Q. But correct me if I’m wrong, did you tell the jury last week that he gave you phone numbers that ended up not working.

A. No, I told you he gave me phone numbers, and after a while they didn’t work.

Q. And you would then routinely ask him for numbers that did work, right.

A. Not really routinely. But, I mean, I asked him.

Q. Okay. Do you know approximately when you began sending letters or cards to Michael Jackson.

A. Probably when the numbers didn’t work no more, and all we had was Evvy to talk to.

Q. Do you remember sending a letter to Michael Jackson that said, “I love you, Daddy Michael. And tell my little brother and little sister that I love and care about them. Thank you for everything, Daddy Michael. Thank you for being my Daddy Michael. Thank you for helping me be happy and beat cancer.” Do you remember sending him a letter like that.

A. Not really, but I mean I probably did.

Q. Would it refresh your recollection if I just show you the card, or a copy of the card.

A. Yes.

MR. MESEREAU: May I approach, Your Honor.

THE COURT: Yes.

THE WITNESS: Oh, I remember.

Q. BY MR. MESEREAU: Have you had a chance to look at that copy of a card.

A. Yes.

Q. And does it refresh your recollection that you wrote to Michael Jackson yourself and thanked him for helping you beat cancer.

A. I remember that card.

Q. Pardon me.

A. I remember that card.

Q. You did write to Michael Jackson yourself and thanked him for helping you beat cancer, correct.

A. I wrote that in the letter, yes.

Q. Okay. You used to also write letters to Michael Jackson’s children, right, Prince and Paris.

A. I might have.

Q. You called Michael, Prince and Paris your very best friend -- friends in the world, right.

A. I don’t know.

Q. Do you recall doing that.

A. No.

Q. Would it refresh your recollection if I show you a copy of that card.

A. Yes.

MR. MESEREAU: May I approach, Your Honor.

THE COURT: Yes.

THE WITNESS: I don’t remember writing that.

Q. BY MR. MESEREAU: You don’t remember that.

A. No.

Q. Do you remember writing any letters that were addressed to Michael, Prince and Paris.

A. My writing doesn’t -- no.

Q. You don’t recall ever doing that.

A. No. My writing doesn’t look that good.

Q. Pardon me.

A. My writing doesn’t look that good.

Q. Okay. Now, you used to write Evvy, Michael Jackson’s personal assistant, and thank her for what she had done for you, correct.

A. Yeah, I would thank her for, like, setting up stuff and helping us.

Q. What nice things had Evvy done for you.

A. She would like -- when I would -- she helped me set up the AOL account with the Internet.

Q. I’m sorry, I can’t --

A. She helped me set up the Internet on the computer that Michael --

Q. What else did she do for you.

A. She was just a really nice lady. I mean, we would call her and she would be really nice to me.

Q. Do you recall ever writing to Michael

Jackson about his injuring his foot.

A. Yes.

Q. And tell the jury what you told Michael Jackson about that.

A. I just told him, like, I hope he feels better, or stuff like that.

Q. You told him that your family was praying for him, true.

A. I think so.

Q. You said you felt sorry about his foot being broken, right.

A. Yes.

Q. And you said you couldn't wait till you could play at Neverland again, right.

A. Yes.

Q. You called him "daddy" in that letter, right.

A. Yes, I believe so.

Q. Is that true.

A. I don't know, but I'm pretty sure I did.

Q. Okay. You reminded him that he keeps all of his promises, right.

A. Yeah, he would tell me he keeps every promise he says.

Q. Okay. And you reminded him of that in your letter at one time, right.

A. Yes.

Q. And you said, "I wish I could be with you in New York and watch you record your music stuff." Remember that.

A. No.

Q. Would it refresh your recollection if I just show you a copy of this letter.

A. Yes.

MR. MESEREAU: May I approach, Your Honor.

THE COURT: Yes.

THE WITNESS: Oh, yeah, I remember that.

Q. BY MR. MESEREAU: Have you had a chance to look at that document.

A. Yes.

Q. And you wanted to go to New York and be with Mr. Jackson in a recording studio, right.

A. I guess. I mean, yeah.

Q. And that didn’t happen, right.

A. No.

Q. You never traveled with Mr. Jackson to New York.

A. I never traveled with Mr. Jackson.

Q. You called him the nicest, most loving person in the world, right.

A. Yes.

Q. You said, “I love you, Daddy Michael,” right.

A. Yes.

Q. You said, “Thank you, Daddy Michael, for being my best, best friend forever and ever,” right.

A. Yes.

Q. Okay. You sent another card to him and it said, “Here’s a little something to make you feel better while your leg is healing. Ha ha, ha ha. Love you. Love, your son Gavin.” Do you remember that.

A. Yeah.

Q. Do you remember doing that.

A. Yes. Yes.

Q. Okay. Do you remember sending him a card asking him to, “Please come back, I miss you, I love

you”. Do you remember that.

A. No.

Q. Would it refresh your recollection if I show you a copy of that card.

A. Yes.

MR. MESEREAU: May I approach, Your Honor.

THE COURT: Yes.

Q. BY MR. MESEREAU: Have you had a chance to look at that document.

A. Yes.

Q. Does it refresh your recollection.

A. Not really.

Q. Okay. You don’t recall saying words to Mr. Jackson, “Come back, I miss you, I love you”.

A. I mean, because I probably did, but I don’t really remember sending a letter.

Q. Okay. Now, to your knowledge, other members of your family were sending cards to Mr. Jackson as well, right.

A. Yes.

Q. Okay. You sent a lot of cards that were signed, “Your son, Gavin,” true.

A. Yes.

Q. All right. You used to refer to Michael as your best friend, right.

A. Yes.

Q. You used to refer to him as “cool,” right.

Right.

A. I don’t know if I said “cool,” but I probably did.

Q. You said you liked being in the music studio at Neverland.

A. Yes.

Q. Were you ever in his music studio at Neverland.

A. Yes.

Q. Were you with Michael Jackson.

A. Yes.

Q. Who else was there.

A. I think David was there.

Q. You said who.

A. David.

Q. Your father.

A. No, the -- the -- the dude that would, like, work with all the computers and stuff. And one time when we went in there and he was doing his hair with one lady.

Q. This is someone who works on the computers at Neverland.

A. Well, I don’t know if -- he’s like a computer-whiz-type guy. And then the other time was with the lady that was in there doing his hair or something.

Q. How often were you in the music studio at Neverland.

A. Not really that often. I mean, I would go in there sometimes.

Q. Would you go in there with Michael Jackson or would you go in there with someone else, typically.

A. I would usually go in there when Michael was probably already in there.

Q. And usually what time of day would that be.

A. Afternoon.

Q. Was there a general time you used to go in there.

A. Not really, because it was pretty random. I mean, because we would be probably bored, and then we'd ask, "Where's Michael at," and then we would go to his studio.

Q. And how long would you stay in the studio, typically.

A. An hour or two. Like, we would be in there, and it would kind of give Michael a little break from working. And once he had to go back to work, we would leave and go do something else.

Q. Were you ever in that music studio when Michael Jackson was not present.

A. I think I might have been in there once.

Q. How did you get in.

A. Well, the door was probably open. Because there's a code there, and you can't really get in without the code.

Q. How did you get the code.

A. I said that I didn't know the code. So the door might have been open or something.

Q. Excuse me.

A. It was either someone was already probably in there, or the door was open, because I didn't know that code.

Q. But you and Star used to go into that studio without Mr. Jackson, didn’t you.

A. No, I don’t remember going there randomly.

Q. Do you ever remember being in there with your brother Star.

A. I probably went in there once without Michael being there, but, I mean -- it was probably just to look in there and look if Michael was there.

Q. And my question is -- you’re telling the jury you probably went in there. And my question is, how did you get in, if you know.

A. I don’t know, because I didn’t know the code. So it wouldn’t be punching in the code.

Q. Okay. Did you ever ask anybody for the code to the studio at Neverland.

A. No, I don’t think so. I mean, because that was like Michael’s work area, so I wouldn’t even really want to be in there.

Q. Were you ever in the theater with your brother Star when Michael Jackson was not present.

A. Yes.

Q. How did you get in.

A. The door was usually open to the theater.

Q. And what did you and Star do in that theater when Michael was not with you.

A. Watch movies.

Q. Did you just pick the movies yourself.

A. No. They -- they had this list of all the movies that would be playing in the theater, at his theater. They had like this chalkboard, and you write them there, and say that we could go watch them; that these are the movies that would be playing. And we would go and talk to the guy that works the projector and we asked him what movie to play. And we’d get our little snacks from the booth place and then we’d go sit down and watch.

Q. And did you feel you could just go in there anytime you wanted.

A. Pretty much.

Q. Okay. And did you do that.

A. Yeah. Yes.

Q. Did you start using that theater from the first time you ever visited Neverland.

A. I think we went in there the first time we visited at Neverland.

Q. And correct me if I’m wrong, you would simply go in there and pick whatever movie you wanted, or would it just be the movie for the day.

A. Sometimes they would only have one movie and sometimes they would have more than one movie, and we would go in there and we would watch it.

Q. When you were recovering from cancer, did you used to go into that theater and watch movies.

A. When I had cancer, I think I went in there and watched movies.

Q. Okay. When did you learn your cancer was in remission.

A. June 2001.

Q. Okay. And after you learned your cancer was in remission, when is the next time you remember speaking to Michael Jackson.

A. When he wanted me to go up and do the Martin Bashir thing.

Q. Was that the first time you recall speaking to Michael Jackson after you learned your cancer was in remission.

A. Yes.

Q. Okay. These cards that I just showed you, letters and cards, you started sending them shortly after you met Mr. Jackson, correct.

A. Well, not really, because I think we -- I think I started wanting to send the cards when Michael wasn’t talking to me anymore.

Q. When he wasn’t talking to you anymore.

A. Yeah.

Q. And approximately when do you think he wasn’t talking to you anymore.

A. Two months into my cancer.

Q. Excuse me.

A. Two months into my chemotherapy.

Q. Approximately when would that be.

A. August or September of 2000.

Q. Okay. So August or September of 2000, you and your family started sending nice letters and cards to Michael Jackson, correct.

A. Yes.

Q. And those are the letters and cards that I showed you a little while ago, right.

A. Yes.

Q. And it was your understanding your mother used to send him cards and letters as well, right.

A. I think so.

Q. And she used to refer to him as “daddy,” didn’t she.

A. I don’t think she referred to him as “daddy.”

Q. You never heard her say that once.

A. Well, toward me, me saying that. Because, I mean, my dad had left. And I started calling him “daddy” after my dad left because I didn’t have a dad.

Q. And your mother approved of that, correct.

A. Yeah.

Q. Okay.

THE COURT: All right. Let’s take our morning break.

(Recess taken.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 1797 through 1863 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 14, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, March 14, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
OFFICIAL COURT REPORTER

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

MONDAY, MARCH 14, 2005

(PAGES 1865 THROUGH 2016)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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THE COURT: All right. You may proceed.

MR. MESEREAU: Thank you, Your Honor.

Q. BY MR. MESEREAU: Gavin, I just want to ask you a couple of questions about your illness. Okay. Looking at your medical records, clearly you had a massive amount of tumor, right.

A. Yes.

Q. And you had surgery on your spleen, a kidney, the tip of your pancreas, right.

A. I don’t know about my pancreas. But they took out my kidney and my spleen.

Q. All right. Now, how long after your surgery did you learn you were in remission.

A. After my surgery. It wasn’t -- you’re not in remission until you’re done with your chemotherapy.

Q. Okay. So when were you told your cancer is in remission.

A. June 2001.

Q. Okay. And when was your surgery, if you know.

A. June 2000.

Q. Okay. So one year after your surgery, were you told the cancer had disappeared.

A. Yes.

Q. Okay.

A. June of 2001.

Q. Okay. And in 2001, you did not go to

Neverland, correct.

A. No.

Q. In 2000 you made a number of trips to Neverland, right.

A. Yes.

Q. So you started going to Neverland right after you had your surgery, right.

A. Not right after, because I had to recuperate from the surgeries.

Q. Okay. How many months after your surgery do you think you started going to Neverland.

A. It was probably after the first round of -- because I had to recuperate from the surgery and then I had to do my first round of chemotherapy.

Q. Okay.

A. And so after my first round of chemotherapy, I believe I went to Neverland.

Q. You can play sports now, correct.

A. Yes.

Q. And what sports do you play.

A. I play football.

Q. Okay. What position.

A. They have me at wide receiver, but they kind of realized that I was too big, and -- to play wide receiver.

Q. Okay.

A. So they put me on corner now.

Q. Now, have you -- have you ever learned what

kind of cancer it was.

A. They didn’t -- no one ever knew what kind of cancer it was. That’s why I only believe that God gave me this cancer to guide my life in a certain way --

Q. Right.

A. -- because they -- no one -- they sent it all over the country and no one could figure out what kind of cancer it was.

Q. What I'm asking is this: How long after the surgery did you learn there was no cancer in your body at all. Was it one year.

A. It was -- well, it's like they had a CAT scan after my fifth round of chemotherapy.

Q. Right.

A. And then they said they couldn't see the cancer anymore, but they said they still had to finish the rest.

I asked them, "Why can't I stop now then." Because, I mean, I didn't like taking chemotherapy, because it made me nauseous and a bunch of other stuff.

But he said I had to finish the next five, because it could be to where it's really, really small, to where you can't see it under a microscope. So they said I had to finish.

Q. Okay. Do you recall -- let me rephrase the question.

Do you remember in 1996 making a false allegation that your mother abused you.

MR. SNEDDON: Your Honor, I'm going to object to that. 403.

THE COURT: Sustained.

Q. BY MR. MESEREAU: I asked you some questions about Evvy Tavasci. And she was Michael Jackson's assistant, right.

A. Yes.

Q. And did you talk to her often.

A. Yeah.

Q. And --

A. Yes.

Q. -- when did you begin talking to her.

A. I began talking to her once I -- the first time I met Michael, I mean, I would call her sometimes and ask her about stuff. I would talk to her, and I would ask her if she knew where Michael was sometimes, or stuff like that.

Q. Well, how many times do you think you telephoned Evvy Tavasci.

A. I don’t know. I don’t know how many times I called her.

Q. You called her quite often, didn’t you.

A. I believe so.

Q. And do you know when you began telephoning Evvy.

A. When I first met Michael.

Q. And did Michael give you her phone number.

A. I believe so.

Q. Did Michael tell you you could call Evvy when you wanted to.

A. Not really. It was -- I wasn’t supposed to just call her for a lot of times. Or like -- for just like business -- well, not really business, but, I mean, stuff like if I wanted to go to Neverland or something like that.

Q. I can’t hear what you’re saying.

A. If I wanted to go to Neverland or something like that.

Q. Okay. Did you think she was your friend.

A. Yes.

Q. Okay. Did you think she was a friend of your family.

A. Yes.

Q. And did you call her every week.

A. No, not really. I mean, we would call her sometimes, but I don’t know if it was every week.

Q. You mentioned that she had helped you set up an AOL account on the computer that Michael Jackson gave you, right.

A. Yes.

Q. And approximately when did she set up that account, if you know.

A. After Michael had given me the computer. Michael told me that he wanted to get me Internet for the computer, so he told me just like -- that’s the kind of stuff I’m talking about to call Evvy, to call Evvy and she would help me set it up.

Q. When you called Evvy to help set up that account, were you recovering from cancer.

A. No. I was in the middle of it -- I mean, I just started.

Q. Excuse me, I couldn’t understand that.

A. I just started chemotherapy.

Q. Okay. So you had just started chemotherapy when you first began talking to Evvy.

A. Because the first time I went up to Neverland he gave me the computer, so that’s when he told me that he wanted me to get Internet. So when I came back, that’s when I set it up, came back to my house. That’s when I set up the Internet.

Q. So you came back to your house with a computer that Michael Jackson had given you, right.

A. Yes.

Q. You called Evvy to help set up an AOL account, right.

A. Yes.

Q. You wanted an Internet account, correct.

A. I thought it would be cool if I had one.

Q. Okay. And Michael Jackson ended up paying for that, true.

A. Yes.

Q. Okay. And you requested a screen account

name, right.

A. Well, I didn’t request it. Well, it’s because I have the computer and they were telling me what to do. And I put my name in -- I put the screen name I wanted in there.

Q. Okay. You put the screen name you wanted in there.

A. Yeah. Like there’s -- well, when you have the CD and you’re setting it up, like it tells you to do all the things, and --

Q. Right.

A. -- there’s a point where they have you put

in what screen name you want.
Q. Right.
A. And I put the screen name that I wanted in there.
Q. Did you do this right after you returned home with the computer Michael Jackson had given you.
A. Probably not right after. Maybe a few days after.
Q. Okay. And was this one of the first things you did when you got home.
A. No. Because it was a few days after I got home.
Q. Okay. So a few days after you returned from your first trip to Neverland, you tried to set up an AOL account on the computer that Mr. Jackson had

given you, right.
A. Yes, I did set up an AOL account.
Q. Was that the first computer you'd ever owned.
A. Yes.
Q. Was it the first computer you'd ever used.
A. No, because I -- no.
Q. Explain -- let me rephrase that.
When did you first learn to use a computer.
A. In the first grade.
Q. Okay. Did you own a computer at any time before Mr. Jackson gave you the computer.
A. No.
Q. Okay. But you knew how to use one, correct.
A. I wasn't like a cyber guy, but I knew how to generally use a computer.
Q. You knew what an AOL account was, right.
A. Not really. They told me.
Q. But you immediately started to set one up when you got home with the computer Mr. Jackson gave you, right.
A. Not when I got home. A few days later.
Q. You called up Evvy about setting up that account, right.
A. Yeah. Because -- well, yeah. Yeah.

Q. And you requested a screen account name of gblade2000 --
MR. SNEDDON: I’m going to object to that.

THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you remember the password -- excuse me, let me rephrase that. Do you remember the prosecutor asked you questions about passwords.
A. Yes.
Q. And do you remember you talked about what passwords you wanted.
A. Not -- to the prosecutor.
Q. Yeah. Did you say something about “hawk”.
A. Oh, I told him that one of my screen names that I had was whitehawk344.
Q. Please tell the jury what a screen name is.
A. It’s on the Internet. You have like a name that you go by, and that’s the screen name.
Q. Do you remember asking Mrs. Tavasci to change the password to “sexy,” s-e-x-y.
MR. SNEDDON: Your Honor, I’m going to object again. This is in violation of the Court’s order.
THE COURT: Sustained; that is a violation. The jury’s admonished to disregard that. You’re instructed not to go into that.
MR. MESEREAU: Yes, Your Honor.
Q. Let me ask you questions about the alarm system.
Do you recall the alarm system at Neverland.
A. I remember an alarm system that was up at --

where like you would see -- where you would -- this one house where they put all this stuff in, like his awards and his gloves, and stuff like that.
Q. When did you first learn about the alarm system at Neverland.
A. Well, he had passwords and stuff, so I’m pretty sure those were alarm systems.

Q. And when did you first see an alarm system at Neverland.

A. I saw the code things, but I never really saw the alarm system.

Q. Now, what code things are you talking about.

A. The code that you push so the doors would open.

Q. And how did you learn about those codes.

A. We'd go into the main house, Michael gave me a code, I guess that's what I learned about it.

Q. Do you remember the number of the code he gave you.

A. No.

Q. Do you remember any of the code numbers at Neverland.

A. I remember the code to his room.

Q. What was the code number to his room.

A. I'm pretty sure it was like 1960.

Q. And approximately when did you learn that code number.

A. I didn't learn that until after I came back from Miami.

Q. Had you ever been -- excuse me. Had you ever learned any code number at Neverland before you got back from Miami.

A. Yes. They -- when I was visiting the first time, they told me the code to the main house.

Q. Who is "they".

A. It was either Michael or the maids.

Q. Did you ever ask anybody for the code at Neverland.

A. Yeah, I would ask Michael.

Q. And did you ever ask anybody else.

A. Well, not really. I mean, I would ask the maids sometimes when I would forget the code and they would remind me. But when I would ask -- like when I didn't know the code at all, and I would first ask, I would usually ask Michael.

Q. Did you ever ask any security person any code number.

A. No.

Q. Did you ever see your brother or sister ask any security person for any code number.
A. No.
Q. Do you recall having the code to get into Michael’s room.
A. Yes.
Q. Do you recall having the code to get into any other room at Neverland.

A. No.
Q. Never did.
A. No. I think those are the only two.
Q. Do you recall ever going into any room at Neverland when Michael Jackson wasn’t present, besides his bedroom.
A. I mean, there’s a lot of rooms there. I don’t -- maybe we’d go in the arcade and play video games. I don’t know if that counts.
Q. What rooms at Neverland have you been into when Michael Jackson was not present.
A. The theater. The main house. My unit. The train house -- the train station. I guess that’s it.
Q. Are they the only rooms you ever went into when Michael Jackson wasn’t present.
A. Oh, maybe the library, too.
Q. Did you ever go into his children’s bedrooms, Prince and Paris.
A. Yeah. Well, when Michael wasn’t -- I wouldn’t go in there if -- I mean, because I would go in there to visit Prince and Paris, but, I mean, I never went in there when they weren’t there.
Q. Did you ever go into Prince’s room when Michael Jackson wasn’t at Neverland.
A. I don’t think I did.
Q. Are you sure.
A. Not really, because -- I might have walked through there or something, because, I mean, when you walk up some stairs, there’s -- like all the

rooms are connected between all the doors.

Q. Did you ever go into Paris’s room at Neverland when Michael Jackson was not present.

A. I don’t think I did. I mean, because their room is like -- because you could walk through the doll room and just go right to the upstairs. So, I mean, their room wouldn’t really be a room that you can really walk through. So, I mean, I don’t think I ever went into that when they weren’t there.

Q. Are you sure.

A. I’m pretty sure.

Q. Okay. Is Prince’s room near Paris’s room.

A. No, I don’t think so. I think they’re like -- both doors are like in two different corners of the whole upstairs thing.

Q. Have you been in every room in the main house.

A. Um, I believe so.

Q. And why do you believe so.

A. Because I was there a long time, you know, when Paris was there -- or when Prince and Paris were there, and, like, I was there one time when they were getting ready to go to bed. I would walk through the doll room, and then I would go up to where the train thing was, and then they were having their class one time that -- Grace was teaching

them. And then I went up there, and I was -- I think I was teaching Prince something. I was helping Grace. And --

Q. Were you helping Grace teach --

A. Yes.

Q. -- the children.

A. Yes.

Q. Where were you helping Grace teach.

A. I don’t know. It was probably -- I don’t even think I was really helping them. I think I was helping them with a puzzle or something.

Q. With a puzzle.

A. Yeah.

Q. You said you were helping with homework or something along those lines, right.

A. Well, I was helping with their schooling.

Q. With their schoolwork.

A. With their schooling.

Q. Please tell the jury what help you were giving Grace as far as the children’s schooling is concerned.

A. It wasn’t really, like, teaching, like you wouldn’t say, “This and this equals this,” or whatever. I was just like -- like Prince might have been doing a drawing, and I was -- I was talking to him about it, and I was saying, “Well, it’s really nice,” and -- or like they might have been doing a puzzle, and I would be helping them do it or something like that.

Q. Did you do that more than once.

A. I think I only did that once.

Q. Okay. And did you ask Grace if you could help out before you did that.

A. Yes.

Q. And she said “yes”.

A. Yes.

Q. Okay. How long was that session.

A. Well, I think their school is only like three hours. But, I mean, I think I was only in there for, like, 30 minutes to an hour.

Q. Okay. And was it your understanding that Michael Jackson’s children do their schooling at Neverland.

A. I -- I -- I thought that wherever -- I thought Grace would teach them, and then Grace would go wherever they go, so I guess it would be anywhere.

Q. And was this teaching going on in one of the children’s bedrooms.

A. No.

Q. Where was it going on.

A. It was upstairs, like in the little playroom place.

Q. Well, there’s a room upstairs which has school materials, right.

A. Yes.

Q. And what school materials have you seen in that room.

A. I saw this little tiny chalkboard, and then like these big floor piece puzzles, and -- I don't really remember.

Q. But you've seen schoolbooks in there, correct.

A. No, I don't think so.

Q. Well, that's where the children do their schooling, as far as you know, right.

A. No. I said that I think whenever Grace wants to teach them, that's where they do their schoolwork.

Q. Okay. But you've seen blackboards, you've seen school materials; correct.

A. I said I saw a little kid blackboard, but I don't even think Grace was using it.

Q. Okay. But the room you're talking about is not one of the children's bedrooms, correct.

A. No.

Q. Okay. Now, was that the first time you'd been in that room.

A. No.

Q. When was the first time you went through that room.

A. I mean, because the room wasn't really a classroom. I mean, per se. They would use it as a classroom. There would be stuff there. There would be -- to use as a classroom. There was like this video game thing there. I think it was in that room. And I think it might have been in the same room as the big train thing.

Q. Was it your understanding that Michael's children are tutored in the main house.

A. My understanding was that they are tutored, but I don't know where.

Q. Okay. Okay. But you don't think it's in that particular room you just described.

A. It probably was. I mean, I’m saying wherever Grace wanted it, they could have it, because it’s not like she had a set classroom. It’s not like they’re going to New York and they’re going to come back to Neverland to do their classing, their schooling.

Q. Do you remember approximately when you helped Grace tutor the children.

A. Probably after I came back from Miami.

Q. Okay. Wasn’t before then.

A. No.

Q. Okay. Did you see the children tutored the first time you went to Neverland.

A. No. That was the only time I ever saw them, really.

Q. Now, is it true that you introduced Chris Tucker to Michael Jackson.

A. Yes.

Q. And approximately when was that.

A. Well, I think I gave -- it was either I gave Chris Michael’s phone number or -- well, I think I gave Michael Chris’s phone number, and then I called Chris after a while and I asked him if Michael called him yet, and then he said that he hadn’t. And so then I just gave him one of Michael’s phone numbers, or I gave him Evvy’s phone number, I’m not sure, just so he could do it himself; he can call Michael.

Q. Do you recall ever being in Michael Jackson’s bedroom and hearing the alarm go off.

A. The little “dee-do, dee-do” thing.

Q. Yes.

A. Yes.

Q. Okay. Approximately when was that.

A. I don’t know. After Miami. I mean, but it’s -- because -- I mean, when you’re up in his bedroom, like you can hear it, but it’s not as good as if you’re downstairs, but you can still kind of hear it.

Q. Okay. When you were initially interviewed by the sheriffs, you were asked about what happened after the Bashir documentary was on television, right.

A. Yes.

Q. Now, when did you first hear about the Bashir documentary that appeared on television.

A. On the news and from Michael.

Q. Were you watching the news at home when you first heard about it.

A. I didn’t really know that it was the Bashir documentary per se. But I knew that they were talking about kids sleeping in his room or whatever.

Q. Well, you mentioned to the sheriffs about people coming to your house and bothering you, right.

A. Yes. I think so.

Q. And when did that first start.

A. I think after we came back from Neverland.

Q. Okay. You say after you came back from Neverland. When was that.

A. I don’t know. I’m not sure.

Q. Well, when you told the sheriffs that people were coming to your house and bothering you, what were you referring to.

A. Well, one time we caught one of Michael’s security guys that we thought he was standing in -- trying to stand behind a car, and then my stepdad went out and was like -- asked him what he was doing, and then we saw him run, and --

Q. Well, your mother had asked for security because she said your family was being hassled, didn’t she.

A. I don’t know if she asked him or -- who are you saying that she asked.

Q. You never heard your mother say she wanted some security because your family was being hassled.

A. No, I knew that she didn’t like it, but, I mean, I don’t know if she asked for security.

Q. Okay. Okay. We talked last week briefly about all the conversations you had with Michael Jackson at the hospital, right.

A. Yes.

Q. Remember that.

A. Yes.

Q. You had initially testified that there was just one call, correct.

A. Well, it’s like -- I don’t -- I’m probably sure I called him more than once, but, I mean, the one I’m for sure of is the first time he called me to go up to Neverland for the first time.

Q. You told the sheriffs there were times when you would speak to Mr. Jackson on the phone for hours, right.

A. Yes.

Q. And what did you used to talk about, if you remember.

A. We would talk about, like, video games or people I knew, and people he knew, or a CD he might be trying to do or a song or something, or his life, or my cancer, or Simpsons and Disney cartoons.

Q. And you had a lot of those discussions in the hospital, right.

A. Yes.

Q. And you had discussions after you got out of the hospital, right.

A. We would have discussions, yes. Yes.

Q. And you would have discussions after you got out of the hospital at home, right.

A. They were -- a majority of them, if not all of them, were -- well, the majority of them were at my grandmother’s house.

Q. Okay. And would you call Mr. Jackson.

A. Sometimes I would call him, and he would call me sometimes.

Q. Okay. And these conversations would last sometimes a couple hours, right.

A. Yes.

Q. And you said you would talk about cancer. You would talk about the Simpsons. You would talk about video games, right.

A. Yes.

Q. Do you remember anything else you talked about.

A. That's pretty much it right there.

Q. Do you recall your first trip to Neverland.

A. Yes.

Q. And how did you get there.

A. They had us pack all our bags, and then a limousine came in the front of my grandmother's house. And we were all surprised because we didn't think we were going to go up in a limousine. Well, I didn't think I was going to go up in a limousine. I didn't know that we were. And I was really happy, because that was the first time I'd ever been in a limousine. And we threw all our bags in there and then we went up to Neverland.

Q. Who told you you were going be picked up to go to Neverland.

A. Well, I believe my parents set it up. But I don't know who really told me. I knew what day and I knew Michael wanted me to go up, but, I mean, I didn't really know, like, all the logistical stuff.

Q. When you were responding to Prosecutor Sneddon's questions, do you remember discussing Jay Leno.

A. Yes.

Q. Now, isn't it true that in none of your interviews with the sheriffs and never when you testified before the grand jury on two occasions did you ever mention Jay Leno, correct.

A. Yes. Because I thought he didn't have anything to do with this case.

Q. Did Prosecutor Sneddon tell you at some point that Mr. Leno had something to do with the case.

A. Yes. Well, he asked me about what I know about Jay Leno and how I came about to have him in my -- well, not really have him, but, I mean, how he -- I don’t know how to say it. Like, he pretty much just asked me what I know about Jay Leno.

Q. Did Prosecutor Sneddon tell you that I had mentioned Jay Leno in this courtroom.

A. No.

Q. Did he tell you how the name Jay Leno had come up in the case.

A. No.

Q. When did Prosecutor Sneddon first mention the name Jay Leno to you.

A. Well, actually, it wasn’t really -- Mr. Sneddon was there, but I believe it was -- I don’t remember who exactly asked me, but I remember him being there, and I remember Mr. Sneddon shaking his head, but I don’t think it was Mr. Sneddon that actually asked me.

Q. Do you know approximately when this meeting took place.

A. Before I even -- maybe a day or two before I first came to testify here.

Q. So it was after this trial had started, right.

A. Yes.

Q. Okay. And did Mr. Sneddon call you on the phone to discuss this.

A. No. I met with him.

Q. Okay. Did someone ask you to come meet with Mr. Sneddon.

A. Yes.

Q. Who was that.

A. I don’t remember. I remember they told me that I was going to, but I don’t remember who exactly.

Q. Do you remember where the meeting took place.

A. In a house.

Q. Okay. Did Mr. Sneddon ask you to testify that Jay Leno was your favorite comedian.

A. No.

Q. Okay. When did the idea that Jay Leno was your favorite comedian come up in this case.

A. Well, Jay Leno was my favorite comedian, but I don't really understand what --

Q. Do you remember calling Jay Leno on the telephone.

A. I remember calling -- yeah, I remember calling his phone.

Q. Do you remember speaking with Jay Leno on the telephone.

A. No, I never spoke with Jay Leno.

Q. At any time.

A. No.

Q. Did you ever try to reach Jay Leno on the telephone.

A. Yes.

Q. And who did you call, if you know.

A. I called a phone number that I was given.

Q. Where did you get the phone number.

A. It was either Jamie Masada or Louise Palanker.

Q. Did you dial the number.

A. Yes.

Q. Was your mother with you.

A. No.

Q. Was anybody in the background.

A. Well, when I called him, I'm pretty sure that I was in the hospital, so either it could have been my dad, or maybe a nurse that would come in to do my vital signs or something.

Q. And you dialed the number, right.

A. Yes.

Q. And do you have any idea who answered the phone.

A. Answering machine.

Q. And did you ever actually get Mr. Leno on the phone.

A. No.

Q. So you deny you've ever spoken to him on the phone, right.

A. I've never spoken to Jay Leno.

Q. Okay. You never mentioned Mr. Leno to Psychologist Stanley Katz, right.

A. No, I don’t think so.
Q. And you never mentioned Mr. Leno to Lieutenant Klapakis during any interview, correct.

A. No, I’ve never mentioned Jay Leno to anybody. Except --
Q. I’m sorry.
A. Except for when they asked me what I know about Jay Leno.
Q. To your knowledge, did anybody in your family contact, or try to contact, Mr. Leno while you were ill.
A. No. Because I was the only one with the phone number.
Q. Did you ever give it to your mother.
A. No.
Q. Ever give it to your father.
A. No.
Q. Ever give it to Star.
A. No.
Q. Ever give it to your sister Davellin.
A. Her name is Davellin. But, no, I never gave it to her.
Q. Okay. You left a message on his machine, correct.
A. Yes.
Q. Did you ever get a call back from anyone claiming they represented Mr. Leno.
A. No.
Q. All right. So what you’re saying is if anybody spoke to Mr. Leno and said they were you, it was certainly a false statement, right.

MR. SNEDDON: Object as argumentative, Your Honor.
THE COURT: Sustained.
THE WITNESS: I never spoke to --
THE COURT: Just a moment.
Next question.
Q. BY MR. MESEREAU: Has Prosecutor Sneddon

ever discussed with you his conversation with Mr. Leno.

MR. SNEDDON: Your Honor, object. Assumes facts not in evidence.

THE COURT: Sustained. Assumes facts not in evidence.

MR. MESEREAU: I'll rephrase it, Your Honor.

Q. Has Prosecutor Sneddon ever told you that he had a conversation with Jay Leno about this case.

A. No.

Q. Has Prosecutor Sneddon ever told you that any Santa Barbara sheriff had a conversation with Jay Leno about this case.

A. No.

Q. Never told you that at all.

A. No.

Q. Okay. Did you hear the alarm in Michael Jackson's bedroom more than once.

A. The little "dee-do" sound.

Q. The alarm.

A. Yeah, like when Frank would come in or something, you could hear it.

Q. You could hear the alarm go off.

A. Yeah.

Q. How many ringing sounds would you hear.

A. It would go like three times, "dee-do, dee-do," like three times. And that's how many ringing sounds it was.

Q. Have you ever discussed that alarm system with your brother Star.

A. Probably. I don't know.

Q. Did you talk to your brother Star about what he said about the alarm system in this courtroom.

A. No.

Q. Have you discussed with your brother Star anything you said in this courtroom.

A. No.

Q. How many times do you think you entered Michael Jackson's bedroom when Mr. Jackson wasn't there.

A. I never went inside his room when he wasn't

there.

Q. To your knowledge, did your brother ever go into his room when he wasn’t there.

A. I don’t think my brother went into his room when he wasn’t there.

Q. Okay. So you have no knowledge of him doing that, correct.

A. No.

Q. Okay. Prosecutor Sneddon asked you questions about your father abusing you and your mother, right.

A. I believe so.

Q. You always refer to David as your biological father, correct.

A. Yes.

Q. Did someone ask you to use that term.

A. No.

Q. How did you start calling him “my biological father”.

A. Because I accepted my now father Jay Jackson as my real father, because he’s more of a father than my real father ever was.

Q. Okay. You testified that Michael Jackson and Frank showed you a computer and went to websites with naked women, right.

A. Yes.

Q. And approximately when was that.

A. That was like on the first night that we were inside his room that we were going to go to sleep.

Q. And you said it was like an Apple computer; is that right.

A. I’m not sure, because I don’t remember -- I think it was Frank’s computer because -- it wouldn’t be mine, because I didn’t set up the AOL account until, like, after I came back, so it was probably Frank’s computer.

Q. Was your computer an Apple computer.

A. Yes.

Q. Okay. You told the sheriffs that it was either your computer or Frank’s computer during one of your interviews, right.

A. Yes, sir.

Q. Was Frank’s computer an Apple computer.

A. I think it was probably a Sony computer.

Q. And you told the sheriffs that Frank started looking at girls on those sites, right.

A. He started, like, typing up stuff, yes.

Q. Pardon me.

A. Yes.

Q. And did he ask you to join in.

A. No, well, he was -- he had it on his bed and he set it up, and there were -- well, Frank was typing in stuff and looking. And me, Michael and my brother were there.

Q. Is that when you say that Michael Jackson looked at a naked girl on the computer and said, “Got milk.”

A. Yes.

Q. Okay. Now, to your knowledge, did Michael Jackson or Frank ever show you a website on a computer like that at any other time.

A. I don’t think so.

Q. Was that the only time.

A. I believe so.

Q. Okay. And Frank’s the one who initially was pressing the buttons to look up the site, correct.

A. Yes.

Q. Okay. You also testified that at some point Michael Jackson showed you some girlie magazines, right.

A. Yes.

Q. And I believe you mentioned Hustler and Playboy to the sheriffs, right.

A. Yes.

Q. Okay. You also testified that at some point Michael Jackson pretended that he was having sex with a female mannequin, right.

A. Yes.

Q. Okay. And you also told the jury that at some point Michael Jackson mentioned the word “clitoris,” or “clitoris,” right.
A. I don’t think I did.
Q. Did you testify to that.
A. (Shakes head from side to side.)
Q. Ever tell the sheriffs that.
A. No.
Q. Okay. And your testimony to the jury is that after Michael Jackson showed you women on websites, after he showed you Hustler and Playboy, which are girlie magazines, and after he pretended to have sex with a female mannequin, he then at some point masturbated you; is that correct.

A. Yes.
Q. Is that what you told the sheriffs.
A. Yes, I told the sheriffs about that.
Q. Now, at some point, you went to the Hilton Hotel to visit Michael Jackson, right.
A. Yes.
Q. And approximately when was that.
A. I was in my second round of chemotherapy.
Q. And you were with your father, right.
A. Yes.
Q. And you say that was around the time of your second round of chemotherapy.
A. Yes.
Q. And who invited you to the Hilton Hotel.
A. It was either I called Michael or Michael called me, and I asked him where he was. And then he told me that he was in -- more like near -- around L.A. And then I asked him -- I think I asked him -- yeah, I asked him if I could visit him.
Q. Okay.
A. And then he said it was okay. And so I went up there and visited him for like two hours.
Q. And how long were you there.
A. Two hours.
Q. Okay. With your dad, right.
A. My dad was in another room. And then with

me and Michael, we were in his bedroom with Prince and Paris, and we were watching Aaron Carter’s music videos.

Q. And Prince and Paris were there the whole time, right.

A. Yes.

Q. How did you get to the Hilton.

A. My dad drove me there.

Q. And he drove you in an SUV that Michael Jackson had given your family, correct.

A. Yes.

Q. Do you know when Michael Jackson gave your family that SUV.

A. I think it was like right after my second round of chemotherapy, Gary came and -- I think he was going to drive me up from Neverland right after my second round. And then once I went in -- he drove me up in the truck, and then I walked up to the truck, and I was like, “Is this Michael’s truck.” And he was like, “Yeah.”

And I said, “Wow, my grandfather has one that looks exactly like this one.”

And Gary was like, “Well, this one’s yours now.”

Q. That was Gary Hearn.

A. Yes.

Q. Okay. And just -- Gary Hearn was an employee of Mr. Jackson’s, correct.

A. Yes.

Q. And you’re telling the jury that Gary Hearn told you that your family owned the SUV, right.

A. He told me that Michael gave it to us.

Q. Okay. And did he leave it at your house, to your knowledge.

A. No, we were coming -- it was in the garage of the hospital, and I went in there, and there’s like a little bow in the center console between the two seats and stuff.

Q. You complained to the sheriffs that someone had taken that truck back, right.

A. Yes. I said I believe so.

Q. You complained to the sheriffs that your family thought it was their truck, and at some point someone representing Mr. Jackson took the truck back and never returned it to you, right.

A. Um, I think it was that we had the truck and somebody crashed into it or something. And then we had asked Michael if they can fix it and give it back to us. And then we gave it -- we -- they had it, they got the truck so that they can fix it and give it back to us, and they never gave it back to us.

Q. Who crashed the truck.

A. I don’t think it was someone -- I think someone crashed into it.

Q. Do you know who was driving it at the time.

A. I think it might have been parked. I’m not sure. I don’t really know how it happened exactly.

Q. It might have been who.

A. It might have been parked while it went -- and someone, like, ran into it or something, because I don’t really remember how exactly --

Q. Yes, but somebody ran into it while your family had possession of it, right.

A. Yes, well, we owned it.

Q. When you owned it, right.

A. Yes.

Q. And at some point, someone in your family asked if Mr. Jackson would pay to repair it, correct.

A. I’m pretty sure. I mean --

Q. Pardon me.

A. I’m pretty sure.

Q. All right. Let me just make sure I understand. You’re pretty sure that someone in your family asked if Mr. Jackson would pay to repair the SUV that you claimed he gave your family, right.

A. Yeah. Because, I mean, it had to have been like that, because the guy came to fix it.

Q. And you did complain to the sheriffs that the truck was never returned to your family, correct.

A. Yes.

Q. Because you believed that your family owned the truck at that point, right.

A. Because Michael said he -- well, Gary said that Michael said he gave it to me. And then I called Michael later to thank him, and he said, “Yeah, it’s your truck now.”

Q. Okay. People in your family -- well, I shouldn’t say that. You were personally upset about that, right.

MR. SNEDDON: Excuse me, vague as to what “that” is.

MR. MESEREAU: I’ll rephrase it.

Q. You were upset that your family never got that truck back, correct.

A. I was more sad because then we didn’t have a vehicle to use to go anywhere.

Q. Okay. Do you recall ever asking Chris Tucker for a vehicle.

A. No.

Q. Do you know of any member of your family ever doing that.

A. No.

Q. Okay. Never heard of anything like that.

A. I remember Chris gave us -- was going to give us a vehicle.

Q. And what happened.

A. It never was able to -- I mean, someone lost the key and something like that, and that was the only key, and then -- and then I think all this stuff started.

Q. So you never got a vehicle from Chris Tucker, right.

A. No.

Q. Were you upset about that.

A. Well, I mean, I was kind of sad, but I mean -- yeah, I mean, it’s like he was going to give it up, that would be nice, so I don’t really have that much of a right to be angry.

Q. Okay. Now, you complained to the Santa Barbara Sheriffs that, “After I was done with my cancer stuff,” you never saw Michael again, right.

A. No, not until the Martin Bashir thing.

Q. Okay. And you wanted to see him after you were in remission, correct.

A. Yes.

Q. You wanted to visit Neverland after you were in remission, right.

A. Yes.

Q. And you felt in some way that Michael had cut off the friendship, right.

A. Yes.

Q. You felt he had abandoned you, right.

A. Yes.

Q. And you felt he had abandoned your family, right.

A. Yes.

Q. Now, at some point you told the sheriffs that Michael had given your family a Bronco, correct.

A. I believe -- I’m pretty sure that the GMC was called Bronco.

Q. Are you sure about that.

A. I’m not exactly sure what kind of truck it was.

Q. You also complained to the Santa Barbara Sheriffs that your computer had gotten messed up, right.

A. I think I did. The battery stopped working. It wasn’t -- the computer just wouldn’t turn on. It would always stay black.

Q. This was the computer that Michael Jackson had given you, right.

A. Yes.

Q. And at some point you asked to have Michael Jackson fix the computer, right.

A. Well, I told my mom about it. And then my mom said, well, we could probably call Evvy and they can help us fix it.

And then I called Evvy and asked her if they can fix it for me. And Evvy said yes. And then so we mailed it to her or dropped it off or something like that, and then I never got it back.

Q. Well, actually, your mother asked Evvy if Michael Jackson would fix the computer, right.

A. I don’t know who exactly asked.

Q. Well, you told the sheriffs that your mother had asked, didn’t you.

A. I don’t know.

Q. Would it refresh your recollection if I just show you a page of the transcript of your interview.

A. Yes.

MR. MESEREAU: Okay. May I approach, Your Honor.

THE COURT: Yes.

Q. BY MR. MESEREAU: Have you had a chance to look at that page --

A. Yes.

Q. -- of your police interview.

Does it refresh your recollection about what you told Santa Barbara Sheriffs.

A. A little bit. I mean --

Q. You told him that your mother asked to have the computer repaired, right.

A. Yes. But as I told you, I’m not -- as of right now -- I mean, that interview took place a while ago. I mean, I’m not sure who exactly called. But in the transcript it says that, so that’s probably what happened.

Q. Okay. Is it your belief that your mother called Evvy.

A. I believe so.

Q. Your mother used to call Evvy a fair amount, didn’t she.

A. I don’t know.

Q. Did you ever see your mother call Evvy.

A. Maybe once or twice.

Q. Not -- no --

A. Maybe -- I’m pretty sure I saw her call for the computer, because I asked her. And I’m not sure exactly how many times she called Evvy.

Q. And you complained to the Santa Barbara Sheriffs that you never got the computer back, right.

A. Yeah, I told them that I didn’t get the computer back.

Q. Did you used to communicate with Evvy by e-mail.

A. I don’t know. I don’t think I did.

Q. Okay. Are you sure about that.

A. No.

Q. Okay. Did you know how to use e-mail at that point.

A. A little bit. I mean, it was kind of hard. Well, it wasn’t really hard. I just didn’t really understand it at first, and then I got the hang of it, but --

Q. You indicated at the Hilton you watched music videos with Mr. Jackson, right.

A. Yes.

Q. And do you know why Mr. Jackson was at the Hilton.

A. I think he was doing some recording thing. Well, yeah, he told me that he was going to do some recording in Los Angeles, or something like that.

Q. And at some point you complained to the sheriffs that Mr. Jackson had changed his phone numbers after you visited the Hilton, right.

A. Well, that was the only phone number I left -- or I called -- well, I’m not sure. Because the only phone number that never changed was Evvy’s phone number. And I would call her and I would ask her sometimes where Michael was or something. And then -- and I had the phone number to his hotel, so I think I called him at his hotel and asked him if I could go visit him. I think it was around -- I’m not sure when exactly.

Q. When did you first get upset about your phone numbers for Michael Jackson not working.

A. Maybe around the third or fourth chemotherapy round I called his numbers and it would be, like, “This phone number is no longer in service.” Or sometimes it would just ring and it wouldn’t never -- no one would ever pick up or something like that.

Q. This was after your cancer was in remission.

A. No, this was around the third or fourth cancer -- round of chemotherapy.

Q. Suddenly his phone numbers didn’t work, right.

A. Yes.

Q. And did you try to get ahold of phone numbers that would work.

A. I don’t know.

Q. Well, you’ve indicated that you were upset that the phone numbers you had for Mr. Jackson at some point didn’t work, right.

A. Yes.

Q. And the phone numbers you had for Mr. Jackson began to not work after it appeared that your cancer was in remission, correct.

A. No, I said they stopped working after my third or fourth chemotherapy round.

Q. Okay. Before that, could you easily call him.

A. Yes.

Q. And before that, did you often call him.

A. Yes. And he would call me and stuff. We would talk -- we talked a lot more before then.

Q. In fact, you called him at the Universal -- Hilton Universal the day you visited, right.

A. I believe so. I’m not too sure how it came about.

Q. Who did you complain to about your phone numbers to Mr. Jackson not working.

A. I didn’t complain to anybody.

Q. Ever mention it to your mother.

A. I’m pretty sure I did.

Q. Ever mention it to your brother and sister.

A. I’m pretty sure I did -- well, the first person I told was my biological father, and then -- because he was usually the one always with me like when we would go up to Neverland or go with me to -- with Chris or something.

Q. So you complained to your biological father David that around the time of your third chemotherapy treatment the phone numbers you had for Michael Jackson were not working, right.

MR. SNEDDON: Your Honor, I’m going to object to the question, the use of the first part of it, because I believe that’s not his testimony, so it assumes facts not in evidence.

THE COURT: Overruled. You may answer. Do you want the question read back.

THE WITNESS: Yes.

(Record read.)

THE WITNESS: I didn’t really complain. I mean, I was in the hospital, and -- I was either in the hospital or at my grandmother’s house or something. And I told my dad that -- I told my biological father that they weren’t working anymore.

Q. BY MR. MESEREAU: Well, when you first started talking to Michael Jackson in the hospital, you talked to him about your cancer, right.

A. Yes.

Q. And he used to talk to you about ways to deal with it, right.

A. Sometimes he would, yes.

Q. And he tried to encourage you to believe in yourself and you could heal, correct.

A. Yes. He would tell me that like -- that -- to -- like this one time he told me to eat up cancer cells like a Pac Man. Something like that.

Q. And what he told you was to sort of

visualize in your mind Pac Man eating up bad cancer cells, right.

A. Yes.

Q. Did you do that.

A. Not really.

Q. Did you ever try to visualize.

A. Well, yeah, I think I did once, but I mean --

Q. Now, when you had your third chemotherapy treatment, you were getting encouraging signs from the doctor, right, about beating cancer.

A. Yes.

Q. And you were being told that it looked like you might beat this thing, right.

A. I didn’t really get told that until my fifth chemotherapy round where they had that CT scan.

Q. But didn’t you complain to the Santa Barbara Sheriffs that after your cancer was over, Michael stopped communicating with you.

A. It wasn’t after my cancer. It was toward the beginning of my third chemotherapy round.

Q. You told them, “After I was done with my cancer stuff,” you couldn’t call Michael anymore, right.

A. I couldn’t call Michael either at that period, or the period when I had cancer.

Q. Okay. When you were undergoing chemotherapy, you visited Neverland with Chris Tucker on a couple of occasions, correct.

A. I don’t know if it was during my cancer. I think it was -- I visited him after. I don’t know.

Q. Approximately when was that, if you know.

A. I went up there with his birthday for Dustin, so whenever his birthday is.

Q. I’m sorry, I can’t hear you.

A. I went up there whenever his birthday was, whenever Dustin’s birthday was. But I don’t know what came first, either the Martin Bashir thing or Dustin’s birthday. I’m not sure.

Q. And Michael Jackson wasn’t there, right.

A. No.

Q. Do you know how that trip got arranged.

A. Which trip.

Q. The trip with Chris Tucker to Neverland when Michael Jackson wasn't even there.

A. Well, I'm not sure if Dustin -- well, if it was Dustin's birthday or Chris's -- or, I mean, the Martin Bashir thing. So I'm not -- I don't know how it got arranged that we'd go up there. I mean, I don't -- like -- I don't really know whether it was like a limousine or something.

Q. But you don't know who set that up, right.

A. Not exactly. Well, the -- I think the Martin Bashir thing I went up there with Chris. And then with the Dustin thing, I went up there in Chris's bus with a bunch of other people, his family and stuff.

Q. Are you telling the jury that when you did the Martin Bashir filming, Chris Tucker was with you.

A. Um, I'm -- I don't know whether he drove me up there or not. I -- because I'm not too sure how, like, all this stuff -- how I got up there. But I know I went up there with Chris for Dustin's birthday.

Q. Do you remember Chris being there when you were filmed for the Bashir documentary.

A. I don't know, because I think I might have went up there with Chris, because I remember going up there with Chris one time when we were riding horses, and then he was wearing like this -- this thing that like only like sheiks would wear, and he was joking around, and we were all riding horses and stuff. And I don't know -- I think it might have been around the time that I was -- that Martin -- that the Martin Bashir thing got filmed.

Q. To your knowledge, Chris Tucker wasn't in the Bashir documentary, right.

A. No.

Q. Did you leave Neverland after that visit with Chris.
A. After -- well --
MR. SNEDDON: Excuse me, I’m going to object as vague as to “that visit.” We’ve discussed a couple of them.
MR. MESEREAU: I’ll rephrase it.
THE COURT: All right.
Q. BY MR. MESEREAU: When you were at Neverland to film what became part of the Bashir documentary, at some point you went home, right.
A. Yes.
Q. And did you go home with Chris Tucker.
A. No. We stood there and we went swimming and stuff.
Q. What was the state of your cancer when you filmed what became part of the Bashir documentary.
A. The Martin Bashir interview thing.
Q. Yes.
A. I was in remission.
Q. And for how long had you been in remission at that point.
A. I’m not sure when it was filmed. So I’m not sure how long.

Q. Do you know if it was a number of months.
A. Yeah. Definitely.
Q. At that point, could you reach Michael Jackson by telephone if you wanted to.
A. No, after the Martin Bashir thing, he didn’t give me any phone numbers, because he left, like, either the same day or the day after the Martin Bashir interview, and I didn’t really get any other phone numbers.
Q. But your phone numbers for Michael Jackson stopped working before the Bashir documentary, didn’t they.
A. Yes. Michael called me to go up to Neverland. He said that he was trying to find me or something like that to go -- for him to talk to me, and then he wanted me to go up to the Martin Bashir -- well, he didn’t tell me that. He told me

he wanted me to go up to his ranch and visit him.

Q. You hadn’t been able to call Michael Jackson by phone for many, many months before you were filmed in the Bashir documentary, right.

A. No, I was not able -- well, I didn’t have a phone number.

Q. Okay. Now, in the year 2001, you don’t recall ever going to Neverland, right.

A. No.

Q. You started going in the year 2000, right.

A. Yes.

Q. You didn’t go there in the year 2001, right.

A. I don’t think I did.

Q. And at some point you heard from Michael Jackson and went there for the Bashir filming, right.

A. Yes.

Q. Now, you visited Neverland a number of times in the year 2000 with your biological father, correct.

A. Yes.

Q. And do you remember if Michael Jackson was there during those visits.

A. I think he was there for the -- I think he was there once. The first time I went there he was there. And then I think the second time I went there, he was there and then he had to leave.

Q. When your father was at Neverland with you, did you ever stay in Michael Jackson’s room.

A. No, I only stood on the first night, and then the rest of the nights I just stood in, like, the units and stuff.

Q. And when you say you stayed there the first night, is that the night you described where Michael Jackson and Frank slept on the floor, and you and your brother slept on the bed. Is that what you’re talking about.

A. Yes, I believe so.

Q. And is it your testimony that that first visit, you had dinner in the main house with your family and Michael Jackson.

A. Yes.

Q. And during that dinner, was there a discussion about whether or not you and Star could sleep in Michael Jackson’s room.

A. The first day.

Q. Yes.

A. Yeah. Like, we were in Michael’s office and then we were talking about stuff, and then Michael told me to ask if I could go sleep in his room so we can watch, like, movies and stuff.

Q. Was there a discussion at the dinner table that evening with your parents and Michael Jackson about whether or not you could stay in his room.

A. Yes. Michael told me to ask my parents in front of him and my parents.

Q. Did you ask your parents in front of Mr. Jackson at the dinner table that evening.

A. Yes.

Q. Did your parents both approve you and your brother staying in Michael Jackson’s room.

A. Yes.

Q. And that’s the night you say Michael and Frank slept on the floor, right.

A. Yes.

Q. Did you ever ask either of your parents after that whether you could stay in Michael Jackson’s room.

A. I don’t think so.

Q. You don’t think you ever asked them that question again.

A. I think it was like we only stood there that one night, and then after that, we stood in our units or something. Because I think that’s the only night I slept in his room, the first night.

Q. Okay. You said after that, you had stayed in the guest units.

A. Yes.

Q. And are the guest units where your mother was staying.

A. Well, there’s a lot of guest units, so I think me and my brother had a room. Me and my brother and my sister had a room, and my mom and my dad had another room.

Q. Okay. And you and your brother would stay in those guest units, right.

A. Yes.

Q. And approximately how many of those trips to Neverland do you think you and your brother stayed in the guest units.

A. After that first night we would stay in there every night we would go there, every time, or sometimes we would go to the train house and sleep up there.

Q. You’d sleep in the train house.

A. Yeah.

Q. Please tell the jury where the train house is.

A. It’s on top of a -- like you come -- like the guest units are right here, and you go up the side of this hill, and then up there there’s like this train station. And then you can sleep in there, because there’s, like, couches, and you can roll out a bed, and then there’s a T.V. there and stuff. It was pretty cool.

Q. How many times do you think you and your brother stayed in the train house.

A. A few nights, I guess.

Q. When you visited Neverland with Chris Tucker, did you stay in the train house.

A. Yeah. I think so. I think that’s the time that we stood in the train house.

Q. Do you know where Chris Tucker stayed when you visited Neverland with Chris Tucker.

A. No.

Q. Did you ever go into his room.

A. I think we might have. I don’t know. I mean, I don’t know where he stood right as of now. I mean, I don’t remember, but I don’t -- I think we went into his room to, like, say, “Let’s go do this," or something like that.

Q. Let me ask you this: After the first night your family was at Neverland, when do you next remember your mother visiting Neverland.

A. Not until after we came back from Miami.

Q. So you don't think your mother ever visited Neverland between your first visit in the year 2000 and right after the Miami trip.

A. Yes. I don't think she did.

Q. Okay. You don't recall her being there at all.

A. No.

Q. Okay. And you recall your father being there once or twice.

A. No, I recall my father being there every time I went up there.

Q. And how many times was that.

A. When I had cancer, it was -- well, he went up there every time that I had cancer. And he was -- I'm not sure how many times I stood there. That was -- because I think I stopped going out there after my fourth chemotherapy round. And so it was -- probably we went there, like, four or five times, or something like that, yeah.

Q. At some point you learned about the Bashir documentary by watching television, right.

A. Well, I didn't really know it was the Bashir documentary until I -- we started talking about it more with Chris, and stuff like that.

And I just remember watching the news and they were talking about kids and Michael, but I didn't really know they were talking about the Martin Bashir documentary.

Q. Well, you were watching CNN, correct.

A. I think I was. I don't know.

Q. And at some point you saw a reference to yourself being in the Bashir documentary, right. Is that true.

A. I didn’t know it was the Bashir documentary, but they said -- I personally thought it was some guy that was saying stuff about Michael. And they were talking -- I thought they mentioned my name when they were talking about Michael. But I didn’t know it was the Martin Bashir documentary until, like, we started talking to Chris and stuff.
Q. But you told the Santa Barbara Sheriffs your name was mentioned a lot, correct.
A. No, I think I only told them my name was mentioned maybe -- I don’t think “a lot.” But, I mean, I did think my name was mentioned.
Q. You told the sheriffs, “Because on, like, CNN and stuff, they started saying, like, Gavin -- Gavin this and Gavin that, right.
A. I don’t remember. I mean, I guess I did, because it’s in the transcript.
Q. Were they really mentioning your name on the newscasts.
A. Yes.
Q. How many times did you hear your name mentioned on the newscasts.

A. Three or four times. I don’t know.
Q. Did you -- were you watching that with your mom.
A. Yes. Our whole family was watching it.
Q. And generally speaking, would you say your family was upset.
A. Yes.
Q. Okay. And do you recall your mother ever calling up Michael Jackson to talk about it.
A. No. I remember Michael calling us.
Q. Do you recall your mother ever discussing the fact that you had legal rights regarding that show.
A. No. I mean -- the Martin Bashir thing.
Q. Yes.
A. No.
Q. Do you recall your mother ever discussing her claim that she never gave permission for you to be on a show.

A. Oh, yes. I remember that.
Q. Okay. And when is the first time you heard your mother complain about her not giving proper permission for you to be on the show.
A. I don’t remember.
Q. Do you recall ever going to a lawyer with your mother to discuss your legal rights in that regard.

A. Hmm, I’m not sure.
Q. Do you remember discussing that with Attorney Bill Dickerman.
A. Oh, yeah, yeah. We went to The Laugh Factory and we talked to Bill. My mom was talking to him. I mean, I was, like, playing around or something. I was -- like, with the microphone.
Q. And the discussion concerned, among other things, the fact that you had legal rights in that documentary, right.
A. I guess. I mean, I wasn’t really paying attention. I was kind of bored.
Q. Okay. Do you recall -- do you remember the rebuttal video.
A. Yes.
Q. Do you remember you went to Hamid’s home to film the rebuttal video.
A. Yes.
Q. Do you remember discussions before you filmed that video about whether or not your mother was going to sign a release.
A. Not too sure.
Q. Do you remember anything like that.
A. No.
Q. You claim that Michael Jackson called you on the phone and said there’s going to be a press conference in Florida, right.
A. Yes.

Q. Did you want to be in a press conference.
A. Yeah. I wanted to, like, say that Michael

was a good guy and stuff.

Q. And you were disappointed when you got to Florida and no press conference took place, right.

A. I guess. But, I mean, I was still kind of having fun, so it wasn't that big of a deal to me.

Q. I couldn't hear what you said.

A. I was still having fun, so it wasn't really that big of a deal to me.

Q. Well, you thought that you were going to Florida to appear in a press conference with Michael Jackson, correct.

A. Yes.

Q. You flew on Chris Tucker's plane to Florida, right.

A. Yes.

Q. You stayed at a luxury hotel, right.

A. Yes.

Q. You came back a couple of days later, right.

A. We went right to Neverland after we came back.

Q. And there never was a press conference that you appeared at in Florida, right.

A. No.

Q. And that upset you, didn't it.

A. Um, as I said, not really. Because it wasn't -- I mean, I thought we were. I mean -- and

then he said that we're not going to. Well, he didn't really say that we're not going to. I mean, it never really happened, so it's like -- I was like, "Okay, whatever." I mean -- and I was still having fun playing around and stuff, playing video games and stuff.

Q. When you were in Miami, you stayed with your mom in a room, right.

A. Yes.

Q. That was at the Turnberry Hotel, right.

A. Yes.

Q. That was a floor below Michael Jackson's suite, true.

A. I don't know.

Q. It wasn't a floor below.

A. I said that I don’t know.

Q. Do you remember your mother ever complaining that she wanted to be in Michael Jackson’s suite.

A. No.

Q. Never heard anything like that.

A. No.

Q. And you say you never stayed overnight in Mr. Jackson’s room at the Turnberry in Miami, right.

A. No. I never stood in his room.

Q. Do you remember telling the Santa Barbara Sheriffs that Michael Jackson first touched you inappropriately during your last days at Neverland.

A. Yes.

Q. Were you telling the truth.

A. Yes.

Q. This was shortly before Vinnie drove your family to your grandparents’, right.

A. Not -- well, it was like a week or -- probably two weeks before Vinnie drove us back.

Q. Well, you said to the sheriffs it was during the last days at Neverland, right.

A. Well, days equals -- seven days equals a week, so it could be days. So, I mean, it was more like a week or two.

Q. We’ll get to that.

Did you discuss over the weekend with Prosecutor Sneddon exactly when you say this inappropriate touching took place.

A. No. Not over this -- no.

Q. Did you have any discussion at all with the prosecutors last night about when you say the inappropriate touching took place.

A. No.

Q. Okay. Now, when you claim you were masturbated, were you wearing pajamas.

A. Yes, I was wearing Michael’s pajamas.

Q. Okay. Now, clearly during the last days at Neverland, you and your family, from what you say, wanted to leave, right.

A. Well, my mom always wanted to leave. I wanted to stay, because I was having lots of fun, but my mom was always really worried.

Q. Well, at some point you say you escaped from Neverland, right.

A. Yes.

Q. You’ve told the jury you escaped a couple of times before the final escape, which was when you left for good --

A. Yes.

Q. -- right.

A. Yes.

Q. So what you are telling this jury is that after a couple of escapes, and following your return from those escapes, you claim you were inappropriately touched. That’s what you’re saying, right.

MR. SNEDDON: Object as argumentative, Your Honor.

THE COURT: Overruled.

You may answer. Do you want the question read back.

THE WITNESS: Yes.

(Record read.)

THE WITNESS: Yes.

Q. BY MR. MESEREAU: Now, you told the sheriffs that after Miami, you slept in Michael Jackson’s room every night, right.

A. I slept in his room every night that Michael was there.

Q. And this would include visits when your mother was staying at Neverland, correct.

A. Yes.

Q. Are you telling the jury that you never discussed your staying in Michael’s room with your mother.

A. Not really, because my mom was always in her unit. She was never outside or with us really. I mean, so we would just go into Michael’s room.

Q. Are you telling the jury that your mother never asked you, during any of those visits, “Where are you spending the night.”

A. Not really, because I think she thought we were sleeping in our unit. I mean, because she was always in her unit.

Q. Are you telling the jury your mother never left her unit at any time after the Miami trip.

A. She probably left a few times, but, I mean, mainly she was always in her unit.

Q. And how many nights do you think you spent in Michael Jackson’s room after the Miami trip.

A. I’m not sure because, I mean, every time that Michael was there, me and my brother would be in his room.

Q. And you never had one discussion with your mom at any time after Miami about where you were staying at night.

A. I might have. I don’t think I did. I’m pretty sure that I didn’t, because she was never really involved in what we were doing at Neverland.

Q. And you’ve told the jury that you and your brother were drinking every single night, right.

A. Every night that Michael was there.

Q. You were drinking alcohol every single night that Michael was there; is that what you’re saying.

A. Yes.

Q. Okay. How about the nights that Michael wasn’t there.

A. We wouldn’t drink. I mean --

Q. Well, you and your brother were caught by employees at Neverland drinking when Michael wasn’t there, weren’t you.

A. No.

Q. Never happened.

A. No.

Q. No one ever walked in the wine cellar at Neverland and caught you and your brother drinking when Michael wasn’t there.

A. No.

Q. Did you know where the key was to the wine cellar.

A. No.

Q. To your knowledge, did your brother know where the key was to the wine cellar.

A. I don’t think he ever knew. He was always with me everywhere we went.

Q. Did you ever learn where the key was to the wine cellar.

A. No.

Q. To this day, you don’t know.

A. To this day, I don’t know.

Q. Never discussed it with your brother.

A. No.

Q. Okay. Now, correct me if I’m wrong, you’ve told the jury -- excuse me, let me rephrase that. You’ve told the sheriffs that Michael Jackson would give you and your brother Bacardi, right.

A. That was one of the things he gave us, yes.

Q. That was rum, right.

A. Yes.

Q. And you also said he’d give you Skyy Vodka, right.

A. Yes.

Q. Jim Beam, which was bourbon, right.

A. I don’t know what it is, but, yes.

Q. And red and white wine, right.

A. Yes.

Q. Did you drink all this stuff at once.

A. No, it was over the whole period of time that we were over there.

Q. Okay. But never once did you taste any of this stuff when Michael wasn’t there.

A. No.

Q. Okay. Never took any alcohol out of the refrigerator in the kitchen, right.

A. No.

Q. Never got caught taking alcohol out of the refrigerator in the kitchen, right.

A. I never took any alcohol out of the refrigerator in the kitchen.
Q. To your knowledge, was your brother ever caught taking alcohol out of the refrigerator in the kitchen.
A. I was always with him during the day, so no, he didn’t.
Q. Okay. Now, you told the sheriffs at some point your mother was scared and wanted to leave Neverland, right.
A. My mom was scared, like, the whole time.
Q. Did you discuss your mother being scared with your mother at Neverland.
A. Yes.
Q. Did you have talks with her about it.
A. Yes.
Q. And at no time during any of those discussions did where you and Star were sleeping at night come up.
MR. SNEDDON: Object as asked and answered, Your Honor.
THE COURT: Sustained.
Q. BY MR. MESEREAU: You talked about a black 1930 suitcase. Do you remember that.
A. Yes.
Q. When did you first see the black suitcase.
A. The same night that we came back from Miami.
Q. And this is right after the Miami trip.
A. Yes.
Q. The first night you’re back.
A. Yes.
Q. And when did you first see it.
A. In Michael’s, like, bathroom room, and, like, he had all this stuff. Like he had, like, a sink and a bathtub and a mirror and stuff.
Q. Before I explore that subject, you’ve talked to the jury about Michael Jackson giving you a watch that you claim he said was worth $75,000, right.
A. Yes.
Q. And that’s the watch you claim that others wanted to get back from you, right.

A. Oh, yes. Like the -- I think Frank wanted me to give it back or something like that.
Q. So after the Miami trip, you had the watch, right.
A. Yes.
Q. You claimed that Mr. Jackson told you it was worth $75,000, right.
A. Yes.
Q. Were you wearing it.
A. Yes. I believe so, yes.

Q. And did Frank or someone else notice the watch, to your knowledge.
A. Yeah. Yes.
Q. Did you discuss the watch with Frank.
A. Not really in -- I think Chris -- I mean, Frank wanted me to give it back. And then I told Michael, and Michael was like, “No, no, that’s your watch. I gave it to you.”
Q. And did you have a discussion with Frank about whether you should return it.
A. Frank, I think, wanted me to return it, and Michael told me not to.
Q. At some point, did you ever complain to anyone that that watch was not worth $75,000.
A. No. I always thought it was worth $75,000.
Q. Did you ever learn at some point it wasn’t.
A. No.
Q. To this day, is that what you think.
A. I’m pretty sure that’s how much it’s worth.
Q. Okay. Do you recall the Make a Wish Foundation.
A. Yes.
Q. Did you have experience with them.
A. Yes.
Q. What is your experiences with Make a Wish Foundation.
A. They called me up because I have cancer. They do it for everybody that has -- every child

that has cancer. And then they call you up and say that, “You have one wish,” and they tell you that, “Pretend I’m the genie, and you have one wish that you can have.”

And then I asked them -- first I asked -- I wanted a dog, like a little puppy, a beagle, but my, like, dad -- my parents said that I can’t have a beagle because it can get me sick. So I ended up just asking for a vacation.

Q. And did you obtain any benefits from that foundation; do you know.

A. Just a vacation.

Q. They paid for a vacation.

A. Yes.

Q. And approximately when was that.

A. Well, the doctor said to not go, because I would have -- because I had -- like, it was such a big amount of chemotherapy, that it would wipe out every single one of the blood cells that I had. So I would -- it would be bad if I get a fever, because I was getting lots of fevers, because my white blood cells can’t fight it because they’re so little. And I would have to go in the hospital, and then they’d have to give me antibiotics.

And if I was over in Hawaii, and I got a fever because of some bacteria or something that was in me, I -- I wouldn’t be able to go back, and then I would get really sick.

Q. Did Michael Jackson ever help you make contact with that foundation.

A. No, I don’t believe so. I believe the hospital social worker did.

Q. Do you recall ever discussing with Mr. Jackson the Make a Wish Foundation.

A. I think I asked him if he donated money to the Make a Wish Foundation.

Q. Do you recall what he said.

A. He said that he did.

Q. Okay. Do you know when you discussed that with him.

A. I think it was like when he was doing the rebuttal thing, when he was getting ready to do the rebuttal. He was writing down all the foundations that he ever donated to.

Q. And did you have a discussion with him about that.

A. Not really. I mean, I saw him -- I mean, we were talking about it, or whatever, and then we were like, “Okay, okay,” and then we left and we were playing some more.

Q. Okay. Now, you mentioned on your first day of testimony that when you showed up for the Bashir filming, there was some discussion about a burn victim.

A. Yes.

Q. Tell the jury what that was about.

A. Well, there was a boy there that had gotten burned really bad, and then Michael said that he helped him or something. And then that he was going to -- that he was going to film him, too. So --

Q. Were you supposed to be in the same film.

A. Yeah. Yes.

Q. And did you have a discussion with Michael about that subject.

A. About me being in there.

Q. Yes.

A. Yes.

Q. Okay. Did you ever meet this person who was burned.

A. Yeah, I think Michael introduced me to him.

Q. And when was this.

A. Around the same time as the Martin Bashir thing.

Q. Was it at Neverland.

A. Yes.

Q. Did you talk to this person.

A. Yes.

Q. Do you remember the person’s name.

A. I think his name might have been David.

Q. Was it Rothenberg.

A. I don’t know.

Q. Was this a young man that you learned’s father had poured gasoline on him and set him on fire.

A. I don’t know.
Q. Okay.
A. I think that’s what happened.
Q. And he was supposed to be in the film with you, right.
A. Yes.
Q. Okay. And correct me if I’m wrong, you discussed with Michael the fact that Michael had helped this young boy, right.
A. Yes.
Q. Okay. Did you talk to this young boy about what he had experienced.
A. No.
Q. Okay. Did you ever see him.
A. Yes.
Q. And please describe for the jury what he looked like.
A. He looked like he was really badly burned and he had like -- he was like a rocker. He was wearing, like, rocker stuff. And he was burned. And he had like only a few hairs on his head because I guess it covered all the pores when he was burned.
Q. Did you and he appear in the film, if you know.
A. Later I watched it, and then -- well, I watched my part, and then I don’t think he was in there.
Q. Okay. But was he at Neverland the day you were filmed.

A. Yes.
Q. Okay. Did you meet him shortly after you arrived.
A. Yes.
Q. Okay. Did you and he walk around Neverland.
A. No. I don’t think so.
Q. How much time did you spend with him.

A. Michael introduced me to him and he was older than me, so I mean -- I was pretty young. I mean -- I don’t know. We just didn’t really have that much in common that much.

Q. Okay. Were you ever personally threatened by anyone associated with Mr. Jackson.

A. No.

Q. Okay.

THE COURT: Let’s take our morning break.

(Recess taken.)

THE COURT: All right. You may proceed.

MR. MESEREAU: Thank you, Your Honor.

Q. Mr. Arvizo, do you recall being interviewed by the Santa Barbara Sheriffs about drinking in the arcade.

THE COURT: They can’t hear you in the back of the room.

THE BAILIFF: Do you still have your microphone on.

MR. MESEREAU: It’s on.

Q. Mr. Arvizo, do you recall discussing with the Santa Barbara Sheriffs your claim that you were drinking in the arcade with Michael Jackson.

A. Yes.

Q. Do you recall telling them the following: “We didn’t drink a lot”.

A. No.

Q. Would it refresh your recollection if I show you a transcript from that interview.

A. Yes.

MR. MESEREAU: May I approach, Your Honor.

THE COURT: Yes.

MR. SNEDDON: I’m sorry, Counsel, what page was that.

MR. MESEREAU: 26.

Q. Mr. Arvizo, have you had a chance to look at that page.

A. Yes.

Q. Does it refresh your recollection about what you told the Santa Barbara Sheriffs.

A. Not really.

Q. You told them, “We didn’t drink a lot,” right.

A. I don’t know. It says it on there.

Q. Do you recall saying that.

A. No.

Q. Pardon me.

A. No.

Q. Do you deny saying that.

A. I don’t know if I ever said that.

Q. Would you agree that every time you were interviewed, your stories of drinking got worse and worse, correct.

A. No.

Q. You initially told them you didn’t drink a lot.

A. That’s true.

Q. Then you started telling them you drank a lot, and then you started telling them, “We drank every night,” correct.

A. Well, “a lot” would be every night, so it would really --

Q. Pardon me.

A. “A lot” would be every night.

Q. And you’re saying after Miami that you basically were drinking every single evening at Neverland, correct.

A. No, I told him that every single evening that Michael was there. In those transcripts, probably when -- I still -- I don’t know.

Q. Isn’t it true that every time you were interviewed, your stories of drinking got bigger and bigger and bigger.

A. No.

Q. Are you saying your stories to the sheriffs were always consistent when it came to drinking.

A. I’m pretty sure they are. I mean, it doesn’t really matter whether I said that or not. I’m saying the fact is that we drank every night

that Michael was there.
Q. Did you ever discuss your drinking with your mother when she was at Neverland.
A. I think I called her up at night -- yeah, I called her up at night once.
Q. You called her up.
A. Called her on Michael’s phone.
Q. You called her from Michael’s room to say you were drinking.
A. No.
Q. During the nights after Miami, when your mother was staying at Neverland, are you saying you never discussed your drinking with her.
A. No. I -- there was one -- I’m talking about the one night that I told Michael that -- I told Michael about the test that I had to take, and I called my mom up. That’s what I was talking about.
Q. Okay. So not only did you never have a discussion with your mother about where you were staying at night, but you never had a discussion with her about drinking alcohol; is that correct.
A. Yes.
MR. SNEDDON: Object as argumentative, Your Honor.
THE COURT: Sustained.

Q. BY MR. MESEREAU: When you were at the Calabasas Inn, was there a phone in your room.
A. I’m pretty sure there was.
Q. Did you ever see anybody call the police.
A. No.
Q. When you were shopping near the Calabasas Inn, to your knowledge, did anyone ever scream “help”.
A. No, I don’t think so.
Q. Ever see your mother do it.
A. No.
Q. Ever see Star do it.
A. No.
Q. Ever see your sister do it.
A. No.
Q. You didn’t do it either, correct.

A. No.

Q. After you escaped from Neverland the first time, where did you go.

A. I think we went to my grandmother’s house.

Q. To your knowledge, did anybody call the police and say, “We’ve been” --

A. No, because the thing was, like I --

Q. Let me just finish my question.

A. Okay.

Q. After you say you escaped from Neverland the first time, you went to your grandparents’, correct.

A. Yes.

Q. And how did you get there.

A. Jesus Salas drove us there.

Q. Do you recall anyone ever calling the police and saying, “We’ve just been held against our will”.

A. No. Because like I -- my mom was --

Q. Let me just ask you the questions. Okay. Nobody did, right.

A. No.

Q. A few days later, you went back to Neverland, right.

A. I believe -- yes.

Q. And then you say you escaped a second time, correct.

A. Yes.

Q. And when you escaped the second time, how did you get out of Neverland.

A. I don’t know.

Q. Someone drove you somewhere, right.

A. Yeah, probably.

Q. Did you go to your grandparents’ again.

A. Probably.

Q. Nobody called the police from your grandparents’ when you say you escaped the second time, right.

A. No.

Q. And then you claim you returned, right.

A. Yes.

Q. And you say you finally escaped for good,

right.

A. Yes.

Q. And when you got back after finally escaping for good to your grandparents’, nobody called the police, correct.

A. No.

Q. Now, when you say Mr. Jackson masturbated you, you’ve indicated that was sometime between Jesus Salas driving your family to your grandparents’ and your final trip out of Neverland, correct.

A. Yes.

Q. Okay. And that’s at a time when you say your mother was being threatened, correct.

A. My mother said that she felt -- that she was being threatened, she felt. And Frank also told me once that -- because he was angry about my mom always wanting to leave and stuff.

Q. Okay.

A. And --

Q. But basically what you’re saying is that the inappropriate touching by Michael Jackson happened after you’d escaped a few times, correct.

A. Yes.

Q. After you’d gone back a few times after your escapes, right.

A. Yes.

Q. And after you claim you knew your mother was being threatened by Frank, correct.

A. Frank was angry at my mom once and he told me, “Hey, Gavin, you know I could have your mother killed.”

Q. Okay. And you believed him, correct.

A. Yes.

Q. Did you believe Frank.

A. Yes.

Q. All right. And you knew about the Brazil planning at this point, correct.

A. Yes.

Q. Because you'd been to an agency, a federal office to get a visa, right.
A. Yes.
Q. Do you remember driving down to that federal office.
A. Yes.
Q. Do you remember going into the federal office.
A. Yes.
Q. And while you were in that federal office, nobody screamed for help, right.
A. No.
Q. And this was after you had the interview with the three social workers at Jay Jackson's home, right.
A. Yes.
Q. And during the interview with the social workers at Jay Jackson's home, nobody screamed for help; true.

A. No.
Q. And that was after you went to Hamid's home for the rebuttal video, right.
A. I think it was. I don't know.
Q. Right.
A. I think it was.
Q. And what you're saying is that after your interview with the social workers, where you were asked questions about Michael Jackson, you're saying it was after that that inappropriate touching began, correct.
A. Yes.
Q. While Mr. Jackson is being investigated by Los Angeles County, true.
A. It -- it didn't happen until the last few weeks before I left. Or two weeks, somewhere around there.
Q. Let me ask the question again.
A. Okay.
Q. The three social workers were from Los Angeles County, true.
A. I think they were.

Q. And they were asking you questions about whether Mr. Jackson had ever inappropriately touched you, correct.

A. Yes.

Q. And you said “No,” right.

A. Yes.

Q. You knew they were investigating Mr. Jackson, right.

A. No, I thought they were just going to try to ask me, and that was it. I didn’t know --

Q. But what you’re telling the jury is that after this investigation starts and after you and your family are questioned, Mr. Jackson supposedly starts touching you inappropriately, right.

A. Yes.

Q. Okay. Now, you indicated to the jury last week that the first time Mr. Jackson inappropriately touched you, you weren’t looking at him, right.

A. Well, it’s like I would turn over to him sometimes. I glanced over at him a couple times.

Q. You said you weren’t really looking at him, right.

A. Not really.

Q. Okay. You said you weren’t looking at him, but you could somehow feel him moving, correct.

A. I could feel his leg like moving up against --

Q. Okay. After that, did you complain to your mother that you had been inappropriately touched.

A. No. I never discussed it with my mom. I never discussed it with my mom at all.

Q. Did you complain to Star that you had been inappropriately touched.

A. No.

Q. Did you complain to your sister that you had been inappropriately touched.

A. No.

Q. Did you complain to Jay Jackson that you had

been inappropriately touched.
A. No.
Q. Were you upset when you say you were inappropriately touched.
A. If I was upset.
Q. Yes. Were you upset.
A. Yeah. Because, I mean, something happened to where, like, it's not like I can go back and change it; you know what I mean. It's like something that I have, like, no control of.
Q. Well, at this point, in your mind, your mother's been threatened and you've been inappropriately touched, correct.
A. Yes.
Q. And you remained at Neverland, true.
A. Yes.
Q. And you claim you continued to stay in his bedroom, right.
A. Well, I think he left after the second time.
Q. You think Michael Jackson left after the second time.
A. Yeah, a few days after the second time.

That's why I'm pretty sure that it happened a few -- two weeks before, because I know I'm pretty sure that Michael left like a day after the second time.
Q. Well, but you told the jury last week it was a couple of days before you left for good. Do you remember that.
A. No. You kept on saying that.
Q. Pardon me.
A. No. You kept on saying that.
Q. Well, let's look at this.
You said that maybe a few days before you left Neverland for good you were inappropriately touched, right.
MR. SNEDDON: Judge, I'm going to object as asked and answered. He was asked this morning.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you remember saying last week, Mr. Arvizo, when I asked you when it happened, you said, "No, it was more toward the end,

toward when we were already about to leave, after we had been drinking alcohol and all that stuff. It wasn’t directly after the DCSF. It was more toward the end of the” -- a few days before you left Neverland, right.

MR. SNEDDON: Same objection, Your Honor. Asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You then changed it later on in that examination to say, “It was a week before we left,” right.

MR. SNEDDON: Your Honor, I’m going to object to counsel. He’s just trying to read this in after the objection.

THE COURT: Sustained. Counsel, you’re -- be quiet. You’re arguing your case. Stop it. Start asking questions.

MR. MESEREAU: Yes, Your Honor.

Q. Do you know when you first saw Attorney Larry Feldman.

A. Yes.

Q. When was that.

A. It was after all the stuff was done.

Q. And approximately when.

A. I don’t know.

Q. Have you discussed your meeting with Larry Feldman with any prosecutor.

A. I don’t think so.

Q. At any time.

A. No.

Q. Pardon me.

A. No. I don’t think I ever talked to anyone.

Q. So you’ve never talked to any prosecutor about your meeting with Attorney Feldman. Is that what you’re saying.

A. I don’t think I did.

Q. Okay. Did you ever discuss your meeting with Attorney Larry Feldman with any sheriff.

A. I don’t think I did.

Q. Do you know for sure.

A. No.

Q. You eventually spoke to a psychologist named Stanley Katz, correct.

A. Yes.

Q. Do you know about when that was.

A. No.

Q. You told Stanley Katz that chemotherapy had messed up your head. Do you remember that.

A. Yeah, it -- for a while it was hard for me to do schoolwork in school because of the chemotherapy.

Q. And you told Stanley Katz that, correct.

A. Yes.

Q. Did you tell him you had memory problems.

A. Yeah, for a while I had memory problems.

Q. And that was from chemotherapy, correct.

A. I believe so.

Q. Were you taking any medications at the time you returned to Neverland from Miami.

A. I had -- I have to take, even now, the 500 milligrams of Amoxicillin, and five milligrams of Lycinopril for my kidney and because I don’t have a spleen.

Q. Do you remember telling Psychologist Stanley Katz you thought a crazy fan of Michael Jackson will

kill you.

A. Yes.

Q. You never told that to the sheriffs, correct.

A. I’m pretty sure I discussed it with them.

Q. Well, it never appears in your interviews, right.

A. Yeah, I guess it didn’t. But, I mean, it doesn’t mean I didn’t tell them that.

Q. The only time that you used the word “kill” was when you told the sheriffs that Frank had threatened to kill your mom, right.

A. Uh-huh. In an interview.

Q. When did you start thinking that a crazy fan of Michael Jackson will kill you.

A. When Frank kept on telling us that people -- there was death threats on us.

Q. What were the death threats.

A. I don’t know. Frank just told us that.

Q. Well, when you discussed that with Stanley Katz, you didn’t tell him that came from Frank. You told him you personally were frightened, right.

A. Yeah. Be -- but I mean --

Q. Is that right.

A. Yes. Frank was the one that really made me realize that that could happen.

Q. Okay. Now, did you ever discuss with Michael Jackson your fear that a fan might hurt you.

A. I don’t know.

Q. Did you ever discuss with Michael Jackson what Frank was telling you that you thought was threatening.

A. I don’t think I did.

Q. Okay. So based on your experiences, Michael Jackson knew nothing about what Frank was saying to you, correct.

MR. SNEDDON: Object. It calls for speculation.

THE COURT: Sustained.

Q. BY MR. MESEREAU: When you were at the Calabasas Inn, you never spoke to Michael Jackson, right.

A. No, I don’t think so.

Q. The night before you did the rebuttal video, you never spoke to Michael Jackson, right.

A. I might have. I don’t know.

Q. The day you did the rebuttal video, you never spoke to Michael Jackson, right.

A. No. Michael was telling me that I’m going to do a rebuttal for him.

THE REPORTER: What was the last part.

THE WITNESS: Michael was telling me before we went that we were going to do the rebuttal for him.

Q. BY MR. MESEREAU: Approximately when was

that.

A. Maybe right before the rebuttal.

Q. When you spoke on that rebuttal video, were you telling the truth.

A. No.

Q. Were you lying.

A. Dieter had us pretty much -- yeah, Dieter had us lie.

Q. Were you lying throughout that rebuttal video.

A. There was probably a few things that were true, but, I mean, a lot of it was what Dieter told us to say.

Q. Was it your understanding that your mother was lying.

A. She was saying what Dieter told her to say.

Q. Was it your understanding she was lying.

A. Yes, she was lying, because Dieter told her to say it.

Q. Was it your understanding that Star was lying in that rebuttal video.

A. Yes.

Q. And was it your understanding that your sister lied on that rebuttal video.

A. Yes.

Q. And you were lying about Mr. Jackson helping you with cancer; is that correct.

A. No, because Michael did help me a little bit, but, I mean, he -- for me, what I felt as a

little kid, I mean, besides the fact of all this money and who paid for this and who paid for that, who -- I felt who really helped me was my other friends.

Because Michael, at the time when he was calling me and talking to me and stuff, I felt like he was my best friend. But, I mean, when he -- when I would call his phone numbers and a little operating lady would say, “This phone is no longer in service." I mean, I never called Chris and his phone was never in service. I never called George and his phone wasn't in service.

Q. Do you recall being caught at Neverland with girlie magazines when you were not around Michael Jackson.

A. No.

Q. Are you saying that never happened.

MR. SNEDDON: Your Honor, 403 hearing.

THE COURT: Sustained.

I'll -- that's sort of a -- you know what he's talking about on the 403 hearing, right.

MR. MESEREAU: I thought I was able to get into these areas on cross.

THE COURT: Yes. That's why I'm looking at you, because I don't want to discuss it. I just want to make sure we understand each other.

MR. MESEREAU: Yeah, I won't go further than that on this one.

There's another area, too, I think the Court gave me permission.

THE COURT: That's correct.

Q. BY MR. MESEREAU: Mr. Arvizo, you were caught masturbating at Neverland when Michael Jackson wasn't even around, weren't you.

A. No.

Q. You were caught masturbating in a guest quarters, weren't you.

A. No.

Q. No one ever saw you do that.

A. No.

Q. No one ever talked to you about that.

A. No one ever talked to me about it.

Q. Okay. Long after you did the rebuttal video, you had written numerous letters and cards to Michael Jackson thanking him for what he did for your cancer, true.

A. Yes.

Q. Long before you did the rebuttal video, you had written numerous cards and letters to Michael Jackson referring to him as your father, true.

A. Yes. Because I missed him. I mean, I wanted to know what happened, why he wasn’t calling anymore. And that’s the only real way I had connection with him was through mail, because I had Evvy’s -- I knew where Evvy was, so I could send it to her.

Q. And long before you did the rebuttal video, you sent cards and letters to Michael Jackson referring to yourself as his son, true.

MR. SNEDDON: Your Honor, I’m going to object. This has all been asked and answered.

MR. MESEREAU: I don’t think it has.

THE COURT: Well, there wasn’t a time frame. You have covered the cards and letters. Is there a specific time frame you’re concerned about.

MR. MESEREAU: Any time before the rebuttal video, Your Honor.

THE COURT: I think you’ve covered that. The objection is sustained.

MR. MESEREAU: Okay. Okay.

Q. We’re going to go through the rebuttal video. And I’m just going to ask you some questions about what you said and how you said it. Okay.

A. Okay.

MR. MESEREAU: All right. Your Honor, at this time we’d like to play the rebuttal video.

THE COURT: What is that. “Input 4”.

MR. SANGER: Yes. Your Honor, for the record, it’s Exhibit 340.

THE COURT: Exhibit 340.

Ready.

I’d like one of those whistles just before I make a ruling.

MR. SANGER: Tell me to queue it up, Your Honor.

Just for the record, I turned the sound off on this so we wouldn’t....

(Whereupon, a portion of a DVD, People’s

Exhibit 340, Disk 1, was played for the Court and jury.)

Q. BY MR. MESEREAU: Now, you heard what your mother just said, right.

A. Yes.

Q. And is it your belief your mother is lying.

A. Um, right there, not really, because I had a pretty good relationship with him, you know, right at the beginning.

Q. So you don’t think your mother is lying when she makes that statement, correct.

A. Well, not really, because, I mean, he was like really close to me in the beginning. I mean, I guess, I thought I was close to him; you know what I mean.

Q. Okay.

(Whereupon, a portion of a DVD, People’s Exhibit 340, Disk 1, was played for the Court and jury.)

Q. BY MR. MESEREAU: Mr. Arvizo, when you made those statements, were you lying.

A. Statements about the first night.

Q. What you just said, yes.

A. The sleeping arrangements.

Q. Yes.

A. No, I wasn’t lying about that.

Q. Have you told any lies so far in this rebuttal tape.

A. I don’t -- I remember I said something that -- oh, yeah, because Michael told me in the office, in his office, to ask my parents if I could sleep in his room. So it wasn’t -- he told me to ask in front of my parents.

Q. So are you saying this is a lie you just told.

A. I’m just saying that -- about how I asked my parents.

Q. Yes.

A. That’s a lie.

Q. That’s a lie.

A. Yes.

Q. Okay. Is that the first lie you've told in this rebuttal tape, as far as you can see.

A. Yes.

Q. Okay.

(Whereupon, a portion of a DVD, People's Exhibit 340, Disk 1, was played for the Court and jury.)

Q. BY MR. MESEREAU: Mr. Arvizo, you heard what you just said. Is that a lie.

A. No.

Q. Was everything you said there truthful.

A. Yes.

Q. Okay.

(Whereupon, a portion of a DVD, People's Exhibit 340, Disk 1, was played for the Court and jury.)

Q. BY MR. MESEREAU: Mr. Arvizo, you've heard what your mother just said. Was it your belief that she was lying.

A. There's a part in there, like, that there was no way to cure me. Dieter told us to say that.

Q. Okay. So that was not true.

A. Yeah, because they did do radiation and chemotherapy.

Q. The truth was, you had needed radiation and chemo to cure you, and what your mother said was a lie, correct.

A. About there was no way to cure me, that Michael was the only person that could cure me.

(Whereupon, a portion of a DVD, People's Exhibit 340, Disk 1, was played for the Court and jury.)

Q. BY MR. MESEREAU: Mr. Arvizo, is what you said there the truth.

A. Yes.

Q. Have you told any lies in this particular segment.

A. No.

Q. Okay.

(Whereupon, a portion of a DVD, People's Exhibit 340, Disk 1, was played for the Court and jury.)

Q. BY MR. MESEREAU: Gavin, is your mother telling the truth.

A. Yes, because I remember -- I think Michael did, like, a blood drive or something. Yeah, a lot of my other friends were also helping, thank God, because, I mean, it's such a rare blood that I needed.

Q. But is your mother telling the truth in the statements she makes.

A. Yes. About Michael, yes.

(Whereupon, a portion of a DVD, People's Exhibit 340, Disk 1, was played for the Court and jury.)

Q. BY MR. MESEREAU: Gavin, is your sister telling the truth when she makes that statement.

A. Not really, because she was saying that -- well, she was saying that people were always turning us away. And that's not true, because, I mean, Jamie Masada was helping us, Louise Palanker was helping us, George Lopez was helping us. I'm pretty sure -- I'm not too sure, but I'm pretty sure Dieter told her to say that also, that no one else was helping us but Michael.

Q. And Chris Tucker was helping you, correct.

A. Yes, Chris Tucker was helping us, yes.

Q. Okay. And this is the rebuttal video that you did before the meeting with the three social workers, correct.

A. I don't know. I'm pretty sure I did it before the social workers.

Q. You went the next morning to interview with the social workers, didn't you.

A. I think I did.

Q. Okay. Let me ask you a question: You said repeatedly in this trial that Mr. Jackson did not inappropriately touch you until after this video was done, correct.

A. Yes.
Q. And repeatedly in this video, you make statements about what a wonderful person Mr. Jackson is, right.
A. Yes.
Q. Do you remember telling Mr. Sneddon and the sheriffs on one occasion that you were molested before the video was done.
A. No.
Q. Would it refresh your recollection if I show you a transcript of that interview.
A. Yes. Please.
MR. MESEREAU: May I approach, Your Honor.
THE COURT: Yes.
Q. BY MR. MESEREAU: Have you had a chance to look at that transcript.

A. Yes.
Q. Does it refresh your recollection that Mr. Sneddon was interviewing you about when these acts of molestation allegedly occurred.
A. Yes. But the thing was, I don’t -- even to this day, I don’t remember exactly when everything happened exactly, so I mean --
Q. Well, do you remember being asked, “The acts of molestation, had they already begun by the time you did this video, do you know.” And you said, “I think so.”
And then Mr. Sneddon said to you, “So, in your mind, one of the things that you’re thinking is, they’re doing this video that they want you guys to do so that if you ever told them the truth about being molested, nobody would believe you,” and you say, “Yeah,” right.
A. Well, I --
Q. Do you remember saying that to Mr. Sneddon.
A. That’s more of my opinion - you know what I mean. - right there. That last statement you just said on that transcript, it’s more of my opinion than a state of fact.
Q. Well, Mr. Sneddon asked you last week when this inappropriate touching supposedly occurred, and

you said it was after the rebuttal video was made, correct.

A. Yes.

Q. But in an interview with Mr. Sneddon before this trial ever began, you told him differently, correct.

A. That’s what it says right there. But it happened after.

Q. Did someone ever say to you, “You have to say it happened after, because on the rebuttal video you deny he’s ever done anything wrong”.

A. No. No one’s ever told me that.

Q. Then why does your story change.

A. I don’t know. It happened after. I mean --

Q. Well, at some point did you go to Mr. Sneddon and say, “I’m changing my story about when this inappropriate touching happened”.

A. No.

Q. At some point did you go to the sheriffs and say, “I’m changing my story about when this inappropriate touching happened”.

A. No.

Q. You just suddenly got on the stand and changed it.

MR. SNEDDON: Object as argumentative, Your Honor.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Have you ever had any discussion at any time with Mr. Sneddon where you used words to the effect, “I’m changing my story about the time this molestation happened”.

A. No.

Q. Okay. When Mr. Sneddon asked you questions last week about when this molestation supposedly occurred, was that the first time you said to Mr. Sneddon it happened after the rebuttal video.

A. I don’t think so.

Q. You don’t think so.

A. I don’t think that was the first time I ever told him that it happened after the rebuttal video.

Q. So are you saying that at different times you gave Mr. Sneddon different accounts of when the molestation supposedly happened.

MR. SNEDDON: Your Honor, I’m going to object to that question. Assumes facts not in evidence, and it’s argumentative and speculative.

THE COURT: Overruled.

Do you want the question read back.

THE WITNESS: Yes.

(Record read.)

THE WITNESS: Sometimes I would talk to Mr. Sneddon without having like an interview -- or, like, have a recorder or something. And I would talk -- like, Mr. Sneddon was being really nice to me. Like he was helping me, and he was making me feel better about what happened and stuff. So he’s been really nice to me.

Q. BY MR. MESEREAU: Do you remember telling the Santa Barbara Grand Jury that after the Miami 1964 trip, your brother stayed in Michael’s room with you every night until the last few days.

A. Yeah, he stood in my room -- he stood in the room with me and Michael pretty much every day. Some days he wouldn’t stay there.

Q. Do you remember telling the grand jury that until the last few days, your brother Star stayed with you in Michael’s room all the time.

A. He stood with us -- well, he -- the last -- the last week or two, or a few days, or something like that, he didn’t. Well, because my brother wasn’t there when it happened, so I’m pretty sure it wasn’t -- he stopped staying there the last few weeks.

Q. Do you remember telling the Santa Barbara Grand Jury:

“Q. Was your brother staying in the room with you during that time.

“A. Well, the last few times he didn’t, but he was, like, when Michael was there -- when

Michael was there --
“Q. Uh-huh.
“A. -- he stood with me for all the time when Michael was there. But, like, toward the end, toward the last few days, he wasn’t staying with me no more.”
Do you remember that.
A. Uh-huh.

Q. And you’ve also told this jury that the two times you claim Michael Jackson inappropriately touched you Star wasn’t there, correct.
A. Yes.
MR. MESEREAU: We can continue.
MR. SANGER: Are you ready. Your Honor, we need the....
(Whereupon, a portion of a DVD, People’s Exhibit 340, Disk 1, was played for the Court and jury.)
Q. BY MR. MESEREAU: Do you think your sister is lying when she made those statements.
A. No. Because, I mean, people on the news media were -- might have been saying something, probably. I don’t know.
Q. So you think she’s telling the truth when she says what she just said.
A. Probably. I mean, I looked at her, and she’s crying and stuff, so....
MR. MESEREAU: Okay. Go ahead.
(Whereupon, a portion of a DVD, People’s Exhibit 340, Disk 1, was played for the Court and jury.)
Q. BY MR. MESEREAU: Is what your mother just said correct.
A. No. Because we could have at any time stood at my grandmother’s house. I mean, it’s not like --
Q. In your opinion, was your mother lying when she made that statement.

A. I remember hearing Dieter talk to her, so

I'm pretty sure Dieter told her to say that.
Q. Well, that --
A. We can stay at my grandmother's house. We could stay at one of our family members' house; you know what I mean. It's not like we were spit on and all this other stuff; you know what I mean.
Q. My question to you is, did your mother just lie, in your opinion.
A. She's saying what Dieter told her to say.
Q. Did she lie. Yes or no.
A. She -- well, only because --
MR. SNEDDON: Argumentative, Your Honor.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes.
MR. MESEREAU: Okay. Go ahead.
(Whereupon, a portion of a DVD, People's Exhibit 340, Disk 1, was played for the Court and jury.)
Q. BY MR. MESEREAU: You just heard your sister's statement; is that true.
A. A little bit of it is true.
Q. Did she lie in part of that.
A. I mean, because we would talk about girls at times, and -- like all my friends that were females and stuff like that. But I mean --

Q. You would talk with Michael Jackson about your female friends.
A. Yeah. He would talk to me about girls and how to, like, handle them; you know what I mean. Like how to talk to a girl or something like that.
Q. So that statement's true.
A. Yes.
Q. And anything else you just heard that's not true.
A. No, not really. No.
Q. Okay.
(Whereupon, a portion of a DVD, People's Exhibit 340, Disk 1, was played for the Court and jury.)
Q. BY MR. MESEREAU: Was the statement you just

made true.

A. No. Because I didn’t really have a phone number to call him.

Q. So were you lying.

A. Yes.

Q. Okay. Was your mother lying also.

A. No, not really.

Q. Was she telling the truth.

A. Pretty much, yeah.

Q. After the Miami trip, were you able to call Michael Jackson.

A. Michael would -- I was at Neverland.

Q. Were you able to call him after the Miami

trip.

A. I would talk to him when he was at Neverland. I mean, I didn’t really call him.

Q. Did you ever call him at Neverland on any phone.

A. I don’t know. I don’t think I did.

Q. You don’t remember.

A. I don’t remember.

Q. Well, there were phones you could use to try to call Michael Jackson when you were at Neverland, correct.

A. Yes.

Q. Where were the phones.

A. All over the house and stuff.

Q. You tried to call him often, didn’t you.

A. Well, why would I try to call him if I could just go and talk to him at Neverland.

Q. Well, it’s a large ranch, correct.

A. Yes.

Q. You used to spend time in the theater, correct.

A. Yes.

Q. Did you ever try and call Michael Jackson from the phone in the theater.

A. No. Because I would just go over in my little cart to see Michael.

Q. Did you ever try to call Michael Jackson from the guest quarters.

A. No, because I had the code to his room and I would go up there when he -- when he was there.
Q. Ever try calling him from the amusement area.
A. No. There’s not really any phones out there.
Q. Ever try calling him from the zoo area.
A. No.
Q. When you made this rebuttal video, you could get in contact with him almost any time, couldn’t you.
A. I could drive over to where he was in my cart at Neverland, but never had a phone number if he left or something.
MR. MESEREAU: Okay.
(Whereupon, a portion of a DVD, People’s Exhibit 340, Disk 1, was played for the Court and jury.)
Q. BY MR. MESEREAU: Is what your brother Star just said true.
A. Yeah, Michael let us call him --
Q. Pardon me.
A. Yes, Michael let us call him “Daddy Michael.”
Q. So what he said was correct.
A. Yes.
MR. MESEREAU: Okay.
(Whereupon, a portion of a DVD, People’s 1970 Exhibit 340, Disk 1, was played for the Court and jury.)
Q. BY MR. MESEREAU: Was the statement you just made the truth.
A. Yeah. Yes.
Q. Is what your mother just said the truth.
A. I guess. I mean, I don’t know if Michael was trying to teach us that or --
A VOICE FROM THE AUDIENCE: We can’t hear.
THE WITNESS: I don’t know if Michael was

trying to teach us that or something.

Q. BY MR. MESEREAU: Well, did your mother tell the truth, in your opinion.

A. Yes.

Q. Did you tell the truth, in your opinion.

A. Yeah, we'd go on rides and watch movies.

Q. How about the other things you said, are they true.

A. Yes.

(Whereupon, a portion of a DVD, People's Exhibit 340, Disk 1, was played for the Court and jury.)

Q. BY MR. MESEREAU: Is what your mother just said the truth.

A. I kind of stopped paying attention for a while.

Q. Excuse me. Huh.

A. I started looking at the roof and stuff. I wasn't really paying attention.

MR. MESEREAU: Can we replay that, Your Honor.

MR. SNEDDON: Well, Judge, it would call for speculation on his part anyhow.

MR. MESEREAU: I'm asking for his opinion.

THE COURT: I guess you'll have to.

MR. MESEREAU: Okay.

THE COURT: Can you do it without --

MR. MESEREAU: This may take a while, Your Honor.

I think we'll just go forward, Your Honor.

THE COURT: Do you want to just go forward.

(Whereupon, a portion of a DVD, People's Exhibit 340, Disk 1, was played for the Court and jury.)

Q. BY MR. MESEREAU: In your opinion, is your mother telling the truth.

A. Yes, we felt as if he was closest to us as a father and family.

(Whereupon, a portion of a DVD, People's Exhibit 340, Disk 1, was played for the Court and jury.)

Q. BY MR. MESEREAU: Were you telling the truth when you made that statement.
A. What I just said right now.
Q. Yes.
A. Well, I didn't pray to meet Michael Jackson

when I was little.
Q. Did you pray to meet Michael Jackson at any time.
A. No.
Q. You made a statement about Michael Jackson's charitable acts. Did you hear that.
A. Yeah. I knew he donated to charities. I knew about that.
Q. Was the statement you made true.
A. Yes.
Q. You just heard your mother make some comments.
A. Um --
Q. In your opinion, were they true comments.
A. I don't really remember what she just said. I'm sorry. I just --
Q. Well, your mother praises Michael Jackson throughout this video, true.
A. Yes.
Q. Is she telling the truth.
A. Some parts she is; some parts she isn't. Depends on what she's praising him about.
Q. Did you and your mother discuss that you were going to lie before you did this video.
A. No. Dieter discussed it with us.
Q. Did you discuss that you were going to tell lies with your mother at any time before this video.
A. No. Dieter discussed it with us.

Q. Did you discuss with your brother or sister at any time that you were going to lie in this video.
A. No.
(Whereupon, a portion of a DVD, People's

Exhibit 340, Disk 1, was played for the Court and jury.)

Q. BY MR. MESEREAU: In your opinion, did Michael ever claim you and your brother and sister as his kids.

A. Well, he would call me “son” if -- depends what she was trying to say, but -- I don’t know.

Q. In your opinion, did Michael Jackson ever claim that you, your brother and sister were his kids.

A. What do you mean by “claim”. Like claim on T.V., or claim on his taxes, or --

Q. You don’t know what I’m asking you.

A. Well, he said -- as I said, he called us -- he said that, like, if he would call me “son” sometimes - you know what I mean. - if that’s what she’s trying to say.

Q. Did you ever think you were part of Michael Jackson’s family.

A. I felt as if I was his family.

Q. In your opinion, did your mother think she was part of Michael Jackson’s family at one point.

A. What did my mom believe.

Q. No, in your opinion, did your mother think she was part of Michael Jackson’s family at one point.

A. Um, I don’t know. That’s what she believes.

Q. Do you know whether she felt that way or not.

A. No. I don’t know whether she --

Q. In your opinion, did either your brother or your sister ever think they were part of Michael Jackson’s family.

A. I know my brother did, because my brother was sad by my biological father leaving, as I was. And he felt that, as I did, about Michael being close to us as if he was a father because we didn’t have one.

Q. You were looking for a family, correct.

A. I wasn’t really, like, going out and looking; you know what I mean. I was just -- came across as Michael being the only older male that was close to me in my life; you know what I mean.

Q. And you wanted to be part of the Jackson family, correct.

A. Not really Jackson family. But just Michael was there and he was like a father figure to me; you know what I mean.

Q. You think of Paris and Prince as your brother and sister.

A. Yeah, we would talk about it and stuff. I

would always play with them, and I would teach them stuff, and we would go look at stuff together and stuff like that.

Q. And in your opinion, did Star and your sister think of Paris and Prince as their brother and sister.

A. I don’t know.

Q. But you did, right.

A. Yes.

Q. Okay.

(Whereupon, a portion of a DVD, People’s Exhibit 340, Disk 1, was played for the Court and jury.)

Q. BY MR. MESEREAU: Is what you just said the truth.

A. What I had said.

Q. Yes.

A. Yes.

Q. Is what your mom just said the truth.

A. Which -- I can’t -- she said what she said.

Q. Did you think of Michael Jackson, when you made this video, as honest.

A. Not really, because he said that I can call him at any time, and I didn’t really have the phone numbers before that.

Q. So because of that, you thought he was dishonest.

A. Yes.

Q. Did you think of Michael Jackson as loving when you made this video.

A. Yes.

Q. Okay.

(Whereupon, a portion of a DVD, People’s Exhibit 340, Disk 1, was played for the Court and jury.)

Q. BY MR. MESEREAU: In your opinion, is what your mother just said the truth.

A. Yes. He seemed very loving and we trusted him a lot.

Q. So in your opinion, your mother meant what she just said.

A. Yes.

Q. Okay.

(Whereupon, a portion of a DVD, People’s Exhibit 340, Disk 1, was played for the Court and jury.)

Q. BY MR. MESEREAU: Is what you just said the truth.

A. Yeah, Michael invited me to Neverland.

Q. That’s not what I asked you. Is what you just said the truth.

A. Yes. Well -- well, it would be the truth, because in the beginning of my cancer he would invite me to Neverland after, to come after my chemotherapy round.

Q. When you made these statements, was Michael

the kind of person you were describing, as far as you were concerned.

A. Yes, he was very nice to me and stuff.

Q. And he was nice to your family.

A. Yes. It was what was in my eyes.

Q. Excuse me.

A. What I saw, in my eyes.

(Whereupon, a portion of a DVD, People’s Exhibit 340, Disk 1, was played for the Court and jury.)

Q. BY MR. MESEREAU: Was what you have just said the truth.

A. Yes. Pac Man; Michael did tell me to say

that.

Q. What about everything else you said.

A. About me going to chemotherapy.

Q. Yes.

A. No. I wouldn’t think about it every time I went to a chemotherapy round.

Q. So were you lying at that point.

A. Yeah, Dieter actually told me to say that, because he knew about the Pac Man.

Q. When I say whether you lied, I’m not asking what Dieter said. I’m just asking what you, Gavin Arvizo, said, all right. Did you just lie on that tape.

MR. SNEDDON: Your Honor, I’m going to object. He doesn’t even let him answer the question.

THE COURT: Yes, but it’s not necessary to give a pre-statement to your question.

MR. MESEREAU: Yes, Your Honor.

THE COURT: Go ahead and rephrase it.

Q. BY MR. MESEREAU: When you just made the statement that everybody heard in this courtroom, did you lie.

A. About the Pac Man thing, me going in every single time in chemotherapy.

Q. Yes.

A. Yes.

Q. Okay.

(Whereupon, a portion of a DVD, People’s Exhibit 340, Disk 1, was played for the Court and jury.)

Q. BY MR. MESEREAU: Is what your mother just said about you wanting to be in movies true.

A. Yes. Michael was saying that he was going do some movie, or something, about some orphanage.

Q. What about you wanting to be in movies.

A. Oh, yes, I wanted to be an actor for a while. But now I want to -- hopefully I can -- I want -- well, I don’t really want to say, but I want to do something else.

Q. Let me ask you what you just said. Did you say you want to be in movies.

A. I wanted to. But now that I’m in high school and I’m seeing all the other careers, I want to do -- I want to be in law enforcement, or whatever.

Q. At the time you were going to Neverland, did you want to be in movies.

A. Yes.

Q. Did you tell Michael Jackson you wanted to be in movies.

A. Yes.

Q. To your knowledge, did your brother Star say he wanted to be in movies.

A. I’m pretty sure he wanted to.

Q. Is there anything you just heard your mother say that you think is not true.

A. No. I don’t think -- I think everything she said was true.

Q. Okay.

MR. SANGER: Putting in Disk 2, Your Honor.

(Whereupon, a portion of a DVD, People’s Exhibit 340, Disk 2, was played for the Court and jury.)

Q. BY MR. MESEREAU: Is everything you just said correct.

A. I don’t -- I don’t think I said anything right there.

Q. Well, you said -- you’ve seen the first disk of this rebuttal video, correct.

A. Yes.

Q. How many lies do you think you told.

A. Um, I think maybe about four.

Q. Four lies.

A. Yeah.

Q. How many lies do you think your mother told.

A. Four or five. I’m not -- I mean --

Q. Four or five lies.

A. I wasn’t counting or anything.

Q. I’m just asking what your opinion is. How many lies do you think your sister told.

A. One or two.

Q. And how many lies do you think Star told.

A. Oh, he wasn’t really talking, so I don’t think he really said anything.

(Whereupon, a portion of a DVD, People’s Exhibit 340, Disk 2, was played for the Court and jury.)

Q. BY MR. MESEREAU: Now, you heard what your mother just said, right.

A. Yes.

Q. You saw the way she expressed herself, correct. Do you think she’s just doing what Dieter wants.

A. No, not right there.

Q. Do you think she’s doing what she wants.

A. Yes.

(Whereupon, a portion of a DVD, People’s Exhibit 340, Disk 2, was played for the Court and jury.)

Q. BY MR. MESEREAU: You just said you didn’t like Martin Bashir, was that true.

A. Uh-huh. Yeah, because when it came out on the CNN and stuff, then I saw it, I saw parts of it. I mean, what part I know Bashir was saying, that at the time I didn’t feel was true.

Q. You didn’t like him personally.

A. Not really. I mean --

Q. When did you decide you didn’t like Martin Bashir.

A. After I found out that he -- that it was an actual documentary and what he was saying about Michael.

Q. Okay.

(Whereupon, a portion of a DVD, People’s Exhibit 340, Disk 2, was played for the Court and jury.)

Q. BY MR. MESEREAU: Now, your mother mentions gang signs. Do you know what she’s talking about.

A. She was probably joking about something.

Q. Do you know what she was joking about.

A. Not really.

Q. She talks about friends on the west side. Do you know what that's all about.

A. It was just a joke, about like -- because you know how gangs say "east side" or "west side" or something.

Q. But you're really not sure what she was talking about, right.

A. Are you trying to say my mom's in a gang or something.

Q. No, I'm asking you a question. Do you know what she was referring to.

A. She was making a joke.

Q. Okay. And what was the joke about, in your opinion.

A. About gangs. Pretty much making fun of gangs.

Q. Okay. And were you joining with her in making fun of gangs.

A. I was laughing, I guess, right there.

Q. Okay. Did you do a gang sign.

A. No. She probably -- I was probably pointing or something, and then -- I don't know. I'm not a part of a gang. I'm not a part of a crew or something.

Q. I'm asking you if you made a gang sign in this video.

A. No.

Q. Do you know what your mother was referring to.

A. No. She was probably just joking about something that they were talking about off camera.

Q. Okay. But you don't know for sure, right.

A. No.

Q. Okay.

(Whereupon, a portion of a DVD, People's Exhibit 340, Disk 2, was played for the Court and jury.)

Q. BY MR. MESEREAU: Is your mother telling the truth.

A. Dieter told her to talk about the hands thing.

Q. I’m asking if your mother is telling the truth. I’m not asking about Dieter.

A. She talked about her opinions, so I don’t know if that’s her -- if she was really telling the truth or not.

Q. Did someone tell you whenever I ask a question like this, to refer to Dieter.

A. No. I’m referring to Dieter because Dieter’s the one that told us to say all these things.

Q. Did your mother just tell the truth, in your opinion.

A. Um, I don’t know, because that’s her opinion.

Q. In your opinion, Gavin Arvizo, did your mother just tell the truth.

A. I do not know, because that’s -- you can call my mother and ask her that, because I don’t know.

THE COURT: All right. Let’s take our break.

(Recess taken.)

THE COURT: Go ahead.

MR. MESEREAU: With your permission, Your Honor, we’ll just continue the tape.

THE COURT: All right.

(Whereupon, a portion of a DVD, People’s Exhibit 340, Disk 2, was played for the Court and jury.)

Q. BY MR. MESEREAU: Gavin, is your mother, in your opinion, telling the truth.

A. I think so, I guess.

Q. Excuse me.

A. I believe so, I guess.

Q. I couldn’t hear what you said.

A. I believe so, I guess.

Q. Okay. Have you heard her say anything at this point that's not true.

A. I mean, Michael was nice to me and stuff, and I felt as if he was like a father to me, so --

Q. Okay.

(Whereupon, a portion of a DVD, People's Exhibit 340, Disk 2, was played for the Court and jury.)

Q. BY MR. MESEREAU: At some point you and your mother and your brother and your sister concluded that Michael Jackson didn't want you all to be part of his family, right.

A. Yes.

Q. And you were upset about that, correct.

A. We concluded because --

Q. Just answer my question, if you would, please. Okay.

A. Okay.

Q. At some point you, your mother, your sister and your brother realized that you were not going to spend the rest of your lives as part of Michael Jackson's family, correct.

A. Well --

Q. Is that true or not.

A. It's like we didn't really conclude all together, "Hey, everybody." I mean, I guess we all realized on our own that, like -- that he isn't as nice of a man as we thought he was.

Q. Because he wasn't going to let you be part of the Michael Jackson family, correct.

A. We never wanted to be part of the Michael Jackson family. The only part of it was, he was just like a father to me.

Q. Yes.

A. That's the only part in connection to a family there would be. We weren't expecting a -- to live with him forever. We were expecting -- well, we just thought of him -- I thought of him as a father figure.

Q. You expected Michael Jackson to support you, your mother, your brother and your sister indefinitely, correct.

A. No.

Q. You wanted to be part of his family, and when you found out you weren’t going to be, you got angry, true.

A. No.

Q. You found out --

A. I -- I didn’t -- I never thought we were going to be, “Okay, he’s going to be our dad. We’re going to live in the house together,” and blah, blah, blah. No.

He -- I saw him as like someone who could guide me as a father would; someone who can talk to me and stuff like that. I mean, it would be stupid if you wanted to live with a man like that for the rest of your life. He’s not really my father.

Q. Would you agree that your mother got very angry in front of you when she realized Michael Jackson was fading out of your lives.

A. No.

Q. Would you agree that you got very angry when, at some point, you realized Michael Jackson was fading out of your family’s life, right.

A. I didn’t really get angry. I mean, it’s -- I mean, I didn’t think he was going to live with us forever. I just -- like, you know the Big Brother program thing for, like, kids that don’t have dads. That’s kind of what I thought of Michael as.

Q. You expected Michael Jackson to keep helping you, your mother, your brother and your sister, right.

A. I didn’t expect it from him, no.

Q. And that’s why you got very angry when you realized certain people wanted you to leave the country, right.

A. Michael told me that he was going to come over later after we were there, so -- after we even got there.

Q. And were you looking forward to meeting

Michael in Brazil.

A. Yes. I guess.

Q. And at some time did you realize that Michael wasn’t going to Brazil.

A. No, to my understanding was that he was always going to come a week later after we got there.

Q. But at some point you realized even you weren’t going to Brazil, right.

A. No, I thought the whole time they were trying to get us to go to Brazil.

Q. And when you wanted to go to your grandparents’, you all got into a car and Vinnie drove you to your grandparents’, right.

A. After -- yeah. Vinnie drove us there, yes.

Q. And at that point you realized you’re never going to be in Michael Jackson’s family, right.

A. Well -- I never wanted to be in his family. I was never looking for that.

MR. MESEREAU: Let’s keep going.

(Whereupon, a portion of a DVD, People’s Exhibit 340, Disk 2, was played for the Court and jury.)

Q. BY MR. MESEREAU: Now, your brother Star had just said that going to Neverland Ranch was something you always looked forward to, right.

A. Yes.

Q. And at one point you realized you probably weren’t going to be returning to Neverland Ranch, right.

A. After it was all over, I didn’t want to go back.

Q. At some point you realized you weren’t going to be in Michael Jackson’s family, you weren’t going to Neverland Ranch, and it wasn’t until then that you ever came up with these allegations of molestation, right.

A. I didn’t want to go back after I came back.

Q. Please answer my question. It wasn’t until you realized that you and your mother and your brother and your sister were not going to be part of Michael Jackson’s family that you ever told anybody about any molestation, right.

A. It wasn’t as if we got together and realized it. It wasn’t -- so your question isn’t really working.

MR. MESEREAU: Your Honor, could I request that the witness be instructed to answer the question.

THE WITNESS: I don’t really understand the question.

THE COURT: All right. Go ahead. Rephrase your question.

Q. BY MR. MESEREAU: Okay. It wasn’t until you realized you were not going to be part of Michael Jackson’s family, you were not going to meet Michael Jackson in Brazil, you were not going to be going to Neverland, that you ever came up with these allegations of molestation, right.

A. I didn’t come and talk to the -- to the -- my mom always wanted to leave. She was the one that was able to realize and get us out of there. I liked being there.

MR. MESEREAU: Excuse me.

Your Honor, can I ask the witness be instructed to just answer the question.

THE COURT: No.

THE WITNESS: I don’t understand --

THE COURT: Just a minute.

No. Your question is compound and it’s argumentative. Break your question down.

MR. MESEREAU: Okay. I will, Your Honor.

Q. Until you realized you were not going to be part of Michael Jackson’s family, you never made any allegation of child molestation, correct.

A. I didn’t want to be part of his family. I just saw him as a father figure.

Q. Until you realized Michael Jackson was not

going to meet you in Brazil, you never made any allegation of child molestation, right.
A. I didn’t even really want to go to Brazil.
Q. Until you left Neverland for the last time, you never made any allegation of child molestation, correct.
A. I didn’t tell anyone until I left for the last time, correct.
Q. And never called the police until after you’d seen two lawyers, right.
MR. SNEDDON: Object as argumentative, Your Honor.
THE COURT: Overruled.
THE WITNESS: Yes, it wasn’t until I saw two lawyers until I told the police what really happened.
MR. MESEREAU: Okay. We can keep going.
(Whereupon, a portion of a DVD, People’s Exhibit 340, Disk 2, was played for the Court and jury.)
Q. BY MR. MESEREAU: Did you, your mother, your brother, your sister actually have to share cereal 1991 when you were too poor to get other food.
A. I know we had problems with trying to get food and stuff, but I don’t know if we shared a box of cereal.
Q. Okay.
A. And --
(Whereupon, a portion of a DVD, People’s Exhibit 340, Disk 2, was played for the Court and jury.)
Q. BY MR. MESEREAU: At this point in time, did you agree with what your mother just said. Did you think Michael was there for you.
A. Yeah, I believe -- I thought that Michael was there for us. But he -- he helped us.
(Whereupon, a portion of a DVD, People’s Exhibit 340, Disk 2, was played for the Court and jury.)
Q. BY MR. MESEREAU: Now, you and your family did pray with Michael, correct.

A. Yes. I believe we asked him if we can pray at the dinner tables.
Q. You also one time were in the theater; you, your mother, your brother and your sister and Michael. Remember that.
A. We were in the theater a lot together.
Q. Do you remember your mother wanted everyone to hold hands and pray with Daddy Michael.
A. No.

Q. You don’t remember that at all.
A. No.
Q. Okay. Did you typically pray at the dinner table with Michael.
A. We would ask him sometimes.
Q. You asked him and he said, “Okay”.
A. Yes.
Q. And what prayers did you say.
A. “Thank God for the food we were going to eat,” and stuff like that.
Q. Okay.
(Whereupon, a portion of a DVD, People’s Exhibit 340, Disk 2, was played for the Court and jury.)
Q. BY MR. MESEREAU: In your opinion, is your mother telling the truth about that statement.
A. About the relationship between me and Michael.
Q. About what you just heard.
A. Yeah, I was pretty close to Michael, as I’ve said many times.
Q. So do you have any -- excuse me, let me rephrase that.
What your mother just says is true, as far as you’re concerned.
A. Yeah. Up to that point, yes.
Q. Are you saying “yes”.
A. Yes.

(Whereupon, a portion of a DVD, People’s

Exhibit 340, Disk 2, was played for the Court and jury.)

Q. BY MR. MESEREAU: When these statements were made, you did not want your relationship with Mr. Jackson to end, correct.

A. No, I still wanted to be able to call him and stuff like that.

Q. And among all the celebrities that you had met, no celebrity had included you in their family the way Michael Jackson had, right.

A. He didn’t really include me in his family. I just -- as I said before, I looked to him as a father figure, and he looked at me as a son, because he was the only father figure I had.

Q. And your letters to him reflected that, correct.

A. Yes.

Q. Your calls to him reflected that, correct.

A. Yes.

Q. When you went to the ranch, you felt you were part of a family, correct.

A. As I just told you, I felt as if he was my guider, my -- a teacher to me in life. A father figure to me.

Q. And when you left Neverland for the last time, you felt your father had rejected you, correct.

A. Not really, because I found a new father. I found my now father.

Q. When you left Neverland, did you feel that the father figure Michael Jackson had rejected you; yes or no.

A. I didn’t need him. I didn’t want him.

Q. When you left Neverland for the last time, did you feel that the father figure Michael Jackson had rejected you; yes or no.

A. As I said, I didn’t feel that. I didn’t feel that I was rejected, because I had my now, which I consider my real father.

Q. You knew Jay Jackson long before these statements were made, correct.

A. Yes.

Q. You knew Jay Jackson long before you were referring to Michael Jackson as a father figure, correct.

A. Not long before, but, I mean, he was my mom’s boyfriend. I didn’t know him. I wasn’t close to him.

But when I came back, I saw his concern. I saw the way he felt about my family and how he would hug me, and actually feel like he’s a man; you know what I mean. And he’s my father.

Q. At the time you and your mother and your brother and your sister made the statements on this video, your mother had been in a relationship with

Jay Jackson for many months, true.

A. Yes.

Q. At the time your mother makes these statements that Michael Jackson is a father figure, she’s in a relationship with Jay Jackson, right.

A. Yes.

Q. Jay Jackson wasn’t present when this video was done, correct.

A. No.

Q. Now, at some point did you learn that the actual rebuttal show went on television.

A. This.

Q. Yes.

A. I never knew it went on television.

Q. Did you ever know any rebuttal show was ever made to rebut what was said in Bashir.

A. No.

Q. Did you ever hear anything about that.

A. Oh, yes. Um, I remember something happened where -- Michael had me sign some papers or something like that. I think something came on.

Q. And at some point you learned there was a Maury Povich show that was done as a rebuttal to the Bashir documentary, correct.

A. Yes. I remember them coming and filming, but --

Q. And you learned at some point that none of this footage in which you and your family are interviewed ever appeared on that Maury Povich television show, right.

A. I didn’t watch it.

Q. As you sit here today, do you know whether or not any of this footage was ever used in the Maury Povich rebuttal show.

A. No, I don’t know.

Q. You’ve never discussed that with anybody.

A. No.

Q. Okay. At this particular point in time, you thought Michael Jackson was going to give your family a home in the Hollywood Hills, correct.

A. No.

Q. Ever hear anybody discuss that.

A. No.

(Whereupon, a portion of a DVD, People’s Exhibit 340, Disk 2, was played for the Court and jury.)

Q. BY MR. MESEREAU: While your mother was dating Jay Jackson, you considered Michael Jackson a father figure, right.

A. Yes. Well, if -- she was dating her -- him right now, so in this time period I did see Michael as a father figure.

Q. Approximately when did you first meet Jay Jackson.

A. I don’t know. I don’t remember the first time. But -- I mean, I didn’t get close to him until I came back from Neverland.

Q. It was many months before this, correct.

A. Yes, I believe so.

Q. In fact, after this rebuttal was filmed, you went to Jay Jackson’s apartment for the interview with the three social workers, right.

A. Yes.

Q. Were you living at his apartment at that point.

A. Yes.

Q. How long had you been living at Jay Jackson’s apartment at that point.

A. A few months. But he was just my mom’s boyfriend. He wasn’t my stepfather yet.

Q. Okay.

A. He was just a guy. He was not my stepfather yet.

Q. So you had lived at Jay Jackson’s apartment for a couple of months before this rebuttal video was filmed, right.

A. I believe so, yes.

Q. But during those months you considered Michael Jackson to be your father figure, right.

A. No, in those months I had no father figure. That’s why when I came to Neverland and Michael was like this, I considered Michael as my father figure.

MR. MESEREAU: Let’s keep going.

(Whereupon, a portion of a DVD, People’s 1998 Exhibit 340, Disk 2, was played for the Court and jury.)

Q. BY MR. MESEREAU: Did you discuss with Jay Jackson what your mother was going to say in this video.

A. No. I don’t even know -- I didn’t even know that Jay Jackson even knew about this.

Q. Do you recall any discussion at any time with Jay Jackson about you and your family being videotaped.

A. No, I do not.

Q. You recall going to Jay Jackson’s apartment after this was filmed, right.

A. Not really.

Q. Did you ever discuss with Jay Jackson this videotape after it was filmed.

A. No, I don’t think I did.

Q. Have you ever discussed with Jay Jackson at any time the fact that you made this videotape.

A. No, I don’t think so.

Q. Have you ever heard your mother discuss it with Jay Jackson.

A. No.
Q. Now, your mother has a curl coming down her face. Do you see that.
A. Yes.
Q. Did she normally wear her hair that way.
A. Yeah, when she had her hair permed, she

always wore it like that.
Q. Always like that.
A. Uh-huh.
Q. Was she ever trying to look like Janet Jackson.
A. No.
Q. Okay.
(Whereupon, a portion of a DVD, People’s Exhibit 340, Disk 2, was played for the Court and jury.)
Q. BY MR. MESEREAU: Was what your mother just said true.
A. He’s a nice man. He’s -- he’s approached and he’s kind of friendly.
Q. Was what your mother just said true.
A. Yes.
Q. Did you believe she was telling the truth when she talked about Michael Jackson’s honesty.
A. The way I felt about it was kind of awkward, but, I mean, he was pretty honest. But, I mean, the things that he did was kind of dishonest; you know what I mean.
Q. Let me ask you what you’re talking about. Did you think when your mother said Michael Jackson was honest and told the truth, that she was being truthful.
A. Yes. He’s a nice man.
Q. Did you think your mother was being truthful

when she made that statement we just heard.
A. I don’t know. You can ask her.
Q. What did you think at the time.
A. I don’t remember what I thought at the time.

Q. What do you think now. Do you think she was being honest.

A. As I just said, yes, Michael was a nice man.

(Whereupon, a portion of a DVD, People's Exhibit 340, Disk 2, was played for the Court and jury.)

Q. BY MR. MESEREAU: Now, you've told the jury a number of times that Dieter was telling you what to say on this, is that correct.

A. Dieter told us a lot of things to say.

Q. Dieter told you general things to say.

A. Yes. He told us what to say pretty much, yeah.

Q. And I believe when Prosecutor Sneddon was asking you questions, he talked about some type of a sheet of questions. Do you remember that.

A. Uh-huh.

Q. Did somebody show you a sheet with some questions on it before you did this interview.

A. Yes, actually, and kind of waving it in front of the camera right here.

Q. And how many sheets are you talking about.

A. I'm not sure how many sheets it was.

Q. It was just a certain number of questions 2001

they told you they were going to ask you, correct.

A. Yes. And Dieter went over it with us and told us the answer, what to say.

Q. At the time when Dieter went over those questions with you, did you think Michael Jackson had abandoned you as a father figure.

A. No. Not then.

Q. Okay.

(Whereupon, a portion of a DVD, People's Exhibit 340, Disk 2, was played for the Court and jury.)

Q. BY MR. MESEREAU: Gavin, you and your mother are living with Major Jay Jackson when she makes this statement about Michael Jackson being a parent, right.

A. Yes.

Q. Did you think of Michael Jackson as a third parent.

A. No. I saw him, as I’ve said many times today, as a guider, as a father figure. Not my actual father, as I consider Major Jay Jackson today, as he is my stepfather.

Q. He has since married your mother, correct.

A. Yes.

Q. Now, if you know, were -- were Major Jay Jackson and your mother engaged when this video was made.

A. I don’t know.

Q. Did you expect this video to be on national television at some point when you made it.

A. I didn’t even think about it.

Q. Did you ever discuss that with your mom.

A. No.

Q. Okay. Do you remember any discussion involving your mother before this was filmed about whether or not she should sign any documents.

A. No.

Q. Don’t recall that at all.

A. Not really, no.

Q. Okay.

(Whereupon, a portion of a DVD, People’s Exhibit 340, Disk 2, was played for the Court and jury.)

Q. BY MR. MESEREAU: Now, when you used to visit Neverland and Michael Jackson was present, you used to see his children, correct.

A. Yes.

Q. When you flew to Miami and saw Michael Jackson, he was with his children, correct.

A. Yes. I’m sure his children were there.

Q. When you came back from Miami and started visiting Neverland, when Michael Jackson was there, his children were always there, correct.

A. Um, no. Because there was one time that he wasn’t at Neverland and he flew somewhere on a commercial plane or something and he came back.

Q. Let me rephrase the question.

When you were at Neverland and Michael was there, you saw his children, true.

A. Yes.

MR. MESEREAU: Okay.

(Whereupon, a portion of a DVD, People's Exhibit 340, Disk 2, was played for the Court and jury.)

Q. BY MR. MESEREAU: When your mother made that statement, in your opinion, was she telling the truth.

A. Yes, because sometimes we'd accidentally crash a cart or something, and -- otherwise, probably other people would yell at us or something. And Michael would just say, "It's okay. They can fix it."

Q. Did you ever get in any trouble at Neverland other than crashing carts.

A. Not that I can think of. I think that's the only real bad thing that we did. I mean, accidentally crashing a cart, that's about it.

MR. MESEREAU: Okay.

(Whereupon, a portion of a DVD, People's Exhibit 340, Disk 2, was played for the Court and jury.)

MR. MESEREAU: I believe that's the end, Your Honor.

Q. You remember returning from Miami to 2004 Neverland, correct.

A. Yes.

Q. Do you remember the next day seeing Ed Bradley from 60 Minutes at Neverland.

A. No.

Q. Do you remember seeing entertainment company executives at Neverland the next day.

A. No.

Q. Were you there the next day.

A. Yes, but I was probably out playing on the rides or something.

Q. Do you recall the day that Jesus Salas drove

your family away from Neverland.
A. Yes.
Q. Do you recall your mother getting a full body wax that day in Los Olivos.
A. No.
Q. Did you know anything about that.
A. No.
Q. Do you recall your mother telling you she was going to leave Neverland to go to a salon.
A. No.
Q. Did you ever discuss that with your mother.
A. No.
Q. Do you know someone named Brett Ratner.
A. Yes.
Q. How do you know him.
A. He was Chris Tucker's director for the movie 2005 Rush Hour.
Q. Do you recall asking Mr. Ratner if he would arrange for you to fly to Florida to meet Michael Jackson.
A. No, I don't remember that.
Q. You never did that.
A. I don't remember ever doing that.
Q. Okay. Do you remember Michael Jackson flying to Florida with Brett Ratner.
A. No.
Q. Never heard about that.
A. No.
Q. Okay. Do you recall your mother ever signing an agreement regarding distribution of any of this footage on television.
A. No.
Q. Well, you said something before -- or you began to say something about Michael Jackson asking you to sign an agreement, correct.
A. Yes, there's a little document he had me sign so that I can sign for the rebuttal or something. I don't know.
Q. Do you remember signing that document.
A. Yes.
Q. Michael never asked you to sign that, did

he.

A. Yeah, he did. And he was with Brett Ratner, and Brett Ratner signed as a witness.

Q. Do you recall your mother signing it also.

A. No. I was the only one that signed it.

Q. Do you recall your mother signing any agreement regarding this video.

A. No.

Q. Okay. Do you recall your mother making any trips outside of Neverland into the city to do errands.

A. No.

Q. Do you recall your mother going shopping with Vinnie Amen.

A. No.

MR. SNEDDON: Excuse me, I'm going to object to vagueness as to what period of time we're talking about here.

MR. MESEREAU: Sure.

Q. We're talking about February 21st, which would be the same day you met Attorney William Dickerman and Jamie Masada at The Laugh Factory. Do you remember that.

A. I remember meeting him.

Q. Do you remember your mother going shopping with Vinnie.

A. No.

Q. Do you remember your mother getting her hair done with Vinnie.

A. No.

Q. Do you remember shopping at Robinson's-May.

A. No.

Q. Do you remember shopping -- excuse me. Do you remember eating at an Outback Steakhouse.

A. No.

Q. Do you remember your mother going to any salon that day.

A. I think I remember my mom go to a salon and meet my stepfather.

Q. Do you know when that was, approximately.

A. No.

Q. Do you remember going on a shopping spree around February 26th with your mother.

A. I don't know. I remember they took us to Anchor Blue once because we told them that we didn't have a lot of clothes at Neverland, and they didn't want us to go to our house.

Q. Do you remember going to Pacific Sunwear.

A. No.

Q. How about Banana Republic.

A. Yes. I bought some boxers, I think.

Q. How about Gap Outlet.

A. No.

Q. How about Levi Outlet.

A. No.

Q. How about Abercrombie & Fitch.

A. No.

Q. Wilson's Luggage, did you ever go there with your mother. 2008

A. Yeah, they bought us luggage because they were saying they were going to take us to Brazil, and we didn't have luggage.

Q. Now, two days later -- excuse me, one day later, do you recall going shopping to Robinson's-May.

A. No.

Q. Do you recall going shopping to Adidas.

A. No.

Q. How about Old Navy.

A. No.

Q. Anchor Blue.

A. Yes.

Q. Robinson's-May.

A. No.

Q. Okay. Do you remember on February 28th going to Hsong's Barber Shop for a haircut.

A. I got my hair cut there, but I don't know if we went on February 28th.

Q. Do you remember going there with your mother.

A. I remember going there in the past with my mother.

Q. When you were there, did anyone scream for help.

A. I don’t know if we went on February 28th to Hsong’s Barber Shop.

Q. When you went to Hsong’s Barber Shop, did anyone scream for help, as far as you know.

A. As I said, I don’t remember whether we went there during the time that we were down in Los Angeles area.

Q. Do you remember anyone screaming for help at any of the stores that you recall going to during this period of time.

A. No.

Q. Do you remember going to the Brazilian consulate.

A. Yes.

Q. You went in there with your mother, right.

A. Yes, I’m pretty sure.

Q. Do you remember anybody screaming for help in the Brazilian consulate.

A. No.

Q. You were with your entire family, right.

A. Yes.

Q. Okay. Do you remember seeing a movie called Old School around March 1st, 2003.

A. A little bit.

Q. Your mother, your brother, your sister and you went to that movie theater, right.

A. I don’t really remember.

Q. You also went to Anchor Blue that day, right.

A. I believe so. I guess.

Q. When you went to see that movie, do you remember anybody screaming for help.

A. No.

Q. Do you remember eating at Johnny Rocket’s Burgers that day.

A. Oh, yeah. I remember that place. It was pretty good.

Q. And that was after you saw the movie, right.

A. I don’t know.

Q. You went for burgers and ice cream, right.

A. Yes.

Q. Do you remember anybody screaming for help when you were at Johnny Rocket’s.

A. No.

Q. Okay. Do you know someone named Brad Buxer.

A. No.

Q. Did you ever meet any of Michael Jackson’s movie producers at Neverland.

A. No.

Q. Do you know someone named Rio.

A. I think he was a little kid that was there for a while.

Q. When did you first meet Rio.

A. I don’t remember.

Q. But do you remember seeing Rio at Neverland.

A. Yeah, he stood there for like a week or --

Q. Did you stay in a guesthouse with Rio.

A. No.

Q. Never did. 2011

A. No. Well, I might have hung out with him for a while. No, I hung out with his sister, you know. And she was telling me about some girls that thought I was cute from the Martin Bashir thing, and then that was it.

Q. This is Rio’s sister.

A. Yes.

Q. Was there a television in the guest room at Neverland.

A. There’s a television in every guest room.

Q. Did you ever use that television.

A. We were always playing. We never watched T.V.

Q. Was Rio ever in a room with you at the guesthouse.

MR. SNEDDON: Your Honor, I’m going to object to this line of questioning under the 403 ruling the Court made.
THE COURT: Sustained.
Well, just a minute. I will change that ruling. You may ask.
MR. MESEREAU: Thank you, Your Honor.
Q. Was Rio ever in a guest room with you when you were watching T.V. at Neverland.
A. Um, no. I don’t remember really -- I mean, I might have hung out with him in a guest room for a minute, but, I mean, I don’t remember watching T.V. with him.

Q. You don’t.
A. No.
Q. Are you saying you don’t remember or are you saying it just didn’t happen.
A. I don’t think it happened.
Q. Okay. Do you recall ever telling Rio you wanted to look at adult movies on television at Neverland.
MR. SNEDDON: I’m going to object.
THE COURT: Overruled.
THE WITNESS: No, I don’t remember that.
Q. BY MR. MESEREAU: Ever remember stealing alcohol from Michael Jackson’s bedroom when Rio was present.
A. No.
Q. Do you recall stealing a $1,000 laminated bill from Michael’s room.
A. A thousand dollar bill.
Q. That was laminated.
A. Do they make thousand-dollar bills.
Q. Did you ever steal one.
A. No.
Q. Ever recall masturbating in front of Rio.
A. No.
Q. Now, earlier in your testimony, you said that the only time you’d ever tasted wine was in church. Do you remember that.
A. Yes.

Q. Are you telling the jury the only time you tasted wine before you went to Neverland was in a church.
A. Yes.
Q. Did you ever tell Rio or anyone else at Neverland that you knew what wine tasted like.
A. No. I don’t remember telling him that.
Q. Do you remember calling Chris Tucker and telling him that you wanted to go to Miami to be with Michael Jackson.
A. No.
Q. That never happened.
A. I don’t know if it did.
Q. You don’t know if it did.
A. No.
Q. Did your mother ever ask you to call Chris Tucker so that your family could go to Miami to be with Michael Jackson.
A. No.
Q. Has your mother ever coached you on what to say in this case.
A. No.
Q. Has your mother coached you on what to say in your legal disputes with your father.
A. No.
Q. Has your mother ever coached you on what to say in the J.C. Penney case.
A. No.

Q. Has your mother asked you to write out what you were going to say before you went to court.
A. No.
Q. Have you ever done that.
A. Done --
Q. Written out what you plan to say before you went to court.
A. No.
THE COURT: Is this a good place to stop.
MR. MESEREAU: Okay.

THE COURT: All right. We’ll recess until tomorrow morning at 8:30. Remember the admonitions. See you then.

(The proceedings adjourned at 2:30 p.m.)

--o0o--

REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify: That the foregoing pages 1867 through 2015 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 14, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, March 14, 2005.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

TUESDAY, MARCH 15, 2005

8:30 A.M.

(PAGES 2017 THROUGH 2082)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

APPEARANCES OF COUNSEL:

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2018

I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES DIRECT CROSS REDIRECT RECROSS

ARVIZO, Gavin-Anton 2021-M 2056-SN 2074-M (cont’d)
FLAA, Terry 2077-Z

E X H I B I T S

DEFENDANT'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
5020	Photograph	2040	2043
5021	Photograph	2040	2043
5022	Photograph	2040	2043
5023	Photograph	2040	
5024	Photograph	2040	2043
5025	Photograph	2040	2043
5026	Photograph	2040	2043
5027	Photograph	2040	2043
5028	Photograph	2040	
5029	Photograph	2040	
5031	Neverland Valley Guest Book	2044	
5032	Photograph	2049	2052
5033	Photograph	2051	

Santa Maria, California
Tuesday, March 15, 2005
8:30 a.m.

THE COURT: Good morning.
THE JURY: (In unison) Good morning.
THE COURT: You ready to proceed.

MR. MESEREAU: Yes, Your Honor. Thank you, Your Honor.

GAVIN-ANTON ARVIZO

Having been previously sworn, resumed the stand and testified further as follows:

CROSS-EXAMINATION (Continued)

BY MR. MESEREAU:

Q. Mr. Arvizo, when you claim you were inappropriately touched by Mr. Jackson, you claim there were no witnesses watching, correct.

A. Yes.

Q. Now, at some point, do you recall giving a DNA swab to any Santa Barbara Sheriff.

A. Yes. They gave me a DNA swab.

Q. Do you know approximately when that was.

A. No.

Q. Did you ever learn what the results were of any DNA testing.

A. No.

Q. Did you ever discuss it with Prosecutor Sneddon.

A. No.

Q. Did you ever discuss it with any other prosecutor.

A. No.

Q. Did you ever discuss it with any sheriff.

A. No.

Q. How about any lawyer or paralegal.

A. No.

Q. Did you ever discuss it with any member of your family.

A. No.

Q. So as you sit here today, you don’t know what the results are of those DNA tests, right.

A. No.

Q. Okay. Now, you indicated that you were upset that there was no press conference in Miami when you and your family traveled to Miami to see Michael Jackson, correct.

A. I said it wasn't that big of a deal, because I was already having fun.

Q. Well, you wanted a press conference in this case, didn't you.

A. Michael wanted it.

Q. No --

A. Michael told me he wanted it.

Q. Sir, when you were testifying before the grand jury, you wanted to give a press conference, didn't you.

A. No, I thought we were going to have a press conference, because that's what I was told.

Q. Do you remember telling Mr. Sneddon and the grand jury that you wanted to have a press conference.

A. I might have said that we wanted to have a press conference, because Michael wanted to.

Q. Michael wanted to have a press conference when you were in front of the grand jury; is that what you're saying. You can answer the question.

A. No.

Q. Remember telling Mr. Sneddon, "Oh, man, I was going to have a press conference".

MR. SNEDDON: Excuse me, Your Honor. Could we have a page reference on that, before Counsel reads it.

MR. MESEREAU: Sure. Sure. It's 449.

MR. SNEDDON: That's fine.

Q. BY MR. MESEREAU: Okay. Do you remember when you were in front of the Santa Barbara Grand Jury, Mr. Sneddon told you there was an order that you not talk to the media, and your response was, "Oh, man, I was going to have a press conference". Do you remember that.

A. That was probably a joke.

Q. That was a joke.

A. Yeah.

Q. So you're in front of the Santa Barbara Grand Jury talking about this case and you're telling a joke.

A. Yes.

Q. Okay. All right. Do you know someone who worked at Neverland named Julio Avila.

A. I don't remember.

Q. Do you remember that name at all.

A. I remember a guy that might have been named Julio, but I forgot his name.

Q. Okay. And was he someone who worked around the amusement rides.

A. Oh, yes. Well, he -- he was the manager of the whole Neverland, but then they moved him to the amusement park, if we're talking about the same guy.

Q. Do you remember anyone complaining about you and Star --

MR. SNEDDON: Object, Your Honor. It's a violation of a 403 ruling.

MR. MESEREAU: I don't think it is.

THE COURT: I'm not remembering this. Give me another hint.

MR. MESEREAU: It has to do with behavior at Neverland. Nonsexual nature.

THE COURT: All right. I'll sustain the objection.

Q. BY MR. MESEREAU: Do you recall you and your brother Star being picked up by a FOX News reporter at your home.

A. No.

Q. Never happened.

A. Well, I have a friend that works for FOX News, but --

Q. What's your friend's name.

A. Barbara.

Q. Barbara Schroeder.

A. I don't know her last name.

Q. Do you recall being picked up by Barbara Schroeder and taken for a spending spree.

A. I remember going to the movies with her and her daughter.

Q. Do you remember she and another member of the media treating you and your brother to shopping.

A. I have a friend that used to work for FOX that I met at The Laugh Factory, but he works in, like, cell phones or something.

Q. Do you recall Barbara Schroeder and another representative of FOX News taking you and Star shopping and paying your bills.

A. They weren't representing FOX News to us. They were our friends.

Q. Do you remember them taking you shopping and paying your bills; yes or no.

A. I don't remember them paying my bills. And I remember going to the movies with them. I don't remember going on shopping sprees.

Q. Where did you go with them.

A. We went to the movies.

Q. Where.

A. Galleria.

Q. Which galleria.

A. I don't know. Somewhere in Los -- Hollywood somewhere.

Q. In Los Angeles, right.

A. Yes.

Q. Okay. And you're saying they never took you to any store and paid any bill for you.

A. No.

Q. Okay. You mentioned that someone named Gary Hearn had driven you and your family from time to time while you were at Neverland, correct.

A. Yeah, Gary drove us around.

Q. How many times do you recall Gary Hearn driving you around.

A. I don't remember.

Q. Was it five times. Ten times.

A. Well, no, it was less than that.

Q. Okay. And where do you remember Gary Hearn driving you to.

A. I remember he drove us one time from the hospital to Neverland, and once from our apartment to Neverland.

Q. Do you remember your being in his car and your mother asking to stop so you could buy various things at stores.

A. No.

Q. Don’t recall him ever stopping so anyone in your family could go shopping.

A. No.

Q. Okay. Do you know someone named Andrew Lassak.

A. No.

Q. Okay. Now, you mentioned --

A. Lassak. Police officer.

Q. Yes. Do you know him.

A. Yes.

Q. How did you meet him.

A. He was an LAPD officer that -- I forgot, really, how we met him. I think he was -- I don’t know. My mom met him or something, and then he visited us a lot.

Q. Do you know approximately when you first met this LAPD officer, Mr. Lassak.

A. After my father left. A few months after my father left, after I finished chemotherapy.

Q. And he was a friend of your family, correct.

A. Yes.

Q. He used to visit your house, correct.

A. Yes.

Q. You spoke to him, right.

A. Yes.

Q. You saw your brother and sister speak to him, didn’t you.

A. Yes.

Q. And you saw your mother speak to him, right.

A. Yes.

Q. Do you recall anyone ever complaining to Los Angeles Police Officer Andrew Lassak that anyone was being held against their will.

MR. SNEDDON: Your Honor, I’m going to

object to the question as vague as to time frame.

MR. MESEREAU: I’ll rephrase it, Your Honor.

THE COURT: All right.

Q. BY MR. MESEREAU: During the period you claim you escaped from Neverland three times, do you recall anyone in your family ever complaining to LAPD Officer Andrew Lassak that anyone was being mistreated or held against their will.

A. His name is Lassak, and I don’t remember anything happening like that.

Q. Okay. Now, correct me if I’m wrong, I think you testified that you used to stay up -- let me rephrase that.

You would end up staying up most of the night when you were at Neverland, correct.

A. Sometimes.

Q. Not all the time.

A. No.

Q. Isn’t it true that you and your brother would sometimes roam around the main house starting at 7:00 a.m. in the morning.

A. The cooks -- the chefs would be in there like 6:30 or 7:00 or something, and then we’d go in there to eat breakfast.

Q. Okay. And how often do you remember doing that.

A. Every morning when we would eat breakfast.

Q. Do you know someone named Shane Meredith.

A. No.

Q. Never knew an employee named Shane Meredith at Neverland.

A. If I did, I don’t remember that.

Q. He caught you with an open bottle of alcohol at Neverland, didn’t he, when Michael Jackson wasn’t even around.

A. No.

Q. Now, you talked yesterday about someone named Brett Ratner. Do you remember that.

A. Yes.

Q. And he was working on a Rush Hour movie, right.

A. Yes, he was the director for both of them.

Q. And you met Brett Ratner at Neverland one time, right.

A. Yes, he came to Neverland once.

Q. And you saw him in the library, right.

A. Michael and him were in the library, and they told me to go there.

Q. You saw him in the library with Michael, correct.

A. They told me to go in there.

Q. Okay. And you sat down next to Michael Jackson, didn’t you.

A. I sat on the couch. I sat on this red couch and Michael was sitting here on the seat, and Brett Ratner was sitting here also.

Q. At one point during that meeting, you rested your head on Michael Jackson’s shoulder, didn’t you.

A. No. It was early in the morning, and I was -- we were sitting -- he was sitting on another chair.

Q. And you asked if you could go with Michael and Brett Ratner to Florida, didn’t you.

A. I don’t remember asking that.

Q. You don’t remember it or you’re not sure you did it.

A. I don’t remember ever asking that.

Q. Okay. Do you remember hearing your mother tell Jesus Salas that she was very concerned about all the media attention.

A. I don’t remember. I remember my mom would say stuff like that, but -- she didn’t really like it, but, I mean, I don’t remember if she did say it to Jesus Salas.

Q. Okay. Now, you indicated that you would get to the kitchen sometimes early in the morning, right.

A. Well, yeah. Me and a bunch of other people, when we wanted to eat breakfast.

Q. Now, you and your brother often would cook for yourselves, correct.

A. We wouldn’t really cook. We might grab an apple or some ice cream, but we wouldn’t cook.

Q. Ever see your brother Star cook in that kitchen.

A. No.

Q. Do you remember ever telling Chris Tucker that you didn’t make any money from the fund-raiser.

A. No. Well, what fund-raising.

Q. Fund-raiser for you at The Laugh Factory.

A. No, because we did make money at The Laugh Factory.

Q. Yes. So you never told Chris Tucker, “We didn’t make any money from the fund-raiser”.

A. Why would I say that when we did. No, I never said that.

Q. Okay. Do you recall yourself asking Chris Tucker for money.

A. No.

Q. Do you remember telling Chris Tucker that your family was being hounded by the media and could not leave your house.

A. No.

Q. Never said that.

A. I might have told them about some media people that were around our house, but, I mean --

Q. Do you remember telling Chris Tucker the media was hounding your family and there was no place for you people to go.

A. No. Because --

Q. Never said that.

A. I might have talked to him about some guy that was holding a camera outside of my house, but, I mean --

Q. Do you remember telling Chris Tucker that your family had nowhere to go.

A. No.

Q. Do you remember telling Chris Tucker that you knew Michael Jackson was in Miami and you wanted to go see him.

A. No. Well, I -- well, the first time I flew in his plane over to Miami, so I don’t know if you’re trying to talk about that or what.

Q. Well, before you flew on Chris Tucker’s plane to Miami, do you remember telling Chris Tucker that you wanted to go to Florida to see Michael Jackson.

A. No.

Q. Never said that.

A. Michael called, and they arranged it so that we can go on Chris’s plane.

Q. But you never told Chris you wanted to go see Michael in Florida, right.

A. I don’t remember if I said in those exact words.

Q. Okay. Do you know Vernee Watson.

A. I kind of remember her name. But --

Q. She was an acting teacher for you, wasn’t she.

A. Was she on a show with Will Smith, the Fresh Prince of Bel Air show.

Q. Excuse me, I couldn’t understand what you said.

A. I think I remember who she is, but I don’t remember.

Q. Did she teach you acting at a school owned by Belinda Johnson.

A. I went to some -- I mean, I don’t know if we’re talking about the same Renee Watson.

Q. Just asking you if you know someone named Vernee Watson.

A. I kind of remember her name. But, I mean, I haven’t --

Q. Do you know who she is.

A. As I said, I kind of think I do, but I don’t know if it’s that person -- if that name goes with that face.

Q. Well, can you please describe the Vernee

Watson that you know.

A. She has like dreadlocks and she's African-American. And she -- she played Will Smith's mother on Fresh Prince of Bel Air. And -- yeah.

Q. And how do you know her.

A. I don't remember. She's been our friend for a long time.

Q. Is she still your friend.

A. Um, we -- we haven't called her in a while. But I think I met her through a dance company, a dance class -- a dance studio I was with.

Q. Do you recall ever asking her for money.

A. No.

Q. Do you recall your mother ever asking Vernee Watson for money.

A. No.

Q. Now, correct me if I'm wrong, I think you said yesterday that you did not call Chris Tucker on February 4th, 2003; is that right.

A. I said that I don't really remember if I said that or not, but I don't know if I called Chris Tucker on February 4th, 2003.

Q. Do you remember calling Chris Tucker before you went to Miami and telling him you're being harassed by the media.

MR. SNEDDON: Your Honor, object as asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did your mother ask you to call Chris Tucker.

A. No, I don't think so.

Q. How did you know Michael Jackson was in Miami.

A. Because he called us and told us that he was in Miami.

Q. Did you call Chris Tucker on a regular basis at that particular time.

A. Yeah, I was still talking to him.

Q. Okay. Did you typically call him from home.

A. Sometimes.

Q. Where else would you call him from.

A. I don’t know. At my grandma’s house.

Q. Now, Chris told you that he was going to Orlando, right.

A. I don’t know.

Q. Do you remember him saying that.

A. No.

Q. Okay. And to your knowledge, did Evvy Tavasci book a commercial flight for your family to fly to Miami to see Michael Jackson.

A. I don’t know.

Q. Okay. Do you know who was in charge of deciding how you would get to Miami.

A. I don’t know who was in charge of that.

Q. Okay. Do you know how you ended up on Chris Tucker’s plane rather than a commercial flight.

A. Chris wanted to see Michael. And then we could just -- we could have just went on a ride with him because he was going over there.

Q. Okay. Do you recall you, your brother, your sister and your mother going to a dental office around February 24th, 2003.

A. I remember we might have went to a dental office. I mean, I used to have braces.

Q. And you went to that office to have your braces removed, right.

A. I believe so.

Q. Pardon me.

A. I believe so.

Q. Okay. Well, do you remember going there from Neverland.

A. Yes.

Q. And it was a Dr. Seamont you went to, right.

A. I don’t know.

Q. He was not too far from Neverland, right.

A. I think they were in Solvang.

Q. And you had your braces removed, right.

A. Yes. Because my teeth started separating because the wires were all broken.

Q. And who took you to that dental office.

A. I think it was Frank.

Q. Do you know the approximate date.
A. No.

Q. And you left Neverland and went into town that day about 2:34 in the afternoon, right.
A. I don’t know.
Q. Okay. And do you remember how long you were away that day, from Neverland.
A. I don’t know.
Q. It was about five and a half hours, wasn’t it.
A. As I said, I don’t know.
Q. Okay. Do you remember stopping in Solvang.
A. I thought that’s what the orthodontist was, in Solvang.
Q. Do you remember, when you left the office, going anywhere else.
A. No.
Q. Do you remember anybody complaining at the office that anyone in your family was being held against their will.
A. I don’t remember.
Q. Did you have dinner or any meal in Solvang.
A. I don’t remember having a dinner or a meal.
Q. Do you remember going shopping in Solvang that day.
A. No.
Q. No.
A. No.
Q. Now, your mother was mad at your L.A. dentist that put the braces on originally, right.

A. I don’t know if she was mad at him.
Q. You never noticed that at all.
A. No.
Q. Okay. Do you know who paid for your dental work in Solvang on that day.
A. I don’t know who paid for it.
Q. And your mother was there, right.
A. I think so.

Q. Davellin was there, right.

A. I think so.

Q. And Star was there, right.

A. I think so.

Q. Okay.

A. They never -- they hardly ever let us be apart. They wanted to keep us together.

Q. Excuse me.

A. They never wanted us to be in separate areas. They always wanted to keep us together.

Q. Well, remember you went to Toys R Us with Michael.

A. Yeah, I remember.

Q. Your mother wasn't there.

A. My mom was at Neverland, where they can still keep her.

Q. Oh, was your mother on the trip to Toys R Us.

A. No, she was in Neverland in her unit, where they could still keep her and watch her.

Q. I see. So you went into town with Michael Jackson, correct.

A. Yeah. Michael took us to Toys R Us.

Q. You picked up some fans, correct, on the way.

A. Yeah, Michael invited some people into our -- the thing.

Q. You never complained to anyone in the store or any of these fans that anyone was being held against their will, correct.

A. I was actually happy to be at Neverland all the time.

Q. And you were happy to go --

A. That's something you don't really understand, is that the majority of those times was -- the first few escapes that you talk about, I liked being at Neverland. That was like Disneyland. I loved being there. I had lots of fun.

I mean, my mom was the one always worried. It wasn't until the last time that I realized

“I don’t want to be here.”

Q. Your mother was worried, but she always came back, right. Right.

A. I guess so.

Q. Okay. I’m going to show you some photographs that have been premarked. They’ve been shown to the prosecutor, Your Honor.

THE COURT: All right.

MR. MESEREAU: May I approach.

THE COURT: They’re not in evidence yet.

MR. MESEREAU: Not yet.

THE COURT: Can you just give me the numbers. It’s for my notes. No, just -- what’s the run.

MR. MESEREAU: It’s Exhibit 5020 through Exhibit 5029.

THE COURT: Thank you.

MR. MESEREAU: Thank you, Your Honor.

Q. Mr. Arvizo, I’m going to show you some photographs, and ask you if they appear accurate to you. The first one says “Jean Seamont, DDS.” Do you see that.

A. Yes.

Q. Do you remember going to that office.

A. That might be a little -- it’s like the -- a little -- I don’t know exactly how it is, but --

Q. It’s like a sign.

A. Yeah, a sign. There we go.

Q. Okay. And that’s -- that looks accurate to you, right.

A. Yes.

Q. Okay. And that is Exhibit 5020. Now I’m showing you Exhibit 5021. Does that look familiar to you.

A. A little bit. Yeah. That looks like the place that they took us to.

Q. That’s the dentist’s office, right.

A. Yes.

Q. Appears accurate to you.
A. Yes.
Q. Okay. Now I’m showing you Exhibit 5022. Do you see that.
A. Yes, I see it.
Q. And that’s downtown Solvang, right.
A. I don’t know.
Q. That’s near the dental office, isn’t it.
A. I don’t know if that was the same place.
Q. Does it look accurate to you.
A. I don’t know where that is.
Q. Okay. Now I’m showing you Exhibit 5023. Do you see that.
A. Yes.
Q. And does that look like the inside of the dentist’s office.
A. I think so.
Q. Okay. Looks accurate to you.
A. I think it was the dentist’s office.
Q. Okay. And now I’m showing you Defense Exhibit 5024. Do you see that.
A. Yes.
Q. And that’s the inside of the dentist’s office, right.
A. I think so.

Q. Looks accurate to you.
A. Yes.
Q. And now I’m showing you Defense Exhibit 5025. Do you see that.
A. Yes.
Q. And that’s the inside of the dentist’s office, right.
A. I don’t know if that’s the same place they did my stuff, but, I mean, it looks --
Q. Looks accurate to you.
A. Yeah.
Q. Okay. I’m showing you now Exhibit 5026. Do you see that.
A. Yes.
Q. Inside of the dentist’s office, right.
A. Yes.

Q. Look accurate to you.

A. Yes.

Q. Now I’m showing you Exhibit 5027. Do you see that.

A. Yes.

Q. And that’s also the inside of the dentist’s office, right.

A. I think so, yes.

Q. Look accurate to you.

A. Yes.

Q. I’m now showing you Exhibit 5028. Do you see that.

A. Yes.

Q. That’s the outside of the dentist’s office, right.

A. I don’t know. I never went out there.

Q. Does it look accurate to you.

A. I don’t know. I never went out there.

Q. Okay. And now I’m showing you Exhibit 5029. Do you see that.

A. Yes.

Q. That’s the outside of the dentist’s office, right.

A. I don’t know.

Q. Does it look accurate to you.

A. I don’t know. I never went out there.

Q. Okay.

Unless there’s an objection, I’ll move these photographs into evidence.

MR. SNEDDON: Well, excuse me, Your Honor. There is an objection to the ones he said he didn’t know anything about, so that would be --

THE COURT: I’ve got it. 5023 is not admitted. 5025 and 502 -- no, 5028 and 5029 are not admitted. The others are all admitted.

Q. BY MR. MESEREAU: You don’t know how long you were at that dental office, correct.

A. No.

Q. Did you ever see any telephones --

THE BAILIFF: Is your microphone on.

MR. MESEREAU: Oh. Pardon me. Let me start again.
Q. You don't know how long you were at that dental office, right.
A. No.
Q. Did you ever see any phones in that dental office.
A. No -- well, there's probably one in the front. But I didn't see one in that picture, though.
Q. Did anyone in your family ever complain while you were at that dental office, "We're being held against our will," to your knowledge.
A. No.
MR. MESEREAU: Your Honor, I'd like -- I have in front of me a Neverland Valley guest book I'd like to be marked next in order.
THE COURT: That would be 5030.
MR. MESEREAU: Yes, please.
MR. SANGER: There is a 5030.
THE CLERK: We already have a 5030. So that would be 5031.
THE COURT: Excuse me. 5031.
THE CLERK: Yes.
Q. BY MR. MESEREAU: Mr. Arvizo, I have --
Excuse me, Your Honor.
Oh.
MR. SNEDDON: Excuse me, you know, could --

Your Honor, we've never seen this. It wasn't provided to us.
MR. MESEREAU: We produced it to them, Your Honor.
MR. SNEDDON: I haven't seen the book. And I'd like to look at it before he asks any questions.
THE COURT: We'll organize this. You let her -- there you go. You got the label on it. Would you show it to the District Attorney.
MR. MESEREAU: Yes, Your Honor.
(Off-the-record discussion held at counsel

table.)

MR. MESEREAU: Your Honor, I have in front of me Defense Exhibit 5034 (sic).

THE COURT: They can’t hear you.

MR. MESEREAU: Oh. Here we go again. I have in front of me Defense Exhibit 5031, which is a Neverland Valley guest book. May I approach the witness.

THE COURT: Yes.

Q. BY MR. MESEREAU: Mr. Arvizo, I’m showing you a Neverland Valley guest book that’s listed as Exhibit 5031. Have you seen that before.

A. Yes.

Q. Where have you seen this before.

A. In the front of the -- the -- where you walk in the front entrance, there’s like this podium-type thing, and it sat on there.

Q. Now, there’s some writing on the cover of that book. Do you see that.

A. Yes.

Q. Is that your writing.

A. No.

Q. You didn’t write that.

A. No. That’s my brother’s, I think.

Q. Well, it says “Gavin,” doesn’t it.

A. Yeah.

Q. You didn’t write that.

A. It says “Blow Hole and Gavin.”

Q. Okay. Do you know who wrote that.

A. “Blow Hole’s” my brother.

Q. You didn’t write that at all.

A. No.

Q. Okay. Do you know why your brother wrote on the cover of the guest book.

A. Because it looked cool. Because it’s on the part where you can see it. I don’t know. You should ask my brother.

Q. Did you see him do that.

A. No.

Q. Did you ever talk to him about it.

A. No.

Q. Now, you had looked through this guest book before, correct.

A. I didn’t really look through it, but I signed it once.

Q. Okay. So your signature would be in there.

A. I don’t know if my signature would be in there. But I remember --

Q. I’m sorry.

A. I don’t know if my signature was in there, but I remember saying, like, “Thanks for letting us come to Neverland,” and it was the first time I’d ever been to Neverland.

Q. Okay. But this is the book you saw at Neverland, right.

A. Yes.

Q. Okay.

Move to admit Defense Exhibit 5031.

MR. SNEDDON: Your Honor, I have no objection to either option. They can put in a photocopy of the front, which is what he was questioned about, but as to the entire contents, I object.

THE COURT: All right. The objection is sustained as to the contents.

MR. MESEREAU: Okay. With your permission, Your Honor, we can just get a duplicate of the cover.

THE COURT: That would be fine.

MR. MESEREAU: Okay. Okay.

THE COURT: You can leave -- is there an agreement that once he gets the duplicate of the cover, that he can exchange the duplicate for the original and remove the original. Or do you want to wait until the end of the trial for that.

MR. SNEDDON: No, that would be fine, Your Honor. I’m just at a little bit -- “duplicate” meaning --

THE COURT: The duplicate of the cover is what he was saying.

MR. MESEREAU: Yeah.

MR. SNEDDON: Will it have the same writing on it.

THE COURT: “Duplicate” usually means the same. I mean, it’s a duplicate.

MR. SNEDDON: All right. I’ll wait till the duplicate comes in, and we can talk about it then. How’s that.

THE COURT: Okay. All right. Go ahead, Counsel.

MR. MESEREAU: Thank you, Your Honor.

Q. Mr. Arvizo, according to you, it’s your brother’s handwriting, right.

A. It kind of looks like it. But I don’t know if it is.

Q. And it says, “Hi, Doe-Doe, it’s your Blow Hole. I love with you all my heart. Love forever, your Blow Hole, Gavin.” Do you see that.

A. It says “Blow Hole and Gavin.” It doesn’t say “Blow Hole” --

Q. It looks like an “F.”

THE COURT: Counsel, you’re testifying.

MR. MESEREAU: I’m sorry, Your Honor. Okay.

Q. You didn’t see your brother do this, right.

A. No --

MR. SNEDDON: Asked and answered, Your Honor.

THE COURT: Sustained.

MR. MESEREAU: Your Honor, I have in front of me an exhibit, No. 5032, which is a photocopy of a mannequin.

I’d like to approach the witness, if I may.

Q. Mr. Arvizo, I’m showing you a document that’s labeled Exhibit 5032. Do you see that.

A. Yes.

Q. And that appears to be a photograph of a mannequin, correct.

A. Yes.

Q. Appears to be an African-American girl with

braids, right.
A. Yes.
Q. With a blue jean jacket, right.
A. Yes.
Q. And a pink shirt. Do you see that.
A. Yes.
Q. Have you seen that mannequin before.
A. Yes, I saw it in Michael's bedroom.
Q. Is that the mannequin that you're claiming

Mr. Jackson simulated a sex act with.
A. Yes.
Q. Okay. Now, did you ever discuss with Mr. Jackson where that mannequin came from.
A. No. He said that -- there was a bunch of mannequins all over his bedroom.
Q. Well, did he ever tell you this was something that was custom made and it's a mannequin of a cousin of his.
A. No. He just said that he has lots of mannequins.
Q. So you never discussed with him what this mannequin was all about, right.
A. No.
Q. You never knew that this mannequin was something that was paid for and custom made because it's his cousin.
A. He never told me that.
Q. Okay. Okay. When did you first see this mannequin.
A. In his bedroom. Where the bed actually is.
Q. And do you know approximately when that was.
A. I don't -- probably the first time I went in his room I saw it there. And then the second time I was in his room. All the way after Miami was when we made the joke about it.
Q. At some point you learned that somebody had defaced that mannequin, right.

A. Defaced. What do you mean.

Q. Yes. Somebody had taken like a magic marker and messed up that mannequin, right.

A. No, I don’t remember that.

MR. MESEREAU: Your Honor, at this time I’d like to approach the witness and show him Exhibit No. 5033, which is a photograph --

THE COURT: All right.

MR. MESEREAU: -- of a mannequin as well.

Q. Mr. Arvizo, I’m showing you Defense Exhibit No. 5033. Do you see that.

A. Yes.

Q. And do you see where somebody went into the vaginal portion of that mannequin and defaced it with a magic marker.

A. Yes. I see that, I guess.

Q. You know who did that, don’t you.

A. No.

MR. MESEREAU: May I publish this, Your Honor.

THE COURT: No.

Q. BY MR. MESEREAU: You don’t know who did that at all.

A. No.

Q. You didn’t do it.

A. No.

Q. Your brother didn’t do it.

A. No.

MR. MESEREAU: May I approach one more time.

THE COURT: Yes.

Q. BY MR. MESEREAU: Do you see the skirt on the mannequin in Defense Exhibit 5032.

A. Yes.

Q. Same material as you see on the mannequin in Defense Exhibit 5033, right.

A. I guess so. Yeah.

Q. But you’ve never seen this defaced portion --

A. No.

Q. -- right.

A. No. No.

Q. Do you know why your brother defaced the guest book.

MR. SNEDDON: Your Honor, I’m going to object. Counsel’s testifying. And he’s already said he didn’t do it.

MR. MESEREAU: I didn’t ask if he did it.

THE COURT: Sustained; calls for speculation.

MR. MESEREAU: Okay. Move to admit Defense Exhibits 5032 and 5033, Your Honor.

THE COURT: They haven’t been properly identified. So it’s denied.

MR. MESEREAU: Exhibit 5032 is the photograph of the mannequin that I showed Mr. Sneddon.

THE COURT: That one is admitted.

MR. MESEREAU: And 5033 is also a photograph of the same mannequin.

THE COURT: But it hasn’t been identified as to the marking you’re talking about. He has never seen it that way, so we don’t know who did it, when it was done. There’s no foundation.

MR. MESEREAU: We’ll do it -- we’ll do it later, then.

THE COURT: All right. No foundation.

MR. MESEREAU: Okay. All right.

Q. Finally, Mr. Arvizo, in your direct examination, you commented a couple of times on Mr. Jackson wearing makeup. Do you remember that.

A. Here.

Q. When you were answering Prosecutor Sneddon’s questions, a couple of times you used the word “makeup” in referring to Michael Jackson, right.

A. I said one time when he was -- a story about a time when we were in the room where his makeup was, but I don’t remember me saying it a lot of times.

Q. Now, you knew that Michael Jackson has a skin disease called vitiligo, right.

A. He told me about it.

Q. And he told you that he’s an African-American man with a skin disease that eats up pigment in his skin, correct.

A. Yes.

Q. And you knew that that disease was causing certain patches of white and brown on his skin, right.

A. Yes. I guess.

Q. And --

A. I don’t know. It’s not like I was making fun of him yesterday, if that’s what you’re trying to imply.

Q. Well, you knew that his skin is vulnerable to sunlight, correct.

A. Yes.

Q. And that’s why you see him with an umbrella, correct.

A. Yes.

Q. And you also knew, because of the patches that appear on his skin from that disease, he does sometimes put some makeup on, right.

A. I didn’t know about patches. I thought he was just all white.

Q. Well, you discussed the skin disease with him, right.

A. Yes.

Q. You knew the skin disease was changing the color of his skin, right.

A. That’s what he told me.

Q. And you knew that’s why he put makeup on; true.

A. Not really. I thought it was just because he had, like -- because he -- he didn’t have pink on his lips, so he would put makeup on his lips.
I mean, I wasn’t making fun of him yesterday, if that’s what you are trying to say.

Q. You weren’t making fun of him at all.

A. No.

Q. Okay. Now, you’re aware, are you not, that you have until the age of 18 to file a lawsuit against Mr. Jackson if you choose to, correct.

A. No.
Q. You've never discussed that with your mother.
A. No.
Q. Never discussed that with Larry Feldman, the attorney.
A. No.
Q. And never discussed it with Bill Dickerman, the attorney.
A. No.
Q. Okay. You're also aware that if Mr. Jackson is convicted, you could automatically win that civil suit, right.
A. No.
Q. No one's ever discussed that with you.
A. No. We said things like, oh, we don't want his money, and stuff like that.
Q. Never discussed that issue with any attorney, right.

A. No.
Q. First time you've heard about it.
A. About that I can -- you just told me now that I can sue him till I'm 18 or something like that. I didn't even know about that stuff.
Q. Didn't even know about that, right. And never heard your mother mention it.
A. No.
MR. MESEREAU: No further questions.
THE COURT: Redirect.
MR. SNEDDON: Yes.

REDIRECT EXAMINATION
BY MR. SNEDDON:
Q. Morning, Gavin.
A. Hey, Tom.
Q. I'm going to ask you just a few questions. It won't be long.
First of all, with regard to this particular case, Mr. Mesereau has asked you a lot of questions about did you have conversations with your brother and your mother and other people about what you've

testified here in court today.
A. Uh-huh.
Q. Do you recall those questions.
A. Yes.
Q. And you said you did not.
A. Yes.

Q. Were you given some instructions with regard to who you could talk to and who you couldn’t talk to about this case.
A. You guys told us that we can’t talk to anybody about this case. Well, our family and -- anyone that was, like, involved; you know what I mean.
Q. When were you told that.
A. When the case first started.
Q. So from the time you were first involved in the case till today, those were the instructions you were given.
A. Yes.
Q. And have you followed those instructions faithfully.
A. Yes.
Q. Mr. Mesereau asked you yesterday about the fact that when you went through chemotherapy you had some temporary memory loss and inability to concentrate at some points in time.
A. Yes.
Q. At the time that these events occurred at Neverland Ranch involving you and the defendant, Michael Jackson, were any of those effects from the chemotherapy still present with you.
A. No, they went away after a while.
Q. Do you remember Mr. Mesereau asking you about a video that was taken during one of your

first trips to Neverland, with you and Mr. Jackson, when we saw the music “I’ll Be There”. Do you remember that one.
A. The one where he carried me and stuff.

Q. Yeah. Do you remember that video.
A. Yes.
Q. When was the first time you saw that video.
A. Um, it was probably -- I think they brought it to Chris at his house, and that was the first time I saw it.
Q. Who brought it to Chris.
A. I think it was -- or -- I don’t remember the first time. It could have been either at the hotel in Miami or at Chris’s house before we left. But I’m not sure.
Q. So up until the time -- that photograph was taken back in 2000 when you were just starting your chemotherapy, correct.
A. Yes.
Q. So from the time in 2000 when the video was produced until the time that you went to Miami, or shortly before Miami, with Chris Tucker, you had never been given a copy of that by Mr. Jackson.
A. No.
Q. Did Mr. Jackson ever visit you in the hospital when you were sick.
A. Never.
Q. Now, you told us that you had some telephone numbers for Mr. Jackson that had been given to you by Mr. Jackson or somebody else.

A. Yes.
Q. Who gave you the phone numbers.
A. It was usually Michael. But, like, Frank gave me his phone and he said that he was usually with Michael, so that I can call his phone and then he can give me Michael.
Q. Were there times when you called Frank’s phone and got ahold of Mr. Jackson.
A. Yes.
Q. Now, did you have conversations with the defendant, Mr. Jackson, about his relationship with the person that you call Frank Tyson.
A. Yeah. Frank told me, like, he’s like his --
MR. MESEREAU: Objection; hearsay.
THE COURT: Sustained.

Q. BY MR. SNEDDON: You say you had a conversation.
A. Yeah. I had a conversation, yes.
Q. All right. Now, first of all, I want to ask you, did Mr. Jackson make statements about his relationship with Frank.
A. Yes.
MR. SNEDDON: Your Honor, offered under 1223.
MR. MESEREAU: Same objection.
THE COURT: I'll admit it. These are statements by Mr. Jackson.

MR. SNEDDON: They are, Your Honor. About his relationship with a co-conspirator.
THE COURT: All right. These are admitted conditionally, as the other statements were.
Q. BY MR. SNEDDON: Now, what did the defendant, Mr. Jackson, say about his relationship with Frank Tyson.
A. He told us that Frank was like his second cousin or something. And then that Michael would change his diapers when he was a baby, and stuff like that.
Q. So he had known him for a long, long time.
A. Yes.
Q. Now, when you testified, you were asked by Mr. Mesereau some questions concerning the Martin Bashir documentary. Do you recall that.
A. Yes.
Q. Now, what I want to ask you is, before you went to Miami and saw Mr. Jackson in Miami - okay. --
A. Uh-huh.
Q. -- what was it -- what portions of that video had you seen at anyplace.
A. I haven't seen it -- I didn't see it at all. I just saw news media talking about it, talking about a movie or something. I didn't really know what it was until I got to Miami.

Q. So before you went to Miami you had heard media talking about it. Did you actually see any footage on T.V..
A. No.
Q. You just heard the voices.
A. Yes.
Q. When you got to Miami, did you see the Bashir video.
A. No, Michael didn't want us to see it in his hotel so --
Q. Did you see any parts of it.
A. No.
Q. Now, you told the ladies and gentlemen of the jury that when you went to Miami that you were upset with somebody over the Bashir documentary. Do you recall that.
A. Um --
Q. Actually, let me rephrase that.
Mr. Mesereau asked you if your mother was upset with somebody when you went to Miami. Do you recall that.
A. Not really.
Q. Were you upset with anybody, or angry.
A. I was angry at -- kind of angry at Martin Bashir.
Q. At who.
A. Martin Bashir.
Q. Do you know what your mother's attitude was towards that, if you know.

A. I don't remember.
Q. Now, you told the ladies and gentlemen of the jury a few moments ago that when Mr. Mesereau asked you how you knew Mr. Jackson was in Miami, do you recall that question.
A. I'm sorry, can you repeat the question.
Q. I want to take you to that point in time with regard to where you -- when you learned that Mr. Jackson was in Miami.
A. Okay.
Q. Before you went to Miami.

A. Okay.

Q. Okay. Who was it that told you that Mr. Jackson was in Miami.

A. Michael. Evvy said that Michael's going to call me in a few minutes. Well, I told my mother. And then Michael called on the phone, and I picked up, and he told me that he was in Miami and he wanted me to go over there.

Q. Was that the first time that you learned that Mr. Jackson was in Miami.

A. Yes.

Q. And that's when he invited you to be a part of a press conference.

A. Yes.

Q. Just a couple of questions about things that happened at the ranch. You were questioned by Mr. Mesereau about the nanny named Grace. Do you recall that.

A. Yes.

Q. And about -- specifically about the area upstairs, where it had some -- a chalkboard and some tables and things.

A. Yes.

Q. During the time that you were at the ranch, did you ever see anybody other than Grace come in as a teacher to the children.

A. I think they switched -- I think Grace went away for a while. And then some other lady came.

Q. Do you know who that lady was.

A. No.

Q. Okay. Now, you've identified in one of the photographs a person by the name of Aldo. Do you recall that.

A. Yes.

Q. Was Aldo at the ranch during times that you were there with Mr. Jackson.

A. Yes.

Q. Do you recall when it was that you were there -- when -- Tuesday morning. Do you recall in relationship to when you and Mr. Jackson were there, what part of the visit was it that Aldo was there.

A. In the beginning.

Q. Now, there was a considerable amount of discussion about the codes that were needed to get into certain areas of the ranch.

A. Uh-huh.

Q. Do you recall that.

A. Yes.

Q. Now, with regard to the -- let’s just run through this real quickly. With regard to the theater, did you need a code to get in there.

A. No.

Q. With regard to the arcade, did you need a code to get in there.

A. No.

Q. With regard to the main house, did you need a code to get in there.

A. Yes.

Q. In the front door.

A. No, in the back door. Oh, it was in the front door, I never really saw one. But, I mean, we always went through the back door.

Q. So there was a code that was necessary to know to get into the back door of the house.

A. Yes.

Q. And then there was a code to get into Mr. Jackson’s bedroom, we’ve heard a great deal about.

A. Yes.

Q. Were there any other areas on the ranch that you know of that you needed a code to get into those areas.

A. No, there was no other place.

Q. How about Mr. Jackson’s office.

A. I don’t really remember if there was a code needed to get in there. I don’t think there was.

Q. When you went to Miami with Chris Tucker on his charter plane to meet Mr. Jackson, did you want to meet Mr. Jackson.

A. Yes.

Q. Gavin, when you testified in front of the grand jury, did you tell the truth.

A. Yes.

Q. And when you testified in front of the grand jury, were the things that you told the grand jury fresh in your mind at that time.

A. They were probably fresher.

MR. MESEREAU: Objection; leading.

MR. SNEDDON: Your Honor, I’m laying the foundation for an Evidence Code section exception.

THE COURT: All right. The objection is overruled. The answer was already in. Next question.

Q. BY MR. SNEDDON: Yesterday Mr. Mesereau showed you a number of cards, greeting cards, that were sent to Mr. Jackson by you and other members of your family.

A. Yes.

Q. Were some of those -- were any of those cards in handwritings other than yours.

A. Yes. Some were mine.

Q. Yesterday you made a statement to the jury in response to one of Mr. Mesereau’s statements. You made a statement something to the effect, “God gave me cancer to guide me in a certain way.” Do you recall that.

A. Yes.

Q. What did you mean by that.

A. Well, through -- when I had cancer, I got really close to God.

And they had like missions all over the West Coast down to Mexico praying for me. They had -- I don’t know. Something happened where they had a picture and they put on a wall.

And then my friend went to Israel and put a picture on this wall where they put, like, all these people that have, like, diseases and stuff like that.

And then -- I don’t know. Because of my cancer, my parents started fighting more, I guess.

And -- I mean, it sounds kind of sad that they got divorced, but, I mean, it was kind of a window, I believe, to find my stepdad and -- because it’s a lot better than it was before having my stepdad in my life.
Q. Now, you’re currently in school, correct.
A. Yes.
Q. Just -- are you in school.

A. Yes.
Q. You’re in a high school.
A. Yes.
Q. What grade are you.
A. I’m in ninth grade.
Q. And yesterday you were asked -- I think you made the statement rather candidly, you were asked by Mr. Mesereau, were you a discipline problem, and you said yes, when you were at John Burroughs.
A. Yes.
Q. Okay. Currently in the high school that you’re in, do you get good grades.
A. Yes.
Q. Did you make the honor roll.
A. Yes.
Q. Do you get in fights anymore.
A. No.
MR. MESEREAU: Objection; relevance.
THE COURT: Overruled. The answer was “No.” Next question.
Q. BY MR. SNEDDON: Have you had any discipline problems.
A. No.
Q. Are you involved in after-school activities.
MR. MESEREAU: Objection; relevance.
THE COURT: Sustained.
Q. BY MR. SNEDDON: During the time that you were -- let’s go back just a second. In the year, I

believe you testified 2001, at some point your father left; is that correct.

A. Right after I was done with cancer, I didn’t see him anymore.
Q. What was the impact on you when your dad left.
A. I cried every night.
Q. For -- why.
A. Because, I mean, I didn’t have a dad anymore. I mean, I was kind of happy that he left because he hit my mom a lot, but I didn’t -- I just felt like I didn’t have anybody. Any father; you know what I mean.
Q. Yeah. And you don’t feel that way anymore.
A. No.
Q. Because of.
MR. MESEREAU: Objection; relevance.
THE WITNESS: My stepdad.
THE COURT: Overruled.
THE WITNESS: Because of my stepdad.
Q. BY MR. SNEDDON: So it was the relationship with your stepdad that changed that feeling.
A. Yes.
Q. So let’s talk a little bit about some of the things Mr. Mesereau talked about yesterday. Mr. Geraldt. He talked about an incident where you had a run-in with Mr. Geraldt that ended up you going to see Mr. Alpert. Do you recall that.

A. I don’t know if I saw Mr. Alpert, but I remember seeing a -- some -- someone that was in the office.
Q. Did you ever receive any discipline as a result of that incident with Mr. Geraldt.
A. No, I don’t think -- no, they never even did anything.
Q. Now, when you went back to school after you left Neverland Ranch - okay. --
A. Yes.
Q. -- March and April, you were at John Burroughs, correct.
A. Yes.
Q. Did -- what was -- what was it like when you went back to school.

A. All the kids would laugh at me and try to push me around and stuff, and say, “That’s the kid that got raped by Michael Jackson,” and stuff like that.

Q. Did -- what was your reaction to that.

A. I would sometimes not say anything and just walk away. And if they got close enough, sometimes I would fight them. After they hit me first, because I didn’t like to throw the first punch, because I believe that -- I mean --

MR. MESEREAU: Objection; nonresponsive.

THE COURT: I’ll sustain the objection. In the middle, “After they hit me first,” is where

it stops.

MR. SNEDDON: Thank you, Your Honor.

Q. So there were fights that you got into after you left Neverland Valley Ranch because of the things that the kids were saying to you.

A. Yes.

Q. And when you get in a fight, what happens. Where do you have to go.

A. They took us to Dean Alpert.

Q. Now, you were asked yesterday whether you had a conversation with Dean Alpert where he asked you whether or not Mr. Jackson had touched you. Do you recall that.

A. Yes.

Q. And you recall that you probably told him it didn’t happen, correct.

A. I told him that it didn’t happen.

Q. Okay. You told him it didn’t happen.

A. Yes.

Q. Okay. Why did you tell him that.

A. Because all the kids were already making fun of me in school, and I didn’t want anybody to think that it really happened.

Q. Gavin, have you ever been a member of a gang.

A. No.

Q. Did anybody ever ask you to join a gang.

A. Yes.

Q. What happened.
A. They jumped me because I said no. So I got in a fight with a bunch of guys.
Q. Because you wouldn’t join a gang.
A. Yes.
Q. Almost done. Just a couple more easy questions and -- Mr. Mesereau asked you yesterday about going to Anchor Blue. Do you recall that.
A. Yes.
Q. How many times do you recall going to shop at Anchor Blue.
A. Once.
Q. Now, the suitcases that they bought you -- I just want to talk about you individually, okay. --
A. Okay.
Q. -- was it more than one.
A. It was -- like, they had this package thing where you would buy one, and they would have all -- they would have this big one, and in the inside it would be one smaller, and another one that was even smaller that was a carry-on bag.
Q. So you had a series of suitcases.
A. Yeah, and -- yes.
Q. And when you left Neverland, did you take all those suitcases with you, you personally.
A. I think I just took the -- no, I didn’t take them. They -- after we left and we stopped -- we

didn’t want to go back --
Q. Okay.
A. -- Frank and Vinnie showed up on our door and they were knocking on the door. And then we waited until they left, and we looked outside and our suitcases were there.
Q. Did you open your suitcase and go through it.
A. Yes.
Q. Was there anything missing.

A. Yeah.

Q. What.

A. Some of my underwear, some of my shirts, a couple pants, and stuff like that. And they put in some other guy's pants.

Q. Did you ever have a conversation with the defendant in this case, Mr. Jackson, about your underpants.

A. Yes.

Q. Tell the jury about it.

MR. MESEREAU: Objection; beyond the scope.

THE COURT: Overruled.

THE WITNESS: There was one time that I slept in his room - and he was probably joking but I kind of took it serious - I had pajamas on and -- I was using his pajamas. And I told him I was going in to take a shower in my unit.

And then he was like, "Leave your stinking underwear in the hamper," or something like that.

And then so -- because I had to change out of my clothes to go to my unit. And then I don't know if he was joking or not, but I actually did.

Q. BY MR. SNEDDON: Did what.

A. Put my underwear in the hamper.

Q. Did you ever get those back.

A. No.

Q. With regard to the items that were dropped at your -- at your door by Frank and Vinnie, that was after you left Neverland for good.

A. Yes.

Q. Okay. Gavin, I just have one last question to ask you: Yesterday in response to Mr. Mesereau's questions, you told him that Mr. Jackson was like a father figure to you; is that correct.

A. Michael Jackson.

Q. Yeah.

A. Yes.

Q. And that you thought he was one of the coolest guys in the world, correct.

A. Yes.

Q. And that you admired him.

A. Well, I only admire God, but he was a pretty cool guy.
Q. How do you feel about Mr. Jackson now in light of what he did to you.
MR. MESEREAU: Objection. 352; relevance; leading.

THE COURT: Overruled.
THE WITNESS: I don’t really like him anymore. I don’t think he’s really that deserving of the respect that I was giving him and as the coolest guy in the world.
MR. SNEDDON: Nothing further, Your Honor.
THE COURT: Recross.
MR. MESEREAU: Yes, please, Your Honor.

RECROSS-EXAMINATION
BY MR. MESEREAU:
Q. Mr. Arvizo, did you discuss your testimony of yesterday with anyone last evening.
A. No.
Q. Did you discuss any of it with Mr. Sneddon.
A. No.
Q. Was the last meeting you had with Mr. Sneddon Sunday night.
A. Yes.
Q. Did you discuss your testimony with any attorney or employee of an attorney last night.
A. No.
Q. Okay. Did anyone talk to you about what Mr. Sneddon was going to ask you today.
A. No.
Q. Okay. Now, did you have a meeting at a law office last Saturday.

A. No.
Q. Anyone in your family go to a law office last Saturday, to your knowledge.
A. No.
Q. Never heard about it.

A. No.

Q. Okay. When is the last time you talked to any lawyer associated with Larry Feldman's office.

MR. SNEDDON: Your Honor, I'm going to object as beyond the scope of the redirect.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Mr. Arvizo, when you were having disciplinary problems at school, they went far beyond just fighting with students, didn't they.

A. No, it was everything that I told you. That's what happened.

Q. You were repeatedly accused of disrespecting teachers, right.

A. That's what I told you yesterday.

Q. Okay. And you didn't even show up for detention much of the time when you were ordered to, right.

A. No, I showed up at every detention.

Q. Well, do you recall never showing up for a detention that Teacher Parker ordered you to attend.

A. No.

Q. Don't recall that.

A. No.

Q. Okay. You were accused of getting up in the middle of class and disrupting everything, right.

MR. SNEDDON: Your Honor, I'm going to object as asked and answered. We went through this yesterday.

THE COURT: Sustained.

MR. MESEREAU: No further questions, Your Honor.

THE COURT: All right. Do you have anything further, Mr. Sneddon.

MR. SNEDDON: No, Your Honor.

THE COURT: You may step down.
Call your next witness.

MR. MESEREAU: Your Honor, may the witness be subject to re-call.

THE COURT: Yes. He's not excused.

MR. MESEREAU: Thank you, Your Honor.

MR. ZONEN: We'll call Officer Terry Flaa to the stand.

THE COURT: Remain standing. Face the clerk and raise your right hand.

TERRY FLAA

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record

THE WITNESS: Yes. My name is Terry Flaa. Last name spelling, F-l-a-a.

THE CLERK: Thank you.

MR. ZONEN: May I proceed, Your Honor.

THE COURT: Yes.

DIRECT EXAMINATION

BY MR. ZONEN:

Q. What is your current occupation.

A. I'm a police officer employed by the Santa Maria Police Department.

Q. And you've been employed by Santa Maria Police Department for how long.

A. About 14 months.

Q. What is your current position with Santa Maria Police Department.

A. I'm a patrolman.

Q. Prior to your employment with Santa Maria Police Department, where were you employed.

A. I was with the Santa Barbara County Sheriff's Department.

Q. And for what period of time.

A. A little over -- around eight and a half years.

Q. And you moved from the sheriff's office in Santa Barbara County to Santa Maria Police Department.

A. Yes, I did.

Q. And why did you do that.
A. I -- I'm from the Santa Maria area. It was an agency I always wanted to work for, and the opportunity was there, so I took that opportunity.
Q. And you are able to work closer to your home at this time.
A. Yes.
Q. All right. What was the position that you held at the time that you left the Santa Barbara County Sheriff's Office.
A. I was an investigator assigned to the vice and intelligence unit.
Q. Were you called upon to conduct an investigation of a referral that had come into the office.
A. Yes, I was.
Q. And do you know which one I'm referring to.
A. Yes, I do.
Q. All right. You have some sense of what case this is; is that correct.
A. I do.
Q. When was that referral. When did that referral come into the office.
A. It was assigned to me on February 20th.
Q. What was the nature of the referral.
A. The nature of the referral --
Q. Excuse me, February 20th of what year, please.

A. I'm sorry. 2003.
Q. All right. What was the nature of the referral.
A. I had received two referrals. The first referral was from L.A. Department of Child & Family Services that stressed -- a caller had stressed concern over the welfare of Mr. Jackson's children.
The second referral was in response to the February 6th, I believe it was, airing of the documentary regarding Mr. Jackson. And that referral revealed the identities of the children depicted, specifically of Gavin Arvizo.
Q. And what did you do in terms of conducting

an investigation on that referral.

A. Well, the first thing that we did is I conferred with my immediate supervisor, Sergeant LeGault, and we were going to begin the process of interviewing the children. However, a few days later, on the 24th, I was advised that L.A. CWS -- or DCFS, pardon me, had already interviewed the Arvizo family.

Q. Do you know when that interview took place.

A. That interview took place on February 20th of 2003.

Q. Did you have a conversation with anybody from the Department of Child & Family Services in Los Angeles.

A. Yes, I did.

Q. With whom did you have a conversation.

A. Her name was -- excuse me, Brenda Blackburn, who was a supervisor.

Q. Did she submit to you or forward to you any documentation of that interview.

A. No, she did not.

Q. Is there a report that they prepared with regards to that interview.

A. I was told that there was, yes.

Q. What did she tell you with regards to your being able to get possession of that report at that time.

A. At that time she told me that, due to confidentiality reasons, that the DCFS would not be able to forward that document to the sheriff’s department.

Q. Did she relate to you the content of the document itself.

A. Yes. She did, however, explain that she would be able to read the report to me, and which she did.

Q. And did you tape-record that conversation.

A. Yes, I did.

Q. All right. Did she read to you, presumably, the report in its entirety.

A. According to what she told me, yes.

Q. What was the date that she read to you that report.

A. March 13th, 2003.

Q. Now, did Miss Blackburn indicate to you that she was the one who actually interviewed the children.

A. No, she did not actually interview the children.

Q. So she was reading a report of interviews conducted by other workers.

A. Yes.

Q. Did she indicate the identity of those workers.

A. Yes. If I may, may I refer to my narrative to confirm that date of March 13th.

Q. Yes. Please go ahead.

A. Refresh my memory.

Q. Yes, go ahead.

A. Thank you.

THE COURT: After he does that, we will take our break.

THE WITNESS: I apologize. It was actually March 10th, 2003, that I spoke to Brenda Blackburn.

THE COURT: All right. Let’s take our break.

(Recess taken.)

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REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)

Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 2021 through 2081 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 15, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
March 15, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

TUESDAY, MARCH 15, 2005

8:30 A.M.

(PAGES 2083 THROUGH 2242)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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INDEX

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
FLAA, Terry	2089-SA	2113-Z	2116-SA	
KLAPAKIS, Jeff	2121-Z	2128-SA		
ROBEL, Steve (Re-called)	2142-SN	2173-SA		

E X H I B I T S

PLAINTIFF’S NO.	DESCRIPTION	FOR I.D.	IN EVID.
84	Photograph of magazines found in cardboard box	2157	2162
278	Photograph of cardboard box	2157	2162
279	Diagram of bedroom	2166	2166
280	Brown evidence bag containing note	2168	2173
281	Star Arvizo’s fingerprints and palm prints	2170	2172
282	Gavin Arvizo’s fingerprints and palm prints	2171	2172
283	Photograph of magazine	2157	2162
284	Photograph of book	2157	2162

DEFENDANT’S NO.
5034 Timeline (Terry Flaa) 2116 2119
5035 Timeline (Steve Robel) 2187 2198

THE COURT: You may proceed, Counsel.

MR. ZONEN: Thank you, Your Honor.

Q. Officer Flaa, just a clarification, please. You indicated the unit that you were assigned to at the time that you left the sheriff’s office was what again.

A. That was the --

BAILIFF CORTEZ: Microphone, please.

MR. ZONEN: How’s this.

A JUROR: Turn it on.

MR. ZONEN: How’s this.

Q. The unit that you were assigned to at the time you left the sheriff’s office was which again.

A. The vice and the intelligence unit.

Q. Was that the unit that you were in at the time that this referral came into the office back on the 20th of February of 2003.

A. No, sir.

Q. What unit were you attached to at that time.

A. At that time I was a detective assigned to the Criminal Investigations Division.

Q. All right. Now, you told us that when this came in, you had a conversation with Brenda Blackburn from the Department of Child & Family Services in Los Angeles.

A. Yes, sir.

Q. Did you have a conversation with anybody else.

A. Yes, I did.

Q. With whom.

A. David Arvizo.

Q. All right. Who did you understand David Arvizo to be.

A. To be the father of the Arvizo siblings.

Q. Did you make a determination as to whether or not the children should be interviewed by the sheriff’s department, Santa Barbara County Sheriff’s Department, by you or some other designated detective.

A. After the interview with CWS.

Q. Yes, that’s right. After CWS indicated to you that they had already done the interview.

A. We had made a determination that an interview would not be necessary.

Q. Was there any information that was given to you that there was a disclosure of child sexual abuse at all.

A. No, no information.

Q. And was there any further investigation conducted by the sheriff’s office at that time.

A. No, there was not.

Q. Was the investigation closed at that time.

A. Yes, it was.

Q. The date of the interview with -- again, with Child -- I’m sorry, with Miss Blackburn was what date now.

A. March 10th, 2003.

Q. And when was your interview with Mr. Arvizo.

A. March 13th, 2003.

MR. ZONEN: Thank you. I have no further questions.

Oh, excuse me. One last question.

Q. Did you make a report of this.

A. Yes, I did.

Q. And did you indicate in your report the date that the referral came in and the date of your

interviews.
A. I indicated the date that I received the referral.
Q. And the date of your interview with Miss Blackburn.
A. Yes, sir.
Q. All right. And did you also include with it a -- the copy of the tape that you had of the interview with Miss Blackburn.
A. Yes. I booked that in as evidence.
MR. ZONEN: Thank you.
No further questions.
THE COURT: Cross-examine.

CROSS-EXAMINATION
BY MR. SANGER:
Q. Officer Flaa; is that correct.
A. That's correct, Mr. Sanger.

Q. First of all, you were with the sheriff's department for eight and a half years; is that correct.
A. Yes, sir.
Q. And what was the date that you terminated your services with the sheriff's department.
A. It was in the beginning of January, 2004. I don't recall the specific -- I think it was like January 2nd, that week.
Q. Now, you have told us that you went to the Santa Maria Police Department, right. That's where you are now.
A. Yes, sir.
Q. Did you not like your job as a detective in the intelligence and vice division.
A. Yes, I did.
Q. You liked it, okay.
A. Uh-huh.
Q. You filed a report, as you've just told us, saying that you found there was no criminal activity in this case; is that correct.
A. That's correct.
Q. And you filed that report on April the 16th,

right.

A. Correct.

Q. You were aware that at some time later, there was a further investigation of this case; is that correct.

A. Yes.

Q. Now, did you continue on in your capacity as a detective at the sheriff's department until you transferred or until you quit and went on to the Santa Maria Police Department.

A. Two different type of positions. It was -- I believe it was March of 2003, mid March - I think it was like March 20th, 2003 - is when I ended my tenure as a detective assigned to the Criminal Investigations Division and had the opportunity to assume the role as -- an undercover role with my vice and intelligence unit.

Q. Okay. When this investigation was reestablished -- do you know when it was reestablished.

A. No.

Q. Did you forward any documents, for instance, to Detective Zelis.

A. Any documents.

Q. Did you furnish any report to Detective Zelis.

A. They had my original report. I did not personally hand them a copy of the report.

Q. So you were not -- you were not assigned to continue the investigation that you started in this case; is that correct.

A. That's correct.

Q. And Detective Zelis started his investigation about June the 13th; is that right.

A. I don't know when he started it.

Q. Roughly sometime in June, is that your understanding, or you don't know at all.

A. I do not know what date the investigation commenced.

THE COURT: What year are you referring to, Counsel.

MR. SANGER: 2003.

Q. All right. Let's go back to the source of the referral in this case. You indicated you received a referral from two different places; is that right. Or -- or two different referrals. I'm sorry.

A. Yes, sir.

Q. And the information for those referrals came from two different places; is that correct.

A. That's my understanding.

Q. And you reviewed the referral documents; is that right.

A. Yes, I did.

Q. And the referral documents were from the Los Angeles Department of Children & Family Services, correct.

A. Yes, sir.

Q. And they call that the DCFS.

A. Yes, sir.

Q. Okay.

A. My understanding.

Q. And that's sort of like what we call CPS here in Santa Barbara County.

A. Or CWS. They changed it. Child Welfare Services.

Q. So CPS, or now CWS, that's what we call it. They call it DCFS.

A. My understanding, yes.

Q. So you received the reports, the two reports, that were entitled "Suspected Child Abuse Report"; is that correct.

A. Yes.

Q. And the first report was actually generated by a Carol Lieberman; is that your understanding. Do you want to look at the report.

A. If I may, yes.

Q. Yes. And I believe you attached these two reports to your narrative report, did you not.

A. I did.

Q. Okay. I think it's page ten might help you.

A. Okay. Yes, I see that.

Q. All right. Now, let me just stop there for a moment and talk about your qualifications. You went to the academy, POST academy; is that correct.

A. That's correct.

Q. And the POST academy is a certification for an academy that can give training to -- official training to people who are going to become law enforcement officers in the State of California; is that correct.

A. Yes.

Q. Which POST academy did you go to.

A. I attended Allan Hancock College's academy.

Q. All right. And they have an official academy there. People can go there, learn to be police officers, and get a certification so that they can apply for the job; is that correct.

A. That's correct.

Q. And in the course of the academy, you take courses in investigation; is that correct.

A. Yes.

Q. You take courses in report writing.

A. Yes.

Q. And you basically learn how to take a case from the initial part of an investigation through as far as a police officer would take it; is that right.

A. The basic -- yes.

Q. Now, since your academy training, you also had other inservice training; is that correct.

A. Yes.

Q. And as of 2000 -- February -- March of 2003, how much inservice training had you had.

A. Would you like me to list the various types of training specific to this type of case work.

Q. That would be fine.

A. Okay. I attended a 40-hour sexual assault investigator’s course, a 24-hour child forensic interview course, an 80-hour homicide course that touched on, you know, sexual assault abuse aspects of homicide, as well as inservice training. There’s been some eight-hour courses here and there for different aspects of this type of investigation.

Q. And as a police officer -- or, strike that -- as a deputy sheriff, before becoming a detective in the sheriff’s department, did you have occasion to investigate cases related to child abuse.

A. Yes.

Q. And then when you became a detective, did you have occasion to investigate additional cases.

A. Yes, I did.

Q. And how long were you a detect -- excuse me. How long were you a detective as of March of 2003.

A. Four years. Roughly four years.

Q. Okay. So suffice it to say, you were an experienced detective with regard to suspected child abuse cases; is that correct.

A. Yes. I would say.

Q. And when you were assigned this case, you were aware, of course, that we were talking about the entertainer Michael Jackson; is that correct.

A. Yes.

Q. And you were aware that there had been a good deal of media attention given to Mr. Jackson immediately preceding the time that you started your investigation; is that right.

A. Yes, that’s correct.

Q. Okay. Now, we’re going back to that question about Carol Lieberman. As an experienced child abuse investigator, when you have a complaining -- I’m sorry, when you have a reporting party, is it of interest to the investigator to know who the reporting party is.

A. Yes.

Q. Okay. And in your department, in the

sheriff's department, did you call the reporting party an RP.

A. Yes.

Q. Okay. So the RP, the reporting party, is often what starts an investigation. Somebody calls in, they're an RP, and that starts your investigation, correct.

A. Correct.

Q. Particularly in child abuse -- suspected child abuse cases, knowing a good deal about the reporting party is generally useful to the investigation, correct.

A. That is correct.

Q. People may have all sorts of agendas when they call in a child abuse report; is that right.

A. Excuse me. Yes. That's correct.

Q. I think there's some water there, if you want to --

A. Thank you.

Q. In this particular case, did you determine who Carol Lieberman was.

A. No.

Q. Were you aware that she has never met Michael Jackson.

A. No.

Q. Were you aware that she never met Michael Jackson's children.

A. If I may. Regarding that referral --

Q. Yes.

A. -- my investigative responsibility was not specifically this referral. It would have been -- the other would have been within our jurisdictional responsibility.

Q. Well, we're going to get to the other in a second.

A. So here, you know, I did not conduct any formal investigation into that referral's accusations.

Q. Okay. Now, I don't mean to argue with you, but I believe on direct you did say you had two referrals when you started your investigation,

right.
A. There were two referrals that came in, yes, sir.

Q. And you knew this was an important case to investigate carefully, correct.
A. Right.
Q. And one of the referrals was from Carol Lieberman --
A. Yes.
Q. -- right.
Now, I understand what you just said about the second one, which we'll get to. But I'm asking you if you did any investigation on Carol Lieberman.
A. No, sir.
Q. Did you Google her name, run it on the Internet.
MR. ZONEN: Your Honor, I'll object. The witness has said he did not do an investigation of that referral.
THE COURT: Sustained.
Q. BY MR. SANGER: Okay. Well, let me ask you, are you saying you did no investigation whatsoever with regard to this -- with regard to this report.
MR. ZONEN: Which report. Vague.
THE COURT: Sustained.
MR. SANGER: That's fine. Let me rephrase it.
Q. You indicated you had two referrals. And the first one was from Carol Lieberman, right.
A. I indicated there were -- two referrals had come in from DCFS, yes.

Q. So my question is, what, if anything, did you do with regard to the first referral.
A. The one where you have stated Carol Lieberman's the RP.
Q. Right.
A. Okay. Nothing.
Q. You read it.

A. Oh, I apologize. Yes, I read the referral when it came in.

Q. Okay. And did you consider it as you conducted your investigation.

A. No.

Q. So as far as you were concerned, this had no significance whatsoever.

A. No, this would have been under CWS's, Child Welfare Services', jurisdictional responsibility, not mine, per se, based on the information in the referral.

Q. And as an investigator, you didn't think it was significant to find out who was making the referral, why there was even a referral there.

A. Not for that specific referral.

Q. Okay. Now, the second referral that you talked about is also attached to your reports; is that correct.

A. That's correct.

Q. So we're talking about the same thing here.

And the second referral, this is the one you're saying now was the focus of your investigation.

A. Yes.

Q. And in this referral -- let me withdraw that.

This referral comes from a director or somebody in the administration of the L.A School District; is that correct.

A. That's correct.

Q. And in the referral, the DCSF people indicate that the -- Attorney Gloria Allred had complained to Santa Barbara County officials regarding the Bashir tape; is that correct.

Second to the last paragraph, page 15.

A. Yes.

Q. Okay. And do you know who Gloria Allred is.

A. Yes.

Q. She's a lawyer in Los Angeles; is that correct.

A. That's correct.

Q. Tends to get on television a lot; is that correct.

A. Yes.

Q. All right. And she has -- in the course of your investigation, you determined she had absolutely no firsthand information whatsoever with regard to Michael Jackson or any of this; is that correct.

A. I did not attempt to make any type of -- that type of determination.

Q. All right. So the second report basically was a revelation by the school district that they had a belief that the people in the Bashir film were students in the L.A. Unified School District; is that correct.

A. Correct.

Q. And they identified the people by name; that is, Gavin and Star Arvizo; is that correct.

A. That’s correct.

Q. All right. Now, when you refer -- excuse me.

When you reviewed these two reports -- let me withdraw that.

Other than these two reports, did you have any other information to commence your investigation.

A. No.

Q. All right. Did you talk with Mr. Sneddon about the case.

A. No, I did not.

Q. Did you talk to any other people in your department about the case.

A. Yes.

Q. Now, you talked to Lieutenant Klapakis; is that correct.

A. Yes.

Q. All right. And in the course of talking to Lieutenant Klapakis, you and he decided that you should attempt to interview the children, Gavin and Star Arvizo; is that right.

A. Actually, that conversation would have been between my immediate supervisor at the time, who was Sergeant LeGault, and myself. We had that conversation. We have a chain of command to follow, and Lieutenant Klapakis was Sergeant LeGault’s supervisor. All of ours, but within that chain of command.

Q. All right. So let’s pin this down a little bit. Did you talk to Lieutenant Klapakis yourself about interviewing the children.

A. I do not recall if I specifically spoke to Lieutenant Klapakis directly. I know that most of my communications were with Sergeant LeGault. So -- and understand, their offices are right next to each other. My desk was virtually in earshot of both offices, so he very well could have been party to one of the conversations.

Q. Okay. So you see -- you would see -- at the time, in February and March and April of 2003, you would see Lieutenant Klapakis on a regular basis, correct.

A. Correct.

Q. All right. Do you recall testifying at the

grand jury in this case.

A. I do.

Q. Do you, by any chance, have your grand jury testimony there in front of you.

A. I do.

Q. Let me just ask you to do this: Why don’t you take a look at your testimony. You’re welcome to read the whole thing if you’d like. I’m going to ask you to direct your attention to pages 1440, starting at about line 20, going through 1441, line 16.

And I’m going to ask you to just read that to yourself and see if that refreshes your recollection as to whether or not you talked to Lieutenant Klapakis directly.

A. You said line 20 on page 1440.

Q. 1440, start there. But -- you can start wherever you want, but that’s where I’d like you to focus on. And going on to the next page.

A. Okay.

Q. All right. Does that refresh your recollection that you had talked with Lieutenant Klapakis about interviewing the children.

A. Like I said, in reading that, it doesn’t say I specifically told Lieutenant Klapakis. I know that the decision -- that the decisions that I was informed of were handed down by Lieutenant Klapakis, my supervisor.

And, you know, understand, please, that Sergeant LeGault is within that chain of command.

Q. All right.

A. So --

Q. Well, in any event, if LeGault was there -- in other words, you can’t tell us for sure whether you heard directly from Klapakis or not. It may have gone through LeGault; is that correct.

A. That’s exactly what I’m saying.

Q. All right. So when you said at the grand jury, “It was during that time that Lieutenant Klapakis had advised us that he contacted L.A. CPS,” that could have meant that Lieutenant Klapakis told you directly, or told Sergeant LeGault, or told both of you.

A. That’s correct. However, I’m not reading -- I don’t see what you just said.

Q. 1441, lines 12 through 14.

A. It could very well have been where Sergeant LeGault and I were together, yes.

Q. Now, the point of this --

A. I’m sure there’s one.

Q. There is a point, I hope. The point of this is at some point, either directly through Klapakis or through LeGault, among the three of you at some point it was determined that the -- that you should interview these children, right.

A. Yes.

Q. Okay. And then at some point, Lieutenant Klapakis said he contacted Los Angeles CPS, right.

A. I was informed that he had contacted CPS, yes.

Q. Okay. And when we say “L.A. CPS,” we’re really meaning L.A. DCFS, right.

A. Yes, we are.

Q. Those are kind of used interchangeably by Santa Barbarans.

A. I believe it’s the same type of agency.

Q. All right. So the first point is, you were -- you were told that Lieutenant Klapakis contacted the L.A. DCFS, right.

A. Yes, sir.

Q. And you were told that he instructed them, or had them interview the children; is that what you were told.

A. I was -- I was told that he had submitted a request to them to interview the children.

Q. Now -- and then you found out that, in fact, they did interview the children.

A. I did, yes.

Q. Because that’s what the DCFS worker read to you over the phone.

A. Correct.

Q. Okay. Were you aware that Lieutenant Klapakis, in fact, called the DCFS supervisor and told her not to interview the children.

A. Yes.

Q. And, in fact, the DCFS supervisor said, “You’re too late, we already did it”.

A. Yes.

Q. Okay. Now, after -- let me withdraw that. You -- you then relied upon the DCSF workers as to the contents of their interview with the children; is that correct.

A. That’s correct.

Q. And you also relied upon them, as fellow professionals, to have done a fairly thorough job in interviewing the children; is that correct.

A. That would have been my hope, yes.

Q. And, in fact, what they told you was very detailed. They had asked a lot of very detailed questions of the children and the mother, Janet Arvizo; is that correct.

A. I can only tell you what Brenda Blackburn informed me, what she read to me in that report. As far as what exact exchange occurred between the interviews and the children, I do not know. I was not present.

Q. I understand that. But as the lead investigator on this case involving Mr. Michael Jackson and these allegations, you were at that time concerned that there had been a thorough interview; is that right.

A. I was concerned that there had been.

Q. In other words -- in other words, if you had felt there wasn't a thorough interview, if you felt that, you know, they'd done a drive-by or got on the phone for a minute and said, "It's close enough," you would have said, "No, that's not sufficient. We need to do a further interview, either they do or we do," right.

A. Me personally, yes. But you have to understand, in this situation those decisions were not being made by me as the lead investigator. They were being made by my -- by Lieutenant Klapakis or the administration.

Q. Okay.

A. So I was informed that they had interviewed the children. She read me the content of what supposedly that interview -- what transpired during that interview. And we had to go on on -- based on that.

Q. Now, when you say "we had to go on that," let's -- let's talk about that for a second.

A. Okay.

Q. You were the lead investigator in this case, correct.

A. I was the assigned investigator, yes.

Q. Assigned investigator. And in your department, you call it “assigned investigator,” is that --

A. “Lead investigator” is a term that’s commonly used.

Q. Okay. “Lead investigator.” I just want to use the right words, okay. This will come up again, and we can spend less time with another witness if we just explore this.

A. Okay.

Q. As lead investigator, it’s your understanding, in any case if you’re lead investigator, you’re responsible to collect all the evidence and make sure all the reports are written, and submit the case; is that correct.

A. That’s correct.

Q. All right. Now, you have a chain of command --

A. Yes.

Q. -- right.

And in the chain of command at that particular time, in your direct chain of command, you had Sergeant LeGault and you had Lieutenant Klapakis, right.

A. Correct.

Q. The -- the people in the chain of command who are above you in the chain of command can give you instructions and orders; is that correct.

A. That’s correct.

Q. However, it is expected and was expected, in February, March and April of 2003, that any lead investigator on a case take full responsibility for evaluating the evidence and making appropriate recommendations; is that correct.

A. That’s correct.

Q. All right. And after you heard from Miss Blackburn -- let me withdraw that.

You heard from Miss Blackburn that there were, in fact, three social workers who went to the home; is that right.

A. That's correct.

Q. And that they talked to -- not only to Star Arvizo and Gavin Arvizo, but they talked to their sister Davellin, and they also talked to the mother, Janet; is that correct.

A. That's correct.

Q. All right. And after you received that information, you then talked to the father of the children; is that correct.

A. Yes.

Q. That was David Arvizo.

A. That's correct.

Q. And he told you that he had been subject to a restraining order, so he hadn't been able to talk with his children for a period of time; is that correct.

A. Yes.

Q. But he also said that he had been --

MR. ZONEN: I'm going to object as hearsay.

THE COURT: Sustained.

Q. BY MR. SANGER: In general, he told you the background.

MR. ZONEN: I'm going to object as hearsay.

THE COURT: Sustained.

MR. SANGER: All right. It's not offered for the truth. It's offered with regard to his opinion.

THE COURT: Sustained.

MR. SANGER: Okay.

Q. In any event, after you talked to David Arvizo, did you make a recommendation to your superiors that any further investigation occur in this case.

A. That was the final conclusion, yes.

Q. The final conclusion was that no further investigation --

A. Correct. No further investigation.

Q. So you did not make a recommendation to your superiors that there be further investigation.

A. Not at that time, based on the information we had received.

Q. And, in fact, your conclusion in your report was that there was no criminal activity; is that correct.

A. That’s correct.

Mr. Sanger.

Q. Yes.

A. If I can clarify something.

You kind of provided a broad time frame when you said February, March, April. And in fact -- and then you talked about that no crime occurred within that time frame. That’s not what I’m stating, nor is that what my report states.

It was as of the interview on February 20th. I cannot account for what happened, what may have been said by any of the Arvizos after the interview with DCFS.

Q. See, I was going to sit down, but now I have to ask you some more questions.

A. I’m sorry, I needed to clarify that, because that was a very broad three-month time frame.

Q. That’s fine.

You submitted your report April 16th; is that correct.

A. If I may look at the face page.

Q. Yes, please.

A. Yes, that’s when I took it to the supervisor for approval.

Q. And the referral that you had, as an experienced child abuse investigator, the material you had suggested that a child abuse investigation be commenced; is that correct.

A. Yes.

Q. And the information that you had from DCFS, you’re telling us, was as of February 20th; is that

correct.

A. The date of the interview.

Q. That was the --

A. Yes.

Q. That was the information you had from them. You understood it took place on February 20th.

A. Yes.

Q. And then you had information March 13th from an interview with David Arvizo, correct.

A. I had spoken to Mr. Arvizo on that date, yes.

Q. So as of the -- as of the time that you submitted your report, you had no evidence of criminal activity; is that correct.

A. Based on -- yes.

Q. I understand. But you were assigned the case, and if you thought there was some reason to investigate beyond the reports that you received from Miss Blackburn and Mr. Arvizo, you would have done that, right.

A. Correct.

MR. SANGER: All right. Okay. I have no further questions. Thank you.

MR. ZONEN: Just a couple, Your Honor.

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REDIRECT EXAMINATION

BY MR. ZONEN:

Q. Just a moment of clarification, if I could, Officer Flaa.

There were two referrals that came in. And the first one you said you did no investigation on. That was the referral of which, please.

A. That was the referral where the reporting party indicated that they were aware of emotional abuse by Mr. Jackson toward his children.

Q. All right. Who handled that referral. Where did that one go to.

MR. SANGER: Objection; calls for speculation.

MR. ZONEN: If he knows.

THE COURT: Well, he -- the foundation is sustained.

MR. ZONEN: All right.

Q. Do you know what becomes of different referrals; in other words, how they're distributed through the investigative bodies and agencies in Santa Barbara County.

A. Yes.

Q. Okay. And how are they distributed.

A. Well, a referral such as that, where there's no apparent criminal on the surface, and there's no criminal accusations per se, and it's an in-home abuse situation, would be referred out to Child Welfare Services, and they would assume jurisdictional responsibility for that type of investigation.

Q. And did that happen as to the first referral.

A. That I do not know.

Q. All right. But it was not a referral that went -- in other words, the copy that you received was simply a copy. This was a referral to Child Protective Services.

A. Correct.

MR. SANGER: Objection. Leading, Your Honor, and compound.

THE COURT: Sustained.

Q. BY MR. ZONEN: Tell us about the report that you received. Was it an original or was it a copy.

A. It was a copy.

Q. To whom was it addressed, then.

A. I don't know. It was given -- I was given a copy by Lieutenant Kla -- or Sergeant LeGault.

Q. In any event, your investigation was limited to the second referral.

A. Yes, sir.

Q. And that involved which children. Identify them, please.

A. Yes. Gavin Arvizo. Star Arvizo. And then - I know that I'm going to mispronounce this -

Davelian, I believe it is. Davelian Arvizo.

Q. That’s close.

A. Okay.

Q. All right. The dates that we’re talking about, please, you already told us that it was the 20th when the interview was done in Los Angeles, the 20th of February, 2003. And the date that you said you had your conversation with Miss Blackburn was the 11th of March, 2003.

A. March 10th, 2003.

Q. I’m sorry, March 10th, 2003.

When was it determined that the investigation would be closed.

A. After my conversation with Mr. Arvizo.

Q. And that was.

A. March 13th, 2003.

Q. And you had briefed your supervisor, Sergeant LeGault, of your findings; is that correct.

A. Yes.

Q. And that included a copy of the -- tape-recorded copy of the conversation with Miss Blackburn.

A. Correct.

Q. Did we ever -- “we.” Did the sheriff’s office ever receive, to your knowledge, while you were handling this matter, the actual written report of the Child Protective Services -- excuse me, the Department of Child & Family Services report that was generated in Los Angeles with regards to their

interview of these two children, or three children.

A. Not that I’m aware of, no.

MR. ZONEN: Thank you. I have no further questions.

THE COURT: Mr. Sanger.

RECROSS-EXAMINATION

BY MR. SANGER:

Q. We’ve talked about this timeline. And again, we're starting with you here, so I'm going to ask you to take a look at a piece of paper.

And with the Court's permission -- I'll give one to counsel here. With the Court's permission, I'd like to approach the witness and --

THE COURT: All right.

Q. BY MR. SANGER: Do you have a pen.

THE COURT: This is shown for refreshment of memory.

MR. SANGER: No, what I'm going to do is ask that the piece of paper that I've given the witness be marked as defense next in order, which is 50 --

THE CLERK: 34.

MR. SANGER: 5034. And hopefully this will help avoid confusion, but we'll see.

Q. First of all, Officer, do you recognize that as being a timeline, just generally a linear calendar.

A. A blank timeline.

Q. Blank timeline, yes.

And -- all right. What I'm going to do is just ask you -- Mr. Zonen was asking you some questions about the timing on --

A. Sure.

Q. -- redirect there. So let's just get it on paper.

First of all, if you'd put your name up on the top. There's a line that says "Witness." And then you can indicate on the timeline when you received your referral.

A. Circle the date.

Q. Yeah, just write, perhaps above it, just "Received Referral." Whatever you -- whatever will help us to see this.

And then you can circle the date and write above it the date that you understood the DCFS interview took place.

You told us you understood that was on the 20th, I believe; is that right.

A. It was actually the same date that I got the --

Q. Okay. Then just put “DCFS Interview” as well.

And then indicate the date that you contacted David Arvizo.

And then just before that I think is the date you actually spoke to the DCFS supervisor, which I believe you said was on the 10th.

A. Yes, sir.

Q. All right. And then I believe you indicated that there was a date that you found out that the Arvizo children had already been interviewed. I don’t think you told us the date. But was that on 2-24.

A. Yes, it was.

Q. Why don’t you just indicate that on there.

And then off that particular chart, you have the date of April 16, which is the date you wrote your report; is that correct.

That’s off the chart, so it would be at the end. Would you just make a note, an arrow or something, and just put “4-16”.

Is that chart now illustrative of your testimony. Does that work for you.

A. As far as the timeline, yes.

Q. Pretty much tell us about the timeline.

A. Yes, sir.

MR. SANGER: Your Honor, in fact, perhaps Deputy Avila could just bring that back with her so I don’t have to approach, if that’s all right.

THE BAILIFF: I figured you were going to say that.

MR. ZONEN: May I see that, please.

MR. SANGER: Certainly.

MR. ZONEN: Thank you.

MR. SANGER: Your Honor, I’d move this into evidence.

MR. ZONEN: No objection.

THE COURT: It’s admitted.

MR. SANGER: I'd like to publish it, if I could, please.

Would Your Honor hit the --

THE COURT: We need "Input 4," right.

THE WITNESS: Pardon my scribbling.

MR. SANGER: Ah-hah, there's my hand. Oops.

Q. We have 5034 on the screen there. And somebody had a laser pointer, but I don't know where it is. But I think this is simple enough, and let's just do it this way: You've indicated there just what we went over.

The date that you got the request, or the referral, on the 20th of February, 2003, which is also, it turns out coincidentally, to be the date of the DCFS interviews, correct.

A. That's correct.

Q. And then you were told of -- actually, I can't read it. What's on the 24th.

A. It says, "Detective Flaa" -- excuse me, "Detective Flaa learned of the interview," or the DCSF interviews.

Q. Thank you. That's when you learned of the interviews.

And on the 10th of March, that's when you basically were read the interviews by Miss Blackburn; is that correct.

A. Correct.

Q. And then the 13th is when you did your interview with Mr. David Arvizo, correct.

A. Correct.

Q. And then down at the bottom, it's off the chart, but 4-16-03 is when you submitted your report; is that correct.

A. That's correct.

MR. SANGER: Okay. Thank you.

I have no further questions.

MR. ZONEN: I have no questions, Your Honor.

THE COURT: All right.

Thank you. You may step down.

THE WITNESS: Thank you, Your Honor.

MR. ZONEN: We'll call Lieutenant Klapakis to the stand.

THE COURT: When you get to the witness stand, remain standing. Face the clerk and raise your right hand.

JEFF KLAPAKIS

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name is Jeff Klapakis. It’s K-l-a, P as in Paul, a-k-i-s.

THE CLERK: Thank you.

MR. ZONEN: May I proceed.

THE COURT: Yes.

DIRECT EXAMINATION

BY MR. ZONEN:

Q. Sir, what is your current occupation.

A. I’m a lieutenant with the Santa Barbara Sheriff’s Office.

Q. What is your responsibilities, your current assignment.

A. I am in charge of the Criminal Investigations Bureau within the North County of Santa Barbara.

Q. We have to admonish everybody that that microphone has to be pretty close to your mouth to be heard anywhere, if you would, please.

A. Okay.

Q. What does that mean. What are your actual assignments and responsibilities. What do you do as part of your job.

A. Any reports of criminal activity are sent to my bureau, and they are sent out to detectives to further investigate them.

Q. And who works under you. Who do you supervise.

A. I supervise sergeants, who then supervise other detectives.

Q. All right. Were you involved in any of the decisions regarding the referrals that came in back in February 2003 regarding Mr. Jackson, specifically involving children of the Arvizo family, as well as the second referral involving his own children.

A. Yes.

Q. What was your involvement in that.

A. I received the referrals and contacted our local office of the Child Protective Services, in hopes of making contact with the Los Angeles office of Child Protective Services, which I believe is called DCFS.

Q. All right. Was this assigned to an investigator.

A. Yes.

Q. And who was the investigator.

A. Detective Flaa.

Q. Do you know when that investigation took place.

A. Yes. It was around the second or third week of February. I believe it was February 18th or the 20th, somewhere in there.

Q. Did you at any time place a telephone call to any agency, child protective agency, specifically in Los Angeles.

A. Well, I first contacted Lompoc, in hopes of

getting in touch with Los Angeles.

Q. Why Lompoc.

A. Well, they were our local office. We had worked with them before in similar-type cases. The referrals indicated that the potential person involved in the referral lived in Los Angeles, so I thought that might be the more prudent action.

Q. All right. Let me ask it again. I'm not sure I understand.

Why Lompoc. If the person lived in Los Angeles, why did you contact the Lompoc office as opposed to the Santa Maria office or Santa Barbara office.

A. Well, I thought that they would have contact numbers for them. They may know some people that we could contact. And much like I would call a law enforcement agency, having contact with them, that’s why I chose to go through them first.

Q. All right. And was that before or after you assigned Detective Flaa to this investigation.

A. That was before.

Q. All right. Did you contact Child Protective Services in Los Angeles at all. Did you have any communication with them.

A. Yes, I believe I did. Sometime after the 20th.

Q. Did you at any time instruct them that they should not interview the Arvizo children.

A. I actually made that call to Lompoc CPS and hoped -- because I had not gotten a phone number for L.A. at that point in time. We’re talking about a period of a couple of days.

Q. Okay.

A. And I was -- I believe that was on February 20th.

Q. All right.

A. At about eleven o’clock.

Q. All right. So the question specifically is, did you tell somebody in some child protective organization not to interview the children.

A. Yes, I did.

Q. Who was the organization.

A. Lompoc.

Q. Why did you instruct them accordingly.

A. At that point in time, I had discussed it with Detective Flaa and then Sergeant LeGault, and we felt it would be more prudent for us to go down and conduct the interview ourself.

Q. All right. It was in deference to your doing the interview or you having one of your detectives doing the interview.

A. Right.

Q. At some point in time, did you make the determination or did somebody from your office make the determination not to do an interview at all.

A. Yes, I did.

Q. And when was that decision made.

A. After Detective Flaa had contacted the Los Angeles office of the DCFS and was able to extract their information on their investigation, that they had closed their investigation.

Q. Were you familiar, or were you made familiar with the information that was furnished to Detective Flaa by the Child Protective Services agency in Los Angeles.

A. Yes, I was.

Q. Did he actually tape-record that conversation.

A. Yes.

Q. Did you listen to that tape-recording.

A. I read the transcript, I believe.

Q. A transcript was prepared at that time.

A. Yes.

Q. All right. Are we still talking back in February and March of 2003.

A. It was March 2003.

Q. All right. So you became aware of that interview in its entirety, the interview between Detective Flaa and Brenda Blackburn of the Department of Child Family Services in Los Angeles.

A. That's correct.

Q. The two different names has plagued us from the beginning of this case, hasn't it.

A. Right.

Q. When was it that you made the determination -- strike that.

Were you the one who made the determination not to pursue an investigation any further.

A. Yes.

Q. All right. When was that decision made.

A. After we had talked with Miss Blackburn, and

also after I instructed Detective Flaa to contact the estranged father of the boy.
Q. And his name is.
A. David Arvizo.
Q. All right. At some point in time was this investigation reactivated.
A. Yes.
Q. All right. Without getting into the detail of the conversations, what was the event that caused it to be reactivated.
A. I received a phone call from Larry Feldman.
Q. All right. And did that cause you to pursue other investigation at that point.
A. Yes.
Q. Was an investigative team assembled at that time.
A. Yes.
Q. And who was the lead investigator selected at that time.
A. Sergeant Steve Robel.
Q. When was that done, do you recall. The conversation with Larry Feldman.

A. I believe it was late June or early July 2003.
Q. Did Mr. Feldman tell you why he was contacting you.
A. Yes.
Q. And what did he say.
A. He indicated that the young boy and his brother had talked to a Dr. Katz in Los Angeles, and that they had made some --
MR. SANGER: I’m going to object to a narrative, and it’s calling for hearsay.
MR. ZONEN: I’m going to withdraw the question and rephrase it.
THE COURT: I’ll sustain the objection and strike the answer.
MR. SANGER: Thank you.
Q. BY MR. ZONEN: Did you refer him at any time to Child Protective Services - Mr. Feldman.
A. I don’t believe so.

Q. Did he indicate to you that he had contacted Child Protective Services.
MR. SANGER: That would call for hearsay.
THE COURT: Sustained.
Q. BY MR. ZONEN: Did he tell you who referred you to him -- who referred him to you.
A. Mr. Sneddon.
MR. ZONEN: Thank you.

I have no further questions.
THE COURT: Cross-examine.

CROSS-EXAMINATION
BY MR. SANGER:
Q. Lieutenant, how are you.
A. Fine, sir.
Q. You originally -- let me withdraw that.
You said you had called the Lompoc CPS, Child Protective Services, right.
A. Yes.
Q. And is that the Child Protective Services office that would have jurisdiction over the Santa Ynez Valley.
A. I believe so.
Q. Okay. Mr. Jackson, Michael Jackson, my client, has a ranch in Santa Ynez Valley; is that correct.
A. Yes.
Q. And you were aware of that at the time; is that right.
A. Yes.
Q. Okay. Did you discuss with the CPS people in Lompoc doing an investigation of either of the suspected child abuse reports that came from Los Angeles.
A. Yes, I believe we did discuss the referrals.
Q. So there were two referrals, right.

A. Yes.
Q. We’re going to refer to the first one. Not

that they have any priority, I suppose. But the first one was a referral in which the reporting party was Carol Lieberman; is that correct.

A. I believe that was the first one.

Q. And you are aware that Carol Lieberman was a psychologist who was getting a lot of time on television around that time; is that correct.

A. I wasn't aware of her prior to receiving the referral.

Q. After you received the referral, did you make that determination, that she had been becoming a television personality over complaints about Michael Jackson.

A. Well, I believe the referral indicated that she planned to have a news conference.

Q. In fact, she did.

A. I'm unaware of that.

Q. She was even alerting everybody that she was going to have -- on a particular date - I think it was a day or two after - she was going to have a news conference, right.

MR. ZONEN: I'm going to object as assuming facts not in evidence and lack of foundation.

MR. SANGER: I'll withdraw it. We can look at the report if that would help.

Q. Okay. The report indicated that actually

Miss Lieberman, the next day, the following day, the day following her report, intended to have a press conference; is that correct.

A. I believe that's what it indicates. I'm not looking at it right now.

Q. Okay. You're welcome to do that. I can show you a copy of that.

A. I believe I have one.

Q. Do you have it.

A. Yes.

Q. Please take a look.

A. Yes, it does say the next day.

Q. All right. All right. And how long have you been a sheriff.

A. 25 years.

Q. All right. And without going into all the detail, you went to the academy.

A. Yes.

Q. Which academy.

A. Allan Hancock.

Q. All right. You got a good education there; is that right.

A. Yes.

Q. And you’ve had a lot of inservice training since then; is that correct.

A. Yes.

Q. And you’ve investigated suspected child abuse reports on many occasions in your career as a deputy sheriff and as a detective and eventually on up the ladder; is that correct.

A. Primary aspects of it, yes.

Q. And you’re well aware that the nature of the report, including the who the reporting party is, is a significant factor to evaluate in a suspected child abuse case; is that correct.

A. I believe you take the totality of any circumstances.

Q. But specifically the RP, an RP can have an agenda, right.

A. Yes, they can.

Q. Okay. And in the second report, there’s also reference to Gloria Allred; is that correct.

A. That same report.

Q. The second suspected child abuse report from L.A. DCFS.

A. Are you referring to the one that the reporting party was a Mr. Tash.

Q. That’s correct.

A. Yes. She’s -- she’s mentioned in that.

Q. All right. And you’re aware that Gloria Allred is an L.A. lawyer who spends a lot of time on television, correct.

A. Yes, I’m aware of Miss Allred.

Q. And from your understanding of these reports, none of the reporting parties had any personal knowledge of Michael Jackson or his involvement with his own children or other children; is that correct.

A. Personal knowledge, no.

Q. Okay. Now, do you know if Santa Barbara Child Protective Services, that being evidently the Lompoc CPS office, do you know if they did anything to follow up on an investigation of either one of these reports.

A. I believe that when they received the referral, and I believe it was the first one, they sent it to L.A. DCFS, because the -- the boy lived in Los Angeles.

Q. All right. Now, the first referral, though, was with regard to -- from Carol Lieberman was with regard to Mr. Jackson and his own children; is that correct.

A. I'm sorry, maybe I have that mistaken. It's -- one of them, I think that they made contact with -- with L.A. because -- probably after the second one.

Q. So the first report -- just based on what you were telling Mr. Zonen, the first report would be within their jurisdiction if there was anything there to investigate; is that correct.

A. Santa Barbara County.

Q. Yes.

A. Yes, it would, based on where Mr. Jackson lives.

Q. All right. And if there was any criminal activity related to that first report, that would be within the jurisdiction of the Santa Barbara Sheriff's Department, particularly your office in Santa Maria for the North County; is that correct.

A. That's correct.

Q. All right. Now, I do want to try to clear up one point here.

I think you said that you asked the Lompoc CPS office not to interview Star and Gavin Arvizo.

A. My recollection is, is that I made contact with Lompoc to either give me a number to contact Los Angeles or to pass the request to Los Angeles. But I was advised that I was too late.

Q. Okay. Do you recall speaking directly with Miss Blackburn in Los Angeles and asking her not to interview the children.

A. I'm not -- it's possible that I did talk to Miss Blackburn in person, yes.

Q. Do you recall her telling you, "It's too late. We already interviewed them".

A. I am -- I did receive that information. Who I received it from, I can't tell you right now.

Q. Okay. All right. Now, in your experience as a -- an investigator or detective and eventually, can we say, an administrator, or is that not a good thing to say.

A. That's fair.

Q. So in your experience as a lieutenant and everywhere on the way up, you understood this to be a sensitive case; is that correct.

A. Yes.

Q. And you understood -- you understood it to be potentially a big case, significant case, correct.

A. Yes.

Q. When -- when Detective Flaa concluded his investigation, did he inform you that it was his opinion that no further investigation was necessary.

A. I believe that we collaborated on it, discussing it, yes.

Q. So you talked with him.

A. And Sergeant LeGault.

Q. And Sergeant LeGault.

A. Right.

Q. So basically all three of you agreed that no further investigation was necessary in this case.

A. Based on the information that we had received from Miss Blackburn, our assumption of that investigation and as well as our interview of David Arvizo, that was the decision I made, yes.

Q. Just by the way, this may not be significant, but evidently there’s a Sergeant Kooperman.

A. Koopmann.

Q. Koopmann. I do that all the time, I’m sorry. A Sergeant Koopmann who was supposed to sign off on some of these reports in this case, and you signed your name over his typed name. Are you aware of that.

A. Sergeant Koopmanns replaced Sergeant LeGault around the July time period.

Q. I see.

A. He was also on vacation when this began.

Q. All right. Well, let’s go back a little bit, because if I understand your testimony, after this was closed, this case was closed on April the 16th, there’s a report, is that correct, April 16th, two thousand --

A. I don’t have that report with me, but that’s about right.

Q. Okay. And the case was closed, as far as you were concerned, that was it; is that right.

A. Yes.

Q. All right. The same case with the same case number was reopened --

A. Yes.

Q. -- in June; is that correct.

A. I believe it was around that time period, right.

Q. And that’s the time that you got a call from Tom Sneddon, Mr. Sneddon, correct.

A. Yes.

Q. And he told you he had received a telephone call from Attorney Larry Feldman; is that correct.

A. Yes.

Q. Did you speak directly with Attorney Larry Feldman yourself.

A. Yes.

Q. Now, at that time in June, and if you need something to refresh your recollection, but I believe it was about June 13th -- does that sound right, or do you need -- or is there something you could look at.

A. I believe that’s possibly correct.

Q. Okay. Sometime around that -- in any event, in June of 2003, can we agree to that.

A. Yes.

Q. All right. June of 2003, you received a call from Mr. Sneddon, eventually talked to Attorney Larry Feldman, and then you reopened the investigation, correct.

A. After speaking with Mr. Feldman, no, I made another phone call before I --

Q. To.

A. Dr. Katz.

Q. To Dr. Katz, okay. So you talked to -- and you were aware that Dr. Katz was a forensic psychologist, correct.

A. A child psychologist, I believe. But --

Q. Were you aware --

A. A psychologist.

Q. Were you aware he’s a forensic psychologist.

A. I believe that -- yes, I believe he was a psychologist, and I believe he specializes in interviewing children, but that’s -- it’s been a long time since I’ve talked to Dr. Katz.

Q. Well, you know what a forensic psychologist is, correct.

A. Yes.

Q. Somebody who testifies in court; somebody who helps prepare cases.

A. Yes.

Q. Were you aware that he was a forensic psychologist.

A. Yes.

Q. And you were aware that he had worked with Attorney Feldman in the past, or not.

A. I don’t believe I was aware of that when I talked to Dr. Katz initially. I know that now.

Q. Eventually you found that out, all right. So Attorney Feldman, Dr. Katz, Mr. Sneddon, not in that order, but you have those phone calls, and then you reopen your investigation; is that correct.

A. Yes.

Q. And you use the same case number, correct.

A. I believe we did.

Q. Now, why didn’t you just call Detective Flaa and tell him, “Your case is reopened. New things have come up. Let’s investigate”.

A. Detective Flaa was no longer working for us. He had left our agency.

Q. You believe he left your agency at that time.

A. Well, excuse me. I’m sorry. He had left my bureau and went to work for special operations.

Q. Now, it’s very common when somebody leaves a particular bureau or assignment, if a big case they’re working on reopens, it’s very common to bring that officer back or that detective back to continue with the investigation, is it not.

A. Well, it depends on how -- how much investigation had occurred up to that point.

Q. Is it common or not, sir. It’s common, isn’t it.

A. Well, no.

Q. Never happens. Sometimes happens.

A. Sometimes happens.

Q. All right. And Sergeant LeGault was replaced by Sergeant Robel; is that correct.

A. On this investigation.

Q. Yes. When you reopened it.

A. Well, he wasn’t -- he was made the lead investigator of this agency, of this -- Sergeant Koopmanns was -- basically had replaced Sergeant LeGault.

Q. So you brought a Sergeant in, Sergeant

Robel.

A. Yes.

Q. Okay. The prior line-up was you, Sergeant LeGault and Detective Flaa, right.

A. Yes.

Q. And now the line-up was you, Sergeant Koopmanns --

A. Sergeant Koopmanns was not involved in this case.

Q. I’m sorry. He replaced LeGault or he didn’t.

A. He replaced LeGault.

Q. Okay. But he didn’t end up -- other than having his name on some things where you signed over it, he really didn’t get involved in it; is that right.

A. That’s correct. Sometimes there’s an innocuous reason why they’ll put -- I had investigators working for me out of different offices at times, and sometimes they will just put their Sergeant’s name as the person reviewing it, even though in our department any superior can review a report.

Q. Okay. But Koopmann -- I don’t want to spend lot of time on this, but Koopmanns’ name was actually in there as a sergeant reviewing the report, and then you would sign your name over it.

A. If I signed my name over it, it doesn’t mean

that Sergeant Koopmanns reviewed the report.

Q. Does that mean you reviewed the report.

A. Yes.

Q. There you go. In any event, now we have you; we still have Sergeant LeGault, or not.

A. No.

Q. No.

A. Are -- you’re talking July ‘03, right.

Q. Yeah, June, July ‘03.

A. No.

Q. Okay. So we had you; then Sergeant Robel.

A. Yes.

Q. And then you had Paul Zelis.

A. Yes.

Q. And Paul Zelis was the detective who really took over Detective Flaa’s role in this, did he not.

A. No, actually I believe Sergeant Robel took over that role.

Q. All right. And Detective Zelis was not as experienced a detective as some of the other people you had working under you was.

A. That’s an accurate description.

Q. He had been a deputy marshal; is that right.

A. He had been a deputy marshal before, yes.

Q. Deputy marshals were the bailiffs for the Municipal Court when we used to have Municipal Courts here.

A. Yes.

Q. And then when we consolidated the courts into Superior Court, the marshals, many of them, became sheriffs; is that correct.

A. Yes.

Q. And that’s how he became a sheriff.

A. Yes.

Q. All right. And Detective Zelis was the one who -- we don’t want to go into a lot of detail here, but Detective Zelis was the detective who did a lot of the interviews, is that correct, in this case.

A. He participated in those interviews with Sergeant Robel.

Q. And he’s the one who is the declarant, or the affiant, for the search warrants. He did a big, long, 80-page affidavit to get search warrants.

A. He is the affiant of the search warrant. Of the primary search warrant, I should say.

Q. He was at the search at Neverland.

A. He was one of many, yes.

MR. SANGER: All right. I have no further questions.

MR. ZONEN: Nor do I, Your Honor.

THE COURT: You may step down.

Call your next witness.

MR. SNEDDON: Sergeant Robel, would you take the stand, please.

THE COURT: Sergeant Robel, you're already

under oath, so when you get to the witness stand, you may be seated.

SERGEANT ROBEL: Thank you.

STEVE ROBEL

Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION

BY MR. SNEDDON:

Q. Sergeant Robel, you've been previously sworn, and you understand you're still under oath.

A. Yes, I do.

Q. Okay. Now, first of all, let's go back a little bit, because we're going to broaden the scope of your testimony just a little bit.

Would you tell the ladies and gentlemen of the jury a little bit about your background and preparation for becoming a deputy sheriff.

A. Sure. Approximately 22 years ago, I went to the Ventura academy.

Q. I'm sorry, but we're going to have to tell you what we did all the other kids in the case.

Speak into it, please.

A. Approximately 22 ago I went to the police academy down in Ventura. And it was approximately 14, 15 weeks long. I was then placed in Solvang, Santa Ynez, where I was -- I worked as a deputy on

patrol and worked my way up. I was the DARE officer and school resource officer. And then I went on into detectives. And during that time in detectives, I was specializing in sexual assault and child abuse cases.

Q. All right. Let's stop there for just a second.

How long did you actually work in the

specialty of child abuse and sexual assault cases for children.

A. Approximately five years.

Q. Now, did you have any special training or preparation for that role as a detective on those kinds of sensitive cases.

A. Yes, I have.

Q. All right. Would you explain that to the ladies and gentlemen of the jury, please.

A. Yes, I've had numerous hours of education through forensic interviewing, which was approximately 80 hours. Child abuse and recognition training, which was approximately 40 hours. I ended up actually giving some training courses in forensic interviewing classes, assisting other agencies in that respect.

I've also -- excuse me just for a second. I got to refer to my notes here.

Interviewing -- child abuse interviewing techniques with children. And also an 80-hour sexual assault investigation course.

MR. SANGER: Your Honor, I'm going to object for a moment to the witness interviewing (sic) his notes, and -- I don't think there was a basis for it, but also I don't believe I've seen those notes. If I could have an opportunity to look at them, I would appreciate it.

THE COURT: All right. You may approach the witness.

MR. SANGER: Thank you.

MR. SNEDDON: Okay.

MR. SANGER: Thank you, Your Honor.

THE COURT: Your objection was he was looking at notes without --

MR. SANGER: Without an adequate foundation.

THE COURT: Without a foundation. Is that objection still being made after looking at the notes.

MR. SANGER: Well, I'll withdraw it as to that question, but I would in the future make the same objection.

THE COURT: All right. Did we finish that question.

MR. SNEDDON: I believe I did.

Q. Were you finished telling them about your training and expertise in that area.

A. Yes, I am.

Q. Okay. Sergeant Robel, at some point in time were you assigned as the lead investigator into the case against the defendant in this case, Michael Jackson.

A. Yes, I was.

Q. And approximately, if you recall, what time was it that you were assigned that particular responsibility.

A. I want to say I believe it was around the middle -- around the 20th or so of June of 2003.

Q. Now, at that time, who was the person that you were reporting directly to.

A. That was Lieutenant Jeff Klapakis.

Q. The previous witness.

A. Correct.

Q. And was Paul Zelis, Detective Zelis, a part of that particular investigative team.

A. Yes, he was.

Q. And did he work under your supervision.

A. Correct.

Q. Now, at some point did you participate in an interview of the members of the Arvizo family.

A. Yes, I did.

Q. Would you tell the ladies and gentlemen of the jury, when was the first occasion that you interviewed the Arvizo family.

A. I believe it was on July 7th of 2003.

Q. Now, when I said “members of the Arvizo family,” what -- what individuals within that family do you recall having interviews with.

A. Janet Arvizo, Star Arvizo, Gavin Arvizo, and Davellin Arvizo.

Q. Now, the ladies and gentlemen of the jury have heard testimony previously this morning - actually, I guess you have too, most of the time you were here - about the fact that there was a report that Detective Flaa had obtained about the interview between the Los Angeles social workers and the Arvizo family. Do you recall that.

A. Yes, I do.

Q. Now, prior to the time that you interviewed the family in July of 2003, were you familiar with the contents of that report.

A. I was familiar with Detective Flaa’s report. I read that. And also Detective Zelis’s phone review of Dr. Katz.

Q. So you were familiar with both of those before you actually interviewed the family.

A. Correct.

Q. And were you familiar with the fact that as a result of the interview with the Los Angeles social workers back on February 20th of 2003, that your department had conducted an initial investigation.

A. Yes. After reading the report, I did conclude that, yes.

Q. And that it had been closed.

A. Correct.

Q. Now, did you conduct an interview with -- or when did you conduct the first interview that you had with Star Arvizo. Do you recall exactly what date that was.

A. I believe it was Monday, July 7th.

Q. Do you recall where that was.

A. 2003. That was conducted in Santa Barbara County, at our common interview place in Santa Barbara.

Q. So would that be in the south part of the county.

A. That is correct.

Q. Was that interview tape-recorded, or videotape-recorded.

A. Yes, it was.

Q. And was a transcription of that tape-recording made.

A. Yes.

Q. And you’ve had a chance to review both of those.

A. Correct.

Q. Now, with regard to Star Arvizo’s interview - okay. --

A. Yes.

Q. -- during the course of that interview, how many incidents did Star tell you in which he was standing on the stairs that he saw Michael Jackson molest his brother Gavin.

A. Two.

Q. During that interview on July 7th of 2003, did Star make statements to you about describing a third incident that he had seen involving the defendant, Michael Jackson, and his brother Gavin.

A. Yes, he did.

Q. And what did he say in that connection.

A. He told me --

MR. SANGER: Objection. Objection; hearsay.

THE COURT: Sustained.

MR. SNEDDON: Your Honor, it’s a prior consistent statement. It’s admissible under the Evidence Code. Counsel has -- I won’t say anything else, but I --

THE COURT: Let me think for a moment.

MR. SNEDDON: Yeah.

THE COURT: Counsel approach, please.

(Discussion held off the record at sidebar.)

THE COURT: All right. The objection is overruled. You may --

Q. BY MR. SNEDDON: Okay. Let’s go back just a second, Sergeant Robel.

You had a videotaped conversation with Star Arvizo on July 7th of 2003, correct.

A. Correct.

Q. And in that conversation, Star Arvizo indicated to you that he had seen two incidents while standing on the stairwell where he saw the defendant, Michael Jackson, molest his brother Gavin, correct.

A. That’s correct.

Q. Now, during the course of that conversation, did Star Arvizo relate to you a third incident in which he had seen the defendant in this case, Michael Jackson, touch his brother inappropriately.

A. Yes, he did.

Q. All right. Would you tell the ladies and gentlemen of the jury what he told you.

A. Star told me that when he was up in Michael’s bedroom, he was lying on what he described as a couch-type setting, possibly a futon, and he was -- pretended like he was sleeping.

And Michael came up into the bedroom and crawled into bed where his brother Gavin was sleeping. And when he got into bed, he scooted up next to him, Mr. Jackson did, to Gavin, and started moving back and forth.

And Star observed that, and he basically pretended like he was sleeping at that time.

Q. Now, during the time that you were doing these interviews, did you also have an interview with Gavin Arvizo.

A. Yes, I did.

Q. And what date did that occur.

A. That was -- that would also have been on Monday, July 7th, 2003.

Q. And would that have been at the same location.

A. Yes, it was.

Q. And during this conversation, who else was present besides you and Gavin.

A. It would have been Detective Zelis.

Q. And with regard to the previous interview with Star, was Detective Zelis present then also.

A. That is correct.

Q. Now, in the conversation that you had with

Gavin Arvizo on the 7th of July of 2003, did Gavin -- excuse me. Sorry, Counsel.

MR. SANGER: That's all right.

Q. BY MR. SNEDDON: Did Gavin Arvizo indicate to you the time frame as to when he thought that he had been molested by the defendant in this case, Mr. Jackson.

A. Yes, he did.

Q. And what did he tell you.

A. He told me it was towards the end of his stay at Neverland.

Q. Now, after that interview on July 7, did you have another interview with Gavin Arvizo.

A. Yes, I did.

Q. And when did that occur.

A. I believe that was August 13th of 2003.

Q. And in that interview, did the subject of the timing of when Mr. Jackson molested him come up.

A. Yes, it did.

Q. And what did he indicate to you on that occasion.

A. Again, he stated that it was towards the end of his stay at Neverland.

Q. All right. Let's shift gears here for a second. I need to grab some water.

Okay. In November of 2003, you were part of a number of people who executed a search warrant on Neverland Valley Ranch, correct.

A. That is correct.

Q. And do you remember what date that was.

A. I believe it was November 18th, 2003.

Q. And were you, as the lead investigator, involved in overseeing the preparation of the affidavit in support of the search warrant that was eventually submitted to the Judge to get authorization for that search warrant.

A. Yes, I was.

Q. And in that connection, did you have a recommendation or a desire with regard to how long you thought the search of the ranch would take.

A. Yes, I did.

MR. SANGER: I'm going to object; relevance. His state of mind.

THE COURT: Well, the objection's sustained, because you said "recommendation or a desire."

MR. SNEDDON: Okay. I'll rephrase it. It's compound.

Q. With regard to the length of the time that you thought that the search would take at Neverland Valley Ranch, what was your desire with regard to requesting judicial authorization as to the time frame.

MR. SANGER: I'm going to object again. Relevance.

THE COURT: Overruled. I'm going to -- you know, "desire" is the word that bothers me here. If you had a recommendation, that's what I would like to hear, as opposed to his private desires.

MR. SNEDDON: Well, okay. It's probably a bad choice of words, then.

Q. In your conversations -- let me ask you this: Who was the attorney you were dealing with in the preparation of the affidavit for the search warrant.

A. It would have been Tom Sneddon.

Q. Me.

A. Yeah.

Q. Okay. And in the course of working with me on that document, the affidavit in support of the search warrant, did you have a recommendation that you made with regard to the length of time that you wanted to be on the ranch to execute that warrant.

MR. SANGER: Objection. Calls for hearsay and relevance.

THE COURT: Well, what is the relevance, Counsel.

MR. SNEDDON: Judge, the relevance is the amount of people that it took to do it, because --

THE COURT: All right. I’ll overrule the objection.

Q. BY MR. SNEDDON: What was your -- what was your request and recommendation.

A. I was requesting that we have authorization to be on the ranch for two to three days.

Q. And was that request granted.

A. No, it was not.

Q. Who denied it.

A. You did.

Q. And what did I tell you in that connection.

MR. SANGER: Your Honor, I’m going to object to that. That calls for hearsay. And I’m going to move to strike the prior questions and answers on the ground that this is not relevant.

THE COURT: The objection as to hearsay is sustained.

MR. SNEDDON: All right.

Q. In any case, when the warrant went to the Judge for signature, the warrant provided for how long that you could be on the property.

A. I believe it was approximately 24 hours or till midnight, I believe, of that day.

Q. Midnight of the day you executed it.

A. Correct. I believe it was midnight we had to be out.

Q. What was the impact of the shorter time frame than you requested on the decisions of how the execution -- how the warrant was executed on the ranch that day.

A. Well, it caused us to reevaluate our initial plan and how many personnel that we were going to take onto the ranch, which in turn caused us to bring more personnel in order to get the job done within the parameters of time that we were designated.

Q. Now, do you know an attorney by the name of Jerry Franklin.

A. Yes, I do.

Q. Who’s Mr. Franklin.

A. He’s a Senior Deputy D.A. with Santa Barbara

County.

Q. Was Mr. Franklin on the ranch that day, the day that the warrant was executed.

A. Yes, he was.

Q. And did you, in your capacity as the lead investigator, have some interactions with Mr. Franklin that day.

A. Yes, I did.

Q. And in what connection was that.

A. On two separate occasions, he assisted me in doing an addendum to a search warrant in the Los Angeles area, and also he assisted -- I had him assist Detective Zelis on doing an addendum for a search on a certain or particular item on the ranch.

Q. Do you know how long Mr. Franklin was there that day.

A. I want to say he was approximately there maybe four or five hours, somewhere along that line.

Q. Now, it's been indicated in the beginning of your testimony that I was on the ranch that day; is that correct.

A. Yes.

Q. Do you recall how long I was there or when I left.

MR. SANGER: I'm going to object. Lack of foundation.

THE COURT: The answer -- the objection is overruled. But answer "yes" or "no." Do you recall how long he was there.

THE WITNESS: Yes.

Q. BY MR. SNEDDON: How long.

A. I think you left probably around 1:30 or 2:00 in the afternoon.

THE COURT: All right. Let's take our break.

(Recess taken.)

THE COURT: I don't know if everybody knows, but we had a little longer break this morning,

because the Olive Garden read a CNN report that basically said the jurors were starving to death.

(Laughter.)

THE COURT: And they have to thank CNN because Olive Garden sent over a bunch of pizzas, so the jury has been -- they sent out an attack squadron and threatened my life if I wouldn’t let them eat the pizzas, so they’re -- they’ve -- they’re all full, and --

A JUROR: Oh, yeah.

THE COURT: Let me tell you the danger here now. Having been a Judge for many years, this is the best advice I can give anybody on a jury, and that is: Don’t eat too much at lunch.

But today it’s okay.

Counsel.

Q. BY MR. SNEDDON: Okay. Sergeant Robel, I think we were at the point that you’re at the ranch, and you’re executing a search warrant on November the 18th, 2003. Okay.

A. Yes.

Q. Okay. Now, during the course of the execution of that search warrant, did you personally seize any items that were booked into evidence.

A. Yes, I did.

Q. And in what room was that that you did that.

A. It was in Mr. Jackson’s.

Q. Michael Jackson’s.

A. That’s correct.

Q. And what room.

A. His master bedroom.

Q. Would that be downstairs or upstairs.

A. It would be upstairs.

Q. Now, could you just describe to the ladies and gentlemen of the jury what process that you used in seizing the evidence and then making sure that it got booked appropriately.

A. We had a designated person downstairs with a laptop computer that was the person that was documenting the items on a property form and giving it an item number, a sheriff’s department item number.

As seizers, we would seize stuff and then we would actually hand-carry it down to him, and then he would actually go on ahead and it would be packaged up and entered into the computer and given an item number.

MR. SNEDDON: All right, Your Honor. I have four more exhibits I'd like to have marked for identification purposes. And I've shown them to counsel. They're Photos 278, a Photo 84, and a Photo 283 and 284.

THE COURT: Thank you.

(Off-the-record discussion held at counsel table.)

Q. BY MR. SNEDDON: Okay. Sergeant Robel,

let's do it in this order. I'm going take them back. But with regard to the Photograph 278, do you recognize that.

A. Yes, I do.

Q. And is that an accurate depiction of what it purports to represent.

A. Yes, it is.

Q. All right. And turn over the next one, if you would. Turn that over, if you would.

And the next one is 84. Do you recognize that.

A. I do.

Q. And is that an accurate depiction of what it purports to represent.

A. Yes, it is.

Q. Would you turn that over.

And with regard to the next item, which is 284, do you recognize that.

A. Yes, I do.

Q. And is that an accurate depiction of what it purports to represent.

A. Yes, it is.

Q. All right. Would you turn that over, please.

And I believe the other one is 283.

A. Yes.

Q. And is that an accurate depiction of what it purports to represent.

A. Yes, it is.

Q. And are these items that you saw during the course of your execution of the search warrant at Neverland Valley Ranch.

A. Yes, they are.

Q. And are items that you seized.

A. Yes, they are.

MR. SNEDDON: I move that these be admitted into evidence.

MR. SANGER: I would object. I would object, Your Honor, on the grounds that there is no foundation, particularly as to the relevance of these particular items to these proceedings.

THE COURT: I haven’t seen the pictures.

MR. SNEDDON: May I come around this way, Your Honor.

THE COURT: Yes.

MR. SANGER: Should I approach as well.

THE COURT: Yes.

MR. SANGER: Thank you.

(Discussion held off the record at sidebar.)

Q. BY MR. SNEDDON: I’m going to give you these back for just a second, and I’m going to ask you a couple more questions, and then we’ll....

Sergeant Robel, with regard to the photograph that’s on the top, which is -- what’s the number on that.

A. 278.

Q. 278. Do you recognize that photograph.

A. I do.

Q. And what does that photograph depict.

A. It’s a cardboard box that’s open, and it has various magazines in it.

Q. Have you ever seen that cardboard box before.

A. Yes, I have.

Q. Where did you see it.

A. In Mr. Jackson’s upstairs portion of his master bedroom, at the base of his bed.

Q. Does that photograph accurately depict the condition of that cardboard box the first time you looked inside of it.

A. Yes, it does.

Q. All right. With regard to the next photograph, which is No. 84 I believe --

A. That’s correct.

Q. -- is that correct.

A. That’s correct.

Q. Now, with regard to Photograph 84, do you recognize that photograph.

A. Yes, I do.

Q. And there is displayed in that photograph a magazine on top, correct.

A. That is correct.

Q. And does that photograph accurately depict the location of that photograph -- that magazine the first time you saw it inside that box.

A. Yes, it does.

Q. All right. Turn that one over, if you would.

With regard to -- is that 284.

A. Yes, it is.

Q. With regard to 284, that photograph depicts a book, correct.

A. Yes, it does.

Q. Where was that book the first time you saw it.

A. That was inside the cardboard box.

Q. The one that’s depicted in the Photograph 284 -- in No. 84.

A. That is correct.

Q. And did you seize that item.

A. Yes, I did.

Q. All right. And the next one is 283.

A. Yes.

Q. And with regard to what’s depicted in that photograph, 283, where was that item the first time you saw it.

A. That was also inside the cardboard box.

Q. It's depicted in the Photograph 84 and 278.

A. Correct.

Q. All right.

Your Honor, ask permission at this point to -- that they be admitted and I can question the witness about them.

MR. SANGER: I'd renew my objection, Your Honor.

THE COURT: I'll sustain the objection.

The -- there's no connection to the present case with the photographs.

MR. SNEDDON: I'm sorry, Your Honor, I didn't hear what you said.

THE COURT: There's no connection to the present case with that material.

MR. SNEDDON: May we approach the bench for a second, Your Honor.

THE COURT: Yes.

(Off-the-record discussion held at counsel table.)

MR. SNEDDON: Your Honor, may I display them with your permission.

THE COURT: Yes. The Court has ruled they are admissible.

Q. BY MR. SNEDDON: Before I do that, I want to ask you a question. We saw the box in the photograph that is -- well, let me just put the box on.

Your Honor, could we have the port for the Elmo, if you --

THE COURT: Yes.

MR. SNEDDON: And Your Honor, I guess I also need to tell the Court that at least one of these photographs has a cover which is maybe sexually explicit, in case there's any persons in the courtroom below the age of 18, I guess, or 21.

THE COURT: I think we've asked any

18-year-olds -- there were some students visiting. We’ve asked them not to come in during this period.

MR. SNEDDON: Thank you, Your Honor.

MR. AUCHINCLOSS: Could we have “Input 4,” Your Honor.

THE BAILIFF: Is the machine on. You need to push the button for the Elmo.

MR. SNEDDON: Well, if I stand on my head, I can see it, I guess.

Q. All right. Sergeant Robel, that’s Photograph Exhibit 278, correct.

A. Yes, it is.

Q. Can you tell the ladies and gentlemen of the jury, where was it when you first saw that box in Mr. Jackson’s bedroom.

A. The box itself was at the base of Mr. Jackson’s bed on the floor.

Q. And is that the condition of the box when you first saw it, or first looked into it.

A. Yes. The top was closed, but I opened it up and that’s what I saw, what’s depicted up there.

Q. Now, let me show you another photograph, which is People’s 84.

Was that magazine -- the one depicted in the front, was that the top magazine in the pile of magazines that you picked up.

A. Can you rephrase that. I’m sorry.

Q. Yeah. Was that one of the magazines you saw in the box.

A. Yes.

Q. Was that the first one you saw.

A. No.

Q. Was there another one on top of that one.

A. Yeah, there were quite a few others on top.

Q. So that was just down inside of it somewhere.

A. That is correct.

Q. Do you remember how many of those -- how many of those magazines you actually took out of there.

A. Before I got to that one, or just all together.

Q. No, eventually.

A. I would say approximately 15 to 20.

Q. Now -- okay. If you can take that one down. And if we could put up 284. I guess I have to give them to you first, don't I. Put 283 up first.

With regard to this particular item, 283, where was it located in the box; do you recall.

A. I don't recall the exact location, but it was inside the cardboard box.

Q. And let's put 284 up there.

In regard to this book, The Chop Suey Club book, do you recognize that.

A. Yes, I do.

Q. And where was that when you first saw it.

A. That was also inside the cardboard box.

MR. SNEDDON: Okay. We can have the lights again, Your Honor.

Q. Now, with regard to the items that you've talked about that you took out of that box, the books and the magazines, what did you do with them after you physically removed them from the box.

A. What I did -- what I did was, I put them on top of the bed until I was finished going through the magazines that I thought were within the scope of the warrant, and then after I finished, I took the magazines and the books downstairs and gave them to Detective Padilla.

Q. Okay. And then Detective Padilla was responsible for packaging them up.

A. That is correct.

(Off-the-record discussion at counsel table.)

Q. BY MR. SNEDDON: I'm going to hand you an exhibit marked as 279. Do you recognize that exhibit.

A. Yes, I do.

Q. And what is it.

A. It’s a layout of Mr. Jackson’s upstairs bedroom.

Q. Does that look -- does that look like the layout as you recall it when you were you were up there on November the 18th.

A. Yes, it does.

MR. SNEDDON: Your Honor, I’ve indicated to Mr. Sanger that even though there are some measurements on that, that we’re just using this simply to illustrate where the officer found the items for purposes of demonstrative evidence at this point in time only.

THE COURT: All right.

MR. SNEDDON: And I would move that that be admitted into evidence at this point, Your Honor.

MR. SANGER: I don’t have any objection for that purpose. The numbers on it that we have just seen, the numbers would not be admitted for the truth of the matter without further foundation. But it can be put up.

MR. SNEDDON: I agree.

THE COURT: All right. It’s admitted for that limited purpose. Do you need the screen, then.

MR. SNEDDON: Please, Your Honor.

Q. Sergeant Robel, you have the exhibit in front of you, and there is a copy of it exhibited to the jury on the Elmo, okay.

Now, let’s talk a little bit about the exhibit. It’s 279, correct.

A. That is correct.

Q. Now, you told us you recognize that. Would you use the laser, please, and show the ladies and gentlemen of the jury approximately where Mr. Jackson’s bedroom would have been. I’m sorry, bed.

A. It would have been right in this area here, up to there, over, right up into here.

Q. So basically in the area where it has “MJ’s Bedroom” written in letters on there.

A. That is correct.

Q. Now, could you show the ladies and gentlemen of the jury where the box that you took the items that you’ve told us about, where that was located when you first saw it.

A. It was right here at the base of the bed on the floor.

Q. You’re indicating -- I’m sorry, go ahead.

A. Just kind of like where that half inch is.

Q. Between the “4” and the “1”.

A. Yeah, right in that area right there.

Q. Okay. Now, on your exhibit that’s in front of you - okay. --

A. Yes.

Q. -- could you please take the pen that we have, and can you please put a little -- just draw a box into the approximate location of where that item 2167 was found.

A. Okay.

Q. And there was a number assigned to the items that you took down to Deputy Padilla, correct.

A. Yes.

Q. An item number. What item number was assigned to those particular things.

A. I want to say 363.

Q. All right. Would you put a “363” on there.

And then at the bottom of that exhibit, would you please sign your name.

(Off-the-record discussion held at counsel table.)

Q. BY MR. SNEDDON: All right. Sergeant Robel, I think you can put that down right now if you want.

And I think we can turn the lights back on, Your Honor.

Let’s leave it, rather than go back and forth. Let’s see if we can finish it.

I have a brown bag that I’ve shown counsel, Your Honor. We had it previously marked as 280 for identification.

MR. SANGER: Could you say the number again. I apologize.

MR. SNEDDON: 280.

MR. SANGER: Thank you.
Q. BY MR. SNEDDON: Sergeant Robel, I'm going to ask you to look inside -- the bag is open. If

you would just look inside the contents of 280, if you would, please. Do you recognize that item.
A. Yes, I do.
Q. And where and when -- let's take it one at a time. Where was that item the very first time you saw it.
A. It was inside a nightstand upstairs in Mr. Jackson's bedroom.
Q. And when you saw it, what did you do with it.
A. I seized it.
Q. And was that among one of the items you gave to Deputy Padilla.
A. Yes, it was.
Q. Does that bag that it was in, Exhibit 280, does that have a number on it.
A. Yes.
Q. An item number.
A. Yes, it does.
Q. What is that.
A. 362.
Q. Now, could you please, using your laser, indicate to the ladies and gentlemen of the jury where Item 280 was found, or to be more correct, where Exhibit No. 280 was found.
A. There was a night -- there was a nightstand right here, had a drawer in it, and I opened up the drawer and it was found inside the drawer inside the

nightstand.
Q. Would you please indicate on your exhibit and just put the item number there so we know which one that is.
That's the approximate location of where it was when you first saw it.
A. That is correct.

Q. All right.

All right. I think I just have a couple more questions, and then we’ll be done.

(Off-the-record discussion held at counsel table.)

MR. SNEDDON: Your Honor, at this time I’ve shown counsel two clear plastic bags. The first one has been marked 281 for identification purposes. And the second one -- the first one, by the way, has ink at the top and the number “224,” so make sure we don’t get confused.

But the second one is marked as 282 for identification purposes, and it has a black pound figure with a “225” at the top. I’ll show them to the witness. Sorry.

Q. All right. With regard to 281, do you recognize that.

A. Yes. Yes, I do.

Q. All right. What is 281.

A. It is Star Arvizo’s fingerprints and palm prints.

Q. And when and where was the first time you saw those prints.

A. I took those prints on 5-5 of ‘04.

Q. When you say you took those prints, would you describe for the ladies and gentlemen of the jury what you did.

A. I met with Star, and I proceeded to go on ahead and fingerprint him with all ten fingers, and also his palm prints.

Q. And were you -- were you the one that oversaw and directed him in obtaining those prints.

A. Yes, I was.

Q. All right. With regard to 282, do you recognize that item.

A. Yes, I do.

Q. And what is that.

A. These are Gavin Arvizo’s finger and palm prints.

Q. And with regard to those particular prints, did you have a role in obtaining those.

A. Yes, I did.
Q. What role was that.
A. I proceeded to do the same thing with Gavin Arvizo as I did with Star and rolled his fingerprints and his palm prints.
Q. Was that done on a different occasion or on the same day.
A. No, that was done on a separate occasion.

Q. What was the date when you obtained Gavin's.
A. That was on 9-14 of '04.
MR. SNEDDON: Your Honor, I request that both of those items be admitted into evidence.
THE COURT: They're admitted.
MR. SNEDDON: Madam Clerk, would you help me please. The chart, 279, is that in evidence. Or 280.
THE CLERK: No.
MR. SNEDDON: I move that that be admitted as demonstrative evidence of the officer's testimony, Your Honor.
THE COURT: All right. It's admitted.
MR. SNEDDON: I believe all of them have been admitted at this point. Thank you. And I have no further questions.
MR. SANGER: Well, wait a second. Except 280 was --
THE CLERK: 280 wasn't received yet.
MR. SNEDDON: I thought --
MR. SANGER: 280 is not the chart.
THE COURT: That's not the chart.
MR. SNEDDON: The chart was 279. And 280 is the note.
THE COURT: Yes.
MR. SNEDDON: Okay. I move that that be admitted.
MR. SANGER: No objection.

THE COURT: All right. 280 is admitted.
MR. SNEDDON: Apologize for that, for the

confusion.

CROSS-EXAMINATION
BY MR. SANGER:
Q. Well, let’s start at the end and work backwards. How would that be.
First of all, you roll the prints of Star and Gavin Arvizo, which is what you just told us, right.
A. Yes, I did.
Q. And that’s Exhibit 281, 282, correct.
A. Correct.
Q. Are you a certified fingerprint examiner.
A. No, I’m not.
Q. So you’ve learned to roll prints as a police officer, as a sheriff; is that correct.
A. Correct.
Q. Let’s talk about the -- this was not marked; is that right.
Let’s talk about what you found here, just moving backwards, going through these boxes.
Your Honor, I’m going to put up on the screen, if I may, 278, which has been received, if that’s acceptable.
THE COURT: All right.
MR. SANGER: In fact, I’m going to take it off for one second. I’m sorry. Okay.

Q. All right. This was -- you basically were searching the residence, along with a lot of other officers, and we’ll get to that in a bit, right. Is that correct.
A. Yes.
Q. And you found this box.
A. Correct.
Q. You personally found the box.
A. Yes.
Q. Do you know if anybody looked in the box before you got to it.
A. I don’t know that.
Q. All right. In other words, the way this looked is -- I guess we will go in general, here, to

set the stage.

The way this worked, I think you told us before, is you had that -- I think what you called a sweep or a protective sweep, or something, of the whole residence when you first arrived there; is that correct.

A. That is correct.

Q. And that was theoretically not a time to be looking in boxes and seizing evidence. It was a time to look in doors and see if people are in there, and sort of see what the interior looked like; is that correct.

A. Correct.

Q. All right. And then after you completed the sweep of the premises, then various officers were assigned various locations to go actually do searches; is that right.

A. That is correct.

Q. And you said there was some people who are the seizers and some who were the scribes.

A. That is correct.

Q. Okay. Sounds like it could be something from ancient Rome, I suppose.

But the scribes were the officers who were just going to sit there and they were going to write out your sheriff's SH -- what is it. -- 541.

A. 451.

Q. 451. Okay. Sorry. I got it backwards.

Your 451 forms, those are the inventories where you say, "We give it a number, and this is what it is, and this is where it was located"; is that right.

A. That's correct.

Q. And then there were other officers who were looking around, and eventually some of those officers might actually see something and say, "I want to seize this," and they'd actually pick it up, right.

A. Correct.

Q. And then they'd take it over to the scribe and say, "I seized this. This is where it came from," and the scribe would write down on the -- on the 451 form that it was Sergeant Robel that seized it, right.

A. That's correct.

Q. All right. Now, in the course of this, however, there were officers who would be going through the same materials sometimes, going through opening boxes, and yet another officer might come along and be the one that might seize something from that box; is that true.

A. Do you mean in addition to the actual search personnel that --

Q. No, no, the search personnel, the search personnel in the room, somebody might open a box and look through it, and another officer might come back and look at it a second time and say, "I want to seize something out of that box"; is that true.

A. I don't know if that's true or not. That didn't happen in my situation, but --

Q. So -- well, you're telling us you're the first one to look in that box.

A. The box was closed when I opened it up.

Q. All right. Well, that was going to be my next point. So the box was closed.

A. It was closed.

Q. So the photograph is a photograph of the box. Exhibit 278 is a photograph of the box after you opened it up.

A. That is correct.

Q. Was it sealed or was it just folded in.

A. It was folded like you would normally fold a cardboard box, kind of the flaps in between each other to keep it closed.

Q. All right. Now, as the investigator in this case, the lead investigator in this case, you are not aware of any witness who said that they specifically saw any one of these particular items, that being 283, 284 and 84; is that correct.

A. At this present time, no.

Q. Okay. So I just asked one of those bad questions. I said, “Is this correct.” Let me try not to do that.

Based on your investigation, did anybody, any witness, specifically say that they saw any of these items, other than you as the searching officer.

A. To the best of my knowledge, no.

Q. Thank you. Okay. Now, none of these items -- and by “items,” I’m referring 284, 283 and 84. None of these items are per se illegal to possess, are they.

I’ll just put them up quickly.

They’re not contraband.

A. No, those are not illegal to possess, correct.

Q. So when they say “teenaged,” these are magazines that show models or people who are over -- who are 18 or over. However young they may look, that’s -- they’re 18 or over, as far as you can tell, correct.

A. They’re supposed to be, yes.

Q. And those are commercially available. You can go to a store and buy them, correct.

A. As far as I know, yes.

Q. All right. Now, 283 -- I hate to just keep putting these up, but -- but 283 is a collector’s item of some sort, is it not.

A. I really don’t know.

Q. Did you find some nudist magazines when you were looking around that were from the 1930s.

A. Inside that box.

Q. Anywhere.

A. I believe some other people, some other searchers found that.

Q. And you had no witness -- there was no witness that said they were shown that book or saw that book, as far as you know, right.

A. Correct.

Q. All right. Now I’m going to put up 284.

You seized that because it appeared to be a book that came within some concept of adult material; is that right.

A. Correct.

Q. Do you know who Bruce Weber is.

A. I do not.

Q. Now, when you were going through Mr. Jackson’s home, did you see a number of items from notable people that were just lying around, or hanging on the wall, or sitting on a -- I’ll give you some examples if you want. Did you see, for instance, a letter from Steven Spielberg that was just sitting on a table.

A. I did not see that, no.

Q. All right. Did you see a letter from President Bush.

A. I believe I saw that, yes.

Q. Did you see some correspondence from Ronald Reagan.

A. Yes.

Q. Did you see other correspondence from other notable celebrities and politicians and other people.

A. I don’t recall exactly who they were, but he had a lot of various things framed from those particular people, yes.

Q. And some things that weren’t framed, right.

A. The items that I found, that I saw.

Q. That you saw.

A. They were framed.

Q. Okay. Did you notice that -- first of all, how many books do you think there were in Mr. Jackson’s residence, taking the -- taking the places that you searched on the ranch.

I’m not talking about, obviously, anyplace you didn’t search, storage places or elsewhere, but on the ranch.

MR. SNEDDON: Your Honor, I’m going to

object. Go ahead.

MR. SANGER: Let me withdraw it.

MR. SNEDDON: It's unintelligible, that's what I'm saying.

MR. SANGER: All right. I'll withdraw it.

Q. Taking into account the areas that you went through -- let's back up. What areas did you go through.

A. That I particularly searched.

Q. No, that you went through. You walked through all the areas that were eventually going to be searched; is that correct.

A. Correct.

Q. All right. And so you went through the main house.

A. Correct.

Q. Went through Mr. Jackson's office.

A. Correct.

Q. You went upstairs from his office into the video library.

A. Correct.

Q. And some other little rooms associated with that, correct.

A. Correct.

Q. You went into the arcade building, correct.

A. Correct.

Q. All right. Any other locations that you went through.

A. The security.

Q. The security office at the end of the office -- or the building that had Mr. Jackson's office in it, correct.

A. The one clear at the end, yes.

Q. Okay. So, as you went through these various locations, there were over 10,000 books, were there not.

A. That's going to be kind of difficult for me to say over 10,000. I would say that there were definitely several hundred, but 10,000, I really couldn't say that for sure. There were quite a few, yes.

Q. Okay. You remember the library.

A. Correct.

Q. And the library had, for the most part, leather-bound books and sets and that sort of thing, correct.

A. Yes, it did.

Q. There were hundreds of books just in that library, were there not.

A. That's correct.

Q. And then the hallway leading to Mr. Jackson's quarters, where he had the first floor and the bedroom upstairs, that hallway had books, bookcases lining one side of the hallway, correct.

A. That is correct.

Q. And there were hundreds of books there, were there not.

A. There were quite a few, yes.

Q. And then when you went into Mr. Jackson's private quarters and you went down the steps into that -- the big living room area, whatever it is, with the big screen T.V., there were quite a number of books stacked up on the floor there, were there not.

A. There were.

Q. And then there was -- there was another bookcase full of books; is that correct.

A. I believe that, yes, you're right.

Q. Okay. And then there were books lying around stacked up in various places, in the bathroom and his -- his bedroom upstairs, quite a number of books stacked up.

A. Correct.

Q. And then upstairs in the house, in between the craft room and Prince Michael's bedroom, Mr. Jackson's son's bedroom, there's a little cove with children's books; is that right.

A. There were books there, yes. I'm not sure if they were children's books, but you're correct.

Q. Quite a number of books there.

A. Right.

Q. Okay. And then in Mr. Jackson’s office, there were books stacked up, for the most part, in various parts of his office; is that correct.

A. Yeah. Mainly around his desk area, yes.

Q. And there was actually a separate room as you would go into the office, into the front office. You turn left, there’s a little hallway, left again, there was a little room that had shelves with hundreds of books; is that correct.

A. Is that where the bathroom is. Is that what you’re referring to.

Q. Just before the bathroom, yes. Talking about his office.

A. Right.

Q. Turn left, a closet, a big closet area with shelves in it with hundreds of books.

A. Correct. Correct.

Q. Okay. And then in the arcade, there was a -- a room with a low door on the second floor, correct.

A. Correct.

Q. And in there, there were thousands of books in bookshelves like a bookstore, right.

A. Yeah. It looked like a library, yes.

Q. And there were boxes of books still in boxes, correct.

A. Correct.

Q. All right. Now, you saw all of this on November the 18th, 2003, correct.

A. Correct.

Q. So you don’t know what exactly was there in February or March; is that correct.

A. That’s a true statement.

Q. All right. Now, having talked about all those books, among the books as you went through, did you notice from time to time there might be more than one copy of the same book.

A. Me, no, did not notice that.

Q. Did you notice that it appeared that a

publisher or an author had sent books to Mr. Jackson.
A. I am unaware of that.
Q. All right. Now, this particular book, Mr. Weber, who’s up there, Bruce Weber, The Chop Suey Club, were you aware that Mr. Weber sent this to Mr. Jackson unsolicited.
A. No, I’m not.
Q. Were you aware that Mr. Weber was a photographer who had photographed The Jackson 5.
A. No.
Q. Photographed other people, Nelson Mandela and a lot of other people.
A. No.
Q. Inside that very book, there’s an actual

photograph of Elizabeth Taylor; is that correct.
A. It’s been a while since I’ve looked at that book, so I couldn’t say for sure.
Q. Okay. And if I didn’t specifically ask you on that, this, there was no witness that said they were shown this book or saw this book, is that correct, other than you and the officer that booked it into evidence.
A. To the best of my knowledge, yes.
Q. All right. So you -- let me have just one second.
You originally got involved in this case by virtue of an assignment by Lieutenant Klapakis; is that correct.
A. Actually, it came higher up than the lieutenant, but he was involved in it, yes.
Q. Did it come directly from Mr. Sneddon.
A. No. He wasn’t involved in that.
Q. You’re aware Mr. Sneddon had talked directly with Lieutenant Klapakis about being assigned to this case; is that correct.
MR. SNEDDON: Your Honor, I object. That misstates the evidence.
MR. SANGER: Well, let me withdraw it.
THE COURT: I’ll sustain the objection.
Q. BY MR. SANGER: Somebody -- you’re saying

you were assigned -- anyway, whoever assigned you, somebody assigned you; Lieutenant Klapakis or

somebody higher up.

A. Correct.

Q. Right.

A. Right.

Q. And what day were you first assigned to the case.

A. To the best of my knowledge, I think it was right around June, between June 15th and June 20th, I'm not exact on the date, 2003.

Q. All right. So at the time you were assigned on June 20th, Detective Zelis had already been assigned to this case; is that correct.

A. That's what I was told, yes.

Q. And so Detective Zelis was already starting to work on the case.

A. To the best of my knowledge, yes.

Q. And then you came in and basically took over the lead investigator responsibilities; is that right.

A. I was initially told that I was coming on to supervise it and to actually conduct the interviews and be a part of that process, yes.

Q. All right. Now, what I'm going to do is, I'm going to give you a timeline. And I'm going to show counsel.

Who's doing this. Oh, Tom. I'm sorry.

With the Court's permission, I'd like to have this piece of paper -- it has a timeline on it.

No content. I'd like to ask that this be marked for identification next in order. And I'd like to approach the witness, if I may.

THE COURT: All right. What number is that.

THE CLERK: That's 5035.

THE COURT: 5035.

Q. Okay. Sergeant, let me go back so they can hear me.

I’ve given you 5035 for identification, which is a timeline.

And if the Court would permit, what I propose to do is just put a blank timeline, same thing, up there --

THE COURT: You may.

MR. SANGER: -- on the screen. So I think we need Input....

Q. Okay. Now, before you start writing on that, which is what I’m going to ask you to do -- close enough -- I’ve given you the same document that’s on the screen; is that correct.

A. Yes.

Q. Okay. And what I’m going to ask you to do is write on yours, and if you still have that pointer up there, I’ll ask you at future moments here to refer to the one on the screen so we can see what we’re doing.

But first of all, why don’t you write your name up there where it says “Witness,” so we can

remember who did this.

All right. And what I’d like you to do is -- you understand the timeline. It should be pretty --

A. Yes, it’s 2003 and 2004.

Q. Starting with January, February, March, April, May.

A. Correct.

Q. So, just as a point of reference, you understood, from your investigation, the general time frame in which the allegations were made. In other words, the allegations were made about a general time frame; is that correct.

A. Correct.

Q. All right. Somewhere between February 7th to March the 13th; is that correct.

A. That is correct.

Q. Okay. So could you just make a bracket or a mark on your copy there for that time period that pertains to the allegations that were made against Mr. Jackson.

MR. SNEDDON: Your Honor, I'm going to interpose an objection that it's vague because there are several counts in this case involving several different allegations, and the time frames are different.

MR. SANGER: We have -- Your Honor, if I may --

MR. SNEDDON: Well, I object to the question, the form of the question.

MR. SANGER: I've asked for the general time period, and I will break it down later.

THE COURT: You're not asking him to make a mark now before you get to a specific charge.

MR. SNEDDON: Well, he did.

THE COURT: Well, I wasn't sure if he was making a general instruction or a specific question.

MR. SANGER: Yeah, I was asking him to put a bracket so that we have a frame of reference on this exhibit as to the general time frame. We will obviously go back --

THE COURT: I'll ask you to do it one at a time so that he knows exactly what you're asking him to put on the diagram.

MR. SANGER: Okay.

Q. Well, let's do it -- because we are going to go through this in more detail, but I want to get the big picture.

There was a time that you were told, and you found from your investigation, that the Arvizo children and Janet Arvizo and Mr. Jackson and others returned to the Neverland Valley Ranch after being in Florida; is that right.

A. That is correct.

Q. And what was that date.

A. I believe it was right around the 6th of

February.

Q. 7th perhaps.

A. 7th. Somewhere right in there.

Q. So why don’t you just mark that roughly. Put a little line, and you can put --

A. Do you want me to put “March 7th” there.

Q. Sure. Put a little line and you can write up above what it is.

MR. SNEDDON: Your Honor, I think --

Q. BY MR. SANGER: “Arrived.”

MR. SNEDDON: I think he misspoke.

MR. SANGER: Who misspoke.

MR. SNEDDON: I think he said March.

THE WITNESS: No, that’s right. I did.

MR. SANGER: I’m sorry, I meant to say February.

THE WITNESS: It’s February 7th.

MR. SANGER: Did we both say March.

THE WITNESS: I think I did.

MR. SANGER: Okay. Let’s get it right. It’s February 7th.

Q. All right. And then there was a time that you came to understand the Arvizos claimed that they left Neverland Valley Ranch for the last time.

A. Yes.

Q. Do you know what date that was.

A. That I believe was March 12th.

Q. March 12th.

A. Okay. And could you mark March 12th.

Q. And then why don’t you just -- I’m sure everybody’s on board, but just so -- in case, from the angle, it’s hard, just point roughly where you are on this timeline.

February 7th through 22.

A. Yeah, February 7th. And then over here would be March the 12th.

Q. All right. There you go.

I’m going to -- I will come back to a more detailed timeline with a different chart that has February and March called out later, but that gives you the parameters.

When do you understand Mr. Feldman and Mr. Katz made contact with the Santa Barbara District Attorney in this case.

MR. SNEDDON: Your Honor, I’m going to object. That assumes facts not in evidence. Plus, it’s compound because it has two names in it.

Q. BY MR. SANGER: Okay. Let’s put it this way: It’s your understanding that Mr. Feldman called Mr. Sneddon; is that correct.

A. I believe so, yes.

Q. Okay. Do you know when that occurred, based on your investigation.

A. I want to say it was possibly sometime in June.

Q. Okay. Do you have a report to refresh your recollection that would help you with that. I don’t know if you have the Bates stamps up there or not. Yes, page 25, if you do.

A. No, I don’t have that.

Q. Page two of Detective Zelis’s report.

A. That’s the one I -- yes, it was June 13th, 2003.

Q. All right. So, can you indicate on your chart -- why don’t you just point, so we do it consistently, where that would be, roughly.

A. Right there.

Q. June 13. In between June and July, okay. So why don’t you indicate that on your report -- I mean, on your exhibit. And your understanding was that that same day, June 13th, Detective Zelis actually called Dr. Katz and interviewed Dr. Katz; is that correct.

A. Yes.

Q. All right. So maybe you can make a note on that, “Dr. Katz interviewed.” You can abbreviate so it all fits. Okay. Now, you were involved in all of the interviews that were tape-recorded of the Arvizo family prior to the grand jury testimony; is that correct.

A. That is correct.

Q. What was the first date that you conducted an interview with the Arvizo family. Let’s take the

children for right now.
A. That would have been July 7th.
Q. July 7th, 2003.
And so three or four weeks after the Katz interview; is that correct.
A. That is correct.
Q. All right. Why don’t you put that on your chart there.
And what was the next time -- I’ll let you finish that, I’m sorry.
A. Okay.
Q. What was the next time that you interviewed the Arvizo children.
A. That would have been August 13th --
Q. All right.
A. -- 2003.
Q. Put that interview up there. Okay.
A. Okay.
Q. All right. Now, you were aware that Mr. Sneddon had a meeting with the -- with Mrs. Arvizo at some point; is that correct.
MR. SNEDDON: Your Honor, I’m going to object to that question. It’s vague as to what point in time, I believe, when he’s dealing with dates in here. It’s vague.
MR. SANGER: I’ll tell you what.
THE COURT: He asked him “at some point.”
MR. SANGER: Yes, then I’ll ask him when, if he knows.

Q. Did Mr. Sneddon have a meeting, a meeting alone with Mrs. Arvizo, sometime before the search warrant.
A. Yes.
Q. Do you know what the date of that was.
A. I do not.
Q. Okay. Sometime in early November.
A. It could have been. It was before the search warrant service. I do know that.
Q. All right. We’ll skip that. We’ll come

back to that later.

The next significant event I want you to focus on is the actual execution of the search warrant, which was November the 18th, 2003; is that correct.

A. That’s correct.

Q. And can you list that -- why don’t you point at the map there, just in case, just to show where we are on our trip down the road here.

So now we’re on November the 18th, halfway in between November-December. Okay.

Why don’t you make a notation there. That’s the search warrant.

A. Okay.

Q. The next documented interview with the Arvizo children was when.

A. Do you mean beyond the August 13th.

Q. Yes. You put August 13th up there.

A. Yeah, I already have August 13th.

Q. So what’s the next one. Was it November the 25th.

A. I don’t recall another -- are we talking about a -- an interview with them.

Q. Yes.

A. Oh. No, I -- I do have it here. That’s for the bucchal swabs. I have that. That was November 25th.

Q. Okay. November 25th.

A. Of 2003.

Q. And that was actually tape-recorded, is that correct, an interview.

A. I believe it was, yes.

Q. So can you put “November 25th, 2003.” All right.

A. Okay.

Q. And then when was the next documented interview with the Arvizo children.

A. That I don’t believe I conducted. There was various things that we would contact them in regards to, but as far as an interview, no. I can’t -- I can’t recall.

Q. Was there a tape-recorded interview on January the 19th, 2004.

A. I don’t recall. I don’t have that report. Who’s the author of that. Me. Or --

Q. Well, I have the transcript here, and I’ll have to find the report. But while I’m doing that, or before I do that, let me see if I can refresh your recollection a little bit.

Do you recall a meeting with the Arvizo children during which, or preceding which, they were played the rebuttal video.

A. I do remember that.

Q. And after the rebuttal video was played for them, then you interviewed the various children one by one; is that correct.

A. Yeah, but I was not involved in the interview process of that. I was there, in and out. That would be Detective Zelis that was the author of that report. And he participated with the attorneys.

Q. Okay. And when you say “the attorneys,” who was there.

A. I believe it was Mr. Zonen and Mr. Sneddon.

Q. All right. Mr. Zonen and Mr. Sneddon actually engaged in asking questions and making remarks during those interviews, correct.

A. I do recall, yes.

Q. Okay. All right. So, could you --

A. Mr. Sanger.

Q. Yes.

A. No, it was -- I stand corrected on that. It was Mr. Zonen that was in there conducting that.

Mr. Sneddon was with me outside the room. I mean, we watched the videos together, but then when it came to questioning the kids, we both stepped out, and it was Mr. Zonen and Detective Zelis that handled that.

Q. Okay. Let me see if I can refresh your recollection in that regard.

May I approach.

THE COURT: Yes.

Q. BY MR. SANGER: I’m showing you a transcript. And you’re welcome to look at the whole thing. The introduction and subsequent pages where there’s some references, does that refresh your recollection that --

A. Yes, it does.

Q. Okay. Was Mr. Sneddon there and did he actually participate in part of the interview.

A. Yes, he did.

Q. All right. Okay. So having said that, can you put on your chart -- let me take the book back.

Thank you.

Put on your chart a reference for this interview, which is January 19, 2004, or series of interviews.

A. Okay.

Q. All right. And then I’ll ask you to do one other thing. You remember the grand jury proceedings in this case; is that correct.

A. I do.

Q. Do you recall the approximate time of the grand jury proceedings.

A. March and April, I think, 2004.

Q. End of March, beginning of April.

A. Yeah, that sounds about right.

Q. Okay. Could you simply make a notation on your chart indicating “grand jury” and just that general time period there.

A. Okay.

Q. Having done all of that, does that fairly and accurately represent the testimony that you’ve given so far about these dates.

A. Yes, it does.

MR. SANGER: Your Honor, I’d move the admission and ask for permission to publish the exhibit.

THE COURT: It’s admitted. You may publish.

MR. SANGER: Thank you.

May I approach and retrieve it.

THE COURT: Yes.

MR. SNEDDON: Mr. Sanger. Thank you.

MR. SANGER: Yes.

Q. Okay. Can we go through, just really quickly with the pointer there, so you can tell us what you wrote.

A. Okay. On February the 7th, that’s when the family returned back from Miami.

March the 12th, that’s when the Arvizos left the ranch for good.

On June 13th, 2003, we received a call from Attorney Feldman. And then on June 13th, Dr. Katz was interviewed.

And July 7th was the first interview with the Arvizo children.

August 13th was a follow-up interview with the kids.

November 25th is when I met with Star and Gavin for the bucchal swabs.

And November 18th is when we served the search warrant at Neverland.

January 19th, 2004, that’s when the family was interviewed regarding the rebuttal tape.

And then end of March through April of 2004, the grand jury.

Q. Okay. Thank you.

Now, this means that you interviewed -- let me withdraw that.

Were there other times that the children were talked to by law enforcement officers during the period depicted on Exhibit 5035 that were not reduced to reports and were not tape-recorded.

A. There were various times that I would contact them to see how they were doing and things to that effect. But as far as interviews, no.

Q. And based on your training and experience,

you would want to record the important and relevant materials, either by way of a written report, or a written report with an actual tape-recording.

A. That is correct.

Q. All right. So, before the search on November 18th -- I wonder if I could borrow -- it really belongs to the prosecution, so I should ask the prosecution if I can borrow their pointer. If I may address directly, Your Honor.

MR. SNEDDON: I don't have it.

MR. SANGER: It's up there.

MR. SNEDDON: Oh, of course.

(Laughter.)

MR. SNEDDON: You're a taxpayer. It belongs to the county.

MR. SANGER: There you go.

MR. SNEDDON: I think you pay your taxes.

MR. SANGER: Now I have to figure out how to use it.

Ahh, that's how you use it. Thank you.

Q. Okay. Now, if we look at -- we have July the 7th is the first set of interviews, right, that are on tape.

A. That's correct.

Q. And then August 13th, right.

A. Correct.

Q. Up to that point, you have not really gathered much in the way of physical evidence in this case; is that correct.

A. That is correct.

Q. November 18th, you told us that you had conducted a search at Neverland Ranch, right.

A. That's correct.

Q. And that's where you had quite a number of officers and you were there all day, correct.

A. Right.

Q. And you've told us some of the things that your department retrieved as a result of this search, correct.

A. That's correct.

Q. There was certainly quite a number of other items that were retrieved, were seized, as a result of that search; is that right.

A. Correct.

Q. In addition to that, two other locations were searched on that same day, on November the 18th, correct.

A. That’s correct.

Q. One of the locations was Hamid Moslehi’s house; is that right.

A. That’s correct.

Q. And the other location was the office of Brad Miller.

A. Correct.

Q. Okay. Now, with regard to all of these searches, you were responsible for the briefing of the officers before they went out to do the searches; is that right.

A. I was one of the personnel that was involved in that, yes.

Q. All right. And, of course, as the lead investigator, you knew that all this was going on, right.

A. Correct.

Q. All right. And after the searches were completed, you were eventually briefed on what was retrieved from the various searches; is that right.

THE COURT: Can we turn on the light again or -- are you through with that.

MR. SANGER: We could for a couple minutes. In fact, what I’ll try to do is see if I can avoid coming back to it before the next break.

Q. Okay. So just give us an idea of how much, quantity-wise, was seized from the Neverland Ranch search.

A. Are you taking about the various items, Mr. Sanger. I mean, quantity --

Q. There were --

A. There was -- there was a lot. I mean, there was hundreds, yes, of items that we took.

Q. And of the hundreds of items that you took, you were not able to evaluate all of them in the field; is that correct.

A. Evaluate them to -- their description. Or just to see what -- if they fall within, what, the search warrant.

Q. No. We're not talking about that.

A. Okay. I just -- I didn't understand.

Q. You seized things. That's a legal issue. That's fine. We're here -- I'm not worried about that.

Let's put it this way: When you seize certain items at any search, quite often you have to go back to the office, you have to look at them, evaluate them, try to figure out how they fit into the puzzle. Sometimes, if it's a tape, you got to watch it. If it's a computer, you have to download it and look at it, right.

A. That is correct.

Q. Okay. So the fact that you searched things on November 18th doesn't mean that you necessarily are going to know the contents and significance of everything that you seized as of the end of the day; is that right.

A. That's a true statement, yes.

Q. And with regard to Mr. Moslehi, he was -- his residence was in the Los Angeles area; is that correct.

A. Yeah, San Fernando Valley, I believe.

Q. And the material had been taken from there and brought up to Santa Barbara; is that correct.

A. That's correct.

Q. And then people had to look through it and try to figure out what it was, what it meant.

A. Correct.

Q. And among other things, there were a number of tapes, either videotapes or CDs or some medium, but there was a number of recorded items that were taken from Mr. Moslehi's house; is that right.

A. Yes.

Q. And you understood that he was a

professional videographer; is that right.
A. Correct.
Q. Okay. And so consequently, he had a lot of videos, I suppose, right.
A. Right.
Q. And then Mr. Miller, Brad Miller, was a licensed private investigator; is that correct.
A. That is correct.
Q. Or I should say “is,” I suppose. But at the time he was as well, right.
A. Right.
Q. And in the -- as the lead investigator, you’re aware that what was seized from his office included some video and audio tapes; is that right.
A. That is correct.
Q. All right. So it took some time for the investigators in the case -- well, let me back up just a little bit and withdraw that.
When you do a search like this, you bring a

lot of people in to assist who are not going to be permanently on the team investigating the case; is that right.
A. That is correct.
Q. So you may detail people from another division or another unit whose duties have nothing to do with this case or even a case like this; is that right.
A. That’s correct.
Q. And once they do their job, once they’ve completed the detail, they have finished doing the search, they bring the stuff back and book it into your sheriff’s evidence locker, they go on and do something else, right.
A. Correct.
Q. And they may not be involved in the case again unless they’re called in to testify as to what they did, right.
A. Right.
Q. Okay. So you have the scribes and the seizers, and they bring the evidence back, and then it may be that somebody totally different is going

to be assigned to actually evaluate it and understand it and figure out how it fits into the case, right.

A. That is correct.

Q. All right.

So I was going to try to get to the break without asking the lights go off one more time, but let's do it, if we can, please.

Thank you, Your Honor.

So, up to this point, November 18th, you were not aware, as of that point, that there had been a tape-recording by Bradley Miller of this family; is that correct.

A. Only -- yeah, you are correct.

Q. And as of November 18th, you were not aware that there had actually been a film made of this family, which later became known as “the rebuttal film”; is that correct.

A. I believe that -- and I'm not -- because I haven't reviewed that statement, but I believe that Mrs. Arvizo was explaining to us in her interview that that had taken place.

Q. Well, we weren't talking about Mrs. Arvizo, because she hasn't testified yet.

MR. SNEDDON: Your Honor, I'm going to object to that. He's asking what the officer was aware of. This isn't a segregation.

MR. SANGER: No, this --

MR. SNEDDON: I apologize.

I object. Assumes facts not in evidence, And it's argumentative.

MR. SANGER: I apologize, because I said something, but I will withdraw the question. How's that.

THE COURT: I'm looking for a break, but -- rephrase your question.

MR. SANGER: Yes, Your Honor.

Q. That's true, I am asking for your awareness, but I was trying to avoid -- I don’t want to get into hearsay that’s not admissible because we haven’t had the people testify yet, okay.

So it’s your belief that Janet Arvizo said something about doing a film.

A. That is correct.

Q. Before November 18th.

A. That is correct.

Q. Okay. None of the children mentioned doing the film before November 18th, though, correct.

A. To the best of my knowledge, that is correct.

Q. And after the search, the searches on November 18th, you eventually -- well, you got November 18th and November 25th all in kind of the same place.

But after the searches on November 18th, you became aware that there were actual copies of videos; is that correct.

A. There were videos that we had seized. Is that what you’re --

Q. Yes. But as of the 25th, you hadn’t actually watched the -- what turned out to be called “the rebuttal video”; is that correct.

A. I -- I can’t say for sure if I did or not, Mr. Sanger, because like I said, I had other guys assigned going through that, because I was doing other things at that point. But I was pulled in to watch different things at various times, but I can’t say for sure when I actually saw the rebuttal film.

Q. All right. But the first time you ever saw the rebuttal film was sometime after November 18th; is that correct.

A. That would be a correct statement, yes.

Q. And then January the 19th, 2004, was the date that you assembled the Arvizo children to watch the video; is that right.

A. That is correct.

Q. And they all watched it together, correct.

A. Yes.

Q. And then you conducted additional interviews of each of the children; is that right.

A. Correct.

THE COURT: All right. We'll take our break.

MR. SANGER: Thank you.

(Recess taken.)

THE COURT: All right. You may proceed.

MR. SANGER: Thank you, Your Honor.

Q. All right. We've established this timeline now -- is that on. Yes. We've established the timeline, and let's

just start with Davellin. The first time that Davellin said anything to you about the rebuttal video was in the January 19th, 2004, interview, correct.

A. I believe that's correct, yes.

Q. Now, when you had these interviews, this was a pretty big event in the investigation, was it not, the interviews of January 19th.

A. A big event in what respect.

Q. Big event in the respect that you -- you, meaning you and Mr. Sneddon and Mr. Zonen and perhaps other law enforcement officers, had seen the rebuttal video, and you were calling the family in to ask them how they could do that video.

MR. SNEDDON: Your Honor, I object. Assumes facts not in evidence.

MR. SANGER: Well, it was compound probably. Let me break it down.

Q. You had seen the video by January 19th, correct.

A. That's correct.

Q. And to your knowledge, had Mr. Sneddon seen the video by January 19th.

A. I don't recall that.

Q. Before he commenced or before you all commenced the interviews with the kids on January 19th, Mr. Sneddon saw the video, correct.

A. I can't answer that. I'm not sure of that.

I know that I -- a portion of that video I did see, because one of my investigators showed it to me on the computer.

Q. All right.

A. I can’t answer for Mr. Sneddon. I believe that was the first time I saw it. I’m not positive, though.

Q. Okay. My question may not have been clear. What I was talking about is, at the very least, he showed the video before you started doing the interview with the kids, correct.

A. Yes, that’s correct.

Q. And when you showed the video to the kids, Mr. Sneddon watched it, correct.

A. Correct.

Q. Mr. Zonen watched it, correct.

A. Correct.

Q. You watched it.

A. Correct.

Q. And were there any other people there. Was Detective Zelis there.

A. Detective Zelis.

Q. He watched it.

A. That’s correct. And I think Lieutenant Klapakis watched it.

Q. All right. Now, the reason for the meeting, as it were, was to ask this family how they could do a rebuttal video like that if they maintained these

allegations; is that correct.

MR. SNEDDON: I’m going to object to that question as argumentative. It’s just -- that’s like testifying.

THE COURT: Overruled.

MR. SANGER: Do you have the question in mind.

THE WITNESS: Why don’t you repeat your question.

THE COURT: I’ll have the court reporter do it.

(Record read.)

THE WITNESS: That is incorrect. It was to clarify regarding my previous interview with them, to clarify issues that they were saying on the tape.

Q. BY MR. SANGER: All right. As of the previous interviews, none of the Arvizo children had been asked about the rebuttal video, correct.

A. That is correct.

Q. And none of them had been asked about the Miller interview; is that correct.

A. I believe that’s correct.

Q. In fact, due to whatever factors, you were not able to actually listen to the Miller video until sometime in February, I believe, of 2004; is that correct.

MR. SNEDDON: I think counsel misspoke about a video.

MR. SANGER: What did I say. I said “listen to a video.” I meant “listen to an audiotape,” you’re correct.

May I rephrase.

THE COURT: Rephrase, yes.

MR. SANGER: Towards the end of the day. I didn’t have pizza, but I’m -- maybe because I didn’t, I’m fading here. Okay. Let’s try that again.

Q. The Miller tape, which now we’ve found is an audiotape; is that correct.

A. That is correct.

Q. And that audiotape apparently was made about March the 16th, I believe, is that correct, of 2003.

A. That sounds about right.

Q. So that tape was not found at all by law enforcement before November 18, correct.

A. That’s correct.

Q. And in other words, when I say “found,” nobody gave you a copy. You didn’t have a copy of it, correct.

A. Correct.

Q. And nobody told you about it before November 18th, did they.

A. Yeah. Meaning nobody told me about the interview or about the tape.

Q. That there was a tape-recorded interview with Brad Miller.

A. I cannot say for sure because I haven't gone over my report, my interview with Mrs. Arvizo. But I believe she mentioned something in her interview regarding that.

Q. Your belief right now as you're sitting there --

A. I believe so. I'm not positive, but I believe it was mentioned during that interview.

Q. We'll come back to that. As far as the kids are concerned, the kids never mentioned anything about being tape-recorded.

A. I don't believe they did.

Q. And they were never asked anything about being tape-recorded, were they.

A. That is correct.

Q. Does that help refresh your recollection that you didn't know about it.

A. Right. We didn't know, right.

Q. Now, that tape, that audiotape of Brad Miller doing the interview with the Arvizo family, was seized on November 18th from Brad Miller's office, correct.

A. Correct.

Q. Due to reasons beyond your control, you were not able to actually listen to that tape until sometime in February of 2004; is that correct.

A. I'm not sure of the date, but it was right around that -- it was 2004, somewhere in there.

Q. And it was after the January 19th interview.

A. I believe it was.

Q. All right. So when you interviewed Davellin on January 19th, 2004, you asked her why she said "father," and why they were talking about "father" and "father figure" and all that; is that correct.

A. Okay. You're getting into the interview portion of it, and I -- to the best of my recollection, I don’t recall me being the one that interviewed her regarding that video. That would have been Detective Zelis.

Q. You were in and out of the room.

A. Yes, I was.

Q. Okay. When you were in the room, you don’t recall ever talking about Dieter telling her she had to say that sort of thing.

A. Like I said, I’d have to go on ahead and -- if you have the transcripts to that, to let me recall my memory, that would be great.

Q. I do have the transcripts.

A. I cannot remember what portions that I was in, and a majority of those I was not in.

MR. SANGER: May I approach, Your Honor.

THE COURT: Yes.

Q. BY MR. SANGER: The transcript of that particular interview is a few pages. I’ve given you the whole notebook.

A. This has the D.A. and then it has her. It doesn’t have us.

Q. If you -- I’m sorry. What I did - I was going to explain - I gave it to you open to the page that I had it open to.

A. Right.

Q. If you go back, you’ll see where it starts there. And you’re welcome to look at the whole thing.

Either you were there or you weren’t. If you weren’t there, that’s okay. You can just tell me, and we’ll --

A. I don’t recall being in -- sitting in on this particular interview, is what I’m saying. And even with the boys and so forth, because I was out doing other things. I watched the video that day. I did watch that.

Q. I’ll come get it in a second.

You’ve reviewed the transcript that I’ve showed you, of Davellin’s interview of January the 19th, 2004, and it doesn’t refresh your recollection as to anything that might have been said in your presence.

A. It doesn’t.

Q. Okay. All right.

May I approach.

THE COURT: Yes.

MR. SANGER: Thank you.

Q. As the lead investigator in this case, did you become aware after the January 19th interviews that essentially the three children had an explanation for how they could give that interview that was shown on the rebuttal and still maintain their allegations.

A. That is correct.

Q. And, in essence, they were claiming that Dieter told them to say much of what was said on that tape.

A. Correct.

Q. All right. Well, while we’re on Davellin -- and then we’ll go back to the others and see how far we get with them.

And, Your Honor, if you wanted to hit the lights --

THE COURT: Okay.

MR. SANGER: -- that would be fine.

Q. With regard to Davellin, you first interviewed her on July 7th, ‘03. We talked about that, right.

A. Correct.

Q. And that was the interview where she gave you a tremendous amount of detail about what happened to her brothers, allegedly, right.

A. “Detail” meaning -- regarding what.

Q. Well, we could go through it.

A. I have transcripts of her interview up here.

Q. All right. Davellin told you some things that she claimed to have observed herself, correct.

A. Correct.

Q. And none of those things involved allegations of child molest; is that correct.

A. Right.

Q. That she observed herself.

A. I believe you’re correct, yes.

Q. However, she gave you details as to what allegedly happened to Gavin and allegedly what Star claimed to have seen; is that right.

A. I recall her giving me details regarding drinking alcohol, things to that effect, but not regarding the actual act of molestation, no.

Q. She told you -- well, let’s do it this way.

Your Honor, the bailiff indicated I was supposed to alert if we were going to get into sexually explicit --

THE COURT: No, just the photographs.

MR. SANGER: Just photographs, okay.

Q. She told you -- and I’m talking about July 7th, 2003. She told you that --

MR. SNEDDON: Your Honor --

Go ahead. I’m sorry.

MR. SANGER: Let me start again.

Q. I’m talking about the July 7th, 2003, interview. She told you that Gavin and Star told her that Michael Jackson talked to them about masturbation. Is that correct.

A. Okay, that does -- yes.

Q. And she told you that the conversation involved the question of whether or not white stuff came out; is that correct.

A. Correct.

Q. She told you that Gavin and Star talked about other particular claims like the mannequin incident, right.

A. Correct.

Q. And there are a number of others; is that right. A number of other details.

A. Correct.

Q. All right. And she told you that the way she learned those details is that Gavin would tell her and Star would stand there and listen and agree with what Gavin was saying.

A. I don’t recall that.

Q. Okay. I’ll come back to that in one second.

She also told you that her mother had told her certain things about this; is that correct.

A. Just -- I don’t know what certain things you’re talking about, Mr. Sanger.

Q. Well, for instance, that the mother had told her the story about the urine bottle --

A. Okay. Yes.

Q. -- is that right.

Now, on the other one there, I’m going to refer you to page 24.

A. Okay. I’m there.

Q. Would it refresh your recollection as to what you were told at that time.

A. Do you mean the whole page, is what you’re asking, or --

Q. I’m sorry. If you start at about line 13, or line 11.

A. Yes, it does.

Q. And, in fact, Davellin told you that Gavin and Star told her the stories, correct.

A. Yes. That’s correct.

Q. And that she said, “Yeah, it’s like one tells me and the other one agrees to it.” Is that a quote as to what she said to you at that time.

A. I -- it’s in the transcripts. I don’t recall her saying that, but it’s there, so it must be correct.

Q. Well, I don’t want you to agree with something reluctantly.

A. I mean, I don’t recall her saying that.

Q. Would it help you to listen to the tape to refresh your recollection.

A. That probably would.

Q. All right. Would you be able to do that at the break this evening and come back tomorrow. I don’t want to do it here in court, if we can avoid it.

A. Sure.

Q. Okay. You have a copy of the tape you can listen to.

A. I think I can get a copy of that, sure.

Q. All right. Do you recall her saying -- let me withdraw that. Do you recall Detective Zelis asking her, “So they” -- “So are they together” -- I’m sorry. Let me try it again.

“So are they together when they tell you this.”

And Davellin saying, “Yeah, most of the time.”

Detective Zelis: “Most of the time. Okay.”

Do you recall that, or do you need to listen to the tape to refresh --

A. Well, the interview was quite a while ago, so, I mean, I need to listen to that as well.

Q. This was a transcript that was actually prepared by a certified court reporter --

A. Uh-huh.

Q. -- is that correct.

A. Correct.

Q. And it was prepared at the request of the sheriff’s department, or the D.A.; is that correct.

A. Correct.

Q. All right. So you don’t have any reason to believe that the transcript is inaccurate. You just want to be careful and --

A. Correct. That is correct.

Q. All right. Now, do you recall Davellin telling you on -- during this interview of July the 7th, that Gavin was a loving little boy, and that he started acting out after these events.

A. Yes, I do.

Q. Do you recall the next interview on August 13, 2003, where she said Gavin was becoming violent and argumentative as a result of these events.

A. That is correct.

Q. All right. Now, there was an interview --

let me just be sure I’ve got the right one here.

Excuse me.

Did you interview Davellin on November the 25th.

A. No. I believe, to the best of my recollection, it was only the boys.

Q. Only the boys. Okay.

At some point, did Davellin tell you in one of the interviews that she was always by herself at the ranch and she was not allowed to be with her mom.

A. I’d have to review that.

Q. All right. I’ll ask you if you could do that. And I’ll find you the page number for that --

A. Okay.

Q. -- before we leave today.

All right. Let’s take a look at -- at Gavin Arvizo’s. Now, Gavin Arvizo, on August 13, 2003 --

let me withdraw that, before we get to this.

This pertains to the story or the claims about masturbation. You were sitting here when Gavin Arvizo testified on the stand during this trial, correct.

A. Correct.

Q. And he said that Michael Jackson told him, “If men don’t masturbate, they get to a level where they can -- might rape a girl.” Do you remember that.

A. I do.

Q. Okay. That was the first time you ever heard Gavin Arvizo attribute that statement to Michael Jackson, was it not, sir.

A. I believe so.

Q. And, in fact, Gavin Arvizo told you on August 13, 2003, that it was his grandmother who told him, “If men don’t do it, men might get to a point where they might go ahead and rape a woman.” Is that correct.

Page 28, if you want to take a look at it.

A. I’d like to do that.

Q. August 13th.

A. Is that 28 you said.
Q. Yes. 28, line 4, starts, “My grandma explained it to me.”
A. Yes.
Q. And you remember him saying that because, in fact, you testified before the grand jury on April 14th that -- of 2004, that Gavin, in fact, told you that his grandmother said that; is that correct, sir.

A. That’s correct.
Q. And, in fact, in the August 13, 2003, interview, Gavin said, “My grandma explained it to me. She told me that -- that you’re -- the only reason -- because like if -- if men don’t do it, men might get to a point where they might go ahead and rape a woman. So instead of having to do that, so they don’t -- so they don’t get wanting to go do that.” Did he say that.
A. Yes.
Q. All right. Now, do you have a recollection of Gavin’s interview of January -- January 19th of 2004.
A. That’s going to fall under the same category as Davellin.
Q. Okay. As far as you know, though, from your investigation, that was the first time -- the January 19, 2004, interview was the first time that the kids were confronted with the rebuttal video and asked to explain why they said what they said.
A. That’s correct.
Q. Did you become aware that Gavin Arvizo in that January 19, 2004 interview said that 99.9 percent of the things on the rebuttal tape were not true.

A. I don’t recall that, but I’d have to review that as well.
Q. And were you in general - and I’ll get off it here - were you, in general, aware that he had

said that Dieter told them to say what they said.

MR. SNEDDON: Your Honor, I should have objected earlier. I object to the fact that this officer is not established as even in the room when those statements were made. Lack of foundation.

THE COURT: Well, I’ll sustain the objection. More importantly, the question, “in general,” calls for a conclusion on his part.

MR. SANGER: All right.

Q. Well, I’ll just ask you to review that tape as well, or the transcript again, to see if it refreshes your recollection if you were there. If you were, that’s fine. And if you weren’t, that’s okay, too.

Were there inconsistencies -- besides the one we just talked about, were there inconsistencies --

MR. SNEDDON: I’m going to object to that kind of talk from counsel. It’s a conclusion on his part.

MR. SANGER: “That kind of talk”.

I object to the objection as not being proper. Let me withdraw it, Your Honor.

THE COURT: There’s no question there, so go ahead and make a -- do a question.

Q. BY MR. SANGER: You talked about the inconsistency between the statement about masturbation on the stand versus prior statements.

And other than that, were there other inconsistencies in Gavin Arvizo’s statements that he gave over the period of time.

A. Can you direct me to what --

Q. Did you notice that there were any.

A. Both times regarding --

Q. Regarding anything. Other inconsistencies.

You can say “yes” or “no.”

A. I don’t believe so.

Q. All right. On July 7, 2003, Gavin said that he called Michael Jackson at the Universal Hilton, correct.

A. That’s correct.

Q. And in August, he said Michael Jackson called him to invite him over, is that right. Page 18 of the August 13 interview.

A. Yes, down here, that he “thinks he called me.” It’s not a definite, but he says, “I think he called me.” I see that.

Q. It goes on, does it not. He says -- on page 18, when he’s asked why did he meet with Michael at the Hilton, he says, “I just wanted -- because he wanted me to come.”

He says, “Did he call you or did you call him.”

He says, “I think he called me. And then we were talking, and he told me that he was at the Hilton, at the Universal Hilton, and we started talking about me visiting, so I just came to visit.”

A. I see that.

Q. Now --

MR. SNEDDON: Excuse me, Counsel. Will you read the rest of the statement.

MR. SANGER: I can read whatever you want. Let me see here.

MR. SNEDDON: Well, the last four lines of the statement I think --

MR. SANGER: Well, then there’s a question. Or do you want the next -- I don’t have to do this, but I will. All right.

There’s a question: “Did he say, ‘Hey, why don’t you come over and visit’. Is that what he asked.”

Answer: “I don’t remember how it happened. But I remember I came over.”

Okay. The point of this is that Gavin’s current statements in court and his statement on the 7th of July, 2003, were to the effect that he had found out that Michael was at the Hilton and he called him, and Michael Jackson picked up, and that’s how he got ahold of him; isn’t that right.

A. According to his statement, that’s a correct statement.

Q. All right. Now, let’s talk about something a little more substantive here. On January -- I’m sorry. On July 7th, 2003, Gavin said that he was masturbated by Michael Jackson five times or so, did he not.

A. Yes, he did.

Q. And then on 8-13-03, he said he was masturbated five times and he ejaculated all five times, right.

A. Correct.

Q. Now, we’ll hold on to that. And let’s go to another issue.

As far as the timing of the incidents was concerned, you already answered some questions on direct on this. On -- I keep doing that. On July 7th, 2003, Gavin Arvizo said that the masturbation incidents occurred on “one of the last days that I was staying at Neverland.” Correct.

A. I recall it as being towards his last days of staying at Neverland.

Q. Okay.

A. So it was towards -- towards before he left for good, yes. That’s the way I understand it.

Q. All right. If you look at page 30, the question is, “He said one of the last days, like towards the last days I was staying at Neverland”; is that a fair statement.

A. You’re talking about August, correct. The August interview.

Q. No, this is July.

A. Oh.

Q. The first interview.

July 7th, 2003. Page 30.

A. I have it.

Q. Lines 20 and 21.

A. I just read it.

Q. Mr. Sneddon just indicated somebody was confused. I don’t know who he was referring to here, so we’re okay. He said, “In fact, one of the last days, like towards the last days when I was staying at Neverland"; is that correct.

A. That is correct.

Q. Your investigation eventually disclosed that during the last days they stayed at Neverland, there wouldn't have been five occasions when molest could have occurred; is that correct.

A. Can you repeat that.

MR. SANGER: No.

THE COURT: Would you like that read back.

THE WITNESS: Yes.

(Record read.)

THE WITNESS: No. That's not correct.

Q. BY MR. SANGER: All right. Now, in August of -- in the August interview, Gavin told you, on pages 38 to 41 --

A. Okay. I'm there.

Q. He starts out talking about the DCFS interview, correct. And --

A. Just a second. What line are you.

Q. Well, I'm just -- hang on one second. I'm not asking for a quote here. I'm just trying to put it in context.

On page 38, they're talking about the DCFS interview. Put it in context. You're welcome to read the whole thing, too. Whatever you want so you feel comfortable with it.

A. Okay.

Q. And if you read that whole segment, it appears that he is saying that the molest occurred before, started before the DCFS interview.

A. That's not the way I understand that.

Q. Well, because he is saying, is he not, that the purpose of the interview is to -- let me withdraw it.

Let's put it this way: That's not your impression.

A. That's not my impression.

Q. Okay. All right. Let's come back to that.

Now, if you go to the 11-25-03 interview, look at page two and three, he says that the acts that Michael engaged in, Michael Jackson engaged in, occurred both before and after the DCFS interview,

right.

A. Well, he initially states that they occurred after the DCFS interview. And then he thought further, and he said some of the acts, that he believes they occurred before and after.

Q. Right. And the investigator asked, “It was both. Are you pretty sure.”

Answer: “Yeah.”

A. Okay.

Q. And then it goes on, “Because I think you said it happened about five times, and what you’re saying is that you’re thinking it happened before and after that.”

Answer: “Yeah.”

“Both times.

“Yeah.

“Okay. Okay. That’s all I need to know.”

Right.

A. Right.

Q. And that pretty much ended the interview. The investigator -- was that you asking those questions.

A. That was me. Yes.

Q. Okay. That was what you were trying to discern in this tape-recorded interview, correct.

A. Correct.

Q. Now, in January -- on January 19, ‘04 - again, you don’t remember the exact interview. And

you’re going to review that and see if you recall more of it later - but did you become aware, as the lead investigator in this case, that Gavin Arvizo then told you he wasn’t sure when these events occurred, and that you guys would probably know the dates.

A. I would have to read -- was that said during that interview.

Q. Yes.

A. Okay. I don’t recall that. I’d have to review that as well.

Q. Were you advised that was now an issue.

A. No.

Q. Okay. And you’re aware of his grand jury testimony; is that correct.

A. Portions of it, yes.

Q. And in the grand jury he went back to saying it was after the Calabasas trip from March 2 through March 12th; is that correct.

A. I believe that is correct.

Q. And you determined, did you not, that Michael Jackson was not at the ranch during that entire period of time, did you not.

A. Which period of time are you talking.

Q. From March 2 through March 12th.

A. Yes.

Wait. Wait. I’m sorry. That he was not there or that he was there.

Q. Was he there the entire time, every day. Did you determine whether he was or he wasn’t.

A. Not -- from March 2nd through the 12th.

Q. Yes.

A. There were some -- a couple of days, two or three days, that he was not there.

Q. All right. There were two, three days that you were able to establish he was somewhere else.

A. Showing that he was off the ranch.

Q. Right. Now, let’s take Star -- again, Star did not mention the rebuttal video or the interview by Bradley Miller before the search; is that correct.

A. I don’t believe he did. That is correct.

Q. Star was more detailed in his description of things than Gavin was; is that correct.

A. There were two different acts. I -- he saw things going on and Gavin was actually having it happen to him. So, I mean, I thought that they both described them very clearly.

Q. Okay. Well, there was -- there were

conflicts in what they described. For instance, Gavin described his brother as wearing boxers, whereas his brother described that he was wearing pajamas, right.

MR. SNEDDON: Your Honor, I’m going to object. It’s vague in terms of what incidents he’s talking about.

THE COURT: Sustained.

MR. SANGER: All right.

Q. Well, when you interviewed -- I’m sorry. When you interviewed Star, he had already been interviewed by Stan Katz; is that correct.

A. That is correct.

Q. And you said, in essence, what Stan Katz had said all of the kids had said to him; is that right.

A. Correct.

Q. When Star described -- on July 7th, Star described walking up the stairs and he described his brother having pajamas on; is that correct.

A. I believe you’re right.

Q. But then he said that he saw that Mr. Jackson had his hand in Gavin’s underwear; is that correct.

A. Correct.

Q. Okay. And you were aware that he had told Stan Katz that the incident occurred while Gavin was wearing boxers.

MR. SNEDDON: Your Honor, I’m going to object again with regard to the fact that there are two incidents described by this witness.

MR. SANGER: And I object to a speaking objection, because --

THE COURT: Sustained, both of you.

MR. SANGER: It’s a fair trade-off. Okay.

Q. In Mr. Katz’, or Dr. Katz’s interview, there was reference to a first incident and a second incident, correct.

A. I don’t have -- I don’t believe I have Dr.

Katz' interview with me here.

MR. SNEDDON: I'm going to object. I object.

MR. SANGER: We'll go back to it. We'll just stick with what you have.

Q. So on the first interview -- I mean, on the first incident, the first incident on July 7th, there's discussion of sleeping -- Gavin sleeping in pajamas, but then Michael Jackson reaching into Gavin's underwear, right.

A. Correct.

Q. On August 13, Star says Michael Jackson put his hand into Gavin's boxers; is that correct.

A. I believe that's correct.

Q. And on November 25th, 2003, Gavin said -- I mean, Star said that Gavin was wearing underwear, specifically because Michael Jackson told him to sleep in his underwear, right.

A. I'm looking over it. You're talking about the interview on the 25th, correct.

Q. On November the 25th.

A. With Star.

Q. Yes.

A. Okay.

Q. And he said -- he said that; is that right.

A. Correct.

Q. And then he said that Michael Jackson had his hand in Gavin's underwear, correct.

A. Correct.

Q. And he also said that this incident occurred five days or a week after February 20th; is that right.

A. Are we on the same interview.

Q. Yes.

A. That is correct.

Q. And that this was -- no incident of masturbation occurred before this.

A. Before the --

Q. Before this one that he just described as being five days to a week after February 20.

A. Right.

Q. Okay. Now, in the Stan Katz interview with Paul Zelis, what Paul Zelis told you about his interview with Stan Katz, there was no mention of a second incident of masturbation.

MR. SNEDDON: Your Honor, I'm going to object. It's double -- triple hearsay.

THE COURT: Sustained.

MR. SANGER: Okay.

Q. And on July 7th, Star told you that there was a second incident of masturbation; is that correct.

A. That is correct.

Q. Now, on the 13th, it wasn't clear from the interview as to what incident he was talking about, it wasn't clearly delineated between two incidents; is that right.

MR. SNEDDON: Your Honor, I'm going to object to that, too. That's a statement of counsel testifying.

MR. SANGER: I'm asking the witness who conducted the interview

THE WITNESS: If it was --

THE COURT: Just a moment. I'll overrule the objection. Do you want the question read back.

THE WITNESS: Yes, sir.

(Record read.)

THE WITNESS: To the best of my knowledge, during that interview, he was -- as I understood it, he was very clear on both incidences that he saw.

Q. BY MR. SANGER: Well, he said that Gavin was wearing boxers during an incident which may or may not be the first or the second incident or both.

A. Okay. So you're --

Q. I'm asking you. Did he say he was wearing boxers. Did he tell you box -- Gavin was wearing anything other than boxers when he described the incidents on August 13th.

A. I believe he said pajamas.

Q. Okay. The second incident he said pajamas.

A. I'm going to look at that.

Q. All right.

A. What page are you on. That's July 7th.

Q. No, this is August 13.

A. What page are you on.

Q. I'm trying to find it for you here.

Your recollection -- what we're looking for -- your recollection is that he talked about wearing pajamas on August 13th for the second incident.

A. Well, I need to look at it.

Q. Okay. I'm looking at page 17.

A. Okay.

Q. It says "boxers," right.

A. Yes, down at the bottom, it does. "His brother's boxers." Are you talking about line 23.

Q. Right. So once again, with Star, you'd have to review the January 19th tape and/or transcript to tell me whether or not you recall what he said specifically about the video.

A. That is correct.

Q. But you do know from your investigation that essentially he said Dieter made them memorize lines and say things like "father" and "humble" and so on; is that correct.

A. To the best of my recollection, yes.

Q. Okay. Just as a follow-up on something here. I had asked you about Mr. Sneddon going down

to Los Angeles and interviewing Janet Arvizo, I believe, okay. Your answer was you don't recall that happening or you don't recall when it happened.

A. No, I did recall him going down there. And I don't recall the date that that occurred. And it wasn't for an interview. It was for forms to be signed.

Q. All right. It was sometime before -- before the 18th.

Okay. Now, you've been -- I think you told us you've been a sheriff for a long time, 20-some

years, right.
A. Yes. Approximately 22.
Q. And you were not personally -- or were you personally involved in investigating Mr. Jackson anytime prior to the time that you -- you commenced your investigation in -- whenever you told us, June 20 or so.
A. No, that was the first time.
Q. All right. So June 20, you had information that had been obtained from Dr. Katz, and July 7th, you proceed to interview the kids, right.
A. That is correct.
Q. And on that date, you indicated that, “We’re going to try our best to make this case work”; is that correct.
A. Let me refer to that.
Q. You can look at -- it’s in Davellin’s 2238 interview, page 33.
A. Okay. I’m on page 33.
There was quite a bit more where that -- in addition to what I said in regards to that.
Q. Well, we can read the whole thing.
A. Okay. I already read the whole thing.
Q. All right. So you said to Davellin at the -- towards the end of her interview, “Okay. Okay. One thing I wanted to say and emphasize to you is that you guys are doing the right thing here. You know what, I know it’s scary, and I realize -- really realize that you guys are going through a lot and you’ve been through a lot as a family. They’re the ones that have done wrong, not you. And trust me in this, and trust Detective Zelis, we’re law enforcement. We’re going to try our best to make this case work. I can’t guarantee it, where it’s going to go from here, but that’s why we’re interviewing everybody involved. I don’t care how much money they have” - do you want me to keep going. - “who he is, what -- but he’s done wrong. You guys are the victims. Your family is. He is wrong in what he’s done. We’re going to try our best. Can’t guarantee it. We’re going to try our

best to bring him to justice.” Did you say that.

A. I definitely said that.

Q. Okay. So that’s not the statement of somebody who has an open mind who’s looking to see whether or not these people are telling the truth, is it.

A. That statement, Mr. Sanger, is what -- through my courses that I’ve had -- and you have victims that are terrified in coming forward to law enforcement. That is to reassure them that they are not the suspects or they are the victims in the case.

And I was reassuring them through that and letting them know that they are doing the right thing, because they were terrified when they came forward. And it took us about two weeks to get them to come forward and up here to be interviewed.

Q. Okay. Now, when you say that the technique that you’re taught is to reassure people that if they’re telling the truth and coming forward and being honest that they have nothing to fear, right. It’s not to tell them that they’re right and somebody else is wrong and you’re going to get them. That’s your -- that’s your version of the speech, isn’t it.

A. That -- my version of the speech is what I just explained.

Q. It is.

A. And they were concerned about coming forward to law enforcement, and they were concerned about whether they were going to make the case or not. And I told them we would try our best.

Q. And from the beginning, you have made a concerted effort to make this case work, have you not.

A. Yep. I did.

Q. All right.

Now, we have three minutes. But Detective Robel does need to look at the materials. And I don’t -- I could ask three minutes of silly questions, but I’ll spare you that, Your Honor. I don’t have another question for him until he does that.

THE COURT: You’re threatening me with silly questions.

MR. SANGER: Yes.

THE COURT: All right. I don’t think you’re bluffing, so we’ll call it.

(Laughter.)

(The proceedings adjourned at 2:30 p.m.)

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REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 2087 through 2241 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 15, 2005, and thereafter reduced to typewriting by computer-aided

transcription under my direction.

DATED: Santa Maria, California, March 15, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
OFFICIAL COURT REPORTER

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, MARCH 16, 2005

8:30 A.M.

(PAGES 2243 THROUGH 2301)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
ROBEL, Steve	2247-SA	2261-SN	2272-SA (cont’d)	
ZELIS, Paul	2286-SN			

E X H I B I T S

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
77	Photo of main house - interior view	2297	
83	Photo of main house - closeup of magazine	2293	2293
85	Photo of main house - closeup of black briefcase	2290	2290
285	Photograph of items in drawer of nightstand	2294	2294
470	Black suitcase	2288	2290
561	Brown bag containing books	2299	
DEFENDANT'S NO.			
5036	Timeline from February 1 to March 13	2252	

Santa Maria, California
Wednesday, March 16, 2005

8:30 a.m.

THE COURT: Good morning.

COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.

THE JURY: (In unison) Good morning.

THE COURT: You may proceed.

MR. SANGER: May I proceed, Your Honor.

THE COURT: Yes.

MR. SANGER: Okay. Thank you. I couldn’t hear you. I assume your microphone’s on.

THE COURT: I just turned it on. Can you hear me okay.

MR. SANGER: Yes. Thank you.

STEVE ROBEL

Having been previously sworn, resumed the stand and testified further as follows:

CROSS-EXAMINATION (Continued)

BY MR. SANGER:

Q. Sergeant Robel, you were going to listen to tapes and compare them to the transcript or do something last night. Did you have a chance to do that.

A. I went ahead and I looked over the 2247 transcripts of Detective Zelis’s interview --

Q. Yes.

A. -- okay. -- regarding the -- January 19th.

Q. Correct.

A. And I was not present during that, so my thing is I think Detective Zelis would be able to shed more light on that than me.

Q. And he’s going to be here soon, I assume.

A. Correct.

Q. The transcript does show, however, that you were there. And your position is you were there and then left.

A. My position is I was there during the viewing of the video. And when the interviews took place with the individual children, I remained outside the room while Mr. Zonen and Detective Zelis conducted the interviews with the kids.

Q. And Mr. Sneddon as well; is that correct.

A. He was -- he was in and out as well. He was in and out, yes.

Q. All right. We'll talk to Detective Zelis about that.

Let me ask you if you had a chance to look at the other things that you were going to look at. You were going to look at -- or listen to Davellin's tape. Do you recall that.

A. Okay. I went over her transcripts more in detail.

Q. Okay.

A. So if you can refresh my memory regarding exactly what happened.

Q. That's fine. I'd ask that you look at page 28 of Davellin's transcript, and --

A. Okay. You're talking on the initial one, right, Mr. Sanger. The July interview.

Q. Let me just see here, because the note says page 28. To tell you the truth, now I don't know which one it was. Let me just look here. I think it was the second one.

A. Second interview.

Q. Hold on. Don't go anywhere yet.

No, I think it was the first one.

A. I'm on page 28 on the initial interview.

Q. Okay. I'm looking at yesterday's transcript, and there must have been -- okay. I'm sorry, I misread it. It's page 24. That's why I couldn't find it.

It was line 28 of the -- of yesterday's transcript, but it's page 24 of the one I'm asking you to look at right now. That's Davellin's -- yes. There it is.

A. Page 24 on the initial interview.

Q. That's correct.

A. That's where I am.

Q. All right. And do you remember -- yesterday I asked you if Davellin told you that Gavin and Star told her the stories, and you said that was true. And then I asked if she had told you, “Yeah, it’s like one tells me and the other one agrees to it.” And I believe you said you had to refresh your recollection either by listening to the tape or reviewing the transcript in order to determine if that’s what she, in fact, said.

A. Yes, I’m looking at that right now, and that is, in fact, what she said.

Q. Okay. And Detective Zelis, in your presence, on that occasion - this being the 7/7/03 transcript - on that occasion, Detective Zelis said, “So are they together when they tell you this.” And Davellin says, “Yeah, most of the time.” And Detective Zelis says, “Most of the time. Okay.” Is that what actually transpired in that interview.

A. Yes, it is.

Q. Now, I also asked you if Davellin had -- at some point in the interview had told you that she was always by herself at the ranch, and she was not allowed to be with her mother. And you said you were going to check the transcript to see if that’s what she said.

And I know you’re going to ask me for a page on that, and best laid plans --

A. Well, I went over both of my interviews with her, the initial and also the follow-up. And if you can direct me to a page where it states that, I would appreciate it, because I could not find it, where she said that she wasn’t allowed to see her mother. I found something that --

Q. All right.

A. -- was close to that.

Q. What page did you find there. You can help me on that. How about that.

A. I’m trying to find it myself again. It may have been on the follow-up. I thought I had it marked, but I don’t. But I did not find it in either one, where she stated that she wasn’t able to see her mom.

Q. Okay. But she said something like that, that she was -- she was not with her mom most of the time.

A. No, what she said was, is that it was very seldom that she saw her brothers.

Q. Okay.

A. That she did not see them while at the ranch. Very seldom did she see them, because they were with Michael and they were with each other.

Q. All right. Hold on one second. Let me come back to that, and I’ll see if I can find a better quote for you on that, or a page on that. I want to do one other thing here with you, if I can.

Is this your witness.

MR. SNEDDON: My witness.

MR. SANGER: Okay. I’m sorry.

Your Honor, may I approach the witness.

THE COURT: Yes.

MR. SANGER: And I’d like to have this document marked next in order. And even if we had some blanks there, if it’s all right with the clerk, perhaps we could make this 5036, so it will go with Sergeant Robel’s other exhibit.

Is that right.

THE COURT: Yes. I’m waiting for the clerk to tell me, because I never know what exhibits you’ve marked that I don’t know about. I only know the ones that you’ve marked.

THE CLERK: That’s fine.

THE COURT: That’s a good number.

MR. SANGER: Okay. Thank you.

THE COURT: 5036.

MR. SANGER: With the Court’s permission, Mr. Sneddon has no objection to my putting a blank version of this --

THE COURT: All right.

MR. SANGER: -- this chronology up on the --

and what's on the overhead is what is also marked as 5036, but the actual exhibit I'm going to hand to the witness, if I may.

THE COURT: How do you want the record to reflect what that exhibit is. What do you want to call it.

MR. SANGER: It's a timeline from February 1 to March 13.

THE COURT: Thank you.

MR. SANGER: Thank you.

MR. SNEDDON: Bob, do you happen to have a copy for us. Thank you.

Q. BY MR. SANGER: Okay. Sergeant Robel, you've had a chance to look at that for a moment.

A. Yes, I have.

Q. What you have in your hand -- because you haven't written on it yet. I've got it on the board. There are three dates that are typed in on this timeline. One is --

Can I borrow the pointer, if you have it.

MR. OXMAN: Bob. Right there.

MR. SANGER: Oh, we have our own. Okay. Thanks, whoever brought that.

Q. Okay. One -- and I don't want to shine this in the court reporter's eyes. So we're okay, right. I'm going from the top. I don't want to do something wrong here.

One is the 16th. And we have 2-16, "Brad Miller Interview," showing February 2003, the 16th of February, 2003. Is that your understanding of when that taped interview occurred.

A. I believe it was.

Q. Okay. And then we have 2-19 to 2-20, which is in the late evening hours of 2-19 onto the early morning hours of 2-20 when the rebuttal tape was being filmed; is that your understanding.

A. Correct.

Q. Okay. And then we have 2-20, later in the day, which would be February 20, 2003, we have the DCFS interview. Is that your understanding of when that occurred.

A. Yes, it is.

Q. Okay. Now, what I'd like you to do, if you would, sir, is put your name once again where it says "witness." And I note last time you say "Sergeant S. Robel," and it looks like it says "515."

A. Well, I just put my body number down there.

Q. That's your badge number, or body number, or something.

A. Body number.

Q. Everybody in the sheriff's department has a different number so you can figure it out.

A. That's correct.

Q. Okay. All right. Now, what I'd like -- what I'd like to do, based on your investigation as the lead investigator in this case, is I would like you to -- in general, and then I'm going to ask you specifically. But in general, I'd like you to try to put in some of the important dates that you have learned from your investigation in this case, so

that the jury will have an idea of what was going on during this February and March period of time. Okay.

A. Okay.

Q. All right. And then it will not show up here, but it's going to show up there, and we'll put that up after you finish.

First of all, do you know when the "Living with Michael Jackson" aired in the United Kingdom.

A. I believe that was on the 4th. 4th or 5th, one of those two. I'm not positive.

Q. Could it have been the 3rd.

A. It could have been.

Q. I'll tell you what. For now, then, why don't -- on your copy, why don't -- without directing it to a particular number, since you're not sure, why don't you just, above the general area of the 3rd, 4th and 5th, put "Living with Michael

Jackson."

A. Okay.

Q. And do you know when the Arvizos flew to Miami on Chris Tucker's private chartered jet.

A. I believe it was the 6th.

Q. Could it have been the 5th. Is there something you can refer to to refresh your recollection.

A. Well, I would like to.

Q. If you have it, could you do that.

A. I don't have it up here, the timeline.

Q. Do you have a second to confer with the prosecutors. Can you get something that would help you.

A. Like I said, I don't have it up here.

Q. That's what I'm saying. Do you need a second. Perhaps you could confer with Mr. Sneddon and see if there's something that might help you.

MR. SNEDDON: What, do you want me to testify.

THE COURT: Well, Counsel, the way you have to do that, either you're prepared to give him the documents that you want him to testify from or you're not. You don't ask the other side to start producing materials for you.

MR. SANGER: Well, I didn't mean to -- the witness was indicating he thought he had something.

THE COURT: Well, if he doesn't have it, you have to move along to the next question.

MR. SANGER: That's fine.

Q. So in other words, whatever you have, you don't believe you have it in the courtroom; is that what you're saying.

A. That is correct. If you have something that would refresh my memory, that would be great.

Q. We'll go over this with other witnesses, then.

Do you know the date of the return, the date when Michael Jackson and the Arvizos came back to Santa Barbara and went out to Neverland Ranch.

A. I want to say I believe it was the 7th.

Q. Okay. February 7th.

A. February 7th, yes.

Q. So why don't you make a note of that.

And just to be clear, as the lead investigator, it's your responsibility to review all of the evidence, including other reports and other things that people have done in this case; is that correct.

A. That is correct. But there's so much involved in this, that some of these things, it's been a while since I have reviewed them.

Q. All right. Do you know -- so the Arvizos and Mr. Jackson come to the ranch on February 7th. Was it in the evening; do you recall.

MR. SNEDDON: Your Honor, I'm going to object to the lack of personal knowledge on the part of the officer as to the date. He wasn't there.

THE COURT: Sustained.

Q. BY MR. SANGER: Do you feel you can give us a timeline of essentially -- earlier you testified about some dates in March when you believe the Arvizos were at the ranch.

A. Correct.

MR. SNEDDON: Actually, Your Honor, can I impose an objection. This is really beyond the

scope of direct examination. I didn't put this witness on for a timeline, and I didn't think I got into any of this. And he wasn't prepared to testify to it, so I object it's beyond the direct.

MR. SANGER: I believe on direct he did talk about certain dates and --

MR. SNEDDON: Connected to the search warrant.

MR. SANGER: If he's not the witness who's able to do this, we will certainly be able to do it. I do think he talked about the March dates earlier.

THE COURT: He did discuss the time when the family had returned from Miami and were at the

ranch.

The problem I’m having is, after listening to all that testimony yesterday, I’m not sure which one of you asked that question.

MR. SANGER: I’ll tell you what we’ll do, because -- may I ask a question. And I’ll withdraw whatever is pending so I can ask a different question.

THE COURT: Yes.

MR. SANGER: All right.

Q. Sergeant Robel, as a lead investigator in this case, who do you feel from your department would be best able to present a chronology based on a review of the documents.

A. Well, the people that were assigned to the 2258 case, we all were familiar with the timeline. But there were so many different dates in there, that I’m familiar with it as well as anybody else. But I would like something up here to refresh my memory to make sure I’m correct on the exact chronological events that took place.

Q. And you have those materials, but you don’t have them in the courtroom.

A. I don’t have them with me in my binder.

Q. But you do have those materials somewhere.

A. Yes, we do.

MR. SANGER: So what I’ll do at this point, Your Honor, is I’m not going to ask any further questions on this. I would like to have Sergeant Robel review this, since he is the lead investigator, so he can give us a timeline. And in the meantime, if we can work it out with another witness, we’ll do that.

THE COURT: That’s fine.

MR. SANGER: All right.

THE COURT: Mr. Sneddon, you look like you might want to say something.

MR. SNEDDON: Am I allowed.

THE COURT: Well, I have to decide after you start talking.

MR. SNEDDON: Judge, I just want to make it clear that I'm not trying to stop Mr. Sanger's cross, but this was not the purpose for this person

at this particular point in time. And we had intended to do much the same thing at another point in time, and --

THE COURT: All right.

MR. SNEDDON: And I don't want to --

THE COURT: I did agree with you, that a lot of what was being asked was beyond the scope of the direct examination. But you didn't object, and I thought that was fine.

MR. SNEDDON: I didn't realize we were going to plow this field again today. So I figured it's time to stop.

THE COURT: All right. So are you going to ask -- go ahead, Counsel.

MR. SANGER: I'm sorry. All I was going to do is ask that -- I'm going to officially ask, or on the record ask that Sergeant Robel review his materials. And rather than hold us up at this moment, ask that he review his materials and then ask for permission to call him back sometime perhaps later today or tomorrow.

I understand there will be other police officers, so we can cover this. If in the meantime Detective Zelis or somebody else can do it, that's fine, too.

MR. SNEDDON: Judge, with regard to that request, could counsel and I approach the bench for just a second. It's a personal thing --

THE COURT: No.

MR. SNEDDON: -- that you should be aware of.

THE COURT: No.

MR. SANGER: Your Honor --

THE COURT: If you're through with this witness - you've asked him to prepare - I'll have him step down. If you're not through, I want you to ask any questions that you have.

MR. SANGER: I am through with this witness except for the preparation. And I understand what Mr. Sneddon said and will accommodate the witness.

THE COURT: All right.

MR. SANGER: There is an issue, and I understand, and we'll accommodate him.

THE COURT: You can talk to each other about that.

MR. SANGER: Fine.

THE COURT: Do you want to have some redirect.

MR. SNEDDON: With the Court's permission, yes.

THE COURT: All right. Go ahead.

REDIRECT EXAMINATION

BY MR. SNEDDON:

Q. Detective Robel, first a couple of easy questions for you. Prior to the time that you were

assigned to this particular case -- excuse me just one second.

Prior to the time that you were assigned to this particular case, had you and I ever met.

A. Prior to the case, no.

Q. Now, I asked you to look at Detective Zelis's report last night, and specifically asked you to review the report with a view as to whether or not that report contained information about the Arvizo children saying that they had seen the rebuttal tape before your actual first interview with them. Not "seen the rebuttal tape," but participated in some interviews that we have now called "the rebuttal tape." Did you do that.

A. Yes, I did.

Q. Did that refresh your recollection.

A. Yes, it did.

Q. And did you, in fact, have that information prior to the initial interview with the children.

A. Yes, I did.

Q. Now, on November the 18th of 2003, you've told the ladies and gentlemen of the jury that you went and participated in the execution of a search warrant that was authorized by a Judge of the Superior Court, correct.

A. That is correct.

Q. On that particular date, was there also an arrest warrant issued by that Judge for the

defendant, Michael Jackson.

A. Yes, there was.

MR. SANGER: I’m going to object and move to strike. Object and move to strike on the grounds of relevance and also beyond the scope of cross.

THE COURT: Overruled. The answer was “Yes, there was.” Next question.

Q. BY MR. SNEDDON: Now, Mr. Sanger asked you a lot of questions about what you did from after you interviewed the Arvizo family on a couple of occasions until the point that you executed the search warrant on November 18th. Do you recall those questions.

A. Yes, I do.

Q. Now, was there a decision made with regard to how those search warrants were going to be executed.

A. Yes, there was.

Q. Was there a strategy involved in that.

A. Yes, there was.

Q. And what was that.

A. After interviewing --

MR. SANGER: I’m going to object. This calls for hearsay, and it does not appear to be relevant, and it’s beyond the scope of cross.

THE COURT: Doesn’t it -- isn’t that exactly what you were going into yesterday.

MR. SNEDDON: Absolutely.

THE COURT: Overruled.

Q. BY MR. SNEDDON: Go ahead and tell the ladies and gentlemen of the jury.

A. After conducting the interviews with the Arvizo family, myself, along with the other investigators, including the D.A.'s Office, met and we conferred and we decided at that point, like we do on several investigations, sometimes, you know, we'll go in and advance further and interview people to gather more information prior to serving a search warrant.

In this case we chose not to, due to the nature of the investigation, and the high-profile case being involved with Michael Jackson. So what we decided to do is drop a search warrant and serve it. And we did it that way because if we were to go out and contact people prior to that, we were concerned about evidence that we were looking for that would corroborate the statements of the children would be destroyed or would not be there, and it would compromise our investigation. So that's the reason why we chose to serve the search warrant.

And then after serving the search warrant, or during the search warrant service, I was able to -- due to the statements from the children, I was already corroborating some of their statements to me as I was walking through and searching through the house and things that they depicted.

MR. SANGER: I'm going to move to strike the last part as being nonresponsive.

THE COURT: I'm going to strike the last paragraph that starts, "And then after serving the search warrant."

MR. SNEDDON: All right.

THE COURT: And I'm going to admonish the jury to disregard that statement as a conclusion of the witness.

MR. SNEDDON: Your Honor, I don't --

THE COURT: It's nonresponsive.

MR. SNEDDON: It's nonresponsive.

THE COURT: It was nonresponsive and a conclusion of the witness.

MR. SNEDDON: Yes, sir. All right.

Q. Now, Detective Robel, at the time that you executed the search warrant on November 18th of 2003 - okay. - did you, during the course of the execution of that search warrant observe, you personally, observe items or things that you felt corroborated the statements of the Arvizo children.

MR. SANGER: Objection, Your Honor.

THE COURT: Sustained.

Q. BY MR. SNEDDON: On the date that you executed the search warrant, did you see the mannequin.

A. Yes.

Q. Did you see the briefcase with the pornography.

A. Yes.

MR. MESEREAU: Object.

MR. SANGER: Yes, objection. Violates the Court’s rule.

THE COURT: You didn’t say “adult material.”

MR. SNEDDON: Oh, God. I’m sorry, Your Honor.

THE COURT: All right.

MR. SNEDDON: I --

THE COURT: Rephrase your question. Sustained.

MR. SNEDDON: Well, you know, you think like a lawyer. I really apologize. I apologize to everybody.

THE COURT: Go ahead.

Q. BY MR. SNEDDON: Okay. Did you see the briefcase with the adult material in it.

A. Yes, I did.

Q. Did you go to the arcade.

A. Yes.

Q. Did you see the jukebox.

A. Yes.

Q. Did you go in the cellar.

A. Yes.

Q. Did you see the wine.

A. Yes.

Q. Did you go up the stairway to Mr. Jackson’s bedroom.

A. Yes.

MR. SANGER: Your Honor, I believe this is beyond the scope of cross. I object.

THE COURT: Overruled.

Q. BY MR. SNEDDON: Did you stand on the landing and look towards Mr. Jackson’s bed.

A. Yes.

Q. On the day that the search warrant was executed, simultaneous with the execution of the search warrant, were other search warrants executed.

A. Yes, there were.

Q. And were there interviews that were done simultaneous off the ranch premises.

A. Yes.

Q. And who was the person who was interviewed.

A. Jesus Salas.

Q. Now, don’t tell us anything about what was said, because we’ll get into that later. But were you informed of the results of that interview while you were at the ranch that morning.

A. Yes, I was.

Q. Were you present when a search warrant was executed on the residence of Marc Schaffel.

A. Yes, I was.

Q. Okay. Let’s talk a little bit about some of the things that Mr. Sanger asked you this morning and yesterday.

You were asked by Mr. Sanger to review some statements with regard to Davellin, and specifically to Davellin with regard to that portion of the transcript where she is describing events that -- where her brothers are present and they’re talking about things.

A. Yes.

Q. Do you recall that.

A. Yes.

Q. From reviewing the transcript, can you tell

us - tell the jury more importantly - tell them whether or not, from the review of the transcripts, that she’s referring to statements that have occurred on the ranch or after they left the ranch.
MR. SANGER: I’m going to -- I’m going to object. That calls for a conclusion. It’s either a statement of the witness or it’s not.
THE COURT: Sustained.
Q. BY MR. SNEDDON: Can you tell from a review of the transcript as to when those statements are made.
A. No.
Q. And just to be clear, the conversations themselves, can you tell when -- the conversations she’s talking about, when they occurred.
A. I can tell when they occurred during their stay on Neverland, but exact dates, no.

Q. Now, you were asked yesterday by Mr. Sanger with regard to whether or not Davellin told you that she was aware of the urine bottles incident. Do you recall that.
A. Yes.
Q. And did you have a chance to go back and look at the transcript with regard to her statements to you about that.
A. Yes.
Q. And can you tell from a review of the transcript when she was aware of the urine bottles incident.
A. It was --
MR. SANGER: Objection. That calls for speculation.
MR. SNEDDON: Let me rephrase it, Judge. I can probably help you.
THE COURT: All right.
Q. Can you tell from a review of the transcript whether or not she was aware of the urine bottle specimen while she was at the ranch or --
A. Yes.
Q. Okay. I just have a couple more.
You were, you’ve told the jury, one of the

officers who interviewed Gavin Arvizo in the initial interview and in the follow-up interview, correct.

A. That is correct.

Q. And during the initial interview, Gavin Arvizo disclosed to you certain things that Mr. Jackson did to him, correct.

A. That is correct.

Q. Now, can you describe to the ladies and gentlemen of the jury what Gavin’s attitude or demeanor was at the time that you got into that part of the conversation.

A. Prior to getting into that area, we were just discussing just his stay on the ranch, and he appeared to be, you know, fine with talking with us, open, very positive.

As I got into questioning him regarding the actual molestation acts and having him share with that openly, immediately noticed a major change in Gavin’s demeanor, and he basically became very, very quiet, folded his arms, and just sunk down into his chair.

And it took me approximately ten minutes or so to reassure him that he was doing the right thing. And he, at one point in time, kind of got a little -- a little choked up. And eventually he was able to go on ahead and disclose what acts occurred.

MR. SANGER: I’m going to object and move to strike the last sentence as a conclusion of the witness.

THE COURT: Stricken. The jury’s admonished to disregard the last sentence.

Q. BY MR. SNEDDON: Now, yesterday Mr. Sanger asked you several questions about statements that Gavin Arvizo made to you about the number of times that he told you that Mr. Jackson molested him. Do you recall those questions.

A. Yes.

Q. And do you recall that on a couple of

occasions he told you he thought it was between five and seven times.
A. Yes.
Q. And do you recall in the courtroom here he indicated that there were at least two times that he was very specific about the information in which he was -- the defendant molested him. Do you recall that.
A. Yes.
Q. Do you find any inconsistencies between what he told you and what he said in the courtroom.
MR. SANGER: Objection, Your Honor. That calls for speculation and comment on a witness's testimony.
THE COURT: Sustained.
Q. BY MR. SNEDDON: Were you present during a conversation where Gavin Arvizo explained the five and seven -- the five figure that he gave you versus the two figure that he testified in court.
A. Yes.
Q. And what did he say in that regard.
MR. SANGER: Objection; vague as to time.

MR. SNEDDON: It's a --
THE COURT: Overruled.
You may answer.
Q. BY MR. SNEDDON: Go ahead.
A. During my initial interview with him, he had told me that -- that he was specific about two events that he recalled occurring. And he also told me that he believes that it happened between five and seven times. And he could not articulate exactly what occurred, but he believes that it happened more than twice.
MR. SNEDDON: No further questions, Your Honor.
THE COURT: Recross.

RECROSS-EXAMINATION
BY MR. SANGER:
Q. Now, you said you were aware of the rebuttal tape. How were you aware of the rebuttal tape.

A. During interviews with Mrs. Arvizo.
Q. With Janet Arvizo.
A. Correct.
Q. You had no idea what the rebuttal tape looked like at the time you talked to Janet Arvizo before November 18th; is that correct.
A. That is correct.
Q. And you did not ask any of the children about the rebuttal tape prior to the search on

November 18th, 2003, correct.
A. I believe that's correct.
MR. SANGER: May I just put up 5035. That's the timeline that --
THE COURT: Yes, that's fine.
MR. SANGER: It's already in evidence. Just so we have a visual here.
Q. Okay. So again, search, November 18th. And sometime after that -- sometime between November 18th and January 19th, you saw a portion of the rebuttal video, correct.
A. That is correct.
Q. And one of the other officers said, "Look at this," and he was looking at it on his screen, and you came over and looked at it.
A. Yeah. It was a DVD, or video.
Q. Okay. And then the first time you watched the full tape was January 19th; is that correct.
A. That's correct.
Q. When you first -- who was it that showed you this tape, by the way.
A. Detective Bonner.
Q. Okay. So when Detective Bonner showed you this tape, he called you over and said, "Look at this," right.
A. Yeah.
Q. And when you first saw, it was rather remarkable, wasn't it.

A. Remarkable in what way.

Q. I'm asking you. Let me ask you this, then: It did not appear to you at that time to be consistent with what you had been hearing from this family up until the time you saw it.

A. When I saw bits and pieces of what he showed me on that day, I was not alarmed by that because of -- I recalled what Janet had told me in her initial interview about them being forced to do that by Dieter, so it was not alarming to me at all regarding what I was seeing and the way she was acting, if that's what you're asking.

Q. So forced to say things like "Call Michael Jackson 'daddy' and 'father figure'," and all that.

A. Exactly.

Q. Okay. And you weren't -- you've sat here now, you've seen the cards where that's what this family does. They call people "father" and "mother," and they tell them they love them and they do all that, right.

A. According to the cards, yes.

Q. You weren't aware of that at the time, were you.

A. No, I wasn't.

Q. So when she explained, and later the kids explained, "Oh, Dieter made us do it," you weren't aware that that's what they, in fact, did spontaneously prior to ever meeting Dieter, right.

MR. SNEDDON: Excuse me.

MR. SANGER: That was a long question.

MR. SNEDDON: It's vague, ambiguous and --

MR. SANGER: Let me withdraw it.

THE COURT: All right.

MR. SANGER: I think it was compound, actually. Let me try to break it down.

Q. Prior to -- let's put it this way: When did you first learn that this family would send very effusive cards and letters to people calling them "mommy" or "daddy," and telling them they're part of their family, and that sort of thing.

MR. SNEDDON: I'm going to object to the question as "this family" is vague. If he has specific people he wants to refer to, I think he should do that.

MR. SANGER: I'm referring to Janet, Star, Gavin and Davellin, whose names already show up on the cards in evidence in this case with regard to Palanker and Michael Jackson.

THE COURT: Just a moment. I don't know how this has deteriorated where both of you are talking freely to the jury about your questions. So let's go back to the --

MR. SANGER: I'm sorry, Your Honor.

THE COURT: Let's go back to the specific objections, and not respond to them. The objection is overruled.

You may answer now. And I'll have it read back, because there's been a conversation take place.

THE WITNESS: Thank you.

(Record read.)

THE WITNESS: Upon reviewing, after the search warrant, some of the items that were seized, when I was going through some of those items, I ran across some of the cards and so forth that you have displayed here in court.

Q. BY MR. SANGER: Now, the cards to Miss Palanker, you were here in court when those were displayed.

A. That is correct.

Q. You didn't see those cards until a couple months ago; is that correct.

A. That is correct.

Q. Now, you indicated that you proceeded -- Mr. Sneddon was asking you how you proceeded with this investigation. And basically, you said that you talked to the family and you didn't -- you didn't develop other evidence before going to get the search warrants, correct.

A. Meaning --

Q. I'm paraphrasing what you were saying, and perhaps not accurately, because you're not agreeing. I believe in response to Mr. Sneddon's question, you said on November 18th, you got search warrants, and you proceeded in that fashion rather than going out and interviewing other people, other than the family, and I guess Dr. Katz, right.

A. That is correct.

Q. Okay. And I take it from what you are saying, you did that, and I think you specifically said, because this was a high-profile case, correct.

A. What I meant is, is that due to the nature of the case being a molestation case, this is not something that -- it’s out of the ordinary for me, as an investigator, that, on molestation cases, you do not --

MR. SANGER: I’m going to move to strike. That’s a narrative and not responsive.

THE COURT: Overruled. He’s answering your question.

Q. BY MR. SANGER: Go ahead.

A. That we take those differently, and each one is dealt with differently as far as how far we pursue it before we do a warrant, because it would compromise evidence that we would possibly lose if we were to go out and contact the people.

Q. Now, you once said that you were concerned about, for instance, calling the Beverly Hills Police Department, didn’t you say. Not here in these proceedings, but previously. Were you aware of that. I don’t know if you said it or --

A. I don’t know if it was me. I think it was one of the other investigators that was assigned to that.

Q. And you were concerned about calling the Beverly Hills Police Department why.

A. I --

MR. SNEDDON: Judge, I object. Lack of knowledge, personal knowledge.

MR. SANGER: That’s fine.

Q. If you don’t know -- you’re the lead

investigator, right.

THE COURT: Just a minute.

MR. SANGER: Let me withdraw it.

THE COURT: The objection is sustained.

MR. SANGER: Okay.

Q. I'm basing this question on your position here as the lead investigator. I take it, as lead investigator, you have a say -- or you discuss with your superiors, but you have a say on what happens in the case, correct.

A. Mr. Sanger, I have a say in what happens in the case. But the magnitude of this case, you know, I'm the lead, but I don't know every little thing that goes on and gets my approval. So I'm unaware of some things that don't go on on a regular basis.

Q. Well, you're aware, for instance, as you have told us, that Mr. Sneddon himself went down to Beverly Hills and did some investigation, correct.

A. He went down to Beverly Hills. But it

wasn't for investigation.

Q. Well, sir, he went to Brad Miller's office --

THE COURT: Just a minute, Counsel. I just feel that the examination is losing its focus. Every time he answers something a little differently, you go down that street. And we're -- I wonder if you could get back to what you were asking him about originally.

MR. SANGER: This is --

THE COURT: I don't --

MR. SANGER: I can indicate to the Court --

THE COURT: I think you're taking every side street that comes up, and I'd like you to concentrate on your recross of this witness.

MR. SANGER: Yes.

Q. The recross, and the focus of this, Sergeant Robel, is what you just told us about, you told Mr. Sneddon, this is a high-profile case, that's why you proceeded in this fashion. I asked you about that, and you responded --

MR. SNEDDON: Object as a narrative.

THE COURT: Just ask your next question.
MR. SANGER: All right.
Q. And one of the things that your department did, because you said this was a sensitive case, was not contact the Beverly Hills Police Department; is that correct.

A. I did not say that, to not contact Beverly Hills. That wasn't me that said that.
Q. Somebody in your department said that; is that right.
MR. SNEDDON: Object as lack of personal knowledge.
Q. BY MR. SANGER: If you know.
THE COURT: The objection is overruled. I'll have the question read back, because he added something at the end.
Go ahead.
THE WITNESS: Thank you.
(Record read.)
THE WITNESS: I believe so, yes.
Q. BY MR. SANGER: All right. And the reason for that was, you were worried about leaks.
A. That's correct.
Q. All right. Now, do you have any information whatsoever that the Beverly Hills Police Department would leak information.
MR. SNEDDON: Object, Your Honor, calls for speculation.
THE COURT: Sustained.
MR. SANGER: It's just "yes" or "no." All right.
Q. In fact, at that same time period you contacted the Los Angeles Police Department to go see where Mr. Moslehi lived or confirm his address,

didn't you.
A. Mr. Moslehi.
Q. Moslehi. However you say it. I apologize to him, but --

A. I believe we did.

Q. Okay. And in any event -- so sometimes you would -- before the 18th, there were occasions when you did make some inquiries and occasions when you didn’t, based on your concern about sensitivity; is that right.

A. I guess that would be a fair way of putting it, yes.

Q. And on November 18th, you not only got search warrants to search for evidence, but as you just told Mr. Sneddon, you also got an arrest warrant; is that correct.

A. That is correct.

Q. So November 18th, you and your department formed the opinion that you should -- you had probable cause, you should go out and arrest Mr. Michael Jackson in this case, based on what you had then, right.

A. That is correct.

Q. And then you investigated the case after you got the arrest warrant.

A. That’s incorrect.

Q. You didn’t investigate the case after you got the arrest warrant.

A. We investigated the case prior to the search warrant. We continued to investigate the case, and we are currently continuing to investigate the case as this trial is going on. This is a continuing investigation.

Q. So a part of the continuing investigation you’re just talking about, for instance, is an attempt to discredit witnesses who have come forward to say that the Arvizos are not telling the truth; is that correct.

MR. SNEDDON: Your Honor, I’m going to object to this as beyond the scope.

THE COURT: I’m not going to sustain the objection.

Go ahead.

THE WITNESS: Can you repeat that, please.

(Record read.)

THE WITNESS: To discredit, no. It’s when we receive reports from you, as the defense, that we have accusations or things in your reports, we’re going to go and see if we can interview them to clarify and to make sure that that is correct. And we’re also having other people coming forward besides your witnesses that you’ve talked to that we’re following up leads regarding this case.

Q. BY MR. SANGER: All right. When you say “our witnesses,” we submit reports to you, part of what our investigators do through our office, right.

A. Correct.

Q. And give you an opportunity to follow up and talk to them and figure out what’s going on, right.

A. That is correct.

Q. And there have been a couple of witnesses - without going into a lot of detail - a couple of witnesses very recently, who I think have already been referred to -- but I think there have been a couple of witnesses who came forward and said they would talk only to both sides at the same time, correct.

A. That is correct.

Q. And you went down -- I think you personally went down once with Mr. Sneddon, once with Mr. Zonen, and interviewed these witnesses, correct.

A. No, I just went down with Mr. Zonen. I didn’t go with Mr. Sneddon.

Q. You’re aware that Mr. Sneddon went down on another witness with another investigator, is that --

A. Yes.

Q. And as to one of those witnesses, you had your officers -- as lead investigator, you had your officers, or law enforcement agents, go door to door in the neighborhood to see if people could say anything about the witness who had come forward, correct.

A. No.

Q. Were you aware that --

A. I had them go down there and make sure that was the address where that particular person was living. It's part of making sure that we have the right location.

Q. And knocked on the doors, and asked people about their neighbor, the witness, correct.

A. Correct.

Q. And you ran a -- about a 150-page Equifax credit check on one of the witnesses, didn't you, or had it done; is that correct.

A. A credit Equifax.

Q. Equifax credit check.

A. I'm unaware of that.

Q. Did you ever run an Equifax credit check on Janet Arvizo or any of the other people that are accusing Mr. Jackson.

A. We have run backgrounds on everyone involved in this case, whether they're a witness or whatever. That is procedure for us to find out who we're dealing with before we send our investigators out.

Q. Did you ever run an Equifax credit check on Janet Arvizo.

A. I believe we did.

Q. You did. An Equifax.

A. I believe so. I'm not sure.

Q. If you find that, would you provide it in discovery to us.

MR. SNEDDON: Your Honor, that's argumentative.

MR. SANGER: Well, but --

THE COURT: Sustained.

MR. SANGER: All right. Very well. I have no further questions.

MR. SNEDDON: No further questions.

THE COURT: All right. You may step down.

MR. SANGER: Subject to the request that he take a look at those materials.

THE COURT: Well, we'll discuss that.

Call your next witness.

He’s always subject to re-call. He’s not excused.

MR. SANGER: Thank you.

THE WITNESS: Mr. Sanger.

THE BAILIFF: I’ll get it. Excuse me.

MR. SNEDDON: Detective Zelis.

THE COURT: Please remain standing and raise your right hand.

PAUL ZELIS

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Paul Zelis. Z-e-l-i-s.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. SNEDDON:

Q. Good morning, Mr. Zelis.

A. Good morning.

Q. You’re employed by the Santa Barbara County Sheriff’s Department.

A. Yes.

Q. And would you tell the ladies and gentlemen of the jury how long you’ve been employed by them.

A. I’ve been employed with the sheriff’s department -- well, I’ve been in law enforcement for about 12 years. First four years was with the marshal’s office, Santa Barbara. And remaining with the sheriff’s department.

Q. How long have you been a detective.

A. Almost four years.

Q. And with regard to the investigation involving the defendant in this case, Michael Jackson, were you assigned at some point to be an investigator on that investigation.

A. Yes.

Q. Do you recall when that was.

A. It was June the 13th. It was a Friday.

Q. Of what year.
A. 2003, I’m sorry.
Q. All right. And the jurors probably heard this, but we should hear it from you. You participated in some interviews of the Arvizo children; is that correct.

A. Yes.
Q. And those interviews were videotaped.
A. Correct.
Q. Now, at some point on November the 18th of 2003, did you participate in the execution of a search warrant at Neverland Valley Ranch.
A. I did.
Q. And what was your role in the execution of the search warrant.
A. To attempt to locate evidence.
Q. And were you assigned to a particular place to search.
A. Yes. I was assigned to the main house, specifically Mr. Jackson’s bedroom.
Q. Any particular place within Mr. Jackson’s bedroom.
A. The upstairs part of the two-story suite.
Q. All right. I want to show you an item that’s in evidence as No. 340.
Excuse me, Counsel.
Ask you to take a look at that for just a moment.
THE CLERK: That’s not 340.
THE COURT: You have not identified that exhibit correctly.

MR. SNEDDON: I said 340, Your Honor.
THE COURT: It’s not 340.
THE WITNESS: 317.
MR. SNEDDON: No, that’s the item number.
THE COURT: 340 is two disks.
MR. SNEDDON: You’re right. I transposed the numbers. 470.

THE CLERK: It hasn’t been received in evidence.
Q. BY MR. SNEDDON: Do you recognize that item.
A. Yes, I do.
THE COURT: It’s not in evidence yet.
MR. SNEDDON: All right. I’ll take care of that right now, Your Honor.
Q. The item that’s in front of you as 470, is that the right number.
A. Exhibit No. 470.
Q. Let me write that down. I had the wrong number written down. All right.
When and where did you see that for the first time.
A. I saw that during our search warrant on November 18th. And I first located this in the downstairs closet next to the stairway that leads up to Mr. Jackson’s bed.
Q. And after you looked -- after you saw it, did you take it into your custody.
A. I did.

Q. Did you open it.
A. Yes.
Q. And did you see what the contents were.
A. Yes.
Q. And what were the contents.
A. Pornographic --
Q. You can’t use that word. I already messed up. It’s “adult material.”
A. Adult material.
MR. SANGER: Your Honor, I --
THE COURT: Sustained.
MR. SANGER: I’m going to ask the Court to explain the significance.
MR. SNEDDON: That’s fine.
THE COURT: I think I already did tell the jury the significance.
Go ahead.
BY MR. SNEDDON:
Q. “Adult material”; okay.
A. Yes.

Q. What did you see inside.
A. Commercially produced adult material magazines.
Q. And after you had opened it up and observed the contents, what did you do with it.
A. I gave it to Detective Padilla to be booked into evidence.
Q. Did you give Detective -- without saying what you said, did you give him information as to where it was located.

A. Yes.
Q. And where was Detective Padilla located when you gave it to him.
A. He was within the downstairs den area of the two-bedroom suite.
MR. SNEDDON: I move that be admitted into evidence, Your Honor.
MR. SANGER: No objection.
THE COURT: It’s admitted.
Q. BY MR. SNEDDON: Two photographs I’m going to hand you.
With regard to the first photograph, Your Honor, and Counsel -- I’m sorry, let me have those back, because one of those is a new photo. The other one’s already in evidence.
Now, with regard to the first photograph, it’s marked for identification purposes, which is 85. Do you see that photograph.
A. Yes.
Q. And is -- is that photograph an accurate depiction of what it purports to represent.
A. Yes.
MR. SNEDDON: I move that 85 be admitted into evidence, Your Honor.
MR. SANGER: No objection.
THE COURT: It’s admitted.

Q. BY MR. SNEDDON: And with regard to People’s 86, do you recognize that photograph.

A. Yes.

Q. And is that -- that’s already in evidence. Do you recognize what’s depicted in that photograph.

A. Yes.

Q. And when is -- where was that when you first saw the items depicted in that photograph.

A. I pulled it out of the closet as depicted in Exhibit No. 85. I pulled it to -- outside the closet in an area of the floor that I could open it. Opened it and had a picture taken of it.

MR. SNEDDON: Your Honor, may we have the Elmo turned on, please.

Q. All right. With regard to the photograph that’s depicted on the Elmo above, what does that show, Detective.

THE COURT: What exhibit is that.

MR. SNEDDON: This is 85.

THE COURT: Thank you.

THE WITNESS: It shows the briefcase in its original location within the closet.

Q. BY MR. SNEDDON: And where was that closet located.

A. It was directly next to the stairway leading up to the upstairs bedroom area.

Q. And now I’m going to put 86 on the board. With regard to the Exhibit 86, does that

depict the condition of the briefcase when you first opened it up.

A. Yes.

Q. Did you personally go through and inventory all the items inside the briefcase at that time.

A. No.

Q. So what did you do after you opened it up and looked at it.

A. I had forensics take a picture of it, and I closed it, sealed it, and booked it into evidence.

Q. Okay. We can take that down. All right. I’ve shown you a photograph, No. 75, which is in evidence, I believe, Madam Clerk. That’s what it says on the tag, so I’m -- Do you recognize what’s depicted in that

photograph.
A. Yes.
Q. All right. And what is that.
A. It is the upstairs bed area of the two-story suite.
Q. Is that the area in which you were conducting your search.
A. Yes.
Q. Now, do you see anything depicted in that photograph that contained items that you seized on that day of November 18.
A. No.
Q. Okay. Did you seize things from other areas

of the bedroom.
A. Yes.
Q. Where.
A. In a nightstand directly opposite of this picture that's on the right-hand side of this.
Q. I got the wrong picture. Okay. We'll correct that.
A. Okay.
Q. That was a test.
All right. The next photograph that's in front of you, the number on that is.
A. 338.
Q. Is that in evidence.
A. Yes.
Q. All right. With regard to 338, when and where was the first time that you saw the item depicted in that photograph.
A. I located this photograph of the children in the nightstand, as I previously mentioned, to the right of the bed, in the bottom drawer.
Q. Okay. Would you turn that one over, if you would.
The next photograph, the number on that is.
A. 83.
Q. And that, I believe, is not in evidence.
Do you recognize what's depicted in that photograph.
A. Yes.

Q. And is that photograph an accurate depiction of what it purports to represent.
A. Yes.
MR. SNEDDON: Move it be admitted into evidence, Your Honor.
MR. SANGER: No objection.
THE COURT: It’s admitted.
Q. BY MR. SNEDDON: And the next photograph, Officer -- Detective.
A. 285.
Q. With regard to 285, do you recognize that.
A. Yes.
Q. And is that an accurate depiction of what it purports to represent.
A. Yes.
MR. SNEDDON: I move that 285 be admitted into evidence, Your Honor.
THE COURT: Is there any objection.
MR. SANGER: No objection, Your Honor.
THE COURT: All right. It’s admitted.
MR. SNEDDON: We’re going to need the Elmo again, Your Honor.
Q. All right. I’m going to have Exhibit No. 338 put up on the Elmo.
Now, do you recognize that photograph.
A. Yes.
Q. And where was it the first time you saw it.
A. In -- located within the second bottom

drawer of the nightstand to the right of the bed.
Q. Now, with regard to that particular exhibit, 33 -- with regard to the photograph depicted in the Photograph 338, what did you do with that photograph.
A. I had it booked into evidence.
Q. And do you recognize the people in that photograph.
A. Yes.
Q. And had you met them prior to the execution

of the search warrant.

A. Yes.

Q. And you say you had it booked into evidence. Would you describe to the jury what you did with regard to this particular item to get it processed and booked into evidence.

A. I provided it to Detective Padilla, who was gathering all the evidence and taking note of who located it and where it was found.

Q. All right. Now, we’re going to put the Exhibit 83 on the board.

Do you recognize what’s depicted in the Exhibit 83.

A. Yes.

Q. And with regard to that particular exhibit and the magazine, did you direct that photograph be taken.

A. Yes.

Q. By whom.

A. Forensics.

Q. And when and where was that magazine the first time you saw it.

A. Just as you see it there inside the drawer.

Q. So that’s exactly where it was before it was touched.

A. Correct.

Q. All right. Do you recall how many magazines that you found of a similar nature in that particular drawer.

A. An exact amount, I don’t. But I know there were several. Exact amount, I don’t know. I know there were several.

Q. Oh, “several.” I couldn’t hear the last word. Okay. Thank you.

All right. You can take that down.

I’m going to place 285 up on the board right now and ask you if you recognize it when it gets cleared up. All right. 285, do you recognize that.

A. Yes.

Q. And did you play a role in having those items displayed on the bed.

A. Yes, I placed them there.

Q. And were you present when the photograph was taken.

A. Yes.

Q. And where are -- the items that are depicted

in that photograph, where did you obtain them from.

A. These were all items located in the bottom drawer of that nightstand.

Q. All right. You can take that down.

Your Honor, may I have just a moment to get the right photograph.

THE COURT: Yes.

Q. BY MR. SNEDDON: All right. I think we can clarify this.

I've handed you a photograph that's marked as People's 77; is that correct.

A. Correct.

Q. And People's 77, do you recognize that.

A. Yes.

Q. Now, does that photograph depict the location of where you found the items that you just testified about.

A. Yes.

Q. All right. That felt pen, is that still up there somewhere.

A. No.

Q. No. No, it isn't, because I took it.

Now, on the exhibit People's 77 - okay. - I want you to just put your initials on the location of the item of furniture which you obtained those magazines in the photograph.

A. Okay.

Q. And what have you put on the photograph.

A. My initials. "PZ."

Q. All right. Thank you.

During the course of the time that you executed this warrant, did you see a mannequin in the room.

A. Yes.

Q. And where was the mannequin when you saw it for the first time.

A. In the upstairs bedroom area of the two-story suite.

Q. And when you saw the mannequin, what did you do with it.

A. I booked it into evidence.

Q. So this was another item that you took down and gave to Deputy Padilla.

A. Detective Padilla, yes.

Q. Detective Padilla.

A. Yes.

Q. Can you just generally describe what the mannequin looked like.

A. It's a mannequin, life-sized mannequin of an eight-year-old Afro-American girl.

Q. Okay. Now, during the time that you were processing these pieces of evidence, were you wearing gloves.

A. Yes.

Q. During the course of the search that day, did you see anything that looked like some kind of a folding chair or a futon of some kind in Mr. Jackson's room.

A. Yes.

Q. Would you describe where it was and what it looked like to you.

A. It was -- it was actually to the right of the right nightstand where I've located these items. It was like a little cushion seat. I think you can fold it out. I'm not quite sure of this, but it looked like the type that could be folded out and slept on.

MR. SANGER: I'm going to move to strike based on speculation, Your Honor, the last part.

THE COURT: Sustained. And it's stricken.

MR. SNEDDON: Your Honor, at this time I have one other exhibit I'd like to have marked for identification purposes, which is 561. And it's a brown bag with the number in black at the top, 365, and its contents.

THE COURT: All right.

Q. BY MR. SNEDDON: Detective Zelis, I've handed you an item that's marked as -- I forgot the number. What's the number. 571.

A. 561.

Q. 561. Do you recognize that bag.

A. Yes.

Q. Would you please take the item out of the bag.

Do you recognize the item you took out of the bag.

A. Yes.

Q. When and where was that the first time that you saw it.

A. I saw this in the upstairs bed area of the two-story suite.

Q. And what did you do with it after you saw it.

A. I seized it and had it booked into evidence.

Q. Do you remember specifically where upstairs it was.

A. It was over by this chair that I described on top of some books, or some boxes, I should say.

Q. Okay.

MR. SNEDDON: I need a moment, Your Honor. Your Honor, it's time for a break and we have a minor thing to straighten out. So that would be better than doing it in front of the jury and you.

THE COURT: All right. Let's take the break.

(Recess taken.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 2247 through 2300 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 16, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
March 16, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, MARCH 16, 2005

8:30 A.M.

(PAGES 2302 THROUGH 2455)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index. Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index. Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index. Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
ZELIS, Paul	2316-SA	2368-SN	2370-SA	
ALVAREZ, Victor M.	2372-SN	2396-SA		
SHEPHERD, Karen	2419-SN	2438-SA		

E X H I B I T S

PLAINTIFF’S NO.	DESCRIPTION	FOR I.D.	IN EVID.
57	Photograph of master bath	2379	2379
59	Photograph of master bath	2421	2422
62	Photograph of counter area of master bathtub	2431	2431
63	Photograph of closeup of metal briefcase and magazine	2435	2435

64 Photograph of closeup of magazine 2434 2434
65 Photograph of closeup of DVDs 2429 2430
286 Chart of Michael Jackson's upper bedroom 2307 2308
287 Rolled fingerprints of Star and Gavin Arvizo 2374 2374
288 Brown evidence bag containing black computer case 2305 2379
289 Photo of front cover of No. 566 2381 2384
290 Photo of front cover of No. 567 2381 2386
291 Photo of front cover of No. 562 2387 2389
292 Photo of front cover of No. 563 2387 2392
293 Photo of front cover of No. 564 2388 2392
294 Document from the inside of Exhibit No. 288, 12 pages, with "MJ" initials 2394
296 Front cover of Item 578 2426 2427
297 Front cover of Item 577 2425 2427
561 Brown bag containing books 2307
562 Brown bag containing book 2387 2389
563 White binder containing magazine 2387
564 White binder - Item 304-D 2387
2305

EXHIBITS (Continued)
FOR IN PLAINTIFF'S NO. DESCRIPTION I.D. EVID.
565 Two DVDs 2380 2382
566 White binder - Item 309-B-1 2380
567 White binder - Item 309-B-2 2380
569 Brown bag containing five videos 2422 2423
570 "Barely Legal" DVD 2299
571 DVD 2422 2423
572 DVD 2422 2423
573 DVD 2422 2423
574 "Pimp Up, Ho's Down" DVD 2422 2423
575 Brown bag with the number "302" at the top 2429 2430
576 Book 2425 2427
577 Book 2425 2427
578 Book 2426 2427
579 Book 2426 2427
580 Clear plastic bag containing binder 2431
631 Photograph 2426 2437
633 Brown paper bag with the number

“315” at the top 2436 2437

DEFENDANT’S NO.

5031-A Photocopy of front cover of Neverland Valley guest book 2252
5033 Photo of defaced mannequin 2336

THE COURT: All right.
MR. SNEDDON: Thank you, Your Honor.
Q. Detective Zelis, I want to direct your attention back to the Exhibit No. 561. Oh, sorry. I want to direct your attention back to the Exhibit 561 for a moment, if we can.
A. Yes.
Q. Prior to the recess, you withdrew one book from that brown bag; is that correct.
A. That is correct.
Q. And the bag actually contained two books.
A. Yes.
Q. And we found the second one during the recess.
A. Yes.
Q. And do you recognize the second book.
A. Yes.
Q. And those are the items that you found in Mr. Jackson’s bedroom.
A. Correct.
MR. SNEDDON: Move that those items be admitted into evidence, Your Honor.
MR. SANGER: Other than objections previously stated, we have no objection.
THE COURT: All right. Admit them.
Q. BY MR. SNEDDON: All right. At this point I’m going to hand you an exhibit that’s been marked as 286 for identification purposes. Okay.

MR. SANGER: May I see it, please.
MR. SNEDDON: 286, Your Honor. And it’s a

chart.
MR. SANGER: Oh, okay.
MR. SNEDDON: I’ll show it to counsel.
MR. SANGER: Yeah, fine.
Q. BY MR. SNEDDON: Do you recognize the floor plan depicted in the chart, 286.
A. It appears to be the upper bedroom portion of the two-story suite.
MR. SNEDDON: Okay. Your Honor, I would purport at this time, like we did before, with the same admonition, that it does not necessarily mean that the numbers as to the dimensions of the room are accurate, but to be used to demonstrate this witness’s testimony as to the locations of certain items. And that’s what I discussed with counsel before.
MR. SANGER: I have no objection to that.
THE COURT: All right. It’s admitted on that condition.
Q. BY MR. SNEDDON: Now, Detective Zelis, if you could, for the ladies and gentlemen of the jury, first of all, could you indicate for them the location --
We’re going put the chart up on the board, if we can, Your Honor. And --
You’re going to need to mark on this.

All right. I want to direct your attention to the Exhibit 256. Now, can you indicate to the ladies and gentlemen of the jury, on this particular exhibit, where it was that you found -- where the nightstand was located and the items that you found there.
A. The nightstand would have been approximately in this area.
Q. All right. You’re indicating to the lower right-hand far wall of the bedroom.
A. Correct.
Q. Would you indicate that on the -- on the exhibit.
All right. Would you describe for the record what you put there.

A. I drew a square, and inside the square I put “NS,” for “nightstand.”

Q. All right. Now, within that nightstand, you found some magazines, correct.

A. Yes.

Q. And you found the picture of the Arvizo children.

A. Yes.

Q. Okay. Would you just put a little, like a line to the nightstand thing, and write those in there.

All right. Now, you’ve indicated to the ladies and gentlemen of the jury you found two books that have now been admitted into evidence as 561. Where did you find those in Mr. Jackson’s bedroom.

A. Do you wish me to point --

Q. Please.

A. There was numerous boxes and cabinets in this general area of this side of the bedroom.

Q. You’re indicating to the exhibit, 286, that down towards the left lower wall of the room.

A. Correct.

Q. Okay. And would you, on the Exhibit 286, please indicate generally where you found the two books that are now in evidence as 561.

A. Okay.

Q. All right. And what did you put on the Exhibit 286, the chart.

A. I drew a rectangle with a “B,” for “books.”

Q. Now, you told the ladies and gentlemen of the jury that you found a mannequin in the bedroom that you took.

A. Yes.

Q. And do you have a photograph in front of you, which I believe is 153, which is in evidence.

A. Correct.

Q. Do you recognize the item depicted in that photograph.

A. Yes.

Q. And what is that.

A. It is the mannequin.

Q. And can you indicate on the exhibit that’s up on the wall there, which is a replica of 286, where you found the mannequin.

A. I first located the mannequin, it was on the floor generally in this area.

Q. You’re indicating, again, towards that far wall, and on this exhibit towards the lower left-hand part of it.

A. Correct.

Q. All right. Would you please just put an “M” in the general area of where you found the item depicted in 153, the mannequin.

A. Okay.

Q. Okay. Now, on the exhibit chart, 286, you told the ladies and gentlemen of the jury that you found the briefcase that’s in evidence, that’s 470, in a particular location below that bedroom; is that correct.

A. Correct.

Q. Are you able to show the ladies and gentlemen of the jury the general area on the chart, 286, as to where the entryway to that closet is in relationship to the bedroom.

A. The entry door was on the bottom floor, right next to the staircase, so it would have been in this area here.

Q. So towards the area on the chart where the stairs are, but just to the right of it; is that correct.

A. That is correct.

Q. Would you please indicate on the exhibit chart, 286, just put the number -- or just put “Briefcase” in the general area of where you found the briefcase.

A. Okay.

Q. And I’ve handed you a photograph that’s marked as People’s 72, which is in evidence.

A. Yes.

Q. Do you recognize that.

A. Yes.

Q. And do you recognize -- what is People’s 72; tell the jury.

A. It is a picture, downstairs, of the stairway and several entry doors. One to a closet; one into the actual room where the picture was taken. The stairs are what is depicted in this diagram here.

Q. Diagram 286.

A. Correct.

Q. All right. Could you put your initials on the door that led to the closet where you found the Item 470.

A. Okay.

Q. All right. So we’ve now put up for the jury to see the photograph, 72, which is in evidence. And I notice it has a dark “P” and a “Z.”

A. Correct.

Q. Those are your initials on the door that led to the closet where 470 was found.

A. Yes.

Q. Now, I have a few questions about that, and then we’re going to be done.

With regard to the Item 470, the black briefcase - okay. --

A. Okay.

Q. -- prior to the time that you went to the ranch on November 18th, had you participated in an interview with the Arvizo boys, Gavin and Star.

A. Yes.

Q. And had they described to you an incident involving Mr. Jackson showing them adult materials.

A. Yes.

Q. And did they describe to you where -- the container that the adult materials were in.

A. Yes.

Q. Why did you take Exhibit 470, the black briefcase.

MR. SANGER: Objection. State of mind is not relevant.

THE COURT: Sustained.

Q. BY MR. SNEDDON: When you observed the Item 470, can you tell us whether or not it matched the description of -- the description given by the Arvizo boys.

A. It matched the description exactly.

Q. Now, with regard to that particular Exhibit 470 -- and we can take that one down. And I want to show this one again. That’s Exhibit 86, a photograph. With regard to that particular exhibit, did you testify before the grand jury.

A. Yes.

Q. And did the grand jury request to be able to look at the materials inside of this suitcase.

A. Yes.

Q. And were you the officer who was chosen to be the one to take the briefcase in and show them the materials.

A. Yes.

Q. Did you allow anybody in the grand jury to touch any of those materials.

A. No.

Q. Did you, in the course of showing those things to the grand jury, take any precautions so your fingerprints wouldn’t show up on those materials.

A. Yes, I wore latex gloves.

MR. SNEDDON: Thank you. No further questions, Your Honor.

THE COURT: Mr. Sanger.

MR. SANGER: Let’s -- you don’t have to give me all of them. Just give me the one that was just up there. That’s fine. Yeah, okay.

//

CROSS-EXAMINATION

BY MR. SANGER:

Q. Detective Zelis, starting with the item we left off with there, this is Item 315 as it was booked into evidence, right.

A. Yes.
Q. So the entire briefcase, with all of its contents, was booked into evidence as Exhibit 317.
A. Correct.
Q. You testified on direct that you gave it to Detective Padilla, who booked it into the evidence locker or into the evidence system in the Santa Barbara Sheriff’s Office; is that correct.
A. That is correct.
Q. And he booked in -- as you gave it to him, he booked in the entire briefcase and the contents, correct.
A. Correct.
Q. And it was numbered Item 317, correct.
A. Yes.
Q. Now, I believe you said something about forensics on direct examination with regard to this. But I may be wrong.
So let me ask you, was it your intention that the contents of this briefcase be evaluated and analyzed by the CSI or forensic unit at the sheriff’s department.
A. No.

Q. Did you think anything about that.
A. No.
Q. You were wearing gloves when you -- when you seized this item, correct.
A. Correct.
Q. And you put it in a plastic bag, correct.
A. Correct.
Q. You didn’t think forensics was ever going to look at this.
A. Well, I’m sure they would.
Q. Okay. And you’re sure they would for what purpose. Look at that for fingerprints, perhaps.
A. Perhaps.
Q. Okay. Do you think that would be pretty much a priority.
A. Possibly.
Q. Possibly.
And in 2004, April -- March and April of

2004, in that time period, this briefcase was brought to the grand jury in Santa Barbara; is that correct.

A. Correct.

Q. And it was your understanding it had been to forensics, right, when you brought it in.

A. That I'm not sure of.

Q. You're not sure.

By the end of the grand jury proceeding, you came to realize that nobody had checked for

fingerprints on these materials inside of Sheriff's Item 317; isn't that correct, sir.

A. Yes.

Q. That was kind of a shocker, wasn't it.

It wasn't a shocker.

A. No, not to me.

Q. You're kind of smiling. This -- in fact, when that was learned, that's when you were sent in with gloves for the grand jury to look at the materials, so that they wouldn't be picking it up and handling it; is that right.

A. Correct.

Q. However, during the course of that grand jury, the contents of this, of this briefcase, Sheriff's Item 317, was handed to Gavin Arvizo so he could look through it, see if he could identify it; isn't that correct.

MR. SNEDDON: Objection. No personal knowledge, no foundation.

THE COURT: I think he's asking him if that happened, so I will overrule the objection.

THE WITNESS: I would not know.

Q. BY MR. SANGER: So you weren't advised by the end of the grand jury proceedings that Gavin Arvizo had taken the contents of this and looked through it at the request of the District Attorney.

MR. SNEDDON: Same objection.

THE WITNESS: No.

THE COURT: Sustained.

MR. SANGER: Okay.

Q. After the -- 317. I'm referring to Item 317 for a reason. It is an exhibit here in court with a different number, but Sheriff's Item 317, this whole briefcase, was booked into evidence at the grand jury; is that correct.

A. Yes.

Q. And when you were assisting the grand jurors to look through this material with gloves, it was in evidence, it was in the possession of the Clerk of the Court of the County of Santa Barbara; is that correct.

A. Yes.

Q. And after you assisted the grand jury in looking through this with gloves, it remained -- this Item 317, the briefcase and the contents, remained with the Clerk of the Superior Court; is that correct.

A. To my knowledge, yes.

Q. And during the testimony in the case with regard to Item 317, do you or do you not know -- let me withdraw that and start again.

During the course of the grand jury proceedings, do you know how many witnesses were shown the contents of this briefcase, Sheriff's Item 317.

A. How many witnesses.

Q. Yes.

A. I do not know.

Q. And after you completed your assistance to the grand jury by wearing gloves so they could look through this material, do you know whether or not the court clerks wore gloves when they went through and inventoried all this material.

A. I do not know.

Q. Do you know when this item was removed from the grand jury for the purpose of doing a fingerprint analysis.

A. I do not know. I did not remove it.

Q. Okay. But you were the -- one of the lead detectives on this case; is that correct.

A. Correct.

Q. Okay. And so in that capacity, it's your job to know pretty much what's going on in the case, isn't it.

A. Yes.

Q. Okay. And in the course of acting as one of the lead detectives on the case, you came to realize that fingerprints had not been taken until after this briefcase was released from evidence sometime in the summer of -- spring or summer of 2004; is that right.

A. That is my understanding.

Q. Now, you were -- you were a deputy marshal. I just want some factual -- and I don't mean to be rude in anything I'm asking here, but you were a deputy marshal to start with; is that correct.

A. Yes.

Q. And as such, you were employed by the County of Santa Barbara as -- in part, as a bailiff in the Santa Barbara Municipal Court; is that correct.

A. That is correct.

Q. All right. And you also served civil papers, like complaints and subpoenas and divorce papers in civil cases; is that correct.

A. Yes.

Q. You did that for about four years.

A. Yes.

Q. And then you -- did you go to the sheriff's department when there was a merger of the courts.

A. Yes. We all became sheriff's deputies.

Q. Okay. So when the -- when the Municipal Court was done away with and it all became a Superior Court, all the judges became Superior Court judges, the deputy marshals then became deputy sheriffs, if they wished to do that; is that correct.

A. That is correct.

Q. And you opted to do that; is that correct.

A. Yes.

Q. How long were you -- let me withdraw that.

What was your first assignment when you were a deputy sheriff.

A. My first assignment was patrol.

Q. All right. So you went out in a black-and-white and patrolled the streets and highways of Santa Maria and the environs up here; is that right.

A. Correct.

Q. And how long did you do that.

A. A little over four years.

Q. Okay. And then you became a detective; is that right.

A. Yes.

Q. Did you have a particular assignment as a detective.

A. I was assigned originally to the Santa Maria station, and then shortly thereafter assigned to the Solvang station.

Q. Okay. And you were -- you didn't have a particular detail that you were assigned to. You were assigned as a detective --

A. Correct.

Q. -- just to generally work in that capacity. You weren't doing narcotics in particular.

A. No. Criminal investigations.

Q. You weren't doing sex crimes in particular.

A. Occasionally.

Q. Occasionally. And occasionally you did narcotics, right.

A. Yes.

Q. Okay. Occasionally you did just about everything that came through the door, right.

A. Yes.

Q. And so at the time that you were assigned, in June of 2003, to work on this case, you had been a detective for about two years.

A. Yes.

Q. Now, again -- and I don't mean this in an offensive fashion, but just -- there were a lot of detectives in the Santa Barbara Sheriff’s Department who had much more experience than you did in sex crime investigations as of that time; isn’t that correct, sir.

A. Yes.

Q. All right.

THE COURT: Is it all right if I turn the light on.

MR. SANGER: Yes. Yes. Thank you.

Q. Now, I’ll work backwards a little bit here through what was said, since it’s fresh in our mind. You mentioned that the Arvizo boys -- you had interviewed the Arvizo boys - I think this was the way it was put - and the briefcase matched a description that they had given of a black briefcase, correct.

A. Correct. Except I think they used the word “suitcase,” instead of briefcase.

Q. So you found a black briefcase, and it seemed to be similar to what they were describing as a suitcase; is that correct.

A. Yes.

Q. Okay. Do you know whether or not the Arvizo boys went through various rooms in Mr. Jackson’s house when Mr. Jackson was not there.

MR. SNEDDON: Your Honor, I’m going to object; lack of personal foundation, personal knowledge. It’s clear that he doesn’t --

MR. SANGER: That’s a speaking objection

THE COURT: Sustained. The question is “Do you know,” so I’ll allow the question.

MR. SANGER: Thank you.

THE COURT: Do you want it read back.

THE WITNESS: Please.

(Record read.)

THE WITNESS: I do not know.

Q. BY MR. SANGER: Okay. When we’re talking about evidence here, you have before you Exhibit 561, which is Sheriff’s Item, I think, 365; is that correct.

A. Correct.

MR. SANGER: And has that been received into evidence, Your Honor.

THE COURT: 561.

MR. SNEDDON: Yes.

THE COURT: Yes.

MR. SANGER: Okay.

Q. 561 is a bag that contained eventually two books here; is that correct.

A. Yes.

Q. All right. Now, sir, are you familiar in your training and experience with what's called "chain of custody".

A. Yes.

Q. All right. Can you hold the bag up, with the Court's permission, so the jury can see it, just in general, and I'm going to ask you some specifics. Hold it still for a second.

All right. Okay.

MR. SNEDDON: Excuse me, Counsel. Can I consult with counsel before he asks the next question, Your Honor.

THE COURT: Yes.

MR. SANGER: Do I have a say in that.

THE COURT: Yes.

(Off-the-record discussion held at counsel table.)

THE COURT: I should have given you permission --

MR. SANGER: Excuse me one second.

(Off-the-record discussion held at counsel table.)

MR. SANGER: Okay. We're all up to date in Kansas City, here. May I proceed.

THE COURT: Yes.

Q. BY MR. SANGER: All right. Detective Zelis, we were talking about chain of custody of evidence, right.

A. Yes.

Q. Are you familiar with that.

A. Yes.

Q. And you held the bag up. Could you hold it up again. And I'm going to ask you to just point out what happens when somebody opens the bag to look at it before you come to court. In other words, it's -- let me start this -- it's a little easier to do it this way:

When something's first put in the bag, the bag is sealed, correct.

A. Yes.

Q. Can you show how that bag was first sealed.

A. It would have been sealed at the top, stapled, evidence tape put on it, and then initialed and dated with a marker.

Q. Okay. And then when the bag is subsequently opened, what do you do. Do you just rip open the top.

A. No. You try to open it in a different area, and seal it in the same manner when the items are put back.

Q. So you would -- hold that up again, if you would, please. In other words, this is a regular bag, as it were. It now has red tape all over it on the sides.

That red tape was not on the sides when the books were first put in there; is that correct.

A. That is correct.

Q. The red tape was then put on each side when the bag was opened for one reason or another.

A. Yes.

Q. And then it was resealed, new red tape was put on that seam; is that correct.

A. Correct.

Q. All right. Now, when you came down here, you had one book in the bag; is that correct. Or, I'm sorry, when you say -- when you came down here an hour before, whenever it was, there was one book in the bag, right.

A. I didn't bring the book down.

Q. Were you asked to look at the bag.
A. Yes.
Q. And there was one book in it when you first looked at it; is that right.
A. Correct.
Q. And then at the break, somebody went back up and found another book; is that right.
A. It was still here in the courtroom.
Q. It was sitting here someplace.
A. Yes.
Q. All right. The reason to be cautious about the chain of custody is to make sure you have the

right items in the right bag when you come into court; is that right.
A. Absolutely.
Q. Now, for Mr. Sneddon's benefit and the Court, I will point out that we agreed that the bags could be opened so the items could be marked for court. That would be the last time. In other words, the last opening. We agreed that could be done without doing it right on the record.
MR. SNEDDON: Well, it was more than that. That they --
MR. SANGER: If there's going to be an argument, Your Honor, I'd ask we be heard elsewhere.
THE COURT: Proceed.
MR. SANGER: Thank you.
THE COURT: That's a good argument. I'll ask you to have the arguments elsewhere. I didn't realize how good that was.
MR. SANGER: Another county, maybe.
(Laughter.)
Q. BY MR. SANGER: All right. Now, let's talk about the contents of that bag.
And may I approach, Your Honor.
THE COURT: Yes.
MR. SANGER: I'd like to retrieve the contents of the bag.
Let's have the bag and the contents. And I'll let you hand it to me. You don't have to put

it in. Put it on top. And I’m going take this back, if I may.

Q. All right. The first book that you -- that was in this bag, the one that was there when you first looked at it - and the bag I’m referring to is Exhibit 561 - the first book is by Robert Maxwell; is that correct.

A. I believe so.

Q. All right. Do you know whether or not Robert Maxwell is a personal friend of the Jackson family.

A. No, I do not know that.

Q. Now, you were at the initial walk-through of the search of the residence of Mr. Jackson; is that correct.

A. Correct.

Q. When -- in fact, I believe you were in the very first car that drove up to the front door; is that correct.

A. Yes.

Q. All right. And you were with -- for the most part, you were with Sergeant Robel during the initial walk-through; correct.

A. Yes.

Q. Lieutenant Klapakis was there as well.

A. Yes.

Q. Okay. Mr. Sneddon showed up in the foyer at some point during the walk-through; is that correct.

A. I believe so, yes.

Q. Yeah. And when you walked through, you walked through the whole main house; is that right.

A. Correct.

Q. And then did you also walk through the other areas, such as the office area, the security office. The video library, did you walk through that building.

A. No.

Q. Did you walk through the arcade building.

A. No.

Q. All right. So talking just about the main residence that you walked through, the main residence, did you observe a number of books in the main residence.

A. Yes.

Q. Is it safe to say that there were probably thousands of books in the main residence.

A. I don't know about thousands. Maybe hundreds.

Q. Hundreds. Okay. And in Mr. Jackson's, what you called his suite, the first floor, there were stacks of books in front of the big screen T.V.; is that correct.

A. To the side of a big screen T.V., yes.

Q. Along that wall.

A. Yes.

Q. All right. And then there was also a bookcase with books right next to that door that you showed us; that you showed us the inside of the door, but just outside of that door where the stairway is, that was a bookcase.

A. Yes.

Q. With a lot of books there.

A. Yes.

Q. There were also all sorts of books and magazines piled up in the upstairs bedroom part; is that correct.

A. Yes.

Q. Just stacks of books here and there and all over the place, right.

A. Yes.

Q. In addition to that, there were -- in the main house that you went through, including Mr. Jackson's suite, there were a number of items that appeared to have been sent by fans. Would you say that's correct.

A. Yes.

Q. And there were a number of items that seemed to have been given to Mr. Jackson or sent to Mr. Jackson by other celebrities; is that correct.

A. I don't have personal knowledge of that.

Q. Well, did you see a letter sitting on the piano from Steven Spielberg, for instance.

A. No.

Q. Did you see any cards from Liza Minnelli.

A. No.

Q. Are you aware that any of those -- that Liza Minnelli card was seized.

A. Yes.

Q. So it was somewhere. You just didn’t see it while it was sitting there.

A. Correct.

Q. Did you see items that were original items signed by Walt Disney, for instance.

A. I didn’t see that.

Q. You didn’t see that in the same closet that you were retrieving the black briefcase from.

A. There may have been some frames on the wall. I don’t know who signed them.

Q. And there were a lot of -- there was a lot of memorabilia from other movie stars, including Shirley Temple, and a number of other movies; is that correct.

A. Yes. Memorabilia.

Q. Memorabilia. And it appeared that Mr. Jackson had saved -- in stacks or piles or bookcases or on the floor, all over his private quarters, he had saved a tremendous number of things that had been sent to him by other people, right.

A. Yes.

Q. All right. So you don’t know where the Maxwell book came from, do you. You just found it.

A. I know it came from his bedroom.

Q. Okay. And of all the materials that you observed, there were no materials of an adult nature or sexually explicit nature, there were no materials that were, in and of themselves, illegal to possess, were there.

A. Not that I recall, no.

Q. Okay. And the magazines that you picked out -- I won’t put them back up unless you want me to. But the magazines that you picked out and you pulled out of the drawer to photograph on the bed, for instance, those are commercially available magazines. You could go to a store and buy them, right.

A. Correct.

MR. SANGER: All right. Can we have the screen again, please, Your Honor. And still up there is No. 86.

Q. Did you determine the date of the top magazine, the “Barely Legal”.

A. I did not.

Q. Were you aware that it is dated after the time that the Arvizos were at the ranch.

A. No.

Q. And that hasn’t come to your attention.

A. No.

Q. All right. You don’t know -- of the materials you seized, you don’t know when they were actually placed or stored or put wherever you located them. In other words, you don’t know when they came to be there. You just know they were there on November 18th, 2003; is that right.

A. Correct.

Q. So you don’t know what, of those items, was there, if any, in February or March of 2003, correct.

A. Correct.

Q. You also indicated that you found Exhibit -- You can turn off the thing, Your Honor. Thank you. I think it’s Exhibit 338. You found a picture that appeared to be of the Arvizo children, correct.

A. Yes.

Q. And it appears to be a picture -- well, maybe I could put it up, Your Honor, if I may. It appears to be a picture that was taken of the children and probably given to Mr. Jackson,

correct.

A. Correct.

Q. It doesn’t look like a candid snapshot. It looks like some kind of a commercially prepared picture; is that right.

A. Correct.

Q. All right. When you looked through the house, just the main house that you looked through, Mr. Jackson had a tremendous number of photographs of adults, children, people of all sorts all over his house, did he not.

A. Yes.

Q. And it appeared that quite a number of those photographs were, in fact, sent to him by fans or people who were sending him photographs. They weren’t snapshots taken by Mr. Jackson; is that correct.

A. Correct.

Q. All right. I want to ask you about the mannequin and the -- well, it’s not here. Do you have the photograph of the mannequin.

A. Here it is.

Q. Oh. It’s up there.

A. Yes.

MR. SANGER: May I approach, Your Honor.

THE COURT: Yes.

MR. SANGER: Thank you.

THE WITNESS: Uh-huh.

MR. SANGER: What else do you have there. Let me see, so I don’t make too many trips. Now, 153 I believe is in evidence; is that correct, Your Honor. In any event, I’d like to publish it. I believe it is.

THE COURT: Yes. 153’s in evidence. You may show it.

MR. SANGER: Thank you.

Q. When you look at 153 - and you have to wait a second - it appears to be a -- a mannequin of a

child, you said, right.
A. Yes.
Q. Do you know if that is a mannequin that represents some member of Mr. Jackson’s family.
A. I don’t know.
Q. Were you aware that someone had defaced this mannequin.
A. Yes.
Q. All right. And did you examine the mannequin to see the portion that was, in fact, defaced.
A. Yes.
Q. All right.
I’d like to have I think it’s 5033. This was marked for identification previously with another witness, Your Honor.
THE COURT: It was.
MR. SANGER: I’d like to approach the witness, if I may.
THE COURT: Yes.
MR. SANGER: Thank you.
Q. Let me show you 5033, and ask you -- let me -- let me go back here to ask you a question, if I may.
Showing you 5033, does that appear to be the portion of the mannequin that was defaced.
A. Yes.

Q. Basically -- and let me ask, is that -- does that appear to be an accurate depiction of the actual subject matter.
A. Yes.
MR. SANGER: Your Honor, I’d move 5033 into evidence.
THE COURT: It’s admitted.
MR. SANGER: May I approach to retrieve it.
THE COURT: Yes.
Q. BY MR. SANGER: Now, does it appear that somebody defaced this with a marking pen of some sort.
A. Yes.
MR. SANGER: All right. Your Honor, I’d

like to publish this, if I may.

THE COURT: You may.

Q. BY MR. SANGER: Standing -- and I’m going to turn it first so you can see the evidence -- exhibit tag, and then I’ll show this here.

So it looked like somebody had drawn in -- drawn this in on this particular doll; is that correct.

A. It appears that way, yes.

Q. Did you find out who did that.

A. No.

Q. You interviewed the Arvizos a number of times, the Arvizo children, Star, Davellin and Gavin, correct.

A. Correct.

Q. Did you ever ask them if they did this.

A. No.

Q. Excuse me one second.

Did you ever have occasion to go up to the --

Your Honor, if you wanted to hit the light, that would be okay. Thank you.

Did you ever have occasion to go up to the administrative office for the ranch.

A. Yes.

Q. And the administrative office of the ranch is up on the hill -- well, there are a lot of hills there. But anyway, let’s try it this way.

The administrative office for the ranch is not in the residential complex we just described down below; is that correct.

A. Correct.

Q. It’s up on a hill, right.

A. Yes.

Q. And it’s a working office, correct.

A. Appears that way, yes.

Q. There’s secretaries or assistants -- there’s a couple of executive offices of some sort.

A. Yes.

Q. Okay. It’s actually a metal building, something you’d see on a ranch, I suppose; is that

right.

A. I didn’t take notice.

Q. Okay. And there’s actually a fire department there. There’s a bay with a fire truck there.

A. Yes.

Q. All right. Now, in the administrative office, when you’re up there, did you have occasion to see -- on November 18, to see the pile of materials that had been sent by fans within the last five to seven days.

MR. SNEDDON: Your Honor, I’m going to object. It assumes facts not in evidence and lack of foundation as to the date.

THE COURT: Sustained.

MR. SANGER: Okay.

Q. I’m talking about November 18, 2003, the -- is that when you were at the administrative office.

A. No.

Q. Oh, I see. When were you at the administrative office.

A. The last search warrant, which was in December of ‘04.

Q. Okay. All right. That’s fine.

You were part of the group that came to Mr. Jackson’s house early in the morning on December - what was it - 3rd of 2004; is that correct.

A. I’m not specifically sure on the date. But it was December of ‘04, yes.

Q. All right. It was a Friday, was it not.

A. Yes.

Q. And what time did you arrive.

A. I believe it was around nine o’clock, maybe ten o’clock in the morning.

Q. Did you arrive at the first -- with the first car on that occasion.

A. Yes.

Q. Okay. And Mr. Jackson and his children were in residence there, in their house at that hour.

A. That was my understanding.

Q. Nobody called ahead to say, “We’d like to come out to your ranch and look at things”.

A. Not to my knowledge.

Q. And how many people showed up that day from law enforcement, or associated with your search.

MR. SNEDDON: Your Honor, I’m going to object as beyond the scope of direct examination and relevance.

THE COURT: Are you saying that none of the seizures that he was testifying to on direct occurred on December 4th.

MR. SNEDDON: That’s correct, Your Honor. And I didn’t ask any questions about December.

MR. SANGER: The question was the materials received from fans. And this is evidently when he saw them.

MR. SNEDDON: Well, no.

THE COURT: The question you asked was, “How many people showed up on that search.” I’ll sustain the objection.

MR. SANGER: Okay.

Q. At some point, you went from the house area up to the administrative building; is that correct.

A. In 2004.

Q. December of 2004, the Friday, which --

A. Correct.

Q. -- could be the 3rd.

Okay. And when you went up to the administrative office, did you search the administrative office.

A. No.

Q. Did somebody search it.

A. I don’t believe so.

Q. Were you given something from the office voluntarily.

A. No.

Q. When you were up there and you went through the office, did you see a large pile of materials, of things, sent to Mr. Jackson from all over the world.

A. No.

Q. Okay. Let me --

If I may, Your Honor, I’d like to show that Exhibit 72, which shows the door to the closet.

THE COURT: All right.

MR. SANGER: And that’s been received.

Q. Okay. You indicated that that was the stairway that goes up to Mr. Jackson’s upper bedroom area, correct.

A. Correct.

Q. And what we’re talking about, this is the door to his downstairs area; is that correct.

A. Yes.

Q. And just to the left of that, there are bookcases; is that correct.

A. Yes.

Q. And to the right of that, along the outside of that wall, there were piles of books; is that correct.

A. Yes.

Q. All right. And around the piano, behind the piano, there are bookcases. The piano’s on the other side of the wall in that room; is that correct.

A. I’m not sure if there was a bookcase.

Q. And there were books piled up around and near the piano; is that correct.

A. I don’t know.

Q. All right. And besides books, there were magazines, reading material of all sorts all over the place, right.

A. Correct.

Q. All right. Now, where you -- where you put your initials there on the door, that is a long, walk-in kind of closet, correct.

A. Yes.

Q. And there were quite a number of items stored specifically in that closet; is that correct.

A. Appeared so, yes.

Q. Again, memorabilia, photographs, boxes, all sorts of things, right.

A. Yes.

Q. And there was also clothing in there, correct.

A. Yes.

Q. All right. Now, what I want to do is go to a question that Mr. Zonen -- Mr. Sneddon had asked you if you did these interviews.

And, Your Honor, we can turn the light on, if you want.

And, in fact, there were interviews which were done of the Arvizo children on 7-7-03, July 7, '03, correct.

A. Correct.

Q. And you participated in that interview; is that correct.

A. Yes.

Q. You interviewed Davellin, Star and Gavin on that day; is that correct.

A. Correct.

Q. And that's tape-recorded.

A. Yes.

Q. And you have transcripts of the tape, correct.

A. Yes.

Q. And then there were follow-up interviews on 8-13-03. You participated in those; is that correct.

A. Yes.

Q. And again, you interviewed all three of the children at that time; is that correct.

A. Yes.

Q. You then had the search, which was November 18 of '03, correct.

A. Yes.

Q. And then there was some brief interviews on November 26, '03; is that correct.

A. I don’t -- I don’t remember that date specifically.

Q. Well, do you remember a date in November. Was it the day of the month or you don’t remember doing it at all. Did I say 26th or 25th. In any event, November 25th.

A. Of 2003.

Q. Of 2003.

A. Interview with the children.

Q. With Gavin and with Star that were tape-recorded and transcripts made.

A. I’m not sure.

Q. Okay. Would it help if I showed you a transcript to see if that refreshes your recollection.

A. Yes.

Q. Take a look at that. My question was, were you there. I’m showing you a transcript of an interview. And I believe Detective Robel indicated he was there, if that helps you.

A. I don’t recall this interview.

Q. Were you advised of that interview at all by Detective Robel.

A. I would have to read it further.

Q. Take your time.

A. He may have briefed me on the interview. I don’t think he got into detail.

Q. All right. In any event, so what you’re saying, you may or may not have known that there was an interview. You think you probably were told.

A. Correct.

Q. And you don’t think you were there.

A. I don’t believe so.

Q. Okay. The next interview was January the 19th, 2004; is that correct.

A. Correct.

Q. And you were at that one.

A. Yes.

Q. And who was at that interview.
A. Deputy District Attorney Ron Zonen. I believe District Attorney Tom Sneddon.
Q. And who else.
A. Lieutenant Jeff Klapakis. Sergeant Robel. The Arvizo children.
Q. All right. Did Sergeant Robel stay for the entire interview.
A. I do not believe so.
Q. Okay. Did you stay for the entire interview.
A. Yes.
MR. SANGER: All right. May I retrieve my book, Your Honor.
THE COURT: Yes.
MR. SANGER: Thank you.
Q. Now, at the time of this interview, let's say before January 19th, had you ever seen the rebuttal video.
A. I don't believe so.
Q. All right. And this interview process started with a showing to the Arvizo children of the rebuttal video; is that correct.
A. Yes.
Q. And before it was shown to them, they were -- let me withdraw that.
Before the rebuttal film was shown to them, the Arvizo children were told what they were about to see; is that correct.

A. Yes.
Q. And after the film was shown to them, they were then interviewed on tape; is that correct.
A. Correct.
Q. And Mr. Sneddon actively participated in the interview; is that right.
A. I do not believe so.
Q. Okay. We'll come back to that. I want to direct your attention to Davellin's interview first, if I may. And in Davellin's interview, she was asked, in general, how they could have responded the

way they did in this rebuttal film based on the allegations that they were making, correct.

A. Yes.

Q. And specifically Davellin was asked about the hand-holding. Remember that.

A. Vaguely, yes.

Q. Do you remember the scene in the rebuttal video where Janet Arvizo doesn’t appear to know that she’s even on film and she says, “Hey, hey, get this, get this. Get us holding hands just like Bashir,” and everybody kind of joins in as to what a good idea it is. Do you remember that.

A. Vaguely.

Q. All right. And do you recall asking her -- did anybody ever talk to you or talk to Gavin and your mother that they should hold hands together, “Gavin and your mother during this,” and then it’s unintelligible. Remember that question.

A. Yes.

Q. And Davellin says, “Oh, yeah, they -- because they -- they wanted to -- because the fact that they did the Bashir thing, they wanted my mom to do it so it could erase what they saw of Michael.” Remember that.

A. Yes.

Q. And later, as she was asked, she was asked about the part of the video where they are calling Michael Jackson “daddy” and talking about him as “daddy” and his family. Do you remember that.

A. Yes.

Q. And her explanation for that was that Frank and Dieter told them to do that; is that correct.

A. Mainly Dieter is my recollection.

Q. Okay. Primarily Dieter. But you remember her talking about Frank as well, “Frank told us,” and “Dieter told us” at one point, too.

A. I recall mainly she mentioned Dieter.

Q. Okay. Now, did you interview the kids independently, or were they all sitting there

together.
A. Independently.
Q. They were all sitting there together to watch the film, though, correct.

A. Correct.
Q. And you didn’t record what they said during the film while the film was being played for them, did you.
MR. SNEDDON: Your Honor, I’m going to object. Assumes facts not in evidence.
THE COURT: Sustained.
Q. BY MR. SANGER: Okay. Did they say anything while the film was being played.
A. No.
Q. Nothing at all.
A. They were instructed not to talk to each other.
Q. All right. On the -- when you talked to Gavin -- let me withdraw that for a second. Before they saw the film, they -- the Arvizo children, Gavin and Star in particular, had been confronted before that -- before they saw the film, they had been confronted by law enforcement as to the fact that there was a film in which they appeared to be very happy with Michael Jackson, correct.
MR. SNEDDON: Your Honor, I’m going to object to the use of --
MR. SANGER: I’ll withdraw it. We won’t say “confronted.” We’ll say they were advised. They were asked.

THE WITNESS: I’m sorry, could you repeat the question.
Q. BY MR. SANGER: The Arvizo children, particularly Gavin and Star, were asked about the rebuttal film before they saw it.
A. I’m not sure.
Q. Okay. And when you just briefly reviewed

the Gavin transcript there from 11-25-03, was there any question asked about a rebuttal video at that time.

MR. SNEDDON: Your Honor, I’m going to object to the question. He said he doesn’t believe he was present.

MR. SANGER: Okay.

THE COURT: Sustained.

Q. BY MR. SANGER: Were you advised that -- before they saw the video on -- you’re the detective, one of the lead detectives in this case, right.

MR. SNEDDON: Asked and answered.

THE COURT: Sustained.

Q. BY MR. SANGER: Okay. When you’re sitting there on January 19th, 2004, with Mr. Sneddon, Mr. Zonen and the other people, including your lieutenant and your sergeant, you are concerned about what these kids are going to say about this video, correct. You want to know what they have to say.

A. Yes.

MR. SNEDDON: Object. That’s compound.

THE COURT: Sustained.

MR. SANGER: Okay.

MR. SNEDDON: Move to strike the answer.

THE COURT: Stricken.

Q. BY MR. SANGER: You wanted to know what they had to say about the video, right.

A. Yes.

Q. And so as the investigator, one of the lead investigators at that time, you were aware that the fact that the video had been discussed with at least Gavin and Star -- I’m not talking about Janet Arvizo. That’s another subject. But as to the children, it’s been discussed with at least Gavin and Star the fact that there was a video where they portrayed themselves of being very supportive of Michael Jackson. That was discussed with them before --

THE COURT: This question is just going on and on.

MR. SNEDDON: Move to strike.

THE COURT: Start over.

MR. SANGER: Let me start over, okay.

Q. Did you discuss -- let me withdraw that.

Were you aware that the Arvizo children had discussed with law enforcement the fact that there was a rebuttal video before they showed up on the 19th to watch it.

A. I don’t believe I was aware.

Q. So you thought this was just cold, outside the box; nobody had ever talked to them about it.

MR. SNEDDON: Your Honor, that’s argumentative.

THE COURT: Sustained.

Q. BY MR. SANGER: When you say you weren’t aware, was it your belief at that time when they sat down that they weren’t even aware you had a rebuttal video.

A. I don’t know what they were aware of and what they were not aware of.

Q. Well, as an investigator, the state of mind of the subject that you’re interviewing is important, is it not.

MR. SNEDDON: Object; argumentative.

THE COURT: Overruled.

THE WITNESS: Maybe I should clarify that.

THE COURT: No, you should just answer the question. Do you want the question read back.

THE WITNESS: Please.

(Record read.)

THE WITNESS: Yes.

Q. BY MR. SANGER: Okay. Now, when Gavin was asked about the video, after he saw the rebuttal video on January 19, 2004, he said that Dieter had told them what to say; is that correct.

A. Yes.

Q. And he also said that 99.9 percent of what was shown on the rebuttal video was not true -- or let me rephrase that. 99.9 percent of what was said on the rebuttal video was not true; isn't that correct.

A. That is not correct.

Q. All right. You don't have a copy of this with you, do you.

A. I may have.

Q. I think you attached it to one of your police reports. If it's not handy, I'll show you mine.

A. It may take me some time to find it. If you have it handy, that would be more efficient.

Q. All right. I think it was -- let me -- I'll just show you mine.

May I approach, Your Honor.

THE COURT: Yes.

Q. BY MR. SANGER: I'm showing you page 12. And you're welcome to read before and after, whatever you want to do, but I'm kind of directing your attention there to the middle of that page. I'd like you to read that. And then after you're through, tell me if that refreshes your recollection as to what Gavin said.

A. Okay.

Q. Okay. And that refreshes your recollection.

A. Yes.

Q. And he said, "Like 99 percent of the things weren't true"; is that correct.

A. That Dieter, or "they," were telling them what to say on the rebuttal video. Not what was said on the rebuttal video. What they were told to say.

Q. And what they were told to say was the same they said they were saying. They were claiming it was the same thing that they said, was it not.

MR. SNEDDON: Object as argumentative.

THE COURT: Do you understand the question.

THE WITNESS: Well, I don't know the exact specifics of what Dieter told them to say prior.

Q. BY MR. SANGER: The question -- you'd be asking questions about the calling Michael “daddy” and saying they were members of his family, and they were -- all of those things were the subject matter of what you were asking about, correct.

A. Correct.

Q. And he said Dieter told him to say it, right.

A. Of the things to say, yes.

Q. And he said 99.9 percent of that wasn’t true, right.

A. Yes, he does say that, to what Dieter told him to say.

Q. All right. Never told you Dieter told him

to say anything that he didn’t say, did he. He didn’t say, “Dieter told me the moon’s made out of blue cheese, but I wouldn’t say it”.

A. No.

Q. All right. Now, on another issue in this same interview -- well, let’s set the stage by going back to the 7th of July interview. And let me ask you in general.

During the -- during the three interviews that you had conducted -- and there was a fourth one, the 11-25-03, but you don’t know about that other than what you’ve seen, so I’ll exclude that.

Of the three interviews, July, August and January, was Gavin consistent as to when he claimed the acts of molest that he was alleging had occurred.

A. Yes.

Q. In July, he said, “It was one of the last days that I was staying at Neverland,” correct.

A. Something to that effect. I believe so, yes.

Q. Okay. And in August, he was not clear as to whether it was before or after the DCFS interview, correct.

MR. SNEDDON: Your Honor, I’m -- I’m going to object, Your Honor. That --

THE COURT: Sustained. It’s a conclusion. Calls for a conclusion.

MR. SANGER: All right.

Q. Let’s just go to the January 19th, 2004 -- okay. In January of 2004, did he tell you that he was sure as to the dates when the molest occurred, the alleged molests.

A. That he was sure.

Q. Yes.

A. No.

Q. And at that time, he said he didn’t know whether it was before or after DCSF, but that, “You guys would know.” Remember him saying that.

A. That’s not what he said.

Q. Okay. What did he say.

A. He was asked -- and this is my recollection. He was asked of when the molestations occurred, and if they could have been prior, or if they were prior or after the DCFS interview. And he said, “I think so,” period. That’s my recollection.

Q. He thought so, that they were prior to it, before it.

A. I think so.

Q. He said, “I think so.” And then he said, “You guys would know,” right.

A. No. He said we would know to when the DCFS interview occurred.

Q. Okay. So you’re interpreting that as, “You would know when DCFS occurred”.

A. Correct.

Q. He didn’t say, “You guys would know when the DCFS interview occurred”.

A. He indicated that we would know when the DCFS interview occurred.

Q. Okay. So he said he thought it could be prior, could be before.

A. The molestations occurred.

Q. Yes.

A. He said he thought so.

Q. He thought so.

A. Yes.
Q. All right. And then you also interviewed Star on that same occasion, on January 19th; is that correct.
A. Yes.
Q. And once again, Star’s answer, after he saw the video, was that Dieter told him to use terms such as “father” and “humble”; is that correct.
A. Yes.
Q. And at that time you didn’t ask him about using those terms before he ever met Dieter, did you.
A. No.
Q. At that time were you aware that Star and the rest of the family had sent cards to Michael Jackson in 2001 calling him “father,” talking about him being part of their family, using all those same terms that are on the video.

A. Can you repeat the question.
MR. SANGER: Could we have that read back.
THE COURT: All right.
(Record read.)
THE WITNESS: I know cards were sent. I do not know the dates of when those cards were sent.
Q. BY MR. SANGER: Did you ask him about those cards.
A. Personally, I don’t think so.
Q. So you didn’t say, “Well, Dieter told you to say this, but you also said this in the cards”. You didn’t ask him about that subject matter.
A. No.
Q. Were you aware that the family used that same language in dealing with other people such as Louise Palanker.
MR. SNEDDON: Can I object as to vague as to the “same language”. Because there’s a number of different terms.
MR. SANGER: Okay. “Mommy” instead of “daddy.”
THE COURT: Sustained.
Q. BY MR. SANGER: Were you aware that they

were calling Louise Palanker “mommy” and saying they were part of her family --

A. No.

Q. -- using the same kind of language.

Did you recently learn that.

A. No.

Q. Are you still on this case.

A. Yes.

Q. Okay. Let me have just one second, Your Honor.

Let me go one more time to the interview on January the 19th. And do you remember Mr. Sneddon actually asking questions in that interview, or making comments in that interview.

A. Which interview. Of which interview.

Q. Of Gavin. Yes, of Gavin.

A. I --

Q. January 19th, 2004, interview of Gavin.

Sorry.

A. I do not recall.

Q. Okay. Do you recall whether or not Mr. Sneddon expressed concern in the presence of Gavin, the complaining witness in this case, about why he made these kinds of remarks on the rebuttal video.

A. I do not recall.

Q. Do you recall whether or not Gavin responded to Mr. Sneddon, to Mr. Sneddon’s remarks.

A. I do not know.

MR. SANGER: Okay. May I approach, Your Honor.

THE COURT: Yes.

MR. SNEDDON: What page are you talking about, Counsel.

MR. SANGER: 13.

Q. I’m going to show you page 13, but you can read the whole thing if you want. Do whatever you want. I’m going to ask you if it refreshes your recollection about the exchange between Mr. Sneddon and Gavin Arvizo.

A. Okay.

MR. SANGER: May I retrieve the book, Your Honor.

Q. Does that refresh your recollection.

A. Yes.

Q. Before I ask you about what was said, let me put this in context.

As an investigator, when you're interviewing a witness, you're supposed to get information. You're not supposed to convey to the witness what you would like them to say, correct.

A. Yes.

Q. Do you recall now, having refreshed your recollection, that Mr. Sneddon said, "So, in your mind, one of the things that you're thinking is, they're doing this video that they want you guys to do, that if you ever told them the truth about being molested by him, that nobody would believe you". Remember that question.

A. Yes.

Q. And then Gavin Arvizo says, "Yeah, that they would use that and say that we're lying. That's

what I think they used it for. I think that's why they told us to say all those things in the tape. They told us it was for -- they told us it was for so they could release the tape out to the media for rebuttal for what they were all saying, but I don't think -- they were, like, kind of forcing us to say those things. 99.9 percent of the things they were telling us to say weren't even true."

So -- and then the answer ends.

Was that what Mr. Sneddon said and what Gavin Arvizo said in response.

A. Yes.

Q. And at that point in the interview, as the investigator in the case, it was your understanding that what Gavin Arvizo was saying at that point is that he was claiming he was molested before the rebuttal, and that this was to -- the rebuttal was to cover up a molest; is that correct.

A. No.

Q. Well, that's what Mr. Sneddon was asking, wasn't it. "If you ever told the truth about being molested by him, that nobody would believe you".

MR. SNEDDON: Your Honor, that calls for a conclusion on the part of the witness. It's --

THE COURT: Sustained.

MR. SANGER: All right. Excuse me one second.

Q. You may need to look at this again, so I'll let you do that if you need to. But just so we're clear on that -- and Mr. Mesereau was kind enough to direct me on this. Just so you're clear on this, just preceding this exchange with Mr. Sneddon, the question was asked, "The acts of molestation, had they already begun by the time you did this video."

MR. SNEDDON: I'm going to object to this as asked and answered. He's just reading. There's no question pending.

THE COURT: No, I'm going to allow him to read that. I assume it's the preface to a question.

MR. SANGER: Right.

THE COURT: Go ahead.

Q. BY MR. SANGER: And I think you did refer to this, but to put it in context, the question:

"The acts of molestation, had they already begun by the time did you this video; do you know.

"A. I think so."

And then:

"Q. Within hours after doing the video was that meeting with the workers from the Child Protective Services. Is that how you remembered it, or you're not certain.

"A. I don't know. I'm not sure it happened -- whether it happened before or after. You guys probably would know that date."

That's what I had asked you about before.

Is that all accurate.

A. Yes.
Q. And then immediately following that, Mr. Sneddon says, “So, in your mind, one of the things you’re thinking is, they’ve done this video that they want you guys to do so that if you ever told them the truth about being molested by him, that nobody would believe you,” correct.
A. Correct.
Q. And then Gavin Arvizo essentially adopts Mr. Sneddon’s interpretation.
A. It was -- that question asked by Mr. Sneddon was a clarification of an idea that was given to us by Gavin prior to that.
Q. So that he was molested before the video, and the video was done in order to negate any claim that he was molested.
A. No.
Q. And you understand that other times, Gavin Arvizo has claimed that the molest occurred at the end of his stay at Neverland, not in early February or mid-February, correct.
A. Are you asking my understanding. I’m sorry, could you repeat the question.
Q. Well, let me clarify it, if I may.
Other times, you told us July 7th, he said it was right at the end of his stay. That would have been March, correct.
A. Correct.

Q. And you don’t know what he testified to here in court.
A. No.
Q. You weren’t here.
All right. Now, let me go back to the beginning of your involvement in this case. You said you started in June, June the 13th of 2003, correct.
A. Correct.
Q. When you took over this case, it already had a case number; is that right.
A. Yes.
Q. Now, case numbers are assigned in the

sheriff's department for each new case, correct.

A. Correct.

Q. In other words, just because a person was involved in a case doesn't mean that person will have the same number, either as a suspect or reporting party or anything else, correct.

A. Correct.

Q. A case number is assigned when a case is open, when an investigation is open on a particular subject matter, right.

A. Correct.

Q. And it's your understanding that Terry Flaa, Detective Terry Flaa, had been assigned to go investigate this case when it was first opened, correct.

A. Yes.

Q. Terry Flaa at that time, in fact, was the lead investigator on the case; is that correct.

A. I believe so, yes.

Q. You -- he -- let me withdraw that.
He filed a report saying that there was no criminal activity; is that right.

A. Correct.

Q. And that report was filed on April the 16th of 2003, correct.

A. I'm not sure of the date.

Q. It was filed sometime before you got involved in the case, right.

A. Yes.

Q. Okay. And then June 13th you requested his police reports and files; is that correct.

A. Yes.

Q. Did you ever talk to Detective Flaa.

A. Yes.

Q. When did you talk to him. Well, did you ever talk to him about this case.

A. I don't believe so.

Q. All right. So you took over the case and requested his reports, but you never talked to him about the case.

A. Correct.

Q. And then about a month after you got involved in the case, Sergeant Robel was brought in; is that correct.

A. No. He was brought in right away.

Q. “Right away,” meaning what. The 13th, 14th of June, or sometime later.

A. I don’t know. You’d have to ask him. I don’t remember.

Q. Well, we did. But do you recall.

A. No.

Q. All right. When you were first assigned to the case, you were the lead investigator in the case; is that correct.

A. Correct.

Q. And eventually when Sergeant Robel was brought in, he was then designated as the lead investigator.

A. Co-lead.

Q. So you and he were co-lead investigators.

A. Correct.

THE COURT: All right. Let’s take our break.

(Recess taken.)

THE COURT: Go ahead.

MR. SANGER: Are we to assume that somebody brought food for the Court. Just a joke.

THE COURT: The people in the back of the room didn’t hear your joke.

MR. SANGER: Ahh. Having risked my life once on that joke, I think I’ll let it go, if that’s all right with the Court.

A VOICE FROM THE AUDIENCE: Ahh.

MR. SANGER: All right. May I proceed, Your Honor.

THE COURT: Yes.

MR. SANGER: Thank you.

Q. All right. So before the break, just to pick up where we left off, you indicated you were appointed as an investigator on this case June the

13th of 2003, correct.
A. Yes.
Q. And then Sergeant Robel, sometime after that, came in as co-lead investigator, correct.
A. Correct.
Q. And you told us you did not call Terry Flaa to gain the benefit of what he had done on the case; is that correct.
A. I did say that before the break. But I thought about it, and I believe I may have spoken with him.
Q. You may have. Do you know if Sergeant Robel spoke to him.
A. I don’t know.
Q. Okay. And Detective Flaa was still working for your department in June of 2003, correct.
A. I’m not sure.
Q. And he had -- and again, I don’t mean any offense, but he had considerably more experience as a detective than you had at that point; is that

correct.
A. Yes. He’d been in the division a lot longer than I had.
Q. And he also had quite a bit of specialized training in sexual offense cases; is that correct.
A. That’s my -- that’s what I believe, yes.
Q. Okay. And he eventually, by the end of the year or so, he left the sheriff’s department, correct.
A. Yes.
Q. And then he went to work at the Santa Maria Police Department; is that correct.
A. Correct.
Q. Okay. During that year, or I’m sorry, half a year while he was still at the department, did you and Sergeant Robel consult with him on this case.
A. Together, do you mean.
Q. Independently or together.
A. I can’t speak for Sergeant Robel, but I believe I may have talked with him, yes.
Q. You may have talked with him. Do you recall

consulting with him on this case.

A. Not specifically, but I may have.

Q. Okay. And he found that there was no criminal activity, right.

A. Correct.

Q. And he was pretty much out of the picture after that; is that correct.

A. Yes.

MR. SANGER: Okay. No further questions.

REDIRECT EXAMINATION

BY MR. SNEDDON:

Q. Detective Zelis, I actually have just one question. And I want to direct your attention back to Mr. Sanger's examination about Gavin's response to my question on the day that you were interviewing him. Do you recall that.

A. Yes.

Q. Do you recall, that report in front of you, is that with the one you took a long time to find.

A. Yes.

Q. All right. At the time -- let me ask you a question. If you don't remember the answer, I'll allow you to look at it and you can refresh your recollection.

Mr. Sanger didn't finish reading the rest of the questions and answers, but at the time that Gavin made that statement, was he talking about something that he believed at the time that the rebuttal was made or something that he was reflecting back on.

MR. SANGER: Objection; calls for speculation.

THE COURT: Sustained.

Q. BY MR. SNEDDON: Based -- based on Gavin's statement during that conversation, was he indicating that that was his current belief as to what happened or that was his state of mind at the time that the rebuttal film was made.

MR. SANGER: I still object. That calls for speculation.

THE COURT: Sustained.

MR. SNEDDON: Judge --

THE COURT: You can have him state what he said, not what his conclusion is.

MR. SNEDDON: All right. I was trying to do it -- all right. I'll do that.

Q. Question by me: “Did you think that at the time, or that that's what you think now, now that you see it.

“A. No. That's what I think now, when I see it, everything.”

Was that his statement to you at that time --

A. Yes.

Q. -- in relationship to the question Mr. Sanger had brought to your attention that I asked him earlier.

A. Yes.

Q. That was the question and answer that preceded the entire conversation.

A. Correct.

MR. SNEDDON: Nothing further.

RECROSS-EXAMINATION

BY MR. SANGER:

Q. All right. Just so we're clear, because we had the words “preceded” and so on there, what Mr. Sneddon just read to you, you were following in the transcript; is that correct.

A. Not at the same time, no.

Q. Oh, okay. Then during the break he reviewed this with you; is that correct.

A. No.

Q. Did you see this during the break.

A. You let me read it.

Q. Pardon.

A. I believe you let me read it.

Q. Okay. Okay. So maybe I didn't ask that question correctly. Mr. Sneddon, during the break, let you read that part of the transcript.

A. No.

Q. What are you talking about. You said he let you read it.

A. No, I said, “You let me read it.”

Q. Oh, okay. I didn’t let you read it during the break.

A. No.

Q. But if you’d asked, I probably would have, but -- all right. During the break, did you discuss that with Mr. Sneddon at all.

A. No.

Q. All right. So he got up there and he asked you about these comments preceding the comments that he made; is that right.

A. Yes.

Q. These comments did not precede the comments that Mr. Sneddon made, did they. May I approach the witness.

THE COURT: Yes.

Q. BY MR. SANGER: I’m going to show you the transcript.

MR. SNEDDON: That’s what I was trying to do.

Q. BY MR. SANGER: What Mr. Sneddon just read to you came after the exchange between Mr. Sneddon and Gavin; is that correct.

A. May I --

Q. You can look at whatever you want to look at in there.

A. It is after the question by Mr. Sneddon to Gavin.

Q. And after Gavin gave his explanation about, “Yeah, that’s what they were doing, and it was 99.9 percent of it was not true.” Right.

A. Correct.

Q. And then what Mr. Sneddon read followed that; is that correct.

A. Correct.

MR. SANGER: Okay. I have no further

questions.
May I approach to retrieve my book.
MR. SNEDDON: No questions, Your Honor.
THE COURT: Yes.
All right. You may step down. Call your next witness.
MR. SNEDDON: Detective Alvarez.
THE COURT: All right. When you get to the witness stand, please remain standing. Face the clerk and raise your right hand.

VICTOR M. ALVAREZ
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: My name is Victor M. Alvarez. A-l-v-a-r-e-z.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. SNEDDON:
Q. Detective Alvarez, you're a deputy sheriff.
A. That's correct.
Q. How long have you been a deputy sheriff.
A. About 25 and a half years.
Q. And you're a detective now, correct.

A. That's correct.
Q. How long have you been a detective.
A. Five and a half years.
Q. And did -- some point in time, did you get assigned to work as one of the detectives on the investigation into the child molestation charges against the defendant in this case, Mr. Jackson.
A. Yes, I did.
Q. Do you recall when it was that you were assigned.
A. I think it was approximately one week before

the initial search warrant.
Q. And do you remember what month and year that would have been, then.
A. It would have been November of 2003.
Q. During the course of your time as a detective on this particular case, were you asked to obtain some rolled fingerprint impressions from the Arvizo boys.
A. Yes.
Q. Do you remember when you did that. Just generally the month and the year.
A. I would imagine it was three or four months ago.
Q. All right. Let me show you an exhibit. It might help.
(Off-the-record discussion held at counsel table.)

Q. BY MR. SNEDDON: I've handed you an exhibit marked 287 for identification purposes. Do you recognize that exhibit.
A. I do.
Q. When and where was the first time you saw that exhibit.
A. When I sealed it, and when I rolled these fingerprints.
Q. And you were the one responsible for rolling those prints.
A. That's correct.
Q. Where were you when you rolled them.
A. At the Arvizo home.
Q. And the prints contained in that exhibit are the prints of both boys.
A. That's correct.
Q. All right. And then you sealed and booked it into evidence.
A. I did.
MR. SNEDDON: Your Honor, I move that be admitted into evidence, People's 287.
MR. SANGER: No objection.
THE COURT: All right. It's admitted.
Q. BY MR. SNEDDON: All right. Let's go back a

little bit in time to prior, at the time that you were assigned to the case.

Were you involved in the execution of the search warrant on November the 18th of 2003 at Neverland Valley Ranch.

A. Not -- I was assigned to do an interview prior to going to the ranch.

Q. And did somebody go with you to that interview.

A. Yes.

Q. Who was that.

A. Detective Bonner.

Q. And where did the interview take place.

A. At the Santa Maria Sheriff’s Department Substation.

Q. And who did you meet there.

A. Jesus Salas.

Q. And did you videotape that conversation.

A. We did.

Q. And do you speak Spanish.

A. I do.

Q. Mr. Salas speaks Spanish.

A. He speaks English pretty good. But if there was a word that he didn’t understand or was stuck on a word, I translated for him.

Q. Now, after you completed your conversation with Mr. Salas on the 18th -- by the way, we didn’t establish everything, but what time was it when you made contact with Mr. Salas.

A. We called Mr. Salas, or we were to meet with Mr. Salas, it was a prearranged meeting, at 7:00 in the morning.

Q. Did Mr. Salas know what the purpose of the meeting was.

A. No.

Q. And did you meet him at 7:00.

A. If it wasn’t at 7:00, it was very close to 7:00, shortly thereafter.

Q. After you finished your conversation with Mr. Salas, what did you do.

A. We left the Santa Maria substation and went to Neverland Ranch.

Q. When you say “we,” who was with you.

A. Detective Bonner.

Q. And do you remember about what time it was when you got to the ranch.

A. Close to ten o’clock.

Q. And when you arrived at the ranch, were you assigned any particular responsibilities at that time.

A. Yes, I was.

Q. What responsibilities were you assigned.

A. To help with the interview of the Neverland employees.

Q. And after you completed that, were you given any other assignments.

A. Yes.

Q. And what assignments were those.

A. To search -- to help continue the search of Mr. Jackson’s master bedroom.

Q. And do you recall approximately what time it was when you became involved in those activities.

A. I’d say about 11:00 or 11:30 in the morning.

Q. During the course of the time that you were there, did you seize some items that were eventually booked into evidence.

A. I did.

Q. Do you remember the first thing that you found.

A. Yes.

Q. And what was that.

A. They were some books containing adult material that were located near the bathtub in the master bedroom -- or master bathroom.

Q. All right. Anything else that you found that day that you eventually seized.

A. Yes.

Q. What else.

A. A black computer bag that would be for a laptop, the name was Targus, T-a-r-g-u-s, that contained adult videos and adult magazines.

Q. And where was that located.

A. That was located on the floor in the master bathroom next to the sink area, so it would be in between the sink and the round bathtub.

Q. All right.

MR. SANGER: What’s the number.

MR. SNEDDON: I’m putting that on there now.

Your Honor, I have a large brown paper bag with the numbers “03-5670” at the top in black. I’ve shown the bag and its contents to Mr. Sanger for his examination. I’d like to show it to the witness.

THE COURT: All right.

MR. SANGER: I guess the question was, did it have an exhibit number.

MR. SNEDDON: I beg your pardon. 288.

Q. Would you take a look at the item contained in People’s 288. Do you recognize that.

A. I do.

Q. And when and where was the first time you saw that item.

A. I saw it in the master bedroom -- I’m sorry, in the master bathroom downstairs area on the floor next to the sink.

Q. Now, when you obtained that item, what did you do with it after seizing it.

A. Prior to seizing it, I opened it up and saw the material that was inside.

Q. All right. And then what did you do with -- did you take the materials out or did you leave them inside.

A. I left them in, and I sealed this bag and the big evidence bag.

Q. All right. So it was then booked into evidence.

A. The whole thing was, yes.

Q. Okay. Move that People’s 288 be admitted into evidence, Your Honor.
MR. SANGER: No objection. Obviously, other than prior objections.
THE COURT: Right.
MR. SANGER: May that remain unstated.
THE COURT: Yes.
MR. SANGER: Thank you.
THE COURT: It’s admitted.
Q. BY MR. SNEDDON: I’m going to show you a photograph, and that photograph has been marked as People’s 57 for identification purposes, and ask if you recognize that photograph.
A. I do.
Q. And are the areas depicted in that photograph an accurate depiction as you saw it on the morning of November the 18th, 2003.
A. Yes.
MR. SNEDDON: Move that be admitted into evidence, Your Honor.
MR. SANGER: I have no objection.
THE COURT: All right. It’s admitted.
THE BAILIFF: Your Honor, would you hit the button.
MR. SNEDDON: Your Honor, we’re going to need the Elmo.
THE COURT: Yes.

Q. BY MR. SNEDDON: All right. People’s 57 is up on the board. Do you recognize that photograph.
A. I do.
Q. All right. Could you show the ladies and gentlemen of the jury where the bag, People’s 288, was the first time that you saw it on November 18th, 2003.
A. It would be right here. Can you see. It would be right there.
Q. All right. You’re indicating at the base of the cabinet just below the big speaker.
A. Right. Here’s the sink. There’s the bag. And the tub is over here somewhere.
Q. All right. Go ahead and sit down, if you

want.

Now, we can put the lights back on, Your Honor, for right now.

All right. Are you okay.

Your Honor, I'll describe for the record what we've just done with counsel. We've marked for identification three items. The first item is a small brown bag with some white paper on it, with the number 0-3-5670, and has on it the Exhibit 565.

Exhibit No. 566 is a large plastic bag, which has a white binder, and it has the number "Item 309-B-1" on the front of it.

And the last item is Item 3 -- I'm sorry, Item 567. That's another white, clear plastic bag,

and with -- containing a white binder with the number "Item 309-B-2" on it.

In addition to that, Your Honor, I have -- in addition to that, Your Honor, I've shown counsel two photographs. The first one I'm going to have marked as 289 for identification purposes, and the second one I'm going to have marked as 290 for identification purposes.

Madam Clerk, is that okay.

THE CLERK: Yes.

Q. BY MR. SNEDDON: Why don't you go ahead and take that bag, the black bag, Exhibit 288, and put it back in there, if you would.

All right. Let's start with the smallest of the bags, the brown bag there, and the number on that is 289.

A. It says "565."

Q. Oh, 565. I'm sorry. You're right. We already pre-numbered those. Different numbering system. Okay, 565.

A. Okay.

Q. And with regard to that particular item, do you recognize it.

A. I do.

Q. And when and where was it the first time you saw it.

A. Inside the black computer bag.

Q. Okay.

A. Actually, the contents were inside the black computer bag.

Q. The brown bag wasn't.

A. But the contents were, right. Correct.

Q. Why don't you take the brown bag out -- or take the contents out.

A. Yes.

Q. All right. Now, do you recognize those items that you just pulled out.

A. I do.

Q. And how do you recognize them.

A. Just from reading the contents, the outside package of them.

Q. Do you recall those are the ones you found inside of the Exhibit 288.

A. Yes.

Q. And were you -- were you the one responsible for placing them into that envelope and booking them into evidence.

A. Yes.

MR. SNEDDON: All right. I move that the contents of 565, the bag and the contents, be admitted into evidence.

THE COURT: It's admitted.

MR. SNEDDON: All right. Let me have those for a second.

Your Honor, we're going to need the lights down.

Q. With regard to 565, there are two videos inside and I'm going to show the first one. Just go ahead and show it.

Now, is that one of the exhibits that you found inside that black briefcase.

A. Yes.

Q. All right. Why don't you show the other one.

A. Can you see.

THE JURY: (In unison) Yes.
MR. SNEDDON: Probably don’t want to.
Q. Is that the other one that you found.
A. Yes.
Q. All right. Thank you.
By the way, inside of that briefcase, do you recall whether you found any documents or indicia of belonging to Mr. Jackson.
A. I don’t recall.
Q. Okay. We’ll get back to that.
Now, let’s take the clear plastic bags that are in front of you, okay. And let’s talk, first of all, about the one that is marked as 565 for identification purposes. Do you see that.
A. No, I see 290 and 289.
Q. No, not the --
A. I’m sorry.
THE COURT: 565 is the one you just showed.
THE WITNESS: 567.

THE COURT: Go ahead.
MR. SNEDDON: I’m sorry, Your Honor.
THE WITNESS: I have 567 and 566.
MR. SNEDDON: All right. My sheet’s wrong.
Q. All right. Let’s talk about 566 first.
Now, with regard to -- there’s a photograph up there in front of you that goes with that binder, correct.
A. Yes.
Q. You can flip it over on the other side to match up the number.
A. Okay.
Q. Is that correct.
A. Yes.
Q. And the photograph is exhibit what.
A. 289.
Q. All right. Now, is 289 an accurate depiction of the front cover of the Exhibit 566.
Take it out and look at it, if you want to.
A. Yes, it is.
MR. SNEDDON: Move that 289 be admitted into evidence, Your Honor.

THE COURT: It's admitted.

Q. BY MR. SNEDDON: And with regard to the Exhibit 566, that's the item that you found in the bag and that was also booked into evidence; is that correct.

A. That's correct.

Q. And you were responsible for that.

A. Yes.

MR. SNEDDON: All right. I move that 566 be admitted.

MR. SANGER: I'm going to object to 566. It's been placed in a binder, and there's -- there's not an adequate foundation for the exhibit as offered right now.

THE COURT: All right. Sustained.

MR. SNEDDON: Okay. That's not a problem.

Q. Okay. Why don't you put that back in the bag.

Let's turn to 567.

A. Okay.

Q. And there's a photograph that goes with 567. And what's the number on that. 290.

A. 290.

Q. All right. Now, with regard to the Exhibit 567, where was that the first time you saw it.

A. Inside the black computer bag.

Q. The one that's in evidence as 288.

A. Yes.

Q. All right. And were you responsible for booking that into evidence.

A. I was.

Q. Now, at the time that -- that you booked that particular item into evidence, was it in a binder like that.

A. No, it wasn't.

Q. It was still all together.

A. Like a normal paperback magazine.

Q. Okay. Now, take a look at the Exhibit 290,

the photograph.
A. Yes.
Q. Is the Exhibit 290 an accurate depiction of the front cover of the Exhibit 567.
A. It is.
MR. SNEDDON: Move that 290 be admitted into evidence, Your Honor.
THE COURT: It’s admitted.
MR. SNEDDON: Ron. Would you scoot that down so we can see. All right.
Q. Detective Alvarez, the exhibit marked as 289, is that the exhibit that you found inside of 288.
A. Yes.
Q. Is that the condition of the magazine at the time that you seized it.
A. Yes.
Q. All right. Let’s put up 290. And was this the other magazine you seized.
A. Yes, it was.
Q. And was that the condition of the magazine at the time you seized it.
A. Yes.
Q. All right. Thank you.

(Off-the-record discussion held at counsel table.)
MR. SNEDDON: Okay.
MR. SANGER: Yeah.
MR. SNEDDON: In addition to that, Your Honor, I have -- I’ll identify this in just a moment.
THE COURT: All right.
MR. SNEDDON: Or I can do it now, if it makes it easier.
I have a brown paper bag with the number “304” in black letters in the upper right-hand corner. And that’s been marked as People’s 562, the brown and its contents. “The brown.” The bag.
And then there is a clear plastic bag, Your Honor, that contains two exhibits. One is a white -- another plastic bag with a white binder

with the number “563” on it, and the number “Item 304-C” on the outside.

And the next item has been marked as 564, and it’s another white binder with “Item 304-D” on it, Your Honor.

And then I have three exhibits that I’d like to have marked. The first one is -- is a photograph marked as 291. The second one is another photograph that has the number “304-C” on it, and that is 292.

And the last photograph is 304-D, and that will be 293.

Do you want to look at these.

MR. SANGER: I think I know what they are, but let me look at them.

MR. SNEDDON: Okay.

MR. SANGER: Yeah.

Q. BY MR. SNEDDON: And maybe you could -- I’ll take these back, actually. How’s that.

Okay. Detective Alvarez, let’s start with the brown bag, if we could. That, I believe, is Exhibit 563.

A. 291. Brown bag is 291. Or, I’m sorry, 562.

Q. 562, all right. Do you recognize the bag.

A. I do.

Q. And how do you recognize it.

A. I booked this into evidence.

Q. All right. Would you open the bag up and take out the contents.

All right. Do you recognize the contents.

A. I do.

Q. And when and where was that. Where did you see that for the first time.

A. In the master bed -- master bedroom bathroom in between the sink and the tub, on the floor area.

Q. And is that one of the items you collected.

A. I did.

Q. Now, there is a photograph.

A. Yes.

Q. 291. Do you see that.

A. I do.
Q. And is that photograph an accurate depiction, or does it accurately depict the cover of the exhibit --
A. Yes.
Q. -- 562.
A. Yes.
Q. And is the exhibit, 562, the magazine you’ve taken out of the brown bag, in the same condition that it was at the time that you seized it on November 18th, 2003.
A. Yes.
MR. SNEDDON: All right. I move it be admitted, Your Honor.
THE COURT: It’s admitted.
BY MR. SNEDDON: All right. Let’s move -- if I didn’t, Your Honor, I’d like to move that 291 be admitted, the photograph.
THE COURT: It’s admitted. Okay.
Q. BY MR. SNEDDON: Now, if we can move to the next exhibit, one of the -- either one of the binders is fine. Take whatever one you have. Tell us an exhibit number on that one.
A. 564.
Q. And does that have an item number on it, on the front of the binder.
A. Item number is 304-D.
Q. 304 --

A. “D” as in “David.”
Q. Okay. Now, you have a photograph up there.
A. Yes.
Q. That’s 293, I believe.
A. 293.
Q. Okay. Would you compare 293 with the front cover of the Exhibit 564.
A. It’s the same.
Q. And what’s -- and that’s 293, correct.
A. Yes.
Q. The photo. And is that --
A. 293.

Q. Is that an accurate depiction of the cover of the Exhibit 564.
A. Yes.
Q. Now, with regard to the Exhibit 564, at the time that you first saw it and the time that you seized it, was it in the condition that it is in now.
A. No.
Q. And when you seized it and placed it into evidence, what was the condition of that particular item that we've had identified as Exhibit 564.
A. It was in a regular paperback magazine condition.
Q. Okay. All right. Let's -- you can put that one back in the bag, if you'd like.
And if you'd keep the photograph, 293, with

it, that would be great.
Now, let's direct your attention to the last exhibit that you have up there.
A. Okay.
Q. And the number on that is what, on the plastic bag with the --
A. Okay. The item number is 304-C --
Q. Okay.
A. -- as in "Charles."
Q. And what's the exhibit number.
A. 563.
Q. Okay. Now, with regard to that particular exhibit, there is a photograph up there, correct.
A. Yes.
Q. 292.
A. 292.
Q. Would you comapre the photograph, 292, with the front cover of Exhibit 563.
A. Okay.
Q. And is it an accurate depiction of what that cover looks like.
A. Yes, it is.
Q. And with regard to that particular exhibit, 563, was that exhibit in a binder when you first found it.

A. No, it wasn’t.

Q. What was its condition at the time that you seized it and booked it into evidence.

A. It was a regular paperback magazine condition.

Q. Hand me the photographs, the three photographs, if you would. And go ahead and put that back in the bag.

All right. We’re going to display the exhibits on the board. We’re going to start with 291. It’s in evidence.

Is that an accurate depiction of the book at the time you first saw it and seized it.

A. Yes.

Q. At least the cover.

A. Yes.

Q. All right. Go ahead, you can -- that’s 293, correct.

A. Yes.

Q. And is that an accurate depiction of the book when you first saw it and seized it.

A. Yes.

THE COURT: 292 and 293 haven’t gone into evidence yet. You didn’t ask for them.

MR. SNEDDON: I do, then, Your Honor. I apologize. I get so routine about them.

THE COURT: All right. 292 and 293 are admitted.

MR. SNEDDON: All right. So did we --

THE COURT: Go ahead.

MR. SNEDDON: Was 292 already up.

MR. ZONEN: Yes.

MR. SNEDDON: All right. Let’s do the last one, 293, then.

MR. ZONEN: 293 was the last one. 292 is the one before it.

MR. SNEDDON: We’re going to do 292 now.

Q. Do you recognize that.

A. I do.

Q. Is that the condition of the magazine at the time that you seized it.

A. Yes.

Q. And I say -- by “that,” I mean the Exhibit 292.

A. Yes.

Q. That’s depicted in that.

A. Yes.

Q. All right. Thank you.

When you seized the bag, 309 --

A. Yes.

Q. -- okay. - did you go through the contents of the bag or did you just --

A. Yes, I did. I opened it up, and I saw what was inside.

Q. Did you go through the paperwork in the bag.

A. I went through everything that was in that bag.

Q. Okay. Let me -- and -- I guess I have to ask you to take that bag out again.

Your Honor, for purposes of the record, I want to indicate that I’ve withdrawn a document from Exhibit 309. I want to show it to counsel before we move to the next step, but it did come out of the exhibit. It’s 288, I’m sorry.

THE COURT: 288.

MR. SNEDDON: Yes, sir. So if you’d just hang on to that.

Your Honor, I’d like to have the document marked as 294 for identification purposes.

THE COURT: All right. I’ll need you to bring that over to the clerk here.

MR. SNEDDON: May I go this way, Your Honor.

THE CLERK: He has a tag, Judge.

THE COURT: Oh, he has a tag.

MR. SNEDDON: Yes, she gave me some ahead of time, Your Honor.

THE COURT: I didn’t know that. Go ahead.

MR. SNEDDON: And I’ve shown this document to counsel.

Q. Detective Alvarez, with regard to the document I just handed you, Exhibit 294, was that document inside the bag, 309, at the time that you seized it on November the 18th, 2003.
A. Yes.
Q. And is it in the same condition now as it was when you saw it for the first time inside that bag.

A. It sure looks like it, yes.
MR. SNEDDON: All right. Move that be admitted into evidence, Your Honor.
MR. SANGER: I'm going to object on the grounds that it violates a current order on a pending matter, if that makes sense.
THE COURT: I don't have the document, so --
MR. SNEDDON: You don't have it.
MR. SANGER: Should I approach, Your Honor.
THE COURT: Just hand it to me. You don't need to approach.
MR. SNEDDON: I'm sorry, Your Honor.
THE COURT: I'll sustain the objection pending further ruling on that issue.
MR. SNEDDON: May I have the officer testify at least showing indicia of the ownership of the bag.
THE COURT: Oh. For that purpose.
MR. SNEDDON: That's why I was offering it.
THE COURT: That's the only purpose you're offering it.
MR. SNEDDON: At this point in time, pending the Court's ruling, that's why I'm offering it.
THE COURT: All right. Just limit his testimony to that part of the document that would do that.
MR. SNEDDON: Yes, sir.
Q. Now, the document that's in front of you

that's 294 --
A. Yes.

Q. -- is it addressed to Mr. Jackson.

A. It is.

Q. And it’s a multi-page document, correct.

A. Yes.

Q. Does each page bear the initials “MJ” on it.

A. On all 12 pages.

MR. SNEDDON: No further questions, Your Honor.

MR. SANGER: May I approach to retrieve the exhibits.

THE COURT: Yes.

MR. SANGER: Thank you.

MR. SNEDDON: Here’s some of them.

CROSS-EXAMINATION

BY MR. SANGER:

Q. All right. Let’s start with your background, if I may, Detective Alvarez. You were a deputy marshal.

A. Right.

Q. How many years.

A. Well, it was from ‘83 to ‘97.

Q. Okay. And your duties as a deputy marshal were to be a bailiff in the Municipal Court in the South County, in Santa Barbara.

A. For, yeah, that, and serve warrants, evictions, civil process.

Q. Okay.

A. Criminal warrants.

Q. And then after the courts consolidated, the Municipal Court consolidated with the Superior Court, you opted to become a deputy sheriff; is that correct.

A. We were absorbed as a -- one department.

Q. Okay. So when the courts consolidated, the marshal then -- the marshal’s office consolidated.

A. Correct.

Q. And the deputy marshals then became deputy sheriffs; is that right.

A. Yes.

Q. All right. And at that point you began working as a detective immediately.

A. No.

Q. You were on patrol for a while.

A. Well, I went to -- I became a background investigator. I actually had a knee injury that put me out on light duty for about six months. And I continued to work, and I was -- I worked in personnel as a background investigator. I went -- once I was cleared by my doctor, I went back to work in the courts for -- so --

Q. For a while, okay. And when you say “personnel investigator,” you were doing background checks for people who were applying to work at the

sheriff’s department.

A. That’s correct. New hires.

Q. All right.

A. And also, I was helping in the detective bureau doing interviews and -- just helping out.

Q. All right. There you go. In any event, I guess my question is, when did you become a detective.

A. November of ‘99.

Q. Okay. So as of the time of the case that we’re talking about here, the -- let me withdraw that.

When did you become involved in this case.

A. Approximately a week before the initial search, which was November 18th of 2002.

Q. How about November 18th of 2003.

A. 2003.

Q. Okay.

A. Correct.

Q. I don’t want to talk you into anything, but --

A. A year and a half ago.

Q. Okay. So -- and you started as a detective in November of ‘99, right. So you had four years as a detective at the time you were assigned to this case.

A. Approximately.

Q. All right.

A. I’ve got over five years as a detective now, and I’ve been on this case for about a year and a half.
Q. Okay. So that would be about four years, right.
A. Sounds good to me.
Q. Okay. And you remained -- after you were brought into the case, you remained as one of the main detectives on this case; is that correct.
A. That’s correct. One of the lead investigators.
Q. So you’re a co-lead investigator with Detective Zelis and with Sergeant Robel.
A. And Detective Bonner, yes.
Q. And Detective Bonner. All right.
Okay. Now, let me ask you -- let’s just start again somewhat at the end of things. You were aware, were you not, sir, that the events in this case were alleged to have occurred in February and March of 2003; is that right.
A. Yes.
Q. And so in November of 2003, you get assigned to the case and eventually you end up out at Neverland Valley Ranch during the search, correct.
A. Yes.
Q. I’m going to ask you -- in fact, what I might do is just approach -- well, let’s do it this way. Let me put it up, if the Court doesn’t mind.

Are we hooked up to this.
MR. ZONEN: Go ahead.
MR. SANGER: These were 293 and 292.
Q. 292 is a “Penthouse” magazine of some sort, right.
A. Yes.
Q. And that’s commercially available, correct.
A. Yes.
Q. It’s also not unlawful to possess it, in and of itself, correct.

A. No.

Q. I said “correct.” I’m sorry. Is it lawful to possess it, for an adult to possess this magazine.

A. For an adult, yes.

Q. Okay. There you go.

All right. And you’re aware that the alleged incidents, the incidents were alleged to have occurred in February and March of 2003, right.

A. Correct.

Q. What’s the date on this magazine.

A. I can’t read it from here. It’s --

Q. Okay. May I approach, Your Honor.

THE COURT: Yes.

Q. BY MR. SANGER: I can bring you the magazine, but I think you can see it on the exhibit here.

A. I still can’t read that.

Q. All right. Let me bring you the book that goes along with that.

May I approach, Your Honor.

THE COURT: Yes.

Q. BY MR. SANGER: I’m going to bring you the books here, and we’ll talk about these a little more in a minute.

I’ll ask you, if you look at that --

Let me stand here for one second, Your Honor, and make sure.

THE COURT: Yes.

MR. SANGER: Okay.

Q. Okay. That’s the actual magazine. What’s the date of the magazine.

A. I don’t see a date on it.

Q. You don’t see a date on it.

A. I don’t.

THE COURT: You can go up and show where it is.

Q. BY MR. SANGER: Look right under the “SE” in “Penthouse.”

A. Okay.

Q. Does it say “July-August of 2003”.

A. It does.

Q. So is it safe to say, to your knowledge, as one of the co-lead investigators, no individual associated with this case, none of the Arvizos claimed that they saw this particular magazine in February or March of 2003.

MR. SNEDDON: Your Honor, can I object to that question as being compound. Because -- I won’t say anything else, but I object as compound.

THE COURT: Sustained.

MR. SANGER: All right.

Q. To your knowledge, did -- well, this may be compound. I’m going to ask about them as a group. You can say “yes” or “no,” and we can take it one by one.

To your knowledge, did any of the Arvizos claim that they saw this magazine in February or March of 2003.

A. This particular one.

Q. Yes. That particular one.

A. I don’t know.

Q. As a detective, an investigator, you would suspect that they would not have seen it, correct, since it was published after the events.

MR. SNEDDON: Your Honor, I’m going to object to that. It calls for a conclusion as to when it was published. No more. I object. Lack of foundation as to when the magazine actually hit the stands.

THE COURT: Sustained.

MR. SANGER: All right.

Q. Based on your experience, do magazines hit the stands, you know, three or four months before their publication date.

A. No.

Q. Sometimes it’s a month before a publication date.

A. I’d say a month. If you’re a subscriber, you usually get them a month early.

Q. All right. And I’m going -- I brought you the other book, just in case you can’t read this. But I’m going to put up 293, if I may, Your Honor.

THE COURT: Yes.

Q. BY MR. SANGER: And again, this is a commercially available magazine; is that correct.

A. Yes.

Q. And you can buy it in a store, in other words.

A. Some stores.

Q. Yes. Well, not every store, I would agree. What’s the date on this magazine.

A. July 2003.

Q. While you have those books up there, you notice that the books -- I’m going to take another one out of the bag here, just as an example, just to follow on, but you notice that the books are encased in a three-ring binder, and then each page appears to be in some kind of plastic sleeve; is that correct.

A. That’s correct.

Q. And did you do that.

A. I did not.

Q. Let me ask you about the magazine -- I think you may still have the actual magazine up there, but I have 291, which is 562. Put it this way, 562 is the actual magazine. 291 is the copy of the cover. Oh, here it is.

A. I have 564 and 563, Mr. Sanger.

Q. You’re right, it’s over here. In any event, I’m going to put this up, if I may, 291, Your Honor. 291 is a book, correct.

A. Yes.

Q. That’s a cover of the book that you seized; is that right.

A. That’s correct. Soft-cover book.

Q. And the actual book is a book of illustrations done by an artist, is that correct, or by artists.

A. Yes.
Q. All right. And that is also a commercially available publication. Is that a commercially available publication.
A. It appears to be.
Q. All right. And it’s not illegal to possess that per se.
A. No.
Q. Now, excuse me one second.
(Off-the-record discussion held at counsel

table.)
Q. BY MR. SANGER: You did the prints that were marked as Exhibit 287, right.
A. Yes.
Q. Okay. And you -- to take those fingerprints, you simply rolled the fingerprints.
A. They weren’t done with a machine. But the palm prints were done with a roller.
Q. Okay. Say that again, because I couldn’t hear what you said.
A. You’re looking at the fingerprints themselves.
Q. Fingerprint cards.
A. Those were done by hand.
Q. So you actually rolled the prints.
A. Yes.
Q. You had --
A. There’s a technique, but, yes.
Q. Okay. And you are not a certified fingerprint examiner; is that correct.
A. Not examiner, no.
Q. All right. You, however, have experience in booking people and rolling their prints, right.
A. Booking a lot of people and booking a lot of prints.
Q. All right. But you know the difference between that and being a certified fingerprint examiner, of course.

A. Yes.

Q. Okay. Now, going back to your testimony about going through the house, you got there and started your assignment of searching through the house at some time late morning, I think you said it was around 11:00.

A. I think I got there at -- I think we interviewed Mr. Salas for about two hours. And driving time from Santa Maria to Los Olivos, another, I don’t know, half hour, 40 minutes. So it was close to 10:00 when we got there.

Q. All right. And then --

A. Or a little after 10:00.

Q. Okay. And your first assignment was to do something else other than search.

A. Yes.

Q. So what I’m getting at, is when you started to assist in the search, that was around 11:00.

A. Could be.

Q. All right. And by the time you got there to search, quite a number of officers had already been through the house; is that correct.

A. There were -- excuse me. There were a lot of officers in the house, but not in Mr. Jackson’s master bedroom area.

Q. How many officers were in Mr. Jackson’s master bedroom area when you first arrived there.

A. Could have been two or three maybe.

Q. When you --

A. To start.

Q. When you say “master bedroom area,” you’re talking about the whole suite, the first floor, second floor, the bathrooms, all that.

A. Yes, I’m talking about down the corridor area where the secure door is.

Q. All right. And you believe there are two or three officers there when you arrive.

A. No, when I started assisting.

Q. Well, that’s what I meant. When you arrived to assist. When you started assisting on the search.

A. Yes, there wasn't a whole lot of detectives in that area.

Q. All right. Were you joined by other officers or other law enforcement people in that room as the time went on.

A. Yes.

Q. How many people were in there. How many different people were in there while you were there.

A. Throughout the day.

Q. Yes.

A. I -- there was quite a few detectives in there, and forensic people, yes.

Q. And Mr. Sneddon came through at one point, did he not.

A. He did.

Q. All right. Did Mr. Franklin go through that area of the house.

A. He did.

Q. Before you got there -- by "there," I mean, you started your search detail. Do you know how many officers had gone through that area.

A. I can't tell you an exact number, but I know it was very limited, because that was the instructions.

Q. Okay. So if people followed the instructions, it would have been limited; is that correct.

A. "If people followed the instructions," I didn't hear your second half.

Q. It would have been limited; is that correct.

A. Yes.

Q. And you're aware there was a cameraman and a number of detectives who went through the area before the search started itself; is that correct. Well, let me put it this way: I guess that's part of the search. Before the actual seizures of items commenced, a cameraman and detectives walked through the area; is that right.

MR. SNEDDON: Your Honor, I'm going to object as lack of foundation.

THE COURT: Sustained.

Just a minute. My feed's not working.

THE REPORTER: I know, Judge. We're working on bringing it back up.

THE COURT: All right. Go ahead.

Q. BY MR. SANGER: When you located this black bag that you referred to - and you've got it up there. I believe it's Exhibit No. 288 - it was in the position that you indicated to the jury on the photograph, correct.

A. Yes.

Q. And about what time of day did you locate that black bag there.

A. I can't recall the exact time.

Q. Did you note it in a report.

A. It might be on the bag when it was booked in.

Q. Do you have the bag there or -- if it helps refresh your recollection.

A. That looks right.

Q. Now, having looked at that, do you have a recollection of when you located that bag.

A. It says two o'clock in the afternoon.

Q. Okay. But the question is, did that refresh your recollection as to approximately when you located it. About two o'clock.

A. It's hard to say. Probably -- I was there from eleven o'clock, starting the search, to 11:30 that night, so somewhere between 11:00, I would say, and early afternoon.

Q. All right. Do you have Exhibit 294 up there.

No, you don't. It's here.

Do you remember Exhibit 294.

May I approach to show him.

A. Yes. The paperwork.

Q. The paperwork. All right.

The paperwork is -- without going into the contents of it, it's addressed to Michael -- it's a letter addressed to Michael Jackson, care of a company in Los Angeles; is that correct.

A. Yes.

Q. And then it’s also addressed to two other entities of some sort, two other entities.

A. Right.

Q. So it appears to you, from the letter, that it’s the kind of letter that went out -- or is a letter that went out to three different recipients; is that right.

A. Yes. It’s addressed to three different people, it looks like, on the front page.

Q. Okay. And there’s no indication by way of a check mark, or a circle, or anything else, as to which copy this was; is that correct.

A. No, I don’t believe so.

Q. All right. In the exhibit that’s marked Exhibit 565, there’s two videos; is that correct.

A. Yes.

Q. Or there are two video cases; is that

correct.

A. Right.

Q. And one of the video cases does not have a video -- I mean, it doesn’t have a CD in it, or whatever, DVD; is that correct.

A. That’s correct.

Q. There’s no contents is what I’m trying to say.

A. It’s an empty case.

Q. And you didn’t find that video anywhere in your search, did you.

A. I personally did not.

Q. That also -- that appears to be a commercially prepared -- or commercially, yeah, prepared video of some sort; is that right.

A. Yes.

Q. Okay. And nothing unlawful about owning that video.

A. If you’re over 18.

Q. If you’re over 18.

The other one, entitled “Believe It or Not,” appears to be a Leisure Time Europe video; is that correct.

A. I remember the front of it. I don’t know anything about Leisure Time Europe.

Q. Okay. And this particular video -- okay. Mr. Zonen is trying to bring me up to date here.

A. Okay.

Q. He’s reminding me it’s a DVD, not a video. But all right. I suppose it’s a video captured on a DVD, but we could both be right. But I accept that assistance.

May I approach the witness, Your Honor.

THE COURT: Yes.

MR. SANGER: Thank you.

Q. I’m going to ask you about this. And put on your glasses, if necessary, reading the fine print down there.

A. I don’t have my glasses.

Q. These won’t help you. Can you see it.

A. No.

Q. Can’t see it.

Do we, by any chance, have a magnifying glass, or does somebody have reading glasses. I have bifocals, and I don’t want to --

Are these reading glasses. We’ve got some. We’ll find out how well they work. I should get a waiver on practicing optometry.

A. I can read it now. It’s still really small, but I can read it.

Q. Okay. Didn’t get any bigger, but you can read it. All right.

On that disk, does it say when the disk was released.

A. Well, it says July 3 of 1995.

Q. No, that’s not when it was released. That’s something to do with the -- it’s not in front of me, but it has something to do with the law.

A. I’m still reading.

Q. Right down at the very end.

A. “Which was produced on 1-22-03 and released on 3-27 of ‘03. Printed in the USA.”

Q. All right. To your knowledge, as a co-lead investigator in this case, to your knowledge, no witness has identified either one of those videos or video boxes; is that correct.

A. Per name, no.

MR. SANGER: Hang on one second.

All right. I have no further questions.

Oh, wait. Wait one second.

Q. One of my colleagues pointed out something. Let me ask you about this. And I may have to approach for this purpose.

May I do that, Your Honor.

THE COURT: Yes.

Q. BY MR. SANGER: I’m going to show you 294, which again has not been received into evidence. There’s been limited testimony about it. I’ll take these back.

A. Okay.

Q. What is the date of that letter.

A. May 1, 2003.

Q. Okay. Thank you.

All right. I have no further questions.

MR. SNEDDON: No questions.

THE COURT: All right. Thank you. You may step down.

THE WITNESS: Thank you.

THE COURT: I think I’ll let the jury step out early. I have a couple of things to take up with the attorneys before we take our break, so you get a longer break right now.

THE JURY: (In unison) Thank you.

THE COURT: But no pizza.

THE JURY: (In unison) Ahh.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: All right. The jury is out of the room.

The first thing I wanted to take up with you is the -- the prosecution has asked for a little more time to respond to the motion -- points and authorities on George Lopez evidence, which I had asked them to have in by today, I think.

So I'm not quite sure what -- how much more time did you want.

MR. ZONEN: Your Honor, is it the case that the Court requests of Mr. Blancarte, who's the

attorney --

THE COURT: No, no, I'm not addressing that.

They can't hear you in the back here.

I just want to know how much time you need to respond. I know what you said.

MR. ZONEN: This is on the issue of Lopez.

THE COURT: Get to the microphone.

MR. ZONEN: I'm sorry. The answer is a couple days after we received --

THE COURT: I don't know about receiving it. It's not conditional on that. I'd like you to respond to the points and authorities.

MR. ZONEN: Then we can have it within two days.

THE COURT: All right. Friday.

MR. ZONEN: Yes, Your Honor.

THE COURT: All right. I'll extend that time.

MR. SANGER: Is there going to be a date for a hearing on that, Your Honor.

THE COURT: We're just going to fit it in. It wasn't a formal motion. I asked you -- or you volunteered a little more points and authorities, and I'm not treating it as some date. I want to read what you say, and if I want to hear any more from you, I'll let you know.

MR. SANGER: All right.

THE COURT: The second thing is the issue of the request by the People to respond -- to have their 1108 hearing. And did you just get that today.

MR. MESEREAU: Just got it, yes, Your Honor.

THE COURT: I’m going to treat this the same way. It’s not a motion, you know. It’s something in abeyance; when are we going to have it; and they’re asking, “Can we have it sooner than later.” And I want to give you a couple of days to respond. How much time do you need.

MR. MESEREAU: Let’s see, today’s Wednesday. Could we -- we would certainly need through the end of the week.

THE COURT: Through Friday.

MR. MESEREAU: Could we -- could we file it Monday, Your Honor.

THE COURT: They’re asking to do it next week, so I don’t think that’s right. We could handle it orally. I mean, it’s not a thing that even needs written points and authorities. The question is, when is the right time to hear it. I want to give you a chance to file something.

MR. MESEREAU: I appreciate it. Today’s -- I guess we could file something Friday, Your Honor.

THE COURT: Okay. Bring it in with you --

MR. MESEREAU: Okay.

THE COURT: -- when you come in.

MR. MESEREAU: As far as the hearing goes, is the Court contemplating a hearing where they

simply call witnesses, or do we get a chance, if we choose, to put on our own witnesses to attack their credibility.

THE COURT: Well, I said that they definitely have to call witnesses. Then -- and I’m really going to be judging their evidence. But I would consider an offer by you.

MR. MESEREAU: Okay. For example, Your Honor, there’s some witnesses --

THE COURT: You don’t need to -- I can imagine the example already. You don’t need to go into it.

MR. MESEREAU: Okay.

THE COURT: I guess the answer is maybe, depending on what I hear and what your offer of proof is then. And let me look at -- in the meantime, I'll look at the law, if you want to give me anything on that.

It is unusual to have opposing evidence at a hearing like that, but I'm not sure it's not -- I'm not sure that that means that that's not what we should do.

MR. MESEREAU: You could at a hearing, for example, put on witnesses that say, "They told me the opposite," or "They have a reputation for lying," that type of thing.

THE COURT: I see. I expected you to be talking about credibility issues.

MR. MESEREAU: We have one Judge's order certified from another trial that --

THE COURT: This is not the time to argue. But I will take under consideration what you're suggesting. All right.

MR. SANGER: There was one other matter that is still floating - if I could just click my computer once. Thank you - and that was the issue you were going to take up on Thursday, which --

THE COURT: That's the George Lopez.

MR. SANGER: No, there was the motions to quash and the remedy, the financial --

THE COURT: Oh, yes. Yeah.

They can't hear you in the back.

I need the break. I've promised the court reporters not to do this.

MR. SANGER: Just wanted to remind you, that's all.

(Recess taken.)

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: Call your next witness.

MR. SNEDDON: Karen Shepherd.

THE COURT: Come forward, please. When you get to the witness stand, remain standing, raise your right hand and face the clerk.

KAREN SHEPHERD

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Karen Shepherd, S-h-e-p-h-e-r-d.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. SNEDDON:

Q. Okay. Scoot up close to that thing so we can all hear what you have to say. Thank you. You're employed by the Santa Barbara Sheriff's Department.

A. Yes.

Q. And how long have you been with the department.

A. For approximately seven and a half years.

Q. And did you have any law enforcement experience before that.

A. No.

Q. And what is your current assignment.

A. My current assignment is I'm a detective with the Special Operations Division. That started just this Monday. Before that, I was assigned to the Criminal Investigations Division.

Q. And in connection with those responsibilities, were you assigned to perform some search responsibilities in connection with a search warrant executed on Neverland Valley Ranch on November the 18th of 2003.

A. Yes.

Q. And specifically, do you recall about what

time you got there.
A. It was early in the morning before the sun was out. We had a briefing in the Solvang area.
Q. Okay. And you eventually went to the ranch.
A. Yes.
Q. What responsibilities were you assigned at the ranch.
A. I was first assigned to search the main house, the master bedroom and master bathroom area.
Q. And do you recall about what time it was that you started those responsibilities.
A. I believe -- I don’t know the exact time. I can estimate maybe 10:00 a.m. is when we started.
Q. Now, in the course of your working and doing this search, what area were you searching.
A. I focused most of my searching in the master bathroom area.
Q. Now, during the course of the time that you were there, did you seize some items for evidence.
A. Yes.
Q. And when you seized an item or items, what was the process you used in order to have them

booked into evidence.
A. If I found an item that I thought was of interest, I would tell either the investigating officer or someone who was in charge. I would take the evidence, if it was something that they wanted, and I gave it to Detective Padilla, who was in charge of seizing and packaging the evidence.
Q. And in some cases were the items photographed in their location.
A. Yes.
Q. All right. Now, I’m going to show you some photographs and ask you some questions about those photographs.
(Off-the-record discussion held at counsel table.)
Q. BY MR. SNEDDON: All right. Do you recognize the photograph, People’s 59. It’s 59, is it not --
A. Yes.

Q. -- for identification that I placed in front of you.

A. Yes, I do recognize it.

Q. And does it accurately depict the area that it purports to represent.

A. Yes.

MR. SNEDDON: All right. Move that it be admitted into evidence, Your Honor.

THE COURT: It's admitted.

THE WITNESS: I'm going to need it.

MR. SNEDDON: Yes, you are.

Okay. Now, before we get to the overhead, I want to ask you a couple of other questions.

I have a package that's been marked, Your Honor, as People's 569 for identification purposes. It's a brown bag; has Item No. 301 at the top, and inside the bag are five DVDs. I'm withdrawing them from the bag, showing them to counsel, and they're marked 570 through 574 respectively.

Q. Detective Shepherd, I've handed you the exhibit that's been marked as 569, which is the brown bag, and the five DVDs that are marked 70 through 74 respectively. Would you take the DVDs out of the bag and examine them, please.

Do you recognize those.

A. Yes.

Q. And do you recall where they were the first time that you saw them.

A. Yes. They were on top of the television.

There's a television that's alongside the Jacuzzi tub and they were stacked on top of the television.

Q. And did you seize those items.

A. Yes.

Q. And did you arrange to have them booked into evidence.

A. Yes.

Q. And are those items in the same condition now as they were when you seized them.

A. Yes.

MR. SNEDDON: Move that they be admitted into evidence, Your Honor; 69 through 74.

THE COURT: They’re admitted.

MR. SNEDDON: Now I’m going to put the overhead on for just a second.

Q. Okay. This is the photograph that you have just identified moments ago as People’s 59, which is now in evidence. Do you recognize that.

A. Yes.

Q. All right. I had you pick up a little laser pointer. And could you indicate to the ladies and gentlemen of the jury the location of the Items 570 through 574 at the time that you first saw them.

A. Right there on top of the T.V.

Q. Right on top of the T.V., okay.

Now, at the time that you were out there that day, did you take any other items of evidence.

A. Yes.

Q. What else did you take.

A. Can I use the laser pointer.

Q. Sure. Absolutely. That’s what I want you to do.

A. Okay. There was a magazine that contained adult material that I found within this stack of books and magazines. There was another magazine containing adult material which was inside of this metal briefcase. And I also found three books in this plastic bag that contained adult material.

Q. Okay. Now, we’re going to talk about those in a little bit more detail now, but I think we can turn the lights back on.

Okay. I’ve handed you back the photograph that the jury just saw that was up on the board, People’s 59. What I want you to do, there’s a black pen right in front of you there, and I’m going to ask you to take the exhibit, People’s 59, and I want you to draw a little circle around the area where you found the DVDs that are in People’s 570 through 574, and right from the circle put a little line, “570 through 574.”

A. Okay.

Q. And would you put your initials by that, please.

And what did you put.

A. “KKS.”

Q. “KKS”.

A. Uh-huh.

Q. Okay.

(Off-the-record discussion held at counsel table.)

MR. SNEDDON: Okay. I think we’re ready to go now.

Q. All right. We have a brown paper bag which has been marked as People’s 576 for identification purposes, okay. I want to ask you to take a look at that bag, and then I’m going to ask you some questions about it and the contents.

All right. Do you recognize the items that were contained in the bag, 576.

A. Yes.

Q. And when and where were those items the first time that you saw them.

A. They were inside the plastic bag near the bookcase.

Q. And were you the one responsible for taking those and placing them into evidence, having them booked.

A. Yes.

Q. Now, with regard to the item -- the items that you took out are what, three books.

A. Three books, yes.

Q. And those books have individual numbers; is that correct.

A. Yes.

Q. And with regard to Item No. 577, do you see that.

A. Yes.

Q. All right. Now, in front of you are some photographs. Can you mate up the photograph with the -- I believe it’s 297.

A. Correct.

Q. Is that correct.

A. Yes.

Q. Is that photograph an accurate depiction of a book that you seized, which is marked as 577.

A. Yes.

Q. All right. Let’s go to the next one, 578. Do you have that in front of you.

A. Yes.

Q. That’s one of the books you seized, correct.

A. Correct.

Q. And with regard to 578, there’s a photograph, 296.

A. Correct.

Q. Is that photograph, 296, an accurate depiction of the book that you seized, 578.

A. Yes.

Q. And with regard to the next item, which is 579 --

A. Correct.

Q. -- do you see that.

A. Yes.

Q. And 579, there’s a photograph marked as 631.

A. Correct.

Q. Is that an accurate depiction of the front cover of the Item 579.

A. Yes.

Q. All right. Now, with regard to the Items 577, 78 and 79, these are the items that you seized and then had booked into evidence; is that correct.

A. Yes.

Q. And are they in the same condition now as they were at the time you seized them and had them booked.

A. Yes.

MR. SNEDDON: Your Honor, I move 576 through 579 be admitted into evidence.

THE COURT: All right. They’re admitted.

MR. SNEDDON: And I request that photograph

297, 296 and 631 be admitted into evidence.
THE COURT: They’re admitted.
MR. SNEDDON: Mr. Zonen thinks I neglected 578. If I did, I’m sorry. It should be 576, 77, 78, 79.
THE COURT: That’s what I thought you had requested admission of. I admitted those.
MR. SNEDDON: Thank you.
Q. With regard to the exhibits, 577 through 79, you have the photograph in front of you, People’s 59.
A. Yes.
Q. And could you indicate to the ladies and gentlemen of the jury, by placing on that exhibit, the location of the area, the approximate location of where you seized the Items 577, 578 and 579.
A. With a black marker.
Q. Please. If you would.
A. Okay.

MR. SNEDDON: All right. Mr. Zonen.
We’re going to need the lights, Your Honor.
Q. Now, on the board is the exhibit marked as People’s 296 that’s in evidence. Do you recognize that.
A. Yes.
Q. And that’s the cover -- that’s the photograph that you indicated reflects the cover of that particular item that you seized.
A. Yes.
Q. And by “that particular item that you seized,” I’m talking about 578 --
A. Correct.
Q. -- is that correct.
A. Correct.
Q. All right. Thank you.
And 297, the photograph of 297 reflects the front cover of Item 577; is that correct.
A. That’s correct.
Q. And those were all seized in that plastic bag.
A. Yes.

Q. And the last one, which is 631, do you recognize that.

A. Yes.

Q. Was that also in the plastic bag.

A. Yes.

Q. And this is Exhibit 631, and it would be --

the actual book itself is 579.

A. Correct.

Q. Thank you.

Your Honor, I have another bag that I’ve shown to counsel for his examination that I’d like to have marked as 575 for identification purposes. It’s a brown bag with the number “#302” at the top.

THE COURT: All right.

Q. BY MR. SNEDDON: I’m going to hand you -- oh, wait. I need to show these to counsel.

While we’re doing this, if you would simply look at the Exhibit 575, it might save some time. I guess I’ve already showed it to him.

Okay.

A. Okay.

Q. Now, before we start talking about 575 for a moment, I want to go back. I gave you some photographs, correct.

A. Correct.

Q. And there’s a photograph that shows the Exhibit 570 through 574, correct.

A. Correct.

Q. And what exhibit number is that.

A. 65.

Q. And with regard to that particular photograph, is that an accurate depiction of where those items were located at the time that you seized them --

A. Yes.

Q. -- on November 18th.

A. Yes.

MR. SNEDDON: Move that that photograph,

People's 65, be admitted into evidence, Your Honor.

THE COURT: It's admitted.

Q. BY MR. SNEDDON: Okay. Now let's deal with that bag that I gave you, which is 575. All right. Do you recognize the bag.

A. Yes.

Q. And do you recognize the contents inside the bag.

A. Yes.

Q. And with regard to that particular item, where was it the first time that you saw it.

A. It was within a stack of books and magazines located on the edge of the Jacuzzi tub.

Q. And were you the one responsible for seizing it and booking it into evidence.

A. Yes.

MR. SNEDDON: Now, with regard to the Exhibit 575, Your Honor, which I seek to admit into evidence at this time --

THE COURT: All right.

Q. BY MR. SNEDDON: Now, there's a photograph in front of you. It's marked as People's 64 for identification.

A. That's correct.

Q. I better look at that. That didn't quite look like the right one. Have I asked you about this one here.

A. No.

Q. Okay. This is the one. All right. I misspoke myself. Not for the first time today. People's 62 for identification, do you recognize that.

A. Yes.

Q. And is it an accurate depiction of what it purports to represent.

A. Yes.

MR. SNEDDON: I'd move that 62 be admitted into evidence, Your Honor.

THE COURT: It's admitted.

Q. BY MR. SNEDDON: Now, with regard to the exhibit, People's 62, do you see in that exhibit the location where you found the Item 575.

A. Yes.

Q. Okay. Could you take that little magic marker you've got up there again and put a little line to just the general area, and then put a "575" on it.

A. Okay.

MR. SNEDDON: The next exhibit, Your Honor, has been marked as People's 580 for identification. It's a clear plastic bag; has "#306" marked on it, and it appears to contain a binder. I've shown it to counsel.

THE COURT: All right.

Q. BY MR. SNEDDON: All right. Do you recognize the item depicted in that photograph. I'm sorry, I'm on automatic pilot here.

With regard to the exhibit I just handed you, the item number on that is 580, the plastic bag.

A. Yes.

Q. All right. Now, could you take the binder out of it, if you would, please, and just examine -- there was a brown bag inside of the plastic bag, correct.

A. Correct.

Q. And that's the brown bag that you use for booking evidence; is that correct.

A. Correct.

Q. Now, look at the binder, if you would. Just the front cover.

All right. Do you recognize that item.

A. Yes.

Q. Where was that item the first time that you saw it.

A. It was located inside the metal briefcase that was on the edge of the Jacuzzi tub.

Q. And you opened the briefcase and withdrew the item.

A. Yes.

Q. And did you have a photograph of it taken before you had it booked into evidence --

A. Yes.

Q. -- to document the location of where you found it.

A. Yes.

Q. And I believe there's a photograph in front of you.

A. Correct.

Q. Was that the photograph that was used to document it.

A. Correct.

Q. What number is that.

A. It's Exhibit No. 62.

Q. And is that Exhibit 62 an accurate depiction of what it purports to represent.

A. Yes.

MR. SNEDDON: Move that People's 62 be admitted into evidence, Your Honor.

THE COURT: I think it already was.

MR. SNEDDON: Is that already in.

THE COURT: It's in.

MR. SNEDDON: Judge, I don't want to show something that hasn't been admitted, and I want to make sure I've got this down correctly before I do it, so I don't want to get at cross-purposes. But as I understand it, People's 65 is in evidence,

People's 64 is in evidence, and People's 63 is in evidence.

THE COURT: 62 and 65 are in evidence.

THE CLERK: 64 hasn't been identified.

MR. SNEDDON: 64 has not been identified.

THE COURT: No.

MR. SNEDDON: But 65 and 63 have been and are in evidence.

THE COURT: No, 62 and 65 are in evidence.

THE CLERK: Just 62 and 65. 63 and 64 have not been identified.

MR. SNEDDON: I'll take care of that. Thank

you.

Q. With regard to the exhibit in front of you, People's 64, do you recognize that.

A. Yes.

Q. And what is that.

A. It's adult content magazine.

Q. And is that an accurate depiction of what it purports to represent.

A. Yes.

Q. And what exhibit does that match up to. What's the title on that.

First of all, let me do this: Move that it be admitted into evidence, Your Honor.

THE COURT: All right. It's admitted.

MR. SNEDDON: Man, I can't find 62.

THE WITNESS: 62 is right here.

MR. SNEDDON: Okay. That's fine.

Q. When I showed you Exhibit 62 and I asked you to make notations on it as to the location where you found Item 575, was that photograph an accurate depiction of what it purports to represent.

A. Yes.

MR. SNEDDON: Okay, Your Honor. I believe 62 and 64 should now come into evidence.

THE COURT: 64 and 65 are in. And you have not yet identified 63. 62 is in.

MR. SNEDDON: Yeah, I -- this is 63. No, I....

Q. All right. Let's try it again. 63; do you recognize 63.

A. Yes.

Q. And is that an accurate depiction of what it purports to represent.

A. Yes.

MR. SNEDDON: Move that it be admitted, Your Honor.

THE COURT: It's admitted.

Q. BY MR. SNEDDON: I'm going to ask you some questions.

A. Okay.

MR. SNEDDON: Go ahead.

MR. ZONEN: We need the individuals and the video.

MR. SNEDDON: I need the exhibit number on it, of 65.

Q. With regard to the exhibit People's No. 65, do you recognize that.

A. Yes.

Q. Is that the location of those items when you seized them.

A. Yes.

Q. All right. And with regard to People's 64, do you recognize that.

A. Yes.

Q. And is that the condition of the magazine at the time that you seized it.

A. Yes.

Q. All right. And People's 63, that's the one that was inside of the metal case.

A. Yes.

Q. And you took it out and put it on the metal case and photodocumented it.

A. Yes.

Q. All right. And People's 62 is the one that you indicated the location of the Item 575.

A. Yes.

Q. All right. Thank you.

All right. I think we can have the lights, Your Honor.

I have one last exhibit, Your Honor, that has the number "633" on it. It's a brown paper bag with the number "315" at the top right-hand corner in black. I've shown it to Mr. Sanger, and I'll show it to the witness.

THE COURT: All right.

Q. BY MR. SNEDDON: Have you had a chance to examine it.

A. Yes.

Q. Do you recognize the item --

A. Yes.

Q. -- 633.

A. Yes.

Q. And where were those items when you first saw them.

A. I located these items. They were inside the master bathroom closet area. They were inside a black E-Z-Go suitcase located inside this manila envelope.

Q. And you were responsible for taking those and having them booked into evidence; is that correct.

A. Yes.

Q. All right. And are they in the same condition as they were at the time that you seized them on November the 18th.

A. Yes.

MR. SNEDDON: All right. Move they be admitted, Your Honor.

THE COURT: All right. They’re admitted.

MR. SNEDDON: And I believe everything is in evidence, and I appreciate the Court and clerk’s help. I have no further questions.

CROSS-EXAMINATION

BY MR. SANGER:

Q. Detective Shepherd, you were assigned -- you were detailed to do this particular work; is that correct.

A. Correct.

Q. You were not assigned as a co-lead investigator, or anything, on this case; is that correct.

A. No.

Q. So a number of detectives and deputies and other personnel were brought to Neverland Ranch on the 18th of November to assist, correct.

A. Correct.

Q. And do you know the approximate number of people that were there.

A. No.

Q. All right. Quite a few, though.
A. Quite a few.
Q. And a number of those people, then, after doing whatever they did, they went on with other assignments and no longer worked on the case; is that correct.
A. Correct.
Q. And that was pretty much your situation; is that right.

A. Correct.
Q. All right. Now, among the materials -- let me stop for a second. You went through -- as a part of your assignment that day, you went through the master bedroom suite; is that correct.
A. Correct.
Q. What other parts of the premises at Neverland did you go through.
A. I was assigned, after the master suite area, to be the scribe in the office memorabilia room.
Q. All right. So just as far as what you saw - you don’t have tell me what you did, but what you saw of the premises - was the main house -- did you see the whole main house.
A. No. I was just in the master suite area.
Q. Okay. Did you see the library, by any chance.
A. No.
Q. Okay. And then you went to the -- to the office, so you saw the office area, which is a building adjacent to the main house, correct.
A. Correct.
Q. Did you go to any other structures while you were there.
A. No.
Q. All right. Now, in the part of the house that you were in, there were books and magazines and photographs and other items that were pretty much stacked up all over the place; is that right.

A. Correct.

Q. Okay. And among the items that were stacked up there were art books; is that correct.

A. Correct.

Q. History books.

A. I’m sure.

Q. Okay. Do you remember seeing any Black History books, for instance.

A. I don’t recall seeing any.

Q. Okay. Did you -- and you saw a lot of memorabilia from different kinds of films or things from The Three Stooges, for instance; is that correct.

A. I don’t recall seeing any.

Q. You don’t, okay.

Do you recall that there were a number of Three Stooges -- when I’m saying “memorabilia,” a number of things that related to The Three Stooges.

A. I don’t remember seeing anything related to The Three Stooges.

Q. A number of things related to Shirley Temple, right.

A. I believe so, yes.

Q. A number of things related to Disney and Disney productions, correct.

A. Correct.

MR. SANGER: If we could, Your Honor, I’d like to put 65 up.

Q. Just coincidentally, right under the thing on the right, is something about The Three Stooges, is it not.

A. Correct.

Q. None of the things that you seized were contraband; is that correct.

A. No.

Q. So, in other words, they were lawful for adults to possess.

A. Correct.

Q. All right. And all of what you seized was essentially commercially produced, commercially available material; is that right.

A. Correct.

Q. All right. Now, there were -- when we talked about art books, there were a lot of art and photography books that you saw --

A. Correct.

Q. -- in the various places. And in the office as well, correct.

A. Correct.

Q. And Mr. Jackson is a performer and an artist; is that correct.

A. That’s correct.

Q. You’re aware that his -- that his likeness is sought by photographers all over the world. Are you aware of that.

A. No.

Q. Okay. Are you aware that photographers send him their work on a regular basis with the hope that he’ll let them photograph him and be his photographer.

A. I’m not aware of that.

Q. None of the items that -- none of the items that you seized -- well, let me withdraw that for a second.

I think I need to look at what you have up there.

So may I approach, Your Honor.

THE COURT: Yes.

MR. SANGER: Why don’t I just take it all.

THE WITNESS: Oh, okay.

MR. SANGER: And then I don’t have to keep coming back.

Q. Now, I think we talked about books and magazines as being commercially available, books and magazines being commercially available. That’s also true of all the DVDs.

A. Correct.

Q. They’re something you can buy at the store, correct.

A. Correct.

Q. And you conducted your part of this search on November 18th, 2003, correct.

A. Yes.
Q. And you don't know what, if any of this, was there in the residence in February and March of 2003, correct.
A. No.
Q. One of the items that you actually seized was shown in the picture, 65. G2445 27.
And if I may, I'll put that back up here, which is there on that side there.
Are you aware that that is a film that was shown on HBO.
A. At the time that I seized it, I was not.
But then I saw it, after the search warrant, on HBO.
MR. SANGER: All right. May I have just a moment, Your Honor.
THE COURT: Yes.
Q. BY MR. SANGER: All right. Let me ask just a few more questions based on what we were just discussing there.
Do you recall the nature of the various art books that you saw. The other ones. Not the ones you seized.
A. Yes.
Q. And what was the nature of the art books that you saw.
A. One of the books was -- contained children and --
Q. Other than the ones that you seized.

A. Oh, other than the ones.
Q. Other than the ones, yes.
A. The one that I do remember seeing in the office was -- I believe it was pictures of Marilyn Monroe.
Q. Okay.
A. It was a memorabilia book. And that's -- there were a lot of books, so I don't remember a whole bunch of them off the top of my head.
Q. All right. Well, let's take the office for

just a second. The office is in the building right next to the house itself, correct.

A. Correct.

Q. And the office itself has a room that you walk into. It might be, in some other circumstances, like a reception area; is that correct.

A. That’s correct.

Q. And then you go through a door, and the next door -- or the next room is what appears to be Mr. Jackson’s private or personal office, with a desk and so on; is that correct.

A. Correct.

Q. And in those offices, there are mannequins of various sorts; is that right.

A. That’s right.

Q. Some of them somewhat humorous.

A. Correct.

Q. Depending on your point of view, I suppose. All right. And there are also displays of various movie memorabilia and things from Disney, that sort of thing; is that correct.

A. Yes.

Q. As you go through the door into this first area that I called the reception area, for lack of a better term, if you go to the left there’s a hallway; is that correct.

A. Yes.

Q. And if you go all the way down to the end, there’s a bathroom, right.

A. Correct.

Q. But if you take a left from that hallway, there’s an L-shaped room. It might be like a walk-in-closet-size sort of thing, correct.

A. Correct.

Q. And that’s actually lined with bookcases, and there’s hundreds, probably thousands of books in there; is that correct.

A. Correct.

Q. And then in Mr. Jackson’s office itself, besides chairs and mannequins and memorabilia, there were stacks of books in different places, correct.

A. Correct.

Q. Now, do you recall seeing items in that office; for instance, a letter from President Bush.

A. No.

Q. Okay. Do you recall seeing letters or items from various other celebrities or personalities or --

A. No.

Q. -- people of stature.

A. I was assigned as a scribe in that area, so I didn’t do any of the searching.

Q. So -- okay. So you didn’t look through the materials that were there.

A. No.

Q. All right. But did you go in that room, that L-shaped room, and look at some of the books in there.

A. I saw the L-shaped room. I noticed there was a lot of books and there was a lot of stuff in there.

Q. All right. Did you notice that, as you just -- I understand you didn’t search it per se, but did you notice that there was some books where there were multiple copies of the same book.

A. No.

Q. Okay. Back in the house, where you were going through the residence, did you focus your entire efforts in the master bathroom.

A. Yes.

Q. Okay. So you didn’t go upstairs.

A. No.

Q. Did you even walk upstairs to see what was --

A. I did walk up, but I didn’t search.

Q. So when you walked up and you saw upstairs, there was stacks of books and items stacked and lined up and in bookcases around that room; is that correct.

A. Stacks of -- I don’t know if they were books. There was stacks of stuff everywhere.
Q. A lot of movie memorabilia.
A. Yes.
Q. A lot of art type of books, photography type of books.
A. Yes.
Q. And downstairs, going back downstairs, did you go into the hallway and the bathroom areas on the right side of the -- of the room, if you were to face the big screen television.
A. Yes, I walked through there.
Q. You walked through. You were not detailed to search that area, though; is that correct.
A. No.
Q. And did you notice that there was movie memorabilia there.
A. Yes.
Q. Things from Disney, again Shirley Temple, other regular commercial movies and that sort of thing.
A. Yes.
Q. Okay. And then in the main -- on the main

floor, in the big room on the main floor with the big screen T.V., there were stacks of books on the floor right next to the television; is that correct.
A. Yes.
Q. And again, there were books in a bookcase to the right, just before you went into the hallway before going up the stairs, correct.
A. Yes.
Q. And do you remember a piano there in the big room.
A. Yes.
Q. The grand piano, the black one.
A. Yes, I remember that.
Q. And there were -- there were some books and things that were sitting on that piano.
A. There might have been.
Q. Okay. And do you remember, behind the piano, there was an alcove there where there was

bookcases with books.
A. Yes.
Q. Now, did you discern that in different areas, there were different themes, or did all the books seem to be pretty much mixed up.
A. I didn’t search through those books. I spent my time searching in the bathroom.
Q. But you did notice, when you were going through, a tremendous number of books in that whole area on the first floor were photography and art or

entertainment kind of books; is that correct.
A. I can guess, assume so, yes. I didn’t go through all of them.
Q. You didn’t go through all of them, but what you saw --
MR. SNEDDON: Excuse me, move to strike. Speculation. Use of the word “assume so.” Lack of foundation.
THE COURT: Sustained.
MR. SANGER: Okay.
THE COURT: Stricken.
Q. BY MR. SANGER: I don’t want you to just assume. I realize you didn’t go through every one, but as you picture it in your mind and as you looked at it at the time, did you notice there were a lot of books about movies and art and photography in this area.
A. Yes.
Q. All right. And in the master bathroom area that you’ve described, there were a number of books about art and photography and entertainment.
A. Yes.
Q. And as we -- as I asked before, in addition, mixed in with that in this particular area, there were, from time to time, some other books on other issues, like history or current events, that sort of thing.
A. There may have been. I don’t remember

seeing any.

Q. All right. Did you go into the closet. There was a closet off that master bathroom, like a walk-in closet there.

A. Yes.

Q. And there were some books in there, were there not.

A. Yes, a lot of books.

Q. Do you remember the subject matter of those books.

A. No.

Q. Were you assigned to search that area as well.

A. Yes.

Q. So in that master bathroom, with the books that we saw stacked up here and there, and the closet, those were two areas that you were searching. Were there any other areas that you searched.

A. No, that's it.

Q. Okay. So, just in that -- in those areas, how many books do you think there were.

A. Hundreds. I --

Q. And of the hundreds, you seized the ones that you felt were appropriate; is that correct.

A. Yes.

MR. SANGER: Okay. Thank you. I have no further questions.

MR. SNEDDON: No questions, Your Honor.

THE COURT: All right. Thank you. You may step down.

All right. We'll recess until tomorrow morning, 8:30. See you then. Remember the admonitions.

MR. ZONEN: Your Honor, could the Court wait one moment as to one small detail.

MR. SANGER: Remember, he asked.

MR. ZONEN: Two small details.

(The following proceedings were held in open court outside the presence and hearing of the

jury:)

THE COURT: All right. Go ahead.

MR. ZONEN: Your Honor, we've -- apparently the Court's in possession of the product of the subpoena duces tecum issued by the People for legal records relating to the 1993 matter in Mr. Feldman's office. I've asked counsel to think about whether they would agree to it being turned over to us for copying, and they're still debating the issue. If, in the event their position is "No," we'd like the Court to set a time when we can argue it.

MR. OXMAN: Excuse me, Your Honor. On the subpoena, I think we would like to have time to determine what we want to do with it.

THE COURT: Yes, I'll give you time.

MR. OXMAN: Okay.

THE COURT: How much time do you want.

MR. ZONEN: The Court should know, they've known about it for a couple of days already.

MR. OXMAN: Would till Monday be acceptable.

THE COURT: Sure.

MR. ZONEN: Monday would be fine.

THE COURT: You have one other --

MR. SNEDDON: Short, I promise.

I promised the Court and counsel and the clerk that I would find the rest of the exhibit that goes to -- there's a photograph we used, which is, I believe, 346, Madam Clerk. And these are the originals. And we were going to substitute. But if you would rather me just have them marked as a separate number, we could do that as well, Your Honor. I just wanted to make sure we have the originals in evidence.

THE CLERK: That was 246.

MR. SNEDDON: 346, I'm sorry.

THE CLERK: I'm sorry.

THE COURT: All right. Mr. Mesereau, is it all right if he substitutes the original of those notes for the copy and we leave the same number on them.

MR. MESEREAU: Yes, Your Honor.
MR. SNEDDON: Thank you, Your Honor.

Thank you, Mr. Mesereau.
MR. MESEREAU: Your Honor, we had stipulated to make a copy of the cover of the Neverland Valley Guest Book --
THE COURT: Yes.
MR. MESEREAU: -- which is Exhibit 5031, and we have made copies. With the Court’s permission, we’ll have them entered in evidence.
THE COURT: All right. Do you want the book itself to remain in evidence, or do you want to substitute the photos of the front for the --
MR. MESEREAU: We had agreed to use the front cover.
THE COURT: Okay.
MR. MESEREAU: The prosecutor had objected to other pages of numerous writings, so at this point we may use the original further in our case.
THE COURT: Do you want to just leave it in right now and mark those at a different time.
MR. MESEREAU: Sure, if we could, Your Honor. Thank you very much.
MR. SNEDDON: That’s acceptable, Your Honor.
THE COURT: What number would that be.
THE CLERK: Would you want that an A and a B.
THE COURT: We’ll put it under A under the --
MR. MESEREAU: Whatever the Court would like.
THE COURT: Under the number that the actual guest book is, we’ll put those as an A. Is there two separate exhibits.

MR. MESEREAU: No, there’s just one, Your Honor. That will be A, whatever number that is.
MR. SANGER: Let me just address that. The book was withdrawn so we could make the cover, so we have to bring the book back.
MS. YU: Tomorrow.

THE COURT: That will be fine.

MR. SANGER: We'll bring the book back.

THE COURT: You have enough witnesses through Friday. There's no problem.

MR. SNEDDON: You warned me. I'm not going to get chewed out. We'll make one up if we have to.

(The proceedings adjourned at 2:35 p.m.)

--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 2307 through 2454 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 16, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
March 16, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

THURSDAY, MARCH 17, 2005

8:40 A.M.

(PAGES 2456 THROUGH 2517)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
COLEMAN, Fritz	2461-Z	2473-M	2501-Z	
FOURNIER, Kiki	2504-Z			

Santa Maria, California
Thursday, March 17, 2005
8:40 a.m.

THE COURT: Good morning.

THE JURY: (In unison) Good morning.

COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.

THE COURT: The reason we’re starting a little late this morning is we had a conference with counsel. And, for several reasons, I’m going to release the jury tomorrow so that they do not have to be here.

And the reasons are, one, that one of the jurors has a pressing family matter that, while it doesn’t demand that we close the court down, it would be better if we did.

Secondly, the attorneys and myself have been, I think, pushing ourselves very hard, or I’ve been pushing everybody very hard. Depends on how you look at it. And I think a break for everybody is in order.

And there are three or four minor -- by “minor,” I mean -- I shouldn’t say “minor.” There are three or four issues that the attorneys and the Court need to deal with before next week. They’re issues that have been mentioned yesterday that we just couldn’t get to. This way, we can work for what I would anticipate to be a short time tomorrow morning on those issues, and then you would have the rest of the day off. We all would have the rest of the day to do our other work. So that’s what I’m going to do.

The Court will also be in session only

one-half a day next Tuesday. Tuesday afternoon we are dedicating the new Juvenile Court facility, and the new Juvenile Hall in Santa Maria out on -- off of California Street. And of course you're all invited. I know, I won't see you there. But that's the reason that we will not be in session Tuesday afternoon. I will stop at 11:30, at our normal 11:30 break.

All right. I think that that takes care of the issue of being dark tomorrow.

And Mr. Jackson, you do not need to attend, unless you want to, tomorrow morning.

THE DEFENDANT: Okay.

MR. SANGER: Thank you.

THE COURT: Are you ready to proceed.

MR. ZONEN: Yes, Your Honor. We'll call our next witness. We call Fritz Coleman to the stand, please.

THE COURT: Remain standing, raise your right hand, please.

//

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FRITZ COLEMAN

Having been sworn, testified as follows:

THE WITNESS: Yes, I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Fritz Coleman, F-r-i-t-z C-o-l-e-m-a-n.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. ZONEN:

Q. Mr. Coleman, good morning.

A. Good morning.

Q. Sir, what is your current occupation.

THE COURT: Back in the back, Counsel. Is your mike on.

Thank you.

MR. ZONEN: Yes, it is.

Q. Sir, what is your current occupation.

A. I'm a weather forecaster at Channel 4, the local NBC station in Los Angeles.

Q. And how long have you held that position.

A. 23 years.

Q. Prior to that, did you have other television experience.

A. Minor television experience. That was my -- I was in the stand-up comedy business before that, actually.

Q. Do you know Jamie Masada.

A. Yes, I do.

Q. Do you know the business that he runs.

A. Yes, I do.

Q. What business is that.

A. Owner of The Laugh Factory, a comedy club in Hollywood.

Q. And tell us what The Laugh Factory is. What do they do.

A. The Laugh Factory is a comedy nightclub that has one to two shows per night every week where a cavalcade of five to six comedians perform every night.

Q. Have you ever performed there.

A. Yes, I have.

Q. Do they have a camp, a summer camp, that they run out of The Laugh Factory.

A. Yes, they do.

Q. Have you ever worked with that summer camp, with the children who go there.

A. Yes, I did.

Q. And the type of children who go there, they're from where.

A. Underprivileged children, at-risk children. Group homes, poor families.

Q. How long has that summer camp existed.

A. I don't know the answer to that. I think five or six, seven years maybe.

Q. All right. Did you ever have an opportunity to meet any of the children in the Arvizo family.

A. Yes, I did. I was invited, as were many of the comedians that performed at The Laugh Factory, to be a guest teacher for one day, on one Saturday. And the Saturday that I taught there, I met all three of the children.

Q. Can you tell us their names. Do you recall their names.

A. Gavin, Star, and Davellin.

Q. Were either of their parents, a mother or father, present at the time that you met them.

A. The mother came to pick them up at the end of the day. That was my brief encounter with her.

Q. And do you remember her name.

A. I don't know, I'm sorry to say.

Q. And did the children perform during that day.

A. Yes, they did.

Q. Did you work with them during that day.

A. Yes, I did.

Q. And how did you find them at that time.

A. I found them personable and polite and charismatic and --

Q. And do you remember how long ago that was.

A. I would say 1999.

Q. At some time did you learn that one of the three children became afflicted with cancer.

A. Yes.

Q. Do you recall when that was, the year that was.

A. Um, I think it was 2000, because after my tenure as the teacher there, I lost touch with the family until a group of people just sort of began to discuss that Gavin was in Kaiser with cancer.

Q. All right. At some point in time, did you have an occasion to visit their home, the Arvizo family home.

A. Yes, I did. Once. The Christmas after the summer when I was the instructor there, my good friend, Louise Palanker, and I decided that we would, for lack of a better term, adopt this family for Christmas. They were, to our learning, in dire financial straits.

And I had two young sons who were 12 and 10 at the time, and wanted to seize an opportunity to do something nice for a family and sort of bring them along the process, just to help them appreciate more what they had in their own lives.

So my friend Louise and I went to Best Buy, and bought several hundred dollars worth of Christmas gifts - video game equipment, movies - and wrapped them. And then my sons and I and Louise took them down to their home in East L.A., and I was in their home for a total of 20 minutes, just to

drop the gifts off, and get hugs from the kids, and we were out of there.

Q. Did anybody from the Arvizo family solicit those gifts.

A. No.

Q. Did they ask you in advance.

A. No.

Q. Did they know in advance that you were doing this.

MR. MESEREAU: Objection; calls for speculation.

THE COURT: Sustained.

Q. BY MR. ZONEN: Did you tell them in advance that you were doing this.

A. I don’t think so. I think after we bought them we said, “May we pay you a Christmas visit.” And they sort of -- they knew before the precise moment we took gifts down there, but it was something we just sort of did a couple of weeks in advance and brought them into the process later. They didn’t know before we shopped or anything. It was totally our idea.

Q. All right. How did you know where they lived.

A. My friend Louise got their address, and we just navigated our way down there.

Q. Was Gavin healthy at the time or -- was this prior to the --

A. This is before the cancer, yes.

Q. And the kids were approximately how old at that time, if you recall.

A. I would say between 8 and 11. Somewhere in that area. I’m sorry I can’t be precise.

Q. Did you, in fact, go to their house and go into their apartment.

A. Yes, I did.

Q. Do you have a recollection of what the apartment looked like.

A. Yes, it was very small. Very clean. And I remember that the room was partitioned with sheets, because there were -- with the three children and the two adults, five people, living in a very small space. I was just stricken with how small it was.

Q. And the small space you’re describing, was it more than one room.

A. I didn’t take a tour of the home. It seemed like it was one room. Again, partitioned by these sheets that they had set up to sort of divide areas of the room.

Q. When you were there, did you have a conversation with any of the members of the family.

A. Yes. The people who were there. I -- I’m not actually sure if the father was there. But I remember the mother being there, and the three children. And it was really a very brief encounter. 15 to 20 minutes.

Q. Would you describe the mother’s reaction to your bringing the gifts.

A. Very thankful. The children, very thankful. I got the feeling that this might have been the only Christmas they were going to have. It just seemed like it was the right thing to do, and perhaps it was -- it saved Christmas for them. That was my feeling. They never expressed that, but it was my feeling.

Q. And your kids came into the home as well.

A. My children came into the home. My young son was actually afraid to get out of the car. This was not a neighborhood that he was familiar with, so he had to be coerced from the car.

So my older son went in with me first, and then we went and got my younger son, who wanted to stay in the car.

Q. All right. When was the next time that you had an opportunity to visit with any member of the Arvizo family; do you recall.

A. Having learned that Gavin had cancer, I saw -- I don’t remember which of the siblings was at the hospital, but the next time I saw him was he and his dad at the hospital.

Q. What was Gavin’s condition at the time you saw him.

A. Very ill.

Q. How did he appear to you.

A. He appeared very drawn and pale. And this was in the darkest days of his diagnosis when they weren’t sure he was going to make it. And he was very sick to his stomach, and it was very hard to watch.

Q. All right. How many times do you believe you visited him at the hospital.

A. Several. I would say between three and five, if my memory serves me.

Q. During the period of time that he was ill, were you involved in any fund-raising efforts on behalf of either the Arvizo family or Gavin Arvizo specifically.

A. Yes, I was. The Laugh Factory decided they wanted to do a fund-raiser for this family. It was apparent to us that they needed the money, because David was not working. He was staying every night at the hospital with Gavin, and so we thought it would be a good idea.

I’m not exactly certain where this idea came from. I’m assuming it was Jamie Masada, because he did those things all the time, charity events at the club.

And so I was happy to be involved. I was happy to make an announcement on my television station about it. My station was very liberal in allowing me to do community outreach charity events like that, as long as I didn’t benefit from them personally.

And so I made an announcement inviting our viewers to come, and also made an announcement about the need for blood for Gavin. He needed transfusions at that time. And so we did this benefit, as we’ve done for many other people.

Q. Did Gavin’s mother involve herself in any way with you in efforts to arrange solicitation for his charitable donations.

A. Not with me, no.

Q. Did she ever have a conversation with you at all about that.

A. No.

Q. Did you have a conversation with any member of the Arvizo family for that.

A. No, my relationship for that fund-raiser was totally with Jamie Masada. It was -- he spearheaded the evening, and I was just doing sort of what he suggested.

Q. Do you remember if there was actually -- if the fund-raising effort actually occurred.

A. Yes.

Q. Was that at The Laugh Factory.

A. Yes.

Q. Tell us where The Laugh Factory is.

A. It’s the corner of Laurel Canyon and -- Laurel Avenue and Sunset Boulevard in Hollywood.

Q. That particular event, did that take place in the evening.

A. Yes.

Q. Do you remember approximately when it took place.

A. It was a weekday event. If it’s like his other shows, if I can remember, it was probably an eight o’clock start, and there were five or six comics. And I was on early in the evening, because I had to go back and do the eleven o’clock news.

Q. Do you know if that was during the time that Gavin was still ill with cancer, before he went into remission.

A. I can’t be certain about that, but it seems to me like it was close to the beginning of his being ill when we were all concerned about him every day. I think it was close to the beginning, if I’m not mistaken.

Q. Was that in conjunction with the effort to get blood to him.

A. Yes.

Q. All right. Which would suggest that he was probably still in need of it.

A. Yes.

Q. Did you see the mother of this child, Gavin’s mother, at that fund-raiser at The Laugh Factory.

A. No.

Q. Do you remember if you saw any other member of the Arvizo family.

A. I saw David. I went in the front door upon arriving, and my recollection was that they had a table set up to the right of the entrance of The Laugh Factory where they had, I’m not sure how many people, but it seemed to be a representative of The Laugh Factory and David himself and people taking tickets, and maybe taking further donations if anyone decided to make a donation to the family over and above what the cover charge of the club was. But I couldn’t tell you how many people. David was the only person, other than Gavin, that I saw there that night.

Q. All right. Were you involved in any way in the distribution of the money that was collected.

A. No. No.

Q. Are you aware as to how much money was collected that night.

A. No. Check that. I heard in conversation afterwards that it was a couple thousand dollars. Just in talk amongst the comics and Jamie. But it was an unofficial thing. I saw no bookwork, I saw no cash exchange hands. I wasn't involved in that at all.

Q. Could you tell if it was a fairly good turnout at The Laugh Factory.

A. That club is always full, so I -- it probably was a relatively full room. I couldn't tell you exactly how many audience members were there.

Q. Do you remember what other comedians were there.

A. Well, I was at the beginning of the show, because I was -- again, it was a lunch break for me, and I was on my way back to do the news.

I think that Chris Tucker was there. Maybe Bob Saget. Some of the ongoing Laugh Factory regular comedians. But I didn't see the rest of the show, so I couldn't swear to their presence there, honestly.

Q. Do you remember any other occasion where you may have seen the mother of Gavin, Gavin's mom.

A. I saw Gavin's mom a total of three times in my whole experience with the family. One was when she came to pick the children up at the end of comedy camp. The other time was when we delivered the presents to her house. And the last time was my final visit to see Gavin in the hospital after his first bout. She came in toward the end of my visit there. And I hadn't seen her.

I think the legend was that because David was not working and staying with Gavin, she was working all the time. So they were never at the hospital at the same time.

However, my last visit, she came in at the end, and that was it. And that was a total of a

half hour.
Q. Do you remember anything unusual about your conversations with her at all.
A. No.
Q. Did she ever solicit money from you.
A. No.
Q. Did she ever ask you to do anything on her behalf or on behalf of her family.
A. No.
Q. Was there anything at any time inappropriate about her behavior with you.
A. No.
MR. ZONEN: Thank you. I have no further questions.
THE COURT: Mr. Mesereau.
MR. MESEREAU: Yes, please, Your Honor.

CROSS-EXAMINATION
BY MR. MR. MESEREAU:
Q. Good morning, Mr. Coleman.
A. Good morning.
Q. My name is Thomas Mesereau and I speak for Mr. Jackson.
We have not met before.
A. Right.
Q. Never spoke on the phone.
A. No, sir.
Q. You did talk to one of our investigators, Mr. Scott Ross, right.

A. Right.
Q. How many times did you speak to him.
A. Two times in person, one time when he did the initial interview, and one time when he issued my subpoena. And I think one time on the phone, I think.
Q. Okay. When did you first meet the Arvizo family.
A. I met them at the comedy camp, as I stated earlier, which was a Saturday in the summer, I think, of 1999. It was a one-day encounter with

them, because each of the instructors was only there for one day.

Q. Okay. Now, at that point was Gavin ill.

A. No.

Q. Okay. Approximately when do you recall Gavin becoming ill.

A. I remember learning about it - I'm real fuzzy about this - anywhere from six months to a year after I met the family. I'm sorry, I'm --

Q. Okay. And approximately when do you think the fund-raiser took place.

A. I want to say -- I'll be honest with you, the timeline that we've discussed since this investigation started seems to be about October 2000.

Q. Okay. Now, at some point, did you learn the

Arvizo family had obtained over $100,000 in a lawsuit with J.C. Penney.

A. No, I hadn't.

MR. ZONEN: Your Honor, I'm going to object to information that would be hearsay. Move to strike.

THE COURT: Overruled.

Q. BY MR. MESEREAU: Did you ever have a discussion with any of the Arvizos about their filing a lawsuit against J.C. Penney.

A. No. My first knowledge that I was even mentioned in the J.C. Penney arrest was when the New York Daily News called me at the beginning of this case to ask me if I had a comment about it, and that was my first learning of that information.

Q. And what did you learn about your name being used in that case.

MR. ZONEN: I will object as hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you learn at some point that your name had come up in the J.C. Penney lawsuit.

MR. ZONEN: I will object as hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you know anything about

Janet Arvizo telling the Los Angeles Police Department when she called them about David that you were going to help her --

MR. ZONEN: I’m going to object as hearsay and irrelevant.

THE COURT: I have to have the complete question.

Did you finish the question, Mr. Mesereau.

MR. MESEREAU: I’m not sure. I think Mr. Zonen may have interrupted before I completed it, Your Honor.

THE COURT: I can’t tell if you completed it either.

MR. MESEREAU: I can rephrase it, Your Honor.

Q. Mr. Coleman, did you ever authorize Janet Arvizo to tell the Los Angeles Police Department that you were going to help her in a domestic violence case against her ex-husband David.

A. Never.

Q. Did you ever learn that she had told the Los Angeles Police Department, “Fritz Coleman, Kobe Bryant, and Michael Jackson are going to help me in my case against my husband”.

A. Yes, I did.

Q. Where did you learn that.

A. I learned it from a New York Daily News reporter who was calling me to get comments about this particular case.

Q. And did you respond.

A. I said I knew nothing about it.

Q. So you never had a discussion with her about that.

A. No.

Q. You never authorized her to use your name, correct.

A. No.

Q. Have you ever authorized Janet Arvizo to use your name in any lawsuit.

A. No.

Q. Okay. Have you ever discussed any lawsuit with Janet Arvizo.

A. No.

Q. Okay. Now, you indicated that you visited the -- what was described to you as a family residence in East Los Angeles, right.

A. Yes.

Q. And that was on Soto Street, right.

A. Yes.

Q. Okay. And who arranged for you to visit the residence at Soto Street.

A. My friend Louise Palanker, who was working at The Laugh Factory at the time, and was sort of my liaison with the family. She learned the address. I don't know how she learned the address. But she had the instructions, and I drove.

Q. Now, did anyone ever tell you that there was a second address in El Monte that the family used.

A. No.

Q. Did you know anything about where their grandparents lived.

A. No.

Q. Okay. Have you ever been to a different location in El Monte where that family has lived.

A. No.

Q. Okay. Were you aware of any efforts by the Arvizos to obtain automobiles from other celebrities.

A. No.

Q. Knew nothing about any attempt to obtain an automobile from Michael Jackson.

MR. ZONEN: I'll object as hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Were you aware of any other attempts by the Arvizo family to obtain cash from celebrities, other than the fund-raiser you're talking about.

MR. ZONEN: I'll object as vague. Which Arvizo.

MR. MESEREAU: I’ll go through them. I’ll rephrase.

Q. Were you ever aware of any attempt by Janet Arvizo to obtain cash money from any celebrity.

A. No.

Q. Were you ever aware of David Arvizo attempting to obtain cash from any celebrity.

A. May I say that I had heard conversation about him having done that. I don’t know if it works in this case. There were some stories that he had approached George Lopez and was -- David, and was fairly persistent about it, raising George’s anger.

Again, this is hearsay. I heard this third-person rumor. But there were conversations around The Laugh Factory that he, in fact, had become a problem with George Lopez.

Q. Were you ever aware of Gavin Arvizo calling Jay Leno on the phone to ask for money.

A. No.

MR. ZONEN: Assumes facts not in evidence; objection.

THE COURT: All right. The answer is in: “No.” And next question.

MR. MESEREAU: Okay.

Q. Did you ever hear of Janet Arvizo approaching Mr. Leno for money.

MR. ZONEN: Objection; assuming facts not in evidence.

THE COURT: Calls for hearsay. Sustained.

Q. BY MR. MESEREAU: To your knowledge, was Janet Arvizo approaching any other comedian and asking for money at the same time that you were making efforts to raise funds for the family.

A. No.

Q. Okay. Were you -- did you have any knowledge of either -- well, let me just go one at a time. Did you have any -- let me rephrase it.

MR. ZONEN: I’m going to object to any questions starting with “Do you have knowledge” if there’s no foundation that it’s personal knowledge.

MR. MESEREAU: Well --

MR. ZONEN: Simply hearing something from somebody else is hearsay.

THE COURT: We have to wait till the question is completed. And you can’t object in advance to all questions.

Go ahead.

MR. MESEREAU: Thank you, Your Honor.

Q. Mr. Coleman, obviously you were involved in efforts to raise money for the Arvizo family, right.

A. Yes.

Q. And the motivation for your efforts was your belief that the Arvizo family needed money for medical expenses, true.

A. I would say that my understanding was that the Arvizo family needed money, and I -- my involvement wasn’t because of a specific need for medical expenses. It was just that I had been to their home and know that, for whatever reason, they needed money.

Q. But you had mentioned to our investigator, Scott Ross, on one occasion, that it was your belief that you were raising money for medical expenses for

Gavin, correct.

A. That may have been part of the conversation. But I think my original desire to be involved with it really wasn’t that specific. I just said, “Yes,” not even needing specific areas where the money would go.

Q. Did you know that the Arvizo family was engaged in any other fund-raising efforts at the time that you were doing this.

A. No.

Q. Did you know of any newspaper ads saying chemotherapy costs $12,000 a session. Do you know anything about that.

A. No.

Q. Okay. And did you ever have a discussion with any of the Arvizos about whether they had insurance coverage that was paying all the medical bills.

A. No.

Q. Okay. Did you know anything about efforts to solicit funds or benefits from Los Angeles police officers.

A. No.

Q. Okay. Now, I assume you met Star Arvizo, correct.

A. Right.

Q. Davellin Arvizo, right.

A. Uh-huh.

Q. Obviously Gavin.

A. Yes.

Q. And you met his mother.

A. Yes.

Q. And you met David.

A. Yes.

Q. Did you meet any other people that were related to the Arvizos, to your knowledge.

A. No. No.

Q. And you visited their home on Soto Street in East Los Angeles how many times.

A. Once.

Q. And was the purpose, in your mind, for you to donate something to the Arvizos.

A. It was -- my purpose in it was to teach my children something, which was we’re going to do something for folks who can’t afford to have a really good Christmas like we always have.

And Louise and I -- and I don’t know when the conversation came up -- said that this would be a great way for us to do that, to take care of the Arvizos, that we had become very fond of because of comedy camp, and to do this for my kids. It was just -- it was a spur-of-the-moment thing. That was the only reason.

Q. Now, correct me if I’m wrong, I think you said in response to the prosecutor’s questions that it was your belief David Arvizo was not working,

right.

A. Well, I don’t see how he could have been, because he was at the hospital every time and slept overnight in an adjacent bed. So I think we all assumed that he had taken a leave from work or was not -- between jobs or something. No one told me that. It was just sort of what we observed.

Q. And did you know at that time whether or not Janet Arvizo was actually working.

A. I was told that she was, which was why we never saw her at the initial few visits to the hospital.

Q. Okay. You mentioned a blood drive.

A. Uh-huh.

Q. Or I think the prosecutor mentioned a blood drive.

Were you part of any effort to put together a blood drive for Gavin.

A. I wasn’t part of putting it together. I made an announcement on television about this benefit, which I’m allowed to do unofficially all the time.

And in the context of that announcement, I mentioned that “We’re also trying to find some blood for this child.” But I wasn’t part of the organizing of the drive, or the location, or the times, or the official carrying out of the event at all.

Q. Were you ever aware of Michael Jackson putting together a blood drive for Gavin.

A. No.

Q. Okay. So you never participated with Michael Jackson --

A. No.

Q. -- in any fund-raising activity --

A. No.

Q. -- or blood-drive activity.

A. No.

Q. Okay. Now, who told you this family was impoverished.

A. Well, the prerequisite to be in the comedy camp was to be from a needy situation. They had children who were from group homes with disciplinary problems, emotional problems, or people from poverty stricken areas. That was Jamie’s mandate.

So that them just being in attendance at this comedy camp sort of put them in that area.

Q. Now, this would have been before Gavin became ill, correct.

A. Right. That was my first meeting with him, which was the summer of ‘99.

Q. Now, when you first met the Arvizos before Gavin became ill, was it your understanding that David was employed.

A. I didn’t have an opinion about it at that point. I knew nothing about the family’s personal life. I just knew that they were probably in these circumstances because they were there.

Q. And before you -- excuse me. When you first met the Arvizos, again, before Gavin became ill, was it your belief that Janet was unemployed.

A. I -- again, I didn’t have that knowledge. I just --

Q. But your assumption was they must be poor or they wouldn’t be in this program, correct.

A. Absolutely.

Q. And you never had -- made any effort to find out whether they were working or not working, right.

A. No.

Q. Did you know whether or not they were collecting welfare.

A. No.

Q. Did you know whether or not they were collecting disability benefits.

A. No.

Q. Do you know whether or not they were collecting food stamps.

A. No, sir.

Q. Okay. Were you aware of their being in any other programs for impoverished families.

A. I knew nothing about their personal life at all.

Q. Now, you were active in The Laugh Factory at that point, right.

A. Yes. Uh-huh.

Q. And were you active in organizing this summer camp that you've described.

A. No, I was a guest teacher. Every Saturday they had a different guest. Arsenio Hall and George Lopez and Bob Saget and comedians who worked there regularly would donate eight hours a Saturday. We had one instructor per Saturday, and this happened to be my particular Saturday when I met the Arvizos.

Q. Who did you believe was responsible for deciding who is impoverished and who needs help at The Laugh Factory.

A. The decision was Jamie Masada's. It was his club. It was his program. And I -- I'm assuming that -- well, I shouldn't assume. But I would gather that he worked in conjunction with social service agencies to maybe get these children funneled there. It seemed like there were people from that, from that realm there as well. I'm not certain about that. I'm assuming that.

Q. Do you know whether or not the Arvizos approached Jamie Masada, or Jamie Masada approached the Arvizos for purposes of that summer camp.

A. I have no knowledge of that.

Q. Okay. Now, before Gavin became ill, did you -- were you aware of any efforts at The Laugh Factory to raise money for the Arvizos.

A. No.

Q. Okay. Were you aware of any other efforts anywhere else to raise money for the Arvizos.

A. No.

Q. Okay. And who told you Gavin was ill.

A. I don't remember precisely who it was. It

may have been my friend Louise Palanker, who was sort of my liaison with The Laugh Factory on a ongoing basis. It may have been Jamie Masada. Just -- it became knowledge among the comedians down there.
Q. And was it your understanding that Louise Palanker was donating money to the Arvizos.
A. Yes.
Q. Did you ever learn how much.
A. Yes.
MR. ZONEN: I'm going to object as hearsay, unless he was personally present.
THE COURT: As to the question and the answer that were given, the objection is overruled.
MR. MESEREAU: Okay.
Q. Did you ever personally see Louise Palanker write out checks to the Arvizos.
A. No.
Q. Did she ever tell you how much she had given the Arvizos.
A. Yes.
Q. How much was that.
MR. ZONEN: I'll object as hearsay.

THE COURT: Sustained.
Q. BY MR. MESEREAU: And was Louise Palanker encouraging you to give money to the Arvizos.
A. No.
Q. Do you have any knowledge of Chris Tucker giving anything to the Arvizos.
A. Not firsthand knowledge, but it was legend that he had been extremely generous with shoes and cash and those things. But I'm not a friend of Chris's. This was just sort of legend around The Laugh Factory at the time, he had been very generous with them.
Q. Now, was Chris Tucker a regular at The Laugh Factory, as far as you know.
A. Yes. When he was not doing movies, he would appear there periodically.
Q. Would you see him often.
A. No.

Q. Now, at the point in time where you met the Arvizos before Gavin became ill, how often would you see them.

A. Never. As a matter of fact, from the time we made that donation -- not the “donation,” the Christmas gifts, until the time when we were made aware that he was ill. I hadn’t seen them, however long a period of time that was.

Q. And at the fund-raiser, you were present, right.

A. Yes.

Q. And was that on a weekend.

A. No, it was a weekday.

Q. Okay. Was it at night.

A. Yes.

Q. And you saw David Arvizo and Gavin Arvizo there, correct.

A. Yes.

Q. And did you see any other Arvizo family members, to your knowledge.

A. I think one or both of the children were there. But I just can’t remember. I was in and out very quickly.

Q. And was this fund-raiser advertised; do you know.

A. Yes.

Q. And where was the advertising taking place.

A. I was the advertisement for at least a portion of it. I mentioned it on our news program, that we were doing this for this family, and -- which I’m allowed to do. And that was my only experience with any advertising concerning this event.

Q. Do you know if any other celebrity was engaged in advertising for this fund-raiser.

A. No, I don’t.

Q. Okay. Did you think you were the only one at that point.

A. I had no opinion about that. I was just sort of reacting to what I could do, and I really didn’t know. It seemed very fast. The idea was borne and a couple of days later we made the announcement, and I wasn’t paying that much attention to the other aspects of it.
Q. Now, The Laugh Factory is on Sunset, not far from Fairfax, correct.
A. Correct.
Q. And The Laugh Factory has signs out front, doesn’t it.
A. Yes.
Q. And The Laugh Factory will typically advertise what’s going on that evening on those signs, right.
A. Yes.
Q. Do you recall whether or not The Laugh Factory had a big advertisement about this fund-raiser for the Arvizos.
A. I couldn’t answer that. I’m sorry.
Q. But typically that sign does change almost on a daily basis, doesn’t it.
A. Yes.
Q. And because there seemed to be events at that Laugh Factory most evenings, right.
A. Right.
Q. And how long have you known Jamie Masada.
A. Ten years.

Q. Was it your belief that he was really in charge of putting this whole fund-raiser together.
A. Yes.
Q. And when you got there for the fund-raiser, was he there.
MR. ZONEN: “He” being Masada.
MR. MESEREAU: Yes.
THE WITNESS: To my recollection, yes.
Q. BY MR. MESEREAU: Did you see other celebrities at the fund-raiser.
A. Chris Tucker.
Q. Anyone else.
A. No, because, again, I was sort of threading

a very small needle to come and make my appearance and go back to work to do the eleven o’clock news, so I didn’t stay to see who else was there.

But Chris was there, because I remember him being engaged with Gavin.

Q. Now, was the fund-raiser inside The Laugh Factory.

A. Yes.

Q. And as you walked into The Laugh Factory, did you notice any way money was being contributed.

A. As I mentioned before, as you walked in, they had a table set up to the right, adjacent to what is the normal box office. And I remember David Arvizo being -- either sitting or standing in back of this table. There were several people seated. They were selling tickets, and people could make donations over and above if they chose to.

I didn’t pay any attention to the transactions that were going there. I was just sort of walking through this foyer into the main club.

Q. And when you walked into The Laugh Factory, did you see Gavin anywhere.

A. Yes.

Q. Where did you see Gavin.

A. There’s a balcony area upstairs where comedians waiting to go on can linger, and I was up there with Louise and Gavin and his father and Chris Tucker. Sort of all milling around. We weren’t in one group. But we were all in that area.

Q. To your knowledge, were people being introduced to Gavin.

A. Yes.

Q. And tell the jury how that happened, based on what you saw. I mean, would people be led upstairs to see Gavin.

A. Not necessarily. It was sort of very unofficial and informal. When the people would drift in and out of that little room, people would come up and introduce themselves. They knew who he was. And I really can’t delineate who -- between who he knew and who he didn’t know, to be honest with you. I wasn’t paying that close attention.

Q. Were there photographs of Gavin at the

fund-raiser.

A. I think so, yes.

Q. And where did you first see a photograph of him.

A. I can’t recall.

Q. Okay. Do you recall Kobe Bryant being at that fund-raiser.

A. No.

Q. Did you ever see --

A. If he was there -- again, I was only there at the beginning of the evening. He may have later. But I didn’t see him.

Q. Approximately how many people did you see at the fund-raiser.

A. I saw about two-thirds of a roomful of people, which was my point in the evening at the beginning, whatever that turns out, 100, 150 people.

Q. Do you know if any requests were made for cash at that fund-raiser by anybody.

A. I have no recollection of that.

Q. Do you know if people were typically paying by check. Did you see this.

A. No, I didn’t pay any attention to the money transactions at all.

Q. Do you know if Jamie Masada was getting any portion of the money that was raised.

A. I have no idea.

Q. Did you ever discuss that with him.

A. No.

Q. And I think you said that you have no idea how much was raised, correct.

A. No. The conversation after it was over was, a couple of thousand dollars. We did pretty well. It was a couple of thousand dollars. It was really just to raise awareness about Gavin’s condition. It wasn’t a dollar amount that we were heading for.

Q. Did the fund-raiser last a couple of hours.

A. Typically those events do. 8:00 to 10:00, 8:00 to 10:30.

Q. How did you learn a couple thousand dollars was raised.

A. Just in conversation afterward. “How did we do.” Well, a couple thousand dollars. It wasn’t bad. It wasn’t a lot of money.

It was very unofficial and just a matter-of-fact conversation about it.

Q. And are there often fund-raisers at The Laugh Factory --

A. Yes.

Q. -- that you’re involved in.

A. Yes.

Q. Was this any different than others you’ve seen.

A. No. Jamie is very good about doing various things for the underprivileged or homeless during the holiday, feeding groups of people. He’s great about that. There’s things like that happening all the time down there.

Q. Do you have any knowledge how the Arvizos arrived for that fund-raiser.

A. No.

Q. Or who drove them or what car they used.

A. No.

Q. Okay. Did you ever see the Arvizos after that fund-raiser.

A. Well, let me see. I can’t remember if -- no, I think that was after Gavin was out of the hospital, after it went into remission the first time, and then I didn’t visit with him.

I wasn’t -- I wasn’t connected to the family much for his second visits when it got really bad again, so, no, I didn’t.

Q. You did visit the hospital a number of times to see Gavin, right.

A. Yes.

Q. And you did, on one of your visits, see a huge gift package from Michael Jackson, right.

A. Yes, that was my final visit.
Q. Please describe what that basket looked like, if you can.
A. It looked like a huge box that had a number of gifts in it. I didn’t look really closely at it. But I remember Gavin beaming that it was a gift from Michael. I said, “Wow, that’s phenomenal.”

Q. So Gavin told you it came from Michael Jackson.
A. Yes.
Q. Did you ever discuss Michael Jackson’s gift basket with any other member of the family.
A. No.
Q. You saw that gift basket obviously before your family made a trip to Soto Street to what was described as the Arvizo residence, right.
A. No, the Christmas gift-giving from me was before Gavin even got sick.
Q. Okay.
A. That was my second encounter with him. That was the Christmas after I had met them at comedy camp. Gavin got sick after that point.
Q. Now, was it your understanding when you visited Soto Street before Gavin was ill that you were trying to contribute to an impoverished family.
A. Right.
Q. And at that point in time, how did you determine they were impoverished.
A. Well, they had to be impoverished to be in this comedy camp.
Q. Was that your only criterion.
A. That was my only criterion. And then after I met the children. And I remember having a conversation during the day when I was instructing that the children had to take three or four different bus routes to get to the comedy camp that day with their mom.
And so it just touched my heart, so we

wanted to do something. I mean, I didn’t investigate whether they were truly impoverished or not. I just had a good feeling about them. I thought they were wonderful children and wanted to do this for my kids, and so that was it.

Q. When you first met the Arvizos, you met Janet, correct.

A. Yes.

Q. And where did you meet Janet.

A. She came to pick them up at the end of this comedy class.

Q. Okay. So that was at The Laugh Factory.

A. Yes.

Q. How many times have you seen Janet at The Laugh Factory, if you know.

A. That was the only time I saw her at The Laugh Factory.

Q. Okay. Okay. And typically would you see the father with the children at The Laugh Factory, when you saw them.

A. I only saw the family gathered once at The Laugh Factory, and that was the fund-raiser. And that night David and Gavin were there, and either one or both of the siblings. I can’t remember which.

Q. And I think you described this, but I’m not too sure of the details. When you first went to the Soto address --

A. Yes.

Q. -- with your children --

A. Yes.

Q. -- before you ever heard Gavin was ill --

A. Right.

Q. -- were you there to contribute.

A. I was there to give them these gifts that we had bought to try to make their Christmas. That was it.

Q. Did someone tell you they can’t afford gifts for Christmas.

A. No.

Q. You just assumed that because they were in that summer program.

A. Yes.

Q. Okay. Can I ask you what you brought them.

A. We brought, I would say, $300 to $350 worth of gifts. We brought an Nintendo game, and some DVDs and some other games. All from Best Buy. I can’t remember precisely what it was.

Q. When you say “we,” is that you and Louise Palanker.

A. Louise Palanker, right.

Q. Did anyone else provide gifts, to your knowledge.

A. Not on this occasion.

Q. Did you ever give them any gifts after that.

A. No.

Q. Okay. So between -- the first time you gave any of the Arvizos was the family visit, and you did nothing by way of fund-raising until the fund-raiser at The Laugh Factory.

A. Exactly.

Q. Okay. And how much time elapsed in between, if you know.

A. I can’t be sure. It seems like, as I mentioned before, six months to a year. It just seems like it. It’s fuzzy.

Q. Mr. Coleman, do you know who asked you to advertise the fund-raiser on the air.

A. Nobody asked me to do it. I’ve done it for previous events like that. And I volunteered it immediately upon learning what they wanted to do. Nobody had to ask me for it.

Q. Okay. And after your family visited the Soto address, did you maintain constant contact with the Arvizos.

A. No. They -- they would write cards of thank you, and call me at work and say they appreciated it, but they -- contact sort of dropped off a little bit after that. We all went our separate ways.

Q. Okay. Would you see them from time to time at The Laugh Factory.

A. No.

Q. Okay. Was it your understanding they kept involved with Mr. Masada at The Laugh Factory.

A. Yes.

Q. And what was that understanding based on.

A. I have no specific understanding about it. I know that he’s sort of -- considers himself a mentor to many of those children, and went out of his way to maintain a contact with them, sort of unofficially.

Q. And when did you last talk to Janet Arvizo.

A. The last time I spoke to her was the last day I went to visit Gavin in the hospital, when she had walked in late. And that was my first time I had seen her visit her son in the hospital. And that was it.

Q. Now, you say you often saw David there and not Janet. And how many times did you visit Gavin at the hospital.

A. I’m saying between three and five. I can’t be more specific, I’m sorry. But every time I was there, David was there. And I’m sure we had discussed the fact that he was not working and he was staying overnight in the bed adjacent to his son.

Q. What was your understanding that Janet was working based upon. Was it just supposition.

A. I can’t name anything specific, but I think 2500 I might have discussed it with my friend Louise that, “Wow, she’s having to work for both of them during this period of time.” I -- it’s just a feeling I had. I didn’t have any specific information about it. If I’m not mistaken, she was working -- if my memory serves me right, she was working as a waitress at the time.

Q. Do you recall receiving any cards from the Arvizos.

A. I think I did. I think I received a thank you note after the Christmas gifts were given.

Q. Do you recall what kind of words were on that thank you note.

A. No. Nothing dramatic. Just --

Q. Okay.

MR. MESEREAU: No further questions, Your Honor.

THE COURT: Counsel.

REDIRECT EXAMINATION

BY MR. ZONEN:

Q. Mr. Coleman, the thank you note that you received, was there anything inappropriate written on it.

A. No.

Q. Was there anything that caused you to sit back and be concerned.

A. No.

Q. All right. When you went out to the house in East Los Angeles -- and I say “house.” It was actually a studio apartment; is that right.

A. Right.

Q. Was there anything that you saw in this apartment that caused you to question whether or not they really were a family in need.

A. No.

Q. All right. And you said that the room was divided up. Explain how it was divided up for us.

A. It seemed like they partitioned off a portion of it with a sheet. A sheet had been hung. I don’t know if it was to separate children’s living areas. I didn’t want to take a tour of it. I didn’t want to make them uncomfortable with showing me what they did or didn’t have in their life. So it seemed to me they had various areas partitioned off with a sheet hanging with a cord across to sort of divide a room that wasn’t otherwise divided. That was my initial impression.

Q. All right. And were there beds or anything that looked like beds that you were able to see from your vantage point.

A. I don’t remember.

Q. All right. The fund-raiser, as Mr. Mesereau refers to, the event that took place at The Laugh Factory, was that the only event that you were aware of that was done for Gavin.

A. Yes, sir.

Q. Was that a fund-raiser or was it for blood donations.

A. It was both. It was both. It was to bring people down to The Laugh Factory, and to raise awareness about him needing a specific blood type.

Q. They weren’t taking blood at that time.

A. No, it was just to -- if people were interested, they could contact The Laugh Factory or -- I wasn’t sure if we had asked them to contact the specific number at Kaiser or what. But it was a very unofficial -- just sort of a consciousness raising announcement more than a specific thing.

Q. Mr. Coleman, I have one last question. Are we expecting rain this weekend.

A. Well, you know, I should be back there trying to figure that out right now.

Q. Thank you. I have no further questions.

MR. MESEREAU: No further questions, Your Honor.

THE COURT: All right. Thank you. You may step down.

Call your next witness.

MR. AUCHINCLOSS: Our next witness is Kiki Solveig Fournier.

THE COURT: Come to the front of the courtroom, please.

When you get to the witness stand, please

remain standing. Face the clerk and raise your right hand.

KIKI FOURNIER

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name is Kiki Fournier. It’s K-i-k-i F-o-u-r-n-i-e-r.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Good morning, Ms. Fournier.

A. Good morning.

Q. Have you in the past worked for Michael Jackson at Neverland Ranch.

A. Yes.

Q. What did you do. How were you employed at Neverland Ranch.

A. I was a housekeeper.

Q. Can you tell me the time frame that you worked for Mr. Jackson.

A. I started in September of ‘91, and worked off and on till September 28th, 2003.

Q. Okay. When you say -- yeah, you have to speak directly into that microphone so we can hear you.

A. Okay.

Q. When you say “off and on,” can you give me a little more specific description of what that means.

A. Well, I worked a couple years, and then I would take some time off. I had a child back in 1993 also, so -- and then I would take a couple of years off, and then I would go back for a couple of years.

Q. And you said you left ultimately in September of 2003.

A. Yes.

Q. Did you leave of your own accord.

A. Yes.

Q. At any time have you ever been terminated as an employee from Neverland Ranch.

A. No.

Q. Please describe your duties as a housekeeper at Neverland.

A. Cleaning the main residence, cleaning the guest quarters, cleaning the theater.

Q. Would you have interaction with guests of the ranch.

A. Yes.

Q. And would you do anything other than just cleaning.

A. Serve food sometimes.

Q. Did you have a particular shift that you worked.

A. Well, it varied. It depended on who wanted to work during the day -- excuse me -- and who wanted to work at night. So I would sometimes more frequently work the nights.

Q. And describe for me what time frame we’re talking about. What does the night shift consist of.

A. Basically it was, you know, catching up on laundry and, you know, taking care of the guests, serving them dinner. Getting them anything that they needed.

Q. But as far as the time frame, from what hours. What would your hours be for the night shift.

A. It depended. It just depended on if there was guests or if anybody was at the house.

Q. So you would finish up work at a different hour depending on the night.

A. Depending on what the demands were during the day.

Q. What time would you normally report for work as a night-shift housekeeper.

A. It all varied, but usually we tried to make it so that who came in later would work later.

Q. Did you ask not to have to testify in this case.

A. Yes.

Q. Okay. And why is that.

A. I don’t want --

MR. MESEREAU: Objection; relevance.

MR. AUCHINCLOSS: Goes to her credibility, Your Honor.

THE COURT: Overruled.

You may answer.

THE WITNESS: I can answer.

Q. BY MR. AUCHINCLOSS: Yes, you can answer.

A. I don’t want to have anything to do with this. I just don’t like being the center of attention either.

Q. All right. As an employee of Neverland, who was in charge at Neverland Ranch.

A. Mr. Jackson.

Q. Were there certain administrators who were in charge of various functions, various functions concerning the operations at the ranch.

A. Yes.

Q. Who were the main administrators.

A. Joe Marcus was the ranch manager when I was there. And Jesus Salas was the house manager. And Violet Silva is the security, head of security.

Q. Okay. Were those three managers working during the time period of 2002 to 2003.

A. Yes.

Q. And did they have those assignments as managers during that period of time.

A. Yes.

Q. What was -- do you know what Joe Marcus’s job was as ranch manager.

A. I -- oversee all the departments.

Q. Okay. So would he oversee Violet Silva.

A. Yes.

Q. And Jesus Salas, who was the house manager.

A. Yes.

Q. Did you observe his relationship with the defendant, Mr. Jackson.

A. Yes.

Q. Could you characterize that for me, please.

MR. MESEREAU: Objection; vague.

MR. AUCHINCLOSS: I can be more specific.

THE COURT: All right.

Q. BY MR. AUCHINCLOSS: You said you observed the relationship with Mr. Jackson. How often would you see them interacting in the course of your duties as a housekeeper.

A. Well, not that often. I wasn’t familiar when they were on the phone or when they would meet in person, but I do know that they would -- they would meet and they would speak to each other.

Q. Okay. And were you present during any of those conversations when they were interacting.

A. I probably was, but I don’t really remember.

Q. Okay. Do you know if Mr. Jackson would give Mr. Marcus directives.

A. Yes.

Q. Okay. Did you yourself have interaction with Mr. Jackson.

A. Yes.

Q. How often.

A. It depended on when he was there.

Q. Okay. How often -- can you characterize how often he was there.

A. As a percentagewise.

Q. Yeah. And let’s focus on the time period between 2002 through the time that you left in 2003.

A. He was there a lot in the beginning of 2003.

Q. Okay. So my question was -- where we started here was, did you interact with Mr. Jackson personally.

A. Yes.

Q. In what fashion. How would that come about.

A. I would serve him his foods. I would clean his house. I would answer the phones.

Q. And what was the level of service that was provided to Mr. Jackson at Neverland Ranch by his employees.

A. We always tried to provide him with the best of service.

Q. If Mr. Jackson wanted something a certain way, would there be any hesitation to tell you or let you know exactly what he wanted.

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

You may answer. Do you want the question read back.

THE WITNESS: Yes, please.

THE COURT: Okay.

(Record read.)

THE WITNESS: He wouldn’t always tell us directly. He might tell Joe or he might tell Jesus, and sometimes he would tell us.

Q. BY MR. AUCHINCLOSS: But it would be communicated to you.

A. Yes.

Q. Have you ever seen the defendant, Mr. Jackson, fire anybody, been present.

MR. MESEREAU: Objection. Relevance; 352.

MR. AUCHINCLOSS: Your Honor, it’s offered to show the defendant’s level of influence over his own employees.

THE COURT: All right. I’ll limit it to a “yes” or “no” answer.

MR. AUCHINCLOSS: All right.

Q. Did you ever see him fire any of his employees.

A. I never saw him personally fire somebody.

Q. Okay. Were his employees generally aware that Mr. Jackson could fire them.

MR. MESEREAU: Objection. Hearsay; speculation; vague; relevance; no foundation.

MR. AUCHINCLOSS: Mr. Jackson was the employer of these people.

THE COURT: Well, you may have a couple more reasons.

(Laughter.)

THE COURT: I’ll sustain the hearsay objection.

Q. BY MR. AUCHINCLOSS: Were you aware that you could be terminated at any given moment.

A. Yes.

Q. Were you aware of anybody that had been fired -- was anybody fired at Neverland while you were there.

MR. MESEREAU: Objection. Relevance; 352; foundation.

THE COURT: Overruled. You may answer. “Yes” or “no.”

THE WITNESS: Sorry, what was the question again.

Q. BY MR. AUCHINCLOSS: Were you aware of anybody who ever got fired at Neverland.

A. Yes.

Q. Do you know who fired them. Who was the person responsible for their termination.

MR. MESEREAU: Objection; foundation.

THE COURT: Just answer that question “yes” or “no.”

Which answers your objection.

THE WITNESS: Yes, I was aware that he had fired people, Mr. Jackson. And --

THE COURT: Just a moment. I just wanted a “yes” or “no” answer to that.

THE WITNESS: I’m sorry.

THE COURT: So the answer is “Yes.” Next question.

Q. BY MR. AUCHINCLOSS: When you were around Mr. Jackson in his presence, can you characterize his level of attention to the details of the service that -- the services that were provided to him.

MR. MESEREAU: Objection; vague.

MR. AUCHINCLOSS: I think she’s qualified to answer that question.

THE COURT: I’m going to allow you to answer. Would you like it reread.

THE WITNESS: Yes, please.

THE COURT: Okay.

(Record read.)

THE WITNESS: Mr. Jackson is a very detail-oriented person, so he did like to have his service the way he wanted it.

Q. BY MR. AUCHINCLOSS: Did you ever observe Mr. Jackson to have overnight visitors at the ranch.

A. Yes.

Q. How often would that be provided. How often would he have overnight guests.

MR. MESEREAU: Objection. Vague and foundation.

MR. AUCHINCLOSS: I’ll be more specific.

Q. During the period of 2002 to 2003.

A. Yes. He had overnight guests.

Q. How often would he have overnight guests during that time frame.

A. I can’t say exactly dates, but there was a lot of guests during that time. There was people there.

Q. Would you provide services to those guests.

A. Yes.

Q. And can you characterize the level of service that you provided the guests of Mr. Jackson.

A. Again, we always tried to provide the best service, so we always tried to be detail oriented in doing our work.

Q. Was Frank Tyson a guest at Neverland Ranch during that time frame.

A. I believe so, yes.

Q. Who is Frank -- is Frank Tyson -- well, let me back up.

Were you around Mr. Jackson when he was in the presence of Mr. Tyson.

A. Yes.

Q. And when was the first time that you’re -- you became aware that Mr. Tyson was a guest at Neverland Ranch.

A. That would have been when he was rather young. Sometime around, I would say, 1991. I would guess, but I can’t say for 100 percent sure. But he was still young.

Q. And can you characterize the nature of the relationship between Mr. Tyson and Mr. Jackson, based upon your personal observations.

MR. MESEREAU: Objection; vague.

THE COURT: Overruled.

You may answer.

THE WITNESS: They were close friends, it would appear.

Q. BY MR. AUCHINCLOSS: Do you know if Mr. Tyson ever worked for Mr. Jackson.

A. Yes, I believe he did.

Q. Do you know what his assignment was, or his title.

A. I remember hearing something about an assistant, or something like that. But I never knew for sure what his title was.

Q. Why do you say that they had a close relationship. What do you base that upon.

A. They were just together when they were at the ranch and they would talk a lot. And there was a lot of communication between them it seemed.

Q. Okay. And how often was Mr. Tyson at the ranch, if you could characterize, during that period of -- let's go back ten years to when you first

started.

MR. MESEREAU: Objection; vague.

THE COURT: Overruled.

Go ahead. You may answer.

THE WITNESS: How often was he there.

Q. BY MR. AUCHINCLOSS: Yeah. You worked for Mr. Jackson for over ten years, correct.

A. Off and on, yes.

Q. And you just told us that you were aware of Mr. Tyson visiting the ranch sometime around the beginning of your employment there, correct.

A. Yes.

Q. So over that time span, can you give us an idea of how much time these two people would spend together at Neverland Ranch that you saw.

MR. MESEREAU: Objection.

THE COURT: Just --

MR. MESEREAU: I jumped the gun. Excuse me, Your Honor. Objection; foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Did you see Frank Tyson and Michael Jackson together at Neverland Ranch.
A. Yes.
Q. Over that ten-year period, which you previously stated that Mr. Tyson was -- began and was a guest of the ranch when you left, how often did you see them together.
A. When Frank was at the ranch, they would be

together often.
Q. And how often was he a visitor at the ranch.
A. He could not be there for six months and then he could show up for a month, or -- you know, as an example. And -- or he could not be there for weeks, and then just come for a couple of days, and --
Q. Okay. Now, in the period of 2000 -- early 2003, did Mr. Tyson visit the ranch.
A. Yes, I believe he did.
Q. Do you know if that was one of these month-long periods, or a couple of day periods, or something in between.
A. I think he stayed for a while.
THE COURT: Counsel, we'll take our break.
MR. AUCHINCLOSS: All right. Thank you.
(Recess taken.)
--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 2459 through 2516 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 17, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
March 17, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

THURSDAY, MARCH 17, 2005

8:40 A.M.

(PAGES 2518 THROUGH 2708)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
FOURNIER, Kiki	2552-M	2632-A		
WOLFF, Ruby	2647-SN	2650-M		
O’GRADY, Shawn	2661-SN	2665-M		
ELLIS, Jeffery	2666-SN	2670-M		
ABEL, Conn	2672-SN	2695-M		

E X H I B I T S

PLAINTIFF’S NO.	DESCRIPTION	FOR I.D.	IN EVID.
105	Photograph	2683	2684
106	Photograph	2683	2684

581 Bag containing books 2676 2678
582 Brown bag containing book 2676 2680
583 Book 2676 2681
584 Plastic bag containing brown bag 2682
585 Clear plastic bag containing white binder 2682
586 Clear plastic bag containing brown bag 2682
587 Clear plastic bag containing white binder 2682
588 Brown bag containing book 2662 2664
589 Brown bag containing book 2668 2669
710 Photograph of front cover of No. 589 2668 2669
711 Photograph of front cover of No. 588 2663 2664
712 Brown bag containing an envelope and card 2663 2664
713 Photograph 2682 2688
714 Brown evidence bag 2682
715 Photograph 2682 2688
716 Brown evidence bag 2682
717 Large plastic case 2690 2694

THE COURT: Go ahead.
MR. AUCHINCLOSS: Thank you.
Q. Miss Fournier, do you know an individual by the name of Vinnie Amen.
BAILIFF CORTEZ: Get closer.
Q. BY MR. AUCHINCLOSS: Vinnie Amen, do you know that name.
A. Yes.
Q. How do you know that name.
A. He worked out at the ranch with Frank.
Q. All right. Do you know what time period that was.
A. It was during the beginning of 2003.
Q. You say he worked with Frank. Do you mean Frank Tyson.
A. Yes.
Q. And do you know -- what do you mean by “worked with Frank Tyson”.

A. I don’t know what his title was. But I know that he worked with Frank.

Q. And was Frank working at that time.

A. Yes, I believe so.

Q. And what was Frank doing at that time, as far as you know.

A. What Frank did.

Q. I mean, who was Frank working for.

A. Mr. Jackson.

Q. Do you know an individual by the name of Dieter Weizner.

A. Yes.

Q. How do you know that name.

A. He also worked for Mr. Jackson.

Q. Did he ever visit the ranch.

A. Yes.

Q. During that same time frame, end of 2002, the beginning of 2003, did Mr. Weizner visit there, the ranch.

A. I believe so, yes.

Q. Do you know what his title was or what he did for Mr. Jackson.

A. I think he was a business associate of some kind.

Q. Do you know how often -- can you give me an example of the frequency of visits Mr. Weizner would have in relationship to that time frame period, and I want to focus -- in these next few questions, I’m going to focus on the time frame between the end of 2002 and the first three months, say, March, April of 2003.

A. Okay.

Q. During that time frame, can you give me an idea of the frequency of visits Mr. Weizner would pay upon Mr. Jackson at the ranch.

A. If my memory serves me correct, I would say that he was there quite a bit.

Q. All right. Ronald Konitzer. Do you know

that name.
A. Yes.
Q. And how do you know that name.
A. He was also, as far as I knew, a business associate of Mr. Jackson's.
Q. During that same time frame, frequency of visits at the ranch.
A. Not as much as Dieter.
Q. Okay. And Frederic -- well, Marc Schaffel, Schaffel --
A. Yes.
Q. -- do you know that name.
A. Yes.
Q. And how do you know that name.
A. He was a guest at the ranch --
MR. MESEREAU: Objection; foundation.
THE COURT: Overruled. You may answer.
Q. BY MR. AUCHINCLOSS: You may answer.
A. He was a guest at the ranch. And he was also -- I remember working on some sort of a birthday party, or something like that, for Mr. Jackson.
Q. He was working for Mr. Jackson in some capacity for a birthday party.
A. Yeah, there was some big party at the ranch around Mr. Jackson's birthday in August. And --
Q. August of which year.

A. 2003. So I know that he worked for him then, too, as far as I knew.
Q. Do you know what his title was or what his duties were with regards to this party.
MR. MESEREAU: Objection. Vague, and foundation, and assumes facts not in evidence.
THE COURT: The question should be answered only "yes" or "no." I'll have it reread to you.
(Record read.)
THE COURT: "Yes" or "no."
THE WITNESS: I think so. So, yes.
THE COURT: She said, "I think so." That's acceptable, too.

THE WITNESS: Sorry.

THE COURT: But the reason I sustained that is that that’s part of the foundation. I’m really sustaining a foundation objection ultimately.

MR. AUCHINCLOSS: All right. Very well. Thank you.

Q. You said, “Yes.” What do you base that upon, that answer upon.

A. Because I know that he was coordinating somehow on handing out checks for this birthday party that had gone on.

Q. Were you a witness to that.

A. Yes.

Q. And were you a witness to Mr. Schaffel giving any orders or instructions concerning this

particular party.

MR. MESEREAU: Objection; leading.

MR. AUCHINCLOSS: Foundational.

THE COURT: Overruled. You may answer.

THE WITNESS: Yes.

Q. BY MR. AUCHINCLOSS: All right. And did -- were you informed -- did you ever have any interaction with Mr. Schaffel --

A. Yes.

Q. -- concerning this party.

A. Well, not concerning the party. I mean, I was there with him. He gave me a ride on a golf cart one time when he was handing out checks. Actually, it was right after the party. The day after, I believe it was.

Q. All right. Were you there when this party occurred.

A. Yes.

Q. Can you tell me about it, the type -- what type of party was it.

A. Um --

MR. MESEREAU: Objection; relevance.

THE COURT: Overruled.

THE WITNESS: There was a deejay there. And they had set up -- there was tents on the property, too, with artwork in them. And it was just a big birthday party. I mean, there was also cake there

for Mr. Jackson. And he had some guests there, and --

Q. BY MR. AUCHINCLOSS: Do you know what the artwork had to do with the party.

A. I’m not exactly sure.

Q. Do you know if -- if this party had any -- if it cost money to attend this party. Do you know that. Yes or no.

A. Yes, I think it did.

Q. And can you characterize the party in terms of its scale. Was it big. Maybe why don’t we begin with about how many people attended this party, if you can estimate.

A. 800, a thousand. I don’t know.

Q. All right.

A. I can’t say for sure.

Q. Would children be among the overnight guests at Neverland while you were working there.

A. Yes.

Q. How often.

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: And based upon your own personal experience, in other words, what you observed, can you characterize how often children would be overnight guests at Neverland during your employment there.

A. Let me just answer by explaining that there

would be times when there would be nobody there, and then when Mr. Jackson would come home he would have guests with him, so they could stay a couple of days, weeks, or maybe even a month.

Q. Okay. Let me refine that a little bit.

During the time that you worked at Neverland and during the time that Mr. Jackson was on the property, how often would children be overnight guests at Neverland.

MR. MESEREAU: Objection. Vague; assumes facts not in evidence.

THE COURT: Sustained.

MR. AUCHINCLOSS: Under both grounds or --

THE COURT: The last ground.

MR. AUCHINCLOSS: Okay.

THE COURT: Assumes facts not in evidence.

Q. BY MR. AUCHINCLOSS: Were children ever overnight guests at Neverland.

A. Yes.

Q. All right. I’m going to repeat my last question. How often were they guests at Neverland when Mr. Jackson was on the property.

MR. MESEREAU: Objection; foundation.

THE COURT: Overruled.

Q. BY MR. AUCHINCLOSS: You may answer.

A. I would say quite a bit.

Q. Would the children who were spending the night at Neverland have their parents with them when they’d visit or spend the night.

MR. MESEREAU: Objection. Vague, and foundation.

THE COURT: Sustained on foundation.

Q. Were you a witness as to whether or not these children came with their parents or were without their parents.

A. Sometimes they came with their parents and --

Q. That’s a yes-or-no question first. We have to do this in order.

A. Yes.

Q. You were a witness, true.

A. Yes.

Q. Do you have personal knowledge as to whether or not the children’s parents were with them when they visited Neverland.

MR. MESEREAU: Vague as to time.

Q. BY MR. AUCHINCLOSS: During your period of employment.

A. Yes.

Q. You do, okay.

MR. MESEREAU: Same objection, Your Honor.

THE COURT: Overruled.

Q. BY MR. AUCHINCLOSS: And going back to my last question, can you tell us how often children would be overnight guests at Neverland without their parents.

MR. MESEREAU: Objection. Foundation and vague.

THE COURT: Overruled.

You may answer.

THE WITNESS: They were there quite a bit without their parents.

Q. BY MR. AUCHINCLOSS: How are children treated at Neverland.

MR. MESEREAU: Objection; vague.

THE COURT: Overruled.

THE WITNESS: Like any child wants to be treated.

Q. BY MR. AUCHINCLOSS: And what do you mean by that.

A. Well, like you could watch movies. You could watch videos, play video games. Eat whatever you want to eat. Candy. Stay up as late as you want. Ride amusement rides, so --

Q. Okay. Are there rules.

A. Not really.

Q. Is there discipline.

MR. MESEREAU: Objection. Vague, and foundation.

Q. BY MR. AUCHINCLOSS: Are the children disciplined, is the question.

MR. MESEREAU: Same objection.

THE COURT: Overruled.

You may answer.

THE WITNESS: Well, I mean, there’s the employees who would frequently interfere with their fun sometimes and tell them it was enough. But, I

mean, as far as parents go, no.
Q. BY MR. AUCHINCLOSS: Would Mr. Jackson, based upon your personal experience, discipline the children.
A. Sometimes, yes.
Q. Okay. Tell me about it.
A. Like if they got too rowdy at the dinner table, and sometimes I want to say practically have a food fight or something, but he would tell them to behave, kind of stuff like that, and tell them -- you know, if they would get into candy-throwing fights in the theater, and, you know, he was upset about that, and he would, you know, tell them to stop it, or, you know.
Q. Did he himself ever engage in that type of conduct.
A. I never saw that in the theater with Mr. Jackson.
Q. All right. In terms of the limits that Mr. Jackson would set upon these children --
MR. MESEREAU: Objection. Foundation; vague; relevance.
MR. AUCHINCLOSS: I haven't finished the question.
MR. MESEREAU: Okay.

THE COURT: Overruled.
Q. BY MR. AUCHINCLOSS: All right. The question is, in terms of -- you've talked about that there were times when Mr. Jackson would say "enough."
A. Uh-huh.
Q. Can you characterize, in terms of the whole latitude Mr. Jackson would give these children in terms of their behavior.
MR. MESEREAU: Vague as to time.
Q. BY MR. AUCHINCLOSS: During your period of employment. Do you understand the question.
A. Yes.
Q. Okay. Can you characterize that.
THE COURT: Well, there's -- I'll overrule the objection. But what's happened is you've kind

of spread the question out. So would you rephrase it.

MR. AUCHINCLOSS: Yes.

Q. My question is, we’ve -- you’ve talked about Mr. Jackson stepping in when he felt that things have gone too far with the children’s behavior in terms of discipline, this type of thing.

My question is, can you characterize the type of -- the degree of latitude that he would give children who were guests on the ranch in terms of when he would step in, when discipline, when authority would be provided for these children.

MR. MESEREAU: Objection. Compound and vague.

THE COURT: It’s compound. Sustained.

Q. BY MR. AUCHINCLOSS: I’ll strike “authority” from the question. So, same question. When would he step in and discipline these children, in terms of scope. How far would he let them go.

MR. MESEREAU: Same objection. Compound --

THE COURT: Overruled.

THE WITNESS: Sometimes they would get pretty rowdy. And he would -- more frequently than not, they would be much more rowdy, you know, and he did let them have, you know, a free hand, so to say, that they could get pretty rambunctious sometimes.

Q. BY MR. AUCHINCLOSS: Would children have extended stay -- would some of these overnight children have extended stays at Neverland.

A. Yes.

Q. And what do you mean by -- or what do you consider to be an extended stay.

A. During the school year, or time when school was on, a couple of weeks.

Q. What are the sleeping arrangements for the children. And I’ll be specific. Let’s talk about in the years -- let’s go back to the year -- the time frame of 2002, 2003.

A. The guests that were there at that time.

Q. Yes. The children guests.

A. They had -- the Arvizo children, they had their own units, but --

Q. I’m speaking generally now. And I will ask you about the Arvizos in just a moment. But generally with the children, what are the sleeping arrangements for the children who spend the night at Neverland.

A. Well, usually they had get assigned someplace to asleep, but a lot of times they would stay with Mr. Jackson.

Q. Okay. Now, as far as the assigning of someplace to sleep, tell me about that. How does that work.

A. Well, typically when the guests came, they would get their own room. And the children would -- you know, it depends on if their parents were there or not, and they would get their room.

Q. So they’d get a room assigned to them.

A. Yes.

Q. Would the children who were assigned to a given room always end up sleeping in that room.

A. No.

Q. What do you base that upon.

A. Well, the beds weren’t slept in when we went to go clean the room, so nobody had been there to stay the night, or appeared to be that way.

Q. All right. As far as these extended guests who were children at the ranch, Mr. Jackson’s guests, did you ever notice a behavioral change in these children during the time they were at the ranch.

MR. MESEREAU: Objection. Vague; foundation; leading.

MR. AUCHINCLOSS: This is a foundational question.

THE COURT: Foundation; sustained.

Q. BY MR. AUCHINCLOSS: When you were at the ranch, did you spend time serving the children who were guests there.

A. Yes.

Q. Did you spend time interacting with these children.

A. Yes.

Q. Did you have an opportunity to -- to observe their behavior.

A. Yes.

Q. Did you talk to the children.

A. Yes.

Q. Did you see them playing with Mr. Jackson.

A. Yes.

Q. All right. And based upon everything you observed during those -- under those circumstances, where you were interacting and watching these children, were you able to determine whether or not their behavior changed during that time that they were at the ranch.

MR. MESEREAU: Objection. Vague; foundation; opinion.

MR. AUCHINCLOSS: It’s a proper --

THE COURT: The objection is overruled. You may answer.

Q. BY MR. AUCHINCLOSS: You may answer the question.

A. Yes, and some -- their behavior did change. It seems as if the more free rein they got to do what -- you know, to play, they became very, very wild and in some ways destructive.

Q. Was this uncommon.

A. No.

Q. Did you see this behavior change -- you mentioned Gavin and Star Arvizo.

A. Yes.

Q. Do you know Gavin and Star Arvizo.

A. Yes.

Q. How do you know them.

A. When I was working at Neverland.

Q. Okay. Were they guests of Mr. Jackson.

A. Yes.

Q. Did you observe that behavior change in Gavin and Star while they were at Neverland.

A. Yes.

Q. Tell me about it.

A. Gavin was always really polite with me, and it just -- I was surprised when I went to go clean his room sometimes that he -- he shared with his brother Star, that it was just -- I mean, it was a mess. It was a mess. And just -- for whatever reason, it was a mess.

Q. Okay. And was -- was this something that changed during the time that they were at Neverland.

A. Yes.

Q. In other words, their room, the room that you had to clean up.

A. Yes, because in the beginning it wasn’t like that.

Q. Did some of these children return as guests on more than one occasion.

A. Yes.

Q. During your employment -- going back to the big time frame, during your employment at Neverland, did you ever observe Mr. Jackson to form a special -- any especially close relationships with these children.

A. Yes.

Q. Can you characterize whether or not he focused his attention on these children that he formed these relationships with to the exclusion of other children present.

MR. MESEREAU: Objection. Vague; leading; foundation.

THE COURT: Overruled.

You may answer. Do you want the question read back.

THE WITNESS: Yes, please.

MR. AUCHINCLOSS: I can simplify the question, I think, Your Honor. I’ll rephrase it.

Q. Did he pick some kids over other kids to spend his time with and focus his attentions on.

A. Yes.

Q. Do you remember any of their names.

A. Um --

MR. MESEREAU: Objection. Vague as to time.

Q. BY MR. AUCHINCLOSS: Over your ten-year period.

A. Yes, I --

MR. MESEREAU: Relevance; foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: He had -- some of his buddies were like Brett Barnes. Little Michael.

MR. MESEREAU: I'm going to object based on the Court's ruling on 1108.

MR. AUCHINCLOSS: I can go to sidebar on this, Your Honor. We're not going any further than this.

THE COURT: I'll hold you to that.

MR. AUCHINCLOSS: All right.

Q. Okay. Go ahead.

A. Little Michael. His name was Omar. Frank Cascio. Aldo Cascio. I think Dominick. I get the two confused.

Q. Is Dominick a Cascio as well.

A. Yes.

Q. Is that one of Frank's brothers.

A. Yes.

Q. Is Aldo one of Frank's brothers.

A. Yes.

Q. Any other names.

A. Like Gavin was another person that he really took in. Macaulay Culkin. I can't really think of anybody else right now.

Q. Do you know an individual by the name of Jimmy Safechuck.

A. Yes.

Q. Was he one of them.

A. Yes.

Q. How about Jordie Chandler.

A. Yes.

MR. MESEREAU: Your Honor, I'm going to

object. The Court's ruling on 1108.

THE COURT: Sustained.

MR. MESEREAU: Move to strike.

THE COURT: Stricken.

Q. BY MR. AUCHINCLOSS: How about a child named Elijah.

A. Yes.

MR. MESEREAU: I'd like to make a motion, Your Honor.

THE COURT: We'll take it up later.

MR. MESEREAU: Okay.

Q. BY MR. AUCHINCLOSS: And were there any boys from Los Olivos, local boys, who he formed a special bond with.

A. Yes.

Q. All right.

A. Not quite as much as the other children, though. I mean, it just seemed like they weren't as close.

Q. All right. Did these individuals that you've named share anything in common.

MR. MESEREAU: Objection. Vague; foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Did -- these individuals that you named, were they of a similar age.

MR. MESEREAU: Objection. 1108; vague; and leading.

MR. AUCHINCLOSS: I can go through them and ask what the ages of each one were, if you'd like, approximately.

THE COURT: The objection is sustained.

MR. AUCHINCLOSS: Okay. We'll do this serially.

Q. Can you tell me -- during the time that Mr. Jackson had this special relationship with Mr. Jimmy

Safechuck, can you tell me about what Jimmy

Safechuck's age was.

MR. MESEREAU: Leading; compound; violates the Court's ruling on 1108. I'd like to make a motion.

THE COURT: Overruled.

MR. MESEREAU: And misstates the evidence.

THE COURT: It's overruled, too. The first question has to be whether or not she knows the age.

MR. AUCHINCLOSS: Okay.

THE COURT: If that's -- that's the first question I want you to ask.

MR. AUCHINCLOSS: All right.

THE COURT: And then if she can answer that "yes," you can ask the next question.

MR. AUCHINCLOSS: Thank you, Your Honor.

Q. Jimmy Safechuck. Do you know or do you believe you could characterize -- first of all, let me -- do you know what his age was during the period of time that he was a close friend of Mr. Jackson.

A. No.

Q. Could you characterize -- approximate his age based upon his appearance.

A. Ten to 13, 14 years old.

Q. Okay. What about -- same question for Mr. Robison. Did you know his age.

A. No.

Q. Could you characterize it based upon your observations.

A. About the same age.

Q. Omar Bhatti, or Omar, the guy -- you said Omar. What about him, did you know his age.

A. I think he was 14 when I left, but I'm not sure. 14 or 15.

Q. Okay. And how long had he known Mr. Jackson or were you aware of their relationship prior to the time that you left.

MR. MESEREAU: Objection; foundation.

MR. AUCHINCLOSS: I can -- I can follow that up. I'll strike that last question, Your Honor.

THE COURT: All right.

Q. BY MR. AUCHINCLOSS: When was the first time

that you met Mr. Bhatti. I’m sorry, I’m using -- Mr. Bhatti, Omar, the 14-year-old you knew as “Omar.”
A. I think 1998.
Q. Okay. And if -- and he was about 14 in ‘93 (sic).
A. Uh-huh.
Q. Was that what you’re saying.
A. Yes, something -- 14 or 15.
Q. All right. Frank Cascio. I think you said that -- how old -- did you know how old Frank Cascio was when you left in ‘93 (sic).
A. I think he was 22 or 23.
Q. Okay. And you previously testified you first met him in 1991, I think; is that correct.
A. Yeah, I think it was ‘91.
Q. Aldo Cascio, can you characterize -- do you know how old he was when you left the ranch in ‘93 (sic).
A. In 2003.
Q. I’m sorry, ‘93. I’m saying “’93.” 2003. That’s what I mean.
A. I think he was 12.
Q. All right. What do you base that upon.
A. You kind of get to know the kids a little bit, and I think he was about that age. Somewhere right around there.
Q. Okay. McCaulay Culkin. Do you know how old he was during the period of time that he was a close friend of Mr. Jackson or formed --
A. No, I really don’t.
Q. Okay. Can you characterize it, based upon your observations.
MR. MESEREAU: Objection. Asked and answered. No foundation.
THE COURT: Overruled.
THE WITNESS: I don’t know. Ten, 12, 13 years old.
Q. BY MR. AUCHINCLOSS: Brett Barnes. Do you know how old he was during the time that he was a close friend --

A. No.

Q. -- of Mr. Jackson.

And same question, follow-up question. Can you characterize his approximate age.

A. About the same age.

Q. 11 to 13.

A. Yeah.

Q. Elijah, do you know how old he was when he had a special or a close friendship with Mr. Jackson.

MR. MESEREAU: Your Honor, I’m going to object to the characterization. Misstates the evidence.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Did -- based upon your observations, did the individual you named as Elijah have a relationship with Mr. Jackson.

A. Yes.

Q. And how would you characterize it.

A. Close friendship.

Q. Okay. And during the time that he -- this individual named Elijah was a close friend, shared a close friendship with Mr. Jackson, do you know how old he was.

A. Well, I think Elijah is also a relative.

Q. Okay. Is he someone who lives locally.

A. Yeah. Not too far from here.

Q. As far as you know.

A. Uh-huh.

Q. And do you know how old he is today.

A. No.

Q. Do you know how old -- so does Elijah continue to visit the ranch.

A. When I left in September he did.

Q. And can you characterize, based upon your observations, of his approximate age.

A. When he started coming there.

Q. No, when you left the ranch.

A. I think he was over 18.
Q. How about when he started there -- when you started there.
A. He was -- he was pretty young, so I would say around eight years old.
Q. He was about eight when you first saw him come to the ranch.
A. Yeah.
Q. And you mentioned some local boys from Los Olivos. We didn’t talk about how many of them there were. Do you know -- how many boys are you talking about when you say “local boys from Los Olivos”.
A. Four or five.
Q. Were they of different ages or similar ages.
A. I think they were all in the eighth or ninth grade.
Q. Okay.
A. Maybe even the seventh grade. I’m not too sure.

Q. During your time as an employee for Mr. Jackson, did you ever observe him to drink alcohol.
A. Yes.
Q. Did you observe him drinking alcohol during the time period that we’ve talked about, from 2002 through 2003 when you left.
A. I think so, but I can’t say for 100 percent certain. I didn’t pay attention.
Q. Okay. Do you know what his alcoholic beverages of choice were.
MR. MESEREAU: Objection. Assumes facts not in evidence; no foundation; leading.
THE COURT: Sustained.
MR. AUCHINCLOSS: I can lay some foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Did you ever observe -- you said you observed him drinking alcohol.
A. Yes.
MR. MESEREAU: Objection. Misstates the evidence, Your Honor.
THE COURT: It depends on the time frame. She didn’t say she remembers him drinking during the

time frame you gave. So if we’re assuming your question’s continuing the time frame --
MR. AUCHINCLOSS: Very well.
THE COURT: I’ll sustain the objection.
MR. AUCHINCLOSS: I understand.
Q. Based upon your experiences during the

entire time frame you were an employee of the ranch - okay. --
A. Okay.
Q. -- you said that you observed Mr. Jackson drinking alcohol.
A. Yes.
Q. Do you know what his -- what type of alcohol he would drink.
A. Wine.
Q. Okay. Anything else.
A. Sometimes he had vodka.
Q. All right. During your entire employment at Neverland Ranch, have you ever observed children to appear to be intoxicated.
MR. MESEREAU: Objection; leading.
MR. AUCHINCLOSS: It’s a fair question.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes.
Q. BY MR. AUCHINCLOSS: On approximately how many occasions.
A. I can’t say for sure how many times, but I’ve seen it a couple times.
Q. Okay. Have you seen children to be intoxicated in the presence of Michael Jackson.
MR. MESEREAU: Objecting; leading.
THE COURT: Overruled.
You may answer.

THE WITNESS: They were acting different. I don’t know if they were intoxicated.
Q. BY MR. AUCHINCLOSS: Did they appear to be intoxicated to you.

MR. MESEREAU: Objection; leading.

THE COURT: Asked and answered; sustained.

MR. AUCHINCLOSS: Okay.

Q. Have you told detectives in this case that you observed children to be intoxicated in the presence of Mr. Jackson.

MR. MESEREAU: Objection. Leading; asked and answered.

THE COURT: Overruled.

MR. AUCHINCLOSS: It’s impeachment.

Q. Go ahead. You may answer.

A. I believe they were intoxicated, yes.

Q. And is that your belief, your true belief, that these children were, in fact, intoxicated.

MR. MESEREAU: Objection. Asked and answered; leading.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: You said it happened; you couldn’t characterize exactly how many times. Was it more than two. More than three. Can you help me out with a little more specifics.

A. Three to four times.

Q. Okay. Do you remember -- do you remember any specific instances.

A. One time when I was serving them dinner, they appeared to be intoxicated.

Q. All right. What -- what time frame are we talking about.

A. This would be in September, about, of 2003.

Q. How many children were at the dinner table.

A. Four or five.

Q. Was Mr. Jackson at the dinner table.

A. Yes.

Q. Were there any adults at the dinner table.

A. No.

Q. And of the four or five children, how many of them appeared to be intoxicated.

A. At least three of them.

Q. Do you know where those children were immediately before dinner.

A. I think they were at the ranch house.

Q. And what do you base that upon.

A. Because you kind of can keep tabs about where everybody’s at, because you have certain duties you have to do, like clean the rooms when the guests are out and about, so you kind of keep tabs, you know, if they’re in the amusement park or the theater, so --

Q. Do you know if Mr. Jackson was at the ranch house with them.

A. I don’t know that, but I think so.

MR. MESEREAU: Move to strike, Your Honor. Speculation.

THE COURT: It’s stricken. The jury’s admonished to disregard that.

MR. AUCHINCLOSS: All right.

Q. Let’s talk about -- do you remember another event where you saw children that appeared to be intoxicated.

MR. MESEREAU: Objection.

Q. BY MR. AUCHINCLOSS: That’s fresh in your mind, other than the one we just spoke about.

MR. MESEREAU: Objection. Leading; asked and answered.

THE COURT: Overruled.

THE WITNESS: Sitting here right now, I can’t remember exactly an incident.

Q. BY MR. AUCHINCLOSS: Have you ever heard the term “Pinocchio’s Pleasure Island”.

A. Yes.

MR. MESEREAU: Objection; leading.

THE COURT: Overruled. She said “Yes.” Go ahead.

Q. BY MR. AUCHINCLOSS: Where did that term come from.

A. The story of Pinocchio.

Q. But, I mean, the phrase “Pinocchio’s Pleasure Island,” where did that come from.

A. I believe I said that.

Q. And what did you say that in reference to.

MR. MESEREAU: Objection. Relevance; 352; foundation; leading. Move to strike. And opinion.

THE COURT: Overruled.

THE WITNESS: With the absence of an authority figure, these children became wild. And without their parents there, it became like Pinocchio's Pleasure Island sometimes.

Q. BY MR. AUCHINCLOSS: Neverland did.

A. Yes.

MR. AUCHINCLOSS: All right. Thank you. I have no further questions.

THE COURT: Cross-examine.

MR. MESEREAU: Yes, please, Your Honor.

MR. AUCHINCLOSS: Your Honor, I'm sorry. There is one question that I forgot to ask this witness, if I may reopen just briefly.

THE COURT: All right.

Q. BY MR. AUCHINCLOSS: During the period of time that you were at Neverland, at the end of 2002 -- you came back to work at the end of 2002.

A. Yes.

Q. Do you remember the month.

A. December.

Q. Okay. Do you know, during that time, from December of 2002 until you left in 2003 -- and I believe it was September --

A. Yes.

Q. -- where the key for the wine cellar in the arcade was kept at Neverland Ranch.

A. It was supposed to be in the safe in the housekeepers' break room.

Q. Was there a safe in the housekeepers' break room at that time.

A. Yes.

Q. And the rule was to keep the key in that safe.

A. Yes.

Q. Do you know who had the combination to that safe.

A. The housekeepers. And I did, too.

MR. AUCHINCLOSS: Okay. Thank you. No further questions

THE COURT: Cross-examine.

MR. MESEREAU: Yes, please, Your Honor.

CROSS-EXAMINATION

BY MR. MESEREAU:

Q. Good morning.

A. Good morning.

Q. Is it pronounced “Fournier”.

A. That’s fine.

Q. “Fournier”.

A. “Fournier” is fine.

Q. My name is Tom Mesereau and I speak for Mr. Jackson.

A. Okay.

Q. You and I have never spoken before, right.

A. No.

Q. Okay. During the time that you were employed at Neverland, when did you typically start the day.

A. It all depended.

Q. Did you have any set schedules from time to time.

A. We tried setting schedules. But depending on the amount of people that were coming to visit, the guests, I mean, it never worked, because you always needed more people with more hours.

Q. So, I mean, would you -- let’s take a typical week. Would you attempt to abide by a schedule where you might start at 8:00 and finish at 6:00, or something like that.

A. Yeah. Typically when there was nobody there, we would try to do 9:00 to 5:30. And my schedule was always kind of crazy because I was always going to school at the same time that I was working.

Q. Okay.

A. And working around children’s babysitting schedules, too, so --

Q. Could you explain that a little bit. When were you going to school.

A. Pretty much all the time.

Q. Okay. What schooling were you doing.

A. Community college.

Q. Okay. Would that be local.

A. Yes. Here in Santa Maria.

Q. Okay. And what college was that.

A. Hancock.

Q. And what years were you going to Hancock.

A. I’ve been going too long. Off and on. I still am going. I just recently dropped my classes, though, but -- so quite a bit.

Q. And when did you start going to Hancock College.

A. You’re going to embarrass me. ‘87.

Q. Okay. I’m not trying to do that. And obviously you were going part time, right.

A. Yes. Some semesters it was part time and other semesters it was full time.

Q. Typically, would you be going to college at night or during the day.

A. It depended on what semester it was.

Q. Okay. Now, when you went full time, were you still working at Neverland.

A. No. I don’t think so, no.

Q. If you can, please tell the jury when you went to college full time.

A. Probably around 1990, the end of ‘91, beginning of ‘91, something like that.

Q. You’ve gone sort of part time since then.

A. Yeah, taking two or three classes.

Q. And if you take two or three classes, how much time does that require that you be off the premises of Neverland.

A. Just to attend the class or including homework.

Q. How about the class. Start with that.

A. Couple hours on certain days.

Q. And would there be commuting time as well.

A. Yes.

Q. And what would that be, about, back and forth.

A. 45 minutes each way, and a two-hour, three-hour class, depending on, and then 45 minutes back.

Q. And how many days a week did you, on average, attend college part time, would you say.

A. Two or three days a week.

Q. Okay. And how about your homework. On a typical week, how many hours a week do you think you'd spend on homework.

A. 10, 15.

Q. Okay. Would you typically do your homework at Neverland.

A. No.

Q. Okay.

A. But I did keep my note cards in my pocket quite a bit, and I did do my homework as I worked

sometimes.

Q. Okay. The prosecutor was asking you some questions about titles, and he asked you if Frank Tyson had a title and Dieter had a title.

You don't know of any titles these people ever had, do you.

A. No. Not formally, no.

Q. And you don't really know what kind of relationship, in terms of business, Frank Tyson had with Michael Jackson, do you.

A. No.

Q. And you don't really know what kind of a business relationship, if any, Marc Schaffel had with Mr. Jackson, do you.

A. No, I just knew that he worked for him, and something with the birthday party. That's all I know. But I don't know the title name exactly, no.

Q. So you knew that Marc Schaffel had something to do with a birthday party for Mr. Jackson, right.

A. Yes.

Q. But you don’t really know if he, in any shape or form, was an actual partner or shareholder or employee or anything with Mr. Jackson, right.

A. No, I don’t know that.

Q. And you don’t know whether Mr. Tyson had any type of actual business relationship with Mr. Jackson in terms of employment or partnership or business venture together, do you.

A. Well, I know that Frank did work for Mr. Jackson and he was out at the ranch for a couple of months.

Q. But he would be there for a couple of months and then just disappear for six months, right.

A. Yes. But I joked around with him that he was working with the commoners now.

Q. Well, was it your understanding that he was trying to get in the music business.

A. Yeah. When you mention it, I remember hearing something about that, yes.

Q. Was it your understanding that he was trying to present himself as a promoter of music ventures.

MR. AUCHINCLOSS: Objection. Hearsay; no foundation.

THE COURT: Overruled.

THE WITNESS: I just remember something about music that Frank was trying to do, but I don’t --

Q. BY MR. MESEREAU: But you don’t really know what, in fact, he was doing.

A. No.

Q. He could have been puffing up his credentials and his importance and there could be nothing there, right.

A. True.

Q. And he never, ever said to you, “I have this particular business association with Mr. Jackson.” He just demonstrated an interest in music and the life that Michael was leading, right.

A. Yes.

Q. Okay. Now, the prosecutor did not mention Marie Nicole, his sister. Do you remember that.

A. Yes.

Q. And Marie Nicole, Frank Tyson's sister, was a frequent visitor at Neverland, right.

A. Yes.

Q. And when you say "Frank Tyson," that's Frank Cascio, right. He seemed to use both names, correct.

A. Yes.

Q. So his sister Marie Nicole stayed there often, right.

A. Yes.

Q. And his brother Aldo stayed there often, right.

A. Yes.

Q. And his father Dominick stayed there often, didn't he.

A. Not as much as the kids. But, yes, he was there.

Q. The whole family would visit from time to time, right.

A. Yes.

Q. Okay. How about Frank's mother.

A. She would visit, I would say, a couple times a year. At Christmastime.

Q. Did Frank impress you as someone who liked to sort of promote himself or brag about his association with Mr. Jackson.

A. I don't know if he bragged about his association with Mr. Jackson, but he was different.

Q. He bragged a lot, right.

A. I can't remember him directly bragging to me. But I know that he liked himself.

(Laughter.)

Q. Okay. All right. That's good enough.

Okay. And did he impress you as the kind of person that would come back and forth with a very irregular pattern. I mean, you just never knew when he would pop up, and then he would just flat out disappear, right.

MR. AUCHINCLOSS: Objection; vague as to time.

THE COURT: Overruled. You may answer.

THE WITNESS: Yes, he would.

Q. BY MR. MESEREAU: Certainly you could not characterize his being at Neverland as appearing to be some type of pattern where he'd check in or check out, or anything like that, at a particular time like an employee would, right.

A. No. But I do know for a while he was an employee, because he told me that.

Q. He told you he was an employee.

A. Yeah.

Q. But he didn't tell you who was paying him, did he.

A. No.

Q. You don't know actually what company was paying him, if one was, right.

A. No, I don't know.

Q. All right. Now, would you agree, in the world of Michael Jackson, all kinds of characters show up claiming they're his friend, right.

A. Yes.

Q. All kinds of characters are always showing up trying to act like they're close to Michael Jackson, correct.

A. Yes.

Q. And Michael Jackson has made the employees aware at Neverland that all kinds of imposters, kooks, nuts, crazy people show up saying, "I'm his friend," right.

A. Yes.

Q. And they actually try to get in often, don't they.

A. Yes.

Q. And -- and all kinds of wild people call up all the time trying to pretend that they are close to Michael, right.

A. Yes. They have called.

Q. You've seen these people come and go for years, right.

A. Do you mean breaking in on the property, too.

Q. Just trying to get close to Michael Jackson.

A. Oh, yes.

Q. Some line, some yarn they're spinning, whatever it is, right.

A. Yes.

Q. And you've seen people show up from time to time and look as if they're close to him, and then you never see them again suddenly, right.

A. Yes.

Q. Okay. Now, you mentioned Vinnie -- or, excuse me, the prosecutor, or the government mentioned Vinnie Amen. Do you remember.

A. Yes.

Q. Now, he was in his early 20s, as far as you know, wasn't he.

A. Yes.

Q. And Frank Tyson was in his early 20s, right.

A. Yes.

Q. And Vinnie Amen also appeared to try and promote himself as having something to do with the music industry, right.

A. I never knew what Vinnie was doing.

Q. Did you see him -- did you see him hang out with Frank a fair amount.

A. Yeah. And they both got desks up in the video library, so --

Q. Right. Right. But he didn't come on any regular basis, did he. He was another one of these guys who would show up, you'd see him for a while, and then the guy disappears, right.

A. Yes.

Q. And you certainly never really knew what business relationship, if any, he had with Michael, right.

A. Yes.
Q. But he was another one of these guys that would just strut around and promote himself because he supposedly knew Michael Jackson, right.
A. Yes.
Q. You’ve seen a lot of young people in their 20s suddenly come around and act like they know Michael Jackson, right.
A. Yes.
Q. And you’ve seen a lot of people say they’re music promoters or music agents, or whatever, to claim that they are part of the world of Michael Jackson, correct.
A. Yes.
Q. Now, during the time you’ve worked at Neverland, you’ve seen thousands of children, probably, come to Neverland, right.
A. Yes.

Q. Neverland appears to be designed for kids, doesn’t it.
A. Yes.
Q. You’ve got an amusement park, right.
A. Uh-huh.
Q. You’ve got a zoo, right.
A. (Nods head up and down.)
Q. You’ve got fields where kids could play, right.
A. (Nods head up and down.)
Q. You’ve got a theater where they can go in and get popcorn or ice cream or sodas, right.
A. (Nods head up and down.)
Q. And there’s a lot of freedom at Neverland regarding what movie you can see, right. Isn’t there some big library where you can get videos and play those --
A. Yes.
Q. -- movies.
You’ve got the arcade with all sorts of games, right.
A. Yes.
Q. And you’ve seen, during the time you’ve

worked there, busloads of kids, impoverished kids from the inner city, for example, coming out to visit Neverland, right.

A. Yes.

Q. And they can be a little wild from time to time, can’t they.

A. Oh, yes.

Q. And you’ve seen hundreds of kids come at one time with maybe a couple of adults escorting them around, correct.

A. Yes.

Q. And they’ll spend the whole day at Neverland, right.

A. Yes.

Q. Now, were you ever asked to help supervise or organize these busloads of kids that often come out.

A. No.

Q. Your job was strictly what.

A. Cleaning and serving.

Q. Okay. Okay. Now, sometimes when these hundreds and hundreds of kids will show up from the inner city or from schools, or wherever they’re from --

MR. AUCHINCLOSS: I’ll object as mischaracterizes the testimony. We’ve gone from 100 to hundreds and hundreds.

MR. MESEREAU: I’ll rephrase it.

Q. You’ve seen, on a given day, literally hundreds of children show up to spend the day, haven’t you.

A. Yes.

Q. And -- bless you.

A. Yes.

Q. And you have also seen this happen quite a bit, haven’t you, where, on a given day, buses or carloads of kids come to spend the day.

MR. AUCHINCLOSS: Objection; compound.

THE COURT: Overruled.
THE WITNESS: Yes.
Q. BY MR. MESEREAU: And typically what will happen is these children will come late morning, spend the whole day, and sometimes into the evening, correct.
A. Yes.
Q. Now, you don’t typically see Michael Jackson supervising these kids, do you.
A. No.
Q. In fact, you almost never see Michael Jackson supervising these kids, right.
A. No.
Q. And it’s your understanding that typically when these busloads or carloads of children show up, that they’re with people, adults, who are in charge of them, correct.
A. Yes.
Q. And you have seen these children from time to time be pretty rambunctious or wild, right.
A. Yes.
Q. You’ve seen them be a little wild on the rides, right.

A. Uh-huh.
Q. You’ve seen them go a little crazy when the elephants come walking through the property, right.
A. Yes.
Q. You’ve seen sometimes the camel comes walking out with a zookeeper and the children all love that, right.
A. Yes.
Q. You’ve been -- have you seen the children go to the zoo and go from area to area to see the alpacas and the giraffes and the tiger and the chimps and all that.
A. Yes.
Q. And you’ve seen children, at times, get out of line, haven’t you.
A. Yes.
Q. They start throwing things, right.
A. Yes.

Q. You’ve seen kids throw stuff from the rides, right.

A. Yes.

Q. Would you agree that it’s to be expected at Neverland that when you have hundreds of children, many of them from impoverished areas, they come to this world of amusement, and zoos, and films, and candy and popcorn and ice cream, and all that stuff, they sometimes go crazy, don’t they.

MR. AUCHINCLOSS: Objection. Calls for a conclusion; argumentative.

THE COURT: It’s argumentative. Sustained.

MR. MESEREAU: Okay.

Q. Is it unusual for young kids, seven, eight, nine, ten, thirteen, whatever they are, to just start going wild at Neverland.

A. Yes.

Q. It’s not unusual, is it.

A. No, it’s not unusual.

Q. Okay. Is it your impression that these busloads of children that periodically come to Neverland just look like they’ve sort of walked into a fantasy world.

A. Yes.

Q. In fact, in the evening at Neverland, you hear Disney music playing, don’t you.

A. Yes.

Q. And you have trees with lights that almost look like it’s Christmastime, right.

A. Yes.

Q. And you hear Disney-like voices coming from loud speakers, right.

A. Yes.

Q. And you’ve seen many of these children want to stay there into the evening because of this sort of fantasy-like world at night, right.

A. Yes.

Q. Okay. Now, would it be accurate to say that these kinds of trips that children make to Neverland happen quite often.

A. The busloads.

Q. Busloads or carloads, however they get there. You have children visiting Neverland a fair amount, don't you.

A. Yes.

Q. Okay. Is it your impression that Neverland appears to almost be designed as a place for children.

A. Yes, I do.

Q. You have a train, right, that travels around Neverland.

A. Yes.

Q. And it's almost out of a Walt Disney-type movie, isn't it.

MR. AUCHINCLOSS: I'll object. 352; relevancy; undue consumption of time.

THE COURT: Overruled.

THE WITNESS: Yes.

Q. BY MR. MESEREAU: And you see kids jump on those trains, that train, and travel all around Neverland, don't you.

A. Yes.

Q. You have clocks everywhere, don't you.

A. Yeah.

Q. And they're big clocks that look sort of Walt Disney-like, don't they.

A. Yes.

Q. You've got a big clock on a hill that's partly flowers, isn't it.

A. Yes.

Q. And that's where a train station is, right.

A. Yes.

Q. You even have your own little fire station, with a fire truck, right.

A. Yes.

Q. Now, Mr. Auchincloss mentioned Dieter. And you indicated you had seen him there a few times, right.

A. Yes.

Q. But you never really knew if he had any formal type of business relationship with Mr. Jackson, did you.

A. The only thing I remember with Dieter is there was a doll, probably like this high, that was porcelain, that was Mr. Jackson; that he had told me that he was working on making those. Because I offered to glue it back together because it broke, and he said it wasn't needed because there was many, many more where that came from.

Q. So he was telling you he was trying to manufacture dolls.

A. Something like that. Porcelain -- porcelain figurines.

Q. Okay. Did he tell you where they were going to be manufactured.

A. No.

Q. But if Michael Jackson even knew about this or was involved in it, you don't really have firsthand knowledge, right.

A. I don't know.

Q. Okay. Did Dieter seem like a promoter to you, sort of. Would that be an accurate word.

A. I guess, yes. He seemed like a businessman. That's how I would describe him.

Q. Did he seem impressed with himself.

A. I guess you could say that. Somebody might say that.

Q. Did he talk much.

A. No.

Q. Okay. If he had any contractual relationship with Mr. Jackson or partnership relation, whatever it could be, you're not aware of it.

A. No.

Q. And did he sort of come and then disappear, too.

A. Yes.

Q. Let's talk about Ron. Do you know who I'm talking about.

A. Yes.

Q. Okay. Konitzer is his name, right.

A. Yes.

Q. Did you talk to him very much.

A. No.

Q. Did he seem like a self-promoter also.

MR. AUCHINCLOSS: I’ll object as calls for a conclusion. Vague as to “self-promoter.”

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did Mr. Konitzer seem like he was impressed with himself.

A. I never really talked to either of them, so -- they seemed -- Ron seemed much nicer.

Q. Nicer than Dieter.

A. Ronald. Yes.

Q. But you never really talked to Ron or Dieter.

A. No.

Q. And I think it goes without saying, if Ron had any type of formal association with Mr. Jackson, you don’t know what it was, right.

A. No, I don’t know.

Q. And didn’t he sort of show up at unexpected times and then just not be there for many, many months.

A. Yes.

Q. Okay. Schaffel would show up once in a while, right.

A. Yes.

Q. And then he would disappear, right.

A. Yes.

Q. In fact, there were periods where months would go by, you’d never see Schaffel, right.

A. No, you wouldn’t.

Q. Did you get the impression that Schaffel was trying to promote himself as someone who knew Michael Jackson.

A. I don’t want to sound odd when I say this, but I think he was an opportunist. I --

Q. He was one of many opportunists that you bumped into while working at Neverland, right.

MR. AUCHINCLOSS: Objection; argumentative.

THE COURT: Overruled.

You may answer that.

THE WITNESS: I’m sorry, what was the question.

THE COURT: I can have it read back to you.

MR. MESEREAU: Okay.

(Record read.)

THE WITNESS: Yes.

Q. BY MR. MESEREAU: Now, if Dieter was telling things to Michael Jackson, you don’t know what they were, right.

A. No.

Q. If Ron was communicating with Michael Jackson about anything specific, you don’t know what that was, right.

A. No.

Q. And if Frank was communicating anything specific to Michael Jackson, you don’t really know what that was, right.

A. No.

Q. If Vinnie was communicating anything to Michael Jackson, you don’t know what that was, right.

A. No.

Q. Same with Schaffel, right.

A. Yes. Same.

Q. Now, let me ask the question a slightly different way: If Ron was withholding information from Michael Jackson, you wouldn’t know anything about it, right.

A. No.

Q. If Dieter was withholding information from Michael Jackson, you wouldn’t know anything about that, right.

A. No.

Q. If Schaffel was withholding information from Mr. Jackson, you don’t know anything about it.

A. No.

Q. And the same would apply to Frank and Vinnie, right.

A. Yes.

Q. So what they were really telling him and what they weren't telling him, you don't know.

A. No, I don't know.

Q. And would it be accurate to just say, in summary, these characters would show up once in a while, disappear, and you never could predict when they would be there or not be there, right.

A. Yes, you never could predict.

Q. Okay. Okay. Now, in your work, if you can -- if you can generalize it -- I don't know if you can, but let's take 2002 to 2003. When you weren't in school and you weren't doing your homework, and you were at Neverland, how often might you see Michael.

A. If he was there, a couple of times a day. Sometimes not at all if -- you know, depending on how he was feeling.

Q. Would Michael disappear for long periods of time and go places that you weren't even aware of.

A. Do you mean leave the property.

Q. Yes.

A. Yes, he would.

Q. And sometimes he'd be away for a long time, wouldn't he.

A. Yes.

Q. Weeks, months, right.

A. Yes.

Q. And when he was at Neverland, you didn't really know everything he was doing, right.

A. No.

Q. Did you ever see him go into his studio.

A. The dance studio.

Q. Yes.

A. Yes.

Q. And you weren't always in there when he was in his dance studio, were you.

A. No.

Q. And if he were creating or choreographing or whatever he was doing, you weren’t knowledgeable about it, right.

A. No.

Q. And would you see Michael sometimes in the evening walking around the property.

A. Yes.

Q. Sometimes he’s alone, right.

A. Yes.

Q. In fact, you would often see Michael alone walking around, wouldn’t you.

A. Yes.

Q. He would take long walks and do his creative work alone, right.

A. Well, what he was doing on his walk, I don’t know. But he would walk.

Q. Did you ever see Michael sitting up in his tree where he likes to think and create.

MR. AUCHINCLOSS: Objection; assumes facts.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Are you aware of a tree that Michael Jackson will sometimes just sit in alone so he can create his musical work.

A. I’m aware of the tree.

Q. Okay. Do you know where it is. Right near the main house, right.

A. Yes.

Q. It’s in the front.

A. Yes.

Q. Okay. All right. Clearly, you would not keep tabs on where Michael was on any given moment when he was at Neverland, right.

A. No, but, I mean, you kind of had an idea of where he was so you could do what you needed to do, you know. If you needed to mop the floor or something, are they going to watch a movie for two hours so you can get this thing done, that kind of thing.

Q. Now, you mentioned someone named Joe Marcus.

A. Yes.
Q. What is his title, if he has one.
A. Ranch manager, I think.
Q. Okay. And did you typically report to him.
A. No, I would report to the house supervisor first.
Q. Okay. And was it your understanding the house supervisor would report to Mr. Marcus.
A. Yes.
Q. And would you often get direction about what you are supposed to do from the house supervisor.
A. Yes.

Q. Would you ever get it from Mr. Marcus.
A. Yes.
Q. In a typical day where you do your work at Neverland, do you pretty much start the day knowing what your assignments are.
A. Yeah, you do. You know, if there’s guests there, your duties change. And if there’s nobody there, you know, it’s just cleaning. But when there’s guests there, it’s serving the guests.
Q. Now, the prosecutor for the government tried to suggest that Michael Jackson is on top of all the details at Neverland. Do you remember that.
A. Yes.
Q. Isn’t it true that there are months where Michael isn’t even around.
A. Yes.
Q. And you don’t get your direction from Michael specifically during those months, do you.
A. No. But I believe that he laid it out the way that he wanted it. I mean, he wants us to take care of the house when he goes away and that kind of thing.
Q. Well, sure. There are general duties that everybody has that’s employed at Neverland, right.
A. Yes.
Q. You’ve got a zookeeper who’s told to take care of the zoo, right. You’ve got people in charge of the amusement rides, right.

A. Yes.

Q. You’ve got someone in charge of the theater, right.

A. Not really in charge of the theater. That’s kind of what we did, so --

Q. But someone was certainly in charge of making sure it’s cleaned and that kind of thing, right.

A. That would be us, yeah.

Q. Okay. So the house supervisor would essentially be in charge of what you did at the theater.

A. Yes.

Q. Okay. Okay. And you certainly had a general responsibility to make sure that theater was clean, right.

A. Yes.

Q. And would it be -- would it be, oh, accurate to say that when that theater was filled with kids watching a movie, they might leave and leave things a little messy.

A. Absolutely.

Q. And would you see popcorn everywhere and things like that.

A. Yep.

Q. And you were one of the people who had to clean that, right.

A. Uh-huh.

Q. Okay. Okay. So you’ve got a fairly large staff there, don’t you.

A. Yes.

Q. Would it be accurate to say, on average, during the time that you worked at Neverland, there may have been 50 or 60 employees.

A. Yes.

Q. Because you’ve got security people also, don’t you.

A. Yes.

Q. And would you be in touch with the security people on a regular basis.

A. You’d see them throughout the day, so -- but we wouldn’t necessarily report anything to them. I mean, unless there was a problem.

Q. Right. Let me know if this is an accurate statement: You’ve got an average of 50 to 60 employees with different tasks that have been spelled out for them, right.

A. Uh-huh.

Q. Whether it’s security, the main house, the zoo, whatever it is, right.

A. Uh-huh.

Q. You’ve got people with various levels of supervisory authority, right.

A. Uh-huh.

Q. And you’ve got long periods where Michael isn’t even around, right.

A. Yes.

Q. And Neverland seems to run even when Michael isn’t there, right.

A. Yes.

Q. Even when Michael is there, there are periods where he seems to be off alone doing whatever he’s doing, right.

A. Yes.

Q. When you said that he’s a detail person, you weren’t trying to suggest that Michael spends 15 hours a day supervising everybody’s tasks, did you.

A. No.

MR. AUCHINCLOSS: Objection; argumentative.

THE COURT: Overruled. The answer was “No.” Next question.

Q. BY MR. MESEREAU: In fact, most of the discussion about what people are going to do on a daily basis is not with Michael, right.

A. No.

Q. Now, once in a while, because he’s the owner, he does directly tell someone his wishes, right.

A. Yes.

Q. Because that’s where -- he lives there and his family lives there, right.

A. Yes.

Q. But most of the time, wouldn't you discuss your daily responsibilities and obligations with

people other than Michael.

A. Yes.

Q. Okay. Now, how many employees, would you say, are assigned to the main house.

A. When I was there, nd when I left in September, there was five.

Q. Okay. And during the many years that you've worked at Neverland, do people's responsibilities typically remain or do people shift into other types of jobs from time to time.

A. They shift from time to time.

Q. Now, have you shifted a little bit.

A. A little bit sometimes, yes.

Q. What kind of shifting have you done.

A. I helped with the kids a little bit. But very little.

Q. Do you mean Michael's children.

A. Yes.

Q. Could you tell the jury their names.

A. Prince and Paris and Blanket.

Q. Okay. And their ages.

A. I think Prince is about eight, and Paris is about seven. And the little one is two now, I think.

Q. Okay. And what have your responsibilities been with the three children.

A. Well, I would just watch them briefly, you know, when the nanny was busy doing something.

And -- you know, or take them out to the zoo. One time I did, you know, so -- and watch Paris when she was little for one night.

Q. Okay. The prosecutor for the government asked you a question about children not staying in their assigned rooms. Remember that.

A. Yes.
Q. And you said something to the effect that sometimes a child would have a room, I imagine in the guest units, right.
A. Yes.
Q. And you would see the bed not made, right.
A. Do you mean not used or not made.
Q. Pardon me, not made. Let me strike that. Wrong choice of words.
You would sometimes come in and see a room that just didn't appear to be used, right.
A. Yes.
Q. And I think what the government prosecutor was suggesting was the kids must have been somewhere during the evening, right.
A. Yes.
Q. But I'm curious. You also said that you looked at Gavin's room and it often was a mess, right.
A. Toward the end, yes.
Q. Suggesting that Gavin was staying in the room, right.

A. I believe it was he and his brother that were staying in there.
Q. And they made a real mess out of that room, didn't they.
A. Yes.
Q. Quite often, didn't they.
A. Toward the end, yes.
Q. And they were known -- they had a reputation at Neverland for having disciplinary issues with the staff, didn't they.
MR. AUCHINCLOSS: Objection. Calls for hearsay and calls for a conclusion; improper characterization of the evidence.
THE COURT: Overruled.
You may answer.
THE WITNESS: Not really with me. I mean, Gavin was always respectful with me. Always. Star could be a little bit ornery. And Davellin, we'd talk every once in a while. But I never experienced

any problems.

Q. BY MR. MESEREAU: But you knew other employees did, didn’t you.

A. Well, I knew that they were becoming demanding, yeah, but I don’t really remember a specific incident.

Q. Now, when you say you learned that they were becoming demanding, could you tell the jury what you mean.

A. Well, every night we’d make dinner, and he always wanted something other than what was made for dinner.

Q. Who was this, now.

A. Star.

Q. Would make demands on you personally.

A. Yeah. They’d want certain kinds of foods made at certain times. And usually it was chicken noodle soup, which wasn’t that difficult, but --

Q. Would you get upset at those demands.

A. Honestly, I got irritated sometimes because of the demand. There was so much to do. There was so much to do, and I -- when the kids got a little ornery, it was -- it was a lot. It really was. It was -- and I felt like there was no respect.

Q. And they seemed to sort of get very spoiled there at some point, didn’t they.

A. Yes.

Q. And weren’t there complaints about their throwing candy.

A. Yes.

Q. There were complaints about their throwing objects from the amusement rides.

A. Yes.

Q. There were complaints from other employees that they were almost acting like they owned the place.

A. I don’t remember that one, but I know that

they were getting a little ornery.

Q. Do you remember their crashing carts.
A. All of them crashed the carts. I don't remember specifically if they did or not.
Q. Okay. Okay. Now, did you ever learn that they were caught with adult material.
MR. AUCHINCLOSS: 403 ruling.
MR. MESEREAU: I think the Court said I could ask.
THE COURT: Overruled.
Q. BY MR. MESEREAU: Did you ever learn that.
A. No, I don't remember that.
Q. Did you ever learn that they were caught masturbating in the unit.
A. No.
Q. Okay. Okay. You never had any discussion with anyone about that.
A. No.
Q. Okay. Okay. Do you recall learning that they had driven off the property at one point into town.
MR. AUCHINCLOSS: Objection.
Q. BY MR. MESEREAU: Did you ever hear about that.
MR. AUCHINCLOSS: Objection; foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: I know that they left with

Chris Carter one time.
Q. BY MR. MESEREAU: You don't have any knowledge of their going into town on their own, do you.
A. No.
Q. Okay. Did you ever see the Arvizo family riding around in a limousine.
A. I know that they were taken in the -- Mr. Jackson's vehicles sometimes, so --
Q. And when you say "Mr. Jackson's vehicles," please tell the jury what kind of vehicles you're talking about.
A. A lot.
Q. Okay. No, what -- describe the vehicles, if

you would.

A. Rolls Royces. I know that he owns a limousine. There’s a black Navigator. So just different cars.

Q. And it was -- was it your understanding that these kids would demand that they be taken places in those vehicles.

A. I didn’t know about that.

Q. Okay. Did you see their mother very much.

A. No, not that much. She pretty much stayed in her guest unit.

Q. Did you ever see her walking on the premises.

A. Not really, no.

Q. Ever see her at the theater.

A. Can’t remember if I’ve seen her at the theater or not.

Q. How about in the main house.

A. Yes.

Q. You’ve seen her in the main house a lot, right.

A. Yeah, she would come in there and eat dinner in there sometimes.

Q. And she’d be in there in the morning also, wasn’t she.

A. Usually I wasn’t there that much in the morning.

Q. Okay. Now, you’ve indicated, I think - correct me if I’m wrong - that there were times you cooked for the Arvizo family, right.

A. Did I cook for them. I don’t remember.

Q. Do you remember Star pulling a knife on you in the kitchen.

A. Yes.

Q. Approximately when did Star pull a knife on you in the kitchen.

A. Do you mean about what month it was.

Q. Month or year, if you remember.

A. Well, it was during that time period between -- I want to say it’s, like, February. I think.

Q. And when Star pulled a knife on you in the kitchen, were you preparing food.

A. I was doing the dishes.
Q. Okay. And was he trying to cook in the kitchen.
A. Yes.
Q. That was against the rules, wasn't it.
A. Well, it's just not really wise to have a child in there cooking with everybody, because it's kind of -- plus, you know, you've got things that you have to do, so you have to work also.
Q. Uh-huh.
A. So --
Q. Now, the prosecutor for the government asked you questions about where the key to the wine cellar was supposed to be, right.
A. Yes.
Q. And I believe you indicated it was supposed to be in a safe.
A. Yes.
Q. But you don't know if there were periods of time when it was out of that safe, do you.
A. No.
Q. Were you often in the wine cellar.
A. Not often, but I've been down there.
Q. Okay. And could you please describe for the jury what the wine cellar looks like.
A. It's kind of like a cave in some ways, I want to say. It's got rock walls. And it's kind of like walking into, like, a basement or a cellar. And it's got a main room, and there used to be a table in there. And they have -- there's wine on the wall. And there's like another area with, like, a little sink and a refrigerator and a freezer in there, too. And there's hard liquor in the cabinet in the wine cellar where the kitchen is.

Q. Sometimes that wine cellar was open, wasn't it.

A. Yes.

Q. You found it open, didn't you.

MR. AUCHINCLOSS: Objection; vague as to time.

MR. MESEREAU: I'll rephrase, Your Honor.

THE COURT: All right.

Q. BY MR. MESEREAU: During the time you worked at Neverland, you sometimes found that wine cellar open, didn't you.

A. Yes.

Q. Now, it wasn't your responsibility to keep it locked, was it.

A. No.

Q. Okay. And isn't alcohol kept in the kitchen.

A. Yes. But on the wine cellar, it wasn't our responsibility to keep it locked. But when we left, you know, we locked it. We didn't leave it open, I mean, if we went down there for a purpose.

Q. But there certainly were many times, for whatever reason you happened to be in that area, and saw that it was open, right.

A. Yes. If you went down there and checked the door, yeah.

Q. Yes. Okay. Were you at -- excuse me. Let me rephrase that.

Were you working at Neverland during the period of, say, February 1st, 2003, to March 12th, 2003.

A. Yes.

Q. Were you working full time.

A. Yes.

Q. Were you going to college then.

A. Yes.

Q. And during that period of time how often would you go to college.

A. I think it was three days a week.

Q. So would you be following the schedule that you defined a little earlier in our questioning.

A. The radical schedule. Yeah, I would come in later. I would come in late because that way I could get my kids off to school and sleep a little bit, too, so that way I could do the late shift again.

Q. And it was a 45-minute drive into town to go to school.

A. Uh-huh.

Q. And a couple hours at school and then 45 minutes back, right.

A. Yes.

Q. Okay. And then you would do your homework during the schedule you talked about earlier, right.

A. Yeah, here and there.

Q. Okay. Okay. You have people at Neverland who were in charge of security, right.

A. Yes.

Q. And about how many people are employed at Neverland who are involved in security.

A. There used to be a lot more. But I don’t know. Like when I left, I want to say like seven, eight, something like that.

Q. Okay. Now, at one point you said that towards the end of their stay at Neverland -- excuse me, let me rephrase that.

Toward the end of the Arvizos’ stay at Neverland, you noticed that Gavin and Star’s room was consistently messy, right.

A. Yes.

Q. And that’s the room in the guest quarters, right.

A. Yes.

Q. When you say “towards the end,” what do you mean.

A. Before they didn’t come back, really.

Q. Would that have been, say, a week before they didn’t come back. Two weeks.

A. Two weeks probably.

Q. So approximately two weeks before the Arvizos left for good, you noticed that Gavin and

Star’s room was consistently messy, right.

A. Yes.

Q. And that indicated to you that they were staying in that room, right.

MR. AUCHINCLOSS: Objection; calls for a conclusion.

THE COURT: Overruled. You may answer.

THE WITNESS: I thought they were. But I don’t know if they were or not.

Q. BY MR. MESEREAU: But there was a period where you would often not see their rooms a mess, right.

A. Yes. I mean, they were sloppy. But towards the end, their room was just -- things were broken and it was -- it was a mess.

Q. Now, during this last couple of weeks that they were at Neverland, when you say their room was a mess, what did you do when you discovered this.

A. I was with Maria one time and -- when we discovered it, and we decided to talk to the house manager and let him know, because it was getting really bad.

Q. And during those last two weeks that the Arvizos were at Neverland, what specifically did you notice about Gavin and Star’s room.

A. That it was just torn apart.

Q. They really trashed it.

A. Yeah.

Q. Please tell the jury how they trashed it, if you know.

A. I can’t say for sure what had happened, but there was things spilled. There was glasses broken. The refrigerator was a mess, too. Every unit has its own refrigerator, and it was -- it just looked like somebody had just gone in there like a tornado and -- like a whirlwind.

Q. Did you ever talk to Gavin or Star about that.

A. No, I don’t think I did.

Q. Okay.

A. Because it wasn’t my place to.
Q. Was it your responsibility simply to clean it.
A. Yes.
Q. And you said you made a complaint to somebody.
A. Yes.
Q. Who did you make a complaint to.
A. The house manager.
Q. And who was that.
A. Jesus Salas.

Q. Okay. Did you tell Jesus Salas that they had broken things in the guest unit.
A. Maria was with me, and I think he even came in and saw the mess. I can’t remember for sure. But I know that he -- somehow he knew about it.
Q. And was their bedroom a complete mess.
A. Yes.
Q. Was the bed a mess.
A. Yes.
Q. What was broken.
A. There was some glasses in the rooms that they have. Every room has a couple of glasses in it, and some wine glasses and that kind of thing, and the glasses were broken.
So I don’t remember which glass in specific it was, but there was broken glass, and there was no attempt to clean up the mess.
Q. Was anything else wrong with their room during those last two weeks the Arvizos were at Neverland.
A. Not anything else that I can think of. Just about how -- how it was just -- there was no care as to how the room was kept. It was like that.
Q. So the bed was a mess, right.
A. I remember -- if memory serves me correct, yes.
Q. The chairs were a mess.
A. The furniture was moved, yes.

Q. Was there garbage around.
A. Yes.
Q. Broken glass around.
A. Yes.
Q. Did it look like furniture had been damaged to you.
A. I don’t know if it had been damaged, but it had been moved.
Q. Was there food around.
A. Yes.
Q. Did it look like they’d spilled drinks around.
A. Yes.
Q. How about the bathroom. Did they make a mess out of the bathroom.
A. I think the door was shut.
Q. Okay. All right. Did you ever mention any of this to their mother Janet.
A. No.
Q. All right.
A. It wasn’t my place.
Q. Okay. So you didn’t think it was your responsibility to talk to them about this, right.
A. No.
Q. You just felt it was your responsibility to clean it, and report it, right.
A. I just thought it might be good for somebody to know what was happening.

Q. Okay. And you didn’t ever directly report this to Michael Jackson, right.
A. No.
Q. You just reported it to the person in the chain of employment that you were supposed to report to.
A. Yes.
Q. Okay. Did you discuss it with anyone else besides Jesus Salas.
A. Maria.
Q. And who is Maria.
A. Maria Gomez, another housekeeper.

Q. And do you know if she did anything about it.

A. Well, like I said, I think that it was she and I together that went and told Jesus.

Q. Okay. Together you did that.

A. Yeah, I believe it was together, because I remember being in the room with her also when -- I think we went to go clean it together.

Q. Okay. Was your complaint an oral complaint, or was it in writing.

A. No, it was verbal.

Q. Okay. To your knowledge, did Jesus Salas do anything about it.

A. I don’t know what he did.

Q. Okay. Did you just make one complaint.

A. Yes.

Q. All right. Now, I mentioned security at Neverland. There was a lot of concern about security at Neverland, wasn’t there.

A. Yes.

Q. You yourself, for example, were worried about Michael Jackson’s fans, right.

A. Yes.

Q. You told the sheriffs you were worried about his sicko fans coming onto the property and being a threat to people, right.

A. Only some of them.

Q. Only some of them.

A. Yes. Not all fans are sicko.

Q. No, I didn’t mean that.

(Laughter.)

Q. BY MR. MESEREAU: But you were worried about the fact that Mr. Jackson is so popular around the world that, as you described it, sicko fans could provide a security threat, right.

A. Well, yeah, there was one incident that stood out in my mind about a fan that was quite unstable, would seem to me. And people like that don’t really make me feel comfortable.

Q. And did this person try to get on the property.

A. Many of them have, yes. Actually, one of them did. A couple of them did.

Q. And what happened.

A. Well --

MR. AUCHINCLOSS: I'll object as to relevancy and time.

THE COURT: Sustained.

Q. BY MR. MESEREAU: The property at Neverland is approximately 2800 acres, right.

A. Yes.

Q. You have fence around the property for the most part, don't you.

A. Split rail fence, I think it's called.

Q. Split rail fences that actually a child could almost get in and out if they wanted, right.

A. Yes.

Q. When you say "split rail," you mean essentially a wooden post and a couple of wooden rails, right.

A. Yes.

Q. Adults or children typically could go in or out if they wanted, right.

A. Yes.

Q. And very close to those split rail fences are roads, right.

A. Yes.

Q. Roads where cars speed back and forth, right.

A. Yes.

Q. You've got houses on Figueroa Road right across from Neverland, don't you.

A. A school is, yes.

Q. There's a school. And the school isn't far from those split rail fences, is it.

A. No.

Q. And would it be fair to say that children at Neverland could easily go through a fence onto a road where cars are speeding.

A. Well, it's a long ways from the main house, but --
Q. It could happen, couldn't it.
A. If you kept walking, yes.
Q. Are you aware of any moments when children from the school tried to get into Neverland.
A. No, I'm not familiar with any of those.
Q. Okay. To your knowledge, do the security people sort of travel around the perimeter of Neverland once in a while, just to make sure nobody's on the property when they shouldn't be.
A. Well, I know that they make perimeter checks, and they would check around the property and make sure that there's no parked cars or that kind of thing out on the property, and then go all throughout the whole property, too.
Q. But typically when somebody enters Neverland, they go to a closed gate, right.
A. Yes.
Q. And they stick their arm out of the car and push a button, right.

A. Oh, to get into the front gate.
Q. Yes.
A. Yes.
Q. And they then hear, through an intercom, a voice asking who they are, right.
A. Yes.
Q. And then if they're permitted in, these wooden gates open and they can drive in, right.
A. Yes.
Q. But wouldn't you agree that not too far away from that entrance are those split rail fences.
A. Well, it's right next to it, yes.
Q. And realistically, if children wanted to go in or out, or run across the road or dart across the road, there's always a danger of that, isn't there.
A. Yeah, if they wanted to get out from the fence, they can. There's no question of that.
Q. How many children go to the school across the street, if you know.
A. I think a couple hundred.

Q. And has that school been there during the time that you’ve worked at Neverland.
A. Yes.
Q. Okay. Do you remember Michael Jackson having a blood drive at Neverland in approximately December of 2002.
A. I remember there was a blood drive for Gavin, but I don’t remember when.

Q. Would it refresh your recollection if I just show you a police report on that with a date.
A. Sure.
MR. MESEREAU: May I approach, Your Honor.
THE COURT: Yes, you may.
MR. AUCHINCLOSS: May I see it, Counsel.
THE WITNESS: I think it was donated, but I don’t remember right now. I probably guessed right there, around about, but I can’t say for sure right now.
MR. MESEREAU: Okay.
Q. I have to ask you a few questions that I’m required to ask.
A. Okay.
Q. Have you had a chance to review that page of the police report.
A. Yes, that section.
Q. And does it refresh your recollection about when this blood drive may have occurred.
A. No, I’m sorry.
Q. Do you think it was 2002.
A. No, I don’t, because Gavin came back, and when he came back, I hardly recognized him, because he looked so much better. Because before, he was so thin and so frail. So I joked around about that with him, but I don’t think it was in December of 2002 when the blood drive was.
Q. When do you think it was, if -- if you know.

A. I don’t remember. I really don’t.
Q. Were you involved in that blood drive.

A. No. They needed O negative blood, not AB. I thought it was O negative.

Q. But your understanding was that Michael Jackson had organized a blood drive for Gavin at Neverland, right.

A. Yeah, he did.

Q. Were you involved in helping set that up.

A. No. I remember I had school at that time, too, so I couldn’t be there for that.

Q. Were you there for any of that blood drive.

A. No.

Q. To your knowledge, were other employees at Neverland participating in helping set up a blood drive.

A. I don’t know if the employees did or not, but, I mean, I’m sure they probably made food for the people to eat, and the employees would have helped that way, and set up the tent and got utensils to eat and that kind of thing.

Q. So there was a tent set up for the blood drive for Gavin.

A. I believe so, if I remember correctly. Not that I saw it, but I heard.

THE COURT: Counsel, let’s take our break.

MR. MESEREAU: Yes, Your Honor.

(Recess taken.)

THE COURT: Counsel.

MR. MESEREAU: Thank you, Your Honor. Oops. Thank you, Your Honor.

Q. Are you enjoying this.

A. Yes.

Q. Okay. We’ll keep going, then. All right. When you first started working at Neverland, did you go through a training-type program.

A. My supervisor trained me.

Q. And who was that.

A. Gayle Goforth.

Q. Okay. And what did the training consist of.

A. Just taking me around and showing me what my duties would be.

Q. Okay.

BAILIFF CORTEZ: They can’t hear.

THE WITNESS: Is that better.

MR. MESEREAU: Pardon me.

BAILIFF CORTEZ: That’s fine.

Q. BY MR. MESEREAU: Okay. And has your job changed during the time you were working at Neverland.

A. Basically stayed the same.

Q. Okay. Did you go through any other training programs while you were at Neverland.

A. We did CPR training.

Q. Okay.

A. Otherwise not for the job, no, not that I can think of.

Q. Okay. You were interviewed by the Santa Barbara sheriffs a couple of times, right.

A. Yes.

Q. And they asked you if you were aware of the Arvizos feeling that they were confined at Neverland and couldn’t leave. Do you remember that discussion.

A. Yes.

MR. AUCHINCLOSS: Objection; hearsay.

THE COURT: I don’t remember that discussion. You asked her, but -- I’ll sustain the objection.

Q. BY MR. MESEREAU: Do you recall, in your interview with the Santa Barbara Sheriffs, discussing the question of whether or not the Arvizos were free to leave Neverland.

A. Yes.

Q. But you basically laughed at the idea, didn’t you.

MR. AUCHINCLOSS: Objection. Calls for a conclusion; no foundation

THE COURT: Argumentative. It’s sustained.

Q. BY MR. MESEREAU: Didn’t you tell the sheriffs, “How hard is it to leave. Just walk”.

MR. AUCHINCLOSS: Objection. It’s argumentative; calls for a conclusion.

THE COURT: Overruled.

You may answer. Do you want that question read back.

THE WITNESS: Yes, sir, please.

(Record read.)

THE WITNESS: Yes, something along those lines.

Q. BY MR. MESEREAU: Okay. And in your opinion, the idea that they would be confined, confined at Neverland, is ridiculous, right.

MR. AUCHINCLOSS: Objection. Argumentative; calls for a conclusion; no foundation.

THE COURT: Sustained.

Q. BY MR. MESEREAU: In your police interview, or, excuse me, one of them -- actually, it's the sheriffs. In your sheriffs' interview, you described the Arvizo children as destructive, didn't you.

A. Yes.

Q. You were asked questions about Mr. Jackson's relationship with the Cascio family in your sheriffs' interview, right.

A. I can't remember, but I'm sure you'll tell me if I did.

Q. And you indicated that Michael was a close friend of the entire family, right.

A. Yes.

Q. Including the parents and the children, the boys and the girl, right.

A. Yes.

Q. Okay. Now, the prosecutor for the government asked you some questions about other young boys, as he put it, that Mr. Jackson knew through the years, right.

A. Yes.

Q. And would you agree that, like most people, Mr. Jackson sometimes became a closer friend of some families rather than others, correct.

A. Yes.

Q. And the so-called “young boys” the prosecutor referred to would come with their families, correct.

A. Yes.

Q. In fact, Jimmy Safechuck was married at Neverland, wasn’t he. Do you remember that.

A. I didn’t even know he was married.

Q. Okay. McCaulay Culkin’s family would come, right.

A. Yes.

Q. Did it seem -- let me rephrase that. You’ve said that during the time you’ve worked at Neverland, thousands of children have visited, right.

A. Yes.

Q. But certainly there are families that Michael Jackson, in your opinion, was closer to --

A. Yes.

Q. -- than others, right.

A. Yes.

Q. There are friendships he’s developed through the years which seem to have lasted for many years, correct.

A. Yes.

Q. And like any other human being, some families would visit periodically, rather than others, right.

A. Yes.

Q. There would be many celebrity-type visitors to Neverland from time to time, right.

A. Yes.

Q. You would see the Brandos.

A. Yes.

Q. Who else would you see.

A. Elizabeth Taylor. Chris Tucker. I think Chris Rock was there. I don’t know the names of the basketball players.

Q. And did the people you just identified seem to be close friends of Michael Jackson.

A. I wouldn’t -- as far as I could say, I don’t think that all of them were close friends, but some of them were, I think.

Q. And from time to time, there would be various functions at Neverland, right.

A. Yes.

Q. And, for example, you would see tents put up for a special event, right.

A. Uh-huh.

Q. Please tell the jury what special events you recall seeing at Neverland.

A. Weddings, birthday parties, that kind of things.

Q. Would you get involved in those events.

A. Serving and cleaning, yes.

Q. Okay. Okay. Is that something you looked forward to.

A. No. I still don’t.

Q. All right.

(Laughter.)

Q. BY MR. MESEREAU: Would it typically vary from month to month how many functions, as you described, would take place.

A. Yes, it would vary.

Q. And sometimes you would have hundreds of visitors for these functions, right.

A. Yes.

Q. And where would all these people park.

A. They would park down by the amusement park. It depends on where the tent was set up. Or they would park in front of the gates that are inside Neverland with a big sign that says “Neverland” over it. There’s a new parking lot there.

Q. And would you agree that most people who visit Neverland like to walk through the main house, don’t they.

A. Walk through the main house.

Q. If they can.

A. Yes.

Q. They like to see all the artwork and the antiques and the way Michael Jackson has decorated his home, correct.

A. Yes.

Q. And isn’t it typical that visitors will make a request, “Can we see the main house.”

A. Sometimes they have, yes.

Q. And is it your understanding that quite often Mr. Jackson will allow someone to take them through.

A. Yes.

Q. He allows that a lot, doesn’t he.

A. Yes.

Q. Sounds like you don’t think he should, right.

A. No.

Q. Do you think he’s too nice to a lot of people who visit Neverland.

A. Sometimes, yes, I -- sometimes I got a little concerned, but it’s not my place.

Q. Okay. You thought he was being too generous and nice to visitors, right.

A. Yes. And sometimes -- yes.

Q. Okay. When did you notice the Arvizo children becoming so destructive.

A. Towards the end of their stay, in the beginning of 2003.

Q. The beginning of 2003.

A. Yeah, towards the end of their stay in the beginning, 2003.

Q. Did you make any complaints other than the one you just described.

A. Not that I can remember, no.

Q. Okay. Okay. Now, I was asking you a question, and I think I got sidetracked a little bit. It had to do with the availability of alcohol in the kitchen. Remember that question.

A. Yes.

Q. And isn’t alcohol found in the kitchen from time to time.

A. Yeah, I think by the sink to the left, there was a cabinet that did have some alcohol in it.

Q. And that generally wasn't locked, right.
A. No.
Q. Would you find alcohol once in a while in the refrigerator unit, you know, with the see-through glass.
A. Yes. We would put that in there.
Q. Going back to these functions that go on at Neverland, sometimes Mr. Jackson isn't even there, right.
A. Yes, sometimes he's not there.

Q. So there will be a function for hundreds of people, there will be a tent, there will be staff, there will be food, there will be parking privileges, and Mr. Jackson won't even be at Neverland, right.
A. Yeah, that's right.
Q. Now, you never saw Mr. Jackson give alcohol to a minor, did you.
A. No.
Q. And when you said that you saw three kids at the table one time that you were concerned might be intoxicated, you never saw Mr. Jackson give them anything.
A. No.
Q. Now, are you aware -- excuse me. Let me just limit this to a time period. Let's say 2002, 2003. You were aware that Mr. Jackson had some medical problems from time to time, correct.
A. Yes.
Q. And you would see his doctor, for example, come to Neverland once in a while, right.
A. Yes.
Q. And you were aware that he needed injections.
A. Yes.
Q. And he would, at times, have a reaction to those injections; do you remember that.
MR. AUCHINCLOSS: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. MESEREAU: When you said -- you used the term “Pinnochio’s Pleasure Island” in response to the government prosecutor. Were you suggesting that you thought Michael Jackson himself should supervise kids more personally.

A. No, I don’t think that he should. I mean, how could he supervise that many children. There needed to be more people to supervise them, or their parents.

Q. So were you -- excuse me. Let me rephrase it. Were you meaning to be a little more critical of their parents when you talked about kids being out of control.

A. Well, yes, that too. Because some kids -- I mean, well, some parents won’t discipline even their own children, so sometimes the parents didn’t even help. But I think it’s just sometimes the character of the person, too, because some of them were just crazy.

Q. Yeah. Did you ever voice your concerns that parents should be paying more attention to their kids at Neverland.

A. I might have, over the years, to some of my co-workers. But I can’t think of anything right now.

The thing that really worried me that I can say that I thought about, too, is that there’s a lake there. And I worried more about the lake than I did about the pool. If you leave these children unsupervised, I mean, they could fall in the lake. And that’s just always what concerned me more.

Q. And you would see lots of children that you thought should be better supervised at Neverland during periods when Michael wasn’t even there, right.

A. Yes.

Q. And your understanding was he had allowed people to bring children to Neverland, enjoy the premises, and when he wasn’t even around, right.

A. Yes.

Q. When that would happen, was it your understanding that Mr. Jackson was relying on the Neverland personnel to try and supervise or keep control.

MR. AUCHINCLOSS: Objection. Foundation. Personal knowledge as to what Mr. Jackson knew.

THE COURT: Overruled. You may answer.

THE WITNESS: I’m sorry, could you say that again.

MR. MESEREAU: Yes.

Q. When large numbers of children would visit Neverland with whoever came with them --

A. Uh-huh.

Q. -- and Mr. Jackson was not there, was it your understanding that Neverland staff or employees were supposed to supervise.

A. Yes, to some degree. And sometimes there was some children that got really out of control. Like, for instance, I think sometimes we would put the golf carts away or put the quads away, because some of them just -- they would probably have been a danger to themselves. So in that way, we did take a little bit more authority, probably, than we should have sometimes, but --

Q. When you say you would take authority, do you mean that you would sort of, in your mind, substitute for a parent almost.

A. Yeah. Sometimes, I think, yes.

Q. And are you talking about situations where, say, a lot of kids would come on buses, say, from the inner city, and in your opinion there would be too few adults taking care of them.

A. Typically those seemed to be better supervised than the kids that were left at Neverland without their parents.

Q. Right.

A. Because if Mr. Jackson wasn’t there and their parents weren’t there, it kind of would fall on us, and --

Q. Okay. Were there rules and procedures in

effect at Neverland.
A. Somewhat, yes.

Q. And were they written up, to your knowledge.
A. As far as -- well, there was an employee handbook.
Q. And to your knowledge, did the employee handbook discuss what to do in situations where you had visitors.
A. I can’t remember. Sorry.
Q. When is the last time you looked at that handbook.
A. Probably ‘92, ‘93.
Q. Okay. That was quite a while ago. All right.
Now, in your interviews with the Santa Barbara Sheriffs, you often described Mr. Jackson as acting like a big kid.
A. Yes.
Q. But he seemed to enjoy playing with kids, right.
A. Yes.
Q. He seemed to enjoy the whole spirit of Neverland being to have fun with kids, right.
A. Yes, the whole thing of eating too much candy and riding the rides to get sick.
Q. Did you see Mr. Jackson do that.
A. No, I’m not saying that he did that, but I’m saying that’s the idea.
Q. Did you see Mr. Jackson eat a lot of candy.
A. Sometimes.

Q. How about on the rides.
A. No, I didn’t see that.
Q. When did you last work at Neverland.
A. September of 2003.
Q. Okay. So you worked for, what, 12 years or so.
A. Off and on, yeah.
Q. Off and on.

A. Off and on.

Q. Okay. You never saw the Arvizo kids look like they were intoxicated, did you.

A. No. I don’t remember them specifically being intoxicated. I don’t.

Q. You don’t remember you looking at their behavior and saying to yourself, “They look intoxicated to me,” right.

A. Yeah, no, they --

Q. That never happened, right.

A. No, I didn’t really ever pay attention.

Q. Okay.

A. So I don’t know.

Q. But just based on the times you were there, and the work you did and what you saw, you don’t recall ever seeing Gavin Arvizo, Star Arvizo, or Davellin Arvizo intoxicated, right.

A. Well, like when Star put the knife in my back, I mean, was he intoxicated. I don’t know. Was he just playing around. I don’t know. So --

Q. Let me just rephrase it, then.

To the best of your knowledge, during the time you observed the Arvizo children at Neverland, you never thought they were intoxicated, right.

A. I didn’t think so, no.

Q. Okay. Did you ever, in your mind, smell alcohol on the Arvizo kids.

A. No. I never paid attention.

Q. Okay. Now, you mentioned a party in August of 2003, right.

A. Yes.

Q. And that had something to do with Schaffel, right.

A. Yes.

Q. Was it your understanding that Schaffel hired special staff for that party.

A. I knew that he was doing something with it. If he hired somebody, I don’t remember. But I know that there was a lot of volunteers working there.

Q. People that normally didn’t work at Neverland.

A. Yes.

Q. Okay. And was it your understanding that Schaffel was trying to promote a particular artist.

A. I don’t know that.

Q. You don’t know what the purpose of the party was, right.

A. It was a birthday party, and I didn’t quite ever figure it out.

Q. Okay. You don’t know if Schaffel, for example, was promoting tickets on radio stations in Los Angeles, do you.

A. No. But I remember a radio station being there, I think, yeah. But I don’t know what the whole purpose was.

Q. Was it a Los Angeles radio station, if you know.

A. I can’t remember.

Q. Okay.

A. I think it was, though, when I think back. I want to say it was KISS FM, but I’m not sure.

Q. Was it your understanding that more people showed for that party than the staff at Neverland anticipated.

A. Yes. That was typical.

Q. Typical of parties.

A. Yes.

Q. Now, when you’re planning a party -- excuse me, let me rephrase that.

When a party is going to take place at Neverland, how does the word get out to the staff.

A. It depends on how big it is or if there’s going to be a caterer. I mean, there’s -- there’s different ways that we would find out.

Q. Is a memorandum, for example, a memo --

A. Yes.

Q. -- typically generated.

A. Not -- I don’t want to say “typically,” but it has been, or else it was communicated verbally from a supervisor.

Q. And would a supervisor typically come to someone like you and say there’s going to be a big event on such and such a date at such and such a time.

A. Yes.

Q. And would you be asked to contribute in some way.

A. Yes.

Q. And were your jobs at these events typically the same or did you have different things to do, depending on the event.

A. Cleaning and serving.

Q. Okay. And where would all the food typically be cooked.

A. It depends on if there was a caterer or not. Sometimes it could be done at the barbecue area. Sometimes in the kitchen. Or if there’s a caterer, they could cook it outside. Or there was a barbecue out by the theater. So there was different places.

Q. Do you remember, in February of 2003, a number of entertainment executives from New York visited Neverland.

A. Oh, guy, I remember there was some special guests, but I don’t remember who.

Q. Do you remember Ed Bradley from --

A. 60 Minutes.

Q. Yeah.

A. Yes.

Q. You do remember him coming.

A. Yes.

Q. Do you know approximately when that was.

A. No. I can’t say. I think it was after the documentary aired.

Q. Do you know if the Arvizos were visiting at that point in time.

A. I think they were.

My stomach’s growling. I’m sorry.

(Laughter.)

JUROR NO. 8: Do you want some candy. Do you want some.

THE WITNESS: I have some. Thank you.

BAILIFF NARRON: You can’t do that, ma’am.

Q. BY MR. MESEREAU: Did you speak to Mr. Bradley.

A. No, I don’t think he spoke directly to me.

Q. Okay. Do you remember who he was with.

A. Other camera people. The crew. I think there was some other -- somebody else from 60 Minutes that was there, too.

Q. Did you ever meet a Mr. Jack Sussman, for example.

A. I can’t remember.

Q. Okay. Did you see Mr. Bradley walking around the property.

A. I remember him being in the kitchen. And I remember serving him lunch or setting out the food, a buffet for them.

Q. And where was the buffet.

A. In the kitchen, on the -- what do you call it. A bar.

Q. So Mr. Bradley and whoever he was with were in the main house, right.

A. Yes.

Q. And you don’t know what time of day they were in there, do you.

A. No, but I want to say it was 11:00, 12 o’clock, something like that, 1:00.

Q. Okay. And one of your responsibilities was to prepare a meal for them.

A. No, I didn’t have to cook it. I would just have to help serve it and -- yeah.

Q. And were they eating at the main dining table.

A. Um, I think -- I know they ate in the kitchen. And they might have eaten at the dining table also, but I don’t remember.

Q. Okay. Do you recall Gavin and Star Arvizo visiting Neverland with their father David.

A. You know, in the back of my mind, I do. But I don’t remember anything specific about them being

there.

Q. Okay. Do you have more of a memory of their being there with their mother.

A. Yes.

Q. And your memory of the Arvizo children being at Neverland with their mother is in primarily 2003; is that right.

A. Yes.

Q. Do you recall if you observed Janet Arvizo supervising her children while they were staying at Neverland.

A. What do you mean by “supervising”.

Q. Well, do you recall if Janet was -- appeared to be keeping tabs on her children at Neverland.

A. She stayed in her room a lot.

Q. But you said you would see her in the main house, right.

A. Yeah, when she went to go eat, or pick up her clothes from the laundry room, or --

Q. Would you see her in the main house with her children.

A. Yes.

Q. Did you see her in the main house with her children often.

A. In the evenings she would mostly be there.

Q. In the main house.

A. Yes.

Q. Okay. And what would you see Janet Arvizo doing in the main house in the evenings at Neverland during 2003.

A. Eating dinner. Sitting with the kids. Playing a game that was on the counter in the kitchen. Just being with the kids.

Q. As best you can recall, would you see her spend hours in the main house at night.

A. I don’t want to say “hours,” but she’d probably spend a couple hours there. I was always so busy working, I didn’t really pay attention to what really the guests were doing.

Q. Did Janet Arvizo, in your opinion, tend to have her evening meal in the main house.

A. As far as I can remember, yes, is what I would say, yes.

Q. And would she typically eat with her children.

A. I don’t want to say typically eat with them, because they might eat at different times.

Q. But I guess what you’re saying is, you served her quite often, didn’t you.

A. Yes.

Q. Now, in the main house, when a guest comes to eat, there often is a menu on a blackboard, right.

A. Yes.

Q. And the menu will say what’s being served that day, right.

A. Yes.

Q. And it could be breakfast, lunch or dinner, right.

A. Yes.

Q. And was it your understanding that Janet Arvizo would decide each day what type of food she wanted.

A. Well, if it wasn’t written on the blackboard, you know, the chefs or we would tell them what we had for dinner that night.

Q. And while the Arvizos were there, they would essentially give you their order, right.

A. Yes, I remember taking the order from the Arvizo kids at the dining room table. More often than not, they would eat in there. For a while, anyway.

Q. When you saw the Arvizo kids eating with their mother, was there often anyone else at the dining -- excuse me. Let me rephrase that.

When you would observe the Arvizo children eating with their mother in the main dining room, did you often see Michael there.

A. No, not typically.

Q. Would you typically see someone else having dinner with them.

A. With the Arvizo kids.

Q. Yes.

A. Well, the Cascio kids were there for a while when the Arvizos were there, and they would all eat dinner at the dining room table. And Gavin’s mom wouldn’t be at the dinner table, and neither would Mr. Jackson, for a while there.

Q. And where would you -- excuse me. Where would Janet Arvizo typically eat if she wasn’t at the dining room table.

A. At the table in the kitchen area, or like at the bar.

Q. Would you please describe for the jury what you mean by “the bar” area.

A. It’s just a place where you have like barstools, where you have the long counter, and there’s just barstools sitting there. And it has an arch with bricks over it, and it’s right there by the kitchen.

Q. That bar area is not far from the main dining room, right.

A. No, it’s not too far.

Q. And typically if you go there any time of day, you see some seats at the bar area, right.

A. Uh-huh.

Q. And 24 hours a day, you’ll see glass dishes with various buns and --

A. Oh, yeah.

Q. -- doughnuts that were made for the day, right.

A. Yes.

Q. And Mr. Jackson lets people go in there anytime and pick up a doughnut and take it with them, right.

A. Yes.

Q. And that refrigerator area is typically open, right.

A. Yes.

Q. Guests can walk in there and get juice or water or whatever they want to, right.

A. Yes.

Q. And you would see Janet in that bar area quite often; is that correct.

A. Yeah, that's where I remember her eating, would be there.

Q. Would she sometimes eat before her children ate in the main dining room.

A. I can't say if it was before or after. But for a while there, she wasn't eating with them.

Q. But you also saw her eat with them from time to time, didn't you.

A. Yes, she had, too. I think that the reason why they were eating in the dining room, the kids, was because the Cascio kids were with them, and they were the ones that were eating in the dining room. But later on, she would eat in the breakfast -- or the breakfast nook or the bar with her kids.

Q. When you say "breakfast nook," would you see Janet eating breakfast in the main house.

A. I really didn't --

MR. AUCHINCLOSS: I'm going to object as cumulative. Relevancy.

THE COURT: She already said she didn't work in the mornings. Next question.

MR. MESEREAU: Okay.

Q. Would it be accurate to say that Mr. Jackson seemed a lot closer to the Cascio children than the Arvizo children.

A. He's known them a lot longer, I think, so I think that he's formed more of a bonded relationship with them.

Q. Did it appear that when the Cascio children were at Neverland and the Arvizo children were at Neverland, that Michael Jackson would spend more time with the Cascio children than the Arvizo children.

A. Yes.

Q. You indicated you remember the Cascio children having food in Michael Jackson’s bedroom, right.

A. If that’s what it was, yes.

Q. And when you say “bedroom,” you’re talking about this part of the house that has two levels, right.

A. Yes.

Q. You go through a door and there’s a bottom level --

A. Uh-huh.

Q. -- right.

And then you can go up the stairs to an upstairs level, right.

A. Yes.

Q. And you’ve seen the Cascio children on both levels, right.

A. Well, the only other time that I’ve really been in his bedroom is when he wasn’t home, to help move furniture or to put something in his room.

So I was only upstairs in his bedroom that one time when the Cascio kids were there when I was serving dinner, and that was the only time.

Q. And to your knowledge, they visited Neverland for years, right.

A. Yes.

Q. They’ve been visiting Neverland since you first started work, right.

A. Yes.

Q. Do you know the father, Dominick.

A. Yes.

Q. Have you seen him there often.

A. Yes. Not as much as the children, but he was there often.

Q. Did you meet with any prosecutor to talk about what you were going to say today.

A. I spoke with them about coming here, yes.

Q. And when was that.

A. Yesterday.

Q. Who did you speak with.

A. Mr. Auchincloss.

Q. Was it by phone.

A. No.

Q. Did you have a meeting with him.

A. Yes.

Q. And where did the meeting take place.

A. At my house.

Q. Okay. And did Mr. Auchincloss come to your house.

A. Yes.

Q. Did you have a meeting with him.

A. Yes.

Q. How long was the meeting.

A. An hour or two. Two hours.

Q. Was anyone else there.

A. Detective Alvarez.

Q. Okay. Did Mr. Auchincloss give you anything to read.

A. No.

Q. Did you talk about what you’d be asked today.

A. Yes.

Q. And did he tell you what questions he was going to ask.

A. Just kind of gave me a guideline about where everything was going to go.

Q. Did you discuss with him what your responses to the questions might be.

A. Yes.

Q. Did Mr. Auchincloss give you any suggestions --

A. No.

Q. -- about how to phrase things or anything like that.

A. No, no, no, no.

Q. So he would ask you questions and you would just tell him what your answer was, right.

A. Yeah.

Q. And it went an hour or two.

A. Yeah.

Q. Okay. How many meetings have you had with Mr. Auchincloss.

A. Two.

Q. And when was the first meeting, other than the one you just described.

A. Probably around January.

Q. Okay. And where did that take place.

A. My house.

Q. How long did that meeting last.

A. Two hours.

Q. Okay. Did Mr. Auchincloss give you anything to read.

A. No.

Q. Have you ever been sent anything to read

about this case from either the sheriffs or the prosecution.

A. No. I think that I -- I don’t know if I saw a copy of my testimony or something. I think I saw that.

Q. Did you. Okay.

A. I think.

Q. Do you know where you got that. Did somebody give it to you.

A. No, nobody gave it to me. I just saw it.

Q. Okay. We’re almost there.

A. Okay. Thanks.

THE COURT: From now on, on your subpoenas, I want you to put “Bring an energy bar.”

(Laughter.)

MR. MESEREAU: Okay. All right. I think we’re done.

THE WITNESS: Okay, great.

MR. MESEREAU: Just one second, if I can. I’m going to backtrack for a second. May I, Your Honor.

THE COURT: Go ahead.

Q. BY MR. MESEREAU: Where is the ranch house.

A. Probably like a half a mile or a mile away from the main house.

Q. And please describe for the jury what the ranch house looks like.

A. It’s just an older home that I think was

there before the main house was built. And it’s -- it has two bedrooms, and two bathrooms, and a living room.

Q. And do guests sometimes stay at the ranch house.

A. Certain guests, yes.

Q. Do employees sometimes stay at the ranch house.

A. Yes, they have.

Q. You don’t often see Mr. Jackson at the ranch house, do you.

A. No. He’s been there, but he doesn’t really stay there.

Q. Did you ever see the Arvizos there.

A. Not that I can remember.

MR. MESEREAU: Okay. Thank you.

THE WITNESS: Okay.

THE COURT: Counsel.

REDIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Miss Fournier, did you ever deliver food to Mr. Jackson at the ranch house.

A. Yes.

Q. On how many occasions.

A. Well, I don’t know if he was there. I know that Joey was there, and he called to get some food to be delivered to the ranch house.

Q. Okay. Did you take the call.

A. I don’t remember if I took the call or not, but -- or somebody told me, but I brought the basket of food down there.

Q. Do you know -- what were your instructions as far as this basket of food goes.

A. To take some munchies down to the ranch house.

Q. On that day that you took some munchies to the ranch house, did you see Mr. Jackson in the presence of children after that period.

A. Yes.

Q. Did any of those children appear to be intoxicated.

A. Yes.

Q. Do you remember which -- what their names were.

A. I think Joey was there at the table.

Q. What’s -- do you know Joey’s last name.

A. No.

Q. Okay.

A. And there was -- I don’t remember their names right now.

Q. Okay. Were any of these children local children from the local community.

A. Yes.

Q. Do you know what town they’re from.

A. I think Los Olivos.

Q. Do you remember any of their names.

A. I can’t think of any of them right now.

Q. All right. You talked about the fact that there were certain -- there was a certain amount of excess at Neverland with children.

A. Yes.

Q. How long did that go on during your period of employment. How long was it that you felt that children were allowed -- didn’t have boundaries.

A. Well, the first day that I got there, there was silly string all over the inside of the house, so I don’t know if you would consider that, but -- no boundaries, but just something like that.

Q. Have you ever seen Mr. Jackson intoxicated.

MR. MESEREAU: Objection; foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: I don’t know if he was intoxicated or he was under a doctor’s orders taking medication. I don’t know.

Q. BY MR. AUCHINCLOSS: All right. My question goes to intoxicated by any substance, regardless of what. Did he ever appear to be under the influence of some substance.

A. Yes.

Q. Did you ever see him where he appeared intoxicated in the presence of children who appeared intoxicated.

A. I can’t say for sure on that one.

Q. If you have an opinion, I’d like to know it.

MR. MESEREAU: Objection; asked and answered.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: You said you can’t say for sure. Why is that.

MR. MESEREAU: Objection; asked and answered.

THE COURT: Overruled.

You may answer that.

THE WITNESS: Well, that one time at the table, I remember him appearing like he might be intoxicated when I was serving.

Q. BY MR. AUCHINCLOSS: All right. When the other children were also intoxicated.

A. I believe some of them were, yes.

Q. Yes. The three children that you mentioned.

A. Yes.

Q. Did Janet Arvizo ever have food delivered in her room.

A. Yes.

Q. When the Cascio children were there, did they spend time with the Arvizo children.

A. Yes.

Q. Would the Cascio and Arvizo children spend time together with the defendant.

A. Yes.

Q. Do you believe that Neverland is a healthy place for children.

MR. MESEREAU: Objection; improper opinion.

MR. AUCHINCLOSS: Based on every -- well, I can finish the question, add a little to the question.

THE COURT: You may finish your question.

MR. AUCHINCLOSS: All right.

Q. Based on everything you've seen there -- you've talked somewhat extensively on cross and direct about these boundaries, and about children misbehaving, and authority, that kind of thing. Based on everything you've seen and know about Neverland during your period of employment there, do you believe this is a healthy place for children, healthy environment.

MR. MESEREAU: Objection. Improper opinion; no foundation; relevance; 352.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Would you allow your own children to stay at Neverland.

MR. MESEREAU: Objection. Relevance; improper opinion; 352; foundation.

THE COURT: Relevance; sustained.

Q. BY MR. AUCHINCLOSS: How far is it from the main gate of Neverland to the main residence.

A. I'm really bad on distances, but a mile, mile and a half maybe.

Q. And how far is it from the main gate to the nearest town.

A. Five miles.

Q. You mentioned that there were visitors that Mr. Jackson would invite into his house, and that was somewhat common; is that fair to say.

A. Yes.

Q. Okay. Would he invite these visitors who came into the house, typically would he invite them into his bedroom suite.

MR. MESEREAU: Objection; foundation.

Q. BY MR. AUCHINCLOSS: If you know.

THE COURT: All right. Answer "yes" or "no" if you know whether or not visitors were invited.

THE WITNESS: Yes.

Q. BY MR. AUCHINCLOSS: You do know.

A. Yes.

Q. Would they spend time in his bedroom suite.

A. Yes.

MR. MESEREAU: Objection. Foundation; 1108.

MR. AUCHINCLOSS: That’s fine. I’ll move on.

THE COURT: I’ll overrule the objection and limit the questions in that area based on your objection.

MR. AUCHINCLOSS: Okay.

Q. You can go ahead and answer that question.

THE COURT: She did.

MR. AUCHINCLOSS: Thank you.

THE COURT: The answer was “Yes.”

Q. BY MR. AUCHINCLOSS: You mentioned the phrase “wild boys.” Can you tell me what you mean by that.

A. When the children were unsupervised, they frequently became wild.

Q. And this supervision issue or the fact that children would become problematic in their behavior, was that known to Mr. Jackson based upon -- well, let me back up.

Did the children’s misbehavior occur in Mr. Jackson’s presence.

A. No.

Q. Was he aware that they would destroy things at Neverland.

MR. MESEREAU: Objection; calls for speculation.

THE COURT: Foundation; sustained.

Q. BY MR. AUCHINCLOSS: Do you know if Mr. Jackson was made aware of the destruction of golf carts, things of that nature, at Neverland.

A. Sometimes I think he was, because he would notice that things were broken or things were missing. So sometimes, yes.

Q. The families of -- you mentioned on cross-examination that the list of boys who were special friends of Mr. Jackson, you said that their

families would stay at Neverland; is that true.
A. Yes.
Q. Would any of those children on that list stay at Neverland by themselves, without their families.
A. Yes.
Q. Do you recall which ones.
A. Brett Barnes did. Elijah did. Little Michael did. Is that enough.
Q. Well, I can just -- I can make this simple. I can go down the list. Frank Cascio.
A. Yes.
Q. How about his brother Aldo.
A. Yes.
Q. McCaulay Culkin.
A. Well, as an adult he was there alone. But when he was a child, I pretty much remember his parents being there when I was there.
Q. Brett Barnes.
A. He would come alone sometimes.
Q. Elijah.
A. Yes.
Q. Gavin.
A. I remember Gavin always having his mom.
Q. Okay. How about the Los Olivos boys that you've talked about.
A. They would be there without their parents.
Q. Jimmy Safechuck.

A. I think he did come a couple times without his parents.
Q. Wade Robison.
MR. MESEREAU: Objection; 1108.
THE COURT: Sustained.
MR. AUCHINCLOSS: I believe it's a follow-up to counsel's question. But I'll move on.
Q. You said that you had a conversation with Frank about being an employee.
A. Yes.
Q. Did he tell you who he was an employee of.
A. No. I just assumed it was Mr. Jackson.

Q. Was he working at Neverland Ranch at the time.
A. Yes.
Q. What time period was this.
A. I don’t remember. I’m sorry.
Q. Okay. Do you know if it was in the 2003 -- the year 2003.
A. No, it was before that. I want to say about like 2001 or 2002.
Q. You said that Frank and Vinnie had desks set up in the video library.
A. Yes.
Q. When was that.
A. Oh, boy, I don’t remember. I don’t remember.
Q. But it was the period of time -- do you know if it was the period of time when the Arvizos were there.

A. Well, the desks were up there then, yes.
Q. Do you know if Frank and Vinnie were working at those desks during the period of time that the Arvizos were there.
A. I believe so, yes.
Q. Do you know who Frank was working for at that time.
A. Like I said, I assume it was Mr. Jackson.
Q. You said that busloads of kids would come to visit Mr. Jackson at Neverland, or visit Neverland, I should say.
A. Yes.
Q. Was Mr. Jackson there typically, when the busloads of kids would be there.
A. Not typically, but sometimes he was.
Q. Would those children spend the night.
A. Not the busloads of kids, no.
Q. Okay. So was there a difference between the kids that would be guests and children who would just come up in a busload.
A. Somewhat, yes.
Q. Was there a difference in the behavior of the children who were guests of Mr. Jackson than the

behavior of the kids in the busloads.
MR. MESEREAU: Objection; vague.
THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: As far as Mr. Jackson leaving the ranch, you said that would be a frequent occurrence.
A. He did every once in a while. And sometimes we knew when he left, and sometimes we didn’t.
Q. Was there a difference in the attitude and behavior of the employees when Mr. Jackson was on the property.
MR. MESEREAU: Objection; vague.
MR. AUCHINCLOSS: She’s an employee. I think she’s qualified to answer it.
MR. MESEREAU: Relevance.
THE COURT: The objection is overruled.
You may answer. Do you want the question read back.
THE WITNESS: That’s okay. I think I got it.
THE COURT: You think you got it.
THE WITNESS: We would always try to be on our absolute best behavior when Mr. Jackson was home.
Q. BY MR. AUCHINCLOSS: And why was that.
A. Because we were supposed to, too, and because, you know, nobody wants to get fired.
Q. You said that Gavin always treated you with respect.
A. Yes.
Q. You were asked a question about did the Arvizo boys crash any carts, and then your answer was, “All of them crashed carts.” What did you mean by that.

A. All the kids that stayed as guests. I mean, I can’t think of anybody that would be exempt from crashing of the carts.
Q. So that would be a destructive behavior of all the kids that stayed.

MR. MESEREAU: Objection; leading.

MR. AUCHINCLOSS: I'll withdraw it.

Q. You said that Star Arvizo pulled a knife on you in the kitchen.

A. Yes.

Q. All right. Did you feel threatened.

A. No.

Q. You're smiling.

A. Well, I mean, I didn't feel comfortable about it. Who wants a knife in your back, you know, but --

Q. Was it your impression that Star was joking with you.

A. Yes. I thought he was joking and trying to assert some sort of authority.

Q. All right. He didn't hurt you with the knife.

A. No.

Q. And didn't -- what did you say in response to him.

A. "You're going to have to catch me first."

Q. So did you feel like you were joking back to him when you said that.

A. Yeah, I was --

MR. MESEREAU: Objection; leading.

THE COURT: You may answer the question. You started to answer it. Go ahead.

THE WITNESS: Okay. Well, I didn't like it, so --

Q. BY MR. AUCHINCLOSS: When you said that, did you feel like you were joking back.

MR. MESEREAU: Objection. Leading; mischaracterizes the testimony.

THE COURT: Well, it's asked and answered.

Q. BY MR. AUCHINCLOSS: Well, did you run afterwards. That's the --

A. No.

Q. So you weren't serious when you said that.

MR. MESEREAU: Objection; leading.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Were you serious when you said that.

A. Well, if he would have chased me, yes.

Q. But did he chase you.

A. No.

Q. Okay. As far as the destructive behavior, the problem with the guest unit where the glass was broken, I think you said soda was spilled on the floor --

A. Uh-huh.

Q. -- do you know when that occurred.

MR. MESEREAU: Objection; asked and answered.

MR. AUCHINCLOSS: Not by me.

THE COURT: Overruled.

THE WITNESS: It was towards the end of their stay in the beginning of 2003.

Q. BY MR. AUCHINCLOSS: Okay. Do you have a distinct recollection of all these events in -- being in the beginning of 2003.

A. With the rooms being a mess, yes.

Q. Fair statement. So do you know, was it -- what shift were you working at that time.

A. Usually the late shift.

Q. So you saw the room in this condition at what time, approximately.

A. Actually, I think those few times I came in, the room was a mess, I think that they had actually left the property, because it was -- it was -- it was during the day that I had seen that.

So sometimes I would work earlier hours if there was nobody there, too, so it wasn’t required that somebody would stay late to serve dinner. So I think those instances would be more during the day that I remember them, not at night.

Q. Okay. And when you say they were staying in that unit, what does that mean.

A. That they were sleeping there.

Q. Okay. Do you know that they were sleeping

there.

A. No.

Q. Do you have any idea where those children were sleeping on those given nights.

A. No. Because I wasn’t there.

Q. Okay. So -- all right. Thank you.

A. Uh-huh.

MR. AUCHINCLOSS: Thank you. No further questions.

MR. MESEREAU: No further questions, Your Honor.

THE COURT: Thank you. You may step down.

THE WITNESS: Okay. Thank you.

MR. MESEREAU: May the witness be subject to re-call.

THE WITNESS: Is it okay if I go.

THE COURT: You’re free to leave. The attorney’s indicating that they may want to call you back, so that would be if somebody telephones you only. Under those conditions, you would have to come back.

THE WITNESS: Okay. Thank you.

THE COURT: Call your next witness.

MR. SNEDDON: Shawn O’Grady.

Your Honor, I would indicate to the Court we’re going to go back into the area that we were

exploring yesterday.

All right. We’ll do --

THE COURT: Face the clerk and raise your right hand.

RUBY WOLFF

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record

THE WITNESS: Ruby Wolff, W-o-l-f-f.

THE BAILIFF: We have the wrong witness.

MR. SNEDDON: I’m sorry.

THE BAILIFF: This is Ruby Wolff.

MR. SNEDDON: I know that. She was already here.
THE BAILIFF: You called O’Grady.
MR. SNEDDON: I know. We changed it. She was already in the courtroom, so --

DIRECT EXAMINATION
BY MR. SNEDDON:
Q. You’re employed by the sheriff’s department.
A. Yes.
Q. You’re going to have to lean into that.
How long have you been employed by the sheriff’s department.

A. Six years.
Q. And what is your present duty assignment.
A. I’m a detective.
Q. And where are you assigned in your detective responsibilities.
A. Santa Maria station.
Q. All right. And back in November 18th of 2003, were you assigned to participate in the execution of a search warrant at Neverland Valley Ranch.
A. Yes.
Q. And specifically what was your duty assignment at that time.
A. I was an interviewer and also a searcher.
Q. And during the course of the time that you were a searcher, did you seize anything at the location.
A. Yes.
Q. And could you tell the ladies and gentlemen of the jury, where was it that you seized the item.
A. It was in the master bathroom in Mr. Jackson’s residence.
Q. And specifically what was it that you took.
A. It was a card.
Q. And where was the card located when you saw it for the first time.
A. It was next to a dresser next to a sink in the bathroom.

Q. And what did you do with that card after you seized it.

A. I took it to Detective Padilla.

Q. And he was what we call “the scribe”; is that correct.

A. Yes.

Q. You told him where it was located.

A. Yes.

Q. Where you found it.

Do you have that exhibit with you.

A. Yes, I do.

Q. Let me identify it first.

No, the bag.

Your Honor, I have a brown bag with the number “#310” in the upper right-hand corner in black. And we’ve marked this as People’s 712 for identification purposes.

THE COURT: All right.

Q. BY MR. SNEDDON: Now, would you just remove the item that’s inside the bag. 712. And do you recognize that.

A. Yes, I do.

Q. And was that the item that you seized and gave to Detective Padilla.

A. Yes.

Q. And is it in the same condition as it was at the time that you seized it.

A. Yes, it is.

MR. SNEDDON: All right. Move that 712 be admitted into evidence, Your Honor.

MR. MESEREAU: May I look at it for one second, Your Honor.

THE COURT: Yes.

MR. MESEREAU: Thank you.

No objection, Your Honor.

THE COURT: All right. It’s admitted.

MR. SNEDDON: No further questions, Your Honor.

MR. MESEREAU: May I just look at the card, Your Honor.

THE COURT: Yes.

MR. MESEREAU: Thank you.

CROSS-EXAMINATION

BY MR. MR. MESEREAU:

Q. Does -- Detective, is that the --

A. Yes.

Q. Okay. Thank you. Detective, you found this card where.

A. In the master bathroom.

Q. Okay. And the card says, “I miss you, Daddy Michael,” correct.

A. Yes.

Q. Did you read the card when you found it.

A. Yes.

Q. And what did you do after you read the card.

A. Gave it to Detective Padilla.

Q. Okay. Now, this card says the following: “Dear Daddy Michael. How are you. I can’t wait to see you again and play with you at Neverland, because we are going to be best friends and you are my daddy forever,” right.

A. Right.

Q. It says, “You are the finest grown-up in the world. I love you, Daddy Michael. And tell my little brother and little sister that I love and care about them. Thank you for everything, Daddy Michael. Thank you for being my Daddy Michael. Thank you for helping me be happy and beat cancer. Happy Daddy’s Day, and I love you more. Love, your Doo-Doo Head, Gavin Arvizo,” right.

A. Yes.

Q. And then there’s a heart and there’s print inside the heart that says, “I love my Daddy Michael forever,” right.

A. Yes.

Q. And then it says, “P.S.: Please give me your new phone numbers, because I miss talking to you.”

And then the writing continues, “My phone number is 626-452-1693,” right.
A. Yes.
Q. Now, this card was in the purple envelope, right.

A. Yes.
Q. And the envelope was addressed to “Daddy Michael, from your son Gavin,” right.
A. Yes.
Q. And you see little faces that appear to be sort of written on the envelope, correct.
A. Yes.
Q. Did you ever discuss this card with anyone besides the person you gave it to.
A. No.
Q. Okay. Did you ever see it after you gave it to the person you gave it to.
A. Not up until coming here.
Q. Okay. Okay. Did you know, when you came in here, you were going to be asked questions about this card.
A. Yes.
Q. How did you know that.
A. We were just told to review our evidence.
Q. Okay. Were you told you’re not going to be asked questions about anything else you seized, just the card.
A. That’s the only item I seized.
Q. Okay. So during your search, that was the only thing you actually seized that day.
A. Yes.
Q. All right. Do you recall having a meeting before the search with all of the people involved in

the search.
MR. SNEDDON: Your Honor, she -- I’m going to object as beyond the scope of direct.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you receive any

direction before you seized this item from anybody.

MR. SNEDDON: Same objection, Your Honor. It would call for hearsay.

THE COURT: You can answer that “yes” or “no.” You may answer.

THE WITNESS: Yes.

Q. BY MR. MESEREAU: Who did you receive direction from.

A. We all had a copy of a search warrant.

Q. Did you also have a copy of a Santa Barbara County Sheriff’s Department operations plan.

MR. SNEDDON: Same objection, Your Honor. Beyond the scope of direct.

THE COURT: Overruled.

THE WITNESS: Yes.

Q. BY MR. MESEREAU: Did you read that operations plan.

A. Yes.

Q. And approximately when did you read it before you searched the main house.

A. I don’t recall the exact time frame.

Q. And do you know the date that you conducted the search.

A. Yes.

Q. And what was that date.

A. November the 18th, 2003.

Q. Do you know approximately how many people were involved in that search.

A. Approximately 69 people.

Q. Were they mostly sheriff’s personnel.

A. Yes.

Q. Did the 69 people who searched Mr. Jackson’s home meet somewhere before the search.

A. Yes.

Q. Where did you meet.

A. I can’t recall the exact street.

Q. Did all 69 people arrive at the same time.

MR. SNEDDON: Your Honor, I’m going to object as vague, as to arrive where.

MR. MESEREAU: I’ll rephrase it, Your Honor.

Q. Did all 69 people involved in the search of

Mr. Jackson’s home enter the premises at the same time, to your knowledge.

A. I can’t recall. We were all behind one another.

Q. What was your assignment.

A. I was an interviewer and also a searcher.

Q. Were you told specifically where you were going to search.

A. I can’t recall.

Q. How did you end up in the room where you found this particular card, if you know.

A. It was an area that hadn’t been searched yet.

Q. And which -- which area was that.

A. In the master bathroom.

Q. And did someone tell you it hadn’t been searched yet.

A. Yes.

Q. Who was that.

A. I don’t -- I can’t recall.

Q. Okay. Were you armed at the time.

A. Yes.

Q. Were the 69 people you mentioned all armed.

A. I don’t know.

Q. Okay. Who entered the premises first.

A. I don’t know.

Q. Okay. Who else searched the master bathroom.

A. I know Detective Pierce was there. And I don’t recall the other detectives that were in there.

Q. Was the area where you found this particular card that says “I miss you, Daddy Michael,” was that area videotaped, to your knowledge.

A. Yes.

Q. Did you see it being videotaped.

A. Yes.

Q. Did you arrange for it to be videotaped.

A. No.
Q. Are you on that videotape.
A. Not that I’m aware of. I don’t know.
Q. Okay. When you found the card, did you touch it.
A. Yes.
Q. Did you pick it up.
A. Yes.
Q. Did you read it.
A. Yes.
Q. Did you take it out of the envelope.
A. Yes.
Q. Then what did you do with it.
A. I took it to Detective Padilla.
Q. Was it ever videotaped where you found it, to your knowledge.
A. Not to my knowledge.
Q. Okay. Now, when the team of 69 people got together, you got some instructions about what to do with the media, correct.
A. Not that I can recall.
Q. Do you recall any discussion about media’s going to be at Neverland or watching Neverland during the search.
A. No.
Q. Do you recall any media being there.
A. I believe there were helicopters above.
Q. Do you know who told the media about this search with 69 people at Mr. Jackson’s residence.

A. No.
Q. But you saw copters everywhere.
A. Yes.
Q. Did you see people with cameras on the ground.
A. As we were driving in, there was, I believe, one cameraperson.
Q. Did you see cameras when you left.
A. Yes.
Q. Did you see media trucks.
A. Yes.
Q. Okay. Now, when these 69 people went on the

property, people who worked at Neverland were not free to leave, correct.

A. Correct.

Q. I mean, at some point they were allowed to leave, but for a certain period of time, none of you would allow them to leave the premises, correct.

A. Correct.

Q. Okay. And to your knowledge, your department issued a press release that day, correct.

A. I don’t recall that.

Q. You were unaware that your department issued a press release announcing this big search of Mr. Jackson’s home.

A. I don’t recall specifics on who arranged that.

Q. Do you know if any fingerprint testing has ever been done on this card that has the words “I miss you, Daddy Michael”.

A. Not to my knowledge.

Q. Did you arrange for anything like that.

A. No.

Q. Would it have been your responsibility to do that.

A. No. I believe it would have been possibly forensics.

Q. Were you wearing gloves when you touched the card.

A. Yes.

Q. Okay. How many people were in the master bathroom with you when you searched.

A. I don’t recall.

Q. Was it you alone.

A. No.

Q. Was it more than three.

A. I don’t recall.

Q. Okay. Is there any other area of the main house that you searched on that day.

A. Yes.

Q. Where else did you search.

A. I believe Mr. Jackson’s daughter’s room.

Q. Okay. Did you search that room alone.

A. No.
Q. Were you with other people when you searched that room.

A. Yes.
Q. How many, if you know.
A. I don’t recall.
Q. Now, you indicated you reviewed the operations plan, right.
A. Yes.
Q. And you read it before the group of 69 people met, right.
A. Yes.
Q. To your knowledge, everybody else had a copy of that operations plan, right.
A. Yes.
Q. Okay. What did you see in the dresser, other than the card, if you remember.
A. I don’t recall specifics.
Q. Now, when you looked at this operations plan, you were informed that a prior investigation into Mr. Jackson had been terminated, right.
MR. SNEDDON: Object. It calls for hearsay, Your Honor.
THE COURT: Sustained.
Q. BY MR. MESEREAU: It was your understanding that this search with 69 people grew out of an attorney calling Santa Barbara --
MR. SNEDDON: Your Honor, I’m going to object. It’s beyond the scope of direct.
THE COURT: Sustained. Sustained. It’s outside the scope.

MR. MESEREAU: Last question.
Q. Your property report says you retrieved other greeting cards, correct.
A. That’s not correct.
Q. Is that not correct.
A. That’s not correct.
Q. Okay. It was only one greeting card.

A. Yes.

MR. MESEREAU: Okay. No further questions, Your Honor.

MR. SNEDDON: Thank you. No further questions.

THE COURT: Thank you. You may step down.

THE WITNESS: Thank you.

MR. SNEDDON: Let’s try O’Grady this time. Detective. Did you walk off with the bag.

THE WITNESS: Yes, I did. Sorry about that.

MR. SNEDDON: Thank you.

THE COURT: Come forward. When you get to the witness stand, please remain standing. Face the clerk and raise your right hand.

SHAWN O’GRADY

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: It’s Shawn O’Grady. S-h-a-w-n. O, apostrophe, G-r-a-d-y.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. SNEDDON:

Q. Deputy O’Grady, you’re employed by the sheriff’s department, correct.

A. That’s correct.

Q. How long have you been with the sheriff’s department.

A. Since 1997.

Q. And were you assigned to participate in the execution of a search warrant on November the 18th of 2003.

A. Yes, I was.

Q. And that was at Neverland Valley Ranch.

A. That’s correct.

Q. And in connection with the execution of that search warrant, did you perform any responsibility

about searching.
A. Yes, I did.
Q. And where were you assigned to search.
A. I was assigned to search the bedroom, the bathroom area of Michael Jackson’s room.
Q. As a result of your looking in the area you’ve described to the jury, did you seize

something.
A. Yes, I did.
Q. And what did you seize.
A. I seized a book with sexually explicit material in it.
Q. And where was that book located the first time that you saw it.
A. It was on the border of his bathtub.
Q. I’m going to show you an exhibit that’s in evidence as People’s Exhibit 62.
Do you recognize that photograph.
A. Yes, I do.
Q. Is that the area you searched.
A. Yes, it is.
Q. Do you see in that photograph the location of the item that you seized.
A. Yes, I do.
Q. And does that photograph depict the location of that item at the time you first saw it.
A. Yes, it does.
Q. Would you please circle and put your initials. And I’m going to ask you to put the number “588” by it.
Thank you. Your Honor, at this time I have an item, it’s a brown bag with a “#307” in black in the upper right-hand corner, and it’s marked as People’s 588 for identification purposes. I’d like the bag and its contents marked as Exhibit 588.

THE COURT: All right. That’s 588.
MR. SNEDDON: Go ahead, or give time to counsel.

MR. MESEREAU: We're okay. We're okay.

MR. SNEDDON: Okay. Good. The next item I'd like to have marked for identification purposes is a one-page photograph marked as People's Exhibit No. 711 for identification purposes.

Q. All right. I'm going to ask you some questions.

I direct your attention, first of all, to the bag that's in front of you that's been marked as People's 588 for identification purposes, all right.

Would you look at the contents of the bag, please.

Yeah, just --

Now, you've taken out of that bag a book, correct.

A. That's correct.

Q. Do you recognize that book.

A. Yes, I do.

Q. Is that the item you seized on November 11th.

A. Yes, it is.

Q. At the location depicted in the photograph.

A. That's correct.

Q. After you took that item into your custody and care, what did you do with it then.

A. Took it to where we were doing the -- or, actually, I went to Lieutenant Klapakis and asked him if this is something that he wanted seized.

Q. Okay. And after that conversation, what did you do.

A. He said it was, and we took it over where we were bagging the evidence up.

Q. And what was -- was that where Detective Padilla was.

A. That is correct.

Q. Is that book in the same condition as it was on the day that you seized it.

A. It appears to be, yeah.

Q. And with regard to the exhibit that's in front of you, 711, do you see that.

A. Yes.

Q. Does 711 accurately depict the front cover of that book.

A. Yes, it does.

MR. SNEDDON: Your Honor, I’d move that 588 and 711 be admitted into evidence.

MR. MESEREAU: No objection, Your Honor.

THE COURT: They’re admitted.

Q. BY MR. SNEDDON: And the exhibit that’s on the overhead there is Exhibit 711, correct.

A. That’s correct.

Q. And that’s the one that you said accurately depicts the front cover of the book that you have in front of you, which is 588, correct.

A. Yes, that’s correct.

Q. All right. Thank you.

I have no further questions, Your Honor.

THE COURT: Are you going to want the Elmo on.

MR. MESEREAU: No, Your Honor. That’s okay. But I would like to see the item of evidence.

CROSS-EXAMINATION

BY MR. MESEREAU:

Q. Mr. O’Grady, you seized a book titled “Bidgood,” and the name is “Taschen” at the bottom; is that correct.

A. Yes, that’s correct.

Q. And do you know where that book came from.

A. No.

Q. Do you know that Mr. Taschen is a German photographer who was going to photograph the Jackson family.

A. I have no idea, no.

Q. Are you aware that Mr. Taschen sent this to Mr. Jackson.

A. No, I do not.

Q. And that’s Peter Pan on the cover, correct.

A. I don’t know. It looks like a person playing a pan flute. Could be like a mythological person or something.

MR. MESEREAU: Okay. No further questions.

MR. SNEDDON: Jeff Ellis.
THE COURT: Do you have any other questions.
MR. SNEDDON: No, I’m sorry. No further questions.
THE COURT: Thank you. You may step down.
MR. SNEDDON: I’ll take those out of the way for you.
THE COURT: Remain standing. Face the clerk, please. Raise your right hand.

JEFFERY ELLIS
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: My name is Jeffery Ellis. J-e-f-f-e-r-y. Ellis, E-l-l-i-s.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. SNEDDON:
Q. Mr. Ellis, you’re employed by me.
A. That’s correct. By the District Attorney’s Office.
Q. And how long have you been a detective/ investigator with the Santa Barbara District Attorney’s Office.

A. For four years.
Q. And prior to that, did you have any law enforcement experience.
A. I did. I was a police officer in Lompoc for nine years.
Q. Now, on November the 18th of 2003, you participated in the execution of a search warrant at Neverland Valley Ranch, correct.
A. I did.
Q. And during the course of your assignment there, were you involved in doing some searching.

A. I did.

Q. And during the time that you were searching, did you seize an item.

A. I did.

Q. And do you recall where that item was that you seized.

A. It was in the lower -- what I would describe as the lower portion of the bedroom, Michael Jackson’s bedroom, the downstairs.

Q. And where downstairs.

A. Near the fireplace.

Q. And was it on -- sitting on something, or on the floor, or do you recall.

A. It was in a bag, a B. Dalton book bag on the floor, as I recall.

Q. And then when you seized that item, what did you do with it.

A. I gave it to the deputy that was logging in evidence.

Q. Would that be Detective Padilla.

A. Yes, Detective Padilla.

Q. All right.

MR. SNEDDON: Your Honor, I’ve shown counsel the two exhibits I would like to have marked. The first one is a brown paper bag that contains the number “#313” at the top. And it has an evidence tag number 589 for identification purposes. And a photograph, one-page photograph that we’ve had marked as People’s 710 for identification purposes.

MR. MESEREAU: No objection, Your Honor.

MR. SNEDDON: Well, let me get there first.

MR. MESEREAU: All right.

MR. SNEDDON: I appreciate the cooperation, but....

Q. All right. Detective Ellis, first of all, why don’t you take a look at the book, the Exhibit 589. You’re removing the book from the bag, correct.

A. That’s correct.

Q. Do you recognize that book.

A. I do.
Q. And was that the book that you seized from Mr. Jackson’s downstairs bedroom area.
A. That appears to be the same book.

Q. Now, with regard to the exhibit, is it in the same condition as it was at the time you seized it.
A. It appears to be.
Q. All right. And with regard to the Exhibit 710 the photograph, do you see that.
A. Yes, I do.
Q. Does that photograph accurately depict the front page of the Exhibit 589.
A. It does.
Q. All right. Thank you. Why don’t you hand me just that.
Your Honor, now I’m going to move to admit it into evidence.
MR. MESEREAU: No objection.
THE COURT: Both items.
MR. SNEDDON: Please, Your Honor. 589 and 710.
THE COURT: They’re admitted.
MR. SNEDDON: And we’re going to display the Item 710 on the Elmo, Your Honor.
Q. Detective Ellis, that’s the item that you seized in the bag on the floor.
A. It is.
Q. That’s the front cover of it.
A. The front cover, yes.
MR. SNEDDON: No further questions, Your Honor.

THE COURT: It’s time for our break.
(Recess taken.)
THE COURT: Counsel.
MR. MESEREAU: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. MESEREAU:

Q. Is it detective.

A. It’s investigator.

Q. Investigator, okay. Okay.

Investigator, referring you to Item 313 --

A. Okay.

Q. -- which was just in front of you.

A. Yes.

Q. Whether you like this kind of material or not, this is not illegal, is it.

A. Not as far as I know.

Q. Okay. In fact, you can get material like this on amazon.com, correct.

A. I believe you can.

Q. Okay. Do you know if this was ever tested for fingerprints.

A. I don’t know that.

Q. Okay. You seized it, though, right.

A. I seized it, yes.

Q. Did you have gloves on.

A. I had gloves on during the search, yes.

Q. Who did you give this to.

A. Detective Padilla.

Q. Okay. Did he have gloves on, to your knowledge.

A. I really don’t remember.

Q. Do you know if anybody ever suggested this book be fingerprinted.

A. No, I wouldn’t know that.

Q. I guess now that I’ve touched it, my prints are on it, right.

A. That’s correct.

Q. What is the procedure for having something like this fingerprinted.

A. I really wouldn’t know. That’s kind of beyond the scope of my involvement in the case.

Q. So you typically see something you want to seize, you transport it to who you think is next in the chain to receive it, right.

A. Well, in this case that’s correct.

Q. Okay. And why were you giving it to this person.

A. To Detective Padilla.

Q. Yes.

A. Because he was the person that was designated as being in charge of logging and packaging the evidence that was seized.

Q. Did you look and see what Detective Padilla did with it.

A. I saw him put it in a bag.

Q. Was that the last time you saw it until today.

A. No. Until Tuesday.

Q. Okay. Okay. But you had no responsibility at all to ensure or request fingerprint testing.

A. No. That was beyond the scope of my involvement.

MR. MESEREAU: Okay. No further questions, Your Honor.

THE COURT: Thank you.

MR. SNEDDON: No questions, Your Honor.

THE COURT: You may step down.

MR. SNEDDON: Conn Abel.

Would you have Conn come down.

MR. ELLIS: Yes, I will.

THE COURT: Please face the clerk and raise your right hand.

CONN ABEL

Having been sworn, testified as follows:

THE WITNESS: Yes, I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Conn Abel, A-b-e-l.

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DIRECT EXAMINATION

BY MR. SNEDDON:

Q. Hi, Mr. Abel. You’re employed by the sheriff’s department, correct.

A. Yes, I am.

Q. You’re going to have to lean into that microphone here.

A. Yes.

Q. We’re all having the same problem here. How long have you been a deputy sheriff.

A. 30 years.

Q. In the course of your experience as a deputy sheriff, how long have you been a detective.

A. I was a detective for eight years, and then I supervised a detective -- narcotics detectives for approximately two years.

Q. How long were you assigned to narcotics.

A. Eight years.

Q. Now, going back to November 18th of 2003, were you involved in the execution of a search warrant at Neverland Valley Ranch.

A. Yes, I was.

Q. And were you assigned certain responsibilities in connection with that search.

A. Yes.

Q. And was one of the areas you were assigned to search an area known as the arcade.

A. Yes, it was.

Q. And could you describe just basically to the ladies and gentlemen of the jury what the arcade looked like, as you recall.

A. The bottom floor was a multitude of just about every arcade game that you could possibly think of, a photo booth.

The back of the arcade towards what I call the north area of the arcade, was a storage room.

Outside the back door, there was some showers, dressing rooms.

Upstairs in the arcade were a couple more games. I believe there were a couple more games upstairs.

And then as you walked through the door up -- which I believe was like the north door of the upstairs, there was a library.

Q. Is there a room that is called a cellar.

A. Yes, there is.

Q. And did you go down into the cellar --

A. Yes, I did.

Q. -- as part of your responsibilities.

A. Yes.

Q. And in the cellar, can you tell us whether or not you saw any alcoholic beverages down there.

A. Yes, there were.

Q. Would you tell the jury what you saw and where you saw it.

A. On a wall in the back of the -- what I call the kitchen area, as you go down into the cellar, you would then make a right turn and go into the main cellar area.

If you continued going right, you would then go around another corner, and there was an entryway into a little kitchen area. And in that kitchen area there were bottles of wine on the wall, red and white wine.

In a storage cabinet, there were just a multitude of different types of liquor. Vodka, whiskey, liqueurs. And then there were open bottles of wine and liqueurs in the refrigerator.

Q. Do you remember the name of any of the vodkas you saw there.

A. I do remember Smirnoff, Skyy, Grey Goose. I think there was another one that was listed in the report, Chopin. Maybe Chopin.

Q. Don’t look at me. I don’t drink that stuff.

A. I remember in the report, it said Chopin.

And I remember Skyy, Grey Goose, Smirnoff would be for sure.

Q. Okay. Now, during the time that you were in the cellar, did you seize any items of literature -- or books.

A. Yes, I did.

Q. And let me show you a couple of exhibits, if I can.

Well, do you remember the number of books that you took. Let me do it another way. Let me do it another way.

All right. Your Honor, for the record, I've handed down -- and they've had a chance to examine it. The first number is 581 for identification purposes. It's a clear plastic bag that has inside of it a brown bag with the numbers "#505" on it, and it appears to contain several books.

Item 582 is another brown bag with "#508" at the top right-hand corner. It's a brown bag that contains a book.

And the last item, Your Honor, is Item 583, with a black number "#509" in the upper right-hand corner.

All right. Detective Abel, with regard to -- let's start with the first one, if we can, which is 581. Do you see that bag.

A. Yes, I do.

Q. And with regard to the brown bag that's inside it, it has several books, correct.

A. Yes, it does.

Q. Would you remove the books and examine them for a moment, if you would.

All right. With regard to the three books that you took out of the item marked as 581 for identification purposes, do you recognize those three books.

A. Yes, I do.

Q. Could you tell the ladies and gentlemen of the jury where those books were located the first time that you saw them.

A. The books were located -- as I mentioned before, you went into the library, and you continued to the right into the main area. I'm sorry, of the cellar. You continue into the right, and then straight ahead to the right there would have been a wine rack on the wall, which did not have wine in it. Kind of in the left lower corner of that wine

rack that was on the wall, these books were sitting in the wine rack.
Q. You mentioned before there was a wine rack with wine in it. Where was that located in relationship to this one where the books were found.
A. That would have been in the kitchen area. That would have been continuing on to the right around the corner and into the kitchen area.
Q. So this is in the larger area.
A. This is in the main -- the main cellar area.
Q. Are those books in the same condition that they were on the day that you seized them.
A. They appear to be, yes.
Q. And when you obtained those books and decided to seize those books, what did you do with them.
A. I gave those -- these books -- I instructed Detective Cooley to retain those books as evidence.
Q. And by "these books," do you mean the ones that were inside the bag marked "581".

A. Yes, sir. There are three books total.
Q. Correct.
A. Yes.
Q. That you gave to Detective Cooley.
A. Yes.
Q. That were in 581.
A. Yes.
MR. SNEDDON: Move they be admitted into evidence, Your Honor.
MR. MESEREAU: No objection.
THE COURT: All right. They're admitted. That's 581, 582 and 583.
MR. SNEDDON: Would you put those back in the bag right now.
THE COURT: No, those are -- just 581. Those are all books within 581.
MR. SNEDDON: Yes, sir.
THE COURT: Okay.
Q. BY MR. SNEDDON: Now, let's turn our attention to 582, if we can.
A. Yes, sir.

Q. And would you examine the contents of 582, please. All right. Do you recognize the book that you took out of the bag marked as 582 for identification purposes.

A. Yes, I do.

Q. And where was that book located the first time that you saw it.

A. It was in a cardboard box that was located in the upstairs library.

Q. So we're out of the cellar now; is that correct.

A. Yes, sir.

Q. And we're on the second floor of the arcade.

A. Yes.

Q. And there's a library up there.

A. Yes.

Q. And this was located where in relationship to the actual library books.

A. If I could explain. As you entered into the library, there were rows and racks of built library racks where books would fit in them. However, in the room, it was jam-packed full of bags and boxes that were stacked throughout the library also. This happened to be in a cardboard box that was stacked in the library.

Q. Okay. And after you determined to take the item marked as 582, who did you give that item to, if anyone.

A. Detective Cooley again.

Q. With the same process.

A. Yes, sir.

Q. And does that book appear to be in the same condition it was at the time that you seized it on November the 18th of 2003.

A. Yes.

MR. SNEDDON: Your Honor, move it be admitted into evidence.

MR. MESEREAU: No objection, Your Honor.
THE COURT: It's admitted.
MR. MESEREAU: I'll say no further objection.
Q. BY MR. SNEDDON: Now, lastly, let's go to the item that's marked as Exhibit 583 for identification purposes. Do you recognize that book.
A. Yes, I do.
Q. And where was the item -- the book that you've taken out of 583, where was that located the first time that you saw it.
A. In a box in the library, a cardboard box within the library.
Q. Do you know whether or not it was in the same kind of cardboard box as the other exhibit or in a different one.
A. I seem to recall it was together, but I can't recall exactly for sure if they were in the same box or if they were in a box -- it was in a box right next to that one.
Q. Okay. Fair enough.
And is it in the same condition that it was at the time you first saw it.

A. Yes.
Q. And did you follow the same process with regard to giving that to Deputy Cooley.
A. Yes, I did.
Q. All right. Why don't you put that back in there, if we could.
And, Your Honor, I would move it be admitted into evidence.
MR. MESEREAU: No objection. No further objection.
THE COURT: It's admitted.
You don't have to say that. I understand the other hearing you reserved those objections.
MR. MESEREAU: Thank you, Your Honor.
MR. SNEDDON: Your Honor, for the record, I want to indicate that the first item I showed counsel was a brown paper bag with a figure "#1001"

and “#1001,” capital “A” in the upper right-hand corner.

And within that brown bag, there are two -- the brown bag, the items inside are marked for identification purposes separately, but I think I probably should put a separate one on the brown bag itself just for purposes of housekeeping.

Is that the recommendation of the clerk and the Court.

THE COURT: Yes.

MR. SNEDDON: All right. Thank you.

So the record will be complete then, Your Honor, the brown bag itself is going to be marked as 714 for identification purposes. And the plastic bag inside of 714 that contains a brown bag has been marked as 584. And the second clear plastic bag which contains a white binder is 585. So 584 and 585 are inside of the 714.

The second item is another brown bag, Your Honor, that has “#1002” and “#1002,” capital “A,” and I’m affixing the evidence stamp as Evidence Stamp No. 716 for identification purposes.

And these items I’ve shown to counsel. And they contain items that are marked for identification purposes as 586, which is a clear plastic bag containing a brown bag. And the second item is 587, which contains a clear plastic bag with a white binder with the “Item 1002” on the front of it.

And then lastly, Your Honor, I have shown counsel two photographs. The first one is marked as People’s 713 for identification purposes. And the second one is Exhibit No. 715 for identification purposes.

Q. All right. Detective Abel, let me ask you this: In addition to the areas that you’ve described to the ladies and gentlemen of the jury that you searched that day, was there another area that you were assigned to search.

A. Yes, there was.
Q. And what area was that.
A. That was what is referred to as the museum and/or Mr. Jackson’s office area.
Q. And in that particular office area, were there some -- were there some items that you seized.
A. Yes.
Q. And with regard to the exhibits that are in front of you that are marked as -- I’m sorry, the first brown bag is what, seven --
A. 716.
Q. 7 -- no, on the tag. The evidence tag. The manila one right where your hand is.
A. It says Exhibit 716.
Q. Oh, okay. And the second one.
A. 714.
Q. Okay. Now, with regard to those two exhibits, 716 and 714, where within the office were they found.
A. They were in a rest room area of the office. And as you entered the rest room, the toilet area would have been to the right. To the left was a sink/cabinet area.
And the magazines, if you opened up the middle drawers -- doors of the cabinet, they were on a flat shelf underneath that cabinet.
MR. SNEDDON: Your Honor, I have shown counsel two photographs that have been marked

previously for identification purposes as 105 and 106 for identification purposes.
Q. Detective, with regard to the photographs, People’s Exhibit 105, do you recognize what’s depicted in that photograph.
A. Yes.
Q. Is that an accurate depiction of what it purports to represent.
A. Yes.
Q. With regard to 106, is that an accurate depiction of what it purports to represent.
A. Yes.

Q. With regard to --

Your Honor, I move they be admitted into evidence.

THE COURT: They're admitted.

Q. BY MR. SNEDDON: Now, if we can just have --

I'll get them from you.

Your Honor, I'm going to use the Elmo for the next few minutes.

Now, that is Exhibit 105. Do you recognize that.

A. Yes, I do.

Q. Could you tell the ladies and gentlemen of the jury what that photograph depicts.

A. It's the cabinet that would be on the left-hand side as you walk in, and that would be the right-hand side of that sink/cabinet area as you

looked at it and you opened it up.

Q. And with regard to the photograph, or the magazine depicted in that photograph, is that one of the magazines that you took from that area.

A. Yes.

Q. And do you know whether that would be the item contained in 716 or 714.

A. I'd have to look real quick.

Q. Why don't you do that for us, please. It should have a separate exhibit number on it, so feel free to pull those out, because I'm going to ask you some more questions.

A. It would be the one that was in Exhibit 714.

Q. And it has a separate identification number that's on the brown bag in front -- I'm sorry. In the plastic bag you just pulled out, what's the number on that.

A. 585.

Q. All right. The white binder, 585, contains the magazine depicted in the photograph, correct.

A. Yes.

Q. All right. Now, do you see the photograph that we've placed on the board, which is 106, I believe.

A. Yes. Yes, I do.

Q. And what is that.

A. That was the left-hand side of the cabinet that would -- with a door on it that you could open up.

Q. And does that photograph depict the location of the item that you seized.

A. Yes, it does.

Q. And the item itself.

A. Yes.

Q. Okay. Now, when you seize -- by the way, we should tie up a loose end here.

With regard to the photograph, 106, and the magazine depicted in that photograph, the exhibit -- which one of the large brown bags did that come out of. That would be 716.

A. That’s the one that’s up there now.

Q. Yes, sir.

A. 716.

Q. All right. Would you please take those exhibits out.

And you’re removing the plastic sleeve from the white binder. I can’t even talk.

A. That is marked 587.

Q. 587.

A. Yes, sir.

Q. Okay. Now, please look at the first page of that, if you would. Do you recognize that.

A. Yes, I do.

Q. And is that the magazine that you seized on November 18th.

A. It’s in a little different condition, but, yes.

Q. It wasn’t all put in a binder at that time.

A. That’s correct.

Q. It’s the way it was depicted in the photograph.

A. Yes.

Q. All right. Now, you have -- and why don’t you leave those out for just a second. There's two additional photographs that I presented to you up there.

A. Yes, sir.

Q. Okay. And with regard to -- what are the numbers of those photographs.

A. 713.

Q. Okay.

A. And 715.

Q. All right. Let's talk about 713. Does 713 accurately depict the front cover of the magazine you took out of the Exhibit 716.

A. Yes, it does.

Q. It's an accurate depiction of that.

A. Appears to be, yes.

Q. And then let's go to 715. That photograph, can you compare that to the front page of the exhibit that came out of seven -- 714. Or just give me the exhibit number. That's fine.

A. It came out of 585. The 715, which is marked, which is the paper you gave me, is an accurate depiction of the front page of the magazine that I took from that cabinet.

MR. SNEDDON: Okay. So, Your Honor, I'd move that 713 and 715 be admitted into evidence.

THE COURT: They're admitted.

MR. SNEDDON: Your Honor, just a housekeeping matter. I did move 105 and 106 in evidence.

THE CLERK: (Nods head up and down.)

MR. SNEDDON: Thank you, Your Honor.

Q. All right. I'm going to place 713 on the board, on the Elmo.

All right. That's the photograph that you identified as being a depiction of the front cover of the item you seized; is that correct.

A. Yes, sir.

Q. All right. And the next exhibit.

That one is marked as 715, correct.

A. Yes, sir.

Q. And is that the photograph that you

identified as being an accurate depiction of the front cover of that magazine that you took.

A. Yes, it is.

MR. SNEDDON: All right. I think we can have the lights now, Your Honor.

Q. Actually, I guess I should probably show those books. Might as well do that and get that over with, and then I have only one more question to

ask. Why don't you hand me those.

All right. We're going to just ask you to -- from the three books that are in five -- it's an oversized book, but is that the title of the book that you seized.

A. Yes, it is.

Q. Do you remember why you seized it.

A. It depicted male and female nudes. Some, if not -- I'm not sure how many, but it would appear that they were adolescent or young in appearance.

Q. Okay. And the second book. Doesn't have a title. But do you remember that book.

A. Yes, I do.

Q. I'm sorry, I guess it does on the -- it's called "Drew and Jimmy." Do you recall that.

A. Yes, I do.

Q. With regard to that book, do you recall why you took that book.

A. I recall that it depicted males that were either nude and/or semi-nude.

Q. And the last book is called "Room to Play." Do you recall why you seized that book.

A. Because it depicted male and/or female young-appearing individuals that were nude and/or semi-nude.

Q. The next one I'm going to show you is from 582. It's in evidence. Do you recall that.

A. Yes, I do.

Q. And the reason that you took that.

A. It depicted males and/or females that looked and/or appeared to be youthful, nude and/or semi-nude.

Q. Now, with regard to -- do you see the front part of the face on this particular exhibit.

A. Yes, I do.

Q. 582.

A. Yes.

Q. Was that the condition of the book at the time that you seized it.

A. Yes, sir.

Q. And then the last one that's in People's 583, which is called Cronos.

A. Yes.

Q. For the court reporter, that's C-r-o-n-o-s.
And do you recognize that item.

A. Yes, I do.

Q. And why did you take that.

A. It has a multitude of pictures in it showing photographs of individuals from a youthful age to an older age, nude and semi-nude.

Q. All right. Thank you.
All right. I believe we can have the lights back on, Your Honor.

MR. MESEREAU: I thought you were through.

MR. SNEDDON: No, almost.
All right. The last item that I have with this witness is a large plastic case that we have had marked -- and I've shown it to counsel -- we've had marked as 717 for identification purposes, and has on the front of it a white sheet of paper with the Item No. 1009 for tracking purposes.

Q. Now, Detective Abel, I've handed you the Exhibit 717, the black case.

A. Yes, sir.

Q. Are you familiar with that.

A. Yes, I am.

Q. And where was that item the first time that you saw it.

A. It was in what I'd describe as a closet area, closet/storage area of the main -- or Mr. Jackson's museum or office.

Q. And with regard to that particular item, was it open or closed at the time that you took it. I'm sorry, I want to rephrase that. Was it open or closed at the time you first saw it.

A. Closed.

Q. And did you open it up.

A. Yes, I did.

Q. And would you describe to the ladies and gentlemen -- first of all, let me go back, just to do a little foundation here.

You told the ladies and gentlemen of the jury that you worked narcotics for a while; is that correct.

A. Yes, I did.

Q. Quite a while, actually.

A. Yes.

Q. And in the course of working narcotics, did you become familiar with surveillance equipment.

A. Yes, I did.

Q. Did you become familiar with equipment that is used to monitor telephone calls.

A. Yes, I did.

Q. And with regard to the Exhibit 717 that you found in Mr. Jackson's closet in Mr. Jackson's office, with regard to that particular exhibit, when you opened it up, did you recognize what was inside.

A. Yes, I did.

Q. And tell the ladies and gentlemen of the jury what was inside.

A. There was a large tape-recorder capable of accepting multiple headsets. There's wire packages in there. There's a suction cup that would be utilized to monitor phone calls. There's wires that would plug into it that have adapters that go into phone receptors. There's extendable -- not "extendable." There's small little, what we'd call, to a degree, pinpoint, pinhole-type microphones that are in there that have adapters or have the fittings on it that fit into that type of recorder.

So in my opinion, it was used to monitor activity, conversations on the phone and/or off the

phone.
Q. Now, with regard to the exhibit itself, when you opened it up, were there any written materials inside.
A. Yes, there were.
Q. What were they.
A. There's a business card for a private investigator inside of it. There are price lists for the itemized items. There are detailed instructions on how to monitor and video-surveil a room. There's detailed instructions on how to operate and tape phone calls.
Q. Were the instructions the kind that were preprinted or were they in some handwritten form; do you recall.
A. There's some of both in there.
Q. Some of both.
A. Some of both.
Q. Okay. Now, with regard to the Item 717, after you seized it and took it into your possession, what did you do with it.
A. I gave it to Detective Cooley to package as evidence.
Q. And does it appear to be in the same condition now as it was when you seized it.
A. Yes, sir.
Q. And with regard to the contents of it, I asked you during your three days of waiting here to

open it up and inspect the items inside, correct.
A. Yes, you did.
Q. And those items are in the same condition as when you turned it over to Deputy Cooley.
A. Yes.
MR. SNEDDON: Your Honor, move 717 be admitted into evidence.
MR. MESEREAU: Relevancy.
THE COURT: It's admitted.
Q. BY MR. SNEDDON: Detective, in your

experience, and based upon your training and your years as a narcotics officer, could you tell the ladies and gentlemen of the jury whether or not it is legal for someone to listen in to or monitor another person’s telephone call.

MR. MESEREAU: Objection. Relevance; no foundation.

THE COURT: It calls for a legal conclusion. I’ll sustain the objection.

Q. BY MR. SNEDDON: Are you familiar with the existence of laws that proscribe the conduct of listening in to other people’s telephone calls.

A. Yes, sir.

Q. And did you have to learn those in connection with your responsibilities as a narcotics officer and as a sheriff, deputy sheriff.

A. Yes, sir.

MR. SNEDDON: Nothing further, Your Honor.

THE COURT: Cross-examine.

MR. MESEREAU: Yes, please.

CROSS-EXAMINATION

BY MR. MESEREAU:

Q. With respect to that equipment you just described --

A. Yes, sir.

Q. -- did you ever determine if it had ever been used.

A. It appears to have been, yes.

Q. Why do you say that. Did you test it.

A. I did not test it, no.

Q. Then how do you know it’s been used.

A. A lot of the wiring indeed has been re-manipulated. It doesn’t appear to be new condition. It appears to be scratched, appears to be used. Appears to be in an older condition.

Q. You didn’t test to see if it’s ever been used, did you.

A. No, I did not.

Q. Do you know where that came from, that equipment.

A. Came from the office area in Mr. Jackson's office.
Q. Do you know where it was purchased.
A. I do not.
Q. Do you know if it was lawfully purchased.

A. I would only assume no.
Q. You can buy that equipment, can't you.
A. Law enforcement can, I know.
Q. You don't really know if you can buy that lawfully or not, do you.
A. Possibly if I went to the appropriate store I could maybe get some of that stuff.
Q. A citizen of the United States can go to a store and buy that stuff, can't they.
A. I -- I'm not sure about the microphones. No, sir, I don't know about that.
Q. So what you're saying is you don't know, right.
A. About --
Q. Whether an ordinary citizen can lawfully purchase that equipment or not, right.
MR. SNEDDON: Your Honor, object as argumentative.
THE COURT: Overruled.
THE WITNESS: You could say that I guess I really don't know for sure.
Q. BY MR. MESEREAU: And you don't know how that equipment ever got to Neverland, do you.
A. No, sir.
Q. You don't know if it was given to Mr. Jackson or purchased, right.
A. There's prices in there, so I could only assume that it was purchased.

Q. Well, if someone gave it to Mr. Jackson, they'd have probably purchased it first, wouldn't they.
MR. SNEDDON: Your Honor, I'm going to object. Assumes facts -- calls for a conclusion.

Speculation.

THE COURT: It's argumentative. Sustained.

MR. MESEREAU: Okay.

Q. You don't know where that originated, do you.

MR. SNEDDON: Object; argumentative.

THE COURT: Overruled.

You may answer.

THE WITNESS: If you want -- if you wanted me to look inside there, there's a company in there, and I can tell you the name of the company.

Q. BY MR. MESEREAU: Even if you knew the name of the company, you wouldn't know how that got to Neverland, would you.

A. No, sir. But you asked me if I knew where it was originated.

Q. That equipment appeared to be associated with a private investigator, true.

A. I -- I didn't seize it. And when I opened it up and looked at it, I didn't seize it for that purpose. And I didn't know at the time it was associated with a private investigator, no, sir.

Q. I'm not asking what the purpose was in seizing it. I'm just asking you if -- from what you saw when you looked at that equipment, did it appear it could be associated with a private investigator.

MR. SNEDDON: Your Honor, I'm going to object again. It calls for a conclusion and speculation.

THE COURT: Overruled.

THE WITNESS: At the time that I seized it, I did not know that it was associated with a private investigator, no, sir.

Q. BY MR. MESEREAU: My question was different. My question was, based on what you saw when you examined that equipment, did you think you had reason to believe it was associated with a private investigator. Yes or no.

A. No.

Q. What about the card you just described for the jury. Tell them what was on the card, please.

MR. SNEDDON: Your Honor, there are two questions.

THE WITNESS: You asked me two questions, sir.

MR. MESEREAU: I did, and I’m sorry. I’ll withdraw it, Your Honor.

Q. Please tell the jury what was on that card that you found with the equipment.

A. Do you want me to open it up and look at it. I can tell you exactly what’s on it.

Q. Sure.

A. The exact wording on the card is “General, Special and Electronic Investigations. California License P19356. James A. Lupori, Private Investigator, P.O. Box 4250, Culver City, California 90231. Telephone number (310)390-8384.” And “Fax, (310)397-9563.”

Q. That was in the material. Is that where you found the card.

A. Yes, sir.

Q. Okay. And for the jury’s benefit, the card mentions a number on it. And I don’t mean the phone number. It mentions a -- what really appears to be a license number, correct.

A. Yes, sir.

Q. For a licensed investigator, correct.

A. Could be, yes.

Q. Could be. What did you think it was.

A. There’s a license on there. But whether it’s actually a license number for that individual or not, I don’t know, because I didn’t investigate that.

Q. Well, putting an investigation aside, you, as an investigating officer, look at a card like that. It gives a name. It mentions investigations. It gives a number.

Did it ever occur to you that might be a license number for a California licensed

investigator.
A. Could be.
Q. Did it ever occur to you that it might be.
A. It occurred to me that it couldn’t be also.
Q. Okay. All right. So basically you didn’t care.
A. No, I did care. I just don’t know whether P19356 is actually a license number that would be associated with a private investigator, and/or this individual, sir. That’s what I’m trying to say.
Q. Did you ever check out whether the name on the card and the phone number worked.
A. No, sir.
Q. Okay. Did you think that was part of the scope of your responsibilities.
A. No, sir.
Q. Okay. Did you prefer to just avoid that issue.
MR. SNEDDON: Object as argumentative, Your Honor.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you ever ask to have anybody test the equipment at any stage of this investigation.
A. No, sir.
Q. Based upon what you knew of Neverland Ranch, did it ever occur to you that security might be a concern to Mr. Jackson.

A. Yes.
Q. Now, let me ask you this: If you’re in your house, and you have a phone system, and you pick up your phone and somebody -- you’re upstairs and somebody downstairs is speaking on the phone and you listen, have you committed a crime.
MR. SNEDDON: Your Honor, I’m going to object. Calls for a legal conclusion. That’s --
THE COURT: Sustained.
Q. BY MR. MESEREAU: Are there any other documents in that case.
A. Yes, there are.
Q. Would you please tell the jury what those

documents are.

A. Sure.

The first document has handwritten, “Video Briefcase Surveillance System with Audio.” It says, “Video Briefcase.” It has a description of what would be in a video briefcase. It has handwritten, “$4,995,” tax, UPS, a total of $5,443.59, and the word “Total,” and that is on one sheet.

The next sheet looks to be either off a computer and/or a typewriter. It is printed instructions for voice-operated telephone recording, professional ten-hour recorder. It has Items 1 through 6 of how to, I believe, operate that type of system.

The next one is “Equipment For Law 2701 Enforcement Agencies, Professional UHF Transmitters and Receivers, Crystal Controlled.” It has a multitude of -- one, two, three, four, five, six, seven -- seven separate types of wireless transmitters, and a list of optional equipment that could be purchased.

And then it says “Other Equipment Systems for Law Enforcement and Export.” And it talks about vehicle tracking, video transmitters, specialized video and optical systems, thermal imaging, et cetera.

Q. Let me ask you this: Do any of those documents appear to relate to a security system.

A. No, sir.

MR. MESEREAU: May I approach, Your Honor.

THE COURT: Yes.

Q. BY MR. MESEREAU: Sir, I’m showing you one of the documents. It says, “Remote Room Audio Monitor.” Do you see that.

A. Yes, I do.

Q. It talks about a phone jack, it talks about an answer relay, it talks about a microphone, correct.

A. Yes, it does.

Q. It says, “Call answer relay from any telephone anywhere in the world.” Do you see that.

A. Yes, I do.

Q. You also see another -- what appears to be a drawing, correct.

A. Yes, I do.

Q. Does it say on it “Video Surveillance System with Audio”.

A. Yes, it does.

Q. Does it talk about how to set a video monitor with three screens.

A. Part of it, yes, sir.

Q. Does it talk about an infrared light source for a target area for night illumination.

A. Yes, sir.

Q. Does it refer to a video monitor with a nine-inch screen.

A. Yes, sir.

Q. Does it refer to an infrared -- excuse me. Does it refer to a miniature camera with a transmitter.

A. It does, yes.

Q. Does it talk about a clock video camera.

A. Let me -- talks about that. Smoke alarm, et cetera, cameras.

Q. Are you telling the jury it never occurred to you that might relate to a security system, Officer.

A. I’m not sure that it -- in totality, no, it --

Q. So you think that had nothing to do with security at Neverland. Is that what you’re telling the jury under oath.

A. I don’t know what to tell you. It looks like -- I mean, this document here, telephone taping system. I don’t know what to tell you, except I know that that doesn’t relate to security. That relates to the items that are in here for taping telephone calls.

Q. The items you just agreed that are described on that document do not relate to a possible security system at Neverland.

A. I guess you could say -- I could say yes, it could.

Q. Okay. You never checked that out, correct.

A. No, sir. It wasn’t -- it was not in the rooms that I was associated with.

Q. Okay. Did you ever go to any security personnel at Neverland, show it to them and say, “Have you seen this before. Do you know why it’s here.”

A. No, I did not.

Q. Okay. Do you know if anybody ever did.

A. I do not know.

Q. Now, you certainly know that Neverland is a rather large area, correct.

A. Yes, sir.

Q. You have a main gate with security personnel when you enter, correct.

A. Yes.

Q. It’s about a 2800-acre ranch, true.

A. Yes, sir.

Q. You have got security personnel working throughout Neverland, correct.

A. Yes.

Q. Did you ever see any surveillance-type equipment at Neverland while you were there.

A. I don’t recall seeing surveillance equipment, sir.

Q. Now, obviously you knew when you went there that Michael Jackson is one of the world’s most famous entertainers, right.

A. Sure.

Q. And you knew that he routinely travels with security personnel to protect him, correct.

A. Correct.

Q. And did it ever occur to you that security might be a real concern at Neverland.

A. Could be.

Q. Could be.

A. Yes, sir.

Q. But you’re not sure.

A. Well, he has a lot of people going there. I don’t know exactly what kind of security he may have. He has a multitude of people in and out of there on a regular basis, so I don’t know what kind of security he may have established.

Q. Did you ever sit down with any of the government prosecutors and discuss that equipment.

A. No.

Q. Did you ever talk to Mr. Sneddon about what you were going to say today when you took the witness stand.

A. No, I did not.

Q. Did you just take the stand without ever discussing your testimony at all with him.

A. I don’t think I discussed with him what I was going to testify to, no, sir.

Q. Okay. When you found that equipment, what is the first thing you did with it.

A. I looked at it, and gave it to the officer to book as evidence.

Q. Okay. Which officer was that.

A. That was Detective Cooley.

Q. Do you know if the equipment was ever fingerprinted.

A. No, sir, I do not.

Q. Did you ever request that it be fingerprinted.

A. I was not in that part of the investigation.

Q. Have you ever learned at any point whether or not it was fingerprinted.

A. I don’t know.

Q. Okay. Now, when you were at Neverland, did you investigate the kinds of security systems in place at Neverland.

A. No, sir.

Q. Do you know whether or not, for example, there are cameras that might indicate whether or not someone is entering or leaving.

A. I do not know that.

Q. Do you know whether or not there are cameras that might indicate whether or not someone's entering or leaving the main residence.

MR. SNEDDON: Your Honor, I'm going to object. He's already said he didn't do anything. Lack of foundation.

I object. Immaterial.

THE COURT: I'm going home.

(Laughter.)

See you Monday.

(The proceedings adjourned at 2:30 p.m.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 2522 through 2707 contain a true and correct transcript of the

proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 17, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
March 17, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

FRIDAY, MARCH 18, 2005

8:30 A.M.

(PAGES 2709 THROUGH 2800)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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Santa Maria, California
Friday, March 18, 2005
8:30 a.m.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: Good morning.
MR. SNEDDON: Good morning.
MR. MESEREAU: Good morning.
THE COURT: All right. The first item on the calendar is the scheduling of a motion for admission of evidence of defendant’s alleged prior sexual offenses. This was put on the calendar because the District Attorney has asked that the hearing be sooner than later, I guess.
MR. SNEDDON: That’s correct, Your Honor. We placed the motion on, in light of the Court’s earlier decision, which we wholeheartedly agreed in, that we should have testimony before the jury establishing the offenses that were committed by the victims themselves -- on the victims themselves prior to the time of the hearing. And we believe that we have complied with what the Court wished.

And I think the Court gave a perfect example of your experience of what happened to you before where promises were made and promises weren't kept.

I believe that we have at this point established sufficient information before this Court and before this jury to now go forward with the 1108 hearing. We would indicate to the Court that this would be the appropriate time.

I'm not suggesting that the Court -- we recess the trial at this moment. I want to make that clear. And I think I did in my moving papers. That we intend to move forward with probably evidence through -- my guess is, if not through Thursday, probably into Friday of next week, based on the lineup that we have. We'll finish those parts of the case that are relevant to the allegations set forth against Mr. Jackson in all counts except for Count 1.

At that point, we will then be transitioning into that part of the case that deals with the conspiracy count. It seems to me that it is not only right and proper, but logical for the jury that this would be the appropriate time for us to be able to put on the 1108 evidence insofar as it relates and bears on the testimony of the credibility and the actions of the defendant in this case. And so we would request that at that point in time, that we then take up the 1108 hearings.

So unless the Court has any further questions, that's why we filed the motion now. I wanted to give the Court sufficient heads-up about it for scheduling for the jury, as well as the fact that we'll need to bring people in from out of county, and out of state in some instances, so we need some lead time for that. And clearly that whatever decision the Court makes, we would have enough lead time for that. If we started next Friday, we could begin, and we'd be ready to begin.

And if it was the following Monday -- but you get the picture. It's at the point where we finish most of the testimony relevant to the charges against Mr. Jackson on the molestation.

THE COURT: All right.

MR. SNEDDON: Do you have any other questions, Your Honor.

THE COURT: I do, but I want to hear from the other side first, and then I'll ask my questions.

MR. SNEDDON: All right. Thank you.

MR. SANGER: Good morning.

THE COURT: Good morning.

MR. SANGER: The timing of the motion, we want to have adequate time to have the motion heard and be prepared for it. I don't concede at this point, by any means, that there's been a showing sufficient for the Court to go ahead and make a ruling right now. And if the Court were to make a ruling right now, I think it would be to deny the 1108.

But having said all of that, the People I think are saying that they feel that they're going to be in their strongest position to make their 1108 motion by the end of next week, and I don't see any reason why we can't schedule a date to do that.

We have two issues: One is whether or not they have presented sufficient credible evidence of the sexual offense crimes. And then the second issue, which would be taken up in the actual motion, would be what kind of evidence would come in, and whether or not the kind of evidence that's proffered is going to be -- is going to have sufficient probative value to outweigh the prejudicial effect and consumption of time, and so on.

Having said that, if that's the Court's understanding, I think we're talking about just picking a date now. And I don't see any problem with picking a date -- you know, a week from Monday, for instance, would seem to be a good time.

Do you think so.

MR. MESEREAU: (Nods head up and down.)

MR. SANGER: Thank you.

THE COURT: All right. Here's my question to both sides. Mr. Mesereau got me thinking about this from a request that he made earlier.

And the issue -- I guess the question is, should the Court hear the evidence outside the presence of the jury, or should I just hear arguments on the evidence, as represented to the Court that it will be, as to whether or not the 1108 evidence should come in.

And the thing that got me thinking about it was that Mr. Mesereau had suggested that they be allowed to put on testimony to attack, as I understood what he was saying, the credibility of the witnesses that would be called under the 1108, so that the Court could make a determination, I think, based on credibility, as to whether or not the Court would allow the witnesses to be called.

And that was a unique suggestion to me, because I've had a lot of hearings under Evidence Code 401, 402, 403, preliminary fact, and I don't recall that -- I laugh because there's a lot of things I don't recall, but I don't recall ever having that evidence put in at a 402 hearing.

So, having that dilemma and working on it, one of the cases that we found was Vorse v. Sarasy, S-a-r-a-s-y, "Vorse" being V-o-r-s-e, 53 Cal.App.4th 998. It's a 1997 case. And it suggests that the Court is not to make credibility issue determinations. That -- you know, that my taking of evidence may not be proper on either side on this issue. It may be just that I am to decide whether or not it's admissible with an analysis of what you're offering, whether that would, in fact, be 1108, and then make the weighing under 352 for all the reasons that 352 has the Court make those -- weighing those issues.

It's interesting that the Vorse case cites another case, People v. Jackson. No relationship. But you can pick that citation out of the Vorse case.

So I'm willing to let either of you respond to that at this time.

MR. SANGER: I would like to, although Mr. Sneddon's standing at the podium.

MR. SNEDDON: It's our motion, that's why. I figured you'd want to. No, after me.

MR. SANGER: Oh, after you. Okay. Well, as they say, "After you."

THE COURT: After you. After you.

MR. SNEDDON: Abbott and Costello. I hope we're not that bad.

Judge, I think the simple answer to this is the Evidence Code provides your discretion to do it either way you feel comfortable with it.

I think that the issue on the credibility -- let me make sure I'm talking about precisely what the Court asked. In terms of whether you wanted to have a 403 hearing outside the presence of the jury that did not involve the issues of credibility - okay. --

THE COURT: Right.

MR. SNEDDON: -- or whether you wanted to do it on the offers of proof, I believe that the

Evidence Code clearly provides that you have the discretion to do that whichever way you want to do it. So, that's your decision, and....

But with regard to the credibility issue, I believe we cited the Jackson case to you in earlier motions. We were aware of that. And not only in connection with the 1108 hearing, but in connection with some of the other pre-trial hearings that involved witnesses' statements, that we brought that case to the Court's attention. If not that one, certainly there's another one that we did.

So we were certainly aware of the fact that we believe that the credibility issues are those for the ultimate trier of fact, which is the jury.

So I would say to the Court that we are

prepared to accommodate the Court in either way in which you would like to do it. Obviously the most efficient would be for you simply -- and with the ability of the defense to file, as you suggested to Mr. Mesereau I think a couple of days ago, their pro-offered -- although I don't know, since you can't weigh the credibility, what effect that could have on you. But in any case, we're prepared to do it either way that the Court wants.

And I frankly think that, given the way that this case is going, that probably the best case is simply to put these people on. And we'll put them on on direct and they put them on on cross and we keep the trial moving in front of the jury. But, of course, as always, we'll do what the Court suggests.

That would be my recommendation.

And I do not believe the credibility issues, as you cited the case, are something that is really an issue in the 403 hearing.

THE COURT: All right. Counsel. Mr. Sanger.

MR. SANGER: Yes, sir.

The case law that I'm familiar with -- and I won't claim to be specifically familiar with the Vorse case without looking it up.

THE COURT: Yes.

MR. SANGER: But just in general, it is true that the Court's ruling on a 402-, 403-type hearing for any kind of a determination, and under 1108 as well, is whether or not - there is a threshold - the threshold has been met. And the threshold doesn't involve the determination of credibility in the sense that the Court is saying, "Well, you know, I just don't really believe these witnesses, so I'm not going to let the jury hear it," and usurping the jury's function, the ultimate function. But there still is a threshold level where credibility is one of the issues that the Court is taking into account, and the Court's taking it into account under 352.

For instance, let's take an example, just a hypothetical example. Let's assume that one of the witnesses, a key witness that's proffered by the prosecution under 1108, is a witness who is going to say that she saw various things that were circumstantial evidence of some kind of activity, and that's their main witness. Let's just assume this. I don't want to argue about the facts of this case, but let's assume that that's the case. And it turns out that that witness made several prior inconsistent statements on television and eventually in a sworn deposition.

It's not so much a weighing of credibility. It's not usurping the function of the jury to hear that evidence. But I think the Court would want to hear that evidence, because under the three prongs of 352, number one, you're looking to see whether or not the evidence is so inflammatory that it's going to be prejudicial to the defendant such that the probative value is outweighed by the prejudicial effect.

Well, you have to figure out what the probative value is going to be before you can determine whether the prejudicial effect is going to outweigh it.

And so therefore, you have to say, "Well, look, we've got a witness," for instance, "who made a number of prior inconsistent statements on television, for money, and eventually under an oath in a deposition, and now this witness is being offered up." The prejudicial effect of just having this person come and say things may, in fact, be quite substantial in the Court's mind when it's heard the evidence.

And on the other hand, the probative value the Court would have to find is probably fairly minimal, given the scenario I just gave.

It would also go to the question the Court has to address, the second problem, which is undue consumption of time. Are we going to have a hearing about this witness. And taking one of the witnesses, again, hypothetically, are we going to have a hearing that necessarily involves allowing the defense to fully -- to fully defend it.

As the Court knows, and we've cited cases in our main pleadings on this, that we're entitled, and not only entitled, but we're required, it's ineffective assistance of counsel to fail to do a full of defense of 1108 evidence --

THE COURT: Right.

MR. SANGER: -- as if it were an independent case.

THE COURT: Right.

MR. SANGER: So we're not only entitled to, but we're obligated to. We're going to have to bring in all of those statements on television, for money, and before a deposition.

And I'm saying that in a concise fashion, but Your Honor knows that's going to take time to bring all that out. So I think the Court has to consider that.

And then the third prong of 352 is confusion to the jury -- or, I'm sorry, is undue consumption of time. I may have gotten those two confused, but thereby illustrating my point, I suppose.

And so to take more time to further illustrate my point, you have confusion of the jury and you have undue consumption of time. And both of those -- without restating the point, both of those are determined only after the Court has a full opportunity to figure out what the heck is going to go on in front of the jury.

All right. So I think all three prongs -- it's not a matter the Court usurps the function of the jury by determining credibility. It's a threshold call, like many things are, and particularly things under 352. The Court has to determine how this is going to play out in front of the jury.

So you're not per se determining credibility, but you are saying, look, the credibility is going to be attacked substantially, let us say, after the Court hears the evidence, and therefore the prejudicial effect is going to be great, but there’s a little probative value; therefore, there’s an undue consumption of time; and therefore, there’s the potential for confusing the jury.

So I do think that we should be able to present to the Court concisely, but I think with some live testimony, as needed from both sides, the evidence that the jury is going to see. And I think that just submitting it on paper would not adequately address the issue, particularly in a criminal case with the constitutional rights that are involved.

Does that answer the Court’s question.

THE COURT: Yes. Thank you.

MR. SNEDDON: Judge, could I address one other aspect of this motion that we haven’t discussed.

THE COURT: Yes.

MR. SNEDDON: I will do it just briefly.

But I wanted to remind the Court that as part of this 1101 -- or 1108/1101 motion, that we had filed an earlier motion with regard to the admissibility of the civil settlements, so we had deferred that until this hearing process also. So I wanted to just make sure that the Court did that.

THE COURT: Thank you.

MR. SNEDDON: And I think that’s part of this process. And also, you know, the guidelines with regard to what can and won’t be asked I think is important. And there will be two separate -- I believe with two witnesses, probably two separate civil suits involved, and so I wanted to alert you to that also.

THE COURT: Thank you. Those will be set at the same time.

MR. SNEDDON: Yes, sir.

THE COURT: If I don't say it, I intended to have those heard at the same time as this motion.

MR. SNEDDON: I don't know if you wanted me to address anything Mr. Sanger said. If you do, I'll answer the question. Otherwise, I'll just submit it to the Court.

THE COURT: No, you don't need to.

MR. SNEDDON: Thank you.

THE COURT: Without ruling on that, because I'm not quite ready -- I haven't quite made up my mind. But rather than spend the time now thinking about it, let's hear some argument on the other issues.

Let's see, the objection to calling the grand jury witness.

MR. SANGER: Your Honor, we've briefed the matter and so I don't want to go over --

THE COURT: Yes, I read that again this morning.

MR. SANGER: -- each one of the points.

But what I did want to do is briefly augment it with reference to the grand jury transcript. And we did cite the transcript in our papers in an

effort to keep things short. You know, we didn't quote things at length and make a big deal out of it. We tried to follow the concept that this was a brief and, for a change, make it brief.

THE COURT: I appreciate that.

MR. SANGER: Okay. But looking at the actual transcripts of the grand jury, our position, as you know, is that if it's not in the transcript, that's too bad. The People are there to make their record and they know how to make a record. And we're not there. There's nobody there to object. If they wanted to have somebody put on gloves and look at things, they could say, "We're putting on gloves," and so on.

And, in fact, as the record shows, when you look at the actual transcript of the grand jury, and you look at the testimony of Timothy Sutcliffe, he talks about having gloves on. There's a question as to whether or not he had gloves on, and he had gloves on at one point when he was handling some moldy -- what appeared to be moldy schoolbooks. When it comes to the end of the -- of his testimony, and you look at page 1245 -- and I have a clean copy. I'm sure the Court has the whole transcript, but I have a clean copy, if it would help.

THE COURT: They're here. 1245.

MR. SANGER: 1245.

THE COURT: What volume would that be.

MR. SANGER: That's a good question. I'm sorry, Your Honor, I just have the excerpt here.

THE COURT: I can find it. That's all right.

MR. SANGER: OKAY.

THE COURT: Volume 5, I think. 1245 did you say.

MR. SANGER: Yes, sir, 1245.

THE COURT: Yes. Okay.

MR. SANGER: Okay. I just realized I didn't turn my cell phone off, so I'm going to do that real quick. It didn't ring, but --

THE COURT: I've done that. It's been embarrassing. I've been sitting in court and my cell phone has gone off, and I have to act like, "Whose cell phone is that."

MR. SANGER: "Get that cell phone."

MR. MESEREAU: Must be Mr. Sneddon, Your Honor.

THE COURT: Yeah.

MR. SANGER: If you look at 1245, this is sort of our smoking gun conversation here. And I know that the prosecution has some other version of it. But starting at line 14 -- does the Court have that in front of you.

THE COURT: Yes, I do.

MR. SANGER: Since you have it in front of you, I'll just paraphrase and quote from the relevant source. But it's a grand juror who asked about the black suitcase, which was Item 317. And it was admitted in evidence here as some other exhibit number, which I don't remember right now, but the black briefcase. And it had all the materials inside. And the picture, you recall, had the magazine on the top that had a date later than the relevant time period.

And Mr. Auchincloss asked a question that the grand juror had proposed and said, "Did some -- a forensic examination of some pornography in this case" -- I'm sorry, "You did some -- a forensic examination of some pornography in this case, correct."

He says, "Correct."

Now the question is, "Did you find any -- did you find any fingerprints on that pornography, usable fingerprints."

Now, that's not a question asked by a District Attorney who knows that there was no fingerprint analysis done. That's a question of a District Attorney who is asking a witness, "Well, did you find any fingerprints, usable fingerprints.

And the answer is, "Well, we're doing all this stuff" - I'm paraphrasing - "We used an ALS," alternate light source. They did a fluorescent check to see if there was any stains, and then they

could do DNA, and they found no stains and no DNA.

So the question is, "So they haven't been examined for fingerprints."

"A. No, not at this time."

And then they go on to explain the alternative light source thing.

Now, at the end of the grand jury proceeding, there is a -- when the jurors are about to deliberate, there's a part of the transcript where they show Detective, I believe it was Zelis, has been instructed to wear gloves, and, "You're not to deliberate while he's in there, but he's going to take these things out and show them to you." Okay.

So by the end of the grand jury, clearly someone's wearing gloves and showing the grand jurors.

Now, that doesn't -- and I'll represent to the Court, we have a witness from the clerk's office who says that after the grand jury returned the exhibits, they went through without gloves and they were tabulating and making sure all the pages were there, and they didn't know there was a problem.

But, aside from that, the most important thing here is that if you then go back to page 421 -- and I'm guessing that would be in Volume 2.

Okay.

THE COURT: Uh-huh.

MR. SANGER: I'm sorry, I'll get the volume

number next time I quote the transcript.

But if you go to 421, starting at line 23 -- I'm sorry, line 25, you have the questioner, one of the district attorneys saying, "Now, I want you to -- I broke -- we're going to break the seal on this exhibit."

And they're talking at this point about the black briefcase.

"I'm going to ask you to look very briefly, young man, at the stuff that's in there. All right. Take a look at the stuff.

"Now, there's some magazines, correct.

"Yes.

"Then there's some sheets that are individual and not in magazines as if they've been torn out, correct.

"Yes.

"Now, can you tell me whether or not that was the kind of materials that was in the suitcase that was shown to you.

"A. Yes, that was the kind of materials.

"Q. Does that look like some of the stuff that was shown to you.

"Yes."

And it goes on beyond that.

The point is, if -- realistically, if this was a point in the proceedings where somebody was wearing gloves and saying, “Don’t touch it, I’m going to show it to you,” that would be on the record.

What’s on the record is, “We’re breaking the seal. We’re opening it. Now, young man, look at this.”

And as you saw from the exhibit, the photograph, the way it was seized and the way it was sealed, all these things are stacked up. So the only way to see if there’s other magazines and to see if there’s separate pages is for somebody to look through them, for a person to look through them. There’s no evidence that the District Attorney is looking through them. There’s no evidence anybody put on gloves.

And so the clear record on this appears to be that the District Attorney at that time, remembering this occurred on 3-30, and the Sutcliffe occurred on 4-8. In other words, it wasn’t until 4-8, it appears, that somebody said, “You mean you didn’t even look for fingerprints. We knew you didn’t get any usable prints, but you didn’t look for them.” And then they go in and make a big deal about gloves in the deliberations.

So on 3-30, when they’re showing it to Gavin Arvizo, it looks, to me, from the record, pretty clearly that nobody was wearing gloves, and there was no effort to do anything to avoid contaminating this evidence by the fingerprints of Gavin Arvizo.

Okay. So, having said that, that’s our position.

Now, does that give the District Attorney the right to call a grand juror. And we take the position, no, because the code says you can only call them with regard to testimony. And as we pointed out, that’s pretty much obsolete these days because the recent case law -- I cited Cummiskey, but I believe there’s other ones, like Moucharaub also talked about it. The courts have said we’re entitled to a full transcript of the testimony, so it should pretty much negate the need to call in a grand juror. There may be other ways to do it. A District Attorney could take the stand and say what he wants to say.

But we have the further problem that we were given the name of the foreperson of the grand jury for the first time two days ago. No address, no phone number.

The prosecutor had a proceeding in which they had full access to these people. They know all their names. We’ve never been allowed to know their names. There was an objection when we asked to get their names. The Court ordered that numbers be used instead of names. That was done in the transcripts. They come up and say, “Well, here, we have a name. No statement. Except we’re going to tell you this witness is going to come and say we did everything

right.”

Furthermore, there were 18 other grand jurors there. We’ve never been given their names. We have no ability to interview them. So we have that major problem with calling grand jurors.

And do we really think it’s appropriate to disclose all the names of all the grand jurors and have them all interviewed with regard to whether there were gloves or not, or whatever, about something in the middle of the process.

And that leads me backwards to the first point I made - or the first or second in writing - and I’ll conclude with this - is that this whole thing, even if the Court were to say, “Well, okay, we’ll even the playing field. We’ll give you all the names and addresses and phone numbers. You can have your investigators go talk to all of them, and then you all can call in competing grand jurors,” okay.

Even if we did that, and even if that survived a 352 analysis on consumption of time and undue confusion to the jury, the prejudicial effect of bringing in people from a body that made a determination -- a quasi-judicial determination under California law and an administrative determination under U.S. Supreme Court precedent, in other words, part of the prosecution, if that -- if they’re allowed to do that, that is going be extremely prejudicial, because you’ve got jurors who are trying to hear the case. They’re now listening to a juror who has a vested interest in upholding the process that they went through, the best they could as laypeople, to return an Indictment. That kind of evidence to this jury is going to be -- is going to be very prejudicial.

THE COURT: You know, the interesting thing in your argument, though, is that, through excellent cross-examining skills, you, the defense, have put into issue whether or not the children touched the magazines during the grand jury proceeding.

So at this point, the state of the evidence is most favorable to you that the inference is strong that they must have touched those magazines.

Now, having skillfully done that -- and this is not meant to be anything but a compliment.

MR. SANGER: I’m always worried when I get complimented by the Court.

THE COURT: Yeah, I can see you starting to worry. No, I really mean that. Credit where credit’s due.

But then you say, having skillfully raised this inference, “The District Attorney should be barred from rebutting that, and that’s it.” And that’s -- that’s what I find interesting about your argument, is that.

Now, let me ask you a question.

MR. SANGER: Yes.

THE COURT: You don’t have to defend your excellent skills at getting to this position.

MR. SANGER: I do have an answer to that, but --

THE COURT: You have an answer to that.

And I would say, if you had been doing the grand jury, I think that that would have been covered, but the transcript would have been 4600 pages instead of 1800, which I found overwhelming.

MR. SANGER: The trial would be shorter.

(Laughter.)

THE COURT: I doubt that.

What was I saying. How can I lose it like that.

MR. SANGER: Could I respond a little bit.

And I’m sure that will cause the Court to remember.

THE COURT: Yes.

MR. SANGER: I appreciate what the Court said and -- but I think the --

THE COURT: Oh, I know. I know what I was going to say.

MR. SANGER: I knew if I started talking, that would help.

THE COURT: You did it. You helped me.

There’s a couple of possibilities that I see here. One is that you’re only asking -- as well as you did, you know, it’s just an inference that they touched. There is no evidence that they touched. We don’t know if they touched or didn’t touch at this point. But the inference is strong by your examination, the defense examination, that they did.

There’s a couple of ways we could handle that. One is you could stipulate that they didn’t touch it. That would get rid of any prejudice of calling a grand juror, foreperson of the grand jury to -- and any resulting prejudice.

You know, I can see from the look on your face, that’s not going to happen.

MR. SANGER: Right.

THE COURT: But -- is that right.

MR. SANGER: That’s correct.

THE COURT: You’re not willing to stipulate to that.

MR. SANGER: We actually believe he touched it. I honestly believe that, for what it’s worth.

THE COURT: That being the case, the question then becomes, you know, what is a fair way, if there are witnesses in -- that saw this.

And one of the things that we could do would be to call that witness, but not identify them as a grand juror or foreperson of the grand jury, but simply say they were in the grand jury room and they observed whatever they observed, so that you don’t have the prejudice that you’re so much afraid of, you know, this formidable person being called.

What do you think of that.

MR. SANGER: Well, I think there’s yet another possibility. So in answer to the Court’s question what I think about that, I think this: Another possibility is there are other people in the grand jury room: The prosecution; I believe there was a police officer there, or a sheriff there most of the time.

Did I just hear somebody say no, there wasn’t. I don’t want to waste time talking about it if there wasn’t a police officer in the room at that time.

But that would be a possibility. Certainly the District Attorney, whoever -- whichever one or two or three were there at the time, could testify. I would assume if they’re taking the position that something else happened, we’re going to hear that.

The third possibility is to allow us to have the names and addresses of all the grand jurors. It seems clear -- and the reason I say this -- well, there’s the obvious reason, but there’s a more subtle reason as well.

It seems clear from the transcript of the grand jury that there was -- there were several grand jurors who asked a lot of questions. There was one grand juror, for instance, who was particularly interested in this fingerprint issue. I don’t know who it is, because we only have a number. The prosecution knows who it is, so we’re not on even ground here.

But one way to do this would be to allow us to have the names of the grand jurors so that we can adequately investigate this and see what they all have to say.

In other words, in response to the Court’s question, I certainly wouldn’t want to stipulate the foreperson can just come up here and not be identified and say, “I was in the room when I saw this,” because that’s just the problem. The foreperson has -- and I don’t mean to fault him or her.

THE COURT: I think you made a very good point; that other people may have seen something the foreperson didn’t, or -- you know, it’s a good point.

MR. SANGER: But my first position on this, again, is that the government should be, in a way, bound by the transcript, because they’re the ones that are making it. That’s what the Supreme Court has been saying over the last few years. Last, you know, 25, 30 years, it’s been increasingly adamant about the fact that there’s -- there’s a record before the grand jury. The prosecution is the only side in there. They’re the only lawyers in there. They have the obligation to make sure that that transcript is complete so it can be reviewed.

And if we’re going to have a grand jury process where things can be done in secret, where the defense can’t be there, the accused isn’t there, there’s -- there’s not a Judge, if we’re going to do this, the only protection is to make sure that the prosecution makes a complete record. So the -- the original position that we’re taking -- I’m going full circle on all this.

THE COURT: No, I understand.

MR. SANGER: -- is that when you look at it, the transcript is the transcript. And the inference from the transcript, as I just read it to the Court, is an inference, and the jury should be allowed to hear this testimony or have this read to them. They can consider that along with what other evidence has been put on to determine whether or not the chain of custody on this material was such that when fingerprint analysis was later done after it was released and they allegedly find a fingerprint of Gavin Arvizo, that the jury can say, “Yeah, we’re sure that fingerprint came from February or March of 2003.”

THE COURT: I guess I have -- you have an advantage that I don’t have, too. And maybe you can help me. I haven’t heard the evidence on the fingerprint on the magazine or more than one magazine. I don’t know. You know, I know from points and authorities something, but I don’t know the picture. I don’t know if there’s a palm print or a --

MR. SANGER: There’s a fingerprint.

THE COURT: Just one fingerprint.

MR. SANGER: Well, here’s the problem right now. And before we discuss this and go into too much detail, I’m always conscious that whatever we’re going to say is just going to be in the press.

THE COURT: You can be circumspect. You don’t even have to answer that. I was just going to say that I don’t know that information.

MR. SANGER: Let me tell the Court this in general terms, is that we don’t know that information either, because there have been reports that were given to us showing that there was a fingerprint. Well, showing that there was, in this context, a fingerprint, one fingerprint that we’re concerned about.

THE COURT: Okay.

MR. SANGER: There were others that were determined not to have sufficient data to make -- make a positive identification. There are others where they’re absolutely negative. They were excluded. Okay.

THE COURT: All right.

MR. SANGER: What has happened very recently, in the last couple, three weeks, is we've gotten reports that there have been a meeting of various fingerprint people who have now decided that some of these determinations should be changed.

And they go both ways. They go -- they go -- in the sense that they had a fingerprint they positively identified, they're saying, "No, we don't think we can say that." And then they said, "We've found some others that we said were not conclusive and now we think are conclusive." So we're in flux on this.

But the essence of it is that, if this is true, that Gavin Arvizo had a chance to go through these papers so he could see the sheets and he could see the magazines, and he picked them up to do that, if that's true, this would be a very significant piece of evidence with regard -- this inference that we have is very significant with regard to fingerprints that are done later.

And understand, and I'm sure that -- and I don't mean to just offend the government here, but it is --

THE COURT: Do you mean you intend to offend more than just the government.

MR. SANGER: No. Whenever anybody says that, that means we're really going to offend the government.

But -- I really don't want to be rude, but, I mean, the fact is, if you look at any case that you have in the ordinary course of criminal law, when do you have a situation where something is referred for forensic analysis very shortly -- I don't have the exact dates here, but very shortly after it is seized it's sent over for forensic analysis - it was seized November 18th, and I think it was sent for forensic analysis in November - and they do their analysis. They do an alternate light source.

And we will show from -- we started to get into it, and then the officer wasn't clear on what 317 was. But the officer on the stand wrote a report saying, "Please" -- and these were the words: "Please do a fingerprint analysis." And he sent the material back with the reports saying, "Please do a fingerprint analysis." And it sat there until March and April of 2004.

In March of 2004, now, whatever that is, six months after it was seized, it's opened, it's shown to the grand jury, it's booked into evidence, it's handled by the clerk.

And then sometime in the summer of 2004, it is taken out of the grand jury, and then it's sent for fingerprint analysis.

Now, that isn't the way it should have gone.

And I don't know if anybody's going to argue, "This is the way we do things," but I've never seen it. I mean, if there's going to be fingerprints, you take them before you book it into evidence.

THE COURT: Let's let the District Attorney respond.

MR. SANGER: Okay. Thank you.

MR. ZONEN: After we seized the magazines from Neverland - and there were many, many, many magazines that were seized at that time - there were lengthy discussions about how to handle this, these magazines, and how to process them.

It was exactly the opposite of what Mr. Sanger said, that we were suddenly in the middle of the grand jury hearing and we're embarrassed because somebody thought for the first time to do fingerprinting.

The reality was quite the opposite of that.

The question was, do we proceed with fingerprinting first, or do we proceed with a search for biological evidence.

The problem is, is that the process that you use for either the search for fingerprinting or the search for biological evidence could have the consequence of negating our ability to find the opposite. Whichever you go first with could have the problem of destroying the evidence as to the opposite.

We had a lot of deliberations, a lot of discussions over many weeks, with a number of people, from the Department of Justice as to how to proceed on these issues, and very cautiously proceeded with each individual magazine and each individual page by initially using alternative light sources that would suggest the presence of biological material, either semen or perspiration or some form of human contact with it that would leave biological evidence behind.

There were some cuttings that were then taken, in an effort to minimize the destruction to the magazines, and as a consequence be able to preserve the possibility of finding fingerprints.

The actual fingerprint process didn’t begin until after the grand jury hearings, partly because the evidence was before the grand jury, at least that portion of it. The evidence that was introduced were the magazines only in that one suitcase. It was not as to the balance of the magazines that came through.

There were 19 prints that we were able to identify as belonging to the victims and to -- to Star and to Gavin, and to the defendant. At the moment, I can’t tell you over how many magazines. I don’t have that information right in front of us.

Counsel was wrong, of course. There are no police officers who are in the grand jury room unless they’re giving testimony. The rules are different from a regular court. We’re not entitled to have an investigating officer present.

So when counsel asked Detective Zelis, “Isn’t it true you handed those magazines to Gavin

Arvizo." the answer is, he wasn't in the room when Gavin Arvizo was on the witness stand. We're not allowed to do that.

The only time that we had an officer in the room with the evidence was at the time that the jurors were allowed to view the actual magazines. And that was Detective Zelis. And he -- he was the one who handled the magazines and showed them to the jurors. They didn't touch them. And he, of course, wore gloves, as was consistent with his testimony.

During the presentation of evidence of the two boys, yes, we did not put on the record that nobody was going to be touching the magazines, although there's plenty of references to the fact that we were maintaining strict control, specifically at the time that the jury viewed the material. You'll see that in the record, that they weren't allowed to touch the magazines at that time.

We have asked the foreperson of the jury to come forward and testify to this, because she was the person sitting closest to the witness. And she was the person responsible for taking control of the proceedings and making sure that the secretary had each of the items and that they were marked appropriately, that the witness is admonished, and of course she was in the best position to be able to see what was going on.

And she is prepared to come in and testify that the children never touched any of those magazines; that they stayed in the suitcase. And of course if you look to other references to other material being handed witnesses throughout the course of the 12 days that we were in session and the 45-plus witnesses who testified, when they were handed an item, we said so. "I'm now handing you exhibit number so and so."

So it's pretty clear that the descriptives that are being used in the presentation of this suitcase is very different from how we presented other evidence where we really did hand it to them and they were able to take it.

But the question is, are we bound by a transcript as to this particular issue. We’re not talking about legal matters presented before the grand jury. We’re talking about an accusation by the defense that we handed material to a witness, and that that witness then put their fingerprints on it, and that we then presented the fingerprints that we found as having come from Neverland as opposed to from a grand jury.

Now, that’s an accusation that was raised first by the defense, and in his opening statement, Mr. Mesereau, and then by Mr. Sanger specifically in his questioning of Detective Zelis.

“You did hand this magazine to Gavin, didn’t you.”

And he said, “No.”

In fact, he wasn’t even in the room when it was handed. It was not he who presented that information. It was, in fact, Mr. Sneddon who showed the material, and it was in the presence of 19 grand jurors, myself, and Mr. Auchincloss.

We believe that it’s appropriate for that witness to testify. And we believe it’s appropriate for that witness to identify herself as the foreperson, because that is, in fact, the piece of information that makes her the most observant.

It is her responsibility, above and beyond the other 18 members of that grand jury, to be attentive to what’s going on and attentive to protocol and making sure that these exhibits get to the secretary and get marked properly, and get stored appropriately as well.

And I think that extra responsibility on her part, which she took very seriously, which you’ll see if and when she testifies, is the indicia of credibility that is necessary to be able to resolve this issue. It’s an important issue. And we need --

THE COURT: What about the request that you reveal the names of the other grand jurors so that they can see if any of the other grand jurors saw something different.

MR. ZONEN: Well, they are percipient witnesses to this event. And if the Court feels that's appropriate, do it. But our position is it's overkill. That's why she is the foreperson of the grand jury. But again, that's for the Court to resolve.

THE COURT: So you think in this courtroom that the Judge is a better witness of what's happening at the witness stand than the jurors.

MR. ZONEN: I think that -- I would always think that the Judge is a better witness than anybody else in the courtroom as to what's happening in the courtroom.

THE COURT: The reason I raise that is that, you know, I'm looking at -- I'm doing all sorts of things. And I see a lot. I hope I see a lot. But I know at times I don't. I mean, I'm distracted by this or that.

MR. ZONEN: Well, it may be appropriate to do an in-camera examination of other jurors, if the Court feels that's appropriate, rather than reveal all of their identities publicly. That certainly is an option as well.

Ultimately, I think it's the Court's call on this matter. But I don't believe that we should be barred from being able to present evidence to contradict an event that they say took place that didn't take place for which we do have witnesses.

And we are witnesses, for that matter. It's a suggestion for which they have no basis of belief and have no basis of belief now.

THE COURT: Anything else.

MR. ZONEN: No. Thank you.

MR. SANGER: Your Honor, the -- let's put it this way: It may be a multi-stage process. It seems to me that, for whatever reason, the state of the record is the state of the record because it was handled the way it was handled.

We didn’t have anything to do with that. We made representations based on our analysis of the grand jury transcript, which we made, I believe, early on as part of the 995, and there’s certainly no secret it was made as a part of Mr. Mesereau’s opening statement. There’s no secret that we had a concern about these items being handled in the grand jury. And I think when Mr. Zonen says there’s no good-faith basis, if you read the transcript, I mean, how much more clear could it be.

Now, that’s that part. And I think we’re entitled to go ahead with whatever inference we have.

We strongly disagree with the calling of the foreperson of the grand jury. If the Court is thinking about doing that, we would like to have the opportunity to interview the other witnesses. I think that’s only fair.

Particularly, but -- not limited to, but particularly the person that asks these questions about fingerprints, because obviously he or she was very concerned.

So I think it’s a process that if the Court -- and the Court could say -- or it’s a multi-step process. The Court could say, “I agree, they’re stuck with the record. Let’s move on,” and that would take care of it.

The Court could say, “Well, I may let you call Mr. Sneddon to the stand, and we can cross-examine him about it, and we’ll move on.”

The Court could say, “Well, I’ll let you -- we’ll consider whether or not you can call a grand juror,” which we strongly object to for other reasons, but if the Court were going to go there, then we’d want to have a chance to interview everybody. And then, after we interview everybody, have a chance to come back to the Court before they call a grand juror, because we can see that it’s a very prejudicial, very difficult matter.

I mean, you have people -- I’m sure the

Court's been aware that when trial jurors, for instance, are interviewed after a verdict, there's a strong inclination on the part of jurors to argue that what they did was fair. And of course they want to be fair. Most people want to believe that they're fair.

THE COURT: I understand that feeling.

MR. SANGER: Yes. Judges as well, I'm sure.

But with jurors who are laypeople, quite often when they're interviewed, you know, will say, "Well, yes" -- the first thing they'll say, "We were very fair. We evaluated the evidence. We followed the Judge's instruction." Of course, like anybody else, they have a vested interest in what they did.

And I think there's a real danger of putting somebody up here who's a layperson who will have a vested interest.

So, what I'm saying is, if you get past stage one, stage one, we eliminate -- that's it. The record is the record. The inference is an inference. And we can argue it.

Stage two, a witness such as Mr. Sneddon, if he wants to testify he was there, we'll cross-examine him.

Stage three, if you're considering jurors, let us interview first and determine where we are, because we may say, after that, that it is so prejudicial to put anybody on, that we just -- we want to forego that, forego the calling of a grand juror at all.

But we'd like to at least have an opportunity to talk to the others, if the Court's going to get to that level.

Does that make sense.

THE COURT: Yeah, I understand your argument, your approach.

MR. SANGER: Okay. Thank you, Your Honor.

THE COURT: I don't think that the law is at the state that the record is the only evidence of what happened at the grand jury proceeding. I mean, I could picture a situation where the -- somebody challenged the reporter’s transcript of what was said and the Court had to have a hearing as to the accuracy of the transcript. And the Court would have to take testimony from people in the grand jury room of what was said.

That doesn’t happen very often, but it’s -- in my career it happened at least once, that -- you know, and it turned out that the Court ruled that the transcript was not accurate on that point.

So you can’t say that the transcript is the only way that anyone can ever determine what happens in a courtroom or a grand jury room.

The next thing that the Court considers is the -- it’s certainly not fair to allow the District Attorney to choose one grand juror, albeit, the foreperson, and have that person be the only one that testifies.

I don’t think that the Court should be involved in investigating the case. In some countries, that’s what happens. The Judge investigates the case, brings the Indictment, and -- not here. That’s not what we do here. I don’t investigate. So the only time we have in-camera hearings is when there’s issues of privacy or privilege at stake that have to be predetermined before, to determine whether or not they outweigh the other interests.

So I’m not interested in myself conducting an in-camera hearing trying to examine witnesses.

Not only that, you know, I think that that would be your job.

The only thing that I can really see as a fair situation here would be to order that the names of the grand jurors be given to the defense, and with a protective order that they cannot reveal the grand jurors’ names to anyone other than their investigator, who would be bound by the same protective order, and that they be allowed to question those -- or to approach them.

I mean, it's up to the jurors whether they talk to them or not. It's -- it's not ordering people to talk to them, but they need to have that opportunity.

It seems also that I would -- well, I don't think I should make -- I have some other orders that I might make, but I think -- I probably shouldn't make those until we find out where we are after that point.

MR. SANGER: I understand. Could I -- with regard to the protective order, we were given the name of the foreperson by the prosecution two days ago. We weren't given an address, but we did locate the foreperson.

And my understanding is that the foreperson said, "I've" -- "I've talked to the District Attorney, and I'm not going to talk to you," in essence. I don't -- that's not a quote, but that's --

THE COURT: They didn't want to talk to you.

MR. SANGER: They didn't want to talk to us. And they made it clear that they had talked to the District Attorney. So there seems to be some allegiance there, which one can understand for someone being in the room with the District Attorney for however long that was.

THE COURT: You think that causes allegiance.

MR. SANGER: It could cause allegiance or could cause irritation.

THE COURT: But that's the problem that you have with all witnesses. It depends on how things go.

MR. SANGER: I think more so here, simply because -- because you do have this -- you know, there -- as we outlined in the grand jury, we had Lieutenant Klapakis apparently marshaling grand jurors around, and he was a witness. And you had the district attorneys in there. And there was a lot of camaraderie, and -- you know, that happens.

Anyway -- and they came to a conclusion, and they're in the international spotlight for having come to that conclusion, I suppose.

I would just ask in the protective order that -- that perhaps it could be phrased in a way, and perhaps we could submit a proposed order to the Court, a written order, that would allow us -- that would indicate that the Court is specifically authorizing our representative to talk to them about this particular subject matter, the handling of evidence, something general so we don't prejudice the viewpoint. And that they're not -- they're not obligated to talk to anybody, but the Court would appreciate their cooperation with both sides.

And we would like to have an opportunity to -- I don't know how many grand jurors have been interviewed by the prosecution so far. We haven't gotten reports. And I think that we'd be entitled to them, quite frankly.

But if they haven't interviewed grand jurors, to at least give us the first shot at this point so we have a fair chance to really find out what happened. We just want to know what happened.

So I'd request those additions to the protective order. And then depending on what happens, we can come back and address the Court as to what should happen with regard to actually

calling witnesses.

THE COURT: Do you want to respond to that. And you can also respond to what I was saying, if you want.

MR. ZONEN: Our response is that -- our preference is that each of the grand jurors be interviewed in the presence of both sides at the same time to avoid needless inconvenience to them and needless intrusion into their time; that there certainly be a protective order that keeps their identity secret and not public; and that there be a restriction on the extent of the examination of the witnesses, and limited only to the issue of whether or not these boys touched the magazines, and not any other issue that may have come up in the 12 days of grand jury testimony.

THE COURT: Yeah, I definitely would put that restriction on. I don’t want the grand jurors examined on any issue other than this issue.

MR. SANGER: Could we though -- could we, say, limit it to, say, handling of evidence. I just worry about telegraphing this particular issue. It’s probably going to be telegraphed in the press anyway. But we really should have an opportunity to just talk in general about handling of evidence, and obviously this is the focus of it.

THE COURT: Well, I think we could, as long as you understand - and you understand - that while the statement is rather broad, that the mission is limited.

MR. SANGER: Yes, sir. Believe me, we have enough to do. We’re not looking for wild goose chases here. We’re trying to focus on this issue, so --

MR. ZONEN: You’re still looking at me. Is there something you wish me to add or answer.

THE COURT: No, I’m just trying to think. It’s a difficult problem.

MR. ZONEN: It is.

THE COURT: I was reflecting, actually, on a statement I made yesterday, I think, that we just had a couple of simple things to look at. I took it back right away, but what was I thinking. Let me -- let me -- I want to sit down with my research team and see if we can ourselves structure an order that will be appropriate as opposed to asking for one from either of you. So I’ll -- let me do that.

MR. SANGER: Thank you, Your Honor.

THE COURT: Then the next item -- is it break time yet. The next item --

MR. SANGER: No, Your Honor, you have three minutes.

THE COURT: I'll use it, too.

Motions to quash subpoena duces tecum on the financial issues.

This is -- this is what I'm going to do here, is I'm going to deny the motion to quash.

Did you have something you wanted to say.

MR. SANGER: I suppose, but Your Honor's already indicated you're going to deny it. I don't want to argue it if that's the ruling.

THE COURT: We've been through this and through this, you know. So what I thought I would do is to deny the motion to quash, limit the period of time. The subpoenas are too broad. We need to address some limitations on the subpoenas. And indicate that I'm not making any ruling on the admissibility of the records at trial, and I'm not releasing them for their experts to examine.

This is not a part of the discovery process. This is a subpoena duces tecum for trial. And -- but I think they should have the records here to the extent that they might be used in trial.

It's like a lot of other records that have been subpoenaed. They are not necessarily admissible records. That would depend on how they come, what the issue is at the time they're asked to be introduced, and what the records are.

But anyway, that's my proposed order on that.

MR. AUCHINCLOSS: May I just make one inquiry, Your Honor.

THE COURT: Yeah.

MR. AUCHINCLOSS: Some of these records will be voluminous. And I'm happy to try and narrow the scope of the request, but there's no way around getting to the issue of the examiner having to see the exhibit and look at it.

THE COURT: See, that's the whole problem here, is that this is not a subpoena for your expert to prepare himself to testify. That is not what a subpoena duces tecum is, and that's not what I'm allowing.

MR. AUCHINCLOSS: So I guess I'm asking the Court, what are you proposing in terms of how -- when the expert can look at the documents and --

THE COURT: Absent a stipulation from the other side, you would open the documents here in open court.

MR. AUCHINCLOSS: It will -- it will obviously be time-consuming.

THE COURT: Well, it may not be, because you'll have to tell me why you want to open them. And they won't be opened so you can spend hours thumbing through them and looking at them. And --

MR. AUCHINCLOSS: If I -- may I have permission to file some authority for the opening of the documents prior to their examination on the stand.

THE COURT: Yes.

MR. AUCHINCLOSS: All right. Thank you.

MR. SANGER: And --

THE COURT: The point is, that the -- you have subpoenaed the records for trial. That's legitimate to subpoena the financial records, because I've already ruled that the -- that under your theory, his general financial statement -- "his," Mr. Jackson's, general financial statement, can be raised as a motive, as you requested. I agree with you, that that's appropriate. And I've ruled that.

I have ruled - if it's not clear, I'll make it clear now - that under 352, I am -- I do not -- I find that the amount of time that would be involved in proving and disproving his true financial worth outweighs the probative value of doing that. And under 352, I'm not going to allow a detail-by-detail examination of Mr. Jackson's finances.

MR. AUCHINCLOSS: And I do appreciate that, and that's why I submitted Exhibit A with our papers. And that really is the substance of the testimony we're seeking to adduce. One page.

THE COURT: Just so you see maybe what -- both sides see what I'm thinking is, the reason the subpoenas are valid is that his finances are at issue in this general sense.

Let's suppose you have somebody testify -- I think somebody already has said that his finances were at issue; that that was part of the public relations effort that should be taken care of, because people were saying that he had bad finance -- his finances were not in good shape.

But let's say a little further, you had someone testify that, in fact, their belief, you know, based on something legitimate, but not much, that he didn't have good financial standing at the moment, poor cash flow or whatever they say. Then, now, that's all I allow.

See, then let's say that the defense calls their accountant, and then he says, "Well, they're absolutely wrong," you know. "He's worth eight times as much as anyone thought before, and here it is."

Now you've got the records in court, and you say, "Oh, let me look at the records."

Now we have a situation where perhaps looking at the records would be appropriate to cross-examine this accountant.

MR. AUCHINCLOSS: All right.

THE COURT: So the other way, it doesn't quite work for me, that you call your expert and say, "You think he's in bad financial shape."

And he says "Yes," and he says, "Let me show you all his records," and see if that substantiates what you're saying. We sit here for four days while he goes through them.

No, that's not going to happen.

MR. AUCHINCLOSS: I understand. Your Honor. Thank you.

THE COURT: All right. Let’s take our break.

(Recess taken.)

MR. SANGER: Your Honor, I have one, and just one, it’s a technical question, because -- and I’m not arguing with the Court.

THE COURT: You wouldn’t do that.

MR. SANGER: Not that I -- I’m just not. But a technical request. I’m hearing what the Court has ordered is that the general financial -- I think you said the general financial statement of the defendant can be gone into, or status.

THE COURT: No, a statement of general finances.

MR. SANGER: That’s the Court’s ruling on that issue.

THE COURT: Yes.

MR. SANGER: I’m not sure that we had that on the record. That’s why -- I think we may have discussed that. It may have been on the record, but I just want to make sure on the record we have whatever the Court’s ruling is.

THE COURT: I think that was the ruling, and I reiterated it just before the break.

Were you writing down what I was saying.

THE REPORTER: Yes, sir.

THE COURT: It was on the record.

MR. SANGER: Okay. That’s fine. Thank you.

MR. ZONEN: Might I be heard on one matter, as well, before -- let me offer one alternative solution to another problem.

THE COURT: All right.

MR. ZONEN: With regard to the issues of the grand jurors being individually interviewed by all of us, both sides, I assume there’s 19 grand jurors, but there was a court reporter who was present as well, and presumably she’s a witness to that as well.

We would accept the defense’s suggestion to the alternative resolution, based on your call entirely. This would be your choice entirely. But we would offer as an alternative, if the Court's willing to do so, and we'll accept it, that one of the three prosecutors present would be made available as a witness in this case in lieu of the grand jury.

This is done for purposes of protecting their identity, as we had represented to them we would during the course of those grand jury presentations, and the concern that the Court has about keeping this matter moving. We're talking about 20 potential witnesses.

So we would offer that as an alternative, if that's acceptable to the defense, and if that's acceptable to the Court. And the Court would make the determination as to whether you prefer to do it that way or prefer to proceed by way of interview of each of the 19 grand jurors, and the court reporter as well.

MR. SANGER: May I have just a second.

(Off-the-record discussion held at counsel table.)

MR. SANGER: Okay. I think that -- I understand that the District Attorney is saying they would pick one of the people. I don't know that all three of them were in the room at all times, but they would pick one of the three of them to testify. We've already heard what they're going to testify to.

I think that under the circumstances, particularly in light of the fact that there's that one grand juror that's asking questions about fingerprints, I just have a feeling it would be appropriate for us to interview the rest of the grand jurors and find out what everybody says happened. And we can still decide, when it's all done. We may end up with a stipulation with the prosecution once we've had a chance to investigate. But I think it's gone -- the ball's rolled too far in that regard.

If the record is -- and I’m not arguing with the Court on that. The record is the record. But if we can go behind it, then we should be allowed to talk to the other people in the room.

THE COURT: Well, I would -- you know, I would consider -- this is a difficult problem. It’s not an easy problem. And the grand jury, when they come to serve, you know, expect their identities to be protected and not to be exposed to cross-examination. That’s not something that’s anticipated.

If the prosecution is withdrawing their request to call the grand jury foreperson and intends to try to prove their -- the way that -- that the records were not touched by the child during the proceedings, then the Court would accept that withdrawal of the request to call the grand jury foreperson. I don’t see any particular problem.

Who would be the District Attorney testifying.

MR. ZONEN: Your Honor, it would probably be Mr. Auchincloss. There were three of us present at the time that the boys testified initially. They were recalled at the end of the proceeding.

Mr. Sneddon at the time was involved in a separate trial in Santa Barbara. He was trying the Harms case at the time. He was not present during the second time.

But we would -- it would be Mr. Auchincloss who would be testifying. He certainly witnessed all the events.

MR. SANGER: And so we’ll have Mr. Auchincloss’s statement and his criminal history records and all that so we can evaluate him as a witness.

I’m saying that to be funny. I’m sure he doesn’t have a criminal history. But we do want to have a statement of the witness, if they call him as a witness.

MR. AUCHINCLOSS: Is that a sound bite.

MR. SANGER: It was a kind sound bite.

But as far as the statement is concerned, the witnesses -- we're allowed to have -- we are supposed to have the information about the witness and their statement, and that's --

THE COURT: That's true.

MR. SANGER: That's part of discovery. So I'm asking for proper witness discovery, which, you know, would include all those things.

THE COURT: That's fine. That's what he's asking for.

But I just want to make clear that I'm not bargaining with you. If he wants to call the other two district attorneys that were present, that wasn't -- I'm not bargaining with you. You know,

you are offering one for one. That wasn't what I was suggesting. I was saying if you want to withdraw the calling of the grand jury foreperson and submit yourself, or that you may, and if he wanted to, you know, talk to the other District Attorney that was present, you know, it's the same problem, isn't it.

But I do think that the correct -- you know, I do appreciate and think the right choice is to not call the foreperson and involve the grand jury in this hearing. So I appreciate that.

So that being the case, I'll vacate the order that I was either going to make or did make about interviewing all the grand jurors, and that won't come into effect unless you -- unless we get back to calling a grand juror.

All right.

MR. SANGER: Could I ask, just -- since the District Attorney actually raised it, the court reporter is under certain statutory obligations of confidentiality as are the grand jurors.

Could the court reporter be relieved from those obligations, to the extent that we could inquire of her of the circumstances in which she recalls the evidence was handled. I mean, we know who she was. Her name is on the -- I won't repeat it, but her name is on the transcripts.

THE COURT: Yeah.

MR. SANGER: And I don't see why that would be a problem.

THE COURT: Let me consider that.

MR. SANGER: Okay.

THE COURT: I'll need to look at what restrictions they have. You don't think they actually watch what's going on, do you.

MR. SANGER: There's a possibility.

THE COURT: Okay. Let me look at that.

Do you know what code sections. I'll have to find them. What protections they have.

MR. SANGER: I did cite code sections. I just closed it. But I did cite the code section, the general area that talks about grand jury. It's 9-something. Let me just see if I can find it here real quickly.

924.1 is the grand jurors, and it's right around that same area.

THE COURT: It talks about the court reporter.

MR. SANGER: Yeah. Somewhere in that same series of code sections.

THE COURT: Okay. Thank you. I'll let you -- I'll look at that this weekend and tell you Monday, and --

MR. SANGER: Okay. Would the Court like me to get the exact code section and send it, or --

THE COURT: I think we can find it.

MR. SANGER: I'm sure.

THE COURT: If it's in this area, don't worry.

MR. SANGER: Yes. Thank you.

THE COURT: If you find it's some other area, some other code or something, I'd appreciate if you'd just --

MR. SANGER: Yes, sir.

THE COURT: -- phone Carrie or something. Nothing formal.

MR. SANGER: Yes, sir, I will.

THE COURT: Let the other side know.

Then we have -- the next item is the defendant's motion re admissibility of evidence related to George Lopez.

MR. SANGER: Again, we briefed it.

I guess the main point that I want to make orally here before the Court is that in a criminal case, the defendant has the constitutional right to confront and cross-examine. And generally, if you have a good-faith belief that something is true, you're entitled to ask questions on cross-examination to test the recollection and test the credibility of a witness.

And I think that the Court's pre-trial rulings on this were based on information the Court had at the time.

But I think it's very clear at this point that we have a good-faith belief that Gavin Arvizo was involved in this wallet incident with Lopez, with George Lopez. And the prosecution has already raised -- in their own testimony on direct, they raised the issue that there was a falling out with George Lopez.

I think that just stepping back from the fact that this is the Michael Jackson case and that it's George Lopez, who is an actor, ordinarily, fine, we'd be able to say, "We'll just find out what it was about and get to the bottom of it."

And we understand the Court's ruling. We've all tried to abide by it. But it seems to me that at this point there's more than enough evidence to suggest that we should be allowed to vigorously cross-examine and find out.

As you know, from what we have from the various interviews, there is -- there is clearly some incident that involved David Arvizo and George Lopez that apparently involve the wallet and the accusation that the $300 was taken out of Gavin's wallet. So it's Gavin's wallet that Gavin claimed he left there and claimed he had $300 in it, which is -- David claimed he had $300 in it, which is inherently strange to start with.

Secondly, we have information from Louise Palanker that it was Gavin who was brought into it reluctantly by his father to say how much money was in the wallet, and he didn't say, "No, there was no money in the wallet," he said, "Oh, I can't remember, I can't remember," based on her version of things.

That is enough of a good-faith belief that there's something going on here with Gavin specifically that is part of the same pattern that occurs throughout, and we've shown that there's parallel patterns. Once there's a falling-out, there's an accusation, and the accusations often escalate.

What we have at the moment -- you know, as defense lawyers, we have to defend. What we have at the moment is we have the prosecution putting the witness on the stand and saying, "Well, was there a falling out with George Lopez." "Yes, there was," and we can't go into it.

So I think we have a good-faith basis, and they've brought the subject up. Even if they didn't, I think we could go into it, but they certainly brought the subject up. We should be allowed to freely cross-examine and really test the recollection and the credibility of the witnesses in what is a particularly critical area and an area that even the prosecution felt was warranted to bring up to this jury.

MR. SNEDDON: Judge, let me -- if I could go back and put this in perspective as to the way I recall this issue coming up.

I recall being part of a discussion with the Court and counsel and the attorney for Mr. Lopez, and I recall that the motion was to quash the subpoena. And as I recall it, the decision that was made ultimately, at the completion of the day, was that the Court indicated that you would not release Mr. Lopez from the subpoena, but that you asked the lawyers specifically to file information to you with regard to the incident involving the wallet, so you would be in a better position to evaluate whether Mr. Lopez would be a witness or whether it would qualify for some motion under 403.

To my -- to my knowledge only - I can only speak for myself - I've never seen anything filed by the lawyer in response to the Court's request as to what I understood was going to be the next step.

And let me tell you, from our perspective, how we feel about it.

Our recollection, and from a review of the transcript of the defense's opening statement, Mr. Mesereau said that it was Janet Arvizo, not David Arvizo, who was involved in this wallet incident.

And the purpose for us asking questions of people who knew about the incident was to show that it was, in fact, David Arvizo and not Janet Arvizo, because the defense had made a representation to this jury that it was Janet Arvizo who was involved

in that incident, and she was not, to the best of our knowledge.

So with regard to the good-faith belief, now the defense says it was David, but that wasn't what they said, I believe the transcript will bear out, in the opening statement. And it was for that reason that we asked the questions of the witness that was on the stand.

Putting aside the change in position by the defense, we believe further that the information is that the father, David, tried to induce the child to claim that there was $300 in a wallet, and the child refused to do so and was reluctant to do so.

So, I guess our position is, we would like the Court's order that Mr. Lopez be a witness in this case to stay in effect pending the fact that the lawyer file some kind of declaration or pro-offer proof to the Court, and then at that point either side could make whatever motions that they feel is appropriate in light of the information provided to the Court.

We would not want him released. And it could be very well that we want him to testify, because it was, in fact, David, and not Janet Arvizo, who was involved in this incident, and the son, the victim in this case, was not -- was not buying what the father was trying to get him to do.

So that, in essence, is our position on 2771 this, Your Honor.

MR. SANGER: May I respond briefly.

THE COURT: Just a moment.

Here's the question I have: I can't tell from the declaration of Mr. Sanger, or from the attached reports, if Gavin, when he called Mr. and Mrs. Lopez seeking the return of his wallet, claimed at that time that there was several hundred dollars in the wallet. I can't tell if that's your proffered --

MR. SANGER: Here's -- the state of that situation is this, as I understand it: Louise Palanker says that she was advised of this wallet incident because it was a big topic of discussion --

THE COURT: But can you answer my question.

MR. SANGER: Yes. And when she was told about the incident - which is double hearsay, or hearsay at the very least - when she was told, she was told that Gavin made the call, and that later, when David Arvizo tried to get him to stand there in the office and say there was $300, he said, "Well, I can't remember how much was in there."

THE COURT: Right.

MR. SANGER: Okay. Jamie Masada could not remember the incident until he was prompted, and then he remembered it. Then he couldn't remember all of it. So he went through several stages, but through the course of his statement, he eventually says, “Well, I don’t really remember” -- as I recall, he says, “I don’t really remember what Gavin did.”

So we have -- we don’t have a clear understanding, or a witness who is going to clearly say they heard what he said. Hence --

THE COURT: To the Lopezes when he called them.

MR. SANGER: That’s right. Other than Mr. Lopez, Mr. and Mrs. Lopez.

THE COURT: So the statement under your declaration on line 21, 20 and 21 -- are you there.

MR. SANGER: Yes.

THE COURT: “Gavin later called Mr. and Mrs. Lopez seeking return of his wallet. He claimed that it contained several hundred dollars.”

MR. SANGER: That’s my understanding of Louise Palanker’s claim. That’s why we detailed it to show the Court. I mean --

THE COURT: So we don’t know that.

MR. SANGER: We don’t know that for sure, but we’ve got enough. And as I say, there’s a distinction here. And I think I answered the Court’s question.

Okay. There’s a distinction here between what Mr. Sneddon is proposing and what we’re talking about at the moment, I think.

Mr. Blancarte, who’s representing Mr. Lopez, did say he would file a supplemental declaration addressing the wallet issue.

THE COURT: Well, here’s what I recall. And since I’m in the best position to --

MR. SANGER: Yes, evidently.

THE COURT: What I recall is that I overruled the objection to the subpoena and said that Mr. Lopez had to attend. And we agreed we wouldn’t call him until April because of his business schedule.

The attorney for Mr. Lopez then indicated he was going to file a motion to quash the subpoena, which is different than the objection that he filed.

And I told him that if he was going to file a motion to quash the subpoena, I would require a detailed statement from Mr. Lopez as to this wallet incident so I would know what he did or did not have to offer the jury in the way of evidence on the issue.

He has not filed a motion to quash the subpoena, so the subpoena is still in effect. And he's under no duty to file any declaration absent -- only if he files a motion to quash, and that would be in an accompanying declaration.

MR. SANGER: That's absolutely correct, from my point of view, proving that the Court is a very percipient witness on a --

THE COURT: Okay.

MR. SANGER: Now, I was -- in fact, was just shortcutting that, because I didn't want to go through a long explanation, but the Court very concisely did say what happened.

The point of the story is precisely what I was getting at. Whether or not Mr. Lopez is called as a witness is not Mr. Sneddon's issue right now or my issue right now. The issue right now is whether or not we can confront and cross-examine the witnesses with this incident.

THE COURT: I agree.

MR. SANGER: And I think --

THE COURT: And I think you can.

MR. SANGER: Okay. Thank you.

THE COURT: The difference we have is -- and there's been some -- maybe some misunderstanding from the District Attorney, judging from their objections, that on the 403 hearings, when I said that certain things couldn't be proved, I also said that that did not bar cross-examination of certain witnesses on those items, you know. It's -- and that's -- that's what was going on on some of the

ones earlier this week where you seemed to be surprised that I was overruling your objection to cross-examination on some of those issues.
So I agree with you, that cross-examination of witnesses that have knowledge of this would not be inappropriate. You know, there's limits on that, of course.

MR. SANGER: Well, I understand. The Court makes rulings as you go along, obviously.
Okay. Thank you. I believe that resolves that issue.
We did have one more matter that we had. It's not on the agenda.
THE COURT: Yes, we'll take that up now. A motion for a mistrial.
MR. SANGER: That's right. And just --
THE COURT: Let me just -- let me rule on the first motion first, because it's connected, in a way.
MR. SANGER: Okay.
THE COURT: And you connected it.
What I'm going to rule on the motion for admission of evidence on the alleged prior sexual offenses under Evidence Code Section 1108 is that we will hear argument on the -- on Monday, the -- what date would that be. Would that be the 28th.
THE CLERK: Yes.
THE COURT: On Monday the 28th.
The way I think I would like to do this is to have -- not to call witnesses unless I get to the point where I want to have a witness.
So I'll have the prosecution make their arguments as to why they believe particular witnesses should be called as to particular items, what they're going to say. And I'll allow the

defense to say -- they can do this in advance. I would encourage some written material if you have time to do it, but not requiring it, as to why -- in a particular case, what you would be doing and why you think it would -- should be excluded under 352, and let you argue those things, and then I may or may not ask for a witness in any particular situation. It will depend on how I hear what you have to say, what my opinion is then.

MR. SANGER: And if you were going to request a witness, would it be on a different day, or should we have people lined up outside the courtroom.

THE COURT: Well, let's make it a different day so that we don't have to inconvenience all sorts of people.

MR. SANGER: Okay.

THE COURT: But I'm pretty much of the opinion now, having read the cases on this, that the likelihood of having any witnesses is not great.

MR. ZONEN: It's not what.

MR. SNEDDON: Not great.

THE COURT: Now, on your motion for a mistrial.

MR. SANGER: Yes, sir.

First of all, a motion for mistrial is generally made orally. And it was made orally in this case, just so the record's clear, by Mr. Mesereau when he said, "I have a motion."

THE COURT: He did. I understood what he was saying. And I asked him to wait, and he did. And the record was made timely, if that was an issue at all.

MR. SANGER: I just wanted to -- we have to connect the dots on the record, you know, so I just wanted to make sure we did that.

THE COURT: Yeah. That is your right.

MR. SANGER: Thank you.

And I understand that we're not supposed to say the word "mistrial" in front of the jury, and therefore we don't.

THE COURT: That's correct.

MR. SANGER: We filed a memorandum of points and authorities in support of the motion for mistrial this morning, hand-delivered it to the District Attorney.

A mistrial, though, is generally -- a motion for mistrial is generally made orally, and I intend to make this orally. The points and authorities just support what we said. And I'd incorporate the points and authorities in my oral presentation so that I don't have to repeat everything.

Having said that, the basis for the motion for mistrial is that the Court made a ruling, whether the Court intends -- or, I shouldn't say

"intends," whether history bears out later that the Court either grants or denies the 1108 motion, the prosecution was under a clear duty not to go into '93, '94 matters.

And what they did, what Mr. Auchincloss did specifically, was not only ask a question that -- to which a witness responded out of the blue, "Oh," and named names. And I'll just avoid saying the names right now, but it's already in the record, and everybody will see it, I'm sure. But, you know, that can happen. You tell your witness there are certain rules, and the witness gets up on the stand and they're nervous, and all of a sudden you ask a question, and they blurt out things that they're not supposed to say.

That's not what happened here. What happened here was that the witness came up with one name, which was Macaulay Culkin, and Mr. Auchincloss, not being satisfied with that, went back directly to the very list of names that he has in his 1108 motion, that he's been asking the Court to be allowed to go into, and the Court said, "No, not until we rule on it." And he asked leading questions. "What about so and so." And then they said, "Yes." "What about the next person." She said, "Yes."

It's in the record and I've cited it. I just don't want to repeat it unless the Court wants me to.

THE COURT: No, based on your written material, I read that record this morning.

MR. SANGER: And when you compare that to the 1108 motion, there's nothing accidental about this.

Now, the issue or the problem that I see here is that, number one, the Court's order has been blatantly disregarded. I'm not saying that from the standpoint of being punitive. I'm just saying, as a practical matter, that's exactly what happened. It couldn't have been any more blatant and it couldn't have been any more intentional. It was clearly done with leading questions. So as I said, there's nothing accidental about this. And it goes right down the list of the people that the prosecution wants to talk about.

If you look -- if you compare the 1108 motion to the transcript, it's exactly what he's doing. He's getting in the information that the Court had said don't get into until we have a chance to do it.

So I think that the only remedy at this point is a mistrial.

Now, the prosecution could argue, "Well, you should grant our 1108 motion anyway, so there will be no harm, no foul," which means they can then put the Court in this difficult position, deliberately

violate the Court's order, and then get the benefit of all worlds on this.

That can't be right. There's got to be a sanction. And the only appropriate sanction, reluctantly - I say this reluctantly - is a motion for a mistrial. And I say it reluctantly because I think that when you look at the cases such as Oregon vs. Kennedy, the United States Supreme Court case that we cited, and the People vs. Batts, which is a California case, the case law says that if a mistrial is granted based on prosecutorial misconduct, and it's granted not at the request of the defense, then jeopardy may have attached and the case is over.

On the other hand, we're in that position where we have that choice. Do we stand here and just say, "Well, we're going to take it, because if we request a mistrial and the Court grants it, they can just start all over again and prosecute again."

After considering this, we've decided that our -- the only thing we can do, as a practical matter, is ask for a mistrial as the first remedy. If that's denied, there may be other remedies. But I think we have to -- in good conscience, given what happened, and the blatant nature of the violation, I think we have to request a mistrial.

Now, the prosecution can come back and say, "Oh, well," you know, "what's a little violation of the court order here. I mean, we've spent a lot of time and money, the Court's spent a lot of time and money, look at all these sheriffs are here helping us get to our cars and do things, and the press."

That can't -- that can't be a reason to overlook something that in any other case would be just an absolutely intolerable violation of a court order.

He went down with leading questions, went down the list of people that the Court has already indicated you can't get into until we -- until we have a hearing on it.

So what do we do. As my former colleague in this case used to say, "We have to do something more than nothing." And I think that that's -- that's precisely what we have to do in this case. And I think the only proper remedy is to grant a mistrial.

None of us, believe me, wants to sit here and start this case over again. But what -- you can't unring the bell. They've gotten into specific names and specific allegations that they were told not to get into, and here we are.

Now, if the Court decides for some reason that a mistrial should not be granted, then we've suggested another possible sanction. But only if the Court denies that motion for a mistrial.

We've also indicated that we believe, and I'm saying it up front and I've said it in the

papers, that this -- even though we have requested a mistrial, this still may come within the exception under the Kennedy vs. Oregon or the People vs. Batts cases, in that this appears to be such deliberate misconduct, where the very names are read in leading questions that are in the motion, that it -- it would be viewed as a case in which jeopardy is attached and mistrial is deliberately caused, and there may not be a retrial.

But whether that's the case or not, those consequences are not for the Court to weigh at this point. The Court has to weigh whether or not there was just a blatant disregard of the Court's order, and if, based on that violation, a mistrial should be granted.

And we respectfully submit that that is the proper remedy. And then, as I say, if the Court disagrees and doesn't grant a mistrial, then we've suggested, among other things, as a sanction, the 1108 motion should just be summarily denied, the People's motion on that, because that would -- that would at least be a sanction to deal with this.

The Court could then issue an admonition that these -- that, "The reference to people prior to the 2003 time period will be stricken. You're not to regard them," and we could go from there.

Thank you, Your Honor.

THE COURT: Counsel.

MR. SNEDDON: My first comment is that Mr. Sanger points out one of the anomalies of the law that we face when we try criminal cases, and that is when there's an allegation that someone on the prosecution side steps over the boundary, all of a sudden the defense can get up and make mistrials and characterize it in a certain fashion.

But on the other hand, when we sit here and watch defense counsel continuously step over the boundaries and get admonished as violating the Court’s 403 rules, the prosecution’s basically at the mercy of the Court, because the law does not allow us to make any kind of motion to rein in or bring under control somebody who just consistently violates the Court’s orders.

Having said that, two wrongs never make a right, so I’d like to address the correctness of why we believe that this motion should be denied, there should be no sanctions, and why the Court should ignore this, in the sense that it was not deliberate and not intentional.

First of all, the Court’s 1108 motion dealt with specific allegations of misconduct on the part of the defendant involving other young boys. There was no attempt to elicit that information from these witnesses. There was no intent to infer that there was any improper conduct on the part of Mr. Jackson with the individuals. The questions were directed

totally at the witness with regard to who were people who came to the ranch and visited Mr. Jackson on certain occasions.

And frankly, given the Court’s ruling on staying away from the 1108 areas of misconduct, I can’t see how, frankly, it comes within the purview of just simply asking whether these were individuals who came to the ranch during a particular point in time involving the period of time in which this person was an employee at the ranch.

In fact, the Court sustained some objections, but most of the objections you sustained were on the basis of foundation. And it was at that point when Mr. Auchincloss went back and went through them serially, individually, you did not overrule -- in fact, you overruled objections on the part of the defense as to some of those questions.

Now, I think it’s pretty hard to stretch that kind of questions and those kind of answers in the kind of context that they were presented as being prosecutorial, deliberate misconduct on the part of somebody, when it was clear that there was nothing inferred with regard to the conduct of these people at the time, and the conduct of the defendant in relationship to these people.

And so I just submit to the Court that, given the whole series of questions and answers and the sustaining of objections, that there was nothing really improper that happened in the first place; that this is part of the give and take at trial. And some of the boundaries, I think the Court would probably -- you won’t take judicial notice of it, but the Court has tried to guide us generally through some of these landmines in this case, and it’s not altogether sometimes clear just how far one can go and one can’t go. And I think that’s been a problem on both sides of this case.

But to say that something is deliberate and something rises to the magnitude of some kind of a mistrial declaration in this particular case, I think is a very, very big stretch in light of what happened in the total context of this trial and in the total context of the examination of this witness, Your Honor.

THE COURT: Any rebuttal.

MR. SANGER: Yes. First of all, I’d feel a lot more comfortable, rather than bringing up other things and then saying two rights don’t make a wrong, if we just address the issue. And also, I’d feel a lot more comfortable if the prosecution indicated that they were wrong.

However, what’s happened here is we’re saying there was no intent to infer. And as we cited in our papers on page two, and including the footnote on page two, that it was Mr. Auchincloss, not Miss Fournier, who said things like “special relationship” and “special friends.” It was Mr.

Auchincloss who was trying to make this relevant to his 1108 motion. It was Mr. Auchincloss who brought out the ages of the children. It was Mr. Auchincloss who asked questions only about boys and not about girls.

He chose to do that, why. Not because it was a random discussion of Miss Fournier and what she’d been doing on the ranch for 10 or 12 years. This is directed specifically to the inference. And Mr. Sneddon just got up and said there was no intention of bringing out. You know, I’m just taken aback by that. Of course there was an intention to infer something by this testimony. I can’t believe we’re in the same courtroom.

And if you look at that, when Mr. Auchincloss goes on about special relationships, special friend, ages, boys, he’s clearly tying it in to his 1108 argument. And if he wasn’t doing that, the relevance objections would have been sustained, I’m sure.

It was -- it was offered as relevant evidence. It wasn’t offered for some background of Miss Fournier. And the Court ruled earlier that that evidence would not be admissible until the Court had a hearing on it.

So, you know, it clearly was improper, and it clearly was for a purpose. I just can’t believe I heard to the contrary.

The question is, you know, what does the Court do about it. And in saying that somebody on the defense team overstepped boundaries from time to time makes this right, it just doesn’t. And the defendant does have a constitutional right to a fair trial and to have the Court -- the Court’s orders followed by the prosecution.

This is a bell that cannot be unrung. And I just think under the circumstances, there’s no choice but to grant a mistrial. As, you know, remarkable as that might seem to the public or somebody else, the fact is, as lawyers and as a Judge, we all know that there are legal rules.

These legal rules, in this case that the prosecution follow the court orders, were not followed, and the consequence of those breaches of legal rules is that the Court has to declare a mistrial, and I believe that that’s the appropriate remedy.

Thank you, Your Honor.

MR. SNEDDON: Judge, I promise it will be less than a minute, but I wrote something down that I didn’t tell you that I think is relevant to this issue.

THE COURT: No, we have --

MR. SNEDDON: All right.

THE COURT: We have opening, response and

reply.

Well, let me tell you how I was looking at it when I was making the rulings, which is there was some evidence by the District Attorney where -- from which he would like to prove or have the jury infer that when children go to Michael Jackson’s ranch, that they are unsupervised, they become wild and crazy kids, you know. There was a lot of -- the inference they wanted to be drawn, I think, was that that is a situation that Mr. Jackson wanted; that he didn’t supervise them; he wanted them to become uncontrolled children.

Then Mr. Mesereau, in cross-examination, spent a good deal of time trying to establish -- that’s not a good word, “trying.” I should say working to establishing that, in fact, many truckloads, busloads -- not “truckloads,” busloads of children, carloads of children, appeared at the ranch when he was there, and -- when Michael Jackson was there, and when Michael Jackson wasn’t there. And there was an ongoing entertainment of children, and that -- excuse me, that the children acted as children do when they’re taken to any amusement park. And that, in fact, Mr. Jackson wasn’t there a lot, and wasn’t out watching them a lot and really didn’t have much contact at all with all of these children who took advantage of the rides and zoo and everything.

And then the District Attorney came back and, in my acceptance of that evidence at that time, was to try to reestablish or to establish the contact that Mr. Jackson did have with the children. And that, in fact, there were certain children that he had a great deal of contact with, and that this was the balancing of the evidence that I was watching from this position.

And so when the District Attorney asked if there weren’t certain children that he had established good, strong relationships with - and she confirmed, the witness confirmed that that was a fact, and started naming them - I didn’t feel that that violated the 1108 order. I didn’t see -- from my standpoint, I didn’t see that it was either harmful or helpful to either the defense or the prosecution.

I mean, some of the children that were named were relatives of Mr. Jackson. And I did specifically limit that testimony to that area purposefully. And I thought the District Attorney recognized it when he said he intended to go no further than that, and I said I would hold him to it.

And then when the -- when he did mention Jordie Chandler, he said -- he was the one that raised it, not the witness.

“How about Jordie Chandler.”

And she said, “Yes.”

And Mr. Mesereau said, “Your Honor, I’m going to object based on the Court’s ruling on 1108.

“The Court: Sustained.

And Mr. Mesereau said, “Move to strike.”

And the Court struck the testimony.

And it was after that, of course, that Mr. Mesereau moved for a mistrial. But I felt that that cured the situation.

And one has to keep in mind that this isn't the first that the jury's heard that name. And even one of the questionnaires for service of jury was to ask the jurors what they knew about the alleged 1993 -- or the 1993 alleged incident. And it's come up -- 1993 has been mentioned by other witnesses. So it's not like this is the first, nor will it probably be the last time, it's mentioned.

So I'll deny the motion for a mistrial and any request for sanctions.

Let's see. Is there anything else before me.

MR. SNEDDON: Judge, may I ask a question about the procedure on the 28th, in terms of what the expectations are, us moving forward with our case. And then I have one minor thing that I'd like to discuss.

THE COURT: Yes.

MR. SANGER: Before you change the subject, though, could I just ask one clarification question on that ruling.

THE COURT: Yes.

MR. SANGER: Just so we don't have a problem -- I mean, the Court is going to rule however it's going to rule.

THE COURT: The Court ruled however it did rule.

MR. SANGER: That's true. I'm speaking about prospectively on other -- if this comes up again. It would be our position that mentioning the names of children who are in the 1108 motion, whether they're there because -- well, for whatever reason, mentioning those names from '93, '94, or prior to that should not occur, it would be our position, unless counsel approaches and asks for permission. Because I still believe that that comes within the 1108.

I understand what Your Honor said. I'm not arguing with the ruling. But prospectively, until the Court rules on the 1108, that would be my belief and understanding. And I'd ask if we could follow that procedure; that if there is an intention to do something like that, that we have an opportunity to be heard on it.

THE COURT: I think that's only fair. There could be other situations where that testimony is admissible before we get to 1108. It's not admissible under 1108 or -- so it would have to be some limited purpose. But to prevent the need for further hearings like this, I think you should advise them if you're going to go through that list --

MR. SNEDDON: Okay.

THE COURT: -- before then.

MR. SANGER: Thank you, Your Honor.

MR. SNEDDON: Judge, on the 28th, when you said we were going to have argument, should we anticipate that that will take the day, and we shouldn't be required to have witnesses standing by. I don't even mean in connection with the 1108. I mean just --

THE COURT: Yeah.

MR. SNEDDON: -- to carry on that day. Do you envision that would take the whole day or part of the morning. I just want to get direction so --

THE COURT: Well, how long do you think your argument will take.

MR. SNEDDON: Depends on whether it's -- who's arguing it. But -- and depends on how much leeway the Court gives.

THE COURT: How much --

MR. SNEDDON: Based on our experience, I would expect it would probably take a couple of hours, I guess.

THE COURT: I think at least. What do you think. Who's arguing that here.

MR. SANGER: I believe I am, Your Honor.

I would say it's liable to take a couple hours. We could intend to take an hour, but we'll probably take a couple by the time we're through

THE COURT: So are we talking two hours. Are you each saying two hours total, or are you saying two hours --

MR. SNEDDON: I would --

THE COURT: -- each.

MR. SNEDDON: No, I would anticipate that I would be able to address the Court's concerns in my opening remarks. And since it's our motion, we carry the pail on this one, that probably I could do that in a half hour easily, because you already have our declarations.

THE COURT: I already have your written declarations.

MR. SNEDDON: So I'll just highlight things and we'll go from there. So I would expect that mine -- my opening would take less than a half hour.

MR. SANGER: And by the time I get through going back and forth, I think total, the whole thing will probably take a couple hours. And we'll probably have a break, so --

THE COURT: So if we had the jury come in on Monday at 11:30 and did the 11:30 to 2:30, that would work.

MR. SANGER: I think that would be fine. If the Court needed more time, we could do the jury and take more time on another day.

MR. SNEDDON: So 11:30.

THE COURT: So we'll -- we're going to argue -- the arguments will start at 8:30.

MR. SNEDDON: Yes, sir.

THE COURT: But you'll need to have witnesses commencing at 11:30.

MR. SNEDDON: Is it the Court's intention to rule that day.

THE COURT: Unless -- yes, unless I need to call a witness.

MR. SNEDDON: Okay. So if the Court rules in our favor on one or more witnesses, we could go ahead and put them on right away, then.

THE COURT: Yes.

MR. SNEDDON: All right.

The second thing is kind of a personal thing, and it involves the Court also. You indicated we would not be in session Tuesday afternoon, and the reason is the dedication at the Juvenile Hall. And I know they're dedicating it to Sue Gionfriddo, who is a close personal friend of mine, and we've been colleagues for over 30 years together, and I was very close to her and her

deceased husband.

I had intended to attend that service, but then you invited all the jury, and I'm a little squeally about going over there, because I don't want to run into a juror, and I don't want to get accused of any improper conduct. So I guess what I'm asking the Court is --

THE COURT: I would expect you to attend, and I don't expect any of the jurors to attend. Did you notice the laughter when I --

MR. SNEDDON: I know, Judge. But I just want to make sure that I've addressed -- I've consulted with you about that.

THE COURT: I'll address that with them Monday and tell them I really don't expect them to attend. I think they're in tune with my humor.

MR. SNEDDON: I don't want to get accused of showing up if you said they were going to be there, or something like that.

THE COURT: No, I understand. I think everybody -- Mr. Sanger might even want to be there.

MR. SANGER: I was going to say, Sue Gionfriddo has been a good friend of mine for a long time, too, and I intend to attend. And I assume if we saw a juror, we would go in a different direction.

THE COURT: Yes. I'd require them to wear their badges if they went. I don't think they're going to go. They're really looking forward to the break.

MR. SNEDDON: Last thing: Do we have an update on the computer. We're in the middle of trial here. We'd like to get some of that information.

Are we done with at least one of the computers with regard to the --

THE COURT: I'll have to defer to Jed.

MR. BEEBE: The last word I heard was that the -- that there was -- that the disk, based on the new list, was in the mail yesterday. And so as soon as the special master makes a ruling, that material will be available.

MR. SNEDDON: It's -- can I ask a clarifying question.

My understanding was that the Brad Miller computer was completed and that the scoping down of the inquiries was on the Evvy Tavasci computers. Am I mistaken about that.

MR. BEEBE: It's the other way around.

MR. SNEDDON: The other way around.

MR. BEEBE: Yes.

MR. SNEDDON: Oh, but -- the Evvy Tavasci is completed, but Brad Miller's is the one that we're re-evaluating.

MR. BEEBE: Yes.

MR. SNEDDON: I'm sorry, Your Honor, I was trying to get to the point.

THE COURT: Go ahead and address him. He knows. Go ahead.

MR. SNEDDON: Is it -- have the Evvy Tavasci materials been given to the special master.

MR. BEEBE: Yes.

MR. SNEDDON: And then the next process is it goes to the Judge. Judge Melville will make a ruling from there.

MR. BEEBE: Yes.

MR. SNEDDON: I'm just trying to get an update, Judge.

THE COURT: I agree.
MR. SNEDDON: We’re in the middle of trial and --
THE COURT: It’s just something that I’m as -- didn’t know any more than you did. So we both now know where it is.
MR. SNEDDON: Perfect. Thank you very much. Thank you for your indulgence.
THE COURT: All right. Is there anything else.
MR. SANGER: I don’t think so, Your Honor. Thank you.
THE COURT: All right. Court’s in recess. Have a good weekend.
MR. AUCHINCLOSS: Thank you, Your Honor.
MR. ZONEN: You too.

MR. MESEREAU: Have a good weekend, Your Honor.
(The proceedings adjourned at 11:05 a.m.)
--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 2711 through 2799 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 18, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
March 18, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

MONDAY, MARCH 21, 2005

9:13 A.M.

(PAGES 2801 THROUGH 2829)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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INDEX

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES DIRECT CROSS REDIRECT RECROSS

ABEL, Conn 2804-M (cont’d)

Santa Maria, California
Monday, March 21, 2005
9:13 a.m.

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: Good morning, everyone.
THE JURY: (In unison) Good morning.
MR. AUCHINCLOSS: Good morning.
THE COURT: Let's see, who was questioning.
MR. MESEREAU: I was, Your Honor.
THE COURT: Go ahead.
MR. MESEREAU: Thank you.

CONN ABEL
Having been previously sworn, resumed the stand and testified further as follows:

CROSS-EXAMINATION (Continued)
BY MR. MESEREAU:
Q. Good morning.
When we left off Friday, we were talking about the -- what appeared to be security-related equipment that you had found at Neverland, right.
A. Yes, sir, on Thursday.
Q. Oh, Thursday. That's right. Pardon me.

And you indicated that you had not personally tested the equipment, right.
A. That's correct.
Q. Have you tested it since we last spoke.
A. No, sir.
Q. And you may recall finding an investigate -- what appeared to be an investigator's card with the

equipment, correct.

A. Yes.

Q. Have you made any further efforts since last Thursday to investigate whether or not that investigator exists.

A. I have not, no.

Q. Okay. Have you discussed Thursday's testimony with anyone in the last three days.

A. Yes, I have.

Q. Who did you discuss it with.

A. The -- Mr. Sneddon and the district attorneys involved in this case.

Q. And when did you do that.

A. This morning.

Q. Okay. Where did that happen.

A. In the office upstairs at the District Attorney's Office.

Q. And what time did you meet with the prosecutors this morning.

A. I believe I was there at approximately ten minutes to 8:00.

Q. And how long did the meeting last.

A. Five minutes, maybe.

Q. And what prosecutors were present.

A. I believe they all were.

Q. So that would be Mr. Sneddon, Mr. Zonen, and Mr. Auchincloss.

A. Yes.

Q. Anyone else.

A. I believe Mr. Robel was also there.

Q. And you're telling the jury you discussed your testimony last week for five minutes.

A. Somewhere in that area, yes, sir.

Q. Okay. Who initiated the discussion.

A. I believe Mr. Sneddon did.

Q. And was the purpose of your meeting with him, as far as you knew, to discuss your testimony.

A. I -- yes.

Q. How did you know the purpose was to discuss your testimony.

A. I believe there was a question to ask --

that I was asked as to what I had said on the stand.

Q. And who raised that issue.

A. Mr. Sneddon.

Q. And what did he say to you.

A. He asked me, in reference to the security equipment that you had mentioned was involved in security, if I, in fact, believed it was involved in security.

Q. So Mr. Sneddon asked you that or told you that.

A. He asked me that.

Q. Okay. And do you recall on Thursday, you said that you really didn't know if it was involved in security, correct.

A. Well, I think I said at one point that it could not be.

Q. You said you didn't know, right.

A. I don't recall saying that I didn't know.

Q. Well, do you remember you said, look, words to the effect, you hadn't tested it, you didn't know if you could purchase it freely, and you didn't know if it was used by an investigator, correct. Do you remember saying words to that effect.

A. I don't believe it was exactly phrased in that manner, no.

Q. I'm not suggesting it was exactly phrased. But you said words to that effect on Thursday, under oath, to the jury, true.

A. Possibly. I don't recall that.

Q. Okay. You indicated you found the equipment and then turned it over to someone, true.

A. Yes.

Q. Do you know if that equipment was ever fingerprinted.

A. No, sir, it was not.

Q. Did you ask -- excuse me, you say you know it was not fingerprinted.

A. No, I do not know if it was fingerprinted.

It does not appear that it was fingerprinted.

Q. Okay. Who told you that the prosecutors wanted to discuss that equipment with you before you testified today.

A. I don't believe anybody did.

Q. Well, that was the purpose of this morning's meeting, right.

A. It was not -- it was not a meeting, sir. I arrived early, just to be there for testimony today.

Q. Didn't you just tell the jury you had a meeting for about five minutes with three prosecutors and the issue of that security equipment arose, true.

A. Do you want me to explain it.

Q. No, I'd like you to answer my question, please.

A. We did have a meeting, yes.

Q. To talk about what you said about the security equipment, right.

A. Yes.

Q. Who spoke at the meeting besides you and Mr. Sneddon.

A. Mr. Zonen and Mr. Auchincloss.

Q. Did they talk about the security equipment.

A. I believe they did.

Q. Did they tell you anything about that security equipment.

A. No, sir.

Q. So they discussed it but they didn't tell you anything about it, right.

A. Yes.

Q. Did they just ask you questions.

A. I don't recall exactly what the content was. I know there was a discussion about what was in the case, and I explained what was in the case.

Q. Are you suggesting that neither Mr. Sneddon, Mr. Auchincloss or Mr. Zonen told you anything about that equipment in this morning's meeting, which took place approximately, I think, an hour and 20 minutes ago.

A. I don't believe anybody told me anything about it.

Q. Did you tell them anything about it.

A. Yes.

Q. What did you tell them about it.

A. I explained to them what was in the case, and I explained to them what I believed that equipment was utilized for.

Q. Did you tell them anything that contradicted your testimony last week.

A. I don’t believe so.

Q. Was everything you said to them consistent with your testimony last week.

A. I believe so, yes.

Q. Did you have any discussions by telephone with any of them since you testified last Thursday.

A. No, sir.

Q. Correct me if I’m wrong, but you remember events from November of 2003 but don’t remember events from an hour and 20 minutes ago when you met with the prosecutors, right.

MR. SNEDDON: Object as argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Is your memory better about November of 2003 than it is about the meeting this morning.

MR. SNEDDON: Same objection.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you remember on Thursday you looked at some documents that were with that security equipment.

A. Yes, sir.

Q. And remember you began to recite for the jury on the record what was in those documents.

A. Yes.

Q. And do you remember there was some -- what looked to be a schematic dealing with what appeared to be an outline for a security system. Do you remember that.

A. It was for equipment, yes, sir.

Q. You didn’t really answer my question, did you.

A. No, you kept saying “security equipment,” and I think I referred that it could not be security equipment.

Q. Okay. It referred to videos and cameras, correct.

A. Covert cameras, yes, sir.

Q. It had various, what appeared to be either communication lines or transmission lines going between cameras, videos, et cetera, didn’t it.

A. Talked about clock cameras. Talked about fire alarm cameras.

Q. Right. And you don’t think blocked cameras or secret cameras are consistent with having an internal security system.

A. No.

Q. So you think internal security systems never have hidden cameras.

A. No.

Q. Did I hear that correctly, internal security systems never have hidden cameras.

A. Sir, I’ve never seen one.

Q. Never seen a hidden camera in an internal security system in a residence; is that correct.

A. I have never personally seen a hidden camera in a security system at a residence, no, sir, I have not.

Q. Okay. Are you aware that they exist.

A. No.

Q. Okay. So the idea that someone in their residence might have a security system with a camera they don’t want anyone to see is something you’re not aware of, right.

A. Sir, the only thing I can tell you is that most -- every security system that I have observed where there was a camera, it was visible.

Q. Have you seen any of those television shows where parents will suspect a babysitter as doing something to their child, so they’ll have a hidden video somewhere to see what’s happening when they’re not home. Ever seen that.

A. Yes, sir, I have.

Q. Do you think that hidden video relates to a concern for security with a child.

A. In that respect, yes, sir.

Q. Okay. But after last Thursday you did no investigation at all into anything related to that piece of evidence we discussed on Thursday, right.

A. No, sir.

Q. Okay. Did you check the cameras that existed in the main house at Neverland.

A. Sir, I never saw any cameras in the main house at Neverland.

Q. Okay. Did you look for them.

A. No, sir.

Q. Was it one of your responsibilities to look for cameras like that.

A. Well, I guess I could back up on that and say that when I was in the office area and when I was in the arcade area, cellar, et cetera, I did look around to see if there was cameras, but I did not observe any.

Q. Did you ever observe any hidden cameras that someone might install to see if, say, employees are stealing.

A. I have not personally seen that, no, sir.

Q. Are you aware of anything like that ever existing.

A. I’m sure it exists. I’ve just never seen one.

Q. Okay. And never really heard of one existing, right.

A. I’ve heard of them existing, yes, sir.

Q. You did undercover narcotics work for many years, didn’t you.

A. Yes, sir.

Q. How many years did you do undercover narcotics work.

A. I would say a total of approximately ten years, sir.

Q. In your ten years doing undercover narcotics work, you never came across a situation where it appeared that people you were investigating were using hidden cameras to see who might be approaching a particular location.

A. I don’t recall seeing or coming across hidden cameras. I recall seeing cameras on the outside of buildings and cameras on top of computers, et cetera, that would be looking outside to see if somebody was approaching, yes, sir.

Q. And in your estimation, were they part of what you’d call a security system.

A. I’d say that was security, sir.

Q. Are you aware of any department stores that have hidden cameras to see what people are doing with merchandise.

A. I believe most cameras that I’ve seen are pretty visible. I don’t recall seeing any hidden cameras involved in that.

Q. Never heard of that happening.

A. I can’t say I never heard of it. But I don’t recall specifically knowing that.

Q. Have you heard of it.

A. Yes, sir.

Q. Okay. Are you aware of any cameras that are sometimes hidden within clocks, someone can find out what went on at a particular area when they were not there.

A. No, sir.

Q. Never heard of that.

A. Only in that diagram you showed me.

Q. First time it ever entered your mind that there may be a camera hidden inside a clock as part of a security system.

A. That’s the first time I had ever been aware of that, yes, sir.

Q. Okay. Are you an expert on security systems.

A. No, I’m not.

Q. Okay. Now, you went into an area that you described as the library at Neverland, right.

A. Yes, sir.

Q. And please tell the jury what you saw in that library area.

A. Well, there were rows like you would see in a library that had books stacked upright in them. There were boxes, numerous boxes, stacked throughout the library. There was a -- in the back area there was a little sitting area, had a chair, lamp, et cetera. Like I said, there was books and boxes cluttered throughout the entire library area.

Q. How many books do you think you saw in that library area.

A. Numerous. I mean, lots of books.

Q. There were books all over the place, right.

A. Yes, sir.

Q. And how big an area do you recall that library being.

A. I would only estimate that it may be 25 foot by 25 foot, thereabouts.

Q. There are thousands of books in that residence, aren’t there.

MR. SNEDDON: Excuse me, Your Honor. I’ll object to the question. “Residence” versus what he’s talking about, another area. Assumes a fact that he was ever in the residence.

THE COURT: All right.

MR. SNEDDON: That’s my objection.

THE COURT: Foundation. Go ahead.

MR. MESEREAU: I can ask him that question. Sure, Your Honor.

Q. Were you ever in the main residence at Neverland.

A. No, sir.

Q. Never walked in once.

A. No, sir.

Q. Okay. Would it be, in your opinion, safe to say that there are thousands of books in that library area.

A. Several hundred, yes.

Q. More than that, right.

A. I -- I don’t recall right offhand. It was a lot of books in there. I couldn’t tell you if it was several hundred or thousands.

Q. Did you count them.

A. No, sir.

Q. Okay. You also said there were boxes of books around, correct.

A. Yes, sir.

Q. And did you also say there were bags of books around.

A. There were paper bags that had items in it. I don’t recall if they contained books or not. There was also records, records in boxes. I don’t recall what was in the bags especially, sir.

Q. And did you go through all the books that you saw in the library area.

A. No, sir.

Q. Did you at least try to get a look at the titles of all those books.

A. Not all of them, sir.

Q. Did you see a lot of books that referred to art.

A. I don’t -- I don’t remember seeing specific topics of what all of the books would equate to. I mean, there was books on virtually everything in there.

Q. And there are a lot of books on photography, correct.

A. As I say, I don’t recall specific art, photography, or exact titles, no, sir.

Q. But you said -- you told the jury, I think, that every subject imaginable was there, right.

A. I guess that was just a summation on my part. There was books from -- there was numerous books on a lot of different titles.

Q. And did you see books on history.

A. I can’t tell you exactly that I did. I couldn’t tell you that I didn’t either.

Q. Did you see books on theater.

A. That would be the same answer. I mean, I saw a lot of books. But I don’t remember exactly what they all were titled or referred to.

Q. Did you see books on painting.

MR. SNEDDON: Your Honor, I’m going to object as asked and answered. It’s obvious there is no foundation.

THE COURT: Overruled.

THE WITNESS: I don’t specifically remember books on painting. But as I said, I could not tell you that there wasn’t books in there on painting.

Q. BY MR. MESEREAU: When you saw these boxes filled with books, what did you do with those boxes.

A. Well, for most -- as much time as we had, we went through as many books as absolutely possible. But we could not have gone through all of the books that were in that library area.

Q. Did you see a lot of bookcases.

A. Case -- I don’t know exactly what you mean by “cases,” sir.

Q. Well, let me explain. Did you see items of furniture that had shelves of books in those items of furniture.

A. That’s what I was referring to when I first said there was rows of books scattered throughout

the library. And I would estimate there was six, if not more, rows of books.

Q. Okay. And you didn’t go through each row, correct.

A. There were three of us searching. Three of us kind of divided up the room. As the supervisor, myself, I went through pretty much each row. I looked at kind of some of the books. I looked at some of the boxes that had books in them. I went through some of the boxes, but I don’t recall that I saw every title of every book in that library. It would have been be virtually impossible. There was just boxes -- I could not have opened all the boxes myself and personally look at them.

Q. To your knowledge, did somebody open all the boxes.

A. Yes.

Q. Were there specific instructions that those who were searching the library were to open boxes if they saw any.

A. I believe I told them, other investigators that were there, to make sure they looked through the boxes, open them and look through the boxes.

Q. Were some of those boxes unopened, as far as you know.

A. I -- I personally believe they had all been opened and looked at. Whether the investigators reclosed the boxes or not, I don’t know. The boxes that I opened and looked at, I left open.

Q. Okay. But there are boxes that you actually opened, true.

A. Yes.

Q. There are boxes that appeared to have not been opened before, correct.

A. Before I arrived.

Q. Yes.

A. Yes.

Q. And did you note down where those unopened boxes appeared to have come from.

A. No.

Q. Did you notice that a lot of boxes appeared to be sent from foreign countries.

A. I did not notice that.

Q. Okay. Did you ever make any attempt to note where they appeared to come from, on any report.

A. No, sir.

Q. When you opened unopened boxes and looked through them, did you go through every book in those unopened boxes.

A. I can’t say that I went through each book in every box that I opened.

Q. Okay. And if you saw a book you wanted to retrieve, you just took it out of the box, right.

A. I wouldn’t phrase it that way.

Q. Let’s take, for example, an unopened box that you found in the library.

A. Yes, sir.
Q. You grab the box, right.
A. Yes.
Q. You look at it, right.
A. Yes.
Q. Doesn’t appear to be opened by anybody, right. Right.
A. Now, when you say “unopened,” when I talk “unopened,” I mean that the lid was closed. I’m not saying that those boxes were sealed.
Q. Were any of the boxes sealed that you saw in the library.
A. Not that I recall.
Q. Okay. Do you recall ever opening an unsealed box. Pardon me. Let me rephrase that. Do you recall ever opening a sealed box.
A. No, sir, I do not. Most of the ones that I opened had -- the flaps were closed. They were overlaid, and I had to just open up the cardboard top on them.
Q. And you were the supervisor of this operation, correct.
A. Not of the operation, sir. Just of the library when I was there.
Q. Let me rephrase that. You were the supervisor of the search in the library, true.
A. Yes, sir.
Q. Did you give instructions to the people who were working with you what they should do if they found a box that was sealed.

A. Yes.
Q. What were your instructions, if anyone working under you found a box that was sealed.
A. To open it.
Q. And how were they supposed to open it.
A. However they could get the lid open. I

don't recall. Like I say, I don't recall seeing one that was sealed that had to be opened. I don't know whether there was tape on it. I don't know how they had to open it.
Q. Okay. But you saw boxes stacked, correct.
A. There were boxes stacked everywhere.
Q. Okay. How many boxes do you think you saw stacked, if you can estimate.
A. Rough, 50.
Q. Fifty boxes stacked in the library.
A. Yes, sir.
Q. Would you -- would it be accurate to describe that library as messy.
A. Yes.
Q. And did the boxes appear to be stacked in any order.
A. No.
Q. They just seemed to be everywhere, right.
A. Yes.
Q. And you mentioned bags had books in them, right.

A. Yes.
Q. And typically where were the bags that you found.
A. Scattered throughout the library, in with the boxes, et cetera, up against the corners, on top of the boxes.
Q. Did you ever see any writing on the bags.
A. No, sir.
Q. Ever see any addresses on the bags.
A. No, sir.
Q. Did you find books that you retrieved in any of those bags.
A. No, sir.
Q. Did you find books you retrieved in any of the boxes.
A. Yes.
Q. Approximately how many of the books that you retrieved did you find in those boxes.
A. I believe there were two removed that I found, and that they were both in boxes.

Q. Now, you don’t know when these books were obtained, right.

A. By myself.

Q. By Mr. Jackson or anyone working for him, right.

A. No, I do not.

Q. You don’t know who placed those boxes in the library area, correct.

A. I do not.

Q. You don’t know if Mr. Jackson did it or someone working under him, right.

A. I do not.

Q. And you certainly don’t know whether Mr. Jackson permanently ever looked at all these books you retrieved, right.

A. I do not.

Q. And you certainly are not a witness to any child ever looking at them, correct.

A. No, sir.

Q. And you didn’t ask that any of them be fingerprinted, right.

A. I did not.

Q. And again, the dates you found these boxes was when.

A. I believe we were there November 18th.

Q. Okay. Were you only there for the search that day.

A. Yes, sir.

Q. Okay. Have you ever been back since.

A. No, sir.

Q. Okay. And as the person who was supervising the search of the library, was there a point person you were supposed to hand any books you retrieved to.

A. Yes, sir.

Q. Who was that.

A. That was Detective Cooley.

Q. Was he the only one that books you retrieved were handed to.

A. Well, I will clarify that -- what happened. Stuff was not arbitrarily handed to Mr. Cooley. When it was located, it was photographed, and then I instructed Mr. Cooley to obtain that item, the book, and take it as evidence.

Q. Okay. The books you retrieved did not appear to be illegally obtained, correct.

A. No, they did not.

Q. Okay. And you don’t know as you sit here today whether the books you retrieved were either purchased or were mailed as gifts, correct.

A. I don’t know.

Q. Okay. And if they were purchased, you don’t know who purchased them, correct.

A. No, I do not.

Q. And you don’t have any idea who even looked at them, if anyone did, right.

A. The day that we were there or before.

Q. Before you got there.

A. I don’t know.

Q. Okay. Were any of the books you retrieved in boxes that appeared to be under other boxes.

A. That part I don’t recall.

Q. Okay. You don’t know one way or the other.

A. I don’t know one way or another.

Q. Okay. So you don’t know if the books you retrieved that were in boxes were all found on boxes that were stacked on top or in the middle or on the bottom of the stack, right.

A. I could not tell you that, sir, no.

Q. And no effort was ever made to identify the actual location where any of these books were found, other than in the library, correct.

A. Just in the library, sir.

Q. Now, please tell the jury where the library is in relation to the main residence.

A. I’d say that the -- the arcade building, in my opinion, is north of the main residence. You walk -- you would have -- from what I recall, the main residence, you would come out what I would say the back area into a little garden area. There's walkways, and then you would go north to the arcade.

You would enter the arcade. If you went straight ahead and through the door to the arcade, there was a stairway that went to the second floor. And then the library was on -- I believe, from what I recall, on the north wall of that second story.

Q. And how far away would you estimate is the library area from the main residence.

A. I would just -- an estimate -- I'm not real

sure. Maybe 50 yards, 60 yards from the main residence.

Q. And to get into the library, do you go through any area that appears to be secured.

A. I don't know exactly what you're talking about in regards to that. I don't know what you mean by that.

Q. Let's say you want to walk into the building where the library is located. Okay.

A. Okay.

Q. To your knowledge, can anyone walk into that building or do you need a code.

A. That part I don't recall.

Q. How did you get in.

A. The door -- there's a doorway. And that door was unlocked.

Q. Okay. Did you see a lock on the door.

A. It was a doorknob. But I don't recall that it had a lock on it. It was like a regular house doorknob.

Q. Did you see any cameras anywhere that might detect anyone walking in the building.

A. Cameras I did not observe, no, sir.

Q. Did you search any area other than that building at Neverland.

A. Yes, sir.

THE COURT: Counsel. We're going to take our break right now.

MR. MESEREAU: Okay.
(Recess taken.)

REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 2804 through 2828 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 21, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
March 21, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MONDAY, MARCH 21, 2005

9:13 A.M.

(PAGES 2830 THROUGH 2998)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.

Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
ABEL, Conn	2843-SN	2849-M		
URQUIZO, Anthony Joseph	2860-Z	2898-M	2957-Z	2963-M
WALLACE, Lauren	2967-A	2981-M	2990-A	
PALANKER, Louise	2993-A			

E X H I B I T S

PLAINTIFF’S NO.	DESCRIPTION	FOR I.D.	IN EVID.
49	Photograph	2995	

THE COURT: You may proceed.
MR. MESEREAU: Thank you, Your Honor.
Q. Before the search, there was a meeting that took place of all of those involved in the search, correct.
A. Yes, there was.
Q. And you were all handed a memorandum which described some of the details of what was going to happen in the search, correct.
A. I can’t say that I remember a memorandum, sir.
Q. It was called an operations plan, was it not.
A. There was an operations plan, yes, sir.
Q. And it was a printed operations plan that was distributed to people like yourself, correct.
A. Yes.
Q. Do you recall Michael Jackson being on the

property when that search began.

A. That I have no idea about, sir.

Q. You never saw him, right.

A. No, sir.

Q. And you certainly never saw Michael Jackson around any of the equipment that you seized, correct.

MR. SNEDDON: Object as asked and answered, Your Honor.

THE COURT: I don’t remember.

Go ahead. You may answer.

THE WITNESS: I don’t recall seeing Mr. Jackson on that day at all, sir.

Q. BY MR. MESEREAU: Okay. So as you sit here today, you don’t know if Michael Jackson even knew if the equipment you seized was even on the property, correct.

MR. SNEDDON: Calls for speculation, Your Honor.

THE COURT: Overruled.

You may answer. Do you want it read back.

THE WITNESS: No, sir.

It would be my opinion that he knew that that was there.

Q. BY MR. MESEREAU: Oh, really. Let’s explore that a little bit. It’s your opinion that Michael Jackson had seen the equipment you seized.

A. Are you talking books, or the equipment that was used to monitor phone calls, sir.

Q. The equipment that appeared to be capable of monitoring phone calls. Tell us, tell the jury, when you ever saw Michael Jackson looking at that equipment.

A. I -- I can’t say that I ever saw him looking at it. It was in his office, sir.

Q. And tell the jury if you ever found his fingerprints on that equipment.

A. I did not have the equipment fingerprinted, sir.

Q. And Mr. Jackson wasn't there that day, was he.

A. No, he was not.

Q. Tell the jury how many security personnel work at Neverland.

A. That I don't know, sir.

Q. You were told security is heavy at Neverland, correct.

A. I was told that there was heavy security, yes.

Q. Okay. And by "heavy security," what did you mean. What do you think it meant.

A. That there could have been several security personnel on scene, on the ranch.

Q. How many did you see.

A. I didn't see any.

Q. Didn't see any at all.

A. No, sir.

Q. Even from the time you went into Neverland.

A. I did not see anybody from security, sir.

Q. From Neverland security, right.

A. Yes, sir.

Q. Did you see a security shed as you entered.

A. At the gate -- at the gate, as you enter onto the property, yes, sir, there is a security gate with a security shed. Yes, sir.

Q. Okay. All right. Have you ever seen Mr. Jackson in that office area.

A. No, sir.

Q. Do you know how often Mr. Jackson is even in that office area on a typical day.

A. No, I do not.

Q. Okay. Is there any reason why you never called the name on that card that was found with the equipment.

A. Yes, sir.

Q. What's the reason.

A. That was not my responsibility. It was not part of my investigation.

Q. Okay. Okay. Do you know whether or not that card suggested that somebody came over with a proposal on what they could do with that equipment.

A. I neverg28374. Considered that, no, sir.

Q. Okay. Do you know whether or not Mr. Jackson’s even an expert on security systems.

A. I do not know.

Q. Okay. Let’s get back to the library. You said the door was unlocked, true.

A. No, sir.

Q. What did you say.

A. You never asked me that.

Q. I never asked you if there was any security system to get into the library.

A. I don’t believe you asked me that, sir.

Q. Okay. I’ll ask it now.

A. The door was locked.

Q. The door was locked.

A. Into the library, yes, sir.

Q. How was it unlocked, so you could get in.

A. Somebody from the ranch was escorted -- I believe was escorted on, and the door was opened.

Q. Did you watch them unlock the door.

A. No, I did not.

Q. So it was unlocked when you showed up to do the search, correct.

A. Yes.

Q. Okay. Now, you went into the arcade area, correct.

A. The library is a portion of the arcade, yes, sir.

Q. Okay. How did you get into the arcade.

A. The front door -- that door I was talking about was the front door into the arcade. That was unlocked.

Q. Okay. Was it unlocked when you showed up to the door to go in for the search.

A. Yes, sir.

Q. As you walk through the arcade area, did you find that every door you wanted to go through was unlocked.

A. No, I did not find that.

Q. Did you find that there was some locks that had to be unlocked.

A. Yes, sir.

Q. And you asked for a locksmith, didn't you.

A. I did not, no, sir.

Q. Would it refresh your recollection if I show you a police report that says you need a locksmith in the arcade.

A. It might, but I don't recall that we needed a locksmith.

Q. Might it refresh your recollection to show you the report.

A. Sure.

MR. MESEREAU: May I approach, Your Honor.

THE WITNESS: I still don't recall that we needed a locksmith, but I'll look at the report.

Q. BY MR. MESEREAU: Okay.

A. It does say, "Sergeant Abel needs a locksmith in the arcade," and that was at 1200 hours. And I believe I remember what that was in reference to now.

Q. Okay. So you've seen the report, right.

A. Yes, sir.

Q. Does it refresh your recollection about your needing a locksmith in the arcade.

A. Yes.

Q. And what did that refer to.

A. There was a locked box on the back of a door in the security -- not in a security -- there was -- if you went through the arcade, there was a storage area in the back of the arcade. And on the back of the door of that door to the storage area, there was a metal security box that I asked for a locksmith to come and open.

Q. Okay. You went into the wine cellar, correct.

A. Yes.

Q. How did you get down there.

A. There was a large jukebox-type arcade machine in the way. We moved that jukebox out of the way, went down the stairs to the bottom door where you would enter the cellar.

Q. Did you have to unlock the door in the wine cellar to get in.

A. I didn’t. But it needed to be unlocked. It was locked.

Q. Okay. Do you know who unlocked it.

A. Somebody from the ranch, I believe.

Q. Okay. And as you testified, you found alcoholic beverages in the wine cellar, true.

A. In the kitchen area of the wine cellar, yes.

Q. Okay. Is that the only area you found alcoholic beverages.

A. No, sir.

Q. Where else did you find alcoholic beverages.

A. There was alcoholic beverages in the library.

Q. Okay. What did you find -- excuse me, what alcoholic beverages did you find in the library.

A. There was a small bottle of -- I forget what name of the type of vodka that was on one of the racks that was open, and there was a small amount left in it.

Q. Okay. What did you do with that bottle.

A. I asked Detective Cooley to examine the bottle and see if it should be retained as evidence, and I left it at that point.

Q. Do you know if it ever was retained as evidence.

A. It was not.

Q. Okay. Do you know why.

A. I don’t know why.

Q. Do you know if anybody ever tried to fingerprint the bottle.

A. I do not know.

Q. Do you know if anybody tried to fingerprint any of the bottles that you found.

A. I do not recall that anybody tried to fingerprint any of the bottles, no, sir.

Q. And did you ever request anybody try to fingerprint any bottles that you located.

A. No, sir.

Q. Okay. You talked about going into an area called a museum, right.

A. I believe I said it was a museum/office where Mr. Jackson -- it was a combination. I'm not sure exactly what it was called. It was called --

Q. What made you --

A. That night we called it both the office and the museum, and then it referred to the office.

Q. What made you refer to that area as a museum.

A. It had statuettes, figures. It had a lot of memorabilia in -- as you walked through a door, there was an open area -- not an open area. It was an area where there was a lot of statues, memorabilia, et cetera, in that area. And then it entered into a hallway and back to what appeared to be an office area.

Q. And how big an area was the museum.

A. Just a rough estimate was 20 foot by 20 foot, maybe.

Q. And you're calling the museum the office; is that true.

A. Yes.

Q. And it goes without saying, when you told the jury "his office," you were also telling the jury "his museum," correct.

A. I think I said that, but, yes.

Q. Okay. You used the words interchangeably, correct.

A. Yes.

Q. If you call it an office, is it a pretty big office.

A. The office area that I recall that was on the back of the museum was a pretty big office area, yes, sir.

Q. And when you refer to statues, are you talking about big statues.

A. They were life -- life-sized. Lifelike, life-sized, yes.

Q. And lots of them, right.

A. You know, there was quite a few. Looking through there, you had to walk around them and be careful that you didn’t knock them over. So there was some in there, yes, sir.

Q. You don’t know if other individuals besides Mr. Jackson entered or used that area, true.

A. I don’t know.

Q. Okay. And nobody ever checked to find out, correct, to your knowledge.

A. That would have been another part of the investigation. I had no part in that.

Q. Okay. Okay. Did you videotape the areas you searched.

A. I personally did not, but I had them videotaped.

Q. Okay. Did you have the items you seized videotaped.

A. I’m not sure if those items were exactly what you call videotaped. There was a videotaping of the premises that were searched prior to the search and after the search. During the search, the items that were received were photographed.

Q. Okay. Now, in the area that you called the museum and the office, you saw various televisions, correct.

A. There were -- I’m not sure if you would classify them exactly as televisions, but there were large television-type screens, plasma-type television screens. There was several of them, yes, sir.

Q. You can see them actually from outside the building, can’t you.

A. That part I don’t know.

Q. Okay. Where did you first see them.

A. In that -- what I call Mr. Jackson’s office

area.

MR. MESEREAU: Okay. All right. No further questions, Your Honor.

THE COURT: Redirect.

MR. SNEDDON: Yes.

REDIRECT EXAMINATION

BY MR. SNEDDON:

Q. Detective Abel, you’ve been asked a lot of questions by Mr. Mesereau about camera security equipment. I want you to take a look again at People’s 717. All right.

A. Yes, sir.

Q. The equipment that’s in that particular case, does it relate to cameras or does it relate to telephone monitoring equipment.

A. The majority of the equipment that’s in there refers to or is associated with telephone monitoring equipment.

Q. Okay. And I’m not talking about the paperwork. I’m talking about the actual equipment itself.

A. There is one small cigarette lighter that has also a camera in it that is also in a package inside there.

Q. Okay. So except for that small little camera inside of a -- what did you call it, a cigarette lighter.

A. It’s a camera disguised as a cigarette lighter.

Q. Other than that, everything else in there deals with telephonic monitoring; is that correct.

A. Telephonic and remote, covert microphones to monitor conversations, yes.

Q. Now, with regard to the telephone monitoring system itself, are you familiar with whether some of that equipment can be voice-activated.

A. Yes, it can.

Q. Tell the jury what it means to voice-activate a telephonic monitoring system.

A. It would mean that the tape-recorder that is inside the case would -- it could be set to run continuously or to only run when there is voice conversation. Voice-activated.

Q. Now, you indicated I think in your testimony both to Mr. Mesereau and before, there are items in there called alligator clips; is that correct.

A. Yes, there are.

Q. Now, with regard to the monitoring or the taping of telephone conversations, how does an alligator clip work. Where is it -- what is it affixed to.

MR. MESEREAU: Objection; foundation.

THE COURT: Just a moment.

MR. MESEREAU: I think he said he's not an expert, Your Honor.

THE COURT: Are you asking him about generally or about this equipment.

MR. SNEDDON: This equipment, Your Honor. And particularly telephonic. Not security systems in general, which is what I think Mr. Mesereau asked.

THE COURT: All right. I'll allow the question as to this piece of equipment.

THE WITNESS: Are you asking me what the alligator clips are attached to now or what they could be.

Q. BY MR. SNEDDON: Well, they're not attached to anything in there right now, are they.

A. They're attached -- well, the clips themselves are not. The other end of them is.

Q. What are they attached to.

A. Looks like it's a four-pronged device that I associate with a telephone that has four prongs on it --

Q. I'll tell you what, let's stop right there. Open up the case and show us what you mean. It's probably easier than to have you do it with your fingers.

A. There's a plastic bag, Ziploc plastic bag inside the case, with some batteries, different-sized batteries. There's an electrical plug device.

And then there's a phone cord that would attach to a phone receptacle. And this just pops off, but it was on here. And it has alligator clips on there.

And then these two were not attached to anything. These are alligator clips inside that open up.

Q. And how do the alligator clips work in connection with the taping of conversation or monitoring.

THE COURT: All right. Your objection was that he's not qualified to --

MR. MESEREAU: That's correct, Your Honor.

THE COURT: All right. I'll sustain that objection.

MR. SNEDDON: I was just laying the foundation.

Q. In your -- in your role as a narcotics investigator, were you trained with regard to electronic surveillance.

A. Yes, sir.

Q. And in particular with regard to telephonic surveillance, telephonic monitoring.

A. Yes, sir. I was instructed by the Department of Justice, State of California, on wiretap investigations.

Q. And how many such investigations have you done.

A. I've been associated with three of those type investigations.

Q. And this is where individuals who are suspects of criminal activity had their individual telephone calls monitored.

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

You may answer.

THE WITNESS: Yes, sir.

Q. BY MR. SNEDDON: Based upon your training and your experience, can you tell the ladies and gentlemen of the jury, in your opinion, how are those alligator clips used to monitor or tape

telephone conversations.
MR. MESEREAU: Same objection, Your Honor.
THE COURT: Overruled.
You may answer.
THE WITNESS: The alligator clips on the bottom end could be utilized in what you call a phone junction box to clip onto the connections for the telephone.
Q. BY MR. SNEDDON: And to your knowledge, is that activity legal in California.
A. No, it is not.
Q. All right. I just have one last question.
Mr. Mesereau asked you why you think that Mr. Jackson knew that that equipment was -- that he knew about that equipment. And you answered you thought he did. What was the basis of your opinion.
A. Um --
MR. MESEREAU: It's been asked and answered, Your Honor.
THE COURT: Overruled.
You may answer.
THE WITNESS: It was in his office with -- where the majority of items that I believed belonged to him were.
There were allegations that the family involved was concerned that their phone calls while they were at Neverland Ranch were being monitored.
MR. SNEDDON: All right. Nothing further,

Your Honor.
THE COURT: Recross.

RECROSS-EXAMINATION
BY MR. MESEREAU:
Q. Do you know whether or not Mr. Jackson has

ever had concerns that his children might be threatened or kidnapped at Neverland.

A. I do not.

Q. Do you know anything about threats by anybody around the world to ever do that to Mr. Jackson or his children.

A. I can’t say personally I know about that, no.

Q. When you went into Neverland to search, did you have any understanding of any security measures Mr. Jackson has ever used to protect he or his family.

MR. SNEDDON: Your Honor, I’m going to object as beyond the scope of redirect. My redirect -- well, I won’t --

THE COURT: Sustained.

Q. BY MR. MESEREAU: Now, you just told the jury about alligator clips, correct.

A. Yes, sir.

Q. Did you discuss alligator clips with Prosecutor Sneddon, Prosecutor Zonen and Prosecutor Auchincloss at your meeting this morning.

A. Yes.

Q. Why didn’t you tell that to the jury when I was asking you questions.

A. When. Today, or yesterday -- or Thursday.

Q. Today. Remember I asked you about the meeting you had, and you started off by saying it was only five minutes.

A. Yes, sir.

Q. Remember I asked you what was discussed.

A. Yes, sir.

Q. Why didn’t you tell the jury you discussed alligator clips with these prosecutors for the government.

A. Well, I think you asked me if there was questions and a discussion, and I think what I was referring to was a discussion we had back and forth. I discussed with -- earlier today, I indicated to them that there was that device in the case. There was no question that they asked me

about it. I just indicated that it was in there.
Q. When you had your meeting this morning with the three prosecutors for the government, did you discuss the camera inside the lighter.
A. No, I did not.
Q. What else did you talk to them about in this five-minute meeting.
A. I don’t recall that we discussed much more than what I have explained.

Q. Did you just suddenly remember it.
MR. SNEDDON: Your Honor, I’m going to object as argumentative.
MR. MESEREAU: I’ll withdraw the question.
Q. Do you consider yourself an expert on how this particular piece of equipment is utilized.
A. I would say that I’m familiar with it, but I’m not an expert on it, no, sir.
Q. Have you ever used this equipment yourself.
A. This equipment.
Q. Yes.
A. No, I have not.
Q. Have you ever repaired equipment like that yourself.
A. No, I have not.
Q. Have you ever installed equipment like that yourself.
A. No, sir.
Q. Now, last Thursday, you weren’t sure whether that equipment could be purchased lawfully by any citizen. Remember that.
A. Yes.
Q. Have you done any research on that area since last Thursday.
A. Yes.
Q. Why didn’t you say that this morning when I asked you if you’d investigated any further what you talked about last Thursday.

A. It was an Internet search. And I should

have said it, but I didn’t, yes.
MR. MESEREAU: Okay. May I approach, Your Honor.
THE COURT: Yes.
MR. MESEREAU: Thank you.
May the record reflect that I’m looking at the documents that are contained in this -- with this piece of equipment that were discussed last Thursday.
THE COURT: All right.
MR. MESEREAU: Thank you, Your Honor.
Q. Since you testified last Thursday, have you reviewed the documents that were found with this equipment.
A. No, sir. They’ve been in this case.
Q. Did you review them this morning.
A. No, sir.
Q. Did you discuss them with the prosecutors this morning.
A. I believe we just discussed the -- I believe I explained to them what I thought that the diagram was referring to, that you have in your hand there, regarding the cameras in the clocks and the cameras in the smoke alarm, et cetera.
Q. You talked to the prosecutors about that this morning.
A. I think I may have mentioned it.

Q. And did you discuss the document that’s titled “Video Surveillance System with Audio”.
A. I believe I mentioned it, yes.
Q. To the prosecutors this morning at the meeting.
A. Yes.
Q. Did you mention to them the reference to “clock video camera”.
A. I believe I mentioned that the -- there was -- that the diagram had and mentioned the clock, the small alarm, and the reference to infrared.
Q. Did you think this all related solely to a telephone monitoring system.
A. I didn’t believe that related to a telephone

monitoring system.

Q. What do you think it relates to.

A. A covert surveillance system used to videotape, would be any room that it would be set up in.

Q. It talks about miniature cameras in that document, correct.

A. I'd have to look at it again. I don't know for sure.

Q. It talks about transmitters, correct.

MR. SNEDDON: I'm going to object as beyond the scope of direct -- redirect.

THE COURT: Overruled.

You may answer.

Q. BY MR. MESEREAU: Right.

A. Ask me that again.

Q. Let me rephrase the question. I withdraw that.

Did you and Prosecutor Sneddon meet this morning and discuss that -- discuss your testimony at all.

A. Yes.

Q. Did you discuss what you were going to say this morning in response to Prosecutor Sneddon's questions.

A. No.

Q. Did you discuss this idea that you were going to limit your answers to, for lack of a better word, a telephone monitoring system.

A. There was no discussion about that at all, sir.

Q. Okay. And when did you last look at these documents that you found with that piece of evidence.

A. It would have been last Thursday during the testimony.

Q. Are you telling the jury that, based upon your background, training and expertise, that piece of equipment only relates to a telephone monitoring system.

A. Yes.

Q. Are you telling the jury that it doesn't have any relationship whatsoever to a video surveillance system.

A. Not the equipment in here, sir.
Q. Have you ever used equipment like that.
A. Yes, I have.
Q. When did you last use it.
A. It would have been several years ago, but I have used it.
Q. When you found that equipment with an investigator's card and with documents that appeared to scheme out a video-monitoring system and an audio-monitoring system, did it ever occur to you that someone may have been discussing different types of surveillance systems with respect to that equipment.
A. I -- I never believed that, no.
Q. Did you see the document that said "Video Briefcase Surveillance System with Audio". Did you see that.
A. Yes.
Q. What do you think that refers to.
A. I'd have -- just by the wording, it would be that somebody could utilize the equipment in that briefcase to covertly tape-record and/or monitor conversations.
Q. When you saw the schematic that says "Video Surveillance System," did it occur to you somebody may have been making a proposal for a video surveillance system.

A. That was not a consideration that I had, no, sir.
Q. When you saw another document that's entitled "Remote Room Audio Monitor" with prices and with schematics, did it ever occur to you that somebody may have been making some proposals for a room audio-monitoring system.
A. You keep mentioning the word "proposal," but

I never considered that that was a proposal, sir.

Q. When you saw a document that gave a price list for “Portable Electronic Surveillance Countermeasures Kit,” did it ever occur to you that somebody might be making a proposal for the purchase of a Portable Electronic Surveillance Countermeasures Kit.

A. As you say, “proposal,” I never considered that, no, sir.

Q. So just putting two and two together, an investigator’s card, a piece of evidence like that, and all of this material dealing with various surveillance systems, it never even entered your mind that somebody might have been trying to present or sell surveillance systems.

A. No, it was my opinion that this equipment had been purchased possibly from Mr. Lupori by Mr. Jackson and retained and possessed by Mr. Jackson to utilize.

Q. Ever see a purchase receipt.

A. I can’t say that there’s a purchase receipt, but there are figures and there is what appears to be a copy of a receipt, a tape -- or a register-type receipt on there.

Q. Okay. Did you see also register receipts for a Portable Electronic Surveillance Countermeasures Kit.

A. You’d have to show me all that again. I’d have to look at it.

MR. MESEREAU: May I approach, Your Honor.

THE COURT: Yes.

THE WITNESS: Yes, sir.

Q. BY MR. MESEREAU: Have you had a chance to look at that document.

A. Yes.

Q. Does it appear to have a price list on it.

A. Yes, it does.

Q. Does it appear to have a typed receipt on it.

A. Yes.

Q. Does it say at the top “Portable Electronic

Surveillance Countermeasures Kit”.

A. Yes.

Q. Are you saying, after looking at that document, it didn’t occur to you that maybe somebody was purchasing a security system at Neverland.

A. I never considered it to be a security system.

Q. Well, why would you look at a document that says “Telephonic Taping System” with a receipt, and tell the jury you thought that was being purchased, and at the same time look at a separate document that says “Portable Electronic Surveillance Countermeasures Kit,” which also has a receipt, and not tell the jury you had the same reaction; somebody was buying security system equipment, true.

A. They were buying -- that would have been for countermeasures to make sure that they weren’t being covertly monitored.

The other one goes along with purchasing for covert monitoring and/or tape-recording.

Q. What about the Video Briefcase Surveillance System. That’s got figures on it also, doesn’t it, that document.

A. Yeah, I would have to look at it again. I don’t know for sure.

Q. Sir, the bottom line is, you just saw what you wanted to see, right.

MR. SNEDDON: Object as argumentative, Your Honor.

THE COURT: Sustained.

MR. MESEREAU: No further questions, Your Honor.

Can I just return these documents to the exhibit.

THE COURT: Yes, you may.

Anything further from you.

MR. SNEDDON: No. No.

THE COURT: All right. You may step down.

Secure that exhibit first, please.

THE WITNESS: Yes, sir. The document just --

THE COURT: Yeah. Do you want to give him the documents so he can put them in.

MR. SNEDDON: Yeah.

THE COURT: Call your next witness.

MR. ZONEN: Call Dr. Anthony Urquiza to the stand, please.

THE COURT: Come to the front of the courtroom, please. When you get to the witness stand, please remain standing. Face the clerk here. And raise your right hand.

ANTHONY JOSEPH URQUIZA

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name is Anthony Joseph Urquiza. The last name is spelled U-r-q-u-i-z-a.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. ZONEN:

Q. Dr. Urquiza, all of the witnesses have so far been admonished that you have to stay as close as possible to that microphone or you won’t be heard throughout the courtroom.

A. All right.

Q. What is your current occupation.

A. I have a couple of titles. I am a psychologist licensed in the State of California. I am Director of Mental Health Services at the Care Center, which is a child abuse treatment program, child physical abuse, sexual abuse treatment program in Sacramento, California. And I am Associate Professor in the Department of Pediatrics at the University of California Davis Medical Center.

Q. Are you on the faculty.

A. I am on the faculty, yes.

Q. Tell us about the Care Center. What is that.

A. The Care Center is a medical and mental health treatment agency which provides services -- trying to remember to do the microphone -- which provides services specifically for children and families in which there has been some type of abuse, either physical abuse, sexual abuse, or neglect. We provide services, at least on the mental health side, to about 400 children and families in any given week.

Q. Is the clinic in association with the University of California.

A. It is part of the University of California, yes.

Q. And located where.

A. In Sacramento.

Q. Doctor, what are your qualifications to hold that position.

A. As I said earlier, I'm licensed in the State of California. I am a psychologist. And I have three degrees that I have earned to enable me to identify myself as a psychologist.

Q. What are those degrees.

A. I have an undergraduate degree in child development. I have a master's degree in clinical psychology, and a doctorate, or a Ph.D., in clinical psychology.

Q. How long have you held the position you currently hold.

A. I started in January of 1990. So 15 years, approximately.

Q. And how long have you been a psychologist.

A. About 1988. It was around 1988. I don't remember the exact year.

Q. And how long have you been working in the child care field, particularly mental -- care for children with some form of disability or children who have been abused.

A. Well, that’s two parts. The disability part actually goes back to the mid ‘70s. I started working with children in the mid ‘70s. But I made a decision to work and to focus my career specifically on the issue of child abuse or child maltreatment somewhere around 1982, 1983. And then I entered graduate school in 1983.

Q. If you can, tell the jury your history, beginning with that period of time back in the ‘70s when you first started working in this field, and give us a brief summary of your career from that time.

A. Sure. For a long time I’ve worked in the area -- or with children. Again, going back to about 1973.

Around 1979, I took a position at Children’s Hospital in Seattle on their in-patient psych unit where children with significant and serious mental health problems were admitted to that hospital for diagnosis and treatment.

I realized there that one of the big common denominators of kids who had serious mental health problems was this history of maltreatment in their childhood or in their lives.

And so around that time, in -- roughly from about 1980 to ‘83, I decided that that was going to

be a career goal for me, and so I applied for it and entered graduate school at the University of Washington.

It’s -- the program that I was in was a combination of a clinical program where they teach you to be a therapist or an evaluator; a research program, where they teach you to do the research in a particular area, and my research was in child abuse; and teacher or faculty somewhere.

And so I graduated around 1988. I had a brief teaching position in the Department of Family Studies at San Diego State University.

And then in 1990, I assumed the position of being responsible for all of the mental health services at the Care Center, which again is within the Department of Pediatrics at UC Davis Medical Center and have held that position since 1990 to current.

Those three things, research, teaching and clinical practice, I have been doing continuously, actually since I started entering graduate school, although the treatment of children I stopped a couple of years ago. The reason being was that in order to see treatment of -- children in treatment, you need to be able to make a regular appointment with them every Thursday at four o’clock, and my schedule really prevented me from doing that. I didn’t think it was fair to the children that I was

providing services to.

But I continued to evaluate children, and probably over the course of my career have seen several thousand children in therapy or in evaluation.

Q. Now, your current position is director of this clinic; is that correct.

A. Director of mental health services, yes.

Q. What does that mean. What do you do.

A. Well, a portion of my job is administration. A portion of my job is research. But the bulk of my responsibilities are overseeing the mental health services, which is psychological treatment or evaluation of my staff. And the staff is about 45 or 50 people that I’m responsible for.

And so sometimes I provide direct services. Again, no longer therapy, but I continue to evaluate children and families. Sometimes I provide direct supervision; that is, I have some staff people who are seeing clients, and my job is to supervise them.

And then a portion of my responsibility is to supervise my supervisors. So it’s sort of a second level where I supervise about six of my staff who then provide supervision for direct front-line service.

Q. Doctor, you tell us you also do research and have continued to do research. What does that mean.

A. One of the -- and I can answer that specific to my field, which is child abuse and family violence.

One of the things that we have been trying to do is to move knowledge forward with some empirical or research foundation. And so typically it means undergoing a methodological process where we acquire data, we analyze those data, and we make some determination or interpretation of the data.

Then the last part of it is we write the results up and submit it for publication in a book or a journal.

Q. And have you done publications in the course of your academic career.

A. I do. I have.

Q. Can you give us a sense of what that involves and how many publications, the nature or the type.

A. I don't know exactly how many. I'd say 35 to 45 publications, at least. That's an estimate. I don't keep track of that. And they're all -- or mostly on issues of child abuse. Some of the areas -- well, there's been an overriding theme to the research that I do.

One of the things that happens with a child who's been abused is that it has a disruption in their capacity to have positive and healthy relationships as they grow older.

MR. MESEREAU: Objection; nonresponsive.

MR. ZONEN: It's about the nature of the publications.

THE COURT: Sustained.

Q. BY MR. ZONEN: Can you tell us if there is a common theme to the publications that you have written.

A. Yes.

Q. And what is that.

A. This issue of relationships, which is fundamental to healthy development in children, is disrupted when children are physically or sexually abused or neglected. And so that has been the common theme: In what way does sexual abuse or physical abuse or neglect impacted -- or impact their developing capacity to have satisfactory relationships in adolescence, peer relationships, even into adulthood in being able to have satisfactory marital relationships. That has been a consistent theme.

I've also been interested in methodological issues, how to conduct good research related to child abuse.

And I've also been very interested in ethnic minority issues as they apply to different types of child mental treatment.

Q. You teach as well, do you.

A. I do, yes.

Q. And where.

A. Within the Department of Pediatrics and usually within the Care Center. But I think teaching encompasses more than -- I should back up a little bit.

I don't teach in a classroom setting. I used to when I was at San Diego State.

I now teach people to be psychologists or social workers, to be professionals. And so I teach in the capacity of supervision, seminars, training.

I also teach in workshops, in conferences that are beyond the medical center and throughout the United States and sometimes even internationally.

Q. And do you deliver papers in conjunction with those lectures.

A. I do, yes.

Q. And what types of papers are we talking about.

A. Pretty much the same as the research publications: The effects of abuse on children, the impact abuse has on developing relationships.

Again, issues of methodology, as well as the impact of abuse on people of color.

Q. I think that you had said earlier that you have seen perhaps a thousand children or more in the course of your career.

A. Who have been abused.

Q. Yes.

A. Probably -- certainly more than a thousand

children who have been abused. Several thousands who have been either physically abused, sexually abused or neglected during the course of my life that I have provided service to. That would be much larger when you incorporate people that I supervise. But for direct service, certainly a few thousand people.

Q. What percentage of them, in your opinion, are victims of child sexual abuse.

A. That I have seen.

Q. Yes.

A. I'd say at least a third. I mean, I'd say -- again, I don't keep numbers as to how many, but I'd estimate maybe a thousand children, or at least a thousand children that I have provided service to, either therapy or evaluation, during the course of my career.

Q. All right. You've been at the University of California and it's at Davis; is that correct.

A. Well, it's University of California Davis Medical Center. The medical center itself, the teaching classrooms where you go to learn to be a doctor, is in Davis. But the medical center where you actually practice is in Sacramento.

Q. And you've taught at other universities or state colleges prior to that.

A. As I said earlier, I've taught at San Diego State University. And I taught at the University of

Washington as a graduate student.

Q. And how long have you been in association with the University of California at this point.

A. About 15 years.

Q. Doctor, have you ever been appointed by the Court to be an expert in any type of court matter.

A. Yes.

Q. Have you ever testified in conjunction with those appointments.

A. Yes.

Q. All right. What types of appointments do you receive and have you received by the Court over the years.

A. In juvenile court I have been appointed usually through court order by a Judge to evaluate some aspect of a case that’s in the child welfare system. Child welfare being children who are either part of the foster care system or entry into or exiting the child welfare system.

So I’m appointed by the Court, and then usually asked to do an evaluation to answer a question that the Court may need, and then afterwards to testify about that case in court.

Q. What types of cases would you typically be appointed to. What types of issues do you address.

A. Issues of parental competency, issues of placement for a child who’s been abused. Issues of adoption, graduation out of foster care system.

Certainly issues related to how to manage a child who has some type of severe psychopathology that is difficult to address.

Q. Have you ever been retained by either the prosecution or the defense in criminal proceedings dealing with allegations of child sexual abuse.

A. I have, yes.

Q. Can you give us a sense of how many times you’ve been retained by either side.

A. Again, an estimate would be about 85 times for a criminal matter.

Q. All right. Can you tell us what percentage of that you’re retained by the prosecution, what percentage by the defense.

A. Most of that has been for the prosecution.

Probably be about four or five times that I have been -- that I've actually testified for the defense. Although I'm contacted by the defense, probably only four or five times that I have actually gone to court and testified for the defense.

Q. All right. When you're testifying on behalf of the prosecution, do you ever address the issue of Child Sexual Assault Accommodation Syndrome.

A. Yes.

Q. And have you been asked to do that on this occasion here today.

A. That's my understanding, yes.

Q. Tell us, what is Child Sexual Assault Accommodation Syndrome.

A. Sure. That syndrome is really a phrase that's the title of an article or coined in an article by a man by the name of Roland Summit, who is a psychiatrist I believe at the University of Southern California. It was published quite some time ago, in 1983, in their Journal of Child Abuse and Neglect.

The reason he wrote this article was specifically for therapists who would be treating children who are sexually abused to dispel any misperceptions or myths that they had, so they would be better able to understand what really happened with children who are sexually abused and then to be able to treat them better.

The Child Sexual Abuse Accommodation Syndrome has five parts or components. I'll just identify them. They are a sense of secrecy, helplessness, delayed -- I'm sorry, entrapment and accommodation, delayed and unconvincing disclosure, and then the last one is retraction.

Q. Tell us what the first one means, secrecy.

A. In order to understand the concept of secrecy, actually in order to understand how children respond to being sexually abused, it's important to understand the context in which abuse occurs, and the context is a relationship between a perpetrator and a victim.

One of the misperceptions that occurs or myths that occur with sexual abuse is that children are sexually abused by somebody who they don’t know. That’s just not the case. Most children -- by far, most children are sexually abused by somebody with whom they have an ongoing relationship, not a stranger.

That’s important because it sets up the dynamics for this issue of secrecy. Children tell us, and the research supports, that there is usually some type of mandate imposed upon the child to keep them quiet about the abuse; hence, the term “secrecy.”

This mandate can be something like a threat, threat of physical aggression or threat of coercion of some type. It can also be special attention, special favors, bribes. And it can also be misinformation or informing the child of the bad consequences that would occur should they disclose all part of this mandate or this coercion meant to keep kids quiet so they don’t disclose. What Dr. Summit said, that that is a part of this idea called secrecy.

Q. Explain to us how special attention or favors somehow translates to secrecy.

A. With sexual abuse, you don’t have to physically assault a child to molest them. In fact, that happens fairly infrequently. Coercion and manipulation is probably a much more effective strategy.

And what kids tell us happens is that a relationship is established between them and the perpetrator. It may be a very positive, fun, enjoyable relationship, in which the child is put in a position where they like, or in some cases, especially in an interfamilial situation, an incest situation, they may actually love the perpetrator.

And then that is supported by things like special attention, favors, doing special things or activities with the child, all aimed at creating an environment where the child will feel very positively, very warmly, very affectionately toward the perpetrator.

Q. Helplessness, the second one, what does that mean.

A. Helplessness -- it’s easier to start with the misperception.

Q. Yes, please.

A. The misperception is if you’re a child and you’re sexually abused, you’re being sexually abused, that you will be able to fend off the perpetrator. You’ll be able to do something to protect yourself so that you won’t be abused. And that just doesn’t happen. We are not -- the research actually shows quite clearly when children are presented with a perpetrator who is bigger, stronger, more worldly, has more resources, that they are not able to fend off and protect themself, and the phrase that I usually use is “to ensure their own sexual safety.” They’re not able to keep themself from being sexually abused.

Q. Do children understand a need to do that.

A. I’m not sure I understand your question.

Q. Well, you said that they’re not equipped to do that. Does that mean that they understand at the time that they actually need to do that.

A. To protect themselves.

Q. Yes.

A. Well, depending upon the age, they may not fully appreciate the inappropriateness of the sexual activity between them and the perpetrator. Or they may be vulnerable to distortions, or lies, or miscommunication, or maybe misinformation on the part of the perpetrator; that this is okay, or this behavior is okay within the context like, “You and I can do this, but we’re not supposed to tell anybody else,” giving the child the impression that, you know, “I can’t tell anybody, but maybe this is not such a bad thing."

Q. Number three, I think you said entrapment accommodation. Tell us what that means, please.

A. It's two parts. The -- and it's two parts because in the entrapment part, if you're a child who's being sexually abused, and you can't tell anybody about it, that's the secrecy. And you can't do anything about it to stop yourself from being victimized, that's the helplessness sense. And then you're stuck. You're trapped. Dr. Summit uses maybe a fancier word of "entrapment."

And the reason why that's two parts is, if you're in that situation and you can't do anything about it, then what do you do. Hence, the word "accommodation."

I think an easier word than "accommodation" is "coping." Kids learn to cope with the experience of being sexually abused because they have no other alternative. They have to learn how to manage the feelings that they have about their victimization, and those feelings can be really difficult. Those include shame and embarrassment, humiliation. Sometimes they will be traumatized. All of those are very difficult to manage, and that's part of what the accommodation process does is enable the child to manage a difficult situation that may be unbearable at times.

Q. Delayed unconvincing disclosure. What does that mean.

A. Again, that's one that has two parts to it.

Q. Yes.

A. The misperception is a good place to start. The common belief is if you're a child and you're being abused, then you will immediately -- as soon as it happens, you'll immediately go tell your mom, or your dad, your teacher, your best friend, someone. And that really doesn't happen very often, and that's why it's the misperception.

It is common that children have a delay and often a significant delay in disclosure from the first time of abuse to when they're eventually able to disclose. There are now actually several studies that have looked at this issue of delayed disclosure. And one that I often cite is by Diana Elliott and John Briere, which found that from the time of the first incident of abuse to when the child discloses, that about three-quarters of them had failed to disclose within the first 12 months.

Q. Excuse me, 12 months.

A. 12 months.

Q. Thank you.

A. So most kids don't disclose right away.

What that means is that clearly there's a delay in disclosure.

What I think that also means is, whatever that mandate or coercion that was imposed on the child, that secrecy part, must have been pretty strong if it keeps most kids quiet for at least a year.

Now, there's also a fair amount of research that would suggest that somewhere between 30 and 50 percent of children fail to disclose in their childhood; that is, they may keep the secret of their victimization quiet until their adulthood, which again supports this notion that there's a significant delay in disclosure.

Q. What are the issues that a child deals with in determining whether or not to disclose that they've been a victim of child sexual abuse. What do they wrestle with, kids.

A. Well, I'll start by telling you that I often tell kids when I'm in therapy with them that it was a courageous thing for them to do, because they are overcoming a lot of issues. They may be overcoming threats. They may be overcoming a sense that they're going to get in trouble if they disclose. Lots of times kids feel like they're not going to be believed. They'll disclose to somebody and, you know, they'll get blamed for what happened.

For a lot of children, especially males, there is this issue of stigma attached to homosexuality. That is, most perpetrators are male. And so for a male victim, not only do they have all of these other issues about being afraid to disclose, but if they disclose, the people will think that they're gay, that they're homo. I mean, those are the kinds of things that are teased or ridiculed by adolescents or peers. And so it becomes a very difficult thing.

In addition to that, it matters who they disclose to. It's a hard thing to talk about. I mean, we can sort of think about it as adults retrospectively, but I think it's more important to try to think about it in the frame of a child. It's a really hard thing to tell somebody something that may be humiliating or embarrassing and traumatizing, especially if it would involve penises and vagina and oral copulation and sodomy.

Those types of things are incredibly difficult, and so kids have to overcome a lot of barriers to be able to say that to somebody, and they often pick on somebody that they feel will be supportive of their disclosure when they initially start to make disclosures, somebody that they feel that they can trust.

Q. What situation would pose the greatest likelihood of a disclosure. What's the combination of factors that would most encourage a disclosure.

A. A child -- that would promote a disclosure.

Q. Yes.

A. A child who is disclosing to somebody who they felt, with some confidence, would be attentive, caring, responsive. Wouldn't be blameful, wouldn't say, "Well, okay, you had it coming"; or "This is all your fault"; perhaps somebody who would be believing of the position that they're taking by disclosing.

It can be a lot of different types of people, but generally it would be somebody who the child had some trust or confidence in.

Q. All right. Are kids concerned about whether they would be believed. Is that one of the issues that they deal with.

A. Very much so, yes.

Q. Now, would you expect that a child who does disclose having been a victim of sexual abuse, that that child would disclose to their closest relative.

A. If they perceive that closest relative to be somebody that they had confidence in, that -- that would be, you know, somebody that they felt would be positively responsive to them.

Q. Do you have a sense of how many children actually do disclose to parents as opposed to other persons; friends, teachers, therapists.

A. Well, that's one of the tough issues. As a researcher, if we were able to have a better understanding of the process of disclosure, we'd be able to facilitate those kids who have been sexually abused to be able to disclose more frequently.

The problem is, there are lots of different people who children could disclose to. I mean, sometimes it's a mom. Sometimes it's a dad. Tends infrequently to be dads. Many times it may be a best friend, or a counselor, a therapist. It could be a lot of different people. That's why I say that the common denominator tends to be somebody that the child has some confidence in that they would be trusted -- trustworthy and supportive of their disclosure.

Q. Are kids at all concerned about the reaction of the person who would be the recipient of this disclosure; in other words, how they would take it, how they would handle it.

A. Certainly.

Q. Is that a factor that may be different with a parent than it would be for, say, a mental health professional.

A. It could. I mean, usually kids are not particularly concerned -- as a mental health professional, they’re not concerned with how I receive information. Whereas they may be concerned with how a mother or a father, big sister, big brother may receive that information.

Q. How about a child who is -- we’ve dealt a little bit with the child who voluntarily comes forward on their own, his or her own. How about a child that is confronted by an allegation of having been a victim of sexual abuse. What are the issues that a child deals with.

In other words, it’s not a voluntary effort by the child to make -- give a communication of an abuse to another person, but, rather, another person directly asking that child. What are the issues

that a child deals with when they are asked questions about whether or not they have been abused.

A. Well, in addition to all those other things that I mentioned about how it’s difficult and they have to overcome a lot of the barriers about shame, humiliation, feeling they can get blamed for it or be responsible, in addition to all those, there may well be a natural process by which kids are able to disclose being sexually abused. And if somebody were to just come up and say, you know, “Were you sexually abused.” they may not be able to make that disclosure because they weren’t at that place where they could make it yet. Maybe two years, five years from now, they may be able to do it.

Also, it goes back to this issue of confidence. If they felt like the person who was asking them about their sexual abuse was supportive and attentive and believable and helpful to them, they may be able to make that disclosure.

If they felt like they could get in trouble, that they could be leading into an accusation, if it could be somebody who could get them in trouble for what they said, that would be a tough thing to do.

Q. What is the importance of proper qualifications by the person making the inquiry. In other words, is there such a thing as proper qualifications for a person inquiring of a child as to whether or not that child has been abused.

A. Well, there are. In California we have what we call Multi-Disciplinary Interview Centers, MDICs. There are places where children who have been alleged to have been abused go to be interviewed, and in California there is a rather extended training program to be evidentiary interviewers. Aside from some of the evidentiary issues, there's a lot of effort trying to make these people be supportive, to be the kinds of people who are easy in developing rapport, who kids like, are friendly, are comfortable. So the notion is if you can create that type of supportive, caring, attentive person, you can overcome some of the barriers that kids may have who don't want to disclose. So that really speaks to the issue of having people who are trained and skilled be able to ask questions or ask deep questions about whether a child has been abused or not.

Q. Doctor, does it make a difference, in your opinion, the gender of the child in terms of the ease with which they can give a disclosure of sexual abuse.

A. Yes.

Q. In what way. Explain that to us.

A. It goes back a little bit to what I said earlier. The basic issue is I think it's more difficult for males to disclose than it is for females. Because on top of all of the traditional difficulties, the basic barriers that I described, since most perpetrators are male, and if you happen to have a male victim, you also have the stigma or the potential exposure to ridicule and embarrassment because you'll be identified as gay or homosexual. I mean, those things get tagged onto a child. And particularly at certain ages, that could be very difficult to cope with.

Q. What kinds of ages.

A. Developmentally, a lot of early adolescents, males and females, go through a period where it’s difficult to clearly sort through their sexual orientation, the sexual feelings, sexual desires. I mean, most of us, as early adolescents, recall the sense of the early sexual feelings that we have.

Q. Early adolescence is about what age.

A. Starting probably around 10 or 11, going up through, I’d say, 13, 14, 15 years of age, varying. But to probably be more specific, you know, 11 to 14, where you start having sexual feelings, you start having rather focused attention on the opposite or sometimes same sex about having sexual relationships.

And it’s also a time of a lot of confusion, a lot of confusion about your sexual orientation, sexual identity. And so to be sexually abused, and then have this issue of whether you are homosexual or not added into a difficult or confusing adolescent time can be very difficult if you’re looking at trying to get a child to disclose sexual victimization.

Q. But a child as young as 11 actually understands the consequences of being stigmatized as gay or homosexual.

A. Oh, certainly. I’ve seen a lot of kids, much younger than 11, who would tease each other about being gay because of clothes that they wear, because of, you know, a haircut or hairstyles, or because of behaviors that they were doing, maybe a boy walks too effeminately, and they would be teased about being gay. Even younger than 11.

Q. Okay. Doctor, when a child does disclose for the first time, is it your experience, your expectation that that child would disclose each and every fact and piece of information about the molestation in its entirety on the first disclosure.

A. No.

Q. Explain that to us, please.

A. No.

I have to remember this microphone thing.

Q. Yeah. We all have to do that.

A. No. It’s actually quite uncommon that a child would make a disclosure and fully and clearly articulate everything that happened in their sexual

victimization experience and be able to do that with detail. That doesn’t happen very often.

Q. What are the issues that impact a child. I mean, what happens to a child who’s giving a disclosure for the first time.

A. Well, what we’re talking about with regard to the Child Sexual Abuse Accommodation Syndrome, what we’re talking about is that fourth part, because it was delayed and unconvincing disclosure.

The unconvincing disclosure is rather than thinking of the disclosure of sexual abuse as an event, or as an act, it’s better to think of it as a process. That is, it’s the process of overcoming a lot of those barriers and fears about what would happen when they disclosed.

And the research supports the notion that kids often will -- when they finally get around to being able to make a disclosure, will make a statement, and it may be a relatively vague statement. “He touched me in a weird way.” Or, “He touched me and it made me feel uncomfortable,” something like that.

If the response had been, as I suggested earlier, supportive, then they may feel more able to talk more about what happened and continuing on. As time goes on, if they feel more and more supported in being able to talk about it without fear of retribution, without fear that they’re going to get

blamed, without fear that any sigma might get attached to them, all of those fears that they have might start to get -- to fall away. Then they’re eventually able to provide a more complete disclosure.

The difficulty is, if you have one, two, three, four, five disclosures, multiple disclosures, and they’re not exactly the same, and they often -- the research shows us that they’re often not the same, then it looks unconvincing, which is why Dr. Summit wrote, 20-some years ago, that kids who are sexually abused go through this process of a disclosure rather than an event.

Q. And referred to it specifically as a process; is that correct.

A. Yes. Yes.

Q. Is that your experience in dealing with the thousand or more children that you’ve dealt with over the years or that number that have been sexually abused.

A. Well, it is my experience. But I think more important, that’s what’s supported by the research. I mean, my experience, and granted, I have seen a lot of children who have been sexually abused, but it is better to rely upon what the research has to say rather than just a single person.

Q. In the course of your dealing with children who have disclosed and the research that you have

conducted, is the demeanor of the child at the time of the disclosure something that’s interesting to you or relevant to the question of sexual abuse.

A. You didn’t ask me any questions about it, but what that goes to is this issue of accommodation --

Q. Yes.

A. -- past the process of coping with being sexually abused and, again, I’ll remind you that the feelings are one of being afraid, embarrassed, humiliated. These are not things that are easy to deal with for a child.

One of the things that kids have to do, if they’re being sexually abused, especially if it happens more than once, is they have to learn how to manage or shut down those feelings. They have to learn how to in some way separate themself out.

So what happens, and it often happens in therapy, when kids come in and they talk about being abused, they may talk about it in a matter-of-fact way, devoid of feelings. They may come in and, “Well, he put his penis in there. He moved it in and out. He put his hand here,” and it sounds almost cold or clinical.

What it really is, is the child’s relaying what they saw, what happened to them, separate from the feelings that they have.

Q. Doctor, a child who’s been a victim of sexual abuse, would it be your expectation that each time the child is interviewed, assuming a succession of interviews or even testimonies, would it be your expectation that child would be perfectly consistent about all of the detail each and every time.

A. The research supports that they are not likely to be consistent. Part of that is just this issue of it’s a process in which they feel more comfortable disclosing so they may give more information.

Part of it also is there’s some areas in which kids are not attentive to. For example, children don’t usually wear watches, and so if you were to ask a child, you know, “Did it happen at 2:30 or 3:30 in the afternoon. Did it last 35 minutes or 55 minutes.” their orientation to time is different than that of an adult, so they may not be accurate on issues of time.

“Did it happen on December 13th or December 14th.” They don’t operate, as some adults do, with calendars that sort of make us guide that, so they may not be exactly accurate. So some of these intangible kinds of things they make mistakes on.

Usually the things that they see, they’re pretty good at being able to accurately describe. And there’s a caveat here, which is after about four or five years of age, kids are very good at being able to describe what they see and recall and provide that information.

Q. Doctor, let me ask you a couple questions about victims of sexual abuse and their relationship with the offenders. Is it possible for a child to actually have a sincere love and affection for the person who is molesting them.

A. Certainly.

Q. Explain how that would be.

A. Well, actually it’s not only possible, in some situations it often happens. Going back to this basic issue, even as a part of this sense of secrecy, a relationship is developed between the perpetrator and the victim. And as a part of that relationship, in many instances the child likes this person. It’s really difficult to just walk up to somebody and start fondling or molesting them. Usually, as I said earlier, sexual abuse happens in the context, and the context is that relationship.

So from the perspective of the child, “I like this person, I enjoy doing things with them, they’re fun, I like that they like me, I want people to like me,” and so the sexual activity becomes an unpleasant, disliked part of a relationship that is bigger, that they, in fact, enjoy.

And, for example, in an incest situation, you may have a child who is being sexually abused by a family member. It may comprise a portion of their life that is unpleasant and they don’t like and they feel very bad about it, but the needs that they have as a child, the need for a positive affiliation or positive relationship, affection, the need to have somebody who cares about them, they comprise a much larger sense.

And it is quite common for kids to sustain a relationship that may be abusive, adding in the fact that there’s a secrecy and helplessness they can’t do anything about anyway, because the larger scope is that there’s this relationship that is very important and they have needs as a child that have to be met.

Q. Doctor, you said the “unpleasant” part of the molestation itself. Are there ever occasions where it’s not unpleasant for a child; that a child actually doesn’t view the actual act of molestation with repulsion; that a child might actually find it enjoyable. Does that ever happen.

A. It does, and in my experience, usually in two situations: One is very unusual, with long-term abuse, where the child sort of becomes a part of the relationship or thinks that the relationship that they may have with the perpetrator is more like boyfriend/girlfriend. I’ve had some clients who said, “I don’t want to disclose because he’s my boyfriend,” and they were 11 and the perpetrator was 35. So it was an abusive relationship, but their perception was that it was not.

The other one is with certain situations with sexual abuse with males, particularly with oral copulation. It is confusing -- or I should say, my experience when kids come to therapy, one of the common confusions that they have is, “I didn’t like what happened, it was embarrassing or humiliating, but it felt good, and I don’t know what to do about that.”

And the basic issue is the penis is designed to feel good. It’s designed to, if you stimulate it, to get an erection and to have pleasurable feelings. So in the process of oral copulation, if it’s stimulated, it may well appear to the child -- it may well be a pleasurable feeling. And at the same time, the child has the experience of being embarrassed and humiliated and disgusted by what’s going on. It is an odd situation that I have seen in many instances with boys who have been sexually abused.

Q. Is it unusual that a child, a boy, could actually achieve an orgasm or ejaculate during the course of molestation.

A. Not unusual at all. Again, that’s one of the things that penises were designed for. And you stimulate it enough or in a particular way, if they're old enough, they will have an erection and they may well have -- they may well ejaculate.

Q. Doctor, in cultivating a relationship with a child to the point where the child accommodates acts of molestation, are there materials that can be shown to a child that would tend to accommodate that procedure; in other words, allow a child to be able to be more accepting of what's happening to him.

MR. MESEREAU: Objection; leading.

MR. ZONEN: This is an expert witness, Your Honor.

THE COURT: Overruled.

You may answer.

THE WITNESS: Can you ask your question again.

MR. ZONEN: Yes.

Q. Is it possible to use certain types of materials with a child that might lessen that child's sexual inhibitions.

A. Well, as I said earlier, it's a difficult thing to just walk up to a child and stick a hand in their pants and start fondling them. And I don't mean to be crude about it, but that is a good example, because it's likely if you were to do that, that the child would -- would be offended, repulsed, afraid, and difficult then to follow through and molest that child in a more extensive way.

And you don't have to do that. What kids tell us happens is that they have this relationship, it's somebody that they like, somebody that they enjoy, they enjoy spending time with them, and some minor sexual content gets to be a part of the relationship. It may be an off-color joke. It may be a comment about some girl's bottom or breasts that -- who walked by. But it's a minor thing.

And then over time, it may be watching an R-rated movie, and making comments about people who don’t have clothes on in an R-rated movie. Or even more, introducing the issue of pornographic materials, X-rated magazines, or videos, or touching the child.

For example, I had a client once who said that the perpetrator would give them back rubs. And it started with back rubs, and then it gradually, over a period of a couple weeks, progressed to be more and more sexual, where it involves penetration.

The point is that what starts as relatively innocuous sexual content, like an off-color joke, gradually increases, desensitizing the child to sexuality, so that eventually when you engage in a more overt sexual behavior, like putting your hand in their pants and touching somebody’s penis or vagina, then the child is more comfortable, they’re more used to it, and put in this odd situation that, well, okay, you can now get in trouble, because it wasn’t just this, but “Yesterday we were looking at magazines, and we were making these jokes, and looking at these videos.”

Q. What happens to -- we’re now talking about a boy, a young adolescent boy, who is shown porn -- who is shown sexually graphic material with visual images, pictures. How does a young boy react to that.

MR. MESEREAU: Objection. Foundation and vague.

THE COURT: Overruled.

You may answer.

THE WITNESS: Depending upon the age of the child, I mean, we’re really talking about stimulation. As I said earlier, there’s certain ages in adolescence and early adolescence where there’s an increased interest in sexual activity, people of the opposite sex, a lot of confusion, a lot of exploration, a lot of seeking more knowledge, and in some cases experimentation about sexuality. So that could be very exciting, certainly; enticing perhaps.

Q. BY MR. ZONEN: A ten-year-old boy, would a

ten-year-old boy be old enough to find exciting looking at sexually graphic material.
A. Certainly.
Q. 13-year-old boy.
A. Certainly.
Q. I'd like to ask you some questions about how a child's behavior, a child who has been exposed to sexual molestation, are there ways that their behavior thereafter could change.

A. I'm not sure I understand your question.
Q. Is it uncommon for a child to act out in some fashion, a child who's been sexually abused.
A. That can be very common, yes.
Q. In what ways.
A. Well, I hate to be stereotypical about this, but in fact it's supported by research. The experience of being sexually abused is distressing, has lots of feelings that are difficult. The way in which boys express distrust tend to be externalizing. The way that girls express distrust tend to be internalizing. What those mean, is internalizing tend to be sad, withdrawn, crying, depressed, those types of behaviors. Externalizing behaviors tend to be aggression, acting out, defiance, swearing, name-calling, those kinds of things.
So those are common behaviors that we see with children who experience some type of distress or trauma, and also with sexual abuse.
Q. Are there other types of abuse that could lead to that type of behavior as well.
A. Certainly.
Q. Does it have to be necessarily sexual abuse.
A. No. It can be neglect, but more likely it could be sexual abuse or physical abuse.
Q. And both of which could manifest that kind of behavior in a young, adolescent boy.

A. Certainly, yes.

Q. Would that behavior include such things as talking back to teachers.

A. That would be -- yes, that would be sort of a poor response to authority.

Q. Getting into fights.

A. Getting into fights would be one.

THE COURT: Counsel. It's time for our break.

MR. ZONEN: Thank you.

(Recess taken.)

THE COURT: You ready.

MR. ZONEN: Yes, Your Honor.

THE COURT: Proceed.

Q. BY MR. ZONEN: Dr. Urquizo, what is the psychological impact of a child ultimately disclosing. Does something happen.

BAILIFF CORTEZ: Sir, your mike.

Q. BY MR. ZONEN: Dr. Urquizo, what is the psychological consequence or impact on a child who ultimately discloses to something happening to that child given that disclosure.

A. Well, one of the things that children tell us immediately happens is that there's a sense of relief from disclosing, assuming that the response to that disclosure was supported. But there's a sense of relief.

What there may well be is some degree of benefit on the mental health side. One of the things that happens with sexually abused children who are involved in therapy is the process in part involves talking about what happened or disclosing what's happened. And then also incorporating a lot of the feelings that occurred, as well as changing or modifying a lot of the distortions that the child may have acquired as a result of their victimization.

So this process of just going through the act of disclosure starts that -- starts the process that is parallel to -- it's not therapy, but it is like therapy. It is maybe the first part of that.

And so oftentimes, from the point of

disclosure, kids have this sense of relief, and there may be some gain or improvement with regard to mental health symptoms. Especially if it is also responded to, as is often the case, to disclose, and then they usually get some type of mental health treatment. So it’s followed by therapy which is specifically designed to help alleviate some mental health symptoms.

MR. ZONEN: Thank you, Doctor. I have no further questions.

THE COURT: Mr. Mesereau.

MR. MESEREAU: Yes, please, Your Honor. Good morning.

THE WITNESS: Just barely morning.

MR. MESEREAU: Huh.

THE WITNESS: Just barely morning.

MR. MESEREAU: Okay.

CROSS-EXAMINATION

BY MR. MESEREAU:

Q. We’ve never spoken before, right.

A. I don’t believe I have ever spoken with you.

Q. My name is Tom Mesereau and I speak for Mr. Michael Jackson.

A. Okay.

Q. Now, first of all, you’ve indicated the great majority of your expert witness testimony has been for prosecutors, for the government, correct.

A. That’s correct.

Q. What percentage of your expert witness testimony would you say has been for the government.

A. Well, actually, the clarification would be of criminal and juvenile court. So of criminal court, you know, four or five times I’ve testified for the defense, and then about 85 times total, so that would be -- you could do the math, but that would be the portion.

Q. So about 90 percent.

A. Roughly.

Q. 90 percent for the prosecution.

A. Correct.

Q. In criminal court, correct.

A. In criminal court.

Q. Now, when you testified in juvenile court, they were prosecutions, correct.

A. No.

Q. What were they.

A. They were part of the juvenile court process where the issue is related to the safety and well-being of a child, through the child welfare system, is placed in foster care, and then there's an 18-month process by which there's unification. So it could be in any aspect of the child welfare system, but it doesn't include any criminal involvement, at least for the part that I do.

Q. So you were not involved in efforts to convict juveniles of crimes.

A. That is correct. I have not been involved in juvenile prosecutions --

Q. And --

A. -- or in juvenile prosecutions through the child welfare system.

Q. When you testified in juvenile court, who hired you.

A. I'm usually paid for either by the county or by the court.

Q. Okay.

A. Sometimes I'm paid for by the parties, but for the most part, it's by the county or the court.

Q. Were prosecutors involved in these juvenile proceedings.

A. No.

Q. Okay. Are you being paid for your services.

A. Yes.

Q. What are you being paid.

A. My rate's 175 an hour.

Q. Okay. Have you been paid any amount of money to date.

A. No.

Q. How much do you expect to be paid.

A. Well, of course, it’s 175 an hour. I don’t know how long my testimony will go.

Q. Okay. How many hours have you put in so far.

A. Oh, about maybe ten hours. That’s just an estimate.

Q. And --

A. Maybe less than that.

Q. Okay. You had meetings or discussions with prosecutors for the government in this case, haven’t you.

A. I’ve had meetings and discussion with Mr. Zonen.

Q. Okay. Anyone else.

A. I’ve been introduced to other people, but I have really not had any substantive discussion with anybody other than Mr. Zonen.

Q. And when were you first contacted by Mr. Zonen.

A. Approximately a month and a half, maybe two months ago.

Q. Have you testified as an expert witness for this prosecuting office before.

A. I have never testified in Santa Barbara County before.

Q. This is the first time.

A. This is the first time I’ve testified in Santa Barbara County.

Q. Now, which District Attorney’s Offices in California have you testified for.

A. I don’t know that I could name all of them, but I could tell you that most of the D.A.’s Offices in Northern California, primarily in Sacramento and surrounding counties. As far south as Kings County, and Tulare County. As far north as Siskiyou County. Occasionally into the Bay Area, San Francisco, San Mateo, Alameda, Napa. Napa’s not quite the Bay Area, but primarily in the Northern California, Central Valley counties.

Actually, with one exception. I testified for the defense in San Diego County.

Q. Okay. Now, you’re a Ph.D. in clinical psychology; is that correct.

A. Correct.

Q. You’re not a medical doctor, right.

A. That is correct.

Q. And you can’t prescribe medication, right.

A. That is correct.

Q. And you’re not a psychiatrist, right.

A. Correct.

Q. And would you -- would you describe your professional activities as primarily research oriented.

A. No.

Q. How would you describe the primary thrust of your professional activities.

A. The mission of the University of California faculty is really to do three things: To do research, to teach, and to provide clinical service. And I have done all three of those things throughout the course of my career in the UC -- faculty in UC. It changes periodically, you know, from -- sometimes from month to month or from year to year, but I’ve always done all three of those things.

Q. And currently, what would the percentage breakdown of your time be as far as those three things are concerned.

A. Probably -- this is a guess. I don’t mean to be flippant about this, but the numbers may well include more than 100 percent, because my job often includes more than 100 percent. I would say about 50 to 60 percent currently is clinical in some capacity. I’d say about 30 to 40 percent is administrative. I’m sorry, not -- is research related. And then probably about 30 to 40 percent related to teaching in some capacity.

Q. Now, would the clinical activities you’re engaged in involve counseling children.

A. I used to do therapy or counseling. I stopped about three or four years ago.

I had done counseling starting when I entered graduate school in 1983. And then again, about three or so years ago I stopped, and continuously for that time.

But because of the demands of my position and other responsibilities, it was just really difficult for me to make a regularly scheduled appointment every week, which I felt was a requirement if I’m going to make a commitment to doing therapy with a child. So I stopped doing therapy specifically for that reason.

Q. So for the last three or four years, you have not spent much of your time counseling children, correct.

A. Yes, doing therapy. I still have clinical contact with children and families, but not in a therapeutic capacity.

Q. Well, the clinical contact you have is primarily for academic purposes, correct.

A. No.

Q. What is the primary purpose of the clinical work that you’re currently doing.

A. Two things. One is I still am involved in evaluations, so I evaluate children and families. Again, much of that is related to the juvenile court system. And then I supervise cases and do in-take assessments on a regular basis. But it’s just the part about therapy that I dropped out because of the demand for the regular weekly meeting.

Q. And how much of your current work is related to forensic.

A. Forensic, like --

Q. Like you’re doing today.

A. Like testifying --

Q. Yes.

A. -- or --

Q. Forensic preparation, forensic evaluation, forensic testimony.

A. Oh, a small percentage. Certainly less than 5 percent.

Q. And please tell the jury what the word “forensic” means.

A. To my knowledge, being just something that has to do with the courtroom, criminal prosecution. Again, in my field, being the field of psychology, usually mental health, its interaction with some aspect of the court.

Q. Now, you’ve published a lot of papers about various aspects of clinical psychology, correct.

A. Mostly related to child maltreatment.

Q. Okay.

A. It may not always be related to psychology. Some of the things I do are related to child welfare services or social services, not psychology.

Q. You would agree that false claims of sexual abuse are made by children.

A. Certainly.

Q. And none of the papers you’ve published have ever dealt with that subject, correct.

A. Correct. That’s not an area of research that I do.

Q. And you’ve also generated a lot of papers on various aspects of your work that have not been published formally, right.

A. Some. I don’t know that I would say a lot, but I have some manuscripts that are in preparation. Maybe four, five or six that are included on my CV that are not in -- that are not currently in a journal or a book.

Q. And none of those papers have ever dealt with the subject of false claims of sexual abuse by children, right.

A. That’s correct. Again, it’s not an area of research that I do.

Q. There are people in your position, Ph.D.s and clinical psychology, who do specialize in the area of false claims of sexual abuse by children,

right.

A. I'm not sure that they specialize in it. There certainly are people who are my colleagues who have done research in the area of false allegations of sexual abuse.

Q. And they've actually published papers on that particular subject, right.

A. There are several publications related to false allegations, yes.

Q. And you're aware that in California there have been some high-profile criminal cases which involved false claims of sexual abuse by children, right.

A. I need more information.

Q. Are you aware of a case in recent years that took place in Bakersfield where children testified they'd been sexually abused, there were convictions, and years later these testifying children came forward and said what they said was false.

MR. ZONEN: I'm going to object as exceeding the scope of the direct examination and relevancy.

THE COURT: Overruled.

THE WITNESS: I'm not aware of a case like that.

Q. BY MR. MESEREAU: You've never made any study of that particular case, right.

A. I'm not aware of any case like that.

Q. Have you ever heard of a case called McMartin that took place in Los Angeles County many years ago.

A. I'm aware of the McMartin case.

Q. Are you aware that false claims of sexual abuse were made in that case.

A. I am, although my knowledge of the McMartin case is rather small. I wasn't involved in that case, so I know very little about that case.

Q. Okay. Have you studied -- in the course of obtaining your undergraduate degree, master's or Ph.D., have you actually studied as a subject the area of false claims of sexual abuse by children.

A. Yes. And I have a quick caveat that I would add to that, but absolutely. There are probably about seven, eight, maybe ten research studies related to false allegations.

And the caveat is I am -- a part of the research that I do is specifically on methodology, about how to do research related to sexual abuse and physical abuse, primarily. And the caveat is, it’s very difficult to get good information about false allegations, because what you’re fundamentally researching is something that didn’t happen.

Clearly false allegations happen, but that issue of researching something that didn’t happen is really hard.

Now, of those studies, I’m certainly aware of those studies. I have read most or maybe all of those studies. But anything that I would say -- and actually I would argue that anything that anybody would say related to false allegations should include that caveat, because it is just a difficult area to do research in.

Q. But certainly there’s a wealth of material you can look at if it becomes your main interest as a researcher, correct.

A. I wouldn’t say that there’s a wealth of material. There are, in fact, some studies. Now, when I say “material,” I’m really referring to what the research is in child sexual abuse. A lot of people have written and a lot of attorneys and certainly a lot of defense attorneys have written a lot, maybe a wealth of material about false allegations, and I have not read that. The focus of my reading has been on what research exists with regard to false allegations.

Q. Well, in your clinical work, have you ever made it a point to interview anyone who originally testified to sexual abuse, and later came forward and said, “I lied”.

A. In my experience, there have been, that I know of, two cases where a false allegation was made. Now, that may seem like a rather small number, but most of -- or pretty much all of the children that I see in therapy are children who have already been identified as having been abused, and then they go off to therapy so they would come and see me. I’m usually not involved in the investigation part of the process. So it’s conceivable that a different number of false allegations could happen and I have not been involved in those.

Q. Now, isn’t it true that if you had been testifying for the prosecutors in any of these cases where there were false allegations, you would have testified exactly as you did here today, right.

A. I’m not sure I understand the question.

Q. Let me rephrase it. Maybe I didn’t phrase it properly.

Let’s look at these cases where false allegations of sexual abuse by children were made, okay.

A. Okay.

Q. If you had been called by the prosecution to testify for the prosecution in any of those cases, you would have said exactly what you said here today, right.

A. Do you mean with regard to the Child Sexual Abuse Accommodation Syndrome.

Q. With regard to everything you’ve testified to today.

A. There may be some minor variations, depending upon time, as we acquire more information, more research. Certainly we know information -- more information now than we did ten years ago. I have testified in cases ten years ago, so there might be some minor variations. I’d argue that generally it would be the same.

Q. And when you talked to Mr. Zonen about your testimony today, you didn’t discuss the subject of false statements of sexual abuse by children, did

you.

A. I don’t recall Mr. Zonen asking me questions about false allegations.

Q. Okay. Okay. In the clinical work that you currently do, do any of your colleagues do clinical work in the area of false allegations of sexual abuse by children.

A. I’m not aware of anybody who does clinical work. I am aware of some of my colleagues who do research with regard to false allegations, but not clinical work.

Q. Okay.

A. You never know exactly what clinical work in false allegations would be comprised of.

Q. In your courses that you teach at University of California at Davis, do you ever teach students about the subject of false allegations of sexual abuse by children.

A. Yes.

Q. And have you written anything on that subject.

A. No.

Q. Do you use a case book or a course book that deals with that subject.

A. The simple answer to that question is no, but that may be a little deceptive, because I no longer teach in a classroom setting. I teach in a graduate level. So I teach in the capacity of training people to be therapists, training to be psychologists or social workers, and so there would not be something like a course book for the lectures or the discussions, the lectures that I have related to false allegations.

Q. When you teach about the subject of false claims of sexual abuse by children, do you teach your students some of the reasons you believe children make false claims of sexual abuse.

A. Yes.

Q. And please tell the jury what those reasons are.

A. Sure. Well, and it’s founded on what the research is, not necessarily what my personal opinion is, because it’s the research --

Q. Sure.

A. -- issue with the caveat.

Q. Sure.

A. There are, in fact, a history of research related to false allegations that kids make; that is, false allegations being that they make an

allegation that they were sexually abused, but it turns out that they were not sexually abused.

And the difficulty, with the caveat, and I impress so many times, sometimes it’s really difficult to determine whether somebody was abused or not.

The research shows that there are a few dominant reasons why kids would make false allegations. Actually, primarily one reason why a child would make a false allegation, and that would be related to issues with a marital dissolution custody dispute, animosity between a husband and wife who are breaking up.

The notion would be husband and wife break up, husband or wife are angry with the other one, so they make an allegation of sexual abuse because this issue of custody is pending. It’s a problem that is extremely difficult for family court systems who actually have funded some of the research related to false allegations.

I don’t know if that was -- I mean, that was the primary reason why false allegations occur.

Q. There are other reasons, too, correct.

A. There may well be other -- that’s the largest. There could be other reasons. They would tend to be more, maybe, situational or case specific.

Q. If you saw a situation where parents were

involved in a very, very acrimonious divorce - okay. - and for the first time in that relationship allegations of serious physical abuse were surfacing, and in the middle of this acrimonious divorce all of a sudden one parent goes to the authorities and says, “My soon-to-be ex-spouse has been molesting a child for years,” would that cause you to pause regarding the accuracy of that allegation.

A. That’s a tough question for me to answer.

The reason being, it’s not my job to make a determination about whether a particular child has been abused or not.

I could argue -- you phrased it that, okay, there’s a late or delayed accusation about sexual abuse, and maybe the parent put the child up to it.

I could similarly argue that circumstances within the family or maybe the relationship between the parent and the child had changed. Maybe the parents had separated and the child felt safer and able to disclose the sexual abuse. It’s difficult to not disclose physical abuse, because if you get hit, you have red marks, you get a black eye. That’s really hard to keep secret. Sexual abuse is a lot different.

So I could make an argument for both sides; that, okay, I should be concerned or that it’s common for kids who have been sexually abused. I think the primary statement that I would make is it’s not my place as a mental health provider to make a determination about whether a child has been abused or not, sexually abused or physically abused or in any other ways.

Q. Excuse me.

And is what you’re saying that your line of work is primarily to do research in these areas as opposed to evaluate; is that correct.

A. Well, evaluate -- almost. Evaluate in the context of mental health problems. I certainly assess and evaluate children or families all the time. But I assess and evaluate regarding whether they have a mental health problem or not, not whether they’ve been abused or not.

Q. Okay. And would it be correct to say to the jury that, as you sit here today, you don’t make a living evaluating whether or not claims of sexual abuse by children are true or not, right.

A. Certainly. I make a living being faculty in the Department of Pediatrics, being a psychologist, conducting research, providing mental health services, teaching. I am not involved in the determination of whether a particular child has been abused or not.

And it’s not my place and I don’t -- actually even further argue it is not the place of a mental health provider to make a determination about whether a particular person was abused or not, or whether a particular person is a perpetrator or not. In the criminal setting, that’s the responsibility of a jury.

Q. Now, you made a comment that parents can put their children up to lying about sexual abuse, correct.

A. I think I made it as a part of an example.

Q. And you would certainly agree that parents can encourage or induce children to make false claims of sexual abuse, correct.

A. Particularly within that context of animosity between parents in issues of custody, which is where most of the writing with regard to false allegations comes. That has been a concern.

Now, I always hate to go to absolutes, so it is possible for a child to be supported in their false allegation by their parent.

Q. If you had a situation where you had a mother and her children, and you had evidence that the mother and her children had, from a psychological standpoint, adopted someone as a parental figure. Maybe there isn’t a formal marriage. Maybe there isn’t a long-term relationship, but --

MR. ZONEN: I’m going to object as compound, Your Honor, and the narrative of the question itself.

MR. MESEREAU: I haven’t finished my hypothetical, Your Honor.

THE COURT: He’s allowed to form a hypothetical. Do you -- do you want the court reporter to read to where you were.

MR. MESEREAU: I can rephrase it. Thanks.

THE COURT: All right.

Q. BY MR. MESEREAU: Let me give you a hypothetical question: You’ve got a mother and three children. There is no father figure present. There has been a traumatic divorce of recent vintage. For whatever reason, the mother and her children pick someone and adopt that person as the father figure. And they refer to that person as “daddy,” and they refer to that person as the father of the children and the mother encourages the children to refer to that person in that light.

And suddenly there is a split. The mother, the children sense that the person they’ve adopted as their surrogate father, as their father figure, is bailing out, is getting out of the situation, for whatever reason.

You could imagine, couldn’t you, as a professor of clinical psychology, a situation like that where the mother suddenly induces the children to make false claims of sexual abuse.

A. As you frame that question -- I mean, there’s two parts to my answer. As you frame that question to me, I can imagine it, because you just framed it for me.

Q. Yes.

A. But that would seem to me, in my experience and the research that I know about sexual abuse and even false allegations, to be fairly incredible. The issue being, one, as I said earlier, it’s about custody. And the research, with the caveat about false allegations, is when there is a custody dispute; that is, mom doesn’t want the kids to go over to dad because she's -- or he's maybe sexually abused them, or vice versa, and there is this issue about who has legal right to these children. And that scenario that you just gave me doesn't seem like there would be that issue about who has legal right to it.

And on top of that, the research that we're talking about, just to make sure that we're clear, the prevalence of it, is that the numbers are really pretty small. It's difficult and maybe misleading to say, okay, well, there's these large number of kids who are making false allegations. The studies show that somewhere, at least around 2 to 6 percent of kids who make allegations make allegations that are false or that may be false. So we're looking at a very small number of kids to begin with, and with, what I would argue, doesn't fit into that high percentage group that the research describes.

Q. But, Doctor, you know that in nasty divorces, very often one spouse will induce a child to falsely accuse another spouse. Not just to get custody; to be nasty and to hurt the person. You know that happens every day, doesn't it.

A. That may be your experience, but it's not supported by the research, that kids make false allegations related to being sexually victimized every day, or make a lot. I mean, those are words that you qualified with. The research does not support that.

Q. But you just said you're not an expert in the area of false allegations of sexual abuse by children, didn't you.

A. No, I don't believe I said that.

Q. You just said you don't do any research in that area, correct.

A. That's not an area of research that I do. I do a different area of research.

Q. And you've never published an article about that.

MR. ZONEN: Your Honor, I ask the witness be allowed to finish his answer in its entirety.

THE COURT: Sustained.

THE WITNESS: But of the research that exists, I have read most or all of the existing research - research, not just writing that somebody did - related to false allegations.

Q. BY MR. MESEREAU: You don’t know anything about the recent Bakersfield case, correct.

A. I --

MR. ZONEN: I’ll object. Assuming facts not in evidence that there is a recent Bakersfield case.

THE COURT: I’ll allow you to answer.

THE WITNESS: Yeah, I’m not aware of a case in Bakersfield.

Q. BY MR. MESEREAU: You’re not aware of a case where false allegations of child molestation were made, people were convicted, were incarcerated.

MR. ZONEN: Objection; asked and answered.

Q. BY MR. MESEREAU: You never heard of it.

THE COURT: Sustained.

Just a minute. I want to stop for just a second, just because the legal term “hypothetical question” has just arisen in this case. And at the end of the case, I’m going to instruct you on the law concerning the whole entire case, but occasionally because of things that happen during the trial, I’m going to give you instruction to help you deal with the evidence. And that’s the case here, so if you would please listen to this instruction, CALJIC 2.82:

“In examining an expert witness, counsel may ask a hypothetical question. This is a question in which the witness is asked to assume the truth of a set of facts and to give an opinion based on that

assumption.

“In permitting this type of question, the Court does not rule and does not necessarily find that all of the assumed facts have been proved. It only determines that those assumed facts are within the possible range of the evidence. It is for you to decide, from all the evidence, whether or not the facts assumed in a hypothetical question have been proved.

"If you should decide that any assumption in the question has not been proved, you are to determine the effect of that failure of proof on the value and weight of the expert opinion based on the assumed facts."

Thank you, Counsel. Sorry for the interruption.

MR. MESEREAU: Thank you, Your Honor.

Q. I want to add a few facts to the hypothetical I gave you. Okay.

A. Okay.

Q. Let's assume, hypothetically, the mother and son have been involved in prior litigation where the son, at an early age, testified under oath in support of the mother.

Let's assume that lawyers were retained. The mother and son had experience with lawyers, have experience making allegation of sexual assault and obtaining money in the process.

Let's assume the facts I just told you, about the mother, the son, and siblings, for whatever reason, adopting a new father figure to the point where they're referring to that person as "daddy," and referring to that person to various people as someone who takes care of them, who has adopted their family and become the father figure.

Let's assume that the new so-called "daddy" decides he doesn't want to be around these people, something doesn't seem right, and let's assume there is a falling apart.

Let's also assume the mother and son again go to lawyers. Not the police-lawyers. And let's assume that they are interested again in financial gain.

Given what I've given you in that hypothetical, you can certainly envision the possibility of false claims of sexual abuse,

correct.
A. The difficulty that I have with your hypothetical --
Q. Yes.
A. -- is that I perceive my responsibility here is to provide information about what the research has to say about child sexual abuse. And while your hypothetical, your story, is clear, I know of no research that goes to that point. So I don’t think I can answer your question.

Q. Well, you’re not telling the jury that there has been no research on false claims of sexual abuse for purposes of manipulating the legal system and obtaining financial gain, are you.
A. My understanding of the research with regard to false allegations, I don’t recall a single article where the goal of the research literature, where the goal was making a false allegation for financial gain.
Now, perhaps making a false allegation to retain custody of your child, as I mentioned earlier, but I’m not aware of any research related to false allegations for financial gain.
Q. But you’re certainly not suggesting to the jury that false allegations of sexual abuse cannot be made for purposes of financial gain, are you.
A. I’m not making that statement. I’m just --
Q. Okay.
A. -- trying to describe what the research says.
Q. Have you had a lot of experience with allegations of sexual abuse appearing in civil cases as opposed to criminal cases.
A. A couple. But not very many. Maybe two.
Q. Do you know whether or not, if somebody is criminally prosecuted and convicted of molestation, whether or not the alleged victim would automatically win a civil case if they filed one.

MR. ZONEN: I’ll object as lack of foundation.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Now, you’ve indicated that you’re aware of false claims by children of sexual abuse, right.

A. Me specifically, or with regard to the research.

Q. The research.

A. Okay, yes.

Q. And you’re aware that adults can encourage children to make false claims of sexual abuse, correct.

A. Certainly they can encourage. And again, usually that’s within the context of marital dissolution and custody.

Q. I know your point, but that’s -- that’s through the articles and research you’ve read. You aren’t saying it can’t happen in other contexts, are you.

A. I’m not saying that.

Q. And you’re certainly not saying that parents could not encourage children to make false claims of sexual abuse for financial reasons, are you.

A. I’m not making that statement.

Q. Okay. Now, you’d agree that children will sometimes exaggerate claims that they’ve been abused, true.

A. I’m not sure what you mean by “exaggerate.” I know the casual term of “exaggerating,” but you seem to have a more specific one related to sexual abuse.

Q. Well, I mean, you know what the word “exaggeration” means, right.

A. That’s what I mean, in sort of casual terms. But I guess I’m asking if you could be more specific with regards to sexual abuse.

Q. Well, certainly you would agree that children can be touched by someone, and at some point in time exaggerate that touching to be something along the lines of molestation or inappropriate touching when it isn't.

A. Certainly that would be possible.

Q. So what you're saying is there are possibilities of pure falsehood; in other words, a child says sexual abuse happened when they aren't even touched.

And there are possibilities of exaggeration, where a child is touched, but not inappropriately, and then the child comes forward and says, "I was touched inappropriately," correct.

A. Those are two possibilities.

Q. Yes.

A. I don't think I've ever encountered the second possibility, but certainly it's possible.

Q. Well, common sense would tell you that it's certainly possible that a child could be touched appropriately, and at some point come forward and say that touching was either -- either, "I was molested" or "I was touched in an inappropriate way." That makes sense that that could happen, doesn't it.

A. It's possible, yes.

Q. Okay. But in your studies, you've never come across it. Is that what I'm hearing.

A. That description --

Q. Yes.

A. -- about the pattern of exaggerating --

Q. Yes.

A. -- is not pronounced in the literature related to false allegations.

Q. It's not pronounced in the literature, but you're not saying it doesn't happen.

A. I'm not saying it doesn't happen. It's possible.

Q. Let's be honest. If parents are touching their children, and they suddenly go through a nasty divorce, and all of a sudden claims of inappropriate touching happens, they may be exaggerated, right.

A. It's possible that could happen.

Q. And would you agree that in the last, say, 15 years, you've seen a tremendous increase in claims of molestation in divorce cases.

A. I don't know the literature on that. I don't know that I could answer that question.

Q. Okay. Okay. Do you routinely in your work look for research articles on the subject of false claims --

A. Yes.

Q. -- by children.

A. False allegations, yes.

Q. Okay. And are studies in this area being done at your university as we speak.

A. On false allegations.

Q. Yes.

A. No. To my knowledge, and -- the issue of sexual abuse, and the clinical aspects of sexual abuse, they are being done at my agency, because that's what we do within the Department of Pediatrics.

There is another researcher in the Department of Psychology who does developmental research that is related to physical and sexual abuse, but not to the clinical aspects of sexual abuse.

Q. Okay. Now, let me ask you some questions about the way children might react if they truly have been sexually abused. Okay.

Now, the prosecutor asked you some questions about a child becoming aggressive because a child has been sexually abused, right.

A. Yes, I believe he did.

Q. And if you have a situation where a child has been aggressive, say, in school before any allegation of sexual abuse arises, you wouldn't look at that child and say, "I see evidence of sexual abuse because the child's being aggressive," would you.

A. It is difficult to say if any particular symptom, in this case you're using aggressiveness, is directly related to physical abuse or sexual abuse. You can be aggressive for a lot of different types of reasons. It is hard to say, “Okay, you’re aggressive. You’ve been sexually abused.” I would not go there.

Q. And it would complicate your ability to attribute aggressiveness to sexual abuse if you knew that particular child was acting aggressively in school before the alleged abuse, right.

A. It may com- -- I’m sorry, it may complicate it. The issue, as I said earlier is, aggression is -- may well be a reflection of the distress that a victim has, but it could also be something related to another aspect of their life unrelated to being victimized.

Q. For example, if a child had been a chronic discipline problem in school, a child had been constantly called to the carpet for fighting, getting up in the middle of class and singing, disrupting teachers, calling teachers names, being

bounced out of every class, ordered to detention and not showing up to detention; if you had factors like that, that would complicate your ability to say that aggressiveness was a function of sexual abuse at a later date, right.

A. Well, I would actually say it the other way around. I would say that sometimes kids who are sexually abused exhibit those kinds of problems. I would be reluctant to say that because you exhibit those kinds of problems, that you therefore have been sexually abused.

Q. Right. Okay. Okay. Wouldn’t you agree that children who actually have been sexually abused tend to react to that abuse in different ways.

A. Certainly.

Q. Some children who have been sexually abused appear severely traumatized, right.

A. Yes. But that’s actually a minority of kids who are severely traumatized by sexual abuse. It is something that some kids go through, but it’s not a frequent occurrence.

Q. Well, some kids would seem to take it in stride better than other kids, right.

A. That’s correct.

Q. Some seem to be very traumatized by it, and some can show remarkable abilities to take it in stride, correct.

A. We call it resilience.

Q. Yes. Some children who have been actually sexually abused will tend to act out their sexual abuse, correct.

A. “Act out” meaning. I mean, I have a sense of what “act out” usually is, but I’m not sure if it’s exactly what you mean.

Q. They will in a very overt, dramatic way, describe it, right.

A. Now, are you talking about the disclosures, or are you talking about the symptom presentation.

Q. I’m talking about both. Some children -- I’m not saying “all.” Some children who actually have been sexually abused will describe what happened to them in a very dramatic descriptive fashion, right.

A. That’s possible, yes.

Q. And some, on the other hand, who have been sexually abused will become very withdrawn, right.

A. Correct. That’s possible.

Q. Some children who have been sexually abused will immediately tell someone about it, true.

A. That is, in fact, possible. Certainly that occurs, as I testified earlier. It occurs in a small minority of cases, but certainly it is possible, and I would guess that it does occur.

Q. And some will never tell anybody about it at all, right.

A. Yes. I didn’t add that to what Mr. Zonen

had asked me. I know I said that there are some people who don’t disclose their sexual abuse until they’re adults.

Now, it’s my opinion that there are some people who don’t disclose throughout their entire lifetime, but I don’t have any research, obviously, to be able to point to that.

Q. And again, everything you’re saying comes out of research studies that you’ve looked at, right.

A. Either that I’ve looked at or that I’ve done.

Q. You’re not giving opinions to the jury based upon any of the therapeutic work you’ve done with actual children, true.

A. There may have been a couple of times where I’ve asked -- was asked my opinion about an issue, and I’ve tried to frame it with the statement “in my opinion,” rather than that’s what the research says. And I think I just did that a minute ago with regard to people who don’t disclose throughout their entire lifetime.

Q. Okay. But what I’m trying to get at is this: You’re giving the jury opinions about the subject. You’ve said some children act out their abuse and some become very withdrawn. Some become traumatized and others take it in stride, right.

A. Well, actually, I think it’s -- 2930

Q. What are your opinions based on.

A. I think it’s actually different than that.

My job is to provide information about what the research has to say.

Q. Right.

A. Not to sit here and just provide an opinion about what I’ve seen as a clinician or what I think as a person. To provide what the research has to say.

In those situations where I, in fact, have an opinion that’s not supported by research, I have tried to say, as I gave you an example a minute ago, “in my opinion” related to something.

Now, the other part of your question, it’s my job to educate the jury and, consistent with what Dr. Summit wrote with regard to the Child Sexual

Abuse Accommodation Syndrome, is to dispel myths and misperceptions about sexual abuse.

And so within the context of the Child Sexual Abuse Accommodation Syndrome, I do exactly the same thing that he wanted to do with therapists, but with a jury. That they have a difficult decision to make, and they should do that based upon what research has to say, and that's what I have tried to present.

For example, if they have the misperception that children are sexually abused by strangers, that some guy will jump out of the bushes and molest children, that's the way it mostly happens, well, that's a misperception. It doesn't usually happen. And I think I've characterized that most children are sexually abused by someone with whom they have an ongoing relationship.

Q. But you're not telling the jury that strangers do not molest children, are you.

A. No, but I am telling them that this is a misperception that strangers are the people we need to look out for with regard to the frequency of perpetrators. Most children are sexually abused by someone with whom they have an ongoing relationship. It could be a stranger, but it is infrequent for them to be sexually abused by a stranger.

Q. Have you ever made a study of how many cases go through the criminal courts in California where children are molested by strangers who are pedophiles. Ever made a study of that.

A. No, but there are a number of studies that have examined the relationship between the perpetrator and the victim, and the number of strangers who molest kids are in single digits. There's different studies, depending on methodology, but it's around the 4 to 6 to 7 percent of children who are sexually abused by a stranger.

Q. But do you know how many of those cases were prosecuted in California last year.

A. No. Couldn't tell you that.

Q. Do you know how many were prosecuted in the last five years.

A. Again, I don’t do research in issues of the court and criminal prosecutions.

Q. What you’re telling the jury is that the vast majority of these cases, looking at it from a research standpoint, are done by -- or involve allegations that someone the child is familiar with did this; is that right.

A. That most children are sexually abused by somebody --

Q. Yes.

A. -- with whom they have an ongoing relationship.

Q. Yes.

A. Correct.

Q. Okay. Now, you’d agree that some children who have actually been abused have very accurate memories of their being abused, right.

A. I would agree with that. Some children probably do.

Q. And some children have false memories of being abused, correct.

A. I have a hard time with that question. If you --

Q. Let me just ask it again.

A. Well, if you have not been abused, then you don’t have a memory of it.

Q. You could have a false memory of it, true.

A. There is literature which I consider unusual, where certain people have stated that they have a memory of being abused, and it’s a false memory, it turns out. Even more so with the caveat that I have about false allegations, that I would have a significant caveat about the credibility of research related to false allegations -- I forget what -- the phrase that they call it, but allegations that the victim appears to believe that they were abused and they were not. I mean, that is a very unusual aspect of this field.

Q. But it certainly has happened, hasn't it.

A. There are reports that it's happened, yes.

Q. And there are people in your field who are devoting a large percentage of their professional endeavors to studying that particular area, aren't they.

A. I'm not aware of those people.

Q. Well, you're aware of an area dealing with what is called autosuggestion, where children are actually induced by parents, adults, and other influences to conjure up false memories of abuse. You know that's going on today.

A. I'm not familiar with that.

Q. Don't know anything about that field.

A. No.

Q. Okay. Getting back to the issue of children who actually have been sexually abused - okay. - I'm excluding false claims. All right.

Some children who actually have been abused will actually show common symptoms of abuse, correct.

A. There are some, well, common symptoms of distress.

Q. Yes.

A. It is difficult to have common symptoms of abuse because of the diversity of symptom presentation with kids who have been sexually abused, so it's common symptoms of distress.

Q. Well, in your response to the prosecutor's questions, you were identifying certain generic, general ways that actual abuse victims might behave, true.

A. Yes, I think what I had said is, as a stereotype, it's consistent with the stereotype that female victims, who usually are victims who experience some distress resulting from their victimization, tend to be internalizing, and then males externalizing, and try to characterize or define what those two things are as broad types of expression of symptoms that victims go through.

Q. The point I’m making is this: Some children who have actually been sexually abused will act perfectly normal, true.

A. I would -- again, it’s hard for me to go to the issue of absolutes, but certainly there are some kids who act normal and have no apparent external change of behavior that would give you rise to believe that they’ve been sexually abused.

Q. And some children who have actually been sexually abused will not act normal, right.

A. Some kids who have been sexually abused have -- typically have some type of symptom pattern that they present.

Q. And it becomes very difficult when you observe how a child behaves to determine if that child really has been truly sexually abused, true.

A. It’s hard to look at a child and say, “Okay, you’ve been sexually abused.” That would be a difficult thing to do that.

Q. Okay. Nobody can determine with absolute accuracy that a child has been abused because they act in a certain way, right.

A. Again, that would be pretty much the same question that you just asked me a minute ago. It’s difficult to look at the child and say -- you can do it either way. To look at that child and say, “Okay, you’ve been sexually abused,” and/or to look at a child and say, “Okay, you have not been sexually abused.” It’s difficult to have that external ability.

Q. Okay. Now, you’d agree that in your field it almost goes without saying that parents can have a tremendous effect on whether or not their children tell the truth, right.

A. Yes. It should be -- actually, part of my field is also child development. And I would hope that parents have an ability to influence the lives of their children in lots of ways, one of which would include telling the truth.

Q. And if a child is continually exposed to parents who are perpetual liars, that can have an effect to a child’s view of whether lying is acceptable, correct.

A. I would tend to agree with that, yes. I mean, they’re not all cases, but I would tend to agree with the sense that a child may have a value about lying that might be similar to that of their past.

Q. Let me get to the subject of when an actual child victim of sexual abuse tends to disclose what happened to them - okay. - because you talked about when they might or might not disclose it. Okay.

A. Okay.

Q. And I’m going to limit my questions to situations where the literature you’ve studied deals with children who have actually been abused. Okay.

A. Okay.

Q. I’m not talking about children who lie. I’m talking about the actual, what appear to be victims of real sexual abuse. Okay.

A. Okay.

Q. You’d agree that some children will disclose it right away, won’t they.

A. Again, a minority, and perhaps a small minority of children will make immediate disclosures.

Q. But some do for sure, right.

A. It is -- some children do. It is much more common for kids to have a delayed disclosure.

Q. But you aren’t telling the jury that there aren’t situations where children who have been abused have not run to their parents screaming and yelling, “This person just touched me,” right.

A. No, I think what I’m trying to do is to characterize what the research says about all disclosures, and so that means accurately portraying what an immediate -- the frequency of an immediate disclosure would be, and it is a small percentage of kids who do an immediate disclosure. It certainly happens.

Q. Okay.

A. It is much more common for there to be either an extended delay, or a delay going into adulthood. That is, I think, an accurate characterization of this issue of frequency of disclosure.

Q. And you're dealing with generalities that come from the research and study that you've done or

reviewed, correct.

A. Generalities I have a difficulty with. I'm reflecting or describing what several studies have reported that are fairly consistent --

Q. Okay.

A. -- about the issue of delayed disclosure.

Q. But certainly you're not suggesting to the jury that every day of the year children don't run to their teachers and say, "So and so just touched me," "so and so just grabbed me," "You know what so and so just did to me." That happens all the time, doesn't it.

A. I'm -- I'm having difficulty -- are you saying that, "They touched you," they're making -- so are you suggesting that it happens all the time that children make false allegations.

Q. It happens quite often, doesn't it.

A. I would agree with that.

Q. You don't think teachers get reports like that often in school.

A. I don't think that there are often or all the time characterizations of false allegations of sexual abuse.

Q. Have you interviewed teachers on that subject.

A. There actually are --

Q. Please answer my question.

A. No.

Q. Have you personally interviewed teachers on

that subject, ever.
A. No.
Q. Have you done any research on that subject yourself.
A. I have read research, but I have not specifically done research on that subject.
Q. Okay. Now, I just want to ask you if the statements I'm making are correct or not. Okay.
Some children tell right away, right.
A. Again, within -- I don't mean to be long-winded or redundant here.
Q. I'm just asking you to answer my question.
Is it true that some children --
MR. ZONEN: Your Honor, I'd ask that the witness be allowed to answer the question without interruption of counsel.
MR. MESEREAU: I'll rephrase it, Your Honor.
THE COURT: All right.
Q. BY MR. MESEREAU: Let me ask you to just give a response whether you think this is true or not - okay. - and then if you want to explain it when the prosecutor gets up to get explanations, you can do that.
True or false: Some children will disclose sexual abuse right away.
MR. ZONEN: Objection; asked and answered.
THE COURT: Overruled.

You may answer.
THE WITNESS: That would be true.
Q. BY MR. MESEREAU: Some children will never disclose sexual abuse, right.
A. That is true.
Q. Some children will tell a little bit at one point and then tell more at a later day, true.
A. I would agree with that, yes.
Q. And some children will just make up stories of abuse, right.
A. It is true that there are false allegations that occur.
Q. You made some statements about details when a child makes a revelation about sexual abuse,

correct.

A. I did talk about the disclosure and the process of disclosure, yes.

Q. You talked about details sometimes changing when a child repeatedly discloses what has happened, allegedly, to the child, true.

A. I talked about, and I think what I tried to characterize was that there was a process to the disclosure, and some of the barriers that make it difficult for a child to disclose and the way in which kids would disclose being sexually abused.

Q. But changing stories about the details of alleged sexual abuse can also be consistent with lies, true.

A. Lies with regard to.

Q. Sexual abuse.

A. Again, I would agree that that's possible.

Q. In other words, if you see details being added each time a child tells a story about alleged sexual abuse, that might be an indication, as you said, that the child was abused, or it might be an indication that the child is a flat-out liar, right.

A. Well, and I think that's why Dr. Summit included it in the Child Sex Abuse Accommodation Syndrome, because the presentation was, back in 1983, that just because a child wasn't completely perfect, then their disclosure was unconvincing or they weren't telling the truth.

What we have since learned from research since 1983 was that the pattern that is common for kids who have been sexually abused sometimes included mistakes, or errors, or they may goof up on some of the details.

And so I'm not making a statement that, "Okay, you made a mistake, and so -- with regard to the disclosure, and so you are or are not sexually abused."

I'm trying to dispel the misperception that a juror may have related to the way in which a child discloses sexual abuse. Just because they make a mistake doesn't mean it's unconvincing or doesn't mean that they weren’t abused.

Q. And just because they add new details, new stories, new dates, new versions, doesn’t mean they’re not liars either, does it.

A. Right. It could go either way.

Q. Okay. Now, are the studies that you have looked at been studies that are, for lack of a better word, scientifically based.

A. They are research based that are published in peer-reviewed journals.

Q. How does what you’ve been reviewing in your work relate to science, if you can even answer that question.

A. I would argue that scientific research and psychology is a component of science, part of the social sciences. And then within the part of that related to children or child sexual abuse, that we engage scientific methodology to attempt, to the best of our ability, to identify what is best known about this event of sexual abuse or sexually inappropriate behavior between an adult and a child. So we try to gain knowledge related to sexual abuse.

Q. But there certainly is no scientific way to determine if a child has truly been sexually abused or if a child is lying about it, right.

A. I’m not aware of any science strategy or methodology to determine guilt or innocence between a specific perpetrator and a specific victim.

Q. Okay. And I think what you’re telling the jury is nobody can determine that a child has been abused just based on what the child says, right.

A. No, actually, I think somewhat differently. I think what I’m trying to tell the jury is that there’s a difference between what you may have grown up and learned about sexual abuse through reading magazines or watching television or talking to your friends and what research says about sexual abuse. And my job is to provide you with --

MR. MESEREAU: Could I ask the witness be admonished to answer the question.

THE COURT: I think he is answering it. You asked him if he said one thing, and he said no, he said another.

MR. MESEREAU: Okay.

THE WITNESS: My job is to provide information about what the research has to say about sexual abuse, and then consistent with Dr. Summit's Sexual Abuse Accommodation Syndrome, to dispel any misperceptions or myths that you have about child sexual abuse so you have perhaps a more solid foundation on which to make a determination in this specific case.

Q. BY MR. MESEREAU: I may not have asked the question properly. It could have been my mistake. Let me ask it again.

Nobody can determine that a child has been abused just based on what the child says, right.

A. I don't think I've ever been asked that question before. I don't know how to answer that. I mean, I could only say that that would be a difficult thing to do.

Q. Okay.

A. But I don't know how to answer that question.

Q. There's no test you can give a child to determine whether or not that child has been actually sexually abused, is there.

A. I'm not aware of a test to determine whether a particular perpetrator sexually abused a particular victim.

Q. Okay. In terms of reliability of studies - okay. - do you have -- do you have any thoughts on how the research studies you look at would relate to the opinions of actual clinical or therapeutic workers in this field.

In other words, do you believe that the research work you do, where you review the studies that are being published, do you believe this work is more reliable than the opinions of people actually counseling children or administering therapy to children.

A. I earlier made a statement that it’s better to rely upon what the research has to say than in my particular opinion. And I happen to be a person who believes in research and believes in science and it’s part of what I do every day.

And the best example I can give you is I’ve seen a lot of children who have been sexually abused. But the research is founded on much more rigorous, focused and a larger number of kids than even than I have seen.

So somebody who is in, let’s say, private practice doing therapy maybe, over the course of a few years, will have seen 20, 30, 50 children who have been abused, and they take their knowledge from the children that they see. And maybe that is an accurate reflection of the research; maybe it’s not. But they enhance their knowledge by reading the literature, reading scientific journals, reading professional journals about sexual abuse, and then add that to this issue of the clients that come in and the patterns they see in their clients.

Q. But when you look at these research studies, and you tell the jury, “Based upon the research studies I have reviewed in my professional work, I’ll give you these percentages,” the reality is, you haven’t talked to a single one of those alleged victims of sexual abuse that are the subject of the studies, right.

A. Well, with the exception of my studies, the research that I have done, if you exclude those, because, in fact, I have cited research of my own, that is true. A colleague of mine does research in Central Michigan. I have not gone to Central Michigan to talk with the subjects in her studies.

Q. And when you read one of these studies and they say a certain percentage of victims of sexual abuse don’t tell right away and a certain percentage do, the reality is, you don’t even know who the people they’re talking about are, right.

A. I -- well, other than a general description that they provide in a journal article or a piece of research that they do, I don’t know the names of them, and I shouldn’t know the names of them because their involvement in research is protected by confidentiality.

Q. Now, based on what you told the jury in response to the prosecutor’s questions, I’d like to ask you a few questions and ask if they’re true: Claiming you’re abused would be consistent with actual abuse, correct.

A. I’m not sure I understand your question.

Q. Well, if somebody says, “I have been abused,” that would certainly be consistent with someone who actually has been abused, right.

A. I would disagree with that.

Q. You’re trying to say that victims of sexual abuse never come forward and say, “I’ve been abused”.

A. You can be sexually abused and say, “Okay, I have been abused.” And you can be sexually abused,

and again, as you pointed out, have a false allegation.

Q. Well, let’s put it this way: Denying you’ve been abused could be consistent with having actually been abused, right.

A. You’re getting me all messed up.

Q. Let me rephrase it. Some people say, “I’ve been abused,” and they have been. Some people deny they’ve been abused, and they have been. Is that what you’re saying.

A. Correct.

Q. By the same token, some people say they’ve been abused, and they haven’t been at all, true.

A. That’s correct. That happens.

Q. And some people who deny they’ve been abused never were abused, right.

A. That would be correct, yes.

Q. Okay. All right. You said something about allegations of sexual abuse changing - okay. - during the course of an alleged victim telling various people about what happened, right.

A. I made mention of that with regard to the aspect -- the fourth aspect of the accommodation syndrome, the unconvincing disclosure, yes.

Q. If a child abuse -- excuse me, let me rephrase that.

If a child is claiming they've been abused, and you notice, during a series of interviews, the dates of the alleged abuse start to change, okay.

A. Okay.

Q. That could be perfectly consistent with a child who's lying, right.

A. That's possible.

Q. If you knew that an alleged child victim had experience in the legal system making claims and getting money from those claims, would that cause you any pause with respect to whether or not the child was telling the truth.

A. I'm -- I don't think that's my area to answer.

Q. How come.

A. Well, what I said earlier. I mean, if you're framing it within the context of false allegations, kids, in fact, do make false allegations. And when they make false allegations, the reasons that I provided earlier were in the context of divorce and issues of custody.

I wasn't aware of -- or I am not aware of an instance where a child has made a false allegation specifically for the purpose of financial gain. It's possible, which is the question you just asked me, but I'm not aware of that. Nor am I aware of any research that's focused on the issue of financial gain and false allegations.

Q. Well, you've done some therapeutic work, you said, earlier in your career, right.

A. Up until about three, four years ago, yes.

Q. And I have to assume, as a human being, when you've interviewed people, you must have been saying to yourself from time to time, "I wonder if I'm being told the truth," right.

A. Occasionally. But not frequently. Most of the time when I get kids for therapy, they've gone through this process where there has already been a determination about whether they're -- they've been abused or not.

And it's not my place to make a determination whether they're abused or not. The focus of my attention is on decreasing mental health symptoms.

Q. Let me ask you this, Doctor: Let's assume you're doing what you just described. Based upon what you know, someone, or maybe more than one person, has made a determination that somebody has been actually abused, okay.

A. Okay.

Q. And they come to you in this therapeutic context, right.

A. Okay.

Q. And you start administering therapy to this alleged victim, right.

A. Yes. Okay.

Q. And in the course of your counseling this alleged victim, it suddenly dawns on you, "I don't believe this person." What do you do.

A. I don't know that I've been in that situation before.

Q. What do you do if it happens.

A. Probably try to address the related mental health issue if it's related to this perception that I have that it's a false allegation. Because my job is not to investigate if there would have been a determination. My job is if the child comes in and they're depressed, or they are anxious, or they're aggressive, is to address the mental health problem, not to investigate whether they've been abused or not.

So if I have that thought or idea or feeling, then my first inclination, I think, would be to relate it to the mental health system, which is, in fact, my responsibility.

Q. Well, your profession has certain ethical requirements you’re supposed to follow, correct.

A. Yes.

Q. And as you’ve said earlier, you’re aware of situations where people have come forward years later and said, “That allegation I made as a child was false,” correct.

A. And again, are you talking about within the clients that I have seen, or just generally.

Q. Generally.

A. I’m aware that there are false allegations --

Q. Okay.

A. -- yes.

Q. My question to you is, as a professional, bound by certain ethical rules, if someone comes to you for therapy, and it’s your understanding that some other individuals, whom you may not even know, have made a threshold determination, “We think this child was abused,” okay.

A. Can I interrupt you in the middle of your question. In your prior question when you said “other individuals,” you pointed to these people (indicating).

Q. No, I didn’t mean they had done it. No.

A. And I made the determination there was an adjudication and the client was found -- was identified as being victimized by a jury, because you went like that (indicating).

Q. No, I was not.

A. My mistake, then.

Q. The jury has nothing to do with this issue at the moment.

A. Okay.

Q. What I’m asking you is, as a professional, someone comes to your office for therapy. It is your understanding that certain people in the system out there, whom you may not even know, made a threshold determination that they believed this

person was the victim of abuse. You start your counseling sessions. You start talking to the person very intimately about what happened. You ask them about their background. You ask them about parental influence. You ask them how they live their life. You probe into who they are. And at some point a light goes off: “I don’t believe this person. Something’s wrong.”

From an ethical standpoint, what do you do, as a clinical psychologist.

A. It’s an interesting problem, and only because I don’t think I’ve ever encountered a situation like that, and because it really runs up against this issue of confidentiality. What goes on in a therapeutic office is confidential. Clearly there are mandates to report if you reasonably suspect somebody is abused.

But you’re asking me the opposite. And so since I’ve never encountered a situation like that, the first thing I’d do is go read the either state ethics regulations or the ethics related to the American Psychological Association, because I’ve never encountered something like that.

But it would be significant for me to break a client confidentiality, since it’s one of the hallmarks of psychotherapy, so I’m not exactly sure what I would do in that situation.

Q. Have you ever made a study of false claims

of sexual abuse directed at celebrities.

A. I’ve never done a study like that, no.

Q. Have you ever read a study about that.

A. I have not.

Q. Have you done any research in the area of false lawsuits being filed against celebrities.

A. That’s not my area of research.

Q. Okay. Now, you made some comments about the percentage of actual abusers being in a relationship of familiarity with the person abused, right.

A. Yes, I think I used the word “acquaintance.”

Q. Okay. And I believe you said that you thought the -- certainly the high percentage of abusers in situations where there’s actual abuse have a familial relationship with the victim, right.

A. An “acquaintance” relationship was the word that I used, yes.

Q. And when you say “acquaintance,” what do you mean.

A. Somebody who has some ongoing relationship, who the child knows. It could be lots of different people. It can be a father, brother, uncle. Guy who lives across the street. Babysitter. You know, it can be lots of different types of people. But it’s somebody who is known to the victim and typically has an ongoing relationship with them.

Q. When you say “ongoing relationship,” what do you mean.

A. At least once, twice, three times. I mean, I think if you are the -- if the perpetrator’s the guy who lives across the street, that would suggest somebody who is seen by the victim on a regular basis. If the person -- if the perpetrator is somebody who lives in the house or is the babysitter, I mean, seen multiple incidents or have multiple times of interaction.

Q. And correct me if I’m wrong on this, but it’s sort of assumed that the alleged perpetrator who has an ongoing relationship with the alleged victim wants a relationship with that alleged victim, true.

A. I mean, I’m pondering this issue of “alleged.” If you get rid of that --

Q. I won’t.

A. That’s where I get a little hung up on your question.

Let’s just go hypothetical. All right.

THE COURT: Wait. Let’s just take a break.

MR. MESEREAU: Okay. All right. Okay.

(Recess taken.)

THE COURT: Go ahead, Counsel.

MR. MESEREAU: Thank you, Your Honor.

Q. Just to wrap things up -- oops. Just to wrap things up, a couple of more questions: When you talk about familiarity between the person accused of improperly touching a child and the child, are you referring to typically an ongoing relationship between the two.

A. I think that’s what I characterized when I said “acquaintance,” yes.

Q. And by “acquaintance,” you mean a relationship where it appears that the two parties are actively involved with one another at some level.

A. Well, without getting all that complicated about it --

Q. Sure.

A. -- it’s when the perpetrator and the victim know each other, and, you know, the opposite would be a stranger.

And so that’s really what I’m trying to characterize is, most of the time the perpetrator and the victim know each other. And I don’t know if that’s simpler or any more clear or less clear, but that’s what I was trying to characterize. That’s what the research shows with regard to sexual abuse.

Q. If you uncover evidence that the person accused is trying to disassociate him or herself from the alleged victim, that would not be consistent with what you’re talking about, right.

A. Well, again, we got -- I’ll get stuck on your word “alleged.” The Child Sex Abuse Accommodation Syndrome talks about what commonly occurs between a victim in the act of being sexually abused, and so it makes as its presumption that the child has been sexually abused. So the word "alleged" is difficult in that situation.

Q. Well, if, hypothetically speaking, you have a situation where you learn that someone has been very generous to a family in need, took that family into his home, was told the child was dying, gave them all kinds of benefits to help them with this very difficult situation, was told the family was impoverished, and at some point there's evidence that the person now decides, "They're taking advantage of me. I really want to disassociate myself from them. They're causing all kinds of problems. They're referring to me as the 'daddy' to everybody when I can't be their daddy," and you see evidence in the hypothetical that person is trying to sort of gradually get away from them, it's unlikely a molestation is going to occur at that point, isn't it.

A. It's not my place to make a determination about whether a molestation occurred or not.

MR. MESEREAU: Okay. Thank you.

REDIRECT EXAMINATION

BY MR. ZONEN:

Q. Doctor, the example that Mr. Mesereau just gave you of a person attempting to disassociate with a victim, if the same person was, in fact, plying that child with alcohol and pornography, is that consistent with grooming that child for purposes of molestation.

A. The prospect of giving alcohol, exposing children or the victim to pornographic material, is completely consistent with the notion of grooming. That phrase, "grooming," has specific meaning in the field, but it's consistent with the notion of grooming.

MR. MESEREAU: Object to the question. Move to strike, violates the Court's order.

MR. ZONEN: I believe that it was opened up by the preceding question by counsel, behavior of the suspect.

MR. MESEREAU: The Court has ordered not to use the word “pornography,” and Mr. Zonen knows that.

MR. ZONEN: If I did use that word, I don’t recall. I’m sorry.

THE COURT: I haven’t forbidden anyone to use the word “pornography.” The use of the word “pornography” as applying to the materials being introduced is forbidden, because that’s going to be a jury question for how they characterize that evidence.

But as long as you’re not -- as you’re using “pornography,” that it doesn’t relate to the evidence in this case, you can use that. It was used earlier in the hearing. But since you have a hard time distinguishing that, maybe you should use “adult material” all the time.

MR. ZONEN: I will.

Is that the extent of the objection.

MR. MESEREAU: It is.

MR. ZONEN: Then I’m prepared to proceed.

THE COURT: All right.

Q. BY MR. ZONEN: Doctor, a person who makes available to a child, virtually 24-hours a day, every form of entertainment, from video games to all manner of other games, to no restrictions whatsoever, is that something that could be considered grooming for purposes of making a child susceptible to sexual abuse.

A. Certainly. I mean, grooming is -- and I made reference earlier to this pattern of increasing sexuality in the relationship. It desensitizes the child.

Grooming, I think, is a broader scope issue, because grooming really involves the prospect where a perpetrator provides a lot of desirable things to a child, and those can be the special attention, making best buddies, you know, sharing a lot of things.

It can also be sharing a lot of material things, the coolest Nintendo games, the most interesting bikes or nicest car, whatever. It can be a lot of things that essentially pair the perpetrator with good, fun, enjoyable times.

And once that is established, then is when the sexuality starts to become a part of that relationship. And again, as I say, that’s part of the grooming. The increased sexuality makes it more accessible for the child to respond positively or favorably to the sexual approaches of the perpetrator.

Now, the statement that you made is within the realm of grooming behavior.

Q. How about encouraging a child to share not just a bedroom with the suspect, but sharing a bed with the person as well. Would that be considered grooming.

A. Certainly. That would be --

MR. MESEREAU: Beyond the scope, Your Honor.

THE COURT: Sustained.

Q. BY MR. ZONEN: Doctor, in circumstances where children have difficulty relating -- or relaying with some degree of accuracy events, tell us, what is the difficulty associated with children talking about when things occur, or how frequently things occur.

A. Well, when things occur, is kids don’t run their lives with watches and calendars like adults do. So they may make mistakes about whether it happened the day before, the day after, the 13th or

the 14th. I mean, those types of things. They make mistakes like this fairly commonly, not just within the context of the sexual abuse. But kids do that.

So there’s the “when.” And I forget what the other part of your question was.

Q. When or how frequently.

A. The “how frequently” is, if something happens just once, usually this issue of frequency is not hard to determine. If it happens twice or three times, it’s not hard to determine.

If it happens more than that, then it’s easy to not be clear about whether something happened on the first time -- well, actually the fourth time or the sixth time. Because those things -- the specific events related to each of those incidents may run together.

With regard to sexual abuse, if oral copulation occurred on the fourth time and the sixth, but not the fifth time, that would be the mistake, the child would say, “Well, maybe it happened on the fourth and fifth time.” They may not be completely accurate in being able to be reliable in describing those types of details.

Q. Doctor, are you familiar at all with any studies that have been written that deal with the issue of false allegations of child sexual abuse for purposes of financial gain.

MR. MESEREAU: Objection; asked and answered.

MR. ZONEN: Not by me.

THE COURT: Overruled.

You may answer.

THE WITNESS: I’m not familiar with any studies related to that.

Q. BY MR. ZONEN: None that you’ve read or none that you haven’t read; in other words, studies that you’re aware of their existence but haven’t read.

A. I try to keep fairly current with the literature on all aspects of -- most aspects of sexual abuse. And particularly with issues of false allegations.

And there are, in fact, several studies about false allegations, but I’m not familiar with any study, either that I’ve read or just generally aware of, where the purpose of the false allegation was financial gain.

Q. Can I assume that over the past 20-plus years that you’ve been dealing with this subject, child sexual abuse, have there been any cases that you have had personal contact with where there were allegations of sexual impropriety for purposes of financial gain.

A. I've never encountered a case like that.

Q. Doctor, of all the cases that you have dealt with on a personal level, not research, but on a personal level, have you had a number of cases where you were later able to determine were false allegations.

A. If the number is two, yes. I've had two cases where there was a determination that the allegation was false.

Q. That's over 20 years with more than what, a thousand cases.

A. Well, I started doing therapy with kids in 1983, so since that time. I've had two cases in which there was a determination that the allegation that the child made was false.

MR. ZONEN: Thank you. I have no further questions.

THE COURT: Counsel.

RECROSS-EXAMINATION

BY MR. MESEREAU:

Q. In the cases where the false allegations were made, were you the one determining that the child made a false allegation of sexual abuse.

A. In one of them. It wasn't -- I wasn't making the determination. It was an incident where a child made an allegation that he was sexually abused by his father in a fast food restaurant. I don't remember what kind of fast food restaurant. And the father had -- it was a custody dispute between the mother and the father. And the father had videotaped the entire duration of the visit, and the mother was there through most of it. And he videotaped driving in, the beginning to the end. So it captured the whole interaction of him and his child in the visit. And I watched that videotape. And the child said he was molested, and I never saw anything related to that. So that was one.

The other one I didn't make that determination. It was a child who was on a locked psychiatric unit, made an allegation of abuse of a staff person on a particular day. And that staff person was not working on that day and wasn't physically there. So it was impossible for him to have been sexually abused by that staff person.

Q. Now, you're not telling the jury that a parent cannot manipulate children to make false statements for financial gain, are you.

A. No, that was related to the questions that you asked me earlier. I mean, I can't make that statement.

Q. In any of your work as a clinical psychologist, have you ever done any investigation or study of situations where parents have schooled children to steal or lie.

A. Have schooled children to steal or lie.

Q. Yes.

A. So they coached them, trained them to steal or lie.

Q. Yes.

A. Not that I'm aware.

Q. It's not your field, is it.

A. I've -- I'm not aware of any research studies. I have not done any research studying on stealing and lying, at least directly. And I'm not aware of any cases in which a parent had coached their child to steal or lie.

Q. You can go back to the novel Oliver Twist to see examples of situations where an adult --

MR. ZONEN: I'll object as exceeding the scope of the redirect.

THE COURT: The sounds like an argumentative question to me.

MR. ZONEN: I'll object in that way as well.

MR. MESEREAU: Okay. Okay. Okay.

Q. In any of these cases of false allegations of child sexual abuse, was the target a world-famous celebrity perceived as being very wealthy.

A. I’ve never been involved in a case like that, nor read research related to that.

MR. MESEREAU: Thank you.

MR. ZONEN: No further questions.

THE COURT: All right. Thank you, Counsel. You may step down.

THE WITNESS: Thank you.

THE COURT: Call your next witness.

MR. AUCHINCLOSS: Lauren Wallace.

THE COURT: While that witness is coming in, let me remind you that tomorrow afternoon we won’t be in session from 11:30. We’ll release you at 11:30.

And Monday morning, we’re going to have you come in later than normal because we’re going to have some oral argument on some issues. I’ll wait till later in the week to tell you exactly what time, because I need to talk to the attorneys about how long the argument’s going to take. But you won’t be coming in at 8:30. It will be 10:30 or 11:30.

And then Thursday, the 31st, which is a week from this coming Thursday, is a court holiday, so we won’t be in session on that court holiday.

All right. Is the witness here now.

MR. AUCHINCLOSS: Yes.

THE COURT: Come forward.

When you get to the witness stand, please remain standing. Face the clerk and raise your right hand.

LAUREN WALLACE

Having been sworn, testified as follows:

THE WITNESS: I swear.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name is Lauren Wallace, L-a-u-r-e-n, W-a-l-l-a-c-e.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. Good afternoon, Miss Wallace.
A. Hi.
Q. Who is your employer, please.
A. I’m currently self-employed at this time.
THE BAILIFF: She’s got to speak up.
Q. BY MR. AUCHINCLOSS: One thing we’re going to have you do is speak into that microphone. We’ve had a little problem with people hearing.
A. Okay.
Q. Okay.
A. Can you hear me now.
Q. Yes.
A. Okay.
Q. You’re currently self-employed.
A. Yes.
Q. At some time in the past, did you work for a company called Xtra Jet.
A. Yes.
Q. What did you do for Extra Jet.
A. I was the lead flight attendant for Xtra Jet.
Q. And when did your employment cease for Xtra Jet.

A. July 3rd, 2004.
THE BAILIFF: She still needs to scoot up.
MR. AUCHINCLOSS: Okay. They’re still asking us to have you get closer to the microphone.
THE BAILIFF: Is your microphone on.
MR. AUCHINCLOSS: Mine is on.
Q. What is Xtra Jet.
A. Xtra Jet is a charter airline company.
Q. And who does Xtra Jet seek as clientele for their services.
A. Basically anyone who can -- who would like their services rendered. They specify particularly

towards celebrities and sports figures.

Q. How many planes does Xtra Jet fly, or did Xtra Jet fly during the period, say, 2003, 2004, when you worked for them.

A. They had approximately four different aircraft, two of which were Gulfstreams.

Q. You said you quit working for Xtra Jet in June of ‘04. How long did you work for Xtra Jet.

A. I worked for them approximately two and a half years.

Q. And you said you were chief cabin hostess, is that correct.

A. Yes, chief flight -- lead flight attendant.

Q. Could you describe to me what your duties were as a chief flight attendant for Xtra Jet.

A. My duties entailed ensuring that all the aircraft were up to specifications in regards to emergency equipment, safety equipment; all the dishes and linens and china and crystal and everything on board for -- in preparation for a First Class flight; as well as finding and staffing the right flight attendants for each aircraft.

Q. So you’d supervise other flight attendants.

A. Yes.

Q. And how many other flight attendants did you supervise. Again, we’ll go to the time frame, 2003, 2004.

A. Two other flight attendants other than myself.

Q. Okay. And what were their names.

A. One was -- one’s name was Cindy, and the other girl’s name was Jamie.

Q. Jamie.

A. Yes.

Q. Okay. And Cindy’s last name, was that Bell. Cindy Bell.

A. Yes.

Q. Okay. Have you had any background or training as a flight attendant before the time you went to work for Xtra Jet.

A. Yes, I did.

Q. And can you tell us a little bit about that.

A. Training entailed a five-day training course in in-corporate aviation. I also had FAA Part 121 training with a different company. And approximately six months of experience prior to coming to Xtra Jet.

Q. As far as supervising the other flight attendants, what would that involve.

A. I basically ensured that their service was -- was better than average; that it was -- they had better than a First Class service; and that they knew what to do in case there was an emergency.

Q. Can you tell me who your immediate boss or supervisor was in that same time period. And I'm going to stick with the 2003, 2004 time period.

A. Yes, Jim Duggan.

Q. And you mentioned the number of jets. What are the capacities, different capacities of these jets that Xtra Jet owns.

A. They carried approximately 12 people.

Q. What kind of configurations in terms of the layout of the floor plan in the jet.

A. They had club seating in them. Sometimes they had seating at tables. Normally there will be two seats immediately upon walking in; one to the left, one to the right. Another one facing that -- those seats. Then may be a table of four. And then maybe a sofa for three. And then two more seating -- seats facing each other, approximately.

Q. Are any of these jets capable of coast-to-coast flight, from, say, California to Miami.

A. Yes.

Q. All of them or just a few of them.

A. Gulfstreams, yes. The other Lear jets I really don't know.

Q. Can you give me a brief synopsis of the day in the life of a flight attendant for a private charter jet such as a Gulfstream on a coast-to-coast flight.

A. First of all, you need to be there two hours ahead of time. And then you need to arrive with all of your catering, the food and everything that the clients requested. In addition to that, all the -- the food for the pilots as well.

You need to make sure the aircraft is clean and that everything is functional in the aircraft. The entertainment system, the drains, the toilet, everything.

And then you wait for the passengers -- or you prepare for the passengers, whatever you think they might want. Coffee, soda pop. And then you wait for the passengers and you greet the passengers. You take off.

Q. And then how long does the flight take from -- again, we'll use California to Miami as an example.

A. Five to five and a half hours.

Q. And over that five to five and a half hours, what are your duties.

A. My duties are, first, to ensure that the passengers are all safe, and should we need to emergency-evacuate, that we're able to do that.

Secondly, it is to cater to the passengers and that they get their food and their beverages, and that they're comfortable and happy.

Q. You mentioned that Xtra Jet -- among the clients that Xtra Jet works with are celebrities.

A. Yes.

Q. Have you personally worked on flights provided by Xtra Jet to Michael Jackson.

A. Yes, I have.

Q. And is the individual Michael Jackson in court today.

A. Yes.

Q. Could you identify him for the record, please. Just identify him by pointing, if you would, please.

A. Okay. Mr. Jackson.

MR. AUCHINCLOSS: If the record could reflect the defendant was identified.
THE COURT: All right.
Q. BY MR. AUCHINCLOSS: How many total flights have you flown with Mr. Jackson on them in which you were the flight attendant.
A. Between 15 and 25.

Q. And were you also the preparation hostess on those flights, the person who prepared the plane for Mr. Jackson.
A. Yes.
Q. Can you tell me, when was the last time that you flew on a flight with him, or worked on a flight with Mr. Jackson.
A. I believe that last flight was November -- around the end of November. November, I think, 22nd, 2003.
Q. All right. And can you characterize for us your relationship with Mr. Jackson based on those 11-odd flights.
A. It was professional, but on a very friendly basis.
Q. During a five-hour flight, would you serve cocktails if that was requested.
A. Certainly.
Q. Okay. And soft drinks.
A. Yes.
Q. What about meals.
A. Yes.
Q. Snacks, this type of thing.
A. Yes.
Q. What other services would you provide, other than food and beverage.
A. I would ensure that the passengers were warm. I would ensure that the passengers knew if

there was going to be turbulence, or if we had to wait to take off. I would give them their jackets, take their shoes away if they requested.

Q. Did you ever work any flights with a family that you -- by the name of Arvizo.

A. I don’t believe so, no.

Q. Okay. Are you aware of other flight attendants at Xtra Jet who did work flights involving Mr. Jackson.

A. Yes.

Q. Okay. Who would that be.

A. I know of the two from Xtra Jet, Cindy Bell and Jamie Crow, both.

Q. Both worked with Mr. Jackson.

A. That were employees of Xtra Jet.

Q. So other than food and beverage and helping out with the requests of the passengers, would that pretty much compromise -- comprise your duties, and making sure the safety of the passengers is paramount. Would that pretty much take care of your duties as a flight attendant.

A. That and cleaning, yes.

Q. Okay. How busy would you be during a five- to five-and-a-half-hour flight coast to coast, typically.

A. Depending on the number of passengers, I would not be busy at all, or I would be very busy throughout the entire flight.

Q. And assume that the -- you have a full passenger list on one of the Gulfstreams. How busy would you be during that five-hour flight. I guess my question would be, would you get any downtime during that five-and-a-half-hour flight with a full passenger list on a Gulfstream.

A. It would be safe to say that I would have minimal downtime.

Q. Regarding Mr. Jackson’s -- the preparation of Mr. Jackson’s plane, would he have any special requests.

A. He had special catering orders.

Q. Okay.

A. That is standard with every flight.

Q. And describe what that would be for me, if you could.

A. His precise orders or --

Q. Yes.

A. Or an example of --

Q. How would he like the plane prepared before take-off.

A. Well, as far as having the plane itself prepared --

Q. No, I mean special requests. Any things -- items that he wanted on the plane. Beverages, food, this type of thing.

A. His normal catering request was -- and it may not have been his. It may have been one of his children's or nannies or something. But my trip sheet always had like Kentucky Fried Chicken, and Subway sandwiches some of the time, and sometimes chicken breast with rice pilaf.

Q. Okay. Concerning -- would Mr. Jackson have any special requests regarding alcohol.

A. It was never written on a trip sheet.

Q. Okay. But did you become aware of a special request that he desired when he flew on Xtra Jet regarding alcohol.

A. Yes.

Q. How did you become aware of that.

A. Through another flight attendant.

Q. And who was that.

A. Miss Bell.

Q. And during the flights that you flew with Mr. Jackson, what -- how did you handle -- well, let me back up, first of all, and ask you a foundational question.

Did Mr. Jackson drink alcohol on those flights that you flew with him, the 11 flights.

A. Yes.

Q. All of them.

A. Not all of them, no.

Q. Okay. Can you characterize how many of them he drank alcohol on.

A. Nine or ten.

Q. Can you characterize the amount of

consumption of alcohol that he would drink on a given flight.

MR. MESEREAU: Objection; vague.

Q. BY MR. AUCHINCLOSS: How about -- I can tighten that up.

Can you characterize how much alcohol he would drink on a typical coast-to-coast flight.

A. It was different from what I witnessed.

Q. From what to what.

A. Sometimes maybe it was a little bit of wine. And other times it was maybe three six ounces of wine, and then a glass or two of tequila or Tangueray gin. But it -- it wasn't like I looked and said, "That's exactly seven ounces," or anything.

Q. Okay. I'm just asking for your general recollections.

You said a glass or two of Tangueray or tequila. Would he drink out of a glass.

A. Yes, he would.

Q. Would he ever drink wine out of anything other than a glass.

A. Yes.

Q. What would he drink out of.

A. A Diet Coke can.

Q. Did you prepare those cans for him.

A. Yes, I did.

Q. Okay. Tell me about that. How did that come about that you would put wine in a Diet Coke can.

A. Miss Bell had informed me that that is something that he did. And so when I initially flew Mr. Jackson, I had emptied out three Diet Coke cans and filled them up halfway with white wine, kept them on ice for him, and had them available for him upon boarding.

Q. Did you serve him wine in a Diet Coke can.

A. Yes. I placed them there for him.

Q. Did he drink it.

A. Yes. Maybe not all of it sometimes.

Q. Would he ever have a mixed drink in a Diet Coke can, such as tequila or Tangueray.

A. Not that I’m aware of, no.

Q. And when you prepared a flight for Mr. Jackson, how often would you prepare these cans with wine in them. You said you did about three.

A. I would make three up, approximately three. And if there was more people in the party, I would make up more than that.

Q. Would other people drink wine out of the Coke cans.

A. Sometimes, yes.

Q. Do you have any specific recollections of someone else drinking wine out of a Coke can other than Mr. Jackson.

A. I believe -- I don’t know his name, but I think he was his cousin or something. I think he was a family member.

Q. A what.

A. I believe he was a family member of Mr. Jackson’s.

Q. You don’t recall his name.

A. No.

Q. Do you recall what he looked like, this individual.

A. He was an attractive younger gentleman. Brown, wavy hair, very full. Dark olive complexion.

Q. Do you know -- can you approximate his age.

A. 22.

Q. When was this flight; do you remember.

A. It must have been around October of 2003.

Q. Miss Wallace, did you ever hide alcohol on any of these flights for Mr. Jackson.

A. Yes, I did.

Q. What did you hide. What alcohol did you hide for Mr. Jackson.

A. I hid little bottles of Tangueray and tequila, and maybe vodka.

Q. And what are we talking about, the small airplane-type bottles.

A. Yes.

Q. Is that --

A. Those are called minis.

Q. Minis. Okay. And where would you hide

those bottles.

A. It depended. Usually in the lav above children’s reach. The lav is the lavatory and the bathroom of the airplane.

Q. And how would Mr. Jackson become aware of the location of the bottles.

A. I would inform him. Initially I informed him. But after a while, upon flying the same aircraft, I figured that maybe he would know they were there for his disposal.

Q. You said, “Usually in the lav.” Where else would you hide bottles.

A. I know once I carried one in my jacket pocket, but he never got it.

Q. Okay.

A. He never knew it was there. It wasn’t for him to really get. I was just going to give it to him, but I never got the opportunity.

Q. And did he ever drink those bottles. Did you ever find evidence that he had ever drunk any of those bottles.

A. Once or twice. Only one or two bottles. It was very rare.

Q. How many occasions -- how many of the flights that you flew on with him did you hide these bottles.

A. Out of the -- let’s see, 20 -- 20 flights we did, they were there maybe 15, 15 of the flights.

Q. All right. 15 times.

A. Yeah.

MR. AUCHINCLOSS: Okay. Thank you. No further questions.

THE COURT: Mr. Mesereau.

MR. MESEREAU: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. MESEREAU:

Q. Good afternoon.

A. Good afternoon.

Q. You were interviewed by the Santa Barbara Sheriffs about this case, right.

A. Yes, I was.

Q. Do you know how many times you were interviewed by them.

A. Once.

Q. Okay. And your understanding was that Mr. Jackson did not want children seeing him drink alcohol, right.

A. Yes.

Q. And it was your understanding that he wanted wine placed in cans because he didn’t want children to see him drinking that wine, right.

MR. AUCHINCLOSS: I’ll object. Foundation; hearsay.

THE COURT: Foundation; sustained.

Q. BY MR. MESEREAU: Did you have an understanding as to why Michael Jackson wanted white wine placed in cans on the flights.

MR. AUCHINCLOSS: Same objection.

THE COURT: Overruled.

You can answer that “yes” or “no.”

THE WITNESS: Yes.

Q. BY MR. MESEREAU: Would you please tell the jury what your understanding was as to why you were putting white wine in cans on the flights.

MR. AUCHINCLOSS: Same objection.

THE COURT: Sustained; foundation.

Q. BY MR. MESEREAU: Did someone ever tell you that Mr. Jackson wanted wine placed in soda cans because he didn’t want children to see it.

MR. AUCHINCLOSS: Objection. Same objection.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Why did you hide those little bottles of alcohol so children couldn’t get

to them.
A. I wanted to make sure that -- that Mr. Jackson and whomever he decided to inform that there was additional alcohol for grown-ups to drink, that they could at their own disposal in secrecy.
Q. And why did you put white wine in soda cans when Mr. Jackson flew on the flights.
MR. AUCHINCLOSS: Same objection as before, Your Honor.

THE COURT: No, it’s not -- she’s already testified that the other flight attendant told her to under direct, so I’ll allow the question. I don’t think it’s the same question.
I’m going to have it reread so you know what the question is.
Go ahead, reread it.
(Record read.)
MR. AUCHINCLOSS: I’ll object as foundation.
THE COURT: Okay. I’ll -- go ahead and lay the foundation.
Q. BY MR. MESEREAU: You testified in response to the government prosecutor’s questions that you had talked to Cindy Bell, right.
A. Yes.
Q. And Cindy Bell also worked with you with Xtra Jet, right.
A. Yes.
Q. And Cindy Bell would often work with you on plane flights where Mr. Jackson was a passenger, right.
A. We never worked together, but she was on one flight with him and I was on the others so --
Q. And you discussed with Cindy Bell why Mr. Jackson wanted wine placed in cans, correct.
A. Yes.
Q. And you did indicate in response to the prosecutor’s questions that because of what

Ms. Bell said to you, you would put wine in cans,

right.

A. Yes.

Q. And Ms. Bell told you in that regard, he didn't want children to see him drinking, right.

MR. AUCHINCLOSS: Objection; hearsay.

THE COURT: Sustained; hearsay.

Q. BY MR. MESEREAU: What did Miss Bell tell you in that regard.

MR. AUCHINCLOSS: Same objection.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you remember telling the Santa Barbara Sheriffs in your interview that Mr. Jackson didn't want children to see him drinking at all.

MR. AUCHINCLOSS: Objection, Your Honor.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you know of your own personal knowledge why Mr. Jackson wanted wine placed in cans on these flights.

A. Yes, I do.

Q. And what do you know.

MR. AUCHINCLOSS: Your Honor, objection.

THE COURT: Calls for hearsay. Sustained.

MR. MESEREAU: Okay.

Q. Do you remember telling the Santa Barbara Sheriffs that you had never observed children intoxicated on flights when Mr. Jackson was a

passenger.

MR. AUCHINCLOSS: Objection, beyond the scope.

THE COURT: Overruled.

You may answer. Do you know the question.

THE WITNESS: I never saw intoxicated children on Mr. Jackson's flights.

Q. BY MR. MESEREAU: Okay. And was it your understanding that Mr. Jackson wanted wine placed in cans because he tends to get nervous on flights.

A. Yes.

Q. And, Ms. Wallace, are you familiar with what is called a "Passenger Profile" for people who fly on Xtra Jet flights.

A. I am aware of this, yes.

Q. Would you please tell the jury what a Passenger Profile is.

A. A Passenger Profile is a profile based on each passenger with their likes and dislikes, their friends’ dislikes -- likes and dislikes, and family’s likes and dislikes.

And they’re notes basically so that if another flight attendant or another person should work with that particular client, that they’re aware of allergies or preferences.

Q. And Mr. Jackson had given the Xtra Jet company some information to put in his Passenger Profile, right.

A. He did not give Xtra Jet any information. It’s -- it’s information that was gathered.

Q. Well, didn’t Mr. Jackson’s Passenger Profile say that white wine in Diet Coke cans is to be prepared for every flight.

A. His profile could have said that.

Q. Would it refresh your recollection if I just show it to you.

A. Yes, it would.

MR. MESEREAU: May I approach, Your Honor.

THE COURT: Yes.

MR. MESEREAU: Thank you.

THE WITNESS: Uh-huh. Thank you.

Q. BY MR. MESEREAU: Miss Wallace, have you had a chance to review that Passenger Profile on Michael Jackson that was prepared by Xtra Jet.

A. Yes.

Q. Does it refresh your recollection about whether or not in Mr. Jackson’s Passenger Profile it was specified that white wine in Diet Coke cans are to be ready for every flight.

A. Yes.

Q. Okay. Had you actually been shown that at some point.

A. I wrote it.

Q. Oh, you wrote it, okay. Okay.

All right. So you’re the one that wrote

down "Kentucky Fried Chicken" for all these meals,

right.

A. Everybody has different likes.

Q. Okay. You had "Kentucky Fried Chicken" for breakfast, lunch and dinner, right.

A. Yeah. It's good.

Q. Now, did you do the passenger profiles for Mr. Jackson's children as well.

A. Yes, I did.

Q. And you wrote down "Paris loves to bake cookies and will try to eat the sugar." Is that what you wrote.

A. Yes, I did.

Q. Did you know his children very well.

A. I know them, but I don't think I know them very well.

Q. Did you often see them on flights with him.

A. Yes, I would.

Q. Okay. In fact, they -- most of the flights he took with Xtra Jet, they would be with him, right.

A. Certainly, yes.

Q. Okay. Now, Mr. Auchincloss, the prosecutor, asked you about miniature bottles of alcohol that you would have on the plane for Mr. Jackson, right.

A. Yes.

Q. And do you know why Mr. Jackson wanted to have those miniature bottles on the plane.

A. Mr. Jackson never asked for the miniature

bottles to be on the aircraft.

Q. Okay. Well, you brought those miniature bottles on the aircraft for a reason, didn't you.

A. I brought them to better my service rendered to Mr. Jackson.

Q. Do you remember testifying before the Santa Barbara Grand Jury about this.

A. Yes.

Q. And do you remember telling the Santa

Barbara Grand Jury, “I knew that Mr. Jackson did not like to drink alcohol in front of his children, so I would bring in a little miniature baggy full of little miniature bottles of Tangueray gin and tequila”. Do you remember saying that.

A. Yes.

Q. And you said, “I would put them away, hide them away in the lavatory, and I would sometimes inform him that they were there for his own disposal.” Do you remember saying that.

A. Yes.

Q. Okay. When did you first meet Mr. Jackson.

A. I believe I initially met him, it must have been around October of -- maybe it was more like March of 2003.

Q. And when did you last see him.

A. Around the end of November of 2003.

Q. And did you ever meet a physician of Mr. Jackson on any of those flights.

A. No. Not that I know of, no.

Q. You don’t recall that. Okay. Do you recall seeing other people with Mr. Jackson typically on these flights.

A. Yes.

Q. Nannies, for example.

A. Yes.

Q. Okay. When you saw his children, would you usually see nannies with them on these flights.

A. Yes.

Q. And other members of -- excuse me. Other members of his family would fly with him from time to time, right.

A. Yes.

Q. And approximately how many seats did an Xtra Jet plane have for one of these types of flights, if you know.

A. Usually -- 12. 12 or 13. One plane at that time carried 13.

Q. And when Mr. Jackson would fly on these flights, would all the seats typically be full, if you remember.

A. Six out of ten times the seats would be full. Sometimes there would be one or two, the empty seats.
Q. Did he often have security people with him.
A. Yes, he did.
Q. Did you ever see Mr. Jackson dozing off on any of these flights.

A. Sleeping, yes, I would.
Q. Okay. Did he often do that.
A. Half the time, yes.
Q. Okay.
A. Maybe seven out of ten times.
Q. Now, you have to get on a plane tomorrow morning, don’t you.
A. Yes, I do. It’s private. It’s a personal trip, so it’s not a work trip.
Q. Well, no further questions, then. Thank you.
THE COURT: Anything further.
MR. AUCHINCLOSS: Just a couple of questions, Your Honor.

REDIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. How often would Mr. Jackson fly without his children percentagewise in terms of the flights that you were with him.
A. There may have been four or five trips that he didn’t have his children with him.
Q. Did he drink white wine out of Coke cans during those flights as well.
A. Yes.
Q. Did you hide alcohol for him on those flights as well.

A. Yes.
Q. Did he ever drink any of it, if you recall.
A. Out of the --
Q. Of the hidden alcohol.

A. I noticed two or three of the little bottles empty and that was it.

Q. Was it on one of the flights with -- when the children were present, or when they weren't, if you recall.

A. I don't recall.

Q. You said he drank mixed drinks out of a glass. Was that his normal routine.

A. Towards the end of the flight, he would -- if he was going to get into the tequila, or whatever it was, he normally would get a glass, or I would have a glass for him and make it up. But it wasn't every flight. It was pretty rare.

Q. Okay. Could his kids see him drinking at that point, if you were fixing a mixed drink for him.

A. They could if they were looking. But we were very discreet about it. He was very discreet.

Q. Do you know an individual by the name of Dieter Weizner.

A. Yes.

Q. Has he ever flown on Mr. Jackson's flights.

A. Yes.

Q. How often.

A. Maybe three --

MR. MESEREAU: This is beyond the scope.

MR. AUCHINCLOSS: He asked questions about who was on these flights.

THE COURT: All right. Overruled.

BY MR. AUCHINCLOSS:

Q. You may answer.

A. Maybe three out of ten times.

Q. What about Ronald Konitzer.

A. I don't recall the name.

Q. How about an individual by the name of Marc Schaffel.

A. I am familiar with Mr. Schaffel.

Q. How many flights was Mr. Schaffel on with Mr. Jackson.

A. Maybe four out of ten.

Q. And this would all be in the 2003, 2004 time frame, or earlier. You tell me.

A. My initial flight with Mr. Jackson, I know that Mr. Schaffel was on board. And, yes, it was in the 2003 -- Mr. Schaffel flew with Mr. Jackson towards the beginning of our flights. And towards the end, I didn’t see him as often.

Q. All right. Thank you. No further questions.

MR. MESEREAU: No further questions, Your Honor.

THE COURT: All right. Thank you. You may step down.

THE WITNESS: Thank you.

THE COURT: Call your next witness.

THE BAILIFF: Should be right outside.

MR. AUCHINCLOSS: Call Louise Palanker.

THE COURT: Come to the front of the courtroom, please.

When you get to the witness stand, please remain standing. Face the clerk here, raise your right hand.

THE WITNESS: Hi.

LOUISE PALANKER

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name is Louise Palanker. L-o-u-i-s-e, P-a-l-a-n-k-e-r.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Good afternoon, Miss Palanker.

A. Hi. How are you.

Q. I’m just fine. How are you.

A. Good.

Q. What is your profession, please.

A. I'm a comedian, writer, producer, teacher.

Q. All right. And how long have you been so employed.

A. About 20 years.

Q. Have you had any association over your 20 years as a comedian with The Laugh Factory.

A. Yes, I have.

Q. Tell me about that, if you would.

A. I was a comedienne there for a while. And during that time there, I helped Jamie on Saturdays during the summer with comedy camp for underprivileged children.

Q. Okay. You said "Jamie." Would that be Jamie Masada.

A. Yes, Jamie Masada.

Q. What is the comedy camp.

A. For two months during the summer, he has about 25 children come in from underprivileged neighborhoods and learn how to become comedians. And at the end of the summer, in September, they graduate and they perform in front of a live audience at night, at The Laugh Factory.

Q. And how often did the comedy camp meet over that two-month period.

A. Every Saturday for about four to five hours.

Q. Do you still work with the comedy camp.

A. No, I started my own program at two Boys & Girls Clubs, which I teach stand-up comedy to children all year long.

Q. And when did you switch over from the comedy camp to the Boys & Girls Clubs.

A. Right after the Arvizo summer. I did both for a little while --

Q. All right.

A. -- for a couple of summers afterwards. But I started my own program in 2000, which was the year Gavin got sick.

MR. AUCHINCLOSS: May I approach, Your Honor.

THE COURT: Yes.

Q. BY MR. AUCHINCLOSS: Miss Palanker, I show you People's Exhibit No. 49, a photograph. Can you identify that for me, please.

A. That's Gavin, Davellin, me and Star.

Q. All right. And when was this picture taken.

A. That was the day Fritz came as the guest teacher. And I remember he ran off before they could get their picture with him. And that was outside of Laugh Factory after class.

Q. Okay. So was that during one of the comedy camps.

A. Yes.

Q. And that would have been during one of the regular sessions, or during the end of the -- the graduation ceremony.

A. It was -- I'm feeling like it was the third or fourth Saturday of the summer.

Q. And I don't know if you said it, but did you mention what year that picture was taken.

A. 1999.

Q. Okay.

A. Summer of 1999.

Q. How did you come to meet the Arvizo children.

A. They came to audition. I met them the day they auditioned. And then they were chosen to be enrolled in the program.

Q. So there's a selection process for the program.

A. Yes, there is.

Q. How does that work.

A. Probably three times as many children as Jamie has room for have seen the flyers up at their schools and teachers have recommended talented children. And they all come down to The Laugh Factory over a series of two to three Saturdays. And then Jamie makes a final selection, and those children are called and told that they have been -- that they've been selected.

And Jamie -- he never takes one child from a group of siblings. If he takes one, he takes the brothers and sisters.

Q. So what is the criteria for becoming a member of the laugh camp for the children.

A. I think sometimes he looks for particularly talented children. And sometimes he looks for children that he feels would get something out of the program. For instance, if they’re especially withdrawn, he might choose them when you wouldn’t think that he would, but he might choose them thinking that they really need it.

Q. Is there any kind of aspect of these children’s background that makes them eligible for the laugh camp to begin with.

A. He -- he -- I think he recruits from neighborhoods where the children might not have even a chance to come to that part of town. Or sometimes they haven’t even been to Hollywood before.

Q. Okay.

THE COURT: Let’s take our afternoon break. See you at 8:30 tomorrow.

(The proceedings adjourned at 2:30 p.m.)

--o0o--

REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603

MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 2833 through 2997 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 21, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, March 21, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, MARCH 22, 2005

8:30 A.M.

(PAGES 2999 THROUGH 3055)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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INDEX

Note: Mr. Sneddon is listed as "SN" on index.
Mr. Zonen is listed as "Z" on index. Mr. Auchincloss is listed as "A" on index.
Mr. Mesereau is listed as "M" on index. Ms. Yu is listed as "Y" on index.
Mr. Sanger is listed as "SA" on index. Mr. Oxman is listed as "O" on index.

PLAINTIFF'S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
PALANKER, Louise	3004-A	3046-M (cont'd)		

E X H I B I T S

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
340-A	Transcript of rebuttal film	3003	
718	Copy of Check No. 114	3013	3015
719	Copy of Check No. 10893	3013	3015

Santa Maria, California
Tuesday, March 22, 2005
8:30 a.m.

THE COURT: Good morning, everyone.
THE JURY: (In unison) Good morning.

COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.

THE COURT: Yes.

MR. SNEDDON: Judge, before we get started this morning, there’s one housekeeping matter we -- it might be a good time to take care of.

BAILIFF CORTEZ: Your microphone, sir. They can’t hear you.

MR. SNEDDON: I’ll go over here.

Your Honor, a housekeeping matter that we probably should get taken care of. It’s required by the Court rules that we file a transcript of the rebuttal film.

And I have submitted - I have here in my hand, I’ve given defense a copy, in fact, I gave it to them yesterday - an Exhibit 340-A, which would match up to the rebuttal tape. And I’m submitting that as the transcript for that particular exhibit.

THE COURT: All right. Thank you.

MR. SANGER: Your Honor.

MR. MESEREAU: Your Honor.

MR. SANGER: It should be marked for 3003

identification, but not received in evidence.

THE COURT: All right. I’ll mark it for identification only.

MR. MESEREAU: I’d like to review the transcript, if I may, Your Honor.

THE COURT: You may. Before it’s admitted.

MR. SNEDDON: I gave it to you yesterday. You have a copy.

MR. MESEREAU: Oh, we do.

MR. SNEDDON: Yeah.

THE COURT: 346-A, is that --

MR. SNEDDON: 340, Your Honor.

THE COURT: All right. You may proceed.

MR. AUCHINCLOSS: Thank you, Your Honor.

LOUISE PALANKER

Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION (Continued)

BY MR. AUCHINCLOSS:

Q. Good morning, Miss Palanker.

A. Good morning.

Q. When we left off yesterday, we were talking about the comedy camp and the Arvizos' attendance. During -- and I believe you previously testified that that camp operated for two months in the summer of 1999, and that the Arvizo children were there each weekend, one day a week.

A. Yes.

Q. Okay. To your recollection, did they attend every session.

A. I don't think they missed one.

Q. Okay. And were all three of the children members of the comedy camp.

A. Yes.

Q. Did you personally work with them.

A. Yes.

Q. And how did that work. How did you -- what would you do when you would be -- would go with them at the comedy camp.

A. I'm a comedy writer, and primarily I would help the children come up with punch lines for their stories and work on their material with them.

Q. So, they make up jokes and you help them make them funnier.

A. They tell stories from their real life, just like adult stand-up comedians would. They talk about things that they've observed or things that happen in their lives, and we try to twist the material into punch lines to create good pieces of material for the kids that adults will laugh at.

Q. What is the goal of the comedy camp in working with these children.

A. To give the children self-esteem, confidence, creative thinking, things of that nature.

Q. Is it effective.

A. Yes. I believe it is.

Q. And why do you say that.

A. Some of these children don’t really have a voice. They go through their day, no one’s really listening to them. You give that child a microphone and put them on a stage, and everyone is watching them, and it really makes them feel like they matter. And I’ve seen it work.

Q. Did you form any attachment to the Arvizo children.

A. I did, yes.

Q. And how did you find them to be.

MR. MESEREAU: Objection; vague.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: How did you find them to be in terms of their personality.

Well, maybe I’ll back off that question and ask you, why did you form an attachment to these children.

A. These children are --

MR. MESEREAU: Objection. Relevance; opinion.

MR. AUCHINCLOSS: Goes to this witness’s relationship with the children.

THE COURT: Objection sustained.

MR. AUCHINCLOSS: Your Honor, I will be asking that this is foundation for an ultimate question regarding character.

MR. MESEREAU: Same objection.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: All right. How would the children -- would you notice how they would arrive at the camp.

A. They came by bus. City bus.

Q. And did you note how they would leave.

A. I believe they -- they left by bus. Took buses home.

Q. Okay.

A. With their mom.

Q. During the Christmas of that year that you met the Arvizos, did you do something special for the Arvizo family.

A. Yes. We -- Fritz Coleman wanted to bring presents to a needy family, and he asked me if I -- if I had any suggestions, and I immediately thought of the Arvizos.

Q. And did you talk with Mr. Coleman about what you were going to do for them that Christmas.

A. Yes. We discussed what we would -- what we would get the family, what we would get for the children, where we would get it.

And then we went to Best Buy, and we bought things. We had them wrapped, and we took them down there.

Q. And what did you buy for the Arvizos.

A. We bought a microwave, a Play Station, several games. Something else for Davellin, because we weren’t sure if she would like the games, and that’s what we did.

Q. Do you recall about how much you spent.

A. Well, a microwave and a Play Station would be $500, $600, perhaps.

Q. And then you said something else for Davellin. Do you recall what that was.

A. I don’t.

Q. And I suspect you split the cost of these gifts with Mr. Coleman.

A. Yes, I did.

Q. Did you deliver them.

A. Yes, we did.

Q. With Mr. Coleman.

A. Yes.

Q. Anybody else.

A. His two children.

Q. And was this before Christmas.

A. It was -- I looked at my calendar, it was the 20th, about that time.

Q. December 20th.

A. Yes.

Q. Okay. So tell me about delivering these gifts. Tell me how that came about.

A. We drove down there, and before we got out of the car, Fritz’s younger son said he felt ill, so we didn’t spend that much time in the home.

Q. So were all the Arvizos present.

A. I don’t think David was there.

Q. Okay. So Janet, Gavin --

A. Gavin, Davellin and Star.

MR. ZONEN: Excuse me.

Q. BY MR. AUCHINCLOSS: Do you know why Mr. Coleman’s son didn’t want to get out of the car.

A. He said he felt sick, and he was scared, a little scared of the neighborhood.

Q. Did you see the Arvizos’ apartment.

A. Yes, I did.

Q. Would you describe it for us, please.

A. You walk in. And it’s one room. And I remember there was a mattress on the floor on the left, and a mattress on the floor on the right. And the kitchen area was within the same room. And they had a couple of pictures of the kids drawn, just taped up on the walls.

Q. Were the Arvizos happy to see you.

A. Yes, very happy.

MR. MESEREAU: Objection; calls for speculation.

THE COURT: Overruled. She answered. Next question.

Q. BY MR. AUCHINCLOSS: And why do you say they were happy to see you. What makes you believe that.

A. The kids started jumping on the mattresses.

Q. Did you bring them any cards.

A. Fritz’s two sons had made them cards.

Q. Drawn the cards themselves.

A. Yeah. They drew the cards, yes.

Q. What did they do with those.

A. They hung them up on the walls.

Q. During the period that the Arvizos were visiting at the laugh -- at the comedy camp, did you ever see their father.

A. Never.

Q. You had never even met him at that point.

A. No, I hadn't.

Q. At the end of the comedy camp, was there -- I believe you mentioned there was a graduation or some kind of party.

A. Yes. There was a performance, and there was -- first it was a dress rehearsal performance one week, and then the following week, say on a Tuesday night, I believe, they were -- the following week was the actual graduation.

So all the kids in the camp, which -- usually the kids who make it to the end of the camp with enough material to perform are about 12 kids. So about 12 kids performed before the regular Laugh Factory lineup.

Q. Did all the Arvizos make the cut.

A. Yes, they did.

Q. And where is that -- so that party takes place at The Laugh Factory.

A. Right.

Q. And about what time of day; do you know.

A. It was about 8:00, between 7:00 and 8:30 at night.

Q. Is it a celebration of sorts.

A. Yes.

Q. Did Mr. Arvizo show up for that.

A. No, he didn't.

Q. Was Janet there.

A. Yes, she was.

Q. At some point -- well, let me strike that.

After the comedy camp was over, did you continue to have a relationship with the Arvizos.

A. I believe we spoke on the phone a few times, but I did not see them until Gavin got ill, which was in June.

Q. So you had -- you had the experience at the summer -- during the summer of '99 with the comedy camp.

A. And then Christmas.

Q. And then Christmas. And then you spoke again when Gavin got ill.

A. Yes. Well, we spoke in between, but I didn't see them.

Q. Okay. And who would you talk to when you'd speak on the phone with the Arvizos.

A. Janet would call and then she would put each of the kids on one at a time.

Q. So tell me about how you found out that Gavin became ill.

A. Janet called me.

Q. Tell me about that conversation.

MR. MESEREAU: Objection; hearsay.

MR. AUCHINCLOSS: Offered to explain her conduct which followed this phone call.

THE COURT: All right. I'll overrule the objection. This is not offered for the truth of the matter. It's offered only to explain the conduct that follows.

THE WITNESS: She was screaming, "Gavin has cancer."

Q. BY MR AUCHINCLOSS: Were you upset by this.

A. Oh, yes.

Q. And did Gavin go in the hospital after that phone call.

A. He was already in the hospital when she called me.

Q. Did you visit him.

A. Yes.

Q. During Gavin's stay at the hospital, how often would you visit him.

A. Two to three times a week.

Q. And can you describe your relationship with Gavin over this period.

A. I think -- I think we became very close. And it was very difficult, because he was very ill. They gave him very extreme doses of chemotherapy, and he became very, very ill.

Q. Did you become aware that he almost died.

A. Oh, yes.

Q. At some point did you offer some financial assistance to the Arvizo family.

A. When Gavin was in the hospital the first time I went down there before his operation, I realized the gravity of the situation, and I decided to pull his father aside and ask his father what the situation was financially in terms of did they have full medical coverage, and what else needed to be done to help the family get through, get through this crisis.

And I discussed that I was in a position to give them some money so that David could take some time off work and be with Gavin, and so that they could fix up a cleanroom for Gavin.

Q. All right. I have several exhibits I'd like to show you now, Miss Palanker.

I've previously showed counsel Item No. 718 and 719.

If I may approach.

THE COURT: You may.

Q. BY MR. AUCHINCLOSS: Miss Palanker, I show you People's Exhibit No. 31. Can you identify that

for me.

A. Janet Arvizo.

Q. And I show you People's No. 35. Would you identify that for me, please.

A. David Arvizo.

Q. I show you People's Exhibit No. 718. It appears to be a photocopy, not a very good, one of a check for $10,000, Check No. 114. It's dated 6-15-2000. Can you identify that for me, please.

A. That's my sister's -- excuse me, my sister's my business manager. That's her handwriting, and that's a check that she wrote to Janet.

Q. Okay. And I'm also going to show you a second exhibit, 719, appears to be a Check No. 10893, dated July 10th, 2000. Can you identify that for me, please.

A. That was a check made out to David three

weeks after the first check.
Q. Okay. Also a check for $10,000.
A. Yes, for $10,000.
Q. All right. And are these copies, 718 and 719, are they fair representations as far as copies go of the checks that you wrote.
A. I imagine so, but I -- I didn't make them out. I just handed them to David, so I really didn't look at them that carefully.
Q. Okay. But you do recognize them.
A. Yes.

Q. Thank you.
Ask to move Exhibits 718 and 719 into evidence at this time.
MR. MESEREAU: No objection, Your Honor.
THE COURT: They're admitted.
MR. AUCHINCLOSS: All right. Could we have the Elmo on, please, Your Honor.
THE COURT: "Input 4".
MR. AUCHINCLOSS: "Input 4."
Q. All right. Now, Miss Palanker, we have Exhibit No. 718 that we're showing at this time. I think you've identified that as a check that you wrote. The check indicates it is made out to Janet Arvizo. And I believe you testified that your sister wrote this check.
A. Yes.
Q. And did she do it at your direction.
A. Yes, she did.
Q. It was written to Janet Arvizo. Was that your idea to write it to Janet or did someone ask you to write it to her.
A. David told me to.
Q. All right. And it's endorsed -- if you can see underneath the endorsement, it appears to say, "Thank you, Louise, my Sweetie Wheezy," with a heart over the "Louise."
A. That -- that's Janet.
Q. Why do you say that.

A. That’s her personality.
Q. Okay. Is she prone to endearments like “Sweetie Wheezy”.
A. Very much so.
Q. Okay. And the date of that check, June 15th, is that the date that you delivered it to David.
A. Probably not. There might have been one or two days lag in between my sister handing me the check and me going back down to the hospital. Or sometimes if -- my memory is confusing in terms of this, but it may have been at The Laugh Factory that I handed him the second check, because he started hanging out at The Laugh Factory at night.
Q. “He” being.
A. David.
Q. Okay. Now, I want to go back to the -- how this check was actually provided to the Arvizos and what preceded it.
Tell me why you wrote a check for $10,000 to Janet Arvizo.
A. Why I made it out to her or why --
Q. No, why you gave them a check for $10,000. What was the purpose.
A. Because I was in a position where I could help this family, and I didn’t want to -- I didn’t want Gavin to ever be alone in the hospital. And I didn’t see -- I didn’t see how a family of their means would be able to take off work and be with him if I didn’t do this.
Q. Did you believe this check would help provide funds for his medical -- medical needs.
A. No, I did not.
Q. And why is that.
A. Because he was at Kaiser, and Kaiser provides full hospitalization.
Q. And how did you know that.
A. I knew that because my uncle passed away at Kaiser, and I knew that because I directly asked David if Gavin needed any financial help for medical

purposes, and he told me no.
Q. Okay. Now, you mentioned a germ-free room. Tell me about that, that you thought the money might be used for such a purpose.
A. Yes. They told me that Gavin needed a room. And I had seen their apartment and I know they live in one room. And together we -- we determined that possibly Janet’s parents could provide such a room, but that it would have to be fixed up, and the rugs ripped out and tile -- tile floor put down, and some other changes. I don’t remember exactly, but to make sure that dust couldn’t get in, et cetera.
Q. So at the time you wrote the check, was it your impression that David was working at that time.
A. He was working at that time at a Von’s warehouse, to my understanding.

Q. And I believe you testified that you wanted him to take some time off to spend with Gavin.
A. Yes.
Q. Was it your impression that Janet was working at that time.
A. It was my impression that she worked either as a waitress, or a hostess at a restaurant, or something like that. And that if she took time off work, she would lose her job. But he would be able to take time off work and then get his job back.
Q. So tell me about the circumstances surrounding the act of your handing this check over to David. Do you recall where it occurred.
A. It was probably at the hospital. I probably pulled him out of the room and, you know, did it privately.
Q. Okay. But you do specifically recall giving it to David Arvizo.
A. Yes. Janet was seldom at the hospital.
Q. Okay. Did you have an explanation as to why she was seldom at the hospital.
A. In the beginning, I didn’t --
MR. MESEREAU: Objection. Objection. Calls for speculation; and hearsay.
MR. AUCHINCLOSS: I’ll strike that and move

on.

THE COURT: Could I have both counsel approach for a minute. I want to address a ruling I made a few minutes ago.

MR. AUCHINCLOSS: Okay.

THE COURT: You can talk.

(Discussion held off the record at sidebar.)

THE COURT: All right. Thank you.

All right. Thank you. You may proceed, Counsel.

Q. BY MR. AUCHINCLOSS: Okay. I think where we left off, I'm covering the circumstances surrounding your actually giving the check to David.

So you recall that it happened at the hospital, I think you said it was maybe a day or two after June 15th. Do you know who else was around.

A. I don't recall that.

Q. At that point, had anybody of -- any member of the Arvizo family asked you for any money.

A. No.

Q. Had anybody influenced you in any way to give that $10,000 check to the Arvizos.

A. No, it was fairly spontaneous. It's just a decision I made after I saw Gavin and what the situation entailed and would entail for this family, and I just decided on my own to do it.

Q. Did you have any strings attached to this check -- to the giving of this check in terms of what the money had to be used for.

A. No.

Q. And what did you envision the money would be used for.

A. So that he could support his family. He has two other children, and a wife, and so he could support them and not have to be at work every day.

Q. So you didn't have any rules about what they spent that money on.

A. No, I didn't.

Q. Did you later become aware of some items or some changes or some redecorating, anything of that nature, that occurred to -- that -- well, let me strike that.

Did you later become aware of anything that the Arvizos used that $10,000 for.

A. I sent my contractor down to the home in El Monte, and when the room was finished they wanted me to come see it. And so I did. I went to see the room.

Q. And what did you see when you got there.

Well, maybe I should ask you first, did you go see the room.

A. Yes, I did.

Q. And what did you see when you got there.

A. It was a very small room in a suburban tract home in El Monte. And they had -- I don’t know what the room looked like before, but it looked like they had bought a nice big bed for Gavin, some bedding.

They explained that the carpet had been ripped up. And I saw that the tile -- and then

there was -- the floorboards had been fixed so that it could be dust-free.

And there was some kind of air conditioning/ air filtration device right outside the window. And then a hose and a hole had been created near the floorboards so that the filtrated air could come in.

And they had bought a big television and a DVD player.

Q. Okay. And was that for Gavin’s use.

A. Yes, but I believe the whole family would sit on the bed in there and watch it.

Q. Okay. After you made that charitable gift to the Arvizos, did any member of the Arvizo family start asking you for money.

A. Yes.

Q. Who was that.

A. David.

Q. How often did that occur.

A. Within two weeks of having given him the first check, and very often from that point forward.

Q. Now, you’ve previously identified David. Tell me, when was the first time you met him.

A. At the hospital right before Gavin’s operation, the day that I offered him the money.

Q. And how long had you known him before he started asking you for money.

A. Two weeks.

Q. About two weeks.

A. Yeah.

Q. So tell me how he would do that. How would he approach you for money.

A. He would say -- I don’t remember the exact words, but it would be along the lines of, you know, “We’re really strapped and we’re not going to be able to make rent.”

And he would -- he would -- I don’t know if this is hearsay or not, but he would tell me that Janet had spent all the money.

Q. Did he tell you what Janet had spent all the money on.

A. He told me she was going crazy, and she had spent the money on votive candles and things of that nature, praying.

Q. Did you believe that, that she’d spent $10,000 on votive candles.

A. No, I didn’t.

Q. Where would these conversations take place.

A. At the hospital and at The Laugh Factory.

Q. And so David would sometimes go to The Laugh Factory.

A. At night, yes.

Q. Would he come with Gavin.

A. One -- after Gavin’s operation, he was in the hospital for about a month recovering. And then he had to start his first dose of chemo, so it was several months before Gavin was well enough to come to The Laugh Factory, or at least come between chemotherapy treatments. So at first he -- for several months, he would just come by himself.

Q. And at some point was there a benefit at The Laugh Factory for Gavin.

A. Yes. In October.

Q. So that's October 2000.

A. That's when Gavin was finally well enough to be able to attend.

Q. So prior to the time when Gavin would be -- was well enough to attend, if you can characterize it, about how many times did David come to The Laugh Factory.

A. 15 or 20. Maybe once a week or so.

Q. Was he given free admission, as far as you know.

A. Oh, yes.

Q. Why is that.

A. Because Jamie does that for people.

Q. At some time did you give this second check that you've identified to the Arvizos.

A. Yes. I explained to him that I could -- I could gift them each $10,000 per year without being taxed on it.

And when he asked me for a second check, I realized I needed to put some boundaries on the situation, so I told him I could gift him 10,000, as I had already gifted Janet $10,000, and then that would have to be it.

Q. Okay.

A. And I would tell him, "You're going to have to" -- towards the end of, I would say, four to five months into Gavin's illness, I would repeatedly tell him, "You're going to have to figure out how to get your family back into balance, and go back to work or make this work for everyone. Because I'm not going to be able to give you any more money."

Q. Were you concerned about the Arvizos' finances.

A. I was concerned that they weren't managing them very well.

Q. And why did you say that. Why did you believe that.

A. Because he asked me for a second check within three weeks.

MR. AUCHINCLOSS: Could we have the Elmo turned -- oh, it’s already on. Then just the lights. Thank you.

Q. All right. I’m showing you People’s Exhibit 719, which you previously identified. Is that the second check that was written to David Arvizo, a copy of it, I should say.

A. Yes, it is.

Q. And it’s dated July 10th, 2000. Do you know if that’s the date that you gave it to him.

A. Probably thereabouts, because he was acting

as if he was fairly desperate to get the funds.

Q. And did you personally give him this check.

A. Yes, I did.

Q. Do you remember where you gave it to him.

A. I believe I gave him that check at The Laugh Factory.

Q. Was anybody else around, if you recall.

A. I think Gavin may have been.

Q. Okay. Was Gavin well enough to go to The Laugh Factory at that period of time, do you know, on July 10th.

A. For some reason I believe he was there. I -- you know, it’s a long time ago. I may have two incidents confused in my mind.

Q. Okay.

A. Because I remember -- I remember something involving Gavin after having given David the second check, but it might not have been that same night. Because I also remember that we had to wait till October to do the benefit because Gavin wasn’t well enough.

Q. All right. Did you have any impression as to what this second $10,000 was going to be used for.

A. The same purposes.

Q. Just for the family.

A. The room had already been fixed up, but he kept telling me they didn’t have any money to live

on. They didn’t have any food and clothing.
Q. As far as your contractor goes, do you know if he required to be paid for his services.
A. He charged them $800, which was just his bare costs. He did the labor for free, as a gift to the family, and he charged them $800.
Q. Do you know if David ever paid him that money.
A. I don’t believe he did.
Q. After you gave David the second check for $10,000, did he make any further requests of you.
A. Yes.
Q. More requests for money.
A. Continuously.
Q. Did this cause you some concern.
A. Yes, it did.
Q. Why do you say that.
A. Because it’s very difficult to keep saying no. It’s very awkward. And I had -- I had told him that that was going to be it. It seemed like the wisest thing for me personally to do in terms of the situation. And he just kept asking.
Q. And did these conversations take place at The Laugh Factory.
A. Primarily, yes, they did.
Q. Where else would they take place.
A. At the hospital. He’d pull me aside into a hallway and ask for more money.

Q. Same kind -- you tell me. What kind of -- what kind of requests would he make. How would he word it.
A. “Is there anything else you can do for us. We’re really having a tough time.” That type of language.
Q. Did he ever indicate that he had any ties to any organized crime.
A. Yes.
MR. MESEREAU: Objection; leading.

THE COURT: Overruled. She said, “Yes.” Next question.

Q. BY MR. AUCHINCLOSS: What did he have to say about that.

A. His brothers were thugs, he told me, and gangsters, and that he disrespected that lifestyle, and wouldn’t live that way himself.

Q. Did you have any impression as to why he’s sharing that impression.

A. He told me a lot of personal things.

Q. Okay. So let’s talk a little bit about the benefit, the first benefit.

A. Okay.

Q. This happened at The Laugh Factory.

A. Yes.

Q. And the approximate date was in October, you said.

A. I looked on my calendar, it was October 3027 26th, 2000.

Q. And do you know whose idea it was to have a benefit.

A. Mine.

Q. All right. And the benefit’s purpose.

A. To raise money for the family to live on.

Q. All right. And what was the -- what was the plan. How was this benefit to take shape.

A. That Jamie periodically does benefits for various causes, be they organized charitable fundraisers or sometimes for an individual family in need. So -- Jamie probably does a benefit every one to two weeks, so he’s fairly schooled in how to pull it off. It’s not that difficult.

You just call the best comics you can think of, and have them donate their services for the evening. Publicize it as best you can. Usually you charge more at the gate than you would on a given night, because it’s a benefit.

And the money from the door is given directly to the benefactors, and Jamie and his club keep the money from the drinks and food.

Q. Okay. And how did the first benefit go.

Was it a success.

A. I believe it was. I don't know exactly how much money was raised, but I would put it in the neighborhood of $800 to a thousand dollars.

Q. Did Gavin attend this benefit.

A. Yes, he did. He performed as well.

Q. How about Star.

A. Yes.

Q. And Davellin.

A. Yes.

Q. Was David there.

A. Yes.

Q. How about Janet.

A. I don't believe so.

Q. Was there a second benefit done under similar terms.

A. Yes, because I would discuss the situation with Jamie concerning David's repeated requests for money, and what we could do. And we ultimately decided sometime in 2001 or around -- around the beginning of 2001 to throw a second benefit for the family.

Q. Now, as far as the first benefit goes, you stated the gate would go to the Arvizo family.

A. Yes.

Q. Do you know about how much it would cost to -- as a cover charge or an entry fee to get into The Laugh Factory for such an event.

A. Well, Jamie would know that specifically. I would just be guessing, but I would guess 30 --

Q. I won't ask you to guess.

A. Yeah.

Q. If you have an examination, that's okay.

But if it's a guess, I don't need it.

A. $20 to $30.

Q. Okay. And you also estimated around $800 to a thousand dollars was produced that night for the Arvizos.

A. I think so.

Q. Okay.

A. Once again, Jamie would have a better number for you.

Q. And were you present when that money was given to the Arvizos.

A. The second benefit I was, because there was an incident surrounding it that I recall. The first benefit I don’t recall being present.

Q. Okay. Let’s talk about the second benefit. Whose idea was that.

A. Me and Jamie, again, in talking about the family. He visited them as often as I did, so we were -- we were very involved in this situation together.

Q. So during the time that Gavin had come home from the hospital, I assume he was staying at his grandparents’ house.

A. Yes, he would stay at the cleanroom.

Q. Would you visit him there.

A. No, I didn’t. Just the one time. It was really far from where I live and difficult, you know, to get there. So I would wait until he was back at the hospital and I would visit him there.

Q. And so he would periodically go back to the hospital from his grandparents’.

A. Yes, for his next round of chemo.

Q. Okay. How long would he be in the hospital for a round of chemo.

A. A week or two.

Q. Do you know how many rounds of chemo he had.

A. I’m going to say nine. But I could be wrong.

Q. All right. So, do you know -- can you tell me what -- give me a time frame as to this period of these nine rounds of chemo.

A. About a year.

Q. And do you know about when they began and when they ended.

A. They probably began in July, when he had recovered enough from the surgery, and ended maybe

June of the following year.

Q. All right. At the second benefit, was it a celebration of sorts.

A. It was, but it was also a little bit difficult, because some people felt that the family was just having another benefit because David kept pushing for it.

Q. Okay. Did you have some reservations as well.

A. I was always in favor of doing anything we

could for the kids.

Q. Had you formed any suspicions about David at this point.

A. No. Other than that he didn’t seem to hear me in terms of, “I’m not going to be able to give you any more money,” and him -- him trying to become increasingly close.

Q. To you personally.

A. Yes. Yes.

Q. So tell me about the second benefit. Was it as similar to the first, different. You tell me.

A. I think there was less big-name talent, because -- I’m not sure exactly why, but the thing I do remember is that David was insistent that he wanted George Lopez to host it. And he kept pushing for that.

Q. Did George Lopez perform at the first benefit.

A. I believe he did. He had been their coach to get them ready to graduate. He had worked with the three Arvizo children one-on-one, and he was very close to them.

Q. And at the second benefit, did Mr. Lopez perform.

A. No, he didn’t.

Q. Do you know why.

A. I believe he had become -- he and his wife Ann had become very aggravated with David.

Q. Do you know why that was.

A. I don’t -- I don’t know all of the reasons, but one of them had to do with a wallet that Gavin had left at their home.

Q. Okay. So, at the second benefit was David Arvizo there.

A. Yes.

Q. How about the three Arvizo children.

A. Yes.

Q. Was Janet Arvizo there.

A. No.

Q. Did you ever come to understand why she was not there.

A. I would ask -- once I became closer with David and I felt it was appropriate for me to ask, I would ask, and he would tell me, “She’s just having a nervous breakdown. She can’t handle this, and she just prays a lot.” And he would give me all kinds of different reasons that didn’t make a lot of sense to me.

Q. So his reasons wouldn’t always be consistent.

A. They would be different. But I know Janet, and I -- I didn’t understand why she wasn’t present.

Q. Okay. So I think you said that you were present at the time David received the money at The Laugh Factory for the second benefit.

A. Yes.

Q. Where did that take place.

A. Upstairs. There’s a VIP area upstairs where you can see the stage, but there’s also tables and couches, and you can talk and not disturb the performance.

Q. And who was present when that money was given to David.

A. Gavin. I’m not sure if Davellin and Star were immediately present. They were at The Laugh Factory, but they may have been elsewhere.

Q. Was David delivered the money at that time.

A. Yes, he was handed -- he was handed the money in cash and checks.

Q. From --

A. From Jamie.

Q. Do you know if -- either of these benefits, if the children participated in helping out in any fashion.

A. They helped to the extent where -- when you do a benefit, you have -- you have to set up a table in the lobby, so that rather than people purchasing their tickets at the ticket booth, they purchase their tickets from the volunteers sitting behind a table.

And the situation doesn’t have a staff, so Jamie asked me if I would sit behind the table and collect the money from -- from the people as they entered. And I wasn’t comfortable with that situation, and he commissioned the three Arvizo children and David to sit behind the table and collect the money.

Q. All right. So do you know about how much was collected at the second benefit.

A. I think it was about the same amount. $800 to a thousand dollars.

Q. And about what time was it that Jamie gave this money to David, in the evening or the day.

A. 11:30. 11:30 in the evening.

Q. In the evening.

A. Yes.

Q. And tell me about that. Tell me about the circumstances of that.

A. Well, there was some controversy concerning the wallet. And I decided this would be a good time, since me and Jamie and David were all together, to clear up the controversy, because David was very agitated about the situation where he had -- Gavin had left his wallet, they had called George, and said, “There was a wallet left at your house with $300 in it.”

And when Ann found the wallet, there was three dollars in it, and they became irate.

Q. So you’re talking about Ann.

A. Ann and George.

Q. Lopez.

A. Yes.

Q. And they became irate. Why did they become irate.

A. I think they thought that David was lying about the amount of money in the wallet.

Q. Did you confront David at this time about this problem between him and George and Ann Lopez.

A. I did. He still kept calling George and asking him to host the benefit, and they wouldn't return the phone calls. And I said, "David, you need to leave it alone. Just let it go."

And George was going to be doing a live broadcast the following morning. He was a disc jockey at that time. He was going to be doing a live broadcast from a remote location, which radio stations frequently do.

And David wanted to go down there and personally ask George one more time, "You promised you would host this benefit."

And I said, "Don't go down there. He hasn't returned your phone calls. It's pretty clear he's not going to be at the benefit."

But he went down there. And George got up from behind his broadcasting booth and just started screaming at him in front of everybody.

Q. So did you confront David about this problem at that meeting.

A. I had Jamie come up, and I said, "David, is this is a good time to tell us what happened. What happened with the wallet."

And David brought Gavin over, and he said, "Tell him. Tell him how much money was in the wallet."

And Gavin said, "I have a couple of wallets, Dad. I -- I don't -- I don't know what you mean."

And he just kept -- Gavin just kept saying, "I don't know what you mean. I don't know what you mean, Dad. I have a couple of wallets. Which wallet. Which wallet, Dad.”

And David kept saying, “Tell him about the wallet, Gavin.” And he got increasingly enraged at Gavin.

And when Gavin wouldn’t talk about the amount of money in the wallet, David got really frustrated, and angry, and he stood up, and he turned to Jamie, and he said, “I don’t want your money,” and he took the pile of cash and he threw it at Jamie.

Q. Did you get the feeling that -- well, let me strike that.

What happened after that, after the money got thrown at Jamie.

A. Jamie turned and walked away. And David sat back down and his face was red. And I said, “David, I don’t know what’s going on, but you might as well just pick up the money and take it, because Jamie’s not going to take it back,” and so that’s what he did. And we never solved the mystery of the wallet.

Q. All right. So after this second benefit, did you continue to have a relationship with the Arvizos.

A. I think it became less and less frequent, because Gavin was getting well, and he started spending more time with Michael.

Q. Okay. “Michael,” who do you mean.

A. Michael Jackson.

Q. Okay. At some time during the early part of 2003, did you see the documentary “Living with Michael Jackson”.

A. Yes, I did.

Q. Did you recognize Gavin in that.

A. Yes. And I had TiVo’d it. And I had been told in advance by a comedian friend that Gavin was in it, so I was prepared to see Gavin.

Q. Do you recall what month that was in 2003.

A. Was it February. Around about that time. January, February.

Q. And sometime after you saw that documentary, did you attempt to contact the Arvizos.

A. Yes, I did.

Q. Were you successful.

A. No.

Q. Why not.

A. All of their numbers had been disconnected.

Q. So when was the next time you had contact with the Arvizo family.

A. I wrote a note to Janet and sent it to her mother’s house, and she called me within a couple of days.

Q. Do you know if she called you in response to the note.

A. In response to the note and because she felt that she was in trouble.

Q. Do you know if she had received the note. Do you know that.

A. She had heard about the note from her mother.

Q. All right. So do you recall about what time of the month this phone call took place between you and Janet.

A. It may have been late February, early March. I can’t really -- I can’t really pinpoint it.

Q. So tell me about the phone conversation.

MR. MESEREAU: Objection; hearsay.

MR. AUCHINCLOSS: I’ll lay a little additional foundation, Your Honor, but it will be offered as a spontaneous statement and as a state-of-mind exception.

THE COURT: The foundation objection is sustained.

Q. BY MR. AUCHINCLOSS: Could you tell me about Janet’s demeanor when she called.

A. She was extremely agitated, and she was almost whispering.

Q. Could you tell if she was weeping.

MR. MESEREAU: Pardon me, I couldn’t hear

that.

Q. BY MR. AUCHINCLOSS: Could you tell if she was crying at the time.

MR. MESEREAU: Objection; this is leading.

MR. AUCHINCLOSS: It’s foundational.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Okay. Can you tell me anything else about her emotional demeanor during this phone call.

A. She may have been crying at some point in the conversation. She was very frightened.

Q. Was -- can you characterize her level of emotion in relation to Janet’s normal demeanor.

A. Well, Janet’s a very emotional person, and -- but this was different. She’s usually emotional in a very ebullient, happy, charming type of personality. And this was fear. This is fear-based agitation.

Q. Were you concerned.

A. It was an extremely disturbing phone call.

Q. Tell me what she said.

MR. MESEREAU: Objection; hearsay.

MR. AUCHINCLOSS: Spontaneous statement. Also offered for the state of mind of one of the victims. Or I should say -- well, of Janet Arvizo.

THE COURT: All right. I’ll allow the statement.

THE WITNESS: She started by saying, “Wheezy, if you have caller I.D., this is not a safe line. Don’t call me back here. They’re listening to everything I say.”

Q. BY MR. AUCHINCLOSS: Did she go on to tell you more.

A. She said, “These people are evil. They’re keeping us.”

I would say, “Where are the children.”

“The children are with me.”

I said, “Are the children in school.”

She said, “No,” and that’s when she started crying.

I said, “Can I come and see you.”

She said, “No.” She wanted me to come and get them and meet them at --

THE COURT: Just a moment. Now you’ve gone beyond the proposed --

THE WITNESS: Oh, sorry.

THE COURT: You’ve gone beyond your offer of proof. And I’ll stop her at that point. And I’ll advise the jury that the statements that the witness just related to you that Janet said are to be used by you only for the purpose of establishing Janet’s state of mind, not for the truth of the matter that Janet stated. All right. You cannot continue with the way you’re doing it. Go ahead, next question.

MR. AUCHINCLOSS: May I offer it under the spontaneous exception --

THE COURT: I’ve accepted that, but you’re now into a lengthy conversation. The spontaneity has left. Start with another question immediately.

MR. AUCHINCLOSS: All right.

Q. So did she explain any further what was causing her agitation.

MR. MESEREAU: Same objection; foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Were you concerned after this phone call.

A. Yes, I was concerned enough to call my lawyer immediately following the phone call.

Q. Why were you concerned.

A. She told me they were going to send her --

MR. MESEREAU: Objection --

MR. AUCHINCLOSS: Offered to explain this witness’s conduct.

MR. MESEREAU: -- hearsay.

THE COURT: The objection is sustained.

Q. BY MR. AUCHINCLOSS: Did you do anything. Did you take any action after this phone call.

A. I told her to, “Call me tomorrow at noon,” and I would meet her at a location that we had

predetermined.
Q. And did you ever receive the phone call.
A. No, I didn’t.
Q. I should say from Janet the following day or any other day after that --
A. No, I didn’t.
Q. -- during that time period.
Did you take her remarks seriously.
A. Yes, I did.
Q. Did you call anybody after this phone call.
A. Just my lawyer.
Q. Why did you call your lawyer.
A. I felt that they were being held against their will.
Q. And did you consult with your lawyer about this subject.
A. He told me that --
MR. MESEREAU: Objection. This is hearsay.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Miss Palanker, over the years that you’ve known the Arvizos, have you had an opportunity to interact with Janet -- with Janet Arvizo under a variety of circumstances.
A. Yes, I have.
Q. What type of circumstances.
A. I visited -- I have seen her the whole summer at The Laugh Factory, probably three to four times at the hospital, and many, many phone

conversations during her divorce from David.
Q. Have you had an opportunity to interact with her children, the Arvizo children, each of them.
A. Yes, I have.
Q. Also under a variety of circumstances.
A. Yes.
Q. Have you formed any affection for Janet Arvizo.
MR. MESEREAU: Objection; leading.
THE COURT: Sustained.
MR. AUCHINCLOSS: It’s offered as a

foundational on -- for character evidence.

THE COURT: The objection was leading. It’s sustained.

Q. BY MR. AUCHINCLOSS: Have you formed any emotional bonds -- well, have you formed any -- let me just make it open-ended. How would you characterize your relationship with Janet Arvizo.

A. I feel that she’s a lovely, caring person.

MR. MESEREAU: Objection; nonresponsive.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: I guess the question -- you have to answer the question specifically. How would you characterize your relationship with Janet Arvizo. Without saying what you think about her, how would you characterize your relationship.

A. We’re friends.

Q. And how would you characterize your relationship with Gavin Arvizo.

A. Friends.

Q. Davellin.

A. Friends.

Q. Same with Star.

A. Yes.

Q. Do you continue to communicate with the Arvizo family.

A. Yes, I do.

Q. Has Janet Arvizo -- has Janet Arvizo ever asked you for money.

A. No.

Q. Have you ever had the impression that she was interested in your money.

MR. MESEREAU: Objection. Improper opinion; relevance; foundation.

MR. AUCHINCLOSS: It’s a fairly --

THE COURT: Overruled.

You may answer.

THE WITNESS: No.

Q. BY MR. AUCHINCLOSS: How would you characterize your ability to judge character.

MR. MESEREAU: Objection. Relevance;

improper opinion.

THE COURT: Sustained.

MR. AUCHINCLOSS: Foundation for -- all right.

Q. Miss Palanker, during your period of time that you've known Gavin Arvizo, have you been able to form an opinion about him concerning his character for honesty.

A. Yes, I have.

Q. And what is that opinion.

MR. MESEREAU: Objection. Relevance; foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: He's been honest in the face of others wishing him not to be.

Q. BY MR AUCHINCLOSS: So you believe he is an honest person.

A. Yes, I do.

MR. AUCHINCLOSS: Thank you. I have no further questions.

THE COURT: Cross-examine.

MR. MESEREAU: Yes, please, Your Honor.

CROSS-EXAMINATION

BY MR. MESEREAU:

Q. Good morning.

A. Hey, how are you.

Q. Fine, thanks.

Miss Palanker, my name is Tom Mesereau, and I'm here to speak for Michael Jackson.

A. Uh-huh.

Q. You've testified to your opinion about the character and honesty of Janet Arvizo.

A. Yes.

Q. You've also testified to your opinion about the character and honesty of Gavin Arvizo, right.

A. Right.

Q. Do you know anything about the J.C. Penney lawsuit.

MR. AUCHINCLOSS: Your Honor, I'm going to move to strike the question that counsel raised. You've testified to your opinion about the character and honesty of Janet Arvizo. She's never testified about that. I never asked her any questions concerning that.

THE COURT: That was his question, though. Your objection is overruled.

Q. BY MR. MESEREAU: Did you know that Gavin Arvizo and Janet Arvizo sued J.C. Penney stores when Gavin was caught with unpaid merchandise in the parking lot, and that both claim that security guards at J.C. Penney's pulled Janet's breasts out of her blouse, squeezed her nipple 10 to 25 times --

MR. AUCHINCLOSS: Objection. 403, Your Honor.

THE COURT: I'm sorry, what's the objection.

MR. AUCHINCLOSS: Objection. 403, as well as improper.

MR. MESEREAU: I think the door is opened, Your Honor.

MR. AUCHINCLOSS: As well as improper impeachment without a good-faith basis. I have a good-faith basis.

MR. MESEREAU: And I think they've opened the door.

THE COURT: Just a moment.

MR. MESEREAU: Yes, Your Honor.

THE COURT: Let's be sure about one thing. Even though I allowed your question, there's been no character testimony allowed as to Janet Arvizo. Understood. You successfully objected to that.

MR. MESEREAU: Okay.

THE COURT: Okay.

MR. MESEREAU: Now, I'll limit my question --

THE COURT: Just a moment. I've got to scroll back. I wanted to see something else. But I've got to capture it here. If you'll bear with me a moment.

The second thing is the objection under 403, as to going into the J.C. Penney case, is sustained.

MR. MESEREAU: Yes, Your Honor. May I inquire, Your Honor, with respect to the character testimony of Gavin, is it still precluded.

THE COURT: No. You know, I think maybe it would be better if you approach so we don't talk in front of the jury for a second, so I can give you some limitations on your questions.

(Discussion held off the record at sidebar.)

THE COURT: All right. I think we're ready to proceed again.

Q. BY MR. MESEREAU: Miss Palanker, did you know that in the J.C. Penney lawsuit, Gavin Arvizo claimed that at the age of eight he had taken merchandise out of J.C. Penney that was not paid for, and run into the parking lot so he could trick his father into purchasing it.

A. No.

MR. AUCHINCLOSS: Objection. Form of the question; "did you know."

THE COURT: You should say, "Have you heard," but I'll allow the question.

THE WITNESS: No, I didn't know that.

Q. BY MR. MESEREAU: Would it be accurate to say you don't know anything about that lawsuit. Right.

A. I knew something of it, but they had told me they were not allowed to talk about it.

Q. Did you ever learn how much money, if any, was recovered by the Arvizo family in that case.

A. No, I didn't.

MR. AUCHINCLOSS: Objection. Relevancy as to credibility; irrelevant.

THE COURT: Overruled. The answer's in. Next question.

MR. MESEREAU: May I see those exhibits, Your Honor. Are they -- oh, here they are. Thank you.

Q. Miss Palanker, referring you to Exhibit 719, which is the $10,000 check that you wrote to David Arvizo, okay.

A. Uh-huh.

Q. Now, it says on the check that he’s living at Ramer Street in El Monte, California. Was that your understanding when you wrote that check.

A. I would just ask him how he wanted the check made out or who he wanted it -- where he wanted it sent or -- I don’t remember.

Q. I notice the date is July 10th, the year 2000. And this is the second $10,000 check you had written, right.

A. Okay.

Q. The first one you wrote to Janet Arvizo on June 15th, 2000.

A. Uh-huh.

Q. Right.

A. Yes.

Q. So there’s really about a, what, three-week difference --

A. Right.

Q. -- between the two.

I don’t see any address for Janet on the 3050 check to her, but I notice that David’s address is Ramer Street.

Did you ever question where he was living at the time.

A. Nope.

Q. You just put on what he wanted; is that true.

A. Yeah, I did.

Q. All right. Now, you testified that David asked you to make out the first check to Janet, true.

A. Yes, he did.

Q. And you testified that you wanted to make the second check out to David for tax reasons, is that correct.

A. Right.

Q. In other words, he wanted you to write a second check to Janet, but you couldn’t do that without paying a gift tax because it was over the $10,000 limit, right.

MR. AUCHINCLOSS: Objection; assumes facts not in evidence.

THE WITNESS: He didn’t ask me to.

Q. BY MR. MESEREAU: Pardon me.

MR. AUCHINCLOSS: Objection; assumes facts not in evidence.

THE COURT: Overruled.

THE WITNESS: He didn’t ask me to. When he started asking me for more money, I told him that it would have to be made out to him, so he never asked me to make out a second check to Janet.

Q. BY MR. MESEREAU: Okay. Now, you testified in response to the prosecutor’s questions that David, to your knowledge, never paid the repairman who fixed up Gavin’s room in El Monte, right.

A. That no one from the Arvizo family had paid him.

Q. So it wasn’t just David who didn’t pay them, Janet didn’t pay the person either.

A. He wasn’t paid.

Q. He just wasn’t paid, period.

A. Yes.

Q. Okay. Now, at some point you learned that both of these checks were deposited into Janet’s mother’s bank account, right.

A. I only learned that after the private investigator informed me of that.

Q. And that was an investigator for the defense, right.

A. For -- yes. Yes.

Q. And you don’t know whether David even had check-writing ability on Janet’s mother’s bank account, right.

A. I didn’t know any of those types of particulars, no.

Q. So realistically, you don’t know whether David even had the capacity to write a check on any of the $20,000 that you gave the Arvizos, right.

A. I never asked for any accountability. I just gave the money.

Q. Okay. Okay. Did you ever ask Janet, “Janet, why didn’t you pay the fellow who repaired the room for Gavin.”

A. I discussed it with the contractor, when I found out that he had not been paid. I said, “I’ll pay you.” I said, “Would you like me to check into that.” I just couldn’t believe that he hadn’t been paid, based on the amount of money that I had given them.

And I said, “Would you like me to call them.” He said, “No, just -- let’s just let this be my gift to Gavin.”

Q. So he decided that he would just donate his work at that point.

A. Yes.

Q. But your understanding was that when he did the work, he was expected to be paid, correct.

A. Oh, yes. Yes.

Q. Now, in response to the prosecutor’s questions, you indicated that David had called the Lopezes to talk about the $300 in the wallet, right.

A. Yes.

Q. But when you were interviewed by the Santa Barbara Sheriffs, you told them that Gavin had called the Lopezes to talk about that, didn’t you.

A. I wasn’t there. So I don’t know which one of them called. So I may have told the story differently.

Q. Okay. Would it refresh --

A. It wasn’t anything I witnessed.

Q. So you don’t really know which one called.

A. No, I don’t.

Q. Okay. I’m not trying to press you on this.

Is there a reason why you told the Santa Barbara Sheriffs that Gavin called the Lopezes to complain.

A. I don't recall a reason, no.

Q. Okay.

A. One of them -- I may have said that because it was Gavin's wallet.

Q. Okay. Okay.

THE COURT: Is this a good place for our break.

MR. MESEREAU: Yes, sir.

(Recess taken.)

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 3003 through 3054 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 22, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,

March 22, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, MARCH 22, 2005

8:30 A.M.

(PAGES 3056 THROUGH 3131)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
PALANKER, Louise	3101-A	3115-M		
	3129-A (Further)			

THE COURT: Go ahead, Counsel.

MR. MESEREAU: Thank you, Your Honor.

Q. Miss Palanker, I’d like to ask you a couple of questions about your interview with the Santa Barbara sheriffs on January 7th, 2005. Okay.

A. Uh-huh.

Q. You’ve told the sheriffs that you met the Arvizo family probably around ‘98 or ‘99, right.

A. Right.

Q. Do you know which year it was, do you think.

A. It was 1999. I’ve since had a chance to look at a calendar.

Q. Okay. And obviously you met them at The Laugh Factory --

A. Yes.

Q. -- right.

Okay. Now, you told the sheriffs the following, when you were discussing giving the Arvizos $10,000, okay. You said, “I gave him a check,” “him” being David, “a check for $10,000, and he accepted that. But the thing was, that a few weeks later, he was asking for more money, so that’s when I started going” -- and you said, “That was the thing where I went out of balance with this family.” Sound right.

A. I felt the family was out of balance.

Q. Yes.

A. Yeah.

Q. And then you mentioned Janet, and you talked about what was happening, and you said, “I believe the kid -- and the kids collaborated in what she was saying. I just wanted to be out of it.”

Clearly when you talked to the sheriffs, you were including Janet in your problems with the Arvizo family, weren’t you.

MR. AUCHINCLOSS: Objection. Argumentative.

THE COURT: Overruled. You may answer.

THE WITNESS: I don’t recall. They were all a family. There were five of them.

Q. BY MR. MESEREAU: You told the sheriffs, “This family can be as whacky as they want to be,” right.

A. I don’t recall saying that or what I would have meant by that, because you’re saying it to me out of context.

Q. Would it refresh your recollection if I just showed you the transcript of your interview.

A. Yes.

MR. MESEREAU: May I approach, Your Honor.

THE COURT: Yes.

THE WITNESS: There’s several things in here that say “inaudible,” so I’m having a difficult time remembering what the intent of this passage was because I was talking casually, so I don’t recall.

MR. MESEREAU: Okay. Let me just have that.

Q. Have you had a chance to review those pages of transcript.

A. Yes.

Q. And do they refresh your recollection about your interview with the Santa Barbara sheriffs.

A. Not really.

Q. Do you recall making statements to the Santa Barbara sheriffs on or around July 7th, 2005.

A. Yes.

Q. And were you at a meeting with the sheriffs.

A. Yes. They came to where I was working, yes.

Q. Okay. And you don't recall saying, "This family can be as whacky as they want to be".
A. It was probably --
MR. AUCHINCLOSS: Your Honor, I'm going to object and move to strike. I believe counsel misspoke when he said "July 7th, 2005."
BAILIFF CORTEZ: Can't hear you, sir.
MR. MESEREAU: Pardon me, January 7th. I did misspeak. My mistake. Let me restate the question.
Q. You do recall being interviewed by the sheriffs on January 7th, 2005, right.
A. Yes.
Q. And do you recall making general statements to the sheriffs about the Arvizo family.
A. Yes.
Q. Do you recall telling them that you "went out of balance with this family".

A. No.
Q. You don't recall making those statements at all.
A. That was not the intent of what I had said.
Q. Okay. Did you say that.
A. I said I felt that something had gone out of balance; something was out of balance within that family.
Q. Okay. And do you recall, referring to Janet, saying that you believed the kids were collaborating in what she was saying.
A. No, I don't.
Q. Okay.
A. There's several things in there that are marked "inaudible," and so I know I never said anything to that extent.
Q. Okay. Do you recall saying, "This family can be as whacky as they want to be".
A. I'm a comedian, and I'm sure I was talking casually about something involving the family being out of balance.
Q. Okay. Okay. Do you recall telling the Santa Barbara sheriffs that Janet wanted to move --

take her kids and move into your home.
A. No, I never told them that.
Q. You never told them anything like that.
A. No.

Q. Okay. Have you ever told that to any sheriff at any time.
A. No. She wanted me to pick them up at one point so she could talk with me about what was happening in her situation.
Q. Did you know you were being tape-recorded in this discussion.
A. No, I don’t think I did.
Q. Do you remember telling them that, “I know that Janet’s unbalanced. I think she’s totally bipolar”.
MR. AUCHINCLOSS: Objection. Improper opinion.
THE WITNESS: Do I answer.
THE COURT: Overruled.
(To the witness.) I’m thinking.
(Laughter.)
THE COURT: You may answer.
THE WITNESS: I’m not a psychiatrist, but she -- she’s very excitable.
Q. BY MR. MESEREAU: But do you remember telling the sheriffs the following: “I know that Janet’s unbalanced. I think she’s totally bipolar. Something -- the behavior from the children from the family was so over the top all the time”. Do you remember saying that.
A. Yes, I do.

Q. Okay. Do you remember telling the Santa Barbara sheriffs when you were talking about letters you received from the Arvizos, “You don’t just get one letter from them. You get five letters from them. You don’t get one phone call. You get five phone calls. A message from Janet on your answering machine can last five minutes.’ She mimics types of messages on the phone.”

You mimicked for the sheriffs her messages on the machine. Do you remember that.

A. Yes, I do.

Q. Is that something you said.

A. Yes. I was exaggerating. I didn’t know I was being taped.

Q. Do you remember telling the Santa Barbara sheriffs, when you didn’t realize that you were being recorded, “Janet would sell them at the benefits, then sell them at the hospital, and David was never at The Laugh Factory when the children were coming”.

A. “Sell them”. I don’t remember saying that, no.

Q. Okay. Would it refresh your recollection if I show you a transcript of your recorded statement.

A. Okay.

MR. MESEREAU: May I approach, Your Honor.

THE COURT: Yes.

MR. MESEREAU: Thank you.

THE WITNESS: It says “inaudible,” and I

don’t know what I was referring to.

Q. BY MR. MESEREAU: Okay. Have you had a chance to review that page.

A. Yes, I have.

Q. Do you recall telling the sheriffs --

MR. AUCHINCLOSS: Counsel, may I see that.

MR. MESEREAU: Sure.

Let me withdraw that question. Let me start again.

Q. You’ve had some meetings with the prosecutors before you came in to testify, true.

A. Over the phone.

Q. And you talked to some Santa Barbara sheriffs over the phone as well, correct.

A. I talked to the sheriffs in person.

Q. Did -- at any time, did any of them tell you that your conversation with the sheriffs had been recorded.

A. I don’t believe so.

Q. Okay. Is today the first time you ever realized that they had recorded you without your knowledge.

A. No, I found out a couple days ago.

Q. Who told you.

A. Ron.

Q. Prosecutor Zonen.

A. Yes.

Q. Okay. Okay. Do you recall telling the officer, “Janet would sell them at the benefits, then sell them at the hospital, and David was never at The Laugh Factory when the children were coming”.

MR. AUCHINCLOSS: Your Honor, I’m going to object and ask counsel to notify the witness when there are inaudible portions of the statement that he is reading.

THE COURT: I don’t think he’s required to do that. But the question is -- all right. You may answer the question, but I know you won’t remember it, so I’ll have it reread.

THE WITNESS: I believe that the first portion of that statement is mistyped.

Q. BY MR. MESEREAU: Okay.

A. The second portion of that statement is correct.

Q. Okay. So you don’t think you told the sheriffs, “Janet would sell them at the benefits, then sell them at the hospital”.

A. No, I don’t.

Q. Okay. Do you remember telling them that Janet was never at the hospital.

A. Yes, I do. I think it may have been “seldom,” now that I’m thinking of how they would have mistyped it.

Q. Do you remember being asked if Janet had ever approached you for money in that phone conversation -- excuse me, in that interview.

A. Say it again. I was just thinking about my last thought. I’m sorry.

Q. Okay. In that interview on January 7th, 2005, with the Santa Barbara sheriffs, do you remember being asked if Janet had ever personally approached you or asked you for money.

A. I told them she hadn’t.

Q. No, you have to answer my question, please.

A. Okay.

Q. Do you remember being asked that question.

A. Yes, I do.

Q. Do you remember responding, “It was always David or it was the children being coached to ask me for a laptop”.

A. I felt that Gavin had been coached to ask me for a laptop.

Q. Did Gavin ask you for the laptop.

A. He would go like this (indicating), because I had promised him one, so he was reminding me.

Q. So you were asked by the officer, “What do you mean by coached.” Do you remember that.

A. Yes.

Q. And you said, “being coached to tell me that they hadn’t gotten any Christmas presents (inaudible)”.

A. Star had told me that, yes.

Q. Did you believe Star when he told you they hadn’t gotten any Christmas presents.

A. I didn’t, really. I wasn’t sure. A lot of people were giving them gifts at that time.

Q. Did you think Star was being coached.

A. I did.

Q. Okay. And how do you know a lot of people were giving them gifts around the same time that Star said, “We don’t have any Christmas presents”.

A. I don’t know. I just know that people visited them, comedians visited them, and it was Christmastime, so I felt that he -- they probably would have gotten something.

Q. Okay. And in discussing Gavin asking for a laptop, you told the sheriffs, “But he’s right next to David asking for things. The father should say, ‘Honey, don’t ask for anything. She’s being very generous.’” Do you remember saying that.

A. Yes, I do.

Q. What did you mean by that.

A. I had just given David a second check for $10,000 within a three-week period of time, and I felt that David should have told Gavin, “We’ll get you the laptop, Honey. It’s taken care of.”

Q. And this is when you thought Gavin was being coached to ask you for the laptop.

A. Because David was right there and he didn’t stop him.

Q. But you don’t know if his mother coached him at all, do you.

A. His mother wasn’t there.

MR. AUCHINCLOSS: Objection. Speculation.

THE COURT: The objection is overruled. She did answer, though.

Q. BY MR. MESEREAU: Okay. Do you recall saying, “And -- and David was never at The Laugh Factory when the children were coming”. Do you recall saying that.

A. During comedy camp. I recall saying that.

Q. That was referring to comedy camp.

A. Yes.

Q. Janet was always at the comedy camp, right.

A. Yes.

Q. At The Laugh Factory.

A. Yes.

Q. Okay. And when did you learn there was a problem with George Lopez.

A. David told me about it at The Laugh Factory.

Q. And do you remember -- do you remember telling the Santa Barbara sheriffs with respect to George Lopez the following: “I guess she had left a message on her machine screaming something that they were taking advantage of her child and that she didn’t want to have anything more to do with them and David.”

A. Yes, I --

Q. Do you remember.

A. I remember saying that, yes.

Q. And you were referring to Janet, correct.
A. I was referring to Ann Lopez.
Q. Okay. Weren’t referring to Janet at all.
A. No.
Q. Okay. Do you remember saying to the sheriffs, “Janet always put him up to it, and he had to do what she told him to do”.
A. No.
Q. Remember saying those words.
A. No, I don’t.
Q. Would it refresh your recollection if I show you the transcript.
A. Okay.
MR. MESEREAU: May I approach, Your Honor.
THE COURT: Yes.
THE WITNESS: All right.
Q. BY MR. MESEREAU: Have you had a chance to look at that portion of transcript.
A. Yes, I have.
Q. Does it refresh your recollection about what you said.
A. No. I think it’s a very inaccurate depiction of what would have been said.
Q. So you don’t think you said, “Janet always put him to it, and he had to do what she told him to do”.
A. No, I don’t.
Q. Okay. Now, to your knowledge, did Jamie

Masada have any involvement in the dispute with George Lopez.
A. To the extent where David told both Jamie and I had what had transpired.
Q. And did Jamie try to solve that problem, if you know.
A. Yes, he did.
Q. You knew the Arvizos had been at George Lopez’s house; is that correct.

A. Yes.
Q. How did you learn about that.
A. When they told me about the incident with the wallet. And he may have known that they had them over from time to time.
Q. And at some point, you told the sheriffs you thought David had made Gavin call and say the money was in the wallet, right.
A. Yeah, I was trying to remember, but I don’t remember.
Q. Do you remember saying that.
A. I probably said that, yes.
Q. Would it refresh your recollection if I just show you the transcript.
A. I think I know -- I think I know what I would have said. I would have said that I thought David had Gavin call, but I’m not sure who called.
Q. Okay. Do you remember telling the sheriffs, “These people are teaching their kids to lie”.

A. No, I don’t.
Q. Would it refresh your recollection if I show you a portion of the transcript of your recorded statement.
A. Okay.
MR. MESEREAU: May I approach, Your Honor.
THE COURT: Yes.
THE WITNESS: Okay.
Q. BY MR. MESEREAU: Have you had a chance to look at that portion of the transcript.
A. Yes, I have.
Q. Does it refresh your recollection about what you told the sheriffs.
A. Yes, it does.
Q. And what did you tell them.
A. That that would have been George and Ann’s suspicion.
Q. So George and Ann Lopez suspected that the Arvizos were teaching their kids to lie.
A. That would have been my understanding of what was going on.
Q. Okay.

A. Because they found a wallet and there was only three dollars in it.

Q. Right. Okay. Now, you indicated that David told you that Janet had spent the money that you had generously given them.

A. No.

Q. What did you say about that.

A. Oh, that David told me that.

Q. Yes.

A. Yes, he did.

Q. And did he tell you what he had thought she had spent it on.

A. Votive candles.

Q. Anything else.

A. I can’t recall anything else he said.

Q. Well, he didn’t really just tell you she’d spent $20,000 on votive candles, did he.

A. He said, “She’s going crazy and she can’t cope with this situation, and she’s buying a lot of statues and votive candles.” I don’t remember -- he -- it was one big blurry sentence that didn’t make a lot of sense to me, considering the amount of money.

Q. And you did tell the sheriffs, in referring to the -- what the Arvizos had done with your money, “They bought him a giant, like, flat-screen picture and picture T.V. and DVD player. You know, a kid at that point, five years ago, doesn’t really need more than a VHS.” Do you remember that.

A. Yes, I did say that.

Q. And were you upset that your money had been spent that way.

A. I wouldn’t use the word “upset.” I was concerned that they weren’t going to be very good at budgeting their money.

Q. So you weren’t complaining that they should have spent it on a VHS.

A. No, it was just a thought in my head.

Q. Well, your thought in your head was, “Why spend the money on a flat-screen picture T.V. and a DVD player,” right.

A. That was my thought. I didn’t articulate that to them.

Q. You didn’t articulate that to the Arvizos.

A. No, I didn’t.

Q. You didn’t think it was your place to tell them how to spend it, right.

A. I really didn’t, no.

Q. You also told the sheriffs you think Jamie Masada is a pathological liar, right.

A. It was hyperbole. I had a falling-out with him, and his English is difficult to understand and sometimes he doesn’t recall events correctly.

Q. But you told them, “I think Jamie is a pathological liar,” correct.

MR. AUCHINCLOSS: I’m going to object and move to strike. Mr. Masada’s character is not in evidence -- is not in issue here.

MR. MESEREAU: I think the prosecutor did bring out testimony about Mr. Masada throughout his examination.

THE COURT: The objection is overruled.

THE WITNESS: I -- I said something along those lines, because he sometimes doesn’t recall things. But I’m a comedian, so --

Q. BY MR. MESEREAU: Well, but just not recalling things doesn’t make you a pathological liar, right.

A. I’m not in a place to really make that diagnosis, so --

Q. Well, you told them, “I think Jamie’s a pathological liar,” right.

A. I may have said those words.

Q. Would it refresh your recollection to look at the transcript.

A. No, I may have said those words.

Q. I’m trying to find out if you did, okay.

A. I probably did. But I was exaggerating.

Q. Okay. You talked about Jamie Masada and

David, and you said that Jamie told you David wanted to set up a committee to get more money, right.

A. Yes.

Q. And you said, with respect to Jamie and David, “One of them is telling the truth. The truth is somewhere in the middle,” right.

A. Yes, I did.

Q. And the officer said, “Who do you believe to be the truth.” And your response was, “I think Jamie is a pathological liar,” right.

A. Well, it’s difficult to say in that situation. I still don’t know the truth, so it’s difficult to say.

Q. Well, let me ask you this, if you recall the conversation. I know you didn’t know they were recording you.

You could have responded, “I think David is a pathological liar,” but you didn’t. You said, “I think Jamie’s a pathological liar,” right.

A. Right.

Q. And then the officer said, “Jamie is.” And you said, “Yes.”

Now, that’s not just hyperbole, is it.

A. Sometimes he confuses incidents.

Q. Do you remember after you said, “I think Jamie is a pathological liar,” the officer said, “Jamie is.” And you said, “Yes”. Do you remember that.

A. Yes.

Q. Okay. So you did say that, right.

MR. AUCHINCLOSS: Objection; cumulative.

THE COURT: Asked and answered; sustained.

Q. BY MR. MESEREAU: What do you recall about the idea that a committee would be formed to raise more money.

A. Well, I had reason to believe that a few years prior to David asking me for more money, there had been some kind of committee at The Laugh Factory set up to help comedians that needed help. So the word “committee” was familiar to me in that there had been a committee at The Laugh Factory that was designed to give money to comedians in need. But I think the committee didn’t sustain itself and had been long since dissolved.

So, that’s what made me think that Jamie might have said that to David; that there was a committee that could decide to give the family more money. But there wasn’t a committee, to my knowledge. And Jamie insists that David made it up to try to get more money from me, so I really don’t know where the truth is.

Q. Okay. In this interview, do you remember telling the Santa Barbara sheriff that, “Janet needs to see a psychologist”.

A. No.

Q. Would it refresh your recollection if I show you the transcript.

A. Okay.

MR. MESEREAU: May I approach, Your Honor.

THE COURT: Yes.

THE WITNESS: Okay.

Q. BY MR. MESEREAU: Have you had a chance to look at that transcript.

A. Yes, I have.

Q. Does it refresh your recollection about what you told the Santa Barbara sheriff.

A. Yes, it does.

Q. Did you tell them that, “Janet needs to see a psychologist”.

A. I told them that I had told David during the periods of time when Janet was not appearing at the hospital, and I found that to be very peculiar, that if she couldn’t be -- if she couldn’t be there for her son, that she might need to see a psychologist, because she was -- it didn’t seem like natural mother behavior.

Q. Okay. Now, with respect to Janet, you told the Santa Barbara sheriff that anytime the Arvizos got someone’s phone number, they would use it,

right.
A. They liked making phone calls.
Q. And who do you know that they used to call besides yourself.
A. They called Jamie. Chris Tucker. George Lopez. And they called Jay Leno.
Q. And you -- excuse me. Something in my throat.
You told the sheriffs, “I have people call me at home and say, ‘What do you want me to do with these people.’ They won’t stop calling,” correct.
A. That was concerning the Jay Leno incident.
Q. Did Jay Leno tell you they won’t stop calling him.
A. He told me they had left about three messages on his voice mail.

Q. Okay. And you told the sheriffs you took David aside and said, “Stop calling all these people,” right.
A. I said specifically, “I’ve been asked by Jay for you to stop calling Jay.”
Q. Okay. Now, are you -- have you ever heard any recorded phone conversation between the Santa Barbara sheriffs and Jay Leno in this case.
A. No, I haven’t.
Q. Okay. Have you discussed what’s on that recorded conversation with any prosecutor.
A. No, I haven’t.
Q. Did you tell the prosecutors in your meeting that Jay Leno had asked you to tell these people to stop trying to contact him.
MR. AUCHINCLOSS: Objection; hearsay.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes, I told them that.
Q. BY MR. MESEREAU: Who did you tell that to.
A. The detectives that interviewed me.
Q. Okay. Do you know approximately when you told them that.
A. It would have been Craig, when -- a few months ago.

Q. Would that be Craig Bonner.

A. Yes.

Q. Okay. And where did that meeting take place.

A. At a recording studio.

Q. Is that in Los Angeles.

A. Yes.

Q. Okay. And who was at that meeting.

A. Me and Craig and someone he -- another detective that he brought with him.

Q. Okay. Now, when you told the sheriffs, “People call me at home and say, ‘What do you want me to do with these people. They won’t stop calling,’” that sounds like it’s more than just Jay Leno, doesn’t it.

A. But I wouldn’t have said that, because I was specifically talking about Jay.

Q. Would it refresh your recollection if I just show you what is in the transcript.

A. Okay.

MR. MESEREAU: May I approach, Your Honor.

THE COURT: Yes.

MR. MESEREAU: Thank you.

THE WITNESS: Okay.

Q. BY MR. MESEREAU: Have you had a chance to look at that passage.

A. Yes, I have.

Q. Does it refresh your recollection about what you told the Santa Barbara sheriffs.

A. Yes, it does.

Q. And you said “people” call you. You didn’t just limit it to Jay Leno, right.

A. No. I said, “Jay called me at home.” So that’s a mistype.

Q. That’s a mistype.

A. Yeah.

Q. Okay. Did you remember telling the Santa Barbara sheriffs, “I don’t know who’s putting the kids up to all the phone calls”.

A. Yes, I do.

Q. And did you say that because you knew that the Arvizo children were calling celebrities by phone.

A. I did know they were calling. I didn’t know it was Gavin’s initiative - Gavin likes to pick up the phone and call people - or if they were being asked by their parents to do it.

Q. Okay. So you told the sheriffs, “They would go over to his house anytime they encountered a celebrity if they felt to be important. They would go over the top with cards and phone calls. And at first I thought, after I found out what -- maybe they saw celebrities as a lifeline to get out of her situation -- to get her out of her situation that she had gotten into at 16.” Do you remember saying that.

A. Yes, I do.

Q. You’re referring to Janet Arvizo, correct.

A. Yes.

Q. You were referring to the fact that Janet Arvizo became -- got married at the age of 16, right.

A. Yes, I was.

Q. And what you were telling the sheriffs was you thought Janet and the family were trying to latch on to a celebrity to get out of their situation, true.

A. Latch on to anyone who could help them.

Q. Okay. You told the sheriffs, after Gavin got ill, you rarely saw Janet, right.

A. Right.

Q. But you stayed in touch with her by phone, didn’t you.

A. Yes, I did.

Q. Now, the prosecutor asked you some questions about Janet talking to you on the phone and you detected she was scared, right.

A. Yes.

Q. She wanted you to meet her in Van Nuys,

correct.

A. In Sherman Oaks.

Q. Okay. Just -- you told the sheriffs she wanted to meet you in Van Nuys, Van -- Ventura, at Von’s, correct.

A. Yeah. That would be Sherman Oaks.

Q. Okay. Okay. And you told the sheriff that she wanted you to come and get them, right.

A. Yes.

Q. And you were on your way out the door, right.

A. To do something else, yes.

Q. And you said, “I didn’t really want something about the Arvizos.” You were afraid of David,” And “I just didn’t want them at my house.”

Do you remember that.

A. Right.

Q. She wanted you to take them to your house.

A. Yes, she did. Yeah.

Q. Do you recall either David or Janet wanting you to take Davellin and Gavin to a movie set.

A. No, I don’t.

Q. Well, at some point you told the sheriffs you thought David had made inappropriate remarks to you, right.

A. Oh, are you talking about when we went to see Adam Sandler.

Q. I’ll ask you about that for sure, but let me just stick to what I asked you first.

You did tell the sheriffs that, in your opinion, David had made some inappropriate remarks to you, right.

A. Yes. Yes.

Q. And you told the sheriffs that you were asked to take Davellin and Gavin to a movie set, right.

A. I was asked to accompany Gavin and David to a movie set because Jamie had another appointment after the meeting he had set up between Gavin and Adam Sandler. So I was asked to drive David there and drive David and Gavin back to The Laugh Factory.

Q. And you were uncomfortable with Janet making comments to the effect, “You’re David’s Sweetheart,” right.

A. She said something to that effect to me at one point.

Q. And you didn’t like that comment.

A. No. They were married.

Q. Okay. And you told the sheriffs that David made inappropriate comments to you about Gavin starting to get erections, right.

A. Yes, he did.

Q. And that made you uncomfortable, didn’t it.

A. I didn’t -- I didn’t think that line of -- that area needed to be discussed. It would have been embarrassing to Gavin if he had known.

Q. Okay. And you first met David at the hospital, right.

A. Yes.

Q. Now, when did you say David started going to The Laugh Factory on a regular basis.

A. Around about that time. You know, we told him, “If you need a break and you want to come hang out,” Jamie told him. Jamie invited him.

Q. Okay. Did you think that he and Jamie were close friends.

A. Not any closer than David and I. I didn’t --

Q. You did tell the sheriffs you thought you and Jamie were the ones who were most involved with this family.

A. Yes, we were.

Q. Okay. And at some point you learned that Michael Jackson seemed to be very involved with this family, right.

A. They were going up to the ranch, yes.

Q. And at some point, did it appear to you that you saw them less often because they were spending time with Michael Jackson.

A. Yes, because Gavin was getting better and they seemed to be spending more time with Michael.

Q. Okay. When you and Fritz Coleman visited the address on Soto Street --

A. Yes.

Q. -- that was around Christmastime; is that right.

A. Yes.

Q. And what did you bring them.

A. A microwave, a Play Station, and some games.

Q. Now, how close in time was that visit to your writing your first $10,000 check; do you know.

A. I wrote the check in June when he got ill,

so --

Q. Okay.

A. -- however many months that is. Seven.

Q. So you began giving them gifts in December, right.

A. Yes.

Q. And the first $10,000 is written in June.

A. Yes.

Q. And the next one’s written in July.

A. Yes.

Q. Okay. In this interview with the police, which you didn’t know was being recorded, do you remember telling them, “I didn’t know what was going on with the family. They were always kind of strange”.

A. I might have said words to that effect.

Q. Do you know if you did.

A. Yes, but by “strange,” I didn’t mean them as individuals. I meant the family as an entity.

Q. You didn’t mean them as individuals. You just meant when they all get together, they’re strange. Is that the idea.

A. I couldn’t really put my finger on what was out of balance within this family structure. Certainly not the children. Never the children.

Q. Okay. But clearly you were -- you were suspicious these children are being coached to lie, correct.

A. I was.

Q. Okay. When did you begin to be suspicious that this family was being -- excuse me, that these children were being coached to lie.

A. Not to -- oh, did you say “to lie”. I didn’t hear the word “to lie.” I thought you said, “Coached along.”

Q. Coached to lie.

A. “To lie.” I wouldn’t make that statement.

Q. You certainly told the sheriffs words to that effect.

A. Well, that they would stretch the truth as it -- you know, when it came to presents or what they had received; that they would say, “We got love.” “What did you get for Christmas.” “We got love.” That sounds coached to me.

Q. But you thought the children were also being coached by the parents to, in effect, plead poverty.

A. No, just that they hadn’t received a Christmas gift.

Q. Hadn’t received Christmas presents when you knew they had.

A. Yeah. Yes.

Q. Okay.

A. Gavin told me, when I got to the hospital, that Michael had given him a Play Station 2. A Play Station 2.

Q. What else did you learn Michael Jackson had

given Gavin at the hospital.

A. That was -- that was the day that Star, on the phone, had said they “just got love.” And when I got to the hospital, Gavin told me the truth.

Q. And when was this.

A. Christmas of 2000.

Q. Okay. Now, you knew that Janet Arvizo wanted her kids to be in show business, right.

A. I believe she did, yes.

Q. And how did you learn that.

A. She had told me that she had taken them to tap as young children, to tap dancing, and had become involved in a dance academy, and that she felt that all of the children wanted -- wanted to perform; that she wanted that for them.
Q. When you first visited the Soto Street address during Christmastime --
A. Yes.
Q. -- did you know where Janet’s parents lived.
A. No. I wouldn’t have known at that point, no.
Q. Had she told you there was an address in El Monte that “we use also”.
A. No.
Q. Was it your belief that the family lived exclusively at the Soto Street address.
A. Yes. It was at that time, yes.
Q. And that’s what they represented to you, right.

A. Yes, they did.
Q. Okay. I don’t know if I got the answer. If I didn’t hear it, I apologize, but I asked you what you learned Michael Jackson had given the Arvizos at the hospital.
A. Oh, he had sent a large basket of toys, and that he -- in the year when nobody could find a Play Station 2, he had found a Play Station 2 for the kids.
Q. You’ve indicated you and Fritz Coleman were giving gifts to this family at least half a year before you heard Gavin had cancer, correct.
A. Yes.
Q. Now, somebody must have told you the family didn’t have any money, right.
A. We -- I came to believe that over the course of the previous summer where I had come to know them.
Q. And how did you come to believe that this family was impoverished.
A. The children would display it in their material on stage, their comedy material. And they

would take the bus, sometimes not have enough money to take the bus back home.

Q. Now, you say the children would display this in their comedy material. Do you mean they would do comedy routines about how poor they were.

A. I don’t remember any specific jokes, but it -- a lot of children in that class did those types of jokes.

So they may -- they very well may have. And I may have just assumed that, they were from East L.A., so they were less privileged than a lot of children. I may have done a lot of assuming in those regards.

Q. Okay. Now, how many children were in the class at that point.

A. At the beginning of the summer, it would have been 25 to 30. And the ones who actually graduate would have been about 12.

Q. How many of those children did you visit that Christmastime with Fritz Coleman.

A. No others. They were the ones that we chose.

Q. Is there a reason why you chose the Arvizos to visit and not any of the other families.

A. Fritz told me that he wanted to bring his children to -- to bring gifts to other children that didn’t have the privileges that they enjoyed, and I immediately thought of the Arvizos. And probably one of the reasons would have been that there were three kids.

Q. Okay.

A. A lot of kids that come to comedy camp, it’s just an individual kid. So the Arvizos stuck in my memory because they were a family.

Q. Do you remember ever receiving a call from Janet informing you that somebody had repossessed her car.

A. No. She told me she didn’t have a car, because I would ask if she could meet me, you know, if she and the kids could meet me, and she would say she didn’t have a car.

Q. Do you recall her ever telling you that somebody had repossessed a car that Michael Jackson had given her.

A. No. I knew that Michael had given them a car, and then I knew that then they didn’t have a car, but it was very unspecific as to why.

Q. And didn’t Janet tell you at some point that David had damaged the car that Michael Jackson had given the family.

A. She led me to believe that he had, but she -- she was talking very vaguely, that David had crashed a car. And I don’t know if she meant the car that Michael had given them, but that he had caused a scene and went on a rampage and crashed a car.

Q. But she didn’t give you any details about it, right.

A. Not in terms of it having been Michael’s car, no.

Q. I think it goes without saying that, for the most part, you believe Janet rather than David when it came to their marriage difficulties, right.

A. I have come to that conclusion, yes.

Q. Yeah. You believe Janet more than David, right.

A. Yes, I do.

Q. Okay. You weren’t a witness to anything going on in the home, were you.

A. No, I wasn’t.

Q. Okay. And when did you last talk to David.

A. After -- if you have it on record when he lost custody of the children, right around that time period.

Q. Okay. And did you used to discuss their marital problems with Janet.

A. He would make comments, but this was -- he only called me after he lost the custody battle, because he wanted to tell me that everything she said was not true and everything he said was true, and I didn’t want to be involved in that type of conversation.

Q. Do you remember telling our investigator that, with regard to Janet’s claims of David’s abuse, a lot of things said by Janet didn’t seem to match up.

A. I don’t think I meant it in terms of the abuse.

Q. Okay. But you certainly told our

investigator a lot of things Janet told you just didn’t seem to match up, correct.

A. There are some inconsistencies in things that she has said.

Q. Okay. And you visited Gavin at the hospital approximately 50 times, right.

A. That might be kind of high. It might be somewhere between 20 and 50, depending on whatever an average of two times a week would be over the course of a year.

Q. And you maybe saw Janet there twice; is that correct.

A. Two or three times, yeah.

Q. Okay. Now, it was your -- you were told that Janet was working, right.

A. Yes.

Q. But you never confirmed that, right.

A. No.

Q. Okay. Did you used to visit Gavin at different times of day.

A. Yes, I did.

Q. Like what times would you visit Gavin typically.

A. Sometimes at 2:00. Sometimes after dinner. Sometimes at 4:00. Whenever I could make it over there.

Q. And you’d see David there quite often, correct.

A. Yes, I would.
Q. And did you believe that your very generous donations allowed David to go to the hospital.
A. I wasn’t sure, because he asked for the second check so quickly. I wasn’t really sure where he had money from.
Q. Do you remember telling our investigator you thought Janet had a hostage syndrome.
A. Yes, I did.
Q. And you thought that began when she was married at the age of 16.
A. To an abusive man, yes.
Q. Right. Did you ever have a discussion with David about this alleged abuse.
A. No, I never knew anything about the abuse until after Janet finally told me, when she was going to court about it.
Q. Now, are you aware that at some point during the divorce, Janet, for the first time, claimed that David had molested Davellin.
A. No.
MR. AUCHINCLOSS: Objection. 403; 352.
THE COURT: The objection is overruled. The answer was, “No.” Next question.
Q. BY MR. MESEREAU: Now, did you believe any of the money you donated was to go to medical expenses.
A. No, I did not.

Q. Okay. You thought it was for general living expenses.
A. Yes.
Q. Because they were impoverished, right.
A. Yes.
Q. Okay. And did you know the contractor that went to their home to do the work on the room.
A. Yes. He was my contractor.
Q. Did you actually refer him to them.
A. Yes, I did.
Q. Okay. Okay. Would it be accurate to describe what you saw Michael Jackson had provided Gavin at the hospital was a large display of gifts.

Does that sound accurate.

A. It was in keeping with what I had done. I wouldn’t consider it overly large.

Q. Did you see a lot of gifts from other celebrities at the hospital for Gavin.

A. It’s possible that I did, but they were celebrities that I knew. And Michael is a huge star, so that would have stood out in my memory.

Q. Okay. And you remember very clearly seeing what he had sent, right.

A. Yes.

Q. And did you discuss with Gavin that Michael Jackson had sent him a large gift display.

A. I saw the big gift basket, and I said, “Wow, who sent you that.” And he said, “Michael.”

Q. Okay.

A. And I was impressed.

Q. Did you discuss with Fritz Coleman the fact that other celebrities were providing benefits to the Arvizos at this particular point in time.

A. No. We didn’t know of any specific benefits.

Q. Okay. Did you talk to George Lopez, for example, about what he was doing, if anything.

A. No, I didn’t.

Q. Did you ever discuss with Michael Jackson what he was doing for them.

A. No, I didn’t.

Q. Ever talk to Chris Tucker about what he was doing for the family.

A. No, I didn’t.

Q. You mentioned Adam Sandler. Was it your understanding that Adam Sandler provided any benefits to the family.

A. I have no knowledge of that.

Q. Did Gavin ask you to introduce him to other celebrities, like Jim Carey.

A. Gavin never asked me those questions. He would ask Jamie those questions.

Q. How do you know that.

A. That’s what Jamie told me, that he would ask

Gavin, “Who do you want to meet.” And Gavin would tell Jamie.

Q. Okay. Was it your understanding that Jamie would try to arrange those meetings.

A. Yeah, he did. I saw -- I know he did.

Q. Who did you see Jamie arrange meetings with for Gavin.

A. With Adam Sandler. And then he called Quincy concerning Michael.

Q. Called Quincy Jones.

A. Yes.

Q. Do you know if Quincy Jones ever got involved with the Arvizo family.

A. No, I think it was Quincy’s office that called Neverland.

Q. Okay.

A. Or gave Jamie the number to call Neverland. I’m not sure exactly how it transpired.

Q. All right. Now, you indicated you thought David had obtained moneys that were raised at a fund-raiser, right.

A. Yes.

Q. How did you know he got that money.

A. I saw it handed to him.

Q. Okay. Did Jamie hand it to him.

A. Yes.

Q. And did you ever find out what happened with that money.

A. After he threw it at Jamie.

Q. Yes.

A. He picked it back up and put it in his pocket.

Q. And did he walk off with it.

A. Yes.

Q. You don’t know what he ever spent that on, right.

A. No, I don’t.

Q. You don’t know if he gave it to Janet or kept it himself, right.

A. No, I don't.

Q. That was the first fund-raiser.

A. That was the second one.

Q. Who took the money at the first fund-raiser, to your knowledge.

A. David, but I didn't see it.

Q. Did somebody tell you he took the money.

A. It was just assumed that the benefit was for him.

Q. Okay. And you don't know what that money was spent on either, right.

A. No, I don't.

Q. You don't know if he gave it to Janet or spent it himself, right.

A. No, I don't.

Q. Now, after you had your phone call with Janet where you thought she was scared, you said you called your lawyer, correct.

A. Correct.

Q. You didn't call the police, did you.

A. No, I didn't.

Q. You never called the police about anything Janet told you, correct.

A. Right. Correct.

Q. Have you talked to anyone about -- excuse me.

Before you took the witness stand yesterday, did you discuss with anyone what you were going to say in court.

A. I just had pre-interviews with Gordon.

Q. How many pre-interviews did you have with Gordon.

A. One.

Q. And when was that.

A. Friday -- Saturday, maybe. Saturday.

Q. And did Gordon tell you what he was going to ask you.

A. He just went over the events with me.

Q. Okay. Did he discuss what you were going to say.

A. No.

Q. Did you go over any of your sheriffs’ interviews with him.

A. No, I didn’t.

Q. All right. Are you aware of the Arvizos ever meeting Kobe Bryant.

A. I’ve only read it in the media recently. Gavin may have told me at that time, but I just don’t recall it.

Q. And do you know -- are you aware of the Arvizos ever meeting Mike Tyson.

A. No, I wasn’t familiar with that at all.

Q. Okay. Do you know anything about Gavin’s behavior at his school before the year 2003.

A. Yes. One of the teachers came to the hospital to visit him, and she joked about it.

Q. Do you know, for example, whether or not Gavin was repeated disciplined by virtually every teacher at school.

A. I think he was chatty. You know, we joked about that he was -- he talked a lot. And --

Q. Did you ever look at his school records.

A. No, I didn’t.

Q. Do you know anything about him fighting in school.

A. No, I don’t.

Q. Do you know anything about him getting up in the middle of class and starting to sing.

MR. AUCHINCLOSS: Objection; relevancy.

MR. MESEREAU: I think it’s been opened, Your Honor.

MR. AUCHINCLOSS: Has no bearing on credibility.

THE COURT: The objection is overruled.

THE WITNESS: I don’t know anything about that, no.

Q. BY MR. MESEREAU: Do you know how many teachers disciplined Gavin at his school, if any.

A. No, I don’t, other than it had been discussed in a joking manner by a teacher that came to visit him at the hospital.

Q. Do you know whether Gavin was often sent to detention at his school.

A. No, I don’t.

Q. Do you know whether he called teachers names.

A. No, I don’t.

MR. MESEREAU: Okay. No further questions, Your Honor.

THE COURT: Redirect.

MR. AUCHINCLOSS: Thank you, Your Honor.

REDIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Miss Palanker, as far as the contractor, your contractor that worked with the Arvizos --

A. Right.

Q. -- I just want to make sure I understand what his arrangement was with the Arvizo family. Do you know if he originally intended to be paid for his work.

A. He intended to be paid for the cost of the materials.

Q. Okay. So he originally intended to work for free, and just be paid for the cost of the materials.

A. Yes.

Q. You’ve made several statements about Janet’s emotional state, her mental state. There’s some words like “bipolar,” “whacky,” “over the top.”

A. Right.

Q. Can you explain that.

A. She’s very emotional.

Q. What do you mean by that.

A. She’s very emotional, very excitable, very gregarious. And I -- I didn’t know how to interpret her nonpresence at the hospital. I may know more about that now, but it’s all just speculation. But that was unusual behavior for a mother.

Q. Okay. You feel like you understand more about that now.

A. I do, yes.

Q. And why is that.

A. I've been told that David was beating her up, and threatening her if she would come down there, that he was going to kill her.

Q. You also talked about the children making phone calls to celebrities.

A. Yes.

Q. I believe so far we've talked about Chris Tucker. He was one, correct.

A. They were friends with Chris.

Q. So as far as you know, did Chris Tucker enjoy talking on the phone to the children.

A. I know that he did.

Q. What about Jamie.

A. Jamie loves the children.

Q. What about George Lopez, when things were still okay between the family.

A. He loves the children. He had a problem with David.

Q. Did you ever see Janet selling tickets at the hospital to the benefit.

A. No, I didn't.

Q. And there was a great deal of testimony dealing with the subject of coaching the Arvizo children.

A. Uh-huh. Right.

Q. Did you have an impression as to who would be the coach in that situation.

A. No, I really didn't.

Q. Okay.

A. I couldn't tell.

Q. Would it ever be Janet.

A. I wouldn't have been able to make that assessment.

Q. Now, specifically you've mentioned two occasions, I think, that you thought the children were coached; one involving a computer --

A. Yes.

Q. -- and another involving when Star was coached, you felt he was coached about saying he just got love for Christmas.

A. Yes. And as soon as David went down to the car, Gavin told me the truth.

Q. Okay. Let’s talk about that. Tell me the circumstances of that second incident.

A. I called to make sure they were there, because I wanted to bring them my presents for Christmas. And I said, “What else did you get for Christmas, Star.” And he said, “Just love.”

Q. Now, was this -- were you in the room at the time.

A. No, I was on the phone --

Q. Okay.

A. -- to make sure they were there before I came down.

Q. And this was at the hospital.

A. Yes.

Q. And Gavin’s hospital room.

A. Yes.

Q. And so you’re talking to Star, and you ask him this question, and he says what.

A. “Just love.”

Q. And that sounded what to you.

A. It sounded coached.

Q. Okay. But did you know it was coached.

A. No, I didn’t know it.

Q. It just sounded funny to you.

A. It didn’t sound like something a child would say, unless they say that in their family, unless it’s like a family thing, that that’s what they say.

Q. Okay. So then you go back down to the hospital.

A. Yes.

Q. How much time between the phone call and the trip to the hospital.

A. Half hour.

Q. And who do you find when you’re at the hospital. Who’s there.

A. All three of the children and David.

Q. Okay. Anything else said about what the kids got for Christmas.

A. When David took my gift down to the car, Gavin told me that Michael had given them a Play Station 2.

Q. And what impression, if any, did that leave upon you.

A. I went, “Oh.” Well, I was happy for them. And I -- I felt that, with David gone, they would tell me the truth.

Q. Did you notice any difference in the behavior between the children when they were around David and their mother.

A. They were much more affectionate with their mother.

Q. Are those the only two incidents where you felt you had an impression that the children were coached.

A. Those were the only two, yeah.

Q. Okay. But, in fact, did you ever see any coaching going on.

A. Never.

Q. Have you ever seen Janet Arvizo under any circumstances where you believe she was teaching her children to lie.

A. No. Never.

Q. Have you ever had that impression.

A. No.

Q. There was a statement that I believe you said there were some unintelligible remarks about it, but I want to find out what your true feelings are.

A. Okay.

Q. Something about Janet making David do things.

A. I never said anything to that effect. I wouldn’t have witnessed any of that behavior, ever.

Q. Is that your impression, that Janet made David do things.

A. No.

Q. What is your impression of the powers between Janet and David.

A. That she was very intimidated by him. And that after he was gone, she could tell me the truth, and so could the children.

Q. How much time -- how long have you known the Arvizo children since David left. I guess the better question would be, how long has it been since David left that family.

A. Gosh, it would have been, what, like 2001 or 2002. So three years since then.

Q. Is the family different --

A. Oh, yeah.

Q. -- since that time.

A. There's a weight lifted from them. They're almost joyous. When I'm in their presence, they're laughing and joking, easy to be around.

Q. You mentioned that -- there was a remark that you made about Jamie Masada being a pathological liar.

A. Yes.

Q. Do you think Jamie Masada is a pathological liar.

A. No, I don't.

Q. That was an exaggeration.

A. Exaggeration, yeah.

Q. And there was a discussion about the issue of there being a Laugh Factory committee.

A. Right.

Q. What specifically did David tell you about this committee. I'm not sure I understand that.

A. He had me on the phone and he started going into it again, about the money. And then he said, "Jamie told me that you are on a committee" -- "you" meaning me -- "are on a committee and that you can bring up at the next meeting that the committee would vote to give us money."

And I said, "I don't know what you're talking about. There is no committee. I'm not on a committee."

The only thing I knew about a committee was that my boyfriend at the time, maybe three years prior, had been on a committee where they voted to pay for a comedian's dental work, and that's the only thing I think the committee did before it was dissolved.

Q. Have you had a chance to talk to Jamie Masada about this case.

A. I've talked to him. He wanted to --

MR. MESEREAU: Objection; hearsay.

MR. AUCHINCLOSS: That's a "yes" or "no" question.

THE WITNESS: Yes, I have.

Q. BY MR. AUCHINCLOSS: All right. And do you have an impression of Jamie Masada's conduct towards the Arvizo family.

A. He --

MR. MESEREAU: Objection; nonresponsive.

MR. AUCHINCLOSS: I mean --

Q. That's a "yes" or "no," first of all.

A. Could you ask it again, please.

Q. The question is, do you have an impression of Mr. Masada's -- how he behaved and treated the Arvizo family.

A. Yes. I have a strong impression, yes.

Q. And what is that.

A. He cares very deeply for them, and he wants to do the right thing.

Q. You also said something about celebrities or famous people being a lifeline to this family.

A. Yes, I did.

Q. What did you mean by that.

A. It felt to me like Janet was reaching out to people who were more stable so that they could pull her out of her circumstances and help her stabilize herself. Like she was almost desperate for stabilization or to rescue her children from this situation. The more people that she let know, the more likely she would be able to get help for herself and her kids.

Q. Do you perceive her to be vulnerable.

A. Yes.

Q. Why.

MR. MESEREAU: Objection. Relevance; foundation.

THE COURT: Sustained.

MR. AUCHINCLOSS: I believe counsel has questioned her extensively about Miss Arvizo's character and psychological wherewithal.

THE COURT: The objection was sustained.

MR. AUCHINCLOSS: All right.

Q. Has Gavin Arvizo ever lied to you.

A. No.

MR. MESEREAU: Objection. Move to strike; calls for speculation.

MR. AUCHINCLOSS: Counsel has questioned extensively about specific instances of Gavin Arvizo and issues of credibility.

THE COURT: You're limited in your character evidence to the evidence you've already put on.

Q. BY MR. AUCHINCLOSS: You mentioned that Janet was interested in getting her children into entertainment.

A. Yes.

Q. Did you -- did you perceive that as a good thing, or a bad thing, indifferent. Tell me.

A. I don't have a good opinion about pushing children into show business, but that wasn't the feeling I got. The children wanted to perform.

Q. Did you know that she put her children -- enrolled her children in other extracurricular activities other than just entertainment.

A. Oh, lots of them.

Q. Like what.

A. They're in the sea cadet program. Davellin was in the police cadet academy program. They're in -- I don't remember the others, but I think they're well-rounded children.

Q. Was that -- did Janet have something to do with getting her in these programs; do you know.

A. Oh, yeah. Yes. The boys play football.

Q. Have you been around Miss Arvizo, Janet Arvizo, around other people.

A. Yes.

Q. Other celebrities.

A. Yes.

Q. Have you ever seen her ask for money from anybody.

A. No, never.

Q. Ever seen her angling for money.

A. Never.

MR. MESEREAU: Objection; vague.

THE COURT: Overruled.

Excuse me for a moment. A moment ago you made a motion to strike, and I grant that now.

MR. MESEREAU: Okay. Thank you.

Q. BY MR. AUCHINCLOSS: Getting back to the phone call that counsel questioned you about, when Janet called you and she was upset, did she express any other fears that she had at that time.

MR. MESEREAU: Objection. Leading, and hearsay, and no foundation.

MR. AUCHINCLOSS: Counsel has asked her about part of the statement, and I'm asking to have the entire statement come in.

THE COURT: All right. Then I think you need to identify the statement so he -- he and I know what you're addressing.

MR. AUCHINCLOSS: How would you like me to do that, Your Honor. Should I read it, read the question.

THE COURT: You can say, "He asked you this," and then read it, and then complete it, if that's what you're --

MR. AUCHINCLOSS: All right.

Q. Did Janet indicate that the Jackson people wanted to send her to Brazil, make her leave the country, and make her disappear.

A. Yes, she did.

MR. MESEREAU: Objection. Misstates the evidence; leading; no foundation; beyond the scope.

THE COURT: Well, the question is stricken and the answer is stricken. The jury's admonished to disregard it.

That's not what I told you to do. I told you to address the statement that you say you're going to complete first with her, so that I know what statement you're talking about.

MR. AUCHINCLOSS: All right.

THE COURT: You're saying that --

MR. AUCHINCLOSS: I'm sorry, I thought I made it clear.

THE COURT: You gave the complete statement, so I don't know that.

Q. BY MR. AUCHINCLOSS: The statement that I'm referring to is the statement in which Janet called you when she appeared to be distressed. Do you know what I'm talking about, which statement we're talking about.

A. The statement that Janet made or the statement that I made.

Q. The conversation between you.

A. Yes.

THE COURT: Now, does this go back to the spontaneous declaration statement.

MR. AUCHINCLOSS: Well, it does, but since that time, there has been an inquiry made into other areas of the statement by counsel.

THE COURT: All right. Maybe you better show me the statement so I can -- will you approach, with counsel, and let me see the statement.

(To the jury) You can talk.

(Discussion held off the record at sidebar.)

THE COURT: All right. You may proceed.

MR. AUCHINCLOSS: Thank you, Your Honor.

Q. You also made a remark that you thought

Janet suffered from hostage syndrome.

A. That was my assessment, yes.

Q. Okay. Do you have any training in psychology.

A. No, I don’t.

Q. Okay. Did you have something specific in mind. Do you know the clinical definition of hostage syndrome.

A. I don’t know the clinical definition, but it just reminded me of when Elizabeth Smart was kidnapped and she would be in public places and she wouldn’t tell anybody.

Q. Okay.

A. Just reminded me of Janet.

Q. And for those who don’t know who Elizabeth Smart is, I’m not going to ask you, but I’m going to ask you why you think -- or why you used that phrase to describe Janet.

MR. MESEREAU: Objection. Relevance; foundation.

THE COURT: Sustained.

MR. AUCHINCLOSS: All right. Thank you, Miss Palanker. I have no further questions.

THE WITNESS: Thank you.

THE COURT: Recross.

MR. MESEREAU: Yes, please, Your Honor.

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RECROSS-EXAMINATION

BY MR. MESEREAU:

Q. You made a comment that you thought Janet had suffered from hostage syndrome since she was 16, correct.

A. Yes.

Q. And it was your understanding at the age of 16 she married David, right.

A. Right.

Q. And you also talked to Janet about her upbringing, did you not.

A. No, I don’t think I did.

Q. Did she tell you that her father had beaten her and held her hostage, too.

A. No, she didn’t.

MR. AUCHINCLOSS: Objection. No foundation; irrelevant.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Now, the prosecutor -- excuse me, let me rephrase that.

Did you have a lot of discussions with Janet about her upbringing.

A. Not really, no.

Q. But you certainly had enough discussions to conclude that she has this thing about -- she’s had this thing about being held hostage since she was 16, right.

A. That’s when she got married.

Q. Right. Okay. All right. Did she ever describe her -- describe her situation as like a hostage syndrome since the time she was 16.

A. She didn’t use those words, but that’s what she described.

Q. Okay. Okay. So she told you, in effect, she’d been held hostage since she was 16, right.

A. Yes.

MR. AUCHINCLOSS: Objection; misstates what the witness just said.

THE COURT: Sustained.

Q. BY MR. MESEREAU: When you discussed Janet’s life with her, it was your impression, was it not, that she felt she had been held hostage since she was 16.

MR. AUCHINCLOSS: Objection. Improper opinion; calls for a conclusion.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did Janet tell you she’d been held hostage since she was 16.

A. No.

MR. AUCHINCLOSS: Objection; hearsay.

THE COURT: She said, “No.” The answer is in. The objection’s overruled.

Q. BY MR. MESEREAU: Have you ever had any discussion with David about his side of this story.

A. Yes, I have.

Q. And when did you last talk to David about his impression of what was happening in the family.

A. It was about 2002, right after he had lost custody of his children.

Q. And David was complaining about not having custody of his children, was he not.

A. Yes, he was.

Q. He was complaining that Janet had told the children what to say, wasn’t he.

A. No.

MR. AUCHINCLOSS: Objection; hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Where did you have a discussion with David.

A. On the phone.

Q. Did he call you.

A. Yes, he did.

Q. And was that the only discussion you had with him about the domestic situation.

A. Since the divorce, that -- there were two phone calls. Two phone calls.

Q. Did David ever tell you his belief that Janet used to coach the children.

MR. AUCHINCLOSS: Objection; hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you ever have any discussions with David about Janet coaching the children.

MR. AUCHINCLOSS: Objection; hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: How long was your conversation with David.

A. Very short. I didn’t want to be in the middle of that domestic situation.

Q. But in a sense, you ended up in the middle, sort of, didn’t you.

A. Yes, I have.

Q. You did because you’ve become a good friend of Janet, right.

A. I wouldn’t classify it as “good friend.”

Q. Certainly more friendly than with David.

A. Yes.

Q. Because David offended you, didn’t he.

A. To a certain degree, he did.

Q. You thought his comments to you were very inappropriate.

A. Yes.

Q. You thought he might be interested in you.

A. Sometimes, yes.

Q. For a relationship, right.

A. Yes.

Q. And you complained about that, true.

A. I didn’t complain to him about it.

Q. But you complained to others about it, did you not.

A. Maybe to a couple of -- I think I told Jamie that I didn’t want to be left alone with him again.

Q. Right. Right. And needless to say, David never was a close friend of yours, correct.

A. No. He wanted to be, I think.

Q. And when did you last see him.

A. Probably the last benefit.

Q. Now, you admitted telling the sheriffs in a conversation you did not know they were recording that Masada was a pathological liar and then they asked you to confirm that, and you said, “Yes.” You come here today, under oath, and you completely change your statement. Why.

A. I haven’t completely changed it.

Q. Well, didn’t the prosecutor just get up and ask you if you thought Jamie Masada was a pathological liar.

A. I don’t think I’m clinically trained to make that diagnosis. So if I made that comment, it -- it was an exaggeration.

Q. Do you think you need clinical training to look at someone, evaluate what they’re saying, and conclude they’re a pathological liar.

A. I don’t even know the clinical definition of “pathological liar.”

Q. How about a nonclinical definition. Just an ordinary common sense one.

A. Someone that’s been caught misrepresenting past events.

Q. And when you told the police he was a pathological liar, you were accusing him of doing just that, weren’t you.

A. Of doing that, yes. But I don’t think I’m qualified to call him a pathological liar.

Q. Because you’re not a psychiatrist or psychologist.

A. Right.

Q. But don’t -- in your experience, don’t ordinary people often look at others and say, “That person is a pathological liar”.

A. Those would be opinions.

Q. When you told the sheriffs he was a pathological liar, you were telling them the truth, correct.

MR. AUCHINCLOSS: Objection; asked and answered.

THE COURT: Overruled. You may answer.

Q. BY MR. MESEREAU: Right.

A. I was telling him an opinion.

Q. An opinion that you believed was true, correct.

A. I was probably exaggerating.

Q. Then why did you confirm it two sentences later that it was true.

MR. AUCHINCLOSS: Objection; argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: When Janet was going

through her divorce with David, did you have much interaction with Janet.
A. Yes. We talked on the phone quite a bit.
Q. Did you meet her in person, ever.
A. Not during that period.
Q. Okay. Would she call you every day.
A. No.
Q. Would she call you every other day.
A. Once a week, maybe.
Q. Did you ask Janet to stop calling celebrities on a regular basis.
A. No.
Q. Did you ever ask any of the Arvizos to stop calling Jay Leno.
A. David.
Q. Okay. Did you ever ask Janet to stop calling.
A. No.
Q. Have you ever talked to Jay about whether or not he ever spoke to Janet -- Gavin and Janet on a phone call.
A. Jay said he had placed a phone --
MR. AUCHINCLOSS: Objection. I’m going to object as hearsay.
THE COURT: The question requires a “yes” or “no.”
THE WITNESS: Okay. Ask it again, please.
MR. MESEREAU: Yes.

Q. Have you ever spoke to Jay Leno about whether or not Jay Leno believes he was in a phone conversation with Gavin and Janet.
A. Yes, I spoke to him about it.
Q. Okay. Have you ever spoke to Mr. Leno about what he told the Santa Barbara sheriffs about that.
A. No, I have not.
Q. Have you ever spoke to Mr. Leno about whether or not he knows he was recorded in that conversation by the Santa Barbara sheriffs.
MR. AUCHINCLOSS: Objection; relevancy.
THE COURT: Sustained.

Q. BY MR. MESEREAU: Now, you told the sheriffs that David claimed that Janet was abusive, correct.

MR. AUCHINCLOSS: Objection.

THE WITNESS: Yes, he --

MR. AUCHINCLOSS: Hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you tell the Santa Barbara sheriffs yourself that David believed Janet was abusive.

MR. AUCHINCLOSS: Objection; hearsay. Ask the Court to admonish counsel not to go into this area.

THE COURT: The objection is sustained. Hearsay.

MR. MESEREAU: All right.

Q. How many greeting cards did you receive from

the Arvizo children.

A. Maybe --

MR. AUCHINCLOSS: Objection; beyond the scope.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Where did the name “Wheezy” come from.

A. That’s short for “Louise.”

Q. Okay. And did Janet come up with that one.

A. No. I’ve been called that most of my life.

Q. Okay. Do you recall the Arvizo children ever referring to you in terms like “mother”.

A. No, they never did.

Q. Did they ever talk to you in terms of their being part of your family.

A. No, just like a guardian angel, words like that.

Q. Okay. Did they do that on a regular basis.

A. No, only on a card.

Q. Okay. Now, you were at both fund-raisers at The Laugh Factory, right.

A. Yes.

Q. And what time did they start, if you know.

A. Probably around 8:00.

Q. And I believe you told the jury that you didn’t want to sit in the front and help collect money; is that true.

A. Yeah. That’s true. Yes.

Q. Okay. And was it your understanding that the Arvizo family sat in the front to collect money.

A. I believe I saw them -- I saw them sitting behind a table.

Q. Was that at both fund-raisers.

A. I don’t know who did at the first one. I just remember that at the second one.

Q. And if you walked into The Laugh Factory, would you just see a table where they were sitting.

A. Yes. The way you would for any fund-raiser.

Q. And would the first people you saw as you walked in The Laugh Factory be the Arvizo family at those fund-raisers.

MR. AUCHINCLOSS: Objection; vague as to “the Arvizo family.”

THE COURT: Overruled.

THE WITNESS: You would see the doorman, and he would escort you to where you would pay for your tickets, which would be them.

Q. BY MR. MESEREAU: So were you paying for your tickets by paying a member of the Arvizo family.

A. They had a money tray at The Laugh Factory that you --

Q. And would they then give a ticket to get in.

A. Yes.

Q. Would they stamp your hand or anything like that, if you know.

A. No, just a ticket.

Q. Who trained the members of the Arvizo family how to accept money and give tickets to the fund-raiser; do you know.

MR. AUCHINCLOSS: Objection; assumes they were trained.

MR. MESEREAU: I’ll rephrase it, Your Honor.

Q. Do you know if anybody instructed the Arvizo family how to handle the fund-raisers.

A. I don’t know anything about that. I was upstairs while that took place.

Q. Why did you not want to be there at the entrance helping with the tickets.

A. Because I had already given them -- I had already given them money, and I just -- I didn’t want to be in a position where I was the one taking the money. I just -- it was just personal. I just didn’t want to do that task.

Q. And to your knowledge, were the Arvizos the ones who actually added up the money or had possession of it.

A. No. Jamie did that.

Q. Well, would they collect money and put it in a box, to your knowledge.

A. Yes, there was a box.

Q. And do you know if they were supposed to add up how much there was.

A. It would surprise me if they would have.

Q. Did you ever see them hand that money to Jamie Masada.

A. I saw Jamie with the money.

Q. Okay. When was that.

A. When he came upstairs to give it to David.

Q. Now, to your knowledge, were any tickets sold in advance of that fund-raiser by anybody.

A. They might have been over the phone. You know, The Laugh Factory’s a business, so they may have been.

Q. Do you know if the Arvizos were given tickets to sell outside of The Laugh Factory.

A. I don’t know that.

Q. Have you been to other fund-raisers at The Laugh Factory besides the two for the Arvizos.

A. Oh, yes, I’ve been to plenty.

Q. And typically, are tickets given to people to sell outside of The Laugh Factory.

A. I’m not aware of that. I haven’t organized a fund-raiser, so I’m not aware if that’s one of the ways to bring in guests. I’m not aware of that.

Q. And to your knowledge, there were two fund-raisers, right.

A. Yes.

Q. And how far apart were they, if you know.

A. I want to say six months, approximately.

Q. Okay. When’s the last time you talked to George Lopez about the Arvizos.

MR. AUCHINCLOSS: Objection; beyond the scope.

THE COURT: Overruled.

Go ahead.

THE WITNESS: I never had a chance to talk to George about the Arvizos, even though he was involved. By that time -- at that time, he was working mornings on a radio station, so he wasn’t doing stand-up at that time, and he wasn’t around for me to discuss -- I would have liked to have discussed it with him, but he wasn’t around.

Q. BY MR. MESEREAU: When was the last time you talked to Chris Tucker about the Arvizos.

A. Only just in a party setting, you know, at a Laugh Factory event.

Q. And you saw Chris Tucker at these fund-raisers, right.

A. Yes.

Q. When is the last time you talked to Mr. Leno about the Arvizos.

A. During that phone conversation, when he called me.

Q. And approximately when was that.

A. It would have been sometime in 2000, after I had asked him to send Gavin a picture.

Q. Now, at the two fund-raisers, how many people do you think attended each one.

MR. AUCHINCLOSS: I’m going to object.

Beyond the scope.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You've indicated that when you spoke to Janet, she wanted you to meet her in Van Nuys or Sherman Oaks.

A. Sherman Oaks.

Q. Okay. And that was at a Von's.

A. It's now a Gelson's.

Q. Okay. And did you -- was it your understanding she was at Von's when she called you.

A. It was my understanding she was nearby.

Q. Okay. Do you know who she was with.

A. No.

Q. Do you know how she got to Von's.

A. No.

Q. Did she tell you.

A. It was all very secretive. She was scared.

Q. She was scared, but wanted you to meet her at Von's so she could come to your house, right.

A. So she could tell me what was happening.

Q. She wanted to go to your house at one point; is that correct.

A. She wanted to be able to privately tell me. She felt like she was being listened to all the time.

Q. She wanted to visit your home, true, and you said, "No".

MR. AUCHINCLOSS: Objection; beyond the scope.

THE COURT: Sustained.

Q. BY MR. MESEREAU: At some point in the last six months, Janet Arvizo called you and said, "Don't talk to the defense investigator," right.

MR. AUCHINCLOSS: Objection; hearsay.

THE COURT: Sustained.

MR. AUCHINCLOSS: Ask to strike the question.

THE COURT: The objection was sustained. The answers are stricken.

MR. MESEREAU: Okay.

Q. Do you remember telling the Santa Barbara sheriffs in that interview where you didn't know you were being recorded, "I didn't want them at my house," something about it, "Giving me a red flag." Do you remember that.

A. Yes. I have boundaries with the children I teach, that I keep.

Q. Have they ever been to your house.

A. No.

Q. Have you ever driven them anywhere.

A. No.

MR. MESEREAU: I have no further questions.

THE COURT: Thank you, Counsel.

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FURTHER REDIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Just one question. Do you ever have children over at your house that are part of the programs where you work with children dealing with comedy.

A. I recently started an advanced program on Saturdays, and for lack of another place, we hold it at my house. And the parents are welcome to stay.

Q. When did that happen. When did that start.

A. About six weeks ago.

Q. And prior to that time, did you have a rule that you did not allow children to come to your house.

A. Yes, I did.

MR. AUCHINCLOSS: All right. Thank you. No further questions. Thank you, Your Honor.

MR. MESEREAU: No further questions, Your Honor.

THE COURT: Thank you. You may step down. Your testimony is completed. Thank you. The Court will recess now, and we'll convene tomorrow morning at 8:30.

MR. MESEREAU: May the witness be subject to re-call.

THE COURT: Yes, I did not excuse her.

(The proceedings adjourned at 11:30 a.m.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 3059 through 3130 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 22, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
March 22, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, MARCH 23, 2005

8:30 A.M.

(PAGES 3132 THROUGH 3162)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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Santa Maria, California
Wednesday, March 23, 2005
8:30 a.m.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: Good morning.

COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.

THE COURT: I understand there’s an issue you wanted to address before the jury comes in.

MR. SANGER: Yes, Your Honor. May I have just one more second.

Yes, Your Honor, on the issue of the computer testimony, we’re going to move to exclude the testimony on the grounds of relevance, lack of foundation with regard to this particular case. And let me outline it quickly.

As the Court is probably aware from pre-trial matters, there were quite a number of computers that were seized. I think there were 14 computers that were somehow allegedly associated with Neverland. The District Attorney has focused on four, and provided us last night with the particular exhibits that they wish to introduce, somewhere around 6:30, 7 o’clock last night.

Those particular items are culled from the voluminous CDs and other materials that were provided in the course of the case, in the course of discovery, but now, for the first time, we can see exactly what they want to introduce and try to divine what the theory is.

I received some other material by e-mail last night after that, which is not of much consequence. The big thing is what was delivered to us by hand.

Basically, the four computers -- none of the four computers that the District Attorney seeks to introduce testimony about have any material on it, on them, that was subject to the time period involved here.

One of the computers has -- or two of the computers have material from 1998, and two of the computers have material from September, October, and November of 2003. Actually, one of the computers, it appears, when it was downloaded by the sheriff’s department, that they somehow made a mistake and changed the date to the date that they were examining the material, which is something that’s supposed to be avoided. But looking at the material, it appears that there is nothing whatsoever from the time period involved, number one.

Number two, the type of material is such

that it is not probative in this case. It is cached material. That is, material that was caught by the computer because somebody had opened a photograph. And it could have been by an e-mail, it could have been by virtue of somebody surfing the web at a particular time. And it’s heterosexual material, and it is not directly related to this case.

Thirdly, the issue of who accessed the material is totally unresolved. There is no way to determine who was using the computer to access this material in November -- September, October, November of 2003, or back in 1998. So there is no probative value if you cannot link that directly to Mr. Jackson or somebody else in this particular case.

I’m prepared to go into more detail to show the Court or explain to the Court what kinds of material we’re talking about. But I should also indicate that the material that has been gleaned from these computers is minuscule in comparison with the total amount of material that’s on the computers.

So the best that can be said, perhaps, is somebody surfed the web on some of these occasions that have nothing to do with the time period. Very discrete occasions on very specific dates in September and November of 2003. And again, it looks like a very brief four-minute look by somebody in

1998. That is compared to gigabytes of material on the disk of all sorts of other things.

THE COURT: Let me interrupt you and let me hear from the District Attorney.

MR. SANGER: Very well.

THE COURT: Sorry.

MR. AUCHINCLOSS: Good morning, Your Honor.

The evidence that we are seeking to introduce here comprises the contents -- the partial contents of four hard drives from three computers. Each of these computers was located in Michael Jackson’s bedroom. Not only in his bedroom, but in his private sanctuary, which is upstairs from the primary bedroom area. As you know from the photographs, this is a small room with a great deal of contents. These three computers each contained erotic -- adult erotic materials.

The first one is an Apple laptop. This computer has identifying information on it indicating -- we found a text message that says, “Michael Jackson’s Computer” with the date October 12th, ‘98. We also found text messaging in the form of Internet text messaging, which is a hybrid of e-mail, which provides the name “Apple Head’s Computer,” a name we also associate with the defendant.

We found teen pornography, or excuse me, teen adult materials on this computer, which we’ve downloaded approximately 16 pages.

As far as the time frame of this particular -- the downloading of these materials, we have an associated date of 1998. So clearly -- well, not “clearly,” I should say that the computer experts cannot tell us exactly when this material was downloaded. There are ways to manipulate the date. The clock in the computer is not always accurate. If the computer battery runs down, then the clock can go off, and that’s some of the testimony that we would adduce in expert testimony in presenting this evidence.

So -- but we do believe that, circumstantially at least, this evidence was downloaded sometime prior to the period of time that the victims in this case were at Neverland.

The next computer, which is identified -- and I should mention that that computer is -- would be Exhibit 626. And it’s Item No. 346 as far as the sheriff’s records go.

THE COURT: The Apple.

MR. AUCHINCLOSS: Yes.

The next computer is a Vaio desktop computer, Exhibit No. 627, S.B.S.O. Item No. 344. This computer had connection or identification information on it, linking this computer to a Marcel Jackson, which we believe to be a code name, computer code name, for the defendant. We know of no relative of the defendant named Marcel Jackson.

In any event, this computer held downloaded photographs, 1700 downloaded photographs of adult erotic material. We wouldn't seek to introduce 1700. It would have taken us several days to print it, and we've certainly seen enough erotic material. But we would introduce -- we would introduce several pages showing associated porn sites that these images were downloaded from.

The final computer is an Apple desktop, Exhibit No. 628, S.B.S.O. Item No. 347-A. Now, as I mentioned before, this computer has two hard drives in it, apparently not an uncommon feature for some desktop computers. These hard drives are analyzed separately, so we have a second item number with this computer, Exhibit No. 629, and S.B.S.O. Item No. 347-B. This is an Apple PowerMac G-4 also located in the defendant's bedroom. It appears to be quite old. It also arguably or circumstantially could be the computer that was referred to by Star Arvizo when he said there was a desktop computer at the time they visited Neverland.

On the first hard drive for this computer, we located identification information, including text messages from king77tut -- I should say 777tut, privacy969, and a bigmike. Also information dealing with construction of a web page called "Michael's Web Page." This first hard drive had associated 3139 materials on it involving teen pornography -- or teen adult materials, excuse me, varsityteens.com. And numerous downloads of adoption agencies, adoptablekids.com, with associated pictures of children.

As the Court may recall, Mr. Jackson, I believe, in the Bashir video mentioned his interest in adopting children.

Finally, the last hard drive from the same computer has what is known as WAF Reports. We have approximately 100 pages in which these reports indicate Internet sites which were visited by the user of this computer. It's probably not complete, but it does indicate that this computer was used to access sites, adult erotic sites, involving teen subjects, adoptable kids sites, Disney, toy sites. Those are the relevant ones.

Now, the purpose of this evidence is to provide a link between the information that was adduced from Gavin and Star Arvizo concerning their viewing of adult materials on defendant's computer in the defendant's bedroom. We intend to use this evidence circumstantially to show Michael Jackson knows how to use a computer. He has four of them in his bedroom. He has another Apple computer in his desk in his office. That he knows how to access Internet sites; that he knows how to access adult erotic materials on Internet sites.

It's a circumstantial link that provides powerful corroboration for our victim in this case.

And the fact that all of these computers have at least some tie in the computer itself to the defendant, in addition to the fact that these computers were located in his very bedroom, certainly provides the necessary link between the defendant and the person who is accessing pornography, or adult material on these computers.

So that is what we're introducing. That's the purpose. It's not a very large volume, as you can see. I submitted a copy to the Court. And we'd ask the Court to admit this important evidence.

Thank you.

THE COURT: Mr. Sanger.

MR. SANGER: And you have a copy of the book, I guess.

THE COURT: I haven't looked at it, but it's here.

MR. SANGER: That may make it a little easier to follow.

First of all, there's nothing in -- on these computers that in and of itself is illegal. So the question is, what is the probative value of this otherwise lawful material.

Mr. Auchincloss continually used the word "download" as if somebody intentionally downloaded certain items. For the most part, and particularly as it pertains to any adult images, it was not downloaded. It’s a very important distinction. It’s in the cache. That means that whenever you’re on a computer and you open -- or a picture pops up on your screen, even if somebody had sent an e-mail, or it’s one of those automatic nasty things that gets sent to you, that photograph, that image, is automatically cached in your computer.

And without going into a lot of detail - the Court may be aware of this - but many years ago, I don’t know if it was 15 years ago or so, maybe 20 years ago, has determined that when we were going to have images downloaded off the Internet, it was too slow for computers to each time look at the image anew and create all the pixels to show it to you on the screen. So therefore, when people look at a picture, or when it just comes up, whether you look at it or not, it comes up on the screen, you go on to something else, that image is automatically cached. And that is the part of the computer where most of this stuff was found.

And I can go through in particular and explain which ones. But the adult material in particular was cached. That means nobody -- nobody -- whether it was Mr. Jackson or anybody else, nobody went and said, “I want to save this picture and I’m going to save it to a particular area.” It was simply cached. It came up on the screen. It could be from surfing the web. It could be from getting nasty e-mails with pictures that automatically pop up in the screen when you look at your e-mails. That’s a very important distinction.

The next distinction is that the amount of material here is extremely minimal compared to the overall content of this computer, and all the other material that was cached. Going to Time Magazine sites, going to all sorts of legitimate places that people would go when they’re using the Internet and they're looking at things, or when they're getting e-mails with legitimate things that pop up.

Legitimate -- I shouldn't say "legitimate" as opposed to "illegitimate," but not sexual in nature. All this stuff is lawful, but, you know, not sexual in nature stuff. You know, Time Magazine, sports things, pictures related to all sorts of different things.

So this is not very probative. But I want to take it one at a time, because I think it's very important to see this. And I'd encourage the Court to look at the book, if that's all right.

If you look at their Exhibit 626, which is computer 346, that's Item -- Sheriffs Item 346 --

THE COURT: Yes.

MR. SANGER: The indication -- if you look at the first and second pages, that's all you have there. The first page says, "Michael Jackson's G-3

computer, 10-12-98."

Now, nobody knows who put that there, whether it was put there to give to Michael Jackson or some tech person set it up for him or somebody else did it. Who knows.

The second page is a capture of user and group data files, which simply means that somebody had put in there "Apple Head's computer."

Now, the Court's already heard "Apple Head" is like an informal designation and people are called that as a term of endearment, so that doesn't establish even in 1998 that this was really Michael Jackson's computer. But let's assume that it was.

If you go to pages three, four, five, six, seven -- let's see here, I think all the way through to the end -- no, I'm sorry. Through to page 20.

If you go through to page 20, these are simply cached images.

As you can see, if you look at some of them, they're actual photographs or images of people or montages, and then there are also some images of text. And what happens in these computers is that text images are also cached, so the next time somebody goes to, say, the -- some picture that involved Netscape, or AOL, or some other -- some other logo, that logo doesn’t have to be recreated on the computer hard drive. The computer can find the existing logo, and that way it loads a lot more

quickly.

What’s even more significant about these pages 3 to 20 is that they were all -- they all showed up on the computer on October 28, 1998, at one time in between 3:57 a.m. and 4:01 a.m. So somebody -- somebody on this particular computer probably got either a series of e-mails that had -- or an e-mail that had these images on it, or they went to a website and these images popped up. There is nothing indicating in these images that whoever was doing this on the computer -- whether it was somebody related to Mr. Jackson, or somebody visiting, or somebody who had the computer before he had it, or whatever, there’s nothing to indicate that the person actually entered this website. These are pictures from the cover, as it were, of the website, before the web site’s actually entered. If the website had been entered, there would be a whole lot of other pictures.

So in approximately a four-minute period in the early morning hours of October 28th, 1998, these pictures apparently flashed on the screen for some length of time. Couldn’t have been too long, given the time that they were recorded.

Now, we will show at some point -- and I don’t want to get too far ahead, because I don’t think we need to make an offer of proof right now, but there are relatives of Mr. Jackson who have used

his computer. I think we’ve already had some testimony that there are all sorts of people using computers. Mr. Jackson himself is not particularly inclined to use computers. But there’s nothing from 1998 that’s going to tie Mr. Jackson to this case.

And when I hear the District Attorney saying this is powerful evidence to link Mr. Jackson, that's exactly the problem. It's offered as powerful evidence, and it has virtually no probative value.

When you look at 344, which is the next one, 627, look at the -- look at the images there, you'll also find that there are really two users on that computer. There was a Dr. Black, and there was a Marcel Jackson. Those are the screen names. And as the Court knows, you can put any screen name you want. Anybody can say they're Dr. Black or Marcel Jackson.

The images from Dr. Black, whoever that is, were -- primarily came up on the screen and were cached in October, around October 2, 3 and 4, and September 22nd, 24th of 2003, long after this was --

THE COURT: Before you go on, just -- I have a question back on 626, of the last page, 24, in the exhibit list.

MR. SANGER: Yes.

THE COURT: What's the significance of that.

MR. SANGER: 24. I don't have a page 24.

MR. AUCHINCLOSS: It's been provided to you.

MR. SANGER: That's something I was just given this morning.

MR. AUCHINCLOSS: Yes.

Would you like me to answer that, Your Honor.

THE COURT: Yes.

MR. AUCHINCLOSS: Yes. At the very end of each of the files over the offered exhibits is a picture which Detective McCammon would testify that that is the computer, that is its location, and that is the state of the computer when it was originally seized by Detective McCammon.

THE COURT: That's where the computer which housed the hard drive, which is Exhibit 626, was found in the search.

MR. AUCHINCLOSS: Exactly.

THE COURT: All right. Thank you.

MR. SANGER: Okay. All right. So we're now back to --

THE COURT: Just one other question, just so I'm clear. I think I understand this, but 626, the hard drive in 626 is -- well, 627, 628 and 629 are not connected to the hard drive of 626; is that correct.

MR. AUCHINCLOSS: That's correct.

THE COURT: Okay.

MR. SANGER: That may or may not be true, because there is some indication that there's contamination here, which we can get to. I wasn't going to address that precise issue right now, but it looks like some information from one hard drive got on another, but we'll see.

THE COURT: Do you mean in the forensic process.

MR. SANGER: As far as we can tell, it's not true on the main -- on the disk that we had. It is true on the forensic disk that we were given.

Let me go back to now the second disk that we were talking about, which is --

THE COURT: 627.

MR. SANGER: Their Exhibit 627, and that's Item 344.

Now, that, it's very clear, was used by other relatives and other people related to Mr. Jackson. There's a tremendous amount of e-mail on there back and forth from Marie Nicole, and she obviously used the computer extensively. And she corresponds with people about food recipes, all sorts of things.

As I mentioned, there were two specific user names that the government thought were interesting, and that was Dr. Black and Marcel Jackson.

Understand, that of all the other material and other user names, including Marie Nicole, nothing was found. But they find some adult material that again was not downloaded, but was cached, by somebody calling themselves Dr. Black, and somebody else calling themselves Marcel Jackson.

Now, Mr. Jackson does have a cousin named Elijah who goes by Marcel. We’re not going to blame him for this, but -- simply because it’s so easy for anybody to use a user name and simply log in, and so who knows what’s going on. But Marcel Jackson, according to the evidence on this computer, whoever used that name accessed this computer on November 17th of 2003. And that’s when the -- that’s when the information was downloaded on this particular computer.

THE COURT: On this exhibit, how do I see that on --

MR. SANGER: You don’t. And that’s part of the problem, is the prosecutor gave me this book last night. But if you have the disk from the FBI and you look at the disks that were processed and the notable information and other information that they preserved, it is on the material that they had, that the government had, and the FBI agent had downloaded.

In addition, you can go back to the original disk, but I’m just sticking right now with what is already known to the government because their own agents downloaded it so they could see it.

THE COURT: What was the date, the original date, the first visit to the Jackson home by the Arvizos. What was the date of that.

MR. SANGER: That was in 2000.

THE COURT: 2000.

MR. SANGER: And this is November 17th, 2003. So February and March, the first part of March of 2003, are the relevant time periods for this case. And after that, the Arvizos were never back to the ranch after March 12th or 13th. So we’re talking about November 17th. It appears that somebody using a screen name which is similar to a name of Mr. Jackson’s cousin, which is the name of Mr. Jackson’s cousin, is -- has accessed some basically -- looks like has gone to some sites, or material showed up on the screen on November 17th.

Now, given the fact that there's several of them here, it's quite possible a person went to the site. There's a list of some of the sites here, but there's no -- if you look at page six and page seven of that exhibit, there is no indication of when those sites were ever looked at, if they were. And I think there's a date of 10-5-2003 at the top of that as to when that -- that's -- the master site was looked at. Okay.

THE COURT: Okay.

MR. SANGER: Now, if you go to the next computer, which is Exhibit 628, and that's Computer No. 347-A, there are two hard drives, there's the A and the B. If you look at that on 347-A, we're

hearing that this could be the desktop -- I just heard Mr. Auchincloss say this could be the desktop Star Arvizo saw, but remember his testimony was it didn't work.

The images on this actually are also listed to a certain extent on 647-B, so there's apparently some exchange between these two hard drives. And they could be, to a certain extent, mirror drives.

I give the Court as an example, there's a -- and again, nothing here is unlawful, nothing whatsoever. But there's something that's not even -- has no relevance to this case called, "The Funniest Grudge." And it's something taken off the Internet, which is an attempt at humor with regard to Mr. Jackson. And that shows up both on A and on B.

Now, the problem with A is that apparently when the forensic people went to download this material, they converted the time and the date to February 26, 2004. So for 347-A, there is no ability to go back in and determine whether or not -- or when these things were actually recorded. And as I say "recorded," if they're caught in cache, it's because the image popped up on the screen at some point. But there's just no way to tell from the disk that was converted by law enforcement, because they converted the date on it.

And once again, they talk about some -- what Mr. Auchincloss called teenage websites. And

actually, it’s the same thing as the “Barely Legal” or anything else. These are perfectly lawful. It’s over 18, 18-or-over kind of websites, but it appears that it’s a website that was not entered. It’s a website that was not entered. We don’t know when because it says, “February 26, 2004,” and we assume it was not the FBI that was entering the website, so that was that.

Now, the other thing about adoption is just completely off the wall. It’s prejudicial. There’s absolutely no probative value. Mr. Jackson did say --

THE COURT: Isn’t the probative value that it would tie Mr. Jackson to the computer that he was interested in adopting children or --

MR. SANGER: Anybody in his household could be interested in that. Grace Rwaramba, for instance, his nanny --

THE COURT: I’m asking you -- I’m not asking you for other reasons. Isn’t that the probative value.

MR. SANGER: If you could show Mr. Jackson used the computer, yes.

THE COURT: Wasn’t that how you show maybe he used the computer, because he’s interested in adopting children.

MR. SANGER: The key word would be “maybe.” I’m not arguing with the Court.

THE COURT: “Maybe,” I can use that word.

MR. SANGER: Yes. And I’m just focusing -- that’s the -- that’s the probative value versus the prejudicial effect. The probative value is very weak on this. The adoption website simply shows -- it’s not many pictures, but it shows pictures of both boys and girls. And it looks like somebody had looked at an adoption website for whatever purpose.

It's certainly not illegitimate, and there's nothing salacious about that, unless the District Attorney wants to argue that it's a powerful link somehow to this particular case.

Now, when you go to 347-B, we have yet another problem.

THE COURT: That would be 629.

MR. SANGER: Yes, I'm sorry. That's the last one. There's a new Exhibit 629 computer, which is logged in as 347-B.

They have these W-A-F reports in there that show that people could abuse this computer for going to websites. They could have gone to the websites for just a very brief period of time, and we don't know. It could have been anybody, and it could have been at any time, because the W-A-F Reports don't have any dates.

The interesting thing is that on this computer -- and here's where contamination is a problem. On this computer, 347-B, you have the

exact same cached material that you have on 626. Those few pictures -- it's not -- I don't think they copied them here. They didn't copy them here, but it's on the disk that law enforcement prepared.

It's -- the very same cached material on 347-B is the material that we talked about in the very first computer, which was -- which you saw, you saw the pictures of it, the ones we talked about where somebody had gone -- or those pictures had come up in an e-mail, or they had come up by somebody going to a site, they did not enter the site. And it has the very same date of October 28, 1998, on it. Now, the very same time, from 3:57 a.m. to 4:01 a.m. So it is somehow that those images are duplicated on this totally different computer. And it's impossible to tell whether this is contamination caused by the government, or if it's contamination -- or there is some other explanation. But it's hard to imagine what explanation there would be for that since these are simply cached images.

And it would be extremely improbable that the exact minute -- and, in fact, it breaks it down into seconds -- the exact seconds, the same exact images were retrieved in this four-minute period on October 28, 1998, by two separate -- completely separate computers.

So having -- having said that, the probative value of this is extremely weak. It doesn't tell us anything about the events of this case. It doesn't tell us anything about the testimony of the witnesses in this case. The state of the evidence is there are computers around. There's a desktop computer that didn't work. The government now wants to say it's one of these. But that's that. That's the evidence. The fact that somebody at some time later may have accessed some adult sites that are all heterosexual, most of them are just topless pictures, that somebody accessed that completely lawful material in September, October, and primarily November of 2003, or somehow, on two of these computers, at exactly the same nanosecond, somehow ended up with cached pictures from one website in 1998, there's just no probative value to that.

The prosecution's homework hasn't been done, because this is not in proper order and it was given to us at the last minute, culled from everything else they had. But if it's done, I don't see how they could possibly get to the point where this is probative, and I think it does tend to be very prejudicial.

And when you hear Mr. Auchincloss talk about it as a powerful link, I assume that's a prelude to his closing argument, or somebody's closing argument on that side, and that's exactly what it is not, and that's why it should not come in.

Thank you, Your Honor.

MR. AUCHINCLOSS: Just a few remarks, Your Honor.

First of all, as with all circumstantial evidence, you have to look at the evidence in the context of all the evidence in the case.

In this case, they are saying that it is just a coincidence that in these four -- or these three computers, these four hard drives, it’s just a coincidence that they have erotic materials on them. It’s just a coincidence that they have teen erotic materials on them. It’s just a coincidence that all three of these computers are found in his private sanctuary, his bedroom. It’s just a coincidence that Gavin Arvizo and Star Arvizo were shown erotic materials in his private bedroom. And it’s just a coincidence they were shown the same type of erotic materials, teen erotic materials.

THE COURT: How could they have been shown these materials, though.

MR. AUCHINCLOSS: Well, we’re not saying they were shown these materials. It’s conceivable, and it’s possible that the computer from ‘98 has information on it that was shown to these children.

But as you may recall, Gavin Arvizo took that computer that he believes -- he wasn’t sure, but he believes that was the computer, the computer he viewed the images on in Mr. Jackson’s bedroom, that computer was the computer he was given. And as you also know, that computer ultimately made its way back to Mr. Jackson after it was broken. So we can assume, circumstantially perhaps, that that computer is discarded and gone. But, if it wasn’t the computer, it’s possible -- I don’t think it’s probable, but it’s possible that one of these computers was the very same computer that Gavin Arvizo observed this pornography on.

And I might mention that the computer that has these older images on it is the same computer that Gavin Arvizo picked out of a lineup of computers as being the one most like the computer that was given to him. But again, it doesn’t tie it up perfectly.

The bottom line here is, is that this is circumstantial evidence that this defendant views teen pornographic, or erotic materials, on computers in his bedroom, which is one of the most important aspects of our -- was one of the important aspects of our case. And, as you know in these cases, it's always a matter of the credibility of the young victim. So corroboration is always highly probative to show that -- these young victims, when they're telling the truth. And I don't think you can just say it's a coincidence that these materials are on these, all three of them, and all in his bedroom, and all seeking the same sites.

Now, I will mention a few things Mr. Sanger said were wrong.

First of all, in the very first group of information, Exhibit 626, we have an Internet cache in the back of that exhibit. This is a history, just like you and I have on our computers. It shows the history of sites that were recently visited or most recently visited. And they're virtually all -- we've got "Teen Steam," "Gatefold," numerous hits to "Teen Sleaze," "slut1.com."

THE COURT: What are you referring to.

MR. AUCHINCLOSS: I'm referring to page 22 of 626. The Netscape history of showing the sites that were most recently viewed.

THE COURT: By "recently viewed," what does that mean.

MR. AUCHINCLOSS: Recently, the last sites that were viewed on this computer.

THE COURT: In 1998.

MR. AUCHINCLOSS: Well, some of these sites you can see go to 2001. There's one here that says, "Karas Adult 2002, 3, 01." That's on page 23. And that would be within the time frame that the Arvizo children were on Neverland.

But more importantly, it shows knowledge. It shows he understands how to use computers, which not everyone does, and it shows his familiarity with the Internet and Internet adult sites.

As for --

THE COURT: The testimony wasn't that he went on line, the testimony was that someone else went on line, right. I mean, when the children say they saw the -- it was the other person in the room that --

MR. AUCHINCLOSS: Frank.

THE COURT: Frank.

MR. AUCHINCLOSS: Frank was operating the computer at the time, but it was Mr. Jackson -- we are saying it is our position that Mr. Jackson is showing this porn to -- or this adult material to these children.

Now, as far as the legality of it, you know, they advertise themselves as being teen pictures. We don't know. As far as -- the bulk of Mr. Sanger's arguments go to weight. He can ask our witness, our expert witness, what percentage of these -- of the total information on these computers comprise this type of information. But as with any computer that holds a tremendous volume of this type of information, every fragment is going to be a small percentage of the whole.

THE COURT: Do you have another witness you can put on, other than the one you were going to call for this, right now.

MR. AUCHINCLOSS: Possibly.

THE COURT: I have some severe reservations

about allowing you to put this on, so I'm going to ask you to call another witness. I may require some further foundation outside the presence of the jury with your expert.

MR. AUCHINCLOSS: All right.

THE COURT: I need to -- I'm not prepared to rule at this moment on it, although I am leaning towards excluding it.

MR. AUCHINCLOSS: I guess the next step would be to file some points and authorities on it for you. But if you would like to call -- I think maybe the best thing to do would be to allow us to have -- to call our expert, and have you question him, and we can question him, and maybe focus your concern --

THE COURT: The problem with that is the jury is sitting waiting. And I've asked that we -- you know, when we have these type of issues that we set them at times when the jury's not here, and we use the jury for evidence that they can hear.

MR. AUCHINCLOSS: Can you tell me what -- can you tell me what your concern is so that I may attempt to address it.

THE COURT: No. Do you have another witness.

MR. AUCHINCLOSS: We can -- we'll check, Your Honor. We'll see who's available.

THE COURT: All right.

(Recess taken.)

THE COURT: What I want to do is take the break now, while you're looking for a witness, so you don't just start the witness.

So we'll take a 15-minute break now while you find your witness.

(Recess taken.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 3134 through 3161 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 23, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
March 23, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, MARCH 23, 2005

8:30 A.M.

(PAGES 3163 THROUGH 3320)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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INDEX

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Franklin is listed as “F” on index. Mr. Mesereau is listed as “M” on index.
Ms. Yu is listed as “Y” on index. Mr. Sanger is listed as “SA” on index.
Mr. Oxman is listed as “O” on index.

PLAINTIFF’S

WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
COOLEY, Robert Charles	3168-SN	3175-M	3189-SN	3190-M
PADILLA, Freddy	3191-SN	3209-M		
BONNER, Craig	3224-SN	3259-M	3280-SN	
			3260-SN	3262-M
			(Further)	(Further)
CANTU, Antonio A.	3283-A	3313-SA		

EXHIBITS

FOR IN PLAINTIFF'S NO. DESCRIPTION I.D. EVID.

151 Photograph of two bottles of alcohol 3259 3260
295 Photograph corresponding
to Exhibit 471 3244
471 Various items contained through in Exhibit 470
529 3244
530 Magazine pages/ through magazines
551 3234
552 Brown bag containing book 3207
554 Binders containing through magazines
560 3227
626 Apple laptop, Power G-3 3279
627 Vaio Model PCV-W20 3279
628 Apple Power Mac G-4 3279
629 Apple Power Mac G-4 3279
632, Photographs corresponding 634 to Exhibits 473-477, 479-481
through 483, 485, 487-492, 494-508 681 510-525, and 528 3244
682 Photographs of cover sheets
through of Exhibits 554 through 560 688 3228 3229
689 Photographs of front covers
through of Exhibits 530 through 551 3236 709

EXHIBITS (Continued)

FOR IN
PLAINTIFF'S NO. DESCRIPTION I.D. EVID.
720 Brown evidence bag
containing a white envelope with Dieter Weizner's
and Udo Schaar's names and phone numbers 3256 3257
721 Photograph of Macaulay
Culkin 3257

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: (To the jury) You didn't get it. It's "Simon Says."

All right. Call your next witness.

MR. SNEDDON: Detective Cooley.

THE COURT: Actually, we've been in session, even though you haven't been here. We were handling some issues that we had to handle. That's why it was not a formal introduction.

THE CLERK: Please raise your right hand.

ROBERT CHARLES COOLEY

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name is Robert Charles Cooley. Last name, C-o-o-l-e-y.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. SNEDDON:

Q. Good morning.

A. Good morning.

Q. You're employed by the sheriff's department, correct.

A. Yes, I am.

Q. How long have you been with the sheriff's department.

A. Be 25 years in July.

Q. And what are your current assignments.

A. My current assignment is I'm a detective stationed out of the Santa Ynez/Solvang station.

Q. Back on November the 18th of 2003, were you involved in the execution of a search warrant at the Neverland Valley Ranch.

A. Yes, I was.

Q. And were you assigned some specific responsibilities in connection with the execution of that search warrant.

A. Yes, I was.

Q. And what responsibilities -- what was your primary responsibility that day.

A. My primary responsibility was as a scribe at the arcade building on that property.

Q. Would you explain to the ladies and gentlemen of the jury just what it means to be a scribe in connection with the execution of a search warrant.

A. Being a scribe means that you're responsible for taking and seizing all evidence that's located by other searchers, and then packaging and sealing

that evidence and documenting that evidence on a report.

Q. All right. Did you do that on that particular day in the arcade.

A. Yes, I did.

Q. And did you do it in conjunction with some particular officers.

A. Yes, I did.
Q. And Officer -- Detective Conn Abel was one of the people you worked with that day.
A. Yes, he was.
Q. And when you set up business or set up your location in the arcade, particularly where did you set up your position to become a scribe. Where you did your scribing, I guess would be the best way to put it.
A. There were actually a couple locations. Down where we did the first floor, I just set up on a table down there. And then when we moved up there to a library area in that same building, I was right outside the library door.
Q. And what about when you went in the cellar.
A. We went in the cellar. That stuff was actually brought back to the table that was on the first floor.
Q. Okay, good. Now, I'm just going to show you a few items here.
MR. MESEREAU: Excuse me, can I see them before they're --

MR. SNEDDON: I thought you had.
MR. MESEREAU: I follow.
MR. SNEDDON: 581, 582 and 583.
MR. MESEREAU: Oh, okay. Oh, all right. Okay, thank you.
Q. BY MR. SNEDDON: All right. Let's talk about the first one. It's an item designated in this case as Exhibit 581. Do you see that.
A. Yes, sir, I do.
Q. And inside of that are three books in a brown paper bag. Do you see that.
A. Correct.
Q. Do you recognize the brown paper bag.
A. Yes, I do.
Q. When and where was the first time you saw that brown paper bag.
A. That would have been when the items were seized from the cellar area, and I placed them in that brown paper bag, and that's my writing on the

outside of that brown evidence bag.

Q. So the white -- the white piece of paper with the black writing is your handwriting; is that correct.

A. Yes, it is.

Q. And with regard to that particular item, 581, did you put those books into that brown paper bag.

A. Yes, I did.

Q. And what did you do with the brown paper bag after you put the books inside of it, into 581.

A. I sealed it, and then initialed and wrote my name on the outside of the evidence tag, seal itself.

Q. And do you see those initials now.

A. Yes, they’re still there.

Q. Okay. Now, why don’t you put that item aside.

Now, currently -- let me just ask you this. Currently that’s in a plastic bag, the whole brown paper bag with the three books.

A. That’s correct.

Q. Do you have any knowledge about where the plastic bag came from.

A. Not of this bag, but I know of the nature, why this bag was used.

Q. Why was that.

A. This is because occasionally if evidence is going to be reviewed, it’s opened, that the paper bag starts to get fragile and can’t be sealed properly, and then they’ll place it back in another larger bag, in this case this plastic bag, and reseal the plastic bag.

Q. And that’s a procedure you’ve used before.

A. Yes, it is.

Q. Now, let’s direct your attention to Item 582, which is in evidence here. You’ve picked up a brown bag, correct.

A. Correct.

Q. Do you recognize that bag.

A. Yes I do.

Q. And when and where was the first time you saw that particular bag.

A. This bag with this book was found up in the -- correction. The book was found in the library area in the upper story of the arcade building.

Q. Yes, sir.

A. And I placed this book inside this paper bag, and this is my handwriting on the white tag on the outside.

Q. And after you put the bag -- after you put the book into that particular bag, what did you do with it.

A. Then I sealed the paper bag and wrote my name on the outside of the seal.

Q. And you see the seal and your initials on the bag.

A. Yes, it’s still there.

Q. Okay. Now, let’s look at 583 if we can. 583 is a smaller brown paper bag, correct.

A. Correct.

Q. All right. And when and where was the first time that you saw that particular bag.

A. This also was from the library in the upper story of the arcade area.

Q. You’re talking about the item that’s inside the bag, correct.

A. Right.

Q. And that was given to you by somebody.

A. Yes, it was.

Q. And who was that.

A. At this point I don’t recall. It would have been one of the searching detectives that was in the library at the time.

Q. So they gave it to you and you put it in the bag and it has a white piece of paper with writing on the front, correct.

A. Correct.

Q. And is that your handwriting.
A. Yes, it is.
Q. Now, did you also seal that particular bag.
A. Yes, I did.
Q. Do you see the place where you sealed it and your initials.
A. It’s still there.
Q. Now, with regard to the Items 581, 582 and 583, after you sealed them, you put the items that were given to you by the officer, seizing officer, put them in the bag, you sealed it, and you put the identification information on the front as you’ve told the jury.

What did you do with those three particular items after that.
A. After they were sealed and we were -- we concluded our search, these were turned over to forensics detectives at the search warrant scene, the front of the main house.
MR. SNEDDON: All right. Thank you. No further questions.
THE COURT: Questions.
MR. MESEREAU: Yes, please, Your Honor.

CROSS-EXAMINATION
BY MR. MESEREAU:
Q. Good morning.
A. Good morning.
Q. You said your function was to be a scribe.
A. That’s correct.
Q. And as a scribe, do you do any search yourself.
A. Occasionally we will do searching also, depending upon how large the area is.
Q. Did you search anything on that particular day, November 18th.
A. I believe so, I did, yes.
Q. What did you search.
A. I assisted in the search of the downstairs arcade building, and actually the whole building, the arcade, the cellar and the upstairs library

area.

Q. Now, you indicated that as a scribe, you -- I think you said words to the effect, you were at a location where people would bring items to be seized to you.

A. Correct.

Q. And where was this location that you were talking about.

A. In particular, downstairs, the first location was at the front of the arcade on a table there. And then when we moved upstairs to the library area, was right outside the door of the library.

Q. And were you sort of searching and then being a scribe, and then searching and being a scribe, or just being a scribe the whole time.

A. No, I was doing some searching, and if somebody found an item of evidence that needed to be seized and packaged, then I would do my job as the scribe, seize the item, package and then seal it.

Q. Do you package and seal to prevent contamination.

A. I package and seal to preserve the evidence that's given to me.

Q. Do you package and seal to prevent contamination.

A. If I'm following you, to -- I'm not exactly sure what you're looking for contamination-wise.

Q. Do you know what contamination of evidence means.

A. Fingerprints, et cetera. Is that what you're looking for.

Q. I'm asking if you know what contamination of evidence means.

A. I guess I'm not following the course. When it's given to me, I package it as it's given to me.

Q. Let me -- maybe I'm not being clear. Have you ever heard of the word "contamination" when it comes to evidence.

A. Yes.

Q. What does that mean to you.

A. It depends a lot on the evidence. If it’s evidence that we think might need to be fingerprinted, then it’s placed in a paper bag and sealed. If it’s evidence that we think might need, say, DNA, for instance, it’s packaged and sealed accordingly to keep others from touching it.

Q. Were any of the three items in front of you packaged and sealed to prevent contamination.

A. Well, I was the last one to handle it, so it was packaged in there, and then it wasn’t my call whether it needed to be fingerprinted later on. So I just packaged it, I was the last one to handle it, packaged it like I would normally package evidence, and then it was turned over to forensics.

Q. Did you package it to preserve the items so

it could be fingerprinted.

A. I would have to say I did. I was the last one to handle it, and it was sealed and turned over to forensics.

Q. Were the three items that you packaged and sealed packaged and sealed to preserve the ability to do any DNA testing.

A. That, again, would not have been my call. I was wearing gloves, when I was packaging evidence, so if anything later on needed to be completed, fingerprinting, DNA evidence, it was packaged in paper to preserve that, and then turned over to forensics, and then forensics would have made the call as to how they handled it after that.

Q. So am I correct in assuming that you packaged and sealed those three items to preserve the possibility of both fingerprinting and DNA testing on those items.

A. That’s one of the reasons why they’re packaged and sealed immediately, yes.

Q. And what are the other reasons why they’re packaged and sealed immediately.

A. To prevent a confusion as to evidence being seized and who seized it.

Q. Now, when you turn them over to forensics, you're saying it's their responsibility to decide whether they're going to test for fingerprints or not.

A. Not exactly. It would probably be the lead investigator or the investigators on the case that would decide what they were going to have fingerprinted and what they were going to have tested for DNA.

Q. Now, in your function as a scribe, does it ever happen that someone says to you, "See this evidence. We're going to do fingerprinting testing".

A. Has it ever happened to me.

Q. Yes.

A. Yes.

Q. It didn't happen in this case, correct.

A. In --

Q. With respect to these three items.

A. In this particular case, with respect to these three items, I was not told specifically that these were to be fingerprinted. I just packaged them like I would normally package them.

Q. And you were not told specifically that anyone wanted to do DNA testing on those three items, correct.

A. That's correct.

Q. And who handed those items to you.

A. They would have been the searching detectives that were assigned to that building. And I do not recall who specifically handed these items to me.

Q. Don't you normally note that on the item.

A. Not normally in the course of search warrants that I've conducted. It's my responsibility to take the item and then package it and seal it as the seizing deputy.

Q. In terms of determining what is called “chain of custody,” meaning who had possession of the item at a particular time, don’t you normally note that on the package.
A. No, because I become -- in my particular job, I become the seizing detective. Each of these items was photographed where it was located, and then brought to me, and I packaged it, became the seizing detective, and became responsible for the evidence.
Q. And is any record made, to your knowledge, of -- excuse me, let me rephrase that. Was any record made, to your knowledge, of who in particular gave you either of those three items.
A. Not to my knowledge. I have the detectives listed in my report that was on scene at the time.
Q. If you wanted to determine who gave you one of those three items, what would you do.
A. Probably have to go back to the detectives that were on scene and ask them if they remembered actually locating that item.
Q. You would have to rely on their memory.

A. Correct.
Q. To your knowledge, no written record is made when someone hands you an item of evidence that may later be used in a case.
A. It wasn’t done in this case, no.
Q. It wasn’t done in this case.
A. No.
Q. Well, you’re aware that approximately 69 people related to the sheriff’s department descended on Neverland on that particular day, right.
A. Correct.
Q. And do you know how many of those 69 people or approximately 69 people were involved in the search.
A. Of the arcade building.
Q. Of any part of Neverland.
A. Not exactly, no.
Q. You had a meeting of those who were going to

be involved in the search before you arrived, correct.

A. Correct.

Q. And guidelines were given to everyone before you entered Mr. Jackson’s premises, right.

A. Assignments were made, yes.

Q. And are you telling the jury that there was no procedure to ensure if someone took a piece of evidence or whatever they wanted to use it for and handed it to another officer, there was no procedure to identify who did that.

A. Not that I recall that was brought up at the briefing.

Q. What was brought up at the briefing, now.

A. Again, assignments, as to who was going to be searching what part of the ranch.

Q. But what I’m saying is this: Aren’t reports typically made -- if someone decides, for whatever reason, good, bad, or indifferent, to focus on a particular item, pick up that item, take it to a scribe, like yourself, are you saying there is no record made of who actually initially retrieved the item and for what reason.

A. I did not make a record of that, no. I became the seizing detective.

Q. Okay. So in other words, what you’re saying is, the, quote, seizing detective is responsible for packaging items, but not responsible for determining how those items even got to he or her, correct.

A. I can tell you which part of the arcade building these items came from.

Q. But you can’t tell me who handled them before you did, right.

A. No.

Q. And you can’t tell me where they were found before you got them, right.

A. Only if I go back and look at the photographs prior to them being brought to me.

Q. And were they photographed before you got them.
A. Yes.
Q. Okay. Would the photographs identify who did the photographing.
A. The photographs would have on them who actually took the photo.
Q. Would the photographs identify who actually retrieved the item initially.
A. That I don’t know. I would have to look at the photograph to see if the detective who actually located the item is in the photo.
Q. Well, you’re aware in this case I think -- and tell me if you’re not. But I think you’re aware that there have been photographs taken of magazines, for example, that were allegedly in particular locations at Neverland, right.
A. I was not aware of items seized or photographs taken in other portions of the ranch except for the arcade building.
Q. Well, if it became an issue in a case like this how a particular magazine was in a particular location, or how a book or a magazine got out of a box, for example, that it initially was in, are you saying no record is made of who would have put their hands in the box and picked the book or magazine out.
A. In my case, with these three items, that was not done.

Q. Do you know why that wasn’t done.
A. Actually, no, I don’t.
Q. But wouldn’t you agree that in many other situations you’ve been in, it has been done.
A. I have never done it acting as a scribe. I’ve always just seized the item, made sure it was photographed prior to it being moved and brought to me, or if I actually went and retrieved the item, I made sure it was photographed before I moved it and seized it.
Q. I’m sorry, I didn’t --
A. That’s okay.

Q. Did you finish.
A. Yes, I had.
Q. Let me ask you this: Let’s take one of those books, okay. Doesn’t matter which one. Let’s assume the book is found in a bookcase, all right.
A. Okay.
Q. Now, you know there were lots of bookshelves in the library area, correct.
A. Correct.
Q. There were lots and lots of books all over the library, right.
A. Correct.
Q. And you probably didn’t count them, but you certainly saw shelf after shelf after shelf, right.
A. Yes.

Q. And along with the shelves, you saw boxes everywhere, right.
A. Right.
Q. And there were books found in those boxes, right.
A. Correct.
Q. Now, if someone opens a box, takes a book out, places it on the ground, looks at other books, takes them out, puts them on the ground, and somewhere in that search finds something they want to give to you, there’s really no record of knowing where that particular item was when it was first seen, correct.
A. Correct.
Q. In other words, if someone took a bunch of books out of a box, laid them around, and decided to focus on one of them, there would be no way of knowing if that person even placed that book in a particular location when it was photographed, right.
A. Correct.
Q. The only real record would be that that particular book was given to you and as the scribe, you’re responsible for saying, “We found this in this area,” right.
A. Correct.
Q. And you’re aware that sometimes it becomes

an issue in an investigation as to where something actually was located initially, right.

A. Correct.

Q. In other words, if something’s in a box, it might suggest something different than if something is up on a shelf in plain view, right.

A. Correct.

Q. You’re saying that in this particular investigation at Neverland, with approximately 69 sheriffs searching, no provision was made to identify exactly who found an item first and where they found it, right.

MR. SNEDDON: I’m going to object as beyond the scope. I’m going to object lack of foundation as to other officers. He can only speak for himself

THE COURT: All right. You’re -- sustained.

MR. MESEREAU: Okay.

Q. Was the intention, as far as you’re concerned -- I’m only talking about your work as a scribe. Was the intention to make sure you were the only person that could identify something that was found in the area where you were searching. In other words, was the intention the following: “If an item is used in the courtroom, the records will indicate that I’m the only one responsible for identifying where that item was found”.

A. I think the intent was just to try to minimize the number of people that may have to step up and say, you know, “Yes, this item was seized and it was seized from the arcade building during the course of this search.”

Q. Uh-huh. Now, the word “scribe” suggests someone who writes something, obviously, but you were doing more than that, right.

A. Correct.

Q. And if someone made the decision that a particular item found was going to possibly be used in the case, did you then stop your searching and go

down and do the sort of scribe-type function.
A. Yes.
Q. And how much time did you spend in the library that day, if you remember.
A. I don’t recall.
Q. And was it a lot of time.
A. We were there for all day. And I don’t recall exactly how much time we spent in the library, no.
Q. Were you looking at books in the library yourself.
A. Yes, I was looking.
Q. Were you going through the shelves to see what books were on the shelves.
A. I don’t recall exactly what part of the library I searched, but I’m sure I looked at some of the books on the shelves.
Q. Well, was your desire to sort of go book by book and see sort of what each book was.
A. I don’t recall if I actually pulled every

book out. I think I was just more looking to see what was in the general area. The library was quite crowded, so I mainly stayed back at the door to do the seizing.
Q. And to your knowledge, was any effort made to forensically determine who had been in the library and looking at those books.
A. Forensically.
Q. Yes.
A. Like fingerprints afterwards, or --
Q. Sure.
A. To the best of my knowledge, that I recall, everybody was wearing gloves when they were doing their searching, so if you’re -- I’m not sure exactly what you’re asking, here again.
Q. Well, everybody was told -- excuse me, that’s not the right word.
People were directed into the library, walked wherever they wanted to walk, right. Looked around as they chose. And if they saw a book somewhere that interested them, bring it to you,

right.

A. That’s correct. We have a list of people that were in the library.

Q. And three books were brought to you.

A. These three items here.

Q. Yes. Those three items that were brought to you.

A. Okay.

Q. After those three items were brought to you, did you continue looking at books.

A. I think, if I recall correctly at this point, there was evidence coming out of the library, and I mainly stayed at the door and did the seizing and the scribing.

MR. MESEREAU: Okay. No further questions.

THE COURT: Redirect.

MR. SNEDDON: One question, Your Honor.

REDIRECT EXAMINATION

BY MR. SNEDDON:

Q. I think you told the jury before that one of the ways that you ensure the integrity of where the evidence came from is that you photograph in place before it’s picked up and taken.

A. That’s correct.

Q. Is that a procedure that you use.

A. Yes, it is.

Q. To your knowledge, is that a procedure that was used this day.

A. Yes, it is.

MR. SNEDDON: No further questions.

MR. MESEREAU: Very briefly, Your Honor.

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RECROSS-EXAMINATION

BY MR. MESEREAU:

Q. Mr. Sneddon used the word “in place.”

Please tell the jury what the word “in place” means, to you.

A. To me, “in place” means that the item was photographed where the searching detective located that item.

Q. Now, if an item is found at the bottom of a box, pulled out of the bottom of the box and then photographed, there is no guarantee it’s going to be photographed at the bottom of the box where it was found, correct.

MR. SNEDDON: Your Honor, I’m going to object as assumes facts NOT in evidence, that it wasn’t photographed in place.

THE COURT: The objection is sustained, but I’ve warned you not to use speaking objections.

MR. SNEDDON: All right.

THE COURT: Objection sustained.

MR. SNEDDON: Lack of foundation.

MR. MESEREAU: No further questions, Your Honor.

MR. SNEDDON: I have no further questions.

THE COURT: Thank you. You may step down.

MR. SNEDDON: Deputy Padilla.

THE COURT: Come to the front of the courtroom, please. When you get to the witness stand, please remain standing. Face the clerk and raise your right hand.

FREDDY PADILLA

Having been sworn, testified as follows:

THE WITNESS: Yes, I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name is Freddy Padilla. F-r-e-d-d-y; Padilla, P-a-d-i-l-l-a.

THE CLERK: Thank you.

MR. SNEDDON: Why don’t you hand me those, these bags. Thank you.

DIRECT EXAMINATION

BY MR. SNEDDON:

Q. All right. Detective Padilla, how long have you been -- you’re with the sheriff’s department, correct.

A. Yes, sir.

Q. How long have you been with the sheriff’s department.

A. 11 years.

Q. And with regard to your current duty assignment, what is that.

A. I’m a detective with the sheriff’s office.

Q. And in what capacity are you a detective.

A. I work personless crimes.

Q. On November the 18th of 2003, did you participate in the execution of a search warrant at Neverland Valley Ranch.

A. Yes, sir.

Q. What were your particular duty responsibilities that day.

A. I was assigned to package the items of evidence seized by the investigators and deputies at the Neverland Ranch.

Q. Was there a particular location that you were assigned to.

A. Yes, sir.

Q. Would you tell the jury where you were assigned to.

A. The main house of the residence.

Q. And was there a certain location within the main house.

A. Yes, sir.

Q. Where was that.

A. It was in Mr. Jackson’s bedroom.

Q. And in connection with the execution of your responsibilities -- maybe I didn’t ask you this. What was your responsibility.

A. The investigators would locate items of evidence, seize them, and deliver them to me, and I would package them and seal them, and according to what they described, I would write on our SH-451,

our sheriff's property form.
Q. Did you have a computer there handy where you did this work on --
A. Yes, sir.
Q. -- as it was given to you.
A. Yes, sir.
Q. And on that particular day, you were given a number of items; is that correct.
A. Yes, sir.
Q. All right. And....
MR. SNEDDON: Your Honor, I'm going to need a second to retrieve a number of bags from over here.
THE COURT: All right.
Q. BY MR. SNEDDON: I'm going to hand you an exhibit marked as 580, clear plastic bag, binder inside of it, in a brown bag, and ask you if you recognize the Exhibit 580.
A. I don't recognize the item, but I recognize the packaging and my writing.
Q. All right. And you said -- by "packaging," what do you mean by "packaging".
A. The brown paper bag. These are the bags that I used at the Neverland Ranch, and I wrote down the case number and the specifics about the case.
Q. And did you write down the officer who gave you that item or gave you an item.
A. Yes, sir, I did.

Q. Who was that.
A. This is Detective Shepherd.
Q. What was it that you were given that went into that original brown bag.
A. On the property form, I would write down a description according to the investigator, what they seized, but here I wrote down "Magazines" on the package.
Q. Okay. Now, after you were given the magazine by Detective Shepherd, you placed it in that brown bag that's inside of the Exhibit 580.

A. Yes, sir.

Q. And did you seal it in some fashion.

A. Yes.

Q. Would you describe how you sealed it.

A. It’s the department-issued evidence tape and I would staple it, seal it with the tape, and put my initials and the date on it.

Q. And after you did that, what did you do with the item.

A. I -- at the house, I stored it, and I attempted to keep them in numerical order, given my view.

Q. With regard to the brown bag that’s -- with regard to the brown bag inside the item marked as 580, is that what you did in this particular case.

A. Yes, sir.

Q. All right. Thank you.

Now I’ve handed you an item that’s marked I believe, as 576; is that correct. Should be like a tag down there.

A. The item is 303.

Q. And that’s your item. This is the exhibit Item 576.

A. Oh, yes, sir.

Q. Do you see that.

A. Yes, I do.

Q. And with regard to the particular bag that’s been marked as exhibit item 576, do you recognize that.

A. Yes, I do.

Q. And how do you recognize that.

A. By the -- my writing on the front of the package.

Q. And when -- did you place something inside that package.

A. Yes, sir.

Q. When and what did you place in there.

A. I don’t know specifically. I’d have to look on the SH-451.

Q. You don’t recall, but you placed something there.

A. Yes, sir.
Q. Does it indicate what officer it was that gave you the items you placed in the bag, 576.
A. Not on this package. I'd have to look on

the SH-451.
Q. Do you have your SH-451 there.
A. Yes, sir.
Q. All right. Why don't you do that. And this is a document that was prepared at or about the time that these entries were made; is that correct.
A. That's correct.
It says by Detective Shepherd.
Q. All right. And that's Item 576; is that correct.
A. Yes, sir.
Q. And did you seal that item in much the same fashion you described to the ladies and gentlemen of the jury on the other one.
A. Yes, sir.
Q. All right. You have an item in front of you marked as -- whichever one that you have that's closest. It doesn't make any difference.
A. Exhibit 575.
Q. 575, all right. Do you recognize 575.
A. Yes, sir.
Q. And when and where was the Item 575 the first time you saw it.
A. It was in the -- in the master bedroom of Mr. Jackson.
Q. Did somebody bring you that.
A. Yes, sir.
Q. Bring something to you in that bag.

A. Yes, sir.
Q. And who was that.
A. It was Detective Shepherd.
Q. And when Detective Shepherd gave you the item, did you prepare the bag that's marked as Exhibit 575.

A. That is correct.
Q. Did you put the item in it and seal it.
A. Yes, sir.
Q. In much the same fashion that you've described.
A. Correct.
Q. All right. Let's turn our attention now to 569, if we could. That's in evidence.
With regard to 569, do you recognize that item.
A. Yes, sir.
Q. And how do you recognize it.
A. The packaging.
Q. And do you recognize the handwriting.
A. Correct.
Q. Who's that. Whose handwriting is it.
A. It's mine.
Q. And with regard to that particular package, you placed some items inside that package.
A. Correct.
Q. And from whom did you get the items that you placed inside that package, 569.

A. Detective Shepherd.
Q. And when you did that, did you seal it in much the same fashion that you described to the jury.
A. Correct.
Q. And with regard to after you have sealed the Item 569, 575 and 576, what did you do with those items.
A. I stored them in my view at the master bedroom area.
Q. All right. All right, with regard to the last item I've just given you, which is marked as 633 in evidence, do you recognize that.
A. Yes, sir.
Q. And how do you recognize that.
A. By the packaging.
Q. And whose handwriting is on that packaging.
A. That's my writing.
Q. When and where was the first time you saw

that bag.

A. When it was given to me by the investigator in the master bedroom area.

Q. The bag itself, where was the first time that you saw that bag. Not the item that’s in it, the bag.

A. The bag itself.

Q. Yes.

A. Empty.

Q. Before you put the writing on it, yes.

A. You’re asking where --

Q. I’m asking you a bad question. Let me try and see if I can do it.

After the officer gave you an item --

A. Yes, sir.

Q. -- what did you do with it.

A. I put it in this bag and sealed it.

Q. Okay, thanks. That was a lot better.

A. Sorry.

Q. And does it indicate what officer gave you the item.

A. Yes, it does.

Q. And who was that.

A. Detective Shepherd.

Q. Okay. And was it sealed and your initials placed on it in much the same fashion as the others I talked to you about.

A. Yes, sir.

Q. Okay. Let me hand you these items that are in evidence as 588, 589.

All right. With regard to the Exhibit 588, do you recognize that.

A. Yes, sir.

Q. And with regard to that particular exhibit, when and where was the first time you saw it.

A. When it was brought to me by the investigator in the master bedroom area.

Q. Does that indicate to you who the officer

was who brought it to you.
A. Yes, sir.
Q. Who was that.
A. Detective O’Grady.
Q. And did you fill out the bag and the information on the bag.
A. Yes, sir.
Q. And did you seal it.
A. Yes, I did.
Q. And place your initials on it.
A. Yes, sir.
Q. Now -- excuse me. Did you notice, with regard to your SH-451, whether there’s a difference between the name on the bag and the name placed on your SH-451 form.
A. Yes, I did.
Q. What’s the difference.
A. On the package it says Detective O’Grady, and on my SH-451, it has the name of another investigator on it.
Q. And what, to your knowledge is the correct one.
A. It’s Detective O’Grady.
Q. You placed that on there when he gave you the item.
A. That’s correct.
Q. All right. You have now 589 in front of 3200 you.
A. Yes, sir.
Q. And with regard to the Exhibit 589, who gave you that item.
A. D.A. Investigator Ellis.
Q. And did you place the information on that particular exhibit.
A. Yes, sir.
Q. Did you place inside of that exhibit the item that was given to you by Detective Ellis.
A. Correct.
Q. Or Investigator Ellis.
A. Correct.
Q. And did you then seal it. Is that correct.

A. That’s correct.
Q. And made the notations on the bag.
A. Yes, sir.
Q. All right. Let me grab those. Okay. The top item there, I believe, is Item 710, if I’m not mistaken; is that correct.
A. 712.
Q. What is it.
A. This one’s 712.
Q. 712, all right. 712. I guess I was mistaken. With regard to that particular item, were you given something to put inside that bag.
A. Yes, sir.
Q. Do you recognize the bag.

A. Yes, I do.
Q. And how do you recognize it.
A. By the bag itself, my writing, and my signature on the bag.
Q. And in that particular item, does it indicate to you who the officer was that gave you the item.
A. Yes, it does.
Q. Who is that.
A. Detective Wolff.
Q. And did you prepare the information, seal the particular exhibit and put your initials on it like you described in the other ones.
A. Correct.
Q. All right. Would you put that aside for just a moment. Sir, do you have an exhibit up there, let’s take the top one, and you just told me what it is and --
A. Exhibit 562.
Q. All right. 562. Do you recognize that.
A. Yes, sir.
Q. And with regard to the particular exhibit, it’s a brown paper bag, did you put the notations on that bag.
A. Yes, sir, I did.
Q. And was -- did an officer give you something

to place in that bag.

A. That is correct.

Q. What officer was that.

A. Detective Alvarez.

Q. And did you do that. Did you place the item in the bag.

A. Correct.

Q. And fill out the information.

A. Yes, sir.

Q. And did you then seal it and package it.

A. Correct.

Q. All right. The next one is item -- is that 288.

A. Correct.

Q. And with regard to 288, do you recognize that.

A. I recognize the writing on the bag, yes, sir.

Q. Is that yours.

A. Yes.

Q. All right. And were you given something to put into that particular bag.

A. Correct.

Q. It’s a large bag, right.

A. Yes, sir.

Q. And who’s the officer that gave you the item to put in there.

A. Detective Alvarez.

Q. And did you also place the item in that bag, seal it, and put your initials on the bag.

A. Yes, sir.

Q. And at that point, it was placed down with the other items that were later given to somebody else, correct.

A. Correct.

Q. You should have one other bag up there. Perhaps it’s underneath. No. 565.

A. I only see three.

Q. Okay. We'll have to search around for that.
SERGEANT ROBEL: Tom.
MR. SNEDDON: Oh. Never mind. I found it.
(Off-the-record discussion held at counsel table.)
MR. SNEDDON: All right. 470, the briefcase. Thanks, Lorna.
Q. I've handed you a briefcase that bears the initials -- or the numbers 4-7-0 on it.
A. Yes, sir.
Q. It's in evidence in this particular case. Do you recognize that briefcase.
A. I don't recognize the briefcase, no, sir. I don't remember it.
THE BAILIFF: He has to speak up.
Q. BY MR. SNEDDON: I can't hear you.
A. I don't remember the briefcase.
Q. With regard to -- would you check your SH-451, please.

A. Yes, sir.
Q. And look under Item 317.
A. "Briefcase."
Q. Was that given to you.
A. Yes, sir.
Q. Do you see some -- open the bag if you have to, Detective.
A. Open the plastic.
Q. Yeah, if you have to, sure. It's a plastic bag. You're opening it. And the briefcase itself that's marked as 470 has some evidence seals on it, correct.
A. Correct.
Q. Do you recognize any of those seals.
A. I recognize the seals, but not the writing on them.
Q. Okay. Do you know what you did with the item that's 470 when it was given to you that day.
A. 470. May I explain one --
Q. Sure. That's why you're up there.
A. While I was seizing, there was times when there was some investigators waiting in line, and in

my presence, under my supervision, the investigators would help me seize it, and then I would take it from them and place it on the line of where the items were.

Q. All right. And is this one of those items that you followed that procedure on.

A. It looks like this isn’t my writing.

Q. And does that indicate what officer -- does your SH-451 indicate what officer brought you that.

A. I can’t read the initials.

Q. On your SH-451.

A. Sorry. Detective Zelis.

Q. At the time that you were involved in the process with regard to 470, did you look inside the item at all.

A. No, sir.

Q. Okay. If we give you any more, we’re going to cover you up.

All right. I’ve just given you the item that’s been marked as 561; is that correct.

A. Correct.

Q. Do you recognize the brown bag.

A. Yes, I do.

Q. How do you recognize it.

A. By the writing and my initials on the seal.

Q. All right. Who is the officer who gave you the items -- who gave you the items to put inside that bag.

A. Detective Zelis.

Q. Did you note that on the bag.

A. Yes, sir, I did.

Q. Did you place the item inside the bag.

A. Yes, sir.

Q. And seal it and initial it.

A. Yes, sir.

Q. And set it aside for later providing to somebody else to take and book, correct.

A. That’s correct.

MR. SNEDDON: Your Honor, I have here an item that I’d like marked as 552 for identification purposes. I’ll show it to counsel.

Q. I’ll show you 552. Do you recognize that.

A. Yes, I do.

Q. Where was that the first time you saw it.

A. It was in the master bedroom area.

Q. And did you -- were you given some items to place in that particular bag.

A. Yes, I was.

Q. By who.

A. Detective Sergeant Robel.

Q. And now with regard to the time that the items were placed in that bag, do you recall how many items were placed in there and what they were.

A. I don’t recall what specific items were placed inside.

Q. Would you check your SH-451 form, please, and see if it refreshes your recollection.

A. “Magazines.”

Q. And were there multiple magazines placed in there. I mean, do you have an “S” by it or did you have a “magazine”.

A. I had -- on the SH-451, I have an “S” by it.

Q. You didn’t put the number.

A. No, sir.

Q. Okay. All right. When you took the items that you were given by Sergeant Robel, you placed them into that particular bag; is that correct.

A. Correct.

Q. And then did you then put the notations on it, seal it, and put your initials on it.

A. Correct.

Q. All right. Now, that bag, at this particular point in time, only contains one item in it, correct. Open the bag and look.

A. Yes, sir.

Q. And that’s a book.

A. Correct.

Q. Correct, okay.

All right. Detective Padilla, were you give an item marked as 3 -- that you marked as 364 by Detective Robel.

A. May I look on the --

Q. Yes, please.

A. 364.

Q. If you have no present recollection, you need to refresh your recollection, go ahead.

A. Yes, sir.

Q. And with regard to that particular item, did you prepare a brown bag, with the notations on it that you've described to the jury as to the other

items, in the same manner.

A. Yes, sir.

Q. And did you seal it and put your initials on it.

A. I need to see the bag itself.

Q. I was afraid you were going to ask me that. I needed a recess to do these things. I'm just jumping all over.

Madam Clerk, I believe it's 553.

THE CLERK: I don't have that.

MR. SNEDDON: You don't have that.

THE CLERK: No.

MR. SNEDDON: All right. Judge, at this time I'll re-call this officer when I get a chance to go through all of this stuff so we're not wasting a lot of time in front of the jury.

THE COURT: All right. Thank you.

Cross-examine.

MR. MESEREAU: Yes, please, Your Honor.

CROSS-EXAMINATION

BY MR. MESEREAU:

Q. Good morning.

A. Good morning.

Q. You were designated the scribe in the main house, right.

A. Yes, sir.

Q. And the main house is the house where you

have Mr. Jackson’s bedroom, right.
A. Correct.
Q. And Mr. Jackson’s bedroom, as you recall, is two levels, right.
A. I recall, yes.
Q. You got a downstairs, and you got a stairway that goes to an upstairs, right.
A. Yes, sir.
Q. And did you perform your activities as a scribe in Mr. Jackson’s room.
A. It was downstairs, and it looked like a lobby. There was a large T.V. in there and some chairs. There was not a bed in the room where I set up.
Q. But in the room where you say you set up, was that part of Mr. Jackson’s two-level bedroom.
A. Yes, sir.
Q. Was it downstairs.
A. Correct.
Q. And when you say you “set up,” what did you do.
A. I set up a table where I processed all the items seized at the house.
Q. Did you bring the table with you.
A. Yes, sir.
Q. Was it something you actually brought to Neverland as part of the search.
A. It was provided to me by personnel at the ranch.

Q. Okay. When you say “personnel,” do you mean Mr. Jackson’s personnel.
A. No, sir. No sir. Sheriff’s staff.
Q. Was the table you used something sheriffs brought with them.
A. Yes, that’s correct.
Q. Okay. So you brought a table into Mr. Jackson’s lower part of his bedroom, and that’s where you set up, right.
A. Yes, sir.
Q. And did you have a chair there, too.

A. I had a chair.
Q. And did you sort of sit there and wait for people to bring items to you to log in.
A. Yes, sir.
Q. Okay. Did you participate in any search activities yourself.
A. No, I did not.
Q. Were you a scribe the whole day.
A. Yes, sir.
Q. All right. Was it all of the main house.
A. At the main house.
Q. Okay. Now, you signed in and out at various times that day, correct.
A. I was relieved by Lieutenant Klapakis.
Q. Okay. So Lieutenant Klapakis became the scribe at times you were not there.

A. He didn’t seize any of the items. I just broke for a lunch break, or left out there, or for a rest room break.
Q. I’m not going to belabor it, but there is a sign-in and -out sheet that you signed in and out on, right.
A. I don’t recall one.
Q. Okay. Somebody typed up a sheet with various “in” and “out” times attributed to various people that were there that day, right.
A. I don’t recall.
Q. Have you seen that sheet.
A. No, sir, I haven’t.
Q. If I show it to you, would it refresh your recollection about signing in and out.
A. It may.
MR. MESEREAU: May I approach, Your Honor.
THE COURT: Yes.
THE WITNESS: I don’t recall ever seeing that.
Q. BY MR. MESEREAU: How about the following.
A. I don’t recall. I don’t remember.
Q. (Indicating).
A. I don’t recall ever seeing that.
Q. Okay. I showed you what appear to be logs

of people on the search team entering in and out, and you say you've never seen those sheets before.

A. I don't recall ever seeing them.

Q. Do you recall signing in and out.

A. That was in two thousand -- I don't recall. I don't recall.

Q. Do you recall if anyone else replaced you as a scribe in Mr. Jackson's bedroom.

A. No one replaced me. I don't recall that.

Q. So you were the scribe that day, right.

A. For the main house area, yes, sir.

Q. Okay. How many people did you see searching in Mr. Jackson's bedroom while you were a scribe.

A. I couldn't physically see the investigators up in the bedroom, since it was upstairs and I was downstairs, so I couldn't answer that question.

Q. You couldn't physically see any of them.

A. No, sir. I was downstairs and they were upstairs. "The bedroom," are you just meaning specifically as to where his bed was.

Q. Maybe I'm not being clear. His bedroom is two levels, right.

A. Yes, sir.

Q. You walk into a door. You enter into the lower level, right.

A. Correct.

Q. And you set up a table in the lower level, correct.

A. Yes, sir.

Q. And you must have seen people entering or leaving the bedroom, because you were on that lower level where the entranceway is, correct.

A. Correct. Yes, sir.

Q. Did you see activity in and out that day.

A. Yes, sir.

Q. Did you see activity in and out the whole day that you were there.

A. Yes, sir.

Q. And approximately how many people did you see enter or leave that day.

A. I would guess maybe 15 to 20.

Q. So 15 or 20 people were searching through Mr. Jackson’s bedroom area.

A. Yes, sir.

Q. As far as you know.

A. As far as I know, yes, sir.

Q. Okay. Now, would it be correct to say that 16 detectives, three sergeants and five D.A. investigators entered into Mr. Jackson’s main house that day.

A. Yes, that would be correct.

Q. Okay. A total of 24 people were searching through Mr. Jackson’s home that day, right.

A. I don’t know about 24.

Q. Would it refresh your recollection if I just show you a police report which identifies who entered the main house that day.

A. Yes, sir.

MR. MESEREAU: May I approach, Your Honor.

THE COURT: Yes.

THE WITNESS: Yes, sir. I hadn’t counted them, but that’s the list I prepared.

Q. BY MR. MESEREAU: Okay. Would you like to count them.

A. If you’d like me to.

Q. Okay. Please.

Have you had a chance to look at that document.

A. Yes, sir.

Q. And have you had a chance to count who was in the main house that day.

A. Yes, sir.

Q. And would it be accurate to say about 16 detectives, three sergeants and five D.A. investigators.

A. Assigned to the main house, yes, sir.

Q. Okay. And do you think about 20 went into his bedroom.

A. I don’t know what specific jobs each one of them did. That’s what I was -- do you want me to continue or --

Q. No, go ahead.

A. Oh, I don’t know which specific officers. I thought you asked how many were assigned in the main house area.

Q. How many did you see go in and out of his bedroom.

A. Oh, I don’t know. I know they were really strict on how many people were assigned to that specific area of the bedroom.

Q. Well, just as far as you remember, how many walked in and out. Because you’re the scribe. You’re sitting at a table, the lower level, which is where you enter, right.

A. Yes, sir.

Q. And it’s also where you leave, right.

A. Yes, sir.

Q. So how many people did you see trafficking in and out.

A. To be honest with you, sir, I don’t remember counting, even. I was told what to do, and I don’t recall the specific --

Q. Could it have been more than ten.

A. I don’t recall.

Q. No number at all.

A. I didn’t pay attention. No, sir.

Q. You just identified various items of evidence that the prosecutor showed you, correct.

A. Yes, sir.

Q. And of those items, who did you get them from. You mentioned Shepherd, right.

A. Yes.

Q. Did you mention Zelis.

A. Yes.

Q. Did you mention anybody else.

A. Yes, I did.

Q. Who else.

A. D.A. Investigator Ellis.

Q. Okay.

A. And Sergeant -- Detective Sergeant Robel.

Q. Okay.

A. And I don’t believe I mentioned any other investigators.

Q. Were you sitting at the table when the search went on.

A. Yes, sir.

Q. And your job the whole day was to have people bring items to you, and you would package them, right.

A. Yes, sir.

Q. And you would put them first in a paper envelope, right.

A. In the appropriate package, depending on the size of the item.

Q. Do you recall someone named Wolff.

A. Oh, yes, sir. I do.

Q. Was a Detective Wolff involved.

A. Yes.

Q. You saw Detective Wolff in that bedroom area.

A. I don’t recall seeing that, but I recall the item.

Q. Now, was it your understanding as a scribe that you were supposed to package items to protect them from contamination.

A. I was assigned to package them, yes, sir.

Q. Were you assigned to package them to protect them from contamination.

A. Yes, sir.

Q. And what contamination were you trying to protect them from.

A. Any nonauthorized personnel.

Q. Did you have any role in deciding whether or not anything would be fingerprinted.

A. No, I wasn’t, specifically. It was just common sense. If an item appeared and if they told me, “Hold for prints,” I would be sure to use care in what packaging to use.

Q. And typically who would tell you to hold for prints.

A. The investigator.

Q. Do you recall being told to hold anything for prints.

A. Yes, I recall some of the investigators were real specific the way they held it and when they delivered it to me.

Q. And how many items do you think you were told to hold for prints.

A. I remember several of the items we tried not to touch as much as possible, but I don't recall how many or approximately how many specifically were to be held for prints.

Q. Now, the items the prosecutor just showed you, were any of them asked to be held for prints; do you know.

A. I don't recall specifically. I don't recall.

Q. Would it refresh your recollection just to take a look.

A. No, sir.

Q. Why not.

A. Because I didn't note it on there. Just every item that I packaged I tried to use the least amount of handling of the package.

Q. Okay. Let me go back a bit. I think you just said at times you were told to hold certain specific items for prints, true.

A. Yes, sir.

Q. And other times you were not told to hold specific items for prints, right.

A. Yes, sir.

Q. If you were asked to hold something for prints by an investigator, what did you do.

A. I would use the least amount of -- I would not touch it as much as possible.

Q. Would you note anywhere on the packaging "Hold for prints".

A. No, sir.

Q. So "Hold for prints" meant, to you, don't touch it as much as you might touch it otherwise.

A. When they would tell me, yes, sir.

Q. If they didn’t tell you, “Hold for prints,” what would you do with it.

A. Personally, I would not touch it as much as possible.

Q. If they did tell you, “Hold for prints,” what would you do differently.

A. Extra care.

Q. What does “extra care” mean.

A. The least amount possible, without dropping it or contaminating it.

Q. But no record’s ever made of “Hold for prints”.

A. No, sir.

Q. “Hold for prints” is just a verbal suggestion that you touch it as little as possible, correct.

A. Yes, sir. Yes.

Q. And if they don’t tell it to you, you can still touch it a little more. Is that what you’re saying.

A. Personally, yes.

Q. Okay. And how would you touch it.

A. With rubber gloves, and package it in the appropriate bag.

Q. If you’re holding for prints, do you put it in a paper bag.

A. Depends on the item.

Q. And what do you mean.

A. There’s plastic packaging, and there’s paper.

Q. But if you look at what you wrote on any of the items you just identified, you won’t know whether or not they were held for prints, true.

A. No, sir.

Q. To your knowledge, as a scribe, are you ever obligated to make a notation anywhere that something is to be held for fingerprinting.

A. Personally, I would, but I was never told to.

Q. You were never told to.

A. No, sir.

Q. Do you recall ever doing that as a scribe in any other case.

A. Of caring for items and try to not touch them as much as possible.

Q. No, as a scribe in any other case, do you recall actually noting on a document “Hold for prints”.

A. Yes, sir, on my cases.

Q. But you didn’t do it in this case, right.

A. No, sir.

Q. During the time you were in Mr. Jackson’s bedroom working as a scribe, how many times do you think anyone asked you to hold an item for prints.

A. I recall maybe a few times.

Q. And you don’t know what those items were, right, as you sit here today.

A. No. Not specifically, no, sir.

Q. If you held something for prints, was it put in a separate location.

A. No, sir.

Q. Was it given to anyone special.

A. No, sir.

Q. So items that were held for prints and items that were not held for prints were given to the same person after you were through with them, right.

A. Yes, sir.

Q. And who was that person.

A. It was Sergeant Cintron who was in charge of the property room.

Q. When he got the items, you never saw them again.

A. No, sir.

Q. And you filled out no report or document of any kind that said hold an item for prints, right.

A. Right.

Q. And what about the possibility of DNA testing on any of these items. Did you have any procedure that you used if something was to be tested for DNA.

A. I was not specifically instructed on labeling any of the items for DNA evidence.

Q. Were you ever verbally instructed to give any special treatment for anything that might be used for DNA testing.

A. No, sir. I don’t recall specifically, specifically for DNA.

Q. Do you recall being given any instructions of any kind for handling any item that was going to be forensically testing in any particular way.

A. Just some of the items when they brought them; you know, try not to touch it as much as possible. Just those items, if you’re referring to that.

Q. Okay. But there’s no record of what they are, right.

A. No, sir.

MR. MESEREAU: No further questions, Your Honor.

THE COURT: All right. Anything further.

MR. SNEDDON: No. No questions.

THE COURT: All right. Thank you. You may step down.

THE WITNESS: Thank you.

MR. SNEDDON: Detective Bonner.

THE COURT: Remain standing. Face the clerk. Raise your right hand, please.

CRAIG BONNER

Having been sworn, testified as follows:

THE WITNESS: Yes.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Craig Bonner, B-o-n-n-e-r.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. SNEDDON:

Q. Morning, Detective.

A. Good morning.

Q. You’re employed by the sheriff’s department.

A. Yes, I am.

Q. And how long have you been employed by the sheriff’s department.

A. Over 11 years.

Q. And you’re currently assigned to the detective bureau, correct.

A. That is correct.

Q. And how long have you been a detective.

A. Five years.

Q. And you were assigned to work on the investigation concerning the child molest allegations against the defendant, Michael Jackson, correct.

A. That is correct.

Q. And you’ve been part of that investigative team, correct.

A. Correct.

Q. Now, with regard to that particular investigation, you participated in the execution of the search warrant on November the 18th of 2003, correct.

A. I did.

Q. And in your capacity, you actually did some searching, correct.

A. Yes, I did.

Q. Now, after the warrant was executed and the evidence was brought back to the Santa Barbara Sheriff’s Department, were you assigned some responsibilities in connection with the further processing of items that were seized from the Neverland Valley Ranch on November the 18th, 2003.

A. Yes, I was.

Q. And could you tell the jury what your responsibilities were.

A. Basically my responsibility was to go back, open up the items that were seized, and document the contents and determine if those contents were of specific evidentiary value in our investigation.

Q. Now, specifically I want to direct your attention to an item that's been referred to as Item 321 in your reports. Do you recall what 321 was.

A. Yes, I do.

Q. And what was that.

A. Some magazines of adult material.

Q. And were these items that you opened, the bag, were these items that were taken from Neverland Valley Ranch and you opened the bag and looked at.

A. That is correct.

Q. Do you recall when it was you looked at the Item 321, your Item 321.

And you're referring to a piece of paper.

A. I am. I'm going back to my reports and a chart that I had prepared to assist in that.

Q. All right. Why don't you let me see that so I can show it to counsel.

(Off-the-record discussion held at counsel table.)

THE WITNESS: Thank you.

Q. BY MR. SNEDDON: All right. Let's talk about Item 321, okay. And when was it that you actually opened the bag and the items contained in 321.

A. That was on 11-26, 2003.

Q. Where did you do that.

A. At the Santa Barbara Sheriffs main station in Goleta.

Q. And when you did that, what did you do with regard to those items.

A. I opened it, photodocumented the contents, and then wrote a report which documented what I found the contents to be.

Q. When you say you photodocumented the

contents, would you tell the jury what that means.

A. Basically what I did is, I took the items out of the bag that they were sealed in, and I spread them out, and took photographs of those items so that I could go back and later ascertain, if something was lost, what it actually came from.

MR. ZONEN: Excuse me.

SERGEANT ROBEL: Bless you.

Q. BY MR. SNEDDON: And after you completed that process, did you put those items back in the bag.

A. I did.

Q. And did you seal it.

A. I did.

Q. And did you initial it.

A. I initialed the bag, yes.

Q. Okay. I'm going to show you some items.

MR. ZONEN: Excuse me.

MR. SNEDDON: Mr. Mesereau.

(Off-the-record discussion held at counsel table.)

Q. BY MR. SNEDDON: All right. Detective Bonner, in order to try to expedite this, I've asked you to look at the exhibits in that box that have been marked as 554 up to 560 for identification purposes prior to bringing them to court, correct.

A. That is correct.

Q. And would you, just quickly, just make sure that those are the numbers in that box with those particular binders. That it's 554 through 560.

A. These are the items that I reviewed.

MR. SNEDDON: And, Your Honor, for the record, they have been marked with the official seal of 554 through 560 for identification purposes.

THE COURT: Thank you.

I'll show that they've been identified.

Q. BY MR. SNEDDON: All right. Now, I also -- by the way, do you recognize the magazines that are -- did you, when I asked you to look at them in detail, recognize the magazines inside of the binders that are marked as 554 through 560.

A. I did.

Q. And where were those items the first time you saw them.

A. They were contained within the packaging for Item 321.

Q. And on the occasion in which you previously identified to the jury on --

A. On 11-26.

Q. Yes.

A. Yes.

Q. Okay. Now, I've handed you a series of photographs which are also marked, Your Honor, with the evidence tags for identification purposes of 682 through 688, and I've shown them to counsel. Do you recognize those photographs. Would you take a look at them real quickly. Or take as long as you need, I guess.

A. I recognize these items as being pictures of the cover sheets of these magazines that are in this box.

Q. 554 through 560.

A. Correct.

Q. Did I ask you to compare the photographs, 682 through 688, with the front covers of each of those items, 564 through 560.

A. Yes, you did.

Q. And did you do it.

A. Yes.

Q. And are those photographs accurate depictions of what they purport to represent, which is the front covers of those magazines.

A. They are.

MR. SNEDDON: Your Honor, I'd move that the photos be admitted into evidence at this time.

MR. MESEREAU: No objection.

THE COURT: That being.

MR. SNEDDON: That would be 682 through 688, Your Honor.

THE COURT: Admitted.

MR. SNEDDON: Your Honor, may we have the Elmo, please.

THE COURT: “Input 4”.

THE BAILIFF: Yes.

Q. BY MR. SNEDDON: Okay. We’re going to put the Exhibit 682, which is in evidence, up on the board for a second. You can do that now.

Now, with regard to the binders that are in front of you that we have previously had marked, for identification purposes, 554 through 560, can you mate up the Exhibit 682 to which exhibit that would be.

A. Can you raise the exhibit slightly.

Q. I think the number’s over in the far --

A. That corresponds with the magazine 321-A.

Q. All right. Now, if we could have the next one placed up there.

And with regard to the Exhibit 683, which is in evidence, which binder does that correspond to, exhibit number.

A. That is 321-B.

Q. Okay. What’s -- there’s an exhibit number on the back of it. Just turn it over, if you would.

A. Exhibit No. 555.

Q. Okay. Thank you.

With regard to the next photograph, please, that’s in evidence, and that is 684, and what binder would that -- what exhibit number.

A. That corresponds with Evidence Item No. 321-C, and Exhibit No. 556.

Q. That’s 556 for identification. All right.

And with regard to the next photograph. And that is Exhibit No. 685 that’s in evidence. Do you recognize that, and would you marry that up with the particular exhibit number.

A. Corresponds to Exhibit No. 557.

Q. All right. The next one, please. That is No. 686.

A. That corresponds to Item -- or Exhibit No. 558.

Q. 558. All right. And that is No. 687.

A. That corresponds to Exhibit No. 559.

Q. All right. And then there should be one more, which is Photograph No. 688 in evidence.

A. Corresponds to Exhibit No. 560.

Q. All right. Thank you, Officer. Now, I'd like to ask you a couple of questions about an exhibit that is in your department's Item No. 309, okay.

A. Okay.

Q. Now, were you involved in looking into the Item 309.

A. I was.

Q. And do you recall when it was that you looked into those items.

A. On December 2nd, 2003.

Q. And what did you do with regard to the Item 309.

A. At the time I opened it up, I inventoried the contents, and I believe I removed the pornographic videos out and gave those a sub item.

Q. The adult materials.

MR. MESEREAU: Objection.

THE WITNESS: I'm sorry.

THE COURT: He corrected it. Go ahead.

Q. BY MR. SNEDDON: The adult materials.

A. The adult materials.

Q. Okay. And do you recall what it was that you removed out of the Exhibit 309 when you saw it.

A. There were two "Barely Legal" DVDs.

Q. And did you repackage those.

A. I did.

Q. And do you recall if you gave them a number when you repackaged them.

A. I did.

Q. What number did you give them.

A. I believe I gave it 309-A.

Q. Now, at a subsequent time, did you also go back into the Exhibit 309 and repackage any other items there.

A. I don’t know that I did. However, I am aware that that happened.
Q. Okay. So you don’t think you were involved in that process.
A. I don’t recall.
Q. Okay. Now, you have an item that is called 363 for your nomenclature.

A. Correct.
Q. And were you involved in reviewing that particular item.
A. Yes, I was.
Q. And at the time that you reviewed it, do you recall what was in there.
A. Yes.
Q. What was in there.
A. There were magazines of adult nature.
Q. And do you recall what day it was that you looked at the item -- your Item 363.
A. That was also done on 11-26, 2003.
Q. And you’ve described to the jury what you did as to Item 321 that you photodocumented. Did you follow that same process with regard to your Item 363.
A. The same procedure, yes.
Q. Okay. And then after you were completed, what did you do with the items that were inside your package 363.
A. Put them back into the package, sealed the package, signed it, and returned it to evidence.
MR. SNEDDON: Tom. Do you want to take a look.
Your Honor, I see we’re a couple minutes from a break. We might save some time if we do this during the break. It’s up to you. Otherwise, I’ll just keep going.

Your Honor, I’d indicate for the record that the items Mr. Mesereau’s now looking at are premarked as Items 530 through 551 for identification purposes.

(Off-the-record discussion held at counsel table.)

THE COURT: All right. We’ll take our morning break.

(Recess taken.)

MR. SNEDDON: Thank you, Your Honor. I think we’ll be able to proceed more expeditiously now.

THE COURT: Thank you.

Q. BY MR. SNEDDON: All right. Detective Bonner, you have a box in front of you.

A. Yes, I do.

Q. And you told the ladies and gentlemen of the jury that you had at one point in time removed the articles from an item that you had marked as a sheriff’s exhibit 363, correct.

A. Evidence item number, yes.

Q. Evidence item number.

A. Yes.

Q. And you reviewed those materials, correct.

A. Yes, I did.

Q. Now, I actually -- I misspoke myself. There is a box in front of you, and there’s a box at your feet, correct.

A. There’s also a box at my feet.

Q. And have I asked you, prior to coming into court here today, to review the items contained in those two boxes.

A. Yes, I have.

Q. And do you recognize those items.

A. I do.

Q. With regard to those particular items, when and where were they the first time you saw them.

A. The first time I saw them was on 11-26 at the Santa Barbara Sheriff’s main station in Goleta.

Q. I may have asked you this, but if I didn’t, I want to make sure. Did you photodocument those items that were in the original bag, 363.

A. Yes, I did.

Q. Now, when you put them back into the bag,

were they in the condition they’re in now, in the binder, or did you just place them back in the bag.
A. They were not in the condition that they are now in. They were still together in magazine form, and I just put them back in the same condition as I pulled them out of that bag.
Q. And with regard to the handling of these magazines, were you using gloves.
A. Yes, I was.
Q. Were you using gloves with regard to the handling of all the magazines that you testified about here this morning.

A. Yes.
MR. SNEDDON: Now, Your Honor, with regard to the two boxes, I’d like to have them marked, and they are marked, premarked, with the help of the Court, as 530 through 551. Okay.
THE COURT: You’re saying the materials in the boxes, not the boxes. You’re marking --
MR. SNEDDON: Right. Just the materials in the box, Your Honor.
THE COURT: All right.
MR. SNEDDON: And then I’ve shown counsel during the break a series of photographs that have been marked as 689 through 709 for identification purposes.
Q. Now, with regard to the photographs that I just handed you, 689 through 709 - okay. - did I also ask you to review those photographs before you came into court here this morning.
A. Yes, you did.
Q. And did I ask you to compare those photographs with the series of exhibits that have been marked as 530 through 551.
A. That being 3 -- Item 363.
Q. Yes.
A. Yes.
Q. And your Item 363, but our items in evidence that have been marked for identification purposes.
A. Yes.

Q. Okay. We'll get to the numbers in just a second. And did you -- with regard to those photographs, you were asked to compare those with the front pages of each of those -- of the items in the box, correct.

A. Correct.

Q. All right. Now, with regard to the -- to the photographs themselves, do they accurately depict what they purport to represent, which is the front covers of each of those books -- magazines and items.

A. Yes, they do.

MR. SNEDDON: All right. I move that the Items No. 689 through 709 be admitted into evidence, Your Honor.

MR. MESEREAU: I'm going to object, Your Honor. Chain.

THE COURT: All right. They're admitted.

Q. BY MR. SNEDDON: All right. Detective Bonner, what I'm going to ask you to do now is sort of the same thing we did with the other items, is we're going to put on the Elmo the photographic number that is in evidence and then ask you to identify the specific exhibit number of the binder that corresponds to the front cover of that photograph. Okay.

A. Okay.

Q. Now, with regard to -- if we could put the 3237 first one up, which I believe is 689. It's in evidence.

MR. AUCHINCLOSS: If we could go to "Input 4," Your Honor, please. Thank you.

Q. BY MR. SNEDDON: All right. With regard to the photograph, 689, that's in evidence, can you find the exhibit number in this case that corresponds with that.

A. The corresponding exhibit number is 531.

Q. 531. Okay.

And is that photograph an accurate

depiction, or it does depict the front cover of that Exhibit 531, correct.

A. That’s correct.

Q. All right. Let’s go to the next one, 690 in evidence.

With regard to 690, do you have an exhibit number that corresponds to that.

A. I do. It’s 532.

Q. 532. And that’s the cover of that Exhibit 532, correct.

A. It is.

Q. All right. Let’s go to the next one, 691.

With regard to 691, what exhibit number does that correspond to.

A. Corresponds to Exhibit No. 533.

Q. Okay. Let’s go to the next one, photograph 692. What exhibit number does that correspond to.

A. Corresponds to Item No. -- or Exhibit No. 534.

Q. So -- okay. If we could have 693, please, in evidence.

And with regard to the photograph, 693, what exhibit number does that correspond to.

A. I’m sorry, these are slightly out of order.

Q. I’ll tell you what, let’s take that one down and come back to it, by process of elimination, if we can. Let’s just skip that one and go to Photograph No. 694.

A. That corresponds to Exhibit No. 536.

Q. All right. And Photograph 695 in evidence.

A. Corresponds with -- there’s no exhibit.

Q. Must have come off inside there.

All right. Madam Clerk, perhaps you can give us another 537, and I’ll retrieve the other one at the recess and replace it, if you wouldn’t mind.

THE WITNESS: There’s a sticker down here.

Q. BY MR. SNEDDON: There is a sticker. Okay.

A. 537.

Q. 537. All right. Thank you. Why don’t you just put that back on there.

A. That is not the cover page to this, though.

It's a page from within the magazine. The cover page is missing on this magazine.
Q. So that's from within the magazine itself.
A. Correct.

Q. Okay. But that would be 537.
A. Correct.
Q. Okay. And 696 is the photograph.
A. Corresponds to Exhibit No. 538.
Q. 697 in evidence.
A. Corresponds to Exhibit No. 539.
Q. 698.
A. Corresponds to Exhibit No. 540.
Q. 699.
A. Corresponds to Exhibit No. 541.
Q. 700.
A. Corresponds to Exhibit No. 542.
Q. 701.
A. Corresponds to Exhibit No. 543.
Q. 702 in evidence.
A. Corresponds to Exhibit No. 544.
Q. 703.
A. Corresponds to Exhibit No. 545.
Q. 704.
A. Corresponds to Exhibit No. 546.
Q. 705.
A. Corresponds to Exhibit No. 547.
Q. 706.
A. Corresponds to Exhibit No. 548.
Q. 707.
A. Corresponds to Exhibit No. 549.
Q. 708.
A. Corresponds to Exhibit No. 550.

Q. And lastly, 709.
A. Corresponds with Exhibit No. 551.
Q. All right. Thank you.
We can have the lights.
Did you run across your number 653-F in there when you were going through that.

A. I did not.
Q. All right. We'll deal with it later.
Okay. Why don't you take that box and put it on the floor behind you there, because we're done with it for right now.
Showing you Exhibit 565, which is in evidence, do you recognize that.
A. Yes, I do.
Q. Now, with regard to the contents of 565, where was it the first time you saw it.
A. It was within Item 309.
Q. And you've indicated to the jury that you took some items out and separately packaged them; is that correct.
A. That's correct.
Q. And is that your handwriting on the front of that.
A. Yes, it is.
Q. And did you place those items into that bag.
A. I did.
Q. And then seal them.
A. Yes.

Q. And put them back into evidence.
A. Yes.
Q. All right.
Okay. Your Honor, at the break, we had an opportunity for counsel to go through another set of exhibits. And I'm not sure whether they've gone through the photographs, and I'll hand it to counsel right now while I'm giving the exhibits to the officer, and then I'll identify both of them for the record, Your Honor.
THE COURT: All right.
Q. BY MR. SNEDDON: Why don't you put this on the side, so we can see you.
I'm handing you two exhibits, one is 470, a black suitcase. Briefcase, actually. Do you see that.
A. I do.
Q. And do you recognize that item.
A. Yes, I do.

Q. And where was that briefcase the first time you saw it.

A. At the Santa Barbara Sheriff's Department main station.

Q. And do you recall -- will you tell the ladies and gentlemen of the jury what you did in connection with that particular briefcase, 470.

A. I handled this briefcase in the same manner as the previous items. I checked it out of

evidence, opened it up, and inventoried the contents of it, and then sealed it back up and submitted it back into evidence.

Q. And -- now, there's a photograph in front of you, which I believe is People's No. 86 in evidence. Do you recognize that photograph.

A. Yes, I do.

Q. What does that photograph depict.

A. This briefcase and some of the contents within the briefcase.

Q. All right. With regard to the particular briefcase, I've handed you a big box full of exhibits up there. When you examined the contents of the briefcase, did you put the items that you examined back into the briefcase.

A. Yes, I did.

Q. I'm sorry, I didn't hear you.

A. Yes, I did.

Q. And were you using gloves again.

A. Yes, I was.

Q. All right. And did I ask you in conjunction with your testimony here today - it's almost afternoon now - to look at the box that I handed you with all of the proposed exhibits in it.

A. Yes, you did.

Q. And that is your Item No. 317, correct.

A. Correct.

MR. SNEDDON: Your Honor, for the record,

we've had marked for identification purposes Items

471 through 529.

And in that connection, I've shown counsel a series of photographs that run from -- the first one is 295, and then after that there's 632, and then 634 through 680. I'm sorry, 681. Let me just double-check that. Yes, 681, I'm sorry.

Q. First of all, I'd like you to please examine the photographs that I've handed you. That's 295, 632, and then 634 through 681.

A. I've finished.

Q. All right. Now, with regard to the photographs that I've just referred you to, do you recognize those photographs.

A. Yes, I do.

Q. And did you compare those photographs with the items that are contained inside of the box.

A. Yes, I did.

Q. Okay. Now, one moment.

Your Honor, if I haven't done it, I want to have just now -- the items inside the box I believe I've already indicated would be marked as 471 through 529. Did I do that already. Did I do that already. I just wanted to make sure so we didn't have any problems.

Thank you, Madam Clerk.

All right. So I asked you to examine the photographs and to match them up with the items, the Exhibit Nos. 471 through 529, correct.

A. That's correct.

Q. Now, with regard to the items that are in that box that I've referred to, 471 through 529, generically, just could you tell the ladies and gentlemen of the jury what you observed about those items in terms of what they were when you first saw them on the 26th of November.

A. They are magazines and loose pages of adult or explicit material.

Q. All right. So with regard to the photographs that you were handed, some of those simply are photographs of the -- if it's a one-page explicit material thing, a photograph of that; is

that correct.
A. Correct.
Q. And in other cases, there's -- they're the cover sheet of the entire magazine.
A. Correct.
Q. And do those photographs accurately depict what they purport to represent. In other words, do they purport to represent, in the case of if it's one piece of paper, what was photographed.
A. Yes.
Q. Is that correct.
A. Yes.
Q. And if it's a magazine, it's the front cover of that magazine; is that correct.

A. Yes.
MR. SNEDDON: Your Honor, I would move Exhibit 295, 632, and 634 through 681 be admitted into evidence.
MR. MESEREAU: Objection. Foundation and chain.
THE COURT: The chain objection is overruled. That goes to the weight. I'm not clear on your foundation objection.
MR. MESEREAU: The proof of actual seizure, who seized it, who they gave it to --
THE COURT: They can't hear you in the back. But I heard you.
MR. MESEREAU: It's a chain type of foundational objection. Basically the proof of who seized it, where they seized it, who they handed it to. There's evidence that there's no record of any of that.
THE COURT: All right. Counsel, the issue --
MR. SNEDDON: We established that already.
THE COURT: I'm going to overrule the objection. The chain, as I've stated, goes to weight. Go ahead.
MR. SNEDDON: Thank you, Your Honor. And we'll need the Elmo again, Your Honor.
Q. Just to clarify, Officer, before we start this process, the items that you're about to testify

to with regard to the photographs and the exhibits

there came out of that briefcase, 470, correct. Excuse me, the briefcase that’s in front of you in the Photograph 86.
A. Yes. I know it as Item 317.
Q. All right. Let’s put up 295. And can you find the exhibit number to which that corresponds.
A. That corresponds to Exhibit No. 471.
Q. Now, you have a binder in front of you that has a number of different materials, correct.
A. That’s correct.
Q. And with regard to the materials in that particular binder, are these the loose materials that were found inside the suitcase.
A. Yes, they are.
Q. Okay. Let’s continue, then. If we can put up 632 that is in evidence, do you recognize that.
A. Corresponds to Exhibit No. 472.
Q. Okay. And with regard to 634.
A. That corresponds to Exhibit No. 473.
Q. Okay. 635.
A. That correspond to Exhibit No. 474.
Q. 636.
A. That corresponds to Exhibit No. 475.
Q. And exhibit in evidence 630 -- what’s the next number you have there, the photograph number. 637. That would be the binder.
A. That corresponds to Exhibit No. 510.
Q. That is a whole magazine, correct.

A. That’s a whole magazine.
Q. It was when you first saw it.
A. Yes.
Q. And it’s now in a binder.
A. Yes.
Q. 638.
A. That corresponds to Exhibit No. 476.
Q. 640. I’m sorry, I skipped one. 639. I think

that's a magazine.
A. It's a loose page, Exhibit No. 511.
Q. Okay. 640.
A. It's going to correspond with Exhibit No. 477.
Q. Okay. Let's go to 641, which I believe is a magazine.
A. Corresponds to Exhibit No. 512.
Q. And 642. Did you lose a tag again.
A. We lost a tag again. It appears I have a 513.
Q. That's correct. 643.
A. I have Exhibit No. 514.
Q. 644.
A. Corresponds to Exhibit No. 515.
Q. 645.
A. Corresponds to Exhibit No. 516.
Q. 646.

A. Corresponds to Exhibit No. 517.
Q. 647.
A. Corresponds to Exhibit No. 518.
Q. 648. I have a note that it's a notebook.
A. Upside down.
Q. Oh, okay.
A. Okay. That corresponds with Item -- I'm sorry, Exhibit No. 519. And that is not the cover page, but it is the second page within it, which identifies what it is.
Q. All right. 649.
A. Corresponds with Exhibit No. 520.
Q. 650.
A. Corresponds with Exhibit No. 521.
Q. 3 -- I'm sorry, 651.
A. Corresponds with Exhibit No. 522.
Q. 652.
A. Corresponds with Exhibit No. 523.
Q. 653.
A. Corresponds with Exhibit No. 524, and it's a loose page.
Q. Okay. 654. And Y. That might help you.

317-Y.

A. Okay. That's Item No. -- or, I'm sorry, Exhibit No. 479, and that's a centerfold. It's one of the pages of it.

Q. Okay. 655.

A. Corresponds to Exhibit No. 480, and that's

also one page within a centerfold.

Q. 656.

A. Corresponds to Exhibit No. 481, and that's also a centerfold.

Q. 657. You might want to look at 317-BB. I think there's --

A. Exhibit No. 525.

Q. Now, is there a -- never mind.
658.

A. Corresponds to Exhibit No. 483. It's also a centerfold.

Q. 659.

A. Corresponds to Exhibit No. 485. It's a centerfold.

Q. 660.

A. Corresponds to Exhibit No. 487. It's a loose page.

Q. 488. I'm sorry, 661.

A. Corresponds to Exhibit No. 488. It's a centerfold.

Q. 662.

A. Corresponds to Exhibit No. 489. It's a loose page.

Q. 663.

A. Corresponds to Exhibit No. 490, is the cover off of the magazine.

Q. 664.

A. Exhibit No. 491. It's a loose page.

Q. All right. 665.

A. I'm sorry. Exhibit No. 492. It's a loose page.

Q. And 666.

A. Exhibit No. 494. Loose page.
Q. And 667.
A. Exhibit No. 495. It's the cover off the magazine.
Q. 668.
A. Exhibit No. 496. It's a centerfold.
Q. 669.
A. Exhibit No. 497. Loose page.
Q. 670.
A. Exhibit No. 498. Loose page.
Q. 671.
A. Exhibit No. 499. Loose page.
Q. 672.
A. That's Exhibit No. 500. Centerfold layout.
Q. 673.
A. Exhibit No. 501. Centerfold.
Q. Exhibit No. 674.
A. It's Exhibit No. 502. Centerfold.
Q. 675.
A. It's Exhibit No. 503. Again, centerfold.
Q. 677 -- I'm sorry, 676.
A. Exhibit No. 504. It was a pamphlet.
Q. 677.
A. Exhibit No. 505, centerfold.

Q. 678.
A. Exhibit No. 506. Cover page of a magazine.
Q. 679.
A. Exhibit No. 507. Loose page.
Q. And 680.
A. Exhibit No. 508, centerfold.
Q. Lastly, 681.
A. Exhibit No. 528.
Q. All right. I think we can turn the lights back on.
All right. I want to ask you some questions with regard to the briefcase, Exhibit 470. Now, you told the ladies and gentlemen of the jury I believe -- I believe on November the 26th of 2003, you opened the briefcase and photodocumented the materials inside, correct.
A. That's correct.

Q. And inventoried them.

A. Correct.

Q. Now, when was the next time that you became involved in dealing with the materials that were contained inside of the black briefcase marked as 470.

A. On July 20th, 2004.

Q. And would you tell the ladies and gentlemen of the jury exactly what it was that you did on July 20th.

A. On July 20th, I went to the Santa Barbara Superior Court, met with the clerk who was in charge of controlling the evidence that was booked in the grand jury. And I, while wearing gloves, opened up this item and photodocumented exactly what was within there. That included not just the cover pages, but every single page and every single piece of paper that was inside that item that was booked into grand jury evidence.

And I then closed it back up, gave it back to the clerk who was maintaining custody of this item, and I prepared a CDR disk that contained those digital images that I took of the contents.

Q. Now, did you at some time go back -- did you at some time again become involved in the handling of the Exhibit 470.

A. Yes, I did.

Q. When was the next time that you were involved in that.

A. On October 1st, 2004.

Q. And the purpose for that. What did you do and where did you go.

A. A court order was signed that allowed me to check this item out of evidence and bring it back to the sheriff’s department to have it forensically examined and processed.

Q. Now, did you do that.

A. Yes, I did.

Q. And did you work with any other individual in that process.

A. I -- initially, after checking it out, I brought it to Detective Lafferty. I later went back and I met with Detective Spinner, and we went through and did a much more detailed inventory of those items to ensure that each one had a sub item number.

Q. Now, Detective Spinner, do you know, he works for the Santa Barbara Sheriff’s Department.

A. Actually, he is retired, so --

Q. He was brought back for this case.

A. Correct.

Q. To do some fingerprint evaluation.

A. Correct.

Q. Okay. Now, in the process of doing the -- what you call documentation of the alpha numbers given to these, were some -- did Detective Spinner already have some of the magazines at the time that you went through this process.

A. That’s correct. Some of the items had already been processed and were split up and in binders, such as you see here today. Some of the other items were not in binders. They were still in complete magazine form.

Q. And the process that you did with Detective Spinner was simply to make sure that all of those items were accounted for; is that correct.

A. Correct. And to give each one a sub item number, and document that on something that was written.

Q. And you did that.

A. Yes.

Q. And that’s why we see on the display here that they have an A, B, C, and in some cases AA or GG, or whatever.

A. Correct.

Q. That was the process you documented with Detective Spinner.

A. Correct.

Q. Now, at the time that you went to the Santa

Barbara Superior Court on July 20th of 2004 and photodocumented the contents of the Exhibit 740 (sic), to your knowledge, had some items already been removed and sent to forensic examination.

A. Prior to grand jury.

Q. Yes.

A. Yes.

Q. And that's documented in reports, correct.

A. I believe so. Not mine.

Q. Right.

MR. SNEDDON: Mr. Mesereau.

(Off-the-record discussion held at counsel table.)

MR. SNEDDON: Madam Clerk, I'm going to need two exhibit numbers. Next in order would be fine.

THE CLERK: It would -- have you used the 3255 numbers through 740 yet.

MR. MESEREAU: Excuse me, Your Honor.

May the record reflect that I opened these packages at Mr. Sneddon's direction.

MR. SNEDDON: Actually, that one was open, but the small one was closed, correct.

MR. MESEREAU: It would be No. 122980, and that's also No. 332.

THE COURT: All right.

MR. MESEREAU: Thank you.

MR. SNEDDON: For the record, Your Honor, the items that Mr. Mesereau just examined, I'm going to have the first one marked, it's a small brown bag, which is the No. 332, which is the one he did open, and that's Exhibit 720 for identification purposes.

And then the next one's a larger brown bag with Item No. #305 at the top, and that's marked as 721, and that one was already opened.

THE COURT: All right.

MR. SNEDDON: Thank you.

Q. Please take a look at 720. Do you recognize that.

A. Yes, I do.

Q. And where was that the first time that you saw it.

A. I found this item within a briefcase which was in the upstairs area of Michael Jackson's bedroom at Neverland Ranch.

Q. And did you then take it into your custody and control.

A. I did.

Q. And what did you do with it.

A. I provided it to Detective Padilla, told him where I found it, what it was. And he then processed it, giving it an item number, sealing it.

Q. And is the exhibit in the same condition that it was when you seized it on that particular day.

A. Yes, it is.

MR. SNEDDON: All right. Move that it be admitted into evidence, Your Honor.

THE COURT: All right. It's admitted.

Q. BY MR. SNEDDON: And the next item is 721. Do you recognize that item.

A. Yes, I do.

Q. All right. And where was that item the first item that you saw it.

A. This item was sitting on a piece of furniture within one of the bathrooms in Michael Jackson's bedroom area.

Q. And it's a photograph, correct.

A. It is.

Q. And do you recognize the person in the photograph.

A. Yes, I do. It's Macaulay Culkin.

Q. And with regard to that particular exhibit, go ahead and take it out of the bag for just a second. Just look at it for yourself, if you would. Now, with regard to that particular exhibit -- 721; is that correct.

A. That's correct.

Q. 721, it looks like, on the photograph that

you withdrew from the brown bag, it has some writing on it, correct.
A. It does.
Q. Was that writing -- was it in that condition when you first saw it.
A. Yes.
Q. Did it have that writing on it.
A. Yes, it did.
Q. And then after you took that particular item, what did you do with it.
A. I again took it down to Detective Padilla, provided it to him, told him where I found it, what it was. He then processed it by putting it into a sealed evidence bag, and noting it on his report.
Q. And is it in the same condition as when you seized the item on November the 11th.
A. For the most part.
Q. What's different about it.
A. There's a couple of corner pieces that have fallen off into the bag.
Q. But they're in the bag, correct.

A. Yes.
Q. So everything in substance is there that was there when you seized it.
A. Yes.
MR. SNEDDON: All right. Move that that be admitted into evidence, Your Honor.
MR. MESEREAU: No objection.
THE COURT: It's admitted.
MR. SNEDDON: Your Honor, I think I'm finished. No further questions. Thank you.
THE COURT: Cross-examine.
MR. MESEREAU: Yes, please, Your Honor.

CROSS-EXAMINATION
BY MR. MESEREAU:

Q. You have answered questions about a large number of what appear to be --
MR. SNEDDON: Tom, excuse me.
Your Honor, there is one other thing I forgot to do. I've just been reminded.

If you don’t mind, Counsel.

MR. MESEREAU: No, not at all.

MR. SNEDDON: Thank you. Appreciate it, Tom.

Your Honor, I have a photograph that’s been marked as 151 for identification purposes. May I show it to the witness.

THE COURT: Yes.

FURTHER DIRECT EXAMINATION

BY MR. SNEDDON:

Q. Do you recognize the items depicted in the photograph, No. 151.

A. Yes, I do.

Q. Where and when were those items the first time you saw them.

A. These items were situated on the ground within one of the closets in Michael Jackson’s bedroom area.

Q. Does that photograph accurately depict the condition of those items at the time that you seized them.

A. With the exception that I have picked them up, yes.

Q. And you’ve picked them up.

A. Yes.

MR. SNEDDON: All right. Move that 151 be admitted into evidence, Your Honor.

MR. MESEREAU: No objection.

THE COURT: It’s admitted.

Q. BY MR. SNEDDON: All right. Would you just show to the ladies and gentlemen of the jury the photograph that’s in evidence.

Now, what -- where were those -- where were those found specifically in Mr. Jackson’s bedroom.

A. Within his bedroom, there were two bathroom areas. One, as you enter, was on the right. The

other was on the left. Both bathroom areas had a closet that went off of it. This one was on the left side. It was a locked closet area. As you entered the closet, it made an L shape going to the left. It was within that L-shaped -- the bottom of the L on the ground on the left side.

THE COURT: Counsel, can’t you put that up on the screen so the people out there can see.

Q. BY MR. SNEDDON: Okay. I think we got -- I kind of interrupted you. Could you tell me where exactly it was, what closet it was that you found it in, what bathroom.

A. Okay. Again, there were two bathrooms: One that was on the right as you entered; one that was on the left. This one was on the left side. As you entered the bathroom, there was a closet that went off to the right. This was a locked closet that we had opened. This closet was actually in an L shape. As I went in, I went into the bottom of the L, continued down, and it was on the left side on the ground.

Q. And then did you actually take the items depicted in the photograph, 152, in evidence, and book them into evidence.

A. I took them down to Detective Padilla, again told him where I found it, what they were, and he then booked them.

MR. SNEDDON: All right. Thank you, Counsel. And thank you, Court. No further questions.

FURTHER CROSS-EXAMINATION

BY MR. MESEREAU:

Q. Regarding the items that you were just shown in the last exhibit, there’s a bottle of Jack Daniels and a bottle of what appears to be red wine, correct.

A. Correct.

Q. Do you know if those bottles were ever fingerprinted.

A. I do not know.

Q. Did you have any responsibility for determining if they should be chemically tested for anything.

A. Not responsibility, but involvement.

Q. And what was your involvement.

A. We spoke about it amongst all of us that were part of the team at that point in time. And I know that they were sent off for DNA swabbing, or that they were swabbed, and that was sent off to be compared. I do not know whether or not they were fingerprinted.

Q. But they were DNA swabbed, as far as you know.

A. Yes.

Q. Did you ever get any results.

A. I believe there were no results.

Q. Okay. “No results” meaning what.

A. That we did not get any comparable DNA matter off of them.

Q. Were you responsible for recommending DNA testing of any of these materials that you’ve talked about today.

A. Again, “responsible” probably isn’t the word. “Involved” is probably the more correct word to use.

Q. Do you know if any of the materials that you’ve identified today were DNA tested.

A. I know that items within 317 were sent off to the Department of Justice laboratory to ascertain if there were materials on the items which could be tested for DNA.

Q. And just -- just for the record, Item 317 is what.

A. I’m sorry. It’s the briefcase that had these materials in it.

Q. Okay. And to your knowledge, there was no DNA found, correct.

A. That is correct.

Q. And you’re talking about -- you’re talking about DNA testing of the briefcase, correct.

A. Of the materials within the briefcase.

Q. Yes. Are you talking about the briefcase itself, too.

A. No.

Q. Okay. And what you’re saying is no DNA of Gavin Arvizo, or Star Arvizo, or any Arvizo, were found, correct.

A. No DNA at all, including theirs.

Q. Okay. Now, you say you were involved in decisions regarding DNA testing, right.

A. Correct.

Q. What does “involved” mean.

A. We had meetings where we discussed what was going on, who was going to do what, and we -- this type of -- you know, it included dispositions of evidence, who was going to go do interviews with whom. And we spoke about what we wanted to do and in what order that we wanted to do it.

Q. And who was at these meetings typically.

A. Typically would include, at minimum, Lieutenant Klapakis, Sergeant Robel, Detective Zelis, Detective Alvarez, and myself, and many times also included members of the prosecution.

Q. Now, you’ve identified a lot of what appear to be commercially produced adult material, right.

A. Correct.

Q. And all of it appears to be commercially produced, for the most part, doesn’t it.

A. For the most part, yes.

Q. And all of it appears to be the type of material you can lawfully purchase, correct.

A. Depends.

Q. Well, you can go to most magazine stands that sell this kind of material and find thousands of magazines that you can buy like that, correct.

A. Yes.

Q. Okay. And it goes without saying, Mr. Jackson is not being charged with possessing or anything related to this kind -- illegal adult material, is he.

A. We have not charged as such, no.

Q. Okay. Have you actually checked to see if you can find these magazines available in a commercial market type of situation.

A. No, I have not.

Q. Have you gone to newsstands to see if you can find this material available at newsstands.

A. No.

Q. Have you ever done any -- made any effort to find out where you can actually go buy this stuff.

A. No.

Q. Okay. And you don’t know where a lot of this material originated, correct.

A. I do not.

Q. You don’t know if it was mailed to Mr. Jackson or purchased on his behalf, correct.

A. For the most part, no.

Q. Okay. With respect to DNA testing, was the DNA testing that you’re aware of limited to materials in the briefcase.

A. As far as I’m aware of, yes.

Q. Okay. And as far as the other exhibits you’ve talked about today, which appear to be, for the most, part adult material, you’re not aware of any DNA testing on those exhibits, correct.

A. I am not.

Q. If any were done, would you most likely know about it.

A. Probably, yes.

Q. And that would be because of your involvement that you’ve just described.

A. Yes.

Q. Okay. Now, were you involved in actually searching and seizing some of this material.

A. Yes, I was.

Q. Okay. Was that your primary role during the day of the search.

A. Initially it was not.

Q. What initially was your role.

A. Initially myself and Detective Alvarez were assigned to go conduct an interview with a witness.

Q. Okay. And then following that, you went to

Mr. Jackson’s main residence, correct.

A. Neverland, correct.

Q. And you started conducting a search, right.

A. Initially, again, I was assigned to assist in interviews.

Q. Okay. Okay. Now, let me ask some questions about Exhibits 471 to 529. Okay. And they’re the items that you say were found inside of 470, which is the black briefcase, right.

A. Item 3 -- I’m sorry, I normally know things by our item numbers.

Q. The black briefcase is Item 470, right.

A. Yes.

Q. And Exhibits 471 to 529 were found inside of that briefcase, right. Do you know.

A. I -- I cannot -- if you show me the item, I mean, obviously we’re dealing with a lot of numbers here. If you tell me, like, our evidence item, I can tell you whether or not it came from that.

Q. Let me approach it from a different way. I think you said at one point, in response to the prosecutor’s questions, that you had checked out items out of 470, which is the black briefcase, correct.

A. Correct.

Q. And I believe you said those items were 471 to 529.

A. I have identified them as such by cross-referencing them, looking at the materials, looking at the actual physical items and also checking it against our evidence item number, which is how we track items, as opposed to the court tracking of items.

Q. Am I correct that you testified you checked out Items 471 to 529.

A. Yes.

Q. Okay. So you know what they are, right.

A. Yes.

Q. And presumably before you testified today, you went over some of this with the prosecutor for the government, right.
A. Correct.
Q. Okay. And when did you do that.
A. I did that on Tuesday.
Q. Okay. Did you have any items of evidence with you at that point.
A. No, I did not.
Q. Okay. How did you discuss what numbers you were going to testify about. Maybe that’s not a good question.
You clearly discussed what numbers you were going to testify about, true.
A. Correct. Yes.
Q. And did you use anything to facilitate your ability to prepare for your testimony today.
A. Yes, I did.
Q. What did you use.
A. District Attorney Sneddon provided me, one, with the pictures that he has introduced.
Q. Okay.
A. They also were in possession of the actual physical evidence items, okay. I also compared that with my reports that I authored and with pictures that we have taken.

Q. Okay. Now, you took them out originally. Was it at the sheriff’s department.
A. The first time.
Q. Yes.
A. Yes.
Q. And what did you do with them.
A. I pulled them -- I opened up, for instance, on this particular one, the briefcase, broke the seals, I opened it up. I then inspected the contents of it. As I was doing that, I was dictating a report of the contents of it, and taking photographs of the contents. Once that was completed, I then put the materials back where they were originally, closed it, sealed it, and then booked it back into evidence.

Q. And were you alone when you did that.
A. Yes.
Q. At some point, did you separate some of these materials yourself.
A. For Item 317.
Q. Any item.
A. Item 309, yes.
Q. What you did was you took the item apart, right.
A. I took two of the items which were contained

within the original evidence, Item 309, which was the briefcase, that being the two adult material DVDs, and I put them into the separate bag.
Q. Okay. Did you ever separate any of the photographs that are contained in the exhibits you referred to today.
A. No.
Q. Okay. Did you ever pull any pages or photos out from any attached type of magazine.
A. No.
Q. Okay. Do you know if anybody ever did.
A. Yes.
Q. Okay. Somebody did.
A. Yes.
Q. Who did that.
A. Forensics personnel.
Q. So they took magazines and actually separated pages out, correct.
A. Correct.
Q. Okay. And do you know when that was done.
A. I do not.
Q. Okay. How do you know it was done.
A. I have read reports. And again, during our meetings where we discussed what’s going on with the case, again I’ve heard conversation to that effect.
Q. And were the items then returned to you.
A. No, they would have been returned to the evidence locker, to our property office.

Q. So they would have been returned to the evidence locker, separated out from what they originally were like, right.
A. Correct.
Q. And basically what you’re saying is people at forensics, when asked to test a particular item, would take that item apart, right.
A. Correct.
Q. And your understanding was they would take that item apart, because that would facilitate forensic analysis of some kind, right.
A. Yes.
Q. Okay. And you were part of the -- you were part of the group that decided which items to forensically test in that manner, correct.
A. Discussed. Decisions are done at a higher level than a detective.
Q. Who made the decisions to forensically test some items and not forensically test others.
A. At minimum, probably with Lieutenant Klapakis, and it probably also involved members of the prosecution.
Q. Okay. And that would be Prosecutor Sneddon, Zonen, Auchincloss.
A. Yes.
Q. Okay. All right. Now, there must have been meetings where you had discussed whether or not to forensically test certain items, correct.

A. Correct.
Q. And you would presumably look at an item and decide, “Do we want to test this or not,” right.
A. Sometimes look at them; sometimes they weren’t checked out. For the most part we check them out one time, and allow them to look at them, just like we allowed you guys to look at them. And based upon that, we categorized them and began to make a priority list of which items should be done first.
Q. Now, am I correct that no forensic testing of any of the items you’ve identified today was done till after the grand jury met.

A. I do not believe that’s correct.

Q. Okay. What items that you identified today were forensically tested before the grand jury convened.

A. I believe certain items within 317 were forensically tested and subsequently sent out to the California Department of Justice for further testing.

Q. Okay. And were you involved in that process.

A. No, I wasn’t.

Q. Okay. Well, to this date, you’ve never found Gavin, or Star, or any Arvizos’ DNA on anything, right.

A. We have not.

Q. So the first time you checked out Items 471 to 529 was to photograph them, as you just described, right.

A. Correct.

Q. And then you repackaged them and put them back in the condition you found them and rebooked them into evidence, right.

A. Correct.

Q. Okay. Were you responsible for conducting any fingerprint analysis of any of the items contained in 470, the briefcase.

A. None whatsoever.

Q. Okay. Do you often do that in your type of work.

A. Never have.

Q. Okay. Are you familiar with what is called ALS, an alternate light source type of test for fluids.

A. Yes, I am.

Q. Do you know if that was ever done on any of the items you’ve identified today.

A. I believe it has.

Q. And which items would they be.

A. I believe it was done with certain items within Item 317.

Q. Were you part of the group that decided to make that type of test or, excuse me, to do that type of test.

A. I was part of the group that discussed it. Again, the decision would have been made, but, yes, I was aware of it.
Q. Now, if a decision was made to do forensic testing, would you be the one to essentially refer it to forensic people in this case.
A. Not in this case, no.
Q. You’ve done it in other cases, though, right.
A. Yes.
Q. Typically, once a decision was made, who would be the one to actually be responsible for referring an item of evidence for forensic analysis.
A. Typically.
Q. Yes.
A. Under any other or most other instances, it would be the lead investigating officer.
Q. Okay. And in this case, who were you referring to.
A. Well, in this case Detective -- or Sergeant Robel was the lead investigating officer.
Q. Okay. So as far as you know, was he the one that had the responsibility, once a decision was made, to refer an item of evidence for forensic examination.
A. In this particular case, I believe it would have been actually Lieutenant Klapakis.
Q. Okay. Okay. Let’s get back to the first

time you removed items from the black briefcase, which is No. 470. You put them back, and do you know what -- you rebooked them into evidence. And to your knowledge, what happened after that to that black briefcase.
A. Other than the times that I personally came into contact with it, I have not had any contact. I don’t know for certain. However, I do know that

we have checked items out for you guys to look at, as well as for the prosecuting attorneys to look at, and then it has gone out to grand jury, and then also to forensics personnel.

Q. Okay. When did you next handle the black briefcase, No. 470, and its contents.

A. That would have been on July 20th.

Q. And again, the purpose for that was.

A. There was a court order that basically stated, prior to us being able to remove these items, I had to go and photographically document the contents of the item, and turn those photographs over to you guys, and eventually to provide a copy to the court as a replacement for what we were taking.

Q. Okay. And did you repackage these items again.

A. I put them back into the briefcase.

Q. And how did you do that.

A. Put them back in where I found them as I

opened it.

Q. And you had gloves on your hand, correct.

A. Yes, I did.

Q. Did you have gloves on your hands at all times when you handled 470.

A. Yes.

Q. Would that include at the main residence as well during the day of the search.

A. I didn’t handle Item 470 at the main residence.

Q. Never touched it that day.

A. No.

Q. Now, to your knowledge, an alternative light source type of test can be done in approximately a day, correct.

A. I don’t know how long it takes.

Q. Okay. And to your knowledge, it’s not a destructive type of test, meaning it doesn’t actually --

A. No.

Q. -- harm or destroy an item of evidence,

right.
A. No.
Q. Okay. And I think what you’re saying is at some point people at forensics must have repackaged the material and sent it back to re-book it into evidence, right.
A. Correct.

Q. Okay. Were you part of that process at all.
A. No.
Q. Okay. Is it true, based upon what you know, that no fingerprint analysis of Item 470, the black briefcase and its contents, was done till approximately one year after the search at Neverland.
A. That sounds about correct.
Q. Okay. Were you involved in the decision to wait that long --
A. No.
Q. -- to test it.
In fact, those items in 470, the black briefcase and the contents, were not tested for fingerprints till approximately November of 2004, right.
A. I know it happened after I checked it out.
Q. Okay. Okay. Now, you appear to have focused on Item 470 more than you did a lot of the adult magazines you discussed today, correct.
A. What do you mean by --
Q. Well, you seem to have been handling and repackaging and handling and repackaging 470 --
A. Correct.
Q. -- in a way that you were not with a lot of the adult material that you referred to today, correct.
A. Correct.

Q. But, are you saying that the question whether or not to forensically test that material all came up for discussion with the group of people you mentioned.

A. Yes.

Q. Okay. And typically would the group sit around and look at something and decide where it was found and make a decision whether or not to test it.

A. We wouldn't look at it. Again, we would discuss it. These items were, at the time, in evidence lock-up still, and basically we went through what was found, what was found within it, and how it correlated to the case that we were investigating and prioritized from that.

Q. Okay. Okay. With regard to the items you've discussed today other than 470, do you recall, after they were initially booked into evidence, your retrieving them for any purpose.

A. Again, the first time was when I pulled it out to inventory the contents. I have also pulled it out for you guys to look at, as well as for members of the prosecution to look at, and that's what I -- and then also to bring them to court.

Q. Okay.

THE COURT: Counsel.

MR. MESEREAU: Yes, Your Honor.

THE COURT: I want to handle the break a little differently.

MR. MESEREAU: Sure.

THE COURT: I'd like to have the jury taken out now. We'll start your break a couple minutes early. That's a reward.

(Laughter.)

THE COURT: And then we'll start our break just in a couple of minutes for the people in the courtroom. I just want to address an issue.

You can step down, Officer. We're on our break.

THE WITNESS: Thank you.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: All right. I was just going to make a ruling. I told you this morning that I had a tentative ruling, which I gave you, and I wanted to look at the materials a little further that were submitted to the Court before I made my ruling.

The Court will grant the defense motion not to allow that evidence in. The primary reason is, it does appear to be cached material. There wouldn't be any way of knowing whether anyone looked at it or not. It doesn't seem to be material, as it doesn't relate to the area -- the time area that I'm talking about. So that will be the Court's ruling.

We're in recess.

MR. SANGER: Your Honor --

THE CLERK: We did not have those exhibits marked.

THE COURT: Oh, I need those exhibits marked that you referred to in your opening --

MR. AUCHINCLOSS: Okay. Yes. That's fine.

THE COURT: -- these.

(Recess taken.)

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: Go ahead, Counsel.

MR. MESEREAU: Thank you, Your Honor. No further questions.

(Laughter.)

THE COURT: Anything further, Counsel.

MR. SNEDDON: Unfortunately, yes. It will be brief.

REDIRECT EXAMINATION

BY MR. SNEDDON:

Q. You were asked by Mr. Mesereau with regard to the time frame for which the contents of 3 -- what you call 317, we're calling 470, the black briefcase, okay.

A. Okay.

Q. They were sent for fingerprint analysis around November of 2004, correct.

A. Correct.

Q. All right. Now, with regard to those items inside of that briefcase, were they sent to other forensic evaluation prior to the time that they were fingerprinted.

A. Yes, they were.

Q. Was that according to the game plan that was put together by the group as to how those things should be processed.

A. Yes, they were.

Q. And the forensic analysis for the same exhibits that were eventually fingerprinted began very early on.

A. Yes, it was.

MR. SNEDDON: Nothing further.

MR. MESEREAU: No further questions, Your Honor

THE COURT: All right. Thank you. You may step down.

Call your next witness.

THE BAILIFF: Mr. Zonen is --

MR. SNEDDON: Everybody's leaving me, Judge.

THE BAILIFF: Mr. Zonen went to get your next witness.

MR. SNEDDON: They're getting him. Mr.

Auchincloss's witness, Your Honor. He should be coming.

THE COURT: Oh, I decided the time Monday for you to come in is 11:30. We'll start the jury at 11:30.

A JUROR: Thank you.

THE COURT: Come forward, please.

MR. AUCHINCLOSS: Your Honor, our next witness will be Dr. Antonio Cantu.

THE COURT: Come forward to the witness stand, please. When you get to the witness stand, remain standing, face the clerk and raise your right hand.

ANTONIO A. CANTU

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Thank you. My name is Antonio A. Cantu. Last name is spelled C-a-n-t-u.

THE CLERK: Thank you.

MR. SANGER: Your Honor, could I inquire who the people are who are standing in the aisleway.

MR. AUCHINCLOSS: Yes, you may.

Your Honor --

MR. SANGER: I did ask the Court.

MR. AUCHINCLOSS: I'm sorry.

THE COURT: The Court doesn't know.

MR. AUCHINCLOSS: So I will be happy to explain.

THE COURT: Go ahead.

MR. AUCHINCLOSS: Your Honor, as we mentioned in chambers, we have a demonstration of the Scenescope, which is the technology that was used in this case for purposes of finding latent fingerprints.

And if -- with the Court's permission, I would like to allow our -- Detective Sutcliffe to set up the Scenescope while I'm beginning my examination.

THE COURT: All right. Go ahead.

MR. AUCHINCLOSS: If that's permissible.

DIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Good afternoon, Dr. Cantu.

A. Good afternoon, sir.

Q. Who do you work for, please.

A. I work for the United States Secret Service, the Forensic Services Division within the United

States Secret Service.

Q. And what do you do for the Secret Service.

A. I am the chief scientist, research scientist, for the Forensic Services Division. And my many duties includes the chemistry and physics of things having to do with documents. For example, fingerprints, or inks on paper, or any other items that may be found on a document.

Q. How long have you worked for the Secret Service in this capacity.

A. Well, I’ve been with the Secret Service about 20 years. And I’ve been working in this particular area, among others, for that extended period of time.

Q. And tell me about what training you’ve had that qualifies you for your position there. Maybe I’ll back up. First of all, tell me specifically what your title is with the Secret Service.

A. I’m a chief forensic scientist.

Q. And what qualifies you for that position. What training have you had.

A. Well, first of all, I have a degree in chemistry. Chemical physics, actually. And I’ve had some training in -- in forensic science. I spent about ten years at the Bureau of Alcohol, Tobacco and Firearms Laboratory, where I developed the expertise particularly in the area of the analysis of documents from a chemical and physical point of view.

Q. Have you had -- tell me about your experiences with the Secret Service. Have your -- in terms of what work you’ve done for them in the past.

A. Most of the work that I have done for the Secret Service falls into two general areas. I spent part of my time over there doing some work in the area called protective research, which has to do with coming up with countermeasures to possible threats that would involve chemical, or biological, or different materials.

But the rest of the time has been really the area of forensic science, where my expertise has been mostly in the area of the analysis of documents from a chemical and physical point of view, as I mentioned.

Q. Have you had any published papers in the area of forensic science.

A. I’ve already published about 26 papers that I have in the field of forensic science.

Q. Any of them in fingerprint analysis, or --

A. There are -- about seven of those are in fingerprints, and two are pending publication at the moment.

Q. How long have you been involved in the chemistry of fingerprints.

A. In excess of 20 years.

Q. And can you tell me what the International Fingerprint Research Group is.

A. That is a group of international experts that, most of which, specialize in the area of

coming up with new technology for visualizing fingerprints, for developing fingerprints. And they are -- the biggest centers involved in this are Israel, England, Australia, and of course us in the United States.

And we started that group at the U.S. Secret Service back in the middle ‘80s. And now we meet every couple of years, different parts of the -- Europe and the United States and Canada.

Q. Are you involved in developing new techniques in locating latent fingerprints.

A. Yes. New techniques particularly in the visualization of fingerprints. We are responsible for developing a new technique for visualizing fingerprints, particularly those that are visualized normally by the use of ninhydrin. And it’s a technique for essentially looking at fingerprints on paper and coming up with better, more sensitive methods.

There’s another technique for looking at the fats and oils in fingerprints, and we helped develop new advances in that area, being able to bring them out better, and looking at weaker prints and being able to see them better with this technology.

And then thirdly, I’ve been involved in a technique that has to do with the use of ultraviolet light basically in visualizing fingerprints.

Q. Tell me, what does the term “latent fingerprint” mean.

A. It’s not noticeable. I mean, it’s basically a fingerprint that is not noticeable to the human eye but becomes noticeable by means of either chemical or physical techniques.

Q. And can you explain for the jury exactly what it is, from a chemistry point of view, that creates a fingerprint on a surface when a human hand touches it.

A. Well, our fingers bear certain chemicals on them. These chemicals are on the surface of the hand. And every time you touch something, there is some transferability of those chemicals onto the surface that you touch.

And what we do, in our field, is try to find methods of making those things be visible, either by optical methods or chemical methods or physical methods. And to be able to do that, one has to, first of all, know what is in fingerprint residue, that is, what chemicals, so you know what sort of reagents to use to make them visible. So that’s the general philosophy of -- that is used in developing fingerprints.

Q. Can I have just a moment.

A. Yes.

(Off-the-record discussion held at counsel table.)

Q. BY MR. AUCHINCLOSS: All right. So tell me specifically -- you mentioned that there are biological substances that are left behind by a fingerprint, by the human hand.

A. Correct.

Q. Okay. Are those -- can you describe the basic grouping of chemicals that are left behind by a human fingerprint.

A. There are several chemicals. I can generally group them into those that are water-soluble chemicals, and they include amino acids, and those that are water insoluble, and they are the ones that are normally referred to as the fats or oils, or more precisely, lipids.

And the water-soluble ones contain amino acids, proteins, salts, and other things. But it is the amino acids that are really the target items that we look at to try to visualize these things.

As far as the water insoluble ones, it's usually the lipids or the fats and oils that we use as the materials that we target chemicals or methods to be able to visualize these.

Q. So, tell me, what are the biological origins of the water-soluble group of materials that is left in fingerprints.

A. Well, I'll give you an answer to both the water soluble and water insoluble. The water soluble ones are the ones that are found mostly on the palms of your hand or the soles of your feet.

And there you have one type of gland referred to as an eccrine gland, and they are the ones that release the amino acids and certain proteins that are water dispersible, and certain salts.

But there are other glands as well. There's some that you have that are different from the eccrine gland. The armpits or the groin area have glands referred to as apocrine glands, and they release other forms of water-soluble material.

And then the third group of glands that we have in our skin are referred to as the sebaceous glands, and these are the ones that actually put out the -- the lipids or the fats and oils. And they exist in the scalp and the face and the nose area.

But -- and of course the -- anywhere where you have hair you would have these glands as well.

Q. So if I understand correctly, your hand doesn’t have any oil glands.

A. That’s correct.

Q. Or fingers.

MR. SANGER: I’m sorry, I’m going to interrupt for just a second.

I understand Detective Sutcliffe is going to be a witness, and I didn’t object to him just coming in during the preliminaries here and helping to set this up, but I don’t think he should be here during the testimony.

MR. AUCHINCLOSS: That’s fine. I will call

him back for the demonstration, if that’s permissible.

MR. SANGER: But all witnesses are excluded on both sides.

MR. AUCHINCLOSS: I did notify counsel that Detective Sutcliffe was here setting it up when he was doing so.

(To Detective Sutcliffe) All right. We’ll call you back in, Detective, as soon as we get to the demonstration. Thank you.

Q. All right. So getting back to these substances that leave fingerprints, there’s no lipids or oil glands, sebaceous glands, in your fingertips; is that true.

A. True. Yes, that is correct.

Q. But sometimes you will leave lipids or oils or fatty substances that are produced by your body by your sebaceous glands on a fingerprint.

A. That is correct.

Q. And how does the oil get on the finger.

A. Normally by touching your face or your hair would be one way of transferring that material onto your fingers.

Q. I see. And is that a common way of establishing a fingerprint that’s based on fatty oils, or oils.

A. Yes. If you find the fatty oils in there, it's usually assumed that they come from that

contact, or perhaps handling something exogenous, something outside, like face creams and lotions or food.

Q. Okay.

A. Stuff like that.

Q. So is that a third grouping that can produce a fingerprint. Foreign substances.

A. Yes.

Q. Nonbiological substances, or something that came outside the body.

A. That is correct.

Q. Okay. So, tell me, explain to me what optical methods are used in visualizing these latent prints when they're left behind.

A. Optical methods would be -- there are about four methods that I will describe. One of them is just a visual examination of the material that you're looking at that may have the fingerprints. And occasionally lighting in a certain direction. Or if a print, for example, is one which is found on something like clay or putty, you can actually see the imprint in there, very, very simply. And -- otherwise, you have to use other methods.

Now, there are cases as well where you have a print that's heavy laden with material, and you touch something, and then you can say, "Oh, you made a smudge on the glass," or, "a smudge on the T.V.," or, "a smudge on my screen." That's, again, some of

the residue that you leave behind. And sometimes that could be actually seen without anything else but just proper illumination. When some of these fail and cannot be photographed or documented, then there are other methods that are used.

For example, you could use ultraviolet light. And there's certain proteins and amino acids that actually fluoresce in -- when illuminated with ultraviolet light. They fluoresce in the ultraviolet. Tryptophan is one such material that does that. And for that, you illuminate with the ultraviolet light and view it in the ultraviolet region.

And then there are other cases in which you may find fluorescence, but in this case, visible. That is, you illuminate with a visible light and then block it with, for example, a green light produced by a laser, and then you block that with orange goggles and you see some fluoresence. And if it’s inherent, if it comes from the skin, that is normally due to perhaps bilirubin - that’s a biological chemical - that may be in the hand.

And then lastly, a method that is used for very smooth surfaces, very glass-like surfaces, would be a reflectance technique. You illuminate, and you view this thing in a reflected mode. And the most sensitive of those would be viewing in the ultraviolet. That is, you illuminate with ultraviolet, then you have to have something that sees in the ultraviolet. So there’s imaging devices that are capable of viewing in the ultraviolet, and that’s what we use.

Q. So if I understand correctly, you might use different methods depending upon the surface. Is that fair to say.

A. That’s --

Q. For looking for latents.

A. That’s correct.

Q. And is it also fair to say that different methods might capture a fingerprint that is amino-acid based or water-soluble based. True.

A. Uh --

Q. Some methods are designed to capture the protein-based residue. Is that fair to say.

A. Yes, sir.

Q. And are some methods more suitable for capturing the oil-based residue.

A. Yes, that is correct.

Q. Okay. So I didn’t ask you this question, but I think the jury understands it.

Is it true that the -- the amino or protein product that might be left behind, is that something that comes from the finger itself.

A. Yes.

Q. Okay. So the amino acids are something that your finger secretes.

A. That is correct.

Q. Okay. All right. So tell me, if I touch something, does that mean it’s going to leave a fingerprint.

A. Not necessarily.

Q. And why do you say that.

A. Well, there are several reasons why it may not, and one of them is your hand is quite dry and just doesn’t transfer anything.

And secondly, the surface may be one that sort of rejects any sort of materials that may be put on it and it doesn’t have the absorbency of the material that’s on your finger.

And then thirdly, the surface may be quite corrugated or textured and it -- the transfer may be there, but it’s not very resolvable.

Q. Is it fair to say that textured objects are poor surfaces for fingerprints.

A. Generally, yes, they are. Depending on the roughness of the surface.

Q. For shiny, smooth paper, such as you might find in a magazine, can you please describe how one detects latent fingerprints that that magazine may hold.

A. Well, I mentioned earlier, I answered the question about the optical methods, and one of the optical methods that I mentioned earlier was the fact that if you have a very smooth surface or

glass-like surface, you could use these reflected ultraviolet techniques.

And for something that’s a very, very smooth surface, like a magazine paper, something like that, one of the first techniques that I would use would be to see if it could be visualized without doing anything to it; that is, just by seeing if this technique of reflected ultraviolet visualization will bring out anything.

And then the next step --

Q. Let’s stop right there. What do you mean by “reflected ultraviolet”. Tell me specifically what you do to examine this piece of paper for fingerprints without the aid of anything else, other than perhaps reflected ultraviolet.

A. I’ll do it by means of an example.

Q. Okay.

A. If you put, for example, your finger on a piece of glass, that’s a very smooth surface. You sometimes can turn that glass around and actually see the print on there.

When you view it in the ultraviolet, that’s magnified immensely, and it’s due to the fact that the fingerprint residue itself becomes very reflective. And secondly, it -- it’s a scatter media for the light. It just casts the light and reflects it in multi directions. The fingerprint material becomes like micromirrors. It becomes very

reflective in UV. And that’s essentially how this thing is able to enter the fingerprint on a very smooth surface. And of course paper that is very glossy is of this category as well.

Q. So is that -- ultraviolet light, is that synonymous with ALS, or alternative light source.

A. No, sir.

Q. That’s something different.

A. That is correct.

Q. Okay. So if you were -- looked at it with ultraviolet light, would that be something different than a Scenescope.

A. No.

Q. It would be the same as a scenescope.

A. It is similar to a Scenescope.

Q. Okay. Would you use -- now, I guess the common notion is that ultraviolet light is something like a black light.

A. That is correct.

Q. Okay. Is that what we’re talking about here.

A. A little more than that.

Q. Tell me what you mean.

A. “Black light” that you normally hear is what you may see in places of entertainment where they have the ultraviolet light tubes called “black lights.” That light is ultraviolet, but it’s -- the wavelength of it is -- first of all, it’s for the eye safe reason, and that’s the same sort of ultraviolet that the sun puts out.

The one I’m talking about is shorter wavelength. It is the ultraviolet light that the sun puts out, but it’s sort of blocked by the ozone layer of the earth. You don’t get those rays, the shorter wavelength rays.

And the reason this technology works so well is because the shorter the wavelength, the better you can see this surface roughness that may be caused by the fingerprint on the object. And the shorter the wavelength, the less that surface has to be in size. In other words, the shorter the wavelength -- the one that we use is called 254 nanometers. That can detect roughnesses or it can scatter the roughness of one 100,000ths of an inch.

So it works very well for very, very light fingerprints on surfaces.

Q. Okay. So tell me what a ridge is.

A. Well, a ridge is the -- in a fingerprint, it is the raised portion of the fingerprint that meanders throughout the finger.

Q. So it’s like one of the lines in the fingerprint.

A. That’s correct.

Q. So using that as an example, a ridge would be material that is on the surface that you’re looking at. Is that fair to say.

A. That’s correct. When you transfer the chemicals, you actually transfer the pattern that’s found on the ridges.

Q. Okay. And when the light hits the ridge, you said it scatters. Can you give me a little better idea what that means.

A. Yes. When the light hits the ridge, it actually reflects, and -- but in multiple directions.

Q. And if I understand correctly, the ultraviolet light will reflect in multiple directions, but the daylight that we have is too big a wavelength to scatter and make the print visible.

A. It doesn’t scatter as well.

Q. Okay. So the ultraviolet light with the shorter wavelength scatters better.

A. That is correct.

Q. And allows you to see the print better.

A. That is correct.

Q. Okay. Now, that was the first method. We just started talking about the methods of trying to find fingerprints on a magazine. What next. What else would you do on shiny magazine paper.

A. Okay. What we described so far is -- you know, there’s no chemical treatment. No nothing. You just see the raw fingerprint.

The next step that you would do on surfaces like that, or any nonporous surface as well, would be to use fuming with a gas. And the gas is referred to as cyanoacrylate ester, or better known as super glue. And the super glue gases, when they see, for example, fingerprint residue, they see in it things that trigger its polymerization, basically a material that is basic, like amino acids. It also -- water is another substance, or moisture triggers this condensation and polymerization of the cyanoacrylate material that’s in the gaseous form, and that basically forms around the fingerprint and becomes another way of visualizing the fingerprint.

Normally they appear whitish in color after you finish doing the polymerization. So in essence, you put the material in this vapor, and the polymerization occurs around the fingerprint. And then you pull it out, and you sometimes can see the fingerprint in there. But it does a couple of things. It hardens the fingerprint, and it also makes it just slightly bigger than what it was before as far as the thickness.

So, if you don’t see the fingerprint by means of this method, then you can submit it again to the ultraviolet reflection, and the super glue treatment actually enhances, even, that more.

I’ve seen cases where, for example, I had a substance in which I saw, let’s say, ten fingerprints using the RUVIS -- I’m sorry, using the ultraviolet technique. It’s referred to as Reflected Ultraviolet Imaging System. I just called it RUVIS, but that’s what it stands for.

And then I did super gluing, and multiple more fingerprints showed up after that with the RUVIS, with the Reflected Ultraviolet System.

Q. So you take a magazine, and you said you somehow coat it with this super glue. Is that how it works. You put a very fine coat of super glue on the magazine.

A. It only condenses primarily around the portions where the fingerprint residue is.

Q. Okay. And is this cyanoacrylate, whatever you said, is this the same product that we use at home as super glue.

A. Yes, it’s a cyanoacrylate ester.

Q. And when you say “polymer,” what does that mean, polymerization.

A. The polymerization process is basically the single molecule of the cyanoacrylate ester, and just -- chemically it multiplies itself and becomes a very long chain, and that’s referred to as a polymer.

Q. So what is the process of getting this polymer to condense around the fingerprints. What happens in the lab when they do that. What do they do.

A. Oh --

Q. How do they get it to --

A. The way it's normally done, you have a shaver, and some people actually use something like a fish tank. And they get the cyanoacrylate liquid, like your super glue, and put it in a small aluminum dish. And you heat this by putting it on a heating pad, or a heating mantel, or some sort of heating source. And also you have some water on the site. It's the moisture content that is used to condense around the fingerprint residue.

And then you let it sit there for a period of time. It sits probably ten minutes or more. And then by that time, you can begin to see the fingerprints being developed on the material. And then you take it out. And basically that's about it.

It is a very simple process that you see periodically on "CSI" referred to as, you know, super glue fuming.

Q. Does super glue fuming enhance the water-based materials, the oil-based materials, or some combination.

A. It enhances both.

Q. Okay. So it enhances -- whatever material is there, it will condense and form a bigger ridge or a more visible ridge. Is that fair to say.

A. That is fair to say. As far as the water-soluble material, it has the amines. As far as the water-insoluble material, it has certain lipoproteins, and proteins contain the amines. And there's also moisture condensed in there as well.

Q. So let's talk about RUVIS. You mentioned that term, Reflective Ultraviolet Imaging System.

A. Yes.

Q. What is RUVIS. How is that technology normally used in forensic science.

A. I’ve used that term maybe two or three times in my discussion, and it involves two things. The system itself, the imaging system, and the illuminator. The illuminator is simply an ultraviolet lamp, but works in that short wavelength region.

I might add if you’re not familiar with the short wavelength region, stamp collectors normally use that to be able to examine their stamps. U.S. stamps have material in it that only glows under short wave, not long wave. So you would see that type of lamp among stamp collectors.

So anyway, it is that type of lamp that you use to illuminate your substance that you’re examining. And then you image it with a system that is capable of seeing that region. Human eyes can only see in the so-called visible region. It doesn’t see ultraviolet, it doesn’t see infrared, so you have to use special imaging systems to see in those regions.

In the infrared, you have things called night vision scopes. In the ultraviolet, there are scopes out there that have intensified tubes in there that can see in the ultraviolet, and that’s what we currently have.

The optical system for viewing has a filter in front of that system that only allows the short wavelengths to go through. So essentially you’re illuminating with light that is of a certain frequency. To be exact, it’s 254 nanometers. And then you have a filter on the system that is only able to allow that wavelength to go through.

So the -- the so-called imager consists of the filter, a lens, which has to be made out of quartz, otherwise ultraviolet light couldn’t go through. And then inside is referred to as an image intensifier. Basically it converts that ultraviolet light that’s hitting the surface into visible light, into a phosphor, and then you are able to see it at the other end. And some people put a camera at the other end to view that, or other people can just look at that phosphor screen and see the image. So basically that's what the Reflected Ultraviolet Imaging System is.

Q. Now, you've talked about infrared, and you've talked about ultraviolet. Are those the two ends of the light spectrum.

A. Well, the two ends of the visible spectra. There's more to it than a one end and more to it on the other.

Q. Okay.

A. But if you have the visible spectra, the so-called lower end would be the ultraviolet, the higher end would be the infrared.

Q. Okay. Now, the infrared is the -- tell me about the technology that is used in a product called the Scenescope.

A. The Scenescope is basically what I just described as the RUVIS, the Reflected Ultraviolet Imaging System.

It consists of a scope that is able to see in the ultraviolet, a filter, and the illuminating light, and a camera sometimes sits on top. And it's actually on the stand there, that you see.

Q. So this object to my left here is a Scenescope with a camera mounted on it.

A. That's just the one part. That's just the viewing portion. I don't see the illuminator set up yet.

Q. Would this be the illuminator.

A. That would be the illuminator.

Q. Okay. So the Scenescope has an ultraviolet light, true.

A. Correct.

Q. And a special device that makes that light visible; is that true.

A. That is correct.

Q. Okay. So it works in two different realms, or two different ways. It projects ultraviolet light and then allows you to look through a special instrument to see that ultraviolet light.

A. The reflected light.

Q. The reflected light. Okay.

And I think you previously explained that this light is uniquely suitable to observe the scatter effect of very tiny residue that’s left by fingerprints.

A. On smooth surfaces.

Q. All right. So, lastly, we haven’t talked about ninhydrin. You’ve mentioned it, but we haven’t really described what it is. What is ninhydrin.

A. Well, you’ve asked me questions about the optical methods of examining for fingerprints. There are also chemical methods, and I alluded to that. The chemical methods would involve -- are mostly used in porous material like ordinary paper. And normally you take it in two steps. The first step is to look for the water-soluble components, the amino acids. And there you use amino acid visualized in reagents, or reagents that can visualize the amino acids.

The most common one that has been around since the 1950s is ninhydrin, and that -- when you apply ninhydrin to -- to a piece of paper that has

fingerprint residue, and then let it dry, and over a period of time, or you could artificially use some heat and some humidity, the latent fingerprint or the invisible fingerprint turns out to be a purple image of the fingerprint. The reaction between amino acids and ninhydrin is purple, and it’s -- that chemical is referred to as Ruben’s purple.

Q. Is there a certain order -- if you’re using two different methods to look for fingerprints, is there a certain order you’d want to choose if you’re going to use the fuming method, the Scenescope, and ninhydrin. Is there a method you’d want to use first before the other one.

A. Yes. In the case in question, having to do with smooth paper, you would use the optical method first, followed by the cyanoacrylate ester fuming or the super glue fuming, and then the ninhydrin at the very end to look for the amino acids.

The cyanoacrylate fuming method does not affect the amino acids, so you could actually see them afterwards. And essentially you try to see if there are more prints. Or sometimes the fingerprints that you develop with ninhydrin are the same ones that the cyanoacrylate or super glue fuming developed.

Q. So you might find a ninhydrin print where you didn’t find it with the fuming method.

A. That is possible, of course.

Q. Why wouldn’t you want to use ninhydrin first.

A. Because it may affect the polymerization of the super glue.

Q. You might lose some fingerprints if you did it that way.

A. That is correct. It simply involves the application of ninhydrin in a solvent. So it’s that solvent that you’re trying to avoid from getting onto your evidence before anything else. So that’s why you do all these optical methods first.

Q. Are these methods that you’ve described for looking for fingerprints on smooth magazine-type paper, are they time-tested methods that are accepted by law enforcement agencies around the world.

A. As far as I know, they are.

Q. How about in the United States in particular.

A. Very much so.

Q. Okay. And how long has ultraviolet light been around used in looking for fingerprints.

A. In that reflected mode that I’ve been talking about -- excuse me -- it started out, I guess in the early 1970s in Japan, and then it got rekindled again in Japan in the mid ‘80s. And it was then that the Army forensic laboratory in Japan became aware of it. In the middle ‘80s, late ‘80s, it was brought over to this country. And we began to use it among just a few of us in the mid ‘90s. And then later on, toward the end of the ‘90s, it became more commonly known to other people. And now it’s rather common technology known throughout the entire world.

Q. And I think you said ninhydrin has been used for locating fingerprints for how many years.

A. Oh, that goes back to the ‘50s.

Q. How about cyanoacrylate, the fuming. How long has that been used to enhance fingerprints.

A. In the ‘70s.

Q. And who is the manufacturer of the Scenescope.

A. It’s -- the company that I know that made that is Spex Industries, S-p-e-x Industries. I think they’ve been bought by a French company, and I just cannot recall the name of that company. But all the times that I’ve known it as Spex Industries. In fact, their ad still says, “S-p-e-x Industries.”

Q. And is that how you came to the attention of Santa Barbara County law enforcement, through an introduction from the Spex people.

MR. SANGER: I would object. That calls for speculation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Are you sometimes referred by Spex to act as an expert when people request expert testimony on Scenescope technology.

A. I’ve been asked by Spex about certain technical things to have to do with their system. And yes, I have been asked to be able to say something on the technical nature of their instrument.

Q. Okay. And as a member of the Secret Service, are you being paid anything special for today’s testimony.

A. No, sir.

Q. Is this a service that the Secret Service offers to law enforcement agencies in the United States.

A. That is correct.

Q. All right.

MR. AUCHINCLOSS: Your Honor, at this time I think we have enough time to do a brief demonstration.

Q. I'll ask Dr. Cantu if he can tell me, first off, what would be a good way to do a proper demonstration of the Scenescope. Just a simple demonstration to show how it works.

A. Well, I think you have it all set up. I don't quite see the monitor to see the image.

Q. The monitor will show on that screen.

A. Oh, it will. Okay, fine.

Q. Yes.

A. All you have to do is turn the -- what I call the intensifier, that's the unit that actually does the conversion of the ultraviolet to the visible and illuminate your material. And that material is going to be -- I mean, I could get my credit card and put a print on there, and I'll show you how it actually shows through this system. Or I think -- I believe the other gentleman that was here has some demonstration sheets as well.

Q. All right. I'm going to ask you to step off the stand at this time. I'm not going to ask you any more questions. But I'll make a couple of requests. And we'll let the detective assist. And if we could have "Input 4," Your Honor.

MR. SANGER: Before this occurs, Your Honor, I did have an objection. But in addition to that, this is not preserved. This is something that's going to be up on a screen, I suppose, and it's not preserved as a --

MR. AUCHINCLOSS: We can take a -- ask the detective to take a photograph of each exhibit. And we'll introduce it, if that's permissible. If that's agreeable.

THE COURT: Does that solve your problem.

MR. SANGER: I'm not asking it be introduced into evidence, but preserved for the record.

MR. AUCHINCLOSS: Yes, preserved for the record. That's fine.

THE COURT: They'll become exhibits.

MR. AUCHINCLOSS: Can you do that.

DETECTIVE SUTCLIFFE: Uh-huh.

MR. AUCHINCLOSS: All right. I'll ask the detective at this time to find the proper setting for the VHS.

And if you please -- could you show us the fingerprint in its natural state on the Scenescope, without cyanoacrylate fuming or any enhancement. And take a picture of it when you identify that print.

Why don't you come out here where the jury can see what you're doing. Just step back.

MR. SANGER: So I take it that Mr. Sutcliffe is doing the demonstration. It was my impression that Mr. Cantu was going to be asked to do it.

MR. AUCHINCLOSS: I was going to have Detective Sutcliffe do it. There's no testimony at this time. I'm just asking him to do these two demonstrations.

What are you doing -- well, why don't you show what you're doing.

DETECTIVE SUTCLIFFE: Okay.

MR. AUCHINCLOSS: If you stand over here --

DETECTIVE SUTCLIFFE: It's just a --

MR. AUCHINCLOSS: If you would demonstrate just -- if you would, please, just take -- place a fingerprint, if you will, on that piece of magazine paper and then try and locate it using the

Scenescope.

All right. Did you take a photograph of that.

DETECTIVE SUTCLIFFE: I will.

MR. AUCHINCLOSS: Now, if you please, if you have a fingerprint pre-prepared with cyanoacrylate fuming.

DETECTIVE SUTCLIFFE: I do.

MR. AUCHINCLOSS: Would you please show that and take a picture of that for the jury.

DETECTIVE SUTCLIFFE: There is -- actually, one is circled, and I have another one --

THE COURT: Wait. He can’t testify.

MR. AUCHINCLOSS: You’re not sworn, so you can’t testify.

DETECTIVE SUTCLIFFE: Excuse me.

That’s it.

MR. AUCHINCLOSS: All right. And if you would take a picture of that.

Thank you, Detective.

And you can take this down.

Thank you, Your Honor. I have no further questions for Dr. Cantu.

We’ll wait just a moment while -- actually, you can just leave it there and come back in after the jury. Okay.

We’ll take it down afterwards.

Thank you.

CROSS-EXAMINATION

BY MR. SANGER:

Q. Okay. Dr. Cantu, how are you.

A. I’m doing well, thank you.

Q. Good.

You have a Ph.D. in -- I think it’s chemistry, is it not. What is it.

A. Chemical physics.

Q. Chemical physics. All right. From the University of Texas in Austin; is that correct.

A. That is correct.

Q. Now, you indicated that you are familiar with this company that makes the Scenescope; is that right.

A. Yes, sir.

Q. And, in fact, you had something to do with helping this company develop the Scenescope; is that correct.

A. I did to an extent.

Q. And this company is in competition with some other companies regarding the same kind of ultraviolet technology; is that right.

A. It is now.

Q. Okay. I think last I saw, they're actually suing another company for violating their patents; is that right.

A. That's unbeknownst to me.

Q. Do you have -- do you hold a patent on this, first off.

A. No.

Q. Do you have any business relationship, or have you ever had any business relationship with a company regarding this kind of technology.

A. No. I had a relationship with a company that helped develop the technology before Spex bought the rights to make it.

Q. And what was the name of that company.

A. Electro Optical Systems, Incorporated, in Charlottesville, Virginia.

Q. And did you derive -- I'm not going into detail, but did you derive economic benefit for that.

A. No.

Q. So you worked with that company to help develop something like this, or something that turned into this eventual machine; is that correct.

A. That is correct.

Q. All right. Now, in this particular case, you said something about a shiny surface, and it was a little unclear. Were you indicating that you had reviewed fingerprints in this case from shiny surfaces in this case.

A. No.

Q. Okay. So, in fact, you have not actually reviewed any fingerprints in this particular case; is that correct, sir.

A. No, sir.

Q. Okay. And I just did one of those things I shouldn’t do. I said, “Is that correct,” and you said, “No.” So let me ask the question.

Have you reviewed any fingerprints in this particular case.

A. I have not reviewed any fingerprints in this particular case.

Q. So you’re brought in basically -- you’re asked to come testify basically to how the Scenescope works.

A. Yes, sir.

Q. All right. You are, nevertheless, familiar with fingerprint evaluation; is that correct.

A. In this case.

Q. Not in this case in particular, but in general.

A. I am familiar with fingerprint evaluation.

Q. Okay. You are not -- you are not a latent print examiner.

A. No, sir. I’m an expert in this particular area and the chemistry behind the development of fingerprints.

Q. And I didn’t mean that in an offensive fashion, but different people do different things.

You know what a latent print examiner is.

A. Yes, I do.

Q. All right. And what you have told us about 3315 is part of the process of doing latent print examinations, correct.

A. About a part of latent fingerprint examination, yes. I have said that I’ve spoken about the developmental part of the fingerprint.

Q. Just so we’re clear -- and we’re almost to the end of the day here, so I’ll just try to take a short subject.

Latent print examination is, what I’m getting at, is a bigger subject than what you’ve just talked to us about here, correct.

A. Yes, sir.

Q. Okay. In other words, when you look at fingerprints, you've told us, for instance, that you may be able to see fingerprints, they're called visible prints; is that correct.

A. Yes.

Q. And that's because somebody put their finger in paint or something, and you can just see it, correct.

A. Correct.

Q. It could be any other substance that allows it to be visible. You might have what are called plastic prints; is that correct.

A. I gave you a couple of examples of that.

Q. Please.

A. No, I said I gave a couple of examples.

Q. I thought you said you would give.

But, for instance, a plastic print might be somebody who puts their finger in clay, and you can actually -- the ridges are actually transferred onto the clay; is that correct.

A. I believe I gave that example. That, and putty are the two examples I gave of the so-called plastic or mold fingerprints.

Q. And then the next category is the latent print. That's the print that you cannot see unaided; is that correct.

A. That was -- yes, sir.

Q. And you told us in general about different processes by way -- by which you can get the latent prints so that you can make them capable of being examined; is that correct.

A. Make them visible, yes.

Q. Visible. So that can either be by light sources, for the ultraviolet light sources, or it can be chemical; is that correct.

A. And physical.

Q. And physical. "Physical" being.

A. Like powder techniques.

Q. Okay. I see. You wouldn't call that part of chemical. You'd call that --

A. No, it's adherence. It's an aspect of chemistry in a way. In fact, cyanoacrylate deposition of the polymerization is a physical chemical type of process.

Q. Because it actually not only chemically reacts so that you can see the prints better, but it also actually enhances the structure of whatever is there so that it is more visible; is that correct.

A. That’s the super glue fuming, yes.

Q. Super glue fuming, yes. All right. Now, ultimately fingerprint examination and comparison, when you go beyond what you’re talking about, which is developing prints so that you can see them, in essence, fingerprint comparison and examination is a subjective enterprise, is it not.

A. Fingerprint --

MR. AUCHINCLOSS: I’ll object as beyond the scope. There’s been no testimony about comparison.

THE COURT: Overruled.

Q. BY MR. SANGER: It’s subjective, is it not, sir.

A. I’m afraid I could not answer that, because it’s not part of my expertise.

Q. Okay. You have spoken on the need in recent years to increase the validation studies for the purpose of enhancing fingerprint examination, latent fingerprint examination for court purposes; is that correct, sir.

A. No, I have not spoken on that. I’ve been invited to be at meetings where they’re speaking about that.

Q. Okay. You participated in conferences.

A. Yes.

THE COURT: Counsel, it’s the end of the day.

MR. SANGER: Very well.

THE COURT: See you tomorrow morning.

(The proceedings adjourned at 2:30 p.m.)

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REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 3168 through 3319 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 23, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
March 23, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

THURSDAY, MARCH 24, 2005

8:30 A.M.

(PAGES 3321 THROUGH 3375)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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INDEX

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.
Mr. Nicola is listed as “N” on index.

PLAINTIFF’S WITNESSES DIRECT CROSS REDIRECT RECROSS

CANTU, Antonio A. 3324-SA 3339-A 3343-SA (Cont’d)
3352-A 3356-SA
(Further) (Further)
HEMMAN, Lisa Susan Roote 3361-N

Santa Maria, California
Thursday, March 24, 2005
8:30 a.m.

THE COURT: Good morning.
COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.
THE COURT: Wasn't there a witness?
MR. AUCHINCLOSS: Yes. Dr. Cantu, please.
THE COURT: You're still under oath. Please be seated.
MR. SANGER: May I proceed, Your Honor?
THE COURT: Yes.
MR. SANGER: All right.

ANTHONY A. CANTU
Having been previously sworn, resumed the stand and testified further as follows:

CROSS-EXAMINATION (Continued)
BY MR. SANGER:
Q. Dr. Cantu, you have expressed an interest in countering the challenges that have recently come up to fingerprint identification; is that correct?
A. I've been involved in discussions of that nature, yes.
Q. And recent challenges have involved, for instance, a fairly well-known court case in

Pennsylvania, where Judge Pollack ruled on fingerprint admissibility?

A. Yes, sir.

Q. Okay. There have been some rather remarkable issues regarding reliability of fingerprint comparison, correct?

A. That’s what I understand.

Q. You’re aware of the Oregon attorney who was accused of the Madrid terrorist bombing; is that correct?

A. I’m aware of that.

Q. The people that did that fingerprint comparison were in the FBI office in Washington D.C.?

A. That’s correct.

Q. Those are people you know, right?

A. No, I do not know them.

Q. Okay. That’s fine.

In the context of this, you have expressed a desire to see that the second part of what we have been talking about -- we’ve been talking about the first part, which is being able to see fingerprints so you can look at them, and then presumably compare them, right?

A. That’s correct.

Q. And the second part is comparing them?

A. That is correct.

Q. And you have indicated that you believe 3325 there needs to be additional validation studies in order to bolster the admissibility of fingerprint evidence in this country, correct?

A. No, sir, that is not correct. I’ve been involved in discussions of that nature, but I don’t think you’ve ever seen coming out of my mouth a statement like that.

Q. Do you remember sending a communication to Richard Rau, R-a-u, who’s the senior program manager at the National Institute of Justice?

A. He was.

Q. He was. And in February of 2000, did you tell him, “It will not be long before more and more cases come up where fingerprint testimony will be challenged, and therefore we need to provide the examiners with necessary hard data on validation to counter challenges”?

A. I believe I did say that.

Q. Okay. All right. So when you’re talking about validation, additional hard data on validation, you’re talking about validating the second part, which is the aspects of comparison, that there’s permanence, there’s individuality, and that comparisons can actually be made to come up with a positive conclusion, right?

A. Well, that’s what some people contend. I’m not, as I mentioned earlier, in that area. My particular expertise has been in the first part,

coming up with technology for the visualization of fingerprints and advanced technology to be able to detect fingerprints that would not be able to be detected by the ordinary methods.
Q. Okay. I understand. And that’s a science, that’s part of the science that you study; is that correct?
A. Well, I’m a chemist.
Q. You’re a chemist. You’re a scientist, right?
A. Yes, sir.
Q. And you’re a very senior scientist for the United States Secret Service, correct?
A. That is correct.
Q. How many times have you testified in court?
A. Probably in excess of 40 times.
Q. Okay. And how many times have you been called to testify in court before a jury?
A. About that many times.
Q. About that many times. How many times have you been called by the prosecution, U.S. Attorney, or the District Attorney, or whatever the prosecution --
A. Most of those times.
Q. Would it be all of those times?
A. I’d have to look at my records. I don’t have that. I believe it’s most of those times.
Q. All right. You’re pretty sure it’s most of

those times, right?

A. Yes.

Q. All right. So you’re trying to think, was there a time or two that you may have been called by a defense lawyer?

A. Yes, that’s what I think.

Q. Can’t think of one right at the moment?

A. No.

Q. Okay. And basically what you’ve come to tell us is that there’s a ninhydrin process which makes it possible to visualize or see latent prints, that is, prints that you can’t really see on paper. You use this ninhydrin, and they turn purple and you can see them, right?

A. That’s one of the processes.

Q. And that’s been around since the ‘50s, right?

A. That particular one has.

Q. And you developed actually a newer version of that ninhydrin process, haven’t you?

A. Several.

Q. Do you know what version of the process was used here in Santa Barbara, Santa Maria, with regard to Mr. Jackson’s case?

A. Well, as far as the amino acid visualization, it was ninhydrin.

Q. So you’re aware of that?

A. Yes.

Q. All right. And then you've come to tell us that the super glue fuming process is one that's existed, I think you said, since the '80s; is that correct?

A. I believe '70s, but --

Q. '70s or '80s?

A. It's been quite some time.

Q. Quite some time. And that's been around. And that basically is another way of visualizing these things, so you can actually see the ridge marks, right?

A. Depends on the surface, of course. But yes, in this particular case that's what was used.

Q. And you've been told that; is that correct?

A. Yes, I saw the evidence.

Q. Okay. Now, I think you said yesterday that you had not evaluated any of the evidence in this case?

A. No. I mean, I did say I had not evaluated any of the evidence --

Q. All right.

A. -- as far as the comparison of fingerprints.

Q. So what you did is you looked to see what technology they used to bring forth the fingerprints so they were visual?

A. Correct.

Q. Okay. And then you talked about the Scenescope, which is a device that uses the 3329 ultraviolet light to make it easier to see fingerprints; is that correct?

A. Yes, sir.

Q. All right. Now, there are a couple issues that you’re aware of -- let me see if this is true or not. Let’s talk about a couple. One, with regard to the fuming technique, the fuming technique can be done to excess; is that correct? If you overfume the paper, you can lose some of the detail; is that correct?

A. That is correct.

Q. And when you have a Scenescope, you can, in fact, minimize the fuming, because the Scenescope is going to be more sensitive in picking up the ridges or the imprints of the ridges; is that correct?

A. There’s some truth to that, yes.

Q. Okay. You also -- well, let me ask this: Generally the Scenescope company, the company, whatever its name was over a period of time that has manufactured this Scenescope, recommends that film be used rather than digital when taking the pictures through the Scenescope; is that correct?

A. That’s a recommendation, sir.

Q. Okay. And you’re aware that using a digital camera can actually filter out some of the detail; is that correct?

A. No, that’s not quite correct. It all depends on the digital camera, its resolution, and that's something that has to be taken into account. And the people at Spex are fully aware that a good digital camera will bring out the details that are in a fingerprint.

Q. Their recommendation, however, is that you use a 35-millimeter-film camera, correct?

A. Like you said, a recommendation.

Q. All right. And you're aware of studies showing that -- that some of the detail, particularly in between ridges or nonridge detail of fingerprints, can be lost when using a digital camera, correct?

A. No, I'm not aware of that.

Q. All right. Now, you told us that you developed prints -- I mean, not oversimplify, you told us that you're familiar with the technology used to develop prints and, in fact, you've been -- you participated in improving that technology, right?

A. Yes.

Q. Okay. Nevertheless, when you are dedicating part of your career to this, you must understand what it is that's going to be done with the developed prints, correct?

A. Right.

Q. All right. So you know that one of the things you're looking for, or a latent print examiner, which you're not, I understand, but one of

the things that a latent print examiner is going to be looking for are ridge details; is that correct?
A. Correct.
Q. So when you talk about ridge details, you’re talking about the parts of the skin that protrude and form ridges?
A. Correct.
Q. All right. The people who are doing this examination have begun to call themselves ridgeologists; is that correct?
A. Yes, I’ve heard that term.
Q. Okay. Now, I’d asked you before, when it goes from your part of the science to raising the prints so they can be seen to the next step, the next step is not scientific, is it?
A. I wouldn’t say that.
Q. It’s subjective, is it not, sir?
A. I cannot say that.
Q. You cannot say whether it’s subjective or not subjective?
A. It’s not my area of expertise.
Q. Okay. But basically, you have people who are going to look at what has been raised as a part of your technology, let us say, and they’re going to compare it with a rolled print, you know that, right?
A. Yes.
Q. And they are going to come to a conclusion

as to whether or not they believe it matches, correct?

A. That is correct.

Q. All right. Now, in the course of doing this, they'll be looking for the identification of certain points from the latent fingerprint to the known fingerprint; is that correct?

A. That's the way the comparison is done, yes.

Q. Okay. They'll also -- besides looking for comparisons of ridge detail, they may also be looking for pores; is that correct?

A. If they are present.

Q. All right. So that's one of the things that you would like to bring out with your technology? In other words, your effort to come up with the best latent print that can be obtained, you would like to have all the detail there that would be possible for a print examiner to compare, correct?

A. That would be ideal, but it doesn't happen all the time.

Q. Okay. Well, we'll get to what happens, but your goal is to give them the best prints so that you can -- you can compare it?

A. Well, I should add, even a rolled print that you've been talking about, one that's carefully done, sometimes does not contain any pores.

Q. All right. We're going back to pores, but that's where I was going back, so you're right.

Okay.

Sometimes a rolled print doesn’t even contain all the ridges; is that correct? There can be a fold in the paper, there can be some glitch in rolling the print?

A. That’s correct.

Q. All right. Now, digital imaging tends not to pick up the pores as well as film imaging or a film camera, correct?

A. I cannot say that. First of all, for reasons that it’s not part of my expertise.

Q. Now, let me just ask you about -- I know I’m going to mispronounce it, but it looks like 1, 2-indanedione, known as IND, which would be my preference, if we can call it that. Are you familiar with that?

A. Yes.

Q. And is that an advancement in the visualization or the ability to visualize latent prints?

A. The amino acid portion, yes.

Q. Do you know if that was used at all in this case?

A. No, it was not used.

Q. And that’s something that you helped develop here in the last ten years or so; is that correct?

A. Correct.

Q. All right. Now, let’s just talk briefly about prints in the demonstration that was given here. You recall the demonstration that was given yesterday?

A. Yes.

Q. And you sort of stood back and you let Mr. Sutcliffe do it, I think; is that safe to say?

A. That's correct.

Q. You didn't have anything to do with putting the fingerprints on the paper that was put under the Scenescope, did you?

A. No. I had nothing to do with it.

Q. Okay. So, you would agree that when fingerprints are found in their natural state, for lack of a better term, but at a crime scene or wherever, you don't have -- for the most part, you don't have people rolling their thumbprint on a piece of paper, correct?

A. I'm sorry, could you repeat that question?

Q. Well, it's just a basic question. In other words, when we saw the demonstration, I believe that Mr. Sutcliffe at one point took his -- it may have been his thumb or his finger, and he kind of rolled it, pushed it onto the paper so it could be seen. That's pretty much an ideal fingerprint, is it not?

A. Yes.

Q. And, in fact, I think he was wearing gloves before he did that. He took the gloves off, and made a good, clean, print; is that right?

A. That’s correct.

Q. And you had a chance to see it up on the screen, correct?

A. I did.

Q. And it looked like a pretty good, clean print, right?

A. That’s correct.

Q. And were you to see that in actual -- in the actual course of a case, you would say that is a pretty good, clean print, right?

A. That’s correct.

Q. What happens is you have generally partial prints that are sometimes smudged, that are sometimes just the tip of a finger or the side, or the -- whatever, correct?

A. Correct.

Q. And so you try to develop whatever is on the paper so that it can be seen?

A. Correct.

Q. Sometimes that fingerprint may be over another fingerprint or over some other imperfection in the paper, or whatever the substance is, that makes it impossible to see the rest of the print, correct?

A. It may.

Q. So the challenge is to take whatever you have, and get as clear a picture of whatever that is so the latent print examiner can make a comparison;

is that right?

A. Well, my role is to provide them with the best possible tools to develop the print.

Q. Right. And actually, you don’t go out in the field and do this latent print development yourself, do you?

A. Not recently.

Q. Okay. You’ve done it on occasion?

A. Yes.

Q. All right. Your job is really, as a chemist, to -- for the United States Secret Service to come up with the best technology you can to make this work; is that right?

A. That is correct.

Q. And by “this” I mean the visualization of these latent prints.

A. That is correct.

Q. And this has been something you’ve been working on now for the last few years; is that right?

A. I think I mentioned in excess of 20 years. That’s one of the areas that I get involved in. There are other ones, of course.

Q. Originally you were with the ATF --

A. That’s correct.

Q. -- Alcohol, Tobacco and Firearms, right? And you’ve written a lot of papers; is that correct?

A. Correct.

Q. You have written more papers, for instance, on the subject of identifying ink or pencil lead, those kind of markings on paper, than you have about fingerprint development; is that correct?

A. I gave a number of -- when I was asked about publications, and I think I said of 26 papers that are, you know, published in peer-reviewed journals, and nine of those are on fingerprints. And I've got two that are in review right now. One is a chapter in a book. And the other one is a publication on -- again, on fingerprints, that's going to be in the Journal of Forensic Sciences. So that would be like a total of 11.

Q. I thought you said seven and two for nine, yesterday?

A. Seven and two, okay.

Q. All right. Well, whichever one it is, that's a lot of papers. But you've written more papers on ink, and documents, the identification of ink and pencil lead and that sort of thing in document review than you have on fingerprints, right?

A. That is a fascinating area. Yes, I have worked on the area of the analysis of items on documents to be able to associate documents, date documents, and this includes ink, paper, pencil, erasure residue, and things like that. And fingerprints is just one of the items that you find on documents as well.

Q. Okay. But -- thank you. But the subject matter of the papers on ink had nothing to do with fingerprints, did they?

A. No.

MR. SANGER: Okay. Thank you. Okay. I have no further questions. Thank you.

MR. AUCHINCLOSS: Very briefly, Your Honor.

REDIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. As far as the use of digital cameras in capturing a fingerprint on a piece of paper, have you ever used a digital camera to do that?

A. We have tested some digital cameras for doing that.

Q. And have you found them to be satisfactory?

MR. SANGER: I'm going to object as lack of foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Have you used -- you said you've used digital cameras to -- well, let me back up.

Have you used digital cameras to photograph fingerprints in the past?

A. Our laboratory has.

Q. And have you reviewed those photographs?

A. No, I have not had a chance to review them.

Q. All right. As far as the questions regarding the protocol that was used in this case, have you had an opportunity to talk to Detective Tim Sutcliffe about the exact protocol that was used to examine fingerprints in this case?

A. Yes, I did.

Q. And are you aware of the fact that they initially looked at the magazines to see if they could see anything with the naked eye or with a loop?

MR. SANGER: I’m going to object that that calls for hearsay.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Then I’ll ask it in hypothetical form.

Assume that -- and this is a hypothetical.

Assume that a large number of magazines are being looked at for latent fingerprints. Assume that the first step is to use an alternative light source, look at the magazines visually, see if you can find any biological evidence, including fingerprints, on those magazines.

Assume the next step is that you then fume the magazines with the super glue. And then you again look at the magazines using the Scenescope and the alternative light source that’s provided by the Scenescope. You identify notable prints, you circle them, you have a system by which you identify those prints, and then you take it a step further. You use a ninhydrin solution and go on to a second phase of looking for prints on these magazines where -- or I should say a third phase, where you're actually looking for identifiable prints that are shown by the ninhydrin solution, and you note those items, circle them, and document their location on the individual pages.

In your opinion, do you have an opinion as to the validity or integrity of such a protocol for identifying and locating fingerprints on smooth magazine paper surfaces?

MR. SANGER: I'm going to object that that's an improper hypothetical, and it's vague as to "the validity or integrity."

THE COURT: Overruled.

You may answer.

THE WITNESS: Thank you, Your Honor.

THE COURT: You may answer.

THE WITNESS: I gave an answer yesterday to that effect when you asked me about smooth paper, like on a magazine, and I indicated a protocol that could be used. And I indicated that one would use optical methods first, maybe use the ultraviolet imaging source for the purpose of seeing if there's any prints that it could bring out before any processing. And then the super glue would be the next step, and see if there's any prints visually also using the Reflected Ultraviolet Imaging System. And you find some -- let's say you find some in that case, and you mark them. And then the next step, "Let's go after the amino acids," and that would be the use of a ninhydrin or other reagents. But in this case, ninhydrin is the one that was used.

So I did indicate that yesterday.

Q. BY MR. AUCHINCLOSS: And so what is your opinion about the use of that type of protocol as far as its validity in locating fingerprints on smooth magazine paper?

MR. SANGER: I'm going to object. Asked and answered.

THE COURT: Overruled.

You may answer.

THE WITNESS: No, I indicated that that's what would normally be done.

Q. BY MR. AUCHINCLOSS: Is that the protocol that you yourself would use to find fingerprints on such an item?

A. Yes, we have used that protocol --

MR. SANGER: I'm going to move to strike. That calls for speculation.

THE COURT: Overruled.

Q. BY MR. AUCHINCLOSS: You may answer.

A. Very well.

We had a similar case in our laboratory where exactly the same protocol was followed.

MR. SANGER: I’m going to move to strike as nonresponsive.

THE COURT: Sustained; stricken.

Q. BY MR. AUCHINCLOSS: I’ll just ask you to answer this question -- just to satisfy the rules, to answer the question in a “yes” or “no” fashion. Isn’t this the type of protocol you yourself would use if you were trying to locate fingerprints on smooth magazine papers?

A. Yes.

MR. AUCHINCLOSS: Thank you. No further questions.

RECROSS-EXAMINATION

BY MR. SANGER:

Q. Okay. Now, you said you have done this a few times in actual cases; is that correct?

A. Yes, sir.

Q. Okay. For the most part, somebody else does this in actual cases, does this -- bringing the fingerprints up either through alternative light source, fluorescence, ultraviolet, super glue, ninhydrin, or one of the other means; is that correct?

A. Yes, sir. They do it, but I consult with them, and they consult with me, occasionally on the technology that they're using.

Q. Okay. That's fine. And I didn't mean that to be a demeaning-sounding question. I'm just saying as a practical matter, you're not the one out there putting on the rubber gloves and doing this in real cases?

A. Well, I have done that, too.

Q. You have. For the most part, not, correct?

A. Correct.

Q. There you go. All right.

Now, nevertheless, you are aware that fingerprints are the type of evidence that you want to preserve at a crime scene, is that correct?

A. Right.

Q. Okay. And when I say "a crime scene," you understand law enforcement, whatever type of law enforcement, Secret Service, FBI, the Santa Maria Police Department, sheriff's department here in Santa Barbara, whatever, they go to a scene where they think they may be recovering something that's going to have evidentiary value, right?

A. Correct.

Q. And if there's any issue with regard to who may have touched something, you would think, based on your professional experience, that you would want to preserve that very carefully so that if there are any fingerprints there, they will be intact so that they can be made visible and then evaluated by a latent fingerprint examiner, correct?

A. Correct.

Q. All right. So you would not recommend, for instance, that somebody seize an item and not note for forensics that it should be preserved for fingerprints, right? Is that clear? It was kind of a negative.

Let me rephrase it.

MR. AUCHINCLOSS: I’m going to object as vague.

MR. SANGER: Let me rephrase that.

MR. AUCHINCLOSS: Object as vague and beyond the scope.

MR. SANGER: First of all, I’m withdrawing it. So I can rephrase it, if I may.

THE COURT: Go ahead.

Q. BY MR. SANGER: You talked about the protocol here. You just -- in response to Mr. Auchincloss’s question. Part of the protocol is to preserve the evidence, right, so you can get -- you can visualize -- you can make visible the prints that are there, right?

A. Right.

Q. And you would expect that law enforcement, when they are seizing something that may have fingerprints, and fingerprints where identity may an issue in the case, for whatever it’s worth, you would expect them to note for the purpose of forensics that this item is being preserved for fingerprints, correct?

A. I would expect that, yes.

Q. And then you would expect that that item would be carefully handled until fingerprints are taken, correct? When I say “taken” -- fingerprints are developed?

A. Well, you are speaking about an area that we call collection and preservation of evidence. It’s like a first part before we enter the part of the development and the part of comparison. There’s actually another part if you do comparison with a computer with a set of database. But in any event --

Q. Let’s stop there, because that’s -- that’s like the AFIS system?

A. Yes.

Q. That’s at the very end?

A. That’s right.

Q. And I just want to focus so we don’t lose the jury here. We’re at the very beginning?

A. The very beginning, the preservation and collection of evidence. And I get involved in the second phase.

Now, I know some of the rules and regulations about conservation, preservation of evidence, and that is, you know, first of all, don’t put your prints on there. Wear gloves. And put it in a plastic bag. And all depends on the evidence as well. Some people -- well, again, I’ll just leave it at that. There’s some rules and regulations about how to do this, and people that do crime scene investigations are trained to be able to do this.

Q. All right.

A. You always see them wearing gloves or wearing a handkerchief and picking things up so that they minimize the amount of handling. That’s the object.

Q. Because when you get involved as a scientist, your part -- and we understand sometimes you’ve done it, other times you’ve supervised, and other times you’ve studied it. But your part is the visualization of these prints, the science of trying to make the prints more visible, okay? But you are aware of the issue of contamination of evidence, correct?

A. Yes.

Q. And that’s something that comes up not only in fingerprints, but comes up with documents, and with fiber comparisons, and all sorts of things; is that right?

A. That’s correct.

Q. So the -- it’s very important that evidence be preserved as it is found, as best as possible, so that the scientists and the examiner can do their job, correct?

A. That is correct. That’s also part of the chain of custody. That’s why we establish things like that, to avoid things of that nature.

Q. When you say “chain of custody” -- we introduced a term here that hasn’t been fully explained yet, so I’m going to ask you to do it. When you say “chain of custody,” each person who touches the item, or takes the item somewhere, should clearly record what they’re doing and make sure that they do not contribute in any way to contamination of that item; is that correct?

A. That’s part of the regulations of chain of custody.

Q. All right. So at the very end, when somebody comes into court and wants to say to the Court, and to the jury, and counsel, and the department, and everybody, “Here’s this piece of evidence,” they can say, “Well, I took it out of the evidence locker today, here it is, and prior to that, I booked it into the evidence locker,” or we can bring in a series of people saying, “They were booked in by me, it was taken out by the next witness, it was put back in,” so on, correct?

MR. AUCHINCLOSS: I’m going to object as beyond the scope.

THE COURT: Sustained.

MR. SANGER: Okay.

Q. When you’re talking about the protocol here, the issue of evidence collection and preservation is something that you’re assuming or hoping would be done properly before you would get involved in the case, right?

A. That’s correct.

Q. All right. Now, with regard to fingerprints in particular, are you aware of -- let me withdraw that.

Are you aware of an alternative light source process to look at something to determine whether or not there are bodily fluid stains?

A. I’m aware of that, yes.

Q. Okay. I’m not going to ask you to go into that in detail, but tell me -- can you tell me how that works in general?

A. Yes. An alternate light source came into existence after the laser-induced fluorescence was introduced, and that was -- probably goes back to the ‘70s. But some people said, “I can get the same effect by using a powerful light and just filtering it at a particular color that I want using a device that selectively picks out the frequency that you want.”

So the alternate light source is alternate to the laser, basically. And the lights range normally from the blue region all the way to the red region. And depending on which one that you have, some of them are very selective, like several wavelengths at a time, and a very narrow band. That's terminology used in optics. But in any event, very precise colors is what I'm trying to say.

And what happens with this thing is you illuminate something, and it is possible that that material may have something that glows. You mentioned body fluids. Some of them actually have fluorescence that use goggles that block the illuminating light and you see any of the fluorescence that comes out.

Q. All right. So what color light might you have and what color of goggles, just so we have a picture?

A. I mentioned yesterday that in fingerprints, they usually have one that would be a blue-green light and they use orange goggles.

Q. Just so we have a mental picture, without going into a lot of detail, because I'm sure we'll have more of this later, somebody's got these goggles on that filters the light to a particular wavelength, or filters out other light, however you want to look at it, and they're looking with a light and they're able to see some things you couldn't see if you took the goggles out and just turned the house lights on, correct?

A. That's correct.

Q. And is that destructive -- let’s assume we’re looking at magazines. Is that destructive of the magazine, do you --

A. Normally not.

Q. Okay. So you do not consume the magazine, you don’t interfere with subsequent tests like fingerprint tests; is that correct?

A. That is correct.

Q. Okay. And that type of a test can be done quickly, in a matter of minutes, or an hour, or a couple of hours, right?

A. Yes.

Q. All right. So it’s not something that takes weeks or months to do?

A. Correct.

Q. All right. Now, in a case -- in a case where there is -- the case is considered to be an important case, let us say - I suppose all cases are important to the people involved - you would expect that fingerprint evaluation would take place sooner rather than later, right?

A. Right.

Q. You certainly wouldn’t want to take, for instance, a container with all the materials, and take it to a grand jury and book it into evidence and then take it out months later and do fingerprints, would you?

A. Well, let me make a point here, if I may.

Q. Before you make the point, is that what you would prefer to do, or not?

A. Not necessarily.

Q. Okay. You would prefer to do the fingerprint evaluation first, before you go book something into evidence before a body, whether it’s a grand jury, a trial court, or anything else, right?

A. Yeah, you would expect to do the analysis first.

Q. Okay. And were you aware that the fingerprint analysis in this case wasn’t done for over a year after the items were seized?

MR. AUCHINCLOSS: Objection. Argumentative; beyond the scope.

THE COURT: Overruled.

THE WITNESS: Very well. First of all --

Q. BY MR. SANGER: Were you aware of that, was the question, sir.

A. I was not aware that they were a year old.

MR. SANGER: Okay. Thank you. No further questions.

FURTHER REDIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Dr. Cantu, assuming that an item of evidence is properly handled with gloves -- and let’s narrow our hypothetical to magazines, all right?

A. Yes.

Q. -- bagged in paper or plastic at the scene, and preserved in that fashion for a period of 8 to 12 months, would you expect the fingerprints that might be located on that magazine to disappear during that 8 to 12 months?

MR. SANGER: Your Honor, I'm going to object that that is an improper hypothetical and misstates the facts in evidence. Misstates any facts that may be shown in this case.

MR. AUCHINCLOSS: That --

THE COURT: Overruled.

You may answer.

THE WITNESS: Fingerprints, I would not expect it to go away. We have had cases -- perhaps you have heard of a fingerprint that's -- you know, a 50-year-old fingerprint. The FBI used to talk about this quite a bit --

MR. SANGER: I'm going to move to strike as nonresponsive.

MR. AUCHINCLOSS: That's fine. That's fine. I'll --

THE COURT: Strike the second sentence.

MR. AUCHINCLOSS: All right.

Q. Dr. Cantu, why do you say that?

A. Which of the statements?

Q. You just said you would not expect the fingerprints to disappear over that period of time, and now I'm asking you to elaborate. Why do you say that?

A. By experience.

Q. Okay.

A. We have studied how long fingerprints last for the ninhydrin process or the amino acid process, and for the physical develop process, which I haven't gone into, but let's say the lipid portion of the wax and oils of the fingerprint, and they last a significant amount of time and can be picked up by the chemical methods that we have mentioned.

Q. All right. And as far as contamination goes, is it fair to say that if a fingerprint is -- well, let me strike that.

Assume you're looking for an individual's fingerprint, a particular individual, Individual X we'll call him.

Is contamination, any form of contamination, going to affect whether or not that fingerprint changes to look like someone else's fingerprint?

MR. SANGER: I'm going to object. The witness -- it's beyond the scope of his professed expertise to do comparison.

MR. AUCHINCLOSS: This is not a comparison question. The question is chemical.

Q. Chemically, based upon --

MR. SANGER: Excuse me, Your Honor, there's an objection pending.

THE COURT: I’m going to sustain the objection.

MR. AUCHINCLOSS: I’m sorry?

THE COURT: I am sustaining the objection.

Q. BY MR. AUCHINCLOSS: Okay. Can a fingerprint of one person morph into that of another person with the passage of time or contamination?

MR. SANGER: Objection, Your Honor, it’s beyond the scope of his expertise.

THE COURT: He has stated that contamination is not within his area of expertise, Counsel.

Q. BY MR. AUCHINCLOSS: Is there any chemical process, irrespective of contamination, any physical process that you are aware of that will cause a fingerprint of one person to change and turn into that of another’s?

MR. SANGER: Objection. Comparison is outside his scope.

MR. AUCHINCLOSS: I’m asking him a chemical question. That is his area of expertise, the chemical formation of fingerprints.

MR. SANGER: I object to speaking --

THE COURT: Sustained. The question will be allowed.

You may answer. Do you want it read back? Would you like the question read back? You may answer it.

THE WITNESS: Okay. Sir, chemically, I could only say that the chemicals of the fingerprint residue can possibly change. But as far as the pattern, I don’t think so.

MR. AUCHINCLOSS: All right. Thank you.

MR. SANGER: I’m going to move to strike the last part, which he said he doesn’t do comparisons.

MR. AUCHINCLOSS: I’m talking -- well --

THE COURT: The objection is overruled. Motion to strike is denied.

MR. AUCHINCLOSS: Thank you.

FURTHER RECROSS-EXAMINATION

BY MR. SANGER:

Q. Without belaboring this too much farther, there is such a thing as degradation of evidence, correct?

A. Yes.

Q. And degradation basically means that over a passage of time, with or without other factors, evidence can degrade so that the ability to analyze that evidence becomes more difficult; is that correct?

A. Not necessarily.

Q. Excuse me, let me -- I didn’t ask necessarily, so let me ask the question again so it’s clear.

Degradation involves something deteriorating over time, correct?

A. Yes.

Q. Okay. And you’re familiar with that in all sorts of areas of evidence besides -- other than, let’s say, fingerprints, correct?

A. Correct.

Q. Okay. And degradation can take place because the underlying material on which the evidence is deposited starts to degrade, correct?

A. Correct.

Q. Degradation can take place because there is, in fact, a chemical change in - we’re talking about fingerprints - the actual fingerprints that are left on the item, correct?

A. Correct.

Q. And just based on degradation, you can end up with a less clear latent print than you might have had, say, a year before; is that correct?

A. Again, I’d say not necessarily.

Q. I didn’t ask necessarily. I said, you can --

MR. AUCHINCLOSS: Objection. He’s answered the question.

THE WITNESS: I would like to --

THE COURT: Just a moment.

Overruled.

Q. BY MR. SANGER: I’m asking, is that something that’s reasonably possible, that over a period of time, there can be degradation of a fingerprint, a latent fingerprint?

A. It is.

MR. AUCHINCLOSS: Objection; asked and answered.

THE COURT: Overruled. Answer.

THE WITNESS: It is possible.

Q. BY MR. SANGER: Okay. Now, in addition to that -- or let me stop on that for a moment. Part of what might happen over a period of time is that you lose some part of a detail in a print that might have been recoverable earlier; is that correct?

A. That may happen.

Q. All right. Now, in addition to that, there’s contamination besides just degradation of underlying materials and chemicals. There’s the possibility of contamination, correct?

MR. AUCHINCLOSS: Objection; beyond this witness’s expertise.

THE COURT: Sustained. Sustained. That’s the same objection you made earlier.

MR. SANGER: It was, but I thought it was overruled. I thought it was overruled on the contamination issue. Maybe I’m wrong.

Q. In any event, one of the things that you don’t want to -- so we’re not being too mystical here with the use of the language, one of the things that you -- as a scientist, if the question posed to you is whose fingerprints were on this magazine on November 18th, 2003, you would -- and you have -- and you know that there's certain people who are -- not by you, but eventually are going to be looked at as possible donors for the fingerprint, you would want to know that that person didn't handle the items in between November 18th, 2003, and November 2004, correct?

MR. AUCHINCLOSS: Objection; ambiguous.

THE COURT: It's not ambiguous, but it is so long --

MR. SANGER: That was my last question, too.

THE COURT: Would you ask --

MR. SANGER: I'll break it down.

THE COURT: Just ask the question.

MR. SANGER: Okay.

Q. Understanding for the moment that the task before long --

THE COURT: Wait. Just ask him.

MR. SANGER: Okay.

THE COURT: The question was -- to get right to the question --

MR. SANGER: Yeah.

THE COURT: Let me stop this thing.

"And you know that there's certain people who are -- not by you, but eventually are going to be looked at for possible donors for the fingerprint, you would want to know" -- Here's the question: "Do you want to know that that person didn't handle the items between November 18th, 2003, and November of 2004?" That's the question, without the --

THE WITNESS: From the point of view of developing fingerprints, I don't think it matters to me. I just process the fingerprints.

Q. BY MR. SANGER: You talked about the -- you talked about the protocol. And the protocol you told us included all of these steps from the beginning of collection of preservation onto the point of comparison, and you're involved in the middle. You said the protocol in this case looked okay, from what you saw, right?

A. Yes.

Q. Okay. And my question is, you would want to know that one of the subjects did not handle the item in between the time it was seized and the time you're searching for prints, right?

A. You would hope so.

MR. SANGER: There you go. Thank you. No further questions.

MR. AUCHINCLOSS: No further questions.

THE COURT: Thank you.

THE WITNESS: Thank you, Your Honor.

THE COURT: You may step down

THE WITNESS: Thank you.

THE COURT: Call your next witness.
MR. NICOLA: Lisa Hemman, Your Honor.
THE COURT: Come to the front of the courtroom, please. When you get to the witness stand, please remain standing. Face the clerk here and raise your right hand.

LISA SUSAN ROOTE HEMMAN
Having been sworn, testified as follows:

THE WITNESS: Yes.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Lisa Susan Roote Hemman; L-i-s-a, S-u-s-a-n, R-o-o-t-e, H-e-m-m-a-n.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. NICOLA:
Q. Good morning.
A. Good morning.
Q. How are you employed, ma’am?
A. I work for the Santa Barbara County Sheriff’s Department.
Q. And what’s your current assignment?
A. I’m a senior identification technician in the forensic unit.
Q. How long have you been with the sheriff’s

office?

A. Eight years.

Q. How long have you been an identification technician?

A. Eight years.

Q. Are you currently working a full assignment with the sheriff’s office?

A. No. Right now I’m on maternity leave.

Q. Congratulations.

A. Thanks.

Q. Were you involved in handling any of the evidence from the Michael Jackson case?

A. Yes.

Q. When did you begin your maternity leave?

A. December 17th, I believe, was my last day.

Q. Of ‘04?

A. Of ‘04.

Q. And what period of time do you recall having any contact with any of the evidence from the Michael Jackson case?

A. I was at the initial search at the Neverland Ranch in November of 2003.

Q. And what were your duties then?

A. I was assigned to search the arcade/cellar building, and then the office that was part of the security building.

Q. Okay. Did you seize any evidence yourself?

A. No. My assignment during that time was to photograph any evidence seized.

Q. Okay. When was the next time you had contact with the evidence from that particular search?

A. January 2004.

Q. Do you recall the circumstances around that?

A. Yes, I was asked to examine numerous items, do a cursory search for possible trace evidence and body fluids.

Q. Do you recall which items of evidence you were asked to search?

A. Yes. Can I just pull them off my report so I get them down correctly?

Q. Will it refresh your recollection?

A. Yes.

Q. Please do.

A. I was asked to examine Item 316, 317, 321, 363, and 364.

Q. Could you describe for us briefly what you did with those items, the protocol you used?

A. I was -- I got each item independently, opened up the evidence bag, examined them under white light. They were books and magazines, basically. And then I searched them through ultraviolet light, looking for trace evidence, dried body fluids, or anything that fluoresced that seemed interesting that wasn't there when the book was, or the magazine was originally published. And I separated those items and sent them off to the Department of Justice for further testing.

Q. When you handled 316, 317, 321, 363 and 364, did you come across, within those evidence bags, multiple items?

A. Yes.

Q. And in the circumstance of a multiple-item bag, what did you do, if anything?

A. When I came across an evidence bag that had multiple pieces of paper, magazines, or books, what I did with them, as I took them out of the bag, I put a small letter with an item number on the back of them, starting with “A.” So I put, say, 317 -- 317-A for the first piece of paper. The next piece of paper I came across, 317-B, and would go through the alphabet. And once I completed the alphabet, then I would start with “AA” and so on, and work through.

So each individual piece, it could be a magazine intact, or a clipping, anything that was individual, got a letter put on the back side of it.

Q. How did you handle the magazines or loose papers within those items?

A. I wore gloves, not to transfer anything of mine onto -- I placed each piece of evidence down on a clean piece of butcher paper, and then I examined them with a light source.

Q. Did you at any time photodocument the items 3364 within them?

A. Yes. When I originally took them out of the bag, before I did the examination, I took a photograph of it with a little post-it note saying this is “Item 317-A,” and then I’d take the next picture when I examined the next piece of evidence.

Q. Okay. I have a number of exhibits here for you to look at.

A. Okay.

MR. NICOLA: May I show these to her? These are 634 through 709.

(Off-the-record discussion held at counsel table.)

THE COURT: You can give her the documents, but you have to come back to the stand to question her. If you need to stand there for identification of a particular exhibit or something, that’s all right.

BY MR. NICOLA:

Q. Do you recognize this item? It’s 634.

A. Yes.

Q. How do you recognize it?

A. It’s my handwriting saying it’s 317-B, and you can also see my handwriting on the bottom corner piece of the paper, saying 317-B.

Q. And you took this picture?

A. Yes.

Q. Exhibit 635?

A. Yes. It's 317-D, with my handwriting also on the piece of paper.

Q. Okay. Exhibit 636?

A. 317-E, it's the same thing on the paper.

Q. Exhibit 637?

A. 317-G, and my handwriting would be on the back side of the magazine.

Q. 632, a yellow sticky?

A. Yes, there's a yellow sticky right next to it.

Q. 638?

A. 317-H, and I see my handwriting on the bottom corner of the piece of paper.

Q. Okay. Exhibit 639?

A. 317-I, and it's another loose-leaf paper.

Q. Did you take this photograph as well?

A. Yes. 317-J, and it's another piece of paper I photographed.

Q. It's Exhibit 640?

A. Yes.

Q. Exhibit 641?

A. 317-K, and it's a magazine that I photographed.

Q. Exhibit 642?

A. 317-O, and it's the same.

Q. You photographed this as well?

A. I photographed it. 317-M, and I photographed that.

Q. Okay. That's Exhibit 643?

A. Yes.

Q. Exhibit 644 --

MR. SANGER: Your Honor, I have two objections. One, counsel is down there and it's hard to hear him. And secondly, I think this is cumulative.

THE COURT: The exhibits are in evidence. Is there some --

MR. NICOLA: There will be in a moment.

THE WITNESS: 317-O --

MR. NICOLA: Would you like me to examine her from down there?

THE COURT: Well, except on specific exhibits where you need to approach, I don't --

MR. NICOLA: I just want to run down through the list so we can move to the next part, Your Honor.

THE COURT: Okay.

MR. SANGER: Your Honor, I don't want to make a speaking objection, but I think I understand the next part. And I don't understand going through every one of these pieces of paper for the next part, which involves 19 pieces of paper.

THE COURT: Your objection is overruled.

MR. NICOLA: Okay.

THE COURT: But I would rather have you question from here. The main reason is that the 3367 audience has a hard time hearing, and we've tried to have everyone speak where there's a microphone.

BY MR. NICOLA:

Q. If you could, please, just read the exhibit number and then the item on the photograph, and let us know whether or not you're the one that took that picture.

A. Okay.

Q. What's the next one in order?

A. Exhibit 644, and I photographed 317-O.
654, and I photographed 317-P.
646, 317-Q.
Exhibit 647, and I photographed 317-R.
648, and I photographed 317-S.
649, and it's exhibit -- or Item No. 317-T.
650, and it's 317-U.
651, 317-B.
652, 317-W.
653, 317-X.
And this is Exhibit 654. I'm unsure what this photograph is as far as what number it was.

Q. May have I see the front of that, please?

A. (Indicating.)

Q. Okay.

A. 655, 317-Z.
656, 317-AA.
657, and I'm unsure of what number it was in 317, but I recognize it.

658, 317-DD.
659, 317-FF.
660, 317-HH.

MR. SANGER: Your Honor, I'm sorry, I'm going to make a slightly different objection. I think the witness is just reading from the exhibits, and they speak for themselves.

THE COURT: She's saying that she took those photographs. That's what I understood.

THE WITNESS: Yes. Yeah.

THE COURT: When she's saying, "I took this photograph," she's just giving you a list. So overruled.

MR. SANGER: All right.

THE WITNESS: Okay.
661, 317-II.
662, 317-JJ.
663, 317-KK.
664, 317-LL.
665, 317-MM.
666, 317-OO.
667, 317-PP.
668, 317-QQ.
669, 317-RR.
670, 317-SS.
671, 317-TT.
672, 317-UU.
673, 317-VV.

674, 317-WW.
675, 317-XX.
676, 317-YY.
677, 317-ZZ.
678, 317-AAA.
679, 317-BBB.
680, 317-CCC.
681, 617-FFF.
And then we moved on to a new item number that I -- another bag I opened up, and this is --

Q. Let me stop you right there.

A. Okay.

Q. That’s as far as I wanted you to go for now.

A. Okay.

Q. That long list of exhibits, which item did they come from?

A. They came from 317.

Q. And do you recognize this item, which is marked as Exhibit 470?

A. Yes.

Q. And can you tell us about that, please?

A. This is Item No. 317, and the way I can recognize it is it has my initials on the evidence tape that I sealed it up with after I examined it. It’s -- when I first got it, it had evidence tape on it. I broke the evidence tape, opened it up, separated all the items. And when I was finished with it, I placed the items that I did not separate out from this, put my evidence seal back on and signed it.

Q. Okay. You mentioned something about separating items out of 317. Would you like me to get that out of the way?

A. That’s fine there. Yes.

Q. Could you explain that for us, please?

A. I was asked to do a visual inspection of the contents, and I used an alternate light source which goes into the UV wavelengths. And when you look -- search for body fluids, they will fluoresce under UV light, and anything that seemed to fluoresce, it could be body fluids, but it could also be other things. My job was to find items that weren’t on the paper when they were published, they were placed there later. It could be anything that fluoresced. And I separated those items out for further testing. And when I did that, I repackaged them into another bag and I sent them to the Department of Justice Lab to find out what those fluids or deposits were.

Q. How did you mark on a specific item where you suspected there may be some kind of body fluid or other substance that was foreign to that magazine or picture?

A. I sent the entire item to be reinspected by 3371

the Department of Justice. I also put a yellow tab, a post-it note, on the page that I suspected, but I also requested that the Department of Justice reevaluate the entire magazine or piece of paper.
Q. Okay. And did you keep a log of the items that you separated out of the briefcase?
A. Yes. I made a separate property form when I separated items out.
Q. Would you please tell the jury which items --
A. I --
Q. -- you sent to the DOJ and removed from the briefcase?
A. Okay. I separated out 317-B, 317-G, 317-K, 317-L, 317-R, 317-S, 317-Y, 317-BB, 317-CC, 317-EE, 317-KK, 317-RR, 317-UU, 317-YY, 317-BBB.
Q. Okay. The first -- the first item, was that 317-B, as in “boy”?
A. Yes.
Q. How did you package those items to go to the Department of Justice?
A. I repackaged them in a separate evidence bag.
Q. Were any of those items in an evidence bag aside from inside the briefcase?
A. I got them out of the briefcase, separated them and placed them into another bag.
Q. So while they were in the briefcase, they

weren't in a bag?

A. No.

Q. Okay. I'd like to show you Exhibit No. 529, please, and I'd ask you to open up that plastic bag and take the contents out. Do you recognize that item?

A. Yes.

Q. What is that?

A. This is the evidence bag I placed the separated items into. I recognize it, because it's my handwriting, and it should be my handwriting on the seal on the top.

Q. Okay. On the front of that bag, did you itemize the items that you had removed from the original 317 and placed into that bag?

A. Yes. They are listed on the contents.

Q. Are you the first person to use that bag to package evidence from 317?

A. Yes.

Q. Okay. Do you recall which date you sent it to the Department of Justice?

A. On my report I specify it as 2-5-04.

Q. Do you have a signed receipt?

A. Yes.

Q. And what is indicated on the receipt?

A. 2-4-04.

MR. SANGER: Calls for hearsay.

THE WITNESS: 2-4-04.

THE COURT: Just -- overruled. Next question.

Q. BY MR. NICOLA: And how did you deliver the item to the Department of Justice?

A. I delivered it by hand. It came directly from our secure lab to their secure lab.

Q. And to whom did you hand the item?

A. Char Marie, who is a criminalist at the Department of Justice.

THE COURT: All right. Let's take our morning break.

MR. AUCHINCLOSS: May we have just a minute, Mr. Sanger and I?

(Discussion held off the record at sidebar.)

(Recess taken.)

--o0o--

REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 3324 through 3374 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 24, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
March 24, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

THURSDAY, MARCH 24, 2005

8:30 A.M.

(PAGES 3376 THROUGH 3380)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.
Mr. Nicola is listed as “N” on index.

PLAINTIFF’S WITNESSES DIRECT CROSS REDIRECT RECROSS

HEMMAN, Lisa Susan Roote 3389-SA 3424-N 3428-SA
3462-N 3465-SA
(Further) (Further)
MARIE, Charlene 3468-N 3475-SA
MARTINEZ, JR., 3479-N 3482-SA Heriberto
SUTCLIFFE, 3487-A
Timothy

E X H I B I T S

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
723	Document re: protocol for latent fingerprint processing of magazines	3491	3491
725-726	Photos of fingerprints	3505	3510
728	Photo of fingerprints	3505	3510
729-734	Photos of fingerprints	3506	3510
735-740	Photos of fingerprints	3507	3510
741	Photo of fingerprints	3508	3510
766	Two pages of photos of front cover of each item in evidence bag Exhibit No. 529 taken by Charlene Marie	3472	3474
767	Michael Jackson's fingerprint card	3480	3480
768	Clear plastic with grid for fingerprinting	3516	3516

DEFENDANT'S NO.			
5006	Timeline (Lisa Hemman)	3397	3423

THE COURT: Go ahead, Counsel.

MR. NICOLA: Thank you, Your Honor.

May I approach the witness again?

THE COURT: Yes.

Q. BY MR. NICOLA: There was one item out of 317 I believe I didn’t give to you. Exhibit No. 681.

A. That is 317-FFF.

Q. That’s also one of the photographs that you took?

A. Yes.

THE BAILIFF: Mr. Nicola, can you make sure the microphone’s on?

Now it’s on. Thanks.

Q. BY MR. NICOLA: You mentioned that you used an ALS light source, alternate light source --

A. Uh-huh.

Q. -- on the magazines looking for biological fluids during the break.

Is there a reason for doing that prior to checking for latent fingerprints?

A. Yes, we wanted to preserve any, if there was any DNA evidence, and some of the processing for fingerprints could possibly damage or destroy any DNA evidence. So if you want to search for DNA, you search for that first prior to doing any processing for fingerprints.

Q. Do you do any DNA testing at the Santa

Barbara County Sheriff’s Lab?

A. No, we send that off to the Department of Justice.

Q. Okay. Regarding the items that you did not put in the evidence bag that you’ve described earlier, what did you do with the rest of the items that came out of the briefcase, 317?

A. The items that I did not separate went back into the briefcase. I sealed the briefcase and sent it back to the Santa Barbara Sheriff’s property room.

Q. And at the time you placed the remaining items back into the briefcase, were they now marked with the numbers that -- the numbers and letters that you had assigned each of the magazines or pieces of papers?

A. Yes.

Q. Okay. Do you recall when you began your examination of Item 317, the black briefcase?

A. I started my examination on 1-20-04.

Q. How long did it take you to completely photodocument and number what was in there?

A. I completed the entire task when I delivered them to the Department of Justice on 2-5-04.

Q. Okay. So it took you approximately a week and a half?

A. Couple weeks. Yeah.

Q. Okay. While you were processing each of the 3381

items that were in 317, and then you had to go home at night, what would you do with all the evidence?
A. I’d place them there in -- all evidence that I took out of the property room goes into our secure lab. The only personnel that has keys are the three people that work in our unit.
And then I place them in my cupboard which is assigned to me and place a piece of evidence tape over the top of the -- the door so I know that I was the one who sealed them in there. In the morning, the seal was still complete, so I would know that no one has ever looked at them between when I left them that evening and came back the next morning.
Q. And you kept this going for a couple of weeks until your task was complete?
A. Yes.
Q. What did you do with the -- it’s going around.
What did you do with the briefcase, Item 317, when you finished putting the material that you were not going to send to the Department of Justice back into?
A. It went back to the property room at the Santa Barbara office.
Q. Did you place any kind of seal on it?
A. Yes.
Q. Is that the one that you pointed out for the jury earlier?

A. Yes.
Q. And again, what are your initials on that seal?
A. It will be LSRH 2696. 2696 is my assigned body number by the sheriff’s department. My I.D. number.
Q. Did you also process Item 321?
A. Yes.
Q. And are those pictures in front of you?
A. Yes. Would you like me to read --
Q. I think there’s only a few of them.
A. There’s seven, I believe.
Q. Could you tell us the exhibit number?
A. Yes.
Q. And confirm with the item number whether you took the picture?
A. Okay. It’s Exhibit No. 682, Item No. 321-A.
Exhibit No. 683, Item No. 321-B.
684, 321-C.
685, 321-D.
686, 321-E.
687, 321-F.
688, 321-G.
Q. Could you please take a look at the photograph depicted in Exhibit 685?
A. Okay.
Q. That’s Item 321-D?
A. Yes.

Q. And what is that magazine, please?

A. It’s called “Hawk,” and it was published in February 2003.

Q. And do you recall the date that you processed that particular magazine?

A. Not without going back to looking at the file in the forensic computer as far as the date I filed them.

Q. And the pictures?

A. In the pictures, yeah. Or the original placard that would have been my first picture.

Q. Could you give us a time frame?

A. It was between 1-20-04 and 2-5-04.

Q. Okay. And Exhibit No. 687, please?

A. This is a “Finally Legal” magazine published in February 2003.

Q. That was tough.

Okay. 321-D, Exhibit 557, for the record, would you please open up that binder? Is that the magazine that you marked 321-D?

A. Yes. I placed the numbers on the back lower corner unless that cover was black, and then I would put the number on the inside of the back cover.

Q. Okay. The page numbers on the sleeves were placed there, I assume, afterwards?

A. By someone else. Yes.

Q. Would you please place that back into its exhibit bag? Can you reach the next bag or did I --

thank you.

Is that Exhibit 687?

A. No. This one is Exhibit 559.

Q. I understand what I did. The picture is 687, right? Okay. Exhibit 559 is which?

A. It’s Item No. 321-F.

Q. Okay. Would you open that up, please? Is that the same magazine you photographed between January 20th and February 5th --

A. Yes.

Q. -- of 2004?

Okay. Does that also have your markings on it?

A. Yes, on the back corner. Right down here.

Q. Would you mind putting those items back in their bags, please?

Would you please tell us which other magazines you processed?

A. The next item was 363, and I’m missing “A,” but do you want me to read the list?

Q. Just tell us what the exhibit is.

A. Okay. The exhibit number is 689, 363-B.
690, 363-C.
691, 363-D.
692, 363-E.
693, 363-F.
694, 363-G.
695, 363-H.

696, 363-I.
697, 363-J.
698, 363-K.
699, 363-L.

Q. And you processed all those magazines?

A. Yes.

Q. I’d like you to take a look, please, at Exhibit 518. Do you recognize the contents of 518?

A. Yes.

Q. What is that?

A. This is 317-R. It’s a magazine, a “Barely Legal Hard-Core,” published by Hustler that I examined during the time I was there.

Q. Between February 20th -- excuse me -- January 20th --

A. January 20th and February 5.

Q. Of last year?

A. Of last year.

Q. Okay. Do you see any of the post-it notes that you have placed on that magazine initially when you had sent it to DOJ still on there?

A. Yes, there’s one actually on the first page.

MR. NICOLA: May she publish to the jury, Your Honor?

THE COURT: Just -- the way we do that is --

MR. NICOLA: Do you want me to do it up here?

THE COURT: Yeah, use the --

MR. SANGER: I’m going to object if it’s publishing hearsay, for the truth of the matter. I don’t know what’s being shown.

THE COURT: Show counsel.

MR. SANGER: That’s not the receipt?

MR. NICOLA: No.

MR. SANGER: Okay, that’s fine.

Q. BY MR. NICOLA: This is a --

A. It’s a yellow post-it note that I placed there to direct DOJ to examine this page especially, because I felt that there was something on this page that fluoresced and could possibly have DNA evidence on it.

Q. Okay. Did you notice other pages of post-it notes on there?

A. Yes.

MR. NICOLA: Mr. Sanger?

MR. SANGER: That’s fine.

THE COURT: You should state the exhibit number when you show it.

MR. NICOLA: This is all of 317-R.

THE COURT: The individual pages aren’t separately marked.

Q. BY MR. NICOLA: Page number three?

A. Yes.

Q. And there’s the page number.

Did you process any of these items after they came back from the Department of Justice any

further?
A. No.
Q. Okay. If you could please identify for the record the remainder of those photographic exhibits if you do recognize them.
A. Okay. This first picture was not taken by me.
Q. Okay. That's 363-M?
A. And it's Exhibit No. 700.
Q. Okay. Is that 363-M?
A. It's 363-M.
Q. Okay.
A. And Exhibit No. 701, 363-N, as in "Nora."
Three -- Exhibit No. 702, 363-O.
Exhibit No. 703, 363-P.
704, 363-Q.
705, 363-R.
706, 363-S.
707, 363-T.
708, 363-U.
709, 363-V.
THE COURT: Again, she's testifying that she took those pictures?
THE WITNESS: Yes.
MR. NICOLA: Yes, Your Honor.
Okay. I have no further questions, Judge.
THE COURT: Cross-examine?

CROSS-EXAMINATION

BY MR. SANGER:

Q. Hi.

A. Hi.

Q. What is your exact title with the sheriff’s department?

A. I’m a senior identification technician.

Q. So you’re in the forensic --

A. Yes.

Q. -- lab?

A. Yes.

Q. And what kind of duties do you have in general?

A. My basic duties are crime scene investigation, latent print searches, latent print comparisons, shoeprint comparisons. I run the Cal. I.D. section. I process evidence. I photodocument victims or suspects. I collect evidence.

Q. Okay. Do you do any other kinds of forensic or scientific tests on evidence?

A. We collect what we think is possible evidence, like body fluids, off -- like blood at a crime scene, stuff like that that could be possibly blood, and then it is sent to the Department of Justice for testing.

Q. Okay. Now, the Department of Justice, we’re talking about the California Department of Justice?

A. Yes.

Q. Is that correct? That’s a state agency?

A. Yes.

Q. It’s not the United States Department of Justice?

A. No, it’s California.

Q. And the California Department of Justice has regional labs; is that correct?

A. Yes.

Q. And they have one in Goleta?

A. Yes.

Q. And so when you said you hand-delivered something to the lab, does that mean you went over to Goleta?

A. Yes, I just deliver it to the Goleta lab.

Q. And your office is located in Santa Maria or is it in Santa Barbara?

A. Santa Barbara.

Q. So you basically came across the freeway and took it to the people there?

A. Yes.

Q. All right. The Department of Justice Lab is their Department of Law Enforcement Bureau of Criminalistics, right?

A. Yes.

Q. So they’re a lab that’s set up to assist law enforcement, like yourself, in doing criminal investigations; is that right?

A. Yes.

Q. All right. Now, besides -- you mentioned you're a latent print examiner?

A. Yes.

Q. Is that correct?

And did you participate in fingerprint examinations in this case?

A. Yes, I did.

Q. And did you do comparisons?

A. Yes.

Q. All right. When you were out at the ranch, you said you were at the search at Neverland Ranch on November 18, 2003, is that correct, to start with?

A. Yes.

Q. And your job was to do what again?

A. I was to photodocument any evidence seized during -- I was assigned to a search team, and anytime they found a peace of piece of evidence that they wanted to seize, I photographed it before it was seized.

Q. And what location were you in?

A. I was in the arcade cellar and then the office that's adjoined in the security building.

Q. Okay. Mr. Jackson's office?

A. Yes.

Q. And it's -- sometimes people called it a museum as well?

A. Yeah, a museum/office.

Q. A lot of artifacts?

A. A lot of memorabilia.

Q. Did you go into Mr. Jackson’s bedroom?

A. No.

Q. Therefore you didn’t photodocument anything in the main residence; is that correct?

A. No.

Q. As far as seizing evidence, did you actually seize, touch, package evidence, or just photograph it?

A. Just photograph it.

Q. Now, you were aware that your unit, the forensics unit at the Santa Barbara Sheriff’s Department, was going to be involved in some follow-ups based on the evidence that was seized at Neverland; is that correct?

A. Yes.

Q. Did you go to the briefing that was held before the officers went to Neverland?

A. Yes.

Q. And when was that briefing?

A. That briefing was in the -- I think it’s the veterans hall that’s adjoined in the -- in Solvang.

Q. Okay. Was that the day before?

A. No.

Q. When was it?

A. It was at 6 a.m. the morning of the search.

Q. Okay. The actual morning of the search.

And at that time you were given a description by Sergeant Robel and others of the general nature of the investigation; is that correct?

A. Yes.

Q. So you know what kind of investigation it was?

A. Yes.

Q. What kind of case? You also were given the names of some of the possible individuals involved in the case; is that correct?

A. Yes.

Q. Given the name, for instance, of Gavin Arvizo and Star Arvizo?

A. Yes.

Q. And you were aware that Mr. Michael Jackson, my client, was the focus of this investigation; is that correct?

A. Yes.

Q. In fact, at that time you were advised that the sheriff’s department had already obtained an arrest warrant for Mr. Jackson; is that correct?

A. I believe so, yes.

Q. All right. So when you went out there to the scene, how many -- approximately how many officers went out to the scene, to the Neverland Ranch, with you?

A. I’m not quite sure. Probably 50.

Q. Okay. However many it was, this was a big operation, right?

A. Yes.

Q. All right. And you understood the need to be careful with the evidence and so on?

A. Uh-huh. Yes.

Q. In any case, you want to be careful of evidence, right?

A. Yes, you always wear gloves and you bag it.

Q. In this particular case after you got through photodocumenting evidence at the scene at Neverland, did you return to the sheriff’s department?

A. Yes, I did.

Q. That very day?

A. Yes, that evening.

Q. That night.

What did you do with at the sheriff’s department?

A. We secured anything that we had in our forensics vehicle as far as equipment. We didn’t have any evidence with us. And we went home for the night. It was a long day.

Q. All right. Sounds like a good idea at the time.

The point being that when you went back to the sheriff’s department, you had equipment. You had what you started out with?

A. Yes.

Q. But you didn’t come back -- you, in your unit, did not come back with any evidence?

A. No.

Q. So the other deputy sheriffs and detectives had custody of whatever evidence you had seen and photodocumented at the time; is that correct?

A. Yes. Yes.

Q. When was the next time that you actually saw any evidence in this case?

A. I’m not quite sure. I was never assigned to work on any evidence until January 20th, but other people in our unit were assigned to conduct searches or photodocument things, and in passing, I could have seen some evidence and --

Q. Okay. Did you -- okay. So you could have seen somebody have something on their desk at the lab or somewhere?

A. Well, inside our lab, that’s where we kept most of our evidence.

Q. But you were not assigned to do anything with it; is that correct?

A. No.

Q. So you didn’t do anything?

A. I was not assigned to do any work on it until January 20th.

Q. All right. So just to -- other than a passing glance or some casual look at something, you didn’t have any formal contact with any evidence in this case until January 20th of 2004; is that correct?

A. Yes. The only evidence would be photographs, you know, detectives requesting photographs that were taken at the scene, or prior -- or during the investigation, I may have printed them out or downloaded them onto a CD.

MR. SANGER: Okay. Your Honor, what I’d like to do is ask that an exhibit be marked next in order, and we had a gap. We could use that gap, or whatever the clerk wants to do.

THE CLERK: That would be 5005.

MR. SANGER: Okay. Thank you.

And what I’d like to do, with the Court’s permission, is first of all approach the witness and hand this to the witness.

THE COURT: All right.

Q. BY MR. SANGER: I placed before the witness, with the Court’s permission, Exhibit 5005. And what I’d like to do is put a blank copy, it’s just a timeline, up on the screen so we can follow along, if there’s no objection.

THE COURT: All right.

MR. SANGER: Oops, you know what? I have the wrong timeline. That will happen. Sorry. We can leave 5005 marked, because I will use it with another witness. Ask that we have this marked as 3396

5006.

THE COURT: Okay.

MR. SANGER: It’s that one, sorry.

Okay. Thank you. May I approach again, Your Honor?

THE COURT: Yes.

Q. BY MR. SANGER: I’m going to trade you exhibits there, and give you 5006, and we’ll save 5005 for another witness.

All right. Does that make sense to you? It’s a timeline. Do you have your --

A. Yes.

Q. Okay. If you look at the board, I have a blank version up there going through February, March, April. Actually, it’s a little cut off, but it starts with January of 2003 and goes through 2004.

The first thing I’d like you to do is, on your copy which is the actual exhibit - this is just up on the board as a blank - I’d like you to put your name up there where it says “Witness,” if you would, please.

A. Do you have a pen?

Q. Do I have a pen? Yes, I do. May I approach?

THE COURT: Yes.

MR. SANGER: Thank you.

Q. All right. And do I understand that your 3397 first contact with the evidence was in November, on November 18th of 2003?

A. Yes.

Q. And so that would be right about there somewhere; is that correct?

A. Yeah. Yes.

Q. Could you please make a notation there, however you want to do it. Just a line, and above it maybe say “Search,” or “First contact,” whatever you’d like, and then tell me what you wrote.

A. “Search.”

Q. Okay. The next formal contact you had with the evidence was then in January of 2004; is that correct?

A. Yes.

Q. So, could you make a notation there? And how would you describe that contact? That’s when you were assigned to do the ALS?

A. The visual search.

Q. Okay. All right. Now, in between -- in between November the 18th and January, when you checked the evidence out that you told us about, did you determine that anybody else had broken the seal on the bag, or, say, broken the seal? Had, for instance, cut another side open to open it up and look at it?

A. The first time I saw that evidence was January, so between November and January, I wouldn’t know, because the first time I ever saw it was January 20th.

Q. I see. So you can’t tell us whether or not somebody else checked the evidence out in between to inspect it, or look at it, or do something with it?

A. There should be the original seals. You never take another person’s seal off an evidence item number. So whoever’s opened that briefcase will have their seal on the briefcase, and so you can -- and -- so --

Q. All right. You’re saying “briefcase.” And you’re looking somewhere. Is it right down there?

A. Yeah, it’s the briefcase.

Q. It’s underneath the table?

A. But in the evidence bag, every time you open the evidence bag, you got to open it an original way. You can’t open up someone else’s seal. So you cut it down the sides, on the bottom. You got to be creative when it gets opened multiple times, but there’s always a new seal every time you open it and close it back up.

Q. You start out with a bag; has no seals on it. Whoever puts it in first, puts a seal on it, right?

A. Yes.

Q. And then the next person to open the bag would cut the side or the bottom or someplace where there’s --

A. Different.
Q. -- there’s otherwise not an opening?
A. Yes.
Q. Right? And then when they’re through, if they do it right, they’ll seal it up and put their initials and date on it, right?
A. Yes.
Q. They should document all this in reports; is that correct?
A. Yes.
Q. So my question was, based on your observations, if you can remember -- and we can take Exhibit 470, which is the briefcase, Sheriff’s Item 317.
A. Yeah.
Q. Okay. And you looked at that for the first time, the first time ever you looked at that was January of 2004, correct?
A. Yes.
Q. January 20th?
A. Yes.
Q. All right. When you looked at it, my question was -- and perhaps I wasn’t clear. When you looked at it on January 20th, 2004, did you determine that more than one person had sealed the bag up?
A. I would have to look at my original -- I also photographed it prior to opening it, so I would

have to look at my photograph to determine that.

Q. Can you -- is that possible? Would that refresh your recollection?

A. Yes.

Q. Do you have it here where you can look at it?

A. Uh --

Q. It’s one of the exhibits?

A. I don’t have it with me, no.

Q. Okay. All right.

So for the purposes of the jury, or anybody else that wants to look at it, we could look at the bag, and presumably there would be some other seal on there if somebody else looked at it in between?

A. Right.

Q. All right. Now, when you opened -- let me withdraw that.

As you sit here today, then, you cannot tell us whether or not anybody did anything with that evidence between seizure on November 18 and January 20th of 2004, correct?

A. No.

Q. Okay. At the time that you inspected the contents of Exhibit 470, which is Item 317 --

A. Yeah.

Q. -- you opened the bag, right?

A. It was not in the bag at the time. It was just a briefcase with the seals over the locks.

Q. I see. Okay. So you would have to look at the seals on the locks on that, not on the bag?
A. Yes.
Q. Okay. Well, then we have the briefcase --
A. But there’s probably been multiple ones after me, maybe. I don’t know.
Q. Let’s start with 470. Is it under the table here someplace?
MR. NICOLA: It’s right in front, Mr. Sanger.
MR. SANGER: May I approach and retrieve it?
THE COURT: Yes.
Q. BY MR. SANGER: Okay. I’m going to just hand you 470 and go back to where I was. I’d ask you to inspect that.
A. Okay.
Q. And see if, by looking at the whole thing, you can tell what happened between November 18 and January 20th of 2004.
A. Okay. This would be the last seal on it, and this was 12-03-04, because it’s the last one on the outside. Let me work down.
Q. So while you’re doing that, in other words, the bag doesn’t help you answer the question --
A. No.
Q. -- because that’s a later addition.
A. There’s a seal from 11 -- and unfortunately, it’s 11-03, and it’s after the initial ones, and I

can't quite tell whose it is.
There's one on 1-14-04.
And then there's one on mine, which I sealed up on 1-26-04.
And then the one -- oops, sorry.
And then the top one, 11-26-03.
Q. And so the first seal --
A. The first seal is the yellow one that's underneath all the red ones.
Q. So you would -- based on your experience, you would say that the yellow seal represents --
A. The original seal.
Q. -- the sealing on November 18, 2003?
A. Yes.
Q. And then you see at least one seal from later in November of 2003; is that correct?
A. Yes.
Q. So that implies, or suggests to you, based on your training and experience, that somebody broke the yellow seal, opened the briefcase --
A. Yes.
Q. -- and then resealed it?
A. Resealed it.
Q. And how many other -- or were there any others between then?
A. Yes, there's one other. 1-14-04.
Q. Okay. So on the 14th of January, 2004, somebody else apparently did the same thing, which

was at least open the briefcase and then reseal it?

A. Yes.

Q. And you don’t know what any of those people did with the contents of the briefcase during those two incidents in between the original seizure and January 20th?

A. No.

Q. Looking at your seal on there, does that refresh your recollection when you concluded working with that evidence?

A. Yes, I sealed it back up on 1-26-04.

Q. So you had the evidence for about a week; is that correct?

A. Yes.

Q. Took it out on 1-20, opened it up, did the things we’ll talk about, which we’ll go into in a moment, and then you resealed it on the 26th?

A. Yes.

Q. So you delivered it to the Department of Justice crime lab across the freeway, you said, on February --

A. 5th.

Q. -- 5th, but it was already sealed for a week or so by the time you delivered it, right?

A. Yes. Well, this would have gone back to the property room. The separated items were kept in our secure lab behind my cupboard until I finished processing all the other items in there.

Q. And then you went back to the property room and checked that out? No?

A. No. This did not go to the Department of Justice.

Q. Oh, that did not go to the Department of Justice. Okay.

So the other items -- I'm sorry, the other items you took out went to the Department of Justice?

A. Yes.

Q. And this -- on the 26th, then, this just --

A. Got returned to the property room.

Q. This was -- this was returned to your property room in the sheriff's department?

A. Yes.

Q. Okay. Good.

So now, having refreshed your recollection with all that, as far as Item 317 of the sheriff's department, Exhibit 470, it took you about a week to go through all the evidence in there and photograph it and number the back of each item; is that correct?

A. Yes. Along with this -- I did this during that week, and then the other items after that.

Q. Okay. So your answer was correct?

A. Yeah.

Q. -- to the question that I asked?

A. Yeah.

Q. You took about a week to go through this particular item, 470, Exhibit 470, Item 317, right?

A. Yes.

Q. And during the time that you went through there, what kind of a test did you do? This is when you did your alternate light source?

A. Well, I first opened it up, noticed that there was numerous items inside the briefcase. And I like to assign them a letter, and we discussed it with the other people processing other evidence that we would assign it a letter so it would be a reference number for us so we could identify each piece individually in that item number.

I went through from top to bottom, labeled them all with 317-A, on through FFF, I believe. And then took each piece, photographed it, and then examined it under white light and then under the alternate light source, using goggles, and searching each page by page.

Q. All right. So when you got through doing that, you put it back in the briefcase. Did you put it back in the same order or --

A. Yes.

Q. You didn't shuffle it up?

A. I did not shuffle it up.

Q. Okay. So, you put it -- do you remember which magazine was on top?

A. Not offhand. I think it was a loose piece 3406 of paper or something, yeah.

Q. Okay. In any event, whatever it was, you put it back in the same order, and then you sealed it, right? Sealed the actual --

A. I wouldn’t seal the briefcase. I sealed my cupboard, because I was -- it was open so I could examine each piece. We would have a bazillion --

Q. All right. Thank you.

A. So I --

Q. I may not be communicating well.

A. When I finished with it for the day, I would place it, with the seal broken, inside the cabinet and then I’d place a seal over my cabinet door.

Q. All right. I understood that, so what I was asking, though, is when you were through at the end of the week’s time on the 26th, you then resealed, put your own tape on the briefcase itself?

A. Yes.

Q. And took that back to the sheriff’s booking; is that correct?

A. The property room, yes.

Q. Or -- sorry, the property room where you book the evidence in, right?

A. Yes.

Q. So could you indicate “January 26th” on your timeline there, “returned,” wherever you want to put it there in January 2004, and that’s when you returned the item to the sheriff’s evidence room?

A. Yes.

MR. SANGER: Okay. Your Honor, I believe Exhibit 86 was already received into evidence. And I would like to put that on up the board for the purpose of asking questions.

THE CLERK: On March 7th.

THE COURT: Yes, it was.

MR. SANGER: May I do that?

THE COURT: Yes.

MR. SANGER: Thank you.

Q. This is Exhibit 86. Do you recognize the subject matter in Exhibit 86 that’s in evidence?

A. Yes.

Q. Does that appear to be the contents of the briefcase?

A. Yes.

Q. Is that the way it looked when you opened the briefcase the first time on January the 20th of 2004?

A. Well, I can’t say the order, because it’s been a long time, but there was loose papers and things up in the top area where there’s a divider, and then there was papers and magazines in the entire briefcase, yes.

Q. And you remember there being some loose pages --

A. Yes.

Q. -- of the magazines on top of the actual stack of magazines in the briefcase, correct?

A. Yes.

Q. So therefore this was not -- this was not the way that it looked when you opened it up on the 20th?

A. Well, the top -- what I consider the top is the pocket right up on the top. There’s a little divider pocket. That’s what I considered the top, and I cannot see that in this picture.

Q. Okay. I’m asking about the magazines stacked in there. I think earlier you said you believed there was some loose papers on top of the stack of magazines.

A. Yes, but I consider the top being the closest to the top of the briefcase.

Q. So you mean in the top pocket of the briefcase?

A. Yeah. I started up there with “A” and worked through.

Q. Okay. Do you recall what magazine was on the top of the stack of magazines in the briefcase?

A. No.

Q. All right. So you did not take this picture, did you? You don’t know if you did or not?

A. No, I did not.

Q. So you don’t know when that was taken --

A. No.

Q. -- or what it represents, except it appears 3409

to be generally the same briefcase, right?
A. Yes.
Q. Okay. Do you know -- actually let me just put that up one more time. This “Barely Legal” magazine that’s on the top, do you know what number you gave that?
A. Not without looking at it back on my original photographs.
Q. Can you do that easily?
A. There’s a stack of photographs right there.
MR. SANGER: May I approach, Your Honor?
THE COURT: Yes.
THE WITNESS: I believe there was 58 pieces of either magazines or evidence in 317, so I cannot remember the order.
Q. BY MR. SANGER: Okay. Is that -- by the way, you looked at the materials in the briefcase?
A. Yes.
Q. While you’re looking, I’ll ask you a question here.
The materials in the briefcase are lawful to possess by an adult in California; is that correct?
A. I believe so, yes.
Q. Most of it’s commercially available in one sense or another?
A. In one sense or another, I guess, yeah.
Q. In other words, some you can buy at a newsstand. Others you might have to buy at a

specialty store of some sort, but they’re available, right?

A. Yes.

Q. Were you able to find that -- yeah. Were you able to find the magazine that I asked about?

A. I believe so, if you can show me that original photograph.

Q. Sure.

A. Do you mind if I put this back up? It’s Exhibit 86.

THE COURT: You may.

Q. BY MR. SANGER: Thank you. I’m showing you Exhibit 86. By the way, do you know who took this photograph?

A. I did.

Q. Oh.

A. Oh, not that. I took this photograph. I didn’t take that picture. I do not know who took that photograph.

Q. Okay. For the record, when we say “this” and “that,” it later makes absolutely no sense if anybody wants to read it.

So Exhibit 86 that we put up on the board that you’re referring to, you do not know who took that photograph, correct?

A. No.

Q. And I said “correct.” Let me try it again.

Do you who took Exhibit 86?

A. No, I do not.
Q. And then you have in front of you a photograph.
A. And this is Exhibit 644, and this is a photograph I took.
Q. Okay. And you took that photograph?
A. And this is 317-O.
Q. Okay. 317-O. So based on the lettering system that you had, if you started lettering from the pocket of the briefcase --
A. Yes.
Q. -- can you tell us whether or not that was on the top of the stack?
A. No.
Q. Okay. So you either had -- I don’t know what letter of the alphabet O is, somebody will yell it out probably, but A through O --
A. A through -- yeah.
Q. Or A through N, and then it could or could not have been in the pocket, but they preceded your documenting that one. Okay.
All right. I’ve removed 86, so we still have the timeline up there. And if the Court wants the lights turned on for a moment, we can proceed and come back to this in a moment.
Okay. Now, the alternative light source that you used during that one-week period from January 20 to January 26th was for the purpose of --

oh -- was for the purpose of determining whether or not there was bodily fluids?

A. Or any trace evidence, hair, fibers.

Q. And an alternative light source, can you describe that briefly?

A. Yes. What --

Q. Let me stop you for a second. We’ve already had a little testimony. What color is it, and did you wear goggles, or was there a different color? What did you do?

A. Yes, it’s basically a light source that goes through numerous wavelengths, mainly in the UV, and I wore orange goggles which narrows the band down and helps you see things fluoresce, or absorb the light, turn dark. And so basically I just went page by page, wearing those orange goggles, and using the UV light and examining each piece of paper.

Q. All right. Is this destructive of the evidence to do that?

A. No. The CSS -- the light source has dials on it, which dial each wavelength, and the CSS is the one that we use mainly for searching for body fluids, and that one is not, as far as I know, destructive to DNA evidence.

Q. Okay. It’s not destructive to the paper?

A. No.

Q. Okay. So when you do an alternative light source examination of that sort, you can then do other tests on the materials --

A. Yes.

Q. -- freely thereafter, right?

A. It’s harmless to the evidence that we looked at.

Q. All right. Now, you are a latent print examiner, you told us?

A. Yes.

Q. And that means that you have training and experience in examining fingerprints and then comparing them to known prints; is that correct?

A. Yes.

Q. Did you examine these documents for fingerprints?

A. I did not examine -- I looked for fingerprints, visible fingerprints, but until you -- I did find one fingerprint on, I think it was UUU, or -- I can’t remember. But it was just a partial print. I don’t think it was comparable.

Q. Okay. So with regard --

A. It was visible. A latent print is something that you can’t see without processing.

Q. I was just going to let you explain that. You have three kinds of prints that you find. One would be a visible print, where somebody sticks their finger into wet paint or blood or something, and it’s just sitting there and you can see it with your eyeballs, right?

A. Yes.

Q. And then you have a plastic print where somebody puts their print into clay, or -- well, silly putty wouldn’t last very long, would it? Or clay or putty of some sort, and it actually reflects the ridges in three dimensions; is that correct?

A. Yes.

Q. And then you have the latent prints?

A. Yes.

Q. And the latent print -- the latent print, you’re likely to find more latent prints than you are the other two varieties; is that correct?

A. Most of the time, yes.

Q. Okay. And in order to determine if there are latent prints, you can use various technologies to try to develop those prints, either using light sources or using chemical technology; is that correct?

A. Yes.

Q. All right. Now, you did not use any chemical technology in January of 2004 to attempt to find fingerprints on these documents?

A. No.

Q. And did you use a RUVIS system or a Scenescope system in January?

A. I used a -- no, not a Scenescope. I used their alternate light source that they provide us.

Q. There’s a company that makes Scenescope.

They’ve had different names, but it was Crimescope at one time, right?

A. Yes.

Q. And the official brand name, or whatever it is, of Scenescope is their RUVIS system; is that right?

A. Yes.

Q. You are referring to something.

A. Yes. This is actually the manual to the Scene -- the ALS that I used.

Q. Okay. And what was -- now you’ve --

A. This is made by Jovinyvon --

Q. Okay. The court reporter is going to want to know how to spell that. You may as well spell it now, while you have a chance.

A. It’s J-o-v-i-n-y-v-o-n, and the bottom name is H-o-r-i-b-a.

MR. SANGER: May I approach, Your Honor, and look at that?

THE COURT: Yes.

MR. SANGER: Don’t put it away until I look at it. I just want to get a quick look of what you referred to, if I may.

THE WITNESS: I need to have it back. That’s the only one I have.

MR. SANGER: I’m not going to take it.

Q. All right. Having refreshed your recollection on that, that is a -- the brand name

for that particular alternative light source is the Crimescope, right?
A. Yes.
Q. And, in fact, that was a mini Crimescope?
A. Yes.
Q. All right. So Crimescope alternative light source. Scenescope is the special UV fingerprint scope; is that correct?
A. Yes.
Q. All right. So, you did not use the Scenescope in January of 2004?
A. No. I did not use the Scenescope, no.
Q. When you were using the Crimescope -- after you used the Crimescope, do you know if anybody had requested that you or another sheriff's department employee do a fingerprint examination on these documents?
A. Yes.
Q. When did that occur?
A. It started in late spring, summer, 2004.
Q. All right.
A. I believe.
Q. Okay.
A. Not by myself, so I'm not quite sure of the date.
MR. SANGER: Okay. Can we put the light back on; if that's all right? And I have the blank form up here. It's Exhibit.... 3417

Q. Were you aware that there was a grand jury proceeding in this case?
A. Yes.
Q. Do you know roughly when that was?
A. April?
Q. March and April of 2004 --
A. Yeah.
Q. -- something like that?
Could you mark on your chart there, in the general vicinity of March and April 2004, “Grand jury”?
A. I’m marking “Grand jury.”
Q. All right. Thank you.
And do you know if Exhibit 317 -- let me withdraw that.
Did you take possession of Exhibit 470, which is Sheriff’s Item 317, at any time between January the 26th, 2004, and the time of the grand jury?
A. No.
Q. Do you know if anybody else did?
A. Not offhand --
Q. All right. Were you --
A. -- no.
Q. Were you aware that Exhibit 470 and its contents was introduced into evidence at the grand jury?
A. Not personally. I --

Q. Did you come to be aware of that later?

A. Yes.

Q. All right. So it’s your best understanding right now that it was an exhibit in the grand jury; is that correct?

A. As far as I know, but I don’t know personally.

Q. Okay. Now, when you got through on January the 26th of 2004 with your examination, other than the items that you took out, separated out, to take to the crime lab, the rest of the items were simply put back in the briefcase, correct?

A. Yes.

Q. There was no individual packaging?

A. No.

Q. There weren’t -- each item wasn’t put in a plastic sleeve or anything like that?

A. No.

Q. They were put in, much like we saw in Exhibit 86?

A. Yes.

Q. After the grand jury, when did you next see Exhibit 470, Item 317, or its contents?

A. I was never assigned to do anything with 317 after I finished with it. I know it was processed for fingerprints later, late spring, August, by other people in my unit, but I had nothing to do with it at that point.

Q. Okay. Did you have anything to do with the fingerprint comparison?

A. Yes. And those were photographs.

Q. You took photographs?

A. No, I examined photographs of latents.

Q. I’m sorry. So you were presented with latent prints by way of photographs?

A. Yes.

Q. And were they digital photographs or filmed?

A. Digital.

Q. And was it your understanding, based on what you were asked to do, that you were presented with photographs that were taken with the assistance of the Scenescope?

A. Yes.

Q. Did you have anything to do with the super glue fuming or ninhydrin process in developing this paper?

A. No, I was pregnant at the time and trying to avoid the chemicals.

Q. Okay. That’s a good idea. Okay.

So your next involvement was then looking at photographs, and when was that, do you recall, that you were asked to look at the photographs of latent prints?

A. I started late summer, early fall examining photographs that were taken by other members of the forensics unit.

Q. Did you have meetings with other members of the forensic team to discuss the photographs?

A. Yes.

Q. Now, you say you're a latent print investigator by training and experience; is that correct?

A. Examiner, yes.

Q. What did I say?

A. "Investigator."

Q. I meant "examiner," I'm sorry. LPE, Latent Print Examiner.

Do you have any certifications in that regard?

A. No, I have --

MR. NICOLA: I'm going to object. It's beyond the scope, Your Honor.

THE COURT: Sustained.

Q. BY MR. SANGER: Following the time that you looked at the photographs as a latent print examiner, did you have any other contact with Exhibit 470 or the contents, which would have been Item 317?

A. No. Other than photographs, no.

Q. Okay. Other than looking at photographs, you didn't take more photographs?

A. No.

MR. SANGER: May I have just one moment, Your Honor?

Q. Oh, by the way, the DNA, you said you sent some things off for DNA testing; is that correct?

A. Yes.

Q. And you are aware that subjects that were being compared to anything that may or may not have been found, or anything that may have been found, included Gavin and Star Arvizo; is that correct?

A. Yes.

MR. NICOLA: Objection; compound.

THE COURT: Sustained.

Q. BY MR. SANGER: Were you aware that one of the subjects who was a subject to compare any substances found was Gavin Arvizo?

MR. NICOLA: Objection; lack of foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: When I sent these off to the lab, I believe my request was to be compared to the defendant.

Q. BY MR. SANGER: Do you know if that original request was superseded?

A. I don’t know.

Q. So you’re not aware of whether or not Gavin Arvizo’s DNA was searched for in various items of evidence in this case?

A. No.

Q. Same question pertaining to Star. Would I get the same answers?

A. Yes.

Q. You're not aware of any matches that have been made to Gavin or Star Arvizo's DNA in this case, are you?

A. No, I do not.

Q. Okay. Thank you.

Subject to re-call on those issues that we can't go into now, I have no further questions at this time.

THE COURT: All right.

MR. SANGER: Excuse me. And I would move -- 5006 I believe is up there. I'd move that in evidence, if I may, please.

THE COURT: It's admitted.

MR. NICOLA: May I see it first, please, Your Honor?

THE COURT: Yes, you may.

MR. SANGER: That was kind of a pig in a poke. I didn't look at it either. So maybe I should look at it.

THE COURT: It's too late. It's in evidence.

(Laughter.)

MR. NICOLA: (To the witness) You could have been a doctor.

May I project 5006, Your Honor?

THE COURT: Yes.

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REDIRECT EXAMINATION

BY MR. NICOLA:

Q. I can't write on that diagram so I'll just ask you some questions about it.

In between -- excuse me. In between January 26, when you sealed up Item 317, the briefcase --

A. Yes.

Q. -- and the grand jury --

A. Yes.

Q. -- do you know where the evidence items were that you removed and had sent to the Department of Justice?

A. I --

MR. SANGER: Calls for speculation.

THE COURT: She can answer that "yes" or "no."

THE WITNESS: As far as I know, I left it --

THE COURT: Just "yes" or "no." Do you know where they were?

THE WITNESS: Yes. Yes.

Q. BY MR. NICOLA: Were they in the briefcase?

A. No.

Q. Do you know where they were?

A. They were sent to the Department of Justice Lab in Goleta.

Q. So as far as you know, Exhibit No. 518, which you've previously identified as being in the 3424 bag that went to the Department of Justice, as far as you know, that didn’t go to the grand jury in that briefcase?

A. It was separated out from the briefcase, so it couldn’t have gone in the briefcase.

MR. SNEDDON: Excuse me.

Q. BY MR. NICOLA: I’d like to show you Penal Code Section 313.1, and ask you to read it to yourself, subparagraph (a).

MR. SANGER: I’m sorry, I -- is this to refresh recollection? If it’s not, it’s improper.

THE COURT: It’s improper to read in court?

MR. SANGER: That’s such a good straight line, there’s got to be an answer, but I don’t have one, Your Honor.

It’s not proper to have the witness read something unless there’s a foundation laid refreshing recollection. She’s being asked to read a law book.

THE COURT: I’ve never heard that objection.

Q. BY MR. NICOLA: Have you read it?

A. Sort of.

MR. SANGER: Object. Irrelevant; “Have you read it?” It’s got to be relevant to something, refreshing recollection.

MR. NICOLA: It will be, Your Honor. And if it’s not, then the Court won’t let me ask the question, I’m certain.

THE COURT: The objection is overruled.

THE WITNESS: Okay.

Q. BY MR. NICOLA: Finished reading?

A. Yes.

Q. Okay. Mr. Sanger elicited from you the opinion that possessing the kind of material that you found in the briefcase is generally lawful. You gave him the opinion that you thought it was.

A. Lawful to own by an adult.

Q. If that material were shown to a minor --

A. I believe --

MR. SANGER: Objection, Your Honor. Calls for a legal conclusion.

THE COURT: It’s rebuttal to your question, Counsel.

THE WITNESS: It would be illegal --

THE COURT: You may answer.

THE WITNESS: It would be illegal to the minor.

Q. BY MR. NICOLA: And that’s Penal Code Section --

A. One -- 313.1(a).

Q. When you -- when you participated in the fingerprint work in this case later on in 2004, were you the partner of anybody in particular?

A. Yes. I was partnered up with a retired sergeant, Bob Spinner.

Q. And is he the person tasked with making the 3426 analysis of the fingerprint comparisons in this case?

A. Yes. He was the initial and I was the verifier.

Q. And is that a standard protocol?

A. Yes. We used -- every time we've made a fingerprint, we always have two people examine it independently. That way we hopefully won't make a mistake.

Q. To your knowledge, were the fingerprints of any minors recovered from Item 317-R?

A. I'll need to check a list.

MR. SANGER: I'm going to object that there's a lack of foundation at this point.

THE WITNESS: Yes.

THE COURT: Just a moment.

MR. SANGER: I'm going to withdraw the objection, Your Honor.

THE COURT: All right.

THE WITNESS: Yes, there were some.

MR. NICOLA: Okay. It's a "yes" or "no."

THE WITNESS: Yes.

MR. NICOLA: Okay. I have no further questions, Your Honor.

RECROSS-EXAMINATION

BY MR. SANGER:

Q. Well, first of all, before we get into the last area, the identification of the fingerprints - and I think we can turn off the screen if you - the District Attorney asked you to read a section out of the Penal Code, I guess. Is that what he did?

A. Yes.

Q. All right. And you would agree that you’re not a lawyer, right?

A. Yes.

Q. And -- you could be, actually. I shouldn’t have put it that way. But you aren’t, it turns out.

A. I’m not a lawyer.

Q. Okay. And you’re not offering an opinion as to what Mr. Jackson is charged with in this case, are you?

A. No.

Q. And as far as you know, he is not charged with the code section that you were asked to look at?

A. As far as I know, no.

Q. Okay. And in fact, the kind of material that if adults possess it - that’s all I asked was if adults possessed that kind of material - there’s nothing illegal about simply possessing that kind of material, true?

A. True.

Q. Okay. Now, going back to your fingerprint testimony, I would like to ask you some questions, then, about your experience and training in fingerprints. So are you certified by any organization? I think you told us that you are, by training and experience, a latent print examiner.

A. I am trained in -- with experience, a latent print examiner.

Q. So are you certified by anybody or any association as a latent print examiner or anything else in that category?

A. No.

Q. Are there bodies that certify people as latent print examiners?

A. Yes.

Q. And what bodies are those, for instance?

A. International Association of Identification I'm a member of, but I have not taken the test through them. It's not a requirement of our department.

Q. Okay. Are you familiar with SWGFST, S-W-G-F-S-T?

A. Yes.

Q. And what's that?

A. Scientific Working Group, Finger -- I can't -- it's a fingerprint group --

Q. Okay.

A. -- that sets basically the guiding rules of fingerprint examiners.

Q. Sets forth the standards for --

A. The standards.

Q. Right. And are there any other groups that you're aware of that are specifically oriented towards fingerprint examiners?

A. Yes. There's SCAFO, which is Southern California Association of Fingerprint Officers. There's numerous -- IAI State Division. There's the California Division of IAI. IAI is International Association of Identification, but they have little subgroups, and then in any major city you find smaller groups.

Q. So people, latent print examiners, kind of get together and they have seminars from time to time?

A. Yes.

Q. Talk about what they're doing; is that correct?

A. Yes.

Q. And you're not certified by any of those organizations or licensed; is that correct?

A. No, but I do go to their meetings.

Q. Okay. Now, in that regard, there are three aspects to latent print examination; is that right? Let me back up before we get to that. There are three -- there are three principles to the underlying concept of latent print comparison; is that right?

MR. NICOLA: Objection, Your Honor; beyond the scope.

THE COURT: Overruled.

THE WITNESS: As far as --

Q. BY MR. SANGER: Well, let me suggest, the reason that you examine latent prints and compare them to what's called a known print --

A. Yes.

Q. -- is to try to make a determination, the best you can, as to whether or not the same person gave the latent print who gave the rolled print, right?

A. Yes.

Q. And generally when you have a rolled print, that means you had somebody there with -- a law enforcement officer rolling their prints?

A. Yes.

Q. Okay. And so there's some form of identification, often a picture, right?

A. Yes.

Q. So that way, you want to be pretty sure that the rolled prints belong to the person that --

A. Yes. They're usually -- there's the demographical information attached to the card.

Q. So that's rolled prints.

Now, the latent prints are the ones that randomly show up in evidence that you're asked to inspect; is that correct?

A. Yes.

Q. And those prints may be partial prints; is

that correct?

A. It can be partial. They mainly are partial.

Q. That’s what I was going to say. You don’t -- what you call a “ten print,” whereas you have somebody who’s got ten fingers, they do the whole --

A. Yeah, you roll from nail to nail. And usually you don’t go and pick up pieces of paper and items going like this (indicating). You touch it, and that way you get a partial print.

Q. And sometimes partial prints are obscured by imperfections in the surface; is that right?

A. Yes.

Q. And sometimes partial prints are obscured because somebody has smeared the print?

A. Yes.

Q. All right. Now, the basic principles I was getting at are that, number one, fingerprints are more or less permanent for an individual; is that correct?

A. Yes. They start at 12 weeks in the womb and they’re the same until you die.

Q. All right. Now, there are some ways to -- for fingerprints to actually change during the course of somebody’s life; is that correct?

A. Change -- you add things to it, like scars, marks, you know, warts can alter, but they’re not altering the fingerprint. They’re just -- they’re

adding to the --
Q. All right. It’s a matter of semantics, I
suppose. But the ridge lines, when you’re talking
about fingerprints, those are sometimes what are
called friction ridges; is that correct?
A. Yes.
Q. And those are the ridges, when you look at
the pictures on the screen there, you’ll see that
they go -- it’s not there. We have seen the picture
up there. You might see hoops or whorls.
A. Loops, whorls or arches.
Q. I’m sorry. Loops, whorls or arches. I said
“hoops.” All right. Loops, whorls, or arches.
Those are the three main configurations of prints?
A. Yes.
Q. And then you’re going to see a lot of
individual characteristics; is that correct?
A. Yes, which we call minutia.
Q. So, for instance, something like 65 percent
of the population have whorls; is that right?
A. No, loops.
Q. Loops. Okay.
35 percent whorls. See if I get that right.
A. Yes. Approximate. In that area.
Q. But large parts of the population have loops
or whorls, so that isn’t going to get you too far,
right, in making an actual comparison?
A. No. That’s your initial pattern of 3433

recognition.

Q. And then to get to a better comfort level to say that you have some kind of identification, you need to look at the minutia, which are the very small individual characteristics; is that correct?

A. Yes.

Q. Now, those small individual characteristics can change, as you indicated, based on scarring or warts or some other kind of deformity over a period of time?

A. They don’t change. They’re more -- the scar is actually added into the original pattern.

Q. All right. But one of the basic premises is that if somebody has fingerprints at some point in their life, that’s pretty much going to be their fingerprints --

A. For the rest of their life.

Q. Okay. Now, the next principle that’s involved in doing an examination and a comparison is that fingerprints are pretty much unique to an individual?

A. Yes.

Q. Now, that proposition is somewhat controversial, is it not?

A. Yes.

Q. Okay. We had a recent example with the Madrid bombing case; is that correct?

A. Yes.

Q. You’re familiar with that?
A. Yes.
Q. And can you tell the jury just briefly what that’s about?
MR. NICOLA: Objection; relevance.
THE COURT: Sustained.
Q. BY MR. SANGER: Okay. Without going into the details -- I don’t want to run afoul of the Court’s ruling, but without going into the details, can I ask you this: Was there a lawyer in Oregon who was accused of being involved in a terrorist bombing in Madrid based on a fingerprint?
MR. NICOLA: Objection. What is the relevance of that?
MR. SANGER: Validation studies. I won’t say any more.
THE COURT: Can you approach that issue without raising another case?
MR. SANGER: Let me go back and see if I can -- if I can go back and see if we get to this point or not. Let’s do it this way.
THE COURT: Thank you.
Q. BY MR. SANGER: Within the last ten years or so, there has been writings raising the question of whether or not there’s sufficient differentiation between any two given fingerprints in the world to make positive identifications; is that correct?
A. Yes.

MR. NICOLA: I’m going to object as compound, Judge.
THE COURT: Overruled.
Q. BY MR. SANGER: And there has been, among other things, some litigation in various courts around the country regarding what we might call validation, validating that prints are unique enough to make positive identifications?
A. Yes.
Q. And you’re aware of Judge Pollack’s decision in the Eastern District of Pennsylvania?
MR. NICOLA: Objection. Relevance; lack of foundation.
THE COURT: Overruled.
You can answer that “yes” or “no.”
THE WITNESS: Yes, I know of it.
Q. BY MR. SANGER: Okay. And without going into detail, Judge Pollack raised serious questions about the validity of fingerprint examination and its admissibility in court, correct?
MR. NICOLA: Objection, Your Honor. Calls for hearsay.
THE COURT: Sustained.
Q. BY MR. SANGER: In response to Judge Pollack’s decisions, have there been increasing efforts on the part of the fingerprint examining community to validate their techniques?
A. Yes.

Q. All right. And that brings us to the Madrid bombing case, which I’d just like to ask briefly about, if I may.

MR. NICOLA: I’m going to make the same objection, Your Honor. I don’t know how that’s relevant.

THE COURT: Well, I think I have to let you ask the question before I know whether I’ll let you ask the question.

MR. SANGER: Okay.

(Laughter.)

Q. BY MR. SANGER: Okay. I’ll try to do it as simply as I can, or as summarily as possible, so we don’t get into too much detail.

You’re aware that a number of fingerprint examiners that were doing the Madrid bombing case had made a positive identification of the fingerprint of a lawyer in Oregon. Are you aware of that?

MR. NICOLA: Objection; relevance.

THE COURT: You may answer that “yes” or “no.”

THE WITNESS: Yes.

Q. BY MR. SANGER: And in that particular case, the experts found in excess of 16 points of identification when they made that, what turned out to be a false positive identification, correct?

A. I don’t --

MR. NICOLA: Assumes facts not in evidence, Your Honor.

THE COURT: You were going to say, “I don’t know”; is that right?

THE WITNESS: Yeah.

MR. SANGER: Okay.

THE COURT: I’ll allow the answer and the question.

Q. BY MR. SANGER: Now, as a result of that particular case, has there been even more intensification of the efforts on the part of the fingerprint examining community to validate their techniques?

MR. NICOLA: Objection. That calls for speculation; lack of foundation.

THE COURT: Sustained; foundation.

Q. BY MR. SANGER: Okay. Are you aware -- you participate in these various organizations. Are you aware -- let’s just make it real simple: The Madrid bombing case and the false identification in that case of the fingerprint --

MR. NICOLA: Objection, Your Honor. Counsel is assuming facts not in evidence. He’s testifying.

Q. BY MR. SANGER: Well, was there a false identification of a fingerprint in the Madrid bombing case?

MR. NICOLA: Objection, Your Honor. Asked and answered.

THE COURT: Overruled.
THE WITNESS: Yes. Yes.
Q. BY MR. SANGER: All right. And as a result of that false identification -- do you know when that was, by the way, when that occurred?
A. Last year.
Q. Okay. Sometime in 2004, right?
A. Yes.
Q. As a result of that incident, in addition to all the others, has there been additional concern in the fingerprint examination and comparison community that you are involved in, to your personal knowledge?
MR. NICOLA: Objection, Your Honor, the question is compound; it inserts facts not in evidence; and it lacks foundation.
THE COURT: I think there’s a more basic question you have to ask her before you can ask that, which is a foundational question.
MR. SANGER: All right.
Q. Has that case been discussed in -- amongst fingerprint examiners in your presence?
A. Yes.
Q. Has it been discussed at seminars? Have you been to a seminar since that case came down?
A. Yes, I’ve been to a seminar. It wasn’t discussed directly, but it was referred to.
Q. And it was a topic of conversation at the

coffee machine at the break?

A. Don’t drink coffee.

Q. Okay. That’s right. Okay. You’re taking a very healthy approach.

All right. In any event -- and then do you read periodicals and other literature regarding fingerprint examination?

A. Yes.

Q. And has that case been the subject of significant discussion in the periodicals relating to fingerprint examination?

A. Yes. And I haven’t quite finished reading that one article.

Q. Okay. As a result of this -- of these concerns, has there been an increased effort to -- let me withdraw that. As a result -- let me withdraw that.

What are validation studies?

MR. NICOLA: Objection. Lack of foundation, Your Honor.

THE COURT: Overruled.

You may answer.

THE WITNESS: They’re tests for competency.

Q. BY MR. SANGER: Has there been an effort to enhance the validation studies in order to prove the proficiency of fingerprint examiners?

A. I don’t know of any official ones, but we always try to be perfectionists.

Q. All right. Now, in the areas -- I’m trying to think of a one-minute question, so I don’t launch into something.

THE COURT: That’s kind of you.

Q. BY MR. SANGER: But in the area of fingerprint examination, there were -- there’s a fellow by the name of Galton who really pioneered all of this in the 1880s; is that correct?

A. Yes.

Q. And to this day, there’s a reference to Galton when you talk about Galton points; is that correct?

A. Galton’s details. And that’s basically minutia, which are points of reference.

Q. So you look at points -- Galton looked at points of reference which would be actual details of the ridge lines in the fingerprint; is that correct?

A. Yes.

Q. All right.

THE COURT: All right. We’ll --

MR. SANGER: Being so bold as to take 20 seconds extra here.

(Recess taken.)

THE COURT: You may proceed.

MR. SANGER: Thank you, Your Honor.

Q. Okay. Just before the break, we were talking about validation studies, and one of the aspects that you talked about was proficiency testing, I think; is that right?

A. Competency.

Q. Competency. Are there blind proficiency tests that are issued to latent print examiners?

A. If your agency requests one, yes.

Q. Have you been involved in such a test?

A. No.

Q. Now, you’re aware that over the last few years, that various agencies have tested where they send out prints and ask that they be compared and that they found both false negatives and false positives; is that correct?

MR. NICOLA: Objection; compound.

THE COURT: Overruled.

THE WITNESS: Not personally, but I know of proficiency tests, yes.

Q. BY MR. SANGER: So you have not been tested at all?

A. No.

Q. All right. In this particular case, in this particular case involving Mr. Jackson, you went over the original set of prints that were compared, and you participated in confirming the conclusion that either there was an identification or there wasn’t; is that correct?

A. Yes. There would be three results. There would be a positive, meaning it was an I.D., a negative, meaning it did not match, or inconclusive, meaning that it could, but we couldn’t rule out and we couldn’t rule in.

Q. All right. And when you make a positive identification, is it your understanding under the rules that govern latent print examiners -- let me withdraw that.

Are there any formal rules and regulations that govern latent print examiners in California?

A. There’s no formal rules, but our agency uses the ACE-V method, which is analysis, comparison, evaluation, and then verification.

Q. All right. You’re familiar with the rules of ethics that have been promulgated by SWGFST?

A. I’ve read them.

Q. Well, do you feel they’re appropriate for the profession?

A. Yes.

Q. All right. And they reflect, pretty much, what the latent print examiners as a group are striving towards --

A. Yes.

Q. -- is that right?

When you make a positive identification, it is supposed to be just that, positive?

A. Positive.

Q. And it’s -- there’s no room -- if you say positive, you’re expressing the opinion that there’s no possibility that anybody else could have left that print; is that correct?

A. It has to be 100 percent. If it’s 99.9, it’s inconclusive.

Q. All right. And in this particular case, there were two prints that you had expressed an opinion on which were later determined by others not to be a correct evaluation; is that correct?

A. Which ones?

Q. Are you -- okay. After you got through looking at the fingerprints, you did that with Detective Spinner; is that correct?

A. Yes.

Q. And you and Detective Spinner each formed an opinion as to whether or not there was a positive identification or not; is that correct?

A. Yes.

Q. And you then reduced these opinions to written reports; is that correct?

A. I did not write any reports.

Q. Detective Spinner did?

A. Yes.

Q. Did you review his reports?

A. Not every one of them, but I -- I verbally talked to him about everything.

Q. So you were aware that he was filing reports that reflected your conclusions that either a print was positive or inconclusive or negative; is that correct?

A. Yes.

Q. Are you aware of two prints that later were determined by other examiners not to be correctly evaluated?

MR. NICOLA: I’m going to object. It assumes facts not in evidence. There’s a lack of foundation as to her personal knowledge.

THE COURT: I’ll sustain the foundation.

Q. BY MR. SANGER: All right. Let’s take it one at a time. Were you aware that 317-L -- you had formed an opinion, along with Detective Spinner, that the print was inconclusive; is that correct?

A. I --

MR. NICOLA: Objection; vague. There were a number of prints on 317.

MR. SANGER: Okay. Let’s get the exact one here.

Q. While I’m looking for it, let’s just do this: Were you aware that, with regard to 317-L, that one of the prints that you determined was inconclusive, other examiners have come back and said that there is a positive match?

A. We --

MR. NICOLA: Objection. Lack of foundation as to who the other examiners might be.

THE COURT: Overruled. But the question --

THE WITNESS: This is --

THE COURT: The question is, “Are you aware

of other opinions?”
THE WITNESS: Yes. Can I --
THE COURT: No, you can ask your next question.
MR. SANGER: Okay.
THE WITNESS: Can I --
Q. BY MR. SANGER: And we are talking specifically about Fingerprint No. 1, on page 31 of Evidence Item 317-L, which would have been -- well, anyway, evidence Item 317-L. Are you familiar with that print?
A. Yes.
Q. And you and Detective Spinner decided that that was inconclusive; is that correct?
A. At the time of -- when we did all the comparisons, we did 24,000 comparisons, we figured, approximately. We couldn’t spend a lot of time really evaluating --
MR. SANGER: Your Honor, I move to strike the answer. Not responsive.
THE COURT: Sustained. It’s stricken.
MR. SANGER: Could you answer that question?
THE COURT: Have it read back.
(Record read.)
THE WITNESS: May I explain a little, other than a “yes” or “no”?
MR. SANGER: I have to have an answer first.
THE WITNESS: Okay. Yes.

Q. BY MR. SANGER: You found that to be inconclusive?
A. At that time, yes.
Q. Later, there was a determination made by somebody other than you that that should be classified as a print belonging to Star Arvizo; is that correct?
A. We did it together, yes.
Q. Okay. So you filed your original report, or Detective Spinner filed his original report on that particular item around the end of June of 2004; is that correct?
A. Approximately, yeah.
Q. Okay. And that's roughly when you concluded your work making the comparisons; is that right?
A. With that particular latent?
Q. Yes, I'm sorry. But with regard to that particular --
A. Amongst thousands, yes.
Q. With regard to that particular item, 317-L, which was a particular magazine; is that correct?
A. Yes.
Q. With regard to that magazine, you concluded your work towards the end of June of 2004; is that right?
A. I don't think it was 2 -- in June, no.
Q. When was it?
A. It was sometime in the fall.

Q. Okay. All right. In any event, fall 2004?
A. Yes.
Q. All right. And then in February, or let's say January and February of 2005, you looked again at Item 317 with Detective Spinner; is that correct? 317-L?
A. I think it was in January, yes.
Q. January 2005?
A. Yes.
Q. Okay. We're in the middle, at that time, of pre-trial motions in this case; is that correct?
A. I guess so, yeah.
Q. Jury's about to be --
A. Well, it was the beginning of January 2005, because I -- I was still pregnant.
Q. Okay. All right. And at that time you had already -- by that time, you had already filed this report saying that print, that being Fingerprint No. 1, developed on page 31 of Evidence Item 317-L, was inconclusive?
A. I did not file a report.
Q. Detective Spinner filed the report with that conclusion, correct? Your unit filed a report with that conclusion, correct?
A. Inconclusive in November, October. And then we filed another report I believe in January.
Q. Yes, ma'am. And then -- actually, the report that you filed -- do you have that report in 3448

front of you, by the way?

A. I did not file a report. It’s all -- it’s Spinner.

Q. Detective Spinner filed it, right?

A. Yes.

Q. And you and he were working together in your unit, the forensic unit, Bureau of Criminalistics for the sheriff’s department analyzing these prints, correct?

A. Not -- I was on maternity leave at that time. I came in on a -- for a couple hours one day to meet with him.

Q. One day when?

A. In January.

Q. Okay. So when he says that you concurred with him that this print should be reclassified, you concurred with him based on a two-hour consultation?

A. Well, I would think it was more than two hours, but I can’t say exactly. I didn’t have a stopwatch with me. It was an afternoon. It was a print that was -- we couldn’t spend the time on it, as I recall.

Q. What I want to ask you is how much time, now. What you’re saying is maybe more than two hours, but it was an afternoon?

A. It was an afternoon, yes.

Q. All right. And in the course of that afternoon, did you review other prints other than 3449

the one that we just referred to, Print No. 1 on page 31 of 317-L?
A. Yes, I believe we reviewed all the inconclusives.
Q. All of them?
A. Yes.
Q. And you determined in this case, between the two of you in that period of time, that your previous inconclusive should be now reported as a positive for Star Arvizo; is that correct?
A. Yes. There’s -- as an examiner, you always go on the edge of caution, so you want to make sure it’s a positive-positive. If you have any -- if you want -- if you want to rush a job and you don’t -- if you don’t want to rush a job, you make it an inconclusive.
Q. How many weeks did you work on the fingerprint examinations prior to coming back in January?
A. Oh, a few months.
Q. Few months?
A. At least, yeah.
Q. And when you said -- I forgot what the number was, some thousands of comparisons?
A. Yes. You have ten fingers on each hand, and we had three people to compare it to, and I believe there was over 700 latents, so that makes approximately 21,000 comparisons.

Q. So you're comparing the 700, more or less, 700 latent prints --

A. Approximately.

Q. -- to three people, each of whom had ten fingers?

A. Yes.

Q. All right. And you said you never want to make a positive identification unless you're 100 percent positive, correct?

A. Yes.

Q. And you said if you're rushing things, you definitely don't rush into a positive. You'd rush into an inconclusive?

A. Yes, so you can spend the time later re-examining, if you have the time.

Q. In that same January time period, it was determined that your positive identification of Fingerprint No. 1 on page seven of Evidence Item 317-O where Mr. Jackson was positively identified by you earlier, that that should have been inconclusive; is that correct?

A. We didn't make it a positive, because I still feel it's a positive. Bob feels it's more of an inconclusive. And so we can't come to a conclusion, so it's still an inconclusive.

Q. So "Bob" is Detective Spinner; is that correct?

A. Detective Spinner, yeah.

Q. But once again, that had been written up as a positive prior to January and February of 2005, correct?

A. By “Bob,” by Bob Spinner, yes.

Q. So fingerprint identification is really subjective; is that correct?

A. Yes.

Q. In other words, it’s up to somebody who has training or -- in other words, or whatever their background is, to look at the latent and look at the rolled print and make a subjective determination that they believe that it’s the same person; is that right?

A. Yes, with training.

Q. And we have indicated with a couple of examples, and I won’t go into any more particular ones with you right now, but there have been a number of other notable misidentifications of prints in recent years, have there not?

A. Yes.

Q. All right. Now, you talk about the ACE-V analysis. And the ACE-V analysis was actually put together really by Sergeant Ashbaugh of the Royal Canadian Mounted Police?

A. Yes.

Q. And Sergeant Ashbaugh was a sergeant in the RCMP?

A. Yes.

Q. And he decided that, oh, 20 years ago or so, that fingerprint analysis needed to be upgraded and have a more scientific vocabulary; is that correct?

A. He was one of the many people, yes.

Q. And he, in fact, coined the phrase “ridgeology”?

A. Yes.

Q. Do you consider yourself a ridgeologist?

A. To a certain point, yes.

Q. And he wrote a book with that name in the title, I think.

A. Yes.

Q. When you say “ridgeologist” or “latent print examiner,” you’re talking about looking at the ridges and trying to see what you got in that latent, if it matches the ridges of the rolled print; is that right?

A. Yes.

Q. Now, prior to Sergeant Ashbaugh’s arrival on the scene and his writing and whatnot, the Galton points were given a tremendous amount of weight; is that correct?

A. Yes.

Q. And by “Galton points,” we sometimes hear there’s so many points of identification where you look at a particular image on the magazine or from the Scenescope or the super glue or the ninhydrin, and then you look at the rolled print, and you say, "Ah-hah, that looks like the end of that line ends just about exactly the same place on both prints." Would that be an example of a Galton point?

A. Yes.

Q. And at one time it was thought that simply counting the number of Galton points was a good way to make a positive identification; is that correct?

A. A long time ago. They need to be the same orientation, too.

Q. All right. So we've gone from just counting, where somebody says, "Oh, we've got 12 points of identification," for instance, to looking at more than just the 12 points of identification?

A. Yes.

Q. Ultimately, when you do your analysis, the first thing that you need to feel comfortable with is that you have a -- a valid print; that is, a latent print is a print that was, in fact, preserved properly and enhanced, or whatever was done to make it visible, that all of that was done in a reliable fashion; is that correct?

A. Yes.

Q. And then you do an analysis of the print to see if there's going to be enough of a print and enough of a coherent print to do a comparison, correct?

A. Yes.

Q. You could have one print over another that 3454 might cause problems; is that right?

A. That’s one of our problems, yes.

Q. And you can have a print that’s on paper that’s crinkled, or there’s some other problem with it so you don’t get enough of a print?

A. Yes.

Q. You could have a print where just the edge of somebody’s finger hit the paper and that’s the only thing that will show up?

A. Yes.

Q. So the first thing is, you try to analyze the print and make sure you got enough to go with. If there are danger signs, do you reject the print?

A. Yes.

Q. All right. So, for instance, if there are too many -- there’s too much pressure, there’s a smear or something like that, it may render the print really unusable; is that correct?

A. Yes.

Q. Now, assuming you find a partial print, which is a portion of that otherwise ideally rolled print that’s sufficient, you go to the comparison stage; is that right?

A. Yes.

Q. So we’re actually doing this ACE-V thing.

A. You do the analysis. Can I give a quick description?

Q. We did analysis, right?

A. Yeah.

Q. Now we're going to comparison. That's C, AC?

A. You have missed a few things in the analysis.

Q. Go ahead. Okay.

A. You also look at the general pattern. If the pattern -- the subject you're comparing to is a known, your suspect, has all whorls, and the print that you're comparing it to is a loop, you can eliminate him right then. You don't have to go any further than that. So you've got to look at the overall latent print as far as the pattern, the details in the -- in the latent, and you can do some quick evaluation, right then and there, that you don't need to continue on to the comparison process.

Q. All right. So whether that's part of analysis or the first part of comparison, you do a basic overall comparison of the known or rolled prints with the latent --

A. Yes.

Q. -- is what you're saying, and then you go to a more detailed comparison if you feel we're still in the ball game. You got enough to look at, you think, and then there's a general agreement that it's either a whorl or a loop or an arch or something, right?

A. Yes.

Q. So when you get to comparison, tell me what you do besides count Galton points.

A. You look at the three levels of detail.

There's the general pattern, then ridge flow of the fingerprint or palm print.

Then the next layer of detail is Galton's details or minutia, which is what we call it now, and those are ridge endings, where the ridge will just go up and end, or bifurcation, where the ridge goes up and it separates into two. There's short ridges, which are just little short ridges in between the row of other ridges. There's dots, which are just a little dot. And there's scars, marks, warts, you know, other things. You look at those and see if they line up in the same orientation.

And then you can go down to the third level of detail, which is ridgeology of -- the edges of the ridges, like edgeoscopy they call it, and it's the actual way the ridges form, if there's a bump in it, or if it flows a certain different way. And you can also look at the poreoscopy, the actual placement of the pores along the ridges.

Q. Okay. In order to get to what you're calling the edgeoscopy or the poreoscopy, you have to have a very good latent; is that correct?

A. Yes.

Q. Most latents -- for instance, on a magazine, most latents you’re not going to be able to see that kind of detail to make that kind of comparison; is that correct?

A. Most of them, yes. But some are clear enough, yes.

Q. And you talked about the Galton points. For instance, at one time it was thought that maybe 12 points of identification would assure an absolute positive identification; is that correct?

A. By some agencies, yes.

Q. In fact, some agencies went as low as seven or nine points of identification; is that correct?

A. I don’t know.

Q. And we were talking about this lawyer who was falsely identified based on a fingerprint in Oregon in the Madrid bombing case, that there were over 16 points of identification that were established by the FBI in that case; isn’t that correct?

A. I don’t know how many points they went off. I looked at the print itself and I wouldn’t I.D. it, so --

Q. In any event, whatever it was, it was enough for the FBI to say there was sufficient points of identification, correct?

A. At that time, yeah, I guess so.

Q. Okay. In 2004?

A. Yeah.

Q. And they were aware of this additional -- the more than just Galton’s 1886 approach to counting points. They were aware of all the advances that had been made in fingerprint identification?

MR. NICOLA: Objection; assumes facts not in evidence.

THE COURT: Sustained.

MR. SANGER: May call for speculation, actually. Let me withdraw that.

Q. Have you worked with the FBI before?

A. No.

Q. Now, once you get through with the analysis and comparison, you then go to the evaluation, which is the E --

A. Yes.

Q. -- part of ACE?

A. Yes.

Q. And that, as we just said, is not a matter of counting points of identification, correct?

A. No.

Q. So -- I did that again, I said “correct.” Is evaluation merely a matter of counting the points of identification?

A. We don’t count points.

Q. Okay. In other words, it’s a subjective determination?

A. Yes.

Q. That’s, for instance, where Bob says, “Oh, 317-O was Michael Jackson’s print,” and you say you don’t think it was, or you don’t think there was enough to make that determination, right?

A. It’s actually reversed.

Q. Whichever way it went. Whichever way it went. I’m sorry if I got it backwards. But there’s a disagreement, because it’s subjective?

A. It’s -- yeah.

Q. There’s no scientific way of absolutely verifying the point, is there?

A. Well, we strive to, as this is an applied science.

Q. But -- it’s an applied science, but it ultimately is your subjective opinion, correct?

A. Yes.

Q. Correct?

A. Yes.

Q. Now, the last -- it’s ACE, and then usually puts a dash and a “V,” I suppose.

A. Yes.

Q. And the “V” is for verification; is that right?

A. Yes.

Q. And that means that ordinarily you would have another examiner look at your work, or you would look at another examiner’s work?

A. Yes, independently.

Q. And see if you come up with the same conclusion; is that right?

A. Yes.

Q. And you’re aware that many cases where there have been false positives involve just that. There was verification by two or more people in addition to the regular, or the original examiner, correct?

A. Not personally, but by reading, yes.

Q. By reading about other examples and --

A. Yes.

Q. -- and discussing them.

Your Honor, since this witness has not gone into any more specifics, slides, pictures, I am going to ask for leave to bring her back at that time, if those are introduced into evidence, rather than attempt to take the People’s evidence and put it up on the screen and go through it, if that’s acceptable to the Court.

THE COURT: All right.

MR. SANGER: Okay. Thank you. I have no further questions at this time.

MR. NICOLA: I’ll be brief.

FURTHER REDIRECT EXAMINATION

BY MR. NICOLA:

Q. You’ve mentioned the word “subjective” a few times when you’re talking about fingerprint 3461 comparisons.

When you go through the ridges and pick out the minutia, what you're trained to do, is it your belief that those items are there, or is that something that other people, you hope, can pick out as well?

A. Well, I hope that other people can come to the same conclusion that I came to.

Q. And you've used the word "applied science."

A. Yes.

Q. Is your craft one that, I hope, can be replicated by others doing the same fingerprint comparison?

A. It should be.

Q. Okay.

A. If I did a comparison and I hand it off to another examiner, they should come to the same conclusion I did. And that's what an applied science is.

Q. That suggests some objectivity to this?

A. Yes.

MR. SANGER: Objection; leading.

THE COURT: Sustained.

MR. SANGER: Move to strike.

THE COURT: Stricken.

Q. BY MR. NICOLA: Did you want to explain that inconclusive that you and Mr. Spinner went back to take a look at?

A. Yes. Fingerprint comparisons --

MR. SANGER: I’m going to object as, first of all, the question is vague. Secondly, that seems to be nonresponsive.

MR. NICOLA: Can I rephrase?

THE COURT: Yes.

Q. BY MR. NICOLA: Okay. Mr. Sanger brought up an inconclusive fingerprint on Item 317-L.

A. Yes.

Q. What can you tell us about that one?

MR. SANGER: Objection; calls for a narrative.

THE COURT: Sustained.

Q. BY MR. NICOLA: Can you explain what an inconclusive means?

A. It means it’s a difficult print, and you can’t rule the person to be a positive I.D., and you can’t rule him out to be a negative I.D. With further time examining it and spending time running the ridges and working with the print, you can turn it into a positive or you can turn it into a negative.

But at the time of evaluation at that time, we wanted to leave it as an inconclusive, and come back to it, because it was a more difficult print to make an I.D. of.

Q. Okay. With respect to that particular print, an inconclusive fingerprint is one that you believe belongs to a particular person?

MR. SANGER: Objection; leading.

MR. NICOLA: I’ll rephrase it, Your Honor.

Q. Did you have a belief as to who that fingerprint was made by, even when you labeled it inconclusive?

A. Yes.

MR. SANGER: Objection. Objection; that’s an opinion without an adequate foundation.

THE COURT: It’s overruled. She’s already testified that she had an opinion separate from the other person, so I’ll allow the question.

MR. NICOLA: Do you want it read back?

THE WITNESS: Yeah.

(Record read.)

THE WITNESS: Yes.

Q. BY MR. NICOLA: And what was that?

A. As Star Arvizo.

Q. Okay. You mentioned that you reviewed all the inconclusives with Detective Spinner. Were there many inconclusive fingerprints?

A. I don’t have the complete list, but there weren’t that many.

Q. And in fact, there weren’t very many positive fingerprints either, were there?

A. No.

MR. SANGER: I’m going to object -- withdrawn.

THE COURT: Did you withdraw that?

MR. SANGER: I withdrew it. I’m sorry, Your Honor.

Q. BY MR. NICOLA: Can you explain to us what you meant by fingerprint examining being an applied science?

MR. SANGER: Asked and answered.

THE COURT: Overruled.

You may answer.

THE WITNESS: An applied science is something that can be repeated by someone of the same level of proficiency that you are at. So if I did a comparison and gave it to another examiner, they should come to the same conclusion that I came to.

MR. NICOLA: Okay. Thank you very much. I have no further questions.

FURTHER RECROSS-EXAMINATION

BY MR. SANGER:

Q. One of the rules articulated by SWGFST is you don’t express an opinion on an inconclusive other than it’s inconclusive, right?

A. Yes, but you still have a gut feeling as to what you -- what you feel.

Q. And according to SWGFST, according to their rules of ethics, it’s inappropriate to come into a courtroom and testify as to who you believe an inconclusive print may belong to. They deem that unethical, do they not?

A. I guess so.

Q. Okay. Now, as far as your explanation of this applied science business, I understand that you come to this by certain training and experience, but when you put the actual prints up on the board - when I say “the board,” the screen, for instance, behind you - and show them to a jury or a group of intelligent people, they should be able to follow your analysis in coming to the conclusion that there either is or is not a match, correct?

A. On -- yeah. Yes. With some explaining and, you know, some basic training in the courtroom, yeah.

Q. All right. In other words, it’s not -- it’s not -- you’re not seeing something that other people cannot see. You are appreciating things that you have learned to appreciate from your training and experience, correct?

A. Yes.

Q. So when it’s up there, the jury or anybody else in the courtroom can look to see the points of identification or the other characteristics of the print, the latent print and the rolled print, and they should be able to visually see the same things that you can see, correct?

A. They should --

MR. NICOLA: Objection, Your Honor, that calls for speculation.

THE COURT: Overruled.

THE WITNESS: They should, you know, with some explaining from the examiner, you know, pointing out the details, be able to see everything we see.

Q. BY MR. SANGER: It’s not reading tea leaves or something --

A. No.

Q. -- or where there’s something mystical about it.

A. No, they’re there.

MR. SANGER: All right. Thank you. No further questions.

MR. NICOLA: I have nothing further, Your Honor.

THE COURT: Thank you. You may step down. Call your next witness.

MR. NICOLA: Yes, Your Honor. Char Marie.

THE COURT: Raise your right hand, please.

CHARLENE MARIE

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name is Charlene Marie; 3467

C-h-a-r-l-e-n-e, M-a-r-i-e.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. NICOLA:

Q. Did you bring my binder?

A. I did.

Q. Well, good afternoon.

A. Good afternoon.

Q. Can you please tell the jury who you’re employed by?

A. I work for the California Department of Justice at the Santa Barbara Regional Crime Laboratory. I’m a senior criminalist there.

Q. How long have you been employed by that agency?

A. Just about 15 years.

Q. How long have you been a criminalist?

A. 15 years.

Q. Do you, on occasion, receive requests from the Santa Barbara County Sheriff’s Office to process evidence on their behalf?

A. I do.

Q. And what is the procedure in getting the evidence to you to process?

A. The procedure is that someone from the sheriff’s office will bring in the evidence. We also accept evidence via UPS, or in the mail. We serve San Luis Obispo and Santa Barbara Counties, so some of our agencies ship their evidence in to us. And sometimes we go to the scene and help collect evidence.

Q. On or about February 4th of 2004, did you receive some evidence --

A. Is that the question?

Q. I lost my place -- from a Lisa Hemman?

A. May I look at my notes?

Q. If that refreshes your recollection, certainly. On or about February 4th, did you receive an item of evidence from Lisa Hemman of the sheriff’s office?

MR. SANGER: May I approach to see what notes are being looked at to refresh?

THE COURT: Yes.

MR. SANGER: Thank you.

THE WITNESS: These are submission forms. So, yes, I did. I received evidence. And did you ask me what did I receive?

Q. BY MR. NICOLA: Not yet.

A. Okay.

Q. What did you receive?

A. I received Item 317, and various subsets of that, 317-B, G, K, L, R, S, Y, double B, double C, double E, double K, double R, double U, double Y, and triple D. 15 items.

Q. Okay. Did you note the date on a form 3469 anywhere when that evidence came to you?

A. I did, on the submission form. Lisa Hemman signed it off. I made a notation, “IP,” which means to us “in person,” and my signature, and then I wrote the date.

Q. Okay. If she testified earlier that she dropped it off on February 5th of 2004, is that in conflict with your record?

A. I --

MR. SANGER: Objection; leading. And calls for speculation as to when it was received.

THE COURT: Calls for a conclusion; sustained.

Q. BY MR. NICOLA: What did you do with the item when you received it from Ms. Hemman?

A. I locked it -- well, we logged it into the lab, and then I locked it in my evidence locker in the evidence vault.

Q. Did you mark the bag in any fashion?

A. Yes, we put the case number on it, my initials would be on it, and the date that I received it.

Q. I’ve just placed in front of you Exhibit No. 529; is that correct?

A. Yes.

Q. Would you please remove the contents of Exhibit 529 and tell the jury if you recognize what the contents of that exhibit are?

A. I recognize it. It’s a sealed brown paper bag and this is my writing on the bag that has our lab case number for this case. That’s my signature, and that’s the date that I put on the bag.

Q. Is this the bag that you received on February 4th from Lisa Hemman?

A. Yes.

Q. Okay. Did you open that bag immediately upon receipt?

A. I did not.

Q. When did you first open that bag?

A. I’m going to check my notes. That’s okay? I first examined Item 317, the contents of this bag, in July, July 27th.

Q. And from the time that you received it on February 4th until July 27th, where did that bag remain?

A. The bag was in my evidence locker in the evidence vault from the time I received it until May 20th. On May 20th, Detective Al Lafferty of the S.O. picked it up and he returned it the next day, on May 21st.

Q. So from February 4th until May 20th of 2004 --

A. It was in -- sorry.

Q. -- it was in your evidence locker?

A. Yes.

Q. Did anyone else have access to your evidence locker?

A. No.

Q. No?

A. No.

Q. Okay. When you did open the bag in July --

A. In July.

Q. -- did you make a photographic record of the contents?

A. I did.

Q. Okay. Did you also write notes on the photographic record explaining what you did at the time that you did it?

A. Yes, I did.

MR. NICOLA: I'm going to mark this next in order, 766. May I have this two-page document....

Q. Do you recognize Exhibit 766?

A. Yes, I do.

Q. Can you tell the jury what is depicted in that?

A. I took a photo of the front cover of each item that was in the brown paper bag after I opened it, so at the top is my writing saying that I removed the taped, sealed bag from the vault and that there were 15 items in the bag. I list them, and then I started taking photographs of what I saw in the bag with their item numbers on these two pages. So there are 15 -- 15 photos printed out on these two pages.

Q. Is Exhibit 766 an accurate depiction of --
A. Yes.
Q. -- the record of your file?
A. Yes.
Q. Does it accurately depict the magazines that were within Exhibit -- what is the exhibit number on the bag? I'm sorry.
A. 766.
Q. I need to look at the bag.
I'm sorry, I'll ask that question again.
Is 766 an accurate depiction of what was inside the bag, Exhibit 529, when you received it from Lisa Hemman on February 4th, 2004?
A. Yes.
MR. NICOLA: May I publish, Your Honor?
THE COURT: Any objection?
MR. SANGER: Is he offering to admit it, I suppose, first before he publishes?
THE COURT: Yes.
MR. SANGER: No objection.
MR. NICOLA: Move to admit and publish.
THE COURT: All right. It's admitted.
Q. BY MR. NICOLA: These are just the photographs of the front pages, correct?
A. Yes.
Q. And there's a page two?
A. Yes, there's a second page.
Q. The yellow stickies, post-it notes, that are

visible in this Exhibit 766, in particular protruding from 317-R and 317-UU, were those in place at the time that you received this evidence item?

A. They were.

Q. Okay. When was Exhibit 529 and its contents released to the sheriff’s office for good?

A. On July 29th of ‘04.

Q. Okay. So essentially you had that item for almost six months?

A. Yes, but for the one day that it went to the sheriff’s office and came back.

Q. For that period of time, was there -- excuse me. During that period of time, was there any period that you were unavailable to work on this case?

A. Yes.

Q. Explain to the jury why that was.

MR. SANGER: I’m going to object, relevance, Your Honor.

THE COURT: Overruled.

THE WITNESS: Last spring I spent seven weeks as a juror on a civil trial down in Santa Barbara.

MR. NICOLA: Trial lasting seven weeks.

THE COURT: It’s a short one.

THE WITNESS: I thought it was long.

MR. NICOLA: I have no further questions.

THE COURT: Cross?

CROSS-EXAMINATION

BY MR. SANGER:

Q. All right. How are you doing?

A. I'm a little nervous.

Q. Really?

A. Otherwise fine, thank you.

Q. Excuse me. Now it's caused me to choke. Sorry about that.

(Laughter.)

Q. BY MR. SANGER: To everybody's dismay, I have recovered, however, so -- all right, just a few questions here.

The exhibit that you identified, 766, which is the photographs that you took of the various items, first of all, are those all of the items that you took?

A. On the whole case?

Q. In this bag. You said there was a bag of items that you received. Excuse me. Were those all of the items? Are all of the items depicted in that exhibit?

A. I believe so. I counted 15 items.

Q. Okay. And there are 15 here?

A. 15 photos, uh-huh.

Q. And this is from -- what you understand -- when you say it's 317, you understand this to be Sheriff's Item 317; correct?

A. That's right.

Q. You never saw Sheriff’s Item 317 itself, did you?

A. This is what I saw, this tape-sealed paper bag that had 15 things in it.

Q. So if I were to take the time to find it here and hold up a black briefcase that was Item 317, you would say, “I never saw that”?

A. Right, I haven’t seen that.

Q. Okay. And similarly, you mentioned that you had B -- I won’t read them all because it makes it difficult for the court reporter, among other things. But you have the various letters you wrote down after each item there, correct?

A. Yes.

Q. 317-B, and then BB, et cetera --

A. Yes.

Q. -- that applies to you, does it not, Miss Marie? That there were probably other items that were labeled with letters that you never saw?

A. It’s quite possible, yes.

Q. Okay. The sequence that you saw goes as far as 317-DDD, correct?

A. Well, I have a triple D. I also have a double Y.

Q. Assuming it went through the alphabet, it went through a double alphabet and then went through a triple alphabet. It went at least up to 317-DDD, it seems.

A. Yes. In that case, there were a lot of other items that were named that way.

Q. Okay. And your job was to look at that with an alternative light source, correct?

A. Yes.

Q. Did I ask you this? On 766, that’s your handwriting on the notes around the pictures?

A. It is.

Q. All right. And when you looked at the alternative light source, looked at the items with the alternative light source, did you find any suspected DNA to sample and analyze?

A. Well, the light source is just a presumptive searching tool, and all it’s going to tell you is if something’s glowing. If something’s glowing, biologicals do glow, so that’s one area that you might want to test.

Q. Okay. Is that what you were looking for?

A. I was looking for biological material, yes.

Q. Bodily fluids, pretty much?

A. Correct.

Q. The question is, did you find any?

A. I did not.

Q. So as far as you could tell, there was no DNA to be tested from the materials you were sent?

A. Well, there’s no seminal material.

Q. There’s nothing you felt -- just to make it clear, I’m not trying to trap you here, but there 3477 was nothing that you found and you said, “Ah-hah, we ought to send this off to Sacramento or have a DNA lab do a further analysis of this”; is that correct?

A. That’s right.

Q. You pretty much packaged it back up and sent it back to Santa Barbara?

A. I did, yes.

MR. SANGER: All right. Very good. Thank you. No further questions.

MR. NICOLA: No questions, Your Honor.

THE COURT: Thank you. You may step down.

THE WITNESS: Thank you.

THE COURT: See, all that worrying for nothing.

THE WITNESS: I know. Thank you.

MR. SANGER: Your Honor, while we’re waiting for the witness, may Mr. Nicola and I approach briefly?

THE COURT: Yes.

(Discussion held off the record at sidebar.)

THE COURT: When you get to the witness stand -- when you get to the witness stand, remain standing.

Face the clerk here and raise your right hand.

HERIBERTO MARTINEZ, JR.

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name is Heriberto Martinez, Junior. That’s spelled H-e-r-i-b-e-r-t-o; last name Martinez, M-a-r-t-i-n-e-z; and the suffix Junior, J-r.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. NICOLA:

Q. Good afternoon, sir.

A. Good afternoon.

Q. Where are you employed, sir?

A. I work for the County of Santa Barbara in the sheriff’s department.

Q. And have you ever seen the defendant before?

A. I have.

Q. Have you seen him in person before?

A. Yes, I have.

Q. Do you recognize the exhibit I put in front of you?

A. It’s a fingerprint card.

Q. Okay. Turn it over. Did you make that fingerprint card with Mr. Jackson?

A. I took these fingerprints.

Q. Okay. Is the date written on the back?

A. Yes, it is.

Q. Okay. And that's Exhibit 766?

A. It's 767.

Q. 767. You took those fingerprints on which date?

A. On November 20th, 2003.

Q. And are they the fingerprints of Mr. Jackson?

A. To my knowledge, they are.

Q. Okay. Are those inked fingerprints?

A. These fingerprints are -- I took them on a Livescan machine.

Q. Do you recall that?

A. Yes.

Q. How does the Livescan machine work, just generally?

A. When you take a fingerprint, it's on a glass plate, and it shows up on a monitor, computer monitor, immediately as you take the fingerprint. As you roll the fingerprint from one side -- the finger from one side to the next, it shows immediately what you're taking a picture of.

Q. Okay. Do all these images stay up on the screen for some period of time?

A. Each one will show up individually. At the end of the taking the set of fingerprints, it will display as it displays here, with all fingerprints showing.

Q. Okay. Did you take Mr. Jackson's 3480

fingerprints on that date?
A. I did.
Q. Okay. And does that record reflect that those are Mr. Jackson’s fingerprints on the writing on the back of that exhibit, 767?
MR. SANGER: Objection; calls for hearsay.
MR. NICOLA: It’s an official record.
THE COURT: Overruled.
You may answer.
THE WITNESS: I may answer?
Q. BY MR. NICOLA: Yes, you may answer.
A. Repeat the question, please.
Q. The question was, does the back of that document, 767, with the writings, indicate that those are Mr. Jackson’s fingerprints?
A. Yes, it does.
Q. Okay. And is your name and body number also on that document?
A. My last name and my body number are on the document.
MR. NICOLA: Okay. Your Honor, I move 767 into evidence.
MR. SANGER: No objection.
THE COURT: It’s admitted.
MR. NICOLA: No other questions.
THE COURT: Cross-examine?

CROSS-EXAMINATION

BY MR. SANGER:

Q. Okay. Mr. Martinez, how are you?

A. Very well. How are you, sir?

Q. I'm doing fine. Thank you for asking. You are a sworn peace officer, or not?

A. I'm a sworn officer, yes.

Q. Are you 24-hours-a-day sworn or when you're on duty?

A. Only when I'm on duty.

Q. So you're a correctional officer with the sheriff's department; is that correct?

A. That's correct.

Q. You're not a deputy who patrols or a detective, that sort of thing; is that right?

A. That's right.

Q. Okay. And one of your duties at the jail, excuse me, from time to time, is to book people in who come in?

A. Yes, sir.

Q. And you have other duties there as well; is that correct?

A. That's correct.

Q. Sometimes you patrol various areas of the jail?

A. I work in most areas of the jail, yes.

Q. So you've done pretty much anything that a correctional officer would do in the jail, I take it?

A. Yes, that's correct.

Q. There you go.

And you're not trained as a latent print examiner, are you?

A. No, I'm not.

Q. And you -- when you're taking these prints from people and using this Livescan device, you received some training on that from some source?

A. Yes, I did.

Q. It was on-the-job training?

A. I was working at the time I was trained, but it was provided by the Department of Justice.

Q. Okay. Somebody from the crime lab in Goleta?

A. No, it was a -- may I check my note I have here?

Q. Well, okay.

A. It was from the state. Somebody -- I took a 15-hour class on fingerprints.

Q. Okay. And based on that 15-hour class, that's where you learned how to put people's hands in this machine and get the prints up on the screen?

A. The actual using the Livescan itself was on-the-job training.

Q. That's what I was asking about. So you had a 15-hour class as part of your training to book people in the jail. You had a 15-hour class on how to roll fingerprints, correct?

A. That is correct.

Q. All right. And then you had the on-the-job training to learn how to use that Livescan device, right?

A. Yes, that’s correct.

Q. So one of your supervisors or colleagues said, “Okay, we’ve got this machine. This is how you do it”?

A. Yes, that’s correct.

Q. All right. And you said you were -- to the best of your knowledge, those were Mr. Jackson’s prints. Do you have any question as to whether or not those belong to Michael Jackson?

A. As I stated earlier, I’m not an expert witness on the fingerprints, so I know I took his fingerprints on the day noted here.

Q. Okay.

A. If these are, in fact, the same ones, then, yes, they are his prints.

Q. It looks familiar to you is what you’re saying?

A. Yes.

MR. SANGER: All right. I have no further questions.

MR. NICOLA: No redirect, Your Honor.

THE COURT: Thank you. You may step down.

THE WITNESS: Thank you.

MR. NICOLA: Alicia Romero.

THE COURT: When you get to the witness stand, please remain standing. Face the clerk and raise your right hand.

ALICIA ROMERO

Having been sworn, testified as follows:

THE WITNESS: Yes, I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name’s Alicia Romero; A-l-i-c-i-a, R-o-m-e-r-o.

THE CLERK: Thank you.

MR. SANGER: Your Honor, I have an objection to proceeding. It’s somewhat technical, but could we just have a moment? I know you --

THE COURT: They can’t hear you in the courtroom.

MR. SANGER: I say, could we just have a moment at the bench? I know you don’t prefer that, but I think it’s a technical --

THE COURT: All right.

MR. SANGER: Thank you.

(Discussion held off the record at sidebar.)

MR. NICOLA: Your Honor, since we will not be prepared to go forward with this witness, we’d like to excuse her pending re-call.

THE COURT: We won’t excuse you, but we’ll

re-call you. You may step down.
Sorry. We won’t excuse you, we’ll re-call you.

MR. NICOLA: May we make notice to Miss Romero at her office? It probably won’t be today.

THE COURT: Yes. Remain on call.

THE WITNESS: May I leave for today?

THE COURT: Yes.
She can return to work today, correct?

MR. AUCHINCLOSS: Your Honor, we’ll call Detective Tim Sutcliffe as our next witness. He’s downstairs.

THE COURT: When you get to the witness stand, please remain standing. Face the clerk and raise your right hand.

TIMOTHY SUTCLIFFE

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name is Timothy Sutcliffe; S-u-t-c-l-i-f-f-e.

THE CLERK: Thank you.

MR. AUCHINCLOSS: Technical difficulties.

DIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. Good afternoon, Detective Sutcliffe.
A. Good afternoon.
Q. Who do you work for?
A. Santa Barbara County Sheriff’s Department.
Q. What do you do for the sheriff’s department?
A. Currently right now, I’m assigned as a detective in the forensics unit, the Criminal Investigations Division.
Q. Are you a law enforcement officer?
A. Yes, I am.
Q. How long have you been a law enforcement officer?
A. Approximately 16 years.
Q. Have you worked with the Santa Barbara Sheriff’s Department that entire time?
A. Yes, I have.
Q. And what did you say your current assignment is?
A. I’m a detective in the Forensics Bureau of the sheriff’s department. Criminal investigations.
Q. All right. Tell me what the duties of a detective in the Forensics Bureau are.
A. Respond to crime scenes, do crime scene investigation, evidence collection, searching for latent evidence, booking of property, seize the crime scenes, and sketching. All the facets of

crime scene investigation.

Q. Have you had any special training in procedures for locating latent fingerprints?

A. Yes, I have. I had -- my duties as a patrol officer included also crime scene investigation, responding to take general dusting prints of latents at the scenes of auto burglaries and such.

Also, I attended a 40-hour crime scene investigation course in 1999 that dealt with crime scene investigation. Also delved into latent print recovery techniques.

I attended a class in 2003 at the Department of Justice in California regarding latent print techniques.

I also attended a class regarding latent print comparisons, 40-hour class, also taught by the Department of Justice.

And I also took a 24-hour course regarding the identification of palm prints.

Q. Have you had experience in the field and in the lab concerning locating and identifying latent fingerprints?

A. Yes, I have.

Q. Can you briefly describe that for us?

A. In the lab we do print techniques dealing with using the alternate light source, Scenescope techniques, using chemical processes to develop latent fingerprints, and also using super gluing techniques, as well as fluorescent powder dusting, magnetic powder dusting and the like.

Q. So have you personally used ninhydrin solution to locate fingerprints?

A. Yes, I have.

Q. And have you personally done cyanoacrylate ester fuming, if I pronounced that correctly, to aid in the detection of fingerprints?

A. Yes, I have.

Q. Have you personally used the Scenescope in the detection of latent fingerprints?

A. Yes, I have.

Q. Did you participate in establishing a protocol for finding latent fingerprints in the Jackson -- People v. Jackson case?

A. Yes, I did.

Q. Who else participated in establishing that protocol?

A. At that time, I believe it was I.D. Technician Torres, myself, and Detective Albert Lafferty.

Q. And can you briefly tell the jury, or -- yes, just briefly tell the jury what protocol was decided upon to look for fingerprints on magazines that were seized pursuant to a search warrant of Neverland.

A. Based on the type of magazines that we had, mostly of a semi-glossy, glossy nature, it was decided, after lots of consideration, that we would use the super gluing technique, followed by a Scenescope search for latents after the super glue technique.

And once that was completed, we would then do a ninhydrin chemical process to hopefully further develop some prints.

Q. And did your department prepare a Power Point presentation to guide us through this protocol that was established for this particular case?

A. Yes, they did.

MR. AUCHINCLOSS: Your Honor, could we have the lights dimmed? And I'd ask that you provide me with "Input No. 1."

For the record, this is a Power Point presentation. I presented a copy to the Court marked as an exhibit and provided a copy to defense counsel.

MR. SANGER: What exhibit is it?

MR. AUCHINCLOSS: Madam Clerk, could you help me with that?

THE CLERK: 723.

MR. AUCHINCLOSS: 723. Okay.

Q. All right. Detective, I'm going to ask you about each of these slides and ask you to tell me exactly what they depict, okay?

A. Very well.

Q. Let's begin.

A. This is a demonstration of the original photography recording protocol. Each magazine was placed on a copy stand, photodocumented page for page. This included the loose pages which were not part of a complete magazine, which might be some of the inserts such as the little subscription cards you might send in to get another copy, that sort of thing.

Q. Were there also some pages that were standing alone, some pages that had been torn out?

A. Yes.

Q. All right.

A. Once that process was done, a digital camera was connected to the computer, the pictures were automatically downloaded and stored onto our forensics computer.

Q. Now, was this before any examination of the magazine was done, before any alternate light source, anything of that nature?

A. Actually, we had completed some alternate light source examination of this prior to this process taking place.

Q. All right. So the magazines were intact when you first looked for biological materials using the alternate light source?

A. That's correct.

Q. So then the magazine was taken apart after that portion of the protocol was completed?

A. That’s correct.

Q. Okay.

A. As a matter of fact, here is showing the separation of the magazine after the photographs are taken. They were cut down the middle and separated into individual pages. And this is to facilitate the processes that we were going to be using to develop the latent prints.

Each item was retained, pending the next process, altogether as one item.

Q. I’m not sure what that means. Do you mean you kept the magazines together?

A. No, each magazine was kept, all pages together, before they were put into the next process.

Q. I see. Okay.

A. At that time, they were subjected to a cyanoacrylate ester fuming process, and that’s referred to as super glue fuming, and each separate page was hung in a fuming tank. In this case we have some aquariums which work quite well for that. Just need an airtight container.

The pages were exposed for approximately 15 minutes, allowed to dry for approximately 30 minutes. And then they were individually placed into plastic sheet protectors which were placed into binders.

Q. Now, where was this process done, the 3492 fuming?

A. The fuming was done in our lab at our Santa Barbara station.

Q. Okay. And who was it that was assigned the task of fuming all of these magazines?

A. Detective Spinner did the majority of the fuming. And I believe that he was assisted, at times, by Technician Shelly.

Q. All right. Scenescope. Tell us about that.

A. Moving on to --

Q. Tell us about that.

A. Moving on to the Scenescope, which is -- the actual scientific name for the instrument is a RUVIS, which is Reflective Ultraviolet Imaging System. Scenescope happens to be a trade name for the particular company that we use, but it’s commonly referred to as that.

Q. And you use the Scenescope after the fuming is completed?

A. That’s correct.

Q. And where was the Scenescope -- or Scenescoping of these individuals pages done?

A. We actually, excuse me, had two -- used two Scenescopes, one at our Santa Barbara main station lab and also in our Santa Maria station lab.

Q. What does this slide depict?

A. This is showing I.D. Technician Torres just demonstrating the Scenescoping process. Each page was examined for latent prints using the Scenescope. We had it hooked to a monitor, just as was displayed yesterday, but obviously a lot smaller, so that we could scan the -- each page individually. And as we came across what might be a usable print, we then marked and identified that print with the use of a permanent marker.

We had a numbered grid that we used to reference the location on the page. To get into a ninhydrin process, it can run ink, so we wanted to make sure we still had enough area of location of the print in case that happened.

Q. So tell me a little bit more about this grid. I see a picture of it in the lower right-hand corner. Is that correct, there’s a grid on that page?

A. Yes, there is.

Q. And -- go ahead.

A. Excuse me. The grid is just a transparency that was -- it was a transparency divided into 20 squares, and that grid was used to help mark the location of any known prints that we had developed.

Q. So did you have a separate number for each of those squares, 1 through 20?

A. That’s correct.

Q. All right. And if you located a print in one of those quadrants, you would mark it as 1, 2, 3, depending upon the quadrant?

A. That’s correct. And we used the template and always aligned it to the bottom and outside uncut edge so we’d have a clear edge to do our locations.

Q. Were there times when a fingerprint overlapped a quadrant?

A. Yes.

Q. What did you do in that instance?

A. In that instance, we referred to that area in our report as an intersection of whatever particular quadrant it was.

Q. And after you noted the quadrant, assuming you found a fingerprint using the Scenescope, did you further mark it in any fashion?

A. The print was marked using the marking pen as illustrated here. Also, we would note if there was -- the first latent on the print -- on the actual magazine page would be listed as L-1. If we came across another latent print, it would be marked as L-2. They were circled with the permanent marker showing the location.

Q. So you’d actually -- now, you’d actually circle the print with the permanent marker on the page?

A. On the page itself.

Q. On the page itself. All right.
And you would identify the latent print as L-1 through however many prints you found on that

page?

A. That’s correct.

Q. And what would determine whether a print was designated 1, 2, 3, 4, et cetera?

A. At the time we found it, whatever sequence we were in. So if we’d already found two and came across the next one, it would be 3.

THE COURT: Let’s take our break.

MR. AUCHINCLOSS: Thank you.

(Recess taken.)

THE COURT: You may proceed.

MR. AUCHINCLOSS: Thank you, Your Honor.

If we could go back to “Input No. 1.”

Q. All right. Detective, I have -- I believe where we left off, we were describing how the individual fingerprints were marked.

The next step is photography. Describe what’s going on here for us.

A. Yes. We use a Canon G2 digital camera, which is attached to the Scenescope, and that allows us to photograph the images. It’s mounted on the top. And each usable latent print was photodocumented.

Q. Why did you use the digital camera?

A. This particular digital camera allows us to view with the T.V. monitor, for one reason, and also all of our digital images for all cases. That’s the standard camera that we’re using.

Q. Is this a high-resolution digital camera?

A. This particular one is a four megapixel.

Q. And that would be?

A. Four million -- it’s mid-range to upper -- it’s mid-range.

Q. For resolution?

A. For resolution.

Q. And how does it compare to regular film?

MR. SANGER: Objection; lack of foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Okay. Detective, can you -- have you had a chance to ever use normal film photography with the Scenescope? Have you ever tried that out?

A. No, I have not.

Q. Is there a reason why you use a digital camera with it as opposed to a regular film camera?

MR. SANGER: Asked and answered.

THE WITNESS: A regular --

THE COURT: Just a moment.

THE COURT: Overruled.

You may answer.

Q. BY MR. AUCHINCLOSS: Go ahead.

A. With a regular film camera, a single-lens reflex does not allow us to scan the item to search for the prints, where in this case, the digital camera, we can hook the T.V. monitor up to it, see a live video feed through the camera and be able to do our scanning of the particular pages.

Q. All right. Now, I notice in the photograph to the right, there appears to be something like a ruler there. What is that?

A. Yes. Every photograph that we take with a fingerprint, we have a ruler for size measurement. And also attached to the ruler is depicting the actual item number, the page number that that latent print was found on, and also the latent number.

Q. And who prepares that tag that’s to the left of that photograph?

A. In our case, while I was Scenescoping; scanning the items, I.D. Technician Torres was also inputting into the computer, logging the prints that were found. So she would mark in the actual location onto a post-it and attach it for me, and then the photo was taken.

Q. So this little note was written by I.D. Tech Torres; is that what you’re telling us?

A. Yes, in that particular example it was. And likewise, while she was Scenescoping, I would write the post-it notes.

Q. Did you work in a team with I.D. Tech Torres in this protocol?

A. Yes, I did.

Q. And during the time that you were working with her to examine these various pages, were you always working with I.D. Tech Torres?

A. Yes.

Q. All right. Let’s look at the next slide.

A. This is depicting Identity Technician Torres inputting the results that we got onto our reports. Again, they’re referenced via the page location and number and entered into the computer. After we completed the photodocumentation of each page, we then returned that page to its original sleeve and continued with the next page.

Q. All right. Next slide.

A. Once we had completed the photodocumentation through the Scenescope with the particular item, it was then subjected to a ninhydrin chemical process, and that’s when we went to the fume tank. Each item was removed from a page protector, again that same binder, submerged in a liquid solution, ninhydrin, hung to dry.

Q. Okay. And ninhydrin is?

A. Ninhydrin is a chemical that reacts with the amino acids in your body, skin, and what’s transmitted onto papers or other items when you transfer a fingerprint. And so the ninhydrin reacts with the amino acids that are left in that item from your transfer.

Q. All right.

A. After the ninhydrin process, each page was resleeved, and placed back into the binder in its original location.

It takes a couple days for the ninhydrin to fully develop. You can speed it up with heat, but it’s better to just let it cure by itself for a few days. Then we go back and look for development. It will develop a purple color, usually red to purple. So that’s what we’re doing right now is an examination of each page to see if we have any prints that have developed with that process.

Q. All right. Let’s look at the next slide.

A. Any usable latent prints developed with the ninhydrin process were marked again with a permanent marker. And we used the numbered grid again to locate the point on the page for reference. And this is an example of a ninhydrin print. You’ll notice it’s marked “No. 1-N,” standing for “ninhydrin,” and that’s -- if we had latent prints on the page as well as ninhydrin prints, we would distinguish between the two. So Latent 1 would be ninhydrin, “Latent No. 1,” and the -- or, excuse me, “Latent No. 1-N” would be ninhydrin, and just “Latent 1” for the super glued fingerprint. The fingerprint images were saved into the forensics digital imaging system. We made copies of the images, and they were placed onto compact disks. And once those were compiled for each magazine, or group of magazines, they were then given to our Santa Barbara fingerprint examiners for evaluation.

Q. All right. So the photographs were placed 3500 on a CD-Rom format?

A. Correct.

Q. Okay. Would you also photograph the ninhydrin-developed prints?

A. The ninhydrin prints were scanned as opposed to photographed.

Q. What do you mean by “scanned”?

A. The particular page was placed onto the scanner, computer scanner, and -- with a ruler, and the image was scanned into the system.

Q. Okay. So a digital image was created by means of a scanner as well?

A. That’s correct.

Q. And then these images were provided to the examiners for comparison purposes?

A. That’s correct.

Q. All right.

Thank you, Your Honor.

Do you know -- and I’ll ask for an estimate, if you don’t off the top of your head. How many pages in this process were examined?

A. I don’t know the exact number of pages that we scanned, but I would say a thousand.

Q. Was this a time-consuming process?

A. Very time-consuming.

Q. Can you tell me about that, expand upon that?

A. We started, I believe, processing somewhere 3501 near the end of August. Specifically in Santa Maria, we had 74 separate items that we were tasked with doing the processes on. The majority of those were magazines. There were several individual pages or centerfolds that had separated by themselves and were not with magazines. Individual manila folders and the like. But once the process started, it's -- while you're scanning each page, you have to take usually about seven scans per page on one side, you then flip the page and scan again.

Q. What do you mean "seven scans"?

A. Basically you're taking your page, and the Scenescope while you're scanning only allows you to do an area that's maybe three inches or two inches in width, so you're scanning across the top of the page, moving down, scanning back, moving down, scanning across. And as you come across anything that's fluorescing, ridge detail that's been subjected to the super glue, then we have to analyze it, look at it, see if we're going to use it as a print. If not, move on, and continue scanning -- the scanning process. So a magazine would take us a full day of -- depending on the number of pages, of course, of scanning and just doing the Scenescoping.

Q. Just doing the Scenescoping. Not including the fuming or ninhydrin?

A. The fuming had already been done, but the ninhydrin process still had to be completed.

Q. How time-consuming is the fuming process?

A. The fuming process is, as we depicted earlier, for each magazine, they have to hang them in the tanks, fumed -- the fuming process itself is 15 minutes, then they let them dry and they continue.

So it’s just a matter of hanging the magazine pages into the fuming tanks, which they were using three. But we’re limited. Each tank has a certain size, so it’s just the number of pages that would fit in each particular tank.

Q. What about ninhydrin, is that also time-consuming?

A. The ninhydrin process itself is not as time-consuming as the Scenescope, because we’re just removing the pages, dipping them into the solution, and letting them air dry. And once we fill up our fume hood with the number of pages, then we have to go back, resleeve those items, and then continue on through the magazine with the remaining items. So it would be -- just the process itself would probably be an hour to an hour and a half, but then you have to let it, like I say, sit for a couple of days and then go back and do the analysis on it.

Q. In your experience as a law enforcement officer, have you ever undertaken or even heard of a fingerprinting protocol that involved materials of this magnitude?

A. No, I have not.

MR. SANGER: I would object. Move to strike the answer and object. It was compound. Has he been involved in it, as opposed to --

THE COURT: Sustained. Stricken.

MR. AUCHINCLOSS: All right.

Q. Have you ever been involved in a fingerprint analysis that involved materials of such a large quantity?

A. No, I have not.

Q. Anything remotely this large?

A. No, I have not.

Q. Have you ever heard, in your experience as a law enforcement officer, of a fingerprint analysis that involves such large quantities?

A. No, I have not.

Q. Did the sheriff’s department have to bring in extra help to complete this task?

A. Yes, we did.

Q. Do you know if there were any time constraints on you?

A. Yes.

Q. And you said that you were part of a team. Where did your team operate?

A. I.D. Technician Torres and I worked out of our Santa Maria station.

Q. Okay. And who were the other members of the sheriff’s department that worked on that protocol?

A. Detective Spinner. Detective Wittenbrock. And Technician Shelly.

Q. All right. Detective, at this time I'd like to show you some cards that have been prepared, and we'll go through them one by one.

This card appears to be -- this is Exhibit No. 725. It appears to be Card 02 on the lower right-hand corner. Can you identify that card for me, please?

A. Yes, I can. That's a photograph of a fingerprint taken from Item No. 317-L, which is a "Finally Legal" magazine, December 2000 issue, and that's from -- the latent print is from page 31, Quadrant 15, Latent 1.

Q. Okay. Showing you Exhibit No. 726, itemized as 03 in the lower right-hand corner. Similar card?

A. Yes. This is a photograph from Item 317 Lincoln, L, "Finally Legal" magazine, December 2000 issue, page 126. It was in Quadrant 9, and it's identified as "Latent," the number "1."

Q. Exhibit No. 728, identified as 05 in the lower right-hand corner.

A. Yes. This is from Item 317-R, which is a Hustler "Barely Legal Hard-Core," prior -- it was -- it was printed prior to October 2000, page 54, Quadrant 6, Latent 1-N. That would be a ninhydrin print.

Q. Exhibit No. 729, identified in the lower right-hand corner, 06.

A. This is Item 317-R, as well, Hustler, “Barely Legal Hard-Core,” and again, prior to October 2000. Page 92, Quadrant 1 and 2, Latent 1.

Q. Exhibit No. 730, identified in the lower right-hand corner 07.

A. This is Item 317-R, Hustler “Barely Legal Hard-Core,” prior to October 2000. Page 92, Quadrant 2, 6 and 7 is the intersection, and it’s labeled as Latent 2.

Q. Exhibit No. 731, noted as 08 in the lower right-hand corner.

A. This is from Item 317-R. It’s a Hustler “Barely Legal Hard-Core” prior to October of 2000, page 92, Quadrant 6, Latent No. 4.

Q. Exhibit No. 732, identified as 09 in the lower right-hand corner.

A. This is Item 317-S. It’s a “Penthouse,” page 63, Quadrant 15 and 20, and it’s identified as Latent No. 1.

Q. Exhibit No. 733, identified as “10” in the lower right-hand corner.

A. Yes, this is Item 317-S. It’s a Penthouse, page 87, Quadrant 7, Latent No. 1.

Q. Exhibit No. 734, identified as 11 in the lower right-hand corner.

A. This is Item No. 317-T, “Visions of Fantasy, 3506 a Hard Rock Affair," September '93 issue, page 3, Quadrant 4 and 5, Latent No. 1.

Q. Exhibit No. 735, identified as No. 12 in the lower right-hand corner.

A. This is Item 317-U, "Visions of Fantasy, Sam Jose's Black Starlett," April 1993, page ten, Quadrant 16, and Latent No. 1.

Q. Item No. 736, identified as 13 in the lower right-hand corner.

A. This is from Item 317-YY, "Al Golstein's 100 Best Adult Videos," page A, Quadrant 15, Latent 1.

Q. Exhibit No. 738, identified as 14 in the lower right-hand corner.

A. This is Item 321-A, "Playboy, Special Editions, Girlfriends," August 2003, page three, Quadrant 15 and 20, Latent No. 1.

Q. Exhibit No. 738, identified as 15 in the lower right-hand corner.

A. This is Item 321-A, "Playboy, Special Editions, Girlfriends," August 2003, page 29, Quadrant 15 and 20, Latent No. 1.

Q. Exhibit No. 739, identified as 16 in the lower right-hand corner.

A. This is Item 321-E, "Girls of Barely Legal," page one, Quadrant 2 and 3, Latent No. 1.

Q. Exhibit No. 740, identified as 17 in the lower right-hand corner.

A. This is Item 321-E, "Girls of Barely Legal," page seven, Quadrant 15, Latent No. 1.

Q. And Exhibit No. 741, identified as 18 in the lower right-hand corner.

A. Yes, this is Item No. 321-F, “Finally Legal,” February 2003, page 11, Quadrant 15, Latent 1.

Q. All right.

THE COURT: Counsel, would -- I think you have two 738s.

MR. AUCHINCLOSS: I’m sorry.

THE COURT: You identified two exhibits as 738. I don’t know where the error is, whether you have two --

MR. AUCHINCLOSS: I’m sorry. 736, 738, I’m sorry, that was my mistake. 14 -- that is a seven. So why don’t we repeat that.

Q. What is Item No. 321-A?

A. Item 321-A, “Playboy, Special Editions, Girlfriends,” August 2003, page three, Quadrant 15 and 20, Latent 1.

MR. AUCHINCLOSS: Thank you, Your Honor.

Q. That is 737.

And 738, just so we’re clear, is Item 321-A, “Playboy, Special Editions, Girlfriends,” August 2003, page 29, Quadrant 15 and 20, Latent 1; is that correct?

A. That’s correct.

Q. Sorry for that.

Detective, I’m going to leave these up here with you.

Did you participate in the location and identification -- just for purposes of analysis, but not that you had analyzed them yourself, did you participate in the location of latent fingerprints on these particular magazine pages?

A. Yes, I did.

Q. And there is some information at the bottom of those various cards. Have you reviewed those cards for accuracy in terms of who the individual members of the protocol team were that participated in those various tasks?

A. Yes, I did.

Q. And are they accurate?

A. Yes, they are.

Q. Okay.

MR. AUCHINCLOSS: Your Honor, by stipulation, we are going to -- well, actually, if there’s no objection, I would ask to move these items into evidence at this time.

THE COURT: That would be --

MR. SANGER: Just so it’s clear, there was not a stipulation. I don’t know what “that” meant.

MR. AUCHINCLOSS: Okay.

MR. SANGER: Which items are we talking about?

THE COURT: I think he’s talking 722 through 3509

741. Is that right?

THE CLERK: No.

MR. AUCHINCLOSS: Yes.

MR. SANGER: That would be all of the --

THE CLERK: There was 725 and 726, and there was no 727.

MR. AUCHINCLOSS: We have three that will be identified by other witnesses. 742, 727, and 724.

THE COURT: Okay. Otherwise, 722 through 741, with the exception of those three.

MR. SANGER: Okay. The -- we're talking about the --

THE CLERK: 725, not 722.

MR. SANGER: With regard to the poster boards that were shown to the witness, and identified, I have no objection to those coming in.

THE COURT: Okay. That's 725 through 741 with the three exceptions.

MR. AUCHINCLOSS: Yes.

THE COURT: Those are admitted.

MR. AUCHINCLOSS: All right. Could I have the projection again, Your Honor, "Input 1"?

Q. All right. Detective, can you help us out with the exhibit number of that particular exhibit? I'm sorry. And I am going to move back one. There we go.

Please look at the cards in front of you, and tell me, what is the exhibit number of this particular image?

A. Exhibit 725.

Q. Okay. And how did you participate in the location of this particular fingerprint?

A. I was doing the Scenescoping analysis at the time that this print was identified.

Q. All right. And you located this print?

A. I located the print. I marked the print, and put -- took the photo of the print.

Q. There is a little black outline that we can see on the upper midsection of the photograph, and it appears to disappear behind the ruler and then continue down to the lower midsection of the photograph. What is that?

A. That is the outline of the permanent marker.

Q. Did you put that marker there?

A. Yes, I did.

Q. All right. And you made this photograph. And what did you do with it?

A. The photograph was made and subsequently placed on our forensics computer, and then a copy of that was made and sent to our Santa Barbara examiner.

Q. And after taking this photograph, did you and Detective Torres do any further processing of this particular page in this particular magazine?

A. Once the -- this particular latent print, Latent No. 1, if there were additional prints, we would then continue through the page and mark those, and also photograph.

Q. And did you do ninhydrin processing of this page?

A. We did after we were completed Scenescoping.

Q. So did you super glue this page?

A. No, I did not.

Q. Did it come to you already super glued?

A. Yes, all the items came to us super glued.

Q. And I believe you previously stated that was all done in Santa Barbara?

A. That's correct.

Q. And that was done in Santa Maria, this photograph?

A. That's correct.

Q. All right. Let's go to 317-L, "Finally Legal," December 2000. Can you share with us the exhibit number of that image?

A. This is Exhibit No. 726.

Q. And what did you do in -- concerning the protocol to locate fingerprints on this particular magazine?

A. Again, I was using the Scenescope at this time, and located the fingerprint. I marked the fingerprint with a permanent marker. Took a photograph. And it was subsequently downloaded onto our computer and a copy forwarded to our Santa Barbara office.

Q. And subsequently, you did the ninhydrin on this page and --

A. That’s correct.

Q. And for what it was worth, located other prints as well, but were not concerned about those at this time?

A. That’s correct.

Q. Same question on this. This would be 727; is that correct?

A. I show 728 right now.

Q. All right.

A. I believe 727 is one of the other displays.

Q. Okay. Let me just go back one here. Okay, yes. Actually, I’m sorry. I’m sorry, my mistake, Detective.

This will be -- that one will be introduced through another witness. We’ll deal with that later.

Okay. Let’s go to 728.

A. Yes. 728 is the 317-R, Hustler “Barely Legal.”

Q. All right. Tell me what you did to locate this particular print.

A. On this particular page, this was a print that was the result of a ninhydrin process. After we had done our Scenescoping, the entire magazine was placed in a ninhydrin bath, dried, as we mentioned before, and this particular print had 3513 developed as a result of the ninhydrin process.

Q. Okay. And I see the black line there. Is that the line you drew around the fingerprint?

A. That’s correct.

Q. And you photographed this? Or, actually, I guess you scanned these images?

A. Yes, this was scanned.

Q. All right. Let’s look at 729, Exhibit 729. What did you do to participate -- or how did you participate in locating this fingerprint?

A. Again, I was Scenescoping at the time this print was located. I did the Scenescope photography. I marked the location of the latent. It was downloaded onto our computer, and then forwarded off to our Santa Barbara examiners. And also a ninhydrin bath was done on this particular item, as well, after.

Q. But this item is a fuming Scenescope latent?

A. This is a super glued and Scenescope item, yes.

Q. Let’s look at 730, I believe. We should do that. Is that right?

A. That’s correct. Again, this is off the same 317-R. This is a Latent No. 2. I was Scenescoping this page. I located the print, marked the print with a permanent marker. Again, it was downloaded onto our photographs and downloaded onto our computer and forwarded to Santa Barbara.

Q. All right. 731?

A. 731 is also from the 317-R, Hustler “Barely Legal,” page 92, Latent No. 4. I also was Scenescoping at the time this was taken. It was from the same page as the previous. I marked the image, photographed it, downloaded it to our computer, and a copy was forwarded to our examiners in Santa Barbara, and thus, along with all the others on the same page, were part of the ninhydrin process after this was done.

Q. All right. 732?

A. 732 is the Item 317-S, “Penthouse.” This latent print was also Scenescoped by myself. I marked it. Photographed it. It was subsequently downloaded and forwarded to our examiners in Santa Barbara.

Q. Okay. And the quadrants -- I don’t think I’ve asked you, but the quadrants notated on each of these cards, are they an accurate depiction of the quadrant you located that fingerprint in?

A. Yes, they are.

Q. Did you bring with you an example of a quadrant?

A. Yes, I did.

Q. Okay. Could you -- do you have that with you?

A. It’s in my notes. Can I get that?

Q. If you can pull it out.

A. It’s marked up.
Q. Do you need some back?
A. No.
Q. All right.
MR. AUCHINCLOSS: Your Honor, I have what appear to be a clear piece of plastic with various crosshatch and grid on it, and numbers. I’m marking it 768.
Q. I show you Exhibit 768, Detective. Is that one of the quadrant labeling devices that you used to locate fingerprints?
A. Yes, it was.
Q. You actually used that in this case?
A. That’s correct.
MR. AUCHINCLOSS: All right. Move to move that exhibit into evidence at this time.
MR. SANGER: No objection.
THE COURT: It’s admitted.
Q. BY MR. AUCHINCLOSS: Okay. So I believe we are now at 733. Tell us what you did in terms of locating this fingerprint.
A. Actually, this particular fingerprint was Scenescoped by I.D. Technician Torres. I assisted with that.
Q. Okay. So is -- whose writing is that in the left portion of the Scenescope photograph?
A. That would be my writing.
Q. Okay. So you would write when Technician 3516

Torres was using the Scenescope, and she would write the little post-it note when you were doing it; is that fair to say?

A. Correct.

Q. All right. Let’s look at 734. What did you do to assist in locating this latent?

A. Again, I was with I.D. Technician Torres when she was using the Scenescope on this particular item.

Q. And again, you wrote the card?

A. That’s correct.

Q. And participated in the ninhydrin process of this particular exhibit?

A. That’s correct.

Q. All right. 735. What did you do to assist in locating this fingerprint?

A. On Item 735, I did the Scenescoping, and marked the location of the print, and photographed the item, and was downloaded onto our computer and forwarded to Santa Barbara, and also worked on the ninhydrin process after this process.

Q. 736.

A. Item 736 was an item that was Scenescoped by I.D. Technician Torres, and I assisted her with the ninhydrin process after that.

Q. Okay. Same questions for Exhibit 737.

A. Item 737, I did the Scenescope locating of the print. I marked the print with a permanent 3517 marker, photographed it, and then downloaded it onto our computer and forwarded it to Santa Barbara. Also, the ninhydrin process was completed again on this particular item after the fact.

Q. All right. And how did you help find Item No. 7 -- or Exhibit No. 738?

A. 738 was also an item that I Scenescoped, located the fingerprint. I, excuse me, downloaded the item onto our -- marked it, photographed it, and downloaded the item onto our computer to be forwarded to Santa Barbara.

Q. 739?

A. 739 was also an item that I did the Scenescoping on, locating the prints, marked the print, photographed the print, and downloaded it onto our computer, and it too was forwarded to Santa Barbara.

Q. 740, same question.

A. Item 740 was Scenescoped by I.D. Technician Torres. I assisted her with that. And we both worked on the ninhydrin process following that.

Q. And this was photographed and downloaded, as was the other prints; fair to say?

A. Correct.

Q. Okay.

A. And it is my writing there.

Q. 741?

A. Item 741 is also an item that I Scenescoped, and marked the photograph, photographed the item, and download it and saved it onto the forensics computer.

Q. Okay. Now, I notice a disparity on this particular card. It appears to say, in the upper left-hand corner, upside down, “321-D.” Is that accurate?

A. That’s correct.

Q. And the title of this card at the top of the page says “321-F”?

A. That’s correct.

Q. How do you explain that disparity?

A. Prior to us receiving the items from Santa Barbara, the items were, as was mentioned, placed in binders. The binders were marked with just some placards with just the number of the items, not the actual title of the item. And we discovered that the magazine covers had been -- the placards had been reversed on two magazines.

Q. Okay. And of these prints that I’ve shown you today, how many prints did that affect?

A. That affected this particular print on this magazine.

Q. Only one?

A. That’s correct.

Q. Who caught this error?

A. I did.

Q. Okay. And is it -- is the card as it is 3519 noted above Item 321-F, “Finally Legal,” is that the correct magazine that that print was obtained from?

A. That is correct.

Q. And it was obtained from page 11, Quadrant 15, and it’s Latent No. 1; is that correct?

A. Correct.

Q. After noting this error, did you go back and check all the other prints that I’ve just shown you?

A. That’s correct. I.D. Technician Torres and I went through every one of our processed items to make sure that no other mislabeling errors had occurred.

Q. Okay. Were there any other mislabeling errors?

A. No, there were not.

Q. Detective, I’d now like to run you through some more photographs, and ask you some particulars about the exact location of these prints.

And I think what I’d like to do, Your Honor, is to have you black out the screen for a moment while I change presentations.

Thank you.

MR. SANGER: And, Your Honor, I’m going to object to showing this next presentation. It’s cumulative, and unnecessary to the presentation. If we could approach, I could explain it.

THE COURT: What is it?

MR. AUCHINCLOSS: It is a run-through of 3520 showing the exact location on the exact page that these prints were found.

THE COURT: The objection is overruled.

MR. AUCHINCLOSS: All right.

MR. SANGER: There’s a 352. I don’t know if I expressly said that, but as the Court will see when it starts, perhaps Your Honor will understand what I’m saying.

MR. AUCHINCLOSS: This will take just a moment.

THE COURT: Your 352 objection is the undue use of time?

MR. SANGER: Well, it’s that, and the subject matter of the pictures is to simply put up more pages of magazines for no apparent reason. They’ve already been identified coming out of certain magazines.

MR. AUCHINCLOSS: These are graphic images, Your Honor, and the Court should be aware of that, but they are also graphic images with the fingerprints which we will ultimately show are particularly relevant to this case. And I think it’s important that the --

THE COURT: All right. The objection is overruled.

MR. AUCHINCLOSS: All right. Thank you.

Q. All right. We’re going to go through this relatively quickly, but I’m going to ask you if the 3521 item -- I’m going to start with 317-L, which is No. 2, and ask you if this is the location where that print was found that you located. Okay?

A. All right.

Q. Okay. If I could have just one more moment. All right. If I could have the “Input 1” put on.

Detective, there is a fingerprint image, Item No. 317-L, with an arrow drawn and a circle. Is that where you found that fingerprint?

A. That is correct.

Q. There is a fingerprint with an arrow drawn, and it’s rather blacked out, but the arrow is to a particular location on that photograph. Is that where you found the fingerprint on Item 317-L, page 126, Quadrant 9, Latent 1?

A. Yes, it is.

Q. Let’s see. There is a fingerprint noted on that page. It appears to be a ninhydrin fingerprint. Is that the fingerprint you found on Item 317-R, “Barely Legal Hard-Core,” prior to October 2000, page 54, Quadrant 6, Latent 1-N?

A. That’s correct.

Q. There is a fingerprint with an arrow to it. Is that the fingerprint that you found on Item 317-R, Hustler, “Barely Legal Hard-Core” prior to October 2000, page 92, Quadrant 1 and 2, Latent No. 1?

A. Yes, it is.

Q. There's a fingerprint noted with an arrow to it. Is that the fingerprint that you found on Item 317-R, Hustler, "Barely Legal Hard-Core," prior to October 2000, page 92, Quadrant 2, 6 and 7, Latent No. 2?

A. Yes, it is.

Q. There's a fingerprint with an arrow to it. Is that the fingerprint that you found on Item 317-R, Hustler, "Barely Legal Hard-Core," prior to October 2000, page 92, Quadrant 6, Latent 4?

A. Yes, it is.

Q. There is a fingerprint with an arrow drawn to it. Is that the fingerprint that you found on Item 317-S, page 63, Quadrant 15 and 20, Latent No. 1?

A. Yes, it is.

Q. I'm going to skip the next two. I'm sorry.
There is a fingerprint noted on Item 317 --
I'm sorry, on Item 317-U, "Visions of Fantasy, Sam Jose's Black Starlett," April 1993, page ten, Quadrant 16, Latent No. 1.
Is that the fingerprint that you found on that page?

A. Yes, it is.

Q. Skipping one more.
There's a fingerprint noted with a green arrow. Is that the fingerprint that you found on 3523

Item 321-A, “Playboy Special Editions Girlfriends,” August 2003, Quadrant 15 and 20, Latent 1?

A. Yes, it is.

Q. All right. I’m sorry. There’s a fingerprint located with a green arrow to it. Is that the fingerprint that you found on Item 321-A, “Playboy, Special Editions, Girlfriends,” August 2003, page 21, Quadrant 15 and 20, Latent 1.

A. Yes, it is.

Q. There’s a fingerprint noted with a green arrow. Is that the fingerprint that you located on page one of Item 321-E, “Girls of Barely Legal,” Quadrant 2 and 3, Latent No. 1?

A. Yes, it is.

Q. All right. And finally, there is a fingerprint located with a green arrow. Did you find that fingerprint at that location, Item 321-F, “Finally Legal,” February 2003, page 11, Quadrant 15, Latent 1?

A. Yes, I did.

Q. Thank you.

MR. AUCHINCLOSS: I have no further questions.

THE COURT: Counsel, cross-examine?

MR. SANGER: Can I have a moment with counsel?

(Off-the-record discussion held at counsel table.)

MR. SANGER: May I proceed, Your Honor?

THE COURT: Yes.

CROSS-EXAMINATION

BY MR. SANGER:

Q. Okay. I’m going to start at the end, because unfortunately you’re going to have to come back tomorrow, I think. But since we have the technology hooked up, we’ll do that.

Would it be all right to have the screen --

And this was -- this was -- this was presented to you earlier. And this reflects the same photographs that you have in the set of hard board exhibits in front of you; is that correct?

A. That’s correct.

Q. All right. Now, when you look at these photographs, all of the photographs in this set are super glue fumed and Scenescoped with the exception of one; is that right?

A. That’s correct.

Q. And that one is No. 5 here.

For the record, could you find that in the set of boards there in front of you?

A. Certainly, yes.

MR. SANGER: All right. And just so the jury is oriented, Your Honor, could the witness just hold it up so they can get an idea of what we’re looking at?

Okay. Same thing.

Q. All right. Now, that particular image was developed by virtue of the ninhydrin process, right?

A. That’s correct.

Q. And you showed everybody - and I think everybody’s become an expert in this - you take the thing, dip it the ninhydrin solution, you hang it up on the clothesline, and it dries in a couple of days, if you don’t use artificial heat, correct?

A. Correct.

Q. When it dries, you come up with purple prints?

A. Correct.

Q. All right. The other thing about the ninhydrin print is that it is scanned into the computer; is that correct?

A. That’s correct.

Q. Now, with the super glue, you -- first of all, you do the super glue fuming, put it in one of those fish tanks?

A. Correct.

Q. And then once the super glue fuming is concluded, you then use the Scenescope, and that’s where you come up with these green digital images; is that correct?

A. That’s correct.

Q. So those are digital images taken by a digital camera through a Scenescope, through a 3526 scope, right?

A. That’s correct.

Q. Whereas this one, whatever number it is, the ninhydrin print you just showed us, 317-R, page 54, Latent 1-N, that ninhydrin print is readily visible to the eye, correct?

A. That’s correct.

Q. And, in essence, the picture that you have there is what you see is what you get. You would see that on at page, if the page were here?

A. That’s correct.

Q. All right. Now, the issue with regard to producing these particular images when you’re dealing with the Scenescope and the super glue fuming, you have to be careful in super glue fuming not to overfume, correct?

A. That’s correct.

Q. Because if you overfume, then you can lose a lot of the detail in the print itself?

A. That’s true.

Q. And in the course of the Scenescope, you are taking a picture through a digital camera; is that correct?

A. That’s correct.

Q. Now, the reasons you gave us for a digital camera --

And we can now turn this off, I think, if that’s all right.

Thank you, Counsel, for letting me borrow it.

The reasons you gave for using the digital camera are primarily reasons of convenience, correct?

A. Yes.

Q. In other words, you're aware that the company Spex that manufactures the Scenescope recommends that you use a film camera; is that correct?

A. Actually, I'm not aware of that. I understand that they offer -- I don't know if they still do, but they actually offered a camera package with their Scenescope, which is a digital camera, and they do also offer a 35-millimeter camera.

Q. So do you know whether or not Spex, the company that makes this device, recommends that you use a 35-millimeter-film camera?

A. That was not expressed to me, no.

Q. Do you know that -- and what you might do - I know it's the very end of the day - but if you could turn a little more towards the microphone, because you're fading out just a bit there.

Are you aware of the studies and literature in the area that suggests that a digital camera will not capture some of the detail that a film camera will capture?

A. That's correct.

Q. You use a digital camera because it is easier to scan. In other words, rather than taking a whole bunch of film pictures, you can scan on your monitor and hone in on what you want before you click the picture, true?

A. There would no way that we could accomplish the task of going through the photos that we have by using a single-lens reflex camera in the time span that we had.

Q. Okay. The question was, though, that you used the digital camera because it allows you, I think you told us on direct examination, to scan with the monitor --

A. Correct.

Q. -- right?

So, in fact, in real time, as your Scenescope goes around the page and you find something you like, you can make sure you got it centered, and once it’s centered, based on what you’re looking at in your monitor, you can click the picture?

A. That’s correct.

Q. If you were going to use a film camera, you would either have to take pictures of the entire page, or you’d have to look through the Scenescope, figure out what you’re going to take a picture of, and then click the picture; is that correct?

A. That’s correct.

Q. All right. You also said that the digital camera is a mid-range camera as far as the definition; is that correct?

A. That’s correct. At the time that camera was purchased, it was the top of the line that our agency would be able to -- be able to afford.

Q. Okay. And like everything else, after 18 months, you need to buy a new one; is that right? Everything else electronic, it seems. All right. But in any event, it’s about mid-range as far as the definition; is that correct?

A. Correct.

Q. And you also indicated that it was a matter of convenience that you could take the digital pictures and then you could simply download them to a disk, correct?

A. They were downloaded to a hard drive and then a copy was made, correct.

Q. So the first step is, you downloaded it onto the hard drive for your forensic computers that you have there?

A. Right.

Q. And then you would make a disk from the hard drive?

A. Correct.

Q. So it’s a matter of convenience. Now, you’re aware that there are some aspects -- let me back up just one second. I’m 3530 trying to do a two-minute subject here without going into detail at the moment. Are you certified as a latent print examiner?

A. I am not certified.

Q. Okay. And do you do latent print examinations yourself?

A. I do latent print examinations which are verified, that’s correct, with another examiner.

Q. By somebody else. You did not do these latent print examinations or comparisons yourself?

A. Correct.

Q. Okay. But in other cases, you’ve done that from time to time; is that right?

A. That’s correct.

Q. And how long have you been doing latent print comparisons?

A. Approximately a year. Well, a year where I’ve been doing it with another examiner. I’ve been doing comparisons before that were then reviewed by other, more senior technicians.

Q. All right. So, are you considered a latent print trainee at this point, or latent print examiner?

A. I don’t know the status.

Q. You don’t have any organization that certifies you one way or the other, that examines you --

A. No.

Q. Do you belong to SWGFST?

A. No, I do not.

Q. All right. Now, in the minute remaining, let me just ask you about this, about the digital camera issue.

As -- I know you didn’t do examinations or comparisons in this case, but when you’re developing prints, you are doing that with the intention of developing something that a latent print examiner can compare, is that correct?

A. That’s correct.

Q. So you want to try to get the best product you can for your examiner, correct?

A. That’s correct.

Q. And in that regard, you know that you -- that it can be very helpful to an examiner to look at pores, correct?

A. That’s correct.

Q. And also to look at the shape of ridges, if possible; is that correct?

A. Third-level detail, correct.

Q. Yeah, third-level detail. So we’re not just talking about where they go and how they’re laid out, but the actual shape of the actual ridge; is that correct?

A. If needed, yes.

THE COURT: All right. Counsel, let’s take 3532 our break.

MR. SANGER: I have one more.

THE COURT: Do you want to ask one more?

MR. SANGER: Yes. Then I don't have to start over tomorrow.

I made everybody mad in the whole courtroom at once, all right.

Q. With the digital camera, you tend to not be able to pick up the pores and the shape of the ridges as well as a film camera; isn't that correct, sir?

A. Actually, we were able to get several prints with this camera that did show pore detail.

Q. In general, a film camera is better at getting the pores and the ridge shapes than the digital camera, correct?

MR. AUCHINCLOSS: Object as to foundation.

THE COURT: Sustained.

MR. SANGER: Ahh. There you go.

MR. ZONEN: Your Honor, could the Court and counsel remain just one more moment after the jury's excused?

THE COURT: Yes.

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(The following proceedings were held in open court outside the presence and hearing of the jury:)

MR. ZONEN: Thank you, Your Honor.

I just wanted to notify the Court, we were able to resolve one of the issues that was pending before the Court.

Over the last break, I spoke with Mr. George Blancarte, who is George Lopez’s attorney, and we are agreeing they are withdrawing their opposition to the subpoena that had been issued by the defense.

In fact, Mr. Lopez will be testifying for the prosecution, we expect, on Monday.

THE COURT: Who’s going to testify tomorrow?

MR. ZONEN: We do have a list. Would you like to know the list for tomorrow?

THE COURT: Yeah, I’d like to know.

MR. SNEDDON: Well, we’ll finish this witness’s testimony, Your Honor, and then perhaps Miss Romero, and then Detective Spinner with the fingerprints. And we figured that would take us through the day. And I think we talked in chambers about if we didn’t have all the way through the day, that that was okay with you.

THE COURT: Okay.

MR. AUCHINCLOSS: We also have some other fingerprint techs that will be testifying.

MR. SNEDDON: They’re minor. They’re short witnesses.

THE COURT: All right. Thank you.

MR. ZONEN: Thank you.

(The proceedings adjourned at 2:30 p.m.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 3380 through 3535 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 24, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
March 24, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

FRIDAY, MARCH 25, 2005

8:30 A.M.

(PAGES 3537 THROUGH 3594)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

APPEARANCES OF COUNSEL:

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.
Mr. Nicola is listed as “N” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
SUTCLIFFE, Timothy	3541-SA	3548-A	3557-SA	
(Cont’d)				
		3561-A (Further)	3564-SA (Further)	
ROMERO, Alicia	3567-N	3582- SA	3586-N	3588-SA
TORRES, Nancy Diana	3590-N			

E X H I B I T S

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
769	Notebook containing 19 pages	3552	
770	Disk of exhibits released per court order	3581	

Santa Maria, California
Friday, March 25, 2005
8:30 a.m.

THE COURT: Good morning.
THE JURY: (In unison) Good morning.
COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.
THE COURT: You may proceed, Counsel.
MR. SANGER: Thank you, Your Honor.

TIMOTHY SUTCLIFFE
Having been previously sworn, resumed the stand and testified further as follows:

CROSS-EXAMINATION (Continued)
BY MR. SANGER:
Q. Okay. Good morning.
A. Good morning.
Q. How are you doing?
A. Good.
Q. I just have a few more questions for you. At the end of the day yesterday, you testified, and there was a slide presentation wherein 19 prints were shown, latent prints; is that correct?
A. Correct.
Q. Just to remind the jury, you had the big

charts on poster board, and then a Power Point presentation was presented to the jury on the screen, correct?

A. That’s correct.

Q. Those were 19 --

MR. AUCHINCLOSS: I’ll just object as misstates the evidence; that this witness was shown only 16 cards, exhibits.

MR. SANGER: Okay.

Q. All right. You’re aware that there were 19 prints, you looked at some of them and you did not identify them; is that correct?

A. That’s correct. Those were processed by another investigator.

Q. You had a total of 19 prints up there, and you were able to identify 16 as something you processed?

A. I had a hand in processing 16 of them, yes.

Q. There you go. Of the 16 you processed, and the other three that you’re aware of, totaling 19, those are from a collection of how many usable latent prints?

A. From what I understand, there was --

MR. AUCHINCLOSS: I’ll object as lacks foundation.

THE COURT: Sustained.

Q. BY MR. SANGER: All right. Your unit was responsible for processing the prints; is that

correct?

A. That’s correct.

Q. And by that we mean trying to locate all of the usable prints, the prints that looked like they might have enough detail to use them for comparison purposes, correct?

A. Correct.

Q. And who is in charge of your unit? Who was in charge of this process?

A. As far as looking at the --

Q. As far as developing the prints so that you get to the point where you have visible prints.

A. Well, I.D. Technician Torres and I were involved in the process in Santa Maria. And Detective Wittenbrock and I.D. Tech Shelly were involved in the process in Santa Barbara.

Q. All right. And did you confer with Detective Wittenbrock and I.D. Tech Shelly to determine the status of their work?

A. Yes.

Q. And did you look at the materials that they had accumulated?

A. No.

Q. You haven’t looked at them at all?

A. I have seen some of the prints that were displayed, but not all of the prints that they submitted as useable.

Q. Okay. And so the team was -- the team was comprised of the four of you, two in Santa Maria, two in Santa Barbara?

A. Correct.

Q. And did you ever have a final -- well, let’s not put it that way. Did you ever have any kind of a meeting where you sat down, and you said, “Okay, this is the body of material that we have, we’re going to turn it over to the latent print examiners to take a look at it”?

A. No.

Q. How many prints did you come up with in your operation in Santa Maria, that being the operation between you and I.D. Tech Torres? How many prints?

A. We submitted, I believe, a total of about 600, approximately. I think there was 600 that we submitted.

Q. And so I guess what you’re saying is, you have no idea how many were submitted by Detective Wittenbrock and I.D. Tech Shelly in Santa Barbara?

A. I’m not sure of the exact amount. I know there was, I think in the neighborhood of a total of 700, but I’m not sure of the exact figure.

Q. Total of 700 from them, or 700 --

A. 700 total.

Q. Okay. So you submitted the bulk of them. They came up with a smaller number?

A. Correct. We had the bulk of the items.

Q. So out of the 600 prints or so that you

developed, the 600 or so usable prints that you developed, there were 16 that you have shown us yesterday; is that correct?
A. Correct.
Q. And out of the approximate other hundred, apparently the other three were the result of that; is that correct?
A. That's my understanding.
Q. Now, of all those usable prints, most of them were negative for the -- is that your understanding?
A. Yes.
Q. All right. Okay.
MR. AUCHINCLOSS: I'll object and move to strike as ambiguous, vague, "negative."
THE COURT: Sustained, stricken.
Q. BY MR. SANGER: The process that you used involved a Scenescope.
A. Correct.
Q. And reminding everybody - they've probably got that by now - you talked about the ALS also in your testimony yesterday, and I want to clarify this. ALS is different than Scenescope when you're using those terms; is that correct?
A. That is correct.
Q. And you mentioned that there had been an ALS evaluation of the materials in Item 317 that occurred before you had begun to look at them for

prints; is that correct?

A. That's my understanding. I don't believe I did Item 317 ALS, but I know I did ALS on certain items, and I'm assuming that was done on others.

Q. You understand that somebody else did that?

A. That's my understanding, but I don't believe I said specifically I did that one.

Q. And that ALS -- whatever ALS process was done either by you or anybody else, did that do anything to affect the ability to obtain prints?

A. No, it did not.

Q. Now, you indicated that in your process, you did the super glue fuming first, then you did the Scenescope, then you did the ninhydrin process; is that correct?

A. That's correct.

Q. So therefore, you did not use the Scenescope before doing the super glue fuming; is that correct?

A. Not in our process, no.

Q. Now, you're familiar with the Scenescope technology, I take it, correct?

A. Yes.

Q. And you're aware that you can use the Scenescope before you do any chemical alterations to the paper; is that correct?

A. That's correct. We had not used in our process protocol, but we had used the Scenescope to look at pages prior to doing our protocol to see if we could observe any images. And we did not have what I would consider sufficient results that way, so we went to doing the super glue technique.

Q. So how -- in other words, before you tamper with it, and I don’t mean that in a bad way, but before you chemically alter with super glue, it is possible to use a Scenescope and try to find prints in their more or less natural state, correct?

A. That’s correct.

Q. And you’re saying you tried that on a few pages first?

A. We did some test pages.

Q. About how many test pages did you do?

A. Just a few. I don’t know exactly how many.

Q. And how many pages did you have overall?

A. Of --

Q. That you ultimately examined?

A. Over, I don’t know, a thousand.

Q. All right. So it was -- it was your determination not to do a thorough Scenescope examination of the thousands of pages before doing the super glue fuming as a result of that test; is that correct?

A. That’s correct. And one of the things that’s mentioned in the Scenescope literature, and also in talking to their specialist, is that if you cannot visualize prints, your best method is to then move to the super glue, because it will have the best results, especially with the Scenescope. Best results are with super glue process.

MR. SANGER: I'm going to move to strike that as hearsay and nonresponsive after, "Yes, I think it was" -- or after, "That's correct."

THE COURT: Stricken after, "That's correct."

I wonder if you could try to speak a little louder or lean a little closer. I can hear you, but it's -- go ahead.

MR. SANGER: And I have no further questions at this time.

(Laughter.)

REDIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Good morning, Detective Sutcliffe.

A. Good morning.

Q. I believe Mr. Sanger used the word "chemically alter." Is that an accurate description of what happens when you fume a page with the super glue?

A. The super glue fumes are adhering to the residues that are left on the page, so --

Q. Okay. Does the fingerprint itself get altered?

A. No --

MR. SANGER: Objection. That's leading.

MR. AUCHINCLOSS: This is an expert witness.

THE COURT: The answer was, “No.” Next question.

Q. BY MR. AUCHINCLOSS: Now, in your experience as a forensics detective, how many times, if you can estimate, have you been asked to look for fingerprints on a given item?

A. Daily.

Q. Okay. Hundreds of times?

A. Thousands of times.

Q. Thousands of times, in hundreds of cases or more?

A. Yes.

Q. When you look for a fingerprint on an item, do you always find it?

A. No.

Q. Do you always find some fingerprints on an item you’re looking for fingerprints on?

A. No, we do not.

Q. If you were asked to characterize the percentage of items that you looked for fingerprints on and you actually find a usable fingerprint on, what percentage would you say?

MR. SANGER: Objection. Relevance; improper foundation.

THE COURT: Sustained; relevance.

MR. AUCHINCLOSS: This is offered not only for the magazines, but for other evidence in this case.

THE COURT: You may proceed.

MR. AUCHINCLOSS: Not relevant? All right.

Q. Mr. Sanger asked you some questions yesterday about the use of digital cameras with the Scenescope.

A. Correct.

Q. And have you had a chance to do some research on that topic as to whether or not a digital camera is sufficient or adequate to use with a Scenescope in capturing fingerprint images?

A. Yes, I have.

Q. What did you do?

A. I contacted the Spex Corporation this morning and talked with a representative there.

Q. Have you -- did you find out whether or not Spex Corporation actually offers their Scenescope with a digital camera, as you mentioned you believe it did yesterday?

A. Yes, they do.

MR. SANGER: Objection. Asked and answered; and also for hearsay, for that matter.

MR. AUCHINCLOSS: It goes to -- it’s expert testimony, Your Honor.

THE COURT: Hearsay; sustained.

Q. BY MR. AUCHINCLOSS: Do you know, based upon your training, education, and experience, including any training you’ve received from the Scenescope 3550

Corporation, as to whether or not a digital camera is sufficient to capture fingerprint images using a Scenescope?

MR. SANGER: Objection. That calls for hearsay; and it’s also vague.

THE COURT: Overruled.

You may answer that question.

THE WITNESS: Yes, I do.

Q. BY MR. AUCHINCLOSS: And do you know if a four-megapixel camera is sufficient, pursuant to Scenescope recommendations, to capture such images?

A. Yes. And actually, they had offered originally a three-megapixel --

MR. SANGER: Move to strike after the answer, “Yes.”

THE COURT: Stricken.

Q. BY MR. AUCHINCLOSS: Do you know if Scenescope has even recommended a lesser resolution camera, such as a three-megapixel camera, to capture fingerprint images?

A. Yes, they do.

MR. SANGER: Objection; calls for hearsay.

MR. AUCHINCLOSS: It’s his training.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: When you use the digital camera, what -- does the camera itself have different levels of resolution that you can set the camera to?

A. Yes.

Q. And what level of resolution do you use on this four-megapixel camera?

A. We use JPEG, the highest resolution, lowest compression.

Q. Okay. And does that capture the clearest images?

A. Yes, in JPEG format.

MR. AUCHINCLOSS: One last bit of housekeeping, Your Honor. I provided counsel with a copy of what I have marked as People’s Exhibit 769. These are the images that I have provided, showed on the Power Point, but I didn’t introduce yesterday. And I’d like to just ask the witness a couple of foundational questions concerning this exhibit.

THE COURT: All right.

MR. SANGER: Well, I’m going to object. It’s beyond the scope of direct. Beyond the scope of cross.

MR. AUCHINCLOSS: I believe there was some questions about the testimony yesterday concerning given images. And if there is a problem, I would ask to reopen for that limited purpose.

MR. SANGER: Does Your Honor know what pictures he’s talking about? They’re the ones subject to the 352.

THE COURT: No, I don’t.

MR. AUCHINCLOSS: I’ve got a copy.

THE COURT: These are the pictures he showed yesterday.

MR. AUCHINCLOSS: That’s correct.

THE COURT: I’ve already ruled on the 352.

MR. SANGER: Well, my objection is that this is beyond the scope of cross. I didn’t ask about these pictures. I was just referring to the 352 so Your Honor would know what we were talking about.

THE COURT: All right. Thank you.

The questions that you wanted to ask him are foundational questions that you omitted to ask on direct?

MR. AUCHINCLOSS: Well, just concerning this particular exhibit. I just want to tie this particular exhibit up with the presentation that we gave yesterday.

THE COURT: All right. I’ll allow that.

MR. AUCHINCLOSS: All right.

THE COURT: Whose is this?

Q. BY MR. AUCHINCLOSS: Detective, I show you Exhibit 769. It is a notebook which appears to have 19 pages in it, and I want you to look particularly to page number two. I’m going to -- I’m going to name some different page numbers.

Let’s do it this way. I’ll provide with you page numbers, and I’ll ask you if these page numbers correspond -- if the fingerprint on these particular pages correspond with the 16 print cards that you identified yesterday as being prints that you located.

A. Okay.

Q. All right. And I'll do it serially. Well, we can do it one at a time. Does page number two correspond to the print card noted as Exhibit No. 725, 02?

A. Yes, it does.

Q. Does page number three correspond with the Exhibit No. 726, Print Card 03?

A. Yes, it does.

Q. And those were prints that you found, correct?

A. That's correct.

Q. And these are identical photos as to what was shown yesterday as to where these prints were located on these particular pages?

A. That's correct.

Q. All right. Does page number five, the ninhydrin print, correspond to the fingerprint that's noted on Exhibit 728, 05?

A. Yes, it does.

Q. Does page number six of this exhibit correspond with the fingerprint that is shown on Exhibit 729, 06?

A. Yes, it does.

Q. Does page number seven of Exhibit 769 correspond -- have a fingerprint on it that corresponds with the fingerprint on Exhibit 730, identified as Card 07?

A. Yes, it does.

Q. Does page number eight, the fingerprint thereon, correspond with the fingerprint that’s located on Card No -- Exhibit No. 731, Card No. 08?

A. Yes, it does.

Q. Showing you page number nine of that exhibit, does the fingerprint on that page correspond with the fingerprint on Card No. 9, Exhibit No. 732?

A. Yes, it does.

Q. Skipping ahead to page number 12, does that fingerprint on Exhibit 769 correspond -- on page 12, correspond to the fingerprint on Exhibit No. 735, Card 12?

A. Yes, it does.

Q. Skipping one page. Page 14, does the fingerprint on that card correspond with the fingerprint on the card noted as Exhibit 737, No. 14?

A. Yes, it does.

Q. Looking at page 15, does the fingerprint on that page correspond with the fingerprint on Exhibit No. 738, noted as Card 15?

A. Yes, it does.

Q. Going ahead to 16, page 16, does the fingerprint on that card correspond to the

fingerprint on Exhibit 739, noted as Card 16?
A. Yes, it does.
Q. And lastly, showing you page 17 -- that’s not yours, sorry. I’m going to show you Card 18. Does Card 18 correspond with the fingerprint that is noted on page 18 -- does this correspond with Exhibit No. 741, Card 18?
A. Yes, it does.
Q. All right. And you located each of those fingerprints?
A. That’s correct.
Q. And this exhibit contains the fingerprint that you’ve noted with the exact page that it was located on and the location of the fingerprint on that page?
A. That’s correct.
Q. Thank you. Move to admit Exhibit 769 into evidence at this time.
MR. SANGER: I’m not sure that 769 have the other pages in it that haven’t been identified yet.
MR. AUCHINCLOSS: That’s fair. That’s fair. Actually, I will reserve that. I’ll hold off on moving to admit that into evidence. There’s additional foundation that I need to add.
THE COURT: All right.
MR. AUCHINCLOSS: All right. Thank you.

No further questions.

RECROSS-EXAMINATION

BY MR. SANGER:

Q. Do you have 741 in front of you, Exhibit 741?

A. Is that --

MR. SANGER: May I approach, Your Honor?

THE COURT: Yes.

MR. SANGER: If I can assist.

Q. That is 741.

A. Thank you.

Q. Exhibit 741 you have now identified as relating to a particular page in the book that was just marked for identification, correct?

A. Correct.

Q. Now, that was originally attributed to a totally different magazine, a different exhibit, was it not?

A. Correct. That placard number belonged to 321-D, which was a “Hawk” magazine.

Q. Okay. And did you confer with Detective Spinner about the misidentification of that particular -- the location of that particular print?

A. I conferred with him about the misleading of the binders, yes.

Q. So there was a misattribution, in your opinion at this time, of that print to, in essence, the wrong magazine?

MR. AUCHINCLOSS: I’ll object as vague as to “misattribution.”

THE COURT: Overruled.

THE WITNESS: I don’t know what that means.

Q. BY MR. SANGER: Okay. That’s a good point. When your team -- when the fingerprint team was working on this, that particular print was originally identified to - I want to get the right number here - 321-D, correct?

A. That’s correct.

Q. And 321-D -- I’m sorry?

A. I was going to say that was based on us receiving the binder with the label, and when we opened the binder, we went to work on that particular magazine, which was “Finally Legal.”

Q. Okay. The binder was labeled as 321-D?

A. Mislabeled.

Q. All right. We’ll get to misattribution anytime now. All right. The binder was mislabeled as 321-D, correct?

A. And that was the only identifier on the binder.

Q. Okay. So there was no other way to establish, as you look at it, as to what exhibit that actually was?

A. Correct.

Q. And you would agree, based on your training and experience, that it’s important to try to label all these things carefully so that ultimately, if you’re called to testify in court, you can get it right?

A. Absolutely.

Q. Okay. And eventually it was determined, you believe at this time, that that print really came off a different magazine?

A. Oh, I know it did.

Q. Okay. That’s your testimony at this point.

A. Correct.

Q. All right. And by the way, the fingerprints that you lifted, do you have any way to determine the age of the fingerprints?

A. No.

Q. So you can’t tell if one was laid down before another, correct?

A. Correct.

Q. And you can’t tell, just even in general, other than, for instance, looking at the date of a magazine or something like that, you can’t tell scientifically when a particular print was placed there?

A. Correct.

Q. Okay. Now, Mr. Auchincloss led off with a question about “chemically altered.” The fact is that super glue fuming does chemically alter the 3559 exhibit, does it not, sir?

A. It adheres to the prints that are on -- or whatever residue is left on there. I don’t believe it chemically alters the prints, the chemical the process, the super glue itself.

Q. All right. In talking about the word “alter,” then, if you -- if you put super glue on something, super glue is a chemical, right?

A. Correct.

Q. And you’re not altering the exhibit by putting super glue on something; is that your definition?

A. My understanding, yes.

Q. Okay. Now, aside from that, you do agree with me that when you put super glue, the super glue fuming causes the super glue to adhere to the page?

A. That’s correct.

Q. Okay. And to one extent, it may help to enhance a fingerprint, right?

A. Definitely.

Q. Because it will tend to adhere to the portions of the fingerprint that correspond to the ridges on the finger that left the print, correct?

A. Correct.

Q. If you overfume, if you fume too long or too thoroughly on a piece of paper, you can actually obscure portions of the fingerprint, correct?

A. That would be true.

Q. All right. And that’s not chemically altering, as far as you’re concerned?

A. Correct.

MR. SANGER: Okay. Thank you. No further questions.

MR. AUCHINCLOSS: Could I have just a moment, Your Honor? I’m trying to call up an image on my computer that I’d like to show the detective.

THE COURT: Yes.

THE CLERK: Do you have an exhibit number?

MR. AUCHINCLOSS: It is -- no, that’s not it. It’s --

(Discussion off the record.)

MR. AUCHINCLOSS: I’ll do it without the exhibit.

Your Honor, could you project “Input 1,” please?

FURTHER REDIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Detective, is this the fingerprint that counsel just questioned you about?

A. Yes, it is.

Q. And I believe I questioned you about it, that there was an error on that fingerprint because it said 3 -- it says “321-D”?

A. That’s correct.

Q. And you said that’s incorrect?

A. That is.
MR. SANGER: Objection. Leading; calling for recitation of prior testimony.
THE COURT: Overruled.
Q. BY MR. AUCHINCLOSS: And in fact, that is 321-F?
A. That’s correct.
MR. SANGER: That’s leading, Your Honor.
MR. AUCHINCLOSS: It’s restating his testimony, it’s not --
MR. SANGER: Object to speaking --
THE COURT: It is leading. I’ll sustain the objection.
MR. AUCHINCLOSS: Okay.
Q. What is the accurate letter for that particular item number?
A. The item number is 321-F.
Q. And you said you were certain that that item number is 321-F?
A. That is correct.
MR. SANGER: Objection; leading.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Are you certain that that is Item 321-F?
A. Yes, I am.
Q. Why?
A. A couple of things. One, when we received the magazine, and when we were doing our report at 3562

the time we were processing the magazine, we were processing “Finally Legal.” That was the magazine. Subsequently, when we noticed that the tags had been switched, we noticed that 321-D was actually associated with the “Hawk” magazine.

Q. Does the circle that you identified that particular fingerprint with have any similarities to the circle to the right that appears in the image?

A. Yes, it does.

Q. How so?

A. You can see that the -- at the edge of the ruler up in the upper right-hand corner of the photograph is the number “1,” and that is also illustrated on the actual photograph of the page.

Q. All right. So -- Detective, I show you Exhibit No. 559. It appears to be Item 321-F. Is that the magazine that that fingerprint came from?

A. Yes, it is.

Q. And is there any indication or mark on this magazine that tells you that this magazine is, in fact, 321-F?

A. On the back page of the magazine there should be a number in the bottom right-hand corner, and it was identified as 321-F, and that was placed there when they were first being separated.

Q. All right. Thank you, Detective. I have no further questions.

FURTHER RECROSS-EXAMINATION

BY MR. SANGER:

Q. Never trust a lawyer who says there’s only a few questions. That’s why we started 35 minutes ago.

You are in the Santa Barbara County Sheriff’s Department, and you are a deputy sheriff; is that correct?

A. That’s correct.

Q. And you worked as a deputy sheriff before moving into the Forensics Bureau, correct?

A. That’s correct.

Q. And you went to the academy?

A. Correct.

Q. Which academy?

A. Ventura Academy.

Q. And that’s a POST, P-O-S-T, certified academy, correct?

A. That’s correct.

Q. And in the academy, you studied the need to be very accurate in recording material in police reports and elsewhere for the purpose of investigations, correct?

A. Absolutely.

Q. And the purpose of recording material accurately is so that later, when speaking to other officers or to counsel, or testifying in court, you can present accurate testimony in a case; is that

correct?

A. That’s correct.

Q. You then moved to the Forensics Bureau of the sheriff’s department; is that right?

A. Correct.

Q. And the Forensics Bureau is, in essence, a part of the sheriff’s department that deals specifically with evidence, sometimes the scientific processing of evidence; is that correct?

A. That’s correct.

Q. And in the course of your training to become a member of the Forensics Bureau, was it emphasized that it is extremely important to make sure that all of the evidence tags and paperwork and everything else is extremely accurate?

A. Absolutely.

Q. All right. So based on your training and experience, this was not correct police procedure to have this exhibit mislabeled in this case; is that correct?

A. It should not have been mislabeled, that’s correct.

Q. And tags should not be switched; is that correct? I think those are your words, “the tags were switched”?

A. Yes, meaning not purposely, but accidentally switched.

Q. Well, tags should not be switched, correct?

A. Correct.

Q. All right. And you caught this particular one, right?

A. That was the only one.

Q. That's the only one you caught?

A. We checked them all.

MR. AUCHINCLOSS: Objection; argumentative.

Q. BY MR. SANGER: You went back and you checked them all?

MR. AUCHINCLOSS: There's an objection.

THE COURT: Just a moment.

It's overruled. The answer was, "We checked them all." Next question.

Q. BY MR. SANGER: "Checked them all" meaning all the fingerprints?

A. Checked every magazine to make sure it was properly labeled.

Q. I'm sorry, I meant all the materials that you had for the fingerprints.

A. Correct.

Q. Were you aware of any other tags falling off in this particular investigation?

A. Not to my knowledge.

MR. SANGER: Okay. Thank you. No further questions.

MR. AUCHINCLOSS: No further questions.

THE COURT: Thank you. You may step down.

Call your next witness.

MR. NICOLA: Alicia Romero, Your Honor.

THE COURT: Come forward, please. You were sworn yesterday. You're still under oath. You may be seated.

THE WITNESS: Okay. Thank you.

MR. NICOLA: Good morning.

THE WITNESS: Hi, good morning.

MR. NICOLA: Would you take a look at these while I'm getting ready.

ALICIA ROMERO

Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION

BY MR. NICOLA:

Q. Good morning, Miss Romero.

A. Good morning.

Q. As soon as you sat down, I handed you two envelopes, and asked you to take a peek through those.

A. Okay.

MR. SANGER: Your Honor, I'm going to ask for the opportunity to see what she's taking a peek at.

THE COURT: Go ahead.

MR. NICOLA: Go ahead.

THE COURT: The audience couldn't hear you, though, when you said that.

MR. SANGER: Can I restate it, or just --

THE COURT: Yes, go ahead.

MR. SANGER: I asked if I could have the opportunity to take a peek at what she’s taking a peek at.

MR. AUCHINCLOSS: Your Honor, could we go to “Input 1,” please, and go back to the black screen? Thank you.

MR. SANGER: That’s fine. Let me just take a look at the envelope here.

THE WITNESS: These came from this envelope here.

MR. SANGER: All right. Okay. That’s fine. Thank you.

Thank you, Your Honor.

THE COURT: All right. Go ahead, Counsel.

Q. BY MR. NICOLA: Do you recognize the documents contained in both of those envelopes that you looked at?

A. Yes, I do.

Q. Okay.

A. Are you referring to these?

Q. Yes.

A. Yes.

THE BAILIFF: She’s got to scoot up and speak into the microphone.

THE WITNESS: Oh, yes.

MR. NICOLA: Did you hear that?

Q. Now, before we start talking about the contents of either of those envelopes, would you please let the jury know who you are and where you're employed.

A. Okay. My name's Alicia Romero and I work at the Santa Barbara Superior Court.

BAILIFF CORTEZ: Closer to the mike, please.

THE WITNESS: My name is Alicia Romero, and I work at the Santa Barbara Superior Court. I supervise the courtroom clerks, both criminal and civil, and I also am the supervisor of the exhibit clerk, and I also handle the exhibits also.

Q. BY MR. NICOLA: With respect to your duties as handling exhibits for the Superior Court, were you involved in handling the exhibits lodged in the grand jury proceeding in the case of People vs. Michael Jackson?

A. After the grand jury they were delivered to me, and I've had them in my possession in a vault all this time.

Q. Okay.

A. Except for certain orders to release.

Q. Okay. That's where we're going next.

When the grand jury exhibits came to you, what did you first do with them?

A. Since it was after hours, we received them, and I locked them right away in the exhibit room, which has a vault that -- it’s real thick, with a combination lock, until the next morning.

Q. Okay. Did you conduct an inventory on the exhibits after that?

A. First thing the next morning.

Q. Okay. And you made sure that all the exhibits that had been entered into the grand jury were accounted for in your vault, correct?

A. Correct.

Q. Okay. And is that part of your official function?

A. On grand jury exhibits, there’s times where I would get orders from Gary Blair to handle them myself.

Q. Okay. And in this particular case you were ordered by Gary Blair?

A. Correct.

Q. Did anybody have access to the grand jury exhibits that were lodged with you?

A. The only other person would have been my exhibit clerk at the time, but she was also informed that anything to do with this grand jury exhibits, that she was to contact me and I would handle it. And I also had the -- my other supervisor, Flota Pritchard, in my absence, if it was an emergency need, that she could have access to it also. Other than that, it was just her and I that were to handle them.

Q. Do you know whether any emergencies came up where somebody other than you had to get in there?
A. I believe --
MR. SANGER: Calls for hearsay, Your Honor.
THE COURT: Sustained.
Q. BY MR. NICOLA: Did you keep records of every time that the grand jury exhibits were accessed?
A. Yes, I did.
Q. And were those records kept within the scope of your employment as a public employee?
A. Yes.
Q. And were you under a duty to record whenever the grand jury exhibits were opened?
A. Yes.
Q. And if another clerk, another public employee working for you, had access or needed access to the grand jury exhibits, it was part of your duty to record who entered the grand jury exhibits?
A. Yes.
Q. And when?
A. Yes.
Q. And get some kind of identification from who had access to the grand jury evidence?
A. Yes. Unless we knew who that person was. Uh-huh.
Q. Okay. Do you have a record sitting in front

of you who had access to the grand jury exhibits?

A. Yes, I do.

Q. In your review of those documents, can you please tell the jury the first time that the grand jury exhibits were accessed and viewed by people other than the Superior Court clerks?

A. Stephen Dunkle and Amy Cassel.

Q. Did you take some form of identification from Mr. Dunkle?

A. Yes. Yes.

Q. Okay. Is that noted on your log?

A. I have their business cards attached to this.

Q. Okay. And Stephen Dunkle works for Sanger & Swysen?

A. Correct.

Q. Attorneys at Law?

A. Correct.

Q. And Amy Cassel works for Mason Investigative Group?

A. Yes.

Q. An investigator?

A. Correct.

Q. Okay. And what date did they come look at the exhibits?

A. June 9th, 2004.

Q. Okay. And how long -- what time did they come in and what time did they leave, if that is

noted on your log?
A. Yes, it is. They came in at 2:53, and they left at 3:45.
Q. Okay. And which grand jury exhibits did they look at?
A. This one I just put that they had viewed most of them. I didn’t specify particularly which ones they viewed.
Q. Okay. Just most of them?
A. Uh-huh. Correct.
Q. And do you have an indication there that they used gloves?
A. On this particular one, yes.
Q. Okay. Now, prior to anybody coming to view the grand jury exhibits, was a court order required?
A. Yes.
Q. Okay. When is the next time somebody came to view the grand jury exhibits, please?
A. July 20th, 2004.
Q. And that was Detective Craig Bonner?
A. Correct.
Q. Okay. And that was pursuant to a court order as well, correct?
A. Correct.
Q. Now, was his role that day to take pictures of certain items?
A. Yes.
Q. And that’s what the court order spelled out, 3573

correct?
A. Yes.
Q. And one of those items was Grand Jury Exhibit No. 53?
A. Yes.
MR. NICOLA: May I approach the witness, Your Honor?
THE COURT: Yes.
Q. BY MR. NICOLA: I’ve placed before you Exhibit No. 470.
A. No. 470?
Q. When we do the trial, we renumber all the exhibits.
A. Oh, okay.
Q. You’re looking at a grand jury exhibit sticker on the back of that briefcase, are you not?
A. Yes, I am.
Q. Is that exhibit -- Grand Jury Exhibit No. 53?
A. Yes, it is.
Q. Okay. Is that the exhibit that Detective Bonner opened in your presence and took photographs of everything that was in there?
A. Yes.
Q. Okay. And were you present with him at the time that he did that?
A. Yes, the entire time.
Q. Did you ever leave grand jury evidence --

for example, on the June 9th date, did you leave the grand jury evidence unattended?
A. No.
Q. Okay. So you observed everything that would happen with the exhibits?
A. Yes.
Q. And that’s how you were assured there would be no tampering, correct?
A. Yes.
Q. Did you watch Detective Bonner remove the contents of the briefcase and begin photographing page for page?
A. Yes.
Q. And Detective Bonner was wearing gloves on that occasion as well, correct?
A. Yes.
Q. When he was finished photodocumenting all the contents of Grand Jury Exhibit 53, also known as People’s Exhibit 470, did he replace all the items in the same order that he removed them and close the briefcase again?
MR. SANGER: Objection. Compound; and leading.
MR. NICOLA: Should I rephrase?
THE COURT: Sustained.
Q. BY MR. NICOLA: Okay. When he finished taking the pictures, he put it all back together again?

A. He placed them back in the suitcase. Whether they were in the same order that they were taken out, I do not know.

Q. So he may have shuffled them, as far as you know?

A. Correct.

Q. Did he close the briefcase and hand it back to you?

A. Yes.

Q. Did he examine other exhibits on that same day?

A. Yes, he did.

Q. Okay. And did he, in your presence, take care to handle only one exhibit at a time?

A. Yes.

Q. You made sure of that, I take it?

A. Yes.

Q. Okay. When Detective Bonner left, left from taking pictures of the exhibits, where did Exhibit No. 53, also known as Exhibit 470, the black briefcase, where did that stay?

A. Once he left? It was given back to me and I put it back in the vault.

Q. Okay. Did you have occasion to pull Exhibit No. 470, the black briefcase, marked Grand Jury Exhibit 53, out from the evidence vault again?

A. Do you mean at a later time? Or the same day?

Q. Later time.
A. Yes.
Q. Would you turn to your log of exhibits and confirm for us whether somebody entered to view exhibits on July 21st?
A. Yes.
Q. Who was there on July 21st?
A. Mr. Sanger and Stephen Dunkle.
Q. Stephen Dunkle would be the attorney who first came to view?
A. Yes.
Q. And “Mr. Sanger” being Mr. Sanger seated to my right?
A. Yes. Robert Sanger.
Q. And did they examine Exhibit No. 53 as well?
A. Yes.
Q. Did they do that in your presence?
A. Yes.
Q. Did they open it?
A. Yes.
Q. And do you recall whether they looked through all the contents?
A. I do not recall if they looked through all of it. I -- I seem vaguely to remember that they viewed some of it, and just saw that they were magazines.
Q. Okay. When they were finished with Exhibit No. 53, also known as People’s 470, the black 3577

briefcase --

A. Uh-huh.

Q. -- what did you do with it?

A. After they finished viewing all the exhibits, I put everything back in the vault.

Q. Okay. Do your records show whether Exhibit No. 53, People’s 470, was viewed again prior to its release?

A. Yes.

Q. When was it next looked at?

A. July 27th, 2004.

Q. And by whom?

A. Stephen Dunkle and Susan Watts.

Q. That’s a third trip by Attorney Dunkle?

A. Correct.

Q. And Susan Watts, did she leave you some kind of identifying business card?

A. No, she did not.

Q. Did Mr. Dunkle just vouch for her?

A. Yes.

Q. Which exhibits did they look at?

A. Looking at this list, it looks like all of them. I could read out each number, if you like, but I have a whole list of numbers.

Q. Most, if not all the exhibits?

A. Correct.

Q. Okay. Was Exhibit 53 viewed by Mr. Dunkle and Ms. Watts?

A. Yes.

Q. Do you recall if they were wearing gloves when they went through the exhibits?

A. The procedure was to wear gloves.

Q. Okay. Was there --

A. I’m sorry.

Q. Let me back up to the date that Mr. Sanger and Mr. Dunkle reviewed the exhibits on July 21st. Were they wearing gloves?

A. Mr. Dunkle was. I believe Mr. Sanger was letting Mr. Dunkle handle them on that date, from what I recall.

Q. And how long were Mr. Dunkle and Miss Watts viewing the evidence on July 27th of 2004?

A. About one hour and ten minutes. They came in at 1:10 p.m. and left about 2:40 p.m.

Q. Okay. Do your records show anyone else coming to look at Grand Jury Exhibit No. 53, also known as People’s 470, prior to the date of its release?

A. No.

Q. Okay. What is the procedure for releasing a grand jury exhibit prior to trial?

A. I’m sorry, what was that question again?

Q. Let me rephrase it. What is the procedure to release a grand jury exhibit to one of the parties prior or before the trial starts?

A. The parties would have to get a stipulated 3579 order signed by the Judge.

Q. Okay. And what would you require from the person who would come to pick the item from you?

A. Identification, and I would have the original -- a copy of the order from the clerk.

Q. Okay. Would you take any precautions in preserving either digitally or on some kind of copy the contents of the exhibit that were removed by one of the parties?

A. Yes.

Q. Okay, you would. And in the case of Exhibit No. 53, also known as 470, the black briefcase, was that exhibit removed by Detective Craig Bonner pursuant to a Judge’s order?

A. Yes, it was.

Q. Okay. And on what date was that exhibit removed from your custody?

A. On October 1st, 2004.

Q. Did you make Mr. Bonner, excuse me, Detective Bonner, leave you a record of the items that he removed?

A. Yes.

Q. And how did he leave that with you?

A. He left me a disk.

Q. Is that in one of your envelopes there?

A. Yes, it is.

Q. Okay. I’d like to put an exhibit sticker on that, please.

That would be Item 770, next in order. Could you please describe the Item 770 that I just marked the sticker on? Show the jury what is on the front and on the back; tell them.

A. This is a disk. These are a disk of the exhibits that were released per court order. I also made a notation, by a post-it, of the date that the court order was ordered and the date of the receipt.

Q. Is there a list of exhibit items that are contained on that CD?

A. Yes, there is.

Q. And what does that list say?

A. They have Exhibits 33, 34, 52, 53, 73-A, 73-B, 73-C, 80, 82, and 91. These are all grand jury numbers.

MR. NICOLA: Okay. I'd like to admit 770 into evidence, Your Honor.

MR. SANGER: Objection, Your Honor, it's not relevant. There may be a part of it that's relevant to what just happened. But there's a great deal of irrelevant material on it.

THE COURT: At this time I'll sustain the objection. I'll take it up later, if necessary.

MR. NICOLA: I have no further questions.

THE COURT: Cross-examine?

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CROSS-EXAMINATION

BY MR. SANGER:

Q. Miss Romero, how are you?

A. I’m fine.

Q. Okay. We let you talk today. First of all, is there anything unusual about a defense lawyer coming to -- or a defense lawyer and investigator coming to look at grand jury exhibits?

A. No.

Q. And at the time that Mr. Dunkle from my office came, and the one time that I came to look at the grand jury exhibits, was the grand jury process completed?

A. Yes.

Q. In other words, the grand jury had already looked at everything, they’d returned their Indictment, and you were now safekeeping the exhibits?

A. Correct.

Q. All right. And in particular, we, that is, the defense, who’se representing Mr. Jackson, had to have a court order in order to look at the exhibits; is that correct?

A. Right.

Q. When Mr. Dunkle and Ms. Cassel came -- Miss Cassel being an investigator and Mr. Dunkle being a lawyer in my office. When they came, did they ask you if they could take photographs of the exhibits?

A. Yes, they did.

Q. And you told them that they could not; is that correct?

A. Correct.

Q. So it was necessary for us to go back and get a further court order in order to be allowed to take photographs; is that correct?

A. Right.

Q. Now, you remember that Miss Watts came with Mr. Dunkle on the third occasion, correct?

A. Correct.

Q. And at that time, had they received the court order to allow photographs to be taken?

A. I have to check my notes here.

Q. Sure, take your time.

A. This was with Miss Watts, right? And --

Q. Yes. I'll let you take a look. If it's too much trouble, I can ask you another question, which is, did Miss Watts take photographs? Let me try that.

A. Yes.

Q. All right. So I would assume that you would not have allowed her to take the photographs unless you had an order permitting that; is that correct?

A. Correct.

Q. And do you recall Miss Watts being an investigator for our law firm?

A. Yes.

Q. Okay. Now, in between Mr. Dunkle and I came in and looked at the exhibits. At that time we were still not allowed to take photographs; is that correct?

A. Correct. I don’t seem to have an order allowing you to take photos yet at that time.

Q. At that time?

A. When you came, uh-huh.

Q. All right. Now, just to do the whole thing at once so we can break it down, during the time that Mr. Dunkle was there from my office, the one that I was there and the two investigators, in other words, those three times, did all of the personnel from my office, including myself, follow all of your directions with regard to preserving and avoiding any contamination of the evidence?

A. As I recall, yes.

Q. And you were sitting there at the table each time taking the evidence out and allowing whoever it was, whether it was me or any of the others, to look at it, correct?

A. Correct.

Q. And none of us touched the evidence in any way that you did not want us to do; is that correct?

A. Correct.

Q. All right. And by the time that we did that, by the time these inspections by the defense occurred, were you told to wear gloves and to preserve the evidence?

A. Yes, we were. From the very first visit, Mr. Dunkle, and I think it was Cassel, were told to wear gloves at all times.

Q. And we all complied with that, right?

A. Correct.

Q. All right. Now, prior to that, on the day that you got the materials from the grand jury, my understanding is all you did was take them in a box or so?

A. Yes. Gary Blair and Christie Russell, that was the courtroom clerk, brought them about almost six o’clock that evening. And Christie and I, we put it in the vault immediately.

Q. All right. Were anybody -- was anybody wearing gloves?

A. No.

Q. Okay. And after you put them in the vault, you locked it up, and then you came back the next day, correct?

A. First thing the next morning, yes.

Q. And who assisted you in inventorying the material?

A. The courtroom clerk that took the Indictment.

Q. And the courtroom clerk was?

A. Christie Russell.

Q. So you and Miss Russell then took the boxes out, and you went through each exhibit to catalog and make sure it was all there; is that right?

A. Correct.

Q. And did you -- did each of you wear gloves?

A. No, we did not.

Q. And you were not instructed by law enforcement or other court personnel or anybody else that you should wear gloves; is that correct?

A. Correct.

Q. Okay. Okay. Thank you. I have no further questions.

MR. NICOLA: Just a few, please.

REDIRECT EXAMINATION

BY MR. NICOLA:

Q. Go ahead.

A. I'm doing my work. Okay.

Q. Essentially there was nothing improper in the way that the exhibits were handled by other parties in this case, correct?

A. Correct.

Q. Okay.

A. Correct.

Q. When you did your inventory of the exhibits for the first time, did you open up item -- Exhibit No. 470, which is the black briefcase that you know as Exhibit 53?

A. Yes.
Q. Okay. And did you look at every single page that was in there?
A. No, we did not.
Q. How did you handle that? Could you explain that for the jury, please?
A. Okay. When we were inventorying, we had this black suitcase. We have to account for every exhibit, so when we got to the black suitcase, our procedure is, “Is there anything in there that was overlooked that we should make a note on the exhibit card?”
So we looked in it, and all we saw was magazines, and we just sort of like -- I think it was myself rather than Christie, we just sort of moved it, just magazines, and then we just closed it, but we didn’t touch all the exhibits.
Q. You don’t work for law enforcement, do you?
A. No, I don’t.
Q. And law enforcement doesn’t get to tell court clerks what to do, right?
MR. SANGER: Objection; calls for speculation.
THE COURT: Sustained.
MR. NICOLA: It’s rebuttal to his question. I’ll rephrase it, Your Honor.
Q. When Mr. Sanger asked you whether you were told what to do with the exhibits by law

enforcement, is that a common procedure for you?
A. It wasn’t necessarily by law enforcement. It was from Gary Blair.
Q. Okay. So my question is, does law enforcement generally direct you how to handle exhibits once they’re lodged with the Court?
A. No, they do not.
Q. They become court property at that point, correct?
A. Correct.
MR. NICOLA: Okay. I have nothing further.

RECROSS-EXAMINATION
BY MR. SANGER:
Q. Okay. But law enforcement did tell you that -- after you had inventoried everything, at some point before my office came to look at the materials, somebody told you that everybody should wear gloves when dealing with this material, correct?
A. It was Gary Blair. And I believe Detective Bonner at one time did mention, “You clerks” -- I mean, “You should really wear gloves when you’re handling it.” It wasn’t an order. It was more like a request.
Q. All right.
A. But I took my instructions from Gary Blair.
Q. Gary Blair is the court administrator?

A. Yes, he is.
Q. So he would be your boss as it were?
A. Correct.
Q. When you say you don’t take direction from law enforcement on handling exhibits -- well, I don’t know what you said, but let me -- I don’t want to put words in your mouth. Let’s put it this way: The fact is, that you’ve been a courtroom clerk in the past, correct?
A. Correct.
Q. And the fact is, if law enforcement is handling something with gloves and they indicate there may be some reason to check something for fingerprints, you would act accordingly, correct?
A. Correct.
Q. Okay. So if law enforcement were to tell you -- if they had told you before you took possession of these items that you shouldn’t go through them because they may be checking them for fingerprints, you would have honored that request, right?
A. Yes, I would have.
Q. Okay. And that has happened before, has it not?
A. Correct.
MR. SANGER: Okay. All right. Thank you. No further questions.
MR. NICOLA: No redirect, Your Honor.

THE COURT: All right. Thank you. You may step down.

THE WITNESS: Thank you.

MR. AUCHINCLOSS: We’ll call Nancy Torres as our next witness.

THE COURT: All right.

Come forward, please. When you get to the witness stand, please remain standing. Face the clerk over here. And raise your right hand.

NANCY DIANA TORRES

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Nancy Diana Torres; T-o-r-r-e-s.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Good morning, Miss Torres.

A. Good morning.

Q. Who do you work for, please?

A. I work for the Santa Barbara Sheriff’s Department, Forensics Unit.

Q. And what do you do for the Santa Barbara Sheriff’s Forensic Unit?

A. I’m an identification technician in the Forensics Unit.

Q. What is an identification technician?

A. We basically do the same thing as a forensics detective. We go out to a crime scene and process it. We also do fingerprint work.

Q. How long have you been an identification technician?

A. I have been employed as an I.D. technician for five years.

Q. Have you received any training that qualifies you for that position?

A. Yes, I have gone to basic fingerprint pattern-type recognition courses, latent print comparison and techniques courses, as well as basic forensic ridgeology courses. And I have a bachelor’s of science degree in chemistry.

Q. Have you had some experience in the field that has helped you learn your craft in fingerprint identification procedures?

A. Yes. Every day we do fingerprint comparisons.

Q. And what techniques are you familiar with in terms of finding fingerprints?

A. Well, we use a lot of various chemical techniques, and -- as well as visual techniques that we use.

Q. Did you participate in the location of fingerprints on a series of magazines for the case of People v. Michael Jackson?

A. Yes, I did.

Q. I'd like to show you some exhibits at this time, and begin by asking you, did you participate in the procedure of attempting to locate prints on these items with another I.D. technician?

A. Yes, I did.

Q. And who was that?

A. It was -- my partner was Detective Sutcliffe.

Q. Okay. And was he present with you during the entire time that you did the examination of these magazines?

A. Yes, he was.

Q. All right. Showing you People's 725, Card 02, did you help in the processing of this particular magazine?

A. Yes, I did.

Q. What was your duty on this magazine?

A. I helped with the ninhydrin processing portion of it.

Q. Okay. Exhibit 726, 03, did you help process this particular magazine?

A. Yes, I did.

Q. What was your duty or what did you do on this particular magazine?

A. I helped with the ninhydrin processing of them.

Q. Exhibit 728, Card 05, same question, did you help in processing this?

A. Yes.

Q. What did you do?

A. A ninhydrin processing as well.

Q. Same question for 729, Card 06?

A. Yes. With the ninhydrin processing.

Q. Exhibit 730, Card 07, same question?

A. Yes. And the ninhydrin processing as well.

Q. 731, Card No. 8?

A. Yes. With the ninhydrin processing as well.

Q. All right. 732, Card 09?

A. Yes. Ninhydrin process.

Q. All right. Now, calling your attention to Exhibit 733, Card 10, what did you do in processing this particular latent?

A. I photographed the latent with a Scenescope and I also helped with the ninhydrin processing.

Q. Okay. Were you the finder of this particular print?

A. Yes, I was.

THE COURT: All right. We'll take our break.

(Recess taken.)

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REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 3541 through 3593 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 25, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
March 25, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

FRIDAY, MARCH 25, 2005

8:30 A.M.

(PAGES 3595 THROUGH 3725)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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Note: Mr. Sneddon is listed as “SN” on index. Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index. Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index. Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index. Mr. Nicola is listed as “N” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
TORRES, Nancy Diana	3611-SA			
SHELLEY, Michelle	3617-A	3623-SA	3528-A	
WITTENBROCK, James	3629-A	3637-SA	3642-A	
SPINNER, Robert	3644-N			

EXHIBITS

FOR IN
PLAINTIFF'S NO. DESCRIPTION I.D. EVID.
471 Photo of female image 3711
472 Photo of female image 3711
473 Photo of female image 3711
474 Photo of female image 3711
475 Photo of female image 3711
476 Hustler centerfold, August 1992 3711
477 Playboy centerfold, Miss October 3711
478 Registration card for briefcase 3711
479 Playboy centerfold, Miss November 3711
480 Playboy centerfold, Miss March 3711
481 Hustler centerfold, June 1993 3711
482 Page 28 from "G-Spot" article 3711
483 Playboy centerfold, unknown date 3711
484 Penthouse Page No. 153-154 3711
485 Centerfold, Miss May 3711
486 Penthouse, Page 8 3711
487 Penthouse centerfold 3711
488 Playboy centerfold 3711
489 Penthouse centerfold 3711
490 Penthouse, August 1991 3711
491 Penthouse centerfold 3711

EXHIBITS

FOR IN PLAINTIFF'S NO. DESCRIPTION I.D. EVID.

492 Club International centerfold 3711
493 Penthouse, double page 6/211 3711
494 Penthouse centerfold 3711
495 Penthouse, May 1992 3711
496 Hustler, Centerfold Special Holiday Honey 1991 3711
497 Penthouse centerfold 3711
498 Penthouse centerfold 3711
499 Penthouse, November 1991, page 159/160 3711
500 Playboy centerfold, Miss July 3711
501 Playboy centerfold, Miss November 3711
502 Playboy centerfold, Miss February 3711
503 Playboy centerfold, Miss December 3711
504 Al Goldtein's 100 Best Adult Videos advertisement 3711
505 Playboy centerfold 3711
506 Hustler cover, May 1992 3711
507 Page from unknown magazine 3711
508 Playboy centerfold, Miss May 3711
509 Brown paper envelope 3713
510 Stiff Dick for Lynn in binder 3713
511 Barely Legal 3713
512 Just Legal (Premier Issue) 3714 in binder

E X H I B I T S

FOR IN PLAINTIFF'S NO. DESCRIPTION I.D. EVID.

513 Finally Legal in binder 3714
514 Playboy, February 1993 in binder 3714
515 Hustler, Barely Legal in binder 3714
516 Playboy, December 1994 in binder 3715
517 Playboy, May 1994 in binder 3715
518 Hustler, Barely Legal in binder 3715
519 Penthouse in binder 3715
520 Visions of Fantasy; A Hard Rock Affair in binder 3712
521 Visions of Fantasy, Sam Jose's Black Starlett in binder 3716
522 Double Dicking Caroline in binder 3716
523 Big Tits and a Hard Stud in binder 3716
524 Hustler 3716
525 "The Second Female G-Spot" article in binder 3717
526 File folder title PRN 3717
527 File folder titled "Thank You" 3717
528 Celebrity Skin in binder 3717
529 Original evidence bag which contained all of 317 3712
530 People Magazine page, 9-11-00 3701
3600

EXHIBITS

FOR IN PLAINTIFF'S NO. DESCRIPTION I.D. EVID.

531 Oui, March 1998 in binder 3701
532 Over 50, Volume 5, #9, 1996 in binder 3700
533 XX rated, April 1995; XX
Close Up, April 1995 in binder 3701
534 Just 18, Volume 4,
Issue No. 10 3700
535 Plumpers centerfold 3700
536 Hustler, August 1992 in binder 3700
537 Hustler, April 1998
(No cover) in binder 3699
538 Penthouse, March 1992 in binder 3699
539 Juggs, June 1996
in binder 3699
540 44 Plus, June 1996 in binder 3699
541 Plumpers, May 1996
in binder 3698
542 Club International, March 1998 in binder 3698
543 Live Young Girls, September
2003 in binder 3701
544 Finally Legal, July 2003 in notebook 3702
545 Finally Legal Freshman Class
Orgy, August 2002 in binder 3702
546 Purely 18, October 2002 3703 in binder
547 Purely 18, December 2002
in binder 3703

EXHIBITS

FOR IN PLAINTIFF’S NO. DESCRIPTION I.D. EVID.

548 Tight, November 2002 in binder 3703

549 Hawk, November 2002 in binder 3704

550 Hawk, January 2003 in binder 3704

551 Live Young Girls, June 2003 in binder 3704

554 Girlfriends in binder 3709

555 Live Young Girls in binder 3709

556 Parade 3709

557 Finally Legal, February 2003 in binder 3710

558 Girls of Barely Legal in binder 3710

559 Hawk, February 2003 in binder 3710

560 Girlfriends, Special Ediitons in binder 3711

563 White binder containing The Girls of Penthouse, August 2003 in binder 3708

564 White binder containing Barely Legal, July 2003 in binder 3708

566 White binder containing Gallery 9/2002 3708

567 White binder containing Gallery 5/2002 3708

580 Binder containing Playboy Couples Volume 2, Issue 2 3707

584 Original evidence bag 3707 3602

EXHIBITS

FOR IN PLAINTIFF'S NO. DESCRIPTION I.D. EVID.

585 White binder containing Barely Legal, Anniversary 2002 3707

586 Original evidence bag 3705

587 White binder containing Naughty Neighbors, December 2002 3705

714 Brown evidence bag containing Exhibits #584 and #585 3707

716 Brown evidence bag containing Exhibits #586 and 587 3643

724 Photo of fingerprint, Item 304-D, Barely Legal, July 2003, Page 52, Quadrant 12, 3621 3643 Latent 1

727 Photo of fingerprint, Item 317-O, Hustler Barely Legal 3621 3643

742 Photo of fingerprint, Item 363-M, Club International 3622 3643

743 Expanded M.J. fingerprint 3650 3651

744 Blow-Up of Star Arvizo fingerprint 3651 3651

745 Blow-Up of Gavin Arvizo fingerprint 3651 3652

746 Fingerprint comparison, Item 304-D, Michael Jackson's left little finger 3680 3680

747 Fingerprint comparison, Item 317-L, Star Arvizo's left middle finger 3680 3680

748 Fingerprint comparison, Item 317-L, Star Arvizo, right index finger 3670 3676

749 Fingerprint comparison, Item 317-O, Michael Jackson's left thumb print 3679 3680

E X H I B I T S

		FOR	IN
PLAINTIFF’S NO.	DESCRIPTION	I.D.	EVID.
750	Fingerprint comparison, Item 317-R, Michael Jackson’s left thumbprint	3680	3681
751	Fingerprint comparison, Item 317-R, Gavin Arvizo’s left little finger	3681	3682
752	Fingerprint comparison, Item 317-R, Gavin Arvizo’s left ring finger	3681	3682
753	Fingerprint comparison, Item 317-R, Gavin Arvizo’s left index finger	3681	
754	Fingerprint comparison, Item 317-S, Michael Jackson’s right thumb print	3682	3682
755	Fingerprint comparison, Item 317-S, Michael Jackson’s left ring finger	3682	3683
756	Fingerprint comparison, Item 317-T, Michael Jackson’s left thumb print	3682	3683
757	Fingerprint comparison, Item 317-U, Gavin Arvizo’s right middle finger	3666	3670
758	Fingerprint comparison, Item 317-YY, Gavin Arvizo’s left index finger	3683	3683
759	Fingerprint comparison, Item 321-A, Michael Jackson’s right thumb print	3683	3684
760	Fingerprint comparison, Item 321-A, Michael Jackson’s right thumb print	3684	3684
761	Fingerprint comparison, Item 321-E, Michael Jackson’s left thumb print	3684	3684

EXHIBITS

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
762	Fingerprint comparison, Item 321-E, Michael Jackson's right thumb print	3684	3685
763	Fingerprint comparison, Item 321-F, Michael Jackson's right thumb print	3685	3685
764	Fingerprint comparison, Item 363-M, Michael Jackson's right thumb print	3685	3685
772	Power Point, Item 317-U	3667	3712
773	Power Point, Item 317-L	3671	3712
774	Power Point, Item 317-O	3578	3712
775	Chart showing basic fingerprint patterns	3717	3718

THE COURT: Counsel?

MR. AUCHINCLOSS: Thank you, Your Honor.

Q. All right. Miss Torres, where I left off, we were at Item No. 10, and I believe 733, and you said you identified that particular fingerprint with the Scenescope?

A. Yes, I did.

Q. Have you had training with the Scenescope?

A. Yes, we had training with the Scenescope.

Q. And have you used it, had some experience using it before this case?

A. Before this case, we only had the training that we received, and that was basically it.

Q. You say “we,” or “you”?

A. We as a unit --

MR. SANGER: I can’t hear the answer.

THE COURT: I didn’t either.

THE WITNESS: We as a unit received training using the Scenescope.

Q. BY MR. AUCHINCLOSS: Okay. And who did you receive that training from?

A. Spex.

Q. Okay. The manufacturer came out and trained you?

A. Yes.

Q. All right. Now, moving on to Exhibit 734, Card No. 11, how did you help in the processing of this fingerprint?

A. I photographed the latent print with a Scenescope and I helped with the ninhydrin processing.

Q. Okay. Now, when you say you helped with the ninhydrin processing of these items, this would be not for this particular print that is green. Is it fair to say that a green print indicates it’s a Scenescope print?

A. Correct.

MR. SANGER: I’m sorry. Objection; leading.

MR. AUCHINCLOSS: It’s expert testimony.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: All right. What does the green indicate?

A. It indicates that the latent was photographed using a Scenescope.

Q. All right. Thank you.

Moving on to Exhibit 735, Card No. 12.

A. I helped with the ninhydrin processing.

Q. On that particular latent?

A. Yes.

Q. Did you assist in processing Exhibit No. 736, Card 13?

A. Yes, I photographed using the Scenescope and helped with the ninhydrin processing.

Q. All right. Looking at Exhibit 737, Card 14, did you assist in processing this print?

A. Yes, with the ninhydrin process.

Q. So that would be just on this page? This print wasn’t a ninhydrin print, was it?

A. No, it was photographed using the Scenescope.

Q. All right. As far as the particular exhibit on 738, Card No. 15?

A. I assisted with the ninhydrin processing.

Q. Of this page?

A. Of that page.

Q. Exhibit 739, Card No. 16?

A. I assisted with the ninhydrin processing on that page.

Q. Exhibit No. 740, Card No. 18?

A. I photographed the latent print using the Scenescope, and assisted with the ninhydrin processing.

Q. And Card 741 -- or I’m sorry, Exhibit 741, Card 18.

A. I assisted with the ninhydrin processing.

Q. Thank you.

Your Honor, if we could have “Input No. 1” at this time?

All right. Miss Torres, calling your attention to only those prints in which you said you were the identification technician who found the prints, I’m now asking you -- I’m showing you Card No. 10, which is Exhibit 733. Were you the finder of this particular fingerprint?

A. Yes, I was.

Q. And where did you find that print?

A. On Item 317, Sam, a “Penthouse” magazine, page 87, Quadrant 7 and labeled as Latent 1.

Q. And that “Latent 1,” what does that indicate?

A. That that was the first latent that we located using the Scenescope.

Q. All right. Calling your attention now to Card No. 11, which is Exhibit 734, did you locate that print?

A. Yes, I did.

Q. And where did you locate it?

A. On Item 317, Tom, T, “Visions of Fantasy, A Hard-Rock Affair”, September 1993, page three, Quadrant 4 and 5, and labeled as Latent 1.

Q. All right. Moving on to Card No. 13, Exhibit No. 736, did you find that fingerprint?

A. Yes, I did.

Q. And where did you find it?

A. On Item 317-YY, “Al Golstein’s 100 Best Adult Videos,” page A, Quadrant 15, and labeled as Latent 1.

Q. And lastly, Exhibit No. 740, Card No. 17, did you find that fingerprint?

A. Yes, I did.

Q. And where did you find that?

A. On Item 321-E, “Girls of Barely Legal,” page 3609 seven, Quadrant 15, and labeled as Latent 1.

MR. AUCHINCLOSS: Could we have the lights, please?

Q. All right. Taking those four fingerprints in order, I now show you Exhibit 769, page ten. Does that show the fingerprint and the location on the page where you found that fingerprint, Item 317-S, “Penthouse”, page 87, Quadrant 7, Latent 1?

A. Yes.

Q. Showing you now Page no. 11 of this exhibit, does that show the fingerprint that you found on that page and its location on Item 317-T, “Visions of Fantasy, A Hard-Rock Affair,” September 1993, page three, Quadrant 4 and 5, Latent No. 1?

A. Yes.

Q. Calling your attention now to page 13, does that page show the latent fingerprint that you located on Item No. 317-YY, “Al Golstein’s 100 Best Adult Videos,” page A, Quadrant 15, Latent 1?

A. Yes.

Q. And lastly, page 17. Does page 17 show a fingerprint and its location on a page of Item 321-E, “Girls of Barely Legal,” page seven, Quadrant 15, Latent 1?

A. Yes.

MR. AUCHINCLOSS: If I could have “Input 1” again, Your Honor. I’m going to bring those images up on the screen right now.

MR. SANGER: I’m going to object, Your Honor. This is cumulative and 352.

MR. AUCHINCLOSS: We haven’t shown these images yet.

THE COURT: Overruled.

Q. BY MR. AUCHINCLOSS: All right. Is this the fingerprint that you located on Exhibit No. 733, Card No. 10?

A. Yes.

Q. Next, does that picture, fingerprint, indicate the location of the fingerprint that you found on Exhibit No. 734, Item No. -- Card No. 11?

A. Yes.

Q. The next slide, does that slide show the location of the fingerprint that you found on Exhibit No. 736, Card No. 13?

A. Yes.

Q. And lastly, does that fingerprint indicate the location on the page where you found the fingerprint on Exhibit 740, Card No. 17?

A. Yes.

MR. AUCHINCLOSS: Thank you. No further questions.

THE COURT: Cross-examine?

CROSS-EXAMINATION

BY MR. SANGER:

Q. Miss Torres, how are you?

A. Good, thank you.

Q. How long have you been -- I think you said you were with forensics for five years with the sheriff’s department; is that correct?

A. Correct.

Q. Do you have any prior law enforcement training?

A. No, I don’t.

Q. And you’re not a deputy sheriff or a sworn peace officer; is that correct?

A. Correct.

Q. And in your five years, have you worked exclusively on fingerprints?

A. I’ve worked on fingerprints and crime scene investigations.

Q. Okay. So the answer would be no, you have not worked exclusively on fingerprints, correct?

A. Correct.

Q. You’ve done a number of other tasks with regard to crime scene investigations?

A. Correct.

Q. And you’re familiar with the need to properly label and preserve evidence; is that correct?

A. Yes.

Q. All right. Now, are you a latent print examiner?

A. I am a latent print examiner in training.

Q. Okay. A trainee. How long have you been in that capacity?

A. I would say for the last four years.

Q. Okay. And are you certified by any organization?

A. No.

Q. So you're gaining your experience as a -- let me withdraw that.

You're gaining your training to be a latent print examiner from your work at the sheriff's department?

A. From work and through training courses.

Q. You're also taking some courses?

A. Exactly.

Q. All right. In this particular case, you did not do any comparison of the fingerprints; is that correct?

A. Correct.

Q. And your job was to pretty much bring the prints up, best you can, and preserve them so that they can be looked at by other people, correct?

A. Correct.

Q. All right. Now, you indicated that you used the Scenescope, which we've heard about before in this case, all right?

And how long -- let me withdraw that.

You're here in Santa Maria; is that correct?

A. Correct.

Q. How long has the Santa Maria office of the sheriff’s department had a Scenescope?

A. We had had it only for a couple of months prior to us receiving this case.

Q. Okay. When did you receive this case?

A. We were assigned to process the items on, I believe -- if I may refer to my reports.

Q. Okay. If you can’t recall, you may do that.

A. The first item that we processed was -- we began processing on September 16th of 2004.

Q. Okay. So when you say, “When we received this case,” you mean when your forensics unit received an assignment in this case, correct?

A. Yes.

Q. All right. And you recall having the Scenescope for about two months before September 16th?

A. Several months.

Q. Okay. About when did you receive it?

A. I would say about five months prior.

Q. Five months prior. Okay. Had you ever used the Scenescope before you received it?

A. We had had one training day on it, but our Scenescope had a malfunction, so it had to be sent back.

Q. When was that training day?

A. That was -- I don’t recall.

Q. Now, the Santa Barbara office of the

sheriff’s department also had a Scenescope; is that correct?

A. Correct.

Q. Did they get theirs at the same time?

A. Yes.

Q. And did you have training together?

A. On the same day.

Q. On the same day. And you’re saying -- forgive me for asking again, but you’re saying you don’t recall the training day?

A. I don’t recall the exact date of the training day.

Q. Roughly when was it?

A. I don’t recall the exact month, if that’s what you’re asking for.

Q. So you got the machine about five months before September. So April?

A. About that time.

Q. Okay. Could have been May?

A. It could have been.

Q. All right. And did you have your training day about the time you received the machine?

A. No, we had the training day before we received our machine.

Q. Okay. And then at some point, the machine didn’t work, you sent it back, got another machine. When did you get the machine that worked?

A. When did we get the machine to work? I believe about a month or two before we began to process the items.

Q. Okay. So July or so of 2004?

A. I would say.

Q. Okay. And did you process any prints in any case for the purpose of testimony in court -- I mean a real case. Did you process any prints in a real case, before you started working on this case, using the Scenescope?

A. No.

MR. SANGER: All right. I have no further questions.

MR. AUCHINCLOSS: No further questions.

THE COURT: Thank you. You may step down.

THE WITNESS: Thank you.

MR. AUCHINCLOSS: My mistake, I should have let the bailiff know to have our witness already here.

THE COURT: Okay.

MR. AUCHINCLOSS: Our next witness we will be calling is Michelle Shelley. And she’s on her way down.

And if I could get a “Black Screen” again, Your Honor, please.

Thank you.

THE COURT: Come to the front of the courtroom, please. Remain standing when you get to the witness stand.

Face the clerk here and raise your right hand.

MICHELLE SHELLEY

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name is Michelle Shelley; M-i-c-h-e-l-l-e, S-h-e-l-l-e-y.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Good morning, Miss Shelley.

A. Good morning.

Q. In 2004 --

BAILIFF CORTEZ: Get the mike closer.

MR. AUCHINCLOSS: Thank you.

Q. In 2004, who were you employed by?

A. Santa Barbara County Sheriffs.

Q. And what did you do for the sheriff’s department?

A. I was an I.D. technician. I worked for Criminal Records, and then I was brought over to work for the Forensics Division, this particular case, due to my background.

Q. And was this case the People v. Jackson case?

A. Yes, it was.

Q. Tell me about your training to become an I.D. technician.

A. I went to Western Mellon College majoring in criminal history, concentrated in forensics, and I worked for the Delaware State Police for two years. Moved out here to California, and became employed by Santa Barbara Sheriffs. I also have a diploma from the American Institute of Applied Science in forensics.

Q. And have you had any specialized training in the location of latent fingerprints?

A. No, sir.

Q. All right. Have you had any on-the-job training in the location of latent fingerprints?

A. Yes, sir.

Q. Could you describe that for me, please.

A. Just general working practice with a latent examiner I worked with in Delaware, as well as here with Santa Barbara Sheriff.

Q. Okay. Did part of your forensics training include locating latent fingerprints and different processes -- well, let me break that question up, it's compound -- locating latent fingerprints?

A. Yes.

Q. And did some of your general training in forensic science include processing various items to make visible latent fingerprints?

A. Yes, it did.

Q. All right. Have you had experience with cyanoacrylate ester fuming?

A. Yes, I have.

Q. Or super glue fuming?

A. Uh-huh.

Q. Prior to this case?

A. Yes.

Q. On how many occasions?

A. Specific numbers, I can’t remember. Quite a few times.

Q. Quite a few times?

A. Uh-huh.

Q. All right. Can you tell me, what were you called in to do? What were your duties with regard to the case of People v. Michael Jackson?

A. I was brought in for extra help. I was assisting Detective Spinner and Detective Wittenbrock on processing some of the evidence, splitting it up, putting it in plastic sleeves, super gluing it, and then hydrating it.

Q. Who was it that was in charge of splitting up the magazines initially and placing them in sleeves?

A. Detective Spinner.

Q. Did you assist Detective Spinner in that task?

A. Yes.

Q. And who was also charged with the initial fuming -- super glue fuming of all the magazines?

A. Detective Spinner.

Q. And did you assist Detective Spinner in that task?

A. Yes.

Q. At some point did you team up with I.D. Tech Wittenbrock to assist him in his look -- in his analysis and checking for latents on some of these exhibits?

A. Yes.

Q. And what was your assignment with Detective Wittenbrock?

A. I was assisting him in pulling out the pieces of magazine. Basically to speed up the process, because we had such a vast volume, I would pull them out, pass them over to him. He would then scan them. I would assist in writing labels if we found a print. I would also directly type in our findings into our computer for our reports.

Q. All right. And did you assist him or anybody else in the ninhydrin processing of some of these magazines?

A. Yes, I did.

Q. Have you had previous training in using ninhydrin?

A. Yes, I have.

Q. And previous experience in using ninhydrin?

A. Yes.

Q. On how many occasions have you used it, if you can recall, approximately?

A. Again, the super glue, numerous occasions. I can’t exactly recall.

Q. All right. All right. I’m going to ask you some specific questions about -- there I’ve done it. About specific exhibits. And we’ll go through these fairly rapidly, but I’m going to show you each exhibit, and I want you to tell me if you assisted in the processing of this particular fingerprint or assisted in the processing of the page that this fingerprint came from.

A. Okay.

Q. As in a ninhydrin that had previously been found to be --

THE BAILIFF: Can’t hear you back there.

THE WITNESS: Oh, sorry.

Q. BY MR. AUCHINCLOSS: All right. So, let’s look first at Exhibit 1 -- I’m sorry, Card 1, Exhibit 724. Did you have any part in the processing of this particular page or fingerprint?

A. Yes, sir, I did the ninhydrin on that print.

Q. Okay. Looking now at Card 727 -- I should say Card 4, Exhibit 727.

A. I did the ninhydrin on that as well.

Q. Okay. And I should mention that neither of these prints is a ninhydrin print; is that correct?

A. Correct.

Q. Moving on to -- moving on to Card 737, also is Card 14.

A. I assisted with the fuming on that particular card.

Q. Okay. Assisting Detective Spinner?

A. Yes, sir.

Q. Moving on to Card 15, Exhibit 738.

A. That is the same. I assisted Detective Spinner in the fuming or -- yes, the fuming of that card.

Q. All right. Exhibit 739, Card 16?

A. As well, I assisted Detective Spinner on the fuming of that card.

Q. Exhibit 740, Card 17?

A. I assisted on the fuming, Detective Spinner, of that card.

Q. Exhibit 741, Card 18?

A. I assisted on the fuming with Detective Spinner on that card.

Q. And Exhibit 742, Card 19?

A. I worked on the fuming, with Detective Spinner, on that card. I also did the ninhydrin with Detective Wittenbrock on that card.

Q. But this is a fuming and Scenescope identification on this?

A. Yes, sir, it is.
MR. AUCHINCLOSS: Thank you. I have no further questions.
THE COURT: Cross?

CROSS-EXAMINATION
BY MR. SANGER:
Q. Hi.
A. Hi.
Q. You are not employed by the sheriff anymore?
A. No, sir, I'm not.
Q. How are you employed now, just in general?
A. I'm currently in the process of returning to my previous job with the Delaware State Police.
Q. Okay. And what was your previous job?
A. I was an I.D. technician for them.
Q. All right. So you went to college and studied criminal justice?
A. Uh-huh.
Q. Criminal history, I think you said?
A. Criminal justice.
Q. Criminal justice, okay.
Did you, while you were in college, do any actual fingerprint work?
A. Yes, sir, I did.
Q. And were you employed by the State of Delaware while you were in college?
A. No, sir. I was employed with them after

graduation.

Q. Oh. So while you were in college, did you do work on actual cases, or did you do work in a class?

A. I did work in a class, but it was on case studies.

Q. Case studies. So it was part of classwork?

A. Yes, sir.

Q. So you were with the Delaware State Police for two years?

A. Yes.

Q. And were your duties to do things other than fingerprints?

A. No, sir. I specifically concentrated on fingerprints.

Q. Just did fingerprints, okay. And you came to Santa Barbara, and you worked in records for the sheriff’s department; is that correct?

A. Yes, sir, I did.

Q. And records has nothing to do with chemically enhancing fingerprints or that sort of thing; is that correct?

A. No, sir, it was to get my foot into the door, hopefully to transfer back into my field.

Q. Okay. I’m not trying to be rude to you.

A. No, not at all.

Q. But in other words, the work that you were doing at Santa Barbara Sheriffs had nothing to do with what you wanted to do, which was be an I.D. tech?

A. It was a means to an end, yes.

Q. And you applied for a position as an I.D. tech in Santa Barbara?

A. Yes, I did.

Q. And other than working on this case as extra help, you did not get that position; is that correct?

A. No, I have since then moved back to Delaware.

Q. But in any event, the answer to the question is, you did not get the position in Santa Barbara, other than working as extra help on Mr. Jackson's case?

A. Correct.

MR. AUCHINCLOSS: I'll object as assuming that she applied for a position.

THE COURT: Sustained.

Q. BY MR. SANGER: Did you apply for a position as an I.D. tech in Santa Barbara?

A. After the Michael Jackson case was over, I applied, and in the process moved to Delaware.

Q. Okay. Now, having said all of that, have you used the Scenescope before you used it here on the Michael Jackson case?

MR. AUCHINCLOSS: Objection, assumes facts not in evidence, that she used the Scenescope.

THE COURT: Overruled. You may answer.

THE WITNESS: I've had some experience with it. It's not my specialty.

Q. BY MR. SANGER: Okay. What experience have you had?

A. I have worked getting general education from a previous latent examiner that I worked with in Delaware.

Q. Are you a latent print examiner yourself?

A. No, I'm not.

Q. And you mentioned somebody in Delaware?

A. Yes, sir.

Q. Did that person have a Scenescope?

A. Yes, sir.

Q. And how many times did you actually use the Scenescope in a criminal case?

A. Not personally on a criminal case. I would look at it, getting general education.

Q. All right. So the first time you ever used the Scenescope in a criminal case was in the Michael Jackson case?

A. Correct.

Q. And were you making decisions as to how the various items of evidence should be processed?

A. No, sir.

Q. You were pretty much helping and doing as directed?

A. Correct.

Q. And the people directing you were?

A. Detective Spinner and Detective Wittenbrock.

Q. All right. Is there anybody else on your forensic unit, in your forensic unit, in Santa Barbara doing this?

A. We have -- are generally headed by Sergeant Julio Santana, who would give general direction, but he’s the head of our department.

Q. Okay. Was he giving general -- I guess my point is, was he working on this case?

A. He was heading the case.

Q. All right. Did he do any actual physical work on this case?

A. Not to my knowledge.

Q. Okay. And the direct -- the directions that you received came directly from either Detective Wittenbrock or Detective Spinner; is that right?

A. Yes.

Q. All right. Did you receive training on the Scenescope from the Spex company?

A. No, sir.

Q. Were you aware that there was a training day held on the -- with regard to this instrument for the Santa Barbara Sheriff’s personnel?

A. No, sir.

MR. SANGER: All right. No further questions.

MR. AUCHINCLOSS: Just one question.

THE WITNESS: Sure.

REDIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Miss Shelley, were you the finder, photographer, for any fingerprint of these 19 prints that we’ve talked about or that have been presented in this case?

A. No.

MR. AUCHINCLOSS: Thank you. No further questions.

MR. SANGER: No further questions.

THE COURT: All right. Thank you. You may step down.

MR. AUCHINCLOSS: Call Detective Jim Wittenbrock.

THE COURT: When you get to the witness stand here, please remain standing. Face the clerk and raise your right hand.

JAMES WITTENBROCK

Having been sworn, testified as follows:

THE WITNESS: Yes, I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name is James Wittenbrock; 3628

W-i-t-t-e-n-b-r-o-c-k.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Good morning, Detective Wittenbrock.

A. Good morning.

Q. Who are you employed by?

A. I'm retired now.

Q. All right. And who were you previously employed by?

A. Santa Barbara Sheriff's Department.

Q. And what did you do for the sheriff's department when you worked for them?

A. 28 years total. Out of -- the last four years I was assigned as a detective in the Criminal Investigations Division, Forensics Unit.

Q. All right. Have you had any training that qualifies you for such a position?

A. Yes, sir.

Q. And can you describe that for us?

A. May I refer to a list?

Q. Sure, if it would help refresh your recollection.

A. Limiting to more or less the fingerprints and that part of the forensics detail, I had 40 hours of basic crime scene investigation in 2001. 24-hour fingerprint pattern recognition class put on 3629 by the Department of Justice. Another eight hours in basic crime scene investigation. In 2002, 40 hours DOJ class on latent techniques. And again in 2000 at the DOJ, a latent print comparison class.

Q. And have you had some experience, actual hands-on experience in this area?

A. Yes, sir. Even in patrol, we frequently searched for prints and collect prints. Daily duties while I was with the forensics detail, we’d be searching, documenting, recording and looking at prints on a very regular basis.

Q. Have you had training in the use of super glue fuming techniques to enhance fingerprints?

A. Yes, sir.

Q. Have you had training in the use of ninhydrin as a chemical process to reveal fingerprints?

A. Yes.

Q. Have you had training in the use of the Scenescope in using it to attempt to view latent fingerprints?

A. I had some training when I was brought back to assist. I went to the Santa Maria lab and spent a day up there with the technicians and went through the process, information on the Scenescope. I also referred to the manual.

Q. All right. Is the Scenescope difficult to use?

A. No.

Q. Why do you say that?

A. It’s -- it’s a lens. You turn the switch on and you focus it and you search. In this case, it was searching a page, and it’s quite simple.

Q. So the Scenescope has how many parts to it?

A. It’s got the front filter and lens assembly. It has an intensifier tube that attaches to that. And in our case, we attached the digital camera above that tube.

Q. So you’ve got a camera, the Scenescope and something else. What did you call it?

A. The Scenescope is in two parts.

Q. Okay.

A. There’s -- the first part is similar to a lens with a filter. The second part’s an electronic intensifier, amplifier-type apparatus, and above that we had the digital camera attached.

Q. All right. Is it any more complicated than moving the different pieces around and focusing it to get a clear image?

MR. SANGER: Objection. Vague; compound; calls for speculation.

THE COURT: Overruled.

You may answer. Do you want the question read back?

THE WITNESS: Yeah, please. Please.

MR. AUCHINCLOSS: Okay.

THE WITNESS: I'm sorry, a little hard of hearing.

(Record read.)

THE WITNESS: No. It's -- the focusing would take a few seconds, a few moments, but it wasn't difficult.

Q. BY MR. AUCHINCLOSS: All right. Did you participate in a search for latent fingerprints on a number of magazines in the case of People v. Michael Jackson?

A. Yes, sir.

Q. And what was your assignment?

A. My assignment was to use the Scenescope and search, in my case, several magazines for latents or developing prints on the magazines. And after that, they were processed with the ninhydrin, and then another search of all those magazines I did all myself.

Q. Had the magazines that you searched with the Scenescope been previously processed in any fashion?

A. Yes, they had.

Q. In what fashion?

A. They'd received a cyanoacrylate fuming process, which is commonly referred to as super glue fuming.

MR. AUCHINCLOSS: All right. If I may approach, Your Honor.

Q. I'll show you a few exhibits. Three, to be specific. I show you Exhibit No. 724, Card No. 1. Can you identify that for me, please?

A. Yes, I can.

Q. What is it?

A. That's an image from the Scenescope I photographed on Item 304-D.

Q. Using the Scenescope?

A. Yes.

Q. And can you tell me -- well, I'll get to that in a moment.

Showing you now Exhibit No. 727, Card 04, can you identify that for me, please?

A. Yes, it was Item 317-OO. It was a latent from using the Scenescope from page two.

Q. And did you locate that latent fingerprint?

A. Yes, I did.

Q. Finally, Exhibit No. 742, Card 19, can you identify this for me, please?

A. Yes. This was Evidence Item 363-M, and this latent I photographed off of page 57.

Q. All right. Also a Scenescope photograph?

A. Yes.

Q. While I am here, I will show you page one of Exhibit No. 769. Can you identify that for me, please?

A. Yes. That, again, shows the Scenescope photo from Item 304-D, page 52, and it indicates where it was photographed on the actual page, where 3633

I circled it.

Q. And that's where you located that particular print, where the green arrow points?

A. Yes, sir.

Q. Showing you Page No. 4 of Exhibit 769, can you identify that?

A. If you could turn it so I could read the tag there.

Yes, that's Item 317, page two.

Q. Is that a latent fingerprint that you located on that particular page where the green arrow points?

A. Yes, it is, and where I circled it.

Q. And showing you Page No. 19, please identify that for me.

A. Okay. That's Item 363-M, page 57, and it's circled where I photographed it with the Scenescope on that page, circled.

Q. And that shows the location with a green line where you found that particular print?

A. Yes, it does.

Q. All right. Detective, I'm going to ask the Court at this time to go to Input....

Well, if you could just give me a moment, Your Honor, to download the proper Power Point.

All right. Could we go to "Input 1," please, Your Honor?

THE BAILIFF: Hit the "PC" button.

Q. BY MR. AUCHINCLOSS: All right. Detective, is that Card 724 -- Exhibit 724, Card No. 1, that I just showed you?

A. I believe so. I --

Q. Okay. I'll leave them up here with you.

A. Okay.

Q. So you can refer to them, if you please.

And is that the fingerprint that you found on Item 304-D, "Barely Legal," July 2003, page 52, Quadrant 12, Latent 1?

A. Yes, it is.

Q. Showing you Card No. 4, Exhibit 727, is that the fingerprint that you located on Item 317-O, Hustler, "Barely Legal," August 2003, page two, Quadrant 11, Latent 1?

A. Yes, sir.

Q. Showing you Exhibit No. 742, Card 19. Is that the latent that you found on Item 363-N, "Club International," March 1998, page 57, Quadrant 15, Latent 2?

A. Yes, it is.

Q. Going back to the first latent again, does this page -- does this exhibit -- this is page one of -- I believe 769 is the exhibit. Is this where you located the latent identified on Card No. 1, Exhibit 724?

A. I believe this is page 52?

Q. Yes, page 52.

A. That's correct.

Q. All right. And does this exhibit -- that is identical to page four of Exhibit 769. Does this show where you found the latent identified on Card No. 4, Exhibit 727?

A. Yes. This is page two, yes.

Q. Yeah, well, it's -- it's -- it's known as -- it's on page four of that particular notebook that I showed you out of, but it's on page two of Item 317-O; is that correct?

A. Correct.

MR. SANGER: I'm going to object to counsel testifying. It's not a question.

THE COURT: Sustained.

MR. AUCHINCLOSS: All right.

Q. And finally, showing you page 19 of the notebook exhibit that I showed you, does this fingerprint show the location of the fingerprint that is on Card 19, Exhibit 742?

A. Yes, that's correct.

Q. That's the location on the exact page that you found that print?

A. Yes, on page 57 of that item.

MR. AUCHINCLOSS: Thank you. No further questions.

THE COURT: Counsel?

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CROSS-EXAMINATION

BY MR. SANGER:

Q. Detective, how are you?

A. Good morning, sir.

Q. I guess now you're Mister; is that right, retired?

A. Trying to.

Q. Trying to. Okay. Can I still call you Detective; is that okay?

A. Certainly.

Q. Having done that for some time. You were 24 years in the sheriff's department before you went into the Forensics Bureau; is that correct?

A. Approximately.

Q. And then you spent the last four years doing forensics?

A. Yes.

Q. All right. And you told us about your training. Did you have any training on a Scenescope other than what you received from the I.D. tech in this case?

A. No, sir. I was retired during that time. I believe it was a four-hour demo they had.

Q. Okay. They had a demo from the manufacturers?

A. Yes.

Q. And you missed that one?

A. Yes.

Q. And then you went up to Santa Maria, if I understand this?

A. That’s correct.

Q. And you met with who?

A. Detective Sutcliffe and Detective -- Tech Torres.

Q. I.D. Tech Torres, Miss Torres?

A. Yes.

Q. And they told you how to work the Scenescope?

A. Correct.

Q. All right. Now, you told the District Attorney that it wasn’t particularly hard to do, I think.

A. I don’t think it is.

Q. Were you familiar with the issues regarding there should be a film camera used or a digital camera used?

A. Actually, I -- I actually called the factory and inquired into some of the different cameras. They sell it with digital cameras, and you can use a film camera.

Q. When did you call?

A. This was back when I was doing this processing, right at the very first or second day.

Q. Were you aware that they recommend that a film camera be used?

A. They sell this camera with low-resolution digital cameras. I'm not aware that they recommend the 35-millimeter or any film camera.

Q. That was my question. Are you aware that they recommend a 35-millimeter film camera?

A. No.

Q. Are you aware that the reason for using a film camera is that there is a better resolution, a better result in the actual photograph?

MR. AUCHINCLOSS: Assumes facts not in evidence, that they recommend a different camera.

MR. SANGER: That's in evidence.

THE COURT: The objection is overruled. Do you want the question read back?

THE WITNESS: Try the question one more time, please.

THE COURT: Read it back.

(Record read.)

THE WITNESS: I'm not aware of that. I would not agree with that.

Q. BY MR. SANGER: Okay. Do you know whether or not a digital camera is likely to wash out some of the detail in a print that would otherwise be captured on 35-millimeter film?

A. Could you qualify the digital camera a little bit? It's a very -- covers a lot of digital cameras.

Q. Okay. Well, without talking about 3639 particular digital cameras, have you heard of this being a problem in developing latent prints?

A. No.

Q. Did you have any training with regard to the interrelation between the process of super glue fuming and the use of the Scenescope?

A. I had some -- I’m sorry, I don’t quite --

Q. That’s fine. Let me ask you this: Were you aware that with the Scenescope, if you overfumed the super glue, you could lose detail?

A. You could overfume separate from using the Scenescope. You can overfume that process to where you lose detail on the print.

Q. You can over -- if you really overfume, you can pretty much just obliterate the print, blot it out; is that correct?

A. Absolutely, and it would be useless.

Q. Were you aware that with a Scenescope, you can decrease the amount of fuming and enhance the print more efficiently with less fuming?

A. I think that’s a fair statement, yes.

Q. Did you know that at the time you were doing this?

A. Yes. Yes.

Q. Did you have any input to Detective Spinner -- let me withdraw that. Detective Spinner is the one that did the fuming?

A. He did some of the fuming.

Q. Did you do any of the fuming?
A. No.
Q. Did you have any input into the fuming process to whoever was doing the fuming?
A. Yes.
Q. Did you explain to them that they should use -- they should decrease the amount of fuming because you were using a Scenescope?
A. Yes.
Q. And who did you tell that to?
A. That was both Detective Spinner and Michelle Shelley. Michelle Shelley.
Q. Okay. And what you want to do -- now, are you a latent print examiner?
A. I examine latent prints. I am not -- I was not trained for the comparison part, but as an examiner I do examine prints.
Q. So you don’t do comparisons?
A. Training -- I did a lot of comparisons, but I was not at the level, the top level to actually do the -- I was training in comparisons.
Q. All right. So you were a latent print trainee?
A. Comparison trainee, yes.
MR. SANGER: All right. Thank you. No further questions.
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REDIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Detective, if you overfume a print, what is the result?

A. It’s a degradation of the clarity of the print, as has been said. It fills in between the ridges.

Q. Is it visible?

A. Yes.

Q. Have you had an opportunity to look at all the prints, these 19 prints on these cards that we have presented here?

A. I’ve had the opportunity. I haven’t really looked at them in detail.

Q. Okay. But you have looked in detail with the three that you testified about?

A. Yes.

Q. Any of them overfumed?

A. No.

MR. AUCHINCLOSS: Thank you. No further questions.

MR. SANGER: No further questions.

THE COURT: All right. Thank you. You may step down.

THE WITNESS: Thank you.

THE COURT: Call your next witness.

MR. NICOLA: Sergeant Bob Spinner.

MR. AUCHINCLOSS: Your Honor, at this time I would like to admit into evidence People's Exhibit 769 and People's Exhibit 724, 727 and 742.

MR. SANGER: 742 is the book?

MR. AUCHINCLOSS: 769 is the book.

MR. SANGER: I'd object to 769 on two grounds. One -- well, three. One, it's cumulative; two, 352; three, at least one of the pages has not been properly identified.

THE COURT: Which page?

MR. SANGER: There was an objection sustained, and there was no testimony regarding that page.

MR. AUCHINCLOSS: I'm unfamiliar with that.

THE COURT: Other than for -- I'll withhold ruling based on that one objection. The other two objections are overruled, and the 352 specifically is overruled.

I'll ask you to consult with each other so you can -- you know you're talking about the same page, so that you're on the same page.

MR. SANGER: There you go.

THE COURT: Can we do that at the break?

THE CLERK: Are the other exhibits received?

THE COURT: The other exhibits are received.

Would you raise your right hand?

ROBERT SPINNER

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Robert Spinner; S-p-i-n-n-e-r.

THE CLERK: Thank you.

MR. NICOLA: Just a moment while we put something in the computer.

DIRECT EXAMINATION

BY MR. NICOLA:

Q. While I’m fiddling, why don’t you tell the jury what you do for a living.

A. At the present time, I am working as a part-time employee of the Santa Barbara County Sheriff’s Department in the Forensics Unit. I retired from the sheriff’s department in July of 2000 -- or August of 2003 after a term of service of 32 years.

During that time, I spent from 1986 to my retirement date working in the Forensics Unit at the sheriff’s department.

Q. Is it true that nobody ever really retires from the sheriff’s department?

A. Obviously, that’s very true.

(Laughter.)

Q. BY MR. NICOLA: How long did you work in the Forensics Bureau with the sheriff’s department?

A. From about the middle of 1986 to my

retirement date in 2003. It would be approximately 13 years, I believe.

Q. Okay. During that period of time, did you receive any training or education in the field of forensic investigation?

A. Yes, I did.

Q. Why don't you walk the jury through that, please?

A. I started my training in basic fingerprints in 1987 when I attended two classes put on by the California Department of Justice, which were latent pattern techniques, and latent fingerprint techniques, or latent pattern recognition and latent fingerprint techniques.

I then attended a three- or four-day school, I don't remember the exact time, down at Cal-State Long Beach on an advanced evidence technician course.

I had previous experience in crime scene investigation from my time on patrol and did not go to the basic crime scene investigation course when I came into the unit.

I then attended the palm print identification class put on by Mr. Ron Smith.

Subsequent to that, I attended a basic fingerprint class put on by the Federal Bureau of Investigation.

And back to back with that I attended an advanced fingerprint class put on by the Federal Bureau of

Investigation, both went a week long, which were conducted at Rio Hondo College in Los Angeles.

Subsequent to that I attended an advanced latent fingerprint comparison class taught by Mr. Pat Wardheim. I've taken a fingerprint seminar, fingerprint development and comparison seminar, at Orange County Sheriff's.

I became a member of the Southern California Association of Fingerprint Officers in 1995, and I have attended their two-day training seminar, which is held every October, since then, except for the seminar which was held in 2001 due to the 9/11 incident.

I have attended and monitored one of Mr. Wardheim's classes that we had at the sheriff's department, kind of in and out of that one, so I didn't really list it, but it was on problem latent print identification.

I attended the three-week advanced -- the advanced latent fingerprint school held at the FBI Academy in Quantico, Virginia, in the year 2000.

And I recently attended, in January of this year, a basic forensics ridgeology class put on by Mr. David Ashbaugh.

I've also attended another seminar conducted by Mr. Ashbaugh, I believe it was 1997.

Q. Do you have any other education?

A. I have attained initially an associates of 3646 arts degree in business, I have an associates of science degree in police science, and I have a bachelor’s degree in administration.

Q. At the time that you retired, what was your position with the Forensics Bureau of the Santa Barbara Sheriff’s Office?

A. When I retired I was the sergeant and supervisor in the unit.

Q. Does that unit encompass both North and South County offices?

A. Yes, it does, sir.

Q. And you were in charge of all the forensics people?

A. Yes, I was.

Q. Do you have any professional affiliations you have not mentioned?

A. Encompassing along with the Southern California Association of Fingerprint Officers, which has the acronym SCAFO, I’m also a member of the International Association of Identification, California State Division.

Q. Over the years, how many fingerprint comparisons would you estimate that you have done?

A. I would say approximately in the vicinity of 80,000.

Q. Okay. Approximately how many came just from the Michael Jackson case?

A. I believe it was close to 21,000

comparisons.

Q. Have you ever testified in court as an expert witness regarding fingerprint identification?

A. Yes, I have, sir.

Q. On approximately how many occasions?

A. It was approximately -- approximately 10 to 15 times. I’m not really sure of the exact number, both in Santa Barbara and in Santa Maria court systems.

Q. Does that mean that you’ve only done comparisons in approximately 10 or 15 cases?

A. No, sir. We’re very rarely called to testify in fingerprint cases, and it’s -- when we do get to testify, it is a rarity.

Q. Okay. Is there a requirement by the sheriff’s office that you be certified in order to hold your position?

A. No, there is not.

Q. So you’re not a certified fingerprint examiner?

A. No, sir, I’m not.

Q. Do you know other fingerprint examiners in other jurisdictions working with other law enforcement agencies?

A. Yes, I do.

Q. Is it uncommon for some of them or many of them to be noncertified?

MR. SANGER: Objection, Your Honor.

Relevance and foundation.

THE COURT: Foundation; sustained.

Q. BY MR. NICOLA: Is it uncommon in the State of California for -- let me phrase it another way so it’s not leading.

Do you know whether law enforcement agencies, as a rule, require certified fingerprint examiners to be employed?

MR. SANGER: Objection; foundation.

THE COURT: Sustained.

MR. NICOLA: Okay.

Q. Can you explain for the jury, please, what a latent fingerprint is?

A. A latent fingerprint is a fingerprint which is created when your friction ridge skin comes in contact with an object and there’s a transfer of the contaminants, sweat and sebaceous oils which are on the top surface of those friction ridges, to the object which is touched. That print may be invisible until it is mechanically or chemically enhanced or processed.

Q. And what is a known fingerprint?

A. A known fingerprint is an intentional recording of an individual’s fingerprints, not only on a marked fingerprint card, which would have ten squares across the top and four squares on the bottom. One -- the bottoms would have the flat prints and thumbs; the tops would have the complete left finger recordings and the complete right finger recordings. It's only done in ink. However, now, with the advent of better digital electronics, it's done with what we call the Livescan method, which is basically an electronic recording of the fingerprints.

Q. I'd like to approach and show you Exhibit 767. Do you recognize that exhibit?

A. Yes, I do.

Q. And what is that?

A. It is the ten-print fingerprint card for Mr. Jackson which was created on 11-20-03.

Q. Is that an example of the Livescan image that you just explained to the jury?

A. Yes, it is.

Q. Okay. I'd like to show you Exhibit No. 743. Do you recognize that?

A. Yes, sir. This is an expanded version of the original item, which is the fingerprint card.

Q. Okay.

MR. NICOLA: I'd like to move 743 into evidence at this time, Your Honor.

MR. SANGER: Actually, I don't think I've been shown this. I understand I've seen the original, but if I could just see the --

MR. NICOLA: They're on your Power Point, I'm sorry.

MR. SANGER: Let me just see the boards, if

I could, quickly.

MR. NICOLA: Yes.

MR. SANGER: Thank you.

MR. NICOLA: Once again, Your Honor, I would like to move Exhibit 743 into evidence.

MR. SANGER: I have no objection.

THE COURT: It’s admitted.

Q. BY MR. NICOLA: I have placed in front of you also Exhibit 744 and 745. Do you recognize 744, sir?

A. Yes, Item 744 is a blown up copy of the ten-print fingerprint cards for Star Arvizio.

Q. Do you have a hard time with the name “Arvizo”?

A. Arvizo, yes.

Q. Okay.

A. Short on letters.

MR. NICOLA: Can we move Exhibit 744 in evidence, Your Honor?

MR. SANGER: No objection.

THE COURT: It’s admitted.

Q. BY MR. NICOLA: And 745, is that one of the fingerprint cards from Gavin Arvizo?

A. Yes, sir. This is the -- one of the ten-print cards for Gavin Arvizo.

MR. NICOLA: We’d like to move Item 745 into evidence at this time.

MR. SANGER: No objection.

THE COURT: It’s admitted.

MR. NICOLA: I’m going to leave these right here.

Q. Detective Spinner, Sergeant Spinner, can you explain for the jury, please, what the basic premise of the use of fingerprints for making identifications is?

A. Yes. Fingerprints are formed during the first and second trimesters prior to birth, during gestation. They are permanent. In other words, they will last from when they’re formed, prior to birth, to well after death; and three, that they are unique, that no two persons have never been found to have the same exact fingerprint formations.

Q. Okay. What sort of protocol do you use when you’re conducting a fingerprint comparison?

A. We, the sheriff’s office, conduct a fingerprint comparison. We use the accepted methodology known as ACE-V, which is an accepted method in the fingerprint community.

Q. That’s A-C-E?

A. A-C-E, dash, V. It’s an acronym. It means analyze, compare, evaluate and verify.

Q. What are the initial steps of the analysis process?

A. Okay. During the analysis process, after the ACE-V methodology, we examine -- or the latent fingerprint is examined and -- for quality, clarity, 3652 and determine what information is available within that particular latent fingerprint; can the class type be determined; how much level -- how much detail is available; how clear is it; is it smudged or smeared; can it even be used for a latent fingerprint comparison. Sometimes this can be done fairly rapidly, and sometimes it takes some time.

Q. When can it be done fairly rapidly?

A. When it is -- when they're clear and when there is -- the apparent detail is clear and very highly visible. Some latent prints are very badly smeared sometimes and it takes a while to work through them to determine whether they can even be used for a latent fingerprint comparison or not.

Q. Is there a level called Level I class characteristics?

A. Yes, sir, the Level I class characteristic would be the type of fingerprint pattern it is, be it a whorl pattern, an arch pattern, or the ridge pattern.

Q. Did you bring a small diagram with you?

A. No.

Q. You left it upstairs?

A. Yes, sir, I did.

Q. Okay. And that's just a piece of paper with the different kinds of patterns on it?

A. Yes, sir. It had what's known as -- two loop patterns. Loops are broken down into two particular styles of patterns. It used to be called the ulnar loop and the radial loop. In other words, the loop on the ulnar loops would open towards the little finger, and the radial loop would open towards the radial bone or the thumb.

Q. Is there anything about a fingerprint that can tell you whether a person is left-handed or right-handed?

A. No, sir.

Q. And anything about them that can tell you age?

A. No, sir. Well --

Q. Except for little tiny babies, right?

A. Except for little tiny babies. Or when people get aged, when they get quite old, sometimes they lose the fat pad under the print, and the ridge structure gets very worn and very hard to see.

Q. Okay. And a fingerprint will never tell you when it was left?

A. No, sir, you cannot tell when a fingerprint was left.

Q. Okay. Is there a higher level of individualization within a fingerprint that you look for as a fingerprint examiner?

A. Yes, sir. There's Level II detail and then Level III detail.

Q. Beginning with Level II detail, can you please tell the jury what it is that makes a fingerprint unique, Level II?

A. Okay. Well, basically fingerprints are unique, starting with Level I. They’re either arches, loops or whorls.

Then breaking down into Level II, we have three basic Level II types of details. We have the bifurcation, which happens when two running ridges either split and form -- or one running ridge either splits and forms two running ridges, or vice versa happens, when two running ridges come together to form one ridge.

And you have what we call an ending ridge, where a ridge stops, and the ridges on both sides of it continue on.

Then there is a dot, which a dot is one ridge unit which should be about as wide as it is long and has one pore structure in it.

Q. Is there something you look for in a fingerprint at the Level II stage that helps you on your way to determining whether you can make a match or exclude a fingerprint as being made by a particular individual?

A. Well, you look for -- in Level II detail only, after you confirm the Level I, you look for sufficient Level II details in sequence, the same spatial relationships and friction ridges in sequence to allow an identification to be effective.

Q. Okay. So you look at the detail and the 3655 sequence that it is on the ridge?

A. Yes, sir. You have to take everything into consideration.

Q. What if you were comparing two fingerprints and you come across a detail that exists in one on a ridge that doesn’t exist on the other on the same ridge?

A. If one positive Level II detail is found within a latent print and it is not reproduced in the known print, or vice versa, and it cannot be explained by distortion, then it would automatically take the fingerprint out of contention as being an identification.

Q. That would be the one-dissimilarity rule?

A. Yes, sir.

Q. With respect to the fingerprints collected in this case and the ones that you analyzed, can you please explain to the jury where you became involved in the process that we’ve heard much about so far?

A. When I was called back into the Forensics Unit for part-time assistance due to personnel staffing levels, I believe it was the last part of July in 2003, I was asked if I would assist with the evidence processing in this case.

Q. Okay. Were you involved in setting up the protocol for how the large volumes of magazines and other items of paper would be processed?

A. No, I was not.

Q. Okay. Did you have a clear understanding of what that protocol would be?

A. It was shown to me and I read through it, yes. I understood what they were -- what was being required and requested.

Q. Was it an acceptable process from your point of view?

A. Yes, sir.

Q. Okay. What was your role in the handling of the magazines and other items of evidence that were processed for fingerprints?

A. My role started when I obtained the magazine item numbers from the property room. I returned them to the Forensics Unit, where the evidence bags were then opened.

And then what I did was, I first initially took each individual magazine and photodocumented that magazine page per page. I then took the magazine and cut the magazine or separated the magazine down the spine or the middle to separate each page into its own individual page.

Then the magazine was recorrelated to maintain the page order. The magazine was then subjected to cyanoacrylate ester fuming, which is known as super glue fuming, in an effort to develop and stabilize any latent fingerprints which may or may not be on each individual page.

After this was done, the pages were then either recorrelated or immediately placed into plastic sleeves, which were then placed into binders, and then the binders became the magazine, or book, or pamphlet.

Q. So, were you the individual responsible for slicing the magazines up and subjecting them to the fumes from super glue?

A. I cut and processed the grand majority of the magazines. Michelle Shelley processed a few of them at my direction toward the end when we got very busy.

Q. Were you working under some kind of time crunch?

A. Yes. We were told we had to have this project completed by December 17th of 2003.

Q. Once the items had been subjected to the super glue fuming, did you repackage them?

A. They were -- after the super glue fuming was completed, each individual page was placed into a plastic page protector, which was then placed into a three-ring binder.

Q. Okay. And then those binders would go where; do you know?

A. The binders were either kept in the Santa Barbara lab for processing there, or they were sent to the Santa Maria lab for processing there, due to the length of time it was going to take to do the additional processing for latent fingerprints.

Q. Okay. The deadline you had was in December of 2004, correct?

A. I’m sorry, 2004. That is correct.

Q. My astute colleagues here.

The teams that were responsible for further developing or examining the magazines and their contents for latent fingerprints in the North County would have been who; do you know?

A. They would have been Detective Sutcliffe and I.D. Technician Torres.

Q. And in the South County, who did you use?

A. Detective Wittenbrock and Michelle Shelley.

Q. And what was the procedure from that point forward, if you know?

A. Once I was through assembling the magazines back into the binder, in the individual page protectors, they were either sent to Santa Maria or they were kept in-house and then processed for latent fingerprints using what’s known as a RUVIS Scenescope to look for, develop and stabilize super glue prints on the pages. The pages were then subjected to a ninhydrin process to attempt to further develop any fingerprints.

When these two processes were completed, the magazine pages were then reinserted into the plastic sleeves, placed back into the binders, and the binders were then correlated by myself, accounted for, and then booked back into the evidence room.

Q. Okay. If a latent fingerprint was identified by one of the teams, meaning Detective Sutcliffe's team or Detective Wittenbrock's team, what would they do with that image?

A. Okay. All images which they found, either using the Scenescope or the ninhydrin process, were photodocumented. Those photographs were then either placed on a CD disk in Santa Maria and sent down to Santa Barbara for evaluation, or if Detective Wittenbrock photographed the images, he would take the photo card out of the digital camera, go to the Santa Barbara computer, download images in the Santa Barbara computer system.

Q. Were those images saved by file number?

A. Yes, they were. Each individual item number, or each individual magazine, pamphlet, page, whatever, each had an individual item number. The fingerprints which were -- photographs on those were marked. And when the photographs were taken, and they were saved under a particular -- under the file number for that particular item of evidence.

Q. How many total images of latent prints did the teams of Sutcliffe -- Detective Sutcliffe and Detective Wittenbrock provide you for a comparison?

A. Approximately 706.

Q. And out of those 706 potential latent prints, how many did you find were usable to make fingerprint comparisons?

A. 178 were found to be usable for latent comparison purposes. However, some of those were latent palm prints, not fingerprints.

Q. Okay. Of the latent fingerprints -- generally, could you explain for the jury what it is that, in your opinion, makes a latent fingerprint usable for a comparison?

A. A latent fingerprint needs to have sufficient quality and clarity to locate and identify a sufficient amount of Level II detail, and it also has, in my estimation, and what I would like to see is sufficient detail to at least show basic Level I details so the pattern type can be determined.

Q. Turning your attention back to Exhibit 743, 744 and 745, did you use the fingerprints cards from the individuals listed, Michael Jackson, Gavin Arvizo and Star Arvizo, to compare against the 178 fingerprints that were recovered that you felt were usable?

A. Yes, we did.

Q. Okay. And out of the 178 usable prints, did you find matches on a number of latent prints?

A. We were able to identify 19 of the 178.

Q. And you categorized those as positive identifications?

A. Yes, sir.

Q. Okay. Were there a number of fingerprints that you did not come to a conclusion about?

A. Yes, there were.

Q. And approximately how many, please?

A. I believe there were seven.

Q. When you initially began your comparison process, could you describe for the jury the different steps that you took?

A. When --

Q. Let me rephrase that. That will take you somewhere else.

When you initially began comparing a latent print to some of these known prints from the three individuals we named, did you look at them with the intention of going back through the material over and over again?

A. When we first did the -- when we first went through the first ones, what we did was we went through an initial evaluation and located prints which we felt could be an identification, and we marked those.

And when we finished going through all the prints that came down on an individual CD disk for that day or the two days, then we would go back to the ones that we were interested in and re-review those fingerprints.

Q. Okay. So they would get a first look, and then a more thorough look at a later time?

A. Yes, sir, they would.

Q. You keep saying “we.”

A. Myself and Identification Technician Lisa Hemman.

Q. When you finally sat down to compare a fingerprint to -- a known fingerprint to a latent fingerprint that you were examining, how did you and Lisa Hemman coordinate that?

A. Well, initially, during the initial evaluation, we were both watching or both looking at a computer screen where the disk -- the images were being brought up one at a time. And we each had individual copies of the ten-prints -- ten-prints for the three individuals involved in this case, meaning Gavin Arvizo, Star Arvizo and Mr. Jackson.

As we went through the latent fingerprints, again, as I said before, we identified some which could be identifiable to one of the three people. We would note that, and then -- for a later evaluation.

What would happen, during the later evaluation process, I.D. Technician Hemman would take the latent fingerprint, which we felt was a usable and comparable latent to a particular inked fingerprint or known fingerprint, and make a side-by-side comparison set up on a computer screen. We would then go through that side-by-side comparison independently, looking for Level II details and marking that detail with one of us being outside of the room when the other was doing it. After we were both finished, we would then compare our results and see if there was a problem or whether the identification was valid or whether it was not valid.

Q. Is that the “V” part of the ACE-V process?

A. It would be -- yes, it would be the “V” process, the verify. What we did initially when we looked at the fingerprints on the computer screen, we were just looking for latents alone with the ten-print fingerprint cards.

Q. How is it that Senior I.D. Technician Hemman could mark on the computer where she thought points of comparison were and you would come in later and not see those marks?

A. We were using a program called Adobe Photoshop, and in that particular program you can create what they call layers. She would make two layers. One layer would be her layer, one layer would be my layer. And she would turn her layer on and put the marks down on where she thought the appropriate Level II detail was located to make an identification, or nonidentification as the case may be, for this particular fingerprint. She would then turn that layer off, turn my layer on. I would go in, I could not see her marks. I would then put my marks down. When I was finished, I would advise her of what we did -- that I was finished, rather, and we would both get together. She would turn both layers on and we would see if we were in agreement.

Q. Is that a fairly standard way of doing things these days in the field of fingerprint comparison is using the computer?

A. Yes, sir. We used to use what they call a fingerprint comparator. It’s a visual projection-type device where you would do basically the same thing, but it was more mechanical. You’d work on a plastic screen with a water-soluble pen. Here we just basically use a computer and a dedicated program, like Adobe Photoshop, to do the same thing.

Q. I’m going to approach you with an exhibit.

THE COURT: Let’s take our morning break.

(Recess taken.)

THE COURT: All right. Counsel, go ahead.

MR. NICOLA: Thank you, Your Honor.

Q. Detective Spinner -- Detective Spinner, I’ve put a number of boards up here. Can you reach the ones closest to your right, and on that first board, can you read the exhibit number, please?

A. 735.

Q. Do you recognize the latent image in that picture?

A. There’s an item listed as being taken on 3665

Item 317-U, union, Latent No. 1.

Q. Did you make a comparison of that print in this case?

A. Yes, we did.

Q. Did you come to any conclusions when you made your comparison of that fingerprint?

A. Yes, we did.

Q. Can you turn to the next exhibit, please. Are you looking at Exhibit 757?

A. Yes, I am.

Q. And what is depicted in that exhibit?

A. It is a charted latent fingerprint comparison between the photograph from Item 317-U, union, page ten, Quadrant 16, Latent 1, against a known fingerprint of Gavin Arvizo's right middle finger.

Q. So you were able to identify Gavin Arvizo's right middle finger on Exhibit -- a magazine labeled 317-U?

A. Yes, sir, we were.

Q. Okay. Coming to your opinion that that is his fingerprint, did you present our office with a Power Point presentation to help explain that to the jury?

A. Yes, we did.

MR. NICOLA: Your Honor, if I may have "Input 1," please. I'd like to show it to the jury, please.

Q. Take a look up at the screen.
THE COURT: What's the exhibit number on the presentation?
THE WITNESS: 757, Your Honor.
MR. NICOLA: Did you -- I left them with the court reporter for some strange reason, Judge. It's going to be next in order, Exhibit No. 772.
Q. I'm going to go right to -- thank you -- this image.
That was the latent fingerprint that you compared.
A. That's affirmative, sir, yes.
Q. Okay. And I want you to guide me through this. What is this?
A. That is the known inked impression from the right middle finger of Gavin Arvizo.
Q. And what does this image depict?
A. Okay. This is where -- an identification of 12 charted points of identification which we found within this particular fingerprint which we compared to the latent fingerprint.
Q. Is that what's shown on the screen?
A. Yes, sir. That -- No. 1 is an upward moving ending ridge.
Q. Okay. Did you compare an entire finger pad against an entire finger pad when you made your comparison?

A. No, sir. In this case, we had the right -- or the left side of the completely rolled finger, which included from a little bit inside the delta area, which is the area I just pointed to, to this area, up into the top and down below the delta area.

Q. Okay. Can you explain what's on this next slide, please?

A. That is where the second characteristic is located and charted, and that is also an ending ridge, and it's a downward thrusting ending ridge.

Q. And this image?

A. No. 3 is also a charted ending ridge. It would be an upward thrusting ending ridge.

Q. No. 4?

A. Four is another ending ridge, again in the same spatial relationship to the other three, and it's also an upward thrusting ending ridge.

Q. No. 5, please?

A. Five is another ending ridge, again in the same spatial and ridge count relationship with No. 4, 3, 2 and 1, and it's also a downward thrusting ending ridge.

Q. No. 6?

A. Six is also an ending ridge, downward thrusting, in the same spatial relationship as the first five.

Q. No. 7?

A. Seven is a bifurcation, which again is two ridges flowing into one. It’s an upward moving bifurcation, in other words, opens downward, and it’s in the same spatial relationship as the first six items.

Q. Okay. And eight?

A. Eight is an ending ridge. It’s an upward thrusting ridge, again in the same spatial relationship to 1 through 7.

Q. Nine?

A. Nine is a bifurcation. It’s a downward opening, upward moving bifurcation, again in the same spatial relationship with the previous items.

Q. Ten?

A. Ten is another bifurcation, opening downward, in the same spatial relationship as 1 through 9.

Q. 11?

A. 11 is an ending ridge, coming up just inside of the delta area. It’s an upward flowing ending ridge and having the same spatial relationship as the previous mentioned items.

Q. No. 12?

A. 12 is a bifurcation. It’s just above the delta area, and again with the same spatial relationship, having -- with the other items. 1 through 12 all have the same spatial and ridge count relationships.

Q. Okay. Is that essentially the procedure you

went through to create Chart 757?
A. Yes, sir, it is.
MR. NICOLA: Your Honor, I'd like to move 757 into evidence.
THE COURT: It's admitted.
Q. BY MR. NICOLA: The next two exhibits I'd like to show you are 726 and 748. Do you recognize 726?
A. Yes, sir, I do.
Q. And what is that, please? Explain to the jury.
A. It's a latent fingerprint that was photodocumented from Item 317-L, page 126, marked as Latent No. 1.
Q. Okay. What's the next board? 748?
A. 748, yes, sir.
Q. And is that your comparison between the image in 723 (sic) and somebody's fingerprint?
A. Yes, it is.
Q. Tell the jury what that comparison is of, please.
A. This is a latent fingerprint comparison between the latent fingerprint photodocumented on Item 317-L, page 126, marked Latent No. 1, and the right index finger of Star Arvizo.
Q. Okay. Did you prepare a Power Point presentation as an example of that one as well?
A. Yes, sir, one was prepared.

MR. NICOLA: Okay. The Star Arvizo Power Point, Your Honor, is Exhibit 773. While that is loading -- there it is. Yes, it’s taking its time.

Q. This was the latent fingerprint of Star Arvizo found on Item 317-L, the magazine “Finally Legal”?

A. Correct.

Q. And is that --

A. That is the latent fingerprint from Item 726, which is the latent fingerprint we photographed on page 317-L, page 126, marked as Latent No. 1.

Q. Okay. And this is?

A. That is the right index fingerprint, as photographed, of Mr. Star Arvizo.

Q. And is it where your comparison began?

A. That’s where we started making the chart, yes, sir.

Q. Okay. I’d like you to explain whether these images are to scale relative to the normal human being and relative to each other.

A. No, these are cropped and expanded. And the scaling between the fingerprint or the known print on the left and the latent print on the right is -- the one on the right is slightly smaller.

Q. Okay. Is that the same for the previous presentation? The scaling is different between the two?

A. It could be, yes, sir.
Q. The board is right there if you want to look at it.
A. The scaling on this one would be just slightly reversed. The latent is a little larger than the known inked print.
MR. SANGER: When you say “this one” -- Your Honor, could we have a clarification as to what exhibit the witness is looking at?
THE WITNESS: The 757.
MR. SANGER: Thank you.
Q. BY MR. NICOLA: Could you describe what Point No. 1 is, please?
A. Point No. 1 is an upward thrusting ending ridge.
Q. Okay. You mentioned earlier something about a feature being in sequence, ridge sequence?
A. Ridges in sequence. That would be the number of ridges basically between the two details, such as we have an ending ridge at that location and an ending ridge at that location, or bifurcation. You follow this one down, the ridge line down, and then you go over one to that, and here, starting at “1” again, work your way up, and you have two ending ridges flowing in the opposite direction.
Q. Okay.
A. So --
Q. Go ahead, you were going to finish.

A. I was going to say, so you have to find the same relationships in both the known print and the latent fingerprint.

Q. Okay. Point No. 2?

A. Point No. -- Point No. 2 is a downward flowing ending ridge three ridges up and over from Point No. 1.

Q. Okay. And that’s the same on both images?

A. Yes, it is.

Q. And a third area of similarity?

A. That is also an ending ridge, which is two ridges above Point No. 2.

Q. Okay. Area No. 4?

A. Four is another charted ending ridge, which is at the other end of the short ridge starting at Point No. 3.

Q. And as you’re examining these points, you’re looking for the feature, the ridge sequence and the spatial relationship between the two?

A. That’s correct.

Q. Okay. No. 5?

A. No. 5 is a bifurcation. This ridge actually has a slight space here, but actually bifurcates into this one, and then it comes out in this direction. So 5 is the location of the bifurcation of the two ridges actually split off from each other.

Q. Okay. No. 6?

A. Six is the ending ridge created by the short ridge, which flows off the bifurcation underneath the main ridge.

Q. And No. 7?

A. Seven is another ending ridge flowing across the top from left to right, one ridge above the previous ending ridge of six.

Q. And No. 8, please?

A. Eight is another ending ridge following the furrow, or the white area, downward from 7 to 8. And then it shows up there.

Q. The lines on the latent fingerprint, the image on the right, the white areas correspond to the dark areas on the image on the left?

A. Yes, sir. That’s what happens when you develop a latent fingerprint using cyanoacrylate, or super glue. The super glue polymerizes with the latent fingerprint moistures and turns the print ridges actually white, and the furrows are actually a darker color.

Q. Okay.

A. Just reversed from your normal fingerprint.

Q. So a light area on the image on the left would be a dark area on the image on the right?

A. That’s correct.

Q. No. 9, please?

A. No. 9 is an ending ridge at this location four ridges down from No. 6.

Q. No. 10, please?

A. Ten is a bifurcation where two ridges fuse together to form one, six ridges down from No. 9. And the same spacing as this one.

Q. How about No. 11?

A. 11 is another bifurcation. It's a downward opening bifurcation on the second ridge down, just above the re-curve forming the core.

Q. And No. 12?

A. 12 is an upward thrusting ending ridge and the furrow just to the right of Item No. 11.

Q. Is it common nomenclature to call these "points of comparison," or is there some other term you refer to them refer to them to?

A. I refer to them as "identifiable characteristics." Some people refer to them as "Galton details." Some people refer to them as "unique details." They're all synonymous.

Q. With this particular fingerprint match, did you find only 12 -- what did you call them?

A. Characteristics.

Q. -- characteristics of individualization?

A. Yes. There were additional characteristics located.

Q. Approximately how many?

A. 25.

Q. There were 25 points that matched?

A. Yes, sir.

Q. I'm going to end this one and start loading the other, so....
Do you have a fingerprint comparison up there where you found a match on one of Michael Jackson's prints?
A. Yes.
Q. Would you please state for the record what the latent print exhibit number is?
A. It's Item 727.
Q. And the print comparison chart corresponding to that item is?
A. 749.
MR. NICOLA: Your Honor, I request Item 748, the charts depicting the match of Star Arvizo, be admitted into evidence.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Item No. 727, where was that latent taken from?
A. This item was from Item 317-O, ocean, page two, Latent No. 1.
Q. And did you prepare a Power Point presentation for that as well?
A. Yes, sir, one was prepared.
THE COURT: Is it ready?
MR. NICOLA: It is. Thank you, Your Honor.
Q. And is that the latent fingerprint image that you used for your comparison?
A. Yes, sir, it is. And that is Mr. Jackson's

known left thumbprint.

Q. And this is a side-by-side comparison?

A. Yes, it is.

Q. Again, issues of scale remain the same?

A. The scaling is not totally accurate as far as the -- totally the same exact size.

Q. Okay. And what is this identifying characteristic?

A. That identifying characteristic is a ridge ending which is one ridge above the re-curve forming the core area of the fingerprint or the thumbprint.

Q. No. 2?

A. No. 2 is a bifurcation. If you follow No. 1 upward and to the left, you see where it fuses and joins into the above ridge, forming the bifurcation which opens from left to right.

Q. No. 3, please?

A. No. 3 is a ridge ending. Seven ridge counts over from No. 2 that the Ridge No. 2 actually ends on.

Q. No. 4, please?

A. Four is a bifurcation located above the bifurcation for No. 2.

Q. No. 5, please?

A. Five is a ridge ending located in the upper part of the print eight ridges above the ridge that No. 3 is located on.

Q. No. 6?

A. Six is another ridge ending located one ridge above No. 5 and forward.

Q. No. 7?

A. Seven is a bifurcation which opens to the right four ridges below No. 5.

MR. NICOLA: This is Exhibit 774, Your Honor, the Power Point.

Q. Eight?

A. No. 8 is an ending ridge which is the lower fork of the bifurcation marked at No. 7.

Q. No. 9?

A. Nine is a bifurcation which, if you count down four ridges and go slightly forward, it fuses into the ridge one ridge below.

Q. And No. 10?

A. Ten is a bifurcation. Count down one ridge and then go to the right, and you find where two ridges fuse together forming a bifurcation that opens to the left.

Q. No. 11?

A. 11 is an ending ridge which is just below the bifurcation at 10.

Q. And No. 12, please?

A. 12 is an ending ridge, which is the other end of the short ridge from 11 to 12.

Q. Okay. And on this particular positive identification, did you find more than 12?

A. We found a total of 17 total points.

Q. Okay. And are those the red dots that you put on the exhibit?

A. Yes, sir, they are.

Q. They’re very difficult to see in here. Are they on your chart?

A. Yes, they are. And I can point them out with a laser pointer, if you’d like, sir.

Q. Go ahead, please.

A. We have two ending ridges at this location. An ending ridge at this location. Bifurcation at this location. Another bifurcation at this location.

Q. Is there a reason why not to chart more than 12 individualizing characteristics?

A. When I’m building a chart, and we don’t build that many of them, I don’t like to put too many lines in to mark every point because of the probability of confusing people and have too many lines running back and forth through the chart and possibly crossing lines to get to all the points, which then makes it very difficult to follow backwards. So it was done for clarity.

MR. NICOLA: Okay. I think we’re done with our slide show, Your Honor.

Q. Exhibit 749 is the exhibit that contains the Power Point we just saw --

A. Yes, it is, sir.

Q. -- in chart format?

I move 749 into evidence, Your Honor.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Do you recognize Exhibit 746, Detective Spinner?
A. Yes, I do.
Q. And what is depicted in Exhibit 746?
A. It is a fingerprint chart showing the latent comparison between the latent fingerprint photographed on Item 304-D, David, page 52, marked Latent No. 1, and the left little finger of Mr. Jackson.
Q. Did you make a positive identification?
A. Yes, we did.
MR. NICOLA: Move 746 into evidence.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Exhibit No. 747, do you recognize that?
A. Yes, sir. That is a chart created showing the identification made on the fingerprint which was photographed on Item 317-L, Lincoln, page 31, marked Latent No. 1, against the left middle finger of Star Arvizo.
MR. NICOLA: Move 747 into evidence.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Exhibit No. 750?
A. Okay. No. 750 is item -- latent fingerprint photographed on Item 317-R, Robert, page 54, Latent 1-N. And "N" indicates this is a 3680

ninhydrin-developed fingerprint, not a super-glue-developed fingerprint.

MR. NICOLA: Your Honor, we’d move 750 into evidence.

THE COURT: It’s admitted.

MR. NICOLA: Oh, I thought you did.

THE WITNESS: It’s a comparison against the left thumb of Mr. Jackson and a positive identification was made.

MR. NICOLA: Now we’d like to move it into evidence, Your Honor, 750.

Q. Exhibit 751, do you recognize that?

A. 751 is a photograph of the latent fingerprint photographed on Evidence Item 317-R, Robert, page 92, marked Latent No. 1, with the left little finger of Gavin Arvizo.

Q. Is that a positive identification?

A. Yes, it was.

Q. Exhibit No. 752, please?

A. 752 is a chart of the fingerprint comparison made from the picture -- or the fingerprint photodocumented on Item 317-R, Robert, page 92, marked Latent No. 2, and it is -- it was compared and identified, the left ring finger of Gavin Arvizo.

Q. Is that a positive identification?

A. Yes, it is, sir.

Q. Exhibit 753, please?

A. 753 shows a photograph of the latent fingerprint located on Item 317-R, Robert, page -- excuse me, page 92, marked Latent No. 4. This latent fingerprint was compared against the left index finger of Gavin Arvizo and a positive fingerprint comparison was completed.

MR. NICOLA: Move 751 in evidence.

THE COURT: It’s admitted.

Q. BY MR. NICOLA: Exhibit 754?

A. Exhibit 754 shows a photograph of a latent fingerprint photographed on Item 317-S, Sam, page 62, Latent No. 1. This item was compared against the right thumb of Mr. Jackson, and a positive identification was completed.

MR. NICOLA: Move 754 into evidence, Your Honor.

THE COURT: It’s admitted. It’s admitted.

MR. NICOLA: Did I move 752, Judge?

THE COURT: I don’t think so.

MR. NICOLA: Move it now, please.

THE COURT: It’s admitted.

Q. BY MR. NICOLA: Exhibit 755?

A. 755 shows a photograph of a fingerprint photodocumented on Item 317-S, Sam, page 87, Latent No. 1. It was compared and identified against the left ring finger of Mr. Jackson.

Q. Is that a positive identification?

A. Yes, sir, it is.

MR. NICOLA: We’d like to move 755 into evidence.

THE COURT: It’s admitted.

Q. BY MR. NICOLA: Exhibit No. 756, please?

A. 756 shows a charted comparison using the photograph of the fingerprint photographed on Item 317-T, Tom, page three, Latent No. 1, against the left thumb of Mr. Jackson.

Q. The result of that comparison?

A. It was a positive identification.

MR. NICOLA: Move 756 into evidence.

THE COURT: It’s admitted.

Q. BY MR. NICOLA: Exhibit 758?

A. 758 shows a charted comparison between a latent fingerprint photographed on Item 317-YY, or yellow-yellow, page A, marked Latent No. 1. And it was compared against the left index finger of Gavin Arvizo.

Q. And the results?

A. It was a positive identification.

MR. NICOLA: Move 758 into evidence.

THE COURT: It’s admitted.

Q. BY MR. NICOLA: Exhibit 759?

A. 759 shows a charted comparison using the fingerprint photographed from Item 321-A, Adam, page three, marked Latent No. 1, against the known fingerprint of the right thumb of Mr. Jackson.

Q. And the result of that comparison?

A. It was a positive comparison.

MR. NICOLA: We'd like to move 759 into evidence.

THE COURT: It's admitted.

Q. BY MR. NICOLA: Exhibit 760?

A. 760 shows a charted comparison between a latent fingerprint photographed on Item 321-A, Adam, page 29, marked Latent No. 1, and the known fingerprint of Mr. Jackson's right thumb, and it was a positive identification.

MR. NICOLA: Move 760 into evidence.

THE COURT: It's admitted.

Q. BY MR. NICOLA: 761, please?

A. 761 shows a latent fingerprint photographed on Item 321-E, Edward, page one, marked Latent 1, and the known fingerprint of Mr. Jackson's left thumb, or left thumbprint.

Q. And the result of that comparison?

A. That was a positive comparison.

MR. NICOLA: I'd like to move 761 into evidence.

THE COURT: It's admitted.

Q. BY MR. NICOLA: Exhibit 762, please?

A. 762 shows -- is a charted comparison. It shows a photograph of a latent fingerprint photographed on Item 321-E, Edward, page seven, marked Latent No. 1, compared against the known right thumb of Mr. Jackson.

Q. And the result of that comparison?

A. It’s a positive comparison.

MR. NICOLA: Move 762 into evidence.

THE COURT: It’s admitted.

Q. BY MR. NICOLA: Exhibit 763, please?

A. 763 is a charted comparison showing a latent fingerprint photographed on Item 321-F, Frank, page 11, marked Latent No. 1, and the right thumb of Mr. Jackson.

Q. And the result of that comparison?

A. It’s a positive comparison.

MR. NICOLA: Move 763 into evidence.

THE COURT: It’s admitted.

Q. BY MR. NICOLA: Exhibit 764, please?

A. 764 shows a latent fingerprint, which was photographed on item -- correction, 363-M, Mary, page 57, marked Latent No. 2, against the right -- known right thumb of Mr. Jackson.

Q. And the result of that comparison?

A. It was a positive comparison.

MR. NICOLA: Okay. Move 764 into evidence.

THE COURT: It’s admitted.

MR. NICOLA: At this time, Your Honor, I would like to publish, via Power Point, Exhibit 746 through 764.

THE COURT: All right.

THE CLERK: Judge, he hasn’t moved 751 into evidence.

MR. NICOLA: Did I miss 751?

THE CLERK: You just didn't ask to have it received into evidence.

MR. NICOLA: If I missed 751, I would like to move it into evidence at this time.

THE COURT: It's admitted.

MR. NICOLA: Thank you, Judge. If I may have "Input 1" again, Your Honor.

Q. If you could please compare what is on the board to the exhibit in front of you and read the exhibit number for the jury, please.

A. This exhibit number is Exhibit No. 746.

Q. Is that the positive identification you made with Michael Jackson's left little finger on page 52 of the magazine entitled "Barely Legal"?

A. Yes, sir.

Q. Okay. Move to the next exhibit, please. Is that Exhibit 747?

A. That's correct.

Q. Would you look at the screen, please? Does that accurately depict the positive identification of Star Arvizo's left middle finger on page 31 of the magazine entitled "Finally Legal"?

A. Yes, sir, it does.

Q. Are there additional points of comparison on that aside from the 12 that you've marked?

A. Yes, sir, there are.

Q. How many total comparison points are on that exhibit, if you know, off the top of your head? You may refer to your notes, if you wish.

THE BAILIFF: Mr. Nicola, you haven't pushed the appropriate button down there to magnify the --

THE WITNESS: 20 points of comparison.

Q. BY MR. NICOLA: And the next exhibit, please?

A. 750.

Q. Does this show --

A. They're out of order.

Q. Are they out of order?

A. (Nods head up and down.)

Q. Sergeant Spinner, do you remember those exhibits I showed you earlier? Is the next one 748?

A. That's correct. 748.

Q. And that would be a comparison --

A. Between the fingerprint found on Item 317-L, Lincoln, page 26, Latent No. 1, comparing the photographed latent fingerprint against the right index finger of Mr. Star Arvizio.

Q. Arvizo?

A. Arvizo.

Q. And how many individualizing characteristics did you find in that comparison?

A. 25.

Q. Would you please proceed to Exhibit 749?

A. I have it.

Q. Does Exhibit 749 show the identification of 3687 the defendant’s left thumb on the magazine entitled Hustler “Barely Legal”?

A. Yes, sir, it does.

Q. How many individualizing characteristics on this exhibit?

A. 17.

Q. I’d like to go to Exhibit 750 next. Is this the identification of the defendant’s left thumb -- or did I miss -- is that it?

A. 750 is a ninhydrin print.

Q. That’s a ninhydrin print, right?

A. That’s correct.

Q. Okay.

A. It’s 750.

Q. And is that the identification of Mr. Jackson’s left thumb on the magazine Hustler “Barely Legal Hard-Core”?

A. Right. 317-R, page 54 --

Q. How many --

A. -- Latent 1.

Q. How many points of comparison in this exhibit?

A. 18 total points.

Q. Exhibit 751, is this Gavin Arvizo’s left middle finger in the same magazine, Hustler “Barely Legal Hard-Core”?

A. Page 52, marked Latent 1.

Q. And how many individualizing characteristics did you find there?

A. We had 21 detailed.

Q. 21?

A. 21.

Q. 752, please. Is this Gavin Arvizo’s left middle finger found on the magazine Hustler “Barely Legal Hard-Core,” Sheriff’s Item 317-L?

A. That’s correct, Latent 2, page 92.

Q. How many individualizing characteristics did you find in that?

A. 13.

Q. 13?

A. 13.

Q. Exhibit 753, please. It appears to depict Gavin Arvizo’s left index finger, Sheriff’s Item 317-R, Hustler “Barely Legal Hard-Core.”

A. Correct. Page 92, marked Latent No. 4.

Q. And how many individualizing characteristics did you find on that print?

A. 14 total.

Q. Proceed to Exhibit 753, please -- 54, please. Is that next in order? Does that depict the defendant’s right thumb on the magazine Penthouse, Sheriff’s Item 317-S?

A. Correct, page 63, Latent No. 1.

Q. And how many individualizing characteristics are in that?

A. 16 total.
Q. 16?
A. One-six.
Q. Exhibit No. 755, please. And is that also the defendant’s finger in Item 317-S, Penthouse?
A. Yes, sir, page 87, latent -- marked Latent No. 1.
Q. And how many individualizing characteristics in that print?
A. 21.
Q. Exhibit No. 756, please?
A. I have it.
Q. Okay. Is that the defendant’s left thumb in the magazine “Visions of Fantasy”?
A. “Visions of Fantasy, Hard-Rock Affair,” page three, marked Latent No. 1, and we had again 21 points.
Q. Okay. Item 757, please. Is that Gavin Arvizo’s right middle finger in the magazine “Visions of Fantasy,” or did I not --
A. I don’t think you changed it. We need 758.
Q. That’s where we are.
A. Item 317-YY is “Al Goldstein’s 100 Best Adult Videos.” It was from page A, marked Latent No. 1. And it’s the left index finger of Gavin Arvizo. We had 18 total points.
Q. Is 757 right under that exhibit?
A. It’s right here.

Q. Okay. Let’s do 757, then.
A. Okay. 757 is from Item 317-U, union, page ten, marked Latent No. 1.
Q. That would be Gavin Arvizo’s right middle finger?
A. That’s correct, sir.
Q. And how many individualizing characteristics in Exhibit 757?
A. 20.
Q. 20. Is 759 next on that stack?
A. Correct.
Q. Okay. And is that the defendant’s right thumb on page three of Item 321-A, “Playboy Special Edition, Girlfriends”?
A. Yes, sir, it is.
Q. And how many individualizing characteristics in that exhibit, please?
A. 26.
Q. 26. Proceed to Exhibit 760, please.
A. I have 760.
Q. Is that also the defendant’s right thumb in the same magazine at page 29?
A. Yes, it is, sir.
Q. And how many points of comparison in that exhibit?
A. Approximately 30.
Q. Can we go to Exhibit 761, please?
A. I have it.

Q. Exhibit 761, is that a positive identification of the defendant’s left thumb on the magazine “Girls of Barely Legal”?

A. Correct. Item 321-E, page one, Latent 1.

Q. And how many individualizing characteristics in that diagram?

A. 24.

Q. Exhibit 762, please. And is that also the defendant’s right thumb in the same magazine at page seven?

A. Page seven, marked Latent No. 1.

Q. How many individualizing characteristics in that?

A. 19, 1-9.

Q. Exhibit 763, please.

This is Mr. Jackson’s right thumb on the magazine “Finally Legal”?

A. Yes, sir.

Q. And how many individualizing characteristics on that exhibit?

A. 16.

Q. Is this also the exhibit that got switched into a different binder when it left your lab?

A. Yes, sir, it was.

MR. SANGER: Well, I would object and move to strike as being a leading question.

THE COURT: Sustained. Stricken.

Q. BY MR. NICOLA: Why does the picture say 3692

"321-D"?

A. The picture says "321-D" because when it left the Santa Barbara lab, it was evidently switched and mismarked with Item 321-F, Frank. When it got to Santa Maria, they relied on that identification when they did the photodocumentation placard, so the placard would show on the whole picture the Item No. 321-D, not F, Frank.

Q. Did you verify that you made the right comparison?

A. Yes, I did.

Q. And this is a photograph from which magazine, which page?

A. This would be a photograph from a magazine which was originally 321-F, Frank, and the one that was mislabeled, and the one that Detective Sutcliffe and I depict was relied on that label when they did the photography.

Q. Is there a woman's face in that Scenescope image? Do you see the side of her face?

A. No. It must be the angle, sir.

Q. Is Exhibit 764 next?

A. That's correct. 764.

Q. Okay. And is that Mr. Jackson's right thumb on the magazine "Club International," March '98?

A. Correct. Item 363-M, Mary, page 57, Latent No. 2.

Q. And how many individualizing characteristics in that one?

A. 19.

Q. 19.

That’s the end of the exhibits, Your Honor.

Sergeant Spinner, on how many occasions did you review the fingerprint identifications that you made in this case?

A. Several.

Q. And why did you do that?

A. I usually review my work after it’s completed to make sure there’s no problem, something that was either missed, just to make sure that there’s no problems in the future. And I’ll again review them before I go to court.

Q. Okay. If there is an issue in your mind about an identification, what is your habit and custom?

A. I will correct -- if there is a problem, I’ll make every effort to correct that problem.

Q. And how would you do that?

A. Write a report describing the issue at hand and what should be done, or what action should be taken or was taken.

Q. Would you testify to a fingerprint that you had issues with?

A. No.

Q. In this case, did you have issues with a fingerprint?

A. Yes, I did.

Q. Do you recall which one it was?

A. I believe it was off of Item No. 317-O, ocean. It was a thumbprint belonging to Mr. Jackson which was fraught with problems.

Q. Okay. Is that the thumbprint that you testified in court today matched Mr. Jackson’s thumb?

A. No, it is not.

Q. With respect to the other print, what did you do to remedy the situation that you had with it?

A. The thumbprint?

Q. Yes.

A. Yes, sir, I wrote a report changing the classification of the print from an identification to an inconclusive identification.

Q. Did you engage in a peer review of the fingerprints that you’ve identified today in court under oath?

A. Yes, I did.

Q. And how many people reviewed those findings?

A. Two additional people.

Q. Please explain to the jury what the function of a peer review is.

A. A peer review is basically an extension of the ACE-V protocol methodology for fingerprints. It’s also something recognized by a group known as SWGFST, which is a scientific working group for fingerprint work, and they have published guidelines in the past. And it’s basically a way to verify what an individual has done and to kind of like -- in a way, it would be like a blind test to see whether any problems were encountered, or whether there was a different way of doing things, or whether the identifications which were made are correct, and get any feedback from that individual, maybe a different way of doing something or different way of handling a situation.

Q. And -- you mentioned it’s sort of a blind test. How does a peer review function?

A. The latent prints and the purported matches would be sent to an individual without any marks on them whatsoever, and just questions asked, “Do you agree or disagree?”

Q. Okay. And who did you use for the peer reviews in this case?

A. Initially -- I.D. technician Hemman was off on maternity leave at the time we did this. I used Identification Technician Mike Allmeyer from the Santa Barbara Police Department for the initial.

Q. Have you known him for some time?

A. Yes, I have.

Q. What does he do with the Santa Barbara Police Department?

A. He’s an identification technician in their lab.

Q. How long were you professionally affiliated with him?

A. Since he came to work for the sheriff’s office initially, and then he went from the sheriff’s office to the police department. I was going to guess about 13, 14 years.

Q. I’m going to start going through some magazines with you, if that’s all right.

Did you process - and I’m talking “process,” photograph, slice, and direct to be bagged - all the magazines that came to you during the Michael Jackson case?

A. That’s correct, sir.

MR. NICOLA: Okay. I’m going to go through these exhibits. And hopefully we’ll do it very quickly, Your Honor.

May I inquire from the well, Your Honor? It’s quite a bit.

THE COURT: It’s a problem for people to hear. So you can try it, but if they can’t hear --

MR. NICOLA: May I try that, Your Honor?

THE COURT: You can try.

MR. NICOLA: Okay.

THE BAILIFF: Don’t get it too close to that other one.

MR. NICOLA: Do you have a paper clip or something that I could....

Q. I’m going to hand you Exhibit 542, marked 3697

Sheriff’s Item 363-M. Is that one of the magazines that you processed and had placed in plastic sleeves?
A. Yes, it is, sir.
MR. NICOLA: Your Honor, we’d move this exhibit into evidence.
THE COURT: It’s admitted.
Q. BY MR. NICOLA: Exhibit 541? And I apologize, these are not going to be in order. What is that magazine?
A. It’s Item No. 360-L, and it’s a Plumpers magazine.
Q. Is that one of the magazines that you processed, cut, placed in plastics sleeves?
A. Yes.
MR. NICOLA: We’d move 541 into evidence.
THE BAILIFF: You’re going to end up getting feedback if you put that microphone too close to that one.
MR. NICOLA: He did it.
THE BAILIFF: You can use it, but not that close.
MR. NICOLA: Okay. 541’s been admitted, Judge?
THE COURT: It’s admitted.
Q. BY MR. NICOLA: Exhibit 540?
A. Yes, sir, this is Item No. 363-K, king.
Q. Is that one of the magazines you processed,

super glued, placed in --

A. Sliced and diced, yes, sir.

MR. NICOLA: Move 540 into evidence.

THE COURT: It’s admitted.

Q. BY MR. NICOLA: Exhibit 539, Item 6 -- Item 363-J. Did you process, super glue, fume, place in plastic sleeves that exhibit?

A. Yes, sir, I did.

MR. NICOLA: Move 539 in evidence, sir.

THE COURT: It’s admitted.

MR. NICOLA: Exhibit 538, Item 363-I. Similarly, did you process that magazine, Sergeant?

A. Yes, I did.

MR. NICOLA: Move 538 into evidence, Your Honor.

THE COURT: It’s admitted.

Q. BY MR. NICOLA: Exhibit 537, which sheriff’s item is that?

A. That is 363-H, Henry.

Q. Did you process -- did you look at it?

A. Yes, sir.

Q. Did you process that item as well?

A. Yes, I did.

Q. MR. NICOLA: Move that into evidence, Your Honor.

THE COURT: It’s admitted.

Q. BY MR. NICOLA: Exhibit 536, Item 363-G, as in “golf,” did you process that item?

A. Yes, I did, sir.
MR. NICOLA: Move it into evidence, Your Honor.
THE COURT: It’s admitted.
Q. BY MR. NICOLA: I’m handing you Exhibit 535.
A. It’s 363-F, Frank.
Q. Did you process that item?
A. Yes, sir, I did.
MR. NICOLA: Move it into evidence, Your Honor.
THE COURT: It’s admitted.
Q. BY MR. NICOLA: Exhibit 534, please.
A. 363-E, Edward.
Q. Did you process that item?
A. Yes, I did.
MR. NICOLA: Move it into evidence, Your Honor.
THE COURT: It’s admitted.
Q. BY MR. NICOLA: Exhibit 532?
A. 363-C, Charles.
MR. NICOLA: Move that into evidence, Your Honor.
Q. Did you process this?
A. Yes, I did.
MR. NICOLA: May we move it into evidence, Your Honor?
THE COURT: It’s admitted.
Q. BY MR. NICOLA: 533, did you process that 3700

item?
A. Yes, I did. 363-D, David.
MR. NICOLA: Move that into evidence, Your Honor.
THE COURT: It’s admitted.
Q. BY MR. NICOLA: Exhibit 531?
A. It’s 363-B, boy.
Q. Did you process that item?
A. Yes, I did.
MR. NICOLA: Move that into evidence, Your Honor.
THE COURT: It’s admitted.
Q. BY MR. NICOLA: Next I’m handing you Exhibit 530.
A. 363-A, Adam.
Q. Did you process that item?
A. Yes, I did.
MR. NICOLA: Move it into evidence, Your Honor.
THE COURT: It’s admitted.
MR. NICOLA: May I have just a moment to restack?
Q. Picking up with Item Exhibit No. 543.
A. Item 363-N, Nora. I processed this.
MR. NICOLA: Move that into evidence, Your Honor.
THE COURT: It’s admitted.
Q. BY MR. NICOLA: Exhibit 544?

A. It’s Item 363-O, ocean.
Q. Did you process that one?
A. Yes, I did.
MR. NICOLA: Move it into evidence, Your Honor.
THE COURT: It’s admitted.
Q. BY MR. NICOLA: Exhibit 545?
A. Item 363-P, Paul. I processed this.
MR. NICOLA: We’d move that into evidence, Your Honor.
THE COURT: It’s admitted.
Q. BY MR. NICOLA: Why don’t you pull that out for just a second. Inside the front cover there’s a little placard, isn’t there?
A. This is the photo slip I used to mark it, mark the magazine when I took the original photograph.
Q. Just hold that up for the jury.
A. I created this little slip when I took the original photographs of it so they could -- the photographs could be filed correctly, the correct item number, when they were put in the computer and retained as evidence.
Q. And that’s kept loosely in the binder?
A. Yes, it is.
Q. Is that how 321-D and F got switched at some point?
A. I would --

MR. SANGER: I’m going to object. That’s a leading question.
MR. NICOLA: I’ll withdraw it.
THE COURT: Sustained.
Q. BY MR. NICOLA: Exhibit 546?
A. This is Item No. 636-Q, queen. And I did process this item.
Q. You did the same thing I did.
A. 363, excuse me.
MR. NICOLA: Move that into evidence, Your Honor.
THE COURT: 546 is admitted.
Q. BY MR. NICOLA: Exhibit 547?
A. 363-R, Robert. Yes, I processed this.
MR. NICOLA: We’d like to move that into evidence as well, Your Honor.
THE COURT: 547 is admitted.
Q. BY MR. NICOLA: Exhibit 548?
A. This is Item No. 363-S, Sam.
Q. Did you process that item?
A. Yes, I did.
MR. NICOLA: We’d like to move that into evidence, Your Honor.
THE COURT: 548 is admitted.
Q. BY MR. NICOLA: 549 is next.
A. Item No. 363-T, Tom.
Q. Did you process that exhibit?
A. Yes, I did.

MR. NICOLA: We’d like to move that into evidence, Your Honor.

THE COURT: It’s admitted.

Q. BY MR. NICOLA: Exhibit 550.

A. Item 363-U, union, processed.

Q. By you?

A. I did process it, yes.

MR. NICOLA: Move that into evidence, Your Honor.

THE COURT: It’s admitted.

Q. BY MR. NICOLA: Exhibit 551?

A. 363-V, Victor, and I did process this item.

MR. NICOLA: We’d like to move that into evidence, Your Honor.

THE COURT: It’s admitted.

MR. NICOLA: If I may take a moment.

Q. I’ll show you Exhibit 580.

THE COURT: All right. We’re going to take our break, five minutes early.

(Recess taken.)

THE BAILIFF: Remain seated and come together.

(Laughter.)

THE BAILIFF: I don’t think you can top that.

THE COURT: She must already be at Easter service.

THE BAILIFF: I’m going to sit down right now.

THE COURT: Go ahead.

MR. NICOLA: Thank you, Judge.

Q. I’ve placed in front of you a bag marked Evidence Item 716. Do you recognize that?

A. Yes. This is the magazine, Sheriff’s Evidence Item 1002, along with the original evidence bag which it was received in when I got it, and I rebooked both items under 1002 and 1002-A.

Q. Can you take the contents of 7 -- 716, the contents, each have individual exhibits numbers, please?

A. That’s correct. One is 587 and 586.

Q. And what is Exhibit 587?

A. 587 is Sheriff’s Evidence Item 1002, which I processed.

MR. NICOLA: We’ve move 587 into evidence, Your Honor.

THE COURT: It’s admitted.

Q. BY MR. NICOLA: And Exhibit No. 586, that is what, Detective Spinner?

A. This is the original evidence bag this item was in when I obtained it from the property room.

MR. NICOLA: We would move that into evidence.

THE COURT: It’s admitted.

MR. NICOLA: And we would also move 716 into evidence.

THE COURT: What is that?

Q. BY MR. NICOLA: Would you describe 716 one more time for the Court?

A. Item 716 is a brown evidence bag containing Sheriff's Evidence Item No. 1002 and 1002-A. The 002 item is the magazine itself, and the 002-A is the original bag that it was -- that I received it in when I got it out of the property room to process it.

THE COURT: All right. That's admitted.

MR. NICOLA: Thank you, Your Honor.

Q. Next we have Exhibit 174, which is a bag that contains Exhibit 585 and Exhibit 584. Sergeant Spinner, do you recognize these items?

(Laughter.)

MR. NICOLA: You missed it.

THE BAILIFF: That's why you don't go in the well.

Q. BY MR. NICOLA: Okay. What is Exhibit 714?

A. 714 is an evidence bag in which I returned Item 1001, which is Exhibit 585, back to the property room, along with the original bag, evidence bag, that I got the evidence item from, and I checked it out of the property room, which is Evidence Item 584.

MR. NICOLA: We'd move those into evidence, Your Honor.

(Laughter.)

THE COURT: They’re admitted.
MR. NICOLA: We’d also move 714 into evidence, Your Honor.
THE COURT: It’s admitted.
MR. NICOLA: Thank you. Too much sugar at lunch.
Q. Exhibit 580, please.
THE COURT: Now you know why the rest of the attorneys stay behind counsel table.
(Laughter.)
THE COURT: Go ahead, Counsel.
MR. NICOLA: Yes, I do.
Q. Do you recognize --
A. This is the original evidence bag in which I got Item -- Sheriff’s Item 306 out of the property room, and I started processing. And this is the item, magazine, that was inside this evidence bag when I got it out of the property room. Both items were returned in the plastic evidence bag.
MR. NICOLA: Okay. Your Honor, we would move, excuse me, 580 into evidence, please.
THE COURT: It’s admitted.
Q. BY MR. NICOLA: Okay. Showing you Exhibits 563 and 564.
A. 563 is Sheriff’s Evidence Item 304-C, Charles.
Q. Did you process that item?
A. Yes, I did, sir. And Exhibit No. 564 is 3707

Sheriff's Evidence Item No. 304-D, David, which I also processed. Both items were returned to the sheriff's property room by myself in this bag.

MR. NICOLA: Okay. We'd move both of those exhibits into evidence, Your Honor.

THE COURT: 563 and 564 are admitted.

MR. NICOLA: Thank you.

Q. Take those out one at a time, please. Exhibit 567 is?

A. Sheriff's Evidence Item 309-B-2, which I processed.

MR. NICOLA: We'd like to move that into evidence, Your Honor.

THE COURT: It's admitted.

Q. BY MR. NICOLA: Next is Exhibit 566?

A. 566 is Sheriff's Evidence Item No. 301-B-1, which I did process.

MR. NICOLA: We'd move that into evidence, Your Honor.

THE COURT: 566 is admitted.

MR. NICOLA: Thank you.

Q. Exhibit No. 554?

A. This is Sheriff's Evidence Item No. 321-A, Adam.

Q. You processed that item?

A. I processed it or it was processed at my direction.

MR. NICOLA: Move that into evidence.

THE COURT: 554 is admitted.
Q. BY MR. NICOLA: Exhibit 555?
A. 555 is Sheriff's Evidence Item No. 321-B, boy. And it was processed in the lab at my direction.
MR. NICOLA: We'd move that into evidence, Your Honor.
THE COURT: It's admitted.
Q. BY MR. NICOLA: 321-C?
A. 321-C is Sheriff's Evidence Item No. 321, and 556 is Item No. 321-C, Charles.
Q. Processed --
A. Processed at my direction.
MR. NICOLA: Move that into evidence, Your Honor.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Exhibit 557?
A. 557 is Sheriff's Evidence Item No. 321-D, David.
Q. Did you process that item?
A. I did or at my direction.
Q. Okay. I'd like you to take that back out for a moment, please, and find the placard that was used when you photographed it. I think it's behind the actual label on the front cover. The front cover. It's behind that label.
MR. SANGER: One of the problems is we can't see the witness if he's going to be doing something.

MR. NICOLA: How’s this?
MR. SANGER: Thank you.
Q. BY MR. NICOLA: You could just put that back in the front part.
Is this an item that was processed by you or at your direction?
A. Yes, sir, it is.
MR. NICOLA: We’d move this into evidence, Your Honor. It’s 557.
THE COURT: It’s admitted.
Q. BY MR. NICOLA: Exhibit No. 321 -- excuse me, Exhibit No. 558?
A. 558 is Sheriff’s Evidence Item No. 321-E, Edward.
Q. And was that processed by you?
A. By me or at my direction.
MR. NICOLA: Okay. Move 558 into evidence, Your Honor.
THE COURT: It’s admitted.
Q. BY MR. NICOLA: Exhibit No. 559?
A. 559 is Sheriff’s Evidence Item No. 321-F, Frank.
Q. Did you process that?
A. Yes, I did.
MR. NICOLA: We would move 559 into evidence, Your Honor.
THE COURT: It’s admitted.
Q. BY MR. NICOLA: Exhibit No. 560, please?

A. 560 is Sheriff’s Evidence Item No. 321-G, George.

Q. Did you process that item?

A. Yes, I did, or at my direction.

MR. NICOLA: We would move 560 into evidence, Your Honor.

THE COURT: It’s admitted.

MR. SNEDDON: The label must have come off.

THE CLERK: Judge, each item is marked inside the book that they’re looking at. They’re looking for an exhibit tag.

Mr. Nicola, that notebook, each item is marked inside the notebook.

MR. NICOLA: Are they?

Q. Sergeant Spinner, for the record, we have a black three-ring binder, with the numbers “317” and the lettering “Combined Items” on the spine. Inside are a number of individual pages with the exhibit numbers. Can you please flip to the first exhibit number, read it out?

A. Exhibit No. is 7 -- or correction. 471.

Q. Can you flip to the very last page, the last exhibit number?

A. This is Exhibit 508.

Q. Okay. Can you flip all the way through that binder, tell us whether or not you processed those items? Did you actually make this binder?

A. Yes, I compiled this compilation myself in 3711

an attempt to not have one binder just for one page. So I put all the individual pages into one binder and marked it as such with the evidence items that were in that binder. And I did that with the front.
Q. Okay. Just flip through that. Confirm it’s accurate as to what you’ve done.
Your Honor, while he’s doing that, may I move Exhibits 774, 773 and 772 into evidence? They were the three Power Points regarding the print comparisons.
THE COURT: All right. They’re admitted.
MR. NICOLA: We would also like to move Exhibit No. 529, which was testified to yesterday by Char Marie, containing Evidence Items 317 and booked into the DOJ Lab, I’d like to move that into evidence.
THE COURT: It’s admitted.
MR. SANGER: With regard to the description of that item, that’s just the bag; is that right?
THE COURT: Yes.
MR. NICOLA: Yeah.
I’m going to show him these next.
Q. Are each of the items, Exhibit Nos. 471 through and including 508, items that you processed?
A. Yes, they are.
MR. NICOLA: Your Honor, we’ve move Exhibit Nos. 471 through 508 into evidence at this time.
THE COURT: They’re admitted.

Q. BY MR. NICOLA: Handing you Exhibit 511.

A. Sheriff’s Evidence Item No. 317-I, Ida, and I did process this.

MR. NICOLA: Okay. We would move Exhibit 511 into evidence, Your Honor.

THE COURT: It’s admitted.

Q. BY MR. NICOLA: Exhibit 512?

A. Sheriff’s Evidence Item No. 317-K, king, and I did process this item.

MR. NICOLA: We would move that into evidence, Your Honor.

THE COURT: 512’s admitted.

Q. BY MR. NICOLA: Exhibit No 509.

A. Sheriff’s Evidence Item No. 317-F, Frank, and I did process this item.

MR. NICOLA: We would move that into evidence, Your Honor.

THE COURT: It’s admitted.

Q. BY MR. NICOLA: 510, please?

A. Sheriff’s Evidence Item No. 317-G, George. And I did process this item.

MR. NICOLA: We would move that into evidence, Your Honor.

THE COURT: It’s admitted.

Q. BY MR. NICOLA: 512.

We did 511, right?

A. 512 is Sheriff’s Evidence Item No. 317-K, king.

Q. Did you process that item?

A. Yes, I did.

MR. NICOLA: We would move 512 into evidence, Your Honor.

THE COURT: It’s admitted.

Q. BY MR. NICOLA: Exhibit No. 513?

A. This is Sheriff’s Evidence Item No. 317-L, Lincoln, and I did process this item.

MR. NICOLA: We would move that item into evidence, Your Honor.

THE COURT: It’s admitted.

Q. BY MR. NICOLA: Exhibit No. 514, please.

A. Sheriff’s Evidence Item No. 317-M, Mary, and I did process this item.

MR. NICOLA: We’d move that into evidence, Your Honor.

THE COURT: It’s admitted.

Q. BY MR. NICOLA: Exhibit No. 515?

A. Sheriff’s Evidence Item No. 317-O, ocean.

Q. Did you process --

A. And I did process this item.

MR. NICOLA: We would move this item into evidence, Your Honor.

THE COURT: It’s admitted.

Q. BY MR. NICOLA: Exhibit No. 516?

A. 516 is Sheriff’s Evidence Item No. 317-P, Paul, and I did process this item.

MR. NICOLA: We would move 516 into

evidence, Your Honor.

THE COURT: It's admitted.

Q. BY MR. NICOLA: Exhibit 517, 5-1-7?

A. 5-1-7 is Sheriff's Evidence Item No. 317-Q, queen, and I did process this item.

MR. NICOLA: We would move 517 into evidence, Your Honor.

THE COURT: It's admitted.

Q. BY MR. NICOLA: Exhibit No. 518, 5-1-8?

A. Sheriff's Item 518 is Item No. 317-R, Robert, and I did process this item.

MR. NICOLA: We would move 5-1-8 into evidence, Your Honor.

THE COURT: It's admitted.

Q. BY MR. NICOLA: Exhibit No. 519?

A. 519 is Sheriff's Evidence Item No. 317-S, Sam, and I did process this item.

MR. NICOLA: Your Honor, we'd like to move 519 into evidence.

THE COURT: It's admitted.

Q. BY MR. NICOLA: Exhibit 520. Exhibit 520?

A. Evidence 520 is Sheriff's Evidence Item No. 317-T, Tom, and I did process this item.

MR. NICOLA: We would move 520 into evidence, Your Honor.

THE COURT: It's admitted.

Q. BY MR. NICOLA: Exhibit No. 521, please?

A. 521 is Sheriff's Evidence Item No. 317-U, 3715 union, and I did process this item.

MR. NICOLA: We would move this item into evidence, Your Honor.

THE COURT: It’s admitted.

Q. BY MR. NICOLA: Exhibit 522?

A. 522 is Sheriff’s Evidence Item No. 317-V, Victor, and I did process this item.

MR. NICOLA: We would move 522 into evidence, Your Honor.

THE COURT: It’s admitted.

Q. BY MR. NICOLA: Exhibit No. 523, please?

A. No. 523 is Sheriff’s Evidence Item No. 317-William, W.

Q. Did you process that item?

A. Yes, I did.

MR. NICOLA: We’d like to move 523 into evidence, Your Honor.

THE COURT: It’s admitted.

Q. BY MR. NICOLA: Handing you Exhibit 524.

A. 524 is Sheriff’s Item No. 317-X, X-ray, and I did process this item.

MR. NICOLA: We’d like to move this item into evidence, Your Honor.

THE COURT: 524 is admitted.

Q. BY MR. NICOLA: Exhibit No. 525?

A. 525 is Sheriff’s Evidence Item No. 317-BB, or boy-boy.

MR. NICOLA: I’d like to move 525 into

evidence, Your Honor.

THE COURT: It's admitted.

Q. BY MR. NICOLA: Exhibit 526?

A. 526 is Sheriff's Evidence Item No. 317-DDD, or David-David-David, and I did process this item.

MR. NICOLA: We'd move 526 into evidence, Your Honor.

THE COURT: It's admitted.

Q. BY MR. NICOLA: Exhibit 527?

A. 527 is Sheriff's Evidence Item No. 317-EEE, or echo-echo-echo, and I did process this item.

MR. NICOLA: We'd move 527 into evidence.

THE COURT: It's admitted.

Q. BY MR. NICOLA: Exhibit 528?

A. Sheriff's Item 5-2-8, or 528, is Sheriff's Item No. 317-FFF, or Frank-Frank-Frank.

Q. Did you process that item?

A. Yes, I did.

MR. NICOLA: We would like to move 528 into evidence, Your Honor.

THE COURT: It's admitted.

MR. NICOLA: We admitted 529?

THE CLERK: Yes.

MR. NICOLA: Good. It's a wrap for that.

Q. I'd like to show you Exhibit No. 775; ask if you recognize what's depicted on Exhibit 775?

A. On 775, there are pictures of fingerprint basic patterns: A plain arch, tented arch, a left slant loop, a right slant loop, a plain whorl, a central pocket loop whorl, double loop whorl, an accidental whorl.

MR. NICOLA: Okay. We’d like to move this into evidence, Your Honor, and publish it for the jury.

THE COURT: All right.

MR. NICOLA: Can we have “Input 4,” Your Honor?

Q. Can you explain to the jury what’s in the first six boxes up there?

A. In the box where the laser pointer is pointing now is a pattern known as a plain arch pattern. It’s a class characteristic. And the ridges in a plain arch will flow in from one side, go through the arch pattern and out the other side. They do not re-curve or turn in any way.

Q. What’s next?

A. On the next one is what we call a tented arch pattern. In this pattern, the ridges again will come in, flow through the pattern and come out. However, there will be some ridges which will come in either from the left or the right and will go into a vertical, or a near vertical, and the ridge end at that point, causing a tent to occur and the ridges that flow over that particular ending ridge.

Q. Okay. Another example of a Class I characteristic?

A. Yes, sir.

Q. What's next?

A. Next is a loop, where the ridges come in, in this case they come in from the left, go up through the pattern, re-curve, and go back out to the left. There's -- and then you have ridges that start on the other side, come all the way through and go through to the left. And then you have ridges that come through the left and go under the re-curving pattern. And you have in this position, about right here, what they call a delta or a tri-radius, where the ridges flow up and over. They flow around and they come under, so it's what they call a tri-radius, but it's what they refer to also as a delta.

Q. Okay. Is there another kind of Class I characteristic up there?

A. If you go to the -- let me explain one thing. As far as the loop goes, I use the term "left slant." Prior to computers and computer matching, loop patterns were called "ulnar" or "radial" if they opened toward the thumb or the little finger, for the bones in the arm, ulnar bone, radial bone.

Now computers won't recognize bones, so the people who have built the programs, we now call them "left slant" and "right slant" so everybody's talking about the same thing, because there's no way to tell without seeing four, five patterns in a row to know which way the arches actually flow or the loops actually flow.

Okay. On top we have a plain whorl. In this case, you have a delta at this location and a delta at this location. Whorls have two deltas, and then the center ridge flow goes in a circular manner or angle, something like what I refer to as a hurricane. They just go around.

And the next one down, we have what we call a central pocket loop whorl, in which we have a delta inside the pattern area, about where my laser pointer is, and we have another delta at this particular point creating the two-delta requirement for a whorl. To have a central pocket loop whorl, you have to have a re-curve under the center core area, but that re-curve could not be cut by a line which is drawn between the left-hand delta and the right-hand delta.

On the bottom right, we have what we call a double loop whorl, in which case we have two re-curving patterns, one right here and we have one right here. Two separate patterns. We have two loops. So we call it a double loop whorl, because you have two loops within the pattern, plus the two deltas.

Q. There are two more examples on this exhibit.

A. On the bottom left, we have what we call right slant loop, again because the ridges come in from the right, flow in, re-curve, and flow out. We have the ridges coming in on the left going up over the re-curve and out the other side, and then we have our delta right at this location where the ridges come down and separate. And there would be more ridges under it if the picture was complete.

Q. Okay.

A. On the right side, we have what we call an accidental whorl, which has, in most cases, three delta areas. You have one right here, one right here, and one right here, and we have two distinct pattern types. This, if I could, it looks like it has either an upthrust or a re-curve, and we have a re-curve here. So you'd have delta, delta, delta, possibly tented arch, and then you would have a looping pattern, or you have a looping pattern and a looping pattern.

Q. Okay. Are there more kinds of Class I characteristics that are just not on this sheet of paper?

A. No, those are the basic Class I characteristics for fingerprints. There's four whorl types, two arch types, and two loop types.

MR. NICOLA: Okay. Thank you, Sergeant Spinner.

Your Honor, I have no further questions.

THE COURT: Counsel?

MR. SANGER: Thank you.
THE COURT: You don’t need to start. I can’t take any more.
(Laughter.)
A JUROR: Good.
THE COURT: Good. Let me -- just before I release you, remember, tomorrow morning we’ll --
THE JURY: (In unison) Tomorrow?
THE COURT: I mean Monday morning. Do you want to work tomorrow?
THE JURY: (In unison) No.
THE COURT: Monday morning, 11:30.
MR. AUCHINCLOSS: Your Honor, I’m sorry. There was just one exhibit that we wanted to admit, 769.
THE COURT: Let’s do it later. We’re past that. We’re on our way.
I want to give you another special admonition at this point. I’ve tried to remind you as we go along through the week, but it’s important.
It’s extremely important that you don’t read any newspaper accounts or watch television or listen to the radio concerning this case. We’re at a point in the case where the news media is not restricted anymore from reporting pretty much almost entirely. There’s just a few restrictions. So there’s a lot of things they could report that’s not for you to know about.

That’s frankly what it’s about. There’s things that jurors are not to know when they reach their decision. And those are the things that we discuss out of your presence, and it would be extremely unfortunate if you got that information from somewhere else. But I trust you not to do that, and that’s why the restrictions don’t exist anymore, because I do trust you not to do that. And I did mention to you to have some family member collect those items. You know, they can collect the newspaper articles, and they can record television programs, and you’ll be, you know, very interested, I’m sure, when it’s over to read all that and have that. So I hope you have somebody doing that for you, but they’re not to relate those things to you now.

Again, you can’t talk to anybody about the case, including each other. It’s extremely important that you not do that. I’ve said before that the community is watching. I don’t mean people are spying on you. That’s not the case at all. But the community is watching to see how the Court and the jurors, the attorneys, the witnesses behave in this case.

And in that regard, I want to address particularly family members, because, you know, family members feel that they have an exception to the rule. You know, “Well, you’re not supposed to discuss the case with anyone but me," you know.

And I like to joke about that and say, this is the one time that you have the opportunity to hold something over your spouse, you know, your special other, your children, and say, "No," you know, "I'm not going to talk to you about this and you're not to talk to me about this. And I know you're watching television when I'm not here, and I know you're getting this information, but that's for you to keep to yourself."

And it's been important that you draw this hard line with your family, because that's the place. It's not some stranger that's going to walk up to you and say, "Did you know what they had on T.V. the other day?" It's going to be someone close to you.

So if they do that, you know, you need to demonstrate your strength and tell them, "No, don't talk to me about this. The Judge has said we're not to talk about it, and I don't want to hear it about it, and if you keep doing it, I'm going to kick you out of the house" -- no, don't say that. But you know what I mean. Be firm with them.

And I do like to hear laughter in the courtroom. I'll see you all Monday morning.

THE JURY: (In unison) Thank you.

(The proceedings adjourned at 2:15 p.m.)

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REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 3606 through 3724 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 25, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
March 25, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MONDAY, MARCH 28, 2005

8:30 A.M.

(PAGES 3726 THROUGH 3787)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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Santa Maria, California
Monday, March 28, 2005
8:30 a.m.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: Good morning.

COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.

THE COURT: I'll say that again. Good morning.

MR. SANGER: Good morning.

THE COURT: Let's see, the moving party here is the People.

MR. SNEDDON: Good morning, Your Honor.

What I would like to do in my presentation this morning is to proceed by setting a little bit about the legal framework for which the discussion on the 1108 motion in particular, and begin with the 1108 motion.

And I think the simplest way to begin with this discussion is the fact that in 1995, the legislature, in enacting Penal Code Section 1108, significantly changed the law in California and the practice of criminal law in California. It's clear from the legislative intent of Section 1108 that it was a recognition that crimes such as child molestation are secretive, they’re serious, children are particularly and uniquely vulnerable, and that oftentimes, and in most cases in fact, it’s the credibility of the victim that is at issue.

The Supreme Court in Falsetta that upheld Section 1108 against the constitutional attacks made it very clear that these types of crimes are committed in seclusion, without third-party witnesses, and without substantial corroborating evidence. And it’s precisely for that reason that the legislature enacted Penal Code Section 1108.

Secondly, there was a legislative finding that has been repeated over and over and over again by the courts of this state in recognizing the validity of that particular -- this particular legislative finding; that is, that the willingness to commit sexual offenses is not common to most individuals, and therefore propensity evidence is uniquely probative and necessary in determining the credibility of witnesses.

There’s a further legislative intent reflected in 1108 that has again been repeatedly confirmed by the courts of this state, and that is that Evidence Code Section 1108 evidence should be liberally admitted. Indeed, cases now recognize that it’s established principle that it is presumptive to be admissible in criminal cases.

We feel for this reason that the evidence, and the pro-offer of proof that we've indicated to the Court we intend to present would be in this case, is consistent with the legislative intent and consistent with the judicial interpretation of Section 1108 and be uniquely admissible as to corroborating the victims in this particular case.

Now, in that connection, Your Honor, the Court is in a much better position now than it would have been to hear this motion before trial started because the Court's now had an opportunity to see the testimony and the evidence of Gavin Arvizo, that of the sister and of the brother.

But more importantly, the Court has had an opportunity to hear Mr. Mesereau's opening statement and Mr. Mesereau's cross-examination of the family members in this particular case, and including Gavin Arvizo. There's no question that they have presented squarely the fact that the issue -- that the family's credibility, and Gavin Arvizo's credibility, and in fact indeed the mother's credibility, is central to the defense case, and that is precisely -- precisely the reason that 1108 was enacted.

Pursuant to their theory, I don't think it's been any secret, it's been a scorched-earth process, there's a take-no-prisoners approach to these children and to this mother who is going to testify in the next couple of weeks. And while this approach is hardly unique, it’s hardly unexpected and it’s hardly novel, the point is that these are precisely the kind of tactics that the legislature recognized where propensity evidence should be admitted in order to balance the scales in situations where an accused has exhibited propensity to commit similar types of crimes.

Now, I don’t intend to go through the offers of proof in detail, because the Court already has the information before it. But I would like to summarize what it is for the Court that we’re seeking to admit.

First, we’re asking the Court’s permission to allow us to have one prior child victim testify to three separate incidents of molestation by the defendant. The molestations are very similar in nature. They involved the genitalia of the kid -- of the child, and they involve instances where -- two instances outside the clothing of the child on a prolonged basis, and a third incident where the child -- where the hand was thrust up inside the pants of the child, onto the skin of the child.

We’re seeking to admit no less than five third-party witnesses of inappropriate molestations and touchings by the defendant as to four separate children. Again, the conduct is similar in nature. Some of it is kissing, hugging. And other parts of it involve, again, insertion of the defendant’s hand into the genitalia of the particular children involved.

I think it’s noteworthy to bring to the Court’s attention, as I will also cover in certain parts of my other presentation to the Court, all of these children are basically between the ages of 10 and 13 at the time that the offenses occurred or were observed by third parties.

Thirdly, there is -- there are some witnesses who have direct observation by third-party witnesses that involve multiple incidents involving the same child. So we not only have witnesses that are multiple, but we have multiple incidents involving observations of the third party.

We have an additional incident -- an additional witness who will testify to incidents involving the defendant with children, four other children, observing the defendant in bed with four other children, and on three of those occasions observing the child and the defendant in bed, and that the child and the defendant’s underpants were lying next to the bed.

We have a sixth incident that involves the same child that has already been observed by at least two other witnesses that are on our list to be called as being -- that observed acts of molestation by the defendant. And this witness observed the defendant licking the head of a child in the identical manner to that described by Star Arvizo, as will be described by Janet Arvizo. We think this is particularly probative in light of the defendant’s contention filed by papers in this court that this is an example of Janet Arvizo’s delusional state that she saw this, when, in fact, we have another witness who saw this very conduct occur by the defendant as to another child about the same age as Gavin Arvizo.

Lastly, we have two witnesses that will testify to the fact that the defendant encouraged children to call him “daddy,” children other than the children in this case, and that he talked about, with the mother of one of the children, how it was important that the mother think of him and the children and them as being all one big family, and they were like family together. Again, conduct and statements which have been, to this point in the trial, alleged to have been uniquely responsible to the Arvizo family, when, in fact, there’s evidence indicating that the defendant has used this approach with children and families prior to the commencement of the trial of this particular case and in other instances involving families that are not -- have not have been a party so far.

With regard to the 1108, of course, the central issue is the balancing of the probative value versus the substantial undue prejudice to the defendant. I think that it is -- it is important to keep in mind what the courts have said about undue prejudice and what the courts have said about a substantial prejudice, because these are concepts that are unique in the legal profession and they are unique to cases such as this.

And I think the first starting point for us in this regard, Your Honor, is the language that is found in cases that recognize that the unique stigma of a child sexual abuse case, the danger is one that all propensity evidence -- it is the same in all propensity evidence in such trials. It is for this reason that the evidence was previously excluded but is precisely the reason now that it's admitted into evidence.

So simply the fact that it is a child molest prior charge or uncharged offense in and of itself doesn't answer the question as to whether it's prejudicial. In fact, the language that we've quoted to the Court in our moving papers of the Branch court, the Branch case made it very clear that where the conduct of the defendant in the case before the Court and the conduct of the defendant in the charged or uncharged acts is very similar in nature, that that is found not to be what the courts would consider inflammatory or prejudicial under the concept of 1108.

And that is precisely the situation that we have here. The conduct is very similar, if not identical, in many of the instances, and therefore in the balancing of the 352 criteria, under the doctrines of those cases that have analyzed the balancing process, that has not been found one that would cause the Court concern in allowing this evidence to come before a court.

I think it’s also important, Your Honor, to recall the language in the Soto case that we cited to the Court with regard to prejudice. And if the Court would allow me, I’d like to read just a little bit from that decision at page 989:

“Prejudice, as contemplated by Section 352, is not so sweeping as to include any evidence the opponent finds inconvenient. Evidence is not prejudicial, as that term is used in Section 352 context, merely because it undermines the opponent’s position or shores up that of the proponent. The ability to do so is what makes evidence relevant. The code speaks in terms of undue prejudice. The prejudice referred to in Evidence Code 352 applies to evidence which uniquely tends to evoke an emotional bias against a defendant as an individual which has very little effect on the issues. In applying 352, prejudice is not synonymous with damaging.”

I think that’s important in this case, 3735 particularly in light of what I’ve just said about how the Branch case and the Falsetta case and some of the others have applied the principle that when the case is similar in nature and the conduct is similar in nature, that that doesn’t rise to be inflammatory under the balancing process.

The second balancing issue for the Court as outlined in the cases is remoteness. This particular case -- in this particular case, at the time that the charges were actually filed two years ago, the incidents involved would have been somewhere between 10 to 12 years prior to this case.

We have cited to the Court in our moving papers a number of cases involving remoteness. And of those cases, there are 11 of them that I believe -- at least 11 that have been indicated, been cited to the Court. Some, like Branch, are 30 years old. Seven of the cases involve uncharged prior offenses. Four of the cases involve charged prior offenses where there was either a trial or an admission -- a trial finding of guilt or an admission of guilt. In those cases, we have cases like Frazier, which is 15 and 16 years old. Soto case, uncharged, 20 years old. Davis case, 13 years, uncharged. Branch, 30 years, uncharged. Fitch, the case was seven years, uncharged. Waples, W-a-p-l-e-s, 20 years, uncharged.

And some of the charged ones, again, like 3736

Pierce, they were 23 years old. And Falsetta, they were 14 and 12 years old. And in Britt, the priors were 13 and 22 years old. And in a murder case, where they admitted evidence under 1101 where remoteness was at issue in a murder case, the uncharged crime was 17 years old.

So I think the Court can see that with regard to the remoteness issue, the balance on the scale is far in favor of admissibility of the charges of the uncharged cases and priors that we seek to admit. The cases make it very clear that this is not something that would cause a Court concern in allowing the admissibility of prior uncharged acts.

Now, I think where the problem arises in this area, Your Honor, is with the Harris case. And I think the Court is familiar with the Harris case. It’s been cited by both sides. And it is the only published case that we have found that actually deals with a situation where a lower court was reversed on an abuse of discretion where they allowed 1108 evidence in. There are several other cases that reversed, but most of those were for instructional error before the Court came down with guidance as to what instructions to be given to the jury with regard to these particular issues.

But Harris is the only case that I’ve been able to find and it’s the only case that’s been cited by either side where a Judge was reversed on appeal. And I think Harris illustrates the difference here between remoteness and the connection between remoteness and the confusion, which is the third factor that the Court has considered with the jury.

The problem with the Harris case was, it involved a tremendous amount of violence. As you may recall from that case, Your Honor, the victim was attacked. She was mutilated in the genitalia area. She was stabbed multiple times. The knife was left in her body at the time. There was evidence at the time that the defendant, Harris, was found, that he had blood on his private parts and in a size that, in essence, the woman had been raped as well as mutilated. And the charging offense was a 288 without any violence in it at all.

And the Court found on appeal that that case simply was one of those cases where the Court should have exercised its discretion and not allowed it in because of the fact that the conduct was so dissimilar and the conduct was inflammatory because of the nature of the violence involved.

And the other factor that the Court pointed out was how, in attempting to try to balance the inflammatory nature, the Court basically redacted the way the crime was committed in such a fashion that it was absolutely impossible for the jury to understand what really happened.

And of course that’s not -- that’s not a problem that this Court is faced with. We’re not faced with a Harris, because the crimes are not different. We’re not faced with a Harris, because we’re not dealing with violence. We’re not faced with Harris, because there’s no reason for this Court to redact anything, because of the very, very, very similar nature of the conduct involved with the defendant and Gavin Arvizo and the ones that we’re attempting to put in as uncharged prior acts.

So I say to the Court that the confusion to the jury in this case is simply not present. And for whatever -- whatever hay that the defense wants to make of it in their argument to the Court, the fact of the matter is, it is clearly distinguishable from the instant case.

Now, the last factor we want to talk about is undue consumption of time. And we’ve indicated to the Court in our moving papers what our estimate of the direct examination of the witnesses would be; that basically almost all of the cases, the direct examination would be less than an hour, and in some cases significantly less than that. That’s not accounting for the defense’s right for cross-examination.

But I will indicate to the Court to the Court, as pointed out in the Frazier case, and this is a 2001 case, 89 Cal.App.4th, at page 42, in that particular case, 182 pages of the transcript, in other words, 27 percent of the trial, in other words, the Court said in the decision, one quarter of the trial was devoted to the priors, that that was not, in their opinion, undue consumption of time.

Now, given the length of time of this trial, and given what we're seeking to admit, and the tightness of the issues that we're talking about, clearly our case is not even going to come close to consuming 25 percent of the trial time in this case.

And the second one that the Court -- if the Court wants to review another case that alsO examined the same issue of undue consumption of time is the Mullens case, M-u-l-l-e-n-s. And that's a 2004 case. It's a very recent case, 119 Cal.App.4th, 648 at 661, where the defense in that particular case made the same or similar remarks as the defense in this case; that we'll end up with a series of mini-trials over the uncharged acts.

Well, that of course, is exactly what happened in the 11 cases that we cited to you where multiple uncharged or charged offenses were admitted into evidence. And the Court, in those cases, as well as this recent case, indicated that's really not an appropriate reason in and of itself to reject 1108 evidence in light of the very, very strong legislative intent that this kind of evidence be admitted in trials of this very nature.

So I indicate to the Court that all of the balancing factors that have been traditionally looked to by courts for the issue of 1108 admissibility not only tend to favor the prosecution in this case, but I think on balance favor, in a very strong way, that this Court should admit the evidence that we seek to bring before the jury in this particular case.

Let me just say one last thing in that connection, Your Honor, and that is one of the things that the Court has looked at in factors of admissibility in this area in terms of the probative value. And I've talked a lot about the prejudicial effect. But the probative value, that there are three principles I think that can be distilled from the cases in this area.

From the Ewoldt case, E-w-o-l-d-t, which is one of the leading cases on 1101 evidence, but clearly the language is probative on this particular issue, and that is the probative value of uncharged offenses increases when the source is of independent evidence. And by the way, that very language has been cited in some of the 1108 cases, and so that's the reason I went back to the seminal case on it.

But the fact of the matter is, that's exactly what we have here is uncharged offenses which are of an independent source and independent witnesses.

In the Yavanov, Y-a-v-a-n-o-v, case, which is cited in our brief, and the language is found at page 405, another factor on the probative value is the frequency of the uncharged acts bolsters the relevance. And again, we have -- as I’ve indicated to the Court, the frequency and the number of individuals involved who observed things as well as the different number of victims that were observed.

And lastly, the Frazier case at 89 Cal.App.4th, page 30 at page 41, indicated insofar as 1108 evidence goes that the pattern as to the same type of children is significant in the balancing process.

And we submit to the Court that in this case, of course, the pattern in the similarities; that the victims are similar in age, the manner in which the victims were cultivated is similar, and the crimes are similar. And under these doctrines, I think, are all the more reason why this evidence should be admissible.

At this point, Your Honor, I’d like to just shift gears, if I might, to deal a little bit with the 1101 issue before the Court. And again, I’ll try not to go over things I’ve already covered and that have been briefed, but I want to highlight some of the things that are more relevant to the Court’s decision here this morning.

I think it's important to start again with the cases that are responsible for developing the guidelines under Section 1101 of the Evidence Code. And, you know, those two cases are -- came down at the same basic time, and that was Ewoldt and Balcom, B-a-l-c-o-m. Balcom's at 7 Cal.4th, and the language I'm citing is around 424. But they make it very clear -- that decision made it very clear that when Courts are faced with evidence admissibility under 1101, that they are usually and traditionally divided into three camps. There's the identity, the modus operandi and intent. And there are different standards for the Court with regard to reviewing the admissibility.

And we have indicated to the Court that we are seeking to admit the evidence that we put in our offer of proof under at least three, if not four, separate exceptions that are noted in 1101(b) of the Evidence Code. And the first, of course, is the intent. And by intent, we're talking about the lewd and lascivious act and the sexual gratification for which the acts were done in this case. And particularly I think if you look at the language in the Branch case at 91 Cal.App.4 at 274, you'll see in an analysis of that case how the intent or the sexual gratification is a key issue in cases of 288(a), which is the kind of offense that we have before the Court here.

Again, we indicated to the Court a second reason for the admissibility is the motive. And the motive has been recognized by the Thompson case, which we also cited to the Court, is the incentive to criminal behavior. And here it’s a propensity, proclivity for the defendant to be involved in relationships with children between the ages of 10 and 13.

And lastly -- well, in addition to opportunity, we indicated the modus operandi, and I want to point out just a couple of things on modus operandi. Modus operandi on the scale of the issues on both the Ewoldt and Balcom cases is in the middle. And when it’s intent, there needs to be less similarities. When it’s identity, there needs to be almost like a hand print. And for modus operandi, it’s sort of in the middle. But both Balcom and Ewoldt make it very clear that when you’re dealing with modus operandi, it does not have to be distinctive necessarily, nor does it have to be unusual.

Now, I would submit to the Court, on the other hand, in this particular case we have both a distinctive one and an usual one, and that is that we have a series of acts involved on male children between the ages of 10 and 13. And we have pointed out to the Court in our points and authorities a number of cases that have found, in evaluating the admissibility of 1101 evidence, critical similarities that are far less unique than the ones I’ve suggested to the Court here.

I won’t go through the whole litany, but I’ll direct the Court to page 46 of our brief between lines 20 and 28, and we indicated to the Court there are no less than, looks like, eight cases in which the courts of the state have admitted evidence under 1101 where the similarity involved things just like I have suggested to the Court. Victims: Close relatives, white, young, females, all white males between the ages of 18 and 25. I mean, how close can you get? Two 12-year-old children. So I think the Court is on very firm ground in evaluating the admissibility of evidence that we seek under 1101(b) to rely on those cases and rely on the distinctive nature of the uncharged offenses in this particular case.

Of course in the 1101 field, the balancing test, the four factors that were outlined in 1108 also apply to 1101(b), and I -- without reiterating them -- and I won’t reiterate the factors that I’ve gone through, but I see nothing in the evidence that we seek under 1101(b) that my remarks to the Court would be any different than the remarks I made under 1108. And, in fact, probably, in many cases, would follow even stronger in the area of admissibility than they would have been in the 1108 area.

I would like to point out to the Court, however, the case of Dancer, D-a-n-c-e-r, which is a case that we cited in our brief, and in particular we cited -- that's at 45 Cal.App.4th 1677. And on page 486 -- 485 of our brief, we indicated in the Dancer case they found something like 12 or 13 items of similarity in that case. And we contrasted that and compared that to our particular case where we identified for the Court at least 17 similarities, much of the same -- paralleled the same kind of information that was available in Dancer. And it's for those reasons, Your Honor, we believe that that case is very pertinent to the admissibility of the evidence presented here.

I would like to reiterate that I think there's a couple of things that need to be said here. The defense has made a big thing about the fact that the defendant -- in fact, Mr. Mesereau stood up in his opening statement and read off a list of things that the defendant, Michael Jackson, has bought the mother of the victim in this case.

And I think it's illustrative of the fact that this is not unique to the mother in this particular case, but that -- to other mothers involved with other children, that we intend to put evidence on that this was a rather standard procedure for the defendant to buy gifts and to do things for the mothers in those cases to keep them preoccupied so the defendant would have free rein with the child involved.

And again, the other part of the 1108 is to establish that the nature of the relationship with these children, that there was nothing unique about the relationship that was developed between Gavin Arvizo and the defendant in this case, that it was precisely -- precisely like the kind of relationship that he developed and had with a number of special friends over a period of a number of years that were witnessed by the witnesses that we’ve indicated to the Court, that have observed that kind of relationship between the defendant and children between the ages of 10 and 13. And by “that kind of relationship,” I want to make it clear to the Court what I’m talking about. It’s a relationship different from that, from kids who are visiting that ranch for purposes of riding the rides, going to the movies, enjoying the facilities, and then leaving, on a day basis.

These are relationships that were developed on an ongoing basis where the children came, they visited, oftentimes they visited without their parents. They visited other locations where the defendant was living at other times, and developed the kind of relationship that we have heard testimony about with Gavin Arvizo. And I think, again, that this is the kind of evidence precisely that this jury ought to hear, that this is not the first time that the defendant has approached a child in this manner and in this respect and think that it’s a unique experience for Gavin Arvizo. That, in fact, this is the way that the defendant operates. And that’s precisely why I believe that the modus operandi exception is uniquely applicable to this particular case.

I’m assuming, Your Honor, that just about, I think, wraps up what I wanted to draw the Court’s attention to. Of course, I don’t want to repeat the things we put in our brief. And I’ll reserve, of course, my remarks.

I think the Court would like to -- I’m assuming the Court would like to handle the admissibility of the evidence of the civil settlements after the Court finishes this evidence, and I’m not addressing that now.

THE COURT: That’s fine.

MR. SNEDDON: I’m open to any questions that the Court has at this point, if you have any.

THE COURT: No.

MR. SNEDDON: Thank you very much, Your Honor, for listening to me.

MR. MESEREAU: Good morning, Your Honor. Your Honor, my approach is going to be quite different from that of the prosecutor. And my approach is based upon comments made by this Court at a prior hearing on this issue.

When the issue initially surfaced in open court, this Court very courageously and honorably described a prior incident where Your Honor was the trial judge in a case brought by prosecutors against a defendant alleging child molestation. The defendant pled not guilty. The Court used all of the cases, I'm sure, that Mr. Sneddon has cited to justify the admission of 1108 evidence. The Court heard that 1108 evidence, then the Court heard the underlying case, and as I interpreted what the Court said, Your Honor, you found the underlying case so lacking in credibility and substance and so problematic that you declared a mistrial, even though you had, under the technical law cited by Mr. Sneddon repeatedly this morning, allowed in 1108 evidence.

THE COURT: Counsel, that -- actually, I granted a new trial after conviction, but the same point.

MR. MESEREAU: Okay.

THE COURT: Based on that point.

MR. MESEREAU: I have no doubt that every case and authority cited by Mr. Sneddon could have been used to justify the admission of that evidence. But the Court did not just rely on those cases. The Court did not just rely on those authorities. The Court had a concern for justice, and fairness, for which we commend the Court. And the Court was not going to allow the 1108 statute to supersede fairness, justice, the presumption of innocence and the burden of proof.

And I think the Court crystallized the issue before it this morning when you related that event. What I believe the Court was concerned with, and I'm putting it in slightly different terms, is that this Court, despite that statute, did not want to see either the burden of proof or the presumption of innocence reduced or eliminated by the introduction of that evidence. And what I believe the Court said, in different words, was the following: The weaker the case, the more problematic the 1108 evidence. The stronger the underlying case, the less a possibility of prejudice and injustice by admitting it.

And indeed, no matter what the prosecutor may cite in his arguments to the Court, the statute does allow the Court to exercise discretion under Evidence Code 352, and that discretion is significant.

That gets us to the question, what has the Court seen in this courtroom? Is the case strong on credibility and substance or is it weak on credibility and substance? If it's really powerful, the Court probably is less worried. If there are credibility problems with their case and their 3750 witnesses, the Court has great concern to worry because the potential for lessening the burden of proof on the prosecution in this case would be great.

Now, the Court is dealing with some unique situations. First of all, you have a celebrity. A celebrity who has been subjected to all kinds of innuendo, scandalous reporting and rumor, and a celebrity who has attracted all kinds of claims for money, who has developed a lifestyle at Neverland which he has advertised to the world, which he believes and contends, and many believe, is a benefit to society. The prosecution has come in to try and turn all this on its head and suggest that Neverland is some magnet for molestation and criminal behavior. Well, that’s going to be an issue for the jury. But certainly at this point the Court knows, based on the evidence alone, that Mr. Jackson has developed Neverland as a Disney-like type of world that he uses to help children from the inner city, children around the world, et cetera.

There’s a bigger problem than the uniqueness of the case, and none of the cases cited by Mr. Sneddon deal with celebrities or anyone remotely close to Mr. Jackson in terms of notoriety and attraction for greed and misuse of the legal process.

The Court has seen three witnesses who the

Court -- who the prosecution suggests are victims.

And without going into a lot of the details, which I don't think the Court wants me to give a closing argument at this point, but there is no question all three of those witnesses have been riddled with problems in their testimony. All have agreed they lied repeatedly. All were caught lying on the witness stand. All were caught in notorious and repeated inconsistencies and all contradicted themselves repeatedly. Every witness was a problem.

Now, if the Court agrees there are significant credibility problems with Gavin Arvizo, Star Arvizo, and Davellin Arvizo -- and I believe the Court does, because I don't see how anyone watching the cross-examination could disagree with that. If the Court thinks there are issues to worry about, I would ask the Court to add to that concern the following: Gavin alleges two acts of alleged molestation. There is no eyewitness to either one. And there is no DNA to support it. In fact, there's no forensic evidence at all to support it. Star, along with his credibility problems, alleges -- it changes, the number. But he appears to allege two acts of molestation, separate from those of Gavin that he watched. There is no eyewitness. There is no DNA. There is no forensics to support it.

So as the Court looks at the evidence so far, what do you really have? You have what, in effect, is a very problematic case, and I submit the prosecutors know that. It’s extremely problematic. It’s filled with credibility issues. And those credibility issues I submit to the Court at this point are compounded by the evidence they’ve tried to introduce so far about conspiracy.

Now, I realize we’re talking this morning about the molestation claims, but certainly the Court, and any jury, when gauging credibility, if the Court thought the conspiracy claims were problematic, filled with credibility issues, that would most certainly and rationally spill over into other claims and vice versa.

Now, the Court at this point has heard the prosecutors talk about the mother. You’ve seen the rebuttal tape. You’ve seen the demeanor of the witnesses. You’ve seen the three witnesses get up and say, “We all were lying repeatedly.” The Court at this point has its own conclusions about what that rebuttal tape suggests and whether these answers were spontaneous or whether they were scripted and rehearsed. And I don’t think anyone looking at that tape is even going to imagine that these are all rehearsed answers. The Court knows that the family were sending cards to Mr. Jackson way before they made their glowing statements on the rebuttal tape calling him “daddy” and how he had helped Gavin with his cancer, et cetera.

The Court has seen witnesses come in who have tried to downplay what Mr. Jackson did for them and get caught in notorious lies repeatedly. The Court has seen notorious differences between what’s said on the witness stand, what’s said in police interviews, et cetera.

Now, the Court hasn’t seen the mother yet. And we wish the Court would see the mother before it makes its decision, because everything I’m arguing to the Court is going to be magnified a million times when she testifies.

What the Court has seen the prosecution do is the following: They have desperately tried to prove to this jury why their witnesses would tell repeated lies, why they would contradict themselves, why they were caught in numerous inconsistencies. They are reduced, as prosecutors, not to just proving a case beyond a reasonable doubt, but trying to prove to a jury why their witnesses lied. And they’ve gotten so desperate they’re now trying to differentiate the mother from the ex-husband, which is simply not going to work, because one of their witnesses, Louise Palanker, when she wrote her first check for $10,000, was asked by the husband to write it to Janet Arvizo. It was received by Janet, endorsed by Janet into her mother’s account. And of course, as the Court knows, the next check which Ms. Palanker wrote, because she didn’t want to pay a gift tax, wanted it to go to another individual, was written to David. It was then also endorsed by him and deposited into Janet mother’s account.

The prosecution is reduced now to trying to prove that Janet Arvizo did not always directly ask for money, and yet the overwhelming proof is going to be that she didn’t directly ask for it, she indirectly did, and received it. And that’s going to be absolutely proven beyond any doubt when the case is finally to the jury. Because we have witnesses coming in our case that nobody has seen yet.

I submit to this Court that the introduction of 1108 evidence is very problematic, given the weak nature and the contradictory nature of their case.

I submit that the introduction of 1108 evidence could easily reduce the burden of proof the prosecutors have, could easily jeopardize the presumption of innocence in this case and could render an unfair trial.

Again, I understand what the cases say and what they cite, but this Court has very honorably suggested its concern for fairness, as it was in another case, and that’s why the Court waited to see what some of their witnesses looked like. I wish we would defer it, because every time they put a witness on, it gets worse. But nevertheless, here’s where we are.

Now, what is 1108 evidence essentially? Essentially it’s character evidence. And when the debate was going on in legislature about whether or not to create an exception, tremendous concerns were raised about allowing the prosecution to simply introduce evidence of -- what appears to be evidence of bad character.

Now, they can phrase it in any terminology they want, they can say it’s evidence of modus operandi, intent, blah blah. But the reality is, they’re trying to bring in character evidence to bolster a separate charge. And any time you do that, the Court has to be concerned with the possibility of prejudice.

Now, I don’t need to recite the cases to the Court on prejudice. I know the Court’s familiar with them. But every time they define prejudice, they define it in terms of emotion. Will it have an emotional effect on the jury that is improper? Will it have an emotional effect on the jury that results in unfair prejudice to the defendant? And if, in fact, that emotional effect is there, will it also spill over into the other factors like confusion of issues, et cetera?

The evidence they’re trying to introduce is evidence of a highly inflammatory and emotional nature. There’s no question about that. But I think the Court also has to look at the substantive part of the evidence that they want to introduce, because from what we can see in the cases that we’ve looked at, every time they’ve introduced 1108 evidence in a case like this, they have had a separate alleged victim describe something similar.

Nowhere can we find they are just willy-nilly bringing in third-party witnesses to say they saw something without bringing the alleged victim in. Yet that is exactly what 99 percent of the evidence they plan to bring in is. And I submit the potential for prejudice there is overwhelming.

They probably couldn’t win a civil case if they were pursuing a civil case based on nothing but third parties. Yet they want to do it in a criminal case without any of these alleged victims coming in, with the exception of one, who is problematic, and I will explain that to the Court.

So I submit the very substance of what they’re trying to do is wrong, and it’s potentially very prejudicial to Mr. Jackson particularly given the weak nature of the case.

Now, let’s look at what they’re trying to do. They have an alleged prior victim named Brett Barnes who tells us he never was touched improperly. They want to bring in four witnesses to talk about Brett Barnes. They don’t want to bring him in. Because the moment they bring him in, they’re done. So they want to bring in allegedly four honest witnesses - I guess they're vouching for their credibility - to testify that Mr. Barnes was improperly touched.

Who are their main witnesses? Their main witnesses sued Mr. Jackson in the mid '90s, and for the first time Mr. Jackson decided, "I'm tired of settling these stupid cases, I'm actually going to defend this one." It resulted in the longest civil trial in the history of this courthouse. And the Court, I'm sure, knows a lot more about that case than I do. At numerous times during that six-month trial, the trial Judge made findings that the plaintiffs were lying, not being candid, changing their stories, even leaving the bench on a couple of occasions. And when the dust settled, the jury returned a verdict for Mr. Jackson, awarded Mr. Jackson damages, because the plaintiffs had stole from him. The Judge then awarded not only costs, but legal fees, and in the end Mr. Jackson obtained a judgment for over a million dollars against these lying plaintiffs.

They want the Court to allow these lying plaintiffs to come in now again and try and testify to improper acts, when there is no alleged victim they intend to call. That's just plain wrong. And if they suggest it wouldn't be time-consuming to litigate that issue, all the Court has to do is look at the six-month trial and its length to know that's not true, because they sold stories to tabloids, they were caught lying, and they had a big judgment against them.

Then we have Jordie Chandler, who everyone tells us, and apparently was announced on television this morning, is not going to testify. So who do they want to bring in to testify to that? First of all, Your Honor, I would note that in their motion they mention someone named Bob Jones. And in very graphic -- in a very graphic manner they told the Court that Mr. Jones had worked for Mr. Jackson for years, had traveled internationally with him, and would testify to all sorts of improprieties with children. We just were produced a police report by the prosecution where Mr. Jones flat out denies virtually everything they said in their motion. He has told the Santa Barbara Sheriffs, with counsel, that he never saw anything inappropriate happen when Mr. Jackson was in the company of any of these children.

They haven’t told that to the Court in any of their papers, to my knowledge, but they just gave us that report.

Now, what happens if you allow third-party testimony about Mr. Chandler without allowing Mr. -- forcing them, or ordering them, or requiring them to have Mr. Chandler, the alleged victim, testify? You then have people come in to say what they saw without any victim to confirm it.

And what happened back in those days? In summary, this is what happened: Chandler’s parents had been divorced in 1986. The father had given up custody of the child. When these alleged events happened, the father jumped on the bandwagon and wanted to become a multimillionaire, and he fueled litigation. And all of a sudden, you had the parents suing Mr. Jackson, you had -- the mother’s new husband then decided to sue Mr. Jackson for allegedly interfering with his business. He had an auto company, and he claimed that the publicity had interfered with his business. He wanted millions.

After the settlement, the father then filed a new lawsuit against Mr. Jackson wanting 30 million more dollars. That was litigated and he lost. You have all sorts of collateral litigation, and eventually Mr. Chandler filed papers in Superior Court seeking legal emancipation from his parents.

Where is the justice in this case of allowing parents to come in who collected lots of money because Mr. Jackson wanted to get this case behind him and pursue his music career? And indeed, all kinds of advisors were telling him to do that.

You have parents playing each other off with the child and pursuing collateral litigation, all of that will obviously have to be explored, because the potential for financial interest, financial bias in a situation like that, is enormous, the motives for financial gain were enormous, and indeed, there never any criminal prosecution despite Mr. Sneddon’s noble efforts to try and do one.

So there’s no alleged victim with Brett Barnes. There’s no alleged victim with Jordie Chandler. Then we come to Macaulay Culkin, who has repeatedly made statements that he’s a friend of Mr. Jackson and has never been molested. But they want to bring in evidence that he was molested. And they want to bring in witnesses who also were part of the gang that sued Mr. Jackson, and lost, with findings that they had lied and with enormous damages awarded against them.

Now, the fourth alleged victim is Jason Francia. Jason Francia and his mother were interviewed by the sheriffs and a deposition of the mother was taken. Money was paid to settle that case, again because Mr. Jackson didn’t want the press, didn’t want his family going through it, and wanted to pursue his music career. There never was a criminal prosecution, even though the alleged victim was interviewed by the Los Angeles District Attorney and the Santa Barbara District Attorney together. And after their interview with Jason Francia - which was so wishy-washy about what happened, they never decided to pursue a criminal case, because there wasn’t one. We have that taped interview - the mother, in a civil deposition in the Chandler litigation, began by saying she saw something and ended by saying she saw nothing. And indeed, stories were sold to tabloids, and money was paid to settle. He appears to be the only alleged victim they want to bring in.

Five, Wade Robeson, who tells us nothing ever happened to him. And they don't propose to bring him in as an alleged victim. They want to bring in the gang that basically has tried to accuse Mr. Jackson and get money from him for years, generally unsuccessfully, with the exception of Miss -- Mr. Francia's mother, and I've just talked about the problems in her sworn statement in discovery. The deposition is clear, she begins by saying, "I think I saw something." She ends by saying, "I didn't see anything."

Six, Jimmy Safechuck, who we are informed says nothing happened. They don't propose to call him as an alleged victim either, but they've got the same old gang again coming in to try and capitalize on the case, people who have been adjudged to be liars, and they are. People who asked for money from tabloids, who've asked for money from Mr. Jackson, et cetera.

Seven, Jonathan Spence, who we are informed says nothing happened and doesn't intend to come in to support them at all. What do they want to do?

Bring in the same crew again. Third-party witnesses with an axe to grind, all of whom have wanted money in the past, none of whom can substantiate that anything happened because the alleged victim says nothing happened.

The bulk of their 1108 evidence, Your Honor, are third parties with axes to grind, and who have tried to get money, and gotten money, and had the problems I just identified. Where is the fairness in allowing that kind of testimony, that kind of evidence, when their underlying case looks so weak and so problematic?

I submit that the Court's concern for fairness has to be squarely addressed in this situation.

If the Court saw witnesses who the Court felt had complete integrity, had never lied, never told inconsistencies, never contradicted themselves, never contradicted each other, if there were forensics to support any of them, or eyewitnesses to support any of them, the Court might say to himself, you know, "I'm really not giving Mr. Jackson an unfair trial if I let some of this in." But it's just the opposite.

And I submit the weakness and the problems in their case have made the Court's decision much more difficult.

There is an issue, Your Honor, that Mr. 3763

Sneddon has raised by proposing to call third-party witnesses without the alleged victims. And that has to do with what is an offense. Because the statute, 1108, talks in terms of an offense. And every definition we can find of an offense talks in terms of a crime.

And I submit to the Court that if you look at what the legal definition of an offense is, or you look at what the legal definition of proving a crime is, how can you just allow a parade of third-party characters to come in without any alleged victim? How can you do that? Because even though they didn’t charge it as a crime, they still have to prove an offense. And I submit this Court, in the interests of fairness, given the problems with their case, I think has a duty to say to itself, “Can they really prove some type of offense, or some type of uncharged crime, based on what they’ve told us?” And the Court knows they can’t. They can’t do it.

According to the statute, and I’m talking about 1108, sexual offense means a crime under the law of the state or of the United States. How do you prove a crime in these cases without any alleged victim? And maybe that explains why there never was a criminal prosecution in those cases, because the alleged victim say it didn’t happen.

I submit, Your Honor, that Evidence Code 352 3764 is extremely broad. Just because Mr. Sneddon parades a lot of cases where the introduction of 1108 evidence has been upheld, doesn’t mean there haven’t been many instances where trial judges didn’t use their discretion and either eliminate or whittle down what the prosecution would allow, because 352 is very, very clear. The Court must be concerned with all the issues raised in 352.

And I would like to just briefly talk about the People v. Falsetta case, where the California Supreme Court upheld Evidence Code 1108. Here are the issues the Court said the trial judge must consider: Possible remoteness. Now, if you listen to Mr. Sneddon, the words “possible remoteness” mean nothing. They don’t require any common sense approach. They don’t require any common sense consideration. If you listen to Mr. Sneddon, he cites appellate cases which basically say possible remoteness just doesn’t have any meaning, and that’s not what the California Supreme Court said. The fact is, the issue of possible remoteness is in the discretion of you, Your Honor. And they can’t eliminate it by citing what other Appellate Court decisions have done.

Now, they’re trying to bring in evidence of many, many years ago, ‘92, ‘93. This is the year 2005. The statute is clear and the Supreme Court’s language is clear. If the Court thinks that these alleged acts are too remote in time to really create real evidence of a pattern, and particularly if the Court says, “I think their case has enough problems, to bring in evidence of a remote nature is going to tip the scales away from their burden of proof, away from the presumption of innocence,” I think the Court has every right and every duty to consider if these acts appear to be remote. And acts from the early ‘90s, uncharged, unproven, where everyone had their hand out for a buck, and where alleged victims aren’t even willing to come forward and say anything happened, in fact, they’re saying the opposite, I think all of that put together gives the Court a good basis to use its discretion in deciding whether or not these alleged acts are too remote in time.

In People v. Falsetta, our Supreme Court then talked about the degree of certainty of its commission. How can they possibly stand before this Court and say, “We can establish a degree of certainty of the commission of these alleged offenses,” when no alleged victim is even willing to come forward and say it happened? How do you possibly convince this Court that their claims are certain when there is no victim to say they’re certain? I submit this Court must consider not only the possible remoteness in time, but the degree of certainty of its commission, particularly when they have no alleged victims to come forward.

Then there's the issue of the likelihood of confusing, misleading or distracting the jurors from their main inquiry. Obviously the evidence they want to bring in has nothing directly to do with the Arvizo family, who, yes, Mr. Sneddon is correct, by the time the trial ends, their reputations and their fraudulent acts will be all over the courtroom. The best is yet to come, because the mother hasn't testified to her perjury in depositions, and her perjury on welfare applications, and her defrauding disability, and her defrauding welfare and not telling either one what they're doing, where she put the money, what she said to newspapers, what she said to certain celebrities, et cetera. The best is yet to come.

But nevertheless, why allow them to bring in disgruntled employees who lost their lawsuit and actually were found by a jury to have stolen from Mr. Jackson and found by a Judge that they must pay over a million in legal fees and costs? Why allow them to come in when there is no alleged victim to support anything they say? That would be highly prejudicial and highly improper, Your Honor. And to say it would prolong this trial is an understatement. Because every time one of these people comes in, we not only cross-examine them, we have to bring in our own witnesses to contradict what they say. And let's look at the numbers.

One, Brett Barnes, who they say is not coming in. They want to bring in four witnesses. Two, Jordie Chandler, they want to bring in five witnesses. Three, Macaulay Culkin, they want to bring in four witnesses. Four, Jason Francia, they want to bring in himself and his mother. Five, Wade Robeson, they want to bring in five witnesses. Six, Jimmy Safechuck, they want to bring in one, two, three, four, five, six, seven -- eight witnesses. Seven, Jonathan Spence, they want to bring in three witnesses.

How can they possibly suggest this is not going to prolong this trial interminably, because as the Court knows, under the law, the defense has a right to defend these allegations like it would any other case. And there’s no reason to think these alleged offenses would not be defended as vigorously as the case before the Court is being defended, because you can’t deny a criminally accused in a situation like this the right for a full-blown opposition and a full-blown defense to these types of allegations. So how Mr. Sneddon can look at the Court and say, “Oh, it will just take maybe 25 percent of our time,” is absurd. It’s going to prolong this trial interminably because we have to defend our client’s reputation and life in this very serious situation.

I’ve talked about prejudice, and prejudice again is always defined in terms of emotion. And with a problematic case like this, the problem with the emotional effect of 1108 evidence is vastly increased. So I think the Court, again, has to come back to where we started. We start with the Court's concern for fairness and justice, particularly with respect to what their case looks like, and I submit it looks real bad and it's going to get worse.

The Supreme Court, in People v. Falsetta, Your Honor talked about the Court considering less prejudicial alternatives to its outright admission. Well, how to fashion a less prejudicial alternative obviously sounds problematic, because again, you can't hamstring the defense and not let them put on a full-blown defense to any allegation, no matter how flimsy it may seem to be. And when I say, "put on a defense," I do mean exactly that. Anything which impeaches the credibility is open season. If their character or reputation for trustworthiness, as it is in this courthouse, given the trial judge's rulings in that civil case is certainly fair game. Their financial motive is certainly fair game. Who they sold their stories to is fair game. You're talking about a full-blown trial where prior statements, prior testimony, prior transcripts are all open season for the defense to defend and protect itself.

I think the Court should never allow them to bring in any of this evidence if they don’t have an alleged victim to support it. And they just don’t. They want to bring in people to say, “I saw something. I heard something.” That simply is not acceptable. The potential prejudicial impact of that is far outweighed, far outweighs the benefits to our justice system, or any benefits the Court might think they’re entitled to under the law, particularly in a weak case.

The Court talks about excluding irrelevant though inflammatory details surrounding the offense. Well, they’ve already -- Mr. Sneddon’s argument has already suggested an avalanche of time-consuming litigation in this courtroom, because what he’s saying is that if Mr. Jackson spends money on someone like a mother - and indeed, Mr. Chandler’s mother flew to Europe with him, stayed in luxury hotels, Monte Carlo, France; big events; buying jewelry at Cartier, clothes, gifts - yes, indeed, Mr. Jackson has done that to certain families. He also has spent millions on children with AIDS. He has gone to hospitals all over the world and contributed money to sick children. He even has a habit of doing that before a concert. He will go to hospitals and meet injured and sick children. Yes, he spends lots of money on people.

But they want to suggest that because he spends money on somebody, that he somehow is doing this with a malevolent criminal, molester's type of purpose. And we can drown them with examples of where Mr. Jackson has been so benevolent, so generous, so charitable, so giving for good causes, that it will make their theory look silly.

The Court is already faced with a long trial, Your Honor. You really are. We're talking about probably months more of testimony. They haven't essentially, I think, from what I've heard, really gotten to the crux of their conspiracy allegations. They've alluded to it by having the Arvizo children testify that they were falsely imprisoned three times at Neverland and went back every time and then just went home. They've alluded to it by having the Arvizo children testify to what they knew about a proposed Brazil trip. And of course when nobody wanted to go, they went home. And they've already alluded to the Arvizo children being falsely imprisoned while they went to shopping centers, while they were at their home where Miss Arvizo's boyfriend was in the United States Army, while they had access to phones, while they went into federal agencies, while they went into a Brazilian consulate, and nobody ever says, "We have a problem," or calls the police, or does anything. Unless -- and I don't think --

MR. SNEDDON: Excuse me, Counsel. I'm going to object, Your Honor. This is way off the issues that are before the Court in this particular hearing. Counsel is just making his final argument in front of the Court or the media.

THE COURT: All right. We'll take our morning break.

MR. MESEREAU: Okay.

(Recess taken.)

THE COURT: The objection was sustained. Go ahead.

MR. MESEREAU: I didn't hear you, Your Honor.

THE COURT: The objection was sustained. Go ahead.

MR. MESEREAU: Your Honor, I just have a few more points to make, and I will sit down.

On the issue of undue consumption of time, I'd like to give the Court an example of what I'm talking about.

One of the plaintiffs in that civil case against Mr. Jackson where the plaintiffs lost and were awarded -- Mr. Jackson was awarded over a million dollars in legal fees and costs. But someone named Adrienne McManus, her deposition, I am informed, was taken eight times in that case.

That's just one witness. And apparently in her trial transcripts, which we have, she is changing her testimony so often that she gets back and forth, the testimony is prolonged, and the point I'm making is that’s just one witness. Eight depositions plus six months of trial testimony.

In the Jordie Chandler civil case, you had approximately five months of litigation before the case settled. You had numerous depositions and numerous pleadings in civil discovery that would be relevant and usable.

Now, I want to emphasize something we said in our papers. The testimony that the prosecutor wants to introduce concerns seven alleged victims with only one scheduled to testify. This testimony has been presented to two criminal grand juries in Los Angeles and Santa Barbara, neither of which ever returned an Indictment, and it’s been rejected by one civil jury in the longest civil trial in the history of this courthouse.

Now, I know the prosecutor likes to say, “Well, those grand juries were purely investigative only.” But obviously the purpose, from Mr. Sneddon’s point of view, to the degree he controlled anything, was to see if they could bring criminal charges. And neither grand jury brought a criminal charge. And many of the witnesses who -- not “many,” some of the witnesses who sued Mr. Jackson in the civil case also testified in these grand juries where no criminal charges were ever brought.

Now, there is evidence -- excuse me, there is case law to the effect that if one is acquitted of a prior sexual offense, the evidence of the acquittal is admissible. I haven’t seen anything about whether or not you can bring in the fact that a grand jury refused to indict, but certainly the fact that they went to two grand juries, there was no Indictment, they went to a civil jury, they lost, and the fact that they don’t have alleged victims with the exception of one, plus you’re talking about lengthy civil litigation, numerous depositions, numerous pleadings, numerous witnesses, plus the fact that the defendant has a right to defense as if it were a separately charged crime, and that means every type of defense imaginable, including rebutting the character nature of the evidence, which would mean opinion evidence, reputation evidence, and maybe specific instances of conduct, will unduly prolong the trial.

Finally, Your Honor, I will get back to where I started. Evidence Code Section 352 is sacrosanct in this courtroom. It is a fundamental component of the statute of 1108. It gives this Court enormous discretion to eliminate potential for prejudice, for bias, for a prolongation of the trial that would be unproductive and not in the public interest. It allows this Court enormous discretion to make sure issues aren’t confused. It enables this Court enormous discretion to make sure that the burden of proof is not fundamentally changed, that the presumption of innocence remains intact, and that Mr. Jackson has a fair trial.

For the reasons I've articulated, we're asking that the prosecution's motion be denied in its entirety.

Thank you.

THE COURT: Counsel? Rebuttal?

MR. SNEDDON: Your Honor, I think that what we've heard here this morning is something akin to a pattern that we've seen in this case, and that is reckless, exaggerated and misleading statements on the part of counsel with regard to what he believes the evidence and the testimony has produced so far in this case, and similar to ones he's made in opening statement, and I say this for this reason. I'm not going to get into a contest of saying what we believe the evidence has shown or what the credibility of the witnesses are to this Court, because this Court's been here and you've seen it for yourself. But I am going to point out that since Mr. Mesereau stood up in his opening statement and made certain assertions to the jury in this case, we've blown massive holes in his theory of this case; the witnesses that he said was -- Janet was going to do that and Janet was going to do that.

The fact of the matter is they're now shifting gears from the original hypothesis to say, well, "She wasn't directly involved," like I said in my opening statement, but now she’s indirectly involved. Because we’ve proved otherwise.

Similarly with the fingerprint evidence, you know, the fingerprints were on there because the kids touched it at the grand jury. Now we have the evidence from the people to show that those fingerprints were on magazines that weren’t even in the grand jury, so they couldn’t have been put on in the grand jury. Those magazines were at the Department of Justice being examined for trace evidence at the very time that the defense alleged somebody put their fingerprints on them.

It’s this kind of stuff that bothers me about Mr. Mesereau’s statements to the Court. But rather than get in a point-by-point recitation, I’m going to rely, as I have before, and we will to the end of this case, that the Court can make up its own mind about what the Court feels that the evidence has produced in this case.

I will only say this, and this will be the only thing I will say: Gavin Arvizo sat on that witness stand for almost three days. The first day he was on there for almost 40 minutes, and Mr. Mesereau was as abusive, was as mean-spirited, and was as obnoxious, frankly, as you could be to a child witness in a case. He spent the next two and a half days with binder after binder after binder coming up here and asking things. That kid didn’t have a piece of paper in front of him. Not a single piece of paper. And I think it was a remarkable job that that child did. He was never once tripped up about the fundamental fact that the defendant in this case molested him.

We produced evidence that have blown holes in the defendant’s case, from Palanker to Coleman, and we’ll have some this afternoon when the Lopezes testify; that the defense has consistently exaggerated, and misled the jury in this case, and the Court.

With regard to the second part about the civil case, I think, again, this is a case where many of the things Mr. Mesereau said are completely misleading. The first thing to understand is that the issue in that case had nothing -- nothing, zero, zilch, nada, nothing to do with child molestation charges. That evidence was specifically excluded by the Court. The depositions that make reference to that information contain pages of probably less than 100 pages in that deposition devoted to that part of it. The deposition mostly, and the trial, was entirely devoted to issues of harassment, intimidation, of illegal surveillance and monitoring of conversations. It had nothing to do with the facts of this case, as we’re attempting to put before the jury the uncharged offenses. Nothing. It lasted six months because the defendant in that case persistently did not show up for long periods of time. And unlike this Court, which took a very firm rein on the defendant’s inability to show up on time, that Court did not. And that’s why that case lasted six months.

I think it’s also important for this Court to know that the information that we’re putting before this Court from the witnesses that are going to testify is information that was produced before that case was filed. And in fact, part of the intimidation and the harassment allegations involved in that lawsuit were the product of what happened when these people cooperated with the Santa Barbara District Attorney’s Office and the Santa Barbara Grand Jury. But the fact of the matter is that the statements that were made, were made prior to the time of the lawsuit, and were made at or about the time of the investigation, and to law enforcement officers.

I think once and for all, I would like to -- because I was the one involved in it, to put to rest the thing that Mr. Mesereau keeps saying over and over and over again, as if he says it enough times that somehow it’s going to become the truth. It isn’t the truth. It isn’t factually correct. And it’s simply false.

The grand juries -- there weren’t two separate grand juries. They were a grand jury impaneled to hear some witnesses, for the convenience of those witnesses, in Los Angeles, and there were some witnesses that were heard in Santa Barbara County. None of those witnesses, nor were there any indications to either one of those grand juries that an Indictment was being sought. And never was there any request for an Indictment, or any charges, or any information in any smallest scintilla of a way presented to those grand juries. The fact of the matter is, the grand juries never considered it simply because at that point in time, Jordan Chandler decided that he was not going to cooperate any further with the law enforcement agencies. And at that point, the grand jury, with regard to most of those witnesses, was completely shut down. Which brings me to another one of counsel’s points, that somehow we can’t prove a case because we don’t have a victim. Well, then I guess we would never be able to prove a murder case then, would we? Because we sure as heck can’t put the victim on the stand. And yet on the one hand, the defense attorney tells me that one of the reasons we have a real problem here is because we have Gavin Arvizo on the stand and we have no corroboration and we have no eyewitnesses. Yet when we have an eyewitness, it’s no good anymore and we can’t call them. Well, you can’t have it both ways. You simply can’t have it both ways. And you simply can’t ignore the fact that the very things that the defense attorney’s talking about in this case, there’s no DNA and there’s no eyewitnesses, are the very reasons that the legislature says specifically that 1108 evidence is admissible.

And what would you expect, nine months later? Of course, they never bother to say that. Oh, there’s no DNA. Nine months later? There’s no underpants found nine months later? The very underpants that the child left there because the defendant asked him to leave them there. Would you reasonably believe that nine months later that that stuff would be there? That they didn’t wash the sheets for nine months on that bed? That’s preposterous, and yet this is a reason why this evidence shouldn’t come in.

Somehow we’re to be penalized because victims don’t want to show up. They don’t want to go through what Gavin Arvizo went through. It takes a lot of courage to do what that young lad did. And I don’t think -- as Urquiza said in his testimony, most children don’t ever, in their entire life, disclose. And it’s not a far stretch to believe that the reason they don’t disclose is for the very reasons that we’ve seen in this courtroom; that no family and no child wants to go through what you have to go through to be vindicated when you’re molested by an adult, by somebody you trust and somebody you loved at one point in time, as somebody you cared for. They put it behind themselves and they move on with their lives. Their lives aren’t always the same, but that’s what they do.

With regard to Mr. Jones, counsel is correct, Mr. Jones has now recanted what he said. However, Mr. Jones is in the unenviable position of the fact that we have two witnesses to whom he made the statement, and more importantly than that, we have his own writings where he describes the incident in detail. So it’s true, I don’t know what he’s going to say when he takes the witness stand, but the fact of the matter is, he’s pinned down pretty strongly to what he saw, who the circumstances were, and who the children and the family involved were.

I guess I want to just end by saying one other thing. I’m just not going to get involved in debating the issue of where we are in this case. I think as far as we’re concerned, we’re very pleased with where we are in this case, and pleased with the way the victims have held up and the family’s held up.

And I know Mr. Mesereau has made a lot of allegations about what’s going to come with Janet Arvizo when she takes the stand, but I hope he does a better job than he has with the assertions he made in his opening statement with regard to certain witnesses who claim she’s running around with her hand out all the time, because not one single witness in this case has said that yet.

But the fact of the matter is -- if you notice, Mr. Mesereau talked a lot about facts. But we’re lawyers. And the fact of the matter is, when a Court in your position is asked to make decisions of law, decisions of admissibility, decisions on the application of laws of the State of California as enacted by the legislature, the fact of the matter is, that the primary thing for this Court to look at is what other courts have done, and even more important than that, what have the higher courts in this state done in cases of a similar or like nature?

And the reason that I think that the defense position not only in their written briefs to this Court, but in Mr. Mesereau’s recitation to you is empty, totally empty of any evaluation or analysis of the cases that we have cited to you probably 50 cases, in our brief, is the fact that none of them support them, as a legal matter. None of them. And I have not heard one word in this an attempt to distinguish as a legal matter any of those cases that we cited to this Court.

Why aren’t any of those cases on remoteness applicable here? Why aren’t the issues on undue consumption, why is the law on inflammatory, on prejudicial, why the cases we cited don't apply here?

And I say to the Court that in the decision-making position that you're in, this is more than simply a factual analysis, it's the applying of the facts that the Court knows them to the legal principles that have been enunciated by the state and the judiciary of the State of California, that's the position that this Court is in. And unfortunately for the defense, they're in the position that they can't find a single case that supports their position, and that is the bottom line on everything that's gone on here this morning.

THE COURT: The arguments presented by both sides here were very good arguments, and they're arguments bringing up the law and the factors that I've been working with trying to reach a decision in this matter, which is of such great importance in this case for both sides.

The arguments didn't really bring up new material, but they definitely emphasized the concerns that I've had. You know, the weighing of the case as I've heard it, the remoteness of the alleged charges that would come under 1108.

But ultimately the decision I've reached, and which I'll now announce, is that I am going to permit the testimony with regard to the sexual offenses, and the alleged pattern of grooming activities, which is 1101 material, leading up to the sexual offenses against Jason Francia, Wade Robeson, Macaulay Culkin, Jordan Chandler, and Brett Barnes.

The witnesses that would be permitted to testify under this order would be Jason Francia, Blanca Francia, Charlie Michaels, Phillip LeMarque, Adrienne McManus, Ralph Chacon, June Chandler, Bob Jones, and Charmayne Sternberg. The evidence of alleged grooming of the other children will not be permitted. Evidence as to Jimmy Safechuck and Jonathan Spence will not be permitted.

The witnesses that would be precluded under this ruling would be Jolie Levine and Mary Coller. And there was only one part of Bob Jones' testimony that I would consider admissible, that relating to the one physical act that he observed. And some of the testimony of Blanca Francia and June Chandler and Charmayne Sternberg would not be admissible.

But I think if you can see the way I've divided that up, the grooming testimony is limited to those cases where there's actual physical sexual conduct that's been observed by somebody. That really is where I've drawn the line.

And just to give you an example, Mr. Jones' observations over a long period of time were conclusionary and opinions that I wouldn't allow based on what he didn’t see.

All right. Now, the next item I want to take up is the settlement issues of whether or not the settlements are admissible. In the one case, the Chandler case, I’m going to rule that the evidence that there was a settlement may come in, the amount may not.

The second issue on the other child, I’m not sure -- Mr. Sneddon, in your papers, you related to that. In your points and authorities, you related to a claim that was settled. Was there a lawsuit or not a lawsuit in that case?

MR. SNEDDON: There was not a lawsuit. It was settled prior to the commencement of -- it was settled in lieu of filing of a civil complaint.

THE COURT: It was settled under threat of lawsuit type of settlement.

MR. SNEDDON: That’s my understanding from talking to the lawyer, yes, sir. Lawyers.

THE COURT: Well, again, the amount won’t be admissible except -- I say that it’s not admissible by the prosecution to prove anything. The defense, if they want to raise the amount to prove something -- it’s not the same side -- it’s not two different sides of the same coin. It’s in the Court’s opinion, the amount doesn’t prove anything. The settlement leaves inferences. For the defense, though, the amount may prove something if they choose to use it. So I’m making a ruling that applies one way to this side and the other way to this side. That doesn’t mean you have to, it just means I’m not taking that away from you. I’m taking it away from them.

Now, having said what my intended ruling is, if anyone wants to address that, you may.

MR. MESEREAU: I think we’re going to submit at this point, Your Honor.

THE COURT: All right. Thank you.

MR. MESEREAU: We may --

THE COURT: They can’t hear you. They’re all waving. Either they can’t hear or they just want you to wave to them.

MR. MESEREAU: (Indicating).

I think we’ll submit at this point, Your Honor. We may ask for leave to revisit the issue in the future.

THE COURT: Yes, you may. It probably won’t come up for a while. But sort of a secondary issue here today, and -- okay, I don’t think there’s any Other issue pending.

If we have nothing else, then we’ll recess until 11:30 when the jurors will be here. We’ll start as soon after 11:30 as we can, because we’ll have already had our break.

(Recess taken.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 3728 through 3786 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 28, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, March 28, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

MONDAY, MARCH 28, 2005

8:30 A.M.

(PAGES 3788 THROUGH 3933)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Nicola is listed as “N” on index. Mr. Mesereau is listed as “M” on index.
Ms. Yu is listed as “Y” on index. Mr. Sanger is listed as “SA” on index.
Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
LOPEZ, George	3793-Z	3816-M	3847-Z	
LOPEZ, Ann Serrano	3854-Z	3873-M	3898-Z	
SPINNER, Robert (Re-called) (Reopened)	3901-N			

EXHIBITS

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
622	Timeline (Sergeant Spinner)	3902	3913

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: Good morning.

THE JURY: (In unison) Good morning.

THE COURT: Counsel, you ready to proceed?

MR. ZONEN: Yes, Your Honor. We’ve asked permission of the Court, by stipulation of both sides, to take a witness out of order because of his schedule, if we could.

THE COURT: You may do that.

MR. ZONEN: We would call George Lopez to the stand, please.

THE COURT: Come forward, please. When you get to the witness stand, remain standing. Face the clerk here, and raise your right hand.

GEORGE LOPEZ

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: George Lopez; G-e-o-r-g-e, L-o-p-e-z.

THE CLERK: Thank you.

MR. ZONEN: May I proceed?

THE COURT: You may.

DIRECT EXAMINATION

BY MR. ZONEN:

Q. Mr. Lopez, good morning.

A. Good morning.

Q. Sir, what is your current occupation?

A. I'm a comedian/actor.

Q. And do you have a television show at this time?

A. I do, named "George Lopez," on ABC.

Q. How long has that show been in progress?

A. The show has been on for four years.

Q. You're expected to go on for another four?

A. I'd like three more, and then to retire.

Q. Mr. Lopez, prior to going on television, what were you doing professionally?

A. I was a host of a radio program in Los Angeles, which was on 92.3, Mega 92.3, in the morning.

Q. For what period of time did you do that?

A. From November of '99 to August of 2000.

Q. Have you been a stand-up comic for some period of time?

A. 25 years.

Q. Are you familiar with The Laugh Factory in Los Angeles?

A. Yes, sir, I am.
Q. And where is The Laugh Factory?
A. It’s located on Sunset Boulevard --
Q. Is that --
A. -- in Hollywood.
Q. Is that a nightclub that features comedians?
A. It is.
Q. And have you performed there?
A. Many times.
Q. Over what period of time have you performed at The Laugh Factory?
A. I’ve probably performed there over the last 15 years.
Q. Do you know Jamie Masada?
A. Yes, sir, I do.
Q. What is Mr. Masada’s association with The Laugh Factory?
A. He’s the owner of The Laugh Factory.
Q. Are there other Laugh Factories other than the one on Sunset in Los Angeles?
A. I understand he opened one in New York.
Q. Have you ever appeared at the one in New York?
A. I have not.
Q. What is the comedy camp that’s associated with The Laugh Factory? What’s that?
A. Well, Jamie Masada, for years, has had a program where they took underprivileged youth and

used comedians who worked the club as kind of mentors to the kids, and they would teach them stand-up, and also, you know, give them something to do, you know, with writing jokes, and performing, and stuff. And it was available during the day when nothing really was going on at The Laugh Factory.

Q. Do comedians periodically come by and assist with mentoring the children?

A. Yes, sir.

Q. What's the criteria for being a child attending that club?

A. I think Jamie puts it out, and all -- you don't really need to pay anything, it's just whether you're interested and have, you know, a way to get to The Laugh Factory, you can sign up.

Q. Do you know if these are children that are either at risk or disadvantaged in some fashion?

A. Most of the time they're at risk and underprivileged youth.

Q. Do you know how many years Mr. Masada has been running the comedy camp?

A. It seems, to me, he's been doing it for about seven or eight years.

Q. Does he periodically solicit the assistance of the comedians from the entertainment community?

A. Yes, sir.

Q. And are you one of them?

A. I am one of them.

Q. How many times -- and perhaps “times” is not quite the right way to ask it, but on which occasions have you assisted in working with the kids at comedy camp?

A. Over the years I’ve been asked several times. And I’ve only performed -- participated one time, and that was in the fall of ‘99.

Q. And by “one time,” does that mean one single occasion, or one camp?

A. One camp.

Q. And that’s for a period of time of how long, then?

A. Probably -- probably seven weeks.

Q. All right. Were you there for the bulk of those weeks?

A. Yes, sir.

Q. Do you know the Arvizo family?

A. I do.

Q. And do you know the children who are members of the Arvizo family?

A. Yes, I do.

Q. How do you know them?

A. Jamie asked me if I would participate in the camp; that there was a special Latino family that was underprivileged and they had requested me, and, you know, it was a sister and two brothers. And I said yes.

Q. What are their names?

A. Davellin, Gavin and Star Arvizo.

Q. And for what period of time did you work with those three kids?

A. I worked with them in the fall, probably from the middle of November through the end -- the middle of October till the end of November.

Q. What year was that; do you recall?

A. I think it was ‘99.

Q. Okay. How old were the kids, as best you recall?

A. I think Davellin was probably 15. Star was, I think, nine or ten. And Gavin was 11.

Q. How did they do in the comedy camp?

A. They were pretty good. They were fearless. So, you know, they talked about a lot of things that I talked about, coming from an underprivileged background. And, you know, they were fearless in their performing. And they were kind of very sweet, you know, and very kind.

Q. Did you work with them the entirety of that time?

A. I did.

Q. Did you work with other kids, or just those three?

A. I did not. Just those three.

Q. How many sessions do you think you had with them?

A. You know, probably like seven. On Mondays,

from like 3:00 in the afternoon to about 5:00. Just two hours a week.
Q. Did you get to meet their mother?
A. I did.
Q. What is her name?
A. Her name is Janet.
Q. All right. Over the same period of time, did you see her?
A. You know, I only saw Janet during the period of time that we spent at The Laugh Factory.
Q. Was she there every time?
A. She was there.
Q. With the kids?
A. Every time.
Q. Do you know how they got there?
A. They took the bus.
Q. Did that impress you in some way?
A. Absolutely. I mean, you know, anybody that rides the bus in Los Angeles is a hero to me.
(Laughter.)
Q. Do you know from how far away they were coming?
A. They came from -- from East Los Angeles.
Q. To Hollywood; is that correct?
A. To Hollywood.
Q. During the period of time that you knew the Arvizos in association with The Laugh Factory, did Janet Arvizo ever ask you for any assistance in any

way?

A. No.

Q. Did she ever ask you for money in any way?

A. No.

Q. This went on for a period of how many months, to your knowledge?

A. Well, the whole time that I’ve known the Arvizo family, it was probably eight months.

Q. Did you ever meet the kids’ father during the time that the kids were at the comedy camp?

A. Yes.

Q. And what is his name?

A. His name is David.

Q. At some point in time, did you become aware of the fact that one of the children became ill, seriously ill?

A. Yes.

Q. And how did that come about?

A. I got a phone call from Janet on my cell phone, and, you know, as any mother would be, completely distraught and was asking for help. And I went to the hospital as soon as I found out that Gavin was as sick as he was.

Q. The call then came from Janet?

A. Yes.

Q. And did you then go to the hospital?

A. I did.

Q. And what did you find when you got there?

A. Well, I found Gavin in dire condition. I mean, he was really just clinging to life. And that’s when I met David. I had never seen him before until I showed up at the hospital.

Q. You didn’t meet him during the time -- maybe I’m wrong about this. During the time that the kids were at the camp, at the comedy camp, that period of a couple months --

A. Right.

Q. -- did you meet David Arvizo?

A. I did not.

Q. You met him for the first time at the hospital?

A. Yes.

Q. Do you know approximately how long after the completion of the comedy camp it was that Gavin became ill?

A. Probably six weeks.

Q. When you went to the hospital, did you go by yourself or with somebody else?

A. I took my wife with me.

Q. And your wife’s name is?

A. Ann.

Q. Did you return to the hospital on other occasions to visit with Gavin?

A. Yes, I did.

Q. Over what period of time do you believe you went to the hospital?

A. Over the next four months.

Q. Did you ever visit him at other locations besides at the hospital?

A. Yes.

Q. Where did you visit him?

A. I visited him at his home in El Monte.

Q. All right. Do you know this to be his home or his grandparents’ home?

A. I think it was his grandparents’ home.

Q. Can you describe that home in El Monte for us?

A. It was a tract home in El Monte that -- it was one of those places where -- probably a two-bedroom house where the living and kitchen blend into the same room, and it probably had every stick of furniture they’d ever owned in it. And it had this one room that looked like a suite out of the Four Seasons.

Q. And what room was that?

A. That was Gavin’s room.

Q. And the rest of the house?

A. Reminiscent of my own childhood. Very -- you know, kind of plastic over the couch, and plastic runners on the floor, and birds, and dogs, and things like that.

Q. Modest?

A. Modest, to say the least.

Q. All right. And the one room that Gavin was in, describe that for us, as best you can.

A. That room was prepared for Gavin because he was coming out of the hospital. I think Jamie had made it so that he could get a hospital bed. And it was -- the carpet was removed, and it was kind of like a cleanroom, like a place you'd go and it was sanitary. I think you even had to wear a robe to get in.

Q. For the entirety of that time that Gavin was ill that you were visiting him, did you have contact with his father?

A. I did.

Q. Did you have contact with his mother during that time?

A. I did not.

Q. Can you explain that? Do you know why?

A. You know, I don't know why. When Gavin was at The Laugh Factory, I dealt with the mother. And as soon as he got sick, the mother -- I never saw the mother again, and the only person I saw was the father.

Q. Did you ever speak with her on the telephone?

A. I did not.

Q. Did she ever contact you other than the initial phone call to tell you that Gavin was sick?

A. No.

Q. Did she ever ask you for money?

A. She did not.

Q. During your dealings with the father at that point, during the number of months that Gavin was ill, did he ever ask you for assistance in any way?

A. Yes.

Q. And when do you think was the first time, if you know?

A. Probably the first time was maybe February or March of 2000, approximately. Yeah, around there.

Q. But this was after Gavin became ill already?

A. Yes.

Q. And in what way did he ask for assistance?

A. Well, you know, he made it known that he was, you know, strapped for cash. And at that point, I would help him with whatever I had on me. You know, I'd give him, you know, $40, $50 if I had it. Whatever I had, you know.

I would bring things to the hospital to try to get Gavin to eat, you know, different kind of drinks and stuff, energy drinks and things like that.

Q. On the two occasions that you went to the house in El Monte, did you see Janet on either of those occasions?

A. I did not.

Q. Did you ask where she was?

A. You know, I did not. I just assumed that she was working. I think she was a waitress, so when I didn’t see her around Gavin, I just assumed that she was working.

Q. Did you ever ask David why Janet wasn’t at the hospital?

A. I did not.

Q. During the period of time that Gavin was at the hospital, did you ever see Janet there?

A. I never saw her at the hospital.

Q. Okay. Now, the requests for money from David, was that a frequent request from him?

A. Yes.

Q. And did you give him money on a fairly regular basis?

A. Yes. Well, I wouldn’t call it fairly regular. On occasion, I would say.

Q. How much would you give him?

A. You know, 40 here. Whatever I had. 30, 20. I bought him a pair of shoes one time. Stuff like that. But never, you know, a check for $10,000.

Q. Did you become aware of the fact that there was a fund-raiser, or maybe a couple fund-raisers, being organized at The Laugh Factory?

A. I was aware that there was a single fund-raiser.

Q. Is this a fund-raiser that you participated in?

A. You know, I -- I have to say I don’t recall.

Q. Have you participated in fund-raisers at The Laugh Factory before?

A. Yes.

Q. Is that something that’s frequent at that location?

A. Yes, it is.

Q. When fund-raisers are held at The Laugh Factory, or any of the other entertainment clubs in Los Angeles, is there a way in which they do that? Is there kind of a traditional way that they raise money?

A. Well, the way they do it is Jamie would ask comedians to perform, and really that’s your only obligation. You show up, you perform, and that’s it. You’re not -- really don’t understand where the money goes to or any of that aspect of it. You’re just there to really give your time. And then whatever they collect goes to whoever the beneficiary is of the fund-raiser.

Q. And by “what they collect,” what is it that they’re actually collecting?

A. The donation at the door, whatever the price of the ticket is.

Q. All right. And can that vary?

A. Oh, yeah.

Q. They can make it whatever they want?

A. Whatever it is.

Q. All right. Did David talk with you about 3805 doing a fund-raiser on his behalf, or, rather, his child’s behalf?

A. Yes.

Q. And what was the nature of that discussion? What is it that he was asking you to do?

A. He was asking me to take care of a fund-raiser for Gavin, which I was more than happy to do. But then it became apparent to me that it wasn’t about Gavin anymore. I was about how Gavin was and how he was feeling. I wasn’t about money for Gavin. And it seemed to me at that time that David Arvizo was more interested in the money than he was about his son.

Q. All right. Was David working at the time, to your knowledge?

A. To my knowledge, I don’t think he was working.

Q. Did he ever express to you any concerns about insurance, medical insurance?

A. I was always led to believe that they had no insurance whatsoever.

Q. All right. And that was from David?

A. Yes, sir.

Q. You never had a conversation with Janet about that subject?

A. Never.

Q. She never asked you for money?

A. Never did.

Q. All right. Did you come to an understanding with David that you would assist in some kind of a fund-raising effort?
A. Yes.
Q. And -- go ahead. That --
A. Okay. Thanks.
THE BAILIFF: You have to -- there you go.
THE WITNESS: (To the court reporter)
Hello.
Uh-huh.
Q. BY MR. ZONEN: What was the nature of the fund-raiser that you were going to do, and where?
A. I was going to do a fund-raiser and use the radio to raise money for Gavin and I was going to do it at The Ice House in Pasadena. And I was going to take care -- I was going to do it myself. I was going to plan the whole thing. And because of my schedule at the radio, we kind of got a little behind. And David became, you know, pretty aggressive about when it was going to happen and how much he thought we could raise and that kind of stuff.
Q. What do you mean by “pretty aggressive”?
A. A lot of phone calls. A lot of, “When’s it going to happen?” And, I said, you know, “I’m working right now, man. We’re trying to put it together. We’re trying to get guys to perform.” And every call was about the same thing.

Q. Did he always inquire about the money that you would raise?

A. Yes, he did.

Q. Did he ask about specific amounts?

A. Yeah, he did. He asked about how much I thought we could raise.

Q. What did you tell him?

A. I told him that with those things, you never know. I mean, you never know how much you're going to raise. And really, when I do fund-raisers, it was never about, "How much money do you think you could raise?" It was about getting it off succesfully. It wasn't about the bottom line. It was about doing a fund-raiser.

Q. Did he ever talk to you about doing a blood drive on behalf of his son?

A. Yes.

Q. And when was that going to be?

A. When -- when we -- when we found out Gavin was -- was ill and needed blood, my wife was instrumental in kind of arranging a smaller blood drive for Gavin.

Q. Okay. Was that something that involved David Arvizo --

A. I don't believe so.

Q. -- or did that involve your wife?

A. My wife.

Q. That wasn't requested by David?

A. It was not.
Q. Do you know if Janet Arvizo had anything to do with that?
A. I don’t think so.
Q. Okay. Was that done at The Laugh Factory, or someplace else?
A. You know, I think it was done at the Red Cross. And you just say that the blood is going to a certain person. That’s how they do it.
Q. Now, as the -- as time went on in preparation for this benefit at The Ice House, did you get more and more calls?
A. I did.
Q. More and more frequently?
A. I did. Yes.
Q. Was he asking pretty much the same thing?
A. Always.
Q. You’ve dealt with other benefits for other people in need, have you not?
A. Yes, I have.
Q. Was there something unique about David’s behavior as compared to the others?
A. Yeah. I mean, the guy was like -- you know, he was -- it was more than one call, and it was always about the same thing. And he’d call while I was on the radio, while I was working. I couldn’t talk to him. And after a while, it became -- I told my wife that it was -- I told my wife Ann that it

was becoming apparent to me that it wasn’t a good idea to have the fund-raiser. I -- I decided not to do it because I didn’t like the way it was kind of turning out.

Q. Was there a particular event that occurred that put you over the top on this, made you decide not to do it?

A. Yes.

Q. What was that?

A. On May 5th of that year, I think 2000 -- whatever the year -- 2000 -- I think, to the best of my knowledge, it’s 2000. I was doing a show at the Acapulco Restaurant on May 5th from 5:00 to 10:00 in the morning in El Monte.

And at ten o’clock, he approached me outside of the restaurant, right in front of the restaurant, and asked me aggressively what was the deal with the fund-raiser.

And I told him that I didn’t think it was going to happen. And he said, “What do you mean it’s not going to happen?” And I said, “It doesn’t look like it’s going to happen.” And then he -- his tone changed, and we had words, and that was the last time I ever saw him.

Q. Did he ever call you again thereafter?

A. No.

Q. All right. Was there an event that preceded that that affected your decision?

A. Yes. There was a situation with a wallet at my house.

Q. All right. Let’s talk about this. Let’s start with, first of all, did you ever take Mr. Arvizo and any of the kids, or Gavin, out shopping?

A. I did.

Q. All right. Did that begin with a visit to your home?

A. Yes, it did.

Q. And your home at that time was in what area?

A. In Sherman Oaks, California.

Q. Have you moved since then?

A. I have.

Q. Who came to your home with David Arvizo?

A. Gavin.

Q. Only Gavin?

A. I think Star might have come also.

Q. Okay. Do you recall if Davellin was there?

A. She was not there.

Q. Where did you go that day? What did you do?

A. Well, I picked them up in El Monte. I brought them to the house, and they played in the backyard for a little bit. And then I took them to Pizza Hut and I took them to the mall, and we walked around the mall a little bit. And then I brought them home, brought them to the house and they used the rest room, and then I drove them back to El Monte.

Q. All right. Was Gavin still ill at this time, or had he already gone into remission?

A. He had kind of gone into a little remission. He was out of the hospital.

Q. But he was still going back and forth for treatment?

A. Yes.

Q. How was his appearance at that time?

A. He was kind of energetic. I think he was -- you know, he was okay. He was walking around. He wasn’t, you know, as frail as he was when he was in the hospital. He was doing okay.

Q. All right. And David was there; is that right?

A. Yes.

Q. Did you notice anything unusual about their behavior when they were in the stores?

A. Well, you know, like any kid in the mall, you know, Gavin wanted everything, and David kind of was off to the side, a little bit in the back, kind of conspicuously out -- just out of the way. He wasn’t really with us. Kind of off to the side.

Q. Was Gavin asking for things?

A. Yes.

Q. And were you purchasing things for him?

A. Not everything, but a few things.

Q. Okay. Did David’s behavior strike you as unusual?

A. Yeah, I think so.

Q. In what way?

A. In that he was, you know, a little -- he was a little, you know, distant. He was distant but yet, you know, always a little tense, you know. He was a little -- not as relaxed as somebody would be, I guess.

Q. Did you feel he should have been a little more responsible as a parent while his child was asking you for things?

A. Yeah. He wasn't anywhere around.

Q. All right. Now, when you finally got back home, and David left, what did you notice in the house?

A. Well, I took them home, and I came back. And we had this room that really a lot of people have. It's very popular with Mexicans. We have a room that's no one's allowed to sit in, and everything stays -- everything stays put. And it was my -- our house, and even I wasn't allowed in that room.

So on the mantle, there's nothing on the fireplace mantle except this brown and black wallet. So as I walk in the house, your eyes immediately go to the mantle. It's the first thing you see.

So I see this wallet, and I pick it up and it's not mine, and I open it up, and it has an I.D., Gavin's I.D. And I look, and there's a $50 bill in it, one $50 bill.

So I go to the kitchen, where my wife is, and I say, “Ann, Gavin left his wallet.” So we call Gavin, tell him that he left his wallet. They say to drop it off at The Laugh Factory. We end up sending it in the mail so that we can get rid of it.

And then sometime later, I understand through Jamie Masada at The Laugh Factory, that David Arvizo told Jamie Masada, who owns The Laugh Factory, that I had taken $300 out of Gavin’s wallet.

Q. Okay. Janet Arvizo never accused you --

A. No.

Q. -- of taking money from her son’s wallet; is that correct?

A. No. That’s correct.

Q. Did you ever have a conversation with Janet Arvizo about the wallet?

A. Never.

Q. All right. Did Janet Arvizo ever ask you for money?

MR. MESEREAU: Objection; asked and answered three times.

THE COURT: Sustained.

Q. BY MR. ZONEN: Following this event, the conversation with Mr. Masada --

A. Yes.

Q. -- about the wallet, did you ever have another conversation with David Arvizo?

A. I never did. Oh, after the wallet -- after the wallet, I had the exchange on May 5th.

Q. Now, when you had the exchange on May 5th, did you already know -- had you already had the conversation with Mr. Masada about the wallet?

A. My wife did.

Q. All right. Did you know about it at the time --

A. I did.

Q. -- of the conversation?
Was that one of the reasons that you no longer wished to be associated with them?

A. You know, that might have put me over the top.

Q. Were you involved in any fund-raisers for the Arvizo family at all?

A. You know, I can’t recall.

Q. The one that was at The Laugh Factory, you don’t have a recollection of having been there?

A. You know, I think early on I may have. But I really -- I can’t remember. I think -- I think the one that Fritz Coleman hosted was the one that I performed at. But it was early on, so I really can’t say.

Q. Other than the one that you organized, or began to organize at The Ice House, were you organizing any other fund-raisers for the Arvizo family?

A. No.

Q. Did you give any money to any other member of the family of the Arvizo family, other than David Arvizo?

A. I did not.

MR. MESEREAU: Objection; misstates the evidence.

THE COURT: Overruled. The answer was -- is in. Next question.

MR. ZONEN: Let me have just one moment, please.

Q. In Janet’s telephone call to you when she announced that her child was ill, did she ask for your assistance at that time in that conversation?

A. You know, other than --

MR. MESEREAU: Objection; asked and answered.

THE COURT: Overruled.

You may answer.

THE WITNESS: Can I answer?

Q. BY MR. ZONEN: Yes.

A. Other than just finding out her son was gravely ill and didn’t know what to do, that’s what I got from the call.

MR. ZONEN: Thank you. I have no further questions.

THE COURT: Cross-examine?

MR. MESEREAU: Yes, please, Your Honor.

CROSS-EXAMINATION

BY MR. MESEREAU:

Q. Good afternoon, Mr. Lopez.

A. Good afternoon.

Q. My name is Tom Mesereau, and I speak for Michael Jackson.

We've never spoken before, right?

A. No, sir.

Q. Now, you interviewed with the Santa Barbara Sheriffs on -- last Friday, correct?

A. I did.

Q. And who did you interview with?

A. I interviewed with the gentleman who was just asking me the questions.

Q. That's Prosecutor Zonen?

A. Yes.

Q. Okay. And how long did you meet with Prosecutor Zonen?

A. Me personally?

Q. Yes.

A. 25 minutes.

Q. And were you with your attorney?

A. I was.

Q. And your attorney is sitting here today, right?

A. Yes.

Q. Mr. Blancarte?

A. Yes, sir.

Q. Okay. And you didn’t want that interview to be tape-recorded, correct?

A. That’s correct.

Q. So as far as you know, there was no tape-recording of what you said, right?

A. That’s correct.

Q. Okay. Now, you told Prosecutor Zonen that you think you gave David Arvizo, in total, something less than $400, right?

A. Right.

Q. And this had to do with moneys you gave him at the hospital primarily; is that correct?

A. Yes, sir.

Q. But you also told Prosecutor Zonen that you went shopping with David and Gavin, and Gavin kept asking you to buy him things in front of his father, correct?

A. Yes.

Q. And you found it kind of strange that the father never told him to stop doing that or spoke up, right?

A. Right.

Q. Okay. And did you buy him anything while you were shopping with Gavin and the father?

A. Yes.

Q. Okay. What did you buy Gavin?

A. You know, we took him to the Discovery Store and bought a few -- maybe like a race car track, and a ball that extends, and things like that.

Q. Okay. And how often would you buy -- well, let me rephrase that. How often did you go shopping with Gavin and David?

A. That was the only time.

Q. Just one time?

A. Just one time.

Q. And to your knowledge, how many times, if you remember, did Gavin ask you to buy something for him in front of his father?

A. Four.

Q. Okay. Did you buy whatever he wanted every time?

A. Well, I -- no.

Q. Okay. Okay. You bought some of the things he wanted and didn’t buy other things he wanted?

A. Kind of expensive.

Q. Didn’t you also bring gifts to the hospital when Gavin was ill?

A. Yes.

Q. And what gifts did you bring to the hospital?

A. You know, cast-iron cars and things like that.

Q. Okay. But the money -- the actual money you donated was to David directly, correct?

A. Yes.

Q. Did you ever give Gavin anything directly?

A. No.

Q. Okay. Now, do you remember signing a declaration under penalty of perjury in this case on February 16th, 2005?

A. Um, yeah.

Q. Do you remember testifying under penalty -- excuse me, not “testifying.” Do you remember swearing under penalty of perjury the following: “I never provided money to the Arvizos or any of them”?

A. Yes.

Q. Well, that wasn’t true, was it?

A. Well, at that time I couldn’t recall.

Q. So on February 16th you couldn’t recall, under penalty of perjury, if you gave any money to any of the Arvizos, correct?

A. That’s right.

Q. But when you met with the prosecutor on Friday, you suddenly recalled that you gave David money on a periodic basis, right?

A. Right.

Q. You gave him, what, no more than 40 or 50 bucks at a time, correct?

A. Right.

Q. And you thought the total was less than $400, right?

A. That’s correct.

Q. Okay. Now, from what you said today -- correct me if I’m wrong, I think you said that you were involved in planning for a fund-raiser, but never went through with it?

A. That’s correct.

Q. Okay. And you didn’t go through with it because David’s activities offended you, correct?

A. That’s correct.

Q. You thought he was leaning on you too hard for money, right?

A. That’s right.

Q. And was it your understanding that he was married to Janet at that time?

A. Yes.

Q. Okay. Do you remember signing another declaration under penalty of perjury in this case on January 18th, 2005?

A. Yes.

Q. And you said, “I have not involved” -- “I have not been involved, appeared or participated in a fund-raiser for the minor and alleged victim in the Michael Jackson case,” right?

A. That’s correct.

Q. That wasn’t totally truthful, was it?

A. I could not recall.

Q. Okay. So on January 18th you couldn’t recall if you had any involvement in a fund-raiser, but after you signed that declaration under penalty penalty of perjury, you remembered that you were involved in some of the early planning stages; is that correct?

A. Well, I signed the -- I couldn’t recall, and then I, you know, remembered.

Q. Okay. Okay. So that’s two declarations you signed under penalty of perjury in this case, right? One on January 18th, and one on February 16th, right?

A. Yes.

Q. Okay. Okay. And after signing those declarations under penalty of perjury, you then remembered some other facts that, had you known at the time, you wouldn’t have signed the declaration?

A. Well, at the time I couldn’t recall.

Q. Okay. Okay. Let me go back to your discussion with Prosecutor Zonen. Okay? Now, you indicated to him that you first met the Arvizo children at the comedy camp, right?

A. That’s right.

Q. And that’s where you met Janet, right?

A. That’s right.

Q. And to your knowledge, Janet was always at comedy camp when you were there and saw the children, correct?

A. Correct.

Q. And you told Prosecutor Zonen that the 3822 children would act on stage, correct?

A. That’s right.

Q. And they would often act out little themes about their poverty, correct?

A. That’s right.

Q. They would talk about not having any money, right?

A. Uh-huh.

Q. They would talk about roaches in their home, correct?

A. Correct.

Q. And Janet would be sitting there, right?

A. Yes.

Q. You also told Prosecutor Zonen that Janet told you a story about her children diving into a fountain for pennies, correct?

A. That’s correct.

Q. Now, after you had finished coaching the kids at The Laugh Factory, did you ever see Janet again --

A. I did not.

Q. -- to your knowledge?

A. No.

Q. Okay. So after you finished coaching the kids at The Laugh Factory, there was a period of time that elapsed between your coaching the kids, and your hearing from Janet on the phone, correct?

A. That’s correct.

Q. She called you up very upset that Gavin was seriously ill, right?

A. Right.

Q. And asked for assitance of some kind. I’m not saying it was financial assitance, but she asked you to help, right?

A. More emotional assistance.

Q. But she also asked you to go to the hospital, correct?

A. Right.

Q. You went to the hospital?

A. Right.

Q. You went there many times to help Gavin when he was ill?

A. Yes.

Q. When you first got to the hospital to see Gavin, you saw David; is that correct?

A. That’s correct.

Q. And every time you went to the hospital to see Gavin, you never saw Janet, you always saw David, right?

A. Right.

Q. Okay. How many times do you think you visited Gavin at the hospital when you saw David?

A. Approximately ten.

Q. Okay. And these are the visits when you often brought gifts for Gavin, right?

A. Right.

Q. You brought food, right?
A. Yes, sir.
Q. And what else did you bring him?
A. You know, the car occasionally. But other times I just -- I just went.
Q. Okay.
A. You know, I didn’t bring something every time I went.
Q. Now, would David try to hit you up for money at the hospital?
A. What he would do is he would, you know, imply how bad off he was doing, you know.
Q. And that was pretty often, wasn’t it?
A. Yes.
Q. Okay.
A. Every time I saw him.
Q. And you never discussed his financial situation with Janet, because she never was around, correct?
A. That’s right.
Q. Now, after you had helped David with the cash you gave him, and after you had helped Gavin with the gifts you bought him, at some point Janet called you up and thanked you for what you’d done for the family, correct?
A. I don’t recall getting a phone call from Janet.
Q. Didn’t you tell the prosecutors that at some

point Janet called you up and thanked you for the nice things you'd done for the family?

A. I didn't speak to her.

Q. You never -- she never called you and said thank you?

A. She never called me.

Q. Okay. Okay. Now, you thought the family lived in El Monte, correct?

A. Yes.

Q. All right. And why did you think they lived in El Monte?

A. Because every time I went to see Gavin, that's where I went, to the -- to the grandparents' house.

Q. And why did you go to that location? Did someone tell you that's where they lived?

A. That's where David told me to go.

Q. And you assumed that that's where they lived, right?

A. Yeah.

Q. Okay. You never saw David at comedy camp, correct?

A. That's correct.

Q. All right. It was always Janet. But suddenly when he got ill, it seemed like it changed. You always saw David and you never saw Janet?

A. That's right.

Q. Do you know what time of day you often went to the hospital?

A. I usually went after I got off the radio, probably around 11:00 or 12:00.

Q. Now, when you were coaching the kids at comedy camp, you often took them to eat, right?

A. Yes, sir.

Q. And Janet would be with you, correct?

A. That’s right.

Q. And you would treat the whole family to food, right?

A. Well, snacks.

Q. Yeah. But, I mean, you did that quite often for them, didn’t you?

A. Yes.

Q. And they always appeared grateful for what you had done?

A. Yes, sir.

Q. They seemed like a nice family, right?

A. Yes.

Q. Okay. All right. You participated in their graduation ceremony at the comedy club, right?

A. Yes.

Q. And that was, what, about three or four months in duration?

A. Yes.

Q. All right. And approximately what months were they?

A. You know, I can’t recall what month that 3827

was.

Q. Okay. Now, between the comedy camp ending and Janet calling you to talk about the hospital, how much time elapsed, if you remember?

A. Six weeks.

Q. Okay. All right.

A. Over the holidays of that year. Probably six weeks.

Q. And Janet asked you to come and spend time with Gavin, right?

A. Well, he was -- you know, he was sick, so I went to see him.

Q. But she asked you to go spend time with him, right?

A. You know, I don’t know if she particularly asked. But when -- you know, I was a fan of Gavin’s. So when he was not well, I went to the hospital to see him as a friend.

Q. Would it refresh your recollection if I just show you a police report where it says you told the police “Janet asked George if he would come spend time with Gavin”?

A. It could.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

Q. BY MR. MESEREAU: Mr. Lopez, have you had a chance to see that report?

A. I saw it.

Q. Okay. Does it refresh your recollection about what you told the sheriff?

A. It does not.

Q. It does not?

A. I mean, you know, if she asked me to -- you know, here's the difference. I mean, did she formally ask me? She said Gavin was ill and I went to the hospital. There wasn't a formal invitation.

Q. Okay. But you didn't tell the sheriffs that, "Janet asked George if he would come spend time with Gavin"?

A. You have to repeat the question.

Q. Yeah, okay. I'm asking you if, in your interview last Friday, you told the sheriffs Janet asked you if you would come spend time with Gavin in the hospital?

A. Well, in a sense, that's what that is. That's what that phone call was.

Q. Okay. Okay. Now, you began visiting Gavin with your wife, correct?

A. My wife went the first time, and on a couple other occasions maybe. But for the most part, I would go right after I got off the radio, so I would go by myself. I would try to sneak away to see Gavin as much as I could, when I could.

Q. Right. And that's when you brought him gifts and snacks?

A. Well, not every time, but on occasion.

Q. Okay. Did you find it strange that you never saw Janet at the hospital?

A. Well, you know, I -- I mean, I knew she was a waitress, so I thought -- I really thought she was working. I'd just say that I never really -- I wasn't there all the time, so I didn't know whether she was there when I wasn't there. But every time I went, she wasn't there, so I just figured that she was always working.

Q. You really don't know if she was working, do you?

A. I don't know.

Q. Okay. Okay. And you may have thought she was a waitress, but you really don't know where she was waiting tables, right?

A. She never served me.

Q. Okay. And never told you where she was working, right?

A. No.

Q. And David never told you where she was working, right?

A. Never did.

Q. Okay. Okay. How agressive was David in asking for money?

A. You know, it was -- it was pretty aggressive. I mean -- I mean, when you're two guys talking, and the subject always comes up, it -- you know, you kind of get turned off to it. Every time we spoke, it was always about -- really about money.

Q. And he always said he had no way to pay the family's bills, right?

A. That's right.

Q. And you gave him little amounts that you had in your pocket at the time?

A. Yeah, I only had little amounts at the time.

Q. Okay. And you -- and you told the sheriffs you never turned down -- David never turned down any gesture of kindness you offered him?

A. Never.

Q. He always wanted money, didn't he?

A. He did.

Q. Okay. Okay. You thought the largest money you gave him at one point was 80 bucks?

A. Probably around there, yeah.

Q. Okay. All right.

A. I literally would give the guy everything I had in my wallet and just figured I'd get more later.

Q. Now, did he ever tell you that he was giving any of his money to Janet?

A. Never.

Q. Okay. You don't know one way or the other, do you?

A. I don't.

Q. Okay. Now, do you know Louise Palanker?

A. You know, I don't know Louise Palanker.

Q. Ever heard her name?

A. Yeah, I heard her name here.

Q. Okay.

A. And on E!

Q. Okay. You don’t know anything about her -- you don’t know anything about her giving 10,000 bucks to Janet, do you?

A. I don’t.

Q. You don’t know anything about her giving 10,000 bucks to David, do you?

A. No, I don’t.

Q. Did you ever hear about that?

A. You know, I think it’s odd when a comedian has $10,000 period, you know, so I never --

(Laughter.)

Q. All right. Okay. Now, at some point David started bragging to you about Neverland Ranch, didn’t he?

A. Yes.

Q. And you thought his attitude changed, correct?

A. Yes.

Q. You thought he got kind of - what’s the word? - snooty or snobby? Would that be the right word?

A. Enamored.

Q. Enamored. That’s how you described David’s attitude after he told you the family had gone to

Neverland Ranch?

A. Yes.

Q. And he told you that Michael Jackson had given a truck to his family, correct?

A. That’s correct.

Q. Okay. You described him to the sheriffs as “smitten” by his new-found association with Michael Jackson, correct?

A. Yes.

Q. Now, you learned at some point that Michael Jackson was calling Gavin at the hospital, right?

A. Yes.

Q. Okay. And someone told you he was calling him at -- sometimes late at night and having long chats with Gavin, correct?

A. Right.

Q. Did David tell you that?

A. I think maybe -- yeah, I think maybe David did.

Q. All right.

A. In the room, in the hospital room.

Q. At some point, you thought David was extremely engrossed with money and possessions, true?

A. That’s correct.

Q. Because when you visited them in El Monte, he showed off that room with the DVD and all the rest, correct?

A. That’s right.
Q. That’s the room that you described as like the Four Seasons, right?
A. Right.
Q. Did you ever know who paid to renovate that room?
A. No.
Q. Okay. You don’t know if the person who renovated that room was paid or not, correct?
A. I did not know that.
Q. Okay. Did David ever talk about how that room became so nice?
A. No. My assumption was that it was Jamie Masada that had arranged that.
Q. But you don’t know for sure?
A. But I don’t know for sure.
Q. And if Jamie arranged it through Louise Palanker, you don’t know about that?
A. I don’t know about that.
Q. And if the contractor who did it was never paid, you don’t know about that either?
MR. ZONEN: I’m going to object as speculative and testimony. The witness has repeatedly said he doesn’t know.
THE COURT: Sustained.
MR. MESEREAU: Okay.
Q. Now, you told the sheriffs, Mr. Lopez, you thought David Arvizo was particularly enamored with

the big-screen television and the Nintendo, correct?
A. Yes.
Q. You said you noticed this to a small degree with the children as well, correct?
A. Yes.
Q. But not to the extent that David seemed like he wanted to impress you with his new possessions?
A. Very pleased.
Q. Okay. You told the sheriff that David -- everything about David seemed to be about money, right?
A. Yes.
Q. Okay. You went to the El Monte address about two times, correct?
A. That’s right.
Q. Okay. And David was there both times, right?
A. Yes.
Q. Who else was there during those visits?
A. The grandparents.
Q. Okay. Did you ever see the children there?
A. I did.
Q. Okay. Were all three children there, to your knowledge, on both visits?
A. You know, I can’t recall.
Q. Okay.
A. But I think Star was always kind of around Gavin.

Q. Okay. Did you see Davellin?

A. On occasion, but I don’t remember her being there.

Q. Now, who arranged your visits to the El Monte address?

A. I would arrange them with David.

Q. Okay. Okay. When you went shopping with David and Gavin, were Star or Davellin present?

A. I think Star was.

Q. Okay. But you seemed, in your interview with the sheriffs, to particularly recall Gavin asking you to buy things for him, right?

A. Yes.

Q. You never mentioned to the sheriffs that Star was asking you to buy things for him, correct?

A. No.

Q. And you thought it rather odd the father never just said a word as the son looked at you and said, “Buy this for me”?

A. It would have been nice if he stepped in.

Q. But he never did, right?

A. Never did.

Q. Did you ever talk to him about it?

A. No.

Q. Ever ask him, “Why are you letting your son just keeping leaning on me like this”?

A. He’s not my kid.

Q. Okay. Okay. Now, would Gavin just

typically come up to you and point at something and say, “Would you buy that for me?”

MR. ZONEN: I’ll object to “typically.” Talking about one event.

MR. MESEREAU: I’ll rephrase it. No, it’s not -- Your Honor, we’re not talking about one event. It’s one day.

MR. ZONEN: Then it’s vague for exactly that reason.

Q. BY MR. MESEREAU: You went shopping with him on one particular day, right?

A. Right.

Q. You went to a number of stores, correct?

A. Yes.

Q. Gavin was with you, right?

A. Right.

Q. David was with you?

A. Right.

Q. And you think Star was with you?

A. I can’t remember, but I think.

Q. And in various stores, Gavin would point to items and ask you to buy them for him?

A. You know how a kid does in a store, “Can you buy me this?” And --

Q. Yeah.

A. -- “Oh, I really” -- it’s the old, you know, “Oh, I really like this.”

Q. Well, but he wasn’t looking at his father

and saying, “I really like this.”
A. No.
Q. He was always looking at you, with the father standing right there, correct?
A. Yes.
Q. Okay. Okay. And you told the sheriffs, “David seemed to intentionally stand back and make no effort to rein in Gavin’s requests”?
A. That’s correct.
Q. You thought that was strange, right?
A. Seemed odd.
Q. Did you take them to lunch that day?
A. Yes, sir.
Q. Okay. And did you take them to lunch on any other days; do you know?
A. No.
Q. All right. Now, where did you see the wallet?
A. The wallet was on the fireplace mantle of my house. It was the only thing on the mantle.
Q. And when you saw it, how did you think it got there?
A. You know, it never occurred to me how it got there, because, you know, they -- nobody played in that room, so it was kind of odd that a wallet would end up on that -- on that mantle.
Q. And how high up was the mantle?
A. You know, shoulder height.

Q. Taller than Gavin, wasn’t it?

A. At that time, maybe.

Q. So, did it seem peculiar to you that suddenly a wallet’s just lying there?

A. Well, being that in that room, really nothing’s supposed to be in there, yeah.

Q. Had you seen Gavin or David in that room?

A. No.

Q. And how long had they been at your house?

A. Well, the beginning -- when I first dropped them off, they played in the backyard probably about 45 minutes to an hour. And then we went to the mall and then came back. They just really came back to use the rest room, because the drive was a little far, so not much time.

Q. And you testified, I believe, there was a $50 bill in Gavin’s wallet?

A. Yes, sir.

Q. And there was also an I.D. card, correct?

A. A school I.D.

Q. That was for Gavin, right?

A. Yes.

Q. And you told the sheriffs you thought it was odd that Gavin would have $50 in a wallet, right?

A. Yeah.

Q. Not to mention the wallet sitting up on the mantle in that room?

A. Right.

Q. Okay. And what's the first thing you did when you opened the wallet, saw that Gavin's name was on an I.D. card, and there's a $50 bill in it? What's the first thing you did?

A. The first thing I did was show it to my wife, who was in the kitchen.

Q. And then what did you do?

A. Then we called the Arvizo house and made arrangements to get the wallet back to them.

Q. And how did you get it back to them?

A. We sent it.

Q. Did you call the Arvizo home?

A. Yes.

Q. Who did you talk to?

A. My wife called, and I think she spoke to David.

Q. Okay. David said, "Just send it to the house"?

A. Yeah.

Q. Okay.

A. Well, he wanted us to take it to The Laugh Factory, but we ended up sending it to the house.

Q. Who first talked to you about planning the fund-raiser for Gavin?

A. You know, at that time I was having conversations with David, so -- and being in the hospital, so I think it was between David and I and my wife.

Q. Okay. And you told the sheriffs David was particularly persistent and aggressive about how much money they were going to make, right?

A. Yes, sir.

Q. And you are still never seeing Janet during any of this, right?

A. No. That’s correct.

Q. Never see her at the hospital, and she never goes to your house, right?

A. That’s right.

Q. At some point, your wife confronted David about his constant requests for money, right?

A. That’s right.

Q. Okay. And he got kind of nasty, didn’t he?

A. He did.

Q. Okay. Were you there?

A. I was not there.

Q. Okay. But you heard about it?

A. I did.

Q. And that sort of started a downhill slide in your relationship with the whole family, right?

A. Yes, sir.

Q. At some point you cut off all relationships with that family, correct?

A. That’s true.

Q. And you called off any work that you were doing on the benefit?

A. That’s right.

Q. All right. And I think you said David tried to repeatedly call you at the radio station, right?

A. That’s correct.

Q. Did you take his calls?

A. I did not.

Q. Okay. Did you tell anybody to tell them, “Stop the calls”?

A. Well, he called usually when we were on the air, but I wasn’t going to take the call after his conversation with my wife.

Q. Okay. Now, at some point you told David there’s not going to be any benefit, right?

A. That’s right.

Q. And actually, that wasn’t really correct, was it? You just weren’t going to work on it anymore?

A. I wasn’t going to do the one that I was planning.

Q. There was some others being planned you knew about?

A. I think so, yeah.

Q. How did you know about them? Through Jamie?

A. Through Jamie.

Q. Did Jamie seem to be your main source of your information about the Arvizo family, other than what you saw directly?

A. Yeah, that’s how I met them. And pretty much, you know, everything was kind of going through

Jamie. He was kind of the guy that everybody talked to.

Q. Okay. David tried to make you feel guilty about not helping Gavin at that point, didn’t he?

A. Um, yes. At the point of May 5th, he did.

Q. And you told him basically he’s an extortionist, correct?

A. I did.

Q. That wasn’t a pleasant conversation, was it?

A. It was not.

Q. Okay.

A. And I don’t use big words like that, you know.

(Laughter.)

Q. All right. Now, after you called him an extortionist, what happened next?

A. You know, it was pretty -- it was a pretty heated exchange. And after that, he left. And, you know, I got -- I got to be honest with you, after that, I had no conversations with Gavin or any of the Arvizos after May 5th of that day.

Q. You then learned at some point from Jamie Masada that Jamie had given David some money supposedly to make up for what he claimed was lost from the son’s wallet?

A. That’s right.

Q. And the implication was that you had taken it --

A. That I had taken it.

Q. And you never took a thing, right?

A. I did not.

Q. Were you upset with Masada that he would even pay him something?

A. I was. Yeah, I was.

Q. Did you complain to Masada?

A. I did. I said, “How could you do that?”

Q. Okay. And he basically said to you, he wanted to make peace, or words to that effect?

A. Words to that effect.

Q. Okay. Okay. Now, are you certain you never performed with Fritz Coleman at a benefit for Gavin?

A. You know, I’m not certain.

Q. So you may have done that?

A. I may have.

Q. Okay. Okay. Now, did anyone ever mention to you anything about a J.C. Penney lawsuit while you knew the Arvizos?

A. You know, I did not know about that until -- until after my -- all ties were broken.

Q. Okay. And how did you learn about the J.C. Penney lawsuit?

A. I think I learned about that from --

MR. ZONEN: I’m going to object as irrelevant and hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Okay. Do you recall, sometime after your relationship soured with the Arvizos, Janet gave you a key chain?

A. She did.

Q. And approximately when was that?

A. That might have been maybe six months after our -- my dealings with David.

Q. Okay. So six months after you pretty much severed your ties with the family?

A. Yeah, a key chain showed up.

Q. She approached you, correct?

A. You know, I can’t recall how I got it.

Q. She gave you a key chain as a way of thanking you for what you’d done for the family, correct?

A. That’s correct.

Q. Do you know where that happened?

A. You know, I don’t. I can’t remember.

Q. Okay. Okay. Do you know approximately when it was?

A. No.

Q. Okay. Do you remember speaking to her when she gave you the key chain?

A. You know, I can’t recall.

Q. Okay. But you told the sheriffs, in your mind, it was her way of thanking you for what you had done for the family. You told them that in your interview, correct?

A. I think so.

Q. Okay. Now, obviously it goes without saying if Janet and David were discussing ways to get money from people, you weren't there?

MR. ZONEN: I'll object as speculative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You spent very little time in their home, correct?

A. That's correct.

Q. And you said they were from East L.A. Did you mean El Monte?

A. You know, I only know El Monte. So if I said "East L.A.," I meant El Monte.

Q. When you say "El Monte," you don't mean East L.A. is El Monte, do you?

A. Well, you know, any Chicano knows better than that.

Q. Well, let me ask you this: You said --

A. That's Chicano 101. East L.A. is not El Monte.

(Laughter.)

Q. Right. Well, let me ask you this: You said that when you first started at the comedy club, they were taking a bus from East L.A., right?

A. Right.

Q. But you said when you visited their home, you went to El Monte.

A. Yeah.

Q. So you never really visited a home for the

Arvizos in East L.A., correct?
A. I did not.
Q. But they told you they were from East L.A., true?
A. Yeah. You know, I never really thought about their geographic location whatsoever.
Q. Okay. So did it ever occur to you that there may be two residences?
A. No.
Q. Well, if they said they were taking a bus from East L.A., but they took you to their home in El Monte, doesn't that suggest two residences?
A. I never thought about it.
Q. Well, as you think about it now --
A. I was way off. But once they got on the bus, my contact with them ended.
MR. MESEREAU: Okay. Okay. No further questions. Thank you.
THE WITNESS: All right.

REDIRECT EXAMINATION
BY MR. ZONEN:
Q. Mr. Lopez, you understood that the El Monte home was the home that had the cleanroom for Gavin in it; is that correct?
A. That's correct.
Q. And that was his grandmother's home, the grandparents' home?

A. Right.

Q. Did you ever ask how many people actually lived in that residence?

A. I never asked, but it just looked like maybe five.

Q. And it had been sometime earlier when you were told that they were coming from East L.A. was in conjunction with the kids attending the comedy camp; is that right?

A. Right.

Q. Did you have any reason to believe that wasn’t true?

A. No.

Q. Did anybody ever take you to an address -- a studio apartment on Soto Street for purposes of showing you how impoverished they were?

A. No.

Q. Did anybody say anything about a residence on Soto Street for purposes of showing you how impoverished they were?

A. No.

Q. Now, the story about the kids diving into the fountain, was that a story that was given to you by Janet?

A. Yes.

Q. And was that in the presence of her children?

A. They might have been in the room, around the room, yeah. It was kind of more of a joke than an actual admonishment.

Q. The kids were laughing at the story, weren’t they?

A. Yeah.

Q. What was it that she said about it?

A. She said she had taken the kids to the mall, and in the center of the mall there was a fountain that people would throw coins in. And she had turned her back, and when she turned back, all three kids were in the water getting coins.

Q. What did she do?

A. She told them to get out. And, you know, at that time everybody was pointing at the kids, like, “Whose kids are these?” And she told the kids to put the money back.

Q. And they did so?

A. They did.

Q. Did David Arvizo ever explain to you why Janet wasn’t in the home (sic)?

A. No.

Q. Did he ever talk to you about her having difficulty with dealing with things?

MR. MESEREAU: Objection. Leading; vague.

THE COURT: Sustained; leading.

Q. BY MR. ZONEN: Were you concerned at the -- what you were finding at the hospital when you found out that Gavin had been visiting with Michael

Jackson at his ranch?

A. Well, when I went to see Gavin during the day, he was, you know, asleep. He was, you know, tired, really tired and stuff.

Q. That was in conjunction with David telling you he was on the phone for hours at a time in the middle of the night?

A. Correct.

MR. MESEREAU: Objection. Leading; move to strike.

THE COURT: Overruled.

Q. BY MR. ZONEN: The key chain that Janet gave you, what did she tell you about that key chain?

A. You know, I don’t really remember much about the key chain other than her giving me this thing, “Thank you.” I think it was a -- had a mustard seed in it or something.

Q. A little mustard seed amulet?

A. Yeah, something like that.

Q. Was it a new one or something that she had?

A. It was kind of pewter, so it -- it kind of looked old. Pewter stuff looks old.

Q. And she told you that was in appreciation for your help?

A. Yeah.

Q. When she called you and had that conversation about her child being ill, would you have gone to the hospital regardless of whether she asked you?

MR. MESEREAU: Objection; calls for speculation.

THE COURT: Sustained.

Q. BY MR. ZONEN: What was your intent when she called you and notified you of her child’s illness?

A. You know, when I was -- the first time I met the Arvizos at The Laugh Factory, you know, I really enjoyed their company, and the kids were great. And I had a really good time teaching them, and they were fun, you know, so -- and, you know, I’d take them and buy them things after, snacks. And I kind of invested in them, because I saw a lot of myself in their family.

So when I got the call that he wasn’t well, you know, I did what any friend would do, is go to the hospital.

Q. You said you were a big fan of Gavin. What do you mean by that?

A. He’s a great kid. I mean, he had a lot of spirit. And he was fearless and -- you know, he did little dances and stuff. It was great.

Q. Even when he was asking you to buy things for him at the shopping mall?

A. I don’t know if he danced and asked at the same time, but he was always kind of, you know, interesting.

Q. When you said you cut off the family, did that have anything to do with the rest of the family beyond David?

MR. MESEREAU: Objection. Leading; vague; asked and answered.

MR. ZONEN: It’s certainly not asked and answered.

THE COURT: Overruled.

You may answer. Would you want the question read back?

THE WITNESS: Yeah. That would be nice. Thank you.

(Record read.)

THE WITNESS: It was -- it was everyone in the family. At that time I was only having conversations with David by phone. And when that happened, I never spoke to anyone in the family again.

Q. BY MR. ZONEN: You’re saying you cut off everybody in the family?

A. Yes.

Q. But your reason for doing so -- what were your reasons for cutting off the other members of the family besides David?

A. Was, you know, that the guy was aggressively trying to get money from me. And when I cut him off, you know, the rest of the family followed. I wasn’t going to talk to Gavin behind his father’s back, and -- you know, the altercation we had May

5th, he used that, you know, against me, because I said to him, you know, “I only” -- “I’ve only tried to help you.” And he said, “You’ve helped me?” And at that point, it was just -- you know, kind of the wind went out of my sails.

And then he said, “What am I supposed to tell Gavin?” And I said, “Tell him his father’s an extortionist.”

Q. Was there anything that Davellin, Star or Janet did to contribute to your cutting off the family or your attention?

A. No.

MR. ZONEN: Thank you. No further questions.

MR. MESEREAU: No further questions, Your Honor.

THE COURT: Thank you. You may step down.

THE WITNESS: Thanks.

MR. ZONEN: And we’ll call Ann Lopez to the stand.

THE COURT: Come to the witness stand, please. When you get to the witness stand, remain standing.

Face the clerk over here and raise your right hand.

ANN SERRANO LOPEZ

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Ann Serrano Lopez; A-n-n, S-e-r-r-a-n-o; Lopez, L-o-p-e-z.

THE CLERK: Thank you.

MR. ZONEN: May I proceed?

THE COURT: Yes.

DIRECT EXAMINATION

BY MR. ZONEN:

Q. I guess my first question is, what is it like being married to George Lopez?

A. A lot of fun.

Q. And you are married to George Lopez?

A. Yes, I am married to George Lopez.

Q. Tell me a little bit about yourself. Are you currently working?

A. I’m an independent television producer, and a mother, and -- what else would you like to know?

Q. You’ve been married to Mr. Lopez for how long?

A. For eleven and a half years.

Q. And prior to that, what profession were you in?

A. I was a television producer and a casting director.

Q. What does a television producer do? We all know the term. None of us know what they actually do.

A. We find projects to produce. So let's say I would find a property that I would want to make into a movie, and secure a writer, secure the production company that would produce it for me. Secure -- secure the actors. And just make sure the entire production gets off on budget.

Q. You've been married to George Lopez how long?

A. Eleven and a half years.

Q. And you have one child?

A. One child.

Q. At some point in time, did you become aware -- were you aware of the fact that your husband would periodically perform at The Laugh Factory?

A. Oh, yes.

Q. Did you know Jamie Masada?

A. Yes, very well.

Q. Were you ever introduced to the Arvizo family?

A. Only in the hospital after Gavin got ill. I was home with our daughter, so I didn't ever go to the comedy camp.

Q. Did you know that your husband was a mentor to the three children --

A. Yes, I did.
Q. -- in conjunction with the comedy camp?
A. Yes, I did.
Q. All right. At some point in time, did you become aware that one of those three children had become ill with cancer?
A. Yes. It was around two months after the graduation.
Q. Did you visit with him at the hospital? And "with him," I mean Gavin.
A. Yes, I actually met Gavin in the hospital.
Q. All right. Had you ever had a conversation with Gavin's mother prior to his being stricken with cancer?
A. No.
Q. Did you ever meet her?
A. No.
Q. Did she ever call you prior to that?
A. No.
Q. All right. Have you ever actually met her at any time?
A. No.
Q. All right. So you wouldn't be able to recognize her if you saw her?
A. No.
Q. Okay. Did you ever have any telephone conversations with her at all?
A. Yes.

Q. When did the telephone conversations begin?

A. The first telephone conversation was when Gavin was stricken with cancer. She called our home very distraught, and George spoke to her. And then I got on the phone to comfort her about her sick child.

Q. All right. And did you get on the phone and have a conversation with her at that time?

A. Yes, I did.

Q. And did she tell you the extent of the illness that she was dealing with?

A. Yes. She talked about the cancer.

Q. Did she say anything to you about the description of the cancer that he had, or the diagnosis, or the prognosis?

A. Just that it was very grave; that there was a very large tumor, 10, 11, 12, something like that, pounds in his cavity, and that they were going to have to take out a kidney, I believe, and maybe a spleen; that there were -- you know, it was -- that there was spots on his lung. They had found spots on the lung. So it was, very, very severe.

Q. How often did you go to the hospital?

A. I went less than my husband. Probably six, seven times.

Q. The hospital we’re talking about, can you tell us which hospital it is and where?

A. I believe it was Kaiser Permanente.

Q. And do you know where, the location?
A. In Los Angeles, I think, towards downtown.
Q. The Sunset and Vermont hospital facility?
A. That’s where it was, uh-huh.
Q. When you got there, or any of the times that you went there, did you ever see Janet?
A. No.
Q. Did you ever talk with her on the telephone while you were at the hospital?
A. Yes. When she would call I would get on the phone and speak to her, and just try to comfort her.
Q. Were those frequent conversations?
A. No. Maybe two or three times.
Q. Okay. How often do you think it was that you visited Gavin at the hospital?
A. Between six and eight times. I’m not sure exactly how many.
Q. Was David there?
A. Always.
Q. All right. Now, David is who?
A. David is Gavin’s father.
Q. And his last name?
A. Arvizo.
Q. On each of the times that you were there, he was there?
A. Yes.
Q. Did you go on a -- when you went to the hospital to visit, was it always at a certain time

frame?

A. No.

Q. Would it be at various times during the day?

A. Yes. Sometimes in the afternoon. Sometimes in the evening. It just depended on my husband’s schedule.

Q. Did you ask Mr. Arvizo, David Arvizo, where his wife was?

A. Yes, I did.

Q. And what did he tell you?

A. He told me that she was just distraught; that she couldn’t handle being there at the hospital; that she would break down; and that she emotionally couldn’t handle it.

Q. Did you have concerns about that?

A. Yes, I did.

Q. Did you have conversations with David Arvizo about his financial state?

A. He had conversations with me about his financial state.

Q. And tell me the distinction.

A. Well, he would hint that they were having financial problems, and would tell me he wasn’t sure how they were going to pay their bills or how they were going to pay the rent.

Also, he told me that they were living in a studio apartment, and he didn’t know how he was going to get Gavin’s hospital bed and how Gavin

could go back to that place.
Q. This is early on, I. Assume?
A. The very first visit.
Q. Okay. Did you know where they were living, where their residence was?
A. No.
Q. Did you ever go to visit them at his home?
A. No.
Q. Or did you go to visit Gavin at the time that Gavin was out of the hospital in a residence?
A. No.
Q. So you don’t know necessarily where they were living?
A. No.
Q. All right. What did you think about his initial comment on that first visit about his financial state? What did you understand was going on?
A. Well, it seemed to me that, you know, they were a lower income family. He was taking a leave of absence from his job. He told me that. And he said that one of them had to work to make money for the family.

And I found it a little strange that it would be Janet because he said that she was a waitress. And I thought, well, a waitress doesn’t make as much as he was making. And he was also -- he had told me his job was the job that had medical care, the medical insurance.

Q. Did he tell you any -- did he express concern to you about his medical insurance?

A. No.

Q. Did he have any conversation with you at all about who was paying the bills?

A. No, he just said it was covering the expenses and that his job covered the medical insurance.

It wasn't until one of the later visits that he said he was worried that the insurance was going to run out. And I told him “Then, well, you should go back to work.”

Q. Did he tell you that he was concerned the insurance would run out because he was not at work?

A. Yes, because his leave of absence was already very long, and he -- if he didn't go back to work, then the medical insurance would lapse.

Q. What did you tell him?

A. I told him he should go back to work and get on with it, and get his insurance for his son; that that was the most important thing, that his son was covered with medical insurance.

Q. At some point in time, did you make a decision, perhaps with your husband or by yourself, as to whether or not the Lopez family would be contributing money from your own pockets to David Arvizo?

A. Yes.

Q. And what was that decision?

A. No.

Q. Had you talked with David about that specifically?

A. No. I just -- from the very beginning, I saw things that just seemed very strange to me. I didn’t know them at all. This was the first meeting. David and I walked -- let George have some time with Gavin the first meeting and be in the room. And there was like a glass partition. So David and I stepped out and we were talking. And, you know, at first it was very normal. He was very concerned about his son and the medical attention. But when he walked back into the room, I noticed that the children shied away from him. And there was no -- there was no closeness, there was no touching. I didn’t see anything that would indicate that there was a bond between these children and their father, especially at such a difficult time. And then when he told me that Janet was not going -- was not going to be at the hospital, I also found that -- being a mother, I found that very strange. Here was this woman that would take the bus to take her three children to comedy camp for months on end, but she can’t be at the hospital with her sick child. That just seemed very strange to me. So I thought there was something a little off

there.

Q. Did you ever have David Arvizo and any of his children at your home?

A. Yes, we did.

Q. On more than one occasion?

A. Just once.

Q. And when was that; do you recall?

A. It was -- I’m not sure exactly the time frame. I was home with my daughter who was very young. But it was one time when George wanted to visit him in the hospital, and David was -- I mean, excuse me, Gavin was out of the hospital. And so George said, “Is it okay if we bring him to our house?” And I said, “Sure.” So they came and visited.

Q. And you were living where at the time?

A. In Sherman Oaks.

Q. That’s not where you live currently?

A. No.

Q. All right. When he came to your household, what did you do that day?

A. David and Gavin -- George went and picked up David and Gavin and brought them to our home. And we have a very large swing set in the back, and they were playing on the swing set, and meeting my daughter, and Gavin.

Q. Gavin was how old at the time?

A. Ten and a half. Between 10 and 11. I’m not sure.

Q. Okay. Go ahead.

A. And it was a hot day. So I said to George, “You know, maybe we should” -- I didn’t feel it was very good for him to be in the heat. And I said, “Well, maybe we should just go take them to eat and maybe just go see a movie or something.”

So we took them to Pizza Hut, and he and my daughter played video games, and we had pizza. And then we took them to the mall.

Q. Okay. What did you notice about anyone’s behavior at the mall, either David or Gavin?

A. Well, Gavin was running in and out of stores like -- you know, we were going into stores and things, and buying him some toys and things like that.

By it got to be a little overboard where he was asking for, like, three or four toys at every store. And I kept looking over at David, and David would just walk away, like -- you know, and -- which made it -- you know, he wasn’t saying anything to Gavin like, “Okay, Gavin, that’s enough,” trying to rein him in at any point. I mean, it was like he definitely walked away and, you know, made us feel like, “Okay, buy him what he wants.” So....

Q. Give me a sense of how long after you received that initial call about Gavin’s illness did this visit occur to your home and to the shopping mall.

A. Oooh, I’m not sure exactly, but about six months, I would think.

Q. Was Gavin doing better at that time?

A. Yes.

Q. Was he still involved in treatment?

A. Oh, yes.

Q. But at the time that he was visiting you, he was --

A. He was in remission, yes.

Q. He was in remission at that point and able to walk around?

A. Uh-huh.

Q. Did he appear to you to be still frail or --

A. Yes, that’s why I didn’t want him to be in the heat. He was walking around, but he still was very pale. He didn’t have any hair. He was still a very sick boy.

Q. When you got home after the visit to the shopping mall, and Gavin and David left, did you notice anything in the house?

A. I did not. I just went straight to the kitchen. I started to get -- started to prepare dinner. And when George came home, I heard him say, “Hey, what’s this?” And I walked into the living room, which we barely used, and there was a wallet on the mantle. And I said, “Well, open it, and find out what it is.”

And it was, you know, a velcro -- normal little velcro wallet, and it was Gavin’s school I.D. and there was a crisp $50 bill in it, and we just thought that was rather strange that there would be a $50 bill in a ten-year-old child’s wallet.

Q. What did you do with the wallet?

A. I told George, “Well, I’m going to call and just send it back to them.”

Q. And did you do that?

A. Yes.

Q. Okay. How did you send it back?

A. I think Federal Express. Just sent it back so that they would get it the very next day, because I figured he needed the money.

Q. And the $50 bill was, of course, still in the wallet at the time you sent it back?

A. Yes. Uh-huh.

Q. On that visit to the Sherman Oaks mall, was there anybody else there from the Arvizo family besides Gavin and David?

A. No.

Q. Did you ever have occasion to meet Gavin’s brother or sister?

A. Oh, yes, at the hospital.

Q. So they were there visiting on a few different occasions?

A. Uh-huh. They were almost always there.

Q. When you went to the shopping mall, did you tell Gavin, prior to going over there, that you would buy him something?

A. No.

Q. Did --

A. It was really a last-minute thing. We had actually thought of going to the movies, and there wasn’t a movie playing, so we just decided to walk around the mall.

Q. All right.

A. We knew we would buy him something, you know, a toy or something.

Q. Now, did you ever get a phone call back from David Arvizo with regards to the wallet at any time?

A. No.

Q. Was there ever a subsequent conversation from David, whether it was a phone call or in person, where the subject of that conversation was the wallet?

A. No.

Q. At some point in time, did you hear from anybody with regards to an issue of money missing from the wallet?

A. The way we found out about that was about a month after we stopped having any contact with David, I called Jamie Masada for a completely different reason. I just needed a business number. And, you know, we were talking. He gave me the number I needed, and he said, “Listen, by the way, I want you to know that" -- "remember that wallet?" And I said, "Yes." And he said, "Well," you know, "David said that the wallet was empty when it was returned." And I said, "Jamie, it had $50 in it."

And he's like, "Well, he says there was $300 in it, and that it was empty when it was returned."

And I was just like, "Jamie, do you really think we would steal $300 from this child that we've been trying to help?" And he said, "No, I know you didn't do it. But I gave him the $300 just to get him off my back."

And I offered to reimburse Jamie $300. And he said, "No, absolutely not. Don't worry about it." I was like, "Are you sure?" And he was like, "Yeah, just don't worry about it."

Q. Did you have any additional conversations with David Arvizo after your conversation with Jamie?

A. No.

Q. In other words, at the point where you learned that Jamie had been -- had given $300 --

A. No.

Q. -- to Mr. Arvizo, no further conversations?

A. No.

Q. Were you ever working on a fund-raiser on behalf of Gavin?

A. Yes.

Q. Tell us when that was, in terms of -- give us a sense of around the time that you did your shopping spree at the Sherman Oaks mall. Was it during that time? Before that?
A. It was right after that, around there. David was getting more frequent with his hints about needing money. And I said to George, you know, “Let’s just go ahead and do our own fund-raiser for him at The Ice House,” which is another comedy club in Pasadena, “and that way we’ll just get him off our back.”
Q. Have you done fund-raisers before?
A. Oh, yes. Many.
Q. That’s not unusual for a celebrity like your husband to end up being invited to do a fund-raiser?
A. Oh, no. We get asked to do many more than we possibly can do.
Q. And you have done many --
A. Yes.
Q. -- over the years?
A. Many. Many.
Q. What’s involved in putting on a fund-raiser like this?
A. We usually contact one of the comedy clubs and one of the owners, who -- they’re all our friends. And you usually do a fund-raiser on a Monday night, which is a slow night for the club. And the door -- the ticket price, which you can set

any ticket price you want, will go to your fund-raiser. And then the drinks and food will go to the comedy club. So it’s kind of a win-win for both parties.

Q. Were you working with David Arvizo in putting this together?

A. No, I was doing it myself.

Q. Were you having conversations with David Arvizo about what was happening in pursuit of this fund-raiser?

A. Oh, yes. He was really hounding me, calling me and asking me a lot of questions.

Q. And tell us, give us a sense of it. I mean, how often was he calling, and what was he asking?

A. He was calling me like every other day and asking me how much money could be raised. And it was just -- you know, he wanted to know how much money, how much money can be raised. And I told him I thought we could raise probably between seven and $14,000, which was actually quite a bit for a Monday night fund-raiser. But my husband had gotten permission to announce it on the radio station that he was working at at the time.

Q. Was his behavior, David Arvizo’s behavior, different than what you would expect of people for whom you were doing fund-raisers?

A. He made me very suspicious, because I had never done a fund-raiser where someone had asked me how much money was involved. I mean, usually people are just so grateful that you’re helping them. And so this was very strange, and I got very suspicious.

Q. Did you finally decide to have a conversation with him that dealt specifically with where the money was going to go?

A. Well, what I did, was I decided to test him, and I told George what I was going to do. I said, “You know, this is” -- I just started feeling very uneasy. And I said, “You know, there’s something strange here. I want to test him to make sure that his intentions are honorable.”

And so what I did was, I called him up on the phone and I said, “Well, David, I just wanted to let you know, the fund-raiser is going to be at such and such a time, such and such a date, and I need to start getting your bills. You know, I need to get the name of your landlord, I need to get your credit card bills, your gas bills, so we can start paying them.”

And he became, you know, a little like, “What do you mean? Aren’t I just going to get the cash?” And I said, “No, we can, like, pre-pay your rent for six months. We can pay your bills.” I said, “No, that’s not how it works.”

And he said, “Well, some people that I owe money to, I just owe them money.” And I said, “Give me their names so we can pay them.” And he got very agitated. And I said, “Well, listen, this is” -- you know, “The radio station is involved, and that’s the way it has to be handled, because they need to have documentation.”

And then he got very angry at me.

Q. All right. You say he got angry at you. How did he manifest that anger? What did he do? What did he say?

A. He cursed at me.

Q. What did he say? I know this is a little embarrassing, but what did he say?

A. He called me a fucking bitch and a mother-fucking whore, and that’s when I hung up the phone.

Q. Was he angry while he was saying this?

A. Oh, he was irate. His whole demeanor changed.

Q. And loud?

A. Oh, yeah, it was -- he frightened me. I was shaking when I hung up the phone.

Q. Did he ever present like that to you before, prior to that date?

A. No.

Q. Either in person or on the telephone?

A. No.

Q. And you were frightened by that?

A. Uh-huh.

Q. What did you do after that telephone call?

A. I immediately picked up the phone and called my husband at the radio station.

Q. And you discussed with him what had happened; is that correct?

A. Yes.

Q. Was the decision made not to engage in any more conduct with Mr. Arvizo?

A. Yes. George was very angry. And really our suspicions are true, were true. I mean, they came to light that he was just wanting money maybe for some other reason, and it wasn’t going to go to the bills. So we decided that the fund-raiser was off, we weren’t going to do it, and that was it.

Q. How many conversations do you think -- telephone conversations do you think you had with Janet Arvizo?

A. Probably four at the most. Four or five.

Q. During any of those conversations that you had with her, did she ever ask you for assistance?

A. No.

Q. Did she ever ask you for money?

A. No.

Q. Did she ever behave in any way inappropriate, in your mind?

A. No.

MR. ZONEN: Thank you. I have no further questions.

THE COURT: Cross-examine?

CROSS-EXAMINATION
BY MR. MESEREAU:
Q. Good afternoon, Miss Lopez.
A. Good afternoon.
Q. My name is Tom Mesereau and I speak for Michael Jackson.
You thought it very odd that Janet was never at the hospital while her son was apparently dying, right?
A. Yes.
Q. And you noted to your husband how strange that was, right?
A. Yes.
Q. And you didn’t quite believe that she was never there because she was waiting tables, true?
A. Yes.
Q. Did you know at the time she was litigating a sexual assault case with J.C. Penney?
MR. ZONEN: I’m going to object as assuming facts not in evidence and argumentative.
THE COURT: Sustained as to assuming facts not in evidence.
Q. BY MR. MESEREAU: Did you ever know anything about any litigation Janet Arvizo was involved in with anybody?
A. No. No.
Q. Did David or Janet ever talk to you about their litigation with any company or individual?

A. No.

Q. Now, you learned that Janet brought her children to the comedy camp from East Los Angeles, correct?

A. Yes.

Q. Did you ever visit their home?

A. No.

Q. Okay. Did you ever talk to your husband about where he thought their home was located?

A. No.

Q. Okay. Okay. You did learn at some point that he visited them in El Monte, correct?

A. Yes.

Q. Okay. But you never were there?

A. No. He went to pick them up.

Q. Okay.

A. Well, Gavin and David.

Q. When you spoke to Janet on the phone, did you ever know where she was calling you from?

A. No.

Q. Did she ever mention where she was?

A. No.

Q. Okay. When you talked to Janet, did you ever ask her why “You’re not visiting your dying son”?

A. Well, the first conversation I had with Janet was at our home, and it was just comforting, and I hadn’t been to the hospital yet. But every other conversation David was there, so, no, I did not.

Q. Okay. Did Janet ever visit your home?

A. No.

Q. Now, to your knowledge, did the three Arvizo children visit your home with David?

A. No. Just one. Gavin.

Q. Just Gavin? And how many times did he visit your home, if you remember?

A. Just once.

Q. Okay. And that’s the time where suddenly this wallet appeared on a mantle?

A. Yes, sir.

Q. And about how high was the mantle, if you remember?

A. Probably -- let’s see, it wasn’t as tall as I was. Probably five feet.

Q. Okay. And do you remember seeing the wallet there?

A. I don’t, because I went directly into the kitchen.

Q. Okay. And you don’t recall ever meeting Janet in person, correct?

A. I don’t.

Q. Did you visit the hospital at different times or did you typically visit at the same time of day?

A. No, different times, just depending on my

husband’s schedule.
Q. Okay. And you thought you visited about six times, right?
A. Uh-huh.
Q. You thought your husband visited about 12 times, right?
A. I’m not sure how many times he visited. Sometimes he would go after his shift, without me.
Q. Okay. Okay. And you’re not sure if you’ve ever met Janet in person, right?
A. I don’t recall ever meeting her.
Q. Were you ever at The Laugh Factory when she was there with her children?
A. No, I never went to the comedy camp.
Q. Okay. Now, you did know that your husband was teaching the children, right?
A. Yes, I did. He spoke about them.
Q. Did he talk to you about what they did on stage?
A. Oh, yes. He thought they were very talented, especially Gavin.
Q. Did he talk to you about Gavin’s skit where he would talk about how impoverished they were on stage?
A. He didn’t go into specifics, no.
Q. Was it your understanding the mother would always be there watching the kids talk about their paverty on the stage?

A. Yes.

MR. ZONEN: Objection, speculation. She wasn’t there.

THE COURT: Overruled. The answer was, “Yes.”

Q. BY MR. MESEREAU: You indicated that when David told you that Janet was working as a waitress and couldn’t be at the hospital, that red flags went up, correct?

A. Well, more that she was -- not because she was working as a waitress. I think the red flags went up that she was emotional, and the hospital would make her overcome and she couldn’t handle it. That, I thought, was a little strange.

Q. Thought it was a little odd.

A. Uh-huh.

Q. You thought that even with the emotional difficulty, a mother would likely be at the hospital with her dying son?

A. Absolutely.

Q. And you never saw her there one time?

A. No.

Q. Okay. Now, you described David as business-like, correct?

A. No.

Q. Did you tell the sheriffs he had a certain robotic and business-like demeanor about him?

A. I don’t believe I said “business-like.”

Robotic, maybe. He was very unemotional.
Q. Okay. And you didn’t think his behavior was consistent with a father whose son was seriously ill, right?
A. Yes.
Q. But you always saw him there every time you went to the hospital, right?
A. Yes.
Q. Okay. Okay. So basically at that point, you thought both parents’ behavior seemed like something was off, true?
A. Yes.
Q. But David -- excuse me. Let me rephrase that.
How many times did you talk to David on the phone, do you think?
A. I’m not sure how many. He called me quite a bit when the fund-raiser -- but I really would see him more at the hospital, or the time that he came to our home.
Q. And David told you that Jamie Masada was helping him out financially, correct?
A. Yes, he did.
Q. And immediately when you met him, he began to sort of hint that he needed money, right?
A. Yes.
Q. You noticed that pretty quickly, didn’t you?
A. Yes.

Q. It went from sort of hints to direct requests at some point, right?
A. You know, I think he -- he always skirted the issue with me, because I think he knew that I wasn’t really biting.
Q. Okay. You weren’t -- you weren’t what?
A. Biting --
Q. Okay.
A. -- at his hints.
Q. When you didn’t bite, did he seem to persist?
A. He would, but I wasn’t biting.
Q. Okay. Was it your impression he began to work more on your husband than you at some point to get funds?
A. Probably, yes. I mean, there were many times I wasn’t there, so I can’t say.
Q. Now, you told him at one point he needed to go back to work and take care of his family, correct?
A. Yes.
Q. And did he ever respond to that, that you remember?
A. He didn’t say anything, but his body language, he got very, like, agitated, like, oh, he didn’t like that I said that.
Q. At this time you’re suspicious as to whether his wife is really working, correct?

A. No.
Q. Did you know?
A. I didn’t know.
Q. Do you know if she was working?
A. I didn’t know.
Q. You didn’t know one way or the other, right?
A. No.
Q. Okay. You thought David was using Gavin and his other children as a tool to seek money, right?
A. I thought -- yes, I did.
Q. Okay. And you always seemed to anticipate that another hint at money was forthcoming when you were with him, right?
A. Well, he always did it, so I kind of started to expect it.
Q. Okay. Now, you told the sheriffs that during your phone conversations with Janet, she always seemed to be very grateful, right?
A. Yes.
Q. Very grateful for what you and your husband had done for the family, true?
A. Yes.
Q. Did you talk to her periodically?
A. I’m sorry. Now?
Q. Did you talk to Janet periodically -- no, no, at the time -- at the time you were interacting with the Arvizos.
A. Uh-huh.

Q. Let me narrow that better.

A. Sorry.

Q. At the time you were either visiting Gavin in the hospital or they were visiting your house, you would talk to Janet once in a while, correct?

A. At the hospital. Only if she called the hospital.

Q. Okay.

A. Yeah.

Q. Now, while you were visiting the hospital, did you know your husband was giving David money from time to time?

A. Yes, just, you know, out of his pocket.

Q. Okay.

A. You know, 20, 40, $60, something like that.

Q. Right. And Janet would call you from time to time and express her gratitude for all you did for the family, right?

A. Only -- I would only speak to her at the hospital, if she happened to call at the hospital. She never called me at home, except the first time to tell us that Gavin was ill.

Q. Okay. Okay. Were you in the mall when Gavin kept asking your husband to buy gifts for him?

A. Oh, yes.

Q. You were there too, right?

A. Yes.

Q. And how many shops do you think you went into?

A. Four or five.

Q. Okay. And as far as you recall, did Gavin ask your husband to buy him gifts in every shop?

A. Yes.

Q. Okay. And what kind of shops did you go into?

A. Into, like, the Discovery Store. There was a toy store there at that time. There were, actually, I think, two toy stores at that time that have since closed. And I think we went into another, like, shoe store or something like that.

Q. And did you find it odd that Gavin would keep asking you to buy gifts for him and the husband would stand -- excuse me, the father would stand there silent?

A. I didn’t find it odd that Gavin would ask for things. My daughter does the same thing. She asks for toys in every store she goes to.

Q. What about the father?

A. The father walking away and/or not putting some kind of cap on it I thought was kind of strange.

Q. Did Gavin typically ask your husband or you to buy him gifts?

A. Whichever one was nearest.

Q. He didn’t seem to ask his father to buy him gifts?

A. No.

Q. Did it appear to you he was almost prepped to do this, to go up to you and George to ask you to buy his gifts for him as opposed to going up to his father?

A. I don’t have any opinion on that. To me, kids do that, so that behavior didn’t seem strange to me. It was just David always walking away, out of the store, like, “Okay, go ahead and buy him the gifts.”

Q. What about the son never asking the father to buy him anything, did you find that strange?

A. No, because we didn’t think they had any money, so --

Q. Okay. You didn’t know, though, did you?

A. Know what?

Q. You didn’t really know how much money they had, did you?

A. I didn’t know anything about them, other than what my husband told me.

Q. Did you know whether or not someone named Louise Palanker had given them 20,000 bucks?

A. No.

Q. Knew nothing about that?

A. I had never met her. Didn’t know her.

Q. Did you know anything about Louise giving Janet a check for $10,000?

MR. ZONEN: I’m going to object; assuming facts not in evidence, and irrelevant.

THE COURT: Sustained; foundation.

Q. BY MR. MESEREAU: Do you know comedian Chris Tucker?

A. I know who he is. I've never met him.

Q. So you never talked to him about the Arvizos and his experiences?

A. No.

Q. All right. Now, at some point, you learned that the Arvizo family were visiting Neverland, correct?

A. Yes.

Q. When did you learn the Arvizo family were visiting Neverland?

A. One day when we went to visit Gavin at the hospital, he had already been to Neverland.

Q. Okay. And did he seem excited about Neverland?

A. Oh, over the top.

Q. Okay. Did his father talk to you about Neverland?

A. That's all they talked about.

Q. Did his father talk to you about the fact Michael Jackson had given a truck to the family?

A. Yes.

Q. And did Gavin talk about the fact that Michael Jackson had given a truck to the family?

A. Yes.

Q. Did you ever hear him discuss that Michael Jackson had given a computer to the family?

A. I don't remember the computer, but I do remember the car.

Q. Did they talk about other gifts that Michael Jackson had given the family, to your knowledge?

A. They just talked about the whole experience. They were very -- you know, the movie theater, and the candy, and golf carts, and things like that.

Q. Okay. Did you notice David's attitude towards you change after he started visiting Michael Jackson?

A. Oh, yes.

Q. And what was the change all about?

A. Well, all of a sudden, we -- our friendship to Gavin was not as important as them being at Neverland.

Q. Okay.

A. It just seemed like a shift; that George's time and compassion for Gavin wasn't as important anymore.

Q. Okay. And that bothered you?

A. Yeah.

Q. Okay. Did you ever discuss that with David or Janet?

A. No.

Q. Now, did you learn at some point after you had severed your relationship with the Arvizos that

Janet had met with your husband to give him a good luck charm in gratitude for all you had done?
A. I knew about that before. It was a little key chain.
Q. Okay. Do you know about when that happened?
A. I don’t remember.
Q. Okay. Ever talk to Janet about her experiences at Neverland?
A. No.
Q. Okay. But you noticed a change in attitude in Gavin and David, right?
A. Yes, and the two other children.
Q. All of them?
A. All of them, yes.
Q. They just didn’t seem to be as interested in you and George anymore, right?
A. Well, it was just such a fantastic, over-the-top kind of experience.
Q. And they kept talking about how much Michael had given them, correct?
A. Yes.
Q. Did you get the feeling they were sort of suggesting that maybe you didn’t give them enough?
A. Maybe, yeah.
Q. Okay. Did they talk about gifts that Michael Jackson had sent to the hospital for Gavin?
MR. ZONEN: I’ll object as to vague as to “they.”

MR. MESEREAU: Excuse me, I’ll rephrase it.

Q. Did Gavin ever talk to you about gifts Michael Jackson had sent to him at the hospital?

A. No.

Q. Did David ever talk about that?

A. I think there was a basket, but I don’t remember what was in the basket. They pointed to a basket -- well, David pointed to a basket, but I can’t remember what was in it.

Q. Okay. Okay. And Gavin kept talking to you about driving golf carts at Neverland, correct?

A. Yes.

Q. They seemed to -- he seemed to be very excited by that?

A. Yes.

Q. And did David tell you they were going to keep visiting Neverland?

A. I don’t think so. I don’t think that came up in the conversation.

Q. Did he tell you about numerous visits they had made to Neverland?

A. The one that sticks out in my mind is the first one.

Q. Okay. Now, did you talk to David on the phone about Neverland, or in person?

A. In person at the hospital.

Q. At the hospital, okay. Okay.

And it was your understanding that Gavin was going back and forth to the hospital for treatment?

A. Oh, yes.

Q. And was it your understanding that while he was in the middle of his treatments, he and the family went to Neverland? Is that your understanding?

A. I believe it was one of the weeks that he was feeling better and he was in remission.

Q. Okay. Okay.

A. Because he was having chemotherapy. And there were times when he felt better, and right after the treatments, he would feel very bad.

Q. You recall your husband going to El Monte and picking up David and his children, true?

A. No, just David and Gavin.

Q. Okay. And when do you recall your husband going to El Monte and picking up David and Gavin?

A. That was when they came to our house, but I'm not sure exactly when, the month or --

Q. Okay. You described to the sheriffs that it was a hot day, right?

A. Yes.

Q. And how did you remember that?

A. Because David was -- I mean -- "David." I'm sorry, Gavin was still ill, and I remember being concerned that he shouldn't be outside in his condition when it was hot.

Q. And about what time of day did you first see

David and Gavin on that occasion?

A. I think they came to our house around noon.

Q. Okay.

A. I think.

Q. Now, did you know your husband George was buying gifts for Gavin and bringing them to the hospital?

A. I bought them also, yes.

Q. And did David express gratitude to you for doing that?

A. Yes.

Q. Did Gavin?

A. Yes.

Q. Did Janet?

A. She wasn’t there, no.

Q. Okay. When you talked to her on the phone, though, she expressed gratitude for all you’d done for her family, right?

A. But not really -- more spiritually than -- being there with Gavin than financially, no.

Q. Okay. Now, you were trying to arrange a benefit in Pasadena, correct?

A. Yes. Yes.

Q. And that was a club that George had appeared at, correct?

A. Yeah, he kind of considers that his home club. That’s where he started, and it’s one of his favorite clubs.

Q. And you told David -- correct me if I’m wrong, you told David that you thought you could raise between seven and $14,000, right?

A. Yes.

Q. And what was his reaction to that?

A. He was very happy.

Q. Okay. You don’t know what David was doing with the money he was given by George, do you?

A. No, but it was never a lot of money. It was always, you know, money to buy lunch or to -- gas money. It wasn’t anything -- it was always less than $100. It wasn’t something --

Q. Right. But you don’t know what he was doing with that?

A. No, we did not.

Q. You had suspicions, didn’t you?

A. No, I -- not about that.

Q. Didn’t you have suspicions about the fact that he wasn’t working, Janet may not be working?

A. Right.

Q. You didn’t know where the money was going, right?

A. I was concerned that the family was working on a waitress’s -- I mean, living on a waitress’s wages, yes.

Q. But you never asked her what restaurant she was working at, right?

A. No.

Q. She never told you where she was waiting tables, correct?

A. No. Our conversations were always more, “Thank you for being with Gavin,” things like that.

Q. When did you ask David to provide you with a list of his creditors?

A. In -- I think it was in April, near when the fund-raiser was going to be.

Q. And your desire was to control where the money went, correct?

A. Well, I wanted to test him, really. It wasn’t to control. I wanted to make sure -- if we were going to actually do this and put ourselves out, then I wanted to make sure that the money was going somewhere, and I didn’t trust that it was.

Q. And did you believe that Gavin didn’t have medical insurance at the time?

A. No, he told me that he did.

Q. Okay. Did he tell you at some point it was going to lapse?

A. If he didn’t go back to work.

Q. Okay. So what did you think the money was going to be raised for?

A. To pay their rent, to pay their bills, their electric bill. Things of that nature.

Q. Did you learn that they were raising money from any other people at the same time?

MR. ZONEN: I’m going to object as to 3892 "they"; vague.

MR. MESEREAU: I'll rephrase it.

Q. Do you know whether or not Janet was trying to raise money from any other comedian at the same time?

A. No.

Q. Do you know whether or not Janet was asking Chris Tucker for any support at that time?

A. No.

Q. Okay. Do you know whether Janet was asking Chris Tucker's fiancee for a car at that time?

A. No.

Q. Okay. Do you know whether any efforts were made to get money from Michael Jackson at the time?

A. No.

Q. All right. Did you know Fritz Coleman at the time?

A. Yes.

Q. Did you know whether or not Fritz Coleman had ever visited the Arvizo home?

A. No.

Q. Okay. And did you -- did you have any knowledge of Fritz Coleman being involved with a fund-raiser for the Arvizos?

A. I do now. At the time, I had kind of forgotten about that fund-raiser, because when I think of a fund-raiser, I think about the one that I was planning that never came -- you know, came to be. But I’ve heard since then that there was a fund-raiser that Fritz did.

Q. And in your discussions with Janet, did she ever tell you that she had come across a large sum of money in a civil settlement?

A. No.

Q. She never mentioned 150,000 to you?

A. No.

Q. You told David you wanted to raise money and actually pay their rent directly; is that correct?

A. Yes.

Q. And did you discuss where -- excuse me. Did you discuss what you would pay the rent for, what residence?

A. I assumed it was the studio apartment. That’s the only residence that -- I knew the grandmother had a home, but I meant their residence.

Q. And you hadn’t been there, correct?

A. No.

Q. To your knowledge, your husband had not been there either, right?

A. No.

Q. He’d been to El Monte?

A. Yes.

Q. Okay. And David said something to you like, “I want cash”; is that correct?

A. Well, yes, when I asked -- when I told him that I needed his bills, he said, “Well, I thought I was just going to get the cash.” And I said, “Oh, no, that’s not how it works.”

Q. He didn’t like that, did he?

A. No.

Q. Okay.

THE COURT: Counsel, let’s take our break.

(Recess taken.)

THE COURT: Go ahead, Counsel.

MR. MESEREAU: Thank you, Your Honor. Just a couple more questions.

Q. At some point did you learn that the Arvizos had divorced?

A. No, not until recently.

Q. Okay. And was it your understanding that Janet had applied for welfare?

A. I didn’t know that.

Q. And did you ever learn that she applied for disability?

A. No.

Q. And you never knew she’d obtained a big settlement of any kind?

MR. ZONEN: I’m going to object as asked and answered, irrelevant.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Okay. When did you last see the Arvizos?

A. Let’s see, probably in the hospital. I don’t really recall.

Q. Okay. Did the visit to your home happen after Gavin was in the hospital or in the middle?

A. Kind of in the middle. His treatment was like a year long.

Q. Okay. And do you remember the last time you talked to Janet?

A. In the hospital.

Q. Okay. Not at your home?

A. No.

Q. Okay. Now, obviously you learned about your husband’s strong disagreement with David, correct?

A. Uh-huh.

Q. You knew that David was calling the radio station, correct?

A. Yes.

Q. And at some point you basically severed all ties with the Arvizo family, correct?

A. Yes.

Q. And did you ever see them after that?

A. No.

Q. Ever talk to them after that?

A. No.

Q. Okay. Now, did you ever discuss any fund-raising plans with anyone else at The Laugh Factory?

A. No. We were going to do the fund-raiser at The Ice House.

Q. Okay. Did you ever get involved in any efforts with The Laugh Factory to have a fund-raiser?

A. I still don’t remember that fund-raiser.

Q. Did you ever talk to Fritz Coleman about a fund-raiser for Gavin?

A. No.

Q. Okay. And you were planning the one in Pasadena, correct?

A. Yes.

Q. And were you planning it mostly with David?

A. No, myself.

Q. Okay. Were you talking to the children at all about that?

A. No.

Q. About whatever role they would play in it?

A. No.

Q. Okay. And did you get to the point where you were actually doing invitations?

A. No. We were going to announce it on the radio. The way it works is, usually you -- the way we were going to do this one was George was going to announce it on the radio station, and then -- the price and the time, and then The Laugh -- I’m sorry, The Ice House was going to take the reservations.

Q. How -- did you ever know at any time whether or not Fritz Coleman had made announcements about another fund-raiser for the Arvizos?

A. Yes, I think there was a fund-raiser, but we weren’t involved in that one.

Q. You didn’t communicate with anybody about that?

A. No.

Q. So yours was separate and apart from anything that The Laugh Factory was having?

A. Yes.

MR. MESEREAU: Okay. No further questions.

THE COURT: Redirect?

REDIRECT EXAMINATION

BY MR. ZONEN:

Q. Ms. Lopez, you said that you thought that Janet’s gratitude was spiritual. What did you mean by that?

A. Well, she just said -- she said she was praying for us and thanking us for being with Gavin, and for giving him comfort and giving him hope and making him stronger spiritually by being at his bedside.

Q. Did she ever say anything to you about money that had been given to David by your husband?

A. No.

Q. Did she ever say anything at all about any of the gifts to the family at all?

A. No.

Q. Did she ever talk to you about that gift that she gave to your husband, the key chain?

A. I thanked her for it, because it meant a lot to George.

Q. Could you describe the gift for us?

A. It’s a -- it’s a small key chain. It has a mustard seed in it, and she said that she had had it for -- it was obviously used, and that she’d had it for a long time and she just wanted him to have it.

Q. And he accepted it?

A. Yes, he did.

Q. And was grateful for it?

A. Yes.

Q. You made the statement that you thought the kids were a tool for David, or something like that?

A. I’m sorry?

Q. Were a tool of David?

A. Yes.

Q. Tell me what you meant.

A. Well, it just seemed he didn’t have a connection with his children. And to me, it seemed like he was using Gavin’s illness for gain, financial gain.

Q. Did you notice any change in David’s behavior as the months went by while Gavin was in the hospital receiving treatment?

A. Well, he just kept asking for money. I mean, it was just kind of his M.O.

Q. It was consistent?

A. Consistent.

Q. Every time you were there?
A. Yes.
MR. ZONEN: I have no further questions.
MR. MESEREAU: No further questions, Your Honor.
THE COURT: Thank you. You may step down.
MR. NICOLA: Your Honor, we’ll be re-calling Sergeant Bob Spinner.
THE COURT: All right.
MR. NICOLA: And I would ask permission to reopen my direct. I think my near fatal accident on Friday jarred my thinking process. I was traumatized.
THE COURT: You may be seated. You’re still under oath.

ROBERT SPINNER
Having been previously sworn, resumed the stand and testified further as follows:

THE COURT: Did you discuss that with counsel, so they know what -- why you’ve asked me to do that?
MR. SANGER: I don’t know why. I was just informed he wanted to do it.
MR. NICOLA: I did tell Mr. Sanger this morning at the same time that we talked about calling Mr. Lopez out of order, perhaps.

THE COURT: Would you tell him so he knows? I don’t want -- I just want you to know in case you’re --

MR. SANGER: I don’t know. Could we have a moment so I can find out?

THE COURT: Yes. Please do.

(Off-the-record discussion held at counsel table.)

MR. SANGER: If the question -- if the question is -- if the question is, do I now know I have the general subject matter, and I have no ability to form an opinion as to whether or not it’s appropriate to reopen based on what I was just told.

THE COURT: All right. Go ahead.

MR. NICOLA: Thank you, Your Honor.

DIRECT EXAMINATION (Reopened)

BY MR. NICOLA:

Q. Detective Spinner, on Friday, you mentioned a series of 19 fingerprints that you made positive identifications on. I’d like to talk to you specifically about the items that are marked in the 317 series of sheriff’s evidence that you testified you had made identifications on.

When you examined those items in the 317 series, did all the items that you identified fingerprints on arrive at the same time?

A. No, they did not.

Q. Would you explain that for the jury, please?

A. When I was first assigned the job, I went to the property room to obtain Items 306 and 317, which were the two initial item numbers. I was told, when I got Item 306, that 317 was not available, and it would be available at a later date.

I was advised on August the 3rd that the 317 that had been -- or part of 317, which had been at the DOJ for laboratory for analysis, was back, and I went out and got it.

I was later advised that there were a number -- the remainder of 317 was brought to the forensics lab. When I came back to work on October the 5th, it was locked in the cabinet in the forensics lab and the remainder was in the black briefcase.

Q. So you got one portion of it in August?

A. Yes, sir.

MR. NICOLA: May I approach the witness, Your Honor?

THE COURT: Yes.

MR. NICOLA: Marked as 622.

MR. SANGER: Your Honor, I am going to object that this is not proper to reopen. It’s basically material that’s covered, and it’s elaboration on something that he brought up in redirect.

MR. NICOLA: May we approach, Your Honor, so we do not --

THE COURT: No. I’ve already given you permission to reopen. Proceed.

MR. NICOLA: Thank you.

Q. I’ve placed in front of you Exhibit 622. Is that 622?

A. Yes, sir, it is.

Q. Okay.

MR. NICOLA: May I use your copy, please?

MR. SANGER: Okay.

Q. BY MR. NICOLA: I’m just going to hold it up. It appears to be nothing more than a couple of timelines, correct?

MR. SANGER: I suppose that’s not appropriate to publish it until it’s an exhibit.

MR. NICOLA: There’s really nothing on this.

MR. SANGER: There is something on it.

THE COURT: Counsel, you’re required --

MR. NICOLA: It is just a couple of timelines.

THE COURT: Counsel, you’re required to mark the exhibit, show it to opposing counsel, and then show it to the witness without publishing.

MR. NICOLA: I understand. I apologize, Judge.

Q. BY MR. NICOLA: What is on 622?

A. It appears to be two timelines for the year 2004, and one for a brown evidence bag, 529, and for 3903 a black briefcase, 470.

Q. Okay. Do you recognize Exhibit 470?

A. Yes, I do.

Q. And do you recognize Exhibit 529?

A. Yes, I do.

Q. Beginning with Exhibit 529, can you please open the package up, and how do you recognize that exhibit?

A. This is the evidence bag which I received the first grouping of items which were booked into evidence under Sheriff’s Evidence Item No. 3-1-7, or 317.

Q. Okay. On Exhibit 622, can you please note on the timeline?

A. Do you want me to write that down?

Q. Please write the date that you first opened that bag on the timeline, and on which date --

THE COURT: Has that timeline been marked as an exhibit?

MR. NICOLA: It’s Exhibit 622, Your Honor.

THE COURT: Is that Exhibit 622?

MR. NICOLA: Yes.

THE COURT: Go ahead.

Q. BY MR. NICOLA: Tell the jury what you just wrote.

A. 8-3 of ‘04.

Q. And that’s Exhibit No. 529?

A. Yes, sir.

Q. Okay. Can you tell the jury, please, which items from Exhibit 529 were items that you were later able to make positive identifications of fingerprints in?

A. It would have been 317, L, Lincoln; 317-R, Robert; 317-S, Sam; and 317-YY, or yellow-yellow.

Q. Do you have a list of the names of those publications?

A. Yes, I do.

Q. Okay. Can we start again, please, with the 317-L with a name?

A. 317-L is December 2000 issue of a magazine entitled “Finally Legal.”

Q. Okay. And whose fingerprints were in that magazine?

A. Star Arvizo.

Q. Was there another magazine that was in 529 that you made positive identifications of fingerprints out of?

A. Excuse me for one minute.
317-R, Robert.

Q. And the name of that magazine, please?

A. Is Hustler’s “Barely Legal Hardcore.”

Q. Could you tell the jury which fingerprints you were able to positively identify in that item, please?

A. Three fingerprints from Gavin Arvizo, and one fingerprint from Mr. Jackson.

Q. Just for the record, is 317-L - you’re too fast - Exhibit 513?
A. Yes, sir, it is.
Q. And for the record, is 317-R Exhibit 518?
A. Yes, it is.
Q. You mentioned a couple of other publications?
A. 317-S, Sam, which was an unknown date issue of Penthouse magazine with the cover removed.
Q. For the record, is that Exhibit 519?
A. Yes, it is.
Q. Was there another publication that you recovered positive fingerprints from which were contained in Exhibit 529?
A. 317-YY, yellow-yellow.
Q. And that was?
A. The name of that was “Al Goldstein’s 100 Best Adult Videos.”
Q. And whose fingerprints did you recover in that?
A. Gavin Arvizo.
Q. And does that appear to be Exhibit No. 504?
A. Yes, it does.
Q. I’ll let you package that up before I ask some more questions, okay? Don’t put that away yet.
Are each of the publications that you have just described for the jury marked on the front of Exhibit No. 529?

A. Yes, they are.

Q. Okay. Are there additional items denoted by 317 followed by a letter of the alphabet written on Exhibit 529? You don’t have to read the list.

A. Yes, there are.

Q. And at the time that you received Exhibit 529, did you conduct an inventory of what was inside the bag compared to what was written on the exterior of the bag?

A. Yes, I did.

Q. Did you find any item missing?

A. No.

Q. Okay. Did you find any item inside the bag that was not accounted for on the outside of the bag by item number?

A. No, I did not.

Q. Okay. Could you tell the jury, please, what date you began processing Exhibit No. 317-L? And “processing,” I mean the procedure that you described for us on Friday.

A. Okay. I started -- I obtained the items on 8-3 and we started the processing on 8-11.

Q. Could you mark that, please, on your Exhibit 622? Is it legible?

A. Yes, sir.

Q. Are you using a pen now?

A. Yes, sir.

Q. Okay. With respect to Exhibit 317-R, Item 3907

317-R, the Exhibit No. 518, could you tell the jury, please, when you began processing that item?

A. The same day, 8-11, August 11th.

Q. Would you please put that on the timeline as well?

Does the same hold true for Items 317-S, Exhibit 519, and 317-YY, Exhibit 504?

A. No, 317, Sam, and 317-YY were started on 8-12.

Q. On August 12th --

A. Yes.

Q. -- of 2004? Could you put those two items on the timeline as well with the date that you began processing them, please?

Just remember we'll have to read that later.

A. You've seen my writing.

Q. You mentioned that you did not have Exhibit 470, the black briefcase, at the time that you had Exhibit 529?

A. That's correct.

Q. When were you able to take custody of the black briefcase, Exhibit 470, and check through the contents?

A. On 10-5 of '04.

Q. On October 5th of 2004?

A. Correct.

Q. Do you know where the briefcase had been prior to that time?

A. I was told it had been --
MR. SANGER: Calls for hearsay, objection.
THE COURT: Sustained.
Q. BY MR. NICOLA: Do you want to look at the briefcase now or do you need to?
A. No, I don’t need to. It’s got seals on it.
Q. Okay. Did you find fingerprints for which you made a positive identification on any publications that you removed from Exhibit 470, the black briefcase?
A. Yes. On three.
Q. Could you please tell the jury on which magazines those were, publications, I mean?
A. 317-ocean, O, which was -- it was a “Barely Legal” magazine.
317-T, Tom, which was a “Visions of Fantasy, A Hard-Rock Affair” magazine.
And 317-union, which was a “Visions of Fantasy, Jose’s Black Starlett” magazine.
Q. Okay. Beginning with Exhibit 515, Item 317-O, whose prints did you find in that again?
A. It was Mr. Jackson’s.
Q. And Item 317-T, Exhibit 520?
A. Mr. Jackson’s.
Q. And Item 317-U, which is Exhibit 521?
A. Would have been Gavin Arvizo.
Q. And on which page of that publication was that print located?

MR. SANGER: Your Honor, this is cumulative. It's been asked and answered.
THE WITNESS: Page --
THE COURT: Yeah, what is it that you didn't do last week that you're doing now?
MR. NICOLA: Just this last part of the timeline, Judge. Didn't ask him any questions about dates of processing, or when he received the material.
THE COURT: Well, let's limit it to the dates, then, and not go through the rep -- whose prints are on what. You covered all that last week.
Q. BY MR. NICOLA: With respect to those three items, what date did you process them, if they were all on the same day?
A. On 317-O, I started processing on October the 5th, and it was completed on October the 12th.
Q. Okay. Could you please put that on the timeline?
How about Exhibit 520, 317-T?
A. On 317-T, again obtained on October 5, and completed on October 12.
Q. Can you please write that on the timeline as well, Exhibit 622? And how about Exhibit 521, Exhibit 317 -- Item 317-U?
A. 317-U, again initially obtained on 10 -- or October the 5th, and it was completed on October the 12th.

Q. And could you write that on the timeline as well?
At this time, Your Honor, I’d move 622 into evidence and request permission to publish.
MR. SANGER: Before the Court rules, could I take a look at it, please?
THE COURT: Yes.
MR. SANGER: May I approach to do that?
THE COURT: Yes, you may.
MR. NICOLA: Would you mind bringing it back, if you’re amenable?
MR. SANGER: Counsel’s asked me to bring it back, so if that’s all right, I’ll do that.
MR. NICOLA: Save me a trip.
(Laughter.)
MR. ZONEN: A trip.
THE BAILIFF: It’s on.
MR. NICOLA: It’s on?
THE BAILIFF: It should have been, unless somebody turned it off.
THE COURT: What input do you need?
MR. NICOLA: I believe that is “Input 4,” Your Honor. The Elmo.
Q. BY MR. NICOLA: Does -- Exhibit 622, does that exhibit accurately reflect the items of evidence you were able to find identifiable fingerprints from and the dates that you processed them?

A. Yes, sir.

Q. And it also accounts for the items of evidence from which those publications came from?

A. Yes, sir.

Q. Did you process any of -- any magazine or periodicals that came to you for fingerprint comparison in the month of September that you recall?

A. I was gone for the -- for at least three weeks in September on a trip, and I don’t believe I did much processing of anything in September. I might have done something at the tail end of September, but I can’t recall.

Q. Okay. Generally what was the success ratio in checking for fingerprints in these magazines, periodicals?

MR. SANGER: Objection. First of all, the question is vague as to which set of magazines. But secondly, that’s cumulative. The overall question has been asked and answered with specific numbers.

MR. NICOLA: I’m not sure that has, Your Honor.

THE COURT: I don’t know what you mean by “success ratio.” I think we covered that last week.

MR. NICOLA: Okay.

THE COURT: But I don’t know what you mean by that, so I’ll sustain a foundation objection.

Q. BY MR. NICOLA: Regarding your ability to locate latent prints on the kinds of materials that are in front of you, the 317 series, if -- if you can explain in a percentage, only if you can, please describe for the Court what kind of percentage ratio you can successfully find latent prints on these kinds of items, if you know?

MR. SANGER: Objection, foundation. And it’s unintelligible.

THE COURT: Sustained on foundation.

Q. BY MR. NICOLA: Why don’t we move on. Were you concerned about contamination of the fingerprints in this case?

MR. SANGER: Objection, Your Honor. This is beyond the offer to reopen.

THE COURT: Sustained.

MR. NICOLA: I have no further questions, Your Honor.

THE COURT: 622’s admitted.

MR. NICOLA: Thank you, Your Honor. Do you need those exhibits or.…

MR. SANGER: Just leave them. That’s fine. May I proceed, Your Honor?

THE COURT: Yes.

CROSS-EXAMINATION

BY MR. SANGER:

Q. Sergeant Spinner, how are you?

A. I’m fine, sir.

Q. Good. And you’re retired?

A. Yes, sir, I think so.

Q. Okay. Not for a little while anyway. First of all, when you talk about -- when you answer the district attorney’s questions as to whose fingerprints are on something, that’s your opinion; is that correct?

A. That’s correct.

Q. And fingerprint identification is subjective; is that right?

A. It falls into two categories. The initial examination and evaluation I would say is based in fact. The opinion is subjective.

Q. All right. So ultimately your opinion -- this is what I was asking, I believe. Ultimately your opinion as to whose fingerprints match is a subjective opinion, correct?

A. That would be correct.

Q. All right. Now, you indicated -- in this last bit of testimony this afternoon, you indicated that, in essence, you received materials with regard to Item No. 317 from two different locations, right?

A. Two different times.

Q. Well, okay. Two different times. They were from two different bags, right?

A. That’s correct, sir.

Q. All right. One bag you told us about there was Exhibit 529, which was an evidence bag, right?

A. That’s correct.

Q. And the other was the briefcase, which was actually 470, Exhibit 470, court exhibit?

A. Yes, sir.

Q. And within 470 were a group of magazines, correct?

A. Among other items, yes, sir.

Q. And some loose pages as well?

A. That’s correct.

Q. And those materials were simply in the briefcase, right?

A. Correct.

Q. They were not separately put into plastic bags or envelopes or anything else; is that right?

A. Not till I got ahold of it, yes, sir.

Q. I’m talking about when you received it, those items were not put into separate evidence containers, whether it be a plastic bag, a paper bag or some other form, correct?

A. That’s correct.

Q. Now, you located ultimately 19 fingerprints that you’ve talked to the jury about, and we have the comparison boards there; is that correct? That’s the right number?

A. That’s correct.

Q. Ten of the prints, including at least one that you attribute to Gavin Arvizo, came from items other than the bag, 529, that you believe came from 3915

the Department of Justice; is that correct?
A. I haven’t totaled it up, but, yeah, I’ll take your word for it.
Q. I don’t want you to take my word for it. Is that approximately correct? Or you can total it up, if you’d like.
A. It would be approximately correct, yes, sir.
Q. All right. And at least one of the prints from Gavin Arvizo came from something other than Evidence Bag 529; is that correct?
A. Correct.
MR. NICOLA: Objection. Misstates the evidence, Your Honor. The evidence is one, not “at least one.”
MR. SANGER: Objection; speaking objections.
THE COURT: Sustained. The objection’s overruled.
Q. BY MR. SANGER: Is that correct, sir? Is that correct?
He may have answered. I don’t know if the answer came in.
THE COURT: He said, “Correct.”
MR. SANGER: Okay. Thank you.
Q. Now, there were also two other prints that had been identified either as positive or inconclusive, and those two were switched or shifted at a date after your initial reports were written; is that correct?

A. Yes, sir. After a review by a third party, yes, sir. That’s correct.

Q. Let’s talk about those two for a moment. You wrote final reports on the various latent print examinations that you did on a certain date in December; is that correct?

A. As the item process -- each item was finished, I had a mandate to complete a report within 24 hours of completing each item as I went, so it would -- when the report was written would depend on when the total completion date on that item was -- actually happened.

Q. I’m sorry.

A. Go ahead.

Q. What I’m asking, and maybe I wasn’t clear, as of December of 2004, you had final reports written on your identification of the various prints; is that correct?

A. December the 17th, yes, sir.

Q. All right. And then these two prints were subject to additional reports that you wrote sometime in 2005; is that correct?

A. Yes, sir, that’s correct. That was due to an agreement that --

MR. SANGER: I’m going to move to strike as nonresponsive.

THE WITNESS: Okay. That’s correct, sir.

THE COURT: Stricken.

MR. SANGER: Thank you.

Q. One of the prints had been labeled as inconclusive as of December 2004; is that correct?

A. That’s correct.

Q. And then in January of 2005, you wrote a report indicating that you believed that that should be positive as to Star Arvizo; is that correct?

A. Yes, sir, that’s correct.

Q. The other print had been written up, as of December 2004, as inconclusive -- I’m sorry, as positive as to Mr. Jackson, and then you changed that to inconclusive; is that correct?

A. That’s correct.

Q. And that was based on additional consultation that you had?

A. Yes, with Mrs. Hemman and also I.D. Tech Allmeyer of the Santa Barbara Police Department.

Q. And I.D. Tech Allmeyer is somebody that you’ve known for a number of years; is that correct?

A. Yes, sir, it is.

Q. And he worked for the sheriff’s department for quite some time?

A. I’m going to guess about four years before he went to another job.

Q. So that was not a stranger who you called upon to do a review of the work; is that correct?

A. No, but I trust his judgment.

Q. All right. Now, you indicated last week that you had examined about 80,000 prints in your career as a latent print examiner; is that correct?

A. That’s an approximation, yes, sir.

Q. 21,000 of them were in this case, correct?

A. Approximately, yes, sir, probably close to that.

Q. So over one quarter of your experience in comparing latent prints in cases occurred in the Michael Jackson investigation; is that correct?

A. It may be -- 80,000 may be slightly low. It could be -- it’s -- to say the examination I’ve done just in this case alone is one quarter of my total experience I don’t think is true.

Q. Okay. So you want to revise the number upward from 80,000?

A. I would say it would be in the -- maybe the 100 to 120 figure. Probably not much more than that.

Q. Okay. So a fifth -- if those figures are correct, a fifth to a sixth of the prints that you’ve examined in your career have been in Mr. Jackson’s case; is that correct?

A. That may be close, yes, sir. It was a large amount that we did all at once.

Q. All right. Now, you found 706 latent prints in this case that -- when I say “you found” -- let me withdraw that.

The people in the unit who you were working with ultimately found 706 latent prints?

A. That’s the number we were sent, yes, sir.

Q. Okay. So when you say “sent,” there were people in the Santa Barbara unit and there were people in the Santa Maria unit that were sending you prints?

A. They were providing us prints to examine, yes, sir.

Q. All right. So 706 of them, right?

A. Correct. At my count, yes.

Q. And you matched up 20 or so?

A. There were 19 positive I.D.s out of that amount, yes.

Q. 19 as you testify today, but you had another positive I.D. that you changed back to inconclusive; is that correct?

A. Yes, sir, it is.

Q. That’s why I say 20.

A. Yes, sir, 20.

Q. Of the 706 prints, there were 178 that you believe were sufficient to make a match if you had something to match it to; is that correct?

A. That’s correct. Part of those were palm prints, and they weren’t all fingerprints. I believe there was 13 palms mixed in that number.

Q. Okay.

A. If my memory serves me correctly.

Q. All right. So 165 fingerprints and 13 palm prints?

A. It sounds close, yes.

Q. You were asked to compare these fingerprints only -- and palm prints, for that matter, only to the prints that were presented to you for Mr. Jackson and for Gavin Arvizo and for Star Arvizo; is that correct?

A. Yes, we had a complete set of fingerprints for Gavin and Star Arvizo, but I only had exemplar fingerprints for Mr. Jackson.

Q. I'm sorry, say that -- what did you say?

A. I had no palm prints for Mr. Jackson.

Q. I see. So you just had fingerprints for Mr. Jackson?

A. That's correct.

Q. All right. Now -- let me walk in between everybody here. Excuse me.

May I approach, Your Honor? I'm sorry.

THE COURT: Yes.

Q. BY MR. SANGER: Let me show you 743, 744 and 745. And I believe that you had already said on direct examination that those are, in essence, blow-ups of the other prints that are in evidence; is that correct?

A. That's correct, sir.

Q. Now, two of those are rolled prints, inked prints; is that correct?

A. Yes, sir.

Q. And one is the Livescan, which is a digital film -- I don’t want to say “digital film,” but a digital representation of the prints; is that correct?

A. That’s correct.

Q. And how many sets of fingerprints did you have for Star and Gavin Arvizo to work from?

A. We had two sets of each.

Q. Okay. Now, for some reason you’ve just shown us -- or let me withdraw that. The prosecutor has shown you and you have identified one set of prints for each one, correct?

MR. NICOLA: Objection. Misstates the actual exhibit boards. I’d like counsel to be specific here, or it’s vague.

THE COURT: Just a moment. The objection’s overruled.

Q. BY MR. SANGER: Do you have both sets of rolled prints on each exhibit there?

A. One set of prints for Star Arvizo has two cards on it, and the one for Gavin Arvizo has one.

Q. Okay. Was there another set of rolled prints for Gavin Arvizo that you’re aware of?

A. Yes. But if my memory serves me correct, they were not -- they really weren’t any good.

Q. And so those -- you had those redone? Did you have those redone?

A. They were redone at my request, yes, sir.

Q. Did you also have Star Arvizo’s prints redone?

A. Yes, sir.

Q. And you wanted to see if a better set of prints could be developed?

A. That’s correct, sir.

Q. Did you believe at the time you looked at it that Mr. Jackson’s prints were done appropriately?

A. They could have been done better, but they’re appropriate, yes.

Q. Okay. And the same -- well, let me withdraw that. As far as Star Arvizo’s, his first set was done appropriately but could have been better. Would that be your testimony?

A. His first set was okay, but they could have been better. As I recall, there was some smearing and areas that really couldn’t be seen into as far as the clarity.

Q. Okay. Now, we’re talking about the known prints or the rolled prints, as they’re usually called, of the particular subjects, right?

A. Yes, sir.

Q. Okay. And one of them being Livescan, but what do you refer to them all as collectively? Known prints?

A. I call them exemplar prints.

Q. Exemplar prints, all right. And the idea is that if you do not have a good example in your exemplar prints, it makes it more difficult to determine whether or not a print, a latent print, is identifiable; is that correct?

A. You have to have -- yes, sir, it is. You have to have the same clarity to be able to see the detail in the known print that you have identified in the latent print.

Q. What sorts of things can cause known -- known prints or exemplar prints to be imperfect?

A. Deposition pressure. Torquing. When the print’s rolled, sometimes the tip will roll faster than the base and you’ll get some smearing going on.

Q. Imperfections in the paper?

A. Normally imperfections in the paper, that the card stock that’s used is what’s supplied by the state or the FBI, and it’s pretty common, standard, and we don’t get that much problem. It’s a hard cardboard-type paper and it doesn’t twist or bend.

Q. It doesn’t twist or bend, but occasionally something will not show up on the print?

A. There might be an area that’s blank. That would be deposition pressure.

Q. So in other words, there wasn’t enough pressure put on the -- on the finger to apply it to the cardboard in order to transfer the ink?

A. That could be. Or it wasn’t inked properly, if ink was used.

Q. Okay. So the finger was not inked properly; 3924 therefore, there was not ink on that part of the finger to make the imprint on the paper, correct?

A. That would -- that’s a loose definition, yes.

Q. Okay. Well, I don’t want to be too loose. Is that close enough?

A. Or there was a blank spot, or there was a bubble, or there was some other reason why there was a -- not a total recording of the friction ridge skin.

Q. You talk about torquing. Is that turning the fingers so there’s a smudge or a smear or a distortion?

A. Yes, sir.

Q. All right. Are there any other -- in rolled ink prints, are there any other causes that you’re aware of of deformation in the print?

A. Well, you could have too much pressure also, which will cause the ridges to be wider when they wouldn’t normally be, or they will normally either hide some detail because the ridge is flattened out.

Q. Too much ink might just cause a blot?

A. Too much ink might just cause some pressure, yes.

Q. Now, what about the Livescan prints that you have of Mr. Jackson? Can you tell me what deficiencies there are in those particular prints?

A. They’re a little scattered, possibly because his hands were dry when they were rolled.

Q. So not all of the detail was actually transferred to the digital format; is that correct?

A. Not all of it in some areas, like below the base of the thumb, shows up, and why it’s not there I don’t want to hazard a guess.

Q. Okay. So in other words, there should be more there -- if it was done properly, there would be more of a print, more ridge detail?

A. It would depend on, again, how the prints were rolled and who did it, and how much care was taken, et cetera, et cetera, with the Livescan, because you’re not actually using ink. You’re relying on moisture, a glass platen, which is then read by the machine to record the prints.

Q. Would you agree, based on your experience, that properly rolled ink prints are a better exemplar than Livescan?

A. Correct.

Q. Livescan, however, is used because it’s more convenient; is that correct?

A. I don’t know that “convenience” would be the proper word, but it’s an overall method to get the fingerprints transferred back and forth, since it’s just a digital, for the Department of Justice purposes rather than mailing inked cards.

Q. It’s a little hard to hear. It’s the end of the day, and I think you’re trailing off.

A. I’ll move closer.

Q. In other words, Livescan is simply a way to get it directly into a computer system so you can make a disk or send it by e-mail, you can send it off to the DOJ, to the FBI, correct?

A. It’s a -- yes, sir, it’s a quicker way of getting a set of inked -- rolled ink -- rolled fingerprints for identification.

Q. One of the reasons it’s good to have rolled -- we’re going back to rolled, which I kind of like. You said exemplar prints, so let’s stick with that. We covered Livescan and inked prints, right?

A. Yes, sir. That’s correct.

Q. So it’s important to have a good set of exemplar prints so that you can look, as an examiner, to see if ridge detail matches ridge detail from the latent print to the exemplar print, correct?

A. That’s correct.

Q. You also need to look at the exemplar print, when comparing it to the latent print, in order to determine if there are any unexplained differences between the two; is that correct?

A. Well, you compare the two, latent to known, known to latent, and then you have to work out the discrepancies between the two, yes.

Q. All right.

THE COURT: Counsel, I'd like to stop a little early, because there's a couple issues we need to take up outside the presence of the jury.

MR. SANGER: Yes, sir.

THE COURT: I'm going to excuse you now. We'll see you at 8:30 tomorrow morning. And remember, Thursday you won't come in.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: We need that door closed back there.

THE BAILIFF: I'll get it.

THE WITNESS: He took care of it, sir.

THE COURT: Let's see, the first issue I wanted to take up was whether or not -- the question of whether or not we should instruct the jury on the 1108 and perhaps 1101 evidence before, at the time of taking the evidence, during, after. I like to instruct juries on special points as we go along. I don't know when you intend to start your 1108 evidence, now that the ruling's been made. And you don't need to -- since I'm just putting that to you right now, you don't need to answer me now. I'd like to know tomorrow. And if you have a suggested instruction, I think there's a -- there might be a 3928

CALJIC that applies. I haven't looked. Anyway --

MR. SNEDDON: Yes, I believe they should be preinstructed. And yes, there is a CALJIC that's been approved by the courts to be given in such situations.

THE COURT: All right.

MR. SNEDDON: And I would anticipate maybe in two weeks, depending on the length of cross-examination of certain witnesses.

THE COURT: So that gives everybody time if you want to submit a different instruction or a pinpoint instruction or....

MR. MESEREAU: We'd want to do that, Your Honor. There is some -- for example, burden of proof we think should wait till the end, but there are some preinstructions we would like on that issue.

THE COURT: I just put you on notice so you can start feeding me information. That gives me -- I can relax a little bit, because I know we have time to do this right.

MR. MESEREAU: Thank you.

THE COURT: The second issue is there's a -- one of the -- one of the witnesses who's testified, Kiki Fournier, has called my secretary. And as I understand from my secretary, has contacted both attorneys and she has requested permission to travel outside the United States with her child, or children, I don’t know. And she advised my secretary that she could not get agreement from the attorneys on her ability to do that. She’s willing to be on a return call for 48 hours if someone needs her. So I need to get your position.

I think she’s basically testified and been cross-examined. I don’t think she’s been excused technically, but I don’t like to prevent people from going on with their lives when we can make arrangements to allow them to go on with their lives and still be available when they’re needed.

What’s --

MR. SNEDDON: Judge, I indicated that that was more than okay with me, that she could go. I anticipated that if we would want to re-call her, we would still have time, because we probably would not have rested by the date she plans on returning, so therefore it shouldn’t be a concern in terms of the defense calling her, because she would be available if they wanted to.

So as far as I’m concerned, she could do that. If an emergency arose, and we need her to come back, it sounds like she’s willing to come back and we would arrange that. So as far as I’m concerned, she can go and should go.

MR. MESEREAU: Your Honor, I don’t want to interfere with her travel plans at all. Our concern is there is a great likelihood we will re-call her for a lot of reasons I don’t want to disclose at the present.

THE COURT: Nor do you need to.

MR. MESEREAU: It seems to me that her plans -- I don’t know where she’s going or when she plans to leave. But her plans are to be back in the near future, is that correct?

THE COURT: Within -- within 28 days, I think. And I think she plans to leave immediately. You probably know more than I do. My secretary just said we have a problem here, and --

MR. SNEDDON: I can assist the Court and Mr. Mesereau in this regard, Your Honor. My information is she needed to book the tickets today. She was going to leave immediately and she’d be back the first week in May.

THE COURT: So that’s more than the estimated time I thought. But at any rate, if you’re not going to put on your 1108 evidence for two more weeks, I can see that -- it seems to me that’s a safe return date for her.

MR. MESEREAU: Yeah.

THE COURT: Okay.

MR. MESEREAU: Again, I don’t want to interfere with her plans.

THE COURT: I would require that she sign a statement like -- she’s on subpoena, and it’s not uncommon. In fact, it’s more common than not that we put these people on call, under an agreement, and the code section provides for that. And I would have her sign an agreement to return upon 48 hours’ notice if there was an emergency before her return date.

And then I would personally go to Europe and get her if she --

MR. MESEREAU: We will agree to that, Your Honor.

THE COURT: All right. Even if it took me months to find her.

(Laughter.)

THE COURT: I think it’s the right thing to do, so I appreciate that. I’ll take care of that. Then I think we’re through for the day. Thank you, everyone. I’ll see you tomorrow at 8:30.

(The proceedings adjourned at 2:35 p.m.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 3792 through 3932 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 28, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
March 28, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, MARCH 29, 2005

8:30 A.M.

(PAGES 3934 THROUGH 3987)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Nicola is listed as “N” on index. Mr. Mesereau is listed as “M” on index.
Ms. Yu is listed as “Y” on index. Mr. Sanger is listed as “SA” on index.
Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
SPINNER, Robert	3937-SA	3980-N		
(Cont’d)				

Santa Maria, California
Tuesday, March 29, 2005
8:30 a.m.

THE COURT: Good morning.
COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.
THE JURY: (In unison) Good morning.
MR. SANGER: May I proceed? Thank you.

CROSS-EXAMINATION (Continued)
BY MR. SANGER:
Q. Good morning.
A. Good morning, sir.
Q. All right. We were, right at the end of the day, talking about exemplars. And the question about exemplars that I was getting to is, is it important in comparing an exemplar to a known print to determine if there are any dissimilarities?
A. Yes, sir, there is.
Q. You can have quite a number of Galton points, or points that you identify as being identical, correct?
A. Among others, yes.
Q. And if you have an unexplained dissimilarity, then you have to reject the comparison; is that correct?
A. Yes.

Q. All right. So therefore, it’s important to have a good exemplar, so you can see all of the features of the print, correct?
A. That’s correct.

Q. And it’s also important to have a good latent print, if possible, to compare to the exemplar, correct?

A. Yes, sir, that’s correct.

Q. All right. In other words, you -- you have what you have. Whatever shows up as a latent is what you get to compare, correct?

A. That’s -- yes, sir.

Q. But the more detail and the more of the print that you have, the better it is to compare to the exemplar, correct?

A. The more detail, the more positive the comparison.

Q. All right. Now, I think you told us that you were familiar with SWGFST; is that correct?

A. Yes, I read their guidelines.

Q. All right. And that is a working group which was created in the last few years to deal with fingerprint examination and comparison, correct?

A. Yes.

Q. All right. One of the things that has arisen in the latent print examiner community is a question of whether or not there are adequate validation studies to support fingerprint comparisons, correct?

A. That’s correct.

Q. And that’s one of the things that SWGFST was formed to address?

A. I’m not sure whether they were formed to address the actual lack of a validation study, but they were formed to address latent fingerprint comparison in general.

Q. All right. Now, when you’re looking at prints on paper, as you did in this case, there are some things that you can -- that you can tell from prints, obviously, and other things you can’t, correct?

A. Depends how much of the print is available, that’s a correct statement.

Q. And one of the things, though, that you can’t tell from examining fingerprints is when the fingerprints were put on the object; is that correct?

A. That’s correct.
Q. And if you have two sets of prints, for instance, on the same object, there is no way of telling which was placed before the other?
A. That’s correct.
Q. So they could be placed at totally different times, they could be placed at the same time, they could be placed at different times that are close together; correct?

A. That’s correct.
Q. Or different times but far apart?
A. Yes, sir.
Q. All right. Now, did you have training from the Spex company, S-p-e-x?
A. No, I did not.
Q. And were you aware that the sheriff’s department had arranged for training from the manufacturer of the Scenescope?
A. No, sir, I was not.
Q. Did you have any training on the Scenescope yourself?
A. No, sir, other than about ten minutes of brief information I got from Detective Lafferty.
Q. Okay. And when did you obtain that information from Detective Lafferty?
A. I believe it was in August of 2004.
Q. All right. Were you advised by Detective Wittenbrock that it was not necessary to fume as extensively with super glue if you’re using the Scenescope?
A. He may -- he made a comment once that he thought some of the pages were coming out a little heavy, and that we, at that point, pulled back about a minute on the super glue exposure timing.
Q. When you say “heavy,” the fuming process was then obscuring some of the detail on the prints; is that correct?

A. That was his opinion, but I never got the same opinion from Detective Sutcliffe.
Q. All right. Did you form an opinion yourself?
A. I never had a chance to really look. I

relied on their feedback to adjust the gluing times if it became necessary.

Q. All right. I want to clear up a couple details. I’ll make my way through here. Excuse me? May I approach the witness, Your Honor?

THE COURT: Yes, sir.

MR. SANGER: These are in evidence.

Q. Okay. I have put before you Exhibit 723, 726, and 748.

A. Yes, sir.

Q. And on direct examination you said that 748, if you put -- take 748. I think it’s that one.

A. Correct.

Q. All right. Can you hold that up - if that’s all right with the Court. It’s in evidence - so the jury can see it?

THE COURT: Yes.

MR. SANGER: Just so we all know what we’re talking about.

Q. 748 was a comparison board that showed your comparison of fingerprints, the exemplar to a latent print. And you testified on direct that that was the print, the image that was depicted in Exhibit 723. Would you pick up 723? That’s not 723. That’s 723. Okay. Looking at 723, does 748 depict the image in 723?

A. No, sir.

Q. Okay. In fact, if you look at 726, that appears to be a similar image to 748; is that correct?

A. That’s correct, sir.

Q. I take it, in fingerprint examination and comparison, it’s extremely important to keep track of the exemplars and the latent prints; is that right?

A. Yes, sir.

Q. You don’t want to be mixing prints up, otherwise it could cause all sorts of problems, right?

A. Yes, because you probably couldn’t make an identification if you mixed them up.

Q. Would it cause problems if you mixed up your latent prints and your exemplar prints?

A. If things are not kept in the correct numerical order and name order, yes.

Q. Okay. Now, let's talk about -- a little bit about your training and experience. You had mentioned that you had -- this case accounted for, at one point you said about a quarter, and then you said maybe a fifth or a sixth of the total number of prints that you compared, correct?

A. Yes, sir.

Q. And how long have you been a latent print examiner?

A. I started working with latent prints in 1987.

Q. Were you a latent print trainee for some period of time?

A. Yes, sir, I worked under William Moore, who was a latent print examiner in our office at the time when I started. And that's when we also started working with CAL-ID Systems.

Q. All right. Now, Detective Moore, was he a detective or an I.D. tech?

A. He was a senior I.D. technician.

Q. Okay. I.D. Tech Moore was somebody who had pretty much learned the job of being a latent print examiner on the job; is that correct?

A. I'm not sure where he got all his training. He was in the bureau when I got there, and he was filling the position of I.D. technician and doing latent print examinations, and he was the one that I started training under.

Q. Okay. And how long did you train under I.D. Tech Moore?

A. Probably about eight years. He was in the office approximately eight or nine years before he retired.

Q. And during that period of time, did Mr. Moore do most of the latent print examination for the sheriff's department?

A. He did a great deal of the latent print exams. And also he was the CAL-ID Systems operator when it was installed.

Q. Okay. Let's not go too far afield on that. But since you brought it up, CAL-ID is -- is that a computerized system to match prints?

A. It's a computerized -- yes, that's the simple definition, yes.

Q. Okay. And now you have some other systems like AFIS?

A. Well, that's what CAL-ID originally was, was an AFIS system. We have a second or third generation of searchers and submitters now.

Q. Okay. In any event, you did not use the AFIS system or the CAL-ID System here?

A. No, sir. We had supplied exemplars for the three individuals who we were doing the latent print comparisons against.

Q. So again, not to go too far afield, but just to understand what you said, the computer system is a way to take prints, latent prints, and see if you can find an exemplar somewhere in the system; is that right?

A. It's taking -- to clarify, it's taking an unknown print, run it through a set of computer matchers to determine if there's a match in the system.

Q. You could also take an exemplar print, a rolled print, and run it through the system, right?

A. Yes, sir, you can.

Q. So if you arrest somebody and you want to see if their fingerprints match somebody else in the country, you could send it to the federal AFIS system to have a fingerprint search; is that correct?

A. No, we don't have that capability. We send it to Sacramento DOJ or Department of Justice. And I believe at that point it could be routed through the Department of Justice to the FBI I-AFIS.

Q. Okay. And the FBI system is called "I-AFIS"?

A. That's correct, sir.

Q. So again, you could go to the state Department of Justice, and they may route it on to federal. But you have access, basically, to the whole fingerprint bank that exists in the country;

is that correct?

A. In one form or another, yes, sir, we do.

Q. All right. Now, again, in this particular case, you weren’t doing that, you were -- you were attempting to compare exemplar prints to latent prints that were found on these various objects?

A. That’s correct.

Q. Okay. Now, from -- in 1987, you started working with Mr. Moore. When did you become a latent print examiner as opposed to a latent print trainee?

A. I would suppose that I probably graduated into a journeyman in -- sometime in the early ‘90s. ‘91, ‘92, possibly.

Q. Okay. Now, is that -- was there some official designation? Did you get a certificate, or a letter of recognition or something, or is it just a point that you get to where you feel you’re an examiner as opposed to a trainee?

A. I believe it was a point where the other examiners in the office, Mr. Moore, and Doug Coleman was still there, they felt that I was sufficient in my job, that I could perform latent examinations and form conclusions.

Q. And Doug Coleman was also an I.D. tech; is that correct?

A. He worked for the Santa Barbara County Sheriff’s Department about that time before moving to the Santa Maria Police Department.

Q. Okay. But he was an I.D. tech as opposed to a technician?

A. No, he was an I.D. technician also.

Q. Right. Now, I think you said on direct examination that you’re not certified by any organization as a latent print examiner; is that correct?

A. That’s correct.

Q. You belong to the Southern California Association of Fingerprint Officers?

A. That’s correct.

Q. That’s a membership organization, right?

A. Yes, sir.

Q. Send in your dues, and if you’re a peace officer, you can belong to it; is that correct?

A. It’s about -- it’s more civilian than law enforcement officers or sworn officers. But it’s -- you have to make an application, you have to go to three meetings. If anybody has an objection to your membership, you will not be installed. And after the third meeting, then you’re installed. And then you’re a member until you quit.

Q. All right. Now, you mentioned that I.D. Tech Moore and I.D. Tech Coleman had indicated that they felt you were ready to do examinations on your own at some point in the ‘90s; is that correct?

A. I think that’s a correct statement, sir.

Q. Were you ever subjected to proficiency testing?

A. Not officially. However, every time we do a latent print examination we get a validation. That can be a form of proficiency testing.

Q. Sir, you know what I mean by “proficiency testing,” is that correct?

A. Yes, sir. There are agencies which send in blind tests and then you do the tests and send it back and they’re graded.

Q. Were you ever subject to proficiency testing?

A. No, sir.

Q. The Santa Barbara Sheriffs does not submit itself to proficiency testing in fingerprint examination; is that correct?

A. That’s correct, sir.

Q. And they’re -- are you familiar with the agencies that do proficiency testing?

A. No, sir, I don’t know any right now who are actually doing proficiency testing from personal knowledge.

Q. All right. You’ve indicated, though, that you have gone to a number of meetings and some training sessions with regard to latent print examination, correct?

A. Yes, sir.

Q. And so you attempt to keep up with the literature, as it were, in the field; is that right?

A. As much as possible, yes, sir.

Q. And in the course of your training and experience, you’re aware that the Law Enforcement Assistance Administration, the LEAA, federal agency, did proficiency testing; is that correct?

A. No, I’m not sure.

Q. Were you aware that Collaborative Testing Service, a private company, was contracted to do proficiency testing from 1995 to 2003?

A. I know they do proficiency testing. I don’t know who they did it for or if they were ever contracted through anybody.

Q. Okay. In the course of your studies with regard to latent print examination, you’re aware that the proficiency testing across the country turned up a number of misidentifications, a significant number, correct?

MR. NICOLA: I’m going to object, lack of foundation, Your Honor.

THE COURT: Foundation, sustained.

MR. SANGER: Okay.

Q. Are you aware that there have been issues with regard to -- let’s just take false positives coming up in proficiency testing in this country.

A. I don’t know what the rate of any proficiency testing was per agency or per test, no, I don’t.

Q. Okay. And your agency doesn’t have any percentage or rating because it doesn’t submit to proficiency testing; correct?

A. That’s correct, sir.

Q. All right. Now, what I’m asking about, is you’re aware in the proficiency testing, the blind testing that you have talked about, there have been a number of instances of false positives showing up; is that correct?

MR. NICOLA: Objection, lack of foundation, Your Honor.

THE COURT: Sustained.

Q. BY MR. SANGER: Are you aware of whether or not -- are you aware of any results -- I’m not talking about the specific numerical results, but generally in your reading, in your training and experience, any results of the proficiency testing over the last few years?

MR. NICOLA: Objection, lack of foundation, Your Honor.

THE COURT: Overruled.

THE WITNESS: The only tests that I am aware of --

THE COURT: Just a minute.

THE WITNESS: Excuse me.

THE COURT: There's a question that just requires a "yes" or "no" answer.

Read the question back to him.

(Record read.)

THE WITNESS: Yes.

Q. BY MR. SANGER: And were you aware that false positives have shown up in that proficiency testing?

A. I can't remember if there were false positives brought up or whether it was just -- they just didn't send the test back. I know there was a problem.

Q. Okay. Now, is this part of the problem -- or let me withdraw that. Is this problem that you just described part of the mission of SWGFST to try to remedy?

MR. NICOLA: I'm going to object as to vagueness, Your Honor.

MR. SANGER: Let me rephrase it, because it was an odd sentence at best.

THE COURT: Go ahead.

Q. BY MR. SANGER: Is SWGFST attempting to remedy problems associated with proficiency testing results?

A. I don't know.

Q. You're also aware that in the last five, six years, there have been a number of particularly notable cases in which there have been false positives; is that correct?

A. That's correct.

Q. There was one in 1999 in Scotland involving a police officer by the name of Shirley McKee; is that correct?

A. I’m aware of that case, yes, sir.

Q. And that’s a case where the Scotland criminal records office, which is their law enforcement or I.D. tech agency, formed an opinion that there was a positive match; is that correct?

A. That’s correct.

Q. And the police officer, Miss McKee, was prosecuted for murder based on that print identification; is that correct?

A. No, I believe she was prosecuted for perjury.

Q. Okay. And at the -- after the case was over, 170 other print examiners looked at the print and said they didn’t match; is that right?

A. I know a great number looked at the print. I don’t know the exact number. But almost everybody agreed that it did not match.

Q. Almost everybody in the Scottish records office to this day maintains that it’s a positive I.D., correct?

A. That’s my understanding.

Q. This is part of what you described as a subjective aspect of making print identifications, correct? In other words, people form an opinion, and that’s the basis for a positive identification, correct?

A. Yes, it’s -- yes.

Q. And you’re also aware of the case last year involving Brandon Mayfield; is that right?

A. That’s correct, sir.

Q. Brandon Mayfield was a lawyer in Oregon, correct?

A. Correct.

Q. And he was placed in custody for two months based on a fingerprint identification, correct?

A. I thought it was two weeks. That was my reading.

Q. All right. Well, he was placed in custody long enough to be an interference with his life; is that correct?

MR. NICOLA: Objection. That’s argumentative, Your Honor.

THE COURT: Sustained.

Q. BY MR. SANGER: He was placed in custody for some period of time?

A. Correct.

Q. And he was accused of being involved in the Madrid bombing; is that correct?

A. Correct.

Q. And that was based on the FBI making a positive identification of his fingerprint on something associated with that bombing; is that correct?

A. That’s correct.

Q. And they had three FBI fingerprint -- latent print examiners who compared the print and agreed that it was positive; is that correct?

A. That’s correct.

Q. And they had -- they identified in excess of 16 points of identification; is that correct?

A. I don’t think it was a number quite that

high, but I don’t know the exact number, sir.

Q. All right. And eventually the Spanish police identified the fingerprint to an Al Qaeda member; is that correct?

A. I know they did identify it. I wasn’t quite sure -- I don’t know who they identified it to, but I believe it was somebody involved in an organization over there.

Q. And Mr. Mayfield -- it turns out at this point Mr. Mayfield had absolutely nothing to do with it; is that right?

A. I don’t know if he did or not. I don’t know if he was totally exonerated or whether he’s still waiting.

Q. Okay. You’re aware that the fingerprint -- you’re aware that the FBI has indicated that they made a mistake and it was not his fingerprint, correct?

A. That’s correct, sir.

Q. And they, in part, blamed it on digital imaging?

A. Initially, yes, sir.

Q. And then they changed that opinion about digital imaging after the fingerprint community became concerned that that would undermine digital comparisons, correct?

A. I don’t know the answer to that question.

Q. You’re also aware of Judge Pollack’s decisions in the - I don’t know how you say it - Llera Plaza -- it’s L-l-e-r-a Plaza - case; is that correct? It’s an Eastern District of Pennsylvania.

A. I know -- I read about Judge Pollack, but I don’t recognize that particular case by that name.

Q. All right. In any event, there was a case in Pennsylvania that Judge Pollack had made a determination with regard to fingerprints, admissibility of fingerprints, correct?

A. In 1999, yes, sir.

Q. Are you aware of the opinions in January and March of 2002?

MR. NICOLA: Objection. Relevance and calls for hearsay.

THE COURT: Overruled. You may answer “yes” or “no.”

THE WITNESS: I can’t say “yes” to that. I don’t remember.

Q. BY MR. SANGER: All right. In any event, these matters that we talked about, Shirley McKee, the Mayfield, Judge Pollack’s ruling, whenever it was, those have been the subject of conversations, debate and concern in the latent print examination community; is that correct?

A. That’s correct.

Q. Now, you said that you had taken a couple of courses from Sergeant Ashbaugh; is that right?

A. That’s correct.

Q. In fact, one course you took was actually in January of 2005, this year; is that correct?

A. That’s correct.

Q. And Sergeant Ashbaugh is a sergeant with the Royal Canadian Mounted Police; is that correct?

A. That’s correct.

Q. He coined the phrase “ridgeology”; is that right?

A. That’s correct.

Q. Okay. And actually wrote a book about ridgeology; is that right?

A. “Quantitative-Qualitative Friction Analysis,” yes, sir.

Q. And he calls it “ridgeology”?

A. That’s what he calls the system.

Q. All right. And his -- without going into -- you can go into as much detail as you want, but without going into unnecessary detail, his theory is to get away from simply matching Galton points to do something more sophisticated in analyzing prints; is that correct?

A. The fingerprint community started getting away from just using strictly Level II detail or Galton points some time ago.

What Mr. Ashbaugh said was that -- he coined the phrase “ridgeology” in an attempt to explain how latent fingerprint examiners do their work, because nobody had done this up to this time, because a lot more takes place in the latent fingerprint examination than just counting, as you say, Galton details.

Q. All right. So he was trying to explain how latent fingerprint examiners can come up with an opinion, an ultimate opinion, that there’s either a positive identification, or there’s no identification, or it’s inconclusive; is that correct?

A. Yes.

Q. It all goes back to a couple basics, though. Whether you go back to Galton in 1886 or you talk about Sergeant Ashbaugh, the first thing you’re talking about with fingerprints is the permanency?

A. That’s correct.

Q. The idea that a fingerprint is permanent from birth to death absent some of the things you talked about, I mean mutilation, or something else, correct?

A. That’s correct.

Q. The second is that two fingerprints -- no two fingerprints will be identical; is that correct?

A. The uniqueness theory, yes, sir.

Q. So it’s unique. Now, it turns out, based on experiences in the last few years in particular, that two prints can be quite similar, correct?

A. Two prints can be similar, but they cannot be the same.

Q. Well, that's the theory.

A. I think that's a proven fact over 100 years.

Q. In other words, over the last 100 years your position is that no two full prints have ever been found to be absolutely identical, right?

A. That's correct.

Q. But there are prints, you would agree, that match on numerous Galton points, or points of identification, and yet are not, in fact, from the same person, correct?

A. I have seen four match before. I found a dissimilarity. But there can be similarities, yes.

Q. Some of these cases involved quite a lot more than four points; is that right?

A. I'd have to see -- I have seen the Mayfield prints, and I -- I don't agree with the FBI's -- the number of prints they got. In fact, I would not even have done that examination, because I don't feel that the latent print is of enough quality to even deal with.

Q. And that's a point I was going to get to in just a minute, but let's pick it up right now. And that is, that you don't generally have a full print when you're dealing with latent prints to compare to the exemplar, correct?

A. Most of the time, no. But sometimes you get lucky and you do.

Q. In this particular case, the 19 prints that you have here, were any of them a full print?

A. Some of them were, yes.

Q. All right. When you say "full," it wasn't a rolled print?

A. It wasn't a rolled print. But if we have the pattern area, the delta area, the ridge flow behind the re-curves up from the core and down from the core, so we had quite a substantial portion of that print visible.

Q. So, what you're saying is if you had a partial print, but you thought it was a substantial partial print?

A. That's correct.

Q. All right. And we'll get to some of those in a second.

Let's talk about the ACE-V process that Mr. Ashbaugh's talked about, and I believe you say you use; is that correct?

A. As far as I know, the basic -- the fingerprint community uses that methodology.

Q. All right. And when you're talking about ACE-V -- we've gone through it so I don't want to bore everybody to tears -- I'm hearing twittering behind me. It may be too late.

(Laughter.)

MR. SANGER: All right.

Q. But this is important, so we want to try to get through it as best we can.

On the ACE-V, basically "A" is analysis?

A. Correct.

Q. So you have to look at the big picture and see if there's anything there that would disqualify the latent print from comparison, correct?

A. You want to analyze the latent print for quality and quantity of detail and clarity, see whether it's even usable, how much detail is available in that particular latent print.

Q. And then you go to comparison, and that simply means that you compare the exemplar print to the latent print; is that correct?

A. That's a simplified version, yes.

Q. We're trying to be simple, but we can make it more complicated.

A. What you would do, you would find your target group in the latent print and see if it exists in the known print, and then work from the latent print to the known print.

Q. Okay. Now, after you do all of that, you get to the "E," which is evaluation, right?

A. That's correct.

Q. And that's a subjective part, right?

A. No, that's still your objective part.

Q. Well, when you're comparing, during evaluation, that's when you form your opinion,

right?

A. At the end, yes.

Q. Okay. So when you form your -- let’s put it this way: At the end of the “E” part, evaluation, you form your opinion?

A. Okay, yes, sir, that’s correct.

Q. And that’s subjective?

A. Yes, based on what you found out during the objective form of the evaluation.

Q. So you’re basically saying, “I got to call it, it’s a ball or a strike. It’s a positive or it’s not,” right?

A. You’re attempting to determine whether there is sufficient detail in the friction ridges and sequence and characteristics to individualize that particular print to your suspect or the person that you’re comparing it to.

Q. And that is an opinion, correct?

A. That’s correct.

Q. And people’s opinions can differ --

A. That’s correct.

Q. -- correct?

And we’ve given some prominent examples of where opinions differ, right?

A. Correct.

Q. In other words, you differ with the FBI on the Mayfield case, correct?

A. Correct.

Q. I take it you didn’t analyze it while he was still in custody, did you?

A. I saw that print initially a couple of months ago on the Internet.

Q. Okay. So you weren’t in a position to call them up, and say, “Hey, you guys screwed up on this”?

A. I’d like to have been, but, no.

Q. And in fact, in Santa Barbara, in this particular case, you decided to do this fingerprint analysis essentially in-house; is that correct?

A. That’s what I was told to do, yes.

Q. Okay. And you could have -- I say “you.” Let me withdraw that. A determination could have been made by somebody in the chain of command from the District Attorney’s Office down through the chain of command, somebody could have made a determination to send the prints out to be analyzed by some other agency, correct?

A. That’s correct.

Q. The Department of Justice, California Department of Justice has latent print examiners, does it not?

A. That’s correct.

Q. And you have in the past sent prints to the DOJ to do latent print comparison, have you not? When I say “you,” I mean your agency.

A. If we did, it was some time ago. I don’t recall anything recently that we -- that I know that was sent to the Department of Justice.

Q. Okay. But you’re aware that today and in the fall of last year, 2004, the Department of Justice would provide latent print analysis services at the request of the Santa Barbara Sheriff’s Department; is that correct?

A. Yes, sir.

Q. Okay. And you could have sent the prints to the FBI; is that right?

A. I could have. But that option was most likely available. I don’t know.

Q. Okay. And again, I don’t mean you personally. But if it was decided in the chain of command, somewhere from the District Attorney down through your chain of command, somebody could have made that request of the FBI; is that correct?

A. I would assume so.

Q. Okay. Excuse me one second.

Did you have any discussion with your superiors or colleagues about sending the prints in this case to the Department of Justice in Sacramento?

A. I, at one time, said it might be an option because of the volume of material that we were dealing with.

Q. I take it you were overruled or it was determined that would not happen?

A. As far as I know, yes.

Q. Were you involved in any discussions about sending the prints to the FBI?

A. No.

Q. Now, we had Dr. Cantu from the Secret Service come to court here a little while ago. Do you know him?

A. I met him a week ago, yes.

Q. He came out here to testify, and you had a chance to talk to him?

A. About the Scenescope, yes.

Q. Other than his coming out here to testify for this jury, did he have any other involvement or provide any other assistance to your office in evaluating the evidence in this case?

A. As far as I know, he did not.

Q. And I take it the United States Secret Service also had no role in this until Dr. Cantu came out to testify here; is that correct?

A. That is my understanding.

Q. Now, I'm not going to go through everything, but what I'll do -- let me come over here.

What I'm going to do, if the Court will permit me very loudly for just a moment, I'm going to hold up one of the boxes. Remember these boxes with the white notebooks?

A. Yes, sir.

Q. And I think there were three or four of these boxes that you went through; is that correct?

A. I wasn't counting the boxes. I was looking at the magazines.

Q. All right. But you went through quite a number of these notebooks?

A. Yes, sir, I did.

Q. All right. And after spending a couple of hours going through those boxes here for the Court, the fact of the matter is, that out of all of those boxes, there were 12 magazines from which you performed a comparison that resulted in your opinion that there was an identification; is that correct?

A. I'd have to look at my notes to count the number of magazines.

Q. Do you have your notes here?

A. Yes, sir, I do. I have a sheet right here.

Q. Yes. Take a look at that.

A. That’s correct, sir.

Q. Okay. And before you started going through each one of those, you knew which 12 were the 12 that you actually formed an opinion that there was a positive identification; is that correct?

MR. NICOLA: I object as to vague, Your Honor.

MR. SANGER: The witness looks like he doesn’t understand it, so let me rephrase it, Your Honor.

THE COURT: All right.

MR. SANGER: Thank you.

Q. In other words, before we started going through -- Mr. Nicola got up and went through each one of those binders one at a time?

A. That’s correct.

Q. Several boxes?

A. Yes, sir.

Q. Before he did that, you would have been able to say, “Well, look, there’s 12 of those binders in which there was a positive identification in my opinion,” would you not?

A. That’s correct.

MR. NICOLA: Objection. What’s the relevance to that question?

THE COURT: Overruled.

Q. BY MR. SANGER: Now, you testified on direct examination that you used Adobe Printshop to work with I.D. Tech Hemman in making comparisons of prints; is that correct?

A. The correct name of the program is Adobe Photoshop, and I.D. Tech Hemman was the computer operator.

Q. Okay. “Photoshop.”

A. Yes, sir.

Q. Sorry. That’s undoubtedly very important to the Adobe company. All right.

The point of the story is, as I understand it, you’re saying that you were able to use two different layers; is that right?

A. Correct.

Q. And I think you referred to them as “layers”; is that right?

A. That’s what they call them in the program, yes, sir.

Q. All right. And so basically you can sit down, compare prints, find what you consider to be points of identification, and then you can leave, and I.D. Tech Hemman could come in and sit down and do the same thing and find points of identification, correct?

A. That’s correct.

Q. And then you took your two layers and you compared your analysis with her analysis; is that correct?

A. Correct.

Q. Did you both identify the exact same points on each fingerprint?

A. The exact same basic points were identified most. Sometimes she may have identified a point more than I did. Or I may have identified a point more than she did.

Q. And is it your testimony that you varied by one point on these fingerprint comparisons?

A. I don’t know if exactly one. It could have been several, sometimes. Sometimes we were dead-on exact.

Q. So did you save the layers?

A. I believe they may still be in the computer

in Santa Barbara.

Q. So you haven’t printed them out or given them to the District Attorney or to defense counsel in this case?

A. No, sir.

Q. All right. Now, you testified to a timeline, and I’m going to ask the clerk if she has that. I don’t have the number written down right here.

Do you have the timeline?

THE CLERK: Mr. Nicola has that.

MR. SANGER: Oh, Mr. Auchincloss has it.

All right. That’s 622.

Q. And your timeline --

Can I put this up, Your Honor? I believe it was received.

THE COURT: Yes.

MR. SANGER: And let me see.

Q. Your timeline starts in January of -- the printed timeline starts in January of 2004, correct?

A. Yes, sir.

Q. And you basically show your involvement commencing in August of 2004, correct?

A. That’s when I first -- obtained the first piece of evidence, yes.

Q. And you’re aware that the seizure of the evidence in this case was, for the most part, November 18th of 2003, correct?

A. That was my recollection from reading the newspapers. I wasn’t working at that time.

Q. All right. Is that part of the time that you were retired?

A. I believe I may have been working as a part-time bailiff a day or two a week down in the Santa Barbara courts, or I was basically retired.

Q. There you go. But you were aware that the search in this case occurred November the 18th of 2003, right?

A. I was aware that there was a search warrant served, yes, sir.

Q. Were you aware that Detective Lafferty had viewed some of the evidence in this case that you ultimately did a latent print examination on?

A. No, sir.

Q. Were you aware that there was a -- well, let me ask you this: Did you review the reports of other officers?

A. No, sir.

Q. Not even people involved in -- in the print identification aspect of the case, preservation?

A. If I had a question, I went directly to the officer or the person involved and asked.

Q. All right. So were you aware that in December of 2003, that Detective Lafferty wrote a report requesting that the Forensics Bureau please do a fingerprint analysis of this same evidence?

A. No, I am not.

Q. Now, I understand that you were essentially retired and coming back and doing some part-time work during that period of time. But based on your training and experience working in the Forensics Bureau, when somebody makes a request, another officer makes a request for a fingerprint analysis, is that something that the Forensics Bureau is supposed to attend to?

A. The Forensics Unit is a more -- I would say is more of a reactionary unit than an offensive unit. So he would have run his request up the chain of command, and then it would be up to whoever’s up making those decisions, and then decide how the unit was to proceed.

Q. Based on your experience -- forget about this case for a moment.

Based on your experience, you said you worked other cases where there were fingerprints, correct?

A. Yes, sir.

Q. And you actually did fingerprint analysis and comparison, correct?

A. That’s correct, sir.

Q. All right. And in cases where there are fingerprints on objects, or there may be fingerprints on objects that are seized, is it customary for somebody in law enforcement to say, “Preserve this so that it can be checked for prints”?

A. When prints -- I don’t know how to answer this. Not all the time, no. It depends. It’s up to the investigating officer as to what action he wants to take with his evidence, I guess would be a way to put it.

Q. All right. If an investigating officer looks at items out at the scene at the time of the seizure, and forms the opinion that somebody ought to check these things for prints, do you expect that to be communicated to the Forensics Unit?

A. Yes, sir. Normally they would write up a work request on one of our forms. Send it in. The evidence would be booked in, and then we’d deal with

it.

Q. And ordinarily that would occur very early in the proceedings, correct?

A. Sometimes -- this is the first time I’ve seen it where it’s come up a year later.

Q. It came up a year later here, didn’t it?

MR. NICOLA: Objection; argumentative.

THE COURT: Sustained.

Q. BY MR. SANGER: Other than this case, have you seen prints analyzed by your department a year later that were intended to be analyzed at the time the item was seized?

A. I did one two and a half years later, but I don’t know what the intent was when it was seized.

But sometimes there’s a timeline that runs.

Q. All right. So I’m talking about a case where you’re investigating out in the field, the lead detective or the detective assigned to seize the evidence, says, “Yeah, we better check that for prints.” Isn’t it the policy and procedure of your office, the sheriff’s office, to have those items sent to the Forensics Unit within a reasonably short period of time to do the print analysis?

A. Again, that’s up to the investigator in charge of that particular case as to what time, when they want to run, or what they want to do, what tests, or what’s done.

Q. And you would expect that there would be some request, there would be a forensic request; is that right? Let me withdraw that so we can be clear.

There’s a form that you have in your office that can be filled out by the lead detective, or whoever seizes the evidence, to request forensic analysis of an item of evidence; is that correct?

A. That’s correct, sir.

Q. All right. Did you see any such forms in this case?

A. I received a work form filled out in, I believe it was -- July was the date on it.

Q. July of 2004?

A. Yes, sir.

Q. So you did not see a forensic request for fingerprints that was dated before July of 2004; is that correct, sir? In this case.
A. No. And I had very little contact with the unit prior to July of 2004.
Q. I'm asking if you saw -- I'm not asking whether or not you had contact. The question is, did you see a forensic request form that was dated anytime prior to July of 2004?
A. No, sir, I did not.
Q. All right. Let me get the --
May I approach, Your Honor?
THE COURT: Yes.
Q. BY MR. SANGER: I'm going to show you 743, 744 and 745. You were looking at those.
Can I put them right here?
MR. NICOLA: Sure.
Q. BY MR. SANGER: All right. You've got 743, 744, 745, and whose prints -- these are exemplar prints, correct?
A. Yes, sir.
Q. And whose prints on are on which board?
A. Okay. On Item 743, we have Mr. Jackson's fingerprints. On Item 744, we have Star Arvizo's fingerprints. And on 745, we have Gavin Arvizo's fingerprints.
Q. All right. Now, you talked about basic class characteristics; that is, whorls, loops, and arches, correct?

A. Correct, sir.
Q. Can you tell us, with regard to 743, those fingerprints, what configuration do those fingerprints show?
A. Do you want me to read all ten off?
Q. You can do that.
A. Well, the right thumb is a right slant loop. The right index is a right slant loop.
THE COURT REPORTER: Slow down, please.
THE WITNESS: Excuse me.
The right middle is a right slant loop. The right ring is a right slant loop. The right little is the right slant loop.
The left thumb is a left slant loop. The

left index is an arch. The left middle is an arch. The left ring appears to be a central pocket loop whorl. And the left little is a left slant loop.

Q. BY MR. SANGER: Okay. Go to 744. Now, that's the one where you've got two sets; is that correct?

A. That's correct, sir.

Q. So you're going to pick your best set and tell us from that, correct?

A. Okay. The right thumb is a right slant loop. The right index appears to be a left slant loop, or a tented arch. The right middle is a right slant loop. The right ring is a right slant loop. And the right little is a right slant loop.

The left thumb is a left slant loop. The left index appears to be either a tented arch or a right slant loop. The left middle is a left slant loop. The left ring appears to be a left slant loop. And the left little appears to be a left slant loop, but they're somewhat hard to see.

Q. All right. All right. And then on 745?

A. On 745, the right thumb is a right slant loop. The right index is a left slant loop. The right middle is a right slant loop. The right ring is a right slant loop. And the right little appears to be a right slant loop.

The left thumb is a left slant loop. The left index is a left slant loop. The left middle is a left slant loop. The left ring is a left slant loop. And the left little is a left slant loop.

Q. All right. So the predominant feature of all of the fingerprints and cards are that these fingers are looped fingerprints; is that correct? I think you said there were a couple on Mr. Jackson's where it was an arch or a tented arch.

A. Mr. Jackson has two arches and a central pocket loop whorl. I think everything else is a loop pattern.

Q. All of the exemplar prints, except for those, are loops, correct?

A. Appear to be, yes, sir.

Q. And what percentage of the population has looped fingerprints?

A. About 65 percent.

MR. SANGER: All right. Your Honor, what I'd like to do is go to the Power Point version of the exhibits. And let me just see if I have the right number here.

All right. What this should be --

You can have that back, if you want. I think you wanted it.

With the Court's permission, I'm going to put up 758. And I'm not going to go through all of these. They're in evidence, and -- but just to do it quickly.

Q. This is No. 13 of the 19 cards; is that correct, sir?

A. It's from 317-YY. The exact number I'm not sure. Oh, 13 at the bottom, yes, sir.

Q. Down at the bottom.

Basically, so we don't get any more confused than we need to, there are 19 of these cards?

A. That's correct.

Q. And these are the 19 cards where you showed your comparisons, your points of comparison, and -- correct?

A. Yes, sir.

Q. All right. So I'm just taking this one.

Now, if you look at 317-YY, if you look at the latent print that's contained in this exhibit, that is a partial print, correct?

A. Correct.

Q. And it appears that there may be some torquing or there may be actually another print involved in the latent; is that correct?

A. There's distortion and it could actually -- yes, there's distortion in the print, which has caused it to distort somewhat, yes.

Q. All right. Now, in order to rule out the dissimilarities, you have to account for the dissimilarities as distortion, correct?

A. There is a difference between a dissimilarity and a distortion.

Q. Precisely.

And you have to make that determination,

right?

A. That’s correct.

Q. Because if something doesn’t look the same, putting it in very basic terms, it either is going to eliminate that print from the comparison, or you have to explain it as a distortion, correct?

A. Yes, sir. But at the same time, you’re looking for dissimilarities that come up in the wrong spot in regards to ridge flow and spatial alignment.

Q. Okay. I’m going to go to 759. Now, here you have another partial print, 759. And it actually looks like whoever did the location of this print actually wrote over part of the ridge detail with a black marker; is that correct?

A. There is a black marker pen on the lower right of the latent print, yes. However, whether it obliterated any usable ridge detail, I’d have to examine that print closely to determine that.

Q. Now, either I’m looking at it backwards or something.

A. Lower left.

Q. Lower left and then across the top; is that right?

A. Correct. There’s a ruler on the right side.

Q. And I’m going to go to 762, which I believe is that. Once again, there you have -- somebody has used a black marker pen to note the location of a print, and has actually obliterated a part of the latent print; is that correct?

A. They’ve marked through it. But, again, it doesn’t appear that they have, for the most part, disturbed any usable friction ridge detail.

Q. Well -- and that’s because the usable friction ridge detail is only what you can see. If you can’t see under it, you don’t know what’s under there, right?

A. Well, in that blurred area on the right would be an unusable area anyway.

Q. Let’s talk about that. The blurred area on the right is not shown in the exemplar print, correct? In other words, that is not identical to the exemplar print, the blurred area on the right?

A. I can't tell.

Q. Okay. As you look at it, you cannot identify it as being identical to the exemplar print, correct?

A. Yes, sir, but -- go ahead.

Q. Okay. And can you tell what caused the blurred area on the right?

A. It was probably either distortion, or there was a slippage when the print was laid on the paper, or something else touched the paper. Not knowing what exactly happened to this, I can only make some assumptions.

Q. All right. And similarly here on No. 764, there are some marks, striations, or whatever they are, at the top of the print that are not shown in the exemplar print, correct?

A. That's correct, sir.

Q. And you account for that as distortion; is that correct?

A. That would be slippage at that point.

Q. And that's your assumption, is that that's slippage?

A. Yeah, it appears that the finger had touched the page and pulled down slightly, and then the rest of the finger sat down on the page, creating a latent fingerprint.

MR. SANGER: All right. Okay, Your Honor, we can turn the screen off, if that's all right. All right. And I have no further questions at this time.

THE COURT: Counsel?

MR. NICOLA: Thank you, Your Honor. May I approach the witness, Your Honor?

THE COURT: Yes.

REDIRECT EXAMINATION

BY MR. NICOLA:

Q. Detective Spinner, I'm going to approach you with Exhibit 726, Exhibit 748. Do you recall examining both of those exhibits on Friday?

A. Yes, sir.

Q. Okay. And during that examination, which I believe I conducted, did I ask you to check the fingerprint depicted in Exhibit 726 and compare it to the fingerprint board, which is Exhibit 748?
A. Yes, sir.
MR. SANGER: I'm going to object as hearsay as to what was asked.
THE COURT: Sustained.
Q. BY MR. NICOLA: Now, Defense Attorney Sanger showed you Exhibit 723 this morning.

A. Correct.
Q. Do you recall that?
A. Yes, sir.
Q. Do you recall ever being shown this exhibit during your testimony on Friday?
A. I don't believe I was, no.
Q. Could you take a look at Exhibit 723 and describe what it is for the jury, please?
A. Item 723 is a printout of the Power Point demonstration created by the sheriff's department for protocol for latent fingerprint processing.
Q. Would you flip through all the pages, please?
Do you have a recollection whether you presented that information to the jury on Friday?
A. No, I did not.
Q. And when was the first time you were asked any questions about testifying as to that exhibit?
A. This morning.
Q. By Mr. Sanger?
A. Yes, sir.
Q. Do you recall ever pointing to a fingerprint in Exhibit 723 and saying, "Well, that's the same one that's in Exhibit 748"?
A. No, sir.
Q. Okay. I think what we'll do is try to work backwards.
Your Honor, if I may have "Input No. 4," please.

Dim the lights, please. Thank you.
I'm placing on the Elmo machine Exhibit No. 622.

Now, Mr. Sanger asked you some questions about when and if you knew when a request for forensic testing came in regarding the magazine seized from the defendant's ranch.
A. Correct.
MR. SANGER: I'm going to object. Actually, that misstates the evidence. It was fingerprint examination.
MR. NICOLA: I believe he used the words "forensic testing," Your Honor.
THE COURT: The objection's overruled.
Q. BY MR. NICOLA: Does forensic testing include sending items out for DNA analysis?
A. Yes, it does.
Q. Okay. And in the grand scheme of things, if you were going to do a DNA analysis on the same magazines that you would later check for fingerprints, which analysis would be conducted first?
A. The DNA analysis.
Q. And why is that?
A. Because the testing process for fingerprints and the development process could contaminate or destroy possibly any DNA.

Q. And by "contaminate" what do you mean?
A. Possibly alter the structure. Since ultraviolet light was being used, it could have damaged the DNA.
Q. And is contamination essentially destruction?
A. It can be.
Q. Okay. With respect to fingerprint analysis, if you contaminate a fingerprint, what have you done for its usefulness as a print that you can make any conclusions about?
MR. SANGER: I'm going to object. That's vague as phrased.
THE COURT: Sustained.
Q. BY MR. NICOLA: Let me reask. With respect to a fingerprint, if you contaminate it, what have you done to its usefulness?
A. It could possibly make it unusable.
Q. Okay. And what kind of -- forms of

contamination can affect a fingerprint in that respect?

A. Any activity which would destroy the ridge detail or blur the ridge detail so it could not be observed or traced or used for a latent comparison purpose. Cloud the clarity of the print.

Q. Okay. With respect to the DNA testing, do you have experience sending items to the Department of Justice laboratory in Goleta for that very purpose?

A. I have sent a few out, but it’s been several years.

Q. Okay. In your experience, does DNA testing or screening from potential DNA testing take some period of time?

A. To my recollection --

MR. SANGER: Objection; lack of foundation.

THE COURT: Sustained.

Q. BY MR. NICOLA: Sergeant Spinner.

A. Yes.

THE COURT: The objection was sustained.

Q. BY MR. NICOLA: Do you have knowledge of how long the items that you’ve sent to the Department of Justice for DNA testing have taken to come back?

MR. SANGER: Objection, lack of foundation and relevance.

THE COURT: The foundation objection is sustained.

Q. BY MR. NICOLA: You have sent items to the DNA lab in Goleta, correct, for testing?

A. Yes, sir.

MR. SANGER: Asked and answered.

THE COURT: Overruled. Next question.

Q. BY MR. NICOLA: You requested that DNA examination be done on the items that you’ve sent?

A. We sent items to the DOJ at the request of detectives for DNA analysis.

Q. Okay. And in your experience, do you find the turnaround time for when you receive the items back to be a long period or a short period?

MR. SANGER: Objection. Vague and lack of foundation, relevance to this case.

THE COURT: Overruled.
You may answer.

THE WITNESS: Depending on which lab was used, it could take quite some time.

Q. BY MR. NICOLA: With respect to the magazines and other sexually explicit content that you were asked to conduct fingerprint experiments, or fingerprint examinations on, do you know whether any of those items had been sent to DOJ in early February of 2004 for DNA testing?

MR. SANGER: Objection. This was asked and answered on direct. Beyond the scope.

THE COURT: Overruled.

Q. BY MR. NICOLA: You may answer.

A. I knew that items were at the DOJ lab for testing. I don't know when they were actually sent out.

Q. Okay. So you knew the time frame they had been sent out was --

A. Prior to my attempting to --

MR. SANGER: Excuse me. I'm going to object. It's not a question. No question pending.

THE COURT: Sustained.

MR. NICOLA: Okay.

THE COURT: Let's take our morning break.

(Recess taken.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 3937 through 3986 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 29, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
March 29, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

TUESDAY, MARCH 29, 2005

8:30 A.M.

(PAGES 3988 THROUGH 4173)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Nicola is listed as “N” on index. Mr. Mesereau is listed as “M” on index.
Ms. Yu is listed as “Y” on index. Mr. Sanger is listed as “SA” on index.
Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
SPINNER, Robert	3993-A			
MASADA, Jamie	3997-Z	4052-M	4132-Z	4146-M
BELL, Cynthia Ann	4149-A	4160-M		

E X H I B I T S

PLAINTIFF’S NO.	DESCRIPTION	FOR I.D.	IN EVID.
623	Copy of check to David Arvizo	4029	4138
624	Copy of check to David Arvizo	4028	4138

THE COURT: Counsel? Go ahead.

MR. NICOLA: Thank you, Your Honor.

Q. It's still morning. Just a few more questions, Sergeant Spinner.

With respect to the 19 fingerprint comparisons that you've testified to in court over the past few days, was there anything about the exemplars which prevented you from making the specific positive identifications that you've testified in front of the jury about?

A. No, sir.

Q. Okay. And I believe Mr. Sanger asked you whether you had sent the fingerprints out for independent verification. Did you, in fact, do that?

A. Yes, sir, I did.

Q. And whom did you send those prints to?

A. Mr. Pat Wertheim.

Q. Who is he?

A. He's an internationally recognized fingerprint expert. He basically started the McKee case in Scotland when he recognized the bad fingerprint comparison which was conducted by the Scotland office. And he’s on the SWGFST committee. And he is a very learned individual, and I consider him a mentor and a teacher.

Q. Did he verify the 19 results that you’ve testified to in court?

A. Yes.

MR. SANGER: Objection. Calls for hearsay; move to strike.

THE COURT: Sustained. It’s stricken.

Q. BY MR. NICOLA: Did he disagree with any of your comparison work?

MR. SANGER: Objection; calls for hearsay.

THE COURT: Sustained.

Q. BY MR. NICOLA: Typically in a fingerprint case, the defense has the opportunity to reexamine any of the work that you’ve done by their own experts, correct?

A. That’s correct.

MR. NICOLA: I have no further questions.

RECROSS-EXAMINATION

BY MR. SANGER:

Q. Okay. Just a few things. You talked about 723 and 748. And it’s your position that 723 is not the fingerprint depicted in Exhibit 748, right?

A. If I remember correctly, 723 is not a fingerprint exhibit.

Q. Right. So if you testified to that earlier, that would have been a mistake on your part, correct?

MR. NICOLA: Objection. That question assumes facts not in evidence.

THE COURT: Overruled.

You may answer.

THE WITNESS: Yes, sir.

Q. BY MR. SANGER: And you indicated that your experience involved 80,000 fingerprints, and then you said, “Well, it may have been 120,000.” That’s a 50 percent increase in the number of fingerprints.

MR. NICOLA: Objection. Beyond the scope of redirect and it’s argumentative.

THE COURT: Sustained on beyond the scope.

Q. BY MR. SANGER: Now, you talked about DNA testing. My understanding is that you haven't sent anything out for DNA testing yourself for a number of years, correct?

A. The last time I was involved with sending anything out for DNA testing was prior to August of 2003.

Q. Okay. So you don't know how long DNA testing -- let me withdraw that. You don't even know what DNA testing was done in this case, if any, correct?

A. I do know that some items were sent to the Goleta DOJ lab.

Q. Do you know what testing was done?

A. They were sent for DNA analysis, as far as I know.

Q. But you don't know what testing was done?

A. No, I do not know what DOJ did with those items.

Q. And you don't know for how long they held them and for what reason?

A. That's correct.

Q. Now, Exhibit 470, I'll just hold it up here. Exhibit 470 is that briefcase, right?

A. That's correct, sir.

Q. All right. And the items that you formed an opinion on involving your opinion that the prints were from Gavin and Star Arvizo, all were derived from this briefcase; is that correct?

MR. NICOLA: Objection. Misstates the evidence; lack of foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: Part of the items came -- of the prints that were made came from the items that we got back from Department of Justice on 8-3. And the rest of them, I believe, came out of the black briefcase, which I got on 10-5.

Q. BY MR. SANGER: Okay. They were all 317, correct?

A. They were all 317, yes.

Q. So your understanding is, based on your experience in your office, that they're all Item No. 317. They would have come out of Item No. 317, right?

A. Correct.

Q. And this briefcase was Item No. 317. It's

now Exhibit 470, but it was Sheriff's Item 317, right?

A. That's correct.

Q. All right. And you have no way of knowing if and when or whether or not Star or Gavin Arvizo opened this briefcase and looked through it, do you?

A. I have no knowledge what happened to that briefcase prior to 10-5.

MR. SANGER: All right. I have no further questions.

THE COURT: Anything else?

MR. NICOLA: No, Your Honor.

THE COURT: All right. Thank you. You may step down.

Call your next witness.

MR. ZONEN: We'll call Jamie Masada to the stand.

THE COURT: Come to the front of the courtroom, please. When you get up to the witness stand here, please remain standing.

When you get to the witness stand, face the clerk and raise your right hand.

JAMIE MASADA

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and

spell your name for the record.

THE WITNESS: My name is Jamie, J-a-m-i-e; and my last name is Masada, M-a-s-a-d-a.

DIRECT EXAMINATION

BY MR. ZONEN:

Q. Mr. Masada, good morning.

A. Good morning, sir.

Q. What do you do for a living?

A. I do -- I have a Laugh Factory Comedy Club.

BAILIFF CORTEZ: Sir, I need you to speak into the microphone.

THE WITNESS: Oh, I’m sorry, I apologize.

Q. MR. ZONEN: We have to do this with everyone.

A. I’m sorry, I apologize.

I own The Laugh Factory Comedy Club. And I do a couple of different kind of charities. I’m involved with different charities to help kids and homeless people and different stuff.

Q. Let’s start with The Laugh Factory. What is The Laugh Factory?

A. The Laugh Factory, sir, is a comedy club that some of the people, well-known comic or unknown comic, they come up there, they get their break. And we bring studio people, or somebody come see them and look at them. Maybe some of them, they have a talent, they get a break on, they become

famous.

And it’s people that come in, ordinary people that come, they pay admission to come in to watch the talent.

Q. How many Laugh Factories do you have now?

A. I have -- I did have another one in Hawaii, closed for temporary. Right now two, sir.

Q. Okay. One is in New York City?

A. Yes, sir.

Q. And the one in Hawaii is temporarily closed?

A. Yes, because of the hotel remodeling.

Q. Where in Hawaii is it?

A. In Waikiki.

Q. Okay. Now, the original one is the one in Los Angeles; is that correct?

A. Yes, sir.

Q. When did you open The Laugh Factory in Los Angeles?

A. 1979.

Q. How did that come about? How did you come up with such an idea?

A. Oh, God. Okay. Let’s see where I can start. It was -- at that point I was a comedian. There was a strike going on about comedian. And the comedian that wasn’t getting paid. And one of the comedian, John, from the Hyatt House, jump down, and he actually kill himself. And I was very disturbed and upset. And I thought, I got to do something.

So at that point, I walking down the street and I saw a place for lease, and -- I find that place, and I came up with the name “Laugh Factory.” I started Laugh Factory, and it was the first club where I paid the comedians.

Q. Mr. Masada, how old were you when you leased that space and opened The Laugh Factory?

A. I wasn’t even 16. I put it under name of Neil Israel at that point, because he was -- he backed me up and he was the person -- he actually --

Q. You were 16 years old?

A. Yes, sir. About almost 17, and a half, yes.

Q. Did you actually speak English at the time?

A. I don’t know. I’m still -- I think I still am not speaking that good English anyway.

(Laughter.)

Q. When you came to this country, did you speak English?

A. Not much. “Hello, how are you?” That’s about it.

Q. How old were you when you came to this country?

A. 14.

Q. From where?

A. Directly from Israel. Iran, Israel and here.

Q. And to the United States?

A. Yes, sir.

Q. Excuse me. Tell us what the comedy camp is. Well, before I do that, let me go back to The Laugh Factory.

A. Yes, sir.

Q. It has been in existence for a number of years now?

A. Yes, sir.

Q. Would it be safe to say that a number of well-known comedians have passed through The Laugh Factory?

A. I mean, the number of well-known comedians, they still come through The Laugh Factory all the time.

Q. Tell us who. Who are some of the guests who have come through The Laugh Factory?

A. Last couple of weeks, Jon Levitz. Chris Rock. Robin Williams. I could name many, many people that come.

Q. Name a few more.

A. Bob Saget. Chris Tucker. God, George Lopez sometime. Paul Rodriguez. Paul Mooney. They all stop by.

Q. Okay. Now, tell me about the comedy camp. What is that?

A. The comedy camp is for underprivileged kids, the kids that they don't -- the kids that are disturbed or underprivileged, and that's how I created for. 4000

Q. And what is it?

A. It's bringing the kid in, and bringing -- asking all of the well-known comedian to come in to teach them a little bit of confidence and give them a little bit of confidence through life. Some of them, they might become a comedian. Some of them might not become a comedian. But you give them confidence. You give them this big star teaching them how to perform, how to go through life and be confident in life.

Q. Are these principally underprivileged children?

A. Most of them underprivileged children, yes, sir.

Q. And what does that mean? I mean, what is the criteria for somebody to get into the comedy camp?

A. If -- you know, if I see the kid, for example, they are shy, they don't have -- they cannot -- like, they don't have ability to talk in public.

Or I see people that they really come from very poor family, or single family, or -- most of them they come out there, they don't even have family. They are living in group home. They live -- stay in foster homes. And that’s the type of kid we get in comedy.

But sometime, you know, you get a few of

them that they are -- you know, they are -- what you call them? They’re talented and they’re kids, and their parents push them in, and you bring them in, and they are -- you know, we don’t -- we overlook that they are not poor. But most of them, they are underprivileged people.

Q. All right. Do you do the evaluation to decide who gets into the comedy camp?

A. Yes, sir.

Q. Do you meet with every child who comes through the comedy camp?

A. Yes, sir.

Q. Have you maintained relationships with many children who have passed through the comedy camp?

A. Most of the time. Yeah, most of them. Some of them, all of a sudden I don’t hear from them. But 90 percent of the kids always talk to -- they call me back anytime they are in trouble or anytime they are in any kind of problem, they call me. They ask me for help, you know.

I mean, like last night before coming here, one of the kids, you know, has -- he walked out of the foster home, and he comes by, you know, the place. And he was -- I don’t know if he was on drugs, whatever, whatever. You try to help him out. You try to give him direction. Give him a little bit of financial. “Hey, you got to go back. If you don’t go back to your foster home, you’re going to

get arrested,” that type of stuff.

Q. Tell me how the comedy camp is structured. A child who comes into the camp, how often do they come? How regularly? Who do they work with? What do they do?

A. Most of the kids that come to the comedy camp, the structure of the comedy camp is we usually take about 30, 40, maybe -- sometime if -- we have none; sometime have gone over 40 kids; 45, 48 kids.

And they usually come in, a lot of them come in from Los Angeles County Department of Children

Family Services. They bring a lot of kids that they need they help. They bring them to me.

And they usually -- the comedy camp meet once a week, on Saturdays. We provide them lunch, and they get -- I call some of the people that -- one of my greatest -- one of the best person was coming to comedy camp that always encourage a lot of kids, it was Richard Pryor. He would come in always. He was one of the greatest. He came in, and he always encouraged kids. And he encouraged that. He came from a whorehouse. “Look at what I made, what I made of myself. You guys can do the same thing.”

Q. Mr. Masada, how many kids do you think have gone through the comedy camp since you founded it?

A. I think around -- I am not sure. I think over 400; 400 people.

Q. Is there actually a graduation ceremony of sorts?

A. Yes, sir.

Q. What do you do?

A. We prepare the comedian -- we take the kids, we gave them to one of -- another comedian, well-known comedian. Well-known comedian take that kid and coach them in last few days.

And then we have a night, and we going to try in front of real audience. They go on, and they get paid for it, and they become a real comedian. They get a flag. They get gifts. They get -- a lot of stuff they get. And they are very cheerful. We have a cake for them. And it’s kind of like a little ceremony, our own ceremony.

Q. Do kids stand up and do a comedy routine?

A. Yes, they do.

Q. For how long? How many minutes do they get to be up there?

A. They usually do three minute. Sometimes the kid is very, very talented. I seen them, they go on as much as seven, eight, ten minutes. I mean, it depends on the kid, how much talent it is.

And we try to teach them -- they have a little light. We have a red light we give them. And if the red light goes on, they got to get off,

and sometimes they don’t see it.
Q. Do they write their own material?

A. They usually write their own material. Except celebrity type of comic help them out last few days, help them out to, say, punch up their lines or punch up their material.
Q. Are they encouraged to do material that they’re familiar with, things about themselves or their lives?
A. Yes, sir. We are always encourage them to talk about the pain, because I -- personally, I believe laughter is the healing. Laughter is, you know, something that could heal, and it could -- I work with a Norman Cousins quote, and he wrote a book called “Laughter is the Best Medicine,” and I believe in that.
I believe in, because this kid, they never got a chance to be a kid. So I think by expressing themself and talking about the pain they going through, they heal the whole thing. And that’s -- that’s what’s comedy camp.
Q. The child who enters the comedy camp will come how many weeks before graduation?
A. Ten to twelve weeks, sir.
Q. Is it always during the summer, or is it year-round?
A. No, it’s always in the summer.
Q. And what day of the week is it that they come?
A. Saturday, sir.

Q. Do they ever come on a Monday?
A. No. They come in maybe -- on Monday they come in if it’s -- for example, a celebrity want to meet with them on Monday before graduation.
Q. Uh-huh.
A. They might do that --
Q. Okay.
A. -- on Monday, coming in. For example, some big celebrity comes in and said, “I don’t have to come in -- I don’t have time to come in on Saturday or Sunday, but I’ll meet you Monday. Let’s go over material in the club and I help you out.” That has

happened.

Q. Do you try to make sure that a celebrity is with every child?

A. Define what’s the “celebrity.”

Q. Somebody who’s a working, practicing stand-up comedian, earns a living doing that.

A. Yes, the person making a living out of it, yes. I try to find some people that they are mostly, you know, known.

Q. So it is, in effect, a mentorship of sorts?

A. Some type, yes, sir.

Q. Do you know the Arvizo family?

A. Yes, sir, I do.

Q. And how did you become familiar with the Arvizo family?

A. I think, if I’m not mistaken, the first time

I met Arvizo family was -- was the first time we had a comedy camp at the club. And I believe, if I’m not mistaken, is a gentleman called Eric Site. He was from Los Angeles County Dis -- the Los Angeles County Children and Family Services.

He recommend them, or teacher recommended to him, and he brought them in, or he told the mother to bring them in, and they came in.

And the first time I met them, they went on the stage and I watched them, what they doing, what’s going on. And it was at that point was I believe on the time that I was doing interview. Eric Site was present, a lady called Julia Now was present. It was Robert Harper was present. It was Jo-Jo was present.

Q. Who are you talking about? These are people who evaluated their entry?

A. These are the people that sit back watching and seeing it. And it’s a gentleman called Patrick Press (sic) from FOX TV was there that year, was doing a -- what you call -- was doing a documentary about comedy camp. His name is Patrick Press (sic). And he was with his filmmaker, with a cameraman.

Q. Did you interview the Arvizo family to determine whether they should come into the camp?

A. Yes, sir, I did.

Q. And how many kids were there?

A. Three.

Q. Can you name them for us?

A. Yes. It was Star. It was Davellin. It was Gavin.

Q. Okay. Did you meet their mother?

A. Yes, I did.

Q. And what is her name?

A. Janet.

Q. Did these kids come for the entire camp academy, from the beginning to the end, and graduate?

A. I think they came in except one time, as I recall, because they did not have enough money to get bus to come in. They were coming in with bus.

Q. Coming with what?

A. Except one time they did not have money, or something to get the bus to come in.

Q. Oh, take the bus.

A. Take the bus to come in.

Q. So you think they may have missed one session?

A. I think I -- may I take some water, if you don’t mind? I’m sorry. I’ve got a cold. I’m trying --

Q. You’re not alone.

A. If you wanted some Cold-Eze, I have some Cold-Eze for you.

(Laughter.)

A. All right, sir.

Q. As long as we don’t give it to the jury.

A. No, I won’t.

I’m sorry, I’ll talk this way. I’m not talking that way, I’m sorry.

Q. Mr. Masada, was it your understanding that they would commute each time they came to The Laugh Factory by public transportation or by bus?

A. Yes, sir.

Q. And on each of those occasions, did Janet Arvizo bring the three children there?

A. Yes, sir.

Q. Did you get to know them during the period of time that they were at The Laugh Factory comedy camp?

A. Yes, I did.

Q. All right. Did you develop a friendship or closeness with any of the children?

A. I usually -- you know, all of them, I look at them the same way. You know, I don’t look at one kid is better than another kid. You know, all of them, to me, they were all like my own kids. So all 38, 40 of them, whatever were there, all of them -- I looked at them the same way. I didn’t make special effort to be more friendly with them than the other different people.

Q. What year was the academy that they went to, the comedy camp that they went to?

A. The Laugh Factory comedy camp was on 1999.

Q. Do you have a sense of how old the children were when they went?

A. Yes.

Q. Tell us.

A. I believe one of the kids was eight. One of them was nine. One -- no, one of them was eight. One of them was nine. One of them was 13.

Q. 13 being the daughter?

A. The daughter. Yes, sir.

Q. And who was eight and who was nine? Do you remember who was older?

A. Yeah, I believe Gavin was nine. Star was eight.

Q. All right. At some point in time, did you learn that one of the children became ill?

A. Not after I heard -- they graduated. Everything went perfect. The documentary was on FOX TV. Everything was perfect. Then I keep in touch, you know, for their birthday, or giving something, or if they need some money, or anybody needs something, they always call me they need some help. And the next time I heard, I was keeping contact with them, the mother called me, said that Gavin have cancer, and he’s sick, he’s ill.

And I kind of was in shock. “What’s happened? What’s going on? Where we going?” “Tomorrow we going to see another doctor,” this, this.

They call me. I don’t know when I was called.

And then I got another call that they going to go operate. I said, “When they go operate?” They said such and such. And I said, “I’ll be there.”

Q. Mr. Masada, who was it who called you?

A. Janet.

Q. Did she ask anything of you, any favor of you, or ask you to do anything on her behalf?

A. Yes, she did.

Q. What was that?

A. She said I should pray. She ask me if I can pray, and thank you for all of the help I did. If I can pray. And I said, “Okay, I’ll go to church tomorrow and do some prayer.”

Q. And did you go visit Gavin at the hospital?

A. Yes, I was there the time they operate, and I went there every day afterwards.

Q. Who was Gavin’s mentor while he was at the comedy camp?

A. God, the time -- the graduation you mean?

Q. Yes.

A. Or the time -- or the whole thing?

Q. If there was more than one, tell us.

A. Oh, yeah, there was -- I believe, if I’m not mistaken, Paul Rodriguez was one of them. Bob Saget was one of them. Rob Schneider was one of them. Eddie Griffin was one of them. Dave Chappell was one of them.

Oh, God. Let me think. My memory is not that great. Forgive me. Especially cold.

Who else was -- I believe Howie Mandell was one of them. And who else was it? Come on. Paul Mooney was one of them. Oh, God, come on. How many did I call? How many names I say?

Q. Well, let me ask it this way. You’ve mentioned a whole bunch of names. Are these people that came in during the course of the entire camp?

A. Yes, they came through the whole camp. And each time they came in, they become a mentor to them for that week.

Q. Oh, I see. Okay. Do you know if there was one in particular that worked with the Arvizo children on more than one week?

A. Oh, yeah, George Lopez.

Q. George Lopez?

A. Yes, I'm sorry.

Q. And you do recall that at this time?

A. Yes, sir, I do.

Q. When you went to see Gavin at the hospital the first time, how did you find him? I mean, in what condition did you find him?

A. I -- oh, God. After operation or before operation?

Q. When was the first time? Before the operation or after?

A. Before operation. He was -- he was kind of like a -- his stomach was big. He was yellow, and his -- he looked like a -- very, very sick, like something was -- you know, all with -- his face was all white and yellow. He had no color in the face.

And after operation, I kept on going, and -- oooh, God, don't bring that memory back.

I kept on going. And anytime I go up there, I see a poor kid every day, he's deteriorating. All of a sudden, I see he lost his hair, because they were -- you know, after a while they -- the operation and everything, they gave him chemo. And all of a sudden he lost his hair. He kept on losing weight. I think -- I'm -- without exaggeration, I think he was -- one time he was -- weighed about 60, 65 pounds. He was bone and skin.

And then I would watch. I would go every morning, I would take some doughnut for the nurses up there and to go see them, and to see her -- to see him every day, every morning. And he was deteriorating to the point of -- it was unbelievable. I would go there, I would walk out tear in my eyes, because I didn't know what to do.

What do you do with a kid like that?

And at one point --

MR. MESEREAU: I'm going to object to the narrative.

THE COURT: Sustained.

THE WITNESS: I’m sorry. I’m sorry.

MR. ZONEN: Let me move on.

THE WITNESS: What did I do wrong?

MR. ZONEN: We have our own rules here. It’s a little bit different.

Q. When -- you were visiting him on a regular basis; is that right?

A. Yes, sir. Yes, sir.

Q. Would you bring things for him?

A. I would -- I don’t -- I’m not very good -- I’m sorry. I’m not very good with giving gifts. And I give them financial. You know, I go up there, “Hey, if you eat, for example, today, if you eat, if you keep what you doing, I give you 50 bucks.”

This, this.

I kept on encouraging to give them. “If you save your money, I put all of your money together. When you get better, me and you, we go shopping. Here’s $50. Here’s that, that.” I give him every week some money, a $50 bill.

Q. A $50 bill?

A. Yes, sir.

Q. Did you do that more than once?

A. Oh, yeah.

Q. How many times do you think you gave him $50 bills?

A. Oh, God, I think about six, seven times.

Q. Was encouraging him to eat an important thing at that time?

A. Yeah, the doctor -- one time, the doctor -- you got to picture, this kid is dying. The doctor told me he has two, three weeks to live.

So me, I was trying to do everything I can in my power. And the doctor told me, “He’s -- he’s -- right now, he’s deteriorating. If he don’t eat anything, if he doesn’t” -- they were feeding him food from his wing. “And if he doesn’t eat, if he doesn’t eat - encourage him - he’s going to die.”

So what I would do every morning, I would have a comedian with me, different comic every morning, different comic would go with me and cheer him up, tell him a joke. And beside that, I would go up there in the hospital, I tried to give him food, you know, to eat, to feed him.

Q. Mr. Masada, you really grabbed comedians out of the club, took them to the hospital and said, “Start telling him jokes”?

A. Yeah, I --

MR. MESEREAU: Objection; leading.

THE WITNESS: What did I do now?

THE COURT: It’s not leading. But it’s something. I’ll sustain it.

(Laughter.)

THE WITNESS: I’m sorry. Did you say something to me?

THE COURT: It’s not to you, no.

THE WITNESS: No? I’m okay?

THE COURT: I’m talking to the attorneys.

THE WITNESS: All right.

MR. ZONEN: Would you like me to do that differently?

THE COURT: Yes.

Q. BY MR. ZONEN: Tell us how you did that, please. Tell us what you did with comedians.

A. A comedian always have -- say Bob Marley, Dane Cook, Frazier, me, I say to any of them, “Guys, meet me in the morning. We got to go to” -- each one of them, they would -- wake them up in the morning, I would drag them with me to the hospital. And they would go up, and just kind of make a little scene for him, “Bah, bah-bah,” whatever he did, little joke, like a clown, make a little smile on his face. That’s what we tried to do.

Q. Did this go on for months?

A. Yes, sir.

Q. Did you give him other gifts during that time?

A. Not -- not gifts. The example, I give him money, you know how I give him money all the time.

Q. Was there a point when he was well enough to go home and then begin the chemotherapy treatments?

A. No, he would -- he didn’t go home right away. It was sometime we were trying -- you know,

one time, point, it was almost that he was dying and he's -- you know, we were trying to feed him food. And his mouth -- because he was taking chemotherapy, when you take chemotherapy, your mouth is all bleeding. It's like your skin in mouth is gone. You -- your mouth has no skin or anything go in your mouth, it's like bleeding.

So I was encouraging, trying to give him ice cream. I chopped -- what they call it? -- cantaloupe in his mouth. "If you eat, I'll do this, I'll do this, I'll do that." And I keep on encouraging him for different stuff to eat. And I do anything I could do, clowning around, doing anything I can to make him eat. At one point he --

Q. Mr. --

A. I'm sorry. At one point he had an O negative blood, too.

Q. That's what I was going ask you.

A. Oh.

Q. Did you commence a blood drive or do something to facilitate a blood drive?

A. Yeah.

Q. What did you do?

A. He had O negative, I heard, from -- what's the name of that, the blood drive that they do? The blood drive. It's not Salvation Army. No, what's the blood drive? Come on. Red Cross.

Q. Red Cross?

A. I'm sorry. Red Cross.

I heard from Red Cross that they were -- didn't have enough blood, blood for him. So what I did, I put on my marquee, I put the sign on the door, "Anybody go give blood to the kids, they can come in and get -- come in the club, get free in the club," and they get food free.

The people, they went -- actually, I have like a one night of like a gathering for them. They come to the club and they have everything on the -- I have some good comedians, watch good comedians, all of them, for me to encourage people to go give blood.

And one time Red Cross came in the club actually and they did a blood drive in the club. At the time we encourage people, comedian, go on the stage, tell jokes at the time the people give blood.

So we got creative. And I encourage -- and I got a couple of radio station and a couple of T.V. station. Mostly T.V. station. I got ABC, I got NBC, to do a little promo about the blood, if they can get somebody with blood coming in, if they can do something about the blood.

And they did. As a matter of fact, Phil from -- from ABC came in -- he came in the hospital with a camera and he talked to me, and he showed me -- I feed him the blood -- I’m sorry, feed him the food, and -- sorry. So --

Q. Let’s move on.

Did you ever do a fund-raiser on behalf of Gavin Arvizo out of The Laugh Factory?

A. Yes, we did.

Q. All right. Were you working with anybody in particular on that?

A. What do you mean, did I work with anybody particular?

Q. Well, were you the one organizing?

A. Yes, sir.

Q. Do you know how many fund-raisers you did?

A. I think I -- you know, with blood drive, everything, financial one was couple of them. I think we did two, yes.

Q. And that’s separate from your efforts to encourage blood donation?

A. Yeah, the blood donations was kept another thing. We did different things for them, yes.

Q. How does it work that you do a benefit, financial benefit for somebody through The Laugh Factory? How does that work?

A. The way it works is we -- we have a person, for example, if it’s charity, if it’s not a charity, somebody else it is that they want a fund-raiser, we give them -- we say, “Here is the door. Whatever people that come in, you collect the money.” If it’s charity, they collect the money. And the money goes to them.

My employee instructions are, “Do not touch their money. Their money is their money.”

Whatever -- some poor people come in and give them $20, some people give them 50, whatever they want to give them, and that’s what we do. And they take the door. If there’s anybody -- people they want to buy a drink or they want to buy anything else, we keep it. We don’t give it back. But the rest of it all go to the charity.

Q. Okay. Mr. Masada, do you know David Arvizo?

A. Yes, I do, sir.

Q. And how did you meet him?

A. I met him in the hospital. First time I met him in the hospital.

Q. All right. You had already known Janet Arvizo; is that correct?

A. Yes, I did.

Q. Was it your understanding that David was Janet’s husband?

A. That’s what I was introduced by.

Q. And the father of the three children?

A. Yes. Yes, sir.

Q. Did you become involved with David Arvizo in fund-raising efforts in some fashion?

A. Yes, sir.

Q. All right. Was he involved in the two fund-raisers at The Laugh Factory?

A. Yes, sir.

Q. Was Janet Arvizo there at either of those two?

A. As far as I remember, I don’t recall Janet be there at all.

Q. Do you know how the money was collected on either of those two occasions, those two fund-raisers?

A. Yes. I believe first time was David and -- David and -- David and the kids. I told them, you know, “Here is the table. Sit in here.” And I wanted somebody else sit with them. I don’t know who was it, but they sit by the door. Whatever they came in -- you know, most of my audience, they come in, they gave them money, whatever they gave them.

Q. Do you know approximately how much money would have been raised on either of those two fund-raisers based on your experience in the past?

A. Oh, God. I don't think it was anywhere -- you know, I don't think it was -- any of them was more than 2,000 bucks. I don't think so. Never to near 2,000 bucks. Maybe, eight, 900, 1200. I have no idea.

Q. Okay. Do you think that 2,000 would be the maximum they would have received?

A. Yeah, maximum. Maximum, I would think.

Q. On either of those two occasions, did you collect the money or somebody working with you collect the money?

A. No. They did it. They did it. I think one time, as I recall, David had sat down with one of the employees that collect the money. And the employee that sat down, David and the employee sat down, and David was very upset because George Lopez was supposed to be there, and George Lopez didn't come out. And George Lopez had an argument with him, whatever, and he was kind of like upset. And I took the money, I brought it up, I gave it to him upstairs.

Q. Okay. Do you know how much money that was?

A. I think it was about 800, thousand dollars, or something like that. 800, 900.

Q. During the time that you knew George -- that you knew David Arvizo, did he ever ask you for money?

MR. MESEREAU: Objection; hearsay.

THE WITNESS: What do I do?

THE COURT: Just a moment.

Sustained.

MR. MESEREAU: I'll withdraw the objection. I'll withdraw it.

Q. BY MR. ZONEN: Did David Arvizo ever ask you for money?

A. Yes, he did.

Q. How often?

A. Many time.

Q. How often is "many"? Give us a sense.

A. Anytime he was bringing the kids in, in to visit me in the office, or I would go, he would walk out with me. He said, "Well," you know, something, "We haven't had soup, we haven't had lunch." I mean, poor guy. You know, I gave it to him, because I wanted to give it to him. Poor guy, he needed money for eating, whatever. He was unemployed. And I gave him whatever. You know, anytime he asked me, I gave him some cash.

Q. Did he tell you he was not working?

A. Yes, he did.

Q. Did he tell you why he was not working?

A. No, he did not. I mean, I assumed, but I didn't ask, "Why you not working?" Because his kid was sick in the hospital.

Q. Did you ever see Gavin's mother, Janet Arvizo, at the hospital when you visited?

A. Yes, several times I saw her.

Q. Okay. Was she there as often as David was there, could you tell?

A. No -- the time I was going there, no, she wasn't at often. But I was going early in the morning usually, because my days start in the morning, early in the morning. And, no -- I mean, several times I saw her, but, no, not that often.

Q. Did you maintain communications with Janet Arvizo during the time that her child was sick?

A. Yeah.

Q. You would talk to her?

A. I talked to her once a while. She call me once in a while. Yes, she does.

Q. Did Janet Arvizo ever ask you for money?

MR. MESEREAU: Objection; hearsay.

THE COURT: Sustained.

Q. BY MR. ZONEN: Did you ever give Janet Arvizo money?

A. No.

Q. But you gave David Arvizo money; is that correct?

A. Yes.

Q. How much money do you think you gave him during the period of time his child was sick?

A. You are going to think I'm crazy, but I have no idea. You know, I had money in my cash -- in my pocket, you know. I go out there, you know, he asked me for some money, I gave him, 50 bucks, 40 bucks, 70 bucks. And sometime he asked me for gas for car, because he had a car now. He have a "sudan" car that Michael Jackson gave it to him, and he was -- he said he was losing a lot of gas and he need more money for gas. You know, I just gave him the money.

Q. Did you ever see the vehicle he was talking about?

A. Yes, I did.

Q. And what was it, what kind of vehicle?

A. One time he came in the office with a kid, with his two kids, he say, "Oh, Jamie, you got to come see."

"What's going on?"

"Come on, I want to show you something."

And I went, "Okay."

And I went outside in -- on Laurel, and I saw his car was parked in front of the fire hydrant. I said, "Man, this is your car?" He say, "Yes." I say, "You're in front of the fire hydrant." And he parked there, and he opened -- it was a white car, like a -- what you call it? A su -- a "sudan" car, SUV -- what you call it?

Q. An SUV, sport utility vehicle?

A. Sport utility car.

And I remember one thing particular about the car, a T.V. was on the dashboard. A T.V. was on the dashboard. And he said -- I said, "Well, what -- why did Michael give you that car?" He said, "Michael gave me the car so I can take the kid to Neverland." I said, "Oh, that's very nice. That's very generous of him."

And that's -- that's the conversation I had with him.

Q. Do you know how long he had that car?

A. I have no idea.

Q. At some point in time, did you have a falling-out with David Arvizo?

A. Not really. I never had a fall-out with him.

Q. All right. Was there an incident that took place involving a wallet, a conversation with him about a wallet?

A. Yes.

Q. All right. What was that?

A. It was -- the first time happen, it was in my club. He came in my office one time. And I remember precisely that whole thing, because I did not have money, cash in my pocket.

He came in my office, and he ask that -- he said that Gavin went to George house and somehow he left his wallet with 300, $350 in it, in George house. He lost it in George Lopez’s house.

And I said, “Oh, really?” I said, “Gavin, this happened?” And Gavin didn’t say anything. And I just kind of like, “Gavin, this happened? He said, “No.” I said -- and David went near Gavin and he said, “Tell him that happened.” And Gavin didn’t say anything.

And I just -- my phone rang. And I tried to pick up the phone, and then I realized Gavin said, “Oh, dad,” like some -- kind of like David elbowed Gavin, or something.

And I knew that his face -- Gavin’s face got all red, like the -- the time David hit him, his face was red, and, “Dad,” and something like that.

And at that point, I said, “Wait a minute, wait a minute, wait a minute. Guys, come on, let’s -- let me -- what was it? 350?” Whatever.

I wrote him a check. I said, “Here’s the check. Go -- here.” I gave him a check for $350.

I said, “Don’t even mention it. First, the money was from me. I gave you guys the money. Don’t even get that.”

Because I got really upset, because this kid is sick. He elbowed him or something. I didn’t see what’s happened, but I could see from the face of the kid, he did something to him.

Q. Did Gavin ever say anything to you to confirm that 300 or $350 was missing from his wallet?

MR. MESEREAU: Objection; hearsay.

MR. ZONEN: State of mind, Your Honor, and explains the behavior.

THE COURT: The objection is overruled.

Go ahead.

THE WITNESS: I answer?

THE COURT: You may answer.

THE WITNESS: What was the question again? I’m sorry.

THE COURT: I can have it read back for you.

THE WITNESS: Oh, thank you. Thank you, sir.

(Record read.)

THE WITNESS: No, never said that.

MR. ZONEN: May I approach the witness, Your Honor?

THE COURT: Cross-examine?

MR. ZONEN: No, I’m not done. I said, “May I approach the witness?”

THE COURT: I’m sorry. Yes, you may.

(Laughter.)

MR. ZONEN: I’m losing my voice.

THE COURT: I was just trying to hurry it along. I’m sorry.

(Laughter.)

Q. BY MR. ZONEN: I’d like to show you an exhibit. This exhibit is marked as Exhibit 624 for identification. Not yet in evidence. Take a look at that, please, and both pages of it. I’ll leave a second exhibit here as well.

A. Okay.

Q. Do you recognize that?

A. Yes, sir, I do.

Q. And please tell us what that is.

A. That’s a check for $350 to David Arvizo.

Q. All right. Is that, in your opinion, the check that you wrote him at that time?

A. In my opinion, yes.

Q. And the date that’s on there, what is the date?

A. 10-13-00.

Q. All right. Would that date have been written on that check accurately? In other words, would you have written the same date on the check as was the date that you wrote it?

A. I think so.

Q. Okay. Okay. There’s a second exhibit, which I think is 623, right next to you. Go ahead and grab that one and take a look at that.
A. Okay. This one?
Q. Yes, please.
A. All right.
Q. And confirm that number. That little kind of pumpkin-colored tag on the bottom should have a number on it.
A. This is 623. Case No. 1133603.
Q. That’s fine.
A. People --
Q. That’s fine. It is 623.
What is that document that you’re holding?
A. It’s a copy.
Q. Of what?
A. A copy of a check.
Q. Okay. What is that check? Is that your check?
A. That’s Laugh Factory check.
Q. Made out to whom?
A. To David Arvizo.
Q. For how much?

A. For $800.
Q. What do you believe that was for? Do you have a recollection of it?
A. Yes, I do.
Q. What was that?
A. I think it’s, again, another time he came, ask me for money that I didn’t have cash with me, so I had to write him a check for his rent.
Q. And that was what that check was for?
A. That’s what he said for.
Q. Do you have a sense of how much money you gave David Arvizo during the time that Gavin was ill?
A. Not really.
Q. On one of the two occasions that you were having a benefit at The Laugh Factory --
A. Yes, sir.
Q. -- did you have an argument with David, or did he have an argument with you?
A. Not really. I don’t recall argument.

Q. Did he ever throw money on the floor?

A. Oh. One time -- the second, I think, if I’m not mistaken, it was the second time that the money I gave -- we did a fund-raising for David. And we went upstairs, and somehow he was downstairs collecting the money.

And we went upstairs, giving the money to David Arvizo. And David all of a sudden -- we gave him the money. And I ask him about -- again, one more time about -- because Gavin was up there. Somebody was there. I can’t recall who was there. Somebody was -- few people that were up there, they ask me about the wallet. Somehow the wallet came up. And David was trying to tell Gavin to talk about the wallet. And Gavin did not want to say anything about it. He said he didn’t know what wallet he’s talking about.

And because of he wasn’t -- kid was not confirming what he was saying, and he throw the money at me. And I’m kind of like -- you know, I was kind of like insulted; I say how unappreciated person he is, so I start walking away.

Q. You walked away?

A. Yes, sir.

Q. All right. What happened to the money?

A. I have no idea. Maybe somebody picked it up. I have no idea.

Q. You left it behind, though?

A. Yes.

Q. You didn’t pick it up?

A. No, I was upset at that time.

Q. Was this the money that was the door money to one of those benefits?

A. Yes, sir.

Q. All right. What was it that you said to Mr. Arvizo prior to him doing that?

A. I think was something to do -- I mean, again, it’s -- God, it’s five years, four years ago. I can’t remember word by word. But it was something to do with wallet.

Q. Whose wallet?

A. The wallet of Gavin, because I believe I spoke to Ann Lopez. Ann Lopez said they find the wallet and was only $50 in it or something.

And I'm trying to ask him, "Wasn't that what you told me you got a check for, 350 from me? What's going on in here? Can you explain something here? Something is not kosher in here. Hello?"

And he's kind of like -- he said -- he ask Gavin, "Gavin, confirm what's happened," and Gavin would not say anything.

Q. That's the conversation we just had already?

A. Yeah.

Q. Did you have any other dealings with David Arvizo thereafter?

A. Yeah, he would come by the club once in a while. He would come in, you know. I mean, at that point after that, you know, it was kind of like, you know, you try to help people, and the time people become a little bit, you know, not truthful, you just kind of like -- you know, you're not as friendly as you're supposed to be.

So I wasn't that much friendly with him. I mean, we were still -- we still talk anytime he calls me. I pick up his phone, I talk to him.

Q. At some point in time, did you become aware of the fact that the Arvizo -- or any members of the Arvizo family were visiting Neverland, Michael Jackson's ranch?

A. Yes, I did.

Q. Were you involved in some way in introducing Gavin to Michael Jackson, to your knowledge?

A. To my knowledge, I don't know if it was me doing or so many -- I was in the hospital. The kid was -- you know, he needed help. And his wish was -- looking at a T.V. on the -- in the hospital, he saw Michael Jackson on the T.V., and he said he wanted to meet Michael Jackson. I didn't know Michael Jackson. I never met Michael Jackson. And I want to bring his wish through like Make a Wish.

So I say, "Okay, if you eat, I do anything you want. You want to meet Adam Sandler, all those guys you told me, I'll introduce him to."

I didn't know Michael Jackson, but at that point I made several phone calls to different places. I called Paul Mooney, David Salzman. I called Quincy Jones’ office. I called anybody I could to get some kind of number. Somebody say call some -- some -- some studio in Vine Street, called The Studio on Vine Street. I was doing that in the hospital, call The Studio on Vine Street. I tried to call -- they gave me number, they said it’s Neverland. I don’t know if it was Neverland.

So I left a message for everybody I could, “Hey, if anybody get this message, please tell Michael to watch this ABC show and this thing, and if he can watch it, please call him tomorrow. There’s this kid dying.”

And I left a message. I don’t know if my message got to him or he called next day by chance, by will of God. I have no idea.

Q. But in any event, you became aware that Gavin had started having conversations with Mr. Jackson?

A. Yes.

Q. Did Gavin ever talk about that when you visited him at the hospital?

A. Yes. The next day when he was so impressed and so grateful and so happy to hear from Michael. Michael call him. And he said, “Do you have anything?” I said, “I don’t know.” I made a few phone call. I don’t know if anything came from me. Maybe somebody else call him. I have no idea.

But at that point, he was very happy, and he was very excited about it. And you could see his face, he was cheered up a little bit.

And what else?

Q. Are you aware of whether or not he ever visited Michael Jackson at Neverland Ranch?

A. Yes. Father told me Michael invite them to go to Neverland. And they were going to go to Neverland. So I said, “Oh, great. Wonderful. Have a good time.”

And father said, “Do you want to go?” And I said, “I got three other kids dying. I got to go take care. I wish I could go. I can’t go to Neverland. I wish I could. But go ahead. You guys enjoy.”

Q. At some point in time, did you view or watch the television documentary entitled “Living with Michael Jackson”? Did you ever see that?

A. Yes, I did. The second time they showed it.

Q. In the United States?

A. In United States, yeah.

Q. Were you aware that Gavin was going to be featured in that documentary prior to your viewing it?

A. I was aware of it because Janet called me about that.

Q. All right. When Janet called you, do you remember when that was?

A. No idea. The date -- I’m very bad with date. I’m telling you now, don’t go to the date.

Q. Was Gavin -- was Gavin already well at that point?

A. Gavin was not well, but he was -- you know, I mean, still have a problem with the kidney, because, you remember now, he had one kidney, and he have no spleen, and he got to take medication for his spleen, because he goes through any room that have a germ, he could get sick immediately. And he had one kidney. And at the time he have one kidney, you know, he got to go for his blood being, you know, changed or dialysis, or whatever it is. Once in a while he got to do that, all kinds of stuff like that. So he’s not still well.

Q. When Janet called you, was she upset?

A. She said -- yes, she was upset.

MR. MESEREAU: Objection; hearsay.

MR. ZONEN: I was just asking whether --

THE COURT: The objection is overruled. And the answer was, “Yes.” Next question.

MR. ZONEN: All right.

Q. You then viewed the documentary “Living with Michael Jackson”; is that right?

A. Yes, I did.

Q. And you watched Gavin in that film?

A. Yes, I did.

Q. Were you aware of whether or not that film itself caused Gavin some problems?

MR. MESEREAU: Objection. Hearsay; foundation.
MR. ZONEN: The question is whether he knew.
THE COURT: I'll allow the question, but you can only answer it "yes" or "no." And I'll have it read back to you.

THE WITNESS: Okay. Please.
(Record read.)
THE WITNESS: Yes, it did.
Q. BY MR. ZONEN: What were the nature of those problems, to your understanding?
MR. MESEREAU: Objection; foundation.
THE COURT: Sustained.
Q. BY MR. ZONEN: Were you told by anybody the nature of those problems?
MR. MESEREAU: Objection; foundation.
MR. ZONEN: State of mind. Not for the truth of the matter.
THE COURT: The objection is sustained.
MR. ZONEN: All right.
Q. Did you do a presentation of any kind or were you filmed in any way on behalf of Michael Jackson?
A. Yes, I did.
Q. All right. Tell us about that. When did that happen?
MR. MESEREAU: Objection; foundation.
THE COURT: Overruled.
Q. BY MR. ZONEN: When did that happen? Go ahead.
A. It was -- I don't know, again, the day. It was sometime that -- after Martin Bashir show, that film. And the people, they called -- Janet called and said they needed to do --

MR. MESEREAU: Objection; hearsay.
Q. BY MR. ZONEN: Just tell us what you did.
A. What I did. They came in my club and they ask me if I can talk on the T.V. And they talked to me if I can talk about Martin Bashir. I start talking about Martin Bashir, that Martin Bashir -- what I thought, that he did something wrong, because showing a kid, underage kid, on his T.V -- on a T.V.

for -- he make millions of dollar, and he put this poor kid on a tape, and he didn't even digitize his face, and people in the school, they call him "faggot" by it. And I -- I felt terrible for him. I really felt horrible about it.

Q. Who was it who asked to you do something on tape on behalf of Michael Jackson? Do you know who the person was?

A. I think, if I'm not mistaken -- I'm not hundred percent sure, maybe I shouldn't answer it, but I think it started with Janet.

MR. MESEREAU: Objection; calls for speculation.

THE WITNESS: Oh, don't answer it?

THE COURT: Don't answer.

THE WITNESS: I don't recall.

Q. BY MR. ZONEN: Did that person --

(Laughter.)

MR. ZONEN: Well, that was a more concise answer.

THE WITNESS: Well, that was bad?

Q. BY MR. ZONEN: No, no, no.

How many people showed up?

A. They showed up about, oh, God, three, four people, five people.

Q. Cameramen included?

A. Cameramen.

Q. Where did they do the filming?

A. In Laugh Factory in Los Angeles.

Q. All right. Were any of them introduced to you?

A. I'm sure they were.

Q. Do you remember any of their names?

A. None.

Q. How long was the filming?

A. The filming, they said they going to do about two, three minutes, just talk about Martin Bashir. But afterwards, they -- I understood that my mike was on, and they kept on talking to me about Michael. They talked to me about different stuff. I don't know if they tape all of that. I'm not sure. But they said, "I want to pick up the spot I talk about Martin Bashir, what he did was wrong."

Q. All right. Did you ever see the production that was done that featured you, among other people?
A. No, I did not.
Q. Do you know if it was ever shown on television?

A. I think it was, because people told me it was on T.V.
Q. To this day, have you ever seen it?
A. No, I got a tape of it, but I never got a chance. I wish I had time to go see it. I have a tape of it. And I know -- I’m -- I don’t look at myself too much.
Q. But you’ve never looked -- you’ve never viewed it in its entirety?
A. No.
Q. And you’ve never viewed the portion that you recited?
A. No.
Q. And you don’t know if it contains the part that was filmed after you thought you were done, or during the part?
A. I have no idea, but the people, they told me what they said. I says, “Well, that’s the press. Let it go.” I didn’t even --
Q. Did somebody tell you what to say?
A. The people that were there, they were encourage me to talk about Michael. If Michael helped the kid, what my thought was. Who else helped the kid, if Adam Sandler helped the kid, if anybody helped the kid. And I was very open. I was talking about it.
Q. What did you understand to be Mr. Jackson’s assistance to this child at the time that you did this video?

A. I thought Michael, Adam Sandler, everybody really -- they helped the kid. That’s my belief. Everybody, they did help the kid. At that point I believed that.
Q. Did you have any personal information at that time on what Mr. Jackson did on behalf of Gavin Arvizo at the time you did this video?
A. What -- I’m sorry.

Q. Did you have -- when you made statements on behalf of --
A. Yeah.
Q. -- Michael Jackson and other people --
A. Yeah.
Q. -- did you have a sense of what it was that Michael Jackson did on behalf of Gavin Arvizo?
A. I’m not still clear. I’m sorry.
Q. Were you encouraged to say good things about Michael Jackson?
A. Yeah. The people ask me, “Hey,” you know, “Can you say that?” And I say, “Yeah.” I believed it. I said it, yeah.
Q. Did you believe the reason for your presence on that video was to say something about Martin Bashir?
A. Yes, that’s what I believed.
Q. At some point in time did you get a phone call from Janet Arvizo calling from Neverland?

A. Yes, I did.
Q. Did she sound upset to you?
A. Uh --
MR. MESEREAU: Objection; hearsay.
THE COURT: Overruled.
Q. BY MR. ZONEN: Did she sound upset to you?
MR. MESEREAU: And leading.
THE COURT: Overruled. You may answer “yes” or “no.”
THE WITNESS: Yes.
Q. BY MR. ZONEN: All right. What did she tell you?
MR. MESEREAU: Objection; hearsay.
MR. ZONEN: State of mind and spontaneous declaration and excitable utterance, the last being the exception to the hearsay.
MR. MESEREAU: No foundation for that justification.
THE WITNESS: What do I do?
THE COURT: That’s true for the spontaneous declaration and the excitable utterance. There is no foundation. The state of mind, I think that would depend on a further foundation also, so I’ll sustain the foundation objection.

MR. ZONEN: All right.
Q. You said she was upset. Describe that to me. You’ve had other conversations with her prior to that.

A. I had many conversations with her. She was kind of like in a state of, you know, like crying, “Oh, my God.” You know, her voice, you could see like -- “Oh, my God, they hold” -- “They are holding me here.”
MR. MESEREAU: Objection. Objection. Hearsay; move to strike.
THE COURT: The -- I’ll strike that. The foundation I was looking for was time frame foundation, because her state of mind is only relevant at a certain time, so I think you missed --
Q. BY MR. ZONEN: Can you tell us approximately when that call was taking place? If you can’t tell us a date, then in comparison to other events.
A. It was -- in my recollection, it was sometime later after Martin Bashir type of stuff.
Q. Can you tell us approximately how long after Martin Bashir?
A. I have no idea.
Q. I mean, would it be measured in weeks or measured in months?
A. Few weeks maybe.
Q. All right. All right. And then you described her as crying; is that correct?
A. Yes.
Q. All right. And you’ve heard her crying before?
A. Yes.

Q. At the time she had that conversation with you about her child being ill?
A. The time he was ill, a couple of different times I heard her crying. It was in the hospital I saw her crying, and her voice.
Q. And describe her emotional state as you talked to her on that telephone call after the Martin Bashir screening. Describe her emotional state in comparison to those other occasions.
A. She was upset. She was crying, the same way

was before. Her voice was the same as like her child was sick.

Q. And what did she tell you?

MR. MESEREAU: Objection; hearsay.

THE COURT: I’m going to admit this for the state of mind only.

MR. ZONEN: Thank you.

Q. What did she tell you?

THE COURT: That means that it’s not -- I’m going to let you answer in a minute.

THE WITNESS: Okay.

THE COURT: (To the jury) That means that I’ve limited the use of this testimony not for the truth of the matter asserted, not for the truth of the matter of what she says, but to show her frame of mind.

All right. You may answer the question. Do you want it reread?

THE WITNESS: Please.

THE COURT: Okay.

(Record read.)

THE WITNESS: I mean, depends what conversation. I mean, now I have several conversations.

Q. BY MR. ZONEN: This first one.

A. Oh, God, I don’t know which one was first.

Q. As best you can recall.

A. Which one was first, which one was second. Four, five years ago. I have no idea. But I could say what conversation I had. I don’t know which one was what.

Q. The one that you most remember where she was crying. That one.

A. She was -- that one was from Neverland. She said, “They are holding me here with my kid against my will. I need to get out of here. Please do something.”

I said, “Why don’t you call the police?” We talked about all kind of stuff like that.

You want to --

THE COURT: Hold it. Hold it. Next question.

Q. BY MR. ZONEN: All right. Did you make an

effort to introduce her to a lawyer?
A. Yes, I did.
Q. And who was the lawyer that you introduced her to?

A. Bill Dickerman.
Q. All right. Do you remember what that was?
A. It was after the Martin Bashir taping was going on. The people, they were calling Gavin all kind of bad names. And I took her to -- and the kid to -- to Bill Dickerman to stop, if they can stop. ABC was running it. VH-1 was showing his picture, MTV. All of them. The way I understood, everybody was showing his picture. And the people, they recognize him, and they would call him bad names. And he was really upset. And we were going to try to see if -- if Bill Dickerman could write a letter to those people, tell them stop using the tape of -- showing his face.
Q. All right. Were you the one, then, who took her to Bill Dickerman?
A. Yes, I did.
Q. And was the purpose for that to get her child off television?
A. Yes.
Q. Was there any other reason that you took her to Bill Dickerman?
A. No, that was the reason we took her, because didn’t want to be -- her child be called “fag,” or whatever was calling.
Q. Were you present during any of those conversations?

A. I --
Q. By “those conversations,” I mean between Janet Arvizo and Bill Dickerman, Attorney Dickerman.
A. Yes, I was, on four occasion. I remember four occasion I remember I was present.
Q. Okay. And did you participate in the conversations?
A. First one, participate.
Q. I’m not asking you the content. I’m just asking if you were actually contributing in some fashion to these conversations.

A. Yes.

Q. All right. What -- where did the conversations take place? Were they at multiple locations?

A. Yes, sir.

Q. What were the multiple locations?

A. One time was in my office. No, no, it was in the Bill Dickerman -- I took them Bill Dickerman office. And it was in Bill Dickerman office. They talk to the -- to Bill Dickerman.

And second time it was in my club. And I believe third time it was in my club.

Fourth time it was -- I was present with Bill Dickerman. We took them to -- we took -- we took the kids and the mother, they were going with Jay, they were going to play baseball, and we took them to baseball, and I was going watch the kids to

play baseball. So those four times I was present.

Q. All right. There was one meeting at The Laugh Factory; is that right?

A. Two meetings at Laugh Factory, sir.

Q. Do you know if Janet was accompanied by anybody from Neverland?

A. I understood that's what she told me. I was inside the club. She said we -- came in, and she --

MR. MESEREAU: Objection; hearsay.

THE COURT: Sustained.

Q. BY MR. ZONEN: All right. Did you ever offer money to Janet Arvizo?

A. Did I ever offer money to Janet Arvizo?

Q. Uh-huh.

A. Yes.

Q. Okay. Did you ever tell her that there was somebody prepared to give her a substantial amount of money?

A. Yes, I know where you're going now. Yes.

Q. You're troubled by something, are you not?

A. Yes. Yeah.

Q. The person --

MR. MESEREAU: Objection. Leading; move to strike the comments.

THE COURT: Sustained; stricken.

MR. ZONEN: All right.

Q. The person -- there is a person who was -- let me back off a little bit.

The conversation that you had with Janet Arvizo about somebody having money for her --
A. Yeah.
Q. All right. Tell us what you told Janet Arvizo.
A. It was after Martin Bashir and all of that stuff happened. And I told Janet, I said, “Janet, particular person wants to give you -- actually, offered to give me a check, as much as amount of money you want, and wants you to just take care of your kid and family, and feels bad for all of that stuff. And if you need money, whatever money you need, I know this particular person he would give you whatever money you need,” you know. “You need to buy a house, whatever you need, he would get you the money. Whatever money you need, he would give it to you.”
Q. What did she say?
MR. MESEREAU: Objection; hearsay.
MR. ZONEN: State of mind. Particularly given counsel’s opening statement.
THE COURT: All right. The objection is sustained.
MR. ZONEN: Could we approach sidebar?
THE COURT: All right.
(Off-the-record discussion held at counsel table.)
THE COURT: All right. Would -- excuse me.

(To the jury) What I’m going to do is, again, I’m going to change the ruling that I made a moment ago, and I’m going to allow the answer to this question.
But again, I’m going to give you the cautionary instruction that this answer that is about to be given to this question is -- is offered for a limited purpose, which is Mrs. Arvizo’s state of mind only. So that would be Janet’s state of mind only, not for the truth of the matter asserted.
And I’ll have the question reread to the witness, and then he may answer.

(Record read.)

Q. BY MR. ZONEN: With regards to your conveying that comment about a person prepared to give her money, what did she say?

A. She said, “No, tell them all I need friend. I don’t need money. I just need pray. And I don’t need money. Thank you very much, but tell them we need a friend. That’s all we need.”

And I say, “You sure you don’t want money? If you need any money, you know, let me know.”

MR. MESEREAU: Objection; nonresponsive.

THE COURT: I’ll strike the last sentence.

Q. BY MR. ZONEN: When did this conversation take place? I know your difficulties with dates, but in comparison to some other time.

A. After Martin Bashir.

Q. Do you know if Janet Arvizo was still with David Arvizo at the time of that conversation?

A. No. Martin Bashir happened, David -- they were separated. No, they were not together.

Q. Did you ever see Janet Arvizo with bruises on her?

A. Yes, I did.

Q. Do you know where those bruises were on her body?

A. One time I saw bruises upper -- like nearby by her neck, near upper chest, like somebody tried to -- what they call -- I don’t know what was it. Looked like somebody tried to choke her or something. And there was make-up on it, and the make-up was coming off. And I said, “What’s this?” She’d hide it. She didn’t want to let me know --

MR. MESEREAU: Objection; nonresponsive.

THE COURT: I’ll strike after he -- “And there was make-up on it,” from there on, I’ll strike.

Q. BY MR. ZONEN: Did you see bruises on any other occasion on her?

A. Yes, I did.

Q. How many occasions do you think?

A. Another time I saw bruises was -- it was on -- one side of her face was swollen and her eyes were swollen. It was like black and blue. Again, make-up was on it.

MR. ZONEN: Thank you. I have no further questions.

CROSS-EXAMINATION

BY MR. MESEREAU:

Q. Good morning.

A. Good morning, sir.

Q. Mr. Masada, we haven’t met. My name is Tom Mesereau. I speak for Michael Jackson.

A. All right, sir.

Q. Mr. Masada, do you remember receiving a phone call from an investigator for the Santa Barbara District Attorney’s Office in December of 2003? He said his name was Tim Rooney. Do you remember that?

A. I don’t recall it, but if he said he did, I did.

Q. Do you remember talking to someone in December, around December 9th, 2003, from the Santa Barbara District Attorney’s Office?

A. No, I don’t recall.

Q. Do you remember telling this person that Gavin’s parents came to you and wanted financial help? He repeated, “Who asked you that?” You said, “The parents”?

A. I meant “husband.” I never said “mother.”

Q. Would it refresh your recollection to show you a police transcript of your --

A. I don’t need to see the police --

Q. You didn’t know the phone call was being recorded?

MR. ZONEN: May the witness be allowed to answer the question in its entirety before counsel steps in with his next question?

THE COURT: Yes.

Q. BY MR. MESEREAU: You didn’t know your phone call --

MR. ZONEN: He hasn’t answered the question.

THE COURT: He started to answer it. He’s allowed to finish it.

THE WITNESS: What was the question again?

MR. MESEREAU: I’m not sure even I know at this point.

THE COURT: The question was whether it would refresh your recollection to show you a police transcript, and you said, “I don’t need to see it,” and you were interrupted.

THE WITNESS: Yeah, because it is “parents.” I meant “father.”

Q. BY MR. MESEREAU: Okay. Well, you didn’t know your phone call was being recorded, correct?

A. I don’t know any of my phone call was record.

Q. No one has ever told you that that phone conversation was recorded by the District Attorney’s Office of Santa Barbara, correct?

A. I don’t know if they did. I’m not -- they never told me anything.

Q. You did tell them that the parents wanted financial help. You were then asked, “Who asked you that?” And you replied, “The parents,” right?

A. Yeah. “The parents” means “father.” Let me correct it.

Q. Oh, I see.

How many meetings have you had with anyone related to the prosecution before you testified in this case?

A. How many meeting with what?

Q. With anyone related to the prosecution before you testified in this case.

A. I had a meeting this morning. They came in, they say, “You sit in the room.”

And meaning the people that came investigating my office? What are you talking about, sir? Explain it to me.

Q. Please identify every meeting you had with anyone related to the prosecution before you testified today.

MR. ZONEN: I’ll object as vague and compound.

THE WITNESS: Oh, God.

THE COURT: Overruled.

Q. BY MR. MESEREAU: A lot of them, right?

A. Yes. A lot of them, yes, I do.

Q. How many do you think?

A. I have no idea. They came in my office, say they want to talk. They came, I don’t know, two, three, four, five times. I didn’t write them down. They call me.

Q. And have you ever discussed what you were going to say in court today with anyone associated with the prosecution?

A. Only thing I have spoken to, I spoke to Mr. -- I spoke to you (indicating) one time. And there was a -- I believe -- no, just one time I’ve spoken to.

Q. Do you remember ever telling a Santa Barbara sheriff’s investigator that Janet wanted a watch, so you bought her a watch?

A. Janet want a watch?

Q. Yes.

A. Um, not as far as I remember.

Q. Would it refresh your recollection if I just show you a transcript?

A. No, because I didn’t buy a watch for Janet. I don’t know what you’re talking about.

Q. You never told them she wanted a watch and you bought a watch, correct?

A. Maybe it was something for Davellin. I got a watch for Davellin.

Q. Okay.

A. For the girl. The daughter.

Q. When did you give the watch to Davellin?

A. Huh?

Q. When did you get a watch for Davellin?

A. Davellin, she came in -- we do, at The Laugh Factory, every Christmas and Thanksgiving, we do feed homeless. And Davellin came out there to help me to do -- to help the serving the homeless. And we were giving the gifts for the kids, homeless kid, and Davellin, at that point I remember she said something about she need -- that watch was nice, was giving to the kids, and I said, “I get you one.” That’s what happened.

Q. Now, you knew that Louise Palanker had given $20,000 to the Arvizos, correct?

A. Yes, I did.

Q. And you knew that she had written a $10,000 check to Janet, correct?

A. I didn’t know it. What do you mean, “correct”? No, I did not know she wrote it to Janet. How would I know?

Q. Well, did you ever discuss with her where she was getting that money?

MR. ZONEN: Who is “her”? Objection; vague.

MR. MESEREAU: That’s okay. I’ll withdraw it and rephrase.

Q. Did you ever discuss with Louise Palanker who she was writing her checks to?

MR. ZONEN: Objection; hearsay.

THE COURT: You may answer “yes” or “no.”

THE WITNESS: No, I didn’t ask her who write check to, because I’m not -- I have nothing to do with her checkbook.

THE COURT: I just said “yes” or “no.” I’ll strike the balance.

THE WITNESS: Oh, sorry.

Q. BY MR. MESEREAU: Okay. Did you know whether or not Louise Palanker wrote a $10,000 to Janet?

A. Yes, I do. For --

MR. ZONEN: Objection. Lack of foundation; and hearsay.

THE COURT: I’ll allow you to answer this question either with a “yes” or a “no.” It’s --

THE WITNESS: Yes. Yes.

Q. BY MR. MESEREAU: Do you recall ever telling anyone --

THE COURT: I’m sorry, I misdirected. You need -- I’m going to strike the question and the answer. That couldn’t be answered “yes” or “no.” Go back and rephrase. You asked him whether or not, so it can’t be “yes” or “no.”

Q. BY MR. MESEREAU: Were you ever aware that Louise Palanker wrote a $10,000 check to Janet Arvizo?

A. Yes.

Q. When did you learn about that?

A. Oh, Gavin was going to go home, and they want him to have a kind of room that was sanitized, and that’s what hospital said. And I was looking for finding an apartment for them, to find an apartment.

And then next thing I know, I heard from David that Louise wrote the check. They going to take the money in the grandmother’s house and make one of the rooms become sanitized for the kid. I don’t need to look for apartment anymore.

Q. Do you remember ever telling any police investigator that, after talking to Janet on the phone, you wrote checks to pay for judo and karate school for the kids?

A. No, it was Jay and Janet. Yes, Jay and Janet.

Q. Jay and Janet asked you to pay for judo and karate school, correct?

A. No, they didn’t ask me to do it. I volunteer to do it, sir.

Q. After they told you they couldn’t pay for it, correct?

A. No, they were telling -- no, don’t put words in my mouth. Let me say -- if you want to know the truth, let me tell you the truth, what happened.

Q. I would like to know the truth for sure.

A. That’s what I’m going to tell you. That’s what I’m going to tell you. If you want me to say it, I say it.

They were suggesting that they were going to take the kid, because the kid was bothering -- all of the kids, they were bothering him. And they want to take him to put him on other school. They said they -- Jay said, “We don’t have enough money.” And I said, “How much you guys short?” They said, “$400.” I said, “I could help that.” I said, “I will have no problem to write the check for $400.” That’s what I did.

And the other occasion about judo you ask. Judo -- I went to their house. I went up there, and the kids were talking about they wanted protection. I suggested -- I said, “Can I go” -- “You guys should go to judo or something.”

And Jay and Janet was up there. They said, “Oh, thank you very much. God bless you. You’re helping us out.”

MR. MESEREAU: Okay

THE COURT: Okay. We’re going to take a break.

Let me tell the jury what we’re going to do. I’m going to give a little longer break to you because we need to address a couple of issues outside of your presence, so we’re going to take our regular break for 15 minutes. And then we’ll come back, and it will be about another 10 or 15 minutes longer than our normal break at this time, just so you know. So you probably won’t be back in until 12:00.

THE JURY: (In unison) Okay.

THE WITNESS: Am I excused?

THE COURT: I want to see everybody here at the end of the regular break.

MR. ZONEN: Quarter to?

THE COURT: Yeah.

(Recess taken.)

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: Yes, I just want to take up a couple of the issues.

I was told earlier that Dr. Katz was going to be the next witness, so I thought I better clean this up before we start with him. I’ve been told now that that may not be the case, but we’ve set the time aside, so let’s just do this.

The first issue that’s before me on Dr. Katz’s testimony was a motion by Mr. Mesereau that Mr. Oxman actually wrote, which seeks to limit the psychologist from being able to testify to the ultimate fact, the credibility of the children, pointing out that that was done in the grand jury hearing.

And my ruling on that is that, in accord with the request, he is not to give his opinion as to their credibility.

I think that covers that, doesn’t it, Mr. Oxman?

MR. OXMAN: Yes, sir. And I think it also reflects --

THE BAILIFF: You have to speak up.

MR. OXMAN: It also -- it also reflects to ultimate facts, Your Honor, as to whether or not it occurred.

THE COURT: Turn on your mike.

MR. OXMAN: Also reflects the ultimate facts as to whether or not the incident occurred.

THE COURT: Yes. So he’s not allowed to give his opinion as to credibility or his opinion as to whether the actual things happened.

MR. ZONEN: Your Honor, we have no intention of asking either of those questions about his view of the credibility --

THE COURT: I don’t think your mike’s on. Is it?

Can you hear back there?

MR. ZONEN: All right. We have no intention on asking either of those questions, nor will we.

THE COURT: All right. The next issue is the -- Mr. Mesereau has submitted a limited waiver. I saw a copy of the limited waiver of 4061 confidentiality signed by Bradley Miller. Have you seen that?

MR. ZONEN: Yes, I have it in front of me.

THE COURT: And do you wish to speak to that?

MR. ZONEN: Yes.

THE COURT: All right.

MR. ZONEN: I don’t believe you can have a limited waiver of a nature like this to be able to ask a therapist two questions about a person who is presumably his patient. And, of course, Dr. Katz has never acknowledged that this person --

THE COURT: I never let him. It cost Mr. Oxman a thousand dollars, as I recall.

(Laughter.)

MR. ZONEN: Now, let’s assume --

THE COURT: You don’t have to say anything.

MR. ZONEN: Not without a lawyer at his side.

THE COURT: But so your issue is the -- he now has a waiver, Mr. Mesereau, Mr. Oxman, they have a waiver as to the very issue that I was saying they couldn’t address, which is whether or not he was a patient.

MR. ZONEN: Well, actually, it doesn’t do that. It specifically is a waiver to a conversation involving two questions. I don’t know that Dr. Katz would be comfortable even acknowledging that he’s a patient, given the limited nature of this waiver. I don’t believe that -- that’s one objection I have to it.

But the principal objection I have to it is that unless there is a more extensive waiver that would cover any related conversations -- let’s assume that this conversation did take place. And I think you’re going to find out it didn’t, but let’s assume that something similar took place to it. Would I be entitled to ask Dr. Katz questions about the nature of that communication and other communications relevant to it? And let me give you an example.

Let’s assume Dr. Katz was treating Brad Miller, assuming he was his patient, for some malady that involved honesty. Let’s assume that he was treating him for some malady that involved his workplace relationship with his employer, Mark Geragos, in which case this could be in the context of much greater conversations, conversations between Dr. Katz and Brad Miller, and even conversations between Brad Miller and Mark Geragos over a much greater period of time. How does Dr. Katz necessarily defend himself from these two statements without talking about the other conversations that may be directly related to this issue?

I also know of no authority for a partial waiver, and they haven’t cited any.

THE COURT: You can look at Brett vs. Superior Court, 1978 case, 20 Cal.3d 844.

I guess the problem I’m having -- I think

I’ve got past the partial waiver problem.

MR. ZONEN: May I add one more thing to it? And that is relevance.

THE COURT: That’s where I’m having the problem is the relevance.

What is the possible relevance, Mr. Mesereau?

MR. MESEREAU: I’ll be examining Dr. Katz, Your Honor.

There’s definite relevance, because Dr. Katz has been -- has had a financial motivation to be a celebrity psychologist. In fact, he finally got a T.V. show recently. It’s a reality show on one of the networks. Dr. Katz wants to be in a celebrity case. Dr. Katz found a way to be in a celebrity case, this one.

And according to his former patient, who has waived the privilege, this man kept telling him, “I want to meet celebrities. I want to be in a celebrity case.” That would suggest a motivation to want to see this thing go forward.

THE COURT: Let me see your copy of the --

MR. MESEREAU: The waiver?

THE COURT: What I’m going to do at this point is to agree that there is a possibility of a limited waiver and I’ll accept the limited waiver.

I’m still not convinced of the relevancy based on what you represent -- well, excuse me, what Bradley Miller represents is that Dr. Katz said he wanted to be a celebrity therapist. I’m not sure that the -- I have to think about the inference you want to have made from that.

MR. MESEREAU: It would suggest financial motivation, Your Honor. And the scope of cross-examination for financial motive is very broad. You’re talking about a Beverly Hills psychologist who has desperately wanted to be involved with celebrities for a long time. And he was very clear with his patient, Brad Miller, that he wanted to meet celebrities and get involved in celebrity cases. That’s what it really comes down to.

THE COURT: All right. I’ll give a little more thought on that.

MR. ZONEN: Is there an offer of proof that Bradley Miller will be testifying as a witness for the defense?

MR. MESEREAU: Yes, there is. He will be testifying for the defense.

THE COURT: In the -- the limited waiver, as I see it, as far as the District Attorney's concerned, you were giving some hypotheticals, and before you could address that type of thing, before you could go beyond the cross-examination limited to that conversation, you'd have to have my permission. You'd have to be able to make the same sort of -- have a witness make a declaration, and I'm going to -- if I allow it in, it will be narrowly construed as to any conversations. This is a really important privilege that's being protected here. So, I'm not saying you can't do it, but you were just giving me hypotheticals; what if this, and what if that, and that's not where we are.

MR. ZONEN: I, of course, don't know, because --

THE COURT: I'm just saying, to go beyond -- there's cross-examination here that you can clearly make about this, you know, what was really said, and get the whole conversation out on that issue. Obviously you're not limited to the two statements that are represented here. But to go into why he's in treatment or any of that, you can't touch that.

MR. ZONEN: I understand that, but here's my concern. If it's true that Bradley Miller is Dr. Katz's patient, and assuming for this argument that he is, if it's true that Mark Geragos is Bradley Miller's employer, and Dr. Katz is a psychologist treating Bradley Miller, I would assume that among their discussions, perhaps multiple discussions, is his workplace relationship with his employer.

THE COURT: Well, you would assume that, but we don't know that. That's why I'm saying, whatever else you want to go into, you're going to have to provide me with some sort of statement signed, as -- as they did with Bradley Miller. Although, this is not a statement under penalty of perjury, but it gives me the information that I need to know whether I'm going to let you go into it. That's all I'm telling you. Okay?

MR. ZONEN: Okay.

THE COURT: All right. At the -- I think what you'll have to do is to file the waiver when -- the original waiver when you're ready.

I'll give it back. I've got a copy of it.

I just didn't have an original.

MR. MESEREAU: I only have an e-mailed waiver. That's all I have at the present.

MS. YU: It's been faxed.

MR. MESEREAU: A faxed waiver.

MS. YU: We'll get the original.

MR. MESEREAU: We will get the original, Your Honor.

THE COURT: All right. I think we're ready, then, to go forward with the testimony.

Do you want to bring in the jury, please?

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: All right. You may proceed.

MR. MESEREAU: Thank you, Your Honor.

Q. Mr. Masada, when Jay Jackson and Janet Arvizo called you and --

MR. ZONEN: Objection; vague.

MR. MESEREAU: He's only testified to one call, Your Honor. Your Honor --

MR. ZONEN: And two people placing it?

MR. MESEREAU: -- I'll rephrase it.

Q. Mr. Masada, approximately when did Jay Jackson and Janet Arvizo call you and discuss the issue of the judo club or karate club, if you know?

A. I don't recall.

Q. Okay. Obviously it was your impression that Janet Arvizo was involved with Mr. Jay Jackson at that point, right?

A. Yes, sir.

Q. Did you know that Jay Jackson was making $8,000 a month?

A. No, I didn't.

MR. ZONEN: Objection. Assumes facts not in evidence; hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you know whether or not Janet was collecting welfare at that point and giving it to Jay?

MR. ZONEN: Objection. Assuming facts not in evidence, and hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did Janet ever discuss the J.C. Penney lawsuit with you?

MR. ZONEN: Objection, irrelevant and hearsay.

THE COURT: Overruled.

You may answer.

THE WITNESS: Yes.

Q. BY MR. MESEREAU: And when did you have a conversation with Janet about the J.C. Penney lawsuit?

A. After I heard it on the news.

Q. And when did you hear about it on the news?

A. I don't recall.

Q. Was it recently?

A. No, it was a couple, few months ago. I don't know how many months ago it was. It was in the news.

Q. So you're in touch with Janet these days, right?

A. Yes, sometimes I am.

Q. When did you last talk to her?

A. Before Christmas.

Q. Okay. Now, you indicated that you had a lot of meetings with either the prosecution or somebody connected with the prosecution, correct?

A. The detective -- the detective, they came to my office many times, yeah.

Q. Okay. When was the last time you had an in-person discussion with anybody associated with the prosecution?

A. This morning.

Q. Okay. And where was that?

A. It was in the room where the witnesses sit.

Q. Okay. And did you have a discussion with anybody in that room this morning?

A. The discussion, Mr. Ron Zonen, he said, “It’s going to be easy. Just relax. I’m going to go to a room and we’re going to call you in a few minutes. I have a witness on this side. I’m going to talk to them, and they’re going to bring you in.”

Q. Now, when you had a discussion with Janet Arvizo about the J.C. Penney case --

A. Yes.

Q. -- without telling me what she said, did you learn approximately when that case was resolved?

MR. ZONEN: Objection. Irrelevant; hearsay; lack of foundation.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you know whether or not the J.C. Penney case was ever resolved?

MR. ZONEN: Objection. Irrelevant and hearsay; lack of foundation.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Have you had discussions with Janet Arvizo about this case?

A. About this case, not really.

Q. And what do you mean by “not really”?

A. I mean, the only thing she -- at one time --

Q. I’m not asking you what she said. I’m just asking you if you’ve discussed this case with Janet.

A. Yeah, maybe. Yeah, maybe I did one time.

Q. Maybe one time?

A. Yes. Yes, I did.

Q. And when was that maybe one time?

A. Maybe one time about -- God, I don’t know when it’s about. The case was on the sheriffs and the District Attorney and everybody else. Was maybe about six, seven months, eight months ago.

Q. Okay. When did you last see Janet?

A. I guess, approximately, maybe about seven, eight -- six months, seven months ago.

Q. Months ago?

A. I don’t know exact -- I’m very bad with

time, so don’t corner me on that.
Q. And where did you see her?
A. I saw her in her apartment.
Q. And where was that?
A. It was in West L.A. somewhere.
Q. Okay.
A. It was Jay’s apartment, or their apartment, or whatever.
Q. So you visited Janet and Jay in their apartment in West Los Angeles, correct?

A. Yes, I did.
Q. I’m not asking you the address. I don’t think that’s relevant. But West Los Angeles is very different from East Los Angeles, isn’t it?
A. Yes, it is.
Q. Much more affluent, correct?
A. Some of the places. Some of the places.
Q. But generally, as an area of Los Angeles, it’s one of the most affluent areas of Los Angeles, isn’t it?
A. Yes. They have poor places and rich places, yes.
Q. It is considered one of the most affluent parts of L.A., correct?
MR. ZONEN: Objection. Irrelevant and lack of foundation. He’s not a --
THE COURT: Asked and answered.
MR. MESEREAU: Okay. All right.
Q. And who arranged for you to meet with Janet Arvizo and Jay Jackson at an apartment in West Los Angeles?
A. Nobody arranged it.
Q. Somebody must have, right?
A. No. I mean, I call up --
Q. You just ended up there?
A. Do you want me to tell you how I did? I called. I wanted to find out how Gavin -- how he’s doing. So I want to see his physical -- how his face, everything is okay. I said, “I’ll come and drop by. I have time to drop by and come see you.”

Q. Without saying what anybody told you, did you discuss this case in Jay Jackson’s apartment

with Jay and Janet?
A. No.
Q. This topic never came up?
A. No.
Q. How did you know where to call to arrange the meeting?
A. I have Janet’s cell number, and I have Jay’s number.
Q. Okay. Now, in 1993, you told the sheriffs that you had introduced the Arvizos to Adam Sandler, correct?
MR. ZONEN: I’ll object as vague. 1993?
THE WITNESS: 1993?
MR. MESEREAU: Pardon me, pardon me, pardon me. I’m sorry. Counsel is correct.
Q. In 2003 --
A. Yes.
Q. -- you told the sheriffs you had introduced the Arvizos to Adam Sandler, correct?
A. Yes, I did.
Q. Okay. And when did you do that?
A. Now, let’s define a couple of things, because I don’t want to get in a corner again. Arvizo, what do you mean by “Arvizo”? Describe what you mean by “Arvizo.” I mean, who you mean. Give me the name of the people you want to know so I can give you direct answer, if you don’t mind, please.

Q. Any Arvizo that you introduced to celebrity Adam Sandler.
A. Gavin.
Q. Okay. And when did you introduce Gavin to Adam Sandler?
A. The date? I don’t know the date.
Q. Approximately when?
A. God, I know I drove him to Sony Studio. I talked to Adam, and he said, “Bring him over.” I took him to Sony Studios. Adam took him to lunch, took me and Gavin to lunch, and then after that we went to his office. Do you want to know more?
Q. Sure.
A. Okay.
(Laughter.)
A. I’ll go ahead.

Then we went to his office. Then we played, sit down on the couch, played basketball with Gavin. And Rob Schneider was there. And then at that point Adam Sandler gave Gavin a little T.V., a Sony T.V. with a little battery and everything on it. And Gavin said, “Oh, God, he gave me a T.V.” I said, “Go ahead and say thank you to him,” and

that was it.

Q. To your knowledge, did Gavin ever see Adam Sandler again?

A. Not as far as I know.

Q. Okay. Now, you indicated that you organized a blood drive for Gavin, right?

A. Yes, sir.

Q. Did that take place at The Laugh Factory?

A. We put a name on marquee. We put a sign in the door. Anybody comes in, if they have O negative, that they go give blood, they tell me they did it, we let them come in free. They can have free drinks, whatever, all of that stuff.

Q. Now, at some time did you ever learn that Michael Jackson had arranged a blood drive for Gavin as well?

MR. ZONEN: Objection. Assumes facts not in evidence, and lack of foundation, and hearsay.

THE COURT: Overruled.

THE WITNESS: That’s the first time I heard.

Q. BY MR. MESEREAU: You didn’t know about that?

A. No, sir, I’m sorry.

Q. Do you know someone named Philip Palmer from KABC in Los Angeles?

A. Yes, I do.

Q. And did you ever introduce Philip Palmer to any of the Arvizo family?

A. Yes.

Q. Approximately when was that?

A. The time Gavin was in bad need of blood, and he came to hospital. I was interviewed by Philip Palmer, and we talk about he needed blood. And Phillip Palmer show that thing on ABC.

Q. Okay. And did you introduce any of the Arvizos to any other newscaster that you can recall?

A. Newscaster. God, there were a few of them. Maybe Patrick Press (sic), Patrick Press (sic) from FOX TV, they did a documentary. PBS, they did a documentary on Laugh Factory comedy camp. Their newscasters or producer of all of that, they were there. They were introduced.

Who else? A lady from FOX was introduced to Janet. And Fritz Coleman. I forgot his name. Fritz Coleman.

Who else? Really I'm going blank. There might be more people.

Q. You said that Mr. Press (sic) had something to do with a documentary for PBS, correct?

A. What?

Q. Mr. Press (sic) had something to do with a documentary for PBS, right?

A. No, he did not.

Q. You did mention a documentary, didn't you?

A. Yes, he did a documentary on the comedy camp for FOX, for FOX T.V.

Q. Okay.

A. And his name was Patrick Press (sic), and he did it on the family. He did it on the -- if you want to get the tape, he did the whole thing on the family, where they were living, and what they were doing, what trouble they had, all of that. He did a whole -- you could get the tape. It's a wonderful tape. I saw --

Q. This is the Arvizo family, correct?

A. Yes, sir. Yes, sir.

Q. And approximately what year did this documentary on the Arvizo family appear on television?

A. You're asking a question that I don't know.

Q. Just approximately.

A. Huh?

Q. Just approximately. I'm not asking for a specific date.

A. Maybe -- maybe in -- in '99, 2000. I'm not sure.

Q. To your knowledge, was Gavin ill when that documentary was produced?

A. I know PBS, the documentary they did, Gavin was sick, because PBS -- Carol Thompson went with me to the hospital and taped Gavin in the hospital. I know that. That's, what, in 2000, I think or 2001. Or 2000. Yeah, 2000. And Patrick Press (sic) -- now, let me -- I want to make sure I'm -- you know, get my date -- Patrick Press (sic)start doing the documentary in the club --

Q. Okay.

A. -- for FOX TV. And I believe he did some add-up to it later on for FOX from -- from when Gavin was sick. I'm not sure. You get the tape, you can see better than me. I'll tell you about it. Get the tape and all of you can review it --

Q. Okay.

A. -- instead of asking me about it.

Q. I want to ask you what you know about it. Okay?

A. Yeah.

Q. So the PBS documentary on the Arvizos is something separate from the FOX documentary you just discussed, correct?

A. PBS, they did a documentary, two hours documentary.

Q. Right.

A. On The Laugh Factory comedy camp that is going to be -- let me give a plug to everybody watching. It's going to be on the Comedy Central or E! TV, so watch it. It's two hours documentary on Laugh Factory comedy camp.

Q. Right.

A. And wasn't only to Arvizo, but Arvizo -- and Gavin was part of that as he was sick. And he was part of following me, what I do all day, where I go, what I do, all of that stuff, with the comedy camp.

Q. Okay.

A. And FOX TV was particularly on Arvizo.

Q. Yes, okay. Now, part of the -- of the PBS documentary included you visiting the hospital to see Gavin, right?

A. Yes. Yes.

Q. And it also included other material on the Arvizo family, correct?

A. No, I think you’re getting everything confused. You’re getting like me.

Q. I’m just --

(Laughter.)

Q. All right. All right. Did the -- did the PBS documentary -- maybe you should ask me questions, I think.

A. At this point I should.

(Laughter.)

Q. Did the PBS documentary --

A. Yes.

Q. -- include anything about the Arvizo family, other than your visits to the hospital to see Gavin --

A. No.

Q. -- to your knowledge?

A. No.

Q. Okay. Then you had the FOX documentary, correct?

A. Yes, sir.

Q. And that was filmed after the PBS documentary, right?

A. No, you’re getting confused. Before.

Q. Before it?

A. Yeah. Because the ‘99 --

Q. Yes.

A. -- Gavin and Star and Davellin, they were all in the comedy camp.

Q. Right.

A. And Patrick Press (sic) came in to do the documentary; “Let us show on the news” what I do about the comedy camp.

Q. Okay.

A. And that’s -- he start it. But I think PBS documentary started 2000. Year 2000, we were doing the comedy camp, so don’t get them confused. So PBS is different from -- what you call -- Patrick Press (sic). It happened the year the Arvizo, they were in the comedy camp.

Q. Okay. And that’s before Gavin got ill?

A. Yes, sir.

Q. Okay. Okay. Did you arrange for Press (sic) to do that documentary?

A. I really don’t know how we came about. My office did. I have no idea how it came about. I really don’t know.

Q. How did the Arvizos end up in that documentary, if you know?

A. I have no idea.

Q. Did you recommend that they be in that documentary?

A. I think I have a vague idea. No, I didn’t.

Q. Do you know how many of the Arvizo family members were in that documentary?

A. It was all three of them, they were.

Q. All three of the children?

A. The children, yes.

Q. And were they performing in that documentary?

A. Yes, they were a little bit performing, as I recall. Now, don’t corner me. As I recall.

Q. You’re in the documentary, too?

A. Yes, sir. I’m the star.

Q. That’s what I figured. Okay. The second documentary --

A. Okay.

Q. Excuse me. There are a lot of documentaries going on here, because there are a few more also, right?

A. Hopefully. God willing. Why not?

Q. One of the documentaries involving the Arvizo family came about because Janet asked you to do it, correct?

A. Janet asked me to do it?

Q. Yes.

MR. ZONEN: I’ll object as vague as to which documentary he’s referring to.

THE COURT: Overruled.

You may answer.

THE WITNESS: I really don’t recall if Janet asked me anything. If she did, I don’t recall it.

Q. BY MR. MESEREAU: You don’t know one way or the other?

A. Really, I don’t. At this point, I don’t recall it.

Q. Okay. Now, did Philip Palmer --

A. Yes.

Q. -- on KABC announce a blood drive only, or a fund-raiser, to your knowledge?

A. To my knowledge -- oh, God, you get me cornered again here. What -- I really don’t -- I think it was mostly blood drive. I’m not sure. Again, don’t quote me on it.

Q. And -- I would never quote you. Don’t worry about it.

A. Good.

Q. It was your idea --

A. Yes.

Q. -- to introduce the Arvizos to Michael Jackson, correct?

A. No, it wasn’t my idea.

Q. Was it Gavin’s idea?

A. It was Gavin’s idea.

Q. Okay. And because Gavin asked you, you called Neverland, correct?

A. Gavin was -- I was encouraging him to eat.

Q. Yes.

A. And he asked me -- he was watching T.V. He said, “Michael is my idol. How can I meet him? Can you arrange it?”

And I want -- at that point I want to say, “I’ll make a wish come true. Yeah, I could do anything. You want me to help, I’ll help.”

And I want to encourage him, “Eat, eat, eat.” I say, “Yeah, I’ll go do it, I’ll go do it.”

Q. And you told the Santa Barbara Sheriffs in your telephone -- excuse me. You told the District Attorney investigator in December of 2003 that you did it because Michael does good stuff for kids, right?

A. I believe so. Did I say that? If I said it, I believe him.

Q. I can show you the transcript.

A. No, I’m sure I did.

Q. Okay. Okay. And was it your understanding that you were the first person to make any contact

between the Arvizos and Michael Jackson?
A. No way. I do not know was the first person. God knows who did. Maybe Michael just watched the T.V. and felt good in his heart. He call him. I have no idea.

Q. To this day, you have never met Michael Jackson?
A. No. This is the first time I've seen him. (To the defendant) How are you?
THE DEFENDANT: (Indicating).
Q. BY MR. MESEREAU: Okay. Now, you learned at some point that the Arvizos made contact with comedian Chris Tucker, right?
A. Yes, sir.
Q. And how did you learn about that?
A. I didn't -- I didn't learn about it. I introduce him to Gavin.
Q. When was that?
A. In my club.
Q. Approximately when; do you know?
A. I have no idea of the date again.
Q. Did you learn at some point that Janet and Davellin were calling and asking for Chris Tucker's car?
MR. ZONEN: I'm going to object as assuming facts not in evidence, as well as relevance, as well as lack of foundation and hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you know anything about any efforts by any Arvizos to obtain a car from Chris?
MR. ZONEN: Objection. Irrelevant and hearsay; lack of foundation.

THE COURT: Sustained.
MR. MESEREAU: Okay.
Q. You told the D.A. investigator in '93 that Chris Tucker took -- I mean in --
MR. ZONEN: '93?
MR. MESEREAU: I keep saying that.
Q. 2003; you kept --
A. You --
Q. Let me rephrase that.

You told the District Attorney investigator in 2003 that Chris Tucker took the Arvizos shopping, correct?
A. Yes, I did.
Q. Okay. Do you know when that happened?
A. I have no idea the date. And I remember what Chris Tucker told me.
Q. How did you learn about that?
A. Chris Tucker has told me, he said, “Jamie, I love those kids” --
MR. ZONEN: I’m going to object as hearsay.
THE COURT: Sustained.
THE WITNESS: So I don’t answer it, Your Honor?
THE COURT: No.
THE WITNESS: Okay. Good.
Q. BY MR. MESEREAU: Did you ever go on one of those shopping trips with Chris Tucker and the Arvizos?

A. No. I didn’t have time.
Q. Okay.
MR. ZONEN: Objection, assumes facts not in evidence that there were shopping trips with Chris Tucker and the Arvizos.
THE COURT: Sustained.
MR. ZONEN: Motion to strike the answer.
THE COURT: Stricken.
Q. BY MR. MESEREAU: Do you recall Rob Schneider ever giving gifts to the Arvizos?
MR. ZONEN: That’s a “yes” or “no” question, I believe.
THE COURT: Counsel, if you have an objection, make it.
MR. ZONEN: Lack of foundation, Your Honor.
THE COURT: Foundation; sustained.
Q. BY MR. MESEREAU: Did you introduce the Arvizos to comedian Rob Schneider?
A. Arvizo -- you got to identify. Meaning Gavin?
Q. Any Arvizo.
MR. ZONEN: I’ll object as vague.
THE WITNESS: Yeah. Yeah.
Q. BY MR. MESEREAU: Did you introduce Gavin

Arvizo to comedian Rob Schneider?

A. Yes, I did.

Q. To your knowledge, did any other member of the Arvizo family meet Rob Schneider at any time?

A. Yeah, I remember Louise and David, they came to -- they wanted to meet all the celebrity. They want to meet Rob Schneider and -- what was the name? Adam Sandler. They came, “Oh, can we get introduce him? And I said, “Guys, this is for the kids. That’s not for you guys. You’re grown up. Come on.”

Q. Were you ever present when comedian Rob Schneider was with Gavin Arvizo?

A. Yes, I was.

Q. And where was that?

A. It was at lunchtime. We had a lunch, three of us, four of us together. And then we went to his room at Sony and we played -- we sat on the couch and played ball, basketball towards the wall. We throw balls to the wall.

Q. On that occasion, did you see Rob Schneider give gifts to Gavin of any kind?

A. I saw Adam give him. No, I don’t remember if he gave him, no.

Q. Well, that’s the day that Adam Sandler and Rob Schneider were with Gavin, right?

A. Yes.

Q. You were there. And somebody gave him a television, right?

A. I told him Adam Sandler.

Q. Did you see Rob give him anything?

A. Rob gave him a hug.

Q. Anything else?

A. I don’t know. I don’t think so.

Q. Now, at some point, you paid for the Arvizo rent on their home, correct?

A. Yes. Not Arvizo home, David’s home, yeah.

Q. Well, David was married to Janet at the time, correct?

A. Yes, sir.

Q. So why do you want to single out David and not Janet if you’re paying both of their rent?

A. I don’t single out. Because Janet wasn’t asking me. David asked me for rent.

Q. David asked you; said they didn’t have rent money?

A. Yes, sir.

Q. And you paid rent for Janet, David and the children, correct?

A. Yes, sir.

Q. Okay. How many times did you do that?

A. A couple of times -- a couple of times I think I gave him cash. I don’t recall. I’m not sure. A couple of times.

Q. In total, how much cash do you think you gave the Arvizos?

MR. ZONEN: Objection; “the Arvizos.”

MR. MESEREAU: Well, Your Honor --

MR. ZONEN: Vague.

MR. MESEREAU: I’ll withdraw. I’ll lay a better foundation.

Q. During the time that Janet and David were married and living together --

A. Yeah.

Q. -- and during the approximate time that you paid their rent, for Janet, David and the children, how much money in total do you think you gave the Arvizo family?

MR. ZONEN: Objection; “Arvizo family.” It’s who he gave the money to.

THE COURT: Overruled. He asked for a total of all of them.

THE WITNESS: I very openly -- I don’t do charity for tax write-offs so I have a count of how much to give. I give money from my heart. I never write them as a tax write-off.

So I don’t know how much I gave him. I gave him money whenever they ask me. It’s not a tax write-off. I do it from my heart. Some people, they know how much they give to this, how much they give to that. I have no idea.

Q. BY MR. MESEREAU: Can you estimate in total how much you gave the Arvizo family?

A. I have no idea. You know, I mean the time they come in the office, “I need money for my gas, I need money for food, I need this,” and you give them 50, 20, 30, 40, 50. Whatever you have in your pocket, you give to them. You don’t sit down, “How much was that? How much was that?” I don’t count that. I go out there, I give to another person the same thing.

Q. Obviously you were generous with them quite often.

A. Yes, I was.

MR. ZONEN: Objection as to “them” as vague.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Obviously you were very generous to the Arvizo family.

MR. ZONEN: Objection to “the Arvizo family” as vague.

MR. MESEREAU: Your Honor, with all due respect, they’re married and are living together.

MR. ZONEN: That assumes facts not in evidence.

THE COURT: There has been an issue drawn in this case about who asked for money and who gets money. And that’s why we have the objection. And I will sustain the objection, have you ask specifically who.

Q. BY MR. MESEREAU: When you paid for the Arvizo rent, who did you give the money to?

A. Always to David.

Q. When you paid for the karate and judo school, who were you helping out?

A. Gavin and Star.

Q. And that was as a result of a phone call from Jay Jackson and Janet Arvizo, correct?

A. It was -- yes, a conversation with Jay Jackson, yes.

Q. And Janet Arvizo, as you’ve already testified, was in the phone call, right?

A. Yes.

Q. David Arvizo was not in that phone call, correct?

A. No, he was not.

Q. Okay. Now, you did testify that David often asked you for money, right?

A. Yes, sir.
Q. And how many times, if you know, do you think he asked you for money?
A. I have no idea.
Q. Was it a lot?
A. He would come in -- you know, I mean -- you know, the people didn’t know -- you got to picture something here. The kid -- the family out of work. The kid is sick. You know, and they react. They don’t have no money, they have no mean of living, and you try to help. You don’t ask how many. I mean, if you give them -- you’ve been in that situation, the same as me, you help out, whatever it is. You don’t count them, how many time, how many year, how many this. You give help to people and that’s what it’s about.
Q. All right. And if they obtained a large sum of money from any civil settlement, you didn’t know about it, right?

A. No, I did not.
Q. Okay. The only message you were getting was these people are poor, right?
A. That’s what I got, yes, sir.
Q. Okay. Now, at any time did you learn that David Arvizo worked for the Teamsters?
MR. ZONEN: Objection. Assumes facts not in evidence; lack of foundation.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you ever learn what David Arvizo’s occupation was?
A. He said he used to work in a supermarket.
Q. Anything else he told you about?
A. No, he said supermarket.
Q. Okay. He never told you he worked as a Teamster, did he?
A. No. What’s a Teamster?
Q. You don’t know, right?
A. I have no idea.
Q. Okay. Okay. When do you think you introduced the Arvizos to George Lopez?
A. I have no date. I have no idea.
Q. Okay. And is George Lopez a friend of yours?

A. Yes.
Q. Still?

A. Yes.
Q. Okay. And is Ann Lopez a friend of yours?
A. Yes.
Q. When did you last talk to them? Excuse me, let me rephrase that.
When did you last talk to George Lopez?
A. I haven’t talked to George Lopez almost maybe three, four, five months. I was in a wedding. I saw him. Martin Leasak wedding. His agent was getting married. I was the best friend for his agent at UTA, and George Lopez was there and a bunch of other stars were there. We sat down; hello, how are you; hug. The same thing.
Q. You testified that you thought someone had made millions of dollars on the Bashir documentary, but that the Arvizo family had gotten nothing, right?
A. Yes, I did.
Q. And you didn’t think that was right, correct?
A. That was right?
Q. You didn’t think that was right?
A. No, my whole thing was, I saw they exploiting some underprivileged, underaged people that people in the media made a fortune out of that documentary. That was my personal belief. And they show this poor kid’s face on that documentary, and the kids in the school calling him “fag,” “faggot,”

I thought that was unfair.
Q. Right.
A. That was not fair there.
Q. You thought that Bashir did an injustice?
A. I thought that Bashir did injustice.
Q. Right. And you told Janet --
A. Yeah.
Q. -- that she should go to a lawyer because “They’re making millions and your family is getting nothing”?
A. No.
Q. Well, that’s certainly what you suggested

earlier, wasn’t it?
A. No. You got to listen to me or read it back what I said, okay?
Q. Okay.
A. What I said, I want to stop the people calling him names.
Q. Uh-huh.
A. I did not say anything about money or anything. Don’t bring that up. We were talking about what was unjustice was done. He used that and showed his picture on the T.V, every newspaper, every print media, from electronic to, you know, print media, they all have his picture.
I said that was very unfair. I want to stop that, because I didn’t want the kid go to gas station, the guy in gas station say, “Here is that faggot. He slept with Michael.” I did not want that happen to any of my kid, and I think that’s unjustice.

Q. Do you remember telling a District Attorney investigator that Martin Bashir made millions and these underprivileged kids didn’t get a cent?
A. Yeah, I did. I still say it.
Q. And one of the reasons you referred Janet to Attorney Bill Dickerman was you learned she had signed some document relating to the Bashir documentary, correct?
A. It was -- maybe was later on. Don’t mix it up. Maybe it was later on that she said she signed -- the first time we went to Bill Dickerman, it was all about that kid show the picture on the documentary was unjustice. I wanted to stop newspaper, everywhere it is, we -- “Can we stop that?”
Q. Now, did you learn at some point that Michael Jackson and Janet Arvizo had sued the British company that did the documentary in England?
A. I did not know that.
Q. And did you ever learn that Michael Jackson had sued for a number of reasons, including they put his children on the documentary?
MR. ZONEN: I’m going to object as lack of foundation, and hearsay, and relevance.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did Janet ever inform you that she was involved in a lawsuit with Michael Jackson against a British production company?

MR. ZONEN: Objection. Hearsay, lack of foundation, relevance.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you remember telling a District Attorney investigator they made money and they didn't give anything to the Arvizos?

MR. ZONEN: Objection; hearsay.

THE COURT: Overruled.

THE WITNESS: Again, you got to question again.

MR. MESEREAU: Sure.

Q. Do you remember telling a District Attorney investigator in 2003 that with respect to Bashir's company, they made money, and didn't give the Arvizos anything?

A. How could I make that comment? I'm still making that comment, too. How could I?

Q. And you felt that Bashir and his company had taken advantage of an underprivileged kid, right?

MR. ZONEN: Objection; asked and answered.

THE COURT: Overruled. You may answer.

THE WITNESS: Yes, I do.

Q. BY MR. MESEREAU: Okay. How many meetings with Janet and Attorney Bill Dickerman did you

attend?

A. Hmm, God. I think maybe about four or -- maybe four, five, or three. Four. I think I remember four of them.

Q. And when did you first meet Attorney Bill Dickerman?

A. When did I ever met him?

Q. Yes.

A. He became my attorney a long time ago. He represent me, and I thought he did a very good job.

Q. And how many years had he represented you before you introduced the Arvizos to him?

A. I would say over five, six, seven, eight.

Q. Had he represented you in various lawsuits?

A. Yes, sir.

Q. How many lawsuits?

MR. ZONEN: Objection; irrelevant.

THE COURT: Sustained.

Q. BY MR. MESEREAU: How many times have you testified under oath before today?

A. Testify under -- maybe three times. Three times, four times.

Q. Do you remember a case where you sued someone named Roy Kavin?

A. Yes, I did.

Q. And approximately when was that?

A. God, that was my neighbor in my club, who came in, he did something to my club. I don't know. I can't remember the date.

Q. You testified under oath in a deposition in that case, correct?

A. Yes, I did.

Q. Do you remember you were asked questions about when you became an American citizen?

MR. ZONEN: I'm going to object as irrelevant.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you remember your not recalling when you went to high school?

MR. ZONEN: Objection; irrelevant.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you remember your not knowing where you worked?

MR. ZONEN: Objection; irrelevant.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you remember testifying under oath you didn't know when you became a comedian?

MR. ZONEN: I'm going to object to the content of this deposition in total. Irrelevant.

THE COURT: Sustained. No further questions unless you make an offer of proof to the Court.

MR. MESEREAU: Your Honor, I can prove that this witness --

THE COURT: Outside the presence of the jury.

MR. MESEREAU: Okay. Okay.

Q. Do you recall at any time talking to Attorney Larry Feldman?

A. I don’t think I spoke to him personally. I don’t think I met him, spoke to him. I went to his office.

Q. You went to his office?

A. Yes, I did.

Q. When did you go to Attorney Larry Feldman’s office?

A. One time Bill Dickerman call me. He said he have -- he and Larry Feldman, they was going to meet with Arvizo and if I would be kind enough to, you know, bring them there. I say, “Yeah, I will be more than happy to do it.”

Q. Did you participate in any meeting between any of the Arvizos and Attorney Larry Feldman?

A. No, I did not.

Q. By the way, you’ve testified about your concern that Gavin was being made fun of by schoolmates after the Bashir documentary, right?

A. Yeah.

Q. And do you remember telling a District Attorney investigator that, as a result of that, Janet wanted her kids to go to a private school, and you told her you would help send them?

A. They were thinking about to send him, the kid, to a school that they would not make fun of him. And they were -- they did -- they were deciding to do it. And I said, “What’s holding you guys back? If you guys need any money for private school, I volunteer, give you whatever you need.”

Q. Okay. But Janet at that point wanted her kids in a private school, correct?

A. Didn’t want a private school. Want him to be somewhere, the people, they don’t make fun of her son, calling him “faggot.”

Q. But you told the D.A. investigator that Janet wanted her kids in a private school, told you about it, and you said you would help send them, correct?

MR. ZONEN: Objection; asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you ever help send the Arvizo children to a private school?

A. Yes, I did.

Q. When was that?

A. I have no idea. After Martin Bashir, and the kids, they call him “faggot.”

Q. Was that when she was in a relationship with Major Jay Jackson, to your knowledge?

A. Yes. Yes.

Q. Did you know what his income was at that point?

MR. ZONEN: Objection; asked and answered.

THE COURT: Overruled.

THE WITNESS: No idea.

Q. BY MR. MESEREAU: Did you ever ask Major Jay Jackson, “How much do you make?”

A. No, it is not my business --

Q. Okay.

A. -- how much he makes.

Q. How long did you help with the private school?

A. I just wrote him one check. It was very little money. Very, very little money. I just give them one check.

Q. And again, that was after the Bashir documentary, right?

A. Yeah. Yes.

Q. And would it be safe to say that was in the year 2003?

A. If that’s what’s -- the year it happened, yes.

Q. Okay. Okay. Now, you talked to an investigator for the Santa Barbara District Attorney’s Office about Maury Povich. Do you remember that?

A. I don’t recall it, but if you said so.

Q. Do you recall doing that?

A. I said I don’t recall it, but if you said so.

Q. No, I’m not telling you what to say.

A. I don’t recall.

Q. You don’t recall ever discussing Maury

Povich?

A. I might have. I have hundred things going every day. Do you remember three years ago what you did, what you said, who you talked to? No.

Q. Do you want to cross-examine me?

(Laughter.)

A. No, I'm just saying reality. Let's look at reality of things. We are human beings. You don't remember what you said every day. We are human beings.

Q. I understand. But if you don't remember --

A. No, I'm saying probably I did, but I don't remember.

Q. Okay. How long were you in Larry Feldman's office?

A. Maybe about -- not even his office. I was never in his office. I was never in his office. Describe his office. What do you mean by "office"?

Q. What do you think "office" means?

A. "Office" meaning if I go to Judge office, he have his office up there. This is courtroom. This is waiting room. I was in waiting room. I never went to Judge office. That's why I call it Judge office.

That's a waiting room. I was in the waiting room. I never went to his office. That's what I meant by "office."

Q. Okay. So you were in Larry Feldman's waiting room while the Arvizos were in Larry Feldman's office, right?

A. No, they were sitting waiting with me.

Q. Okay.

A. We waited there.

Q. At some point did Attorney Larry Feldman come out and see all of you?

A. No, somebody, I don't know who, what, somebody came out, said, "We going to take you to conference room."

They take me to conference room. And after we went to conference room, I -- I told Janet that I felt uncomfortable, I want to leave, and then at that point they went -- they went to talk. And somebody came, I don't know if it was Larry.

Whoever it was, they said, “Jamie, you could leave.”

Q. Did you leave?

A. Yes, sir. Yes.

Q. Did you ever see Attorney Larry Feldman again?

A. On T.V.

Q. Did you ever personally see him again?

A. No, I never saw him personally.

Q. Okay. Now, let me just go back to your meetings with Attorney Bill Dickerman and the Arvizos, okay?

A. Yes, sir.

Q. The first meeting at Bill Dickerman’s office, correct?

A. Yes, sir. No, not in his office. Again, in a conference room. Let me make a correction.

Q. The first meeting is in the offices of Attorney Bill Dickerman in a conference room, correct?

A. Yes, sir.

Q. And present are Attorney Bill Dickerman and the Arvizos, correct?

A. Yes, sir.

Q. Did anyone call the police at that meeting?

A. Not as far as I knew.

Q. Okay. The second meeting you had with the Arvizos and Attorney Bill Dickerman was at The Laugh Factory, correct?

A. Yes, sir.

Q. And nobody called the police at that meeting, correct?

A. No, sir. It was suggested.

Q. Nobody called the police at that meeting, correct?

A. And I said it was suggested. Not called.

Q. The third meeting between Attorney Bill Dickerman and the Arvizos was at The Laugh Factory, right?

A. Yes, sir.

Q. Nobody called the police at that meeting, correct?

A. No, sir.

Q. Did you say there was another meeting with Attorney Bill Dickerman and the Arvizos that you were somehow involved in?

A. Yes, sir.

Q. And where was that?

A. That was -- I was going to -- I was going to watch Gavin and Star. They were playing on the baseball team --

MR. MESEREAU: Your Honor, I'd request the witness just respond to the question.

THE WITNESS: What was -- did I say wrong?

THE COURT: The question was, "And where was that?" You had another meeting.

MR. MESEREAU: Where was the -- I'm sorry, Your Honor. I'll rephrase.

THE COURT: All right.

Q. BY MR. MESEREAU: Where did the fourth meeting involving you, the Arvizos and Attorney Bill Dickerman take place?

A. It was in the restaurant in Farmers Market in Los Angeles, California. And then from there, we went to baseball team behind farmers market.

Q. So the meeting between you, the Arvizos and Attorney Bill Dickerman took place in farmers market in Los Angeles?

A. Yeah. Again, can you describe what you mean "meeting"? To clarify that.

Q. Did you meet with Attorney Bill Dickerman and the Arvizo family at the farmers market in Los Angeles?

A. Yes, I did.

Q. That meeting occurred after the three prior meetings between the Arvizos and Bill Dickerman that you've described, true?

A. I think so. I'm not sure.

Q. And nobody called the police at that meeting, correct?

A. No, sir. No, sir.

Q. At some point you learned that Attorney Bill Dickerman had contacted Attorney Larry Feldman, right?

A. Yes, sir.

Q. And that was because Dickerman told you --

MR. ZONEN: I'll object as speculative or hearsay.

MR. MESEREAU: State of mind, Your Honor.

MR. ZONEN: Well, again, he's speculating as to another person's belief.

THE COURT: He told you he was going to use that state of mind on you quite a bit, remember? I didn't get the whole question. So I can't tell. You interrupted him, actually.

MR. MESEREAU: Okay.

THE COURT: Do you want to rephrase?

MR. MESEREAU: Sure, Your Honor.

Q. At some point in time, you learned that Attorney Bill Dickerman, who had represented you for many years, had referred the Arvizos to Attorney Larry Feldman, right?

MR. ZONEN: Objection. Hearsay; lack of foundation; also relevance as to this witness's testimony.

THE COURT: The objection's overruled. Did you learn that?

THE WITNESS: Did I learn Bill Dickerman introduce -- was talking to Larry Feldman?

THE COURT: And introduced the Arvizos.

THE WITNESS: Yes, sir.

THE COURT: Okay. Next question.

Q. BY MR. MESEREAU: Yes. Now, Mr. Masada, in one of your sheriff's interviews, you said you were involved in several fund-raising efforts on behalf of the Arvizo family, right?

A. I said -- I don't recall how many times. I said about two, three of them, yeah.

Q. Was it two or three?

A. I think it was two. After I was thinking about it, it was two.

Q. And did both of those take place at The Laugh Factory?

A. Yes, sir.

Q. Now, you told the Santa Barbara Sheriffs that you made arrangements with the Arvizo family to receive door charge moneys on several occasions, right?

A. “On several occasions.” Maybe I said twice.

Q. You told them “several occasions,” didn’t you?

A. Maybe I made a mistake.

Q. Okay. And you arranged for the Arvizos to be at the entrance to The Laugh Factory and allow them to get door charge moneys, correct?

A. Yes, sir.

Q. You told the Santa Barbara Sheriffs that it was four nights in total, right?

A. I counted the blood drive and all of that stuff. It was two nights.

Q. Okay. You said on each occasion David and the children would man the front door and personally collect the entry fees from customers, right?

A. Yes, sir.

Q. You don’t know how much they collected, do you?

A. Not really. I remember one particular one, the first one it actually was. At the time they have nurses and everybody from hospital coming in, and one of the nurses came in back door, and knocked the door, and she told me, she said, “Well, I want to come to the club, but I don’t have money with me. I thought they didn’t -- I didn’t know it was going to cost money to come in.”

And I remember that I gave her some cash. I said, “Go ahead. For you, here’s some cash. Go in front and walk in, and here’s the money.”

I remember that. Some of the stuff like that stands out in my mind.

Q. You told the Santa Barbara Sheriffs that the Arvizo family kept all of the money collected at the door, right?

A. Yes, sir.

Q. You said that you and the Laugh Factory absorbed the operating, employee and performer costs, right?

A. Some of the performers, they are -- most of the time they are -- if I ask them -- they are big comics, like Bob Saget, Howie Mandell, all of these guys. They come in, they don’t get money. But sometime you pay them, see the money. Pay some of the people, they need money. You know, you give them money.

But usually those -- those costs is covered by the time -- one person, you know, decide to come to the club, they are thirsty, they want to have a drink, watch the show. They have a drink, and that costs usually covers that.

Q. But just to get back to my question, you and the Laugh Factory, which you own --

A. Yes, sir.

Q. -- absorb the operating, employee and performer costs for those evenings, right?

A. Yes.

Q. And you told the Santa Barbara Sheriffs there was no accounting for how much money was gathered on any of the evenings in question, right?

A. Meaning Gavin, or what are you talking about? The money, how much they got?

Q. Yes. You told the sheriffs there was no accounting for what they got, correct?

A. No. Yes, absolutely.

Q. You told the sheriffs you didn’t think any of the fund-raisers exceeded $3,000, right?

A. He asked me, he said, “What do you think? A thousand? 2000? 3,000?” I said, “I don’t think it was ever more than 3,000.” That’s what I said to him.

Q. And you also told the Santa Barbara Sheriffs that you thought the family may have received monetary donations from media exposure through people you knew, correct?

A. On one occasion, yes.

Q. Which occasion was that?

A. I remember Fritz Coleman, he did something on -- for blood drive, and somehow had said something about some kind of financial aid or something. It was a bank account or something. But I’m not sure. I wasn’t involved with it. I don’t know anything about it.

Q. When you say “bank account,” what are you referring to?

A. Something -- I have no idea. Some kind of thing with Fritz Coleman. I don’t know. He put it on the screen or something. I have no idea. I heard about it. I’m not 100 percent sure. I’m just talking about it. I don’t know exactly. Maybe I should say I don’t really exactly know.

Q. Do you remember telling anyone that you had gone to the hospital and paid some of Gavin’s medical bills?

A. No. There was a person from press. They did that, and I find out about it. Somebody told me about it. And I called there, she said she’s going to retract it. And she never retracted. She kind of mislead me. But I never said that.

Q. So you were misquoted by someone in the press to that effect?

A. Yeah, the press, they want to get attention to another paper or television, they say stuff like that. You are aware of, right?

Q. You’re saying you never told anyone in the press that you had personally paid for medical bills for Gavin?

A. I never -- I helped them out. I never paid for medical.

Q. Okay. And never told that to anybody in the press, correct?

MR. ZONEN: Objection; asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You told the Santa Barbara Sheriffs that on more than one occasion Janet and Jay Jackson approached you for assistance, correct?

MR. ZONEN: Judge, I’m going to object as hearsay. Unless it’s a prior inconsistent statement.

THE COURT: I’ll sustain the objection.

Q. BY MR. MESEREAU: Periodically, Jay Jackson and Janet would ask you for assistance, right?

A. No, only twice Jay ask me. And he didn’t ask me for assistance. I volunteered. Don’t change it around.

Q. Well, you just said he asked you, didn’t you?

A. We were talking about it. He said they didn’t have enough money to pay for the thing. And

I said, “I’ll pay for it.” He didn’t say, “Give me the money.” This is a different thing. If you ask me for money, it’s different.
Q. What do you think he was suggesting when he told you he didn’t have money to pay for these things?
A. Meaning maybe they didn’t have money. You don’t know. I don’t know. How do you know if they didn’t have money? Maybe they didn’t have. Maybe they were broke by that point. I have no idea.

Q. Did you issue checks to Gavin, Star and Davellin?
A. Yes, I did.
Q. And how many checks did you issue to Gavin, if you know?
A. I think one time they performed, the time to make them become -- the only -- you know, a lot of people, they go around, they say, “I’m a comedian. I’m a this. I’m an actor. I’m a this, that, and that.” They just call themselves. They never get paid for it.
But to make performance, like Gavin, Star, and Davellin, to make them a performer, you pay them as a comic. And I did pay them as a comic one time.
Q. Now, the government prosecutor, Mr. Zonen, showed you two checks --
A. Yes.
Q. -- that you had written to David Arvizo, correct?
A. Yes, sir.
Q. But you told the Santa Barbara Sheriffs that you wrote a check to Janet or Jay on one occasion, correct?
A. Yeah, I think so. I did to Jay or Janet, I’m not sure which one, yeah.
Q. And you told them the check was endorsed by Janet Arvizo?
A. I never said it was endorsed. I don’t look at the back of the check, whose endorsement.

Q. Would it refresh your recollection if I show you the police report?
A. The check? The police report, I don’t care

what -- I don’t look at the back of the check. I don’t look at the back of the check. Maybe you misunderstood.
Q. Let me just ask the question. You just have to answer it. It’s being recorded.
A. Sorry.
Q. Would it refresh your recollection --
A. Yes.
Q. -- about your telling the Santa Barbara Sheriffs --
A. Yeah.
Q. -- that Janet Arvizo endorsed that check if I show you the police report?
MR. ZONEN: I’ll object to references and statements to Santa Barbara Sheriffs as hearsay, unless they’re prior consistent statements.
THE COURT: The objection is overruled. He’s asking about refreshing his memory.
THE WITNESS: I don’t recall that. I do not recall that.
Q. BY MR. MESEREAU: Would it refresh your recollection if I show you what they say you said?
A. No, it doesn’t make any difference. I know what I said. I don’t recall it. So you can say

anything you want.
Q. Do you recall ever writing a check for Shana Traunfeld?
A. Yes, I did.
Q. And that check was to purchase a bed for the Arvizo children, correct?
A. “Arvizo children.” Describe what “Arvizo children” means.
Q. What do you think it means?
MR. ZONEN: I’m going to object as vague.
THE WITNESS: My --
THE COURT: He’s asking for more specific names, please.
Q. BY MR. MESEREAU: Did you ever issue a check --
A. Yeah.
Q. -- to Shana Traunfeld --
A. Yeah, who was my assistant.
Q. -- for the purpose of purchasing a bed for

any of the three Arvizo children?

A. Yes, I did.

Q. When was that?

A. The time we went up there for Christmas. I went up there to see them, give them something for Christmas. I saw the kid, half of his face was swollen up. He had a lot of scar on his face, and they were sleeping on the floor. I felt bad. I went and told them

immediately, “Buy them a bunk bed. At least get them something going.” They were living on the floor. God.

Q. Did you ever give any member of the prosecution team a copy of that check?

A. I don’t -- my office supposed to give it.

Q. Did Prosecutor Zonen ever ask you if you could give him a copy of that check?

A. Mr. Zonen himself? Never.

Q. Does Prosecutor Zonen ever ask you to give him copies of any other checks that you wrote to any member of the Arvizo family besides David?

A. Okay. No. The prosecution, Mr. Zonen himself, or all of the guys? You got to declare. Mr. Zonen you’re talking about? Only Mr. Zonen? Or of his team?

Q. Only Mr. Zonen.

A. Mr. Zonen, no, I don’t think so. I don’t recall he called me asking me that.

Q. Do you recall any member of the prosecution team ever asking you for copies of checks you wrote to members of the Arvizo family other than David?

A. Yes. They’re people, they ask me.

Q. Who?

A. I don’t remember his name.

Q. Did you give copies of those checks to them?

A. I think I -- I told my office to give them whatever they need.

Q. Do you know if that ever happened?

A. I think it happened. I’m not sure. I think it did happen.

Q. Did any of these prosecutors sitting at the table ever ask you for copies of those checks?

A. Those three people? No.

Q. Okay. They only wanted checks involving David, correct?

MR. ZONEN: Objection as to what they wanted as speculative.

MR. MESEREAU: I'll rephrase it, Your Honor.

THE COURT: All right.

Q. BY MR. MESEREAU: In truth, Mr. Masada --

A. Yes.

Q. -- the prosecution in this case only wanted copies of checks you wrote to David?

MR. ZONEN: Objection as to what they wanted and speculative on his part.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You said you told someone at your office to give members of the prosecution checks you'd written to the Arvizos, is that correct?

A. Yes, sir.

Q. Who did you ask at your office to do that?

A. I told my assistant or my accountant to find the checks and, you know, make a copy and give it to them.

Q. Now, you wrote other checks to members of the Arvizo family that you can't locate, correct?

A. I don't know what you mean by that.

Q. Do you remember telling the Santa Barbara Sheriffs that there were other checks you wrote as gifts to the Arvizos that you can't find?

A. That was the three checks of the $50, I think it was, that I did put them -- I don't know if they ever found them.

Q. Didn't you say you could not retrieve copies of those checks?

A. Yeah, I did. I ask -- I ask my accountant, and he said, "I don't know. I don't know where they are." And he said, "Wherever they are, I can't find them." And I said, "Go find them."

Q. Did you ever find them?

A. I really -- I think they did. I'm not sure. I'm not going to say something. I'm not sure.

Q. In his direct examination, the prosecutor didn't refer to any of those checks, did he?

MR. ZONEN: I'll object as irrelevant.
THE COURT: Sustained.
Q. BY MR. MESEREAU: You indicated that you owned more than one Laugh Factory; is that correct?
A. Yes, sir.
Q. And where are The Laugh Factories you own located?
A. One is in Los Angeles. One is in New York City.

Q. Any others?
A. One we building in Long Beach. One we did have in Hawaii.
Q. Any others?
A. No, sir.
Q. So how many do you own at the present?
A. Two.
Q. And you're building a couple of others?
A. No. I said --
Q. What did you just say?
A. You got to listen.
Q. Okay.
A. One we building in Long Beach. And one is -- in Hawaii is closed.
Q. Okay.
A. So we have right now, present time, two.
Q. Okay. All right.
A. Do you want the address for them?
Q. I'll talk to you after court. We can give --
A. You are there. Me and you can have a comedy team.
Q. Okay. All right. All right.
(Laughter.)
Q. When did you last talk to Jay Jackson?
A. Jay Jackson. God. God, Jay Jackson, maybe about three, four -- three months, four months ago. How am I -- Christmas was -- I will say about three, four months ago.

Q. And where did you talk to him?
A. On the phone.
Q. Okay. Did he call you?
A. He might have. I'm not sure if I call him,

you know. You get on a day’s routine, you don’t remember, if he call me or I call him.

Q. Did you discuss this case?

A. No, I did not.

Q. Said nothing about it?

A. No, sir.

Q. Never came up?

A. No.

Q. Okay. Was Janet involved in that discussion?

A. No.

Q. Okay. And when did you last talk to Janet by phone?

A. I think you asked me that already.

Q. When did you last talk to Janet by phone?

MR. ZONEN: Objection; asked and answered.

MR. MESEREAU: I don’t know if I did ask that.

THE WITNESS: Yeah, you did, the look on your face.

(Laughter.)

MR. MESEREAU: If I did, I apologize.

THE WITNESS: You did.

Q. BY MR. MESEREAU: When did you last talk to her by phone?

MR. ZONEN: Had there been a ruling by the Court, Your Honor?

THE COURT: I don’t remember.

(Laughter.)

THE WITNESS: You too. We just go back and forth, you know.

THE COURT: Go ahead and answer.

THE WITNESS: Three, four months ago. You know, I have no idea. Three, four months. Could be before Christmas, right before Christmas.

Q. BY MR. MESEREAU: Let me ask you this: When did you last talk to Janet about this case?

MR. ZONEN: Assumes facts not in evidence that he ever talked to Janet about this case.

MR. MESEREAU: I’ll rephrase it.

MR. ZONEN: And vague as to what “this case” is.

THE COURT: He did say that he talked to

Janet about the case a long time ago. You can rephrase it.

THE WITNESS: So where are we?

Q. BY MR. MESEREAU: When did you ever discuss this case with Janet?

A. It was a long, long time ago. About maybe -- I don’t know.

THE COURT: See, I told you.

THE WITNESS: I don’t recall the date. I’m sorry.

Q. BY MR. MESEREAU: I’m not asking you for the date. I’m asking you just to give your best estimate as to when you last talked to Janet about this case.

A. And I’m really -- I want to be as open as I can. I can’t remember. I spoke to her one time. I don’t remember when was it, what month was it, what year was it. I know I spoke to her.

Q. Okay. Do you remember discussing with David Arvizo the fact that The Laugh Factory has a charity committee?

A. Yes, I did.

Q. When did that discussion take place?

A. He came to my office and he was -- keep asking me for more money, and more money, and more money, and more money, and more money.

And at one point, I said, “Well, if you need more money, what you have to do” -- because I have something, it’s called Laugh Factory Academy of Comedy and Arts. That’s a -- I put money myself into that account, and I help a -- a comedian, for example, if their father died, if comedian sick, they don’t have any money for their doctor bills or something, I write a check for them.

And I say, “If you want more money,” because I wanted to try to tell him -- I didn’t know how to say no to him. So that’s why I say this. I say, “If you want to come to the committee, talk to the committee, and we take it from there.”

Q. Can I have some?

(Laughter.)

A. If you are -- with your job, with your earnings, if you get broke. I don’t know how much you making.

(Laughter.)

Q. Okay. You’ve testified about a truck that you learned that Michael Jackson had given to the Arvizo family, correct?

A. I never said “truck.” Never used the word “truck.”

Q. How did you describe the vehicle?

A. It was what, a “sudan.” What do you call that car? I’m not too much fascinated by cars or monetary stuff. I don’t know any of those stuff. I know a car was -- the car is S -- SUV, SIV, whatever it is. And it was a white car, you know. It’s a big huge car. So it’s a white car it was.

Q. And when did you learn about that?

A. David came in my office. He was very excited. He said Michael gave him a car. And I said, “Oh, that’s wonderful.” And he said, “Come on, come on, come on, I show you.” And I said, “I’m in the middle -- I’m helping other kids,” this, this. And he said, “Come on. He waited there. And I went out outside, and we saw him. He park the car right in front of the fire hydrant, and I remember that, because I was, “You can’t do that. That’s against the law. You’re going to get a ticket already.”

And he show me, open the door, and I remember the car was white. And there was a T.V. on the dashboard. I remember that.

Q. Did you get in the car?

A. No, I looked in the car. The door, they opened the door, but I didn’t get into the car and drive it around, no.

Q. How many times did you see that car at The Laugh Factory?

A. You know, he would come to my office. A couple of times I saw him drive in that car, drive away, because he was -- he needed money for gas for this car, because he was telling me that particular car, Michael gave it to him, it lose a lot of gas, and he need more money for gas. So that’s how he was getting more money from me.

Q. Do you remember telling a Santa Barbara Sheriffs officer --

A. Yeah.

Q. -- that you wrote Janet a check for Christmas?

A. Write Janet a check for Christmas. No, I don't recall that.

Q. Would it refresh your recollection if I show you a transcript of your interview?

A. I mean, I'm just saying I don't recall it.

Q. Would it possibly help you recall it if I showed you a transcript of your interview?

A. I'm telling you, I don't recall. If I don't recall and you show me anything, I don't recall saying that.

Q. You don't want to give it a try?

A. First of all, I have dyslexia. I can't see very good, so you're going to read it to me. If you want, bring it over.

Q. Did you ever tell a Santa Barbara Sheriffs officer during a recorded interview, "I did write a check personally, 800, a thousand dollars, whatever, you know, not this Christmas, Christmas before that to Janet." Do you remember saying anything like that?

A. Maybe I meant David. I wrote the check for David, $800. Maybe that's -- somehow I mix up the name. That could be.

Q. You may have written a check to David for a thousand?

A. For 800 to a thousand, yes.

Q. Do you recall saying you gave Janet a check at any time?

A. I might have made a mistake, their name together.

Q. Okay. Okay.

THE COURT: Let's take a break.

(Recess taken.)

THE COURT: Go ahead.

MR. MESEREAU: Thank you, Your Honor.

Q. You know Louise Palanker, correct?

A. Yes, I do.

Q. And when did you first meet her?

A. Several years ago. She's -- she comes in. She volunteers, you know. She's -- she's a lady, she volunteers, you know, sometimes for charity, different stuff, especially times at Christmas, we do for homeless. She comes in, she dish up some food for homeless people. And she comes in, we do some services for high holidays, Jewish high holidays. That's what we do.

Q. And would you call her a regular at The Laugh Factory?

A. No, she's not regular, what you describe regular, regular comics or regular --

Q. Do you see her often?

A. I haven't seen her lately.

Q. Is she a good friend of yours?

A. She's -- she's one of those ladies, she want to be a comic and you try to help her. And sometimes being -- trying to help them, you got to give them bad news.

(Laughter.)

A. Like if I tell them they're not funny, they take it very personal.

Q. I gather you told her she's not very funny.

A. Well, I -- let me tell you. I find you are more funny than she is.

(Laughter.)

Q. Could I join your comedy class? I'm in the wrong profession, I guess.

A. I think so. You got a job after this case is over. Come see me.

Q. When did you learn Louise Palanker had donated $20,000 to the Arvizo family?

A. I think I told you about it. At the time I find out, I was going to find an apartment for Gavin, because he was coming out of the hospital and he needed a sanitated -- meaning the room, it had to be sanitation room, and I find out Louise went and wrote the check. She's a very rich woman. She wrote the check.

Q. And when did you learn about that?

A. I don't remember. I don't remember the date.

Q. Did she ever come to you to talk about it?

A. No, she never talked about it. She -- I heard about it. She gave it to them, and I -- I thank her.

Q. When did you thank her?

A. I don't remember. Some -- one of the conversations we had. I don't remember.

Q. Did you learn at some point that she wrote two checks, not one?

MR. ZONEN: I'm going to object as irrelevant, lack of foundation and hearsay.

THE BAILIFF: Your microphone's not on.

THE COURT: Overruled.

You may answer. You may answer.

THE WITNESS: You want my answer? I'm sorry.

Yes, I did.

Q. BY MR. MESEREAU: And approximately when did you learn that?

A. I cannot recall. I -- sometime.

Q. When did you last see Louise?

A. Maybe about year, year and a half ago, two years ago.

Q. Did you ever discuss this case with her?

A. No. She called me, told me she came to the court and whatever, whatever. She did say that afterwards.

Q. When was this?

A. I believe she was driving from the court home.

Q. Was this last week?

A. Last week, yeah.

Q. She called you after she left court?

A. I think so. Sometime afterwards.

Q. Did she discuss with you anything she had said in court?

A. She said that you have made this court like O.J.'s court or Robert Blake court, and you was changing the words around and you made it -- lied. You lied and you changed the words and took the stuff out of context, and she told me a bunch of stuff.

And I said, "Well, hey, you go there, you tell the truth. That’s what it’s all about,” and I didn’t want to hear it.

Q. She complained to you that she had been secretly recorded by the sheriffs calling you a pathological liar, correct?

MR. ZONEN: I’m going to object as irrelevant and argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Mr. Masada --

A. Yes.

Q. -- you’ve told the jury what she called to tell you about after court, correct?

A. Yes.

Q. And isn’t it true that she called because she was worried that she had been recorded secretly by the sheriffs calling you a liar?

MR. ZONEN: I’m going to object as lack of foundation. As well, argumentative and speculative as to what she was worried about.

THE COURT: It’s not relevant. Sustained.

Q. BY MR. MESEREAU: Your answer to that last question was not truthful, was it?

MR. ZONEN: What last question are you referring to? It was sustained, Your Honor, the last two questions.

MR. MESEREAU: I’ll rephrase it, Your Honor.

Q. Your answer to this jury under oath --

A. Yes.

Q. -- to the question about what Louise Palanker called you about after court was not the truth, was it?

MR. ZONEN: Objection; argumentative.

THE WITNESS: It was truth. I don’t know what you’re talking about. That’s what she said.

THE COURT: I’ll let the answer stand.

Q. BY MR. MESEREAU: Mr. Masada, do you remember talking to a District Attorney investigator about what Star Arvizo had said to you about Neverland?

A. I don’t know what conversation you’re talking about. Refresh my memory, please, if you don’t mind. I spoke to them many times.

Q. Let’s go back to December 23rd, 2003. Do you remember talking to a District Attorney investigator named Tim Rooney?

A. If you said so.

Q. Remember telling that investigator that you had discussed with Star Arvizo what Star experienced at Neverland?

A. If you refresh my memory about it. I discussed it -- refresh my memory, if you don’t mind, please.

Q. Do you remember telling the District Attorney investigator that you had discussed Star Arvizo’s claims regarding Michael Jackson’s alleged abuse at Neverland?

A. I don’t recall what I have said. Can you -- what was -- again, re -- say it some more, please.

Q. Sure. Do you remember telling a District Attorney investigator named Tim Rooney that you had discussed with Star Arvizo what Star experienced with Michael Jackson at Neverland?

A. I don’t recall it right now.

Q. Remember telling a District Attorney investigator that Star told you what he saw Michael Jackson do at Neverland to he and his brother?

A. To do to him and his brother in Neverland?

Q. Yes.

A. No, I don’t recall that.

Q. Do you remember telling a District Attorney investigator, “Star Arvizo never mentioned wine. He mentioned sleeping pills”?

A. Oh, yeah. What he told me. I didn’t discuss it. You got to clarify what you’re saying.

Q. Okay.

A. Okay, let’s clarify.

Q. You told him, “Star never mentioned wine. He mentioned sleeping pills,” correct?

A. Let me explain it to you, if you want me --

Q. Did you say that? Yes or no?

A. I think I did. Yes, I did.

MR. MESEREAU: I have no further questions, Your Honor.

REDIRECT EXAMINATION

BY MR. ZONEN:

Q. Were you questioning Star Arvizo about what happened at Neverland?

A. No, I did not.

Q. What was the context of that conversation you just relayed to us?

A. They got in my car, and Gavin got in the car and started to --

MR. MESEREAU: I'm going to object as hearsay, Your Honor.

MR. ZONEN: It's in response to the questions elicited by counsel.

THE COURT: You need to be more specific.

Q. BY MR. ZONEN: What specifically was the context of the conversation that talked about a pill versus alcohol?

THE COURT: Are you -- relating it to Star, right?

MR. ZONEN: Yes, with regard to Star. Exactly.

THE WITNESS: Star got in my car and -- Gavin got in the car. Star got in the car. He said something about, "I've got pills and I've got sleeping pills."

And at that point I have this guilt, this Jewish guilt, I didn't want to know about it. I said, "I don't want to know anything about it."

I cut him off. I didn't want to know anything about it. And he was just trying to give me some information that -- I didn't ask him what has happened, what -- any of that. I never ask him anything.

Q. BY MR. ZONEN: Did he give you anything more than five or ten seconds' worth of information?

A. No, because I -- I cut him off, because I felt that's not my position. I'm not --

Q. Did it appear that he wanted to talk to you about what happened?

A. I think he wanted to talk to me.

Q. Was anybody else present at the time?

A. Gavin was present.

Q. Was he talking to you about what happened?

A. Gavin? No. I remember I felt uncomfortable because Gavin put his head down, he was kind of like almost teary, because something that he said. I looked at Gavin, and I saw Gavin feel uncomfortable, and I look at Star, “Star, I don’t want to know anything. Thank you. Let’s talk about another thing. Let’s talk about baseball. Let’s talk about something else.”

Q. Was Gavin’s behavior different when you saw him after he came out of Neverland?
A. He was a little withdrawn. He was -- with me, anytime he saw me before, he hug me; he said, “I love you.” Now he was kind of withdrawn. He wouldn’t --
MR. MESEREAU: Objection; nonresponsive.
MR. ZONEN: I think it is.
THE COURT: Sustained.
Q. BY MR. ZONEN: How was his behavior different after Neverland?
MR. MESEREAU: Objection; no foundation.
THE WITNESS: I don’t know if it was after Neverland. I don’t know.
MR. MESEREAU: Beyond the scope.
THE COURT: Sustained.
Q. BY MR. ZONEN: You mentioned three checks for $50.
A. Yeah.
Q. What were those three checks for?
A. The three checks was for the -- their performance, their endorsement, “You are a comic now.” As soon as you get a check, you are -- your first check, you become a professional. If you become a professional, anything you do, you are attorney -- if you are attorney, you could go say, “I’m an attorney” because you went and passed bar exam.

A lot of people walk around in this room, they say, “I’m a comedian” --
MR. MESEREAU: Objection. Nonresponsive; move to strike.
THE COURT: Sustained.
Q. BY MR. ZONEN: All right. But this was $50 for each of the three Arvizo children?

A. Yes.

Q. And was this for their performance?

A. Yes, sir.

Q. Was this the graduation performance?

A. It was some kind of graduation performance, before the graduation, yes, sir.

Q. Did you give checks to just the Arvizo children or to other children?

A. No, all of the children, every children. The children, they went and perform, I endorse them as a performer. As a person, they endorse, “You are a comic now. You have a license to go out there, say ‘I’m a comic.’”

If somebody go out there, say, “I’m a comic,” and they don’t get a check, everybody going in this town, they are waiter and waitress, they are comic or they are actress or actor.

Q. All right. So you did this for all of the children --

A. Yes, sir.

Q. -- you didn’t just single out the Arvizo children?

A. No, I did it for all the children.

Q. I showed you two exhibits, Exhibit No. 624 and 623, these photocopies of the checks; is that correct?

A. Yes, sir, you did.

Q. And you established that these are, in fact, photocopies of the two checks that you gave to Mr. Arvizo, David Arvizo?

A. Yes, sir, I did.

Q. All right. Are these accurate photocopies? I mean, do they depict the subject matter accurately?

A. It look like, but I’m not sure if it’s accurate. It’s whatever. You know, my accountant sent them. I believe they are accurate.

Q. Well, go ahead and take a look at both of them. Let’s start with the first one, 624.

A. 624, yes.

Q. Now, that’s in your handwriting; is that right?

A. No, it’s not my handwriting.

Q. Oh, it’s not?
A. No.

Q. And have you ever seen that check before?
A. That’s my signature.
Q. But it’s -- okay. Your signature is on the check?
A. Yes, sir.
Q. But the check was made out by whom?
A. Could be made out by my assistant. It could be made out by my -- my accountant wasn’t, because if my accountant was up there, he would do it on the computer. My assistant or somebody, or somebody -- one of my -- the other co-workers that work for me. Any of the employees.
Q. Now, as to that check, do you have a recollection of that check?
A. Yes, I do.
Q. All right. Does that photocopy appear to be an accurate photocopy of the check, as you recall it?
A. I believe so.
MR. MESEREAU: Objection; asked and answered.
THE WITNESS: I believe so.
MR. ZONEN: I would move that exhibit into evidence. I believe it’s 623.
THE WITNESS: No, 624.
MR. MESEREAU: May I see it first, Your Honor?
THE COURT: Yes.

MR. ZONEN: While counsel is looking at that exhibit --
Is that what you’re doing, Counsel?
MR. MESEREAU: Yes.
Q. BY MR. ZONEN: Let me direct your attention to 623, then.
THE COURT: Wait till he looks. Just give him a chance to look at it.
MR. MESEREAU: Okay. Thank you, Your Honor.
THE COURT: All right. It’s admitted.
Q. BY MR. ZONEN: As to the other one, then, 623, correct?

A. 623, yes, sir.
Q. Is that a check that you either signed or had anything to do with?
A. I signed it. And then I think -- if it’s computer like that, it’s my accountant did that.
Q. Okay. But did you just say you did sign it?
A. Yes, sir, I did.
Q. Can I assume if you signed it, you looked at it?
A. I’m sure I did.
Q. Can you tell us if that photocopy is an accurate photocopy of the check?
A. It looks like exactly my check.
MR. ZONEN: I would ask to admit that exhibit as well.
MR. MESEREAU: No objection.

THE COURT: It’s admitted.
Q. BY MR. ZONEN: Now, the money that you gave to either Janet or Jay for private school, that was actually a tutorial program, was it not?
A. What was it?
Q. A tutorial program. Do you know what that is?
A. No.
Q. Just for private tutoring?
A. It could be. I have no idea. Something to do with a school or something; that they were talking about they want to take him out, you know, put him in somewhere that people make -- not making fun of him.
And I want -- you know, they had so much money, but they didn’t have enough money. And I said, “How much you need to make it up?” And they said that much, and I did.
Q. Did they ask you for that money?
A. No. I volunteer.
Q. Did this come in the course of a discussion about the fact that they needed some extra education?
A. It could have.
Q. Were you aware that they were out of school for a long period of time when they were at Neverland?

A. That’s what I understood.

Q. Was that in the context of this discussion?

A. I don’t recall that.

Q. Okay. The money that David Arvizo was given by you for rent, did you pay that money directly to the landlord?

A. No.

Q. You gave it to whom?

A. David. I said, “If you want me write the check for landlord, let me know who is the landlord, and I’ll write the check to the landlord.” He said, “No, no, no, write it to me.” And I said, “Okay.”

Q. Did you have any assurance that that money actually went to pay the rent?

A. I have no assurance, no.

Q. Do you --

A. No way.

Q. Do you know one way or the other?

A. I have no idea.

Q. Do you believe David Arvizo to be an honest person?

A. You know, I can’t -- you asking something that -- you know, you don’t know people in that kind of situation. They have -- a poor guy, he’s losing his kid and all of that stuff. You don’t really -- you really don’t know. I mean, you can’t read people. I wish I could read people.

The only thing I thought he ever done dishonest, was bad, that money I gave for the wallet.

MR. MESEREAU: Objection; nonresponsive.

Q. BY MR. ZONEN: All right. Well, let me ask you this. The money you gave him for rent, was that before or after the whole controversy about the wallet and the $300 or $350 being missing?

A. I don’t know. Can I look at the checks?

Q. Would that help you?

A. Yeah, because the date’s on top.

Q. Sure. Go ahead.

A. Yeah, that was ten days before the other one happened.

Q. All right. Do you have an opinion as to

whether or not that representation that George Lopez stole money from Gavin’s wallet was true?
MR. MESEREAU: Objection; improper opinion.
THE WITNESS: I -- I don’t --
THE COURT: Just a moment.
Sustained.
THE WITNESS: Shall I answer it? Or --
THE COURT: No. Don’t.
Q. BY MR. ZONEN: Whose idea was it to put the children in a karate school?
A. It was the kids. They were talking about it, and I ask Jay and Janet, “We should do something for the kid, get their energy going,” and that and that. And they said they did not have the money. I said, “Where’s” -- “Let’s find out where it is. I’ll go take them there. I take care of it.”

It was me took them to the karate school. It was on Santa Monica Boulevard somewhere, I think, if I’m not mistaken. Maybe I’m wrong.
And we took them there and I talked to the instructor, and I talked to them and I said, “How much it is,” and they said so much money, and I said, “Here is the check.”
Yeah, that’s what I did. I give them a check and I enrolled them, so let them go.
Q. So you actually paid the money directly to the karate school?
A. Yes, sir. Yes.
Q. On the bed, did they ask you to buy a bed for them?
A. No. No, no, no, no, no.
Q. All right. What happened?
A. I went there, I saw the kid. Half of his face was swollen because his kidney, he have one kidney, one spleen. And he -- any day he could buy all of this. I don’t know what you guys do in this kind of stress. You might put him back in the hospital again. He might go to the hospital. You got to realize what’s going on. This kid have one kidney, he have no spleen, and his cancer on submission. It could come back with the stress --
Q. Tell me about the bed.

A. The bed, I went up there, I saw the face. He was all swollen. He was -- a couple of scars on his face, and he was like all swollen.

I said where it came from? He said from his kidney. The doctor said it was from his kidney.

And so I said, “Oh, my God, what’s going on? Can I do anything?” I said, “Where you sleeping?” Maybe infection or something.

They said they sleeping on the floor there.

And I said, “Where’s your bed?” They didn’t have no bed. And, oh, my God, “You kids have no bed?”

And I went -- I leave from there or I went -- yeah, I call my assistant. My assistant was at lunch or wherever it was. And I went to the office, “Go right now, take off. Go get the bed for them, deliver the bed.”

Q. Nobody asked for that bed?

A. No.

Q. Did Janet Arvizo ever ask you for money, ever?

A. No. Did not.

Q. You talked about two documentaries. There was the FOX documentary and then the PBS documentary that followed.

A. Yes, sir.

Q. Were those documentaries about The Laugh Factory?

A. Was -- was -- one of them was about The Laugh Factory comedy camp. Another one was about Laugh Factory comedy camp, but Arvizo was featuring in it.

Q. They featured the Arvizo family?

A. Yes, I think.

Q. Was this before or after Gavin got sick?

A. They were before.

Q. So they were just three kids in the --

A. Yeah, they were three kids, and they were showing them. I think it’s a tape. You guys got to watch it. It’s a tape that --

MR. MESEREAU: Objection; nonresponsive.

Q. BY MR. ZONEN: Just tell us what it is.

A. It was about the kids, that they were --

where is their home, where they were living, how did they take a bus to come there, and how they went to -- what they call it? How they came to comedy camp, how the comedy camp, they get -- they talk about their pain and food they don’t have, all of that stuff they were talking about. It was a documentary on that.

Q. Which one was that, the PBS or the FOX?

A. The FOX, sir.

Q. You mentioned a man by the name of Patrick Press. Do you mean Patrick Perez?

A. Patrick Perez.

Q. P-e-r-e-z?

A. My spelling is terrible, yes. I’m sorry about spelling.

Q. Did you introduce him, Mr. Perez, to the Arvizo family?

A. I don’t know if my office did or something. I know he was there. I don’t know what happened.

Q. Do you know if any of the Arvizo children got any money for this documentary?

A. I have no idea.

Q. Did you get any money for it?

A. No. I wish I should. I wish I get some money. I didn’t get anything.

Q. Did you ask for money?

A. No, I didn’t. But I should have ask. I didn’t ask for anything.

Q. Do you know the purpose of the documentary?

A. It was something -- they show a lot of people in Hollywood. The people in -- in the community, they know my charity. They know that what I’m doing with the kids, it helps the kids. The whole thing was, purpose of the documentary, to show the success of the comedy -- what does comedy do.

And again, it was -- it was all about comedian, thanks to comedians, and comedians made this whole thing happen. It wasn’t me. I don’t want to take the credit all for myself. Any of that credit goes to the comedians. The comedians, they did that. As a result of the comedians, I wouldn’t have my club. So, it’s critical to them. I’m emphasizing to most documentaries, comedians should be --

MR. MESEREAU: Objection. Nonresponsive; move to strike.

THE COURT: Overruled.

Q. BY MR. ZONEN: Did you pay any money toward medical bills that you’re aware of for the Arvizo family, or for Gavin specifically?

A. Never.

Q. Did anybody ask you to pay medical bills?

A. Never.

Q. Did Janet ever tell you she had medical bills that she had to pay?

MR. MESEREAU: Objection; beyond the scope.

THE COURT: Sustained.

MR. ZONEN: Thank you. I have no further questions.

RECROSS-EXAMINATION

BY MR. MESEREAU:

Q. You mentioned your computer in response to the prosecutor’s questions. Do you recall mentioning a computer?

A. I mentioned the check is computer, meaning my accountant have some kind of computer.

Q. Right. Do you remember being asked by a Santa Barbara sheriff if you could provide

accounting records or books about what you had given the Arvizos? Do you remember that?

A. I’m sure they did.

MR. ZONEN: I’m going to object as exceeding the scope of the redirect examination.

MR. MESEREAU: I think it’s within the scope, Your Honor.

THE COURT: Overruled.

You may answer.

Q. BY MR. MESEREAU: And do you remember your response was, “Those books are gone because they raise computer viruses”?

A. That could have been happened one, two -- or twice. It happened on my office computer, my accountant, yeah.

Q. That is what you told the Santa Barbara sheriffs, right?
A. I could have. I don’t know. If that happened at that time, I would have told them, yes.
Q. You said, “Those books are gone because they raise computer viruses,” right?
MR. ZONEN: Objection; asked and answered.
THE WITNESS: That check is not confusing, sir.
THE COURT: Just a moment.
The objection is sustained.
THE WITNESS: Oh.
MR. MESEREAU: No further questions.

MR. ZONEN: No further questions.
THE COURT: All right. Thank you. You may step down.
THE WITNESS: Thank you, sir.
THE COURT: Call your next witness.
MR. AUCHINCLOSS: People call Cynthia Ann Bell.
THE COURT: Come to the front of the courtroom, please.
When you get to the witness stand, please remain standing, face the clerk here. Raise your right hand.

CYNTHIA ANN BELL
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated.
THE WITNESS: Thank you.
THE CLERK: State and spell your name for the record.
THE WITNESS: Thank you.
My name is Cynthia Ann Bell. C-y-n-t-h-i-a, A-n-n, B-e-l-l.
THE CLERK: Thank you.
THE WITNESS: Thank you.
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DIRECT EXAMINATION

BY MR. AUCHINCLOSS:
Q. Good afternoon, Miss Bell.
A. Good afternoon.
Q. How are you employed?
A. I'm a corporate flight attendant.
Q. How long have you been a corporate flight attendant?
A. Just under seven years.
Q. During the year 2003, who did you work for?
A. Xtra Jet International.
Q. And you were a corporate flight attendant at that time?
A. That's correct.
Q. Have you ever personally worked on any flights where Xtra Jet provided services to Michael Jackson?
A. Yes, I have.
Q. And is he in court today?
A. Yes, he is.
Q. Okay. Would you identify him for the record?
A. Yes, I can.
Q. He's seated to my right?
A. That is correct.
Q. Thank you.
Madam Clerk, could have I have Exhibits No. 31 through 34, if you can find those.

THE WITNESS: I'm so nervous.
THE COURT: You can pour yourself some water, if you want.
THE WITNESS: Thank you.
THE BAILIFF: Miss Bell, is that almost empty?
THE WITNESS: Is it what?
THE BAILIFF: Miss Bell, is that almost empty?
THE WITNESS: Yeah, it's almost empty. Thanks.
MR. AUCHINCLOSS: We're zeroing in on it, Your Honor.
Q. All right. Miss Bell, I'm going to show you an exhibit marked as People's 31. Can you identify that person?

A. Yes.

Q. Okay. Who is that, please?

A. This woman was on a flight that I had done with Xrtra Jet International. I believe, yeah, she was definitely on that flight.

Q. Okay. Was it a flight in which Mr. Jackson was a passenger?

A. Yes.

Q. And I want -- I'm showing you People's Exhibit No. 49. I'd like you to -- we're having trouble locating the picture I'm looking for, but if you could ignore the woman in the middle.

A. In the center.

Q. And just the three children. Have you seen those three children before?

A. Yes, I have.

Q. Were they also on that same flight?

A. That's correct.

Q. And do you recall where that flight flew from and where it was headed to?

A. Yes, sir. That was from Florida to Santa Barbara.

Q. Do you know the date of that flight?

A. It was either in February or March. Actually, on the trip sheets, that would tell you the exact dates, or I'm certain that --

Q. Do you have some notes that would refresh your recollection about the exact date?

A. That's correct.

Q. Do you have those with you?

A. No, I do not.

Q. All right. Now, that flight was you said -- what was the month?

A. I believe it was either February or March.

Q. And the flight started in Miami?

A. That's correct.

Q. And flew to Santa Barbara?

A. Santa Barbara.

Q. And do you recall who was on that flight other than those four individuals you've identified

and Mr. Jackson?

A. Yes. Mr. Jackson's children were on board.

His head governess, Grace. His head of security. The mother of two of the children. And I believe that there were -- there was a medical doctor and two other governesses.

Q. Do you know how long that flight took?

A. Approximately five hours.

Q. And were all the seats full?

A. Yes.

Q. Can you describe your duties on that flight?

A. Certainly. As a flight attendant, of course, to greet the passengers and make certain, upon take-off, that their needs are accommodated. During the flight, continuous food and beverage service.

Q. And how busy were you, if you recall, on that particular flight?

A. Fairly busy.

Q. Did you ever have any breaks or downtime where you were able to relax?

A. Typically, as a corporate flight attendant, you don’t really have time. You’re typically pretty busy. It’s a smaller aircraft, with fewer passengers, and you’re typically just -- there’s never really any downtime.

Q. Okay. And how many people fly on a plane like that, in total?

A. Well, depending on the load, you could possibly have 12, depending on the configuration of your Gulfstream aircraft or your aircraft, depending on your passenger load or where they’re going. There’s times I’ve flown one passenger to London. There’s been times where I’ve flown 16 passengers.

Q. My question, on that particular flight from Miami to Santa Barbara, do you know how many people were on the flight?

A. It was a full house. It was a full boat.

Q. And how many people would that be?

A. I believe it was in between 12 and 13.

Q. Do you also provide service to the pilots?

A. That is correct.

Q. And there are how many pilots?

A. Two.

Q. And you -- would it be safe to say that

pilots and yourself are the only service personnel that are on the plane?
A. Pilots do not serve the passengers.
Q. Okay.
A. Flight attendants only.
Q. So other than the pilots and yourself, those are the only Xtra Jet employees on the flight?
A. That is correct.
Q. On that flight from Miami to Santa Barbara, did you serve Michael Jackson any alcoholic beverages?

A. Yes, I did.
Q. And was there anything peculiar about the means or method that you served him alcoholic beverages?
A. Yes.
Q. All right. Tell us what you mean by that.
A. Well, Mr. Jackson is a very private drinker. I went ahead and initiated serving him in a Diet Coke can.
Q. How many times in total have you flown where you were a corporate flight attendant for Mr. Jackson?
A. Probably about three.
Q. Was that with Xtra Jet each time?
A. No, sir, it wasn’t. I flew him with Pacific Jet once prior.
Q. Were you previously employed with Pacific Jet?
A. As a contract flight attendant.
Q. Was that before you worked for Xtra Jet?
A. Yes, as a full-time flight attendant, yes.
Q. Why did you serve Mr. Jackson alcohol in a Diet Coke can?
A. A couple different reasons. I serve other clients that way also. Why?
Q. Yes.
A. Because he’s a private -- he was a private drinker.

Q. Whose idea was it?
A. It was mine.
Q. Okay. And when did you formulate that idea

to put the wine in a Coke can?

A. On the particular trip with Xtra Jet, I had accidentally for -- forgot and placed a wine glass in front of him.

Q. You say you accidentally forgot. Did you have some knowledge about the way that Mr. Jackson liked his alcohol served?

A. Yes, because I had flown him prior, and he had had alcohol in more of a plastic thermal, like, mug-looking thing. I don't know if that was just a Pacific Jet thing.

Q. You served him alcohol previous on the Pacific Jet flight in a plastic mug thing?

A. That's correct.

Q. And under whose instructions did you serve him alcohol in that method, and by that means, I should say?

A. I don't remember. I'm sorry.

Q. All right. But did Mr. Jackson ever tell you to serve him wine in a Coke can?

A. No, he did not.

Q. On that flight, do you know who was seated next to Mr. Jackson?

A. At different times, different parties were seated next to Mr. Jackson. For most of the time or for a lot of the time, there was a young man that was seated next to him.

Q. Okay. Was he one of the children that I showed you in the exhibit marked as People's 49?

A. Yes, sir.

Q. Which young man are you talking about?

A. Well, he looks a lot older than that picture, but I believe this, yeah.

Q. Okay. Indicating the boy in the blue shirt with the stripe through the middle, the one on the left-hand portion of the photograph?

A. That is correct. That is correct.

Q. The one where my finger is indicating?

A. That is correct.

Q. All right. Thank you.

A. Thank you.

Q. Do you know what his name is? Do you know what that young man's name is?

A. You'd have to refresh my memory.

Q. All right. That's fine. If you don't recall, that's fine.

A. Thank you.

Q. Okay. So what type of -- what type of seating arrangement was the area where Mr. Jackson was sitting?

A. In that particular Gulfstream, it was club seating, with a dinner table, a fixed dinner table.

Q. What's club seating?

A. Club seating is two by two.

Q. Two seats facing each other?

A. Actually, it's a four-seated club configuration. So two passengers could face forward, two passengers could face aft in that particular seating of the aircraft.

Q. We don't apparently have an unmarked diagram, so I'm going to ask you just to explain it as specifically as you can.

So you have two seats that are side by side. Is that fair to say?

A. Do you want me to sort of give you a demonstration of what --

Q. No. Just two seats side by side, normal airplane seats?

A. Two seats side by side, yeah, normal -- we're not like the airliners, so it's not -- when you say "normal," like normal seats, no. I mean, they're big, overstuffed seats, leather, with armrests, you know, separated armrests, but they are side by side.

Q. Is there anything in between the two seats?

A. On that particular aircraft, you could lower the armrests --

Q. Okay.

A. -- to --

Q. So you could lower an armrest between the two seats or you could lift it up?

A. That's correct.

Q. All right. And then you have another two seats. You have a table and then another two seats that are facing the opposite direction?

A. Right. It would almost be like -- seated like if you were at a restaurant. A seat here, a seat here, a seat there, a seat here.

Q. That’s fine. And you said that Mr. Jackson was seated most of the time near the young boy that you identified?

A. For -- yes.

Q. Okay.

A. Along with Prince and Paris, his children. They were always with Mr. Jackson when -- you know, on the other side or in his lap.

Q. Okay. But I’m drawing your attention at this time just to the young boy you’ve identified.

A. Okay. Thank you.

Q. And the period of time that he was seated next to Mr. Jackson, at any time during this flight, did you ever see Mr. Jackson share his -- well, let me strike that and start with the question, can you characterize how much wine Mr. Jackson consumed on that flight, if you recall?

A. It was a long flight. Yes, we went through our white wine, and so I would say a bottle or two. Perhaps even -- because I know I opened red wine, but I think I was serving red wine also to -- I was -- actually the medical doctor had rum and Coke and then went to red wine, so I was serving --

(Laughter.)

A. Well, that makes our flight sound scary.

Q. Okay. You said Mr. Jackson -- was he the only person drinking white wine; do you know?

A. Yes.

Q. And do you know approximately -- you said you opened one or two bottles of wine?

A. That’s correct.

Q. Do you know if you got into a second bottle?

A. I believe that I opened -- that I -- yes, I believe that I had opened two bottles of white.

Q. Okay.

A. And one bottle of red, but they weren’t completely consumed. I know the red was not completely consumed.

Q. Okay. And the second bottle of white wasn’t completely consumed?

A. That’s correct.
Q. Do you know if you served Mr. Jackson any white wine -- or, I’m sorry, any red wine?
A. I don’t remember.
Q. Do you know if you served Mr. Jackson any mixed drinks?
A. On that -- I don’t believe so.
Q. Okay. During this flight, how much of the time, if you can recall, did Mr. Jackson have a drink at his seat?

A. An alcoholic beverage, or --
Q. Yes, that’s what I mean. I should have been more specific.
A. Okay. The can was always there. Where he was in club seating had an actual holder for the can. The can was -- was always present. I would refill the can whether or not he was drinking the beverage, consuming it the entire time. The drink was always there is I guess what I’m trying to maintain.
Q. During this flight, did you ever see Mr. Jackson share his can of wine with anyone else?
A. No.
MR. AUCHINCLOSS: Thank you. I have no further questions.
THE WITNESS: Thank you.

CROSS-EXAMINATION
BY MR. MESEREAU:
Q. Good afternoon, Ms. Bell.
A. Good afternoon.
Q. I’m Tom Mesereau. I speak for Michael Jackson.
A. Thank you.
Q. Now, you’ve had one interview with the Santa Barbara Sheriffs, correct?
A. That is correct.

Q. And you also testified before a grand jury in Santa Barbara about this case, right?
A. That is correct.
Q. Okay. Now, how many times do you think you’ve flown with Michael Jackson?

A. I believe three; no more than six.

Q. And in none of the flights that you shared with Michael Jackson -- let me rephrase that. At no time on any flight you've been on with Michael Jackson have you ever seen him share wine with any child, correct?

A. That is correct.

Q. You've never seen Michael Jackson share a Diet Coke can with wine with any child, correct?

A. That is correct.

Q. You never saw the Arvizo children drinking from a Diet Coke can with alcohol at any time, right?

A. That is correct.

Q. You've never saw those children drinking from a Diet Coke can with wine, correct?

A. That is correct.

MR. AUCHINCLOSS: Objection; asked and answered.

THE COURT: Overruled. The answer is in. Next question.

Q. BY MR. MESEREAU: At no time did you ever see any of the Arvizo children appear intoxicated, right? Let me rephrase that. I think it's --

A. I actually served those children, but I I.D.'d the oldest girl.

Q. You I.D.'d her?

A. I asked her for her identification.

Q. Did she give you identification?

A. She did, actually.

Q. Okay. And did it show she was 18?

A. It did not show that she was 18.

Q. Okay.

A. And I served her in crystal, knowing -- knowingly served her alcohol.

Q. You did?

A. I did.

Q. You never saw Michael Jackson give her alcohol?

A. Absolutely not.

Q. And you've never seen any inappropriate behavior between Michael Jackson and any child on a flight, right?

A. That is correct.

Q. And you have never seen Michael Jackson caress or touch any minor child in an intimate manner, right?

A. That is correct.

Q. And, now, you indicated that his children were always around him on the flight the Arvizos were on, right?

A. That is correct.

Q. You never observed Michael Jackson at any time when his children weren't around him, right?

A. I'm sorry, what?

Q. On the flight the Arvizos were on, you always saw Mr. Jackson's children around him, right?

A. Absolutely.

Q. And we're talking about three children, correct?

A. That is correct.

Q. And two nannies, correct?

A. Three nannies.

Q. Okay. Do you recall someone throwing food on the plane when the Arvizos were on board?

MR. AUCHINCLOSS: Objection. Relevance; beyond the scope.

THE COURT: Overruled.

You may answer.

THE WITNESS: Yes.

Q. BY MR. MESEREAU: You saw one of the Arvizos throwing food on the flight, correct?

A. That is correct.

Q. Do you know who that was?

A. Yes, the older of the children. The --

Q. Is that the female?

A. No. That was --

Q. Was it the mother?

A. No, but it could have been. No, it wasn't her.

Q. You saw one of them was throwing food?

A. Right.

Q. Do you know what that person looked like?

A. Yes, I do.

Q. What did that person look like?

A. Dark hair, lighter skin. It was more sort of a playful interaction that they had going.
Q. Was this a male or a female?
A. A fe- -- a male, actually.
Q. Do you know what the male's name was?
A. I'm sorry, I don't. I'm drawing a blank on their names.
Q. You described that male as very rude, correct?
A. Absolutely. Very rude.
MR. AUCHINCLOSS: Objection; relevance.
THE COURT: Overruled.
Q. BY MR. MESEREAU: Is that correct?
A. That is correct.
Q. And tell the jury what you mean by "rude."
A. The individual was unusually rude, discourteous, very -- I remember him talking about, "I got this watch from Michael, and it's really expensive," and just -- altogether just not -- just loud, obnoxious, like, "Serve me my food. This isn't warm. This isn't the way it's supposed to be." And he was just unintelligent. It was embarrassing to have him on board, actually.

Q. And do you have a picture in front of you? Do you have that exhibit in front of you?
A. No, I do not.
MR. MESEREAU: Where is that? Okay. May I approach, Your Honor?
THE COURT: You may.
MR. MESEREAU: Your Honor, I'm showing the witness Exhibit No. 49.
Q. Ms. Bell, do you see that picture?
A. I do.
Q. Do you recognize the person you're identifying as having been rude on the flight?
A. I do.
Q. And who is that?
A. This individual here.
Q. Which one is that?
A. You know, his name eludes me. I'm sorry.
MR. MESEREAU: May I have the witness point out the person to the jury, Your Honor?
THE COURT: Yes.

THE WITNESS: This individual here.

Q. BY MR. MESEREAU: Is it your understanding that person's name is Gavin?

A. Yes, sir, that is his name.

Q. Okay. Now, you told members of the grand jury that you perceive Michael Jackson as a touchy-feely kind of person, right?

A. That is correct.

Q. And you said he was touchy-feely, kind of, to you, right?

A. That is correct.

Q. What do you mean by that?

A. Well, he's very soft-spoken, and typically because of -- he's very polite and very soft-spoken, I would have to kneel and gain eye contact with Mr. Jackson. And, you know, he is very, you know -- you know, would touch my arm when we were communicating. I don't mean touchy-feely like in a weird sort of manner. Just sort of a polite, gaining eye contact, you know, maintaining, you know, communication that way.

Q. You never found Mr. Jackson to be rude or impolite, did you?

A. Absolutely not, neither him or his children.

MR. MESEREAU: Could I have that exhibit?

Q. Now, just for the record, Ms. Bell, on Exhibit 49, that's the picture of four individuals I just showed you, correct? And that's the picture that you pointed the individual out to the jury who you found to be very rude and obnoxious, correct?

A. That is correct.

Q. And you pointed out the fellow to the far left with a blue shirt, correct?

A. That is correct.

Q. Okay. Thank you.

On that flight, Mr. Jackson was the only person who drank wine out of a Diet Coke can, right?

A. That is correct.

Q. And everyone else that ordered wine had it served in a flute-like glass, correct?

A. That's correct.

Q. And you described Mr. Jackson to the Santa

Barbara Grand Jury as one of the most nervous flyers you'd ever seen, right?

A. That is correct.

Q. Please tell the jury what you mean by that.

A. Well, Mr. Jackson is just a very nervous flyer. He doesn't like turbulence. He -- he has been known to have -- not on my flights, but flights land if there's too much turbulence. He just does not enjoy flying. It makes him very nervous.

Q. And you discussed Mr. Jackson's nervousness on flights with his medical doctor, correct?

A. Yes. Actually, his medical doctor discussed it with me before we -- before we launched on our trip to Miami -- or from Miami to Santa Barbara.

Q. And the subject of that discussion was the fact that he, the doctor, understood that he wanted alcohol to deal with his nervousness, correct?

A. That is correct.

MR. AUCHINCLOSS: Objection. Assumes facts; hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: How did you learn that Michael Jackson was extremely nervous on air flights?

MR. AUCHINCLOSS: Objection. Foundation; hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you know Michael Jackson was a very nervous flyer?

MR. AUCHINCLOSS: Asked and answered. Objection.

THE COURT: Sustained.

Q. BY MR. MESEREAU: What did Mr. Jackson like to eat on those flights, if you recall?

MR. AUCHINCLOSS: Objection. Relevance; beyond the scope.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you remember the young man in Exhibit No. 49, whom you've identified as being rude, the young fellow with the blue shirt, screaming at you that his chicken was not warm?

A. Yes, that is correct.

Q. You told the grand jury he's a weird kid,

correct?

A. Yes, I did.

Q. Michael Jackson always sat by the window, didn’t he? Do you recall?

A. I don’t recall.

Q. Okay. Did you talk to his doctor on that flight very much?

A. I did.

Q. Did you know where the doctor was seated?

A. Yes.

Q. And please tell the jury where Michael Jackson’s physician was seated on that flight.

A. He was seated in the forward aft-facing seat.

Q. Excuse me?

A. The forward aft-facing seat.

Q. And if you can, describe what you mean.

A. As you enter the Gulfstream, if you were to make the right, and the first seat that seats aft-facing, which would be facing the back of the aircraft, that was the seat that he was seated in.

Q. And if you’re in that seat, what is your -- let me rephrase that.

If you’re sitting in that seat, what are you likely to be able to observe on that plane? I mean, what can you see as you sit in that seat, assuming you’re looking forward? What’s in front of you?

A. That would be the -- the Arvizos’ mom was seated in the forward-facing seat, facing him.

Q. Okay.

A. He would -- he would be able to see in the cabin, but not -- I mean, I probably have the best seat in the house because I’m standing in the galley.

Q. And you were in a position where you could see everything going on on that flight, couldn’t you?

A. That’s correct.

Q. And --

A. Except for the pilots, because we close the pilots off.

Q. Okay. And you would describe that interior

of the plane as very close and intimate, right?
A. Very much so.
Q. You were able to see everything that went on in that plane, couldn’t you, other than what the pilots were doing?
MR. AUCHINCLOSS: Objection; asked and answered.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you recall if you ever saw Mr. Jackson sleeping on the flight?
A. No, sir, he was not sleeping on the flight.
Q. Okay. Did you see him eat his meal on the flight?
A. Yes.
Q. Did you serve his children on the flight?
A. I did.
Q. What did you serve them?
MR. AUCHINCLOSS: Objection; relevance.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you know someone named Lauren Wallace?

A. I do.
Q. And who is Lauren Wallace?
A. Lauren Wallace is a corporate flight attendant.
Q. And you told her about Mr. Jackson’s desire to have his alcohol in a Diet Coke can, right?
A. I did.
Q. And when you served Michael Jackson vodka drinks, they were always in a Diet Coke can, correct?
A. That is correct.
Q. What you would typically do is go into the lavatory, pour out the Coke, and put some either wine or vodka in the Diet Coke can, right?
A. That is correct.
Q. And what you typically did was go up to Mr. Jackson and say, “Here’s your Diet Coke, Mr. Jackson,” right?
A. That is correct.
Q. You both understood what was in there, right?
A. That is correct.

Q. And your understanding was Mr. Jackson didn’t want children to see him drinking alcohol, right?
A. That is correct.
Q. You were on some flights where there was considerable turbulence, right?

A. Yes.
Q. And would it be accurate to say that when there was a lot of turbulence, Mr. Jackson would drink a little more than normal?
A. Yes.
Q. Was it your impression he did that because he was nervous?
A. That is correct.
MR. MESEREAU: I think we’re through, Your Honor.
THE COURT: We are.
All right. We’ll start at 8:30 tomorrow morning.
THE WITNESS: Do I get to go home?
(The proceedings adjourned at 2:30 p.m.)
--o0o--

REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 3992 through 4172 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 29, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
March 29, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
OFFICIAL COURT REPORTER

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, MARCH 30, 2005

8:30 A.M.

(PAGES 4174 THROUGH 4236)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Nicola is listed as “N” on index. Mr. Mesereau is listed as “M” on index.
Ms. Yu is listed as “Y” on index. Mr. Sanger is listed as “SA” on index.
Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
BELL, Cynthia Ann	4177-A	4209-M	4226-A	
(Contd.)				
KATZ, Stan J.	4229-Z			

Santa Maria, California
Wednesday, March 30, 2005
8:30 a.m.

THE COURT: Good morning.
COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.
THE WITNESS: Good morning.
THE COURT: Let’s see, Mr. Mesereau, were you examining?
MR. MESEREAU: Excuse me, Your Honor. My cross-examination is completed. I believe that --
BAILIFF CORTEZ: Mike closer.
THE COURT: He said his cross-examination is completed.
(Laughter.)
THE COURT: Go ahead, Counsel.

REDIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. Good morning, Miss Bell.
A. Good morning to you.
Q. Would you please characterize the level of service -- is this on?
Would you please characterize the level of service that you provided on the flights that you handled involving Mr. Jackson?
MR. MESEREAU: Objection; vague.

THE COURT: Overruled. You may answer.

THE WITNESS: The level of service was A-1.

Q. BY MR. AUCHINCLOSS: First Class service?

A. That is correct.

Q. And how attentive are you to the guests or the individuals who are guests of the client on the plane?

A. Extremely attentive.

Q. You interact with each one of them?

A. Yes, I do.

Q. Do you have -- I think I asked you previously, but is it fair to say that you were either interacting with the guests, the client, or you were working in the galley during the entire flight?

A. Can you repeat the question? I’m sorry.

Q. My question is, during the entire flight, are you always on your feet?

A. Yes.

Q. And during that entire time that you’re on your feet, is it fair to say you’re always involved in some level of service?

A. That is correct.

Q. Are you in the galley at times?

A. Yes, I am.

Q. Are you in the pilots’ cabin at times?

A. Only briefly. Just to serve them meals on crew trays.

Q. Okay. But otherwise, you were attentive to the needs of everybody who’s on that plane?

A. That is correct.

Q. Do you personally prepare the meals?

A. Personally prepare? On certain flights, yes, we do. However, on Mr. Jackson’s flights, we typically had them catered.

Q. You served hot hors d’oeuvres?

A. That’s correct.

Q. Dessert?

A. If required, yes.

Q. Meals?

A. Yes, sir.

Q. How many meals on a five-hour flight from Miami to Santa Barbara?

A. Depending on what we’re serving, depending on the catering requests. I mean, I like to start with cold appetizers, to roll into hot appetizers, to roll into a salad, a soup, a main course, a dessert, finish with assorted usually sorbets in between, with a drink and beverage service throughout the entire duration.

Q. And on a flight like this involving Mr. Jackson and his guests, is there one person you’re most concerned about pleasing?

A. You’re always concerned with your lead passenger.

Q. And that would be Mr. Jackson?

A. That is correct.

Q. So if Mr. Jackson doesn’t like something, do you change it?

A. Absolutely. In regards to catering?

Q. In regards to your level of service, anything that you do. If he tells you he doesn’t like something, do you take care of it?

A. Yes.

Q. If he wants something, do you take care of it?

A. Yes.

Q. Have you ever met Mr. Jackson outside your role as a server on one of these flights?

A. No, sir, I have not.

Q. So would it be fair to say you’ve been always in a role of pleasing Mr. Jackson, pleasing -- making sure he’s --

A. Yes. As a cabin attendant.

(Laughter.)

Q. All right. With that -- with that condition, would it be fair to say that you’re in a position where you’re always concerned about making Mr. Jackson happy?

A. As a cabin attendant, yes.

Q. Yes, we’ve got that, okay.

A. I’ll lose my job over this.

(Laughter.)

Q. You mentioned that you served an underage -- some underage girls, or an underage girl on this particular flight from Miami to Florida?

A. Yes, sir. I was unaware that she was underage. I actually did -- I did I.D. her, and I saw a positive identification which reflected that she was 21 years of age.

Q. She wasn’t underage?

A. It reflected that she was of age, 21 years of age.

Q. And were there two girls or one girl?

A. There were two girls on that flight.

Q. Uh-huh.

A. And they maintained that they were best friends and that they were on their way to Neverland Ranch.

Q. Did you card both of them?

A. No, I did not.

Q. Why not?

A. Because I assumed that -- because they were maintaining they were best friends that they were both of the same age. There was a younger boy on the flight who --

Q. I’m not going to ask about the boy. I’m just concerned about the two girls right now.

A. Yes.

Q. Why didn’t you card the other girl?

A. I was told that they were the same age.

Q. Okay. Did she look 21, the other girl?

A. They both looked young, and that’s why I I.D.’d them -- I I.D.’d the primary person who requested a cocktail.

Q. Okay. So you just assumed the other one was 21?

A. That’s correct.

Q. And did you mention this to Mr. Jackson, that you were serving these young ladies alcohol?

A. No, I did not.

Q. And how did you -- what kind of glass did you serve them in?

A. In a tall crystal Waterford glass.

Q. Okay. Was it fluted?

A. No, sir, it was not.

Q. Okay.

A. It was cut crystal.

Q. You have previously mentioned in the grand jury that all flights kind of blend together for you.

A. I fly very often.

Q. Is that true?

A. The person -- the people that I fly, or the actual flights?

Q. In terms of your recollections.

A. Flights --

Q. You stated flights kind of run together so it’s hard for you to remember, is that true?

A. They tend to, yes.

Q. How -- do you have peculiar recollections of this particular flight over others? Is your memory better about this particular flight that we’re talking about in this particular case over other flights that you’ve had?

A. Is my memory of the actual flight or --

Q. Yes. You’ve testified about a number of details about this flight --

A. I’m very clear about the flight. I’m actually very clear about the people that I fly. It’s the locations, typically, that blend together. But -- because, you know, you’re in New York a lot, you’re in Florida a lot. I mean, you’re a lot -- and it’s typically the same sort of places that we go to.

Q. Okay. Now, you mentioned that you didn’t recall if Mr. Jackson was sleeping, but you don’t think he did.

A. I’m certain that he was not sleeping.

Q. Okay. What time did this flight leave Miami?

A. I believe it was either a three or four o’clock launch or -- yes.

Q. Okay. So it would have arrived in Santa Barbara -- taking into account five hours, it would arrive around eight or nine o’clock Florida time, true?

A. They’re three hours ahead of us. You want Florida time --

Q. Yes, I said “Florida time.” Five hours. Three plus five, eight. Eight or nine?

A. I can’t do the math.

Q. Okay. So was it dark when you arrived in Santa Barbara; do you know?

A. I believe it was.

Q. And did you happen to notice whether other people slept on that flight, dozed or napped, anything of that nature?

A. The medical doctor that was on board did sleep. The child, the youngest child, slept on that flight for --

Q. Mr. Jackson’s youngest child?

A. That is correct.

Q. Just your best recollection.

A. That’s my best recollection. Thank you.

Q. Is it possible that other people napped during the flight?

A. I know it was a pretty busy cabin.

Q. Did people move around the cabin?

A. Yes.

Q. A little bit, or a lot, or something in between. You tell me.

A. I wouldn’t say unusually a lot. But the children were up and down and back and forth and the governesses were back and forth.

Q. Did many people change seats?

A. No.

Q. Did some people change seats?

A. Yes.

Q. Do you have specific recollections of who changed seats and what manner the change took place, how that took place?

A. Definitely Prince and Paris. They were back and forth in the cabin, interactive with the entire cabin.

Q. So they would get up and move from their seat?

A. Yes.

Q. And I believe you testified that at one point they were in the banquet area; is that what you --

A. In the club seating.

Q. Club seating. Yeah. Okay. In the club seating with Mr. Jackson.

You also testified that during the entire fright they were around Mr. Jackson, his children were around him?

A. That is correct.

Q. Do you have a specific recollection of that?

A. I do.

Q. All right.

If I may approach, Your Honor?

THE COURT: Yes.

Q. BY MR. AUCHINCLOSS: Miss Bell, I show you People's Exhibit 765. It appears to be a diagram of the plane. But you tell me. Can you identify that?

A. Yes, I can.

Q. What is it?

A. That is the exact configuration of November-8-7-tango-delta.

Q. Is that the plane that you used on the flight we've been talking about involving Mr. Jackson and the Arvizos?

A. Yes, sir.

MR. AUCHINCLOSS: All right. Could I have the Elmo on, Your Honor?

THE WITNESS: Oh, wait, I'm sorry. It might have been hotel-Charlie.

MR. AUCHINCLOSS: I'm not --

Q. I'm not concerned about the name.

MR. MESEREAU: Objection. She hasn't completed her answer.

MR. AUCHINCLOSS: There isn't a question pending.

Q. But go ahead.

THE COURT: Just a moment.

What does "hotel-Charlie" -- is that a plane designation?

THE WITNESS: It's the last tracking tail numbers of another one of our aircraft with a very similar cabin configuration.

THE COURT: All right. I will overrule the objection. Go ahead.

Q. BY MR. AUCHINCLOSS: All right. So my question, though, is -- my concern is, is this a fair representation of the floor plan of the plane that was used on the flight from Miami to Santa Barbara with Mr. Jackson that we've been talking about?

A. Yes, sir, it is.

MR. AUCHINCLOSS: If I could have "Input No. 4," Your Honor.

Q. Now, I can't get this entire diagram on this -- on this screen, so I'm going to ask you to just help me out a little bit.

Is there a pointer that we have?

Ms. Bell, this is just a laser pointer.

A. Okay.

Q. And if you hold it down, you can help us out with identifying some locations.

A. Thank you.

Q. All right. I'm not going to ask you to mark on this exhibit, but I would ask you just to point with the laser, if you would, your best recollection of where Mr. Jackson was seated, if it's on this particular portion of it.

Okay. Indicating in the club seating, the chair nearest the aisle, and in the center of the diagram, and I believe --

A. He actually sat there of most of the time. He went to the lav, and at that time, when he came back, he was seated here.

Q. Uh-huh.

A. And Prince and Paris both shared this seat.

Q. Now, you mentioned, during most of the flight, in the grand jury that Gavin was next to him.

A. Yes, was seated there.

Q. Okay. So is that a fact, that during most of the flight that Gavin was seated next to Mr. Jackson?

A. Yes, sir.

Q. And you said that there is a divider between those seats that can be lifted up.

A. That is correct.

Q. Was that divider down or up during that flight or did it -- let me maybe ask you -- rephrase that question. Was that divider moved during that flight?

A. The only time it was moved was when Mr. Jackson used the lav.

Q. It went down?

A. Yes.

Q. Okay. And when he came back from the lav, did it go back up again?

A. No, it did not. His children were seated there and it was open.

Q. Okay. What do you mean, “it was open”? It went back up or down?

A. The actual divider was -- the children were sharing the seat.

Q. Show me what we’re talking about as far as the thing that goes down. Where is that located on this diagram?

Okay. Just between the two seats?

A. That’s correct. It’s an actual armrest that divides the seats here.

Q. You have a specific recollection on this particular flight of the time that that armrest went down and up?

A. Do I have a specific -- yes, because he had to -- I had to lower it. And I remember it quite clearly because there was a hinge problem with that particular seat.

Q. Uh-huh.

A. And we had to lower it for Mr. Jackson to -- we had to -- well, there’s also a divider here with cupholders.

Q. Yes.

A. So both of those had to be lowered for him to get in and out. And also, like I said, the children wanted to sit next to him at that time.

Q. Uh-huh.

A. So instead of having the hindrance of the divider, we went ahead and lowered it.

Q. Oh, I see. Okay. All right. So going back to the time when he was -- you said there was a portion of the time that Prince and Paris were seated next to him.

A. That is correct.

Q. Then did they move again?

A. Prince was with his father most of -- a lot of the flight. Paris moved to help me bake cookies.

Q. All right. My question is in terms of not whether they were with him, but whether they were seated in that seat. Did they move from that seat? After they sat in it, how much time did they spend in that seat? That’s my question.

A. I’m not sure. I’m sorry.

Q. Okay. But is it still fair to say that Gavin Arvizo spent most of the flight in that seat seated next to Mr. Jackson?

A. That is correct.

Q. All right. Do you recall where Dr. Farshshian, or the doctor, I should say, was seated?

A. Yes.

Q. Where was that?

A. You’ll need to move the diagram down in order to display his seating.

Q. I’m moving the diagram --

A. Thank you.

Q. I’m moving it towards the pilots’ cabin; is 4190

that correct?

A. That is correct.

Q. All right. We're now looking at the front of the airplane, and you're indicating in the seat that's closest to the -- I guess that would be the doorway into the aircraft; is that correct?

A. That is correct.

Q. And that's in the upper right-hand portion of the diagram.

All right. Did he move at all during the flight?

A. Yes. He came back and chatted with me in the galley. But always -- typically always -- oh, no, actually, the only other time that he didn't return to his seat after the galley was, of course, to use the lav, but also he was chatting with everyone at the club seating on the credenza.

Q. Okay.

A. He sat himself there for a period of time.

Q. All right. So you at times were back in the galley chatting with Dr. Farshshian, or the doctor?

A. Yes.

Q. And you said at times you were back there baking cookies with the kids?

A. That's correct.

Q. And is it fair to say at times you were in this area that's identified by four seats attending to the needs of those passengers?

A. Yes, sir.
Q. And there was a passenger in each of those seats?
A. Yes, sir.
Q. A passenger in every seat on this aircraft?
A. There may have been an open seat, but it’s -- when you have that many people, it’s a full house. I mean, it’s --
Q. So possibly a seat open, but --
A. We don’t, like, count our seats. I mean, as for emergency evacuations, we know where people are located amongst -- you know, in the aircraft. However, we don’t actually -- it’s not like airline style where you count the seats and the passengers.
Q. Okay.
A. So, I mean --
Q. No, that’s fine. You’ve answered the question.
And at times you’re dealing with -- Diagram 765. You’re dealing with people in the club seating area?
A. That is correct.
Q. Sometimes you’re turned in the opposite direction, you’re dealing with people who are in the couch that’s marked in blue on the lower left-hand corner?
A. On the divan.
Q. The divan. Is that true?

A. Yes.

Q. And at times you are turned, again, towards the rear of the aircraft where you’re attending to the needs of the persons seated directly in the aft of the club seating, true?

A. That is correct. Well, actually you’re not really turned, because you’re usually --

Q. Okay. To the side?

A. Right.

Q. Okay. And moving the diagram towards what appears to be the aft of the airplane, that shows the galley area; is that fair to say?

A. That is correct.

Q. Would you show us on the --

A. This open area here, with a --

Q. Where it looks to be marbleized?

A. That is correct. That is our galley.

Q. So you’ve indicated on the diagram that the galley comprises both the port and starboard sides of the aircraft?

A. That is correct.

Q. So sometimes you’re facing to the left of the aircraft, and sometimes you’re facing to the right?

A. That is correct.

Q. What’s that little L-shaped section in the lower portion of the diagram, if you would?

A. This here?

Q. No, above that. Yes, that little rectangular square.

A. That’s our sink.

Q. So sometimes you’re over the sink dealing with whatever you need to clean, or get water, that type of thing?

A. That’s correct. We don’t do dishes on board, so we don’t really use that sink a whole lot.

Q. All right. So would it be fair to say at any given moment your attention and focus would be on any given one of those areas we’ve just identified?

A. Yes.

Q. In terms of all the seating, the kitchen, the galley?

A. That is correct. It’s an open galley, and for specific reasons, that you can monitor your cabin while you’re preparing.

Q. See who wants something?

A. Absolutely.

Q. Someone can get your attention if they need to?

A. That is correct.

Q. And you pay whatever visits you need to the lav area?

A. The lav is actually pretty busy. We keep catering -- a lot of catering in the baggage hold or in the lav. That right there is a closet. And then our other catering storage area is here.

Q. Okay. But, basically, my question was, that lav is for your use as well as everybody else’s during the flight?

A. For everyone on the aircraft.

Q. And do you have any reason to go back in the baggage area?

A. Yes, I do.

Q. What do you do back there?

A. Depending on whether or not I’ve stored -- I usually store my ice cream and my sorbets in the baggage hold.

Q. So sometimes you’re back in that area that appears to have suitcases in it in the very aft of the diagram?

A. That is correct.

Q. And what’s the area -- it looks like it might be a coat rack in the upper right-hand corner. Upper left-hand, excuse me. Do you see that?

A. In the lav or --

Q. Do you see what’s across from the lav?

A. Yes, that’s a storage area --

Q. Okay.

A. -- for coats. And I sometimes put catering there, and extra hand towels and that sort of thing.

Q. So sometimes your attention is to get something out of that area?

A. Yes.

Q. You use that area during the flight?

A. Yes, we do.

Q. All right. Now, Mr. Mesereau asked you about whether or not Mr. Jackson would sometimes have vodka in a Coke can. Do you recall that portion of your testimony?

A. Yes, I do. I do.

Q. So you would serve Mr. Jackson mixed alcohol drinks in a Diet Coke can?

A. Every beverage that was consumed by Mr. Jackson was in a Diet Coke can, that is correct.

Q. And I think you testified that that was your idea originally?

A. That is correct.

Q. Before you came up with this idea, was Mr. Jackson secretive about his drinking?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

MR. MESEREAU: Assumes facts not in evidence.

THE COURT: Overruled.

You may answer.

THE WITNESS: I -- I don’t know. The only time I flew him was with Pacific Jet and --

Q. BY MR. AUCHINCLOSS: That’s what I’m talking about. When you flew with him on Pacific Jet.

A. Oh.

Q. Was he open about his drinking on Pacific

Jet?

A. No, sir, he was not.

Q. What makes you say that?

A. Because I served him out of a -- I’m sorry, a -- a blue -- it was almost like a -- not a Tupperware thing. I can’t describe it. I mean, it was sort of like -- I mean, it was a cup, but it wasn’t transparent. It was sort of a Tupperware --

Q. Plastic cup?

A. Right.

Q. Anything else unusual about that cup?

A. No.

Q. Did that cup -- was that something that was provided with the aircraft or something he brought?

A. Actually, that cup I believe was on the aircraft.

Q. And why did you use that cup -- well, let me back up.

Did -- on that particular aircraft, or on that particular charter jet company, did you also use crystal to serve your clients alcoholic beverages?

A. Yes, sir.

Q. Can you tell me why you did not use crystal to serve Mr. Jackson on those flights?

A. I don’t remember why, I’m sorry. I don’t remember why I did that that time.

Q. But there was something about your serving him those items that made you believe he wanted it served in the plastic cup rather than crystal?

A. Can I take a moment to think about this?

Q. Sure.

A. I really -- I mean, I don’t remember why. Because I know I served children usually in plastic. I mean, you know, small children. Or they’re like sippy cups, but I don’t remember why.

Q. Was this like a sippy cup?

A. No.

Q. Did Mr. Jackson ever object to being served in a plastic cup?

A. No.

Q. Did he ever object to being served in a Diet Coke can?

A. No.

Q. Did you believe that that’s how he wanted his beverage -- his alcoholic beverages served, in Diet Coke cans, and in this plastic cup when you did so?

A. I assumed that’s how he wanted to be served.

Q. And did Xtra Jet adopt a policy of having Diet Coke cans of wine available for Mr. Jackson on any flight Mr. Jackson flew on?

A. Yes, sir.

Q. So even when you weren’t flying, he was always served with a Diet Coke can, as far as you know?

A. Yes. I would give that information to our flight attendants.

Q. So you shared that with other flight attendants at Xtra Jet?

A. That is correct.

Q. Was this information ever -- did this information about serving wine in Diet Coke cans ever appear in writing on any Xtra Jet manifest, or order, or anything like that?

A. No, sir. We signed confidentiality agreements, and that would be something that would fall under a confidentiality agreement.

Q. Okay. Speaking of that, the reason you gave for doing this was because you believe that Mr. Jackson wanted to keep his drinking a secret from his children?

A. Private from his children, yes.

Q. He didn’t want his children to know he was drinking?

A. Yes.

Q. What makes you say that?

A. Because he’s a private person, and -- I have a lot of clients that don’t drink in front -- don’t present to drink in front of their children.

Q. My question is, what makes you think that Mr. Jackson didn’t want his children to know he was drinking, specifically Mr. Jackson?

A. I don’t know why he -- I don’t know why.

Q. Okay. But you believe that was the reason?

A. Yes.

Q. Did he ever talk to you about it?

A. No.

Q. Was it ever talked about on the flight, that he was having -- that he had alcoholic beverages in his Coke can?

A. Was it ever talked to --

Q. Talked about openly on the flight, by anybody, that he’s drinking?

A. No.

Q. That he’s drinking from a Coke can?

A. No, sir.

Q. So on this particular flight that involved the Arvizo children, was it ever mentioned that he was drinking wine from a Coke can?

A. No, sir.

Q. Now, I believe you previously stated that he drank wine on this flight, about a bottle, and you opened up another bottle, that’s correct?

A. There were three bottles of wine opened. Two white and one red.

Q. And do you know how much of the second white bottle -- white wine bottle was consumed?

A. I do not. I know that it was opened, though.

Q. As far as vodka drinks, did you serve Mr. Jackson vodka drinks on that flight?

A. Mr. -- no, I did not serve Mr. Jackson vodka drinks on that particular flight.

Q. In the grand jury, did you testify -- when I asked you the question, “Do you recall if you served him any mixed drinks on that flight,” and you testified, “I did” --

A. Rum and Coke.

Q. -- do you recall saying that?

A. Yes.

Q. And then I asked you what type of mixed drinks, and you said, “I served him vodka and Diet Coke.” Did you say that?

A. I’m sorry, I believe it was rum and Diet Coke.

Q. Okay. So you were just mistaken about the type of drink that he had?

A. That’s correct.

Q. Okay. So -- but you did serve him mixed drinks on that flight?

A. I served one mixed drink, which was not consumed. And I remember it being rum and Coke, because that is what the girls were drinking.

Q. All right. So would anyone on that flight have any way of knowing that there was wine in that Coke can, or rum and Coke in that Coke can, unless they took a sip of it?

MR. MESEREAU: Objection. Calls for speculation; leading.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Did he ever explain to you why he was hiding his -- the fact that he is a drinker from his children?

MR. MESEREAU: Objection; asked and answered.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: On the flight home from Florida --

A. Uh-huh.

Q. -- did Mr. Jackson become intoxicated? Do you understand the question?

A. I don’t -- “intoxicated” as in like how --

Q. Did he show signs that he was inebriated or signs that -- signs of showing that he was somebody who had been drinking? Show any physical signs of it?

A. Yes.

Q. In what way?

A. Well, he’s a very nervous flyer, and he was just a lot more relaxed. By no means was he drunk. I was more worried about the two girls. I actually stopped pouring them alcohol.

Q. Okay. But didn’t you testify in the grand jury that he was intoxicated?

A. Yes.

Q. All right. And on this flight home, you noticed that this young boy, Gavin we’ve called him, you know who I’m talking about?

A. Yes, sir.

Q. You said that he was acting weird.

A. Yes, sir.

Q. What -- tell me a little bit about that. When was the first time you noticed that he did something that seemed weird to you?

A. Well, he was just incredibly rude. And I find that behavior unintelligent, and strange.

Q. Okay. My question was, when did you first start noticing that he’s not being --

A. From the very beginning, the originating point of the flight.

Q. As the flight went on, was -- did he become -- well, tell me exactly what happened. What was it that made you say that?

A. Upon arrive -- upon seating himself or situating himself in the cabin, he acted like I was his maid, basically, throwing a book bag at me, and, “I want this here,” and then, “I want this there.” And just very demanding. Just unusually demanding, unusually rude.

Q. Did his behavior get better as the flight went on?

A. The only time his behavior was acceptable was when he was listening to music.

Q. Okay.

A. He had a headset with some music that he was listening to.

Q. My question is, did his behavior get better, worse, the same? You tell me.

A. It stayed pretty much the same throughout the flight.

Q. And you said that he was -- now, you -- did you know this young man from any -- in any sense from outside the realm of flying this jet?

A. No, sir, I don’t watch T.V. typically, and I --

Q. So did you have any means of gauging whether this boy acted this way normally?

A. No. I would have no -- no way to gauge his behavior outside of on the aircraft.

Q. You said something about a food fight?

A. Yes, sir.

Q. The boy was engaged in a food fight?

A. That is correct.

Q. And who was he engaged in that food fight with?

A. Primarily with the medical doctor.

(Laughter.)

Q. And the doctor was fighting back?

A. Well, the medical doctor was sleeping at first, when he flung mashed potatoes at him.

(Laughter.)

Q. And then what happened?

A. Then --

Q. It went back and fork?

A. Right. It was like crowd mentality. Everyone sort of joined in.

Q. More than just the doctor?

A. The girls. And it became a game, basically, on board.

Q. So it was playful?

A. The -- the initial flinging of the mashed potatoes, in my opinion, was not playful. Flinging mashed potatoes at a sleeping man?

Q. Did you have -- you mentioned that he was bragging about a watch. Tell me about that.

A. He came into my -- into my galley area requesting an orange soda, Sunkist orange soda. And he had two watches on his wrist, and was saying things like, “Look at what Michael bought me.” You know, “These are very expensive watches.” And, “He’s my best friend.” And just --

Q. You didn’t like that?

A. Well, I -- I fly Fortune 500 people. I could care less what your watch costs.

Q. You weren’t impressed by his watch?

A. He just goes on.

Q. Okay. Did he mention anything about where he got that watch from?

A. Well, he did say, “Michael bought this watch for me.” And, “He’ll buy me anything.” He was just -- just an odd bird.

Q. Did you have any reason to believe that that is the way he normally acted or if something was causing him to act that way?

A. I have no idea. The only --

Q. You have no idea whether he normally acts that way?

A. I have no idea.

Q. When he was acting up, was Mr. Jackson seated next to him?

A. He was in my -- he was in my galley.

Q. No, in general. You said he was -- you know, in general, during this flight, you said he was acting weird. Did this behavior happen in Mr. Jackson’s presence?

A. Some of the time.

Q. Did Mr. Jackson do anything to stop it?

A. No.

Q. Miss Bell, was he acting at all like he could have been intoxicated?

MR. MESEREAU: Objection. Leading; asked and answered.

MR. AUCHINCLOSS: I haven’t asked that question.

THE COURT: Overruled.

You may answer.

THE WITNESS: Thank you.

No.

Q. BY MR. AUCHINCLOSS: In the grand jury, didn't you say it was possible he was intoxicated?

A. Anything's possible. It could be possible.

Q. Did you say that?

A. I wouldn't know how to gauge it, because he acted the same throughout the entire trip.

Q. So it could be that he was reacting because he'd been drinking?

MR. MESEREAU: Objection. Leading; and asked and answered.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: All right. When Mr. Jackson was seated next to Gavin, was he physically touching him?

A. Did they have physical contact?

Q. Was he physically touching him in any way?

A. Yes, at times.

Q. Did Mr. Jackson, at times, cuddle with Gavin?

A. I wouldn't say "cuddle." They -- he had his arm around him listening to music at times.

Q. So how do you define cuddling?

A. "Cuddling"? I guess I'd have to show you.

(Laughter.)

MR. AUCHINCLOSS: May I approach the witness, Your Honor?

(Laughter.)

Q. Okay. So it didn't fit your definition of "cuddle," but he did have his arm around him?

A. At times, yes, sir.

Q. Did it seem odd to you that Mr. Jackson didn't do anything to stop this young boy from being what you said was rude?

MR. MESEREAU: Objection. Calls for speculation; no foundation.

THE COURT: Overruled.

You may answer. Do you want the question read back?

THE WITNESS: Yeah, please.

THE COURT: All right.

THE WITNESS: It's just distracting when you guys like --

THE COURT: I know it is. That's why I'm asking you if you want the question read back.

THE WITNESS: Thank you.

(Record read.)

THE WITNESS: Yes. I -- because his children are so polite, I wasn't used to that.

Q. BY MR. AUCHINCLOSS: Does he intervene when his children --

A. Absolutely. They're very well disciplined and polite.

MR. AUCHINCLOSS: All right. Thank you.

I have no further questions.

THE WITNESS: Thank you.

THE COURT: Mr. Mesereau?

//

RECROSS-EXAMINATION

BY MR. MESEREAU:

Q. Good morning.

A. I'm sorry.

(Laughter.)

A. Okay. What next?

Q. Okay. Gavin's mother was on the plane, was she not?

A. Yes, she was.

Q. Did you ever see Gavin's mother try to stop his rude behavior?

A. No.

Q. Did you find that odd?

A. I found that very odd.

Q. And you did say that his rude behavior began from the moment he got on that plane, correct?

A. That is correct.

Q. And from the moment Gavin got on that plane, you never saw his mother ever try to stop his rude behavior, correct?

MR. AUCHINCLOSS: Objection; asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: How soon after Gavin got on that plane did the rude behavior start?

A. Immediately.

Q. And when you say "immediately," where was Gavin when the rude behavior began?

A. When he came up the stairs to enter the aircraft.
Q. And what was the first rude thing he did?
A. He threw his book bag at me and started ordering me around the cabin as to where he wanted placement of his items.
Q. And how did you respond to that?
A. Polite and efficiently.
Q. Was his mother near him when he began the rude behavior?
A. Yes.
Q. And if you recall, where was his mother when Gavin began this rude behavior?
A. She entered the aircraft behind him.
Q. Was it obvious to you that she could see his rude behavior?
A. Absolutely.
Q. What's the next rude thing you recall him doing on the plane?
A. He was just very demanding throughout the entire flight, with wanting to get his needs met, whether it was, you know, more ice in his orange soda, to no cole slaw on his plate with his chicken, more mashed potatoes. It seemed like nothing -- his chicken wasn't warm. He -- you know, "I want a side of cole slaw. I don't want it on the same plate." Just unusual things, like just very -- like, you can tell that, like, he was a newcomer to these 4210

sort of flights. Either you have people who are really polite or lovely, or you have people who are really demanding, and they feel like they need to be that way to make them feel important. I’m not sure why. But he was very demanding throughout the entire flight.

Q. Do you recall where his mother was seated during the flight?

A. Yes, sir.

Q. Could you please tell the jury where she was seated?

A. She was -- if you pull down the diagram, I can show you exactly where she was seated.

A. (Indicating.)

Q. So roughly how far away was Gavin during the flight when you saw him behaving in a rude manner?

A. He was seated here.

Q. Okay.

A. And he also was seated, at times, on the divan.

Q. And the divan is where?

A. Here.

Q. Okay. Did he behave rudely when he sat on the divan?

A. He was engaging in conversation with the two girls. They had just gotten back from a shopping trip in, I believe it was New York, they were saying. New York.

Q. And these are the girls that were drinking?

A. That is correct.

Q. So Gavin spent time with the two girls that were drinking?

A. Briefly, yes.

Q. Did you have your eye on Gavin all the time while he was with the two girls that were drinking?

A. It was hard not to. He was so demanding.

Q. Did he demand things of you while he was sitting with the girls that were drinking on the divan?

A. No, he was engaged in a conversation about their shopping trip. And they were talking about going horseback riding at Neverland Ranch when they landed from the flight. They had had plans to go horseback riding or something.

Q. And you saw Gavin talking to them about that?

A. Yes, sir.

Q. And you saw Gavin talk to them while they were drinking alcohol, right?

A. That is correct.

Q. Have you told the jury every rude thing you can remember he did?

A. Well, there were so many. Let’s see. Basically he was just -- I mean, very demanding when it came to customer service.

There was also an incident in the lav where we had ran out of passenger napkins, and he made comments about that.

Also, when I did my towel service - which you do continually throughout the flight - apparently his hot -- well, we do cold towels, because it was hot in Florida. And then when I served the hot towels, he was -- I mean, he wasn’t rude, but, “Why isn’t this cold? Shouldn’t it be cold?” It’s like, “No, it’s meant to be hot, because you’re getting ready for your second course.” So, I mean, just things of that nature.

Q. And how long was this flight?

A. About five hours.

Q. Was he the only rude passenger on the flight?

A. Yes, sir.

Q. So what he did stands out in your mind very vividly, correct?

A. It stood out very vividly.

Q. Okay. And did you ever have your eye on his mother during the flight?

A. Yes, I did.

Q. And what do you recall her doing?

MR. AUCHINCLOSS: Objection. Beyond the scope; relevance.

MR. MESEREAU: I don’t think it’s beyond the scope, Your Honor, at all, given his questions. He actually put this diagram up there.

THE COURT: Overruled. But the question is rather vague. “What do you recall her doing” is --

MR. MESEREAU: Okay. Okay.

Q. Do you recall seeing the mother seated in the seat that you’ve identified for the jury?

A. Yes, sir.

Q. And do you recall ever seeing the mother get out of her seat?

A. She got out of her seat to use the lav, yes.

Q. And do you recall speaking to the mother?

A. Yes. She was actually very interactive with the other governesses.

Q. So she was talking to the other governesses?

A. Yes, sir.

Q. And I think you’ve described three of them, correct?

A. Yes.

Q. And did they seem like they were talking to her?

A. Yes, it was a very friendly conversation that they were having.

Q. And please tell the jury, if you can, where the governesses were seated.

A. One of the governesses was seated -- oh, can you -- thank you.

I had Governess No. 1 here. Governess No. 2 here. The medical doctor. The mom. The head governess was seated most of the time on the divan.

Q. Okay. Now, from what you recall, were the governesses in a position to observe Mr. Jackson?

A. Yes, sir.

Q. Were they in a position to observe Gavin?

A. Yes, sir.

Q. And were they in a position to observe Mr. Jackson's children?

A. Yes, sir.

Q. And you said you saw Mr. Jackson's children walking around at times, correct?

A. That is correct.

Q. Where did you see them walking around?

A. Back and forth throughout the aisles. And typically back in this area. They were playing back in this area here, where the credenza is and the divan. Yeah, mostly in that area.

Q. And Mr. Jackson's children were well behaved, as far as you're concerned?

A. Lovely.

Q. Had you flown with them before?

A. Yes. The third child wasn't there yet. But, yes, Paris and Prince, I'd flown with them once before.

Q. And did you see Paris and Prince spend time with Mr. Jackson on this flight?

A. Very much so.

Q. What did you see -- excuse me, let me rephrase the question. Describe what you saw in that regard.

A. They always had a lot of interaction together. Mr. Jackson -- I mean, he’s -- he plays with his children, he really does. He’s very interactive with his children. And so throughout the entire flight they were playing games and spending time with each other.

Q. Did Mr. Jackson seem to be keeping an eye on his children during the flight?

A. Absolutely.

Q. Okay. Did you have a chance to observe what the governesses were doing on the flight?

A. They were governing the children.

Q. Okay. Did you often see them looking in Mr. Jackson’s direction?

A. Yes. It’s a small aircraft. I mean, it’s not a small aircraft, but it’s small. It’s not -- it would be like if -- if this entire row of jurors were on my aircraft. It’s that small. I mean, you see everything that’s going on. Except for the pilots. They’re piloting the aircraft. I don’t know what they’re doing.

Q. So it’s very small and very compact, correct?

A. That is correct.

Q. Would it be accurate to say that, based on what you know about that aircraft and what you observed, that people were always looking at Mr. Jackson during the flight?

A. Yes.

Q. Now, the prosecutor for the government asked you about the level of service. You said it was Level I, correct?

A. That is correct.

Q. And would you please define for the jury what Level I service is?

A. Level I service entails a lot of things. Paying attention to details. Making sure that the catering is correct. Making sure that the aircraft is clean, and all the particular movies, and all of the specific requests are met.

As for food service -- you know, making sure that everyone is comfortable and fed, and properly looked after.

Q. Is a lot of this work done in advance of the flight?

A. Yes, sir.

Q. You said you were extremely attentive to Mr. Jackson during the flight, right?

A. Yes, sir.

Q. And what did you mean by that?

A. Well, I made certain that, you know, all of his catering requests were together; made certain that, you know, the cabin was at the proper temperature; that, you know, his -- just that he was looked after properly.

Q. Were the -- were you the only person on the flight responsible for Mr. Jackson’s service?

A. That is correct.

Q. Okay. You were always on your feet you said?

A. Yes, sir.

Q. And you said something that you don’t prepare meals on that particular flight?

A. Mr. Jackson tended to prefer KFC with all the fixings, so we would go get Kentucky Fried Chicken prior. Although the children, I was instructed by the head governess to have chicken breasts, grilled chicken breasts for them, fruit, a little different fare for the children.

Q. Okay. Now, the prosecutor for the government tried to get you to say that possibly he could have been intoxicated, correct?

MR. AUCHINCLOSS: Objection; argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You never saw Mr. Jackson drunk on that flight, right?

A. No, sir.

Q. When you discussed the possibility of being intoxicated, what you were saying was that he calmed down and didn’t seem as hyper and nervous as he normally would, correct?

A. That is correct.

Q. To your knowledge, did anyone consume alcohol on the flight other than Mr. Jackson and these women?

A. The medical doctor.

Q. Okay.

A. I served the mom a glass of wine. I don’t think she had drank it, though. None of the governesses drank. And of course not the pilots. Yeah, just the two girls -- the two girls, the medical doctor, the mom, and Mr. Jackson.

Q. And do you know what kind of wine you served the mom?

A. Yeah. It was a --

MR. AUCHINCLOSS: I’ll object; relevancy.

THE COURT: Overruled.

THE WITNESS: It was a Chardonnay, Kendall Jackson, white wine.

Q. BY MR. MESEREAU: Did you ever see Gavin with his mother?

A. Together?

Q. Yes.

A. They came on the aircraft together, yeah.

Q. Did you ever see the mom interacting with Gavin? Excuse me, something in my voice. Pardon me. Did you ever see the mom interacting with Gavin on the flight?

A. Briefly.

Q. And where -- approximately when was that, if

you know?

A. When she went to the lav. She stood midway, I remember it clearly, because she was blocking my aisle. She -- oops. Uh-oh.

She came out of the lav and was standing here talking to her son.

Q. Did you find it odd that she had very little interaction with her son on the flight?

A. I did.

Q. Did you say anything about that to anyone?

A. I did.

Q. Who did you discuss that with?

A. Lauren Wallace.

Q. And where was Lauren Wallace when you discussed that with her?

A. We had a telephone conversation several days after the flight, so that I could brief her as to confidential matters, such as making certain that Mr. Jackson, on his next flight, had wine poured into a Diet Coke can, and just giving her more of a profile briefing on the specific passengers on board so that she could accommodate them on their passenger profile.

Q. Did you assist the mom at all during the flight?

A. Assist her -- yeah, I served her food and beverage.

Q. Anything else you did for her, that you can recall?

A. No, sir.

Q. Okay. Now, you said something along the lines that you didn’t use the sink very much. Do you remember that?

A. Yes, sir.

Q. And what did you mean by that?

A. We don’t wash dishes on Gulfstream aircraft, because it has a tendency of clogging the drain, and you have a problem with the flight that way. We typically use it to wash our hands, and to store -- I actually use my sink, at times, to store -- if it’s going to be a lot of champagne and white wine, to chill my champagnes and my wines.

Q. Now, the prosecutor for the government had you identify various instances where you might have been doing something other than look at Mr. Jackson, correct?

A. Yes, sir.

Q. But how would you -- putting all this together, how would you characterize the level of attention you gave Mr. Jackson on that flight?

A. The level of attention?

Q. Yes.

A. I think it was -- I think it was -- I mean, I think the flight went well. I gave everyone a lot of attention, but he is my lead passenger. I really was concerned about his needs at all times.

Q. He's the one that you were most concerned about during the flight, correct?

A. Absolutely.

Q. And would it be accurate to say that no matter what you were doing, you were always looking at Mr. Jackson to see if he needed something?

MR. AUCHINCLOSS: Objection; asked and answered.

THE COURT: Argumentative; sustained.

Q. BY MR. MESEREAU: Were you periodically looking Mr. Jackson's direction throughout that flight?

MR. AUCHINCLOSS: Objection; asked and answered.

THE COURT: Overruled.

You may answer.

THE WITNESS: Yes.

Q. BY MR. MESEREAU: Would you do that no matter what activity you were involved in?

A. Yes. It's -- like I said, the aircraft is small.

Like I can see the jurors. Like I can see No. 4 writing. I mean, even if I'm not looking at them, I can still see what they're doing.

So it's pretty intimate, the cabin.

Q. Did you ever complain about Gavin's behavior to Lauren Wallace?

MR. AUCHINCLOSS: Objection. Assumes facts;

hearsay.
THE COURT: Sustained as to hearsay.
MR. MESEREAU: If I could just take one second, Your Honor.
Q. When did you last talk to any prosecutor about what you were going to say in court?
A. Um --
Q. Did you talk to any prosecutor last night?
A. Prosecutor last night, no.
Q. Yes. Did anyone for the government call you last night?
A. No.
Q. No one discussed your testimony last night?
A. No, sir.
Q. Okay. And before you testified yesterday, did you ever have any meetings with anyone for the government?
A. Yes.
Q. Okay. When were they, if you remember?
A. Do you mean phone meetings or personal meetings?
Q. Let's start with personal meetings.
A. Personal meeting.
Q. Yes.
A. I met with an individual yesterday, just briefly, to review my grand jury testimony.
Q. Was that in the morning?
A. Yes, sir.

Q. And where was that?

A. It was here in -- well, not in this building, but in a separate building.

Q. Do you know who you met with?

A. Yes. The individual that is seated behind the District Attorney.

Q. Was that Mr. Robel?

A. That is correct.

Q. Okay. So he brought you a transcript of your grand jury testimony?

A. We -- he didn’t bring me a copy, we just reviewed some of the items.

Q. So he sat down with you and discussed what you had said before the grand jury, correct?

A. Yes, sir.

Q. When was -- excuse me. Did you have any meetings with any representative of the government before yesterday?

A. I had some brief phone conversations with Mr. -- Gordon.

Q. Prosecutor Auchincloss?

A. Yeah. I can’t say his last name.

Q. And when did they take place?

A. Just some brief phone conversations. Most of that was about my travel arrangements and that sort of thing.

Q. Did Prosecutor Auchincloss ever show you this particular diagram before today?

A. I believe when I was at the grand jury trial, there was a diagram similar.

Q. Okay.

A. I'm not certain if it was the same.

Q. Did Prosecutor Auchincloss show that to you at that time?

A. Yes, sir.

Q. Okay. Are there any other personal meetings you had with anyone for the government that you haven't described?

A. I think Sergeant Victor Alvarez.

Q. Okay. And was that a personal meeting with him?

A. Yes, sir.

Q. And approximately when was that, if you know?

A. That was prior to the grand jury meeting.

Q. Okay. How about phone conversations, have you identified all the ones that you can remember?

A. Let me see. Victor Alvarez, Gordon. Shaundra, I think her name is. She's the witness coordinator. I've spoken with her several times.

Q. Did Prosecutor Auchincloss ever discuss with you what questions he was going to ask you in this trial?

A. He made mention that -- some of the issues that may come up. I mean, he wasn't specific as to like, saying, "I'm going to ask you this specific question.”

Q. Right. He just told you things that might be asked?

A. Yes.

Q. Okay. Of a topical nature --

A. Yes.

Q. -- does that sound right?

And -- okay. And did you discuss with him what your responses would likely be if those topics would come up?

A. No, I just said that I was going to tell the truth to the best of my recollection.

Q. All right. Okay. Thank you very much.

A. Thank you.

MR. AUCHINCLOSS: Just a couple of questions.

REDIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Miss Bell, you mentioned the two girls were talking about a trip to New York that they had taken?

A. That is correct.

Q. How is your recollection about that conversation?

A. It was pretty good.

Q. Are you certain that they had both gone to New York together, these two girls?

A. That is what they had maintained in their conversation.

Q. And they talked about what shopping they did?

A. That is correct.

Q. Were they specific about the things that they shopped for?

A. No, sir, they were not.

Q. Do you remember anything else about that conversation?

A. They were just saying that -- you know, that they were best friends, you know, that sort of conversation. They were quite pleasant, actually, the two girls.

Q. Did they act like they’d known each other for a long time?

A. Absolutely. And they maintained that they knew each other for quite some time, and that they were best friends, and they were looking forward to going horseback riding.

They seemed -- I mean, really -- I mean, I was excited for them. I was excited to hear about their shopping. And they were -- they were quite nice, actually.

Q. Okay. You mentioned that there were movies on this flight; is that correct?

A. We have the capability to show films, yes.

Q. Were movies shown?

A. No, sir.

Q. And in response to Mr. Mesereau's questioning, you said that the -- that Mr. Jackson was not intoxicated on this flight; is that your testimony?

A. No, I said that he wasn't drunk. He was intoxicated.

Q. Okay.

A. Thank you.

Q. All right. Thank you.

A. Thank you.

MR. AUCHINCLOSS: I have no further questions.

MR. MESEREAU: No further questions, Your Honor.

THE COURT: You may step down. Thank you.

THE WITNESS: Thank you. So I get to go, right?

THE COURT: Yes.

THE WITNESS: Thank you.

MR. ZONEN: We'll call Stan Katz to the stand.

THE COURT: Come forward, please. When you get to the witness stand, remain standing. Face the clerk and raise your right hand.

STAN J. KATZ

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Thank you.

Stan, S-t-a-n; J, period; Katz, K-a-t-z.

DIRECT EXAMINATION

BY MR. ZONEN:

Q. Sir, what is your current occupation?

A. I’m a licensed psychologist.

Q. And what is a psychologist?

A. A psychologist is licensed by the State of California to perform assessment, treatment, psychotherapy of individuals, groups, families, to do clinical diagnostic treatment, and to treat, in a variety of ways, individuals who have psychological disorders.

Q. Let me start with your education and your experience --

MR. MESEREAU: Excuse me.

Your Honor, the witness appears to be reading something that I have not seen. May I request an opportunity to look at that?

THE COURT: Yes, you may.

MR. ZONEN: Is he? Or was he just looking down?

MR. MESEREAU: Yes, he was.

MR. ZONEN: Maybe we should establish if he was reading from something.

THE COURT: He has something in front of him. Some papers there.

MR. MESEREAU: Thank you, Your Honor.

(To the witness) May I see this?

THE WITNESS: Yes.

MR. MESEREAU: Thank you.

Just for the record, Your Honor, the witness appears to have a very thick file. I would like to use it during the cross-examination.

THE COURT: You may or may not, depending on what happens.

MR. MESEREAU: Okay. Thank you.

MR. ZONEN: May I proceed?

THE COURT: You may.

Q. BY MR. ZONEN: Your education, please? What is your education?

A. I received a bachelor’s degree from California State University, master’s degree from Boston University, doctorate from UCLA.

Q. And your doctorate is in what subject?

A. Counseling psychology.

Q. When did you receive your doctorate?

A. 1977.

Q. Are you a practicing psychologist at this time?

A. Licensed clinical psychologist.

Q. And do you have a practice that you

maintain?

A. Yes, I do.

Q. What percentage of your workweek is devoted to an actual practice where you care for and see patients?

A. I spend approximately 60 to 70 percent of my practice seeing patients and clients.

Q. And what do you do with the balance of your professional week?

A. I spend 40 percent as a consulting psychologist on a television show called Starting Over.

Q. What is that?

A. It’s a show that helps women change their lives, women who have a myriad of problems that range from relationship disorders to life-threatening illnesses.

Q. And how long has this show been in series?

A. This is the second year. I’ve been on it for one year.

Q. What do you do? Are you actually on the show, or are you a consultant to the show?

A. I do both. I consult to the show, and I’m actually the on-camera psychologist helping these women to formulate plans to change their lives.

Q. And the nature of the problems that you deal with on this show are what?

A. Very serious problems. They range from women 4231 who are battling cancer, to women who are dealing with grief and loss, relationship problems, career choices, problems that have stopped their lives that need to be sort of restarted, and they are with us for anywhere from 4 to 12 weeks.

Q. Are they actresses, or are they people with real problems, or are they just pretending to be people with problems?

A. These are real people with real problems, who are assessed by psychologists before they come on the show. It's unscripted. And they live in a house together for this period of time, and they receive a lot of expert help, counseling, coaching, expertise, to help them change their lives.

Q. How long have you been working as a psychologist, practicing psychologist?

A. Since 1978.

Q. And what types of experiences have you had as a psychologist?

A. Well, I spent my early years as a psychologist working with substance abuse; working for the National Institute of Drug Abuse. And then went to Children's Hospital in 1975, where I spent five years. The first year was a general pediatric clinical internship. The second year was a specialty internship in child abuse. The third year was a fellowship in child abuse. And then I became a senior psychologist working with the

Suspected Child Abuse Neglect Team, and what they call the Family Development Program, which was a treatment program for families of abused children and families who abuse their children.

Q. Is that your specialty, working with abused children?

A. It’s one of my specialties. I, after that, had done -- I spent a great deal of time working with the courts, with dependency court in Los Angeles, working in child abuse cases. And later on, became more involved with family law cases, seeing a lot of family law cases for Los Angeles County.

Q. All right. In your -- in conjunction with your work with the courts in Los Angeles County, are you appointed by the Court to do evaluations?

A. In dependence court I was appointed by the court to do evaluations, yes.

Q. What does that mean, when you’re appointed by the court, and what kind of evaluation?

A. It means the Judge selected from a list of so-called experts, expert panel, to conduct a 730 evaluation, Evidence Code 730 evaluation, of a child and/or family in the dependence court.

Q. And how many times have you been appointed by the Court to do evaluations?

A. In dependence court I was appointed over 600 times.

Q. Do you have other either appointments or where you’ve been selected by stipulation by both sides to be an expert or potentially an expert witness?

A. Yes, in family court, in criminal court, I’ve been appointed about 700 times.

Q. Now, do you testify in all of those occasions?

A. No, I do not.

Q. Do you testify on a small percentage of those occasions?

A. Yes, I do.

Q. But you have testified as an expert witness previously, have you not?

A. Many times.

Q. Do you consider yourself to be -- do you consider a specialty of your practice dealing with abused children?

A. One of my specialties, yes.

Q. When you say “abused children,” do we mean more than sexually abused children?

A. That’s correct.

Q. So what categories of abuse do we deal with in your specialty?

A. Physical abuse, endangering, neglect, emotional abuse, and sexual abuse.

Q. Do you lecture as part of your practice?

A. Yes, I do.

Q. And where, and how, and how often?

A. Well, I have lectured over the past 25 years to groups arranged from judges, attorneys, the Bar Association, judges' college. Co-chaired two conferences with the dependency court, one of them with Judge Paul Boland. I have lectured through a lot of programs for the Los Angeles County Bar Association, and a variety of programs.

Q. Do you teach and have you taught?

A. I taught at UCLA for approximately ten years.

Q. What subject?

A. I taught research methodology, thesis seminar. Taught at Antioch University for three years, where I taught research methods, ethics, law and ethics, and human sexuality.

Q. In the course of your practice, have you --

THE COURT: Counsel, let's take our break.

(Recess taken.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 4177 through 4235 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 30, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, March 30, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, MARCH 30, 2005

8:30 A.M.

(PAGES 4237 THROUGH 4410)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as "SN" on index.
Mr. Zonen is listed as "Z" on index. Mr. Auchincloss is listed as "A" on index.
Mr. Nicola is listed as "N" on index. Mr. Mesereau is listed as "M" on index.
Ms. Yu is listed as "Y" on index. Mr. Sanger is listed as "SA" on index.
Mr. Oxman is listed as "O" on index.

PLAINTIFF'S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
KATZ, Stan J.	4245-M	4302-Z	4305-M	4310-Z
(Further)				
DICKERMAN, William	4312-Z	4329-M	4374-Z	
KLAPAKIS, Jeff (Re-called)	4377-SN	4393-M		

E X H I B I T S

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
625	Collection of letters	4317	
630	Collection of letters	4317	
769	Notebook	4377	

THE COURT: Before you proceed, I want to give the jury some dates they can look forward to.

(To the jury) Next Wednesday, the 6th of April, it will be dark. We will not be session. I have to go to a meeting in Los Angeles.

And on April the 12th, which is the following Tuesday, we will only be in session in the morning, and I have a meeting in the afternoon.

And then on April 20th, we will only be in session in the morning. I have a meeting in the afternoon.

So, just to restate that, April 6th, we will not be in session all day, next Wednesday. The 12th we'll be in session only in the morning. And the 20th we'll be in session only in the morning. So you can go ahead and make alternate plans.

All right. Counsel, you may proceed.

MR. ZONEN: Thank you, Your Honor.

Q. Dr. Katz, who is Larry Feldman?

A. Larry Feldman is an attorney in Los Angeles.

Q. And have you worked with Larry Feldman?

BAILIFF CORTEZ: Microphone.

Q. BY MR. ZONEN: Have you worked with doctor -- with Larry Feldman previously?

A. I have on two occasions.

Q. Two occasions over what period of time?

A. 18 years.

Q. Incidentally, this television show -- if I can backtrack just for one second.

A. Sure.

Q. -- that you’re involved in. Was this your first experience in working in television?

A. No, I’ve been working with media since 1978 either as an advisor or on television films. I’ve done three book tours, so I was on a lot of shows because I was on tour for three books.

I actually was a guest on numerous occasions talking about current topics. I did 23 episodes of another show a number of years ago.

Q. As a consultant?

A. Consultant on camera.

I was the co-chairman of the first international conference on children in the media, international conference in children in the media. So I’ve been working with media for approximately 25 years.

Q. All right. This television show is perhaps a little different, but not unusual for you?

MR. MESEREAU: Objection; leading.

MR. ZONEN: I’ll withdraw that question.

Q. This television show is not the first one you’ve been involved in?

A. That is correct.

Q. Now, we were asking about Larry Feldman. Larry Feldman is an attorney in private practice in Los Angeles; is that right?

A. Yes.
Q. And you indicated that you had a couple of other associations with him?
A. Yes, two in 18 years. Two others besides this one.
Q. And when were the other two cases?
A. I understand -- the first one was in approximately 1987, although I don’t have a distinct memory of that.
Q. Okay.
A. And the second one was the Jordan Chandler case.
Q. And that was when?
A. I don’t have notes on that, but I think ‘93, ‘92.
Q. Okay. All right. In this particular case, were you retained by Larry Feldman to do some evaluations?
A. I was retained by Mr. Feldman to conduct some interviews.
Q. Okay. And what type of interview?
A. Mr. Feldman came to me and said that --
MR. MESEREAU: Objection; hearsay.
THE COURT: Sustained.
Q. BY MR. ZONEN: Tell us what your understanding of what you were supposed to be doing was.
A. My understanding was that I was to interview

three children regarding allegations that they have been either mistreated, abused, possibly molested, that they had participated in a television program without their consent, and that there were numerous allegations, and he wanted me help sort it out.
Q. All right. Did you conduct interviews?
A. I did.
Q. And the interviews were with which children?
A. With Gavin Arvizo, Star Arvizo, and Davellin Arvizo.
Q. How many interviews with each of these children?
A. Two each.
Q. When did these interviews --
A. Excuse me. Two with Gavin, two with Star, one with Davellin.
Q. Did you interview their mother as well?
A. I did.
Q. When was she interviewed?
A. She was interviewed on May 15, 2003, May 16, and June 11, 2003.
Q. So you had three separate interviews with their mother?
A. I did.
Q. And is she Janet Arvizo?
A. She is.
Q. The interview with the two boys, Star and Gavin, when were those interviews?

A. May 29 and June 11, 2003.

Q. And how long, approximately, were those interviews?

A. Each interview is usually approximately an hour, so they were probably an hour each on that day, each day.

Q. And you said you had one interview with Davellin Arvizo?

A. Yes.

Q. When was that date?

A. May 29, 2003.

Q. During the course of those interviews, did you discuss with either of the children the possibility of a lawsuit?

A. I did.

Q. What was the purpose of that discussion?

MR. MESEREAU: Objection, to the extent it calls for hearsay.

THE COURT: The question was, “What was the purpose of the discussion,” not what was said. So I’ll overrule the objection.

Q. BY MR. ZONEN: Go ahead.

A. The purpose was, excuse me, to determine what the children’s expectations were for talking to me, and what they thought would happen as a result of talking to me.

Q. At the conclusion of all of these interviews, did you contact Child Protective

Services or the Department of Child & Family Services in Los Angeles?

A. I did not personally contact them. However, I did go to Department of Children & Family Services on June 12th, 2003, and made an oral report to the Department of Children & Family Services social workers.

Q. All right. Following that, did you have an interview with Santa Barbara County law enforcement?

A. The next day I did.

Q. Did they contact you or did you contact them?

A. They contacted me, and left a message, and I returned their call.

MR. ZONEN: I have no further questions.

CROSS-EXAMINATION

BY MR. MESEREAU:

Q. Good morning, Dr. Katz.

A. Good morning.

Q. We haven’t met, right?

A. We’ve never met.

Q. My name’s Tom Mesereau and I speak for Michael Jackson.

Now, you indicated that you had a -- I think the word you used was “association” with Attorney Larry Feldman that involved two cases; is that correct?

A. Correct.

Q. Has Larry Feldman personally ever referred any business to you?

A. He referred a total of three cases to me.

Q. Has he ever referred any clients or patients to you?

A. I don’t think so.

Q. Do you know for sure?

A. Well, I’ve been in practice 25 years, and people -- I’ve seen hundreds of people, but I don’t recall anybody telling me that they were referred by Mr. Feldman.

Q. Okay. So your statement is that other than the two legal cases you referred to in response to the prosecutor’s questions, Larry Feldman, to your knowledge, has never referred any patient to you?

A. I don’t recall, yes.

Q. Do you know whether any firm associated with Larry Feldman has ever referred any patient or potential patient to you?

A. I don’t know.

Q. You don’t know?

A. I don’t know.

Q. Okay.

A. I don’t know all the firms he’s been associated with.

Q. Do you know if any relative of Larry Feldman has ever referred any patients to you?

A. I have no recollection of any relative of Larry Feldman referring a patient to me.

Q. Do you know any of Larry Feldman’s relatives?

A. I don’t think I know any of Larry -- oh, I do know his wife. Is that a relative?

Q. I think so.

A. I’m not sure. Not blood.

Q. You’re not sure. All right.

Do you know any cousins of Larry Feldman?

A. I don’t think so.

Q. Okay. But you’re not sure?

A. I’m not sure.

Q. Okay. Do you know the name of any law firm Larry Feldman’s ever been associated with?

A. I know his current firm is Kaye, Scholer.

Q. How do you know that?

A. Because he told me he moved from his last firm to Kaye, Scholer.

Q. And when did he tell you that?

A. I think within the last year or so.

Q. Do you know a therapist named Leonora Hausner?

A. Yes, I do.

Q. How do you know her?

A. I’ve known her for years through Beverly Hills Mental Health Center, through the Beverly Hills School District.

Q. To your knowledge, is she related to Larry Feldman?
A. I don’t think she’s related to him, no.
Q. In no way?
A. Not related to him, no.
Q. When you say “not related to him,” what do you mean? Does she have any connection to Larry Feldman?
A. I think she does. I think his daughter or son is married to her daughter or son.
Q. Has she ever referred patients to you?
A. Yes, she has.
Q. She’s referred a lot of them, has she not?
A. I would say yes.
Q. Is there any reason you didn’t reveal that earlier?
MR. ZONEN: Revealed what earlier? Argumentative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: How many patients has Leonora Hausner referred to you, to your knowledge?
A. Probably in the last 25 years, maybe six to eight.
Q. And do you think she’s related by marriage to Larry Feldman?
A. I’m not sure what the correct relationship is. I already said that I think her daughter or son is married to one of his children.

Q. Okay. Do you know for sure?
A. I think so.
Q. What do you know for sure?
A. A lot of things. Not that.
MR. ZONEN: I’ll object. Argumentative.
THE COURT: Sustained.
MR. MESEREAU: Okay.
THE COURT: I thought you accepted that. But --
MR. MESEREAU: Okay.
Q. Dr. Katz, please tell the jury what your understanding is, as you sit here today, about the relationship of Leonora Hausner to Attorney Larry Feldman.
MR. ZONEN: Objection. Asked and answered; and irrelevant.
MR. MESEREAU: I couldn’t get an answer.
MR. ZONEN: I believe he answered --
THE COURT: Just stop talking, both of you. I’m going to allow that question. I’ll have it reread for you.
(Record read.)
THE WITNESS: I think one of his children is married to one of her children. I believe that to be the case. I never met either one of them, so I believe that to be the case.
Q. BY MR. MESEREAU: And where did you learn that information?

A. From Mr. Feldman.
Thank you.
Q. How long have you known about this?
A. Probably two years.
Q. Okay. Did you review any documents before you testified today?
A. Yes, I did.
Q. And are those the documents in front of you?
A. Yes, they are.
Q. Okay.
MR. MESEREAU: May I see those documents, Your Honor?
THE COURT: Yes.
MR. MESEREAU: May I approach?
THE COURT: Yes.
MR. MESEREAU: Thank you.
THE WITNESS: Would you like to look at the file?
MR. MESEREAU: Yes.
THE WITNESS: Oh, here.
MR. MESEREAU: Thank you.
THE COURT: And, Counsel, that’s not how that’s going to happen. You don’t take his notes and then start questioning about them.
MR. MESEREAU: Okay. What would the Court prefer?
THE COURT: You asked permission to see them.
MR. MESEREAU: Yes, okay.

THE COURT: I gave that permission. Now, take them back up there.
MR. MESEREAU: Okay. May I take a look at them again, Your Honor?
THE COURT: You may.
MR. MESEREAU: Thank you.
Q. Dr. Feldman (sic), when you interviewed the Arvizos, did you bill for your services?
A. I did.
Q. Who did you bill?
A. Mr. Feldman’s office.
Q. And how much did you bill for your services?
A. A total of $4,800.
Q. Did that bill comprise all of the interviews you described to the jury?
A. Yes, it did.
Q. And what was your hourly rate for those interviews?
A. $300 per hour.
Q. Have you been paid?
A. Yes, I have.
Q. By Mr. Feldman?
A. By his firm at the time.
Q. Okay. And what firm was that?
A. I don’t recall the name of the firm. He was one of the principals, so Feldman & Something, or Something & Feldman.
Q. Okay. You mentioned you have a television

show, right?

A. Correct.

Q. And you’ve been doing that for approximately a year?

A. That’s correct.

Q. And without giving the amount, you’re certainly paid to do the show, correct?

A. Not very well.

Q. Okay. But you are paid?

A. Not enough. I’m paid, yes.

Q. “Not enough” you say?

A. Not enough.

Q. How much would you like it to be?

A. More.

(Laughter.)

Q. Which station is that show on?

A. It’s an NBC-Universal syndicated show.

Q. And it’s on once a week?

A. It’s on five days a week.

Q. You told the jury that you were retained by Attorney Larry Feldman in the Jordie Chandler case, correct?

A. That’s correct.

Q. That was a lawsuit that Attorney Larry Feldman filed against Michael Jackson, correct?

A. That’s correct.

Q. That was in approximately 1992, correct?

A. Yes.

Q. And you were paid money to work with Mr. Feldman on that case, correct?

A. Well, I was paid for my time and services, not to work with Mr. Feldman.

Q. But he’s the one that got you involved, true?

A. He’s the one that retained me on the case.

Q. Okay. And did he pay you a retainer on that case?

A. I don’t think he paid me a retainer. I think he paid me for the time I spent on the case.

Q. Okay. Okay. Okay. You’ve been in contact with him ever since, correct, on a periodic basis?

A. I don’t remember talking to Mr. Feldman -- I don’t remember talking to him the last ten years. I don’t think I’ve been in contact, but I don’t recall.

Q. Well, you certainly -- you don’t recall?

A. I don’t know if he ever called or I ever ran into him, but I don’t remember doing anything professionally with him for the last ten years.

Q. Okay. I’m not asking if you did something professionally with him.

A. Contact?

Q. I’m asking if you’ve had any contact of any kind with him before he referred the Arvizos to you.

A. Well, I’m trying to explain that. I have no social relationship with him. I don’t go to dinner with him or never been to his house. I don’t have lunch with him, dinner with him.

I may have had a phone call about something. I may have talked to him in the ten years. I don’t have any other recollection, though.

Q. Now, did he call you about interviewing the Arvizos?

A. Yes, he did.

Q. And is it because of his phone call that you interviewed the Arvizos?

A. Yes, I did.

Q. Did you communicate with Attorney Larry Feldman about those interviews?

A. Yes, I did.

Q. Did you communicate with Attorney Larry Feldman while those interviews were being conducted?

A. Are you talking about during the actual interview, you mean like telephonically?

Q. Between the first -- excuse me, let me rephrase that.

Between your first meeting with the Arvizos and your last meeting with the Arvizos, did you discuss with Larry Feldman the content of any of those interviews?

A. I did.

Q. How many times?

A. I had a meeting with him in between the two sets of interviews on June 5, 2003.

Q. That’s one meeting?

A. One meeting, yes.

Q. Did you ever talk to him on the phone before or -- or after that meeting about your interviews with the Arvizos?

A. I believe I had a brief conversation with him prior to setting up that meeting.

Q. After the interviews were finished, did you contact Mr. Feldman and discuss those interviews?

A. Yes.

Q. Approximately when was that?

A. On the day of June -- June 11.

Q. Was that a phone conversation?

A. Yes, it was.

Q. Did you ever have a personal meeting with Attorney Larry Feldman to discuss those interviews?

A. Yes, on June the 5th.

Q. Did you bill Mr. Feldman for the time you spent in that meeting?

A. Yes.

Q. Did you bill Mr. Feldman for the time you spent on the phone?

A. I don’t believe so. I think it was a five-minute phone call to set up the meeting.

Q. You indicated you met with authorities in Santa Barbara at some point, correct?

A. I never met with them in person.

Q. Did you ever talk to them on the phone?

A. I did.

Q. And was the subject of that phone call your actions with the Arvizos?

A. My interviews. The subject was my interviews, yes.

Q. And do you recall approximately when that phone call was?

A. I think it was June 13, 2003.

Q. And who was that phone call with, if you know?

A. Detective Paul Zelis.

Q. Did you know whether or not that phone call was being recorded?

A. I did not know.

Q. At some point you learned it had been recorded, correct?

A. That’s correct.

Q. How did you learn that?

A. I learned that when I saw the transcript of the -- of the phone call.

Q. And how did you get a copy of the transcript?

A. Mr. Zonen of the D.A.’s Office gave me the transcript.

Q. And approximately when was that?

A. I do not remember.

Q. And you reviewed that transcript before you testified today, correct?

A. Yes, I did.

Q. And you made notations on the transcript, correct?

A. Are you asking me if I made notations that are on the transcript right now, the copy you have?

Q. Well, I don’t have your copy. You have your copy now, right?

A. Yes, I have a copy.

There are notations on that transcript that I did not make, and there are some notations I made last night on the transcript for my own edification. But there are notations on the transcript which are not my notations.

Q. Whose notations are they?

A. I understand Mr. Zonen’s. And when he made the copy of the transcript, he gave me, I think inadvertently, his copy where he had made notations.

Q. Did you ever discuss -- excuse me, let me rephrase that. Did you ever discuss Prosecutor Zonen’s notations on the transcript with Prosecutor Zonen?

A. Never.

Q. Okay. Did you ever tell him you have a copy of a transcript that appears to have his notations?

A. No, I did not.

Q. Is today the first time, as far as you know, he’s ever heard that you have his transcript with his notations?

A. No, because he actually told me, he said, “Those are my” -- recently he told me, “Those are my notations in case you’re asked.” And I said, “Oh.”

Q. Okay. When you spoke to the Santa Barbara sheriffs, you talked about your discussions with the Arvizos, correct?

A. That’s correct.

Q. Who was involved in that call besides you? Was it one officer, or more than one, to your knowledge?

A. To my knowledge, it was just Detective Paul Zelis.

Q. Was that an unexpected call, as far as you’re concerned?

A. No, it was not.

Q. Okay. Was it not unexpected because you had already contacted authorities yourself?

A. I had contacted Department of Children & Family Services in this face-to-face meeting. And because I felt obliged to make this report, I told Mr. Feldman that I had to report this to Santa Barbara County authorities. And he told me that he would find out which authority to report this to, because he wanted to be sure it was confidential. And so I then heard from -- excuse me, I then heard from Detective Paul Zelis, who called me. And I returned the call.

Q. Do you remember telling Detective Zelis that the Arvizos came to you in this lawsuit?
A. Yes.
Q. Do you remember referring to the lawsuit more than once?
A. Probably so.
Q. You're not sure?
A. Well, I think I referred to it more than once, yes.
Q. Okay. Your belief that there was a lawsuit came from Attorney Larry Feldman, true?
A. No.
Q. He's the only attorney you had spoken to about the Arvizos at that point, correct?
A. Yes.
Q. You're not a lawyer, correct?
A. That's correct.
Q. It was your belief, when you talked to the Santa Barbara sheriff, that Mr. Feldman was filing a lawsuit for the Arvizos, correct?
A. It was my belief that he was thinking about filing a lawsuit, yes.
Q. To your knowledge, does Attorney Feldman still advise the Arvizos?
MR. ZONEN: I'll object as speculative or hearsay.
THE COURT: Overruled.
You may answer.

THE WITNESS: I don’t know. I don’t know that.

Q. BY MR. MESEREAU: When did you last talk to Attorney Larry Feldman about this case?

A. Yesterday.

Q. Did he call you or did you call him?

A. He called me.

Q. Are you telling the jury that in that call you did not discuss with Attorney Feldman in any shape or form this case?

A. I never said that. I said he didn’t tell me that he was advising the Arvizo family.

Q. Did --

A. I don’t think he’s advising the Arvizo family.

Q. In your phone call with Attorney Feldman yesterday, did you, Dr. Katz, discuss this case?

A. Yes, I did.

Q. Before yesterday, when was the last time you spoke with Attorney Larry Feldman about this case?

A. I don’t have the dates here, but within the last couple weeks, we talked about the schedule, when we were going to both be appearing, and we reviewed our notes together.

Q. And you reviewed your notes with Attorney Larry Feldman regarding this case?

A. Yes.

Q. Okay. Would that include the file you have with you today?

A. Well, he didn’t review my file. However, we went through the process just so that we both could refresh our memories of things that weren’t written down.

Q. How long was that discussion?

A. About a half hour.

Q. Where did it take place?

A. In his office.

Q. Did you go to his office?

A. I did.

Q. So you both discussed what you were going to testify to in this case, correct?

A. No. We both talked about exactly our recollections of how this case progressed, that’s correct.

Q. Before that meeting, when was the other -- excuse me. Let me rephrase that. You talked to him on the phone yesterday about the case, right?

A. Correct.

Q. You met with him at the meeting you’ve just described about the case?

A. Correct.

Q. Did you ever meet with him before that about this case?

A. Not since June 5th of 2003.

Q. And have you ever talked to him on the phone since June 5th, 2003, about this case?

A. Yes, I have.

Q. How many times, do you think?

A. Two or three.

Q. Are you telling the jury you don't think Mr. Feldman is providing any advice to the Arvizos at the moment?

A. I'm telling the jury I don't know whether he is. He did not tell me he's providing advice to the Arvizo family.

Q. And in your phone calls and meetings with Attorney Feldman, you never asked him?

A. No, I did not.

Q. Did you ever suspect during those phone calls or in those meetings that he might be representing the Arvizos?

A. What I do know, he has told me that he hadn't spoken, I think, to the family in a while. That's all he said to me.

Q. Okay. Now, you're aware that -- excuse me, let me rephrase that.

You've been involved in your career in a number of lawsuits involving allegations of child abuse, correct?

A. That's correct.

Q. How many lawsuits involving allegations of child abuse do you think you've been involved in as a professional psychologist?

A. In all venues? Do you mean family law?

Criminal?

Q. Sure.

A. Dependency?

Q. Sure.

A. A couple thousand maybe.

Q. And have you been involved as a professional psychologist in any civil lawsuits involving allegations of child abuse where people wanted monetary damages?

A. Yes.

Q. Okay. And were they primarily in Los Angeles?

A. Yes.

Q. Are you aware that if a child is abused or claims they were abused they have until the age of approximately 20 to file a lawsuit?

A. Yes.

Q. And you're aware that, what is called a statute of limitations, meaning when the time period begins to commence --

MR. ZONEN: I'm going to object as exceeding the witness's expertise.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Have you had any experience, Dr. Katz, in the relationship between criminal proceedings and civil proceedings when it comes to allegations of child abuse?

A. Well, I'm not sure how to answer that, except to say that I’m currently working a number of civil cases regarding victims of the Catholic church, alleged victims of the Catholic church. Those cases, some may end up being criminal, some may be civil, depending on the statute of limitations, as you pointed out.

Q. Have some of them concerned criminal proceedings?

A. My work does not concern criminal proceedings with those cases.

Q. Have you ever testified in a criminal case before today?

A. Yes, I have.

Q. How many criminal cases have you testified in before today?

A. Less than half a dozen.

Q. Were they primarily in Los Angeles?

A. Yes, they were.

Q. In any of those criminal cases, were you also involved in a parallel civil proceeding?

A. No.

Q. In any of those criminal cases, were you involved in a parallel divorce proceeding?

A. Yes.

Q. Now, a divorce proceeding is a civil proceeding, correct?

A. Yes, it is.

Q. And what you’re saying is that you were involved as a professional psychologist in both a civil divorce proceeding and a parallel criminal proceeding involving the same parties and issues, correct?

A. “Parallel” is the problem. Do you mean simultaneously, or one after the other? Sometimes I’ve worked a family law case and then was called into criminal court on the same case six months, a year later.

Q. Okay. And it’s your understanding that if you have a conviction in a criminal case, you’ll automatically win the civil case?

MR. ZONEN: I will object. Exceeding the scope of his expertise.

MR. MESEREAU: I didn’t finish my question.

MR. ZONEN: Well, we know what it is.

THE COURT: You may finish the question.

Q. BY MR. MESEREAU: Given your experience in the criminal courts and in parallel proceedings in the civil courts where the same parties are involved --

MR. ZONEN: I’ll object as to parallel proceedings in a civil court, as to whether it’s a civil or a family law court.

THE COURT: He hasn’t finished his question.

Q. BY MR. MESEREAU: Given your experience, Dr. Katz, in criminal actions involving allegations of child abuse and parallel civil actions involving allegations of child abuse where the same parties are involved, you're aware that if there is a criminal conviction, one would automatically win a civil suit for damages, true?

MR. ZONEN: Objection; exceeds the scope of his expertise.

THE COURT: Sustained.

Q. BY MR. MESEREAU: The prosecutor asked you about your experience in the area of child abuse, correct?

A. Correct.

Q. You have published articles in that field, true?

A. Yes.

Q. Do you know approximately how many articles you have published in that field?

A. Well, I think you're talking about -- professional articles, I think there's only one or two. If you're talking about books, there's three books. And there's probably a number of interviews or articles, some of which may be editorials. So I'm not sure how to answer the question. But certainly a number of publications.

Q. Let's just take articles --

A. Okay.

Q. -- that don't reach the form of a book. How many articles do you think you've published in the area of child abuse?

A. Well, I'm not sure. Maybe three or four.

Q. And you've published in the Los Angeles Times, correct?

A. As far as I know, the New York Times, Los Angeles Times, they syndicate out to other newspapers, so I know some of the articles I wrote were way beyond; you know, in other markets also.

Q. You published an article called "Stop the Witch Hunt For Child Molesters," correct?

A. That's correct.

Q. In that article you dealt with your concern about false allegations of child molestation, correct?

A. Absolutely.

Q. You also published a book called "The Codependency Conspiracy," correct?

A. That's correct.

Q. And you published it with a woman named Amiee Liu, correct?

A. That's correct.

Q. And in that book, you talked about false allegations of child molestation, true?

A. Yes.

Q. You said that lawyers have told you as many as 40 percent of child molestation allegations are false, correct?

A. I'm not sure what context you're talking about, but certainly, in certain venues, that is true.

Q. You said that lawyers charged with turning these allegations into convictions estimate that as many as 40 percent of the accusations are insubstantive, correct?

A. I assume you're reading from my book.

Q. I am.

A. And I'm not sure what precedes it. But if I said it in my book, I will stand by it, that's true.

Q. You said, "Nowhere is our lack of objectivity more evident than in our reactions to reports of child molestation," right?

A. That's correct.

Q. You said, "The nation's courtrooms are inundated with new allegations of abuse every day," right?

A. Yes.

Q. You said, "But many of the lawyers who are charged with turning these allegations into convictions estimate that as many as 40 percent of the accusations are insubstantive," true?

A. Well, it's true. I'd have to give a context, but it's certainly true. It may be even higher than that in some cases, in some venues.

Q. And what venues were you talking about?

A. Particularly family law and divorce cases, high-conflict divorce cases, where allegations are made that one parent sexually molested a very young child under the age of usually four.

Q. When you were interviewing the Arvizos, did you do any background check into their involvement in any other litigation?

A. I did not.

Q. Did you ever check into any allegations of domestic violence in the Arvizo family?

A. I didn’t check into any of these allegations. I did not investigate any of these allegations other than -- excuse me, other than to interview the parties. So I did not do any investigation of any allegations.

Q. In your book, “The Codependency Conspiracy,” you talked about a witch hunt mentality with respect to false allegations of child abuse, true?

A. That’s true.

Q. And you didn’t just talk about divorce cases, you talked about the McMartin Preschool case in Manhattan Beach, California, true?

A. Yes, I did.

Q. And you mentioned that in the context of false allegations of child molestation in a criminal courtroom, true?

A. Well, I’m not sure if I said that in the book or not. I didn’t memorize it. But I was talking about the McMartin case, which ended up being not only in the criminal court, it was in dependency court because there were children of the teachers who were involved in dependency court, and I think there were civil suits also.

Q. Were you involved in that case in any professional way?

A. Yes, I was.

Q. How were you involved?

A. I was the director of training and professional education at the Children's Institute International, and that's the agency that initially interviewed all the McMartin children.

Q. And were you involved in that case for a number of years?

A. Well, my involvement was that I was director of the program. And Kee McFarland, who was the woman who interviewed the children, actually worked under me. But I was not -- I did not directly interview the children's parents.

I did interview -- my involvement with the McMartin case was, I did do assessments. I was asked by the Department of Children & Family Services to assess the children of the alleged perpetrators to see if they had been molested. Other than that, I had very little involvement directly with the case.

Q. Is it your understanding that that was perhaps the longest and largest criminal case in the history of Los Angeles County?

A. I think it was.

Q. Going further into your book, you discuss cases where you’ve had false allegations of molestation where no one ever turned up any physical evidence to support the molestation, correct?

A. That’s correct.

Q. And you talk about situations where you think children, for whatever reason, believed they were abused, but really aren’t or haven’t been, true?

A. I talk about young children under the age of four who believe they were molested, yes.

Q. And in your opinion, they had not been, correct?

A. That’s correct.

Q. You discuss situations where therapists have taught children that they were traumatized when, in fact, they were not, correct?

A. Correct.

Q. And you talk about situations where, despite what therapists have said about the existence of molestation, courts have gone against them, true?

A. I’m sorry, where therapists have said they believed children were molested and the courts have not ruled --

Q. Yes.

A. Yes. Yes.

Q. And has that been your experience as well, as an expert?

A. My experience has been that there are people who are falsely accused and who get convicted, and there are people who are falsely accused that get acquitted, and there are people who get acquitted who did the deed. So I've had all that experience.

Q. You talked about children in abuse cases who are often scarred for life, not by the abuse, because it didn't occur, they're scarred by what you call the recovery process, true?

A. Yes.

Q. And what you were saying was, in situations where there has been no abuse, but a child is convinced that there has been and is put through a process of therapy to deal with the abuse that never happened, they can be hurt, true?

A. That's correct.

Q. You talk about situations where children can have thoughts essentially given to them by parents or therapists that convince them they've been abused when there is no abuse, right?

A. Yes. But I was talking about young children under the age of four. Pre-verbal children.

Q. You didn't limit it to that in your book, did you?

A. I'm not sure what you're reading, exactly, from, but I'm certainly talking about pre-verbal children. And I think there's a -- a comment made about young children under the age of five or so.

Q. Do you know where the comment is?

A. I haven’t looked at the book in a long time, but --

Q. Okay.

A. I’ll have to look at it later.

Q. Okay. You talked about a number of situations where parents consistently told their children they’ve been abused, and the children believed it, and in your opinion there had been no abuse at all, right?

A. And that specifically is regarding young children. We’re talking about children under the age of five years.

Q. You are aware, that there can be all kinds of motivations for false claims of molestation, correct?

A. Certainly there’s a possibility of all kinds of claims and reasons.

Q. You’re aware that alleged victims of molestation often sue for millions of dollars in civil court, correct?

A. That is correct.

Q. You talked about the reactions of victims of child sexual abuse, correct, in your book?

A. If you say so. I don’t remember exactly what I talked about in that book, but --

Q. Well, you essentially said there can be all sorts of varying reactions, assuming it really occurred, right?

A. I suppose, yes.

Q. Well, you said that some experience physical or emotional trauma directly related to molestation, right?

A. Okay.

Q. And some exhibit none of those symptoms, correct?

A. I need to back up. You’re reading something. Are you talking about victims who have been abused?

Q. Yes. I’m limiting this question to people who actually have been abused, not the people you discussed who were the victims of false accusations. Okay?

A. Thank you.

Q. With limiting my question to people who have actually been abused, you indicated some experience -- appear to experience no real change in their behavior, correct? They have no nightmares, they have no --

A. You’re talking here about --

Q. Let me just finish the question, if I can. If I can.

A. Sorry. Excuse me.

Q. Okay. You discussed the fact that, in your opinion, victims of sexual abuse generally fit into one of three categories, true? Do you remember that? I could show you the book if you’d like to take a look at it.

A. It would be helpful, since I wrote it about 12 years ago. It would certainly refresh my memory. I could have brought a copy, but --

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

Q. BY MR. MESEREAU: Have you had a chance to look at your book?

A. Well, I did for about three seconds.

Q. And did you have a chance to look at the three categories you identified in your book with regarding what a real victim of child sexual abuse might show?

A. Yes.

Q. Okay. Some will have nightmares, correct?

A. Yes.

Q. Some will have no nightmares, right?

A. Correct.

Q. Some will act out their version of the abuse, correct?

A. Some act out sexually, yes.

Q. And some will not act out sexually at all, right?

A. Correct.

Q. Some will suddenly become aggressive, right?

A. Yes.

Q. And some will not be aggressive at all,

right?

A. Some will be withdrawn, yes.

Q. Some will be depressed, correct?

A. Yes.

Q. And some won’t be depressed at all, right?

A. Yes.

Q. Some will demonstrate an aversion to their own body, right?

A. Some have problems with body image and aversion to any of their sexual organs, yes.

Q. And some don’t have that at all, correct?

A. Right.

Q. And you would agree that it’s difficult -- excuse me, let me rephrase that.

In this area, it can be difficult to determine if certain characteristics really relate to sexual abuse or not, correct?

A. That’s correct.

Q. If you are examining a child, for example, where there’s an allegation of abuse, and you learn, through whatever form, that the child is exhibiting aggressive behavior, it’s difficult to know if that aggressive behavior is really the result of actual sexual abuse, right?

A. That’s correct.

Q. And in your evaluation of a potential victim in a situation like this, one of the things you’d want to know would be, did that child exhibit

aggressive behavior before the alleged abuse occurred, correct?
A. Well, I have to answer that by saying, if I was evaluating forensically this case, I would want to know a great deal about this family, about the alleged perpetrator, about all the data, multi-source data I could get.
If I was just interviewing the children to hear what they had to say so that I could make a determination whether or not I'd be obligated to make a report, it would be a different issue.
Q. Right.
A. I'd be the gatekeeper, the beginning of the process, if I felt there was reason to make a report, and then further investigation/evaluation would have to be conducted by professionals.
Q. And the quantity of investigation you just articulated which you state would be necessary to really determine if sexual abuse occurred you didn't do in this case, right?
A. That's correct.
Q. Okay. In your book, you talk about the situation where abuse is intertwined with other serious family or psychological problems, correct?
A. Are you talking about interfamilial, within-the-family abuse?
Q. Yes.
A. I think that's where you're going with that.

Yes.

Q. And what you said was evaluating and understanding real sexual abuse is made more difficult if the family you're investigating has other serious family or psychological problems, true?

A. I'm not sure of the context there, Mr. Mesereau, because when I -- I think I was talking about sexual abuse within a family, where the alleged perpetrator is a member of the family, you have complications from a number of variables.

Q. Well, wouldn't you -- excuse me, let me rephrase it.

Let's suppose the alleged perpetrator is outside the family, right? And let's assume, because we're just dealing with a hypothetical, that the family itself is characterized by serious emotional and psychological problems dealing with domestic violence, divorce, allegations within the family of molestation, alleged acts, multiple acts, of violence going over years, alleged -- unusual actions to obtain money so the family can survive, a lot of emotional conflict between parents.

You would agree that all of those issues could complicate the question of whether or not a child in that family was truly abused by someone else? Could complicate it?

A. It's possible.

Q. If you had -- excuse me. If, during the course of your investigation as a professional psychologist and expert in this area, you discover that within the family unit, there have, over the years, been various allegations of molestation within the family unit, that would complicate your ability to evaluate whether or not someone had been molested by a third party, true?

A. Well, I don’t know if it would complicate it. It would certainly be data I would want to look at.

THE COURT: Counsel, just a moment.

MR. MESEREAU: Yes, Your Honor.

(Brief interruption.)

THE REPORTER: Thank you, Judge.

THE COURT: Sorry, Counsel.

MR. MESEREAU: Thank you, Your Honor.

Q. You indicated in your book, Dr. Katz, and we were alluding to this before, that if abuse is intertwined with other serious family or psychological problems, you need to focus on these problems separately in treatment, correct?

A. That makes perfect sense to me. I’m not sure I wrote exactly that, or said that, but that makes sense.

Q. I can show you the paragraph.

A. Well, I believe you.

Q. Okay. And what you said was, you recognize that different problems may have little to do with each other, or may have a lot to do with each other, right?

A. Correct.

Q. And you say the abuse that’s claimed may be very insignificant in a situation where you discover serious psychological and family problems within the family unit, true? May be.

A. I’m not sure. The first part of the question I missed. You said abuse may be inconsequence --

Q. Yeah. You indicated that the abuse suffered --

A. Are you quoting? Because if you quote, then it’s easier for me to refer to. I’m not sure if you’re paraphrasing or interpreting.

Q. Let me just read you a paragraph.

A. Thank you.

Q. Okay. “If the conflict you feel about your abuse is intertwined with other serious family or psychological problems, you need to focus on these problems separately in treatment, recognizing that the different problems may have little to do with each other, and that the abuse you suffered may have been relatively insignificant.”

Do you remember reading that?

A. Writing it.

Q. Excuse me, writing it.

A. I do remember writing it, yes.

Q. Okay. Okay. Correct me if I’m wrong, you were suggesting that, in a situation where you have an allegation of abuse that sounds quite serious, if you, as a therapist, start to investigate the domestic situation in that family, and you, as a therapist, find all sorts of other psychological problems that may not be related to the abuse, there are situations where, once you investigate those problems and treat those problems, the actual claim of abuse may turn out to have been exaggerated, correct?

A. I think that totally misinterprets what I was saying.

Q. Okay.

A. What I was saying is that people have a myriad of complaints in their life, and that many adults wish to connect their current problems to a past event.

So, for example, a 40-year-old woman who can’t find a relationship, a healthy relationship, says she was molested at age five and that’s why she can’t find a healthy relationship today, that she needs to look at what other things are stopping her and preventing her from having a healthy relationship today.

I think that was directed at that kind of person, not directed at a therapist and how to 4281 evaluate or treat an alleged allegation of sexual abuse.

Q. Well, but you were talking about treating sexual abuse when you wrote that paragraph, true?

A. I think I was talking about what I just said; that people like to blame lots of problems on traumatic events that happened in their lives. And they need to sort out that some of these events have nothing to do with actually what they've become or the problems they have.

Q. In fact, in many ways, the book that you wrote called "The Codependency Conspiracy" was a form of self-help book, correct?

A. It is a self-help book.

Q. And you talk about people who are perpetual victims, correct?

A. That's correct.

Q. And you basically talk about how, as they view themselves as a perpetual victim, they are essentially saying that they are powerless over their problems and don't have to take responsibility for them, right?

A. That's correct.

Q. And you basically were saying that's not the right way to live your life, right?

A. What I was saying, it's a debilitating and immobilizing way to live.

Q. Essentially you said that people who are 4282 perpetual victims are not really --

MR. ZONEN: I’m going to object as exceeding the scope of the direct examination.

THE COURT: That’s sustained.

Q. BY MR. MESEREAU: Do you remember, you wrote the following: “I do not think that a parent whose hand lingers momentarily while diapering his or her child belongs in the same category with convicted child pornographers or pedophiles, yet many therapists and self-help groups lump the victims of these different perpetrators together and treat them all as if they’ve been equally traumatized”?

MR. ZONEN: I’ll object as exceeding the scope of direct examination.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You indicated in response to the prosecutor’s questions that you had worked on a panel of psychologists, correct?

A. Yes.

Q. And was that with dependency court?

A. First in dependency court and then in family law.

Q. Okay. Now, when you’re on a panel of psychologists in dependency court, you are routinely appointed to handle a dependency court case, correct?

A. Correct.

Q. And you’re paid by the county, right?

A. Correct.

Q. And how long did you say that you had done that?

A. Over ten years.

Q. Okay. So over ten years you were on that dependency court panel, you never knew when you'd be called to work on a dependency court case, right?

A. I didn't know exactly, that's correct.

Q. Okay. Now, were you doing that at the Edelman Courthouse on the 10 freeway?

A. I started doing it at the old courthouse at first, I think criminal, and then it was over on Sixth Street before the Edelman Courthouse.

Q. Okay. Now, would you agree that in dependency court, you often find false claims of molestation?

A. Who's "you"?

Q. Anybody.

A. Well, are you talking about did the judges find it? Did I find it? Who's who?

Q. Well, when you wrote in your book that, "Lawyers who prosecute molestation cases tell us that approximately 40 percent may be false," were you referring to dependency court?

A. Well, I'm not exactly sure which lawyers you're referring to or I was referring to at this point, but in general, the 40 percent figure comes out of research on mostly young children, preschool kinds of cases, family law cases. It does not come out of the research on children who were allegedly molested by a -- by someone outside the family, and it doesn't come out of research about children over the age of approximately five or six.

Q. Have you done research in that area?

A. Just clinical experience.

Q. Okay. Have you had experience with false claims of molestation involving children over six?

A. Well, when you say "experience," have I evaluated cases where someone thought the claims were false?

Q. Yes.

A. Or where the judge determined they were false? Which would you like?

Q. Let's start with the first example.

A. Well, in every case there's two sides.

Q. Okay.

A. So there's always someone who doesn't believe and someone who does believe. So I've been involved with many of those cases, in criminal and family law and in civil cases. I have been involved in cases where people were acquitted in a criminal, and they were convicted. And I've been involved in cases where monetary damages were paid to victims and where no monetary damages were paid to victims, and family law cases where the judge made a finding that molestation did not occur, or the judge made a finding that there was inappropriate touching, fondling, some kind of sexual abuse.

Q. When you wrote in your book that 40 percent figure, saying prosecutors had told you that 40 percent of the accusations are insubstantive, you never limited it in the book to children who are six or younger, did you?

A. I don’t think so. I have to look at the source data. But it’s in the back.

MR. ZONEN: Could I see the book, please?

MR. MESEREAU: I can get you a copy.

THE WITNESS: It’s available at amazon.com.

(Laughter.)

MR. ZONEN: Doesn’t say “prosecutors.”

MR. MESEREAU: It says, “Lawyers who are charged with turning these allegations into convictions.”

MR. ZONEN: Judge, I’m going to object as misstating --

MR. MESEREAU: Your Honor, I’ll read it, if the Court would like.

MR. ZONEN: Well, I’m concerned about the prior question asked. He used the word “prosecutors.”

MR. MESEREAU: I’ll restate it. I’ll restate the question.

Q. Dr. Katz?

A. Yes.

Q. You know that these prosecutors are all lawyers, don’t you?

MR. ZONEN: Which prosecutors is he referring to? Objection. Vague; argumentative.

THE WITNESS: I have --

MR. ZONEN: There’s an objection.

MR. MESEREAU: I’ll withdraw the question.

Q. Dr. Katz, have you met with any of these prosecutors at any time?

A. Yes, I have.

Q. When did you last meet with any of these prosecutors?

A. I met with Mr. Zonen, yes, sir.

Q. Are you aware that he is a lawyer?

A. I’m aware that he is lawyer.

Q. Are you aware that he’s a lawyer paid by the government?

A. I’m not sure who he’s paid by, but I assume he’s paid by the county or someone.

Q. Have you ever met Mr. Sneddon?

A. I have.

Q. Are you aware that he’s a lawyer?

A. I assume he’s a lawyer if he’s in his position.

Q. Are you aware that he’s a lawyer paid by the government?

A. I assume he’s paid by the county.

Q. And have you met Mr. Auchincloss, who’s directly to my left?

A. Yes, I have.

Q. Are you aware that he’s a lawyer?

A. Yes, I’m aware that he’s a lawyer.

Q. Are you aware that he’s a lawyer paid by the government?

A. Paid by the government.

Q. Are you aware their jobs as prosecutors are to seek convictions?

MR. ZONEN: I’m going to object as argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: When you said in your book, you referred to lawyers who are charged with turning these allegations into convictions, you were referring to prosecutors?

A. Well, I actually was referring to cases that I already talked about, the young children, preschool cases, the family law cases --

Q. You were --

MR. ZONEN: The witness ought to be allowed to answer the question.

MR. MESEREAU: Sure. Sure.

Q. I apologize. Go ahead.

A. Family law cases where either they were trying to get some kind of finding in court, sustain a petition or criminal conviction, yes.

Q. Dr. Katz, you know that you can’t convict anyone of anything in a family law court, right?

A. No, but you can make a finding.

Q. But you don’t convict in family law court, true?

MR. ZONEN: Objection; argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Based on your experience, the only place you get convictions is criminal courts, right?

MR. ZONEN: Objection. Argumentative; and beyond his scope of expertise.

THE COURT: Sustained on argumentative.

MR. MESEREAU: Okay.

Q. Now, Dr. Katz, you said that 30 percent of your work is currently involved with television; is that right?

A. Approximately 30 to 40 percent, yes.

Q. And you said that you’ve been practicing since 1978; is that correct?

A. That’s correct.

Q. And I believe you told the prosecutor for the government that you’ve been involved in other T.V. projects, correct?

A. Yes.

Q. And what were they?

A. Well, starting out in the early years, in the late ‘70s, I was an advisor on a number of television movies that had to do with either child abuse or psychological issues. Did a number of those kinds of movies.

I was a frequent guest on news shows talking about current psychological topics.

I -- when I did my three books, I, of course, did book tours, where you appear on numerous shows, including “Oprah” and those kind of shows.

I have appeared as a panelist on T.V. on certain topics. And have appeared as a guest to work with family dysfunction on talk shows and other television shows.

Q. When you did your -- excuse me, you did a book tour to promote the book “Codependency Conspiracy,” did you not?

A. Yes.

Q. And did you appear on television as part of that book tour?

A. Yes.

Q. Do you know how many times you appeared on television as part of the book tour?

A. I would have no idea.

Q. And when you were on television, did you talk about false claims of molestation?

A. I don’t think so. That was just a small part of the book. I don’t remember specifically talking about that, but certainly it could have come up. And this was 1991, I think, so I don’t have a

distinct memory of that.
Q. Did you talk about people who act as if they’re perpetual victims?
A. Yes, I did.
Q. And did you talk about your belief that there are ways to treat people who consider themselves perpetual victims?
MR. ZONEN: Objection; exceeds the scope of the direct examination.
THE COURT: Sustained.
Q. BY MR. MESEREAU: You indicated that you interviewed the three Arvizo children and the mother, right?
A. Correct.
Q. Did you ever interview the father?
A. Never.
Q. Did you ever investigate anything about the father?
A. No.
Q. And that’s because you never really investigated the family other than the interviews you conducted, right?
A. That’s correct.
Q. Okay. Now, when were the dates of those interviews?
A. Mom was May 15, May 16, June 11. Gavin and Star were May 29, June 11. And Davellin was May 29.
Q. So the first interview was May 15th,

correct?
A. Yes.
Q. The last interview was June 11th, correct?
A. Correct.
Q. Now, you told the prosecutor for the government that at some point you went to the Department of Children & Family Services about the Arvizos, correct?
A. Correct.
Q. And was Mr. Feldman with you?
A. Yes, he was.
Q. Was it your belief at the time that Mr. Feldman was representing the Arvizos?
A. Yes, it was.
Q. When did you and Mr. Feldman visit the Department of Children & Family Services for the first time to talk about the Arvizos?
A. June 12th, 2003.
Q. And you had a meeting at that department, correct?
A. Correct.
Q. That department is in Los Angeles, right?
A. Correct.
Q. Did you ever have a second meeting at that department about the Arvizos?
A. I did not.
Q. Was that the only meeting you had?
A. That’s correct.

Q. Okay. Now, was it just you and Larry Feldman at that meeting?

A. And an associate of his. I don’t recall his name right now.

Q. Okay. Now, when you attended that meeting with Mr. Feldman, did you know whether or not he was a friend of someone named Jamie Masada?

A. I’m sorry, who was a friend?

Q. Mr. Feldman.

A. I had no idea.

Q. Do you know Jamie Masada?

A. Never met him.

Q. Do you know Attorney Bill Dickerman?

A. Yes, I do.

Q. And how do you know Attorney Bill Dickerman?

A. He was present at the meeting that I had with Mr. Feldman on June 5th of 2003.

Q. Was he the only person at that meeting other than you and Mr. Feldman, to your knowledge?

A. No.

Q. Who else was at that meeting?

A. Mr. Feldman’s wife, Jo Kaplan.

Q. Was anyone else at that meeting?

A. No.

Q. Was that the first time you met Attorney Bill Dickerman?

A. Yes.

Q. Do you know anything about Bill Dickerman’s 4293 relationship with Jamie Masada?

A. He told me yesterday in the --

MR. ZONEN: I’m going to object as hearsay.

THE COURT: You may answer the question “yes” or “no.”

THE WITNESS: Would you repeat the question, please?

Q. BY MR. MESEREAU: Yes. Do you have any knowledge of Attorney Bill Dickerman’s relationship with someone named Jamie Masada?

A. Yes.

Q. And where did your knowledge come from?

A. Mr. Dickerman.

Q. And did he tell you that they’re friends?

MR. ZONEN: I’m going to object, Your Honor, as hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you say you talked to Bill Dickerman yesterday?

A. Yes.

Q. And did he call you or did you call him?

A. No, we sat in the holding area upstairs together.

Q. Did you discuss the case at all with Mr. Dickerman?

A. Not really.

Q. Not really?

A. Well, we talked a little bit about times and where we were going to stay last night and coming back here, and we talked about everything from the weather, to soup, to nuts. Not very much about the case.

Q. Okay. Was your meeting with Mr. Dickerman and Mr. Feldman the first time you had met Mr. Dickerman?

A. Yes.

Q. After that meeting, did you have any further contact with Mr. Dickerman before yesterday?

A. No.

Q. Have you communicated with him by letter at any time since that initial meeting?

A. Never.

Q. Okay. So the only attorney you’ve ever communicated with about this case is Attorney Larry Feldman, right?

A. No. The attorney sitting in front of us that we’ve named.

Q. The attorneys who are paid by the government?

A. Paid by the government, yes.

Q. Okay. To get convictions. Okay, all right.

MR. ZONEN: Is that a question?

MR. MESEREAU: I withdraw that.

MR. ZONEN: If it is, I’m going to object to it as argumentative.

MR. MESEREAU: I withdraw that. I withdraw

that.

THE COURT: Objection's sustained.

Q. BY MR. MESEREAU: Do you have any knowledge of Larry Feldman filing any claim against Los Angeles County?

A. I read that, I think, on The Smoking Gun, or somewhere on the Internet, but he's never said that to me.

Q. Okay. Now, after your meeting at the Los Angeles Department of Children & Family Services that you have described, did you have any other meetings with Mr. Feldman about this matter?

A. Other than what I've described?

Q. Yes.

A. No.

Q. Did you and Mr. Feldman ever jointly appear with anyone in the Santa Barbara Sheriff's Office to discuss this case?

A. No.

Q. After the meeting you had at the Department of Children & Family Services, you spoke to the Santa Barbara Sheriffs at some point, correct?

A. Yes.

Q. And approximately when was that?

A. I received a call from Detective Paul Zelis on June 13, 2003.

Q. That was the first contact after the DCFS meeting you had, right?

A. That’s correct.

Q. Okay. Did you have any knowledge of Attorney Larry Feldman contacting the Santa Barbara Sheriffs at any time after the DCFS meeting?

A. I have no knowledge of that.

Q. Did you ever discuss that possibility with him?

A. No.

Q. Did you ever discuss with Attorney Feldman whether or not he had talked to Mr. Sneddon after the DCFS interview?

A. I don’t think we ever talked about that.

Q. Never?

A. I don’t have any recollection of that at all.

Q. Okay. So you’ve never heard anything about that as you sit here today?

A. I’m sorry, about Mr. Feldman talking to Mr. Sneddon?

Q. Yes.

A. Yes, I think that, as I said before, prior to the call to -- from Detective Zelis, I believe that Mr. Feldman called the D.A.’s Office. I don’t know if he personally talked to Mr. Sneddon or not.

Q. Now, your understanding of any contact Mr. Feldman had in this case would have come from Mr. Feldman, correct?

MR. ZONEN: Contact with whom? Objection;

vague.

MR. MESEREAU: I’m sorry, let me rephrase it.

Q. After the DCFS meeting that you have described, you learned at some point that Attorney Feldman spoke to prosecutors in this case, correct?

MR. ZONEN: Unless this conversation was in his presence, I’ll object as hearsay and lack of foundation.

MR. MESEREAU: State of mind, Your Honor.

THE COURT: I’ll allow the question. “Yes” or “no” answer only.

THE WITNESS: Could you repeat the question?

THE COURT: Do you want it read back?

THE WITNESS: Thank you, Your Honor.

(Record read.)

THE WITNESS: The only -- I’m sorry, but I’m not sure which prosecutor or prosecutors or assistant. I don’t -- I know he called Mr. Sneddon’s office. I don’t have a recollection if he called directly to him.

Q. BY MR. MESEREAU: Okay. Do you have any knowledge of when the Arvizos first met Attorney Larry Feldman?

A. I vaguely remember. I think it was a month or two before I saw them.

Q. Okay. And correct me if I’m wrong, but you’re suggesting to the jury that sometime after your last interview on June 11th, the Arvizos in some form contacted the police, correct?

A. I have no idea how that happened.

Q. Okay. Okay. But based on what you’ve just said, and I’m referring exactly to your understanding, that the Arvizos had talked to Mr. Feldman for a month or two before you got involved, right?

A. And I’m very vague about it. It could be a couple weeks, but some period of time before I got involved.

MR. ZONEN: Judge, I’m going to object as lack of foundation, unless he was involved in those conversations.

THE COURT: Overruled. Next question.

Q. BY MR. MESEREAU: Clearly, it was your understanding that the Arvizos had spoke to Attorney Larry Feldman before Mr. Feldman contacted you about this case, correct?

A. Yes.

Q. And based on what you’ve just told the jury, it was approximately a month after your first interview with any of the Arvizos that any report was made to any agency, true?

MR. ZONEN: Objection; vague. I’m not sure which agency, which report and by whom? By Feldman? By the Arvizos? By the police?

THE COURT: All right. That’s enough.

The objection is overruled.

Read the question back to him.

(Record read.)

THE WITNESS: The first interview was on May 15th with mother. The first interview with the children was May 29th. The report was made on June 12th.

Q. BY MR. MESEREAU: That’s the report to DCFS, correct?

A. Correct.

Q. And it’s your understanding that any contact with Santa Barbara, be it sheriffs or prosecutors, was after your meeting at DCFS, correct?

A. That’s my understanding.

Q. Okay. Clearly, it was always your understanding that the Arvizos first went to lawyers before they ever went to any police office, correct?

A. It’s my understanding that they went to attorneys before they went to the police department. That’s my understanding.

Q. And was it your understanding that they first went to Attorney Dickerman before they went to Attorney Feldman?

A. Yes.

Q. Now, you have indicated that you were retained by Attorney Larry Feldman to work with him on his civil suit that he filed against Mr. Jackson in 1993, correct?

A. That’s correct.

Q. Was it your understanding that Mr. Feldman was in contact with Mr. Sneddon in 1993?

MR. ZONEN: Objection; lack of foundation.

THE COURT: Overruled.

THE WITNESS: I have no information about that at all. I don’t have any memory of that, any information about that.

Q. BY MR. MESEREAU: Regarding your work on the 1993 case for Attorney Larry Feldman, when did your work cease?

A. Let me help you out by telling you what my work was. My work was to review the videotapes that were made between the victim --

Q. No, I’m -- go ahead.

A. -- and Dr. Richard Gardner.

Q. Okay.

A. And to review those tapes, those videotapes, and to view them and analyze them to give my feedback to Mr. Feldman.

Q. To your knowledge, no criminal case was ever filed against Mr. Jackson based on that ‘93 case, correct?

A. That’s my understanding.

MR. MESEREAU: All right. Let me take just one more second, Your Honor.

THE COURT: Yes.

Q. BY MR. MESEREAU: I asked you at the 4301 beginning of my cross-examination about someone named Lee Hausner, correct --

A. Yes.

Q. -- who you met?

A. I know Lee.

Q. And Lee has referred, I think you said, something like six to eight patients to you?

A. I'm probably estimating around that.

Q. Do you know whether or not Lee Hausner referred the '93 case against Mr. Jackson to Mr. Feldman?

A. I'm almost sure she did not.

MR. MESEREAU: Okay. I have no further questions, Your Honor.

REDIRECT EXAMINATION

BY MR. ZONEN:

Q. Mr. Mesereau asked you if you knew whether or not criminal charges had been filed against Mr. Jackson as a result of that '93 investigation, and you said no --

A. Correct.

Q. -- that they had not been.

A. That's my understanding.

Q. Do you know why not?

A. I understand a settlement --

MR. MESEREAU: Objection. Objection. Irrelevant; foundation; beyond the scope.

THE COURT: Foundation; sustained. And relevance.

Q. BY MR. ZONEN: Doctor, you made a reference to -- or counsel made a reference to 40 percent false accusations. What is that in reference to?

A. I was specifically talking about young children. I was referring to the numerous cases that were filed in the 1980s in preschools where we had infants and toddlers alleging molestation, and I was talking about the -- the incredible number of high-conflict divorce cases where there were allegations of molestation with very young children, pre-verbal children, under the age of three and four.

I was not talking about extrafamilial sexual abuse. I wasn’t talking about older children. I was specifically referring to those cases.

Q. What do you mean by extrafamilial sexual abuse?

A. Outside the family. Where the perpetrator is not a member of the family.

Q. What is your understanding about the percentage of false allegations in those types of cases involving older children?

A. My experience, my clinical experience, my collegial experience, is that there’s very, very few false allegations made with alleged perpetrators outside the family by a child over the age of five.

Q. And involving specifically allegations of sexual abuse involving boys, adolescent boys, what are the difficulties involved in making a false allegation --

A. Well --

Q. -- or sustaining it?

A. A pre-adolescent or adolescent boy is hypersensitive about his sexuality. It would be extremely unusual for a child who's developmentally at a stage where he's trying to figure out who he is, and to actually become a man, to make an allegation which would suggest that he's had inappropriate sexual relationships with a male. It would be extremely rare because these children are so protective and so guilt-ridden and shamed by any behavior that's extraordinary and extra-normal. So it would be highly unusual in my experience for a 12- or 13-year-old to make false allegations regarding a male perpetrator.

Q. All right. Doctor, based on your experience of as many years as you've been dealing with this, have you had any personal dealings or associations with cases where you believed there was a false allegation by an adolescent child motivated by profit?

A. Well, I've had some experience where I've had some young girls actually allege molestation by stepfathers to get out of the home sometimes, or fathers, and they have been recanted fairly quickly after investigations began.

Q. Are there difficulties in a child maintaining false allegations, from a practical standpoint?

A. In my experience, a child who is going to lie and fabricate cannot be consistent and hold that very long, because children are impulsive, they can't delay gratification. You can't tell a child, "Years from now, if you lie, something good will happen." Children are very much living in the now. They don't maintain consistent allegations when they start feeling as if the disadvantages of making those allegations seriously outweigh any advantages.

MR. ZONEN: No further questions.

RECROSS-EXAMINATION

BY MR. MESEREAU:

Q. Other than Mr. Jackson, how many cases of alleged molestation have you worked on involving well-known celebrities?

A. Probably less than half a dozen.

Q. Have you ever published an article about sexual allegations against celebrities?

A. I don't think so. I don't recall ever publishing anything like that.

Q. In any of your books, have you ever authored anything about the subject of sexual allegations made against celebrities?

A. Well, I -- I may have referred to cases, but I didn’t refer to a personal concern.

Q. You said something about children who are making false allegations tend to be inconsistent when they describe those false allegations, correct?

A. No. What I said was, in fact, it’s the opposite. Children who make false allegations are usually very consistent and almost scripted in what they say. They exaggerate, they embellish, they take every opportunity to make a positive into a negative.

Children who have been molested tend to be inconsistent. They have problems with memory retrieval. Their data storage is not great. They don’t remember dates and times, and they don’t remember exactly what happened. And they don’t tend to embellish and exaggerate. When you interview these children and you ask them if something happened, they won’t say, “Oh, yeah, that happened too.” They’ll say, “No, that didn’t happen.”

Children who fabricate will all of a sudden tell you that everything happened to them by everybody, and so they exaggerate because they don’t know intellectually when to stop.

Q. So what you’re telling the jury is, in your experience, exaggeration and embellishment can be signs of false allegations of sexual abuse?

A. That is correct.

Q. And if you were investigating an allegation of sexual abuse, and if you, as a professional, were to learn that there was a history of false allegations before, would that be something that you would consider?

A. A false allegation of sexual abuse?

Q. Yes.

A. And the false allegations have been determined to be false?

Q. Or you think they're false, because you see a lot of exaggeration and embellishment in what the children say.

A. Well, you can't simplify it. These are just two factors. So I'm saying that children tend to do these things. They tend to exaggerate and embellish. That does not predict that they are lying. But if children do embellish and exaggerate, I'd be suspect of what the motivation is for making the comments.

Q. And if, in any of these cases, there is no physical evidence to support the allegation of sexual abuse, the decision regarding whether or not you believe the allegation is true is really a subjective one, right?

A. Well, there's rarely evidence in these kinds of cases. I've been involved in thousands. Rarely see evidence, physical evidence, like trauma to the genitals, for example. It’s subjective evaluation based on an assessment and many data sources to actually determine what happened.

Q. Doctor, in cases involving sexual abuse in the criminal courts, you’re seeing more DNA evidence all the time used in these cases, correct?

A. In some sexual abuse cases, yes.

Q. You’re seeing evidence of semen, DNA, and things of that sort, correct?

A. In some of the cases, yes.

Q. And if you don’t have any physical evidence, it becomes pretty much a subjective determination regarding credibility, correct?

A. Well, there may be other evidence which is more objective. But certainly if you don’t have the physical evidence, you’re missing one -- the physical trauma, you’re missing one piece. But sexual abuse is not physically traumatic. Fondling does not leave marks and bruises and semen.

Q. But sexual abuse can leave marks or bruises or semen, true?

A. Yes, sir.

Q. Depending on the nature of it?

A. Yes, it can.

Q. And if it leaves marks or bruises or semen and there’s evidence of that, it would support a claim, correct?

A. That’s correct.
Q. Now, when you say exaggeration or embellishment can be indications of a false claim, that could certainly include stories changing, could it not?
A. Well, as I said before, stories changing suggests that the child may be actually telling the truth, because children cannot retain memories very well. Their storage retrieval system is not very sophisticated. And as you can tell, even us professionals can’t remember everything we did a year ago, let alone two years ago.
So it’s very hard for a child to do that, and that would not be predictive whatsoever of a false claim.
THE COURT: All right. Let’s take a break.
MR. MESEREAU: Oh.
(Recess taken.)
THE COURT: You may proceed.
MR. MESEREAU: Thank you, Your Honor.
Q. Dr. Katz, are you suggesting to the jury that you don’t often see false claims of sexual abuse by teenagers?
A. Yes.
Q. Have you published any articles on that subject?
A. I have not.
Q. What research have you done on that subject?

A. I have read probably all the current research on “Jeopardy in the Courtroom,” which cites all the research regarding children in the courtroom regarding molestation.

Q. Now, tell me what research you’ve done into how many civil cases have been filed by plaintiffs who are teenagers in the area of sexual abuse and how many have been won or lost?

A. I have no research about that.

MR. MESEREAU: No further questions.

FURTHER REDIRECT EXAMINATION

BY MR. ZONEN:

Q. Doctor, do you have personal experiences involving your own caseload over the past 20-plus years that you’ve been doing this where you believe there were cases that were allegations, false allegations, of molestation that were motivated by profit?

A. In addition to all the cases that I’ve seen - I’ve supervised numerous interns and other professionals - I don’t recall seeing any adolescents or preadolescents who were making allegations for profit.

I do and have been involved with lawsuits where children have alleged molestation, and there have been civil suits and they’ve been awarded damages. So that wasn’t the motivation, but they did proceed with the civil case and they were awarded damages.

Q. All right. But in terms of where you believe that the allegation itself was false --

A. No.

Q. -- that was motivated by profit?

A. No.

MR. ZONEN: No further questions.

MR. MESEREAU: No further questions, Your Honor.

THE COURT: Thank you. You may step down.

THE WITNESS: Thank you, Your Honor.

MR. ZONEN: Call William Dickerman to the stand, please.

THE COURT: Come to the front of the courtroom, please.

When you get to the witness stand, please remain standing, face the clerk here, and raise your right hand.

WILLIAM DICKERMAN

Having so affirmed, testified as follows:

THE WITNESS: Respectfully, I'd prefer to take an affirmation.

THE COURT: You may.

THE CLERK: All right. Do you solemnly affirm that you will well and truly answer the questions propounded to you under the subject of penalty of perjury?

THE WITNESS: I do.

THE CLERK: Thank you.

Please be seated. State and spell your name for the record.

THE WITNESS: William Dickerman; D-i-c-k-e-r-m-a-n.

(Discussion held off the record at counsel table.)

DIRECT EXAMINATION

BY MR. ZONEN:

Q. Mr. Dickerman, good afternoon.

A. Good afternoon.

Q. Sir, what is your current occupation?

A. I’m an attorney at law.

Q. And you’ve been an attorney for how long?

A. Since 1977.

Q. It won’t be a long direct examination. I don’t think I have much voice left, so we’ll keep it brief.

THE COURT: You need to be closer to the mike, Mr. Dickerman.

And they’re not hearing you either, probably because of your cold.

THE WITNESS: Is that better now?

THE COURT: Yes, thanks.

MR. ZONEN: Is that better now?
THE COURT: Yes.
Q. BY MR. ZONEN: Sir, what kind of a practice do you have?
A. I’m a civil litigator/trial lawyer.
Q. Are you a sole practitioner or do you work in a law firm?
A. I am a sole practitioner.
Q. What kinds of cases do you handle typically?
A. Well, generally civil, or strictly civil rather than criminal, which means anything from contract breaches, to torts, negligence cases, unfair competition, copyright infringement. A whole broad array of noncriminal cases.
Q. Do you know Jamie Masada?
A. I do.
Q. Is he is a client of yours?
A. Yes.
Q. And you have represented him at different times over the years?
A. I have.
Q. Do you know Janet Arvizo?
A. I do.
Q. Is she a client, or was she a client of yours?
A. She was, and I believe she thinks she still is, so I’m assuming that she is.
Q. Okay. When did you first meet Janet Arvizo?

A. February 21st, I think, 2003.

(Off-the-record discussion held at counsel table.)

MR. ZONEN: Excuse me.

Q. I’m sorry, tell me the date of your first meeting with her.

A. February 21st, 2003.

Q. 2003. And who was it who introduced you to her?

A. Jamie Masada.

Q. And what was your understanding of the nature of the problem?

A. Well, I have to be careful about disclosing any attorney-client privilege. And it’s my understanding that Miss Arvizo and her family have not waived the privilege, so I’ve got to be careful about saying what I was told.

Q. Let me ask you differently, then. Did you meet with her on a few occasions?

A. Yes, I did.

Q. Was Mr. Masada present on those occasions?

A. Some he was; some he was not. The initial meetings he was.

Q. Approximately how many meetings did you have with Ms. Arvizo where Jamie Masada was present?

A. I’d say a total of three or four in either my office or at The Laugh Factory, and -- oh, gosh, there were other times during the representation when we were all together.

Q. Okay. Did -- you did have a meeting with her at The Laugh Factory; is that correct?

A. I believe there were at least two at The Laugh Factory.

Q. What are the dates of those, if you know, or if you have them written down?

A. One of them I know was February 25th. And there was another one that I -- I don’t know the date of, but I believe it was not very long after that date.

Q. Did you engage in efforts to do things or perform services on behalf of Miss Arvizo?

A. Yes.

Q. Did that involve writing letters?

A. Yes.

Q. To whom did you write letters?

A. Well, the first letter I wrote was to Mr. Geragos, who I understood was representing Mr. Jackson at the time. And there was a whole series of letters to him.

After Mr. Geragos, I wrote -- or I’m not sure, maybe it was even before Mr. Geragos, I was writing letters to various media outlets with regard to the “Living with Michael Jackson” show.

Q. What was the extent of the problem as you expressed it to Mr. Geragos?

A. There were a number of problems that I expressed to Geragos. And I remember I wrote a letter on March 26th that covered three or four or five of those things.

Q. Was that the first letter that you wrote?

A. I believe so.

Q. All right. Go ahead.

A. The most serious issue, as I recall, was an intimidation/harassment/surveillance issue that I expressed to him. I was asking him or directing him to cut it out, or to have Mr. Jackson’s people stop surveilling, harassing, intimidating my clients.

Q. And what else did you ask for? Did you ask specifically for anything to be returned?

A. Yes, I believe in that letter, and in several others soon thereafter, I asked for the return of passports, visas, birth certificates. There may have been some other papers.

Q. All right. And did you ask, as well, for other possessions that belonged to the Arvizo family?

A. I don’t know if it was in that first letter. In one, at least one letter -- in fact, several letters, I asked for return of clothing that had apparently been -- not been returned to Gavin when they left Neverland, including tap shoes, shirts, socks, perhaps one or two other things.

Q. Okay. Were you aware as to whether or not their possessions, in other words, the contents of their apartment, had been moved to some location?

A. I had been told that they had been moved to some location.

Q. Did you make some effort to notify Mr. Geragos of that fact and to ask that their possessions be returned?

A. Yes, I believe it was in that same letter and others thereafter that I asked not only -- well, asked that they be returned, but preliminarily, to get a listing of what those items were, where they were, who had control over them. I wanted a whole listing of things so we would know what there was and what to do with it.

MR. ZONEN: All right. May I approach the witness, Your Honor?

THE COURT: Yes.

Q. BY MR. ZONEN: Mr. Dickerman, I’m going to show you two exhibits. Exhibit No. 625 and Exhibit No. 630 both appear to be a collection of materials. Could you take them both? And let’s start with 625. Take a moment, if you will, and look through 625, and tell me if you recognize the content of that exhibit.

A. I do recognize the content.

Q. All right. And what is that collection of letters?

A. These are letters to -- mostly to Mr. Geragos, and at least one from him, with regard to those efforts that you just asked about.

Q. All right. Did Mr. Geragos acknowledge to you that they had Miss Arvizo’s passport?

A. I don’t believe he ever acknowledged it.

Q. Did he ever acknowledge that he had any -- or they had any of her other possessions, including the content of her apartment?

A. At some point he did state that they did have the items in storage.

Q. For the period of time that you were engaged in these communications by mail with Mr. Geragos -- a period of what appears to be a couple months; is that correct?

A. The first one was March 26th and his last letter to me apparently was June 2nd, so more than a couple months.

Q. Were you successful in getting Miss Arvizo and her family’s possessions returned to them?

A. Not at all.

Q. Did Mr. Geragos ever tell you where they were?

A. I don’t believe so. I think he simply referred to -- or referred the matter to Mr. Miller, Brad Miller, who then got in touch with me.

Q. All right. And when was that, the date of that?

A. Well, on June 2nd, he wrote that -- well, he asked to have my clients, quote, “assume 4318 responsibility for the lockers." I don't know that I knew at that time which lockers that he was talking about.

But then on June 12th, or thereabouts, I received from Brad Miller a letter in which he specified for the first time who had moved the items and where they were in storage.

Q. All right. Up until that point, did Mr. Geragos ever tell you where your clients' possessions had been taken?

A. No. No.

Q. What was your understanding of the extent of those possessions?

A. Well, again, without breaching attorney-client privilege --

Q. Just on the basis of your communication with Mr. Geragos.

A. Well, he had suggested to me that there might be two vaults' worth of material, and my understanding was that there was considerably less than that. Of course, I don't know what he meant by a "vault," but I was under the impression that there was not very much that we were talking about at all.

Q. Was it all the furnishings of an apartment?

A. That was my understanding.

Q. Was this different from your request for materials to be sent back that included clothing, dance shoes and passports?

A. Well, the -- yes. The only things that I asked him to deliver, and repeatedly, many, many times, was the items that were recently transportable, the passports, the visas, the birth certificates and the clothing.

Q. Did you learn whether or not your clients' possessions were actually delivered to your office at some point in time?

A. Yes. I got a phone message the day -- or the day -- I think it was the day that they were brought over. The office manager was irate that certain things had been delivered or attempted to be delivered, furniture, boxes and whatnot, and it was a day that I was out for a religious holiday. So I was very surprised to find that this had happened. And I was told that those materials had been told to be returned, that they were not off-loaded. And I was quite upset about that, because I had made no arrangements with Mr. Geragos or anybody else for those things to be delivered at any time.

Q. Did you have a message on your voice mail or your answer phone that -- answer phone is what I mean to say, indicating that you would not be in the office on that particular day?

A. Absolutely. Yes, I did.

Q. That's the day that these things were delivered?

A. That's the day that they were delivered.

Q. Were they actually received or accepted by the office manager?

A. No.

Q. Or the building manager?

A. They were not.

Q. Did you talk with Mr. Geragos thereafter about that?

A. I don’t believe I spoke with him about it. But we did have an exchange of letters.

Q. Again, during that entire -- I think we’re talking about eight to ten weeks, was anything ever delivered to you, where you took possession of it, or, to your knowledge, your client did?

A. Not a single item.

Q. Did you have actual verbal conversation with Mr. Geragos during that period of time?

A. I believe there was at least one, perhaps two.

Q. Did you, in the course of those conversations, ask him about your clients’ passports?

A. Yes.

Q. And is this passports for each member of the family?

A. I think so. May I refer to --

Q. Yes, please.

A. Yes, the passports of the entire family.

Q. What did Mr. Geragos tell you about the passports, if anything?

A. I don’t recall specifically, without looking at the document that embodies a memo, of what I talked to him about, but I don’t think he knew what I was talking about. I remember him --

Q. Well, you have a number of letters to him included in this packet that is 625 where you ask him about passports, do you not?

A. Yes.

Q. Did you ask him to check into it?

A. Yes.

Q. Did you ask him about visas as well?

A. I don’t remember. But again, there is a memo of a phone conversation I had with him, and it would be in that -- and that memo has been produced to everybody involved in the case, as far as I know.

Q. Mr. Dickerman, at any time during the eight to ten weeks that you were dealing with Mr. Geragos and ultimately communication with Mr. Miller, did he ever tell you, “Yes, we are in possession of these passports, and we will return them to you and your clients immediately”?

A. No.

Q. Did he ever acknowledge being in possession of those passports?

A. No.

Q. Did he ever acknowledge those passports existed?

A. No.

Q. Those communications, 625, that you’ve looked at, are those letters accurate reproductions of the communications between you and Mr. Geragos in writing, and in return, Mr. Geragos back to you?

A. Yes.

Q. Now, turn to the next group of letters, please. That’s 630; is that correct?

A. Yes.

Q. Excuse me.

630 is a collection of what kind of materials, please?

A. These are letters to and from -- well, from me to various attorneys, media outlets, with regard to trying to -- with regard to the Bashir show “Living with Michael Jackson.”

Q. And among the people you wrote letters to are whom?

A. There was Granada Television. Granada Media Group. The British firm, law firm, of Addleshaw and Goddard. David LeGrand at Hale, Lane, which is a firm -- law firm in Las Vegas.

Q. Addleshaw and Goddard is where, what location?

A. In London.

Q. In London, okay.

A. And finally, the Broadcasting Standards Commission in London.

Q. All right. The purpose of these communications was what?

A. Well, there are various purposes for the different ones.

Q. Okay. Were you -- what did they concern in general?

A. They all concerned the “Living with Michael Jackson” television program.

Q. All right. What was your concern about that?

A. Well, the concern as to Granada was that Granada and ITV, which was I believe a corporation associated with Granada in England, they cease and desist from using any program, tape, interview or film footage, whether it was used in the “Living with Michael Jackson” program or not, for any purpose whatsoever unless they could provide valid consents by my clients, who had been shot in that video or in that program.

Q. All right. Did all of these communications effectively deal with some issue pertaining to the screening of “Living with Michael Jackson”?

A. Yes.

Q. Was there any mention made to you by any of the people with whom you communicated over this issue that they, in fact, represented the Arvizo family or any of the Arvizo children in any claims against those who produced the documentary “Living

with Michael Jackson"?
A. Yes, the Addleshaw-Goddard firm, especially -- or particularly Michelle Boote, who I understood was a lawyer with that firm, stated numerous times that that firm had been requested by Ms. Arvizo to represent her in this complaint.
Q. Was your purpose in this communication effectively to tell them that they were not?
A. Yes, and to keep them from moving forward with anything that they were doing on the complaint supposedly on her behalf.
Q. And -- all right. And did you instruct them not to proceed on her behalf in any other representation?
A. Yes.
Q. Why did you do that?
A. Because it was my understanding that she had never given any consent for them to do so.
Q. And was there a reason that you didn't want them representing her?
A. Because they weren't asked to represent her, and she didn't want them representing her.
Q. Okay. Was it your understanding that you would be representing her on that particular issue dealing with the ramifications of the documentary "Living with Michael Jackson"?
A. Yes.
Q. Now, you sent -- that collection of

documents that you're looking at, No. 630, is that, in fact, a complete collection, if you can tell, of all the communications that you had with Addleshaw-Goddard and with Mr. David LeGross?
A. It was LeGrand.
Q. LeGrand, I'm sorry. As well as BBC?
A. Well, I know there were a number of communications. I can't be sure this is all of them. I certainly produced all of them, as far as I knew. I believe so.
Q. To the extent that you're looking at a collection of documents, each of the documents that you see in that exhibit, 630, is certainly one of those letters; is that correct?
A. Yes.
Q. Either to you or from you?
A. Yes.
Q. All right. Did you file a lawsuit on behalf of Janet Arvizo or her family?
A. No.
Q. At some point in time, did you refer this matter to another attorney?
A. Yes.
Q. All right. Who was that other attorney?
A. Larry Feldman.
Q. And why did you do that?
A. Excuse me.
I began representing the Arvizos in 4326

February. And by the time I met with Mr. Feldman, it was the beginning of May. In that period of time I had learned a lot of things. There were a lot of allegations being made, and I realized that the best thing for my clients to do, and for me personally as their attorney, was to get some expert input as to matters of Michael Jackson.

The initial things I didn’t think I really needed to do that with, but as things developed, I wanted to get some input. So I met with Mr. Feldman, whom, by the way, I knew -- not “by the way.” It was very important. I knew that he was -- by reputation, he was one of the top trial lawyers in California, if not the United States. And actually, previously, not knowing him except by reputation, I had referred a case to him, tried to refer a case to him that I could not handle for various reasons of an old client of mine.

And I knew that he was the go-to guy with regard to Michael Jackson matters. Of course, I knew about the 1993 case, so I met with him, with the idea of picking his brain, actually, not to refer any matters to him. And afterwards, he met with them, and they -- we all associated together. The Arvizos hired both him and me.

Q. All right. Have you filed a lawsuit as of this time on behalf of the Arvizos or anybody else?

A. No.

Q. Is it the case that the extent of your dealings with them so far, in terms of your communicating with others, has been for purposes of getting their property returned or dealing with the consequences of “Living with Michael Jackson,” the documentary?

A. Yes.

Q. Do you have an understanding with Mr. Feldman that should there be a lawsuit in the future, that --

THE COURT: They’re not hearing you.

MR. ZONEN: I’m sorry?

THE COURT: Behind; these people can’t hear you.

MR. ZONEN: I’m terribly sorry.

Q. Is there an arrangement that, should there be a lawsuit in the future, that there would be compensation for you in any form of a settlement even if you’re not participating in that lawsuit? Do you know what I mean?

A. Well, we have an agreement.

Q. Okay.

A. It doesn’t say anything about participation or not. We were retained together, and I have a fee-sharing arrangement with Mr. Feldman.

Q. Which means what?

A. Which means I will get -- if there is such a lawsuit anytime in the future, that I will be entitled to a sliding scale, depending on whether there's a settlement or a judgment.

Q. Okay. What kind of lawsuit do you anticipate?

A. I don't anticipate any lawsuit. My understanding is that there isn't one in the offing. Nobody's talking about one. And I suppose if there were to be one -- well, that would be speculation.

MR. ZONEN: Okay. I have no further questions.

CROSS-EXAMINATION

BY MR. MESEREAU:

Q. Good morning. Or good afternoon, I guess.

A. Good afternoon.

Q. Mr. Dickerman, my name is Tom Mesereau. I speak for Mr. Jackson.

A. All right.

Q. You just told the jury you have a fee-sharing arrangement with Attorney Larry Feldman, right?

A. Correct.

Q. And fee-sharing arrangements among attorneys are a fairly standard type of thing, are they not?

A. Under certain circumstances, yes.

Q. And typically in a fee-sharing arrangement, the understanding is the following: Attorney 1 refers the case to Attorney 2. Attorney 2 files a lawsuit. And if there’s a settlement or a judgment or any amount of money recovered, then Attorney 2 has to give Attorney 1 a percentage of the recovery the attorney gets, right?

A. Under circumstances as they often are, yes.

Q. It’s typically called “a referral fee,” right?

A. There are situations where there are referral fees, and there are situations where the attorney would be involved in the lawsuit and that’s how he would be compensated.

Q. In your typical referral fee arrangement, the referring attorney, being the attorney that sends the business to the other attorney, has an arrangement where, if the other attorney collects money, he gives a percentage to the attorney that referred the matter, right?

A. In any strict referral fee arrangement, yes.

Q. But what you’re telling the jury is your arrangement with Larry Feldman is not a strict referral fee arrangement, correct?

A. Correct.

Q. Your agreement with Larry Feldman is that you both will share in any fees collected, correct?

A. Yes.

Q. And that would mean if tomorrow, or next month, or this summer, you and Mr. Feldman decide to file a civil suit against Mr. Jackson, you have an understanding that if any money is obtained, you’ll get a piece of that money, right?

A. Yes.

Q. When were you retained by Janet Arvizo?

A. Do you mean when a fee agreement was signed?

Q. Yes.

A. Well, there are a couple of different ones, and they were both around March 24th, 2003.

Q. Was that the first date you met her?

A. No. We met February 21st.

Q. And who was at that first meeting on February 21st?

A. Mr. Masada, Ms. Arvizo, I was, and I think the three children were there, maybe in and out. I believe I met them there, but I don’t think they were in on the meeting.

Q. Why was Masada in the meeting?

A. Well, Mr. Masada was the one who had brought the people to me, and my understanding was that there was no way that they were going to talk to me without him there.

Q. Okay.

A. He was greasing the rails, as it were, to get them to trust me enough to talk to me. They had no reason to talk to me otherwise.

Q. Okay. And you had represented Masada for many years, correct?

A. Yes.

Q. And how many years had you represented Jamie Masada at the point where you first met the Arvizos?

A. I think I began representing Mr. Masada in 1991. Perhaps 1990. So that would be about 12 years.

Q. Had you represented Mr. Masada in any lawsuits?

A. Yes.

Q. How many?

A. I couldn’t tell you precisely.

Q. How about generally?

A. Fewer than ten. Between five and ten, probably. I shouldn’t say that. I represented him in many matters. How many have been lawsuits, I can think of three off the top of my head. So there were probably five.

Q. Approximately five civil lawsuits?

A. I would say so.

Q. Okay. And are you a civil litigator?

A. Yes.

Q. Do you litigate civil suits from start to finish?

A. Yes.

Q. And would that mean that you will litigate the case either to a settlement or a trial?

A. Which case? You mean generally speaking?

Q. Yes.

A. Yes.

Q. Now, you’ve indicated you represented Mr. Masada in matters other than the civil lawsuits you’ve just described, right?

A. Yes.

Q. Generally, what did those matters entail?

A. Business matters, generally speaking.

Q. Would you consider yourself to be Mr. Masada’s principal business lawyer?

A. Well, he has told me I am. From time to time he’s had me coordinate everything, so, yes.

Q. And would that mean you draft documents for Mr. Masada?

A. I have done that. I’m not a transactional attorney, so if there’s something major to draft that does not involve litigation, probably not.

Q. Do you often attend business meetings involving Mr. Masada?

A. No.

Q. Do you draft articles in the corporation for Mr. Masada?

A. No. When I say “business attorney,” I’m assuming that you mean handling business litigation for him.

Q. Oh, okay. Do you typically write business letters for Mr. Masada?

A. I don’t know what you mean by “typically.” I have done so.

Q. Okay. Are they typically litigation-type 4333 letters or something else?

A. Both.

Q. Okay. So you do both civil litigation for him and you give general business advice, right?

A. A little of the latter.

Q. All right. And at the time you first met the Arvizos, you had represented Mr. Masada for approximately 12 years, correct?

A. On and off, yes.

Q. Are you the lawyer for The Laugh Factory?

A. I don't know what that means.

Q. Do you do legal work for The Laugh Factory?

A. I have.

Q. Okay. What kind of business claims have you handled for Masada?

A. Well, I think that's attorney-client privilege, and since he hasn't waived the privilege, I really can't go into specifics.

Q. Let's refer to filed documents, pleadings with the civil court. What kinds of lawsuits have you represented him in?

MR. ZONEN: I'll object as exceeding the scope of the direct examination.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did the Arvizos retain your services or did Mr. Masada?

A. The Arvizos.

Q. Okay. And would it be correct to say that at the time you were representing the Arvizos, you were also representing Masada in other matters?

A. Yes.

Q. Now, the documents the prosecutor has given you in the form of exhibits in no shape or form come close to the number of letters you sent or received on behalf of the Arvizos, correct?

A. Not correct.

Q. Well, are they all of them?

A. No.

Q. On March 27th, you sent a letter to the executive vice-president and general counsel of Walt Disney & Company, correct?

A. I don’t recall.

Q. Would it refresh your recollection if I just show you a copy of the letter?

A. It might.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: Yes, that’s a copy of a letter I wrote.

Q. BY MR. MESEREAU: Does that appear to be the first letter you ever sent on behalf of the Arvizos; do you think?

A. If that’s dated March 27th, I think the 26th to Geragos is the first one. Actually, I’m not -- excuse me. There were a number of letters written with regard to the “Living with Michael Jackson” show --

Q. Okay.

A. -- that may have been well before that. I don’t know. If you show them to me, obviously I did.

Q. But they retain you on the 24th, and you sent a letter to Mark Geragos on the 26th, right?

A. Well, when you say “retain,” they signed an agreement on the 24th. As I said, they may have signed -- they did sign one earlier that covered different matters. And that’s just the formal retaining. That doesn’t mean I wasn’t their attorney. I was their attorney, as far as I understood, whenever they were talking to me about these matters, whether they signed an agreement or not.

Q. Now, without going into any attorney-client privileged information, which is obviously confidential, when you wrote a letter to Geragos on the 26th, which is two days after you were retained, the basis for your information in the letter had to have been your client, correct?

A. Yes.

Q. And you suggested in the letter that Mr. Jackson had relentlessly hounded and harassed the children, right?

A. Yes.

Q. You never witnessed that yourself, correct?

A. Correct.

Q. You said that Mr. Jackson had hounded, harassed the mother almost daily since they left Neverland, correct?

A. Yes.

Q. You never witnessed that. You just wrote a letter based on the information given to you, right?

A. Yes.

Q. You suggested that Mr. Jay Jackson had been harassed, correct?

A. Can you point me to where I said that?

Q. Sure. Right in the middle of that Paragraph No. 1.

A. Yes.

Q. Was Jay Jackson your client at the time?

A. No.

Q. You suggested in the letter to Mr. Geragos on March 26th that there had been banging on the Arvizo’s door at all hours, correct?

A. Yes.

Q. And certainly you never personally witnessed that, right?

A. Right.

Q. That came from your discussions with your clients, right?

A. Right.

Q. You said disturbing notes had been left, correct?

A. Are you in the same paragraph?

Q. Yes. A little further down.

A. Yes.

Q. And that information came from your clients, correct?

A. Yes.

Q. You said on March 26th, your clients believed that Mr. Jackson was illegally eavesdropping on their phone conversations, right?

A. Yes.

Q. And it was your understanding they weren’t living at Neverland at the time, right?

A. Right.

Q. That information, of course, came from your clients, right?

A. Right.

Q. At no time in that letter to Mark Geragos of March 26th did you ever mention anything about child molestation, right?

A. Right.

Q. Now, you talked about wanting passports and visas returned, correct?

A. Yes.

Q. And at some point you learned that Mr. Geragos had turned the passports in to this court, correct?

A. I think so. But that might have been a few weeks ago. Or even last week. I don’t even know how I learned about it, but --

Q. But you heard about it at some point, right?

A. I think so. It rings a bell.

Q. That Mr. Geragos had arranged to deposit those passports in this courthouse?

MR. ZONEN: I don’t know that this witness has personal knowledge. Lack-of-foundation objection.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Nowhere in this letter of March 26th that you wrote to Mr. Geragos on behalf of the Arvizos is there any mention of alcohol, correct?

A. Correct.

Q. And you ask for a return in the last paragraph of the papers they have signed, including passport and visa applications, correct?

A. Not in the last paragraph of the letter.

Q. Paragraph No. 2 on the first page, which is the very bottom.

A. Oh.

Q. I’m sorry. I should have said the first page.

A. Yes.

Q. Was it your understanding they had signed passport and visa applications?

A. I did not know about anything that they had signed other -- I didn’t know about whether they had signed passports or visa applications.

Q. Well, you asked for signed documents in connection with a legal action in Britain concerning “Living with Michael Jackson,” right?

A. Yes, but that wasn’t passports or visas.

Q. Was it your understanding that the Arvizos had signed documents involving the show “Living with Michael Jackson”?

A. There was one document that purportedly had been signed, that I was aware of, by Miss Arvizo with regard to that action in Britain.

Q. Now, in this letter of March 26th to Mr. Geragos, there is no mention of the Arvizo family ever being falsely imprisoned, correct?

A. I believe that’s correct.

Q. And in this letter of March 26th to Attorney Mark Geragos, there’s no mention of the Arvizo family ever being kidnapped, correct?

A. Correct.

Q. In this letter of March 26th, 2003, to Mr. Geragos that you wrote, there’s no mention of any extortion, right?

A. I believe that’s correct. I haven’t read this word for word, but it sounds right.

Q. Okay. When you sent this letter to Mr. Geragos on March 26th, 2003, two days after you had been retained by the Arvizos, did you ever call the police to complain about false imprisonment,

kidnapping, molestation or alcohol?
A. No.
Q. Now, you asked for the return of personal property to the Arvizos in this March 26th, 2003, letter to Geragos, right?
A. Yes.
Q. And your understanding was that this personal property was stored somewhere, correct?
A. Yes.
Q. How did you know it was stored somewhere?
A. I don’t recall specifically how I learned -- well, without violating the attorney-client privilege, I really can’t go into it more.
Q. Okay. Okay. But clearly the letter says you want the keys to all locations and facilities in which this property has been stored, right?
A. Where are you?
Q. Page two, the very beginning.
A. Yes.
Q. Okay. Now, in this letter you wrote on March 26th, you said that your clients wanted copies of all tapes, films, audio recordings, photographs, images on film, et cetera, of your clients, the Arvizos, correct?
A. Yes.
Q. And the reason for that was, you, as their lawyer, thought that any tapes or recordings of the Arvizos may have monetary value, correct?

A. Well, that gets into the work-product doctrine, my opinions and thoughts, and I’m not waiving that.

Q. Okay.

A. So I can’t tell you what I was thinking or why I was thinking it.

Q. But you wanted the tape or film of the Arvizos that was made in the home in the San Fernando Valley within the last two months, right?

A. Yes.

Q. Okay. Have you ever seen that?

A. No.

Q. All right. You also wanted Mr. Geragos, in your letter of March 26th, 2003, to provide you with any releases that may have been signed by any Arvizo concerning the show “Living with Michael Jackson,” right?

A. Yes.

Q. And please tell the jury what you meant by “release” in that letter of March 26th.

A. Well, typically before a production is mounted, whether it’s television or movies or anything that depicts an individual -- I shouldn’t say “generally.” Very often, if people are smart, they get a release from the person who’s the subject of the show, and that then protects the producers and everybody else involved with the show from liability from the individual who is depicted.

Q. Was it your understanding releases had been signed?

A. It’s my understanding that some releases, some purported releases, had been signed for some purpose.

Q. Okay.

A. Some --

Q. And you wanted those back, right?

A. Yes.

Q. Okay. You made a statement that the Arvizos were hereby revoking any release they had signed in favor of Mr. Jackson, right?

A. Yes.

Q. And you were making a claim that any such release was obtained by fraud or undue influence, correct?

A. Well, more fully, undue influence, fraud, misrepresentation, false pretenses and/or duress.

Q. Okay. But you mention specifically the word “fraud,” don’t you?

A. Yes.

Q. Now, as a civil litigator, you’re aware of how long one has to file a fraud claim against someone else in a civil suit, correct?

A. Yes.

Q. And what I’m referring to is what is called a statute of limitations, correct?

A. Correct.

Q. What is the statute of limitations for filing a claim for fraud in civil court?

A. Three years from the fraud or from the time that the plaintiff should have known about it.

Q. And based on the date of your letter, Janet Arvizo would have till approximately some date in 2006 to file a fraud claim against Mr. Jackson if she chose to, correct?

A. I don’t know. I don’t know when the actionable events would have occurred or what exactly the fraud action would have involved.

Q. Well, you refer to fraud, correct?

A. Correct.

Q. You refer to fraud in a specific context, correct?

A. Right.

Q. The context in which you refer to fraud is a suggestion that any releases signed were fraudulently induced, true?

A. Right. So it would be three years from the fraudulent inducement or the time when the plaintiff should have discovered it.

Q. Okay. And you threaten Mr. Geragos with a civil restraining order, true, in the last paragraph?

A. Well, I wouldn’t say “threaten.” I say that this is what we intended to do.

Q. Did you ever do that?

A. It wasn’t against Mr. Geragos.
Q. It involved Mr. Jackson, true?
A. Yes.
Q. You were threatening to seek a civil restraining order against Mr. Jackson, correct?
A. I’ll take issue again with your description of “threat.”
Q. Well --
A. But we don’t need to quibble about that. I suppose that’s essentially true.
Q. When you used the following words, “His failure to heed this demand will force my clients to seek a civil restraining order and perhaps to vindicate their rights in other legal ways,” that was a form of a legal threat, wasn’t it?
A. All right.
Q. You said if the items weren’t returned by April 1st, 2003, you would seek a civil restraining order, right?
A. No, there is not a restraining order with regard to return of items. The restraining order would only be related to the improper conduct, the harassment, the intimidation.
Q. Okay. Did you ever seek that civil restraining order?
A. No.
Q. You have told the jury that along with communicating with Mr. Geragos about your clients’

allegations of misconduct by Mr. Jackson, you were also writing to other parties about the Bashir documentary, true?

A. Right.

Q. And who were those parties?

A. Generally speaking, they were the parties that were producing, broadcasting and other ways exploiting the show “Living with Michael Jackson.” So there was ABC, and I think Disney is ABC’s parent, and the National Enquirer’s parent company, I think it’s American Media. There was, as I noted before, the communications with Mr. LeGrand, who was Mr. Jackson’s attorney supposedly with regard to the British action. I think there were -- I know there was some communication with FOX about a subsequent production after “Living with Michael Jackson.” Various media outlets.

Q. Now, the day after your first letter to Mr. Geragos on March 26th - and I’m referring to March 27th now, okay? - you wrote a letter to the executive vice-president, general counsel of Walt Disney, true? That’s the letter I just showed you.

A. Well, I don’t recall specifically who it was written to, but I did write to Disney.

Q. And you asked them to let you know when your clients had given any legal consent to use the footage of the Arvizos in the film “Living with Michael Jackson,” right?

A. Without having a copy of the document, I can't vouch for what you're saying.

Q. Would it refresh your recollection if I show you the letter again?

A. Most certainly.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: Okay.

Q. BY MR. MESEREAU: Have you had a chance to look at the letter?

A. I briefly saw what you pointed out in the paragraph.

Q. Does it refresh your recollection of what you wrote in the letter on March 27, 2003, to the Walt Disney company?

A. Yes.

Q. You asked them to please let you know whether such legal consent, for example, via release, was in fact given to ABC, or Granada, or anyone else involved in the program, right?

A. Yes.

Q. At that point you didn't know whether they had given releases or not, true?

A. I didn't know, that's correct.

Q. On March 31st, 2003, you did a memo to your file about a phone call from Mark Geragos, right?

A. I don't recall the date, but I know there was a typed memo to the file about a conversation with Mr. Geragos.

Q. And that's when you -- excuse me, let me rephrase that.

In that call to Mark Geragos that's referred to in that memo, you talk about him telling you he thinks there either is a vault or two of storage with the contents of the Arvizos' property, right?

A. If you give me a copy of that, or give me a moment to try to dig up my own, I will be able to answer that.

Q. I can show it to you, if it's easier.

A. It will be a little quicker.

MR. MESEREAU: May I approach, Your Honor?

Thank you.

THE WITNESS: Okay.

Q. BY MR. MESEREAU: Have you had a chance to review that memo?

A. Yes.

Q. Does it refresh your recollection about the phone call with Mr. Geragos?

A. Not really. It refreshes my recollection as to the memo that I typed or had typed after the conversation.

Q. Well, according to your memo, you said Mr. Geragos told you he thought there were passports, true?

A. Yes.

Q. According to your memo, Janet Arvizo told you the harassing behavior had just stopped, correct?

A. I really need to see that again, or I have to find my own copy.

Q. I can show you mine, if you want.

A. Okay.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: Okay.

Q. BY MR. MESEREAU: Have you taken a look at the memo?

A. Yes.

Q. Does it refresh your recollection about your discussions with Mr. Geragos?

A. It refreshes my recollection of the memo. I don’t recall specifically having the contents of the conversation. It was a long time ago.

Q. Was it your understanding that Janet told you that the harassment had just stopped?

A. If it says that there, then, yes, it did. She did.

Q. Well, it says that there, doesn’t it?

A. Yes.

Q. Okay. All right. You talked to Mr. Geragos about the passports in a phone conversation, correct?

A. Yes.

Q. And he told you he thought they existed,

right?

A. Yes.

Q. You also asked him how to get in touch with Bashir, correct?

A. Yes.

Q. And he said he would try to help you do that, right?

A. Can you quote that language? I know he mentioned something about Granada.

Q. “I also asked him about Granada, whether he could find out how to get in touch with Bashir. He said he thought it was Granada Productions, and I told him I knew of Granada Television and Granada LPC.” Okay?

A. Yes.

Q. “He said he would try to get me a sheet showing the proper company,” right?

A. Okay.

Q. How would you describe your relationship with Mr. Geragos at this point?

A. That was March 27th?

Q. Yes.

A. Well, at that point he had not turned hostile.

Q. Okay.

A. So I would say it was just a regular old relationship with opposing counsel.

Q. At what point do you think he turned

hostile?

A. Well, he didn’t respond to any of the requests, except in that phone conversation where he -- whatever he said about the passports. He never returned anything. He didn’t respond to letters. You go through these letters and I keep on recounting, “I’ve written to you this date, this date, this date, this date, this date. Every time I’ve asked you, say, ‘Please return these things, you don’t respond, you don’t give them to me, you don’t give me the contents of the storage. There’s no reason not to return the passports, the visas, the birth certificates. You can get those to me right away.”

And then especially when he pulls this shenanigan of having the items delivered to my office -- not “the items,” but apparently two vaults of furniture in boxes and whatnot that I had specifically never asked to have returned on a date that anybody who had called my office would know I wasn’t going to be there, when we had no arrangements whatsoever. And then he has the nerve to write me later on that I had given consent somehow, which of course I never had. That was probably long past the time where I thought he had turned hostile.

But obviously he wasn’t responding, and it was very surprising to me to have a lawyer of 4351 supposedly his caliber being such a hostile and oppositional, adversarial person, when there was really nothing at that point that I knew to be adversarial about.

Q. What you’re telling the jury is that a truck came to your office or somebody had been instructed to deliver the things that you requested and nobody would accept them at your office, right?

A. I wasn’t there. All I know is what the manager of the facility told me.

Q. Okay. And what you learned from the manager was that a truck of furniture and goods arrived, and that nobody would accept them, true?

A. Yes.

Q. Now, in all of these conversations you had with Mark Geragos on behalf of the Arvizos, at no time did you mention to him anything about child molestation, correct?

A. Well, I don’t think I had more than one or two conversations.

Q. And you never mentioned anything about child molestation, correct?

A. That’s correct. That wasn’t the purpose of the communication.

Q. You never mentioned anything about wine allegedly being given to any of the Arvizo children, correct?

A. Correct. There was no reason to do that.

Q. The prosecutor, on direct examination of
you, talked about your writing letters to England,
correct?
A. Yes.
Q. And you started communicating with a company
called Granada Television, Ltd., around April 3rd,
2003, right?
A. Yes.
Q. And you wrote to that company to tell them
that they were not to use any film footage or
likeness of the Arvizos without their consent,
right?
A. Without providing valid consents, as I had
described previously in the letter.
Q. And in that letter, you said your clients
had advised you they never signed any consent form,
right? This is a letter of April 3rd, 2003, to
Granada Television, Ltd.
A. I'm looking at the letter.
Q. Okay. If you don't have it, I can show it
to you.
A. I've got it.
That's correct.
Q. You didn't want them taping, filming,
interviewing, exhibiting, selling, licensing or
exploiting any of the footage involving the Arvizos,
correct?
A. With regard to "Living with Michael

Jackson," that's correct.

Q. Yes. Your position was that any such footage was owned by your clients, and if it had any value, that they owned that value, right?

A. No, my position was that they had not given their consent to be either taped, filmed, broadcast or exploited in any other way.

Q. You --

A. And we were seek --

Q. Excuse me. Sorry.

A. The purpose of all these communications with regard to "Living with Michael Jackson" was to stop the exploitation of the Arvizo family.

Q. You wanted any footage returned to you, right?

A. I don't see in this letter requesting that anything be returned.

Q. Do you ever recall requesting that any footage or photographs of the Arvizos be returned to you?

A. I think I wrote something to that effect in the letter to Geragos on March 26th like we just discussed. I may have later on to somebody else, but certainly didn't in this April 3rd letter to Granada.

Q. Did you want Mr. Geragos to deliver items to your office?

A. Yes. The passports, the visas, the 4354 clothing, the birth certificates.

Q. How about furniture?

A. No. Never asked him. Never arranged for it. We never discussed it.

Q. Are you saying that the Arvizos had no problem with the furniture remaining in storage as long as Mr. Jackson was paying for it?

A. Well, it was unknown to me who was paying for it. It was unknown where the -- to me, where these things were stored. And by far, as indicated in these letters, the most important thing to be returned were the passports, visas, birth certificates, Gavin’s undergarments, his tap shoes, and the other items that I specified in letter after letter, and we can go through each of those letters if you want to see me specifying them, over and over and over again, asking for only those items.

And as to the materials, the items that were stored, asking for a list of items that were stored, information as to where they were stored, who had the key, who had control, so that we could dispose of those items as my clients wished.

Q. And your client, Mrs. Arvizo, told you she had very little furniture that anybody could have taken, correct?

A. Again, I -- she hasn’t waived the attorney-client privilege, so for me to say anything that isn’t in these letters would be beyond what I’m ethically and legally allowed to tell you.

Q. Well, if there is a privilege that you were honoring, why did you write on April 8th the following to Mr. Geragos: “She tells me that contrary to what you said about there being a truckload, she had very few possessions, since she lived in a bachelor apartment. She does not believe that much, if any, furniture was removed”?

A. Well, to write a letter to an attorney is not a violation of the attorney-client privilege. Otherwise, one lawyer could never write a letter to another lawyer making any demand on behalf of his client, because then you’d be waiving the attorney-client privilege, which I cannot. It’s impossible for me to waive her privilege. And in order to get things done, obviously I’ve got to describe certain things that I’m told, otherwise there could be no communication.

Q. You wrote a letter to Mr. Geragos on April 3rd, 2003, correct?

A. Yes.

Q. In that letter, you never mention anything about molestation, correct?

A. That’s correct. The only purpose of the letter was to get the items that I had written about before.

Q. In the April 3rd letter, 2003, you mention nothing about alcohol, correct?

A. That’s correct.

Q. You mention nothing about false imprisonment, correct?

A. Correct.

Q. You mention nothing about any alleged kidnapping, correct?

A. That is correct.

Q. You mentioning nothing about any alleged extortion, correct?

A. Correct.

Q. And as of April 3rd, 2003, you have never called the police on behalf of the Arvizos, correct?

A. Not correct.

Q. You didn’t call the police to report false imprisonment, molestation, or extortion?

A. That’s not what you asked. You’d asked if I had ever called the police.

Q. When did you call the police?

A. I was interested to find out what was happening with the investigation, and I called, I guess it was the sheriff’s office, spoke to -- I don’t know. I know I called. I don’t know if I spoke to Sergeant Robel.

Q. Not during this time period, sir.

A. No. I never called the police to report anything about the Arvizos.

Q. You’re talking about calling the police at a much later date to find out about this case,

correct?

A. Right. But your question wasn't limited, and I wanted to make sure that I'm exactly accurate, to the extent that I can.

Q. When did you call Mr. Robel, if you know?

A. It seems to me it was sometime after June '03. Maybe October.

Q. October of 2003?

A. Maybe June, maybe October. I know I've produced for subpoena a sheet of something regarding a phone call to him.

Q. And this would have been after you entered into a legal fee arrangement with Attorney Larry Feldman, correct?

A. Yes.

Q. Approximately when did you enter into the fee arrangement with Attorney Larry Feldman?

A. Probably early May.

Q. So you enter into a fee arrangement with Attorney Larry Feldman in May, and possibly a month later, you called the sheriffs to find out about an investigation; is that correct?

A. I -- I should probably take back the "June." I recall, I think October. But you've got the notes. So if it's June, it's there.

Q. Okay. But right now we're on April 3rd.

A. Let me clear up something, though, if I might. I don't know what the significance is of a 4358 fee arrangement with Larry Feldman. I previously had fee agreements with the Arvizos that were substantially more lucrative to me than they were later on, and what they did was they retained both of us. It was not they retained Feldman, who then agreed to give me a share of whatever recovery there was.

Q. Up to this very date, as you sit here today, you have a fee arrangement with Mr. Feldman, as you testified, correct?

A. As far as I'm concerned, yes.

Q. Okay. You then wrote a letter to Mr. Geragos on April 8th, 2003, correct?

A. Yes.

Q. Again, you discussed your clients' possessions, right?

A. Yes. And other things as well.

Q. You talk about allegations of harassment, correct?

A. Right.

Q. You say that the harassment has not ceased, correct?

A. Yes.

Q. But in your internal memo to yourself of March 31st, 2003, you say that Janet has told you the harassment has ceased, right?

A. As of that day, she said she was no longer being harassed. I guess it picked up after that, or it was a lull in the harassment.

Q. You just got that information from Janet, true?

A. Just got what information?

Q. The information about harassment resuming comes from Janet, correct?

A. Perhaps other of the family as well.

Q. And nowhere in that letter of April 8th, 2003, do you mention molestation, correct?

A. I think I can short-circuit this. I never mentioned molestation, kidnapping, alcohol or any of those.

Q. False imprisonment?

A. Or false imprisonment to Mr. Geragos. That was not the purpose of any of these letters. All of these letters were for the purpose of him getting things back to my clients and stopping the harassment.

Q. So in all of these letters, you represent -- excuse me, you identify various claims against Mr. Jackson, like harassment, and wanting property returned, and not wanting unauthorized use of the Bashir material, but in none of them do you mention the things I've just described, molestation, alcohol, false imprisonment, extortion, kidnapping, correct?

A. I've just said that.

Q. Okay. When you mentioned requests for clothes, you’re talking about shirts, tap shoes, underwear, socks, et cetera, right?

A. Yes.

Q. Obviously, you’re told by your client that that stuff’s missing, right?

A. Right.

Q. When you were retained by the Arvizos, was it your understanding that there was litigation going on in Great Britain?

A. Well, I don’t know exactly where, if that is on the timeline. Assuming that February 21st is when I was first retained, because I was, according to my understanding of the law, their attorney when they came to talk to me on that date, I’m sure I did not know -- I shouldn’t say “I’m not sure” -- I shouldn’t say “I’m sure.” I don’t know. I don’t recall being told about it.

Q. You were considering filing a lawsuit on behalf of the Arvizos against various studios, if necessary, right?

A. Well, again, that goes into the attorney work product, which is privileged from discovery, and so I guess I should decline to answer that.

Q. Well, you wrote to ABC in New York on behalf of the Arvizos on April 11, 2003, correct?

A. I don’t know.

Q. I can show you the letter, if it’s easier.

A. Sure, why don’t you.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: Okay.

Q. BY MR. MESEREAU: Have you had a chance to look at that letter?

A. Yes.

Q. Is that a letter you wrote to a lawyer in ABC in New York named Zucker?

A. Yes.

Q. That was on April 11th, 2003, correct?

A. I didn’t look at the date, but if you say so, that’s fine.

Q. You made the statement, “My clients do not wish to make a claim against ABC if one is not founded,” right?

A. Right.

Q. That means they were contemplating making one if it had any justification, correct?

A. Right. And that claim was to get Gavin’s face off television and other media, to stop the exploitation.

Q. You wrote to Mr. Geragos again on April 11th, 2003, right?

A. Yes.

Q. The subject of that letter is your desire that no footage involving the Arvizos be used by anyone associated with Michael Jackson, right?

A. Well, it was with regard to a contemplated program by FOX.

Q. How did you learn that FOX was going to broadcast something about Michael Jackson?

A. I don’t recall.

Q. But what you told Mr. Geragos was that if there was any such program, they were not to use your clients’ footage without their consent, right?

A. No. It said that there was no consent and therefore they may not use that footage.

Q. The reason for all of this, Mr. Dickerman, was the Arvizos wanted to be paid if the footage was used, right?

A. I can’t say what was in their head. That was never communicated to me --

Q. Okay.

A. -- ever, under any stretch of the imagination.

If -- I’ll tell you, if I thought so, I would have been demanding money. I would have said, “Give me a call, and let’s talk about what can be done,” or we would have had a phone conversation. If you want money, this is not the way to go about it.

Q. Mr. Dickerman, the way to go about getting money is to tell people not to use the footage and start the process of negotiation right there, correct?

A. That’s not the way that I would do it.

Q. Okay. All right.

A. Especially with a fellow who was as hostile as Mr. Geragos was. That’s not at all how I would do it.

Q. But you were writing to other lawyers around the country, including Mr. Zucker in New York, and lawyers in England, and lawyers in Los Angeles, in Burbank, right?

A. I did write to other lawyers. But I can tell you this: There was never a request for money. And the reason there was no request for money is because I was never told -- in fact, much to the contrary. I was never told to seek money for any purpose from anyone with regard to Michael Jackson, period.

Q. Did Mr. Masada, your client for many years, ever say words to the effect to you, “They’re making millions and these poor people are getting none of the money”?

A. I don’t recall.

Q. Okay. But obviously he’s the one that brought them to you, right?

A. I don’t know what you mean by “obviously,” but Mr. Masada brought them to me, yes.

Q. Okay. All right. You got a letter from Mr. Geragos on April 15th asking you where to deliver the items in storage, right?

A. Yes.

Q. At that point you certainly knew they were in storage, correct?

A. I knew that he was saying that they were in storage.

Q. Well, were you representing Jay Jackson at this point?

A. No.

Q. On April 16th, Mr. Dickerman, you wrote to the head of legal affairs at Granada Media Group in England, correct?

A. Yes.

Q. You continued to complain about use of the footage involving the Arvizos, correct?

A. I wouldn’t say “complain.” I set forth the facts, drew conclusions and made a suggestion to Granada that their position was not right, and demanded that they cease and desist using “Living with Michael Jackson,” et cetera.

Q. Now, you also wrote to the Globe newspaper on behalf of the Arvizos, correct?

A. Sounds familiar.

Q. You complained about their taking photographs of the Arvizos, right?

A. I don’t recall specifically what I said in the letter. But if you show me the letter, I can answer the question.

Q. I don’t have that letter, but I have their response to you. Do you have your letter you wrote

regarding the Globe newspaper?
A. Give me a minute or two. I --
Q. Yes.
A. What’s the date?
Q. I have a letter from them of April 16th, 2003. It references a letter you wrote to Michael Kahana, Esquire.
A. That letter sounds familiar, and I don’t seem to be able to put my hands on it.
Q. Were you claiming that the Arvizos had a copyright interest in photographs taken of them that appeared in the media?
A. I don’t know. Depends on what the letter said.
Q. Okay.
A. I do recall writing to, I thought it was either The Globe or The National Enquirer regarding a photograph of Janet Arvizo that I believe to have been improperly obtained and published.
MR. ZONEN: May I have a moment with counsel?
THE COURT: Let’s take a break.
MR. MESEREAU: Oh.
(Recess taken.)
THE COURT: You may proceed.
MR. MESEREAU: Thank you, Your Honor.
Q. Mr. Dickerman, Larry Feldman is known as one of the --

THE BAILIFF: Can you turn your microphone on?

MR. MESEREAU: Sorry. Sorry. Let me start again.

Q. Mr. Dickerman, Larry Feldman is known as one of the top plaintiff’s civil litigators in America, correct?

A. I don’t know about America, but I would say certainly California.

Q. And typically, a plaintiff’s civil litigator will file a lawsuit on behalf of a plaintiff, correct?

A. Yes.

Q. And try to seek damages -- excuse me, try to seek monetary damages in that lawsuit, right?

A. Yes. But I should say, while he’s known as a plaintiff’s lawyer, I know him also to have defended major lawsuits, and he’s now with a major New York firm, so he is certainly doing a lot of defense work.

Q. He started doing a lot of defense work in recent years, did he not?

A. I don’t know.

Q. But he became very well known in Los Angeles for winning huge financial damage awards in civil cases, correct?

A. I would say that’s probably true.

Q. A lot of them were types of personal injury cases, correct?

A. I don’t really know, beyond the ‘93 case, and I’ve been reading his name, and I think he was the -- the president -- I don’t know if it was California State Bar or the L.A. County Bar. I don’t know the specific cases. I know of one railroad case that was a big deal, but -- if I were -- if my memory were refreshed, I would know some of these other cases. But offhand I don’t.

Q. Typically in a plaintiff’s civil case, the lawyer gets a percentage of whatever the lawyer recovers for the client, correct?

A. Only if it’s a contingency case. If that’s the arrangement, for a percentage. That’s typical in auto accident cases. It’s typical in other accident cases usually.

I can’t say what’s typical in a molestation case, or any other particular case. It just depends on whether the plaintiff has the money to pay the fees or prefers to go on a contingency.

Very often I have turned people away from contingency fees, because I tell them, “You got a strong case and you’re going to be very unhappy if you pay me a percentage after I don’t do $100,000 worth of work. You’re better off, if you got the money, to pay me hourly to do that.” And so it varies from case to case.

Q. If the client doesn’t have a lot of money to pay the lawyer in a plaintiff’s civil case, typically what the lawyer does is pay the costs, litigate the case, and if money comes in, either through a settlement or a judgment in a trial, the lawyer gets a percentage of that recovery, right?

A. That’s right.

Q. And even though you’re aware of Mr. Feldman doing defense work, you’re also aware of him pursuing large multi-million-dollar damage claims on behalf of civil plaintiffs, correct?

A. Yes.

Q. And you’re aware of him doing that on behalf of plaintiffs who can’t afford to pay legal fees, correct?

A. I don’t know. I don’t know who pays him what or how it’s done.

Q. Now, you produced some handwritten notes, which you were subpoenaed to produce in this case, true?

A. Yes.

Q. Some of the notes you produced mention the J.C. Penney case, right?

A. I know at least one of the pages says that, yes.

Q. Were you involved in the J.C. Penney litigation on behalf of the Arvizos?

A. Not at all.

Q. Okay. Do you know why you refer to the J.C.

Penney case in your notes?

A. Do you want to refer to some specific notes?

Q. I have a page I can show you.

A. I’ve got my originals here of a conversation that I had with Mr. Sneddon on January 9th. Is that the one you’re referring to?

Q. I think it’s more like January 8th. It says “Liebler” in the corner.

A. Well, at the top of that previous page it says 1-8, but near the middle it says 1-9. So I’m assuming that’s a conversation I had on the 9th.

Q. To your knowledge, had the J.C. Penney case concluded by the time you were hired?

A. I know nothing about the J.C. Penney case. I know it arose, there was some conversation about it, and I have no involvement in it. It seems to me that it resolved some time ago. I don’t know. One, two years or more. I don’t know.

Q. Was it your understanding that that was a plaintiff’s contingency fee case where the lawyer gets a percentage of the recovery?

A. I have no idea what their fee arrangement was.

Q. Okay. When was the last letter you sent Mark Geragos regarding the Arvizos?

A. Well, if Exhibit 625 has all my letters to Geragos, that would be May 29, 2003.

Q. And you continued to communicate with

Michael Jackson’s lawyer named David LeGrand, correct?

A. Yes.

Q. And your letters to David LeGrand went through July of 2003, correct?

A. I don’t have the date memorized. But if you’ve got a letter that says that, then that would be the case.

Q. I have a letter July 9th. Do you want to see that?

A. I have a letter of July 9th from him. I don’t know if I wrote to him after that or not.

Q. Okay. You’re continuing to write letters on behalf of the Arvizos through July of 2003, right?

A. Yes.

Q. And to make a long story short, none of your letters ever discussed the subjects I identified before, molestation, false imprisonment, kidnapping, harm to children, that kind of thing, correct?

A. They never did. That wasn’t the purpose of any of the communications. All these communications were for the purpose of getting things done, not for making allegations about something that would be handled in some other form.

Q. Well, you mentioned harassment in some of your early letters, correct?

A. Right.

Q. But you never mentioned anything about alcohol in any of them, correct?

A. Well, first of all, the Arvizos were gone from Neverland by March 26th, is my understanding. And the letters regarding humiliation, intimidation, surveillance on March 26th and thereafter was about continuing behavior after they left Neverland.

Q. Okay.

A. I was writing -- seeking for him to get Jackson and his people to stop doing what they were doing. To do affirmative things. Stop, return things, provide lists. Not to make allegations of things that Geragos would have nothing to do with in any event.

Q. Was it your understanding at some point that furniture and material was returned to the Arvizos by Brad Miller?

A. I -- I don’t have any personal knowledge of any return of those things.

Q. Did you ever see a receipt from a storage locker?

A. I don’t recall seeing one.

Q. Was it your understanding that while you were representing the Arvizos, Mr. Geragos paid rent for the Arvizos in East Los Angeles?

A. I have no such understanding.

Q. Did you ever hear anything about that?

A. About Geragos paying rent?

Q. Yes.

A. No.

Q. Did you ever hear about anybody associated with Mr. Jackson paying the Arvizo rent in East Los Angeles?

A. I don’t recall hearing of any such --

Q. Did you ever communicate about that to anybody?

A. To the extent that I communicated about anything with my clients, that would be protected by attorney-client privilege. But I don’t recall communicating about that with anybody else.

Q. Have you referred any clients to Mr. Feldman since you referred the Arvizos?

A. No.

Q. When did you last talk to Mr. Feldman about this case?

A. Yesterday.

Q. Did you talk about what you were going to say in court?

A. No. I think all we talked about was whether Miss Arvizo had waived the attorney-client privilege.

Q. And that discussion was yesterday?

A. And I think we said something about the -- about the fee arrangement. Specifically I can’t recall. I was sitting upstairs, and I was returning calls from the office.

Q. Now, as a civil litigator, you’re aware that if you obtain a criminal conviction in a case of alleged child molestation, any parallel civil case is automatically won on liability, right?

A. Actually, I've heard that recently. But not having ever been involved in such a case, I can't say that I know that for sure. I haven't researched the law on it.

Q. But you certainly know that if someone has a judgment of a criminal conviction against them for sexual assault, you can use that in a civil court to establish liability and not have to incur the expenses and the time involved in a trial on liability, right?

A. I would assume that to be the case.

Q. The only issue at that point would be how much money you get in a civil courtroom, correct?

A. I don't know if there are other issues, but I think as the judgment, that's true of any criminal action, that you don't then have to go, once again, and prove exactly what was proved with a higher burden of proof.

MR. MESEREAU: No further questions, Your Honor.

REDIRECT EXAMINATION

BY MR. ZONEN:

Q. Mr. Dickerman, before we took the break, Mr. Mesereau had asked you about a letter that you had sent to Michael Kahan, or Kahana, and we took the break and we came back and he didn’t follow up on that document.

Have you had a chance to see that document dated April 3rd, 2003?

A. I did. I found it in my file.

Q. Mr. Dickerman asked you if, in fact, you made a demand for royalties for photographs published in the Globe; is that correct?

A. Do you mean Mr. Mesereau?

Q. I’m sorry, Mr. Mesereau asked that of you.

A. I don’t recall if he asked that or not.

Q. Did you, in fact, make a demand for royalties in this letter?

A. No, I -- I -- I never made a demand for money on behalf of the Arvizos in any letter, in any communication, for any purpose under the sun.

Q. What did you ask the Globe newspaper to do in this case? I’m assuming the Globe is a newspaper.

A. Yeah, it’s a tabloid.

Q. What did you ask them to do in this letter?

A. I’ll quote the last paragraph. “Unless the Globe and American Media can provide valid consents, as described above,” that’s referring to consent by my clients to be in the Globe, “the Arvizos demand that the Globe and American Media immediately cease and desist from using or in any other way exploiting photographs of any of my clients.

"My clients further demand the Globe and American Media cease and desist from any further mention of them in any publications," close quote.

Q. You asked that they take them out of the newspaper and not put them back in again, is that right?

A. That was it. That was -- the concern was to stop exploiting them, period.

Q. Did not ask for money?

A. No.

MR. ZONEN: No further questions.

MR. MESEREAU: No further questions, Your Honor.

THE COURT: Thank you. You may step down. Call your next witness.

MR. SNEDDON: The witness is on his way down, Your Honor.

THE BAILIFF: He is on his way.

MR. SNEDDON: He's on his way.

MR. MESEREAU: Who is the next witness?

MR. SNEDDON: Jeff Klapakis.

THE COURT: You know, I was thinking that between the comedians and the lawyers, I kind of like the comedians better.

(Laughter.)

THE COURT: You don't have to respond.

(Laughter.)

MR. AUCHINCLOSS: Your Honor, while we're waiting, there are a couple of exhibits that have not yet been admitted that I'll ask to be admitted at this time.
THE COURT: All right.
MR. AUCHINCLOSS: The first one is the notebook. Madam Clerk has it. It's Exhibit No. 769. That was the one notebook that counsel had an objection to, but we researched it, and I believe found sufficient foundation was laid for that.
THE COURT: No. 769?
MR. AUCHINCLOSS: Yes. And I can show Madam Clerk the exhibit.
THE COURT: I'm sorry, are you objecting to this exhibit or just remaining --
MR. SANGER: I'll submit it.
THE COURT: All right. It's admitted.
Come forward, please.
You're already under oath. You may be seated.

JEFF KLAPAKIS
Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION
BY MR. SNEDDON:
Q. Lieutenant, you previously testified in this

case?

A. Yes, I have.

Q. And you understand you're still under oath?

A. Yes.

Q. All right. And just as a refresher, since it's been a couple of weeks probably since you were back, would you tell the ladies and gentlemen of the jury, you are employed by the sheriff's department in what capacity?

A. I am the lieutenant currently in charge of the North County Investigations Division.

Q. And with regard to this particular case against the defendant in this case, Michael Jackson, what is your particular assignment or role?

A. I am in charge of the overseeing of the entire investigation.

Q. And so Sergeant Robel, then, would work underneath you, correct?

A. That's correct.

Q. And under your direction?

A. Yes.

Q. Now, with regard to -- we're going to talk a little bit about forensics, okay?

A. Okay.

Q. And of the decisions that were made in this case with regard to the processing of certain exhibits.

A. All right.

Q. Now, generally what’s the relationship between how items are sent for processing for forensic purposes in the office? Who makes that decision?

A. Well, generally the investigator who seizes an item, say pursuant to a search warrant, will -- once packaging and booking it, will fill out a form for the forensic unit to do a latent comparison, or whatever type of forensic science they want on the evidence.

Q. In this particular case, who made those decisions?

A. I did.

Q. Now, with regard to forensic examinations, are some examinations -- some items done -- forensically examined within the sheriff’s department?

A. Yes.

Q. And are some done and sent to outside agencies?

A. Yes.

Q. Can you give the jury just a general idea of what kind would be sent out and what kind would be done inside?

A. Well, certainly an examination of items for latent fingerprints, we have that expertise within the sheriff’s department. An examination of an item of evidence for biological fluids we would send out to the Department of Justice, who has that experience, where we don’t.

Q. Now, with regard to this particular case, the Michael Jackson case, People versus Michael Jackson, after -- you were present when the search warrant was executed on November the 18th of 2003, correct?

A. Yes, I was.

Q. And in conjunction with that search warrant, a number of items were taken and brought back to the sheriff’s department, correct?

A. Yes.

Q. And shortly after that, some plan was put in effect to basically document or inventory what it was that was taken; is that correct?

A. Yes.

Q. And who did you assign that particular task to?

A. Well, when we seized those items, that was part of the -- I’m not quite sure I understand exactly what point in time you’re talking about.

Q. Right after you got back from the search warrant, okay? There were certain items that were placed into bags and certain containers that had items that hadn’t been looked at yet, correct?

A. Correct.

Q. And did you assign somebody the responsibility of going through those items and seeing what there was inside and documenting that through reports?

A. Yes.

Q. And who did you assign that responsibility to?

A. Detective Bonner.

Q. And that particular process, from -- let’s say from the day of the search till -- how long did that take?

A. Well, it’s -- it’s -- it’s always been an ongoing process. There’s lots of items of evidence.

Q. Well, let me go back. Only as to the stuff taken from Neverland Valley Ranch, not as to any subsequent search warrants.

A. I would say it’s taken Detective Bonner probably a couple of months to go over all that material and examine it.

Q. Now, were you involved in developing a -- what might be called a forensic game plan for the processing of the items that were taken from the Neverland Valley Ranch on November 18?

A. Yes, I was part of that.

Q. And what was your role in that plan?

A. As well as providing input and asking questions, I was the ultimate person to make the last decision on what we were going to do.

Q. And with regard to the particular plan, what did you do in your capacity as the person in charge of making these decisions to help you make those kinds of decisions? Did you do any research? Did you do any checking? Did you have people do things so they could give you advice as to what the decision should be?

A. Yes, I conferred with my forensic unit. We talked about the type of materials that we had, and that we had seized from the ranch.

One of the things we decided to do was to go out and get a similar type of material, adult material magazine, and practice with it. Again, we're talking about different forms of paper. We wanted to make sure that any processes that we did to develop and stabilize latent prints would not be destroyed by a previous process. So, that was one of the things that we went out and did, and practiced with that.

Q. When did you commence that portion of your planning stages on the game plan?

A. Well, the first part of the game plan was to photograph some of the materials. And we started on that process. At that point in time, I stopped the forensic unit, and I asked them to go over the materials with an alternate light source in hopes of developing or finding any biological fluids.

Q. And when specifically do you recall, in terms of from November the 18th of 2003, was it that the alternative light source was used to process the 4382 materials that still remained in the sheriff’s department custody?

A. I’d say December or January. December ‘03 to January ‘04.

Q. And were you aware of the fact, in your capacity as the lead person in making these forensic decisions, that certain items were taken to the Department of Justice in the month of February?

A. Yes, they were.

Q. Was that under your -- your direction that they be taken there?

A. Yes.

Q. Now, let’s go back just a second to the testing protocol. You told the ladies and gentlemen of the jury one of the things that you directed staff to do was to buy various magazines and to experiment with them; is that correct?

A. Yes.

Q. Now, was that particular experimentation or process development directly related to a particular type of forensic examination, or to more than one type that you anticipated?

A. Multiple types.

Q. And what would be the multiple types that you had in mind?

A. Certainly super gluing, and using other types of -- I’m not a forensic scientist, but super gluing those would be one of them. Using a process called ninhydrin would be another one. Certainly fingerprint powder, to see if that developed any. We wanted to do -- also examine it with the naked eye as -- without any powders or anything on it by using a -- what we refer to as a Scenescope.

Q. So most of the things that you just talked about were the processes directly related to the latent print examination, correct?

A. Yes.

Q. Now, in connection with developing the process that was eventually used to process latent prints or process the magazines that may or may not have developed latent prints, did you consult with any outside agencies in the development of that protocol?

A. Yes.

Q. Who did you consult with?

A. The FBI.

Q. Now, the jury’s heard a lot about several organizations, and I want to just digress for just a moment and talk about this a little bit. The FBI is a federal agency, correct?

A. Correct.

Q. Or as Mr. Mesereau would call them, they’re the government?

A. Yes.

Q. Now, where are their labs that deal with the fingerprint and latent examinations?

A. Quantico, Virginia.

Q. Now, we’ve also heard another branch of government called the Department of Justice, correct?

A. Correct.

Q. And when you use the Department of Justice, what are you talking about?

A. That’s a state lab. California state lab.

Q. And with regard to that particular lab, do they have local facilities?

A. Yes. Small, but yes.

Q. Do they provide a full range of forensic assistance at the local lab?

A. No.

Q. Are there certain things that are sent to the local lab, but then have to be sent up to the Department of Justice elsewhere?

A. Yes.

Q. And to your knowledge, does the Department of Justice do latent fingerprint examinations?

A. I don’t believe they do those. At least we have never used them for that.

Q. Do they do DNA work?

A. Yes, they do the preliminaries. And then I believe that they send those out to Richmond, I believe.

Q. In a lab in Richmond?

A. Yes.

Q. Now, after the -- you've told the ladies and gentlemen of the jury that certain materials were sent to the Department of Justice locally for a forensic examination in February?

A. That's right.

Q. Those materials, particularly those materials that were contained within the Exhibit 470, which is the briefcase --

A. Okay.

Q. -- that you refer to as 317. You have the briefcase in mind?

A. Yes, I do.

Q. And the materials in it that I'm talking about in mind?

A. Right.

Q. Okay. Now, those particular materials, what happened to them between the time that the -- some of those materials were removed in February, what remained in the briefcase, and the other materials? Where were they, to your knowledge?

A. Well, a lot of the materials were kept at DOJ, and I believe they were locked up in a safe.

Q. Those are the items removed from 317?

A. That's correct.

Q. Or 470, in our case here.

A. Yes.

Q. And the ones that remained in your custody and control, what happened to those?

A. I believe that those were entered into evidence in the grand jury.

Q. And to your knowledge, were those retained by the grand jury?

A. Yes.

Q. Now, at some point, you received the items back from the Department of Justice, the local Department of Justice, that had been sent in February. Do you recall that?

A. Yes.

Q. Do you recall when you got them back?

A. The latter part of July, almost August.

Q. And when you got those materials back, most of those were magazines; is that right?

A. Yes.

Q. And was a decision made at some point after that as to how, and in what priority, certain materials would be processed?

A. Yes, based on the testing protocol that we had done, plus our conferring with the FBI, we developed our own protocol to what would work best in trying to develop and stabilize any latent prints on the magazines. And then that, I believe, was in August ‘04. In conference with your office, my office, we developed prioritizations of which magazines to do first.

Q. Do you have an estimate of how many magazines were involved here?

A. Hundred-plus.
Q. Have you ever had a situation to do latent examination on 100 magazines in a case?
A. Not every page.
Q. Now, you said that there was a meeting between your department and the District Attorney’s Office --
A. Right.
Q. -- with regard to prioritization.
What decisions were made with regard to how -- what month was that?
A. August, ‘04.
Q. And with regard to that, what prioritization was developed for the processing of the magazines in this case that were seized from Neverland Ranch on November the 18th?
A. Prior to -- the priority was placed on Item 317, the magazines from the briefcase.
Q. And thereafter, what was the priority to be?
A. I believe -- and any other magazines found within Mr. Jackson’s bedroom. Bedroom, den, room.
Q. Upstairs or downstairs?
A. Yes. Bathroom as well.
Q. Now, did you or anybody under your direction take steps to obtain the release of the magazines and the briefcase that we refer to in this case as 470, and you refer to as 317 from the grand jury?
A. Yes.

Q. And what occurred in that connection?

A. Detective Bonner -- we had to get a court order to get it out of the grand jury. In order to do that process, we -- I believe the Court requested that we replace what we took out with photographs. Detective Bonner -- and I believe the defense had to review that as well, before we can get the court order. I sent Detective Bonner to the Court, who took photographs of the items from the grand jury. And then in October we received a court order and got the magazines out.

Q. Now, you've indicated to the jury that certain materials were returned to your possession and control from the Department of Justice in around July of 2004.

A. Yes.

Q. And you've indicated to the jury that you got some -- you got the other materials from 470 from the grand jury in October of '04?

A. Right.

Q. Had some processing of latent prints begun before you actually got the remaining materials from the grand jury?

A. No. We were doing other phases of the forensics. Photographing, splitting the pages, putting them into separate binders. We were doing a lot of preprocessing before we went into the magazine.

Q. Okay. So it was part of the protocol process for examination, but it wasn’t the actual examination process. It was the prep process?
A. Yes.
Q. But you had begun that process before you got the materials back from the grand jury?
A. I believe we had started that process in January, with some items that neither went to DOJ or neither went to the grand jury. So....
Q. So it was just an ongoing situation?
A. Yes.
Q. Now, just to give the ladies and gentlemen of the jury some idea, you’re a head -- your title is what?
A. Lieutenant.
Q. And you’re in charge of what?
A. Criminal Investigations Division.
Q. Now, during the time from, let’s say, January of 2004 till the time of October of 2004, were there other major events that required you to take personnel off this case to become involved in major investigations?
A. Especially my forensics personnel, yes.
Q. And what was that?
A. We -- in July, we had a homicide. In September -- and this is ‘04. September ‘04, we had had an officer-involved shooting that resulted in a justifiable homicide. And in October ‘04, we had 4390

a -- another homicide.

Q. Now, with regard to the process of beginning the examination of the magazines that you’ve already described, the prep, and you’ve already indicated when the actual latent comparison process began, did you learn at some point that there was a deadline set for the completion of the project?

A. Yes.

Q. And do you recall when it was you learned that there was a deadline set?

A. Yes.

Q. When was that?

A. When we discussed the magazines, I believe in October, ‘04. But that wasn’t the date. I was given December 12th, I believe.

Q. So you basically had ten weeks to complete the process?

A. Yes.

Q. When you found that out, did you have to bring extra personnel in to help process all these?

A. Yes, I did.

Q. Now, the FBI has a lab in Quantico that you’ve said does do latent print examinations, correct?

A. It’s quite a big lab, yeah.

Q. And was any discussion had with regard to sending some or all of these materials to FBI?

A. We talked about it.

Q. And was there a reason why it wasn’t done?

A. Yes. I felt that we had already begun some processes with some of the materials. And by sending -- piecemealing out things to do, I would lose control over the evidence. And I -- I wanted to have accountability over this evidence. So I had the utmost confidence in my staff, given the time constraints, and -- to handle the job. And so I chose to keep it in-house.

Q. In your experience over the years that you’ve dealt with the FBI in fingerprints, does it take them a while -- did they have to prioritize your request with other requests from other agencies?

A. Yes, they did.

Q. And you indicated that you didn’t think that the Department of Justice, the State Department of Justice, did latent examinations at this point in time?

A. I’m sure they will do them for smaller agencies. But again, it’s a prioritization process, and we have -- we’re a mid level agency, and we’re fully capable of doing that kind of work.

MR. SNEDDON: Thank you. I have no further questions.

CROSS-EXAMINATION

BY MR. MESEREAU:

Q. Good afternoon.

A. Good afternoon.

Q. Approximately 69 personnel did a search on Neverland Ranch, correct?

A. Approximately 69 persons were involved in the operation, yes.

Q. And how many were sheriffs, if you know?

A. I would say 90 percent.

Q. Have you ever done a search with that many sheriffs before?

A. I was involved in a peripheral investigation with the City of Guadalupe where we basically took over the town, so, yes, I'd have to say.

Q. Your typical homicide investigation in Santa Barbara County, you don't use 69 sheriffs for a search, do you, of a home?

A. No.

Q. And your typical homicide investigation in Santa Barbara County, you don't even come close to using that number in a search of a home, right?

A. That's correct.

Q. It was done here because Mr. Jackson is a celebrity, correct?

A. That's not why it was done.

Q. The fact that Mr. Jackson is known as a megastar around the world has nothing to do with taking 69 people to search his home?

A. There were a lot of other operations going on in regards to the search that required additional personnel.

Q. Were you in charge of the search?

A. Yes, sir, I was.

Q. And isn’t it true that your office contacted the media before the search?

A. That is not correct.

Q. Do you remember an operations plan you put together to have people read before the search?

A. Yes.

Q. Did it talk about media observing the search?

A. One of the personnel that we had there was a public information officer; that the sole purpose of having him there was, once we conducted the search, we thought the word might get out.

Q. Before you conducted the search, did you make plans for any type of press conference?

A. I -- I believe the sheriff’s department was involved in that process, yes. I didn’t. Your question was did I.

Q. Let me rephrase it.

A. Okay.

Q. Before approximately 69 people searched Mr. Jackson’s home and surrounding location --

A. Uh-huh.

Q. -- plans were already in effect by the Santa Barbara Sheriff’s Department to conduct a press conference, right?

A. I believe that they planned that.

Q. Did that have anything to do with the fact that Mr. Jackson is a megastar?

A. I believe that we do that for all newsworthy stories that we become involved in.

Q. You haven’t answered my question. Let me rephrase it.

A. The answer is no, then.

Q. So the planning of a press conference by the sheriff’s department before the search of Mr. Jackson’s home and the plans specifically directed at a press conference had nothing to do with the fact that Mr. Jackson is perceived as a megastar, correct?

A. You know, I -- maybe it was. I’m not -- I’m not sure I can answer that. I mean, it was involved with who it was and the case, the type of case that we were investigating. It’s a newsworthy item.

Q. Did the fact that Mr. Jackson is perceived as a well-known celebrity internationally have anything to do with the number of people involved in the search?

MR. SNEDDON: Objection as asked and answered, Your Honor.

THE COURT: Sustained. Sustained.

Q. BY MR. MESEREAU: Who planned the press conference prior to the search?

A. Well, I’d have to say Sergeant Chris Pappas was involved in that, but I’m not -- I’m not sure. I was involved in a different aspect of it. I think that they were talking about the potential of the media getting involved in this and so they wanted to have a plan in place.

Q. How fast after the search began was there any press conference?

A. Mr. Mesereau, I couldn’t tell you that. I was so engrossed in the events on the ranch that I wasn’t paying attention to what was going on outside.

Q. Do you recall your participating in any press conference related to the search of Mr. Jackson’s home?

A. No, I don’t believe I was.

Q. Was anyone from your office involved in that press conference, to your knowledge?

A. There was a press conference with -- with, I believe, the public information officer outside of our office.

Q. Before you conducted your search, press releases had already been printed regarding the search, true?

MR. SNEDDON: Your Honor, I’m going to object. No foundation.

THE COURT: Foundation is sustained.

Q. BY MR. MESEREAU: Do you know whether or not, before you conducted the search of Mr.

Jackson's home with approximately 69 personnel, any press releases had already been prepared regarding the search?

A. No, I do not know that.

Q. Did you ever see such a press release at any time that you've been involved in this case?

A. It's possible I have. I can't tell you when. Certainly -- I don't believe I saw one prior to the service of the search warrant.

Q. Were the people who searched Mr. Jackson's residence instructed in advance how to handle the media?

MR. SNEDDON: Your Honor, I'm going to object to this as immaterial, irrelevant, and beyond the scope of the direct examination.

THE COURT: Did you go into the search on direct?

MR. SNEDDON: I just asked him if he was there. I didn't go into any of the details of it. Just to lay the foundation for what he did to process the stuff forensically.

MR. MESEREAU: He did go into the search, Your Honor. Not the media issue, but he did go into the search.

THE COURT: All right. I'll allow the question.

Do you want it reread?

THE WITNESS: Please.

(Record read.)

THE WITNESS: Yes.

Q. BY MR. MESEREAU: Who did the instructing, if you know?

A. Probably myself, Sergeant Koopmans, possibly Sergeant Robel.

Q. Did you say probably yourself?

A. Probably my -- we had an operations briefing where several persons involved in different aspects of the operation gave briefings on their aspect.

Q. Did you engage in any such briefing?

A. Yes, I did.

Q. When was that?

A. The morning of the search.

Q. When you arrived at Neverland to commence the search, did you see any representatives of the media present?

A. I saw a car on the side of the road. There wasn’t an insignia on it.

Q. Did you see any helicopters flying above?

A. No.

Q. At some point did you see them?

A. At some point there were several helicopters there.

Q. Do you have any idea who notified them about the search?

A. I have no idea.

Q. No clue at all, right?

A. I have none.

Q. Do you have any knowledge that anyone in the sheriff’s department notified the media about the search of Mr. Jackson’s home?

A. I have no knowledge of that.

Q. Okay. Regarding forensic work at Mr. Jackson’s home, did you put into place any safeguards to avoid contamination of evidence?

A. All of our personnel are trained, so that is a safeguard in and of itself. We proceeded as cautiously as we could through this large estate. We put people in charge who had more experience than the others who directed them. And from that standpoint, I believe our investigators who were doing the actual searching were wearing gloves.

Q. Is there any other safeguard that you recall putting into place before the search regarding possible contamination?

A. None -- it escapes me at this point.

Q. Do you know what people were wearing on their shoes before they walked through his home?

A. I don’t believe they were wearing anything other than the shoes.

Q. What kind of shoes were they wearing?

A. I -- I couldn’t tell you.

Q. Were you in Mr. Jackson’s home during the day of the search?

A. Yes, I was.

Q. How many people were in Mr. Jackson’s home on the day of the search that were part of your operation?

A. Inside his main house?

Q. Yes.

A. I would say inside his main house, we had - it changed - anywhere from 15 to 25 at any one particular time.

Q. How many people in total out of the 69 that were involved in the search of Mr. Jackson’s residence entered his house that day, if you know?

A. Again, the main house?

Q. Yes, please.

A. Well, we kept a log of people that were entering in the house. I myself entered and exited several times. So I cannot give you an adequate answer to that question.

Q. It was more than 25, was it not?

A. That were conducting the search in the main house?

Q. That went into his house at any time during the day.

A. I’d have to say yes.

Q. Was it more than 45, to your knowledge?

A. I’d say that possibly could be correct. We were conducting interviews in the house, so, yes. And you’re talking just our personnel or perhaps ranch employees as well?

Q. No, your personnel.

A. Then I’d say you’re probably -- somewhere around that.

Q. Close to 45?

A. I’m assuming, yes.

Q. You have never been in an investigation where 45 people were allowed to walk into someone’s home, correct?

A. In a home, no.

Q. This was the first time, correct?

A. It’s the first time I’ve been involved in something, or an estate this size, that we had that many people.

Q. Did the fact that Mr. Jackson is a well-known celebrity have anything to do with the number of people you allowed into his home on that day?

A. No.

Q. In your typical homicide investigation, 45 people don’t enter a residence, correct?

A. No, they do not.

Q. What were the hours you conducted that search during the first day?

A. I believe eight or nine o’clock in the morning till 11:30 at night.

Q. You then conducted a second search of Mr. Jackson’s home, correct?

A. In, I believe, November ‘04.

Q. And what were the hours that you kept in that search?

A. I believe we entered about nine o'clock in the morning and left in the afternoon time.

Q. That search was actually in December, wasn't it? December 4th sound right?

A. It could. It's possible, yes.

Q. Now, both of those searches were done by surprise, correct?

A. Yes.

Q. Special efforts were taken to make sure that Mr. Jackson or his family did not know the search was going to be conducted, right?

A. We didn't publicize it.

Q. But special efforts were taken to make sure Mr. Jackson and his family didn't know about either of these searches in advance, correct?

A. No more special than we do in any other search warrant. So I don't -- if you're -- I didn't do anything different.

Q. Let me ask the question again.

A. Okay.

Q. I don't think I've gotten an answer, but --

MR. SNEDDON: Your Honor, I'm going to object to counsel's comments, and it's argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Were you in charge of the second search on or about December 4th, 2004?

A. Yes.

Q. Would you agree that within minutes of the search of Mr. Jackson’s residence on December 4th, 2004, the press knew about it?

A. I wouldn’t say minutes. I’d say that the press eventually found out.

Q. They seemed to know very quickly, correct?

A. Within an hour.

Q. Do you have any idea who notified them?

A. I have suspicions.

Q. Do you think somebody in the sheriff’s department notified them?

A. No.

Q. Was a press release prepared regarding that search?

A. I don’t believe so, but I’m not sure on that.

Q. Have you ever seen a press release regarding that search?

A. I have not personally seen it, no.

Q. So are you telling the jury that there were efforts made in advance to deal with the media before the first search but not before the second search?

A. What I’m telling you is that my job was not involved in that aspect of it. That was turned over to our public information officer. My responsibility was the service of the search at Neverland, and that’s where my operation stayed.

Q. As the one in charge of both search teams, did you have any involvement with your public information office?

A. Just notifying, notifying them that we would be conducting a search on that day, and at Neverland Valley Ranch.

Q. Were you ever asked to review in advance any information designed to be published by your public information office about either search?

A. I do not recall -- again, I do not recall reading a press release, as you call it, prior to the service of any search warrant at Neverland.

Q. What safeguards were taken to preserve evidence that you seized from Neverland on November 18th, 2003?

MR. SNEDDON: Object as asked and answered.

MR. MESEREAU: I asked about contamination, Your Honor. I think my question is broader. But I could rephrase if the Court wants.

THE COURT: All right. Rephrase.

Q. BY MR. MESEREAU: With the exception of issues of contamination, what safeguards were taken to preserve evidence seized at Neverland on November 18th, 2003?

A. Well, initially, we videotaped our entry into the residence. We also videotaped and used still photography. We also did that at the conclusion of our search. The people that entered into the residence were logged in, and logged out. Those people entering the residence that were going to conduct searches were wearing gloves on their hands.

Q. Anything else you can think of?

A. No.

Q. Were there any safeguards you put into place to try and preserve any DNA evidence that might exist?

A. I -- the only -- other than collecting the materials, the adult material, the magazines and the bedding from Mr. Jackson’s bedroom, my only involvement was directing my forensic unit -- was assisting to get the search warrant for that material and directing them what we were to take. They handled the operation themselves.

Q. Did you say you were in charge of obtaining evidence from Mr. Jackson’s bedroom for possible DNA testing?

A. I was aware that there was bedding material and a bed in his bedroom that was not part of the original search warrant. I then --

Q. Was that material obtained for DNA testing?

A. I believe that it was.

Q. When, if you know?

A. I do not know the exact date. It was 4405 submitted to the DOJ lab, I believe.

Q. Was it obtained in the search on November 18th, to your knowledge?

A. The bedding?

Q. Yes.

A. Yes. There was other materials too, I believe, that were submitted.

Q. And when was this material submitted to DNA testing?

A. Again, I can’t give you the exact date. Sometime early part of 2004.

Q. You never even asked for Mr. Jackson’s DNA until December 4th, 2004, correct?

A. That’s correct.

Q. That was over one year after the initial search, correct?

A. Yes.

Q. To your knowledge, did the FBI do any DNA testing in this case?

A. To my knowledge, no.

Q. Did you direct the FBI to do any particular kinds of forensic analysis in the case?

A. Yes, I did.

Q. And what were those types of forensic analysis?

A. They assisted us with some of the computers that we had found, particularly the Macs.

Q. Anything else you asked them to do?

A. I believe I asked them to do some background information on some of the other people involved in this investigation.

Q. How much time did the State Department of Justice spend on forensics testing in this case, if you know?

A. I do not know that.

Q. You made some statements that the FBI assisted you, right?

A. Yes.

Q. What does “assistance” mean?

A. Well, they provided me some information, again, on backgrounds of persons that became involved in this case. They sent out -- I believe that they call it a cart unit. That is their forensic computer examination team that assisted us in forensically examining these Mac computers that we were not able to do ourselves.

THE COURT: Counsel, I’d like to stop a couple minutes early, because I’ve been asked to. The attorneys need to talk to me. Right?

MR. MESEREAU: Yes, Your Honor.

THE COURT: All right. We’re going to stop. (To the jury) Tomorrow, don’t come here.

(Laughter.)

THE COURT: (To the jury) I’ll see you Friday morning, 8:30.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: All right, Counsel. I was just giving Mr. Oxman some medical advice.

MR. SNEDDON: I thought you were giving him his thousand dollars back.

MR. MESEREAU: Your Honor, do we go in your chambers? You want to go to chambers?

MR. SNEDDON: The matter I’m talking about doesn’t need to go into chambers.

THE COURT: Did you want to go into chambers?

MR. MESEREAU: If it’s the issue we talked about, I’d like to go in chambers.

MR. SNEDDON: Okay, this should be done in open court.

Your Honor, I wanted to tell the Court, because I made some representations to the Court a few days ago, and I notified counsel last night, we have had to juggle the way we’re going to put on evidence in this case. And I want the Court to know that we intend to start putting on the 1108 evidence on Monday. Instead of two weeks, like I said originally. And these sort of things are beyond our control.

In any case, that’s what we’re going to do.

I wanted the Court to know that, because you asked us about the instructions and stuff.

THE COURT: The instructions.

MR. SNEDDON: And I wanted to tell the Court that we had -- we reviewed that and we already submitted our instructions in that regard, and specifically the CALJICs, and that’s what we --

THE COURT: Tell me what ones -- I mean, you have submitted --

MR. SNEDDON: I will single them out. I don’t -- I just talked --

THE COURT: Friday you could give me the ones you’re singling out?

MR. SNEDDON: I will, Your Honor.

THE COURT: And Counsel, you could give me something Friday?

MR. MESEREAU: Yes, Your Honor.

THE COURT: All right.

MR. SNEDDON: That’s what I wanted to do. I wanted to make the Court aware of that. Thank you very much.

THE COURT: And you wanted to -- is that it?

MR. SNEDDON: I -- yeah, I guess so. Mr. Mesereau?

THE COURT: All right. Court’s in recess.

(The proceedings adjourned at 2:30 p.m.)

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REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 4240 through 4409 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 30, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
March 30, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

FRIDAY, APRIL 1, 2005

8:30 A.M.

(PAGES 4411 THROUGH 4471)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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INDEX

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Nicola is listed as “N” on index. Mr. Mesereau is listed as “M” on index.
Ms. Yu is listed as “Y” on index. Mr. Sanger is listed as “SA” on index.
Mr. Oxman is listed as “O” on index.

PLAINTIFF’S

WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
KLAPAKIS, Jeff	4415-M	4423-SN	4431-M	
(Cont’d)				
GREEN, Jack	4413-A	4452-SA	4467-A	

E X H I B I T S

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
298	Telephone Numbers	4444	
299	Copy of report by Jack Green	4446	

Santa Maria, California
Friday, April 1, 2005
8:30 a.m.

THE COURT: Good morning, everyone.

COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.

THE JURY: (In unison) Good morning

THE COURT: Counsel, you may proceed.

MR. MESEREAU: Thank you, Your Honor.

JEFF KLAPAKIS

Having been previously sworn, resumed the stand and testified further as follows:

CROSS-EXAMINATION

BY MR. MESEREAU:

Q. Mr. Klapakis, did you suggest last week that because of your discussions with the FBI you delayed fingerprint analysis for a year?

A. “Last week,” do you mean Wednesday?

Q. Oh, that’s right. That’s right. You’re right. How about Wednesday, did you suggest that the FBI -- your discussions with the FBI had something to do with a one-year delay in analyzing fingerprints?

A. No, my discussion with the FBI had to do with basically doing background investigations for us as well as computer work for us.

Q. Did you suggest that the Department of Justice and the State of California does not do fingerprint analysis?

A. What I suggested was that their priorities are for other agencies, and we can do fingerprints ourselves.

Q. But they do do fingerprint analysis, correct?

A. Yes.

Q. And at times your office will use the Department of Justice to do fingerprint analysis, correct?

A. I believe that we have, but it’s very rare. We do it ourselves.

Q. Do you know somebody named George Levine of the Department of Justice?

A. Yes, I do.

Q. Who is George Levine?

A. He’s an examiner with the Department of Justice.

Q. And what does he do, to your knowledge?

A. Well, he does a lot of things, but I believe fingerprints is one of them.

Q. And how long have you known him?

A. Oh, I think George has been with the agency longer than I have been with the sheriff's department. So over 20 years.

Q. Have you worked with him on fingerprint analysis before?

A. Yes, I believe we have.

Q. Now, did you suggest to the jury that because it took so long to separate pages out of magazines that fingerprint analysis in this case needed to be delayed for a year?

A. That's not what I suggested.

Q. What did you suggest when you told the jury about the laborious process of removing pages from magazines?

A. Well, that it was a multi-phase process, and that we wanted to -- there were several things that we had to do. We wanted to maintain control over the evidence, and not piecemeal it out. And because portions of the magazines were in different locations, we had to do those phases at different times.

Q. And are you saying that contributed to a delay in analyzing fingerprints?

A. Yes, it did.

Q. Okay. And how long was the delay in analyzing fingerprints that you would attribute to separating out pages from magazines?

A. I'm not quite sure I understand the question.

Q. You've said that separating pages out from magazines caused a delay in analyzing fingerprints,

correct?

A. Yes.

Q. The delay was approximately one year, correct?

A. Approximately.

Q. Are you attributing that delay exclusively to your need to separate out pages from magazines?

A. No.

Q. Okay. Now, as the head of the search of Mr. Jackson’s residence, you were in charge of determining what forensic tests would be done of anything found in the residence, true?

A. I was part of that process, yes.

Q. Did you ask for any forensic tests on any bottles that seemed to contain alcoholic beverages?

A. No.

Q. Do you know if any forensic tests were done on bottles that seemed to contain alcoholic beverages found at Mr. Jackson’s residence?

A. I don’t believe we did.

Q. You saw bottles that seemed to contain alcoholic beverages in the wine cellar, correct?

A. I believe some of the investigators did, yes.

Q. And you found bottles that seemed to contain alcoholic beverages in the kitchen, correct?

A. Yes.

Q. And they appeared to be in unlocked areas, correct?

A. Correct.

Q. You found bottles that seemed to contain alcoholic beverages in Mr. Jackson’s bedroom, true?

A. Yes, there was a bottle of alcohol in his bedroom.

Q. Do you know if any forensic tests were ever done on any bottles that seemed to contain alcoholic beverages in Mr. Jackson’s bedroom?

A. Not to my knowledge.

Q. Did it ever occur to you that trying to determine whose fingerprints were on bottles of that sort might have merit in the investigation?

A. Well, it would -- my belief is, is that we were talking about something that occurred eight months prior to the service of the search warrant, so the answer would be no.

Q. How long do fingerprints tend to last on surfaces, based upon your experience as a police officer?

A. They can last that long, at least.

Q. They can last many years, correct?

A. Yes.

Q. Given what you had heard about potential charges, did it ever occur to you that trying to see whose fingerprints were on glasses or bottles, glasses that seemed to have contained or are used to contain alcoholic beverages or bottles that seem to contain alcoholic beverages, might be relevant?

A. We didn’t at the time.

Q. Okay. Did you do it at any time?

A. No.

Q. When the search went on in Michael Jackson’s home, did you have a particular location where you had either a desk or a chair?

A. Did I?

Q. Yes.

A. I believe -- I’m not quite sure I understand. Did I have a desk or a chair?

Q. Did you -- as head of the search, did you have a central location in the residence of Mr. Jackson where people came back and forth to report to you?

A. No. I don’t believe I had a central location, no.

Q. So were you essentially walking around the residence during the entire search?

A. I was moving about the estate, yes.

Q. Okay. And were you supervising what people who reported to you were doing?

A. I along with others.

Q. Okay. Was your function primarily a supervisory function?

A. Yes.

Q. Did you ever ask for any fingerprint analysis of items of furniture in Mr. Jackson’s bedroom?

A. No.

Q. Did you ever ask for any fingerprint analysis of various boxes you saw in Mr. Jackson’s bedroom?

A. No.

Q. Did you ever ask for a fingerprint analysis of a lot of the mannequin-type toys you found in Mr. Jackson’s bedroom?

A. No.

Q. Did you ever ask for a fingerprint analysis of anything you saw on the floor in Mr. Jackson’s bedroom?

A. If some magazine material was found on the floor, yes, we would have, but --

Q. Was the fingerprint analysis you requested only directed at magazines?

A. I believe so, yes.

Q. Did you ever request any fingerprint analysis of anything you saw hanging on the wall?

A. No.

Q. How about the railing on the stairs going into Mr. Jackson’s bedroom?

A. No.

Q. How about any of the doors you have to go through to enter Mr. Jackson’s bedroom?

A. No.

Q. Now, other than fingerprints and DNA analysis, is there any other type of forensic test you wanted done during the day of that search?

A. During the day of the search, no.

Q. Were the forensic tests that you asked to be done limited to looking for DNA and looking for fingerprints?

A. Well, we -- I also believe that photography is part of forensic work, and so we photographed the different rooms of the estate and different things of that nature, but limiting it to that, yes.

Q. Was any effort ever made to see if you could find fibers, hair or material, in Mr. Jackson’s bedroom that you could link to any of the Arvizos?

A. Well, when we took the bedding from Mr. Jackson’s bed, I wasn’t limiting it to biological fluids. I was limiting -- basically, I wanted a complete analysis of anything that they found out there. So, we took the -- all the bedding and left it to the examiners to determine what evidence might be on that bed.

Q. And clearly, you never found any of the Arvizos’ DNA in that bedding, correct?

A. That’s correct.

Q. And you never found their hair or fibers in that bedding, correct?

A. That’s correct.

Q. And you never found any of their prints on any furniture linked to Mr. Jackson’s bed, correct?

A. That’s correct.

MR. MESEREAU: I have no further questions at this time.

THE COURT: Redirect?

REDIRECT EXAMINATION

BY MR. SNEDDON:

Q. Let’s go back to some of the things you were talking about last Wednesday that Mr. Mesereau was asking you about, and specifically the execution of the search warrant.

You were asked by Mr. Mesereau about what you typically do in a typical murder case. Not that there’s really a typical murder case. But with regard to a murder case that occurs in a residence, all right? When you have a murder case that occurs in a residence, what are you legally required to do in order to process the crime scene?

A. We have to obtain a search warrant.

Q. And when you obtain a search warrant from a judge to allow you to process the crime scene of a residence, are there ordinarily any time limitations placed upon you in terms of how long you can remain at the residence to complete the process of the crime scene?

A. No. We could -- it could take a day, it could take a week. Whatever it takes to process the scene.

Q. And have there been cases involving your agency in which crime scenes have been secured and processed over the -- over days and weeks?

A. Yes.

Q. Have you ever, in your experience, and to your knowledge with the sheriff’s department, had a residence and a ranch of the size of Mr. Jackson’s that you’ve had to ever search?
A. No.
Q. And just so the jury’s clear on this, there was more than one building searched that day, correct?
A. There were several.
Q. In addition to his residence?
A. Yes.
Q. Would you consider the residence a typical search by your department?
A. No.
Q. Why?
A. Well, it involved a very large main house on the estate. It also involved different buildings on the estate. It -- the estate, the house, was packed with a lot of things that we had to go through. We had to make sure that we were very careful with them. And the search also conducted was in different locations within the estate.
Q. Did you know at the time that you executed the search warrant on November the 18th, 2003, whether or not Mr. Jackson was present on the ranch?

A. We were not aware that he was on the ranch.
Q. Now, with regard to the time constraints given to you with the execution of the search warrant on Mr. Jackson’s ranch, what time constraints were you given on that?
A. I was told that I had to be done within a day.
Q. And how did that come about?
A. Well, I had asked you if we could write in the search warrant that we could take a couple of days or more to conduct this search, because of the size of the estate, plus the other things involved in this investigation, other searches. And through that discussion, it was decided that we were going to have to do it within one day, so as not to burden the ranch and its employees with our presence longer than that.

Q. And was there some relationship between the amount of time and the number of personnel that you needed to do it within the time constraints that you were given?

A. Well, based on the size of the estate, we felt that in order to get it done within that time frame, we had to have an abundance of personnel. It wasn’t just the search.

Q. All right. Now, with regard to the questions Mr. Mesereau asked you about whether you gave any instructions to the people who were under your supervision during the execution of the search warrant; do you recall that question?

A. Yes.

Q. What were your instructions to your people?

A. Do not talk to the press.

Q. You were also asked by Mr. Mesereau whether or not you had -- whether or not there were media that were -- that came outside the ranch on the second search warrant that was executed almost a year later in December of 2004. Do you recall that?

A. Yes.

Q. And with regard to the source of the information that was given to the media, to your knowledge, was the sheriff’s department responsible for that?

A. No, we were not.

Q. And to your knowledge, was it somebody connected outside of the sheriff and law enforcement community?

A. That’s what I believe.

Q. Now, Mr. Mesereau asked you several questions about items that were found at certain locations and used the word “unlocked.” To your knowledge, was the wine cellar unlocked when you folks first got into the building on the morning of the 18th of November?

A. The wine cellar was locked.

Q. And with regard to the closets in Mr. Jackson’s bedroom where the alcohol was located, to

your knowledge, was that locked or unlocked at the time it was first approached by your folks?
A. His bedroom was locked and alarmed.
Q. And the closet in which the two bottles of alcohol were found, was that closet locked or unlocked at the time that your folks first approached that closet and opened it?
A. The -- I'm not sure of the location you're talking about.
Q. Downstairs in the master suite.
A. The master suite was locked.
Q. And the closets in the master suite?
A. I'm not sure of that. I know I wasn't the one of first ones to enter into the master suite. I know the -- I was -- excuse me, I was the first -- one of the first ones to enter the master suite. But as to the closets, I can't tell you.
Q. All right.
A. One closet was locked. It was on the -- it was on the left side library, or left side bathroom, excuse me. There was a locked door there.
Q. The one with the Jacuzzi-type tub?
A. Next to the safe. Yes.
Q. Okay. Now, before you executed the search warrant or before the search warrant was executed on November 18th, were you aware of the interviews that

had been conducted with the Arvizo children?
A. Yes.
Q. And were you aware of the information that they had provided about the interior of Mr. Jackson's bedroom suite area?
A. Yes.
Q. At the time that you were executing your search warrant on November the 18th of 2003, how much time had elapsed between the time that you had information that the crimes were committed and the time you were executing the warrant?
A. Nine months. Eight, nine months.
Q. Now, at that time, Mr. Mesereau asked you whether or not you took any prints off the balcony or whether you looked for hair or fibers or anything else. Was there a reason that wasn't really an

important part of the investigation at that particular stage in time?

A. It just didn’t enter into the investigation at that particular time.

Q. Why?

A. Well, we were -- we had certain information regarding the crimes. We went in to the search looking for those things. Our search was limited in time, and we were doing several other things, interviews, other searches in other locations. The -- this investigation was atypical because it entered into other -- other crimes, other overt acts in which we had to investigate.

Q. With regard to the presence of the Arvizo children in Mr. Jackson’s master bedroom and in the suite itself, at the time you were executing the search warrant, can you tell us whether or not there was any doubt in the investigators’ minds that they had actually been in those rooms?

A. No, they described it uniquely, and it -- we actually knew where we were going when we --

MR. MESEREAU: Objection. Calls for hearsay and speculation. And also it’s improper.

THE COURT: Sustained.

MR. SNEDDON: Judge, what’s the basis? Because I may be able to cure it. Because I didn’t think it was hearsay.

THE COURT: Well, you’re talking about what was in the other investigators’ minds.

MR. SNEDDON: I’m sorry, then I can cure it.

Q. With regard to what was in your mind as the lead investigator during the course of the execution of this search warrant, were you aware of the information that the Arvizo children had provided to you?

A. Yes.

Q. And with regard to that information, did that have an impact on you with regard to trying to prove whether or not they were ever in those rooms?

A. No, they had described it. And when we entered the room, it fit their description.

Q. All right. Mr. Mesereau asked you one other -- another question with regard to whether -- you were trying to explain what -- he uses the word “delay” in the processing of the print. And you answered the question, “No.” Why was there no -- you didn’t consider that to be a delay of over a year?

A. As Mr. Mesereau stated, latents can stay on an object for a long time. We were protecting the items of evidence. They were in different locations. We were conducting our processes as we were able to. And ultimately we were able to develop and stabilize the latents that we felt were on the items of evidence.

Q. Were there other items that were taken that you believe could have been processed for forensic evidence?

A. Sure. We could have fingerprinted some alcohol bottles or other things like that, but we didn’t.

Q. With regard to this particular case, there are a number of books that are in evidence.

A. Yes.

Q. You’re aware of that?

A. Yes.

Q. Was there a conscious decision made with regard to those particular books and processing them for the latent prints?

A. Right. The -- the books, in a discussion with Mr. Zonen, was -- we determined not to conduct a latent fingerprint examination on them, because the process to do so would have, one, destroyed the book and made the pages toxic. Mr. Zonen preferred to keep the book in its original condition, and so the decision was made not to attempt the latent search on them.

MR. SNEDDON: Thank you. Nothing further.

MR. MESEREAU: May I just take one second, Your Honor?

THE COURT: Yes.

(Off-the-record discussion held at counsel

table.)

RECROSS-EXAMINATION

BY MR. MESEREAU:

Q. Your investigation, I'm talking about you personally, Lieutenant, began approximately June 13th, 2003, when you were contacted by Attorney Larry Feldman, true?

A. No. I started this in February.

Q. Okay.

A. If that's -- I began in February 2003.

Q. Okay. But in the operations plan that was developed and typed up for the search that you were in charge of, you attached a case timeline, correct?

A. The sergeant who developed the ops plan did, yes.

Q. And that was Sergeant Eric Koopmans, correct?

A. Koopmans, yes.

Q. Did he develop that plan with your assistance?

A. Certainly mine. Sergeant Roble's.

Q. With respect to that search, you talk about you being contacted by Attorney Larry Feldman on Friday, June 13th, 2003, correct?

A. I believe that was the date.

Q. Okay. Do you know why that timeline doesn't include the investigation you were doing much earlier?

A. The ops plan is basically the synopsis, a brief synopsis, of giving the investigators some background on our investigation. I can't tell you why it didn't have the February information.

Q. And the timeline associated with the operations plan doesn't include the fact that you personally called the Department of Children & Family Services and asked them not to interview the Arvizos, correct?

MR. SNEDDON: Your Honor, this is beyond the scope of the redirect. I object.

THE COURT: Sustained.

MR. MESEREAU: I have no further questions, Your Honor.

MR. SNEDDON: Nothing further, Your Honor.

THE COURT: You may step down.

MR. AUCHINCLOSS: Your Honor, we’ll call as our next witness Jack Green.

THE COURT: When you get to the witness stand, please remain standing. Face the clerk and raise your right hand.

JACK GREEN

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Okay. My name is Jack Green; G-r-e-e-n.

BAILIFF CORTEZ: Sir, would you speak into the microphone?

THE WITNESS: Okay.

DIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Good morning, Mr. Green.

A. Good morning.

Q. How are you employed?

A. I’m the president of Affordable Telephone Systems in Ventura, California.

Q. And what is Affordable Telephone Systems?

A. We’re an AT&T equipment dealer.

Q. And what do you do for Affordable Telephone Systems as the president?

A. Run the operation.

Q. All right. Do you actually go out to sites and perform services in relation to telephones themselves?

A. I do. Uh-huh.

Q. And how long have you been doing this?

A. 20 years.

Q. Do you have a background in -- do you have

any training in the area of telephone systems?
A. I do.
Q. Could you describe that for me, please?
A. I was trained by AT&T Corporation.
Q. All right. How long ago?
A. In 1984 to 1990.
Q. What kind of training did you receive?
A. Technical training on their systems from their corporate trainers.
Q. And how long did this training take place, over what period of time?
A. Over the course of ten years.
Q. All right. And I take it you’ve had some hands-on experience with this subject matter?
A. Correct.
Q. Over the 20 years you have performed services for telephone systems?

A. Yes, I have.
Q. On -- you know, could you even estimate how many times?
A. Oh, geez, thousands.
Q. Okay. On December 3rd, 2004, did you visit Neverland Ranch in Los Olivos, California?
A. I did.
Q. And did you have an assignment when you went out to the ranch that day?
A. I did.
Q. What was your assignment?
A. To inspect the telephone system at the ranch. And to give information on how the phone system was configured, programmed and would operate.
Q. Were you accompanied by law enforcement officers on that date?
A. I was.
Q. And did you perform that task?
A. I did.
Q. First of all, tell me, what type of system does Neverland Ranch have, what type of telephone system?
A. It’s manufactured by AT&T. It’s called a Merlin II system is the model. It’s a -- we call it a key system, a hybrid key system.

Q. Okay. Are you familiar with the Merlin II system from AT&T?

A. I am.

Q. Have you serviced that system before?

A. I have.

Q. So tell me what you did. How did you go about inspecting the system?

A. We -- we inspected and looked at how many telephone lines that were -- from the telephone company on the property, were installed in the system. We logged and inventoried all of the telephones at each location on the system on the property, and looked at how the system was programmed in terms of how you could make a call out, how you could receive a call. You know, the typical aspects of how the system would work.

Q. And how many lines did you find that system included, how many different telephone lines?

A. On the property, there's a total of 24 telephone lines or numbers, telephone numbers that come onto the property. Of those 24 lines, there are eight lines that's connected to the Merlin II system.

Q. Okay. And the remaining 24 -- I guess we have 16 lines remaining.

A. Correct.

Q. Tell me about those.

A. There's one -- there was one line that was not -- that was not on the system of the eight. There were 15 lines that were connected to modems or computers or, you know, other things.

Q. Okay. Were all of those 15 lines being used?

A. They had dial tone. I don't know if they were being used. There was dial tone at what we call the demarc. Some of them might have been used; some of them might not have been used.

Q. What did you say, the demarc, or the --

A. The demarcation point from Verizon.

Q. I see. And where is that located?

A. That’s located in the garage, where the telephone equipment was at.
Q. Did you have access to the entire property?
A. Yes.
Q. Did you visit the various outbuildings as well as the main residence?
A. Yes.
Q. Did you inspect the phones at each of those --
A. Yes.
Q. -- locations?
A. Uh-huh.
Q. And did you inspect a phone that was located in what’s known as Mr. Jackson’s personal bedroom?
A. Yes, sir.
MR. AUCHINCLOSS: May I approach, Your Honor?
THE COURT: Yes.

Q. BY MR. AUCHINCLOSS: Mr. Green, I show you -- go ahead and help yourself to some water.
A. Yeah, I appreciate that.
Q. I show you People’s Exhibit No. 165. Can you identify that for me, please?
A. That is a Merlin 34 button telephone.
Q. Is that the phone that you saw that day?
A. Yes.
MR. AUCHINCLOSS: Okay. May I have the Elmo, Your Honor?
Do you have that laser pointer?
MR. SNEDDON: Yeah.
MR. AUCHINCLOSS: I believe this exhibit’s already in evidence, Your Honor. Am I correct in that?
THE COURT: What number is it?
MR. AUCHINCLOSS: 165.
THE COURT: Yes.
MR. AUCHINCLOSS: All right. Thank you.
Q. All right. Mr. Green, can you just briefly describe for the jury how this telephone works?
A. Sure. This telephone -- okay. All right.
You have -- if you lift the handset and you want to make a call out, this system is programmed,

what we call in the phone industry, pooled. What I mean by that is all eight lines on the phone system, on all the other phones on the property, they -- they are a ten-button phone, except this phone. On this phone, you have your telephone lines that are on each button here. Each of the eight lines.

So, if I -- from this telephone, I can manually push this black button right here, or any of these black buttons, and I can manually select any one of the eight lines that I want to make a call out on.

On the -- I don't know if I'm jumping ahead, but on the other telephone sets, they don't have the lines that appear individually on a button. You just -- you just press a pooled button, and the telephone system selects at random a line that you're going to call out on. And you enter an account code and then you get a dial tone and you make that outside call, and you can -- from the ranch.

Q. All right. So the other phones on the ranch -- well, let me start with, was there another phone that had similar capabilities on the ranch?

A. Yes. There were two phones -- yes, there are two phones on the ranch that you could select a line to call out on, or -- or listen in to a telephone conversation on. That other telephone set was in the -- I would call it the administrative office on the ranch. It's a larger console, larger than this.

Q. Okay. And was that in a separate building from the main house?

A. Yes. Yes, it was.

Q. Can you tell me -- approximate its location in relation to the main house?

A. Yeah. It was in what I call the big administrative office. It wasn't a security office. It was up the hill. It was the -- it was the administrative office, the best I know it.

Q. All right. Now, if I understand correctly, the other phones on the property, you could not select which line you were going to use?

A. Correct. The other phones on the property looked just like this phone, except this row and this row of buttons were not there. It’s a ten-button phone. So it looked exactly like this, minus -- if I could just draw down here, exit that off.

Q. You’re indicating the right-hand portion of the phone, those buttons were gone?

A. Correct.

Q. Now, but you still could not -- you have these eight buttons, or it looks like --

A. The line buttons.

Q. Yeah, two lines of buttons on the left. They had those buttons?

A. Yes.

Q. Would that allow that person on a -- let’s say in the guest room, would that allow that person to select a particular line?

A. No. No, all you could do is lift the handset, press the pooled button, and the phone system would select a line.

Q. Okay.

A. The phone cabinet, I’ll call it a CPU.

Q. You also mentioned that in order to get an outside line you needed to enter a code. What did you mean by that?

A. An account code.

Q. All right.

A. The phone system was restricted to where you couldn’t just pick it up, have dial tone and place a call. You had to enter an account code.

Q. So if an individual did not have the account code, then it would be impossible for them to talk to an outside party off the ranch?

A. That’s -- yes, to my knowledge. Uh-huh.

Q. All right. Now, can you tell me what the term “barging” means?

A. Yes, we referred to it in telephone -- it’s our term that I want to -- I want to join a conversation that’s in place or I want to listen to

a conversation in place.
Or in business, since this is a business phone system, it was transferred for office business use, if I was on line 1, and I wanted you to join me in that conversation, you could press the line 1 button, and you could join the conversation.

Q. Okay. So in a business setting, that would let a secretary barge in a conversation; would that be a reasonable use --
A. Yes, or --
Q. -- in business?
A. Sure. Or join the conversation.
Q. All right. Did this phone have barging capabilities?
A. Yes.
Q. Could you listen to this phone surreptitiously, and I mean secretly without letting the parties know that you were a third party listening in on that conversation?
A. Yes.
Q. And how would you do that?
A. Well, from this telephone, if I saw that somebody -- if a telephone (sic) on the property was on the phone, I would see -- on one of these line buttons, I would see it lit. There would be a red light lit. And so if I wanted to listen in on that conversation, all I'd have to do is press this black button, lift the handset, press this black button, and I could listen to the conversation, because I've got what we call line access. I can select the line I want to listen in on on this. Or I could press the speakerphone button, and mute it, mute the microphone, and press the line I wanted to listen in on.

Q. All right. And if you -- well, let me strike that. Does that phone have instructions on how to do that?
A. This phone right here?
Q. Yeah.
A. No. Not on the telephone it doesn't.

Q. All right. So if you didn’t know how to do that, you wouldn’t be able to barge in without the other people’s knowledge, is that fair to say, if you didn’t have some kind of idea about how this phone worked?

A. True.

MR. SANGER: I’m going to object. That calls for speculation.

THE COURT: Overruled. The answer was, “True.” Next question.

Q. BY MR. AUCHINCLOSS: And would it be any difficulty -- would there be any difficulty in connecting a recording device to this phone?

MR. SANGER: Objection; that calls for speculation.

MR. AUCHINCLOSS: I think he’s an expert in this area.

MR. SANGER: Then it’s vague as phrased.

THE COURT: Overruled.

You may answer.

THE WITNESS: You could do that, yes.

Q. BY MR. AUCHINCLOSS: And I believe you said 4443 one of the ways you could listen in was on the speakerphone?

A. Yes. If you didn’t want to hold the handset, all you had to do is just press the speakerphone, and then press the “line” button, and you could sit there and listen to the conversation without -- hands-free without lifting the handset.

Q. Would you also want to hit the “mute” button?

A. You could also hit the “mute” button so that it mutes the microphone on this telephone, so the caller that you are listening in on wouldn’t hear any background noise.

Q. So they couldn’t hear you breathing, or talking, or anything like that?

A. Correct. Correct.

Q. All right. Mr. Green, did you bring -- did you make a report in this case?

A. Yes. Yes, sir.

Q. Did you bring that with you today?

A. Yes, sir.

MR. AUCHINCLOSS: If I could just have a moment with counsel.

(Off-the-record discussion held at counsel table.)

Q. BY MR. AUCHINCLOSS: Mr. Green, I show you People’s Exhibit 298.

A. Uh-huh.

Q. Is this a refined version of your report that you prepared in this case?

MR. SANGER: Well, I’m going to object to that question.

MR. AUCHINCLOSS: All right.

Q. Can you identify this exhibit, then?

A. Yes. Those are the telephone numbers that I found on the property.

Q. All right. And there are two groupings of them.

And I’ll put this on the Elmo.

A. May I refer to my report?

Q. Yes, you may. Why don’t you check and make sure that these are correct, the correct numbers.

A. Uh-huh. They’re right here.

Q. There is one additional number on there?

A. Yes.

Q. Was that the private number that you mentioned?

A. Correct.

(Off-the-record discussion held at counsel table.)

Q. BY MR. AUCHINCLOSS: All right. Mr. Green, I’m going to ask you to write that private number on this exhibit at the bottom portion of it.

All right. So does this list contain a complete listing of all the telephone numbers that you found in the various systems at Neverland Ranch?

A. That’s correct.

MR. AUCHINCLOSS: Ask to admit People’s Exhibit 298 at this time, Your Honor.

MR. SANGER: Your Honor, I’m going to object and I’d like to approach on a very specific issue, please.

THE COURT: All right. I’ll sustain the objection at this point.

MR. AUCHINCLOSS: Okay.

Q. Mr. Green, may I have the copy of the report that you brought with you?

A. Yes.

MR. AUCHINCLOSS: All right. I’m going to ask to have this marked as an exhibit as well.

Q. Mr. Green, I show you Exhibit No. 299.

A. Okay.

Q. Would you identify that for me, please?

THE COURT: Is that the new number?

MR. AUCHINCLOSS: That’s the new exhibit number, yes.

THE WITNESS: This is the report that I made on December 3rd from Neverland Ranch and my inspection on the phone system.

Q. BY MR. AUCHINCLOSS: Is that a complete copy of your report?

A. Yes, sir.

Q. There appears to be some handwritten items on that particular report. Did you make those

notations?

A. Yes, sir, I did.

MR. SANGER: I’m going to object on the grounds of relevancy and it’s hearsay.

MR. AUCHINCLOSS: Well, I’m laying --

THE COURT: Just a minute.
Overruled. The answer was, “Yes, I did.”
Next question.

Q. BY MR. AUCHINCLOSS: And did you prepare this report pursuant to your duties as the president of Affordable Telephone Systems Incorporated?

A. Yes, I did.

Q. And have you prepared similar reports concerning telephone systems as part of your duties at Affordable Telephone Systems?

A. Yes.

MR. SANGER: I’m going to object; relevancy.

MR. AUCHINCLOSS: I can make an offer of

proof, if you like.

THE COURT: Overruled.

Q. BY MR. AUCHINCLOSS: And so was this prepared during the course of your business activities at Affordable Telephone Systems?

A. Yes, it was.

Q. Was this report prepared at or near the time of the event that you described in analyzing this system and visiting Neverland Ranch?

A. Yes. I prepared -- you know, I prepared

this information at the ranch as I was -- as I was taking my notes.

Q. And then did you reduce it to a writing when you got back to your office?

A. Yes.

Q. As far as the handwritten notes on here, what do those designate?

MR. SANGER: Objection; calls for hearsay.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Did you write those handwritten notes on there pursuant to the information that you were preparing for this particular report?

A. Yes.

Q. Is it just some additional handwritten information pertaining to this particular report?

A. Yes.

MR. SANGER: Objection. Asked and answered; leading.

MR. AUCHINCLOSS: This is foundational.

THE COURT: The objection is overruled.

Q. BY MR. AUCHINCLOSS: Was it done pursuant to your preparation of this report as a business record?

A. Yes.

Q. And was it also done at or near the time of the events that are on this -- reported on this particular report?

A. Yes.

Q. Is this report trustworthy?

A. Yes.

MR. SANGER: Objection.

Q. BY MR. AUCHINCLOSS: Why do you say that?

THE COURT: Sustained.

MR. SANGER: Move to strike.

THE COURT: Stricken.

Q. BY MR. AUCHINCLOSS: Do you have a duty when you prepare these reports to accurately depict the information that you've observed when you go out to the actual location?

A. Yes.

MR. SANGER: Objection. Lack of foundation; and leading.

THE COURT: Sustained.

MR. AUCHINCLOSS: On which grounds?

THE COURT: Leading.

MR. AUCHINCLOSS: It's for foundation, Your Honor.

THE COURT: Well, your -- the objection was sustained. Ask your next question.

MR. AUCHINCLOSS: All right. Ask to admit No. 299 as a business record, Your Honor.

MR. SANGER: Objection. Hearsay; no foundation.

THE COURT: I'm just trying to look at some of your earlier testimony.

When did you go out and make that report?

THE WITNESS: On December 3rd, 2004.

THE COURT: And who requested that you go out to make that report?

THE WITNESS: The Santa Barbara Sheriff's Department.

THE COURT: All right. It's not a business record. It was done in preparation of litigation and it's not admissible under the business records.

MR. AUCHINCLOSS: All right.

Q. We'll do this -- this will take a little bit of time.

A. Okay.

Q. But I do need to get the information.

MR. SANGER: Excuse me, move to strike counsel's remarks.

MR. AUCHINCLOSS: That’s fine. I’ll go to the next question.

THE COURT: Wait a minute. Just a moment. I’ll strike the remarks.

Q. BY MR. AUCHINCLOSS: Tell me --

THE COURT: You know, I don’t like to have conferences, but I need -- I don’t know what the problem with this record is that’s causing all this difficulty. So would you come up here and tell me?

MR. AUCHINCLOSS: Yes.

(Discussion held off the record at sidebar.)

THE COURT: It’s amazing what a little conference will do occasionally here. The problem, which I didn’t get, maybe you got, was that those are all Mr. Jackson’s private phone numbers, and he doesn’t want to receive all of those telephone calls. So that was the only problem. And so we’re going to work with this as best we can, as long as we can, without revealing his personal phone numbers. And I don’t know if we’ll succeed in doing that, but that’s what we’re going to try to do here.

MR. AUCHINCLOSS: And that’s fine, Your Honor.

The People would seek -- ask to admit at this time Exhibit No. 298.

MR. SANGER: And I don’t have an objection to the foundation being laid for 298, but I’d ask the Court just procedurally to delay receiving it until we work this out.

THE COURT: They’re having trouble in the back hearing you.

MR. SANGER: I’m sorry, the thing’s turned off.

Yes, Your Honor, I was just saying I don’t have any objection to the foundation for 298 based on this witness’s testimony at this point. I’d just ask the Court to delay receiving it in evidence until we work out the details.

THE COURT: Okay.

MR. AUCHINCLOSS: And that’s fine.

THE COURT: I'll make that ruling; that the parties agree that the foundation is laid, and we'll not admit it at this point until we can do something with the phone numbers.

MR. AUCHINCLOSS: That's fine. Thank you, Your Honor. No further questions.

MR. SANGER: May I proceed, Your Honor?

THE COURT: Yes.

MR. SANGER: Okay.

CROSS-EXAMINATION

BY MR. SANGER:

Q. Mr. Green, how are you?

A. Good. Pretty good.

Q. All right. Let's just clear up a couple things right off the bat here. First of all, this phone system, this Merlin phone system that you saw at Neverland Ranch, is a fairly standard business kind of phone system, correct?

A. That's correct.

Q. And the Merlin phone system that you saw, that particular configuration, was really one that was developed and used primarily in the 1980s; is that correct?

A. That's correct.

Q. Phone systems have actually progressed quite a bit farther than what you see there, right?

A. That's correct.

Q. And that's the kind of phone system that in the late '80s you might have found in executive offices, insurance companies, lawyers, and so on; is that correct?

A. That's correct.

Q. All right.

A. It was designed for business use.

Q. And in your experience with Affordable Telephone Systems in Ventura, have you had occasion over the last 20 years to install phone systems on large estates?

A. Yes. Yes, I have.

Q. Have you ever installed a phone system on an estate as large as Mr. Jackson's?

A. No.

Q. Okay. Have you installed a phone system on an estate that involved a working ranch?

A. I probably have. I don't recall at this point.

Q. Okay. What I'm getting at is, where you have a number of operations going on besides a residence, is there anything unusual about seeing a business kind of telephone system on a working ranch?

A. Oh, no. Not at all. It's -- no.

Q. Okay. And what you might do, I think you're doing okay, but try to talk real close to the microphone there.

A. Okay.

Q. Because it is hard for everybody to hear. All right. And particularly with regard to the Merlin system, it would not be unusual to see a Merlin system like that installed in a working ranch somewhere in the 1980s, correct?

A. No, not at all.

Q. And the fact that this phone system has not been switched out for a brand-new system is also not unusual; is that correct?

A. Not at all.

Q. All right. So you would expect at working ranches and other business locations that there are probably some Merlin systems still around; is that correct?

A. Oh, sure. Hundreds, thousands.

Q. All right. Now, you mentioned that -- you were asked, is it possible to attach a recording device to this telephone system, correct?

A. Yes.

Q. Did you see a recording device attached to this telephone system?

A. No.

Q. All right. And in fact, it's possible to attach a recording device to just about any telephone system, correct?

A. That's correct.

Q. All right. So there's nothing in particular that makes this phone system any more susceptible to being attached to a recording device than any other, correct?

A. No.

Q. Now, another thing we talked about here was being able to pick up a line that’s either in use or not in use on this particular phone, correct?

A. Correct.

Q. In a typical telephone installation in a home, where you have more than one extension, is it usually possible to pick up a line that’s in use in the system?

A. Yes.

Q. So people who have two or three extension phones in their home generally have just exactly that system. You pick it up -- if it’s in use in the kitchen and you pick it up in the bedroom, you can listen in, right?

A. Yes.

Q. Home systems that have more than one line often have that same capability. You can pick up line 1 -- let’s say you have two lines. You can pick up line 1 or line 2 if it’s in use, correct?

A. Correct.

Q. All right. Now, the history of business phones, without going into unnecessary detail, before Merlin involved a couple of different kinds of technology I want to go over with you, okay? The first one is, for those of us old enough to remember all this, it involved the business phones that had the four, five lines with the buttons at the bottom and a “hold” button at the end, correct?

A. Correct.

Q. And there might be actually an intercom button on one end, and the “hold” button on the end, correct?

A. Correct.

Q. And under those old systems, if anybody in the property that was governed by this phone system, whether it be a residence, a ranch or a business, if anybody was on line 1, everybody else on the phone system could see that from their phone, correct?

A. That is correct.

Q. And they could just push the button and pick it up, and they'd be on line 1, and they could listen in, correct?

A. That's correct.

Q. Okay. Now, in those days, there were speakerphones, somewhat primitive, as I recall. But it would also be possible to put a call on a speakerphone that same way and listen, correct?

A. Correct.

MR. AUCHINCLOSS: I'm going to object. It's irrelevant to phone systems that existed before this phone line.

THE COURT: Overruled.

MR. SANGER: Thank you.

Q. After that -- let me withdraw that. At the same time as that more rudimentary system existed there was the PBX system; is that correct?

A. Right, there were two types. After that, the equipment that you're describing was called 1A key. And then they developed a key system and a PBX system at the same time. The PBX was simply a larger model of a key system.

Q. Okay. And the PBX system continued into existence into the 1980s, correct?

A. Yes, and it's still today. Uh-huh.

Q. PBX system would allow an operator to answer the phone, and then switch the calls from one place to another throughout the system, correct?

A. Correct. Or an individual could do it.

Q. All right. When the hybrid key system came along, which is the Merlin system, correct?

A. Correct.

Q. It was a system that allowed more flexibility than the PBX system, correct?

A. Yes.

Q. So it would allow a -- it would allow you to have a master console -- or in this case you have a master console and you have sort of a junior master

console, right?
A. That’s correct.

Q. And the junior master console was the one that was found in Mr. Jackson’s living room area of the first floor of his bedroom suite, correct?
A. That’s correct.
Q. And that allowed people to answer the phone at different locations; is that correct?
A. Back up there. You lost me.
Q. You could answer the phone in the administration building with the big console, right?
A. That is correct.
Q. And you could join phone calls from one point to another?
A. That is correct.
Q. And to the extent that you have the eight lines here, you could do the same with this phone, is that right?
A. That is correct.
Q. Now, since that time, technology has continued to march on, since the ‘80s, I take it, correct?
A. That is correct.
Q. And I don’t want to go into all the details, but there are more sophisticated telephone systems that are much simpler than this, so you don’t have to have all these buttons in order to make them work, right?
A. That’s correct.
Q. Now, you mentioned that there were eight

lines that were on the direct system -- well, let me withdraw that. There were eight lines that were on this system that could be used by people in Mr. Jackson’s house; is that correct?
A. That’s correct.
Q. You examined the phone equipment throughout his house; is that right?
A. Yes, I did.
Q. And you noticed that were extension phones?
A. Yes.

Q. Okay. And by the “extension phone,” we’re talking about the phones that simply had buttons that allowed you to pick up and get an available line?

A. That’s correct. Ten -- the other phones were ten-button phones.

Q. All right. And those phones could also receive a call if somebody were to direct it to that particular extension; is that right?

A. That is correct.

Q. So if somebody answered the phone, they could say, “I want to put this call through to the library, because I believe Mr. Jackson’s in his library and it’s for him, so I’ll connect it to the library,” right?

A. Right, they could -- yes, they could transfer the call to the library, yes.

Q. All right. And the phones that were at the 4459 ranch were at various locations throughout the house --

A. Yes.

Q. -- correct?

In the children’s living area; is that right?

A. Yes.

Q. The library?

A. Yes.

Q. The kitchen?

A. Yes.

Q. The maids’ room?

A. Yes.

Q. The maids’ break room.

And then on into Mr. Jackson’s personal office in the adjoining building?

A. Yes.

Q. The security office at the end of that building; is that correct?

A. Yes, sir.

Q. Upstairs in the video library?

A. Yes, sir.

Q. All right. And you could also get the -- or the phone system also included the front gate, the little guard house at the front gate; is that correct?

A. I didn't examine that. I'm sure it did. I'm sure there was a phone out there, but I

didn't --

Q. You mentioned an administration building, which was up on the top of the hill, correct?

A. Yes.

Q. So it was outside the manicured lawn area that surrounded Mr. Jackson's private residence; is that correct?

A. That's correct.

Q. And the administration building also is the fire department, they have a fire truck up there?

A. I believe so. I believe so.

Q. So you had phone capability in the administration building for the various administrators, the fire department, and so on, is that correct?

A. Yes.

Q. The administration building, there's an executive assistant or staff person up there who had a desk in the main administration building, correct?

A. Yes.

Q. And that desk is where the main console existed for this phone system; is that right?

A. Yes.

Q. All right. Now, in the -- you mentioned that you needed to have some kind of code to call out; is that correct?

A. Yes.

Q. Is that unusual for a Merlin system?

A. No. It's quite common.

Q. All right. So many systems you have to push "9" to call out?

A. Some you have to press "9." And an account code is -- is able to be programmed in so that you can eliminate phone abuse. People -- unauthorized people making calls you don't want to make calls on your phone system.

Q. Now, you were out there with sheriffs who had a search warrant, correct?
A. Yes, that’s correct.
Q. So you were not chatting with the -- with Mr. Jackson, I imagine?
A. That is correct.
Q. Okay. And you weren’t chatting with his staff about how they set the phone system up or how it was set up when they --
A. That’s correct.
Q. -- first came to work at the ranch?
A. That’s correct.
Q. So you weren’t able to determine whether or not there were separate account numbers or there was just one number that everybody was given to get an outside line?
A. That’s correct.
Q. All right.
MR. AUCHINCLOSS: Objection; assumes everyone was given a number.

THE COURT: Overruled.
MR. SANGER: Did the answer -- I think the answer came in.
THE COURT: It did. He said, “That’s correct.”
Q. BY MR. SANGER: So based on your analysis of this system, there could have been one number that would allow anybody on this Merlin phone system, wherever the extensions were throughout the ranch, it would allow somebody to hit the number, and get an outside line, correct?
A. That’s correct.
Q. All right. Did you determine -- let me withdraw that. So if somebody were able to make a phone call to an outside number, for instance, somebody were able to call their, let’s say, boyfriend in Los Angeles from this phone, if they did it unassisted, they would have to have the code, whatever it was, to get that outside line, correct?
A. Not from this phone. But from all the other phones, yes.
Q. Okay. Okay. Good point. Thank you. I’m

talking about the extension phones, and I guess I’m pointing to that one.

A. Yes.

Q. But this phone, you can just pick up an outside line, correct?

A. Uh-huh.

Q. And we’ll come back to that. But as far as the extension phones are concerned, the ones that -- other than the administration building and this phone, if you want to get an outside line, you put in whatever the code is --

A. Correct.

Q. -- one number, or two numbers, or whatever it is?

A. Correct.

Q. You get the outside line and then you can call wherever you want, right?

A. That’s correct.

Q. All right. So if somebody were, say, on an extension phone at someplace on the ranch and they were able to call, as I say, for instance, their boyfriend in Los Angeles, you would expect that they would know how to enter that code to get the outside line, correct?

A. Yes.

Q. And if somebody could enter that code and get an outside line to call their boyfriend in Los Angeles, they could enter that code, get an outside line, and call 9-1-1, correct?

A. Yes.

Q. There’s no restriction on calling 9-1-1 from any phone in this phone system other than simply knowing the code to call out, correct?

A. Yes.

MR. SANGER: If I could have just one moment, Your Honor.

Q. By the way, you mentioned the eight numbers, and then you said there were 16 other numbers, one of which was a direct line to Mr. Jackson’s area in what’s called the bathroom, but there’s a sitting area and all that off the main floor --

A. Uh-huh.

Q. -- of the bedroom, correct?

A. Uh-huh.

Q. Other than that direct number, did you ever figure out where on the ranch those other numbers, the other 15 numbers went?

A. No.

Q. So when you say they came into the main -- you didn't say "switch box," and I'm going to say that and I'm sure it's wrong, but the main -- what did you call the telephone closet?

A. Demarc. Verizon's telephone demarc.

Q. Okay. So the lines come in from off the property, from the telephone lines off the property that service the rest of the world, and they come in to the property, anybody's property, they come in to a telephone box or telephone closet, correct?

A. Uh-huh.

Q. And that's what you're calling the demarc?

A. Correct.

Q. And you know that these other 15 lines came

in there, you just never traced them out to see exactly where they went, correct?

A. Correct. We put -- I made sure that they had actual dial tone and -- on the block. And from my test set, you know, I have a code that I can dial and -- when I hear dial tone, and I can get a recording from the phone company that tells me what that telephone number is.

So I verified that those -- that those telephone numbers Mr. Jackson was being billed for those telephone numbers, he had live dial tone. Now, where it went, I don't know.

Q. In other words, you take your phone -- you have a headset that has clips on it?

A. Called a butt set.

Q. All right.

A. It's a lineman -- a lineman's test set.

Q. A lineman's test set, okay. And you simply clip that onto a line, correct, and then you dial a number, which we won't say, because everybody will go home and do it?

A. Right.

Q. And it will automatically - it’s kind of cool - automatically tell you what phone number that is, right?

A. Exactly.

Q. And you verified that these are, in fact, phone numbers coming into the property, you just never traced them to see exactly whatever phones there were, if any, that were hooked up to them?

A. Right, they weren’t in the phone system.

Q. They were not in the Merlin phone system?

A. Correct.

Q. But you don’t know if there was another phone someplace, at the zoo, or someplace else that --

A. That’s correct.

Q. -- that might have had that number.

All right. Okay. I have no further questions. Thank you.

REDIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Mr. Green, did you go to the various outbuildings and check all the phones?

A. Yes. We checked the -- we looked for phones in the -- in all of the buildings. And the only phones that we saw were the Merlin ten-button phones.

Q. Okay.

A. We didn’t see any other phones that weren’t of the Merlin phone system.

Q. All right. So based on your inspection of the property, all the phones were hooked into the Merlin system, with the exception of the 15 which you couldn’t find a location for?

A. Those 15 lines. They could have been connected.

Q. And you had one private line?

A. That’s correct. They could have been

connected to computers, other types of devices. Security. I’m sure some of those lines were security lines connected to the security companies, et cetera, et cetera. But we were not able to gain any information as to what they were connected to.

Q. Okay. And when you say “security,” do you mean telephone lines as security or some kind of computer or alarm line?

A. Alarm line. Computer. You know, for dialing out on the Internet. You know, anything that took a telephone line.

Q. But not something you communicate on in the normal telephone fashion, talk to somebody on?

A. Well, they could have been used for that. They could have been. They could have been used for a computer to dial out to the Internet. They could have been used for the alarm lines for the security system that Mr. Jackson had on the ranch.

Q. Okay. But you didn’t find a source for that?

A. No. And they might not have been connected to anything.

Q. All right. Now, just as far as the exhibit that we’ve admitted here, there appears to be eight

numbers at the top of this exhibit.

A. Yes.

Q. Which are those numbers for?

A. Those are the telephone lines connected to the Merlin system at Neverland Ranch.

Q. And then there’s -- below that there appear to be 15 lines. Those are the ones that you just talked about --

A. Right.

Q. -- that don’t hook into the Merlin system?

A. Right, those are the wild lines.

Q. And the handwritten one on the bottom is the private line?

A. Right. That’s Mr. Jackson’s private phone.

Q. And where did you find that phone that was hooked into a private line?

A. That phone was in his rooming quarters downstairs in the bathroom to the left where the closet was.

Q. Okay. And this phone was also in the downstairs area?

A. Yes. In the same -- in the same place.

Q. Same general vicinity?

A. Correct.

Q. Was this in the bathroom? If you recall.

A. No, I think it was just outside the bathroom door.

Q. All right.

A. Just right outside the bathroom door.

Q. All right. Now --

THE COURT: Counsel, take our break.

MR. AUCHINCLOSS: Very good.

(Recess taken.)

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REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 4415 through 4470 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 1, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, April 1, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

FRIDAY, APRIL 1, 2005

8:30 A.M.

(PAGES 4472 THROUGH 4644)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Nicola is listed as “N” on index. Mr. Mesereau is listed as “M” on index.
Ms. Yu is listed as “Y” on index. Mr. Sanger is listed as “SA” on index.
Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
GREEN, Jack	4479-SA			
		4485-A	4486-SA	
			(Further)	(Further)
FELDMAN, Larry	4487-SN	4527-M	4596-SN	4608-M
			4609-SN	4611-M
			(Further)	(Further)
SALAS, Jesus	4612-A			

E X H I B I T S

		FOR	IN
PLAINTIFF’S NO.	DESCRIPTION	I.D.	EVID.
45	Photo	4623	
46	Photo	4623	
47	Photo	4624	
776	Photo of Jordie Chandler	4503	4504

THE COURT: Go ahead.

MR. AUCHINCLOSS: Thank you, Your Honor.

Q. Mr. Green, when was the last year that the Merlin II system was made, if you know?

A. I can speculate. I don’t know the exact date.

Q. Can you approximate?

A. Yes. It was taken out of production in probably the early ‘90s. ‘92, ‘93, maybe ‘94.

Q. And as far as the lines that we’ve talked about, those eight lines, if an individual called from outside Neverland, called one of those eight numbers, where would that phone ring, or where could it ring, maybe to begin with that question?

A. Okay. It could ring at the 34-button in Mr. Jackson’s living quarters --

Q. Okay.

A. -- at the console.

Q. All right.

A. And it could be programmed also to ring at any of the other telephones, if it was programmed to ring there. So it could ring at every single telephone, or only at one or two. Typically, it rings at the console, or the -- or the 34-button phone. But it could ring -- and you could do that on a line-by-line basis.

Q. Okay. And do you know how this particular phone system was set up in terms of incoming calls?

A. No, because we weren’t allowed to have any incoming calls ring in so we could test that.

Q. And -- but typically it would be either the console or the 34-button phone?

A. Yes. On a -- on an estate situation, you know, usually the calls are screened. They come into the console and are screened and then transferred to wherever they want to go.

Q. Mr. Sanger used the example of a home phone system as far as similarity regarding listening in to a phone conversation.

A. Yes.

Q. Is this phone system really similar in terms of its barging capabilities?

MR. SANGER: Objection, leading, Your Honor; argumentative.

THE COURT: Overruled.

You may answer.

THE WITNESS: It’s different in that on the Merlin system, if you were barging in on -- if you’re barging in on a call, the caller on the -- the person on the other phone would not know that you were -- there would be no audio knowledge that they were being listened to.

Q. BY MR. AUCHINCLOSS: So you could listen secretly without any input, audio input, on the phone line?

A. Correct.

Q. And at a home system, when someone picks up the phone and is listening in, is there typically some audio input that is noticeable to the other two parties that are conversing?

A. More so, uh-huh.

Q. And would the “mute” button also contribute to the secrecy of listening to those calls?

A. If you were using the speakerphone, yes.

Q. Does the “mute” button also work on the handset microphone?

A. No.

Q. Okay. So just on the speakerphone.

A. Yes.

Q. As far as other people's ability to listen in on your conversations, does this system -- is this system set up where any of the outside lines at Neverland, and I mean just the lines that don't involve either the 34-button phone or the phone at the office, could any of those lines listen in?

A. No.

Q. So would that be another dissimilarity between home systems and this system?

MR. SANGER: Objection. Leading, Your Honor.

THE COURT: It's overruled.

You may answer.

THE WITNESS: No, because you would have no way on the other phones of selecting the line, no. It has privacy. You couldn't -- from any of those other phones, you couldn't listen in on another conversation.

MR. AUCHINCLOSS: All right. Thank you. I have no further questions.

RECROSS-EXAMINATION

BY MR. SANGER:

Q. Okay. Just a few.

First of all, you could listen in on other lines on the phone system from the console in the administration building, correct?

A. That's correct.

Q. And that console is pretty much out in the open, there, in the staff area of the administration office, correct?

MR. AUCHINCLOSS: Objection. Assumes facts; and no foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: Well, it was -- when I inspected it, it was in a locked office.

Q. BY MR. SANGER: When you say "a locked office," though, the administration building, the lock was on the front door of the administration building, correct?

A. No, there's an office inside the administration building, as I call it. I don't know if I'm, you know, using the right terminology, but there was an office inside there that was locked.

Q. That's your recollection?

A. Yes.

Q. Did you take a picture of this?

A. The detective had to have the ranch manager unlock the door for us to go in.

Q. All right. And it was -- there was a desk, somebody working at this area, correct?

A. There was no one in there.

Q. I'm sorry?

A. There could have been. There was no one in there at that time.

Q. Let me ask the question again, just so we're clear. It appeared to be a working area where somebody had a desk, correct?

A. That's correct, yes.

Q. And the point is, whoever had access to that phone would be able to listen in on phone calls as well; is that correct?

A. Yes, that's correct.

Q. And you would expect -- from your testimony, you would expect that that's one of the places that the phone would ring so that phone calls could be directed throughout the ranch, correct?

A. Yes. The lines all had to ring at the console. That was a must.

Q. All right. So not only could ring there, but you believe it did ring there at that console in the administration building, correct?

A. Yes.

Q. The phone in Mr. Jackson's -- what we call -- it's a blank screen, I'm kind of pointing randomly here.

The phone that was up on the board, what we call a junior console in Mr. Jackson's living area, the phone did not ring there; is that correct, sir?

A. I don’t know, because we didn’t test any incoming calls.
Q. All right. And you can -- as you said, you can program any of the other phones to -- to be able to answer the phone from that location; is that correct?
A. That is correct.
Q. So if there was a phone, for instance, in that guard shack -- you said you didn’t go down and look, but assume there was a phone there that appeared to be one of the extension phones, you could program that phone to ring so that the person at the guard shack could answer the phone there, correct?
A. That is correct, yes, sir.
Q. All right. You indicated these phones were last made in the early ‘90s, correct?
A. Yes.
Q. But there are replacement parts and

replacement phones that can be obtained if your equipment breaks down?
A. Yes, there’s still refurbished equipment out there. You know, it -- there’s millions of Merlin systems out there that was produced. It was the most widely sold telephone system in the world, and there’s readily available parts.
Q. Okay. And the most widely phone system -- sold system in the world, this Merlin system, had that “mute” capability on all of the phones that were sold throughout the world, correct, if they were --
A. Yes.
Q. -- if they were this kind?
A. If you were on the speakerphone.
Q. Yeah, the speakerphone had a “mute.”
A. That is correct.
Q. Now, almost all office or commercial kinds of telephone systems today, in fact, have that “mute” button; is that right?
A. Yes. Oh, yes.
Q. So there’s nothing nefarious about the “mute” button, is there?

A. No, no, it's standard.

Q. All right. Thank you. You did mention one other thing. You said something about an alarm system. Did you determine whether or not there was an alarm system in place at Neverland?

A. There was an alarm panel in the garage. And, you know, I did not go in to the alarm system to see what lines were attached to it, no.

Q. All right.

A. That wasn't my area of responsibility.

Q. I understand. In your work in the telephone industry and as a -- the president of a telephone company in Ventura, do you have occasion to work with alarm companies when they install --

A. Yes.

Q. -- alarm systems?

And I think what we need to do, I've got to avoid talking over you. And if you could wait just an extra beat before you answer, otherwise the court reporter gets her fingers caught in the keys there.

A. Okay.

Q. When you work with an alarm system -- let me back up.

When you go out to install a phone system at the same time that an alarm system is being put in place, do you work with the alarm company?

A. We do.

Q. All right. And one of the things that you often do is make sure that they have a telephone line, a secure telephone line, so that the alarm system can automatically call out to the alarm company or to a law enforcement agency; is that correct?

A. That's correct.

Q. All right. And so you saw some phone lines that you thought the phone lines might -- in fact, one or more of them might be associated with the alarm function at the ranch; is that correct?

A. That's correct.

Q. And based on your experience in installing telephone systems, is there anything unusual, in a large ranch property, for the owner of the property to have an alarm system hooked up to the telephone system?

A. No, you wouldn’t have it hooked up to the telephone system. You would have a telephone line hooked up to the alarm system.

Q. Okay. I’m sorry.

A. But you wouldn’t have --

Q. Let me withdraw that so I don’t make it any more complicated. I understand what you’re saying. So, what I meant was, have the alarm system hooked up to a telephone line. You’ve restated it correctly.

Is there anything unusual, in a large ranch operation, whereby the owner of the property has an alarm system hooked up to a telephone line that goes off the property?

A. No.

Q. And you’ve seen that. You’ve seen that in your work, correct?

A. Yes.

Q. Is there anything unusual about the owner and the family having an alarm system around the immediate area where they reside to secure their own personal safety where they are living?

A. No.

Q. So you see that from time to time, that there will be a system that’s set up in the living quarters actually where the family resides; is that correct?

A. Yes.

MR. SANGER: All right. Okay. No further questions.

MR. AUCHINCLOSS: Just one further question.

THE COURT: Yes.

FURTHER REDIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Mr. Green, as far as this barging system works in the Merlin system as compared to a home system, is this barging system different only in the fact that it has a “mute” button, or is there an additional feature that allows you to secretly listen to other phone calls?

MR. SANGER: Objection. That’s compound; leading; and beyond the scope of cross, recross.

THE COURT: Overruled.

You may answer.

THE WITNESS: There is a bit of a difference. On the Merlin system, if I barge in, the party that I barge in to cannot see any light, any visual indication or audio indication that I am listening, unless he hears some background noise in the back of me, or he hears me breathing.

Q. BY MR. AUCHINCLOSS: So there won’t be a click?

A. There won’t be a click. There won’t be anything.

MR. AUCHINCLOSS: All right. Thank you. I have no further questions.

FURTHER RECROSS-EXAMINATION

BY MR. SANGER:

Q. Oh, and on that -- if I may, Your Honor -- there’s no reason -- you have absolutely no information to suggest that this phone system was installed for the purpose of listening in on other people, do you?

A. No, sir.

Q. In fact, it looks like a phone system that was installed sometime in the late ‘80s and has just been maintained there on this property ever since, correct?

A. Yes.

MR. SANGER: Okay. Thank you. No further questions.

MR. AUCHINCLOSS: No further questions.

THE COURT: You may step down. Thank you.

THE WITNESS: Thank you.

MR. SNEDDON: Would you ask Mr. Feldman to come in, please?

THE BAILIFF: We already did it.

MR. SNEDDON: He’s on his way in from outside, but --

THE COURT: Come to the front of the courtroom, please.

When you get to the witness stand, please remain standing, face the clerk and raise your right hand.

LARRY FELDMAN

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Larry Feldman. F-e-l-d-m-a-n; Larry is L-a-r-r-y.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. SNEDDON:

Q. Good morning, Mr. Feldman.

A. Good morning.

Q. You’re an attorney licensed --

A. Right.

Q. -- to practice law in California?

A. I am.

Q. And how long have you been an attorney?

A. Since 1969.

Q. And would you share with the ladies and gentlemen of the jury your academic preparation to become a lawyer. Spare us the high school part.

Just --

A. I went to -- ultimately graduated from Cal-State Northridge, where I’m proud to say I’m getting the Alumni of the Year Award this year.

And thereafter I went to Loyola University in Los Angeles, where I graduated in 1969 as the editor-in-chief for The Law Review and No. 1 in my class.

Q. All right. And I assume you took and passed the bar?

A. I took and passed the bar.

Q. And in your practice, where are you currently employed?

A. Currently, I am at a law firm called Kaye, Scholer. K-a-y-e, S-c-h-o-l-e-r. It is in Century City in Los Angeles.

Q. And does it have offices in other locations?

A. It does. All over the world. Its main office is in New York, but it has offices in Shanghai, and Washington D.C., Chicago, Los Angeles. I’m probably forgetting some.

Q. What is the lawyer size of the firm?

A. About 600 lawyers.

Q. Now, prior to the time that you -- how long have you been with Kaye, Scholer?

A. Since January of 2004.

Q. And prior to that, what firm were you associated with?

A. Prior to that, I had my own law firm, which had different names from the time I joined it right out of law school. But ultimately when -- as of January 2004, it was Fogel, Feldman, Ostrov, Ringler & Clemens.

Q. And were you the senior partner of that firm at that time?

A. I was the head of that law firm.

Q. Just give the ladies and gentlemen of the jury some idea of the type of practice of law that you’re involved in.

A. I have been a trial lawyer all of my life. I started in this firm that I ultimately was the senior partner of right out of law school. I started trying primarily cases for injured federal workers, railroad workers and seamen. It was called The Federal Employers Liability Act, and The Jones Act. And I did other kinds of, like, automobile cases, but very rarely.

It was -- primarily I practiced a lot in federal court, some in state court, and tried a lot of cases in those years. And then slowly but surely my practice developed. I started doing a much broader array of cases, from representing labor unions, to representing people involved in wrongful discharge cases, African-Americans who had been discriminated against big companies. Currently, right now, representing a class action in Washington D.C., the largest class action of African-Americans who have not been promoted appropriately.

I represent -- on the other side of the coin, I represent the Oakland Raiders in their many courtroom battles. I represent -- I have represented a lot of entertainment people suing studios. I have defended studios. I have represented individual people who have legal malpractice claims against lawyers. And I have defended lawyers who have been accused of malpractice. I have sued rock groups and defended rock groups.

And so my practice really has grown from what it once was into an array of cases, from really getting, at this stage of my life, some wonderful cases to handle as a lawyer.

Q. And did you, at one time, represent the late Johnnie Cochran?

A. I did represent Johnnie Cochran for ten years in a legal matter from the day, or thereabouts, when he became involved in O.J. Simpson till the end of that. Till 2000 and -- January 2004 I represented Johnnie.

Q. What professional organizations have you been associated with and participated in?

A. I was the president of the Los Angeles County Bar Association. I was the president of the Los Angeles Trial Lawyers Association. I was an officer in the American Board of Trial Advocates, which is an organization that you have to be invited into and have to have a certain skill level in trials and in representing people.

I am what they call a Fellow of the American College of Trial Lawyers, which is limited to 1 percent of the lawyers in the United States.

Another organization that you have to be invited into to get into.

The International Academy of Trial Lawyers, where I am -- which is limited to the top 500 lawyers, theoretically, in the world.

I mean, I don’t know who’s making these judgments, but that’s sort of --

Q. It’s nice to be invited, even though you don’t understand the standards.

A. It’s one club you want to be invited into.

But I’m sure there’s somebody else who deserves to be in this club who for some reason doesn’t get in.

Q. And are there some committees that you operate in on a statewide basis?

A. Yes. I’ve been appointed to -- by the governor to assist in selecting judges for the Southern California area. I have been appointed by the chief justice of the California Supreme Court, both chief justices, Malcolm Lucas, who was the chief justice originally, who had a blue ribbon committee of lawyers throughout the state, with judges, who are trying to improve the system of justice for -- so there would be better access to the Court for people.

Fancy people, big corporations, don’t have any problems using the courts. But little people have a lot of trouble getting through these courts, and the chief justice had a committee, as we moved into the millenium, to try to figure out how to better access courts for individuals who couldn’t higher fancy lawyers.

And then just recently the current chief justice of the Supreme Court asked me to be on a committee to help with the discipline of lawyers.

There is a lot of criticisms that lawyers who should be disciplined aren’t disciplined and that the public doesn’t feel like we’re disciplining our own lawyers.

And the State Bar is in charge of this system as it exists right now. And there are these State Bar judges who judge it, and there’s -- I’ve been asked to be on this committee to look at these issues and try to develop a better system for making sure that lawyers who need to be punished are punished and that we have the right people in place who can punish them appropriately.

Q. And have you done some teaching in your spare time?

A. In my spare time, when I'm not in Santa Maria testifying, I do. I am -- I taught last week at Loyola. I do a lot of teaching to judges, to lawyers, to law students, on different things about the law, from ethics, to how to try a lawsuit, a whole potpourri of different things.

I've written a lot about -- articles and chapters in books about how to try lawsuits or some aspect of some part of a case that I may have tried.

Q. Let's turn to a specific case, if we can, and I'd like to focus your attention to the year 1993 and '94, if we can.

Are you familiar with a then young boy by the name of Jordan Chandler?

A. I am.

Q. And how did you become involved -- by the way, did you know -- when you first met Jordan Chandler, do you recall how old he was?

A. He was 13, as I recall.

Q. And how did you become involved with Jordan Chandler? Tell us.

MR. MESEREAU: Objection to the extent it calls for hearsay.

THE COURT: Calls for a narrative, sustained.

Q. BY MR. SNEDDON: Well, describe to us, then, the first contact you had with regard to Jordan Chandler.

A. A lawyer --

MR. MESEREAU: Same objection. To the extent it calls for hearsay, I'm going to object.

THE COURT: Overruled.

You may answer.

THE WITNESS: A lawyer in the community referred his -- the parents, and -- are we using his name?

Q. BY MR. SNEDDON: Yeah.

A. We're using his name?

Q. Jordan Chandler, yeah.

A. Okay. Who used Jordie -- who brought Jordie to me, a lawyer who was representing the father of Jordie at the time. If I recall, Jordie was being represented at the time, for like 20 minutes or so, by Gloria Allred. They wanted to switch lawyers. And he asked me to interview the family, and I did.

Q. And as a result of the interviews and what other actions you also took, did you eventually end up filing a lawsuit against the defendant in this case, Michael Jackson?

A. I did.

Q. On behalf of Jordan Chandler?

A. I did file a lawsuit.

Q. On behalf of the family also, members of the family?

A. You know, without seeing the lawsuit, the mother and father, if I recall correctly -- I could be wrong about this, without seeing the lawsuit. I thought the mother and father were just the guardians and didn't have their own claims that we asserted. I don't think we ever asserted any claims on behalf of the mother and mother. We just asserted them on behalf of Jordie.

And the parents in the Chandler case were divorced, and there was a lot of acrimony between mom and dad, and in order to keep peace between mom and dad, I came up with the idea that there should be a joint guardianship, and I think we took -- that's what we did.

Q. All right. With regard to that particular case, which would have been, I guess, Chandler versus Jackson, correct?

A. It was.

Q. That would have been the heading? You did file a formal lawsuit?

A. I did.

Q. And what jurisdiction was that lawsuit filed?

A. Los Angeles Superior Court.

Q. And in that particular lawsuit, do you remember how many causes of action you alleged?

A. I think seven, roughly seven causes of action.

MR. MESEREAU: Relevance, Your Honor.

THE COURT: Overruled.

You may proceed.

Q. BY MR. SNEDDON: And with regard to the causes of action, what was the nature of the causes of action alleged against the defendant Mr. Jackson?

A. The sexual molestation of Jordie Chandler.

Q. Now, did that particular case, the case of Chandler versus Jackson, eventually result in a settlement?

A. There was.

Q. And with regard to that particular settlement, was there a particular form that the settlement took?

A. “Form” meaning a contract?

Q. Well, a contract or some other document to --

A. Yeah, there was a lot of documents that surrounded that settlement.

Q. And with regard to the settlement, was it -- you’ve heard - I’m sure you’re familiar more than I am - the term “confession of judgment”?

A. Yes.

Q. Was that particular form of document used in the settlement of the Chandler versus Jackson lawsuit?

MR. MESEREAU: Objection; relevance.

THE COURT: What’s the relevance, Counsel?

MR. SNEDDON: The form of the settlement in terms -- I mean, the form of the settlement -- do you want me to go ahead and speak out, or do you want to approach the bench?

THE COURT: I asked you the question.

MR. SNEDDON: All right. Then as I understand it, there are settlements that are done by way of contract, and there are settlements that are done by way of confession of judgment.

THE COURT: What's the relevancy?

MR. SNEDDON: The legal effect of the judgment, plus the --

THE COURT: All right. You may ask the question.

Q. BY MR. SNEDDON: All right. I'm -- you're far more capable than I am of delineating the differences, but is there a difference between a civil settlement that results from a contract and one that results from a confession of judgment?

A. Yes.

Q. All right. Would you explain to the jury what the difference is and what the legal effect is?

A. Yes. In a confession of judgment, it is as though we went to trial and had a lawsuit and the jury came back with a verdict and we had a judgment, or the Judge came back with a finding.

And when the Judge says somebody's at fault, and "Here's your damages," you put it into a judgment. And when you have a judgment, you can file that judgment in the county and then you can execute on that judgment, so that if -- and just as an example, and I'll just make this number up, let's say you had it for one dollar, a judgment for a dollar. Well, if you have a judgment, you could just go and take somebody's house or take somebody's car, or go to their bank account and literally take that dollar out to satisfy the judgment.

If you just have a release or a contract, then you -- all you get left with, if the person doesn't pay you the dollar, is a something that says, "I promise to pay you a dollar." And then you got to start all over and prove that person breached that contract.

So in the Michael Jackson case, because there were payments going to take place --

Q. Let's stay away from all that area, okay?

Just tell us about --

A. All right. Well, that's the best I can tell you the difference.

Q. All right. So -- but in the Michael Jackson case, you got a confession of judgment?

A. I got a confession of judgment.

Q. Now, with regard to the case of Chandler versus Jackson, all right --

A. Yes.

Q. -- you told us the causes of action involved child molestation, correct?

A. Correct.

Q. Had you handled other child molestation cases prior to the Chandler versus Jackson case?

A. The answer is, to the best of my recollection, I had never handled a -- what I would call a civil child molestation case sexually. If what you're asking -- I don't want to -- I did handle, on the defense side, a family that was accused of abuse of a child.

Q. Physical abuse.

A. It wasn't sexual abuse. So, if the question is sexual molestation, to the best of my recollection, I have never handled a sexual molestation case before Michael Jackson and since Michael Jackson.

Q. Now, at the time that you were representing Jordan Chandler back in 1993 and '94, were you aware, your own personal knowledge, whether or not the Los Angeles County District Attorney's Office was involved in investigating the sexual abuse allegations against Mr. Jackson?

A. I do, and they were.

Q. And of your own personal knowledge, were you aware of the fact that at some point in time later, that the Santa Barbara County District Attorney's Office joined that investigation?

A. Yes.

Q. During the time that you were representing Mr. Chandler, the child Chandler, not the father Chandler, the child, Jordan Chandler, during the time that you were representing him, were either -- let's just go one at a time so we don't get a compound problem. But was the Los Angeles District

Attorney's Office given an opportunity to talk to your client?

A. The Los Angeles County District Attorneys, they talked to my client, they certainly did. They talked to him all they wanted.

Q. And then later, when the Santa Barbara District Attorney's Office joined in the investigation, were they allowed access to your client for interview purposes?

A. I mean, you know, I could be wrong. I think you were. Or I don't know about you, but I thought you were. I thought, but I don't remember that, frankly, whether you were or you weren't. I know when the police wanted to talk to Jordie during that period of time, they had access to him, so which ones I can't recall.

Q. Was there a time in which there was a 4500 request for your client, Jordan Chandler, to appear before the Santa Barbara County Grand Jury?

A. Gee, I can't remember that really. There may have been. I just don't remember.

Q. To your knowledge, did your client appear before the Santa Barbara County Grand Jury?

A. I don't think so.

Q. Was there some point in time where your client decided that he did not want to participate in an investigation by --

MR. MESEREAU: Objection. Relevance; foundation; and calls for speculation.

THE COURT: Sustained.

Q. BY MR. SNEDDON: Are you aware, as a practicing lawyer in the State of California, that a juvenile who has been the alleged victim of a child molestation cannot be forced to testify --

MR. MESEREAU: Objection. Leading; and relevancy; and mis -- and misstates the law.

MR. SNEDDON: No, it doesn't mis -- I'm asking his professional legal opinion, Your Honor.

MR. MESEREAU: Calls for a legal conclusion.

THE COURT: I'll allow the question, but I'm going to have you rephrase it because of the -- of the way you asked it. I'll allow this subject matter to be questioned.

Q. BY MR. SNEDDON: With regard to your practice of law and in your civil litigation, and with regard to your representation of Jordan Chandler in the Chandler versus Jackson lawsuit, okay --

A. Yeah.

Q. -- were you aware or did you become aware of the fact that there is a code section dealing with the -- with a minor’s right to refuse to testify in a criminal prosecution?

A. I was aware of one in ‘93.

Q. And you were aware of that while you were representing Jordan Chandler?

A. I was.

BAILIFF CORTEZ: Speak more into the microphone.

THE WITNESS: What do you want me to do?

BAILIFF CORTEZ: Speak more into the microphone.

THE WITNESS: Oh.

Q. BY MR. SNEDDON: Now, I guess the last question I have, and I’m probably taking it too much for granted, but with regard to the lawsuit involving Chandler versus Jackson, was that resolved in Chandler’s favor?

MR. MESEREAU: Objection.

THE WITNESS: It was -- oop.

MR. MESEREAU: Move to strike. Vague; no foundation; calls for speculation.

THE COURT: Overruled.

Q. BY MR. SNEDDON: You may answer.

A. It was absolutely resolved in Mr. -- in Jordie Chandler’s favor.

Q. All right. Let’s fast-forward, if we can, to the year 2003.

Are you familiar with an attorney by the name of Bill Dickerman?

A. I am.

Q. And have you ever had contact with Mr.

Dickerman?

A. Before then or --

Q. No, in 2003.

A. Yes.

Q. Had you ever had any prior contact with Mr. Dickerman of any kind?

A. Yes, he, I believe, tried to refer me a case or cases in the past. Most of the cases I get are from other lawyers who refer me business, and I know that he did. I can't remember what the case was about, and I know I didn't take it, but at least on one occasion, if not more, he had called me and asked me to help him in cases that he was involved with.

Q. Okay. Now, before we get too far down the road with Mr. Dickerman, I neglected to show you a photograph.

Your Honor, I've had a photograph marked as 7-76, 776 for identification purposes. I'm

approaching the witness. I've shown it to counsel.

Mr. Feldman, do you recognize the person depicted in that photograph?

A. I do.

Q. Who is that?

A. Jordie Chandler.

Q. Is that an accurate depiction of what Jordie Chandler looked like?

A. He was much better looking, I can tell you, at that age. He was adorable. That's kind of blurry.

MR. MESEREAU: Objection; move to strike the gratuitous remarks.

THE COURT: Stricken.

MR. SNEDDON: Move that 776 be admitted into evidence, Your Honor.

MR. MESEREAU: No objection, Your Honor.

THE COURT: The answer was stricken to the question as to whether or not it was an accurate picture of Jordan Chandler. That hasn't been answered.

MR. SNEDDON: I thought you were just striking the last part.

THE COURT: I struck the whole thing.

Q. BY MR. SNEDDON: Is that photograph, 776, an accurate depiction of Jordan Chandler at or about the time that you knew him?

A. Yes.

THE COURT: All right. It's admitted.

MR. SNEDDON: May I publish it, Your Honor?

THE BAILIFF: "Input 4," Your Honor.

THE COURT: Yes.

Q. BY MR. SNEDDON: All right. Mr. Feldman, the exhibit that is on the Elmo there, 776, that's the one you just identified as the individual depicted as Jordan Chandler, correct?

A. That's correct.

Q. All right. Thank you very much.

Now, let's get back to Mr. Dickerman. You indicated that you had at least one prior referral from him that you recall. Now, let's just talk about something in general.

You say you get a referral. Is there ordinarily, in the practice of law when somebody refers you a case, an agreement called a referral agreement?

A. Yeah. Depending on what kind of case, obviously, that's being referred, but the answer is yes.

Q. Could you explain to the ladies and gentlemen of the jury how that referral agreement usually works, in general terms?

A. Yeah, sure. If -- there are two ways, generally, lawyers make their money. One is a contingent fee agreement, where they only receive payment if they are successful. And if they're not

successful, they don't get paid. The second is just a straight hourly kind of payment where you get paid for every hour that you work.

In the contingent field, when a lawyer referrs another lawyer in the contingent field, some lawyers, not all, want to participate in some fashion, some way, and they then request the referral fee. And the State Bar rules say that’s legal and you can do that, as long as you tell the client in advance and the client consents to that referral agreement.

Q. Now --

A. And it’s traditionally done. Not “traditionally,” but depends where the case is coming from and who the lawyer is, and, you know, it’s a whole variety of things.

Q. In 2003, did Mr. Dickerman refer you a case?

A. He did.

Q. And with regard to that particular case, was there one of these referral agreements formed between you and he?

A. Ultimately, yes. Not right at the beginning. But ultimately, yes.

Q. As part of the referral process, did you have a conversation with Mr. Dickerman?

A. Yeah, I’m sure I did. I must have.

Q. The first contact was by phone?

A. Oh, yeah. The first contact with Mr. Dickerman clearly was by phone.

Q. And did you eventually have an in-person conversation with him?

A. In general. You’re not talking about the referral fee now. You’re talking about just --

Q. Yeah, I’m talking about --

A. In general, yeah, sure. I mean, he called me. He told me stuff. He then wanted to come in and talk to me.

MR. MESEREAU: Objection. Hearsay; move to strike.

THE COURT: Sustained.

THE WITNESS: I’m not going to say what he said.

MR. SNEDDON: I know, and you didn’t.

Q. Okay. So he had a telephone conversation with you, and he told you some things over the phone?

A. That’s right.

Q. All right. As a result of that telephone call, did you then have an in-person meeting with

Mr. Dickerman?

A. As a result of that, I had an in-person meeting, yes.

Q. Do you recall whether or not, at the time that you had the first in-person meeting with Mr. Dickerman or the first meeting in person - the sentence the other way was bad - with Mr.

Dickerman --

A. Yes.

Q. -- do you recall whether or not the clients that he was referring to you were present?

A. I don’t think they were in the first meeting.

Q. Now, at some point after that, then, did you meet the individuals that were the subject of the case referred to you by Mr. Dickerman?

A. Yes.

Q. And with regard to those -- the clients, do you recall their names?

A. Yes.

Q. Who were they?

A. Janet Arvizo, her daughter Davellin, her son Gavin, and her son Star.

Q. Now, let me go back. I neglected to ask you one other question about referral agreements. Does the fact that you take a referral agreement from another lawyer obligate you to continue that case to a point of filing a cause of action or taking some form of action?

A. Absolutely not. Absolutely not.

Q. You had a meeting involving the family where you met them?

A. Yes.

Q. Do you recall whether Mr. Dickerman was present or not?

A. My guess is he was, because I assume he brought them to me and brought them to my office, and he had contact, a lot of contact, with them before he came to me, so I’m assuming he did. I’m almost sure he was there. I would never have met with them without him being there.

Q. And do you recall where the meeting took place?

A. In my office. This is when I was at Fogel, Feldman. This is not my new job, but when I had my old law firm.

Q. Where was that office located?

A. In Santa Monica.

Q. Now, as a result of that first conversation with the Arvizo family, did you decide to take a form of -- a course of action of any kind?

A. Well, sure, of some kind.

Q. All right.

A. I mean --

Q. What would you categorize, in terms of the way you handle cases, as the process that you felt was going on at this point?

A. The process that I follow in my law office at all times is people come in, they tell a -- the factual story. We then -- depends on the case, but generally speaking we then will do research, legal research, especially in a case like this, to see and try to understand what the law is.

And because of the nature of the potential defendants at that time, which was ABC, this Martin Bashir, whatever his company was called, it involved Michael Jackson, we were going to make sure we knew what we were doing before we started. And so after we sort of heard this version of the facts, of some facts anyway, that's the next step that we did.

We also I think got -- we were shown letters. Mr. Dickerman had letters that he had written to the BBC in England, and he wrote letters to Mark Geragos, and Geragos to him, I can't recall which way they went, but -- so we had those, and we were trying to make heads or tails in a legal sense, which nobody had done up to that point in time, to try to focus on what is this about and where -- are we interested in taking any more steps.

Q. Now, with regard to the legal research that you did, what was the research that you did?

A. We had to research -- the fundamental issue

was that Martin Bashir had done a tape at Mr. Jackson’s house that Ms. Arvizo had told us --
MR. MESEREAU: Objection to the extent it calls for hearsay, as well as narrative.
THE COURT: Sustained.
Q. BY MR. SNEDDON: Just what are the issues that you were researching as a result of your conversation with the Arvizo family?
A. Well, the -- whether or not Martin Bashir or

ABC had to have consent to put the children on television.
Q. Now, with regard to other aspects of the information provided to you by the Arvizo family in this meeting, did you decide on another course of action that you felt you needed to do to determine whether you were going to represent this family?
MR. MESEREAU: Objection. That’s leading; move to strike.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes.
Q. BY MR. SNEDDON: And what did you do in that connection?
A. I decided at some point in time that I had to make some heads or tails out of what was being told to me by Mrs. Arvizo, by Star, the young boy, and Gavin. And I concluded that I wasn’t going to be able to do --
MR. MESEREAU: Objection. Move to strike; impermissible opinion; no foundation; relevance; hearsay.
MR. SNEDDON: Judge --
THE COURT: The question, though, was what did he do next, so he answered that. So his thoughts aren’t being called for at this point.
MR. SNEDDON: Judge, I believe under 1250 of the Evidence Code --

THE COURT: This just relates to the question and answer, Counsel. The question didn’t call for his thoughts. Don’t look at me like that.

MR. SNEDDON: I -- Judge, I was thinking of the next question I was going to ask. If you took it the wrong way, I'm sorry, but I wasn't --

THE COURT: All right. Go ahead.

MR. SNEDDON: I mean, it's --

Q. All right. So you -- you decided on a course of action?

A. I did.

Q. As a result of the information given to you?

A. Yes.

Q. And what was that course of action?

A. The course of action was to allow an expert, which I was not, to spend some time with all three of them. Davellin wasn't really the issue, but Janet, Star and Gavin, and let some expert figure out, if he could, what was happening.

Q. All right. Did you contact somebody to help you make that evaluation?

A. I did.

Q. And who was that?

A. Dr. Stanley Katz.

Q. And are you familiar -- were you familiar with Dr. Katz prior to the time that you decided to use him in the case --

A. Yes.

Q. -- involving the case that Mr. Dickerman had referred to you?

A. Yes.

Q. And what was your prior contact with Dr. Katz?

A. In 1987, I was defending a family who had been wrongfully accused of abusing a child, and the court so found, but -- and Dr. Katz, the first time I met him, was an expert that we hired for the defense to assist in that trial, and he testified in that case.

Q. Did you hire Dr. Katz or did he participate in the case of Chandler versus Jackson?

A. Yeah, in Chandler versus -- well, "participate." Chandler versus Jackson moved very quickly, because he was a minor.

Q. Did you retain him?

A. So I retained him, yes.

Q. And did he play any role in the case itself? It never went to trial, correct?

A. The case never went to trial. We never got that --

MR. MESEREAU: Objection; asked and answered.

MR. SNEDDON: I'll move on, Your Honor. It's not a problem.

THE COURT: All right.

Q. BY MR. SNEDDON: As a result of your contacts with Dr. Katz, did you decide to send the Arvizo family to Dr. Katz?

A. Yes.

Q. In 2003?

A. Yes.

Q. Okay. Now, do you recall when that was, approximately, what month it was?

A. Either May or June, in that time frame, of 2003.

Q. At some point in time, did you receive a report back from Dr. Katz about his initial contacts with the family?

A. Oral. I got an oral -- I had an oral conversation with him.

Q. Do you recall whether it was in person or over the phone?

A. I think it was in person, quite frankly. I think he came to my office.

Q. Now, after you received this report, did you do anything?

A. Yes.

Q. What did you do?

A. I called the Arvizo family, Mrs. Arvizo and the three children, back into my office for a meeting.

Q. All right. And in that meeting, what was the topic discussed?

MR. MESEREAU: Objection to the extent it calls for hearsay.

MR. SNEDDON: All right.

THE COURT: Overruled. The subject matter only.

THE WITNESS: The subject matter only. The subject matter was the options -- well, what Dr. Katz had told me, and their -- the options that existed at that point for that family. Different courses of action that were available to them at that point in time.

MR. SNEDDON: Your Honor, at this point I would ask the Court to be able to have the witness be able to recount those, and that it would be admissible under 1250 of the Evidence Code not only as to this witness's state of mind, but also as to the state of mind and actions of the Arvizo family.

MR. MESEREAU: And I object. Hearsay, foundation; relevance; and calls for improper conclusion; and 352.

THE COURT: Whose statements are you offering for the state of mind only?

MR. SNEDDON: Your Honor, both. I mean, you're asking me, so I guess I can go beyond --

THE COURT: Just give me names.

MR. SNEDDON: All right. This witness, Mr. Feldman, with regard to his state of mind with regard to what the future of any lawsuit may be at this point; and secondly with regard to the Arvizos, any decision that they would have made regarding any lawsuits against any individuals at this point in time, which I believe is an issue in this case.

THE COURT: The objection is sustained.

Q. BY MR. SNEDDON: As a result of your conversation with the Arvizos on this particular day, what was the next step that you took in evaluating this case?

A. Well, the next step I took was, after -- I won't say what I said. I understand the ruling. They went back and saw Dr. Katz again. And I then went to the head of the --

Q. Let's just stop there for just a second, Mr. Feldman.

A. All right.

Q. So as a result of the conversations that you had with the Arvizos, there was a decision to go back to see Dr. Katz with the family again, correct?
A. Their decision to; that they wanted to go back and see him again.
Q. Okay. And to your knowledge, did that happen?
A. Yes.
Q. And to your knowledge, did you then find out the results of Dr. Katz' subsequent conversations with the family?
A. Yes.
Q. And as a result of those conversations with Dr. Katz, did you decide on a further course of conduct that you felt needed to be done?

MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
THE WITNESS: Yes.
THE COURT: You may answer.
Q. BY MR. SNEDDON: What did you do?
A. I then believed that -- Dr. Katz believed he had a report, and I then went to the head of --
MR. MESEREAU: Objection. Move to strike; hearsay.
THE COURT: His belief is stricken. The question is, "What did you do?"
THE WITNESS: I went to the head of the Department of Children Services, Los Angeles County, a fellow by the name of David Saunders, who was the head of the Department of Children & Family Services.
Q. BY MR. SNEDDON: And did you contact him prior to going down to the department?
A. I did.
Q. By what form?
A. Well, that's a good question. I contacted him first between the meeting where I called the Arvizos into my office after Dr. Katz talked to me and before they went back. I talked to him and alerted him to a possibility that I might need to talk to him.

Q. And then after that?

A. And what I can’t remember is if I saw him at a social gathering where we were both at, or did that by phone. I just -- it was one or the other, but I definitely met with him or talked to him and told him that -- I didn’t tell him what it involved. I just told him it was a high-profile thing, and if it happened, I needed to have secrecy.

Q. All right. Now, with regard to after your second conversation with Dr. Katz, did you actually go down to the Los Angeles County Department of Child & Family Services?

A. Yeah, well, I did then definitely call him and talk to him again.

Q. Before you went down there?

A. Before I went down, and then after talking to him and telling him what it was --

MR. MESEREAU: Objection. Move to strike; asked and answered.

THE COURT: Sustained. Well, not asked and answered, but it’s not responsive.

Q. BY MR. SNEDDON: So you had a telephone call with him?

A. I did have a telephone call.

Q. And after that telephone call, did you go down there, and with whom?

A. I went down there with a colleague of mine from my office and Dr. Katz.

Q. And what was the purpose for the three of you going down to the L.A. County Department of Child & Family Services?

A. I wanted to get absolute assurance from the head of the department that there would be no leaks of anything that they decided to do or not do in connection with the report that Dr. Katz was going to make.

Q. Now, are you familiar with the law in the State of California that requires certain psychologists or psychiatrists to make a mandatory report --

A. I am.

Q. -- when they suspect child abuse or child --

MR. MESEREAU: Objection. Leading; move to strike.

THE COURT: Overruled.

THE WITNESS: I am aware of that.

Q. BY MR. SNEDDON: And was this the purpose for the three of you going down to the L.A. department?

A. The purpose was for him to report, but he could have done it on a hotline like was done in ‘93. This time it was to have it guaranteed it was never going to leak out to the press.

Q. Okay. Now, as a result of this conversation, were you directed to another agency?

A. Well, he directed me into a room with two people. That’s where he directed me.

Q. You had a conversation with those people?

A. I had a conversation with those people.

Q. And as a result of that conversation, were you directed to another agency? Let me put it this way: Did they take the report?

A. They didn’t take the report, and they didn’t direct us to another agency. They --

MR. MESEREAU: Objection. Hearsay; move to strike.

THE COURT: Overruled.

Q. BY MR. SNEDDON: Now, after you left the agency, did you decide on a course of action?

A. Yes.

Q. And was this regarding and connected with Dr. Katz’ responsibility as a mandated reporter?

A. Yes, because I felt he still hadn’t reported because they didn’t take the report.

MR. MESEREAU: Objection. Objection. Move to strike; nonresponsive.

THE COURT: After “Yes” is stricken.

Q. BY MR. SNEDDON: All right. Who did you call?

A. I called you.

Q. Okay. And as a result of that conversation, were you eventually contacted by somebody else?

A. My recollection is that I was contacted by a police officer. Or he may have been a sheriff. I don't know what he was, but he was some law enforcement person.

Q. Now, during the course of the conversation between you and I, did the subject of a civil lawsuit against Michael Jackson in connection with the substance of the mandated report come up?

A. Yes.

MR. MESEREAU: Objection; leading.

THE COURT: Overruled. The answer was, "Yes."

Q. BY MR. SNEDDON: And in that connection, was there a representation made by you to me concerning a civil lawsuit?

A. Yes.

MR. MESEREAU: Objection; leading.

THE COURT: Overruled. The answer was, "Yes."

Q. BY MR. SNEDDON: And with regard to that representation - and, Your Honor, I'm offering this under 1250 - what was said by you to me?

A. No lawsuit. I would not file a lawsuit. And there was no plans to file a lawsuit. And that you would investigate it and make up your own mind. Not you, but the police.

Q. Now, do you currently -- at some point in time did you feel you represented the Arvizo family in some kind of litigation?

A. That's a great question. I've thought about it. Yeah, I mean -- yes, I guess -- I don't know about some litigation. I certainly represented them in everything I did, because I'm a lawyer and I was doing it as a lawyer. So, yes. The answer is yes.

Q. With regard to the information and the substance of the original conversation with the Arvizo family, did you feel that you represented them at least at some point with regard to the exploration of the issues involving the Bashir tape and things of that nature?

A. Yes. For sure.

Q. And was there a certain point in time where that representation ended?

A. Yes.

Q. And when was that?

A. Approximately -- I terminated them, my relationship with them sometime in October, I think, if not sooner. I think effectively it was August or September, somewhere in that time, of ‘03, and then shortly thereafter I wrote a letter terminating my relationship, confirming that I was not their lawyer and that I wasn’t going to proceed with anything.

Q. And at any point in time from the time you first met the Arvizo family and to the time you wrote the letter saying you were not going to represent them, which would have been somewhere around October of 2003, did you ever file an action on their behalf?

A. No, never have.

Q. Now, subsequently, in the year 2004, you did some legal work for the Arvizo family, correct?

A. Yes.

Q. And you -- and you have made appearances in court on representing the family; is that correct?

A. Well, I haven’t physically made any appearance, but I have occasionally done things, very limited, for them.

Q. And have you done that for other clients before?

A. Oh, yeah. I was --

Q. Is there a term in the legal profession that we call that?

A. Yes.

Q. What’s it called?

A. Dumb.

Q. That wasn’t exactly the one I had in mind.

A. Pro bono. Pro bono. Stupid.

Q. And do you consider what you did with the Arvizos after the point that you were no longer officially their lawyer to be pro bono work for the family?

A. Yeah. Absolutely. I never expected to get paid, and I’ve done very limited stuff, and the stuff that I’ve done is just stuff that I felt that I should do. That nobody was going to do it for them, and I got this thing rolling and I ought to do it, and I have very limitedly done things.

Q. Is one of the things that you did for them was to file a claim with the Los Angeles County Department of Child & Family Services?

A. That I did for both of us, because of again, because I was upset that the county did that, so we filed a claim.

Q. Why did you file a claim against Los Angeles County on behalf of Janet Arvizo?

A. Because the County of Los Angeles has a sworn obligation to protect children. And here, they swore -- I went to the head to get this thing protected, and the minute Mr. Jackson gets arrested, the first thing that happens is that county leaks out a report that was created and written after he was arrested, a memo. It comes out, it quickly gets on the news, and quickly blasts this family. And I thought, of all the things that I’ve seen as a lawyer --

MR. MESEREAU: Objection. Move to strike; nonresponsive; giving a narrative; impermissible opinion.

THE COURT: It is responsive, but it is a narrative answer. So I’ll sustain the objection.

Q. BY MR. SNEDDON: All right. So with regard to this particular claim that you filed, it’s not a lawsuit, right?

A. It was a claim.

Q. And that’s required when you sue a governmental agency, to file a claim first?

A. Yes.

Q. And then what is the -- we’ve heard this term thrown around in the courtroom in relationship to other things, what’s the “statute of limitations” for an individual to actually bring the lawsuit once the claim is filed?

A. You have 180 days to file the claim from the event. And then -- so you have to have a claim on file if you were ever going to do anything. And then once they deny the claim, you have another 180 days, essentially, to bring a lawsuit once it’s denied.

Q. And as a result of that claim that you filed on behalf of Janet Arvizo, has the second 180 days elapsed?

A. It has as to Janet, and it has as to Davellin. I don’t think it has, frankly, as to the minors. But it certainly has as to -- Janet couldn’t file a lawsuit today and her daughter couldn’t file a lawsuit today.

Q. And that’s because they have a certain number of years after they reach the age of majority, 18, to file a claim or a lawsuit?

A. That’s my understanding. Once they file a claim it protects their rights, I think. You know, I really -- this was a claim that asked for an apology.

Q. So they were never seeking monetary damages?

A. Well, who knows? But, I mean, there really --

MR. MESEREAU: Objection; move to strike.

THE WITNESS: I don’t know what --

THE COURT: Just a moment.

The objection is sustained. Any answer is stricken.

Q. BY MR. SNEDDON: At the time that you made the written claim to the County of Los Angeles, did you demand monetary damages?

A. It had -- it probably said words in there, whatever the damages are. It didn’t have a number, I can tell you that. And it had -- I mean, you can’t file a lawsuit without the claim. I mean, there’s no such thing as a lawsuit for an apology. So it said some -- if I saw it, if you had it, I could tell you, but it was really to conduct a -- get the county to do something, for the next kid.

MR. MESEREAU: Move to strike the gratuitous remarks at the end; nonresponsive; impermissible opinion.

THE COURT: I'll strike the last sentence.

Q. BY MR. SNEDDON: During the time that you -- since you first met Janet Arvizo --

A. Yes.

Q. -- and the Arvizo family, were you ever asked to file a lawsuit against Michael Jackson?

MR. MESEREAU: Objection. Move to strike; calls for inadmissible hearsay; no foundation.

THE COURT: The objection is overruled. You may answer.

THE WITNESS: I have never been asked to file any lawsuit against Michael Jackson.

MR. SNEDDON: Nothing further, Your Honor.

MR. MESEREAU: May I take just a second, Your Honor? I have to get some materials.

CROSS-EXAMINATION

BY MR. MESEREAU:

Q. Good morning, Mr. Feldman.

A. Good morning, sir.

Q. Mr. Feldman, if Gavin Arvizo decided at some point in the future to sue Mr. Jackson for alleged sexual abuse, how much time would he have to file that action?

A. I think he'd have till his 20th birthday.

Q. If Star Arvizo decided in the future to sue Mr. Jackson for alleged sexual abuse, how much time would he have to file that lawsuit?

A. I think the answer's the same. 20.

Q. If, at the end of this trial, they were to decide, you know, "We'd like to sue," they'd have plenty of time to do it, wouldn't they?

A. "They" meaning the boy --

Q. Gavin.

A. Not Janet.

Q. Gavin and Star.

A. The two boys?

Q. Yes.

A. If they wanted to at the end of the trial, they could sue, sure.

Q. Isn’t it true that a judgment of conviction in a criminal case for anything related to child molestation could be dispositive in a parallel civil suit alleged for the same facts?

A. As long as it’s a felony conviction, that’s right.

Q. In other words, if Mr. Jackson were convicted of felony child molestation in this case, either Gavin Arvizo or Star Arvizo could use that conviction to essentially win a civil case regarding similar alleged facts against Mr. Jackson?

A. That’s correct.

Q. If there were a conviction for felony child molestation in this case, and if Star or Gavin elected to sue in a civil case based on the similar alleged facts of sexual abuse, essentially the only issue remaining would be how much money you get, correct?

A. Probably. I think that’s -- it’s close enough. I mean, nothing is that simple, as just stated. You know it as well as I. But essentially I think that’s what would happen.

Q. Well, you would have to follow certain civil procedures in civil court, but essentially, Mr. Feldman, you could take the judgment of conviction, you could walk into civil court, you could lodge it with the court, you could ask a judge to determine that liability has been established, true?

A. Yes. You get these problems with appeals, and the impact of appeals, and it’s a complicated thing, but the answer is ultimately yes.

Q. And one of the reasons for that is that the burden of proof in a criminal case is proof beyond a reasonable doubt. The burden of proof in a civil case is preponderance of the evidence, and if you have proof beyond a reasonable doubt, you automatically have proof by a preponderance of the evidence, as you would need to have it in civil court, true?

A. That’s the theory.

Q. Well, that’s correct, right?

A. Yeah, that’s the theory behind it.

Q. All right. Now, let’s assume there was a conviction in this case and that Mr. Jackson were convicted of felony child molestation, and let’s assume that Gavin and Star then decided, “We want to file a civil suit for millions of dollars in civil court,” okay?

A. Yeah.

Q. On similar alleged facts. And let’s assume the process you’ve just identified, where you walk into civil court, you follow rules, and you essentially establish to a civil court judge that liability exists.

If that were to happen, whoever the civil lawyer was representing the Arvizos would have avoided costs of investigation, experts, depositions, filing fees, messenger fees, all sorts of legal fees, right?

A. Well, look, I don’t want to open that hypothetical. You’d have to be nuts to do that, what you’re saying, as a civil lawyer.

Q. Sir --

A. You’d have to be nuts.

Q. Sir, did you tell a grand jury in Santa Barbara County that you had incurred tremendous costs of expenses during your lawsuit against Mr. Jackson in 1993?

A. I did. And it was true.

Q. And if liability were established through a criminal conviction, a civil litigator could avoid most of those costs, correct?

A. Some of those costs. Not most. Some. I mean, certainly some you would avoid.

Q. You could avoid of lot of investigative costs, correct?

A. You know, it’s -- can I --

Q. Just answer my question, if you would, please.

A. I can’t answer it that way. If I could explain to you why. You know, I’ll tell you why I can’t, and you can ask me the next question and you can get to the answer.

Q. Is your answer you would not avoid investigative costs?

A. No, it’s the amount of investigative costs we’re talking about.

Q. Okay. Did you tell the jury today that when you were in front of the grand jury you mentioned the enormous amount of expenses and legal fees you had incurred in 1993 litigating that case until it settled?

MR. SNEDDON: Object. Asked and answered, Your Honor.

THE COURT: I’m not -- I’ll sustain the objection if you’re asking him what he previously testified to --

MR. MESEREAU: Yes.

THE COURT: -- today. I mean, you’re saying, “What did you just testify to on direct?”

MR. MESEREAU: I couldn’t -- to be honest, Your Honor, I couldn’t tell if he had actually addressed that issue. It’s a long answer.

THE WITNESS: I’m happy to -- the legal fees wouldn’t change. The costs would change. We’re just debating how much those costs change. But the costs would change. The legal fees would be the same. If you’re on a contingent fee, you don’t get paid any more if you work a lot or work a little.

Q. BY MR. MESEREAU: But if you were to gauge your legal fees at hours, sir, and you didn’t have to prove liability, you would save a tremendous amount in legal fees, wouldn’t you?

A. Well, sir, I keep trying to tell you, that ain’t the way it works, and you want to keep saying it is. Now, I can tell you how it works, and then you can get to what you want to get.

Q. If you had to try a civil case on liability, Mr. Feldman, it could go months, couldn’t it?

A. Sure.

Q. If you have a judgment of felony conviction in a criminal case and you walk into civil court and establish it, you don’t have a trial in civil court for months on liability, correct?

A. You have to --

Q. Yes or no?

A. You could, if you -- you know, you could. I can't answer it the way you want me to answer. I'm happy to explain it to you, and maybe we can get to the answer.

Q. Would a judgment of felony conviction in criminal court possibly eliminate a trial on liability in civil court for similarly alleged facts? Yes or no.

A. Do you count punitive damages in "liability," or not?

Q. Sir, I'm asking you to answer my question.

A. Well, I can't -- I can't answer it this way. Liability has a lot of aspects to it, sir, and one of the things is the finding of malice.

Q. Okay.

A. And that's separate from what you're talking about.

Q. In other words, if you could avoid the liability phase of a civil case, you wouldn't save some time in legal fees?

A. Of course you would save some time, and you would save some money. We're just talking about how much. You keep saying it's -- there's -- it would be a total saving, and I'm trying to explain to you that's not what would happen. It wouldn't go down that way.

Q. You wouldn't have to prove liability, because it would have been proven in a criminal court, correct, or not?

A. You'd have to prove malice, though.

Q. Correct or not, Mr. Feldman?

A. Well, how many times can I go through this with you?

Q. Are you saying if you get a judgment of conviction in criminal court for felony child molestation and you then walk into civil court with civil allegations based on the same facts, you still have to establish liability? Is that what you're saying?

A. Not liability as to that aspect. But for malice, you would still have to prove it.

Q. Okay. All right. Now, what is the statute of limitations for civil fraud?

A. Civil fraud?

Q. Yes.

A. Three years from discovery.

Q. Okay. Were you aware that Attorney William Dickerman wrote letters on behalf of Janet Arvizo to Attorney Mark Geragos alleging fraud?

A. Not sitting here. I thought it was over their belongings, or something, that he wrote letters.

Q. You thought the letters were only about belongings?

A. You know what? I don’t know. I’m guessing. Show me the letters and maybe it will refresh my memory. I remember there was letters to Mark Geragos, and that’s what was significant to me. What was in them, I can’t remember, unless you show me the letters.

Q. Do you recall at some point during your relationship with Prosecutor Sneddon, Mr. Sneddon spoke to the media and said, “If they’re going to sue, I hope they don’t do it until after the criminal case is done”?

MR. SNEDDON: I’m going to object to the word “relationship.”

THE WITNESS: I don’t even remember it happening.

THE COURT: Just a moment.
You’re asking him what Mr. Sneddon said, if he --

MR. MESEREAU: If he was aware of it.

THE COURT: That’s not how you phrased it.

MR. SNEDDON: No.

THE COURT: I’ll sustain the objection.

Q. BY MR. MESEREAU: Mr. Feldman, Prosecutor Sneddon asked you about a technical term in civil litigation called “confession of judgment”?

A. Yes.

Q. Right?
A. Right.
Q. Now, in the civil case where you represented Mr. Chandler and his parents against Mr. Jackson, there was a cross-complaint, was there not?
A. There was?
Q. Mr. Jackson sued for extortion, didn’t he?
A. I don’t know. I know he claimed -- I know that his investigator, Mr. Pellicano, claimed extortion.
Q. You don’t recall?

A. I’m not saying it didn’t happen. I just don’t recall.
Q. Okay. And typically, in a settlement like the one described by Prosecutor Sneddon, if someone agrees to pay money to the other side, the other side would like the payment of that money secured by what is called a confession of judgment, correct?
A. That’s right. When it’s paid over time, that’s correct.
Q. Okay. And the purpose of a confession of judgment is that if the paying party stops paying, you can run into civil court and obtain what is called a certified judgment so you can then collect on their assets?
A. Correct.
Q. Right?
A. That’s right.
Q. And if you didn’t have that confession of judgment, your only remedy would be to then file another lawsuit for breach of contract, correct?
A. That’s right.
Q. So what Mr. Sneddon was talking to you about was ways that you have to collect money that you’re owed in a settlement, true?
A. I don’t know what he was talking to me about. He asked me questions, and I answered the best I could. What you’ve said is true, and that’s what I thought I just said.

Q. And typically in a civil settlement, and you've done many of them, obviously, there is a provision in the settlement agreement which says that neither side admits liability, or words to that effect, correct?

A. Generally. Not every one, but generally that's true.

Q. And essentially what that means is neither side admits wrongdoing, correct?

A. Correct.

Q. And the confession of judgment has nothing to do with an admission of wrongdoing or liability?

A. Well, it would have the same impact if you had to file it. It would be a judgment for that amount. I don't know what impact it's going to later be. I've never handled a case where you filed a confession of judgment, and then somebody tried to use that in another case to say you admitted something. I frankly don't know the answer.

Q. It's never used to say someone admitted something. It's simply used to collect the money you're owed, right?

A. Sir, I just told you, I've never researched that issue, and -- so you can't -- you got the wrong person. I've never had someone where I had to go use it.

I didn't have to use it with Mr. Jackson, so I can't tell you the answer. I know it's -- it is -- my concern was the making sure, if the money wasn't paid by Mr. Jackson, we could go into court and start seizing his assets. That didn't happen. He paid. It never happened.

Q. Would you agree that in many civil settlements of civil cases, you will have both the provision that says neither side admits wrongdoing or liability as well as a confession of judgment?

A. It's rare you get a confession of judgment. It is very -- typical that you get neither party admits wrongdoing in a release. It's typical. You don't need the confession, because you usually exchange the release and the money at the same time. So there isn't that issue.

Q. But you need a confession of judgment if you want to secure payments to be made in the future, right?

A. That you need. That’s right. And that’s what we got.

Q. And if payments are to be made in the future by any settling party, you would almost be foolish not to have a confession of judgment, correct?

A. I don’t know. We’ll let somebody else worry about who’s foolish. We did it. We thought it was the appropriate thing. We demanded it. We got it.

Q. Please answer my question, Mr. Feldman.

A. I don’t know what’s foolish for lawyers to do. I mean, I haven’t thought about it. It’s a good practice - I did it - to get it. I mean, I demand to get it for my clients. That’s all I can tell you.

Q. You demand to get it for your clients because if payments were to stop, you would have a faster way --

A. Sure.

Q. -- to obtain that value than you would if you had to sue for breach of a settlement agreement, right?

A. Yes. That’s what I think I’m saying.

Q. And when you have your clients get a confession of judgment in a settlement agreement in a civil case, typically there also is a provision where neither side admits any wrongdoing to each other, right?

A. The settlement agreement will say that, that’s correct.

Q. And that’s what you had in 1993 in the Chandler case, correct?

A. We had the settlement language that said that, and we had a confession of judgment.

Q. You had settlement language that said neither side admits wrongdoing to the other, and you also had the confession of judgment you just described, true?

A. True.

Q. Now, did I hear you say, in response to the prosecutor's questions, you stopped representing Janet Arvizo in the fall of 2003?

A. The first time.

Q. Pardon me?

A. The first time.

Q. That's the first time you stopped?

A. That's the first time I stopped.

Q. Okay. Now, as I look at pleadings filed by your law firm in this case, I count no less than four lawyers representing the Arvizos well into 2005, correct?

A. That's why I answered the question the way I did. I said that's the first time that I terminated the relationship with Ms. Arvizo.

Q. And in 2005, you have represented the Arvizos in documents filed in this particular criminal case, correct?

A. Correct.

Q. A lawyer named Julian Brew from your firm has also represented the Arvizos in documents filed in this criminal case in 2005, correct?

A. Well, my law firm, because of me, has done this for the -- Miss Arvizo, we've done it for her parents, we've -- and for the newborn baby. I think those are the three people. But I may be wrong.

Q. Let me rephrase the question.

A. Mr. Brew works for me. I mean, I don't want to demean him. I mean, he works with me.

Q. Mr. Brew is a lawyer with your law firm, correct?

A. Yes.

Q. He has represented the Arvizos in the year 2005, correct?

A. The law firm has represented her, and he's one of the people, to be technical.

Q. Sir, you work for or your partner with approximately a 600-person law firm, correct?

A. He's one of the lawyers that worked on this case. That's what I said.

Q. That's Julian Brew, correct?

A. Yeah.

Q. A lawyer named Theodore Maya has also worked for the Arvizos in the year 2005 in this case, true?

A. True.

Q. A lawyer named Robert Turner has also worked for the Arvizos --

A. Yes.

Q. -- in this case, correct?

A. Correct.

Q. Those are four lawyers with your 600-plus law firm, true?

A. True.

THE COURT: All right. It’s break time.

(Recess taken.)

THE COURT: All right. Go ahead.

MR. MESEREAU: Thank you, Your Honor.

Q. Mr. Feldman, you’ve testified that you had filed, as a lawyer for the Arvizos, a Notice of Claim against Los Angeles County, correct?

A. Correct.

Q. And the purpose of filing that notice of claim was to preserve the right to sue in the future if you desire to, correct?

A. Correct.

Q. And you told the jury that at this point, in your opinion, Gavin Arvizo and Star Arvizo still have time to file a lawsuit against Los Angeles County, correct?

A. I believe that’s right.

Q. The lawsuit you’re referring to, if it ever occurred, would be separate and apart, or could be separate and apart from any lawsuit against Mr. Jackson in the future, true?

A. I think it would have to be separate and apart. I don’t think you could join the two. But it would be -- I think the simple question is -- the simple answer is yes.

Q. And as we speak, then, those two young men still have a right to sue Mr. Jackson, and they still have a right to sue Los Angeles County in a separate action, true?

A. True.

Q. And by filing your Notice of Claim, you preserved that right for them, true?

A. That's what I did. Against the county.

Q. Against the County of Los Angeles?

A. Yeah. It had nothing to do with Mr. Jackson.

Q. Okay. Now, you've indicated you know -- excuse me, let me rephrase that.

How long have you known Attorney William Dickerman?

A. Well, certainly since 2003. He tells me that he brought a case to me that I rejected, and I can't tell you when that happened. I sort of vaguely remember it happening, but I can't place it. I never met him till he walked into my office. I think that's the first time I ever saw him.

Q. Did you testify this morning that you have or had a referral arrangement with him with respect to the Arvizos?

A. You know, loosely. I think there was an agreement with the Arvizos that he was a party to. You need the consent -- under the State Bar rules, you have to have a client's consent to have -- and he was in that agreement, and exactly what we said about him I don't know. But I know he expected, if there was money, to get money for -- from me, from her, I don't know where. I can't remember the details of it, but --

Q. Do you recall him having what is called a joint legal services agreement with you?

A. Vis-a-vis the Arvizos?

Q. Yes.

A. He could have. I mean, I don't know what he had. He had -- he wanted to be involved if I was going to bring a case. And how those financial terms were worked out with him, I don't know. And what -- he was -- he wanted to be involved with the family, because he said he had this great relationship with the family, so I was there to do the legal work, and it never went anyplace.

Q. He also wanted money, true?

A. He wanted money, I’m sure of that. I’m sure of that.

Q. You had a lot of communications with him after he referred the Arvizos to you, true?

A. Well, we certainly had some. I don’t know about “a lot.” I certainly had some with him.

Q. There were faxes and letters going back and forth from his office to you for many months after he referred the Arvizos to you, right?

A. Could be. We certainly were trying to get his file and what he had in his file from the time he had the case till the time we were done with it initially.

Q. And just to clarify what you just said, are you saying you’re not sure if Attorney William Dickerman had a legal services agreement with you?

A. What do you mean by “a legal services agreement”?

Q. Well, let me get --

A. That I pay him to do legal services for me?

Q. He does legal work with you for the Arvizos.

A. I don’t know -- is there something I’m missing about what I’m saying and you’re asking?

Q. I don’t think so.

A. I thought he wanted to get paid for the work he thought I would let him do in the Arvizo case. If I took the Arvizo case - I don’t want to break his heart - he wasn’t going to do very much work if I was the lawyer on the case, but he wanted to get paid. That’s the point. And how we memorialized that, I don’t remember. It was in the agreement, and she consented to however we memorialized what he would get if there was money to be had.

Q. But Prosecutor Sneddon asked you questions about a referral agreement between lawyers, correct?

A. He asked me questions about a referral fee, yes.

Q. And what you’re describing now is not a simple referral fee arrangement, true?

A. Well, I’m describing -- I don’t remember the way this worked. If you showed it to me, I could. But I don’t think it mattered. I was going to be the lead lawyer, and he was -- I guess if we gave him a task to do, he would do it.

Q. And just to clarify things, that's something different from a strict referral fee arrangement, true?

A. It can or cannot be, frankly. You can do it both ways. I mean, I don't think the form it takes -- I think what's important is that the two lawyers have to decide how they are going to divide fees, and on what basis, and that the -- the most important thing is the client consents to whatever the arrangement is.

Q. And your typical referral fee arrangement involves one lawyer referring a case to another lawyer, and if the lawyer who gets the case makes any money on it, that lawyer gives a percentage to the lawyer that referred the case to him or her, correct?

A. That certainly happens frequently.

Q. That's your typical referral arrangement, isn't it?

A. That was at one time my typical -- are you asking me now personally, or just in general?

Q. Just generally speaking.

A. Generally, I think that is the way lawyers get a case. They send it to somebody else and they get a referral fee, and they don't have to do any work.

Q. Now, in Los Angeles County, you're known as one of the most successful plaintiffs' lawyers, correct?

A. Say it again for the press. I want to -- that's the nicest thing anybody's said about me in this case.

Q. Is that true?

A. I think so.

Q. You've had numerous multi-million-dollar awards that you have obtained for your clients, correct?

A. I have.

Q. You have numerous multi-million-dollar settlements you’ve obtained for your clients, correct?

A. I have.

Q. And in most of those situations, you had what is called a contingency fee arrangement, correct?

A. Oh, I’m sure. Yeah. Over the life of my legal career, that’s absolutely right.

Q. And generally speaking, in a contingency fee arrangement, the plaintiffs’ lawyer in these cases, namely you, get a percentage of whatever is recovered for the client, true?

A. Yes.

Q. And in a strict contingency fee arrangement, if the lawyer doesn’t obtain any money for the client, the lawyer might not get paid anything, correct?

A. Correct.

Q. So there’s an incentive for that lawyer to get as big a recovery as possible, because the bigger the recovery for the client, the bigger the fee for the lawyer, correct?

A. That’s the theory.

Q. And you have a fairly standard contingency fee arrangement that you’ve used through the years, correct?

A. I -- I have.

Q. In the Chandler case, the parents, who you’ve described as divorced, both signed your fee agreement, true?

A. They did. Well, I mean, you’re saying that. I -- it looks like you’re looking at something. If you tell me -- I hope they did. I don’t remember.

Q. Would it refresh your --

A. But it would have been smart on my part to get both of them to sign it.

Q. Would it refresh your recollection if you looked at your fee agreement?

A. Sure.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: Is that all of it?
MR. MESEREAU: (Nods head up and down.)
Q. Mr. Feldman, have you had a chance to look at that fee agreement?
A. I have.

Q. Is it true that June Chandler and Evan Chandler signed that agreement?
A. They did.
Q. They retained your services, correct?
A. They did on behalf of their son. I --
Q. Now, to your knowledge, the father had been divorced from the mother since 1986, correct?
A. I don’t know the date, but they were -- the parents were divorced. The father was remarried.
Q. The mother remarried also, true?
A. Yeah, I think that is right. Except I think they were separated at the time. The mother was separated from her husband. She could have been divorced, but she did -- I think she remarried.
Q. Now, the father had not only been divorced for a number of years from the mother, he had given up all custody to the mother at that time, true?
MR. SNEDDON: I’m going to object as irrelevant.
MR. MESEREAU: I believe the prosecutor raised these issues, Your Honor.
THE COURT: What’s the relevancy?
MR. MESEREAU: Who he’s really representing, and what their influence is on the litigation, what their influence is on the settlement and what their motives are, and what example it sets to everyone else.
THE COURT: All right. The objection is sustained.

Q. BY MR. MESEREAU: You represented both parents on behalf of the minor, Mr. Chandler, correct?
A. My memory is both parents were the guardian ad litems for the minor. I don’t remember if -- representing the parents separately and apart in a

separate lawsuit against anybody. I -- I think we only had them as guardian ad litems because the young minor can’t bring a lawsuit. It has to be done through someone. And originally it was done through the parents and then ultimately through a judge, retired judge became the guardian.

Q. And you had in that particular case ethical obligations to both the parents and the minor in your representation, true?

A. I suspect at some level there was -- I certainly had an attorney-client privilege with them.

Q. Well, without going into the amount of any settlement, isn’t it true that both parents wanted money for themselves as well?

A. They didn’t want it. The defense wanted them to have it, and they accepted it, because the defendant -- that was the defendant’s idea.

Q. Did the parents -- without going into the amounts --

A. Sure.

Q. -- did the parents for Mr. Chandler accept money in the settlement?

A. They did accept money. That’s a fair statement.

Q. Okay. That would include a father who didn’t even have the legal right to see the child, right?

A. I’m not sure that’s right, you know, because he had the child. At that time that I came in the case, the child was living with the father, so you may be right in some -- there may be an order out there, but at the time I came in the case, the father -- the boy lived with his dad and his dad’s wife, as I recall.

Q. Okay. Now, at some point -- excuse me, let me rephrase that. The mother’s name is June Chandler, correct?

A. Correct. Or at least it was.

Q. Okay. To your knowledge, has it changed?

A. No. But I don’t know.

Q. Okay. At some point she married someone named David Schwartz, correct?

A. Sometime she married David Schwartz.

Q. When you were representing June Chandler, she was either married to or living with David Schwartz, true?

A. I'm not sure, you know, what the situation was. I don't think -- their relationship was

strained, I can tell you that --

Q. Okay.

A. -- at that point in time. I have a recollection he wasn't living in the house at the time I met her, but there was still a relationship, because I can picture him in my office with her, with Evan Chandler, and with Evan Chandler's wife, and Jordie.

Q. Now, at some point when it became clear that you were seeking money from Mr. Jackson, David Schwartz then filed his own suit against Mr. Jackson, right?

A. I think that's right. I think he did. I don't know when that happened, but now that you mentioned -- not by me. I wasn't -- somebody else.

Q. And you were in communication with that attorney representing David Schwartz, correct?

A. Who was the lawyer? I don't remember. Who was the lawyer in that --

Q. I'm questioning you. So I'm just asking you.

A. Oh, you don't want to answer my questions. It's not so much fun. Okay.

Q. Do you recall that June Chandler's ex-husband then tried to sue Michael Jackson as well?

A. I wouldn't have remembered it, but now that you've said it, I kind of remember that he did.

And I almost remember the name of the lawyer who had it, because he was a guy I used to litigate against. But I may be wrong.

Q. In response to Prosecutor Sneddon's questions, you indicated that the case was referred to you by a lawyer for the Chandler family, correct?

MR. SNEDDON: I'm going to object, Your Honor.

THE WITNESS: No.

MR. SNEDDON: It's vague as to what case.

MR. MESEREAU: Let me rephrase it. If it's vague, I'll rephrase.

THE COURT: All right.

Q. BY MR. MESEREAU: Regarding your representation of Mr. Chandler, Mrs. Chandler, and their son, did you say, in response to the prosecutor's questions, that that case was referred to you by another lawyer for the family?

A. What I want to correct is, if you take the "family" part out of it, I can answer it. Yes, it was referred to me by a lawyer, but that lawyer who referred it to me wasn't representing the family, per se.

Q. Was representing the father?

A. He was representing the father.

Q. His name was Barry Rothman, correct?

A. No, no, no, no. No.

Q. Who referred the case to you?

A. The guy that referred to me was a criminal defense lawyer, who was Bob Shapiro, who was defending the father where these -- long before I ever got in the case, there was these charges of extortion going back and forth between the father and the Jackson camp, and it was long before I got in the case.

In that case there was a criminal defense lawyer representing the father, and that criminal defense lawyer brought the family to me. But he was only representing the father, and he was only representing him criminally.

Q. Okay. Now, and Robert Shapiro, of course, is the Robert Shapiro who defended O.J. Simpson, correct?

A. That's correct.

Q. He was defending the father against claims that the father had tried to extort money from Mr. Jackson, correct?

A. Time out. I think that’s wrong. Let me go back. He may have been the lawyer not for the father, but for -- now I got -- I think he represented Rothman, the lawyer, the lawyer who was in the case before I ever got in the case. I think he, too, was accused of extortion by someone on the Jackson side.

Q. Okay.

A. And I think he -- one of them -- and I think Richard Hirsch, who was also a criminal defense lawyer, represented the father, or -- that’s what I think really happened. But somehow Shapiro and Richard Hirsch, who are two criminal defense lawyers, advised the family that they had the wrong civil lawyer and they should come see me. And that’s basically how I got there.

Q. They advised the family that Gloria Allred was the wrong lawyer and they should come to you, correct?

A. That’s what I understand.

Q. Okay. Now, there was a lawyer named Barry Rothman involved, correct?

A. Before Gloria Allred.

Q. And Barry Rothman represented the father, true?

A. Well, that’s a good question, who he represented. I thought he -- he represented probably the father and Jordie, I suspect. I mean, it’s unclear to me, that whole deal.

Q. And Rothman is a lawyer that was accused of extortion by people associated with Mr. Jackson as well, correct?

A. I think both Rothman and Jackson -- I mean, “Rothman and Jackson,” I’m sorry.

Rothman and Evan Chandler were accused of extortion by the Jackson side. I don’t know who on the Jackson side.

Q. And Attorney Barry Rothman has since been disbarred, correct?

A. I don’t know. Has he?

Q. Yes.

A. I didn't know him before, I don't know him now. And if he is, he is. I don't know.

Q. So you don't know him at all?

A. I don't know Barry Rothman.

Q. You had various meetings with him during this litigation, did you not?

A. No.

MR. SNEDDON: I'm going to object as immaterial and irrelevant.

THE COURT: Sustained.

THE WITNESS: No, I -- well, it -- oh, it was sustained, so....

Q. BY MR. MESEREAU: You typically enter into a contingency fee agreement at the beginning of your relationship with the client, correct?

A. At the early stages, yes.

Q. And the obvious purpose of that is, before you want to do any work, you want to make sure you're going to get paid if certain things happen, correct?

A. Yes.

Q. And before I go any further, you talked about people you have represented in your practice. You've also represented oil companies in recent

years, correct?

A. Yes.

Q. You've defended oil companies accused by the State of California of overcharging consumers, correct?

A. Yes.

Q. And you've represented them quite successfully, haven't you?

A. Well, that was one I represented, and it was a very successful --

Q. It was a long trial, true?

A. It was a long trial.

Q. Okay.

A. First time and only time in my life that I ever did anything like that.

Q. Okay. And what year was that?

A. Let's see. I defended them -- is this important? I mean, I can’t remember. Let’s see, I have enough trouble remembering who I’m representing today.

Let’s see, I represented them, I want to say late -- let’s see. Somewhere around late ‘90s, 2000. I mean, it could have been -- it’s one way or the other. I can’t -- I was called in just to try the lawsuit. And the case had been going on for like 20 years, believe it or not, and -- and so I just -- I can’t give it -- if it’s important, I could figure it out, but it’s somewhere then.

Q. Somewhere where?

A. Somewhere 1999, 2000, 2001. 1998. It -- you know, a few years ago this happened.

Q. Now, in the 1993 case, you retained Stanley Katz, correct?

A. Yes.

Q. When had you first met Stanley Katz?

A. 1987.

Q. And that was in relation to a civil lawsuit?

A. No. I represented -- in fact, my wife really represented -- and she wasn’t my wife then. But I got called in to represent the -- a former grandson of the President of the United States who was being accused of physical abuse, him and his wife. And I knew nothing about that kind of a field, never done anything like that, but ultimately, I did it.

And Stanley Katz, who I never knew of or heard of, was an expert on the case. And if you ask me what -- I don’t even remember what he testified to, but he did testify. And it was a case downtown in the criminal courts building.

Q. So this was a case where two adults were accused of abusing a child?

A. Yeah, by the Department of Children Services.

Q. And you and -- excuse me. You defended the --

A. I defended --

Q. -- the parents, true?

A. The parents, yes.

Q. And you did it successfully, correct?

A. I did it successfully.

Q. Stanley Katz was an expert for you --

A. He was.

Q. -- right? So Stanley Katz knew that in this particular case, adults were falsely charged with sexual assault, correct?

A. No. Well, charged by the government, not by the kid. The kids -- there was a baby, it was one-year-old. He wasn’t accusing anybody of doing anything. This was the county. The kid was abused, there was no issue, Mr. Mesereau. The child was abused. The question is, did the maid abuse the child or did these parents abuse the child? And in my view and in the Court’s view, the maid did it, and we proved it.

Q. But just to get it in the record --

A. Yeah.

Q. -- you, with the assistance of Stanley Katz, defended two adults against false claims of abuse, correct?

A. By the government, yes.

Q. Okay.

A. And I do remember what he sort of testified to, if it’s important to you.

Q. When were these false claims by the government initially filed; do you know?

A. Yeah. I assume it’s 1987, because that’s when I did it.

Q. How long were you involved in that case with Stanley Katz?

A. Well, Stanley Katz testified. He was on the stand and got off the stand. But, I mean, the case was ongoing. And I think we tried it -- took like five days or so to try it, six days. And that was it.

Q. And was that tried in front of a judge or a jury?

A. Judge.

Q. Was that in the administrative courts or the criminal courts?

A. It was in the criminal court building. A regular judge.

Q. Was it a criminal case where a jury was waived?

A. No, it was a dependency case. They were trying to take the children -- the child away from these parents who had adopted this child.

Q. And it was just solely a judge who decided the government’s claims of abuse were false against your clients, right?

A. That’s correct.

Q. All right. Now, at some point you call

Lieutenant Klapakis in this case, correct?

A. I called him or he called me.

Q. Okay. Do you know about when that was?

A. Yeah. About. I mean, it was in -- I’m going to say around June of ‘03. I think he must have called me. I don’t think I would have called him. I never heard of him.

Q. It was approximately June 13th, 2003, correct?

A. I wouldn’t disagree with that. I don’t have an independent recollection of the day, but I wouldn’t disagree about the time frame.

Q. Would it refresh your recollection if I just show you a police report?

A. If you tell me -- unless that day is critical to you, I’ll look at it. I don’t know, is it a police report of what he says about me?

Q. Yes.

A. I don’t know. It’s up to you. It’s your show. I don’t remember the precise day. I’d accept it’s about that time. If you told me it was the 14th, I’d believe you. And if you told me it was the 12th, I’d believe you.

Q. Would it refresh your recollection if I --

A. You got to show me. I know that trick. Show me the document and I’ll tell you if it refreshes my recollection. How do I know unless you show it?

It doesn’t refresh my memory.

Q. Have you had a chance to look at the report?

A. I have.

Q. Does it refresh your recollection about the day that you spoke to Lieutenant Klapakis?

A. I know I spoke to him. It doesn’t refresh my recollection about the date. But as I said, I can’t argue with that date.

Q. Had you spoken with Lieutenant Klapakis before that date, to your knowledge?

A. You know, not by name. I mean, I don’t know the person, to my knowledge. But I wouldn’t know him if he’s in this courtroom.

Q. Have you met with anyone representing the government to discuss your testimony in this case?

A. In a loose way. When you say -- I mean, the government interviewed me about my testimony.

Q. When did anyone with the government last interview you about your testimony?

A. I guess yesterday.

Q. And who was in the meeting?

A. Mr. Sneddon.

Q. Anyone else?

A. No.

Q. How long was the meeting?

A. Besides locking myself up in his office and having to set the alarm because I couldn’t get out because it was after hours. If you don’t count that time, it was probably an hour and a half, maybe two hours, somewhere in that range.

Q. Was Mr. Sneddon alone?

A. Yeah, I thought I said that.

Q. There was no sheriff present?

A. No.

Q. No other prosecutor present?

A. No.

Q. Okay. So you and Mr. Sneddon, for an hour and a half yesterday, discussed your testimony, right?

A. Yes.

Q. Were you shown any documents by Mr. Sneddon to help you prepare for your testimony?

A. No.

Q. At any time did any representative of the government send you documents to review to prepare you for your testimony?

A. They -- take out the prepare me for my -- they did send me my grand jury transcript.

Q. And did you review that?

A. Yes.

Q. Okay. When did you review it?

A. Within the last week or ten days. Two weeks. Something like that. I mean, at some point when I got it, I read it.

Q. When did you last talk to Stanley Katz?

A. He called me when he left here from testifying on the way home.

Q. Did you talk to him before that?

A. He called me while he was waiting up -- well, I don't know where he was waiting, but he was waiting to testify, and he called me. Or I think he called me. He called me -- Dickerman called me and he had a cell phone. They were both in some room together. And I said, "Is Katz with you?" And he said, "Yes." And he had previously called me, and so I returned his call after I got done talking to Dickerman.

Q. Let me just get this straight. You talked to Mr. Katz?

A. Doctor. Doctor.

Q. You talked to Dr. Katz after he testified here, right?

A. After he testified, he called me on the way back to L.A.

Q. You talked to him as he was waiting to testify, correct?

A. I talked to him while he was waiting to testify.

Q. You talked to Mr. Dickerman as he was waiting to testify, correct?

A. I talked to Mr. Dickerman while he was waiting to testify.

Q. Did you talk to Mr. Katz before he came here to testify?

A. Yes.

Q. When was that?

A. I can’t tell you the day. I can tell you that he called me and wanted to come to my office and meet with me.

Q. Did you --

A. I can’t remember when it was. It was sometime during the -- this trial. I can’t picture exactly when it was.

Q. Did you talk to Mr. Dickerman before he came here to testify?

A. No, I don’t think so. You don’t mean ever. You mean -- I mean, I talked to Dickerman a lot at one point, and then we really haven’t had contact. And then we had contact that day, the day while he was here, and that’s about it, that I remember. I mean, I can’t swear we didn’t have a minute conversation at some point.

Q. So Stanley Katz wanted to come to your office to talk about this case?

A. Yes.

Q. And approximately when did he make that request?

A. Within the last couple of weeks. Maybe a month. It’s between two weeks and a month.

Q. To your knowledge, has Stanley Katz ever met with Bill Dickerman, other than the fact they were in the same room waiting to testify and both spoke

to you on the phone at essentially the same time?

A. Well, Katz came to see me to tell me that he --

Q. I’m not asking you what he said. Just --

A. No, let me just -- let me think to myself. When he came to visit me after the first meeting he had with the family -- I think he had two meetings with the family, but I won’t even swear to that. But I think he did. But -- and maybe he had more. But in between one of these meetings that he had with the family where he was interviewing, he came to see me, Dr. Katz, and it is possible that Dickerman was in that meeting. It is possible he wasn't in that meeting. I don't know. And that would be the only time that I can think of that they possibly could have been together.

Q. When did that meeting occur?

A. Do you mean the day?

Q. Not the specific day. Just roughly.

A. That meeting happened -- if I knew the day I went to the Department of Children Services, which has got to be -- if you tell me that this lieutenant called me on the 13th, I would guess I went to Children Services around the 12th of June. 11th, 12th of June. So that would mean that that meeting happened before then, and after, say, June 1st. So, in that time frame.

Q. Is it your understanding that other than interviewing members of the Arvizo family, Dr. Katz did not pursue any other independent investigation?

A. That's all -- that's all I know he did.

Q. Okay. To your knowledge, are you related to anyone who has referred patients to Dr. Katz?

A. Not that I know of.

Q. Okay. You don't know of any --

A. That referred patients to Dr. Katz?

Q. Anyone who you are related to by marriage that referred patients to Dr. Katz.

A. Oh, my wife. I'm married to my wife, and I think she used Dr. Katz. She headed up a law firm that defended children, and represented tens of thousands of children, and I think they, from time to time, might have used Dr. Katz. I don't know if she did or didn't. I mean, she certainly --

Q. But you think she did?

A. Yeah. I mean, I know at times in her life she did. She's the one that introduced me to Dr. Katz in 1987, so she was a fan of Dr. Katz.

Q. And it was your understanding they had some kind of business relationship, but you don't know what it is, right?

A. My wife and Dr. Katz? Well, they didn't have a business relationship. She would refer clients. She defended people accused of abuse. She represented children against their parents when parents were abusing them. And she headed up a public interest law firm, and she would use Dr. Katz, and --

Q. Okay.

A. -- hopefully it was totally business.

(Laughter.)

Q. Did you ever learn that Dr. Katz was secretly recorded by the Santa Barbara Sheriff's Department in a phone conversation?

A. Yes.

Q. How did you learn about that?

A. He told me.

Q. Did he tell you that on a number of occasions he referred to "the lawsuit" in discussing the Arvizos?

MR. SNEDDON: This is hearsay, Your Honor.

THE COURT: Overruled.

You may answer.

THE WITNESS: Did he --

THE COURT: Do you want the question read back?

THE WITNESS: I just got to ask him, did he tell me what about that?

Q. BY MR. MESEREAU: That in that secretly recorded conversation with a sheriff's representative, he, on a number of occasions in discussing the Arvizos, referred to "the lawsuit"?

A. Did he tell the sheriff that, or did he tell the Arvizos that?

Q. The sheriffs that.

A. Oh. I don't know.

Q. You don't know about that?

A. I don't know one way or the other about that.

Q. But he told you he was secretly recorded, right?

A. He told me that he was secretly recorded by the sheriffs, yes.

Q. All right. To your knowledge, have you ever been secretly recorded in this case?
A. I hope not.
THE COURT: You need to speak closer to the microphone.
THE WITNESS: I hope not. I don’t know of any recordings, no.
Q. BY MR. MESEREAU: Do you have any knowledge, other than what Mr. Katz told you, about the sheriffs secretly recording people in phone conversations in this investigation?
A. No, I really don’t. I just know he said he was recorded. I know it was secret. He didn’t know about it, so I guess it was a secret from him.
Q. How long, in your mind, did you represent the Arvizos?
A. Boy, that’s the toughest question you’ve asked. I can tell you I represented them from May to the time I referred it to the police, or referred

it to Mr. Sneddon and the police took over. And I had no contact, the best that I can recall, with the Arvizos, and that ultimately culminated in a letter from me to them terminating my relationship with them. I didn’t want any responsibility. I didn’t -- and I didn’t talk to them again until after the news hit of the search of Neverland and the pending arrest of Mr. Jackson. And it was sometime after that that I heard from them again. But up -- so from my perspective, I terminated our relationship legally, as a lawyer should do, in writing, telling them they could do what they want, “But don’t look to me to represent you.”
Q. And if you chose to in the future, Mr. Feldman, nothing would prevent you from representing them again, correct?
A. If I wanted to?
Q. Yes.
A. If I wanted to, nothing.
Q. Now, have you represented Mr. Jay Jackson in your legal work?
A. Well, only to the extent as I -- he has

talked to me about issues of you guys trying to get into --

Q. Objection.

I’m not asking you what he’s talked to you about. I’m just asking, have you represented Jay Jackson as a lawyer?

A. Well, when you say “represented,” he has called me in my capacity as a lawyer, and I have given him advice as a lawyer.

Q. And approximately when did you give Jay Jackson advice as a lawyer?

A. Well, I don’t know. Let’s see. After they got married, which I don’t remember when, but it was after they got married. And it was -- you would know better. It was in connection with a search warrant. Or, not a search warrant. A subpoena you served on his military records, and that’s the only time that I think I can remember talking to him.

Q. Well, you certainly were advising him as a lawyer as of approximately November 15th, 2004, correct?

A. I don’t know the date. I just --

Q. Well, your firm, in a legal proceeding in this case, took the position that a fax from Jay Jackson to you dated November 15th, 2004, was confidential, right?

A. If Jay Jackson communicates with me, it’s in the attorney-client. That’s what I said. And everything he told me is privileged, just like any other lawyer.

Q. Do you know whether or not your law firm has taken a position in this case that a fax from Jay Jackson to you of November 15th, 2004, is confidential and privileged?

A. Well, I hope so, since it is.

MR. SNEDDON: Your Honor, I’m going to object.

THE COURT: Sustained. You’re not allowed to go into attorney-client privilege without my permission.

MR. MESEREAU: I’m not going into it, Your Honor. Just their position.

THE COURT: Well, even claiming the privilege is improper, to raise it in front of the jury. We’ve gone over this before.

Q. BY MR. MESEREAU: You have represented the parents of Janet Arvizo in this case, correct?

A. Her parents.

Q. Yes.

A. Yes.

Q. You represented them in an attempt to prevent us from seeing if she deposited money into her parents’ account, true?

A. I prevented you from getting into their -- these parents’ bank records.

Q. Correct.

A. That’s right.

Q. And in doing that, sir, you tried to prevent us from seeing, if Janet got checks or David Arvizo got checks, whether they deposited them into her parents’ account?

A. No, Mr. Mesereau, I prevented you from dragging in these poor parents, who don’t even speak English, into this melee.

Q. Do you know --

A. That’s all I tried to do. I don’t know anything about Janet doing anything. I’m only telling you -- you asked me what I did. That’s what I tried to do is prevent them from getting dragged in. If you look at your subpoena, it’s pretty broad.

Q. Sir, you can’t prevent the parents from being subpoenaed as witnesses in this case, can you?

A. No.

Q. And you haven’t even tried to do that.

A. And I wouldn’t.

Q. The only thing you tried to do was stop us from seeing whether Janet put money into her parents’ account?

MR. SNEDDON: I object as argumentative.

THE WITNESS: That’s not true.

THE COURT: Just a minute.

There's a lot of law and motion in this case that took place outside the presence of the jury, and there's various legal reasons why things were done, and I did them. And it's improper for you to be attacking a witness on that issue.

MR. MESEREAU: Yes, Your Honor. I will -- I withdraw the question.

May I just ask about the scope of his representation, just when he did it, when he represented the parents? Not scope, Your Honor. The dates of it.

THE COURT: I'm not sure if that's a privileged matter or not. That's why I'm concerned.

MR. MESEREAU: It would have to do with statements he's made before, Your Honor, about representing the Arvizos. I'm just trying to find out roughly when he represented the parents.

THE COURT: No. I don't see any relevancy.

MR. MESEREAU: Okay. Your Honor, may I ask if he still does?

THE COURT: No. I don't see any relevance to --

MR. MESEREAU: Okay.

THE COURT: -- to people he represents, when he represented them. If I'm missing something, you can approach the bench. I'm, you know, trying to see from this standpoint what the relevancy could be, but I can't see it.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: (To the jury) Okay. You can talk.

(Discussion held off the record at sidebar.)

THE COURT: All right. After reviewing with Mr. Mesereau his reason, I'm going to allow a question that I didn't a moment ago.

You may ask it.

Q. BY MR. MESEREAU: Mr. Feldman, during what approximate period of time did you represent the parents of Janet Arvizo in this case?

A. I can't give you the date. The event was when they were served with a subpoena, their bank got served with a subpoena to get all of their checks and all of their financial records. And whenever you served that subpoena, that is when I represented them.

Q. Do you currently, as far as you’re concerned, represent either of the parents of Janet Arvizo?

A. I do not represent either of the parents of Janet Arvizo, as far as I’m concerned.

Q. Would it refresh your recollection if I just show you a pleading just so you can identify a time that you were representing the parents?

A. Sure. Yeah.

MR. MESEREAU: Would that be all right, Your Honor?

THE COURT: Yes.

MR. MESEREAU: May I approach?

THE COURT: Yes.

MR. MESEREAU: Thank you.

Q. Mr. Feldman, have you had a chance to review that document?

A. Yes. Yes.

Q. And does it refresh your recollection about the period of time during which you represented David and Maria Ventura, the parents of Janet?

A. Approximately.

Q. And approximately what was the period during which you represented and your firm represented David and Maria Ventura?

A. Approximately the end of December of 2004 to January 2005. Three, four weeks.

Q. That would be till approximately what, January 14th?

A. I thought that’s the date of the hearing that we had, yes.

Q. Okay. And after that hearing, did your representation cease as far as you’re concerned?

A. Yes. It was just for that limited purpose on that subpoena.

Q. Okay. How many meetings do you think you’ve had with Mr. Sneddon about this criminal case?

A. And I'm going to interpret "meetings" face to face. Is that what we're talking about?

Q. Let's start with that.

A. I would say three, four, maybe five at the most, including yesterday.

Q. And how many times do you think you've spoken on the telephone with Prosecutor Sneddon about this criminal case?

A. Well, I don't know. Maybe -- at least two or three times I've been scheduled to come, and he's called me to tell me I'm not coming. So that's three.

We haven't had a lot of phone calls. I can't -- frankly, I called him when I called him to say, "Here's the case. Do what you want with it." And maybe -- I don't know. You know, five, six. Something. Not a lot. I mean, I don't know, something like that.

Q. How many times do you think you met with Mr. Sneddon regarding your representation of Mr. Chandler in 1993?

A. I don't know if I ever met with him in '93. With Mr. Sneddon?

Q. Yes.

A. '93 I was on my own, without -- I was handling --

Q. You certainly spoke to him.

A. I was handling the case. I'm sure I spoke with him, but I don't think I ever met with him. Maybe I did. I could have. I just can't remember, Mr. Mesereau. It's so long ago. I mean, that's 12 years ago. I just don't -- I just don't have an independent memory of whether I did or didn't. Because the case was also in L.A., and, you know, I was dealing with the L.A. lawyers, criminal lawyers.

Q. Would it be accurate to say that you at least talked to Mr. Sneddon a number of times in 1993 about your representation of Mr. Chandler?

A. You know, not Mr. -- "Mr. Chandler" now is little Jordie, who's now a Mister, or is it his father we're talking about? When you say "Mr. Chandler," Jordie? Who are we talking about?

Q. Any of them.

A. You know, I don't think -- it could have happened. I can't deny it. I just have no recollection of it one way or the other. I don't remember having many -- any real discussions with Mr. Sneddon on the case.

Q. Do you remember meeting with any other prosecutor besides Mr. Sneddon at any time regarding this current case?

A. Yes.

Q. And who would that be?

A. Mr. Zonen.

Q. How many times do you think you've met with Mr. Zonen about this case?

A. A couple maybe. Maybe. I don't remember. You know, I can remember one. I've seen him, though. I mean, this isn't just the second time I've seen him, so it must have been more, but I just -- nothing stands out in my mind about meeting with him.

Q. Have you had phone conversations with Prosecutor Zonen about this case?

A. Yes.

Q. Approximately how many do you think?

A. A few.

Q. Have you had any other meetings with any other prosecutor on this case besides Prosecutor Sneddon and Prosecutor Zonen?

A. Some prosecutor that -- my records got subpoenaed to the court, and somebody -- some prosecutor, said he was a prosecutor, called me about it, whether I had filed the documents or didn't file the documents. I mean, I can remember that kind of stuff.

Q. Have you had any meetings with representatives of the sheriff's department involving this case?

A. I'll answer that in a second. I just want to go back to something that just --

Q. Sure.

A. There was a real issue in this case before it ever got to trial. I didn't want to do anything, and there was an issue -- so I do think I talked to Mr. Zonen more about, "Why don't you do the objecting and leave me out of this. My law firm doesn't want to do this, I don't want to do this," and he couldn't represent the victims, so that's how I -- so before I ever acted, I wanted the D.A. to do all the legal work. Not me.

Q. I understand. And that saved you a lot of money, correct?

A. Pardon me?

Q. That could save you a lot of money in the future?

A. It would save me lot of aggravation and energy, I could tell you that. Not "in the future." Period. I didn't want to do it. I'm not representing these people, so -- but, you know, so I would talk to Mr. Zonen. I want to just amend that, because I would talk to him, and he would say he can't do that, and I'd wind up either doing it or not doing it. So there were those kind of conversations.

Now, back to the sheriffs. Who did I talk to? This lieutenant, I guess, called me. I talked to him. When I went to the grand jury, there was somebody who, you know, brought me up here on the freeway and drove me up here to -- or I followed through some parking lot to get to where the secret grand jury was, so somebody talked to me while I was sitting around waiting, those kind of things.

But no sheriff has ever interviewed me. No police officer, to my knowledge, has ever come down and interviewed me or anything.

Q. How many meetings with any representative of the sheriff's department do you think you've had in this case?

A. Meetings other than getting me here, logistics kind of things?

Q. Sure.

A. None, I don’t think.
Q. You’ve never been interviewed by any sheriffs in this case?
A. If I was, I don’t remember it.
Q. How many phone conversations do you think you’ve had with any sheriff in this case?
A. I mean, I don’t know who are the sheriffs and who are the police.
Q. How about the name “Klapakis”?
A. Well, he -- obviously you showed me something that says he called me. But in deference to the lieutenant, I wouldn’t have remembered that. But you did show me that, so he obviously called me. But that’s about it. I don’t -- They -- the police cut me out of this case the minute I gave it to them. They -- in fact, that’s why we severed our relationship. I severed the relationship. I was out of this.
Q. Do you remember you were interviewed on January 16th, 2004, on the NBC Today Show by Matt Lauer?
A. I went on The Today Show and Matt Lauer interviewed me.
Q. Do you remember that?
A. And if -- that’s right before the gag order was issued. I don’t remember the date that the gag order was issued, but it was right about that time.

Q. Remember you were asked by Mr. Lauer if you were going to join Mr. Sneddon on the prosecution team, and you said, “I have no comment”?
A. I did. I did.
Q. Other than your grand jury transcripts, have you reviewed any other documents to prepare for your testimony today?
A. No.
Q. Now, you have represented Gavin Arvizo in other proceedings in Los Angeles other than what you have identified, correct?
A. I have?
Q. Yes.
A. Gavin Arvizo?
Q. Yes.

A. What is that? No.

Q. Have you ever represented Gavin Arvizo in an attempt to stop his juvenile records from being produced?

A. No. I mean, I wrote a letter, I think. No, not on Gavin. Not that I know of. I didn't even know he had a juvenile record.

Q. Well, my question is, have you or your firm ever written to Judge Nash in Los Angeles?

A. Oh, that's a different story. That's not his juvenile records.

Q. Why don't you explain.

A. That's his Department of Children's Services records. Yes. I wrote to Judge Nash, who heads up that department, and said that those records should remain confidential, because they are confidential under the law. And that children ought to be able to go to the Department of Children's Services and tell whatever they want to tell and it ought not be used in any public forum.

Q. When did you represent --

A. Whenever somebody was trying to get them.

Q. And over what period of time was this, do you think?

A. How long you were trying to get them?

Q. I'm just asking -- let me rephrase the question. Over what period of time do you think you represented any of the Arvizo children in that particular area?

A. From the moment I found out the -- Judge Nash wrote to me and said they were trying to get -- I don't want to get this confused, because also my recollection is they were trying to get Jordie's records.

And I got a letter from Judge Nash. I didn't solicit it. He wrote to me and wanted to know whether or not on behalf of these children, it was either you -- maybe it was the press. I don't remember who wanted to get these records. Somebody wanted to get these confidential records.

And I wrote on behalf of Jordie and I wrote on behalf of Arvizos probably, that we did object. We -- that’s what we did. We didn’t have a hearing or anything. But, I mean --

Q. You also wrote on behalf of Gavin, Star, and Davellin to prevent release of juvenile court records, true?

A. Do you mean criminal records, like juvenile criminal?

Q. Juvenile court records. Yes or no, sir?

A. Well, I don’t know what you mean by it, so I can’t answer it yes or no. I just told you what I remember. It was the Department of Children’s Services. I don’t even know that Gavin had -- I mean, I can’t help you, because --

MR. SNEDDON: Unless counsel is going to produce something to show in good faith that he’s asking that question, I object to the question and ask that the question and the answer be stricken.

MR. MESEREAU: I have some correspondence that I was going to try to refresh the recollection of the witness, Your Honor.

But I can move on, if the Court wants me.

THE COURT: The question’s ambiguous, since the juvenile court covers several jurisdictions.

MR. SNEDDON: Does that mean my motion is granted, then, Your Honor, to strike?

THE COURT: Strike his answer?

MR. SNEDDON: Yes, sir.

THE COURT: No.

Go ahead. Next question.

Q. BY MR. MESEREAU: Mr. Feldman, have you represented Gavin, Star and Davellin Arvizo in proceedings in the Juvenile Division of the Superior Court of Los Angeles when representatives of the media tried to obtain any juvenile court records they might have?

A. Well, you keep saying -- I don’t know that they have any criminal juvenile court. That’s what I think about the juvenile court, as a criminal court for juveniles. I -- to my knowledge, I never heard of this, to this second, that there was -- I did represent them in the Department -- in the dependency court in the County of Los Angeles. And in that, I objected to the media, to you, or anyone else, ever seeing those records. Yes. They’re supposed to be confidential. Now, I don’t know what happened.

Q. Now, would it refresh your recollection on this issue if I show you a letter to you from the Superior Court, Juvenile Division, Los Angeles?

A. Yes. Judge Nash?

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: I don’t know if it will refresh my recollection, but I’ll try.

Yeah, but it’s -- no, let me see. Let me

see.

Yeah, yeah. I’m right. It’s just what I told you. Judge Nash is the supervising judge --

Q. BY MR. MESEREAU: Mr. Feldman, let me just -- please.

A. Oh.

Q. Have you had a chance to look at that letter?

A. I have. I have. And it’s exactly what I’ve said.

Q. Is it a letter to you of February 5th, 2004 --

A. I didn’t look at the date.

Q. -- Re In the Matter of Gavin, Star, and Davellin Arvizo,” from Terry Tran, Research Attorney, from the Office of the Presiding Judge --

MR. SNEDDON: Your Honor, I’m going to object to counsel reading this. The question is does it refresh his recollection.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Have you had a chance to review the letter?

A. I have.

Q. Does it refresh your recollection about whether or not you represented the Arvizo children on that issue?

MR. SNEDDON: Object as vague.

THE WITNESS: What’s --

THE COURT: Sustained.

Q. BY MR. MESEREAU: Mr. Feldman, does that letter refresh your recollection about whether or not you ever represented Gavin, Star or Davellin Arvizo on the issue of whether or not any juvenile records should be disclosed from the L.A. Superior Court?

A. Sir, I am going to tell you that does refresh my recollection, and it says exactly what I just told you. The news media was trying to get their records from dependency court. Judge Nash is the head of the whole juvenile system for Los Angeles at that time. He was the presiding judge. He asked me if I objected, and I did object, and I do object, and I will always object for these child dependency records to ever leave that courthouse, because children are supposed to be able to go there and be protected, not have to worry about the media or you, or anybody else attacking those children.

Q. You did represent them on that issue, true?

A. That’s true.

Q. Thank you.

Do you know how long you represented the Arvizo children on that issue?

A. Oh, you know, I got a lot of letters on that. It wasn’t just one. So you showed me one. What was the date? You said February ‘05? But if you asked me, I would have said I got one before

that, frankly.

Q. February 5th, 2004.

A. Oh, ‘04. That would be more likely.

And over the period of time -- I mean, I know Judge Nash, and so over time I think they had written me letters, like I said, on behalf of the Arvizos and on behalf of the Chandlers asking for whether we objected to him releasing it to the media. I think there’s a procedure that they have to do that. But I may be wrong on that. This is not my field.

Q. You told the jury that at some point you personally contacted the Los Angeles Department of Children & Family Services regarding this particular matter, correct?

A. Yes.

Q. And you did that with Stanley Katz, correct?

A. Yes.

Q. To your knowledge, was Mr. Dickerman involved in that approach?

A. Did Dickerman go with us, was that the -- I don’t know what you mean.

Q. We’ll start with that. Did Dickerman go with you?

A. No, he did not.

Q. Did Dickerman discuss it with you?

A. I am sure that -- I mean, I didn’t just do this, because when you do this, there could be serious ramifications for the family.

Q. I’m just asking you, sir, to answer the question.

A. Well, I’m trying to remember.

Q. Did Mr. Dickerman participate with you in any event?

A. He didn’t go with me, I can tell you that. Whether or not I ever discussed it with him, I thought --

Q. Pardon me?

A. I mean, that’s hard to remember. I certainly should have. I mean, in the normal course, I should have told him that this was what I was going to do, and this is what I thought might or possibly could happen. I mean, because I had to tell the parents what was happening, or the mother.

Q. Do you have any knowledge of the case Janet filed against J.C. Penney?

A. Just what I read.

Q. Have you ever been in contact with any lawyers for Janet Arvizo who represented her in the J.C. Penney matter?

A. Well, when you say “contact,” yeah, I tried to --

MR. SNEDDON: Excuse me, I’m going to object as immaterial.

THE COURT: Just a minute.

Sustained.

Q. BY MR. MESEREAU: Do you remember ever meeting someone named Jamie Masada in your office?

A. I remember Mr. Masada coming to my office for the first meeting and me not letting him in my office. That's --

Q. Did he remain in the lobby, to your knowledge?

A. He did. I wouldn't let him in.

Q. Was it your understanding that he had transported the Arvizos to your office?

A. I don't know how they got to my office, but he was there with Mr. Dickerman, and I wasn't letting him in.

Q. You weren't letting him in because it could affect the attorney-client privilege, right?

A. That's right.

Q. Explain that, if the members of the jury don't know, what you meant.

A. Sure.

Q. Why don't you explain that.

A. Give me break, huh?

The privilege is sacrosanct. If you tell me something as a lawyer, I can never tell anybody what you've told me. If I have a third party in that room with me, then that privilege, there is no privilege. It no longer remains confidential. So good lawyers will never let somebody other than the client in their office to talk to them because you lose the privilege if they want to tell you something.

The exception to that, sort of, is with children, because children have to act through a guardian, so you'd have their parents in with you. But generally that's what it is.

Mr. Masada wanted to, because I think he was a friend of theirs is what I gathered at the time, wanted to be there to give them moral support or whatever, and it wasn't going to happen on my watch. And I said that he could not come in, and he accepted that, and I guess he sat out there. I can't frankly -- I don't remember Mr. Masada, other than that.

Q. All right. Have you talked to him on the phone at any time?

A. Masada?

Q. Yes.

A. Not that I know of. I don't think I did.

Q. Okay. Was it your understanding he was a friend of the Arvizos when you met him?

A. You know, I didn't know if he was a friend of theirs, or a friend of Dickerman's, or a friend of both. I frankly didn't quite get where he fit in all this at that point. I knew he was a friend of Dickerman's, and I just couldn't -- I didn't know really.

Q. Okay. Who contacted you about testifying before the grand jury?

A. I guess Mr. Sneddon. Either Mr. Sneddon or Mr. Zonen. One of them.

Q. Before you testified to the grand jury, did you discuss your testimony with Prosecutor Sneddon?

A. Let's see. That's a good question. I mean, I can tell you nobody -- I just -- not that day, that's for sure. I mean, I don't -- I don't really remember that, frankly. I know I didn't that day. I just sat down in some room, and they called me in and they asked me questions.

Q. Did you discuss your testimony that you gave before the grand jury with anyone associated with the prosecution before you gave it?

A. I should know that. I don't remember that. I mean, I don't remember it, frankly. They may have called me at some time on the phone, but there wasn't any in-depth conversation about this, that I can remember, in anticipation of my testimony.

Q. Did anyone ever tell you what questions they were going to ask you in the grand jury room?

A. No.

Q. No one ever even came close to the subject?

A. The subject came up about the privilege, and I was very concerned about the privilege, and that I remember talking to somebody about.

Q. Well, you took the position it was waived in that proceeding, didn't you?

A. I didn't take the position. The prosecution took the position it was waived. And it was. But I was concerned long before it got waived when I was told that I might go -- that they wanted me.

I like being a lawyer, Mr. Mesereau. I don't like being a witness. You might understand that. And I'm much more comfortable where you are than where I am right now.

And so when -- when it was approached that I was going to become a witness and testify, I was concerned about the privilege, and I wasn't about to testify unless there was a written waiver by the children and the Arvizo -- Miss Arvizo, if they were planning on asking me what she said to me, and where we are, and what I did, and why I did it. And they obtained a written waiver.

Q. We can move on from that subject.

A. Okay.

Q. In May of 2004, you represented Janet Arvizo in an attempt to stop NBC from obtaining West Covina Police Department records, correct, of Janet?

A. Yes. I sent them a letter, I mean, saying she objected to it.

Q. Did you do anything besides send a letter?

A. We certainly -- to my recollection, we didn't file anything. I think we sent a letter.

They said, "If you object" -- they sent a letter. I think the police sent a letter or something, said they were going to release it, if you object or don't object. So we objected, because she didn't want her picture -- it was about her picture, the mug shot of her picture going on television. She was worried about.

And we got assurance that nobody was going to do that, put her picture on television, since she -- her privacy was being invaded already. And so we -- once we got assurance that wasn't going to happen, I think that's what we did. So we objected, and I think the lawyers for the media gave us that assurance that nobody would do that, or something. That's what the concern was.

Q. When you filed your claim against Los Angeles County --

A. Yes.

Q. -- on behalf of Janet Arvizo, Star Arvizo, Gavin Arvizo, and Davellin Arvizo, where did you file it?

A. The County of Los Angeles.

Q. Did you have any further correspondence with them after you filed it?

A. With the county?

Q. Yes.

A. Yeah. I think so. We wanted them to investigate and they weren't investigating how this thing got leaked, and -- so I had several letters back and forth with Mr. Saunders, and then when we filed the claim, some claims adjuster for the county I think sent a letter.

Q. Now, Mr. Feldman, you previously told the jury that you don't have knowledge of the J.C. Penney case, correct?

A. No, I didn't say that. How could I not? It was all over the news. I mean, I hear it every day. I mean, I don't have any -- I mean, I didn't say that.

Q. Well, Mr. Feldman, in June of 2004, you tried to stop the release of records involving the J.C. Penney case on behalf of the Arvizos, correct?

A. We wanted the records for Janet. Mr. -- the lawyer that represented him -- them took the position we couldn't have them unless we gave them to Janet's husband. And since Janet's husband was having a love affair with the media at that time, and he was on television every day, we weren't going to let those records go out to him because we thought he would use them against her. And so we were trying to get the records, and we never got them.

Q. But you tried to stop the City of West Covina from releasing arrest records of Janet in that case?

MR. SNEDDON: I'm going to object as asked and answered.

THE WITNESS: It was the picture. It was the picture.

THE COURT: Objection sustained.

MR. MESEREAU: Let me just take a second, Your Honor, just to look at my notes.

THE COURT: Yes.

Q. BY MR. MESEREAU: Mr. Feldman, do you remember telling two individuals, Michael Viner and Larry King, that Janet is making up these allegations?

A. Absolutely not. Are you kidding?

Q. Do you remember meeting with those two individuals at The Grill in Beverly Hills?

A. No. Never met with them.

Q. Do you know who Michael Viner is?

A. I couldn't pick him out. I know who he is. I think the answer is I wouldn't know him if he was sitting in the jury box. But I know who he is by name. He's -- he's a publisher or something, or a writer, or -- I don't know. Viner Books, right? Something like that.

I certainly know who Larry King is.

Q. You did have a meeting with him and Larry King, right?

A. I have never had a meeting with Michael Viner in my life.

Q. So approximately nine months ago, you didn't meet with Mr. King and Mr. Viner, correct?

A. I absolutely have never had a meeting with Michael Viner in my life.

Q. Okay. And did you ever tell Larry King that these allegations against Mr. Jackson are false?

A. Absolutely not.

MR. MESEREAU: I have no further questions.

THE WITNESS: I don’t even know.
MR. MESEREAU: Okay.
THE WITNESS: The proverbial answer.

REDIRECT EXAMINATION
BY MR. SNEDDON:
Q. Mr. Feldman, let’s go back to the -- and clarify something, if we can.
You were involved at one time in the dependency court involving a case where there was a baby who was alleged to have been abused; is that correct?
A. Correct.
Q. And was the abuse, the nature of the abuse in that case sexual or physical?
A. Physical.
Q. And how old was this baby?
A. 13 months or -- 12 months or 13 months. It was an infant.
Q. And this was in the dependency court, correct?
A. This was in the dependency court. These parents had just adopted this child, and the County of Los Angeles was trying to take the child away from these parents.

Q. So the lawsuit involved the County of Los Angeles and the individuals who were accused, correct?
A. Correct.
Q. You indicated to the Court and to the ladies and gentlemen of the jury that at some point you did represent, to oppose a subpoena duces tecum the parents of the Arvizos, correct?
A. Yes.
Q. And what exactly was the objection that you had to that?
A. It was invading their privacy, two grandparents of this little boy, who all of a sudden the defense wants to get all of their financial records, every check they’ve ever written, every bank account they’ve ever done business in.
Q. Was there --

A. I thought it was overly broad and unfair to these grandparents, since I'm one myself, to get dragged into this thing.

Q. Did the scope of the records that were requested go far beyond the time frame of the events involved in this case?

A. I thought it was the most overbroad, overreaching thing, and we objected and brought it to the Court, to Judge Melville's attention. And frankly, I don't recall what the Judge ruled, but that's what we did.

Q. Okay. I want to go back to the Jordan Chandler versus Michael Jackson lawsuit, if we can for a moment.

A. Sure.

Q. I want to go to that point in time where the case has been settled, it's been resolved, okay?

A. Yes.

Q. Do you recall having a meeting after the case had been resolved and settled in favor of your client, with members or representatives of the Los Angeles District Attorney's Office and the Santa Barbara District Attorney's Office in your office?

MR. MESEREAU: Objection. Leading; beyond the scope.

THE COURT: Well, it's leading. I'll sustain the objection.

Q. BY MR. SNEDDON: Do you recall whether or not you ever had a meeting with representatives of the Los Angeles District Attorney's Office and the Santa Barbara District Attorney's Office in your office after the case had been resolved in favor of your client?

MR. MESEREAU: Objection. Leading; and beyond the scope; no foundation.

THE COURT: It's the same question. Maybe we just ought to call it refreshing his memory.

MR. SNEDDON: I said "whether or not," Your Honor. That doesn't make it leading.

THE COURT: All right. I was trying to be humorous.

MR. SNEDDON: Oh, I guess I lost my humor this morning. You were trying to read my mind once before.

THE COURT: Let’s take a break.

(Recess taken.)

MR. SNEDDON: Judge, I think I can rephrase the question so we can move on. If that’s okay with the Court.

THE COURT: Yes.

Q. BY MR. SNEDDON: Mr. Feldman, I’d like to direct your attention to that point in time after you had resolved the case of Chandler versus Jackson, okay?

A. Yes.

Q. Do you recall at any point having a discussion with representatives of any District Attorney’s Office with regard to your client, Jordan Chandler, appearing before a grand jury?

A. Vaguely, yes. Vaguely, yes.

Q. Do you recall -- do you recall the substance of that conversation?

MR. MESEREAU: Objection. Hearsay; foundation; relevance; and beyond the scope.

THE WITNESS: This is --

THE COURT: You may answer “yes” or “no.”

THE WITNESS: I mean, I can’t --

THE COURT: “Yes” or “no.”

Q. BY MR. SNEDDON: You have to lean into the microphone.

A. Oh.

THE COURT: Do you want the question?

THE WITNESS: Well, yes, and no, Your Honor. I mean, I remember the substance.

Q. BY MR. SNEDDON: Okay. To your knowledge, after the case of Chandler versus Jackson was resolved, did your client, Jordan Chandler, ever appear before a grand jury?

MR. MESEREAU: Objection. Leading; beyond the scope.

THE COURT: Overruled.

You may answer.

THE WITNESS: To my knowledge, he never appeared before a grand jury.

Q. BY MR. SNEDDON: Now, you were asked by -- just before Mr. Mesereau finished his examination, about a purported conversation between you and Mr. King and Mr. Viner, or Veener?

A. Viner.

Q. Viner?

A. Viner is what he said.

Q. Yes. And do you recall any such meeting?

A. I never met with Mr. Viner. I did once meet with Mr. King. I do remember meeting with Mr. King, but I can tell you there wasn't a meeting with Viner.

Q. Were there other people present?

A. Well, we were in the delicatessen in Beverly Hills, so there were a lot of other people around.

Q. Where -- were you having breakfast, lunch, dinner? You were in a deli, I assume you were eating.

A. I was having breakfast with his -- with a producer from their show, who --

Q. Whose show?

A. Larry King's show, and he was sitting at a table, like over here, with --

Q. Indicating to your right?

A. Right. With six of his pals that he had breakfast with.

Q. And were you with somebody else?

A. Yes.

Q. Who were you with?

A. I was with his producer.

Q. Who is?

A. Whose name was, or is, Nancy Baker, I think her name was.

Q. Is that the only time you ever recall being in any kind of close proximity with Mr. Viner?

A. Well, I'm not even sure he was one of these guys. I didn't have any discussion with any of those guys about anything, I can tell you. They were trying to get me to come on their show. That’s all we ever possibly talked about, is -- I knew Mr. King. I’ve run into him since this, I mean, at different events.

Q. By “Mr. King,” you’re talking about Larry King?

A. Right.

Q. The guy’s on --

A. We say hello to each other. We see each other. Talk to each other. Never having talked about this case, and they did want me to come on their program. I mean, I do remember them talking to me about that.

But I can tell you that I didn’t tell them, and I didn’t tell anybody else, anything about what anybody tells me, because it is absolutely privileged, and it would be absolutely improper. And if anybody says that, that person is lying. Can’t make it clearer than that.

Q. Let me just ask you a couple other questions, or at least one other question about the Chandler versus Jackson lawsuit.

You indicated in response to one of Mr. Mesereau’s questions that the defendant in that case, which would have been Mr. Jackson, were the ones who wanted the parents to share in the financial or monetary settlement of the case?

A. That’s right.

Q. Now, that seems counterintuitive. Can you explain to us why that happened?

MR. MESEREAU: Objection. Relevance; foundation; move to strike.

THE COURT: Overruled.

THE WITNESS: The reason it happened was because Mr. Jackson’s legal team wanted confidentiality. They didn’t want anybody ever talking about this. And they were concerned if, in fact, the parents weren’t getting money --

MR. MESEREAU: I’m going to object, this is nonresponsive. And move to strike.

THE WITNESS: They said this, Your Honor.

MR. MESEREAU: And calls for speculation and it’s hearsay.

THE COURT: No, the question was, “Can you explain why that happened,” and that’s what he’s explaining. So --

THE WITNESS: They told us that they wanted the parents to get the money so that the parents would be bound by the settlement agreement, so that the parents couldn’t talk, that the parents couldn’t write a book, the parents couldn’t go -- I mean, we weren’t precluded from talking to the police. We were just -- they weren’t able to write a book. They weren’t able to go on television. They weren’t able to do anything. And they wanted the parents

bound.

And it’s because of that that I brought in a retired Court of Appeal Judge to become the new guardian ad litems, because I didn’t want the parents taking anything away from the child.

Q. BY MR. SNEDDON: All right. Now, at the time that you were introduced to the Arvizo family, did you or were you aware of the fact that Gavin Arvizo had had cancer?

A. Yes.

Q. And were you given information about the severity of the cancer that he had?

A. Yes. Very severe. Life-threatening.

Q. And did the advice that you gave to the Arvizo family during the time that you did represent them involve considerations about Gavin’s health?

MR. MESEREAU: Objection. Leading; and beyond the scope; and foundation.

THE COURT: Sustained.

MR. SNEDDON: Your Honor, could I --

THE COURT: It’s beyond the scope.

MR. SNEDDON: Beyond the scope?

Q. Mr. Feldman, based upon -- well, let me go back and lay one foundational thing. Did you, during the course -- and I don’t obviously want you to disclose anything that was said, but as a foundational matter, during the course of the time that you did represent the Arvizo family, and Gavin

Arvizo in particular, did you have discussions with Gavin?

A. Yes.

MR. MESEREAU: Objection as beyond the scope.

MR. SNEDDON: Well, I --

THE COURT: Overruled. The answer is, “Yes.” Next question.

MR. SNEDDON: All right.

Q. Based upon your conversations with Gavin and those of the family, and your experience in civil suits as a trial lawyer, as an experienced litigator, are you able to tell the ladies and gentlemen of the jury whether, in your opinion, Gavin Arvizo has any interest in pursuing a suit against Michael Jackson over these molestation charges?

MR. MESEREAU: Objection. Calls for speculation; beyond the scope; foundation.

THE COURT: Sustained.

MR. SNEDDON: Is that a foundational thing, Your Honor, or just in total?

THE COURT: All of them. No, that’s not a proper question.

MR. SNEDDON: All right.

Q. Mr. Mesereau asked you a question as to -- when he was asking you about criminal cases versus civil cases, and why in your opinion it would be

foolish to go criminal first before you would go civil. Do you recall that?

A. He was saying it’s easier to go criminal than go civil. That’s what he was --

Q. And you said it was foolish?

A. Oh, I said it’s foolish?

Q. Yeah, not him.

A. Oh, I said it’s foolish. Yeah, well, if I said it or not, I think it is foolish.

Q. All right. Explain why.

A. Well, part of it is what he just said. As a lawyer, I want to control what happens. I want to protect this child. The only person that was ever going to be my client, even though they all signed a retainer, was this child, and -- Gavin, and I wanted to do what’s best for Gavin.

The District Attorney represents the People. They have to prove it by beyond a reasonable doubt. As Mr. Mesereau says, in a civil case, you only have to prove it by a preponderance of the evidence, more likely than not.

And so I would never, if it was -- if I was going to do a civil case, ever want the District Attorney, the police, any criminal case, involved with a civil case.

In a civil case -- in a criminal case defendants have Fifth Amendment rights, and they don’t have to testify. In a civil case, things are different, and I would never want to do what Mr. Mesereau said. It is almost inhumane, when you have a cancer victim, to have him go through a criminal trial, and then maybe he gets convicted, and then all of a sudden, now he’s going to do it again and spend these -- these years of his life. I wouldn’t do it. I wouldn’t be a part of doing it. And I don’t know many lawyers in this -- who practice good law would ever suggest that the District Attorney start and handle the case.

I didn’t do it in ‘93. I wouldn’t have done it in 2003. And I won’t ever do it.

MR. SNEDDON: Thank you. No further questions.

RECROSS-EXAMINATION

BY MR. MESEREAU:

Q. Mr. Feldman, do you know that Gavin is not only in remission, he’s playing football?

A. I know he’s in remission. But I know that stress can impact cancer. And --

Q. But you knew he was in remission a long time ago?

A. I know -- I didn’t know where he was. He’s better today than he was when I first met Gavin. Gavin’s done wonderful physically over the last -- how long has this been? Almost two years now. He’s doing much better. If you saw him then compared to

seeing him now.

Q. Have you ever been a criminal prosecutor yourself?

A. A criminal prosecutor?

Q. Yes.

A. No.

Q. Are you aware that criminal prosecutors often look to see if civil lawyers are trying to use the criminal process to win their cases for them?

A. Say that one more time.

Q. Are you aware that prosecutors often, when approached by civil lawyers, are wary to see if civil lawyers are trying to use them to win their cases for them in the criminal courts?

A. I wouldn't have any idea what they do.

Q. You're not changing what you told the jury earlier, that if you have a judgment of a criminal conviction, you can go into civil court and use it to establish liability just with the document?

A. I'm not changing what I said. If you had a criminal -- we're talking about -- no, I wouldn't change that.

MR. MESEREAU: No further questions.

REDIRECT EXAMINATION

BY MR. SNEDDON:

Q. The deadly "one more question."

A. Yeah, I've heard it.

Q. You know, it's an occupational hazard.

A. Yes, I know.

Q. Let's just get back to this thing that Mr. Mesereau was just talking about, the impact of a criminal conviction.

For you, as a trial lawyer, could you explain to the ladies and gentlemen of the jury what the difference is between compensatory damages and punitive damages?

A. Yeah. In compensatory, you're trying to make a person whole. The jury assesses what is the losses. In the grownup, you know, it would be loss of income, medical bills, home care, things of that nature. And pain and suffering or emotional distress. That's what we call compensatory, and what the law says about that is the purpose is to make somebody whole.

Punitive damages are something that is on top of that. It is to punish someone who needs to be punished for bad behavior. In certain places in the law -- not in all cases. Most cases you can't get them, but in certain places under the law, sexual molestation would be one. Assault and battery would be another. Fraud, where somebody is guilty of what we call malice, or fraud, or oppression, is another. And in those, the law says you got a higher standard of care, still not as high as a criminal case, but you have to prove malice.

And in order to prove malice, you have to prove fault. And it's a different fault than the fault that's in a criminal -- because I don't know what exactly you have to prove in a criminal case, so I don't want to get too far ahead of myself here.

But it doesn't just follow that you wouldn't have to go back to starting to prove things all over again if you were to be in a civil case. And you can't tell. You know, a lot of criminal cases wind up hung juries. I mean, it's just not the way most civil lawyers do things, and --

MR. SNEDDON: Thank you. No further questions.

THE WITNESS: (To Mr. Mesereau) Well, there goes that last question, huh? If you'd raise your hand, I'd stop.

RECROSS-EXAMINATION

BY MR. MESEREAU:

Q. Mr. Feldman, if you're going in front of a civil jury, and you're trying to prove that the civil defendant acted with malice --

A. Yes.

Q. -- don't you think it might affect that jury if the civil defendant is a convicted felon?

A. I think it helps. Yeah. Sure.
Q. Of course it helps, doesn't it?
A. Of course it helps. But that's -- you know,

you got to balance this about a kid who's got cancer and who's sick and --
Q. That's not what we're talking about, Mr. Feldman. I asked you, if you go into civil court and are trying to prove malice to get punitive damages, and the defendant is a convicted felon, you have a much easier road, don't you?
A. I -- yes.
MR. MESEREAU: Thank you.
MR. SNEDDON: I keep my word.
THE COURT: All right. Thank you. You may step down.
THE WITNESS: Thank you, Your Honor.
THE COURT: Call your next witness.
MR. AUCHINCLOSS: People call Jesus Salas.
THE BAILIFF: He's on his way in.
THE COURT: Come to the front of the courtroom, please.
When you get to the witness stand, please remain standing. Face the clerk and raise your right hand.

JESUS SALAS
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name is Jesus Salas. J-e-s-u-s; Salas, S-a-l-a-s.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. Good afternoon, Mr. Salas.
A. Good afternoon.
Q. In the year 2003, Mr. Salas, who were you

employed by?
A. I was employed by Neverland Valley Ranch.
Q. And who was your employer?
A. Mr. Jackson.
Q. Michael Jackson?
A. Michael Jackson, yes.
Q. The man seated to my right?
A. That is correct.
Q. Mr. Salas, how long -- well, let me back up. When did you cease to work for Neverland Valley Ranch? When did you stop working there?
A. It was late June 2003.
Q. And how many years did you work at Neverland Valley Ranch?
A. 20 years.
Q. Did you work there before Mr. Jackson bought that property?
A. Yes, sir.
Q. And what did you do during your years at 4613

working at Neverland Ranch? What were you employed doing?
A. I was outside on-grounds maintenance supervisor.
Q. You were a supervisor of grounds maintenance?
A. Right.
Q. And what did that involve?
A. Keeping up the place, you know, maintaining the place, and anything that -- any activities that needed to be done on the grounds.
Q. Did you have people working under you?
A. Yes.
Q. And how many?
A. I believe it was about 15 people, something like that.
Q. 15?
A. Uh-huh.
Q. Who did you report to during that period of time?
A. We had a ranch manager.
Q. And at some point, did you change jobs?
A. Yes, I did.

Q. When was that?
A. It was -- I would say it was in the middle of 2002.
Q. And what job did you take up? What was your new job at that time?

A. I was assigned to be the house manager for Mr. Jackson.
Q. Was that a promotion?
A. I would say yes.
Q. Okay. More responsibility?
A. More responsibility.
Q. And what did you do as the house manager?
A. Making sure that the house was -- making sure that everything that the house needed to be done. I was just to make sure that everything was there for Mr. Jackson and his guests.
Q. And when you say “the house,” what structure or structures do you mean with specificity, specifically?
A. It was the main house and guest units, theater. Anything involved with the facilities of Mr. Jackson.
Q. How many people did you have working under you as house manager?
A. Eight people.
Q. And what were their various employments? What did they do?
A. House -- house maids and cooks.
Q. So who did you report to when you were house manager?
A. We also have a ranch manager. But I also report to Mr. Jackson.
Q. Did you report directly to Mr. Jackson?

A. Yes, I did.
Q. And whereabouts did you work? What was -- in your day-to-day life as house manager, your employment as house manager, tell me about -- give me an idea of what you would do in a given day.
A. Well, we did the various of things, you know. Making sure that the place was clean. Making

sure that we had everything stocked, supplies. And making sure that the guesthouse was clean. Stuff like that. Just keeping up with the place.

Q. Did you have an office or anything of that nature?

A. Yes. There's an office in the house.

Q. And where is that located?

A. It's in the back of the house, as you first go into the main, the back door on the left side.

Q. When Mr. Jackson was on the property, how often would you have contact with him, as house manager?

A. Daily basis.

Q. More than once a day, or -- give me an idea, if you would.

A. Sometimes it was once. Sometimes it was more than that. It depends.

Q. And if Mr. Jackson wanted something done, let's say he wanted flowers in a certain place at the house, who would take care of that?

A. It was -- that responsibility, it was some other people who was in charge of the flowers.

Q. Okay. Would he -- who would he tell that he wanted the flowers in that particular place?

A. Mr. Jackson will tell anybody that he wanted to first.

Q. Okay. As far as keeping the kitchen stocked, was that one of your jobs?

A. Yes.

Q. What about alcohol on the ranch, was that your job as well, to keep alcohol stocked?

A. I had to make sure that we had what he needed or anything that needed to be in the house.

Q. Can you characterize for me what level of service Mr. Jackson expected at Neverland Ranch?

A. The best.

Q. What were your daily hours like?

A. It was pretty long hours. 7 a.m. to -- to 1:00 or 2:00 in the morning. 3:00 sometimes.

Q. Was that a normal day for you to work such long hours?

A. It was not normal. But it was a requirement that we had it -- to get things done.

Q. And can you characterize for me the expectation that Mr. Jackson had concerning the level of service?

MR. MESEREAU: Objection. Vague; calls for speculation.

THE WITNESS: When you say “expectation,” could you specify it a little bit?

MR. AUCHINCLOSS: Just a moment.

THE COURT: Okay, he’s asked you to clarify.

Q. BY MR. AUCHINCLOSS: You said that the services for Mr. Jackson was first class?

A. Yes.

Q. Yes?

MR. MESEREAU: Objection; misstates the evidence.

Q. BY MR. AUCHINCLOSS: I can’t recall exactly what you said. What did you say about the level of service?

A. That he expected the best.

Q. He expected the best. Okay. And if he didn’t get the best, would he let you know that?

A. Yes.

MR. MESEREAU: Objection; calls for speculation.

THE COURT: Overruled.

Q. BY MR. AUCHINCLOSS: Was Mr. Jackson shy about telling somebody, an employee, that he was displeased about something?

A. Not necessarily. He would tell you the way -- he will make you understand what he wanted.

Q. Did he ever fire people?

A. Not that I’m aware of.

Q. Was he ever responsible for firing someone?

A. No.

Q. You don’t know if he ever wanted someone fired?

MR. MESEREAU: Objection; asked and answered.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Was anybody fired during the period of time that you worked there?

A. Yes.

Q. Tell me, was anybody fired when you worked as a house manager?

A. No, nobody.

Q. While you worked at Neverland, were you ever asked to maintain any level of secrecy about what happened at Neverland?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

You may answer.

THE WITNESS: There’s -- there’s a procedure that when you are hired at Neverland Valley Ranch you do sign some confidentiality forms.

Q. BY MR. AUCHINCLOSS: And when you agree to that form, what are you agreeing to?

A. To respect the policy.

Q. What is the policy?

A. Of not talking anything that you shouldn’t talk about, Neverland.

Q. Okay. Are you allowed to talk about anything that happens on Neverland off the Neverland property?

A. No, you’re not.

Q. Why did you -- why did you leave your employment at Neverland?

A. The reason I left -- it was many things involving that. And I became to the point that I say, you know, “This -- it’s time for me to move on.” There was some things that I didn’t like about how things were running there. So it was a lot of stress, and I say, “Okay, it’s time for me to move on.”

Q. Whose decision was it to leave Neverland?

A. It was my decision.

Q. When you were working at Neverland as the house manager, did you have occasion to go into Mr. Jackson’s private quarters?

A. Yes, I did.

Q. Were you -- did you have occasions where you went upstairs into the bedroom area?

A. Yes.

Q. Was there any notification system that signaled Mr. Jackson when someone was coming into his room?

A. Yes.

Q. Can you describe it for me?

A. It was a doorbell as you come through the hallway. You can tell when somebody was approaching to the door.

Q. And what kind of sound did it make?

A. It’s a bell.

Q. Just a bell?

A. Uh-huh.

Q. Now, as you entered Mr. Jackson’s room, tell me about the first level.

A. He had a big T.V. upstairs. There was some couches.

Q. Were there windows in that area?

A. Yes.

Q. Did they have any window coverings?

A. Yes, they did.

Q. Generally speaking, would Mr. Jackson keep those -- well, let me, first of all, strike that. Let me ask you, what type of window coverings are we talking about?

A. Shutters.

Q. Shutters?

A. Uh-huh.

Q. Were there any curtains?

A. No.

Q. Typically would the shutters be open, closed, or something in between? You tell me.

A. They were closed.

Q. They usually were closed?

A. That’s correct.

Q. Could people from outside see inside Mr. Jackson’s room?

A. No.

Q. Was it generally dark in there?

A. Pretty much.

MR. MESEREAU: Objection. Foundation; move to strike.
THE COURT: Overruled.
MR. AUCHINCLOSS: If I may approach, Your Honor?
MR. MESEREAU: May I see what counsel’s --
MR. AUCHINCLOSS: Yes, certainly.
Q. BY MR. AUCHINCLOSS: All right. Mr. Salas, I show you People’s Exhibit No. 338. Can you identify that photograph for me, please?
A. Yes. That’s Gavin, Star, and the sister.
Q. Okay.
A. Davellin.
Q. Davellin?
A. Davellin.
Q. Are those the Arvizo children?
A. That is correct.
Q. I show you People’s Exhibit No. 3. Have you ever seen that individual?
A. I probably have. I don’t remember.
Q. Okay. If you -- does he look at all like somebody you’ve ever seen at Neverland Ranch?
A. Yes.
Q. He does?
A. Uh-huh.

Q. But you don’t know his name?
A. No. I don’t remember his name.
Q. I show you People’s Exhibit No. 17. Do you recognize that picture?
A. Yes, sir.
Q. And who is that?
A. Dieter.
Q. Dieter?
A. Uh-huh.
Q. Was he a visitor at Neverland Ranch?
A. Yes, he was.
Q. I show you People’s Exhibit No. 18. Can you identify that photograph?
A. That’s Mr. Ronald.
Q. Ronald?
A. Uh-huh.
Q. This photograph is maybe not so good, but

I’ll show it to you anyway. People’s Exhibit 19. Are you able to identify that individual?

A. Yes. Can’t remember his name. Sorry.

Q. Okay. We’ll talk about him.

People’s Exhibit No. 20. Do you recognize him?

A. That’s Frank Tyson.

Q. Frank Tyson.

People’s Exhibit No. 21, I show you that. Can you recognize that?

A. That is Aldo.

Q. Aldo?

A. Uh-huh.

Q. And then I have three exhibits which we haven’t introduced yet. Exhibit 46, do you recognize that photograph?

A. I do, but I don’t remember his name.

Q. People’s Exhibit 45?

A. Yes, I do.

Q. Do you recognize that?

A. Yes.

Q. Do you remember his name?

A. No.

Q. And People’s Exhibit 47, do you recognize that photograph?

A. Yes, I do. Don’t remember his name.

Q. All right. Good enough.

First of all, going back to 47, how do you recognize this picture? Where have you seen that face before?

A. At Neverland Valley Ranch.

Q. And have you seen this person at Neverland Valley Ranch on -- give me an idea of how many times he’s visited there.

BAILIFF CORTEZ: They can’t hear you, sir, in the back.

Q. BY MR. AUCHINCLOSS: How many times has this individual visited at Neverland Valley Ranch, if you know?

A. I’m not quite sure how many times. But he was there quite a few times.

Q. Quite a few times?

Did this individual associate with Mr. Jackson while he was at Neverland Valley Ranch?

A. Yes, he did.

Q. Showing you Exhibit 45, can you tell me how many times this individual was at Neverland?

A. About the same amount of times.

Q. A number of times?

A. Yes.

Q. Did he also associate with Mr. Jackson?

A. That is correct.

Q. People's Exhibit 46, same question. Was he -- how many times did he come to Neverland?

A. Same answer.

Q. Many times?

A. Uh-huh.

Q. Did he also associate with Mr. Jackson?

A. That's correct.

Q. Thank you.

Those last three photographs that I showed you, Mr. Salas, is there anything that these three individuals have in common?

MR. MESEREAU: Objection; vague.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Can you tell me, do those three individuals have anything in common concerning the area where they live?

A. They --

MR. MESEREAU: Objection; vague.

THE WITNESS: They live in Los Olivos.

THE COURT: Overruled.

Q. BY MR. AUCHINCLOSS: All right. So, let's go back to the Arvizo family. Or -- I think I'll begin with a different photograph.

Could I have the Elmo on, please, Your Honor?

All right. Showing you People's Exhibit No. 3, you previously identified that photograph as someone that you've seen at Neverland Valley Ranch; is that correct?

A. That is correct.

Q. Can you tell me approximately -- if you have seen that individual at Neverland Valley Ranch on more than one occasion.

A. I believe I have, but I’m not quite sure how many times.

Q. Okay. Can you tell me if that individual had any association with Michael Jackson while he was at Neverland Valley Ranch?

MR. MESEREAU: Objection; foundation.

MR. AUCHINCLOSS: I can --

THE COURT: Overruled.

You may answer.

THE WITNESS: I believe they did.

MR. AUCHINCLOSS: All right.

Q. Showing you Exhibit No. 20. I believe you’ve identified this as whom?

A. Frank Tyson.

Q. And how long have you known Frank Tyson?

A. I know Frank Tyson for quite a few years already.

Q. Can you give me an idea how old he was when you first met him?

A. Not quite sure how old he was, but he was pretty young.

Q. Okay. Can you estimate?

A. He was probably about 18 years, or something like that.

Q. 18 years old?

A. Something like that.

Q. When you first met him?

A. Right.

Q. Do you know how old he is now?

A. I don’t.

Q. Okay. And where did you meet him?

A. At Neverland Valley Ranch.

Q. And did he associate with Mr. Jackson while he was at Neverland Valley Ranch?

A. Yes, he did.

Q. How often?

A. I would say pretty often.

Q. Do you know what his relationship was with

Mr. Jackson?

A. Just a friend, I believe.

Q. Okay. Have you ever described him as Mr. Jackson’s right-hand man?

MR. MESEREAU: Objection. Leading; move to strike.

THE COURT: Overruled.

You may answer.

THE WITNESS: At one point, yes, sir, he was.

Q. BY MR. AUCHINCLOSS: When was he Mr. Jackson’s right-hand man?

A. Don’t remember exactly the year that he was, but I believe it was probably around ‘90. I want to say that. Not quite sure of the year, you know.

Q. 1990?

A. Somewhere around there.

Q. So that would have been 15 years ago?

A. Something like that, I would say. Maybe less than that.

Q. How old do you think he is now?

A. I’m not sure. I don’t know. I honestly don’t know.

Q. How many years have you known him?

A. Well, I want to say it was about 15 years since the first time I met him.

Q. All right. Now, why did you characterize him as “Mr. Jackson’s right-hand man”?

A. Because at one point he came to the ranch and he is the one that was giving orders as to what to do around the property.

Q. When he was there in 2003 -- well, let me back up. Was Frank Tyson on the ranch in 2003?

A. Yes, he was.

Q. And when he was there in 2003, did he also give orders as to what should go on at the ranch?

A. No.

Q. Didn’t he also give you some orders, Mr. Salas?

MR. MESEREAU: Objection; leading.

MR. AUCHINCLOSS: That’s impeachment.

MR. MESEREAU: Misstates the evidence. It’s asked and answered.

THE COURT: Overruled. You may answer.

THE WITNESS: Yes, he did. I mean, he did, but not the same orders as when he was the first time. This was more like for Mr. Jackson.

Q. BY MR. AUCHINCLOSS: More like he was giving you orders for Mr. Jackson; is that what you’re saying?

A. Yes.

MR. MESEREAU: Move to strike. The prosecutor didn’t let him finish his answer. And that’s leading.

THE COURT: Actually, he’s just repeating what the witness said. Would you phrase a new question, please?

MR. AUCHINCLOSS: Yes. Thank you.

Q. Why do you say that he was giving you orders for Mr. Jackson?

A. Because many times, if things that needed to be done, or anything that need -- to Mr. Jackson to be notified, he would said, “I will take care of that.” So that’s how I realized that he was also giving orders.

Q. Did you ever see Mr. Jackson give Frank Tyson orders or --

A. No, no, I didn’t.

Q. And did Mr. Jackson spend time with Frank Tyson in 2003?

A. Yes.

Q. Can you characterize how often they would spend time together when they were at the ranch?

A. I would say, I don’t know, about once a day or something like that. All depends.

Q. Once a day they would get together?

A. On occasions. Not always, okay?

Q. I’m just asking you for what you saw.

A. Right.

Q. Okay. So when you’d see them get together during the day, can you tell me, whereabouts would they meet on the ranch? Where would you see them?

A. Many times it was in his office. Many times it was in the video library. Not in the video library. The library at the house.

Q. Uh-huh.

A. Sometimes in Mr. Jackson’s room.

Q. When you say “his office,” do you mean Mr. Jackson’s office?

A. Mr. Jackson’s office, yes.

Q. Can you tell me, how would you characterize their relationship, based upon what you saw, the years of seeing them together?

MR. MESEREAU: Objection; asked and answered.

THE COURT: Overruled.

You may answer. Do you want the question read back?

THE WITNESS: Yes. Go ahead and ask the question again, please.

Q. BY MR. AUCHINCLOSS: My question is, how would you character -- how would you describe their relationship, based on all the years that you saw Mr. Tyson and Mr. Jackson associating with one another?

A. I would say that it was some friend relationship, bonded together.

Q. How would you characterize it in terms of closeness?

A. What do you mean by that?

Q. Well, were they close friends or distant friends? You know what I mean, I think.

A. No, I think at one point they were pretty close friends.

Q. Did they still appear to be friends in 2003?

A. Not really.

Q. Not really?

A. No.

Q. Well, Mr. Tyson was a guest in 2003, wasn’t he?

A. Yes, he was.

Q. And he was -- did Mr. Jackson allow guests on the ranch when he didn’t want them there?

MR. MESEREAU: Objection; leading question.
THE COURT: It’s argumentative.
MR. AUCHINCLOSS: Okay.
Q. Do you know if Mr. Jackson allowed anybody on the ranch who he was not friends with?
MR. MESEREAU: Objection; calls for speculation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: If Mr. Jackson did not want somebody on the ranch, would he keep them out?
MR. MESEREAU: Objection; calls for speculation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Is there a security gate at Neverland Ranch?
A. Yes, there is.
Q. And does someone have to get permission to get into Neverland Ranch?

A. Absolutely.
Q. And if Mr. Jackson says, “Don’t let this person in,” will that person get into Neverland Ranch?
A. No.
MR. MESEREAU: Objection; calls for speculation.
THE COURT: Overruled. The answer is, “No.”
Q. BY MR. AUCHINCLOSS: Now, during this time in 2003, was Mr. Jackson still meeting with Frank on about a daily basis?
MR. MESEREAU: Objection. Misstates the evidence; move to strike; it’s leading.
THE COURT: Assumes facts. I’ll sustain the objection.
MR. AUCHINCLOSS: Okay.
Q. When Mr. Jackson and Mr. Tyson -- well, let me back up.
In early 2003, January, February, March 2003, where was Mr. Tyson living?
A. He was living -- he was at the video library.
Q. At Neverland Ranch?
A. Yes, sir.

Q. He had his own bedroom there?

A. They had a bed upstairs, yes.

Q. And during that period of time in 2003, would you see Mr. Jackson and Mr. Tyson together?

MR. MESEREAU: Objection; asked and answered.

THE COURT: Sustained.

THE WITNESS: Occasionally, yes.

Q. BY MR. AUCHINCLOSS: You would see them together?

A. Yes.

Q. Did Mr. Tyson have an office set up at Neverland Valley Ranch during that period of time?

A. Yes, he did.

Q. Where was his office?

A. It was in the video library.

Q. Was there anybody else who had an office in the same area?

A. Yes. That was Vinnie.

Q. Who?

A. Vinnie.

Q. Vinnie?

A. Uh-huh.

Q. Who is Vinnie?

A. Vinnie was a friend of Frank Tyson. Or I guess, I should say.

Q. Where was Vinnie living during that time?

A. He was living in the same area, same place.

Q. I show you grand jury exhibit -- or, sorry, People's Exhibit No. 19. Can you identify that photo?

A. Yes, that's Vinnie.

Q. All right. Do you know what the office that Vinnie and Frank had in the video library was being used for? Do you know what they were using that office for during that period of time?

A. No, I don't.

Q. That was in the house; is that true?

A. That was at the video library.

Q. Is that in the house?

A. That is outside the main house.

Q. Okay. And where is it?

A. That is above Mr. Jackson's office, upstairs.

Q. Okay. So is that connected in some way by any building to the main house?

A. Yes, they're all bonded together.

Q. They're all part of the same structure?

A. Right.

Q. And would Mr. Jackson go up into the video library during that period of time, in early 2003?

A. I would say occasional.

Q. And why didn't you know what was going on up there? Why didn't you know what Frank and Vinnie were doing up there if you were the house manager?

MR. MESEREAU: Objection. Calls for speculation; no foundation; leading.

THE COURT: Overruled.

You may answer.

THE WITNESS: It wasn't my business to find out what they were doing up there.

Q. BY MR. AUCHINCLOSS: Were you ever discouraged from asking those kinds of questions?

MR. MESEREAU: Objection; leading.

THE COURT: Sustained.

THE WITNESS: Not really.

MR. MESEREAU: Withdraw the objection.

(Laughter.)

THE COURT: (To the jury) You know, we are -- I think we're at a point where we'll stop, because we have to take up a motion with the attorneys before the end of the day. So I'll let you go early. We'll see you on Monday morning at 8:30.

If you haven't seen the wildflower displays -- I went out yesterday. It's really worth seeing. Highway 58 out of -- up by Lake Santa Margarita. If you go out on that, it's just carpets and carpets of yellow and spotted with blue, and it's just a nice way to relax. I recommend it.

Thanks. I'll see you -- remember next Wednesday we're dark.

MR. AUCHINCLOSS: Mr. Salas? You come this way.
THE WITNESS: Oh. Somebody needs to guide me.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: All right. Mr. Sanger, you had a motion you wanted to make?
MR. SANGER: Yes, Your Honor. There’s actually two things. But the first is a motion regarding prosecutorial misconduct, and the issue is the admonishment by the prosecutors to their witnesses to conform to the courts orders. In particular, in this case, we have several witnesses, Louise Palanker, who discussed her testimony with Jamie Masada, and perhaps vice versa, but at least there’s clear evidence of that. We have Bill Dickerman, who talked with Dr. Katz. We had Larry Feldman, who talked with Mr. Dickerman and Dr. Katz. And it is up to the parties who call the witnesses to admonish them to conform to the courts orders.

The courts already admonished the prosecution that they need to do that with regard to the gag order and going outside and talking to the press. That may have occurred, actually, since the Court made that admonishment. But in particular, at this point, I’m addressing the discussion of testimony between witnesses who are witnesses called by the prosecution.

The prosecutor has sufficient staff, including a witness coordinator, to take care of this, sheriff’s personnel and the D.A.s themselves. It seems to be a consistent problem, and as a result of that, I believe it rises to the level of prosecutorial misconduct. It could be conveniently forgotten, but it just couldn’t be innocently forgotten after all this time, and the repetition of the -- of the misconduct on the part of the witnesses that we’ve heard.

So I’d ask the Court to fashion an appropriate remedy. Remedy number one, of course, in any misconduct situation, prosecutorial misconduct situation, is a mistrial. And depending on how the Court rules on that, I have a proposed curative instruction. But the Court would have to rule on the first remedy before we get to that, I believe.

I can go ahead and give the Court a quick idea, because I don’t want to spend unnecessary time. If the Court denied the motion for mistrial, I think a proper curative instruction is along the lines of other instructions, that the Court can advise the jury that witnesses called by a particular party, in this case the prosecution, are supposed to be admonished by the -- by the lawyers calling them to conform to the courts order.

And if the jury finds that they have not conformed to the courts orders particularly in this

case, not to discuss their testimony with other witnesses, that the jury can draw an adverse inference from that as to the credibility of the witnesses, and as to the strength of their testimony. And that the jury, if they find that to be true, can disregard the entire testimony of the witness, unless the review of all the facts in the case supports the testimony of that witness.

And that would be the alternative, but I propose that only in the event that the Court denied the motion for mistrial.

THE COURT: Counsel?

MR. SNEDDON: Well, first of all, Your Honor, I don’t think there’s any evidence that they were discussing their trial testimony. The discussion was they had conversations. There’s no evidence at all that I can hear of that they talked about -- about their trial testimony. And even in the case of Palanker, she didn’t discuss her trial testimony. She discussed some observations about the behavior of one of the lawyers in the courtroom.

And --

THE COURT: When did she do that?

MR. SNEDDON: I’m sorry?

THE COURT: When did she do that?

MR. SNEDDON: When Mr. Masada testified -- when counsel asked Mr. Masada, he was trying to get him to say that she said something about the

pathological liar thing, but she really didn’t. She really said something else. She said -- I don’t want to describe it again, but I can if you want me to, about counsel’s behavior, that he was --

THE COURT: Did she say that outside the courtroom?

MR. SNEDDON: Yes, sir. It wasn’t --

THE COURT: I don’t -- I haven’t watched this --

MR. SNEDDON: No, no. Let me go back. I --

THE COURT: I’m missing something.

MR. SNEDDON: The whole thing -- these ought to be put in writing, if there’s a motion, and we ought to be able to respond in writing. It would be more efficient.

THE COURT: Let’s do this. I think that’s a good way to do it. Why don’t you put something in writing for Monday morning, and --

MR. SANGER: My free time on the weekend while I’m looking at the flowers?

THE COURT: Yes. If you want -- if you look at the flowers, I’ll give you till Tuesday.

(Laughter.)

MR. SANGER: There’s an incentive. I’ll do both and try to get it for you on Monday, Your Honor.

THE COURT: And then you’ll have to respond by Tuesday.

MR. SANGER: Okay. The other matter --

THE COURT: Okay.

MR. SANGER: -- it was simply that we had submitted, I believe, by remote control proposed instructions on the 1108 and 1101, and I believe the

Court got it, although I was sitting here --

THE COURT: Yes, I did. I received it.

MR. SANGER: And I believe the prosecution indicated they were relying on the straight CALJICs.

THE COURT: They showed me theirs. They pulled -- did you show each other what you had given me?

MR. SANGER: They served it.

MR. SNEDDON: I gave the clerk the copies of the ones that we had given you, but they already had a copy of those previous. They're the standard 1108, 1101 instructions.

THE COURT: The only reason I asked that is there's a little more. You gave a couple of -- there's more than just the key instruction. There's some others that may or may not be given. It gave a package. And I'm not saying it's outside of the framework, it's just -- there's a couple more -- I just want to be sure everyone's looking at the same instructions.

MR. SANGER: I do not know which instructions they selected out. And we did serve ours, I believe, on the prosecution. I'm sure we did.

THE COURT: Okay. Well, they can tell you the numbers. They are CALJIC instructions. Standard 1101, 1108. And that there were a couple of additional ones that are connected to it. I'm not saying they're not connected.

MR. SNEDDON: The burden of proof, yes, sir.

THE COURT: The burden of proof.

MR. SNEDDON: CALJIC says you have to give that when you give that instruction, yes, sir.

THE COURT: And I think there was one other, too.

MR. SNEDDON: Well, the standard of proof upon -- I'll take care of it, Your Honor. There's no use wasting the courts time with that.

THE COURT: What I thought we would do -- I won't give any instructions until we've all had a chance to discuss which ones should be given.

MR. SANGER: My understanding is the

prosecution is going to call their first 1108 witness on Monday. Obviously this witness will still be going. So hopefully we’ll have a chance to take that up at the 9:45 break, or something.

THE COURT: We’ll take it up before we call 1108 witnesses, so that --

MR. SANGER: Very well.

THE COURT: Because I want to do that.

MR. SANGER: Thank you, Your Honor.

THE COURT: All right. We’ll see you on Monday.

(The proceedings adjourned at 2:30 p.m.)

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REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 4476 through 4643 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 1, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, April 1, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MONDAY, APRIL 4, 2005

8:30 A.M.

(PAGES 4645 THROUGH 4698)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Nicola is listed as “N” on index. Mr. Mesereau is listed as “M” on index.
Ms. Yu is listed as “Y” on index. Mr. Sanger is listed as “SA” on index.
Mr. Oxman is listed as “O” on index.

PLAINTIFF’S
WITNESSES DIRECT CROSS REDIRECT RECROSS
SALAS, Jesus 4649-A
(Cont’d)

E X H I B I T S

		FOR	IN
PLAINTIFF’S NO.	DESCRIPTION	I.D.	EVID.
777	Photograph	4691	4693
778	Photograph	4692	4693
779	Photograph	4692	4693

Santa Maria, California
Monday, April 4, 2005
8:30 a.m.

THE COURT: Good morning.
THE JURY: (In unison) Good morning.
COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.
THE COURT: Are you all feeling like I am?
A JUROR: Probably.
THE COURT: That damn time change.
(Laughter.)
THE COURT: All right. Counsel, call your next witness.

MR. AUCHINCLOSS: Thank you, Your Honor. We still have Jesus Salas on the stand.

JESUS SALAS
Having been previously sworn, resumed the stand and testified further as follows:

THE COURT: Please be seated. You're still under oath.

DIRECT EXAMINATION (Continued)
BY MR. AUCHINCLOSS:
Q. Good morning, Mr. Salas.
A. Good morning.

Q. I'm not sure exactly where I left off, but I'd like to begin by going back to generalities about Neverland.
As far as your relationship with Mr. Jackson concerning your employment as house manager, can you characterize the level of control that Mr. Jackson maintained over Neverland and over the main house?
A. I would say pretty high.
Q. And as far as in terms of how demanding he could be, could you characterize that as well?
MR. MESEREAU: Objection. Vague; foundation.
THE COURT: Sustained.
MR. AUCHINCLOSS: I can be more specific.
Q. How demanding he was about the level of his service that was provided to him by his employers.
MR. MESEREAU: Objection. Vague; foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Who was it that determined what -- which guests -- well, let me back up.
How was it determined, if you know, whether a guest would be coming to Neverland or not?
A. I did not know that.
Q. Okay. And would guests of Neverland be allowed to bring their own guests to Neverland; do you know?

MR. MESEREAU: Objection. Calls for speculation; foundation.

MR. AUCHINCLOSS: If you know.

THE COURT: The objection is overruled. You may answer.

THE WITNESS: I do not know that either.

Q. BY MR. AUCHINCLOSS: Okay. The guests of Neverland would be whose guests?

MR. MESEREAU: Objection. Foundation; calls for speculation.

THE COURT: Foundation is sustained.

Q. BY MR. AUCHINCLOSS: Do you know if people were allowed on Neverland without Mr. Jackson’s permission?

A. I believe that if they weren’t allowed by Mr. Jackson, I don’t think they would come in.

Q. Okay. And do you know who would determine how long a guest was allowed to stay at Neverland?

MR. MESEREAU: Objection. Foundation; calls for speculation.

MR. AUCHINCLOSS: It’s a foundational question.

THE COURT: You may answer that “yes” or “no.”

THE WITNESS: I believe they didn’t have no time --

THE COURT: Just a moment. He’s just asking if you have the knowledge. He’s not asking you what the knowledge is. Do you know who determined how long a guest could stay? Yes or no.

THE WITNESS: No, I didn’t.

Q. BY MR. AUCHINCLOSS: How were children treated at Neverland?

MR. MESEREAU: Objection. Vague; foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Can you -- when you were at Neverland, Mr. Salas, when you were house manager, did you observe at any time Mr. Jackson with child guests?

A. Yes, I did.

Q. And did Mr. Jackson ever inform you of the level of the service he expected of his child guests?

MR. MESEREAU: Objection. Leading; foundation.

THE COURT: Overruled. You may answer.

THE WITNESS: He was -- he always expected the best, to be treated the best.

Q. BY MR AUCHINCLOSS: If a child wanted something at Neverland, had a request, or let’s say food, a movie, any special request of that nature, would that request be fulfilled by the employees?

MR. MESEREAU: Objection. Vague; foundation; calls for speculation.

THE COURT: Overruled.

THE WITNESS: Yes.

Q. BY MR. AUCHINCLOSS: Do you know if that’s the way Mr. Jackson wanted it?

A. That is correct.

Q. How do you know that?

A. Because of what he told me, that -- whatever the guests needed, we needed to provide that for them.

Q. And did you notice whether or not this level of service or treatment as far as the children went, did you notice if it affected those kids’ behavior in any way?

MR. MESEREAU: Objection. Vague; foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Did you ever have a chance to observe the children -- well, let me ask you this: Were the children basically given whatever they wanted?

MR. MESEREAU: Objection; leading.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Mr. Salas, please characterize for me, if you would, in general, the level of service and -- well, I think you’ve said before that the children were allowed the best treatment, the best service, true?

A. That is correct.

Q. Give me an example. What are you talking

about when you say that?
A. Well, the best service I’m talking about, if they wanted to see a movie and have their meal at the theater or any of that kind of stuff, I mean, they -- I would make sure that they would get it that way. Or if they wanted to eat like anywhere else, if they wanted to eat. If guests called me, or the kids called me, they wanted to eat in the train depot, I would make sure that that’s where they get their meal, or whatever they asked for.
Q. If they wanted candy, were they given candy?
A. Absolutely.
Q. If they wanted to play at the amusement park, could they do it?
A. Absolutely.
Q. Were there any rules about that?
A. No.
Q. As far as when and how they would play?
A. Well, there was some rules, you know, for their safety, you know.
Q. Yes.
A. Yes. But other than that, there wasn’t any other rules.
Q. Did you have golf carts at Neverland?
A. Yes.
Q. Were the children allowed to use them?
A. There was some kids that they were allowed

to use them.
Q. Who decided who got to use the golf carts?
MR. MESEREAU: Objection; foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Are you aware who allowed the children these privileges of using the golf carts?
A. I had some control on that. We had security or we’d have security there. Many times kids, they were told they weren’t allowed to drive certain cars, but they were some kids that they were allowed to drive them.
Q. If Mr. Jackson said, “Let this kid drive a golf cart,” would that kid be allowed to drive the golf cart?
A. I would say yes.

Q. Tell me about the theater at Neverland. Could you describe it for me?
A. Well, it's a full-sized theater with a candy bar, ice cream. It's got pretty much anything that a kid can enjoy.
Q. Are there any unusual features as far as where you can watch the movie?
MR. MESEREAU: Objection.
THE WITNESS: Yes, there's an upstairs --
THE COURT: Just a moment.
MR. MESEREAU: Vague and foundation.
THE COURT: Overruled.

You may answer.
Q. BY MR. AUCHINCLOSS: Go ahead.
A. There's an upstairs room where people can sit up there and watch the movie if they want to.
Q. Are there any beds in the theater?
A. Yes, there's two rooms downstairs with two facilities for kids that they can sit in there or lay in bed and watch a movie, if that's what they want.
Q. Is the theater ever closed? I mean, does it have hours, I guess is my question? Is it --
A. Pretty much when Mr. Jackson is on the property, we always kept the place open.
Q. When he had some what?
A. When Mr. Jackson is on property.
Q. I see.
A. We pretty much keep the place open for -- you know, for guests or himself.
Q. All night long?
A. All night long.
Q. Was there one person who made all the main decisions about what happened at Neverland?
A. Well, there is the ranch manager there.
Q. Yes. And was there one person in charge of the ranch manager?
A. Yes.
Q. And did that person make all the main decisions at Neverland?

A. Yes, I believe so.
Q. And who was that?

A. That would be Mr. Jackson.
Q. Now, you spoke a little bit last week about Mr. Jackson's room. Was there -- I believe you testified there was a combination to get in that room?
A. Yes, I did.
Q. Was that combination ever changed?
A. Not too often, but yes, it did.
Q. How often would that combination change?
A. I believe the time that I was there, I think it was about two times that we changed it.
Q. Okay. Now, when you say you were there, are you referring to the time -- the full 20 years you were there, or just the year or so that you were house manager?
A. Just when I was the house manager.
Q. And was there a combination to get into the main house?
A. Yes, there was.
Q. And would that ever change?
A. That one got changed more often.
Q. How often, if you could tell us?
A. I would say that we changed that about every two months, somewhere -- somewhere along that.
Q. Were -- do you know if certain people were given the combinations -- the combination to Mr. Jackson's bedroom?

A. Not to my knowledge.
Q. Do you know if certain people were given the combination to the Jackson house, the main entry into the home?
A. Yes. Pretty much all his guests have access to the house so they had to have the combination.
Q. And who would give them that combination?
A. Myself personal.
MR. AUCHINCLOSS: Okay. All right. Could we have the "Input 4," Your Honor?
Q. All right. Mr. Salas, I show you People's Exhibit No. 20. We've shown this to you before. You've identified it as Frank Tyson. You mentioned that at some point during your employment, Mr. Tyson -- you mentioned something about a problem with Mr. Jackson that Mr. Tyson had.

Do you recall that testimony?
A. Yes, I did.
Q. How do you know about that problem?
A. I believe about Mr. Jackson’s frustrations.
Q. Okay. You were present when Mr. Jackson expressed some from frustrations?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes, I did.
Q. BY MR. AUCHINCLOSS: And what was -- can you tell us what he was frustrated about?

MR. MESEREAU: Objection; foundation.
MR. AUCHINCLOSS: I’ll withdraw and reask.
THE COURT: Okay.
Q. BY MR. AUCHINCLOSS: Did Mr. Jackson tell you what he was frustrated about? That’s yes or no.
A. Yes.
Q. What -- did Mr. Jackson tell you what was frustrating him?
A. He did not know about Frank bringing people at Neverland Valley without his permission.
Q. Okay. Bringing guests without Mr. Jackson’s permission?
A. Yes.
Q. Who was it that informed Mr. Jackson of this issue?
A. I don’t know.
Q. Okay. And you have previously identified People’s Exhibit 35 as the Arvizo family; is that right?
A. That is correct.
Q. You recall the time when the Arvizo family visited Mr. Jackson in the year 2003?
A. Yes.
Q. Was this frustration that Mr. Jackson expressed with Mr. Tyson before, or after, or during the time that the Arvizo family was present at Neverland in 2003?

A. That was after the family was there.
Q. After the family left?
A. Yes.

Q. All right. I show you People’s Exhibit No. 17. You’ve previously identified this individual as Dieter.

Tell me, when was the first time you met Mr. -- Dieter, do you know his last name? Maybe I’ll ask you that question first.

A. No, I don’t remember his last name.

Q. We’ll just refer to him as “Dieter.” When was the first time you met Dieter?

A. I believe it was early or mid 2002.

Q. Okay. And where did you meet him?

A. I met him at Neverland Valley.

Q. Can you tell me about the circumstances? How is it that you met him, under what circumstances?

A. Well, he came to the ranch as a guest, and stayed there for a while. That’s how I met him.

Q. Okay. So, we’re in mid 2002. Dieter comes and visits. Do you know how long he visited for?

A. Not exactly sure, but I believe he stayed there for a couple of weeks the first time he came.

Q. Was Mr. Jackson there at the time?

A. Yes, he was.

Q. Was Mr. Jackson there before Dieter came on the property, if you recall?

A. I don’t remember.

Q. When Dieter left the property, do you know if Mr. Jackson left with him?

A. I’m not exactly sure if they did. But there was a few times that they left together.

Q. Okay. So Dieter visited the property again after that first time?

A. Yes.

Q. How many times, if you can estimate?

A. Not exactly sure, but he came, I don’t know, maybe about three or four times after that. Something like that.

Q. All right. And you said that -- some of those times. Do you know how many times Mr. Jackson left with him, when Dieter left?

A. I don’t.

Q. Do you know how many times Dieter arrived on the property with Mr. Jackson, if at all?

A. I would say about a couple times.

Q. Show you People’s Exhibit 18, which you’ve identified as Ronald. Do you know Ronald’s last name?

A. I believe his last name is Konister.

Q. Konister?

A. Something like that.

Q. Okay. We’ll refer to him as “Ronald.” How -- when was the first time you met Ronald?

A. It was at the same time I met Dieter.

Q. Did Dieter come on the property with Ronald in that period, the first visit he came?

A. They both came together.

Q. Did they leave together?

A. Yes.

Q. And when -- did Ronald ever come back to the property after that?

A. Yes, he did.

Q. How many times?

A. He came back about -- I believe about another couple times.

Q. And during the times that he visited the ranch, did Ronald ever come to the ranch with Mr. Jackson?

A. I believe he came once, if I can recall.

Q. Did he ever leave the ranch with Mr. Jackson?

A. I -- I’m going to say no on that one.

Q. Okay. And while Mr. -- while Ronald was on the property, was -- I think you said the first time Ronald came with Dieter, and they were there the entire time together; is that right?

A. That is correct.

Q. During those subsequent visits of Ronald, was Dieter on the property?

A. Yes, he was.

Q. Did you ever see these two men together?

A. Yes.

Q. How often?

A. Daily basis.

Q. Daily basis?

A. Uh-huh.

Q. Did you ever see these two men with Mr. Jackson?

A. Yes, I did.

Q. How often?

A. Oh, I'm going to say at least they try to have a meeting once a day.

Q. Do you know what Ronald's -- well, let me back up.

Do you know what Dieter's relationship was to Mr. Jackson?

A. No, I don't.

Q. Do you know if it was -- dealt with friendship, business, or a combination?

A. I would say it was more business.

Q. Why do you say that?

A. Because of what they were discussing about business in Europe.

Q. You heard them talking about business?

A. Yes.

Q. What about Ronald, how would you characterize Ronald's relationship on the same continuum?

A. Same category.

Q. Mostly business?

A. Mostly business.

Q. During the time that the Arvizo family was on the property, was at Neverland in 2003, did you ever observe Ronald on the property at the same time?

A. Yes.

Q. How about Dieter?

A. The same.

Q. And how long were they on the property when the Arvizos were there, if you know, or can estimate?

A. I'd say about two weeks.

Q. Is that two weeks total, one continuous time, or two weeks total different times?

A. It was one continuous time.

Q. What about Frank, was he on the property during the period of time in 2003 when the Arvizo family was on the property?

A. Yes, he was.

Q. And about how much -- same question, about how much time was he on the property when the Arvizos were there?

A. Well, he was living there. He was all the time there.

Q. Okay. So whenever the Arvizos were on the ranch, Frank was there?

A. Yes.

Q. Have you ever heard of an individual by the name of Malnik? Malnik?

A. Yes, I did.

Q. Was he a visitor? Was that a man?

A. Yes, it’s a man.

Q. Did you meet him?

A. Yes.

Q. Was he ever a visitor at the ranch?

A. At the time that I was there he only came once, I believe.

Q. For how long?

A. I don’t know. A couple weeks.

Q. Was that time that Mr. Malnik visited the ranch, did that coincide with any time that the Arvizos were there?

A. Yes.

Q. I’m showing you People’s Exhibit 3. You didn’t know this individual’s name last week. But you did recognize him. Was this individual on the ranch at any time during the period that the Arvizos were at Neverland?

A. I don’t believe he was there around that time.

Q. Okay. Do you remember if he was there -- you did testify that he had been at Neverland before?

A. Right.

Q. Was he there before or after the Arvizos were there, if you recall?

A. I don’t recall. He was there before.

Q. All right. Do you know an individual by the name of Zia?

A. Yes.

Q. Who is Zia?

A. My understanding, he is a lawyer.

Q. Have you met him?

A. Yes, I did.

Q. Where did you meet him?

A. At the ranch.

Q. Do you know who he works for?

A. Not exactly. My understanding, he was working for Mr. Jackson.

Q. Was Zia -- well, let me back up. How many times did Zia visit Neverland where you saw him there?

A. I saw him there a couple of times.

Q. Did -- any of the time that Zia was on Neverland, did that coincide with any of the time that the Arvizos were there in 2003?

A. Yes.

Q. Did you ever see Zia during that period of time when he was visiting the ranch in 2003 talking with Mr. Jackson?

A. I believe, yes, they did have a meeting one time.

Q. Okay. Let's talk a little bit about the Arvizos, okay? In 2003, what members of the Arvizo family were visiting Neverland?

A. It was just the kids and the mother.

Q. Okay. So the three children, Davellin, Star, Gavin, and the mother?

A. And the mother.

Q. Do you know her name?

A. Janet.

Q. Okay. Did you participate in bringing them to Neverland in any fashion on that visit, first visit, in 2003 I'm talking about?

A. Yes, I picked them up at Santa Barbara Airport.

Q. Okay. And was Mr. Jackson with them at that time?

A. Yes.

Q. And you drove to Neverland Ranch?

A. That is correct.

Q. Now, you testified that you would stay very late pursuant to your employment at Neverland.

A. Yes.

Q. And you'd arrive pretty early, around 7:00, I think you said?

A. That is correct.

Q. Were you in a position to see who spent the night in Mr. Jackson's room?

A. Yes, I was aware of who was sleeping there.

Q. Okay. And during the time that the Arvizo boys, or let's say the Arvizo children, were at Neverland Ranch, can you tell me where the two boys would sleep?

MR. MESEREAU: Objection; vague as to time.

MR. AUCHINCLOSS: I'm talking about the period in 2003. The visit in 2003.

MR. MESEREAU: I repeat the objection. It's vague.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: In 2003, you said that you brought the Arvizo family to Neverland. How long did they stay on that -- on that particular visit?

A. Not exactly sure how long they stayed. But I would say they stayed a week or two, something like that.

Q. And did they -- they then left the ranch for a period of time?

A. Yes.

Q. How long did they leave the ranch for, about, before they came back?

A. I would say about another two weeks.

Q. Okay.

A. Something like that.

Q. And then when they came back to the ranch, how long did they stay?

A. That time, I believe they stayed about another, I would say, two weeks, three weeks. Somewhere around there.

Q. All right. When they left that time, did they return to the ranch?

A. Yes, they came once again.

Q. Okay. And how long did they stay the third time?

A. About another week.

Q. Okay. When they left the third time, how long -- did they ever return to the ranch?

A. That was the last time I saw them.

Q. Okay. Now, this period of these visits that you've just described, of visiting the ranch, leaving, visiting, leaving, visiting, and visiting one third time, over what period of time did all of these visits take, if you can estimate in terms of weeks, months? How many weeks or months did it take for all of these visits to take place?

A. I would say about five weeks, something like that.

Q. All right. Now, tell me how detailed your recollections are about exact dates and exact periods of time concerning this, the visits by the Arvizos.

A. I -- I don't remember the dates, okay.

Q. Okay.

A. It's just --

Q. Are you giving us your best estimates?

A. That is the best.

Q. Are you -- but are you exactly sure about the time periods and the amount of time?

A. I'm pretty sure about the time of them being there. But not exact --

Q. When you say "the time," do you mean the dates, or the amount of time?

A. The amount of time.

Q. Okay. So during this period of time that -- these three visits that you talked about that the Arvizos visited Neverland, was Mr. Jackson there during that period of time?

A. Yes, he was.

Q. Do you know if he was there the entire time or if he had periods where he was gone?

A. I would say that he was there most of the time. Pretty much all the time.

Q. Okay. Are you sure whether or not he -- do you have a specific recollection of whether he left or not and came back; do you know?

A. I don't.

Q. During the time -- these three visits -- during that period of time in which Mr. Jackson was

on the property, on Neverland - okay? - can you tell me where the Arvizo boys slept?
MR. MESEREAU: Again, vague as to time. Vague as to what visit. Vague as to what portion of the visit.
THE COURT: Sustained.
MR. AUCHINCLOSS: I can tighten that up.

Q. Let's do them one at a time, okay? We'll do the first one. During the first visit in 2003 of the Arvizo family, during the period of time that Mr. Jackson was on the property, can you tell me where the Arvizo boys slept?
A. There was times that they slept in the guesthouse. Okay. There were times that they sleep with -- with Mr. Jackson.
Q. Okay. And during the time that -- during this second visit when they left and came back, can you tell me, during that second visit, where did the Arvizo boys sleep?
A. That would be about the same. They sleep with Mr. Jackson. Most of the time I believe that they were trying to sleep with Mr. Jackson.
Q. And same question for the third visit.
A. And that's going to be the same answer.
Q. Okay. Now, you said that they had a guest room.
A. That is correct.
Q. Did -- let me ask you, first of all, while you were manager, house manager, did you notice if any other children slept in Mr. Jackson's room, other than the Arvizos?
A. There was some other kids.
Q. Was it unusual for a kid who was sleeping in Mr. Jackson's room to also have a guest room?
A. No, not really.

Q. Did you see Mr. Jackson interact with these children who spent the night in his room?
MR. MESEREAU: Objection; vague.
MR. AUCHINCLOSS: Foundational question.
THE COURT: Overruled.
You may answer.
THE WITNESS: He would spend time, because he

would play with them.
Q. BY MR. AUCHINCLOSS: And while -- and I'm just talking about the year that you were house manager. While you were house manager, how often would he play with these children?
A. I would say anytime that he had some spare time he would play with the kids.
Q. Okay. Would it be -- you tell me. Would it be daily?
A. He would try to be with them daily.
Q. As far as the children visiting the ranch, did you notice whether or not Mr. Jackson formed -- appeared to form any special bonds with certain children?
MR. MESEREAU: Objection. Vague; foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Over the period of time, and I'm talking just about the time that you were manager of the ranch, you mentioned that you would see the children play with Mr. Jackson, true?

A. That is correct.
Q. Where would you see them play?
A. Well, they would go to the park. They would go for a walk. They would go bike riding. Or they have quads, and they would ride the quads everywhere.
Q. Quads, what -- what are quads?
A. The four-wheelers.
Q. Those are motorized vehicles?
A. Right.
Q. Did you see them in the house?
A. Yes.
Q. Did you see them having meals together?
A. Yes, I did.
Q. Would you see this on a daily basis?
A. Pretty much.
Q. So over that period of time, did you notice whether or not he formed any special bonds with certain children?
MR. MESEREAU: Objection. Vague and foundation.
THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: These children who spent the night in Mr. Jackson’s room, did they share any common characteristics?
MR. MESEREAU: Objection. Vague; foundation.
THE COURT: Overruled.

You may answer.
THE WITNESS: Go ahead and ask me the question again.
Q. BY MR. AUCHINCLOSS: Okay. The question is, the children that spent the night in Mr. Jackson’s room that you’ve talked about, did they share anything in common, any common characteristics?
MR. MESEREAU: Vague; foundation.
Objection.
Q. BY MR. AUCHINCLOSS: Did they have anything in common?
Sorry.
THE COURT: All right. Objection sustained.
Q. BY MR. AUCHINCLOSS: Do you know if these children, whether or not -- did you notice the age of these children?
A. They were around 10, 11. Around that age.
Q. Did you notice what gender they were?
A. No, I don’t.
Q. Did you notice whether they were boys or girls?
A. Well, yes, they were mostly boys.
Q. Did you ever see anyone else sleep in Mr. Jackson’s room other than these children?
A. Pretty much it was just the boys. That’s about it.
Q. You previously testified that there was alcohol on Neverland, true?

A. That is correct.
Q. And I think you said you were somewhat responsible for stocking the alcohol at Neverland as house manager?
A. That is correct.
Q. Did Mr. Jackson drink?
A. Yes, he did.
Q. Are you aware of what his drinks of choice

were, what he liked to drink, in terms of alcohol?

A. Well, he drink wine and vodka also.

Q. Okay. Where was the wine stored on the property?

A. Most of the wine, it was in the wine cellar. We also have wine in the house.

Q. Where in the house?

A. In the refrigerators.

Q. In the kitchen area?

A. Right.

Q. And the vodka, where was that kept?

A. In the kitchen.

Q. Okay. Was there any -- was it any secret at Neverland that Mr. Jackson drank alcoholic beverages?

MR. MESEREAU: Objection. Vague; calls for speculation; foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Mr. Salas, were you ever told by anybody that Mr. Jackson’s drinking was to be concealed from anybody?

MR. MESEREAU: Objection. Hearsay; foundation.

THE COURT: Sustained.

MR. AUCHINCLOSS: On which basis, Your Honor?

THE COURT: Hearsay.

Q. BY MR. AUCHINCLOSS: Did you see Mr. Jackson drinking at Neverland?

A. I never saw him drinking.

Q. Have you ever seen him exhibiting the effects of drinking?

A. Yes.

Q. On how many occasions?

A. Well, lately it was on a pretty much regular basis.

Q. A regular basis?

A. Right.

Q. Did you ever see Mr. Jackson where he appeared to have been drinking a great deal, that he appeared to be drunk?

A. Yes.

Q. Did you ever see him appear to be drunk --

well, let me ask you this: Was there ever any effort that you saw to conceal this fact that Mr. Jackson had been drinking, that he was drunk, to conceal that fact from his children?

MR. MESEREAU: Objection. Vague; leading; foundation.

THE COURT: Foundation; sustained.

Q. BY MR. AUCHINCLOSS: Mr. Salas, when you saw Mr. Jackson when he was drunk, did you ever see him in the presence -- in that condition, in the presence of his children?

A. Yes, I did.

Q. On more than one occasion?

A. Yes.

Q. Can you tell me how many or approximate?

A. Well, I couldn’t tell you exactly how many times, but it was quite a few times.

Q. During that period of time -- and tell me -- let’s get time specific here. What time frame are we talking about? Is this when you were house manager?

A. That is correct.

Q. During that period of time did you ever see Mr. Jackson make any effort to conceal his condition from his children?

MR. MESEREAU: Objection. Vague; foundation; calls for speculation.

THE COURT: I’m going to allow an answer to that question, but again, it’s a foundational question.

So it can only be answered “yes” or “no.”

I’ll have the court reporter read it back to you.

We’re asking do you have this knowledge.

(Record read.)

THE WITNESS: Can you ask me the question a different way?

MR. AUCHINCLOSS: Sure.

Q. My question is, during the period of time when you saw Mr. Jackson when he was drunk in the presence of his children, did Mr. Jackson do anything to hide the fact that he had been drinking or that he was drunk when that occurred, when you saw that?

MR. MESEREAU: Same objection.

THE COURT: Overruled.

You may answer.

THE WITNESS: Not to my knowledge.

Q. BY MR. AUCHINCLOSS: You said that wine is stored in the wine cellar. Is there any hard liquor that's ever kept in the wine cellar?

A. Yes.

Q. What kind of hard liquor?

A. There's some whiskey, I believe. Some tequila. Pretty much that's it.

Q. And was there whiskey and tequila in the wine cellar during the time that the Arvizo children were there in 2003?

A. Yes.

Q. Did you ever see kids go into the wine cellar, any kids, during your period of time as house manager?

A. Yes.

Q. And did you ever see the Arvizo kids go into the wine cellar?

A. I never saw them down in the wine cellar.

Q. Did you ever see them come out of the wine cellar?

A. No.

Q. Okay. Did you ever have any reports, as house manager, that the Arvizo children were in the wine cellar?

MR. MESEREAU: Objection; hearsay.

THE COURT: Overruled.

You may answer.

THE WITNESS: Not specifically the Arvizo kids.

Q. BY MR. AUCHINCLOSS: Okay. Have you ever served wine or any alcoholic beverage to Mr. Jackson when he was in the presence of children?

A. Yes, I did.

Q. On more than one occasion?

A. I would say that was a couple times.

Q. Do you remember any of the children that were with him when you served him alcoholic beverages, or wine, let's say?

A. I’m not exactly what kids were in there, but I know the Arvizos were there, the kids, and some other kids that were there as well.
Q. Okay. Now, tell me, was there a time when

you brought him some wine and four glasses?
MR. MESEREAU: Objection; leading.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Okay. Tell me -- you said there was a couple of times that you brought Mr. Jackson wine in the presence of children. Tell me about the first one you remember. When was it?
A. It was at nighttime.
Q. Do you remember when it was in terms of the year that you served as house manager, approximately?
A. Well, it was -- I would say it was January somewhere. January, somewhere around there.
Q. Of 2002, 2003?
A. 2003.
Q. And about what time of night?
A. It was about -- I would say it was about nine o’clock.
Q. And where did you go, what room?
A. I went to Mr. Jackson’s bedroom, upstairs.
Q. And what did you bring to Mr. Jackson’s bedroom?
A. I brought some glasses, and some wine.
Q. What type of wine; do you remember?
A. I don’t remember the type of wine.
Q. Do you remember whether it was red or white?
A. I want to say that it was a white wine.
Q. What type of glasses did you bring?

A. Glass -- it was just glass wines.
Q. I’m sorry?
A. Glass wines.
Q. Wine glass?
A. No, let me back up. It was just glasses, normal glasses.
Q. Normal glasses?
A. Yes.
Q. Were they tall glasses or short glasses?
A. Short glasses.

Q. Can you describe them?
A. Short glasses.
Q. And who ordered this wine?
A. Mr. Jackson.
Q. Did you talk to him personally?
A. Yes.
Q. What did he tell you?
A. He called me and asked me to bring some glasses to his room and some wine.
Q. Did he tell you how many glasses?
A. Yes.
Q. How many?
A. Four of them.
Q. All right. So you brought the -- and did you do as he ordered you to do?
A. Yes, I did.
Q. And when you delivered this wine, did you deliver it to his bedroom?

A. Yes, I did.
Q. Did you deliver it to the lower portion of his bedroom or the upstairs portion?
A. Just to the lower portion.
Q. Was Mr. Jackson or any of the children present when you delivered this wine?
A. Yes, there were.
Q. Who was present?
A. The kids that were there. Gavin, and I believe it was also Frank's brothers, the ones that were there. But let me tell you something else. He also ordered some sodas with that.
Q. Okay. So what do you mean, "some sodas"?
A. He also asked me to bring some sodas with that order.
Q. Tell me what you mean by "sodas."
A. Yes, just the normal soda cans.
Q. Soda drinks?
A. Yes.
Q. Now, you have previously talked to the sheriffs about this incident, haven't you?
A. Right. Right.
Q. And described for them that you brought a bottle of wine and glasses?
A. Uh-huh.

Q. Let me back up. Let me back up.
So you brought some wine and glasses, and some sodas?

A. Uh-huh.
Q. Let's move on to the second incident first, okay?
Tell me about the second incident. When did that occur?
A. That was -- it was also -- it was also nighttime.
Q. Nighttime?
A. Right.
Q. About what time?
A. That time it was about around eleven o'clock. Somewhere around 11:00.
Q. And was this before or after the incident that you just described?
A. That was after.
Q. And who placed the order on this occasion?
A. Mr. Jackson.
Q. And what did he order?
A. Some more wine.
Q. Okay. Did he also ask for glasses?
A. Yes.
Q. How many glasses?
A. This time I believe it was just one glass.
It was just for him.
Q. Okay. And who was present when that -- when you delivered that wine?
A. I'm not exactly sure who was there, but I believe this time it was himself at night.

Q. But I'm talking about -- you said there were two times that children were present when you served him. I'm talking about the second time that children were present.
A. Yeah, that time I'm not exactly who was there, how many of the kids were there.
Q. You're not sure?
A. No, I'm not sure.
Q. All right. Now, let's go back to this time -- this first incident where you said that you served wine and soda. You have been interviewed

about this by the sheriff's department, right?
A. That is correct.
Q. And you were interviewed back in, I believe it was, 2003; is that right?
A. That's correct.
Q. And when you talked to the sheriff's department about this, you never mentioned anything about any soda?
A. No, I didn't.
Q. And why is that?
A. I don't know. It just -- it just flip out right now to my mind.
Q. You just remembered it just this second?
A. Right.
Q. And you said that you came back and the bottle of wine was empty?
A. That is correct.

Q. Was there any other liquor you brought?
A. No, that was the second time --
Q. I'm talking about the first time.
A. No, that was it.
Q. And when you came back, was the bottle empty?
A. Yes, it was.
Q. Okay. The wine cellar. You said you didn't ever have any complaints of -- hear of any complaints regarding the Arvizos. Did you ever have any other complaints of any other children in the wine cellar?
A. Yes.
Q. And do you know which children they were?
A. When I was given those complaints, it was about the kids from Los Olivos.
MR. AUCHINCLOSS: Okay. If I could have the Elmo again, Your Honor, please.
Q. Showing you People's Exhibit 45. Is that one of the kids you're talking about?
A. Yes.
Q. 46?
A. Yes.
Q. That's one of the kids?
A. That's correct.
Q. And 47.

A. That is correct.

Q. Okay. Are there any other kids that you're referring to, or is that everybody that we're talking about?

A. No, I did get some other complaints about some other kids which wasn't these kids.

Q. Okay. Now, these three kids that -- I think you've identified them as being from Los Olivos previously, correct?

A. That's correct.

Q. We'll call them "the Los Olivos boys," okay?

A. Okay.

Q. Now, the Los Olivos boys, you said you had a complaint, complaints regarding them in the wine cellar. What was the nature of the complaint?

MR. MESEREAU: Objection; hearsay.

MR. AUCHINCLOSS: It's offered to explain conduct.

THE COURT: Whose conduct?

MR. AUCHINCLOSS: Mr. Salas's. And I can tell you at sidebar where I'm going, if you like.

THE COURT: The objection is sustained.

Q. BY MR. AUCHINCLOSS: Did you personally ever see the Los Olivos boys in the wine cellar?

A. Not in the wine cellar, but I saw them come out.

Q. You saw them coming out of the wine cellar. And when you saw them coming out of the wine cellar, what time of day are we talking about?

A. Early in the morning, around eight o'clock in the morning.

Q. And during that previous -- let's say the ten hours -- well, let's see, let me back up. Do you know if Mr. Jackson was in the wine cellar with them?

A. That early morning, or late night, early morning, Mr. Jackson was with the kids.

Q. And when you saw these kids come out of the within cellar, did you notice whether or not they exhibited any signs of being intoxicated?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

You may answer.
THE WITNESS: Yes, I did.
Q. BY MR. AUCHINCLOSS: Tell me what you saw.
A. When I saw the boys coming out of the arcade, which is where the wine cellar is, the kids weren’t acting normal. So I approached one of them, and I said, “Are you okay?” That’s when I noticed that the kids were drunk.
Q. How drunk were they, if you could characterize it?
A. I would say that they were -- what would you call it? I mean, you can tell that they were drunk. I mean, I could see that they had been drinking.
Q. What were they doing that made you believe they’d been drinking?
A. The way they were acting. I mean, they weren’t just normal. Something was wrong with the kids.

Q. Did you notice any other times when these three boys had been drinking, and it was apparent to you that they had been drinking?
MR. MESEREAU: Objection. Leading; relevance; foundation.
THE COURT: Overruled.
You have may answer.
THE WITNESS: Your question was what date?
Q. BY MR. AUCHINCLOSS: No, my question -- you’ve told us about one incident where you noticed the three Los Olivos boys had been drinking. I want to know if you ever observed a second time that these same boys had been drinking.
A. Yes, there was a second time.
Q. And when was that?
A. I want to say it was -- it was after that one. Not exactly sure, you know, how many weeks after that. But I would say it was two, three weeks after that one.
Q. And when was the first time, approximately?
A. I want to say it was in October when I saw those kids the first time.
Q. 2002? 2003? You tell me.
A. It was 2002, I believe.
Q. Okay. And where did you see these boys the

second time when they appeared to have been drinking?

A. At the house.

Q. Inside the house?

A. Yes. Well, they were everywhere, but, yes, they were in the house.

Q. Was Mr. Jackson on the property at that time?

A. Yes, he was.

Q. Had these boys been spending any time with Mr. Jackson that day?

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Had you observed whether or not Mr. Jackson had spent any time with these boys earlier that day?

A. I don't believe that day he spent time with them. They were alone.

Q. Okay. Did you see the boys all -- during the entire time they were on the property?

A. Yes.

Q. You were with them the entire time?

A. No.

Q. So do you know whether or not they spent time with Mr. Jackson for certain?

MR. MESEREAU: Objection. Leading; foundation.

THE COURT: Argumentative; sustained.

Q. BY MR. AUCHINCLOSS: Okay. So what portion of that day did you spend actually observing the boys? Let me back up. Let me back up. How long were these boys on the property that particular day?

A. They were there till twelve o'clock, one o'clock.

Q. At night?

A. Uh-huh.

Q. Or one o'clock in the morning, I guess?

A. One o'clock in the morning, yes.

Q. And when did they arrive?

A. They arrived around noontime.

Q. And how much of that time -- so that's about 12 hours, right?

A. Right.

Q. How many of those hours were they in a place that you could see them, where you were actually seeing them?

A. Well, they were back and forth, and they were everywhere, so I really didn’t have a control of watching them or any of that stuff.

Q. Okay.

A. But they were back and forth in the house, back at the park, different places.

Q. Do you know where they got their alcohol?

A. No, I don’t.

Q. Were you responsible for cleaning the wine cellar?

A. Yes.

Q. Did you observe any other incidents where Mr. Jackson was in the wine cellar with children? I mean, did that happen on other occasions? And I’m confining this just to the time you were house manager.

A. No, I don’t.

Q. Do you know? You don’t recall any other times?

A. Not that I can remember.

Q. Okay. Now, during the time that you were house manager, did you ever observe any adult magazines in Mr. Jackson’s private quarters?

A. Yes, I did.

Q. Did these magazines feature nudity?

A. Yes.

Q. And where were these -- which room were these magazines in?

A. They were on the first floor on the left side in one of the bathrooms.

Q. Were those magazines there in that bathroom during the time that the Arvizos were at Neverland?

A. Yes.

MR. AUCHINCLOSS: Madam Clerk, may I double-check with you? I have three items I’m marking. I want to double-check and make sure these numbers haven’t been used. 777, 778, and 779.

THE CLERK: No, they haven’t.

MR. AUCHINCLOSS: All right. Thank you.

May I approach, Your Honor?

THE COURT: Yes.

Q. Mr. Salas, I show you People's Exhibit 777. Can you identify that for me, please?

A. Yes. These are some statues that were in Mr. Jackson's office.

Q. I show you People's Exhibit 778. Would you please identify that for me?

A. Yes, they were also in his office.

Q. And People's Exhibit 779?

A. Yes. That is correct. They were in his office.

Q. Okay. Thank you. Can you tell me where these statues were located?

A. They were located in Mr. Jackson's office. They were placed on different stands.

Q. Were they on display?

A. Yes.

Q. Over what period of time are we talking about?

A. Well, they have been there a long time.

Q. Were they there the entire time you were house manager?

A. Yes.

Q. Were they there during the time that the Arvizos were present on the property?

A. Yes.

Q. Were they there -- did Mr. Jackson's children ever visit that office?

A. Yes.

MR. AUCHINCLOSS: Your Honor, I'd like to offer into evidence People's Exhibit 777, 778 and 779 at this time.

MR. MESEREAU: No objection.

THE COURT: It's admitted. All three.

MR. AUCHINCLOSS: All right. If I may publish these, Your Honor.

THE COURT: All right.

Q. BY MR. AUCHINCLOSS: All right. Showing you People's Exhibit 777, is that an accurate depiction of one of the dolls that you saw in Mr. Jackson's office?

A. That is correct.

Q. Or statues. Whatever they are.

778, there are two photographs there. Do those photographs accurately depict the dolls that were present during the period of time that you were house manager in Mr. Jackson’s office?

A. Yes.

Q. And 779; same questions. Were those -- are those accurate depictions of what you observed in Mr. Jackson’s office during the time that you were house manager?

A. That is correct.

Q. All right. Going back to the period of time when the Arvizos were on the property, was there -- and I want to talk about the first visit, the first visit in 2003, after you picked up the Arvizos from the airport.

You previously testified that they were at Neverland for a period of approximately two weeks.

Mr. Salas, during that period of time did you observe the Arvizo family to be restricted in any way?

A. That is correct.

Q. In what way were they restricted?

A. I believe they weren’t allowed to leave Neverland Valley Ranch.

Q. And why do you say that?

A. Because I had a talk to the mother and she’s the one that told me.

MR. MESEREAU: Objection, that’s hearsay. Move to strike.

MR. AUCHINCLOSS: Goes to state of mind. Also offered to explain this witness’s conduct later.

THE COURT: I will admit it for the limited purpose of explaining the conduct of Jesus. It’s not to be used for the truth of the matter asserted by Janet.

MR. AUCHINCLOSS: All right.

Q. So at some point, did you personally help the Arvizo family to get out of Neverland?

A. Yes, I did.

Q. How did you do that?

A. I took them down to L.A.

Q. You drove them personally?

A. Yes, I did.

Q. Did you take -- use -- I take it you used one of Mr. Jackson’s cars?

A. That is correct. I got a phone call from her, and she wanted to talk to me about something.

MR. MESEREAU: Objection; hearsay.

MR. AUCHINCLOSS: It’s offered for the same purpose.

THE COURT: It’s nonresponsive. Sustained.

MR. AUCHINCLOSS: Okay.

Q. So tell me what precipitated your conduct of helping the Arvizos by taking them off the property. What happened? What was it that made you do that?

A. Like I said, she called me at my office and wanted to talk to me. So I came over, and I thought it was something that I needed to take care of, you know, in the room. And she asked me to --

MR. MESEREAU: Objection, hearsay, Your Honor.

THE COURT: I’ll admit it for the limited purpose again to explain what he’s doing, not for the truth of the matter that she asserted.

THE WITNESS: So she asked me -- she told me if I can drive them down to L.A., that she wanted to leave the property. So I ask her, you know, “What’s the reason? Why do you want to leave the property?” She was very --

MR. MESEREAU: Same objection.

THE COURT: Sustained after he started on another subject.

MR. AUCHINCLOSS: Okay.

Q. Can you tell me what her emotional state was at the time?

A. She was very upset.

Q. How was she demonstrating that she was upset?

A. Crying.

Q. What time of -- what time of the day or evening are we talking about here when this happened?

A. We’re talking about nighttime.

Q. Nighttime?

A. Yes.

Q. Did she express any -- did she express any fear while you were talking to her?

MR. MESEREAU: Objection; leading.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: When you were talking to her, did she appear to be fearful of something?

MR. MESEREAU: Objection; leading.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Tell me about any other emotional -- expressions of emotion that she had, if you noticed any.

A. Well, she looks very preoccupied. She was just -- she wasn’t comfortable there. She just wanted to leave the property.

THE COURT: All right. Let’s take our break.

(Recess taken.)

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REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 4649 through 4697 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 4, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
April 4, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

MONDAY, APRIL 4, 2005

8:30 A.M.

(PAGES 4699 THROUGH 4898)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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INDEX

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Nicola is listed as “N” on index. Mr. Mesereau is listed as “M” on index.
Ms. Yu is listed as “Y” on index. Mr. Sanger is listed as “SA” on index.
Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
SALAS, Jesus	4711-M	4781-A	4800-M	
FRANCIA, Jason	4806-Z	4846-M		

THE COURT: Go ahead, Counsel.

MR. AUCHINCLOSS: Thank you, Your Honor.

Q. Before I continue where I left off with the Arvizos, Mr. Salas, I wanted to ask you a couple of questions about -- one involving the wine cellar.

At some time during your occupation as the house manager, was there a safe that was put in to keep some of the keys to various places, including the wine cellar?

A. Yes, there was.

Q. And where was that safe put in?

A. It was in the -- inside the house in what we call the maids’ room.

Q. When was that safe put in?

A. It was during the time that we noticed the kids were having access to alcohol.

Q. The Los Olivos boys?
A. That is correct.
Q. And can you help me out with the time frame in terms of what we’re -- 2002 or 2003?
A. 2003.
Q. 2003?
A. Yes.
Q. You said that it was October of 2002 when the problem occurred with the Los Olivos boys.
A. Yes, but we didn’t took action until after that. It took us a while to put the key away.
Q. Have you previously told detectives that it

was in the -- it was around December of 2002 that the safe was put in?
A. I must have said that. I mean, I could be wrong.
Q. Do you have a clear recollection of exactly when the safe went in?
A. I don’t know.
Q. Do you recall that the safe was there when the Arvizos were there?
A. Yes, it was in, the safe.
Q. All right. And the wine cellar key, was it kept in that safe?
A. That is correct.
Q. All right. So when you took the Arvizos from Neverland, what car did you use?
A. I used the Rolls Royce.
Q. And who was it that decided to use that particular car? Whose decision was that?
A. It was my decision.
Q. Had you previously done some driving for Mr. Jackson? I know you previously testified you did the limo drive to Neverland. But other than that, had you previously done some driving for Mr. Jackson?
A. Yes, I did.
Q. And did you previously use that car on occasion?
A. Yes.

Q. Did you tell anybody that you were taking the Jacksons -- or did you tell anybody that you were taking the Arvizos off property?

A. Yes, I did.

Q. Who did you tell?

A. I told Mr. Jackson’s bodyguard, Chris Carter.

Q. And why did you tell Chris?

A. Because it was not my decision to make to take the family off the property without telling somebody.

Q. Okay. Was Dieter on the property at the time?

A. Yes, he was.

Q. Was Ronald on the property at the time?

A. No, he wasn’t.

Q. Was Frank on the property at the time?

A. Yes, he was.

Q. Was there a reason you didn’t tell Dieter or Frank that you were taking them off the property?

A. It was late, and the reason I didn’t told them, it was because I didn’t know who to tell, so I told Chris about the situation.

Q. Okay.

A. And so --

Q. Did Miss Arvizo express to you, during that period of time, that she was fearful of anything?

MR. MESEREAU: Objection; leading.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Did Miss Arvizo express concern to you over any particular individuals at Neverland?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

THE WITNESS: Yes, she did.

Q. BY MR. AUCHINCLOSS: Who was she concerned about?

A. It was Dieter and Ronald.

Q. Was she concerned about Frank at all?

A. She didn’t really say too much about Frank.

Q. So you drive her off the property. Where did you take her and her children?

A. Down south, L.A.

Q. Did you take her to a residence?

A. Yes.

Q. Was it a house or an apartment?

A. It was a house.

Q. And was it the place -- did she direct you to the location where she wanted to go?

A. Yes.

Q. Did you get in any trouble for taking the Arvizos off the property?

A. Yes, I did.

Q. Tell me about that.

A. Well, the next day, I was told that they weren't supposed to leave the property.

MR. MESEREAU: Objection; hearsay.

MR. AUCHINCLOSS: I can ask a couple of other questions that will tighten it up, Your Honor.

THE COURT: All right. I'll strike the answer.

MR. AUCHINCLOSS: And this answer will be offered in furtherance.

Q. Who told you you were in trouble?

A. The first person that told me, it was Frank.

Q. Frank Tyson?

A. Uh-huh.

Q. And what did Frank tell you?

A. He told me not -- that they weren't supposed to leave the property. They were supposed to be notified first.

Q. Who was supposed to be notified first?

A. Him.

Q. Did he tell you how to handle yourself in the future?

A. Yes, he did.

MR. MESEREAU: Objection; leading.

MR. AUCHINCLOSS: I'll rephrase.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Did he make any remarks to you concerning the future?

A. Yes, he did.

Q. What did he say?

A. Not to make -- I mean, if it was a second time, not to do that anymore.

Q. Not to let the Arvizos off the property if they come back?

MR. MESEREAU: Objection; leading.

THE COURT: Sustained.

MR. MESEREAU: Move to strike.

THE COURT: Stricken.

Q. BY MR. AUCHINCLOSS: Did anybody else tell you that you did the wrong thing?

A. Yes.

Q. Who was that?

A. Dieter.

Q. What did Dieter tell you?

A. Same thing.

MR. MESEREAU: Objection; hearsay.

MR. AUCHINCLOSS: Same purpose.

THE COURT: Overruled. It's admitted for the limited purpose under the conspiracy instruction that I talked to you about earlier. Go ahead.

Q. BY MR. AUCHINCLOSS: Tell us what Dieter told you.

A. He told me the same thing; that next time I should tell them about the situation first.

Q. Did the Arvizos -- well, let me back up. When Miss Arvizo was talking to you about her desire to leave the ranch, did you speak English with her?

A. Yes, I did.

Q. Did you ever speak with her in a different language?

A. No.

Q. Okay. Are you fluent in Spanish?

A. Yes, I am.

Q. Do you know if she is?

A. No, I don't.

Q. Around -- well, let's talk about when they returned to the property. You said a short time after the first -- they first left Neverland, the Arvizos returned.

A. That's correct.

Q. Were you there when that happened?

A. Yes.

Q. And when they returned to the property, did Mrs. Arvizo ever ask you to transport her off the property on that occasion, on the second visit?

A. Yes, she --

MR. MESEREAU: Objection. Leading; hearsay.

MR. AUCHINCLOSS: Also offered to explain conduct.

THE COURT: The objection is overruled. And I'll admit it for the limited purpose of explaining his behavior. Go ahead.

Q. BY MR. AUCHINCLOSS: What was your answer?

A. Yes. Yes, I was.

Q. And when did she make that request of you, in relationship to the time that she arrived?

A. I would say it was -- it was about a week when she asked me again.

Q. And did you take her off the property that time?

A. No, I didn't.

Q. Why not?

A. Because I was told not to do that anymore.

Q. Now, at some point the Arvizos left Neverland --

A. Yes, they did.

Q. -- for the final time.

Have you ever seen them since that time?

A. That was the last time I saw them.

Q. Do you recall when you were first interviewed about the general facts that you've just described for us by law enforcement?

A. Yes.

Q. And was there anything special about that particular day when you first spoke to law enforcement?

MR. MESEREAU: Objection. Vague; leading.

THE COURT: Overruled.

You may answer.

THE WITNESS: When you said about special, what do you mean?

Q. BY MR. AUCHINCLOSS: Was there anything unusual that happened on that date --

A. Yes.

Q. -- that you're aware of?

A. Yes, it was.

Q. What was it?

A. That was when the police came over to Mr. Jackson's house.

Q. The day of the search warrant?

A. The day of the search, yes.

Q. Do you remember what month that was?

A. It was November.

Q. Okay. So you told the police about this, helping the Arvizos, on the same day as the search warrant was issued, or executed, I should say; is that accurate?

A. That is correct.

MR. AUCHINCLOSS: Thank you, Mr. Salas. I have no further questions.

THE COURT: Okay. Cross-examine?

MR. MESEREAU: Yes, please, Your Honor.

CROSS-EXAMINATION

BY MR. MESEREAU:

Q. Good morning.

A. Good morning.

Q. Is it Mr. Salas or Salazar?

A. Salas.

Q. Salas, okay. My name is Tom Mesereau and I speak for Michael Jackson, okay?
We haven't spoken before, right?

A. I believe we have. Didn't you call me one time or something like that?

Q. I didn't. That was an investigator.

A. It wasn't you.

Q. Okay. You spoke to one of our investigators named Jesus Castillo, correct?

A. That is correct.

Q. And you spoke to him around January 9th, 2005, right?

A. Must have been, yes.

Q. Okay. Okay. And do you know -- where did that interview take place; do you know?

A. Yes. Was it the Holiday Inn, Santa Maria?

Q. Okay. And approximately how long do you remember speaking with our investigator, Jesus Castillo?

A. It took, I would say, about half an hour.

Q. Okay. And do you remember you told Mr. Castillo that when you told the police that you remembered Gavin and Star sleeping in Mr. Jackson's room, you meant the lower portion of the two-level suite, correct?

A. That is correct.

Q. You told Mr. Castillo that Mr. Jackson’s room has an upstairs portion and a downstairs, correct?

A. That is correct.

Q. And you told him that you never saw Gavin or Star sleeping in Mr. Jackson’s bed located upstairs, right?

MR. AUCHINCLOSS: I’ll object; foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: That is correct. I never saw them sleeping in the bed. I saw them out of bed, not sleeping.

Q. BY MR. MESEREAU: Right. The only place you ever saw Gavin or Star sleeping was in the downstairs portion of Mr. Jackson’s room, right?

MR. AUCHINCLOSS: Objection; foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: That is correct.

Q. BY MR. MESEREAU: Okay. And you remember many guests of Mr. Jackson sleeping in his room, sometimes upstairs and sometimes downstairs, right?

A. That is correct, if you’re talking about the boys, yes.

Q. Yeah. He had guests come and sleep from time to time --

A. That is correct.

Q. -- in that suite, correct?

A. That is correct.

Q. Sometimes you’d see them upstairs, sometimes you’d see them downstairs, right?

A. That is correct.

Q. Okay. Now, one time you suspected that Gavin might have been drinking at a dinner table, right?

A. That is correct.

Q. But you never saw Gavin drinking, right?

A. That is correct.

Q. And his family used to have dinner at the dinner table, right?
A. That is correct.
Q. His mother used to have dinner at the dinner table, correct?
A. Yes.
Q. Now, the prosecutor asked you questions about whether or not children have a lot of freedom at Neverland, right?
A. Right.
Q. And your answer was basically they do, right?
A. That is correct.
Q. And so do their parents have freedom at Neverland, correct?
A. That is correct.
Q. The prosecutor asked you about something along the lines of first-class service. Do you remember that?
A. Yes.
Q. And you said that Mr. Jackson liked to have his guests get high-quality service, right?
A. That is correct.

Q. But when you said that, you were also including adult guests, correct?
A. Right.
Q. And when you were there and you saw Janet Arvizo there, she was getting first-class service, true?
A. Yes, she was.
Q. Do you remember a period of time when Janet Arvizo was there with her former husband, David Arvizo? Do you remember that?
A. One time, yes.
Q. And they both were entitled to first-class service, correct?
A. That is correct.
Q. And when Janet came with just her children, she had all the privileges that guests get at Neverland, right?
A. That is correct.
Q. She was able to enter the main residence, right?

A. Yes.
Q. She was able to order food when she wanted, correct?
A. Yes.
Q. She could sit at the dinner table at the main house and have dinner, or lunch, or breakfast, right?
A. That is correct.

Q. She also was allowed to enter the kitchen and sit at that bar area and order breakfast when she chose, right?
A. That is correct.
Q. She also ordered room service when she wanted, right?
A. That is correct.
Q. And do you know which quarters she stayed in?
A. If I remember, it was on Unit 4.
Q. And that’s one of the most beautiful rooms on that property, isn’t it?
A. Yes, it is.
Q. It’s a room where Elizabeth Taylor and Marlon Brando request to stay, or used to request to stay from time to time, correct?
MR. AUCHINCLOSS: Objection; relevancy.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Janet was entitled to the same service that guests like Elizabeth Taylor and Marlon Brando would get, correct?
MR. AUCHINCLOSS: Objection; relevancy.
THE COURT: Overruled.
Q. BY MR. MESEREAU: Right?
A. That is correct.
Q. And when you told the jury that the theater would be open day and night, adult guests also were allowed to go into the theater day or night, right?

A. That is correct.
Q. And when you told the prosecutor that there was some rooms in the theater with beds in them, adults could use those rooms, true?
A. That is correct.
Q. The prosecutor talked about candy and sodas

and food being available at all hours of date. They were also available for adult guests, correct?

A. That is correct.

Q. And isn't it true that Mr. Jackson wanted his adult guests to have special, classy service, right?

A. That is correct.

Q. Now, you saw kids at Neverland visiting when Mr. Jackson wasn't there, correct?

A. That is correct.

Q. And typically, if kids visited Neverland when Mr. Jackson wasn't there, there were rules that were supposed to be followed for safety, as you said, right?

A. That is correct.

Q. And typically, it was their parents or whatever adults were with them that appeared to be in charge of them, correct?

A. That is correct.

Q. And you saw busloads of children from various locations visit Neverland from time to time, correct?

A. That is correct.

Q. And to your knowledge, Mr. Jackson wasn't in charge of all of those busloads of children, was he?

A. No, he wasn't.

Q. In fact, most of the time when lots of kids would visit Neverland, some other adult appeared to be in charge of those kids, right?

A. That is correct.

Q. And adults and children would visit Neverland and be given tours of Neverland, right?

A. That is correct.

Q. Who typically would give those tours?

A. We assigned different people, employees of Neverland Valley.

Q. And tell the jury how a tour would be conducted when children and adults would visit Neverland.

A. They were --

MR. AUCHINCLOSS: Objection. Relevancy; beyond the scope.

THE COURT: Overruled.

Go ahead.

THE WITNESS: They would arrive at Neverland Valley Ranch, park on the outside parking lot, walk to the train station. And from there, they were picked up either by train or walk, whatever they preferred to do, okay, take them back to the theater. Enjoy, you know, the petting zoo. They were allowed to visit where they wanted to. I mean, we had a schedule for them and took them everywhere, the property, to show them the place and enjoy the place. And they ended up at the theater and at the park.

Q. BY MR. MESEREAU: And you would schedule lots of tours from time to time, right?

A. That is correct.

Q. Sometimes you'd have a couple of hundred children visiting with adults, correct?

A. That is correct. Sometimes more than that.

Q. What's the largest number of kids you remember visiting at one time to Neverland?

A. I would say about 300, 300 kids.

Q. And did they come with adults who were in charge of them?

A. Yes.

Q. Okay. And did you arrange tours for these children as well?

A. Yes. We assigned the personnel to give them a tour, yes.

Q. Okay. And sometimes, if Michael Jackson was on the premises, he would come out and say hello, right?

A. That is correct.

Q. But he never was in charge of what these kids did, right?

A. That is correct.

MR. AUCHINCLOSS: Objection; vague as to "kids."

THE COURT: Overruled. The answer's in. Next question.

Q. BY MR. MESEREAU: Who would prepare the schedule to indicate whether children were coming to Neverland on a particular day?

A. I believe that came from L.A. office.

Q. And would it be posted somewhere?

A. Yes. All Neverland personnel got a schedule of the kids coming to Neverland.

Q. And would you get a schedule typically the day before or that morning?

A. Normally we got it, like, two days before, a day before, yes.

Q. And as part of your work, you had to look at the future schedule every day, didn’t you?

A. That is correct.

Q. Because almost every day something unusual or special would be going on at Neverland, right?

A. That is correct.

Q. And how long did you work at Neverland?

A. The total was 20 years.

Q. During that 20-year period, would it be accurate to say that many, many thousands of children came through, right?

A. That is correct.

Q. They came from Los Angeles, right?

A. That is correct.

Q. They came from Santa Barbara, right?

A. Right.

Q. They came from foreign countries, right?

A. That is correct, yes.

Q. Based upon your experience over 20 years, Neverland was a real attraction for children around the world, wasn’t it?

A. Yes, it was.

Q. And you considered a major part of your responsibility to be making sure that Neverland was kept up properly so that when children from all over the world came, they’d have a good time, right?

A. That is correct.

Q. Over 20 years, it may have been hundreds of thousands of children you saw visit, right?

A. That is correct.

Q. Now, the prosecutor asked you about the time Janet Arvizo asked you to drive her to Los Angeles, okay?

A. Correct.

Q. You told Jesus Castillo, our investigator, that at no time did anyone forcibly keep her at Neverland Ranch, right?

A. That is correct.

Q. And at no time was she ever locked in her room, right?

A. Not that I was aware of.

Q. And at no time was she kept at Neverland Ranch against her will, right?

A. That is exactly what I said, yes.

Q. She called you upset and asked you to take her home and you did so, right?

A. Yes.

Q. You took her, yourself, in December; is that correct? Do you remember what month you took her yourself in the Rolls Royce?

A. It was December or January, somewhere around there. Pretty bad on dates.

Q. And then she came back, what, in less than a week?

A. I would say in about a couple weeks, thereabout.

Q. She came back, and then, a few weeks later, wanted to leave again, right?

A. That is correct.

Q. And you arranged transportation for her to leave again, right?

A. Yes, I had to call a limo.

Q. And that was, as far as you know, the last time you ever saw the Arvizos, correct?

A. Correct.

Q. When you drove Ms. Arvizo and her children in the Rolls Royce, she never made any complaints about the way she'd been treated at Neverland, right?

A. That is correct.

Q. She never said she'd been abused at Neverland, right?

A. That is correct.

Q. She never said her children had been taken advantage of at Neverland, right?

A. That is correct.

Q. But she didn't seem to like Dieter or

Ronald, right?

A. That is correct, yes.

Q. And she told you she was concerned about media attention on her family, right?

A. She mentioned about that, yes.

Q. Her concerns to you were media attention and the fact that she didn’t like Dieter, right?

A. That is correct, yes.

Q. She never complained about anything else, did she?

A. No.

Q. In fact, she told you she respected and liked Michael Jackson, right?

A. Yes, she did.

Q. She never complained to you about Michael Jackson at all, did she?

A. Never.

Q. When you drove her in the Rolls Royce, she was in the front seat with you, right?

A. Yes.

Q. Her children were in the back seat, right?

A. That is correct.

Q. And you and she spoke during that three-hour trip, right?

A. She didn’t spoke too much, but, yes, she did.

Q. Did you speak to her very much when she used to stay at Neverland?

A. No.

Q. Okay. And in -- on that trip, excuse me, Janet Arvizo never complained that she was being taken out of the country against her will, did she?

A. No, she never said anything.

Q. Do you remember when she returned, you think, within the next couple of weeks?

A. It was in the next couple of weeks, yes.

Q. Do you remember seeing her suddenly show up with her children again?

A. Yes.

Q. And do you know what time of day that was?

A. I believe it was afternoon.

Q. Did you talk to her when you saw her return?

A. Yes, I did.

Q. You never got the impression she was there against her will at that point, did you?

A. No, I didn’t.

Q. The last time Janet and the kids left Neverland, do you know who drove them home?

A. Yes, I called a limousine service.

Q. So you took her in a Rolls Royce one time, and the last time it was a limousine service that you arranged, true?

A. That is correct.

Q. Do you remember any other times that Janet and the children left Neverland?

A. That was the last time I saw them.

Q. So you’re only personally aware of two times where they left Neverland; is that right?

A. Yes.

Q. That you had anything to do with?

A. That is correct.

Q. Okay. Now, the prosecutor asked you about a safe that was brought onto the property to lock keys. Do you remember that?

A. Uh-huh.

Q. And if you remember, whose idea was it to put a safe where the keys could be locked?

A. It was the ranch manager idea and my idea.

Q. Did you discuss it with Michael Jackson?

A. No, we never did.

Q. You just ordered a safe?

A. We just ordered a safe.

Q. And you put the keys in the safe?

A. That is correct.

Q. And before that, where were the keys kept?

A. They were kept in the same room, behind the -- behind the door to the entry to the room, yes.

Q. Is that the entrance to the wine cellar?

A. No, no, no. That’s the entrance to the maids’ room.

Q. Okay. Okay. But they were hung out in open view, right?

A. That is correct, yes.

Q. Do you remember Frank Tyson’s sister, Marie

Nicole?
A. Yes.
Q. Do you remember her staying at Neverland?
A. Yes.
Q. Do you remember her walking around the property and playing with Michael Jackson?
A. Yes, I do.
Q. Was it your impression that the family was close to Michael Jackson?
A. Yes.
Q. Did you see Frank Tyson’s parents visit from time to time?
A. That is correct, yes.
Q. And do you remember their names?
A. I don’t. Sorry.
Q. Did you see Frank Tyson’s brothers visit from time to time?
A. Yes.
Q. Okay. You talked about a combination to Mr. Jackson’s room. Remember that?

A. Yes.
Q. And did you always have that combination?
A. Yes, I did.
Q. Do you know if anyone else had it, to your knowledge?
A. Ranch manager.
Q. What about staff who cleaned the room? Did they typically have it?
A. Yes. Yes. We have -- we had another guy there that also had it, know the combination of the room.
Q. And that combination was changed periodically, right?
A. My time there, we changed it about a couple times.
Q. Okay. Do you remember it being changed because too many people seemed to have it?
A. We noticed there was so many kids going into the room, so we figured we change the combination, yes.
Q. Do you remember Michael Jackson complaining that Frank was going into his bedroom when Michael was out of town?

MR. AUCHINCLOSS: Objection; hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Was it your understanding that Frank could get into that room on occasion?

MR. AUCHINCLOSS: Objection; foundation.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you know whether or not Frank seemed like he could get into Michael's bedroom from time to time?
MR. AUCHINCLOSS: Objection; foundation.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you ever observe Frank in Michael Jackson's bedroom?
A. Yes.
Q. Did you ever see Marie Nicole in Michael Jackson's bedroom?
A. Yes.
Q. And again, when I say "bedroom," we're talking about two levels, right?
A. That is correct.
Q. It's a rather large area, isn't it?
A. That is correct, yes.
Q. And on the lower level, people can sit down and enjoy themselves, can't they?
A. That is correct. Yes.
Q. What do you recall there being on the lower level of Michael Jackson's bedroom when you were working there?
A. I just recall that it was a peaceful area that people can sit and enjoy themselves there. Fireplace or -- it was pretty peaceful place to be.
Q. And he would entertain people in the lower

portion of his bedroom, correct?
A. That is correct, yes.
Q. People would get served food there, correct?
A. That is correct, yes.
Q. People would get served drinks there, right?
A. That is correct.
Q. And you say there's a fireplace?
A. There's a fireplace there.
Q. People would sit around the fireplace and chat, correct?

A. Yes.

Q. And sometimes they did it when Mr. Jackson was there, and sometimes they did it when he wasn't there, right?

MR. AUCHINCLOSS: Objection. Foundation; assumes facts.

THE COURT: Overruled.

You may answer. Do you want the question read back?

MR. MESEREAU: Do you want -- I'm sorry.

THE WITNESS: Answer it?

THE COURT: Yes. Do you want the question read back?

THE WITNESS: No, I understood the question.

Pretty much when Mr. Jackson wasn't there, nobody was allowed to go into his room.

Q. BY MR. MESEREAU: There were times when he let people in, weren't there?

A. Yes, there was.

Q. And they would have some fun when Mr. Jackson wasn't even there, right?

A. That is correct, yes.

Q. Okay. Now, approximately what year did you start working at Neverland?

A. Since the beginning, do you mean?

Q. Yes.

A. I would say in '83, 1983.

Q. '83?

A. Uh-huh.

Q. So, there was a point in time where your daughter used to visit Neverland, right?

A. That is correct.

Q. And what is her name?

A. Sandra.

Q. Sandra used to visit when she was approximately five years old, right?

A. Five, six, yes.

Q. She used to play with Michael Jackson, right?

A. Yes, that is correct.

Q. He used to give her gifts, right?

A. That is correct, yes.

Q. Now, normally do people who work at

Neverland bring their children there very often?

A. We have -- they have what is called "Family Day," yes.

Q. And please tell the jury what "Family Day" is.

A. Family Day is a day where it's open for the employees to bring all your family and have access to all the facilities there, yes.

Q. And how often does that happen?

A. Once a year at least.

Q. And that's a big event at Neverland, right?

A. That is correct, yes.

Q. And Michael Jackson closes Neverland off for other visits and lets all of the help and their family take over pretty much, right?

A. Yes, sir.

Q. And it starts in the morning, doesn't it?

A. Yes.

Q. Goes late into the evening, right?

A. Yes.

Q. Now, you mentioned a petting zoo before. Please tell the jury what the petting zoo is.

A. The petting zoo is a place where they have just little animals for kids, where they can go and play with the animals. We have -- I mean, they have a variety of animals where kids can, pretty safe, go and touch the animals.

Q. And what kind of animals do you have in the petting zoo?

A. Well, they have llamas. They have deers. They are rabbits. They have pigs. Birds. What else do they have? They have lots of animals.

Q. And the petting zoo is primarily designed for kids, correct?

A. That is correct, yes.

Q. And then you have a larger zoo, right?

A. That is correct.

Q. And please tell the jury what's in the larger zoo.

A. Well, that's where you can find the big animals. Like you can find elephants, lions, chimpanzees. You can find llamas and different other animals. Wolfs. Stuff like that.

Q. You got giraffes, right?

A. Giraffes.

Q. There’s a camel?

A. Right, exactly.

Q. And typically, at least once a day, the trainers walk two elephants through the property, right?

A. That is correct, yes.

Q. And they walk the elephants through the property, and very often guests, if they follow the rules, can feed them, right?

A. That is correct, yes.

Q. And Mr. Jackson will pay for bags of doughnuts and goodies to give to the elephants, right?

A. That is correct, yes.

Q. Is that a once-a-day affair?

A. Yes, pretty much once a day.

Q. Okay. It’s usually a big thing for kids and their parents, right?

A. Right.

Q. Now, as part of your duties at Neverland, you often would pay for toys for kids, correct?

A. That is correct. Yes.

Q. And you would be reimbursed, typically, if you spent your own money on toys, right?

A. That is correct, yes.

Q. You would get a reimbursement check of -- for as much as $11,000 from time to time, right?

A. That is correct, yes.

Q. And what kind of rules did you follow as far as buying toys for kids is concerned?

A. Really wasn’t any rules. We just went and bought some toys.

Q. But the prosecutor asked you questions about how influential Mr. Jackson was in running affairs. Didn’t he give you a lot of flexibility in just going out, buying hundreds of toys, and then just charging him for it?

A. That is correct, yes.

Q. And where would you go buy those toys?

A. Toys-R-Us.

Q. Okay. Would you drive there yourself?

A. Pretty much Mr. Jackson came along or with the kids or some adults, yes.

Q. And Mr. Jackson would from time to time let you drive parents and their children to Toys-R-Us, right?

A. That is correct. Yes.

Q. And he would tell you to buy them whatever they'd like, right?

A. That is correct, yes.

Q. You'd spend thousands of dollars on these kids, right?

A. That is correct, yes.

Q. And that was one of your responsibilities as ranch manager, right?

A. That is correct. Yes.

Q. To try and take care of the children as best you could, right?

A. Correct, yes.

Q. Now, what are the safety regulations in effect at the zoo, to your knowledge?

A. Well, there's certain regulations for the zoo, especially with the big animals. Again, for the safety of the guests or kids, yes.

Q. And you have all these amusement rides as well, right?

A. That is correct, yes.

Q. Please tell the jury what amusements rides you have for the kids and the parents.

A. Well, there's different rides. The Ferris wheel. They have the merry-go-round. They have a big slide. They have a -- oh, got -- they have the Sea Dragon. They have various rides also for kids, for small kids, yes.

Q. And when you have these busloads of kids and adults show up and they want to use the rides, what safety precautions do you have?

A. Well, we have a -- we just got to make sure that the kids don't get hurt. We have regulations for that. We have personnel there guiding the kids and taking care of the kids so nobody gets hurt.

Q. And the personnel specialize in the

amusement park portion of Neverland, right?

A. That is correct, yes.

Q. And are they in charge of maintaining the rides, making sure the machinery's okay?

A. That is correct, yes.

Q. And were they under your supervision?

A. No.

Q. Okay. Who was supervising the people who run the amusement park?

A. There's -- Neverland has different groups of people, you know, like departments, what we call it, and it was the person in charge of the amusement park.

Q. Just like there's a group in charge of the petting zoo and the bigger zoo, right?

A. That is correct, yes.

Q. And when these children and these adults visit Neverland, these different groups are all available to make sure kids are safe, right?

A. That is correct. Yes.

Q. Now, when you have hundreds of children running around Neverland, they can sometimes get into all kinds of mischievous situations, right?

A. Absolutely, yes.

Q. You've seen kids caught in the house in various rooms, right?

A. That is correct.

Q. And they've been politely asked to leave, right?

A. That is correct, yes.

Q. You've seen kids trying to get in doors they're not supposed to get through, correct?

A. Correct.

Q. You've seen kids trying to get into the arcade whenever they can, right?

A. That is correct, yes.

Q. And kids are sometimes caught with things in their hands, little things they found in the main house and they have -- you have to take them away from them, right?

A. That is correct, yes.

Q. And it's never been your understanding that Mr. Jackson is personally supervising all of this,

right?

A. No.

Q. In fact, he’s amazingly generous in letting people come into his home and go through it, and see it, right?

A. Yes, he is.

Q. And this is a large home that has a lot of beautiful antiques, correct?

A. That is correct, yes.

Q. A lot of family pictures, right?

A. That is correct, yes.

Q. He has things he’s collected from all over the world, right?

A. Yes.

Q. And he often lets whoever visits come through the house so they can see all of this, right?

A. Yes.

Q. And when he has guests stay over in the guest quarters, I believe you said that they pretty much can walk into that main house when they want, right?

A. That is correct, yes.

Q. He has staff available all the time to prepare a meal for them if they want one, right?

A. Yes.

Q. And in that kitchen area, you have unlocked -- an unlocked refrigerator area, correct?

A. That’s correct. It’s open.

Q. And they can go in there all the time and get sodas, right?

A. That is correct.

Q. Juice, right?

A. Yes.

Q. Milk?

A. Whatever their choice is.

Q. And you’ll find wine in there, right?

A. That is correct, yes.

Q. And he lets his adult guests go in there and get wine when they choose, correct?

A. That is correct, yes.

Q. And glasses are nearby if they want a glass,

right?

A. Yes.

Q. It’s a very large refrigerator area, isn’t it?

A. It is.

Q. How many glass doors do you think are on that large refrigerated area?

A. Oh, God. About six, eight, something like that.

Q. Six or eight transparent doors they can go into to get all kinds of beer, wine, soda, milk, orange juice, right?

A. That is correct, yes.

Q. And there’s a menu that’s posted on a blackboard most days, right?

A. That is correct, yes.

Q. And what do you typically find on that menu?

A. You find the menu for the food or whatever the people wants to use.

Q. There’s usually some special dishes that the staff are preparing for that day, right?

A. Exactly, yes. Right.

Q. And there also is a standard menu that Michael Jackson printed up that he gives that people have to order from, right?

A. That is correct, yes.

Q. And you got sandwiches and soup and stuff like that, right?

A. Yes.

Q. And on that bar area where people can come anytime of day, you can sit there and just ask whoever is there to prepare eggs or an omelet, whatever you want, right?

A. That is correct, yes.

Q. And there are homemade buns and doughnuts that are put on there every day, right?

A. Right.

Q. Anytime of day, 24 hours a day, you can go into that main house and get what you want, correct?

A. That is correct, yes.

Q. Even when Mr. Jackson is upstairs with his children, very often people will come downstairs to either see the house or get something to eat, right?

A. That is correct, yes.
Q. The prosecutor asked you about candy and ice cream and stuff like that. That’s available to everybody, isn’t it?
A. That is correct, yes.
Q. It’s not just available to children. It’s available for adults as well, right?
A. That is correct, yes.
Q. And when you walk into that theater, you’ve got a whole candy/ice cream area in the front, right?
A. Yes.
Q. And typically, Mr. Jackson will have one of his people there just to serve whatever people want, right?
A. That is correct, yes.
Q. Ice cream sandwiches, ice cream cones, right?
A. Whatever they prefer, yes.
Q. There’s a big popcorn area, correct?
A. Correct.
Q. And you will see sometimes visitors looking at movies anytime of day, right?
A. That is correct, yes.
Q. And there’s a huge collection of movies they can sometimes choose from, right?
A. Right.
Q. And other times there are just a couple that you can choose for the day, right?

A. That is correct, yes.
Q. Okay. There are other areas of Neverland people want to see, right?
A. Right.
Q. There are areas where they can see Mr. Jackson’s costumes that he’s worn on music tours, right?
A. That is correct, yes.
Q. There are areas where they can see his glove? Kids love to see the gloves he’s worn, right?
A. That is correct, yes.
Q. In fact, some of the memorabilia from his

musical tours around the world are actually in an area not far from the wine cellar; correct?

A. That is correct, yes.

Q. You also have sleeping bags stored down in the area near where the wine cellar is, correct?

A. That is correct.

Q. Did you work there before Mr. Jackson purchased the property?

A. Yes, I did.

Q. That wine cellar area was already there when Mr. Jackson purchased the property, right?

A. Yes, it was.

Q. Now, there is a procedures manual at Neverland that, at least on paper, identifies what

people are supposed to do or not do, right?

A. That is correct.

Q. And security is a concern there, is it not?

A. Yes.

Q. Because if you really look at the perimeter of Neverland, you can get in those fences, can’t you?

A. Absolutely, yes.

Q. In fact, it’s -- it’s easy for anyone to go in or out of those three-rail fences anytime, right?

A. Absolutely.

Q. And you’ve caught people on the property who tried to get over to Neverland and find Mr. Jackson, correct?

A. Many times.

Q. And there are roads around the property where cars drive at high speeds, correct?

A. Yes.

Q. And there is also a concern that children will somehow wander on the road, right?

A. That is correct, yes.

Q. Let me get back to Janet Arvizo. Didn’t she complain one time that she felt Frank and Vinnie were separating her from Michael Jackson?

A. I don’t recall her telling me that, no.

Q. Did she complain that Dieter and Ronald were separating her from Michael Jackson?

A. Yes.

Q. She appeared not to like Dieter or Ronald at all, right?

A. That is correct, yes.

Q. When Janet and the children would arrive on the property, were they given assistance in transporting their luggage to their rooms?

A. Absolutely.

Q. Who would help Janet transport her luggage to her rooms?

A. Many times it was security, Neverland Valley security, or myself.

Q. And would Janet pretty much tell you what to carry from her car or however she got there?

A. No, not really.

Q. Who would assign the rooms to the Arvizos when they visited and stayed at Neverland?

A. I did.

Q. And what would determine, for you, what room to put them in?

A. It would depend. Many times we had some other guests on the property. And if we have one available, that was the only one that was going to be for them. And many times I ask them, “Okay, which room do you guys want to stay in?” So that’s how I decided.

Q. Did anyone ever complain about the room that they were placed in?

A. No, not really.

Q. Did the kids ever complain?

A. No.

Q. The rooms they were placed in, as far as you’re concerned, were all beautiful rooms, weren’t they?

A. Yes, they are.

Q. They were cleaned every day, correct?

A. That is correct.

Q. And they had constant room service if they wanted it, right?

A. That is correct. Yes.

Q. Mr. Jackson wanted them treated just as well as any other guests, right?

MR. AUCHINCLOSS: Objection; asked and

answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: How many times, Mr. Salas, has the prosecution contacted you to talk to you about the case?

A. A couple times.

Q. And how many times did you meet with representatives of the sheriff’s department?

A. A couple times.

Q. They never asked you if you ever brought nonalcoholic beverages for the Arvizo children, did they? They never asked you that question, did they?

A. No, they didn’t.

Q. Now, I think you said that Michael Jackson appeared frustrated at what Frank was doing on the property from time to time, right?

A. That is correct. Yes.

MR. AUCHINCLOSS: Objection; misstates the evidence.

MR. MESEREAU: I don’t think it does, Your Honor.

THE COURT: Overruled. The answer was, “Yes.” Next question.

Q. BY MR. MESEREAU: Michael Jackson was frustrated that Frank was bringing guests to Neverland without him knowing about it, right?

A. That is correct, yes.

Q. And how old was Frank at the time, do you think?

A. I’m not sure how old was he. I will say he was about, what, 35.

Q. Early twenties?

A. Somewhere around there, yes.

Q. To your knowledge, how was Frank able to bring guests to the property without Michael Jackson knowing about it?

MR. AUCHINCLOSS: Objection; foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: It was his own decision.

Q. BY MR. MESEREAU: But what would Frank do,

if you know, to bring guests onto the property

without Michael Jackson knowing about it?
A. What he would do there?
Q. Yes.
A. Just have fun at Neverland.
Q. Oh, no, excuse me. I didn't state it properly. It's my mistake.
If Frank wanted to bring guests onto the property without Michael Jackson knowing about it, what would he do?
A. He would just call security and tell -- let security know that he had some guests coming in, or tell me.
Q. Would he typically tell them that Michael wants them visiting?
A. No, he never said that.
Q. He just said he wanted them to visit, right?
A. That is correct.
Q. Okay. And he would bring a number of female guests from time to time, correct?
A. Correct.
MR. AUCHINCLOSS: Objection; relevance.
THE COURT: Overruled. The answer is, "Correct."
Q. BY MR. MESEREAU: In fact, he tried to bring a lot of girls onto the property, didn't he?
A. That is correct.
Q. He used to brag to them that he was a friend to Michael Jackson, right?

MR. AUCHINCLOSS: Objection. Hearsay; relevance.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Now, you mentioned someone named Malnik visited the property one time, right?
A. Right.
Q. Did you speak to him?
A. Not in a conversation, no, I didn't.
Q. You just saw him?
A. Just saw him, say hi. And that was it.
Q. The prosecutor mentioned someone named Zia, right?
A. That's correct. That is correct.
Q. Did you see Zia on the property?
A. Yes, I did.

Q. Did you talk to him?

A. Just for a short time. Not --

Q. And Zia was, to your knowledge, Mr. Jackson’s attorney, right?

A. Yes.

Q. Did you see him there often?

A. No, I only saw him there a couple times.

Q. And what did you see him doing?

A. Just had a meeting with Mr. Jackson.

Q. Okay. You would see all kinds of people visit from time to time to meet with Mr. Jackson, right?

A. Yes.

MR. AUCHINCLOSS: Objection; vague.

MR. MESEREAU: I’ll rephrase.

Q. The prosecutor has limited his questions to you to Dieter, Ronald, Frank. Mr. Jackson didn’t spend all of his time meeting with these people, did he?

A. Not all the time, no.

Q. Mr. Jackson from time to time would have numerous visitors to Neverland to see him, correct?

A. That is correct.

MR. AUCHINCLOSS: Objection; vague as to time.

THE COURT: Overruled.

You may answer.

THE WITNESS: That is correct.

Q. BY MR. MESEREAU: You would often see a full schedule of people visiting Neverland to see Mr. Jackson, right?

MR. AUCHINCLOSS: Objection; foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: That is correct.

Q. BY MR. MESEREAU: Do you recall Mr. Jackson doing work in his studio at Neverland?

A. Yes.

Q. And what do you recall seeing him doing?

A. Doing some recording. Dancing. Practicing.

Yes.

Q. Did you watch him practice dance?

A. No, I didn’t.
Q. And how did you know he was practicing dance? Would he tell you?
A. Right.
Q. And would he tell you not to let anyone in, that he’s doing his creative work?
MR. AUCHINCLOSS: Objection; hearsay.
THE COURT: Overruled.
You may answer.
THE WITNESS: Because of his work, yes, he did not want to be bothered, yes.
Q. BY MR. MESEREAU: Did you also see him teaching kids how to dance from time to time?
A. I never saw that.
Q. Okay. How about in his recording studio, would he bring kids and adults into his recording studio to see it?
A. Yes, he did.
Q. And didn’t he used to show them how he does his work in his recording studio?
A. Yes.
Q. And sometimes he wanted to just be left alone in there, right?
A. That is correct. Yes.
Q. And when he wanted to be left alone, he’d spend hours and hours in there, right?

A. That’s correct, yes.
Q. Okay. Now, you would see Mr. Jackson awake on his property at all different hours, right?
A. Yes.
Q. Sometimes he gets up at 3:00 in the morning, doesn’t he?
A. That is correct, yes.
Q. And he will take walks alone on his property, right?
A. That’s right.
Q. That’s how he does a lot of his composing, right?
A. That is correct.
MR. AUCHINCLOSS: Objection; foundation.
THE COURT: Sustained.
Q. BY MR. MESEREAU: You’d also see Mr. Jackson from time to time driving alone on his property,

right?

A. That is correct, yes.

Q. Would you know in advance if Mr. Jackson was going to leave the property to go somewhere?

A. Yes.

Q. And who would you -- who would tell you that Mr. Jackson was leaving the property?

A. Sometimes I found out about -- by his bodyguard.

Q. Okay. And what are some of the other ways that you would find out Mr. Jackson might be either

leaving the property or going out of town?

A. By Mr. Jackson.

Q. Okay. Did you speak to Mr. Jackson every day when he was there?

A. Pretty much, yes.

Q. When he wasn’t there, who would you speak to?

MR. AUCHINCLOSS: Objection. Ambiguous; relevance.

THE COURT: Overruled.

THE WITNESS: When he wasn’t there, well, nobody is -- the ranch manager.

Q. BY MR. MESEREAU: Let me ask you this: When Mr. Jackson’s out of town, which you saw him do quite often during your 20 years there, right?

A. Right.

Q. You saw him go on music tours, right?

A. That is correct.

Q. And you saw him travel to various cities in America, right?

A. Yes.

Q. And he would travel to various cities around the world, right?

A. Yes.

Q. When he’s not there, does the place pretty much run the way it runs when he’s there?

A. It runs the same way.

Q. And that’s because there are various

procedures in effect to make sure it runs properly, correct?

A. That is correct, yes.

Q. When Mr. Jackson’s there, he’s not walking around the property just running everything, is he?

A. No, no.

Q. In fact, very often when he’s there, you hardly see him, right?

A. That is correct, yes.

Q. Because Mr. Jackson is doing his creative work for hours and hours on end, right?

A. Correct.

Q. So how does the place sort of run when he’s not there? I mean, if you can explain it.

A. Because of the people in charge of running the place, so we’ll -- the place always running the same, so -- whether he’s there or not.

Q. And even if he’s there, you have to report to other individuals to get information, don’t you?

A. That is correct, yes.

Q. Okay. So when the prosecutor asked you about your reporting directly to Michael Jackson, you didn’t mean you’re talking to him all day about what’s going on?

A. No.

Q. And if you report to him on a given day, it might be just one time, right?

A. That is correct, yes.

Q. Okay. In response to the prosecutor’s questions, you mentioned some things about Frank saying he’ll take care of things, correct?

A. Correct, yes.

Q. But Frank also used to brag about how close he was to Michael Jackson, didn’t he?

A. Right.

Q. You didn’t get the impression he was always telling the truth, did you?

MR. AUCHINCLOSS: Objection; calls for a conclusion.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You said, in response to the prosecutor’s questions, that on occasion you would see Frank and Michael Jackson together, right?

A. Right.

Q. But you also often saw Frank not around Mr. Jackson, correct?

A. Oh, yes.

Q. And you often saw Mr. Jackson without Frank, right?

A. That is correct, yes.

Q. And you didn't really know what work Frank was doing, correct?

A. That is correct, yes.

Q. But from time to time, he would try and brag that he was in the music business, right?

A. Correct.

MR. AUCHINCLOSS: Objection; hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: I want to ask you a little more about security at Neverland, okay? It's about 2800 acres of property, right?

A. Uh-huh.

Q. Very spread out over hills, right?

A. Yes.

Q. And it's surrounded by these fences that you said anybody could come in, right?

A. That is correct, yes.

Q. You have a front gate that you have to stop at if you're driving in, right?

A. Correct.

Q. And you have to push a button and identify who you are, right?

A. That is correct, yes.

Q. And people at that security gate typically have a list of who's supposed to be allowed in, right?

A. Right.

Q. And I think what you said is that Frank would often call the people at that gate and say, "Let so and so in," right?

A. That is correct, yes.

Q. Okay. Now, you did indicate there had been efforts by people to drive and get onto the property and find Mr. Jackson, right?

A. Right.

Q. And you have some security guards who patrol the property a bit, right?

A. Correct.

Q. And they don’t have weapons, right?

A. Not to my knowledge.

Q. Because Michael Jackson doesn’t want weapons on his property, right?

A. Correct.

MR. AUCHINCLOSS: Objection. Foundation; hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you know whether or not Mr. Jackson has a policy that he doesn’t want weapons on his property?

A. Yes, I do.

Q. And he’s typically very concerned about his children’s safety, correct?

A. That is correct.

Q. You said that Frank was staying in the video library, right?

A. Correct.

Q. And was there a bed in there?

A. It’s a couch that turns into a bed, yes.

Q. Is that where he would stay when he visited?

A. Correct.

Q. There were long periods of time Frank wasn’t even there, right?

MR. AUCHINCLOSS: Objection as to -- vague as to time.

Q. BY MR. MESEREAU: Let’s go to 2003. I’ll rephrase it, Your Honor.

THE COURT: All right.

Q. BY MR. MESEREAU: Let’s take the year 2003. There were periods of time you wouldn’t even see Frank on the property, right?

A. There was some times, yes.

Q. And there are times you would also see him, correct?

A. Correct. Yes.

Q. There were times you would see Dieter on the property, right?

A. Correct.

Q. And there were times you wouldn’t see him at all, right?

A. Correct. Yes.

Q. There were times you’d see Ron on the property, correct?

A. That is correct. Yes.

Q. And there were times you wouldn't see him at all?

A. Right.

Q. And during this period of time, you had your constant visitors on a daily basis to the property, correct?

A. Yes.

Q. You had many other people who had scheduled meetings with Michael Jackson, right?

A. Right. Yes.

Q. And you also had your periodic tours of children and adults to Neverland, right?

A. That is correct, yes.

Q. You indicated that you think that Mr. Jackson was at Neverland when the Arvizos visited in 2003, right?

A. Right.

Q. You're not sure that he was there every day, though, are you?

A. That is right, yes.

Q. If there were days he wasn't there when the Arvizos were there in 2003, you're just not sure, correct?

That's a bad question. Let me -- I don't think I could answer that one.

In 2003 when the Arvizos were at Neverland, sometimes Michael Jackson was there and sometimes he wasn't, right?

A. That is correct. There was days that he was not there, yes.

Q. There were times he was out of town, right?

A. Right.

Q. There were times he was gone from the premises during the day, right?

A. That is correct, yes.

Q. There were times he was in his studio, right?

A. That is correct, yes.

Q. There were times he was doing his dance routines, correct?

A. Correct.

Q. There were times he was taking children around Neverland on a tour, right?

A. Correct, yes.

Q. And there would be constant meetings of one form or another involving Michael Jackson with other people, correct?

A. That is correct, yes.

Q. Okay. The prosecutor asked you about Michael Jackson playing with kids. Michael Jackson plays with kids all the time at Neverland, doesn't he?

A. Yes, he does.

Q. He often acts like a kid himself, doesn't he?

A. Yes.

Q. And he takes pride particularly in bringing inner city kids to Neverland to have fun, doesn't he?

A. Correct. Yes.

Q. We're talking about kids from poverty, kids from broken homes, right?

A. That is correct, yes.

Q. He sometimes personally arranges those visits himself, doesn't he?

MR. AUCHINCLOSS: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you know whether or not Michael Jackson sometimes personally arranges visits by kids to Neverland?

A. Yes.

Q. And typically when these busloads of kids get to Neverland, they all want to see Michael Jackson, right?

A. Correct.

Q. And sometimes you schedule all these kids and these adults to be at a certain location to wait for Michael to come out and see them, right?

A. That is correct.

MR. AUCHINCLOSS: I'll object as cumulative.

THE COURT: Overruled.

Q. BY MR. MESEREAU: Isn't that true?

A. That is correct, yes.

Q. And he would call you and arrange to have toys available for all these kids when they would visit, right?

A. Correct.

Q. And you would typically have all the kids assemble on the property, and staff would start distributing toys to them, right?

A. That is correct, yes.

Q. And very often in the middle of the toy distribution, Michael comes out to see the kids, right?

A. On some occasion, yes.

Q. And you'll see them running to Michael. They want to see him; they want to touch him, right?

A. Correct.

Q. The adults will do the same, correct?

A. Correct, yes.

Q. Now, the prosecutor asked you what these children do at Neverland, and you talked about bike riding.

A. Yes.

Q. What did you mean by bike riding?

A. He's got so many toys, they can just take off on the quad-runners, scooters. That's what I meant.

Q. And you never got the impression Michael Jackson was supervising the bike riding, did you?

A. No.

Q. People on the property who worked for Mr. Jackson take care of that, don't they?

A. Especially security, yes.

Q. And also you expect the parents or the adults in charge to have some responsibility, right?

A. Yes.

Q. You talked about quads, okay. And what did you mean by that?

A. They have those four-wheelers that they can go off, off the road. That's --

Q. And they typically ride on the roads at Neverland, right?

A. Yes.

Q. And who supervises that, typically?

A. Oh, themself. Themselves or security.
Q. You have never thought Michael Jackson was walking around supervising who got into those vehicles, did you?
A. No, no.
Q. He doesn’t seem to supervise any of that, does he?
A. No, he doesn’t.
Q. Okay. He assumes staff on the premises will, right?
MR. AUCHINCLOSS: Objection. Objection. No foundation, as to what Mr. Jackson assumes. Calls for speculation.
THE COURT: Sustained.
Q. BY MR. MESEREAU: You told the prosecutor that sometimes Michael Jackson would play with kids on a daily basis, right?
A. That is correct, yes.
Q. And you would see him playing with kids all over the premises, right?
MR. AUCHINCLOSS: Objection; asked and answered.

THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you see Michael Jackson take these kids to the petting zoo?
A. Yes.
Q. Did you see him take them to the bigger zoo?
A. Yes.
Q. Did you see him take them to the arcade?
A. Yes.
Q. Did you see him take them to the theater?
A. Yes.
Q. How about ride with them on the train?
A. Correct.
Q. Okay. This went on all the time, didn’t it?
A. That is correct, yes.
Q. Now, the prosecutor asked you questions about Mr. Jackson appearing intoxicated, okay?
A. Right.
Q. Now, you never saw him drinking, right?
A. No, I didn’t.
Q. And were you aware that there were times when he had a prescription drug problem?

A. Yes, I -- yes, I was.
Q. And he had gotten a lot of injections from various physicians?
A. That is correct, yes.
MR. AUCHINCLOSS: Objection; foundation.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you know Michael Jackson had -- excuse me, let me rephrase. Did you know whether or not Mr. Jackson at various times had a prescription drug problem?

A. Yes, I did.
Q. And did you know he was treated for that?
A. Yes.
Q. When you saw him appearing intoxicated, you don’t know what the cause was, correct?
A. That is correct, yes.
Q. You knew he had suffered severe burns on his body, didn’t you?
MR. AUCHINCLOSS: Objection. Foundation; relevance.
THE COURT: Foundation; sustained.
Q. BY MR. MESEREAU: Did you know whether or not, during one entertainment event, Mr. Jackson suffered severe burns all over his body?
MR. AUCHINCLOSS: Ob -- I’ll --
THE WITNESS: Yes.
Q. BY MR. MESEREAU: Did you know he was being treated for that?
MR. AUCHINCLOSS: Objection; vague as to time.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you know whether or not Mr. Jackson was being treated by physicians with medication because he’d been badly burned?
MR. AUCHINCLOSS: Objection; vague as to time.

Q. BY MR. MESEREAU: At any time?
A. Yes.
Q. That was common knowledge at Neverland, was it not?
MR. AUCHINCLOSS: I’ll object and move to strike the last answer. Still vague as to time.

THE COURT: Stricken.

Q. BY MR. MESEREAU: During the year 2002, were you aware -- excuse me. During the year 2002, do you know whether or not Michael Jackson was being treated by various physicians for health problems?

MR. AUCHINCLOSS: Objection. Vague as to “health problems.”

THE COURT: Overruled.

You may answer.

MR. AUCHINCLOSS: I’ll object as to foundation.

THE COURT: The answer -- the question calls for a “yes” or “no” answer. You may answer.

THE WITNESS: Yes.

Q. BY MR. MESEREAU: And during the year 2002, were you aware that Mr. Jackson --

MR. AUCHINCLOSS: Objection to the form of the question. “Were you aware” assumes facts.

THE COURT: You have to let him finish the question.

Q. BY MR. MESEREAU: During the year 2002, were you aware -- excuse me. During the year 2002, did you know whether or not Mr. Jackson was taking medications for a broken leg?

A. Yes.

Q. During the year 2002, did you know whether or not Mr. Jackson was taking medications for a foot problem?

A. Yes.

Q. And during the year 2002, did you know whether or not Mr. Jackson had recurring problems because he had been badly burned?

A. Yes.

Q. During the year 2002, did you know whether or not Mr. Jackson had back problems?

A. Yes.

MR. AUCHINCLOSS: I’m going to object as to foundation.

THE COURT: Sustained.

Q. BY MR. MESEREAU: During the year 2003, did you know whether or not Mr. Jackson was taking prescription drugs for a leg problem?

MR. AUCHINCLOSS: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you know whether or not Mr. Jackson took prescription drugs in the year 2003 while you were working there?

MR. AUCHINCLOSS: Objection; foundation.

THE COURT: Overruled.

THE WITNESS: Yes.

Q. BY MR. MESEREAU: Do you recall seeing Mr. Jackson’s children in his bedroom?

A. Yes.

Q. They would be in there a lot during the time you worked there, right?

A. That is correct, yes.

Q. You would see his children at the lower level, right?

A. Correct.

Q. You would see them in his bedroom upstairs, right?

A. Correct, yes.

Q. Did you typically spend much time with Mr. Jackson’s children?

A. I would say I didn’t spend too much time with them because -- but saw them, I mean, every day there, yes.

Q. Every day?

A. Yes.

Q. And you would mainly see them in the main house?

A. Yes.

Q. Would you see them on the property also?

A. Yes.

Q. But you saw them in his room quite often, didn’t you?

A. Yes.

Q. Do you know anything about an alarm system that one has to use to get into Mr. Jackson’s bedroom?

MR. AUCHINCLOSS: Objection; vague as to “one has to use” an alarm system.

THE COURT: Overruled.

You may answer.

THE WITNESS: Yes.

Q. BY MR. MESEREAU: And have you set off that alarm from time to time?
A. No, not really.
Q. Have you heard the alarm go off?
A. No.
Q. Okay. Do you know much about that alarm system?
A. I know about it, but I -- you know, not -- didn’t get involved in that too much.
Q. It’s not something that you would typically handle?
A. No.
Q. Okay. Okay. Have you seen Mr. Jackson entertain adults at his home in the evening?
A. Oh, yes.
Q. He does that quite often, doesn’t he?
A. That is correct, yes.
Q. And when he does that, you often see adults drinking alcohol, don’t you?
A. Right.

Q. You see staff serving them alcohol, right?
A. That’s correct.
Q. And they’re free to go into the kitchen area and grab alcohol if they want to, typically, right?
A. That is correct, yes.
Q. You’ve also seen them served alcohol in his bedroom, correct?
A. Correct.
Q. You’ve seen adults sitting in the lower level of his bedroom drinking, right?
A. That is correct, yes.
Q. And typically there would be an order placed by someone, and staff will bring alcohol into his bedroom for that purpose, right?
A. Right.
Q. Okay. Now, the prosecutor asked you about complaints involving kids in the wine cellar, right?
A. Right.
Q. During the 20 years you worked at Neverland, that area you call the wine cellar was always a wine cellar, was it not?
A. That is correct, yes.
Q. And this is the area that you said, close

by, has an area which has Mr. Jackson's memorabilia from tours around the world, right?

A. Correct, yes.

Q. And in that area nearby is where you can see his costumes, his gloves, and things of that sort, right?

A. That is correct, yes.

Q. And typically kids and adults want to go there and see all these costumes from his very successful music career, right?

A. That is right, yes.

Q. And once in a while, somebody will bring people down to that cellar area so they can see all that memorabilia, right?

A. Right.

MR. AUCHINCLOSS: Objection. Misstates the evidence that the memorabilia is in the cellar area.

MR. MESEREAU: That's what he testified to, Your Honor.

THE COURT: No, it's not. Rephrase your question.

MR. MESEREAU: Yes, sir.

Q. Let's take the area that we've identified as the wine cellar, okay? You got to go down the stairs to get there, right?

A. Right, yes.

Q. When you get down those stairs, where do you see the wine cellar when you reach the foot of the stairs?

A. It's on the wall. Placed on the wall.

Q. There are other areas around the wine cellar which have other purposes in the house, right?

A. Right.

Q. And doesn't one of those areas have costumes, gloves, and memorabilia from Mr. Jackson's tours?

A. Not specifically in that area.

Q. Well, it's not far away, though, right?

A. It's outside there.

Q. But you can certainly -- from time to time, he has stored stuff there, hasn't he?

A. Yes. I would say that, yes.

Q. And sometimes people have gone down to look at that stuff, right?

A. That is correct, yes.

Q. And there’s some other areas at Neverland where that stuff is stored as well, right?

A. The main part, yes.

Q. Because there’s a ton of stuff.

A. Yes.

Q. From a long, successful career.

A. Yes.

Q. Now, during the 20 years you’ve been at Neverland, there have been very few complaints about children being in the wine cellar, right?

A. That is correct.

Q. You’re talking about maybe a couple over a 20-year period, right?

A. That is correct, during my time there, yes.

Q. Mr. Jackson’s policy is not to let kids in the wine cellar, right?

A. That is correct, yes.

Q. The prosecutor talked about young boys from Los Olivos, and you identified their pictures, right?

A. Right.

Q. And you’ve seen them there with their parents from time to time, haven’t you?

A. No, not with their parents.

Q. The parents have visited?

A. Yes, yes.

Q. But they also have come from time to time on their own, correct?

A. Themself, yes.

Q. And they’ve come from time to time when Mr. Jackson wasn’t even there, right?

A. That is correct, yes.

Q. And people on the property know them, correct?

A. Correct.

Q. And generally nobody objects to their visiting Neverland, right?

A. That is correct, yes.

Q. They sometimes come alone and they sometimes come with their parents, right?

A. Yes.

Q. They’re really neighbors, aren’t they?

A. Yes.

Q. And once in a while they’ve gotten into some trouble there, correct?

A. That is correct, yes.

Q. They’ve been known as mischievous kids, right?

A. Right.

Q. They’ve been caught in various places around Neverland, haven’t they?

A. That is correct, yes.

Q. They’ve been caught in rooms, true?

A. Correct.

Q. They were caught playing hide-and-seek in the house, weren’t they?

A. Right, yes.

Q. Now, if you catch kids playing hide-and-seek in the house or getting into trouble, typically what do you do?

A. Well, you try to explain to them that -- you know, if you caught them doing something they’re not supposed to be doing, you just let them know that, you know, that’s not what they should be -- you know, that there’s some certain things that, you know, they’re allowed to do, there’s things that they’re not allowed to do, so we let them know.

Q. But like -- let’s take these kids from Los Olivos that are neighbors who are allowed on the property, and sometimes their parents aren’t there. Who kind of watches them when they come alone?

A. Pretty much nobody. They’re on their own.

Q. Do people on the property keep an eye on them, or what happens?

A. Well, you know, I would say yes, security, just for safety reasons, yes. Or the staff personnel if they’re at the amusement park, yes.

Q. If they go into the main house, which they do from time to time, who would be in the main house typically, who might see them?

A. I would say that will be the maids, the cooks, yes. Or myself.

Q. And if they start going upstairs into the bedrooms, who are they likely to run into?

A. Well, they'll run into the doors. They can't go in.

Q. Besides the doors, who might they see? Will they see the people who are cleaning?

A. Yes, they might run into maids or somebody else from the house staff. Yes.

Q. And how many kids are we talking about?

A. We're talking about the --

Q. Three?

A. Three kids, yes.

Q. All right. And how long have they been coming onto the property, to your knowledge? Excuse me, let me rephrase that.

When you were working there, for how long a period of time do you remember their coming freely on and off the property?

A. They would come in frequently.

Q. Regularly?

A. Yes.

Q. Would it be in the evening, morning, weekends? What would it be?

A. It would be weekends or days, yes.

Q. And how would they get on? Would they go through the main gate?

A. Yes, they did.

Q. And do people in the main gate know them?

A. Yes.

Q. And do they typically just let them walk onto the property?

A. Yes.

Q. Would somebody drive them anywhere?

A. Well, sometimes they drove to the place, so -- yes, they drove their own car.

Q. And how old were these young boys?

A. Young kids; 15, 16.

Q. 15, 16?

A. Yes, yes.

Q. And they're the ones that got in trouble from time to time?

A. Right.

Q. All right. Would anyone call their parents up typically and say, “Your teenaged kids are in trouble”?

A. Not my knowledge.

Q. Okay. Were they ever asked to leave the property, to your knowledge?

A. Not to my knowledge.

Q. Actually, Mr. Jackson didn’t want them to get in trouble with their parents, did he?

MR. AUCHINCLOSS: Objection. Calls for speculation; no foundation.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Let me ask you a few more questions about the Arvizos at Neverland.

You saw the Arvizo children roaming freely around Neverland when they stayed there, correct?

A. Correct.

Q. They’d use the amusement rides when they chose, correct?

A. That is correct.

Q. They’d go into the theater when they wanted to, right?

A. Right.

Q. They jumped on the train when they wanted to, right?

A. Correct.

Q. And they would visit the zoo when they chose, right?

A. That is correct, yes.

Q. Did you ever see the mother supervising the children at Neverland?

A. No.

Q. Did you ever see her keeping an eye on the children at Neverland?

A. No.

Q. When you saw them at the zoo, do you recall the mother ever being with them?

A. No.

Q. When you saw the Arvizo children at the amusement park on the rides, did you ever see the mother with them?

A. No.

MR. AUCHINCLOSS: Objection; cumulative.

THE COURT: Overruled.
THE WITNESS: No.
Q. BY MR. MESEREAU: When you saw the Arvizo children on the train, did you ever see their mother with them?
A. No.
Q. When you saw the Arvizo children in the theater, did you see the mother with them?
A. No.
Q. But you saw the mother eating in the main house, didn’t you?
A. That is correct, yes.
Q. And you saw her walking around the property, right?
A. Right.
Q. Would you describe the Arvizo children as mischievous?

A. At some point.
Q. Well, they got in trouble at the amusement park, didn’t they?
A. Yes.
Q. Tell the jury what happened.
MR. AUCHINCLOSS: Objection; 403.
THE COURT: The objection is overruled. But we’re going to take our break, so we’ll start with that question when we come back.
(Recess taken.)
THE COURT: Counsel? Go ahead.
MR. MESEREAU: Thank you, Your Honor.
Q. Just a couple more questions.
You mentioned that the Arvizo family returned to Neverland a number of times in 2003, right?
A. That is correct, yes.
Q. Do you know how they got to Neverland?
A. I believe they did on the limo.
Q. A limo?
A. Yes.
Q. Was it your impression that the Arvizos had access to a limousine service when they wanted to?
MR AUCHINCLOSS: Objection; foundation.
MR. MESEREAU: I think there is a foundation, Your Honor.

THE COURT: I'll sustain the objection.

Q. BY MR. MESEREAU: You indicated that on at least one occasion you called a limousine service so the Arvizos could leave Neverland, right?

A. That is correct. Yes.

Q. And you said on the other occasion you took Michael's Rolls Royce and drove them yourself, right?

A. Correct.

Q. And that was in the middle of the night when Janet wanted to leave, right?

A. That is correct, yes.

Q. And I believe you said on other occasions when the Arvizos left Neverland, it was your understanding they always had a limousine, correct?

A. That is correct, yes.

Q. Do you know who would arrange for the limousines to transport the Arvizos?

A. I called them personally.

Q. You would do it personally?

A. Yes.

Q. How many times do you think you personally called a limousine service to transport the Arvizos?

A. I think it was around three times. Somewhere around there.

Q. Is there a particular limousine service that you would normally call?

A. It's out of Santa Barbara. And it's called -- what is it called? Limo Link, I believe.

Q. Okay. Now, you wouldn't discuss with Michael Jackson the fact that you wanted to call a limousine service, right?

A. No.

Q. You had enough authority to do that if you thought it was the appropriate thing to do, right?

A. That is correct, yes.

Q. And was it your understanding that from time to time guests of Mr. Jackson would need a limousine?

A. Correct.

Q. And you would get a call from someone asking for you to arrange for a limousine, correct?

A. That is correct, yes.
Q. Actually, Mr. Jackson was pretty generous with arranging for limousines to take his guests off the property, wasn’t he?
A. Correct, yes.
Q. Do you recall Janet Arvizo from time to time leaving the premises to go into town?
A. I believe there was only one time.
Q. And did she talk to you about that?
A. Yes, she did.
Q. Was it your understanding she was getting a body wax that day?
A. That is correct, yes.
Q. And was it arranged for a limousine to take her to the body wax place?
A. No, it wasn’t.

Q. How did she get to the body wax place?
A. I sent one of the maids with her.
Q. So you arranged for a maid to drive her to the body wax?
A. That, yes.
Q. That was a salon, right?
A. That is correct.
Q. And was that in Los Olivos, if you know?
A. Los Olivos or Solvang, somewhere in there.
Q. Okay. Okay. She was away for quite a while that day, correct?
A. Correct, yes.
Q. Do you recall it being three or four hours?
A. Somewhere around there, yes.
Q. Now, did Janet tell you she wanted to get a body wax at a salon that day?
MR. AUCHINCLOSS: Objection; hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Why did you arrange for one of the maids to drive Janet Arvizo off the premises to get a body wax?
MR. AUCHINCLOSS: Objection. Foundation; hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you know why one of the maids drove Janet Arvizo off the premises to get a body wax?

MR. AUCHINCLOSS: Same objection.

THE COURT: Sustained.
Q. BY MR. MESEREAU: Were you in charge of the maid who drove Janet Arvizo off the premises to get a body wax?
A. Yes, I was.
Q. Did you ask the maid to do that?
A. Yes, I did.
MR. AUCHINCLOSS: Objection; hearsay.
THE COURT: Overruled.
Q. BY MR. MESEREAU: Why did you ask the maid to do that?
A. Well, I figured it was a --
MR. AUCHINCLOSS: Objection. Hearsay; foundation.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you know which car the maid used?
MR. AUCHINCLOSS: Objection; relevance.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Just a couple more questions. Do you recall -- do you recall Mr. Jackson traveling to Florida during 2003?
A. Yes.
Q. Do you recall Mr. Jackson traveling to Las Vegas during 2003?
A. Yes.
Q. Do you recall him traveling anywhere else, if you can recall?

A. Pretty much, that I can remember was just Florida and Vegas.
Q. Okay. Finally, the prosecutor asked you questions about some beds in the theater. Remember that?
A. Correct.
Q. Aren’t those hospital beds for handicapped kids?
A. Yes, they are.
MR. MESEREAU: No further questions.

REDIRECT EXAMINATION
BY MR. AUCHINCLOSS:

Q. Mr. Salas, those hospital beds in the theater, does Mr. Jackson use those beds personally?
A. Occasionally, yes, to watch a movie.
Q. Do other kids who were not handicapped use those beds?
A. Yes, they do.
Q. As far as the limousines go, you testified on direct examination that you were told not to let the Arvizos off the property unless you got approval; is that correct?
A. That is correct, yes.
Q. And you said that you arranged for three limousines -- three times that you arranged for limousines to transport the Arvizos off the property?

A. That I can remember, yes.
Q. Okay. Was this all -- those three times, were they all in 2003 during that period of time you’ve testified about?
A. I believe it was one time in 2002.
Q. Okay. So the other two times that you ordered a limousine service to transport the Arvizos, did you get permission from somebody at the ranch to let them off the property?
A. Yes, I did.
Q. Who did you get permission from?
A. I got permission from -- it was Frank, yes.
Q. All right. You talked a little bit about a time at the dinner table when you suspected that Gavin had been drinking. Do you remember --
A. Correct.
Q. -- testifying about that?
Was Michael Jackson present at the dinner table that night?
A. No, he was not.
Q. Was Frank present at the dinner table that night?
A. Yes, he was.
Q. And did you ultimately determine whether Gavin had been drinking that night?
A. Didn’t really specify that, but I -- just by the way he was acting, I knew that he was drinking.
Q. Was there another time when you saw Gavin

when he appeared to be drinking?

A. That was the only time.

Q. And that only time that you saw him drinking, that he appeared to be intoxicated, what was he doing that made you think that?

A. The way he was acting, just not normal. Just his reactions.

Q. Had you had occasion to see Gavin a number of times before that or after that when he was acting normal, in your opinion?

A. Ask the question again.

Q. I guess my question is, did you have a good frame of reference for judging whether Gavin was acting normal or not?

MR. MESEREAU: Objection. Vague; foundation.

THE COURT: Overruled. You may answer.

THE WITNESS: That was the only time I saw that I noticed that.

Q. BY MR. AUCHINCLOSS: Okay. So my question was, did you spend enough time around Gavin to feel as if you could make a call as to whether or not he was acting drunk or not? Do you understand that question?

A. Yes, I do. I would say yes, I --

Q. Okay. And how was he acting that made you think he was -- how was he acting differently on that evening that made you think he was drunk?

A. Pretty simple. Just when somebody's drunk, I mean, you can tell by the way they look, their reaction, of the way they look, the way they talk. Just verbal, the way he was talking.

Q. Was it obvious to you he'd been drinking?

A. I would say yes.

Q. And you said Frank was at the table. Who else was at the table that night?

A. I believe it was Vinnie and some of Frank's guests, I believe it was. A couple girls, something like that.

Q. Was Gavin's mother around?

A. No, she was not.

Q. Now, as far as where the kids slept -- and maybe I’ll back up, because I don’t think I asked this question.

What time of day was it that you saw Gavin where you thought he’d been drinking?

A. I would say it was about around nine o’clock, nighttime.

Q. Nighttime?

A. Uh-huh.

Q. Was Mr. Jackson on the property at that time?

A. Yes, he was.

Q. When children slept in Mr. Jackson’s bedroom, do you know, personally know, where they slept in the bedroom, as far as where they slept, upstairs or downstairs? Did you see it?

A. I didn’t see exactly who slept on Mr. Jackson’s bed, but I know there was kids there and -- yes.

Q. So you never spent the night in Mr. Jackson’s bedroom, I take it?

A. No.

Q. So you don’t know where the kids slept after you left the room?

A. No.

Q. But you were in the room at times when kids were there?

A. Right. Yes.

Q. And in terms of these kids, were they all boys that slept in Mr. Jackson’s room?

A. Pretty much, yes.

Q. Now, Mr. Mesereau asked you about the first-class treatment that everyone received at Neverland. And you basically said that the adults got first-class treatment, too?

A. That is correct, yes.

Q. Okay. So did the kids get the same first-class treatment that the adults did?

A. Absolutely.

Q. Were they basically treated just like the adults?

A. Just like the adults.

Q. And these kids, when they were at Neverland during the 20 years you were there, did these kids ever have supervision?

A. Do you mean by --

Q. By Neverland. Any organized supervision of these children while they were at Neverland?

A. We really didn’t have supervision. They had security that would keep an eye on the guests, or even the Neverland staff working at certain places, they had to make sure that the kids were safe. Not supervising them, but just for safety.

Q. Okay. So if an employee was around and saw something dangerous, they might intervene; is that fair to say?

A. Of course, yes.

Q. But the employees, they weren’t running around supervising these kids where they were?

A. No.

Q. They were allowed to run around wherever they wanted, do whatever they wanted?

A. Absolutely.

MR. MESEREAU: Objection; leading.

THE COURT: Sustained.

MR. AUCHINCLOSS: Some of this is offered as impeachment.

THE COURT: Well, that was leading, so....

MR. AUCHINCLOSS: All right.

Q. Now, as far as the busloads of children go, were these children treated differently than the children who were guests at Neverland?

A. No.

Q. Were the busloads of children allowed to spend the night in Michael Jackson’s room?

A. None of those kids spent the night in his room.

Q. Okay. Were they given the access code to the house?

A. No.

Q. Okay. Were they allowed to -- were these children, did they bring their own supervision with them, adult supervision?

A. Yes, they did.

Q. Was it organized? Were they organized as to where they would go and how they would spend their time at Neverland?

A. Absolutely, yes.

Q. Was Mr. Jackson even there when those busloads of kids would arrive or be there?

A. Many times he was there. Many times he wasn't there.

Q. Okay. When he was there, would he always come out or sometimes come out?

A. Sometimes come out.

Q. So there were times busloads of kids would arrive and Mr. Jackson wouldn't even come out to say hi?

A. Yes. There was times that he --

MR. MESEREAU: Objection. Leading; misstates the evidence.

THE COURT: Overruled. The answer is, "Yes." Next question.

Q. BY MR. AUCHINCLOSS: As far as Janet, when she was -- when she left Neverland the first time with her family, in the interview with the sheriff's department, didn't you say that, "The whole family, they were not allowed to go nowhere"?

A. Yes. That's what I said, yes.

Q. And that, "They had them there always, and they were with supervision"?

A. According to what she told me, yes.

Q. Didn't you say Frank Tyson was one of the individuals involved in the handling of the Arvizo family?

A. Correct.

Q. And did you say that Salas -- did you say that ranch employees were required to go through Frank Tyson with questions or problems regarding the Arvizo family?

A. That is correct, yes.

Q. Did you also say that Tyson -- that you believed Tyson would then, in turn, go through Mr. Jackson?

MR. MESEREAU: Objection; leading.

MR. AUCHINCLOSS: This is impeachment.

MR. MESEREAU: No foundation.
THE COURT: The objection is overruled.
You may answer.
Q. BY MR. AUCHINCLOSS: Did you say that Tyson would then, in turn, go through Mr. Jackson?
A. Correct, yes.
Q. Did you say that the Arvizo family was not being allowed to leave the Neverland Ranch even though the mother wished to leave with her children?
A. That’s correct, yes.
Q. In the grand jury, when you testified, you were asked this question: You were asked whether or not you believed Janet Arvizo and her family was being kept against their will. You said, “Yes”; is that true?
A. Yes.
MR. MESEREAU: Objection. Foundation; leading.
MR. AUCHINCLOSS: Offered as impeachment.
THE COURT: Overruled. He said, “Yes.”
Q. BY MR. AUCHINCLOSS: And is that a true statement?
THE COURT: He said, “Yes.”
MR. AUCHINCLOSS: Okay.
Q. You said -- I believe when Mr. Mesereau was up here, you said that Mrs. Arvizo was never forcibly kept at Neverland; is that true?

A. That is correct, yes.
Q. So no one ever used physical force on her?
A. No.
Q. You said that when you took her home, that she told you that she was -- you told Mr. Mesereau that she was upset with the people at Neverland Ranch?
MR. MESEREAU: Objection; misstates the evidence.
Q. BY MR. AUCHINCLOSS: Upset with Ronald -- I believe it was Dieter.
THE COURT: Do you want to rephrase the question?
MR. AUCHINCLOSS: Yeah.
Q. You told Mr. Mesereau that when you were taking Janet and the children home that first time,

that she was upset with Dieter; is that correct?

A. That is correct, yes.

Q. Didn’t you also previously state that she said she was upset with Frank as well, or no? You tell me.

A. No.

Q. Now, you also told Mr. Mesereau that the -- at that time, when she left Neverland Ranch the first time, she was not angry at Michael Jackson?

A. That is correct, yes.

Q. Okay. After she left Neverland that first time, did you ever talk to her about whether she was still angry at Michael Jackson?

A. No.

Q. Did you have much contact with her after that first time?

A. No.

Q. Do you have any idea whether she is angry at Michael Jackson today?

A. I have no idea.

Q. You mentioned that you allowed your daughter Sandra to visit Mr. Jackson at Neverland.

A. That is correct, yes.

Q. When was that?

A. ‘91, ‘92, somewhere around there maybe. Maybe later than that. I’m not quite sure.

Q. So early ‘90s?

A. I would say so, yes.

Q. Was it one occasion?

A. I believe it was about three times.

Q. Three times that she personally spent time with Mr. Jackson?

A. Yes.

Q. Were all three of those occasions in ‘90, ‘91, in that early -- early 1990s?

A. It was during the same time, yes.

Q. Did you ever allow your daughter to sleep with Mr. Jackson?

A. She never slept over there.

Q. Okay. Would you ever allow your daughter to sleep with Mr. Jackson?

MR. MESEREAU: Objection. Calls for

speculation; leading; foundation.

THE COURT: It’s argumentative; sustained.

Q. BY MR. AUCHINCLOSS: Knowing what you know today, based upon all your time at Neverland, do you believe this place is a healthy place, would be a healthy place for your daughter to visit?

MR. MESEREAU: Objection. Opinion; foundation; relevance.

MR. AUCHINCLOSS: This was offered as an opinion as to --

THE COURT: The objection is sustained.

Q. BY MR. AUCHINCLOSS: Is it true to say that the kids do get hurt at Neverland?

MR. MESEREAU: Objection. Relevance; beyond the scope; leading.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Do kids ever get hurt at Neverland?

MR. MESEREAU: Same objection.

THE COURT: Sustained.

MR. AUCHINCLOSS: Counsel asked the question.

MR. MESEREAU: I never asked that question.

MR. AUCHINCLOSS: Talked about safety.

THE COURT: All right. Quit talking to each other.

MR. AUCHINCLOSS: Yes, sir.

Q. You said that some people invade Neverland or come in from the outside, correct?

A. Correct, yes.

Q. How far is Neverland away from the nearest town?

A. Six miles.

Q. How do these people get out there?

MR. MESEREAU: Objection; foundation.

Q. BY MR. AUCHINCLOSS: If you know.

THE COURT: The foundation is sustained.

Q. BY MR. AUCHINCLOSS: Okay. Do you know how these people get out there?

A. Yes, sir.

Q. How do they get out there?

A. Driving.

Q. Okay. So these people who visit -- who try to get into Neverland have a car?

A. Yes.

Q. Where is the car?

A. They park on the outside of the property.

Q. You also said that Janet complained about being separated from Michael, that Dieter was separating her from Michael. Yes?

A. Yes. That was her expression, yes.

Q. Didn’t she say that she was -- didn’t she complain that Dieter was separating her from Michael Jackson and her children?

A. Not exactly what she said. She said that she was being separated from Michael.

Q. Okay. But didn’t she reference her children when she was talking about that?

MR. MESEREAU: Objection; asked and answered.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: You say “not exactly.” What do you mean?

A. She never mentioned the kids.

Q. Did she ever complain about being separated from her kids?

A. No, sir.

MR. MESEREAU: Objection; hearsay.

Q. BY MR. AUCHINCLOSS: When Janet was at Neverland --

THE COURT: Wait. There was an objection.

MR. AUCHINCLOSS: I’m sorry.

MR. MESEREAU: I’ll withdraw the objection.

THE COURT: Go ahead, Counsel.

(Laughter.)

Q. BY MR. AUCHINCLOSS: When Janet was at Neverland, did she -- well, let me strike that.

Do you know where Janet would spend most of her time while she was at Neverland?

A. She spent most of her time in the guesthouse.

Q. Do you know where she would take her meals?

A. Many times she -- most of the time she took it in the room. There was times that she went in the kitchen.

Q. When Mr. Mesereau asked you if things kind of run themselves or keep running at Neverland when Michael is not there, who is it that makes the determination in general about how Neverland is run as a ranch? Who is it that makes the ultimate call?

A. Okay, for the place would be run, I mean, we have a staff. We have a ranch manager.

Q. Uh-huh.

A. And that’s how we do it. I mean, that’s how they used to do it. Just do it together.

Q. Who tells the ranch manager how he wants that place run?

A. On the major decisions, I guess it comes from L.A. also.

Q. Does Michael have anything to do with how he wants that place run?

A. I’m not sure if he has something to do with that, but he will tell you what he likes.

Q. When Mr. Jackson is on the property, do the employees act differently?

A. No. They shouldn’t.

Q. There’s no difference between when he’s on the property or off the property?

A. No, because the place needs to run the same way whether he’s there or not.

Q. But isn’t Neverland Ranch run exactly the way Michael Jackson wants it?

MR. MESEREAU: Objection. Leading and asked and answered.

MR. AUCHINCLOSS: Offered as impeachment.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Who is the person who ultimately makes the determination as to what happens at Neverland?

MR. MESEREAU: Objection. It’s been asked and answered a couple of times.

THE COURT: Sustained.

MR. AUCHINCLOSS: Okay.

Q. Let me back off, then, and go to -- okay, so sometimes someone in Los Angeles makes the decision, right?

A. Uh-huh.

Q. Who tells the person in Los Angeles what

they want?
MR. MESEREAU: Objection; foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Have you ever seen guns on Neverland Ranch?
A. Not now, okay.
Q. Not now?
A. Before, at the beginning, yes.
Q. There were guns?
A. Yes.

Q. Tell me about it.
A. That was at the beginning when Mr. Jackson bought the place. Security was carrying guns.
Q. Was there a period of time when guns were not kept -- not -- the security was not armed?
A. Yes, it came to the point that I guess Mr. Jackson didn’t want any guns at the place, and nobody was carrying any weapons anymore.
Q. Did that ever change again?
A. No.
Q. Was there a time when a few people carried guns at Neverland?
A. Not that I was aware of.
Q. You said that when the Arvizo children were there, that Mr. Jackson was in constant meetings. You also said that he was constantly playing with the children.
A. That is correct, yes.
Q. So he was doing both of those things at the same time or --
A. Not at the same time. You know, when he was in meetings, he was in meetings. When he had some time free, he was playing with kids or he was by himself.
Q. Okay. Who was he having these constant meetings with? Who was there when he was having these constant meetings?
A. Hard to remember. Many people.

Q. Okay. How about -- was Frank Tyson one of them?
A. Not really.
Q. But he did have meetings with Frank?

MR. MESEREAU: Objection; asked and answered.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: You also said that Mr. Jackson was -- you answered some questions about him taking prescriptions, prescription medication.

A. Correct.

Q. Do you know the difference between somebody who is drunk and somebody who is taking some medication?

MR. MESEREAU: Objection; vague.

THE COURT: Overruled.

Q. BY MR. AUCHINCLOSS: Go ahead.

A. No, I guess I don’t have a way of describing that.

Q. Well, were there times when you were serving Mr. Jackson alcohol when he appeared to be drunk?

A. Yes.

Q. And do you know how often Mr. Jackson would have alcohol?

MR. MESEREAU: Objection; vague as to time.

MR. AUCHINCLOSS: I’ll be specific.

Q. During this period in early 2003.

A. He was having a regular basis.

Q. Daily?

A. I said regular basis.

Q. Could you smell alcohol on him when you saw him during these periods he appeared to be drunk?

A. No, I never got so close to him to be able to smell.

Q. You said that Mr. Jackson’s policy was not to let kids in the wine cellar. Was this a --

A. That is correct, yes.

Q. Was that a written policy?

A. That was a policy, yes.

Q. Was that -- was it okay for kids to be in the wine cellar if he was there?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

You may answer.

THE WITNESS: I believe when he was there, I guess it was okay for the kids, yes.

Q. BY MR. AUCHINCLOSS: Okay. And did you

testify that there were times when he was in the wine cellar with children?
A. Yes.
MR. MESEREAU: Objection; misstates the evidence.
MR. AUCHINCLOSS: I’ll rephrase it.
Q. Were there times when he was in the wine cellar with children?
A. Yes.

Q. You have spoken to myself and various members of law enforcement in preparation for this case.
A. Correct.
Q. Has anyone ever told you to tell anything but the truth?
A. That is correct, nobody did.
Q. I’m sorry?
A. No.
MR. AUCHINCLOSS: Okay. Thank you. No further questions.

RECROSS-EXAMINATION
BY MR. MESEREAU:
Q. Just briefly. During the 20 years you worked at Neverland for Mr. Jackson, it was always his policy that children are not to be in the wine cellar, true?
MR. AUCHINCLOSS: Objection; foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: That is correct, yes.
Q. BY MR. MESEREAU: And Mr. Jackson sometimes would give people tours of his own home, correct?
A. That is correct.
MR. AUCHINCLOSS: Objection; beyond the scope.
THE COURT: Overruled.

Q. BY MR. MESEREAU: And obviously, as the owner of the home, he can take people anywhere he wants in his home, right?
A. Correct.
Q. Now, when you were driving Janet to Los

Angeles, she never asked you to call the police, did she?

A. No.

Q. When you arranged for the limousine to take the Arvizos to Los Angeles, they never asked you to call the police, did they?

A. No.

Q. In fact, she never asked you to call the police at any time, did she?

A. No, she didn’t.

MR. MESEREAU: No further questions.

MR. AUCHINCLOSS: Nothing further.

THE COURT: All right. Thank you. You may step down.

MR. ZONEN: Your Honor, we’ll call Jason Francia to the stand, please.

MR. MESEREAU: Your Honor, before we start, is there an instruction?

THE COURT: Yes.

BAILIFF NARRON: Step up to the chair. Remain standing and face the clerk.

MR. FRANCIA: The clerk.

THE COURT: Raise your right hand, please.

JASON FRANCIA

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Jason Francia. And spell my last name? F-r-a-n-c-i-a.

THE COURT: Mr. Francia, I’m going to ask you to sit back with the bailiff just for a moment.

THE WITNESS: Okay.

THE COURT: (To the witness) If you’ll just have a seat while I instruct, please.

(To the jury) Ah, I can see you again.

(Laughter.)

THE COURT: Before -- I’m going to give you a special instruction now.

One of the things I want to mention before I give you these special instructions, though, is that

I know this daylight savings time is tough on us. I was noticing a few drooping eyelids along here. If you start, you know, feeling sleepy or something, hold up your hand, and maybe we'll stand up and stretch or something. It's really hard during these time changes, and I know that, so I just want you to know we can help you on that, too.

Okay. I'm now going to instruct you on two different types of evidence which you may hear. One relates to a prior uncharged sexual offenses. And two relates to a prior conduct -- to prior conduct leading to possible uncharged sexual offenses.

First, the instruction for the prior sexual offenses:

If you find that the defendant committed a prior sexual offense, you may, but are not required to infer that the defendant had a disposition to commit sexual offenses. If you find that the defendant had this disposition, you may, but are not required to infer that he was likely to commit and did commit the crime or crimes of which he is accused.

However, if you find, by a preponderance of the evidence, that the defendant committed a prior sexual offense, that is not sufficient, by itself, to prove beyond a reasonable doubt that he committed the charged crime.

If you determine an inference properly can be drawn from this evidence, this inference is simply one item for you to consider, along with all other evidence, in determining whether the defendant has been proved guilty beyond a reasonable doubt of the charged crime.

Unless you are otherwise instructed, you must not consider this evidence for any other purpose.

Within the meaning of the preceding instruction, the prosecution has the burden of proving, by a preponderance of the evidence, that the defendant committed sexual offenses other than for which he is on trial. You must not consider this evidence for any purpose unless you find, by a preponderance of the evidence, that the defendant committed sexual offenses.

If you find other crimes were committed by a preponderance of the evidence, you are nevertheless cautioned and reminded that before a defendant can be found guilty of any crime charged in this trial, the evidence of the whole must persuade you beyond a reasonable doubt that the defendant is guilty of that crime.

This is the second part of the evidence:

You will hear evidence that is being introduced for the purpose of showing conduct of the defendant leading to possible sexual offenses other than that for which he is on trial. This evidence, if believed, may not be considered by you to prove that Mr. Jackson is a person of bad character or that he has a disposition to commit crimes. It may be considered by you only for the limited purpose to determine if it tends to show a characteristic method, plan or scheme in the commission of criminal acts similar to the method, plan or scheme used in the commission of the offense in this case, which would further tend to show the existence of the intent, which is a necessary element of the crime or a motive for the commission of the crime charged.

For the limited purpose for which you may consider such evidence, you must weigh it in the same manner as you do all other evidence in this case. You are not permitted to consider such evidence for any other purpose.

“Preponderance of the evidence” means evidence that has more convincing force than that opposed to it. If the evidence is so evenly balanced that you are unable to find that the defendant -- that the evidence on either side of an issue preponderates, your finding on that issue must be against the party who had the burden of proving it. You should consider all of the evidence bearing upon every issue regardless of who produced it.

So, we are -- we have two possible types of evidence that you may hear, starting now. One relates to prior uncharged sexual offenses. That evidence, if the burden of proof - preponderance of the evidence is met - may be used to show a propensity to commit a similar crime.

The second type of evidence that you may hear is evidence that -- of conduct leading up to possible sexual offenses. And that may not be used to show a propensity to commit a crime. It can only be used to show the things that I mentioned to you. I won't go through them again.

Complicated, yes. I'll discuss it more with you later. It's just an advantage to have it given to you in advance of hearing the evidence.

MR. ZONEN: Was the witness sworn?

THE COURT: He was sworn. You may proceed.

DIRECT EXAMINATION

BY MR. ZONEN:

Q. Mr. Francia, good afternoon.

Sir, we've had to tell everybody so far that you need to stay fairly close to the microphone because it's hard to be heard in the far reaches of the courtroom otherwise.

Tell me, how old are you at this time?

A. 24.

Q. Where do you work? What kind of work do you do?

A. I sell auto parts right now. And I run a mentoring program for kind of like the probation department. Probation department refers kids to me, to my organization, and we mentor them through them not being truants and not committing crimes again.

Q. Let's start with the auto parts, and then we can go to the other ones.

A. Okay.

Q. What do you do in the auto parts store?

A. I literally sell parts. If somebody comes to me with a car that's broken, and then they ask for advice, and I just sell them a starter or an alternator, or so on, so forth.

Q. You've been doing that for about how long?

A. I did this prior, so six -- probably a little less than a year.

Q. Okay. Let's go to the mentoring program.

Who do you work for in the mentoring program?

A. Pete Taylor. It’s through a church that I belong to, but yet it’s still its kind of own identity. It’s Foursquare Youth Programs. That’s the official title.

Q. And the nature of the work, by “mentoring,” what do you mean?

A. I’m the lead mentor. And the ultimate goal is, let me see, the probation department kind of says these kids need to be mentored. They needed to go through three programs. Sometimes community service or community service, mentoring, or some sort of jobs program or something else. And I’m one of their steps to get off of probation.

So what we try to do is match them up with a mentor, and that’s my job, to try to match them up with mentors. And I take them out the first and third Saturdays of every month and we try -- just hang out with them and show them that there’s something more to life than crime, or than ditching, or than partying, or than drugs, or than anything else. There’s more to life. We show them there’s Frisbee golf. I’ve showed the guys how to change the oil and change a tire.

My wife is helping. And she shows them how to cook, make purses with the girls and --

Q. You’ve been doing this for how long?

A. I’ve been doing this, this exact job, for about six months. This type of work for probably since I was 18.

Q. Okay. When you were 18, did you start some kind of an internship program dealing with this?

A. Yeah, I have started an internship with Santa Maria Foursquare Church. Was -- and was pretty much training to be -- to work with junior high, to high school, to college-aged people. And I just -- I -- I wanted to be trained in that, because I have a passion for that, so I started that. I did that for about two and a half years with Santa Maria Foursquare Church.

Q. Did you ever work as a youth pastor?

A. Yeah. I did that in 2003 to 2004, from my understanding. I can’t really remember right now.

I’m kind of nervous, just to let you guys know.
Q. That’s okay. What is a youth pastor?
A. Well, I was a youth pastor. That was, I guess, my official title. But I worked with 13-year-olds to 25- or 26-year-olds. And pretty much -- it’s kind of like its own little church within a church. And you work with junior high and high schoolers. And then what I try to do is address the collegers in a different format. And then I’ve had the college students help me with the junior highers and high schoolers. So just talk about ethics, God, morals, and doing good.

Q. You’ve been doing htis consistently since age 18?
A. Yeah, pretty much.
Q. Tell us which church this is again, please.
A. The one I was a youth pastor, I did that through Oceano Foursquare. It was really known as Kings Way a long time ago. But pretty much Oceano Foursquare.
Q. Mr. Francia, you’ve been living in the Santa Maria area for how long?
A. In the Santa Maria area -- let me see. We moved up here in ‘88. Then I moved away when I graduated high school for like four months. And I’m still living here now.
Q. All right. You say “we” moved up here in ‘88. Who moved in ‘88?
A. My mom and I. It was just me and my mom.
Q. Based on what you tell us is your age, can I assume you were born in 1980?
A. Yes.
Q. Okay. What type of work did your mother do when you moved up here?

A. She was working for Michael Jackson.
Q. All right. Is Michael Jackson in this courtroom today?
A. Yes.
Q. And could you --
A. He’s right there.
Q. By telling us what he’s --
A. He’s the light-complected gentleman.

MR. ZONEN: Thank you. Could the record so reflect, Your Honor?

THE COURT: Yes.

Q. BY MR. ZONEN: What type of work did your mother do for Michael Jackson?

A. She was a personal maid. At first she was just a maid. And from my understanding, my mom's just a hard worker and she moved up.

Q. Was she his maid prior to moving up here to Santa Maria?

A. I don't know if she was his full-on, like, personal maid and -- but she was, yeah. Yeah, she was his maid.

Q. From what period of time in Los Angeles was she working for Michael Jackson?

A. I think '86. But my mom tells me '85. I have no -- it's around '86, '85. I don't know.

Q. When did you first meet Mr. Jackson?

A. I was probably six. I think. Six or seven. And the reason I say that is just it was a long time ago.

Q. Did you ever have occasion to go to his residence in Los Angeles?

A. Yeah, the one in Encino, yeah. I went there probably a lot, like 10, 11, 12 times. I don't know. Often my mom -- it was just me and my mom, so a single mom and just me. She needed to babysit me pretty much, so we had nobody else; no dad, no brothers and sisters.

Q. Your father wasn't in the picture?

A. Correct.

Q. And there was no other kids; is that correct?

A. That is correct.

Q. During the time that you were living in Los Angeles before moving up to Santa Maria, from the time your mother began working for Mr. Jackson, tell us approximately how often you went to his residence.

A. I'm sorry, can you repeat that?

Q. Tell us approximately how often you went to his residence.

A. Throughout my whole life of my --

Q. While living in Los Angeles.

A. Oh.

Q. Before moving to Santa Maria.

A. I went to Encino. He owned a lot of stuff. But I -- there’s an Encino, which is like the big mansion, and then there’s the, like, apartment hideaway thing. I think I went to Encino, which is the big mansion, I don’t know, about six, seven times.

Q. Did other members of the Jackson family reside at that location as well?

A. Yeah. Yeah.

Q. Can you tell us who lived there?

A. Mom and dad, I know that. I think they lived above the garages. I think. That’s where I met them.

Q. Okay.

A. I think Janet lived there as well. By -- I don’t know. Other than that, that’s all I remember.

Q. We’re talking about almost 20 years ago; is that correct?

A. Correct. Yeah. That -- yeah.

Q. Did you go to a different location where Michael Jackson lived in the Los Angeles area as well?

A. Yeah. In the Los Angeles area, yeah, like Hollywood.

Q. And can you describe that place for us?

A. Yeah. It was -- it didn’t have much furniture. It was probably the tenth floor, because you could look over pretty much a lot of Hollywood and Beverly Hills. I think it was Beverly Hills. Didn’t have a lot of furniture. Had a train set. Had a couple toys, telescope. Kitchen. But just not a lot of furniture. It was like a condo pretty much.

Q. And the reason that you would go to that location?

A. My mom had to clean everything. My mom was just a clean lady.

Q. Was she the only person cleaning his residence, as far as you knew?

A. No, there was other maids. But from my understanding, just my mom did a kickin’ job. She just did a really good job at cleaning, a really good job at working just as a whole. She was just a good worker.

Q. And there was nowhere to leave you when she went off to clean?

A. Yeah. Sometimes she may -- she would leave me with my aunt, but my aunt had to go to work as well. Everybody in my family was workers.

Q. Okay.

A. And even -- even -- shoot, even I helped my aunt at times.

Q. Now, on the occasions when you would go to the -- what was it called? The hideout or hideaway?

A. Yeah, my mom called it “the hideout.”

Q. Do you know why?

A. Probably because nobody knew about it. I don’t think it was registered.

MR. MESEREAU: Calls for speculation.

MR. ZONEN: Withdraw the question.

Q. Did Mr. Jackson ever mention the name of that place to you in any of his conversations to you?

A. I don’t remember.

Q. All right. Was that something you enjoyed doing, going to either of those two places?

A. The mansion I did, just because of the arcade. I was young. It was fun. There was toys.

Q. Tell us about the arcade at the mansion.

A. Shoot. It had an old karate game. It just had a lot of video games in there, and it was fun for kids. It was -- I think he even had a laser tag set. I don’t remember. But he had a lot of stuff, a lot of toys.

Q. There was a lot that you could do while you were there?

A. At the mansion, yeah.

Q. And you enjoyed doing that?

A. Yeah.

MR. MESEREAU: Objection; leading.

THE WITNESS: I’m sorry?

THE COURT: Overruled. Go ahead. Next

question.

THE WITNESS: Okay.

Q. BY MR. ZONEN: At the other place, the place in Los Angeles, the hideaway, was that something you enjoyed doing?

A. Yes and no. There wasn’t that many toys. My mom wouldn’t let me go out anywhere else, and there wasn’t that many toys. It was a condo, so it’s not like I could play with the elevator all day long. There was not that many toys. There was just a train set. A train set gets boring. It just goes around in circles. And there wasn’t that many toys.

Q. Did you ever spend the night at either of those two locations?

A. Encino -- the mansion I didn’t, which is in Encino. And the hideaway we did, I believe, with my mom.

Q. All right. Do you know approximately how many occasions?

A. I don’t recall. I don’t remember.

Q. Were there beds or furniture there?

A. I don’t believe so. I think there was an L-shaped couch like one of those that you put in a corner. There was a chair. I know that, because -- stuff. There wasn’t that much furniture.

Q. How old were you when you moved to Santa Maria?

A. ‘88 or ‘89. Eight years old. Yeah. Because I stopped playing baseball. Played baseball for a little.

Q. When you moved to the Santa Maria area, what job did your mother have?

A. She was -- I believe her title, from what she told me, was Michael Jackson’s personal maid, and she had, like, all the keys. She was the best maid he had, I guess.

Q. Did you ever go to Neverland?

A. Yeah. Yeah, I did.

Q. Tell us approximately how old you were during that period of time.

A. I think when it first opened, it was just -- I went there. They probably had a party there. How old was I? Probably around nine. Eight.

Q. Approximately how many times do you think you went to Neverland?

A. Five, four. Five or four.

Q. Always with your mother?

A. Yeah. There was no other way to get up there, yeah.

Q. Did you ever spend the night at Neverland?

A. Yes. With -- yeah, I remember distinctly, because I think I was hearing bats or something, on the ranch, or something, and I couldn’t sleep, so -- but I was sleeping with my mom, like in the same room, in the same area with my mom, and, yeah. I couldn’t sleep.

Q. Were you ever in Michael Jackson’s bedroom?

A. Yes.

Q. On how many occasions?

A. Two, I think. Two. I’m pretty sure.

Once -- one I know for sure, because we were all laying in the bed watching T.V.

Q. And who is “we were all”?

A. Michael and a bunch of other kids.

Q. Okay. Do you know how many?

A. I don’t. Seven. Six. But I don’t -- I don’t.

Q. Do you know any of the names?

A. I’m really bad at names. Even to this day. I called you “Mark” earlier.

Q. That’s not me.

A. Yeah, I know.

Q. Do you know how old you were when your mother stopped her employment at Neverland?

A. I’m thinking 11, because I was -- I remember hearing about -- I was playing in the pool, and she told me, “I quit.”

Q. You were playing in the pool where?

A. At a friend’s house, and when I was 11, I was friends with him.

Q. I’d like to go back to, if I could, please, the period of time in Los Angeles prior to moving up to Santa Maria.

Was there ever an occasion that you were with Michael Jackson where something happened that made you feel uncomfortable?

A. Yes.

Q. Did that happen more than once?

A. Yeah.

Q. Do you have a recollection of these events?

A. Yeah.

Q. Let's begin with the first one. What happened?

A. Okay. Well, the first time that I felt uncomfortable with him was in the hideout, which is the place in Encino -- not in Encino, I'm sorry. In Hollywood. And -- shoot. I was seven and -- I don't know, at seven years old, I don't think -- okay. I may have not felt uncomfortable, but then now I think about it, that shouldn't have been done. But I didn't feel uncomfortable.

Q. What happened?

A. I was sitting on his lap, and I was young, and I was small. I'm still thin. I was even thinner then. Sitting on his lap, watching T.V., which that's normal enough in itself. And then we -- I was kind of facing the T.V., and he was facing the T.V. as well, so my back was to his chest. And it was -- there was just one chair, and there wasn't much furniture in that hideout place. And I was just sitting there watching T.V., and so was he. I think we were watching cartoons. And he just started tickling me, which, cool, shoot, I was a tickle guy. I tickled him back, but still kind of from the back, kind of reaching around.

And then we went to the floor, I think, but I can't completely remember right now. But we somehow got on the floor, tickling still, because I'm doing what -- these little kid things, you know, when you shimmy back and forth.

And then I'm tickling and he's tickling, and I'm tickling and he's tickling, and it eventually moved down to -- to -- to my little private region when you're a little kid. I don't know if you want me to call it specifically something, but around my crotch area. And I didn't -- you know, you're seven. I didn't think it was wrong. Well, I did.

Because he’s tickling, but I’m laughing, and I’m tickling him back, trying to get him to stop, but then I’m tickling too much. I’m laughing too much. And eventually it stopped. I don’t know how.

Q. Did he actually make contact with your genital area?

A. Not skin to skin, but, yeah. Yeah, he was on my clothes, yeah.

Q. Do you know for approximately how long?

A. Distinctly I can’t remember. It was a while, though.

Q. By a little while, can you give us a sense of it?

A. More than three minutes, less than 20. Less than ten minutes, I think.

Q. Okay.

A. But a while. It was -- it was tickling. It didn’t end soon. It didn’t end fast.

Q. But the amount of time that his hand was actually in the region of your genitalia?

A. I cannot remember.

Q. Okay. And you commented that this was not skin to skin touching; in other words, his hand directly on either your penis or testicles. Is that --

MR. MESEREAU: Objection; asked and answered.

THE COURT: Overruled. You may answer.

Q. BY MR. ZONEN: That it was not directly on your genitalia; is that correct?

A. Correct. It wasn’t -- he didn’t touch me. He was touching on top of the skin, but -- but not -- on top of my shorts, but still --

Q. Do you remember what you were wearing at the time?

A. Probably shorts. I don’t remember specifically. I think those orange shorts that my mom made me, because, again, we were poor, but my mom made me clothes. And I was always wearing shorts, always wearing shorts.

Q. And she had orange shorts that she had made for you?

A. Yeah, there was orange shorts that she made for me. And then she -- yeah.

Q. Were they shorts you wore a lot?

A. Probably, yeah. Because -- yeah.

Q. Did -- as you think back now, today, of course we're talking about quite some number of years ago, do you remember how you felt at the time this happened, if that was at all strange for you?

A. You know, I don't. It was -- I don't remember. At seven, it probably -- well, I probably did think it was weird, but not super weird. Just because you're tickling, and it's -- but I guess that would be weird. My fault.

Q. Was there another instance?

A. Yeah.

Q. Was that also at the hideout?

A. Yeah.

Q. Tell us what happened, please.

A. I was watching cartoons again, and probably in the same room, because I think there was only one room in that whole place.

And we somehow -- I was somehow -- there was a sleeping bag involved. I don't know -- I think I was on top of it. And I was watching T.V., laying down on the ground, and Michael was pretty much behind me, like spooning me. I don't know how we got there. I was like eight, eight and a half. It was a little while after. And again with the tickling. But this time it wasn't as long, and I was -- well, I'm sorry. It was longer, but I wasn't laughing as much, I guess.

Q. You were in a sleeping bag, or on a sleeping bag?

A. On, I think.

Q. Okay.

A. On, not in.

Q. All right. Do you remember -- you said this was in the hideout?

A. Yes.

Q. Were there a number of rooms in the hideout?

A. I think there was only one, I think. Yeah. I think there was only one, if I could -- hold on.

Let me -- there was a rest room. There was a kitchen. There was a big main room. And there was a room off to the left, if you’re looking out the window. Yeah, I think there was only one.

Q. All right. Where was your mother during this time?

A. Probably cleaning. She was always cleaning.

Q. But --

A. To this day she cleans.

Q. Do you know in what room at that point?

A. No, I don’t. I don’t know.

Q. Was she in the room with you at the time?

A. No, she wasn’t, or else she probably would have kicked my butt or something.

Q. In the private -- in the prior event that you described, was your mother in the room at that

time?

A. No, she wasn’t in the room.

Q. But if you were at the hideout, then she was there; is that a correct statement?

A. Correct. Or sometimes she may have run down to get something to eat. Remembering now, there was a couple times that Michael actually asked her to get chips, or get something, or get something from downstairs, or maybe even from the lobby. That’s what I’m thinking.

Q. What was downstairs? Was that a --

A. I think there was probably like a restaurant or something downstairs, but I don’t really -- I have no clue.

Q. But the apartment that you’re describing is a single floor? There’s no upstairs or downstairs to it?

A. Oh, yeah.

Q. And this is a large building in Los Angeles?

A. Yeah.

Q. All right. When do you think was the last time that you had been to that building?

A. When was the last time I was there?

Q. Yeah.

A. I’m thinking nine, eight.

Q. Age eight or age nine?

A. Yeah.

Q. Even after you moved up to Santa Maria?

A. I believe so. Just because my mom had no one to leave me up in Santa Maria with. We -- new town.

Q. Let me go back to the second event. In the second event we’re talking about, you were in a sleeping bag?

A. Yes.

Q. Was there a bed in that room?

A. No.

Q. Was that Mr. Jackson’s bedroom; do you know?

A. I don’t know.

Q. Was there a television in that room?

A. Yes.

Q. Was there more than one T.V. in that apartment, to your knowledge?

A. I don’t think so.

Q. Were you watching television at that time?

A. Yeah.

Q. Do you remember if it was late at night or midday? Do you have any way of knowing?

A. It may have been midday, but I don’t know.

Q. Can you describe the building for us in general, in terms of how it was laid out?

A. Almost like a typical apartment or a condo. You walk in the front door, there’s a big living room. There’s -- there’s a telescope in there. There’s a bunch of toys. There’s a couch. And then there’s the kitchen.

Q. Okay. The room that has the couch, is that the room where the sleeping bag was?

A. No, the room that has the couch didn’t have any furniture but the chair, I think. I’m pretty sure.

Q. And now the sleeping bag itself, on the floor?

A. Yes.

Q. Was it a normal-sized sleeping bag?

A. I believe so. I would think so.

Q. You used the expression “spooning.” What does that mean?

A. Something that you do with your wife.

Something that you do with a girlfriend. Spooning. Like --

Q. Describe the position for us, if you would.

A. Wow. When somebody is holding you and you’re laying on your side and they’re holding you from behind.

Q. Okay.

A. Thanks.

Q. Was that the position that you were in with Mr. Jackson?

A. Yeah.

Q. Were you in front or behind?

A. I was in front.

Q. Do you remember where his arms were?

A. I couldn’t specifically tell you.

Q. Was the tickling done again?

A. Yeah.

Q. Was this something that you and Mr. Jackson did frequently, tickling?

A. Whenever something happened.

Q. Okay. On this occasion, when he was tickling you, what happened?

A. We were tickling -- oh, he was tickling me at first, and I was just watching T.V. Probably cartoons again. And he was just tickling me from behind, and in my genital area. And I was laughing, and I was trying to tickle him back. And -- go ahead.

Q. His hands made contact with your genitalia?

A. From the top of the clothes.

Q. Do you remember what you were wearing on that occasion?

A. Probably shorts again.

Q. Simply because you do?

A. Simply because it’s hot in L.A., yeah, and I always wore shorts. I think every picture I have -- well, not “every,” but there was a lot of pictures of me wearing shorts when I was younger.

Q. Are you mindful of his hand reaching your crotch at the time; you were thinking about that at the time?

MR. MESEREAU: Objection; leading.

THE WITNESS: I don’t even know what he

asked me.

THE COURT: Just a moment.

THE WITNESS: I don’t understand, yeah.

MR. ZONEN: Thank you.

Q. Was it -- were you aware of it happening while it was happening?

A. Yes.

Q. Okay.

A. Yes.

Q. And how long was his hand there?

A. Two cartoons’ worth. A cartoon and a half worth.

Q. And you were watching cartoons on television at the time?

A. Yeah.

Q. How long is a cartoon? It’s been a while since I’ve seen one.

A. It’s been a while for me, too. Does anybody here watch cartoons?

Q. Tell us the best of your recollection. We can’t let them be witnesses at the moment.

A. A “Woody Woodpecker” I guess would last four, five minutes.

Q. Okay.

A. Five, six minutes.

Q. So the contact in the area of your genitalia was at least four or five minutes?

A. Yeah.

Q. Did it feel strange to you at the time?

A. Yes and no. “No” because -- “no” because it’s all fun, and it’s supposed to be innocent, and you’re a little kid, and you’re having fun, and -- you’re a little kid.

Q. Okay.

A. And “yes” it’s not right.

Q. Did Mr. Jackson ever give you money?

A. Yeah.

Q. On how many occasions did he give you money?

A. Pretty much at every tickle thing there was money.

Q. Explain that, what you mean by that, “at every tickle thing there was money.” Explain what you mean, please.

A. Every time I was being tickled, there was always some sort of money exchanged. Not exchanged. There was money given. It was just that.

Q. Before, after, during?

A. After. And it was kind of a, “Don’t tell your mom, about the money.”

Q. Well, what would he give you?

A. A hundred-dollar bill.

Q. A hundred-dollar bill?

A. Yeah.

Q. Did he do this on more than one occasion?

A. Yeah, because I had a lot of money. Well, I didn’t have a lot of money. My mom took the money, because she would find out that I got hundred-dollar bills, and then she’d get mad at me for taking some stranger’s -- well, not stranger’s, but somebody’s money.

Q. Do you remember if, in fact, you got the money on both of those two occasions?

A. Yeah. Yeah, I did.

Q. Were there ever any other occasions, whether in Los Angeles or any other occasion or any other location where something happened that made you feel uncomfortable?

A. Yeah.

Q. And where was that?

A. At the ranch.

Q. Do you remember how old you were?

A. Ten and a half, ten. I was older.

Q. And you have a recollection of this event?

A. Yeah.

Q. There’s water there also, if you need anything.

A. Oh, I was wondering. I thought it was coffee. I was hoping it wasn’t.

Q. No, it’s water. And feel free to take some if you need some.

A. Okay.

Q. You think you were about ten or ten and a half?

A. Yeah.

Q. It was prior to the time that your mother quit her job there?

A. Yeah.

Q. Did you ever go back to Neverland after your mother quit her job there?

A. No.

Q. Do you remember where this event took place, where at Neverland?

A. What, the event?

Q. That made you feel uncomfortable.

A. Yeah. It was in the arcade room. There was a loft area.

Q. Describe what the arcade is.

A. A place where there's a bunch of video games, and there was a pool table, and I think there was a fireplace. I think that was up in the loft. I think. That was a long time ago. But, yeah, it's Street Fighter, the original one, in there, and pool tables, and a couple of other video games.

Q. On what part of the arcade were you at the time this happened?

A. I was in the loft.

Q. Upstairs?

A. Yeah.

Q. Was anybody else up there with you?

A. No.

Q. Was Mr. Jackson there?

A. Yeah.

Q. By "other people," I mean other people than you and Mr. Jackson.

A. It was just him and I.

Q. Do you recall approximately what time of day or evening it was?

A. No. Nighttime.

Q. Was your mother working that day?

A. Yes.

Q. Were there ever occasions when you were at Neverland and your mother wasn't working?

A. Yeah, when we'd have parties and stuff, but I think she'd still work, because she'd always walk around cleaning even though she wasn't dressed for it.

Q. Were there ever occasions when you were at

Neverland and your mother was not there?

A. No, she was always there.

Q. On this occasion, was your mother in the arcade?

A. No.

Q. Was she working that day?

A. Probably.

Q. Do you remember where her assignment would have taken her? Did she go to specific locations?

A. In the ranch?

Q. Yes.

A. At the ranch area. She was cleaning everything.

Q. Okay.

A. She wasn't in the arcade.

Q. Okay. And what happened when you were in the arcade.

A. In the loft?

Q. Yes, please.

A. I think I was playing Sega Genesis.

Q. Tell us what that is, please.

A. It's -- it's a video game. I was just a video-game-playing kid.

Q. Okay.

A. There was a video game. There was a T.V. up there, I believe. It was a really big T.V., and I was playing, and then he started tickling me, and I think there was -- there was a couch up there, because we somehow managed to end up on the couch. It took a lot of counseling to get over, just to let you know.

MR. MESEREAU: Objection. Move to strike; nonresponsive.

THE WITNESS: I'm sorry.

Q. BY MR. ZONEN: Let's see if we can restrict our answers just to the questions, if we can. I'll ask you some questions about that later.

You were on the couch. Do you know if both of you were sitting on the couch?

A. Hold on.

We were laying down on the couch.

Q. Okay. How were you laying down? How were you positioned relative to Mr. Jackson?

A. Probably about -- no, it was in the spooning position again.

Q. Okay. Was he behind you or in front of you?

A. Behind me.

Q. And then what happened?

A. We were tickling -- well, he was tickling and I was laughing. And -- and -- and we -- it was -- he was -- he was tickling me in the.... So much happening right now. Can we take a break or something?

MR. ZONEN: Can we take just a moment, Your Honor?

THE COURT: Okay. Sure.

MR. ZONEN: Just a break for a moment or two?

Q. Okay.

A. All right.

Q. You were on the couch, and you said in the spooning position?

A. Yeah.

Q. Tell us what happened, please, the best you can.

A. He was tickling me. And then I was wearing shorts again, I'm pretty sure, and, yeah, because he had to have reached under. We were tickling; I was laughing. He reached on my leg, and I'm still

laughing, and he's tickling. And then he reached up and -- and to my privates, yeah.

Q. Did he actually touch your --

A. Yeah.

Q. Touch you?

A. Yeah.

Q. Did he touch your penis or your testicles?

A. I think option two, yeah.

Q. Your testicles?

A. Yeah, that one.

Q. For what period of time?

A. I don't remember. Three minutes, two minutes.

Q. Was it tickling?

A. Probably, because I think I was still laughing. But, you know, it may have been the other hand.

Q. Were you mindful of it at the time? Were you aware at the time he was doing it?

A. Yes.

Q. What were you thinking at the time? You’re now ten and a half years old. What were you thinking?

A. “I should probably go.”

Q. How did it end; do you know?

A. Either my mom -- I don’t -- I don’t remember how it ended.

Q. Do you have a sense of it?

A. Huh-uh.

Q. Do you remember getting up?

A. No.

Q. Did you think about it afterward?

A. Yeah. No, well, not instantly right afterwards. You’re ten. You don’t want to think about that stuff.

Q. Was Mr. Jackson still giving you money at that time?

A. That time I didn’t get any money.

Q. Did you tell anybody about that right afterward?

A. No.

Q. Did you tell your mother, ever?

A. No. I don’t even think to this day she knows.

Q. All right. At some point in time this became known to somebody; is that right?

A. Yeah.

Q. Who did you tell? Who was the first person you told about it?

A. Probably God. But --

Q. Let’s go to number two, then. Who was the second person?

MR. MESEREAU: Move to strike that comment, Your Honor. Nonresponsive.

THE COURT: Well, it’s responsive. Overruled. Go ahead.

Q. BY MR. ZONEN: Who else did you --

A. Who did I tell? I forgot their names, but there was two detectives. Yeah, I told those two guys.

Q. Before or after your mother had quit her position at Neverland?

A. She had already quit.

Q. All right. At some point in time police came to you and said they wanted to talk to you; is that right?

MR. MESEREAU: Objection; leading.

THE WITNESS: This is going to be hard for me to get through. Sorry.

THE COURT: Okay. The objection is overruled.

You may answer.

Q. BY MR. ZONEN: Go ahead.

A. Yeah, they wanted to come and talk to me. I was 13. I was in eighth grade, I think. Yeah. I -- yeah.

Q. Around 1993?

A. Yeah. It was ‘93, I think, yeah.

Q. Did you know in advance that they wanted to speak with you?

A. No. Not until the big day that this crappiness started.

Q. Okay. At some point in time, they showed up?

A. Yeah. They showed up probably around 4:00, because I had judo practice at, like, 6:00.

Q. So it was about -- I’m sorry, you had judo practice afterward?

A. Yeah, I had to go to judo practice right after, and I don’t think I went because I was crying.

Q. So you think it was about four o’clock in the afternoon?

A. I think they came around four o’clock.

Q. Do you remember how many people came?

A. I think two. But I don’t remember.

Q. Was your mother present during the course of that interview?

A. No.

Q. Do you know if that interview was tape-recorded?

A. Yeah, it was tape-recorded because I listened to the tapes.

Q. You listened to it recently?

A. Yeah.

Q. Do you know if a transcription had ever been prepared of that interview?

A. A trans -- yeah, it has been.

Q. And did you, in fact, review that transcription as well?

A. Yeah. While I was reading it, yeah.

Q. The people who were present during the course of that interview, you and how many detectives?

A. Two. Two detectives. Me and two other guys.

Q. They were both men?

A. Yeah.

Q. Had you ever -- did you know them prior to that time?

A. No. No.

Q. Have you seen either one of them since?

A. Yeah, I just bumped into one outside. We were talking a while. I was waiting for -- to be called up here.

Q. Okay. Just today, right before you testified you saw one of them?

A. Yeah.

Q. Did you recognize him?

A. No, I didn’t. He said, “You probably don’t remember me.” And I said, “No.” And he told me who he was. And then I was like, “Hey, that was you.”

Q. Do you know where they were from, the agency?

A. The police?

Q. Yes.

A. No.

Q. At the time that you were having that conversation?

A. No.

Q. I don’t mean now, but at the time you had the conversation with them.

A. No, I just knew they were police officers.

Q. Did you know they were tape-recording it at the time?
A. Yeah, because he showed me and -- he showed me the tape-recording. And the tape-recorder was sitting right in front.
Q. Did you know what it was all about at the time you sat down at the table with them?
A. I knew it was about Michael Jackson just because it was on T.V. all the time, and -- yeah.
Q. So there was already something going on in the news; is that correct?
A. Yeah.
Q. Okay. Did your mother know that you were entering an interview with them?
A. Yes. She had to have let me go.
Q. All right.
A. My mom knew where I was at all times.
Q. Do you remember where you were for this interview?
A. Yeah. At the juvenile hall, or the sheriff’s department.
Q. So it was over in the -- in where, in Santa Maria?
A. Yeah, in Santa Maria. Well, in Orcutt, but -- yeah, in the sheriff’s department.

Q. Do you recall how long that conversation was?
A. I don’t recall. An hour, hour and a half.
Q. All right. And that’s consistent with your having reviewed that tape-recording as well?
A. Right. Right.
Q. And your mother did know that you were going to be there; is that right?
A. Yes.
Q. Was she at the building at the time you were there?
A. I don’t think so. I think she was in our little studio apartment still.
Q. Okay. In the course of that interview, did you discuss with them what had happened to you?
A. Let me drink some water.
Q. Go ahead.
A. Pump?

Q. It's confusing. There's a button on the top.

A. I'm not a coffee drinker, sorry. It's a coffee thing, I think.

I'm sorry. What was the question again?

Q. Did you discuss with the detectives what had happened to you with Mr. Jackson?

A. Yes. Eventually. But at first I didn't want to. I was fighting it with everything that I could.

Q. Why?

A. Because it's embarrassing. It's embarrassing now, and I'm 24 years old.

Q. Okay. Was it harder then, at age 13?

A. Yeah.

MR. MESEREAU: Objection. Relevance; move to strike; leading.

THE COURT: Sustained; stricken.

Q. BY MR. ZONEN: Ultimately --

A. It was difficult for me.

Q. -- did you disclose to them the information that you gave us today?

A. Yes.

Q. At some point in time, did you have an interview or were you represented by a private lawyer?

A. At some point, yeah, in time I was.

Q. Do you remember the name of that lawyer?

A. Yeah, Terry -- Terry Cannon. And Kris Kallman.

Q. There were two lawyers who represented you?

A. Yeah.

Q. Do you know if -- was this after this interview?

A. Yes, it was after this interview. It was like two months after this interview, I think.

Q. Were you ever called for a deposition?

A. I was never called for a deposition.

Q. Did you ever know a young man by the name of Jordan Chandler, or Jordie Chandler?

MR. MESEREAU: Objection; relevance.

THE WITNESS: Did I --

MR. MESEREAU: Relevance; foundation; move to strike.
THE COURT: Overruled. You may answer.
THE WITNESS: Did I ever meet him?
Q. BY MR. ZONEN: Yes.
A. I probably did, but I -- I don't remember names. I'm really bad with names. And I'm not --
Q. Do you know if you were being prepared at any time to give a deposition in a case involving Mr. Chandler?
A. No. What -- prepared by -- I don't know what you mean by "prepared."
Q. Did your attorneys ever talk to you about the possibility of your going in and giving a deposition?
A. No. I don't think so. I don't remember.
Q. At some point in time, was there a settlement of some kind of a case involving you and Mr. Jackson? We're not going to get into the specifics of the amounts, but was there a settlement?
A. Yes.
Q. Do you know if a lawsuit was ever actually filed?

A. No. I don't think so, no. Because there was a settlement, so there was no lawsuit.
Q. All right. Did you have anything to do with it? In other words, did you say anything one way or the other about asking to have money?
A. No.
Q. But were you consulted in any way about what was going to happen on that?
A. No.
Q. Okay. Was -- did you go into counseling at this time?
A. Yeah.
Q. And --
MR. MESEREAU: Objection; relevance.
THE WITNESS: Oh, I'm sorry.
MR. ZONEN: I think it's relevant.
MR. MESEREAU: And leading.
THE COURT: I'll allow the question. The

question and answer was, “Yes.”

Q. BY MR. ZONEN: For what period of time did you stay in counseling?

MR. MESEREAU: Objection. Relevance; 352.

MR. ZONEN: I believe it’s appropriate under People vs. Bledsoe and Shirley.

THE COURT: Go ahead. I’ll allow the question.

Q. BY MR. ZONEN: For what period of time did you stay in counseling?

A. Shoot, like a week after the sheriffs interviewing me, or police, or whoever they were. And --

Q. That’s when it started?

A. Till I was 18, yeah.

Q. Till you were 18?

A. Yeah.

Q. Mr. Francia, recently have you been under surveillance?

A. Yeah.

MR. MESEREAU: Objection. Relevance; 352.

THE WITNESS: We might be going there. I don’t know.

THE COURT: I’m not sure what the relevance is. Do you want to approach?

MR. ZONEN: Yes, I think so.

(Discussion held off the record at sidebar.)

THE COURT: Looks like it’s time for our afternoon break.

(Recess taken.)

THE COURT: For the record, the objection was sustained.

Q. BY MR. ZONEN: Mr. Francia, you stated earlier, you gave the statement, “When all this,” and I think you used the word “crappiness began.” What were you referring to?

A. I guess coming out with it. Just because I had hidden it, and it was stowed away in a far off place. And that’s what I meant. It was time for it to come out.

Q. Were you aware of your mother going on television at some time back in 1993 or ‘94?

A. I knew about it when she was finally on T.V., yeah. I -- she told me --

MR. MESEREAU: Objection; hearsay.

THE COURT: Sustained.

Q. BY MR. ZONEN: Were you consulted about that prior to --

THE COURT: They can’t hear. Who didn’t hear back there? Counsel here?

MR. ZONEN: Is it on or off? I can’t tell. Is it on? It’s on.

Q. Were you consulted by anybody prior to your mother going on television?

A. Was I?

Q. Yes.

A. No.

Q. Okay. Did it cause you problems when that happened?

A. Yeah.

Q. And in what way?

MR. MESEREAU: Objection; relevance.

THE WITNESS: It made --

THE COURT: Sustained.

THE WITNESS: Okay.

MR. ZONEN: I have no further questions.

THE WITNESS: Can I get a jacket? It’s cold over here. I think I heard them say it’s cold, too. Thanks.

CROSS-EXAMINATION

BY MR. MESEREAU:

Q. Good afternoon.

A. Hi.

Q. My name is Tom Mesereau, and I speak for Michael Jackson.

A. Okay.

Q. If anything I ask you is not clear, please don’t answer. Just say, “I don’t understand it,” okay? And I’ll try to rephrase it.

If you ever want to take a break, just say so, and if Judge Melville lets you, you can. But I don’t want you to answer anything I ask you unless it’s very clear to you what I’m asking you and you feel like you can answer it, okay?

A. Sounds good.
Q. So you know who I am, I’m on his side, okay?
A. Okay.
Q. We’ve never met before, right?
A. Correct.
Q. And we’ve never spoken before, right?
A. I don’t think so.
Q. Okay. Now, the prosecutor mentioned the fact that your mother, at one point many years ago, went on the television show Hard Copy, right?

A. Correct.
Q. And at some point you learned about that, right?
A. At some point I learned about what?
Q. Your mom going on the television show Hard Copy?
A. At some point I learned about it, yes.
Q. Okay. And at some point you learned that she took $20,000 to go on the T.V. show Hard Copy, correct?
A. No.
Q. You don’t know anything about that?
A. I do not.
Q. You’ve never heard that to date?
A. I have heard of it today.
Q. When did you first learn that your mother have gone on the T.V. show Hard Copy and accepted $20,000?
A. Right now. Well, it may actually -- two days ago, I think.
Q. You never knew it until two days ago?
A. That is correct. The reason....
Q. Now, at some point, your mother met with someone from The National Enquirer, right?
A. I don’t know.
Q. You don’t know anything about that?

A. No.
Q. When did you first learn that your mom had gone on the T.V. show Hard Copy to talk about Mr. Jackson?
A. When did I first learn --
Q. Yes.

A. -- that my mom went on T.V?

Q. Yes.

A. On Hard Copy?

Q. Yes.

A. I think it was when I saw it on T.V.

Q. And that would have been when?

A. I have no clue.

Q. Do you have any idea what year?

A. No.

Q. Does more than ten years ago sound right to you?

A. If you told me five years ago, I'd say okay. This whole past -- all these incidents, yeah.

Q. Now, your mother at some point retained lawyers to represent you and she, correct?

A. I don't know if she got them. I don't think she did.

Q. Well, you were a -- really a little boy, right, when lawyers were suddenly with you?

A. I'm sorry?

Q. Weren't you very little, very young, when lawyers started appearing?

A. I was young when all of this stuff happened, yes.

Q. How old do you think you were when you first met a lawyer involving Mr. Jackson?

A. Were those two detectives lawyers?

Q. No. No, they're with the sheriff's --

A. They're just detectives?

Q. And you met them recently, haven't you?

A. No, I just met one of them right outside.

Q. Okay. One of the two detectives that first talked to you?

A. Yeah. We were talking about life.

Q. Okay. Now, when you first met them, you knew they were with law enforcement, right?

A. When I first met them?

Q. Yes.

A. I don't really know who they -- no, I don't -- I didn't think -- yes. I don't know. I didn't understand the question I guess.

Q. Okay. Just tell me if you don't understand a question.

A. Okay.

Q. You learned at some point your mother went on Hard Copy, correct?

A. I learned at some point that my mom went on Hard Copy.

Q. Yes.

A. Okay.

Q. And you saw it on T.V., right?

A. Right.

Q. And at some point you learned that your mother accepted $20,000 to be on Hard Copy, correct?

A. You already asked that.

MR. ZONEN: And I so object as asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: When did you first, if you remember, talk to a lawyer about anything Mr. Jackson allegedly did?

A. What he -- when did I tell somebody or tell the lawyer? Repeat that.

Q. Yeah, when did you first meet a lawyer to talk about your claim regarding Mr. Jackson's behavior?

A. I don't remember.

Q. Do you know approximately when it was?

A. I think the only -- I don't think I ever told Terry or Kris if he molested me or not.

Q. Okay. Now, Terry is who?

A. Terry?

Q. Terry is the lawyer?

A. Terry is a lawyer.

Q. That's Terry Cannon, correct?

A. Correct.

Q. And Kris is who?

A. Kris -- I forgot his last name. He's a

lawyer.

Q. You mentioned him in response to the prosecutor's questions. Didn't you say Kris was a lawyer?

A. I don't remember the prosecutor's questions.

Q. Do you have a lawyer named Kris?

A. Right now? No.

Q. Have you ever had a lawyer named Kris?

A. I believe so.

Q. And do you know Kris's last name?

A. That's what I just said. I don't remember.

Q. Okay. Now, did I hear you just say you never told either lawyer that you had been molested?

A. I don't -- I'm sorry?

Q. Did I hear you just say that you never told either lawyer you'd been molested?

A. I said I didn't know. That's what I said.

Q. You told the lawyers you didn't know?

A. No, I told you I didn't know.

Q. You told me you didn't know whether or not you had told any lawyer you'd been molested, right?

A. Not any lawyer.

Q. Okay. I'm not understanding you.

A. I'm not understanding you either.

Q. Let me rephrase the question.

A. Okay.

Q. Did you ever tell Attorney Terry Cannon you'd been molested?

A. Yes.

Q. And did you ever tell Attorney Kris you'd been molested?

A. Yes.

Q. Okay. Approximately when did you do that?

A. I don't remember. I was young.

Q. Do you know approximately what year it would have been?

A. I'd go with '94 or '93 or '95.

Q. And how old were you in '93?

A. I was 13. Well, yeah. My birthday's May 30th, so --

Q. How old were you when you claim Mr. Jackson first tickled you improperly?

A. Seven and a half the first time.

MR. ZONEN: I'm going to object as vague when we're referring to the claim or the tickling.

MR. MESEREAU: I think I was -- I'll rephrase it if the Court wants me to. I think I was clear.

THE COURT: The objection's overruled. The answer was given.

Q. BY MR. MESEREAU: Are you telling the jury that at some point -- excuse me. Let me start again.

As of today, you're telling this jury you've never told your mother what you claim Mr. Jackson did to you, right?

A. I believe in counseling. I never told her specifics on -- that I was molested, but I did in counseling tell her that I was molested.

Q. Okay.

A. But it was in -- shoot. It was a crying time for --

Q. Okay. I'm not asking you about the details. Just answer my questions.

A. It was just hard for me to remember because I was crying.

Q. Okay.

A. So -- I was young, and I was 14 or 15.

Q. So when you told the jury earlier that you never told your mother about this, that wasn't true, right?

A. I'm sorry, I probably spoke quickly.

Q. So when you told that to the jury, that was not really correct, right?

MR. ZONEN: I'm going to object as vague. What is "not," or "that"?

THE COURT: The objection's overruled. I'll have the court reporter read the question back to you.

THE WITNESS: Okay.

(Record read.)

THE WITNESS: And when I told "that" being --

Q. BY MR. MESEREAU: Let me rephrase it. When you told the jury, in response to the

prosecutor's questions, that you had never told your mother you were molested, that wasn't true, right?

A. I was mistaken.

Q. Okay.

A. Yeah.

Q. Okay. In fact, you had told your mother that you were molested, right?

A. Yeah, I must have misunderstood his question with the -- with the details of it. I never told my mom that I was molested three times by Michael Jackson. My mom, I don’t even think to this day, knows that I was molested three times and the specifics of it. If she does, then she does, and that sucks.

Q. Your mother went on the T.V. show Hard Copy in the early ‘90s, right?

A. Okay. I --

Q. Do you know if that’s true?

A. She was on Hard Copy.

Q. She was on Hard Copy in 1993, was she not?

A. If you told me ‘94, I’d agree. I don’t know. I don’t know the exact year. I do not.

Q. Are you telling the jury that before your mother went on Hard Copy, you never discussed what you claim Mr. Jackson did to you with your mother?

A. Yeah, I’m pretty sure that I never told my mom that he molested me before Hard Copy.

Q. And before sheriffs came to talk to you for

the first time, had you told anyone that you had been molested by Michael Jackson?

A. I don’t think so, no.

Q. They just kind of came one day and surprised you?

(Laughter.)

A. Yeah.

THE COURT: Just a moment, Counsel.

(To the audience) I’m not going to put up with that.

THE WITNESS: Thanks.

THE COURT: If there’s any laughing again, I’ll remove people from the courtroom.

Go ahead, Counsel.

MR. MESEREAU: Thank you, Your Honor.

Q. You have -- you all right?

A. Yeah. I was just a little tense. Sorry.

Q. You have reviewed the tape and transcript of your first interview with the sheriffs, correct?

A. Yes.

Q. And when did you review that interview?

A. Like when did I listen to the tapes again? Is that what you’re asking?

Q. Yes.
A. Sunday.
Q. And how did you get the tape?
A. Chris - I don’t know his last name - gave them to me.

Q. Is that the lawyer?
A. No. He’s not a lawyer, I don’t think.
Q. Is he a sheriff?
A. It’s a tall man.
Q. Is he a sheriff?
A. I don’t know. I believe so.
Q. How did you run into him?
A. I met him when I met all these gentlemen.
Q. The prosecutors?
A. Correct.
Q. Okay. So Chris was with the prosecutors when you met them last, right?
A. I’m sorry?
Q. Chris was with the prosecutors when you spoke to the prosecutors, correct?
A. Yes.
Q. And Chris gave you a tape of your interview from 1993, correct?
A. I believe that’s the year, yes.
Q. And if you remember, who was at that interview in 1993?
A. I don’t remember. Two men. Detectives, I believe.
Q. And where did it take place?
A. I already answered that to him.
Q. Would you please answer it again for me? Where did it take place?
A. At the sheriff’s station, or the probation -- I think it was the sheriff’s.

Q. Was that in Santa Maria?
A. In Orcutt.
Q. In Orcutt, okay. You were given a copy of the tape to listen to, right?
A. Right.
Q. And you were given a transcript of the tape to read, right?

A. Yeah.
Q. And you did that, right?
A. Yeah.
Q. And a Detective Russell Birchim from the Santa Barbara County Sheriff’s Department was present for that interview, right?
A. I don’t remember his name.
Q. Would it refresh your recollection if I just show you a copy of the transcript?
MR. ZONEN: I’ll object as to which interview. Talking about the 1993 one, or the recent one where he reviewed the transcript?
MR. MESEREAU: I’m talking about the 1993 one.
MR. ZONEN: I’m sorry.
Q. BY MR. MESEREAU: Let’s get back to the 1993 interview.
A. Okay.
Q. You have recently reviewed a transcript of that interview, right?

A. In the ‘93 interview?
Q. Yes.
A. The tape and the transcript?
Q. Yes.
A. Have I reviewed them both?
Q. Yes.
A. Didn’t I answer you that already?
Q. Would you please clarify it? Because there’s been some confusion.
A. Yes, I have.
Q. You have listened to the tape and you’ve read the transcript, right?
A. Correct.
Q. But as you sit here today, you’re not sure who was at the interview with you in 1993, right?
A. I was 13 years old.
Q. Would it refresh your recollection if I show you a copy of the transcript with the names of the people who were with you?
A. Sure.
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
MR. MESEREAU: Thank you.

THE WITNESS: Okay.

Q. BY MR. MESEREAU: Have you had a chance to look at that transcript? Mr. Francia, have you had a chance to look at the transcript I just showed you?

A. Yes.

Q. Okay. Did it refresh your recollection about who was there for that interview?

A. Yeah. I just read it. It said Vince and Russell.

Q. Vince Neglia and Russell Birchim, right?

A. Correct.

Q. Okay. Okay. Now, did someone tell you to review that transcript before you testified?

A. Yes.

Q. Who told you to review that transcript before you testified?

A. I'm under some pressure. Mark -- it's not Mark. It's Russ. I'm so bad with names.

Q. Is it Prosecutor Zonen, who just asked you questions?

A. Yes.

Q. Okay. Okay. Did he tell you you'd be asked questions about that?

A. About --

Q. What you said in that interview in 1993?

A. Yes.

Q. Okay. Did he tell you to study it carefully and make sure you knew what you said and didn't say, right?

A. Actually, he didn't say, "Study it carefully."

Q. Did he tell you to read it?

A. He told me to review it.

Q. Okay. Okay. Now, you were how old when you were interviewed in 1993?

A. I think on that, it says the date. I could tell you the -- I could tell you how old I was.

Q. Okay. The date was November 4th, 1993.

A. I was 13.

Q. 13. Okay. Is that the first time you were ever interviewed by any police officer regarding

Michael Jackson?

A. Yes.

Q. Okay. Now, you told the police that you and Mr. Jackson were talking to one another in that hideout area, right?

A. I -- I was kind of banging my -- I told the police that I was --

Q. Talking to Mr. Jackson at a place you described as the hideout.

A. Yes, I have talked to Jackson at the place, at the hideout.

Q. And that was a place where Mr. Jackson used to go when he didn’t want the public or the press or anyone knowing he was there, true?

A. I’m assuming that.

MR. ZONEN: Objection as speculative.

THE COURT: Just --

Q. BY MR. MESEREAU: Did Mr. Jackson ever tell you --

THE COURT: I haven’t ruled on it.

MR. MESEREAU: Oh, I thought you had, Your Honor. Sorry.

THE COURT: I’ll allow the question, and the answer was, “I assume that.”

Go ahead, Counsel.

Q. BY MR. MESEREAU: Did Mr. Jackson tell you that this was a place that he didn’t want the public or the press following him to?

A. I don’t know.

Q. Okay. All right. In that interview, you told the police that you were sitting on Mr. Jackson’s lap, right?

A. I’m sorry?

Q. In that interview, you told the police you were sitting on Mr. Jackson’s lap, correct?

A. In the ‘93 11 -- is that this one that you’re reviewing right now?

Q. Yes.

A. The one you showed me? Yes.

Q. Yes. And you told them that at one point, he started tickling you and you started tickling him, right?

A. Yeah.

Q. And then you told the police, “I have this blackout. I can’t remember anything else,” right?
A. Yeah. I -- I tried to black everything out.

Q. I understand. But I just want to go forward and ask you some questions about it.
A. Oh, okay.
Q. But on that particular date, you told the police that you had blacked everything out after you and Mr. Jackson started tickling, right, tickling each other, correct?
A. Yeah.
Q. Okay. You told the police you knew that Michael Jackson had a reputation of being nice to kids, right?
A. I’m sorry?
Q. You told the police that Mr. Jackson had a reputation for being very nice to kids, right?
MR. ZONEN: Objection; hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: What did you tell the police about Mr. Jackson’s reputation?
MR. ZONEN: Objection; irrelevant.
THE WITNESS: I don’t remember.
MR. ZONEN: And hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: You were in that apartment because your mother brought you there, right?
A. My mom did bring me there to the hideout.
Q. She brought you there and she was working in the apartment, correct?
A. Yeah.

Q. And how many rooms do you remember there being in that apartment?
A. I remember one, but I could be mistaken.
Q. The first time you claim you were improperly tickled, was that on a chair?
A. Yeah.
Q. And that was when your mom was cleaning the apartment, correct?
A. She wasn’t in the room.
Q. She wasn’t in the room then?
A. She was not in the room with me.

Q. You sure of that?

A. Yeah.

Q. Well, you told the police you had a blackout and didn’t remember anything after -- after you and Mr. Jackson were tickling each other, right?

A. I blocked it out. I didn’t blank it out. I just didn’t never want to repeat that stuff again.

Q. Okay. Do you remember, in one of your police interviews, the police telling you, “This is what happened, right?” And you said, “Well, I’ll have to work on that”? Do you remember using words like that?

A. No.

Q. Okay. Have you looked at the transcripts of both your police interviews?

A. No.

Q. Okay. Just looked at the one in ‘93?

A. I believe so.

Q. Okay. Okay. Now, you told the police you didn’t want to sit on the floor, right?

A. I don’t know what you’re talking about right now.

Q. Did you ever tell the police you wouldn’t want to sit on Mr. Jackson’s floor?

A. Are you talking about the hideout?

Q. Yes.

A. I -- yeah, I remember -- I don’t remember saying that. I remember hearing that on the tape.

Q. You did hear it on the tape, right?

A. Yeah.

Q. And it’s your voice, right? Right?

A. Yeah.

Q. Okay. You told the police.... Let’s talk about the first incident you claim happened, okay?

A. Okay.

Q. Now, you claim you both were clothed, correct?

A. Yes.

Q. You claim you were sitting in Mr. Jackson’s lap, right?

A. On one leg, yeah.

Q. Okay. And you claim he started tickling

you, right?
A. Right.

Q. You tickled back, correct?
A. Yeah.
Q. And you were watching cartoons, right?
A. Yeah.
Q. Had you ever watched cartoons with Mr. Jackson before?
A. I don’t remember.
Q. Had you ever watched cartoons with him in Encino?
A. I’m sorry?
Q. Had you ever watched cartoons with Mr. Jackson in Encino?
A. I don’t remember.
Q. Okay. Do you remember either Mr. Jackson tickling you or tickling him at the home in Encino?
A. I don’t remember any of that in Encino.
Q. Where was your mother, if you know, when you say you were improperly tickled?
A. I don’t.
Q. Did she come back at some point?
A. I had to have left there with my mother, so I think she did.
Q. And how old were you on that particular day?
A. I answered that already, and I thought seven and a half. Seven, eight.
Q. Okay. You told the jury that you tickled each other and then you went to the floor and you don’t remember after that, correct?

A. I don’t remember after what?
Q. You went to the floor.
A. I don’t remember after he was playing with my balls.
Q. Well, that’s what you said later on. Earlier interviews you denied that, didn’t you?
MR. ZONEN: I think we’re vague now.
THE WITNESS: Yeah.
MR. ZONEN: I’ll object as vague.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Early in your interviews, you denied being touched in your private areas,

didn't you?

A. Yeah. I was scared.

Q. They were pretty long interviews, weren't they?

A. I believe so. Yeah, they were. They were long in my time. To a kid, an hour's a long time.

Q. Do you remember in your first police interview in 1993 telling the police, "I'll just say this out flat. I don't remember him trying anything with me except for the tickling"? Do you remember that?

A. Do I remember saying that?

Q. Yes.

A. No. But I've heard that on the voice. Yeah, I was fighting them with everything I had.

Q. I understand. I understand. You told the police that at that apartment there was a humongous T.V., right?

A. In what apartment?

Q. Mr. Jackson's apartment, where you say you were improperly tickled, right?

A. The hideout?

Q. That's what you call the hideout. I'm calling it the apartment. You call it the hideout, right?

A. Okay. My mom called it the hideout. That's why I called it the hideout.

Q. You told the police in 1993 there was a humongous T.V., right?

A. I don't know.

Q. You said, "It was 46-inch, something like it"?

MR. ZONEN: I'm going to object as to hearsay.

THE WITNESS: I don't know.

THE COURT: Just a moment.

Sustained.

You need to wait until I rule on the objection.

THE WITNESS: Oh, sorry.

THE COURT: Go ahead.

Q. BY MR. MESEREAU: Do you remember telling the police in that interview, "We started tickling each other and my mom just grabbed me and, ‘Let’s go’”?

A. I don’t remember.

Q. Would it refresh your recollection if I just show you a page of it?

A. Probably would.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: You may.

MR. ZONEN: What page?

MR. MESEREAU: It would be page 26.

MR. ZONEN: Thank you.

THE WITNESS: Okay. I see that.

Q. BY MR. MESEREAU: Have you had a chance to look at that? Does it refresh your recollection about what you told the police in that interview?

A. No, not really.

Q. Well, on a number of occasions, you told them, “We tickled each other and then I left,” didn’t you, words to that effect?

A. Yeah. Again, I was fighting with everything I had.

Q. I’m not asking you what you were doing. I’m just asking if that’s true, okay? On a number of occasions, you said, “We just tickled each other and then I left,” right?

A. Okay.

Q. Is that correct?

A. Yes. And then I also told them that he molested me.

Q. On many occasions in that interview you denied being molested, didn’t you?

A. Yeah, at first.

Q. And the police kept leaning on you to admit you had been molested, true?

A. It wasn’t like a twisting the arm. It was -- I was again fighting. I didn’t want to be embarrassed at school. I didn’t want to be embarrassed anywhere. I was 13.

Q. So you were lying to the police?

A. Yeah. I was at first.

Q. Okay. Now, shortly after this -- let me rephrase that.

How long after this did you and your mother get lawyers and threaten to sue Mr. Jackson; do you know?

MR. ZONEN: Objection as compound, “you and your mother.” And vague.

THE COURT: Sustained. Compound.

Q. BY MR. MESEREAU: Do you remember in that interview being asked, “Is Mr. Jackson touchy-feely?” And you said, “I don’t remember. I distinctly don’t remember”?

A. I don’t remember that interview.

Q. Would it refresh your recollection if I show you that page?

A. If you show me the page, I’m still not going to remember.

Q. Well, you’ve --

A. I could -- if it says on the transcript, then I’ll say, okay, I said it when I was younger. But I don’t remember right now.

Q. But you’ve listened to the tape and read the transcript to prepare for today, correct?

A. This is pretty nerve-racking being here right now, so for me to say I’m prepared for this? I’m not prepared for this.

Q. Well, I do have to ask you questions, you understand that?

A. I totally understand.

Q. Okay. Now, you told police in that interview, they asked you if Mr. Jackson was touchy-feely, and you said, “I don’t remember. I distinctly don’t remember.” Remember that?

A. Do I remember that? No, I don’t remember that.

Q. Might it refresh your recollection if I just show you that page?

A. We just did this again.

MR. ZONEN: Objection; asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Remember telling the police you just remember the tickling; it was fun?

A. It was fun to be tickled, to laugh. That’s fun.

Q. Okay. That’s what you told the police in

that interview, correct?
A. What I’m telling you right now is that it’s fun to laugh. I don’t know what I told them.
Q. Might it refresh your recollection if I just show you a page of transcript?
A. I’ll agree with it if it says it on there, but I -- to remember that all right now, I don’t remember.
Q. You told the police Mr. Jackson never kissed you, right?
A. I remember saying that. I remember hearing that on the tape.
Q. And you told them that he just hugged you goodbye when you left with your mom, right?
A. At first. I believe that’s in the very beginning of the transcript.
Q. You were asked if you had met Brooke Shields by the police. Do you remember that?
MR. ZONEN: Objection; hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you ever meet Brooke Shields?
MR. ZONEN: Objection; irrelevant.
THE COURT: Overruled.
You may answer.
THE WITNESS: Heck if I know.
Q. BY MR. MESEREAU: Do you remember whether or not Mr. Jackson was dating Brooke Shields at that

point in his life?
MR. ZONEN: Objection; speculative.
THE COURT: You may answer.
THE WITNESS: When I was --
THE COURT: The question is, do you know? Just “yes” or “no.”
THE WITNESS: Okay. I don’t know.
Q. BY MR. MESEREAU: Now, at this point, do you know whether or not you’ve ever obtained money from Mr. Jackson?
A. One more time.
Q. At this point in time, do you know whether or not you’ve ever obtained money from Mr. Jackson other than what you just described?

A. Other than the money that he put down my pants?
Q. Yes.
A. Yes.
Q. At some point you and your mother settled a case with Mr. Jackson, correct?
A. I don't remember signing papers.
Q. You're how old today?
A. I'm 24.
Q. And you're telling the jury you don't know whether you and your mother ever reached a financial settlement with Mr. Jackson?
A. There was a financial settlement.
Q. Okay. And when did you learn about that?

A. I believe I was 17.
Q. Do you remember signing documents in that?
A. At 17, I don't remember.
Q. Okay. Do you remember looking at that agreement?
A. At 17, I did not look at that agreement.
Q. And now, at 17, you knew that your mother had already gone on television attacking Mr. Jackson, right?
A. When she was on Hard Copy, is that what you're talking about?
Q. Yes.
A. Yes. At 17, I heard she had already been on Hard Copy.
Q. And at some point she met with Attorney Larry Feldman, did she not?
A. I don't know.
Q. Okay. But at 17, you certainly knew that your mother had hired attorneys who were threatening to sue Mr. Jackson if they didn't get some money, right?
A. No, I do not.
Q. Didn't know anything about that at 17?
A. Call me a stupid kid. I didn't know.
Q. Okay. But you certainly learned about it at some point?
A. Yeah. I learned about it at some point.
Q. Which did you learn about the fact that your

lawyers were threatening to go public and sue Mr. Jackson unless you and your mother got money?
A. All of that stuff I don’t know about. I knew that there was a settlement. I don’t know how they fought, or what they argued about, or what they talked about.
Q. You’ve never discussed it with your mom?
A. About -- I have never discussed what, the settlement?
Q. Yes.
A. Yes, I have.
Q. Have you ever discussed how the settlement came about with your mom?
A. No.
Q. Okay. Okay. And do you remember reading a settlement document?
MR. ZONEN: Objection; asked and answered.
THE COURT: Sustained.
Q. BY MR. MESEREAU: You were asked to sign a settlement document at some point, right?
A. Probably.
Q. And in that document, Mr. Jackson denied doing anything wrong, correct?
MR. ZONEN: Objection; assumes facts not in evidence.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you know whether or not in that settlement document you signed Mr. Jackson

denies ever doing anything wrong?
MR. ZONEN: Objection. No evidence he signed it, he viewed a document or signed a document.
THE COURT: The objection is sustained. He said -- when you asked him if he signed it, he said, “Probably.” So you haven’t established that he signed it.
MR. MESEREAU: Okay.
Q. At the age of 24, and as you sit here today, you don’t know if you ever signed a settlement document with Mr. Jackson?
A. That is correct.
Q. As you sit here today, at the age of 24, do you know if your mother ever signed a settlement

document with Mr. Jackson?

A. I think she did.

Q. Do you know if any money has come your way through a settlement with Mr. Jackson?

A. Money has, yes.

Q. Okay. And when did you first learn about that?

A. I answered that I thought. At 17.

Q. Okay. And you've had many discussions with your mom about that, right?

A. No. We -- me and my mom have a weird relationship. Well, not a weird relationship. We just don't talk about much stuff.

Q. Okay. Do you remember constantly telling the people who interviewed you in 1993 that you didn't remember Mr. Jackson doing anything improper?

A. I don't remember now, but I -- in listening to the tapes, I remember when I was -- at first I was denying everything.

Q. You've told the police that he tickled you, you tickled him, you both laughed, and then you went home, right, early in the interview?

A. I think I told him that I blacked it out or -- yeah.

Q. And you told the police at one point as they tried to get you to say he had molested you, you said, "If I don't remember, I don't remember," right?

A. Yeah.

Q. The police kept trying to tell you to say that Mr. Jackson put his hands somewhere that was improper, right?

A. No, they didn't.

Q. Do you remember these long paragraph questions where they'd say, essentially, "Admit to us he did something improper"?

A. They said, "If he did something, then tell us." That's what I remember. You could give me that, and I'll read it.

Q. Would it refresh your recollection if I show you one of the paragraph questions they asked you?

A. Well, this is -- I'm telling you what I remember. It’s not going to change my memory.

Q. It’s not going to change your memory to look at the transcript?

A. No. What I remember is them telling me, “If he did something, then tell us.” And I was, “No, I’m not gay.” I was fighting it again.

Q. You repeatedly told them, “I have nothing to tell you. I don’t remember anything,” right?

A. I’m sorry?

Q. You repeatedly told them you had nothing to tell them because you didn’t remember anything improper?

A. In the very beginning, yeah.

Q. Yes. Now, in your response to the prosecutor’s questions about the first time you say you were improperly touched - okay? -

A. Okay.

Q. -- did you say words to the effect, “At some point we were on the floor”?

A. I believe I did, yeah.

Q. Okay. And then you said, in response to the prosecutor’s questions, “I can’t remember anything after that,” right?

A. I’m sorry?

Q. After saying that you went to the floor, earlier today --

A. Okay.

Q. -- you then said, “I don’t remember anything after that,” correct?

MR. ZONEN: I’m going to object as asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you remember anything that happened after you went to the floor during the first time you say you were improperly touched?

A. Isn’t that the same question that you just asked?

MR. MESEREAU: Your Honor, could the witness be instructed to respond?

MR. ZONEN: I’m not certain as to the --

THE COURT: Just a moment.

(To the witness) The problem we have is you don’t get to object to his questions. If the

District Attorney wants to object, he can. If the District Attorney doesn’t object, then you just answer the question.
THE WITNESS: Okay.
THE COURT: Just a moment. I’ll have the question read back.
MR. MESEREAU: Thank you, Your Honor.
THE WITNESS: Sorry.
(Record read.)
THE WITNESS: After he touched me? Like in my genitalia?
Q. BY MR. MESEREAU: Did you then go to the floor?

A. I thought we were already on the floor.
THE COURT: You’re asking him a different question.
MR. MESEREAU: Okay.
Q. Do you want the first question? Do you want the first question read back again? I’ll start again, Your Honor.
THE COURT: Okay.
MR. MESEREAU: Okay.
Q. You said you were sitting in a chair with Mr. Jackson, right?
A. Okay. I was on his lap, yeah.
Q. You said you were tickling each other at one point, right?
A. Right.
Q. And at one point you said you went to the floor, correct?
A. Right.
Q. Were you tickling each other on the floor, as far as you remember?
A. As far as I remember, I believe so, yeah.
Q. And there was a lot of laughing going on, right?
A. Yeah. Yeah.
Q. And then at some point your mom came back, right?
A. Did I say that?

Q. I’m just asking you.
THE COURT: Just answer.

THE WITNESS: No, I’m literally asking you. No, I don’t think I said that.

Q. BY MR. MESEREAU: Didn’t she come back at some point and then take you home?

A. She must have, yeah. She had to have taken me home.

Q. In your interview in 1993, the police asked you if Mr. Jackson rubbed your penis, and you said, “No,” correct?

A. Yeah.

Q. Right?

A. In the beginning, yeah.

Q. Well, pretty late in the interview, wasn’t it?

A. I have no clue.

Q. You said, “It was a tickling. He didn’t rub me there,” correct?

A. Oh. Okay. If we’re going that --

Q. Is that right?

A. Yeah, he was playing with my stuff, not rubbing it. In a stroking manner.

Q. I know the point you’re trying to make to the jury, but I’m just asking you the facts, okay?

MR. ZONEN: I think that’s argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You told the police that, “He never rubbed me there. It was just a tickling,” correct?

MR. ZONEN: Objection; asked and answered.

THE COURT: Overruled. You may answer.

THE WITNESS: One more time.

THE COURT: I’ll have the court reporter....

(Record read.)

THE WITNESS: I don’t remember.

Q. BY MR. MESEREAU: Would it refresh your recollection if I show you a transcript?

A. I don’t remember. I’ll say I don’t remember, but I’ll agree with what the transcript says.

Q. Okay. Well, I’m not trying to put words in your mouth. Would you like to look at it?

A. Okay.

MR. MESEREAU: May I approach, Your Honor?
THE COURT: All right.
MR. ZONEN: What page, Counsel?
MR. MESEREAU: 45.
MR. ZONEN: Thank you.
THE WITNESS: Okay.
Q. BY MR. MESEREAU: Have you had a chance to look at that transcript?
A. I did.
Q. Does it refresh your recollection about what you told the police in that interview?

A. No. But in reading it, it said, “Well, yeah” in the very beginning of that sentence.
Q. It says, “Well, yeah, he’s not rubbing it, but tickling,” right?
A. That’s what it said, I believe.
Q. And you said it was on top of your pants; is that correct?
A. The first time --
Q. Yes.
A. -- that he molested me?
Q. The first time you say he molested you, you say it was on top of your pants, right?
A. Pants or shorts. My clothing.
Q. You said he never put his hands in your shorts, right?
A. Right now? Do I say he never -- no, he did it at the very end. The last time he molested me, he did put his hands in my shorts.
Q. Okay. We’re talking about the first time.
A. The first time he didn’t.
Q. Okay. And how much time elapsed, if you know, between the first time you say you were touched and the second time?
A. I’m guessing a year.
Q. And how much time elapsed between the second time you claim you were improperly touched and the third time?
A. I’m guessing two years.

Q. Okay. So let me just, for the record, get your ages each time. The first time you were around seven, right?

A. Sounds about right. Seven, seven and a half.

Q. The next time you were around eight?

A. Eight, eight and a half, or nine. Yeah.

Q. And the third time you're how old, do you think?

A. Ten, ten and a half.

Q. Okay. And did you have any contact with Mr. Jackson in between those three events you've described?

A. I believe I did.

Q. Now, let's talk about contact between the first event that you've described and the second. What kind of contact did you have with Mr. Jackson?

A. Actually, between the first time he molested me and the second time he molested me, I don't think there was contact between those two times.

Q. Now, has someone told you to make sure you use the word "molest" repeatedly in your testimony?

A. No.

Q. Have you discussed your testimony with any lawyer before you came in today?

A. No.

Q. Discussed it with your mom before you came in today?

A. No.

Q. Not at all?

A. Me and my mom?

Q. Yeah.

A. I haven't -- no. I haven't talked to her much.

Q. Does she know you're here today, to your knowledge?

A. Yeah, I think she does.

Q. You're not sure?

A. I'm pretty sure she does.

Q. Okay. Have you talked to her about it?

A. About me coming on the stand?

Q. Yes.

A. No, I have not.

Q. Okay. Now, the prosecutor asked you how long the tickling continued the first time, right?

A. Okay. Yes.

Q. But you didn’t time how long the tickling continued?
A. No, I didn’t have a stopwatch.
Q. You don’t really know how long it continued, do you?
A. I could go by Woody Woodpecker, but -- I could go by cartoons, but I didn’t have a -- I probably did have a watch on, but I didn’t time it.
Q. You’ve told the police nothing happened skin to skin, right?

A. At first.
Q. Well, you still say nothing -- there was no touching skin to skin --
MR. ZONEN: Objection.
Q. BY MR. MESEREAU: -- in the first event, right?
MR. ZONEN: Withdraw the objection.
THE WITNESS: Are we talking -- yes, we are talking the first event, so -- correct?
Q. BY MR. MESEREAU: Yes. No skin-to-skin touching, correct?
A. Correct. I just sometimes get confused if you’re talking first event, second event, third event.
Q. Unless I say otherwise, let’s assume I’m talking about the first event. Okay?
A. Okay.
Q. Now, after that first event happened --
A. Okay.
Q. -- you claim you never told anyone about it, right?
A. Correct.
Q. After the second event happened, you claim you never told anyone about it, right?
A. After the second time it happened?
Q. Yes.
A. Yes, I did not.
Q. After the third time it happened, you claim

you never told anyone about it, and then suddenly the police came one day, right?
A. Right.
Q. Okay. Between the first and the second

event, how often did you see Michael Jackson?
A. Between the first and the second?
Q. Yes.
A. I thought I said none. I didn't think I saw him in between 1 and 2.
Q. You didn't see him at all?
A. I don't think so. I don't remember.
Q. Okay. I mean, your mother still was working for Mr. Jackson, right?
A. Yeah.
Q. And she used to clean his house, right?
A. Clean the mansion, yeah.
Q. And would you go over to the mansion with her, still, from time to time?
A. At times, yeah.
Q. Do you recall seeing Mr. Jackson anytime after -- or excuse me, between the first and the second event?
A. I don't recall it.
Q. Okay. The second event you've described -- actually, let me go back to the first one. You said you don't remember how it felt, you were too young, right?
A. I'm sorry?

Q. Yeah. Going back to the first event.
A. Okay.
Q. Correct me if I'm wrong, I think you said, "I don't remember how it felt. I was too young," right?
A. I believe that's what I said, yeah. When he was doing his interview or --
Q. Pardon me?
A. -- when he was asking me the questions?
Q. Yes. Yes.
A. Yeah.
Q. Okay. And you don't recall -- excuse me. And the year you think that happened was when? When do you think?
A. The first time?
Q. Yes, please.
A. I'm thinking '87, '88.
Q. '87, '88?
A. Yeah, around there.

Q. Okay. 17, 18 years ago, right?
A. Right.
Q. Okay.
A. Well, yeah.
Q. You said that you've done some therapy, right?
A. That I've gone through counseling, yeah.
Q. Yes. And without going into what you said, because that's confidential --

A. Okay.
Q. -- have you done anything, exercises or anything, to try and refresh your memory about what happened in '87 or '88?
A. No.
Q. Okay. And has any representative of the police department been involved in any of your counseling sessions?
A. No, I don't think so. Well, there was the one time that the -- that I first met Mr. Sneddon, I think that's his name. And it wasn't a counseling session. But Mike Craft, which was my counselor, was there.
Q. Was there with Mr. Sneddon present?
A. I think he was there, but I was 13.
Q. Okay. And to your knowledge, was Mr. Sneddon talking to your counselor?
A. I don't know.
Q. Okay. This is 12 years ago, approximately?
A. In '93.
Q. Okay. Okay.
A. Or '94.
Q. Okay. But you don't know what your counselor or Mr. Sneddon said to each other, right? You wouldn't know?
A. I wouldn't know.
Q. Okay. Do you know how long Mr. Sneddon and your counselor met?

MR. ZONEN: Objection; assumes facts not in evidence, that they met.
THE COURT: Overruled.
You may answer.
THE WITNESS: I don't even know if they met.

I don’t even -- well, they had to have met because they were in the same room, if they were in the same room. But I don’t know.

Q. BY MR. MESEREAU: Do you know where they were in the same room?

A. Yeah, when they were in front of me.

Q. Do you know where that room was?

A. Yeah, it was in where I got my counseling. It was my counselor’s office.

Q. So Mr. Sneddon came to your counselor’s office, correct?

A. That’s what it -- I’m telling you this, because I think I remember meeting him there.

Q. Okay. Do you know if your counselor’s been in touch with Mr. Sneddon?

A. I don’t.

Q. Do you know if he’s spoken to Mr. Sneddon at any time other than that day?

A. I don’t.

Q. Okay. All right. Now, the second time you claim you were improperly tickled, you said you were lying on top of a sleeping bag, correct?

A. In or on, yeah.

Q. Well, you told the police it was on top. You were not in, right?

A. I think it says that on the transcripts.

Q. Okay. And that was a large sleeping bag that took up most of the floor, correct, as far as you remember?

A. I can’t see a sleeping bag taking up the whole floor in a room, now, because it’s gigantic. But I think I said that when I was younger.

Q. Okay. Do you remember mentioning Steven Segall to the police?

A. Yeah, I do.

Q. And why did you Steven Segall?

A. Why did I mention him? I don’t know. Because I played pool against him, I think.

Q. Was that with Michael Jackson?

A. I think he was there.

Q. Okay. Was that at Neverland; do you know?

A. I think it was -- yeah, I’m pretty sure it was at Neverland. It was at Neverland.

Q. Now, in the second event that you've described, you also claim that there was no skin-to-skin touching, correct?
A. On the second event, I don't -- yes, that is what I claim.
Q. And what you said was that that also began like tickling, correct?
A. Yeah.

Q. Okay. You were tickling each other, right?
A. I'm sorry?
Q. You were tickling each other at that point?
A. Yeah, it started off with him tickling me.
Q. Okay. And that was at the -- what you call the hideout as well, right, the second event?
A. Yes.
Q. Okay. Where was your mom at that point?
A. I don't know. Not in the room.
Q. Okay. All right. You're on the floor, and you're in that position you described, right?
A. What -- when he's kind of spooning in and holding me? Yeah.
Q. And he starts tickling you, right?
A. Correct.
Q. You tickle him back, right?
A. Probably.
Q. You're watching television, right?
A. Probably, yeah.
Q. Okay.
A. Yeah. Well, I mean -- I'm sorry. I am watching T.V., but I don't know whether I'm tickling him back or watching T.V.
Q. You're both laughing, right?
A. Probably.
Q. And then you say at some point he improperly tickled you in your private area, correct?
A. Yeah, he did.

Q. Do you remember telling the police it was -- it was no more than a 30-second thing?
A. I don't remember that.
Q. Would it refresh your recollection if I show you a portion of the transcript of your police interview?

A. It wouldn't. I could look at it again, but it wouldn't make me remember.

Q. Do you want to give it a try?

A. Okay.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

Q. BY MR. MESEREAU: Have you had a chance to look at that page?

A. I did.

Q. Does it refresh your recollection about what you told the police?

A. No.

Q. You don't remember their asking you if it was just like a passing thing, and you said, "It's no more than a 30-second thing"?

THE COURT: Counsel, that's not how you refresh recollection. He said it didn't refresh his recollection.

MR. MESEREAU: Okay.

Q. Do you remember telling the police, when they asked you how long it was, you don't know, "We were just laughing the whole time"?

A. No, I don't remember that.

Q. Okay. Okay. Do you remember being asked if anything improper happened at the ranch, and you said, "I was around too many people"?

A. I'm sorry?

Q. Do you remember police saying to you, "Did anything improper ever happen at the ranch?" And you said, "I was around too many people"?

A. I remember hearing that on the tape.

Q. Okay. But you don't remember saying that?

A. I don't remember saying that.

Q. Do you remember hearing your voice say that on the tape?

A. Correct.

Q. And in that 1993 interview, when it came to talking about what happened at the arcade, you didn't know if he'd really touched you improperly, right?

A. I knew.

Q. Well, you kept responding, "I don't know," and then you'd say, "If he really did touch, it was in the arcade"?

A. No --

Q. And you were asked, "Do you think he did it?" And you said, "I don't know"?

A. I knew.

Q. But you told the police you didn't know, correct?

A. I don't remember. If you bring that thing to me again, I'm going to -- yes.

Q. Would it refresh your recollection to look at it?

A. Yes, bring it over.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: You should just drop one off. Okay.

MR. ZONEN: What page, Counsel?

MR. MESEREAU: That would be 57 and 58.

MR. ZONEN: Thank you.

THE WITNESS: Okay.

Q. BY MR. MESEREAU: Have you had a chance to look at those pages?

A. I did.

Q. Does looking at those pages refresh your recollection about what you have told the police --

A. No.

Q. -- in '93?

A. I was 13. Eleven years ago.

Q. You weren't even sure you were tickled at all. Remember that?

A. I don't remember that I -- I knew.

Q. Remember telling the police, "You guys are pushy"?

A. Yeah. I remember telling the police that.

Q. Okay. And after they kept pushing you, you finally said, "You know, I think he did tickle me," right?

A. No.

Q. Do you remember that? Do you remember at first saying you didn't know, and then after --

A. Yeah, I remember saying at first, "I don't know."

Q. And after telling the police, “You guys are pushy,” you eventually finally said, “Yes, he tickled me,” right?

A. I believe that’s how it went.

Q. Okay. You kind of went back and forth during the interview, didn’t you? One second you’d say, “He tickled me,” and the next second you’d say you’re not sure, right?

A. I was trying to figure out how to get out of there.

Q. I understand. And you remember exactly how you felt in 1993 during the interview, right?

A. The feeling of, yeah, crying and crappiness.

Q. Okay. Do you remember the police kept trying to get you to say he’s a molester?

A. No.

Q. Would it refresh your recollection if I show you what one officer said to you about that?

A. Bring it over.

MR. MESEREAU: May I approach?

MR. ZONEN: Perhaps the witness could indicate whether it would refresh his recollection.

THE WITNESS: It wouldn’t.

THE COURT: When he said “Bring it over,” that sort of means like he’ll see if it refreshes his recollection.

THE WITNESS: Okay.

THE COURT: It’s a shortcut. Go ahead.

MR. MESEREAU: Thank you, Your Honor.

THE COURT: We’re down to the last seconds here. Run.

(Laughter.)

MR. ZONEN: What page, Counsel?

MR. MESEREAU: 60.

MR. ZONEN: What line, please? It’s not numbered. Never mind.

MR. MESEREAU: Towards the bottom. Towards the bottom.

THE WITNESS: Okay.

Q. BY MR. MESEREAU: You’re 13 years old. You’re sitting there, and one officer said to you --

THE COURT: Wait a minute now. Are you going to ask him if it refreshes his memory?

Q. BY MR. MESEREAU: Have you had a chance to look at that transcript? Does it refresh your recollection that an officer looked at you said --
THE COURT: Just a moment, Counsel.
MR. MESEREAU: Okay.
THE COURT: He said, no, it didn't refresh his recollection.
All right. This is the end of the day.

(Laughter.)
See you tomorrow.
THE COURT: Go to bed one hour early.
(The proceedings adjourned at 2:30 p.m.)

--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)

Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 4702 through 4897 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 4, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
April 4, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

TUESDAY, APRIL 5, 2005

8:30 A.M.

(PAGES 4899 THROUGH 4960)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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14126 East Rosecrans Boulevard Santa Fe Springs, California 90670

I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Nicola is listed as “N” on index. Mr. Mesereau is listed as “M” on index.
Ms. Yu is listed as “Y” on index. Mr. Sanger is listed as “SA” on index.
Mr. Oxman is listed as “O” on index.

PLAINTIFF’S
WITNESSES DIRECT CROSS REDIRECT RECROSS
FRANCIA, Jason 4902-M 4944-Z
(Cont’d)
KALLMAN, Kris 4949-SN

Santa Maria, California
Tuesday, April 5, 2005
8:30 a.m.

THE COURT: Good morning.
THE JURY: (In unison) Good morning.
THE COURT: Mr. Mesereau?
MR. MESEREAU: Yes. Thank you, Your Honor.

JASON FRANCIA
Having been previously sworn, resumed the stand and testified further as follows:

CROSS-EXAMINATION (Continued)
BY MR. MESEREAU:
Q. Mr. Francia, we were discussing yesterday your first interview with two police detectives which took place on November 3rd, 1993, okay?
A. Okay.
Q. That's where we left off.
Now, did you discuss your testimony yesterday with anyone after you left the courthouse?
A. Yeah.
Q. Who did you discuss it with?
A. My wife.
Q. Anyone else?
A. No.
Q. Did you discuss it with any prosecutor?

A. No, I was kind of nervous. I said, "How'd it go?" And they smiled and they said, "It went well."
Q. And which prosecutor told you that?
A. I can't specifically remember, but it was one of them.
Q. Okay. Did you discuss anything else with one of them?
A. No.
Q. Did you talk with any sheriff about your

testimony?

A. No.

Q. Were you on the phone last night with anyone about your testimony?

A. No. I did tell my pastor this morning that I was on the stand, and if he could pray for me. But other than that, that was it.

Q. Anyone else?

A. Nope.

Q. Okay. Now, yesterday you told the jury that Mr. Jackson had given you some money, correct?

A. Right.

Q. And you told them he had given you hundred-dollar bills, right?

A. Right.

Q. Isn’t it true that when you were originally interviewed by the police, you told them that Mr. Jackson would give you money each time you read a book?

A. Yeah, he also said that, as well. Yeah, he’d give me $20, I think it was.

Q. And you told the police that you remember him having a room full of books, and you said every time you complete a book, he’ll pay you some money, right?

A. I don’t remember that, but I remember listening to it on the tape.

Q. But that was your voice on the tape, correct?

A. Yes.

Q. Okay. You also told the police that Mr. Jackson told you one time that if you got A’s in school, he would also pay you every time you got an A, correct?

A. Yes. That is correct. I remember -- I don’t remember him saying that, but I remember it on the tape.

Q. And that was your voice on the tape?

A. Yes, sir.

Q. Telling it to the police, correct?

A. Yes, sir.

Q. Okay. When you met with the prosecutors

before you testified, did anyone tell you not to mention that when you talked about money?
A. No.
Q. Okay. You just forgot?

A. I'm sorry?
Q. You just forgot yesterday?
MR. ZONEN: Objection; argumentative.
THE COURT: Overruled.
You may answer.
Q. BY MR. MESEREAU: When you were responding the prosecutor's questions --
THE COURT: Wait. He has a question pending.
MR. MESEREAU: Oh, I'm sorry.
THE COURT: I overruled the objection.
THE WITNESS: Can you repeat the question?
THE COURT: The question was, "You just forgot yesterday?"
THE WITNESS: I have no idea what you're referring to. I just forgot about what?
Q. BY MR. MESEREAU: About Mr. Jackson paying you money for, one, reading a book --
A. No --
Q. -- and, two, getting A's.
A. I didn't remember that, but I remember saying that on the tape.
Q. Okay. Okay. Now, following your interview with two police officers in November of 1993, to your knowledge, Mr. Jackson was never charged with a crime involving anything you said, correct?
A. I don't know.
Q. Okay. Did you ever hear anything about that?

A. I -- no.
Q. Okay. To this day, you're not sure if Mr. Jackson was ever charged with any crime involving --
A. I don't know.
Q. -- what you claim happened?
A. No.
Q. Okay. You also were interviewed a second time.

A. There’s a hand being raised behind you guys over there.

Q. You were interviewed a second time on March 24th, 1994. Do you remember that?

A. Again, I personally don’t remember, and I didn’t even really listen to that tape, so -- and I didn’t get a transcript for it either, so I didn’t even review it.

Q. You were given a tape of your second interview?

A. I was, but I did not listen to it.

Q. And who gave you that tape?

A. It came in the same packet as tape one and with the transcript.

Q. Do you remember present at that interview was Tom Sneddon?

A. I remember saying that yesterday, yeah. And I also remember saying that I was unsure if he was there or not.

Q. Okay. But you do remember now he was there, right?

A. I did not say that.

Q. Would it refresh your recollection if I just show you a transcript?

A. Sure.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: Is this a transcript of ‘94?

MR. MESEREAU: (Nods head up and down.)

THE WITNESS: So these are the people that were there? I -- I can’t ask that.

THE COURT: He’s asking you to look at that and see if that refreshes your memory to see --

THE WITNESS: No, it does not refresh my memory.

Q. BY MR. MESEREAU: So you don’t remember if you were interviewed by Tom Sneddon and two district attorneys in ‘94?

A. I remember Mike Craft being there. That was the only person. And a woman being there. Other than that, I cannot -- because I think that was the first time I told a woman what happened.

Q. Do you remember someone named Lauren Weis from the Los Angeles District Attorney's Office being there --

A. I don't. I'm really bad at names.

Q. I have to complete the question. Thank you. Do you remember someone named Lauren Weis from the Los Angeles District Attorney's Office being present at that interview?

A. No.

Q. Do you remember someone named Bill Hodgeman from the Los Angeles District Attorney's Office being at that interview?

A. No.

Q. And you don't remember whether or not Mr. Sneddon was there, right?

A. I -- correct.

Q. Are you saying he wasn't there, or you just don't remember?

A. I don't remember whether he was there or not.

Q. Do you remember Russ Birchim being there?

A. I do not.

Q. Do you remember your own lawyer, Terry Cannon, being there?

A. I do not.

Q. Do you remember stating in that interview, "They made me come out with a lot more stuff I didn't want to say. They kept pushing. I wanted to get up and hit them in the head"? Do you remember that?

A. No.

Q. Would it refresh your recollection if I show you the transcript of that?

A. Probably not. But you can show it to me anyway.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

MR. ZONEN: What page, Counsel?

MR. MESEREAU: 30.

THE WITNESS: Okay.

Q. BY MR. MESEREAU: Have you had a chance to look at that page of the transcript?
A. I have.
Q. Does it refresh your recollection about what you've said?
A. No, it does not.
Q. Do you remember anything you said in that interview at the moment?
A. Not really.
Q. Okay. All right. Do you remember in that interview telling the people who were present that at one point a woman came into a room where you and Michael were present?
A. No, I do not.
Q. Do you remember seeing Janet Jackson on one occasion?
A. I remember saying that, or do I remember seeing her?
Q. Do you remember seeing her?
A. I think I did meet her once.
Q. Do you remember where you met her?
A. I think it was at the mansion in Encino.

Q. Okay.
A. But I really -- like, I think that's where it was.
Q. Okay. Do you remember telling the sheriffs that the first time you were tickled by Mr. Jackson you think it lasted about 30 seconds?
A. Are we talking the first interview, second interview?
Q. Either one.
A. I do not remember.
Q. Okay. You do remember giving more information the second time, correct?
MR. ZONEN: "Second time?" Objection; vague.
MR. MESEREAU: Excuse me. He's correct. I'll withdraw it.
Q. You do recall giving more information during your second interview than you did in your first, right?
A. I do not recall.

Q. Okay. How did you meet Attorney Terry Cannon?

A. I can't -- I think I met them at Mike Craft's office.

Q. Excuse me, at whose office?

A. Mike Craft's, my counselor.

Q. Okay. And does Terry Cannon still represent you?

A. I don't think so, no.

Q. Well, you gave an interview with Mr. Zonen in December of 2004, correct?

A. Yes. That was the first time I think I met them.

Q. And Terry Cannon was present, correct?

A. You're right.

Q. And Terry Cannon at that time was working for the District Attorney's Office in San Diego, correct?

A. Correct.

Q. But he still came up to act like your lawyer, didn't he?

MR. ZONEN: I'll object to the expression, "act like your lawyer"; vague. Or argumentative.

THE COURT: Well, I guess instead of "like," it might be "as."

MR. MESEREAU: I'll rephrase it, Your Honor.

Q. Mr. Cannon was present at your interview with Ron Zonen on December 6th, 2004, right?

A. Yes, sir.

Q. At that interview, he was serving as your lawyer, correct?

A. I don't know.

Q. Do you know why he was there?

A. I didn't really know. I was asked by -- actually, I didn't even know how I met you guys. I was asked to be there, I think, and he was there.

Q. Okay. Did he give you any legal advice before that meeting?

A. Actually, he said, "You don't have to answer things if you don't want to," but I think that was just a -- man advice.

Q. So he was giving legal advice?

A. I don’t know if that’s legal advice or not.

Q. Did he discuss with you what you were going to say in that interview?

A. No.

Q. Do you remember when that interview began, you requested that your interview not be tape-recorded?

A. I don’t remember that.

Q. Would it refresh your recollection if I show you a report on that interview?

A. Okay. Sure.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: Okay.

Q. BY MR. MESEREAU: Have you had a chance to look at that report?

A. I read the first paragraph.

Q. And does it refresh your recollection that you requested that your interview not be tape-recorded?

A. It does not, but I probably said that.

Q. Okay. You don’t know for sure, though?

A. No.

Q. Okay. And you had requested that Mr. Cannon be present at the interview, right?

A. You’re going to have to show me the paper probably.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: (Nods head up and down.)

Q. BY MR. MESEREAU: Have you had a chance to look at the report?

A. I did.

Q. Does it refresh your recollection that you wanted Mr. Cannon present?

A. It does not refresh my recollection.

Q. Let me just try and get this straight. You don’t know why Mr. Cannon was there, correct?

A. Correct.

Q. You didn’t ask him to be there, right?

A. I don’t remember whether I asked for him to be there or not. I probably did, only because he was a friend of mine and he knows more legal stuff than I do.
Q. Okay. Did you know he was working for a District Attorney’s Office at the time?
A. I believe I did, because we kept in touch --
Q. Okay.
A. -- after I was 18.
Q. All right. Now, Mr. Zonen began that interview by telling you about the current case involving Mr. Jackson, right?

A. I didn’t understand the question.
Q. Well, let me try and rephrase it.
A. Okay.
Q. At the beginning of that interview, Mr. Zonen gave you his summary of the current case against Mr. Jackson, right?
A. I believe so.
Q. And he told you about a family named “Arvizo,” right?
A. Really bad at names. If that’s -- he told me about a child molestation.
Q. Okay. That these were the charges against Mr. Jackson, right?
A. I believe so.
Q. Okay. Have you ever met Janet Arvizo?
A. I don’t know who that is.
Q. Ever met David Arvizo?
A. I don’t know who that is.
Q. Ever met Gavin Arvizo?
A. Oh, that -- I do know who that is. No, I have not met him.
Q. Have you ever met Star Arvizo?
A. I have never met an Arvizo I don’t think.
Q. Never met Davellin Arvizo, correct?
A. Right.
Q. Have you ever talked to any of the Arvizo family on the telephone?

A. No.

Q. Okay. But Mr. Zonen was telling you about the Arvizo family, was he not?

A. If that’s the child’s parents, then yes.

Q. Incidentally, after your second interview, which you don’t remember a lot about, to your knowledge, no criminal charges were ever filed against Mr. Jackson involving anything you had told anybody, right?

A. I don’t know.

Q. You still don’t know?

A. I -- are you talking about ‘94, the ‘94 interview?

Q. Yes.

A. Okay. And you’re asking if there was criminal charges pressed against Michael?

Q. I’m asking you what you know, okay? You’ve already indicated that after your ‘93 interview, no criminal charges were ever filed against Mr. Jackson involving anything you said, right?

A. I don’t know much. I don’t watch the news.

Q. And -- okay. And after your ‘94 interview, again, no criminal charges were ever filed against Mr. Jackson involving anything you said, right?

A. I don’t know.

Q. Okay. But at your ‘94 interview, you do remember Terry Cannon being present, right?

A. I don’t know. I don’t know who was present other than Michael Craft in ‘94.

Q. Okay. To your knowledge, was it your mom’s idea for you to have an attorney at that meeting?

A. To my knowledge, I don’t know.

Q. Okay. And again, just for the record, how old were you --

MR. ZONEN: I’ll object as vague as to which meeting.

MR. MESEREAU: He’s correct. I’ll withdraw it.

THE COURT: All right.

Q. BY MR. MESEREAU: To your knowledge, was it your mother’s idea to have an attorney be present at the March 24th, 1994, interview?

A. To my knowledge, I have no clue.

Q. Okay.
A. When I was 13, I was really protected by my mom, so I didn't know much --
Q. Okay.
A. -- about anything.
Q. And certainly when you were 13, you didn't hire an attorney, someone else did, right?
A. I didn't -- probably.
Q. Okay. Okay. Do you remember meeting with Attorney Terry Cannon, with your mother, in 1994?
A. I do not remember, but I'm sure we did.
Q. Okay. All right. Do you remember meeting with any other attorneys that your mother had retained in 1994?

A. Other than Terry Cannon?
Q. Yes.
A. I don't remember. But there was another attorney, which is Kris Kallman.
Q. Okay. And Kris Kallman is the attorney who represented you in a settlement with Mr. Jackson, right?
A. I don't know whether it was Kris or Terry.
Q. And Kris also represented your mother, who wanted a settlement with Mr. Jackson, correct?
A. I don't know.
Q. Now, do you know whether or not your mother went to these attorneys after she learned that Mr. Jackson had settled with someone named Chandler?
A. I do not.
MR. ZONEN: Objection; lack of foundation.
THE COURT: Court reporter, was that an answer on there?
THE REPORTER: Yes.
THE COURT: I'll overrule the objection. The answer was, "I do not."
Q. BY MR. MESEREAU: Why didn't you want your interview in December of 2004 with the prosecutors tape-recorded?
A. I don't know.
Q. You don't have any idea why you made that

request?

A. Tape-recording is weird. I don't know. No, I don't.

Q. Okay. Do you remember telling Prosecutor Zonen in the December 2004 interview regarding the first incident you described - okay? - that you and Mr. Jackson were in a tickle contest? Do you remember that?

A. I do not. I don't know whether it was the first interview or the second interview that we talked about Michael molesting me.

Q. Well, actually, in the December interview, you told Prosecutor Zonen that, in all three instances that you described where you claim you were inappropriately touched, every incident was preceded by a tickling contest between you and Mr. Jackson, right?

A. I don't know.

Q. Would it refresh your recollection just to show you the report?

A. You can show it to me, but I don't know whether it was the first or the second.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: Okay.

Q. BY MR. MESEREAU: Have you had a chance to review that page of the report?

A. I didn't read the whole page. I read that paragraph.

Q. Does it refresh your recollection about what you told Prosecutor Zonen in that December 6th, 2004, interview?

A. It doesn't -- I don't -- it doesn't help remembering, but --

Q. Well, you told him that all three events that you described were preceded by a tickling contest, correct?

A. I don't remember.

Q. You and Mr. Jackson were in a contest as to who could tickle the most, correct?

A. I just said I don't remember that. I don't mean to sound like I'm wasting your time, but this is kind of hard being up here, and --

Q. No, please don’t. Just respond to my questions, if you would, please.

A. Okay. Sorry.

Q. Now, on November 19th, 2004, Prosecutor Zonen and Auchincloss interviewed your mother at the District Attorney’s Office, right?

A. I don’t know. Me and my mother don’t talk about that stuff much.

Q. Well, you were present, weren’t you?

A. Now I remember, yes.

Q. Now you remember?

A. Yeah. I was present there.

Q. You not only were present, but you also

requested that that not be tape-recorded, correct?

A. Probably.

Q. You don’t know?

A. I don’t know.

Q. Would it refresh your recollection to look at that report?

A. No. But bring it on up.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: No, he said it wouldn’t.

Q. BY MR. MESEREAU: You’re not willing to look at it?

A. It’s not about me willing. I’m willing to look at it, but it’s not going to help.

Q. Well, that was last November you had that interview with your mom and these prosecutors, correct?

A. Again, this is all difficult.

Q. I know it’s difficult, but you’re saying you don’t remember that interview?

A. You just said I met with my mom and I was there, and I didn’t remember until you said that, and then I remembered.

Q. Do you remember you and your mom both requested that the interview not be tape-recorded?

A. I do not.

Q. Would it refresh your recollection to see what it says in the report about that?

A. Bring it over. It -- yeah. Bring it over.

MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
Q. BY MR. MESEREAU: Have you had a chance to look at the page of that report?
A. Yeah, I read the first paragraph.
Q. Does it refresh your recollection about you and your mother both requesting no tape-recording?
A. No, it does not.
Q. Okay. You don't remember one way or the other about that?
A. Right.
Q. Okay. Okay. Now, on that particular day, and I'm referring to November 19th, 2004, you were interviewed as well, correct?
A. Was this when my mother was present?
Q. Yes.
A. Okay.
Q. Do you remember you were interviewed on that day?
A. I think I was just there for my mom.
Q. Well, actually, they interviewed your mom first and then they interviewed you second, correct?
A. I don't remember that.
Q. Okay. They interviewed you for about an hour, didn't they?
A. They may have.
Q. Would it refresh your recollection if I show you the report about that?

A. No.
Q. You're not willing to look at it?
A. I'll look at it. I'll look at it, but no, it probably won't.
Q. You don't remember an hour interview on November 19th, 2004?
A. Again, the issue is it's all kind of blending in together.
Q. You do remember the December interview with Prosecutor Zonen, right?
A. You asked me that --
Q. Yes.

A. Go ahead, ask it again. Do I remember the December interview?
Q. Yes.
A. I remember it taking place. I don't remember what specific was asked.
Q. Actually, let me clarify the date.
A. Okay.
Q. Okay. I'm talking about the report. You were interviewed on October 18th, 2004, by prosecutors, right?
A. I'm sorry?
Q. You were interviewed on October 18th by prosecutors, correct?
A. Of 2004?
Q. Yes.
A. I believe that was the first time that I met these guys, but I don't know.

Q. And then you were interviewed approximately a month later on November 19th, right?
A. You got a bunch of hands raised behind you.
THE BAILIFF: Mr. Mesereau, could you check if it's on? I guess they can't hear you back there.
THE WITNESS: Sorry, that's what was kind of distracting me.
Q. BY MR. MESEREAU: I had mentioned a December date. Actually, you were interviewed in October and November of 2004, right?
A. October, November, December. I don't know.
Q. Okay. Do you remember having Terry Cannon --
A. They're raising their hands again.
THE COURT: Quit hitting my microphone.
MR. MESEREAU: Oh. Okay.
THE COURT: Beat the poor thing -- you know, what's happening, you have a book that's hitting the "off" button. I can see from here that you can't see, maybe.
MR. MESEREAU: I think it's on, but --
THE COURT: Gently.
THE WITNESS: Yeah, it's bad to hit mikes.
THE BAILIFF: Actually, it's -- when you step back and are at a far distance, it's hard to

hear.

MR. MESEREAU: Okay.

Q. In your interview with the prosecutors on October 18th --

A. This is the first one?

Q. Well, first we have ‘93. Then we have ‘94.

A. Okay.

Q. Then we have October of 2004, and then November of 2004. Okay?

A. Okay.

Q. In your interview in October of 2004, you were asked about the third incident where you claim Mr. Jackson tickled your testicles, right?

A. I was probably asked that, yes.

Q. Do you remember you told the prosecutors it lasted for more than ten seconds, but you don’t know how much longer after that?

A. I don’t remember saying that.

Q. Would it refresh your recollection if I showed you your report?

A. My report? No, it wouldn’t.

Q. Well, the police reports.

A. The police report. I’ll look at it, but it’s probably not going to help.

Q. Are you willing to give it a chance?

A. Yeah.

Q. Think it might help?

A. No. I’m sorry. But you can -- I’ll give it a shot.

MR. MESEREAU: Okay. May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: Okay.

Q. BY MR. MESEREAU: Have you had a chance to look at the page of that report?

A. I have.

Q. Does it refresh your recollection that you told the prosecutors it lasted more than ten seconds?

A. It does not help me remember.

Q. Don’t remember that at all?

A. No, but I could probably agree with it if it was in the report.

Q. Okay. Before either the October interview or the November interview with prosecutors, did you discuss what you were going to say in any of those interviews with your mother?

A. No.

Q. You would agree that Attorney Terry Cannon was present at both the October interview, 2004, and the November interview, 2004, right?

A. I can’t remember whether he was there on the November one with me and my mom.

Q. Did you discuss what you were going to say at either interview in advance with Attorney Terry Cannon?

A. I don’t think so.

Q. How did he end up showing up for any of those interviews, if you know?

A. I think he called me and said I might be subpoenaed for this. I can’t -- I think Kris called me and said I might be subpoenaed up here.

Q. Correct me if I’m wrong, I think you said yesterday that you never knew that your mother had gotten $20,000 from the television show Hard Copy to give an interview.

A. I think you’re wrong.

Q. Okay. Did you know that before you testified yesterday?

A. Yes.

Q. And when did you first learn that your mother got $20,000 to give an interview with Hard Copy in the early ‘90s?

A. I think it was last Sunday.

Q. Okay. And I guess she told you that?

A. No.

Q. She’s never told you that?

A. That she received $20,000? She has never told me that.

Q. Did you know before last week that your mother had been paid to go on the television show Hard Copy?

A. I think I assumed it.
Q. Okay. But you didn’t know for sure?
A. I didn’t know for sure.
Q. Never discussed it with her?

A. I don’t think I did, no.
Q. Okay. All right. Now, you admitted that at the beginning of your first interview with sheriffs in ‘93, you said that Mr. Jackson had not touched your genital area, right?
A. I said that at the very beginning.
MR. ZONEN: Objection; asked and answered.
THE COURT: Sustained.
Q. BY MR. MESEREAU: It was only after you were pushed real hard by the sheriffs that you began to say anything like that, true?
MR. ZONEN: Objection; asked and answered.
THE COURT: Sustained.
Q. BY MR. MESEREAU: And at one point a sheriff actually used a curse word to get you to say something, correct?
A. I don’t remember that, but you could show me the thing.
Q. Okay. But as you sit here today, you don’t remember, right?
A. I don’t remember the four-letter word. Everybody in junior high cussed.
Q. How about the word “bullshit”?
A. What about it?
Q. Do you remember a sheriff telling you that?
A. I don’t, but I think I remember listening to it on the tape.
Q. Do you remember in that interview one sheriff telling you, “Mr. Jackson is a molester,” and the other saying, “He makes great music, he’s a great guy, bullshit”? Do you remember that?

A. I don’t remember that specifically, but I think I remember hearing it on the tape, which was my voice, or his voice.
Q. You do remember a sheriff’s voice saying that, right?

A. I don’t remember right now of ‘93, but I remember listening to the tape.
Q. Okay. And a sheriff said that to you, correct?
A. I believe so.
Q. And the sheriffs complained that, “Mr. Jackson has a lot of money” in that interview, right?
A. I believe he did say that, but can I look at the paper?
Q. Sure.
May I approach, Your Honor?
THE COURT: Yes.
THE WITNESS: Okay.
Q. BY MR. MESEREAU: Have you had a chance to look at the transcript?
A. I did.
Q. Does it refresh your recollection about what the sheriffs said to you about Mr. Jackson in the interview?

A. I don’t remember that specifically, but reading it in the transcript, I remember reading that in the transcript when I read it on Sunday, when I reviewed the tape.
Q. And even after sheriffs said to you, “He’s a molester, he’s a great guy, makes great music, bullshit, he has lots of money,” you still said he had never touched your genital area, right?
A. I believe so. Probably towards the beginning again.
Q. Do you remember the sheriff interviewing you wanted to know whether Mr. Jackson went under your pants or on top of your underwear, and you said, “I don’t know”?
A. I’m sorry?
Q. Do you remember the interviewing sheriff asked you, “Have you ever been touched under your pants or on top of your underwear?” And you said, “I don’t know”?
A. Were we talking about a specific incident?
Q. I’m just asking about the interview.
A. Oh. Then --

MR. ZONEN: I'll object as vague, Your Honor.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you remember in that interview, when you first said in response to the sheriffs questions, "Mr. Jackson touched me," you

had no idea how long he had ever touched you?

MR. ZONEN: Objection; vague. Which incident?

Q. BY MR. MESEREAU: During any incident?

THE COURT: Do you want to rephrase the whole question?

MR. MESEREAU: Sure.

Q. Do you remember in your first interview with the sheriffs when, after repeated questioning, you finally said, "Mr. Jackson touched me," do you remember not knowing how long he had ever touched you at any time?

A. I don't remember.

Q. Okay. Do you remember telling the sheriffs that Mr. Jackson, during your tickle games, used to pinch you in the stomach?

A. Tickling, pinching. Same thing.

Q. Okay. You did tell the sheriffs in your first interview you had never spent the night with Mr. Jackson, right?

A. I never slept in his bed with him.

Q. Okay. When did you last talk to Attorney Terry Cannon?

A. Yesterday.

Q. Did you talk about your testimony?

A. No.

Q. Did you talk about the case?

A. Nope.

Q. Did he call you --

A. Wait, actually, I'm sorry, I didn't talk about the case, but I talked about I was being nervous up here.

Q. Did you call him or did he call you?

A. He called me.

Q. When did you last talk to Attorney Terry Cannon before yesterday?
A. Um -- um, um, um, um. I really cannot remember the specific date.
Q. Now, in your interview of March 24th, 1994, you didn’t remember what cartoons you were watching when you claim you were improperly touched, right?
A. I don’t know.
Q. Did you know you were being tape-recorded in that interview?
A. You know what? I don’t know. Typically I’d remember that.
Q. And do you remember telling the interviewers that Michael Jackson tickled you in your stomach?
A. No.
Q. You don’t remember that?
A. No. Can I review that?
Q. Sure.
A. Is that -- it was being taped then? Or you can’t say. Okay, yeah.
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.

MR. ZONEN: What page, Counsel?
MR. MESEREAU: 58.
THE WITNESS: Okay.
Q. BY MR. MESEREAU: You remember telling the people interviewing you that Mr. Jackson did tickle you in your stomach, right?
A. I do not remember saying that, but I probably said that.
Q. Okay. Do you remember in that interview when you finally said Mr. Jackson had touched your penis, that you told the interviewers, “He tickled me there”? Right?
A. I don’t know.
Q. Do you remember you were asked, “What did he do with his hands?” And you said, “He tickled me.” Do you remember that?
A. “What did he do with his hands?” And I said, “He tickled me”?
Q. Yes.
A. That’s kind of vague. Like overall he

tickled me, or what are you talking about?

Q. You were asked what Mr. Jackson did with your penis. Do you remember that? And you said, “He tickled me.” Do you remember that?

A. He did tickle me.

Q. Okay. You were asked to describe what Mr. Jackson did with his hands, and your response was, “He tickled me,” true?

A. I don’t know. I was probably crying then.

Q. Would you like to review the transcript, see if it refreshes your recollection?

A. Sure.

MR. MESEREAU: Okay. May I approach, Your Honor?

THE COURT: Yes.

Q. BY MR. MESEREAU: By the way, if you don’t remember the interview, how do you know you were crying?

A. Because I usually cry when we’re talking about the molestation.

Q. Okay. Okay. Again, do you remember saying to the police officers in response to their question, “What did he do with your penis?” You said, “He tickled me”?

A. I thought you were going to bring me that thing.

Q. Would you like to see it?

A. Yes.

Q. Okay.

A. Okay.

Q. Do you remember describing what Mr. Jackson did as tickling?

A. Do I remember describing what Michael Jackson did as tickling?

Q. Yes.

A. Like tickling my penis or --

Q. Yes.

A. Are we talking the first or second or third incident?

Q. I don’t know.

MR. ZONEN: Well, I’m going to object as vague.

THE COURT: The objection is sustained.

Q. BY MR. MESEREAU: Do you remember telling the interviewers in that second interview in 1994, when they asked you what Mr. Jackson did with your penis, you said, “He didn’t really touch it, he was above my shorts”? Do you remember that?

A. Are we talking first or second or third?

Q. I believe you were just answering their questions.

MR. ZONEN: Objection; vague.

THE COURT: Sustained.

Counsel, you’re going to have to direct -- if you’re going to question in this manner, you’re going to have to direct it to specific times. There were three interviews.

MR. MESEREAU: Okay. I’m sorry, Your Honor.

THE COURT: And you’re being unfair to the witness in my opinion.

Q. BY MR. MESEREAU: Okay. Directing you to the second interview that you ever gave about these events, okay? And that was the interview --

A. In ‘94?

Q. Yes.

A. Okay.

Q. Yes. Okay?

A. I thought we were talking about 2004. I’m sorry.

Q. Okay. That’s my mistake, I apologize.

Let’s talk about the 1994 interview.

A. Okay.

Q. All right? Do you remember being asked the question, “Did Mr. Jackson touch your penis?” And you said, “He didn’t really touch it, he was above my shorts”?

A. I do not --

THE COURT: Wait. Just a minute.

THE WITNESS: I’m sorry.

THE COURT: I want you to approach.

MR. MESEREAU: Sure.

(Discussion held off the record at sidebar.)

THE COURT: All right. You may proceed.

Q. BY MR. MESEREAU: Okay. I'm going to try and direct my questions to a particular interview, one of the four that you had, and direct them to one of the three events that you have described when you claim Mr. Jackson improperly touched you, okay? Now, directing your attention to the second interview, which is in 1994 - okay? - and directing your attention to the first event that you have described where you claim Mr. Jackson improperly touched you - okay? - do you remember -- excuse me. Isn't it true that, when asked about the first event in that second interview, you said Mr. Jackson didn't really touch your penis?

A. I don't --

MR. ZONEN: What page?

MR. MESEREAU: 60.

THE WITNESS: No, I don't remember.

Q. BY MR. MESEREAU: Would it refresh your recollection if I show you a page of that transcript?

A. Bring it over.

MR. MESEREAU: May I approach?

THE COURT: Yes.

THE WITNESS: Okay.

Q. BY MR. MESEREAU: Have you had a chance to look at that page?

A. I have. Well, not the tape. I've read those two little sentences there.

Q. Does it refresh your recollection of what you told the people who were interviewing you about that first event during the interview in 1994?

A. It does not refresh my memory. But in reading it --

THE COURT: Wait. That's the end of your answer.

THE WITNESS: Okay. Sorry.

THE COURT: Listen to the question and just answer the question asked.

THE WITNESS: Okay.

Q. BY MR. MESEREAU: You just don’t recall saying that, right?

A. Correct.

Q. Could you please describe, to the extent you remember, the sleeping bag in the apartment that you called the hideout?

A. Describe the bag itself?

Q. Yes. If you remember. How big it was, where it was, et cetera.

A. Near a window. If you’re looking at the T.V., to the right of the T.V.

Q. And there was no furniture in the apartment that you remember?

A. I did not say that.

Q. Okay. What did you say?

A. I said that there was an L-shaped couch in the hideout somewhere, in the living room, I believe.

Q. Okay. And at any time when you claim you were improperly touched, were you sitting on the couch?

A. No, I never said that either.

Q. During the events that you’ve described at the hideout --

A. Okay.

Q. -- where you say you were improperly tickled - okay? --

A. Okay.

Q. -- were you always on top of the sleeping bag?

A. No. The first time I was on a chair.

Q. Okay. The second time you were on a sleeping bag, right?

A. Correct.

Q. Okay. Did both of those instances start out as tickle contests?

A. Yeah.

Q. Okay. And in both of those incidences that you’ve described, you recall it starting out as innocent sort of tickling and leading to an improper touching, right?

A. Right.

Q. Okay. Now, you've admitted that Mr. Jackson said he would pay you money for completing a book and also for getting A's in school, right?

A. I remember hearing that on the tape.

Q. Do you recall Mr. Jackson saying that to you?

MR. ZONEN: Objection; asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you recall being paid for reading a book?

A. I wasn't a reader.

Q. Did you ever tell Mr. Jackson, if you remember, "I've completed a book"?

A. If I did, I don't know.

Q. Okay. Do you remember telling Mr. Jackson you got A's in school?

A. If I did get an A, it was probably in P.E.

Q. And do you remember telling that to Mr. Jackson?

A. I don't think I ever did. I don't know.

Q. Okay. Now, without going into any amounts, when did you ever receive any money?

A. From Michael?

Q. From a settlement --

A. Oh.

Q. -- in your case.

A. From the settlement?

Q. Without going into any amounts, just when did you first receive any money?

A. When I turned 18.

Q. Okay. Without going into any amounts, do you know if your mother has received any money from Mr. Jackson?

A. She has.

Q. Do you know approximately when she received money from a settlement?

A. I don't.

Q. Okay. Do you know if it was before you did?

A. I think it was.

Q. Okay. Have you ever been approached by anyone in the media who wanted to talk to you about anything involving Mr. Jackson?

A. Yes.

Q. And when did that happen?

A. Geez. When I was in junior high; when I was -- shoot, in ‘93 -- in ‘93, ‘94 I think. Recently. Well, actually, not recently. A couple years ago. They -- yeah, the media.

Q. Do you know how the media ever heard about you?

A. I don’t.

Q. Okay.

A. Actually, I talked to a media guy once.

Q. Who was that?

A. I don’t remember. He had a British accent. But I did not say anything about the case, or anything about Michael. What --

Q. And when did this happen?

MR. ZONEN: I’m not sure the witness had completed his answer.

MR. MESEREAU: Oh, I’m sorry, I thought he had.

Q. BY MR. MESEREAU: Were you finished?

A. No, I wasn’t.

Q. My mistake.

THE COURT: Let’s just stop. There wasn’t any question pending. He was in a narrative for some reason. Next question.

THE WITNESS: Okay.

Q. BY MR. MESEREAU: Do you know approximately when you spoke to a representative of the media?

A. I don’t. I know I was late to class, but I don’t. I was in -- probably ‘92 or ‘93.

Q. How about in recent -- the last couple years, anyone approach you, to your knowledge?

A. Well, to my knowledge, no. They tried to, but I somehow always evade them. Not on purpose. It just happens.

Q. In your second interview in 1994, you were asked, “Did you ever have any discussion with Michael Jackson about whether you should tell anybody about the things you described?” Remember

that?

A. (Shakes head from side to side.)

Q. You don’t? Okay.

A. No, I don’t.

Q. Okay. Do you remember telling the interviewers, when you were asked do you remember anything that he said, you said, “No, I’m working on that”?

A. No.

MR. ZONEN: I’ll object as to which interview; vague.

MR. MESEREAU: In the second interview, I’m sorry.

Q. In the second interview -- let me rephrase the question. I’ll withdraw it.

In the second interview in 1994 - okay? --

A. Okay.

Q. -- that was recorded - all right? - when asked if Mr. Jackson said anything to you about whether you should discuss what happened, do you remember telling the interviewers, “No, but I’m working on that”?

A. I do not remember that.

Q. Would it refresh your recollection if I show you the transcript?

A. No. But -- you could bring it over.

Q. Well, I can’t unless you’re willing to see if it refreshes your recollection.

A. Okay. Bring it over. I’ll give it a shot. I’ll read it just to see if it refreshes my memory.

MR. MESEREAU: May I approach?

THE COURT: Yes.

MR. ZONEN: Page, Counsel?

MR. MESEREAU: Yes. Pages 105, 106.

THE WITNESS: Okay.

Q. BY MR. MESEREAU: Have you had a chance to review those pages --

A. I have.

Q. -- of your transcript?

Do they refresh your recollection about what you said on that subject?

A. No, it does not.

Q. It doesn’t.
A. Sorry.
Q. Now, in that interview you indicated that you were aware that another boy had sued Mr. Jackson seeking money, right?
MR. ZONEN: I’m sorry, which interview? Objection.
MR. MESEREAU: I’m sorry, the second -- let me rephrase it.
Q. In the second interview that you gave in 1994 - okay? --
A. Okay.
Q. -- you indicated that you were aware that someone else had sued Mr. Jackson for money, correct?
A. I don’t remember.
Q. Would it refresh your recollection to look at the transcript?
A. Probably not.
Q. Okay.
A. Both of them are really blurry. It was just hard for me at the time.
Q. Well, let me ask you this.
A. Okay.
Q. Looking back, when is the first time you recall you knew someone else had sued Mr. Jackson looking for money?
A. Probably 16.

Q. Excuse me?
A. I was probably 16. Because that’s when money started being an issue for me.
Q. Okay. Now, in your last interview with Prosecutor Zonen - and I’m talking about an interview on November 19th, 2004, okay? - Mr. Cannon was present, right?
A. I don’t know.
Q. Do you recall Mr. Cannon not wanting a defense investigator present?
A. No, I don’t recall.
Q. Did you know anything about that?

A. No.

MR. MESEREAU: Okay. At this time, I have no further questions, Your Honor.

THE COURT: All right. Redirect?

REDIRECT EXAMINATION

BY MR. ZONEN:

Q. Mr. Francia, did you get any money from Mr. Jackson for reading a book?

A. I don't think so.

Q. Did you ever get any money from Mr. Jackson for getting A's?

A. I don't think so.

Q. Were grades a problem for you when you were in school about that time?

A. Shoot, through all my whole life, grades were a problem.

Q. Did you -- do you sometimes have difficulty with reading?

A. Yeah.

Q. At this time even?

A. Yeah.

Q. All right. A lot of questions were asked of you by Mr. Mesereau that dealt with that first interview that took place in 1993, the first time that there was a disclosure. And you indicated, I believe, that what you said toward the end of the interview was very different than what you said at the beginning of the interview. Would you explain that for us, please? Why is that?

A. Why there was a difference in the beginning and --

Q. Yes.

A. Because in the beginning, I thought I could hold them off and make them go away. And they didn't go away. At all. It's kind of an issue when I was 13. I didn't want to tell anybody that I'd been molested; that I didn't want to tell anybody that anything ever happened to me. That's weird.

Q. Why?

A. Because you're 13. That's weird.

Q. What were the issues that you were dealing with at that time about that?

A. In fifth grade, I told my friends that I knew Michael Jackson, and I thought it was cool. My friends thought it was cool. They didn’t believe me. But they thought it was cool.

In junior high, it’s no longer cool to know somebody that had issues with kids, because then they’re going to make fun of you.

And even at the church, they made fun of me.

At the church, worse than school, they made fun of me.

Q. And you were actually teased?

A. Yeah.

Q. You said yesterday to one of Mr. Mesereau’s questions that you told the detective, “No, I’m not gay.” Did you make that statement to them?

A. I remember listening to it in the tape. I don’t recall saying that. But I remember listening to it on the tape.

Q. Do you recall whether or not that was an issue for you during the course of that interview, that that was one of your concerns, that people would see you as that?

A. Yes. That was a concern of mine.

Q. You mentioned yesterday to one of Mr. Mesereau’s questions that the defendant put the money down your pants. Would you describe that for us?

A. What do you want to know?

Q. Where did the money go? In other words, when he -- when he gave you money, did he hand it to you, or did he do something else? And if so, tell us what that is.

A. He put the money in my shorts, because I pulled it out, and that’s when my mom saw -- noticed that I had pulled money out of my shorts and she asked me where I got it from.

Q. Do you remember which of the three occasions this was?

A. I can’t remember whether it was the first or the second.

Q. But this was back when you were young?

A. Yeah.

Q. Seven or eight?

A. Seven or eight.

Q. You say in your shorts. What are we talking about? In a pocket?

A. I don’t think my mom put pockets on the shorts.

Q. That was a little more complicated?

A. She’s a good seamstress, but I don’t think for shorts.

Q. Tell us as best you can recall where would that money have been.

A. That would have been in my shorts.

Q. I’m sorry?

A. It would have been in my shorts.

Q. In the inside?

A. In the inside.

Q. Do you know if the money was in your underwear?

A. I don’t. I don’t know.

Q. Mr. Mesereau asked you yesterday questions about whether you talked to your mother about what had happened, and if so, to what extent.

Did you ever have a conversation with your mother where you told her that you were molested?

A. I think I told her that I was molested in counseling, because then she shared that she was molested as well.

Q. Okay. Did you ever tell her the details of the molestation?

A. No.

Q. What had happened, how it happened, how often it happened, any of those types of details?

A. I don’t think so.

Q. To this day, have you ever?

A. To this day. My wife found out on the stand.

Q. The details you had not yet told your wife?

A. Right.

Q. Have you ever told anybody the details other

than your therapist?
A. My pastor.
Q. Your pastor?
A. And I don’t think I told him the details.

MR. ZONEN: Thank you. I have no further questions.
THE COURT: Recross?
MR. MESEREAU: No further questions, Your Honor.
THE COURT: All right. You may step down.
He needs to move away.
MR. SNEDDON: Don’t forget your jacket.
Call Kris Kallman, Your Honor.
THE COURT: Come forward to the witness stand, please. When you get to the witness stand, remain standing.
Face the clerk and raise your right hand.

KRIS KALLMAN
Having been sworn, testified as follows:

THE WITNESS: Yes.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: My name is Kris, K-r-i-s, Kallman, K-a-l-l-m-a-n.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. SNEDDON:
Q. Good morning, Mr. Kallman.
A. Good morning, Mr. Sneddon.

Q. You’re an attorney?
A. Yes.
Q. Licensed to practice in the State of California?
A. Yes, sir.
Q. And what is your brief educational background to prepare you for the practice of law in the State of California?

A. Well, I graduated from Santa Barbara High School. Went to Santa Barbara City College. Graduated from Cal Poly San Luis Obispo. Went to Pepperdine University Law School.

Q. Do you have a certain area of law that you specialize in?

A. Yes. I am a civil trial lawyer, and for the most part, I represent people that get injured due to the fault of another person or company.

Q. How long have you been practicing law in the State of California?

A. 29 years.

Q. And how long have you lived in Santa Barbara County?

A. My whole life, except when I was away at college.

Q. And where do you live in Santa Barbara County?

A. I live in Santa Barbara, on the mesa, in the city.

Q. Now, during the time that you’ve practiced law in Santa Barbara County, have you had associates that have practiced with you in your firm?

A. Yes.

Q. Are you a sole practitioner?

A. Essentially. Although I currently have two lawyers that office with me and they act as “of counsel.” They’re not employees, but they help me out on cases.

Q. Are you familiar with an attorney by the name of Terry Cannon?

A. I sure am.

Q. And how long have you known Mr. Cannon?

A. Oh, I’ve known Mr. Cannon for at least 20 years.

Q. And at some point in time prior to today, was Mr. Cannon one of the people who was associated with you in the practice of -- your civil practice?

A. Yes.

Q. And during what period of time was that; do you recall?

A. Well, the relevant period here would have been in the early to mid ‘90s.

Q. And at that time Mr. Cannon was practicing with you?

A. He was associating with me on certain cases.

Q. And do you recall where Mr. Cannon was residing at that particular point in time?

A. I believe he was living in Santa Barbara.

Q. Now, at some later time, did Mr. Cannon leave your association and take up the practice of law somewhere else?

A. Yes.

Q. To your knowledge, where was that?

A. In Oregon.

Q. And then after that, did Mr. Cannon come back?

A. He came back to San Luis Obispo County, and then moved to San Diego County.

Q. And at this particular point in time, do you know where Mr. Cannon is?

A. Not exactly this moment. But I happen to know that he bought a condominium here in Orcutt.

Q. And is he, once again, associated with you in the practice of law?

A. Yes, sir.

Q. Now, did you have occasion to represent Jason Francia in some litigation?

A. He and his mother, yes.

Q. And can you tell us, did you ever prepare a lawsuit on behalf of Jason Francia?

A. We prepared a Complaint, which is a document that’s the beginning of a lawsuit, yes.

Q. And when you say “we,” who’s “we”?

A. Mr. Cannon and myself.

Q. So Mr. Cannon was working with you on that particular case?

A. Yes, sir.

Q. And after the preparation of that document -- well, with regard to that document, what were the allegations set forth in the proposed Complaint to be filed?

A. Well, it's been --

MR. MESEREAU: Objection. Hearsay; relevance.

THE COURT: Sustained.

Q. BY MR. SNEDDON: Who was the individual that the Complaint was directed towards?

A. Mr. Jackson.

Q. At some point in time, did you have contact with individuals who were representing Mr. Jackson over the proposed filing of the criminal -- of the civil complaint?

A. Yes.

Q. And who did you make contact with?

A. Initially our contacts were with Johnnie Cochran and his associate, Carl Douglas.

Q. Do you recall approximately when it was when you first made contact with Mr. -- or when contact was made between you and Mr. Cochran and Mr. Douglas?

A. It was either late '94 or early '95.

Q. Did you, after your conversations with those individuals, file the civil lawsuit?

A. No.

Q. At some point in time later, were you then dealing with other lawyers with regard to the proposed filing of that civil lawsuit?

A. Yes. At some point, Mr. Jackson's representation was assumed by a lawyer named Zia Modabber, and a lawyer named Howard Weitzman.

Q. And do you recall approximately when it was that you then began contact with those particular individuals?

A. I believe it was in mid 1995.

Q. And the purpose of those contacts?

A. Well, the --

MR. MESEREAU: Objection. Vague; foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: The purpose of the contacts was that they knew that we had a Complaint that we were about to file in Santa Barbara County Superior

Court, and they didn’t want us to do that.

MR. MESEREAU: Objection. Hearsay; foundation.

THE COURT: The answer is stricken.

Sustained.

Q. BY MR. SNEDDON: As a result of the conversations between these individuals, did you pursue your lawsuit?

A. Well, we never filed the lawsuit.

Q. Did you reach an agreement, a settlement agreement?

A. Yes, we did.

Q. Did you reach a settlement agreement in which Jason Francia received monetary compensation from Mr. Jackson?

A. Yes, sir.

Q. Did you receive -- did you reach an agreement in which Blanca Francia received monetary compensation from Mr. Jackson?

A. Yes, we did.

Q. During the time that you were representing -- during the time that you had prepared a Complaint ready to be filed and you were in contact with attorneys representing Mr. Jackson, can you give the ladies and gentlemen of the jury an idea of how old Jason Francia was at that particular point in time?

A. Well, he was about 14 years old. He’s 24 now, as I understand it, and we’re talking about things that happened just about exactly ten years ago.

Q. And in your position as a civil litigator, at the time that an individual is of minority, at the age of 14, how do you deal with representing a person like that?

A. Well, a child --

MR. MESEREAU: Objection. Vague; foundation; relevance.

THE COURT: Overruled.

You may complete your answer.

THE WITNESS: A child, under California law, under the age of 18, is not permitted to enter into a contract. I suppose he or she could, but it wouldn’t be enforceable. So the only way a child can act legally is through a guardian ad litem. And it’s normally the parent and normally the mother.

Q. BY MR. SNEDDON: Was that the case in this particular instance?

A. Yes.

Q. Now, during the course of the time that you were involved in obtaining a settlement from Mr. Jackson on behalf of the Francias, did you deal personally with Jason at any time?

A. Yeah. Sure.

Q. In what respect?

A. Well, I knew who he was, I met with him. I met with he and his mom. He was a teenaged boy, and a nice young man.

Q. Now, at some point in time was Jason required to sign some kind of documents in conjunction with the settlement?

A. Yes. When he turned 18, part of the condition was that he sign a confidentiality agreement.

Q. Now, with regard to the confidentiality -- and to your knowledge, did he sign that?

A. Yes.

Q. And with regard to the confidentiality agreement, did it have a provision that required notice to Mr. Jackson in the event that Jason Francia talked to anybody?

MR. MESEREAU: Objection. Leading; move to strike.

THE COURT: Overruled.

You may answer.

THE WITNESS: I believe so, yes.

Q. BY MR. SNEDDON: And what was the requirement notice in the confidentiality agreement with regard to notice to the defense?

A. I believe it’s five days.

Q. And were you at some point contacted by Mr. Zonen of our department with regard to interviewing

your -- Jason Francia?
A. Yes.
Q. And in that particular case, did you indicate to Mr. Zonen that you would have to do something before you could agree with that?
A. Yes.
Q. And what was that?
A. Well, I'd have to notify somebody on Mr. Jackson's legal staff that they wanted to talk to him.

Q. And did you do that?
A. Yeah. Yes. Excuse me.
Q. And did you then grant permission for Mr. Zonen to have a conversation with your -- with Jason Francia?
A. Yes.
Q. Now, were you present during the conversations between Jason Francia and Mr. Zonen?
A. I don't think so. I think I was there, and then I think I had to go to another court or something like that. I don't remember being an integral part of any of those -- if there was more than one, I don't even know.
Q. And I'm talking about the conversations that occurred after you gave notice to the defense in this case, or gave notice to Mr. Jackson. To your knowledge, was Mr. Cannon present?
A. I believe so. At least for part of it. Again, I'm not certain.
Q. Do you remember when it was that you finally -- the year that you finally reached a settlement agreement with Mr. Jackson?
A. Yes. It's been a long time. But it was a big deal. And I do remember --
MR. MESEREAU: Objection. Nonresponsive; move to strike.
THE COURT: The answer is stricken. Nonresponsive.

Q. BY MR. SNEDDON: Just --
A. Yes.

Q. And what year was that, approximately?
A. It was either ‘95 or ‘96, I believe.
THE COURT: Counsel, we’ll take our break.
(Recess taken.)
--o0o--

REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 4902 through 4959 contain a true and correct transcript of the

proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 5, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
April 5, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, APRIL 5, 2005

8:30 A.M.

(PAGES 4961 THROUGH 5156)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Nicola is listed as “N” on index. Mr. Mesereau is listed as “M” on index.
Ms. Yu is listed as “Y” on index. Mr. Sanger is listed as “SA” on index.
Mr. Oxman is listed as “O” on index.

PLAINTIFF’S
WITNESSES DIRECT CROSS REDIRECT RECROSS
KALLMAN, Kris 4966-M
FRANCIA, Blanca 4977-Z 5057-M 5130-Z 5154-M

EXHIBITS

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
781	Photograph	5054	5056
782	Photograph	5054	5056
783	Photograph	5145	5150
784	Photograph	5145	5150
785	Photograph	5145	
786	Photograph	5145	5150
787	Photograph	5145	5150
788	Photograph	5145	5150
789	Photograph	5145	5150

THE COURT: Counsel?

MR. SNEDDON: Your Honor, I’ve just about completed my examination. But I would request if we could approach the bench for just one second. I don’t want to run afoul of the Court.

THE COURT: All right.

(Discussion held off the record at sidebar.)

THE COURT: (To the jury) All right. Knock it off.

(Laughter.)

THE COURT: Okay. Counsel, you may proceed.

MR. SNEDDON: All right.

Q. Mr. Kallman, I think I just have a couple questions left.

I think where we were headed before the break was you told us the approximate year in which the case actually reached a settlement.

And what I wanted to know was, after the settlement of the case, have you kept in contact with Jason over the years?

A. Yes.

Q. And to your knowledge, has Mr. Cannon kept in contact with Jason over the years?

A. I believe so.

Q. Now, with regard to the lawsuit that was contemplated against Mr. Jackson at the time, the basis of the -- of the nature of the representation of Jason Francia involved inappropriate sexual conduct against Jason by the defendant, Mr. Jackson?

A. Yes.

MR. SNEDDON: Nothing further, Your Honor.

THE COURT: Cross-examine?

MR. MESEREAU: Yes, please. Your Honor.

CROSS-EXAMINATION

BY MR. MESEREAU:

Q. Good morning, Mr. Kallman.

A. Good morning.

Q. My name is Thomas Mesereau and I speak for

Mr. Jackson.

A. Pleasure to meet you.

Q. I want to ask you some questions about the settlement agreement you referred to in response to the prosecutor's questions, okay?

First of all, you had separate settlement agreements for the mother, Blanca Francia, and the son, Jason Francia, correct?

A. I believe so. I can tell you, I have not reviewed this material and it's been ten years, but I believe that was the case. Some of this I'm going to have to take your word for it.

Q. Well, I can show you a copy if you need it.

A. I don't disbelieve that.

Q. Okay. The settlement agreement with Blanca Francia was entered into approximately April 1st, 1996, right?

A. I don't know.

Q. Would it refresh your recollection if I show you a copy of the agreement?

A. Sure.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: That's what it says.

Q. BY MR. MESEREAU: The settlement agreement with Jason Francia was entered into approximately June 1st, 1998, right?

A. Don't know.

Q. Would it refresh your recollection if I just show you a copy of it?

A. Sure.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: That's what it says.

Q. BY MR. MESEREAU: Okay. Now, that would suggest, wouldn't it, that the mother had agreed to get money for herself before there was any agreement for Jason to get money in a settlement, right?

A. No, it was all part of one global settlement.

Q. Then why would there be a two-year difference between the execution of those settlement agreements?

A. Remember when I told the jury that a minor can’t enter into a contract?

Q. Yes.

A. Jason wouldn’t have been able to sign before he was 18. My guess is that’s probably when he turned 18, and that’s what Mr. Weitzman and Modabber wanted.

Q. And then just for the jury’s benefit, why would the mother sign in ‘96?

A. She was an adult. She could sign.

Q. The point I’m making is that she had a separate settlement from her son.

A. Exactly. I mean -- yes. She got money.

Q. Yes. Okay. Now, the prosecutor asked you some questions about provisions in the settlement agreement, okay? And one of the issues that was carefully negotiated by the people representing Mr. Jackson was that he deny any wrongdoing in that agreement, right?

A. Again, the best evidence of that would be what’s in the agreement. I don’t remember what’s in there.

Q. Okay. Well, let me -- the prosecutor read you a provision, asked you about it.

Let me ask you about this: There was language in that agreement that said, “The parties acknowledge that Jackson has elected to settle the claims solely in view of the potential impact any litigation could have in the future on his reputation, earnings and potential income, and not because of any alleged wrongful conduct on his part,” right?

A. If you’re asking me if that’s in the document, I’ll have to take your word for it. You don’t need to show it to me. It sounds pretty standard to me.

Q. The agreement further said -- excuse me, let me rephrase that.

Both agreements, the one involving Jason and

the one involving Blanca, his mother, both had language which said, “This agreement shall not, in any manner, be construed as an admission by Jackson that he has acted wrongfully with respect to Francia, Blanca, or any other person, or at all, or that Francia or Blanca have any rights whatsoever against Jackson or Jackson’s releasees.” Sound familiar to you?
A. It sounds like standard language in virtually every release that I deal with. But, yes, it does sound familiar.
Q. Actually, there’s a whole separate paragraph entitled, “Denial of Claims by Mr. Jackson,” correct?
A. Don’t know.
Q. Would it refresh your recollection if I show you a copy?
A. It would.
MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.
THE WITNESS: It does refresh my recollection.
Q. BY MR. MESEREAU: Okay. And do you recall that language being in both agreements?
A. I believe so, yes, sir.
Q. Okay. In addition to the language that I have read, there’s further language which says, “Jackson specifically disclaims any liability to, and denies any wrongful acts against, Francia, Blanca or any other person and may continue to do so publicly, to the extent reasonably necessary, to respond to any inquiries in this regard.” Right?
A. Correct.
Q. It said further, “The parties acknowledge that Jackson is a public figure, and that his name, image and likeness have commercial value and are an important element of his earning capacity.” Right?
A. That’s true.
Q. And that language was in both settlement agreements, the one involving Blanca Francia and the one involving Jason Francia, correct?
A. I don’t remember that. I will take your

word for it. You don't need to refresh my recollection. It sounds like it should be or would be.

Q. Now, Mr. Kallman, provisions in which a settling party denies liability are fairly standard

in settlement agreements, right?

A. True.

Q. But the language that I just read to the jury is not standard language in a settlement agreement, is it?

A. This is not a standard case, or was not. And no, you're right. These were carefully drafted by a team of lawyers, and we agreed to the terms.

Q. And the reason those terms are different is because Mr. Jackson is an unusual individual in terms of his need to preserve his reputation and public image so he can earn a living, right?

MR. SNEDDON: Calls for speculation on this. It wasn't drafted by him. No foundation.

MR. MESEREAU: I think it was drafted by this witness.

THE COURT: All right. I'll sustain a foundation.

MR. MESEREAU: Okay.

Q. When you settled these matters - and I'm talking about matters involving Michael Jackson, Blanca Francia, and Jason Francia - you put in language involving denial of claims by Mr. Jackson that was not standard language in a typical settlement agreement, right?

MR. SNEDDON: Your Honor, I'm going to object to the question as lack of foundation; that he put the language in there.

THE COURT: Well, that was the foundation I was looking for.

So I'll allow you to answer the question as long as you understand the limitations of your answer.

THE WITNESS: Well --

THE COURT: If you put the language in.

THE WITNESS: I didn’t draft that agreement.
THE COURT: Okay.
Q. BY MR. MESEREAU: Did lawyers from your office draft the agreement?
A. No.
Q. Who drafted the agreement?
A. Somebody in Mr. Modabber’s office, the Katten, Muchin, Zavis & Weitzman firm in Century City.
Q. Did you have any input into the language in the agreement?
A. Only to review it. And if there was language we found objectionable, we could strike it, I suppose.
Q. Okay.
A. But they wanted that in there, and I didn’t find it objectionable.
Q. Okay. Now, you made a statement, I believe, in response to the prosecutor’s questions, that if someone from law enforcement wanted to speak to your client, you had to first notify representatives of Mr. Jackson, true?

A. True.
Q. That -- really, that language is not in that agreement, is it?
A. I don’t know.
Q. Then why would you say it?
A. Because that’s part -- in one of the agreements, I have to give notice to the defense team. And I’ve given notice once to Mr. Sanger. And then when I got subpoenaed on Friday, I gave notice to Mr. Modabber down in Los Angeles.
Q. But the notice you’re supposed to give to the defense team does not involve requests by law enforcement to speak to your client, does it?
A. I assume that anybody from law enforcement that wants to talk to my client, there was a requirement to notify somebody from the defense team.
Q. Nowhere in those settlement agreements is there language to that effect, is there?
A. I have no idea.

MR. SNEDDON: Object as immaterial; irrelevant.

MR. MESEREAU: The prosecutor brought it up on direct, Your Honor.

THE COURT: The objection is overruled. And the answer came in as, “I have no idea.”

Q. BY MR. MESEREAU: It would be against public policy for a civil litigator to put language in a settlement agreement precluding anyone from cooperating with law enforcement, wouldn’t it?

A. In my opinion, yes.

Q. Lawyers are not allowed to have language like that in settlement agreements, right?

A. Wrong.

Q. Pardon me?

A. No. It’s a notice requirement. It’s not a preclusion requirement.

Q. When did you last review the notice provisions in these agreements?

A. Probably in 1996 or 1997.

Q. Well, let me ask you this question: Did you talk with Mr. Sneddon about what questions he was going to ask you before you testified today?

A. No. I mean, we talked, but it was very, very general and I don’t think the conversation was more than five or ten minutes long.

Q. Okay. The notice provisions that you describe talk primarily about anyone who’s suing Mr. Jackson or if he’s contacted by the media, correct?

A. I don’t -- not the notice provisions I’m thinking about. I think there’s a specific provision -- it may not be in that agreement. Maybe it’s in another agreement, but there’s a provision that I’m supposed to contact either Johnnie Cochran or Zia Modabber or somebody on the defense team if there was a request to speak or interview my clients.

Q. But never in the agreement did it refer to law enforcement, right?

A. That I don’t remember. It’s been a long time.

Q. Okay. Okay. Now, you answered some questions about Terry Cannon.

A. Yes, sir.

Q. When did -- excuse me, you’re currently associated with Mr. Cannon, correct?

A. He is “of counsel” to my law firm.

Q. When did he become “of counsel” to your law firm.

A. He’s been “of counsel” twice. Once about ten years ago, during this period, and then again just recently, within the last two months.

Q. So he wasn’t “of counsel” to your law firm in October, November and December of last year, right?

A. I don’t believe so, but I can’t be sure.

Q. During October, November and December of last year, he was with the District Attorney’s Office in San Diego, wasn’t he?

A. Well, I know he recently retired from the San Diego D.A.’s Office. I don’t know precisely when he retired, but you’re right, it’s been recent.

MR. MESEREAU: Okay. No further questions, Your Honor.

MR. SNEDDON: No questions, Your Honor.

THE COURT: All right. Thank you. You may step down.

THE WITNESS: Thank you, Your Honor.

MR. ZONEN: We’ll call Blanca Francia to the stand.

THE COURT: Come to the front of the courtroom, please.

When you get to the witness stand, remain standing. Face the clerk over here, and raise your right hand.

Remain standing.

BAILIFF CORTEZ: Remain standing.

THE COURT: Face the clerk here. Right over here.

BAILIFF CORTEZ: Right over there, please.

BLANCA FRANCIA

Having been sworn, testified as follows:

THE WITNESS: Yes, I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Blanca Francia. B-l-a-n-c-a; F-r-a-n-c-i-a.

BAILIFF CORTEZ: Ma’am, you need to move over here, please.

THE WITNESS: Oh.

MR. ZONEN: Would you like her to spell her name again?

THE COURT: Did the court reporter get the spelling?

THE REPORTER: Yes.

THE COURT: That’s fine.

THE JURY: (In unison) We didn’t.

(Laughter.)

THE COURT: Yes, please ask her to spell her name again.

MR. ZONEN: Could you please spell your name again?

THE WITNESS: B-l-a-n-c-a; F-r-a-n-c-i-a.

DIRECT EXAMINATION

BY MR. ZONEN:

Q. Miss Francia, good morning.

A. Good morning.

Q. Do you currently live in Santa Barbara County?

A. Yes.

Q. Up in the North County area?

A. Uh-huh.

Q. Are you the mother of Jason Francia?

A. Yes, I am.

Q. What kind of work are you currently doing?

A. Caregiving.

Q. All right. What we need to do, we have a problem here. And it’s not just with you, a lot of witnesses. You have to be as close as you can get to the microphone so that you can be heard all the way to the back of the courtroom. Okay?

A. Okay.

Q. All right. Are you the mother of Jason Francia?

A. Yes.

Q. And what kind of work are you currently doing?

A. Caregiving.

Q. I’m sorry?

A. Caregiving.

Q. And what does that mean, a caregiver?

A. Taking care of elderly people. Disabled.

Q. Do you have a couple clients who you work for?

A. Yes.

Q. And are they disabled in some fashion?

A. Yes. I deal with one six years, almost six years, yeah.

Q. Okay.

A. And another one just recently, about a couple of months.

Q. And how long have you been doing this kind of work?

A. On and off, I’ve been doing it for about 15 years.

Q. And prior to that, what kind of work did you do?

A. Housekeeping. Housecleaning.

Q. And for what period of time did you do that work?

A. Since I came to the country.

Q. When did you come to the United States?

A. 1975.

Q. And from what country did you come from?

A. El Salvador.

Q. You have been to -- in this country continuously since 1975?

A. Yes.

Q. Have you been back to El Salvador to visit at all?

A. A couple of times.

Q. Your English, how did you learn English? Did you go to school?
A. No.
Q. How did you learn English?
A. Reading, and listening to people, and that's --
Q. How old were you when you came to this country?
A. About 21.
Q. Okay. Do you know Mr. Jackson, Michael Jackson?

A. Yes.
Q. Do you see him in this courtroom?
A. Yes.
Q. Would you indicate where he is sitting, please?
A. He's sitting right there.
MR. ZONEN: Your Honor, could the court record reflect that the witness has identified the defendant?
THE COURT: All right.
Q. BY MR. ZONEN: How do you know Mr. Jackson?
A. I work -- work about five years.
Q. When did you begin working for Mr. Jackson?
A. 1986.
Q. And where did you begin working for Mr. Jackson, at what location?
A. Havenhurst. Encino, California.
Q. Havenhurst is the name of the street?
A. Yes.
Q. And was there a house on that street --
A. Yes.
Q. -- where he lived?
All right. What were you doing for Mr. Jackson at the Havenhurst residence?
A. I was hired to be his personal housekeeper.
Q. Were there other members of the Jackson family living at the Havenhurst residence?
A. Yes.

Q. Can you tell us who they were?

A. At that time Janet and LaToya, and his father and mother.

Q. Would you describe the Havenhurst residence for us, just briefly? A large home?

A. Their whole house? Yeah. He has his separate quarters in the house. But it was in the same house.

Q. Okay. Was it a large home?

A. Yes.

Q. And his quarters, were you responsible for just his quarters or did you clean in the whole house?

A. Well, yes, just his quarters. His place. But eventually when he will go out on tour, I will stay at the house and help the household.

Q. You would clean the rest of the house as well?

A. Uh-huh.

Q. Did Mr. Jackson ever have an additional residence other than the residence on Havenhurst?

A. After I was there for about a year, I think, or less than a year, he got another one. Like -- kind of an apartment, suite. Called it “The Hideout.”

Q. Where was that; do you know?

A. I know it’s on Wilshire. And I don’t know the other street.

Q. And describe that location for us, if you would.

A. What do you mean?

Q. Tell us what it was like, his apartment.

A. Oh.

Q. Or his residence. How many rooms in it; do you know? Do you recall?

A. Three. It had a master bedroom, and two other rooms, bedrooms.

Q. Did it have a living room?

A. Yes.

Q. I assume a kitchen?

A. Kitchen, and another little room.

Q. Okay. At least a couple bathrooms?

A. I don’t remember.

Q. You don’t recall --

A. No.

Q. -- how many bathrooms?

A. I don’t remember.

Q. It’s okay. Do you recall for what period of time you cleaned that residence?

A. For about a year.

Q. Was he living at that residence during that time, Mr. Jackson?

A. Yeah, he totally move his --

Q. I’m sorry?

A. He totally move from Encino to that hide -- to that place. He move his office to -- to near that location.

Q. Okay. Was there a bed at that residence?

A. No.

Q. Never?

A. Never.

Q. The whole time that you were cleaning there?

A. Yeah.

Q. Okay. Did you go to a different location after the hideout? Was there yet another residence?

A. Yeah, he was in process to get a ranch.

Q. Okay.

A. In Los Olivos.

Q. And was that Neverland?

A. Yeah.

Q. Was that the ranch that he actually did purchase?

A. Uh-huh. Yes.

Q. Did he move to that ranch?

A. Eventually, yeah. But he was on and off. They sent me over here before he moved in. I mean --

Q. I’m not sure I understood that, “They sent me over here before he moved in.” Who is “they,” first of all?

A. Well, they arrange, Mr. Jackson and Bill Bray and one of the secretaries.

Q. Okay. Bill Bray was who?

A. His personal assistant I guess.

Q. All right. And you said, “They sent me here.” Where is “here”?
A. Santa Maria.
Q. Santa Maria. So did you actually move to Santa Maria?
A. Yeah. They pay me to move here.
Q. And did you move with your child?
A. Yes.
Q. Is Jason your only child?
A. My only son.
Q. Did Jason grow up with his father at all?
A. No.
Q. Has he had contact with his father at all?
A. No.
Q. How old was Jason when you moved to Santa Maria?
A. I guess about nine.
Q. About nine years old?
A. Eight or nine, yeah.
Q. Okay. Did you continue working for Mr. Jackson after you moved to Santa Maria?
A. Excuse me?
Q. Did you continuing to work for Mr. Jackson --
A. Yes.
Q. -- after you moved to Santa Maria?
A. Yes.
Q. And was that at Neverland?
A. Yes.

Q. All right. What were your responsibilities at Neverland? What did you do for Mr. Jackson?
A. To clean his room.
Q. I’m sorry?
A. To clean his bedroom. And taking care of his clothes and his personal stuff.
Q. All right.
A. His -- all his -- you know, whatever he needed. And to clean up and arrange all his clothes, press them, iron them, and, you know, everything.
Q. What was your schedule at Neverland? How often did you work there?

A. In the beginning, I think I was just -- he was there, I will come, you know, and work for three days, whatever time he will stay there, and then, you know, not to be there for another two days. But eventually he move to -- like to 9:00 to 5:00.

Q. Five days a week?

A. Five days a week. Six days.

Q. Six days? Did you ever work more than 9:00 to 5:00?

A. Yeah.

Q. Your hours, times, would they vary different days?

A. Yeah. Christmastime and -- you know, whatever time they needed me, because he was there.

Q. Were there occasions that you would work late?

A. Yes.

Q. And you say six days a week. Was that common?

A. Was that what?

Q. Was that a common event, that you would work six days a week?

A. Yeah.

Q. Okay. During that time, did you ever bring Jason with you to work? And by “this time,” I’m referring to at Neverland.

A. Yes.

Q. Okay. Did you ever bring Jason to work with you at the Havenhurst residence in Encino?

A. Yes, it was.

Q. Did you ever bring Jason to work with you at the hideout on Wilshire Boulevard?

A. Yeah.

Q. And why did you do that?

A. Well, the first time I didn’t know that I was allowed to do it. But Mr. Jackson asked me to -- to bring him.

Q. You said the first time. Where was that?

A. At the Encino house.

Q. At the Encino house?

A. Yeah.

Q. Did he say why?

A. He just told me to bring him.

Q. Okay. And did you bring him on occasion?

A. Yeah. From then on, he was there a lot of times.

Q. Okay. How often would you bring him to the residence at Encino?

A. Probably every weekend. And probably twice a month, then, different -- differently. I don’t remember.

Q. Was that schedule more or less at the hideout? Did you bring him to the hideout as often? More often?

A. Uh-huh.

Q. Less often? What?

A. Not a lot of times, because he was in school, so probably on Saturday or Sundays.

Q. Did you continue cleaning at the hideout even after Mr. Jackson moved to Neverland in ‘88?

A. Yes.

Q. How often?

A. Probably every week. Sometimes twice a week.

Q. At Neverland, what were your specific responsibilities? What were your obligations? What did you do at Neverland?

A. Do you mean for him?

Q. Yes, for Mr. Jackson. Yes.

A. Like I said, taking care of his clothes, his room.

Q. Okay.

A. And right after he leave the room, I will have to clean it right away, because sometime he will stay there, you know, he’ll come out, and then he’ll go back in right away.

Q. Okay. Were your responsibilities beyond his room as well? In other words, did you clean the rest of the house?

A. Yes.

Q. Did you ever clean other buildings at Neverland?

A. Yes.
Q. The arcade?
A. The arcade, yeah.
Q. The theater?
A. The theater.
Q. Okay.
A. Yeah.
Q. Most of the time where did you work?
A. In the house.
Q. Were there other maids at Neverland --
A. Yes.
Q. -- who were -- there were other maids at Neverland?
A. Yes.
Q. Yes, all right. At any given time, how many maids were working at Neverland at any given time?
A. Maybe about six.

Q. Were there others who had responsibility for cleaning Mr. Jackson’s bedroom?
A. No.
Q. You were the only one?
A. Yeah.
Q. Did you have a key?
A. Yes.
Q. Is that the only way you got in?
A. Yeah.
Q. Was there a combination lock at any point?
A. No.
Q. Not while you were there? Is that a key that you carried around with you?
A. Yes.
Q. Okay. Would you just let yourself in?
A. Yes.
Q. How would you announce your presence? How would you let Mr. Jackson know you were coming in, if, in fact, he was there?
A. I’ll knock.
Q. Uh-huh. Now, could you describe the suite that is his bedroom? It’s actually more than one room; is that right?
A. Yeah. It’s two rooms. One downstairs and one upstairs.

Q. And is there a hallway that goes into it?
A. Closet.
Q. I'm sorry?

A. A closet.
Q. There's a closet, okay.
A. Yeah.
Q. When you go --
A. A walk-in closet.
Q. When you go into his suite, do you go through a door that is locked?
A. No.
Q. All right. Is there any way of securing his bedroom suite?
A. Well, his bedroom suite, with a key --
Q. Yes.
A. -- that I would have.
Q. Where is that door, the one that you unlock with the key that you carry?
A. In the hallway.
Q. In the hallway?
A. Yeah.
Q. So you unlock that door and you go through that door. And where do you find yourself at that point?
A. Yeah.
Q. I'm sorry?
A. Yes.
Q. Where are you? As soon as you walk through that door, the door that you unlock, where are you at that point? Are you in a room or a hallway?
A. In the bedroom.

Q. In the bedroom, all right.
A. Uh-huh.
Q. Was there at that time some kind of an alarm or a bell?
A. Yeah, that's before you get to the door.
Q. Before you get to the door?
A. Yeah, that's in the hallway.
Q. All right. And you would announce your presence when you came in?

A. Yeah.

Q. Were there ever occasions that you would announce your presence and Mr. Jackson would be in the room?

A. Yeah.

Q. Were there ever occasions where you would announce your presence and he wasn’t there?

A. Yeah.

Q. Did you try to go to his room when he wasn’t there to clean?

A. When he was there? When he wasn’t?

Q. Yeah, what did you try to do, what was your preference? To clean while he was there, or to clean while he wasn’t there?

A. I’ll -- well, sometimes he’ll be there and I’ll be cleaning.

Q. Uh-huh.

A. It didn’t matter.

Q. Okay. Where was his bed, incidentally, at 4991 that time? Where did he sleep?

A. As soon as you came into the bedroom, that’s his bed.

Q. So his bed was downstairs?

A. Yes.

Q. Was there another bed upstairs?

A. Yes.

Q. Which bed did he sleep in?

A. Downstairs.

Q. And you would make --

A. Most of the --

Q. And you would make that bed; is that right?

A. Yes.

Q. All right. Did he ever have visitors over at his home?

A. Yeah.

Q. Visitors who stayed?

A. Excuse me?

Q. Visitors who stayed for periods of time?

A. Yes.

Q. Did you know a person by the name of Wade Robeson?

A. Yeah.

Q. Who was Wade Robeson?

A. He was a young kid, a young little boy.

Q. How old was Wade Robeson when you first met him?

A. Probably eight. Seven or eight.

Q. Do you know where Mr. Robeson -- where Mr. Robeson - an eight-year-old - where Wade Robeson came from?

A. Yes. From a different country. I mean, from another country. Switzer --

Q. Do you know which country?

A. No, I don’t remember.

Q. But you recall that it was from a different country?

A. Yeah.

Q. Was it an English-speaking country or a country with a different language?

A. Different language.

Q. Did you ever talk to Wade Robeson?

A. A little bit.

Q. Was he there with family?

A. With his mother.

Q. Do you remember --

A. I think he has a little sister. I don’t remember.

Q. All right. Did Wade Robeson --

MR. MESEREAU: Objection. The prosecutor didn’t let the witness finish.

MR. ZONEN: I’m sorry, I thought she had.

Q. Please go ahead, if you hadn’t finished that answer.

A. Excuse me?

Q. I think you said he has a little sister?

A. Yeah. I don’t remember, tell you the truth.

Q. Do you have a recollection of a sister?

A. I -- you know, I don’t remember, tell you the truth.

Q. Do you remember his mother?

A. His mother, yeah.

Q. Where did she stay when they were there?

A. In the guesthouse outside. They call them the guest quarters.

Q. The guest quarters?

A. Uh-huh.

Q. Do you remember if Wade Robeson’s father was there?

A. No.

Q. Where did Wade Robeson stay?

A. In Mr. Jackson’s room.

Q. All right. In the bedroom?

A. Yeah.

Q. For what period of time was Wade Robeson visiting Mr. Jackson?

A. Weeks.

Q. Weeks?

A. Yeah.

Q. When he would come, would he stay -- what’s the longest that he would stay at any one time?

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

MR. ZONEN: Well, let me ask a couple preliminary questions.

Q. You’ve already told us that you cleaned Mr. Jackson’s room.

A. Yes.

Q. Were you the only one who cleaned Mr. Jackson’s room?

A. Yes.

Q. Did you go into Mr. Jackson’s room daily, every single day, when you were working?

A. Yes.

Q. Were you working at that period of time, as you said, at least five and sometimes six days a week?

A. Yeah.

Q. Would you be the first one in his room in the morning?

A. Yes.

Q. Would you have to fix his bed?

A. There were times when nobody knew that he was going to be there, and they call me at home, telling me, “He’s here, and so you have to come and clean up.”

Q. Did you see Wade Robeson there?

A. Yeah.

Q. All right. Did you see him there for days at a time?

A. Yeah. Yes.

Q. Did you see where he was staying?

A. Yes.

Q. Okay. Where was he staying?

A. In Mr. Jackson’s room.

Q. All right. Did you see Wade Robeson’s belongings?

A. Yeah.

Q. What kind of belongings did he have?

A. He had clothes, little suitcase, kids’ suitcase, and his clothes in there.

Q. All right. Would you wash Michael Jackson’s clothing as part of your job?

A. Yeah.

Q. Did you wash Wade Robeson’s clothing?

A. As well, yes.

Q. Always?

A. Yes.

Q. Whenever he was there?

A. Yes. I find them on the floor, so I’ll -- I’ll wash them.

Q. And his clothing was found on the floor in where?

A. Different places.

Q. Whose room?

A. Mr. Jackson’s room.

Q. All right. Would you find Mr. Jackson’s clothing there as well?

A. Yes.

Q. And that was your responsibility, your job, to simply gather up the clothing and launder it?

A. Yeah. Yes.

Q. And then return it to his room?

A. Uh-huh.

MR. MESEREAU: Objection. Leading; move to strike.

THE COURT: It's leading; sustained.

Stricken.

Q. BY MR. ZONEN: Was there a place that -- where you kept Wade Robeson's clothing after you laundered it?

A. No, I put them together with his clothes and in his case, his little suitcase.

Q. Now, tell us how often Wade Robeson came to visit.

I have two questions and we'll do one at a time. Let me tell you both of them. How often he came, and how often -- how long he stayed each time he came. So let's start with the first one.

How often did he come, Wade Robeson?

MR. MESEREAU: Objection; foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: How often did he come?

Q. BY MR. ZONEN: How often did he come to Neverland to visit Mr. Jackson?

A. Uh --

MR. MESEREAU: Vague as to time; objection.

THE COURT: Sustained.

Q. BY MR. ZONEN: Well, tell me when he first came. You said he was eight years old. Do you remember what year that was?

Excuse me.

A. Probably --

Q. I'm sorry.

A. '99.

Q. '99 or '89?

A. '89, I mean.

Q. You quit working there when?

A. In '90 -- '91, I think. '91.

Q. '91. All right. So you think it might have been in 1989 that Mr. Robeson visited?

A. '89.

Q. Young Wade Robeson?

A. Yeah.

Q. And were you the one who was working for Mr. Jackson exclusively in his bedroom during that

time?

A. Yes. One occasion I left and somebody else got in charge. The manager --

Q. Uh-huh.

A. -- got in charge of cleaning, you know, when I left for vacation.

Q. And for how long was that?

A. Probably about two weeks.

Q. All right. But for the rest of the time, you were there cleaning?

A. Yes.

Q. And during that period of time when Wade Robeson was there, were you able to see him?

A. Yes.

Q. Were you able to do his laundry?

A. Yes.

Q. Were you able to see him daily? Did you ever actually see him in Mr. Jackson’s bedroom?

A. Yes.

Q. Daily?

A. (Nods head up and down.)

Q. Daily?

A. Yes.

Q. Okay. Now, you said that he first came, you think, in 1999?

A. Uh-huh yes.

Q. How many separate times? When was the last time he came? In other words, how long after the first visit was the final visit, to your knowledge?

A. I don’t remember. It was, I guess, about a year, less than a year before I left.

Q. So were the visits, then, over a period of time of one year?

A. Yeah.

Q. Do you know how many separate times he came during that one-year period to visit?

A. He’ll be there for weeks, and then he’ll leave and come back after two weeks.

Q. And stay for how long?

A. For another week.

Q. Did he generally stay for at least a week?
A. Yes.
Q. Mr. -- Wade Robeson was there for quite some time?
A. Yes.
Q. All right. And during that time, are you aware of him staying anyplace other than Michael Jackson’s bedroom?
A. No. He’ll stay there as far as I know.
Q. Now, your obligation, of course, was not just to clean up, but to do the linens?
A. Yes.
Q. The sheets off the beds; is that right?
A. Change.
Q. You said that there were two beds --
A. Uh-huh, yeah.
Q. -- at least? Were there more than two beds in his suite or just two?
A. No, just two.
Q. Did you make the beds every single day?
A. Yes.
Q. During the time that Wade Robeson was there, how many beds did you make? One or more than one?
A. Just that one.
Q. The one that was Mr. Jackson’s bed?

A. Yeah. The one upstairs was rarely used.
Q. All of the visits when Wade Robeson came, was his mother there for all of the visits?
A. Sometimes.
Q. Were there some times that she was not there?
A. Yes.
Q. But Wade Robeson came by himself?
A. Yeah.
Q. Do you know how?
A. Mr. Jackson will bring him.
Q. He would bring him?
A. Yeah.
Q. And during that entire year of visits, did you ever see Wade Robeson’s father?
A. You know, that I don’t remember. I --
Q. You don’t have a picture of him in your

mind?

A. No.

MR. MESEREAU: Objection. Leading; move to strike.

THE COURT: Sustained. It’s stricken.

Q. BY MR. ZONEN: Do you have a picture of him in your mind?

A. Of the little boy?

MR. MESEREAU: Objection; asked and answered.

THE COURT: The objection is overruled. But she’s asked for clarification.

MR. ZONEN: Let me change the question, if I can. I’ll withdraw the question.

THE COURT: All right.

Q. BY MR. ZONEN: Can you describe Wade Robeson’s father to us?

A. No.

Q. And I think that you said that there might have been a sister. Do you recall a sister?

A. I don’t remember. So many kids there, I don’t remember.

Q. Okay. Was there ever an occasion, to your recollection, where any other child stayed with Mr. Jackson in his room while Wade Robeson was there?

A. No.

Q. Only Wade Robeson?

A. Yes.

Q. All right. Was there ever an occasion where you walked into his room and you saw some kind of a separate sleeping arrangement, what you believe to be a separate sleeping arrangement for Wade Robeson?

MR. MESEREAU: Objection. Vague; leading; foundation.

THE COURT: I’ll sustain vague.

Q. BY MR. ZONEN: Did you ever see a sleeping bag on the floor?

A. No.

Q. Did you ever see anything that causes you to believe that Wade Robeson was sleeping someplace other than in Michael Jackson's bed?

A. No.

Q. Was there an occasion that you went into Michael Jackson's room and came upon Michael Jackson and Wade Robeson?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

You may answer.

THE WITNESS: Did I what?

Q. BY MR. ZONEN: Come into Michael Jackson's room and discover that Michael Jackson was there with Wade Robeson.

A. Yeah.

Q. Okay. Was there an occasion when you went in and they were in the shower?

MR. MESEREAU: Objection; leading.

THE COURT: Sustained.

Q. BY MR. ZONEN: Did you ever come in and find them in a situation that made you uncomfortable?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

Q. BY MR. ZONEN: Do you understand what I'm asking?

A. That I was what?

Q. Where you were uncomfortable. You found them and you were uncomfortable.

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

You may answer.

THE WITNESS: Well, I came one time and -- in the bedroom.

MR. ZONEN: Uh-huh.

THE WITNESS: And first I thought they were playing.

MR. MESEREAU: Objection.

THE WITNESS: And --

MR. MESEREAU: Nonresponsive.

THE COURT: Sustained.

Q. BY MR. ZONEN: All right. The question was "yes" or "no."

A. Yes.

Q. Okay. Tell us what you heard when you first walked into the room.

A. Laughing.

Q. Okay.

A. And playing; like playing around.

Q. Okay. What did you do?

A. I came in, and I -- first I thought that they were playing in the bathtub, Jacuzzi, and I didn’t see them. And then I thought they were outside, playing outside the house; I mean, in his garden. And I walked and they were in the shower.

Q. You have to explain to us a little bit the layout here.

A. Uh-huh.

Q. Is there a Jacuzzi inside his house, inside his bedroom?

A. Inside his bedroom, yeah.

Q. So explain that for us. Describe to us what you get to first. The shower? The Jacuzzi? Explain how it’s laid out.

A. First, you get to the bed. And then you get in the bathroom, they call it the ladies’ bathroom, and there’s a big Jacuzzi there.

Q. Okay. Was there a door that goes to that bathroom?

A. Yeah.

Q. Was the door open or was the door closed?

A. No, the door is open. It was open.

Q. And what did -- did you look into that door?

A. Which door?

Q. The door that goes to the bathroom.

A. Well, I have to go through there.

Q. Okay.

A. Yeah.

Q. What do you mean, you have to go through there?

A. To get to the bathroom.

Q. And did you do that?

A. Yeah.

Q. What did you see?

A. And then I was going to walk outside to the garden, but then --

Q. Okay.
A. -- on my way going, I peek, and it was in the shower.
Q. And what did you see?
A. And I hear this playing around. That’s where he was taking a shower, I guess.
Q. Okay.
A. With little Wade.
Q. What did you see? Tell me what you saw.
A. I -- what I saw, I -- just some clothes on the floor.
Q. You saw clothes on the floor in the bathroom or in the bedroom?
A. No, in the shower.
Q. In --
A. By the shower.
Q. By the shower. What clothing did you see on the floor?
A. Underwear.
Q. Underwear?
A. (Nods head up and down.)
Q. More than one pair?
A. Yeah.
MR. MESEREAU: Objection; leading.
THE COURT: Overruled. Next question.
Q. BY MR. ZONEN: How many pair did you see?
A. Two.
Q. Two pair of underwear?

A. Yeah.
Q. Did you recognize the underwear?
A. Yeah.
Q. And how did you happen to recognize the underwear?
A. The -- Mr. Jackson’s, I knew they were white. And the little boy, they were colored.
Q. All right.
A. They were little underwear.
Q. Can you describe the little boy’s underwear?
A. They were little green underwear.
Q. Green underwear?
A. Uh-huh. Had like a neon color.

Q. Neon green?

A. Yeah.

Q. Just in case he lost them? You did his underwear previously, didn’t you? You had washed his underwear previously?

A. Uh-huh.

Q. Did you know Wade Robeson’s underwear?

A. Yeah.

Q. Okay.

A. They have little, you know, characters, like Spiderman and things like that.

Q. Child’s?

A. Child’s.

Q. A small child’s underwear?

A. Yeah.

Q. And Mr. Jackson’s underwear you washed regularly as well?

A. Yeah.

Q. And his underwear was what type?

A. I don’t know. I think they call them briefs.

Q. And what color?

A. White.

Q. Okay. You say you found two pair. Where were they?

A. On the floor.

Q. Okay. And on the floor in the bathroom?

A. Yeah.

Q. Now, how far is the underwear from either the Jacuzzi or the shower?

A. Well, they’re right by -- they were right by the door, by the shower.

Q. Okay. Was water running?

A. Yeah.

Q. Excuse me. And the water was running in the -- in the shower?

A. Yes.

Q. Did you -- did you know that, that the water was running, when you first came into his bedroom suite?

A. Well, I heard the radio, and then eventually I hear the water going.

Q. I'm sorry, I heard the first part.

A. The radio. I heard the radio.
Q. You heard the radio?
A. Yeah, playing. And then eventually I hear the water going.
Q. And then you heard the water?
A. Yeah, because I hear two people, you know, playing.
Q. And you say you heard two people playing. What were the sounds that you heard?
MR. MESEREAU: Objection; asked and answered.
THE COURT: Sustained.
Q. BY MR. ZONEN: Did you hear two voices?
A. Yeah.
MR. MESEREAU: Objection; asked and answered.
THE COURT: Leading; sustained.
Q. BY MR. ZONEN: For what period of time did you hear sounds?
A. Maybe about a minute.
Q. Did you recognize the voices that you heard?
A. Yeah.
Q. Whose voices were they?
A. Mr. Jackson.
Q. Did you recognize the second voice?
A. Yeah.
Q. Whose voice was that?
A. The little kid, the --

Q. Wade?
A. Wade's, little boy.
Q. When you finally reached a spot where you could see in, was your vision obscured by anything?
MR. MESEREAU: Objection. Leading; assumes facts not in evidence.
MR. ZONEN: Withdraw the evidence -- withdraw the question.
Q. In that bathroom, is there a shower curtain?
A. No.
Q. What is there in that bathroom?

A. A glass door.
Q. A glass door. Is it a glass door that is fogged or is it a glass door that is clear?
A. It’s clear, but at that time it was smoky.
Q. Okay. Smoky?
A. Cloudy.
Q. Cloudy? From the shower?
A. Yeah.
Q. All right. When there’s no shower going, can you see through the glass?
A. Yeah.
Q. On this occasion when the shower was going, could you see through the glass?
A. No.
Q. Could you see any figure at all? What could you see?
MR. MESEREAU: Asked and answered.

THE WITNESS: I saw a figure.
MR. ZONEN: Hold on.
THE COURT: Just a minute.
The objection is overruled. “I saw a figure” is the answer. Go ahead.
Q. BY MR. ZONEN: Did you see more than one figure?
A. Yeah.
Q. All right. Did you recognize either of the figures that you saw?
A. Mr. Jackson.
Q. All right.
A. And the little kid.
Q. Was one figure larger than the other?
A. Yeah.
Q. Was the second figure the size of Wade Robeson?
A. Yeah. Yes.
Q. What did you do at that point?
A. That he was going to get mad, or --
MR. MESEREAU: Objection; nonresponsive.
THE COURT: Sustained.
MR. MESEREAU: Move to strike.
Q. BY MR. ZONEN: What did you do at the time that you saw Mr. Jackson and Wade Robeson in the

shower? What did you do then?
A. I was going to talk to them, but then I thought, “No, I better not,” so I just went back.

Q. Did you leave the room?
A. I -- yeah, I left the room.
Q. Did you tell Mr. Jackson that you had been in the room?
A. No.
Q. Did you back into the room at a later time?
A. Yeah, to clean the room.
Q. Miss Francia, was there ever an occasion where you saw your son Jason with Mr. Jackson and you were concerned?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
You may answer.
Q. BY MR. ZONEN: Go ahead.
A. I was concerned for my son, yes.
Q. Can you tell us when that happened?
A. The first time, it was -- I think it was in Encino.
Q. Okay.
A. That I remember that I walked in, because I had the key to that room, too.
MR. MESEREAU: Objection. Nonresponsive; move to strike.
THE WITNESS: And I walked in --
THE COURT: Wait. Just a moment, please.
All right. No question was pending, so I’ll strike her answer.
Q. BY MR. ZONEN: All right. It was in Encino.

Do you remember when that was?
A. Do you mean the date?
Q. Or the year.
A. Probably ‘86. I don’t remember.
Q. Okay. How old was Jason?
A. Probably about seven or eight, probably.
Seven.
Q. Seven. And what did you see that concerned you?

A. Well, I saw little things before that with other kids, and --
MR. MESEREAU: Objection; nonresponsive.
Q. BY MR. ZONEN: Just tell us what you saw --
THE COURT: Sustained.
Q. BY MR. ZONEN: Just tell us what you saw with Jason.
A. Well, he was sitting on his lap.
Q. Okay. And what concerned you?
A. And I walked in, and he was sitting on his lap, and Mr. Jackson was just reclining, reclining to the back.
Q. Reclining?
A. Reclining to the back.
Q. Okay.
A. And having my son in his lap.
Q. And where was Jason positioned on his lap?
A. His legs.
Q. Okay. And what did you do?

A. I just told my son to get out. And he was -- I remember he say, “No, I’m fine.”
MR. MESEREAU: Objection. Nonresponsive; move to strike.
Q. BY MR. ZONEN: You told your son to get out?
THE COURT: Just a moment. Stricken.
Q. BY MR. ZONEN: You told your son to get out?
A. Yeah.
Q. Did he do so?
A. No.
Q. What did you do then?
A. I think I push him, and -- oh, he was -- some kind of -- reading a book or coloring. And Mr. Jackson say, “I want him to read,” or “I’m reading a story,” something like that.
Q. Did you take your son off of his lap?
A. Yeah. Yes.
Q. Was there another occasion that you were concerned?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
Q. BY MR. ZONEN: You can answer.

A. Yeah, I remember one time, too, at the Encino house that I want my son to stay downstairs, because he -- he will come and -- Mr. Jackson will come and, you know, probably wanted to be by himself, and I said, "You stay here," and I --

Q. You said that to who?

A. To my son, you know, to "Stay here. Stay here, because Michael is here, and," you know, "he probably want to be by himself."

And then he find out -- I guess Mr. Jackson find out that my son was there, and so he took him upstairs.

And I got mad, because my -- I told my son not to go with him, but I got concerned because my son --

MR. MESEREAU: Objection. Nonresponsive; move to strike.

THE COURT: I'll strike the last sentence.

Q. BY MR. ZONEN: Did you go look for your son?

A. No.

Q. When did you next see your son?

A. What do you mean?

Q. On that day, on that occasion.

A. Oh. Well, I -- I did my cleaning, or whatever I was doing, and after, he came -- he came down.

Q. Okay. Let me ask you about the hideout. At the hideout, you had mentioned that there wasn't a bed. What did Mr. Jackson sleep in?

A. He sleeps in a sleeping bag.

Q. All right. The whole time that he was at the hideout?

A. Yeah. There was no bed.

Q. I'm sorry?

A. There was no bed there.

Q. Was there ever an occasion that you and your son stayed the night at the hideout?

A. No.

Q. You always left at the end of the day?

A. Yeah.

Q. And did you have an apartment that was someplace in Los Angeles at that time?

A. He?

Q. You.

A. Oh, yeah, I did.

Q. So during the time that you were going to the hideout regularly --

A. Yeah.

Q. -- you had an apartment.

And I think that you had testified that even after you moved to Santa Maria, there were still occasions that you went back to clean at the hideout?

A. Many times, yeah.

Q. Do you know for approximately how long after you moved to Santa Maria?

A. Probably a year.

Q. Okay. Now, what did he -- I asked you what he slept on, and you said a sleeping bag. Describe the sleeping bag for us. What kind of a sleeping bag was it?

A. A regular sleeping bag that you sleep on.

Q. Sleeping bag for one person? For two people? How big?

A. A regular one.

Q. Just a regular sleeping bag?

A. Yeah.

Q. Was that sleeping bag always open, or was it rolled up?

A. It was open.

Q. Always?

A. Well, when I made it, I would try to make it like a bed, you know.

Q. Were there any blankets on the sleeping bag or under the sleeping bag?

A. Yeah, there were blankets.

Q. Which? On the sleeping bag or --

A. On the sleeping bag, yes.

Q. Was the sleeping bag simply on the floor?

A. Yeah.

Q. Was there carpet on the floor?

A. Yes.

Q. Did you ever see Jason on or in the sleeping bag?
A. One time.
Q. Was Mr. Jackson there?
A. Yes.
Q. Were they on the sleeping bag or were they in the sleeping bag?

A. They were on the sleeping bag, yeah.
Q. On top of the sleeping bag?
A. Yeah.
Q. Could you see their body -- bodies, both of them?
A. Not Mr. Jackson’s.
Q. Why not?
A. Because it was covered.
Q. Okay. So the sleeping bag covered Mr. Jackson?
A. Yeah.
Q. How about Jason? Where was Jason?
A. He was in the sleeping bag, too.
Q. He was in the sleeping bag. How were they positioned relative to each other? Do you know what I mean? Were they facing each other? Were they facing away from each other? Do you recall?
A. I remember this time he was this -- on this side, and my son was on this side. And I got there about three or four times, and one time he was -- my son was --
MR. MESEREAU: Objection; nonresponsive.
THE COURT: It’s kind of hard to tell. Maybe you could start with another question.
MR. ZONEN: Yes, I can.
Q. I asked you initially how they were positioned. In other words, were they facing each other? Were they facing away from each other? Do you recall? When you saw them the first time.

A. The first time, my son was just laying there.
Q. Okay.

A. But on one time, because I was cooking for Mr. Jackson, I was doing some lunch, or snacks, or something --

Q. I'm sorry?

A. I was cooking some snacks.

Q. Snacks. Okay.

A. Popcorn.

Q. Okay.

A. I don't remember.

Q. Are we still talking about the same event, the same day?

A. Yes.

Q. Okay. So when --

A. Hmm?

Q. When you first saw your son in the sleeping bag with Mr. Jackson, did you say anything to your son at all when you first saw him in the sleeping bag?

A. I told him to come up, outside, and eat, because I wanted to feed him.

Q. Okay. And did he?

A. No.

Q. All right. What did you do?

A. He say, "I want to stay here."

Q. Okay. What did you do?

A. And -- well, I got mad. And I said, you know, "You got to get out to the kitchen," and he didn't wanted to.

Q. All right. Were you speaking with him in English or in Spanish at that time; do you recall?

A. No, I don't remember.

Q. Do you know what language -- what language do you speak with your son now?

A. Spanish.

Q. You speak Spanish?

A. Yeah.

Q. You've always spoke Spanish with him?

A. Yeah.

Q. His wife does or does not speak Spanish?

A. No.

Q. In her presence, what do you speak?

A. English.

Q. Okay. But he grew up speaking Spanish?

A. Yes.

Q. And he’s very fluent in Spanish?

A. Yes.

Q. When you asked him to come out to go eat, in what language was that?

A. I think I said it in Spanish. But then I want Mr. Jackson to understand what I was telling him to do, and so I guess I said it in Spanish and English. I don’t remember.

Q. So you’re not certain at this point?

A. No.

Q. All right. Did he get out of the sleeping bag?

A. No.

Q. What did you then do? Did you leave the room or --

A. I left the room and I proceed to do my stuff and --

Q. Okay. And what happened then?

A. Then I went back and -- and then he was eating, but he was -- oh, I took something to eat to him.

Q. Okay. When you came back out, was he still in the sleeping bag with Mr. Jackson?

A. Yeah.

Q. What were they doing in the sleeping bag? I don’t mean in the sleeping bag, but what were they doing in the room?

A. They were watching T.V.

MR. MESEREAU: Objection; foundation.

THE COURT: A time frame?

MR. MESEREAU: Yes.

THE COURT: Sustained.

Q. BY MR. ZONEN: At the time that you first came into that room, was the television on?

A. On, yes.

Q. Do you remember approximately what time of the day it was?

A. Probably was about 2:00, 1:00 or 2:00 in the afternoon.

Q. Was the room light or was the room dark?

A. It was dark. It gets really dark.

Q. But this was about 1:00 or 2:00 in the afternoon?

A. Yeah.

Q. Were there shades on the windows?

A. Draperies, curtains.

Q. Draperies. And were they drawn? Were they closed?

A. Closed.

Q. So the light was not in?

A. No.

Q. Do you remember what they were watching on television?

A. No.

Q. Do you know what Jason used to like to watch at that time?

MR. MESEREAU: Objection; relevance.

THE WITNESS: At that time --

MR. ZONEN: I'll withdraw the question.

THE COURT: All right.

Q. BY MR. ZONEN: How old was Jason, to your recollection, at that time, as best you can recall?

A. Probably like eight. Probably eight. That

was --

Q. I'm sorry, go ahead.

A. -- before we move here to Santa -- to -- before he moved here to Neverland.

Q. It was before he moved to Neverland?

A. Yeah.

Q. And Jason was born on, if I'm not mistaken, May 30, 1980?

A. Yes.

Q. Is that his birth date?

A. Yes.

Q. When you moved to Neverland in 1988, he would have been about eight years old?

A. Yeah.

Q. And you believe this was before?

A. Oh, yeah. Yeah.

Q. Okay. Do you know if Mr. Jackson ever gave

Jason money?
A. Yeah.
Q. Do you know on how many occasions?
A. That I remember, because it was -- to me, it was a lot of money for a little kid. At the hideout he gave him some money.
Q. Do you know how much money he gave him?
A. From what I remember, it was two hundred-dollar bills.
Q. Two 100-dollar bills?
A. Two 100-dollar bills, yes.

Q. When did you first see that money?
A. After -- what happened was that I left the key at his apartment. And we were walking to get -- take the bus home, back home. My car key, I left it there. And we were going to walk to -- to the bus stop.
Q. Okay. Were you taking the bus back and forth?
A. No, I was driving. But I left the key, my car key there, and I didn't want to go back and knock at the door, because --
Q. You didn't have your key?
A. Yeah, Mr. Jackson wouldn't open the door.
Q. Okay.
A. So I remember we were walking to the bus stop, and he say -- my son told me he has money --
MR. MESEREAU: Objection.
THE WITNESS: -- in his pocket.
MR. MESEREAU: Nonresponsive.
THE COURT: Just a moment. True, there's no question pending. It's nonresponsive.
MR. ZONEN: All right.
Q. Where were you when you first saw the money?
A. At the bus stop.
Q. Okay. Did he give you the money, your son?
A. No.
Q. All right. How did you see the money?

A. Well, he say he had lots of money and that it was a secret.

Q. Okay. What did you say?

A. And I say, “What do you mean, a secret? How much money?” But I thought it was maybe two dollars.

MR. MESEREAU: Objection; hearsay.

MR. ZONEN: Spontaneous declaration, Your Honor.

THE COURT: I’m going to allow the answer to the question of, “What did you say?” which I think is the objection you were making.

MR. MESEREAU: Has to do with third-party statements, Your Honor.

MR. ZONEN: I’m sorry.

THE COURT: I’m going to ask you to rephrase the question. The question you last asked where the objection came was, “And what did you say?” And she did say what she said. But then she was going to say something else.

MR. ZONEN: Yes. Thank you.

Q. What did your son say to you in response to your statement?

MR. MESEREAU: Objection; hearsay.

MR. ZONEN: That’s a spontaneous declaration.

THE COURT: Okay.

MR. ZONEN: That’s what I originally meant.

THE COURT: I will allow it on that basis.

MR. ZONEN: Thank you, Your Honor.

Q. What did your son say?

A. That he has the money; that it was a secret; he wasn’t going to tell me.

Q. Okay.

A. But at this point I thought it was maybe two dollars or a dollar.

Q. Did you ask to see it?

A. And I say, “I want to see it.” And he say, “No, because Michael told me that it’s for me and not to tell you.” But like I say, I thought it was two dollars. I say, “How much is it?” And I pull it out of his pocket.

Q. It was in his pocket?

A. It was in his pocket. He said he put --
Q. Do you remember what he was wearing?
A. Pants.
Q. You believe it was pants?
A. Yeah. He says, “He put it in my pocket. Don’t take it out.”
So I pull it out, and I said, “$200?”
MR. MESEREAU: Objection; nonresponsive.
THE COURT: Sustained.
Q. BY MR. ZONEN: Did you reach into his pocket?
A. Yeah.
Q. Did you retrieve it?

A. Yeah.
Q. What was it?
A. It was two 100-dollar bills.
Q. Were there ever other occasions that you were aware of where Mr. Jackson gave your son money?
A. No.
Q. Was that the only occasion that you recall?
MR. MESEREAU: Objection; asked and answered.
THE COURT: Sustained.
Q. BY MR. ZONEN: Did you ever see your son with money on other occasions?
A. I’ll give him allowances. And, you know, he’ll keep it -- you know, a dollar or two.
Q. Do you know who Macaulay Culkin is?
A. Yes.
Q. Who is Macaulay Culkin?
A. The little kid from the movies.
Q. Yes. Did you ever see Macaulay Culkin --
A. Yes.
Q. -- personally?
Where did you see him?
A. At the Neverland. At the ranch.
Q. Did he visit Neverland?
A. Yes.
Q. How often did he visit Neverland?
A. I don’t remember. But it was a few times when I was there.

Q. More than once?

A. Yes.

Q. Over what period of time, from the first time to the last time?

A. Probably six months.

Q. Were you working that entire time?

A. Yes.

Q. Were you working in the same job you've already described for us, as Mr. Jackson's personal maid?

A. Yes.

Q. Were you cleaning his room?

A. Uh-huh. Yes.

Q. And doing his laundry?

A. Yes.

Q. When Mr. Culkin came -- well, it was Macaulay Culkin. How old was he when you first saw him, approximately?

A. I think about eight or nine. Probably eight.

Q. Was this before or after Wade Robeson was visiting?

A. After.

Q. Did they ever visit at the same time?

A. No. Not that I can remember.

Q. Did Wade Robeson continue to visit during the time that Macaulay Culkin was coming?

A. I don't remember.

Q. Do you know where Macaulay Culkin stayed when he came to Neverland?

A. With Mr. Jackson.

Q. Did Macaulay Culkin come with any other family members that you recall?

A. Yeah, I remember him with his father and mother.

Q. Father and mother?

A. And the other kids.

Q. Other --

A. Brothers and sisters.

Q. Other siblings?

A. Yes.

Q. Do you know how many siblings he had, whether they were boys or girls?
A. No, I don’t remember.
Q. Do you know if it was more than one other sibling?
A. Yeah. More than one.
Q. Did he have at least one brother and one sister at least?
A. Yes.
Q. Do you know the total number of brothers and sisters?
A. No. No. Probably five. I don’t remember.
Q. I asked you where Macaulay Culkin stayed, and you said with Mr. Jackson. How do you know that?

A. Because I’ll go to his bedroom and clean up after.
Q. Did you ever see Macaulay Culkin in Mr. Jackson’s bedroom?
A. Yes.
Q. Were his possessions there in the bedroom?
A. Yeah. I don’t remember.
Q. That you don’t recall?
A. No.
Q. Do you recall if you ever washed his clothing as you did Wade Robeson’s?
A. Yeah.
Q. Would you have washed his clothing if his clothing was someplace other than his bedroom?
MR. MESEREAU: Objection; calls for speculation.
THE COURT: Sustained.
Q. BY MR. ZONEN: Was it your responsibility to wash clothing from rooms other than Mr. Jackson’s bedroom?
A. No.
Q. If guests did not stay with Mr. Jackson, where would they have stayed?
A. In the guest rooms. They call them the outside guest rooms. You know, they’re like four -- four guest rooms outside.
MR. ZONEN: Could I have those photographs,

please? Oh. Thank you.

I'm sorry, did you say something?

MR. MESEREAU: I'm going to object as cumulative.

MR. ZONEN: Oh, okay. All right.

Q. And I think that you said it was for a number of months that Macaulay Culkin stayed?

A. Yeah. Weeks.

Q. I don't mean continuously. But what do you think was the longest period that you ever saw him there during that few-month period of time?

A. About a week.

Q. Okay. Do you know if he always came with his family?

A. Not always.

Q. How else did he come?

A. How often?

Q. How else, if he was not with his family? Was he with other people?

A. No.

Q. Did he come by himself?

A. Yes.

Q. Do you have a recollection of how many times Macaulay Culkin came to visit Neverland by himself?

A. Maybe I remember about two times.

Q. All right. How old was Jason during the time that Macaulay Culkin was there?

A. At that time he was probably already ten.

Q. Jason was older than Macaulay Culkin?

A. Yeah.

Q. About how much older?

A. Probably a year or two. I don't know.

Q. During the time that Macaulay Culkin stayed in Mr. Jackson's bedroom, do you know if other members of his family also stayed in the bedroom with them?

A. Yeah, I think they did.

Q. On every occasion?

A. Not all the time.

Q. Are you aware --

A. When --
Q. I’m sorry, go ahead.
A. When he was by himself, he was there by himself with Mr. Jackson.
Q. Do you know of any occasions when Macaulay Culkin came to visit when he did not stay in Mr. Jackson’s room?
A. No.
Q. And on those occasions when Macaulay Culkin stayed in Mr. Jackson’s room, do you know if there was ever a separate sleeping arrangement, in other words, a separate bed or a separate sleeping bag that you would have to clean up?
A. No.
Q. Excuse me, I’m sorry.
Why did you leave Neverland, your employment at Neverland?

MR. MESEREAU: Objection; relevance.
THE COURT: Sustained.
Q. BY MR. ZONEN: Did you leave your employment at Neverland?
A. Yes.
Q. Okay. Did you leave of your own volition?
A. Yes.
Q. Do you remember when it was you left Neverland?
A. May, I think.
Q. Of what year?
A. ‘91. ‘90 or ‘91. ‘91, I think.
Q. May of ‘91?
A. ‘91.
Q. All right. So you would have been employed by Mr. Jackson for a period of about five years?
A. Five years, yeah.
Q. Now, May of ‘91 your son would be turning 11; is that right?
A. Yes.
Q. Do you know if you left before his 11th birthday?
A. Uh-huh. About.
Q. Did your son have any more association with Michael Jackson after you?

A. After?

Q. Yes, after you left.

A. No.

Q. Did you ever go back to Neverland after you left?

A. No.

Q. Did you ever visit with Mr. Jackson after you left?

A. No.

Q. Were you contacted by law enforcement at some time after you left Neverland, your employment at Neverland, for an interview?

A. Yeah. 1994 or ‘93. I don’t remember.

Q. ‘93 or ‘94? So it was already some time after you left Neverland; is that right?

A. Yes.

Q. At least a year, and probably two?

MR. MESEREAU: Objection; leading.

MR. ZONEN: Let me withdraw the question.

Q. How long after you left your employment at Neverland was it that law enforcement contacted you?

A. About two and a half years.

Q. Did you contact them or did they contact you?

A. They came to me.

Q. At the time they contacted you, did you know whether or not there was an investigation going on involving Mr. Jackson?

A. Yeah. Yes. I was -- kind of.

Q. Were you expecting to be contacted?

MR. MESEREAU: Objection. Calls for speculation; relevance; foundation.

MR. ZONEN: Goes to her state of mind.

THE COURT: Sustained.

Q. BY MR. ZONEN: All right. Did it come as a surprise to you when you were contacted?

MR. MESEREAU: Objection. Relevance; foundation; leading.

THE COURT: And I’m going to back up a minute and change my ruling on the question, “Were you

expecting to be contacted?” She may answer that “yes” or “no.” I’ll overrule the last objection.
Q. BY MR. ZONEN: Did you understand that? You may answer the question, “Were you expecting to be contacted?”
A. Yes and no.
Q. Did you ultimately give an interview with the sheriff’s office?
A. Yes.
Q. At some point in time were you called to give a deposition? Were you subpoenaed to give a deposition?
A. I was subpoenaed, yeah.
Q. All right. Now, do you know who it was who subpoenaed you to give a deposition?
A. Mr. Feldman.
Q. Was that Larry Feldman?
A. Yes.
Q. Do you know who Larry Feldman represented at that time?

A. Yeah. Another little boy.
Q. I’m sorry?
A. Another little boy.
Q. Do you know that person’s name?
A. The -- the little boy?
Q. Yes, that he represented.
A. At that time I didn’t know. Now -- now I hear --
Q. What do you know the name to be?
A. Chandler. Chandler. Something like that. But I don’t know. I don’t know the first name.
Q. Did you know that child, Mr. Chandler?
A. No. No.
Q. “Mr.” You don’t know how old he was? You don’t know how old he was?
A. No.
Q. Did you know his first name?
A. No.
Q. Was this a child you were ever introduced to during the time that you were at Neverland?
A. No.
Q. And tell us what a deposition is. Having

gone through one, what is it?
MR. MESEREAU: Objection; foundation.
MR. ZONEN: Well, let me withdraw that.
Q. Did you, in fact, go through a deposition?
A. Did I went through --

Q. Did you have a deposition? Did they take your deposition?
A. Yeah. Yes.
Q. Okay. And did you, in fact, give testimony in that deposition?
A. Yes.
Q. Now, I asked you who it was who subpoenaed you, and you said it was Larry Feldman.
A. Uh-huh.
Q. Were there other lawyers in the room asking you questions as well?
A. Yes.
Q. Who were the other lawyers? Do you remember any of their names?
A. I remember Johnnie Cochran, and there were about five or six.
Q. About five or six lawyers?
A. Yeah.
Q. All in the room at one time?
A. Yeah.
Q. And was Johnnie Cochran asking you questions?
A. Yes.
Q. Were other lawyers asking you questions as well?
A. I don’t remember. But I think there was one “Waysman” or “Wiseman.”
Q. Weitzman? Perhaps Howard Weitzman?

A. I don’t remember his last name. I mean --
Q. Do you know on which side Mr. Weitzman was?
A. With Mr. Cochran.
Q. He was with Mr. Cochran?
A. They were the two together, yeah.
Q. Who did Mr. Cochran and Mr. Weitzman represent?

A. Mr. Jackson.
Q. Okay. Was Mr. Jackson present during that deposition?
A. No.
Q. Was he ever there during the deposition at any time?
A. No.
Q. Did that deposition go longer than one day?
A. Yeah.
Q. How many days did it go?
A. Two days.
Q. Do you know how many hours each day you were deposed?
A. No.
Q. Do you know if there were other lawyers sitting with Mr. Feldman, Larry Feldman, in other words, on his side, other than Mr. Feldman?
A. No.
Q. Was Mr. Feldman the only one asking you questions from that side?
A. Yes.

Q. Have you ever reviewed the transcript of that deposition?
A. No.
Q. Even back then?
A. Not that I remember.
Q. Do you remember what year it was, of that deposition?
A. ‘94, I think. Or ‘95.
Q. Was it before or after you had your first interview with law enforcement? Do you recall?
A. After.
Q. It was after? Do you remember approximately how long after?
A. No, I don’t remember the date or --
Q. Miss Francia, when you had this deposition that went on for two days, and you say that there were lawyers, a number of them in the room, did you have a lawyer with you?
A. No.
Q. Had you retained a lawyer at that time?
A. Not at that time, no.

Q. Did you give answers to questions that were put to you at that time.
A. Did I answer?
Q. Yes.
A. Yes.
Q. Did you -- did they explain to you that a deposition is the same thing as testifying?

MR. MESEREAU: Objection; leading.
THE COURT: Just a moment.
MR. ZONEN: I’ll withdraw the question.
THE COURT: Overrruled.
MR. ZONEN: I won’t withdraw the question.
THE COURT: You may answer.
Q. BY MR. ZONEN: Did they explain to you that a deposition was the same thing as testifying?
A. No.
Q. Did you have to raise your hand to take an oath to tell the truth?
A. Oh, yeah.
Q. And you did do that?
A. Yeah.
Q. All right. Did they ask you questions about -- questions similar to the questions I’ve asked you so far since you’ve been on the witness stand?
A. (Nods head up and down.)
Q. You have to answer out loud, if you would, please.
A. Yes.
Q. All right. Did they ask you about Wade Robeson?
A. Yes.
Q. Did they ask you if in fact you had seen them in the shower together?
A. Yes.

Q. Do you remember the answers that you gave to those questions?
A. Kind of.
Q. Did you tell one of the attorneys that you did not see Wade Robeson in the shower?

A. Yeah, I probably did.
Q. All right. Was that accurate?
A. Well, at that time I guess I was tired and nervous, I guess.
Q. Did you tell them that you believed Wade Robeson was in the shower?
A. Yes, I told them that.
Q. Did you tell them about the underwear?
A. Yeah.
Q. Did you tell them about hearing the voices?
A. Yes.
Q. Did you tell them about the music?
A. Yes.
Q. Did you do an interview for Hard Copy?
A. Yes.
Q. What is Hard Copy?
A. A program.
Q. A program?
A. Yeah.
Q. A program on what? On television?
A. On television, yeah.
Q. Was that a program that you had seen before that interview?

A. No.
Q. Had you ever watched Hard Copy before?
A. No.
Q. Do you know what kind of -- did you know -- before you were on it, did you know what kind of a program it was?
A. No.
Q. Were you -- did somebody contact you from Hard Copy?
A. Yeah.
Q. And do you remember who that was who contacted you?
A. That -- the lady who interview me.
Q. Okay. Do you happen to remember her name?
A. Yeah.
Q. What was her name?
A. Diane Dimond.
Q. Diane Dimond. Did you discuss with Miss Dimond what it was she wanted to talk with you

about?
A. Yeah, we kind of talk about it.
Q. Okay. Did you agree to go on television?
A. Yeah.
Q. Was there some discussion with Miss Dimond about whether or not you would be paid or compensated for appearing on television?
A. Yeah. My friend and I went together.
Q. You went with a friend?

A. Yeah.
Q. Who was your friend?
A. One of -- one of the workers at Neverland.
Q. One of the workers at Neverland?
A. Yeah.
Q. What was her name?
A. Evangeline.
Q. Evangeline?
A. Yes.
Q. And what did she do at Neverland?
A. She was a housekeeper and a cook.
Q. A housekeeper and a cook?
A. And a cook, yeah. And she helped the cook.
Q. Okay. And you were talking with Diane Dimond with Evangeline?
A. Yeah.
Q. All right. Why is that? Why was Evangeline there, or Vangie, was why she there?
MR. MESEREAU: Objection; foundation.
THE COURT: I'm not sure what you're looking for, foundation.
MR. MESEREAU: And speculation.
THE COURT: Okay.
MR. ZONEN: I'll withdraw that, then. I understand that objection.
Q. Did you ask Evangeline to be there with you?
A. She was the one who contact, I believe, Diane Dimond.

Q. Did she -- she's the one who introduced you to Diane Dimond?
A. Yeah, she was the one who told me, you know,

that she can get everything arranged.

Q. Okay. That she could arrange the interview?

A. The interview, yeah.

Q. And payment as well?

A. Yeah. She say, “I’ll help you.”

Q. What did you understand the interview to be about? What did they want to ask you about?

MR. MESEREAU: Objection. Calls for speculation.

MR. ZONEN: Withdraw the question.

Q. What was your belief that you were going to be telling them?

MR. MESEREAU: Objection. Leading.

THE WITNESS: About --

THE COURT: Overruled. You may answer.

Q. BY MR. ZONEN: What was your belief that you would be telling them?

A. About me working there.

Q. Working where?

A. At Neverland.

Q. Okay. Did you think they would be asking you questions about Michael Jackson?

A. No. I mean, that -- not the way they were asking me.

Q. How much money did they represent from Hard Copy -- how much money did they represent that they would give you for an interview?

A. How much money they gave me?

Q. Yes.

A. $20,000.

Q. $20,000.

A. Yes.

Q. And what were you going to do for $20,000? What were you going to say in this interview for $20,000?

A. Well, I -- I thought that it was going to be just talking about, you know, how it was working for him and how he was.

Q. Did that seem, to you, an unusually large amount of money?

MR. MESEREAU: Objection; leading.

THE COURT: Sustained.

Q. BY MR. ZONEN: How much money were you making a year at that time?
A. Less than $20,000.
Q. Less than $20,000?
A. Yeah, probably around 20.
THE COURT: All right. We’ll take our break.
(Recess taken.)
THE COURT: Go ahead.
Q. BY MR. ZONEN: When we left off, I was asking some questions about the interview with Hard Copy. Did that interview finally take place?

A. Yes.
Q. Did you actually watch it on television when it was screened?
A. No.
THE BAILIFF: Can you turn your microphone on?
Q. BY MR. ZONEN: I asked you about the interview with Hard Copy. You finally did that interview, did you not?
A. Yes.
Q. Did you watch it on television when it was screened?
A. No.
Q. Have you ever watched it?
A. No. I watch a little bit, you know, when I --
Q. Did you receive $20,000?
A. Yes.
Q. Okay. Do you know if your friend Evangeline got any money?
A. She didn’t get any money from them, no. I gave her some money.
Q. Was that interview -- was that interview with Hard Copy before or after your interview with the sheriff’s detectives?
A. After.
Q. Was it before or after your deposition with Larry Feldman and Johnnie Cochran?

A. Oh, before.

Q. It was before the deposition?

A. Yes.

Q. Do you remember being asked some questions about the Hard Copy --

A. Yes.

Q. -- interview during that deposition?

A. Yes.

Q. Did Mr. Jackson ever have a nickname for your son, for Jason, that he used?

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. ZONEN: Did you ever hear Mr. Jackson call your son by a name other than Jason, his real name?

A. Yes.

Q. What name was that?

A. “Rubba.”

Q. “Rubba,” R-u-b-b-a, do you think?

A. I think.

Q. Is that what it sounds like?

A. Yeah.

Q. Did you ever hear him call other kids “Rubba”?

A. Yes.

Q. Did he call Wade Robeson “Rubba”?

A. Yes.

Q. Did he call Macaulay Culkin “Rubba”?

A. Yeah.

Q. Did you ever receive any gifts from Mr. Jackson?

A. Yes.

Q. What kind of gifts did you receive from him?

A. I don’t remember. They were a lot.

Q. Do you remember any of them?

A. He told me to get whatever I want, you know, like promotional things that he’ll get from the companies, or toys for my son.

Q. Do you mean if he had them in his possession?

A. Yeah. He will buy little stuff for me, too.

Q. And he would give them to you?

A. Yeah.

Q. Did he ever give you any furniture?
A. Yeah.
Q. What kind of furniture?
A. I remember one time he -- he had a table in the attic, and he say he doesn’t want it there. And I asked him if I could take it, and he said, “Yeah, sure. Take it.”
Q. The attic where?
A. The attic at Havenhurst.
Q. At Havenhurst?
A. Yeah.
Q. How long ago was that?
A. When I first started there, to work there.

Q. So ‘86?
A. Yeah.
Q. All right. Any other things that you can remember that he gave you over the years?
A. Toys for my son.
Q. Toys for your son? Did he ever give you money?
A. I don’t remember.
Q. You don’t remember if he gave you money, or how much, or how often?
A. How often? No, I don’t remember.
Q. All right. When you had the deposition with Johnnie Cochran, did he ask you if you ever took something from --
MR. MESEREAU: Objection; misstates the evidence. There were other lawyers involved.
THE COURT: Overruled.
You may --
Q. BY MR. ZONEN: When you had the deposition --
It was overruled, Your Honor?
THE COURT: It was overruled. Yes.
Q. BY MR. ZONEN: When you had the deposition with Johnnie Cochran, did he or any other lawyer representing Michael Jackson ask you if you took something from Michael Jackson’s room?
A. I don’t remember.
Q. Did they ask you about a watch?

A. Yeah.
Q. Do you remember the watch?
A. Yes.
Q. Did you have a watch from Michael Jackson?
A. Did he have it?
Q. No. Did he ever give you a watch?
A. I got it from his room.
Q. What kind of a watch are we talking about?
A. It was a toy watch. You know, like I think it was from one of his commercials or something.
Q. Did you --
A. That I had it, and he look at it, and he say, “Oh, that’s nice.” And I say, “Yeah, I got it from your room.” And he didn’t -- I told one of the housekeepers that I -- “Oh, look what I got from his room.” But I guess I used to get stuff from his room and --
Q. Are you talking about promotional things?
A. Yeah. Things like that.
Q. What is a promotional item? What do you mean by that?
A. Like when he make a commercial. I think this watch was from Captain Eo.
Q. I’m sorry?
A. I think it was from one of his videos.
Q. Did he have his name on it?
A. Yeah.
Q. Did it have his picture on it?

A. Yes.
Q. What was that watch worth, do you think?
A. About $10, probably.
Q. At some time were you contacted by an attorney or did you retain an attorney?
MR. MESEREAU: Objection; compound.
MR. ZONEN: I’ll withdraw the question.
Q. Did you ever retain an attorney?
A. I don’t understand.
Q. Oh. Did you ever hire a lawyer?
A. Oh. Did I personally went to a lawyer and say -- no.
Q. Okay. Do you know Terry Cannon?

A. Yes.
Q. Do you know Kris Kallman?
A. Yes.
Q. Do you know them to be lawyers?
A. Yes.
Q. All right. Did either of those two lawyers represent you?
A. Yes, at one time.
Q. Did they represent Jason?
A. Yes.
Q. How did that happen? How did you come into contact with these two lawyers?
A. Well, since I -- I was felt like --
MR. MESEREAU: Objection. Relevance; 352.
THE COURT: Sustained.

Q. BY MR. ZONEN: Did Jason get subpoenaed to appear at a deposition?
A. Yes.
Q. How old was Jason at that time?
MR. ZONEN: We forgot the tags. Would you mark the next two exhibits in order, please?
THE WITNESS: Probably about 12.
Q. BY MR. ZONEN: Did he actually get a subpoena to appear at a deposition?
A. No, they told me that they were going to subpoena him.
Q. Was that at the end of your deposition?
A. Yes, they told me they want him and myself at another office. Not there, but another office. Mr. Cochran told me.
Q. All right. Were you concerned about Jason giving a deposition?
A. At that time, yeah.
Q. Did you think he --
MR. MESEREAU: Objection. Leading; move to strike.
THE COURT: Overruled. Next question.
Q. BY MR. ZONEN: What were your concerns about Jason giving a deposition?
MR. MESEREAU: Objection. 352; foundation.
THE COURT: Overruled.
Q. BY MR. ZONEN: You can answer the question.

What was your concern?

A. That he -- being so young, that he was going to be embarrassed and teased by other kids.

Q. All right. At some point in time, did you talk with -- let me change that. At some point in time, did you agree to file a lawsuit against Michael Jackson?

A. Not at that time.

Q. Do you know if there was some kind of a settlement with Michael Jackson’s attorneys?

A. Yes.

Q. Did you receive -- and I’m not asking you how much, but did you receive compensation?

A. Yes.

Q. Did you receive payment?

A. Yes.

Q. Did Jason also receive payment?

A. Yeah. Yes.

Q. When did he receive his payment?

A. I believe it was his 18th birthday.

Q. His 18th birthday? I had asked you a question about the watch from his room. Did Mr. Jackson ever talk to you about being able to take things if you wanted to?

A. He never told me that.

Q. Did he say anything like that?

A. Oh. No.

Q. There was no conversation about that?

A. He told me that sometimes people gave him things, and that he’d display it, and then -- you know, and then he would like to get rid of it.

Q. Did you show him the watch?

A. Yeah. At one time I was wearing it, one of his jackets, and he say -- and he told me that it was his jacket. And I say, “Yeah, I was cold.” And he say, “Oh, that’s okay.”

MR. ZONEN: May I approach the witness, Your Honor?

THE COURT: Yes.

Q. BY MR. ZONEN: I have two photographs

previously shown to counsel. I'd like to show you these two exhibits, if I can. Exhibit No. 781 and Exhibit No. 782.
And do you see the numbers here? This is 781 and that's 782. I'm going to put them both in front of you.
A. Uh-huh.
Q. And then I'll go back.
781, would you pick that one up, please, and tell us what that photograph is? Take a look at it.
A. That was one of his school pictures.
Q. And who is "he"?
A. My son.
Q. Your son Jason. How old was Jason in that photograph?
A. I would say about ten.
Q. About ten years old? Do you remember that

photograph being taken?
A. No.
Q. But you do recognize him?
A. Yes.
Q. Is that an accurate photograph of Jason when he was about ten years old?
A. Yes.
Q. All right. Look at the another one now, please, I think 782. And what is that a photo of?
A. My son and I.
Q. All right. The two of you together?
A. Yes.
Q. All right. Is that photograph dated?
A. Yes.
Q. Whose handwriting is that?
A. Mine.
Q. Okay. And what is the date on that?
A. 1994.
Q. And your son was -- what was the month on that?
A. The month is March.
Q. March? It's written in Spanish, is it not?
A. Yes.
Q. But it's March 19 --
A. '94.

Q. ‘94. And how old was he at that time?
A. About 14.
Q. All right. He would turn 14 in May of ‘94?

A. Uh-huh.
Q. So he was 13 at the time; is that right?
A. 13.
Q. Is that photograph an accurate photograph of your son at that time?
A. Yes.
MR. ZONEN: Your Honor, I would move both of those exhibits into evidence.
MR. MESEREAU: No objection.
THE COURT: They’re admitted.
MR. ZONEN: I’d ask to publish them at this time.
THE COURT: All right.
Q. BY MR. ZONEN: We’ll start with 781.
Could we dim the lights, if we could?
And could you take a look over your shoulder and tell us, is that the photograph that you identified?
A. Yes.
Q. And how old was he at that time again?
A. About ten.
Q. About ten. And then the second photograph, 782. And he was at that point 13?
A. Yes.
Q. All right. Was that about the time that he was being interviewed by law enforcement?
A. Yes, I think.
MR. ZONEN: Thank you. I have no further questions.

THE COURT: Cross-examine?
MR. MESEREAU: Yes, please, Your Honor.
If I may take a second, Your Honor, just to set up.
THE COURT: Yes, you may.
MR. MESEREAU: Thank you.

CROSS-EXAMINATION

BY MR. MESEREAU:

Q. Ma’am, I’ll say good morning, but I think it’s afternoon. Okay?

My name is Tom Mesereau and I speak for Mr. Jackson, okay? We met for the first time at the break, right? We’ve never spoken before that, right?

A. No.

Q. All right. Now, if anything -- if anything I ask you is unclear, please don’t answer it, okay? Just say you don’t understand. Okay?

A. Okay.

Q. And if you don’t understand, I’ll try and rephrase it --

A. Uh-huh.

Q. -- to make it more understandable, okay?

If you’re not sure about what I’m asking, just don’t answer. Just make sure it’s clear in your mind what I’m asking for, okay?

You know I’m on his side, okay?

A. Okay.

Q. Mr. Jackson, all right?

Now, you began working for Mr. Jackson in 1986; is that correct?

A. Yes.

Q. And do you know approximately what month that was?

A. No.

Q. Okay. And you stopped working for Mr. Jackson in approximately 1991, right?

A. Yes.

Q. And you never worked for him since you stopped working in 1991, right?

A. No. I never went back.

Q. Okay. Now, you testified that in the apartment owned by Mr. Jackson that you referred to as “The Hideout,” there was no furniture, right?

A. Uh-huh.

Q. Was there any bed in there at all?

A. No.

Q. Okay. And approximately when were you cleaning that apartment as part of your work?

A. Do you mean how long would it take me to clean or --

Q. No, no, let me rephrase it.

During what period of time do you remember you were going to that apartment and cleaning it?

A. Probably a year. I don’t remember.

Q. And would you go to clean that apartment when Mr. Jackson was not there?

A. Yes.

Q. Do you remember Mr. Jackson going on what was called a “Bad” tour; do you remember that?

A. Yes.

Q. Do you remember Mr. Jackson produced an album and a videotape called “Bad”?

A. Yeah. Yes.

Q. And do you remember he was traveling on that tour from approximately September of 1987 to January of 1989?

A. Yes.

Q. And during that period of time he was often out of the country, wasn’t he?

A. Yes.

Q. And he told you about where he was going, didn’t he?

A. Yes.

Q. He told you he was going to Japan, right?

A. Yes.

Q. Australia, right?

A. Yeah.

Q. And a lot of cities in America, right?

A. Yes.

Q. New York, right?

A. Yes.

Q. Indianapolis? Went to Texas? Georgia?

MR. ZONEN: I’ll object as beyond the scope of her knowledge; lack of foundation.

THE WITNESS: I don’t know.

MR. MESEREAU: I think she’s answering she did know, Your Honor.

THE WITNESS: He told me he was on tour,

but --

MR. ZONEN: There's an objection.

THE WITNESS: You know --

THE COURT: The only one she said she didn't know were the last two, so I'll overrule the objection.

Q. BY MR. MESEREAU: So you knew he traveled to Italy on that tour, correct?

MR. ZONEN: I'm going to object on lack of foundation or based on hearsay.

MR. MESEREAU: State of mind, Your Honor. I'll be happy to rephrase it if the Court wants.

THE COURT: The objection is overruled.

Q. BY MR. MESEREAU: Did you know that he traveled to Italy on that tour as well?

A. No.

Q. How about Austria?

A. I don't remember.

Q. And England?

A. I don't remember.

Q. Do you remember he went to a lot of

countries --

A. Yes.

Q. -- on that tour? And he told you that, didn't he?

A. Yes.

Q. And that tour lasted almost a year and a half, didn't it?

A. Not really. I didn't stop seeing him for a year and a half.

Q. But he was out of the country much of the time, wasn't he?

A. Yeah.

Q. And he was out of Los Angeles much of the time?

A. Out of -- yes.

Q. Now, you didn't often see him -- excuse me. Let me rephrase that.

Do you remember him staying overnight at the hideout apartment?

A. Yeah.

Q. Okay. And he didn't like to invite other

people to that apartment, right?
MR. ZONEN: I’ll object as speculative; lack of foundation.
MR. MESEREAU: I’ll rephrase.
Q. Do you know whether or not Mr. Jackson liked to keep his presence at that apartment private?
MR. ZONEN: Objection; speculative.

THE COURT: Overruled.
You may answer.
THE WITNESS: I don’t know.
Q. BY MR. MESEREAU: Okay. Okay. But you didn’t see him invite lots of people to that apartment, did he?
A. No, I didn’t see many people.
Q. Okay. And you were the only one that would clean that apartment, right?
A. Yeah.
Q. And did you used to help Mr. Jackson prepare when he was leaving town for the “Bad” tour?
A. Yes.
Q. And what did you used to do for Mr. Jackson to help him?
A. Pack his stuff, his makeup, his clothes, and shine his shoes.
Q. And he went on approximately 123 concerts during that period, didn’t he?
A. I don’t know.
MR. ZONEN: I’m going to object as lack of foundation.
Q. BY MR. MESEREAU: Do you know how many --
THE COURT: She said, “I don’t know,” so next question.
Q. BY MR. MESEREAU: Okay. When you used to clean the home at Havenhurst in Encino -- okay? Havenhurst is a street, right?

A. Yes.
Q. And that was where Michael Jackson’s parents lived --
A. Yes.
Q. -- right?

Did other family members live there at the time you were cleaning that house?

A. I think Janet was still there. And LaToya.

Q. Okay. So to your knowledge, at the time you cleaned that house, his parents, Janet, LaToya and Michael were living there, right?

A. Yeah.

Q. And would you go there every day?

A. Yes.

Q. Okay. And were there other people besides you that cleaned the house?

A. Not at that time. They didn’t have a housekeeper. I mean, they have one, but it quit after about two months.

Q. Did you appear to be the primary housecleaner?

A. Well, while Mr. Jackson was on tour, I end up staying, cleaning the house too.

Q. Okay. So when he was out of town, you would still go there to work, right?

A. Yeah.

Q. Now, would you bring Jason there when --

A. Yes.

Q. -- when Mr. Jackson was out of town?

A. Yeah.

Q. And where would Jason typically be when you worked at the house while Mr. Jackson was out of town; do you know?

A. Outside in the arcade room. At the house.

Q. Okay. And would you see Mr. Jackson’s parents when you used to clean the house?

A. Yes.

Q. Okay. Would you see Janet?

A. Sometimes.

Q. And how about LaToya?

A. Yeah, sometimes.

Q. Okay. And what areas of the house did you used to clean?

A. The whole house.

Q. Okay. Every day?

A. Yeah. If there was nothing else to do.

Q. Now, how long did you work -- excuse me.

Let me rephrase that. For how long a period of time did you clean the house at Havenhurst?

A. While he was on tour, I guess. I don’t remember. But it was many months, because Bill Bray told me that at least it’s going to be about six months that he was going to be out of -- out of the country, and either I be laid off or work at the house.

Q. Okay. And did there come a point in time when you stopped cleaning the house on Havenhurst?

A. Yes.

Q. And approximately when was that, if you remember?

A. No.

Q. Okay. Was it 1986, do you think?

A. No.

Q. 1987?

A. 1987, yeah.

Q. Do you think it was 1987?

A. Yeah.

Q. Okay. When you stopped cleaning the house at Havenhurst, you kept working for Mr. Jackson, right?

A. Yes.

Q. And what did you do for Mr. Jackson after you stopped cleaning the house on Havenhurst?

A. Well, went back to my same routine. Cleaning his room and mainly being there. Even if I didn’t have anything to do, he wanted me in his room.

Q. Okay. And which room are you talking about now?

A. His bedroom.

Q. Okay. His bedroom now?

A. In Encino.

Q. In Encino, okay. Okay. So Mr. Jackson

would leave town, but always wanted you to still come to the house and do your work, right?

A. Yes.

Q. And you said that Mr. Bray told you something about you might lose your work?

A. No, no, no. He told me that I either be laid off or -- well, probably it’s the same thing, or work at the house.

Q. Okay. Okay. When you stopped working at the house on Havenhurst, what were you doing then for Mr. Jackson?

A. When I stopped working at the Havenhurst -- do you mean at the house?

Q. Yes. You kept working for Mr. Jackson, right?

A. Yes.

Q. And what were you doing then?

A. The same thing I was hired to do for him. Pick up his clothes.

Q. And where were you doing that?

A. Cleaning his room. At the Havenhurst.

Q. No, no, after you stopped working at Havenhurst.

A. Oh.

Q. Okay?

A. Uh-huh.

Q. You worked at Havenhurst for a while, right?

A. Yeah.

Q. And then at some point you stopped cleaning Havenhurst, didn’t you; is that right?

A. Yeah, but we still live there -- I mean, he still live there at the Havenhurst.

Q. Okay. I’m sorry. Maybe I’m confusing you. There was a point in time when you didn’t clean Havenhurst anymore; is that right?

A. Uh-huh.

Q. And approximately when was that, do you think?

A. No, I don’t remember.

Q. Okay. You did work at Neverland at one point, right?

A. Yeah, that was back after about three years.

Q. And when you worked at Neverland, were you still working at Havenhurst?

A. When I still working --

Q. I’m sorry?

A. -- at Neverland?

Q. Yes. Let me rephrase the question. When you were working for Mr. Jackson at Neverland - okay? - were you still doing work at the home on Havenhurst?

A. No.

Q. You were working full time at Neverland then, right?

A. No.

Q. No?

A. I would go to the hideout.

Q. Okay.

A. And sometime he will tell me to go to Havenhurst to get stuff, or retrieve something, or --

Q. So when you were living at Neverland and working at Neverland, you still would sometimes go to Havenhurst, right?

A. Yes. Sometimes.

Q. But most of the time you did your work at Neverland, right?

A. Neverland and the hideout.

Q. Okay. Okay. Now, Mr. Jackson was very generous to you, wasn’t he?

A. Yes.

Q. He gave you a couple of televisions; is that right?

A. Yes.

Q. And you would also ask him from time to time if you could take something, and he would often say “Yes,” right?

A. (Nods head up and down.)

Q. What are some of the things that you asked him that you’d like to have?

A. Knickknacks. And clothes. He gave me a couple of jackets from his tour, I think. I don’t remember. It was -- there were a lot of stuff.

Q. And did he give you any cash himself?

A. I don’t remember.

Q. Didn’t he give you approximately $5,000 total at one point?

A. I don’t remember.

Q. Wouldn’t he give you 500 or 300 or $200 at a time?

A. I don’t remember.

Q. Do you remember saying that in your deposition with Mr. Feldman?

A. Yeah. I probably did, yeah.

Q. So let me ask you what you remember.

A. Uh-huh.

Q. Do you remember Mr. Jackson giving you 500 or 300 or $200 at a time?

A. He probably did, but at this time I don’t remember.

Q. Okay. Do you remember saying in your deposition that, in total, he may have given you $5,000?

A. I probably did.

Q. Okay. Does that sound accurate to you?

A. Yeah, probably, I did. It wasn’t that much, probably, but I don’t remember how much he gave me.

Q. Okay. But would you ask him for cash sometimes?

A. No.

Q. Would he just volunteer and give it to you?

A. I don’t remember that, you know. I don’t --

I don’t -- I think so, but I don’t remember.

Q. Okay. I’m probably not being clear. I’m asking why Mr. Jackson gave you money. Would you ask him for money once in a while?

A. I think I did -- I don’t remember.

Q. Okay. But you do remember him giving you money from time to time, right?

A. Yeah.

Q. Okay. And you’re not sure of the total, right?

A. No.

Q. Okay. And did he give you money from time to time during the entire period that you worked for him?

A. Someone -- yeah.

Q. Okay. And you don’t recall him ever saying “No” if you ever told him you needed some money, did he?

A. No.

Q. Okay. He always was generous with you with money, wasn’t he?

A. Yeah. Yes.

Q. Okay. All right. Now, your deposition was taken in 1993, right? Do you remember that?

A. I don’t remember.

Q. Okay.

A. But I think it was ‘94. I don’t remember.

Q. Would it refresh your recollection if I just show you the transcript with a date on it? Would that help you remember?

A. I mean, I’ll read it and -- I know that it was that, but I don’t remember.

Q. If you saw the transcript, might that help you remember? Would you like to see it?

A. Yeah. I mean, you can put whatever that you want to and I will say probably.

Q. No, I don’t want to do that. Would it help refresh your recollection --

A. No.

Q. -- if I just show you the date on the deposition?

MR. ZONEN: Your Honor, I’d be prepared to stipulate to the two dates of the transcript.

MR. MESEREAU: Okay. Sure.

MR. ZONEN: And the first date is December 15, 1993.

MR. SNEDDON: Can’t hear you.

MR. ZONEN: The first date --

MR. SNEDDON: Turn it on.

MR. ZONEN: We make this complicated, don’t we?

The first date is December 15, 1993. The date of the second day of the deposition was January 11, 1994. I would so stipulate.

MR. MESEREAU: So stipulated.

THE COURT: All right. I’ll approve that

stipulation.

THE WITNESS: I do remember ‘94. But I don’t remember the dates.

Q. BY MR. MESEREAU: Okay. Okay. Do you remember in your deposition saying you had never seen Mr. Jackson touch anyone improperly?

A. Yeah, I --

Q. Do you remember saying you never saw him touch anyone?

A. Yeah.

Q. You did say that, didn’t you?

A. Yes.

Q. Okay. And in that deposition, you told the truth, right?

A. As -- as I recall it at that time, yeah.

Q. You told the truth at that time, right?

A. As I remember it.

Q. Yes. And you were under oath, right?

A. Yes.

Q. Okay. And you said that you had never seen Michael Jackson touch anyone in a sexual way, right?

A. Yeah.

Q. Okay. And you said at no time while you worked for Michael Jackson did you ever see him have sexual contact with anyone, right?

A. When I say “sexual,” I mean sexual.

Q. But you did say under oath that you had never saw Mr. Jackson have sexual contact with

anyone, right?

A. No. No.

Q. Isn’t that what you said?

A. Yeah, yeah, that’s what I said.

Q. Okay. Now, you mentioned that Mr. Jackson has a Jacuzzi, right?

A. Where at? At the Havenhurst?

Q. Well, let’s start with Havenhurst.

A. Uh-huh.

Q. Did Mr. Jackson have a Jacuzzi at Havenhurst?

A. Yes.

Q. And just tell the jury where the Jacuzzi

was, please.
A. It’s outside his patio.
Q. Okay.
A. Outside of his bedroom.
Q. And did various family members use that Jacuzzi?
A. No.
Q. Did you ever see anyone use that Jacuzzi at Havenhurst?
A. Only Mr. Jackson.
Q. And it was outside?
A. Yes.
Q. Okay. Can you see that Jacuzzi from the house?
A. No.

Q. Can you see it from any windows?
A. Not from the house. From a separate -- from a separate -- from -- I think from up on the garage, you can see it, but it’s not a bedroom.
Q. Did you ever see Mr. Jackson in that Jacuzzi at Havenhurst?
A. I remember one time.
Q. One time seeing Mr. Jackson use the Jacuzzi at Havenhurst?
A. Yeah.
Q. Okay. But you didn’t see anyone else ever use it?
A. There was a little -- a boy there.
Q. Did you ever see his parents use the Jacuzzi?
A. Whose parents? Michael?
Q. Yeah.
A. No.
Q. Did you ever see Janet use it?
A. No.
Q. Ever see LaToya use it?
A. No.
Q. Ever see anyone use it besides Mr. Jackson?
A. No.
Q. All right. Was there a Jacuzzi at Neverland?
A. Well, inside his bedroom there is a bathroom

with a Jacuzzi in it.

Q. Okay. And you saw Mr. Jackson use that Jacuzzi, didn’t you?
A. Yeah.
Q. Is it downstairs or upstairs in his bedroom area?
A. Downstairs.
Q. It’s downstairs; is that right?
A. His bedroom, yeah.
Q. Okay. Now, the prosecutor asked you questions about Mr. Robeson, okay?
A. Uh-huh.
Q. And did you say that Mr. Jackson was sleeping on a bed in the lower level of his bedroom?
A. Yes.
Q. Okay. You didn’t see him sleeping in the bedroom on the upper level?
A. No.
Q. And was it your belief that during the time you worked at Neverland, that Mr. Jackson only slept on the bed on the lower level?
A. Yes. There were times that the other bed was used.
Q. Okay.
A. But I never saw him in that bedroom.
Q. So you would see the bed upstairs used, but you didn’t know who had used it, right?
A. No.
Q. You would see the bed downstairs used, but you didn’t know who used it, right?

A. It was time when it was just one -- one bed was undone.
Q. Sometimes, right?
A. Sometimes.
Q. And sometimes there was a bed upstairs that seemed undone, right?
A. Yeah.
Q. And you were responsible for making both beds, right?
A. Yes.

Q. Okay. Have you ever seen Mr. Jackson lying on his bed watching television?

A. Yeah. A couple of times.

Q. How many times did you see Mr. Jackson lying on his bed watching television?

A. Probably a couple of times.

Q. And you would see him watch videos also, right?

A. Yeah.

Q. Were you often in Mr. Jackson's room when he was watching television?

A. No.

Q. You typically cleaned his room when he wasn't there, right?

A. Yeah.

Q. Is that true?

A. Yes.

Q. And it was your understanding that you were supposed to clean his room when he wasn't in there, right?

A. No.

Q. Was it your understanding that you weren't supposed to go in when Mr. Jackson was in the room?

A. Yeah. Sometimes I'll unlock his room and he'll be there, and he tell me that it was okay to come in.

Q. Okay. And sometimes you would unlock his door, he'd ask you not to come in, right?

A. Yeah.

Q. Most of the time when you cleaned his room at Neverland, he wasn't in it, right?

A. Most of the time when he wasn't in?

Q. Let me rephrase. Let me rephrase. During the time you worked at Neverland, most of the time when you cleaned his room, he wasn't in there, right?

A. Yeah.

Q. You okay? Do you want some water?

A. Huh?

Q. Do you want some water?

A. No, that's okay.

Q. Was it your understanding that when you cleaned Mr. Jackson's room you were usually supposed to do it when he wasn't around?

A. Yeah.

Q. Okay. Okay. And if you opened the door and he was in there, you would ask for permission to come in, right?

A. Yes.

Q. Okay. Now, his bedroom is a very big area, isn't it?

A. Yes.

Q. How would you describe it?

A. Big.

Q. Very big, isn't it?

A. Uh-huh. Yeah.

Q. And how do you get into his bedroom? If you're going -- let me rephrase it. If you're going into Mr. Jackson's room, what do you have to do to get in?

A. Open the door with a key.

Q. Okay. And is that what you would typically do?

A. Yes.

Q. Was there any kind of a bell that would ring?

A. Yes.

Q. And would the bell always ring when you entered?

A. Yeah. But it -- it doesn't have a -- you know, it would ring just once.

Q. Right. Just one ring?

A. And then close, yeah.

Q. Would you then stop it? Would you shut the bell off?

A. I used to unplug it.

Q. You unplugged it. Okay. So you'd hear a ring, and then you would unplug it; is that right?

A. Well, you have to unplug it from the inside of the bedroom.

Q. So you'd open the door, right, with a key?

A. Yeah.
Q. The bell would go off, and then you would unplug it, right?
A. When I was there by myself, I used to unplug it.
Q. Okay. Okay. And then it would stop ringing, right?
A. And it would stop ringing, yeah.
Q. And then you would do your cleaning, right? Is that right?
A. No.
Q. Tell me what --
A. I’ll get there --
Q. Yes.
A. -- and then -- once I get there, I unplug it, because when people get close to it, it rings. But it rings, and then it rings one time, it doesn’t ring anymore.
Q. Okay. Okay. To stop it from ringing, you would unplug it?

A. Yeah.
Q. Okay. Okay. All right. Now, do you know who Quincy Jones is?
A. Yes.
Q. And who’s Quincy Jones?
A. A writer, I think.
Q. Okay. And his daughter used to visit Michael, right?
A. At Havenhurst.
MR. ZONEN: Beyond the scope of the direct, and irrelevant.
THE COURT: Overruled. Go ahead.
THE WITNESS: At Havenhurst?
Q. BY MR. MESEREAU: Yes.
A. I think she was there a couple of times.
Q. Her name was Kidada, right?
A. I don’t know.
Q. But you saw her visit Michael, correct?
A. Yes.
Q. Did you ever see -- do you know who Lionel Ritchie is?
A. Yes.

Q. Did you ever see his daughter visit the Jacksons?
A. Not at Havenhurst.
Q. Okay. Did you see her visit Michael?
A. Him I remember visiting.

Q. You remember him visiting Michael. You don’t remember his daughter?
A. No.
Q. Okay. Before you testified today, did you meet with any prosecutor to discuss what you were going to be asked?
A. Yeah.
Q. And when did that meeting take place?
A. Saturday.
Q. And who did you meet with?
A. I don’t remember his name.
Q. Pardon me?
A. Ron, I think.
Q. Prosecutor Zonen?
A. And another one.
Q. Okay. And how long did the meeting take place?
A. Couple of hours.
Q. And how many people were there meeting with you?
A. Just the two of them.
Q. Did they tell you what they were going to ask you in court?
A. They -- they went to what I say before.
Q. Did they discuss the questions they were going to ask you today?
A. Kinda.
Q. And did they discuss your answers with you?

A. No. They told me about, you know, what I say in my deposition before, and if I remember, and there was stuff that I didn’t remember.
Q. Did they give you a copy of your deposition to look at?
A. No.
Q. Did they appear to be reading from your

deposition?

A. No.

Q. Okay. Did they have any documents they showed you?

A. Yeah. They gave me a paper of things that I say when I talk to another detective.

Q. Okay.

A. Not -- not at my deposition.

Q. Okay. So it was a paper that they gave you to look at?

A. Yeah.

Q. And what was on that paper, if you remember?

A. When I talked to the other detectives, they came, you know, at the beginning.

Q. Okay.

A. The first time.

Q. Do you remember meeting with a lawyer named Larry Feldman?

A. Yes.

Q. And you met with Larry Feldman before your deposition was taken, right?

A. Yes.

Q. And he came out to see you, didn't he? Let me rephrase it. Maybe you don't understand.

A. Yeah, I understand.

Q. You do?

A. But I don't remember. Yeah, I think he did. He came to my house, I think.

Q. He came to your house, didn't he?

A. (Nods head up and down.)

Q. And he wanted to speak to you before your deposition was taken by him, right?

A. Yes. Yes.

Q. Okay. And obviously that was quite a while ago, right? Was that around 1993 sometime?

A. Yes.

Q. Okay. Do you remember how much time Larry Feldman spent with you?

A. No.

Q. Do you remember if it was a long time?

A. I don't remember.

Q. Okay. Was that the only time you met with

Attorney Larry Feldman?

A. No. Then I was taken to L.A., and I --

Q. Did you meet with him again?

A. Yeah, for the deposition.

Q. Okay. And he was giving you some advice during the deposition, wasn't he?

A. I don't remember. I don't think so.

Q. Didn't he advise you from time to time during that deposition?

A. I don't remember. There were a lot of people talking to me at that one.

Q. And he was one of them talking to you, wasn't he?

A. Yes.

Q. And you said that deposition went more than a day, right?

A. Yeah. It was twice.

Q. Okay. And was it after that deposition that you first spoke to an attorney named Terry Cannon?

A. That was -- that was after. After when Mr. Cochran told me that my son was going to be subpoenaed and I would have to bring him.

Q. Okay. And then you went to hire an attorney, correct?

A. Then I -- yeah, then I talked to Terry.

Q. Okay. And has he been your lawyer ever since?

A. Yes.

Q. Okay. Has he been your son's lawyer ever since?

A. Yes.

Q. Okay. When did you last talk to Terry Cannon?

A. I think it was December or November. I don't remember. It was in December.

Q. Last December?

A. Last December.

Q. Okay. Okay. And do you remember having a meeting with Prosecutor Zonen and Terry Cannon last year?

A. On December? It was -- Zonen? I don’t know his last name. He was a tall guy.
Q. Prosecutor Zonen, who you see right here --
A. Oh.
Q. -- do you remember meeting with him?
A. Oh. Yeah, I think he was -- he was there, too. That’s when they gave me that deposition.
Q. Okay. Okay. In your deposition, you said that you had never seen Mr. Jackson molest a child, right?
MR. ZONEN: Objection; asked and answered.
THE COURT: Overruled.
Q. BY MR. MESEREAU: In your deposition, you said under oath you had never seen Mr. Jackson molest a child, right?
A. Molest a child? No. Yeah, I say that.
Q. Okay. Was it after that deposition that you were interviewed by Hard Copy?
A. No.
Q. It was before?
A. Oh, before I met with him, with -- at my deposition? No, that interview was before.
Q. So the interview with Hard Copy was before the deposition --

A. Yes.
Q. -- right?
And that’s the interview you were paid $20,000 --
A. Yes.
Q. -- to do, right?
A. Yes.
Q. And that’s the interview that you had your friend Evangeline help you arrange, right?
A. Yes.
Q. And then after you were paid, you said you paid her some money, right?
A. Yeah.
Q. Okay. Okay. Did you ever talk to anyone from The National Enquirer?
A. No.
Q. Is Hard Copy the only media --
A. Yeah.

Q. -- group that you ever met with?

A. Yeah. I guess someone tried to -- someone contacted me from National Enquirer, I think, and from Los Angeles Time.

Q. In your deposition, you said the people from Hard Copy are not honest, right?

A. Yeah.

Q. When did you last talk to anyone from Hard Copy?

A. When did I -- recently?

Q. Let me rephrase it.

A. Uh-huh.

Q. After your interview with Hard Copy, did you ever talk to them again?

A. No.

Q. Okay. Did you tell Attorney Larry Feldman that you were going to be interviewed by Hard Copy?

A. No.

Q. And Evangeline worked at Neverland, right?

A. Yes.

Q. Did you tell anyone else who worked at Neverland, besides Evangeline, that you were going to be paid to interview with Hard Copy?

A. No. Not that I remember.

Q. Now, at some point you learned -- let me rephrase that, excuse me. Let me start again. After your interview with Hard Copy appeared on television - okay? - at some point you learned that other employees at Neverland now wanted to be paid to go on television to talk about Mr. Jackson, right?

A. Did I know that?

Q. Yes.

A. No.

Q. After you hired a lawyer --

A. Uh-huh.

Q. -- you learned that other employees at

Neverland started hiring lawyers, right?

MR. ZONEN: I'll object. Lack of foundation; speculative.

THE WITNESS: I don’t remember that.

THE COURT: Wait.

The objection’s overruled.

Q. BY MR. MESEREAU: Did you learn at some point after your Hard Copy interview was on television, that now other people who worked for Michael Jackson were hoping they could make money doing media interviews like you did?

MR. ZONEN: Objection; speculative.

THE WITNESS: No, I didn’t know that.

THE COURT: Overruled.

Q. BY MR. MESEREAU: Did you discuss your Hard Copy interview with anyone besides Evangeline at Neverland?

A. I don’t remember, no.

Q. Okay.

A. No.

Q. Okay. Who did you work for at Neverland?

A. Did I work for?

Q. Besides Mr. Jackson. I mean, who did you work -- let me rephrase it.

Obviously you worked for Mr. Jackson, but did you report to other people?

A. Did I report to other people? Oh.

Q. As part of your job.

A. I was working as part of the household, housekeepers.

Q. And who did you work with; do you remember?

A. The workers? I don’t remember their names.

But I -- I --

Q. Okay. Now, the Hard Copy interview was in 1993, right?

A. Yes.

Q. It was in December of 1993, right?

A. Yes.

Q. And you stopped working in 1991, right?

A. (Nods head up and down.)

Q. So after you left -- after you stopped working for Mr. Jackson, you stayed in touch with some people who worked for Mr. Jackson, right?

A. No.

Q. What about Evangeline?

A. But she wasn’t working there no more.
Q. When did she stop?
A. Before me.
Q. Was she in touch with people at Neverland?
MR. ZONEN: Objection; speculation.
MR. MESEREAU: To your knowledge.
THE WITNESS: Not that I know.
MR. ZONEN: There’s an objection.
THE COURT: To her knowledge. I’ll limit it. She answered no, not that she knows.
Q. BY MR. MESEREAU: Did you talk to any representative of the media before you had your deposition taken?

A. Did I -- did I talk --
Q. I’m -- yes, let me rephrase it.
A. Uh-huh.
Q. And if I’m unclear, just tell me, and I’ll try and say it again.
You said your interview with Hard Copy was after the deposition, right?
A. No. It was before.
Q. It was before. Okay. How long before it, if you know?
A. About a month.
Q. Okay. Did you discuss the fact that you were going to be interviewed by Hard Copy with any attorney?
A. No.
Q. Okay. Do you remember Evangeline saying to you, “Would you like to go to The National Enquirer”?
A. I don’t remember.
Q. Pardon me?
A. I don’t remember. I remember a guy called me, but he never told me that someone refer me or --
Q. But didn’t Evangeline suggest that you call The National Enquirer?
A. No.
Q. She didn’t? She didn’t ask you, “Do you want me to find The Enquirer?”

A. I don’t remember that, no.
Q. Would it refresh your memory if I just show you a transcript --
A. Uh-huh.
Q. -- of your deposition?
A. Oh, okay.
Q. Can I do that?
A. Yeah.
MR. MESEREAU: May I approach?
THE COURT: Yes.
MR. ZONEN: What page, Counsel?
MR. MESEREAU: 208.
Q. Have you had a chance to look at that page?
A. No. Oh.
(Laughter.)
Q. You’ve had a chance to look at the page, right?
A. Did I what?
Q. Have you had a chance to read that page of your deposition?
A. Before today?
Q. No, no, today.
A. Oh, yeah.
Q. Okay. I just showed you the page, right?
A. Yeah.
Q. Have you had a chance to look at it?
A. Yeah.

Q. And does it refresh your memory about what Evangeline said to you?
A. You know, tell you the truth, I probably did at that time. And I remember at the time, but this time I don’t remember.
Q. Okay.
BAILIFF CORTEZ: Ma’am, speak into the mike.
THE WITNESS: Oops.
Q. BY MR. MESEREAU: Didn’t you tell Evangeline that you were willing to talk to The Enquirer?
A. I don’t remember.
Q. Okay. Would it refresh your recollection just to look at the page?
A. No.
Q. It wouldn’t? So even if you read the page,

it won’t help, do you think?

A. It won’t help me.

Q. Okay. Okay. But you don’t remember what you said to Evangeline about talking to The Enquirer?

A. I don’t even remember the whole sit -- I don’t remember.

Q. Okay.

A. It was a lot -- at that time, you know, it was --

Q. Evangeline called Hard Copy for you, right?

A. Uh-huh. Yeah, I think so.

Q. And she did it for you, right?

A. Yeah, I think she did.

Q. You wanted her to find a way to communicate with Hard Copy, right?

A. Yeah.

Q. Okay. And you wanted to talk to either Hard Copy or The Enquirer, right?

A. I don’t remember if it was either of them, but I remember that I say yeah.

Q. Okay. Okay.

A. Because I think they approach her first, someone approach her. And she said, “Well, they want to talk to you, too.” That’s what I got.

Q. Did you have an understanding with Evangeline that if she arranged these interviews for you, that you would pay her?

A. That I would pay her?

Q. Yes.

A. No.

Q. Did you believe she was just doing it as a friend?

A. Yeah.

Q. Okay. So you didn’t have any arrangement with her that you would split the money, right?

A. No.

Q. You gave her some money later on because you appreciated what she had done for you, right?

A. Yeah. Yeah, because of the trouble that she was going -- you know, she did, yeah.

Q. Okay. So you gave her money as a friend, right?
A. Yeah.
Q. Okay. There was no understanding before the interview with her how much she would get?
A. No.
Q. Okay. Okay. Now, Evangeline told you that she had reached Diane Dimond of Hard Copy, right; is that right?
A. Yes.
Q. And Evangeline arranged for you to meet with Diane Dimond, right?
A. Yes.
Q. How many meetings did you have with Diane Dimond with Hard Copy?
A. I think it was just one.
Q. Do you remember going to the Hilton Hotel?
A. My -- yes.
Q. Is that where you saw Diane Dimond during a meeting?
A. Yes.
Q. And that’s the meeting Evangeline went with you to, right?
A. Yes.
Q. You told Diane Dimond during that interview that you never told anyone that you had ever seen Michael Jackson molesting boys, right?
A. Yes, I believe so.

Q. And it was Evangeline that negotiated how much money you were going to get, right?
A. Yes.
Q. You learned that you were going to get $20,000 from Evangeline, right?
A. From Hard Copy.
Q. Yeah.
A. Not from Evangeline.
Q. Let me rephrase it to make sure you understand.
A. Yeah.
Q. You learned from Evangeline that you were going to get $20,000 for the interview with Hard

Copy, right?
A. Yeah.
Q. Is that correct?
A. Yes.
Q. Evangeline was supposed to speak to Hard Copy about the money you were going to get, right?
A. Yes.
Q. So she was really your assistant, wasn’t she?
A. Yeah.
Q. Okay. If you remember, how long was the meeting at the Hilton Hotel with Diane Dimond?
A. About three hours, probably.
Q. Okay. Were there other people at that meeting as well?

A. I don’t remember. I don’t think so.
Q. Do you know if you were given a contract to sign?
A. I signed it, but I don’t remember at what time I did, if it was during that time or after the interview.
Q. But you did sign the contract with Hard Copy --
A. Yeah.
Q. -- right?
A. Yes.
Q. How did you get that contract?
A. How did I what?
Q. How did you get a copy of that contract?
A. I guess they give it to me.
Q. Okay. Did Miss Dimond give it to you directly or did Evangeline give it to you?
A. No.
Q. Pardon me?
A. Miss Dimond gave it to me, I think.
Q. At the meeting?
A. I don’t remember. It was during the -- in the room.
Q. Okay. And you were asked to sign that contract in that room before you left, right?
A. Yeah, I guess so.
Q. Is that what you remember?

A. That’s what I remember. I don’t know.

Q. Okay. Okay. The day after you were interviewed by Hard Copy, Miss Dimond called you again, right?
A. The day after?
Q. Yes. The day after your interview with Hard Copy, Ms. Dimond called you again, right?
A. I don’t remember.
Q. Okay.
A. I don’t remember her calling me, but I don’t remember if it was the next day or --
Q. Do you remember her wanting pictures of Michael Jackson?
A. Yeah.
Q. Ms. Dimond wanted you to get her pictures of Mr. Jackson, right?
A. I don’t remember.
Q. Do you remember that?
A. I think I give it to her, but I don’t remember.
Q. Okay. Do you remember saying to Ms. Dimond you don’t have pictures of Michael Jackson?
A. I don’t -- ask that --
Q. I’m sorry, I may not be explaining it properly. Let me just rephrase the question. I’ll withdraw the question.
A. Uh-huh.
Q. The day after you interviewed with Hard Copy, Miss Dimond called you on the phone, right?

A. I don’t remember.
Q. Well, after the interview with Hard Copy, do you remember at some point in time Miss Dimond called you?
A. I don’t remember.
Q. Okay. Do you remember Miss Dimond ever asking you to get her pictures of Michael Jackson?
A. I don’t remember, but I give it to her sometimes. Or one time, I guess, she got some pictures of him.
Q. And was that part of your contract with the

show Hard Copy, that you would give them pictures?
A. Yeah -- yes.
Q. Okay. And when they paid you $20,000, was part of what you had to do to give them pictures?
A. Yes. I guess.
Q. Do you remember sending any pictures of Mr. Jackson’s animals to Hard Copy?
A. I think all the pictures I got, I give her, it was me with animals, probably. But it was me mostly. Not of animals.
Q. Did you send pictures of Mr. Jackson’s lion?
A. No.
Q. How about his tiger?
A. Not -- I was in the picture, but it wasn’t by itself of the --
Q. Okay.
A. -- tiger.

Q. You gave Ms. Dimond a picture of your son with Mr. Jackson, right?
A. With Mr. Jackson? I don’t remember, but I -- no, I don’t remember.
Q. Would it refresh if I just show you the transcript of your deposition?
A. Uh-huh.
MR. MESEREAU: Okay. May I approach, Your Honor?
THE COURT: Yes.
MR. ZONEN: Page number, Counsel?
MR. MESEREAU: 231.
MR. ZONEN: 231?
Q. BY MR. MESEREAU: Have you had a chance to review that page of your deposition?
A. Yes.
Q. And you said under oath during the deposition that you gave Ms. Dimond a picture of your son and Mr. Jackson, right?
A. Yes.
Q. Okay. And you could -- you didn’t think people would notice your son on the show, right?
A. Yeah. Probably. Probably, yes.
Q. You said in the deposition you didn’t think anybody would recognize who your son was on the Hard

Copy show, right?
A. Yeah. Probably I said that.
Q. That’s what you said, right?

A. I probably -- yes.
Q. Okay. Now, at some point, you called Diane Dimond and she didn’t return your calls, right?
A. Yeah.
Q. You called her because you thought she had lied, right?
A. She had lied?
Q. Yes.
A. I didn’t like -- I thought that -- that Hard Copy interview thing was going to be shown on Hard Copy, and then I see my pictures everywhere, and even in The National Enquirer, and that’s what I thought that it was. You know, I didn’t know that they can sell the story to someone else. That’s how I felt.
Q. Do you remember telling Ms. Dimond that you had other pictures from Neverland Ranch --
A. I don’t remember.
Q. -- that you could get? Do you remember that?
A. No, I don’t remember.
Q. Do you remember Miss Dimond telling you she could send a messenger to get other pictures that you had of Mr. Jackson?
A. I don’t remember that.
Q. Okay. You gave Ms. Dimond pictures of Mr. Jackson after your interview, right?
A. I don’t remember.

Q. You don’t remember if you gave the pictures before or after the interview?
A. No, no, no. After -- of Mr. Jackson? No.
Q. Okay. I’m asking you when you gave pictures to Miss Dimond. Was it before the interview or after it?
A. Oh. I think it was after.
Q. The prosecutor asked you questions about Wade Robeson. Okay?

A. Uh-huh. Yes.

Q. Do you remember saying in your deposition that you saw Mr. Robeson sleeping in Mr. Jackson’s bed?

A. Yes.

Q. Do you remember you were asked how many times you saw that, and you said, “Maybe twice”?

A. I don’t remember that I say that, but I think that’s what it was.

Q. Maybe twice?

A. I remember -- I don’t remember what I say at the time, but I think that was the time -- I mean, that was the times.

Q. So you think you saw Mr. Robeson in Mr. Jackson’s bed maybe twice?

A. Yeah.

Q. And you think you saw Mr. Jackson in a shower with Mr. Robeson one time, right?

A. Yes.

Q. But you said the shower was fogged up and you couldn’t really see, right?

A. I saw the figure.

Q. You saw the figure. And you heard a lot of laughing, right?

A. Yeah.

Q. And you thought they were playing, right?

A. Yes.

Q. In your deposition, you said under oath you couldn’t tell whether they were touching each other or not, right?

A. Yeah.

Q. Do you remember meeting Joy Robeson, who is Mr. Robeson’s mother?

A. Yes.

Q. When did you first meet Joy Robeson?

A. I don’t remember.

Q. Do you know about when it was, what year?

A. No.

Q. Okay. You told the jury that you walked into the door at the hideout apartment and saw your son on Mr. Jackson’s lap one time, right?

A. Not at the hideout.

Q. Where was it?
A. Havenhurst.
Q. Okay. And you said your son was reading a book?
A. (Nods head up and down.)

Q. Is that right?
A. Yeah.
Q. Okay. The prosecutor asked you questions about finding money in your son’s pants, right?
A. Uh-huh.
Q. You found the money in his pockets, correct?
A. Yes.
Q. Have you ever seen that Hard Copy interview that you did?
A. No.
Q. Okay. Has anyone from the prosecution tried to show it to you?
A. No.
Q. No? Okay.
A. I saw little hints. One day I got home and they were showing, you know, like little parts, what they going to show the next day. That’s what I saw.
Q. Okay. Do you remember stating that you thought Michael Jackson was very childlike?
A. Yeah. Yes.
Q. He very often acted like a child, in your mind, right?
A. Yes.
Q. Do you remember saying that he would let his chimpanzee sleep in his room?
A. Yes.
Q. Do you remember that?
A. Yeah.

Q. The chimpanzee’s name was “Bubbles,” right?
A. Yes.
Q. And Bubbles would sometimes stay in Mr. Jackson’s room, right?
A. Yes.
Q. You talked about Bubbles wearing a diaper, right?

A. Yes.

Q. You said the monkey didn’t like the diaper, right?

A. Yeah.

Q. And you would often clean after the monkey was in Mr. Jackson’s room, right?

A. Yes.

Q. You said at one time Bubbles got too old and then there was another monkey, right? Right?

A. I remember -- I don’t remember about the other monkey, but it was Bubbles.

Q. Mr. Jackson and a lot of children used to play with the monkey, didn’t they?

A. At Havenhurst he only had Bubbles.

Q. Okay. But children would come and play with the monkey, wouldn’t they?

A. Not at Havenhurst. Just one time.

Q. Where would you see Bubbles?

A. At Havenhurst, I think.

Q. Okay. Did you ever see Bubbles at Neverland?

A. I don’t remember. I think it was bigger at that time.

Q. Okay. But he was at Neverland, right?

A. He was at Neverland? I don’t remember.

Q. Okay. Okay. But you would often at Neverland see Mr. Jackson playing with kids, right?

A. Yes.

Q. He would play with kids all the time, wouldn’t he?

A. Yes.

Q. And kids would often visit Neverland, right? Is that true?

A. Yes.

Q. Did you -- excuse me, let me rephrase that. Do you remember a dance room where Mr. Jackson used to do dance routines?

A. A what?

Q. I’m sorry. Let me rephrase it. Do you remember a dance room --

A. Oh, a dance room, yeah.

Q. -- where Mr. Jackson used to practice dance routines?

A. Where at? Neverland?

Q. Anywhere.

A. Yes.

Q. Where was the dance room?

A. Behind the theater.

Q. At Neverland, right?

A. Yes.

Q. And you used to see Mr. Jackson go there and practice dance, right?

A. Uh-huh.

Q. You also saw Mr. Jackson teaching children to dance, right?

A. Playing with the kids.

Q. Yes.

A. Yeah.

Q. And he used to teach children how he dances, right?

A. I don’t know if it was the children, but I see him with the kids.

Q. Okay. In the dance room, right?

A. In the dance room, yeah.

Q. Okay. Have you ever discussed your son’s claim that Mr. Jackson improperly touched him with your son? Have you ever had a discussion about that?

A. At one time, back in ‘94.

Q. Okay. You talked to your son about what he said --

A. I’m --

Q. I’m sorry, go ahead.

A. I say, “What’s going on?” And he say, “I just don’t want to talk about it.”

Q. This was in 1994?

A. ‘94, I think so.

Q. Have you ever discussed with your son his claims about Mr. Jackson?

A. No.

Q. Never?

A. No. I -- I ask him that I was going to ask his counselor.

Q. Okay.

A. And he say no.

Q. Okay. So you've never discussed --

A. No.

Q. -- your son's claims with him?

A. No.

Q. Okay. Have you had a meeting with Prosecutor Sneddon?

A. Yeah, one time.

Q. And approximately when was that?

A. '93, I think.

Q. Okay. Have you met with Mr. Sneddon since 1993?

A. No.

Q. Okay. Have you had any meetings with any sheriffs to discuss your testimony?

A. Other than -- no.

Q. Okay. Have you ever had a meeting with any sheriff about what you're going to say today?

A. Other than Saturday, that, you know, they told me that I was going to come here.

Q. Okay. Okay. Was any lawyer at that meeting?

A. No.

Q. Okay.

THE COURT: Shall we take our break?

MR. MESEREAU: Okay.

(Recess taken.)

THE COURT: Go ahead.

MR. MESEREAU: Thank you, Your Honor.

Q. Miss Francia, I'd like to ask you some questions about the deposition you gave on January 11th, 1994, okay?

A. Uh-huh.

Q. Before you attended that deposition, you had been asked to bring the contract you had with Hard Copy with you to the deposition, right?

MR. ZONEN: I'm going to object as irrelevant.

MR. MESEREAU: Your Honor, I believe the prosecutor introduced the subject of Hard Copy.

MR. ZONEN: Not a contract.

THE COURT: The objection’s overruled.

You may answer.

Q. BY MR. MESEREAU: Do you remember that? Let me rephrase it.

A. Okay.

Q. Before you appeared at a sworn deposition on January 11th, 1994, you had been asked to bring a copy of the contract you had with Hard Copy to the

deposition, right?

A. I don’t remember.

Q. Do you remember at that deposition, you said you had destroyed the contract?

A. I don’t remember what I said or --

Q. Do you remember saying you’d gotten rid of it?

A. I don’t remember.

Q. Would it refresh your recollection if I just show you the transcript?

A. Yeah.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

Q. BY MR. MESEREAU: Miss Francia, have you had a chance to review those deposition pages?

A. Did I have a -- had I had a chance? No.

Q. I’m sorry, no. I just showed you some pages from the deposition, right?

A. Yes.

Q. Did you have a chance to review that portion of the page that I showed you?

A. I haven’t read any of the deposition paper.

Q. Okay. Did you just read it when I showed it to you?

A. Yes.

Q. And does it remind you that you said you had gotten rid of the contract?

A. Yeah, I probably did.

Q. Okay. Do you remember saying that in the deposition?

A. No, I don’t.

Q. Okay. Did you get rid of that contract at some point?
A. Yeah, I don’t have it anymore. Yeah, I don’t have it.
Q. Did you throw it out?
A. I think I -- yeah, I think I threw it away, or --
Q. Did you throw it out before the deposition of January 1994?
A. Yeah, I think I destroy -- I destroyed it.
Q. Okay. Do you remember stating in that deposition that you showed the contract to Larry Feldman?
A. No.
Q. Do you remember showing that contract to Attorney Larry Feldman?
A. No, I don’t remember.
Q. Would it refresh your recollection if I show you the deposition page?
A. Yeah.
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
Q. BY MR. MESEREAU: Miss Francia, have you had a chance to look at that page of your deposition?
A. No.

Q. Okay. I just showed you a page of your deposition --
A. Oh, just now, yeah.
Q. Did you have a chance to read that page?
A. Yes.
Q. Does it refresh your recollection about your saying you let Larry Feldman see the contract?
A. I don’t remember.
Q. Okay. You don’t remember showing it to Larry Feldman?
A. No.
Q. Okay. And you met with Larry Feldman, what, twice?
A. Well, first it was here in Santa Maria. He came down.
Q. Okay.
A. And then I met with him when I went there

twice.
Q. So is that three meetings you had with Attorney Larry Feldman?
A. Yes.
Q. And that would be in the early 1990s, right?
A. Yes.
Q. Okay. Did you go to him to get some advice?
A. No.
Q. Did you talk to him about what you were going to say on television?
A. No.

Q. You've talked to Santa Barbara Sheriff Russ Birchim a number of times, haven't you?
A. Russ Bir -- it was from Santa Barbara, but I don't remember the name.
Q. Do you know a Santa Barbara sheriff named Russ Birchim?
A. Russ --
Q. Do you know a Santa Barbara sheriff named Russ Birchim?
A. I don't remember the name of it, but it was a detective or sheriff.
Q. Do you remember when your son Jason first spoke to any police officer about what he claims happened with Michael Jackson?
A. I remember one of the times, but I don't know which time it was.
Q. At your deposition, you said that you went on Hard Copy after your son spoke to the police, right?
A. I don't remember if it was before or after.
Q. Okay. Would it refresh your recollection to just show you --
A. Uh-huh.
Q. -- the deposition?
May I approach, Your Honor?
THE COURT: Yes.
Q. BY MR. MESEREAU: Have you had a chance to look at that page from your sworn deposition?

A. Yes.

Q. Does it remind you that your son had talked to the police before you went on Hard Copy?
A. It doesn’t -- I don’t remember.
Q. Okay. Did you know your son was going to speak to any police officer about Mr. Jackson?
A. No.
Q. It happened without you knowing about it?
A. I didn’t know he was -- they were going to talk to him.
Q. Do you have any idea why the police wanted to talk to your son at that point in time?
A. No, I don’t remember. I think when they first talked to him, they came to the house and asked me if they could talk to him, but I don’t remember when was this.
Q. Do you know who told the police anything about your son?
A. I think they -- someone told me that they needed to talk to my son, or they need to talk to me about my son.
Q. Do you know if Larry Feldman, the attorney, contacted the police about your son?
A. No, I don’t know.
Q. Now, you worked approximately five years at the Havenhurst address, right?
A. Altogether --
MR. ZONEN: Misstatement of evidence; objection.

THE WITNESS: Altogether --
THE COURT: Just a moment.
I sustain the objection, Counsel.
MR. MESEREAU: Okay.
Q. You worked for approximately two years at Neverland, right?
A. Yeah.
MR. ZONEN: Objection; misstatement of evidence.
THE COURT: Overruled.
Q. BY MR. MESEREAU: Is that true?
THE COURT: She answered “Yes” before.
THE WITNESS: Yes.
MR. MESEREAU: Oh, I didn’t hear her. Thank

you.
Q. Now, while you were at Neverland, you reported to someone named Norma Stakos, right?
A. Yes.
Q. And who was Norma Stakos?
A. One of the secretaries. She was a secretary.
Q. A secretary to who?
A. Mr. Jackson.
Q. Okay. And you would speak to her from time to time, correct?
A. Yeah.
Q. And do you remember she talked to you in

1991 about the fact that for the third time your wages had been garnished by a creditor?
MR. ZONEN: Objection; irrelevant.
THE COURT: Sustained.
MR. ZONEN: And hearsay.
Q. BY MR. MESEREAU: Did you ask Miss Stakos on behalf of Mr. Jackson to help you with any bills you couldn’t pay?
A. No.
MR. ZONEN: Objection; irrelevant.
THE COURT: Overruled. The answer was, “No.”
Q. BY MR. MESEREAU: Did you have a discussion with Miss Stakos about the fact that she couldn’t pay you?
A. No, never did.
Q. You don’t know anything about a wage garnishment?
A. Yes.
Q. What do you know about that?
A. That --
MR. ZONEN: I’m going to object as irrelevant.
MR. MESEREAU: I don’t think so, Your Honor.
THE COURT: I thought it was initially, but I changed my mind. So I’ll overrule the objection.
Q. BY MR. MESEREAU: What do you remember telling Miss Stakos about a wage garnishment?
A. About my taxes, not paying in time, and I

need -- you know, they needed to wage - how do you call that? - take money out of my paycheck.

Q. Did Miss Stakos help you with that?

A. Well, she was the payroll, so she’s the one who took it off of my paycheck. But she never gave me money, or anybody gave me money to pay that.

Q. Do you remember you owed money to a store called Dearden’s?

A. Yes.

Q. Okay. And they were trying to garnish your wages, right?

A. Uh-huh. Yeah.

Q. And did you -- you asked Miss Stakos to help you straighten that out, right?

A. Not to straighten it, but to -- you know, just to pay off of my check.

Q. Okay. And did she work with you on that?

A. Yes.

Q. Okay. And she did that for you on a couple of other occasions, right?

A. I remember two times. And I don’t remember more than that.

Q. Okay. And she had a problem at one point because you had a phony Social Security number, right?

A. Yes.

Q. Okay. And she helped you straighten that out, right?

A. No.

Q. You eventually got a proper Social Security number?

A. Yes. Yes.

Q. But you did discuss that with Miss Stakos, right?

A. I don’t remember. But they knew that I was illegal, and Mr. Bray wanted to help me to get my papers.

Q. Okay. And that got straightened out, didn’t it?

A. Yeah.

Q. Okay. Did you know someone named Gayle

Goforth?

A. Yeah.

Q. And who was Gayle Goforth?

A. The housekeeper. One of the housekeepers. The head housekeeper of the house.

Q. And did you work with her?

A. Yes.

Q. For how long did you work with her?

A. Probably a year, a year and a half. Maybe a year.

Q. And at one point you admitted going into her purse, right?

A. Uh-huh.

Q. And you went into her purse to see how much she was being paid, right?

A. Her purse was on top of the -- our desk, and she have her check on top of it.

Q. And you admitted going into her purse, right?

A. Yes.

Q. The purpose was to see what she was being paid, wasn’t it?

A. Yes.

Q. Okay.

A. I admitted to Mr. Jackson.

Q. Excuse me?

A. I told Mr. Jackson about it.

Q. Yes. And he -- he didn’t get you in any trouble or anything, did he?

A. No.

Q. Okay. Now, you got a coffee table from Mr. Jackson, didn’t you?

A. Yes.

Q. And that was a beautiful oak table, right?

A. (Nods head up and down.)

Q. And where did that come from?

A. From Havenhurst.

Q. Okay. Did you ask for that?

A. Yes.

Q. And he said you could have it, didn’t he?

A. Yeah.

Q. Did you ask him for the watch that you described before?

A. No.

Q. How did you end up with the watch?

A. I think it was one of the boxes that he get -- he get stuff from the companies, and I got it from there.

Q. Okay. And at some point did you tell Mr. Jackson you had taken a watch?

A. No, he saw it on me. I show it to him.

Q. And he had no problem with that, right?

A. Yeah.

Q. And you indicated that he used to let you take lots of things from time to time, right?

A. Yeah.

Q. And a lot of those things, I think you described as samples; is that correct?

A. Samples, and gifts, and things that he get from -- for himself.

Q. The oak coffee table had a signature on it, didn’t it?

A. A signature? Of him?

Q. Yes.

A. No.

Q. Didn’t it have a signature of him?

A. No.

Q. You tried to sell that at one point, right?

A. No.

Q. Still have it?

A. Yeah, it’s in the garage somewhere.

Q. Okay. When you left Neverland, who did you report to to tell them that you were leaving?

A. Who did I report?

Q. Yes.

A. I mean, I quit. I just --

Q. Yeah. When you quit, who did you go to and say, “I quit”?

A. I told that lady who was working there at that time. Gayle.

Q. And did you give her one day’s notice?

A. No.

Q. How much notice did you give?
A. No notice.
Q. Okay. You just left, right?
A. I just left.
Q. Okay. Now, on a couple of occasions you got in trouble for not doing your time card properly, correct?
A. A lot of occasions.
Q. Huh?
A. A lot of occasions for being late.
Q. Yes, you got in trouble for being late, right?
A. Yeah.
Q. And you got in trouble for not properly doing your time card, right?
A. Yeah.
Q. Okay. But Mr. Jackson never yelled at you or did anything mean to you, did he?

A. No. No.
Q. But you didn’t get along with some of the help, right?
A. Yeah.
Q. You didn’t get along with Gayle Goforth, right?
A. Yeah.
Q. She’s the one whose purse you went into, right?
A. Yes.
Q. You and she just didn’t get along, right?
A. In the beginning we got along very nice.
Q. Do you remember complaints that you wouldn’t let anybody get near Mr. Jackson?
A. That I would get --
Q. Do you remember --
MR. ZONEN: I’ll object as hearsay --
THE WITNESS: That I would get --
MR. ZONEN: -- and vague.
THE COURT: Just a moment.
The objection’s overruled.
Do you want the question read back? Do you want me to repeat the question for you?
THE WITNESS: Yes, please.

THE COURT: I'll have the court reporter do it.

(Record read.)

THE WITNESS: No.

Q. BY MR. MESEREAU: Never heard of that?

A. Complaints that I wouldn't let anybody?

Q. Yes.

A. No.

Q. On the staff at Neverland?

A. Probably that I was the one allowed in his room, that I was -- I just wanted to do that --

Q. Okay.

A. -- myself.

Q. So you basically wouldn't let other people on the staff get near his room?

A. Yeah.

MR. ZONEN: Objection; misstatement of evidence.

THE COURT: Overruled. The answer was, "Yeah."

THE WITNESS: Because he told me that. He told me not to let anyone in his room.

Q. BY MR. MESEREAU: Okay. Now, the prosecutor asked you about the nickname "Rubba," okay?

A. Yes.

Q. "Rubba" is short for "Rubber Head," right?

A. I don't know.

Q. You never heard that?

A. I don't know.

Q. Okay.

A. I never hear that before.

Q. And Mr. Jackson used to call his cousins, Levon and Elijah, "Rubba," right?

A. He call the kids "Rubba," yeah.

Q. He also called kids "Rubber Head," or "Rubba," right?

A. Yeah.

Q. He'd also use "Apple Head," right?

A. I don't know.

Q. He'd use "Doo-Doo Head," right?

A. Yeah. I think I hear that one time.
Q. Okay. But it’s certainly a term that he used quite often, isn’t it?
A. “Rubba,” yeah.
Q. He used it on lots -- he used it for lots of children, including his own cousins, didn’t he?
A. Yeah.
Q. Okay. When is the last time you talked to Larry Feldman?
A. After the -- I mean, the last time I went over there and testified, or for the subpoena.
Q. So that was quite a while ago?
A. Yeah.
Q. Okay. Okay. Now, the prosecutor asked you questions about what you said in the deposition about what you could see in the shower, right?
A. Yeah.
Q. And in the deposition you said under oath that all you could see was a shadow, right?

A. Yeah.
Q. Was that the truth?
A. A shadow, an image, yeah.
Q. That’s all you could see --
A. Yeah.
Q. -- in the shower, correct?
A. I hear two voices.
Q. You heard giggling and laughing, right?
A. Yeah.
Q. And all you could see was a shadow through the glass?
A. The glass, yes.
Q. And that’s because the glass was fogged up, right?
A. Yeah.
Q. Okay. You only saw one person in the shower, right?
A. I saw him in the shower and the little kid.
Q. But in your deposition you said you could only see one person, but you heard giggling, right?
A. Yeah, but I hear two people --
Q. You heard two people. You could only see one through the glass, right?

A. Mostly, yeah. Mostly.

Q. Do you remember you were asked in your deposition, “Did you hear anything else other than Michael laughing?” And you said, “No”?

A. Yeah.

Q. Was that the truth?

A. Yes.

Q. Do you remember in the deposition saying you never saw anyone else in the shower but Mr. Jackson?

A. I don’t think I say that.

Q. Would it refresh your recollection if I show you the transcript?

A. Okay.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

MR. ZONEN: Page?

MR. MESEREAU: 401.

Q. Have you had a chance to look at that page of the deposition?

A. Yes.

Q. Does it refresh your memory about what you said about the shower?

A. Yeah.

Q. You saw one person, Mr. Jackson, right?

A. Yes.

Q. Or it looked like him through the glass, right?

A. Yes.

Q. And the only voice you really heard was Mr. Jackson, correct?

A. No.

Q. That wasn’t correct?

A. I hear two -- two.

Q. You heard laughter?

A. Laughing and --

Q. And that was at Neverland, right?

A. Yes.

Q. Okay. You’ve seen Mr. Jackson in his Jacuzzi, correct?

A. Correct.

Q. You've seen him playing in his Jacuzzi, correct?
A. Yeah.
Q. You've never seen him molesting anyone in his Jacuzzi, right?
A. No.
Q. Let me just make sure that's phrased properly. You've never seen Mr. Jackson improperly touch anyone in his Jacuzzi?
A. No.
Q. Never saw that, right?
A. No.
Q. Okay. Have you seen Mr. Jackson at Neverland tickling and playing with children?
A. Yes.
Q. You've seen him do that often, haven't you?
A. Playing, yeah. Playing a lot with the kids.
MR. ZONEN: I'll object to the compound nature of the question, "tickling and playing."
THE COURT: Sustained.
Q. BY MR. MESEREAU: You've seen Mr. --

MR. ZONEN: Move --
MR. MESEREAU: Oh.
MR. ZONEN: Move to strike the answer.
THE COURT: I think she clarified it in her answer.
MR. ZONEN: Okay. That's fine.
THE COURT: Go ahead, Counsel.
Q. BY MR. MESEREAU: You've seen Mr. Jackson tickling children at Neverland, haven't you?
A. Not that I remember, no.
Q. You never saw him playing in the yard?
A. Playing in the yard, yeah. Not tickling --
MR. ZONEN: Objection to the use of "playing" and "tickling" interchangeably as compound.
THE COURT: Sustained.
MR. MESEREAU: All right. I'll move on.
Q. You've seen children at Neverland from an organization called Make-A-Wish Foundation, correct?
A. Yes.
Q. And children from Make-A-Wish Foundation

often used to visit Neverland, right?
A. Yes.
Q. And they would crowd and climb all over Michael Jackson, right?
A. Play with him, yeah.
Q. Well, they would all just surround him, wouldn't they?

A. Yes.
Q. And you would see him play with them often, didn't you?
A. Yes.
Q. You would see those children running around Neverland a lot, correct?
A. Yes.
Q. And Mr. Jackson used to run around with them, didn't he?
A. Yes.
Q. He used to take them to the theater to watch movies, didn't he?
A. Yes.
Q. And children would sometimes sit in his lap in the theater watching the movies, didn't they?
A. I --
Q. Did you ever see that?
A. I never see that. Because I --
Q. I'm sorry.
A. I was never there when he was there with kids.
Q. Okay. Okay. Now, have you participated in any event -- excuse me, during the time you worked at Neverland, did you participate in any large events when guests would come to Neverland?
A. In any events, like --
Q. Guests, parties, things of that sort?
A. Yeah, we used to have an employee barbecue or -- then we all would come.

Q. Do you remember any other big events at Neverland while you worked there?
A. No.
Q. Do you remember helping set up for guests

who would visit?
A. Yes.
Q. That would happen a lot, wouldn’t it?
A. Yes.
Q. And when guests were going to visit Neverland, what would you do?
A. What do you mean?
Q. Yeah. What were your responsibilities when guests would visit Neverland? What kind of work would you do?
A. Help in the house, help the cooks, help to clean their bedrooms.
Q. Would you clean bedrooms other than Mr. Jackson’s?
A. Yeah, the guest rooms.
Q. And you used to see guests stay in the guest quarters from time to time, right?
A. Yes.
Q. Would you see Mr. Jackson’s children in the main house when you worked there?
A. If I see who?
Q. Did you ever see any children --
A. Oh.

Q. -- staying in the guest main house when you were there?
MR. ZONEN: Objection. “Guest main house”?
MR. MESEREAU: That didn’t come out too well. I withdraw that.
Q. When you worked at Neverland, did you see any children who used to stay there, besides what you’ve described?
MR. ZONEN: Stay where? Objection; vague.
MR. MESEREAU: Neverland.
THE WITNESS: Stay where, at the guest rooms?
Q. BY MR. MESEREAU: Yes.
A. No. They will stay in the house, in the main house.
Q. Children usually stayed in the main house, right?
A. Yeah.
Q. And do you know someone named Frank Cascio?

A. Frank Cascio. No, I don’t remember.
Q. Do you know a family named “Cascio”?
A. No. I don’t remember.
Q. Do you know someone named Tyson?
A. No.
MR. MESEREAU: Okay. No further questions at this time.

REDIRECT EXAMINATION

BY MR. ZONEN:
Q. Miss Francia, you told us that Mr. Jackson had mentioned to you about not letting people in his room. What exactly was it that Mr. Jackson told you in that regard?
A. Not to let people in; that people want to know about his business all the time, and not to let anybody get in there.
Q. Did he tell you people in particular?
A. No. Just everybody. Anybody.
Q. Was that something he said to you often?
A. Yeah.
Q. Did you have a key to that room?
A. Yes.
Q. Did he tell you he wanted the room kept locked?
A. Yeah.
Q. During the time that you worked for him at Neverland, did you see people coming and going into his room?
A. No.
Q. During the time that you worked at Neverland, did that door stay locked fairly regularly?
A. Closed all the time.
Q. Were there ever people coming and going into his room that he did not give permission to come and go into the room?

A. No.
Q. Did Wade Robeson come and go into his room at will?

A. Yeah. Kids were allowed to go there.
Q. Other kids were allowed to come into his room?
A. Yeah.
Q. If he was there -- if he was not there, or only when he was there?
A. Kids were there when he was there.
Q. If he wasn’t there, they didn’t stay in his room?
A. They -- they never came when he wasn’t there.
Q. On those occasions that he was traveling, the “Bad” tour -- Mr. Mesereau was asking you about his travels during the “Bad” tour.
A. Uh-huh.
Q. And he mentioned a period of time that exceeded a year and a half that he was on tour. Was he continuously away from California for a full year and a half, or would he come and go?
A. He’d come and go.
Q. There were times that he would return?
A. Yeah.
Q. And stay?
A. Yeah.
Q. Do you know the longest period of time that

he would be away from his residence during that time?
A. Probably about three months.
Q. Three months? Was the residence both the Encino home and the hideout in L.A.?
A. It was mostly the hideout.
Q. Did that tour extend to the period of time after which he moved to Neverland Ranch, or was he completed with his tour by then; do you recall?
A. I don’t remember.
Q. You told Mr. Mesereau that you had answered a question in the deposition about seeing a shadow in the shower. What did you mean by that? What is a shadow? Tell me, what is a shadow?
A. An image.
Q. An image. All right. What did you see when you looked into that shower?

A. Mr. Jackson.

Q. All right. Did you see the shadow of Mr. Jackson, or did you see a person that looked like a shadow?

A. Through the glass.

Q. What did you see through the glass?

A. Mr. Jackson.

Q. The actual person?

A. Yeah.

Q. Okay. You didn’t see his shadow cast against a wall, or against the floor?

A. Huh-uh. No.

Q. All right. So what did you mean by the word “shadow”?

A. His image.

Q. His image. That’s what he looked like?

A. Yeah.

Q. All right. And was the door blurred during that time?

A. Yeah.

MR. ZONEN: Excuse me. These are all next in order, please.

Q. At the time that you looked through the glass into the shower, were you able to see a second person in there?

A. I want to say yeah, but I don’t -- you know, I hear the laughing and the talking and, you know, playing, and I -- I didn’t see the actual person, but it was moving, you know, with him.

Q. Do you believe that you saw the image of a second person?

A. Yeah.

Q. But not as clearly as Mr. Jackson?

A. Not as clearly, no.

Q. Did you hear one voice or two?

A. Two.

Q. And were you clear about that?

A. Yes.

Q. And did you tell that to Mr. Feldman in the

deposition?

A. Oh.
Q. I’m sorry?
A. I don’t remember.
Q. You don’t remember what you said?
A. No.
Q. The deposition was how many years ago?
A. More than ten years, I think.
Q. Okay. The portion that Mr. Mesereau asked you, when he showed you that transcript about one or two people, do you recall when in the deposition that question was asked of you? Was it the first day or the second day of the deposition?
A. I don’t know.
Q. Was it toward the end of the deposition?
A. I don’t know. I think so. I don’t remember.
Q. Before the deposition began, did they ask you if you wanted to testify in either English or Spanish?
A. I don’t think so.
Q. Did they simply assume that you would testify in English?
A. Yeah.
Q. All right. This was 11 years ago?
A. Yes.
Q. Is your English as good as it is now?
A. A little better, I think.

Q. A little better now?
A. Yeah.
Q. Would you have preferred to have testified in Spanish at that time?
MR. MESEREAU: Objection. Relevance; calls for speculation.
THE COURT: Sustained.
Q. BY MR. ZONEN: Were you comfortable in English at this time?
A. I wish it would have been in Spanish.
Q. Did you understand all of the questions that were asked of you during that deposition?
A. I was very confused.
Q. Were you confused as to some of the questions?

A. Yeah, and all the lawyers and --
Q. There were a lot of lawyers there, weren't there?
A. Yeah.
MR. MESEREAU: Objection. Leading; move to strike.
THE COURT: Overruled. Next question.
Q. BY MR. ZONEN: Were you intimidated during that deposition?
MR. MESEREAU: Objection; leading.
THE COURT: Sustained.
Q. BY MR. ZONEN: How did you feel during that deposition?

MR. MESEREAU: Objection --
THE WITNESS: I was uncomfortable.
MR. MESEREAU: -- knowledge; foundation.
THE COURT: Overruled. She said, "Uncomfortable."
Q. BY MR. ZONEN: You remembered the monkey Bubbles -- excuse me, the chimp, the chimpanzee; is that right?
A. Bubbles, yes.
Q. Was Bubbles at more than one location?
A. I don't remember that. I think I remember that other little monkey. I think it was a different one. But I remember Bubbles at Havenhurst. And then he was taken to some kind of farm or trainer.
Q. Did Bubbles get a little too big?
A. Yeah.
Q. Did Bubbles get rambunctious, wild?
A. Wild.
Q. Did Bubbles ever bite you?
A. Yeah.
Q. On more than one occasion?
A. Twice.
Q. Twice?
At some time did you become a legal resident?
A. Yes.
Q. And you had told them at Neverland about

your status?

A. Yeah.

Q. Is that correct?

A. It was at that time. At that time that I --

Q. While you were working at Neverland; is that correct?

A. Yeah.

Q. You mentioned about the coffee table. Where was the coffee table at the time that Mr. Jackson gave it to you?

A. Havenhurst.

Q. It was at Havenhurst. And where at Havenhurst?

A. It was at his dance floor.

Q. Uh-huh.

A. And on top, in the attic.

Q. In the attic?

A. Yeah.

Q. Was it being used as a coffee table or was it being stored?

A. No, it was being used. It just -- I guess the room was too small, and, you know, it was just in the way for everybody to -- I mean, for -- I guess for people to be there, and --

Q. How did the coffee table end up going to you?

A. Because he wanted it to move out. He wanted it to be moved out, out of there.

Q. He was getting rid of it?

A. Yes.

Q. And you knew that?

A. Well, he said, “Move it out of here,” and I asked him if I can take it.

Q. And what did he say?

A. And he said, “Yeah, take it.”

Q. Mr. Mesereau asked you questions about your interview with Hard Copy.

A. Yes.

Q. All right. Were you interviewed by more than one person with Hard Copy?

A. No.

Q. Was that one person Diane Dimond?

A. Yes.

Q. Did you have more than one conversation with her?

A. Do you mean personally?

Q. Yes.

A. Yes, just one.

Q. Was there a conversation, like an interview, and then the interview on television?

A. No, that -- the same day we did everything. She came to the lobby of the hotel, and then we went upstairs and did it.

Q. She came to the lobby. So it was all on the same day?

A. Uh-huh.

Q. Was the interview done at the hotel?

A. Yeah.

Q. Were there a number of questions that were asked of you during that interview?

A. There were many questions asking about who? Me?

Q. Were there a lot of questions that they asked?

A. Oh. Yeah.

Q. I say “they,” but actually, was it just Diane Dimond who asked you questions?

A. Yes.

Q. Yes?

A. Yes.

Q. Was anyone else asking you questions?

A. No, I don’t remember. I don’t think so.

Q. Did you know in advance what the questions were going to be?

A. No.

Q. Were you surprised by what the questions were?

A. Yeah. Yes.

Q. Did you know it was going to be about Michael Jackson?

A. No. I thought it was going to be about me working there.

Q. All right. That was the part that surprised

you?

A. Yeah.

Q. Were you upset about it?

A. Yeah, because then I start to answer, and I felt like I was just there, you know, answering questions that I didn’t know they were going to ask me.

Q. Okay. Did it upset you?

A. Yeah.

Q. Did you tell them you were upset about that?

A. No.

Q. Were you truthful in your answers?

A. Yeah.

Q. Mr. Mesereau asked you if it was true that you told Diane Dimond in this interview that you never saw Michael Jackson molest a child; is that correct?

A. Yeah.

Q. What else did you tell Diane Dimond in the interview?

A. I don’t remember.

Q. Did you tell Diane Dimond about seeing him sleeping with boys?

A. Yeah.

Q. Did you tell her that that concerned you?

MR. MESEREAU: Objection. These are leading questions.

THE COURT: Sustained.

Q. BY MR. ZONEN: Was there any conversation with Diane Dimond regarding any of the boys that you testified to so far today?

A. I’m sorry, repeat?

Q. Was there any conversation with Diane Dimond regarding the testimony you’ve given today about any of those boys? You testified about Wade Robeson. You testified about Macaulay Culkin. Did you discuss either of those boys with Diane Dimond?

A. No, I said -- I think the only -- that I say that I see him is sleeping with the kids and being in the bathtub with them, playing.

Q. And you told Diane Dimond that?
A. Yeah, I think I did.
Q. Now, this is the bathtub or this is the shower?
A. I don’t remember if I told her about the shower. But I remember that I told him about the bathtub and the Jacuzzi, I think.
Q. I’m sorry?
A. I told her about the Jacuzzi and the bathtub, I think.
Q. And being there with boys?
A. Being with boys. Yeah, that I will clean up their -- you know, their toys in the bathtub.
Q. Mr. Mesereau asked you on cross-examination if you ever saw Michael Jackson in the Jacuzzi at the Havenhurst residence; is that correct?
A. Excuse me? Mr. --

Q. Mr. Mesereau asked you if you saw Mr. Jackson in the Jacuzzi at the Havenhurst residence.
A. Uh-huh. Yeah.
Q. And you said, “Yes”?
A. Yeah.
Q. With a boy; is that true?
A. It wasn’t -- yeah.
Q. Mr. Mesereau asked you if you had seen Michael Jackson in bed with Wade Robeson twice, and you said, “Yes”?
A. Yeah.
Q. Did you actually see Wade Robeson in bed with Michael Jackson?
A. Yeah. Yes.
Q. And that was on two different occasions?
A. Yes.
Q. That doesn’t include the times that you didn’t see them in bed, but you cleaned up after them?
A. Yeah.
Q. When were the two times that you actually saw him in bed with Wade Robeson?
A. When was the two times? Do you mean the dates?
Q. Well, I doubt you could do that, but --

could you do that? Do you know the dates?
A. No. No.
Q. Can you give me -- do you remember the two occasions when you saw them? Do you remember either of the two occasions?

A. Just simply be in bed with him.
Q. How did that happen, that you were there and they were in bed together? How did it happen that you saw them?
A. Watching T.V.
Q. They were watching T.V. Were they inside the bed or on top of the bed?
A. Inside the bed.
Q. Do you remember what they were wearing?
A. No.
Q. Do you remember if they were wearing anything?
MR. MESEREAU: Objection; no foundation.
THE WITNESS: No.
THE COURT: Just a moment.
Sustained.
Q. BY MR. ZONEN: Could you see any clothing on either one of them?
MR. MESEREAU: Objection; foundation.
THE COURT: Overruled.
You may answer.
Q. BY MR. ZONEN: Could you see any clothing on either one of them?
A. I saw from the waist up, so -- I don’t know if they had pajamas or --
Q. But from the waist up, were either one of them wearing anything?

A. No.
Q. They were both nude from the waist up?
A. Yeah.
Q. On both occasions?
A. On one occasion I remember.
Q. On one occasion?
A. On one occasion.
MR. ZONEN: May I have those photographs,

Counsel? Oh, thank you.
Q. I’d like to show you a series of photographs, if I may. These photographs are numbered consecutively 783 through 789.
May I approach the witness, Your Honor?
THE COURT: Yes.
Q. BY MR. ZONEN: Let me begin with Photograph No. 783. Could you take a look at that photograph?
A. Uh-huh.
Q. Do you recognize the content of that photograph?
A. Yeah.
Q. And what is that of?
A. This is Mr. Jackson.
Q. Oh, you need to use the microphone. I don’t think anybody can hear you.
783, then, is what, please?
A. Mr. Jackson’s bed.
Q. That’s his bedroom?

A. His bedroom, yeah.
Q. Is that upstairs or downstairs?
A. Downstairs.
Q. Does this show the bed?
A. Yes.
Q. 784, please, what is that?
A. That’s his bedroom.
Q. Upstairs or downstairs?
A. Downstairs.
Q. 785, what is that, please?
A. His bedroom.
Q. Upstairs or downstairs?
A. Downstairs.
Q. 786, what is that?
A. That’s the Jacuzzi.
Q. I’m sorry?
A. The Jacuzzi.
Q. First floor?
A. In the bathroom.
Q. Okay. And can you see where the shower is in that photograph?
A. I can just see the -- right here, the frame, the door frame.

Q. If I were to give you a pen and ask you to draw an arrow to where the shower goes, would you do that?
A. Yeah. I mean, the --
Q. Yes, go ahead.

Okay. And for the record, an arrow has been drawn to the far right side of this exhibit, No. 786.
No. 777, can you tell me what that is?
A. That’s the bathroom.
Q. The shower?
A. The shower.
Q. On the first floor?
A. Yes.
Q. No. 788, what is that, please?
A. That’s the shower, that’s the security -- I mean, the bedroom -- I mean, the closet.
Q. And that’s the garden?
A. And that’s the Jacuzzi.
Q. Okay. Now, we were looking at a few different things that you -- we’re going to go through this when we present it.
But in this photograph, which is No. 788, can you see both the Jacuzzi and the room that has the shower in it?
A. Yes. Right across from each other.
Q. Okay. And then finally, 789, if you’d look at that, please.
A. Yeah, this is the room upstairs.
Q. That’s the bedroom upstairs?
A. The bedroom upstairs, yes.
Q. And that has a bed as well?
A. Yeah.

Q. The photographs that I’ve just asked you to look at, which are No. 783 through 789, do each of these photographs accurately depict the subject matter contained in the photograph, which means are they accurate? Are the photographs accurate of those rooms and those locations?
A. Yes.

Q. Okay. Now, are these accurate as of 1993?

A. Do you mean --

Q. As of the time that you were there, last there, is it how it looked around the time when you were there?

A. No.

Q. Okay. Tell me what's different.

A. Well, the T.V. -- like, the bed is the same thing. And the television is the same. It's just more stuff in it.

Q. Just more stuff in it?

A. Yeah.

Q. Okay. And the one that you're looking at, as you say that, is 783.

All right. And 784, does that appear the same as you last saw it?

A. No.

Q. What's different?

A. There's more stuff in it.

Q. More stuff?

A. Yeah.

Q. But the furniture is in the same place?

A. Yes.

Q. 785?

A. Yeah. This wasn't here when I was there.

Q. I'm sorry?

A. It wasn't -- it wasn't like when I used to clean it.

Q. How was it different?

A. The paintings and this mannequin.

Q. All right. I'm going to withdraw this one.

I'm going to withdraw 785.

786. Take a look at 786.

A. Yeah, that's the same. I mean, that's the same, the same as far as the furniture, and even the towels and --

Q. Okay.

A. -- the toys.

Q. 787?

A. It's the same.

Q. Okay.

A. It's just crowded.

Q. 788?
A. Yeah, it’s the same.
Q. And seven -- let me see that again. All right. This was 789 that I showed you and originally called it 787.
Back to 789. So this is the same?
A. Yes.

Q. All right. Here is the real 787, with the shower. Is that the same?
A. Yes.
Q. Okay. And then 787 is the same?
A. Yes.
MR. ZONEN: Okay. Your Honor, I’m going to move into evidence 783, 784, 786, 787 and 788 and 789, and withdraw 785.
MR. MESEREAU: No objection.
THE COURT: They’re admitted.
MR. ZONEN: May I publish these at this time?
THE COURT: Yes.
Q. BY MR. ZONEN: Mrs. Francia, this is a laser pen, and it sheds a laser beam. And you just go like that. Don’t show it in anybody’s eyes.
The first one is 783. And would you tell us what that is, please?
A. 783, this?
Q. Yes, that room.
A. Mr. Jackson’s bed and --
Q. Oh, we have a problem. Unfortunately, you’re going to have to turn back to use the microphone. Take a look at it, and then turn back to use the microphone so we can hear you.
A. That’s Mr. Jackson’s bed, and television.
And that’s the entrance, the stair that goes to the stairs, three. And then you go around to the

bathroom.
Q. Okay. 784. And tell us what that is, please.
A. That’s the same. This will be the television cabinet.

Q. And this is the first floor again; is that right?

A. Yes.

Q. All right. Now, did you say that there was some things that weren't there --

A. Yes.

Q. -- at the time that you last worked for Mr. Jackson. Show us what that is.

A. These pictures here.

Q. Those pictures right there. Anything else?

A. This horse.

Q. Okay. Now, Mr. Jackson did not have children of his own at that time, did he?

A. No.

Q. Okay. 786, please. Now, here's the one where I asked you to put an arrow. Do you recognize the arrow where you put it?

A. Yes.

Q. Show it.

A. Right there.

Q. What does that point to?

A. The shower.

Q. And where is the shower?

A. Right here. About right here.

Q. And you had told us earlier in your -- this is the first-floor bathroom; is that right?

A. Yes.

Q. And you told us earlier in your testimony, that you had to come closer to be able to see into that room?

A. Yes.

Q. Can you show us in this picture where you were standing at the time that you actually looked into that room?

A. Probably about right here. So I can see in.

Q. All right. And then you said that there was also a Jacuzzi outside?

A. It's a shower. Right there.

Q. A shower. So is that on the other side of that wall, the back wall?

A. Yes.

Q. All right. Next picture, please. And this, I think, is 787. And what is that?

A. That’s the shower.

Q. All right. Is that the same door that you recall?

A. Yes.

Q. All right. And that’s the shower that you gave testimony to. And the last one, please. Two more. 788. And this is 788. Is that the same bathroom downstairs?

A. Yes.

Q. All right. Do you have a better view of the room that has the shower?

A. Yes.

Q. Show us where that is, with the laser.

A. Right here.

Q. Okay. That’s the toilet that you can see?

A. Yes.

Q. And on the other side of the toilet is the shower?

A. Uh-huh. Right next to it.

Q. All right. Can you show us now where you were standing? Can you put the laser on where your feet were at the time you were standing?

A. Probably right here. Right here on this corner.

Q. Okay. And then finally, 789. And what is that, please?

A. That’s his -- that’s another room.

Q. That was the bed upstairs?

A. Uh-huh. Second floor.

Q. Now, Mr. Mesereau asked you about that bed. Sometimes it is slept in and sometimes it is not.

A. Yeah.

Q. During that period of time that Wade Robeson was coming and visiting, was that bed slept in a lot?

A. No.
Q. Was it slept in infrequently?
A. No, I always -- just only when a lot of kids were there.
Q. Okay. If it was just Wade Robeson, he didn't sleep in that bed?
A. No.
Q. How about Macaulay Culkin?
A. No.
Q. He didn't either?
A. No.
MR. ZONEN: Thank you.
I have no further questions, Your Honor. And these exhibits are in evidence. Yes, they are. Thank you. No further questions.

RECROSS-EXAMINATION

BY MR. MESEREAU:
Q. Just very briefly.
When -- during the time you worked at Neverland, Mr. Jackson would often have guests in his room, right?
A. Yes.
Q. And people would often hang out on his bed and watch television, correct?

A. Yes.
Q. You would often serve them food, right?
A. Yes.
Q. And you would serve them drinks, right?
A. Yes.
Q. That went on at all hours of the day, correct?
A. Yes.
MR. MESEREAU: No further questions.
THE COURT: All right. Thank you.
MR. ZONEN: And I have no further questions, Your Honor.
THE COURT: All right. You may step down. And we'll recess for the day. And there's no court tomorrow. I'll see you Thursday morning.
(The proceedings adjourned at 2:30 p.m.)
--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 4965 through 5155 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 5, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
April 5, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

THURSDAY, APRIL 7, 2005

8:30 A.M.

(PAGES 5157 THROUGH 5211)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Nicola is listed as “N” on index. Mr. Mesereau is listed as “M” on index.
Ms. Yu is listed as “Y” on index. Mr. Sanger is listed as “SA” on index.
Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
CHACON, Ralph	5161-SN	5202-M		

E X H I B I T S

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
790	Photograph	5177	5180
791	Photograph	5177	5180
792	Photograph	5177	5180
793	Photograph	5184	5186
794	Photograph	5184	5186
795	Photograph	5184	5186
796	Photograph	5196	5197

Santa Maria, California
Thursday, April 7, 2005
8:30 a.m.

THE COURT: Good morning.

THE JURY: (In unison) Good morning.

COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.

THE COURT: Counsel, you may proceed.

MR. SNEDDON: Mr. Chacon, would you come forward, please. Right up there.

THE COURT: When you get to the witness stand, please remain standing. Face the clerk and raise your right hand.

RALPH CHACON

Having been sworn, testified as follows:

THE WITNESS: Yes, ma’am.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Ralph Chacon, C-h-a-c-o-n.

DIRECT EXAMINATION

BY MR. SNEDDON:

Q. Mr. Chacon, in order for everybody to hear you, you’re going to need to lean into that microphone, okay? Would you do that for us?

A. Yes, sir.

Q. Thank you.

Mr. Chacon, did you used to work at Neverland Valley Ranch?

A. Yes, sir.

Q. During what period of time?

A. Between ‘91 and ‘94.

Q. And prior to working at Neverland Valley Ranch, where -- what employment did you have?

A. I used to repo vehicles in Thousand Oaks.

Q. Is that where you’re from, Thousand Oaks?

A. Born and raised, yes, sir.

Q. And during the time that you were at Neverland Valley Ranch, what was your position?

A. Security.

Q. And could you describe to the ladies and gentlemen of the jury generally what your responsibilities were as a security officer?

A. Secure Neverland property, front gate, fence lines, around the main house, keeping intruders out, and also taking care of the temperatures in the animal areas.

Q. What shift did you work at the ranch?

A. Graveyard.

Q. Would you tell us what “graveyard,” what that entails? What are the hours?

A. From 10:00 till 6:00 in the morning.

Q. Now, do you recall a time when you were

working at the Neverland Valley Ranch in which Mr. Jackson was the subject of an investigation?
A. Yes, sir.
Q. And what years was that; do you recall?
A. I really don’t. I don’t recall.
Q. During the time that you were at the ranch, did you get subpoenaed to appear before the Santa Barbara County Grand Jury?
A. Yes, sir, I did.
Q. Do you recall when that was?
A. I believe it was in ‘94.
Q. Do you recall the month?
A. I’m guessing, could be probably May or something around there. I’m not sure.
Q. And do you know an individual by the name of Kassim Abdool?
A. Yes, sir.
Q. Who is Kassim Abdool?
A. He was at that time chief of security at Neverland.
Q. And at the time that you were subpoenaed before the grand jury, were you and Mr. Abdool carpooling back and forth to work?
A. Yes, sir, we were.
Q. And how long had you known Mr. Abdool?
A. Probably the duration of our employment at Neverland. Probably about three years. Three, four years. Something like that.

Q. And to your knowledge, did Mr. Abdool also get subpoenaed to appear before the grand jury?
A. Yes, sir, he did.
Q. And do you recall where you were directed to appear, which county?
A. Supposed to be in Los Angeles County. But I didn’t go to Los Angeles County.
Q. At some time prior to appearing before the grand jury, pursuant to subpoena, were you contacted by attorneys representing Mr. Jackson?
A. Yes, sir.
Q. On how many occasions?
A. I can remember two occasions that I was called to come before them.
Q. And do you recall who those attorneys were?

A. Mr. Steve Cochran, I believe, and I remember an Eric Mason. Mr. Sanger.
Q. Do you recall where the first meeting occurred?
A. It happened in Mr. Jackson’s outside office at Neverland.
Q. And do you recall when the second meeting occurred?
A. It happened in Santa Barbara at Mr. Sanger’s office.
Q. And were both of these meetings prior to the time you were to appear before the grand jury, your subpoena date?

A. Yes, sir.
Q. Now, as a result of the receiving a subpoena to the grand jury, did you make contact with law enforcement?
A. Yes, I did.
Q. And do you recall who it was you contacted?
A. I believe it was Mr. Birchim.
Q. And do you recall what agency Mr. Birchim worked for?
A. I believe it was the sheriff -- Santa Barbara Sheriff’s Department.
Q. And when you -- I’m sorry. When you contacted Mr. Birchim, did you have a conversation with him?
A. Yes, sir.
Q. And did you relay to him certain information?
A. I did.
Q. And after that, did you have contact with any other -- was there more than one meeting with Mr. Birchim?
A. I’m sure there was, but I don’t remember. But I know there was more than two meetings with him.
Q. Now, you told the ladies and gentlemen of the jury that you did not appear before the Los Angeles County Grand Jury. Did you at some time make a statement under oath with regard to what you observed?

A. Yes, sir, I did.

Q. And do you recall when that was?

A. I believe it was ‘94. I’m not for certain. It’s been a while.

Q. Do you recall whether it was at or about the time when you were supposed to appear before the grand jury?

A. Oh. Yes, sir. It was probably the day after.

Q. And do you recall where it was that you were interviewed?

A. In Santa Barbara.

Q. And do you recall who was present during the time that you were interviewed?

A. Well, the only ones that I remember is yourself and Mr. Birchim.

Q. And was that statement given under oath?

A. Yes, sir.

Q. Now, during the time that you were employed at Neverland Ranch, did you personally observe anything that you felt was inappropriate with regard to Mr. Jackson’s behavior --

A. Yes, sir.

Q. -- or conduct?

And do you recall approximately what year that was?

A. I want to say latter ‘92 or early ‘93. I am

not -- I’m not positive.

Q. Do you recall what time of day or night it was?

A. It was -- well, I had come on graveyard shift, so it had to have been about probably midnight, or before midnight.

Q. And do you recall what the weather was like that night?

A. It was very nice. Very nice weather.

Q. Now, when you first came to work that evening, what were the first things that you did; do you recall?

A. I would come in and check out the radio. We carried radios and a flashlight. I would check my box for any memos that were generated. Then I would -- we had -- there was electric golf carts

that we had to put on chargers for the night.
Q. At some time that evening, did you see Mr. Jackson?
A. Yes, sir.
Q. And do you recall where Mr. Jackson was the first time that you saw him that evening?
A. He was headed for the Jacuzzi.
Q. And do you know whether or not he was alone or with someone?
A. He was with someone.
Q. And when you say he was with someone, do you know who that was?

A. Yes, sir.
Q. Who was that?
A. That was Jordie.
Q. And could you approximate the age of Jordie?
A. I want to say nine, ten years old.
Q. So he was with a child?
A. Yes, sir.
Q. Not an adult?
A. No.
MR. MESEREAU: Objection; leading.
THE COURT: Overruled. Next question.
Q. BY MR. SNEDDON: Now, I may have missed this or I may have asked this. When you say you saw Mr. Jackson in the company of this child, Jordie, what direction were they headed?
A. Towards the Jacuzzi.
Q. Is that an area near where you were putting things away?
A. It was close by. But from the area where I was at, the garage area, I had -- I had gone to the barbecue area, which was close, maybe ten feet, to the Jacuzzi.
Q. And did you -- were you able to see Mr. Jackson and the child in the Jacuzzi?
A. I couldn’t see them from where I was standing, but I could hear them in the water.
Q. Now, at some point, did you hear Mr. Jackson speak out?

A. Yes, sir.
Q. And what --

Your Honor, this is not offered for the truth of the matter, but simply to explain the conduct that occurs thereafter?

THE COURT: All right.

Q. BY MR. SNEDDON: What did you hear Mr. Jackson say?

A. While in the Jacuzzi?

Q. Yes.

A. They were just -- just laughing, playing. I don’t remember what they were saying, but I know that they were talking and having fun.

Q. At some time did Mr. Jackson request something from the house?

MR. MESEREAU: Objection; leading.

THE WITNESS: That was before --

THE COURT: Just a moment.

MR. SNEDDON: You have to wait for the Judge to rule, I’m sorry.

THE WITNESS: I’m sorry.

THE COURT: Overruled.

You may answer.

Q. BY MR. SNEDDON: Okay. Now you can answer.

THE COURT: Do you want the question read back?

THE WITNESS: No, sir.

Well, actually, that was -- I heard them --

I heard him when I was still hooking up the golf carts. He had called for security.

MR. MESEREAU: Objection; nonresponsive.

THE COURT: Sustained.

Q. BY MR. SNEDDON: Okay. So at some point you heard Mr. Jackson yell for security?

A. Yes, sir.

Q. And where were you when that occurred?

A. I was in the garage area.

Q. Now, at some point that evening, did you see Mr. Jackson and the child, Jordie, leave the Jacuzzi?

A. Yes, sir, I did.

Q. Could you tell the ladies and gentlemen of the jury, were you able to observe where they went?

A. Yes, sir.

Q. And where did they go?

A. They were going to the outside rest room area by the rec room.

Q. And is the rec room near another building or attached to a building on the premises?

A. Well, it’s on its -- the rest room’s attached to the rec room. So it sits by itself. It’s two stories.

Q. All right. Are there other facilities inside of that building itself?

A. Just a game room, that’s all it was.

Q. Do you know what the game room is called?

A. Just -- no, I don’t.

Q. Describe the game room, if you would.

A. They had, like, probably maybe 20 different type of computer games, the first floor, and also with the top, the top floor had different type of games.

Q. Have you been in that building before?

A. Yes, sir.

Q. And do you know whether or not that building has a cellar?

A. A what, sir?

Q. A cellar?

A. Um, I want to say that had a wine cellar, yes, sir.

Q. All right. In any event, you saw Mr. Jackson and the child heading towards the rest room area; is that correct?

A. Yes, sir.

Q. Did you watch them the entire time?

A. Yes, sir.

Q. And did you see where they went?

A. They went inside the rest room.

Q. Now, where were you located when you observed this?

A. I was in the barbecue area, where I usually normally observe everything.

Q. That’s a security position you’re assigned?

A. Yes, sir.

Q. Now, at the time that you saw Mr. Jackson and the boy go into the rest room area, did you at some point in time approach the rest room?

A. Yes, I did.
Q. Do you recall from the time that you saw Mr. Jackson and the child go into the rest room area, how long it was before you approached the area?
A. Probably a half an hour, maybe 35, 40 minutes.
Q. And then could you describe to the ladies and gentlemen of the jury where you went?
A. I went around the rec room that leads right behind the rest rooms. That's where I went.
Q. And what did you do when you got there? Well, when you got in that area, did you hear or see anything?
A. Yes, sir.
Q. And which?
A. Well, I heard first that Mr. Jackson and the boy were inside a shower, the shower room in there.
Q. How many showers are there in the rest room?
A. There was only one shower.
Q. Let's just stop right there for just a second, before we go any further. Could you explain to the ladies and gentlemen of the jury the interior of the rest room area?
A. As you go in from the rec room, the women's

rest room is on the left and the men's room is on the right. And as you go in, there's a dressing area, and it's open, and it leads into where the wash basins are at, pretty large area. And then it goes into another smaller room where there's a toilet and the showers.
Q. And you said "showers."
A. Shower. Excuse me, shower.
Q. All right. Now, you've indicated that you heard some people in the shower. Did you recognize the voices?
A. Yes, sir, I did.
Q. Whose voices did you recognize?
A. Mr. Jackson's and Jordie's.
Q. And did you look into the shower area?
A. Not right away. Not the first time that I came around, because I couldn't see anything. But I started to leave the area when I -- I was thinking,

I said, “What’s going on here?” You know, “There’s a grown man in a shower with a boy.”

MR. MESEREAU: Objection; move to strike.

THE COURT: Stricken.

Q. BY MR. SNEDDON: All right. So you left?

A. Right.

Q. How far did you go?

A. I didn’t go too far, probably halfway around the rec room.

Q. All right. And did you decide to go back?

A. Yes, sir, I did.

Q. Why did you decide to go back?

A. I wanted to know what was going on in there.

Q. Why?

A. Because it wasn’t -- it wasn’t right.

MR. MESEREAU: Objection. Relevance; move to strike.

THE COURT: I’ll strike the question, “Why?” And the answer.

Q. BY MR. SNEDDON: Okay. So you went back. When you went back, where did you go to?

A. I went back to the same area where the shower was located. There was a window, and I was able to see and they were no longer in the shower.

Q. So you looked into the window?

A. Yes, sir.

Q. All right. And what did you see -- where did you see Mr. Jackson and the child at this point?

A. I saw them standing in the nude in the middle area, and Jordie was on the right, and he was on the left side. Standing, facing each other.

Q. Now, at the time that you saw that, what were the lighting conditions inside of the rest room?

A. Oh, it was litted up, just that area there. Not where the shower’s at, but that area, it was -- the lights were on.

Q. Did you have any difficulty seeing in there?

A. Not at all, sir.

Q. Now, from the point outside looking down inside, what did you see go on between the defendant, Mr. Jackson, and Jordan Chandler?

A. I saw that Mr. Jackson was caressing the boy’s hair, he was kissing him on his head, and his face, his lips. He started kissing him on the shoulders and started going down to his nipples. Started sucking his nipples. Started going down to his penis and putting it in his mouth. And about that time I just -- I left.

Q. Okay. You say you saw him go down and do what?

A. He put the little boy’s penis in his mouth.

Q. Did you actually see that?

A. Yes, sir.

Q. And then you left?

A. Yes, sir.

Q. Where did you go?

A. I went back to the barbecue area.

Q. Do you recall, after you left that area and observed the things you’ve just related to the jury, did you see Mr. Jackson with the child again that evening?

A. Yes, sir, I did.

Q. And where were you when you saw them?

A. I was in the barbecue area.

Q. And where -- where were they when you saw them again?

A. They were coming out of the rest room.

Q. Now, from the time that you had left, when you had made your observations --

A. Yes, sir.

Q. -- and you left, till the time that they came out of the rest room, how much time had elapsed during that period of time?

A. Probably 20 minutes or 30 minutes.

Q. Now, when they came out of the rest room, could you describe what was going on?

A. Jordie was mounted on Michael’s back, piggybacked, and they were headed for the back of the -- the kitchen door to the main house.

Q. Did the child, Jordan, have any clothing on?

A. He had -- I believe it was like -- it was a towel. I believe it was a towel. It’s the type -- like it’s a rope, but it’s a towel.

Q. So a cloth robe or towel of some kind?

A. Yes, sir.
Q. Okay. And what was Mr. Jackson wearing, if you recall?
A. Same.
Q. Could you see whether or not the child, Jordan, had any other clothing on or not?
A. No, sir. I didn't observe.
Q. And where did they go?
A. They went inside the house, the main house.

Q. And when they went inside the main house, did you hear or observe anything happen that you felt was unusual?
A. Yes, Mr. Jackson double-locked the door, the back door, which he normally never did. Security always went inside to secure the house inside and out.
Q. Now, you say -- you described to the jury that Mr. Jackson was kissing the boy --
A. Yes, sir.
Q. -- that you observed. How would you describe the kissing?
A. Well, it was very passionate. Very passionately he was kissing him.
Q. And did you see his hands during the time he was kissing him?
A. Yes, sir.
Q. Where were they?
A. They were all over his body.
Q. All right. I want to show you a couple of photographs, if we might, Mr. Chacon. I've shown these to counsel, Your Honor. The photographs are 790, 791, and 792. All right. Mr. Chacon, let's look at the photographs. First of all, let's start with 790. Do you recognize that?
A. 790?
Q. Yeah. I'm sorry, you have to turn it over on the back.

A. Oh, yes, sir.
Q. All right. Let's start with that. Do you recognize what's depicted in the photograph, 790?
A. Yes, sir.

Q. And what is that?

A. That's where the swimming pool's at, and it's -- you're facing at the rec room in front of you, and to the left is the garage area where the carts -- where I was hooking up the carts.

Q. Does that photograph depict a portion or some of the route that you took where you walked to the area that you observed Mr. Jackson and the child, Jordan?

A. Yes, sir.

Q. Now, what I'd like you to do is to please take that black felt tip pen that I've given you there, and would you please just draw the path that you took that's covered by that photograph, that portion of it.

And does that photograph accurately depict the area of what you call the rec room at the time that you made the observations of Mr. Jackson and the child, Jordan?

A. Yes, sir.

Q. All right. Let's turn that one over and go to the next one that has "791" on it, okay? Do you recognize that?

A. Yes, sir.

Q. All right. What is 791?

A. It's the pool area, and directly in front is the rec room and the rest room. The rest rooms.

Q. Does the photograph, 791, show the area of the entrance into the bathroom area?

A. Yes, sir.

Q. And does it show the Jacuzzi?

A. Yes, sir.

Q. And does it show the approximate area of the -- where you made your observations?

A. Well, it's behind the -- just the other side of the Jacuzzi, yes, sir.

Q. Okay. With regard to that particular photograph -- and I'm going to ask you, does it accurately depict the area as you recall it in 1992 or '93 when you made your observations?

A. Yes, sir.

Q. All right. I'm going to ask you, please, take that black marker, please, and if you would

just circle the area that depicts the entrance into the rest room area?
And would you please put an “X” in the approximate area where it was that you made the observations of Mr. Jackson and the child?
Now, let’s take the last photograph, which is 792 for identification purposes. Do you recognize that photograph?

A. Yes, sir.
Q. And can you tell the jury what that is, please?
A. It’s the barbecue area.
Q. Okay. Now, is that the area that you have made reference to in your testimony?
A. Yes, sir.
Q. And does that photograph accurately depict that area as it was back when you were working at Neverland Valley Ranch?
A. Yes, sir.
MR. SNEDDON: Your Honor, I move that 790, 791, and 792 be admitted into evidence.
MR. MESEREAU: No objection.
THE COURT: They’re admitted.
MR. SNEDDON: And, Your Honor, could we have the input for the Elmo, please?
Q. BY MR. SNEDDON: This is a laser and I’m going to ask you to point to some things.
A. Okay.
Q. All right. This is the exhibit that’s been marked as Exhibit 790 for identification purposes, all right? Do you recognize that, Mr. Chacon?
A. Yes, sir.
Q. Would you show the jury the black line that you placed on this particular exhibit?
Okay. It starts at the left-hand side of the photograph; is that correct?

A. Yes, sir.
Q. And moves - go ahead, just trace it - all the way to almost the right-hand side -- or the left-hand side of the building, correct?
A. Yes, sir.
Q. Would you tell the ladies and gentlemen of

the jury, as you walk down past the side of that building that’s depicted in the far right-hand side of the photograph, People’s 790, what is down there?
A. There is a tennis court. It’s a sunken tennis court.
Q. And what are the lighting conditions? Is there a path that goes along there?
A. Yes, sir, there is.
Q. What are the lighting conditions along that path?
A. Around the back, there wasn’t.
Q. How about along the path itself?
A. Towards the -- behind the rest rooms, there was a path where there was just small little lights on the ground.
Q. Now, did you have a flashlight with you that night?
A. Yes sir.
Q. Is that part of your standard equipment --
A. Yes.
Q. -- that you carry on the graveyard shift?
A. Yes, sir.

Q. The building that’s depicted on the far right-hand side of the photograph - yes, sir, the one you’re showing the jury there - what is that building there?
A. That’s the rec room.
Q. And let’s go to 791, if we could. All right. Would you show the ladies and gentlemen of the jury, first of all, what you referred to as a Jacuzzi?
A. Right here.
Q. So that’s in the lower left-hand corner of the exhibit, 791?
A. Yes, sir.
Q. Now, where is the entrance to the rest room?
A. Right in there.
Q. And it’s hard to see, but you drew a circle around that in black?
A. Yes, sir. Right there.
Q. And now, where -- on this photograph, if you can, can you show the approximate area of where it was that you have made the observations you

described to the jury?

A. Well, this is the rest room in front, and on the side, about right in there. The path is right on the other side on the building there.

Q. On the back side of the building?

A. Yes, sir.

Q. Okay. Now, let's show the next photograph and then I'll come back to this. This is 792 in evidence. Do you recognize that?

A. Yes, sir.

Q. And what is that?

A. That's the barbecue area.

Q. Okay. Now, with regard to this particular photograph, where were you located in your position as a security officer on this evening when you observed the defendant and the child, Jordan, walk into the rest room?

A. I was about right in that area.

Q. So you're indicating to the right-hand side of the barbecue area, just to the right of the post?

A. Right. Yes, sir.

Q. The post on the -- and were you behind the barbecue itself or on the other side of it?

A. Well -- well, actually, I was like -- I was moving up and down the side of it, on the other side.

Q. On the outside of it?

A. Yes, sir.

Q. So not in the interior part, but --

A. Well, it was in the -- the interior is on the other side also. Because this is in the center.

Q. Just so we can get it clarified, which side of that were you on?

A. I was on -- I believe I was on that other side.

Q. Now, is the area of the -- let's go back to 791 for a second, if we could. You pointed out the Jacuzzi, and obviously there's a swimming pool also there.

A. Yes, sir.

Q. Now, with regard to that area, is that area

lit at night?
A. It is.
Q. Or was it then? Let’s put it that way.
A. Yeah, just a bit. Because the sidewalks had these lights, these small lights, as you went up through the path. And if I remember correctly, I guess there was some -- some lighting, but not that much. But you could see where you were walking, though.
MR. SNEDDON: Okay. All right. You can take that down.
I have three more photographs, I’ve shown them to counsel, that have been marked as 793, 794, and 795 for identification purposes. I’d like to show them to the witness.
THE COURT: All right.
Q. BY MR. SNEDDON: Mr. Chacon, I’m going to show you the photograph marked as 793. You’ve seen that photograph before?
A. Yes, sir.
Q. And do you recognize the person that you believe that that photograph depicts?

A. Yes, sir.
Q. Who is that?
A. Jordie.
Q. Is that a depiction of the child as you recall him back in those days?
A. Yes, sir.
Q. And with regard to 794, it has two photographs on it, one at the top and one at the bottom. The one at the top is a singular photograph of an individual, and the one at the bottom has four people in that. Do you recognize the people in that photograph?
A. Yes, sir.
Q. And again, who is that?
A. Jordie.
Q. And in the photograph at the bottom, there are a number of people depicted. Which of them do you recognize as Jordie?
A. This one here.
Q. Would you please take that black pen and just put an arrow towards -- start on the white,

down below. Okay. Thank you.
And with regard to 795, do you recognize that?
A. Yes, sir.
Q. And again, there are a number of people depicted in that photograph, correct?

A. Yes, sir.
Q. And do you recognize anybody in that photograph?
A. Yes, sir, I do.
Q. Who would that be?
A. That’s Jordie.
Q. By “that” you mean who, in terms of -- there’s one, two, three, four, five people depicted.
A. The fifth one.
Q. All the way over to the left?
A. All the way over to the left.
Q. Are these accurate depictions of the child as you recall him back in those days?
A. Yes, sir.
MR. SNEDDON: Move that they be admitted into evidence, Your Honor.
MR. MESEREAU: No objection.
THE COURT: Admitted.
Q. BY MR. SNEDDON: Now, Mr. Chacon, are you familiar with a child by the name -- a young boy by the name of Brett Barnes?
A. Yes, sir.
Q. And have you seen Mr. Barnes before?
A. Yes, sir.
Q. Have you seen him at the ranch before?
A. Yes, sir.
Q. Have you seen him in the company of the defendant before?

A. Yes, sir.
Q. On how many occasions?
A. Numerous occasions. I couldn’t give you a figure.
Q. When Mr. Barnes was at the ranch, do you recall whether or not his parents were with him?
A. At times they were; at other times they weren’t.

Q. Now, with regard to the child you’ve described and identified as Jordan Chandler, and the child that you also saw as Brett Barnes, can you tell us what they look like?
A. Well, to me, I always got them confused, because they looked the same, similar. I know one was a little bit shorter than the other. But, you know, I always got them confused, but they looked -- they looked alike. Maybe one had hair a little bit shorter than the other.
MR. MESEREAU: Objection. Nonresponsive; narrative.
THE COURT: Overruled.
Q. BY MR. SNEDDON: Go ahead.
A. But I would get them -- I would -- they just looked the same to me.
MR. SNEDDON: All right. If we could have the Elmo again.
Q. I’m going to start backwards at 795. Now, would you use the -- thank you.

That’s the child you identified by the name of what?
A. Jordie.
Q. All right. And now 794. Let’s do the bottom one for right now.
Now, the bottom one, you put an arrow; is that correct?
A. Yes, sir.
Q. Which is the child that you were identifying that you recognize as Jordie.
Okay. The one in the middle of the photograph?
A. Yes.
Q. In the front --
A. Yes, sir.
Q. -- right?
And let’s -- let me ask a question about the top photograph. With regard to that photograph, do you recognize that person?
A. Yes, sir.
Q. All right. Who’s that?
A. That’s Jordie.
Q. Okay. And lastly, that’s 793 in evidence.

And you’ve identified that individual as also Jordie, correct?
A. Yes, sir.
MR. SNEDDON: All right. Thank you. We could have the lights again.

Q. Now, during the time of your employment at Neverland Valley Ranch -- let me go back a second, okay?
A. Yes, sir.
Q. With regard to the incidents that you just described to the ladies and gentlemen of the jury here involving Mr. Jackson and the child you’ve identified as Jordan, correct?
A. Yes, sir.
Q. Are those -- is that -- is that what you told the grand jury when you were interviewed back in 1994?
A. Yes, sir, I did.
Q. Now, let’s go on for just a moment. Did you see any other incidents involving Mr. Jackson and the child you described as Jordan?
A. Yes, sir.
Q. With regard to the second -- and let’s just call it the second incident. With regard to the second incident, do you recall how much time had elapsed between the two incidents?
A. I don’t recall, sir.
Q. Could you give us some idea whether it was weeks, months, or years?
A. Could have been weeks. Could have been a month. I’m not positive. It’s been a while.
Q. Okay. And let me go back just for one second before we move on to the second incident.

Was there another thing that occurred on the evening of the incident where you saw Mr. Jackson and the child, Jordan, in the rest room together that you had to actually make a report on?
A. Yes, sir.
Q. And what was -- what was that?
A. Well --
Q. What happened?
A. Well, Kassim Abdool and myself, we were

going around the house, the back side of the house, checking for anything that was open, the normal security checkup that we would do around the house. And we observed that the two French doors in the middle of the house were wide open.

Q. And so a note was made of that to your supervisor?

A. Yes, sir.

Q. Who was your supervisor?

A. Lieutenant Wade. Kassim Abdool had written a report in regards to the French doors being open and we didn't close them.

MR. MESEREAU: Objection; nonresponsive.

THE COURT: Sustained.

MR. MESEREAU: Move to strike.

THE COURT: After "Lieutenant Wade" is stricken.

MR. SNEDDON: Okay.

Q. So a report was prepared of that?

A. Yes, sir.

Q. Now, the incident about the French doors being open, was that before or after you had observed Mr. Jackson?

A. After.

Q. It was later that evening?

A. Yes, sir.

Q. All right. Now we can move on. On the second incident - we're going to call it the second incident just for purposes of - what was it -- were you working graveyard again?

A. Yes, sir.

Q. And do you recall approximately what time of the night it was?

A. It was in the evening, after ten o'clock when I come on.

Q. Where were you?

A. I was in the pool area. Barbecue area, pool area.

Q. And did you see Mr. Jackson that evening? Let me go back. Did you see Jordan that evening?

A. Yes, I did.

Q. And the child you've identified as Brett, did you see him that evening?

A. Yes, sir.

Q. Where were they?

A. They were in the rec room, playing with the machines.

Q. Was there any other children in the rec room?

A. Yes, I noticed a little girl, probably five, six years old. I didn’t know who she was, but I’m sure she was probably a sister of one of the boys.

Q. And did you at some point become aware of the fact -- let me ask you this. Prior -- when the children were in the rec room playing, to your knowledge, was Mr. Jackson on the premises?

A. No, sir.

Q. And did you become aware at some point in time that Mr. Jackson was on the premises?

A. Yes, sir.

Q. And did you at some point see Mr. Jackson on the premises?

A. Yes, sir.

Q. And where was Mr. Jackson the first time you saw him?

A. He was coming out the back of his door -- the back door of his house, the main house.

Q. All right. And describe to the jury what you observed Mr. Jackson to do.

A. He kind of ran up to the rec room, and he was looking in from the outside, and he spotted Jordie in one of those little -- it’s like a car you play, a racing car. And Mr. Jackson went around the area where the rest rooms were at. There’s a back door that goes into the rec room, and he located Jordie back there, and he went to where Jordie was at and --

Q. Let’s just stop right there for just a second, okay? You saw him go into the rec room through a back door entrance?

A. Yes, sir.

Q. At the time you saw him go up to Jordan, where were the other children? Could you see?

A. Yeah, they were upstairs playing games.

Q. Were the lights on inside of the rec room?

A. Yes, sir.

Q. Did you have any difficulty seeing in the rec room?

A. Oh, no. No, sir.

Q. And where were you located at the time you made these observations?

A. I was around the pool area, almost right directly in front of the rec room.

Q. Now, at that point in time when you saw Mr. Jackson go actually physically into the rec room, describe to the jury what you saw occur.

A. Well, I saw him enter through the back door of the rec room, and he went over to Jordie. He bent over and said something to him, and then he kissed him. And then they got out the back door and they ran over to Mr. Jackson's Moon Rover, and -- that was a golf cart that he had specially made for himself, and they took off.

Q. When you say he kissed him, did you see where he kissed him?

A. Not exactly, but I know he kissed him.

Q. Now, at some point that evening, did you see Mr. Jackson again?

A. Yes, sir. When they came back.

Q. When they came back. And where were you when they came back?

A. I was in the barbecue area.

Q. And when they came back, where did they -- physically, where did you see them when you --

A. They pulled up to what they called the breezeway, which is between the main office and the main house, the outside office and the main house.

Q. Okay.

A. Behind the back.

Q. And what did -- what -- was anybody else present when they drove up?

A. Kassim Abdool was coming from the security at that time also.

Q. So what did you see occur at that point in time?

A. Well, I saw that Mr. Jackson and Brett -- I mean Jordie got off the cart. And Kassim noticed that they were back, so he just headed back to the security -- security office. And Mr. Jackson and the boy were in front of the -- they call it the Peter Pan display. It's a window where Peter Pan lights up.

Q. Can you describe that? Where is that located, what building?

A. Well, it's the -- it's where the office is at, behind the main house. It's connected. There's a breezeway, but it's connected. And there's a display window, or a window where this Peter Pan display is at, where it lights up and you see Tinkerbell flying around the window.

Q. Okay. Could you describe to the jury the positions of the child and the defendant, Mr. Jackson?

A. Well, they were looking at the display, the Tinkerbell lighting up. And he was -- Jordie was in front, Mr. Jackson was in back, and he had his hands over like this, and --

Q. You're indicating over --

A. Over his back, towards the front.

Q. Okay.

A. And then he turned him around, kissed him. It was passionate, but it didn't last that long. And then his hands went down to his private areas. And then they ran inside the house.

Q. All right. You say he kissed him, and it was not very long but it was passionate. Where did he kiss the child?

A. In the mouth.

Q. And when you say "his hands went down," where did they go -- whose hands went down where?

A. Mr. Jackson's hands went down to his crotch area, the boy's.

Q. The boy's?

A. Yes, sir.

Q. And what -- how long -- how long do you estimate that this incident took?

A. It was -- it didn't take very long. Probably 10 seconds, 20 minutes. I'm not sure.

Q. And then at that point what did you see?

A. They went -- ran inside the back, the inside of the house.

Q. Both the child and Mr. Jackson?

A. Yes, sir.

MR. SNEDDON: Just a moment, Your Honor. Well, I must have misplaced it. Your Honor, I have one other photograph I'd like to have marked as 796 for identification purposes. And I've shown it to counsel.

Q. With regard to the exhibit, 796, do you recognize that?

A. Yes, sir.

Q. What is -- what is that?

A. This is behind the house. This is behind the house. This is the office. And this is the breezeway.

Q. So when you talk about a breezeway in your testimony, this photograph depicts that breezeway?

A. Yes, sir.

Q. And does it depict the office that you were talking about?

A. Yes, sir.

Q. All right. What I want you to do is, on that photograph, just draw a little arrow and an "O" to the building that you indicated is the office, okay?

A. Yes, sir.

Q. And then just put a big "B" in the area that you call the breezeway. All right. Is that photograph an accurate depiction of the area as you recall it back when you observed these incidents?

A. Yes, sir.

MR. SNEDDON: All right. Move that it be admitted into evidence, Your Honor.

MR. MESEREAU: No objection.

THE COURT: It's admitted.

MR. SNEDDON: Could we have the lights just briefly, Your Honor?

Q. All right. This is 796, the photograph we were just talking about, okay?

A. Yes.

Q. Would you use that little red laser again, and indicate -- there's the "B" that you put, and

that is the area that you consider the breezeway?
A. Yes, sir.

Q. And you also put an “O” with an arrow. Would you find that for the jury. All right. And that’s the area that you described as what?
A. The outer office where the display is on the window.
Q. Okay. All right. All right. That’s good. I just wanted to get those down so everybody can get an idea of what it was like. All right. We can have the lights again. Now, prior to the time -- let me ask you this: With regard to the testimony you’ve just related to the ladies and gentlemen of the jury here this morning, did you also describe those incidents to the -- when you were asked to make a statement under oath?
A. Yes, sir.
Q. When you were subpoenaed to the grand jury?
A. Yes, sir.
Q. Now, prior to the time that you appeared to give a statement under oath as to the events that you related here this morning, had you ever told anyone about what you saw?
A. No, sir.
Q. Had you ever mentioned it to anybody?
A. No, sir.
Q. Why not?
MR. MESEREAU: Objection; relevance.

THE COURT: Overruled. You may answer.
THE WITNESS: Well, a lot of things went through my mind, but one of the things was who would believe me?
Q. BY MR. SNEDDON: Why?
A. Well --
MR. MESEREAU: Objection.
THE COURT: Sustained.
Q. BY MR. SNEDDON: What else went through your mind?
MR. MESEREAU: Objection.

THE COURT: Sustained.

Q. BY MR. SNEDDON: Have you ever personally met anybody by the name of Blanca Francia?

A. No, sir.

Q. Have you ever personally met anyone by the name of Phillipe LeMarque?

A. No, sir.

Q. Have you met Wade Robeson?

A. Yes, sir.

Q. And how did you meet Wade Robeson?

A. Just by being on the property and -- and him being on the property.

Q. How often was he on the property?

A. Numerous times, but I can’t give you a number of how many times.

Q. Mr. Chacon, when you left the ranch as an employee - okay? --

A. Yes, sir.

Q. Oh, I had another question before we get there.

Were you armed?

A. No, sir.

Q. At the time that Mr. Jackson -- during the time that you became aware of the fact that Mr. Jackson was under investigation, were there any guards on the ranch property that were armed?

A. Yes, sir.

Q. And how many?

A. There was about four or five of them.

Q. Were they people who had been employed by the ranch as security officers for -- prior to that time?

A. No, sir.

Q. Now, when you left the ranch, why did you leave?

A. I was forced to leave --

MR. MESEREAU: Objection; relevance.

THE COURT: Overruled.

You may answer.

THE WITNESS: I was forced to leave because of the OSS, the bodyguards that came on the property that were armed, because we would not comply with whatever they wanted us to do or say, because we didn't -- we didn't -- we went to the grand jury, but they didn't know what we had said so they had put pressure on us to quit.

Q. BY MR. SNEDDON: Did you ever tell anybody after you went to the grand jury what you had testified to in front of the grand jury?
A. After?
Q. Yeah. Anybody associated with Mr. Jackson.
A. Yes.
Q. Who was that?
A. Kassim Abdool.
Q. And that's the person you worked with?
A. Yes, sir.
Q. Other than that, anybody else?
A. No, sir.
Q. Did you at some point in time file a lawsuit against Mr. Jackson, you and other members of the staff?
A. Yes, sir, we did.
Q. And in that particular lawsuit, where was that tried?
A. Santa Maria, right here, sir.
Q. And did you lose that lawsuit?
A. Yes, sir.
MR. SNEDDON: I have no further questions, Your Honor.
THE COURT: Cross-examine?
MR. MESEREAU: Yes, please, Your Honor.
//

CROSS-EXAMINATION
BY MR. MESEREAU:
Q. Good morning, Mr. Chacon.
A. Good morning, sir.
Q. Mr. Chacon, my name is Tom Mesereau, and I speak for Mr. Jackson.
A. Yes, sir.
Q. I'd like to ask you a few questions about that lawsuit you lost. That was the longest civil trial in the history of Santa Maria, right?
A. I don't know, sir.
Q. It went about six months, didn't it?
A. I believe so, yes, sir.

Q. You sued Mr. Jackson and you wanted $16 million, right?
A. Well, I don't know about the 16 million.
Q. You wanted millions, true?
A. No, sir.
Q. Really?
A. Well, I don't know, sir. Whatever our attorney was -- he's the one who was speaking for us.
Q. Okay. We'll get into that.
You sued Mr. Jackson claiming you were wrongfully terminated, right?
A. That's correct, sir.
Q. He sued you claiming you had stolen property from him, true?

A. That's correct, sir.
Q. The jury found you were not wrongfully terminated by Mr. Jackson, correct?
A. But we were, sir.
Q. Answer my question, please. Did the Santa Maria jury find you were not wrongfully terminated by Mr. Jackson?
A. Yes, sir.
Q. And they also found you had stolen property from Mr. Jackson, correct?
A. But I didn't, sir.
Q. Did the Santa Maria jury find you had stolen property from Mr. Jackson?
A. Yes, sir.
Q. A judgment was entered against you, Mr. Chacon, for $25,000, the value of what you had stolen, correct?
A. For candy bars, sir?
Q. A judgment was entered against you for $25,000, the value of what the Court found you had stolen, correct?
A. Well, if a candy bar is worth that much, yes, sir.
Q. That's not all you owe Mr. Jackson currently, is it?
A. No, sir. I don't owe him.
Q. In fact, Judge Zel Canter of this court, entered a judgment against you and your

co-defendants for $1,473,117.61, correct?
A. Yes, sir.
Q. He ordered you pay all of Mr. Jackson’s legal fees and costs, correct?
A. Yes, sir.
Q. Have you ever paid any of that judgment, Mr. Chacon?
A. No, sir. I filed bankruptcy.
Q. Now, the jury found you not only stole from Mr. Jackson, but you acted maliciously, correct?
A. No, sir.
Q. Did a judge find you had acted with malice?
A. No, sir.
Q. Is there a judgment against you for acting with fraud against Mr. Jackson?
A. That I know of, no, sir.
Q. Would it refresh your recollection to look at the judgment?
A. Yes, sir.
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
THE WITNESS: Okay.
Oh, it’s there, sir. I didn’t know. Yes, sir.
Q. BY MR. MESEREAU: Have you had a chance to look at that judgment, Mr. Chacon?
A. Do you mean right now?
Q. Yes.

A. Yes, sir.
Q. There is not only a judgment against you in favor of Mr. Jackson --
MR. SNEDDON: Wait a minute. I’m going to object. He asked to refresh his recollection. He should ask him if it did.
MR. MESEREAU: Sure.
THE COURT: That’s correct.
Q. BY MR. MESEREAU: Have you had a chance to look at the judgment against you, Mr. Chacon?
A. I looked at that, yes, sir. But I don’t remember it.
Q. Does it refresh your recollection that there’s a judgment against you for fraud and

malice --

A. No, sir.

Q. -- in favor of Mr. Jackson?

A. Yes, sir.

Q. You never heard of that before?

A. Well, probably, but I don’t remember.

Q. After a six-month trial, you don’t remember?

A. Well, it’s been 12 years also, sir, or so.

Q. Do you remember stipulating and agreeing that you had personally acted with fraud, oppression and malice against Mr. Jackson?

A. Probably so, sir.

Q. You did that, didn’t you?

A. No, sir.

Q. You didn’t stipulate that you had acted with fraud, oppression, and malice against Mr. Jackson in that case?

A. Well, yes, sir.

Q. After a six-month trial, this is a good way to get even with him, isn’t it?

MR. SNEDDON: Argumentative. Object, Your Honor. Move to strike.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you have any motive today, sir, to get even with Mr. Jackson?

A. No, sir.

Q. Do you remember telling a therapist you’d rather get a million dollars from Mr. Jackson than work?

A. No, sir.

Q. Do you remember being evaluated by a Ph.D. named Dr. Scott Gorsuch?

A. I don’t recall, sir.

Q. Do you recall being evaluated by a therapist in that lawsuit?

A. Probably at one point, but I don’t recall it, sir.

Q. Who was your lawyer in that case?

A. Mr. Ring from Santa Barbara.

Q. Do you remember, in response to being called a malinger, you said, “I’d like just a million from Mr. Jackson”?

A. That’s not true, sir.
Q. Never happened?
A. No, sir.
Q. Do you recall making statements you didn’t want to work again?
A. No, sir.
Q. Okay. After you left Mr. Jackson, you filed for disability, didn’t you?
A. Yes, sir.
Q. You weren’t disabled, were you?
A. I think it was just unemployment, wasn’t it?
Q. Did you file for disability, Mr. Chacon, after you left Mr. Jackson’s employment?
A. It was unemployment, I believe it was.
Q. Okay. You had a deposition taken in that case under oath, correct?
A. Yes, sir.
Q. And that was not the first time you had ever been deposed, correct?
A. I don’t understand, sir, what you’re saying.
Q. You had had your deposition taken in lawsuits before that one, true?
A. No, sir. Not that I recall.
Q. That was the first deposition you’d ever had taken that you recall?
A. In my life?
Q. Yes.
A. Yes, sir.

Q. Okay. Do you remember being asked if you were aware that your attorney wanted $16 million for you from Mr. Jackson and you said you understood that?
A. No, sir.
Q. Would it refresh your recollection to show you a page from your deposition?
A. Yes, sir.
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
THE WITNESS: Where does it say 16 million? Oh, okay, I see that.
Q. BY MR. MESEREAU: Have you had a chance to look at that page of your deposition?
A. Yes, sir.

Q. Remember you said you were aware that your lawyer had asked for 16 million?

MR. SNEDDON: I’m going to ask that counsel be directed to ask whether it refreshes his recollection before he reads.

MR. MESEREAU: I’m sorry. I will withdraw the question.

Q. Have you looked at that deposition?

A. Yes, sir.

Q. You were under oath at the time, correct?

A. Yes, sir.

Q. Does it refresh your recollection that you admitted you knew your lawyer had asked for $16 million?

A. No, sir.

Q. In fact, you said you didn’t think 16 million was enough, correct?

A. No, sir.

Q. Would it refresh your recollection if I just show you your deposition?

A. Yes, sir.

MR. MESEREAU: May I approach?

THE COURT: Yes.

THE WITNESS: That’s on there.

Q. BY MR. MESEREAU: Have you had a chance to look at that page?

A. Yes, sir.

Q. Does it refresh your recollection that you didn’t think $16 million was enough to you?

A. No, sir, I don’t.

Q. You didn’t say that?

A. No, I mean, I don’t -- now I see it’s written down there, yes, sir.

Q. Well, how much did you want in the lawsuit, sir?

MR. SNEDDON: Object as argumentative, Your Honor.

THE COURT: Sustained.

Q. BY MR. MESEREAU: In that lawsuit, you tried to extort Mr. Jackson, didn’t you?

A. No, sir.

MR. SNEDDON: Object; argumentative, Your

Honor.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you remember being asked at the beginning of your deposition, “Have you ever been deposed before?” And you said, “Yes”?

A. No, I don’t recall, sir.

Q. Might it refresh your recollection to see that page?

A. Yes, sir.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: Okay, sir.

Q. BY MR. MESEREAU: Have you had a chance to look at that?

A. Yes, sir.

Q. Does it remind you that you admitted you had been deposed before?

A. I -- I don’t remember. But it’s down there, yes, sir.

Q. Well, you’d been in other lawsuits before this, hadn’t --

THE COURT: Counsel, I believe it’s time for our break.

MR. MESEREAU: Oh.

(Recess taken.)

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REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 5161 through 5210 contain a true and correct transcript of the

proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 7, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
April 7, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

THURSDAY, APRIL 7, 2005

8:30 A.M.

(PAGES 5157 THROUGH 5394)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Nicola is listed as “N” on index. Mr. Mesereau is listed as “M” on index.
Ms. Yu is listed as “Y” on index. Mr. Sanger is listed as “SA” on index.
Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
CHACON, Ralph	5269-SN	5280-M		
McMANUS, Adrian Marie	5283-Z	5355-M		

E X H I B I T S

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
797	Photocopy of note	5342	5348
798	Photocopy of half of three $100 bills	5342	5348
797	Photocopy of note	5352	5354

THE COURT: Counsel?

MR. MESEREAU: Thank you, Your Honor.

Q. Mr. Chacon, you mentioned to the jury someone named Kassim Abdool, right?
A. Yes, sir.
Q. And was Kassim Abdool someone you worked with at Neverland?
A. Yes.
Q. And I believe you told the jury that he was the first person you talked to about your claim that Mr. Jackson was molesting young men, correct?
A. I believe so, yes, sir.
Q. Kassim Abdool joined you in that lawsuit against Mr. Jackson, correct?
A. Yes, sir.
Q. Kassim Abdool also had a judgment against him in favor of Mr. Jackson for $1,473,117.61, correct?
A. I believe so, sir, yes.
Q. Kassim Abdool joined you in trying to get millions from Mr. Jackson, right?
MR. SNEDDON: Object as argumentative, Your Honor.
THE COURT: Overruled.
You may answer.
Q. BY MR. MESEREAU: Is that correct?
A. No, sir. No, sir.
Q. Oh, he didn't?

A. No, sir.
Q. He wasn't a plaintiff with you in that case?
A. Oh, he was, yes, sir.
Q. You're saying that Mr. Abdool was not looking for millions like you?
A. No, sir.
Q. How much did he want, Mr. Chacon?
A. There wasn't an amount, sir.
Q. After a six-month trial, your lawyer didn't ask the jury to award an amount for you, sir?
A. You'll have to ask Mr. Ring.
Q. You were sitting there, weren't you?
A. Yes, sir.
Q. Did you hear him give a closing argument to the jury?
MR. SNEDDON: Your Honor, I'm going to object; argumentative.

THE COURT: Sustained.
Q. BY MR. MESEREAU: Are you telling this jury today, under oath, you don’t know how much your lawyer asked for in that six-month trial?
A. I saw it earlier when you showed --
MR. SNEDDON: Excuse me. I’m going to object as argumentative and immaterial.
THE COURT: Sustained.
Q. BY MR. MESEREAU: There was also someone named Adrian McManus who joined you in suing Mr. Jackson, correct?

A. Yes, sir.
Q. And Adrian McManus had worked at Neverland, right?
A. That’s correct, sir.
Q. And like you and Mr. Abdool, she lost the case, correct?
A. Yes, sir.
Q. A Santa Maria jury ruled against her as well, right?
A. That’s correct.
Q. Now, Adrian McManus was also found to have stolen property from Mr. Jackson, true?
A. No, sir.
Q. Would it refresh your recollection if I show you the judgment?
A. Yes, sir.
MR. SNEDDON: Your Honor, I’m going to object as immaterial with regard to this witness’s testimony; beyond his knowledge; no foundation.
THE COURT: Sustained.
Q. BY MR. MESEREAU: When did you last talk to Adrian McManus?
A. Probably months; months ago.
Q. Did you talk about this case at all?
A. Only if I knew when I was coming down, and how she was doing.
Q. Is that all you discussed about this case?
A. Yes, sir.

Q. How long was the conversation?
A. Oh, couldn’t have lasted more than five minutes, because she was at work.

Q. When did you last talk to Kassim Abdool?

A. I have not, sir, at all.

Q. Not at all?

A. No.

Q. Okay. When's the last time you talked to him?

A. Probably the time when we left court here. Back then.

Q. Okay. All right. Now, when you sued Mr. Jackson, you had judgments against you in other cases, true?

MR. SNEDDON: Your Honor, I'm going to object as immaterial.

THE COURT: Sustained.

Q. BY MR. MESEREAU: When you sued Mr. Jackson, the wages you were getting from Mr. Jackson were being partially garnished, correct?

MR. SNEDDON: Your Honor, I'm going to object. Same objection.

MR. MESEREAU: Financial motive, Your Honor.

THE COURT: The objection is overruled. You may answer.

Q. BY MR. MESEREAU: Correct?

A. Yes, sir.

Q. They were being garnished because you wouldn't pay child support, true?

A. I was paying child support, sir.

Q. Then why were they garnished?

A. I assume that's the procedure they do when they want child support from you.

Q. You couldn't just send a check yourself?

MR. SNEDDON: I'm going to object to that --

THE COURT: Sustained; calls for a legal conclusion.

Q. BY MR. MESEREAU: At one point, you asked a Santa Barbara sheriff for money, true?

A. I don't recall, sir.

Q. Do you recall ever asking Mr. Birchim for some money?

A. No, sir.

Q. Are you saying it never happened?

A. I don't recall, sir.

Q. Okay. When did you last talk to Russ

Birchim?
A. This morning.
Q. Where did you talk to him?
A. Here at the courthouse.
Q. Did you talk about your testimony?
A. No, sir.
Q. Okay. So you’re not denying that you asked him for money and you’re not denying he gave it to you; you just don’t remember, right?
A. I don’t recall, sir.

Q. When did you first meet Russ Birchim?
A. I believe it was back in ‘93, I believe. I’m not sure.
Q. Ever hear of a company called Commercial Trade?
A. No, sir.
Q. You didn’t have a lawsuit with Commercial Trade in 1989?
MR. SNEDDON: Object as immaterial.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you know someone named Judge Byrd?
A. No, sir.
Q. Judge Byrd had a judgment against you for a couple thousand dollars, didn’t she?
MR. SNEDDON: Your Honor, I’m going to object to this and ask the Court to admonish counsel.
THE COURT: The --
MR. MESEREAU: It’s all part of the financial motive, Your Honor.
THE COURT: There’s no time frame. The problem you’re asking about is when. I don’t know that. So I’ll sustain the objection on vagueness.
Q. BY MR. MESEREAU: At the time you sued Mr. Jackson for an amount you don’t remember, isn’t it true you had a judgment against you for $2600 by a Ms. Judge Byrd?

A. I don’t recall, sir.
Q. Would it refresh your recollection if I show you your deposition where you talked about it?
A. Yes, sir.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: Oh, yes, sir.

Q. BY MR. MESEREAU: Have you had a chance to look at that deposition page?

A. Yes, sir.

Q. Did it refresh your recollection?

A. Yes, sir.

Q. Do you know who Judge Byrd is?

A. No, sir.

Q. Okay. Do you know anything about a judgment she ever had against you?

A. No, sir.

Q. Okay. Now, when did you first tell Kassim Abdool, your co-plaintiff against Mr. Jackson, about this alleged molestation you witnessed?

A. Probably when -- when we -- when we knew that we were going to be subpoenaed to the grand jury.

Q. And approximately when was that?

A. I believe it was in ‘94 sometime.

Q. By the way, do you remember testifying that Sheriff Russ Birchim delivered money to you?

A. I don’t recall, sir.

Q. Would it refresh your recollection if I show you your deposition?

A. Yes, sir.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: It’s down there, but I don’t recall that, sir, at all.

Q. BY MR. MESEREAU: Okay. Do you recall saying it?

A. No, sir, I don’t.

Q. Don’t recall anything about it?

A. No, sir.

Q. Okay. It just is down there, right?

MR. SNEDDON: I’m going to object to the comment as argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you remember testifying under oath you asked Mr. Birchim for money?

A. I don’t recall, sir.

MR. SNEDDON: That’s been asked and answered.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you remember asking for money so your wife could relocate?
A. Probably -- probably so, sir. Yes, sir.
Q. Okay. Do you remember wanting other bills paid?
A. No, sir.

Q. Okay. How long after you told Kassim Abdool, your co-plaintiff, about these alleged acts of molestation did you speak to anyone from law enforcement?
A. I don’t recall, sir.
Q. Was it years?
A. Oh, no. No, not years.
Q. How long was it?
A. Could have been weeks, days. I’m not certain, sir. It’s been a while.
Q. Did you review any documents to get ready to testify today?
A. No, sir.
Q. Anyone send you any documents to look at --
A. No.
Q. -- before you testified today?
A. No, sir.
Q. When did you last talk to Mr. Ring about your suit against Mr. Jackson?
A. I haven’t talked to Mr. Ring in years, sir.
Q. Okay. All right. Now, at the time you filed your lawsuit against Mr. Jackson, you knew that other former employees at Neverland had sold stories to tabloids about Mr. Jackson, didn’t you?
A. Could you rephrase that, sir?
Q. Sure. At the time you filed your lawsuit against Mr. Jackson, you were aware that other former employees at Neverland had sold stories to tabloids, correct?

A. I don’t understand the “others,” sir. Which others?
Q. Blanca Francia?
A. No, sir.

Q. Never heard of it?

A. Oh, yes, I heard of it. But I didn’t -- I wasn’t aware of that.

Q. Were you aware of anyone else at Neverland who was employed at one point trying to go to a tabloid to sell a story?

A. No, sir.

Q. Never heard anything about it?

A. No, sir.

Q. Okay. Did you ever hear anything about Adrian McManus doing that?

A. Well, we went to a tabloid.

Q. Which one?

A. It was The Star.

Q. And who was “we”?

A. It was myself, Adrian McManus, Kassim Abdool, and I guess that was it.

Q. And approximately when did you go to this tabloid?

A. We had met at Mr. Ring’s office in Santa Barbara.

Q. And after you met with your attorney, who represented you in the lawsuit, you went to a

tabloid, correct?

A. Right. Yes, sir.

Q. And you wanted money for a story, true?

A. Yes, sir.

Q. Who did you meet with at the tabloid when you requested money?

A. Can you rephrase that, sir?

Q. Yes, sir. Who did you meet with when you went to a tabloid to request money?

A. Oh, there was myself, Kassim, Adrian, and whoever the reporter was, and Mr. Ring.

Q. Your lawyer was there with you, right?

A. Yes, sir.

Q. You did it with your lawyer because you thought that negative publicity would pressure Mr. Jackson into paying all of you money, right?

A. No.

MR. SNEDDON: Object as argumentative, Your Honor.

THE COURT: Overruled. The answer was, “No.”

Next question.
Q. BY MR. MESEREAU: You went to the tabloid before the case was tried to a jury, right?
A. I believe so, yes, sir.
Q. Had you filed a case before you went to the tabloid?
A. I don’t recall, but I believe so, sir.
Q. Did you sell a story to the tabloid?

A. Yes, sir.
Q. Did you ever hire a broker to help you sell other stories to other tabloids?
A. No, sir.
Q. Did you ever hear anything about McManus doing that?
A. No, sir.
Q. Okay. What other tabloids did you speak to?
A. None, sir.
Q. Just one?
A. Yes, sir.
Q. Just Star?
A. Yes, sir.
Q. But you were aware that McManus went to other tabloids, true?
A. No, sir.
Q. Just Star?
A. Yes, sir.
Q. Did you ever speak to anyone at Inside Edition?
A. No, sir.
Q. Okay. How about any other newspaper?
A. No, sir.
Q. Now, you wanted to sell information about Mr. Jackson allegedly acting wrongfully with young men, correct?
A. Yes, sir. To The Star.
Q. And you also wanted to sell information

about his relationship with Lisa Marie Presley, correct?
A. No, sir.
Q. Never did that?
A. No, sir.
Q. Ever hear of any of your co-plaintiffs doing

that?

A. That I recall, I don't recall, sir.

Q. Don't recall it at all?

A. No, sir.

Q. Okay. Was your story printed, to your knowledge?

A. Yes, sir.

Q. Approximately when did that happen?

A. I don't know the date, sir.

Q. Any idea at all?

A. No, sir.

Q. Okay. Can't even estimate, right?

A. No, sir.

Q. Okay. All right. How long after you told your co-plaintiff against Mr. Jackson, Mr. Kassim Abdool, about these alleged acts of molestation did you both go to a tabloid?

A. Oh, I -- it wasn't -- it wasn't right away. But I don't recall when it was.

Q. Okay. It was before you went to law enforcement, wasn't it?

A. No, sir.

Q. Was it after it?

A. I believe so, sir. I don't recall.

Q. Okay. Mr. Chacon, in late '93 and early '94, you told other people that Michael Jackson was innocent of molestation accusations, didn't you?

A. No, sir.

Q. Never told that to anyone at the ranch?

A. No, sir.

Q. Okay. Are you familiar with a tabloid called Splash?

A. Yes, sir.

Q. What is Splash?

A. I believe it's a tabloid.

Q. Ever met with someone named Peter Burt from Splash?

A. I don't recall, sir.

Q. Are you saying you don't recall, or you don't -- you didn't?

A. I don't remember, sir, if I did or not.

Q. So you could have, but you don't remember?

A. Could have, but I don't remember.

Q. Okay. Do you know somebody named Sandy Domz?

A. Yes, sir.

Q. Who was Sandy Domz?

A. She was one of the secretaries at Neverland Ranch.

Q. Okay. Do you recall Sandy Domz ever

approaching a tabloid?

A. No, sir.

Q. Don’t know anything about it?

A. No, sir.

Q. All right. Do you recall speaking to a book author named Gutierrez?

A. Yes, sir.

Q. And approximately when did you speak to a book author named Gutierrez?

A. I believe that was before we went to Star, and -- but I don’t remember the -- I don’t remember the date or the time.

Q. Okay. Do you remember splitting money from any tabloids with any other employees or former employees of Neverland?

A. No, sir.

Q. You never split money for giving information to a T.V. show called Inside Edition?

A. That I recall, no, sir.

Q. So you’re not telling the jury you didn’t do it, you’re just saying, “I don’t recall”?

A. Well, I don’t -- I don’t think I did it or we did it, no, sir.

Q. You don’t know for sure?

A. I just don’t recall if we did or not, sir.

Q. You might have, but you don’t remember, right?

A. I don’t remember.

Q. Did you ever complain at Neverland that you should be paid more money than you were getting?

A. No, sir.

Q. Do you remember filing a claim for disability with EDD after you left Neverland?

A. No, sir.

Q. Okay. Are you saying that didn’t happen?

A. Well, I filed for unemployment.

Q. Not disability?

A. No, sir.

Q. All right. When is the last time you worked at Neverland; do you know?

A. It’s probably mid ‘94, I believe, or around there.

Q. Now, when you sued Mr. Jackson in Santa Maria, you also sued other people at Neverland, right?

A. No, sir.

Q. You sued James Van Norman, didn’t you?

A. Oh, yes, sir.

Q. You sued Tony Coleman?

A. Yes.

Q. You sued Marcus Johnson, correct?

A. Yes, sir.

Q. And you sued Bill Bray, right?

A. Yes, sir.

Q. And Betty Bailey, right?

A. Yes, sir.

Q. And Andrew Merritt, right?

A. I believe so, yes, sir.

Q. And you were claiming that they had wrongfully interfered with your employment, correct?

A. Yes, sir, they did.

Q. And are these some of the people that you described as being bodyguards for Mr. Jackson?

A. Yes, sir, the OSS.

Q. Yes.

A. Yes.

Q. You didn’t like the OSS being at Neverland, did you?

A. No, sir.

Q. You wanted to handle all of the security yourself, correct?

A. Well, there was a time that I was in charge, and I knew what I was doing, sir.

Q. And you felt they didn’t, right?

A. Well, they shouldn’t have interfered with my job.

Q. Okay. And obviously you lost that claim in front of a Santa Maria jury, correct?

A. Yes.

MR. SNEDDON: Object as argumentative, Your Honor.

THE COURT: Sustained.

Q. BY MR. MESEREAU: The claims against the people in addition to Mr. Jackson who had worked at

Neverland, you lost those claims, right?

A. Yes, sir.

Q. Now, at the time you sued Mr. Jackson, you had complained that you couldn’t pay your rent, right?

A. No, sir.

Q. Did you ever complain to anyone you couldn’t pay your rent?

A. No, sir.

Q. Never complained to any sheriff, right?

A. I don’t recall. I don’t think so, sir.

Q. Okay. But you don’t know for sure?

A. No, sir.

Q. All right. All right. Now, when Mr. Jackson sued you for stealing his property, do you recall what property he was accusing you of stealing from him?

A. Yes, sir.

Q. What was the property?

A. It was candy bars from the theater. And the other stuff I’m not sure of, but I believe they were referring to my briefcase that had memos, my personal memos from my box at the security office.

Q. Anything else?

A. No, sir.

Q. Now, the jury found that the material you stole was worth $25,000, correct?

A. No, sir.

Q. Well, they entered a judgment against you for $25,000 for maliciously converting Mr. Jackson’s property, true?

MR. SNEDDON: Your Honor, I’m going to object to this.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you know what the amount was, Mr. Chacon?

MR. SNEDDON: I'm going to object. It's the same question, just asked a different way.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You were found to have stolen documents from Mr. Jackson, true?

MR. SNEDDON: Your Honor, I'm going to object; asked and answered.

MR. MESEREAU: I don't think it is.

THE COURT: That question hasn't been asked, but the ruling that I made is that the issues that you can go into are not the issues of the lawsuit. It's the same as the J.C. Penney case. You can go into what he said, what he hasn't said, the same exact ruling, and you're --

MR. MESEREAU: Okay.

THE COURT: The area you're in now has to do with the issues in the lawsuit. So I want you -- that's the line we're trying to walk here.

MR. MESEREAU: Okay. I'll move on, Your Honor.

Q. Do you know someone named Linda Allen, Mr. Chacon?

A. Yes, sir.

Q. Who is Linda Allen?

A. She was my landlady in Lompoc.

Q. For how long?

A. Probably about a year. I'm not for certain of the length of time.

Q. When you were suing Mr. Jackson, you told Linda Allen you would soon be able to pay her the back rent you owed, right?

A. No, sir.

MR. SNEDDON: I'm going to object to that question. The same 403 ruling.

THE COURT: Overruled.

Q. BY MR. MESEREAU: Did you do that, Mr. Chacon?

A. No, sir.

Q. Did you ever tell Linda Allen, "I'm going to be a star witness against Michael Jackson"?

A. No, sir.

Q. Okay. Ever tell Linda Allen you were going to be on the T.V. show Hard Copy to talk about Mr.

Jackson?

A. No, sir.

Q. Did you ever tell Linda Allen you had a gun permit because you were a star witness against Michael Jackson?

A. No, sir.

Q. Ever tell Ms. Allen you were going to make two or three million dollars with your suit against Mr. Jackson?

A. No, sir.

Q. Ever will tell Linda Allen you were going to be driving a 450 Mercedes after you won your suit against Mr. Jackson?

A. No, sir.

Q. All right. None of that rings a bell, right?

A. No. No.

Q. Okay. Now, in your meeting with the first tabloid that you talked to, okay, where Abdool was present, who else was there?

A. I believe Adrian McManus, Abdool, myself, Mr. Ring, and whoever represented that tabloid. I don’t know, sir.

Q. Who arranged the meeting?

A. Mr. Ring.

Q. Okay. Do you know someone named Gary Morgan?

A. I’ve heard the name before, yes, sir.

Q. Where have you heard the name?

A. Probably -- maybe he’s the one that represented the tabloid. I’m not sure.

Q. Okay. Did you ever talk to Gary Morgan?

A. I probably did, but I don’t recall.

Q. Okay. Do you recall ever being interviewed by someone who claimed to be a media broker, meaning they could actually get you to various tabloids on T.V. or in print?

A. No, sir.

Q. Never heard of anything about that, right?

A. No, sir.

Q. Did you draft a story for the tabloids at Mr. Ring’s office?

A. Probably, yes, sir. Probably did. I don't -- I don't recall, but I probably did.
Q. Why do you say you probably did?
A. Because it's kind of vague. It's been a long time, and I guess I did. I'm -- I would say I did, yes, sir.
Q. Well, it hasn't been much longer than the period of time you claim you remember these events about Mr. Jackson, true?
A. Well, I probably did, sir, draft that --
Q. Probably did, or you did?
A. I did.
MR. SNEDDON: It's argumentative.
THE COURT: Overruled. The answer was he did. Next question.
Q. BY MR. MESEREAU: Okay. And did you draft a story for Splash?
A. I believe that was the tabloid, sir.
Q. Okay. And after you drafted it, did you

meet with somebody from Splash?
A. Whoever it was. I don't recall, sir.
Q. Were you personally interviewed by somebody from Splash?
A. We all were, sir.
Q. Jointly or individually?
A. Jointly.
Q. Okay. How long was the interview with Splash?
A. Could have been an hour or so. I'm not for certain how long.
Q. Do you recall telling anyone that you were using the money from Splash to help fund your lawsuit against Michael Jackson?
A. Yes, the money went directly to Mr. Ring.
Q. And that was approximately $17,000, wasn't it?
A. I don't know, sir. But whatever it was, he did get it.
Q. So can you estimate what it was?
A. I can't, sir.
Q. Okay. Did you get any money yourself as --
A. No, sir.
Q. Do you remember telling people you gave most

of it to Mr. Ring, but you took about 500 bucks yourself?

A. Well, we had taken 500 bucks, but we gave it back to Mr. Ring, because he was our lawyer and he needed money.

Q. Okay. That was to fund the lawsuit where you sought millions from Michael Jackson, correct?

A. Well, that was the lawsuit, sir.

Q. That was the lawsuit you were trying to fund by selling stories to tabloids, true?

A. No, sir.

Q. No?

A. I really don’t understand your question.

Q. Sure, I’ll rephrase.

You were taking money from tabloids and using it to fund costs of your lawsuit against Mr. Jackson?

A. Oh. Yes, sir. I’m sorry.

Q. And before you went to Mr. Ring, you had told various people that you never saw anything inappropriate at Neverland, true?

A. No, sir.

Q. You told various people you’d never seen Michael Jackson molest anybody, true?

A. No, sir.

Q. So if anybody comes into court and says that, they’re just not telling the truth, right?

A. That’s correct, sir.

Q. Okay. When you first met with representatives of the sheriff’s department, did you tell them everything that you have said today about Mr. Jackson allegedly molesting young men?

A. Um, when you mean a sheriff, a certain sheriff, or at the sheriff’s department, or -- I don’t understand.

Q. Let me rephrase.

When you first spoke to a sheriff from Santa Barbara, did you tell that sheriff everything you’ve said today in court?

A. No, sir.

Q. The story has changed considerably since your first meeting with a sheriff, true?

MR. SNEDDON: Your Honor, I’m going to object to the use of the word “considerably” as argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Would you agree that with each interview you do, you add more lurid facts about Mr. Jackson?

A. No, sir.

Q. You would agree your story about what you claim he did has changed through the years, has it not?

A. No, sir.

Q. Didn’t you just meet with Mr. Sneddon the other day?

A. Yes, sir.

Q. Didn’t you tell Mr. Sneddon you had new facts that you forgot in 1993?

MR. SNEDDON: Well, wait a minute. I’m going to object to that question. Your Honor, that’s not asked in good faith with regard to the -- I can’t do it without a speaking objection, but if we could approach the bench, because this is not right.

THE COURT: Overruled.

The question was, “Did you tell Mr. Sneddon you had new facts that you had forgot in 1993?”

THE WITNESS: Yes, I did.

Q. BY MR. MESEREAU: You told Mr. Sneddon that you forgot to say certain things in 1993 about Mr. Jackson allegedly molesting young men, true?

A. Yes, sir.

Q. But now you remembered them in 2005, right?

A. Vaguely, yes, sir.

Q. And you said the person that remembered them with you is Kassim Abdool, true?

A. I haven’t talked to Kassim in years.

Q. Okay. When did you first start work at Neverland, Mr. Chacon?

A. I believe it was in ‘91, sir.

Q. Okay. You knew that in late ‘93 and early ‘94, the media was devoting a lot of attention to stories about Mr. Jackson at Neverland, correct?

A. Well, the media was always at Neverland at some time or other, sir.

Q. Before you chose to go to a tabloid, you knew that others were going to tabloids to try and

tell stories about Mr. Jackson?

A. No, sir.

Q. You were the first, right?

A. That went to the media, to the tabloids?

Q. Yes.

A. Yes, sir.

Q. And when did you go?

A. It was probably ‘94 sometime.

Q. But you knew there was a lot of media attention before that, correct?

A. There always has been, sir.

Q. And you knew people were making money doing that, right?

A. No, sir.

Q. Weren’t aware of that?

A. No, sir.

Q. Thought they were doing it all for free, right, Mr. Chacon?

A. No, sir.

MR. SNEDDON: Object as argumentative, Your Honor.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you think Mr. Jackson is an intimidating-looking individual?

A. No, sir.

Q. Do you remember in your deposition you said you were entitled to damages because Mr. Jackson stared at you?

A. No, sir.

Q. Remember you said Mr. Jackson stared, and you didn’t know how to take it?

A. No, sir.

Q. Would it refresh your recollection if I show you your deposition?

A. Yes, sir.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: Okay. Okay. I remember.

Q. BY MR. MESEREAU: As part of your damage claim, do you remember saying that Mr. Jackson stared at you continuously?

A. Not continuously, sir.

Q. Well, you said “all the time,” right?

A. No, sir.

Q. You said no one else saw him staring at you, right?

A. No, sir.

Q. But it bothered you, right?

A. No, sir.

Q. Okay. Why did you say it?

A. I guess just to say it.

Q. Okay. As part of your damage claim, you claimed that employees were threatening you at Neverland, right?

A. Yes, they were, sir.

Q. All right. And the jury didn’t believe that, did they?

MR. SNEDDON: I’ll object as argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: When did you start working the graveyard shift at Neverland?

A. Immediately, sir, when I got hired on.

Q. Didn’t you gradually work your way into that?

A. Immediately I went to the graveyard. Then they shifted me to swings for a while, probably a month or so, and then I ended back on graveyard. As a matter of fact, I preferred to work graveyard, sir, because I had a second job.

Q. Where was the second job?

A. In Lompoc.

Q. What was that?

A. I worked for Wayne’s Tires.

Q. Do you remember problems with intruders while you worked at Neverland?

A. Yes, sir.

Q. And what problems with intruders do you remember?

A. Them coming on property and -- and we turned them over to the sheriff’s department.

Q. And how often do you remember that happening?

A. Probably several times, sir.
Q. Do you recall Mr. Jackson getting nervous

about that?
A. No, sir.
Q. Did he seem to care about it, to you?
A. He wasn’t even there when we apprehended the people.
Q. He certainly learned about it, to your knowledge, correct?
A. I don’t know, sir.
Q. You never talked to him about it?
A. No, sir.
Q. And you were not aware of anyone else telling Mr. Jackson about these problems with intruders?
A. No, sir.
Q. All right. Sir, Mr. Jackson had some personal security guards because he was worried about these intruders being caught on the property, right?
A. I don’t believe so, sir.
Q. You and the other security people didn’t carry any weapons, right?
A. No, sir, we didn’t.
Q. And at times, that was a concern of Mr. Jackson’s, wasn’t it, that his security personnel there didn’t have any weapon to protect him?
A. I don’t know, sir.
Q. He had a general policy of not wanting people to carry weapons, true?

A. I don’t know, sir.
Q. You don’t know at all?
A. No, sir.
Q. Did you ever see any of your security team carrying a weapon?
A. No, sir.
Q. Did you know why?
A. No, sir.
Q. Had no idea at all?
A. No, sir.
Q. Never inquired?
A. No, sir.

Q. When you first joined up, did you ask anybody, “Do security people carry weapons at Neverland?”
A. No, sir.
Q. Were you given any manual to refer to when you worked at Neverland?
A. Yes, sir.
Q. And what do you know about that manual?
MR. SNEDDON: I’m going to object; vague.
THE COURT: Sustained.
MR. MESEREAU: It’s vague, I’ll rephrase.
Q. Are you telling the jury that when you started working security at Neverland, nobody told you, “We have a general policy of having security people not carry arms”?
A. Well, probably so, because nobody was carrying arms.

Q. Did you have a gun permit at the time?
A. No, sir.
Q. How many meetings did you have with representatives of the sheriff’s department before you think you told all the facts about what you say Mr. Jackson did with young men?
MR. SNEDDON: Your Honor, I’m going to object as argumentative; assumes facts.
THE COURT: Calls for a narrative. You can break that question down.
MR. MESEREAU: Sure.
Q. When was your first meeting with any representative of the sheriff’s department regarding what you claim you saw at Neverland?
A. I don’t recall, sir.
Q. Do you know approximately when it was?
A. No, sir, I don’t.
Q. Was it after you saw the events you described today?
A. I don’t recall, sir.
Q. Well, you’ve given the jury a detailed description of the events you claim you saw at Neverland, right?
A. Yes, sir.
Q. But you’ve forgotten when you talked to the sheriffs, correct?

A. Well, I know I talked to them, but I just don't recall exactly when it was at, sir.

Q. Do you know approximately when it was at?

A. It was in '94, I believe, sometime.

Q. Do you know how many meetings you've had with the sheriffs to date where you have talked about Mr. Jackson's inappropriate behavior?

A. Well, with the sheriffs, I didn't talk about this, the allegations. But with the grand jury, which I went to testify, that was the first time, and there was sheriffs present there.

Q. You testified before a Santa Barbara Grand Jury, right?

A. Yes, sir.

Q. And after you testified, no criminal charges were brought, right?

A. Right, sir.

Q. You went to Los Angeles and talked to prosecutors --

A. No, sir.

Q. -- about what you claim -- you never did that?

A. No, sir.

Q. Didn't you tell Mr. Sneddon on direct examination that you were subpoenaed to a grand jury in Los Angeles?

A. Oh, yes, sir. But I didn't go.

Q. You didn't go. But you went down to be interviewed under oath instead of going, true?

A. Yes, sir.

Q. And as a result of your interview under oath, no charges were ever brought in Los Angeles, right?

A. No, sir.

Q. Do you remember testifying how upset you were at Neverland when you learned that other employees got raises and you didn't?

A. Yes, I believe there was one time.

Q. And tell the jury what that was all about.

A. Probably they had hired two or three security, and they -- I believe they paid them $12 an hour, and we were only getting $9 an hour.

Q. And did you complain about it to somebody?

A. Oh, yes, I did.

Q. Who?

A. Probably the lieutenant.

Q. And what happened?

A. Nothing ever happened.

Q. Was Mr. Abdool upset about that also, to your knowledge?

A. I believe so, yes, sir.

Q. And you and he met and talked about it, right?

A. Pardon me?

Q. You and he met and talked about it, correct?

A. Well, we all talked about that in security.

Q. You lodged a complaint, didn't you?

A. No, sir.

Q. Did you think Mr. Jackson's security guards were being paid more than you?

A. The new ones, yes, sir.

Q. How did you know what they were getting paid?

A. I don't remember. I don't recall, sir, how we found out.

Q. When you told the jury you saw a young boy on Mr. Jackson's back, was that in the shower?

A. No, it was coming out, going towards his house.

Q. Was he on his shoulders?

A. You know, I don't recall if he was on his shoulders or on his back, like piggybacked, yes, sir.

Q. When you went to work at Neverland, you were asked to sign a confidentiality agreement, right?

A. Yes, sir.

Q. And everybody who works at Neverland is asked to sign one, right?

A. Yes, sir.

Q. And the purpose, as explained to you, was that Mr. Jackson doesn't want employees just running to tabloids and telling stories, right?

A. Yes, sir, I believe so.

Q. When you went to a tabloid, you violated the agreement, correct?

MR. SNEDDON: Object, Your Honor, calls for a legal conclusion.

THE COURT: Overruled. You may answer.

THE WITNESS: No, sir.

Q. BY MR. MESEREAU: You didn’t violate it all?

A. No, sir.

Q. So you thought going to a tabloid after you left your employment at Neverland was perfectly consistent with your confidentiality obligations to Mr. Jackson, right?

A. I don’t think I ever signed a confidentiality, sir.

Q. Sure about that?

A. I’m not for certain, but I don’t recall that I ever did.

Q. Weren’t you asked to?

A. I probably was. But at that time they didn’t have one for me.

Q. At the time you and Mr. Abdool and Ms. McManus and your lawyer went to the tabloid, your lawyer was trying to negotiate to get money from Mr. Jackson, wasn’t he?

MR. SNEDDON: I’m going to object. Lack of foundation and it assumes --

THE COURT: Foundation; sustained.

Q. BY MR. MESEREAU: At the time you and Mr. Abdool and Ms. McManus and your lawyer went to a tabloid to give a story about Mr. Jackson, do you know whether or not your lawyer was trying to negotiate money from Mr. Jackson?

A. No, sir.

Q. Do you know whether or not your lawyer was trying to pressure Mr. Jackson by threatening bad publicity?

A. No, sir.

Q. Did you ever hear of anything like that going on?

A. No, sir.

Q. Okay. So if that went on, you’d be shocked, true?

A. Probably not, sir.

Q. Probably not?

A. I guess not, no.

Q. Did you ever explain to Mr. Jackson yourself that you were having trouble making ends meet financially?

A. No, sir.

Q. Did you explain to anyone at Neverland about that before you left?

A. No, sir.

Q. All right. Without getting into any of your discussions with your lawyer, who of your group first went to that attorney?

A. Which attorney, sir?

Q. Ring. Mr. Ring.

A. Who first went to Mr. Ring?

Q. Yes.

A. Of us?

Q. Of you. Excuse me, let me rephrase the question. Make it clearer.

You, Mr. Abdool, Ms. McManus sued Mr. Jackson, correct?

A. Yes, sir.

Q. You were represented by a lawyer in Santa Barbara named Mr. Ring, correct?

A. Yes, sir.

Q. And he represented you throughout that six-month trial that you lost, correct?

A. Yes, sir.

Q. Who first approached Mr. Ring about trying to get money from Mr. Jackson?

A. We all did, sir.

Q. Together?

A. We hired him, yes, sir.

Q. Okay. Do you know how you found out about him?

A. I don’t recall, sir.

Q. Was he the only lawyer you talked to, or did you talk to some others?

A. I believe he was the only one we talked to, yes, sir.

Q. Do you recall whether you ever told anyone, “Mr. Jackson promised me if I did a good job, I

would have a job at Neverland forever”?
A. No, sir.
Q. Did he ever say anything like that to you?
A. No, sir.
Q. Did anyone who hired you at Neverland?
A. No, sir.
Q. Okay. You met with Prosecutor Sneddon on April 6th, correct?
A. Yes, sir.
Q. Was anyone else at the meeting?
A. Yes, sir.
Q. Who?
A. Russ Birchim.
Q. Where did the meeting take place?
A. Here in Santa Maria.
Q. And who arranged the meeting?
A. I believe it was Mr. Sneddon.
Q. Did he call you on the phone?
A. Yes, sir.
Q. Did he tell you where to meet?
A. Yes, sir.
Q. How long was the meeting?
A. Probably less than an hour.
Q. Did you discuss anything you were going to say today?
A. I believe so, yes, sir.
Q. Did Mr. Sneddon tell you what questions he was going to ask you today?

A. Yes, sir.
Q. Did you tell him what answers you were going to give to those questions?
A. No, sir.
Q. Did you tell him anything about how you were going to respond?
A. I just told him that I would speak the truth.
Q. That’s it?
A. Yes, sir.
Q. How long was the meeting?
A. Probably about -- less than an hour.
Q. So during the portion of that hour that you spoke, all you ever said was, “I’ll tell the truth, I’ll tell the truth, I’ll tell the truth,” or words

to that effect?

A. No, sir. No, sir.

Q. Okay. He told you what questions he was going to ask you, correct?

A. I believe so, yes, sir.

Q. You told him what your responses were going to be, right?

A. Yes, sir.

Q. When was the -- excuse me. Before that meeting, when was the last time you had met with anyone from the prosecuting office here?

A. I didn't meet with anybody.

Q. Did you talk with anyone on the phone?

A. Yes, sir. I was --

Q. Who was that?

A. I believe it was a secretary from Mr. Sneddon's office.

Q. And what was that discussion about?

A. When I was supposed to be down here and how to get -- how to get to Santa Maria.

Q. How many meetings have you had with any representative of the sheriff's department in total to talk about your testimony?

MR. SNEDDON: Your Honor, I'm going to object as vague as to time, a time period.

MR. MESEREAU: I'll rephrase it.

THE COURT: All right.

Q. BY MR. MESEREAU: In the last year, how many meetings have you had with anyone representing the Santa Barbara Sheriff's Department to talk about this case?

A. I haven't, sir.

Q. How about phone calls?

A. No, sir.

Q. All right. You're aware of Mr. Jackson going on tour -- excuse me. Let me rephrase it. You're aware that Mr. Jackson periodically went on tour while you worked at Neverland, true?

A. Yes, sir.

Q. And it was your understanding he always had

bodyguards with him, correct, on tour?

A. I understood that, yes, sir.
Q. Okay. You knew he was extremely concerned about his security, right?
A. His bodyguard security or security on the ranch?
Q. Well, Mr. Jackson was extremely concerned about security on the ranch, wasn't he?
A. I don't know, sir.
Q. You don't know?
A. No, sir.
Q. Even with these intruders, you're not sure if he was concerned?
A. Well, I'm sure he was concerned, but he was never there when we did apprehend them.
Q. Okay. You knew he had concerns about his personal security when he went on tour, right?
A. Oh, yes, sir. Yes, sir.
Q. And at all times that you worked on the ranch, you knew he had personal bodyguards when he went on tour, right?
A. When he went on tour, yes, sir.
Q. You knew he had personal protection when he went other places for other reasons, true?
A. I assume so, sir. I don't know.
Q. Do you remember complaining that Mr. Abdool got a raise when you didn't?
A. No, sir.

Q. Never happened?
A. No.
Q. When you left Neverland, you just stopped showing up for work, right?
A. Yes, sir.
Q. You stopped showing up for work after you met with Attorney Ring, correct?
A. Probably so, yes, sir.
Q. You were disappointed that you weren't getting more money from tabloids, weren't you?
A. No, sir.
Q. Never complained to anybody about that?
A. No, sir.
Q. The first incident you claim you saw Mr. Jackson improperly touch a young man was when?
A. I don't recall. Between '92 and '93, I

believe. I’m not for certain.

Q. Do you recall ever telling any representative of law enforcement the month or the year?

A. No, sir. I don’t -- no.

Q. And what shower are you claiming Mr. Jackson used when you say you looked in a shower and saw him acting inappropriately?

A. It was the outside rest rooms by the rec room.

Q. There were two of them, right?

A. Two rest rooms?

Q. Yes.

A. There was a women’s and a men’s room, I’m sorry.

Q. And which one do you claim you saw Mr. Jackson in?

A. In the men’s room, sir.

Q. Had you seen him in that men’s room before?

A. Yes, sir.

Q. Okay. By the way, when you went to the Santa Barbara Grand Jury, you didn’t tell them everything you said today, did you?

A. Yes, sir.

Q. Everything?

A. Yes, sir.

Q. Did you tell them everything you’ve told Mr. Sneddon?

A. Well, that one incident that I recalled I didn’t. I didn’t bring that up, no, sir.

Q. How long were you in front of a Santa Barbara Grand Jury?

A. Could have been a couple hours.

Q. And at some point, you called to see if anybody had charged Mr. Jackson with anything, didn’t you?

A. No, sir.

Q. Never asked anyone?

A. No, sir.

Q. Never asked anyone in the sheriff’s department?

A. No, sir.

Q. Never asked Mr. Sneddon?
A. No, sir.
Q. To this day you’ve never asked that question, right?
A. No, sir.
Q. All right. When did you first learn Blanca Francia had sold a story to Hard Copy?
MR. SNEDDON: Your Honor, I’m going to object. That question has been asked and answered and that assumes facts not in evidence.
MR. MESEREAU: I’ll rephrase it.
THE COURT: All right.
Q. BY MR. MESEREAU: Did you ever learn that Blanca Francia had told a story for $20,000 to the T.V. show Hard Copy?
A. No.
MR. SNEDDON: Object. Asked and answered.
THE COURT: All right. He answered it. It’s “No.” Next question.
Q. BY MR. MESEREAU: Did you ever learn she had sold a story to Hard Copy, without knowing the amount she got?
A. Yes, sir.
Q. When did you learn that?
A. Probably on the news.
Q. On the news when?

A. I don’t recall, sir. It was -- it was public knowledge.
Q. Did you see the show?
A. No, sir.
Q. Did you hear about it right after it appeared on television?
A. No, sir.
Q. Were you employed when that was on television?
A. No, sir.
Q. Where were you working at that point?
A. Where was I working? That’s a good question. I believe I was already in Nevada by that time.
Q. And what were you doing there?
A. I was a substitute teacher at a high school and junior high.

Q. What year was this?
A. ‘96, ‘7, ‘8.
Q. Do you remember learning that security guards at the Jackson home in Encino had sold stories for $100,000?
A. No, sir, I didn’t know anything about that place.
Q. Never heard anything about that?
A. Well, I know they had security guards, but I never heard anything.
Q. Did you hear anything about security guards at the Encino home selling a story for $100,000?

A. No, sir.
Q. All right. Ever know someone named Quindoy?
A. I want to say that the Quindoys -- I believe they were chefs, I believe, but I’m not positive.
Q. They were what?
A. I believe they were cooks or chefs there at some property.
Q. Did you know them?
A. No, sir.
Q. Ever talk to them?
A. No, sir.
Q. Did you know they had tried to sell stories to tabloids about Mr. Jackson?
A. No, sir.
Q. Had you ever heard anything about that as you sit here today?
A. Probably have, but I don’t recall.
Q. Okay. Now, at some point you claimed you were improperly subjected to electronic surveillance at Neverland, right?
A. Could you be a little bit more specific, sir?
Q. Sure.
MR. SNEDDON: Your Honor, I’m going to object. I’m going to object because of the 403 ruling, but more specifically because there are multiple defendants in the causes of action. It may be different as to different individuals.

MR. MESEREAU: I’m only talking about him, Your Honor. His claims against Mr. Jackson.

THE COURT: I’m going to allow the question, but I’m going to do so assuming it’s not related to specific allegations in the Complaint, which I already said you can’t directly go into.

MR. MESEREAU: Okay. Well, there were such -- there were such claims, Your Honor.

THE COURT: I know, but we’re not relitigating that issue. But he could have made a claim or his attorney could have made a claim.
You’re asking him not about claims his attorney made, but claims that he made.

MR. MESEREAU: Yes, I am.

THE COURT: I’m going to allow the question with that understanding.

MR. MESEREAU: Thank you, Your Honor.

THE COURT: But you probably have to read it back to him.
Do you remember the question?

MR. MESEREAU: I can rephrase it.

THE WITNESS: No.

MR. MESEREAU: I’ll withdraw it.

Q. Do you remember claiming that you were emotionally distressed because you thought your telephone conversations were listened in to at Neverland?

A. Yes, sir.

Q. And you never knew whether or not there was a tap on any phone, correct?

A. Yes, I did, sir.

Q. Are you saying you did know there was a tap?

A. Yes, sir, I knew that they had equipment where they were listening in.

Q. Do you remember testifying under oath you didn’t know if your phone was tapped?

A. At home or at the ranch, sir?

Q. Either place.

A. Yes, sir.

Q. Did you ever state under oath you didn’t know whether your phone was tapped?

MR. SNEDDON: Your Honor, I object to the question as vague as to place.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You claim you had been emotionally damaged because someone listened in to your calls at Neverland, right?

A. Emotionally damaged. Well, I probably -- probably didn’t say that, but I was upset because they were listening to my personal phone calls, sir.

Q. Okay. And your basis for saying that was that somebody had told you that was going on, right?

A. No, sir, I knew it was going on.

Q. You had no knowledge of electronic surveillance at the time, did you?

A. Yes, sir, I did.

Q. Did you have a check done on the phones?

A. No, sir.

Q. When is the last time you talked to any tabloid about this case?

A. I have not, sir.

Q. You haven’t?

A. I haven’t talked to anyone.

Q. Are you planning to go to a tabloid after you testify?

A. No, sir. I just want to go home.

Q. Did you make a complaint that your employee file was unfairly looked at at Neverland?

A. Yes, sir.

Q. And who did you think had unfairly looked at your employee file?

A. The OSS, sir.

Q. That’s Mr. Jackson’s personal security guards?

A. Yes, sir.

Q. Did you have any idea why they were suspicious of you?

A. No, sir.

Q. They were, weren’t they?

A. I don’t know, sir.

Q. Did you ever talk to them about why they wanted to see what was in your personnel file?

A. Yes, I approached them.

Q. This was around the time you went to a tabloid, wasn’t it?

A. No, sir.

Q. This was around the time you went to Mr.

Ring, wasn't it?

A. No, sir.

Q. It was very close to the time you left employment at Neverland, wasn't it?

A. I believe so, yes, sir.

Q. Do you remember saying you thought Mr. Jackson should compensate you for the rest of your life?

A. No, sir.

Q. Would it refresh your recollection to show you your deposition transcript?

A. Yes, sir.

MR. MESEREAU: May I approach?

THE COURT: Yes.

THE WITNESS: Where is the beginning?

Oh, I must have, sir.

Q. BY MR. MESEREAU: Have you had a chance to look at that page in your deposition?

A. Yes, sir.

Q. Does it refresh your recollection that you testified under oath that you thought Mr. Jackson should compensate you for the rest of your life?

A. I must have said that, yes, sir, because it's on there.

Q. Now, was it the policy at Neverland to notify the local sheriffs if an intruder was caught on the property?

A. Yes, sir, that's correct.

Q. Did you personally notify the sheriffs at any time about an intruder being on the property?

A. No, sir.

Q. Do you recall you personally apprehending any intruders?

A. Myself and Abdool, yes, sir.

Q. And what happened?

A. There was an intruder that came behind the pool area. It was a reporter. And we just apprehended him and took him down to the front gate and probably the security at the gate called the sheriffs.

Q. The pool area is right next to Mr. Jackson's house, isn't it?

A. Around the area, yes, sir.

Q. And how many people did you apprehend on that occasion?

A. One. One, sir.

Q. How far did that intruder have to travel to get to the pool area?

A. I don’t know which direction he came in, sir. Could have been -- could have been a mile, two miles, three miles. I don’t know, sir.

Q. And you also were involved in some other situations where intruders tried to get to Mr. Jackson, correct?

A. Yes, sir.

Q. And please describe those events.

A. Kind of vague, but I believe there was two -- two young people, a male and a female, I believe, and they were up by -- they were up by the -- by the theater.

Q. The theater would be up near the zoo area?

A. Yes, sir.

Q. And who caught them?

A. I believe it was mobile. I don’t know who it was that was on mobile that evening, that night, but it was mobile patrol.

Q. Did you ever steal a watch from Mr. Jackson?

A. No, sir.

Q. Were you ever accused of that?

A. No, sir.

Q. You mentioned candy bars earlier, remember?

A. Yes, sir.

Q. Do you think the jury awarded Mr. Jackson $25,000 against you because you took candy bars?

A. That’s what --

MR. SNEDDON: I’m going to object as argumentative.

MR. MESEREAU: I have no further questions, Your Honor.

THE COURT: Redirect?

MR. SNEDDON: Yes.

REDIRECT EXAMINATION

BY MR. SNEDDON:

Q. All right. Let’s go back just for a second.

Mr. Chacon, were you subpoenaed to be here this morning?

A. Yes, sir.

Q. You're under subpoena?

A. Yes, sir.

Q. Did you want to come testify?

A. No, sir.

Q. When you testified before the grand jury, were you under subpoena?

A. Yes, sir.

Q. Did you want to testify?

A. No, sir.

Q. Prior to your appearance before the grand jury, you told the ladies and gentlemen that you met with attorneys for Mr. Jackson; is that correct?

A. Yes, sir.

Q. And with regard to that conversation, did they want to know what you were going to say?

A. They did.

Q. And what did you tell them?

A. I said that I got subpoenaed, and if I got subpoenaed, that I would just speak the truth, but I didn't tell them what I knew, but they wanted to know.

Q. They wanted to know, but you wouldn't tell them?

A. Yes, sir.

Q. But you told them you were going to tell the grand jury the truth?

A. Yes, sir.

Q. And did you do that?

A. Yes, sir.

Q. Now, with regard to Mr. Mesereau saying that you added something to the events that occurred yesterday when you and I were talking, do you recall him asking you that question?

A. Yes, sir.

Q. The new information you provided yesterday had nothing to do with the two events you've described to the jury, had they?

A. No, sir.

Q. There was nothing that changed about that, was there?

A. No, sir.
Q. In fact, the event that you indicated -- there was -- something that you remembered was something you were told by another person; wasn’t that correct?
A. Yes, sir.
Q. And who was that other person?
A. Abdool.

Q. It was in no way connected to the testimony you gave concerning the two incidents you observed?
A. No, sir.
Q. Now, with regard -- just so the jury has a clear indication of the sequence here, you were subpoenaed to appear before the Santa Barbara County Grand Jury, correct?
A. Yes, sir.
Q. Now, when you actually gave your statement under oath, was there a line of jurors like this in the room?
A. Back in ninety --
Q. ‘94, when you came in.
A. Yes, sir.
Q. Now, how long after that was it that Mr. Ring became involved in the civil lawsuit? Let me put it this way: After you appeared before the Santa Barbara Grand Jury and gave a statement under oath, do you recall that?
A. Oh, yes, sir.
Q. And you went back to work at the ranch, did you not?
A. Yes, sir.
Q. And you worked at the ranch, Neverland Valley Ranch, for a while before you left there, correct?
A. Probably a month or so, or two. I’m not positive.

Q. Was it at that point that you became involved in the lawsuit with Mr. Ring?
A. Yes, sir.
Q. Whose idea was it to go to the tabloid for the story?
A. Well, we probably talked about it, but we

talked to Mr. Ring about it. I guess it was all of us in general.

Q. After you -- Mr. Mesereau asked you about your salary at the ranch. Do you recall that?

A. Yes, sir.

Q. And you spoke about being dissatisfied with the wages that you were getting --

A. Yes, sir.

Q. -- compared to some people that had been hired afterward, correct?

A. Yes, sir.

Q. After your conversations with Mr. Sanger and Steve Cochran about your grand jury appearance, were you offered a raise?

A. Yes, sir, I was.

Q. And it was before your testimony actually occurred before the grand jury, correct?

A. Yes, sir.

Q. So it was in between the time they found out you were going and the time that you actually appeared they offered you a raise?

A. Yes, sir.

Q. And Mr. Kassim also, right?

A. Yes, sir.

Q. Actually, it’s Mr. Abdool.

A. Yes, sir.

Q. Now, during the course of the -- let me ask you this: After you testified before the grand jury and gave your statement under oath about what you saw happen on those two incidents - okay? - did you receive threats?

A. Oh, yes, sir.

Q. In what form?

MR. MESEREAU: Objection; beyond the scope.

THE COURT: Sustained.

MR. SNEDDON: Judge, it’s what led to the lawsuit. And counsel was allowed to go into that.

THE COURT: All right. With that representation, I’ll change my ruling.

THE WITNESS: Could you --

MR. SNEDDON: Yes.

Q. You said you were threatened. In what form?

A. Verbally, and -- well, verbally, and

somewhat physically by someone touching their -- Tony Coleman touching his weapon.
Q. Tony Coleman was who?
A. He was OSS.
Q. All right. Would you describe to the jury -- if you have to stand up, do it. Describe to the jury what Mr. Coleman did.

A. We were in the security office, and we were arguing about an intruder that came in, and he wanted to do it his way. And I said, “If you do it that way, we’re going to” -- “it’s not the procedure.”
And then he says, “Well, I’m going to do it my way because I’m here to oversee you.” And he touched -- he pulled his coat back and he touched his weapon, and he says, “I’m in charge here.” I believe that’s the words he used.
Q. Did he at any other time ever use his weapon to indicate a threat towards you?
A. No, sir, that was about the first time.
Q. Did you ever receive any phone calls of any kind that were threatening?
A. Yes, sir.
Q. Did you report those to law enforcement?
A. Yes, I did, sir.
Q. How many occasions did that occur?
A. Several times. One time when we first started, somebody says --
MR. MESEREAU: Objection; nonresponsive
THE COURT: After “several times,” sustained.
Q. BY MR. SNEDDON: All right. Tell us about those threats that you received.
A. The first time I received it, they said, “I’m going to kill you.”
MR. MESEREAU: Objection; hearsay.

MR. SNEDDON: Your Honor, goes to the state of mind and to the reason for the lawsuit.
THE COURT: I’m going to overrule the objection as to state of mind.
Q. BY MR. SNEDDON: Go ahead.
A. Someone called and said, “I’m going to kill you,” and hung up. And then other times we had

calls at the house where they would either laugh or wouldn’t say words, but we knew that someone was -- I believe it was OSS behind this.

Q. Did you as a result -- did you take these things seriously?

A. Oh, yes, sir.

Q. Did you approach anyone with regard to obtaining a gun permit?

A. Yes, sir.

Q. And who did you approach?

A. I asked Mr. Birchim and yourself for a gun permit. So I carried a concealed weapon permit for about two years, I believe it was.

Q. You indicated that you may have asked Sergeant or now Commander Birchim for money for your wife --

A. Yes, sir.

Q. -- do you recall? Do you remember why that was?

A. Yes, sir.

Q. Why was that?

A. Well, my wife’s sister-in-law had just died, and --

Q. That’s all right, I’ll withdraw the question. That’s okay. It’s not important. Mr. Mesereau asked you about - we’ll turn to a subject a little easier - about my conversation with you yesterday --

A. Yes, sir.

Q. -- with Mr. Birchim being there.

A. Yes, sir.

Q. And you told Mr. Mesereau how long the conversation lasted, correct?

A. Yes, sir.

Q. Was Mr. Birchim present during the entire conversation?

A. Yes, he was.

Q. Were there portions of time before Mr. Birchim got there that you and I talked a little bit?

A. Yes, sir.

Q. Did we talk about anything about this case?

A. No, sir. We talked about my military

experience, and that you knew some people that I knew where I was born and raised.
Q. Had nothing to do with the case during the time Birchim wasn’t there?
A. No, sir.
MR. MESEREAU: Objection; asked and answered.

THE WITNESS: No, sir.
Q. BY MR. SNEDDON: Now, when we were talking yesterday --
THE COURT: Sustained. Go ahead.
(Laughter.)
Q. BY MR. SNEDDON: When we were talking yesterday and Mr. Mesereau asked you did I tell you what questions I was going to ask you today, do you recall him asking you that question?
A. Yes, sir.
Q. What was the question that I actually asked you; do you remember?
A. I believe it was the incidents that took place, the two incidents that happened on the ranch.
Q. And I asked you just to describe them in your own words to me?
A. Yes, sir.
Q. And Sergeant -- or Commander Birchim was there during that entire time?
A. Yes, he was.
Q. Mr. Mesereau mentioned something about an individual called Victor Gutierrez. Do you remember that?
A. Yes, sir.
Q. Were you ever paid any money by Mr. Gutierrez?
A. No, sir.

Q. Did you ever give him a statement at all?
A. No, sir.
Q. You indicated that the individuals who were on the ranch that were armed were called the OSS. Was that their official name, or was that a name that the security staff gave them?
A. I believe that’s -- it was used for them as a short title. Office of Special Services, but they

used it as -- just call them OSS.

Q. And with regard to -- you told the jury that they interfered with you on how you did your job. In what respect? I mean, what was the tension or the friction between the two of you?

A. They just -- they just interfered in every aspect of our duty as security there. They would break the beams, the security beams, and they would cause us to run out there thinking it was an intruder. They would come by and laugh, and just make jokes, and/or sit out in their vehicle and stare at us inside the security office.

Q. With regard to the lawsuit itself that Mr. Mesereau has asked you a number of questions about, were you ever consulted about the amount of money that was going to be sued for?

A. No, sir.

Q. Whose judgment did you leave that decision?

A. Mr. Ring.

Q. Did you legit -- did you feel, yourself, that you were entitled to some money from Mr. Jackson because of the way you were treated on the ranch?

A. Yes, sir.

Q. Do you still feel that way?

A. Yes, sir.

MR. MESEREAU: Objection. Move to strike; relevance.

THE COURT: Sustained; stricken.

Q. BY MR. SNEDDON: You told the jury that you knew that you were being -- your telephones on the ranch were being monitored, correct?

A. Yes, sir.

Q. How did you know that?

A. It was common knowledge that -- in the main office where Sandy Domz worked at, there was a computer paper printout that -- you could hear, and it printed out the phone calls as they were made, either going out or coming in.

Q. Now, just a couple of more questions. With regard to the lawsuit, the trial, the civil lawsuit, were you -- or did you -- during that lawsuit, were you allowed or permitted to testify

concerning the incidents you told this jury about this morning in that lawsuit?
A. No, sir. As a matter of fact, the judge said if I -- if we --
Q. You just weren't allowed to?

A. No, sir.
Q. Okay. Mr. Chacon, is there anything that you've told this jury this morning about what you saw out there on those two incidents that is anything but the truth?
A. It's the truth, sir.
MR. SNEDDON: No further questions.

RECROSS-EXAMINATION

BY MR. MESEREAU:
Q. Mr. Chacon, the prosecutor has just asked you to talk about problems you had with the OSS, right?
A. Yes, sir.
Q. And the OSS was a nickname someone developed to call Mr. Jackson's personal bodyguards?
A. They themselves, sir.
Q. You wanted money to be awarded to you from a Santa Maria jury because of your problems with the personal security guards of Mr. Jackson, correct?
A. Yes, sir.
Q. Your claims were rejected, true?
A. Yes, sir.
Q. You also claimed at the time $16 million wasn't enough for you, right?
A. I probably did, sir. Yes, sir.
Q. The prosecutor just asked you if you knew anything about the amounts you were seeking, and of course you did, right?

A. Yes, sir.
Q. You wanted money because you claim that people were calling your home and hanging up, correct?
A. That was part of it, sir, yes, sir.
Q. And a Santa Maria jury rejected that claim, correct?
A. Yes, sir.

Q. You said that someone named Coleman had put his hand on his gun because he didn’t like the way you wanted to handle an intruder; is that correct?
A. No, because he wanted to handle it.
Q. He was a personal security guard, correct?
A. OSS. Not a security guard.
Q. He was carrying a -- well, this group you call the OSS, they’re bodyguards for Mr. Jackson, right?
A. Yes, sir, they are.
Q. And they were carrying weapons, correct?
A. Yes, sir.
Q. And he was concerned about the intruder, correct?
A. No, sir.
Q. You sued also claiming you should get money because of what Mr. Coleman did on that day, correct?
A. He threatened me, yes, sir.

Q. And that was rejected by a Santa Maria jury as well, correct?
A. Yes, sir.
Q. And you wanted money because you said Mr. Jackson stared at you on occasion, correct?
A. No, sir.
Q. Why did you say it?
A. Just to say it.
MR. MESEREAU: No further questions.
MR. SNEDDON: No questions, Your Honor.
THE COURT: All right. Thank you. You may step down.
Call your next witness.
MR. ZONEN: Call Adrian McManus to the stand.
THE COURT: Come to the front of the courtroom, please.
When you get to the witness stand, please remain standing. Face the clerk over here and raise your right hand.

ADRIAN MARIE McMANUS
Having been sworn, testified as follows:

THE WITNESS: Yes.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Adrian Marie McManus;

A-d-r-i-a-n; M-a-r-i-e; M-c-M-a-n-u-s.
THE CLERK: Thank you.
MR. ZONEN: May I proceed?
THE COURT: Yes.

DIRECT EXAMINATION
BY MR. ZONEN:
Q. Ms. McManus, good morning.
A. Good morning.
Q. Without telling us the location or the name of where you’re working, describe the kind of work you’re currently doing.
A. I work in a jewelry department where I sell diamonds.
Q. Is this a department store?
A. Yes, sir.
Q. Is it in the Santa Maria area?
A. Yes.
Q. How long have you been working at that department store?
A. Seven years in July.
Q. You work in the diamond department, do you?
A. Yes.
Q. All right. There is such a thing as a diamond department?
A. Yes.
Q. They sell raw diamonds or finished diamonds or jewelry?

A. Fine diamonds, jewelry.
Q. All right.
A. It’s actually a lot of diamonds.
Q. Okay. Have you worked in that department the entire time?
A. No.
Q. Have you worked in other departments in that store as well?
A. Yes.
Q. Prior to that, what kind of work were you

doing?

A. I was a merchandise assistant for the cosmetic department.

Q. At the same store?

A. Yes.

Q. For what period of time?

A. Probably the beginning of my employment. Maybe about four years.

Q. And prior to that, what kind of work were you doing?

A. Do you mean like after that or before that?

Q. Before working with this store.

A. I worked for Sears, and I ran -- I was in the cosmetic department.

Q. Did you ever work for Michael Jackson?

A. Yes.

Q. Do you see Michael Jackson in this courtroom?

A. I don’t have my glasses. I forgot them upstairs.

Q. How far can you see?

A. I can’t see real far.

Q. Can you see me?

A. Yeah, blurry.

Q. I won’t ask that question, then.

Can you read, in the event we need to show you some documents?

A. No, I need to get my glasses.

Q. We’re going to have a break in a few minutes. I’ll reserve all those questions until we have that break.

You did work for Michael Jackson at some point, did you not?

A. Yes.

Q. For what period of time did you work for Michael Jackson?

A. From, I think, August 29th of 1990 through July 31st of 1994.

Q. In what capacity? What kind of work did you do for Mr. Jackson?

A. At the beginning I was just a maid, regular housekeeper. Nine months later I was cleaning his bedroom.

Q. And did you continue that job for the duration of your employment?
A. Yes.

Q. Were you the only person cleaning his bedroom?
A. Yes.
Q. Tell me how that worked. Why were there not other people involved in cleaning his bedroom as well?
MR. MESEREAU: Objection; foundation.
THE COURT: Sustained.
Q. BY MR. ZONEN: What were you told about who would be cleaning his bedroom?
A. I was just told that I was flexible and that I was the one to clean his bedroom.
Q. And that was that entire time after a few months after you commenced working for Mr. Jackson?
A. Yes.
Q. So it was early ‘91?
A. I just know it was nine months after, because I started in ‘90, and --
Q. Now, up to that point, you were responsible for cleaning other locations at Neverland; is that correct?
A. Yes.
Q. What were those other locations? Tell us what your job included.
A. Before that time?
Q. Yes.
A. Cleaning the rec room, the ranch house, the guest units, the hill house, the main house, except

his bedroom at that time.
Q. Do you know who the person was who was responsible for cleaning his bedroom before you?
A. Blanca Francia.
Q. And did you know Blanca Francia?
A. Yes.
Q. Were you the one who took over that job when she left?
A. Yes.
Q. Did you take over that job as soon as she left?

A. Yes.

Q. Describe to us what those responsibilities included, cleaning --

THE COURT: Let's take a break.

(Recess taken.)

THE COURT: Go ahead.

Q. BY MR. ZONEN: Thank you. Where we left off before the break, I was asking you about your responsibilities, once you assumed the position of being the personal maid for Michael Jackson.

And before I get to that, do you have your glasses?

A. Yes.

Q. Is Mr. Jackson here in the courtroom?

A. Yes.

Q. Okay. Could you identify him, please?

A. He's right here.

MR. ZONEN: And the record should reflect.

THE COURT: Yes.

Q. BY MR. ZONEN: What were your responsibilities as his personal maid?

A. To pick up after Mr. Jackson, anything to do with his clothes, his -- washing his clothes, fixing his bed, cleaning his bedroom.

BAILIFF CORTEZ: I'm sorry, can you speak more into the microphone?

Q. BY MR. ZONEN: You have to stay fairly close to the microphone to be able to be heard all the way to the back of the courtroom, if you will.

Describe his bedroom suite for us, please.

A. It was a very big room. There was a second level to it. There was a Jacuzzi on one side with a bathroom. A closet. Inside that closet was a secret closet.

The other side of the room there was a bathroom also, and another walk-in closet, and there was a stairway that led up to the second level.

Q. Were your responsibilities limited to that suite?

A. At one time, yes.

Q. All right. What if Mr. Jackson was gone for a while, if he was on tour, or out of town for a period of time, what would you do?

A. I still had to pick up the room, as far as keeping it dusted, and brassing, and cleaning the tub. There was still a lot to do.

Q. Were there responsibilities that went beyond the suite on those occasions?

A. Yes.

Q. Did Mr. Jackson have monkeys during that period of time, or apes, or chimps, or --

A. Yes.

Q. -- primates?

A. Yes.

Q. Were they living in his room?

A. They weren’t living in his room, but they were brought into his room.

Q. Were there cages for them?

A. Some -- well, when I seen them, they were running around.

Q. Did you ever see cages in his room?

A. I don’t recall seeing cages in the room.

Q. Were you, on occasion, required to tend to the monkeys or clean up after the monkeys?

A. Yes.

Q. And describe what that obligation was.

A. Well, there was a little monkey, a chimp, and --

MR. MESEREAU: Objection; relevance.

THE COURT: Relevance, Counsel?

MR. ZONEN: I’ll withdraw the question. Let me move on.

Q. Were you the personal maid for the balance of time that you were there?

A. Yes.

Q. All right. Do you know a person by the name -- or did you know a person by the name of Wade Robeson?

A. Yes.

Q. Who was Wade Robeson?

A. He was a little boy that used to go to the ranch, and he was from Australia.

Q. How old was he when you saw him at the ranch?

A. I don’t know exact. Maybe 10, 11.

Q. Now, you have a son, do you not?

A. Yes.

Q. And your son at that time was approximately how old?

A. Maybe ten.

Q. About the same age as Wade Robeson?

A. Yes.

Q. Did your son ever come with you to Neverland Ranch?

A. Yes.

Q. On many occasions?

A. Yes.

Q. Did your son know Wade Robeson?

A. Yes.

Q. Did they, on occasion, play together?

A. Off and on.

Q. For what period of time did you see Wade Robeson there at the ranch; do you recall?

A. Are you talking about, like, months or --

Q. Well, for what period of time did Wade Robeson visit the ranch?

A. Are you talking about years or just the timing, like?

Q. From the earliest time that you saw him visit to, say, the last time you saw him visit, if you can recall, give us a sense of what period of time that was.

A. I would say probably 1992. I don’t know how many months.

Q. And did you see him there for a long period of time?

MR. MESEREAU: Objection; vague.

THE COURT: Sustained.

Q. BY MR. ZONEN: How often did he visit during that period of time? In other words, how many separate times did he come, to your recollection?

A. There were a lot of times. Come maybe for a week or the weekend.

Q. All right. And that was my next question.

A. Sorry.

Q. How long would he stay when he did come?

A. Sometimes a weekend, sometimes maybe a little longer.

Q. And during that period of time, where did --

where did Wade Robeson stay when he was at the house, when he was at the ranch?

A. In Mr. Jackson’s room.

Q. Were you the personal maid for Mr. Jackson during the entire time that Wade Robeson visited?

A. I believe so. Yes.

Q. Let me change that again.

During the period of time that you were the personal maid, was Wade Robeson visiting that entire time?

A. Yes.

Q. Okay. I think you said among your responsibilities were to pick up after Mr. Jackson and wash clothing. Do you have a recollection as to whether or not you saw Wade Robeson’s personal possessions?

A. Sometimes.

Q. And I asked you where Wade Robeson stayed, and you said Mr. Jackson’s room. Do you know where he stayed in the room?

A. In the same bed as Mr. Jackson.

Q. Okay. Were there other beds in Mr. Jackson’s suite during that period of time?

A. Yes.

Q. Where were the other beds?

A. There was one upstairs in like -- I don’t know if you’d call it -- in like a loft.

Q. Was that bed ever used?

A. No.

Q. Do you have a recollection of ever changing sheets on that bed?

A. I did, you know, just to keep it kind of up, but not always.

Q. Do you have a recollection of anybody ever seeping in that bed; in other words, coming in and discovering that those sheets had simply been used, the bed had been used?

A. Yes.

Q. How often?

A. Maybe -- maybe once.

Q. During the entire time that you were the personal maid for Mr. Jackson?

A. I believe so.

Q. All right. Did you know Wade Robeson's parents, mother or father?

A. I don't ever remember meeting a father, but I remember the mother.

Q. And where did she stay when they were there?

A. In the guest unit.

Q. Did Wade Robeson have any brothers or sisters who came?

A. Not that I recall.

Q. Do you know if Wade Robeson's mother ever stayed in Mr. Jackson's residence?

A. No. I recall her in the guest units.

Q. Did you see Wade Robeson in Mr. Jackson's

residence?

A. Yes.

Q. Do you know who Macaulay Culkin is?

A. Yes.

Q. Who is Macaulay Culkin?

A. He was a little boy that used to come to the ranch.

Q. Do you know during what period of time Macaulay Culkin came to the ranch?

A. 1990, maybe, through maybe '93.

Q. He was there for extended periods as well?

A. Yes.

Q. And by "extended periods," what do we mean?

A. Sometimes a week. Sometimes longer.

Q. Did he visit frequently during that period of time?

A. Yes.

Q. Was he ever there during the period of time that Wade Robeson was there?

A. I can't recall.

Q. Did Macaulay Culkin have brothers or sisters?

A. Yes.

Q. Do you know how many brothers or sisters he had?

A. I'm thinking maybe seven or eight.

Q. It was a large family?

A. Yes.

Q. Did you ever meet his parents?

A. Yes.

Q. Would all of them come to the ranch on occasion?

A. Sometimes.

Q. Were there occasions when Macaulay Culkin came by himself?

A. Sometimes.

Q. And on those occasions when he came by himself, how long, typically, would he stay?

A. The weekend. Sometimes his parents would show up later and they'd be there maybe a week.

Q. How old was Macaulay Culkin when he was visiting the ranch during that period of time?

A. Maybe 11. 10 or 11 maybe.

Q. At the earliest -- you gave us a period of time that was over two or three years. What was the youngest age you remember seeing him, as best you can recall?

A. Maybe ten.

Q. Okay. Was Macaulay Culkin -- do you know him to be an actor?

A. Yes.

Q. Have you seen things that he's been in, movies or television?

A. Maybe one.

Q. Do you know where Macaulay Culkin stayed when he was at the ranch?

A. In Mr. Jackson's room.

Q. And as I had asked previously, do you know where in Mr. Jackson's room he stayed?

A. In his bedroom, in his bed.

Q. And how do you know that?

A. Because when I would -- when I would go in the room the next day, there was just one bed that I had to fix.

Q. Do you know if Macaulay Culkin and Wade Robeson's visit would overlap on occasion, when both would be there at the same time?

A. Can you repeat that?

Q. I'm sorry?

A. Can you repeat it?

Q. If their visits would overlap, if they would be there at the same time. Do you have a recollection of seeing Macaulay Culkin and Wade Robeson there at the same time?

A. I could have.

Q. Do you know where Macaulay Culkin’s family stayed when they were at the ranch?

A. Usually at the guest units.

Q. And the guest units were a separate building?

A. Yes.

Q. Do you know if his brothers or sisters ever stayed overnight in Mr. Jackson’s personal residence, his personal suite?

A. Not that I know of.

Q. Who is Jordan Chandler?

A. He’s another little boy that used to come to the ranch.

Q. Do you know what period of time he used to come to the ranch?

A. Maybe ‘93.

Q. Was it for as long a period of time as Mr. Culkin, Macaulay Culkin came to the ranch?

A. No.

MR. MESEREAU: Objection; vague.

THE COURT: Sustained.

Q. BY MR. ZONEN: Can you tell us the period of time that Jordan Chandler visited at Neverland? In other words, at what time did it commence and at what time did it end, if at all, during your period of employment?

A. Maybe 1993 and maybe through ‘94. Maybe early, maybe late -- actually, maybe late ‘93.

Q. Who is Brett Barnes?

A. Another boy that used to come to the ranch.

Q. How old was Brett Barnes when he visited?

A. Probably maybe 11.

Q. For what period of time did Brett Barnes come to the ranch?

A. He was there quite a lot. Mid -- maybe 1993.

Q. Do you know approximately what period of

time Brett Barnes would come and visit? In other words, over what period of time, measured in months, measured in years, measured in weeks, from the first visit to the last?
A. I would -- I’m thinking maybe 1992 through maybe 19 -- late 1993.
Q. When Brett Barnes came to the ranch, did he come with family?
A. Yes.
Q. And who in his family did he come to the ranch with?
A. With his mother and his sister.
Q. Did you ever meet Brett Barnes’ father?
A. I don’t believe there was a father in that picture. I have never seen a father.
Q. Brett Barnes has a sister, you say, who came?
A. Yes.
Q. How old was she?
A. I would say maybe 13.
Q. How frequently did Brett Barnes come to the ranch during that period of time?
A. A lot.
Q. And by “a lot,” what do we mean? Would it be more than one visit a month?
A. Yes.
Q. And when he came, how long did Brett Barnes stay?

A. Sometimes -- sometimes a week. Sometimes less than a week.
Q. Where did he stay when he came?
A. In Mr. Jackson’s room.
Q. Where did he sleep when he was there?
A. In Mr. Jackson’s bed.
Q. Do you have a recollection at any time either fixing a bed for Brett Barnes that was separate from Mr. Jackson’s bed or cleaning up after a bed separate from Mr. Jackson’s bed?
A. No.
Q. I had asked you about Jordan Chandler. When he came to Neverland Ranch, did he come with his family?
A. Jordan came with his mother and his little

sister.
Q. Do you know how old the little sister was?
A. Maybe four.
Q. She was a small child?
A. Yes.
Q. Did you ever meet Jordan Chandler's father?
A. I never -- I never met -- I never seen his father around there. I never met him.
Q. During the visits when Jordan Chandler came, where did his mother and sister stay?
A. In the guest unit.
Q. And where did Jordan Chandler stay?
A. In Mr. Jackson's room.

Q. Consistently?
A. Yes.
Q. Where did Jordan Chandler sleep when he was in Mr. Jackson's room?
A. In Mr. Jackson's bed.
Q. Now, do you have a recollection of these four boys being there at the same time, Macaulay Culkin, Jordan Chandler, Brett Barnes, and Wade Robeson?
A. Um, I -- I kind of recall Brett being there with Jordie, at the same time. And, you know, it could have been Wade also, when Brett was there.
Q. Would that have been a common occurrence?
MR. MESEREAU: Objection; vague.
THE COURT: Overruled.
You may answer.
THE WITNESS: Not always.
Q. BY MR. ZONEN: Do you understand -- not always?
A. Not always.
Q. Do you have a recollection of specific events of all of them being there together or the two or the three that you mentioned?
MR. MESEREAU: Objection; asked and answered.
THE COURT: Overruled.
You may answer.
THE WITNESS: I just recall seeing them

there at the same time, Brett and Jordie.

Q. BY MR. ZONEN: Brett and Jordie?

A. Yes.

Q. Do you know how many times you saw Brett and Jordie there together?

A. At least two times.

Q. During the entire period of time that you worked as Michael Jackson’s maid, personal maid, was it a frequent occasion that there would be one of those four boys there?

A. Yes.

MR. MESEREAU: Objection; vague.

THE COURT: Overruled. The answer was, “Yes.” Next question.

Q. BY MR. ZONEN: Was there ever an occasion that one of those four boys was there and did not stay in Michael Jackson’s bedroom and bed?

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. ZONEN: Was there ever an occasion that you personally witnessed during the time that you worked as his personal maid when any of those four boys stayed -- and you were on duty, where they stayed in the guesthouse and not in Mr. Jackson’s bed?

A. No.

Q. As part of your obligations and responsibilities as the maid, did you clean up in the bathrooms?

A. Yes.

Q. Was there a Jacuzzi in the bathroom?

A. It wasn’t in -- yes, but --

Q. Am I describing the room incorrectly or inaccurately?

A. Yeah, because it wasn’t really attached. It was just one room where the Jacuzzi was, and off to the side there was a bathroom and a shower.

MR. ZONEN: Just one second.

Q. During the period of time that you were working as Mr. Jackson’s personal maid, did you ever see behavior by Mr. Jackson toward any of these boys that concerned you?

MR. MESEREAU: Objection; vague.

THE COURT: Overruled.

You may answer.
THE WITNESS: Yes.
Q. BY MR. ZONEN: And which of the four boys are we talking about?
A. Macaulay Culkin, Brett Barnes and Jordie Chandler.
Q. All right. Let’s begin with Macaulay Culkin. What is it that you saw that concerned you?
A. I was coming out of the bathroom by his bedroom, by Mr. Jackson’s bedroom. I was cleaning that bathroom. And when I came out, I saw Mr. Jackson and Macaulay in the library, and Mr. Jackson was kissing him on his cheek, and he had his hand kind of by his leg, kind of on his rear end.

Q. Did they know that you were there?
A. I don’t know --
MR. MESEREAU: Objection; calls for speculation.
THE COURT: Sustained.
Q. BY MR. ZONEN: Did you announce your presence to them?
A. No.
Q. Where were you at the time you witnessed this?
A. I was coming out of the bathroom by Mr. Jackson’s bedroom.
Q. All right. Is that on the first floor?
A. Yes.
Q. Is that where you were?
A. Yes.
Q. Were they on the first floor as well?
A. Yes.
Q. Did you -- did you note that they were in the room or had come into the room?
A. No.
Q. Were you surprised to see them?
A. Yes.
Q. Had you been cleaning in that room?
A. In the bathroom?
Q. Yes.

A. Yes.
Q. How did you come upon them? How did that

happen?
A. I was leaving the bathroom, and when I walked out of the bathroom, I looked up and I saw.
Q. How far away from you were they?
A. I don’t know the feet. It was a little distance.
Q. Between the distance that you and I are at this moment?
A. Maybe a little further.
Q. All right. Let’s say to the back rail over here, behind me?
A. Probably a little further. Maybe a little further.
Q. Second or third row?
A. Maybe second row.
MR. ZONEN: Okay. And for the record, could we say that’s 30 feet, 25? The second row?
THE COURT: I’m not testifying.
(Laughter.)
Q. BY MR. ZONEN: How far do you think that is in feet? Do you have any way of knowing?
A. No.
Q. All right. You did not hear them come into the room?
A. No.
Q. When you got to the position where you saw

them, were either of them looking at you?
A. No.
Q. Were either of them facing you?
A. No.
Q. And you testified that you saw Michael Jackson kissing Macaulay Culkin?
MR. MESEREAU: Objection; asked and answered.
THE WITNESS: Yes.
THE COURT: Just a moment.
THE WITNESS: Oh, I’m sorry.
THE COURT: The objection is sustained.
Q. BY MR. ZONEN: Where did he kiss him?
A. On the cheek.
Q. And where did he touch him?
A. Kind of like by his leg, and it went to his rear end.

Q. And how long did that last?

A. I don’t know how long. I just walked off.

Q. And you say you walked off.

A. Yes.

Q. Walked off where?

A. I went to the laundry room.

Q. All right. Were you in a position where you could do that without being seen?

A. I believe so.

Q. All right. Did you leave the -- literally leave the suite?

A. I was in the rest room and I left the rest room.

Q. Okay. Now, can you describe that for us, how you could do that without necessarily being seen or detected in his room? You didn’t have to walk by them or anything?

A. No. They were at a distance, so I just walked through the hall.

Q. Did Mr. Jackson ever mention to you anything about that?

A. No.

Q. Did you ever mention anything to him about that?

A. No.

Q. Was that the first thing that you had seen in terms of behavior toward a child that caused you concern?

A. Yes.

Q. Did you see any other incidents that caused you concern in terms of Mr. Macaulay Culkin?

A. No.

Q. What was the next thing that you saw that caused you concern?

A. Brett Barnes.

Q. And what did you see?

A. Well, I was up in the video room, and Mr. Jackson had me taking videos out of the wall. There was -- the room was a video room. It was actually a soldier room. And he had me taking all of the videos out of the wall, and there was like -- I don’t know what you call them, like wood things that would hold the videos, and they had, like, screws in the wall. So I was pulling those all out because he had heard that you could see down into his bedroom.

MR. MESEREAU: Objection; nonresponsive.

THE COURT: Sustained.

MR. MESEREAU: Move to strike.

THE WITNESS: So --

THE COURT: Just a moment. I'll strike from the point where she said, "So I was pulling those out."

Q. BY MR. ZONEN: All right. Why -- what were you pulling out from the walls?

A. Videotapes.

Q. Why were you doing that?

A. Because Mr. Jackson had heard that you could see down into his bedroom. There was like a little cubbyhole in the back of the walls up in that room, so he wanted to see if you could see down into his bedroom.

Q. So did you, in fact, remove videotapes?

A. Yes.

Q. Could you see down into the bedroom?

A. Yes.

Q. Did you show him that, or did he see that with you?

A. He was in his room, and where I was at was above his room, so he came up with Brett Barnes to that room.

Q. He came up to the room?

A. Up to the video room with Brett Barnes.

Q. While you were there?

A. Yes.

Q. All right. And did you show him that spot while he was there?

A. Yes.

Q. All right. Now, when did you see him doing something with Brett Barnes?

A. After that?

Q. Yes. Was it right after that?

A. It was kind of right after that, yeah.

Q. And where was he?

A. They were walking back down the stairs, and they went down through the hall by his bedroom, and

I kind of followed because it was very hot up there in that room. And I was on the landing after you get on the stairs, and I kind of looked over the landing, and he was walking away with Brett to his room, and I saw him put his hand on Brett’s rear end, and he gave Brett a kiss on the cheek.

Q. In like fashion to what you described you had seen with Macaulay Culkin?

A. Yes.

Q. All right. Which of those incidents took place first, Macaulay Culkin or Brett Barnes?

A. Macaulay Culkin.

Q. How far away from them were you at that time? How far away from them? How far away?

A. With Brett?

Q. Yes.

A. Oh, gosh, not that far. Maybe from where I’m at to maybe the third row back.

Q. Okay. I’m done estimating distances, so we’ll leave it at that.

All right. Is that the only incident that you saw with Brett Barnes?

A. Yes.

Q. Did you see an incident with anybody else?

A. With Jordan Chandler.

Q. And when was that?

A. Asking about the year?

Q. Relative to the incident that you saw with Brett Barnes.

A. God, I can’t even think of the year. Probably ‘93.

Q. Was it toward the end of your employment there?

A. Maybe -- maybe -- a little, maybe.

Q. And what did you see?

A. I was up in Mr. Jackson’s bedroom and I was -- I was on the second -- the loft area, and I was dusting. And I heard the chimes go off, so I knew somebody was coming into the bedroom.

Q. What does that mean, you heard the chimes go off? Where were there chimes?

A. There’s like a sensor, like it rings.

They're bells that ring when anybody's coming into Mr. Jackson's room, or if you leave the room, the chimes will go off.
Q. And when they go off, how long do they ring?
A. Until --
Q. If you walk through it, it will ring for how long?
A. For a while. For a little while, until I guess people are out of the area where you're seen.
Q. So once you clear, does it stop?
A. It will stop after, yeah.
Q. And the chimes going off meant what to you?
A. That somebody was coming into the room.
Q. All right. Was that an unusual occurrence while you were cleaning?
A. What, the chimes going off?
Q. Yes. Somebody coming into the room. If you were cleaning there during the day, would that startle you if that happened?
A. No.
Q. What did you do?
A. Well, I was upstairs, and I -- I heard talking, like voices. So I knew it was probably Michael and Jordie.

Q. Now, "upstairs" means -- there's a second bed up there?
A. Yes.
Q. Like a loft you said?
A. A loft, uh-huh.
Q. Were you cleaning at that time?
A. Yes.
Q. Okay. Do you know if the bedroom door was open when you heard the chimes?
A. I believe so.
Q. And what happened then?
A. I kind of looked down from the stairs, from the stairs up there a little, and I saw Mr. Jackson with Jordie, and they were changing their clothes. Like -- I figured they were at the water fort. And I looked down and I saw Mr. Jackson kissing on -- on Jordie.
Q. What part?
A. His cheek, and then his mouth, and his hand

was on his crotch.

Q. What was Jordie wearing at the time?

A. He had pants on.

Q. How long did that last?

A. I -- when I saw that, I was quiet, and I can't even say how long that lasted.

Q. What did you do?

A. I was kind of shocked, flushed, and I stood quiet where I was at.

Q. You didn't say anything?

A. I didn't say nothing.

Q. For you to go and leave that room where the loft is, you would have to walk down the stairs, would you not?

A. Yes.

Q. Would you have had to have walked past them?

A. Yes.

Q. All right. What did you do?

A. I stayed up there very quietly, I didn't say anything. I stood very quietly. And I waited for them to leave the room.

Q. And did they leave the room?

A. Yes.

Q. How was Jordie Chandler dressed at the time?

A. I just remember he had pants on, and they were changing shirts. He had pants on and so did Mr. Jackson.

Q. And when you said his hand was on Jordie Chandler's crotch, on the outside of the pants or on the inside of the pants?

A. On the outside.

Q. Was he kissing him the entire time that you were watching?

A. From what I saw, yes.

Q. Where exactly were you at the time that you heard the chimes?

A. Upstairs in the top loft.

Q. And do you know where in that room?

A. Kind of by the stairs. By the stairs. I was dusting the stairs.

Q. So right at the top landing?

A. Yes.

Q. Did you stay up there until Jordie Chandler and Mr. Jackson left the room?
A. Yes.
Q. Did you then go downstairs?
A. Yes. After I heard the chimes go off, I knew they had left, and I waited and then I left.
Q. How long after this happened did you leave your employment with Michael Jackson?
A. Well, I left July. I don’t know, like, the months. I know I left July 31st of ‘94.
Q. Did you ever see any incidents involving Wade Robeson? You told us about Brett Barnes, and Jordan Chandler, and Macaulay Culkin. Did you ever see an incident involving Wade Robeson?
A. No.
Q. I started to ask you a bit ago about the Jacuzzi. There’s a Jacuzzi that’s located in the master bedroom suite. Describe for us where that is.
A. When you go into Mr. Jackson’s room, right when you go down the steps, there’s steps in his room, there’s a rest room like on that side, like right-hand side, where if you go around his bed,

there’s another area where there’s another rest room, and there’s a Jacuzzi.
Q. How large?
A. Oh, God, it’s big. It’s big.
Q. Would it hold more than one person?
A. Yes.
Q. Comfortably?
A. Yes.
Q. Was water kept in that Jacuzzi all the time?
A. No.
Q. What were your responsibilities with regard to cleaning the Jacuzzi?
A. I would have to clean the Jacuzzi off and on, run the water in it. But there were times when I had to let the water out of the Jacuzzi.
Q. All right. And were there things in the Jacuzzi on occasion?
A. Yes.
Q. Like what?
A. Like Mr. Jackson’s undershorts, and a little

boy's undershorts.

Q. Do you know which boys had been staying there during that time?

A. A lot of the little boys were staying there at that time.

Q. You wouldn't know which boy's it was, the undershorts?

A. Brett -- it could -- Brett. Jordie. Macaulay. That happened frequently.

Q. They'd actually be in the Jacuzzi in the water?

A. They'd be in the water, or sometimes they'd be on the floor by the Jacuzzi.

Q. And these were underpants?

A. Yes.

Q. And you could tell the difference between the boy's underpants and Mr. Jackson's underpants?

A. Yes.

Q. Did you have to clean them?

A. Yes, I washed them.

Q. Did you, on occasion, wash the children's underwear as well?

A. At times, yes.

Q. If it was left behind?

A. Yes.

Q. You'd pick it up and wash it?

A. Yes.

Q. These four boys during the time that they were staying at Neverland, how did their behavior -- how was their behavior?

MR. MESEREAU: Objection; vague.

MR. ZONEN: As to "behavior" or as to "boys"? I'll object to the objection as vague. Or I'll reask the question.

THE COURT: Well, it's compound, I think.

MR. ZONEN: I'll reask the question.

THE COURT: All right.

Q. BY MR. ZONEN: During the period of time that you were working as Mr. Jackson's personal maid, did you have an opportunity to observe the behavior of the children who were frequent visitors at Neverland Ranch?

A. Yes.

Q. And did that include the four boys that we’re talking about so far?

A. Yes.

Q. Did it include other children who were frequent visitors at Neverland Ranch?

A. Yes.

Q. All right. And I’m not asking you questions about busloads of kids who would arrive for a day and leave at the end of the day. I’m asking about the ones who were Mr. Jackson’s personal guests and who stayed for periods of time. Do you understand that?

A. Yes.

Q. All right. Was there anything about that behavior that was unique, in your mind?

MR. MESEREAU: Objection. Vague; relevance; and leading.

THE COURT: The thing I’m having a problem with is not the vague, but the fact that you’re asking about all of the boys as oppose -- as to their behavior.

MR. ZONEN: I’ll make that easier.

Q. Macaulay Culkin, what was his behavior like when he was at Neverland Ranch?

A. He was very, very wild.

Q. Describe what you mean by that.

A. For us maids?

Q. Yes.

A. He was a lot of work when he -- when he was around there.

Q. What does that mean, “a lot of work”?

A. He was destructive. I mean, throwing popcorn at Mr. Jackson. Soda, from the top, being thrown at Mr. Jackson’s head.

Q. The top of what?

A. At the top of the theater. Like a projection room way up on the top.

Q. Did you actually witness that?

A. Yes.

Q. So there’s apparently two stories at the theater?

A. Yes.

Q. And is the upper story open in such a way that you can actually have contact with somebody below you?

A. Yes. They will -- yes.

Q. Open in what way?

A. There were windows up in the top-top. I don’t know if you call it a -- I don’t know if it

was called maybe a viewing room. And if you were up there, you had to take a stairway to get up to the top, and you could open these windows.

Q. What did you see him do?

A. He threw sodas. I had just made popcorn, because he asked for popcorn, and he wanted a soda. So I gave it to him. And he went upstairs, and he dumped it on Mr. Jackson’s head, along with the popcorn.

Q. All right. Did that create a mess?

A. Yes.

Q. Mess for you to clean up?

A. Yes.

Q. Was that a unique event with regard to Mr. Macaulay Culkin?

A. Was it unique?

Q. Well, were you always cleaning up after him?

A. Yeah, but certain kids made it worse. And he was one of them.

Q. All right. Which other kids were a problem?

A. Jordie Chandler.

Q. What did Jordie do?

A. Um --

Q. Before I get to Jordie Chandler, let me ask you another incident about the popcorn and the soda. What did Mr. Jackson say to Macaulay Culkin when he poured popcorn and soda from the second story on top of him?

MR. MESEREAU: Objection; foundation.

THE COURT: Overruled. You may answer.

Q. BY MR. ZONEN: Go ahead.

A. It was like a joke. It was funny.

Q. He didn’t discipline him?

A. No.

Q. He didn’t tell him, “That’s inappropriate”?

A. No.

Q. Nor did he help you clean up, I assume.

A. No.

Q. And Jordie Chandler, describe his behavior for us during the time that he was there.

A. He was rude.

Q. In what way?

A. Very demanding.

Q. In what way demanding?

A. Like if I was in the laundry room washing clothes, he’d come and say, “Where’s my shirt?” You know, “I want my shirt.” Just not nice to where you ask, “Do you have my shirt?” Just kind of “Give it to me now,” like that.

Q. Was his behavior like that fairly consistently during the entire time that you were exposed to him?

A. Yes.

Q. Brett Barnes, how did he behave?

A. That little boy, I -- he was not a rude little boy. He was pretty well-behaved.

Q. The entire time?

A. Yes.

Q. Wade Robeson, how did he behave?

A. He was kind of wild, too. Not as much as Macaulay. Just wild, tear everything up. Leave messes all over, you know. Just --

Q. Were you ever encouraged to discipline these kids in any way?

A. No.

Q. Were you discouraged from doing so?

A. Yes.

Q. In what way?

A. Well, I was told by Norma Stakos that --

MR. MESEREAU: Objection; hearsay.

MR. ZONEN: Her state of mind to explain her behavior.

THE COURT: Sustained.

Q. BY MR. ZONEN: Did you ever go up to any child and say, “Don’t do that. That’s inappropriate”?

A. No.

Q. Did you ever see any employee or hear of any employee go up to a child and say, “Don’t do that. That’s inappropriate”?

A. No.

Q. Other than Brett Barnes, was the behavior of the three children that you described consistently bad the entire time they were there?

A. Yes.

Q. Did that include times when they were in the presence of Michael Jackson?

A. Yes.

Q. Did you ever hear Michael Jackson discipline them in any way or tell them not to behave in such a destructive fashion?

A. No.

Q. Did you tell anybody about the events that you saw, the three incidents that you testified to involving those three children, Brett Barnes, Macaulay Culkin and Jordie Chandler?

A. Yes.

Q. Who was the first person you discussed that with?

A. Lawyers I had. Lawyers.

Q. The lawyer who was representing you?

A. Yes.

Q. Which lawyer was that?

A. Michael Ring.

Q. Had you told anybody about those events prior to that?

A. I believe I talked to Kiki Fournier. I didn’t even know -- I think it might have been after I -- it might have been after I had left.

Q. Now, you worked there, I believe you said, about four years; is that correct?

A. Yes.

Q. All right. Why did you leave there?

MR. MESEREAU: Objection; relevance.

THE COURT: Overruled.

You may answer.

THE WITNESS: When Mr. Jackson had that Jordie Chandler molestation case, whatever, bodyguards were brought -- brought to the ranch.

They weren’t the regular security people. These people were called OSS, Office of Special Services. And there were a lot of these guys, and they started harassing --

MR. MESEREAU: Objection. Narrative; nonresponsive.

THE COURT: Sustained.

Q. BY MR. ZONEN: Well, “OSS” stands for Office of what?

A. Of Special Services.

Q. All right. Who were these people? Do you know their names?

A. There was one, Jimmy Van Norman. Tony Coleman. Marcus Johnson. Jerome Johnson.

Q. Were these people armed with weapons?

A. Yes. Yes.

Q. And they came to the ranch after the commencement of the Jordan Chandler investigation?

A. Yes.

Q. Did you know when the Jordan Chandler investigation began?

A. Yes.

Q. Was there a search that was conducted at Neverland by Los Angeles Police Department?

A. Yes.

Q. Were you present at the time that happened?

A. I -- yes, but I -- yes, but I had called in sick that day and I had to go back to the ranch.

Q. You had called in sick that day?

A. I was sick on that day.

Q. By coincidence, or you knew there was going to be a search?

A. No, I didn’t know. I did not know. I just was sick and I called in sick.

Q. And had anybody heard of anything in advance of that search?

A. No.

Q. There had been no talk about that at all?

A. No.

Q. Fair to say there was probably considerable talk thereafter?

A. Yes.

Q. Were you interviewed by anybody from law

enforcement during this investigation?
A. Um --
Q. I think the question that I asked was, had you been interviewed by anybody from law enforcement during the course of that investigation?

A. I believe so.
Q. All right. Did you become aware of the fact that there had been a lawsuit filed on behalf of Jordan Chandler?
A. Yes.
Q. Were you called to testify in a deposition?
A. Yes.
Q. And did you, in fact, give a deposition to attorneys representing both Mr. Jackson and Mr. Chandler?
A. Yes.
Q. Do you remember who those attorneys were?
A. Larry Feldman, Howard Weitzman, and some lady named, I think, Jan Faye or --
Q. Were you still employed at Neverland during that time?
A. Yes.
Q. During the course of that deposition, were you asked if you observed any behavior by Michael Jackson directed toward Jordie Chandler or anybody else that you thought was inappropriate or any form of sexual behavior?
A. Yes.
Q. How did you answer that question?
A. I didn’t tell the truth.
Q. What did you say?
A. I said I didn’t see anything.
Q. All right. Why did you say that in this deposition?

A. Because when -- when I had taken over the job for Mr. Jackson’s room, Mr. Jackson had threatened me.
Q. What did he say to you?
A. He had told me, “You know, Adrian, if you ever say or you do something that I don’t like, all I have to do is tell Bill Bray or Norma Stakos, and they will take care of you, but it wouldn’t come

from me. “

Q. Were you concerned about that statement?

A. I was very concerned with that.

Q. That was what, three years earlier?

A. That was right when I took the bedroom.

Q. Why did you continue to work there after that statement?

A. I don’t know. I -- I got caught up, I guess, in -- my husband was laid off, and we had a house payment, and I just stayed.

Q. What was your salary at Neverland?

A. I worked 40 hours a week, but I started at 7.50 an hour.

Q. What was your salary at the time that you left Neverland?

A. I left at 8.86 an hour.

Q. In the four years, your salary went up $1.80 an hour?

A. Yes.

Q. What hours did you maintain at Neverland? What was your schedule?

A. Sometimes 8:30 to 5:00. Sometimes 8:30 till one o’clock in the morning. You never knew, kind of, when you were going to go home.

Q. Every day you went to Neverland, you didn’t know if you would go home at 5:00?

A. Right.

Q. How often was it that you were asked to stay after 5:00?

A. There were a lot of times.

Q. In a week period, how many days in that week would you expect to stay after 5:00?

A. You just never knew. It depended if there were guests. Sometimes it could have been two times. Three times. You just didn’t know when you were going to go home.

Q. And you could stay actually until the early morning?

A. Yes.

Q. And then come back the next day at 9:00?

A. Yes.

Q. Were you ever asked to work weekends?

A. Yes.

Q. If you were asked to work on an evening or on a weekend, and you didn’t want to, would you just simply say, “I can’t do that tonight”?

A. No.

Q. Why?

A. Because you were scheduled and you had to show up.

Q. Now, you started talking about OCC -- OSS. A little dyslexia here, excuse me. OSS. And you named the people who were involved in OSS; is that right?

A. Yes.

Q. Up until that time, had there been people armed at Neverland?

A. No.

Q. Were each of those people armed with weapons?

A. I believe so.

Q. How was their behavior toward you?

A. They were terrible.

Q. How did they behave toward you? What did they do?

A. Jimmy Van Norman would --

MR. MESEREAU: Objection; vague as to time and individuals.

Q. BY MR. ZONEN: Let’s begin with Jimmy, then. I’ll withdraw the question. Ask you specifically about Jimmy Van Norman. All right.

And from the time that he came on working until the time you quit was approximately how many months?

A. I would say maybe six or seven months, maybe.

Q. During that time, was his behavior toward you fairly consistent?

A. Yes.

Q. And describe things he would do to you, or with you.

A. He called my home one morning when I was still kind of asleep, and he woke me up with a phone call. And I was going to take my son to school that day. It was a Monday, I remember. And he said, “Adrian” --

MR. MESEREAU: Objection; hearsay.

MR. ZONEN: Goes to her state of mind and explaining her conduct.

THE COURT: The state of mind being why she left?

MR. ZONEN: And commenced a lawsuit.

THE COURT: All right. I’ll overrule the objection.

Q. BY MR. ZONEN: All right. What happened in this call?

A. He called my home early in the morning, and he said, “Adrian?” And I said, “Yes?” And he says, “You sound different.” And I said, “Well, I just woke up” You know, I hadn’t had coffee. My voice was a little bit rough.

And he says something about what kind of underwear I wear, and when was the last time I got “it”; that apparently I needed it.

Q. Did you recognize the voice when he called?

A. Yes, I did.

Q. Did he have to identify himself?

A. No, he didn’t. But I knew it was him.

Q. What did you do when you said that?

A. I changed the subject, because I thought maybe Mr. Jackson needed something and maybe he was just calling to -- to get Mr. Jackson to talk to me or something. I didn’t know.

Q. Did he ultimately communicate a message to you from Mr. Jackson?

A. Sometimes -- not him, but sometimes the other ones would.

Q. But on that occasion, that particular call, did he ultimately communicate a communication from Mr. Jackson?

A. No, he didn’t.

Q. Did he ever tell you why he was calling?

A. No.

Q. Okay. Did you hang up that phone call?

A. Actually, he got another call, and the phone was ringing in the back, which I knew was a Merlin phone, because I knew the sounds of the phones, and he said, “Darn, I’ll call you right back.”

Q. Did he call you right back?

A. He didn't call back.

Q. Had you received more than that one phone call from this person, Van Norman?

A. I did receive another call later, and I -- and I don't know the month. Right now I can't think of the month. And it was Jimmy, and he --

MR. MESEREAU: Objection; hearsay.

MR. ZONEN: Same reason.

THE COURT: Well, you know, I'm not getting to her state of mind either. All of that testimony I let in for her state of mind I let in at your request for her state of mind.

MR. ZONEN: Let me withdraw the last question and let me move on.

THE COURT: I need an offer as to why I've let other testimony in.

MR. ZONEN: Let me withdraw that question right now and move on.

Q. Did you quit your job at Neverland?

A. Yes, I did quit.

Q. Why did you quit?

A. Because I was being sexually harassed. I had death threats. I was being chased in the house with a stun gun. More like abuse. And mentally I could not deal with it.

Q. Was this all the new collection of guards that had been brought in?

A. Yes.

Q. Did you ever talk with Mr. Jackson about what was going on?

A. I don't believe so, with that.

Q. And why not?

A. I believe he left. He had left later, maybe in February. And Marcus Johnson left with him with the bodyguards, but there was still bodyguards around, so Mr. Jackson wasn't really around where you could tell him, so --

Q. What made you decide to file a lawsuit against Mr. Jackson?

A. When I realized that I didn't have to work in a job where I was being sexually harassed, and abused, and having to deal with death threats and --

Q. Did you talk with Mr. -- who was your attorney? Who represented you?

A. Actually, we had Michael Gray and Michael Barber, and we had Michael Ring and Kelly Frances.

Q. All from the same firm?

A. At the time, yes.

Q. Who was the lead attorney in that case?

A. Michael Barber. And Michael Ring (sic) ended up, I guess, getting out of it. I don’t know what happened there, but Michael Ring ended up taking over.

Q. Michael Ring?

A. Michael Ring.

Q. Was he the one who tried the case?

A. Yes.

Q. That case went on for quite some number of months, didn’t it?

A. Yes, it did.

Q. Did you quit your job before or after seeking counsel from Michael Ring or any other lawyer?

A. I believe I quit my job first while I went out on doctor’s care.

Q. You were not the only plaintiff in that suit, were you?

A. No.

Q. Who were the other plaintiffs?

A. There was Melanie Bagnall, Kassim Abdool, Sandie Domz, and Ralph Chacon.

Q. Was there a counterclaim that was filed against you? Were you accused of anything?

A. Yes.

Q. What were you accused of?

A. I believe of -- of, I think, taking Super Soaker water guns. Taking candy, balloons, posters, sunglasses.

Q. Were you accused of taking a drawing?

A. Yes.

Q. All right. Tell us about the drawing.

A. The drawing, actually, I had found it in the trash outside by the rec room. It was a trash area there. And I had taken trash out from the house, from the kitchen, and I saw it in there. There was a bag out there, and it was just open and it was a sketch. It wasn't a big sketch. It was a small sketch.

Q. About how big?

A. Oh, gosh. Probably -- I don't even know. Maybe about that big. Maybe like that. It wasn't very big.

Q. Six inches by five inches --

A. Yeah.

Q. -- something like that?

MR. MESEREAU: Objection; leading.

THE WITNESS: Yeah, something like that.

THE COURT: Sustained.

Q. BY MR. ZONEN: Can you give us an estimate on the record, the size of it? Because you were holding your hands out.

A. Maybe three-by-five. I don't know. Something like that.

Q. All right. You said you found it in the trash?

A. Yes.

Q. Where?

A. Outside. Outside by the rec room. There was a trash area back there.

Q. Did you know who did the drawing?

A. I didn't know who did it, but I thought -- well, maybe. I was really -- I don't know who did it.

Q. Who did you believe did it?

A. Um --

MR. MESEREAU: Objection; calls for speculation.

MR. ZONEN: Explains why she took it.

THE COURT: Actually, you know, we're having the same problem that when Mr. Mesereau was asking questions. You seem to be going into the allegations in the Complaint, which -- the facts of the lawsuit, which I've said we can't do. So I'm going to ask you to go into a different area.

MR. ZONEN: All right.

Q. After many months in trial, was there a resolution to that case?

A. Yes.

Q. What happened?

A. We lost.

Q. Each of you?

A. Yes.

Q. As to all counts?

A. Yes.

Q. Was there a judgment against you?

A. Yes.

Q. For a great deal of money?

A. Yes.

Q. How much?

A. 1.6 million.

Q. Did you go into bankruptcy afterward?

A. No.

Q. So that debt still exists today?

A. Yes.

Q. You owe Mr. Jackson $1.6 million?

A. Yes.

Q. Is that for all the attorney's fees and the court costs?

A. Yes.

Q. Have you paid any part of that?

A. A lien was put on my paycheck when I was working at Sears and there was money taken out, but I don't recall how much.

Q. Okay. Is there a lien currently on your paycheck where you currently work?

A. For the lawsuit?

Q. For this lawsuit.

A. No.

Q. Do you anticipate that will happen?

A. I don't --

MR. MESEREAU: Objection. Calls for speculation; relevance.

THE COURT: Sustained.

Q. BY MR. ZONEN: Are you concerned that that will happen?

MR. MESEREAU: Same objection.

THE COURT: Sustained.

Q. BY MR. ZONEN: Had there been a deposition that was taken of you prior to the commencement of that lawsuit?

A. Do you mean like before, with Jordie Chandler?
Q. Yes.
A. Yes.
Q. In the course of that deposition, did you disclose the events that took place that you’ve disclosed to this jury?
A. No, I did not.
Q. Are you talking about the Jordie Chandler lawsuit, deposition?
A. Yes.
Q. Was there a subsequent -- another deposition that was done in the lawsuit of your case, Kassim Abdool and everyone else against Michael Jackson and everyone else?
A. Yes.
Q. In that deposition, did you disclose what you saw?
A. Yes, I did.
Q. At some point during the course of that lawsuit, either before the commencement of trial or during, were you involved with others in selling a story to a tabloid?
A. Yes.
Q. Which tabloid was it?
A. Actually, there was a man named Gary Morgan, and he was from Splash.
Q. What is Splash?

A. I don’t know -- I don’t know if he’s affiliated with different -- I’m not even really sure. I just know that he sold stuff.
Q. But it was a tabloid?
A. I believe so.
Q. Did you actually have an interview with them?
A. Yes.
Q. Did they give you money?
A. Me personally?
Q. Yes.
A. They were -- well, can I explain, because I don’t --

Q. Who did the interview? In other words, how many of the plaintiffs involved that you've identified did this interview?

A. Everybody was there, including our attorney.

Q. Did he participate in the interview as well, your attorney?

A. He was there with -- yeah.

Q. Who is it who negotiated what would be paid?

A. I believe Michael Ring.

Q. Did you have any say in that at all?

A. No, I didn't.

Q. Was it understood that some of the money would be going to you, or all of the money?

A. From what I recall, all of the money went into a trust in Michael Ring's name in order to fight the lawsuit against Mr. Jackson.

Q. Did any of that money actually go to you?

A. At one time, yes.

Q. And how much was that?

A. A thousand dollars.

Q. Do you know how much money in total was turned over to Michael Ring?

A. I would honestly -- I mean, my best recollection, I'd say probably maybe 32,000 or more.

Q. And did that go to finance the lawsuit?

A. Yes.

Q. Were you involved in another lawsuit at that time or prior to that time?

A. Yes.

Q. What was that?

A. Well, it had to do with my husband's sister-in-law.

Q. And what happened?

A. My husband was -- my husband had two half brothers. They had different fathers. And one of the half brothers was real close with my husband, and he ended up diabetic and he lost his eyes and his kidneys and they had him on dialysis. He went blind.

And he was married, and his wife and him, I guess they had a very -- a relationship that wasn't very good. From what I understand, she started fooling around with a radio talk show guy, and she

got pregnant --
Q. Tell us what happened with regard to the lawsuit.
A. I'm sorry.
Q. Who was suing who?
THE COURT: How many lawsuits are we going to cover?
(Laughter.)
THE WITNESS: I'm sorry.
We got sued.
Q. BY MR. ZONEN: Okay. For what? The resolution of his estate?
A. Actually, my husband was left as a beneficiary, and my husband got kind of fed up with her. And that was a family thing on their side of the family. And I kind of just got drug into it, but --
Q. Did you have counsel representing you in this lawsuit?
A. No, we didn't.
Q. Was it a jury trial?
A. No.
Q. Was it a court trial?
A. Yes.
Q. You were representing yourself?
A. Yes.
Q. Was the other side represented by counsel?
A. Yes.

Q. Was there a judgment entered against you or your husband?
A. I believe 17,000 from each one of us.
Q. Was this from money from the estate?
A. Yes.
Q. Did you pay that?
A. I made payments, and I don't even recall how much I made payments for. And then I couldn't do it no longer.
Q. All right. Did you lose your home in this process?
A. No. We sold our home.
Q. And are renting today?
A. Yes.

Q. Do you know anybody in the Arvizo family? Do you know that name?
A. No.
Q. Do you know a Janet Arvizo?
A. No.
Q. Gavin Arvizo?
A. No.
Q. Star Arvizo?
A. No.
Q. Davellin Arvizo?
A. No.
Q. I had asked you earlier about a drawing. Was that drawing sold to someone during the course of your litigation?

A. Yes.
Q. And who was it sold to?
A. Well, actually, at Michael Ring’s office, our attorney, Gary Morgan had asked if we had any photographs or pictures or something, and I said, “Well,” you know, “there’s a sketch that I found, I found in the trash.” I told him, “You can have it.” It was just a sketch. It wasn’t a -- it wasn’t a Polaroid, you know, it was just ink. And I gave it to him. And I guess he went and sold it.
Q. Who sold it?
A. Gary Morgan.
Q. And Gary Morgan is who?
A. He’s from Splash.
Q. Did you get any money for that?
A. Actually, I think that when -- I believe that’s where that thousand dollars might have come from.
Q. From the sale of that picture?
A. I think so.
Q. Did you represent that as a drawing that had been done by Michael Jackson?
A. I believe I might have said it, that I thought it was done by Michael Jackson.
Q. Did you believe it was?
A. I did.
Q. Why did you have it in the first place? Why did you take it?

A. Because I found it in the trash and I figured it was in the trash, so if something's in the trash, I mean, somebody might not have wanted it.

Q. Did you take it because you believed he did it or did you take it because you liked it?

A. I took it because I liked it, because I liked to draw and I thought it was pretty neat.

Q. I'd like to show you a few exhibits, if I may.

Counsel, you've seen these.

MR. MESEREAU: Yeah.

Q. BY MR. ZONEN: I'd like to show you Exhibit 797 and 798. What are those two exhibits, 797 and 798?

A. They're -- they're -- it's an exhibit of a note that Mr. Jackson had given me on an index card, along with $300.

Q. Okay. Those are the two exhibits. One is the note and the other is what?

A. The $300.

Q. It's not actually $300 you have in front of you, is it?

A. Half.

Q. Well, it's a Xerox or a photocopy; is that right?

A. Right, a Xerox copy.

Q. Explain what that is. Where did that money

come from?

A. Well, I have to tell a story in order for that to --

Q. Let me ask you a question and see if I can lead you in that direction. Who gave you the $300?

A. Mr. Jackson.

Q. When did he give you that $300?

A. After he had read my transcript from the Jordie Chandler deposition.

Q. All right. How did he happen to have your transcript from the Jordie Chandler deposition?

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. ZONEN: Did you give him that transcript?

A. Yes, because he called me at home and asked me --

MR. MESEREAU: Objection. Nonresponsive; move to strike.

THE COURT: I'll strike after, "Yes."

Q. BY MR. ZONEN: All right. Did you have a conversation with Mr. Jackson about your testimony during the Jordie Chandler deposition?

A. Yes, I did.

Q. And that was the deposition you previously told us wherein you denied that anything had happened that you had seen; is that correct?

A. That's correct.

Q. All right. In the course of that conversation with Mr. Jackson, did he ask you if you had a copy of that transcript?

A. Yes, he did.

Q. Did he ask to see it?

A. Yes, he did.

Q. Did you give it to him?

A. Yes. Yes, I did.

Q. When did you give it to him? How long after that telephone conversation was it that you gave it to him?

A. I believe it might have been the next day.

Q. And how did you happen to have a copy of the transcript?

A. I had gotten it earlier than usual, than the usual wait for a transcript, and I believe I -- I believe I had called Jan, I think her name was Jan Faye, and then they had sent it to me, but I got it earlier than you would wait for a deposition.

Q. Had you already read that transcript before you gave it to Mr. Jackson?

A. Maybe parts of it.

Q. What was your next conversation with Mr. Jackson?

A. Are you talking about, like, on the phone or --

Q. Well, did you have a follow-up conversation about that transcript?

A. Yeah. He told me that he had read it.

Q. Did he give it back to you, the transcript?

A. Actually, I got it back. I told him I was going to take it.

Q. Did he give you anything?

A. Yes, he did.

Q. What did he give you?

A. The $300 and the little note.

Q. And the note says what?

A. It said, “Adrian, thanx for everything.”

Q. And the $300 were in what denominations?

A. In 100-dollar bills.

Q. Did you see anything unique about the hundred-dollar bills?

A. Yes, I did.

Q. What was that?

A. The serial numbers were all, like, in sequence, which was really neat, because I had never seen anything like that, and I thought that was really neat.

Q. How did you happen to have a Xerox copy of them or a photocopy?

A. Because -- I thought it was so neat that I photocopied it, because I had never seen anything like that, you know, the sequence of bills like that.

Q. Did you keep the money?

A. Actually, when -- when he gave it to me, I called him up at the theater, he was in the theater, and I told him I didn’t want the money. And he asked me why. And I said, “I just” -- “I don’t want the money.”

Q. He didn’t give you the money in person?

A. He gave me the money, but it was in an index card and it was folded.

Q. Okay.

A. And he told me to read it, to open it. It was in his bedroom. He handed it to me in his room. And I didn’t open it right away, because I was cleaning.

And he kept saying, “Open it, open it, open it.” And I opened it after he left the room, and I saw the $300 and the note was all attached.

Q. And then you called him?

A. And I called them. He went to the theater and I called him.

Q. All right. What did you say to him?

A. And I told him, “I can’t take that money.” And he said, “Why?” And I said, “I just can’t take it.” And he said -- he kept asking, “Why?” And then he said, “Well, then give it to your son.”

Q. Did you do so?

A. I ended up giving my son some of the money, yeah.

Q. Did you keep the balance of it?

A. I kept some money. I don’t even recall how much.

Q. The Xeroxes that you’re looking at, the one of the note itself, does that accurately reproduce the note?

A. Yes.

Q. All right. Now, the other one that shows the three hundred-dollar bills, can you tell us why it only shows half of the $100 bills?

A. I don’t understand the question.

Q. Well, as you look at that exhibit, do you see that only half of each $100 bill is depicted in that Xerox or that photocopy? Am I right?

A. Yeah, you’re right.

Q. And tell me why that is. Tell me why the Xerox doesn’t show the entire $100 bill.

MR. MESEREAU: Objection; foundation.

MR. ZONEN: Withdraw that question.

Q. Do you know why that is? When you -- go ahead.

A. Actually, when I photocopied, I photocopied both sides, you know, like the front side of the bills and then the back side of the bill. But in what I turned over in my deposition, the whole bills were there. I don’t know why it’s just half.

Q. You’ve never seen that before?

A. I’ve never seen this before.

Q. All right. To the extent that those are three $100 bills with consecutive numbers, do they appear to be the same $100 bills?

A. Yes.

Q. And they are, in fact, $100 bills with consecutive numbers; is that correct?
A. Yes.
MR. ZONEN: I move to introduce both of those exhibits into evidence.
MR. MESEREAU: I'll object; no foundation. She did not recognize the document.
THE COURT: I'll admit the documents.
MR. ZONEN: Thank you.
Q. I'd like to show you some additional photographs, if I may.
MR. MESEREAU: Could I see those?
Q. BY MR. ZONEN: Showing you a photograph previously identified as 793, do you recognize the person in that photograph?
A. Kind of looks like Brett Barnes, but I'm not sure.
Q. Do you believe that might be Brett Barnes?
A. Kinda, yeah.
Q. Let me show you the photograph in 795. Let's start with 794. Two different photographs. The first with the child on the top, and the second with a number of children on the bottom. Start with the photograph with the child on the top. Do you know who that is?
A. That's Brett Barnes.

Q. And then the photograph on the bottom, do recognize any of the four people?
A. I can't -- no. I can't tell if that's Brett. He was little. I just --
THE REPORTER: I'm sorry, I can't hear you.
Q. BY MR. ZONEN: Speak into the microphone.
A. The first photo I believe is Brett Barnes. The second one I can't really tell.
Q. Let me show you Exhibit 795. Do you recognize anybody in that photograph?
A. Brett Barnes.
Q. And where is Brett Barnes in that photo?
A. Right here.
Q. All right. Who is he sitting next to in that photograph?
A. Mr. Jackson.
Q. Do you know the other people in that

photograph?
A. I think it's Carly in the middle. They look different, though, from when I seen them.
Q. Carly is the middle person?
A. Yeah, the sister of Brett.
Q. And the mother to her on the right side of her?
A. Right.
THE COURT: We're going to break a little early. Take our afternoon break.
(Recess taken.)

THE COURT: Go ahead.
MR. ZONEN: I have just a couple more questions.
Q. Is there a wine cellar at Neverland?
A. Yes.
Q. And where is the wine cellar?
A. It's in the rec room, the recreation room.
Q. All right. Is that sometimes called the arcade?
A. Yes.
Q. That's the building that's different from the residence?
A. Yes.
Q. Is there a door that secures the wine cellar?
A. Yes.
Q. Is that door kept locked, or was it kept locked during the time that you worked there?
A. It was always locked.
Q. Was it a key that opened that door or a combination lock?
A. It was a key.
Q. And do you know where the key was kept?
A. In the maids' room.
Q. And where was the maids' room?
A. In the main house.
Q. In the main house?
A. Yes.

Q. Was there more than one key to the door?
A. I believe there was.
Q. Did you ever have occasion to go down into

the wine cellar?

A. Yes.

Q. For what reason?

A. To pick it up, clean. Just to make sure everything was cleaned up in there.

Q. And to do that, you have to first go get the key?

A. Right.

Q. All right. The room where the key was kept at that time, was that a room that was open to anybody in the public?

A. Well, it was the maids' room. The maids were usually in there. I mean, somebody could walk in there.

Q. But it wasn't a room that was generally one of the rooms on tour when people took a tour of Neverland?

A. No.

Q. Was it a room that somebody lived in or simply worked in? You said maids' room. What is the maids' room?

A. The maids' room is just like where the maids would go to take a break. It had a rest room and --

Q. Do you know if there were any other keys at that time?

A. I believe so.

Q. And do you know who else had those keys?

A. I believe security at that time had -- in their office, they had a key to that.

Q. You would pick up in the wine cellar on occasion?

A. Yes.

Q. What would require cleaning in the wine cellar? What do you mean by "pick up"?

A. Like, to go in there and to make sure that everything is -- sometimes you would have to brass. There was a lot of brass out there, so we'd have to brass, like, the sinks. So they had -- the faucets were of brass.

Q. All right. Cleaning is what you mean?

A. Just cleaning, yeah.

Q. I'm going to show you two photographs already shown to counsel. These two photographs are

No. 786 already in evidence, and No. 799 for identification, not yet in evidence.

No. 786, first of all, take a look at this photograph and tell us what that is.

A. That's Mr. Jackson's bedroom where the Jacuzzi is.

Q. Is that the Jacuzzi that you were referring to when you were describing having to clean that Jacuzzi?

A. Yes.

Q. 799, tell us what this photograph is.

A. This is the theater.

Q. Now, can you actually see windows up on that far wall on the theater?

A. Actually, you have the projection room right here, and there was a window right here, a room, a bedroom. There was two bedrooms. There was one on this side, and there was one I believe on the other side.

And there was an area where you go up some stairs on the side and would take you up, up high where you'd be like in a viewing room. And the viewing room would have -- I'm trying to think if that's it up there.

Q. You're pointing right now to what?

A. I believe that is probably the viewing room up above. It was up above the bedrooms.

Q. You were previously describing testimony of popcorn and Coke being thrown through windows above --

A. Right.

Q. -- in the theater.

A. Right.

Q. Are those windows shown in that particular photograph?

A. I believe it's up here.

Q. All right. Now, that photograph that you're looking at - which I believe I said was 799 - 799, is the subject matter of that photograph accurately depicted in the photograph? In other words, does it accurately portray what's inside?

A. I believe so, yes.

MR. ZONEN: I'd move to introduce 799 into evidence.

MR. MESEREAU: No objection.

THE COURT: It's admitted.

MR. ZONEN: If I could publish 799 at this time.

Q. If you could, turn around and look at the screen behind you. And tell us, is that the photograph that you just viewed, 799?

A. Yes, I believe so.

Q. Is that the theater?

A. Yes.

Q. All right. Now, on the desk in front of you, there's a laser pen, a laser pointer. If you can do that -- that's not it. That's it.

A. Okay.

Q. Don't --

A. Okay.

Q. Show us the windows that you were referring to.

A. The window from up above?

Q. Yes.

A. It would be up here.

Q. And that's the -- a viewing room?

A. I believe it was a viewing room, yes.

Q. And the stairway to get up there is where?

A. I believe it's on -- it used to be kind of like on the side as you're coming in the back out here. There was a stairway. It's been so long. I know there was a stairway on the side, and I'm thinking somewhere back here, that would take you up to the top.

BAILIFF CORTEZ: Ma'am, you need to talk into that microphone.

THE WITNESS: I'm sorry.

Q. BY MR. ZONEN: So you believe the stairway was on the side; is that what you said?

A. I believe it was on the side.

MR. ZONEN: Thank you. No further questions.

THE COURT: Cross-examine?

MR. MESEREAU: Yes, please. Your Honor.

CROSS-EXAMINATION

BY MR. MESEREAU:

Q. Good afternoon, Miss McManus.

A. Good afternoon.

Q. We haven't met. My name is Tom Mesereau and I speak for Michael Jackson.

A. Okay.

Q. The prosecutor for the government mentioned a case you were involved in where you were sued by Rosalie Hill, correct?

A. Correct.

Q. You were sued by Rosalie Hill as the guardian ad litem for two children, correct?

A. Correct.

Q. The children were Shane McManus and Megan McManus, correct?

A. Correct.

Q. And the prosecutor for the government mentioned that you didn't have a lawyer representing you, right?

A. Correct.

Q. And that case was not tried before a jury, right?

A. Right.

Q. It was tried before a judge of the Santa Barbara Superior Court, correct?

A. I believe so.

Q. That was Judge Richard A. St. John, Judge of the Santa Barbara Superior Court, true?

A. I believe so.

Q. And you and your husband testified before Judge St. John, right?

A. I believe so.

Q. You told them your position under oath, correct?

A. I believe so.

Q. And after you told Judge St. John your position under oath, he found that you and your husband willfully and maliciously defrauded these children out of the money in the estate, true?

A. I believe so.

Q. Judge St. John found that that money was to

be held in trust for the benefit of those two children, right?
A. Yes.
Q. He found that you and your husband dissipated those funds, right?
A. I believe so.
Q. He found that you and your husband violated that trust, right?
A. I believe so.
Q. He entered a judgment against you and your husband for $30,000 -- excuse me, 30,584.89, correct?
A. I believe so, but I believe it was -- I thought it was like separate, like -- I thought it was maybe 17 for me and 17 for my husband. Maybe -- I don’t know. Maybe that’s right, what you have there.
Q. Would it refresh your recollection if I just show you Judge St. John’s judgment?
A. Sure.
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
THE WITNESS: Okay.

Q. BY MR. MESEREAU: Have you had a chance to look at that judgment?
A. Right here? Yes.
Q. Does it refresh your recollection about the amount Judge St. John awarded the plaintiffs against you and your husband?
A. Yes.
Q. Okay. It was $30,584.89, which was principal and interest due, correct?
A. I believe so.
Q. And after he entered that judgment, Judge St. John also awarded the plaintiffs attorney’s fees, right?
A. I believe so.
Q. He signed a separate judgment awarding the people who sued you and your husband $5,085.27 in attorney’s fees and costs, right?
A. I believe so.
Q. And in that judgment, Judge St. John also found, again, that you and your husband had

willfully and maliciously stolen the money from those children, right?

MR. ZONEN: Objection; asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: All right. Now, that lawsuit was before you sued Michael Jackson, correct?

A. I believe so.

Q. And who did you join with in your suit against Michael Jackson?

A. Kassim Abdool -- do you want the names?

Q. Yes, please.

A. Kassim Abdool, Ralph Chacon, Melanie Bagnall and Sandie Domz.

Q. And in that case you had a lawyer, right?

A. Yes.

Q. In fact, you had a number of lawyers, right?

A. Correct.

Q. And you’ve already identified the lawyers that represented you and the other people that sued Michael Jackson with you, correct?

A. Correct.

Q. Now, that case went to a jury, right?

A. Yes.

Q. That was a jury in this courthouse in Santa Maria, right?

A. Yes.

Q. In that particular case, a Santa Maria jury held that you had stolen from Michael Jackson, right?

A. I believe so.

Q. And they awarded Mr. Jackson $35,000 for what you personally had stolen from him, right?

A. The sketch that I found in the trash, yes.

Q. That was a sketch he had done of Elvis Presley, right?

A. Well, I thought it looked like Elvis Presley, but I don’t really know for --

Q. But you tried to sell it to a tabloid, correct?

A. Yes.

Q. You did sell it to a tabloid, correct?

A. Well, I gave it to Gary Morgan.
Q. You sold it to a tabloid, right?
A. I believe he did.
Q. You don't know for sure?
A. I don't know who he actually really sold it to, but --
Q. You certainly inquired at some point, correct?
A. I think I saw somewhere later that it was printed, but I don't remember like what, but it was printed.
Q. But when you sold it, you believed it was a sketch by Michael Jackson of Elvis Presley, right?
A. I thought so.
Q. And a Santa Maria jury held that you had stolen that from Michael Jackson, right?
A. That's what they thought, yeah.
Q. And that was their verdict, true?
A. I believe so.
Q. Okay. There was a finding that you had acted with fraud and malice against Michael Jackson in that case, correct?

A. I believe -- you know, it's been so long, I don't remember, but probably.
Q. You actually stipulated that you had engaged in fraud, oppression, and malicious conduct against Mr. Jackson, true?
A. You know what, I don't remember everything. It's been a while, but --
Q. Would it -- excuse me. Would it refresh your recollection if I show you that judgment?
A. Sure. That's fine.
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
MR. ZONEN: May I see, Counsel?
(Off-the-record discussion held at counsel table.)
MR. MESEREAU: Let me withdraw the question and ask it again.
Q. The jury found you had acted with fraud, oppression and malice against Mr. Jackson, true?
A. You know what? Honestly I don't really recall. I don't know.

Q. Would it refresh your recollection if you see the judgment?
A. Well, sure.
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
THE WITNESS: Okay.
Q. BY MR. MESEREAU: Have you had a chance to read that judgment?

A. Yes.
Q. Does it refresh your recollection about the jury in Santa Maria finding that you had acted with fraud, oppression, and malice against Mr. Jackson?
A. Yes.
Q. That’s what they held, right?
A. That’s what they -- yeah.
Q. All right. Now, the total amount -- excuse me, let me start again.
The suit began when you and the others sued Mr. Jackson, right?
A. Correct.
Q. And after you and Ralph Chacon and Mr. Abdool and Ms. Bagnall sued Mr. Jackson, he responded with a countersuit, correct?
A. Correct.
Q. And the countersuit was an allegation that you had stolen property from him, right?
A. I believe so.
Q. Okay. Mr. Jackson’s suit was a response to your suit, right?
A. Correct.
Q. Everything began when you and Mr. Chacon and Mr. Abdool filed the action, right?
A. Correct.
Q. And that’s the action where you were represented by Mr. Ring, correct?

A. Correct.
Q. Okay. At the end of the case, there was a judgment signed by Judge Zel Canter of the Superior Court of Santa Barbara in Santa Maria against you and Mr. Chacon and Mr. Abdool and Melanie Bagnall and Sandie Domz for $1,473,117.61, right?
A. I believe it was more. I -- I thought it

was 1.6 million each person.

Q. Would it refresh your recollection if I just show you --

A. Sure.

Q. -- this?

May I approach, Your Honor?

THE COURT: Yes.

MR. MESEREAU: Thank you.

THE WITNESS: Okay. All right. Uh-huh.

Q. BY MR. MESEREAU: Have you had a chance to look at that judgment?

A. Yes.

Q. And does it refresh your recollection about the amount?

A. Yes.

Q. Okay. Now, do you recall that Mr. Jackson was entitled to have a hearing on what are called punitive damages after he won the jury verdict, right?

A. I believe so.

Q. And Mr. Jackson agreed to waive that portion of the trial, correct?

A. I believe so.

Q. He did it in return for one dollar, right?

A. Correct.

Q. Now, the prosecutor asked you some questions about a deposition that you appeared at in the Jordie Chandler lawsuit, right?

A. Correct.

Q. And I believe you told the jury that you had lied under oath in that lawsuit, correct?

A. Can you repeat that? I’m sorry.

Q. Yes, sure. I believe you told the jury that you lied under oath in that lawsuit, correct?

A. What jury? During our trial?

Q. No, let me start the question again. If you don’t understand anything I ask you, don’t answer, just ask me. I’ll try and rephrase.

A. Okay.

Q. In response to the prosecutor’s questions, you told the jury that you had appeared at a sworn deposition in the Jordie Chandler lawsuit, right?

A. Correct.

Q. That was a lawsuit that you knew Mr. Chandler’s parents had filed against Mr. Jackson, right?
A. Correct.
Q. And you appeared and testified under oath in a deposition, right?

A. Correct.
Q. And you were asked questions by a number of lawyers, including Larry Feldman, right?
A. Correct.
Q. That deposition took place on December 7th, 1993, right?
A. Yes. Correct.
Q. When have you last reviewed that deposition?
A. Actually, I never really went through it to really review it.
Q. I’m sorry?
A. I never really went through it to review it.
Q. Okay. Before I ask you some questions about that deposition, when did you last talk to any prosecutor about your testimony in this trial?
A. Last night.
Q. And who did you talk to about your testimony in this trial from the prosecution side?
A. Ron Zonen.
Q. That’s Prosecutor Zonen, who just asked you some questions?
A. Yes.
Q. Okay. Did he talk to you about what you were going to be asked today?
A. No.
Q. Was it a phone call or a meeting?
A. A meeting.
Q. Where did the meeting take place with

Prosecutor Zonen?
A. In Santa Maria.
Q. And how long did the meeting last?
A. A little over three hours.
Q. Did Prosecutor Zonen give you anything to review before you testified today?
A. No.
Q. Did you review any documents to prepare for

your testimony today?
A. Well, I -- I have my deposition from when I sued Mr. Jackson, and I did go over that.
Q. Now, that’s the deposition from your suit against Mr. Jackson, right?
A. Right.
Q. That’s not the deposition that you gave in the Chandler lawsuit, right?
A. Correct.
Q. Now, did you review the deposition you gave in your suit against Mr. Jackson to prepare for your testimony today?
A. Yes.
Q. But you didn’t review your deposition in the Chandler case to prepare for your testimony today?
A. Correct.
Q. Did Prosecutor Zonen ask you to review that deposition in your suit against Mr. Jackson to prepare for your testimony today?
A. No.

Q. Did he ask you to review any documents before you testified?
A. No.
Q. You spent three hours with him last night?
A. Yes.
Q. Did that take place at the District Attorney’s Office here?
A. No.
Q. Where did it take place?
A. Somewhere in Santa Maria, a home.
Q. Okay. Was Prosecutor Zonen the only one present, besides yourself?
A. No.
Q. Who else was there?
A. During that meeting?
Q. Yes, please.
A. Russ Birchim.
Q. That’s a -- Russ Birchim, a Santa Barbara sheriff?
A. I believe so.
Q. Was anyone else present?
A. Just them in the room.
Q. Okay. And during those three hours, they

went over what you were going to be asked today, right?

A. Well, they went over my depo -- Ron went over my deposition.

Q. Did he point to specific pages in your deposition?

A. No.

Q. Well, your deposition is volume after volume after volume, isn't it?

A. Yeah.

Q. How many volumes was your deposition in your suit against Mr. Jackson?

A. You know what? I'm thinking I was deposed for eight days. That's what I think.

Q. Did Prosecutor Zonen bring a copy of that deposition with him to your meeting?

A. I think he had one.

Q. Okay. Did he appear to have all of the volumes to the deposition with him?

A. I really don't know.

Q. Okay. But he had specific parts he wanted to talk to you about, right?

A. Not really specific parts. Just kind of going through it, you know.

Q. Did you go through all those eight days of deposition with Prosecutor Zonen in three hours?

A. I don't believe so.

Q. Okay. Who chose what portions of the deposition you were going to look at during the three-hour meeting, if you know?

A. I have no idea.

Q. Okay. Correct me if I'm wrong, Prosecutor Zonen had portions of those deposition volumes he wanted to talk to you about, correct?

MR. ZONEN: Objection as to what he wanted to talk about. Vague and speculative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did Prosecutor Zonen point out certain portions of those volumes that he wanted -- that he appeared to want to discuss with you?

MR. ZONEN: Objection as to asked and

answered and speculative as to what he appeared to want to ask.

THE COURT: I think you need to cut that question in half.

MR. MESEREAU: Okay. All right.

THE COURT: I'll sustain the objection.

Q. BY MR. MESEREAU: During your three-hour meeting last night with Prosecutor Zonen, you looked at seven or eight volumes of your deposition, right?

MR. ZONEN: Objection; assumes facts not in evidence that she looked at seven or eight volumes of anything.

THE COURT: Overruled. You may answer.

THE WITNESS: I'm sorry, you lost me. Um, can you repeat it?

Q. BY MR. MESEREAU: Yes, sure. During your three-hour meeting last night with Prosecutor Zonen, you went through volumes of the deposition you gave in your suit against Michael Jackson, correct?

A. I don't know if it was volumes. It was just whatever page had opened, you know.

Q. Who opened the pages?

A. It wasn't me.

Q. It was Prosecutor Zonen, wasn't it?

A. Yes.

Q. And he seemed to have certain pages he wanted to talk to you about, correct?

MR. ZONEN: Objection as to what he wanted to talk about. Speculative.

THE COURT: Overruled. You may answer.

THE WITNESS: I have no idea. I just was -- he was just going through it, period. I don't --

Q. BY MR. MESEREAU: And was he asking you questions about what you said in that deposition?

A. No. He was just reading it.

Q. Okay. I'm going to ask you some questions about the deposition you gave in the Chandler suit --

A. Uh-huh.

Q. -- on December 7th, 1993, okay?

A. Sure.

Q. Do you remember you said under oath that you trust Mr. Jackson and you would leave your son alone with him?

A. I don’t recall any of that. I don’t recall -- I don’t know what I said, because I have not looked at that.

Q. Might it refresh your recollection if I just show you that page?

A. Sure.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: Okay.

Q. BY MR. MESEREAU: Have you had a chance -- excuse me. Have you had a chance to look at those pages of your deposition?

A. No. Oh, right now? Yes, I’m sorry. Sorry.

Q. Does it refresh your recollection about what you said in that deposition?

A. Yes.

Q. You said words to the effect, “I trust Mr. Jackson,” and you would leave your son alone with him, right?

A. I believe so.

Q. Okay. You were asked if you ever saw Jordie Chandler in Michael Jackson’s bedroom and you said, “No,” right?

A. Correct, I believe.

Q. You said you had never seen Brett Barnes sleep in Michael Jackson’s room, right?

A. Probably. I can’t recall everything in that.

Q. Would it refresh your recollection if I show you?

A. I hate to have you keep coming back, but that’s fine.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: Yeah.

Q. BY MR. MESEREAU: Have you had a chance to look at that page?

A. Yes.

Q. Does it refresh your recollection about what you said under oath in that deposition?
A. Yes.
Q. You said you had never seen Brett Barnes sleep in Michael Jackson's room, right?
A. Correct.
Q. You didn't recall when you had met Wade Robeson for the first time, right?
MR. ZONEN: Objection; hearsay.
MR. MESEREAU: I'll rephrase it. I'll withdraw it.
Q. Do you remember testifying under oath that you didn't recall when you met Wade Robeson for the first time?
MR. ZONEN: Objection; hearsay.
THE COURT: Overruled.
You may answer.
THE WITNESS: Um, actually, I don't -- I don't recall. I didn't go over that, so I don't --

Q. BY MR. MESEREAU: Would it refresh your recollection if you look at that page?
A. Sure.
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
THE WITNESS: Okay.
Q. BY MR. MESEREAU: Have you had a chance to look at that page of your deposition?
A. Yeah.
Q. Does it refresh your recollection about your saying you don't know when you first met Wade Robeson?
A. Yes.
Q. Do you remember testifying you didn't know how many times Brett Barnes had been to the ranch?
A. Probably.
Q. Do you know if that's what you said?
A. I believe -- I don't know.
Q. Would it refresh your recollection to look at the page?
A. Sure.
MR. MESEREAU: May I approach?
THE COURT: Yes.
THE WITNESS: Okay.

Q. BY MR. MESEREAU: Have you had a chance to look at that page?

A. Yes.

Q. And you testified under oath you didn't know how many times Brett Barnes had been to the ranch, right?

A. I believe so.

Q. Okay. Do you remember testifying under oath that you didn't know where Brett Barnes slept?

A. I probably did. I don't remember.

Q. Might it refresh your recollection if I show you the page?

A. (Nods head up and down.)

MR. MESEREAU: May I approach, Your Honor?

THE WITNESS: Okay.

Q. BY MR. MESEREAU: Have you had a chance to look at that page?

A. Yes.

Q. Does it refresh your recollection about what you said under oath about whether you knew where Mr. Barnes slept?

A. Yeah.

Q. And what did you say?

A. I believe I said, "I don't know."

Q. Okay. Now, you knew you were under oath in this deposition, right?

A. Yes.

Q. Did Prosecutor Zonen discuss with you last night what you were going to say if confronted with this sworn deposition in trial?

A. No.

Q. Did the issue of what you had said under oath in the Chandler deposition ever come up during the three hours you spent last night with Government Prosecutor Zonen?

A. No.

Q. Okay. Do you remember being asked under oath in that deposition if you ever saw Jordie Chandler's clothes at the ranch?

A. I believe that I do recall that.

Q. Do you remember saying that you saw his mother bring them into Mr. Jackson's room in a

suitcase?
A. Yes.
Q. Do you remember being asked questions by Mr. Feldman about the alarm system in Mr. Jackson’s room?
A. I don’t recall that.
Q. Remember telling him, “People like to kill celebrities, so you have to be careful with your life”?
A. I don’t recall that.
Q. Okay. Would it refresh your recollection if I show you that portion of your deposition?
A. Sure.
MR. MESEREAU: May I approach, Your Honor?
THE WITNESS: Okay.
Q. BY MR. MESEREAU: Have you had a chance to review that page?

A. Yes.
Q. Does it refresh your recollection about what you said under oath to Mr. Feldman on that subject?
A. Yes.
Q. You did say, “When you’re a celebrity, you live a different life than regular people. I mean, people like to kill celebrities, so, you know, he has to be careful, you know, with his life.” And then --
MR. ZONEN: I’m going to object as to hearsay, reading from a deposition that’s not inconsistent with current testimony.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Now, are you telling the jury that throughout this deposition you committed perjury?
MR. ZONEN: Objection; calls for a legal conclusion.
MR. MESEREAU: I believe it was raised on direction examination by the prosecutor, Your Honor.
MR. ZONEN: Not issues of perjury.
THE COURT: I’ll sustain the objection to the question as phrased.
MR. MESEREAU: Okay.
Q. You told Prosecutor Zonen that you repeatedly lied under oath in that deposition,

correct?
A. Are you -- what are you talking about?

Q. When Prosecutor Zonen asked you some questions today in court, remember that?
A. Okay, yes.
Q. He asked you if you had lied under oath in the Chandler deposition, right?
A. Right.
Q. You said you did, right?
A. Right.
Q. Do you know how many times you lied under oath in the Chandler deposition?
A. I believe the whole time I did not tell the truth on that.
Q. Did you believe you were committing a crime when you did that?
A. I really didn’t. I really didn’t think of it that way.
Q. Well, let me ask you this: So far, you’ve admitted you lied under oath in the Chandler deposition for what, a day?
A. Well, throughout that -- throughout that deposition, yes.
Q. And Judge St. John found that you lied in that trial, right?
MR. ZONEN: Objection. Asked and answered; argumentative.
THE COURT: The objection is sustained.
Q. BY MR. MESEREAU: And the jury found you didn’t tell the truth in your suit against Mr. Jackson, right?

MR. ZONEN: Objection. Asked and answered; and argumentative.
THE COURT: Sustained.
Mr. Mesereau, a few questions back, after you refreshed her recollection with the transcript about “you’re a celebrity,” I sustained an objection, and I was incorrect.
MR. MESEREAU: Okay.
THE COURT: Do you want to reask that question? I’ll reverse my ruling on that.
MR. MESEREAU: Thank you, Your Honor.

THE COURT: So what had happened is she'd refreshed her recollection, and then you wanted to --

MR. MESEREAU: Okay.

THE COURT: Go ahead.

Q. BY MR. MESEREAU: Do you remember I showed you the page of the deposition about what you said about "people try to kill celebrities"?

A. Yes.

Q. And did that refresh your recollection about what you said on that issue under oath?

A. I believe so.

Q. Okay. And as you recall, what did you say under oath on that issue?

MR. ZONEN: Objection; irrelevant.

THE COURT: Overruled.

THE WITNESS: I forgot.

Q. BY MR. MESEREAU: Would it refresh your recollection if I show it to you again?

A. Yes.

THE COURT: What I'm going to do is let you read it to her. That's what I stopped you from doing. And I'll allow you to do it.

MR. MESEREAU: Thank you, Your Honor.

THE COURT: And he's going to ask you if this is --

You ask her.

(Laughter.)

MR. MESEREAU: Okay. All right.

Q. Ms. McManus, this is what you said under oath: "But you have to understand now, when you're a celebrity, you live a different life than regular people. I mean, people like to kill celebrities, so, you know, he has to be careful, you know, with his life, and that little sensor benefits him for his life."

Remember saying that?

A. I believe so.

Q. Okay. Now, you weren't lying when you said that, were you?

A. No.

Q. In fact, you knew that Mr. Jackson is very nervous about his personal security, isn't he?

MR. ZONEN: Objection. Speculative as to what he is nervous about; lack of foundation.

THE COURT: Overruled.
You may answer.
THE WITNESS: Repeat it, please.
Q. BY MR. MESEREAU: You knew when you worked at Neverland that Mr. Jackson is extremely nervous about his security, isn't he?
A. I really don't know.
Q. Well, when you saw his bodyguards, right?
A. Are you talking --
Q. Huh?
A. Are you talking OSS or just security from the house?
Q. Let me rephrase it. I think I was too vague on that one.
A. Okay.
Q. During the time you worked at Neverland --
A. Uh-huh.
Q. -- was it your understanding that Mr. Jackson is someone who's very concerned about his personal security?
A. I really don't know. I mean -- I don't know.
Q. You knew he had personal bodyguards to protect him, right?
A. Yeah.
Q. You knew they traveled with him when he went on tours around the world, right?

A. Yeah.
Q. You knew they were often armed, right?
A. Yes.
Q. And you knew that he was always concerned about threats to his personal welfare, right?
A. I don't know about that. But, I mean, I don't want to answer that, because I don't know.
Q. Did it ever occur to you that he might be concerned about his personal welfare?
A. I -- I don't know. I --
Q. Okay. You testified under oath that twice you saw June Chandler bring her son Jordie's clothes in a suitcase into Mr. Jackson's room?

A. I don’t know if it was twice. I know at least once. I don’t remember what I said on that.
Q. Would it refresh your recollection if I just show you that page?
A. Sure.
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
THE WITNESS: Okay.
Q. BY MR. MESEREAU: Have you had a chance to look at that page of your sworn deposition?
A. Yes.
Q. Does it refresh your recollection about what you said on that subject?
A. Yes.
Q. What did you say?

A. Twice.
Q. Okay. You testified that you saw Mrs. Chandler open the suitcase and take clothes out, right?
A. I -- you know what, I don’t recall.
Q. Do you remember saying that she would sit down on the floor, take clothes out of the suitcase, fold them? Do you remember that?
A. Honestly, no, I don’t remember.
Q. Would it refresh your recollection if I show you that page?
A. Yeah. Sorry.
MR. MESEREAU: May I approach, Your Honor?
THE WITNESS: Okay.
Q. BY MR. MESEREAU: Have you had a chance to look at that page of your sworn deposition?
A. Yeah.
Q. Does it refresh your recollection about what you said on that subject?
A. Yes.
Q. What did you say?
A. That she would fold the clothes.
Q. That she would bring the suitcase and get on the floor and --
A. And fold the clothes, yes.
Q. Remember testifying under oath that you were never there at night when Jordie Chandler was in the room?

A. You know what, I don't recall.
Q. Remember testifying you said you were never at Neverland at night when Jordie was there?
A. I don't recall that either.
Q. Would it refresh your recollection if I show you that page?
A. Sure. Probably, yes.
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
THE WITNESS: Okay.
Q. BY MR. MESEREAU: Have you had a chance to look at that page of your sworn deposition?
A. Yes.
Q. Does it refresh your recollection about what you said about that subject?
A. Yes.
Q. What did you say?
A. That I wasn't there at night with Jordie.
Q. Now, there were many occasions where Jordie Chandler, his mother and sister would come to the ranch and stay, right?
A. I believe so.
Q. Do you remember what his sister's name was?
A. Lily.
Q. Did you ever talk to Lily?
A. I don't believe so.
Q. Do you know what his mother's name was?
A. June Chandler.

Q. Did you ever talk to June Chandler?
A. Yes.
Q. What were your typical hours working at Neverland?
A. They varied, actually.
Q. Was there a particular time you normally punched in?
A. Sometimes 8:30, sometimes 9:00 in the morning.
Q. Do you remember testifying that you have never seen Mr. Jackson in bed?
A. I don't recall.
Q. Might it refresh your recollection if I show you your deposition?

A. Sure.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: Okay.

Q. BY MR. MESEREAU: Have you had a chance to look at that page?

A. Yes.

Q. Does it refresh your recollection about what you said --

A. Yes.

Q. -- on that occasion?

A. Yes.

Q. What did you say?

A. That I didn't see him in his bed.

Q. You'd never seen Mr. Jackson in bed, right?

A. Right.

Q. What was your understanding about when you were supposed to be at Neverland to do your work?

A. Well, there was a schedule, and we kind of just followed the schedule. But then there were times that you didn't know when you were going to go home because of the guests being there late. So you come in at a certain time, but that didn't mean that you were going to leave at the time that you were scheduled.

Q. So how would you learn what time you had to be there?

A. I believe there was a schedule that was made. You know, like supervisor would make it. And you'd be on the schedule at maybe 8:30 or 9:00, sometimes maybe till 5:30 or 6:00. But then, like I said, if there were guests, you didn't know what time you were going to go home.

Q. Do you remember testifying you couldn't tell if Mr. Jordie Chandler ever took a shower with Mr. Jackson, right?

A. A shower with Jackson?

Q. Yes.

A. Perhaps.

Q. Would it refresh your recollection if I show you that page?

A. Yeah.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: Yes.

Q. BY MR. MESEREAU: Have you taken a look at that page?

A. Yes.

Q. Does it refresh your recollection about what you said?

A. Yes.

Q. And what did you say?

A. I said I didn’t -- I said I didn’t -- I don’t know, I just forgot. Sorry.

Q. You said you couldn’t tell if Mr. Jackson ever took a shower with Mr. Jackson, right?

A. I couldn’t tell. Right. Right.

Q. You said you’d never seen Mr. Jackson in a Jacuzzi, right?

A. In a Jacuzzi, like taking a bath in a Jacuzzi, is that what you’re talking about?

Q. You said you had never seen Mr. Jackson in his Jacuzzi?

MR. ZONEN: I’ll object as hearsay if it’s not inconsistent with current testimony, also vague.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You testified under oath that you’d never seen Jordie Chandler get ready to go to bed, right?

A. Perhaps. Like I said, I haven’t gone over

that, and I’m sorry.

Q. Would it refresh your recollection if I show you that page?

A. Yeah.

MR. MESEREAU: May I approach?

THE COURT: Yes.

Q. BY MR. MESEREAU: Have you had a chance to look at that page?

A. Yes.

Q. Does it refresh your recollection about what you said?

A. Yes.

Q. And what did you say about Mr. Chandler on that issue?

A. That I didn’t see him ready to go to bed.

Q. And you also said you'd never seen him get up in the morning, right?

A. Correct.

Q. The prosecutor asked you a couple of questions about whether Mr. Jackson ever played with a pet monkey in his bedroom, right?

A. Yes.

Q. And I believe you said he had; is that right?

A. Yes.

Q. Okay. Was that chimpanzee's name Max?

A. I believe so.

Q. When you had your deposition taken in the Chandler case, you said you'd never seen a chimpanzee in his bedroom, right?

A. Perhaps.

Q. Would it refresh your recollection if I show you the deposition?

A. Yes.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: Okay.

Q. BY MR. MESEREAU: Have you had a chance to look at that page?

A. Yes.

Q. Does it refresh your recollection about what you said under oath at that deposition?

A. Yes.

Q. And what did you say?

A. I said, "No."

Q. You said everybody plays with the chimpanzee but you've never seen it in Mr. Jackson's room, right?

A. I believe so.

Q. Okay. Did you work at Neverland when Blanca Francia was working there?

A. Yes, I did.

Q. And how long did you work at Neverland when Blanca Francia was also working there?

A. I would think maybe nine months.

Q. Did you share similar responsibilities with Blanca Francia?

A. Are you talking about Mr. Jackson's room, or just as a maid, as an aide?

Q. Let me rephrase it.

When you worked at Neverland, what did you understand Blanca Francia's responsibilities to be?

A. Blanca had Mr. Jackson's room. She was his personal maid. Although Blanca did help out with the other things in the house or the guest units.

She kind of did a lot of everything.

Q. And when you worked at Neverland, what did you understand your responsibilities to be?

A. Are you talking about the beginning or --

Q. Let's start at the beginning, sure.

A. Okay. When I started, I was just a regular maid, like everybody else. I was in the kitchen helping wash dishes. Set tables. I mean, actually a lot of different stuff. You know, cleaning the guest quarters, the theater, everything, except Mr. Jackson's room.

Q. When did you begin to clean Mr. Jackson's room?

A. Actually, about nine months after my employment, which was when Blanca quit.

Q. During the first nine months of your employment when Blanca was working there, did you ever go into Mr. Jackson's room?

A. I can't recall.

Q. Do you recall ever having similar responsibilities in Mr. Jackson's house to Blanca Francia?

A. At times, yeah, maybe.

Q. Were there times when she would clean Mr. Jackson's room on a given day, and on another day you would clean Mr. Jackson's room?

A. No. No.

Q. Okay. So you didn't go near his room for the first nine months you worked there, right?

A. Correct.

Q. During those nine months, did you and Blanca Francia speak to each other?

A. Yes.

Q. Did you speak to each other often during those first nine months?

A. Yes.

Q. Did you ever learn that Blanca Francia had sold a story to a television show?

A. Um, I heard she did.

Q. Did you hear she had sold a story for money to Hard Copy?

A. I heard she did.

Q. Okay. Did you and Blanca ever discuss that subject?

A. No.

Q. How many -- let me rephrase that. You sold the sketch to a tabloid, right?

A. Me personally?

Q. Yes.

A. Not me personally. Somebody else did.

Q. Well, they did it on your behalf, right?

A. Well, I would probably think so. I don't -- yeah.

Q. Well, how did that person get the sketch?

A. Gary Morgan had gone to our attorney's office, Mr. Ring, Michael Ring, and that's where he got it, from there, at the attorney's office.

Q. Did you bring the sketch to Mr. Ring's law office?

A. Yes, I did.

Q. Did you tell Mr. Ring, "I took this from Neverland Ranch"?

A. No, I -- actually, I don't even -- I don't even think Michael Ring -- I don't even think he saw it. I don't know if he saw it.

I told Gary Morgan that I got it out of the trash. And I told him he could have it. So that's kind of where that went. And I don't know what Gary --

Q. Well, you didn't really say he could have it, you sold it?

A. Actually, I told him he could have it. And he went and, I guess, sold it. And then I think he said something in the tabloid, I don't even know which one it was, something that I had told him that I got it out of Mr. Jackson's bedroom in the trash or something to that -- which was not correct.

Q. You’re telling the jury that Michael Jackson did a sketch of Elvis Presley and you picked it out of the trash?

A. I found it outside by the rec room in the trash, in the trash. And when I found it there, I thought, well, it was neat, so I took it. It was in the trash.

Q. Is that one of the items the Santa Maria jury found you had stolen?

A. Well, that’s what they --

MR. ZONEN: Objection; asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: When you went to Mr. Ring, did you tell this attorney where you got the sketch?

A. I don’t even recall if I -- he probably heard during the deposition that -- because I think I was questioned about that during the deposition, and I did say that I found it in the trash. But I don’t remember -- I don’t remember telling him about that myself. It must have been, you know, at the deposition where I said I found it in the trash.

Q. Did you sell that sketch before you went to trial in your lawsuit against Michael Jackson?

A. Before I went to trial?

Q. Yes.

A. You know what? I don’t even know -- I really don’t know when that -- the timing. I don’t know if it was during the trial maybe, later during the trial.

Q. Let me ask you this: You’ve told the jury the money that came -- excuse me. Let me rephrase it.

You’ve told the jury the money that was obtained in return for that sketch helped fund your lawsuit against Mr. Jackson, right?

A. Correct.

Q. Did you know when you did that that Mr. Jackson was alleging that you had stolen that sketch?

A. Not that I know of.

Q. Let me ask you if this statement is accurate: You took what you were accused of stealing and sold it for money to fund your lawsuit

against Mr. Jackson, right?
A. I took what I found in the trash and gave it to Gary Morgan and he sold it.
Q. And at some point you knew you were accused of stealing that sketch of Elvis Presley, right?
A. I got accused of that, yes.
THE COURT: All right. Let’s end for today.
(The proceedings adjourned at 2:30 p.m.)
--o0o--

REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 5216 through 5393 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 7, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
April 7, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

FRIDAY, APRIL 8, 2005

8:30 A.M.

(PAGES 5395 THROUGH 5446)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Nicola is listed as “N” on index. Mr. Mesereau is listed as “M” on index.
Ms. Yu is listed as “Y” on index. Mr. Sanger is listed as “SA” on index.
Mr. Oxman is listed as “O” on index.

PLAINTIFF’S
WITNESSES DIRECT CROSS REDIRECT RECROSS
McMANUS, 5398-M 5434-Z 5441-M
Adrian Marie (Cont’d)
5447-Z (Further)
LeMARQUE, Phillip 5443-A

Santa Maria, California
Friday, April 8, 2005
8:30 a.m.

THE COURT: Good morning.

THE JURY: (In unison) Good morning.

THE COURT: You may proceed, Counsel.

MR. MESEREAU: Thank you, Your Honor.

ADRIAN MARIE McMANUS
Having been previously sworn, resumed the stand and testified further as follows:

CROSS-EXAMINATION (Continued)
BY MR. MESEREAU:

Q. Ms. McManus, your -- excuse me.

Ms. McManus, your deposition in the Chandler lawsuit was on December 7th, 1993, right?

A. Correct.

Q. And the Complaint you filed against Michael Jackson, along with Ralph Chacon, was December 2nd, 1994, a year later, approximately a year later, right?

A. I believe so.

Q. Okay. Would it refresh your recollection just to take a look at the Complaint?

A. Sure.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: Okay. Yeah.

MR. MESEREAU: Thank you.

Q. Now, in that lawsuit, you were suing Mr. Jackson for a number of different claims, and one of the claims talked about you having appeared at a deposition taken by Larry Feldman, and the claim said that you were a potential material witness against Jackson in both the civil suit and a criminal investigation, right?

A. I believe so.

Q. And what that really meant was, by filing that Complaint with that language, you were essentially threatening Mr. Jackson that you would change your testimony unless you were paid, right?

A. I'm not familiar with a lot of attorney language, so I really don't know how to answer that.

Q. How much money do you recall you were seeking from Mr. Jackson in that lawsuit?

A. That's another question I cannot answer. That was dealing with my attorney.

Q. Well, you were in court when he argued to the Santa Maria jury for millions of dollars, right?

A. I don't even know if I was there at that time. I could have been. I don't remember.

Q. You certainly must have discussed with your attorney during that six-month trial how much money you were trying to get for yourself from Mr. Jackson, right?

A. Honestly, I don't believe anybody knew how much money anybody would be getting out of a trial.

Q. But how much did you want?

A. I really didn't want anything. I just wanted justice for what I had gone through.

Q. You didn't want millions of dollars in that lawsuit?

A. I wanted justice. I didn't -- whatever -- I wanted justice.

Q. But your idea of justice was millions of bucks, right?

A. Well, that's not what I call justice.

Q. You file a lawsuit, you go through approximately eight days of depositions, all sorts of paperwork, and you're in trial for six months. You wanted millions, right?

A. Honestly, a simple "Sorry for what we did to you" would have been great for me.

Q. Did you ever write a letter to Mr. Jackson saying, "Mr. Jackson, I don't want to sue you. Just tell me you're sorry"?

A. No, I did not.

Q. Ever call Mr. Jackson and say, "Mr. Jackson,

I don’t really want to sue you. Just say you’re sorry”?
A. I didn’t have a number to contact Mr. Jackson.

Q. Okay. When did you first go to the police to tell them you had seen anything improper about Mr. Jackson?
A. I can’t recall the date. I don’t remember.
Q. It was after your deposition in the Chandler case, correct?
A. It might have been.
Q. Do you know approximately when you first talked to anyone from the Santa Barbara Sheriff’s Department about your claim that you’d seen Mr. Jackson do anything improper?
A. You know, it might have been when I talked to my attorney, Mr. Ring. It might have been sometime then, that I can recall.
Q. And when you did that, you thought going to the sheriffs would put pressure on Mr. Jackson to pay money in your civil case, right?
A. No, I did not.
Q. Did you go to the sheriffs with your attorney?
A. I don’t believe so.
Q. But certainly you went to an attorney before anyone from law enforcement, right?
A. Actually, I recall going to law enforcement to com -- to complain about the death threat that I got from James Van Norman and strange circumstances that were going on at Neverland Valley Ranch.
Q. But that was also to bolster your claim for

millions of dollars, right?
A. That was before I even contacted an attorney.
Q. But by doing that, you were setting the stage for a lawsuit for millions of dollars against Mr. Jackson, correct?
A. No, I was not.
Q. You went to tabloids, a lawyer, and the

sheriffs, all to get millions of bucks, right?

A. You’re wrong.

MR. ZONEN: Objection; compound.

THE COURT: The answer was, “You’re wrong.” Overruled. Next question.

Q. BY MR. MESEREAU: Do you know Leslie Gomez?

A. No, I don’t.

Q. Do you know she was the manager of McFrugal’s?

A. I think I know her as Beaver. That’s the name I think I’m thinking of.

Q. You told her you had never seen Michael Jackson act inappropriately with children, right?

A. I’ve never talked to her about Michael Jackson.

Q. You told Leslie Gomez that, “The suit by that kid,” meaning Mr. Chandler, “was a bunch of bull,” right?

A. I’ve never told -- I’ve never talked to her about anything to do with lawsuits or anything with Mr. Jackson.

Q. And do you know someone named Ludi Trujillo?

A. Yes, I do.

Q. Ludi Trujillo is your former boss at Gottschalk’s, right?

A. No, she was not.

Q. Who is she?

A. She’s a girl that worked at Gottschalk’s. Just a lady.

Q. She didn’t have any position above you?

A. No, she did not.

Q. Okay. You talked to her about the Chandler lawsuit, didn’t you?

A. No, I did not.

Q. She asked you specifically if Mr. Jackson ever molested children, and you told her, “Of course Michael did not,” right?

A. No, I did not.

Q. You told her Michael Jackson was a great boss, didn’t you?

A. No, I did not.

Q. Do you know someone named Jamie Vail?

A. No, I don’t.
Q. Didn’t Jamie Vail live across the street from you?
A. Where was this? I don’t know the name.
Q. Okay. Do you remember telling someone named Jamie Vail that you loved Michael Jackson, you love working at the ranch, and you never believed any of the charges against him?

A. I don’t even know that person.
Q. Okay. Do you know who Gayle Goforth is?
A. Yes, I do.
Q. And who is Gayle Goforth?
A. She was a supervisor that worked at Neverland Valley Ranch.
Q. Do you remember Gayle asked you if there was anything to rumors about inappropriate conduct by Mr. Jackson?
A. She never -- we never talked about that, no.
Q. In the autumn of 1993, you told her there was no truth to those rumors about Mr. Jackson acting inappropriately, right?
A. No, I did not.
Q. Now, you and Ralph Chacon and Kassim Abdool started meeting secretly at Neverland to talk about your lawsuit, didn’t you?
A. No, we did not.
Q. You and Ralph Chacon and Kassim Abdool began to meet at Neverland to discuss the possibility of selling stories to the media, right?
A. No, we did not.
Q. Did you ever discuss selling a story to the media with Ralph Chacon?
A. No, I did not.
Q. When you were working at Neverland, did you ever learn that Ralph Chacon was thinking of selling any story about Michael Jackson to the media?

A. No.
Q. When did you first hear anything about Ralph Chacon’s willingness to go to the media with information about Michael Jackson?

A. The only time that we all sold a story was when we were already in our lawsuit with Mr. Jackson, which was with Mr. Ring, our attorney.

Q. Now, at some point, you learned that Blanca Francia had sold a story to Hard Copy, correct?

A. Yes.

Q. She sold her information before you sold yours, right?

A. I don’t recall when Bianca -- Blanca sold the story.

Q. Do you know someone named Charli Michaels?

A. Yes, I do.

Q. Who is Charli Michaels?

A. She was a security guard for Neverland Valley Ranch.

Q. Did you ever hear information that Charli Michaels was trying to sell a story about Michael Jackson to the media?

A. No, I did not.

Q. To date, have you ever heard anything about that?

A. No.

Q. Ever have a discussion with Charli Michaels about the possibility of making money from information you’d learned at Neverland?

A. No. I only recall talking to Charli about her having sexual harassment with people at the ranch.

Q. Okay. So you and she never said anything about the possibility of making a buck from the media, correct?

A. No. No.

Q. Okay. Now, when you were at Neverland, you learned that security guards at the Encino home of the Jacksons on Havenhurst had sold stories for approximately $100,000, right?

A. No, I never heard that.

Q. You knew they had sold stories about Michael Jackson, didn’t you?

A. No.

MR. ZONEN: I’m going to object as asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you know someone named Francine Orosco?

A. Yes, I do.

Q. And who is Francine Orosco?

A. She was a maid for Neverland Valley Ranch.

Q. And at some point, she was a personal friend of yours, was she not?

A. We became friends, yes.

Q. Now, you knew that she became a witness against your claims in the lawsuit, right?

A. Yes, I believe so.

Q. She said you were never sexually harassed by anybody, right?

MR. ZONEN: I’ll object as hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Didn’t you repeatedly tell Francine Orosco that Michael Jackson was innocent of any charge of molestation?

A. No, I did not.

Q. Do you remember telling Francine Orosco that you were going to get big-time money in your lawsuit against Michael Jackson?

A. No, I did not.

Q. And you tried to convince her to say that she had seen acts of sexual harassment involving you, right?

A. No, I did not.

Q. While you worked at Neverland, Francine Orosco visited you at home, did she not?

A. Maybe one time.

Q. And you showed her a room in your house filled with watches, posters, clocks, sunglasses, T-shirts and other items you had taken from Neverland, correct?

A. No.

Q. You showed her laundry baskets filled with Michael Jackson’s clothes that you had taken from Neverland, right?

A. No, I did not.

Q. Do you remember one time at Neverland when a box of black felt hats came for Mr. Jackson?

A. I can’t recall that.

Q. Do you remember that box of hats had Michael Jackson’s name printed on the inside of the rim of the hats?

A. I know he had hats, but I don’t recall the hats being sent there.

Q. Do you remember taking a hat and saying you were going to bring it home?

A. No.

Q. Now, you used to take food home from the theater, did you not?

A. Food, like what are you talking about? Dinners?

Q. Candy?

A. No.

Q. Never took bags of candy home?

A. There was a time when -- you say “take,” you’re saying like -- you’re saying I’m just going to take it, that is not correct.

There was a time when Gayle Goforth, a supervisor, went down to the theater and took a lot of the candy from there, because it was expired. She brought it back to the maids, the maids’ room, and she let all the maids take candy that was expired. She also gave it to security. That was the only time.

Q. So you never stole any candy from Michael Jackson?

A. No, I did not.

Q. Do you remember around Christmastime when you worked at Neverland, Mr. Jackson used to purchase toys for needy children?

A. I believe he did.

Q. And they tended to be fairly expensive toys, did they not?

A. I really don’t know.

Q. You took some of those toys home, did you not?

A. No, I did not. That was Janelle Wahl.

Q. Pardon me?

A. That was Janelle Wahl that would take that.
Q. You never took any Super Soaker guns home?
A. No, sir.
Q. Now, these are the kinds of things the jury found that you had actually done, correct?
A. I don't believe so.
Q. Well, they found that you had stolen from Mr. Jackson, correct?
A. I believe it was what they thought I had stolen was that sketch that I found in the trash.

Q. And you're saying you didn't steal that either, right?
A. I didn't. I found it in the trash.
Q. That's the sketch of Elvis?
A. Yes.
Q. You complained at Neverland that you should be paid more, right?
A. I don't believe I did.
Q. Never said that to anybody?
A. I don't recall saying that.
Q. Okay. And you say you left voluntarily, correct?
A. I left after the harassment and the death threats, yes.
Q. And then you filed a claim for disability with EDD, right?
A. No.
MR. ZONEN: Objection; asked and answered.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Ralph Chacon stopped working at Neverland the same day you stopped, right?
A. I don't believe so.
Q. Kassim Abdool stopped working there the same day you stopped, didn't he?
A. I don't believe so.
Q. All -- excuse me.
Now, you sued someone named Bill Bray, correct?

A. Yes.

Q. And who is Bill Bray?

A. He was the -- how would you say it? Maybe the top man for the Office of Special Services.

Q. You sued Betty Bailey, right?

A. Yes.

Q. And who was Betty Bailey?

A. She was maybe like his right hand.

Q. And you sued Mr. Jackson’s personal security people, right?

A. Yes, I did.

Q. You sued Jimmy Van Norman, right?

A. Yes, I did.

Q. Marcus Johnson, right?

A. Yes. Yes.

Q. Tony Coleman?

A. Yes.

Q. And Jerome J.J. Johnson, right?

A. Yes.

Q. And at some point you approached Mr. Johnson about testifying for you, right?

A. No, I did not.

Q. Someone on your behalf did, right?

A. All I know is that I believe that, from what I understand, he jumped onto our side and decided to tell the truth about what was going on.

Q. And when you say he “decided to tell the truth,” you dropped your suit against him, right?

A. I believe we did.

Q. And the jury didn’t believe him either, right?

MR. ZONEN: Objection.

THE COURT: Sustained.

MR. ZONEN: He never testified. Assumes facts not in evidence that he testified.

THE COURT: I sustained your objection.

Q. BY MR. MESEREAU: Do you remember when Mr. Johnson got in trouble for sending an extortion letter to Mr. Jackson asking for three million dollars?

A. I did learn of that through the later part of my deposition, which I knew nothing about.

Q. At the point where you learned about Mr.

Johnson’s $3 million extortion letter to Mr. Jackson, were you working with him on your lawsuit?
A. No.
Q. You stole commemorative Pepsi cans from Neverland, did you not?
A. No, I did not.
Q. You were accused of that, right?
A. No, I was not.
Q. Do you know someone name Peter Burt?
A. No, I do not.
Q. Never heard the name?
A. I’ve heard of the name, but I do not know

him.
Q. Okay. You do know Sandie Domz, do you not?
A. Yes, I do.
Q. Who is Sandie Domz?
A. She was an office administrator, a secretary for Neverland Valley Ranch.
Q. You and the other plaintiffs in that lawsuit decided that she would go to the show Hard Copy to try and sell a story, correct?
A. Not that I ever recall.
Q. Are you saying that didn’t happen, or you just don’t remember?
A. That did not happen.
Q. So you never got together and said, “We’ll split money that we could get from Hard Copy”?
A. No, I did not.
MR. SANGER: Inside Edition.
(Off-the-record discussion held at counsel table.)
Q. BY MR. MESEREAU: How much in total did Mr. Ring collect on your behalf from tabloids or media?
A. From what I recall from my deposition, which there were stubs in my deposition, that showed, I’m thinking, maybe 32,000.
Q. Okay. Did any of that go to you?
A. 1,000.
Q. Now, you spent days being interviewed by a book author named Mr. Gutierrez, right?

A. Days being interviewed?

Q. Yes.

A. No.

Q. Were you interviewed by a book author named Mr. Gutierrez?

A. I never was interviewed, but I did meet with him.

Q. And approximately when did you meet with him?

A. You know, I cannot recall the date.

Q. Well, you certainly had a discussion with him about the fact that he was writing a book, didn’t you?

A. No, I did not.

Q. So when you met with him, you didn’t know he was writing a book?

A. No, when I met with him, he was going to try to help us in our lawsuit.

Q. Did you ever learn he was writing a book about Mr. Jackson?

A. I never -- I don’t recall him saying that he was writing a book. I don’t remember that.

Q. Did you give him information about Mr. Jackson?

A. Um, later I did.

Q. When you first talked to the Santa Barbara Sheriffs, you didn’t tell them about inappropriate behavior you’d seen by Mr. Jackson, correct?

A. Probably not.

Q. You waited to say that in your lawsuit, correct?

A. I don’t recall.

Q. Going back to your deposition in the Chandler suit - okay? --

A. Uh-huh.

Q. -- you were asked if you’d ever seen Wade Robeson at the ranch without one of his parents, and you said, “No,” right?

A. I don’t -- I have not gone over that, so I do not recall what I’ve said or --

Q. Would it refresh your recollection to just take a look at the page?

A. Yeah.
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
THE WITNESS: Okay.
Q. BY MR. MESEREAU: Have you had a chance to look at that page?
A. Yes.
Q. Does it refresh your recollection about what you said under oath in that deposition?
A. Yes.
Q. And on that issue, what did you say?
A. “No.”
Q. You said you had never seen Wade Robeson at the ranch without one of his parents, right?

A. Correct.
Q. You were asked if you had ever seen Brett Barnes’ clothes in Mr. Jackson’s bedroom, right?
A. If it’s there. Like I said, I have not gone over that.
Q. And your response was sometimes his mother would give you his clothes to wash, right?
A. Yeah, probably.
Q. Is that what you remember saying?
A. Like I said, I have not gone over that in probably ten years.
Q. Would it refresh your recollection to just take a look at that page?
A. Sure.
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
Q. BY MR. MESEREAU: Have you had a chance to look at that page?
A. Yes, I did.
Q. Does it refresh your recollection about what you said?
A. Yes.
Q. And you said that his mother would give you his clothes, correct?
A. Correct.
Q. You didn’t see his clothes in Mr. Jackson’s bedroom, right?
A. Um --

Q. Excuse me, at that point in time, you said you didn’t see his clothes in Mr. Jackson’s bedroom, his mother would give you his clothes, correct?

A. Correct.

Q. You also said you’d never seen any of the Culkin boys’ clothes in Mr. Jackson’s bedroom, right?

A. If it’s there, that’s probably what I said at that time.

Q. Let me just go back a little bit. You said that you saw Macaulay Culkin and his brother at Neverland, right?

A. I probably did.

Q. Would it refresh your recollection to look at that page?

A. Sure.

MR. MESEREAU: Okay. May I approach?

THE COURT: Yes.

THE WITNESS: Okay. Okay.

Q. BY MR. MESEREAU: Have you had a chance to look at that page?

A. Yes, I did.

Q. Does it refresh your recollection about what you said on that topic?

A. Yes.

Q. You said that you had never seen the Culkin boys’ clothes in Mr. Jackson’s bedroom, right?

A. Yes.

Q. You also told Mr. Feldman that you had never come to Mr. Jackson’s room in the morning and seen anything that indicated somebody may have slept on his floor, right?

A. I don’t recall. Sorry.

Q. Would it refresh your recollection to look at that page?

A. Sure.

MR. MESEREAU: May I, Your Honor?

THE COURT: Yes.

THE WITNESS: Okay.

MR. MESEREAU: Thank you.

THE WITNESS: Uh-huh.

MR. MESEREAU: Have you had a chance to look at that?

A. Yes.

Q. Does that refresh your recollection about what you said?

A. Yes.

Q. And what did you say?

A. "No."

Q. Do you remember testifying that Mr. Jackson had never given you money?

A. I don't recall that. I don't --

Q. Did Mr. Jackson give you money from time to time?

A. No. There was just one time.

Q. Okay. And that was when you told the jury that you got 300 bucks to lie in a deposition?

A. That --

MR. ZONEN: Objection; misstates the testimony of the witness.

MR. MESEREAU: Let me rephrase that.

Q. Did you tell the jury that Mr. Jackson gave you $300 to lie in a deposition?

MR. ZONEN: Objection; misstatement of evidence.

THE COURT: Overruled.

You may answer.

THE WITNESS: What I said was the $300 was given to me after Mr. Jackson had read the transcripts of Jordie Chandler.

Q. BY MR. MESEREAU: Okay. And you interpreted that as a token of his appreciation?

A. Yes, for covering up for him.

Q. Okay. 300 bucks?

A. Yes.

Q. Okay. Do you remember being asked if you'd ever seen a woman in Mr. Jackson's bedroom?

A. I can't recall that.

Q. You said you had seen June Chandler in his bedroom, right?

A. I believe to bring in Jordie's clothes.

Q. Well, let me just go step by step. You testified under oath in the deposition that you had seen June Chandler in Mr. Jackson's bedroom, right?

A. To bring in his clothes, yes.

Q. You said you had never seen Mr. Jackson and June Chandler in any romantic relationship, right?

A. Correct.

Q. You weren't aware of her sleeping with Mr. Jackson, right?

A. No.

Q. But you saw her in his room?

A. To bring in the clothes, yes.

Q. Well, you didn't say "to bring in the clothes" in the deposition, right?

A. I don't know what's in the deposition.

Q. Would it refresh your recollection to look at that page?

A. Sure.

MR. ZONEN: I'll object as irrelevant and hearsay.

MR. MESEREAU: I think the prosecution raised the issue of what was happening in that bedroom.

THE COURT: I'll allow you to refresh her recollection.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: Okay.

Q. BY MR. MESEREAU: Have you had a chance to look at that page of your deposition?

A. Yes, I did.

Q. Does it refresh your recollection about what you said about June Chandler being in Mr. Jackson's room?

A. Yes.

Q. You said you had seen June Chandler in his room, right?

A. Yes.

Q. You didn't explain it in terms of her coming there for clothes, or with clothes, right?

A. I guess not, no.

Q. You testified that you had seen Jordie Chandler and Michael Jackson together outside on a Jet Ski in the water, right?

A. I probably did.

Q. Do you remember that?

A. Slightly.

Q. You indicated you had seen Mr. Jackson in water balloon fights and squirt gun fights, right?

A. I believe so.

Q. And you saw that once in a while, didn't you, while you worked there?

A. Yes.

Q. He would do that with kids all the time, wouldn't he?

A. Yeah, sometimes.

Q. Was it your impression that Mr. Jackson liked water balloon fights?

MR. ZONEN: I'll object as speculative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You said you had never seen Mr. Jackson hold hands with anyone at the ranch, right?

A. I don't recall that.

Q. Could I refresh your recollection --

A. Sure.

Q. -- by showing you the page?

A. Sure.

MR. MESEREAU: May I, Your Honor?

THE COURT: Yes.

THE WITNESS: Okay.

Q. BY MR. MESEREAU: Have you had a chance to look at that page?

A. Yes, I did.

Q. Does it refresh your recollection about what you said?

A. Yes.

Q. You said you'd never seen Michael Jackson hold hands with anybody at the ranch, right?

A. Correct.

Q. Okay. Now, there was approximately a one-year period between this deposition and the actual filing of your lawsuit against Mr. Jackson,

right?

A. Are you talking about Jordie Chandler?

Q. Well, approximately a one-year period between your deposition in the Chandler case and the filing of your lawsuit, correct?

A. I believe so.

Q. Now, the Chandler deposition was in December, and the next December you filed your lawsuit, right?

A. I know the Chandler one was probably December 7th of -- oh, gosh, I don’t know if it was ‘93 or ‘94. I don’t -- I’m not -- I don’t know the dates.

Q. Okay. We talked about a little earlier that December 7th, 1993, is the deposition in the Chandler case.

A. Okay.

Q. And your lawsuit is December 2nd, 1994?

A. Okay.

Q. Okay?

A. Yes.

Q. Now, how long after the Feldman deposition in the Chandler case did you to go a lawyer to talk about suing?

A. I don’t know how long after it was. I just -- I know I left Neverland in the end of July of ‘94. It might have been -- I don’t even want to guess because I’m not real -- I’m not sure.

Q. You must have had a lot of meetings with Mr. Ring before you actually finalized the lawsuit, right?

A. I believe so.

Q. And do you know roughly when that started?

A. You know, in my head, I don’t know why I keep thinking 1995, but I don’t know.

Q. For how many months do you think you and Ralph Chacon and Kassim Abdool met with Mr. Ring before the action was filed?

A. I really can’t answer that, because I really don’t know.

Q. Approximately when did you stop working at Neverland?

A. The exact date -- my last day, I believe, was July the 31st of ‘94.

Q. Do you recall participating in an Inside Edition show?

A. I believe so.

Q. And when did you participate in a show about Mr. Jackson for Inside Edition?

A. I believe that had to do when we contacted Gary Morgan. That was all around the same time, so our lawsuit had already been going on.

Q. Do you remember meeting with representatives of Inside Edition?

A. I remember -- I remember those -- the people from Inside Edition showing up at our attorney’s office, so I guess, yeah.

Q. Did you meet with them with your lawyer?

A. Yes.

Q. And was Ralph Chacon in that meeting?

A. You know what, I really can’t recall.

Q. Was Kassim Abdool in that meeting?

A. I don’t want to say yes, because I can’t recall.

Q. But the subject was Mr. Jackson, right?

A. Yes, it was.

Q. Do you remember trying to sell information about Mr. Jackson’s relationship with Ms. Presley?

A. There could have been something of that. Possibly, yes.

Q. You say, “Possibly, yes”?

A. Yeah.

Q. Well, I mean, you were actually trying to get money from tabloids in return for your giving them personal information about Mr. Jackson’s relationship with Miss Presley, right?

A. We were trying to get money to help with our lawsuit to fight Mr. Jackson.

Q. Do you recall ever going to anyone in the media and telling them you had inside information on Mr. Jackson’s relationship with Miss Presley?

A. I don’t recall that.

Q. Okay. Do you recall ever giving information to anyone in the media involving Miss Presley and Mr. Jackson?
A. I believe we probably did with Gary Morgan.
Q. And he was your media broker, wasn’t he?
A. I believe so.

Q. He was the one that you were using and Ralph Chacon was using to find media outlets to sell information to, right?
A. I believe so.
Q. Okay. And you met him through Attorney Ring; is that correct?
A. Yes.
Q. Okay. Did you ever see any tabloids that quoted you about Mr. Jackson?
A. I -- I could have.
Q. You’re not sure?
A. I’m not real, real sure.
Q. Did you ever see any tabloids that quoted you about Mr. Jackson’s relationship with Miss Presley?
A. I could have. It’s been a long time. I kind of can’t remember.
Q. Do you remember Star magazine asking you to sign a contract whereby you would give them information about Mr. Jackson and his relationship with his wife, Lisa Marie Presley?
A. I remember something to do with Gary Morgan and something with Star, but I don’t remember everything that was discussed with that.
Q. Might it refresh your recollection if I just show you that document?
A. Sure.
MR. MESEREAU: May I, Your Honor?

THE COURT: Yes.
THE WITNESS: Okay.
Q. BY MR. MESEREAU: Have you had a chance to look at that document?
A. Yes.
Q. Does it appear to be a contract with Star

magazine?

A. Yes.

Q. And you signed that, correct?

A. Yes.

Q. Okay. And among other things, you agreed to provide information about Mr. Jackson’s relationship with Lisa Marie Presley, right?

A. I believe so.

Q. And Ralph Chacon signed that, did he not?

A. I believe so.

Q. Now, you’ve heard the name Splash, correct?

A. Correct.

Q. And who was Splash?

A. I really -- all I know about Splash is that it was linked up with Gary Morgan, so I don’t know a lot of this tabloid stuff. I don’t know.

Q. Well, Splash was an agency, was it not, that was retained by you to find media sources, right?

A. If it was retained, it would have been with Michael Ring, my attorney.

Q. Okay. You signed an agreement with Splash News and Picture Agency, right?

A. I believe so.

Q. And was your involvement with Splash always through Mr. Ring?

A. Yes.

Q. Did you ever deal with Splash directly?

A. No, I did not.

Q. How long were you working with Splash?

A. I have no idea. I don’t know the dates.

Q. At some point -- at some point did your relationship with Splash end?

A. I’m sure it did.

Q. Okay. Do you know approximately when?

A. No, I do not.

Q. Were you giving information to any tabloids or media sources during your trial?

A. Only through Splash.

Q. And that went on during the trial, right?

A. Probably sometime during the trial, yes.

Q. Do you recall trying to sell what you called “Mr. Jackson’s sex secrets”? Do you remember that?

A. I know something was written about that, but I know sometimes tabloids write other stuff that they like to put in, so I don't know.

Q. You were quoted in an issue of Star magazine titled "Five of His Closest Servants Tell All. Kinky Sex Secrets of Michael and Lisa Marie's Bedroom," right?

A. I don't believe I said that.

Q. Have you seen that article before?

A. I did during my deposition.

Q. Was that the first time you'd ever seen this article?

A. Yes.

Q. You are quoted in the article, correct?

A. I don't know. I could be. I don't know.

Q. Would it refresh your recollection if I just show you --

A. Sure, you can.

MR. MESEREAU: May I, Your Honor?

THE COURT: Yes.

THE WITNESS: Kind of hard to see that.

Okay.

Q. BY MR. MESEREAU: Have you had a chance to look at that article?

A. Yes.

Q. Does it refresh your recollection about you being quoted in that article?

A. Yes.

Q. You were going to tabloids and saying that you were the only person with a key to Mr. Jackson's bedroom and you had information to sell, right?

A. Um, as I've said, I know we did interview -- the interview with Gary Morgan. But a lot of the times with those tabloids, those tabloids write other stuff and put it in there, and it makes it look like I said it, when I didn't say it. So I don't know how to answer that.

Q. Well, did he have authorization from you to quote you with various tabloids?

A. You know what, that's where I don't know.

He was dealing with Michael Ring, so I really don’t know. I kind of got stuck in the middle.

Q. Well, at some point you must have known that your quotes were appearing in tabloids regarding Mr. Jackson, true?

MR. ZONEN: Assumes facts not in evidence that there were quotes.

THE COURT: Sustained.

Q. BY MR. MESEREAU: During the time you were represented by Attorney Ring, did you learn from time to time that your name and various quotes about Mr. Jackson were appearing in the media?

A. Just through the Gary Morgan deal. That’s all I recall.

Q. What I’m trying to find out is this: Did you sort of leave it to other people to sort of quote you when they wanted in the media?

A. Actually, sometimes you have no control over what people quote you in the media.

Q. But you’re not saying you had nothing to do with these quotes, are you?

A. I can’t answer that, because I don’t know what was quoted.

Q. Okay. You never learned?

A. No. Huh-uh.

Q. During your trial with Mr. Jackson, were you speaking to various newscasters?

A. Only Gary Morgan is all that I recall, and when we met with Victor Gutierrez, and that was it.

Q. Would he arrange meetings for you?

A. Victor Gutierrez?

Q. No, Mr. Morgan.

A. I believe he might have, through Mr. Ring.

Q. Was it -- let me rephrase that.

Was it typical during your relationship with Mr. Morgan that he would fax a story to you to have you review it, and ask you to see if you wanted any changes, and then you would fax it back?

A. What I recall is viewing one -- I don’t know what you call it, I don’t know if it was a transcript, and that’s the only thing I remember seeing.

Q. Did the group used to meet with Mr. Morgan?

A. The only time we all met was with Mr. Ring at his office.

Q. And you had a number of meetings with Mr. Ring, Mr. Morgan, and the group that was suing Michael Jackson, true?

A. Maybe two meetings that I can recall.

Q. And Ralph Chacon was at those meetings, right?

A. He might have been at one. I don’t know if

he was at all of them.

Q. When did you last talk to Ralph Chacon?

A. It’s been a while. I don’t know, maybe -- I really can’t -- it’s been a while.

Q. When did you last talk to Kassim Abdool?

A. Actually, the last time I spoke with Kassim was during our verdict, when we lost, and I have not seen him since.

Q. How about Melanie Bagnall?

A. I see her off and on.

Q. Do you recall your being quoted in any Australian newspapers about Mr. Jackson’s private life?

A. No.

Q. Was it your understanding that Mr. Morgan was going to try and use your quotes in foreign newspapers about Mr. Jackson?

A. I have no idea.

Q. How many television shows do you think you appeared on where you purported to give private information about Michael Jackson?

A. The only thing that I can recall that I appeared on was maybe with Inside -- I think it was Inside Edition. There wasn’t an interview with me, but I think they captured me walking, maybe, with -- I don’t know if it was Kassim.

Q. Do you recall meeting with any representative of the media while you worked at

Neverland?

A. No.

Q. And you're telling the jury that you never had any discussion with any employee while you worked at Neverland about what you could make by selling a story?

A. The only thing I recall when I worked at Neverland was one of the maids, Francine Orosco, had contacted the media. I don't know if it was -- it was one of the tabloids and they had offered her $2,000, and she was going to come out and talk, but they wanted her picture. And she was considering doing that. That's the only thing I ever remember with that.

Q. Finally, when did you last talk to anyone representing any media outlet about Mr. Jackson?

A. I have not interviewed with anybody about Mr. Jackson.

Q. I don't mean an interview. I mean when have you last spoken with anyone who purported to represent the media?

A. I haven't really been talking to anybody about anything in the -- with the media.

Q. Has anyone called you from the media?

A. I did get a call from somebody from London at my job, and they wanted to interview, and I told them no.

Q. When was that?

A. Maybe about -- within the last week.

Q. And you didn't interview because there is a court order in this case that you're not allowed to do that if you're a witness, right?

A. That's correct.

Q. Did you agree with them that on a future date you may speak to them?

A. I told them that I was not interested in doing any interviews, that I was under a gag order.

MR. MESEREAU: No further questions at this time.

THE COURT: Redirect?

REDIRECT EXAMINATION

BY MR. ZONEN:

Q. Mr. Mesereau asked you some questions about an article that was in a tabloid that quotes you as saying that you have all kinds of information about kinky sex secrets between Michael Jackson and Lisa Marie Presley. He showed you that article and asked you if it refreshed your recollection as to whether there was, in fact, such an article, and you said yes, it refreshed your recollection as to that article.

About the quotations in the article, are they accurate?

A. No, they are not.

Q. Did you ever give information about kinky sex secrets between Michael Jackson and Lisa Marie Presley to any publication, any media, or any reporter?

A. No, never.

Q. Do you, in fact, have information of kinky sex secrets between Michael Jackson and Lisa Marie Presley?

A. No, I do not.

Q. Have you ever seen Michael Jackson with Lisa Marie Presley?

A. How do you mean, “seen”?

Q. Was she at the ranch during the period of time that you were there?

A. Yes, she was.

Q. Were they married during that time?

A. No.

Q. Were they visiting one another?

A. I believe so.

Q. Do you have any information at all that Lisa Marie Presley ever stayed with Michael Jackson in his room?

A. No.

Q. Did you ever see any woman stay with Michael Jackson in his room in the four years you worked for him?

A. No, I did not.

Q. You stated in the deposition that you had never seen Michael Jackson hold hands with anyone.

Is that a correct statement?

A. No.

Q. Have you seen him holding hands with people?

A. Yes.

Q. Who?

A. Brett Barnes. The children that were at the ranch.

Q. You told Mr. Feldman during the deposition that you had never come into Mr. Jackson’s room and seen evidence that somebody had slept on the floor. Was that, in fact, a correct statement?

A. That’s correct.

Q. In fact, during the time that you had worked there, you had never seen any evidence that someone had slept on the floor?

A. Correct.

Q. You told Mr. Mesereau about June Chandler unpacking clothing in Mr. Jackson’s bedroom. Did that, in fact, happen?

A. Yes, it did.

Q. Explain that to us, please.

A. June Chandler had gone into Mr. Jackson’s room and brought in suitcases of Jordie Chandler’s clothes, since he was staying with Mr. Jackson in his bedroom.

Q. I guess that begs the question, Miss Chandler obviously knew that her son was sleeping in that room, correct?

A. Yes.

MR. MESEREAU: Objection; calls for speculation.

THE COURT: Argumentative; sustained.

Q. BY MR. ZONEN: Did she do this on more than one occasion?

A. I believe so.

Q. Was there a dresser or a drawer set up for Jordie’s clothing?

A. No. The clothes would just get put anywhere in the room.

Q. Were there any -- was there any occasion that you saw June Chandler in Michael Jackson’s room when she was not attending to her child’s clothing?

A. Not that I can recall.

Q. You testified in the deposition that you had not seen Wade Robeson on the property without a parent. Was that a correct statement?

A. I'm sorry, you lost me.

Q. Had you ever seen Wade Robeson at Neverland without a parent?

A. No.

Q. Who was the parent that was always there?

A. His mother.

Q. And you never met the father?

A. No.

Q. Your initial conversations with the sheriff's office, were they at a time that you were

still employed at Neverland Ranch?

A. Yes.

Q. You testified in the deposition that Brett Barnes' mother would bring you his clothes to wash. Was that, in fact, true?

A. At times that was true.

Q. Was that always the manner in which you washed his clothes?

A. No.

Q. In what other ways would you be washing his clothes?

A. If they were left in Mr. Jackson's room, I would take them and wash them along with Mr. Jackson's clothes.

Q. You have testified in the Chandler deposition that you never saw Jordie and Michael Jackson in his bedroom together. Was that a correct statement?

A. No, it was not.

Q. Had you seen the two of them together in the bedroom?

A. Yes.

Q. On more than one occasion?

A. Yes.

Q. Had you ever seen them in bed together?

A. Not in bed, no.

Q. You testified that you never saw Brett Barnes sleep in the bedroom with Michael Jackson.

You testified to that in the deposition, the Chandler deposition. Was that a correct statement?
A. No, it was not.
Q. Had you, in fact, seen Brett Barnes sleep in a bedroom with Michael Jackson?
A. He was staying with Mr. Jackson.
Q. Did you ever actually see either Michael Jackson or Brett Barnes in bed in Michael Jackson’s room?
A. One morning I might have seen them in bed, yes.
Q. Do you have a recollection of that?
A. Yes.
Q. What did you see?
A. I brought breakfast and they were sitting in the bed.
Q. Both of them together?
A. Yes.
Q. Do you recall how they were dressed?
A. I don’t recall.
Q. Were they in the bed, under the covers, or --
A. Yes.
Q. They were in the bed under the covers?
A. Yes.
Q. You testified that you never saw Jordie Chandler either get ready for bed or get up in the morning. Were either of those statements true?

A. Yes.
Q. Both of them?
A. Yes.
Q. You testified that you never saw a chimp in his bedroom. Was that statement true?
A. No.
Q. In fact, you’d been bitten by a chimp in his bedroom; is that true?
A. Yes.
Q. Did you used to clean up after the monkeys?
A. Yes.
Q. Did you ever have to change their diapers?

MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes, I did.
Q. BY MR. ZONEN: Did you ever have to clean up monkey droppings on the floors?
A. Not on the floor. Just on the walls.
Q. On the walls?
A. Sometimes monkeys get wild.
Q. You actually have to clean up their --
A. Yes.
Q. -- mess on the walls?
A. Yes.
Q. You testified that you had never seen Jordie and Michael Jackson in the Jacuzzi. Is that a correct statement?

A. Yes.
Q. You had testified yesterday that you had testified in the Chandler lawsuit that you had no problems leaving your son with Michael Jackson. Was that true?
A. No.
Q. Were you, in fact, concerned about your son and Michael Jackson?
A. Yes, I was.
Q. Did you ever see Michael Jackson with your son behave in a way that concerned you?
A. Yes.
Q. What did he do?
A. Mr. Jackson would rub his fingers through my son's hair.
Q. Did that concern you at the time?
A. A little bit, yeah. I was a little upset.
MR. ZONEN: I have no further questions.
MR. MESEREAU: Very briefly.

RECROSS-EXAMINATION

BY MR. MESEREAU:
Q. You tried to sell a story to a tabloid about Mr. Jackson putting his fingers through your son's hair, didn't you?
A. No, I did not.

Q. You tried to sell stories to tabloids about your son's experiences at Neverland, correct?

A. No, I did not.

Q. Do you recall Mr. Jackson living at Lisa Marie Presley's home during the week, and Lisa Marie Presley visiting on weekends during the time that you worked at Neverland?

A. No.

Q. You saw her there?

A. Yes, I did.

Q. Okay. Did you ever see Brooke Shields there before Lisa Marie Presley?

A. Yes, I -- I saw Brooke Shields, but I don't know if it was before.

MR. MESEREAU: No further questions.

FURTHER REDIRECT EXAMINATION

BY MR. ZONEN:

Q. Where did Brooke Shields stay when she stayed at Neverland Ranch?

A. In a guest unit.

MR. ZONEN: No further questions.

MR. MESEREAU: No further questions.

THE COURT: All right. Thank you. You may step down.

THE WITNESS: Thank you.

THE COURT: Call your next witness.

MR. MESEREAU: Witness be subject to re-call, Your Honor?

THE COURT: Yes.

MR. AUCHINCLOSS: Phillip LeMarque would be our next witness, Your Honor.

THE COURT: Remain standing. Raise your right hand. Face the clerk here.

PHILLIP LeMARQUE

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and

spell your name for the record.

THE WITNESS: My name is Phillip LeMarque. P-h-i-l-l-i-p; LeMarque, L-e-M-a-r-q-u-e.

MR. MESEREAU: Excuse me, Your Honor. I think we have that issue that was raised.

THE COURT: That doesn’t come up until your exam.

MR. MESEREAU: Okay.

THE COURT: Go ahead.

MR. AUCHINCLOSS: All right.

DIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Good morning, Mr. LeMarque. Where did you work in 1991?

A. At the Neverland Valley.

Q. And who was your employer?

A. Michael Jackson.

Q. Is he the man seated to my right?

A. Yes.

Q. How long did you work at Neverland?

A. Oh, somewhere around ten months or more. Somewhere like that.

Q. And what did you do at Neverland?

A. Was in charge of the food. Majordomo of the food. And my wife was the cook.

Q. All right. What do you mean by “majordomo of the food”?

A. Well, in charge of serving the food and preparing and organizing for the guests and so forth.

Q. And you said your wife also worked there at the same time?

A. That’s correct.

Q. Where did you live while you were living -- or while you were working at Neverland?

A. We were living at the ranch.

Q. Whereabouts at the ranch?

A. It was a house which is maybe -- was by the zoo.

Q. Were you involved in serving the food as well as preparing it?

A. Yes.
Q. And you said you left your employment there after about ten months?
A. Yes, somewhere around ten months.

Q. Why did you leave Neverland? Why did you leave the employment there?
A. There was an issue happening with Norma Stakos, who was Michael's private secretary.
THE COURT: All right. We're going to take a break.
MR. AUCHINCLOSS: All right. We have a morning break.
(Recess taken.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)

Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 5398 through 5445 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 8, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
April 8, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

FRIDAY, APRIL 8, 2005

8:30 A.M.

(PAGES 5447 THROUGH 5515)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Nicola is listed as “N” on index. Mr. Mesereau is listed as “M” on index.

Ms. Yu is listed as “Y” on index. Mr. Sanger is listed as “SA” on index.
Mr. Oxman is listed as “O” on index.

PLAINTIFF’S
WITNESSES DIRECT CROSS REDIRECT RECROSS
LeMARQUE, Phillip 5470-M 5493-A 5495-M
5498-A 5499-M
(Further) (Further)

E X H I B I T S

PLAINTIFF’S NO.	DESCRIPTION	FOR I.D.	IN EVID.
800	Photograph of arcade	5459	5460
801	Photograph of arcade	5460	5460
802	Handwritten Statement by Phillip LeMarque	5495	5495

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: Counsel? Did you wish to address me?

MR. MESEREAU: Yeah, Your Honor. I believe the prosecutor filed a memorandum this morning regarding impeachment of this witness.

THE BAILIFF: No one can hear you.

MR. MESEREAU: Oh, I’m sorry.

Your Honor, the prosecutor filed a pleading this morning regarding impeachment of this particular witness.

THE COURT: Yes.

MR. MESEREAU: And he has, as I understand it, requested that the defense not mention the fact that this witness has been in the --

MR. AUCHINCLOSS: I’ll ask --

MR. MESEREAU: -- the pornographic website business.

MR. AUCHINCLOSS: May I object, and just ask that the Court -- the Court is aware of the issues. I don’t think it’s necessary to publish them.

THE COURT: That’s true. He did -- not in the terms you just stated.

For once you want to use “pornographic” when no one else wants to. It was the other way around

recently.

But what -- your point being?

MR. MESEREAU: Your Honor, we can prove that this witness tried to use tabloid stories about Mr. Jackson --

THE COURT: What's your argument against his position? I understand what you can prove. I think his position is well-taken. What's your argument?

MR. MESEREAU: My argument is that what we would like to show, Your Honor, is that he tried to use information allegedly about Mr. Jackson to get into this business.

THE COURT: All right. I'll sustain his objection. You cannot impeach him based on the work he did on that --

MR. MESEREAU: Website?

THE COURT: -- website after these incidents. All right. Bring in the jury.

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: Go ahead, Counsel.

MR. AUCHINCLOSS: Thank you, Your Honor.

Q. Mr. LeMarque, where we left off, we were talking about the reasons that you left your employment at Neverland.

A. The reason, there was some problem with Norma Stakos, who was Michael's secretary.

Q. What was that problem?

A. She wanted to have my wife to sign an affidavit stating that Bianca had been involved into looking into purses of other maids. And since my wife didn't see it, she didn't want to sign it.

Q. When you say Bianca was her name, do you know what her last name was?

A. No, I forgot.

Q. Did she have a different first name; do you know?

A. Not that I remember.

Q. Okay. And what was this woman Bianca's -- what was her job at Neverland?

A. She was the private maid for Michael. She was the only one who could enter his room.

Q. So the affidavit that your wife was asked to sign was a false affidavit?
A. Well, it was false as far as my wife was concerned, because she never saw Bianca looking into any purses so --
Q. Did she believe that Bianca looked into any purses?
A. No, of course she didn’t believe it.
Q. Okay. And how much time transpired between the time that your wife was asked to sign this false affidavit and the time that you were asked to leave Neverland?

A. We were -- we were not asked, really, to leave, but we had a conference with Norma a few days later, maybe three or four days, and Norma said I guess --
MR. MESEREAU: Objection; hearsay, Your Honor.
THE COURT: Sustained.
MR. AUCHINCLOSS: Offered to explain conduct only.
THE COURT: The question was how much time transpired between the signing of the affidavit, so it’s not responsive to the question.
MR. AUCHINCLOSS: That’s fine.
Q. So let’s go back to that first question. How much time between the time that you -- that your wife was asked to sign the false affidavit and the time that you actually left your employment at Neverland?
A. I would say four or five days.
Q. Okay.
A. Maybe a week. I don’t know.
Q. And were you terminated from your employment?
A. No, we came into --
Q. That’s just a “yes” or “no” question.
A. Yes.
Q. You were terminated?

A. (Nods head up and down.)

Q. Okay.

A. No. Yes and no.

Q. Yes and no. Okay. That’s fine.

A. Common agreement.

Q. Why do you say, “Yes and no”?

A. Because it was a common agreement that we decided, since we didn’t want to sign the affidavit, that was not a place for us to work.

Q. Okay. While you were at Neverland during that ten-month period, did you observe Mr. Jackson to have child visitors?

A. Yes.

Q. Would these children spend the night at Neverland?

A. Some of them, yes.

Q. Would any of them come with families?

A. Yes.

Q. Would any of them come by themselves?

A. I think on one occasion I saw.

Q. Did you notice whether or not Mr. Jackson would spend time equally with all the child visitors at Neverland?

A. No.

MR. MESEREAU: Objection; vague.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Did Mr. Jackson show any special preference towards the children that visited him at Neverland?

A. Yes.

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

Q. BY MR. AUCHINCLOSS: You may answer.

A. Yes.

Q. And was there anything in common that -- the children that Mr. Jackson showed preference to, was there anything in common that these children shared?

A. Yes.

Q. What was that?

A. Little boys around 10, 11 years old.

Q. How would Mr. Jackson show preference to these 10- or 11-year-old boys?

A. He would spend most of his time with them.

Q. Would he ever buy them gifts?
A. Yes.
Q. Did he buy them more gifts than the other children?
A. Yes.
MR. MESEREAU: I’m going to object. No foundation; move to strike.
MR. AUCHINCLOSS: I can ask some additional questions on that.
THE COURT: On the question that he objected on, did he buy them more than any other children, I’ll sustain the foundation.
MR. AUCHINCLOSS: Okay.

Q. Mr. LeMarque, were you ever asked by Mr. Jackson to go out and buy toys as gifts for these children?
A. Yes.
Q. On how many occasions?
A. I don’t -- several times.
Q. Okay. And can you characterize the number of gifts that you would buy, the number of toys?
A. I would go to Toys-R-Us and pick out toys for boys of 10, 11 years old.
Q. Were you instructed to buy such toys?
A. No, but I figured that was what they were for, so --
Q. And when you brought these toys to Mr. Jackson, did you have any occasion to see him give these toys as gifts to the children?
A. Well, usually they were put into an area or a tabletop where the kids would come in, you know, tear the papers off and pick up the toys.
Q. Did you see Mr. Jackson give more toys to the boys than the other children?
A. Yeah, they were mainly toys for boys.
Q. Okay. When Mr. Jackson had these children as guests at Neverland, what type of hours would they keep, in terms of time that they were spending together?
A. Sometimes all day, all night.
Q. Was it uncommon for him to stay up all night

with the children?
A. Yeah, it was very common.
Q. Where did the children sleep? And I’m talking specifically about the 10- or 11-year-old boys.
A. Mainly with Michael.
Q. Whereabouts?
A. I don’t know, because we couldn’t get into his apartment, so --
Q. But somewhere in his private --
A. In his quarters, yeah.
Q. -- quarters?
MR. MESEREAU: Objection; leading.
THE COURT: Well, actually he didn’t finish the question. I’ll strike the answer and have you rephrase the question.
Q. BY MR. AUCHINCLOSS: My question was, you said that mainly they would sleep with Michael, and I was asking if that was in his private quarters.
A. Yes.
Q. During the time that you were employed at Neverland, did you ever see Michael Jackson sleep with anyone other than children?
A. No.
MR. AUCHINCLOSS: May I approach, Your Honor?
THE COURT: Yes.
Q. BY MR. AUCHINCLOSS: Mr. LeMarque, I show you People’s Exhibit No. 721. Can you identify that for me, please?

A. Yes.
Q. Who is that in that photograph?
A. Macaulay Culkin.
Q. Did Macaulay Culkin visit Neverland while you were working there?
A. Yes.
Q. Was he a guest of Mr. Jackson’s?
A. Yes.
Q. Did he spend the night there?
A. Yes.
Q. I show you two photographs which I’ve

previously shown to counsel. The first one is People’s Exhibit 800. Can you identify that for me, please?
A. Yes, this is the arcade.
Q. Okay. And is that a fair representation of the floor plan of the arcade when you were working there?
A. Yeah.
Q. Are there some differences in terms of the items that are in this picture --
A. Yes.
Q. -- than the items that were in the arcade back when you worked there?
A. Yes.
Q. What would that be?

A. Some of the artifacts here were not there. And some of the games have been changed. I mean, they were different, a little bit different.
Q. But the floor plan is essentially the same?
A. The floor plan is the same, yeah.
Q. I show you People’s Exhibit 801. Same question. Can you identify that for me?
A. That’s the arcade also. Different angle.
Q. And same distinctions?
A. Yeah. Some of the artifacts have been changed and so forth. The pool table was there. And some of the toy -- the games are different.
MR. AUCHINCLOSS: Okay. Ask that People’s 800 and 801 be admitted.
MR. MESEREAU: No objection.
THE COURT: Admitted.
Q. BY MR. AUCHINCLOSS: Mr. LeMarque, at some time during your employment, did you see something involving Mr. Jackson and one of these boys that upset you?
A. Yes.
Q. Do you know the name of that boy?
A. Macaulay Culkin.
Q. And how long had you worked at Neverland when this incident occurred?
A. Well, I’m not too sure there. I mean, six, seven months maybe.

Q. Okay. Where did this incident occur?

A. In the arcade.
Q. What was the approximate time of it?
A. Three o’clock in the morning. 3:00 or 4:00 or something. 3:30, maybe.
Q. What was it that you brought you to the -- the arcade is the photos that I just showed you?
A. Yeah.
Q. What was it that brought you to the arcade at approximately three o’clock in the morning?
A. Well, I was called by the security that Michael wanted some french fries.
Q. Okay.
A. So --
Q. Were you asleep at the time?
A. Yeah.
Q. Was that uncommon for you to get a food order in the middle of the night?
A. It happened a few times. Not too often.
Q. Okay. Was this a telephone call that you received?
A. Was the -- yeah, I mean, we had the -- one of those remote control, I mean, phones.
Q. Okay. Intercom, or --
A. Yeah, on the radio.
Q. Radio?
A. Yeah, radio.
Q. And your instruction was to?
A. Well, yeah, at the time there was always a

code for Michael. At the time it was “Silver Fox.” So they said that, “Silver Fox want some french fries.”
Q. Okay.
A. Okay. So --
Q. And was there a location you were told to bring these french fries to?
A. Not right away. When they were ready, I just called security again to find out where to deliver the french fries, and I was told to go to the teepee area. Which Michael wasn’t there, so I

called again, and they said that he probably was in the arcade.
Q. Okay. Where was your wife during this time?
A. She was sleeping, home.
Q. Okay. So she stayed in bed and you went down to the kitchen and made the french fries?
A. Right. That’s correct.
Q. And you said you first heard they were at the teepee. Did you go to the teepees?
A. Yeah.
Q. And those are teepees located on Neverland?
A. Yeah, they are. On the grounds.
Q. And no one was there?
A. No.
Q. When did you learn that they -- that you were to deliver the french fries to the arcade?
A. Well, at that time I called security and I

said, “Michael is not there. Where is he?” And they told me that he was at the arcade.
Q. Did you go to the arcade?
A. Yes.
Q. What did you see when you went to the arcade?
A. Michael was playing with Macaulay Culkin at one of the games, which was a Thriller, the games.
Q. Thriller?
A. Yeah. And he was holding the kid because the kid was small, couldn’t reach the controls, so I guess he was holding him with two hands. The kids were up so they could use the controls of the game.
Q. And what did you see that upset you?
A. His left hand was inside the pants of the kid.
Q. All right. I want you to tell the jury specifically how his hands were configured on the boy’s body.
A. Well, his right hand was holding the kid maybe mid-waist, and the left hand was down into the pants.
Q. Okay. Now, what type of pants was Macaulay wearing?
A. I forgot what they were. They probably were

shorts or something.

Q. Were his hands, as far as you could tell, on the inside or the outside of the shorts?

A. They were inside.

Q. Were they coming in the shorts from the top or from the bottom?

A. From the bottom.

Q. Through one of the legs?

A. Bottom.

Q. Which hand was it that he was touching the boy with?

A. Left hand.

Q. When you saw this, what did you do?

A. I was shocked, and I almost dropped the french fries. And there was a game there, Tip-Top, and I backed out --

MR. MESEREAU: Objection. Move to strike; nonresponsive.

THE COURT: Denied.

Q. BY MR. AUCHINCLOSS: As far as the exact location of his hand, could you see where his hand was in the vicinity of Mr. Macaulay’s person?

A. Well, it was in the -- you know, in the crotch area.

Q. The crotch area?

And you said they were playing this video game. Did this video game create any sound?

A. Yeah, there was plenty of sound everywhere. I mean, all the machines were on and playing music and making sounds.

Q. Do other machines, or did other machines in that video arcade make sounds even though they weren’t being played at that time?

A. I think they were. I’m not recalling exactly, but it was very noisy.

Q. Okay.

A. Yeah. Everything was noisy there.

Q. And you said you almost dropped the french fries. What happened next?

A. Then I backed out, and --

Q. Backed out the door?

A. The door. Went outside, and I closed the door. And I realized that I still had to deliver the french fries, so then I opened the door. I made a lot of noise to make sure that Michael could hear me coming in. And I said, “Michael, your french fries are here.” And he said, “Drop them on this.” I forgot where it was, but probably on one of the machine tops.

Q. And did you leave?

A. Yes.

MR. AUCHINCLOSS: May I have the Elmo, Your Honor? “Input 4.”

Q. All right. Mr. LeMarque, I’m showing you People’s Exhibit No. 800, which you previously identified as a photograph of the arcade. Does this photograph depict in it anywhere the door that you entered that room?

A. Yeah. Yes. This one here.

Q. Oh, you’ve got it. Very good. You’re ahead of me.

Could you indicate again for me the area where it is?

A. I think it’s around here somewhere. Or here, I’m sorry. I don’t know. Can’t see too well, that.

Q. Let me show you the photograph -- if I may approach -- just so you can get a better look at it.

A. I don’t know. I think it’s -- there’s a lot of stuff in front of it. It’s probably -- I’m not sure where it is. It’s probably here.

Q. Okay.

A. Yeah.

Q. Right about there?

A. Yeah.

Q. All right. I’ll show it....

Looking at the photograph a little closer, could you identify the area that appears to be the doorway?

A. Right here.

Q. Okay. Indicating in the very upper portion of the photograph just off center at the upper edge.

All right. So that's the door you entered in. And which direction was it that you were looking when you came in and you saw Mr. Jackson?
A. From here to here.
Q. Indicating from the left area of where the door is down to the --

A. Yeah.
Q. -- lower right-hand portion of the photograph?
A. Yeah. Here to here. Or here to here someplace.
Q. All right. I show you now People's Exhibit No. 801. Mr. LeMarque, does that show a different perspective --
A. Yes.
Q. -- of the same area?
A. Yes.
Q. Is that an approximate perspective of what you would have seen entering that door?
A. Yes.
Q. All right. So tell us, point out for us, if you would, the area where you saw Mr. Jackson and Macaulay Culkin.
A. Somewhere around there.
Q. All right.
A. Or maybe --
Q. Indicating --
A. Or maybe here.
Q. -- the video games just to the left of what appears to be an espresso machine.
A. This was not there.
Q. Yeah, the espresso machine was not there --
A. No.

Q. -- on the pool table?
A. No. Either this. This wasn't there.
Q. All right.
MR. AUCHINCLOSS: I think we can have the lights.
Q. Mr. LeMarque, did you ever tell this story -- or let me back up.

After you left Neverland, or at any time during close in time to the period that you saw these events, this event you just described, did you ever report it to any authorities, the police?

A. No.

Q. Why not?

A. Because nobody would have ever believed us.

Q. And why do you say that?

A. Because Michael was on the top of everything, and if we had come and said to the police, they would have said, “What kind of proof do you have?” So we couldn’t -- I mean, this wasn’t possible. It would be impossible to give.

Q. Did you ever consult an attorney or any other person that might have some background in the law as to what you should do?

A. Yes, and they told us the same thing.

Q. At some time after this event occurred, did -- were you ever approached by any tabloids?

A. Yes. Many.

Q. And did you ever sell this story to a tabloid?

A. We talked about it. And we had even some guy trying to sell the story for us, some sleazy guy that tried to make a deal with the tabloid. But at the last minute, we never took in a penny from anyone, because it was against our principles.

Q. This sleazy guy that you’re talking about, I’m not going to ask you to mention his name, but do you know if he ever profited from your story?

A. Yes, he did.

Q. Why do you say that?

A. Because we had an interview with him and our lawyer, Arnold Kessler, and he taped the conversation while it was a private conversation of the lawyer.

Q. Okay.

A. And he sold the story to the tabloid and he made some money with that story.

Q. Were you tempted yourself to sell your story to the tabloid?

A. Yes, we were tempted for the money, for

sure. Everybody would be tempted. But we never did.
Q. Did you ultimately tell this story to the police?
A. Yes, we did.
Q. They came and interviewed you?
A. Yes.

Q. Were you honest with them?
A. Yeah.
MR. AUCHINCLOSS: Thank you. I have no further questions.
THE COURT: Cross-examine?
MR. MESEREAU: Yes, please, Your Honor.

CROSS-EXAMINATION
BY MR. MESEREAU:
Q. Mr. LeMarque, my name is Tom Mesereau and I speak for Mr. Jackson.
You signed a statement in September of 1993 about what you had seen, right?
A. If I signed a statement, I forgot when was that, if I sign a statement.
Q. Do you remember hand-writing a statement about what you claimed you had seen --
A. I don’t remember that.
Q. -- Mr. Jackson doing with Mr. Culkin?
Remember saying, “I could not distinguish what he was really doing with his hand,” but you thought it was more than fondling?
A. I don’t remember that at all.
Q. Would it refresh your recollection if I just show you a copy of the statement?
A. (Nods head up and down.)
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.

THE WITNESS: I guess it’s correct.
Q. BY MR. MESEREAU: Is that your handwriting?
A. Yeah.
Q. Is that your signature?
A. Yeah.

Q. The date is September 10th, 1993, correct?

A. Correct.

Q. Do you remember saying you couldn’t distinguish what he was really doing with his hand?

A. I don’t recall that. But if it’s written, that’s --

Q. It’s what you wrote, isn’t it?

A. I guess.

Q. Well, is it your writing or not?

A. Yes, it is.

Q. Okay. And you wrote those words, did you not?

A. I guess I did, but I don’t recall.

Q. Okay. Now, you worked at the Neverland Ranch for how long?

A. Maybe ten months.

Q. Did you ever sue Mr. Jackson?

A. No. Not for -- we did sue for money he owed us, because Norma Stakos was supposed to pay us overtime, and she never did. And she was supposed to give us some references, good references for other job, and whenever we apply for a job, she never give the references and she never sent us the money. So at that time we sued for the money that was owed to us as overtime.

Q. Excuse me, I’m sorry. Did you finish?

A. Yeah.

Q. Where did you file your lawsuit against Mr. Jackson?

A. Santa Barbara court, I think.

Q. Did you hire a lawyer in Santa Barbara to do that?

A. Yes.

Q. What was the lawyer’s name?

A. Forgot.

Q. How long did the lawsuit go on?

A. It didn’t go on for very long.

Q. It settled fairly quickly, did it not?

A. Yes.

Q. You got money --

A. Yes.

Q. -- from Mr. Jackson, true?

A. We got money for time -- overtime due to us, the time we worked there.

Q. You wanted more than that, didn't you?

A. No.

Q. Now, you mentioned a sleazy guy was representing you, right?

A. Yeah.

Q. His name was?

A. He didn't represent us. He never represented us.

Q. You had meetings with him?

A. He was a friend, supposedly a friend.

Q. You had meetings with him, correct?

A. Yes, we did.

MR. AUCHINCLOSS: Objection; argumentative.

THE COURT: Overruled.

Q. BY MR. MESEREAU: His name was Paul Baressi, correct?

A. That's correct.

Q. How did you meet Paul Baressi?

A. It was an old friend that Stella met years ago.

Q. And Stella is who?

A. My wife.

Q. Do you know how she met Paul Baressi?

MR. AUCHINCLOSS: Objection; relevance.

THE COURT: Sustained.

Q. BY MR. MESEREAU: How many times did you meet with Paul Baressi?

A. I can't recall. Several times.

Q. And Paul Baressi was in the adult film business, right?

MR. AUCHINCLOSS: Objection; relevance.

THE COURT: Sustained.

MR. AUCHINCLOSS: The Court's order.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You said he was sleazy. Why did you say that to the jury?

A. Because he taped our conversation without our own knowledge while we had a conversation with our own private lawyer, and he sold that story to the tabloid.

Q. He was also trying to broker a deal for you with the tabloids, correct?

A. Well, that’s what he said. “I can get you a deal,” because he had a deal himself previously by telling stories about other people.

Q. But you had asked him to try and get a deal for you, hadn’t you?

A. No, I didn’t ask him. He came forwards.

Q. But you allowed him to do that, didn’t you?

A. Well, we didn’t allow him. We said, “Okay, we’ll listen to it,” because we were tempted by the money, for sure. Everybody would be tempted. But in the last minute, we didn’t do it.

Q. When -- excuse me. You didn’t do it because you found out he had already sold the story and taken the money himself, right?

A. At that time he didn’t do that. He didn’t sell the story yet.

Q. Let me just get this straight. You had discussions with Baressi, right?

A. Uh-huh.

Q. You had phone conversations with Baressi, right?

A. Correct.

Q. You discussed a price you’d be willing to accept?

A. No, we didn’t discuss price with him.

Q. Pardon me?

A. We didn’t discuss price with him.

Q. At one point you discussed the possibility of getting $100,000 with him, didn’t you?

A. That’s what he said to us, he probably can get $100,000, so we say we are interested.

Q. You actually upped it to 500, didn’t you?

A. I don’t remember if that was the case, but we were playing the game with him to see how far he could go, because we knew by then he was such a sleazy guy we wanted to see how far he could go. Because we never did it. We never took a penny from anyone.

Q. You upped the price to 500 from $100,000 at one point?

A. Yeah, to see if we were going to do it.

Q. You couldn’t get that kind of money, right?

A. I don’t know. We never pursued it.

Q. Mr. Baressi, on your behalf, approached a number of newspapers --

A. He didn’t work on our behalf, ever.

Q. Sir, I have to finish my question. On your behalf, Paul Baressi approached various newspapers and television shows to try and get hundreds of thousands of dollars for you and your wife, right?

MR. AUCHINCLOSS: Objection; assumes facts not in evidence.

THE WITNESS: That’s not true.

THE COURT: Overruled. You may answer.

Q. BY MR. MESEREAU: Isn’t that right?

A. That’s not true. It’s a complete lie. He was trying to get deals for him, not for us.

Q. Didn’t you just tell the jury you were playing along with him to see how much you could get?

A. Well, at first, yeah, we were doing. But then we realized the guy was so sleazy, we were not going anywhere with him. So we backed out, and we said, “We are not game,” and he kept going, doing it.

Q. Did you have a discussion with Paul Baressi where you said, “We don’t want 100,000. We want 500,000”? Yes or no.

A. Yes.

Q. Do you remember having a discussion with Mr. Baressi where you learned the price would be higher if the story was Mr. Jackson’s hand was in the clothes rather than outside?

A. That was his own made-up stories, not my story.

Q. That statement was made in your discussion with Mr. Baressi, true?

A. I don’t recall that, but I think he did it himself. That’s what he said we could get if the hands went higher.

Q. Okay. Now, did you ever know anyone named Quindoy at Neverland?

MR. AUCHINCLOSS: Objection; beyond the scope.

MR. MESEREAU: It fits in with the cross-examination, Your Honor.

THE COURT: That’s a good response.

(Laughter.)

MR. MESEREAU: I mean, it’s the same --

THE COURT: “Fits in with what I’m doing.”

Well, I don’t know the answer. I’ll allow the question and see how it fits.

Q. BY MR. MESEREAU: You and your wife worked at Neverland, right?

A. Correct.

Q. Did you ever know a couple named Quindoy that worked at Neverland?

A. No.

Q. Ever hear the name?

A. Yes.

Q. Had they worked before you?

A. Yes.

Q. You learned that the Quindoys were trying to sell a story to the media, right?

A. No, we never --

MR. AUCHINCLOSS: Objection. Relevance; beyond the scope.

THE COURT: Overruled.

You may answer.

He did answer. The answer was, “Yes,” and then -- I’m sorry, the answer was, “No, we never.”

Q. BY MR. MESEREAU: At one point you were trying to sell your story before the Quindoys did, correct?

A. No.

Q. Never talked about that with Mr. Baressi?

A. No.

Q. Who was the lawyer you retained when it came to dealing with the media?

A. We had a friend, his name was Arnold -- geez. I’m sorry, I have a blank right now. I have a blank with the name.

Q. Was his name Kessler?

A. Yes. That’s correct.

Q. Did he practice law in Los Angeles?

A. Correct.

Q. Did you meet with Mr. Kessler?

A. Yes, we did.

Q. He is not the lawyer that represented you in your suit against Mr. Jackson, is he?

A. We didn’t have a suit against Mr. Jackson.

We had a suit against the work, as far as work was concerned. We never sued Mr. Michael Jackson.

Q. You sued somebody.

A. We sued the MJ Corporation for overtime.

Q. That was Mr. Jackson’s company.

A. That’s the company, but that’s not Mr. Jackson. We didn’t sue him.

Q. It was Mr. Jackson’s company that hired you, wasn’t it?

A. Yes. For overtime.

Q. Okay. This was after you left your employment, true?

A. That’s correct.

Q. Okay. You hired Attorney Kessler, correct?

A. No, we didn’t hire him. He was a friend of ours. We ask him advice.

Q. You met with him a number of times about the possibility of selling a story to the media, true?

A. With Baressi.

Q. So Baressi was your friend, and Kessler was your friend, correct?

A. Yes, that’s correct.

Q. And after you met with Kessler, he started calling around trying to sell your story, true?

A. I’m not sure what he was doing. I don’t know. I never heard of it.

Q. Did you ever learn that he was doing anything to sell your story to anybody?

A. I was -- I don’t recall, but I think everybody was trying to sell our stories. Everybody else was trying to do that, so --

Q. And approximately what year was this?

A. I don’t recall. ‘92 or something. I --

Q. When did you leave Neverland?

A. The year? I don’t recall. ‘92, probably, at that time. Whatever. I’m not sure.

Q. In 1993, Baressi and Kessler were trying to sell your story, true?

A. I guess they were, but I was not aware of it.

Q. But you had many talks with the two of them about that?

A. Yeah, we did earlier. And then we stopped and they kept doing it. I don’t know what they were doing. I couldn’t keep track of them.

Q. Okay. When did you last talk to Kessler?

A. About that time. No, as a matter of fact, I talked to him two days ago because of what happened in the -- with what was going on, and I finally find his phone number, and I told him what was going on. And he was very upset about it.

Q. He’s still your buddy, right?

A. No, we haven’t talked since then.

Q. Did you talk to him about what you were going to say in court today?

A. No.

Q. Did you talk to him about this case?

A. Yeah, I said I was going to be on the stand.

Q. Okay. Did you call him or did he call you?

A. We called him.

Q. You and your wife?

A. My wife did.

Q. Okay. Were you on the conversation?

A. No.

Q. Was it just your wife that talked to him, as far as you know?

A. Yeah.

Q. Was she speaking on your behalf?

A. She was just telling him what was going on, that's all.

Q. Okay.

A. There was no behalf. There was just chat-chat.

Q. You knew that Mr. Kessler contacted The National Enquirer about your story, right?

A. No, I was not aware of that.

Q. You knew he contacted The Globe, right?

A. I was not aware of that either. We contacted them.

Q. You knew Inside Edition was contacted, correct?

A. Well, they contacted us directly also. So --

Q. How about Splash News Service?

A. No.

Q. Okay. When did you last see Macaulay Culkin?

A. At that time. When I was working at the ranch.

Q. So you've never really asked him if he was abused, have you?

A. No.

Q. You've never heard his side, have you?

A. No.

Q. Have you ever learned any time that he denies this event?

MR. AUCHINCLOSS: Objection; assumes facts.

THE WITNESS: I --

THE COURT: Just a moment.

MR. AUCHINCLOSS: He said he's never had any conversation. And foundation. He said he's had no conversation with Mr. Macaulay.

THE COURT: The objection is sustained.

Q. BY MR. MESEREAU: Okay. Have you followed this case in the media?

A. I don't.

Q. You don't follow it at all?

A. I never watch T.V., barely.

Q. Have you followed this case in the newspaper?

A. I read the newspaper briefly, the

highlights, the headlines and so on. But it doesn't interest me.

Q. When did you last talk to Mr. Baressi?

A. He called my wife two months ago.

Q. Did your wife talk to him?

A. She said, "Go to hell."

Q. I'm not asking you what she said.

(Laughter.)

Q. BY MR. MESEREAU: All right. Okay. Do you know -- are you aware of him still trying to sell stories on this case?

A. Yeah, he's still doing it.

Q. How do you know he's still doing it?

A. Because it's on the --

MR. AUCHINCLOSS: Objection. Foundation; hearsay.

THE COURT: The objection is overruled. The question was, "How do you know he's still doing it?"

THE WITNESS: Pardon me?

THE COURT: You may answer that question. How do you --

THE WITNESS: I'm sorry, can you repeat that?

Q. BY MR. MESEREAU: Yes. I'll ask the question again. You told the jury Mr. Baressi is still trying to sell stories, right?

A. Yes.

Q. How do you know that?

A. My son send me a copy through the Internet two days ago of what was in Splash.

MR. AUCHINCLOSS: Objection; hearsay.

THE COURT: Overruled. Next question.

Q. BY MR. MESEREAU: Have you met with any prosecutor to talk about your testimony today, before today?

A. Yes.

Q. Who did you meet with?

A. The prosecutor right here.

Q. And is that Mr. Auchincloss?

A. Uh-huh. That’s correct.

Q. When did you meet with him?

A. When?

Q. Yes.

A. This morning.

Q. And where did you meet?

A. We meet in the witness room.

Q. Did he show you any documents?

A. Yes.

Q. What documents did he show you?

A. The documents that was shown here on the screen.

Q. Now, are you aware of an article appearing in The Globe newspaper on September 21st, 1993, that quotes you?

A. No. I never saw it.

Q. Never heard about it?

A. Never.

Q. Are you aware of that article quoting your wife?

A. No.

Q. Okay. So you never heard about that or looked at it, right?

A. No.

Q. Okay. No one ever told you about it, right?

A. No. My friends don’t read that kind of newspapers.

Q. Okay. All right. Before you took the stand today, had you ever heard that you were quoted in an article about Michael Jackson in The Globe newspaper?

A. No.

Q. How many times have you been interviewed by anyone with the sheriff’s department on this case?

A. Just one time in ‘93 or something.

Q. Just one time?

A. Yeah.

Q. Have you had many phone conversations with anybody from the sheriff’s department about the case?

A. No, not that I recall.

Q. Has anyone ever called you on the phone from the prosecution to talk about the case?

A. No. Just to tell us that we are going to be in court. That's all.

Q. Now, when did you last talk to Norma Stakos?

A. The last day that we left the ranch, Neverland.

Q. Did you sue her as well?

A. No.

Q. You just sued Mr. Jackson's company, right?

A. We sued Michael just for the overtime that we -- were owed to us.

Q. That's over a seven-month period?

A. Seven months what? I'm sorry, after -- after we left in --

Q. Yes.

A. I guess. I don't recall.

Q. Did you say you hadn't been ever paid for overtime while working at Neverland?

A. That's correct.

Q. All right. And was that over a seven-month period or nine-month period? I can't remember.

A. Nine, ten, something like that.

Q. Okay. Had you ever made a claim for overtime while you were working?

A. Yes, we did. We settled with Norma at the time we left. She said she was going to give us money for the overtime and give us good references. And we sued when she didn't fill up the part that she said she was going to do.

Q. You felt she was obligated to give you and your wife a good reference for another job?

A. Why not?

Q. What if she didn't think you were competent?

MR. AUCHINCLOSS: Objection; relevance.

THE WITNESS: She said she would do it. She said she was going to give us a good reference.

THE COURT: Just a moment. Just a moment. The objection is sustained.

Q. BY MR. MESEREAU: You felt that part of your agreement with Mr. Jackson’s company was that if they were contacted by anyone and asked if you were someone you should work with, they had to give you a good recommendation; is that correct?

A. No.

Q. And you never called the police about what you claim Mr. Jackson did to Mr. Culkin, right?

A. That’s correct.

Q. Now, you indicated you were asked to sign a document saying that a woman named Bianca looked inside someone’s purse, right?

A. That’s correct. I was not, myself. My wife was.

Q. That’s Blanca Francia, right?

A. Yeah.

Q. Did you know her when she worked at Neverland?

A. Yes.

Q. Was she a friend of yours?

A. We didn’t have any friends. We couldn’t have any friends at the ranch. It was forbidden to be friends with the help. Because everybody was spying on each other, so there was no way to be friends with anyone.

Q. The spying was because people were looking for stories to sell, right?

A. No, because I think that’s --

MR. AUCHINCLOSS: Objection; argumentative.

THE WITNESS: That’s not true.

MR. AUCHINCLOSS: I’ll withdraw the objection.

(Laughter.)

Q. BY MR. MESEREAU: Are you saying it’s your wife that saw Blanca Francia go into someone’s purse?

A. She didn’t see her doing it. That’s why she didn’t want to sign it.

Q. Okay. Did you ever talk to Blanca Francia about whether or not she did put her hand in someone’s purse?

MR. AUCHINCLOSS: Objection; hearsay.

THE WITNESS: I never did myself.

THE COURT: I couldn’t hear your objection, Counsel.

MR. AUCHINCLOSS: I’ll withdraw it.

Q. BY MR. MESEREAU: Did you ever ask Blanca Francia if she ever did, in fact, go into someone’s purse?

A. No, I never ask myself personally.

Q. Did you ever learn that she had admitted doing it?

MR. AUCHINCLOSS: Objection. Argumentative; assumes facts.

THE COURT: It’s overruled.

You may answer.

THE WITNESS: I’m sorry. Say that again, please.

MR. MESEREAU: I’ll withdraw the question and reask it.

Q. Did you ever learn that Blanca Francia admitted she had gone into someone’s purse?

A. I never heard of anything like this, no.

Q. Okay. What hours did you work at Neverland?

A. There was no set hours. It was whenever Michael was in residence or whenever guests were present.

Q. And where did you live when you were working at Neverland?

A. At the ranch. I mean, at the Neverland itself, in a private house.

Q. Okay. Now, you told the jury that you went to a lawyer and told the lawyer about what you claim you saw in the arcade, right?

A. Correct.

Q. Was that while you were working at Neverland?

A. After we left.

Q. You didn’t go to a lawyer right away to discuss what you had seen, did you?

A. No.

Q. Do you know what this particular lawyer specializes in?

A. General practice.
Q. Pardon me?
A. General practice.
Q. Okay. Had he represented you before?
A. No. He was just a friend.
Q. Had he given advice to you before?
A. No.
Q. How many meetings did you have with this lawyer about what you claim you saw in the arcade?
A. I think only one time.
Q. You had phone conversations with him, did you not?
A. Yes.
Q. You had phone conversations about the possibility of selling a story, correct?
MR. AUCHINCLOSS: Objection. Cumulative; asked and answered.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Approximately when do you claim you saw Mr. Jackson with Mr. Culkin in the arcade?

A. The time?
Q. Approximately, yes.
A. Maybe three o’clock, 3:00 a.m.
Q. No, let me rephrase it. It’s my mistake. Approximately what month and year do you claim you saw this happen?
A. I don’t recall.
Q. You continued to work at Neverland after you saw what you claim you saw, right?
A. Yes.
Q. Was your wife working at Neverland as well?
A. Yes.
Q. You never reported this to anyone there obviously, right?
A. No, we didn’t.
Q. You never went to Miss Stakos and said, “I saw something improper going on,” right?
A. We didn’t have to do that. She knew about it.
Q. So she was with you watching it?
A. No.

Q. You said that Mr. Baressi tape-recorded you, right?

A. That's correct.

Q. Do you know how many times he did that?

A. I have no idea.

Q. Did you ever inquire as to how many times you had been secretly tape-recorded by him?

A. No, I didn't.

Q. Did you ever ask him?

A. I didn't even know he did it until a few days ago.

Q. Who told you he did it?

A. Well, we heard about it from the news and all that, and this information came out, and so that's how we find out.

Q. I thought you didn't follow the news about the case.

MR. AUCHINCLOSS: Objection; argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you have any idea how many times you've been quoted in any tabloid about Michael Jackson?

A. I have no idea.

MR. AUCHINCLOSS: Objection; relevance.

THE COURT: The answer was, "I have no idea." I'll allow the question.

Q. BY MR. MESEREAU: Would you agree that with time, your story about what you say Mr. Jackson did has changed?

A. I don't think so.

Q. When you wrote that handwritten statement that I showed you which had your signature and handwriting, were you being truthful?

A. I don't recall writing this at all, so I have no recollection of that.

Q. But you did admit that is your handwriting and signature, true?

A. Looks like my handwriting.

Q. Is it your signature?

A. Yes.

Q. Isn’t it true, Mr. LeMarque, that in 1993, you waited till you were out of personal bankruptcy to start selling the story?

A. My personal bankruptcy was about 18, 19, 20 years ago. Had nothing to do with this.

Q. Did you have any bankruptcy proceeding going on in the 1990s, sir?

A. No, sir.

Q. Okay. Never filed a document in that regard, right?

A. No.

Q. Never were involved in a Chapter 7 action?

A. I was. Twenty years ago.

MR. AUCHINCLOSS: I’m going to object as improper impeachment.

THE COURT: Sustained.

MR. MESEREAU: I have no further questions, Your Honor.

REDIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Just a few questions, Mr. LeMarque. The action that you had against Mr. Jackson for overtime when you left Neverland, did Norma Stakos promise to pay you for your past overtime?

A. She did.

Q. When you left Neverland, did she promise to make good references for you in the future?

A. She did.

Q. When you left Neverland, did you ever receive the overtime payment that you were due?

A. She never did.

Q. Did you go to the California Labor Board to dispute that?

A. Yes. That’s where we went.

Q. Did you have to litigate it?

A. No, she settled right away.

Q. MJJ Productions settled right away?

A. Yeah.

Q. Did you get what you felt you were entitled to?

A. Yes. We had the proof that we had worked overtime, so I had account of all the time we work, so --

Q. And as far as Mr. Kessler, was he working for you? Did you ever have to pay him for helping you with this tabloid business?

A. He was a friend. We just asked advice, that's all.

Q. So he was just working as a lawyer friend for you?

A. He was -- yeah.

Q. All right. I'm showing you People's Exhibit No. 802. Appears to be a copy of the handwritten note. Is that the note that counsel showed you a few moments ago?

A. Looks the same.

Q. Okay. I'd like you to read that over carefully. Take a moment. Just one page.

A. Okay.

Q. Okay? Does that represent a fair summation of the facts that you observed in the arcade during that period of time when you observed Macaulay Culkin and the defendant?

A. Yeah, that's basically what I saw.

MR. AUCHINCLOSS: Okay. I'd ask to move 802 into evidence at this time, Your Honor.

MR. MESEREAU: No objection.

THE COURT: It's admitted.

Q. BY MR. AUCHINCLOSS: And in that account, do you tell -- do you depict that Mr. Jackson's hand is in Mr. Culkin's shorts?

A. That's correct.

MR. AUCHINCLOSS: Thank you. I have no further questions.

RECROSS-EXAMINATION

BY MR. MESEREAU:

Q. If you would --

Does he have the document?

MR. AUCHINCLOSS: Uh-huh.

Q. BY MR. MESEREAU: If you would, please take

a look at that document and read it to yourself.
A. I did already.
Q. All right. Okay. Now, you made two statements: One on September 10th, 1993, and one on what looks to be -- well, I guess that would be -- you make a second statement in the form of a P.S., right? Is that made the same day; do you know?
A. Looks the same.
Q. You first -- there’s a signature in the middle of the page. It says, “Phillip LeMarque, September 10th, 1993,” correct?
A. Yeah.
Q. There’s another signature towards the bottom of the page that says, “Phillip LeMarque, 9-10-93,” correct?
A. Yeah.
Q. You first wrote a statement about what you saw and then you added a P.S., correct?
A. Yeah.
Q. Let’s look at the statement that appears at the beginning, okay? You say that Mr. Jackson had his left hand in the kid’s pants, right?
A. Correct.
Q. You say, “I couldn’t distinguish what he was really doing with his hand, but obviously it was

more than fondling,” right?
A. Uh-huh.
Q. You then signed and dated that, true?
A. Correct.
MR. AUCHINCLOSS: I’m going to object if he’s just reading part of the statement. I’d ask that the entire statement be read before the signature line.
THE COURT: Overruled.
Q. BY MR. MESEREAU: You said up top the child was not disturbed by the action, right?
A. Correct.
Q. You said they were playing a game, correct?
A. Correct.
Q. You said the kid was very involved with the game, right?
A. Correct.

Q. You said that Michael Jackson was holding Macaulay while he was playing the game, correct?
A. Correct.
Q. After you signed and dated that statement, you then chose to add something else, correct?
A. Correct.
Q. And what you add was that “His left hand was in his pants under the shorts, left leg, all the way to the crotch,” correct?
A. Correct.
Q. You added that to what you had said earlier after you had signed your name to what you had said earlier, true?

A. Yeah.
Q. And when was this thing actually -- when was this statement actually done; do you know?
A. At the same time. It was just an addendum. Clarification.
Q. Why did you want an addendum to what you had already written down and signed?
A. I forgot at the time why I did it. I don’t have any other recollection of that anyway.
Q. You did it because you wanted to sell a story, right?
MR. AUCHINCLOSS: Objection; argumentative.
THE WITNESS: Absolutely false.
MR. MESEREAU: I have no further questions.
THE COURT: Do you want to withdraw your objection, or --
MR. AUCHINCLOSS: I think so. Sure, why not?

FURTHER REDIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. Was this document prepared for the police?
A. Yes.
Q. All right. And was it prepared after the police interviewed you?
A. Well, it was prepared. I forgot exactly when, if it was at the same time or after. I have

no recollection.

Q. But the police asked you to write out a statement?

A. A statement of what I saw.

Q. Okay. Do you recall if they asked you to put in the details, some more details as far as what you had told them?

A. As much as possible, yes. They wanted more details.

Q. Is that why the P.S. was added; do you know?

A. Yes.

MR. AUCHINCLOSS: All right. Thank you. Nothing further.

FURTHER RECROSS-EXAMINATION

BY MR. MESEREAU:

Q. Obviously this statement was written out after you talked to Mr. Baressi, true?

MR. AUCHINCLOSS: Objection; vague.

THE WITNESS: I don’t think so.

MR. AUCHINCLOSS: I’ll object as a vague question as far as time.

THE WITNESS: I don’t think so. I’m not sure.

THE COURT: Just a moment. You have to wait until I rule.

Overruled.

Now, read the question back to him.

Q. BY MR. MESEREAU: The statement was written --

THE COURT: No, the court reporter.

(Record read.)

THE WITNESS: It’s probably after, yeah.

Q. BY MR. MESEREAU: Do you remember I asked you earlier about that statement, and you told the jury you didn’t recall?

A. I have no recollection exactly, that’s for sure. But now it’s coming back, you know.

Q. It’s coming back when the prosecutor suggested you wrote it for the police, correct?

A. No, it’s coming back --

MR. AUCHINCLOSS: Objection; argumentative.

Objection; argumentative.

THE COURT: All right. Just a moment.

You need to wait until the question is completed before you answer.

THE WITNESS: Okay.

THE COURT: And just hold on a second so if someone wants to object, they can.

And counsel needs to not step on his statements. The court reporter is struggling to keep the record straight.

All right. There actually is -- the objection was made after he answered, so I'm going to overrule that objection. You may ask your next

question.

MR. MESEREAU: Okay.

Q. You now recall that you wrote the statement in September of 1993 in a police interview, right?

A. I'm starting to recall. See, I'm 70 years old this year, and my memory is faltering.

Q. Okay. I understand. Have you now fully recollected that you wrote this for the police?

A. It's coming back a little bit, and I think that, yeah.

Q. Are you sure?

A. Yeah.

Q. Isn't it true you wrote out the statement, you dated and signed it, and somebody wanted you to add something else, so you put in an addendum, and then signed and dated that the same day, right?

MR. AUCHINCLOSS: Objection; asked and answered.

THE COURT: Overruled.

You may answer.

THE WITNESS: I don't recall very well when I made this statement, when I wrote it, and I don't recall why there was an addendum added to the statement.

Q. BY MR. MESEREAU: Okay. And the statement was written approximately how long after you left Neverland?

A. Whenever the police came, which might be a year after or two years. I don’t know.

Q. Well, the statement says September 10th, 1993 --

A. Okay. So --

Q. -- right?

And how long -- how much time had elapsed between your leaving Neverland and September 10th, 1993, if you know?

A. Probably a year. A little more than a year.

Q. And how much time had elapsed between when you saw what you claim you saw in the arcade and September 10th, ‘93?

A. 14 months. 12, 14 months.

MR. MESEREAU: No further questions.

MR. AUCHINCLOSS: Nothing further.

THE COURT: All right. Thank you. You may step down.

Call your next witness.

MR. SNEDDON: Your Honor, because of some of the Court’s rulings this morning, we have no further witnesses at this time.

THE COURT: Are you trying to tell the jury they have to go home early today?

MR. SNEDDON: Unfortunately, I am, Your Honor. I apologize for that from the bottom of my heart.

THE COURT: That’s the bad news.

(Laughter.)

THE COURT: You know, I have some photographs of the wildflowers that I took.

(Laughter.)

THE COURT: All right. I can tell you’re not interested.

We’ll release you early today. It’s -- I think it’s been a pretty intense week. It doesn’t hurt to get a little time off here.

Let me just remind you of the seriousness of your conduct and the admonitions that I’ve made. The admonitions are that you can’t talk to anybody about this case, including each other, your family members, or anybody. You certainly can’t go to anyplace where the events that you hear about testified to occurred or are alleged to have occurred. You are not to listen to or read news accounts or watch T.V. concerning the case.

And, you know, I don’t think I should need to remind you of this, but I will, just so that I have a clean conscience. Everybody is watching you, you know. Your behavior, just as my own behavior, is under scrutiny, just as these attorneys’ behavior. Everything that happens is reported one way or another. So please be very serious about the responsibility that you’ve been given here.

And having that in mind, I would like you to go out and look at the wildflowers.

(Laughter.)

THE COURT: Thank you.

And I’m going to stay with the attorneys. There’s a couple of issues that we need to take up, but you’re free to go. See you Monday at 8:30. And remember, Tuesday afternoon you’ll be off, too.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

MR. MESEREAU: Your Honor, can Mr. Jackson depart, or is he --

THE COURT: Listen, the audience may leave if they want to. The Court is going to take up a couple of motions that have been pending. But anyone in the audience that would like to leave at this time, feel free to do that.

Mr. Jackson, if you would like to leave at this time, you may do so.

THE DEFENDANT: Thank you.

MR. SANGER: Thank you, Your Honor.

MR. MESEREAU: Thank you.

THE DEFENDANT: Thank you.

THE COURT: All right. During the last week or so, there have been some motions that have been pending. We have -- the first one is defendant’s motion for a mistrial, or, in the alternative, restrictive instructions. I've read and considered the points and authorities.

Do you wish to be heard?

MR. SANGER: Just briefly, Your Honor.

THE COURT: Now, just because you haven't said anything all week -- go ahead. I know it's just been building up and --

MR. SANGER: I'll try to behave myself, Your Honor.

THE COURT: All right.

MR. SANGER: The serious matter is, and we did brief it, but it was very brief, because it was an overnight, sort of a pocket thing.

THE COURT: Very good brief.

MR. SANGER: The briefer the better, I gather.

The point being, though, that the lawyers have to exercise control over the witnesses. They have to admonish the witnesses properly.

It is true a witness can do something contrary to the admonitions. This just happened to be a series of witnesses who all seemed to have done the same thing with each other, which is call each other either before or after their testimony.

And there were two particularly egregious instances of witnesses calling immediately after their testimony was over to discuss their testimony with the upcoming witness, and that was Miss Palanker calling Mr. Masada, and then Dr. Katz calling Mr. Feldman.

And that seemed to be such an egregious breach -- there had already been notice of this with the witnesses talking to each other, Dickerman and Katz, and -- I'm sorry, Palanker and Masada, and by the time we got to Dr. Katz calling Mr. Feldman, it seem to me that that was just too much. And anybody who's managing these witnesses and preparing them to come in here should have had a very large shot fired over their bow by virtue of this conduct and should have admonished their witnesses.

So I feel that it does taint their testimony when you have two people who are critical witnesses, according to the prosecution, like Dr. Katz and Mr. Feldman, for instance, who are talking about testimony that very seriously impairs the integrity of the process that the Court is trying to preserve. And therefore, we feel that a mistrial is the only appropriate remedy.

How can the jury otherwise consider this evidence as it should have been presented without being tainted by other witnesses?

If the Court were to deny that, then we did propose a curative instruction, and we would ask the Court to take that action at the very least.

Thank you.

THE COURT: Who’s speaking on behalf of the D.A.?

MR. SNEDDON: Judge, we filed a response in written form, and I don’t intend to go through it. It’s in there. And I’ll simply point out that unfortunately if Mr. Sanger -- there is nothing in this record that shows that they were talking about their testimony in this case.

And particularly in the case of Mrs. Palanker talking to Jamie Masada, it wasn’t the subject of the testimony that was the subject of the conversation. It was the subject of the behavior of the lawyer that was cross-examining her.

And I’d submit to the Court there is nothing improper about what these witnesses have done, nor showing that they discussed their testimony. Some of the conversations, the one involved a request from one lawyer to the other as to knowledge of whether or not there had been an attorney-client waiver and that was post-testimonial. It was an after-the-fact. And it seems to me that certainly one lawyer has a right, when they’re both involved in a case, to find out whether there was a waiver or not.

I’ll submit it on the basis of the other information that we provided to the Court from the transcripts and the authorities.

THE COURT: The motion for mistrial is denied.

The record is clear that there has been some conversation between witnesses. And I’ve asked counsel, both sides, to admonish their witnesses that -- before and after their testimony, unless they’re excused, that they are not to discuss -- well, what I’ve admonished is that they are bound by the protective order before their testimony and after, unless they’re excused.

I don’t -- in looking at the record, I don’t see evidence that they violated the protective order. That exists -- the lack of that evidence is that neither side pursued it with any detail as to what the discussions were. But I don’t think that would prevent the defense from commenting in their argument, if they wanted to, about the fact that they had been discussing their testimony with each other.

And whether or not I’ll give a special instruction on that I’ll put off until we decide all of our instructions. I’m not leaning in the direction of giving a special instruction in view of the lack of evidence that there was specific conversations about their testimony, but I also am not willing to say I won’t give that, and we still have a long way to go in this trial and a lot of witnesses in front of us.

So I’ll take that issue up on a discussion, Mr. Sanger, on the -- on whatever -- you may submit the same or different instructions when you submit your final instructions.

And that will be my ruling on that.

The next item would be the D.A.’s request for mandatory judicial notice of statutes.

MR. AUCHINCLOSS: There’s a discussion as to whether or not counsel is prepared on this.

MR. SANGER: Hold on. You don’t need to -- unless we’re addressing the Court, we don’t need to have that....

THE COURT: You know, I can just cut this short.
MR. AUCHINCLOSS: That’s fine.
THE COURT: I don’t think I’m going to give any instruction on this at this time. Whether or not I’ll give it in the final group of instructions will depend on our discussions at that time.
MR. AUCHINCLOSS: Okay. I guess our request is just based upon the fact that there has been numerous questions asked and numerous answers given concerning these areas of the law, and I do think it’s important that the jury does ultimately understand the letter of the law, particularly with regard to the recording, the surreptitious recording of conversations, and that it is legal for police officers to surreptitiously record conversations.
So I don’t mind addressing that when we get into instructions, but we will be making that same motion at that time.

THE COURT: You may submit those. I don’t think it’s a time to give special instructions on that. I do give some instructions as we go along. I don’t think these are ones that I would give at this time.
And Mr. Sanger, that’s, I assume, satisfactory with you?
MR. SANGER: Yes, Your Honor.
THE COURT: The motion to prohibit testimony of 1108 witnesses for failure to comply with Penal Code Section 1054.7, do you wish to address that?
MR. SANGER: Well, I think the Court is taking this up now one at a time.
THE COURT: I am.
MR. SANGER: And so as long as the Court is cognizant of that, I don’t think we need a ruling right now. But we are confronted with a number of witnesses for whom we have not received reports until the very last second, and it’s causing a problem. It’s caused a problem today.
THE COURT: All right. The next one is the objection to admission of 1108 and 1101 evidence.

And I feel that was adequately argued back when we were arguing about whether or not I would allow the 1108 and 1101 evidence, and I don't see that any new issues have been raised there, so I'll deny that objection. It's made a matter of the record, which is what I think you intended there.

In my counting of all the things that were pending that are still out there, that would only leave one thing that's still out there that hasn't been dealt with, which was the supplemental declaration that I'd asked for from Miss Yu, which she provided me with, I'm sure she provided you with. This is a matter of statutorily sealed declarations. And I still have -- I'm still dealing with that. I'm not prepared to hear anything further on it. And I'm not prepared to make any rulings on it. That's not something I've had time to deal with, but I just wanted everyone to know that I know that's still out there.

And then I was going to ask you if there is anything else that I don't have on my list.

MR. SNEDDON: Judge, the only thing that I have -- well, the only thing I have is if I could ask the Court, do we have some kind of an update with regard to the computers, the Brad Miller computer and the Evvy Tavasci computer? And I say that to the Court because I'm estimating that we're getting -- not close, but I can see the light at the end of the tunnel with regard to us resting our case, and we'd certainly like to have access to that information before we do.

THE COURT: December or January, something like that?

MR. SNEDDON: I think the light's a little bit brighter than that, Judge.

THE COURT: Okay. I wish -- you know, the person who's been helping me with that has been Jed, and he doesn't -- I have not been updated, so I can't update you.

Does counsel have any information?

MR. SANGER: The information that we have is that as of, I would say, weeks ago, if not a month ago - that’s off the top of my head - but I believe we provided everything we were requested to provide maybe two months ago. And I think what happened next is he was making additional inquiries based on the particular narrowing of the request by the District Attorney, but I have not heard anything further.

THE COURT: Do you know what --

MR. SNEDDON: Judge, I have a little different recollection.

THE COURT: Okay.

MR. SNEDDON: It’s not different, it’s just maybe updated. As I recall the last time that we talked, they had actually done the -- Mr. Roden had actually gone through, I believe it was - I may be confused about this - one of them. He had gone through and actually sorted out what the various types that he thought may or may not be privileged and that those were going to be submitted to the

Court. And that he was in the process of doing that to the other computer.

I don’t really need an update today, but if maybe on Monday we could have Mr. Beebe here and get an update with regard to where we stand on that process, that would be helpful, probably, to both sides.

THE COURT: We’ll do that.

MR. SNEDDON: That would be fine with me. I just wanted to keep it on the radar screen for you, Your Honor.

THE COURT: I’ll ask him about that today, and no later than Monday we’ll address it.

MR. SNEDDON: Thank you.

THE COURT: All right. Yes?

MR. ZONEN: The Court has four different SDT returns in the Court’s possession from Talk America, from Varig Airlines, from Von’s, and from Santa Ynez High School. I’ve consulted with Mr. Mesereau and Mr. Sanger. We are going to agree that those materials turned over to the Court in obedience with those subpoenas can be turned over to the District Attorney's Office. And we will make copies for both of us and immediately return it to the Court.

THE COURT: Is that your agreement?

MR. SANGER: Yes, Your Honor.

THE COURT: All right. I'll approve that agreement, and you may collect those items.

MR. ZONEN: Thank you very much.

THE COURT: Thank you.

All right. Then anything else?

MR. OXMAN: Your Honor, there's also some SDT returns from the defense.

THE BAILIFF: Can't hear you.

MR. OXMAN: There's some SDT returns from the defense. Just like permission to copy them.

THE COURT: They are subpoenas that come within the area that only you are allowed to see?

MR. OXMAN: Correct, Your Honor.

THE COURT: All right. Had you sought permission to copy them? Is there a problem, or --

MR. OXMAN: No, I don't think there's any problem. Just wanted to clarify it and make sure.

THE COURT: Okay. Thank you.

MR. OXMAN: All right.

MR. ZONEN: We'll agree that our copy can be turned over to us under seal.

MR. OXMAN: We'll remain silent, Your Honor.

THE COURT: Court's in recess.

(The proceedings adjourned at 11:25 a.m.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)

Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 5451 through 5514 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 8, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
April 8, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

MONDAY, APRIL 11, 2005

8:30 A.M.

(PAGES 5517 THROUGH 5578)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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INDEX

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Nicola is listed as “N” on index. Mr. Mesereau is listed as “M” on index.
Ms. Yu is listed as “Y” on index. Mr. Sanger is listed as “SA” on index.
Mr. Oxman is listed as “O” on index.

PLAINTIFF’S
WITNESSES DIRECT CROSS REDIRECT RECROSS
JONES, Bob 5522-A 5540-M 5558-A 5561-M
5563-A
(Further)
BROWN, Stacy 5564-A

EXHIBITS

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
803	On-page document dated March 7, 2005	5536	
804	E-mail	5538	
805	E-mail	5538	

Santa Maria, California
Monday, April 11, 2005
8:30 a.m.

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: Good morning.

THE JURY: (In unison) Good morning.

COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.

THE COURT: Ready to proceed?

MR. AUCHINCLOSS: Yes, Your Honor. People call Bob Jones.

THE COURT: Remain standing, please. Face the clerk here and raise your right hand.

BOB JONES

Having been sworn, testified as follows:

THE WITNESS: So help me God.

THE COURT: Please be seated. State and spell your name for the record.

THE WITNESS: Bob Jones. B-o-b; J-o-n-e-s.

THE CLERK: Thank you.

//

//

DIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Good morning, Mr. Jones.

A. Good morning.

Q. Mr. Jones, in your employment history, have you ever worked for Michael Jackson?

A. Yes.

Q. And is he the man seated to my right with the long black hair?

A. Yes, he is.

Q. What did you do for Michael Jackson?

A. I was vice-president of communications and community relations.

Q. And when did you begin working in that capacity for Mr. Jackson?

A. 1987.

Q. Can you tell me a little bit about what that title involves in terms of work?

A. Dealing with the media, and the community, and various other assignments.

Q. Such as?

A. Whatever came up. Getting -- arranging to get awards, arranging for coverage in newspapers, magazines. Assisting in the -- with the fan clubs, et cetera.

Q. All right. Would it be fair to say that you were the man in charge of public relations --

A. Yes.

Q. -- for Michael Jackson?

A. Yes.

Q. And how many years did you work for Mr. Jackson?

A. 16 and a half.

Q. And how did your employment come to an end?

A. I received a letter one day saying that, “Thank you for your services. They’re no longer needed.”

Q. Did you ever receive any explanation as to why you were being terminated?

A. That, “We were restructuring” --

MR. MESEREAU: Objection; hearsay.

THE WITNESS: -- “and going in a different direction.” That was in the letter.

THE COURT: Just a moment. Just a moment, please.

THE WITNESS: I don’t know what you’re saying.

THE COURT: All right. I’m going to overrule the objection, but I’ll limit the examination in that area.

Q. BY MR. AUCHINCLOSS: All right. As far as your understanding as to why you were being terminated, can you tell us what you believe to be the reason why you were being terminated?

A. Well, I can only cite the letter that I received.

MR. MESEREAU: Objection. No foundation; and irrelevant opinion.

MR. AUCHINCLOSS: I’ll rephrase it.

THE COURT: All right.

Q. BY MR. AUCHINCLOSS: Were you informed as to the reason for your termination with Michael Jackson as his man in charge of public relations?

A. No, because at all times --

MR. MESEREAU: Objection; nonresponsive.

THE COURT: I'll allow the answer, "No."

Q. BY MR. AUCHINCLOSS: All right. So you were never given an explanation as to why you were being terminated?

A. At all times --

Q. That's a yes or no, question, sir.

MR. MESEREAU: Objection; nonresponsive.

THE COURT: Overruled. The question was, "All right. So you were never given an explanation as to why you were being terminated?" Is that true?

THE WITNESS: The letter, yes. The letter. That's all I can say.

Q. BY MR. AUCHINCLOSS: Okay. Now, one thing we have to be careful about in the question and answer of your examination is we have to be careful we don't talk over each other, so the reporter can get everything down.

A. Okay.

Q. And you have to be careful just to answer the question that's asked. All right?

A. Okay.

Q. Thank you.

So I believe you testified you were terminated late in 2004; is that correct?

A. Yes.

Q. And since that time have you had any employment?

A. No.

Q. Have you been involved in any activity at this time concerning -- during that period of time since your termination that concerns your years of employment with Michael Jackson?

A. Yes.

Q. What is that?

A. I went to the State of California and filed a complaint for my vacation pay.

Q. All right. Other than that, have you been involved in the writing of any memoirs of your years with Michael Jackson?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

THE WITNESS: Is it --

THE COURT: You may answer.

THE WITNESS: Yes.

Q. BY MR. AUCHINCLOSS: And can you specifically tell me what you've been doing in terms of writing those memoirs?

A. Preparing a book.

Q. Preparing a book?

A. Yes.

Q. And what is the subject matter of that book?

A. My -- well, my years and -- my years with Michael Jackson.

Q. During your years of working with Michael Jackson, did you have occasion to spend time with him personally?

A. Seldom.

Q. Who was it that hired you?

A. Michael Jackson.

Q. Personally?

A. Yes.

Q. And did you ever travel with him?

A. Yes.

Q. On how many occasions?

A. I think on three tours, and perhaps on special occasions for events that I had arranged, such as the World Music Awards.

Q. Where was the World Music Awards?

A. Monaco.

Q. In Europe?

A. Yes.

Q. And when was that?

A. Now, I can't tell you an exact date. I'm not good on dates.

Q. All right. Can you approximate?

A. I would say approximately '92.

Q. How long did that trip take?

A. The trip probably lasted about ten days.

Q. And did you travel with Mr. Jackson to Monaco?

A. Yes.

Q. Did Mr. Jackson bring any guests with him on that trip?

A. Yes.

Q. Who?

A. Jordie Chandler, his mother June Chandler, and her sister -- his -- Jordie’s sister.

Q. Did you personally see Mr. Jackson and Jordie Chandler together during that trip?

A. Of course.

Q. How often?

A. We -- well, whenever I saw one, I saw the other.

MR. AUCHINCLOSS: If I may approach, Your Honor.

THE COURT: Yes.

Q. BY MR. AUCHINCLOSS: Mr. Jones, I show you People’s Exhibit 776. Can you identify that for me, please?

A. That’s Jordie Chandler.

Q. Now, you said whenever you saw Mr. Jackson, you saw Jordie Chandler with him?

A. Yes.

Q. How often would you see Mr. Jackson during that trip?

A. Well, I would say, doo-doo-doo-doo, in Monte Carlo maybe I saw them three or four times.

Q. Did you travel on the plane with them to Monaco?

A. Most definitely.

Q. Did you travel on the plane with them back to the United States?

A. I -- yes, I traveled on the plane with them from Monte Carlo to Paris, and then back to the United States.

Q. Did Mr. Jackson attend the World Music Awards?

A. Yes, he did.

Q. Did you see him there?

A. Yes.

Q. Did you ever see Mr. Jackson personally demonstrate any physical affection towards Jordie Chandler during this period?

MR. MESEREAU: Objection; leading.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Did you ever see any conduct involving any physical contact between Michael Jackson and Jordie Chandler?

A. Yes.

Q. How often?

A. On the flight back from --

Q. The question is, first of all, how often did you see this?

A. Well, just the one time.

Q. And you started to talk about the flight back?

A. Well, that’s when the -- can I make a correction?

Q. Yes.

A. Number one, I saw them together at the awards. And then on the flight back from Paris to Los Angeles.

Q. Okay. Were they in physical contact with one another at the awards?

A. He sat -- yes.

Q. And can you describe -- were they in physical contact during the flight back?

A. They were embraced into one another on -- sleeping on the airplane from Paris to Los Angeles.

Q. Now, going to the music awards, what was the nature of the physical contact that you saw with them at the World Music Awards?

A. Jordie sat on his lap.

Q. Where were you seated?

A. I sat a distance away from June, her daughter, and Jordie and Michael.

Q. How many feet away were you when you were observing Mr. Jackson and Mr. Chandler together?

A. Oh, I would say approximately 20 feet.

Q. And if you would describe for me in detail what you saw at the World Music Awards involving Mr. Chandler and Jackson?

A. Well, during the performance, he sat on his lap, Jordie sat on his lap. And the sister sat on the other lap, but at one time Linda Evans took the girl off of his lap and let her sit on her lap.

Q. Mr. Jones, during the World Music Awards when you were watching Mr. Jackson and Jordie Chandler sitting together, did you ever see Mr. Jackson lick Jordie Chandler's head?

A. No, sir.

Q. Have you been interviewed by police officers concerning this matter?

A. Not that I recall.

Q. Didn't you have an interview with Steve Robel and your attorney and myself last week in the victim/witness room --

A. Yes.

Q. -- concerning this incident?

A. Yes, yes, yes.

Q. At that meeting, didn't you tell Mr. Robel and myself and your attorney that you weren't sure if that happened?

A. I was very --

MR. MESEREAU: Objection.

THE WITNESS: I was adamant in saying I was not sure that that happened. I could -- I could definitely say that they were embraced in one another's arms on the flight, but I don't recall anything about head licking.

Q. BY MR. AUCHINCLOSS: My question is, didn't you say that you didn't remember that, but you weren't sure whether or not Mr. Jackson licked Jordie Chandler's head?

MR. MESEREAU: Objection. Leading, and argumentative, and misstates the evidence.

MR. AUCHINCLOSS: This is impeachment, Your Honor.

THE COURT: The objection is overruled.

You may answer.

THE WITNESS: I might have said that. But I don't recall.

Q. BY MR. AUCHINCLOSS: You don't recall whether you said that?

A. No, I don't recall ever seeing any head

licking, and I made that as adamant as I could.
Q. All right. So is it your testimony today that you don’t have a recollection of the head licking --
MR. MESEREAU: Objection. Argumentative, and asked and answered, and leading.
MR. AUCHINCLOSS: I don’t think I’ve gotten an answer yet.
THE COURT: Well, you haven’t got the question out, so go ahead and state your question.

Q. BY MR. AUCHINCLOSS: I’m trying to clarify the state of your memory, sir.
A. Sure.
Q. Is it your testimony today that you do not remember whether or not you saw any head licking?
A. No. I don’t remember having seen any head licking.
Q. Okay. So is it fair to say you were not saying it couldn’t have happened?
MR. MESEREAU: Objection; argumentative.
THE COURT: Sustained.
MR. MESEREAU: Calls for speculation.
Q. BY MR. AUCHINCLOSS: Are you saying you just simply do not have a recollection of it?
MR. MESEREAU: Objection. Asked and answered; argumentative; and leading.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Mr. Jones, you said you’re writing a book in this case?
A. Sure.
Q. What is the title of that book?
A. “The Man Behind the Mask.”
Q. What is the complete title of that book?
A. “The Man” --
MR. MESEREAU: Objection. Objection. Hearsay; relevance.
THE COURT: Overruled. You may answer.

THE WITNESS: Oh. “The Man Behind the Mask.” In all honesty, I don’t -- I can’t tell you the subtitle.

Q. BY MR. AUCHINCLOSS: You don’t recall the name of your book?

A. No, I don’t recall the subtitle. I do know “An Insider’s View of the Rise and Fall of the King of Pop.” Maybe that’s it.

Q. Is the name of your book, “Michael Jackson, The Man in the Mirror, An Insider’s Account of the King of Pop’s Spectacular and Catastrophic Fall from Grace”?

THE WITNESS: No.

MR. MESEREAU: Objection. Leading; hearsay.

Q. BY MR. AUCHINCLOSS: That is not the title of your book?

A. The “Catastrophic” --

THE COURT: Just a moment. There’s an objection.

It’s overruled.

MR. AUCHINCLOSS: All right.

THE WITNESS: “Catastrophic Fall” was taken out. It was a suggested title and I took that “Catastrophic” out. And it isn’t “The Man Behind the Mirror.” It’s “The Man Behind the Mask.” Maybe one of the suggested titles was that other that I did not approve of.

Q. BY MR. AUCHINCLOSS: Is your book presently at the publisher?

A. It is being edited, but the book is not complete. It is far from complete.

Q. Is your book presently at the publisher?

A. Yes, sir.

Q. What’s the name of that publisher?

A. System, I think. My co-writer handled that end of it.

Q. And your book is currently being edited?

A. Yes.

Q. Has it been accepted by the publisher as a prospect for publication?

A. It has been, but it has not been approved by me.

Q. The manuscript that is at the publisher -- well, let me strike that.

Is the book that is being reviewed by your publisher currently an honest account of your years working with Michael Jackson?

MR. MESEREAU: Objection. Calls for speculation; irrelevant opinion.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Have you reviewed the manuscript that is at the publisher's?

A. I have looked at a manuscript that has not been approved by me.

Q. How many times have you looked at this manuscript?

MR. MESEREAU: Objection; relevance.

THE COURT: I'm not sure where you're going with this. Are you -- is it your intent to impeach him with his manuscript, is that what you're --

MR. AUCHINCLOSS: Yes.

THE COURT: All right. The objection is overruled.

THE WITNESS: Perhaps I've looked at it twice and I have -- I have a co-writer.

Q. BY MR. AUCHINCLOSS: Okay. This manuscript that you've looked at, is it fact or fiction?

A. It's part --

MR. MESEREAU: Objection; no foundation. There's a co-writer. It's not been approved. It's being edited by some other people.

MR. AUCHINCLOSS: I'm talking about the manuscript he's looked at.

THE COURT: Objection's overruled.

Q. BY MR. AUCHINCLOSS: Is this a factual manuscript or is it a fictional manuscript?

A. It is factual to a degree.

Q. To what degree is it factual?

A. It's to a degree, because I -- my co-writer also has included things that I didn't approve of.

Q. I'm going to read to you a quote from that manuscript and ask you whether it's factual or fiction.

A. Sure.

MR. MESEREAU: Objection. Can we approach the bench, Your Honor?
THE COURT: Just a moment.
Before you can impeach him with the manuscript, you have to establish a foundation that he, in fact, wrote this part that you want to impeach him with.
I'll allow you to approach the witness and show it to him, but I'm not going to allow you to read in open court something that may have been written by somebody else.
MR. AUCHINCLOSS: That's fine, Your Honor.
Q. Mr. Jones, I show you People's Exhibit No. 803. It appears to be one page of typed -- this is a word-processed document.
A. Okay.
Q. And it's dated March 7th, 2005. There are two paragraphs below the exhibit number. If you'd read those two paragraphs, I'm going to ask you a couple of questions about it.
A. Sure. "He's one of the young" --
Q. Just a moment. Just read them silently.
A. Oh. Okay.
I did not write this. This I did write.
Q. All right.
THE COURT: So did he show you one he wrote and one he didn't write?
MR. AUCHINCLOSS: Yes. And for the record,

he indicated --
Q. If I'm accurate, Mr. Jones, you indicated the first paragraph in the lower portion of the page you didn't write, but the second paragraph you did write?
A. Yes.
THE COURT: Is that clear to you which he indicated, Counsel?
MR. MESEREAU: I think so, but I'd like to talk to the prosecutor first. I think I understand.
Q. BY MR. AUCHINCLOSS: All right. That second paragraph -- Mr. Jones, that second paragraph is an account of what you observed at the World Music Awards; is that accurate?

A. That's what I observed on the airplane.
Q. Okay. In that paragraph, it states --
MR. MESEREAU: Objection; hearsay.
MR. AUCHINCLOSS: It's impeachment. And I can show it to you, Your Honor.
THE COURT: The objection's overruled.
Q. BY MR. AUCHINCLOSS: It states, "I looked at what was going on with the king and the boy." Who is "the king" in your --
A. The king of pop, Michael Jackson.
Q. All right. "Others looked at them rather strange, too. They were holding each other tight, almost in a romantic sense, cooing. There were pecks on the cheeks and licks on the top of the

head."
Those are your words, sir, true?
A. Sir --
Q. That's a "yes" or "no" question.
A. Yes, with reservations.
Q. Mr. Jones, did you see Michael Jackson lick Jordie's head?
MR. MESEREAU: Objection; asked and answered.
THE COURT: Sustained.
MR. AUCHINCLOSS: If I may approach, Your Honor.
THE COURT: Yes.
Q. BY MR. AUCHINCLOSS: Mr. Jones, I show you People's Exhibit 804. It appears to be an e-mail. Can you identify that for me, please?
A. It's from an e-mail that I sent to Stacy Brown, my co-writer.
Q. The cite -- well, I won't quote, but that is your e-mail address at the top?
A. Yes, yes.
Q. And those are your words?
A. If they were sent by my e-mail, yes, they have to be my words.
Q. You don't dispute that those are your words?
A. No.
Q. And I show you People's Exhibit No. 805. If you'd identify that for me, please. Also appears to

be an e-mail dated the same date, but the time on it is 22:30:17 EDT.
The first one, for identification purposes, 804, is dated -- the time on it is 19:55:32 EDT.
Okay. So showing you Exhibit 805, is that one of your e-mails, sir?
A. Well, they’re both from my e-mail.
Q. All right. You wrote them?
A. Yes.
Q. And in the first e-mail, 804 --
MR. MESEREAU: Objection; hearsay.
MR. AUCHINCLOSS: Offered as impeachment.
THE COURT: All right. Overruled.
Q. BY MR. AUCHINCLOSS: You wrote -- and this -- first of all, let me ask you, is the date of this e-mail accurate, October 30th, 2004?
A. I would imagine it is, sir.
Q. In that e-mail, you wrote, “Stacy: The licking is going to be important because he did it in this case, too.” Are those your words, sir?
A. Apparently so.
Q. And in the e-mail that was dated the same day just a few hours later, did you write, “Stacy: The stuff with Jordie will bite him big”?
A. If it’s -- if it came from my e-mail, I wrote it. But I don’t -- that sounds a little strange from my writing.
MR. AUCHINCLOSS: Thank you. I have no

further questions.
THE COURT: Cross-examine?
MR. MESEREAU: Yes, please, Your Honor.

CROSS-EXAMINATION
BY MR. MESEREAU:
Q. Good morning, Mr. Jones.
A. Good morning.
Q. My name is Tom Mesereau and I speak for Michael Jackson.
A. Sure.
Q. We haven’t met before, right?

A. No.

Q. Okay. The prosecutor referred to an interview that you had with Sergeant Steve Robel and another officer on April 7th, 2005.

A. Uh-huh.

Q. Do you remember that?

A. Yes.

Q. And do you remember you were asked by an officer, “Um, did you see Mr Jackson engage in any head licking in the World Music Awards?” And your answer was, “No, no, no,” right?

A. Uh-huh.

Q. And then you were asked, “Um, did you see Mr. Jackson engage in any head licking of anybody?” And your answer was, “Never.” Remember that?

A. I recall.

Q. Okay. And what you were not -- when you were dealing with your co-writer and publisher, you were not under oath, were you?

A. No.

Q. And of course today you are, right?

A. Yes.

MR. AUCHINCLOSS: Objection; argumentative.

THE COURT: Overruled. Next question. He answered that.

Q. BY MR. MESEREAU: The reality is, Mr. Jones, you have repeatedly said you don’t recall seeing head licking on the plane, right?

MR. AUCHINCLOSS: Objection; misstates the evidence.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You don’t recall seeing head licking by Michael on the plane with Jordie, do you?

A. I said it, but it was in the -- it appeared in an e-mail. I said I did not recall seeing it, but it -- apparently so, because it appeared in an e-mail that came from my machine.

Q. Well, in response to the prosecutor’s questions, you said you had reservations about that statement --

A. Yes.

Q. -- correct?

And what are your reservations about that statement?

A. That I just don't recall exactly seeing that. I truly don't.

Q. And would you agree when you're working with a co-writer and a publisher to prepare a book about Michael Jackson, there's pressure to make things sensational when you can, right?

A. Yes.

Q. And your publisher and others want a book that can sell, correct?

A. My co-writer. The publisher wasn't involved in that particular end of it.

Q. Okay. And certainly, having worked with Michael all those years, you've seen numerous attempts by numerous people to sensationalize aspects of Michael's life, right?

A. Correct.

Q. And if you're writing a book about Michael, there certainly is always a temptation to sensationalize if you don't watch yourself, right?

MR. AUCHINCLOSS: Objection; argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: How is the book being written?

A. Well, I don't quite understand what you're --

Q. Let me rephrase it. It's probably a poor question. You have a co-writer?

A. That's correct.

Q. Did your co-writer ever work for Michael Jackson?

A. No, but my co-writer knows the family.

Q. Okay. And you're both trying to prepare a book about your observations and experiences in the past, right?

A. Yes.

Q. And the prosecutor asked you some questions about what stage it’s in, right?

A. Yes.

Q. And is there considerably more editing required?

A. Most definitely.

Q. And is it a long ways from being published as far as you’re concerned?

A. As far as I am concerned, and I’m supposed to have final approval.

Q. And when you have a co-writer on a book like that -- actually, let me make it more direct. Does your co-writer have responsibility for preparing drafts that you have to then review for accuracy?

A. That is correct.

Q. Okay. And is it -- would it be appropriate to say that what the prosecutor showed you has not been approved for accuracy?

MR. AUCHINCLOSS: I’m going to object to any further leading of this particular witness, Your Honor.

THE COURT: Overruled. You may answer. Do you want the question read back?

THE WITNESS: Would you repeat the question, please?

THE COURT: I’ll have the court reporter read it back.

(Record read.)

THE COURT: Are you talking about Exhibit 803, Counsel, or not?

MR. MESEREAU: Yes, Your Honor.

THE COURT: You need to show it to him, because he’s been shown three exhibits.

MR. MESEREAU: I don’t know -- are the exhibits in front of you, Mr. Jones?

THE WITNESS: Exhibits? I don’t have anything.

THE COURT: They’re not up there.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: You may.

Q. BY MR. MESEREAU: Mr. Jones, I’m showing you what has been marked as Exhibit No. 803, okay? Do you see that?

A. Uh-huh.

Q. That starts off with a title that you said is not accurate and has not been approved, correct?

A. That is correct.

Q. And you told the prosecutor you had written the words at the bottom of the page that refer to licking, right?

A. Uh-huh.

Q. And is it your testimony that you have not approved the accuracy of that statement?

A. That is correct.

Q. Okay. Now, the prosecutor showed you an e-mail that you indicated you think you sent; is that correct?

MR. AUCHINCLOSS: Objection; misstates the evidence.

THE COURT: Overruled.

Q. BY MR. MESEREAU: Do you see that?

A. Personally I don’t think this is in the book, this statement.

MR. AUCHINCLOSS: I’ll object as nonresponsive.

THE COURT: I guess it’s without -- his answer shows me it’s without foundation. So do you want to ask a foundational question on that?

MR. MESEREAU: Yes.

Q. Mr. -- well, let me just show you. I’m looking now at Exhibit 805, okay? And that’s the e-mail the prosecutor referred to.

A. Uh-huh.

Q. And I think you said you believe you sent the e-mail; is that right?

A. Uh-huh.

Q. And are the words in that e-mail accurate as far as you’re concerned?

A. Perhaps they are.

Q. You don’t know?

A. Because I wrote -- if it came from my e-mail address, I had to write it.

Q. Okay. And -- but you don’t know for sure?

A. No.

Q. And are the words on that e-mail words you intend to include in your book?

A. Not like that. My -- my co-writer is handling that, and I have tried to change certain things in the way things were said on numerous occasions with him.

Q. Would it be accurate to say that neither Exhibit 803 nor Exhibit 805 are accurate as far as you’re concerned?

MR. AUCHINCLOSS: Objection; misstates the evidence --

THE COURT: Overruled.

MR. AUCHINCLOSS: -- as far as to 803.

THE COURT: Overruled. You may answer.

THE WITNESS: Well, I don’t know which one -- you got three different things there, don’t you?

MR. MESEREAU: Sure. May I approach, Your Honor?

THE COURT: Yeah.

Q. BY MR. MESEREAU: Showing you Exhibit 803 and Exhibit 805, okay?

A. This is three. This is five.

Q. Yes. Okay? Let’s talk about 803. You’ve already indicated the title -- what purports to be the title is not going to be the title of your book, right?

A. That’s correct.

Q. And you’ve already indicated that the bottom paragraph that you say you wrote is not accurate; is that correct?

A. Uh-huh. This I wrote.

Q. Yes.

A. Yes.

Q. But you’re indicating it’s not accurate, true?

MR. AUCHINCLOSS: Objection; misstates the evidence.

THE COURT: Overruled. You may answer.

THE WITNESS: Not completely true as far as I'm concerned.

Q. BY MR. MESEREAU: Okay. Let's look at the next exhibit, which is Exhibit No. 805. Do you see that?

A. Yes. This -- this one is true. I'm sorry. Yes. I'm sorry.

Q. And you wrote that e-mail, correct?

A. Yes. Yes.

Q. And what you said in the e-mail was, in summary, that you might -- and correct me if I'm wrong, that you thought your knowledge of the Chandlers might be an insurance policy for you?

A. Uh-huh.

Q. Correct?

A. Uh-huh.

Q. An insurance policy of employment, right?

A. Uh-huh.

Q. And what that means is, "I might try and hold over Michael's head what I could say about the Chandlers," right?

MR. AUCHINCLOSS: I'm going to object to counsel ascribing any meaning to those words.

THE COURT: Sustained.

Q. BY MR. MESEREAU: What did you mean by "insurance policy of employment"?

A. Well, I was not -- I did not have a confidentiality agreement.

Q. Okay.

A. That's what I -- that's what I basically meant.

Q. And did you also mean that, "Because I've spent all these years with Michael, that I could almost use as a threat writing an expose of him if I'm not employed by him"?

MR. AUCHINCLOSS: Same objection. And argumentative.

THE COURT: Overruled.

You may answer.

Q. BY MR. MESEREAU: Is that sort of what it means?

A. No, not really, because I have never -- I have never sued, I have never sold stories. I have never -- in the 16 and a half years, I’ve never attempted to extort in any manner.

Q. And I’m not saying you did. I’m just asking you --

A. No, no, I did not mean it in that respect.

Q. Okay. Now, when did you say your work was terminated?

A. June 9th, 2004.

Q. Okay. And where was your office at the time?

A. In my home.

Q. You indicated in response to the prosecutor’s question that you didn’t see Michael very often, right?

A. No.

Q. And why was that?

A. This was -- this was Michael Jackson’s modus operandi from the very beginning. I saw Michael mostly if we were on a tour that my presence -- if I may explain. I have worked in the entertainment industry prior to working with Michael Jackson for 17 and a half years, and I know familiarity breeds contempt. And the further you stay away from artists, the better off you are.

Q. And for that reason, did you not go to Neverland very much?

A. I went to Neverland when I brought groups up, such as the Challengers Boys & Girls Club. Such as the First AME Church, et cetera. I was not a regular visitor at Neverland at all.

Q. Now, who was the first group that you mentioned that you brought?

A. The Challengers Boys --

MR. AUCHINCLOSS: Objection. Relevance; beyond the scope.

THE COURT: Sustained.

Q. BY MR. MESEREAU: In a typical year, while you were employed, how often would you visit Neverland?

A. I haven't been to Neverland in years. My visits to Neverland were on a more frequent basis about five years ago when I was able to get groups approved to go to Neverland.

Q. Okay. And you had an office located where?

A. Before we closed the offices, we were at

9255 Sunset Boulevard.

Q. Okay. And how many years did you spend in that office?

A. I think we were there approximately ten years, I think. I cannot be for certain.

Q. Okay. Now, you indicated at the music awards, the World Music Awards, that at one point you saw Jordie on Michael Jackson's lap and his sister on Michael Jackson's lap together, right?

A. That is correct.

Q. Okay. And where was Michael Jackson sitting in that event?

A. He was seated on the front row next to Prince Albert of Monaco, and -- on one side, and Linda Evans, the actress, on the other side.

And I attempted to get -- I had arranged for the Chandlers to sit directly behind Mr. Jackson, because I did not feel that the royalty wanted to be bothered with those guests. But he insisted that they sit with him, so I left it alone.

Q. Did the mother sit with Michael Jackson as well?

A. Behind.

Q. Okay. So when you saw the brother and sister sitting on Michael Jackson's lap in the first row, the mother was right behind, correct?

A. Correct.

Q. So this is the first row in full view of

everyone at the awards show, correct?

A. That is correct.

Q. There was no effort to hide anything at any time?

A. No.

Q. At some point, did you see the children with their mother behind where Michael Jackson was sitting?

A. When I brought them in to their seats, they were seated behind Mr. Jackson. Mr. Jackson moved them up front.

Q. Okay. Did -- when you say he moved them up front, did he move them into seats up front?

A. He moved them into his seat.

Q. Okay. Okay. So the children moved into his seat to sit with him?

A. With him.

Q. And the mother still stayed sitting behind?

A. That is correct.

Q. And at some point did you see the children go back with their mother or did they always stay with Michael?

A. No, they stayed up there.

Q. And I think at one point you saw Jordie still sitting on Michael's lap, and Jordie's sister sitting on Linda Evans' lap?

A. That is correct.

Q. Please tell the jury what the World Music Awards show is.

A. The World Music Awards show is a show that's given annually in Monte Carlo for the best record sales in -- the best worldwide record sales. I had arranged for Mr. Jackson to be honored by the World Music Awards, and -- because of his record sales. And we had gone there for that particular purpose, for him to be honored by the World Music Awards. And to be seen around the world. And I attempted, because perception is 90 percent of what the public thinks, to get those people off of his lap.

Q. Did the Chandler family seem to remain during the entire show sitting with Michael?

A. Oh, of course. Yes.

Q. Okay. Now, you -- how did you get to Monaco?

A. We flew.

Q. Did you -- fly from where?
A. Los Angeles.
Q. Okay. And were there other stops on that trip?
A. To Paris. We flew from Los Angeles to Paris, and Paris to Nice, and we helicoptered to Monte Carlo.
Q. Okay. Do you recall attending any other events with Mr. Jackson on the trip to Monaco?
A. Of course, His Royal Highness Prince Albert hosted a reception for visiting dignitaries, and I was -- he had an event -- when you go there, they have an event each night for visiting dignitaries. And there was only one event that Mr. Jackson attended.

Q. And do you recall whether or not the Chandler family were at that event?
A. They were with him.
Q. And that was because Michael insisted that the Chandler family go?
A. I don’t know whether he insisted whether they attend or not.
Q. Okay.
A. But all of his guests were invited.
Q. Okay. Were there any other guests of Michael Jackson that you haven’t named?
A. No, just the Chandler family.
Q. Okay. Now, did you begin writing your book after your employment ended?
A. I had made notes on certain things. Yes, the actual beginning of the writing of the book started after my employment ended, yes.
Q. And has there been an effort by you or your co-writer to market the book overseas?
A. Well, I would imagine that the publisher has.
Q. Has there been an attempt to market it in the United States?

A. I would imagine that the publisher has.
Q. Okay. And who is in charge of that issue?

A. My co-writer.

Q. Okay. Now, do you typically meet with your co-writer periodically?

A. We talk on the phone. That’s -- that’s perhaps one of the reasons there is some confusion, because our -- he’s based in New York and I’m based in Los Angeles.

Q. Okay. And do you sort of fax or e-mail manuscripts to one another?

A. We e-mail.

Q. Okay. And do you then typically correct or change what you think is either inaccurate or inappropriate?

A. Oh, I’ve changed millions of things that were inaccurate that I didn’t say.

Q. And how far away from having a product that you think is accurate and complete are you?

A. I would say six to eight weeks.

Q. Okay. Have you come up with a date during which you intend to announce the availability of the book?

A. No.

Q. Okay. Do you remember in your interview on April 7th, 2005, a police officer asking you about whether or not there was any licking on the plane by Michael, and you said, “I just don’t remember and I

would be lying to say that I did”?

A. Of course I recall saying that.

Q. And that was the truth, right?

A. Yes.

Q. Now, on the plane coming back, do you remember where Jordie’s mother June was seated?

A. Sure.

Q. Where was she seated?

A. We were all in first class, and on one side of the rear of first class was Michael and Jordie Chandler. On the total opposite side was June Chandler and her daughter.

Q. Certainly June and her daughter were in a position to observe Michael and Jordie, correct?

A. That is correct.

Q. So they were seated parallel to one another?

A. Yes.

Q. Nothing that went on was hidden from anybody, correct?

A. No.

Q. And where were you seated in relation --

A. I was seated at least two front -- two rows ahead of them.

Q. How many times have you been contacted by any representative of the sheriffs or police department in this case?

A. Well, I was contacted prior to my registration -- I mean, my being served with a subpoena. And at one point, a Richard Steingard, I approached him about representation because he had represented me before in this case, and then he came back and said that he could not represent me any longer. And that's when Attorney Sachs was contacted. So I had been -- they attempted to serve a subpoena to me, and at that time I did accept the subpoena at Richard Steingard's office, and following which he informed me that he could no longer represent me.

Q. Have you ever spoken to any prosecutor for the government in this case directly?

A. Who do you mean, the government?

Q. These people. The prosecutors.

A. Certainly. I've -- Mr. Auchincloss and Steve Robel.

Q. When did you last meet with Mr. Auchincloss?

A. I met with him on Friday when I was told to go home and come back.

Q. Okay. And did you meet with him before that?

A. Of course. You mentioned an April date that Mr. Auchincloss had me to come up.

Q. Okay. Was that April 7th?

A. I guess, sir. I don't -- I'm not good with dates, so --

Q. You had an interview with Sergeant Steve Robel, right?

A. And Mr. Auchincloss.

Q. Okay. How many meetings did you have with Sergeant Robel, if you know?

A. I only met Sergeant Robel when I was with Mr. Auchincloss. I met them both at the same time.

Q. Okay. So when you said, “I just don’t remember and I would be lying to say that I did,” about head licking, Mr. Auchincloss was right there, right?

A. We were -- we were there, yes, we were -- the three of us were in the room.

Q. So he clearly heard you say that, correct?

A. Mr. Auchincloss was in the room with Mr. Robel.

Q. And he tried to misquote you in court today, correct?

MR. AUCHINCLOSS: Objection. This is argumentative; improper.

THE COURT: Sustained.

MR. MESEREAU: No further questions, Your Honor.

REDIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Mr. Jones, you told Stacy Brown about this head licking incident, true?

A. Apparently I did, sir.

Q. And you have previously stated that the 5558 words on the second paragraph of People’s Exhibit 803, which I’ve shown you - that’s the quotes from the book --

A. Uh-huh.

Q. -- the second paragraph - those are your words?

A. Yes.

MR. AUCHINCLOSS: All right. Your Honor, if I may, I’d like to admit --

THE WITNESS: With -- with -- may I see that, sir, again?

Q. BY MR. AUCHINCLOSS: Yes, you may.

A. Because -- it may be with exception. Oh, yes, those are my words.

Q. All right. So you agree that those are your words.

Your Honor, I'd like to admit People's Exhibit 803 into evidence at this time.

MR. MESEREAU: Objection. Hearsay; foundation; relevance.

THE COURT: Let me see the exhibit.

All right. The objection's sustained. It's not going into evidence.

MR. AUCHINCLOSS: All right. May I see that?

Q. But so that we're clear today about your testimony, is it true that you looked at what was going on with the king and the boy, they were holding each other tightly, almost in a romantic sense --

MR. MESEREAU: Objection. Asked and answered; move to strike.

MR. AUCHINCLOSS: I believe there's been --

THE COURT: Overruled. Go ahead.

Q. BY MR. AUCHINCLOSS: "Holding each other tightly almost in a romantic sense, cooing. There were pecks on the cheeks and licks on the top of the head"; is that true, those are your words?

A. I -- I -- with reservation. I know about the -- as I told you --

Q. I'm asking you are those your words, sir?

A. They apparently are my words. If you have them in an e-mail from me.

Q. Today your testimony is that, "The licking is going to be important," you told Stacy that, "because it happened in this case, too." Those are your words as well?

A. I don't recall saying anything about this case. But if it was in an e-mail, I said it.

Q. You acknowledge that those words -- that this is your e-mail address?

A. B7436@aol --

Q. And this is -- you acknowledged this is one of your e-mails to Stacy Brown?

A. Nobody else could have done it but me.

Q. So do you acknowledge, based upon all the information that you have today, that you did, in fact, see Michael Jackson lick Jordie Chandler on the top of the head, sir? Yes or no.

MR. MESEREAU: Objection; asked and answered.

THE WITNESS: I guess -- yes.

MR. AUCHINCLOSS: All right.

THE COURT: Just a moment. There was an objection.

MR. AUCHINCLOSS: Sorry.

THE COURT: The objection is overruled. The answer was, “Yes.”

Q. BY MR. AUCHINCLOSS: And your testimony is that this incident happened on a plane flying back from Europe?

A. On flying back from Paris to Los Angeles.

MR. AUCHINCLOSS: Thank you. I have no further questions.

RECROSS-EXAMINATION

BY MR. MESEREAU:

Q. Mr. Jones, on April 7th, you told the police and Mr. Auchincloss you’d be lying if you said you saw Mr. Jackson licking Mr. Chandler, right?

MR. AUCHINCLOSS: Objection. Misstates the evidence and argumentative.

THE COURT: Overruled.

You may answer. Do you want the question read back?

THE WITNESS: I would say since he -- I have to say it has to be true if it came in my e-mail.

Q. BY MR. MESEREAU: But, sir, you just told the police the other day that you’d be lying if you said he did that, right?

MR. AUCHINCLOSS: Same objections.

THE COURT: Overruled.

Q. BY MR. MESEREAU: Right?

A. I -- I, again, have to say what I said. If it’s in my e-mail, it’s true.

Q. But you just told the jury you don’t recall seeing something like that, correct?

MR. AUCHINCLOSS: Objection. Asked and answered; argumentative.

THE COURT: Overruled.

THE WITNESS: I go back with the same answer. It was in my e-mail. So if it was in my e-mail, I'm taking responsibility for the e-mail.

Q. BY MR. MESEREAU: Well, but you've also indicated a number of the things you wrote are not accurate, true?

A. I didn't write anything. My co-writer wrote those things. But he is -- he has shown me an e-mail that I wrote and sent to my co-writer.

Q. But, sir, you just told the jury what you told the police last week, which is that you'd be lying if you said you saw that, right?

MR. AUCHINCLOSS: I believe that misstates the evidence.

THE COURT: Overruled.

Is that what -- he's really asking you, "Is that what you told the police?" Did you tell the police --

THE WITNESS: Yes, that is what I told the police.

MR. MESEREAU: No further questions.

FURTHER REDIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Mr. Jones, you didn't say, "I would be lying if I said that." You said, "I would be lying if I said I remembered that"; isn't that true?

A. Yes, I did.

Q. And is it fair to say that based on everything you have before you today, you now remember the incidents that you've testified concerning the licking?

A. I don't remember. But there is an e-mail which provides explicit evidence that the e-mail came from me.

Q. And you believe your e-mails are true; you've testified to that?

A. I would not have just made it up.

MR. AUCHINCLOSS: Thank you.
THE WITNESS: Okay.

MR. MESEREAU: No further questions.
THE COURT: All right. Thank you. You may step down.
MR. AUCHINCLOSS: Thank you, Your Honor. Subject to re-call.
THE COURT: All right. I haven’t excused him.
MR. AUCHINCLOSS: I’m sorry.
THE COURT: Call your next witness.
MR. AUCHINCLOSS: Call Stacy Brown.
THE COURT: When you get to the witness stand, please remain standing. Face the clerk, over here, and raise your right hand.

STACY BROWN
Having been sworn, testified as follows:

THE WITNESS: Yes.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Stacy Brown. S-t-a-c-y; Brown, B-r-o-w-n.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. Good morning, Mr. Brown.

A. Good morning.
Q. What is your occupation, sir?
A. I’m -- currently I’m an analyst for MS-NBC and I’m also an author.
Q. All right. As an author, have you had occasion to collaborate with writers in the creation of books?
A. Oh, yes, several.
Q. Can you give me an example?
A. Well, in 2002, published by Simon &

Schuster, I co-authored the book Blind Faith, a biography of Stevie Wonder and his mom, Lula Hardaway.
Q. Have you worked in the past to -- collaborated in the past with any members of the family of Michael Jackson in the creation of books?
A. Yes, I have.
Q. Who would that be?
A. That would be his older sister, Rebbie Jackson, and his brother Jermaine Jackson.
Q. And when I say “Mr. Jackson,” is he the man seated to my right with the long black hair?
A. Yes.
Q. Were those -- was there ever any attempt to publish those two books that you just described?
A. The latter two, Rebbie and Jermaine?
Q. Yes.
A. That I -- there was --

Q. Were they published?
A. No, they was not published.
Q. Do you know why not?
A. Well, the last one with --
MR. MESEREAU: Objection; calls for speculation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Were those books, either of them, pulled from the publisher by you?
A. Yes.
Q. Why?
A. At the direction of --
MR. MESEREAU: Objection. Relevance; foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: May I ask foundation or relevance, Your Honor?
THE COURT: The relevance.
MR. AUCHINCLOSS: All right.
Q. Mr. Brown, did you collaborate with Bob Jones or are you collaborating with Bob Jones in the writing of a book concerning his experiences as an employee of Michael Jackson?
A. That’s correct.

Q. How long have you been doing that?

A. Since last summer.

Q. How did you meet Bob Jones?

A. I met Bob years ago. He was, of course, working for Michael. I was a reporter for the L.A. Daily News at the time, and we were covering a story about Michael's -- the birth of Michael's first child. And I had talked about -- everyone had talked about, everyone in the media, when they want information or comments from Michael on things that -- like having a baby.

Q. Who approached whom concerning the writing of this book?

A. Last January during the arraignment here, Bob Jones approached me -- we were both standing outside that day, and he approached me about writing that book.

Q. And you've worked together to prepare a manuscript?

A. Yeah, we did. And we didn't -- you know, I didn't initially agree to write the book.

Q. Okay.

A. There was some concerns that I had. I didn't want to --

MR. MESEREAU: Objection; nonresponsive.

MR. AUCHINCLOSS: That's fine.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: So did you originally want to write this book?

A. Not originally, no.

Q. Why not?

A. Well, I knew --

MR. MESEREAU: Objection. Relevance; calls for speculation.

THE COURT: Sustained.

MR. AUCHINCLOSS: It goes to -- offered as credibility.

THE COURT: The objection is sustained.

Q. BY MR. AUCHINCLOSS: Tell me about the collaboration process with Mr. Jones. How has this book come together?

A. Well, I interviewed Bob, another writer also interviewed Bob as well, about his experience, not only with Michael. We have to remember Bob worked with a lot of people including Lionel Ritchie, Rick James, Barry Gordy, the Jacksons as a family.

Q. Uh-huh.

A. So Michael was -- and Bob's mind was seen as just a small part of his story, but obviously the publisher wanted more about Michael because he is Michael.

Q. When you're collaborating with an individual in the preparation of a manuscript, are there -- is there a dialogue with publishers to see what kind of book the publisher will be interested in?

A. Oh, absolutely.

Q. And do you employ a literary agent to try --

A. Yes.

Q. -- and market the book?

A. Yes. And in this particular case, we employed quite a few.

Q. Why is that?

A. Well, Bob has problems trusting people.

MR. MESEREAU: Objection; relevance.

MR. AUCHINCLOSS: I can withdraw that.

THE COURT: All right. I'll strike his answer. You can rephrase the question.

MR. AUCHINCLOSS: That's fine.

Q. How many agents did you work with?

A. Gosh. It's now -- five now.

Q. And you currently -- are you currently employing an agent?

A. Yes, we are. We are currently employing two.

Q. And what are their names?

A. Neil Gudovitz and Bill Gladstone.

Q. In working with Mr. Jones, how did you communicate with one another?

A. We spoke a lot over the phone. We met in person. And a lot of times, because of the distance, we e-mailed each other.

Q. And so how would it work in terms of his

working with you?
A. What would happen is he would send me an e-mail of a lot of his notes that he had kept over the years. We would talk about them, and then I'd start writing. And I would send him what I write, and he would have to approve it, and then he would

send it back with any type of changes that needed to be made, and the changes would be -- then be made.
MR. AUCHINCLOSS: If I may approach, Your Honor.
THE COURT: Yes.
Q. BY MR. AUCHINCLOSS: Mr. Jones -- or Mr. Brown, I show you People's Exhibit 803. Could you identify those two passages for me?
MR. MESEREAU: Objection to the extent it calls for hearsay.
THE COURT: Overruled. I'll allow him to identify them.
THE WITNESS: By "identify," read them?
Q. BY MR. AUCHINCLOSS: No, just identify them. Are those two passages that came from the book that you're working on with Mr. Jones?
A. That's correct, yes.
Q. And while I'm up here, I'm going to show you People's Exhibit 804. Can you identify that for me?
A. An e-mail Bob Jones sent to me.
Q. You personally received that from Mr. Jones?
A. That's correct.
Q. And an e-mail --
A. That's correct. Another e-mail.
Q. That's Exhibit 805. That's one he sent you as well?
A. That's correct.
Q. Now, for the record, are these complete

e-mails or did they have some material?
A. Oh, they had a lot of material.
Q. But this is just a portion of them?
A. Yeah.
Q. All right. Did Bob Jones, during your collaboration with him in the writing of this book,

tell you about an incident in which he observed the defendant, Michael Jackson, lick a boy by the name of Jordie Chandler on the head?

MR. MESEREAU: Objection. Hearsay; and leading.

MR. AUCHINCLOSS: Offered under 1236.

THE COURT: The objection is overruled.

THE WITNESS: I’m sorry.

THE COURT: Just answer that “yes” or “no.”

THE WITNESS: Yeah. Yes, he did.

Q. BY MR. AUCHINCLOSS: What did he tell you?

MR. MESEREAU: Objection; hearsay.

THE COURT: Overruled. You may answer.

THE WITNESS: Well, he described an incident, they were going to the World Music Awards in Monaco, I believe it was. And he talked about how strange it was, because Jordie had a head full of hair, and he said, “I thought maybe it would be more” -- you know, “It would be understandable if he had a bald head.” But he just couldn’t understand the licking of the head when he had a head full of hair.

Q. BY MR. AUCHINCLOSS: He said he saw Michael Jackson lick Jordie’s head?

A. Correct.

Q. Those two passages that I showed you in Exhibit 803, did you ever share that manuscript that contained those passages with Mr. Jones?

A. Oh, yeah. Absolutely. Bob had to approve everything that went to the publisher.

Q. So everything that went to the publisher was approved by Mr. Jones?

A. That’s correct.

Q. And did this -- did those two passages that I just showed you go to the publisher?

A. Oh, yeah.

Q. Did you discuss this issue of the licking incident on more than one occasion?

A. Oh, yes, we did. Do you want me to --

Q. Go ahead.

A. Yeah, we did. Beginning in, I would say, maybe August or September, he and I discussed it. And we discussed it with another writer, Dennis love, and also our agent and the publisher.

Q. Okay. You previously mentioned Neil Gudovitz and Bill Gladstone. Was it discussed with those two gentlemen?

A. Yes.

Q. And your publisher, who would that be?

A. That would be Select Books.

Q. Okay. Specifically who was this issue discussed with?

A. Well, it was discussed not only with -- well, specifically at Select Books?

Q. Yes. And I mean by Mr. Jones himself.

A. We had -- well, I don’t know that Bob discussed it with Select. But we discussed it with Simon & Schuster and Harper Collins in a conference call that we had. Bob discussed it with them. They discussed the entire -- the entire proposal that we put before them, and that included that.

Q. All right. This e-mail that I showed you, 804 - I’ll show it to you again just so you’re familiar with what I’m talking about - references that, “The licking is going to be important because he did it in this case, too.”

Can you tell me, what was the context of that remark?

MR. MESEREAU: Objection. Relevance; foundation; and calls for hearsay.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: What did you understand he was referring to when he said, “this case, too”?

MR. MESEREAU: Objection. Foundation; relevance.

THE COURT: Overruled.

Excuse me. Sustained.

Q. BY MR. AUCHINCLOSS: Did you stay abreast of the information in the media during the writing of this book?

A. Yeah, I had to. It’s my job.

Q. Okay. Did you -- did you check the Internet sources of news media?

A. Yeah. I look at different newspapers and news outlets throughout the country, and their take on what’s going on as well.

Q. And on October 30th, 2004, had you ever heard of any kind of licking that had gone on in the case of People v. Michael Jackson that’s presently before the Court?

MR. MESEREAU: Objection. Relevance; foundation; hearsay.

MR. AUCHINCLOSS: In the media outlets.

MR. MESEREAU: Improper hearsay.

THE COURT: I guess I’m not sure where you’re going with what his knowledge is of this case, how that relates to what Mr. Jones has said.

MR. AUCHINCLOSS: Whether it had been reported in the media from another source - he says he kept abreast of all the media sources - or whether this was the first time he’d heard it.

THE COURT: All right. If you’ll rephrase the question to relate to the relevance that you’re describing.

MR. AUCHINCLOSS: Okay.

Q. My question is this, Mr. Brown: When Mr. Jones wrote you this e-mail on October 30th, were you aware at that time that there was an allegation of licking in the case involving Gavin Arvizo and Mr. Jackson?

A. I can’t say that --

MR. MESEREAU: Objection; foundation.

THE COURT: The objection is overruled.

Q. BY MR. AUCHINCLOSS: All right. Go ahead.

A. I can’t say that I was, because I -- when Bob told me, it was the first that I’d heard of the incident. He had actually heard it first as it pertains to this case, and that’s when -- that prompted him to share with me that it was going to be important.

Q. Now, he says in that e-mail, “The licking is going to be important because he did it in this case, too.” Was that the first time you heard of the connection between the two --

A. Yes.

Q. -- cases?

Had he talked to you about the licking before that?

A. We had started discussing --

MR. MESEREAU: Objection. Relevance; foundation; hearsay.

THE COURT: I’ll overrule the objection. But the question is simply whether or not he discussed this with you before that e-mail.

Q. BY MR. AUCHINCLOSS: So that’s a “yes” or “no.”

A. That particular e-mail?

Q. Yeah, before that e-mail.

A. The e-mail, no. The incident, yeah.

Q. Okay, the incident. He discussed it before that e-mail?

A. Yeah.

Q. Has Mr. Jones ever indicated to you a fear of testifying in this case?

MR. MESEREAU: Objection. Foundation; relevance; calls for speculation; move to strike.

THE COURT: Sustained. The objection is sustained. Stricken.

Q. BY MR. AUCHINCLOSS: Was there a period of time when Mr. Jones all of a sudden began to have a loss of recollection or something of that nature regarding this licking incident?

MR. MESEREAU: Objection. Leading; calls for speculation.

THE COURT: I’ll sustain the objection as the question is too broad.

Q. BY MR. AUCHINCLOSS: Okay. At some time during your collaboration with Mr. Jones, did he ever try to deny his recollections about this licking incident?

MR. MESEREAU: Objection. Leading; calls for speculation; relevance; foundation.

THE COURT: I’ll overrule the objection. The question should be read back to the witness.

(Record read.)

THE WITNESS: Yeah. He had fuzzy recollections about it, yes.

Q. BY MR. AUCHINCLOSS: Was there --

THE COURT: Just a moment. We're going to take our break.

(Recess taken.)

--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 5521 through 5577 contain a true and correct transcript of the

proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 11, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
April 11, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

MONDAY, APRIL 11, 2005

8:30 A.M.

(PAGES 5579 THROUGH 5770)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
BROWN, Stacy	5583-M	5593-A	5595-M	
CHANDLER, June	5596-SN	5658-M	5727-SN	5734-M
SWINGLER, Dwayne	5736-A	5754-M	5765-A	

THE COURT: All right. Go ahead.
MR. AUCHINCLOSS: Thank you, Your Honor.
Q. Mr. Brown, where we left off, I was asking you about this period of time when Mr. Jones started to have some failure of recollection on the issue of head licking.
When did that -- do you recall when that began or when that started?
A. It's been about a month or so now.
Q. Before that time, how many times had you been involved in a conversation where Mr. Jones talked about the head-licking incident?
MR. MESEREAU: Objection; relevance.
THE COURT: Overruled.
THE WITNESS: I can't tell you exact number of times, but it was more than a couple.
Q. BY MR. AUCHINCLOSS: Okay. And how would you describe this change in his recollection, if you can?
MR. MESEREAU: Objection; vague.
MR. AUCHINCLOSS: I can be more specific.
MR. MESEREAU: Relevance.
Q. BY MR. AUCHINCLOSS: My question goes to, was it an abrupt change, or was it something that occurred over a period of time, or something in between?
MR. MESEREAU: Objection. Vague; relevance;

foundation.

THE COURT: Overruled. You may answer.
THE WITNESS: I would say it was more abrupt than anything else.
MR. AUCHINCLOSS: Thank you, Mr. Brown. I have no further questions.
THE COURT: Cross-examine?
MR. MESEREAU: Yes, please, Your Honor.

CROSS-EXAMINATION
BY MR. MESEREAU:
Q. Good morning, Mr. Brown.
A. Good morning.
Q. How long have you known Bob Jones?
A. The year Princess Diana died. I think it was ‘97.
Q. Okay. And approximately when did he tell you he intended to write a book?
A. It was about January, a few months before he was terminated.
Q. And you’ve been interviewed by the sheriffs in this case, right?
A. That’s correct.
Q. And you told the sheriffs that Bob Jones told you he’s broke and he needs to make some money, right?
A. That’s what --
MR. AUCHINCLOSS: Objection; hearsay.

THE COURT: Sustained.
Q. BY MR. MESEREAU: Have you gone through different drafts with Mr. Jones?
A. Yes, I have.
Q. On the issue of head licking, did Mr. Jones tell you at one point he had to make money on this book because he had financial problems?
MR. AUCHINCLOSS: Objection. Hearsay; argumentative.
THE COURT: Overruled. You may answer.

THE WITNESS: He didn’t -- Mr. Mesereau, he didn’t tell me that in relation to the head licking. That never came up in discussions of money.

Q. BY MR. MESEREAU: But he told you he’s broke and has to get paid for this book, correct?

MR. AUCHINCLOSS: Objection. Hearsay; argumentative.

THE COURT: Overruled.

You may answer.

THE WITNESS: When we first started the book, he said he needs the money. He was just fired.

Q. BY MR. MESEREAU: And he said he was broke, right?

A. Yes. That’s correct.

Q. You told the police you said he was broke, right?

A. That’s correct.

Q. Okay. Now, how did -- how did the -- let me rephrase that.

Obviously at some point you met with Bob Jones about writing a book, correct?

A. That’s correct.

Q. And where did you meet with him?

A. Well, as I said earlier, he first approached me here at the court, back during the arraignment.

Q. And did he tell you then he wanted to write something?

A. That’s correct.

Q. And that’s before he --

A. That’s before his termination.

Q. Okay. And how long before his termination was that, do you think?

A. Well, it was January, so -- the termination was in June. So four, five months.

Q. And did he tell you he was doing it secretly?

A. Well, he didn’t say secretly, but he said -- obviously any process with a book, you don’t want everyone to know this is what you are doing.

I did, however, myself, tell members of the family, to get their thoughts on it, because that was my concern, what their thoughts may be with me doing a book with Bob Jones with -- chiefly it had to be about Michael Jackson.

Q. Okay. Now, did Mr. Jones tell you he was talking to anyone from the sheriff's department?

A. Not at that time, no.

Q. When did you first learn that he had spoken to anyone from the sheriff's department?

A. I believe they first contacted him in December of last year.

Q. And based on the prosecutor's questions to you, you must have learned at some point that Bob Jones was saying he couldn't really remember seeing any head licking, right?

MR. AUCHINCLOSS: Objection; hearsay.

THE COURT: I'm sorry, I can't read the --

THE REPORTER: "Learned" instead of "render."

THE COURT: All right. The objection is Overruled.

You may answer.

THE WITNESS: Could you repeat it, sir?

MR. MESEREAU: I'll have it read back. May it be read back, Your Honor?

THE COURT: Yes.

(Record read.)

THE WITNESS: Oh, I wouldn't say it was based on the prosecutor's -- that. I think it was simply when I spoke with him, he got a little nervous about that particular vein. I think he realized that it was going to become a part of this --

Q. BY MR. MESEREAU: Well, did you and Mr. Jones discuss the fact that the Arvizos went to Larry Feldman, the same lawyer who represented the Chandlers?

A. The --

MR. AUCHINCLOSS: Objection. Relevance; beyond the scope; and argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Has the name Larry Feldman come up in the book you’re writing?

MR. AUCHINCLOSS: Same objection.

THE COURT: Overruled.

You may answer.

THE WITNESS: Not by name, but certainly by title and by inference. Bob did say, based on his notes back in --

Q. BY MR. MESEREAU: Well, just -- you just have to answer the question, okay? I’ll get into that --

A. Okay.

Q. -- okay?

Does the book concern this case in any respect?

A. I would think in some respects.

Q. And is it your plan to market the book while this trial is going on?

A. Well, it all depends on when it’s finished.

Q. Has he ever talked to you about when he plans to complete the book?

A. Well, I have a lot of say in that, so we’ve talked about that, and we’ve always said we don’t want it to be a rush job, and a lot of people want it to be a rush job. The publisher wants it to be a rush job.

Q. The publisher wants it to be a rough job --

A. Rush job.

Q. -- rush job because you can sell it better while the trial is going on, right?

A. Obviously, if it comes out now, it would probably pique some interest because it’s Bob Jones, who, you know, has worked for Michael for so long, and it’s Michael.

Q. Now, have you discussed the amount of money he might make on the book?

A. No, you know, we -- we’ve been made promises in the past. We don’t listen to that. We don’t even speculate on what can be made.

Personally, I just enjoy writing, so, you know, the money aspect -- I think I do pretty well. It’s not a big deal to me.

Q. Do you remember you were interviewed by a

Santa Barbara sheriff on December 7th, 2004?

A. Around about, yeah.

Q. And you were approached by Sergeant Robel, right?

A. Uh-huh. Yes, that’s correct. I’m sorry.

Q. And the purpose of the interview was to talk to you about this alleged head-licking event, right?

A. I’m not sure if that was the purpose of the interview. We talked about various things back in December, but I’m not sure that was the purpose of it.

Q. And do you remember Sergeant Robel wanted to know why you had said that Mr. Jones told you he saw Michael Jackson kiss Jordie, not lick his head?

A. Well, that’s not exactly what -- that I remember Sergeant Robel putting to me. There was a question another investigator had had about whether I said he -- Bob said he licked or kissed him, and he wanted me to clarify that.

Q. And you had told the investigator that based on your discussions with Bob Jones, he had said that Michael Jackson kissed Jordie one time, didn’t lick his head, right?

A. No, I didn’t say that.

Q. Do you remember you apologized?

A. No, no. What happened -- I apologized if it was confused. But what happened was, I think the investigator had misunderstood and that’s what he was calling to clarify. That’s one of the reasons why he called, to clarify exactly what I said. He said he didn’t remember if I said “licking” or “kissing.”

Q. Let me ask you if this is correct.

A. Sure.

Q. “Brown apologized for the mistake. Said he had not realized that he told me he was kissing as opposed to licking.” Does that sound accurate to you?

A. It’s probably accurate. But again, as I’m explaining to you, I explained to Sergeant Robel when he asked the question, when he asked me about that, I had told the other investigator, I think it was Zelis, I'm -- I'm not sure, but I think it was Paul Zelis, the investigator's name, and I think he was the one who had actually made the mistake or -- I won't even say "mistake." He wanted to clarify, is that what I said.

Q. Why did you apologize to him?

A. Well, I apologized for being polite. I mean, it's just a polite thing to do, you know. If I was wrong, I have no problems apologizing.

Q. Now, you're aware that Mr. Jones has indicated he doesn't remember head licking and has said he'd be lying to say that he did. Are you aware of that?

MR. AUCHINCLOSS: Objection; misstates the evidence.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You're in the process of writing the section of the book that deals with this trip to Monaco, aren't you?

A. No. No, we're long since past that.

Q. Well, Mr. Jones has indicated that he has not approved --

A. Everything that has --

MR. AUCHINCLOSS: Objection. Argumentative; hearsay as to what Mr. Jones said; and misstates the evidence.

THE COURT: It's an incomplete question, too.

Q. BY MR. MESEREAU: Mr. Jones has final approval over what's in that book, doesn't he?

A. Absolutely.

Q. Would you agree that the more sensational the book, the better the chance of making money on it?

A. Well, obviously. I mean, we've been told things that nothing surprises them about Michael Jackson, so -- but it's not our intentions to write a book of scandal, if that's what you're inferring. It's certainly not mine, and I have to write it. And I have people in his family who I happen to love very much who I'm not going to disappoint.

Q. They’re not getting any money from the book, are they?

A. The family?

Q. Yes.

A. Why should they?

Q. They’re not getting any money from the book, are they?

A. I’m sorry to respond in that way. No.

Q. The one who is going to make money is Bob Jones, who’s broke, right?

A. We both will.

Q. You’re aware that Bob Jones was very upset when he was terminated, aren’t you?

A. You know what? To be honest with you, he wasn’t upset that he was terminated. He was upset in which the way Randy terminated him.

Q. I’m not sure what that means.

A. Well, Bob had --

Q. Referring to Randy Jackson, right?

A. Randy Jackson, I’m sorry.

Bob had felt he’d been loyal to Michael for basically half of Michael’s life, or most of Michael’s life, I should say. And to get fired by a messenger, you know, I felt bad, too. In fact, I had spoke to someone in Michael’s family about that. I said, “That’s horrible.”

But he was just upset in the method. He knew that eventually his time was going to be up just like everyone else’s.

Q. In the draft that you and Mr. Jones have written, Mr. Jones says on at least two occasions that he’s never seen Michael Jackson act inappropriately with children, right?

MR. AUCHINCLOSS: Objection; hearsay.

THE COURT: Overruled.

You may answer.

THE WITNESS: Well, if it was the exact -- well, I don’t remember the exact wording, but to say that he saw him molest anybody, no, it does not say he saw him molest anybody.

MR. MESEREAU: I have no further questions, Your Honor.

REDIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Mr. Jones (sic), I previously showed you People’s Exhibit 803. Did Mr. Jones approve those two passages?

A. Yes.

MR. AUCHINCLOSS: Ask to move 803 into evidence.

MR. MESEREAU: Objection. Hearsay; foundation.

THE COURT: Sustained.

MR. MESEREAU: Relevance.

MR. AUCHINCLOSS: Offered as a prior inconsistent statement as to the first passage and a prior consistent statement as to the second.

MR. MESEREAU: Same objection.

THE COURT: The ruling remains the same.

MR. AUCHINCLOSS: All right. Ask at this time to admit the two e-mails, Your Honor, Exhibits 804 and 805, into evidence at this time.

MR. MESEREAU: Objection. Hearsay; foundation; authenticity; relevance.

THE COURT: I’ll take that up later.

MR. AUCHINCLOSS: Okay.

Q. Mr. Brown, you said that Mr. Jones was complaining about his finances on cross-examination.

A. Uh-huh. Yes.

Q. Is this a frequent complaint?

A. Yeah, he’s -- well, yeah, he’s made a few complaints about that.

Q. Was there a time when he stopped complaining about his finances during this period of collaboration?

A. Yes.

Q. Was what -- when -- when he stopped complaining about finances, tell me, was there any relationship in time to that point and the time in which he started to have this failure of recollection?

MR. MESEREAU: Objection. Relevance; vague; foundation.
THE COURT: I’ll sustain vague.
Q. BY MR. AUCHINCLOSS: Can you tell me approximately when in time Mr. Jones stopped complaining about his finances?
A. It’s been about a month or so.
Q. And when in time did he start to have his failure of recollection?

A. About a month or so.
Q. Did they -- did both of those coincide in time?
A. I would say so, yes.
MR. AUCHINCLOSS: Thank you. I have no further questions.

RECROSS-EXAMINATION
BY MR. MESEREAU:
Q. Mr. Brown, what I think the prosecutor just elicited is the following: When he was broke, he said there was licking. And when he didn’t have financial problems, he said there wasn’t any, right?
A. Well, if that’s how you --
Q. Right?
A. -- break it down, yeah, I guess.
MR. MESEREAU: Thank you.
MR. AUCHINCLOSS: No further questions.
THE COURT: Thank you. You may step down.
Would you give me Exhibits 804 and 805?
Call your next witness.
MR. SNEDDON: June Chandler, Your Honor.
THE BAILIFF: She’s on her way, Your Honor.
THE COURT: 804 and 805 are not admitted.
Come forward, please. When you get to the witness stand here, remain standing.
Face the clerk here and raise your right hand.

JUNE CHANDLER
Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: June Chandler. J-u-n-e; C-h-a-n-d-l-e-r.

THE CLERK: Thank you.

THE WITNESS: You’re welcome.

DIRECT EXAMINATION

BY MR. SNEDDON:

Q. Good morning, Mrs. Chandler.

A. Good morning.

Q. I want to go back in time a little bit to around 1992 and ‘93, okay?

A. Yes.

Q. And are you related in some fashion to Jordan Chandler?

A. Yes. He is my son.

Q. Okay. And we’re going -- you know, I should have done this before we started.

A. Yes.

Q. You have to lean right into that microphone so everybody can hear what you have to say. We’ve had the same problem with everybody, so it’s not just you.

A. Okay.

Q. You have a very soft voice, so you keep it up, all right?

A. Okay. I will.

Q. Let me start all over again and ask you again. Are you related to Jordan Chandler?

A. Yes, I am. He is my son.

Q. Do you have any other sons or daughters?

A. Yes, I have a daughter.

Q. And her name?

A. Lily Chandler.

Q. And how old is Lily right now?

A. 17 years old.

Q. Now, in 1992 and 1993, were you married?

A. Yes, I was.

Q. And to whom were you married?

A. To David Schwartz.

Q. And is David Schwartz the father of either of your children?

A. Yes.

Q. Which one?

A. Lily Chandler.

Q. And prior to your marriage with David Schwartz, you were married to Evan Chandler, correct?

A. Correct.

Q. And Evan Chandler is the father of Jordan Chandler?

A. Correct.

Q. What is Jordan’s date of birth?

A. January 11th, 1980.

Q. And to your knowledge, had -- by the time of the events in 1992 and ‘93, had Evan Chandler remarried?

A. Yes.

Q. And do you know his wife or did you know his wife at that time?

A. Yes, I did.

Q. And her name is?

A. Natalie Chandler.

Q. And did they have any other children?

A. Yes, they did.

Q. And the child’s name?

A. Nicky Chandler. And Emmanuelle Chandler.

Q. And at the time of 1992 and 1993, can you give us the approximate ages of those children?

A. As best as I can recall, seven and four.

Q. And who is the oldest?

A. Nicky Chandler, the son.

Q. Okay. Now, I want to show you some photographs. The first photograph we have that’s marked is 793, the next one is 794, and the next one is 795, okay?

The first one, 793, I’ll ask you if you recognize the person depicted in that photograph?

A. No, I do not.

Q. Have you ever seen that person before?

A. Not that I recall.
Q. And I want to show you a photograph marked as 794, or Exhibit 794. Do you recognize the people depicted in that photograph?
A. Not that I recall.
Q. Neither the top nor the bottom?
A. He might look familiar.
Q. Okay. And the bottom photograph?
A. I don't recall.
Q. And with regard to Exhibit No. 795, do you recognize any of the people depicted in that photograph?
A. I recall this boy and Michael Jackson.
Q. All right. "This boy" meaning the person on the far left-hand side of the Exhibit 795?
A. Correct.
Q. And do you recall the boy's name?
A. Brett Barnes.
Q. Do you recall where you saw Mr. Barnes, or the child Barnes?
A. At Neverland.
Q. Okay. So with regard to the Photographs 793, 794 and 795, none of those photographs are pictures of your son, correct?
A. No. No.
Q. I want to show you 776; ask you if you recognize that photograph?

A. Yes, I do.
Q. And who is that?
A. That's my son.
Q. Your son?
A. Jordan.
Q. All right. Thank you.
Your Honor, with the Court's permission, I'd like to publish these just so the jury knows what the witness has testified to.
THE COURT: Yes.
MR. SNEDDON: And we're going to do it on the Elmo, Your Honor. So if we could have that.
All right, Gordon?
Q. All right. The photograph that's on the board that's 793 is an exhibit of the child with the

long black hair. And that is not your son, Jordan Chandler?

A. No, it's not.

Q. All right. And the next exhibit would be 794. And specifically I'm going to direct your attention to the child sitting on the floor with the arrow drawn up to him. Do you recognize that child?

A. Barely.

Q. Who do you think that -- when you say "barely," who do you recognize --

A. I would say it's probably a younger photo of the boy above.

Q. And do you recognize who the boy above in that photograph is?

A. I think that's Brett Barnes.

Q. Okay. And the last photo is 795. And you indicated the child on the far left-hand side of the photograph; is that correct?

A. Correct.

Q. The child with the hat next to Mr. Jackson?

A. Correct. That's Brett Barnes.

Q. That's Brett Barnes. All right. Thank you. And lastly, the photograph marked as 776, you've identified that as your child, Jordan, correct?

A. My son Jordan.

Q. Your son Jordan?

A. Yes.

Q. All right. Thank you. We can have the lights again, Your Honor. Now, Mrs. Chandler, do you recognize the defendant in this case, Michael Jackson?

A. I do.

Q. And have you been in Mr. Jackson's presence before?

A. Yes.

Q. Now, your son Jordan, did you have -- let me go back in time. Did you have an occasion where you actually met Michael Jackson?

A. Yes, I had an occasion.

Q. For the first time?

A. Yes.
Q. Would you tell the ladies and gentlemen of the jury, where did that occur?
A. That occurred at my ex-husband’s employment, Rent-A-Wreck.
Q. And where is that located?
A. In West L.A.
Q. And was -- do you remember about approximately when that occurred?
A. It was in the summer of ‘92. Late summer.
Q. And were you actually at the -- your husband’s place of business when Mr. Jackson showed up?
A. After he showed up, yes.
Q. Okay. You received a telephone call from someone?
A. Yes, from my ex-husband.
Q. And by the way, your ex-husband’s name is what?
A. David Schwartz.
Q. Did you ever take Mr. Schwartz’s last name?
A. No, I did not.
Q. So you’ve always been June Chandler?
A. I’ve always been June Chandler.
Q. So you received a telephone call and then you went down to his place of business?
A. Yes, I did.
Q. With regard to your son Jordan, did Jordan go with you?

A. Yes, he did.
Q. Was Mr. Jackson there?
A. Yes, he was.
Q. And do you recall how long you were with Mr. Jackson and Jordan that day?
A. Briefly. Five minutes. Ten minutes.
Q. And did -- was there any information exchanged between you and Mr. Jackson that day?
A. Yes.
Q. And what was that?
A. I said, “If you would like to see Jordie or if he could call you or if you’d like to speak to

him, here is our number, and you can give him a call."

Q. And you gave that to Mr. Jackson?

A. Yes, I did.

Q. Now, let me go back in time. Before this meeting that you had at your husband's place of business in 1992, had Jordan ever expressed, to your knowledge, some admiration for Mr. Jackson?

A. Oh, very much so, yes.

Q. How did he display that admiration?

MR. MESEREAU: Objection; hearsay.

MR. SNEDDON: I didn't ask for a statement, Your Honor. I asked for a display.

THE COURT: All right.

He's not asking for anything that was said. Do you understand the question?

THE WITNESS: Would you repeat the question, please?

Q. BY MR. SNEDDON: Yes.

How did your son Jordan, prior to this meeting that occurred at David Schwartz's place of business, express -- display his admiration for Mr. Jackson?

A. He had a little sparkly jacket that he would wear to parties. He would have a glove like Michael Jackson, and dance around like Michael Jackson.

Q. And this was all before he met Mr. Jackson?

A. Before he met Michael Jackson, yes.

Q. Now, after the incident occurred where there was an exchange where you gave Mr. Jackson your telephone number -- and let me go back and ask you a question about that. Was the telephone number you gave him your home number?

A. Yes, it was.

Q. Did -- to your knowledge, did Mr. Jackson ever call your son Jordan?

A. Yes, he did.

Q. And do you recall, for the ladies and gentlemen of the jury, approximately what the time span was from the incident that occurred at your ex-husband's place of business to the time that Mr. Jackson actually called your son?

A. To the best of my recollection, it could have been a month or two after our first meeting with Michael Jackson at Rent-A-Wreck.

Q. Were you actually in the room when Mr. Jackson called?

A. I don’t recall being in the room, but I might have been.

Q. Do you recall at some time visiting Neverland Ranch?

A. Yes, I do.

Q. Do you recall approximately when that occurred?

A. I recall around February.

Q. Of?

A. 1993.

Q. 1993?

A. Yes.

Q. So what I want to ask you is, between the time that Mr. Jackson started calling your son to the time that you went to Neverland Ranch, can you give the jury some idea of the number of times Mr. Jackson called your son Jordan?

A. To the best of my recollection --

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. SNEDDON: Were you present in the house when these conversations occurred?

A. Yes, I was.

Q. Did you sometimes answer the phone?

A. Yes.

Q. And Mr. Jackson was on the line?

A. Yes, he was.

Q. And were you also present in the house during the time to observe the length of the conversations between your son and Mr. Jackson?

A. Yes, I was.

Q. On more than one occasion?

A. Absolutely.

Q. All right. So based upon your observations and the things that you saw and the things that you

heard, give us an estimate of the number of times, that you know of, that Mr. Jackson called your son Jordan.
A. I would say eight to ten times.
Q. And with regard to those conversations in which you have personal knowledge of the length of time, could you give the jury some idea of how long these conversations lasted?
A. It was from maybe ten minutes, to an hour, or an hour and a half. It progressed. It got longer and longer.
Q. Could you describe to the jury what your son’s reaction was to these phone calls?
A. He was excited to hear from him. They were talking about things that interested Jordie, so, um --
Q. In those occasions where you picked up the

phone and you talked to Mr. Jackson, did he tell you where he was?
A. No, he didn’t tell me. No.
Q. Now, how is it that you and Jordan ended up going to Neverland Valley Ranch for the first time?
A. We were invited to go to Neverland, because during those conversations, Michael Jackson said, “Would you like to come to visit? When I am finished touring,” he was doing a European tour, I think, he said we can come and visit. And my son was very excited to be able to go up there and see Neverland.
Q. Now, the first time you went to Neverland, you told the jury it was sometime in February of 1993. How did you get there?
A. I drove.
Q. And who went with you besides Jordan, if anyone?
A. My daughter Lily.
Q. And at this point in time, how old was Lily?
A. Was seven, I think. Seven or eight.
Q. And Jordan was born in 1980, so he was 13 years old at the time you made the first visit, correct?
A. 12, 13, yes. Yes.

Q. And do you recall whether it was during the week or on a weekend that you visited?

A. On a weekend.

Q. During the time that you were -- during this first visit, do you recall how many days you were there?

A. Oh, two nights.

Q. Okay. So two nights and at least two days and possibly a third day?

A. Two nights. There was not a third day.

Q. And where did you stay while you were at the ranch?

A. Guest cottage.

Q. Where did you personally stay?

A. The guest cottages at Neverland.

Q. And was there somebody in your cottage with you?

A. Yes, my daughter and my son.

Q. So Jordan stayed with you and Lily in the same cottage?

A. Yes.

Q. And was this during the entire length of this first visit?

A. Yes.

Q. And while you were at the ranch during the first visit, did you see Mr. Jackson?

A. Yes, we did.

Q. And did you spend time with Mr. Jackson?

A. Yes, I did.

Q. Did you spend a lot of time with Mr. Jackson?

A. Yes.

Q. And when you say, “Yes, I did,” can you tell us about what Jordan and Lily did?

A. We were all either taking rides on the Ferris wheel, playing video games. Jordie and Michael were playing video games. I was watching. Lily was playing. We looked at his animals that he had. Just different things that were at Neverland.

Q. Okay. And I think you’ve described that as being an amazing weekend?

A. Yes. Fun.

Q. Now, during the time that you were there on this first visit, do you recall whether or not you went with Mr. Jackson to a business called Toys-R-Us?

A. Yes.

Q. And could you tell us about that?

A. I guess it was after hours, after Toys-R-Us closed, and Michael said, “Jordie and Lily, you get to go shopping and buy toys, get toys.” So we went and --

Q. When you say “we went,” who’s “we”?

A. Lily and Jordie and Michael and I went. And they had fun. They were shopping and Michael bought lots of things for them. They picked out stuff, and they were showered with great presents from Toys-R-Us.

Q. And Mr. Jackson paid for all of that?

A. I -- yes, he did.

Q. You didn’t, right?

A. No.

Q. Now, after you left Neverland Valley Ranch after this first visit, did you ever go back to Neverland Valley Ranch?

A. Yes.

Q. And do you recall how much time elapsed between the first time you went there and the second time you went back?

A. It could be a week later or two weeks after.

Q. And when you went back the second time, do you recall how you got there?

A. I -- to the best of my recollection, I was picked up by Michael Jackson.

Q. When you say “picked up by Michael Jackson,” in what form of transportation was that?

A. In his car, limo.

Q. And who else was with you when you got picked up? I mean, from your family. Let’s start that way first.

A. It was Lily, my daughter, and Jordan.

Q. So the three of you?

A. My son.
Q. The three of you went back to the ranch?
A. Right.
Q. Was there anybody else in the limo that you recall with Mr. Jackson?

A. Well --
Q. Let me go back and make something clear.
A. Sure.
Q. Was Mr. Jackson actually in the limo himself?
A. Yes, he was.
Q. Now, let's ask the question --
A. Okay.
Q. -- was there anybody else in the limo other than Mr. Jackson and the three of you?
A. Yes, there was Brett Barnes.
Q. And do you recall where Mr. -- where the child Brett -- let me ask you this: With regard to Brett Barnes, can you estimate about approximately what age you felt Brett Barnes was at this point?
A. 11. 10, 11.
Q. So he was a child?
A. He was a child.
Q. And where was Brett Barnes in the car in relationship to Mr. Jackson?
A. Sitting next to Michael Jackson.
Q. Now, on the second visit you went to the ranch, do you recall how long you stayed?
A. A weekend.
Q. And did you spend time -- did you personally spend time with Mr. Jackson that weekend?
A. Yes, I did.
Q. Did Jordan spend time with him that weekend?

A. Yes, he did.
Q. And did you see Brett Barnes around there that weekend?
A. Yes. I don't really remember, but yes, he was there, too. Yes, he was enjoying that time also.
Q. And where did you personally sleep during

your stay, the second visit to Neverland Valley Ranch?

A. Guest cottages.

Q. Where did Lily stay?

A. In the guest cottages.

Q. And where did your son Jordan stay?

A. In the guest cottages.

Q. Now, the guest cottages are all located in one general area, correct?

A. Yes.

Q. They're all sort of connected into one building?

A. Correct.

Q. With regard to that building, did you ever see Brett Barnes anywhere around the building and the cottages?

A. Not that I recall.

Q. Now, how did you get home from Neverland on this second visit?

A. We were driven home.

Q. In a limo?

A. Yes.

Q. Was Mr. Jackson present?

A. I don't recall.

Q. Was there ever an occasion where you went to Disneyland?

A. Yes.

Q. And do you recall when that happened in relationship to like either one of these first, second visits?

A. That could have been that weekend, the second weekend that we were at Neverland that we went -- instead of going to Los Angeles, we went to Anaheim, to Disneyland. It could have been that weekend.

Q. And who all went to Disneyland?

A. I remember Jordan, Lily, Michael and I, and perhaps Brett.

Q. Now, did you ever have an occasion to visit Neverland Valley Ranch again?

A. Yes.

Q. And do you remember approximately how much time elapsed between the second visit and the third visit?

A. It could have been a week. A weekend.

Q. And when you went to the ranch on this third occasion, was Mr. Jackson present?

A. Yes, he was.

Q. And where did you sleep?

A. In the guest cottages.

Q. And where did Lily sleep?

A. In the guest cottages.

Q. And where did Jordan sleep?

A. In the guest cottages.

Q. At some point in time during any one of these three visits to -- these three visits you've described to the jury, did your son request to sleep in Mr. Jackson's bedroom?

A. Yes --

MR. MESEREAU: Objection; leading.

THE WITNESS: -- he did.

THE COURT: Overruled. Next question.

Q. BY MR. SNEDDON: And do you recall during which one of the visits it was that the request came?

A. Oh, the third visit.

Q. And did you allow him to do that?

A. No, I did not.

Q. Did you notice -- I may not have asked this with regard to the third visit, but you indicated in at least the first visit that Jordan slept with you in your guest cottage, correct?

A. Correct.

Q. In the second visit, did Jordan sleep with you in your guest cottage?

A. Yes, he did.

Q. And the third visit, did Jordan sleep with you in your guest cottage?

A. Yes, he did.

Q. Did you notice anything with regard to what time of the day or night it was that Jordan finally came to your cottage to go to bed?

A. I assume it was late, after eleven o’clock.

Q. Why do you assume that?

A. Because they were playing all day and all night. And it was a weekend. He did not have school, so he was allowed to stay up later than 11:00.

Q. During any of your visits to Neverland Valley Ranch, did you ever meet any children from New Jersey?

A. Yes.

Q. Do you remember their names?

A. Frankie and Eddie.

Q. And with regard to Frankie at this point in time, do you recall approximately how old Frankie was?

A. Around the same age as Jordan, or maybe younger.

Q. And how about Eddie?

A. I don’t recall. I don’t know which one is which.

Q. Do you recall their last name at all?

A. Cascio.

Q. And do you remember which one of the visits to the ranch was it that you met Frank Cascio?

A. No, I don’t.

Q. Was there -- was there some point in time when you took a trip with Mr. Jackson to Las Vegas?

A. Yes, there was.

Q. And do you remember when that trip occurred? Just approximately what month, for instance?

A. The end of March.

Q. Of 1993?

A. Of ‘93. Correct.

Q. Excuse me, my allergies are acting up today. How did you get to Las Vegas?

A. By jet, private jet.

Q. And who was with you on the jet?

A. My son Jordan, Lily, myself and Michael.

Q. And when you got to Las Vegas, where did you stay, what hotel?

A. The Mirage Hotel.

Q. And when you got to The Mirage Hotel, do you remember what time of day or night it was?

A. No.

Q. Do you remember how long you stayed in Las Vegas on this occasion?

A. Two or three nights.

Q. Now, when you got to Las Vegas, did you have -- obviously you had a room --

A. Correct.

Q. -- in The Mirage. And who was in your room when you first got there? Who was staying in your room?

A. Jordan, myself, Lily and Michael.

Q. All in the same room?

A. Correct.

Q. Now, did those arrangements change at any point in time?

A. Yes.

Q. And when did they change?

A. The second night things changed.

Q. With regard to “things changed,” could you tell me what changed first?

A. Well, there were approximately three bedrooms in that suite at the Mirage Hotel. Lily and I were staying in one bedroom, Jordie had another bedroom, and Michael had another bedroom.

The second night, they were going to see a performance, Cirque du Soleil performance.

Q. “They” meaning who?

A. Jordie and Michael --

Q. Okay.

A. -- and Lily and I. It was around 11 p.m. at night, and I got a call from somebody at Cirque du Soleil saying, “Where is Michael?” And I said, “He should be there with my son.” They said, “He’s not here.”

A little while later, another call, he still didn’t show up. They still did not show up. And I -- there’s a knock on the door and it’s Michael and Jordan, and they came back into the suite.

Michael --

Q. Now, let me stop you right there, okay?

A. Yes.

Q. About what time is it when your son Jordan and the defendant in this case, Mr. Jackson, showed up?

A. Well, I think the performance started at 11:00, and I would say Jordan and Michael showed up around 11:30.

Q. Now, could you describe for the jury Mr. Jackson’s demeanor at the time that they came back to the room?

A. He was sobbing. He was crying, shaking, trembling.

Q. Michael Jackson was?

A. He was.

Q. And what about your son’s demeanor?

A. He was quiet.

Q. Now, at that point in time, did Mr. Jackson tell you why he was upset or crying?

A. Yes.

Q. All right. Tell the jury what he said.

A. He said, “You don’t trust me? We’re a family. Why are you doing this? Why are you not allowing Jordie to be with me?” And I said, “He is with you.” He said, “But my bedroom. Why not in my bedroom? We fall asleep, the kids have fun. Boys” --

MR. MESEREAU: Objection. Nonresponsive; narrative.

THE COURT: Narrative; sustained.

Q. BY MR. SNEDDON: All right. Tell us what - Mr. Jackson said that he wanted your son to sleep with him in his bed - what you said to Mr. Jackson.

A. What I said to Michael was, “This is not” -- “This is not anything that I want. This is not right. Jordie should be able to do what he wants to do. He should be able to fall asleep where he wants to sleep.”

Q. Is this you talking or Mr. Jackson speaking?

A. I was saying this. And Michael was trembling and saying, “We’re a family. Jordie is having fun. Why can’t he sleep in my bed? There’s nothing wrong. There’s nothing going on. Don’t you trust me?”

Q. All right. How long do you think this conversation lasted between you and Mr. Jackson over where Jordan was going to sleep that night?

A. I would say 20 to 30, 40 minutes.

Q. So it was a back-and-forth conversation; is that right?

A. Yes.

Q. Do you recall how many times during that conversation that Mr. Jackson emphasized the fact that you didn’t trust him?

MR. MESEREAU: Objection; leading.

THE WITNESS: No, I don’t recall how many times --

THE COURT: Just a moment.

THE WITNESS: I’m sorry.

THE COURT: Overruled.

Go ahead. You may answer.

Q. BY MR. SNEDDON: Go ahead.

A. I don’t recall how many times.

Q. Was it on more than one occasion?

A. Absolutely, yes.

Q. Was it on many occasions?

A. Quite a few.

Q. Do you remember how many times during the conversation that Mr. Jackson emphasized to you that you were family?

A. Many times.

Q. Did you at some point in time relent and allow your son to sleep with Michael Jackson in his bedroom?

A. Yes, I did.

Q. And was it after that discussion on that night?

A. Yes.

Q. Is that the first occasion?

A. Correct.

Q. When you were in Las Vegas, do you remember how many of the nights in Las Vegas that your son Jordan slept with the defendant, Michael Jackson, in Michael Jackson’s room?

A. I would say two occasions.

Q. Now, at some point in time after you had agreed to let your son Jordan sleep with Mr. Jackson, were you the recipient of a gift from Mr. Jackson?

A. Yes, I was.

Q. Would you describe that to the jury?

A. It was a gold bracelet, and it was given to me by Michael.

Q. And you say “a gold bracelet.” Had you seen that gold bracelet in a shop of some kind before?

A. I had seen it before, yes.

Q. And the brand name on that bracelet?

A. Cartier.

Q. Was it expensive, to your knowledge?

A. Oh, I -- yes, it was.

Q. When was it you received this gift in relationship to having agreed to allow your son to sleep in bed with Mr. Jackson?

A. I think it was the next evening when we were attending a show, a magic show, by David Copperfield.

Q. Mrs. Chandler, do you recall after Las Vegas where you went, where you personally and Jordan

went? When you came back from Vegas, where did you go; do you recall?

A. After Vegas, I -- it could be back to Disneyland, back to Neverland, or home. I’m not exactly certain.

Q. Was Mr. Jackson with you wherever it was that you went? Did he go back with you, in other words?

A. Yes, he did.

Q. And did Mr. Jackson continue to spend his nights with your son in the same room, in the same bed, from Las Vegas, from that point on?

A. Yes.

Q. Were there other visits to Neverland Valley Ranch after you came back from Las Vegas?

A. Yes, there were.

Q. And were there occasions when your son went up to the ranch where you and Lily did not accompany him to the ranch?

A. Yes.

Q. Do you remember on how many such occasions?

A. I would say two or three times.

Q. And were there occasions also where you and Lily and Jordan also went up to the ranch after Las Vegas?

A. Yes.

Q. And on those occasions when you went up to the ranch after Las Vegas, where did you stay?

A. I stayed in the guest cottages.

Q. And where did Lily stay?

A. In the guest cottages.

Q. And where did Jordan stay?

A. In Michael Jackson's bedroom.

Q. Were there ever any occasions that you recall where you actually, when you got to the ranch, that you would take Jordan's suitcase in and take it into Mr. Jackson's bedroom and leave it there?

A. Possibly.

Q. So you knew that he was going to be spending the night with Michael Jackson in Michael Jackson's bedroom at this point in time?

A. Yes.

Q. Now, were there occasions after you got back from Las Vegas -- let me -- where Mr. Jackson actually was invited to stay at your residence where you lived at this point in time?

A. Yes.

Q. Now, what city was it that you lived in at this time?

A. Santa Monica.

Q. We're talking about 1993, in the spring, right?

A. Correct.

Q. Okay. Where did you live?

A. Santa Monica.

Q. And at this point in time, was Mr. Schwartz living with you?
A. No, he wasn’t.
Q. So in the household was there anybody besides you and Jordan and Lily?
A. My housekeeper.
Q. And was that a full-time housekeeper?
A. Yes, she was.
Q. 24 hours a day?
A. Yes.
Q. Did she live in the house?
A. Yes, she did. She was a live-in.
Q. That’s what I meant. Sorry. Clumsy question.
And during this time, did Mr. Jackson ever spend the night at your residence?
A. Yes, he did.
Q. And do you recall on how many occasions Mr. Jackson spent the night at your residence?
A. I would say more than 30 times.
Q. And were some of those occasions on consecutive days or nights?
A. Yes.
Q. And how long consecutively do you think that that occurred?
A. Oh. It could be a week or two at a time.
Q. Where did Mr. Jackson stay in the house?
A. In Jordan’s bedroom.

Q. Are there more than one bed in that room?
A. No.
Q. I am assuming that Jordan was going to school during this period of time.
A. He was.
Q. So Mr. Jackson would spend the night there. What would happen when Jordan would go to school? To your knowledge, what did Mr. Jackson do?
A. Michael would leave.
Q. And approximately what time would he return?
A. After Jordan came home from school.
Q. And so was this the routine that was followed during the time that Mr. Jackson was

staying at your residence?

A. Yes.

Q. Did you ever -- have you ever been to Disney World --

A. Yes.

Q. -- in Orlando, Florida?

A. Yes.

Q. And have you been to Disney World with the defendant in this case, Michael Jackson?

A. Yes.

Q. And do you remember approximately when it was that you went to Disney World with Mr. Jackson?

A. I would say in May.

Q. Of ‘93?

A. Of ‘93.

Q. And when you went to Disney World with Mr. Jackson, who else went with you?

A. Jordan and Lily.

Q. Do you recall where you stayed?

A. I recall The Grand Floridian was one hotel.

Q. And during the time that -- do you remember how many days -- did you go there on more than one occasion?

A. Yes, we did.

Q. How many occasions?

A. Twice.

Q. And do you recall what the sleeping arrangements were on the first occasion?

A. Jordie was with Michael and Lily was with me.

Q. And when you say “with Michael” --

A. In Michael’s bedroom.

Q. Now, during the time that you visited Disney World in Orlando, would you describe the nature of the relationship that was going on, that you observed personally, between the defendant in this case, Michael Jackson, and your son Jordan?

A. The behavior, you say?

Q. Yeah.

A. The behavior with my son was he was not wanting to be with Lily and I anymore, and he was just with Michael the whole time, and he wasn’t too happy. Just -- well, I couldn’t -- I didn’t have any communication with him really.

Q. Was this something that you observed for the first time in Orlando or was this something that you began to observe over a period of time?

A. It was a period of time, and it gradually happened.

Q. Did you notice any change in your son --

A. Yes.

Q. -- Jordan?

A. Yes.

Q. What was the nature of the change?

A. Well, he started dressing like Michael. He started acting withdrawn, sort of smart-alecky. Not as sweet as he normally was. And withdrawn. He just didn’t want to be with us, Lily and I.

Q. Had you always been close prior to that?

A. Extremely close.

Q. Do you -- I think you answered this, but just in case, how many days did you think you were in Florida?

A. Oh, I don’t really remember, but it’s probably more than two nights. Two, three nights.

Q. And after you came back from Florida, do you recall where you went?

A. After that, I think the next trip was to Monaco.

Q. In between the time that you went to Florida and to Monaco, do you recall where you were -- where you were personally staying?

A. No. I guess home.

Q. Do you remember how much time elapsed between the two trips?

A. Not really, no.

Q. Was it more than a month, more than a week? Obviously it was more than a day or so.

A. Yes. It was a couple -- it could be three weeks.

Q. And during that time when you got back from Florida till the time that you left for Monaco, were you with Mr. Jackson?

A. At times.

Q. And the times that you were with Mr. Jackson, was Jordan with Mr. Jackson?

A. Yes.

Q. And when he’s with Mr. Jackson, where did he sleep?

A. With Mr. Jackson.

Q. Do you know somebody by the name of Joy Robeson?

A. Yes.

Q. Do you know somebody by the name of Wade Robeson?

A. Yes.

Q. And do you recall where it was that you met Joy Robeson?

A. Yes, I do.

Q. Where was that?

A. That was at Neverland, one of the visits.

Q. Do you recall when it was that you met Wade Robeson?

A. One of the visits to Neverland.

Q. And do you recall approximately which visit it would have been or what month it would have been that you met these individuals?

A. It could have been my third visit to Neverland.

Q. Did you meet them on more than one occasion?

A. I met Wade on more than one occasion, yes.

Q. And how many times did you meet Joy Robeson?

A. One.

Q. One occasion?

A. That I remember.

Q. There were occasions when Wade Robeson was there that the mother was not there?

A. Correct.

Q. Now, you’ve indicated to the jury on at least one occasion, perhaps two, that Brett Barnes was also at Neverland Valley Ranch?

A. Yes, he was there too.

Q. And did you ever meet Brett Barnes’ mother?

A. No.

Q. So he was at the ranch by himself also?

A. Oh, yes. Yes, he was.

Q. Did you ever meet a Mr. Robeson, the father?

A. No. No, not that I remember.

Q. Did you ever meet a Mr. Barnes at any point?

A. Not that I remember, no.

Q. So no fathers in the picture?

A. No.

Q. Now, prior to the time that you met Joe Robeson for the first time - okay? --

A. Yes.

Q. -- on your visit to Neverland Valley Ranch, did you have a discussion with the defendant in this case, Mr. Jackson, with regard to some warnings that Mr. Jackson gave you about Joy Robeson?

A. Yes.

Q. What did Mr. Jackson tell you?

MR. MESEREAU: Objection. Relevance.

MR. SNEDDON: I think it's an admission of Mr. Jackson with regard to the relationship with the boys.

MR. MESEREAU: Relevance and hearsay.

THE COURT: I'm not sure what you're trying to introduce. I'm searching my memory for that. I don't know, maybe you should approach with counsel.

MR. SNEDDON: Thank you, Your Honor.

(Discussion held off the record at sidebar.)

Q. BY MR. SNEDDON: Mrs. Chandler?

A. Yes.

Q. Okay. Now, you had a conversation with Mr. Jackson, is that correct?

A. Yes.

Q. Now, at the time -- and please do not tell us what was said, but did you subsequently have a conversation with Miss Robeson --

A. Yes, I did.

Q. -- wade's mother?

A. Correct.

Q. Okay. Now, after that conversation, did you develop any concerns about some of the things that she had told you?

A. I --

Q. I think you have to answer that “yes” or “no.” We don’t want to get into what she said.

A. Yes.

Q. And with regard to that particular conversation, let me ask you this: Had you been invited by the defendant in this case, Mr. Jackson, to go on a tour with him, you and Jordan?

A. Yes.

Q. And where were you invited by Mr. Jackson to go on a tour?

A. I don’t know where the tour was going. I guess a world tour somewhere in the summertime.

Q. Do you know where Miss Robeson, Mrs. Robeson, was from, what country?

A. Australia.

Q. Do you know whether one of the stops on that tour was going to be Australia?

A. I think it was, yes.

Q. Okay. Let’s talk a little bit about your trip to France.

A. Yes.

Q. Do you recall approximately when that was?

A. I think the middle of May.

Q. And how did you get there?

A. We flew.

Q. And was it on a charter or a commercial airline?

A. Commercial airline.

Q. And you say “we,” so could you tell us who it was that you went with?

A. My daughter, my son and Michael.

Q. And when you got to France, where in France did you stay?

A. Monaco.

Q. And how long were you in Monaco?

A. Approximately four days.

Q. And during the time that you were there, where did your son Jordan sleep?

A. In Michael Jackson’s bedroom.

Q. Now, did you ever go into that bedroom?

A. Yes.
Q. And were they in bed together on occasion?
A. On occasion, yes.
Q. Now, during the time that you were in Monaco, did you do any shopping?

A. Yes.
Q. And how was it that you -- well, let me put it this way: Who went shopping with you?
A. My daughter.
Q. You and Lily?
A. Yes.
Q. And how many days did you do that?
A. Oh. One day.
Q. And who was paying for the --
A. Michael was.
Q. I'm sorry?
A. Michael was.
Q. And how did he arrange that?
A. I think I was given a credit card, his credit card.
Q. So you went shopping in Monaco on Michael Jackson's credit card, you and your daughter?
A. Yes.
Q. Now, during this trip, did either your son or Mr. Jackson get ill?
A. Yes, they both did.
Q. They had the flu?
A. Yes.
Q. And were they in the room together the entire time?
A. Yes.
Q. And when you went to France, did you go to any other country, any other places in France, other than Monte Carlo?

A. We also went to Euro Disney outside of Paris.
Q. And do you recall how long you were there?
A. A couple of days.
Q. Again, when you say "we," you're talking about Jordan and Lily, and was the defendant with

you?

A. Yes, he was.

Q. And you say you spent a couple of days. Where did Jordan sleep?

A. With Michael Jackson.

Q. Now, do you have a brother?

A. Yes, I do.

Q. What’s your brother’s name?

A. I have two brothers.

Q. What are their names?

A. Steven Wong and Dale Wong.

Q. And was there a time when one of your brothers -- where do they live? Let’s go that way.

A. One lives in Los Angeles. And the other lives back east in New Jersey.

Q. And was there a time when you went back east for a family wedding?

A. Yes.

Q. Do you remember about what month that was?

A. That was in September.

Q. And do you recall who it was who was getting married?

A. Yes.

Q. Who was that?

A. That was my brother Steve and his wife.

Q. And when you went back for the wedding, what city did you go to?

A. We went to New York City.

Q. And when you went back there, who went with you?

A. My son, my daughter, and myself.

Q. And when you first got there, where did you stay?

A. We stayed in a hotel.

Q. Do you remember the name of the hotel?

A. Yes, The Rega Royal Hotel.

Q. And do you know who made the arrangements for that hotel?

A. Yes, I do.

Q. Who was that?

A. Norma Stakos.

Q. And do you know who Mrs. Stakos is? Had you

had prior dealings with Mrs. Stakos?
A. Yes.
Q. On a number of occasions?
A. Telephone conversations only.
Q. And who did she work for?
A. She worked for Michael Jackson.
Q. And so she made the reservations for you at the hotel?

A. Yes.
Q. When did you learn that Mr. Jackson was going to be with you in New York? Before or after you left?
A. Before.
Q. Do you remember how many days before you learned that?
A. Not really, no. I don’t remember.
Q. On the day of the actual wedding, was Mr. Jackson there?
A. No, he was not.
Q. When did he show up in relationship to the wedding?
A. After the wedding.
Q. Do you remember how many days he showed up, how many days later?
A. It could be two days later.
Q. Now, when Mr. Jackson got there, did you see him?
A. That evening briefly.
Q. Okay. Now, had something happened during the time that you were in New York with your son Jordan before Mr. Jackson arrived which caused some problems in the family?
MR. MESEREAU: Objection. Leading and vague.
THE COURT: Overruled. You may answer.

THE WITNESS: Yes.
Q. BY MR. SNEDDON: What was it?
A. Jordan was spending too much time with Michael. I was getting upset. My brother was also

with me, and he was saying --

MR. MESEREAU: Objection; hearsay.

Q. BY MR. SNEDDON: Don’t tell us what he said, but --

A. Okay.

Q. -- could you describe his demeanor to us?

A. Jordan was not with us. He didn’t want to be with us. He was very -- he was sullen.

Q. Now, during this time, Mr. Jackson was not there, correct?

A. Correct.

Q. And to your knowledge, from your own personal knowledge, were Mr. Jackson and your son Jordan in communication with each other during this period of time?

A. Yes.

Q. By what method?

A. Telephone.

Q. And the frequency?

A. Often. Often. Long conversations.

Q. And was your brother upset by the situation, too?

A. Yes.

MR. MESEREAU: Objection; leading.

THE COURT: Sustained.

MR. MESEREAU: Move to strike.

THE COURT: Stricken.

Q. BY MR. SNEDDON: Could you describe to the -- describe your brother’s reaction to this situation that was -- that existed between Mr. Jackson and your son Jordan.

A. Yes. My brother was happy for Jordan, but he didn’t like that Jordie was just spending time with Michael and not with his family.

Q. Now, when Mr. Jackson showed up in New York, do you recall where he was staying?

A. Yes, he was staying across the hallway from my room.

Q. And when Michael Jackson showed up, where did Jordan sleep?

A. When Michael Jackson showed up, he slept in Michael’s room.

Q. Now, when Mr. Jackson showed up the first night, was there an incident that occurred in your room?
MR. MESEREAU: Objection; leading.
THE WITNESS: My room?
Q. BY MR. SNEDDON: Yeah.
A. Yes, there was an incident.
MR. SNEDDON: You have to wait till the Judge rules.

THE COURT: Overruled.
You can answer.
Q. BY MR. SNEDDON: Okay, you can answer now.
A. Yes, there was an incident.
Q. Who was involved in the incident?
A. My daughter Lily --
Q. Okay.
A. -- Michael and Jordan.
Q. And when you got back to your particular room, did you notice any damage in the room?
A. Yes, I did.
Q. And what was damaged?
A. I noticed there was damage in the morning.
There were two lamps that were broken.
Q. Now, did you at some point talk to Mr. Jackson about what had happened the night before?
A. Yes.
Q. And with regard to that conversation, did it involve Jordan?
A. Yes, it did.
Q. And did it involve you?
A. Yes, it did.
Q. And did it involve Mr. Jackson?
A. Yes, it did.
Q. And the relationship between the two or three of you?
A. Yes.
Q. Would you tell the jury what the conversation was about?

MR. MESEREAU: Objection to the extent it calls for hearsay.

MR. SNEDDON: Your Honor, this involves the defendant and it involves statements that he makes.

THE COURT: But that’s not the question you asked. I’ll sustain the objection.

Excuse me. Sustain the objection.

Q. BY MR. SNEDDON: All right. Let’s do it this way. What did Mr. Jackson say about the situation?

A. “Why can’t we be a family? Why are you objecting to Jordie staying with me? Why can’t we be a family? Why don’t you trust me?”

He was upset that I wanted my son back; that I -- I didn’t like the situation. It was getting out of hand.

Q. Now, you’ve told the ladies and gentlemen of the jury that Mr. Jackson had given you a bracelet at one point in time and that you had gone shopping with Mr. Jackson on his credit card in Monte Carlo.

Were there any other occasions when Mr. Jackson gave you gifts?

A. Yes.

Q. What else did he give you?

A. He also gave me jewelry.

Q. And do you recall approximately when that was?

A. I think it was approximately in June.

Q. And what kind of jewelry?

A. A pair of earrings, a necklace, and a ring.

Q. And where were these items when you first saw them?

A. The boxes were open on my bed in Santa Monica.

Q. At your house?

A. Yes.

Q. Was Mr. Jackson staying at your house at that point in time?

A. Not really. Not really. He was there, in and out.

Q. In and out. Okay. Any other gifts you ever received from Mr. Jackson?

A. Yes, a gift certificate to a store.

Q. And the store?

A. To a store.
Q. Yes. The store?
A. Fred Segal.
Q. Now, to your knowledge, was there ever an occasion where your son Jordan and the defendant in this case, Michael Jackson, were at your ex-husband’s house, Evan Chandler?
A. Yes. Yes.
Q. And do you remember on how many occasions?
A. I would say one or two occasions.
Q. And do you remember the length of the stays on those occasions that Jordan stayed there?

A. A few days each time.
Q. So during this period of time you had custody of Jordan, correct?
A. Correct.
Q. Now, you told us, I think, that there were two trips to Florida?
A. Yes.
Q. Do you remember when the second trip was?
A. After June. July, early July possibly.
Q. And do you recall how long you stayed there on that occasion?
A. I would say two or three nights.
Q. And where did Jordan sleep on those occasions?
A. With Michael.
Q. Did Lily go with you on that trip?
A. Yes, she did.
Q. Had Jordan’s behavior or attitude changed in any respect since the first time you described his change from Florida, the first trip?
A. It was the same. Same.
Q. Father’s Day is in June, okay?
A. Yes.
Q. Do you remember a situation where you were with Jordan, your son, on Father’s Day?
A. Yes.
Q. In 1993?

A. Yes.

Q. I'm sure you were with him on other occasions. Do you recall where you were in 1993 on Father's Day?
A. Yes, I was in New York.
Q. And to your knowledge, in your presence, did Jordan call his father on Father's Day?
A. Eventually he did, yes.
Q. And initially, did you have a conversation with him?
A. Yes, I did.
Q. Did he want to call his father?
A. No, he didn't.
MR. MESEREAU: Objection. Hearsay; move to strike.
THE COURT: Sustained. Stricken.
Q. BY MR. SNEDDON: As a result of the conversation that you had with your son Jordan, did he eventually call his father?
A. I think he did, yes.
Q. All right. At some point in time, did you receive a message of some sort from your ex-husband Evan about Mr. Jackson?
A. Yes.
Q. And don't tell us what was said, okay? I just want to get the facts and the background to it. Where were you when you first heard the message?
A. In Michael Jackson's car. In his limo.

Q. And was Mr. Jackson with you?
A. Not when I got that call.
Q. Did the call come directly to you or did you access it in some other fashion?
A. From another fashion.
Q. How was that?
A. Answering machine. I dialed in.
Q. So you dialed the answering machine on whose answering machine?
A. My answering machine at home.
Q. And there was a message on the machine from your ex-husband Evan, correct?
A. Correct.
Q. Did you at some point later play that message for Mr. Jackson?

A. I don’t recall.

Q. Are you familiar with a person by the name of Anthony Pellicano?

A. Yes, I am.

Q. And who is Anthony Pellicano, to your knowledge?

A. A private investigator.

Q. And was Mr. Pellicano introduced to you by somebody?

A. By Bert Fields and Michael Jackson.

Q. In relationship to this voice message that you received on your message machine at your house, do you recall how many days after that particular message, you received that message, that you were introduced to Mr. Pellicano and Mr. Fields by Mr. Jackson?

A. It could be a week later.

MR. MESEREAU: Objection. Move to strike; misstates the evidence; and no foundation.

THE COURT: Sustained, stricken.

Q. BY MR. SNEDDON: Did you meet Anthony Pellicano through the defendant, Michael Jackson?

A. Yes.

MR. MESEREAU: Objection; leading.

THE COURT: Overruled. The answer is, “Yes.” Next question.

Q. BY MR. SNEDDON: Did you meet Bert Fields through the defendant, Michael Jackson?

A. Yes.

Q. Were you present during conversations with Mr. Pellicano and Mr. Fields and Mr. Jackson?

A. Yes, I was.

Q. And this all occurred after the voice mail had been left on your message machine by your ex-husband Evan Chandler?

A. Yes, sir.

Q. Now, did the defendant, Michael Jackson, tell you who Anthony Pellicano was?

A. Yes, he did.

Q. What did he say about Mr. Pellicano?

A. “He can find out anything. He’s really good at this. He’s really good at investigating. If you’re having a problem, he’ll get to the bottom of it.”

Q. And Mr. Fields, Bert Fields, is what -- you know him by name. What occupation is he?

A. He’s an attorney.

Q. And he’s an attorney who works for who? Or at this point in time, who did you know he was working for?

A. He worked for Michael Jackson.

Q. Now, at some point in time, did you go to Mr. Pellicano’s office to be interviewed by Mr. Pellicano?

A. Yes.

Q. And did somebody go with you?

A. Yes.

Q. Who was that?

A. My ex-husband, Dave Schwartz.

Q. And was there anybody else present during this conversation?

A. I don’t remember. It could be Bert Fields also.

Q. Now, after that conversation, did you go somewhere else? Do you recall where you went?

A. To Michael Jackson’s home in Century City, apartment in Century City.

Q. And was Mr. Jackson there?

A. He might have been.

Q. At that particular location, was your son Jordan Chandler there, can you tell us?

A. Yes, he might have been there, too.

Q. Do you recall whether or not or do you recall an incident -- doesn’t have to be on that particular occasion, but do you recall an occasion whether or not your son Jordan Chandler was ever interviewed by Anthony Pellicano?

A. Yes, he was.

Q. Where did that interview take place?

A. In the Century City apartment.

Q. Were you present?

A. Yes.

Q. Were you present during the conversation?
A. No.
Q. Where were you?
A. Upstairs or in his -- somewhere else.
Q. And do you recall how long that conversation took?
A. Could have been 45 minutes.
Q. Now, after Mr. Pellicano and Mr. Fields were introduced to you by Michael Jackson, were you involved in some issues involving a change in custody of your son Jordan?
A. Yes.
Q. And were you -- were you presented with some papers to sign?
A. Yes, I was.

Q. And those papers did what?
MR. MESEREAU: Objection. Hearsay; foundation; relevance.
THE COURT: Foundation; sustained.
Q. BY MR. SNEDDON: The papers were presented to you by whom?
A. By Pellicano.
Q. And was Mr. Fields present?
A. I don’t think at that time.
Q. Do you recall if the defendant, Michael Jackson, was present?
A. No, he wasn’t.
Q. At some point in time did you have a conversation with Michael Jackson about signing those papers?
A. I don’t recall talking to Michael about the papers.
Q. Do you recall giving a statement to an attorney, a Deputy District Attorney with the Los Angeles District Attorney’s Office on September 3rd of 1993?
A. Yes, I do.
Q. And it was Miss Lauren Weis?
A. Yes, it was.
Q. And you gave a rather lengthy statement to Miss Weis?
A. Yes, I did.

Q. Do you recall telling Miss Weis that --

MR. MESEREAU: Objection. Leading; hearsay; move to strike.
MR. SNEDDON: It’s foundational, or to refresh her recollection.
THE COURT: If you want to refresh her recollection with something, you can approach her and show the item.
MR. SNEDDON: All right. Counsel, page 95, lines 15 to 19.
MR. MESEREAU: Objection. Foundation, Your Honor.
THE COURT: You have to ask her if it will help refresh her recollection, or it might.
MR. SNEDDON: Can I show it to her first? That’s the way counsel’s been doing it.
MR. MESEREAU: No, I haven’t at all.
THE COURT: Actually, he’s been asking them if it would refresh their recollection if he showed them something.
MR. SNEDDON: All right.
Q. Do you recall that conversation?
A. Yes, I do.
Q. And -- and it occurred at a point in time when things were a lot fresher in your mind than they are now?
A. Yes.
Q. Would it help, perhaps, if you looked at the statement, that it might help refresh your recollection?

A. Yes.
MR. SNEDDON: May I approach the witness, Your Honor?
THE COURT: Yes.
Q. BY MR. SNEDDON: Just read it to yourself. Start here and right down to here. How’s that? Counsel, I’m having her read lines 11 to line 25.
MR. MESEREAU: I’m going to object to that. That’s improper refreshing of recollection and it’s

hearsay, foundational, to have her just read it.

MR. SNEDDON: That’s all I’m asking her to do. I’m just trying to help you try to find out where it is.

THE COURT: All right. Just let her look at it. Counsel knows you can refresh a person’s recollection with anything.

MR. MESEREAU: Your Honor, I thought she was reading it out loud. That was my mistake. I withdraw the objection.

THE COURT: That would have been improper.

MR. SNEDDON: We’ve been down that road before.

THE COURT: All right, I’m sorry. Did we -- where are we?

(Laughter.)

MR. SNEDDON: I know where we are.

THE COURT: Is it break time yet? No.

(Laughter.)

MR. SNEDDON: I’m sorry, Judge. You’re going to have to suffer for six more minutes and you’re not getting out of here a minute early. Payback is you-know-what.

Q. All right. Mrs. Chandler, with regard to whether or not the defendant was present, did that refresh your recollection?

A. Yes, it does.

Q. And do you recall whether the defendant was present?

A. He was present.

Q. And does it refresh -- did the defendant, Michael Jackson, make statements to you with regard to the particular documents that you were being asked to sign?

A. Yes, he did.

Q. And do you recall what he told you?

A. He was frantic. He was begging me to, “Come over and sign this so there won’t be any lawsuits or anything. Just sign it, sign it.”

Q. And, in effect, what you signed did what to you personally?

MR. MESEREAU: Objection. Hearsay;

foundation.
MR. SNEDDON: Let me go back, Judge. I think I can correct this.

Q. I am assuming you read the document before you signed it?
A. Briefly.
Q. And you understood what it meant when you were signing it?
A. Not really.
Q. Okay. You understood -- well, let me ask you this: Did you understand -- if you didn’t understand all of it, you understood some of it, correct?
A. Yes, I did.
Q. Did you understand a part of it that had to do with who was going to have custody for the children temporarily?
A. Exactly, yes.
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
Q. BY MR. SNEDDON: I’m sorry?
A. Yes.
Q. And it wasn’t going to be you anymore?
A. Exactly.
Q. Did you sign that paper?
A. I did.
Q. Mrs. Chandler, I neglected to ask you about one other incident that occurred at Neverland Ranch, okay?
A. Yes.
Q. So pardon me if we can go back in time from

where we are presently. And then we’re almost done, okay?
A. Okay.
Q. Do you recall whether there was ever any occasion where your brother and your sister-in-law ever visited Neverland Valley Ranch?
A. Yes, I do recall.
Q. Do you know approximately when it was that they visited Neverland Valley Ranch?

A. Approximately May.
Q. And do you know how long they were there?
A. For the day.
Q. Just came up for the day?
A. Yes. For the day.
Q. And do you recall, were you with them while they were at the ranch?
A. Yes, I was.
Q. Was Jordan at the ranch?
A. Yes, he was.
Q. Where was Jordan?
A. With Michael.
Q. Now, do you remember about what time it was when you left that day, you personally?
A. Before eight o’clock.
Q. Eight o’clock --
A. P.m.
Q. P.m. Now, do you recall seeing Mr. Jackson and Jordan before you left?

A. Yes.
Q. And where did you see them?
A. They were in Michael Jackson’s bedroom.
Q. And do you recall -- did you go into the bedroom?
A. Yes.
Q. Did you go in there with your brother and sister-in-law?
A. Yes, we did.
Q. And when you went into the bedroom, where was Mr. Jackson?
A. In the bedroom with Jordan.
Q. Do you recall where?
A. Could be on the bed.
Q. You don’t remember specifically?
A. Not specifically.
Q. Okay. And Jordan, do you recall where he was?
A. On the bed, too.
Q. Now, at some point in time, Mrs. Chandler, your son Jordan Chandler was involved in a lawsuit, Chandler versus Jackson, a civil lawsuit. Do you recall that?

A. Yes, I do.

Q. And were you a participant in that lawsuit as a representative of your son?

A. Yes, I was.

Q. And who was the lawyer who represented your son during the majority of that litigation?

A. Larry Feldman.

Q. And to your knowledge, was a lawsuit filed on behalf of your son against the defendant, Michael Jackson?

A. Yes.

Q. And did you assist or help Mr. Feldman in the preparation of that lawsuit?

A. Yes.

Q. And did you support your son during that lawsuit?

A. I did.

Q. Now, as a result of the lawsuit, did your son -- and please -- don’t tell us the amount, please. Did your son receive monetary compensation from Mr. Jackson?

A. Yes, he did.

Q. Now, also as a result of that lawsuit, did you receive some monetary compensation?

A. Yes, I did.

Q. Did you ever ask to be compensated in any way as a result of what had happened?

A. No.

MR. MESEREAU: Objection. Foundation; and hearsay.

THE COURT: All right. Overruled.

Q. BY MR. SNEDDON: You did not?

A. No.

Q. And where did the idea for you receiving compensation come from, to your knowledge?

MR. MESEREAU: Objection, to the extent it calls for hearsay.

THE COURT: Sustained.

Q. BY MR. SNEDDON: As a result of this lawsuit, did you receive money?

A. Yes, I did.
Q. Did you have to sign something in exchange for that money?
A. Yes, I did.
Q. And what did you sign?
A. A disclosure agreement.
Q. And what does that mean?
A. Confidentiality agreement.
THE COURT: All right. Let's take our break.
(Recess taken.)
THE COURT: Go ahead.
Q. BY MR. SNEDDON: Mrs. Chandler, I just have a couple of questions.
I want to go back to something we talked about before. You told the jury that the defendant, Michael Jackson, gave you a gift certificate at one point in time?
A. Correct.
Q. And it was to Segal?
A. Fred Segal is a store in Santa Monica.
Q. Okay. And what was the amount of that certificate?

A. $7,000.
Q. Okay. Now, let's just go back and finish up the last part of what we were talking about.
With regard to the lawsuit, you signed some kind of an agreement, correct?
A. Correct.
Q. In exchange for that, you were given some money?
A. Yes.
Q. Do you recall, based upon what you know, what the agreement was, what it required of you?
MR. MESEREAU: Objection; hearsay.
THE COURT: Sustained.
Q. BY MR. SNEDDON: What did you give up in return for receiving money?
MR. MESEREAU: Same objection. Hearsay and foundation.
THE COURT: Sustained.
Q. BY MR. SNEDDON: Did you read the agreement before you signed it?

A. Yes.
Q. And who presented it to you?
A. Larry Feldman.
Q. Did he go over it with you before you signed it?
A. Yes.
Q. And you understood what you were signing?

A. Yes, we did.
Q. And you read the document?
A. Yes.
Q. And what did it require you to do in order to obtain money from the defendant, Mr. Jackson? You personally.
A. We couldn’t --
MR. MESEREAU: Objection. Hearsay and foundation.
THE COURT: Sustained.
Q. BY MR. SNEDDON: Have you ever written any books --
A. Never.
Q. -- about what happened?
A. No, I have not.
Q. Did any interviews?
A. Never.
Q. Made any money selling anything --
A. No.
Q. -- about your experience?
A. No.
MR. SNEDDON: Nothing further.
THE COURT: Cross-examine?
MR. MESEREAU: Yes, please, Your Honor.

CROSS-EXAMINATION
BY MR. MESEREAU:
Q. Mrs. Chandler, my name is Tom Mesereau and I

speak for Michael Jackson, okay?
A. Yes.
Q. If anything I ask you is not clear, please don’t answer. Just say you don’t understand it, and I’ll try to rephrase it, okay?

A. Okay.

Q. Now, in response to the prosecutor’s questions, you said you entered into a stipulation regarding custody of your son Jordie, correct?

A. Correct.

Q. And in response to the prosecutor’s questions, you said you did it because Michael Jackson told you to do it, right?

A. One of the people. He was one.

Q. Well, do you remember signing a sworn declaration regarding that stipulation?

A. I remember signing something about custody of Jordie.

Q. Do you remember signing a sworn declaration in which you said the only reason you signed the stipulation was because your ex-husband wouldn’t return Jordie to you if you didn’t, right?

A. Correct.

Q. And you said further, you thought the stipulation was merely for a one-week visitation period, right?

A. Correct.

Q. Nowhere in that declaration did you say anything about Michael Jackson telling you to sign anything, right?

A. That’s not correct.

Q. Would it refresh your recollection to look at your declaration?

A. I’d be happy to.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

Q. BY MR. MESEREAU: Miss Chandler, have you had a chance to look at that sworn declaration?

A. Yes, I have.

Q. Does it refresh your recollection about what you said in the declaration?

A. Sort of.

Q. Isn’t it true you said the only reason you signed it was because your ex-husband told you that if you didn’t sign the stipulation, you would not have Jordan returned to you, right?

A. That’s correct.

Q. You said that was the only reason, correct?

A. That’s not the only reason.

Q. Well, you signed it under penalty of perjury, did you not?

A. I wasn’t asked who else was asking me to sign it.

Q. Who prepared the declaration for you to sign?

A. Evan Chandler’s attorney.

Q. Were you represented by counsel when you signed this declaration?

A. Oooh. I might have been.

Q. You actually were, weren’t you?

A. I -- I don’t recall.

Q. You were represented by counsel because you were trying to set aside the stipulation in court, right?

MR. SNEDDON: Well, Your Honor, I’m going to object to that. That’s misleading as to point and time, and vague.

MR. MESEREAU: It’s not misleading at all.

MR. SNEDDON: Wait a minute, Counsel. Judge, I object as vague as to time as to when she was represented.

THE COURT: All right. I’ll sustain the objection. It’s an argumentative question.

Q. BY MR. MESEREAU: Miss Chandler, at some point you hired a lawyer to help you set aside that stipulation, right?

A. I don’t know if that was the reason why an attorney was hired, if it was for that reason.

Q. And your attorney prepared your declaration, true?

A. I don’t recall.

Q. Do you recall if the stipulation was ever set aside by your attorney?

A. I don’t recall.

Q. Do you recall being represented by an attorney named Freeman?

A. Yes, I do.

Q. And who is Mr. Freeman?

A. He’s an attorney that represented me for a short time.

Q. Do you recall asking Michael Jackson if he would loan David Schwartz four million dollars?

A. Never.

Q. You say you never did that?

A. Never did that.

Q. Okay. Do you recall your ex-husband David Schwartz asking you to do that?

A. Never.

Q. Do you recall him being five million dollars in debt around the time you were associating with Michael Jackson?

A. No.

Q. Don’t recall that at all?

A. Not at all.

Q. Okay. When you sued Michael Jackson, you sued through Larry Feldman, true?

A. I did not sue Michael Jackson. Jordan Chandler and his family were -- that was his family. We did not sue Michael Jackson.

Q. Okay. So you never sued him yourself, you’re saying?

A. I don’t believe that’s how it was worded.

Q. Okay. Do you recall meetings with your attorney about that lawsuit?

A. Yes, I do.

Q. Now, you -- you and Jordan’s father Evan were divorced in 1985, true?

A. Correct.

Q. And you obtained sole custody of Jordan, right?

A. Yes.

Q. And you had an informal arrangement where Evan could have custody or at least visitation rights of Jordie from time to time, correct?

A. Correct.

Q. What year did you marry David Schwartz?

A. 1985.

Q. Now, is it correct that he became Jordan’s stepfather?

A. Correct.
Q. And for how long was he Jordie’s stepfather?
A. For approximately six to eight years.
Q. What year did he cease to be Jordie’s stepfather?
A. When we divorced.
Q. And what year was that?
A. 1994.
Q. And how old is Jordie now?
A. He is 25 years old.
Q. Can I ask you when you last spoke to him?

A. 11 years ago.
Q. At one point, David Schwartz sued Michael Jackson, correct?
A. I don’t recall.
Q. Do you recall him suing Michael Jackson claiming that Michael had interfered with his business?
MR. SNEDDON: Your Honor, I’m going to object as immaterial; irrelevant; calls for hearsay.
THE WITNESS: I don’t recall.
THE COURT: It’s vague as to time.
MR. MESEREAU: Okay. I’ll rephrase it, Your Honor.
Q. Around the time you and Evan and Jordie sued Michael Jackson with Attorney Larry Feldman, do you recall your ex-husband, David Schwartz, also suing Michael Jackson?
MR. SNEDDON: Same objection, Your Honor.
THE WITNESS: I don’t recall.
THE COURT: Overruled.
You may answer.
THE WITNESS: I don’t recall.
Q. BY MR. MESEREAU: Okay. Do you recall, in response to your lawsuit, Mr. Jackson suing for extortion?
MR. SNEDDON: Your Honor, I’m going to object to that question.
THE COURT: Sustained. Foundation.

Q. BY MR. MESEREAU: You sued Michael Jackson,

right?

A. Jordan Chandler sued Michael Jackson.

Q. Were you listed as a plaintiff?

A. Yes.

Q. And in response to your suit, Mr. Jackson sued for extortion, true?

A. I don’t recall.

Q. Okay. Were you and Evan and Jordie all represented by Larry Feldman?

A. Yes, we were.

Q. Do you know approximately when that suit settled?

A. I guess in ‘95.

Q. Do you recall Evan suing Mr. Jackson a second time?

A. No.

Q. Don’t know anything about that?

A. Nothing.

Q. Never heard about it?

A. No.

Q. Do you know who Attorney Barry Rothman is?

A. Yes.

Q. Who is Attorney Barry Rothman?

A. He was Evan Chandler’s attorney.

Q. Do you recall Attorney Barry Rothman also suing Michael Jackson?

A. No, I don’t.

Q. Okay. Now, during your trips with Michael Jackson, do you recall the name “Sony” ever being mentioned?

A. Yes.

Q. And in what context was Sony mentioned?

A. The gifts that Michael Jackson gave were from Sony. Sony recorders. We flew on the Sony jet. That’s what I remember.

Q. And do you recall, around the time you were associating with Michael Jackson, that Michael Jackson had an endorsement deal with PepsiCo?

A. Yes.

Q. And to your knowledge, that was the most lucrative endorsement deal anyone in the music business had ever entered into with PepsiCo,

correct?

A. I didn’t know that.

MR. SNEDDON: Your Honor, that’s immaterial and irrelevant.

THE COURT: Foundation; sustained.

Q. BY MR. MESEREAU: Do you recall learning from Michael Jackson that he owned an interest in The Beatles’ catalog?

A. Yes.

Q. Did you discuss that with Mr. Jackson?

A. Never.

Q. Did you discuss his deal with PepsiCo with Mr. Jackson?

A. No.

Q. When you filed your lawsuit against Mr. Jackson, your attorney was threatening to ruin Mr. Jackson’s music deals, correct?

A. No. Not that I recall.

Q. You don’t recall that at all?

A. Not at all.

Q. Do you recall participating in settlement negotiations?

A. Yes.

Q. And when you participated in settlement negotiations, where did you used to meet?

A. Larry Feldman’s offices.

Q. When did you last talk to Larry Feldman?

A. Oh, a few days ago.

Q. Did you talk about what you were going to say in court?

A. No.

Q. Did you talk about what he said in court?

A. Briefly.

Q. Did he call you or did you call him?

A. I called him.

Q. Before this discussion a few days ago, when was the last time before that you had spoken to Larry Feldman?

A. Oh, um, maybe two months before that.

Q. And did you talk to him about this case in that discussion?

A. Yes.
Q. Did you talk to him about what you were going to say?
A. No.
Q. Did you call him or did he call you?
A. I called him.
Q. Did you talk on the phone with him or did you meet with him?
A. Yes, talk on the phone.
Q. Before that discussion, when had you last spoken to Attorney Larry Feldman?
A. Perhaps ten years ago.
Q. Okay. But you never discussed anything about this case in those discussions, right?
A. No.
Q. And you never talked about what you were going to be asked in this courtroom in any of those discussions, right?
A. Not to that effect, no.
Q. Did Mr. Feldman tell you he represents the Arvizos in either of those discussions?
A. I don't know what that is.
Q. Okay. So he never talked about his representing anyone associated with this case, besides you, right?
A. Correct.
Q. Now, you said something in response to the prosecutor's questions about your son changing the way he dressed at one point, right?

A. Correct.
Q. Didn't your son used to try and dress like Michael Jackson before he even met him?
A. When he was very young.
Q. Did you meet with the prosecutor before you testified today?
A. Yes.
Q. When did you meet with the prosecutor to talk about anything you said today?
A. Two days ago.
Q. And where was that meeting?
A. In downtown L.A.

Q. And who did you meet with?
A. With my attorney.
Q. And who is your attorney?
A. Brad Barnholtz.
Q. Who else did you meet with?
A. Tom Sneddon.
Q. Okay. How long a discussion was that?
A. Oh, perhaps an hour and a half.
Q. Did you talk about what you were going to say today?
A. Yes.
Q. Did Mr. Sneddon go over some questions that he was going to ask you?
A. Yes.
Q. Did you ever go over some answers that you were going to give?

A. Yes.
Q. When had you met with Mr. Sneddon before that meeting?
A. Never.
Q. Have you talked to him on the phone?
A. Yes.
Q. How many times?
A. Once or twice.
Q. Okay. Now, where did you first meet Michael Jackson?
A. At Rent-A-Wreck. The business of my ex-husband.
Q. And that was the day that Mr. Jackson had a problem with his car, right?
A. Yes.
Q. Okay. And when did you see him after that initial meeting?
A. I guess maybe approximately a few months after that.
Q. The first meeting was approximately August ‘92, right?
A. Correct.
Q. Okay. And when do you think the next meeting was?
A. Perhaps maybe in February.
Q. Okay. And again, how did that meeting

happen? Who called who?

A. How did the meeting --

Q. The second meeting. The first time you saw him when he had a problem with his car, right?

A. Correct.

Q. And then there was a meeting after that?

A. Right.

Q. How did that happen?

A. Through phone conversations with my son. And he -- and Michael Jackson invited us to Neverland.

Q. Okay. How did you get to Neverland?

A. By car. By my car. I drove.

Q. Okay. And did you stay over at Neverland that first time?

A. Yes, I did.

Q. How long did you stay?

A. I would say for two nights. One or two nights.

Q. Okay. And your daughter was there as well, right?

A. Yes, she was.

Q. Okay. And you said that you, your daughter, your son, stayed in the guesthouses, correct?

A. Correct.

Q. Now, what did you do during the day during that visit, during the two days you were there?

A. We watched movies. We went on rides. We visited his zoo. Things like that.

Q. Okay. And how did you get home? Did you drive?

A. Yes, I did.

Q. When did you next talk to Michael Jackson after that?

A. Oh, I think probably the day after we got back.

Q. Did he call you?

A. Yes.

Q. Okay. Did you talk to him?

A. Yes.

Q. And when did you get together again?

A. Perhaps a week later. A week or two later.

Q. Did you go to Neverland again?

A. Yes, we did.

Q. How did you get there?

A. He drove. His -- sorry, his chauffeur drove.

Q. Okay. And did you stay over --

A. Yes.

Q. -- on that second trip?

A. Yes.

Q. And how long was your stay over there?

A. A couple of nights.

Q. Okay. Do you remember what you did on that second trip?

A. Same thing.

Q. Okay. Did you see Michael very often on the first trip?

A. The whole time, yes.

Q. Did you see him --

A. Yes.

Q. -- very often on the second trip?

A. Yes.

Q. When you said you went to the zoo and did these fun things, was Michael always with you?

A. The first and second time?

Q. Yes.

A. Basically, yes.

Q. Okay. Did you have dinner in the main house with Michael?

A. Yes.

Q. And of course your children were there too, right?

A. Correct.

Q. After that second trip, when did you next have contact with Michael, if you remember?

MR. SNEDDON: Your Honor, I'm going to object to the use of the first name.

THE COURT: All right.

MR. MESEREAU: I'll say "Michael Jackson," Your Honor.

Q. After your second visit to Neverland, did you have further contact with Michael Jackson?

A. Yes, I did.

Q. And please explain what your next contact was all about.

A. I don't know if that was the time we again went to Neverland or we had taken a trip to Las Vegas.

Q. Now, in your discussion with the Los Angeles District Attorney in 1993, you talked about your visits with Mr. Jackson, right?

A. Correct.

Q. Have you looked at that transcript recently?

A. Yes.

Q. When did you last look at the transcript?

A. Briefly, today.

Q. And how did you get a copy of it?

A. Through Mr. Sneddon.

Q. Okay. Did he ask you to read it today?

A. Did he ask me to read it today?

Q. Yes.

A. No.

Q. Did he ask you to read it at any time?

A. Yes, he did.

Q. And when was that?

A. Last week.

Q. Did he give you anything else to read before you testified?

A. That's it.

Q. Okay. And did you read it from cover to cover?

A. Tried.

Q. Pardon me?

A. Yes.

Q. Okay. Okay. You told the District Attorney in Los Angeles when describing your first trip there, "Michael Jackson wasn't the superstar. He was a regular person, and we couldn't believe how nice he was," right?

A. Correct.

Q. And you said that after you got there, he offered to let you stay over, correct?

A. Correct.

Q. Your plan initially wasn’t to stay over, right?

A. Correct.

Q. You said that first night, Jordie actually knocked at your door and said he was going to stay with you, right?

A. Correct.

Q. So the first night he stayed with you and your daughter, right?

A. Correct.

Q. Okay. Now, when did you go to Toys-R-Us with Michael Jackson?

A. Could have been the first visit or the second visit.

Q. Okay. And did Michael Jackson offer to take you there?

A. Yes.

Q. And he did take you there, right?

A. Yes, he did.

Q. Did he drive or did you have a driver take you there, do you know?

A. We must have had a driver.

Q. Okay. Now, at one time, did you visit Roy Disney’s widow with Michael?

A. Never.

Q. Okay. At some point you told the Los Angeles District Attorney that Michael was visiting Roy Disney’s widow in Beverly Hills; do you remember that?

A. Not really, but I don’t recall.

Q. Do you recall telling that to the Los Angeles District Attorney?

A. I don’t recall.

Q. Would it refresh your recollection to let you see that page?

A. Yes.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: Thank you.

Q. BY MR. MESEREAU: Have you had a chance to look at that?

A. Yes.

Q. Does it refresh your recollection about what you told the Los Angeles District Attorney?

A. Yes.

Q. And what did you tell them about that?

A. I said that I was -- we had left and Michael was -- I had left Neverland with Jordie and Lily, and he was going to visit Roy Disney’s widow.

Q. Okay. Now, was that while you were visiting Neverland?

A. After we left.

MR. SNEDDON: Object as to vague as to time as to what visit.

MR. MESEREAU: I’ll rephrase it.

Q. During what visit did Michael Jackson tell you he had to visit Roy Disney’s widow?

A. The first visit.

MR. SNEDDON: Object as to hearsay.

THE COURT: Overruled.

Q. BY MR. MESEREAU: Was it the first visit?

A. I think so.

Q. Do you recall if you and your family stayed at Neverland while Mr. Jackson left the premises?

A. I don’t recall that.

Q. Okay. Do you recall him making a trip like that?

A. Yes.

Q. Okay. You talked about gifts that Mr. Jackson gave you, okay?

A. Okay.

Q. Did you ever ask for any of those gifts?

A. No.

Q. Did he just give them to you on his own initiative as far as you’re concerned?

A. Yes.

Q. Okay. Tell us all the gifts you recall him giving you.

A. A gold bracelet. A pair of earrings. A necklace. A ring. A gift certificate to a

boutique. That's what I recall.
Q. Okay. And you said he gave you his credit card to use?
A. Yes.
Q. Did he do that more than once?
A. He might have, yes.
Q. And do you recall what you bought with Michael Jackson's credit card?
A. I know I -- I think two handbags.
Q. Anything else?
A. Not that I recall, no.
Q. Okay. How many nights do you recall Mr. Jackson staying at your house?
A. To the best of my recollection, 30 nights.
Q. And approximately what time period was that, if you know?
A. Beginning the middle of April till the end of May.
Q. Were you at your house on every evening that Michael Jackson stayed over?
A. Yes.

Q. You said something to the effect, I believe, that Mr. Jackson would leave during the day?
A. Correct.
Q. Do you know where he went?
A. Not really. I --
Q. Did you ever ask him?
A. Sometimes.
Q. Okay. And where did he tell you he was going?
A. Going home.
Q. To Neverland?
A. Working. No, not to Neverland. I think his hideout, to his place that he calls "The Hideout" in Century City.
Q. That's the place you visited, correct?
A. Correct.
Q. How many times were you at that apartment?
A. Approximately three or four times.
Q. Okay. When you went to the apartment that you've described as Michael Jackson's hideout, were you always with your son?

A. Yes.
Q. Were you ever with anyone else?
A. Not that I recall.
Q. Okay. You indicated you met someone named Brett Barnes at Neverland, right?
A. Correct.
Q. Do you know when you first met him?

A. It could have been the second time that we were going to Neverland.
Q. And he was actually in the limousine that Michael Jackson sent to pick you up, right?
A. Correct.
Q. Was that the first time you had met him?
A. Yes.
Q. Okay. Was that the trip you went to Disneyland?
A. It could be, yes.
Q. And was Brett Barnes with you on that trip?
A. I would assume so. I’m -- I don’t recall.
Q. Do you know if his mother was there on that trip?
A. No.
Q. So it was you, Michael Jackson, your two children, and Brett, right?
A. Perhaps Brett.
Q. You’re not sure?
A. Exactly.
Q. Did you go back to Neverland after the trip to Disneyland?
A. I don’t recall.
Q. Okay. You indicated you met someone named Joy, right?
A. Correct.
Q. And when did you meet someone named Joy?
A. Later on, in -- could be May. April or May.

Q. And where did you meet her?
A. At Neverland.
Q. Okay. Was she staying there when you stayed there?
A. Yes.

Q. And did she have a son, to your knowledge?

A. Yes, she did.

Q. And who was that?

A. Wade.

Q. Okay. How often did you see Joy Robeson and Wade Robeson at Neverland?

A. I remember seeing Joy once. And Wade, I -- it could be a few times. I don't recall.

Q. When you were at Neverland at the same time that they were there, did you associate with them?

A. Yes.

Q. Okay. And what did you do with them?

A. I had dinner with Joy, where we talked. And with Wade, if we went -- if there was a movie playing, I guess he was with us also.

Q. When Michael Jackson used to stay at your home, were you in the middle of a divorce proceeding?

A. No.

Q. Were you separated?

A. Yes.

Q. Did you used to discuss your problems with David Schwartz with Michael Jackson?

A. Yes.

Q. You actually had a lot of discussions, didn't you?

A. Not a lot.

Q. You told him it was a poor relationship, didn't you?

A. What was a poor relationship?

Q. Your relationship with David Schwartz.

A. I told whom? I'm sorry.

Q. Michael Jackson.

A. Oh. No. I -- I don't -- I didn't get into my relationship about David Schwartz to Michael.

Q. So you never discussed it with Michael Jackson?

A. I just said that we were separated and these were not wonderful times for us.

Q. And you would discuss with him from time to time the problems you were having, wouldn't you?

A. No. No, I wouldn't.

MR. SNEDDON: Object as irrelevant, Your Honor, not to mention hearsay.

THE COURT: Overruled. The answer was, “No.” Next question.

Q. BY MR. MESEREAU: During those 30 nights that Michael Jackson stayed at your house, did he have dinner at your house?

A. Yes.

Q. And was it usually you, he, your son and daughter at dinner?

A. At times.

Q. Who else would join you for dinner?

A. That’s it.

Q. Did you ever have dinner yourself, without your children, just with Michael Jackson?

A. No.

Q. Have you ever traveled with Michael Jackson without your children?

A. No.

Q. When did you go to Las Vegas with Michael Jackson?

A. Around the end of March.

Q. And what was the purpose of that trip?

A. I guess Steve Wynn, the owner of the Mirage Hotel, invited Michael to come and stay and vacation in Las Vegas for a few days.

Q. And did you meet Mr. Wynn while you were there?

A. Yes, I did.

Q. How long were you in Las Vegas for that trip?

A. Two or three nights.

Q. And again, how did you get there?

A. Steve Wynn’s jet.

Q. And did his jet take you back home afterwards?

A. Yes.

Q. All right. When you went to Las Vegas on Steve Wynn’s jet, had Michael Jackson begun to stay over at your home?

A. No.
Q. Did Michael Jackson begin to stay at your home after that trip to Las Vegas?
A. Yes.
Q. Now, did you travel with Michael Jackson to any other cities in America during this period of time?
A. Yes.
Q. Where did you travel to?
A. To Florida and New York.
Q. Was that Orlando, Florida?
A. Correct.
Q. And when did that trip happen, approximately?
A. Oh, approximately April, I guess.
Q. And what was the purpose of that trip, if you know?
A. To go to Disney World.
Q. Did you do that?
A. Yes, we did.
Q. How long a trip was that?
A. A couple of days.
Q. And then did you come back?
A. Yes.
Q. The rooms in your hotel, describe the rooms, if you would.

A. I don’t remember The Grand Floridian, what the rooms were like.
Q. And did you have your own room?
A. Yes.
Q. Did Michael Jackson have his own room?
A. Yes, he did.
Q. And did your children have their own room?
A. I’m not sure.
Q. Do you know where your children stayed?
A. Yes.
Q. Where did they stay?
A. Jordie, my son, stayed with Michael, and Lily stayed with me.
Q. And did you ever object, during that trip, to your son staying with Michael?
A. No.

Q. You never suspected anything improper was going on on that trip, correct?

A. Correct.

Q. You mentioned some children from New Jersey that you met at Neverland, right?

A. Correct.

Q. And who were they again?

A. Frank and Eddie Cascio.

Q. Okay. And did you ever meet their parents?

A. No.

Q. When did you first see them at Neverland?

A. I don’t recall. Could be the third visit to Neverland. Fourth visit.

Q. When was the first time your son Jordan asked if he could sleep with Michael Jackson?

A. I would say starting the third visit to Neverland, second or third visit to Neverland, because there were always boys around and staying in his bedroom, and why couldn’t he? And that’s when he started asking.

Q. And was it your understanding that there were a lot of kids hanging around Michael Jackson’s bedroom?

A. Yes.

Q. Did you see --

A. Boys.

Q. Excuse me. Did you see a lot of kids at Neverland while you were there?

A. A lot of Michael’s --

MR. SNEDDON: Excuse me. Object as to vague.

MR. MESEREAU: I’ll rephrase it. Let’s go through the first trip.

Q. Did you see a lot of kids at Neverland during your first trip?

A. No.

Q. Did you see a lot of kids at Neverland during your second trip?

A. No.

Q. How many other children at Neverland did you see on your first trip?

A. No other kids on the first trip.

Q. How many kids at Neverland did you see on your second trip?

A. One.

Q. How about your third trip?

A. Third -- Frank and Eddie Cascio.

Q. Any other children on the third trip?

A. It could have been Macaulay Culkin also.

Q. Okay. Did you meet Macaulay Culkin at Neverland?

A. Yes.

Q. Macaulay Culkin doesn’t look at all like your son, does he?

A. No.

Q. Did you meet Macaulay’s parents?

A. Father.

Q. At Neverland?

A. Yes.

Q. And that was, you think, the third trip?

A. Could be. Could have been.

Q. Did you ever see him at Neverland again?

A. Yes.

Q. When did you next see Macaulay Culkin at Neverland?

A. Fourth or fifth visit.

Q. Was anyone else from his family there; do you know?

A. His brothers were there.

Q. Okay. Was it your understanding that the Culkins were good friends of Michael Jackson?

A. That Macaulay Culkin was good friends with Michael Jackson.

Q. What about his family? Was it your understanding his family were close friends of Michael Jackson?

A. Not close friends.

Q. Did you really know?

A. It didn’t appear that they were close friends, no.

Q. Do you know if his parents used to visit Neverland?

A. His father used to visit Neverland with Macaulay.
Q. Did you hang out with them when you were at Neverland?
A. Did I hang out with --
Q. The Culkins.
A. No.
Q. Then how would you know whether or not they were close with Michael Jackson?
MR. SNEDDON: Your Honor, I'm going to object as argumentative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: When you were in Las Vegas with Mr. Jackson, you went to Cirque du Soleil, correct?

A. No, I did not.
Q. Did your son?
A. Yes, he did.
Q. And did your daughter go as well?
A. To Cirque du Soleil?
Q. Yes.
A. No, she did not.
Q. Did you have any problem at that time letting your son go to Cirque du Soleil with Mr. Jackson?
A. No.
Q. And did your son stay with Mr. Jackson that evening, to your knowledge?
A. To my knowledge, yes.
Q. Okay. You told the prosecutor that Mr. Jackson got upset at one point about your not trusting him, right?
A. Correct.
Q. And he said words to you to the effect that, "We're family," right?
A. Correct.
Q. You suggested that you let Jordie sleep wherever he wants to sleep, right?
A. Yes.
Q. And you told him, "Look, I've had two husbands that I can't trust," right?

A. Correct.

Q. You said, “I think you’re a wonderful person, but I can’t let my trust down,” right?

A. Correct.

Q. And you described Michael as saying that he was going to take care of you, right?

A. No.

MR. SNEDDON: Your Honor, excuse me, I’m going to object as vague as to point in time of the conversation.

MR. MESEREAU: Sure. Sure.

Q. When was the conversation where Michael got upset because he didn’t think you trusted him?

A. In Las Vegas in the hotel room.

Q. Okay. You said to Michael, “I’ve had males in my life that, you know, have disappointed me. How can I have you in my life and you’re saying that you’re going to take care of us, that you’re so wonderful, everything’s going to be okay, how am I going to do that?”

MR. SNEDDON: Your Honor, I’m going to object to counsel reading from the document.

MR. MESEREAU: I haven’t finished the question yet, Your Honor.

MR. SNEDDON: Well, he’s reading --

THE COURT: Well, all right, what is the question?

MR. MESEREAU: I was going to ask her if she made that statement.

THE COURT: All right. You may.

Q. BY MR. MESEREAU: Did you make a statement to that effect?

A. Yes.

Q. And Michael said to you he wanted a family to just treat him like a regular person, right?

A. Correct.

Q. He said he didn’t want to be like a stranger, right?

A. Correct.

Q. And he asked you to trust him, right?

A. Yeah.

Q. Do you remember telling the District Attorney in Los Angeles that when you talked to your ex-husband Evan about Michael Jackson’s relationship with your family, that Evan saw this as a wonderful means for Jordie not having to worry for the rest of his life?

A. Would you repeat your question?

Q. Yes. Didn’t you tell the Los Angeles District Attorney that your ex-husband Evan, the father of Jordie, told you that the relationship with Michael was a wonderful means of Jordie not having to worry for the rest of his life?

A. Yes.

Q. And to you, that meant Michael Jackson supporting you financially for the rest of your life, correct?

A. No.

Q. That’s what you thought your ex-husband meant by it, true?

MR. SNEDDON: Calls for speculation.

THE WITNESS: Speculation.

THE COURT: Sustained. Sustained.

(Laughter.)

Q. BY MR. MESEREAU: Just asking you what you thought, not what your ex-husband thought.

A. Well, I’m speculating also. I would be speculating if I answered.

Q. Well, if someone says to you, “This is a wonderful way not to have to worry for the rest of our life,” doesn’t that suggest that maybe someone is thinking about Michael Jackson supporting you?

MR. SNEDDON: Your Honor, I’m going to object. We just went through this. Calls for speculation.

THE COURT: Sustained.

Q. BY MR. MESEREAU: When did you go to France and Monaco with Michael Jackson?

A. In May.

Q. Did he invite you?

A. Yes.

Q. Did he invite your whole family?

A. Jordan and Lily, yes.

Q. At one point you said that Michael Jackson stayed at your ex-husband's house when Jordan was there, correct?

A. Correct.

Q. And to your knowledge, was your ex-husband at the house when Michael Jackson stayed there?

A. Yes.

Q. How many days, to your knowledge, did Michael Jackson stay at your ex-husband's house?

A. Approximately four to seven days.

Q. To your knowledge, was that consecutive or were they periodic visits?

A. Consecutive.

Q. And do you recall anything about your ex-husband wanting Michael Jackson to finance a wing on his house?

A. Yes.

Q. And to your knowledge, Michael Jackson never did that, right?

A. No.

Q. Now, at that point in time, Jordan's father Evan was writing a screenplay, right?

A. Correct.

Q. And to your knowledge, he was spending a lot of time on that screenplay, right?

A. Yes.

Q. And you were complaining that he wasn't spending enough time with his son, right?

A. Correct.

Q. At the time you were happy that Michael was around, because Jordan's father was not spending time with him, and you were separated from David, correct?

A. True.

MR. SNEDDON: I'm going to object as to vague as to what time, time period. We have several months here.

MR. MESEREAU: Well, I can --

THE COURT: Sustained.

MR. MESEREAU: Okay.

MR. SNEDDON: Move to strike the answer.

THE COURT: Stricken.

Q. BY MR. MESEREAU: Did there come a time when you were happy that Michael Jackson was around, because your ex-husband Evan was spending time writing a screenplay and you were separated from David?

A. Correct.

Q. Approximately what -- when was that?

A. In the beginning I was happy.

Q. Okay. When did Michael go to Cartier and buy you that jewelry?

A. When we went to Las Vegas.

Q. Was he with you when he did that?

A. No.

Q. Did he do it on his own?

A. He did it with Jordie.

Q. Okay. And did he come back and give it to you?

A. Yes.

Q. Okay. Now, you described that to the Los Angeles District Attorney as a love bracelet, did you not?

A. Yes.

Q. Is that what it was?

A. Yes.

Q. What is a love bracelet?

A. It’s a bracelet that’s a gold bracelet and that’s what it’s called.

Q. Okay. Had you ever told Michael Jackson you liked that kind of jewelry?

A. No.

Q. Were you surprised when he bought it for you?

A. Yes.

Q. Okay. Now, you mentioned that during that trip, you went to the David Copperfield show; is that right?

A. Correct.

Q. And who went to that show?

A. Jordan, Lily and Michael.

Q. Did the four of you have dinner that night together?

A. I don’t recall.

Q. Okay. Did Michael give you his credit card on that trip?

A. No.

Q. Okay. At some point did you all see an Exorcist movie?

A. No.

Q. Do you recall anyone watching an Exorcist movie?

A. I was told Jordan and Michael watched an Exorcist movie.

Q. All right. Did you ever object to Jordie sleeping in Michael’s room on that trip?

A. Yes.

Q. And what did you say?

A. “Jordie, when you come home, go to your bed. Go to your own bed. Come to our bed, not to Michael’s bed.”

He said, “Mom, I want to stay there.” And I was very upset about that.

Q. Now, this was before the approximately 30 nights that he stayed at your home --

A. Yes.

Q. -- in Santa Monica, right?

A. Correct.

Q. And you did allow him to stay at your home in Santa Monica, right?

A. Afterwards.

Q. Now, you mentioned in your interview that when Michael Jackson’s not working, he’s a lonely person, correct?

A. Correct.

Q. And you also mentioned that the Cascios owned a restaurant, true?

A. True.

Q. How did you know they owned a restaurant?

A. I was -- I don’t recall how I knew.

Q. And do you remember telling the District Attorney that Michael would help Jordie with his homework?

A. Correct.

Q. Would he do that at your home?

A. Yes.

Q. You also said he played a lot like a child, correct?

A. Correct.

Q. And he seemed to play at Neverland a lot like a child, correct?

A. Yeah, yes.

Q. You mentioned Tommy and Merdie. Do you remember that?

A. Yes.

Q. And who are Tommy and Merdie?

A. Merdie; are my brother and sister-in-law.

Q. Okay. At some point you stayed in Santa Monica with them, correct?

A. Yes.

Q. Was Michael Jackson there?

A. He was there.

Q. Did Michael Jackson stay with you at their home?

A. No.

Q. Did he stay at their home?

A. No.

Q. Did he stay at your home?

A. Not that time, no. Not at that time.

Q. And you stayed in Santa Monica with Tommy and Merdie?

A. Meredith. Merdie.

Q. Merdie, okay. You stayed with them at one point, right?

A. They stayed with me.

Q. Oh, they stayed with you?

A. Yes.

Q. Was Michael Jackson there that night?

A. I don't recall, no.

Q. Okay. To your knowledge, did Michael Jackson ever meet Tommy and Merdie?

A. I don't recall.

Q. Okay. Now, when Michael Jackson was staying at your home in Santa Monica during those 30 days

that you mentioned, was Jordan in school?
A. Yes, he was.
Q. Was he going to school each day?
A. Yes, he was.
Q. Okay. You mentioned Steve and Jo Ellen. Do you remember that?

A. Do I remember mentioning --
Q. Mentioning Steve and Jo Ellen to the District Attorney?
A. Yes.
Q. Who are Steve and Jo Ellen?
A. Steve is also my brother, and his wife Jo Ellen.
Q. Did they visit you in Santa Monica during the time that Michael Jackson was staying over?
A. No.
Q. You said that they witnessed Michael Jackson and Jordie in the bedroom, didn't they?
A. Correct.
Q. When was that?
A. At Neverland.
Q. Did they stay there?
A. No.
Q. Okay. Did they go into Michael Jackson's bedroom?
A. Yes, they did.
Q. And did you go into Michael Jackson's bedroom?
A. Yes.
Q. How many times do you think you went into Michael Jackson's bedroom at Neverland?
A. It stopped after maybe the tenth time.
Q. Okay. Describe, if you would for the jury, what Michael Jackson's bedroom looks like?

A. Lots of dolls. Lots of playthings. It looks like a boy's room, big boy's room. Lots of toys and things.
Q. Is it a big area?
A. Yes.
Q. How big would you describe it as, if you

can?

A. Oh, it’s a long time ago.

Q. Was it kind of huge?

A. Well, there’s an upstairs and a downstairs. Yes, it’s kind of huge.

Q. When you used to visit Michael Jackson’s bedroom, would you see other people in there?

A. Yes.

Q. Who do you remember seeing in there?

A. The Cascio brothers. Macaulay. Brett. Wade.

Q. And you saw their parents in there, too, didn’t you?

A. No.

Q. Did you ever see Macaulay’s father in there?

A. In the bedroom?

Q. Yes.

A. No.

Q. And why were you in the bedroom those ten times?

A. Because I’m Jordie’s mother. I’m allowed to go into the bedroom.

Q. Were you dropping clothes off?

A. Oh, I might have. I don’t recall.

Q. Did you ever sit down and watch T.V. or anything in there?

A. Yes.

Q. How often did you do that?

A. A few times.

Q. Did you ever have food delivered to you in Michael Jackson’s bedroom?

A. I don’t recall.

Q. Okay. Did David Schwartz, to your knowledge, ever visit Neverland?

A. No. No.

Q. Okay. When you were in Monaco with Michael Jackson, what did you do?

A. We went to an awards ceremony. We -- well, Jordie and Michael -- Jordie and Michael were sick, so Lily and I went shopping and drove around. We were driven around.

Q. Did Michael Jackson pay for the whole trip?

A. Yes, the trip was paid for. I don’t know who paid for it.

Q. To your knowledge, did Michael Jackson pay for it?

A. No. No. It was an awards. I think he was given tickets to attend this award because he was receiving some kind of --

Q. Who paid for your hotel room, if you know?

A. I don’t know.

Q. Now, you indicated that at one point Jordie and Michael had the flu, right?

A. Correct.

Q. And where did you find out they had the flu?

A. In the hotel room.

Q. And were they staying in the same room at that point?

A. Yes, they were.

Q. Did you ever complain about that?

A. Yes.

Q. And what happened?

A. The room was boarded up. I couldn’t get in there. It started to get weird now. Things started to go downhill pretty quickly.

Q. Did you ever take your son and leave on your own?

A. No.

Q. After you got back from Monaco, did Michael Jackson spend nights at your home?

A. Yes.

Q. Were the 30 nights you’ve described after you got back from Monaco?

A. No.

Q. How many nights after you got back from Monaco do you think Michael Jackson stayed at your home?

A. Oh, perhaps a week or two.

Q. And this was a point where you were getting upset that your son wanted to spend all of his time with Michael Jackson, right?

A. Yes.

Q. Now, while you were in Monaco, you never saw Michael Jackson and your son ever take a bath together, right?

A. No.

Q. You never saw them shower together, right?

A. No.

Q. And when did you go to France on that trip?

A. I think that was in May.

Q. And what was the purpose of that trip, if you know?

A. To get an award. He was receiving an award.

Q. Was that after the trip to Monaco or before?

A. I’m sorry?

Q. Was that after the trip to Monaco?

A. What was? What are you asking?

Q. The trip to France you described. Was there a --

A. That is the trip.

Q. That’s the trip?

A. Yes.

Q. It was all in Monaco?

A. Monaco, yes.

Q. Did you ever go anywhere else?

A. We went to Euro Disney also, outside of Paris.

Q. Was the trip to Euro Disney after you were in Monaco for the awards or before it, if you know?

A. To the best of my recollection, it was after the awards.

Q. And how much time did you spend on that portion of the trip?

A. I would say a couple of nights.

Q. Okay. Now, one point you visited Evan, Jordan’s father, at his home when Michael Jackson was there, right?

A. I don’t recall.

Q. Do you recall seeing Evan and Michael in a squirt-gun-type fight?

A. That was my home, sir.

Q. That was your home?

A. Yes.

Q. So Evan had come to your home at that point?

A. Correct.
Q. Okay. And Evan, Michael and Jordie were in a squirt gun fight, right?
A. Along with his other son Nicky.
Q. Okay. And you got upset a little bit at that, right?
A. Yes.
Q. Okay. How did you learn that Michael Jackson was going to stay over at Evan’s house?

A. Through my son Jordan.
Q. And approximately when did that occur?
A. After the trip to Monaco, I think.
Q. How many visits, to your knowledge, did Michael Jackson make to Evan’s house?
A. To my knowledge -- to the best of my recollection, one or two visits.
Q. Okay. And to your knowledge, did he spend the night there?
A. Yes, he did.
Q. To your knowledge, did Jordan spend the night there?
A. Yes, he did.
Q. And to your knowledge, was Evan there both nights?
A. To the best of my knowledge, yes.
Q. Jordan never missed school while Michael Jackson was staying at your home, right?
A. To the best of my recollection, no, he did not miss school.
Q. Okay.
A. There might have been one or two days where he missed, but --
Q. Okay. You said that Michael Jackson saw you in New York at one point?
A. Yes.
Q. And when was that?
A. In June, the middle of June.

Q. Was he staying at the same hotel you were at?
A. He arrived after we were there, yes.

Q. Did you know in advance he was going to be staying at the same hotel?

A. Yes.

Q. And how did you know he was going to be staying at the same hotel as you and your children?

A. His secretary informed me.

Q. Did he pay for those hotel rooms, to your knowledge?

A. I don’t know who paid for the hotel rooms.

Q. Did you?

A. No.

Q. And which hotel was this?

A. The Rega Royal Hotel in New York City.

Q. And how long did you stay at that hotel --

A. Oh, perhaps --

Q. -- on that trip?

A. -- four nights.

Q. Okay. Was Mr. Jackson there during the four nights, to your knowledge?

A. Part -- part of those nights, yes.

Q. Okay. And did you introduce Mr. Jackson to other members of your family on that trip?

A. I don’t recall.

Q. Did you mention your brothers were there on that trip?

A. They were in New York, yes.

Q. Okay. Did they come to your hotel; do you know?

A. I don’t recall.

Q. Okay. Do you know whether or not Michael met your brothers on that trip?

A. I don’t recall that, no.

Q. Okay. And what month are we in now, if you know?

A. June. In June.

Q. Okay. And just to clarify, the first time Mr. Jackson ever stayed at your home in Santa Monica was what month?

A. In April.

Q. Okay. Do you remember telling Michael Jackson, “You’re like a magnet?”

A. I don’t recall.

Q. Do you remember telling Michael Jackson, “You’re like Peter Pan. Everybody wants to be around you and spend 24 hours”?

A. Yes.

Q. You told him, “Lily would too, except she’s not old enough”?

A. Yes.

Q. Now, you said there was an incident in a room in New York, right?

A. Correct.

Q. And did you actually see what happened?

A. No.

Q. When did you learn what happened in the room?

A. In the morning I saw lamps, two lamps were broken.

Q. Okay. And Michael told you he had kicked the two lamps, right?

A. My son said that Michael Jackson did a karate kick and kicked the lamps.

Q. Actually, Michael told you that, too, didn’t he?

A. I don’t recall.

Q. Would it refresh your recollection to show you what you said to the District Attorney?

A. Thank you. Yes.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: Correct.

Q. BY MR. MESEREAU: Have you had a chance to look at that page?

A. Yes, I have.

Q. Does it refresh your recollection --

A. Yes.

Q. -- about what you said? Michael told you he kicked the two lamps practicing karate, right?

A. Correct.

Q. And he said he would pay for it, right?

A. Correct.

Q. And you said to him, “Lily told me a different story,” right?

A. Correct.

Q. But Lily told you they were just playing, correct?

A. Correct.

Q. Now, when do you remember meeting Bert Fields for the first time?

A. Sometime in August.

Q. Was Michael Jackson still spending evenings at your home in August?

A. No.

Q. When had he stopped spending evenings at your home, if you know?

A. I would say late June.

Q. And had you heard of who Bert Fields was before that meeting?

A. No.

Q. You weren’t aware he’s one of the best-known entertainment lawyers in Los Angeles?

A. I was told that by Michael Jackson.

Q. And how long was your meeting with Bert Fields?

A. I don’t recall. It could be an hour.

Q. And that’s where Mr. Pellicano was present?

A. I don’t recall.

Q. Okay. Is that the only time you’ve ever met with Bert Fields, to your knowledge?

A. I don’t recall.

Q. In the sworn declaration you filed regarding your attempt to set aside that stipulation, is there any reason why you didn’t mention Mr. Fields, Mr. Pellicano or Mr. Jackson in that declaration?

A. Is my -- I don’t understand the question.

Q. That’s where you said the only reason you signed the stipulation was because of what your ex-husband threatened you with.

A. Correct.

Q. But you told the jury initially that the reason you signed it was because Michael Jackson wanted you to sign it, true?

A. Correct.

Q. That’s not contained in your declaration, is it?

A. No.

MR. SNEDDON: Objection. Asked and answered and argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You didn’t mention Mr. Fields or Mr. Pellicano either in that declaration, right?

MR. SNEDDON: Same objection, Your Honor.

THE COURT: Overruled.

Q. BY MR. MESEREAU: Right?

THE COURT: You may answer.

THE WITNESS: Correct.

Q. BY MR. MESEREAU: When had you separated from David Schwartz?

A. Around August of ‘92, approximately.

Q. Do you remember complaining that Evan, Jordan’s father, had promised him money for helping him write the screenplay?

A. Yes.

Q. And you complained that Evan had not paid Jordan the money he owed him, true?

A. I didn’t complain. It was a statement.

Q. Well, you asked him to pay him the money, right?

A. No, I did not.

Q. You didn’t tell him he owed your son $5,000?

A. It was a discussion.

Q. Okay. Did you want him to pay him that money?

A. It would have been a nice thing, yes.

Q. He didn’t do it, did he?

A. No, he did not.

Q. Now, you mentioned a gift certificate for $7,000 --

A. Yes.

Q. -- that you got from Michael Jackson, right?

A. Yes.

Q. And did you go to Fred Segal and use that gift certificate?

A. Yes.
Q. What did you get with it?
A. Oh, clothes, jewelry. That’s it.
Q. That’s it?
A. Yes.
Q. Okay. Before today, when is the last time you ever saw Mr. Jackson?
A. Oh, ten years ago.
Q. Okay.
A. Eleven years ago.
Q. Have you talked to Evan at all about what you’re saying in court today?
A. No.
Q. When is the last time you spoke to him?
A. Ten years ago.
Q. To your knowledge, did Michael Jackson ever stay at David Schwartz’s home?
A. No.
Q. Did he ever visit there, to your knowledge?
A. No. Not that I recall.
Q. Other than the first time when you met Mr. Jackson at David Schwartz’s rental car company, do you recall ever seeing Michael Jackson meeting with David Schwartz?
A. No.
Q. Do you remember Evan threatening David physically?
A. Yes.

Q. And when did that happen?
MR. SNEDDON: Your Honor, I’m going to object as immaterial.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Approximately when did you get settlement money from the settlement with Michael Jackson?
A. Oh, I would say approximately October of ‘93.
Q. Have you received any settlement money since then?
A. No.
Q. You mentioned to the District Attorney in

Los Angeles a meeting Michael Jackson had with Elizabeth Taylor and Nelson Mandela. Do you remember that?

A. Correct.

MR. SNEDDON: Your Honor, I object as immaterial.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you remember, was Jordie with Michael at that meeting?

A. I don’t recall.

Q. David Schwartz was also at the apartment that Michael Jackson owned in Century City that you called “The Hideout,” right?

A. Correct.

Q. And approximately when was that meeting?

MR. SNEDDON: Your Honor, I’m going to object as vague as to time. What meeting?

MR. MESEREAU: I’ll rephrase it.

Q. When, to your knowledge, did David Schwartz visit Michael Jackson’s home in Century City that you call “The Hideout”?

A. It could be late August, early September.

Q. Who else was there when you got to the apartment?

A. I don’t recall who else was there.

Q. Do you remember in your meeting with Mr. Pellicano telling Mr. Pellicano, “Well, it’s Michael Jackson. I know Evan. It could be money. It could be”?

MR. SNEDDON: Object as hearsay, Your Honor.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you ever personally tell Mr. Pellicano that Evan’s concerns could be only about money?

MR. SNEDDON: Same objection, Your Honor.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Was your lawyer, Michael Freeman, at that meeting with Mr. Pellicano?

A. I believe so.

Q. Is that the same meeting Bert Fields was present?

A. I don’t recall, but possibly. Quite

possibly.

Q. If your lawyer, Michael Freeman, was at the meeting, you must have been able to get legal advice about what to sign, right?

MR. SNEDDON: I'm going to object to that question. Assumes facts and calls for speculation. Can I throw in argumentative, too?

THE COURT: The objection is sustained.

Q. BY MR. MESEREAU: Did you ask Attorney Michael Freeman to be at the meeting?

A. No. I don't recall.

Q. Do you know how he got there?

A. I don't think he was there.

MR. SNEDDON: I'm going to object to that question. She has not said he was there. Assumes facts.

MR. MESEREAU: She did. She did.

THE WITNESS: I don't recall him being there.

THE COURT: Just a moment.

Objection sustained.

Q. BY MR. MESEREAU: Who is Michael Freeman?

A. An attorney. My attorney.

Q. And when did you first meet Michael Freeman?

A. Oh, I don't recall when.

Q. Did he represent you at some point during the time period you've described today?

A. At some point, yes.

Q. And he was your personal lawyer --

A. Correct.

Q. -- is that right?

You mentioned -- actually, let me ask you this: Did you mention Norma Stakos earlier?

A. Yes, I did.

Q. Where did you meet Norma Stakos?

A. I've never met Norma Stakos.

Q. Have you ever spoken to her?

A. Yes.

Q. In what context did you speak to Norma Stakos?

A. By telephone, about where we should meet, or when Michael Jackson is coming in to New York, or things like that.

Q. Did she seem to be the person that arranged your trips?

A. Everything. Everything.

Q. Did she seem to be the person who would get plane tickets, for example?

A. Absolutely, yes.

Q. Would she be the person who would arrange transportation on your trips with Michael Jackson?

A. Yes.

Q. Okay. Do you remember at your meeting with Mr. Pellicano, that Mr. Pellicano said, “This is all extortion”?

MR. SNEDDON: Your Honor, I’m going to object to that question. Calls for hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Now, at the time you met Mr. Fields and Mr. Pellicano, to your knowledge, did Evan have his own attorney?

A. I don’t recall.

Q. At some point during the time you were represented by Larry Feldman, do you recall Evan also having another lawyer?

A. I don’t recall that.

Q. Do you recall the name Barry Rothman?

A. Yes.

Q. And where did you first hear about Barry Rothman?

A. Before Larry Feldman. That was Evan’s attorney.

Q. Now, at some point were you represented by Attorney Gloria Allred?

A. Two seconds. For two seconds.

Q. It was a little bit more than that, wasn’t it?

A. Two hours.

(Laughter.)

Q. You and Evan and Jordan were represented by Gloria Allred initially, correct?

A. Initially.

Q. You had meetings with her, correct?
A. One or two, yes.
Q. And then you went to Attorney Larry Feldman, right?

A. He came into the picture, yes.
Q. Okay.
A. Yes.
Q. Do you know approximately when Gloria Allred represented you, Evan and Jordie?
A. Before Larry Feldman.
Q. Do you know approximately --
A. No.
Q. -- what year that was?
A. Yes, ‘94.
Q. Okay. Were you referred to Gloria Allred by someone?
A. No.
Q. How did you wind up being represented by her?
MR. SNEDDON: Your Honor, I’m going to object as immaterial.
THE COURT: Sustained.
Q. BY MR. MESEREAU: How many times did you meet with Mr. Pellicano?
A. Approximately three times. Three to four times.
Q. Do you know where those meetings took place?
A. As far as I recall, in his office.
Q. Did you travel to his office?
A. Yes, I did.
Q. Were you there with your attorney, Michael Freeman, ever?

A. I don’t think so, no, no.
Q. Did you have discussions with Mr. Pellicano?
A. Yes.
Q. Did you ever believe he was your investigator?
A. Yes.
Q. And when was that?
A. When we had meetings.

Q. When you had meetings with Mr. Pellicano, you had already retained Michael Freeman as your lawyer, hadn't you?
A. I don't think so, no.
Q. What month do you think you first saw Mr. Pellicano?
A. In August. Approximately August.
Q. The declaration I referred to earlier was signed on August 10th, 1993, correct?
A. Okay. Yes.
Q. And it's on Freeman & Golden, Lawyers, stationery, correct?
A. I guess so.
Q. Would it refresh your recollection if I show you the declaration?
A. Thank you.
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
THE WITNESS: That's correct.

Q. BY MR. MESEREAU: (Indicating.)
A. Thank you.
Q. Have you had a chance to look at the declaration?
A. Yes.
Q. And does it appear that that declaration was signed August 10th, 1993?
A. Yes, it was.
Q. And it's on Freeman & Golden, Lawyers, stationery, correct?
A. Correct.
Q. And your lawyer helped you prepare this declaration, true?
A. Correct.
Q. Was Michael Freeman representing you in your domestic dispute with Evan?
A. No. I don't recall. I don't recall.
Q. When did he stop representing you, if you know?
A. Shortly thereafter. Not --
Q. Okay. Now, was Michael Freeman representing you when Gloria Allred was representing you?
A. I don't recall.

Q. Was Michael Freeman representing you when Larry Feldman was representing you?
A. No.
Q. Do you recall at one point meeting with Robert Shapiro?

A. Yes.
Q. And when was that?
A. In Larry Feldman's office.
Q. How many meetings did you have with Robert Shapiro?
A. I don't recall.
Q. Do you know why he was at the meeting?
A. I -- I think as part of Michael Jackson's legal team.
Q. Who, Robert Shapiro?
A. I think so. I don't recall.
Q. Okay.
A. It was so long ago.
Q. Well, he was there because Michael Jackson's attorneys were claiming extortion, right?
A. I don't recall.
Q. Robert Shapiro was there because he's a criminal defense lawyer, right?
MR. SNEDDON: Your Honor, excuse me. I want to interpose an objection before the next question comes out. Speculation. She says she doesn't have any recollection of this, so why Mr. Shapiro --
THE COURT: Stop talking. You're just supposed to give your grounds for the objection.
MR. SNEDDON: I'm sorry. Object. Speculation.
THE COURT: All right. Overruled. The question -- the last question, would the

court reporter read it back, please?
(Record read.)
THE COURT: You may answer.
THE WITNESS: Correct.
Q. BY MR. MESEREAU: Do you remember also in your meetings, meeting -- excuse me, let me rephrase that.

In the meetings you’ve described with Larry Feldman, Michael Freeman, Robert Shapiro, do you also remember a lawyer named Richard Hirsch being present?

MR. SNEDDON: Your Honor, I’m going to object as to all those people and compound.

THE COURT: It’s vague. We’ll take our break now.

(Recess taken.)

THE COURT: Mr. Mesereau.

MR. MESEREAU: Thank you, Your Honor.

Q. Just very briefly, you and Evan hired attorneys and tried to negotiate a financial settlement before you ever talked to any police officer, right?

A. No.

Q. You were negotiating for money before you ever reported anything to any police officer in Los Angeles, correct?

A. Not correct.

Q. Do you know the dates you hired your attorneys?

A. After we spoke with the police.

Q. You’re saying that under oath?

A. That’s what I believe, yes.

Q. You don’t know that for sure, do you?

A. I’m sure.

Q. Your negotiations went on long before you ever went to any police officer in Los Angeles, true?

A. False.

Q. Do you know when you first went to any police officer?

A. After the police, after we spoke to the police.

Q. It was after you spoke to Larry Feldman on a number of visits, correct?

A. Not correct.

Q. It was actually Larry Feldman who contacted the police, wasn’t it?

A. No.

Q. You didn’t talk to any prosecutor in Los

Angeles before you retained Gloria Allred, correct?
A. Yes. Correct.
Q. You didn’t talk to any police officer in Los Angeles before retaining Gloria Allred, correct?
A. Can you backtrack a bit? Can you --
Q. You retained Gloria Allred before you ever contacted any police officer in Los Angeles, true?

A. Not true.
Q. Who did you contact in the LAPD before you hired Gloria Allred?
A. The police department. LAPD.
Q. You didn’t give any police statement before negotiations had already begun to settle the case, true?
A. Not correct.
Q. Did you call them yourself?
A. Did I call?
Q. The police yourself?
A. Department of Children Services.
Q. How about police?
A. No. Department of children Services.
Q. I’m asking you about the police.
MR. SNEDDON: It’s argumentative, Your Honor.
THE COURT: Overruled.
Q. BY MR. MESEREAU: You were negotiating for money --
THE COURT: Just a minute.
MR. MESEREAU: Oh, pardon me.
THE COURT: All right. She did answer it before the objection. Go ahead, Counsel, next question.
Q. BY MR. MESEREAU: You said you contacted Department of Children Services, correct?
A. Yes.

Q. That’s not the police department, is it?
MR. SNEDDON: That’s argumentative, Your Honor. And assumes facts not in evidence.
THE COURT: Sustained; argumentative.
Q. BY MR. MESEREAU: And you contacted

Department of Children's Services after first talking to a lawyer, true?

A. Not correct.

Q. In fact, you personally never called the police department, ever, about anything involving Mr. Jackson, true?

A. True.

Q. When did you first hire Gloria Allred?

A. After we spoke to the District Attorney.

Q. When did you first hire Larry Feldman?

A. After the police were notified, Department of Children's Services, and Lauren Weis, the District Attorney.

Q. Your strategy was to negotiate a settlement before ever contacting law enforcement, true?

A. No strategy, sorry.

Q. And one of the levers you were trying to hang over Mr. Jackson was bad publicity if he didn't pay, right?

A. Incorrect.

Q. Okay. When you talked to Mr. Sneddon, did he ever show you the dates when you contacted your first lawyer in this case?

A. No.

Q. When you talked to Mr. Sneddon, did he ever show you the dates before any contact was ever made to a police officer?

A. No.

Q. Do you know when your civil case was first filed?

A. I'm not sure of the exact date.

Q. Do you know who filed it?

A. I'm not exactly sure. Sorry.

Q. Okay. Do you know when you first contacted Department of Children's Services?

A. Sometime in August.

Q. You don't know when you hired Gloria Allred, correct?

A. Correct.

Q. Do you know if Gloria Allred contacted Department of Children Services?

A. I don't know that.

Q. Do you know when Evan first hired Barry Rothman?

A. I do not know that.

Q. He hired Barry Rothman before any report was made to DCFS, correct?

A. I don't know.

MR. SNEDDON: I'm going to object. Calls for speculation.

THE COURT: Sustained.

Q. BY MR. MESEREAU: When did you first hire Attorney Michael Freeman?

MR. SNEDDON: Object as asked and answered.

THE COURT: I believe she said she didn't know.

MR. MESEREAU: Okay. No further questions.

THE COURT: All right.

REDIRECT EXAMINATION

BY MR. SNEDDON:

Q. Mrs. Chandler, do you know whether or not in Los Angeles, that the Los Angeles Police Department has sworn peace officers attached to the Child Abuse Unit in the Department of Child Services?

A. Correct.

Q. Sorry?

A. Yes, I do.

Q. Were those the people that you talked to when you were interviewed?

A. Yes, they were.

Q. And do you have a recollection at this present time as to specifically when in August you interviewed with them?

A. Specifically, no.

Q. Would it refresh your recollection if I showed you a document about that interview?

A. Yes.

MR. SNEDDON: May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: Okay. Thank you.

Q. BY MR. SNEDDON: Does that refresh your recollection?

A. Yes, it does.

Q. With regard to -- I'm sorry, to when you were interviewed by members of the Los Angeles Police Department?

A. Yes, it does.

Q. And what was the date on that?

A. 8-7-93.

Q. Now, let's go back, if we can. And just to clarify, you were not the one who originally contacted the -- made the report?

A. Correct.

Q. Do you know who did, of your own knowledge?

A. Of my knowledge, it was Jordan Chandler, my son.

Q. Now, let's go back for just a second. Mr. Mesereau asked you about a meeting on Saturday involving your attorney and myself. Do you recall that?

A. Yes, I do.

Q. And was there also another person that was present with us that I brought along?

A. Yes.

Q. Do you remember the person's name?

A. No, I don't remember his name, but he was a detective.

Q. With the sheriff's department?

A. With the sheriff's department.

Q. So he was also present during that entire meeting?

A. He was -- absolutely, yes.

Q. All right. Now, he also asked you about conversations that you and I had on the phone. Do you recall that?

A. Correct.

Q. And that we had talked a couple of times on the phone?

A. Correct.

Q. And with regard to those conversations, the first conversation we had, do you recall the substance of that conversation?

A. That I would be subpoenaed and for --

testifying.

Q. And did I indicate to you that I wanted to talk to you, to do an interview with you?

A. That we would be speaking later on, yes.

Q. Okay. And did you -- did you have to check with somebody to make sure that was okay because of the confidentiality agreement?

A. Yes.

Q. And who was that?

A. Larry Feldman.

Q. So is that one of the phone calls that you

had with Mr. Feldman, was to make sure --

A. Yes.

Q. -- to make sure it was okay for you to talk to me?

A. Correct.

Q. Now, Mr. Mesereau asked you about some countersuit that Michael Jackson alleged against you and members of your family. Do you recall that question?

A. Yes.

Q. Did you ever pay a penny to Mr. Jackson in any lawsuit to settle anything?

A. No. No.

Q. Now, you indicated that these two children from New Jersey that you mentioned, the Cascios, do you remember the name of the restaurant in New Jersey that they allegedly owned?

A. Aldo’s Restaurant.

Q. You talked with Mr. Mesereau about the incident that occurred in New York where the lamps got broken and the karate kicks and all that?

A. Correct.

Q. Okay. Did you subsequently learn that the version of what happened was not truthful?

MR. MESEREAU: Objection; leading.

THE WITNESS: Correct.

THE COURT: Sustained. The answer’s stricken.

Q. BY MR. SNEDDON: Did you subsequently -- can you tell us how you eventually -- let me put it this way: Did you ultimately learn other information about that incident?

A. Yes.

Q. You personally?

A. Yes.

Q. And did you determine from that information that the original version wasn’t correct?

A. Correct.

Q. We talked a little bit in your direct examination about the change-in-custody agreement that Mr. Jackson asked you to sign. Do you recall that?

A. Yes.

Q. Okay. And you said you did sign it?

A. I did.

Q. Now, after having signed that document, did you ever get custody of your child back?

A. No.

Q. Mr. Mesereau asked you about your son Jordan and about some things you may or may not have seen with regard to taking showers. And I want to ask you a few questions about that, okay?

A. Yes.

Q. During the time that you were -- you stayed at Neverland Valley Ranch, and your son slept in Mr. Jackson’s room - okay? - did you ever see your son come back to the guest cottages to take showers?

A. No.

Q. During the time that your son was in Monaco and stayed in Mr. Jackson’s room for several days in a row, did you ever see your son come back to take showers in your room?

A. No.

Q. During the time that you were in Florida and Mr. Jackson and your son spent the time together and he was sleeping in Mr. Jackson’s room, did you ever see your son come back to your room to take showers or to clean up?

A. No.

Q. And if I were to ask you that same question with regard to baths - okay? - would there be any

different answers?
A. No.
Q. Or with regard to seeing your son getting dressed in the morning, would there be any different answers?
A. No.
Q. Now, with regard to the meeting that Mr. Mesereau talked about, where you were at the hideout, Mr. Jackson's hideout, the Century City place -- in Century City? I don't know where it is.
A. Yes, it is.
Q. And we're talking about the evening that you described where Mr. Pellicano was talking to Jordan

downstairs and you were upstairs with David Schwartz.
A. Correct.
Q. You told us that lasted about 45 minutes?
A. Yes, it did.
Q. Do you recall whether or not Mr. Jackson was present during that conversation?
A. I don't recall him being there.
Q. Now, if I show you your statement that you gave to the Los Angeles District Attorney's Office, might that refresh your recollection to that event?
A. Yes.
MR. SNEDDON: May I, Your Honor?
THE COURT: Yes.
MR. SNEDDON: Page 90, Counsel.
THE WITNESS: Thank you.
Q. BY MR. SNEDDON: Does having seen that statement refresh your recollection as to whether or not Mr. Jackson was present with Mr. Pellicano during Jordan's conversation or interview?
A. Yes, it does.
Q. And was he?
A. Yes, he was present.
Q. You told the jury that it's been 11 years since you've had any conversations with your son Jordan, correct?
A. Correct.
Q. Is that by your choice?

A. No.

Q. You told the jury that as a result of the conversation with Mr. Jackson in Las Vegas where he urged you to trust him - okay? --

A. Yes. I’ll be okay. Thank you.

Q. -- that during that conversation in Las Vegas where Mr. Jackson urged you to trust him, do you recall that?

A. I do.

Q. Do you regret ever doing that?

A. Very much so.

MR. SNEDDON: Nothing further.

RECROSS-EXAMINATION

BY MR. MESEREAU:

Q. Briefly, do you recall Evan hired counsel in June to start negotiating with Mr. Jackson?

A. No, I don’t recall.

Q. Do you recall being in any meetings with Evan and his counsel in June to try and settle the matter?

A. No.

Q. Do you recall Mr. Pellicano making settlement offers to Evan on your behalf in June?

A. No, I don’t.

Q. Do you recall any contact between Evan and lawyers in May?

A. No.

Q. Okay. You never discussed that with Evan at the time?

A. No.

Q. Didn’t you have a lot of -- we’re talking about 1993. Didn’t you have a lot of contact with Evan at that point about hiring counsel?

A. No.

Q. And weren’t you in a dispute with Evan at that point over custody?

A. Yes.

Q. Okay. And when did that dispute begin, if you know?

A. In August of ‘93.

Q. But you had had problems with Evan for months before that, had you not?
A. Not -- not terrible.
Q. And you don’t know when he hired his attorney?
A. No, I don’t. No, I don’t.
MR. MESEREAU: Okay. No further questions.
MR. SNEDDON: Nothing further, Your Honor.
THE COURT: All right. Thank you. You may step down.
THE COURT: Call your next witness.
MR. AUCHINCLOSS: People call Dwayne Swingler.
THE COURT: When you get to the witness stand, please face the clerk and raise your right

hand.

DWAYNE SWINGLER
Having been sworn, testified as follows:

THE WITNESS: Yes, ma’am.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: My name is Dwayne Swingler; D-w-a-y-n-e, Swingler, S-w-i-n-g-l-e-r.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. Good afternoon, Mr. Swingler.
A. Good afternoon.
Q. What is your current occupation, sir?
A. Right now I do stand-in work, movie sets.
Q. Okay. And what kind of -- stand-in work, what does that --
A. Stand in for stars. It’s called second team. They don’t use the stars to get the lights bright. They use stand-ins.
Q. I see. During the year 2003, at some point during that year, did you -- were you employed by Michael Jackson?
A. Yes, sir.

Q. Is he the man seated to my right with the long black hair?

A. Yes, sir.

Q. Thank you.
When did you begin working for Mr. Jackson?

A. In June of 2003. Early June of 2003.

Q. And what was your -- what was your assignment for Mr. Jackson?

A. Supervisor of Neverland.

Q. How did you come to get that position?

A. I met Michael at a studio, Marvin Gaye’s studio in Hollywood.

Q. What were you doing at the studio?

A. My cousin was engineering Michael’s music session, and Michael needed someone to whistle on a track, so my cousin called me and said, “Would you like to come down and whistle on Michael’s track?”
And I said, “I can’t whistle that well, but I would love to come down and meet Michael Jackson.”

Q. Okay. Are you yourself a musician?

A. Yes, I am.

Q. And you met Mr. Jackson on that date?

A. Yes, sir.

Q. Can you tell me about -- was that in 2003?

A. Yes, it was.

Q. About what month was it, if you recall?

A. That was probably early -- sometime in April.

Q. And how did it come about that you were offered employment?

A. I hung out at the studio with Michael and his kids, and Chris Carter, maybe four, five days in a row, three, four days in a row, while they were working on the session.

Q. Who did you understand Chris Carter to be?

A. Michael’s personal security.

Q. And so somebody offered you employment?

A. On the last day there, Chris Carter asked me to come outside. So I walked outside with him, and at that time he told me that, you know, “Michael likes you. He would love to bring you aboard. What are you currently doing right now”?

Q. Were you available?

A. Yes.

Q. Did they tell you what type of job they wanted to hire you for?

A. Initially they hired me to be security, along with Chris Carter, to travel with Michael.

Q. And how did that work out?

A. Well, that didn’t work for me because I had triplets. I got three-year-old triplet boys, so....

Q. All right. So traveling wasn’t an option?

A. No. Actually, Michael was the one who said, “If he has triplet boys, then I don’t want him to be traveling with me all the time.”

Q. So you said you became ranch manager?

A. Yes.

Q. How did that come about?

A. I guess Michael suggested to Chris, “If he has triplets, he’ll be away from his kids a lot. So maybe we should offer him another job,” and that’s when supervisor of Neverland came up.

Q. So who offered you that position, I guess is my question?

A. I guess Michael. But Chris Carter’s the one who told me about the position.

Q. At some time did you discuss with Mr. Jackson personally your employment?

A. I don’t understand the question.

Q. Did you ever have a discussion with Mr. Jackson about your employment as ranch manager?

A. Yes, I did.

Q. Did he ever discuss with you the terms by which you could be terminated if he was dissatisfied with your work?

A. He didn’t discuss with me personally. But Chris Carter and Joe Marcus did.

Q. And did you have an understanding about how you could be terminated?

A. Yes.

Q. And what was that?

A. Grounds of giving up information of where

Michael Jackson's whereabouts are, and, you know, there was a rule on the ranch -- I don't know if it came directly from Michael, but, you know, Chris told me and Joe Marcus told me as well, that you can never say no --

MR. MESEREAU: Objection; hearsay.

MR. AUCHINCLOSS: Okay, let's just back up a minute.

Q. I think what my question is, did you know -- did you have some indication from Mr. Jackson as to who had authority to terminate you?

A. Yes.

Q. And who was that?

A. From my understanding, it was only supposed to be Michael Jackson.

Q. Okay. At some point during 2003, were you terminated?

A. Yes.

Q. Tell me about that. How did that come about?

A. I had --

MR. MESEREAU: Objection; vague as to time.

THE COURT: I'll ask you to clarify the time.

MR. AUCHINCLOSS: Okay.

Q. When were you terminated?

A. Early August 2003.

Q. And how long had you been working at that point for Mr. Jackson?

A. Maybe five, six weeks.

Q. When did you start work?

A. I was hired in the end of April, early May. But I had to go back to Michigan for a couple of weeks, so the hiring process took awhile. You know, background checks, physicals.

Q. When did you start going to Neverland?

A. In May.

Q. In May?

A. Yeah.

Q. And when did you start getting a paycheck?

A. In June.

Q. Okay. And what were you doing there in May?

A. I just came out to the ranch to check things out to see the position that I would be, you know, filling.

Q. In May, was it understood that you would be the ranch manager?

A. Yes.

Q. And did you go up there and receive some instruction from anybody as to what the duties were, in May?

A. I received, well, sort of from Joe Marcus, some instruction, but not as much as I did once I started in June.

Q. What was Mr. Marcus's assignment at that time?

A. Ranch manager.

Q. So he was ranch manager and you were going to take it over?

A. No. Ranch manager, you deal with the majority of the workers outside, the garden, the landscapers, things like that. The carnival, the festival, whatever.

Q. What was Joe Marcus doing?

A. What do you mean?

Q. Well, you said Joe Marcus was ranch manager.

A. Right, that was his position. Ranch manager, you deal with all the employees basically outside of the house.

Q. And your position was going to be?

A. Supervisor. Deal with the employees and Michael and the kids in the house.

Q. Oh, in the house?

A. Yes.

Q. So house manager?

A. House manager.

Q. All right. Good.

So you began work in June, but you went up there for how many weeks to get some training?

A. Not really training, just sort of to come check things out, and to see who -- you know, what position I would be taking and where the office was, and things like that.

Q. And when was it you were terminated?

A. In early August.

Q. And how did that come about?

A. I had had a meeting with Michael about transferring my position. And I liked working for

him. I wanted to work for him somewhere in Los Angeles, because my triplets were only one years old at the time. So I was missing them, them being in Los Angeles and me being here, and me staying the night at Neverland often. Wasn’t working for me. So I had a one-on-one meeting with him to be transferred.

Q. And how did your termination come about?

A. I --

Q. Let me ask you this: Were you terminated?

A. Yes, I was.

Q. And how were you terminated?

A. I was terminated by Joe Marcus. He -- I arrived at Neverland one morning for work and he told me -- he had changed the locks on me. And then I went into -- I mean, some -- one of the employees -- one of my employees in the house told me Joe came to change the locks. And I said, “Why?” And they said, “I don’t know.” And I had already been told by the guard at the gate that Joe --

MR. MESEREAU: Objection; hearsay.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: So the locks were changed. Did you go talk to Mr. Marcus?

A. Yes, I did.

Q. What did he tell you?

MR. MESEREAU: Objection; hearsay.

THE WITNESS: He told --

MR. AUCHINCLOSS: I can go back to my last question, I guess. I’ll withdraw that question, Your Honor.

THE COURT: All right.

Q. BY MR. AUCHINCLOSS: And how specifically -- I want you to go directly to the answer on this question. How specifically did you learn that you

were terminated?
A. I --
MR. MESEREAU: Objection; asked and answered.
THE COURT: Overruled.
You may answer.
Q. BY MR. AUCHINCLOSS: Go ahead.
A. I learned directly from Joe Marcus that my services would no longer be needed at Neverland, and that he didn’t have to give me a reason. Because I --
Q. You asked him for a reason?
A. Yes, I did. I didn’t think I had done anything wrong. Well, I know I hadn’t done anything wrong.
Q. Okay. So you’d been at Neverland for a little over a month, and you’d worked there for a few weeks before that time as well?
A. Well, not worked. But like -- I wasn’t getting paid for that time. That was just to come out there and check the ranch out.

Q. During the time that you were at Neverland, did you have personal interaction with Michael Jackson?
A. Yes.
Q. On how often a basis?
A. If he was there. All the time, if he was there.
Q. More than once a day?
A. Yes.
Q. And who was responsible for handling Mr. Jackson’s appointments while he was on the ranch?
A. At Neverland, I would take the -- all the phone calls. It didn’t matter who it was calling; mother, father, business person.
Q. So if he had an appointment for a day, would you take that -- would that be part of your duties?
A. Yes.
Q. To schedule those appointments?
A. Yes.
Q. Did you have occasion to observe visitors of Mr. Jackson that were child visitors?

A. Yes.
Q. Did you see child visitors spend the night at Neverland?
A. Yes.
Q. Did you see child visitors spend the night in Mr. Jackson’s room?
A. Yes.

MR. MESEREAU: Objection. Leading; and violates the Court’s order.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Who did you see visit Mr. Jackson who was a child visitor?
MR. MESEREAU: I’m going to object. Violates the Court’s order.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: When you were at Neverland, did you interact with Mr. Jackson about issues dealing with activities on the ranch?
MR. MESEREAU: Objection; vague.
THE COURT: Overruled.
THE WITNESS: Issues dealing with activity on the ranch?
Q. BY MR. AUCHINCLOSS: Well, whatever -- let’s back up. What were your duties as house manager?
A. To answer all the phone calls. To, you know, schedule the maids. To help the maids out with cleaning rooms and suites. And basically to, you know, take care of whatever Michael and the kids needed.
Q. And in terms of the day-to-day issues in terms of running the ranch, can you characterize how -- Mr. Jackson’s degree of involvement?
A. As far as -- I mean --
MR. MESEREAU: Objection. Vague; and relevance.

THE COURT: Overruled.
You may answer.
THE WITNESS: Mr. Jackson is in total charge of the ranch.
Q. BY MR. AUCHINCLOSS: Why do you say that?

A. Well, when I was terminated, because of my previous conversation with Chris Carter that only Michael Jackson could terminate me, I called Evvy, which is Michael's personal assistant --

MR. MESEREAU: Objection. Nonresponsive; hearsay.

MR. AUCHINCLOSS: That's fine.

MR. MESEREAU: And relevant as to time.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: So when you were on the ranch, did you have occasion to see Mr. Jackson in terms of making orders at the ranch?

A. Yes.

Q. Did he make orders?

A. Yes. He made some to me.

MR. MESEREAU: Continuing relevance objection, Your Honor, as to time.

THE COURT: Time?

Q. BY MR. AUCHINCLOSS: During the time that you were ranch manager, during that five-week period.

A. Yes.

MR. MESEREAU: That's the objection, Your Honor. The time period's irrelevant.

THE COURT: All right. That's overruled.

Q. BY MR. AUCHINCLOSS: Go ahead. You can answer that question.

A. Yes, I observed it. He made some to me personally.

Q. Did you have occasion to see individuals, his other employees, in terms of their relationship with Mr. Jackson?

A. Meaning like Joe Marcus and Grace and those?

Q. I mean -- let's talk about your employees. Did you have employees that were working under you as house manager?

A. Yes.

Q. Who?

A. Cooks?

Q. Yeah, just generally speaking.

A. Cooks, housekeepers, maids.

Q. Okay. And had some of these people been

working at the ranch longer than you had?
A. Yes. The majority of -- all of them.
Q. And did you have occasion to see their interaction with Mr. Jackson?
A. Yes.
Q. And what level of service did Mr. Jackson expect?
MR. MESEREAU: Objection. Relevance; vague; no foundation.

THE COURT: It’s vague; sustained.
Q. BY MR. AUCHINCLOSS: Can you characterize the demeanor of the employees around Mr. Jackson when they were in his presence?
MR. MESEREAU: Objection. Vague; relevance. Particularly the time period.
MR. AUCHINCLOSS: I’ll be specific.
Q. During the time you were ranch manager, or house manager.
MR. MESEREAU: Same objection.
THE COURT: Overruled.
THE WITNESS: Can you ask me the question again?
Q. BY MR. AUCHINCLOSS: Yeah. My question is, can you characterize the demeanor -- how did these people act, these employees, when they were around Mr. Jackson in his presence?
A. I mean, they act like they liked him. Mr. Jackson was nice to people.
Q. Did they act like they’d speak their mind around him?
MR. MESEREAU: Objection; leading.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Did they act -- did they act comfortable around him?
MR. MESEREAU: Objection. Leading; vague; relevance; and foundation.
THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Do you know if -- do you know if Mr. Jackson would fire people at Neverland?

MR. MESEREAU: Objection. Foundation; relevance.

THE COURT: Foundation; sustained.

Q. BY MR. AUCHINCLOSS: Well, you yourself were fired; is that correct?

A. Yes, sir.

Q. Do you know who fired you?

MR. MESEREAU: Objection; asked and answered.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Who -- when you were working with Mr. Jackson, did you have occasion to see individuals who were employees of his that were closer than other employees?

MR. MESEREAU: Objection. Vague; leading; relevance; foundation.

MR. AUCHINCLOSS: Objection, Counsel's fishing for a reason to object to that question.

MR. MESEREAU: I object to the colloquy, move to strike.

THE COURT: I'll sustain the "vague" objection to that question.

Q. BY MR. AUCHINCLOSS: Did you see employees -- did you see any employees that spent more time with Mr. Jackson than other employees?

MR. MESEREAU: Objection. Leading; vague; foundation; and relevance.

THE COURT: Overruled. You may answer.

THE WITNESS: Yes, I did.

Q. BY MR. AUCHINCLOSS: Did you see -- well, let's go ahead and make a list. Who did you see that spent more time with Mr. Jackson than other employees?

MR. MESEREAU: Objection. Relevance; foundation; vague.

THE COURT: Overruled. You may answer.

THE WITNESS: Vase -- Grace, I'm sorry. Grace, Chris Carter. Those are the two that I think spent most of the time with Mr. Jackson.

Q. BY MR. AUCHINCLOSS: Did you ever see an individual visit the ranch by the name of Dieter Weizner?

A. I would have to see a picture to be sure.

MR. MESEREAU: Could we approach, Your Honor? We'd like a proffer.

MR. AUCHINCLOSS: Be happy to make one.

THE COURT: I don't really need that. I -- it's clear to me where....

Q. BY MR. AUCHINCLOSS: I show you People's Exhibit No. 17, Mr. Swingler. Can you identify that for me, please?

A. I can't say I've seen that gentleman.

Q. You haven't seen him?

A. No.

Q. Did you see -- did you previously have a conversation with Detective Bonner about the facts of this case?

A. Yes, sir.

Q. And in that conversation, did you identify -- just a moment, if you would, please.

Did you identify a number of individuals that you thought were within Michael Jackson's inner circle?

MR. MESEREAU: Objection. Leading; and vague.

MR. AUCHINCLOSS: It's impeachment.

THE COURT: Sustained.

MR. AUCHINCLOSS: I'm sorry?

THE COURT: It's vague.

Q. BY MR. AUCHINCLOSS: Did you identify Dieter Weizner as a member of Michael Jackson's inner circle?

MR. MESEREAU: Objection. Leading; and foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: In my conversation with Detective Bonner?

Q. BY MR. AUCHINCLOSS: With Detective Bonner,

did you not identify Dieter Weizner specifically as a member of Michael Jackson's inner circle?

A. I can't -- I can't really recall, because I don't know the face. I never seen the face before. The name I know. The face I don't.

Q. Do you know the name Dieter Weizner?

A. Yes.

Q. Did you meet a man by the name of Dieter Weizner?

A. Looking at the face --

Q. I'm not asking you about the face.

MR. MESEREAU: Objection. He's arguing with the witness. Leading and foundation.

THE COURT: Overruled.

Q. BY MR. AUCHINCLOSS: Did you meet a man by the name of Dieter Weizner?

A. I can't remember.

Q. Did you meet a man -- well --

A. Like I say, the name sounds familiar. I know I've heard the name. Maybe I spoke with him on the phone a few times there, but the face didn't --

MR. MESEREAU: Objection. Calls for speculation; move to strike; nonresponsive.

Q. BY MR. AUCHINCLOSS: Did you meet a man by the name of Ronald Konitzer?

THE COURT: There's an objection pending.

THE BAILIFF: Judge, can you turn the microphone on?

THE COURT: All right. The objection is overruled. And you had another question. Go ahead.

Q. BY MR. AUCHINCLOSS: Did you meet a man by the name of Ronald Konitzer?

A. I can't -- by the name -- I would have to see a picture.

Q. Did you meet two German businessmen?

A. Yes.

Q. Did they meet with Mr. Jackson?

A. Yes.

Q. On how many occasions?

A. Three or four.

MR. AUCHINCLOSS: Thank you. I have no further questions.

THE COURT: Cross-examine?

CROSS-EXAMINATION

BY MR. MESEREAU:

Q. Good afternoon.

A. Good afternoon.

Q. My name's Tom Mesereau. I speak for Mr. Jackson.

A. How you doing, sir?

Q. Good. Good. We've never spoken before, right?

A. No.

Q. You worked for a five-week period?

A. Four and a half, five weeks, yes, sir.

Q. Four and a half, five weeks. How many days a week did you work?

A. Six or seven.

Q. And the prosecutor asked you about how many meetings Mr. Jackson had with two German individuals, right?

A. Yes, sir.

Q. Do you really know how many meetings there were?

A. Around, I'm guessing, three to four.

MR. MESEREAU: Okay. Move to strike the testimony, Your Honor.

THE COURT: Denied.

Q. BY MR. MESEREAU: You're guessing three to four, but you don't really know, right?

A. No, I couldn't say. I couldn't pinpoint it. I wasn't --

Q. You weren't in the meetings, right?

A. No.

Q. You don't remember what they looked like, right?

A. I do remember what they looked like if I saw a picture of them, yes.

Q. Well, the picture the prosecutor showed you, you couldn't identify, right?

A. Yes, sir.

Q. Okay. Now, you wanted to be transferred to Los Angeles; is that correct?

A. Yes. Yes, sir.
Q. And did you tell -- excuse me, who did you talk to about the transfer?
A. Mr. Jackson.
Q. Okay. And you explained that the commute and the hours were just too much to raise your family?
A. I just wasn’t seeing my kids, and they were one years old.
Q. And did you ask Mr. Jackson to be transferred somewhere in Los Angeles?
A. Yes.
Q. Okay. And where was that?
A. I just asked him to be transferred to any business in Los Angeles that he had.
Q. But you really didn’t even know if there was a job available in Los Angeles, right?
A. No, that’s why I was asking.
Q. Okay. Right. Okay. And approximately when did you ask him; do you know?
A. Maybe three weeks into the job.
Q. Okay. And Mr. Jackson was always nice to you, wasn’t he?
A. Yes, sir.
Q. And as far as you know, there may not have been a job available in Los Angeles, right?
A. He told me there was one.
Q. He told you there was one?

A. Yes, sir.
Q. Where did he say?
A. A&R, his record label.
Q. Pardon me?
A. A&R of his record label.
Q. Had you ever worked at a record label before?
A. No, I hadn’t.
Q. All right. But at some point you learned that you weren’t being hired, right?
A. No. As a matter of fact, I saw Michael again at his birthday party in Los Angeles and he told me I was still hired.

Q. Okay. But it never came through, right?

A. No, I’m still waiting for my paycheck now.

Q. Okay. You’re trying to write a book about your experiences at Neverland, correct?

A. Well, no, I’m not trying to write a book about my experiences at Neverland.

Q. Well, didn’t you -- excuse me. Did you say Michael Jackson has a record label?

A. He told me he had a record label.

Q. Okay. Do you know that he doesn’t have one?

MR. AUCHINCLOSS: Objection; assumes facts.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you know whether or not he really has a record label?

A. I was just told by him he had a record label.

Q. Okay. All right. Now, you prepared notes for a book called “Entering Neverland, Secrets Behind the Gate,” right?

A. Does it have my signature on it? Because I know that within the last month or two, I started jotting down information to myself and somehow my information come up missing out of my house, but whatever.

Q. Did you prepare notes for a book titled “Entering Neverland, Secrets Behind the Gate” --

A. No.

Q. -- “By Dwayne Swingler, Head Supervisor of Neverland Ranch, Summer of 2003,” did you prepare that?

A. No.

MR. AUCHINCLOSS: Objection; asked and answered.

THE COURT: Overruled. The answer is, “No.”

Q. BY MR. MESEREAU: Are you aware of anything like that?

A. No.

Q. You didn’t --

A. Am I aware of it? What do you mean?

Q. Yeah. Have you written out anything for a book called “Entering Neverland, Secrets Behind the Gate, by Dwayne Swingler”?

A. No, I haven’t written anything, or titled anything, or signed anything, or spoke to anybody about, “This is my deal.”

Q. Have you talked to a group called News of the World?

A. Have I?

Q. Yes.

A. Yeah, I spoke with one lady one time, yes.

Q. And to your knowledge, who is News of the World?

A. To my knowledge, it’s a news media overseas.

Q. And why were you speaking to them?

A. Because I was interested in maybe possibly writing down some information to -- to cash in on something like everybody else was, because Michael wasn’t -- I hadn’t received the paycheck from A&R at the time.

Q. Okay. Did you enter into a nondisclosure agreement with News of the World?

A. No, I did not.

Q. Have you ever seen one?

A. No, I did not.

Q. Did you ever talk to someone named David Han-Schmidt?

A. The same time I spoke with the News of the World lady, he’s the one that contacted her and contacted me.

Q. And to your knowledge, who is David Han-Schmidt?

A. He said that he was a media agent. I don’t even know how he got my phone number.

Q. When did you last talk to David Han-Schmidt?

A. He -- as a matter of fact, he called me today.

Q. And to your knowledge, is he with a public relations company?

A. I really don’t know what he did. He never clarified that with me. He said he was an agent, he was a producer, he was in public relations. I basically ended the situation.

Q. To your knowledge, did anyone ever send you a nondisclosure agreement regarding News of the World?

A. No. I haven’t signed any nondisclosure agreements, and I haven’t taken any money from anyone.

Q. How many discussions have you had with David Han-Schmidt?

A. Three. Four. Can’t remember.

Q. And when was the last one with him? Today?

A. He called me today, because he said he heard that I was coming to testify.

Q. Okay. Have you ever put together any notes for a possible book on the computer?

A. Excuse me?

Q. Have you ever put any notes for a possible book on your computer?

A. No, I haven’t.

Q. Have you ever written any notes out for a possible book?

A. I told you I jotted down some information on a piece of paper, and that’s all I’ve done.

Q. Did you ever ask any public relations person to put together a proposal for you?

A. No, I haven’t.

Q. But you’re thinking of doing it, right, like everybody else?

A. Yes, I was thinking about doing it.

Q. Okay. Okay. Have you ever seen -- excuse me. Has anyone ever brought to your attention that somebody has prepared notes for a possible book in your name?

A. David.

Q. David Han-Schmidt?

A. Yes.

Q. Did he prepare them, to your knowledge?

A. He just said he received papers. I don’t know -- like I told you, I don’t even know how he got my phone number.

Q. Okay. If I showed you these papers, might it refresh your recollection about where they came from?

A. No, it probably wouldn’t, because I never typed any papers or wrote out -- the only thing I did was write down notes, jotted down notes on a piece of paper.

Q. Okay. And that was about your experience during the five weeks at Neverland?

A. That was about my experience totally, not just the five weeks at Neverland. That was my experience with Michael’s manager and everything.

Q. Okay. Did you ever write down on those notes the words “Secrets Behind the Gate”?

A. No, I did not.

Q. Okay. Did David Han-Schmidt tell you how he got your name?

A. No, he did not.

Q. Okay. Did you ever ask him, “Why did you call me?”

A. Well, actually, he started the conversation off, and he just, whew, went straight to talking about a lot of money, so I was listening to him about a lot of money first.

Q. Did he promise you a lot of money?

A. That’s what he promised, yes.

Q. Okay. How much money did he promise?

A. He never said figures. He just said, you know, “You can make a lot of money.” You know, “Why aren’t you telling anyone your story?” That’s what he said to me.

Q. It’s your understanding that he’s located in Phoenix, Arizona?

A. Yes. That’s where he said he’s from.

Q. Okay. Did he ever tell you he was going to prepare a possible manuscript for you?

A. He asked me would I like him to, and I said no. Like I told you, I terminated the conversation when he told me what he wanted to do.

Q. Okay. And did he want some scandal sheet about Michael, something like that?

A. Actually, he’s for Michael. He’s pro Michael.

Q. Did he want you to write something about

Michael?
A. He wanted to speak on Michael's behalf, yes.
Q. Okay. And how often -- in those three conversations, did you talk about money each time?
A. No, I did not.
Q. Okay. Have you ever spoken to Miss Carol Maung, M-a-u-n-g, who is the U.S. editor of News of the World?
A. I spoke with her. I spoke with her when she was with David when I got there.
Q. And did she fax you anything or e-mail you anything?
A. Fax me anything or e-mail me anything?
Q. Yes.
A. No, sir.
Q. Okay. All right. When you were at Neverland working --
A. Yes.

Q. -- you had no direct contact with any member of the Arvizo family, right?
A. The Arvizo family?
Q. Yes.
A. No, sir.
Q. That means you didn't have any contact with the Arvizos?
A. Yes.
Q. Okay. Do you remember meeting Dominick Cascio at Neverland?
A. Yes, sir.
Q. And he's the -- did you speak to him?
A. Often.
Q. Okay. And to your knowledge, he's a father?
A. He's a father?
Q. Yes.
A. I didn't know he was a father.
Q. Okay. Did he ever talk to you about work he did?
A. Did Dominick ever talk to me about work he did?
Q. Yeah.
A. Some work at the restaurant that his family owned.

MR. MESEREAU: Okay. I have no further questions, Your Honor.
MR. AUCHINCLOSS: Counsel?
(Off-the-record discussion held at counsel

table.)
MR. AUCHINCLOSS: Maybe we should approach. Your Honor, may we approach?
THE COURT: For what?
MR. AUCHINCLOSS: Concerning the materials that counsel is using to cross-examine the witness on.
THE COURT: All right.
(Discussion held off the record at sidebar.)
MR. AUCHINCLOSS: If I could just have a moment, Your Honor.
THE COURT: Yes.
MR. AUCHINCLOSS: I think I can finish with this witness, Your Honor. Just one question.

REDIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. Mr. Swingler, do you know if David Schmidt has any affiliation with Michael Jackson?
A. I just know that he has a website; that he's, you know, pro Michael Jackson.
MR. AUCHINCLOSS: All right. Thank you. I have no further questions.
MR. MESEREAU: No further questions, Your Honor.
THE COURT: All right. Thank you. You may step down.
THE WITNESS: Thank you, sir.

THE COURT: Do you have another witness?
MR. AUCHINCLOSS: (To Mr. Sneddon) Go ahead.
MR. SNEDDON: You.
MR. AUCHINCLOSS: Do you want me to do it?
(Laughter.)
MR. SNEDDON: We're trying to figure out which one of us should take responsibility for

telling you “No.”

(Laughter.)

MR. SNEDDON: And being the great delegator I am, I’m leaving it up to Gordon.

MR. AUCHINCLOSS: We have no further witnesses, Your Honor. We just anticipated that there would be -- it would take a little longer to get through these witnesses today.

THE COURT: All right. There’s a couple of items that we can take up. I’ll go ahead and excuse the jury.

(To the jury) Remember the admonitions I’ve given you and I’ll see you tomorrow morning at 8:30. But it’s a half day tomorrow, remember. How could you forget, right?

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: All right. First, there was -- my understanding is that the special master will have the report available tomorrow morning for you on the computer hard drives.

MR. SNEDDON: On both of them, Your Honor?

THE COURT: Yes. They’re working on some last-minute details. So it will be available tomorrow morning.

MR. SNEDDON: Now, at that point, then, Your Honor, does it need to go to you for final decision, or is that the decision?

THE COURT: I don’t know. I haven’t read the report. I was handed a rough draft of one by my research attorney this morning -- well, not this morning, a few minutes ago. And I asked him to talk to Mr. Sanger about an issue. So I can’t answer your question.

MR. SNEDDON: Okay.

THE COURT: I suspect it doesn’t need to go beyond what’s been done by the special master, so --

MR. SNEDDON: Okay.

THE COURT: But I won’t know till I’ve looked at it.

The second thing is that both of you have submitted points and authorities on Janet Arvizo. The District Attorney's I've read. And I just received the defense, so I haven't had time to read yours.

When do you expect to call Janet Arvizo?

MR. ZONEN: Either tomorrow or Wednesday. Depending on if we finish the witnesses scheduled before her tomorrow. If not --

THE COURT: They can't hear behind you. (To the audience) He said either tomorrow or Wednesday.

MR. ZONEN: As early as tomorrow.

THE COURT: As early as tomorrow. Okay. Well, I'm not really prepared to deal with that issue. We'll have to deal with it before she's called, but I'll need to study the material you've given me, the defense has given me.

MR. ZONEN: Thank you.

THE COURT: Was there anything else pending?

MR. SANGER: On that issue, Your Honor, as I explained to you, as I explained to your clerk, we were served with their papers this morning. We thought they might call Ms. Arvizo today.

THE COURT: Right.

MR. SANGER: So we put something together very quickly, and I would like to have an opportunity to explain to the Court a little more, in a little more organized fashion, where this goes, now that we've had a few more minutes to think about it.

THE COURT: I'll make sure you have that opportunity.

MR. SANGER: Okay. Thank you.

THE COURT: All right. Then we'll recess until tomorrow morning.

(The proceedings adjourned at 2:30 p.m.)

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REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 5582 through 5769 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 11, 2005, and thereafter reduced to typewriting by computer-aided

transcription under my direction.

DATED: Santa Maria, California,
April 11, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

MONDAY, APRIL 11, 2005

8:30 A.M.

(PAGES 5517 THROUGH 5578)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as "SN" on index.
Mr. Zonen is listed as "Z" on index. Mr. Auchincloss is listed as "A" on index.
Mr. Nicola is listed as "N" on index. Mr. Mesereau is listed as "M" on index.
Ms. Yu is listed as "Y" on index. Mr. Sanger is listed as "SA" on index.
Mr. Oxman is listed as "O" on index.

PLAINTIFF'S

WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
JONES, Bob	5522-A	5540-M	5558-A	5561-M
			5563-A	
			(Further)	
BROWN, Stacy	5564-A			

E X H I B I T S

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
803	On-page document dated March 7, 2005	5536	
804	E-mail	5538	
805	E-mail	5538	

Santa Maria, California
Monday, April 11, 2005
8:30 a.m.

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: Good morning.
THE JURY: (In unison) Good morning.
COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.
THE COURT: Ready to proceed?
MR. AUCHINCLOSS: Yes, Your Honor. People

call Bob Jones.

THE COURT: Remain standing, please. Face the clerk here and raise your right hand.

BOB JONES

Having been sworn, testified as follows:

THE WITNESS: So help me God.

THE COURT: Please be seated. State and spell your name for the record.

THE WITNESS: Bob Jones. B-o-b; J-o-n-e-s.

THE CLERK: Thank you.

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DIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Good morning, Mr. Jones.

A. Good morning.

Q. Mr. Jones, in your employment history, have you ever worked for Michael Jackson?

A. Yes.

Q. And is he the man seated to my right with the long black hair?

A. Yes, he is.

Q. What did you do for Michael Jackson?

A. I was vice-president of communications and community relations.

Q. And when did you begin working in that capacity for Mr. Jackson?

A. 1987.

Q. Can you tell me a little bit about what that title involves in terms of work?

A. Dealing with the media, and the community, and various other assignments.

Q. Such as?

A. Whatever came up. Getting -- arranging to get awards, arranging for coverage in newspapers, magazines. Assisting in the -- with the fan clubs, et cetera.

Q. All right. Would it be fair to say that you were the man in charge of public relations --

A. Yes.

Q. -- for Michael Jackson?

A. Yes.

Q. And how many years did you work for Mr. Jackson?

A. 16 and a half.

Q. And how did your employment come to an end?

A. I received a letter one day saying that, “Thank you for your services. They’re no longer needed.”

Q. Did you ever receive any explanation as to why you were being terminated?

A. That, “We were restructuring” --

MR. MESEREAU: Objection; hearsay.

THE WITNESS: -- “and going in a different direction.” That was in the letter.

THE COURT: Just a moment. Just a moment, please.

THE WITNESS: I don’t know what you’re saying.

THE COURT: All right. I’m going to overrule the objection, but I’ll limit the examination in that area.

Q. BY MR. AUCHINCLOSS: All right. As far as your understanding as to why you were being terminated, can you tell us what you believe to be the reason why you were being terminated?

A. Well, I can only cite the letter that I received.

MR. MESEREAU: Objection. No foundation; and irrelevant opinion.

MR. AUCHINCLOSS: I’ll rephrase it.

THE COURT: All right.

Q. BY MR. AUCHINCLOSS: Were you informed as to the reason for your termination with Michael Jackson as his man in charge of public relations?

A. No, because at all times --

MR. MESEREAU: Objection; nonresponsive.

THE COURT: I’ll allow the answer, “No.”

Q. BY MR. AUCHINCLOSS: All right. So you were never given an explanation as to why you were being terminated?

A. At all times --

Q. That’s a yes or no, question, sir.

MR. MESEREAU: Objection; nonresponsive.

THE COURT: Overruled. The question was, “All right. So you were never given an explanation as to why you were being terminated?” Is that true?

THE WITNESS: The letter, yes. The letter. That’s all I can say.

Q. BY MR. AUCHINCLOSS: Okay. Now, one thing we have to be careful about in the question and answer of your examination is we have to be careful we don’t talk over each other, so the reporter can get everything down.

A. Okay.

Q. And you have to be careful just to answer the question that’s asked. All right?

A. Okay.

Q. Thank you.

So I believe you testified you were terminated late in 2004; is that correct?

A. Yes.

Q. And since that time have you had any employment?

A. No.

Q. Have you been involved in any activity at this time concerning -- during that period of time since your termination that concerns your years of employment with Michael Jackson?

A. Yes.

Q. What is that?

A. I went to the State of California and filed a complaint for my vacation pay.

Q. All right. Other than that, have you been involved in the writing of any memoirs of your years with Michael Jackson?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

THE WITNESS: Is it --

THE COURT: You may answer.

THE WITNESS: Yes.

Q. BY MR. AUCHINCLOSS: And can you specifically tell me what you’ve been doing in terms of writing those memoirs?

A. Preparing a book.

Q. Preparing a book?

A. Yes.

Q. And what is the subject matter of that book?

A. My -- well, my years and -- my years with Michael Jackson.

Q. During your years of working with Michael Jackson, did you have occasion to spend time with him personally?

A. Seldom.

Q. Who was it that hired you?

A. Michael Jackson.

Q. Personally?

A. Yes.

Q. And did you ever travel with him?

A. Yes.

Q. On how many occasions?

A. I think on three tours, and perhaps on special occasions for events that I had arranged, such as the World Music Awards.

Q. Where was the World Music Awards?

A. Monaco.

Q. In Europe?

A. Yes.

Q. And when was that?

A. Now, I can’t tell you an exact date. I’m not good on dates.

Q. All right. Can you approximate?

A. I would say approximately ‘92.

Q. How long did that trip take?

A. The trip probably lasted about ten days.

Q. And did you travel with Mr. Jackson to Monaco?

A. Yes.

Q. Did Mr. Jackson bring any guests with him on that trip?

A. Yes.

Q. Who?

A. Jordie Chandler, his mother June Chandler, and her sister -- his -- Jordie’s sister.

Q. Did you personally see Mr. Jackson and Jordie Chandler together during that trip?

A. Of course.

Q. How often?

A. We -- well, whenever I saw one, I saw the other.
MR. AUCHINCLOSS: If I may approach, Your Honor.
THE COURT: Yes.
Q. BY MR. AUCHINCLOSS: Mr. Jones, I show you People's Exhibit 776. Can you identify that for me, please?
A. That's Jordie Chandler.
Q. Now, you said whenever you saw Mr. Jackson, you saw Jordie Chandler with him?
A. Yes.

Q. How often would you see Mr. Jackson during that trip?
A. Well, I would say, doo-doo-doo-doo, in Monte Carlo maybe I saw them three or four times.
Q. Did you travel on the plane with them to Monaco?
A. Most definitely.
Q. Did you travel on the plane with them back to the United States?
A. I -- yes, I traveled on the plane with them from Monte Carlo to Paris, and then back to the United States.
Q. Did Mr. Jackson attend the World Music Awards?
A. Yes, he did.
Q. Did you see him there?
A. Yes.
Q. Did you ever see Mr. Jackson personally demonstrate any physical affection towards Jordie Chandler during this period?
MR. MESEREAU: Objection; leading.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Did you ever see any conduct involving any physical contact between Michael Jackson and Jordie Chandler?
A. Yes.
Q. How often?
A. On the flight back from --

Q. The question is, first of all, how often did you see this?

A. Well, just the one time.

Q. And you started to talk about the flight back?

A. Well, that’s when the -- can I make a correction?

Q. Yes.

A. Number one, I saw them together at the awards. And then on the flight back from Paris to Los Angeles.

Q. Okay. Were they in physical contact with one another at the awards?

A. He sat -- yes.

Q. And can you describe -- were they in physical contact during the flight back?

A. They were embraced into one another on -- sleeping on the airplane from Paris to Los Angeles.

Q. Now, going to the music awards, what was the nature of the physical contact that you saw with them at the World Music Awards?

A. Jordie sat on his lap.

Q. Where were you seated?

A. I sat a distance away from June, her daughter, and Jordie and Michael.

Q. How many feet away were you when you were observing Mr. Jackson and Mr. Chandler together?

A. Oh, I would say approximately 20 feet.

Q. And if you would describe for me in detail what you saw at the World Music Awards involving Mr. Chandler and Jackson?

A. Well, during the performance, he sat on his lap, Jordie sat on his lap. And the sister sat on the other lap, but at one time Linda Evans took the girl off of his lap and let her sit on her lap.

Q. Mr. Jones, during the World Music Awards when you were watching Mr. Jackson and Jordie Chandler sitting together, did you ever see Mr. Jackson lick Jordie Chandler’s head?

A. No, sir.

Q. Have you been interviewed by police officers concerning this matter?

A. Not that I recall.

Q. Didn’t you have an interview with Steve Robel and your attorney and myself last week in the victim/witness room --

A. Yes.

Q. -- concerning this incident?

A. Yes, yes, yes.

Q. At that meeting, didn’t you tell Mr. Robel and myself and your attorney that you weren’t sure if that happened?

A. I was very --

MR. MESEREAU: Objection.

THE WITNESS: I was adamant in saying I was not sure that that happened. I could -- I could

definitely say that they were embraced in one another’s arms on the flight, but I don’t recall anything about head licking.

Q. BY MR. AUCHINCLOSS: My question is, didn’t you say that you didn’t remember that, but you weren’t sure whether or not Mr. Jackson licked Jordie Chandler’s head?

MR. MESEREAU: Objection. Leading, and argumentative, and misstates the evidence.

MR. AUCHINCLOSS: This is impeachment, Your Honor.

THE COURT: The objection is overruled. You may answer.

THE WITNESS: I might have said that. But I don’t recall.

Q. BY MR. AUCHINCLOSS: You don’t recall whether you said that?

A. No, I don’t recall ever seeing any head licking, and I made that as adamant as I could.

Q. All right. So is it your testimony today that you don’t have a recollection of the head licking --

MR. MESEREAU: Objection. Argumentative, and asked and answered, and leading.

MR. AUCHINCLOSS: I don’t think I’ve gotten an answer yet.

THE COURT: Well, you haven’t got the question out, so go ahead and state your question.

Q. BY MR. AUCHINCLOSS: I’m trying to clarify the state of your memory, sir.

A. Sure.

Q. Is it your testimony today that you do not remember whether or not you saw any head licking?

A. No. I don’t remember having seen any head licking.

Q. Okay. So is it fair to say you were not saying it couldn’t have happened?

MR. MESEREAU: Objection; argumentative.

THE COURT: Sustained.

MR. MESEREAU: Calls for speculation.

Q. BY MR. AUCHINCLOSS: Are you saying you just simply do not have a recollection of it?

MR. MESEREAU: Objection. Asked and answered; argumentative; and leading.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Mr. Jones, you said you’re writing a book in this case?

A. Sure.

Q. What is the title of that book?

A. “The Man Behind the Mask.”

Q. What is the complete title of that book?

A. “The Man” --

MR. MESEREAU: Objection. Objection. Hearsay; relevance.

THE COURT: Overruled. You may answer.

THE WITNESS: Oh. “The Man Behind the Mask.” In all honesty, I don’t -- I can’t tell you the subtitle.

Q. BY MR. AUCHINCLOSS: You don’t recall the name of your book?

A. No, I don’t recall the subtitle. I do know “An Insider’s View of the Rise and Fall of the King of Pop.” Maybe that’s it.

Q. Is the name of your book, “Michael Jackson, The Man in the Mirror, An Insider’s Account of the King of Pop’s Spectacular and Catastrophic Fall from Grace”?

THE WITNESS: No.

MR. MESEREAU: Objection. Leading; hearsay.

Q. BY MR. AUCHINCLOSS: That is not the title of your book?

A. The “Catastrophic” --

THE COURT: Just a moment. There’s an

objection.

It's overruled.

MR. AUCHINCLOSS: All right.

THE WITNESS: "Catastrophic Fall" was taken out. It was a suggested title and I took that "Catastrophic" out. And it isn't "The Man Behind the Mirror." It's "The Man Behind the Mask." Maybe one of the suggested titles was that other that I did not approve of.

Q. BY MR. AUCHINCLOSS: Is your book presently

at the publisher?

A. It is being edited, but the book is not complete. It is far from complete.

Q. Is your book presently at the publisher?

A. Yes, sir.

Q. What's the name of that publisher?

A. System, I think. My co-writer handled that end of it.

Q. And your book is currently being edited?

A. Yes.

Q. Has it been accepted by the publisher as a prospect for publication?

A. It has been, but it has not been approved by me.

Q. The manuscript that is at the publisher -- well, let me strike that.

Is the book that is being reviewed by your publisher currently an honest account of your years working with Michael Jackson?

MR. MESEREAU: Objection. Calls for speculation; irrelevant opinion.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Have you reviewed the manuscript that is at the publisher's?

A. I have looked at a manuscript that has not been approved by me.

Q. How many times have you looked at this manuscript?

MR. MESEREAU: Objection; relevance.

THE COURT: I'm not sure where you're going with this. Are you -- is it your intent to impeach him with his manuscript, is that what you're --

MR. AUCHINCLOSS: Yes.
THE COURT: All right. The objection is overruled.
THE WITNESS: Perhaps I've looked at it twice and I have -- I have a co-writer.
Q. BY MR. AUCHINCLOSS: Okay. This manuscript that you've looked at, is it fact or fiction?
A. It's part --
MR. MESEREAU: Objection; no foundation. There's a co-writer. It's not been approved. It's being edited by some other people.
MR. AUCHINCLOSS: I'm talking about the manuscript he's looked at.
THE COURT: Objection's overruled.
Q. BY MR. AUCHINCLOSS: Is this a factual manuscript or is it a fictional manuscript?
A. It is factual to a degree.
Q. To what degree is it factual?
A. It's to a degree, because I -- my co-writer also has included things that I didn't approve of.
Q. I'm going to read to you a quote from that manuscript and ask you whether it's factual or fiction.
A. Sure.

MR. MESEREAU: Objection. Can we approach the bench, Your Honor?
THE COURT: Just a moment.
Before you can impeach him with the manuscript, you have to establish a foundation that he, in fact, wrote this part that you want to impeach him with.
I'll allow you to approach the witness and show it to him, but I'm not going to allow you to read in open court something that may have been written by somebody else.
MR. AUCHINCLOSS: That's fine, Your Honor.
Q. Mr. Jones, I show you People's Exhibit No. 803. It appears to be one page of typed -- this is a word-processed document.
A. Okay.
Q. And it's dated March 7th, 2005. There are two paragraphs below the exhibit number. If you'd read those two paragraphs, I'm going to ask you a

couple of questions about it.
A. Sure. “He’s one of the young” --
Q. Just a moment. Just read them silently.
A. Oh. Okay.
I did not write this. This I did write.
Q. All right.
THE COURT: So did he show you one he wrote and one he didn’t write?
MR. AUCHINCLOSS: Yes. And for the record, he indicated --

Q. If I’m accurate, Mr. Jones, you indicated the first paragraph in the lower portion of the page you didn’t write, but the second paragraph you did write?
A. Yes.
THE COURT: Is that clear to you which he indicated, Counsel?
MR. MESEREAU: I think so, but I’d like to talk to the prosecutor first. I think I understand.
Q. BY MR. AUCHINCLOSS: All right. That second paragraph -- Mr. Jones, that second paragraph is an account of what you observed at the World Music Awards; is that accurate?
A. That’s what I observed on the airplane.
Q. Okay. In that paragraph, it states --
MR. MESEREAU: Objection; hearsay.
MR. AUCHINCLOSS: It’s impeachment. And I can show it to you, Your Honor.
THE COURT: The objection’s overruled.
Q. BY MR. AUCHINCLOSS: It states, “I looked at what was going on with the king and the boy.” Who is “the king” in your --
A. The king of pop, Michael Jackson.
Q. All right. “Others looked at them rather strange, too. They were holding each other tight, almost in a romantic sense, cooing. There were pecks on the cheeks and licks on the top of the head.”

Those are your words, sir, true?
A. Sir --
Q. That’s a “yes” or “no” question.
A. Yes, with reservations.

Q. Mr. Jones, did you see Michael Jackson lick Jordie’s head?

MR. MESEREAU: Objection; asked and answered.

THE COURT: Sustained.

MR. AUCHINCLOSS: If I may approach, Your Honor.

THE COURT: Yes.

Q. BY MR. AUCHINCLOSS: Mr. Jones, I show you People’s Exhibit 804. It appears to be an e-mail. Can you identify that for me, please?

A. It’s from an e-mail that I sent to Stacy Brown, my co-writer.

Q. The cite -- well, I won’t quote, but that is your e-mail address at the top?

A. Yes, yes.

Q. And those are your words?

A. If they were sent by my e-mail, yes, they have to be my words.

Q. You don’t dispute that those are your words?

A. No.

Q. And I show you People’s Exhibit No. 805. If you’d identify that for me, please. Also appears to be an e-mail dated the same date, but the time on it is 22:30:17 EDT.

The first one, for identification purposes, 804, is dated -- the time on it is 19:55:32 EDT.

Okay. So showing you Exhibit 805, is that one of your e-mails, sir?

A. Well, they’re both from my e-mail.

Q. All right. You wrote them?

A. Yes.

Q. And in the first e-mail, 804 --

MR. MESEREAU: Objection; hearsay.

MR. AUCHINCLOSS: Offered as impeachment.

THE COURT: All right. Overruled.

Q. BY MR. AUCHINCLOSS: You wrote -- and this -- first of all, let me ask you, is the date of this e-mail accurate, October 30th, 2004?

A. I would imagine it is, sir.

Q. In that e-mail, you wrote, “Stacy: The licking is going to be important because he did it in this case, too.” Are those your words, sir?

A. Apparently so.

Q. And in the e-mail that was dated the same day just a few hours later, did you write, “Stacy: The stuff with Jordie will bite him big”?

A. If it’s -- if it came from my e-mail, I wrote it. But I don’t -- that sounds a little strange from my writing.

MR. AUCHINCLOSS: Thank you. I have no further questions.

THE COURT: Cross-examine?

MR. MESEREAU: Yes, please, Your Honor.

CROSS-EXAMINATION

BY MR. MESEREAU:

Q. Good morning, Mr. Jones.

A. Good morning.

Q. My name is Tom Mesereau and I speak for Michael Jackson.

A. Sure.

Q. We haven’t met before, right?

A. No.

Q. Okay. The prosecutor referred to an interview that you had with Sergeant Steve Robel and another officer on April 7th, 2005.

A. Uh-huh.

Q. Do you remember that?

A. Yes.

Q. And do you remember you were asked by an officer, “Um, did you see Mr Jackson engage in any head licking in the World Music Awards?” And your answer was, “No, no, no,” right?

A. Uh-huh.

Q. And then you were asked, “Um, did you see Mr. Jackson engage in any head licking of anybody?” And your answer was, “Never.” Remember that?

A. I recall.

Q. Okay. And what you were not -- when you were dealing with your co-writer and publisher, you were not under oath, were you?

A. No.

Q. And of course today you are, right?

A. Yes.

MR. AUCHINCLOSS: Objection; argumentative.

THE COURT: Overruled. Next question. He answered that.

Q. BY MR. MESEREAU: The reality is, Mr. Jones, you have repeatedly said you don’t recall seeing head licking on the plane, right?

MR. AUCHINCLOSS: Objection; misstates the evidence.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You don’t recall seeing head licking by Michael on the plane with Jordie, do you?

A. I said it, but it was in the -- it appeared in an e-mail. I said I did not recall seeing it, but it -- apparently so, because it appeared in an e-mail that came from my machine.

Q. Well, in response to the prosecutor’s questions, you said you had reservations about that statement --

A. Yes.

Q. -- correct?

And what are your reservations about that statement?

A. That I just don’t recall exactly seeing that. I truly don’t.

Q. And would you agree when you’re working with a co-writer and a publisher to prepare a book about Michael Jackson, there’s pressure to make things sensational when you can, right?

A. Yes.

Q. And your publisher and others want a book that can sell, correct?

A. My co-writer. The publisher wasn’t involved in that particular end of it.

Q. Okay. And certainly, having worked with Michael all those years, you’ve seen numerous attempts by numerous people to sensationalize aspects of Michael’s life, right?

A. Correct.

Q. And if you’re writing a book about Michael, there certainly is always a temptation to sensationalize if you don’t watch yourself, right?

MR. AUCHINCLOSS: Objection; argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: How is the book being written?

A. Well, I don’t quite understand what you’re --

Q. Let me rephrase it. It’s probably a poor question.

You have a co-writer?

A. That’s correct.

Q. Did your co-writer ever work for Michael Jackson?

A. No, but my co-writer knows the family.

Q. Okay. And you’re both trying to prepare a book about your observations and experiences in the past, right?

A. Yes.

Q. And the prosecutor asked you some questions about what stage it’s in, right?

A. Yes.

Q. And is there considerably more editing required?

A. Most definitely.

Q. And is it a long ways from being published as far as you’re concerned?

A. As far as I am concerned, and I’m supposed to have final approval.

Q. And when you have a co-writer on a book like that -- actually, let me make it more direct.

Does your co-writer have responsibility for preparing drafts that you have to then review for accuracy?

A. That is correct.

Q. Okay. And is it -- would it be appropriate to say that what the prosecutor showed you has not been approved for accuracy?

MR. AUCHINCLOSS: I’m going to object to any further leading of this particular witness, Your Honor.

THE COURT: Overruled.

You may answer. Do you want the question read back?

THE WITNESS: Would you repeat the question, please?

THE COURT: I'll have the court reporter read it back.

(Record read.)

THE COURT: Are you talking about Exhibit 803, Counsel, or not?

MR. MESEREAU: Yes, Your Honor.

THE COURT: You need to show it to him, because he's been shown three exhibits.

MR. MESEREAU: I don't know -- are the exhibits in front of you, Mr. Jones?

THE WITNESS: Exhibits? I don't have anything.

THE COURT: They're not up there.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: You may.

Q. BY MR. MESEREAU: Mr. Jones, I'm showing you what has been marked as Exhibit No. 803, okay? Do you see that?

A. Uh-huh.

Q. That starts off with a title that you said 5544 is not accurate and has not been approved, correct?

A. That is correct.

Q. And you told the prosecutor you had written the words at the bottom of the page that refer to licking, right?

A. Uh-huh.

Q. And is it your testimony that you have not approved the accuracy of that statement?

A. That is correct.

Q. Okay. Now, the prosecutor showed you an e-mail that you indicated you think you sent; is that correct?

MR. AUCHINCLOSS: Objection; misstates the evidence.

THE COURT: Overruled.

Q. BY MR. MESEREAU: Do you see that?

A. Personally I don't think this is in the book, this statement.

MR. AUCHINCLOSS: I'll object as nonresponsive.

THE COURT: I guess it's without -- his answer shows me it's without foundation. So do you want to ask a foundational question on that?

MR. MESEREAU: Yes.

Q. Mr. -- well, let me just show you. I'm looking now at Exhibit 805, okay? And that's the e-mail the prosecutor referred to.

A. Uh-huh.

Q. And I think you said you believe you sent the e-mail; is that right?

A. Uh-huh.

Q. And are the words in that e-mail accurate as far as you're concerned?

A. Perhaps they are.

Q. You don't know?

A. Because I wrote -- if it came from my e-mail address, I had to write it.

Q. Okay. And -- but you don't know for sure?

A. No.

Q. And are the words on that e-mail words you intend to include in your book?

A. Not like that. My -- my co-writer is handling that, and I have tried to change certain things in the way things were said on numerous occasions with him.

Q. Would it be accurate to say that neither Exhibit 803 nor Exhibit 805 are accurate as far as you're concerned?

MR. AUCHINCLOSS: Objection; misstates the evidence --

THE COURT: Overruled.

MR. AUCHINCLOSS: -- as far as to 803.

THE COURT: Overruled.
You may answer.

THE WITNESS: Well, I don't know which one -- you got three different things there, don't you?

MR. MESEREAU: Sure.
May I approach, Your Honor?

THE COURT: Yeah.

Q. BY MR. MESEREAU: Showing you Exhibit 803 and Exhibit 805, okay?

A. This is three. This is five.

Q. Yes. Okay? Let's talk about 803. You've

already indicated the title -- what purports to be the title is not going to be the title of your book, right?
A. That’s correct.
Q. And you’ve already indicated that the bottom paragraph that you say you wrote is not accurate; is that correct?
A. Uh-huh. This I wrote.
Q. Yes.
A. Yes.
Q. But you’re indicating it’s not accurate, true?
MR. AUCHINCLOSS: Objection; misstates the evidence.
THE COURT: Overruled.
You may answer.
THE WITNESS: Not completely true as far as I’m concerned.
Q. BY MR. MESEREAU: Okay. Let’s look at the next exhibit, which is Exhibit No. 805. Do you see that?

A. Yes. This -- this one is true. I’m sorry.
Yes. I’m sorry.
Q. And you wrote that e-mail, correct?
A. Yes. Yes.
Q. And what you said in the e-mail was, in summary, that you might -- and correct me if I’m wrong, that you thought your knowledge of the Chandlers might be an insurance policy for you?
A. Uh-huh.
Q. Correct?
A. Uh-huh.
Q. An insurance policy of employment, right?
A. Uh-huh.
Q. And what that means is, “I might try and hold over Michael’s head what I could say about the Chandlers,” right?
MR. AUCHINCLOSS: I’m going to object to counsel ascribing any meaning to those words.
THE COURT: Sustained.
Q. BY MR. MESEREAU: What did you mean by “insurance policy of employment”?
A. Well, I was not -- I did not have a

confidentiality agreement.

Q. Okay.

A. That’s what I -- that’s what I basically meant.

Q. And did you also mean that, “Because I’ve spent all these years with Michael, that I could almost use as a threat writing an expose of him if I’m not employed by him”?

MR. AUCHINCLOSS: Same objection. And argumentative.

THE COURT: Overruled.

You may answer.

Q. BY MR. MESEREAU: Is that sort of what it means?

A. No, not really, because I have never -- I have never sued, I have never sold stories. I have never -- in the 16 and a half years, I’ve never attempted to extort in any manner.

Q. And I’m not saying you did. I’m just asking you --

A. No, no, I did not mean it in that respect.

Q. Okay. Now, when did you say your work was terminated?

A. June 9th, 2004.

Q. Okay. And where was your office at the time?

A. In my home.

Q. You indicated in response to the prosecutor’s question that you didn’t see Michael very often, right?

A. No.

Q. And why was that?

A. This was -- this was Michael Jackson’s modus operandi from the very beginning. I saw Michael mostly if we were on a tour that my presence -- if I may explain. I have worked in the entertainment industry prior to working with Michael Jackson for 17 and a half years, and I know familiarity breeds contempt. And the further you stay away from artists, the better off you are.

Q. And for that reason, did you not go to Neverland very much?

A. I went to Neverland when I brought groups up, such as the Challengers Boys & Girls Club. Such as the First AME Church, et cetera. I was not a regular visitor at Neverland at all.

Q. Now, who was the first group that you mentioned that you brought?

A. The Challengers Boys --

MR. AUCHINCLOSS: Objection. Relevance; beyond the scope.

THE COURT: Sustained.

Q. BY MR. MESEREAU: In a typical year, while you were employed, how often would you visit Neverland?

A. I haven't been to Neverland in years. My visits to Neverland were on a more frequent basis about five years ago when I was able to get groups approved to go to Neverland.

Q. Okay. And you had an office located where?

A. Before we closed the offices, we were at 5550 9255 Sunset Boulevard.

Q. Okay. And how many years did you spend in that office?

A. I think we were there approximately ten years, I think. I cannot be for certain.

Q. Okay. Now, you indicated at the music awards, the World Music Awards, that at one point you saw Jordie on Michael Jackson's lap and his sister on Michael Jackson's lap together, right?

A. That is correct.

Q. Okay. And where was Michael Jackson sitting in that event?

A. He was seated on the front row next to Prince Albert of Monaco, and -- on one side, and Linda Evans, the actress, on the other side.

And I attempted to get -- I had arranged for the Chandlers to sit directly behind Mr. Jackson, because I did not feel that the royalty wanted to be bothered with those guests. But he insisted that they sit with him, so I left it alone.

Q. Did the mother sit with Michael Jackson as well?

A. Behind.

Q. Okay. So when you saw the brother and sister sitting on Michael Jackson’s lap in the first row, the mother was right behind, correct?

A. Correct.

Q. So this is the first row in full view of everyone at the awards show, correct?

A. That is correct.

Q. There was no effort to hide anything at any time?

A. No.

Q. At some point, did you see the children with their mother behind where Michael Jackson was sitting?

A. When I brought them in to their seats, they were seated behind Mr. Jackson. Mr. Jackson moved them up front.

Q. Okay. Did -- when you say he moved them up front, did he move them into seats up front?

A. He moved them into his seat.

Q. Okay. Okay. So the children moved into his seat to sit with him?

A. With him.

Q. And the mother still stayed sitting behind?

A. That is correct.

Q. And at some point did you see the children go back with their mother or did they always stay with Michael?

A. No, they stayed up there.

Q. And I think at one point you saw Jordie still sitting on Michael’s lap, and Jordie’s sister sitting on Linda Evans’ lap?

A. That is correct.

Q. Please tell the jury what the World Music Awards show is.

A. The World Music Awards show is a show that’s given annually in Monte Carlo for the best record sales in -- the best worldwide record sales. I had arranged for Mr. Jackson to be honored by the World Music Awards, and -- because of his record sales. And we had gone there for that particular purpose, for him to be honored by the World Music Awards. And to be seen around the world. And I attempted, because perception is 90 percent of what the public thinks, to get those people off of his lap.

Q. Did the Chandler family seem to remain during the entire show sitting with Michael?

A. Oh, of course. Yes.

Q. Okay. Now, you -- how did you get to Monaco?

A. We flew.

Q. Did you -- fly from where?

A. Los Angeles.

Q. Okay. And were there other stops on that trip?

A. To Paris. We flew from Los Angeles to Paris, and Paris to Nice, and we helicoptered to Monte Carlo.

Q. Okay. Do you recall attending any other events with Mr. Jackson on the trip to Monaco?

A. Of course, His Royal Highness Prince Albert

hosted a reception for visiting dignitaries, and I was -- he had an event -- when you go there, they have an event each night for visiting dignitaries. And there was only one event that Mr. Jackson attended.

Q. And do you recall whether or not the Chandler family were at that event?

A. They were with him.

Q. And that was because Michael insisted that the Chandler family go?

A. I don’t know whether he insisted whether they attend or not.

Q. Okay.

A. But all of his guests were invited.

Q. Okay. Were there any other guests of Michael Jackson that you haven’t named?

A. No, just the Chandler family.

Q. Okay. Now, did you begin writing your book after your employment ended?

A. I had made notes on certain things. Yes, the actual beginning of the writing of the book started after my employment ended, yes.

Q. And has there been an effort by you or your co-writer to market the book overseas?

A. Well, I would imagine that the publisher has.

Q. Has there been an attempt to market it in the United States?

A. I would imagine that the publisher has.

Q. Okay. And who is in charge of that issue?

A. My co-writer.

Q. Okay. Now, do you typically meet with your co-writer periodically?

A. We talk on the phone. That’s -- that’s perhaps one of the reasons there is some confusion, because our -- he’s based in New York and I’m based in Los Angeles.

Q. Okay. And do you sort of fax or e-mail manuscripts to one another?

A. We e-mail.

Q. Okay. And do you then typically correct or change what you think is either inaccurate or inappropriate?

A. Oh, I’ve changed millions of things that were inaccurate that I didn’t say.

Q. And how far away from having a product that you think is accurate and complete are you?

A. I would say six to eight weeks.

Q. Okay. Have you come up with a date during which you intend to announce the availability of the book?

A. No.

Q. Okay. Do you remember in your interview on April 7th, 2005, a police officer asking you about whether or not there was any licking on the plane by Michael, and you said, “I just don’t remember and I

would be lying to say that I did”?

A. Of course I recall saying that.

Q. And that was the truth, right?

A. Yes.

Q. Now, on the plane coming back, do you remember where Jordie’s mother June was seated?

A. Sure.

Q. Where was she seated?

A. We were all in first class, and on one side of the rear of first class was Michael and Jordie Chandler. On the total opposite side was June

Chandler and her daughter.

Q. Certainly June and her daughter were in a position to observe Michael and Jordie, correct?

A. That is correct.

Q. So they were seated parallel to one another?

A. Yes.

Q. Nothing that went on was hidden from anybody, correct?

A. No.

Q. And where were you seated in relation --

A. I was seated at least two front -- two rows ahead of them.

Q. How many times have you been contacted by any representative of the sheriffs or police department in this case?

A. Well, I was contacted prior to my registration -- I mean, my being served with a

subpoena. And at one point, a Richard Steingard, I approached him about representation because he had represented me before in this case, and then he came back and said that he could not represent me any longer. And that's when Attorney Sachs was contacted. So I had been -- they attempted to serve a subpoena to me, and at that time I did accept the subpoena at Richard Steingard's office, and following which he informed me that he could no longer represent me.

Q. Have you ever spoken to any prosecutor for the government in this case directly?

A. Who do you mean, the government?

Q. These people. The prosecutors.

A. Certainly. I've -- Mr. Auchincloss and Steve Robel.

Q. When did you last meet with Mr. Auchincloss?

A. I met with him on Friday when I was told to go home and come back.

Q. Okay. And did you meet with him before that?

A. Of course. You mentioned an April date that Mr. Auchincloss had me to come up.

Q. Okay. Was that April 7th?

A. I guess, sir. I don't -- I'm not good with dates, so --

Q. You had an interview with Sergeant Steve Robel, right?

A. And Mr. Auchincloss.
Q. Okay. How many meetings did you have with Sergeant Robel, if you know?
A. I only met Sergeant Robel when I was with Mr. Auchincloss. I met them both at the same time.
Q. Okay. So when you said, "I just don't remember and I would be lying to say that I did," about head licking, Mr. Auchincloss was right there, right?
A. We were -- we were there, yes, we were -- the three of us were in the room.
Q. So he clearly heard you say that, correct?
A. Mr. Auchincloss was in the room with Mr. Robel.
Q. And he tried to misquote you in court today, correct?
MR. AUCHINCLOSS: Objection. This is argumentative; improper.
THE COURT: Sustained.
MR. MESEREAU: No further questions, Your Honor.

REDIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. Mr. Jones, you told Stacy Brown about this head licking incident, true?
A. Apparently I did, sir.
Q. And you have previously stated that the words on the second paragraph of People's Exhibit 803, which I've shown you - that's the quotes from the book --

A. Uh-huh.
Q. -- the second paragraph - those are your words?
A. Yes.
MR. AUCHINCLOSS: All right. Your Honor, if I may, I'd like to admit --
THE WITNESS: With -- with -- may I see that, sir, again?
Q. BY MR. AUCHINCLOSS: Yes, you may.

A. Because -- it may be with exception. Oh, yes, those are my words.

Q. All right. So you agree that those are your words.

Your Honor, I'd like to admit People's Exhibit 803 into evidence at this time.

MR. MESEREAU: Objection. Hearsay; foundation; relevance.

THE COURT: Let me see the exhibit.

All right. The objection's sustained. It's not going into evidence.

MR. AUCHINCLOSS: All right. May I see that?

Q. But so that we're clear today about your testimony, is it true that you looked at what was going on with the king and the boy, they were

holding each other tightly, almost in a romantic sense --

MR. MESEREAU: Objection. Asked and answered; move to strike.

MR. AUCHINCLOSS: I believe there's been --

THE COURT: Overruled. Go ahead.

Q. BY MR. AUCHINCLOSS: "Holding each other tightly almost in a romantic sense, cooing. There were pecks on the cheeks and licks on the top of the head"; is that true, those are your words?

A. I -- I -- with reservation. I know about the -- as I told you --

Q. I'm asking you are those your words, sir?

A. They apparently are my words. If you have them in an e-mail from me.

Q. Today your testimony is that, "The licking is going to be important," you told Stacy that, "because it happened in this case, too." Those are your words as well?

A. I don't recall saying anything about this case. But if it was in an e-mail, I said it.

Q. You acknowledge that those words -- that this is your e-mail address?

A. B7436@aol --

Q. And this is -- you acknowledged this is one of your e-mails to Stacy Brown?

A. Nobody else could have done it but me.

Q. So do you acknowledge, based upon all the information that you have today, that you did, in fact, see Michael Jackson lick Jordie Chandler on the top of the head, sir? Yes or no.

MR. MESEREAU: Objection; asked and answered.

THE WITNESS: I guess -- yes.

MR. AUCHINCLOSS: All right.

THE COURT: Just a moment. There was an objection.

MR. AUCHINCLOSS: Sorry.

THE COURT: The objection is overruled. The answer was, “Yes.”

Q. BY MR. AUCHINCLOSS: And your testimony is that this incident happened on a plane flying back from Europe?

A. On flying back from Paris to Los Angeles.

MR. AUCHINCLOSS: Thank you. I have no further questions.

RECROSS-EXAMINATION

BY MR. MESEREAU:

Q. Mr. Jones, on April 7th, you told the police and Mr. Auchincloss you’d be lying if you said you saw Mr. Jackson licking Mr. Chandler, right?

MR. AUCHINCLOSS: Objection. Misstates the evidence and argumentative.

THE COURT: Overruled.

You may answer. Do you want the question read back?

THE WITNESS: I would say since he -- I have to say it has to be true if it came in my e-mail.

Q. BY MR. MESEREAU: But, sir, you just told the police the other day that you’d be lying if you said he did that, right?

MR. AUCHINCLOSS: Same objections.

THE COURT: Overruled.

Q. BY MR. MESEREAU: Right?

A. I -- I, again, have to say what I said. If it’s in my e-mail, it’s true.

Q. But you just told the jury you don’t recall seeing something like that, correct?

MR. AUCHINCLOSS: Objection. Asked and answered; argumentative.

THE COURT: Overruled.

THE WITNESS: I go back with the same answer. It was in my e-mail. So if it was in my e-mail, I’m taking responsibility for the e-mail.

Q. BY MR. MESEREAU: Well, but you’ve also indicated a number of the things you wrote are not accurate, true?

A. I didn’t write anything. My co-writer wrote those things. But he is -- he has shown me an e-mail that I wrote and sent to my co-writer.

Q. But, sir, you just told the jury what you told the police last week, which is that you’d be lying if you said you saw that, right?

MR. AUCHINCLOSS: I believe that misstates the evidence.

THE COURT: Overruled.

Is that what -- he’s really asking you, “Is that what you told the police?” Did you tell the police --

THE WITNESS: Yes, that is what I told the police.

MR. MESEREAU: No further questions.

FURTHER REDIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Mr. Jones, you didn’t say, “I would be lying if I said that.” You said, “I would be lying if I said I remembered that”; isn’t that true?

A. Yes, I did.

Q. And is it fair to say that based on everything you have before you today, you now remember the incidents that you’ve testified concerning the licking?

A. I don’t remember. But there is an e-mail which provides explicit evidence that the e-mail came from me.

Q. And you believe your e-mails are true; you’ve testified to that?

A. I would not have just made it up.

MR. AUCHINCLOSS: Thank you.

THE WITNESS: Okay.

MR. MESEREAU: No further questions.
THE COURT: All right. Thank you. You may step down.
MR. AUCHINCLOSS: Thank you, Your Honor. Subject to re-call.
THE COURT: All right. I haven’t excused him.
MR. AUCHINCLOSS: I’m sorry.
THE COURT: Call your next witness.
MR. AUCHINCLOSS: Call Stacy Brown.
THE COURT: When you get to the witness stand, please remain standing.
Face the clerk, over here, and raise your right hand.

STACY BROWN
Having been sworn, testified as follows:

THE WITNESS: Yes.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Stacy Brown. S-t-a-c-y; Brown, B-r-o-w-n.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. Good morning, Mr. Brown.

A. Good morning.
Q. What is your occupation, sir?
A. I’m -- currently I’m an analyst for MS-NBC and I’m also an author.
Q. All right. As an author, have you had occasion to collaborate with writers in the creation of books?
A. Oh, yes, several.
Q. Can you give me an example?
A. Well, in 2002, published by Simon & Schuster, I co-authored the book Blind Faith, a biography of Stevie Wonder and his mom, Lula Hardaway.
Q. Have you worked in the past to --

collaborated in the past with any members of the family of Michael Jackson in the creation of books?
A. Yes, I have.
Q. Who would that be?
A. That would be his older sister, Rebbie Jackson, and his brother Jermaine Jackson.
Q. And when I say “Mr. Jackson,” is he the man seated to my right with the long black hair?
A. Yes.
Q. Were those -- was there ever any attempt to publish those two books that you just described?
A. The latter two, Rebbie and Jermaine?
Q. Yes.
A. That I -- there was --

Q. Were they published?
A. No, they was not published.
Q. Do you know why not?
A. Well, the last one with --
MR. MESEREAU: Objection; calls for speculation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Were those books, either of them, pulled from the publisher by you?
A. Yes.
Q. Why?
A. At the direction of --
MR. MESEREAU: Objection. Relevance; foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: May I ask foundation or relevance, Your Honor?
THE COURT: The relevance.
MR. AUCHINCLOSS: All right.
Q. Mr. Brown, did you collaborate with Bob Jones or are you collaborating with Bob Jones in the writing of a book concerning his experiences as an employee of Michael Jackson?
A. That’s correct.
Q. How long have you been doing that?
A. Since last summer.
Q. How did you meet Bob Jones?
A. I met Bob years ago. He was, of course,

working for Michael. I was a reporter for the L.A. Daily News at the time, and we were covering a story about Michael's -- the birth of Michael's first child. And I had talked about -- everyone had talked about, everyone in the media, when they want information or comments from Michael on things that -- like having a baby.

Q. Who approached whom concerning the writing of this book?

A. Last January during the arraignment here, Bob Jones approached me -- we were both standing outside that day, and he approached me about writing that book.

Q. And you've worked together to prepare a manuscript?

A. Yeah, we did. And we didn't -- you know, I didn't initially agree to write the book.

Q. Okay.

A. There was some concerns that I had. I didn't want to --

MR. MESEREAU: Objection; nonresponsive.

MR. AUCHINCLOSS: That's fine.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: So did you originally want to write this book?

A. Not originally, no.

Q. Why not?

A. Well, I knew --

MR. MESEREAU: Objection. Relevance; calls for speculation.

THE COURT: Sustained.

MR. AUCHINCLOSS: It goes to -- offered as credibility.

THE COURT: The objection is sustained.

Q. BY MR. AUCHINCLOSS: Tell me about the collaboration process with Mr. Jones. How has this book come together?

A. Well, I interviewed Bob, another writer also interviewed Bob as well, about his experience, not only with Michael. We have to remember Bob worked with a lot of people including Lionel Ritchie, Rick James, Barry Gordy, the Jacksons as a family.

Q. Uh-huh.

A. So Michael was -- and Bob's mind was seen as just a small part of his story, but obviously the publisher wanted more about Michael because he is Michael.

Q. When you're collaborating with an individual in the preparation of a manuscript, are there -- is there a dialogue with publishers to see what kind of book the publisher will be interested in?

A. Oh, absolutely.

Q. And do you employ a literary agent to try --

A. Yes.

Q. -- and market the book?

A. Yes. And in this particular case, we employed quite a few.

Q. Why is that?

A. Well, Bob has problems trusting people.

MR. MESEREAU: Objection; relevance.

MR. AUCHINCLOSS: I can withdraw that.

THE COURT: All right. I'll strike his answer. You can rephrase the question.

MR. AUCHINCLOSS: That's fine.

Q. How many agents did you work with?

A. Gosh. It's now -- five now.

Q. And you currently -- are you currently employing an agent?

A. Yes, we are. We are currently employing two.

Q. And what are their names?

A. Neil Gudovitz and Bill Gladstone.

Q. In working with Mr. Jones, how did you communicate with one another?

A. We spoke a lot over the phone. We met in person. And a lot of times, because of the distance, we e-mailed each other.

Q. And so how would it work in terms of his working with you?

A. What would happen is he would send me an e-mail of a lot of his notes that he had kept over the years. We would talk about them, and then I'd start writing. And I would send him what I write, and he would have to approve it, and then he would send it back with any type of changes that needed to be made, and the changes would be -- then be made.

MR. AUCHINCLOSS: If I may approach, Your Honor.

THE COURT: Yes.

Q. BY MR. AUCHINCLOSS: Mr. Jones -- or Mr. Brown, I show you People's Exhibit 803. Could you identify those two passages for me?

MR. MESEREAU: Objection to the extent it calls for hearsay.

THE COURT: Overruled. I'll allow him to identify them.

THE WITNESS: By "identify," read them?

Q. BY MR. AUCHINCLOSS: No, just identify them. Are those two passages that came from the book that you're working on with Mr. Jones?

A. That's correct, yes.

Q. And while I'm up here, I'm going to show you People's Exhibit 804. Can you identify that for me?

A. An e-mail Bob Jones sent to me.

Q. You personally received that from Mr. Jones?

A. That's correct.

Q. And an e-mail --

A. That's correct. Another e-mail.

Q. That's Exhibit 805. That's one he sent you as well?

A. That's correct.

Q. Now, for the record, are these complete e-mails or did they have some material?

A. Oh, they had a lot of material.

Q. But this is just a portion of them?

A. Yeah.

Q. All right. Did Bob Jones, during your collaboration with him in the writing of this book, tell you about an incident in which he observed the defendant, Michael Jackson, lick a boy by the name of Jordie Chandler on the head?

MR. MESEREAU: Objection. Hearsay; and leading.

MR. AUCHINCLOSS: Offered under 1236.

THE COURT: The objection is overruled.

THE WITNESS: I'm sorry.

THE COURT: Just answer that "yes" or "no."

THE WITNESS: Yeah. Yes, he did.

Q. BY MR. AUCHINCLOSS: What did he tell you?
MR. MESEREAU: Objection; hearsay.
THE COURT: Overruled.
You may answer.
THE WITNESS: Well, he described an incident, they were going to the World Music Awards in Monaco, I believe it was. And he talked about how strange it was, because Jordie had a head full of hair, and he said, “I thought maybe it would be more” -- you know, “It would be understandable if he had a bald head.” But he just couldn’t understand the licking of the head when he had a head full of

hair.
Q. BY MR. AUCHINCLOSS: He said he saw Michael Jackson lick Jordie’s head?
A. Correct.
Q. Those two passages that I showed you in Exhibit 803, did you ever share that manuscript that contained those passages with Mr. Jones?
A. Oh, yeah. Absolutely. Bob had to approve everything that went to the publisher.
Q. So everything that went to the publisher was approved by Mr. Jones?
A. That’s correct.
Q. And did this -- did those two passages that I just showed you go to the publisher?
A. Oh, yeah.
Q. Did you discuss this issue of the licking incident on more than one occasion?
A. Oh, yes, we did. Do you want me to --
Q. Go ahead.
A. Yeah, we did. Beginning in, I would say, maybe August or September, he and I discussed it. And we discussed it with another writer, Dennis love, and also our agent and the publisher.
Q. Okay. You previously mentioned Neil Gudovitz and Bill Gladstone. Was it discussed with those two gentlemen?
A. Yes.
Q. And your publisher, who would that be?

A. That would be Select Books.
Q. Okay. Specifically who was this issue

discussed with?

A. Well, it was discussed not only with -- well, specifically at Select Books?

Q. Yes. And I mean by Mr. Jones himself.

A. We had -- well, I don't know that Bob discussed it with Select. But we discussed it with Simon & Schuster and Harper Collins in a conference call that we had. Bob discussed it with them. They discussed the entire -- the entire proposal that we put before them, and that included that.

Q. All right. This e-mail that I showed you, 804 - I'll show it to you again just so you're familiar with what I'm talking about - references that, "The licking is going to be important because he did it in this case, too."

Can you tell me, what was the context of that remark?

MR. MESEREAU: Objection. Relevance; foundation; and calls for hearsay.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: What did you understand he was referring to when he said, "this case, too"?

MR. MESEREAU: Objection. Foundation; relevance.

THE COURT: Overruled.

Excuse me. Sustained.

Q. BY MR. AUCHINCLOSS: Did you stay abreast of the information in the media during the writing of this book?

A. Yeah, I had to. It's my job.

Q. Okay. Did you -- did you check the Internet sources of news media?

A. Yeah. I look at different newspapers and news outlets throughout the country, and their take on what's going on as well.

Q. And on October 30th, 2004, had you ever heard of any kind of licking that had gone on in the case of People v. Michael Jackson that's presently before the Court?

MR. MESEREAU: Objection. Relevance; foundation; hearsay.

MR. AUCHINCLOSS: In the media outlets.

MR. MESEREAU: Improper hearsay.

THE COURT: I guess I'm not sure where you're going with what his knowledge is of this case, how that relates to what Mr. Jones has said.

MR. AUCHINCLOSS: Whether it had been reported in the media from another source - he says he kept abreast of all the media sources - or whether this was the first time he'd heard it.

THE COURT: All right. If you'll rephrase the question to relate to the relevance that you're describing.

MR. AUCHINCLOSS: Okay.

Q. My question is this, Mr. Brown: When Mr. Jones wrote you this e-mail on October 30th, were you aware at that time that there was an allegation of licking in the case involving Gavin Arvizo and Mr. Jackson?

A. I can't say that --

MR. MESEREAU: Objection; foundation.

THE COURT: The objection is overruled.

Q. BY MR. AUCHINCLOSS: All right. Go ahead.

A. I can't say that I was, because I -- when Bob told me, it was the first that I'd heard of the incident. He had actually heard it first as it pertains to this case, and that's when -- that prompted him to share with me that it was going to be important.

Q. Now, he says in that e-mail, "The licking is going to be important because he did it in this case, too." Was that the first time you heard of the connection between the two --

A. Yes.

Q. -- cases?

Had he talked to you about the licking before that?

A. We had started discussing --

MR. MESEREAU: Objection. Relevance; foundation; hearsay.

THE COURT: I'll overrule the objection.

But the question is simply whether or not he

discussed this with you before that e-mail.

Q. BY MR. AUCHINCLOSS: So that's a "yes" or "no."

A. That particular e-mail?

Q. Yeah, before that e-mail.

A. The e-mail, no. The incident, yeah.

Q. Okay, the incident. He discussed it before that e-mail?

A. Yeah.

Q. Has Mr. Jones ever indicated to you a fear of testifying in this case?

MR. MESEREAU: Objection. Foundation; relevance; calls for speculation; move to strike.

THE COURT: Sustained. The objection is sustained. Stricken.

Q. BY MR. AUCHINCLOSS: Was there a period of time when Mr. Jones all of a sudden began to have a loss of recollection or something of that nature regarding this licking incident?

MR. MESEREAU: Objection. Leading; calls for speculation.

THE COURT: I'll sustain the objection as the question is too broad.

Q. BY MR. AUCHINCLOSS: Okay. At some time during your collaboration with Mr. Jones, did he ever try to deny his recollections about this licking incident?

MR. MESEREAU: Objection. Leading; calls for speculation; relevance; foundation.

THE COURT: I'll overrule the objection. The question should be read back to the witness.

(Record read.)

THE WITNESS: Yeah. He had fuzzy recollections about it, yes.

Q. BY MR. AUCHINCLOSS: Was there --

THE COURT: Just a moment. We're going to take our break.

(Recess taken.)

--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 5521 through 5577 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 11, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
April 11, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

MONDAY, APRIL 11, 2005

8:30 A.M.

(PAGES 5579 THROUGH 5770)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
BROWN, Stacy	5583-M	5593-A	5595-M	
CHANDLER, June	5596-SN	5658-M	5727-SN	5734-M
SWINGLER, Dwayne	5736-A	5754-M	5765-A	

THE COURT: All right. Go ahead.
MR. AUCHINCLOSS: Thank you, Your Honor.
Q. Mr. Brown, where we left off, I was asking you about this period of time when Mr. Jones started

to have some failure of recollection on the issue of head licking.

When did that -- do you recall when that began or when that started?

A. It’s been about a month or so now.

Q. Before that time, how many times had you been involved in a conversation where Mr. Jones talked about the head-licking incident?

MR. MESEREAU: Objection; relevance.

THE COURT: Overruled.

THE WITNESS: I can’t tell you exact number of times, but it was more than a couple.

Q. BY MR. AUCHINCLOSS: Okay. And how would you describe this change in his recollection, if you can?

MR. MESEREAU: Objection; vague.

MR. AUCHINCLOSS: I can be more specific.

MR. MESEREAU: Relevance.

Q. BY MR. AUCHINCLOSS: My question goes to, was it an abrupt change, or was it something that occurred over a period of time, or something in between?

MR. MESEREAU: Objection. Vague; relevance; foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: I would say it was more abrupt than anything else.

MR. AUCHINCLOSS: Thank you, Mr. Brown. I have no further questions.

THE COURT: Cross-examine?

MR. MESEREAU: Yes, please, Your Honor.

CROSS-EXAMINATION

BY MR. MESEREAU:

Q. Good morning, Mr. Brown.

A. Good morning.

Q. How long have you known Bob Jones?

A. The year Princess Diana died. I think it was ‘97.

Q. Okay. And approximately when did he tell you he intended to write a book?

A. It was about January, a few months before he was terminated.

Q. And you've been interviewed by the sheriffs in this case, right?

A. That's correct.

Q. And you told the sheriffs that Bob Jones told you he's broke and he needs to make some money, right?

A. That's what --

MR. AUCHINCLOSS: Objection; hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Have you gone through different drafts with Mr. Jones?

A. Yes, I have.

Q. On the issue of head licking, did Mr. Jones tell you at one point he had to make money on this book because he had financial problems?

MR. AUCHINCLOSS: Objection. Hearsay; argumentative.

THE COURT: Overruled.

You may answer.

THE WITNESS: He didn't -- Mr. Mesereau, he didn't tell me that in relation to the head licking. That never came up in discussions of money.

Q. BY MR. MESEREAU: But he told you he's broke and has to get paid for this book, correct?

MR. AUCHINCLOSS: Objection. Hearsay; argumentative.

THE COURT: Overruled.

You may answer.

THE WITNESS: When we first started the book, he said he needs the money. He was just fired.

Q. BY MR. MESEREAU: And he said he was broke, right?

A. Yes. That's correct.

Q. You told the police you said he was broke, right?

A. That's correct.

Q. Okay. Now, how did -- how did the -- let me rephrase that.

Obviously at some point you met with Bob Jones about writing a book, correct?

A. That's correct.

Q. And where did you meet with him?

A. Well, as I said earlier, he first approached me here at the court, back during the arraignment.

Q. And did he tell you then he wanted to write something?

A. That’s correct.

Q. And that’s before he --

A. That’s before his termination.

Q. Okay. And how long before his termination was that, do you think?

A. Well, it was January, so -- the termination was in June. So four, five months.

Q. And did he tell you he was doing it secretly?

A. Well, he didn’t say secretly, but he said -- obviously any process with a book, you don’t want everyone to know this is what you are doing. I did, however, myself, tell members of the family, to get their thoughts on it, because that was my concern, what their thoughts may be with me doing a book with Bob Jones with -- chiefly it had to be about Michael Jackson.

Q. Okay. Now, did Mr. Jones tell you he was talking to anyone from the sheriff’s department?

A. Not at that time, no.

Q. When did you first learn that he had spoken to anyone from the sheriff’s department?

A. I believe they first contacted him in December of last year.

Q. And based on the prosecutor’s questions to you, you must have learned at some point that Bob Jones was saying he couldn’t really remember seeing any head licking, right?

MR. AUCHINCLOSS: Objection; hearsay.

THE COURT: I’m sorry, I can’t read the --

THE REPORTER: “Learned” instead of “render.”

THE COURT: All right. The objection is Overruled.

You may answer.

THE WITNESS: Could you repeat it, sir?

MR. MESEREAU: I’ll have it read back. May it be read back, Your Honor?

THE COURT: Yes.
(Record read.)
THE WITNESS: Oh, I wouldn't say it was based on the prosecutor's -- that. I think it was simply when I spoke with him, he got a little nervous about that particular vein. I think he realized that it was going to become a part of this --

Q. BY MR. MESEREAU: Well, did you and Mr. Jones discuss the fact that the Arvizos went to Larry Feldman, the same lawyer who represented the Chandlers?
A. The --
MR. AUCHINCLOSS: Objection. Relevance; beyond the scope; and argumentative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Has the name Larry Feldman come up in the book you're writing?
MR. AUCHINCLOSS: Same objection.
THE COURT: Overruled.
You may answer.
THE WITNESS: Not by name, but certainly by title and by inference. Bob did say, based on his notes back in --
Q. BY MR. MESEREAU: Well, just -- you just have to answer the question, okay? I'll get into that --
A. Okay.
Q. -- okay?
Does the book concern this case in any respect?
A. I would think in some respects.
Q. And is it your plan to market the book while this trial is going on?
A. Well, it all depends on when it's finished.
Q. Has he ever talked to you about when he plans to complete the book?

A. Well, I have a lot of say in that, so we've talked about that, and we've always said we don't want it to be a rush job, and a lot of people want it to be a rush job. The publisher wants it to be a rush job.

Q. The publisher wants it to be a rough job --

A. Rush job.

Q. -- rush job because you can sell it better while the trial is going on, right?

A. Obviously, if it comes out now, it would probably pique some interest because it’s Bob Jones, who, you know, has worked for Michael for so long, and it’s Michael.

Q. Now, have you discussed the amount of money he might make on the book?

A. No, you know, we -- we’ve been made promises in the past. We don’t listen to that. We don’t even speculate on what can be made.

Personally, I just enjoy writing, so, you know, the money aspect -- I think I do pretty well. It’s not a big deal to me.

Q. Do you remember you were interviewed by a Santa Barbara sheriff on December 7th, 2004?

A. Around about, yeah.

Q. And you were approached by Sergeant Robel, right?

A. Uh-huh. Yes, that’s correct. I’m sorry.

Q. And the purpose of the interview was to talk to you about this alleged head-licking event, right?

A. I’m not sure if that was the purpose of the interview. We talked about various things back in December, but I’m not sure that was the purpose of it.

Q. And do you remember Sergeant Robel wanted to know why you had said that Mr. Jones told you he saw Michael Jackson kiss Jordie, not lick his head?

A. Well, that’s not exactly what -- that I remember Sergeant Robel putting to me. There was a question another investigator had had about whether I said he -- Bob said he licked or kissed him, and he wanted me to clarify that.

Q. And you had told the investigator that based on your discussions with Bob Jones, he had said that Michael Jackson kissed Jordie one time, didn’t lick his head, right?

A. No, I didn’t say that.

Q. Do you remember you apologized?

A. No, no. What happened -- I apologized if it was confused. But what happened was, I think the investigator had misunderstood and that's what he was calling to clarify. That's one of the reasons why he called, to clarify exactly what I said. He said he didn't remember if I said "licking" or "kissing."

Q. Let me ask you if this is correct.

A. Sure.

Q. "Brown apologized for the mistake. Said he had not realized that he told me he was kissing as opposed to licking." Does that sound accurate to you?

A. It's probably accurate. But again, as I'm explaining to you, I explained to Sergeant Robel when he asked the question, when he asked me about that, I had told the other investigator, I think it was Zelis, I'm -- I'm not sure, but I think it was Paul Zelis, the investigator's name, and I think he was the one who had actually made the mistake or -- I won't even say "mistake." He wanted to clarify, is that what I said.

Q. Why did you apologize to him?

A. Well, I apologized for being polite. I mean, it's just a polite thing to do, you know. If I was wrong, I have no problems apologizing.

Q. Now, you're aware that Mr. Jones has indicated he doesn't remember head licking and has said he'd be lying to say that he did. Are you aware of that?

MR. AUCHINCLOSS: Objection; misstates the evidence.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You're in the process of writing the section of the book that deals with this trip to Monaco, aren't you?

A. No. No, we're long since past that.

Q. Well, Mr. Jones has indicated that he has not approved --

A. Everything that has --

MR. AUCHINCLOSS: Objection. Argumentative; hearsay as to what Mr. Jones said; and misstates the evidence.

THE COURT: It’s an incomplete question, too.

Q. BY MR. MESEREAU: Mr. Jones has final approval over what’s in that book, doesn’t he?

A. Absolutely.

Q. Would you agree that the more sensational the book, the better the chance of making money on it?

A. Well, obviously. I mean, we’ve been told things that nothing surprises them about Michael Jackson, so -- but it’s not our intentions to write a book of scandal, if that’s what you’re inferring. It’s certainly not mine, and I have to write it. And I have people in his family who I happen to love very much who I’m not going to disappoint.

Q. They’re not getting any money from the book, are they?

A. The family?

Q. Yes.

A. Why should they?

Q. They’re not getting any money from the book, are they?

A. I’m sorry to respond in that way. No.

Q. The one who is going to make money is Bob Jones, who’s broke, right?

A. We both will.

Q. You’re aware that Bob Jones was very upset when he was terminated, aren’t you?

A. You know what? To be honest with you, he wasn’t upset that he was terminated. He was upset in which the way Randy terminated him.

Q. I’m not sure what that means.

A. Well, Bob had --

Q. Referring to Randy Jackson, right?

A. Randy Jackson, I’m sorry. Bob had felt he’d been loyal to Michael for basically half of Michael’s life, or most of Michael’s life, I should say. And to get fired by a messenger, you know, I felt bad, too. In fact, I had spoke to someone in Michael’s family about that. I said, “That’s horrible.” But he was just upset in the method. He knew that eventually his time was going to be up just like everyone else’s.

Q. In the draft that you and Mr. Jones have written, Mr. Jones says on at least two occasions that he’s never seen Michael Jackson act inappropriately with children, right?

MR. AUCHINCLOSS: Objection; hearsay.

THE COURT: Overruled.

You may answer.

THE WITNESS: Well, if it was the exact -- well, I don’t remember the exact wording, but to say that he saw him molest anybody, no, it does not say he saw him molest anybody.

MR. MESEREAU: I have no further questions, Your Honor.

REDIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Mr. Jones (sic), I previously showed you People’s Exhibit 803. Did Mr. Jones approve those two passages?

A. Yes.

MR. AUCHINCLOSS: Ask to move 803 into evidence.

MR. MESEREAU: Objection. Hearsay; foundation.

THE COURT: Sustained.

MR. MESEREAU: Relevance.

MR. AUCHINCLOSS: Offered as a prior inconsistent statement as to the first passage and a prior consistent statement as to the second.

MR. MESEREAU: Same objection.

THE COURT: The ruling remains the same.

MR. AUCHINCLOSS: All right. Ask at this time to admit the two e-mails, Your Honor, Exhibits 804 and 805, into evidence at this time.

MR. MESEREAU: Objection. Hearsay; foundation; authenticity; relevance.

THE COURT: I’ll take that up later.

MR. AUCHINCLOSS: Okay.

Q. Mr. Brown, you said that Mr. Jones was complaining about his finances on cross-examination.

A. Uh-huh. Yes.

Q. Is this a frequent complaint?

A. Yeah, he’s -- well, yeah, he’s made a few complaints about that.
Q. Was there a time when he stopped complaining about his finances during this period of collaboration?
A. Yes.
Q. Was what -- when -- when he stopped complaining about finances, tell me, was there any relationship in time to that point and the time in which he started to have this failure of recollection?
MR. MESEREAU: Objection. Relevance; vague; foundation.
THE COURT: I’ll sustain vague.
Q. BY MR. AUCHINCLOSS: Can you tell me approximately when in time Mr. Jones stopped complaining about his finances?
A. It’s been about a month or so.
Q. And when in time did he start to have his failure of recollection?

A. About a month or so.
Q. Did they -- did both of those coincide in time?
A. I would say so, yes.
MR. AUCHINCLOSS: Thank you. I have no further questions.

RECROSS-EXAMINATION
BY MR. MESEREAU:
Q. Mr. Brown, what I think the prosecutor just elicited is the following: When he was broke, he said there was licking. And when he didn’t have financial problems, he said there wasn’t any, right?
A. Well, if that’s how you --
Q. Right?
A. -- break it down, yeah, I guess.
MR. MESEREAU: Thank you.
MR. AUCHINCLOSS: No further questions.
THE COURT: Thank you. You may step down.
Would you give me Exhibits 804 and 805?
Call your next witness.
MR. SNEDDON: June Chandler, Your Honor.
THE BAILIFF: She’s on her way, Your Honor.

THE COURT: 804 and 805 are not admitted. Come forward, please. When you get to the witness stand here, remain standing. Face the clerk here and raise your right hand.

JUNE CHANDLER

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: June Chandler. J-u-n-e; C-h-a-n-d-l-e-r.

THE CLERK: Thank you.

THE WITNESS: You’re welcome.

DIRECT EXAMINATION

BY MR. SNEDDON:

Q. Good morning, Mrs. Chandler.

A. Good morning.

Q. I want to go back in time a little bit to around 1992 and ‘93, okay?

A. Yes.

Q. And are you related in some fashion to Jordan Chandler?

A. Yes. He is my son.

Q. Okay. And we’re going -- you know, I should have done this before we started.

A. Yes.

Q. You have to lean right into that microphone so everybody can hear what you have to say. We’ve had the same problem with everybody, so it’s not just you.

A. Okay.

Q. You have a very soft voice, so you keep it up, all right?

A. Okay. I will.

Q. Let me start all over again and ask you again. Are you related to Jordan Chandler?

A. Yes, I am. He is my son.

Q. Do you have any other sons or daughters?

A. Yes, I have a daughter.

Q. And her name?
A. Lily Chandler.
Q. And how old is Lily right now?
A. 17 years old.
Q. Now, in 1992 and 1993, were you married?
A. Yes, I was.
Q. And to whom were you married?
A. To David Schwartz.
Q. And is David Schwartz the father of either of your children?
A. Yes.
Q. Which one?
A. Lily Chandler.
Q. And prior to your marriage with David Schwartz, you were married to Evan Chandler, correct?
A. Correct.
Q. And Evan Chandler is the father of Jordan Chandler?

A. Correct.
Q. What is Jordan’s date of birth?
A. January 11th, 1980.
Q. And to your knowledge, had -- by the time of the events in 1992 and ‘93, had Evan Chandler remarried?
A. Yes.
Q. And do you know his wife or did you know his wife at that time?
A. Yes, I did.
Q. And her name is?
A. Natalie Chandler.
Q. And did they have any other children?
A. Yes, they did.
Q. And the child’s name?
A. Nicky Chandler. And Emmanuelle Chandler.
Q. And at the time of 1992 and 1993, can you give us the approximate ages of those children?
A. As best as I can recall, seven and four.
Q. And who is the oldest?
A. Nicky Chandler, the son.
Q. Okay. Now, I want to show you some photographs. The first photograph we have that’s marked is 793, the next one is 794, and the next one

is 795, okay?

The first one, 793, I'll ask you if you recognize the person depicted in that photograph?

A. No, I do not.

Q. Have you ever seen that person before?

A. Not that I recall.

Q. And I want to show you a photograph marked as 794, or Exhibit 794. Do you recognize the people depicted in that photograph?

A. Not that I recall.

Q. Neither the top nor the bottom?

A. He might look familiar.

Q. Okay. And the bottom photograph?

A. I don't recall.

Q. And with regard to Exhibit No. 795, do you recognize any of the people depicted in that photograph?

A. I recall this boy and Michael Jackson.

Q. All right. "This boy" meaning the person on the far left-hand side of the Exhibit 795?

A. Correct.

Q. And do you recall the boy's name?

A. Brett Barnes.

Q. Do you recall where you saw Mr. Barnes, or the child Barnes?

A. At Neverland.

Q. Okay. So with regard to the Photographs 793, 794 and 795, none of those photographs are pictures of your son, correct?

A. No. No.

Q. I want to show you 776; ask you if you recognize that photograph?

A. Yes, I do.

Q. And who is that?

A. That's my son.

Q. Your son?

A. Jordan.

Q. All right. Thank you.

Your Honor, with the Court's permission, I'd like to publish these just so the jury knows what the witness has testified to.

THE COURT: Yes.

MR. SNEDDON: And we’re going to do it on the Elmo, Your Honor. So if we could have that. All right, Gordon?

Q. All right. The photograph that’s on the board that’s 793 is an exhibit of the child with the long black hair. And that is not your son, Jordan Chandler?

A. No, it’s not.

Q. All right. And the next exhibit would be 794. And specifically I’m going to direct your attention to the child sitting on the floor with the arrow drawn up to him. Do you recognize that child?

A. Barely.

Q. Who do you think that -- when you say “barely,” who do you recognize --

A. I would say it’s probably a younger photo of the boy above.

Q. And do you recognize who the boy above in

that photograph is?

A. I think that’s Brett Barnes.

Q. Okay. And the last photo is 795. And you indicated the child on the far left-hand side of the photograph; is that correct?

A. Correct.

Q. The child with the hat next to Mr. Jackson?

A. Correct. That’s Brett Barnes.

Q. That’s Brett Barnes. All right. Thank you. And lastly, the photograph marked as 776, you’ve identified that as your child, Jordan, correct?

A. My son Jordan.

Q. Your son Jordan?

A. Yes.

Q. All right. Thank you. We can have the lights again, Your Honor. Now, Mrs. Chandler, do you recognize the defendant in this case, Michael Jackson?

A. I do.

Q. And have you been in Mr. Jackson’s presence before?

A. Yes.

Q. Now, your son Jordan, did you have -- let me go back in time. Did you have an occasion where you

actually met Michael Jackson?
A. Yes, I had an occasion.
Q. For the first time?

A. Yes.
Q. Would you tell the ladies and gentlemen of the jury, where did that occur?
A. That occurred at my ex-husband's employment, Rent-A-Wreck.
Q. And where is that located?
A. In West L.A.
Q. And was -- do you remember about approximately when that occurred?
A. It was in the summer of '92. Late summer.
Q. And were you actually at the -- your husband's place of business when Mr. Jackson showed up?
A. After he showed up, yes.
Q. Okay. You received a telephone call from someone?
A. Yes, from my ex-husband.
Q. And by the way, your ex-husband's name is what?
A. David Schwartz.
Q. Did you ever take Mr. Schwartz's last name?
A. No, I did not.
Q. So you've always been June Chandler?
A. I've always been June Chandler.
Q. So you received a telephone call and then you went down to his place of business?
A. Yes, I did.
Q. With regard to your son Jordan, did Jordan

go with you?
A. Yes, he did.
Q. Was Mr. Jackson there?
A. Yes, he was.
Q. And do you recall how long you were with Mr. Jackson and Jordan that day?
A. Briefly. Five minutes. Ten minutes.
Q. And did -- was there any information exchanged between you and Mr. Jackson that day?
A. Yes.
Q. And what was that?

A. I said, “If you would like to see Jordie or if he could call you or if you’d like to speak to him, here is our number, and you can give him a call.”

Q. And you gave that to Mr. Jackson?

A. Yes, I did.

Q. Now, let me go back in time. Before this meeting that you had at your husband’s place of business in 1992, had Jordan ever expressed, to your knowledge, some admiration for Mr. Jackson?

A. Oh, very much so, yes.

Q. How did he display that admiration?

MR. MESEREAU: Objection; hearsay.

MR. SNEDDON: I didn’t ask for a statement, Your Honor. I asked for a display.

THE COURT: All right.

He’s not asking for anything that was said. Do you understand the question?

THE WITNESS: Would you repeat the question, please?

Q. BY MR. SNEDDON: Yes.

How did your son Jordan, prior to this meeting that occurred at David Schwartz’s place of business, express -- display his admiration for Mr. Jackson?

A. He had a little sparkly jacket that he would wear to parties. He would have a glove like Michael Jackson, and dance around like Michael Jackson.

Q. And this was all before he met Mr. Jackson?

A. Before he met Michael Jackson, yes.

Q. Now, after the incident occurred where there was an exchange where you gave Mr. Jackson your telephone number -- and let me go back and ask you a question about that. Was the telephone number you gave him your home number?

A. Yes, it was.

Q. Did -- to your knowledge, did Mr. Jackson ever call your son Jordan?

A. Yes, he did.

Q. And do you recall, for the ladies and gentlemen of the jury, approximately what the time span was from the incident that occurred at your ex-husband’s place of business to the time that Mr.

Jackson actually called your son?

A. To the best of my recollection, it could have been a month or two after our first meeting with Michael Jackson at Rent-A-Wreck.

Q. Were you actually in the room when Mr. Jackson called?

A. I don’t recall being in the room, but I might have been.

Q. Do you recall at some time visiting Neverland Ranch?

A. Yes, I do.

Q. Do you recall approximately when that occurred?

A. I recall around February.

Q. Of?

A. 1993.

Q. 1993?

A. Yes.

Q. So what I want to ask you is, between the time that Mr. Jackson started calling your son to the time that you went to Neverland Ranch, can you give the jury some idea of the number of times Mr. Jackson called your son Jordan?

A. To the best of my recollection --

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. SNEDDON: Were you present in the house when these conversations occurred?

A. Yes, I was.

Q. Did you sometimes answer the phone?

A. Yes.

Q. And Mr. Jackson was on the line?

A. Yes, he was.

Q. And were you also present in the house during the time to observe the length of the conversations between your son and Mr. Jackson?

A. Yes, I was.

Q. On more than one occasion?

A. Absolutely.

Q. All right. So based upon your observations and the things that you saw and the things that you heard, give us an estimate of the number of times, that you know of, that Mr. Jackson called your son Jordan.

A. I would say eight to ten times.

Q. And with regard to those conversations in which you have personal knowledge of the length of time, could you give the jury some idea of how long these conversations lasted?

A. It was from maybe ten minutes, to an hour, or an hour and a half. It progressed. It got longer and longer.

Q. Could you describe to the jury what your son’s reaction was to these phone calls?

A. He was excited to hear from him. They were talking about things that interested Jordie, so, um --

Q. In those occasions where you picked up the phone and you talked to Mr. Jackson, did he tell you where he was?

A. No, he didn’t tell me. No.

Q. Now, how is it that you and Jordan ended up going to Neverland Valley Ranch for the first time?

A. We were invited to go to Neverland, because during those conversations, Michael Jackson said, “Would you like to come to visit? When I am finished touring,” he was doing a European tour, I think, he said we can come and visit. And my son was very excited to be able to go up there and see Neverland.

Q. Now, the first time you went to Neverland, you told the jury it was sometime in February of 1993. How did you get there?

A. I drove.

Q. And who went with you besides Jordan, if anyone?

A. My daughter Lily.

Q. And at this point in time, how old was Lily?

A. Was seven, I think. Seven or eight.

Q. And Jordan was born in 1980, so he was 13 years old at the time you made the first visit, correct?

A. 12, 13, yes. Yes.

Q. And do you recall whether it was during the week or on a weekend that you visited?

A. On a weekend.

Q. During the time that you were -- during this first visit, do you recall how many days you were there?
A. Oh, two nights.
Q. Okay. So two nights and at least two days and possibly a third day?
A. Two nights. There was not a third day.
Q. And where did you stay while you were at the ranch?
A. Guest cottage.
Q. Where did you personally stay?
A. The guest cottages at Neverland.
Q. And was there somebody in your cottage with you?
A. Yes, my daughter and my son.
Q. So Jordan stayed with you and Lily in the same cottage?
A. Yes.
Q. And was this during the entire length of this first visit?
A. Yes.
Q. And while you were at the ranch during the first visit, did you see Mr. Jackson?
A. Yes, we did.
Q. And did you spend time with Mr. Jackson?
A. Yes, I did.
Q. Did you spend a lot of time with Mr. Jackson?

A. Yes.
Q. And when you say, “Yes, I did,” can you tell us about what Jordan and Lily did?
A. We were all either taking rides on the Ferris wheel, playing video games. Jordie and Michael were playing video games. I was watching. Lily was playing. We looked at his animals that he had. Just different things that were at Neverland.
Q. Okay. And I think you’ve described that as being an amazing weekend?
A. Yes. Fun.
Q. Now, during the time that you were there on this first visit, do you recall whether or not you

went with Mr. Jackson to a business called Toys-R-Us?
A. Yes.
Q. And could you tell us about that?
A. I guess it was after hours, after Toys-R-Us closed, and Michael said, “Jordie and Lily, you get to go shopping and buy toys, get toys.”
So we went and --
Q. When you say “we went,” who’s “we”?
A. Lily and Jordie and Michael and I went. And they had fun. They were shopping and Michael bought lots of things for them. They picked out stuff, and they were showered with great presents from Toys-R-Us.
Q. And Mr. Jackson paid for all of that?

A. I -- yes, he did.
Q. You didn’t, right?
A. No.
Q. Now, after you left Neverland Valley Ranch after this first visit, did you ever go back to Neverland Valley Ranch?
A. Yes.
Q. And do you recall how much time elapsed between the first time you went there and the second time you went back?
A. It could be a week later or two weeks after.
Q. And when you went back the second time, do you recall how you got there?
A. I -- to the best of my recollection, I was picked up by Michael Jackson.
Q. When you say “picked up by Michael Jackson,” in what form of transportation was that?
A. In his car, limo.
Q. And who else was with you when you got picked up? I mean, from your family. Let’s start that way first.
A. It was Lily, my daughter, and Jordan.
Q. So the three of you?
A. My son.
Q. The three of you went back to the ranch?
A. Right.
Q. Was there anybody else in the limo that you recall with Mr. Jackson?

A. Well --
Q. Let me go back and make something clear.
A. Sure.
Q. Was Mr. Jackson actually in the limo himself?
A. Yes, he was.
Q. Now, let’s ask the question --
A. Okay.
Q. -- was there anybody else in the limo other than Mr. Jackson and the three of you?
A. Yes, there was Brett Barnes.
Q. And do you recall where Mr. -- where the child Brett -- let me ask you this: With regard to Brett Barnes, can you estimate about approximately what age you felt Brett Barnes was at this point?
A. 11. 10, 11.
Q. So he was a child?
A. He was a child.
Q. And where was Brett Barnes in the car in relationship to Mr. Jackson?
A. Sitting next to Michael Jackson.
Q. Now, on the second visit you went to the ranch, do you recall how long you stayed?
A. A weekend.
Q. And did you spend time -- did you personally spend time with Mr. Jackson that weekend?
A. Yes, I did.
Q. Did Jordan spend time with him that weekend?

A. Yes, he did.
Q. And did you see Brett Barnes around there that weekend?
A. Yes. I don’t really remember, but yes, he was there, too. Yes, he was enjoying that time also.
Q. And where did you personally sleep during your stay, the second visit to Neverland Valley Ranch?
A. Guest cottages.
Q. Where did Lily stay?
A. In the guest cottages.
Q. And where did your son Jordan stay?
A. In the guest cottages.

Q. Now, the guest cottages are all located in one general area, correct?
A. Yes.
Q. They're all sort of connected into one building?
A. Correct.
Q. With regard to that building, did you ever see Brett Barnes anywhere around the building and the cottages?
A. Not that I recall.
Q. Now, how did you get home from Neverland on this second visit?
A. We were driven home.
Q. In a limo?

A. Yes.
Q. Was Mr. Jackson present?
A. I don't recall.
Q. Was there ever an occasion where you went to Disneyland?
A. Yes.
Q. And do you recall when that happened in relationship to like either one of these first, second visits?
A. That could have been that weekend, the second weekend that we were at Neverland that we went -- instead of going to Los Angeles, we went to Anaheim, to Disneyland. It could have been that weekend.
Q. And who all went to Disneyland?
A. I remember Jordan, Lily, Michael and I, and perhaps Brett.
Q. Now, did you ever have an occasion to visit Neverland Valley Ranch again?
A. Yes.
Q. And do you remember approximately how much time elapsed between the second visit and the third visit?
A. It could have been a week. A weekend.
Q. And when you went to the ranch on this third occasion, was Mr. Jackson present?
A. Yes, he was.
Q. And where did you sleep?

A. In the guest cottages.

Q. And where did Lily sleep?

A. In the guest cottages.

Q. And where did Jordan sleep?

A. In the guest cottages.

Q. At some point in time during any one of these three visits to -- these three visits you've described to the jury, did your son request to sleep in Mr. Jackson's bedroom?

A. Yes --

MR. MESEREAU: Objection; leading.

THE WITNESS: -- he did.

THE COURT: Overruled. Next question.

Q. BY MR. SNEDDON: And do you recall during which one of the visits it was that the request came?

A. Oh, the third visit.

Q. And did you allow him to do that?

A. No, I did not.

Q. Did you notice -- I may not have asked this with regard to the third visit, but you indicated in at least the first visit that Jordan slept with you in your guest cottage, correct?

A. Correct.

Q. In the second visit, did Jordan sleep with you in your guest cottage?

A. Yes, he did.

Q. And the third visit, did Jordan sleep with you in your guest cottage?

A. Yes, he did.

Q. Did you notice anything with regard to what time of the day or night it was that Jordan finally came to your cottage to go to bed?

A. I assume it was late, after eleven o'clock.

Q. Why do you assume that?

A. Because they were playing all day and all night. And it was a weekend. He did not have school, so he was allowed to stay up later than 11:00.

Q. During any of your visits to Neverland Valley Ranch, did you ever meet any children from New Jersey?

A. Yes.

Q. Do you remember their names?
A. Frankie and Eddie.
Q. And with regard to Frankie at this point in time, do you recall approximately how old Frankie was?
A. Around the same age as Jordan, or maybe younger.
Q. And how about Eddie?
A. I don’t recall. I don’t know which one is which.
Q. Do you recall their last name at all?
A. Cascio.
Q. And do you remember which one of the visits to the ranch was it that you met Frank Cascio?

A. No, I don’t.
Q. Was there -- was there some point in time when you took a trip with Mr. Jackson to Las Vegas?
A. Yes, there was.
Q. And do you remember when that trip occurred? Just approximately what month, for instance?
A. The end of March.
Q. Of 1993?
A. Of ‘93. Correct.
Q. Excuse me, my allergies are acting up today. How did you get to Las Vegas?
A. By jet, private jet.
Q. And who was with you on the jet?
A. My son Jordan, Lily, myself and Michael.
Q. And when you got to Las Vegas, where did you stay, what hotel?
A. The Mirage Hotel.
Q. And when you got to The Mirage Hotel, do you remember what time of day or night it was?
A. No.
Q. Do you remember how long you stayed in Las Vegas on this occasion?
A. Two or three nights.
Q. Now, when you got to Las Vegas, did you have -- obviously you had a room --
A. Correct.
Q. -- in The Mirage.

And who was in your room when you first got there? Who was staying in your room?

A. Jordan, myself, Lily and Michael.

Q. All in the same room?

A. Correct.

Q. Now, did those arrangements change at any point in time?

A. Yes.

Q. And when did they change?

A. The second night things changed.

Q. With regard to “things changed,” could you tell me what changed first?

A. Well, there were approximately three bedrooms in that suite at the Mirage Hotel. Lily and I were staying in one bedroom, Jordie had another bedroom, and Michael had another bedroom. The second night, they were going to see a performance, Cirque du Soleil performance.

Q. “They” meaning who?

A. Jordie and Michael --

Q. Okay.

A. -- and Lily and I. It was around 11 p.m. at night, and I got a call from somebody at Cirque du Soleil saying, “Where is Michael?” And I said, “He should be there with my son.” They said, “He’s not here.”

A little while later, another call, he still didn’t show up. They still did not show up. And

I -- there’s a knock on the door and it’s Michael and Jordan, and they came back into the suite. Michael --

Q. Now, let me stop you right there, okay?

A. Yes.

Q. About what time is it when your son Jordan and the defendant in this case, Mr. Jackson, showed up?

A. Well, I think the performance started at 11:00, and I would say Jordan and Michael showed up around 11:30.

Q. Now, could you describe for the jury Mr. Jackson’s demeanor at the time that they came back to the room?

A. He was sobbing. He was crying, shaking, trembling.

Q. Michael Jackson was?

A. He was.

Q. And what about your son’s demeanor?

A. He was quiet.

Q. Now, at that point in time, did Mr. Jackson tell you why he was upset or crying?

A. Yes.

Q. All right. Tell the jury what he said.

A. He said, “You don’t trust me? We’re a family. Why are you doing this? Why are you not allowing Jordie to be with me?” And I said, “He is with you.” He said, “But my bedroom. Why not in my bedroom? We fall asleep, the kids have fun. Boys” --

MR. MESEREAU: Objection. Nonresponsive; narrative.

THE COURT: Narrative; sustained.

Q. BY MR. SNEDDON: All right. Tell us what - Mr. Jackson said that he wanted your son to sleep with him in his bed - what you said to Mr. Jackson.

A. What I said to Michael was, “This is not” -- “This is not anything that I want. This is not right. Jordie should be able to do what he wants to do. He should be able to fall asleep where he wants to sleep.”

Q. Is this you talking or Mr. Jackson speaking?

A. I was saying this. And Michael was trembling and saying, “We’re a family. Jordie is having fun. Why can’t he sleep in my bed? There’s nothing wrong. There’s nothing going on. Don’t you trust me?”

Q. All right. How long do you think this conversation lasted between you and Mr. Jackson over where Jordan was going to sleep that night?

A. I would say 20 to 30, 40 minutes.

Q. So it was a back-and-forth conversation; is that right?

A. Yes.

Q. Do you recall how many times during that conversation that Mr. Jackson emphasized the fact that you didn’t trust him?

MR. MESEREAU: Objection; leading.
THE WITNESS: No, I don't recall how many times --
THE COURT: Just a moment.
THE WITNESS: I'm sorry.
THE COURT: Overruled.
Go ahead. You may answer.
Q. BY MR. SNEDDON: Go ahead.
A. I don't recall how many times.
Q. Was it on more than one occasion?
A. Absolutely, yes.
Q. Was it on many occasions?
A. Quite a few.
Q. Do you remember how many times during the conversation that Mr. Jackson emphasized to you that you were family?
A. Many times.
Q. Did you at some point in time relent and allow your son to sleep with Michael Jackson in his bedroom?
A. Yes, I did.
Q. And was it after that discussion on that night?
A. Yes.
Q. Is that the first occasion?
A. Correct.

Q. When you were in Las Vegas, do you remember how many of the nights in Las Vegas that your son Jordan slept with the defendant, Michael Jackson, in Michael Jackson's room?
A. I would say two occasions.
Q. Now, at some point in time after you had agreed to let your son Jordan sleep with Mr. Jackson, were you the recipient of a gift from Mr. Jackson?
A. Yes, I was.
Q. Would you describe that to the jury?
A. It was a gold bracelet, and it was given to me by Michael.
Q. And you say "a gold bracelet." Had you seen that gold bracelet in a shop of some kind before?
A. I had seen it before, yes.
Q. And the brand name on that bracelet?

A. Cartier.

Q. Was it expensive, to your knowledge?

A. Oh, I -- yes, it was.

Q. When was it you received this gift in relationship to having agreed to allow your son to sleep in bed with Mr. Jackson?

A. I think it was the next evening when we were attending a show, a magic show, by David Copperfield.

Q. Mrs. Chandler, do you recall after Las Vegas where you went, where you personally and Jordan went? When you came back from Vegas, where did you go; do you recall?

A. After Vegas, I -- it could be back to Disneyland, back to Neverland, or home. I’m not exactly certain.

Q. Was Mr. Jackson with you wherever it was that you went? Did he go back with you, in other words?

A. Yes, he did.

Q. And did Mr. Jackson continue to spend his nights with your son in the same room, in the same bed, from Las Vegas, from that point on?

A. Yes.

Q. Were there other visits to Neverland Valley Ranch after you came back from Las Vegas?

A. Yes, there were.

Q. And were there occasions when your son went up to the ranch where you and Lily did not accompany him to the ranch?

A. Yes.

Q. Do you remember on how many such occasions?

A. I would say two or three times.

Q. And were there occasions also where you and Lily and Jordan also went up to the ranch after Las Vegas?

A. Yes.

Q. And on those occasions when you went up to the ranch after Las Vegas, where did you stay?

A. I stayed in the guest cottages.

Q. And where did Lily stay?

A. In the guest cottages.

Q. And where did Jordan stay?
A. In Michael Jackson's bedroom.
Q. Were there ever any occasions that you recall where you actually, when you got to the ranch, that you would take Jordan's suitcase in and take it into Mr. Jackson's bedroom and leave it there?
A. Possibly.
Q. So you knew that he was going to be spending the night with Michael Jackson in Michael Jackson's bedroom at this point in time?
A. Yes.
Q. Now, were there occasions after you got back from Las Vegas -- let me -- where Mr. Jackson actually was invited to stay at your residence where you lived at this point in time?
A. Yes.
Q. Now, what city was it that you lived in at this time?
A. Santa Monica.
Q. We're talking about 1993, in the spring, right?
A. Correct.
Q. Okay. Where did you live?
A. Santa Monica.

Q. And at this point in time, was Mr. Schwartz living with you?
A. No, he wasn't.
Q. So in the household was there anybody besides you and Jordan and Lily?
A. My housekeeper.
Q. And was that a full-time housekeeper?
A. Yes, she was.
Q. 24 hours a day?
A. Yes.
Q. Did she live in the house?
A. Yes, she did. She was a live-in.
Q. That's what I meant. Sorry. Clumsy question.
And during this time, did Mr. Jackson ever spend the night at your residence?
A. Yes, he did.
Q. And do you recall on how many occasions Mr.

Jackson spent the night at your residence?

A. I would say more than 30 times.

Q. And were some of those occasions on consecutive days or nights?

A. Yes.

Q. And how long consecutively do you think that that occurred?

A. Oh. It could be a week or two at a time.

Q. Where did Mr. Jackson stay in the house?

A. In Jordan’s bedroom.

Q. Are there more than one bed in that room?

A. No.

Q. I am assuming that Jordan was going to school during this period of time.

A. He was.

Q. So Mr. Jackson would spend the night there. What would happen when Jordan would go to school? To your knowledge, what did Mr. Jackson do?

A. Michael would leave.

Q. And approximately what time would he return?

A. After Jordan came home from school.

Q. And so was this the routine that was followed during the time that Mr. Jackson was staying at your residence?

A. Yes.

Q. Did you ever -- have you ever been to Disney World --

A. Yes.

Q. -- in Orlando, Florida?

A. Yes.

Q. And have you been to Disney World with the defendant in this case, Michael Jackson?

A. Yes.

Q. And do you remember approximately when it was that you went to Disney World with Mr. Jackson?

A. I would say in May.

Q. Of ‘93?

A. Of ‘93.

Q. And when you went to Disney World with Mr. Jackson, who else went with you?

A. Jordan and Lily.

Q. Do you recall where you stayed?

A. I recall The Grand Floridian was one hotel.

Q. And during the time that -- do you remember how many days -- did you go there on more than one occasion?

A. Yes, we did.

Q. How many occasions?

A. Twice.

Q. And do you recall what the sleeping arrangements were on the first occasion?

A. Jordie was with Michael and Lily was with me.

Q. And when you say “with Michael” --

A. In Michael’s bedroom.

Q. Now, during the time that you visited Disney World in Orlando, would you describe the nature of the relationship that was going on, that you observed personally, between the defendant in this case, Michael Jackson, and your son Jordan?

A. The behavior, you say?

Q. Yeah.

A. The behavior with my son was he was not wanting to be with Lily and I anymore, and he was just with Michael the whole time, and he wasn’t too happy. Just -- well, I couldn’t -- I didn’t have

any communication with him really.

Q. Was this something that you observed for the first time in Orlando or was this something that you began to observe over a period of time?

A. It was a period of time, and it gradually happened.

Q. Did you notice any change in your son --

A. Yes.

Q. -- Jordan?

A. Yes.

Q. What was the nature of the change?

A. Well, he started dressing like Michael. He started acting withdrawn, sort of smart-alecky. Not as sweet as he normally was. And withdrawn. He just didn’t want to be with us, Lily and I.

Q. Had you always been close prior to that?

A. Extremely close.

Q. Do you -- I think you answered this, but just in case, how many days did you think you were in Florida?

A. Oh, I don't really remember, but it's probably more than two nights. Two, three nights.

Q. And after you came back from Florida, do you recall where you went?

A. After that, I think the next trip was to Monaco.

Q. In between the time that you went to Florida and to Monaco, do you recall where you were -- where you were personally staying?

A. No. I guess home.

Q. Do you remember how much time elapsed between the two trips?

A. Not really, no.

Q. Was it more than a month, more than a week? Obviously it was more than a day or so.

A. Yes. It was a couple -- it could be three weeks.

Q. And during that time when you got back from Florida till the time that you left for Monaco, were you with Mr. Jackson?

A. At times.

Q. And the times that you were with Mr. Jackson, was Jordan with Mr. Jackson?

A. Yes.

Q. And when he's with Mr. Jackson, where did he sleep?

A. With Mr. Jackson.

Q. Do you know somebody by the name of Joy Robeson?

A. Yes.

Q. Do you know somebody by the name of Wade Robeson?

A. Yes.

Q. And do you recall where it was that you met Joy Robeson?

A. Yes, I do.

Q. Where was that?

A. That was at Neverland, one of the visits.

Q. Do you recall when it was that you met Wade Robeson?

A. One of the visits to Neverland.

Q. And do you recall approximately which visit it would have been or what month it would have been that you met these individuals?
A. It could have been my third visit to Neverland.
Q. Did you meet them on more than one occasion?
A. I met Wade on more than one occasion, yes.
Q. And how many times did you meet Joy Robeson?
A. One.
Q. One occasion?
A. That I remember.
Q. There were occasions when Wade Robeson was there that the mother was not there?
A. Correct.
Q. Now, you’ve indicated to the jury on at least one occasion, perhaps two, that Brett Barnes was also at Neverland Valley Ranch?
A. Yes, he was there too.
Q. And did you ever meet Brett Barnes’ mother?
A. No.
Q. So he was at the ranch by himself also?
A. Oh, yes. Yes, he was.
Q. Did you ever meet a Mr. Robeson, the father?

A. No. No, not that I remember.
Q. Did you ever meet a Mr. Barnes at any point?
A. Not that I remember, no.
Q. So no fathers in the picture?
A. No.
Q. Now, prior to the time that you met Joe Robeson for the first time - okay? --
A. Yes.
Q. -- on your visit to Neverland Valley Ranch, did you have a discussion with the defendant in this case, Mr. Jackson, with regard to some warnings that Mr. Jackson gave you about Joy Robeson?
A. Yes.
Q. What did Mr. Jackson tell you?
MR. MESEREAU: Objection. Relevance.
MR. SNEDDON: I think it’s an admission of Mr. Jackson with regard to the relationship with the boys.
MR. MESEREAU: Relevance and hearsay.
THE COURT: I’m not sure what you’re trying

to introduce. I’m searching my memory for that. I don’t know, maybe you should approach with counsel.

MR. SNEDDON: Thank you, Your Honor.

(Discussion held off the record at sidebar.)

Q. BY MR. SNEDDON: Mrs. Chandler?

A. Yes.

Q. Okay. Now, you had a conversation with Mr. Jackson, is that correct?

A. Yes.

Q. Now, at the time -- and please do not tell us what was said, but did you subsequently have a conversation with Miss Robeson --

A. Yes, I did.

Q. -- wade’s mother?

A. Correct.

Q. Okay. Now, after that conversation, did you develop any concerns about some of the things that she had told you?

A. I --

Q. I think you have to answer that “yes” or “no.” We don’t want to get into what she said.

A. Yes.

Q. And with regard to that particular conversation, let me ask you this: Had you been invited by the defendant in this case, Mr. Jackson, to go on a tour with him, you and Jordan?

A. Yes.

Q. And where were you invited by Mr. Jackson to go on a tour?

A. I don’t know where the tour was going. I guess a world tour somewhere in the summertime.

Q. Do you know where Miss Robeson, Mrs. Robeson, was from, what country?

A. Australia.

Q. Do you know whether one of the stops on that tour was going to be Australia?

A. I think it was, yes.

Q. Okay. Let’s talk a little bit about your trip to France.

A. Yes.

Q. Do you recall approximately when that was?

A. I think the middle of May.

Q. And how did you get there?

A. We flew.

Q. And was it on a charter or a commercial airline?

A. Commercial airline.

Q. And you say “we,” so could you tell us who it was that you went with?

A. My daughter, my son and Michael.

Q. And when you got to France, where in France did you stay?

A. Monaco.

Q. And how long were you in Monaco?

A. Approximately four days.

Q. And during the time that you were there, where did your son Jordan sleep?

A. In Michael Jackson’s bedroom.

Q. Now, did you ever go into that bedroom?

A. Yes.

Q. And were they in bed together on occasion?

A. On occasion, yes.

Q. Now, during the time that you were in Monaco, did you do any shopping?

A. Yes.

Q. And how was it that you -- well, let me put it this way: Who went shopping with you?

A. My daughter.

Q. You and Lily?

A. Yes.

Q. And how many days did you do that?

A. Oh. One day.

Q. And who was paying for the --

A. Michael was.

Q. I’m sorry?

A. Michael was.

Q. And how did he arrange that?

A. I think I was given a credit card, his credit card.

Q. So you went shopping in Monaco on Michael Jackson’s credit card, you and your daughter?

A. Yes.

Q. Now, during this trip, did either your son or Mr. Jackson get ill?

A. Yes, they both did.

Q. They had the flu?

A. Yes.

Q. And were they in the room together the entire time?

A. Yes.

Q. And when you went to France, did you go to any other country, any other places in France, other than Monte Carlo?

A. We also went to Euro Disney outside of Paris.

Q. And do you recall how long you were there?

A. A couple of days.

Q. Again, when you say “we,” you’re talking about Jordan and Lily, and was the defendant with you?

A. Yes, he was.

Q. And you say you spent a couple of days. Where did Jordan sleep?

A. With Michael Jackson.

Q. Now, do you have a brother?

A. Yes, I do.

Q. What’s your brother’s name?

A. I have two brothers.

Q. What are their names?

A. Steven Wong and Dale Wong.

Q. And was there a time when one of your brothers -- where do they live? Let’s go that way.

A. One lives in Los Angeles. And the other lives back east in New Jersey.

Q. And was there a time when you went back east for a family wedding?

A. Yes.

Q. Do you remember about what month that was?

A. That was in September.

Q. And do you recall who it was who was getting married?

A. Yes.

Q. Who was that?

A. That was my brother Steve and his wife.

Q. And when you went back for the wedding, what city did you go to?

A. We went to New York City.

Q. And when you went back there, who went with you?

A. My son, my daughter, and myself.

Q. And when you first got there, where did you stay?

A. We stayed in a hotel.

Q. Do you remember the name of the hotel?

A. Yes, The Rega Royal Hotel.

Q. And do you know who made the arrangements for that hotel?

A. Yes, I do.

Q. Who was that?

A. Norma Stakos.

Q. And do you know who Mrs. Stakos is? Had you had prior dealings with Mrs. Stakos?

A. Yes.

Q. On a number of occasions?

A. Telephone conversations only.

Q. And who did she work for?

A. She worked for Michael Jackson.

Q. And so she made the reservations for you at

the hotel?

A. Yes.

Q. When did you learn that Mr. Jackson was going to be with you in New York? Before or after you left?

A. Before.

Q. Do you remember how many days before you learned that?

A. Not really, no. I don’t remember.

Q. On the day of the actual wedding, was Mr. Jackson there?

A. No, he was not.

Q. When did he show up in relationship to the wedding?

A. After the wedding.

Q. Do you remember how many days he showed up, how many days later?

A. It could be two days later.

Q. Now, when Mr. Jackson got there, did you see him?

A. That evening briefly.

Q. Okay. Now, had something happened during

the time that you were in New York with your son Jordan before Mr. Jackson arrived which caused some problems in the family?
MR. MESEREAU: Objection. Leading and vague.
THE COURT: Overruled.

You may answer.
THE WITNESS: Yes.
Q. BY MR. SNEDDON: What was it?
A. Jordan was spending too much time with Michael. I was getting upset. My brother was also with me, and he was saying --
MR. MESEREAU: Objection; hearsay.
Q. BY MR. SNEDDON: Don’t tell us what he said, but --
A. Okay.
Q. -- could you describe his demeanor to us?
A. Jordan was not with us. He didn’t want to be with us. He was very -- he was sullen.
Q. Now, during this time, Mr. Jackson was not there, correct?
A. Correct.
Q. And to your knowledge, from your own personal knowledge, were Mr. Jackson and your son Jordan in communication with each other during this period of time?
A. Yes.
Q. By what method?
A. Telephone.
Q. And the frequency?
A. Often. Often. Long conversations.
Q. And was your brother upset by the situation, too?
A. Yes.

MR. MESEREAU: Objection; leading.
THE COURT: Sustained.
MR. MESEREAU: Move to strike.
THE COURT: Stricken.
Q. BY MR. SNEDDON: Could you describe to the -- describe your brother’s reaction to this situation that was -- that existed between Mr. Jackson and your son Jordan.

A. Yes. My brother was happy for Jordan, but he didn’t like that Jordie was just spending time with Michael and not with his family.

Q. Now, when Mr. Jackson showed up in New York, do you recall where he was staying?

A. Yes, he was staying across the hallway from my room.

Q. And when Michael Jackson showed up, where did Jordan sleep?

A. When Michael Jackson showed up, he slept in Michael’s room.

Q. Now, when Mr. Jackson showed up the first night, was there an incident that occurred in your room?

MR. MESEREAU: Objection; leading.

THE WITNESS: My room?

Q. BY MR. SNEDDON: Yeah.

A. Yes, there was an incident.

MR. SNEDDON: You have to wait till the Judge rules.

THE COURT: Overruled.

You can answer.

Q. BY MR. SNEDDON: Okay, you can answer now.

A. Yes, there was an incident.

Q. Who was involved in the incident?

A. My daughter Lily --

Q. Okay.

A. -- Michael and Jordan.

Q. And when you got back to your particular room, did you notice any damage in the room?

A. Yes, I did.

Q. And what was damaged?

A. I noticed there was damage in the morning. There were two lamps that were broken.

Q. Now, did you at some point talk to Mr. Jackson about what had happened the night before?

A. Yes.

Q. And with regard to that conversation, did it involve Jordan?

A. Yes, it did.

Q. And did it involve you?

A. Yes, it did.

Q. And did it involve Mr. Jackson?

A. Yes, it did.

Q. And the relationship between the two or three of you?

A. Yes.

Q. Would you tell the jury what the

conversation was about?

MR. MESEREAU: Objection to the extent it calls for hearsay.

MR. SNEDDON: Your Honor, this involves the defendant and it involves statements that he makes.

THE COURT: But that’s not the question you asked. I’ll sustain the objection.

Excuse me. Sustain the objection.

Q. BY MR. SNEDDON: All right. Let’s do it this way. What did Mr. Jackson say about the situation?

A. “Why can’t we be a family? Why are you objecting to Jordie staying with me? Why can’t we be a family? Why don’t you trust me?”

He was upset that I wanted my son back; that I -- I didn’t like the situation. It was getting out of hand.

Q. Now, you’ve told the ladies and gentlemen of the jury that Mr. Jackson had given you a bracelet at one point in time and that you had gone shopping with Mr. Jackson on his credit card in Monte Carlo.

Were there any other occasions when Mr. Jackson gave you gifts?

A. Yes.

Q. What else did he give you?

A. He also gave me jewelry.

Q. And do you recall approximately when that was?

A. I think it was approximately in June.

Q. And what kind of jewelry?

A. A pair of earrings, a necklace, and a ring.

Q. And where were these items when you first saw them?

A. The boxes were open on my bed in Santa Monica.

Q. At your house?

A. Yes.

Q. Was Mr. Jackson staying at your house at that point in time?

A. Not really. Not really. He was there, in and out.

Q. In and out. Okay. Any other gifts you ever received from Mr. Jackson?

A. Yes, a gift certificate to a store.

Q. And the store?

A. To a store.

Q. Yes. The store?

A. Fred Segal.

Q. Now, to your knowledge, was there ever an occasion where your son Jordan and the defendant in this case, Michael Jackson, were at your ex-husband’s house, Evan Chandler?

A. Yes. Yes.

Q. And do you remember on how many occasions?

A. I would say one or two occasions.

Q. And do you remember the length of the stays on those occasions that Jordan stayed there?

A. A few days each time.

Q. So during this period of time you had custody of Jordan, correct?

A. Correct.

Q. Now, you told us, I think, that there were two trips to Florida?

A. Yes.

Q. Do you remember when the second trip was?

A. After June. July, early July possibly.

Q. And do you recall how long you stayed there on that occasion?

A. I would say two or three nights.

Q. And where did Jordan sleep on those occasions?

A. With Michael.

Q. Did Lily go with you on that trip?

A. Yes, she did.

Q. Had Jordan’s behavior or attitude changed in any respect since the first time you described his change from Florida, the first trip?

A. It was the same. Same.

Q. Father’s Day is in June, okay?

A. Yes.

Q. Do you remember a situation where you were with Jordan, your son, on Father’s Day?
A. Yes.
Q. In 1993?

A. Yes.
Q. I’m sure you were with him on other occasions. Do you recall where you were in 1993 on Father’s Day?
A. Yes, I was in New York.
Q. And to your knowledge, in your presence, did Jordan call his father on Father’s Day?
A. Eventually he did, yes.
Q. And initially, did you have a conversation with him?
A. Yes, I did.
Q. Did he want to call his father?
A. No, he didn’t.
MR. MESEREAU: Objection. Hearsay; move to strike.
THE COURT: Sustained. Stricken.
Q. BY MR. SNEDDON: As a result of the conversation that you had with your son Jordan, did he eventually call his father?
A. I think he did, yes.
Q. All right. At some point in time, did you receive a message of some sort from your ex-husband Evan about Mr. Jackson?
A. Yes.
Q. And don’t tell us what was said, okay? I just want to get the facts and the background to it. Where were you when you first heard the message?
A. In Michael Jackson’s car. In his limo.

Q. And was Mr. Jackson with you?
A. Not when I got that call.
Q. Did the call come directly to you or did you access it in some other fashion?
A. From another fashion.
Q. How was that?
A. Answering machine. I dialed in.
Q. So you dialed the answering machine on whose answering machine?
A. My answering machine at home.

Q. And there was a message on the machine from your ex-husband Evan, correct?

A. Correct.

Q. Did you at some point later play that message for Mr. Jackson?

A. I don’t recall.

Q. Are you familiar with a person by the name of Anthony Pellicano?

A. Yes, I am.

Q. And who is Anthony Pellicano, to your knowledge?

A. A private investigator.

Q. And was Mr. Pellicano introduced to you by somebody?

A. By Bert Fields and Michael Jackson.

Q. In relationship to this voice message that you received on your message machine at your house, do you recall how many days after that particular message, you received that message, that you were introduced to Mr. Pellicano and Mr. Fields by Mr. Jackson?

A. It could be a week later.

MR. MESEREAU: Objection. Move to strike; misstates the evidence; and no foundation.

THE COURT: Sustained, stricken.

Q. BY MR. SNEDDON: Did you meet Anthony Pellicano through the defendant, Michael Jackson?

A. Yes.

MR. MESEREAU: Objection; leading.

THE COURT: Overruled. The answer is, “Yes.” Next question.

Q. BY MR. SNEDDON: Did you meet Bert Fields through the defendant, Michael Jackson?

A. Yes.

Q. Were you present during conversations with Mr. Pellicano and Mr. Fields and Mr. Jackson?

A. Yes, I was.

Q. And this all occurred after the voice mail had been left on your message machine by your ex-husband Evan Chandler?

A. Yes, sir.

Q. Now, did the defendant, Michael Jackson, tell you who Anthony Pellicano was?

A. Yes, he did.

Q. What did he say about Mr. Pellicano?

A. “He can find out anything. He’s really good at this. He’s really good at investigating. If you’re having a problem, he’ll get to the bottom of it.”

Q. And Mr. Fields, Bert Fields, is what -- you know him by name. What occupation is he?

A. He’s an attorney.

Q. And he’s an attorney who works for who? Or at this point in time, who did you know he was working for?

A. He worked for Michael Jackson.

Q. Now, at some point in time, did you go to Mr. Pellicano’s office to be interviewed by Mr. Pellicano?

A. Yes.

Q. And did somebody go with you?

A. Yes.

Q. Who was that?

A. My ex-husband, Dave Schwartz.

Q. And was there anybody else present during this conversation?

A. I don’t remember. It could be Bert Fields also.

Q. Now, after that conversation, did you go somewhere else? Do you recall where you went?

A. To Michael Jackson’s home in Century City, apartment in Century City.

Q. And was Mr. Jackson there?

A. He might have been.

Q. At that particular location, was your son Jordan Chandler there, can you tell us?

A. Yes, he might have been there, too.

Q. Do you recall whether or not or do you recall an incident -- doesn’t have to be on that particular occasion, but do you recall an occasion whether or not your son Jordan Chandler was ever interviewed by Anthony Pellicano?

A. Yes, he was.

Q. Where did that interview take place?

A. In the Century City apartment.

Q. Were you present?
A. Yes.
Q. Were you present during the conversation?
A. No.
Q. Where were you?
A. Upstairs or in his -- somewhere else.
Q. And do you recall how long that conversation took?
A. Could have been 45 minutes.
Q. Now, after Mr. Pellicano and Mr. Fields were introduced to you by Michael Jackson, were you involved in some issues involving a change in custody of your son Jordan?
A. Yes.
Q. And were you -- were you presented with some papers to sign?
A. Yes, I was.

Q. And those papers did what?
MR. MESEREAU: Objection. Hearsay; foundation; relevance.
THE COURT: Foundation; sustained.
Q. BY MR. SNEDDON: The papers were presented to you by whom?
A. By Pellicano.
Q. And was Mr. Fields present?
A. I don’t think at that time.
Q. Do you recall if the defendant, Michael Jackson, was present?
A. No, he wasn’t.
Q. At some point in time did you have a conversation with Michael Jackson about signing those papers?
A. I don’t recall talking to Michael about the papers.
Q. Do you recall giving a statement to an attorney, a Deputy District Attorney with the Los Angeles District Attorney’s Office on September 3rd of 1993?
A. Yes, I do.
Q. And it was Miss Lauren Weis?
A. Yes, it was.
Q. And you gave a rather lengthy statement to Miss Weis?

A. Yes, I did.

Q. Do you recall telling Miss Weis that --

MR. MESEREAU: Objection. Leading; hearsay; move to strike.

MR. SNEDDON: It's foundational, or to refresh her recollection.

THE COURT: If you want to refresh her recollection with something, you can approach her and show the item.

MR. SNEDDON: All right. Counsel, page 95, lines 15 to 19.

MR. MESEREAU: Objection. Foundation, Your Honor.

THE COURT: You have to ask her if it will help refresh her recollection, or it might.

MR. SNEDDON: Can I show it to her first? That's the way counsel's been doing it.

MR. MESEREAU: No, I haven't at all.

THE COURT: Actually, he's been asking them if it would refresh their recollection if he showed them something.

MR. SNEDDON: All right.

Q. Do you recall that conversation?

A. Yes, I do.

Q. And -- and it occurred at a point in time when things were a lot fresher in your mind than they are now?

A. Yes.

Q. Would it help, perhaps, if you looked at the statement, that it might help refresh your

recollection?

A. Yes.

MR. SNEDDON: May I approach the witness, Your Honor?

THE COURT: Yes.

Q. BY MR. SNEDDON: Just read it to yourself. Start here and right down to here. How's that? Counsel, I'm having her read lines 11 to line 25.

MR. MESEREAU: I'm going to object to that. That's improper refreshing of recollection and it's hearsay, foundational, to have her just read it.

MR. SNEDDON: That’s all I’m asking her to do. I’m just trying to help you try to find out where it is.

THE COURT: All right. Just let her look at it. Counsel knows you can refresh a person’s recollection with anything.

MR. MESEREAU: Your Honor, I thought she was reading it out loud. That was my mistake. I withdraw the objection.

THE COURT: That would have been improper.

MR. SNEDDON: We’ve been down that road before.

THE COURT: All right, I’m sorry. Did we -- where are we?

(Laughter.)

MR. SNEDDON: I know where we are.

THE COURT: Is it break time yet? No.

(Laughter.)

MR. SNEDDON: I’m sorry, Judge. You’re going to have to suffer for six more minutes and you’re not getting out of here a minute early. Payback is you-know-what.

Q. All right. Mrs. Chandler, with regard to whether or not the defendant was present, did that refresh your recollection?

A. Yes, it does.

Q. And do you recall whether the defendant was present?

A. He was present.

Q. And does it refresh -- did the defendant, Michael Jackson, make statements to you with regard to the particular documents that you were being asked to sign?

A. Yes, he did.

Q. And do you recall what he told you?

A. He was frantic. He was begging me to, “Come over and sign this so there won’t be any lawsuits or anything. Just sign it, sign it.”

Q. And, in effect, what you signed did what to you personally?

MR. MESEREAU: Objection. Hearsay; foundation.

MR. SNEDDON: Let me go back, Judge. I

think I can correct this.

Q. I am assuming you read the document before you signed it?
A. Briefly.
Q. And you understood what it meant when you were signing it?
A. Not really.
Q. Okay. You understood -- well, let me ask you this: Did you understand -- if you didn’t understand all of it, you understood some of it, correct?
A. Yes, I did.
Q. Did you understand a part of it that had to do with who was going to have custody for the children temporarily?
A. Exactly, yes.
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
Q. BY MR. SNEDDON: I’m sorry?
A. Yes.
Q. And it wasn’t going to be you anymore?
A. Exactly.
Q. Did you sign that paper?
A. I did.
Q. Mrs. Chandler, I neglected to ask you about one other incident that occurred at Neverland Ranch, okay?
A. Yes.
Q. So pardon me if we can go back in time from where we are presently. And then we’re almost done, okay?

A. Okay.
Q. Do you recall whether there was ever any occasion where your brother and your sister-in-law ever visited Neverland Valley Ranch?
A. Yes, I do recall.
Q. Do you know approximately when it was that they visited Neverland Valley Ranch?
A. Approximately May.
Q. And do you know how long they were there?
A. For the day.
Q. Just came up for the day?

A. Yes. For the day.
Q. And do you recall, were you with them while they were at the ranch?
A. Yes, I was.
Q. Was Jordan at the ranch?
A. Yes, he was.
Q. Where was Jordan?
A. With Michael.
Q. Now, do you remember about what time it was when you left that day, you personally?
A. Before eight o’clock.
Q. Eight o’clock --
A. P.m.
Q. P.m. Now, do you recall seeing Mr. Jackson and Jordan before you left?

A. Yes.
Q. And where did you see them?
A. They were in Michael Jackson’s bedroom.
Q. And do you recall -- did you go into the bedroom?
A. Yes.
Q. Did you go in there with your brother and sister-in-law?
A. Yes, we did.
Q. And when you went into the bedroom, where was Mr. Jackson?
A. In the bedroom with Jordan.
Q. Do you recall where?
A. Could be on the bed.
Q. You don’t remember specifically?
A. Not specifically.
Q. Okay. And Jordan, do you recall where he was?
A. On the bed, too.
Q. Now, at some point in time, Mrs. Chandler, your son Jordan Chandler was involved in a lawsuit, Chandler versus Jackson, a civil lawsuit. Do you recall that?
A. Yes, I do.
Q. And were you a participant in that lawsuit as a representative of your son?
A. Yes, I was.
Q. And who was the lawyer who represented your

son during the majority of that litigation?
A. Larry Feldman.
Q. And to your knowledge, was a lawsuit filed on behalf of your son against the defendant, Michael Jackson?
A. Yes.
Q. And did you assist or help Mr. Feldman in the preparation of that lawsuit?
A. Yes.
Q. And did you support your son during that lawsuit?
A. I did.
Q. Now, as a result of the lawsuit, did your son -- and please -- don’t tell us the amount, please. Did your son receive monetary compensation from Mr. Jackson?
A. Yes, he did.
Q. Now, also as a result of that lawsuit, did you receive some monetary compensation?
A. Yes, I did.
Q. Did you ever ask to be compensated in any way as a result of what had happened?
A. No.
MR. MESEREAU: Objection. Foundation; and hearsay.
THE COURT: All right. Overruled.
Q. BY MR. SNEDDON: You did not?
A. No.

Q. And where did the idea for you receiving compensation come from, to your knowledge?
MR. MESEREAU: Objection, to the extent it calls for hearsay.
THE COURT: Sustained.
Q. BY MR. SNEDDON: As a result of this lawsuit, did you receive money?
A. Yes, I did.
Q. Did you have to sign something in exchange for that money?
A. Yes, I did.
Q. And what did you sign?
A. A disclosure agreement.
Q. And what does that mean?

A. Confidentiality agreement.
THE COURT: All right. Let’s take our break.
(Recess taken.)
THE COURT: Go ahead.
Q. BY MR. SNEDDON: Mrs. Chandler, I just have a couple of questions.
I want to go back to something we talked about before. You told the jury that the defendant, Michael Jackson, gave you a gift certificate at one point in time?
A. Correct.
Q. And it was to Segal?
A. Fred Segal is a store in Santa Monica.
Q. Okay. And what was the amount of that

certificate?
A. $7,000.
Q. Okay. Now, let’s just go back and finish up the last part of what we were talking about.
With regard to the lawsuit, you signed some kind of an agreement, correct?
A. Correct.
Q. In exchange for that, you were given some money?
A. Yes.
Q. Do you recall, based upon what you know, what the agreement was, what it required of you?
MR. MESEREAU: Objection; hearsay.
THE COURT: Sustained.
Q. BY MR. SNEDDON: What did you give up in return for receiving money?
MR. MESEREAU: Same objection. Hearsay and foundation.
THE COURT: Sustained.
Q. BY MR. SNEDDON: Did you read the agreement before you signed it?
A. Yes.
Q. And who presented it to you?
A. Larry Feldman.
Q. Did he go over it with you before you signed it?
A. Yes.
Q. And you understood what you were signing?

A. Yes, we did.
Q. And you read the document?
A. Yes.
Q. And what did it require you to do in order to obtain money from the defendant, Mr. Jackson? You personally.
A. We couldn't --
MR. MESEREAU: Objection. Hearsay and foundation.
THE COURT: Sustained.
Q. BY MR. SNEDDON: Have you ever written any books --
A. Never.
Q. -- about what happened?
A. No, I have not.
Q. Did any interviews?
A. Never.
Q. Made any money selling anything --
A. No.
Q. -- about your experience?
A. No.
MR. SNEDDON: Nothing further.
THE COURT: Cross-examine?
MR. MESEREAU: Yes, please, Your Honor.

CROSS-EXAMINATION
BY MR. MESEREAU:
Q. Mrs. Chandler, my name is Tom Mesereau and I speak for Michael Jackson, okay?

A. Yes.
Q. If anything I ask you is not clear, please don't answer. Just say you don't understand it, and I'll try to rephrase it, okay?
A. Okay.
Q. Now, in response to the prosecutor's questions, you said you entered into a stipulation regarding custody of your son Jordie, correct?
A. Correct.
Q. And in response to the prosecutor's questions, you said you did it because Michael Jackson told you to do it, right?
A. One of the people. He was one.
Q. Well, do you remember signing a sworn

declaration regarding that stipulation?
A. I remember signing something about custody of Jordie.
Q. Do you remember signing a sworn declaration in which you said the only reason you signed the stipulation was because your ex-husband wouldn’t return Jordie to you if you didn’t, right?
A. Correct.
Q. And you said further, you thought the stipulation was merely for a one-week visitation period, right?
A. Correct.
Q. Nowhere in that declaration did you say anything about Michael Jackson telling you to sign anything, right?

A. That’s not correct.
Q. Would it refresh your recollection to look at your declaration?
A. I’d be happy to.
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
Q. BY MR. MESEREAU: Miss Chandler, have you had a chance to look at that sworn declaration?
A. Yes, I have.
Q. Does it refresh your recollection about what you said in the declaration?
A. Sort of.
Q. Isn’t it true you said the only reason you signed it was because your ex-husband told you that if you didn’t sign the stipulation, you would not have Jordan returned to you, right?
A. That’s correct.
Q. You said that was the only reason, correct?
A. That’s not the only reason.
Q. Well, you signed it under penalty of perjury, did you not?
A. I wasn’t asked who else was asking me to sign it.
Q. Who prepared the declaration for you to sign?
A. Evan Chandler’s attorney.

Q. Were you represented by counsel when you signed this declaration?

A. Oooh. I might have been.

Q. You actually were, weren’t you?

A. I -- I don’t recall.

Q. You were represented by counsel because you were trying to set aside the stipulation in court, right?

MR. SNEDDON: Well, Your Honor, I’m going to object to that. That’s misleading as to point and time, and vague.

MR. MESEREAU: It’s not misleading at all.

MR. SNEDDON: Wait a minute, Counsel. Judge, I object as vague as to time as to when she was represented.

THE COURT: All right. I’ll sustain the objection. It’s an argumentative question.

Q. BY MR. MESEREAU: Miss Chandler, at some point you hired a lawyer to help you set aside that stipulation, right?

A. I don’t know if that was the reason why an attorney was hired, if it was for that reason.

Q. And your attorney prepared your declaration, true?

A. I don’t recall.

Q. Do you recall if the stipulation was ever set aside by your attorney?

A. I don’t recall.

Q. Do you recall being represented by an attorney named Freeman?

A. Yes, I do.

Q. And who is Mr. Freeman?

A. He’s an attorney that represented me for a short time.

Q. Do you recall asking Michael Jackson if he would loan David Schwartz four million dollars?

A. Never.

Q. You say you never did that?

A. Never did that.

Q. Okay. Do you recall your ex-husband David Schwartz asking you to do that?

A. Never.

Q. Do you recall him being five million dollars in debt around the time you were associating with

Michael Jackson?
A. No.
Q. Don't recall that at all?
A. Not at all.
Q. Okay. When you sued Michael Jackson, you sued through Larry Feldman, true?
A. I did not sue Michael Jackson. Jordan Chandler and his family were -- that was his family. We did not sue Michael Jackson.
Q. Okay. So you never sued him yourself, you're saying?
A. I don't believe that's how it was worded.

Q. Okay. Do you recall meetings with your attorney about that lawsuit?
A. Yes, I do.
Q. Now, you -- you and Jordan's father Evan were divorced in 1985, true?
A. Correct.
Q. And you obtained sole custody of Jordan, right?
A. Yes.
Q. And you had an informal arrangement where Evan could have custody or at least visitation rights of Jordie from time to time, correct?
A. Correct.
Q. What year did you marry David Schwartz?
A. 1985.
Q. Now, is it correct that he became Jordan's stepfather?
A. Correct.
Q. And for how long was he Jordie's stepfather?
A. For approximately six to eight years.
Q. What year did he cease to be Jordie's stepfather?
A. When we divorced.
Q. And what year was that?
A. 1994.
Q. And how old is Jordie now?
A. He is 25 years old.
Q. Can I ask you when you last spoke to him?

A. 11 years ago.
Q. At one point, David Schwartz sued Michael

Jackson, correct?
A. I don’t recall.
Q. Do you recall him suing Michael Jackson claiming that Michael had interfered with his business?
MR. SNEDDON: Your Honor, I’m going to object as immaterial; irrelevant; calls for hearsay.
THE WITNESS: I don’t recall.
THE COURT: It’s vague as to time.
MR. MESEREAU: Okay. I’ll rephrase it, Your Honor.
Q. Around the time you and Evan and Jordie sued Michael Jackson with Attorney Larry Feldman, do you recall your ex-husband, David Schwartz, also suing Michael Jackson?
MR. SNEDDON: Same objection, Your Honor.
THE WITNESS: I don’t recall.
THE COURT: Overruled.
You may answer.
THE WITNESS: I don’t recall.
Q. BY MR. MESEREAU: Okay. Do you recall, in response to your lawsuit, Mr. Jackson suing for extortion?
MR. SNEDDON: Your Honor, I’m going to object to that question.
THE COURT: Sustained. Foundation.

Q. BY MR. MESEREAU: You sued Michael Jackson, right?
A. Jordan Chandler sued Michael Jackson.
Q. Were you listed as a plaintiff?
A. Yes.
Q. And in response to your suit, Mr. Jackson sued for extortion, true?
A. I don’t recall.
Q. Okay. Were you and Evan and Jordie all represented by Larry Feldman?
A. Yes, we were.
Q. Do you know approximately when that suit settled?
A. I guess in ‘95.
Q. Do you recall Evan suing Mr. Jackson a second time?
A. No.

Q. Don’t know anything about that?
A. Nothing.
Q. Never heard about it?
A. No.
Q. Do you know who Attorney Barry Rothman is?
A. Yes.
Q. Who is Attorney Barry Rothman?
A. He was Evan Chandler’s attorney.
Q. Do you recall Attorney Barry Rothman also suing Michael Jackson?
A. No, I don’t.

Q. Okay. Now, during your trips with Michael Jackson, do you recall the name “Sony” ever being mentioned?
A. Yes.
Q. And in what context was Sony mentioned?
A. The gifts that Michael Jackson gave were from Sony. Sony recorders. We flew on the Sony jet. That’s what I remember.
Q. And do you recall, around the time you were associating with Michael Jackson, that Michael Jackson had an endorsement deal with PepsiCo?
A. Yes.
Q. And to your knowledge, that was the most lucrative endorsement deal anyone in the music business had ever entered into with PepsiCo, correct?
A. I didn’t know that.
MR. SNEDDON: Your Honor, that’s immaterial and irrelevant.
THE COURT: Foundation; sustained.
Q. BY MR. MESEREAU: Do you recall learning from Michael Jackson that he owned an interest in The Beatles’ catalog?
A. Yes.
Q. Did you discuss that with Mr. Jackson?
A. Never.
Q. Did you discuss his deal with PepsiCo with Mr. Jackson?

A. No.
Q. When you filed your lawsuit against Mr. Jackson, your attorney was threatening to ruin Mr.

Jackson's music deals, correct?

A. No. Not that I recall.

Q. You don't recall that at all?

A. Not at all.

Q. Do you recall participating in settlement negotiations?

A. Yes.

Q. And when you participated in settlement negotiations, where did you used to meet?

A. Larry Feldman's offices.

Q. When did you last talk to Larry Feldman?

A. Oh, a few days ago.

Q. Did you talk about what you were going to say in court?

A. No.

Q. Did you talk about what he said in court?

A. Briefly.

Q. Did he call you or did you call him?

A. I called him.

Q. Before this discussion a few days ago, when was the last time before that you had spoken to Larry Feldman?

A. Oh, um, maybe two months before that.

Q. And did you talk to him about this case in that discussion?

A. Yes.

Q. Did you talk to him about what you were going to say?

A. No.

Q. Did you call him or did he call you?

A. I called him.

Q. Did you talk on the phone with him or did you meet with him?

A. Yes, talk on the phone.

Q. Before that discussion, when had you last spoken to Attorney Larry Feldman?

A. Perhaps ten years ago.

Q. Okay. But you never discussed anything about this case in those discussions, right?

A. No.

Q. And you never talked about what you were going to be asked in this courtroom in any of those discussions, right?

A. Not to that effect, no.
Q. Did Mr. Feldman tell you he represents the Arvizos in either of those discussions?
A. I don’t know what that is.
Q. Okay. So he never talked about his representing anyone associated with this case, besides you, right?
A. Correct.
Q. Now, you said something in response to the prosecutor’s questions about your son changing the

way he dressed at one point, right?
A. Correct.
Q. Didn’t your son used to try and dress like Michael Jackson before he even met him?
A. When he was very young.
Q. Did you meet with the prosecutor before you testified today?
A. Yes.
Q. When did you meet with the prosecutor to talk about anything you said today?
A. Two days ago.
Q. And where was that meeting?
A. In downtown L.A.
Q. And who did you meet with?
A. With my attorney.
Q. And who is your attorney?
A. Brad Barnholtz.
Q. Who else did you meet with?
A. Tom Sneddon.
Q. Okay. How long a discussion was that?
A. Oh, perhaps an hour and a half.
Q. Did you talk about what you were going to say today?
A. Yes.
Q. Did Mr. Sneddon go over some questions that he was going to ask you?
A. Yes.
Q. Did you ever go over some answers that you

were going to give?
A. Yes.
Q. When had you met with Mr. Sneddon before that meeting?

A. Never.
Q. Have you talked to him on the phone?
A. Yes.
Q. How many times?
A. Once or twice.
Q. Okay. Now, where did you first meet Michael Jackson?
A. At Rent-A-Wreck. The business of my ex-husband.
Q. And that was the day that Mr. Jackson had a problem with his car, right?
A. Yes.
Q. Okay. And when did you see him after that initial meeting?
A. I guess maybe approximately a few months after that.
Q. The first meeting was approximately August ‘92, right?
A. Correct.
Q. Okay. And when do you think the next meeting was?
A. Perhaps maybe in February.
Q. Okay. And again, how did that meeting happen? Who called who?

A. How did the meeting --
Q. The second meeting. The first time you saw him when he had a problem with his car, right?
A. Correct.
Q. And then there was a meeting after that?
A. Right.
Q. How did that happen?
A. Through phone conversations with my son. And he -- and Michael Jackson invited us to Neverland.
Q. Okay. How did you get to Neverland?
A. By car. By my car. I drove.
Q. Okay. And did you stay over at Neverland that first time?
A. Yes, I did.
Q. How long did you stay?
A. I would say for two nights. One or two nights.
Q. Okay. And your daughter was there as well,

right?

A. Yes, she was.

Q. Okay. And you said that you, your daughter, your son, stayed in the guesthouses, correct?

A. Correct.

Q. Now, what did you do during the day during that visit, during the two days you were there?

A. We watched movies. We went on rides. We visited his zoo. Things like that.

Q. Okay. And how did you get home? Did you drive?

A. Yes, I did.

Q. When did you next talk to Michael Jackson after that?

A. Oh, I think probably the day after we got back.

Q. Did he call you?

A. Yes.

Q. Okay. Did you talk to him?

A. Yes.

Q. And when did you get together again?

A. Perhaps a week later. A week or two later.

Q. Did you go to Neverland again?

A. Yes, we did.

Q. How did you get there?

A. He drove. His -- sorry, his chauffeur drove.

Q. Okay. And did you stay over --

A. Yes.

Q. -- on that second trip?

A. Yes.

Q. And how long was your stay over there?

A. A couple of nights.

Q. Okay. Do you remember what you did on that second trip?

A. Same thing.

Q. Okay. Did you see Michael very often on the

first trip?

A. The whole time, yes.

Q. Did you see him --

A. Yes.

Q. -- very often on the second trip?

A. Yes.
Q. When you said you went to the zoo and did these fun things, was Michael always with you?
A. The first and second time?
Q. Yes.
A. Basically, yes.
Q. Okay. Did you have dinner in the main house with Michael?
A. Yes.
Q. And of course your children were there too, right?
A. Correct.
Q. After that second trip, when did you next have contact with Michael, if you remember?
MR. SNEDDON: Your Honor, I'm going to object to the use of the first name.
THE COURT: All right.
MR. MESEREAU: I'll say "Michael Jackson," Your Honor.
Q. After your second visit to Neverland, did you have further contact with Michael Jackson?
A. Yes, I did.
Q. And please explain what your next contact was all about.
A. I don't know if that was the time we again went to Neverland or we had taken a trip to Las Vegas.
Q. Now, in your discussion with the Los Angeles District Attorney in 1993, you talked about your visits with Mr. Jackson, right?
A. Correct.
Q. Have you looked at that transcript recently?
A. Yes.
Q. When did you last look at the transcript?
A. Briefly, today.
Q. And how did you get a copy of it?
A. Through Mr. Sneddon.
Q. Okay. Did he ask you to read it today?
A. Did he ask me to read it today?
Q. Yes.
A. No.
Q. Did he ask you to read it at any time?
A. Yes, he did.

Q. And when was that?

A. Last week.

Q. Did he give you anything else to read before you testified?

A. That's it.

Q. Okay. And did you read it from cover to cover?

A. Tried.

Q. Pardon me?

A. Yes.

Q. Okay. Okay. You told the District Attorney in Los Angeles when describing your first trip there, "Michael Jackson wasn't the superstar. He was a regular person, and we couldn't believe how nice he was," right?

A. Correct.

Q. And you said that after you got there, he offered to let you stay over, correct?

A. Correct.

Q. Your plan initially wasn't to stay over, right?

A. Correct.

Q. You said that first night, Jordie actually knocked at your door and said he was going to stay with you, right?

A. Correct.

Q. So the first night he stayed with you and your daughter, right?

A. Correct.

Q. Okay. Now, when did you go to Toys-R-Us with Michael Jackson?

A. Could have been the first visit or the second visit.

Q. Okay. And did Michael Jackson offer to take you there?

A. Yes.

Q. And he did take you there, right?

A. Yes, he did.

Q. Did he drive or did you have a driver take you there, do you know?

A. We must have had a driver.

Q. Okay. Now, at one time, did you visit Roy

Disney’s widow with Michael?

A. Never.

Q. Okay. At some point you told the Los Angeles District Attorney that Michael was visiting Roy Disney’s widow in Beverly Hills; do you remember that?

A. Not really, but I don’t recall.

Q. Do you recall telling that to the Los Angeles District Attorney?

A. I don’t recall.

Q. Would it refresh your recollection to let you see that page?

A. Yes.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: Thank you.

Q. BY MR. MESEREAU: Have you had a chance to look at that?

A. Yes.

Q. Does it refresh your recollection about what you told the Los Angeles District Attorney?

A. Yes.

Q. And what did you tell them about that?

A. I said that I was -- we had left and Michael was -- I had left Neverland with Jordie and Lily, and he was going to visit Roy Disney’s widow.

Q. Okay. Now, was that while you were visiting Neverland?

A. After we left.

MR. SNEDDON: Object as to vague as to time as to what visit.

MR. MESEREAU: I’ll rephrase it.

Q. During what visit did Michael Jackson tell you he had to visit Roy Disney’s widow?

A. The first visit.

MR. SNEDDON: Object as to hearsay.

THE COURT: Overruled.

Q. BY MR. MESEREAU: Was it the first visit?

A. I think so.

Q. Do you recall if you and your family stayed at Neverland while Mr. Jackson left the premises?

A. I don’t recall that.

Q. Okay. Do you recall him making a trip like

that?

A. Yes.

Q. Okay. You talked about gifts that Mr. Jackson gave you, okay?

A. Okay.

Q. Did you ever ask for any of those gifts?

A. No.

Q. Did he just give them to you on his own initiative as far as you’re concerned?

A. Yes.

Q. Okay. Tell us all the gifts you recall him giving you.

A. A gold bracelet. A pair of earrings. A necklace. A ring. A gift certificate to a boutique. That’s what I recall.

Q. Okay. And you said he gave you his credit card to use?

A. Yes.

Q. Did he do that more than once?

A. He might have, yes.

Q. And do you recall what you bought with Michael Jackson’s credit card?

A. I know I -- I think two handbags.

Q. Anything else?

A. Not that I recall, no.

Q. Okay. How many nights do you recall Mr. Jackson staying at your house?

A. To the best of my recollection, 30 nights.

Q. And approximately what time period was that, if you know?

A. Beginning the middle of April till the end of May.

Q. Were you at your house on every evening that Michael Jackson stayed over?

A. Yes.

Q. You said something to the effect, I believe, that Mr. Jackson would leave during the day?

A. Correct.

Q. Do you know where he went?

A. Not really. I --

Q. Did you ever ask him?

A. Sometimes.

Q. Okay. And where did he tell you he was going?
A. Going home.
Q. To Neverland?
A. Working. No, not to Neverland. I think his hideout, to his place that he calls “The Hideout” in Century City.
Q. That’s the place you visited, correct?
A. Correct.
Q. How many times were you at that apartment?
A. Approximately three or four times.
Q. Okay. When you went to the apartment that you’ve described as Michael Jackson’s hideout, were you always with your son?
A. Yes.
Q. Were you ever with anyone else?
A. Not that I recall.
Q. Okay. You indicated you met someone named Brett Barnes at Neverland, right?
A. Correct.
Q. Do you know when you first met him?

A. It could have been the second time that we were going to Neverland.
Q. And he was actually in the limousine that Michael Jackson sent to pick you up, right?
A. Correct.
Q. Was that the first time you had met him?
A. Yes.
Q. Okay. Was that the trip you went to Disneyland?
A. It could be, yes.
Q. And was Brett Barnes with you on that trip?
A. I would assume so. I’m -- I don’t recall.
Q. Do you know if his mother was there on that trip?
A. No.
Q. So it was you, Michael Jackson, your two children, and Brett, right?
A. Perhaps Brett.
Q. You’re not sure?
A. Exactly.
Q. Did you go back to Neverland after the trip to Disneyland?

A. I don’t recall.

Q. Okay. You indicated you met someone named Joy, right?

A. Correct.

Q. And when did you meet someone named Joy?

A. Later on, in -- could be May. April or May.

Q. And where did you meet her?

A. At Neverland.

Q. Okay. Was she staying there when you stayed there?

A. Yes.

Q. And did she have a son, to your knowledge?

A. Yes, she did.

Q. And who was that?

A. Wade.

Q. Okay. How often did you see Joy Robeson and Wade Robeson at Neverland?

A. I remember seeing Joy once. And Wade, I -- it could be a few times. I don’t recall.

Q. When you were at Neverland at the same time that they were there, did you associate with them?

A. Yes.

Q. Okay. And what did you do with them?

A. I had dinner with Joy, where we talked. And with Wade, if we went -- if there was a movie playing, I guess he was with us also.

Q. When Michael Jackson used to stay at your home, were you in the middle of a divorce proceeding?

A. No.

Q. Were you separated?

A. Yes.

Q. Did you used to discuss your problems with David Schwartz with Michael Jackson?

A. Yes.

Q. You actually had a lot of discussions, didn’t you?

A. Not a lot.

Q. You told him it was a poor relationship, didn’t you?

A. What was a poor relationship?

Q. Your relationship with David Schwartz.

A. I told whom? I’m sorry.

Q. Michael Jackson.

A. Oh. No. I -- I don’t -- I didn’t get into my relationship about David Schwartz to Michael.

Q. So you never discussed it with Michael Jackson?

A. I just said that we were separated and these were not wonderful times for us.

Q. And you would discuss with him from time to time the problems you were having, wouldn’t you?

A. No. No, I wouldn’t.

MR. SNEDDON: Object as irrelevant, Your Honor, not to mention hearsay.

THE COURT: Overruled. The answer was, “No.” Next question.

Q. BY MR. MESEREAU: During those 30 nights that Michael Jackson stayed at your house, did he have dinner at your house?

A. Yes.

Q. And was it usually you, he, your son and daughter at dinner?

A. At times.

Q. Who else would join you for dinner?

A. That’s it.

Q. Did you ever have dinner yourself, without your children, just with Michael Jackson?

A. No.

Q. Have you ever traveled with Michael Jackson without your children?

A. No.

Q. When did you go to Las Vegas with Michael Jackson?

A. Around the end of March.

Q. And what was the purpose of that trip?

A. I guess Steve Wynn, the owner of the Mirage Hotel, invited Michael to come and stay and vacation in Las Vegas for a few days.

Q. And did you meet Mr. Wynn while you were there?

A. Yes, I did.

Q. How long were you in Las Vegas for that trip?

A. Two or three nights.

Q. And again, how did you get there?
A. Steve Wynn's jet.
Q. And did his jet take you back home afterwards?
A. Yes.

Q. All right. When you went to Las Vegas on Steve Wynn's jet, had Michael Jackson begun to stay over at your home?
A. No.
Q. Did Michael Jackson begin to stay at your home after that trip to Las Vegas?
A. Yes.
Q. Now, did you travel with Michael Jackson to any other cities in America during this period of time?
A. Yes.
Q. Where did you travel to?
A. To Florida and New York.
Q. Was that Orlando, Florida?
A. Correct.
Q. And when did that trip happen, approximately?
A. Oh, approximately April, I guess.
Q. And what was the purpose of that trip, if you know?
A. To go to Disney World.
Q. Did you do that?
A. Yes, we did.
Q. How long a trip was that?
A. A couple of days.
Q. And then did you come back?
A. Yes.
Q. The rooms in your hotel, describe the rooms,

if you would.
A. I don't remember The Grand Floridian, what the rooms were like.
Q. And did you have your own room?
A. Yes.
Q. Did Michael Jackson have his own room?
A. Yes, he did.
Q. And did your children have their own room?
A. I'm not sure.

Q. Do you know where your children stayed?

A. Yes.

Q. Where did they stay?

A. Jordie, my son, stayed with Michael, and Lily stayed with me.

Q. And did you ever object, during that trip, to your son staying with Michael?

A. No.

Q. You never suspected anything improper was going on on that trip, correct?

A. Correct.

Q. You mentioned some children from New Jersey that you met at Neverland, right?

A. Correct.

Q. And who were they again?

A. Frank and Eddie Cascio.

Q. Okay. And did you ever meet their parents?

A. No.

Q. When did you first see them at Neverland?

A. I don't recall. Could be the third visit to Neverland. Fourth visit.

Q. When was the first time your son Jordan asked if he could sleep with Michael Jackson?

A. I would say starting the third visit to Neverland, second or third visit to Neverland, because there were always boys around and staying in his bedroom, and why couldn't he? And that's when he started asking.

Q. And was it your understanding that there were a lot of kids hanging around Michael Jackson's bedroom?

A. Yes.

Q. Did you see --

A. Boys.

Q. Excuse me. Did you see a lot of kids at Neverland while you were there?

A. A lot of Michael's --

MR. SNEDDON: Excuse me. Object as to vague.

MR. MESEREAU: I'll rephrase it. Let's go through the first trip.

Q. Did you see a lot of kids at Neverland during your first trip?

A. No.

Q. Did you see a lot of kids at Neverland during your second trip?

A. No.

Q. How many other children at Neverland did you see on your first trip?

A. No other kids on the first trip.

Q. How many kids at Neverland did you see on your second trip?

A. One.

Q. How about your third trip?

A. Third -- Frank and Eddie Cascio.

Q. Any other children on the third trip?

A. It could have been Macaulay Culkin also.

Q. Okay. Did you meet Macaulay Culkin at Neverland?

A. Yes.

Q. Macaulay Culkin doesn’t look at all like your son, does he?

A. No.

Q. Did you meet Macaulay’s parents?

A. Father.

Q. At Neverland?

A. Yes.

Q. And that was, you think, the third trip?

A. Could be. Could have been.

Q. Did you ever see him at Neverland again?

A. Yes.

Q. When did you next see Macaulay Culkin at Neverland?

A. Fourth or fifth visit.

Q. Was anyone else from his family there; do you know?

A. His brothers were there.

Q. Okay. Was it your understanding that the Culkins were good friends of Michael Jackson?

A. That Macaulay Culkin was good friends with Michael Jackson.

Q. What about his family? Was it your understanding his family were close friends of Michael Jackson?

A. Not close friends.

Q. Did you really know?

A. It didn’t appear that they were close friends, no.

Q. Do you know if his parents used to visit Neverland?

A. His father used to visit Neverland with Macaulay.

Q. Did you hang out with them when you were at Neverland?

A. Did I hang out with --

Q. The Culkins.

A. No.

Q. Then how would you know whether or not they were close with Michael Jackson?

MR. SNEDDON: Your Honor, I’m going to object as argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: When you were in Las Vegas with Mr. Jackson, you went to Cirque du Soleil, correct?

A. No, I did not.

Q. Did your son?

A. Yes, he did.

Q. And did your daughter go as well?

A. To Cirque du Soleil?

Q. Yes.

A. No, she did not.

Q. Did you have any problem at that time letting your son go to Cirque du Soleil with Mr. Jackson?

A. No.

Q. And did your son stay with Mr. Jackson that evening, to your knowledge?

A. To my knowledge, yes.

Q. Okay. You told the prosecutor that Mr. Jackson got upset at one point about your not trusting him, right?

A. Correct.

Q. And he said words to you to the effect that, “We’re family,” right?

A. Correct.

Q. You suggested that you let Jordie sleep wherever he wants to sleep, right?

A. Yes.

Q. And you told him, “Look, I’ve had two husbands that I can’t trust,” right?

A. Correct.

Q. You said, “I think you’re a wonderful person, but I can’t let my trust down,” right?

A. Correct.

Q. And you described Michael as saying that he was going to take care of you, right?

A. No.

MR. SNEDDON: Your Honor, excuse me, I’m going to object as vague as to point in time of the conversation.

MR. MESEREAU: Sure. Sure.

Q. When was the conversation where Michael got upset because he didn’t think you trusted him?

A. In Las Vegas in the hotel room.

Q. Okay. You said to Michael, “I’ve had males in my life that, you know, have disappointed me. How can I have you in my life and you’re saying that you’re going to take care of us, that you’re so wonderful, everything’s going to be okay, how am I going to do that?”

MR. SNEDDON: Your Honor, I’m going to object to counsel reading from the document.

MR. MESEREAU: I haven’t finished the question yet, Your Honor.

MR. SNEDDON: Well, he’s reading --

THE COURT: Well, all right, what is the question?

MR. MESEREAU: I was going to ask her if she made that statement.

THE COURT: All right. You may.

Q. BY MR. MESEREAU: Did you make a statement to that effect?

A. Yes.

Q. And Michael said to you he wanted a family to just treat him like a regular person, right?

A. Correct.

Q. He said he didn’t want to be like a stranger, right?

A. Correct.

Q. And he asked you to trust him, right?

A. Yeah.

Q. Do you remember telling the District Attorney in Los Angeles that when you talked to your ex-husband Evan about Michael Jackson's relationship with your family, that Evan saw this as a wonderful means for Jordie not having to worry for the rest of his life?

A. Would you repeat your question?

Q. Yes. Didn't you tell the Los Angeles District Attorney that your ex-husband Evan, the father of Jordie, told you that the relationship with Michael was a wonderful means of Jordie not having to worry for the rest of his life?

A. Yes.

Q. And to you, that meant Michael Jackson supporting you financially for the rest of your life, correct?

A. No.

Q. That's what you thought your ex-husband meant by it, true?

MR. SNEDDON: Calls for speculation.

THE WITNESS: Speculation.

THE COURT: Sustained. Sustained.

(Laughter.)

Q. BY MR. MESEREAU: Just asking you what you thought, not what your ex-husband thought.

A. Well, I'm speculating also. I would be speculating if I answered.

Q. Well, if someone says to you, "This is a wonderful way not to have to worry for the rest of our life," doesn't that suggest that maybe someone is thinking about Michael Jackson supporting you?

MR. SNEDDON: Your Honor, I'm going to object. We just went through this. Calls for speculation.

THE COURT: Sustained.

Q. BY MR. MESEREAU: When did you go to France and Monaco with Michael Jackson?

A. In May.

Q. Did he invite you?

A. Yes.

Q. Did he invite your whole family?

A. Jordan and Lily, yes.

Q. At one point you said that Michael Jackson stayed at your ex-husband’s house when Jordan was there, correct?

A. Correct.

Q. And to your knowledge, was your ex-husband at the house when Michael Jackson stayed there?

A. Yes.

Q. How many days, to your knowledge, did Michael Jackson stay at your ex-husband’s house?

A. Approximately four to seven days.

Q. To your knowledge, was that consecutive or were they periodic visits?

A. Consecutive.

Q. And do you recall anything about your ex-husband wanting Michael Jackson to finance a wing on his house?

A. Yes.

Q. And to your knowledge, Michael Jackson never did that, right?

A. No.

Q. Now, at that point in time, Jordan’s father Evan was writing a screenplay, right?

A. Correct.

Q. And to your knowledge, he was spending a lot of time on that screenplay, right?

A. Yes.

Q. And you were complaining that he wasn’t spending enough time with his son, right?

A. Correct.

Q. At the time you were happy that Michael was around, because Jordan’s father was not spending time with him, and you were separated from David, correct?

A. True.

MR. SNEDDON: I’m going to object as to vague as to what time, time period. We have several months here.

MR. MESEREAU: Well, I can --

THE COURT: Sustained.

MR. MESEREAU: Okay.

MR. SNEDDON: Move to strike the answer.

THE COURT: Stricken.
Q. BY MR. MESEREAU: Did there come a time when you were happy that Michael Jackson was around, because your ex-husband Evan was spending time writing a screenplay and you were separated from David?
A. Correct.
Q. Approximately what -- when was that?
A. In the beginning I was happy.
Q. Okay. When did Michael go to Cartier and buy you that jewelry?
A. When we went to Las Vegas.
Q. Was he with you when he did that?
A. No.
Q. Did he do it on his own?
A. He did it with Jordie.

Q. Okay. And did he come back and give it to you?
A. Yes.
Q. Okay. Now, you described that to the Los Angeles District Attorney as a love bracelet, did you not?
A. Yes.
Q. Is that what it was?
A. Yes.
Q. What is a love bracelet?
A. It's a bracelet that's a gold bracelet and that's what it's called.
Q. Okay. Had you ever told Michael Jackson you liked that kind of jewelry?
A. No.
Q. Were you surprised when he bought it for you?
A. Yes.
Q. Okay. Now, you mentioned that during that trip, you went to the David Copperfield show; is that right?
A. Correct.
Q. And who went to that show?
A. Jordan, Lily and Michael.
Q. Did the four of you have dinner that night together?
A. I don't recall.

Q. Okay. Did Michael give you his credit card on that trip?

A. No.

Q. Okay. At some point did you all see an Exorcist movie?

A. No.

Q. Do you recall anyone watching an Exorcist movie?

A. I was told Jordan and Michael watched an Exorcist movie.

Q. All right. Did you ever object to Jordie sleeping in Michael’s room on that trip?

A. Yes.

Q. And what did you say?

A. “Jordie, when you come home, go to your bed. Go to your own bed. Come to our bed, not to Michael’s bed.”

He said, “Mom, I want to stay there.” And I was very upset about that.

Q. Now, this was before the approximately 30 nights that he stayed at your home --

A. Yes.

Q. -- in Santa Monica, right?

A. Correct.

Q. And you did allow him to stay at your home in Santa Monica, right?

A. Afterwards.

Q. Now, you mentioned in your interview that when Michael Jackson’s not working, he’s a lonely person, correct?

A. Correct.

Q. And you also mentioned that the Cascios owned a restaurant, true?

A. True.

Q. How did you know they owned a restaurant?

A. I was -- I don’t recall how I knew.

Q. And do you remember telling the District Attorney that Michael would help Jordie with his homework?

A. Correct.

Q. Would he do that at your home?

A. Yes.

Q. You also said he played a lot like a child, correct?
A. Correct.
Q. And he seemed to play at Neverland a lot like a child, correct?
A. Yeah, yes.
Q. You mentioned Tommy and Merdie. Do you remember that?
A. Yes.
Q. And who are Tommy and Merdie?
A. Merdie; are my brother and sister-in-law.
Q. Okay. At some point you stayed in Santa Monica with them, correct?
A. Yes.
Q. Was Michael Jackson there?

A. He was there.
Q. Did Michael Jackson stay with you at their home?
A. No.
Q. Did he stay at their home?
A. No.
Q. Did he stay at your home?
A. Not that time, no. Not at that time.
Q. And you stayed in Santa Monica with Tommy and Merdie?
A. Meredith. Merdie.
Q. Merdie, okay. You stayed with them at one point, right?
A. They stayed with me.
Q. Oh, they stayed with you?
A. Yes.
Q. Was Michael Jackson there that night?
A. I don’t recall, no.
Q. Okay. To your knowledge, did Michael Jackson ever meet Tommy and Merdie?
A. I don’t recall.
Q. Okay. Now, when Michael Jackson was staying at your home in Santa Monica during those 30 days that you mentioned, was Jordan in school?
A. Yes, he was.
Q. Was he going to school each day?
A. Yes, he was.
Q. Okay. You mentioned Steve and Jo Ellen. Do

you remember that?

A. Do I remember mentioning --

Q. Mentioning Steve and Jo Ellen to the District Attorney?

A. Yes.

Q. Who are Steve and Jo Ellen?

A. Steve is also my brother, and his wife Jo Ellen.

Q. Did they visit you in Santa Monica during the time that Michael Jackson was staying over?

A. No.

Q. You said that they witnessed Michael Jackson and Jordie in the bedroom, didn't they?

A. Correct.

Q. When was that?

A. At Neverland.

Q. Did they stay there?

A. No.

Q. Okay. Did they go into Michael Jackson's bedroom?

A. Yes, they did.

Q. And did you go into Michael Jackson's bedroom?

A. Yes.

Q. How many times do you think you went into Michael Jackson's bedroom at Neverland?

A. It stopped after maybe the tenth time.

Q. Okay. Describe, if you would for the jury,

what Michael Jackson's bedroom looks like?

A. Lots of dolls. Lots of playthings. It looks like a boy's room, big boy's room. Lots of toys and things.

Q. Is it a big area?

A. Yes.

Q. How big would you describe it as, if you can?

A. Oh, it's a long time ago.

Q. Was it kind of huge?

A. Well, there's an upstairs and a downstairs. Yes, it's kind of huge.

Q. When you used to visit Michael Jackson's bedroom, would you see other people in there?

A. Yes.
Q. Who do you remember seeing in there?
A. The Cascio brothers. Macaulay. Brett. Wade.
Q. And you saw their parents in there, too, didn't you?
A. No.
Q. Did you ever see Macaulay's father in there?
A. In the bedroom?
Q. Yes.
A. No.
Q. And why were you in the bedroom those ten times?
A. Because I'm Jordie's mother. I'm allowed to go into the bedroom.

Q. Were you dropping clothes off?
A. Oh, I might have. I don't recall.
Q. Did you ever sit down and watch T.V. or anything in there?
A. Yes.
Q. How often did you do that?
A. A few times.
Q. Did you ever have food delivered to you in Michael Jackson's bedroom?
A. I don't recall.
Q. Okay. Did David Schwartz, to your knowledge, ever visit Neverland?
A. No. No.
Q. Okay. When you were in Monaco with Michael Jackson, what did you do?
A. We went to an awards ceremony. We -- well, Jordie and Michael -- Jordie and Michael were sick, so Lily and I went shopping and drove around. We were driven around.
Q. Did Michael Jackson pay for the whole trip?
A. Yes, the trip was paid for. I don't know who paid for it.
Q. To your knowledge, did Michael Jackson pay for it?
A. No. No. It was an awards. I think he was given tickets to attend this award because he was receiving some kind of --

Q. Who paid for your hotel room, if you know?
A. I don’t know.
Q. Now, you indicated that at one point Jordie and Michael had the flu, right?
A. Correct.
Q. And where did you find out they had the flu?
A. In the hotel room.
Q. And were they staying in the same room at that point?
A. Yes, they were.
Q. Did you ever complain about that?
A. Yes.
Q. And what happened?
A. The room was boarded up. I couldn’t get in there. It started to get weird now. Things started to go downhill pretty quickly.
Q. Did you ever take your son and leave on your own?
A. No.
Q. After you got back from Monaco, did Michael Jackson spend nights at your home?
A. Yes.
Q. Were the 30 nights you’ve described after you got back from Monaco?
A. No.
Q. How many nights after you got back from Monaco do you think Michael Jackson stayed at your home?

A. Oh, perhaps a week or two.
Q. And this was a point where you were getting upset that your son wanted to spend all of his time with Michael Jackson, right?
A. Yes.
Q. Now, while you were in Monaco, you never saw Michael Jackson and your son ever take a bath together, right?
A. No.
Q. You never saw them shower together, right?
A. No.
Q. And when did you go to France on that trip?
A. I think that was in May.
Q. And what was the purpose of that trip, if you know?

A. To get an award. He was receiving an award.

Q. Was that after the trip to Monaco or before?

A. I’m sorry?

Q. Was that after the trip to Monaco?

A. What was? What are you asking?

Q. The trip to France you described. Was there a --

A. That is the trip.

Q. That’s the trip?

A. Yes.

Q. It was all in Monaco?

A. Monaco, yes.

Q. Did you ever go anywhere else?

A. We went to Euro Disney also, outside of Paris.

Q. Was the trip to Euro Disney after you were in Monaco for the awards or before it, if you know?

A. To the best of my recollection, it was after the awards.

Q. And how much time did you spend on that portion of the trip?

A. I would say a couple of nights.

Q. Okay. Now, one point you visited Evan, Jordan’s father, at his home when Michael Jackson was there, right?

A. I don’t recall.

Q. Do you recall seeing Evan and Michael in a squirt-gun-type fight?

A. That was my home, sir.

Q. That was your home?

A. Yes.

Q. So Evan had come to your home at that point?

A. Correct.

Q. Okay. And Evan, Michael and Jordie were in a squirt gun fight, right?

A. Along with his other son Nicky.

Q. Okay. And you got upset a little bit at that, right?

A. Yes.

Q. Okay. How did you learn that Michael Jackson was going to stay over at Evan’s house?

A. Through my son Jordan.

Q. And approximately when did that occur?

A. After the trip to Monaco, I think.

Q. How many visits, to your knowledge, did Michael Jackson make to Evan’s house?

A. To my knowledge -- to the best of my recollection, one or two visits.

Q. Okay. And to your knowledge, did he spend the night there?

A. Yes, he did.

Q. To your knowledge, did Jordan spend the night there?

A. Yes, he did.

Q. And to your knowledge, was Evan there both nights?

A. To the best of my knowledge, yes.

Q. Jordan never missed school while Michael Jackson was staying at your home, right?

A. To the best of my recollection, no, he did not miss school.

Q. Okay.

A. There might have been one or two days where he missed, but --

Q. Okay. You said that Michael Jackson saw you in New York at one point?

A. Yes.

Q. And when was that?

A. In June, the middle of June.

Q. Was he staying at the same hotel you were at?

A. He arrived after we were there, yes.

Q. Did you know in advance he was going to be staying at the same hotel?

A. Yes.

Q. And how did you know he was going to be staying at the same hotel as you and your children?

A. His secretary informed me.

Q. Did he pay for those hotel rooms, to your knowledge?

A. I don’t know who paid for the hotel rooms.

Q. Did you?

A. No.

Q. And which hotel was this?

A. The Rega Royal Hotel in New York City.

Q. And how long did you stay at that hotel --
A. Oh, perhaps --
Q. -- on that trip?
A. -- four nights.
Q. Okay. Was Mr. Jackson there during the four nights, to your knowledge?
A. Part -- part of those nights, yes.
Q. Okay. And did you introduce Mr. Jackson to other members of your family on that trip?
A. I don’t recall.
Q. Did you mention your brothers were there on that trip?

A. They were in New York, yes.
Q. Okay. Did they come to your hotel; do you know?
A. I don’t recall.
Q. Okay. Do you know whether or not Michael met your brothers on that trip?
A. I don’t recall that, no.
Q. Okay. And what month are we in now, if you know?
A. June. In June.
Q. Okay. And just to clarify, the first time Mr. Jackson ever stayed at your home in Santa Monica was what month?
A. In April.
Q. Okay. Do you remember telling Michael Jackson, “You’re like a magnet?”
A. I don’t recall.
Q. Do you remember telling Michael Jackson, “You’re like Peter Pan. Everybody wants to be around you and spend 24 hours”?
A. Yes.
Q. You told him, “Lily would too, except she’s not old enough”?
A. Yes.
Q. Now, you said there was an incident in a room in New York, right?
A. Correct.
Q. And did you actually see what happened?

A. No.
Q. When did you learn what happened in the

room?

A. In the morning I saw lamps, two lamps were broken.

Q. Okay. And Michael told you he had kicked the two lamps, right?

A. My son said that Michael Jackson did a karate kick and kicked the lamps.

Q. Actually, Michael told you that, too, didn’t he?

A. I don’t recall.

Q. Would it refresh your recollection to show you what you said to the District Attorney?

A. Thank you. Yes.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: Correct.

Q. BY MR. MESEREAU: Have you had a chance to look at that page?

A. Yes, I have.

Q. Does it refresh your recollection --

A. Yes.

Q. -- about what you said? Michael told you he kicked the two lamps practicing karate, right?

A. Correct.

Q. And he said he would pay for it, right?

A. Correct.

Q. And you said to him, “Lily told me a different story,” right?

A. Correct.

Q. But Lily told you they were just playing, correct?

A. Correct.

Q. Now, when do you remember meeting Bert Fields for the first time?

A. Sometime in August.

Q. Was Michael Jackson still spending evenings at your home in August?

A. No.

Q. When had he stopped spending evenings at your home, if you know?

A. I would say late June.

Q. And had you heard of who Bert Fields was

before that meeting?
A. No.
Q. You weren't aware he's one of the best-known entertainment lawyers in Los Angeles?
A. I was told that by Michael Jackson.
Q. And how long was your meeting with Bert Fields?
A. I don't recall. It could be an hour.
Q. And that's where Mr. Pellicano was present?
A. I don't recall.
Q. Okay. Is that the only time you've ever met

with Bert Fields, to your knowledge?
A. I don't recall.
Q. In the sworn declaration you filed regarding your attempt to set aside that stipulation, is there any reason why you didn't mention Mr. Fields, Mr. Pellicano or Mr. Jackson in that declaration?
A. Is my -- I don't understand the question.
Q. That's where you said the only reason you signed the stipulation was because of what your ex-husband threatened you with.
A. Correct.
Q. But you told the jury initially that the reason you signed it was because Michael Jackson wanted you to sign it, true?
A. Correct.
Q. That's not contained in your declaration, is it?
A. No.
MR. SNEDDON: Objection. Asked and answered and argumentative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: You didn't mention Mr. Fields or Mr. Pellicano either in that declaration, right?
MR. SNEDDON: Same objection, Your Honor.
THE COURT: Overruled.
Q. BY MR. MESEREAU: Right?
THE COURT: You may answer.

THE WITNESS: Correct.
Q. BY MR. MESEREAU: When had you separated from David Schwartz?

A. Around August of ‘92, approximately.
Q. Do you remember complaining that Evan, Jordan’s father, had promised him money for helping him write the screenplay?
A. Yes.
Q. And you complained that Evan had not paid Jordan the money he owed him, true?
A. I didn’t complain. It was a statement.
Q. Well, you asked him to pay him the money, right?
A. No, I did not.
Q. You didn’t tell him he owed your son $5,000?
A. It was a discussion.
Q. Okay. Did you want him to pay him that money?
A. It would have been a nice thing, yes.
Q. He didn’t do it, did he?
A. No, he did not.
Q. Now, you mentioned a gift certificate for $7,000 --
A. Yes.
Q. -- that you got from Michael Jackson, right?
A. Yes.
Q. And did you go to Fred Segal and use that gift certificate?

A. Yes.
Q. What did you get with it?
A. Oh, clothes, jewelry. That’s it.
Q. That’s it?
A. Yes.
Q. Okay. Before today, when is the last time you ever saw Mr. Jackson?
A. Oh, ten years ago.
Q. Okay.
A. Eleven years ago.
Q. Have you talked to Evan at all about what you’re saying in court today?
A. No.
Q. When is the last time you spoke to him?
A. Ten years ago.
Q. To your knowledge, did Michael Jackson ever stay at David Schwartz’s home?
A. No.

Q. Did he ever visit there, to your knowledge?
A. No. Not that I recall.
Q. Other than the first time when you met Mr. Jackson at David Schwartz’s rental car company, do you recall ever seeing Michael Jackson meeting with David Schwartz?
A. No.
Q. Do you remember Evan threatening David physically?
A. Yes.

Q. And when did that happen?
MR. SNEDDON: Your Honor, I’m going to object as immaterial.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Approximately when did you get settlement money from the settlement with Michael Jackson?
A. Oh, I would say approximately October of ‘93.
Q. Have you received any settlement money since then?
A. No.
Q. You mentioned to the District Attorney in Los Angeles a meeting Michael Jackson had with Elizabeth Taylor and Nelson Mandela. Do you remember that?
A. Correct.
MR. SNEDDON: Your Honor, I object as immaterial.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you remember, was Jordie with Michael at that meeting?
A. I don’t recall.
Q. David Schwartz was also at the apartment that Michael Jackson owned in Century City that you called “The Hideout,” right?
A. Correct.
Q. And approximately when was that meeting?

MR. SNEDDON: Your Honor, I’m going to object as vague as to time. What meeting?
MR. MESEREAU: I’ll rephrase it.
Q. When, to your knowledge, did David Schwartz

visit Michael Jackson's home in Century City that you call "The Hideout"?

A. It could be late August, early September.

Q. Who else was there when you got to the apartment?

A. I don't recall who else was there.

Q. Do you remember in your meeting with Mr. Pellicano telling Mr. Pellicano, "Well, it's Michael Jackson. I know Evan. It could be money. It could be"?

MR. SNEDDON: Object as hearsay, Your Honor.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you ever personally tell Mr. Pellicano that Evan's concerns could be only about money?

MR. SNEDDON: Same objection, Your Honor.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Was your lawyer, Michael Freeman, at that meeting with Mr. Pellicano?

A. I believe so.

Q. Is that the same meeting Bert Fields was present?

A. I don't recall, but possibly. Quite possibly.

Q. If your lawyer, Michael Freeman, was at the meeting, you must have been able to get legal advice about what to sign, right?

MR. SNEDDON: I'm going to object to that question. Assumes facts and calls for speculation. Can I throw in argumentative, too?

THE COURT: The objection is sustained.

Q. BY MR. MESEREAU: Did you ask Attorney Michael Freeman to be at the meeting?

A. No. I don't recall.

Q. Do you know how he got there?

A. I don't think he was there.

MR. SNEDDON: I'm going to object to that question. She has not said he was there. Assumes facts.

MR. MESEREAU: She did. She did.

THE WITNESS: I don't recall him being there.

THE COURT: Just a moment.

Objection sustained.

Q. BY MR. MESEREAU: Who is Michael Freeman?

A. An attorney. My attorney.

Q. And when did you first meet Michael Freeman?

A. Oh, I don't recall when.

Q. Did he represent you at some point during the time period you've described today?

A. At some point, yes.

Q. And he was your personal lawyer --

A. Correct.

Q. -- is that right?

You mentioned -- actually, let me ask you this: Did you mention Norma Stakos earlier?

A. Yes, I did.

Q. Where did you meet Norma Stakos?

A. I've never met Norma Stakos.

Q. Have you ever spoken to her?

A. Yes.

Q. In what context did you speak to Norma Stakos?

A. By telephone, about where we should meet, or when Michael Jackson is coming in to New York, or things like that.

Q. Did she seem to be the person that arranged your trips?

A. Everything. Everything.

Q. Did she seem to be the person who would get plane tickets, for example?

A. Absolutely, yes.

Q. Would she be the person who would arrange transportation on your trips with Michael Jackson?

A. Yes.

Q. Okay. Do you remember at your meeting with Mr. Pellicano, that Mr. Pellicano said, "This is all extortion"?

MR. SNEDDON: Your Honor, I'm going to object to that question. Calls for hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Now, at the time you met Mr. Fields and Mr. Pellicano, to your knowledge, did Evan have his own attorney?

A. I don't recall.

Q. At some point during the time you were represented by Larry Feldman, do you recall Evan also having another lawyer?
A. I don’t recall that.
Q. Do you recall the name Barry Rothman?
A. Yes.
Q. And where did you first hear about Barry Rothman?
A. Before Larry Feldman. That was Evan’s attorney.
Q. Now, at some point were you represented by Attorney Gloria Allred?
A. Two seconds. For two seconds.
Q. It was a little bit more than that, wasn’t it?
A. Two hours.
(Laughter.)
Q. You and Evan and Jordan were represented by Gloria Allred initially, correct?
A. Initially.
Q. You had meetings with her, correct?
A. One or two, yes.
Q. And then you went to Attorney Larry Feldman, right?

A. He came into the picture, yes.
Q. Okay.
A. Yes.
Q. Do you know approximately when Gloria Allred represented you, Evan and Jordie?
A. Before Larry Feldman.
Q. Do you know approximately --
A. No.
Q. -- what year that was?
A. Yes, ‘94.
Q. Okay. Were you referred to Gloria Allred by someone?
A. No.
Q. How did you wind up being represented by her?
MR. SNEDDON: Your Honor, I’m going to object as immaterial.
THE COURT: Sustained.
Q. BY MR. MESEREAU: How many times did you

meet with Mr. Pellicano?
A. Approximately three times. Three to four times.
Q. Do you know where those meetings took place?
A. As far as I recall, in his office.
Q. Did you travel to his office?
A. Yes, I did.
Q. Were you there with your attorney, Michael Freeman, ever?

A. I don't think so, no, no.
Q. Did you have discussions with Mr. Pellicano?
A. Yes.
Q. Did you ever believe he was your investigator?
A. Yes.
Q. And when was that?
A. When we had meetings.
Q. When you had meetings with Mr. Pellicano, you had already retained Michael Freeman as your lawyer, hadn't you?
A. I don't think so, no.
Q. What month do you think you first saw Mr. Pellicano?
A. In August. Approximately August.
Q. The declaration I referred to earlier was signed on August 10th, 1993, correct?
A. Okay. Yes.
Q. And it's on Freeman & Golden, Lawyers, stationery, correct?
A. I guess so.
Q. Would it refresh your recollection if I show you the declaration?
A. Thank you.
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
THE WITNESS: That's correct.

Q. BY MR. MESEREAU: (Indicating.)
A. Thank you.
Q. Have you had a chance to look at the declaration?
A. Yes.
Q. And does it appear that that declaration was

signed August 10th, 1993?
A. Yes, it was.
Q. And it’s on Freeman & Golden, Lawyers, stationery, correct?
A. Correct.
Q. And your lawyer helped you prepare this declaration, true?
A. Correct.
Q. Was Michael Freeman representing you in your domestic dispute with Evan?
A. No. I don’t recall. I don’t recall.
Q. When did he stop representing you, if you know?
A. Shortly thereafter. Not --
Q. Okay. Now, was Michael Freeman representing you when Gloria Allred was representing you?
A. I don’t recall.
Q. Was Michael Freeman representing you when Larry Feldman was representing you?
A. No.
Q. Do you recall at one point meeting with Robert Shapiro?

A. Yes.
Q. And when was that?
A. In Larry Feldman’s office.
Q. How many meetings did you have with Robert Shapiro?
A. I don’t recall.
Q. Do you know why he was at the meeting?
A. I -- I think as part of Michael Jackson’s legal team.
Q. Who, Robert Shapiro?
A. I think so. I don’t recall.
Q. Okay.
A. It was so long ago.
Q. Well, he was there because Michael Jackson’s attorneys were claiming extortion, right?
A. I don’t recall.
Q. Robert Shapiro was there because he’s a criminal defense lawyer, right?
MR. SNEDDON: Your Honor, excuse me. I want to interpose an objection before the next question comes out. Speculation. She says she doesn’t have

any recollection of this, so why Mr. Shapiro --
THE COURT: Stop talking. You're just supposed to give your grounds for the objection.
MR. SNEDDON: I'm sorry. Object. Speculation.
THE COURT: All right. Overruled. The question -- the last question, would the

court reporter read it back, please?
(Record read.)
THE COURT: You may answer.
THE WITNESS: Correct.
Q. BY MR. MESEREAU: Do you remember also in your meetings, meeting -- excuse me, let me rephrase that.
In the meetings you've described with Larry Feldman, Michael Freeman, Robert Shapiro, do you also remember a lawyer named Richard Hirsch being present?
MR. SNEDDON: Your Honor, I'm going to object as to all those people and compound.
THE COURT: It's vague.
We'll take our break now.
(Recess taken.)
THE COURT: Mr. Mesereau.
MR. MESEREAU: Thank you, Your Honor.
Q. Just very briefly, you and Evan hired attorneys and tried to negotiate a financial settlement before you ever talked to any police officer, right?
A. No.
Q. You were negotiating for money before you ever reported anything to any police officer in Los Angeles, correct?
A. Not correct.
Q. Do you know the dates you hired your

attorneys?
A. After we spoke with the police.
Q. You're saying that under oath?
A. That's what I believe, yes.
Q. You don't know that for sure, do you?
A. I'm sure.
Q. Your negotiations went on long before you

ever went to any police officer in Los Angeles, true?
A. False.
Q. Do you know when you first went to any police officer?
A. After the police, after we spoke to the police.
Q. It was after you spoke to Larry Feldman on a number of visits, correct?
A. Not correct.
Q. It was actually Larry Feldman who contacted the police, wasn’t it?
A. No.
Q. You didn’t talk to any prosecutor in Los Angeles before you retained Gloria Allred, correct?
A. Yes. Correct.
Q. You didn’t talk to any police officer in Los Angeles before retaining Gloria Allred, correct?
A. Can you backtrack a bit? Can you --
Q. You retained Gloria Allred before you ever contacted any police officer in Los Angeles, true?

A. Not true.
Q. Who did you contact in the LAPD before you hired Gloria Allred?
A. The police department. LAPD.
Q. You didn’t give any police statement before negotiations had already begun to settle the case, true?
A. Not correct.
Q. Did you call them yourself?
A. Did I call?
Q. The police yourself?
A. Department of Children Services.
Q. How about police?
A. No. Department of children Services.
Q. I’m asking you about the police.
MR. SNEDDON: It’s argumentative, Your Honor.
THE COURT: Overruled.
Q. BY MR. MESEREAU: You were negotiating for money --
THE COURT: Just a minute.
MR. MESEREAU: Oh, pardon me.

THE COURT: All right. She did answer it before the objection. Go ahead, Counsel, next question.

Q. BY MR. MESEREAU: You said you contacted Department of Children Services, correct?

A. Yes.

Q. That’s not the police department, is it?

MR. SNEDDON: That’s argumentative, Your Honor. And assumes facts not in evidence.

THE COURT: Sustained; argumentative.

Q. BY MR. MESEREAU: And you contacted Department of Children’s Services after first talking to a lawyer, true?

A. Not correct.

Q. In fact, you personally never called the police department, ever, about anything involving Mr. Jackson, true?

A. True.

Q. When did you first hire Gloria Allred?

A. After we spoke to the District Attorney.

Q. When did you first hire Larry Feldman?

A. After the police were notified, Department of Children’s Services, and Lauren Weis, the District Attorney.

Q. Your strategy was to negotiate a settlement before ever contacting law enforcement, true?

A. No strategy, sorry.

Q. And one of the levers you were trying to hang over Mr. Jackson was bad publicity if he didn’t pay, right?

A. Incorrect.

Q. Okay. When you talked to Mr. Sneddon, did he ever show you the dates when you contacted your first lawyer in this case?

A. No.

Q. When you talked to Mr. Sneddon, did he ever show you the dates before any contact was ever made to a police officer?

A. No.

Q. Do you know when your civil case was first filed?

A. I’m not sure of the exact date.

Q. Do you know who filed it?

A. I’m not exactly sure. Sorry.

Q. Okay. Do you know when you first contacted Department of Children’s Services?

A. Sometime in August.

Q. You don’t know when you hired Gloria Allred, correct?

A. Correct.

Q. Do you know if Gloria Allred contacted Department of Children Services?

A. I don’t know that.

Q. Do you know when Evan first hired Barry Rothman?

A. I do not know that.

Q. He hired Barry Rothman before any report was made to DCFS, correct?

A. I don’t know.

MR. SNEDDON: I’m going to object. Calls for speculation.

THE COURT: Sustained.

Q. BY MR. MESEREAU: When did you first hire Attorney Michael Freeman?

MR. SNEDDON: Object as asked and answered.

THE COURT: I believe she said she didn’t know.

MR. MESEREAU: Okay. No further questions.

THE COURT: All right.

REDIRECT EXAMINATION

BY MR. SNEDDON:

Q. Mrs. Chandler, do you know whether or not in Los Angeles, that the Los Angeles Police Department has sworn peace officers attached to the Child Abuse Unit in the Department of Child Services?

A. Correct.

Q. Sorry?

A. Yes, I do.

Q. Were those the people that you talked to when you were interviewed?

A. Yes, they were.

Q. And do you have a recollection at this present time as to specifically when in August you interviewed with them?

A. Specifically, no.
Q. Would it refresh your recollection if I showed you a document about that interview?
A. Yes.
MR. SNEDDON: May I approach, Your Honor?

THE COURT: Yes.
THE WITNESS: Okay. Thank you.
Q. BY MR. SNEDDON: Does that refresh your recollection?
A. Yes, it does.
Q. With regard to -- I’m sorry, to when you were interviewed by members of the Los Angeles Police Department?
A. Yes, it does.
Q. And what was the date on that?
A. 8-7-93.
Q. Now, let’s go back, if we can. And just to clarify, you were not the one who originally contacted the -- made the report?
A. Correct.
Q. Do you know who did, of your own knowledge?
A. Of my knowledge, it was Jordan Chandler, my son.
Q. Now, let’s go back for just a second. Mr. Mesereau asked you about a meeting on Saturday involving your attorney and myself. Do you recall that?
A. Yes, I do.
Q. And was there also another person that was present with us that I brought along?
A. Yes.
Q. Do you remember the person’s name?
A. No, I don’t remember his name, but he was a detective.

Q. With the sheriff’s department?
A. With the sheriff’s department.
Q. So he was also present during that entire meeting?
A. He was -- absolutely, yes.
Q. All right. Now, he also asked you about conversations that you and I had on the phone. Do you recall that?

A. Correct.
Q. And that we had talked a couple of times on the phone?
A. Correct.
Q. And with regard to those conversations, the first conversation we had, do you recall the substance of that conversation?
A. That I would be subpoenaed and for -- testifying.
Q. And did I indicate to you that I wanted to talk to you, to do an interview with you?
A. That we would be speaking later on, yes.
Q. Okay. And did you -- did you have to check with somebody to make sure that was okay because of the confidentiality agreement?
A. Yes.
Q. And who was that?
A. Larry Feldman.
Q. So is that one of the phone calls that you had with Mr. Feldman, was to make sure --

A. Yes.
Q. -- to make sure it was okay for you to talk to me?
A. Correct.
Q. Now, Mr. Mesereau asked you about some countersuit that Michael Jackson alleged against you and members of your family. Do you recall that question?
A. Yes.
Q. Did you ever pay a penny to Mr. Jackson in any lawsuit to settle anything?
A. No. No.
Q. Now, you indicated that these two children from New Jersey that you mentioned, the Cascios, do you remember the name of the restaurant in New Jersey that they allegedly owned?
A. Aldo’s Restaurant.
Q. You talked with Mr. Mesereau about the incident that occurred in New York where the lamps got broken and the karate kicks and all that?
A. Correct.
Q. Okay. Did you subsequently learn that the version of what happened was not truthful?

MR. MESEREAU: Objection; leading.

THE WITNESS: Correct.

THE COURT: Sustained. The answer’s stricken.

Q. BY MR. SNEDDON: Did you subsequently -- can you tell us how you eventually -- let me put it this way: Did you ultimately learn other information about that incident?

A. Yes.

Q. You personally?

A. Yes.

Q. And did you determine from that information that the original version wasn’t correct?

A. Correct.

Q. We talked a little bit in your direct examination about the change-in-custody agreement that Mr. Jackson asked you to sign. Do you recall that?

A. Yes.

Q. Okay. And you said you did sign it?

A. I did.

Q. Now, after having signed that document, did you ever get custody of your child back?

A. No.

Q. Mr. Mesereau asked you about your son Jordan and about some things you may or may not have seen with regard to taking showers. And I want to ask you a few questions about that, okay?

A. Yes.

Q. During the time that you were -- you stayed at Neverland Valley Ranch, and your son slept in Mr. Jackson’s room - okay? - did you ever see your son come back to the guest cottages to take showers?

A. No.

Q. During the time that your son was in Monaco and stayed in Mr. Jackson’s room for several days in a row, did you ever see your son come back to take showers in your room?

A. No.

Q. During the time that you were in Florida and Mr. Jackson and your son spent the time together and he was sleeping in Mr. Jackson’s room, did you ever see your son come back to your room to take showers or to clean up?

A. No.

Q. And if I were to ask you that same question with regard to baths - okay? - would there be any different answers?

A. No.

Q. Or with regard to seeing your son getting dressed in the morning, would there be any different answers?

A. No.

Q. Now, with regard to the meeting that Mr. Mesereau talked about, where you were at the hideout, Mr. Jackson's hideout, the Century City place -- in Century City? I don't know where it is.

A. Yes, it is.

Q. And we're talking about the evening that you described where Mr. Pellicano was talking to Jordan

downstairs and you were upstairs with David Schwartz.

A. Correct.

Q. You told us that lasted about 45 minutes?

A. Yes, it did.

Q. Do you recall whether or not Mr. Jackson was present during that conversation?

A. I don't recall him being there.

Q. Now, if I show you your statement that you gave to the Los Angeles District Attorney's Office, might that refresh your recollection to that event?

A. Yes.

MR. SNEDDON: May I, Your Honor?

THE COURT: Yes.

MR. SNEDDON: Page 90, Counsel.

THE WITNESS: Thank you.

Q. BY MR. SNEDDON: Does having seen that statement refresh your recollection as to whether or not Mr. Jackson was present with Mr. Pellicano during Jordan's conversation or interview?

A. Yes, it does.

Q. And was he?

A. Yes, he was present.

Q. You told the jury that it's been 11 years since you've had any conversations with your son

Jordan, correct?

A. Correct.

Q. Is that by your choice?

A. No.

Q. You told the jury that as a result of the conversation with Mr. Jackson in Las Vegas where he urged you to trust him - okay? --

A. Yes. I’ll be okay. Thank you.

Q. -- that during that conversation in Las Vegas where Mr. Jackson urged you to trust him, do you recall that?

A. I do.

Q. Do you regret ever doing that?

A. Very much so.

MR. SNEDDON: Nothing further.

RECROSS-EXAMINATION

BY MR. MESEREAU:

Q. Briefly, do you recall Evan hired counsel in June to start negotiating with Mr. Jackson?

A. No, I don’t recall.

Q. Do you recall being in any meetings with Evan and his counsel in June to try and settle the matter?

A. No.

Q. Do you recall Mr. Pellicano making settlement offers to Evan on your behalf in June?

A. No, I don’t.

Q. Do you recall any contact between Evan and lawyers in May?

A. No.

Q. Okay. You never discussed that with Evan at the time?

A. No.

Q. Didn’t you have a lot of -- we’re talking about 1993. Didn’t you have a lot of contact with Evan at that point about hiring counsel?

A. No.

Q. And weren’t you in a dispute with Evan at that point over custody?

A. Yes.

Q. Okay. And when did that dispute begin, if

you know?
A. In August of ‘93.
Q. But you had had problems with Evan for months before that, had you not?
A. Not -- not terrible.
Q. And you don’t know when he hired his attorney?
A. No, I don’t. No, I don’t.
MR. MESEREAU: Okay. No further questions.
MR. SNEDDON: Nothing further, Your Honor.
THE COURT: All right. Thank you. You may step down.
THE COURT: Call your next witness.
MR. AUCHINCLOSS: People call Dwayne Swingler.
THE COURT: When you get to the witness stand, please face the clerk and raise your right hand.

DWAYNE SWINGLER
Having been sworn, testified as follows:

THE WITNESS: Yes, ma’am.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: My name is Dwayne Swingler; D-w-a-y-n-e, Swingler, S-w-i-n-g-l-e-r.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. Good afternoon, Mr. Swingler.
A. Good afternoon.
Q. What is your current occupation, sir?
A. Right now I do stand-in work, movie sets.
Q. Okay. And what kind of -- stand-in work, what does that --
A. Stand in for stars. It’s called second team. They don’t use the stars to get the lights bright. They use stand-ins.
Q. I see. During the year 2003, at some point during that year, did you -- were you employed by Michael Jackson?

A. Yes, sir.
Q. Is he the man seated to my right with the long black hair?

A. Yes, sir.
Q. Thank you.
When did you begin working for Mr. Jackson?
A. In June of 2003. Early June of 2003.
Q. And what was your -- what was your assignment for Mr. Jackson?
A. Supervisor of Neverland.
Q. How did you come to get that position?
A. I met Michael at a studio, Marvin Gaye’s studio in Hollywood.
Q. What were you doing at the studio?
A. My cousin was engineering Michael’s music session, and Michael needed someone to whistle on a track, so my cousin called me and said, “Would you like to come down and whistle on Michael’s track?”
And I said, “I can’t whistle that well, but I would love to come down and meet Michael Jackson.”
Q. Okay. Are you yourself a musician?
A. Yes, I am.
Q. And you met Mr. Jackson on that date?
A. Yes, sir.
Q. Can you tell me about -- was that in 2003?
A. Yes, it was.
Q. About what month was it, if you recall?
A. That was probably early -- sometime in April.
Q. And how did it come about that you were offered employment?

A. I hung out at the studio with Michael and his kids, and Chris Carter, maybe four, five days in a row, three, four days in a row, while they were working on the session.
Q. Who did you understand Chris Carter to be?
A. Michael’s personal security.
Q. And so somebody offered you employment?
A. On the last day there, Chris Carter asked me to come outside. So I walked outside with him, and at that time he told me that, you know, “Michael likes you. He would love to bring you aboard. What

are you currently doing right now"?

Q. Were you available?

A. Yes.

Q. Did they tell you what type of job they wanted to hire you for?

A. Initially they hired me to be security, along with Chris Carter, to travel with Michael.

Q. And how did that work out?

A. Well, that didn't work for me because I had triplets. I got three-year-old triplet boys, so....

Q. All right. So traveling wasn't an option?

A. No. Actually, Michael was the one who said, "If he has triplet boys, then I don't want him to be traveling with me all the time."

Q. So you said you became ranch manager?

A. Yes.

Q. How did that come about?

A. I guess Michael suggested to Chris, "If he has triplets, he'll be away from his kids a lot. So maybe we should offer him another job," and that's when supervisor of Neverland came up.

Q. So who offered you that position, I guess is my question?

A. I guess Michael. But Chris Carter's the one who told me about the position.

Q. At some time did you discuss with Mr. Jackson personally your employment?

A. I don't understand the question.

Q. Did you ever have a discussion with Mr. Jackson about your employment as ranch manager?

A. Yes, I did.

Q. Did he ever discuss with you the terms by which you could be terminated if he was dissatisfied with your work?

A. He didn't discuss with me personally. But Chris Carter and Joe Marcus did.

Q. And did you have an understanding about how you could be terminated?

A. Yes.

Q. And what was that?

A. Grounds of giving up information of where Michael Jackson's whereabouts are, and, you know, there was a rule on the ranch -- I don't know if it came directly from Michael, but, you know, Chris told me and Joe Marcus told me as well, that you can never say no --

MR. MESEREAU: Objection; hearsay.

MR. AUCHINCLOSS: Okay, let's just back up a minute.

Q. I think what my question is, did you know -- did you have some indication from Mr. Jackson as to who had authority to terminate you?

A. Yes.

Q. And who was that?

A. From my understanding, it was only supposed to be Michael Jackson.

Q. Okay. At some point during 2003, were you terminated?

A. Yes.

Q. Tell me about that. How did that come about?

A. I had --

MR. MESEREAU: Objection; vague as to time.

THE COURT: I'll ask you to clarify the time.

MR. AUCHINCLOSS: Okay.

Q. When were you terminated?

A. Early August 2003.

Q. And how long had you been working at that point for Mr. Jackson?

A. Maybe five, six weeks.

Q. When did you start work?

A. I was hired in the end of April, early May. But I had to go back to Michigan for a couple of weeks, so the hiring process took awhile. You know, background checks, physicals.

Q. When did you start going to Neverland?

A. In May.

Q. In May?

A. Yeah.

Q. And when did you start getting a paycheck?

A. In June.

Q. Okay. And what were you doing there in May?

A. I just came out to the ranch to check things out to see the position that I would be, you know, filling.

Q. In May, was it understood that you would be the ranch manager?
A. Yes.
Q. And did you go up there and receive some instruction from anybody as to what the duties were, in May?
A. I received, well, sort of from Joe Marcus, some instruction, but not as much as I did once I started in June.
Q. What was Mr. Marcus’s assignment at that time?
A. Ranch manager.
Q. So he was ranch manager and you were going to take it over?
A. No. Ranch manager, you deal with the majority of the workers outside, the garden, the landscapers, things like that. The carnival, the festival, whatever.

Q. What was Joe Marcus doing?
A. What do you mean?
Q. Well, you said Joe Marcus was ranch manager.
A. Right, that was his position. Ranch manager, you deal with all the employees basically outside of the house.
Q. And your position was going to be?
A. Supervisor. Deal with the employees and Michael and the kids in the house.
Q. Oh, in the house?
A. Yes.
Q. So house manager?
A. House manager.
Q. All right. Good.
So you began work in June, but you went up there for how many weeks to get some training?
A. Not really training, just sort of to come check things out, and to see who -- you know, what position I would be taking and where the office was, and things like that.
Q. And when was it you were terminated?
A. In early August.
Q. And how did that come about?
A. I had had a meeting with Michael about transferring my position. And I liked working for

him. I wanted to work for him somewhere in Los Angeles, because my triplets were only one years old at the time. So I was missing them, them being in Los Angeles and me being here, and me staying the night at Neverland often. Wasn't working for me. So I had a one-on-one meeting with him to be transferred.

Q. And how did your termination come about?

A. I --

Q. Let me ask you this: Were you terminated?

A. Yes, I was.

Q. And how were you terminated?

A. I was terminated by Joe Marcus. He -- I arrived at Neverland one morning for work and he told me -- he had changed the locks on me. And then I went into -- I mean, some -- one of the employees -- one of my employees in the house told me Joe came to change the locks. And I said, "Why?" And they said, "I don't know." And I had already been told by the guard at the gate that Joe --

MR. MESEREAU: Objection; hearsay.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: So the locks were changed. Did you go talk to Mr. Marcus?

A. Yes, I did.

Q. What did he tell you?

MR. MESEREAU: Objection; hearsay.

THE WITNESS: He told --

MR. AUCHINCLOSS: I can go back to my last question, I guess. I'll withdraw that question, Your Honor.

THE COURT: All right.

Q. BY MR. AUCHINCLOSS: And how specifically -- I want you to go directly to the answer on this question. How specifically did you learn that you were terminated?

A. I --

MR. MESEREAU: Objection; asked and answered.

THE COURT: Overruled.

You may answer.

Q. BY MR. AUCHINCLOSS: Go ahead.

A. I learned directly from Joe Marcus that my services would no longer be needed at Neverland, and that he didn’t have to give me a reason. Because I --

Q. You asked him for a reason?

A. Yes, I did. I didn’t think I had done anything wrong. Well, I know I hadn’t done anything wrong.

Q. Okay. So you’d been at Neverland for a little over a month, and you’d worked there for a few weeks before that time as well?

A. Well, not worked. But like -- I wasn’t getting paid for that time. That was just to come out there and check the ranch out.

Q. During the time that you were at Neverland, did you have personal interaction with Michael Jackson?

A. Yes.

Q. On how often a basis?

A. If he was there. All the time, if he was there.

Q. More than once a day?

A. Yes.

Q. And who was responsible for handling Mr. Jackson’s appointments while he was on the ranch?

A. At Neverland, I would take the -- all the phone calls. It didn’t matter who it was calling; mother, father, business person.

Q. So if he had an appointment for a day, would you take that -- would that be part of your duties?

A. Yes.

Q. To schedule those appointments?

A. Yes.

Q. Did you have occasion to observe visitors of Mr. Jackson that were child visitors?

A. Yes.

Q. Did you see child visitors spend the night at Neverland?

A. Yes.

Q. Did you see child visitors spend the night in Mr. Jackson’s room?

A. Yes.

MR. MESEREAU: Objection. Leading; and violates the Court's order.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Who did you see visit Mr. Jackson who was a child visitor?
MR. MESEREAU: I'm going to object. Violates the Court's order.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: When you were at Neverland, did you interact with Mr. Jackson about issues dealing with activities on the ranch?
MR. MESEREAU: Objection; vague.
THE COURT: Overruled.
THE WITNESS: Issues dealing with activity on the ranch?
Q. BY MR. AUCHINCLOSS: Well, whatever -- let's back up. What were your duties as house manager?
A. To answer all the phone calls. To, you know, schedule the maids. To help the maids out with cleaning rooms and suites. And basically to, you know, take care of whatever Michael and the kids needed.
Q. And in terms of the day-to-day issues in terms of running the ranch, can you characterize how -- Mr. Jackson's degree of involvement?
A. As far as -- I mean --
MR. MESEREAU: Objection. Vague; and relevance.

THE COURT: Overruled. You may answer.
THE WITNESS: Mr. Jackson is in total charge of the ranch.
Q. BY MR. AUCHINCLOSS: Why do you say that?
A. Well, when I was terminated, because of my previous conversation with Chris Carter that only Michael Jackson could terminate me, I called Evvy, which is Michael's personal assistant --
MR. MESEREAU: Objection. Nonresponsive; hearsay.
MR. AUCHINCLOSS: That's fine.
MR. MESEREAU: And relevant as to time.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: So when you were on the

ranch, did you have occasion to see Mr. Jackson in terms of making orders at the ranch?

A. Yes.

Q. Did he make orders?

A. Yes. He made some to me.

MR. MESEREAU: Continuing relevance objection, Your Honor, as to time.

THE COURT: Time?

Q. BY MR. AUCHINCLOSS: During the time that you were ranch manager, during that five-week period.

A. Yes.

MR. MESEREAU: That's the objection, Your Honor. The time period's irrelevant.

THE COURT: All right. That's overruled.

Q. BY MR. AUCHINCLOSS: Go ahead. You can answer that question.

A. Yes, I observed it. He made some to me personally.

Q. Did you have occasion to see individuals, his other employees, in terms of their relationship with Mr. Jackson?

A. Meaning like Joe Marcus and Grace and those?

Q. I mean -- let's talk about your employees. Did you have employees that were working under you as house manager?

A. Yes.

Q. Who?

A. Cooks?

Q. Yeah, just generally speaking.

A. Cooks, housekeepers, maids.

Q. Okay. And had some of these people been working at the ranch longer than you had?

A. Yes. The majority of -- all of them.

Q. And did you have occasion to see their interaction with Mr. Jackson?

A. Yes.

Q. And what level of service did Mr. Jackson expect?

MR. MESEREAU: Objection. Relevance; vague; no foundation.

THE COURT: It's vague; sustained.

Q. BY MR. AUCHINCLOSS: Can you characterize the demeanor of the employees around Mr. Jackson when they were in his presence?

MR. MESEREAU: Objection. Vague; relevance. Particularly the time period.

MR. AUCHINCLOSS: I'll be specific.

Q. During the time you were ranch manager, or house manager.

MR. MESEREAU: Same objection.

THE COURT: Overruled.

THE WITNESS: Can you ask me the question again?

Q. BY MR. AUCHINCLOSS: Yeah. My question is, can you characterize the demeanor -- how did these people act, these employees, when they were around Mr. Jackson in his presence?

A. I mean, they act like they liked him. Mr. Jackson was nice to people.

Q. Did they act like they'd speak their mind around him?

MR. MESEREAU: Objection; leading.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Did they act -- did they act comfortable around him?

MR. MESEREAU: Objection. Leading; vague; relevance; and foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Do you know if -- do you know if Mr. Jackson would fire people at Neverland?

MR. MESEREAU: Objection. Foundation; relevance.

THE COURT: Foundation; sustained.

Q. BY MR. AUCHINCLOSS: Well, you yourself were fired; is that correct?

A. Yes, sir.

Q. Do you know who fired you?

MR. MESEREAU: Objection; asked and answered.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Who -- when you were working with Mr. Jackson, did you have occasion to see individuals who were employees of his that were closer than other employees?

MR. MESEREAU: Objection. Vague; leading; relevance; foundation.

MR. AUCHINCLOSS: Objection, Counsel's fishing for a reason to object to that question.

MR. MESEREAU: I object to the colloquy, move to strike.

THE COURT: I'll sustain the "vague" objection to that question.

Q. BY MR. AUCHINCLOSS: Did you see employees -- did you see any employees that spent more time with Mr. Jackson than other employees?

MR. MESEREAU: Objection. Leading; vague; foundation; and relevance.

THE COURT: Overruled.

You may answer.

THE WITNESS: Yes, I did.

Q. BY MR. AUCHINCLOSS: Did you see -- well, let's go ahead and make a list. Who did you see that spent more time with Mr. Jackson than other employees?

MR. MESEREAU: Objection. Relevance; foundation; vague.

THE COURT: Overruled.

You may answer.

THE WITNESS: Vase -- Grace, I'm sorry. Grace, Chris Carter. Those are the two that I think spent most of the time with Mr. Jackson.

Q. BY MR. AUCHINCLOSS: Did you ever see an individual visit the ranch by the name of Dieter Weizner?

A. I would have to see a picture to be sure.

MR. MESEREAU: Could we approach, Your Honor? We'd like a proffer.

MR. AUCHINCLOSS: Be happy to make one.

THE COURT: I don't really need that. I -- it's clear to me where....

Q. BY MR. AUCHINCLOSS: I show you People's Exhibit No. 17, Mr. Swingler. Can you identify that for me, please?

A. I can't say I've seen that gentleman.

Q. You haven't seen him?

A. No.

Q. Did you see -- did you previously have a conversation with Detective Bonner about the facts of this case?

A. Yes, sir.

Q. And in that conversation, did you identify -- just a moment, if you would, please.

Did you identify a number of individuals that you thought were within Michael Jackson’s inner circle?

MR. MESEREAU: Objection. Leading; and vague.

MR. AUCHINCLOSS: It’s impeachment.

THE COURT: Sustained.

MR. AUCHINCLOSS: I’m sorry?

THE COURT: It’s vague.

Q. BY MR. AUCHINCLOSS: Did you identify Dieter Weizner as a member of Michael Jackson’s inner circle?

MR. MESEREAU: Objection. Leading; and foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: In my conversation with Detective Bonner?

Q. BY MR. AUCHINCLOSS: With Detective Bonner, did you not identify Dieter Weizner specifically as a member of Michael Jackson’s inner circle?

A. I can’t -- I can’t really recall, because I don’t know the face. I never seen the face before. The name I know. The face I don’t.

Q. Do you know the name Dieter Weizner?

A. Yes.

Q. Did you meet a man by the name of Dieter Weizner?

A. Looking at the face --

Q. I’m not asking you about the face.

MR. MESEREAU: Objection. He’s arguing with the witness. Leading and foundation.

THE COURT: Overruled.

Q. BY MR. AUCHINCLOSS: Did you meet a man by the name of Dieter Weizner?

A. I can’t remember.

Q. Did you meet a man -- well --
A. Like I say, the name sounds familiar. I know I've heard the name. Maybe I spoke with him on the phone a few times there, but the face didn't --
MR. MESEREAU: Objection. Calls for speculation; move to strike; nonresponsive.
Q. BY MR. AUCHINCLOSS: Did you meet a man by the name of Ronald Konitzer?
THE COURT: There's an objection pending.
THE BAILIFF: Judge, can you turn the microphone on?

THE COURT: All right. The objection is overruled. And you had another question. Go ahead.
Q. BY MR. AUCHINCLOSS: Did you meet a man by the name of Ronald Konitzer?
A. I can't -- by the name -- I would have to see a picture.
Q. Did you meet two German businessmen?
A. Yes.
Q. Did they meet with Mr. Jackson?
A. Yes.
Q. On how many occasions?
A. Three or four.
MR. AUCHINCLOSS: Thank you. I have no further questions.
THE COURT: Cross-examine?

CROSS-EXAMINATION
BY MR. MESEREAU:
Q. Good afternoon.
A. Good afternoon.
Q. My name's Tom Mesereau. I speak for Mr. Jackson.
A. How you doing, sir?
Q. Good. Good. We've never spoken before, right?
A. No.
Q. You worked for a five-week period?
A. Four and a half, five weeks, yes, sir.

Q. Four and a half, five weeks. How many days a week did you work?
A. Six or seven.

Q. And the prosecutor asked you about how many meetings Mr. Jackson had with two German individuals, right?
A. Yes, sir.
Q. Do you really know how many meetings there were?
A. Around, I’m guessing, three to four.
MR. MESEREAU: Okay. Move to strike the testimony, Your Honor.
THE COURT: Denied.
Q. BY MR. MESEREAU: You’re guessing three to four, but you don’t really know, right?
A. No, I couldn’t say. I couldn’t pinpoint it. I wasn’t --
Q. You weren’t in the meetings, right?
A. No.
Q. You don’t remember what they looked like, right?
A. I do remember what they looked like if I saw a picture of them, yes.
Q. Well, the picture the prosecutor showed you, you couldn’t identify, right?
A. Yes, sir.
Q. Okay. Now, you wanted to be transferred to Los Angeles; is that correct?

A. Yes. Yes, sir.
Q. And did you tell -- excuse me, who did you talk to about the transfer?
A. Mr. Jackson.
Q. Okay. And you explained that the commute and the hours were just too much to raise your family?
A. I just wasn’t seeing my kids, and they were one years old.
Q. And did you ask Mr. Jackson to be transferred somewhere in Los Angeles?
A. Yes.
Q. Okay. And where was that?
A. I just asked him to be transferred to any business in Los Angeles that he had.
Q. But you really didn’t even know if there was a job available in Los Angeles, right?
A. No, that’s why I was asking.

Q. Okay. Right. Okay. And approximately when did you ask him; do you know?
A. Maybe three weeks into the job.
Q. Okay. And Mr. Jackson was always nice to you, wasn't he?
A. Yes, sir.
Q. And as far as you know, there may not have been a job available in Los Angeles, right?
A. He told me there was one.
Q. He told you there was one?

A. Yes, sir.
Q. Where did he say?
A. A&R, his record label.
Q. Pardon me?
A. A&R of his record label.
Q. Had you ever worked at a record label before?
A. No, I hadn't.
Q. All right. But at some point you learned that you weren't being hired, right?
A. No. As a matter of fact, I saw Michael again at his birthday party in Los Angeles and he told me I was still hired.
Q. Okay. But it never came through, right?
A. No, I'm still waiting for my paycheck now.
Q. Okay. You're trying to write a book about your experiences at Neverland, correct?
A. Well, no, I'm not trying to write a book about my experiences at Neverland.
Q. Well, didn't you -- excuse me. Did you say Michael Jackson has a record label?
A. He told me he had a record label.
Q. Okay. Do you know that he doesn't have one?
MR. AUCHINCLOSS: Objection; assumes facts.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you know whether or not he really has a record label?
A. I was just told by him he had a record label.

Q. Okay. All right. Now, you prepared notes for a book called "Entering Neverland, Secrets Behind the Gate," right?

A. Does it have my signature on it? Because I know that within the last month or two, I started jotting down information to myself and somehow my information come up missing out of my house, but whatever.

Q. Did you prepare notes for a book titled "Entering Neverland, Secrets Behind the Gate" --

A. No.

Q. -- "By Dwayne Swingler, Head Supervisor of Neverland Ranch, Summer of 2003," did you prepare that?

A. No.

MR. AUCHINCLOSS: Objection; asked and answered.

THE COURT: Overruled. The answer is, "No."

Q. BY MR. MESEREAU: Are you aware of anything like that?

A. No.

Q. You didn't --

A. Am I aware of it? What do you mean?

Q. Yeah. Have you written out anything for a book called "Entering Neverland, Secrets Behind the Gate, by Dwayne Swingler"?

A. No, I haven't written anything, or titled anything, or signed anything, or spoke to anybody about, "This is my deal."

Q. Have you talked to a group called News of the World?

A. Have I?

Q. Yes.

A. Yeah, I spoke with one lady one time, yes.

Q. And to your knowledge, who is News of the World?

A. To my knowledge, it's a news media overseas.

Q. And why were you speaking to them?

A. Because I was interested in maybe possibly writing down some information to -- to cash in on something like everybody else was, because Michael wasn't -- I hadn't received the paycheck from A&R at the time.

Q. Okay. Did you enter into a nondisclosure agreement with News of the World?

A. No, I did not.

Q. Have you ever seen one?

A. No, I did not.

Q. Did you ever talk to someone named David Han-Schmidt?

A. The same time I spoke with the News of the World lady, he's the one that contacted her and contacted me.

Q. And to your knowledge, who is David Han-Schmidt?

A. He said that he was a media agent. I don't even know how he got my phone number.

Q. When did you last talk to David Han-Schmidt?

A. He -- as a matter of fact, he called me today.

Q. And to your knowledge, is he with a public relations company?

A. I really don't know what he did. He never clarified that with me. He said he was an agent, he was a producer, he was in public relations. I basically ended the situation.

Q. To your knowledge, did anyone ever send you a nondisclosure agreement regarding News of the World?

A. No. I haven't signed any nondisclosure agreements, and I haven't taken any money from anyone.

Q. How many discussions have you had with David Han-Schmidt?

A. Three. Four. Can't remember.

Q. And when was the last one with him? Today?

A. He called me today, because he said he heard that I was coming to testify.

Q. Okay. Have you ever put together any notes for a possible book on the computer?

A. Excuse me?

Q. Have you ever put any notes for a possible book on your computer?

A. No, I haven't.

Q. Have you ever written any notes out for a possible book?

A. I told you I jotted down some information on a piece of paper, and that's all I've done.

Q. Did you ever ask any public relations person to put together a proposal for you?

A. No, I haven't.

Q. But you're thinking of doing it, right, like everybody else?

A. Yes, I was thinking about doing it.

Q. Okay. Okay. Have you ever seen -- excuse me. Has anyone ever brought to your attention that somebody has prepared notes for a possible book in your name?

A. David.

Q. David Han-Schmidt?

A. Yes.

Q. Did he prepare them, to your knowledge?

A. He just said he received papers. I don't know -- like I told you, I don't even know how he got my phone number.

Q. Okay. If I showed you these papers, might it refresh your recollection about where they came from?

A. No, it probably wouldn't, because I never typed any papers or wrote out -- the only thing I did was write down notes, jotted down notes on a 5761 piece of paper.

Q. Okay. And that was about your experience during the five weeks at Neverland?

A. That was about my experience totally, not just the five weeks at Neverland. That was my experience with Michael's manager and everything.

Q. Okay. Did you ever write down on those notes the words "Secrets Behind the Gate"?

A. No, I did not.

Q. Okay. Did David Han-Schmidt tell you how he got your name?

A. No, he did not.

Q. Okay. Did you ever ask him, "Why did you call me?"

A. Well, actually, he started the conversation off, and he just, whew, went straight to talking about a lot of money, so I was listening to him about a lot of money first.

Q. Did he promise you a lot of money?

A. That's what he promised, yes.

Q. Okay. How much money did he promise?

A. He never said figures. He just said, you know, “You can make a lot of money.” You know, “Why aren’t you telling anyone your story?” That’s what he said to me.

Q. It’s your understanding that he’s located in Phoenix, Arizona?

A. Yes. That’s where he said he’s from.

Q. Okay. Did he ever tell you he was going to prepare a possible manuscript for you?

A. He asked me would I like him to, and I said no. Like I told you, I terminated the conversation when he told me what he wanted to do.

Q. Okay. And did he want some scandal sheet about Michael, something like that?

A. Actually, he’s for Michael. He’s pro Michael.

Q. Did he want you to write something about Michael?

A. He wanted to speak on Michael’s behalf, yes.

Q. Okay. And how often -- in those three conversations, did you talk about money each time?

A. No, I did not.

Q. Okay. Have you ever spoken to Miss Carol Maung, M-a-u-n-g, who is the U.S. editor of News of the World?

A. I spoke with her. I spoke with her when she was with David when I got there.

Q. And did she fax you anything or e-mail you anything?

A. Fax me anything or e-mail me anything?

Q. Yes.

A. No, sir.

Q. Okay. All right. When you were at Neverland working --

A. Yes.

Q. -- you had no direct contact with any member of the Arvizo family, right?

A. The Arvizo family?

Q. Yes.

A. No, sir.

Q. That means you didn’t have any contact with the Arvizos?

A. Yes.

Q. Okay. Do you remember meeting Dominick Cascio at Neverland?

A. Yes, sir.

Q. And he's the -- did you speak to him?

A. Often.

Q. Okay. And to your knowledge, he's a father?

A. He's a father?

Q. Yes.

A. I didn't know he was a father.

Q. Okay. Did he ever talk to you about work he did?

A. Did Dominick ever talk to me about work he did?

Q. Yeah.

A. Some work at the restaurant that his family owned.

MR. MESEREAU: Okay. I have no further questions, Your Honor.

MR. AUCHINCLOSS: Counsel?

(Off-the-record discussion held at counsel table.)

MR. AUCHINCLOSS: Maybe we should approach. Your Honor, may we approach?

THE COURT: For what?

MR. AUCHINCLOSS: Concerning the materials that counsel is using to cross-examine the witness on.

THE COURT: All right.

(Discussion held off the record at sidebar.)

MR. AUCHINCLOSS: If I could just have a moment, Your Honor.

THE COURT: Yes.

MR. AUCHINCLOSS: I think I can finish with this witness, Your Honor. Just one question.

REDIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Mr. Swingler, do you know if David Schmidt has any affiliation with Michael Jackson?

A. I just know that he has a website; that he's, you know, pro Michael Jackson.

MR. AUCHINCLOSS: All right. Thank you.

I have no further questions.

MR. MESEREAU: No further questions, Your Honor.

THE COURT: All right. Thank you. You may step down.

THE WITNESS: Thank you, sir.

THE COURT: Do you have another witness?

MR. AUCHINCLOSS: (To Mr. Sneddon) Go ahead.

MR. SNEDDON: You.

MR. AUCHINCLOSS: Do you want me to do it?

(Laughter.)

MR. SNEDDON: We're trying to figure out which one of us should take responsibility for telling you "No."

(Laughter.)

MR. SNEDDON: And being the great delegator I am, I'm leaving it up to Gordon.

MR. AUCHINCLOSS: We have no further witnesses, Your Honor. We just anticipated that there would be -- it would take a little longer to get through these witnesses today.

THE COURT: All right. There's a couple of items that we can take up. I'll go ahead and excuse the jury.

(To the jury) Remember the admonitions I've given you and I'll see you tomorrow morning at 8:30. But it's a half day tomorrow, remember. How could you forget, right?

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: All right. First, there was -- my understanding is that the special master will have the report available tomorrow morning for you on the computer hard drives.

MR. SNEDDON: On both of them, Your Honor?

THE COURT: Yes. They're working on some last-minute details. So it will be available tomorrow morning.

MR. SNEDDON: Now, at that point, then, Your Honor, does it need to go to you for final decision, or is that the decision?

THE COURT: I don't know. I haven't read the report. I was handed a rough draft of one by my research attorney this morning -- well, not this morning, a few minutes ago. And I asked him to talk to Mr. Sanger about an issue. So I can't answer your question.

MR. SNEDDON: Okay.

THE COURT: I suspect it doesn't need to go beyond what's been done by the special master, so --

MR. SNEDDON: Okay.

THE COURT: But I won't know till I've looked at it.

The second thing is that both of you have submitted points and authorities on Janet Arvizo.

The District Attorney's I've read.

And I just received the defense, so I haven't had time to read yours.

When do you expect to call Janet Arvizo?

MR. ZONEN: Either tomorrow or Wednesday. Depending on if we finish the witnesses scheduled before her tomorrow. If not --

THE COURT: They can't hear behind you.

(To the audience) He said either tomorrow or Wednesday.

MR. ZONEN: As early as tomorrow.

THE COURT: As early as tomorrow.

Okay. Well, I'm not really prepared to deal with that issue. We'll have to deal with it before she's called, but I'll need to study the material you've given me, the defense has given me.

MR. ZONEN: Thank you.

THE COURT: Was there anything else pending?

MR. SANGER: On that issue, Your Honor, as I explained to you, as I explained to your clerk, we were served with their papers this morning. We thought they might call Ms. Arvizo today.

THE COURT: Right.

MR. SANGER: So we put something together very quickly, and I would like to have an opportunity to explain to the Court a little more, in a little more organized fashion, where this goes, now that we’ve had a few more minutes to think about it.

THE COURT: I’ll make sure you have that opportunity.

MR. SANGER: Okay. Thank you.

THE COURT: All right. Then we’ll recess until tomorrow morning.

(The proceedings adjourned at 2:30 p.m.)

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REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 5582 through 5769 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 11, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, April 11, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, APRIL 12, 2005

8:30 A.M.

(PAGES 5771 THROUGH 5841)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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INDEX

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
JACKSON, Jay D.	5775-Z			

Santa Maria, California
Tuesday, April 12, 2005
8:30 a.m.

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: Good morning, everyone.
THE JURY: (In unison) Good morning.
THE COURT: Ready to proceed? Go ahead.
MR. ZONEN: We'll call our next witness, Major Jay Jackson, to the stand.
THE COURT: Come forward and raise your right hand, please. Face the clerk.

JAY D. JACKSON
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated.
THE WITNESS: Thank you.
THE CLERK: State and spell your name for the record.
THE WITNESS: Yes, Jay D. Jackson. Spelled J-a-y. Middle initial D. Jackson, J-a-c-k-s-o-n.
THE CLERK: Thank you.
THE WITNESS: Thank you.

MR. ZONEN: May I proceed, Your Honor?
THE COURT: You may.

DIRECT EXAMINATION
BY MR. ZONEN:
Q. Sir, what is your current occupation?
A. I am in the -- I'm on active duty with the Army reserve.
Q. How long have you been in the Army reserve?
BAILIFF CORTEZ: Speak right in here,

please.

THE WITNESS: Thank you.

I’ve been in the Army reserve for 23 years, some of that active duty, some of that reserved part time.

Q. BY MR. ZONEN: Most recently you’ve been on active duty for what period?

A. About five years.

Q. All right. Were you in Desert Storm?

A. The first one, yes, sir, I was.

Q. And what position did you hold at that time?

A. I ran a prisoner of war camp processing area. We ran enemy prison of war through the prisoner of war camp.

Q. In which country?

A. In Saudi Arabia.

Q. Your current rank with the Army reserves is what?

A. Major.

Q. And what are your responsibilities?

A. Currently I’m working in a command where we do mobilizations, we mobilize soldiers to go to war.

Q. Are you currently married to Janet Ventura Jackson?

A. Yes, sir, I am.

Q. She has taken your name after your marriage; is that correct?

A. That is correct.

Q. Do you have children together?

A. We do. We have one. A little boy.

Q. And do you have other children living in your household?

A. Yes, sir, we do. Three additional children.

Q. And they are who?

A. Gavin, Star and Davellin.

Q. When did you first meet Janet Arvizo?

A. Back in July of 2002.

Q. How did you meet her?

A. I was working one Saturday, and she came -- she knocked on the door, and I -- it’s a secured facility, and I let her in. She had Star with her.

Q. All right. What were the children involved in at that time, the boys?

A. There's a Sea Cadet Command right there that is for children between the ages of, say, 11 and 18 years old. And she was bringing her children there

for that program.

Q. And both of them were involved, Star and Gavin?

A. Yes, they were.

Q. All right. Then that's how you met her?

A. That is how I met them.

Q. And began dating after that?

A. We talked. I met her. She said -- I was sitting in the hallway and walked by her, and got into a conversation, and then -- I got her phone number, I think. And then about a month later, we talked on the phone for about a month.

And then a month later she was telling me that Gavin and Star were graduating from the Sea Cadet program, a little two-week training or one-week training. And so we decided that our first date we would go down there for that graduation, and we did.

Q. And you've been married how long now?

A. Oh, goodness. May 29th will be one year.

Q. I'd like to direct your attention back to February of '03, 2003.

A. Okay.

Q. Will you tell us in what neighborhood you were living at that time?

A. The mid-Wilshire district, also known as Korea Town.

Q. And the street that you were living on was

what?

A. St. Andrews Place.

Q. Was Janet Arvizo living with you at that time?

A. She was.

Q. Was she living with you full time at that time?

A. No, she wasn't. She had a place over on

Soto Street in East L.A.

Q. And the boys, where were they living?

A. The same place. Both places.

Q. All right. Do you remember or do you recall where they were attending school at that time?

A. Well, I don’t know the name of the school, but it was in East L.A. And then because there was a lot of problems at that school - they were, you know, being pushed into getting into gangs, and there was some altercations - we thought it was a good idea if we enrolled them in John Burroughs, which is a real good school in the mid-Wilshire district.

Q. And that was closer to your home; is that right?

A. Yes, sir, it was. Very close.

Q. And did you do that?

A. Sir?

Q. Did you do that, enroll them at John Burroughs?

A. Yes, sir, we did.

Q. That is John Burroughs Middle School?

A. That is John Burroughs Middle School.

Q. Was your address, then, on St. Andrews Place the address that was used?

A. That is correct, yes, sir.

Q. Did Janet Arvizo maintain the Soto Street address?

A. She did, sir.

Q. For what period of time?

A. Through about November of ‘04, I believe.

Q. Had you ever gone to Neverland?

A. I’ve been to Neverland one time.

Q. And when was that; do you recall?

A. It was in -- it was before November of ‘02, so it was in the summer, I believe, of ‘02. I was still living in West L.A., and we were invited by Chris Tucker and his girlfriend; that they were having a little-baby birthday party.

Q. Were you the only ones invited to Neverland for that occasion?

A. Oh, no, sir. There was two busfuls of people.

Q. You met the bus where; do you recall?

A. It was -- you know, I think it was the Beverly Hills Hilton or something like that. It was one of the hotels in the local area.

Q. Did you spend the day at Neverland?

A. Yes, sir, we did.

Q. Did you spend the night at Neverland?

A. We left in the evening, late in the evening.

Q. And then returned back to Los Angeles?

A. That is correct.

Q. How many people, approximately, to your recollection, attended that party?

A. 40 or 50, maybe.

Q. Did you see Michael Jackson at any time during that occasion?

A. No, sir, I did not.

Q. Had you ever met Michael Jackson?

A. No, sir, not until today.

Q. At some point in early February of 2003, did you become aware of the fact that a documentary was being shown on television?

A. I'm not sure if I knew at that moment, but I know that Janet received a call from either Michael or somebody in his entourage asking him to go to Miami -- asking her to go to Miami, and with the kids.

MR. MESEREAU: Objection. Nonresponsive; move to strike.

THE COURT: I'll strike after the word "moment. "

Q. BY MR. ZONEN: Did Janet Arvizo and the children go to Miami?

A. Yes, they did.

Q. Do you know what prompted that?

A. Um --

MR. MESEREAU: Objection. Foundation and hearsay.

MR. ZONEN: Yes or no; does he know.

THE COURT: I sustained the objection. I'm sorry.

MR. ZONEN: Oh, I’m sorry. I didn’t hear.

Q. Do you know on what day they left for Miami?

A. I just know approximately it was early February.

Q. Had there been any discussion in the household about Michael Jackson prior to going to Miami?

A. No, sir, not really.

Q. Had there been any problems in the household that dealt in some fashion with either Neverland or Michael Jackson prior to Janet Arvizo going to Miami?

A. No, sir, not at all.

MR. MESEREAU: Objection; vague.

THE COURT: Overruled. The answer was, “No, sir, not at all.” Next question.

Q. BY MR. ZONEN: Had there been any discussion about Michael Jackson prior to her going to Miami in your household, say, within a week or two prior to their departure?

A. No, sir.

Q. And could you tell us approximately what percentage of the week Janet Arvizo was living at your home as opposed to her residence on Soto Street?

A. Three or four days a week.

Q. Is that during the time that the kids were at school?

A. Yes, sir. That’s correct.

Q. Did Janet Arvizo have parents living in the Los Angeles area?

A. Yes, sir. In the El Monte area.

Q. And had you visited their home on occasion?

A. Yes, sir.

Q. And El Monte is where in Los Angeles County?

A. I -- I’m not sure exactly. I mean, it’s in -- El Monte is in -- it’s in -- I mean, Los Angeles area. I’m not sure exactly how to -- because I’m not from California, I really can’t lay out where everything is from.

Q. We do hear an accent in your voice. Where are you from?

A. Virginia.

Q. Is that where you grew up?

A. Yes, sir, I did.

Q. Did you know in advance that Janet Arvizo and her children were going to be going to Miami?

A. No, sir, I didn't. I received -- excuse me one second.

Q. Go ahead.

A. Janet just told me that she was going to my --

MR. MESEREAU: Objection. Nonresponsive; move to strike.

THE COURT: I'll strike after "I didn't."

MR. ZONEN: I'm sorry, I don't have the ability to read it. I'm not hearing everything you're saying at the moment.

THE COURT: I'm sorry. The question was, "Did you know in advance that Janet Arvizo and her children were going to be going to Miami?" "No, sir, I didn't." Then after that I struck his answer.

Q. BY MR. ZONEN: When did you first learn that they were going to Miami?

A. I believe Janet told me right before they were ready to leave that they were going.

MR. MESEREAU: Objection. Nonresponsive; hearsay; move to strike.

THE COURT: Overruled.

MR. ZONEN: And the answer's in?

THE COURT: The answer's in.

THE WITNESS: Janet -- should I --

THE COURT: No.

THE WITNESS: No? Thank you.

Q. BY MR. ZONEN: We'll move on to the next question.

And did they, in fact, leave that day?

A. That day or the next day, yes, sir. Within a day or two, yes.

Q. Did you have conversations -- without getting into the content of them, did you have conversations with Janet Arvizo while she was in Miami?

A. I believe she called me, yes, sir.

Q. Did you have conversations with any of the kids while they were in Miami?

A. No. No, sir.

Q. Without getting into the content, did you know the purpose of the trip to Miami?

A. I knew that they were going to be going there to do a press conference.

Q. Did you know -- again, without getting into the content, did you know what the purpose of the press conference was?

A. I'm not sure that I knew exactly at that time, but I knew very shortly thereafter what was going on with the documentary.

Q. Did you understand that it had something to do with the documentary?

A. I believe I may have known, but I didn't know the specifics.

Q. All right. Was there, in fact, a documentary about Michael Jackson shown on television that you saw within a few days thereafter?

A. Yes, sir, I did.

Q. And how did you know that it was going to be on television?

A. I believe I saw something on T.V. that said it was coming on.

Q. Did you know in advance that that documentary would feature any of Janet Arvizo's children?

A. I believe that there was some indication that -- yes, that the children were going to be on there.

Q. Did you watch the documentary in its entirety?

A. Yes, sir, I did.

Q. Did it, in fact, feature Janet Arvizo's children?

A. It did, yes, sir.

Q. At the time you watched that documentary, was Janet Arvizo and her children in Miami? Were they in Miami?

A. Yes, sir, they were in Miami.

Q. At some point in time were you contacted by reporters from any news agency, presumably reporters from the news agency?

A. I wasn’t contacted by them. But I did talk to several -- two reporters, British reporters, at Janet’s Soto Street apartment.

Q. Do you remember when that was?

A. It was right -- I guess right after -- it was right before the documentary aired in the United States.

Q. All right. And what did they want to do with you?

A. They -- well, when I was -- I took Janet and the kids back to that Soto Street apartment. And Davellin was at the apartment, and she said that -- either two journalists or two guys had just knocked on the door asking for Janet.

I saw them at the end of the hall. I walked down to ask them what they were -- who they were with, and what they wanted.

Q. All right. What did they tell you?

A. They said that they were with a British tabloid, and that they wanted to do a story on the family as it pertained to Michael Jackson.

Q. All right. Did they actually use the word “tabloid”?

A. I’m not sure if they did. I think I found that out later.

Q. That may have been your conclusion?

A. It may have been, yes, sir.

Q. I can’t imagine a reporter saying they’re with a tabloid.

A. Right.

Q. Did they say to you what it was exactly that

they wanted to talk to you about?

A. They didn’t say specifically, no. They just said that they wanted to have a conversation, they wanted to do an interview with the family, and they wanted to take some photographs of the family.

Q. And did you understand this to relate to Michael Jackson in some fashion?

A. Yes, sir.

Q. Did they tell you that that’s what they wanted to do?

A. Yes, sir, they did.

Q. Now, I believe you said this was prior to the screening of the documentary “Living With” --

A. Yes, sir, it was.

MR. MESEREAU: Objection; misstates the evidence.

THE COURT: Sustained.

Q. BY MR. ZONEN: Was this prior to the screening of the documentary --

A. Yes, sir, it was.

Q. -- that you saw?

The documentary we’re talking about, can you tell us the name of it, if you recall?

A. “Living with Michael Jackson.”

Q. Was it a documentary that featured a man by the name of Martin Bashir?

A. Yes, sir, it did.

Q. At the time you talked to these two reporters, did you have a sense of what was going on at that point?

A. No, sir, I did not.

Q. Did you either request payment for an interview or did they offer you payment for an interview?

A. Well, I said -- again, we have to put it in context. They --

MR. MESEREAU: Objection.

MR. ZONEN: Let me withdraw the question.

THE WITNESS: Okay.

Q. BY MR. ZONEN: Tell us what the discussion was with regards to payment.

A. The discussion was -- I asked them what was it that they were going -- how they were going to compensate the family --

Q. Okay.

A. -- for doing this. And he said -- he said, “We can probably give them four to five hundred dollars.”

Q. What did you say?

A. I said, “I don’t think that’s going to happen.”

Q. What did you understand -- what did you think that they wanted to ask this family?

A. I don’t think I really knew. I believe that they were looking for something negative on Michael Jackson as it related to the children.

Q. Did you know anything negative about Michael Jackson at that time?

A. No, sir, we did not. I did not.

Q. Had Janet Arvizo or her children at any time expressed any kind of negative comment to you about Michael Jackson up to that point?

A. None.

Q. Were you aware as to whether or not the children had visited Neverland prior to that date?

A. I knew they had a relationship with Michael Jackson.

Q. Did you have any reason to believe that relationship was anything but positive?

A. That’s all I believed it was.

Q. Did you tell those two reporters that?

A. I did.

Q. All right. And was that before or after or during the conversation about payment?

A. I’m not real clear. It was a back-and-forth about that. But I said, you know, “If you’re looking for dirt,” you know, “This” -- “I don’t believe there’s anything negative to say.” And they continued to ask for it. And they said, “Let me get back with my boss and we’ll get back to you tomorrow.”

And I don’t know if I gave him my phone number, or whether he got it, or -- I probably gave it to him. Although some reporters tend to be able to find your phone number.

Q. All right. Did you ask for more money than three or four hundred dollars?

A. No, I just said that wasn’t going to be acceptable.

Q. And what did you mean by that?

A. Well, I think I was -- you know, I was intrigued by it. I have never had anybody come up asking to pay for any kind of story of any kind. And maybe I was -- I was the one that initially asked, you know, “Is there any compensation for the family?” But I think that I just thought that was the standard in the industry. I meant no malice by it.

Q. Did they tell you at any time during this initial interview that it had something to do with the documentary that featured in England?

A. That featured what, sir?

Q. That was shown in England, that was aired on television in England.

A. They mentioned something about a documentary in England, but they really were vague.

Q. And did you have any other independent information about it at that time?

A. I did not.

Q. Did you have a follow-up conversation with them?

A. I did.

Q. And when was the follow-up conversation?

A. I believe it was the next day, or the day after that.

Q. Was this before or after Janet Arvizo and her children went to Miami?

A. They had not left yet.

Q. Okay. Had you told Janet Arvizo about your initial conversation with these two reporters?

A. I mean, while Janet and the family were in the apartment. But no, I did not talk to them specifically about any conversation I was having with the British reporters.

Q. All right. Do you know the name of the reporter or reporters who you talked to on this first occasion?

A. David Gardner, Garner or Gardner, and Alec Byrne.

Q. And then you said there was a follow-up conversation over the telephone?

A. Right.

Q. Perhaps a day or two later?

A. Perhaps -- yes, it was a day or two later.

Q. Do you recall with which person this conversation took place?

A. I'm sorry, sir?

Q. With which person did you have this --

A. My conversations were with David Gardner.

Q. Did Mr. Gardner talk more about wanting to have an interview with the family?

MR. MESEREAU: Objection; leading.

MR. ZONEN: I'll withdraw the question.

Q. What did Mr. Gardner say?

A. He continued to say he wanted to have an interview with the family and that he was going to offer additional money; that his boss, I guess, had allowed something like $15,000, and that he wanted to bring them to a hotel or somewhere and do a full spread with them. And I declined that.

Q. You declined $15,000?

A. I did.

Q. To say nice things about Michael Jackson?

A. Well, you know, at that time I -- I really -- wasn't really in a position to make that decision. I knew Janet wouldn't do that.

MR. MESEREAU: Objection; move to strike.

MR. ZONEN: Well --

MR. MESEREAU: Nonresponsive.

THE COURT: That's stricken. After the word "decision," that's stricken, the last sentence.

Q. BY MR. ZONEN: Why did you say no?

A. The more I thought about it, the less I liked the idea.

Q. Why? What was it that didn't appeal to you? $15,000 seems like a lot of money.

MR. MESEREAU: Objection. Admonish the prosecutor not to make gratuitous remarks.

THE COURT: Don’t make gratuitous remarks.

(Laughter.)

MR. ZONEN: I’m admonished.

THE COURT: And that goes for all of you.

(Laughter.)

Q. BY MR. ZONEN: What about $15,000 didn’t you want to have?

A. Sir, I don’t think -- you know, at that time I remember going through the thought process of, you know, this would be -- we could use this money. But, you know, the more I thought about it, these children were going to be on television, and it wasn’t -- it just wasn’t going to be an appropriate thing to do to this family.

Q. All right. Now, in the course of this conversation, this was also prior to your viewing “Living with Michael Jackson”?

A. That is correct, sir.

Q. Was it prior to your knowing about “Living with Michael Jackson”?

A. Yes, sir.

Q. All right. Did you ever communicate with Janet Arvizo this particular offer?

A. I did not.

Q. All right. Did you ever make any kind of a counteroffer for more money?

A. No, I did not.

Q. Were there any other discussions with this

reporter after this phone call?

A. Yes, he -- you know, after they left for Miami, I received a phone call from him. And I said -- you know, he continued to want to have a conversation about doing an interview. And I told him, “Sir, I can’t” -- you know, “The family is not even in the area now. There’s nothing that I can do.”

He continued to call. He called again. Several months later, he says, “Well, I’d just like to have a cup of coffee with you.” I said, “I’m not interested in that.”

And then when the raid on Neverland occurred, again he called me back, and in some ways made a threat. He said, you know, “I haven’t given your information to any other organizations.” And I said, “Sir, this is a military phone line. Please do not call here again.” That was the last consideration I had with him.

Q. Have you had a conversation with any other reporters attempting to get a story from you?

A. I have not had any detailed conversations. I have had a number of reporters contact me. How they get my number I do not know. But they called my office primarily. And they have shown up at various -- at various locations like my apartment.

Q. Have you accepted money from anybody?

A. Zero. We have not accepted a penny.

Q. For any kind of a story?

A. For anything.

Q. Have you given a story to anybody?

A. No, sir, I have not.

Q. Have you promised a story to anybody?

A. No, sir.

Q. Have you made arrangements to accept money in the future in exchange for a story?

A. No, sir.

Q. Do you have any intention of giving a story in the future?

A. No, sir.

Q. Do you have any intention of accepting money for a story in the future?

A. No, sir.

Q. Now, when they left for Miami, “they” being Janet Arvizo and here children, when did you expect them to return?

A. I didn’t have a specific date, you know. They were -- they knew Michael, and if that’s what they were going to do, I wasn’t going to get involved with all of that. But I didn’t anticipate them being gone more than three or four days.

Q. When you saw “Living with Michael Jackson,” did any part of that documentary disturb you?

A. Yes, absolutely. The --

MR. MESEREAU: Objection. Relevance; move to strike; and leading.

THE COURT: Leading is overruled. Relevancy is sustained.
Q. BY MR. ZONEN: All right. Where did they go? Did they return to Los Angeles after their trip to Miami?
A. Yes, sir. They came back from Miami and I believe went straight to Neverland.
Q. All right. So they didn’t come to Los Angeles?
A. No, sir.
Q. Did --
A. Not that I’m aware of.
Q. Were you contacted by Janet Arvizo?
A. I was contacted by her on a couple of occasions.
Q. Now, during the course of the conversations that you had from her, can you tell us approximately how many phone calls you had from her while she was at Neverland?
A. During this period of time?
Q. Yes.
A. I can’t tell you the specific number. But it was -- it was several phone calls that I received from her over a two- or three- or four-day period.
Q. Okay. How did she sound to you?
A. She was distressed.
Q. Had she been distressed prior to going to Miami?

A. No, not at all.
Q. Had there been any noticeable problems in your family prior to her going to Miami?
A. No, sir.
Q. Were the kids healthy?
A. Yes, sir.
Q. Were the kids in school?
A. The kids were in school.
Q. In the course of her conversations with you over the telephone, did she tell you why she was

distressed?

A. She did not.

MR. MESEREAU: Objection; hearsay.

MR. ZONEN: That would be state of mind.

MR. MESEREAU: And foundation.

THE COURT: I think I'll allow the "yes" or "no" answer to whether or not she told him. That doesn't get to the real issue.

MR. ZONEN: Yes.

Q. Was that a yes or no?

A. Could you repeat the question, please?

Q. Did she tell you -- well, maybe the court reporter should repeat the question.

(Record read.)

Q. BY MR. ZONEN: Yes or no.

A. Yes. Yes.

Q. What did she tell you was the reason for her distress?

MR. MESEREAU: Objection. Hearsay; relevance; foundation; relevance.

THE COURT: Sustained.

Q. BY MR. ZONEN: During the period of time that you had conversations with her, did she appear to you to be any less stressed as time went on?

A. Yes, sir.

Q. At some point in time, did she return to Los Angeles?

A. Yes, sir, she did.

Q. With her children?

A. Yes, sir, with her children.

Q. Did they go to your home or some other location?

A. They went to El Monte. They went to her mother's house.

Q. And did you visit them soon thereafter?

A. I picked them up. Yes, sir, I did.

Q. How long did they stay in the Los Angeles area?

A. Several days, probably three or four days. You're talking about at my apartment or at her mother's?

Q. At --

A. Total?
Q. At her mother's and at your apartment.
A. I would say three to four days, but that's speculation.

Q. During that period of time, were you getting any telephone calls at your apartment?
A. She -- Janet was talking to me -- oh, okay. What happened was that I went and picked her up from El Monte, brought her back to the house, and then I started receiving phone calls from a gentleman by the name of Frank.
Q. All right. Did Frank have a last name?
A. Tyson, I believe. But at the time I think I only knew "Frank." I don't think I knew his last name.
Q. How many conversations did you have with Frank Tyson?
A. During that time, I didn't have many conversations with Frank. I might have picked up the phone and passed it to Janet. I believe that there was one -- one phone call maybe that I actually talked to him in any detail.
Q. And the phone -- excuse me, I'm sorry. In that detailed conversation that you had, do you remember the content of that conversation?
MR. MESEREAU: Objection; hearsay.
MR. ZONEN: It would be a statement in furtherance, Your Honor.
THE COURT: All right. I'll admit it for the limited purposes that we discussed earlier on the conspiracy charges, the statement in furtherance of the conspiracy.

Q. BY MR. ZONEN: The question was, do you recall the content of that conversation?
A. The content of the conversation was, is that Frank wanted to know what kind of car I drove.
Q. All right.
A. And I asked him why he wanted to know what kind of car I drove. And he said his girlfriend in New York was doing some kind of survey on what

people drove in Los Angeles.

I thought it was quite strange. But at this point I didn't really understand what was happening, so I gave him that information.

Q. All right. And you told him what kind of a car you drove; is that correct?

A. Yes, sir, I did.

Q. Did you ultimately have an opportunity to view surveillance tapes?

A. Yes, sir, I did.

Q. And were they surveillance tapes of you?

A. Yes, sir, they were.

Q. And were they surveillance tapes of you in the car that you described?

A. Yes, sir, they were.

Q. Can you tell us how many phone calls were coming from Frank during the time that Janet Arvizo was staying at your house after her first return from Neverland?

A. She was receiving phone calls continuously.

Q. What does that mean, "continuously"?

A. Every 15 to 20 to 30 minutes.

Q. Throughout the day?

A. Yes, sir.

Q. Were they always from Frank?

A. They seemed to be from Frank.

Q. Were you able to hear any portion of the conversation?

A. Janet was --

MR. MESEREAU: Objection; hearsay.

THE WITNESS: -- somewhat emotional.

THE COURT: Nonresponsive. Sustained.

Q. BY MR. ZONEN: Were you able to hear any portion of the conversation? Yes or no.

A. Yes.

Q. All right. Do you know if those conversations went on for long periods of time?

A. They did.

Q. Without getting into the content of her end of the conversation, tell us what her mood was like, what her manner or her demeanor was like.

A. She was emotional. She was crying. And she was sitting in the closet having these conversations with Frank and -- I mean, I can tell you what I heard, but --

Q. Let’s not go into that at the moment. You said she was sitting in the closet?

A. She was -- it’s a long closet in the bedroom back in the back of the room. And she would sit in the closet. She was -- she would be -- she was very distressed.

Q. All right.

A. She was crying.

Q. Were you able to hear her end of the conversation?

A. I only heard bits and pieces, but, yes, sir.

Q. What could you hear her saying?

A. She at that --

MR. MESEREAU: Objection; hearsay.

MR. ZONEN: As to her state of mind.

MR. MESEREAU: Same objection.

THE COURT: Let’s see, she’s -- all right. I’ll overrule the objection and allow her statement in for her state of mind.

Q. BY MR. ZONEN: What did you hear, her comments?

A. I heard her comments that she was very disturbed about two gentlemen’s treatment of her, one being a gentleman named Ronald and another being a gentleman by the name of Dieter.

Q. Did she, in fact, return back to Neverland?

A. She did, sir.

Q. Do you recall if a person -- do you know a person named Brad Miller?

A. Yes, sir, I met him one time.

Q. Can you tell us who Brad will Miller is?

A. As far as I understood, Brad Miller’s a security detail for Michael Jackson.

Q. When and where did you meet Brad Miller?

A. Brad Miller showed up at the house one evening during this period of time when Janet and the children were there. And I asked Janet who he was, and she said he was a security detail for Michael Jackson. He came in and did an audiotaped interview of the family.

Q. Do you have a sense of when that was? If you don't know the date, say so.

A. Yeah, I don't know the date.

Q. Do you know how many days Janet Arvizo and her children were back in Los Angeles by the time Brad Miller came by?

A. Probably two or three days.

Q. Which residence was it that he came to?

A. My residence on St. Andrews Place.

Q. Did you have a conversation with Brad Miller prior to his arrival at the apartment?

A. No, sir, I did not.

Q. Did you know in advance that he was going to be coming to the apartment?

A. No, sir, I did not.

Q. Did you know in advance the purpose of his visit to the apartment?

A. No, sir, I did not.

Q. When he came to the apartment, did you talk with him?

A. I was cordial, offered him a drink. But no, sir, not other than that.

Q. Did he explain to you his presence in the apartment?

A. No, I don't think so.

Q. Tell us what happened with Brad Miller when he was at the apartment.

A. He showed up at the apartment. Janet seemed to be anticipating his arrival. I asked what he was coming for. She said -- I guess they were going to do an interview of some type, an audio interview. I'm not even sure if that was said.

But he showed up and there was a phone call. There was a phone call between him and, I guess Frank, because he passed the phone to Janet, and Janet talked to him, to Frank. And then they came in, and they sat down around the table. It's a coffee table in the living room. And they all circled around it, and they had an interview.

Q. Was that interview tape-recorded, to your knowledge?
A. Yes, sir, it was.
Q. Did you see the tape-recording?
A. Yes, sir.
Q. Who did you believe Brad Miller worked for?
A. Michael Jackson.
Q. Did you have a sense of the purpose of that interview?

A. I did not.
Q. Did you listen to any part of the interview?
A. I was up and down throughout the entire time, so I really did not. I think -- I assume it was in relation to the “Living with Michael Jackson,” and that it was just to buffet his story that nothing had happened.
Q. All right. Did you at any time ask him any questions about what was going on?
A. No, sir, I did not.
Q. Did you ask him any questions about the two men that Janet had expressed concern about?
A. No, sir, I did not.
Q. Were you expecting that Janet Arvizo and the children would be returning to Neverland?
A. You know what? At this point I’m not even sure I knew that. You know what? Janet had this relationship with Michael --
MR. MESEREAU: Objection; nonresponsive.
Q. BY MR. ZONEN: The answer was you didn’t know?
A. No, sir, I did not know.
THE COURT: I’ll strike the last sentence. Go ahead.
Q. BY MR. ZONEN: At the time that you were in the apartment during this interview, did you not know whether they would be returning?

A. No, sir, I did not.
Q. How long did that interview go for?
A. Probably two hours, two hours and 15 minutes, something like that.

Q. Do you have a recollection of any part of that interview, the content of that interview at all?

A. Not really, sir, I don’t.

Q. Did Janet Arvizo and her children return to Neverland after that interview?

A. Yes, sir, they did. I believe it was like the next day.

Q. Your apartment on St. Andrews Place was how large?

A. It’s about 1100 square foot, one bedroom.

Q. One bedroom and a living room?

A. Yes, sir.

Q. And at times all of you were staying there at that apartment?

A. Yes, sir.

Q. When they went back to Neverland, did you know in advance that they were going?

A. I mean, at the last minute, I believe I knew that they were going.

Q. Do you know how they got to Neverland?

A. Sure. Someone came and picked them up.

Q. You said, “At the last minute.” What does that mean?

A. It means that I -- you know, she wasn’t telling me specifically what was happening. And I wasn’t asking. So I think she might have told me that they were leaving, but I really -- I’m not clear that they were leaving.

Q. All right. When they went back to Neverland, do you know if they went back during the day or in the evening?

A. Seems to me that they went in the afternoon.

Q. And when was the next time you saw Janet Arvizo or her children?

A. That same night Janet came back. Late at night.

Q. Without her children?

A. Without her children.

Q. All right. What was her mood or her affect at that time?

A. She was very emotional.

Q. Did you ask her where the children were?

A. I assumed that they were still at the ranch.

Q. Did you talk about what had happened?

A. She didn’t want to talk about it.

Q. Do you know what day it was that she returned? Do you have a sense of it?

A. Early February, but I really don’t have a date.

Q. Do you know how much time had gone by since the Miami trip at this point that she came back?

A. Maybe a week.

Q. Now, when she came back, how long was it before you saw the kids next?

A. At that point, I didn’t see them for probably three weeks. I don’t know. It was a long time.

Q. Was there a meeting at your house involving the department of --

A. I stand corrected, sir. Can I go back on the last statement?

Q. Yes. Go ahead.

A. They -- they apparently did a CPS -- a Department of Child & Family Services interview after Janet left to go do the video that night. The next morning they all showed back up, and I did see the children but it was briefly.

Q. Now, you mentioned a couple of things we’re going to talk about in order.

A. Okay.

Q. First is the video.

A. Okay.

Q. At some point in time, did you become aware of the fact that Janet was -- Janet Arvizo was going to be doing a video?

A. I did.

Q. When did you learn about that?

A. Well, when Janet came back by herself, she was very emotional. And then the next day Frank

started calling again, just continuously.

Q. Let me stop you for one second. The same

Frank who was calling the first time?

A. Yes, sir, the same Frank.

Q. The person you mentioned as Frank Tyson?

A. Frank Tyson.

Q. And you said before he was calling continuously?

A. That is correct.

Q. Was he calling more continuously, less continuously, or about --

A. I would say now it’s more continuously.

Q. And what does that mean in terms of actually how many phone calls he was making?

A. You know, I can’t tell you a number of phone calls, but I can say he was calling every 15 or 20 minutes. I mean, I even told him -- I would tell him certain times, “She’s not available. Call back later today,” or, “I’ll have her call you.” Fifteen minutes later he calls again.

Q. Did he tell you who he was in any of these phone calls?

A. I don’t think he did specifically. I knew he worked with Michael Jackson.

Q. Did he tell you why he was calling?

A. Well, he always wanted to speak --

MR. MESEREAU: Objection; hearsay.

MR. ZONEN: It would be in furtherance of.

THE COURT: First he has to answer the question. It was nonresponsive.

I’ll have the court reporter read back the question.

MR. ZONEN: The question actually is “yes” or “no.”

(Record read.)

Q. BY MR. ZONEN: That would be “yes” or “no.”

A. Yes.

Q. What did he say?

MR. MESEREAU: Objection; hearsay.

MR. ZONEN: Statement in furtherance of.

THE COURT: I’m going to admit the statement with the same limited purpose for the last one.

THE WITNESS: Okay.

Q. BY MR. ZONEN: What did he say?

A. He at one point asked me, “How can I get Janet to come back up to the ranch?”

And another time he asked me, he said, “We need her to sign a contract to do this video.” And he said, “We really have got to hurry on this, because it’s going to air tomorrow. It’s got to be in to be finalized by tomorrow.

So he was really pushing that issue, and so I had a conversation with him about that.

Q. Had you -- prior to that conversation, had you had a conversation with Janet Arvizo about a video?

A. No, I had overheard her talking to Frank on the phone about it. I mean, at one point she was asking them to bring her children home.

MR. MESEREAU: Objection; hearsay.

MR. ZONEN: Reflects her state of mind.

THE COURT: Just a moment.

The question was, “Had you -- prior to that conversation, had you had a conversation with Janet Arvizo about the video?” Answer, “No.” He then proceeded to not answer, so I’ll strike that after, “No.” You may ask another question.

Q. BY MR. ZONEN: But you had some knowledge about what this video was about?

A. Yes, sir, I believe I did.

Q. And did that knowledge -- from what source was that knowledge?

A. I believe mostly from Frank.

Q. And did Janet Arvizo speak with you about that video at all?

A. No, sir.

Q. Did you overhear any conversation between Janet Arvizo and presumably Frank on the telephone?

A. Yes, sir, I did.

Q. And did you overhear a conversation that specifically addressed the video?

A. Yes, sir. She said she didn’t want to do it.

Q. I’m sorry, she what?

A. She said she did not want to do it.

MR. MESEREAU: Move to strike; nonresponsive; and hearsay.

THE COURT: Stricken after, “Yes, sir.”

Q. BY MR. ZONEN: All right. When you had a conversation with Frank about this video, did you ask him any questions about it?

A. Yes. I said -- he said he wanted to do --

MR. MESEREAU: Objection; nonresponsive.

THE COURT: Sustained.

Q. BY MR. ZONEN: Some of these questions really call for a “yes” or “no.”

A. Okay, sir.

Q. And then we can get into content thereafter.

A. Okay.

Q. I believe the question was, did you have a conversation with Frank about this video?

A. Yes, sir, I did.

Q. All right. Did Frank tell you what the video was about?

A. Yeah, I believe he did, sir.

Q. What did he tell you?

MR. MESEREAU: Objection; hearsay.

MR. ZONEN: Statement in furtherance of.

THE COURT: All right. I’ll admit this for the limited purposes of the conspiracy.

You may answer.

THE WITNESS: I’m not clear exactly. I know Frank said some things to me about the fact that we needed to have this -- they needed to do this prior to it going to the editor or something, to get it out there, and it was a rush to get it done. And that’s really what I would say.

Q. BY MR. ZONEN: Did he tell you or did you understand that this video would go on television?

A. I did, yes, sir.

Q. Did you talk to him about this contract that he wanted Janet Arvizo to sign?

A. Yes, sir, I did.

Q. What did you say to him?

A. “What is this contract?”

Q. I’m sorry?

A. I said, “What is this contract? What is in this contract?”

Q. And what did he say?

A. He --

MR. MESEREAU: Objection; hearsay.

MR. ZONEN: Same response.

THE COURT: You know, the last time you told me that, the response wasn’t what you represented, so --

MR. ZONEN: Actually, I would refer the Court to Overt Acts 11, 12 and 13, and I believe it does refer to those overt acts.

THE COURT: Depends on what he says in his answer, doesn’t it? That’s the problem. Not your

question, Counsel.

MR. ZONEN: Let me withdraw that last question.

THE COURT: No, let’s have a discussion for a moment.

MR. ZONEN: Okay.

THE COURT: I just want to give you an example here.

“Did Frank tell you what the video was about?

“Yes, I believe he did.

“What did he tell you?

“Objection; hearsay.

“Statement in furtherance of conspiracy.

“The Court: All right. I’ll admit it for a limited purpose.

“A. I’m not clear exactly.”

And then he went on to say something else.

If you’re going to offer a statement in furtherance of the conspiracy, then you need to know what statement he’s going to make when you ask the question. Do you understand what I’m saying?

MR. ZONEN: Yes.

THE COURT: I’m not going to agree in advance to that kind of response.

MR. ZONEN: I think the best thing we need to do is to withdraw the last question and proceed to another question.

THE COURT: All right.

MR. ZONEN: I will do that.

Q. Did you have a conversation -- did you ask for a copy of the contract?

A. I did, yes, sir.

Q. All right. Did he send you a copy of the contract?

A. No, sir, he did not.

Q. Did he agree to send you a copy of the contract?

A. No, he did not.

Q. Did you have a conversation with Frank about payment for this video?

A. Yes, sir.

Q. What did you say to him?

A. Well, after I asked him to send the contract to me by e-mail, and he kind of changed the subject, I asked him, “What are you offering this family to do this?” I had seen on T.V. that they were making money on this -- this video, and I felt that they were taking advantage of this family. So I said, “What are you offering them?” He said, “Well, we’re offering them protection.”

And that struck --

MR. MESEREAU: Objection. Objection; nonresponsive.

MR. ZONEN: And I believe that statement --

MR. MESEREAU: And hearsay.

THE COURT: That’s overruled.

Q. BY MR. ZONEN: He said something to you about protection?

A. Yes, sir, he did.

Q. What did he tell you about offering the family protection?

A. He said he was offering the family protection. And I said, “Frank, the family doesn’t need any protection. Who are you protecting them against?”

Q. Did he answer that question?

A. He did not. He moved on to the next point.

Q. At any point in time during this conversation, did he tell you who the family needed protection from?

A. No, sir, he did not.

Q. Did he tell you what kind of danger the family was in?

A. No, sir, he did not.

Q. Did he tell you who were posing threats to the family?

A. No, sir.

Q. And did you ask him those questions?

A. I did.

Q. All right. Then you said he moved to the next subject?

A. Yes, sir.

Q. Now, again, you had asked him for

compensation for the family?

A. Well, I -- yes, I did. And he said he was going to give them a tutor. Well, we found out they didn’t ever get any kind of schooling.

MR. MESEREAU: Objection. Nonresponsive; hearsay; move to strike.

THE COURT: After “Yes, sir, I did,” I’ll strike the rest of the answer.

Q. BY MR. ZONEN: Did Frank offer you or Janet Arvizo or her children anything in exchange for this video?

A. He said he was going to offer a college education, and a house. Well, they didn’t need a house. And they’re in eighth grade. They didn’t need a college education.

MR. MESEREAU: Objection; move to strike.

THE COURT: The last sentence is stricken. Let me --

Q. BY MR. ZONEN: What did you say to Frank in response to that offer?

A. I said, “That’s fine, Frank. What are you offering them monetarily?” I was very suspicious of him at this point.

MR. MESEREAU: Objection. Nonresponsive; move to strike.

THE COURT: That’s -- that last remark is stricken. And the last answer, I’m striking the last three sentences, not the last one sentence.

Q. BY MR. ZONEN: All right. He had made you an offer of a house?

A. Yes, sir.

Q. All right. And you said no?

A. Basically said no.

Q. Okay. Did you ask him for any monetary payment in exchange for that video?

A. I asked him what he was offering financially or monetarily.

Q. And did he answer to that specific question?

A. No, sir, he did not.

Q. Did he tell you whether or not they were going to be paid?

A. No, he actually said, “Are you trying to blackmail us?”

Q. Had you made any demands from him?

A. No, sir.

Q. Were you personally familiar with any information that could be used for blackmail?

A. No, sir.

Q. What did you tell him when he said that?

A. “Why are you saying that? That makes no sense. It has nothing to do with what we’re talking about here.”

Q. Did you tell him that you believed they were going to be profiting from this?

A. I did. I said, “You’re going” -- you know, “It’s being blasted all over the T.V. that they’re

going to be doing this Take Two video, a response to the Martin Bashir ‘Living with Michael Jackson.’ And they’re advertising that the family’s going to be on there, and you want her to sign this contract, but you won’t show me the contract. And you” -- he wanted me to have her --

MR. MESEREAU: Objection. Nonresponsive; move to strike.

THE COURT: Okay. After “there,” where he started, “You want me to sign the contract,” I’ll

strike that. That’s the last sentence.
Q. BY MR. ZONEN: Did he ever send you a copy of the contract?
A. No, sir, he did not.
Q. Did he ever read you a copy of the contract?
A. No, sir, he did not.
Q. Did you ever have a discussion with Janet Arvizo about the video?
A. No, sir, I did not.
Q. At some point in time, do you know if she actually did the video with or without her children?
A. Yes, sir, I believe she did.
Q. And was that after this discussion with Frank?
A. Yes, sir.
Q. Do you know how long after this discussion with Frank?
A. He continued to call, and at some point

Janet accepted it or moved --
MR. MESEREAU: Objection. Nonresponsive; move to strike.
Q. BY MR. ZONEN: The question was how long after, if you know?
A. Within a day.
Q. Did the phone calls from Frank continue during that --
THE COURT: The ruling on that is I will strike the answer as requested. Go ahead.
Q. BY MR. ZONEN: Okay. During that period of time, that day that followed your conversation with Frank, did he continue to call the apartment?
A. Yes, he did.
Q. And the calls we’re talking about were to your apartment on St. Andrews?
A. That’s correct.
Q. Was there anybody else calling other than Frank?
A. Not that I’m aware of.
Q. Do you know where the children were during this time?
A. I believe they were at Neverland.
Q. Now, you had mentioned that you did see them

during the course of an interview with the Department of Child & Family Services; is that correct?

A. That is correct.

Q. All right. Can you tell us where that interview took place?

A. It took place in my apartment.

Q. Were you there at any time during that interview?

A. No, sir, I wasn’t.

Q. Did you greet any of the people as they came?

A. No, sir.

Q. Were you there earlier at the time that Janet Arvizo and the children arrived?

A. About the time I was getting up to go to work, they arrived at the apartment. I was there a short period of time and went on to work.

Q. Do you know approximately what time that was that they arrived?

A. Well, I get up probably about six o’clock in the morning, so that’s my guess.

Q. So they were just arriving at six o’clock?

A. That -- it might have been a little earlier, but I’m not positive on that. Depends on what I had to do at work that day.

Q. Now, was Janet Arvizo arriving with them or had she already been at your apartment?

A. No, she was arriving with them.

Q. Do you know when it was that she had left your apartment prior --

A. The night before.

Q. The night before?

A. Late at night. I don’t know. Around eleven o’clock, twelve o’clock.

Q. Do you know if she drove herself or if someone came to get her?

A. Someone came and got her.

Q. Do you know who that was?

A. I don’t. I’m not sure. I think I went

outside -- I know I went outside to help her get in the car, but I don’t know who the driver was at this time. I can’t put my finger on who it was.
Q. Were you there at the time that any of the people from the Department of Child & Family Services arrived?
A. No, sir.
Q. Were you gone that entire day?
A. I was gone the entire day.
Q. When you got back, who was present at your apartment?
A. No one.
Q. Not even Janet Arvizo?
A. Janet, I believe, may have been there.
Q. Did Janet Arvizo remain that night?
A. I believe she stayed that night, and then either -- yeah, I believe she left the next morning.
Q. Were the kids gone already?
A. They were already gone.
Q. By the time you got home that day?

A. Yes, sir.
Q. That night, what was her mood like?
A. I don’t really remember.
Q. Did Janet Arvizo say anything to you about Brazil?
A. Yes, sir, she did.
Q. What did she say?
MR. MESEREAU: Objection; hearsay.
THE COURT: Sustained.
Q. BY MR. ZONEN: Did you know if there was a trip to Brazil in the planning?
A. Yes, sir, I did.
Q. Was Janet Arvizo enthusiastic about going to Brazil?
A. No, sir.
MR. MESEREAU: Objection; hearsay.
MR. ZONEN: State of mind.
THE COURT: Calls for a conclusion.
Sustained.
Q. BY MR. ZONEN: Did she say to you that she was enthusiastic about going to Brazil?
MR. MESEREAU: Objection; hearsay.

THE COURT: Sustained.

MR. MESEREAU: And leading.

Q. BY MR. ZONEN: How long were they gone after they left, after this meeting with the Department of Child & Family Services?

A. About three weeks.

Q. A long period of time?

A. Yes, sir, a long period of time.

Q. Did you know in advance they were going to be gone that long?

A. No, sir, I did not.

Q. Did you have conversations with Janet during that period of time?

A. Yes, sir, I did.

Q. Over the telephone?

A. Yes, sir.

Q. What was her mood like over the telephone?

A. Distressed. Disturbed.

Q. When was the next time that you saw her?

A. The next time that I saw her was at a nail salon.

Q. All right. Explain that to us.

A. Well, over that period of time Janet had been calling, and she was hanging up on me, and very short conversations, and very disturbed.

MR. MESEREAU: Objection. Nonresponsive; move to strike.

THE COURT: It’s responsive, but it calls for a narrative, so I’ll sustain the objection.

MR. ZONEN: Okay.

Q. During the course of your conversations, would you describe the nature of the conversations you had with her? Without getting into the content of them, just the nature of them.

A. The nature of the conversations was, is --

Q. Go ahead.

A. I can tell you how she was -- appeared, how she felt. She was --

MR. MESEREAU: Objection; nonresponsive.

THE WITNESS: I’m not sure I understand the

question.
MR. ZONEN: Let me withdraw the question.
THE WITNESS: Yeah.
MR. ZONEN: Because I think the question might be difficult to answer.
Q. Did she sound concerned over the telephone?
A. Yes.
MR. MESEREAU: Objection; leading.
THE COURT: Overruled. Next question.
Q. BY MR. ZONEN: Were they long conversations?
A. Not normally, no.
Q. Did she express concerns to you in the course of these conversations?
A. Yes, sir.
MR. MESEREAU: Objection. Leading and asked and answered.
MR. ZONEN: Overruled. Next question.
Q. BY MR. ZONEN: What did she say to you that she was concerned about?
MR. MESEREAU: Objection; hearsay.
MR. ZONEN: Her state of mind.
THE COURT: I'll admit it for that purpose.

Q. BY MR. ZONEN: What did she say to you that she was concerned about?
A. Well, she said that she was not being able to see her children; that they were following her around wherever she went off Neverland; that she was -- either had a chaperone or that somebody was following her.
At one time when she was in a hotel --
MR. MESEREAU: Objection. Narrative; nonresponsive.
THE COURT: Sustained.
I'm going to instruct the jury that that statement that was admitted just now was not admitted for the truth of the matter asserted by Janet, but for her state of mind as she related to him.
Next question.
Q. BY MR. ZONEN: Do you know if during this period of time Gavin was seeing a doctor on a regular basis?

A. Yes, he was.
Q. How often was he seeing his doctors?
A. I'm not clear. I think probably every month or so.
Q. Do you know when his appointments were around that time?
A. I don't really. I know that he was having them scheduled, but I wasn't sure when he had to go.

Q. All right. And I think you said the next time you saw her was at a beauty parlor; is that right?
A. That is correct.
Q. How did you happen to see her at a beauty parlor?
A. She called me at work and -- I hadn't talked -- I hadn't actually seen her in a long time, and she called me at work and said --
MR. MESEREAU: Objection; hearsay.
THE WITNESS: (To a juror) Bless you.
THE COURT: Sustained.
Q. BY MR. ZONEN: Did she notify you where you -- where she was?
A. She called me at work.
Q. Did you go to that location?
A. Yes, sir, I did.
Q. Was anybody else there -- was she there at the location?
A. Yes, she was.
Q. Was anybody else at that location?
A. When I came in, she was sitting there by herself.
Q. All right. At some point -- without getting into the content, did you have a conversation with her?
A. Yes, sir.
Q. Is this the first time that you'd seen her in a few weeks?

A. Yes, sir.
Q. Was any -- and then I think you said somebody else came. Who came?

MR. MESEREAU: Objection; misstates the evidence.
MR. ZONEN: Withdraw the question.
Q. Who did you see then?
A. I saw Vinnie and Gavin come in the back door of the nail salon.
Q. Is Vinnie somebody you knew prior to that day?
A. No, sir.
Q. Were you introduced to him at that time?
A. I was either introduced or he introduced himself. I’m not positive. I’m not clear.
Q. Can you describe Vinnie to us?
A. He would be a white male.
Q. About how old?
A. Young. Younger.
Q. How old is “younger”?
A. 25. I don’t -- that’s just speculation.
Q. Did he tell you who he was, Vinnie?
A. I’m not sure.
Q. Was there a discussion with Vinnie about Janet Arvizo returning to Neverland?
MR. MESEREAU: Objection; hearsay.
MR. ZONEN: Statement in furtherance of.

THE COURT: All right. I’ll admit it for the limited purpose in furtherance of the conspiracy.
THE WITNESS: Could you ask me the question again, please?
THE COURT: Go ahead, the court reporter.
(Record read.)
THE WITNESS: Yes.
Q. BY MR. ZONEN: And what did Vinnie say about that?
MR. MESEREAU: Same objection.
THE COURT: Okay. Same ruling, then.
Q. BY MR. ZONEN: Go ahead.
A. He said that -- he said, “No, you can’t do that.” And I said, “Are you saying that I cannot take her out of here?” And he said, “I got to check on that.” And he walked outside and immediately got on his cell phone, followed by Gavin.
Q. Gavin followed him?

A. Correct.
Q. What was Gavin’s behavior like at that time?
A. Cocky.
Q. Cocky?
A. Yes.
Q. Explain that, please.
A. I don’t know. He was -- it’s hard to explain. He was -- just walked in. He strutted in with Vinnie. And it wasn’t the sweet, loving Gavin that I knew.

MR. MESEREAU: Objection. Nonresponsive; move to strike.
THE COURT: Just a moment.
Overruled. The answer is --
Hold on just a moment, here, if you would, please.
Go ahead. Thank you.
MR. ZONEN: May I proceed?
THE COURT: Yes.
Q. BY MR. ZONEN: All right. You described Gavin’s response. Was Gavin behaving differently than he had been prior to -- well, prior to -- the early part of February when they went to Miami?
A. Yes, he was.
Q. In what way was he behaving differently at this point?
A. Again, he was acting very cocky. He -- kind of rude, actually.
Q. Did he greet you at all when he saw you?
A. I don’t think he wanted to see me. I don’t think that he -- he was very surprised when he saw me there. And he may have greeted me, but he was certainly not a loving -- it was almost like, “What are you doing here?”
Q. Your relationship with him prior to Miami, how would you describe that relationship?
A. Father-like.
Q. You had a good relationship with him?

A. Very good relationship.
Q. Now, we were talking about Vinnie and his

comments. He said that he had to go out and call somebody. Did he call somebody?

A. Yes, sir, he did.

Q. Did he continue to have a conversation with you while he was on the phone with that person?

A. Yes, sir. I asked him -- I asked him, you know, “Is there a problem here?” And he said, “Oh, no, there’s no problem. I’m working on that right now.”

Q. Did he say anything about where Janet Arvizo or Gavin would be going?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

You may answer.

THE WITNESS: Did he say where she was going to go?

THE COURT: Read the question back.

MR. ZONEN: Let me redo that question, if I can.

THE WITNESS: Please.

Q. BY MR. ZONEN: Did he say anything to you about where he wanted Janet Arvizo or Gavin to go?

A. He didn’t.

MR. MESEREAU: Same objection.

Q. BY MR. ZONEN: Did you say anything to --

THE COURT: Just a moment.

The objection was overruled. The answer was, “He didn’t.” Next question.

Q. BY MR. ZONEN: Was there a discussion involving Vinnie about where everybody would be going?

A. It wasn’t Vinnie. It was -- Gavin came in after that and said something to me.

Q. All right. In Vinnie’s presence?

A. No, Vinnie was still outside.

Q. Okay. Where finally did Janet go?

A. Janet left with me.

Q. And where did Gavin go?

A. Gavin left with Vinnie.

Q. To your understanding, where?

A. Back to Neverland.

Q. The other two children, were they there?

A. They were still at Neverland, no, sir.
Q. And did you go home with Janet?
A. Yes, sir, I did.
Q. And “home” is the St. Andrews residence?
A. Yes, sir, it was.
Q. What was Janet Arvizo’s mood like when you were back at the house at St. Andrews?
A. She was distressed. She was saying there was a problem.
Q. All right. Did you make an effort at some time to find out --
MR. MESEREAU: Objection. Objection.

Nonresponsive; move to strike.
THE COURT: Sustained. I’ll strike the last sentence of what she said.
Q. BY MR. ZONEN: Did you make an effort with Janet Arvizo to get the children back from Neverland?
A. Yes, sir.
Q. What did you do?
A. Well, at one point I called her father, and said, “I want to go to Neverland and get these children out of there.” And then at -- and he -- well, I don’t believe that he was --
MR. MESEREAU: Objection; hearsay.
MR. ZONEN: Tending to explain their actions.
THE COURT: The question was what did he do. So I will overrule the objection and strike the last sentence.
Q. BY MR. ZONEN: All right. Ultimately was there a decision made to make a phone call by somebody in the family to Neverland?
A. Yes, Janet called someone. Either Frank or Vinnie.
Q. All right. And what did she represent to them?
MR. MESEREAU: Objection; hearsay.
MR. ZONEN: Explaining the conduct.
THE COURT: Explaining what conduct?

MR. ZONEN: Hers.

THE COURT: Sustained.

Q. BY MR. ZONEN: Were the children returned to either your house or some other location? When did you --

A. I'm drawing a blank. I'm not sure I understand what's going back and forth here.

Q. When was the next time you saw the children?

A. The next time I saw them was the next night at her -- Janet's parents' house.

Q. Were you present at the time any phone calls were made to Neverland by either Janet or her parents?

A. No, sir.

Q. Who brought the children to her parents' house?

A. I don't -- I do not know, because we waited for them to arrive before we went to her parents' house.

Q. When you got there, were they still there, the people from Neverland?

A. No, sir, they were not.

Q. Whoever had brought them there had left by that time?

A. That is correct.

Q. Describe Gavin's behavior at the time that you got there.

A. Gavin didn't want to see me. He stayed back in the back room. There was some crying coming from the back room.

MR. MESEREAU: Objection. Nonresponsive; hearsay; move to strike.

THE COURT: Overruled.

Q. BY MR. ZONEN: Who was crying in the back room?

A. I believe it was Davellin.

Q. Did you talk with Gavin at all?

A. No, I did not.

Q. Was he friendly to you?

A. No, sir.

Q. Did he talk with you at all during that day?

A. No. No, sir.

Q. Was there any discussion about returning to Neverland?

A. No, sir.

Q. Did any of the kids ask to be returned to Neverland?

MR. MESEREAU: Objection. Leading and asked and answered.

THE COURT: Overruled.

You may answer.

Q. BY MR. ZONEN: Go ahead.

A. I'm sorry?

THE COURT: Court reporter.

(Record read.)

THE WITNESS: The only thing I remember is they said that Michael -- I mean Gavin couldn't see me, because if he did, he couldn't return to Neverland to see Michael.

Q. BY MR. ZONEN: Gavin said that?

A. Yes, sir, he did.

Q. How would you contrast Gavin's behavior at that time as against his behavior prior to the Miami trip?

MR. MESEREAU: Objection. Improper opinion; vague.

THE COURT: Overruled.

You may answer.

Q. BY MR. ZONEN: Go ahead.

A. Night and day. It appeared to me he'd been brainwashed in some way.

MR. MESEREAU: Objection.

Q. BY MR. ZONEN: Just tell us what his behavior was.

A. He was vague, he was angry.

MR. MESEREAU: Objection.

THE COURT: Just a moment. Just a moment.

THE WITNESS: Yes, sir.

THE COURT: The last response is stricken. The jury's admonished to disregard it. Ask him another question.

Q. BY MR. ZONEN: Just tell us what his behavior was like at this time.

A. Angry.

Q. In what way?

A. He was just mean. He was yelling. Are we talking about the night that he was at --

Q. That night and even beyond.

A. Even beyond. He became mean. He was using curse words.

MR. MESEREAU: Objection; vague.

THE WITNESS: He had never done before.

THE COURT: Just a moment.

THE WITNESS: Yes, sir.

MR. MESEREAU: Vague and nonresponsive.

THE COURT: I'm going to strike the last sentence again.

The problem here is that you're required to listen to the question and just answer it. And every answer you give, you add something to it, which causes counsel to object, and me to rule, which is causing a great disturbance in your testimony. If you want to keep doing it, you can. But you can't imagine how it sounds to everybody else.

So I'm going to admonish you to pay attention to what the question is, and then just answer the question. Nothing further. All right?

THE WITNESS: Yes, sir.

Q. BY MR. ZONEN: Was he saying things or using speech different from the type of speech he used prior to the Miami trip?

A. Yes, sir.

Q. In what way?

A. He was using curse words.

Q. He had not used curse words before in the house?

A. No, sir.

Q. Was this in the presence of his grandmother?

A. I don't remember if it was that night. But he did over the next few days period of time.

Q. Did his behavior in time return to what you considered to be normal, what it was prior to the

Miami trip?

A. Over several months, yes, sir.

Q. Did you and Janet Arvizo put the boys into some kind of tutoring?

A. Yes, sir, we did.

Q. What tutoring program was that?

A. It’s called JEI Learning Center. We immediately put them in after they got back from Neverland.

Q. Was that a private school?

A. No, it’s not a private school. It’s just to assist children who -- who need additional assistance getting their level up in a certain area.

Q. What was the purpose for doing so, putting them into JEI?

A. Because they had been out of school for almost two months and we wanted to bring their skills back up to the level they should have been.

Q. And did they attend JEI tutoring?

A. Yes, sir.

Q. Did the boys resume their activities with military scouting?

A. With the Sea Cadets, yes, sir.

Q. When did that resume?

A. Almost immediately.

Q. Are they still active in military scouting?

A. Yes, sir, they are.

MR. MESEREAU: Objection; relevance.

THE COURT: Overruled. The answer was, “Yes.”

THE WITNESS: Yes, sir, they are.

Q. BY MR. ZONEN: And that involves attendance at military camps how frequently?

A. They go every week, about every Sunday. And then they have field exercises that they attend probably every month or two months. They’re over the weekends.

Q. Are all three children living with you today?

A. Yes, sir, they are.

Q. Would you describe Gavin’s behavior today?

MR. MESEREAU: Objection; relevance.

THE COURT: Asked and answered, I believe. Sustained.

Q. BY MR. ZONEN: Is he still involved in scouting today?

MR. MESEREAU: Objection; relevance.

MR. ZONEN: Could we approach sidebar?

THE COURT: The --

MR. ZONEN: Is that a “Yes”?

THE COURT: No. I’m trying to -- I’ll overrule the objection. I think that was asked and answered. But rather than waste time looking, go ahead.

MR. ZONEN: All right.

THE WITNESS: Yes, sir. They’re still involved with it, with that.

MR. ZONEN: Thank you. I have no further questions.

THE COURT: All right. We’ll take our break two minutes early. Give me time to recover.

(Laughter.)

(Recess taken.)

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REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 5774 through 5840 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 12, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
April 12, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

TUESDAY, APRIL 12, 2005

8:30 A.M.

(PAGES 5842 THROUGH 5891)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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INDEX

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
JACKSON, Jay D.		5845-M		

THE COURT: Mr. Mesereau?

MR. MESEREAU: Yes. Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. MESEREAU:

Q. Good morning.

A. Good morning, Mr. Mesereau.

Q. You indicated that you saw behavioral changes in Gavin from when you knew him initially to when he left Neverland for the last time, correct?

A. Yes, sir.

Q. Did you know anything about his school history?

A. I didn’t. I don’t think I knew a lot about it, no, sir.

Q. Did you know anything about his disciplinary record in various schools with various teachers?

A. I know that when he was with me that he had some problems at John Burroughs.

Q. Did you know anything about his history before?

A. Not that I’m aware of, no, sir.

Q. All right. Now, you indicated in response to the prosecutor’s questions that you knew about a Miami trip that Janet and the children took, correct?

A. That is correct.

Q. And that was approximately when, to your knowledge?

A. Early February.

Q. I believe you said that while Janet and the children were on that trip to Miami you had these discussions with some people who purported to be representatives of a British tabloid, correct?

A. That would have been prior to her leaving.

Q. Okay.

A. Although, sir, they did call me back after she left, but I was not talking to them.

Q. But they contacted you on a number of occasions, you say, right?

A. That is correct.

Q. Okay. Now, at one point you indicated that you spoke to Frank Tyson and wanted to know what the family was going to get out of the rebuttal video, right?

A. Yes, sir.

Q. And you actually mentioned at one point to Tyson that, “You’re making millions out of this. What is this family going to get?” Right?

A. In -- in essence, I did say that.

Q. And I believe you said that Mr. Tyson offered a house and a college education; is that correct?

A. First he offered protection. Then he said he was going to offer a tutor. Then he was going to offer a house and a college education.

Q. And you, in effect, said to Mr. Tyson, “That’s not enough,” right?

A. That would be incorrect.

Q. First you said, “You guys are making millions and this family’s not getting anything,” right? Right?

A. Are you asking me the question now to answer?

Q. Yes.

A. Okay. I said basically that, “I understand that they’re making four to five million dollars on this documentary. In my perception, that you should compensate this family for helping out in this video.”

Q. And at the end of that conversation, you in effect communicated to Frank a house is not enough, right?

A. That was not the way it came across, no, sir.

Q. Okay. Did you accept the house?

A. I still don’t have it, no. I don’t see the house yet.

Q. Are you still looking for it?

A. I’m not even looking for it.

Q. Okay. And are you telling the jury that there was no response to your comment that, in effect, somebody’s making four to five million dollars and the family’s not getting any money?

A. His response was, “Well, how about” -- “I’m going to protect the family. We’re going to protect the family.”

Q. Right.

A. “We’re going to give them a house. We’re going to give them a college education.”

And I said, “Frank, but what are you going to do financially or monetarily for this family?”

Q. Right.

A. They had already been taken advantage of in the first documentary and received nothing.

Q. Okay. And you never really got a response to that question except discussion about a house, correct?

A. Again, sir, what I’ve said, yes.

Q. Okay. You told the jury that it was your understanding that Janet and the family went to Miami to do a press conference, right?

A. That is correct.

Q. Do you remember your first interview with any sheriff's department representative in this case?
A. Yes, sir, I do.
Q. Do you remember it was approximately on November 25th, 2003?
A. Yes, sir.
Q. It was with a sheriff named Zelis, correct?
A. Paul Zelis.

Q. Do you remember you told him that it was your understanding that the purpose of the Miami trip was to do a rebuttal video?
A. I did write that, yes. I mean, I did see that, yes.
Q. When did you last read that transcript?
A. I've read the transcripts over the last several days.
Q. You told Mr. Zelis they were going to film some kind of rebuttal for Michael, and when she returned she said no rebuttal had ever been done, right?
A. That is correct.
Q. And you said that Janet believed Michael Jackson is innocent, right?
A. At what point, sir?
Q. At that point.
MR. ZONEN: I'm not sure what point that is. I'll object as vague.
THE COURT: Sustained.
Q. BY MR. MESEREAU: When -- excuse me. You told Sheriff Zelis --
A. Yes.
Q. -- that when Janet and the children went to Miami - okay? --
A. Yes, sir.
Q. -- your understanding was they were going to film some kind of rebuttal for Michael Jackson --

A. Or press conference, right.
Q. -- Right? No, you said rebuttal.
A. I said rebuttal, but it's the same thing.

It was going to be a press conference that they were going to do to rebut what was being done -- what had been -- what was going to be said in the “Living with Michael Jackson.”

Q. You said they were going to film a rebuttal, right?

A. Yes, sir.

Q. And you said at that time Janet believed Michael Jackson was innocent, correct?

A. That is correct, sir.

MR. ZONEN: I’ll object as to vague. What time?

Q. BY MR. MESEREAU: The time of the Miami trip, right?

A. Before they left for Miami, yes, sir, they did.

Q. Okay. Okay. And you told Mr. Zelis that the family was upset that they never did a rebuttal in Miami, right?

A. I don’t recall that. You would have to show it to me.

Q. Okay. Did you ever say anything to that effect?

A. I don’t remember that, sir. You could show it to me and refresh my memory.

Q. Do you recall the attitude of the family when they returned from Miami?

A. I didn’t see the family when they immediately returned from Miami.

Q. When did you next see them?

A. I saw them when the family came home about a week later from Neverland.

Q. Was it your understanding that any rebuttal was done in Florida?

A. It was my understanding nothing was done in Florida.

Q. They just sort of flew there for a day and flew back?

A. They flew there, were there several days, I guess, and then came back, yes.

Q. And you indicated to Mr. Zelis that you had seen both television documentaries, the Bashir documentary and a rebuttal documentary, correct?

A. No, I don’t believe I said that. I told him that I had seen the “Living with Michael Jackson.”

Q. Do you remember telling Mr. Zelis you saw both of them?

A. I don’t.

Q. Would it refresh your recollection if I just show you the transcript?

A. Sure. Yes.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

MR. ZONEN: What page, Counsel?

MR. MESEREAU: 9 of 37.

MR. ZONEN: Thank you.

THE WITNESS: Okay. Where are we at? Okay. Yes, sir.

Q. BY MR. MESEREAU: Have you had a chance to look at the transcript?

A. I saw that one sentence, yes.

Q. Does it refresh your recollection about what you told Mr. Zelis?

A. Not overly, no. No, sir, it doesn’t. I saw the sentence that said I said I saw both. That’s all I saw.

Q. Do you recall that that’s what you told them?

A. I’m really -- really unsure.

Q. Did you see both of them?

A. Yes, sir, I did.

Q. Now, you told Mr. Zelis that because Janet and the children were taped in the middle of the night, that they couldn’t get it in time to put it on the show, correct?

A. That is correct. And I may have heard that from T.V. I’m not sure where I heard that because they were supposed to be on that show according to the previous advertisements for the Take 2 video.

Q. And they never were on it?

A. And they were not on it.

Q. But you’re still waiting for a house?

MR. ZONEN: Objection; argumentative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: You said you thought Bashir was slandering Michael Jackson, correct?
A. At that time, I think so, yes, sir.
Q. Okay. You've said you were really upset about that, right?
A. Yes, sir.
Q. You had not met Michael Jackson then?
A. No, sir, I had not.
Q. And as you said, you've never met him?
A. Never met him.
Q. Until you see him today, correct?
A. Correct.
Q. Did you meet Chris Tucker?
A. I did.
Q. And when did you meet him?
A. When we went to Neverland.
Q. Did he ever contact you?
A. No, sir, he contacted Janet.
Q. Did you meet him the first time on the Neverland property?
A. The first time I saw him was on the bus prior to arriving -- leaving for Neverland.
Q. And was it your understanding that Janet and the family went to Miami on his plane?
A. That was my understanding.

Q. Okay. To your knowledge, were Janet and the children in contact with Chris Tucker on a regular basis during this time period?
A. While they were in Miami, I have no idea.
Q. How about before Miami?
A. Prior to Miami, yes, they had a very good friendship.
Q. Do you know when Janet last talked with Chris Tucker?
A. I do not specifically.
Q. Okay. Now, I believe you said the British reporters talked to you before the Bashir documentary aired in the United States?
A. That is correct.
Q. To your knowledge, was that after the Bashir

documentary aired in England?
A. I think so.
Q. Okay. And how many discussions do you think you had with them?
A. I cannot tell you that for sure. Depends on if you're taking it from the beginning all the way through the raid of Neverland. Three or four.
Q. Three or four discussions with these same British reporters?
A. And then that's speculation. It may have been five or six.
Q. Okay. Five or six discussions with the same British reporter, right?

A. One gentleman. David Gardner.
Q. Okay. And who does David Gardner work for, if you know?
A. I think it's The Daily Mail or something. I believe that's correct.
Q. Now, in these five or so discussions, have you ever discussed Mr. Jackson?
A. I'm sure his name was brought up.
Q. Have you ever given them information about Mr. Jackson?
A. No, I wouldn't have known information about Mr. Jackson.
Q. Well, you could have gotten something from Janet, couldn't you?
A. Other than that he was a nice guy.
Q. Well, are you saying you've had five conversations with this fellow, but never gave them any information and never talked about getting money?
A. There was conversation about money.
Q. You went back and forth with him a little bit on money, did you not?
A. That would be true.
Q. And never could reach an agreement, correct?
A. That is correct.
Q. When was the last time you talked to Gardner?
A. Gardner called me right after the Neverland

raid, and wanted to see if he could get an interview with the family again. And I just said no. He said, “Well, I have it” -- he said, you know, “I haven’t given your phone number to any other organizations yet,” as if he was implying that he would if I didn’t work with him.

Q. Who else have you been contacted -- excuse me. What other media representative or alleged media representative has contacted you about this case?

A. Roger Friedman has called my office. People Magazine has called my office. People Magazine showed up at the gates of my job. There’s been a number of them.

Q. Have you talked to any representative of the media besides Mr. Gardner?

A. No, sir.

Q. Now, you mentioned that Frank talked about a contract, right?

A. That is correct.

Q. And you wanted to see the contract, correct?

A. Absolutely.

Q. To your knowledge, did Janet ever sign a contract?

A. I have no idea.

Q. Did you ever talk to her about it?

A. I did not.

Q. To this day you’ve never asked Janet --

A. I did not, sir.

Q. Did you sign any agreement?

A. No, sir.

Q. You learned at some point she and the children had filmed a rebuttal video, true?

A. That is correct.

Q. And when did you learn that?

A. I’m not sure.

Q. Do you have any idea at all?

A. I really don’t. I’m unsure when I learned that.

Q. You indicated in response to the prosecutor’s questions that the CPS interview --

A. Correct.

Q. -- the Child Protective Services interview was the morning after Janet and the children filmed footage for a rebuttal video, right?

A. That is correct.

Q. And you saw Janet that morning, correct?

A. I did.

Q. Would it be reasonable to say that when you saw her that morning, you learned she and the kids had filmed a rebuttal video?

A. I don’t know that we -- I don’t think we talked about it. In fact, I’m pretty sure we did not.

Q. Well, you told the prosecutor you knew what time approximately they left the night before, right?

A. I knew what time Janet left, which was late at night, yes, sir, I did.

Q. And you were with her when she left, true?

A. And you know what? Maybe I did know that she was heading to do that, but I’m not really clear right now.

Q. Okay.

A. I’m not trying to be evasive. I just -- I’m not clear.

Q. Yet, when you think back to Janet leaving that evening --

A. Right.

Q. -- you don’t remember if she told you why she was leaving at that time?

A. She may have. Like I say, I’m really unclear.

Q. Okay. And then you saw her come back the next morning?

A. That is correct.

Q. You must have asked her where she’d been, true?

A. I don’t think so.

Q. Did she spend the next evening at your home, to your knowledge?

A. She did.

Q. Do you remember seeing her that evening?

A. I -- this is -- I worked very late that night. I was in Command and General Staff College and I had a paper or something I had to do. I stayed late at night. I got home fairly much -- I believe I went to bed. The next morning I got up, and I guess she left.

Q. Okay. But to this day you’ve never asked her, “Did they have you sign a document before you and the kids filmed the rebuttal video?”

A. No, sir.

Q. Now, you’ve had a number of discussions with representatives of the Santa Barbara Sheriff’s Department, right?

A. Correct.

Q. And you’ve had a number of discussions with representatives of the District Attorney’s Office, right?

A. Yes, sir.

Q. And you’ve met with Mr. Zonen, the government prosecutor, on a number of occasions, right?

A. That would be correct.

Q. And in those discussions, you have spoken about your desire to see any contract before Janet or the kids signed anything, right?

A. That is correct.

Q. Have you ever discussed your interviews with any sheriff, representative of the sheriff’s department, any prosecutor or representative of the prosecutor’s agency with Janet?

A. No, sir.

Q. You indicated that at some point, you were present for an interview conducted by Brad Miller; is that correct?

A. That is correct.

Q. And you indicated that -- actually, you indicated a couple of times to the jury that it was your understanding that Brad Miller worked for Mr. Jackson --

A. That is correct.

Q. -- correct?

Did you ever learn in that interview that Brad Miller worked for an attorney named Mark Geragos?

A. No, sir.

MR. MESEREAU: Okay. At this point, Your Honor, we'd like to play the tape of that interview, which is in evidence.

THE COURT: All right.

MR. SANGER: It's Exhibit 5000.

MR. MESEREAU: Exhibit 5000.

THE BAILIFF: Are you playing it off of your computer?

MR. SANGER: Playing it off the DVD, I think.

THE BAILIFF: "Input 4," Your Honor.

THE COURT: Excuse me?

THE BAILIFF: "Input 4."

THE COURT: Does it go through the PC?

THE BAILIFF: No, it's going through the DVD.

Did you push the proper --

MR. SANGER: I certainly hope so. There's no video, Your Honor.

MS. YU: It's an audio.

MR. SANGER: It's only audio, yes.

THE COURT: What's the length of the audio? What's the length of the DVD?

MR. SANGER: I think it's about 20 minutes.

MR. ZONEN: It's about 20, 25 minutes playing the entirety.

MR. SANGER: Yes. May we proceed?

THE COURT: Yes.

THE BAILIFF: "Input 1." We're going to play it through the PC, Judge.

MR. SANGER: Just take a second while it loads the program.

THE BAILIFF: Do you have it in the right format for --

MR. SANGER: I hope so.

THE BAILIFF: Did you push the right -- is it coming out of your computer?

MR. SANGER: Best-laid plans, Your Honor.
Okay. It's coming out of the computer, and we got to make it come out of the sound system.

I think this will work well enough, it's pretty clear, if we just try it this way. Let's see how this works.

(Whereupon, a portion of an audio CD, Defendant's Exhibit 5000, was played for the Court and jury.)

MR. SANGER: Your Honor, excuse me. Could we stop for one second? The bailiff just told me what we forgot to push over here, and I think we can make it run through the machine -- I mean, through the loudspeaker, I say boldly. We'll find out.
Which number do we turn this to?

THE BAILIFF: (Indicating).

MR. SANGER: "2"?

THE BAILIFF: You have it all hooked up to "Laptop 2," right?

MR. SANGER: "Laptop 2."

THE BAILIFF: And the master audio switch is in your computer?

MR. SANGER: The what?

THE BAILIFF: The master audio is in your computer?

MR. SANGER: That's on "PC." That's on "2."
So we have it on "2," and that's not still not working.

THE BAILIFF: You're not hooked up to the master audio.

THE COURT: Why don't you just do it the way

you were. We could hear it okay.

MR. SANGER: Okay.
All right. We'll try it again. I'm going to resume, Your Honor.

(Whereupon, a portion of an audio CD, Defendant's Exhibit No. 5000, was played to its conclusion for the Court and jury.)

Q. BY MR. MESEREAU: Major Jackson, you heard the date that Mr. Miller articulated as February

16th, 2003, correct?

A. That is correct.

Q. And do you note that at the beginning of the interview and at the end of the interview, Mr. Miller said he was a private investigator working for Attorney Mark Geragos, correct?

A. I did.

Q. And you said Attorney Mark Geragos was an attorney for Mr. Jackson, correct?

A. You’re right.

Q. Does that refresh your recollection that Mr. Miller told you he worked for Mr. Geragos at that interview?

A. No, sir, it doesn’t.

Q. You don’t recall hearing that at all?

A. I don’t. And it wouldn’t have mattered to me or meant anything to me if I had heard.

Q. I’m not asking you what it meant to you. I’m just asking you --

MR. ZONEN: That is argumentative, and I’ll object.

THE COURT: Overruled. Next question.

Q. BY MR. MESEREAU: You sat there for the entirety of that interview, did you not?

A. I was in the apartment, yes, I was.

Q. You sat there for the entirety of the interview, right?

A. Incorrect.

Q. Do you remember testifying to a grand jury in Santa Barbara County in this case?

A. I do.

Q. Do you remember being asked, “The interview that Brad Miller did, was that an interview that you were able to watch in its entirety? Were you there?”

“A. Yes, sir, I was. I sat on the couch, yes, sir.”

Do you remember answering?

A. Yes, sir, I do.

Q. Are you now changing that?

A. It’s not an issue of changing. I mean, I was in the apartment, sir.

Q. Did you tell the Santa Barbara jury that you listened to that interview in its entirety?
MR. ZONEN: Objection. Misstatement of evidence. The statement was “watch.”
THE COURT: Overruled.

Q. BY MR. MESEREAU: Do you recall telling that to the Santa Barbara Grand Jury?
MR. ZONEN: Which page, please?
MR. MESEREAU: 889.
THE WITNESS: Sir, you’d have to show me.
MR. MESEREAU: May I approach the witness, Your Honor?
THE COURT: Yes.
THE WITNESS: Okay.
Q. BY MR. MESEREAU: Have you had a chance to look at that page of transcript?
A. I have.
Q. Does it refresh your recollection about what you told the Santa Barbara Grand Jury under oath on that issue?
A. Correct. Sure.
Q. Did you tell them that you watched it in its entirety?
A. I didn’t see that. You have to show me again.
Q. Pardon me? Oh. May I?
A. Yes, sir. I see where I said I sat on the couch, yes, sir.
Q. Okay. Let me just go through this again. Have you had a chance to read that question?
A. I have.
Q. Does it refresh your recollection about what you told the Santa Barbara Grand Jury?

A. Yes, sir.
Q. Did you tell the Santa Barbara Grand Jury in response to the question, “The interview that Brad Miller did, was that an interview that you were able to watch in its entirety? Were you there?
“A. Yes, sir, I was. I sat on the couch, yes, sir.”

A. Yes, sir, but I was not sitting on the couch the entire time. It was a play on words. I said it, but you know what? I wasn't sitting there the entire time. I was throughout the apartment. I sat at my desk in the bedroom on many occasions.

Q. So what you told the grand jury is incorrect?

A. It was not that I was trying to lie.

Q. I didn't ask you that. Is what you told the Santa Barbara Grand Jury under oath incorrect?

A. It would be incorrect.

Q. Okay. Now, you were also asked by the prosecutor if you saw any prompting by Mr. Miller regarding what to say or what answers to give. Do you remember that?

A. Yes, sir.

Q. You said you didn't know of any prompting. You didn't know of any effort to tell Janet or the kids what answers to give, correct?

A. I agree, yes.

Q. Now, you're aware that the rebuttal video was filmed February 20th?

A. I don't remember the specific date.

Q. Okay. But you do remember the Miller interview being on the 16th, correct?

A. Because you told me, yes, sir.

Q. And I believe you said that Janet -- well, actually, let me rephrase that.

Obviously, Janet and the children are at your apartment for that interview, right?

A. That is correct.

Q. Were they there the night before?

A. Yes, sir, they were. I believe they were.

Q. Were they there on the evening of the 16th, to your knowledge?

A. The night that they did the interview?

Q. Yes.

A. Yes, sir, they were.

Q. Do you know if they were there at your place the next day?

A. Seems to me they left the next day.

Q. And do you know where they went?

A. I believe they went back to Neverland.

Q. Okay. Now, did you know on the 20th that there was going to be an interview with Child Protective Services at your apartment?

A. I believe I did.

Q. And how did you learn that?

A. I'm not sure how I figured that out, other than maybe hearing Janet saying it on the telephone to Frank.

Q. Well, Janet returns home that morning and sees you, correct?

A. That's correct.

Q. You're on the way out to work, right?

A. Right.

Q. Do you recall her telling you, "We're going to be interviewed by Child Protective Services"?

A. No, I don't.

Q. Do you know why the interview with Child Protective Services was at your apartment?

A. No, I don't.

Q. At the time of the interview with Child Protective Services, were Janet and the children living with you?

A. They were living with me, between there and Soto.

Q. Okay. And approximately how much of the time were they living with you?

A. Three, four days. It could have been as many as five days.

Q. Okay. And the rest of the days would be either at Soto or --

A. Or their grandmother's house.

Q. Okay. Or they could be at Neverland, correct?

A. Well, no, they actually didn't go to Neverland, other than during this period right here, that I'm aware of.

Q. Okay. Okay. Now, you said words to the effect that the kids were hardly in school at one point, right?

A. During the period that they were at Neverland.

Q. Okay. Were they in school during the period they were spending part of their time at your place?

A. Yes, sir.

Q. All right. Were they in school on February 16th, 2003?

A. I don’t believe so, sir.

Q. They were living at your place at least the night of the 15th and the 16th, correct?

A. I would say so.

Q. But they weren’t going to school, correct?

A. That would be correct.

Q. To your knowledge, were they going to school earlier that month?

A. Prior to leaving for Miami, they were going to school.

Q. Okay. So at some point they’re going back and forth to Neverland, right?

A. They came back once or twice.

Q. They were living at your place when they come back, correct?

A. Okay. Right.

Q. Sometimes they’re living at their grandparents’ place, right?

A. I don’t think you’re saying this properly.

Q. Okay. Tell me -- correct me, if you will.

A. They left for Neverland -- they left for Miami.

Q. Yes.

A. Basically they came back one time. And then when -- in March something, the whole family came back. So during that period of time, Mr. Jackson -- according to what Frank was saying and what Janet was saying is they were going to have a tutor. There would not be a reason for me to put them back into school for one day when in fact they may be -- it looks like they were leaving to go back to Neverland.

Q. Okay. So on the 16th and the 15th when they were staying at your place, you assumed they were being tutored?

A. I believe that they were.

Q. Did you ask Janet --

A. Or that they were going to be, yes.

Q. Did you ask Janet if they were being tutored?

A. I don’t think I did ask Janet.

Q. At some point they were back at your place within a few days, because the rebuttal video was on the 20th, right?

A. The rebuttal video, and then they showed up that night -- or, excuse me, the next morning, and then they were gone by the time I got home from work that night.

Q. Okay. And are you asking Janet at this point in time, “Janet, are the kids being tutored?”

A. No, I was not.

Q. Did you ever ask Frank to pay for tutoring?

A. No.

Q. And you never spoke to Mr. Jackson, so you never asked him, right?

A. That would be correct.

Q. Okay. And you had already been to Neverland, so you knew there was an amusement park and a zoo and a lot of things that appealed to kids, right?

A. Sure.

Q. And you must have assumed that when the kids went to Neverland, they were having a fun time, right? Given the amusement park and the way Neverland’s portrayed, right?

A. That would be an assumption.

Q. Okay. But you personally never tried to find out if they were being tutored at all at Neverland, true?

A. That would be true.

Q. Now, you mentioned at some point there was an effort to get Gavin out of his local school because he was being pressured to join a gang, true?

A. Correct. Janet dealt with that.

Q. And when was that change of -- excuse me.

When did that change of schools occur?

A. Probably around the time that I moved into the St. Andrews apartment.

Q. And when was that?

A. In November of ‘02. Let’s see. Yeah.

Q. So in November of ‘02, Gavin’s pulled out of a school because he is in some way being pressured to join gangs, correct?

A. Both boys.

Q. Both boys in November of 2002 are taken out of their school because of gang influence, right?

A. Actually, that would be -- let me see, I got to get my timeline, because I met Janet in ‘02. It would have been November -- November of ‘02. I guess that’s correct.

Q. Okay. That’s November of ‘02 --

A. Yeah, that would have been correct.

Q. -- before the trip to Miami in ‘03, right?

A. That’s correct.

Q. And when do you remember the trip to Miami being?

A. February of ‘03.

Q. Okay. And approximately when did you tell the jury you suddenly noticed that Gavin was not acting like a nice kid?

A. When I -- when he showed up at the beauty parlor or what they call the nail salon.

Q. Okay. And that’s approximately when?

A. Sometime in early March.

Q. Where was the beauty parlor or nail salon?

A. On Wilshire Boulevard.

Q. Is that near where you work?

A. Within about five minutes.

Q. You work at Wilshire and Federal, correct?

A. I did, yes, sir.

Q. Federal is the cross street to Wilshire, true?

A. That is correct.

Q. And there is a federal building at Wilshire and Federal, correct?

A. That’s incorrect.

Q. Is there a federal building nearby?

A. No, sir. There's one nearby.
Q. Where is it?
A. The next couple blocks down.
Q. It's a large federal building, true?
A. That is correct.
Q. And it's a building that has the FBI office in it, true?
A. A federal building. FBI sounds good.
Q. Ever been in that building?
A. No, I haven't.
Q. Okay. But it's two blocks from where you work?

A. Yes, sir.
Q. Okay.
A. Past the V.A.
Q. And Wilshire and Federal is not far from the 405 freeway, correct?
A. That would be true.
Q. How long -- do you still work there?
A. I don't work in that location, no, sir.
Q. How long did you work in that location?
A. Three years.
Q. And what were the years we're talking about?
A. October of '01 through August of '04.
Q. Okay. So during the entire period that you testified about this morning, you're working at that location, right?
A. That's correct.
Q. And did you work there five days a week?
A. No, probably about 17 days straight without a day off.
Q. Okay. And where was the salon again? A few blocks away from where you worked?
A. Probably about five or six blocks down Wilshire Boulevard.
Q. And where on Wilshire, if you remember?
A. By the McDonald's. I'm not sure. There was an Italian restaurant right there. I don't have a street crossing.

Q. So would it be accurate to say that the salon is a couple of blocks from your military base, right?

A. Five or six blocks.

Q. And it’s a few blocks away from the federal building, right?

A. That would be correct.

Q. Which you agree houses the FBI and other federal agents, correct?

A. About three miles away, four miles away.

Q. All right. To your knowledge, how long was Janet in the beauty salon on that particular occasion?

A. I’m really not sure. I would speculate an hour or two hours.

Q. And you went and visited the salon yourself, true?

A. I did.

Q. Did you drive there?

A. I did.

Q. Parked your car, right?

A. I did.

Q. Walked into the salon, correct?

A. That is correct.

Q. And saw Janet when you walked in?

A. Janet was sitting there, right.

Q. Was Janet getting a treatment of sorts?

A. Nothing that I saw at that point.

Q. Do you know if she already had some attention there?

A. You know what? I really don’t know. I really don’t know. I assume she did based on the fact that she was there, but I don’t know.

Q. You spoke to Janet, right?

A. Yes, I did.

Q. You then saw Gavin and Vinnie come in, right?

A. Correct.

Q. You spoke to Gavin, right?

A. I spoke to -- yeah, I spoke to Gavin.

Q. To your knowledge, was that salon in the Brentwood area of Los Angeles?

A. I believe that’s what they call the

Brentwood area.
Q. Was this near a cross street called Barrington?
A. I would think that Barrington is close, yes.
Q. Okay. Now, that’s a very -- Barrington and Wilshire is a very commercial-type area, isn’t it? You have store after store after store?
A. Yes, sir, that’s correct.
Q. And Wilshire, for anyone who doesn’t know, is a main thoroughfare through Los Angeles, true?
A. That is correct.
Q. And if you keep going west for a few miles, you end up in Santa Monica, right?

A. That would be correct.
Q. And that’s Santa Monica at the ocean, right?
A. That’s correct.
Q. Okay. And do you think Janet was at the salon for a couple hours?
A. You know what? That’s speculation. I really don’t know how long she was there. She called me from the salon.
Q. And how long were you at the salon?
A. Probably 25 minutes at the most.
Q. And then did you go back to work?
A. No. I went home.
Q. Where did you go?
A. I went back home.
Q. Okay. Anyone go back home with you?
A. Janet.
Q. Okay. Do you know approximately when that was?
A. Six o’clock in the evening. I’m guessing.
Q. And did Janet spend the evening at your apartment?
A. She did.
Q. What did she do the next day, to your knowledge?
A. The next day I believe she had a Family Court appearance.
Q. Okay. And did you go to Family Court with her?

A. No, sir, I went to work.
Q. Do you know if anybody went to Family Court with her that day?
A. I understand Vinnie did, but I don’t know that to be a fact.
Q. Now, Family Court, to your knowledge, was in downtown Los Angeles, correct?
A. I believe so.
Q. And it goes without saying that in Family Court, you have bailiffs and police and state employees, true?
A. Sir -- yes, sir.
Q. Do you know how long Janet was in Family Court that day?
A. Sir, I don’t.
Q. Okay. Did she talk to you that day?
BAILIFF CORTEZ: Sir, I’m sorry, I need you to speak into the microphone.
THE WITNESS: Okay.
Yes, sir, she got home before I did, I believe.
Q. BY MR. MESEREAU: Did she stay at your home that evening, to your knowledge?
A. She did, yes, sir.
Q. And you saw her that evening?
A. I did.
Q. Approximately what time did you see her after she returned from Family Court?

A. Yes, I got home a little early because we called the Department of Child & Family Services.
Q. Okay. All right. And the next day, was Janet with you?
A. I was at work.
Q. Where was Janet the next day, to your knowledge?
A. I’m not sure where she was. I assume she was at home.
Q. Okay. Do you recall Janet ever going back to Neverland after that day?
A. No, sir, I don’t.
Q. Okay. Do you know if she did?

A. No, sir, I don't think she did.

Q. Okay. Do you know if the children ever left Neverland after that date?

A. After the day that they were brought to their grandmother's house?

Q. Yes.

A. No, they did not.

Q. Okay. Were they brought to their grandmother's house before or after you saw Janet at the salon, if you know?

A. No, it was after.

Q. Okay. So, you meet Janet at the salon. She goes home with you, right?

A. Correct.

Q. The next day she goes to court in downtown Los Angeles, correct?

A. That is correct.

Q. She comes back that night and is with you?

A. Right.

Q. And approximately when do you think the children are returned to the grandparents?

A. I believe the next day.

Q. Do you know how they got to the grandparents?

A. I don't know. Somebody from Jackson's entourage gave them a ride, I believe.

Q. Okay. Is that something you just heard from somewhere?

A. I believe so. I didn't see it.

Q. Okay. All right. And to your knowledge, there never was any trip to Brazil, right?

A. To my knowledge, no, but there was a claim that they were going to be taken to Brazil.

Q. I understand your point, but nobody ever went to Brazil, true?

A. That would be true.

Q. All right. How many times do you think you talked to Frank Tyson?

A. I spoke to Frank Tyson two times.

Q. And where did you speak -- excuse me. Where were you when you spoke to Frank Tyson?

A. In my apartment.

Q. Okay. And Frank would call your apartment?

A. Continuously.

Q. Okay. Did you know where Frank was when he called your apartment continuously?

A. No, sir, I didn’t.

Q. Okay. Did he -- did you speak to Frank in person or on the phone when you were talking about the family not getting anything financial out of the rebuttal video?

A. Right, I’ve never met Frank, so it was on the telephone.

Q. Do you know approximately when that discussion took place?

A. After Janet returned by herself from Neverland.

Q. And if you know, approximately when is that?

A. Mid February. Probably within a week after she left.

Q. So was this discussion before or after you meet her at the salon in Brentwood?

A. With Frank?

Q. Yes.

A. Prior to.

Q. Prior to?

A. Yes, sir.

Q. Okay. All right. And you indicated that Frank asked you if you were trying to blackmail them, correct?

A. That is correct.

Q. Okay. And you certainly said, “We’re not,” right?

A. That’s correct.

Q. You just thought the family should be properly compensated, right?

A. That would be correct.

Q. Okay. Did you ever threaten that the family won’t be available to be filmed unless they’re paid properly?

A. No, sir, I didn’t.

Q. All right. How did you determine that somebody was going to make five million dollars on that rebuttal video?

A. I believe it was on television. They were talking about it, that the family was going to be on there and that Jackson was making so many millions of dollars. I'm not sure of the specific dollar amount. It was a large sum of money.

Q. You did tell one of the sheriffs that you had learned about that on the Internet at one time, correct?

A. That may have been. That may have been the way I heard it. I'm not sure.

Q. Would it refresh your recollection just to show you a transcript of your police interview?

A. Please.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: Yeah. Correct.

Q. BY MR. MESEREAU: Have you had a chance to look at that page of transcript?

A. Yes, sir, I have.

Q. Does it refresh your recollection about where you said you learned that somebody was going to make millions of dollars on that documentary?

A. Correct.

Q. You said the Internet, correct?

A. I did.

Q. Now, were you following issues related to Mr. Jackson and the Bashir documentary on the Internet?

A. Not that I'm aware of. I did later, but I don't think I did at the time. I may have just seen it on one of the Internet sites, CNN or MS-NBC.

Q. Okay. And in that interview with Paul Zelis, you said that Frank said, "We're planning on giving them a house. We're planning on giving the boys a college education," right?

A. Correct.

Q. And you told Mr. Zelis you were concerned that these things were not going to be in any kind of a contract, right?

A. That is correct.

Q. And you asked Frank to include this stuff in a contract, right?

A. I don't know that -- no, I didn't ask him to put it in a contract. I said I would like to see the contract.

Then it went from protection, to tutor, to house, to all of these things that I wasn't asking him about.

Q. Well, you were asking him about a contract because you wanted the family to be properly compensated in a contract, correct?

A. I asked him if I could see the contract. I asked him if he could e-mail it to me.

Q. And he didn't respond?

A. He never did. He didn't respond.

Q. All right. Did you discuss with Janet at any time, "We want to see if we're going to be properly compensated in a contract"?

A. I did not.

Q. Never even discussed the subject with her?

A. No, sir, I didn't.

Q. Did you ever discuss that subject with any of the children at any time?

A. No, sir.

Q. Did you ever tell Janet or the children, "Don't let them film you. We haven't had an appropriate contract signed"?

A. Oh, no, sir. The phone was passed to Janet. She ended up talking to them on the phone, him on the telephone, and they ended up going and doing it. There was no contract that I'm aware of --

Q. Okay.

A. -- at all.

Q. While you were talking to Frank about proper family compensation in a contract, were you also talking to these reporters for the British tabloids?

A. No, sir.

Q. Did it ever cross your mind that if you or Janet entered into some deal with a tabloid, it might destroy your ability to get compensated in the rebuttal video?

A. No, sir, that was never an issue.

Q. Do you know if Janet ever spoke to Mr. Jackson about all of these media sources contacting her to make a deal?

A. I don’t know.

Q. All right. You heard her voice on the Brad Miller interview tape --

A. Correct.

Q. -- a few minutes ago. You heard her saying that she was essentially under siege by media people, correct?

A. Her mother was, actually.

Q. Well, she said she was and her parents were, correct?

A. Okay.

Q. She talked about Celebrity Justice and Extra and other shows, true?

A. They may have been showing up.

Q. Okay.

A. I just heard them calling.

Q. To your knowledge, did she attempt to discuss any of this with Mr. Jackson?

A. I don’t know what she talked to with Mr. Jackson.

Q. Now, she says on that tape that she and the family are being besieged by media, right?

A. Okay.

Q. And that is February 16th, 2003, correct?

A. Okay.

Q. And within certainly the next couple of days, you’re in a discussion with Frank about proper compensation and a contract, true?

A. Okay.

Q. That doesn’t happen, to your knowledge, right?

A. That is correct.

Q. They’re filmed on the 20th, right?

A. Okay.

Q. The next day they’re at your home to be interviewed by Child Protective Services, right?

A. Correct.

Q. And to your knowledge, in the middle of all this turmoil, there now is a claim that molestation began sometime on the 20th. Is that your knowledge?
MR. ZONEN: Objection. Speculative. Lack of foundation. No personal knowledge.

THE COURT: Foundation; sustained.
Q. BY MR. MESEREAU: Have you discussed this case with Janet at all?
A. No, sir.
Q. How long have you lived with Janet?
A. Since -- for sure, since March of ‘03.
Q. Have you discussed this case with Gavin at all?
A. No, sir.
Q. Have you discussed this case with Davellin at all?
A. No, sir.
Q. And have you discussed this case with Star at all?
A. No, sir.
Q. Have you ever seen the rebuttal videotape that appeared on television?
A. That appeared? What do you mean?
Q. The one that was on television. You saw that, didn’t you?
A. The Take 2?
Q. Yes.
A. I did see it, but I really don’t remember a whole lot of it.
Q. Was that a Maury Povich --
A. That’s right. That was the Maury Povich one.
Q. To your knowledge, has Janet ever seen the

Bashir documentary?
A. No, not to my knowledge.
Q. To your knowledge, has Janet ever seen the Maury Povich rebuttal?
A. Not to my knowledge.
Q. Okay. Have you ever discussed with Janet why she and the children don’t appear in the

rebuttal T.V. show with Mr. Povich?
A. No, sir.
Q. Never even broached the subject with her?
A. No, sir. No, sir.
Q. How long have the children lived with you?
A. Same period.
Q. Same period you just gave for Janet?
A. That’s correct.
Q. Okay. Now, at some point you moved to West Los Angeles, right?
A. That would be correct.
Q. And when was that?
A. In November of ‘03.
Q. And how long did you live there?
A. Till about July of ‘04.
Q. And just to -- excuse me. Let me rephrase that question.
Do you know how long Janet kept an address on Soto Street in East Los Angeles?
A. I believe that she did away with the address once the people took her stuff away from her apartment.

Q. I’m asking you how long she lived --
A. That would have been in March of ‘03, yeah.
Q. March? Okay. Have you ever been present in any meeting that Janet has ever had with an attorney?
A. Yes, sir.
Q. And --
A. Yes, sir.
Q. And how many meetings where Janet met with a lawyer have you been present at?
A. The only one that I can remember is the one with Bill Dickerman.
Q. And do you know when that was?
A. Sometime in April. ‘03.
Q. Is that April of ‘03?
A. It was either -- yeah, it was late March or April of ‘03, I believe.
Q. Where did that meeting take place, if you know?
A. At his office.

Q. Okay. Did you drive Janet to the office?
A. I believe I did.
Q. Was someone named Jamie Masada present?
A. No, sir.
Q. Do you know who Jamie Masada is?
A. I know who Jamie is, yes.
Q. Do you know him personally?

A. Yes, I do.
Q. When did you last talk to him?
A. It’s been quite a while. I really don’t have a specific date.
Q. How many times have you met with him?
A. I have met Jamie and have had a couple of social occasions at my house. Maybe four or five total.
Q. Okay. Is that the house in West Los Angeles?
A. That would be the house in West Los Angeles.
Q. So that would be between November of 2003 and July of 2004?
A. It would have been from the time that I met Janet in July of ‘02 through present day.
Q. Okay.
THE COURT: Counsel?
Q. BY MR. MESEREAU: So the last time you saw --
THE COURT: Counsel? Are you ready to quit?
MR. MESEREAU: Okay. Yes, Your Honor.
THE COURT: All right. Tomorrow morning at 8:30. Remember the admonitions I gave you.
(The proceedings adjourned at 11:30 a.m.)
--o0o--

REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)

Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 5845 through 5890 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 12, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
April 12, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, APRIL 13, 2005

8:30 A.M.

(PAGES 5891 THROUGH 5948)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

APPEARANCES OF COUNSEL:

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-and- GORDON AUCHINCLOSS,
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For Defendant: COLLINS, MESEREAU, REDDOCK & YU BY: THOMAS A. MESEREAU, JR., ESQ.
-and- SUSAN C. YU, ESQ.
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-and-
SANGER & SWYSEN
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Santa Barbara, California 93101
-and-
OXMAN and JAROSCAK BY: R. BRIAN OXMAN, ESQ.
14126 East Rosecrans Boulevard Santa Fe Springs, California 90670
(Not Present)

I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES DIRECT CROSS REDIRECT RECROSS

JACKSON, Jay D. 5894-M 5915-Z 5927-M
5934-Z 5940-M
(Further) (Further)
JACKSON, Janet 5942-Z
(Nonjury)

E X H I B I T S
FOR IN
PLAINTIFF’S NO. DESCRIPTION I.D. EVID.

26 Photo 5939 5940

Santa Maria, California
Wednesday, April 13, 2005
8:30 a.m.

THE COURT: Good morning, everyone.
COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.
THE JURY: Good morning.
THE COURT: Counsel, you may proceed.
MR. MESEREAU: Thank you, Your Honor.

JAY D. JACKSON
Having been previously sworn, resumed the stand and testified further as follows:

CROSS-EXAMINATION (Continued)
BY MR. MESEREAU:
Q. Major Jackson, you testified that at one point you met Janet at a salon in Brentwood, correct?
A. Yes, sir.
Q. Were you in uniform?
A. Yes, sir, I was.
Q. Were you on active duty at that point?
A. Yes, sir.
Q. And were you working during the time period that you visited Janet at the salon in uniform?
A. I had just left my job for the day.

Q. Okay. Now, Janet began to live with you on a regular basis during what month and year?
A. Regular basis would have been sometime after November of ‘0 -- let’s see here. ‘02, I believe.
Q. And she certainly was living with you from January through June of 2003, correct?
A. That is correct, less the period of time between February and March where she was gone to Neverland.
Q. Okay. But when she wasn’t visiting Neverland, it was your belief that Janet and the children were living with you, correct?
A. They were living between my house -- my

apartment and the Soto Street apartment.
Q. And most of the week, I believe you said approximately five days, they would live with you, correct?
A. Three to five days. It depended.
Q. Okay. And did you ever tell any interviewing sheriff in this case that you were supporting Janet and the children during that period of time?
A. I don’t recollect that. You’d have to --
Q. Were you doing that?
A. There was probably in some ways I was.
Q. In what way were you supporting Janet and the children during the period from January through June of 2003?

A. Well, of course they were sometimes staying in my house, my apartment. There was food. And she used my car sometimes. That’s -- you know, that’s the best I can think.
Q. Did you ever pay her rent?
A. I did pay her rent for her based on the money that she received.
Q. And the money that she received was through welfare, correct?
A. I believe -- assistance of some form.
Q. And you were allowing her to deposit her public assistance checks into your bank account at Bank of America, correct?
A. Two times that occurred, I believe.
Q. It actually occurred more than two, did it not?
A. Two is what I remember. But if you say it was three, okay, fine, I’m not -- you know, I’m not going to argue with that.
Q. Now, she received a welfare check from the County of Los Angeles in the amount of $769 on January 2nd, 2003. Do you remember that?
A. I remember a couple of welfare checks. I don’t remember the dates, sir.
Q. Would it refresh your recollection to just see that check?
A. Sure.
MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: And that was the deposit. It shows it being a deposit, correct? Not just cashing?

MR. MESEREAU: I'm not allowed to talk.

THE WITNESS: Okay. I see it went into the Bank of America.

Q. BY MR MESEREAU: Have you had a chance to look at the documents I just showed you?

A. Yes, sir.

Q. And did you see a check from the County of Los Angeles addressed to Janet Arvizo dated January 2nd, 2003, in the amount of $769?

A. Yes, sir.

Q. And isn't it true that you took that check, endorsed it, and deposited it into your Bank of America account? Right?

A. Yes, sir.

Q. Now, your Bank of America account lists your home address at 450 South St. Andrews Place, No. 307, in Los Angeles, correct?

A. That would be correct.

Q. And that was the address that you described as being in Korea Town area of Los Angeles, true?

A. That is correct.

Q. The welfare checks going to Janet Arvizo were addressed to her address at 802 North Soto Street, correct?

A. Correct.

Q. Okay. So you did that in January. You also did that -- excuse me. Let me rephrase.

She received a welfare check in -- on February 15th, 2003, that you also endorsed and deposited into your Bank of America account, correct?

A. Yes, sir.

Q. And that check was in the amount of $769, true?

A. Excuse me, yes, sir.

Q. That check also was addressed to Janet Arvizo at 807 -- excuse me, I said 802 before -- 807 North Soto Street, Los Angeles, true?

A. Yes, sir.

Q. Now, at some point, Janet became a signatory to your bank account, correct?

A. Yes, sir.

Q. She wasn’t a signatory to your bank account in January and February of 2003, right?

A. I don’t believe she was. I’m really not sure when she actually did become a signatory. I know she did.

Q. Now, in January and February the account was strictly in your name, true?

A. That would -- I believe that would be correct, yes, sir.

Q. Okay. Now, on May 19th of 2003, Janet received a welfare check in the amount of $528.61 that you also appear to have deposited into your account. Do you remember that?

A. I don’t.

Q. Okay. Would it refresh your recollection just to see that check?

A. Sure.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

MR. ZONEN: May I see that, please?

THE WITNESS: Okay.

Q. BY MR. MESEREAU: Have you had a chance to look at that document?

A. Yes, I have.

Q. And that is a check addressed to Janet Arvizo by the County of Los Angeles dated May 19th, 2003, correct?

A. That is correct.

Q. And you appear to have endorsed that check, correct?

A. Yes, sir.

Q. And on that check, Janet Arvizo’s address is 12643 Raymer Street, El Monte, California 91723. Do you see that?

A. Yes, sir. I would believe that that’s not a welfare check. I believe it’s maybe some type of public assistance. But I don’t believe it’s welfare.

Q. Was it a disability check?

A. I don’t know. But I don’t believe that was welfare. I believe she cut that off after the Jackson people closed her apartment.

Q. Okay. Now, approximately -- let’s see.

Well, on May 5th, 2003, she also got a check from the County of Los Angeles for $203.54. Do you remember that?

A. No, I don’t. It may be -- it may be child support. I’m not sure.

Q. Would it refresh your recollection if I show it to you?

A. Sure.

Yes, sir. I believe that’s child support.

Q. You’ve had a chance to look at that document, correct?

A. Yes, sir.

Q. The document is -- it’s a check from the County of Los Angeles in the amount of $203.54, right?

A. That’s correct.

Q. It’s addressed to Janet Arvizo at 12643 Raymer Street in El Monte, correct?

A. That would be correct.

Q. And you did endorse that check as well?

A. Yes, sir.

Q. Okay. On May 5th, 2003, Janet Arvizo received a check in the amount of $268.48. Are you

aware of that?

A. I’m sure it is, if you’ve got it there. I’m sure it’s child support.

Q. And you endorsed that check as well --

A. Okay, sir.

Q. -- true?

Okay. Now, at some point did you learn that Janet Arvizo wrote to the Los Angeles County welfare authorities and said, “Stop sending me welfare”?

A. I believe she did, yes.

Q. Did you actually see the note she wrote?

A. No, I don’t think I did. But I believe that she did. I think she told me she did.

Q. Now, you would agree that you were providing some financial support during January and February of 2003 to Janet and the family, correct?

A. You know what? She was depositing those checks into my account and that was probably what she was using for support.

Q. Okay. You were paying utility bills also for Janet, were you not?

A. Was I paying utility bills?

Q. Yes.

A. I may have paid a utility bill.

Q. Did you help the family out financially during -- excuse me, let me rephrase. During January and February of 2003, were you providing any financial assistance to Janet Arvizo and her children?

A. If I provided support to them during that period, it would have been from that welfare check.

Q. So let me get this straight. You know Janet had a bank account at that point, didn't she?

A. No, sir, I did not.

Q. Did she have an account anywhere, to your knowledge?

A. Not that I'm aware of. In fact, she was cashing her checks that she was receiving at one of these check cashing -- and that's the reason it costs 6 or 8 or 10 percent to cash it.

So I asked her, I said, "Let's cash it through my account and that way you don't lose that money."

Q. Okay. Okay. Do you recall writing any checks on your own to Janet during those first two months?

A. I don't, sir.

Q. Do you know -- do you recall writing checks to Janet at all during the early part of 2003?

A. I don't.

Q. Okay. Did you ever provide any financial assistance to the children during January, February or March of 2003?

A. I don't recall. If I did, I would have thought it was from the welfare money.

Q. So your position is that the only money you gave Janet during January and February of 2003 was welfare money she had given you?

A. That would be my impression. I was not -- I don't know any rules with regards to welfare. I wasn't concerned about that. She was my girlfriend, they were her children. If I gave them any money it was because it was out of the goodness of my heart.

Q. I understand that. My question to you is, Janet deposited welfare checks and then child support checks into your bank account at Bank of America in Los Angeles, correct?

A. Correct.

Q. And this was starting in approximately January of 2003, true?

A. That would probably be true.

Q. And are you saying under oath, Major Jackson, that the only money you took out of that account and ever gave to Janet and the children was Janet's own money?

A. Could you restate the question, please, a different way?

Q. Sure. If it's not clear, I'll --

A. Please.

Q. -- rephrase it.

Are you saying under oath that between January 2003 and May of 2003, the only money you gave Janet Arvizo out of your bank account was money she had put into your account?

A. Sir, I think I answered that, and that is, is that I don't know that answer. And that if I did give her money that would have been above and beyond what she was receiving, that would have been coming from me out of the goodness of my heart. Because she was my girlfriend and I did love her children.

Q. Okay. And did she tell you at some point, "I want to deposit welfare checks into you, Major Jay Jackson's back account"?

A. No, sir. I'm the one that said, "Why don't we put it into my account because it's -- it will save you a little bit of money, from what little bit of money you do get."

Q. Okay. Did you ever look at any of Janet Arvizo's welfare applications to Los Angeles County?

A. No, sir.

Q. Did she ever ask you to prepare one of those applications?

A. No, sir.

Q. Do you know whether or not she was honest on any application she sent to Los Angeles County involving requests for public assistance?

A. Janet's pretty honest, but I don't know that to be a fact.

Q. Okay. Now, during --

May I take just one second, Your Honor, to look through --

THE COURT: Yes.

Q. BY MR. MESEREAU: During the time that Janet Arvizo was living at your home --

A. My apartment.

Q. Your apartment. That was your home, right?

A. It's where I lived.

Q. Okay. And we're talking about the period starting in January of 2003, you were being paid by the United States Government, correct?

A. That would be correct.

Q. And your base pay was $5,310.60, correct?

MR. ZONEN: I'll object as irrelevant.

THE COURT: Overruled.

THE WITNESS: Sir, I don't have that in front of me. But if that's what my LES says, then that's correct.

Q. BY MR. MESEREAU: Would it refresh your recollection if I just show you the document we subpoenaed from the Army?

A. Sure.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: Yes. Okay.

Q. BY MR. MESEREAU: Have you had a chance to look at that document?

A. Yes, sir.

Q. Have you seen that document before?

A. I see my LES monthly.

Q. Okay. And let me restate the amount. The

amount went up.

Well, the amount of base pay you were

receiving effective January of 2003 was $5,528.40 per month, correct?

A. That would be correct.

Q. Okay. The amount of base pay you received in February of 2003 from the United States Government was also $5,528.40 per month, correct?

A. Yes, sir.

Q. And the amount of base pay you received from the United States Government in March of 2003 was $5,528.40 per month, correct?

A. Yes, sir.

Q. And the amount of base pay you received in April of 2003 from the United States Government was $5,528.40 per month, correct?

A. Yes, sir.

Q. Okay. Do you recall whether or not you ever requested any type of housing allowance or assistance from the United States Government because Janet Arvizo and her three children were living with you?

A. It would not matter. I could not request assistance from the government unless I married her.

Q. Okay.

A. So that would have occurred in May of '04.

Q. Okay. So you didn't do it anytime in 2003?

A. No, sir, I wouldn't have been able to. It wouldn't have mattered if I did it, and I wouldn't have done it.

Q. Okay. Okay. Was it your understanding Janet Arvizo had no other bank accounts on her own -- excuse me, that's a poor question. Let me rephrase.

Was it your understanding, Major Jackson, that in the months of January, February, March and April of 2003, Janet Arvizo did not have any bank account?

A. Yes, sir. That would be my recollection.

Q. Okay. Do you know if she ever had an account at a bank called Providian?

A. No, sir.

Q. Okay. Did you ever discuss with Janet Arvizo whether or not she had ever obtained any money from a J.C. Penney settlement?

A. She -- no, sir, she did not talk about it. I started learning about it through the news.

Q. Okay. Do you know whether or not, during January, February, March or April of 2003, Janet Arvizo was making any deposits in her mother’s account at Sanwa Bank?

A. I’m not aware of that, sir.

Q. Were you ever aware of any account that Janet Arvizo had set up at any bank involving moneys she had obtained for the benefit of Gavin?

A. No, sir.

Q. Okay. And were you ever involved in any fund-raising efforts for Gavin?

A. No, sir.

Q. Okay. Now, are you saying that the money you received every month during January, February, March or April was not used for the benefit of Janet or the children?

MR. ZONEN: Objection; vague. His paycheck?

MR. MESEREAU: Yes. I’ll rephrase it. Counsel’s correct.

THE WITNESS: Please.

Q. BY MR. MESEREAU: The base pay you earned from the United States Government in January, February, March and April of 2003 was never used directly or indirectly for the benefit of Janet or the children, correct?

A. Cannot answer that question with accuracy.

Q. Okay. You testified yesterday that at one point Janet Arvizo went to court in downtown Los Angeles to deal with her domestic issues involving her ex-husband David, correct?

A. Yes, sir.

Q. Do you know approximately when that was?

A. That would have been right around the time of -- it would have been in the middle of March.

Q. Okay. Would that be March of 2003?

A. Yes, sir.

Q. Did you know -- excuse me. Did you know whether or not Janet Arvizo filed an income and expense declaration in that court case that you’ve just described?

A. No, sir, I do not.

Q. Okay.

A. I did not. I'm not even sure what that is.

Q. Was any of the welfare money or child support money that was deposited into your bank account during January, February, March, April of 2003 ever used for your benefit?

A. No, sir.

Q. Okay. And do you know whether or not Janet Arvizo ever disclosed to welfare authorities and the County of Los Angeles that you were helping her pay rent?

A. I do not know. I just know that when the apartment got taken away from her by Michael Jackson's assistants, she apparently at that time wrote a letter to them and just cancelled her welfare.

Q. That's not really answering my question, now, is it? That's something that you just wanted to tell the jury, correct?

A. Okay.

MR. ZONEN: Objection; argumentative.

THE COURT: Counsel --

MR. MESEREAU: I withdraw it.

Q. Let's talk about the checks you wrote to Mr. Trujillo when you were paying her rent at her apartment.

A. All right.

Q. Do you know whether or not Janet Arvizo ever disclosed the rental payments you were making on her behalf to welfare authorities in Los Angeles?

A. Sir, I believe that those checks that I wrote to Mr. Trujillo for her apartment on Soto Street were in relations to the welfare checks that she was receiving in the January, February time frame.

Q. So what you're saying, Major Jackson, under oath to this jury, is that you can guarantee that the rent checks you wrote to Mr. Trujillo on behalf of Janet Arvizo to pay rent came directly from her welfare checks; is that true?

A. I remember -- you need a "yes" or "no"?

Q. Yes.

A. Okay. I can’t answer that “yes” or “no.”
Q. Okay. All right. Do you know whether Janet Arvizo ever disclosed the financial assistance you were giving her on her income and expense declaration that she filed in her domestic case -- domestic relations case with David?
A. Did I not answer that already, sir? I said I don’t even know what that document is, so I did not know that.
Q. Okay. And you didn’t help her ever prepare a document like that, correct?

A. No, sir, I did not.
Q. Okay. Do you recall during January, February, and March of 2003 whether or not Janet Arvizo was depositing any checks into your account other than welfare and child support?
A. Well, she probably -- the child support began at some point after that, but I’m not sure. I’m not clear when that started, so I don’t want to say it started in March. But it was soon thereafter, I think.
Q. Do you recall, during January, February, March and April of 2003, endorsing for deposit any checks written to Janet Arvizo that were other than welfare and child support?
A. Not that I’m aware of.
Q. Okay. During January, February, March and April of 2003, were you aware of any bank account Janet had set up at a bank called Washington Mutual in Los Angeles?
A. No, sir.
Q. During January, February, March and April of 2003, to your knowledge, was Janet Arvizo driving an automobile?
A. No, sir, she was not.
Q. Did you ever learn at some point that she had purchased an automobile?
A. I -- I believe at some point she later told me that she had put some money down on a car and then opted out of it.

Q. Do you know when that was?
A. I don’t.

Q. Okay. During January, February, March and April of 2003, to your knowledge, did Janet Arvizo ever obtain any disability assistance from the state?

A. Not that I'm aware of.

Q. Okay. And during January, February, March and April of 2003, to your knowledge, did Janet Arvizo ever obtain any food stamp assistance?

A. I did see food stamps, yes, sir.

Q. Okay. And was that during the time she was living with you?

A. That was the time that she was visiting me at Bundy, and that was prior to November of '02. And I'm not sure exactly when that stopped.

Q. Okay. Were you -- excuse me. Did you know Janet Arvizo in November of 2001?

A. No, sir, I did not.

Q. Okay. When did you first meet her?

A. July of 2002.

Q. Now, in January, February, March and April of 2003, were Davellin, Gavin and Star living at your apartment at least part of the week?

A. Well, during -- of course in February and March they were gone almost the entire time. At least through the middle of March. But January, some of February and March, Davellin was not living with us, and Star and Gavin were living with us when they were -- when Janet was there.

Q. Okay. All right. And what I think you've told the jury is that Janet wanted to keep the Soto Street apartment but Mr. Jackson's people prevented that; is that what you're saying?

A. I know that -- I believed that we wanted to keep the apartment, so that is what I say, is that before she was whisked off to Miami, our intention was for her to keep the Soto Street apartment.

Q. Okay. When the Soto Street apartment was no longer rented by Janet, did she and the children live with you full time?

A. When the Jackson people shut down the apartment, she moved into my apartment after she left Neverland.

Q. Okay. Did you ever wonder why someone on

welfare wanted two residences?
A. No, sir.
Q. Did you ever discuss with any prosecutor before you testified in this trial your having deposited Janet’s welfare checks into your account at Bank of America?
A. No, sir. It wouldn’t have been an issue.
Q. How do you know?
A. It’s not an issue.

MR. ZONEN: Objection; argumentative.
THE COURT: Sustained.
THE WITNESS: What does that have to do with anything?
Q. BY MR. MESEREAU: Have you ever discussed with any prosecutor before you testified in this trial anything about Janet’s obtaining welfare assistance while she lived with you?
A. Wasn’t my concern, sir.
Q. Has any prosecutor or sheriff ever showed you before you testified in this trial any documents relating to any kind of public assistance Janet Arvizo was receiving at any time from the County of Los Angeles?
A. No, sir, not that I recall.
Q. And has anyone associated with any prosecutor ever spoke to you on the phone about Janet Arvizo’s receiving public assistance while associated with you?
A. Not that I can remember, no.
Q. Okay. To your knowledge, was Janet Arvizo receiving any welfare checks in the year 2002?
A. I don’t know, sir.
Q. Do you recall depositing any of Janet Arvizo’s welfare checks into your bank account during the year 2002?
A. If you have that, then I guess I did. I just don’t remember.

Q. Okay. Did you have any discussion with Janet at any time about why welfare checks were going through your sole account?
A. Please restate the question.
Q. Sure. Did you ever have any discussions

with Janet Arvizo at any time as to why welfare checks were being deposited into your sole account?

A. Any check that would have been deposited in my account would have been to save her money from putting it through one of those check cashing places that charge 6 to 8 to 10 percent.

Q. Did you ever wonder why Janet didn’t have her own bank account, to your knowledge?

A. No, sir, I didn’t.

MR. MESEREAU: No further questions at this time.

THE COURT: All right. Redirect?

REDIRECT EXAMINATION

BY MR. ZONEN:

Q. Mr. Jackson, Major Jackson, good morning.

A. Good morning, Mr. Zonen.

Q. Do you recall the phone number that you had when you were living at the St. Andrews apartment? This is a challenge, isn’t it?

A. Yes, it is.

Q. Would it help you to recall that phone number if I were to show you a phone bill?

A. Yes, sir, it would.

MR. ZONEN: May I approach the witness? I’m just going to show you something.

THE WITNESS: Okay. Yes, sir. That is.

Q. BY MR. ZONEN: Tell us what that phone number is.

A. Oh, great. (213) -- (213) 739-9279.

Q. You now remember that?

A. Yes, sir, I do. But don’t walk away and ask me again.

Q. Mr. Mesereau had asked you questions about checks that you deposited into your account. Do you know where your wife, then your girlfriend, Janet Arvizo, was depositing checks that she was receiving for public assistance at that time?

A. She wasn’t. She wasn’t depositing them, as far as I know. She was cashing them at check cashing places.

Q. Do you know which places she was going to?

A. Not always. Sometimes we’d be going down the road and we'd stop at one of them on the side of the road.

Q. Did you have a discussion with her about the cost of doing that?

A. Yes, I did. That was the whole issue. I said, "They're charging you 6 or 8 percent to do that. Why don't you just deposit it into my account and I'll either write the check for your bills or I'll give you the money." I'm not sure which one I did.

Q. Mr. Mesereau asked you about paying her rent.

A. Yes, sir.

Q. How were you doing that? Where was the money coming from that you were writing checks?

A. From my Bank of America account.

Q. All right. And then the money that was coming into your account from the welfare check?

A. Yes, sir.

Q. Was that covering it?

A. Yes, sir. I believe the check was like 425.

Q. Give us a sense. The rent was about how much per month?

A. 425.

Q. And the public assistance check was about how much?

A. 700-some.

Q. And then did you write checks for utilities as well?

A. I believe I did. But I'm not absolutely positive.

Q. Was that covered as well by the amount of the welfare checks?

A. Yes, sir, it was.

Q. Do you know how she was paying her utility bills before?

A. I don't.

Q. Did you ever see a checking account in her name?

A. No, sir, I did not.

Q. Did you ever see her sit down and write a check?

A. No, sir, I didn’t.

Q. Did you ever see her with her own car during the time that you were dating her?

A. No, sir.

Q. Do you know how she was getting back and forth?

A. Bus.

Q. When you met her -- you met her at a -- one of the kid’s military events, is that correct?

A. That’s correct. Where I worked.

Q. And where you were working at that time was where?

A. It’s at 311 COS-COM in Los Angeles, West Los Angeles, in the Sea Cadet Command and located within the building.

Q. And what would be involved in taking a bus from where she was living at that location?

A. You know what? I don’t know how long it would take. But it was quite a long distance, so probably several hours to get there.

Q. At any time during the time that you were dating, did you see her drive her own car?

A. No, sir, she never had her own car.

Q. You said that both of you wanted to maintain the Soto Street apartment in East Los Angeles?

A. That is correct.

Q. Tell us why.

A. Primarily it gave her a good place to go to when she was visiting her mother. She had some stuff that she had in the apartment that she was storing. And basically she just didn’t want to give that apartment up because she really didn’t feel that she was living with me. She was living there. But she was visiting me.

Q. Do you know when it was that she sent a letter that discontinued her welfare?

A. I don’t, sir. I don’t know exactly. I just heard about it.

Q. If I were to show you a copy of that letter, would that refresh your recollection?

A. It may. I’m not sure.

MR. ZONEN: May I approach the witness?

THE COURT: Yes.

THE WITNESS: Actually, I have seen that letter.

Q. BY MR. ZONEN: Does that letter refresh your recollection?

A. Yes, sir.

Q. And what is your recollection?

A. You know, just -- I remember the letter, but I'm not even sure when I saw it.

Q. Do you remember when you stopped depositing welfare checks into your account?

A. I don't know exactly when I stopped, because there were -- the child support payments coming in, so I was not concerned about it. I didn't know there was an issue with a welfare check versus a child support check versus anything else.

Q. Were the child support checks of a different amount than the welfare check?

A. Yes, sir, they were.

Q. Was the welfare check pretty consistently in the seven hundred --

THE COURT: They're not hearing you, Counsel.

MR. ZONEN: I'm sorry.

Q. The question previously was --

THE BAILIFF: Is your microphone on?

THE COURT: He had his book on it.

MR. ZONEN: I had the book on it, I'm sorry. I apologize.

Q. The welfare check, was that a fairly consistent amount every month?

A. Yes, sir. I believe it was 700-something dollars a month.

Q. The child support check, would that vary or was that consistent as well?

A. That varied. Always low.

Q. The amount -- the check that Mr. Mesereau showed you that was in May --

A. Yes, sir.

Q. -- did you believe that was a child support check?

A. I'm sure it's a child support check.

MR. ZONEN: Your Honor, I'm going to ask the Court take judicial notice of the fact that

February 15, 2003, is a Saturday, February 16, 2003, is a Sunday. And I have a copy of the calendar to furnish the Court.

MR. MESEREAU: Sure. Sure.

THE COURT: No objection?

MR. MESEREAU: No objection, Your Honor.

THE COURT: All right. I'll take judicial notice of those dates and days.

Q. BY MR. ZONEN: You were asked yesterday by Mr. Mesereau whether or not the children went to school on February 15 and February 16 of 2003. Did the children traditionally attend school on Saturday and Sunday?

A. No, sir.

Q. I'd like to ask you questions about your discussion with Frank, wherein he offered you a house, and he offered you children's education, subsequently then asked if you were still waiting for a house.

A. Right.

Q. Tell me about your view of that offering of a house. How did you take it at the time he offered it?

A. The time -- the way I took it was, he wasn't offering to show me the contract. The bottom line was I really did not believe him. I did not believe that he was going to give us a house. I did not believe that he was going to give a college education. All of this was just -- just talk. That's the way I felt about it at the time.

Q. Why did you want to see the contract?

A. I wanted to see what it is -- what it was that the family was being required to do, and what rights they were signing away.

Q. You had the opportunity to listen to the tape of the Miller interview, that interview that took place in your home on presumably the 16th of February?

A. Yes, sir.

Q. At the very beginning everybody introduced themselves and you were not one of them; is that correct?

A. That's correct.

Q. Were you a witness to that particular event?
A. I did watch parts of it.
Q. Were you not asked to introduce yourself?
A. No, sir, I was not.
Q. Were you still in the room at that time?
A. Yes, sir, I was in the room.

Q. Did you leave the room at different times?
A. I did, sir.
Q. At one point you were asked by Mr. Mesereau whether or not you stated to the grand jury that you watched the entire proceedings?
A. Correct.
Q. At another time he said, “Did you state to the grand jury whether you had listened to the entire proceedings?”
A. Correct.
Q. Did you listen to the entire proceedings?
A. No, sir. In fact, when they played, I didn’t really know much of anything was on there. I don’t recall.
Q. I’m sorry. Is there anything that you heard on that tape that you do recall?
A. The only thing that I do recall is something -- they were praising Michael Jackson, saying he didn’t touch them, something to that effect.
Q. At any time did you make an attempt to discuss with Janet Arvizo at the time, during this February and March period when she was at Neverland, what was going on?
A. Janet did not talk much. She would not explain to me why she was emotional, why she was crying. She wouldn’t tell me what was going on during this period.

Q. Did you make an attempt to contact police during that time?
A. Yes, sir, I did.
Q. Who did you call?
A. After a short phone call with Janet where she appeared to be under duress, I made a phone call to the Santa Barbara Police Department. It was late at night. And they transferred me to the Santa

Barbara Sheriff’s Department.

Q. And did you talk with a deputy at the sheriff’s department?

A. I talked to a sergeant.

Q. Do you know his name?

A. McCadden, I think. McCadden or something like that.

Q. Did you tell him about what was going on?

A. I was confused. I did not know what was happening. I talked to him. I initially tried to explain to him that I had a family that was at Neverland, and they appeared to be under duress.

He didn’t want to believe -- you know, “Is this a crank phone call? What was going on?” You know, I tried to say, “Look, I’m in the military. I’m not playing. This is” -- “They are” -- “They were on T.V.”

Basically he finally said, “Well, why didn’t she call 9-1-1?” And I said, “Well, I don’t know why she didn’t call 9-1-1, because she kind of hung

up on me, and she made some kind of statement like, ‘Oh, my gosh, here he comes,’ and she hangs up on me.”

Q. Major Jackson, the next day, did they call you back, from the sheriff’s office?

A. Yes, sir, they did.

Q. And was Janet home at that point?

A. Janet was back in El Monte.

Q. And did you indicate to him that everything was under control?

A. I did. He said, “Is she back?” I said, “Yes, she is.” And that ended the conversation.

Q. On a couple of occasions Mr. Mesereau referred to your house in West Los Angeles?

A. Correct.

Q. Did you have a house in West L.A.?

A. No, sir. I had a two-bedroom apartment.

Q. Was this an apartment that you lived in with Janet Arvizo?

A. Yes, sir, I did.

Q. And how many of her children?

A. Two of her children. Gavin and Star.

Q. And where was Davellin living at that time?

A. She was living with her grandmother.
Q. Did she visit?
A. Yes, she did. Pretty much every weekend.
Q. So she was there for the weekend?
A. Yes, sir.

Q. You indicated just now that -- or earlier this morning, that at some point, Janet Arvizo became a signatory to your account?
A. Yes, sir.
Q. Do you know when that was? Were you already married?
A. You know, I’m not clear on that. It may have been after we got married. But I’m just not sure.
Q. Mr. Mesereau asked you about amounts of money that you were making and described it as base pay. What does that mean, base pay?
A. Base pay is -- in the military, you’re given base pay, which is your -- basically your salary, which is taxable. And then you’re given a housing allowance, which is nontaxable. And you’re also given a food allowance, which is nontaxable.
Q. The base pay that was described, was that the amount of money that you received before or after taxes?
A. Before taxes.
Q. So taxes are deducted from that amount of money?
A. Yes, sir.
Q. Mr. Mesereau asked you about a Washington Mutual account established in 2003. Are you aware of any such account?
A. No, sir.

Q. Did Janet ever mention to you a Washington Mutual account?
A. No, sir.
Q. Did she ever write a check on it in your presence?
A. No, sir. I never saw a checkbook.
Q. I’m sorry?
A. I never saw a checkbook.
Q. You never saw a checkbook.

A. So I know nothing about it.

MR. ZONEN: Thank you. I have no further questions.

RECROSS-EXAMINATION

BY MR. MESEREAU:

Q. Major Jackson, you called the police on Tuesday, February 11th, 2003, correct?

A. I don’t have the specific date in front of me, but I believe it was right around that time, yes, sir.

Q. You told the police your girlfriend had flown to Florida with her children, right?

A. Miami, correct.

Q. Okay. You told the police that you’d received several telephone calls from her during the last few days, right?

A. Correct.

Q. Okay. And you were concerned about her welfare, correct?

A. That is correct.

Q. You then -- after discussing the situation with the police, you and the police officer concluded that Janet appeared to have unfettered access to a phone, true?

A. That she had called me, absolutely, yes, sir.

Q. Okay. And after your initial call, you received a call back from the police, true?

A. After talking to the police, Janet called me back and I told the police officer to call me back.

Q. Okay. And a police officer called you back, correct?

A. He did.

Q. You told the police officer in that conversation that Janet didn’t think a 9-1-1 call was needed, true?

A. I did not tell him that.

Q. Would it refresh your recollection if I show you a copy of the police report?

A. I’ve seen the police report.

Q. You’re aware of what the police officer says you said, correct?

A. I am.

Q. And you're saying you never told the police officer, "Ventura does not think a 9-1-1 call is needed at this time"?

A. I told the police officer that Janet said she was going to be leaving the property in a vehicle at twelve o'clock, and that could the police intercept the vehicle. And his response was, is, "We cannot intercept a vehicle."

Q. Do you remember telling the police officer in that second conversation, "Jackson said he did not think Ventura was in any danger"?

A. No, sir, I don't.

Q. Would it refresh your recollection if I show you the police report?

A. I've seen -- I've seen the police report.

Q. You've seen the words he wrote about what you told him?

A. Yes, sir.

Q. So you know the police officer claims you said, "Ventura is not in any danger," correct?

A. Correct.

Q. And you're denying saying that, true?

A. I'm denying saying that.

Q. Okay. Now, you told the jury at one point Janet left the property, correct?

A. Please repeat the question.

Q. Yes. At one point, after your call to the police, Janet left the property, right?

A. That is correct.

Q. And when was that?

A. She called me early in the morning, so it was sometime that night.

Q. Okay. And is that the night of the day you made the phone call?

A. I made the phone call late at night, so it was early that morning.

Q. And -- okay. So early that morning, she left Neverland?

A. She left Neverland.

Q. And how did she leave Neverland; do you know?

A. I don’t know for sure. I know she went to El Monte.

Q. And you also learned that shortly after that, she went back to Neverland, right?

A. After that she came back to my apartment.

Q. And did she then go back to Neverland again?

A. She received a bunch of phone calls from Frank.

Q. Please answer my question, Major.

A. Yes, sir, she did go back to Neverland.

Q. Okay. And approximately when did she go back to Neverland again?

A. It was probably a couple of days. I don’t have a specific -- it was probably two days.

Q. Okay. So you call the police. They don’t do anything?

A. Correct.

Q. You deny what they claim you said to them, that she wasn’t in danger, correct?

MR. ZONEN: Objection. Argumentative and asked and answered.

THE COURT: Sustained; asked and answered.

Q. BY MR. MESEREAU: She leaves the next day from Neverland, right?

A. She leaves in the middle of the night.

Q. Okay. And goes to El Monte?

A. Correct.

Q. And then to your place, right?

A. Not that day, the next day.

Q. And then goes back to Neverland, right?

A. Bunch of phone calls, and she --

Q. Goes back?

A. Goes back to Neverland.

Q. And then when does she leave Neverland again, to your knowledge?

A. She leaves Neverland that same day, same night. She comes back late at night, by herself.

Q. And does she ever go back to Neverland again?

A. After some phone calls, about every 15 minutes getting phone calls from Frank --

Q. I’m just asking you the question, Major, did she ever go back to Neverland again?

A. Yes, sir, she did.

Q. After your calls to the police, she leaves Neverland and goes back three times; is that correct?

A. She left Neverland -- I'd have to count it up.

Q. Sound like three times to you?

MR. ZONEN: Objection. Asked and answered; argumentative.

THE COURT: Overruled.

You may answer.

THE WITNESS: Okay. I believe it was two times. One time she returned with her family. The same night she showed back up, and then she returned again to Neverland.

Q. BY MR. MESEREAU: How many times after your call to the police do you believe Janet left Neverland?

A. The night that she -- that I made the phone call to the police, she left that night. Came back to my apartment. Went back to Neverland, and came back again that night, so there was two times.

Q. Did she ever go back a third time, to your knowledge?

A. She did go back.

Q. So then she then left a third time?

A. You're giving me the numbers here. Let's see. She -- she came back, she left Neverland, went to El Monte. All right. So that's leaving Neverland once.

Q. Right.

A. She came to my apartment.

Q. Right.

A. Lots of phone calls. Went back to Neverland. Came back that night. Okay. Again, bunch of phone calls, and she returned back to Neverland. So that would be three times, yes.

Q. Okay. And every time she left Neverland, how was she transported? Do you have any idea?

A. How she left Neverland?

Q. Yes.

A. I don't have any idea, no, sir.

Q. Do you know who drove her every time she left Neverland?

A. I think I learned this after the fact, but I think Chris Carter brought her to my apartment when she came by herself.

Q. Every time she left Neverland someone employed by Mr. Jackson drove her, correct?

A. I -- I'm not clear on that, but I think that's probably true.

MR. ZONEN: Objection; speculative.

MR. MESEREAU: Okay. No further questions.

MR. ZONEN: I'd ask to reopen on an area that is beyond the scope of the redirect examination, very briefly.

THE COURT: All right.

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FURTHER REDIRECT EXAMINATION

BY MR. ZONEN:

Q. Major Jackson, following Janet's return to your home on the final occasion --

A. Yes, sir.

Q. -- in March at this point, were you witness to any contacts from anybody by the name of Johnny?

A. Johnny, yes, sir, I was.

Q. All right. And who do you understand Johnny to be?

A. Johnny was supposedly either a security detail for Michael Jackson or somebody -- somebody that worked for Michael Jackson.

Q. And where did you see him?

A. I saw him on several occasions.

Q. And where was the first one?

A. The first time, I believe, is once the family returned back to my apartment on St. Andrews Place, Johnny apparently was showing up at the apartment and banging on the door, and the family was scared.

She -- Janet called me at work. And I rushed home, and I got into the apartment and -- I mean, the kids were holding knives. They were scared to death. And then all of a sudden we get a knock on the door and I opened the door, it's

Johnny. So I slammed the door behind us, because I was concerned what he may do. And him and I were standing right nose to nose looking at each other, and I’m like, “What do you want?” And he said, “I just want to know how the children are.” I said, “Well, the children are fine. Get off the property.”

So he kind of looked at me and just walked away, so he left that day.

Q. When’s the next time you saw him?

A. Again, my wife called me from -- at work, and at that time I guess she was my girlfriend, and said, “Johnny is back.”

So I came back home. Came home again, and this was early evening. It was dusk. I pulled into the -- into the carport, and the -- and the garage door closes. It’s like a chain-link fence. And I look out, and across the street is this guy trying to hide behind a car. And from a distance, it looks like Johnny. So of course --

MR. MESEREAU: Objection. Nonresponsive and narrative.

THE COURT: Narrative; sustained.

Q. BY MR. ZONEN: Did you go out to look at the person behind the car?

A. Yes, sir, I did. I walked out towards him and he immediately took off.

Q. Were you able to see him?

A. He had the same makeup and build of Johnny, but I cannot say for a fact it was Johnny.

Q. Did you see what kind of car he was driving?

A. No, sir, I did not. He ran behind a building and took off.

Q. When was the next time you saw him?

A. The next time was, Janet was concerned about the children going back to school because the Jackson folks had her passports for the children. So she did not want -- let me back up. She went to the school. She was scared the children would be taken.

MR. MESEREAU: Objection. Objection; move to strike.

THE COURT: Stricken.

Q. BY MR. ZONEN: Tell us the next time you saw Johnny.

A. I saw Johnny at John Burroughs Middle School.

Q. About how long was this after Janet and the children returned to your home?

A. Two or three days.

Q. Where did you see him at the school?

A. I pulled in with Janet, we parked. I walked up to the breezeway where the children come out, because we didn’t want them to be snatched, and --

MR. MESEREAU: Objection. Move to strike; nonresponsive.

THE COURT: Sustained. The last part’s stricken.

Q. BY MR. ZONEN: You walked up to the breezeway. What did you see?

A. Okay. I was standing there waiting for the children. Janet came running up to me and she said, “Johnny is here.” So I immediately ran out back to the car, grabbed a camera out of the car, because I wanted to get some kind of documentation that this guy was stalking this family.

And I ran up to his car, and he was in an old 280Z or 280ZX. And I was -- I was kind of -- my adrenaline was flowing, so I didn’t turn the camera on, but I ran up to him and I acted like I was taking pictures of him.

And, you know, John Burroughs, it’s a very tight situation there. Once you get in, you can hardly get out, and so he’s slinging the gears back and forth, trying to get away, but he can’t get out, because it’s all blocked up.

So I continued to take pictures of him, then I ran back over to the school, and I saw one of the counselors by the name of Mr. Davies. And I said, “Mr. Davies, there is a guy out here who is stalking Gavin and Star.” And I don’t know whether he saw that guy or not.

MR. MESEREAU: Objection. Nonresponsive; narrative.

THE COURT: As to the last sentence, I’ll strike it.

THE WITNESS: Okay. So --
THE COURT: Ask the next question.
MR. ZONEN: Yes.
Q. Did you point out Johnny to Mr. Davies?
A. Yes, sir, I did.
Q. Were you actually in a position where you could see Johnny at that time?
A. Let me back up. I did not point him out. I said, “There is a guy out in the parking lot driving a 280Z that is stalking the children.”
Q. Okay. Did you give him a description of that vehicle?
A. Yes, I did.
Q. Okay. Including the color of the vehicle?
A. And -- I’m sure I did. I can’t remember now in my mind. And maybe it was a dirty gray or blue, but that’s speculation at this point. I don’t remember the color.
Q. Did you give him a description of Johnny at all?
A. Yes, sir, I did.
Q. All right. Did you see Johnny again thereafter?
A. I don’t think I saw Johnny again.
Q. Were you or Janet Arvizo receiving phone calls during that period of time after the kids finally and ultimately returned home?
MR. MESEREAU: Objection; leading.

THE COURT: Overruled.
You may answer.
THE WITNESS: I know Janet was receiving some phone calls.
Q. BY MR. ZONEN: All right. At which residence?
A. At the St. Andrews apartment.
Q. That was your residence at the time?
A. That’s correct, sir.
Q. Were you answering any of those calls?
A. No, sir, I was not.
MR. ZONEN: Your Honor, if I could approach the witness.

THE COURT: All right.

Q. BY MR. ZONEN: I'd like to show you Exhibit No. 26 for identification not yet in evidence. Can you tell us who this person is?

A. That looks like Johnny.

Q. Do you know his last name?

A. I don't.

Q. How do you know his first name is "Johnny"?

A. Janet and the children said there's this guy, "That's Johnny out there."

Q. Is that, in fact, him?

A. That is.

Q. Does that photograph accurately depict the subject matter contained -- in other words, is this an accurate, although not terribly complimentary, photo of Johnny?

A. Yes.

MR. ZONEN: Move 26 into evidence, please.

MR. MESEREAU: No objection.

THE COURT: It's admitted.

MR. ZONEN: I have no further questions.

THE COURT: Mr. Mesereau?

MR. MESEREAU: Yes, thank you, Your Honor.

FURTHER RECROSS-EXAMINATION

BY MR. MESEREAU:

Q. Mr. Jackson, at some point you learned that Johnny was an investigator hired by Attorney Mark Geragos to see if your family and a bunch of lawyers were trying to extort Michael Jackson, true?

A. That would be incorrect.

Q. You never called the police on Johnny, true?

A. No, sir, I did not.

Q. And how many times do you think you've seen Johnny?

A. I have probably seen Johnny three times.

Q. When was the first time?

A. The first time would have been the night that he showed up at the apartment and I confronted him out in front of my apartment door.

Q. Okay. And then you say he took off?

A. He just walked away.

Q. Okay.

MR. MESEREAU: No further questions.

THE WITNESS: Thank you.

MR. ZONEN: Your Honor, could I publish that photograph, No. 26?

THE COURT: Yes.

THE BAILIFF: “Input 4,” please.

Q. BY MR. ZONEN: If you could turn around and look behind you. Is that, in fact, Exhibit No. 26, the person you identified as Johnny?

A. Yes, sir.

MR. ZONEN: Thank you. No further questions.

MR. MESEREAU: No further questions, Your Honor.

THE COURT: You may step down.

THE WITNESS: Thank you, sir.

THE COURT: Is your next witness --

MR. ZONEN: Yes, it is.

THE COURT: (To the jury) The next witness that is going to be called is Janet Arvizo, and it’s necessary that I have a hearing outside of the presence of the jury before she starts her testimony.

So I’m going to ask you to step out and we’ll call you back in shortly. We will take our normal break as it occurs. So I suspect you’ll have over half an hour here.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

MR. ZONEN: Did you want the witness in the courtroom?

THE COURT: Yes.

Come to the front of the courtroom, please. When you get to the witness stand, please remain standing. Face the clerk and raise your right hand.

JANET JACKSON

Having been sworn, testified as follows:

THE WITNESS: Yes.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name is Janet Jackson. Spelled J-a-n-e-t, J-a-c-k-s-o-n.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. ZONEN:

Q. Mrs. Jackson, are you formerly known as Janet Ventura and then Janet Arvizo?

A. Yes, sir.

Q. And you currently go by “Mrs. Jackson”?

A. Yes.

Q. And you are married to Jay Jackson?

A. Yes.

Q. Based on advice of counsel, have you advised the District Attorney’s Office that you will be asserting the Fifth Amendment privilege as to any question asked of you about welfare recipience or applications for welfare during the period of time that you were on welfare?

A. Yes.

Q. Up until the time that you discontinued welfare?

A. Yes.

MR. ZONEN: No further questions.

THE COURT: Have you consulted an attorney regarding your claim of privilege here?

THE WITNESS: Yes, sir.

THE COURT: Is your attorney going to be here today?

THE WITNESS: No, sir.

THE COURT: Did you discuss the claim of privilege at length with him?

THE WITNESS: Yes, sir.

THE COURT: Do you believe you have sufficient knowledge to make the claim?

THE WITNESS: Yes, sir.

THE COURT: Do you feel you need any other legal advice concerning your claim of privilege?

THE WITNESS: Pardon me?

THE COURT: Do you need any other legal advice?

THE WITNESS: No.

THE COURT: What's the District Attorney's intention as to how to deal with this?

MR. ZONEN: Your Honor, my understanding is that this witness will answer all questions put to her other than questions of her welfare application, questions that she answered in her welfare application or in receipt of welfare benefits. We intend on proceeding with our direct examination. We're not going to ask her any questions about welfare recipience. And I'm assuming that the assertion of the Fifth will be done at this time. And I don't believe that -- well, our position is stated thereafter in our pleadings.

THE COURT: All right. Do you, in fact, make a claim under the Fifth Amendment of the United States Constitution against self-incrimination?

THE WITNESS: Yes, sir.

THE COURT: And to what areas do you relate that claim, are you making that claim?

THE WITNESS: To what he said.

THE COURT: I'd like to hear it from you.

THE WITNESS: Of everything to do with the welfare; the application, the process.

THE COURT: During what time period?

THE WITNESS: The period of when I began till I ended.

THE COURT: But when was that?

THE WITNESS: Oh, I'm sorry. That was approximately October -- approximately October 2001 to November 2000 -- no, apologize. March 2003.

THE COURT: So the claim would involve -- the claim of privilege would involve claims made between October of 2001 and March -- through March of 2003?

THE WITNESS: Yes, sir.

THE COURT: Has the District Attorney considered giving this witness immunity on that issue?

MR. ZONEN: We have -- we're not terribly interested in giving a grant of immunity.

THE COURT: All right. We have -- points and authorities have been filed. And my thought is there’s no reason for you to ask her any questions. But if you think there is, tell me why.

MR. SANGER: I don’t believe -- Mr. Mesereau will be handling the witness, but I’m handling this legal issue, if we can bifurcate that, Your Honor. As far as the questions right now, I don’t think there’s any point in asking additional questions. The factual issue is set out.

THE COURT: All right. What I’m going to ask you to do is to step down from the witness stand, and just sit behind counsel while we have argument on this issue.

THE WITNESS: Thank you.

MR. ZONEN: Your Honor, before we proceed, the Court will note that Detective Victor Alvarez is currently in court. As the Court knows, Steve Robel is out on -- Sergeant Robel is out on family emergency for the week. And we’ve asked the Court’s indulgence to allow us to have a separate investigator here during the balance of the week. And I believe the Court has said we could do that subject to the consent of the defense, and they’ve agreed.

MR. MESEREAU: We don’t object to that.

MR. SANGER: We didn’t object to that. But we did talk to Mr. Zonen about this, and we do have two investigators, one in Los Angeles, and one up here. Neither one is going to be here routinely, but we had asked their consent to allow those two investigators to -- either one to come in just one at a time. Mr. Zonen would not object to that, if that’s all right with the Court.

THE COURT: All right. Your agreement is fine with me.

MR. SANGER: Thank you, Your Honor.

THE COURT: Maybe -- knowing you, it’s not likely you’re going to complete your argument in two minutes, is it?

(Laughter.)

MR. SANGER: Not with that kind of

encouragement, Your Honor.

(Laughter.)

THE COURT: Let's take our break. And then we'll have our argument.

(Recess taken.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 5894 through 5947 contain a true and correct transcript of the

proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 13, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
April 13, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, APRIL 13, 2005

8:30 A.M.

(PAGES 5949 THROUGH 6139)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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INDEX

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
JACKSON, Janet	5977-Z			

EXHIBITS

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
807	Handwritten Document	6051	6052
808	Diagram of plane interior	6070	6073
809	CD of telephone conversations	6111	

(The following proceedings were held in open court outside the presence and hearing of the

jury:)

THE COURT: Mr. Sanger?

MR. SANGER: Yes, sir. I think the best place to look for the organization, such as it is, of our argument is in our supplemental brief that we filed yesterday that goes through the analysis, really, of the remedies, because that’s the problem that we have.

The first -- the first issue, I think, is pretty clear, but a witness cannot take the Fifth on a material issue and have their testimony considered by the jury. I think the law is very clear on that.

So if the People call someone and they say, “We want to get out A, B and C,” and then after we get that information out, the defense is not going to be allowed to confront and cross-examine on D, E and F, the entire testimony would be stricken.

Quite often this comes up when the witness takes the stand, testifies, and in the middle of cross-examination wants to take the Fifth, and the Court at that time has no choice but to strike the entire testimony, because you can’t allow a witness to pick and choose what he or she is going to be subject to on cross-examination. If that’s the case, then obviously the remedy at this point is to not allow the witness to be called at all.

The question of materiality, which we briefly -- I’ll address a little more fully just because, obviously, we didn’t have a lot of time to file things on either side, obviously, the welfare applications in this case are extensive, and they cover in detail the particular issues that relate to things that have come out through Major Jackson’s testimony and pertain to the precise time period that we’re talking about here, the time period during which Miss Arvizo and her children were importuning Mr. Jackson to assist them through 2000 and 2001, on into 2002, and of course during the critical periods in 2003, from early February to mid March.

During this period of time, Miss Arvizo was not only accepting welfare, food stamps, disability unemployment, but she was also making applications to the Family Law Court. In her extensive statement under oath and specific questions under oath, she in essence denies that she has any bank accounts, whereas we know she had bank accounts as a result of a substantial settlement from J.C. Penney's; that she has any money, and for the same reason, that's false; that she's received any money from anyone, and we know that's false from other testimony we have so far; that she is living with anyone, and we know that's false, based on the testimony of Major Jackson that she's receiving any assistance in that regard; that she has a vehicle to drive, whether or not she owns it.

And there are extensive questions that are answered in a way that is clear that it is perjury, and that is a felony. It is also fraud. And as a matter of constitutional right, a defendant is allowed to confront and cross-examine and is entitled to confront and cross-examine a witness who seeks to testify against him.

This witness seeks to make all sorts of allegations, as we understand it, against Mr. Jackson. He has a right, through his counsel, to vigorously cross-examine this witness and show that she has committed acts of perjury and acts of fraud, to show that she is not credible, number one. And number two, to show she is doing this during the very same period that she is making allegations in this case against Mr. Jackson.

In addition to that, there are a number of very specific factual tie-ins beyond the fraud and the perjury and the credibility. There are factual tie-ins that we would not be allowed to explore, were the District Attorney to get his wish and allow her to just testify unscathed.

Factual tie-ins include allegations that she could not -- that she was imprisoned somehow, and at the same time she is making applications, she is receiving welfare checks. She's able to deposit them. She is able to fax a letter telling the welfare department that she no longer wishes to receive welfare, which we maintain is tied to her belief that she is going to be making money and having security based on what she's trying to establish with Mr. Jackson. All of those things, were the District Attorney to get their wish, would be excluded and we would not be allowed to confront and cross-examine her on these inconsistent acts that are inconsistent with her allegations.

We also have some acts, such as the paying of rent on the Soto Street apartment, and the Court has already heard Major Jackson's somewhat, I'd say, incredible, but, I mean, certainly it didn't make sense to me, remarks about needing to have the two residences. Additional information comes out about that and will come out that, in fact, she got Brad Miller to pay her rent, she got Jay Jackson to pay her rent, and she got the Trujillos, who own the place, to forgive her rent, based on her claims that she was not able to afford the rent because of Gavin's illness.

So those acts of multiple fraud with regard to that location presumably would come within this same ambit, at least portions of it. Even if we're allowed to ask part of that, a good portion of that cross-examination would be precluded.

Having said that, and without belaboring that any further, unless the Court has questions, that's the materiality. There's just no question these are material issues, particularly in a criminal case where you have a constitutional right to confront and cross-examine.

THE COURT: But you wouldn't be precluded from proving those items through other witnesses. You would only be precluded from asking her those questions that relate to the welfare fraud.

MR. SANGER: Right. And we've addressed that issue briefly --

THE COURT: I know.

MR. SANGER: -- in here.

And the answer to that, I think, is that, you know, the right to confront and cross-examine is extremely important because of a variety of things.

Number one, it comes at this stage of the proceedings. If the prosecution's position were adopted, and we were not allowed to inquire, and the jury is not allowed to know about any of this, they would see a witness get up there, be relatively unscathed as to a major part of the -- of the issue with regard to her credibility and as to major issues with regard to activities that she engaged in during this period of time. We would then be denied the right to confront and cross-examine.

There's a great quote that we presented to

the Court to the effect that that's a very effective part of the process, the legal process in general, and it is a constitutional part of the criminal legal process to vigorously cross-examine. That is one of the aspects of our system that helps us try to obtain the truth and get to the bottom of things.

If we were not allowed to do that, timing-wise, we would not be able to even present this until after the People rested. So, we would be in a position where this jury is going to hear this, they would not be allowed to hear anything to the contrary, she would leave the stand unscathed, and then eventually, through laboriously presenting custodians of records and presenting other evidence from other sources, we would eventually build the case that we have to show that she, in fact, committed welfare fraud.

It comes, you know, certainly a day late or a month or two months or three months late in the proceedings. And I believe constitutionally, we're deprived of that very important right, and that's why that right exists. We don't have to wait until two or three months later to put on evidence incrementally. We're allowed to confront her right off the bat and say, "Isn't it a fact that this happened?"

Now, in addition to that, Mr. Sneddon, in his opening statement, got up and told the Court,

and told the jury, that she was going to take responsibility for her welfare fraud, and that it wasn't that big a deal anyway, but she would take responsibility. She's done things that were wrong or that she was not proud of, “But,” you know, “ladies and gentlemen, don’t worry about that, because she’s going to take responsibility and tell you honestly what happened here.”

Well, if the People were to get their way, the prosecution was going to get its way in this case, she would not do that, and that would not happen.

What’s more harmful to our situation, from the -- from Mr. Jackson’s standpoint, is that based on those statements made by the prosecution in opening, Mr. Mesereau, on behalf of the defense and Mr. Jackson, got up and made a substantial statement, a series of statements in his opening statement to the effect that we were going to prove X, Y and Z, and that is going to be now swept under the rug, as it were, if the prosecution were to get its way, until such time as we could then present this incrementally during the defense. So it would be extremely prejudicial and it would -- it would be a denial of confrontation.

So that is why I believe that we get past that point. I believe that based on the case law and the Constitution, we just can’t carve out safe harbors for a witness and allow that witness to testify to what the prosecution wants and not testify to other relevant matters, some of which have already started to come in through Mr. Jackson, or Major Jackson.

Now, that takes us to the next point: What does the Court do? And I think that the only remedy at this point is to strike her -- or not strike her testimony, but to disallow it. You can’t have a half cross-examined witness in a criminal case.

If the Court does that, we then get to the next problem, which is what do we do with this trial as it stands now?

And we’ve suggested that the only remedy is to declare a mistrial, because the prosecution has said they were going to present this. We have spent a good deal of time in opening focusing on Janet Arvizo as a witness and her lack of credibility. She is also the kingpin of what they claim was going to be their case for conspiracy. She is the basis for a lot of what they are claiming will be tied up later to establish co-conspirators for the purpose of all the conditional admissions of testimony that the Court has allowed.

Can we unring this bell if she doesn’t testify? Even were the Court to grant an 1118.1 motion at the end of the prosecution’s case on conspiracy, it would contaminate the entire trial.

So I think that the remedy, if the Court excludes her testimony, which it has to do, is to then grant a mistrial.

Now, the reason I raise that at this point is that we have suggested that if the Court were going to deny a mistrial -- this is convoluted, but I think we have to go full circle and come back. If the Court were to deny a mistrial, there might be a way to handle this. We’re not prepared to concede that it’s going to do the trick and that it’s constitutionally adequate. But if the Court were to deny a mistrial, one way to handle this would be to allow the witness to testify and to take the Fifth in front of the jury.

Now, it’s not for the purpose of embarrassing Miss Arvizo. But more importantly, she is not a stakeholder. She has no stake in whether or not the jury hears that she’s taking the Fifth. If she were a litigant in the case and a stakeholder in the case itself, the Court might say, “Well, that’s unfair,” in the context of requiring her to either take the Fifth or, as in the Pacers case, for instance, lose the ability to litigate a civil case. Under -- the Court’s familiar with Pacers. I mean, the balancing was, you can’t make somebody lose their civil case or choose to waive their Fifth Amendment right to win it. But that’s where the person who was facing that issue is a stakeholder in the litigation.

Miss Arvizo is not a stakeholder in this litigation. Therefore, asserting the Fifth, as she’s just done in public, in front of the world, is no different than asserting the Fifth in front of the jury, for her. It does not affect her. She is not a stakeholder in the litigation.

What it does is some sort of rough justice which would allow the jury to understand that the promises made by Mr. Mesereau at the time of his opening statement are promises that we intend to keep. And that while we are not permitted to go into this now, because she’s asserting the Fifth, we -- it is a clear message to the jury that this is an issue that’s still alive, and to keep an open mind, and we will be presenting evidence at a later time.

There was, of course -- and I don’t want to comment on the content of stipulations, but I understand that Mr. Mesereau indicated that there might be some way to stipulate around this. And I just throw that out, not -- we’re not trying to force the prosecution to stipulate. But just as a possible remedy, another remedy would be to enter into some kind of a stipulation, if the prosecution were willing to do it.

Absent those remedies, it seems that following the law and looking at the Constitution on confrontation, the only choice that the Court has to -- the only choice the Court can make at this point is to exclude her entire testimony, and then the chips fall where they may, either a motion for a mistrial is made, and granted or denied, and then we go on to the next step.

The reason I address the motion for mistrial issue is because I think it’s only fair to look at the horizon and see what happens, which might prompt everybody to resolve this some other way, whether it’s by the Court’s order or by stipulation.

Unless the Court has questions, I’ll respond to the prosecution.

THE COURT: All right. Mr. Zonen?

MR. ZONEN: Your Honor, we’ve very thoroughly briefed this issue and I’m going to be very brief in my argument.

There’s nothing that they’re seeking to do in the course of this trial for purposes of impeaching her testimony by way of bringing in this information that they cannot do even in the absence of Miss Arvizo or Mrs. Jackson testifying to these matters. They have all the documentation necessary to be able to present the information that Mr. Mesereau said in his opening statement that they would be presenting, and all of this information can be adequately presented to the jury and in a very thorough way.

She has a right, constitutional right, not to answer questions that would incriminate her. To a large extent, to some extent certainly, this is a problem of their own creation. Prior to the commencement of this trial, the defendant hired an attorney to present to the Los Angeles District Attorney’s Office a compilation of material, along with a demand letter that she immediately be prosecuted for this matter. So the fact that she’s now asserting the Fifth is certainly -- and they’re denying that they did it, even though we have now shown that that same lawyer has filed writs to the California State Supreme Court on behalf of defendant as well.

It’s certainly a right that she has to assert the Fifth as to any question that could tend to incriminate her. There’s little question but that issues dealing with this matter could tend to incriminate her. Certainly the matter is currently before the Los Angeles District Attorney’s Office. She has a right to do that. She has a right to do that outside the presence of the jury. The only reason that it would be done in front of the jury would be to prejudice her in her assertion of a constitutional right, and case law clearly states that that is not to be done.

This is a collateral matter entirely, has nothing to do with any activity that took place in

Neverland, has nothing to do with any activity that took place at any other location involving the defendant, such as Miami. It has all to do entirely with credibility issues. And to that extent, since it is entirely with credibility issues, it is out of the gamut of any of those cases that talk in terms of court-imposed immunity.

And finally, the issue of a mistrial should be, of course, denied. There is no issue that cannot be presented to this jury in some other fashion. And so that would not be an appropriate remedy.

We’ll submit it on our pleadings.

MR. SANGER: May I respond, briefly?

THE COURT: Let me ask him a question first.

MR. SANGER: Mr. Zonen or myself?

THE COURT: Mr. Zonen.

MR. SANGER: Okay.

THE COURT: The one issue is, if I deny the defendant’s request to prevent her from testifying, should she be required to claim the privilege in front of the jury?

MR. ZONEN: I believe there’s adequate cases that say that is not an obligation for a witness. And the motive in this case purely is for the jury to be able to surmise some negative connotation to asserting a constitutional protection. And I think that the case law is pretty clear that that is just not the implication that they’re supposed to be given from the assertion of a constitutional right.

THE COURT: All right. Mr. Sanger?

MR. SANGER: I was going to respond to that precise remark that Mr. Zonen made, and therefore to the Court’s question, which is Mr. Zonen said it’s -- she has a right to assert the Fifth Amendment. There’s absolutely no question about that. We all believe in the Fifth Amendment. And that’s the law of this country.

She does not have a right not to assert it in front of the jury. That is not her right. That is a judicially created rule that is not hard and fast, but it was created to not allow unfairness in front of the jury. It has nothing to do with the witness, again, unless the witness is a stakeholder, which she’s not. That would come under the Pacers kind of analysis.

So she does not have a right not to say it in front of the jury. She said it in front of the entire world here on the stand.

So the question is, can the Court fashion a remedy that may work? And we believe that that is at least a possibility, depending on how the Court does it. You know, we're not in a position to concede it.

And the only other thing I'd say, quickly, is that with regard to this being reported to the L.A. D.A., it was reported to the L.A. D.A. by somebody who's not a member of this particular defense team, and that's what we said. We didn't mean to imply anything else. However, Mr. Sneddon got up and said it was a crime. Certainly people are prosecuted for much less in Santa Barbara than what this person has done by way of welfare fraud, and it's reasonable for anybody to report it if they want to. I think that's a red herring.

The real issue comes down to what is the Court going to do about it? Just exclude her testimony entirely? Which leaves us with a can of worms and possibly a mistrial. Or can we find some other way around it? And that's where we are. And I submit it to the Court for a decision.

THE COURT: Thank you, Counsel.

Neither of you cited People vs. Hecker, 219 Cal.App.3d 1238, which is a 1990 case, where an appellate court reviewed a striking of testimony where a witness claimed the Fifth Amendment and indicated that that was, you know, too drastic of a solution for the problem.

The appellate court in that case observed that it might have been appropriate for the Court to have permitted the witness to testify, allow the jury to draw negative inferences from his invocation of the Fifth Amendment. And I think the instructions in the Hecker case are powerful instructions to this Court.

Therefore, the Court will deny the defense motion to prevent her from testifying, which also leads us to the -- takes us right on past the motion for a mistrial, which is denied also.

The next question becomes should she be required to claim the Fifth Amendment in front of the jury, and I have a suggestion here.

I'd like one member of each team to come forward and pick up my suggested jury instruction, and what -- the total intent of this instruction is to advise the jury of the problem that has arisen in this case because of the assertion of the Fifth Amendment.

So looking at the suggested instruction on top -- and you'll notice there's two instructions. Immediately behind that is CALJIC 2.25, which what I would intend to do is blend these instructions, so --

MR. SANGER: Your Honor, your intention would be to read this instruction before she testifies?

THE COURT: Right.

MR. SANGER: Okay.

THE COURT: What I would intend to do, if you will follow me and follow along, and we'll read it right now out loud, because I'm going to interject CALJIC 2.25 in here, so I would tell the jury, "In a hearing held outside your presence, the Court has determined that the Rules of Evidence preclude the parties in this case from examination or cross-examination of Janet Arvizo on the subject of possible welfare fraud."

Then I would interject 2.25, "When a witness refuses to testify in any matter relying on their constitutional privilege against self-incrimination, you must not draw from the exercise of this privilege any inference as to the believability of the witness or any other matter at issue in this trial."

Then going back to this instruction, "This is a ruling that was not anticipated when the attorneys made their opening statements to you. Those statements, however, are not evidence. You should not consider the failure of the prosecution or the defense to cover this subject area in the examination or cross-examination of this witness as having any evidentiary significance or any importance in your ultimate decision on the case, nor should you speculate as to the possible reasons for the Court’s decision.

“Evidence of possible welfare fraud may still at some point be presented in this case, but it will not be introduced through the testimony of this witness.”

So that’s what I would propose. So, in essence, I’m not -- she’s not required to make the claim in front of the jury, but I tell the jury that she’s made that claim, and the same effect, and I explain to them why.

And, you know, I have a deep concern that both sides, but primarily -- well, I shouldn’t say “primarily.” Be careful how I say this. But both sides were relying on the fact that evidence of possible welfare fraud was going to come in and both made pretty strong statements in their opening statement about it, and I don’t want to gloss over that with the jury. I think it needs to be brought to their attention so that -- and here’s where I feel the more strong side is, so the defense -- so they’re not wondering why the defense isn’t producing the evidence that Mr. Mesereau stated he would produce in his opening statement.

So that’s my proposal.

MR. SANGER: Could I be heard on just a couple of technical issues?

THE COURT: Yes.

MR. SANGER: I don’t know how technical they are, but --

THE COURT: Probably pretty technical.

MR. SANGER: Well, it’s actually fairly substantial in one sense. But the proposed instruction says “possible welfare fraud,” and the other thing that we specifically talked about was perjury. And we’d ask the Court to add “perjury” to -- “welfare fraud and perjury.” There’s probably other things, but at the very least that covers the broad areas.

The other suggestion that I would have is that the Court -- that the first sentence in the suggested instruction - and we’ve had all of a minute and a half to consider this, okay? - but the first sentence that the Court suggests before reading the refusal of a witness to testify doesn't really indicate that the witness has refused to testify. It says, "The Court's determined that evidence" -- "the rules of evidence preclude the parties…."

Now, understanding that our prior motions were denied, and so this is without conceding that, we would ask that the Court indicate that the witness has refused to answer certain questions and the Court has granted the witness that privilege.

And then that moves into your 2.25, which explains what the refusal and the privilege is, and that the actual exercise of the privilege cannot be considered.

And the reason I suggest that is that otherwise - well, I understand what the Court was doing with this - otherwise, it appears -- it may appear to the jury that they're not to consider this whole area for some reason, and what you're really

saying is they can't consider the refusal and the assertion of a privilege.

THE COURT: Right.

MR. SANGER: I'd just ask that that be clarified in that first sentence.

Thank you.

THE COURT: Did you want to say anything in response?

MR. ZONEN: I have no objection to the inclusion of the word "perjury," but -- I have no objection to the inclusion of the word "perjury," but as to the balance of it, I think the content of the instruction as drafted is adequate.

THE COURT: Okay. I think this is how I would like to do it. I think it solves the problem not exactly the way you wanted me to, but taking the suggested instruction paragraph starting with "In a hearing…," I'm going to add a sentence before that sentence.

So the first sentence would read: "The witness, Janet Arvizo, has made a claim of privilege under the Fifth Amendment of the United States Constitution." Then I go into, "In a hearing held outside your presence, the Court has determined that the rules of evidence preclude the parties....” And then the next sentence is, “When a witness refuses to testify to any matter relying on a constitutional privilege...,” so it all comes together there.

Okay?

MR. ZONEN: Yes.

MR. MESEREAU: Your Honor?

THE COURT: Yes, sir.

MR. MESEREAU: I would be cross-examining the witness, and could I just ask a question? If the prosecution tries to --

THE COURT: They can’t hear you in the back.

MR. MESEREAU: Sure. I’ll go up there.

Your Honor, I’ll be cross-examining the witness, and I suspect the prosecution is going to try to ask questions to create the impression that she’s never asked anybody for money, which we can prove is not true. The -- that raises the question of, if they open that door, if they try and create that impression, the question then becomes what can we do to counteract it through proper use of cross-examination? They’ve already suggested in their calling other witnesses that this woman is pristine pure and it’s all her husband who was only asking for money.

MR. ZONEN: Judge, we’ve gone beyond the argument in this matter. And I’m going to object to the use of dual counsel as to this motion as well.

THE COURT: I think that’s good. I’m glad you did.

I think we’ll just deal with that --

MR. MESEREAU: Okay.

THE COURT: -- when we get to it.

MR. MESEREAU: If we could have the opportunity to approach sidebar, if necessary, on that, I would ask the Court’s indulgence in that regard. Because I think an issue might come up and we do have to defend our client, Mr. Jackson, vigorously and professionally, and it does raise a thorny issue.

THE COURT: I'll deal with that as it comes up.

MR. MESEREAU: Okay. Thank you, Your Honor.

THE COURT: In a sense, what Mr. Mesereau was saying is that, you know, the claim of privilege is binding on everybody, and the prosecution as well as the defense have to stay away from those areas that would cause her to have to make continual claims in front of the jury. That's what this is about. Both sides are restricted in their questioning to areas outside of the alleged welfare fraud and resultant possible perjury.

And that's how I take your remarks, Mr. Mesereau. If they don't respect those lines, then what do you do? And we'll deal with that as it arises.

All right. What we're going to do is we're not going to recess. I'm going to step off the bench. We'll have the jury brought in immediately, and then we'll start.

I don't want the witness in the witness stand, because I'm going to instruct the jury from the witness chair. The witness has already been sworn. I'll advise the jury of that.

Since she is now known as Mrs. Jackson, are we going to refer to her mainly, for the most part, as "Mrs. Arvizo" for the purposes of the examination, or --

MR. ZONEN: She's requesting that I address her as "Mrs. Jackson."

THE COURT: Well, that's fine. I didn't ask you what she wanted.

(Laughter.)

THE COURT: I said, are we going to address her as "Miss Arvizo," "Mrs. Arvizo"?

MR. MESEREAU: We would request that, Your Honor.

THE COURT: The reason being, there's so many documents, tapes and things, and I'm concerned about the confusion to the jury of the names. That's all.

MR. ZONEN: Whatever is the Court's direction.

THE COURT: I'll allow you to address the issue with the witness in front of the jury, so that they understand that I’m not going to require that people address her as “Mrs. Jackson” in the trial, because I don’t want to have that problem of confusion over names. All right?

MR. ZONEN: Okay.
MR. MESEREAU: Thank you, Your Honor.
THE COURT: Bring in the jury.

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: (To the jury) Here I am again.
(Laughter.)
THE COURT: I’m going to read you again some instructions, and remind you that at the end of the case, I will fully instruct you on all of the law involved in the case, but I’m instructing you at this time to specifically deal with a specific problem that’s arisen in the evidence of the case. So I’d like you to listen carefully to this.

The witness, Janet Arvizo, has made a claim of privilege under the Fifth Amendment of the United States Constitution. In a hearing held outside your presence, the Court has determined that the rules of evidence preclude the parties in this case from examination or cross-examination of Janet Arvizo on the subject of possible welfare fraud.

When a witness refuses to testify to any matter relying on the constitutional privilege against self-incrimination, you must not draw from the exercise of this privilege any inference as to the believability of the witness or any other matter at issue in this trial.

This is a ruling that was not anticipated when the attorneys made their opening statements to you. Those statements, however, are not evidence.

You should not consider the failure of the prosecution or the defense to cover this subject area in the examination or cross-examination of this witness as having any evidentiary significance or any importance in your ultimate decision on the case, nor should you speculate as to the possible reasons for the Court’s decision. Evidence of possible welfare fraud and perjury may still at some point be presented in this case, but it will not be introduced through the testimony of this witness. You may call your witness to the stand.

MR. ZONEN: We’ll call Janet Arvizo Jackson to the stand, please.

JANET JACKSON

Having been previously sworn, resumed the stand and testified further as follows:

THE COURT: Mrs. Arvizo, you were previously sworn.

THE WITNESS: Yes.

THE COURT: You may be seated. You are still under oath.

THE WITNESS: Thank you.

DIRECT EXAMINATION

BY MR. ZONEN:

Q. The name that you’re currently going by is what name, please?

A. Janet Jackson.

Q. And you were previously Janet Arvizo; is that correct?

A. Yes.

Q. And your maiden name is Janet Ventura; is that right?

A. Yes. Correct.

Q. To the extent that you may, at different times in this proceeding, be referred to by any of those three names, that would be you; is that correct?

A. Yes.

Q. And you understand that there are documents that will be admitted and shown to you under the name “Janet Arvizo”?

A. Yes.

Q. And you understand that you’ll be addressed as “Janet Arvizo” at different times during this

proceeding as well?
A. Yes.
Q. You are currently married to whom?

A. Jay Jackson.
Q. And what does Jay Jackson do?
A. He’s a major in the Army.
Q. And with whom do you reside at this time?
A. With my husband and my four children.
Q. And your four children include the three who have already testified in this proceeding?
A. Yes, sir.
Q. Star, Gavin and Davellin?
A. Yes.
Q. And you have a baby at home; is that right?
A. Yes.
Q. And how old is he?
A. He’s eight months.
Q. I’d like to direct your attention, please, back to the year 2000, as best I can. Can you tell me if, during that period of time, you were first introduced to Michael Jackson?
A. I’m sorry, say that again.
Q. When did you first meet Mr. Jackson?
A. In August of 2000.
Q. All right. And is Michael Jackson here in the courtroom at this time?
A. Yeah.
Q. And is he the man with the long dark hair?
A. Uh-huh.
Q. Sitting to my right?
A. Yes.

Q. What were the circumstances of your introduction to Mr. Jackson?
A. My son’s illness.
Q. Your son was suffering from what illness at the time?
A. Cancer.
Q. How is it that you happened to meet Mr. Jackson?
A. It was either two -- one of two people. I never knew who.
Q. Somebody arranged an introduction?

A. Yes.
Q. Was your son actively ill at that time?
A. Yes.
Q. What type of treatment was he receiving?
A. Chemotherapy.
Q. Was there a time that you and other members of your family were taken to Neverland?
A. Yes.
Q. And Neverland is a ranch in Santa Barbara County, is it not?
A. Yes.
Q. All right. Do you remember when that was, what month, what year?
A. August 2000.
Q. Did somebody take you there?
A. We were picked up, yes.
Q. Do you know who that person was?

A. His limo.
Q. All right. And who among your family members went to Neverland back then?
A. My ex-husband David and my three children.
Q. And the three children are the ones we’ve already identified?
A. Yes.
Q. Okay. How old was Gavin at that time?
A. Gavin was ten.
Q. Had he already undergone surgery for his cancer?
A. Yes.
Q. And was he going through chemotherapy at the time?
A. Yes.
Q. Can you describe his condition at the time of that first visit to Neverland? How was he doing at that time?
A. He was at that point where walking was kind of difficult for him. He would walk, I don’t know, when you -- kind of like a toddler walk.
Q. All right.
A. And he would tire easy.
Q. Was he taking medication at the time?
A. Yes.
Q. And --

A. The chemotherapy.

Q. And as a consequence of the surgery, has he since been taking medication?

A. Yes.

Q. What's the nature of the medication that he takes?

A. His -- one of his kidneys is malfunctioning, and so that -- he takes one medicine for that so he doesn't end up losing that kidney. He sees a specialist for that, but there's a possibility that he could lose his kidney.

Q. Okay. What's the other medication?

A. The other one is in replacement of his spleen, and that's for -- it's -- it's a medical word, but I really don't know what it means. They call it prophylactic, and that's so -- because there's certain bacteria that, if Gavin is exposed to those bacterias, it's certain death.

Q. It's an antibiotic of sorts?

A. Yes.

Q. It's for his immune system?

A. This is what they've explained to me. I don't know.

Q. During that first visit, do you recall how many days you stayed at Neverland?

A. No, I couldn't tell you.

Q. Do you know if it was more than one night?

A. Oh, yes.

Q. Can you tell us if it was as long as a week?

A. No. Definitely no.

Q. And where did you stay during that first visit at Neverland?

A. Me and David stood in one room. And my children were supposed to stay in another room together, but it ended up just being Davellin.

Q. You and your husband then, David?

A. Yeah.

Q. And Davellin in one room?

A. Yes.

Q. And where did the boys stay?

A. With Michael.

Q. In his house?

A. Yes.
Q. Do you know where in his house that he stayed?
A. I know --
Q. Let me ask the question more specifically.
A. Sure.
Q. Do you know from personal observation -- in other words, did you see where they stayed? Not from what anybody told you, but did you see where they stayed?
A. No.
Q. During that first visit, did you ever go into Mr. Jackson's residence?
A. His residence -- there's an area where there's a -- like a kitchen area where everybody can go into, but the -- but -- it's -- it's open, you know, to that area, eating area.

Q. And that's the area you went into?
A. Yes.
Q. Did you go into his personal residence, his bedroom or his bedroom suite?
A. No.
Q. Have you ever been to --
A. No.
Q. -- his residence, his personal residence, meaning his bedroom suite?
A. That's right.
Q. And the answer is no, you had not been?
A. No.
Q. All right. During the period of time that you were there, did your sons ever stay in the guest cottage?
A. No.
Q. To your knowledge? To your recollection?
A. No.
Q. Did you then return, at the conclusion of that visit, back to your home?
A. Yes.
Q. Where was your home at that time?
A. Okay. It's -- can I explain to them?
Q. Well, try to focus on the question as best you can.
A. Okay.

Q. Did you have a residence at that time?

A. Yes.
Q. Did you have actually more than one place where you or other members of your family were staying?
A. Me and the children, when Gavin -- right after he would have --
MR. MESEREAU: Objection; nonresponsive.
MR. ZONEN: You have to listen to the question.
THE WITNESS: Okay.
MR. ZONEN: Does the Court want to rule?
THE COURT: I thought you were going to take care of it.
MR. ZONEN: I was.
THE COURT: Well, go ahead.
Q. BY MR. ZONEN: Listen to the question as specifically as possible, okay?
Was there more than one residence that you and your family were staying in during this period of time?
A. I don’t know how to answer that without explaining it.
Q. Did you have a residence that you were paying rent on?
A. Yes.
Q. Where was that?
A. In East L.A.
Q. Was there another residence that any member

of your family was staying in?
A. At my mom’s.
Q. Where was your mom’s residence?
A. In El Monte.
Q. And who was staying at your mom’s residence?
A. Gavin and David.
Q. Okay. And why was Gavin -- why were Gavin and David staying at your mother’s residence in El Monte?
A. Because Davellin and Star were still going to school. I got three kids, you know. Only because Gavin has cancer doesn’t mean the other ones, they’re off. They got to go to school.

Q. All right. But --
A. And so --
Q. -- why was Gavin staying at your mother's?
A. Sterile room.
Q. Tell us --
A. Because in my bachelor apartment, there's no divided rooms, bedrooms.
Q. All right. So what did Gavin -- what special needs did Gavin require that necessitated him staying at your mother's?
A. A sterile room after chemotherapy.
Q. Could he or was he being exposed to your other two children?
A. Yes, my other two kids were still going to school, so they had to be separated for that moment, because the children could have picked up some other germs, which at the time Star was nine, and --

Q. So your then husband David and Gavin stayed at your mother's?
A. Yes.
Q. And the rest of you stayed at where?
A. East L.A.
Q. And the East L.A. was the Soto Street residence that --
A. Yes.
Q. -- we've heard something about; is that correct?
A. Yes.
Q. Describe that residence for us.
A. I've lived there for about five years.
Q. Tell us what it looked like, the residence.
A. Um --
Q. How many rooms?
A. It was my home.
Q. All right. But how many rooms? Was there a bedroom?
A. No.
Q. Was there a living room?
A. No. It was just a room and a wall to divide the kitchen.
Q. Okay. So there's a kitchen and one room?
A. Yeah.
Q. It's a studio; is that right?

A. Yeah.

Q. And all of you lived in that residence?

A. Yes. And it had a rest room, too.

Q. And it had a bathroom?

A. Yes.

Q. And a kitchen?

A. Yeah.

BAILIFF CORTEZ: Could you lean forward so we can hear?

Q. BY MR. ZONEN: We're not picking on you. We need to have everybody, all of the witnesses, speak directly into the microphone so you can be heard.

A. Yeah.

Q. And for what period of time was this your residence? From when to when?

A. For five years. From 1998 to 2003.

Q. Okay. There's some Kleenex up there, if you need some, as well, I believe, in front of you.

Now, during the period of time that Gavin was ill, did he stay at that residence on Soto Street at all?

A. No.

Q. Was he going to school during that year that he was ill?

A. He -- the whole entire time while he had cancer he did not attend school one single day.

Q. Was he either at your mother's residence or at the hospital?

A. Yes.

Q. And did he periodically return to the hospital for treatment?

A. Yes.

Q. Can you tell us approximately within, say, a 30-day period how much of that time he would have spent at the hospital, how often of that time he would have spent at your mother's residence?

A. He didn't just stay for the chemotherapy. He was hospitalized -- sometimes because he had fevers, he had to get hospitalized. Any -- any fragility in his health, he had to be hospitalized.

Q. So give us a sense. Of the 30-day period, what percentage of that might he have spent in a hospital?

A. Sometimes. Sometimes more than half.

Q. All right.

A. Sometimes.

Q. How long did the chemotherapy go on?

A. Almost a year, but quite not a year.

Q. Was there a point in time where doctors determined that he was in remission?

A. Yes.

Q. And approximately when was that?

A. It was about in May, but for sure -- yeah.

Q. In May of when?

A. In May of 2001.

Q. May of 2001?

A. Yes.

Q. Was there some kind of demarcation, a test or something that they did?

A. Yes.

Q. And what was that?

A. They did a full checkup, and they concluded that it was not -- it was in remission.

Q. Okay.

A. And then that’s when -- he had to have a little thing going through his heart, his main artery, because he was receiving such strong dosages, so he had to have the strongest artery.

Q. And that was removed?

A. Yes, that was removed.

Q. All right. Is he in remission today?

A. Yes, he is.

Q. Is he healthy today?

A. Outside the -- the two specialists that see him continuously, his oncologist, his nephrologist, he’s a healthy boy, but he’s got medical concerns.

Q. And still sees a doctor?

A. Yes.

Q. And still takes medication?

A. Yes. And then the scare we just had where he had a very serious test.

MR. MESEREAU: Objection; nonresponsive.

MR. ZONEN: Hold on.

No objection to that.

THE COURT: I’ll allow the “Yes” and strike the rest of the sentence.
Q. BY MR. ZONEN: All right. Now, you described that first visit to Neverland back in August of 2000; is that correct?
A. Yes.
Q. All right. When was the next time you went to Neverland?
A. Me?
Q. Yes.
A. Oh, let me see. Um -- um -- September 2002, because Chris had invited me, Chris and Aja.
MR. MESEREAU: Objection; nonresponsive.
Q. BY MR. ZONEN: The answer (sic) simply is when was the next time you went?
A. Oh. September of 2002.
Q. Did your son or both of your sons or your two sons and daughter return to Neverland at an earlier time than that?
A. Yes.
Q. Excuse me.
When was the next time -- when was the next time that they went back to Neverland, to your recollection?
A. Okay. The boys?
Q. Yes.
A. The boys went right after the initial visit in August of 2000. But Davellin didn’t go. Neither did I.

Q. Did your then husband David go?
A. Yes, with David.
Q. And were they transported there?
A. Yes.
Q. And why didn’t you go?
A. I felt it was more important for Davellin to focus on her school. She was already starting high school, ninth grade.
Q. So you stayed home with Davellin?
A. Yes.
Q. And were there any other visits --
A. And because of the little incident that Dave did over there.
Q. You’ve had problems with David over the

years of your marriage; is that correct?

A. Yeah.

Q. Do you know how many visits your children had to Neverland after the initial visit, and approximately when they were?

A. Okay. The first initial visit in August, and these are all approximate, August of 2000. Then the boys, when they returned with David, right after that. Then in the spring of 2002, with Chris. And then Michael invited them immediately back up. And then with Chris’s -- the family birthday party that Chris had, Chris and Aja. And then the filming of this stuff --

Q. All right.

A. -- in September.

Q. All right. You’re not -- all right. Let’s see if we can work this out a little bit. We have the initial visit August of 2000.

A. Yes.

Q. And then you said they returned, your husband David and the two boys, soon thereafter?

A. Yes.

Q. And by “soon,” are we talking about within a week or two?

A. Oh, yes.

Q. Okay. And do you know for what period of the visit they stayed, for how long?

A. And this is approximate, okay?

Q. Sure. Sure.

A. Pardon me?

Q. Approximately how long they stayed for the second visit.

A. Oh, I couldn’t tell you.

Q. Would you know --

A. Just days.

Q. -- if it was more than one night?

A. Oh, definitely, yes.

Q. Was it less than a week?

A. Yes.

Q. And you were at home with Davellin?

A. Yes.

Q. And was “home” at that time the Soto Street address?

A. Yes.

Q. Now, were there any other visits in that year, the year of 2000, to either Neverland or a visit with Michael Jackson at someplace other than Neverland?

A. Yes. Michael had invited Gavin and David to go to the Universal Hilton in Studio City, and that’s -- and in this time it was only Gavin in the hotel.

Q. Okay. Gavin and only Gavin, or Gavin and his father?

A. Only Gavin and David.

Q. So his father went, but not his brother or his sister?

A. No.

Q. And you didn’t go?

A. No. No.

Q. Was that an overnight visit?

A. No, it was a day visit.

Q. And they returned that same day?

A. Yes.

Q. All right. Was there any other visit in 2000 that you’re aware of?

A. No.

Q. Was there any visit in 2001 that you were aware of?

A. Zero.

Q. No visits to Neverland during that time?

A. No.

Q. All right. Now, during that initial period when your son met Michael Jackson, did you have any telephone calls with Mr. Jackson at all?

A. Me?

Q. Yes.

A. In 2000?

Q. Yes. In 2000.

A. No.

Q. Do you know if Mr. Jackson was having conversations with your son over the telephone?

A. Yes.

Q. Do you know where those conversations took place? And I mean your son’s end of the

conversation, where he was at the time of those conversations?
A. Sometime in the hospital, but mostly at my mom’s house. Gavin had his own room. And he had his own telephone line, his own -- his own answering machine, because usually they -- the doctor had suggested that sometimes when we use a phone, we can easily pass viruses or anything on the telephone.
Q. So he had a telephone that only he used?
A. Yes.
Q. That was at your mom’s house?
A. Yes.

Q. Now, did you ever -- were you ever present during any of these conversations?
A. Sometimes. Sometimes, but not -- they’d go on forever, so I’d -- you know, I have to go do other things.
Q. Approximately how long were these telephone conversations?
A. Hours.
Q. Literally hours?
A. Yes.
Q. And how frequent were they? In other words, how many conversations would they have in, say, a week period of time?
A. They were frequent. I couldn’t -- I couldn’t be able to tell you. But I know that after he met him, it was more.
Q. And did these phone calls go on for a length of time?
A. Yes.
Q. In other words, over weeks?
A. Yes.
Q. Approximately how many?
A. I can’t remember.
Q. Now, you said that after that third visit at the hotel, there were no other visits --
A. Uh-huh.
Q. -- that either or any of your children had with Michael Jackson during the balance of 2000 or 2001?

A. Correct.

Q. Do you know why that was?

A. Well --

MR. MESEREAU: Objection.

THE WITNESS: Because me.

MR. MESEREAU: Calls for speculation; foundation; and hearsay.

THE COURT: Overruled.

You may answer.

THE WITNESS: Okay. What was the question?

Q. BY MR. ZONEN: Do you know why that was?

A. Because I just felt a little bit uneasy. That’s all. He didn’t do nothing, you know. You know, it just felt -- it just felt uneasy.

Q. Did you do something to stop communication between your son and Michael Jackson?

A. Um -- um, yeah, I just expressed I was uneasy about it.

Q. Okay. And you said no visits in the year 2001 as well?

A. That’s right.

Q. When was the first visit in 2002?

A. That was with Chris Tucker and Aja. They had built so much credibility with me, they took my -- it was like everything was -- like doing family activities together, and so when Chris had asked me that he wanted to take the children to Neverland, I felt it was okay, because Chris -- you know, they’re decent people, Chris and Aja.

Q. Chris Tucker is somebody who befriended your son --

A. Yes.

Q. -- during the time he was ill?

A. Yes.

Q. Did he actually know him prior to that?

A. No.

Q. There were a number of celebrities that did know your children --

A. Yes.

Q. -- prior to your son Gavin becoming ill.

A. Yes.

Q. And who were they?

A. Well, let me see. I don’t know if you call them famous or something, but they’re famous to me.

Q. People who had befriended your child --

A. Yes.

Q. -- or children prior to Gavin becoming ill?

A. For example, Wheezy. Her name is Louise Palanker. To me, she's famous.

Q. Who else?

A. Jamie, George Lopez, Fritz. And then Jamie had -- Jamie had, like, guests, comics that came, and celebrities, and so they would -- they met them there.

Q. The introduction to Chris Tucker was by whom?

A. By Jamie.

Q. Was that during the time that your son was ill?

A. Yes.

Q. And did Jamie Masada often visit your son at the hospital?

A. Oh, yes. Yes. Almost daily. My son even -- my -- Jamie would try to -- there came a point where Gavin wasn't eating because he was vomiting blood, because he was a very sick boy. And so Jamie was trying to get him to eat, and he'd -- Gavin had vomited on him, and that didn't keep him away. He still kept coming.

Q. Okay. Now, the visit to Neverland in 2002 with Mr. Tucker, do you know who arranged that?

A. Chris.

Q. And did he in fact take the kids there?

A. Yes.

Q. All right. How many kids went on that visit?

A. On the baby boy's birthday party?

Q. The first visit in 2002.

A. Oh, I see. The best I can remember, Chris -- this is another thing, too. Chris was working on a movie that he was trying to put together called "The President." And he took his writer, Kelly. And he took the kids because he says they're funny and they give him ideas, you know, by them joking around with him.

Q. Okay.

A. So --
Q. When do you think that first visit was?
A. The return, with Chris?
Q. The first visit in 2002 with Chris Tucker.
A. That was in spring.
Q. In spring?
A. Yes.
Q. All right. Now, the next visit to Neverland was approximately when?
A. Michael had invited the kids right after.
Q. Did he call the house?
A. Yes. Evvy did.
Q. Evvy called. Did she speak with you?
A. No.
Q. Who did she -- with whom did she speak?
A. Gavin.
Q. Do you know approximately how long that was after that first visit with Chris Tucker?
A. I can’t remember right now, but -- I think it was Michael, too, but -- unless I know for a fact, I’ll tell you, but that’s the best I can remember.
Q. And did the kids in fact go at that time?
A. Yes.
Q. This is now still spring of 2002?

A. Yes. Right after they were there with Chris.
Q. Was your husband still in the picture at that time, David?
A. No.
Q. Had you already separated?
A. Yes. I’d been separated from David since May of 2001.
Q. From the time of that separation, has David had contact with your children?
A. No.
Q. Was there an order that prohibited him from doing so?
A. Okay. During the summer, even though he was -- he had done the things he had done, during the summer I still tried -- I thought it was my fault, so I tried to encourage. I figured -- I figured he -- he can have some kind of -- start

becoming or having a father relationship with them in the summer. But that ended when those criminal things --
Q. Was there a criminal prosecution of David?
A. Yes.
Q. Did -- was there actually more than one?
A. Yes.
Q. All right. One involving you, and one involving Davellin?
A. Yes, two different years.

Q. Following those prosecutions, was there any contact between David Arvizo and your children?
A. No, except for that one time that he had violated the restraining order with Davellin.
Q. And you were in court?
A. Yes.
Q. Other than being in court --
A. Yes.
Q. -- was there any contact?
A. And then that violation of the restraining order with Davellin.
Q. All right. Now, then the visit back to Neverland by your children --
A. And this is all as best as I can remember.
Q. In 2002, when Mr. Jackson or Evvy called -- now, who did you understand Evvy to be?
A. Oh, his personal assistant, and his personal secretary, and his personal everything.
Q. Did you ever meet Evvy in person?
A. Never met her.
Q. You had conversations on the phone?
A. Yes. A lot of conversation with her on the phone.
Q. Did you have a conversation with her on this occasion to arrange a return trip to Neverland with your children?
A. Yes.
Q. Did you go?

A. Not me. I didn’t talk to her. It was Gavin that talked to her.
Q. Gavin did. All right. And did they in fact go back to Neverland?

A. Yes.

Q. Just the three of them?

A. Yes.

Q. Do you know how long they stayed at Neverland?

A. I think it was a couple of days.

Q. Do you know when this was, this return visit?

A. Right after the visit that they had gone with Chris and his writer.

Q. Do you think that was still in the spring?

A. That was definitely spring, 2002.

Q. Do you have a sense of what month that would have been?

A. No.

Q. Did anybody tell you that at that visit there might be a person filming a documentary?

A. No. That was spring. Now, this is -- then we go -- the baby boy’s birthday party is about September. And then right after that is the -- that I come to find out now, that’s when they did the filming for the Bashir tape.

Q. So I’m wrong on this one, but let’s move on.

A. That’s okay.

Q. It was -- apparently the next visit in 2001 was what, now?

A. What’s that?

Q. We have one where the three kids went on invitation from Evvy in spring.

A. Yes. That was --

Q. They were gone approximately how long?

A. About a couple of days, and that was right after being with Chris.

Q. Okay. And then they returned back to your home?

A. Yes.

Q. All right. And where are you still living at this point?

A. East L.A.

Q. This is the Soto Street address?

A. Yes, Soto Street address.

Q. Is Gavin at this point back at your residence with you?

A. Yes, yes, yes.

Q. He’s no longer living in the --

A. No, no, no, no.

Q. Now, at some point around this period of time, you meet Jay Jackson; is that correct?

A. Yes.

Q. When did you meet Jay Jackson?

A. I met him -- I met Jay in July of 2002, but just met. You know, the children were attending this Sea Cadet program in his base. I don’t know if you call it “base,” but it’s -- it’s -- I don’t know the appropriate -- correct thing. I used to do something. It’s disrespectful, but it’s funny. I would tell him that’s the Sea Cadet Headquarters, but it was actually an Army base.

Q. The base was where, now?

A. In West L.A.

Q. Would you take the children there?

A. Yes, I did.

Q. The “children” were just the two boys?

A. Yes, just the two boys. But I was -- Davellin was involved with the LAPD Explorer program, but I was trying to see if Davellin would be interested in that, too.

Q. And is Davellin still involved in LAPD Explorers?

A. Yes. Well, to this day, no. Right now she’s pretty busy. She’s going to work and going to school.

Q. But she was with the LAPD Explorers?

A. Yes.

Q. For some period of time?

A. Yes.

Q. Now, this program, the Navy Sea Cadets, how is it that the boys became involved in that?

A. Okay. Someone had gone to their school and kind of explained what this program was. And then I got interested, because in the packet it said a lot of interesting things to do to help them with hopefully becoming a better person, so -- and leadership skills, so --

Q. Was there a charge for it?

A. There was a cost, depending on -- depending on your -- if you wanted to volunteer/no volunteer. Not volunteer for everything, but -- you know, in the little thing.
Q. But there wasn’t a mandatory fee requirement for this?
A. As far as I know, there wasn’t.
Q. Now, you would bring the boys to that location?
A. Yes.
Q. And how often did they go?
A. They went -- well, Gavin -- Gavin and Star volunteered for just about everything possible.
Q. Okay. But how often do you think you would take them there?
A. Okay. Twice a month, but because the boys were volunteering just about for everything, it would be more than twice a month.
Q. All right. And the location where you took them was where?
A. In West L.A.
Q. Did you have a car during this period of time?

A. No, I didn’t.
Q. From the time of your separation from David Arvizo, did you ever have a car during that time?
A. From like when -- let me see. About the end of spring or the beginning of summer of 2001, they had -- the car that they had given Gavin they took back.
Q. There was a vehicle -- actually, my question was after your separation with David Arvizo.
A. Yeah. It still stood for about one more month, about.
Q. So you had that car for about a month after your separation?
A. Yeah, probably less than a month, but I’m approximating.
Q. What kind of a vehicle was this?
A. It looked just like O.J. Simpson’s car. It was the white -- I mean --
Q. A white Bronco?
A. Yeah. Yeah.

Q. All right.

A. Exactly. I mean, even to almost the year, but I’m not -- you know, it may be off, the years.

Q. And where did this vehicle come from?

A. From him.

Q. Was it brought back by David Arvizo?

A. What do you mean?

Q. Did he return in this vehicle from Neverland?

A. No, no. It was delivered to my mom’s house.

Q. And then at some point in time, was the vehicle returned?

A. Yes.

Q. Why was it returned?

A. Well, the -- the little thing when you turn it on and off wouldn’t work. Sometimes it would work, and sometimes it wouldn’t. And where I live, you can’t leave a car too long, because different streets are assigned parking things and they would tow the car away. And Michael had said if anything ever got broken, to send it back and he’ll have it repaired. But it never came back.

Q. Did something break?

A. Yes. I had taken it to a place on Valley Boulevard and they had told me that the -- an alternator was -- I don’t know what it is, but they said an alternator.

Q. Okay. Some cars have those, I understand. The car was then returned to Mr. Jackson?

A. Yes, sir.

Q. And did you ever see that vehicle again?

A. Never seen it again.

Q. Did you ever have a conversation with Michael Jackson?

A. Yes.

Q. Did you ever have a conversation with Michael Jackson prior to 2002?

A. Prior to 2002?

Q. Yes.

A. No.

Q. Even that first visit to Neverland?

A. No.

Q. Was he there on that first visit in August of 2000?
A. Yes. Yes. Yes.
Q. Did you meet with him at all?
A. Yes.
Q. Did you talk at all?
A. No. David was doing all the talking.
Q. Were you present with Mr. Jackson at different times during that visit?
A. Yes. Yes, I was.
Q. Subsequent to that visit, after that visit, did you ever have a telephone conversation with Mr. Jackson?
A. No.
Q. Up until your return to Neverland with Chris Tucker in the spring of 2002, did you ever have a conversation --
A. I didn’t go to the spring 2002.
Q. You didn’t go on that one?
A. Yeah. It was just my kids.
Q. When was the next one that you went to?
A. Me? To Chris and Aja’s baby boy’s birthday

party.
Q. And we were actually in the process of going chronologically through the different visits. Is that, in fact, the last one, Chris and Aja’s birthday party?
A. Yes.
Q. And this was for their son?
A. Yes.
Q. What year birthday?
A. I can’t remember, but he was little.
Q. He was a baby?
A. Well, not a baby, but little.
Q. All right. Who went to that?
A. Preschool age.
Q. Preschool, all right.
A. Yes.
Q. Who went to that?
A. The baby boy birthday party?
Q. Okay.
A. Just about all of Chris’s family. His mom and his dad. Everybody. All his family,

practically. He flew them in from Atlanta.

Q. And among your family, who went?

A. Me, my three kids, and Jay had also came.

Q. Now, were you at this time in a relationship with Major Jackson?

A. Not really.

Q. Were you dating?

A. I was kind of a little bit, you know, hesitant.

Q. Okay.

A. I met him in July. But all we did was have phone conversations. It wasn’t our first -- he considered it our first date. I really considered it just a ride to the boys’ graduation from Sea Cadet.

Q. Okay. He did tell us that, and we won’t tell him that you told us otherwise.

All right. Now, this visit to Neverland, was it overnight?

A. No.

Q. Did you return that same day?

A. Yes, and Chris had taken us on two of his buses.

Q. And the buses came and left from where?

A. From -- he had -- he had asked us all to meet outside this hotel, and then that’s where we had left.

Q. Was Michael Jackson there during that birthday party?

A. No. No.

Q. You didn’t see him at all?

A. No.

Q. When was the next time that your children went to Neverland after that?

A. For the filming. But make it very clear, I wasn’t -- now I know.

Q. The question was when was the next time?

A. It’s still in September.

Q. It was in September of 2002?

A. Yes.

Q. How did they happen to go to Neverland?

A. Because Evvy and Michael had called them over. And right before that, Gavin had -- had done a biopsy. So, you know, I thought -- I thought he was inviting him because of the biopsy.

Q. The biopsy result was favorable?

A. Yes.

Q. And all of you were rejoicing in his remission?

A. Yes. Yes.

MR. MESEREAU: Objection; leading.

THE COURT: Sustained.

Q. BY MR. ZONEN: Now, from whom did you receive a telephone call?

A. From -- from Evvy.

Q. And do you know if Michael --

A. But I didn't talk to them. Evvy -- they hardly talked to me. It was always Gavin.

Q. So there was a phone call that came from Evvy?

A. Yes.

Q. How did you become aware of the fact that they were being invited back?

A. Because Gavin had said that Evvy and Michael had invited them over to go have a day of fun.

Q. Okay.

A. And I figured -- I figured that Chris had communicated to Michael that he had -- you know, about his biopsy.

Q. Okay.

A. Because Chris and Aja were very involved with my kids.

Q. Was this a topic of discussion in the household at the time, the biopsy?

A. Yes. Yes.

Q. Now --

A. Because we were very fearful at that time that Gavin might lose his kidney.

Q. Okay. Now, you said "a day of fun."

A. Yes.

Q. Was it anticipated that this would only be for one day?

A. Yes, but they ended up sleeping there.

Q. Were they there longer than one night?

A. No, just one night.

Q. Overnight?

A. So they actually ended up staying two days and one night.

Q. And you did not go?

A. No, I did not go.

Q. And did you have any telephone communication with Michael Jackson personally with regard to that trip?

A. No.

Q. Did you have any telephone communication with Evvy during that trip?

A. No.

Q. Do you know her last name, incidentally?

A. Yes, Tavasci.

Q. Tavasci, all right. Did the children come home at the end of that second day?

A. Yes.

Q. Now, when did you learn that there was a film crew that had been at Neverland?

A. Until he made me aware.

Q. “He” being Mr. Jackson?

A. Yes. Way in February.

Q. All right. So your children didn’t discuss with you that?

A. No.

Q. And you didn’t know about it?

A. No.

Q. Now, prior to your children going to Neverland on that particular visit, did either Mr. Jackson or Evvy or anybody else from Neverland notify you personally that there was going to be a film crew there?

A. No.

Q. Did anybody ask you to sign any documentation with regards to your children appearing in a film?

A. No.

Q. Did you know anything about it at all?

A. No.

Q. Now --

A. But I know now.

Q. Okay. That was during the -- I think you

said the fall, September.
A. Yes. September.
Q. Am I right about that? I want to make sure I am.
A. Yes, 2002.
Q. And when was the next visit after that one, if you recall?
A. Of 2002?
Q. Yes.
A. The filming. When he called me up.
Q. All right. So there was no -- there were no more visits in 2002?
A. No. Zero.
Q. Now, let's move on to 2003.
A. Okay.
Q. Did you receive a call from Michael Jackson?
A. Oh, yes.
Q. Did that call come to you or did it come to another member of your family?
A. To Gavin.

Q. At some point in time did you get on the telephone with Mr. Jackson?
A. Yes.
Q. Had you had any other conversation with Mr. Jackson prior to that day?
A. Prior to this day?
Q. Yeah. Prior to that day.
A. Zero.
Q. Zero. All right. Now, we've already talked about that first visit where you were face to face with Mr. Jackson.
A. Yes.
Q. Was there ever any occasion other than that first visit back in August of 2000 where you were face to face with Mr. Jackson up until this phone call in February of 2003?
A. Zero.
Q. Was there ever any occasion where you had a telephone conversation with Mr. Jackson?
A. Never. Except --
Q. Listen to the whole question. We're going to drive the reporter nuts if we don't let each one finish.

A. I’m sorry.
Q. Okay. Prior to this telephone conversation in February --
A. Okay.
Q. -- was there ever any occasion at all where you had a conversation with Mr. Jackson over the telephone?

A. No.
Q. Now, do you know the date of this telephone call?
A. I’ve come to find out per the investigation, but I still always forget. The only way I know is because he had told me about it, and it had aired in England prior to it airing here. So consider the time difference and all that. So definitely before it aired here, and after it aired over there.
Q. In England, all right. Tell me what you think is the date of that first appearance, if you know. If you don’t know, just say so.
A. No, I don’t know.
Q. Was it early February?
A. Yes.
Q. Now --
A. I mean, it -- every time they tell me, I -- I remember, but --
Q. It’s all right. It’s all right.
Now, at the time of this telephone conversation from Mr. Jackson, were you aware of the documentary titled “Living with Michael Jackson”?
A. No, not the documentary.
Q. All right. This is prior to your telephone -- we’re talking about prior to your telephone call from Mr. Jackson?

A. Yes.
Q. Did you have any personal knowledge that a documentary had been prepared -- listen to the question -- that a documentary had been prepared and was titled “Living with Michael Jackson”?
A. No.
Q. Were you aware that such a documentary had actually been shown in England?
A. No.

Q. Had your kids mentioned to you at any time prior to this conversation with Mr. Jackson --
A. No.
Q. -- that they had participated in a filming of some kind?
A. No.
Q. Had the name “Martin Bashir” been raised in your household up to that point?
A. No.
Q. Did you know who Martin Bashir was?
A. No.
Q. All right. The telephone call from Mr. Jackson in early February that went to Gavin --
A. Uh-huh.
Q. -- did you at some point get on the telephone with him?
A. Yes.
Q. What did he tell you?
A. He had told me that -- well, this is -- Gavin’s talking to him first. He had told me that Gavin was in danger, and that there had to be a press conference because of this Bashir man.

Q. All right. Now, did you know what he was talking about, this Bashir matter?
A. No.
Q. Did you ask him to explain that?
A. No.
Q. Did he offer any explanation as to what that was?
A. No. At first I was telling him, “No, no, no, no, no, no,” because he wanted him to come to Miami. But when he told me, you know, “Janet, David” --
Q. Mrs. Arvizo, why don’t you hold on a second. We’re going to take it question by question.
A. Okay, sure.
Q. Listen carefully to the question asked, all right?
A. Okay.
Q. Did he explain to you at any time what this documentary was?
A. No. Not there, not on the phone.
Q. I understand -- we’re just talking about the

phone conversation right now.
A. Oh, okay.
Q. Did he mention the name “Martin Bashir” in this phone conversation?

A. He just said “Bashir.”
Q. Okay. Did you know what that meant --
A. No.
Q. -- at that time?
He said to you that your child was in danger?
A. Yes.
Q. What did he say with regards to your child being in danger?
A. That he was receiving death threats.
Q. Did --
A. That he was in danger.
Q. Did that alarm you?
A. Yes.
Q. Did you believe what he said at that time?
A. It’s until he -- until he started telling me that the children had shared with him about how David was a bad guy, because my guard was here (indicating). And when he started telling me those things, oh, “waarrrrr.”
Q. All right. We’ll get to that in just a second.
A. Okay.
Q. But right now with regards to your son being in danger --
A. Okay.
Q. -- did he describe the nature of the danger to you?

A. Just death threats because of this Bashir thing.
Q. Did he tell you who the people were who were issuing the death threats?
A. No.
Q. Did he use the word “death threats” or the term “death threats”?
A. He said he was in danger.
Q. And did he mention any of your other children in that regard?

A. No. Not until we got there.
Q. How long was your conversation with Mr. Jackson?
A. Well, long enough to convince me.
Q. And approximately how long was that? Can you say that it was longer than ten minutes?
A. I wouldn’t be able to tell you.
Q. Now, at some point you said he started talking with you about your ex-husband.
A. Yes.
Q. What did he tell you with regards to your ex-husband?
A. He told me that the children had shared with him what the children had gone through. And then he had told me that he understands, and that he doesn’t want the children nor me around David anymore; that he’s a bad guy. And -- you know. And to me -- you know.

Q. All right. So he was -- he was giving you information --
A. Yeah.
Q. -- about your ex-husband?
A. Yes.
Q. Now, what was your response to hearing that? How did you respond to that?
A. I was, like, wow, he understands.
Q. Now, had your kids ever told you that they had talked with him about David Arvizo?
A. No. That’s -- no.
Q. Did that surprise you that he had that kind of information?
A. Yes, but I believed him. I believed him. And maybe they did, maybe my kids did.
Q. What did he ask you to do on this -- in this telephone call?
A. That Gavin -- that he needed Gavin to do a press conference, and he could protect him.
Q. Did he say where he was calling from, Mr. Jackson?
A. Miami.
Q. And did he tell you where this press conference was going to be?
A. In Miami.

Q. Did he tell you what he wanted Gavin to say in this press conference?
A. No. I don’t remember.

Q. Did you agree that Gavin could go to Miami?
A. No.
Q. What did you tell Mr. Jackson?
A. Well, I told him that if my son is in danger, then me and my kids have to go.
Q. Did you ask him at any time if he contacted the police?
A. No.
Q. Did you have any discussion with him about what he was doing to remedy this problem, this problem of danger?
A. No, I just trusted him.
Q. And I believe that you said -- in your answer again to the question of whether your son would go to Miami, what did you say?
A. No.
MR. MESEREAU: Objection; asked and answered.
THE WITNESS: I said no.
MR. ZONEN: I’ll withdraw the question. I’ll withdraw the question.
THE COURT: All right.
Q. BY MR. ZONEN: Did you come to an agreement with Mr. Jackson as to who was going to go to Miami?
A. Yes, my kids and me.
Q. And “my kids,” did you mean all three?
A. Yes.
Q. Why did you want to do that?

A. Well, because if Gavin’s going to be -- you know, if there’s death threats, then I guess we all have to be together.
Q. Did he agree to that?
A. Yes.
Q. Did he say --
A. And actually, he’s the one that was going that route.
Q. All right. And that was my next --
A. Because I had told him no.
Q. That was my next question. Who is it who

suggested that the whole family --
A. Him.
Q. You need to wait until the question is asked in its entirety.
A. Okay.
Q. Who was this that suggested that the whole family go to Miami?
A. Michael.
Q. Did you then agree to that?
A. Yes.
Q. Did he tell you when he wanted you and the -- and your children --
A. (Indicating) like that.
Q. You need to wait till the question is asked.
A. Okay.
Q. Did he tell you when he wanted you and your children to go to Miami?

A. Now.
Q. And by “now,” you meant immediately?
A. Immediately.
Q. All right. Was there some arrangement that was made either by Mr. Jackson or by some other person --
A. Him -- oh, sorry.
Q. -- or by some other person to get to you Miami?
A. Yes, Michael and Evvy.
Q. Did somebody contact you after the telephone call with Mr. Jackson?
A. Yes, Evvy.
Q. Yes. What was the arrangement that you were going to have to get to Miami?
A. That Gary Hearn, his personal, like, driver, the person who takes care of his cars, was going to fly with us on a commercial air flight to Miami.
Q. And where were your children at the time of this conversation?
A. Okay. Davellin was in school. And the boys were not in school.
Q. Did you have to make arrangements to get Davellin out of school?
A. No, actually Gary went to go pick her up after school.

Q. And from where did he pick her up?

A. From -- from -- I don’t remember. I think it was -- I think it was my mom’s. I think he went to go pick her up from my mom’s or East L.A., one of those. Best person to ask that is Davellin.

Q. Do you know where you were at the time of this phone call from Mr. Jackson?

A. Yes.

Q. Where?

A. Our phone in East L.A. had been disconnected. And so I had received a message from -- from Evvy that they had to be able to make contact, so I was in Jay’s house.

Q. Where did that message come to?

A. What --

Q. The message that you received from Evvy was forwarded through whom?

A. It was both, Evvy and Michael, to Jay’s.

Q. To Jay’s house?

A. Yes, because I had no phone at that time.

Q. All right. Did you return a phone call --

A. Yes.

Q. -- or did they reach you there?

A. They actually -- it was a combination of everything.

Q. All right. Explain that.

A. They contacted me there, and I returned phone calls from there to Evvy.

Q. To Evvy.

A. Yes.

Q. And then Mr. Jackson personally called?

A. Yes.

Q. And that was the conversation that both you and your son --

A. And Evvy had also left messages at my mom’s house before that.

THE COURT: All right, Counsel. Let’s take a break.

MR. ZONEN: Thank you.

(Recess taken.)

THE COURT: Go ahead.

MR. ZONEN: Thank you.

Q. Where we left off, you were talking about the telephone call from Mr. Jackson.

THE BAILIFF: Turn your microphone on, please.

MR. ZONEN: Thank you.

Q. Where we left off, we were speaking of the telephone call with Mr. Jackson and the arrangements for the trip to Florida before that. Let me ask you a couple other questions.

A. Okay.

Q. Had you been contacted prior to that phone call from Mr. Jackson in that early part of February by any member of the media or the press?

A. Yes.

Q. All right. Had you personally been contacted?

A. What happened, this is how it happened: Two reporters -- they said they were two reporters. Who knows?

Okay. They had gone to my mom's house. My mom only speaks -- my mom only speaks Spanish. That's it. These two men, one of them was the speaker, kept telling my mom, “Gavin, cancer,” and speaking in English.

And the only two things that stood out in my mom, even though she knows only Spanish, like certain words mean something to her.

And so they said, “Gavin, cancer; Gavin, cancer,” and that stood out.

So my mom called me immediately, you know, “What's wrong with Gavin?” And she -- I go, “No, nothing's wrong, Mom. They're at school.” And she goes, “Well, there's two men here telling me about Gavin and cancer.”

And so she didn't know, so I thought maybe some -- some medical -- some --

Q. Let me stop you for a second.

A. Sure.

Q. This conversation was how long prior to the phone call from Mr. Jackson?

A. With -- I don't understand.

Q. The conversation with your mother about these two people who arrived.

A. Okay. They were still there while my mom was on the phone.

Q. I know. But this conversation was how long prior to your conversation with Mr. Jackson. Was it the same day?

A. It was -- it was within hours that Evvy contacted me next.

Q. All right. Now, are these the only two members of the press who contacted your family?

A. Yes.

Q. And anybody else from the media contact your family?

A. Oh, yeah. Afterwards.

Q. Afterwards?

A. Yes.

Q. But prior to your trip to Miami --

A. Prior to my trip, yes, that's it.

Q. Did you ever actually speak with these two people?

A. Well, my mom passed me the phone, and I spoke to him.

And he says, "We just happened to see your son in England." And I go, "No, if my" -- "I just dropped off my son at school. And if he's in England, he's in big trouble," you know.

And so -- and he was very vague. And I said, "You scared my mom. She only speaks Spanish, so please don't continue talking to her."

Q. Did you have an interview with either of these two people?

A. No.

MR. MESEREAU: Objection.

THE WITNESS: No.

MR. MESEREAU: The witness had not completed her response, I don't think, Your Honor.

THE WITNESS: No.

MR. ZONEN: You call it.

THE COURT: Why don't you just ask another question.

MR. ZONEN: Thank you.

Q. Did you actually have a conversation with either of those two people over the telephone?

A. Yes. One of them.

Q. All right. Did that person identify himself by name?

A. I think his name -- he said, “I’m a reporter from England. I just flew in and I have to fly out immediately.”

Q. All right. Did he tell you what his name was?

A. I think it was -- I can’t -- I think it was Mr. Garner. I think that’s what it was.

Q. Garner or Gardner?

A. I think it was, yes.

Q. Did he tell you what publication he was with?

A. No, he just said, “I’m a reporter from England. I just flew in, and I have to fly back immediately.”

Q. Did he tell you that he wanted to have an interview with you?

A. No.

Q. Did he discuss any particular issue with you?

A. He was very vague. What he wanted was for me to meet -- to -- to have a conversation with him, and -- but because he was vague, I didn’t want to talk to him.

Q. Okay.

A. So I told him, “You’re scaring my mom. And that’s not my house, that’s my mom’s house. I live in Los Angeles.”

Q. All right.

A. And that was it.

Q. All right.

A. As best as I can recall.

Q. This was a telephone conversation from which phone?

A. From my mom’s.

Q. You happened to be there at the time of the call?

A. No, no. I’m over here in Los Angeles. My mom called me because she was scared, because these two guys were saying Gavin -- and a whole conversation. But the only thing that jumped out in

my mom was “Gavin” and “cancer.”
Q. And then you called back from where?
A. There was no call back.
Q. All right. They called you when you were at your mom’s?
A. No, no.
Q. Tell us --
A. I was in Los Angeles. My mom was courteous and polite, you know. Handed her the phone, because I wanted to know what the nature of their visit, why they were saying “Gavin, cancer.”
Q. They were there in person?
A. Yes, yes. At my mom’s house.
Q. All right. Now, during the course of this conversation, did you discuss Michael Jackson at all?
A. No.
Q. Did they tell you they wanted to talk about Michael Jackson?
A. No.
MR. MESEREAU: Objection; leading.
THE WITNESS: No. All they said was --
THE COURT: Overruled.
THE WITNESS: -- they had seen Gavin in England.
Q. BY MR. ZONEN: How long was this conversation you had with him?
A. Just minutes. With the information that I

just told you, if you want to time it, it’s about that long.
Q. Was that the only conversation that you had with either one of them?
A. That’s correct.
Q. On this day, prior to going to --
A. That day, only day.
Q. Never had any conversation --
A. Never.
Q. -- thereafter?
A. Zero. Double zero.
Q. At some point in time, did your then boyfriend, Jay Jackson --
A. Yes.

Q. -- tell you that he had had conversations with reporters?
A. Now I know, per this investigation. I know a lot of things now per this conversation.
Q. Listen to the question, okay? On that day prior to your going to Florida, did Jay Jackson tell you that he had conversations with reporters?
A. No.
Q. Did you have any conversation with Jay Jackson prior to going to Florida about any reporters at all?
A. No.
Q. Were you aware -- did any other reporter try

to contact you prior to going to Florida?
A. No.
Q. In the course of this conversation with this person, Gardner or Garner, did he mention anything about a documentary?
A. No.
Q. Did he mention to you anything about your child having been on television?
A. He had said, “I have just seen Gavin in England.”
Q. All right. And you weren’t certain what that meant?
A. Yeah.
Q. All right. Now, when you were speaking with Mr. Jackson on the telephone --
A. Uh-huh.
Q. -- did you ask Mr. Jackson about whether or not your child had been on television?
A. No, I didn’t ask him.
Q. You didn’t him ask that question?
A. No.
Q. Did he offer any information about that?
A. No, not really. He was vague.
Q. In the course of your conversation with Michael Jackson, did he mention anything about this documentary having --
A. He said only the Bashir --
Q. Listen to the entirety of the question.

A. Okay.

Q. Did he say anything to you about this documentary that had aired in England?

A. No.

Q. Did he mention the name of it, “Living with Michael Jackson”?

A. No.

Q. Did he mention Martin Bashir?

A. He didn’t say “Martin Bashir.” He said “Bashir.”

Q. All right. Did you ask him who that was or what that was about?

A. No. Until Miami. I found out more things.

Q. All right. Now, you then flew to Miami, I’m assuming.

A. Yes.

Q. And with whom did you fly to Miami?

A. With Chris and the kids and me.

Q. Do you know -- and Chris is Chris Tucker?

A. Yes.

Q. Do you know how he became involved at this stage?

A. Evvy contacted him.

Q. Evvy contacted him?

A. Yes, but I didn’t know about this until I got to the sidewalk, which Gary Hearn had meet us, and he says, “Guys, there’s a change of plans,” and that was it.

Q. Did he then take you to a private --

A. No, he took us to Chris’s house, and we spent some time there in Chris’s house because we were waiting for Davellin to come. That’s when we flew on a private jet.

Q. All right. And did you know that you were going to be taking a private jet?

A. Not until Gary told me.

Q. And the private jet took you straight to where?

A. Miami.

Q. And once in Miami, did they take you to a hotel?

A. Yes.

Q. Which hotel did they take you to?

A. The Turnberry.
Q. Can you describe that hotel for us?
A. It looks like a Las Vegas kind of hotel, except --
Q. Is it fancy?
A. Yeah. Without the slot machines.
Q. Without the slot machines. All right. Now, did you meet up with Mr. Jackson when you got there?
A. No. No. We got right there until -- you know that time between -- before morningtime where it's really, really dark? That's the time we arrived.

So we went straight to -- dropped off Chris in his room, and then we went to our room. And our room was right underneath his room. And Chris, they had set him up in a completely different building, away from me and the kids.
Q. All right. And your -- were you in a suite of some kind?
A. It was a -- it was two rooms connected. You know, I don't know if you know the hotels where you lock it and then there's two separate rooms? Well, they had unlocked it.
Q. Excuse me. I'm sorry. And you were there with the three children?
A. Yes.
Q. Now, when did you see Michael Jackson after arriving?
A. In the daytime.
Q. Had you talked with anybody during the course of the trip about this danger that Mr. Jackson had spoken to you about?
A. No. No.
Q. When you got to the hotel, did you have a conversation finally with Mr. Jackson?
A. Yes.
Q. How long had you been at the hotel before you met up with Mr. Jackson?
A. Hours. Because we had arrived during that time and it was -- it was -- it was already the day of.

Q. Who else was present during the course of this conversation?

A. Okay. The conversation?

Q. Yes.

A. Just me and the kids and him.

Q. Did he talk with you about the issue of this danger to the children?

A. Yes.

Q. What did he say?

A. He spoke to all three of my kids and me, and he spoke in a very normal voice, very male voice. This is where I became aware that all three of my children were in danger. Told me to trust him, believe him, he’s a father figure, be like -- like a father to all three of my kids. Basically telling us he’s going to protect us, protect my kids; to do everything that Ronald and Dieter tell him, because this is what’s going to fix the problem.

He even had told me that he has read -- he knows what to do in this situation, because he’s read hundreds of books on psychology, and he knows -- he knows what to do in these kind of things, of what kind of frame of mind that these people that were threatening my children are. He had -- he had cried. I just thought, you know, what a nice guy, you know.

Q. Hold on one second.

This conversation took about how long?

A. Oh, gosh. About maybe a -- about 45 minutes.

Q. All right. Did you ask him specifically about the nature of the threats to your children?

A. No, I was just like -- I was just like a sponge, believing him, trusting him.

Q. Did he tell you the nature of the threats to your children?

A. Because of the Bashir thing.

Q. But did he tell you who these people were?

A. No.

Q. At any point in time did he say to you that the police were or were not being contacted?

A. No.

Q. Did he ask anything of you or your children

while you were there in this meeting?
A. In this meeting, no. No.
Q. Do you know why you were in Miami?
A. To do a press conference.
Q. Did he talk with you about a press conference --
A. No.
Q. -- during this meeting?
He said something about Dieter and Ronald?
A. Yes.
Q. Were Dieter and Ronald people who you knew prior to that day?

A. No.
Q. Did you meet them that day?
A. Yes.
MR. ZONEN: All right. Your Honor, if I could approach the witness, please.
THE COURT: Yes.
Q. BY MR. ZONEN: I’m showing you two exhibits, if I can, No. 17 and No. 18 - all right? - in evidence. If you’ll take a look at No. 17, can you tell us who that is?
A. That’s Dieter.
Q. And do you know Dieter’s last name?
A. I’ve come to find out per this investigation.
Q. Just tell us --
A. Dieter Weizner.
Q. All right. No. 18, do you know who this person is?
A. Ronald Konitzer.
Q. And those were the Ronald and Dieter that --
A. Yeah. Those Germans.
Q. And, in fact, are they German?
A. Yes.
Q. How do you know that?
A. Because they told me, and plus they speak German.
Q. Spoke among themselves in German?
A. Yes, yes.

Q. Did you meet them that day?
A. Yes.

Q. Is there anything else that Mr. Jackson told you in the course of that meeting with him?

A. Oh, that he loves us; that he cares about us; that we're family; that we were in the back of the line, now we're in the front of the line, and because he's going to take care of us, protect us from these killers.

Let me see. What else?

That he's -- that he's not just a father figure to Gavin, to Star and to Davellin.

Let me see. What else?

And he's family to me and he's family to the kids.

Let me see. What else?

Q. Do you know if Mr. Jackson had ever had --

MR. MESEREAU: Objection. The witness has not completed her answer yet.

THE WITNESS: Oh, there's still more. When it pops up, I'll let you know.

THE COURT: Go ahead and ask your next question.

Q. BY MR. ZONEN: Do you know if Mr. Jackson had ever had such a similar conversation with your children?

A. With my kids?

Q. Yes. Prior to that day.

A. Prior to the Bashir thing?

Q. Yes, where he talked about being family.

A. Yeah. In the initial visit in August, in 2000, all his -- like, all his people, for example, Evvy was the No. 1 one that was pointing out that, "I want you to see Michael as like family, all" -- "We see him and view him only as a father figure," so --

Q. Do you know if Mr. Jackson has ever said something like that to your children prior to Miami?

A. Actually, in a conversation with Gavin over the phone, that's when Gavin had told me one of the conversations.

Q. All right. Did you then have conversations with either Dieter or Ronald?

A. Prior to this?

Q. No. I think you had said that you never met them prior to that.

A. Yeah, that’s right.

Q. After your conversation with Mr. Jackson, and he gave you some direction with regards to Dieter and Ronald, what specifically was it that he told you to do with Dieter and Ronald?

A. To listen and do everything they say, because they’re going to fix the problem.

Q. Now, did you then have a conversation with either Dieter or Ronald?

A. Yes, I did.

Q. Was it one or the other, or both?

A. Both.

Q. Was it at the same time or separately?

A. This was the same time.

Q. All right. And do you remember where you were when that conversation took place?

A. In Miami.

Q. Were you in the hotel?

A. Yes, in his room.

Q. In Mr. Jackson’s room?

A. Yes.

Q. Was Mr. Jackson present?

A. Yes, he was. And he had sat me down, and he said, “Sit down right here,” and those two sat next to me.

Q. Okay.

A. And then Michael was there.

Q. Who did the speaking?

A. Who did the speaking first?

Q. Yes.

A. Because they were all speaking.

Q. Well, all right, that’s a valid point. Who is it who began the conversation?

A. Well, Michael.

Q. And what did he say when all of you were together?

A. He said, “This is Ronald and Dieter.” Because he had already had that 45-minute initial meeting.

Q. I understand.

A. And that’s the point where he had taken off the jacket and handed -- and physically placed it on Gavin.

Q. All right. Well, let me ask you about that for a second. This was in the hotel room?

A. Yes.

Q. On the first day of your visit?

A. Yes.

Q. And it was the date of the flight, actually; is that right?

A. Yeah, because we had arrived there right before --

Q. In the morning?

A. Yeah.

Q. Now, he was wearing a jacket during the course of this conversation?

A. Yes. Yes.

Q. And he took the jacket off?

A. Yes.

Q. And did what with it?

A. Yes.

Q. What did he do with the jacket?

A. It was kind of like a -- it was after he was done with the conversation. He took off his jacket, and then he put it on Gavin. He told me he wanted him to wear it and not to take it off.

Q. Was Star there as well?

A. Yes.

Q. Was Davellin there as well?

A. Yes.

Q. And both Dieter and Ronald were there at that time?

A. No, no. In the initial meeting with him?

Q. Yes.

A. Ron and Dieter were nowhere in sight of the hotel room.

Q. But at the time he handed your son his jacket, were either of them there?

A. No.

Q. Ronald or Dieter?

A. No.

Q. Now, let's get to the conversation when Ronald and Dieter are there.

A. Yes.

Q. Can you tell us what Ronald said during the course of that conversation?
MR. MESEREAU: Objection; hearsay.
MR. ZONEN: Statement in furtherance.
THE COURT: (To the jury) All right. I'm allowing this particular testimony for purposes limited to possible conspirator statements. You may only consider it for those purposes in accordance with my earlier instructions.
Q. BY MR. ZONEN: I believe it was Ronald I had asked you about. Tell us what Ronald said during this conversation.

A. Well, in this conversation, all they wanted to know was basically of -- of who I am, where I lived, my brothers, my mother. Just basically information from me and the kids. That's all.
Q. Did you give them that information?
A. Yeah, I did.
Q. At some point in time -- and was that with Dieter, as well, during that conversation?
A. Yeah. Yes.
Q. Did they give you any direction?
A. No. There was just -- they were just, you know, wanting information about me and my kids. And I had seen nothing incorrect about that, or wrong, because, you know, we just had that powwow with Michael.
Q. Did either one of them in this initial conversation talk to you about a danger that your children were experiencing?
A. In this one, no. No, they were just like absorbing all the information that they possibly could have.
Q. They were getting information from you?
A. Yes. From me and my kids. About our past, our present.
Q. Was Mr. Jackson present during the entirety --

A. Yes.
Q. Please wait till the question's answered (sic) in its entirety.
A. Okay.

Q. Was Mr. Jackson there during the entirety of that conversation?

A. Yes.

Q. Did he offer any other information during that conversation that you haven’t told us about yet?

A. Best I can remember, no.

Q. How long did you stay in Miami?

A. Okay. Arrived there at that night, was there that day, that night they showed the “Living with Michael Jackson” thing, which I wasn’t allowed to watch, none of the children, and then the next day we left.

Q. All right. So you were there two nights?

A. Yeah.

Q. And then the next day you flew back?

A. Yes.

Q. Let’s go back to that first day. Now, you’ve described that first conversation that took place with your kids, Mr. Jackson, Dieter and Ronald.

A. Uh-huh.

Q. Did you have any subsequent conversations, any other conversations that day with either

Ronald --

A. No.

Q. -- or Dieter?

A. They were busy at work, I know now.

Q. But did you have a conversation with either one of them that day?

A. No. After that, after they absorbed all that information, no.

Q. All right. Now, the next day, did you have any conversation with either Michael Jackson or Dieter or Ronald?

A. Just almost -- almost the whole day that’s when we had stayed in Michael’s room.

Q. You were there in Michael’s room that entire time?

A. Yeah.

Q. All right. Did Mr. Jackson talk with you during the course -- was Mr. Jackson there during that day?

A. Yes.

Q. So he was in the room with you and your three children?

A. Yeah.

Q. For a good part of the day?

A. Well, the whole entire time, Michael was there with the kids.

Q. All right. Did you ever leave the hotel?

A. No, I never left the hotel.

Q. Had you ever been to Miami before?

A. Never been there.

Q. Did you want to go see the city at all?

A. No.

Q. Did you express a desire to leave the hotel?

MR. MESEREAU: Objection; leading.

THE WITNESS: No. I just wanted to focus there --

THE COURT: Just a moment. Just wait till I rule after there's an objection.

THE WITNESS: Okay.

THE COURT: Overruled.

You may answer.

Q. BY MR. ZONEN: Did you at any time leave the hotel during the two nights that you were there?

A. No.

Q. Did you ever leave your room during that time?

A. Yes, I did. When I was in Michael's room, and then that's the best I can remember.

Q. Did you ever go out to eat?

A. Well, the morning of -- Chris was eating with the kids. They were having breakfast. By the time I had gotten there, they were already done. So all I had was, I think -- please don't quote me on this -- I know a lemonade and I think a some cheese that they had, like samples.

Q. Did you leave your room to go to a restaurant at all?

A. No, except for that. When I had arrived, Chris and the kids were already leaving.

Q. Did you leave your room or Michael's room, Michael Jackson's room, for any reason during that time that you were there?

A. No, outside what I just told you, as best as I can remember.

Q. Did you at any time go to a spa?

A. Not me.

Q. Did other members of your family?

A. Yes.

MR. MESEREAU: Objection; leading.

THE WITNESS: With Chris.

THE COURT: Just a moment.

Overruled.

You need to slow down when I’m ruling.

THE WITNESS: Okay.

Q. BY MR. ZONEN: Which members of your family went to a spa?

A. And I think that’s what it was, okay?

Q. Okay.

A. Because Chris wanted to go get a massage, so he took Davellin and Gavin and Star with him.

Q. All right. And did they have some type of service at the spa as well?

A. Yes.

Q. Why didn’t you go?

A. I was concerned. When are we going to, you know, take care of my kids from being killed?

Q. Did they talk to you about this press conference on the second day?

A. No, they didn’t.

Q. Neither one of them mentioned that to you?

A. No.

Q. Did they talk about anything that they wanted to do on this second day?

A. No. No press conference.

Q. Did you have any conversation with either Dieter or Ronald on this second day about anything?

A. Yeah, the -- the two papers. One that Ronald wanted me to sign that had nothing written on there, and then when I asked him, “What is it?”

“No, no, no. Got to hurry up. We’re running out of time,” and, “You want your kids to be killed.”

And so I signed it.

And then the next time was Dieter. Dieter had said that what Ronald did didn’t work. And he had a pre -- pre something, a paragraph that was pre-written.

Q. All right.

A. And then he, in my writing, asked me to write some things, and then he had me sign underneath that.

MR. ZONEN: Counsel? I showed you this earlier.

May I approach the witness?

THE COURT: Yes.

Q. BY MR. ZONEN: I’m going to show you an exhibit numbered one -- excuse me, numbered 807 for identification, not yet in evidence.

Would you take a look at that document, please?

A. Uh-huh.

Q. Do you recognize that document?

A. Yes. Not -- just my signature.

Q. All right. Is your signature actually on that document?

A. Yes. It’s actually in two different places.

Q. Do you have a recollection of signing that document?

A. Not with this on here, and not with this on here.

Q. All right.

A. And definitely I didn’t sign my name twice on the same piece of paper. And there was no line right here.

Q. All right. Well, let me ask you this question: Is any of that your handwriting; any of it?

A. Just my signature and my -- my printed name.

Q. So the printed name, the handprinted name, is your handprinting?

A. Yes, sir.

Q. And the signature that’s above that is your signature?

A. Yes, it is.

Q. There’s a second signature. Is that yours as well?

A. Yes.

Q. Now, do you have a recollection at all of signing a document twice?

A. Not -- no, two different situation -- two different things. Two different papers.

MR. ZONEN: All right. Your Honor, I’m going to move this exhibit into evidence at this time.

MR. MESEREAU: No objection.

THE COURT: All right. It’s admitted.

MR. ZONEN: And may I publish this?

THE COURT: You may.

Q. BY MR. ZONEN: I’d like to read -- the very top part appears to be typed in. Would that be correct?

A. Yes.

Q. All right. Let me read this to you out loud.

Oh, you can make it larger? Perfect.

“I confirm that Theodore Goddard is authorized by me to file this complaint on behalf of my son, Gavin Arvizo.” The date is Miami, February 7th, 2003.

Do you believe -- do you believe that you were in Miami on February 7th?

A. I think so.

Q. All right. Do you know who Theodore Goddard is?

A. No.

Q. Were you ever told who Theodore Goddard is?

A. No.

Q. Have you ever seen a document that had this sentence preprinted on it?

A. No, not when I was in Miami. Now, per you guys’s investigation --

Q. Stop right there.

That’s the signature that’s directly underneath it?

A. Yes.

Q. Put it down a little bit so we can get the top -- no, no, the other way. Yes. Just put it down.

We have it now with the signature that’s

below it. And you’re telling us that that handwriting is yours --
A. Yes.
Q. -- and the signature is yours?
A. Yes.
Q. Do you remember a line being there?
A. No, I don’t.

Q. You didn’t draw a line in there?
A. No, I didn’t.
Q. And you have no recollection of a line being there at the time you signed it?
A. I have no recollection of a line being there.
Q. All right. Let’s move down.
Okay. “Mrs. Arvizo also learned that Davellin and Star have been on T.V. without her consent. Please act accordingly.”
And then there’s a signature. Did you sign that?
A. I didn’t sign that, but that is my signature.
Q. All right. The paragraph that says -- that begins with, “Mrs. Arvizo also learned…,” is that your handwriting?
A. No. That’s my handwriting -- that’s my printing up there.
Q. All right. And the --
A. There’s a difference.
Q. Okay. And that particular paragraph, have you ever seen that paragraph before?
A. Never.
Q. Now, do you have a recollection of signing any document twice?
A. On the same piece of paper? No.
Q. Did anybody ever talk to you about a lawsuit while you were in Florida?

A. No.
Q. Did anybody ever mention an attorney in England?
A. No.
Q. Did anybody talk to you about your being represented or your son being represented?

A. No.

Q. While you were there on this first day of conversations that you had with Dieter or with Ronald or with Mr. Jackson, did anybody talk to you about the presentation of “Living with Michael Jackson”?

A. No.

Q. Did you at any time learn what that was?

A. Afterwards.

Q. All right. Now, you had mentioned earlier that there was going to be a showing of --

A. Yes.

Q. -- “Living with Michael Jackson”?

A. Yes.

Q. Do you remember when that was presented in the United States, on what day?

A. No. When I was there with him all day --

Q. Yes.

A. -- that night.

Q. It was that night?

A. Yes.

Q. Of the first full day that you were in Miami?

A. Yes.

Q. All right. Did you want to go watch that?

A. Yeah, I wanted to go see what has caused my kids to -- you know, all of a sudden there’s death threats on them.

Q. Now, you said “kids.”

A. Yeah.

Q. Earlier --

A. Yeah.

Q. Hold on, hold on.

Earlier, when you were in Los Angeles, you had mentioned that the threat was directed toward Gavin.

A. Yes.

Q. Did that change?

A. Yes.

Q. All right. What changed? Who told you that it had changed?

A. Michael.

Q. What did he say?

A. That now it was all three of my kids.

Q. All right. Mr. Jackson told you all three of your children were in danger?

A. Yes.

Q. All right. Now --

A. And that's where that whole 45-minute speech --

Q. When did you learn that there was going to be this presentation of a documentary titled "Living with Michael Jackson"?

A. After -- after Ronald and Dieter extracted all this information from me, then afterwards.

Q. Did you know what that was? Did somebody explain to you what that was?

A. No.

Q. Did somebody explain to you that your children were in it?

A. They had mentioned that my children were in it.

Q. Did anybody tell you the manner in which they were depicted in that?

A. No.

Q. Did anybody say anything about this documentary in terms of whether it was complimentary or not complimentary?

A. No. Zero.

Q. With whom had you talked about "Living with Michael Jackson"?

A. At this point, the initial meeting. Then the Ronald and Dieter with Michael. Afterwards, let me see, they kept pulling Gavin into -- Ronald, Dieter and Gavin (sic) kept pulling Gavin into a room by himself. I was thinking they're talking about the press conference. Then Michael kept pulling Gavin into a room all by himself over and over. So it was in the middle of the pulling Gavin into the bedroom.

Q. Okay. All right. Now, at some point you knew this was going to be on T.V.; is that right?

A. Yes.

Q. Yes. Who was it who told you it was going to be on T.V.?

A. Actually -- actually, I had overheard Michael with Ronald and Dieter talking. I overheard it.

Q. All right. But when did you first learn that your children were involved in this documentary?

A. When I overheard it.

Q. All right. So they had mentioned that?

A. Yes.

Q. All right. Now, did you make an effort to go view it?

A. Yes, I did.

Q. Did you know what time it was going to be on?

A. Yes. Because I overheard it.

Q. Did you, in fact, view it?

A. No, I didn’t.

Q. And why not?

A. Because when I ran down, Davellin had called me to the room and told me that Michael was angry, to, “Come now,” so I went back up.

Q. All right.

A. And then Michael had talked to me and told me he didn’t want me to see it.

Q. But he told you that?

A. Yes.

Q. Did he say why?

A. No.

Q. Did you ask him why?

A. No, I just -- you know, I’m thinking, “They’re going to take care of my kids from these killers. I better” --

Q. Were you concerned at all about the content of that documentary?

A. It’s until afterwards, I found out.

Q. I’m talking about now in Miami.

A. In Miami? No. I was clueless.

Q. Did you make any questions or any inquiries as to how your children were depicted in that video?

A. Afterwards, yes.

Q. But in Miami.

A. In Miami, no.

Q. You didn’t ask either of the Germans?

A. No.
Q. And you didn’t ask Mr. Jackson?
A. No.
Q. And you didn’t watch it?
A. No, I didn’t.

Q. To this day, have you seen this documentary in its entirety?
A. Only the clips, the clips that the media elects to put on there, little clips.
Q. But you have not --
A. But this is now.
Q. But you have not watched it in its entirety?
A. No, I don’t want to watch it. Now I don’t want to watch it.
Q. From the beginning to the end, you have not seen it?
A. No.
Q. Did you have any other conversations on this full day that you spent the day in Michael Jackson’s hotel room with Mr. Jackson, that you haven’t told us about already?
A. With Michael?
Q. Yes.
A. No, no. Just that -- you know, the lovey-dovey 45-minute meeting.
Q. All right. Did you have any other conversations with Dieter or with Ronald?
A. No. After the lovey-dovey meeting, then the Ronald and Dieter meeting with him, and, no, afterwards, no. Well, this is the best as I can remember.
Oh, yeah, you know, when I came back up from the -- from that when I went down there trying to see the Bashir thing, so, yeah, I did.

Q. That conversation you’ve already told us about with Mr. Jackson, all right.
Now, the next day, did you have any conversations with Mr. Jackson?
A. No. No.
Q. All right. Did you head back to California?
A. No. Yeah, California, but not my home.

Q. Okay. Where did you think that you were going to be going when you returned?
A. Well, I figured I'm going back to my home.
Q. Did you ever have a press conference while you were there?
A. In Miami?
Q. Yes.
A. No.
Q. Did they ever explain to you why you didn't?
A. No.
Q. Did either Ronald or Dieter talk about an alternative to a press conference?
A. No.
Q. Did Mr. Jackson speak to you about an alternative to a press conference?
A. No.
Q. Did you make any inquiries of anybody as to why you weren't having one?
A. No. When I did start to ask questions now,

that's when a lot of craziness started happening.
Q. All right. Well, specifically with regards to Ronald or Dieter, did you make any inquiries of them?
A. Yes, I did. And so -- and they basically would shut me down every time, because they're the ones taking care of everything.
Q. What do you mean by shut you down?
A. When I'd ask, you know, like why didn't we do the press conference, and it was like, "Arghh, you stupid woman," you know, and just -- it just -- it escalated.
Q. All right.
A. I -- go ahead.
Q. And their behavior --
A. Escalated.
Q. -- escalated?
A. Yes.
Q. Escalated in what way?
A. Well, do you want me to go all the way to the end?
Q. Just tell me what they were saying to you. What did they say to you?
A. That they know best. They're the damage

control team. And you wouldn’t want to hear the way they said it.

Q. Tell us what they said. Tell us what they said to you.

A. Well, Ronald telling me that he could have me erased if I make him angry. Just different things like that.

Q. All right. Were you frightened by the things they were telling you?

A. Yes. They terrified me.

Q. Did you go back to Mr. Jackson and tell him?

A. When we initially got there to Miami, I talked to him, and his response was, “Do everything Ronald and Dieter tell you.”

Q. But during --

A. And that was it.

Q. During this period of time that you were at the Turnberry Hotel in Miami --

A. I --

Q. Hold on, hold on. You have to wait till the question’s asked.
During this period of time that you were in Miami, and during this period of time that you were having conversations with Ronald and Dieter and they were threatening you and saying things that were scary to you --

A. Not until we got at Neverland they did that.

Q. That’s my question.

A. Yeah.

Q. Did these conversations take place in Miami?

A. No, no. In Miami they were just, you know, ab -- extracting all the information possible.

Scaring me, that -- the scare was from other people, and getting -- acquiring those two signatures.

Q. Okay. So neither one of them had threatened you personally?

A. No, not in Miami.

Q. And you have mentioned that one of them called you a stupid woman --

A. Yes.

Q. -- while you were there. Who was there?

A. Actually, both of them, but Ronald did first.

Q. The other one did as well?

A. Yes.

Q. That was still in Miami?

A. No, no, this is in Neverland.

Q. All right. It’s back at Neverland.

A. Miami, they’re just like, you know, “Oh,” you know, “We’re here to help you, protect you, protect the kids.”

Q. Did you fly back with everybody else?

A. At first it wasn’t going to be like that.

Q. Did somebody talk to you about your flying separately?

A. Yes.

Q. Who was that?

A. Big Mike, or his head security of traveling.

Q. Do you know his real name?

A. I don’t know his real name.

Q. Is that the name he goes by?

A. That’s what they were calling him, Big Mike, and he said, “I’m Big Mike.”

Q. Is he big?

A. Yeah, he is big.

Q. Okay. Is he the one who told you you were flying separately?

A. Yes.

Q. Where did you -- how did you understand your children would be flying?

A. Okay. He had -- he had called me and talked to -- to my room and told me that Michael didn’t want me flying back with my kids; that he wanted only my kids, and that I was going to have to take the next-day flight out with their security.

And I was like, “No.” And then he’s saying, “Yes.” And then I started crying on the phone, and because I’m -- you know, these are my kids, you know, “what’s going on?”

I expressed to him, I said, you know, remember how you wanted -- did I express to him -- I did, to Mike, Big Mike --

Q. Now, you --

A. -- my concerns.

Q. Did he then tell you you would be flying with everybody else, or did somebody else tell you?

A. No, Big Mike said -- after I started crying on the phone, and he says, “I’m going to talk to the boss, and I’ll see what I can do.”

Q. Did somebody then call you back?

A. And then Big Mike called me back and said then I could fly with the kids back to -- with Michael and just to stay quiet.

Q. Did you, in fact, fly with them back?

A. Yes, I did.

Q. Do you know how long that flight was?

A. No, it was just hours. I don’t know.

MR. ZONEN: Would you put another exhibit tag on this, please?

Q. Do you remember who any of the other people were who were on that plane?

A. Yes, I do.

Q. Tell us who they were.

A. Okay. Baby Rubba. Marie Nicole. All three of his children. Patty and Grace. A doctor that they called -- I now know per -- there’s a lot of things now I know per this investigation, but back then I didn’t know. I just knew him as Dr. Farsha. And my kids. Michael. Me. One flight attendant. And that’s the best I can remember.

Q. All right. Baby Rubba is who?

A. I’ve come to find out now that his name is Al, Aldo, but back then he was only known as Baby Rubba.

Q. Is he related to Frank?

A. Yes.

Q. Is Frank somebody you met prior to this time?

A. Prior to --

Q. Did you know who Frank was at this time of the flight going back?

A. I had initially met him in August of 2000. Okay. Then on this -- in the Miami trip, he didn’t even talk to me. Not once.

Q. All right. But -- let me ask you this question.

A. Okay.

Q. You met him in August of 2000. That was your first trip to Neverland?

A. Yes.

Q. And he was there at that time?

A. Yes.

Q. He was introduced to you as Frank?

A. Yes.

Q. At some point in time, did you meet him in Miami? Was Frank there?

A. Yes, but he didn’t talk to me at all in Miami. Zero conversation.

Q. But you saw him there?

A. Yes, I did.

Q. And was he introduced to you as the brother of Aldo and Marie Nicole?

A. No, he wasn’t. It’s the children that told me that that was his brother.

Q. Prior to your going back -- I assume all three of your kids are on this flight.

A. Yes.

Q. And I assume all three of your kids are with you in the hotel --

A. Yes.

Q. -- in Miami.

A. Yes.

Q. Did Davellin go to New York?

A. Davellin?

Q. Yeah.

A. No.

Q. Was she on a shopping spree in New York with Marie Nicole?

A. Never.

Q. You’ve never heard about this, have you?

A. No. There’s a lot of things I haven’t heard, and they just pop up.

Q. Was Davellin a friend of Marie Nicole prior to Florida?

A. No.

Q. Had never met prior to Florida?

A. Never.

Q. Where did you think --

A. And in Miami, Baby Rubba and Marie Nicole were very -- like away from my kids. It’s until they went to Neverland that they were all, you know --

Q. Together?
A. Together, yes.
Q. All right. Now, where did you think this plane was going to go?
A. Well, I thought -- I just thought that maybe it was going to land in Los Angeles, and then, you know, I'm -- you know, and that's it.
Q. Did they tell you it wasn't going to Los Angeles?
A. No, they didn't tell me.
Q. How long did you think you were going to be in Miami when you flew to Miami?
A. Well, just enough to do the press conference - my kids are in school - and come back. That's it.
Q. Did you expect to be back after the press conference?
A. Yes. You know, take care of the problem, that's it.
Q. Excuse me just one moment.
Do you know what day of the week it was that you actually flew to Miami?
A. No, but it was a school day.
Q. It was a school day?
A. Because Davellin -- they had to wait till Davellin got out of school. And I had the boys, you know.

Q. And the next day that you were in Miami, was that a school day as well?
A. I -- yes, I believe so. I'm not sure.
Q. Had any arrangements been made to accommodate their absence from school?
A. No.
Q. Did you have any expectation that they were going to be absent from school for an extended period of time?
A. No.
Q. All right. When did you first learn you were not flying back to Los Angeles?
A. On the flight.

Q. Where did they tell you you were going to be going?
A. Neverland.
MR. ZONEN: May I approach the witness, Your Honor?
THE COURT: Yes.
Q. BY MR. ZONEN: I show you Exhibit 808. Do you recognize what this diagram is?
A. Yes.
Q. All right. And what do you understand it to be?
A. The inside of the airplane.
Q. Excuse me.
Tom, do you have a pen that will write on that?
Do you have a recollection of where you were sitting at that time?

A. Yes. Some things are just burned in here.
Q. All right. So you know where you were sitting. Do you have a recollection of where Mr. Jackson was sitting?
A. Yes.
Q. Do you have a recollection of where your children were sitting?
A. Yes.
Q. At different times during the course of this flight, did people get up and move around?
A. Baby Rubba, Marie Nicole were running all over the place. His kids were running all over the place.
Q. Anybody else?
A. The -- the flight attendant was very busy.
Q. She was very busy?
A. Yes, very busy.
Q. Take a pen, if you would, please. Here's -- let's do blue.
A. Okay.
Q. And if you could, put your initials in the seat where you were, please.
All right. And can you tell us where Mr. Jackson was seated?
A. I'll put his initials or --
Q. Put his initials.

Do you remember where Gavin was seated? Put

“Gavin.”

Do you remember where Star and Davellin were seated?

Shall we go on? Do you remember where everybody else was?

A. Yeah.

Q. How about Baby Rubba, where was he?

A. Okay, over here. That’s why they were -- can I write the rest?

Q. And Marie Nicole, yes.

A. And Paris and Prince. And --

Q. Paris and Prince being Mr. Jackson’s children?

A. Yes. And then Grace was right here.

Q. Grace is the nanny?

A. Yes. Patty’s right here.

Q. Is Patty a nanny as well?

A. Yes. And Farsha, Dr. Farsha, right here.

Q. Okay.

A. And the flight attendant all over the place.

Q. Okay. All right. Is this an accurate depiction of the interior of that flight?

A. Yeah. I guess.

Q. And are the names of the different people accurately depicted where they were sitting?

A. Yes.

Q. Would you, on -- at the bottom of this, just write your first name, right at the bottom, so we’ll

know whose exhibit that is.

Good. Nice large letters.

All right. Your Honor, I’d move to introduce this Exhibit 808 into evidence.

MR. MESEREAU: No objection.

THE COURT: It’s admitted.

MR. ZONEN: May I publish this?

THE COURT: You may.

Q. BY MR. ZONEN: This is the interior of this exhibit; is that correct?

A. Yes. Yes.

Q. Okay. I’m going to hand you the laser, if I could, please. Press that little button right

there.

A. Okay.

Q. Now, you’ve indicated by the names “Gavin” and “MJ,” “Star” and “Davellin” --

A. Yes.

Q. -- as your three children and Mr. Jackson; is that correct?

A. Yes.

Q. Would you show us where “MJ” is?

That’s Mr. Jackson’s seat. And does that face directly ahead towards Davellin’s seat?

A. Yes, right there.

Q. And Gavin was next to him?

A. Yes.

Q. And that faces directly to Star’s seat?

A. Yes.

Q. Okay. There is a “JJ” as we’re further to the right. Is that you?

A. Me.

Q. All right. And that would stand for?

A. “Janet Jackson.”

Q. Janet Jackson. Okay.

Okay. Now, which direction was that seat facing?

A. It faces in that direction.

Q. All right. You were not able to -- from the vantage point of where you were seated, you were not able to see --

A. And then not only that, they’re really, like, big in the back of me.

Q. The seats, you mean?

A. Yes.

Q. And you’re not hugely tall, are you?

Were you not able to see over the top of that seat, then?

A. Yes. They’re not like these chairs. They go past.

Q. It was up above your head?

A. Yes.

MR. ZONEN: All right. Let’s move that down. Yes, this direction.

THE WITNESS: And so do theirs, too. Not just mine.

MR. ZONEN: Perfect. Right there.

Q. Tell us where Dr. Farshshian was.

A. Yes.

Q. And he was facing you?

A. Yes.

Q. And Patty and Grace?

A. Right here.

Q. And let's move in the other direction. And we have what appears to be four people on that.

A. Yes.

Q. Would you describe that seat? What --

A. It's kind of like a couch.

Q. Okay. Are there armrests at all?

A. I don't remember that, but I just remember that it looked like a couch.

Q. All right. And the four of them were on that seat?

A. Yes.

Q. Now, there's another seat that's up above that --

A. Right here.

Q. -- what appears to be a couch. And who sat there?

A. I don't know.

Q. Was the stewardess seated at any time?

A. No, no, the stewardess always sat in the back, because Grace would get mad at her and throw her in the back.

Q. All right.

A. Like she had to be working, because -- and if you were not working, you go back.

Q. All right. Now, was there a person seated in that seat, the one that was directly above from where the couch is?

A. I don't remember.

Q. Do you know if there was another person on the plane you don't recall?

A. I don't recall. But that's -- you know, I don't --

Q. All right. We can take that off, and if we could turn the lights back on.

Now, at some time while you were on that plane, did you see an event that caused you concern?
A. Yes.
Q. What did you see?
A. Um, okay. (To the jury) Please don’t judge me.
Q. If you could, just answer the question.
Tell us what it was that you saw.
A. (To the jury) Please don’t judge me.
At that time I was -- I hadn’t slept for so long. When everybody had fallen asleep -- and it was hours into the flight. I hadn’t gotten up, and so -- and I figured this was my chance to look and see what had -- what was going on back there.

So I got up, and that’s when I saw Michael licking Gavin’s head.
I thought it was me. I thought I was seeing things. I thought it was me.
When we got off the airplane and I asked my son, I asked him, “Are you okay?” He said, “I’m okay.” And that was it.
Q. Do you know if Gavin was awake or asleep at the time?
A. He was asleep at the time.
Q. How could you tell?
A. Because his head was on his chest.
Q. Okay. Where was Mr. Jackson’s arms at that time?
A. Like this.
Q. He had an arm around Gavin?
A. Yes.
Q. Now, I want you to describe what it was you saw. You said you saw him lick him. What part of his head?
A. Like this, over and over.
Q. All right. What part of his head was it?
Point to your head where it was.
A. Right here.
Q. Actually in his hair?
A. Yes.
Q. And do you mean the side of his head?
A. Yes.

Q. Okay. And you said, “over and over.” How many times did you see that?

A. It was just over and over.

Q. All right. Are we talking about a few seconds’ worth or a few minutes’ worth? What?

A. I couldn’t tell you.

Q. All right. Did you say anything to anybody --

A. No.

Q. -- at that time?

A. I looked around to see if anybody was awake, to see if anybody was seeing what I was seeing. And everybody was asleep, that I could see. Like I took a look at Patty and Grace, and I took a look at Farshshian. They were asleep.

Q. Did you say anything to anybody at that time?

A. No.

Q. Did you ever say --

A. I was never going to tell nobody.

Q. Did you say anything to anybody at any time about that event?

A. No.

Q. Who was the first person you discussed that with?

A. I didn’t discuss it with anybody until like way, way after, way after Neverland --

Q. Okay.

A. -- when Star had told me what he had seen.

Q. All right.

A. And then there was like -- everything went, like, backwards.

Q. Okay. Who was the first person that you told of your observation?

A. Me? I think it was the police.

Q. All right. So you had not told anybody about this --

A. No.

Q. -- until a conversation with the police?

A. No.

Q. Do you remember where in this flight that happened, where during the flight?

A. After everybody had gone to sleep.

Q. Could you tell me how many hours into the flight that was?

A. No. Everybody was just sleeping, that I could see.

Q. Where did you --

A. Even the flight attendant, she was like this. She was way, way at the end, and she was like this.

Q. Okay.

THE COURT: All right, Counsel. We’ll take our break. Is it time?

MR. ZONEN: No.

THE COURT: It’s not?

(Laughter.)

THE COURT: All right. Go ahead.

Q. BY MR. ZONEN: When did you learn what airport you landed in?

A. To this day, I still don’t know what airport I landed in. I just know it was near Neverland.

Q. Was it a small airport?

A. I couldn’t tell you, because the car -- as soon as we got off the airplane, the car was right there.

Q. Were you actually in a building when you got out of the plane or were you out on the tarmac?

A. I don’t know what “tarmat” is.

Q. The ground where the airplane --

A. Yeah, when you got off the airplane, there was that big old long car.

Q. So you were outside when you got out of the plane?

A. We got out of the airplane, and the car was there.

Q. You got into the car?

A. Yes.

Q. And you went to Neverland?

A. Yes.

Q. Do you know how long of a drive it was to get from the airport to Neverland?

A. My best estimate is less than an hour. Definitely less than an hour.

Q. Did you know where you were going?

A. Yeah. On the airplane, that's when I found out we were going to Neverland.
Q. Did you have luggage with you and --
A. Yes.
Q. -- and clothing and things like that?
A. Yes.
Q. Okay.
A. And I now know how to travel. Before I used to take just like everything, you know.
Q. All right. Now, when you got out of the plane and you went to Neverland, at some point did you go to a residence in Neverland?
A. Yeah, Michael's house.
Q. Where did you stay that night?
A. In one of the guesthouses.
Q. Do you know approximately what time it was that you arrived at Neverland?
A. Very, very late. Again, like before morning-time.
Q. Do you mean late at night or into the middle of the night?
A. No, past the middle of the night.
Q. So it's almost until dawn?
A. Yeah. And please -- also the time change. There's a time change.
Q. All right. So did you at that point go to bed?

A. No. He had us -- he had the car stop like way at the beginning, and then we all had to walk in the freezing night into Neverland.
Q. So you walked some distance to get --
A. Yes.
Q. Along the driveway?
A. Like the pathway.
Q. All right. And did you go straight to a cottage?
A. No. We went straight into the house. And then from the house, we got our -- all our bags, and then that's where my garbage bag was missing I had tied up to my red sports bag.
Q. So you had a plastic garbage bag --
A. Yes.
Q. -- that contained items?

A. With my stuff. And then I had put -- in the Turnberry bag, I had put my shoes inside there, my Timberland shoes, so they wouldn't dirty the rest of my stuff.

Q. There was a Timberland bag that I assume --

A. No, no. No, no. My Timberland shoes.

Q. I'm sorry, the Turnberry bag.

A. Yes, that I put my Timberland shoes in there so it wouldn't dirty the rest of my stuff inside the garbage white bag. It was one of those big ones that I tied really tight to my red bag.

Q. All right. Now, was that the only form of luggage that you brought with you when you went to Miami?

A. Me personally.

Q. So all of your stuff was in a garbage bag?

A. Yes, plus the red bag.

Q. Plus the red bag. But the red bag was a Turnberry Hotel bag?

A. The red bag was my bag.

Q. It was a separate bag that you had with you?

A. Yes. And the white garbage bag was tied to the handles of my red bag.

Q. Okay. All right. And that --

A. I mean so tight that you have to -- I don't know when you -- if you know, but when you tie a plastic bag so tight you can't untie it anymore, that's how tight I had it.

Q. It was not there when you got to Neverland?

A. No. No, it wasn't.

Q. And you had possessions inside of that bag?

A. Yes, I did.

Q. Did you report that to anybody?

A. Yes, immediately. I told Jesus, and then Jesus contacted Chris.

Q. Chris was --

A. And then he told -- Michael became aware. And Michael said, "It's okay. We'll replace everything in there."

Q. Okay. You told Chris. You told Jesus.

A. Jesus.

Q. Jesus is Jesus Salas?

A. Yes. And Jesus then contacted Chris. And then they also looked all over in the hotel, that maybe some --

Q. Where did you stay that night when you finally went to --

A. Neverland, in the guesthouse.

Q. Where was Davellin?

A. In -- in one of the guesthouses.

Q. All right. Where were the boys?

A. With Michael.

Q. Do you know where with Michael?

A. In -- now I know, okay.

Q. At the time did you know where they were?

A. At the time, no.

Q. You knew they were in the house?

A. Yes.

Q. Did you ever walk into the house during the nighttime?

A. No.

Q. Did you ever make an effort to contact either of the boys while they were inside the house?

A. No.

Q. Did you take your meals inside the house?

A. Me?

Q. Yes. During this time?

A. During -- yeah, you need to specify. During -- prior to leaving with Jesus, in the kitchen area.

Q. All right. Now, when you got there on this -- at this hour, you spent the night there and presumably woke up and left your room the next day.

A. Yes.

Q. Do you have a sense of what time that was when you finally came out?

A. I think it was -- I think it was mid-morning. I think it was morning, mid-morning.

Q. Was Davellin with you?

A. No, Davellin was with Marie Nicole, Baby Rubba.

Q. Did Davellin stay the night in your room?

A. Not in my room. In a guesthouse.

Q. In a different guest cottage?

A. Yes.
Q. Do you know where Marie Nicole or Aldo stayed, or Baby Rubba?
A. Oh, Marie Nicole stood in the room -- they have a bed over there above the theater. There’s a bed. That’s where she slept. And Aldo and the boys, they slept with Michael.
Q. Were you expecting to go back to Neverland?
A. No.
Q. Did anybody --
A. It wasn’t until in the flight did I find that out.

Q. Did anybody ask you if you would go back to Neverland?
A. No, nobody asked me.
Q. Did you want to go to Neverland?
A. No, I needed the kids -- like I told you, they were in school. And I just -- just do this press conference, take care of this, and that’s it.
Q. Had they talked about some press conference? And by “they,” I mean either Ronald or Dieter or Michael Jackson.
A. No.
Q. Now, once you were back at Neverland, did you see either Ronald or Dieter?
A. Yeah. Not immediately. The next day, Dieter came. Ronald came days after, like I think a day or two or something like that. I’m not quite sure. But it was Ronald the next day, and then Dieter afterwards. I mean -- I apologize. Dieter first. Then Ronald.
Q. Was Mr. Jackson there during that few days afterwards?
A. Yes.
Q. How long did you stay at Neverland before you finally left?
A. Well, I stood until Jesus helped me.
Q. All right. I’d like to show you an exhibit, if I may.

Is this in evidence?
(Off-the-record discussion held at counsel table.)

MR. ZONEN: Madam Clerk, let me just confirm that 405 is not in evidence.
THE CLERK: It is not.
MR. ZONEN: Not? Not in evidence.
May I approach the witness, Your Honor?
THE COURT: Yes.
Q. BY MR. ZONEN: Showing you an exhibit at this time for identification not in evidence, No. 405, I'd like you to take a moment and read it, if you would, please.
A. Okay.
Q. It's a full page. Take your time to go ahead and read it to yourself.
A. Okay.
Q. When you're done, just set it down.
A. Okay.
Q. You have completed reading this; is that correct?
A. Yes.
Q. All right. Do you know who Bell Yard is?
A. No.
Q. Does this appear to be a press release?
A. I don't know.
Q. All right. Are you quoted in this document?
A. Yes.

Q. Have you ever made those quotes?
A. No.
Q. Did anybody ever interview you as to the content of this document?
A. No.
Q. Have you ever seen this document before?
A. No. Right now.
Q. This is the first time you've seen it?
A. Yes.
Q. All right. It's attributed to Janet Ventura-Arvizo; is that correct?
A. Yes.
Q. The date is Sunday, the 9th of February, 2003?
A. Yes.
Q. Did anybody contact you on that date about releasing any kind of a press conference -- a press release?

A. No.
MR. ZONEN: Your Honor, I would move to introduce 405 into evidence.
MR. MESEREAU: Objection. Hearsay; no foundation.
THE COURT: I don’t think there is a foundation. I was looking. It was identified on March 2nd, but I can’t recall who identified it.
MR. ZONEN: It was Ann Gabriel, I believe. Let me withdraw the introduction of this until we can do this at another time, for the convenience of the jury. We can debate the issue at that time.

THE COURT: That would be good.
Q. BY MR. ZONEN: How many days did you stay at Neverland?
A. I can’t remember. Until Jesus helped me.
Q. Give us a sense of it. Two days? Five days?
A. No.
Q. Do you have a sense of it at all?
A. No, I don’t have a sense of it.
Q. Okay. And you say that Jesus helped you leave?
A. Yes, he did. And he got into it before that.
Q. Hold on. Listen to the question that I ask and only answer that question, if you would. Okay?
A. Okay.
Q. Now, did you ask anybody to -- did you ask anybody to take you back to Los Angeles before going to Jesus?
A. No.
Q. Did you express to anybody a desire to leave Neverland?
A. Yes.
Q. To whom did you --
A. To Ronald and Dieter.

Q. To Ronald and Dieter?
A. Yes.
Q. Was Mr. Jackson present during the entirety of that time?

A. Yes.
Q. For the period of time until Jesus took you --
A. Yes.
Q. -- home? When you asked Ronald and Dieter to leave, what did they tell you?
A. That I had -- no, because I had to do the rebuttal.
Q. Ahh, all right. A rebuttal?
A. Yes.
Q. Was this the first time that you had any information about a rebuttal?
A. Right on.
Q. All right. And who was it who first spoke to you about a rebuttal?
A. It was Ronald and Dieter.
Q. Together?
A. Yes. First it was Ronald. And then it was Dieter, and then it was both, and they -- you know, they took turns.
Q. You had multiple conversations with them?
A. Yes. But Dieter, before Ronald, was preparing us for that.

Q. Okay.
A. Which I didn't know.
Q. What do you mean, preparing for you that?
A. They had this -- this thing that I guess -- they had extracted all the information from us. It was like a script.
Q. They got information from you. Do you mean about your family?
A. Back in Miami.
Q. All right. But --
A. And whatever else they did.
Q. Did anybody ever talk to you about a rebuttal while you were in Miami?
A. Never.
Q. So it wasn't until you got to Neverland?
A. Yes.
Q. Who was the first one to broach that subject with you?
A. Dieter.

Q. Did Michael Jackson talk to you about doing a rebuttal?

A. No. When I spoke to him, he said, “Do everything that Ronald and Dieter tell you, and it will fix everything.”

Q. Did you have any conversation back at Neverland with Michael Jackson at all?

A. The initial -- when I first got there, I expressed it to him, and he said, “Do everything that Ronald and Dieter tell you to do.”

Q. What he had previously said in --

A. Yes.

Q. -- Miami --

A. Yes.

Q. -- he said again?

A. Yes.

Q. Did you express to him your concerns at that point about Ronald and Dieter?

A. No.

Q. Did you have concerns about Ronald and Dieter at that point?

A. Yes. It escalated towards the middle-end.

Q. What did either one of them tell you about this rebuttal? What did they tell you that was going to be?

A. In answer to -- in answer to everything of the “Living with Michael Jackson.” They were concerned about how he looked. They weren’t concerned about my children, me, anything else. Only him.

Q. Did they explain to you what the rebuttal had to do with your children’s safety?

A. Yeah, “That” - this is another phrase - “that would appease the killers.” I heard that so many times here, it’s just --

Q. All right. Somebody actually used the word “killers”?

A. Yes.

Q. Who?

A. Him. Michael. Ronald. Dieter. Later on, Frank, Vinnie. And you know what? They ended up being the killers.

Q. All right. I want you to listen to the question that's being asked, and only ask that question -- answer that question.

A. Okay.

Q. Answer this question only, all right? Now, who was the first person who mentioned to you "killers"?

A. Michael.

Q. Where was that?

A. That was in Miami.

Q. Now, the rebuttal, did you know what you were doing a rebuttal to?

A. On all -- the answer to the questions of this "Living with Michael Jackson," Martin Bashir.

Q. Now, you hadn't seen it; is that correct?

A. I hadn't seen it.

Q. Did somebody explain to you the content of that?

A. No. They just -- it was a script, and that was it, and expressed -- worked with us daily, numerous times, on what to do, what to do in between the outtakes, what to do before, and that's it.

Q. Who was it -- who talked to you about a

script?

A. Dieter.

Q. Did he show you one?

A. Yes.

Q. Something in writing; is that correct?

A. Yes.

Q. Did he present this script to you that you were actually able to read it?

A. Yes.

Q. What types of things were on the script?

A. Just glowing things about Michael.

Q. Did he say to you why glowing things about Michael would protect your children?

A. Yeah, "That that would appease the killers."

Q. All right. Now, did you tell them that you would do this rebuttal?

A. No. Prior to Jesus, it was a no.

Q. And why did you say no?

A. Because I told them, "What's wrong with the truth?" And that's it.

Q. All right. Now, did you --
A. I had no problems saying something nice, you know.
Q. Did they tell you --
A. But when I had a 45-minute powwow when I got there, I believed everything he said.
Q. Did they tell you that this rebuttal would have not just you, but your children in it?

A. At Neverland?
Q. Yes.
A. Yes.
Q. So who was it who told you that the rebuttal would feature all of you?
A. Ronald and Dieter.
Q. Why did you go to Jesus?
A. Because after asking them to leave so many times and they wouldn’t let me leave. And then they were all working on a positive PR for Michael. They also wanted to point out how they were doing things for the mother and the kids. It was -- they were going to use it -- it went back and forth, and then they were going to use it in lieu, like -- also, like, they don’t think that they were going to put out there. They’re crazy.
So that was --
Q. You don’t remember the question, do you?
A. No.
Q. I don’t either.
A. I thought there was --
Q. Why did you go to Jesus?
A. To help me.
Q. Okay. And did you talk to him about helping you?
A. Yes.
Q. All right. And in what language did you speak with him?

A. I spoke to him both in English and Spanish.
Q. Why is that? Why did you speak in Spanish?
A. Well, because I was very concerned about anybody hearing.
Q. What did you ask Jesus to do?
A. To help me leave, me and the kids.

Q. What did he tell you?

A. He says -- because I had told him that they weren’t letting me go. And he says that, “No one should ever be held if they don’t want to stay there.”

Q. And did you leave?

A. Yes, I did.

Q. All right. Now, during that period of time that you were at Neverland before you left with Jesus, did you go anyplace out of Neverland?

A. Yes, I did.

Q. Where did you go?

A. Ronald and Dieter said, like I told you about Michael’s positive PR, and they wanted to show that he’s doing things for the mother and the kids. And, you know, so -- they had me so wrapped up. I believed everything they said.

Q. Miss Arvizo?

A. Yes.

Q. Where did you go?

A. Okay. I went to, like, a beauty place. And, oh, but get this.

Q. Miss Arvizo?

A. I’m paying for it.

Q. Miss Arvizo?

A. That’s right.

Q. Where did you go?

A. Okay. I went and got my legs waxed.

Q. Okay.

A. And the key thing there --

Q. Hold on, hold on.

A. -- I’ll pay for it, because it was in replacement of my things.

Q. All right. I want you only to answer the question that’s asked of you.

A. Okay.

Q. I want you to listen to the question that’s asked. Would you do that?

A. Sure.

Q. Okay. You went to a beauty salon of some nature; is that right?

A. Yes. Yes.

Q. Did you have a body wax?

A. No.
Q. All right. You had your legs waxed?
A. Yes.
Q. What else?
A. That’s it.
Q. All right. Whose idea was it to do that?
A. Ronald and Dieter.

Q. How did they come up with a beauty parlor?
A. Because they wanted to show that they were doing something for the mother. Positive PR.
Q. Okay. Now, you said you paid for it.
A. Yes.
Q. In what way did you pay for it?
A. Because I -- I told them, “The only way I’m going to do that is if you deduct that from the things that were lost or stolen.” Who knows?
Q. Okay.
A. In replacement of that.
Q. Was that agreed to?
A. Yes.
Q. All right.
A. They said, “Okay.”
Q. Who is it who took you there, to a location?
A. Chris.
Q. It was Chris Carter who took you there?
A. Yes. And then their little surveilling people.
Q. There were other people that came with you?
A. Yes. Yes, their little surveilling filming people.
Q. Where were your children during that time?
A. With Michael.
Q. Did you --
A. The boys were with him, you know.
Q. Did you return back to Neverland?

A. Yes, I did.
Q. Okay. Was that the day that you left?
A. I think it was, because I figured, you know what? That’s it. That’s enough. They got their positive PR, and now maybe I can go.
Q. You went to Jesus?
A. No. After, the Germans are following me

every single place.

Q. Then you went to Jesus?

A. I waited till they fell asleep, and then I went to Jesus.

Q. Did Jesus agree to take you off the property?

A. Yes. Yes.

Q. Did he drive you and your children home?

A. Yes.

Q. Where did you go?

A. To my mom's. They had me scared about going to my mom -- to my own place.

Q. What did they tell you about your place?

A. That the killers had been there, that it had even been broken into. I believed everything they said. Now -- now I don't.

Q. This is the Soto Street residence?

A. Yes.

Q. All right. Did -- did you ask Jesus to take you to your parents' place?

A. Yes.

Q. And did he, in fact, take you there?

A. Yes.

Q. Did you tell either of the two Germans, Dieter or Ronald, where your residence was?

A. The East L.A.? Yeah. Oh, they took care of all of that in Miami. Found out every detail.

Q. They knew where the Soto Street residence was?

A. Yeah. And plus, you know, Michael knew before that.

Q. Okay. He had picked up your children from that residence?

A. Yeah, and I had lived there for almost already five years.

Q. All right. Now, when you went to your mother's residence, you stayed there how long?

A. I can't remember. But I remember Frank convincing me that it's too scary to stay there. And I figured my parents are old, and so I went to Jay's house.

Q. With your children?

A. With my children.

Q. All right. Did --

A. But I still didn't want to go back to Neverland.

Q. So you went to Jay's house?

A. Yes.

Q. And you stayed there for approximately how long; do you know?

A. I don't know.

Q. Were you getting any telephone calls while you were at either your mother's house or at Jay's house?

A. Yes, a lot.

Q. From whom?

A. From Frank. And then Michael had called once and spoke to the boys, and to Gavin.

Q. Mr. Jackson?

A. Yeah. At this point, I think he's still a --

Q. Mr. Jackson phoned personally?

A. Yes.

Q. Was this at your mother's house or was this at your --

A. My mom's house.

Q. Do you know how long after you returned from Neverland it was that Mr. Jackson called your mother's house?

A. Almost immediately. And spoke to both boys. And then to Gavin. But Frank, oooh, all of the time.

Q. You say "all of the time." What does that mean?

A. Oh, gosh, a lot.

Q. What was he saying?

A. That he loves us, Michael loves us, and, you know, loves -- he wants to protect us. I'm in so much danger, me and the children. Just -- just everything in those kind of topics.

Q. Did he describe the danger?

A. Yeah, he said that, "You don't know, Janet. We're receiving constant death threats here about the children." You know, I believed him.

Q. And he was telling you this in your

conversations?

A. Yes. Yes.

Q. All right.

A. But there was so many conversations.

Q. When Mr. Jackson actually phoned --

A. Yes.

Q. -- did you talk with him at all?

A. No. No, Frank had already done the legwork for him, let him know.

Q. The question was only whether or not you had spoken with Mr. Jackson.

A. No.

Q. When you went to Jay Jackson’s home, this is the one on St. Andrews Place?

A. Yes.

Q. In mid-Wilshire in Los Angeles?

A. Yeah, he has a -- had a one-bedroom apartment.

Q. Did the phone calls continue there?

A. Yes.

Q. Were you calling Frank back? Was he leaving messages? Were you returning his call?

A. The ones I returned, probably maybe -- at that time, before returning to Neverland? I think maybe -- maybe once. Once or three times. Very -- definitely less than five. The rest were all him.

Q. Did you believe there was a danger to --

A. And that’s maybe.

Q. Did you believe there was a danger to your children at that time?

A. Yes, I believed them.

(To the defendant) I believed you.

Q. Did Frank, in any of his conversations with you, tell you who it was who posed a danger to your children?

A. No. The killers, you know.

Now when somebody knocks, I say, “Okay, it’s either a subpoena or a killer.”

Q. All right. Did he ever discuss any other matters with you over the telephone?

A. Yeah. Yeah, how much that Michael loved the kids and me. And then about doing this video. And I had told them no, because Dieter and Ronald had scripted it, and so they wanted us to say exactly what they wanted us to say for -- what they wanted us to exactly say.

Q. During this period of time that you were back in Los Angeles - all right? - after Jesus drove you away from Neverland, did the kids go back into school?

A. No.

Q. Why not?

A. Because I really believed them. I did.

Q. Believed that there was what?

A. Killers.

Q. Danger?

A. And then afterwards, I came to find out from Mr. Davie that honestly no reporter ever came to my children’s school.

Q. Were you dealing with reporters at all during this period of time after you came home?

A. When I came home, all I saw was my mom’s tables filled with offers, filled with different offers. Vacation, money, cars. You name it, it was there. It was there.

And so before I had gone to my mom’s, Ronald, Dieter, Michael had filled my head that there was reporters all over the place, and the killers were, you know, every place I was. I really believed them.

And so when I got my to mom’s and saw the table filled, you know, I thought they were telling the truth.

Q. Hold on. Now, the table was filled with what, documents?

A. Yeah.

Q. What kind of documents?

A. Letters. Different letters making offers, making -- for a story, interviews.

Q. With you?

A. With the children, with me, or both.

Q. All right. Did anybody actually call and contact -- and talk to you while you were there?

A. The phone was ringing like crazy, so I would pick it up and pretend it wasn’t me, you know, just in case it was one of my parents' family members, because my mother's mother has Alzheimer's, so my mom and her sister, or a combination, they take care of her, so, you know --

Q. All right. Did you have an opportunity to look at any of those documents?

A. Yes, I did.

Q. All right. And I think that you said that there were offers amongst them?

A. Yes. Yes, there were.

Q. Offers for money?

A. Money, cars, vacations. Just you name it.

Q. Any of them contain dollar amounts?

A. Yes, they did.

Q. How much?

A. One was 100,000 cash.

Q. To do what?

A. To give a story about Gavin.

Q. All right. Did you assume that it was a story about Gavin with regards to Michael Jackson?

A. Yeah. They were very clear on what they wanted. There was -- the only people that were vague was those two reporters way in the beginning.

Q. Okay. But these offers dealt --

A. They were very clear.

Q. In other words --

A. And some were just, you know, "Basically we want to talk," that's all. Not all of them. Some of them were just, "I want to talk." That's all.

Q. Did you call any of these reporters?

A. No, I didn't.

Q. Did you have a telephone conversation with any of these reporters?

A. No.

Q. Did you communicate --

A. Other than the one that said Gavin and all that stuff.

Q. I understand. Did you communicate with any reporters to the extent of telling them that you were willing to do a story --

A. No.

Q. -- and accept payment?

A. Huh-uh, huh-uh.

Q. Did you accept payment from any reporter?
A. No.
Q. Have you given a story to any reporter?
A. No.

Q. And to this day have you?
A. Till this day.
Q. Do you have any arrangement to do a story at some time in the future?
A. No.
Q. Do you intend to give a story?
A. Huh-uh.
THE COURT: Is it time for a break?
MR. ZONEN: I believe so.
THE COURT: Let’s take one.
(Recess taken.)
THE COURT: Go ahead.
Q. BY MR. ZONEN: Miss Arvizo, I’ve been asking you about a series of phone calls that --
THE BAILIFF: Turn on the microphone, please.
Q. BY MR. ZONEN: Miss Arvizo, I’ve been asking you about a series of telephone calls that you received from Frank, and I asked you, I believe, if anybody else had called you about this same issue. Your answer was what?
A. About --
Q. About this matter of returning back to Neverland.
A. Yeah, Michael.
Q. And, okay, anybody else beyond that?
A. Beyond Frank?
Q. Yes.
A. No.

Q. Did he ever talk about any other matter other than that issue, the danger to the children returning to Neverland --
A. Yeah.
Q. -- and the rebuttal?
A. Yeah. And also, you know, about the media, that they were all bad people. And, you know, they -- they made me believe that.
(To the audience) I think different of you guys now. That -- that’s what they made me believe

about you guys, but, you know, you guys are basically good guys, too. You guys are the good side. It's okay.
Q. Miss Arvizo, at some point in time, did you have an opportunity to listen to a tape-recording of one of those telephone calls?
A. Yes, I did. Yes.
Q. Were you aware that one of those telephone calls was actually tape-recorded?
A. No, I wasn't aware.
Q. Do you recall who it was who played that tape-recording for you?
A. The D.A.'s Office at the grand jury.
Q. All right. Was it just prior to the grand jury that you heard it for the first time?
A. It was right prior to the grand jury.
Q. All right. And was it played during the grand jury?

A. It was played during the grand jury.
Q. And you had an opportunity at that time to listen to that tape-recording in its entirety, did you not?
A. Yes.
Q. All right. Do you remember what specific phone call that was?
A. It wasn't one specific phone call. It was many conversations, and the masters of choreography blended it all into one tape.
Q. I want you to just answer the question that I ask you, all right?
It was more than one telephone call; is that true?
A. Yes.
Q. How do you know that?
A. Because I'm the one talking.
Q. You simply remember that it was --
A. That, and also the key thing such as, you know, my being at my mom's, being at Jay's, there's a difference. My children all not being there, and then Gavin being there. Just different little clues. Since I was the one talking, I knew.
And also, one key thing. The original phone number that -- that Frank had given me was very

different than the conversation that ended up being on the tape. And that -- that number was actually towards more over here rather than in the beginning.

Q. I’m not certain I understood that. There was --
A. There were many conversations blended onto one tape and made as if it was only one conversation. So you’re going to hear a series of different conversations all blended into one.
Q. You said there was a phone number that Frank gave you. What did that mean?
A. That phone number, the 201 number, was not the one that was originally given to you, it was a different number, that’s why I know.
Q. 201 being the area code?
A. Yes, sir.
Q. Did you dial that number to talk to Frank?
A. No. Not at that time.
Q. At any time during this period while you were in Los Angeles, before returning to Neverland?
A. Okay. Before returning to Neverland, I’m seeing -- I’m being generous. Maybe if -- maybe less than three, less than five. And I --
Q. Less than three, less than five what?
A. Of if I ever returned a phone call.
Q. You think you might have returned --
A. I may. I may.
Q. You might have returned a phone call to him?
A. Yes.
Q. And perhaps as many as three or five?
A. And I’m guessing one.

Q. Do you have --
A. But, yeah -- after.
Q. Do you have a specific recollection of ever returning a phone call to him?
A. I don’t remember. It was -- because he was calling so much, there was no need for me to return a phone call --
Q. All right.
A. -- at that period.
Q. Was he leaving either voice mail messages or answer phone messages when he called?

A. At that time, I was picking up the call, and there was also some phone messages.

Q. Did you -- can you give us a sense of how many conversations you were actually having with Frank in any given day?

A. With Frank? Okay. On the -- oh, God, no, I can't.

Q. Was the subject of the video, doing the rebuttal, was that something that was frequently discussed in those phone calls?

A. This is when he was pulling me back in.

MR. ZONEN: Your Honor, we have marked -- we have marked Exhibit No. 809 as a tape. Actually, it's on the form of a CD that we would like to play at this time.

(Whereupon, a CD, Plaintiff's Exhibit No. 809, was played for the Court and jury.)

MR. ZONEN: Your Honor, we have a transcript, and we will furnish a copy of that transcript tomorrow morning.

BAILIFF CORTEZ: The microphone, sir.

THE COURT: Again.

MR. ZONEN: We have a transcript of that tape as well. We will furnish the Court a copy of that transcript as a separate exhibit tomorrow morning.

THE COURT: All right.

Q. BY MR. ZONEN: Ms. Arvizo, you've now listened to this tape. Is this, in fact, the same tape that you previously listened to?

A. Yes.

Q. And you have listened to this tape as well during the course of the grand jury hearings?

A. Yes.

Q. You believe that this is a compilation of a few telephone calls?

A. Yes.

Q. What were your feelings about Frank at the time of these phone calls? What did you think of him?

A. Well, I -- I thought he was a good guy. And he ended up being the worst one out of all of them.

Q. At the time of these telephone calls, you had trust in him?

A. Yes, because he was repeating the same things. Not identical, but he was repeating the same things that Michael had told me in the Miami thing; that we were family. He had said that family never leaves family behind.

Q. Did you believe that to be the case?

A. I did. I believed him.

Q. Michael Jackson you had only met on one previous occasion?

A. That’s right. But because he was going -- I knew violence, and so when he presented to me that there was a violence to my son and my kids, I thought, you know, what a nice guy.

Q. Did you believe Frank with regards to the things that he told you in these telephone calls?

A. I’m sorry, what did you say?

Q. Did you believe Frank’s representations to you during the course of these phone calls?

A. Yeah, I did. I did.

Q. Did you believe that you would be sheltered from the Germans if you returned?

A. No, I didn’t return until he told me that they were fired. I believed everything he said.

Q. What did he tell you specifically about the Germans?

A. That Michael had them fired. He found out how they were treating the kids and me, so that Michael fired them.

Q. He asked you on a few occasions during these telephone calls if it would be okay to post a 24-hour guard outside your home.

A. Yeah.

Q. Is that the case?

A. And I said no.

Q. Did you tell him no repeatedly?

A. Yes. There was many conversations.

Q. Did you ever have a guard posted outside your house?

A. Never.

Q. Why did you turn that offer down?

A. Because I didn’t want my parents to know. I had always hidden everything from my parents.

Q. You didn’t want your parents to know what?

A. Because I didn’t want them to get scared, because they’re older. I’ve never told my parents about anything. I mean, they barely know now many things.

Q. All right. Now, I think you said that there was never a guard that came; is that true?

A. That’s right.

Q. When did you decide to return back to Neverland?

A. When -- when Frank convinced me.

Q. In the tape, he mentions a couple times about doing a video. Is that the rebuttal video that you referred to?

A. Yes. And every time I said no.

Q. On one occasion in here, you do tell him that you’d be willing to do that, do you not?

A. Yeah, as long as it’s not a script, because the Germans wanted to me to say exactly what they dictated.

Q. Were you willing to say something at that time that was positive --

A. Yes.

Q. -- about Michael Jackson?

A. I was.

Q. At that time, did you have anything to say about Michael Jackson that was negative?

A. No.

Q. Did you tell him you’d be willing to do that?

A. Yes.

Q. You have references in this interview, or, excuse me, conversation or conversations about Michael Jackson and Frank being family.

A. Yes.

Q. What was that about?

A. Because I believed him.

Q. I’m sorry?

A. I believed him.

Q. And Frank was also making those representations to you?

A. Yes. I wanted friends so bad.

Q. You wanted friends?

A. I did.

Q. And why is that?

A. Because David always told me nobody loved me.

Q. You had talked about David with Frank on these conversations, did you not?

A. Yes, I did.

Q. Did you tell him everything that had happened with regards to --

A. He already had known. I was just gathering. (To the defendant) I was still trying to help you.

I was gathering paperwork to prove of David committing these crimes on me and my kids and my animals.

Q. You were gathering up paperwork for what purpose?

A. To give it to you.

Q. You need to address the question only.

A. Michael.

Q. Why were you gathering up paperwork for Mr. Jackson?

A. Because David was interview after interview and after interview; so they could know that he’s a liar.

Q. All right. You need to explain this to me. David is David Arvizo --

A. Yes.

Q. -- your former husband?

A. Yes.

Q. You say he gave interview after interview after interview?

A. Yes.

Q. With whom?

A. With different reporters. This is what Ronald and Dieter had told me.

Q. And somebody had spoken to you about the interviews that David Arvizo is doing?

A. Ronald and Dieter did at Neverland.

Q. And what did they say to you about those interviews?

A. That David was talking bad stuff about me and the children.
Q. About you and the children?
A. Yes.
Q. All right.
A. And about Michael.
Q. Did somebody ask you to gather up paperwork about David?
A. No, I was just trying to help.
Q. And why did you gather up paperwork for them about David?
A. Just the paperwork, the restraining orders, everything that the court had given me.
Q. What was your purpose for doing that?
A. Well, so that we can have proof that this -- everything that this man is saying from his mouth is untrue. David.

Q. What time was it during the day or evening that Jesus Salas drove you back to your parents' house?
A. I think -- I don't know. Maybe about one-something a.m.
Q. It was in the early morning hours?
A. Yes. About 1:15.
Q. Did you talk with Michael Jackson before being driven back to your parents' house?
A. No.
Q. During the entire time that you were in Los Angeles, either at your parents' house or at Jay Jackson's residence, were the phone calls continuous during that time?
A. Yes.
Q. What finally was it that caused you to decide to return to Neverland?
A. When Frank had said that Michael had fired the Germans.
Q. Was there an understanding about whether or not you would be doing a video once you got back?
A. No.
Q. You hadn't talked about that?
A. No. At that point, no. It was just --
Q. What was your belief about whether or not you would be doing a video?

A. There was -- there was none. He had said that I didn’t have to do it after all.

Q. Did you express to him some reservations about doing it?

A. No, he -- I had told him that the Germans wanted to dictate exactly what we wanted to say, so I was -- I told him no.

And so afterwards, towards when -- the end, Frank had said that, okay, that I didn’t have to do it at all, me and the kids.

Q. Did you go back to Neverland?

A. Yes, I did.

Q. Do you know approximately what time of the day or evening it was?

A. The daytime. Gary came for us.

Q. Before going back to Neverland, did you have an interview?

A. Yes.

Q. With whom?

A. With Brad Miller.

Q. Did you know who Brad Miller was?

A. No.

Q. Had you ever seen him before?

A. No.

Q. Was it prearranged that you would have an interview with him?

A. Yes. Yes.

Q. And who had arranged that?

A. Frank.

Q. Now, you were still in Los Angeles; is that right?

A. Yes. In Jay’s apartment.

Q. And how long prior to that interview was it that you had arranged it or Frank had arranged it with you?

A. Hours.

Q. So it was the same day?

A. Same day.

Q. Did he tell you the purpose for this interview?

A. Yeah. He had called me like in a state of panic, and he was telling me, “Quick, Janet, quick.

We need you to talk to Bradley Miller because he’s a P.I., and he just saw” -- “he just saw David make contact with the killers.”

And then he’s -- he told me about how important it is to say nice things about Michael and that Michael was going to protect me and the kids.

Q. Did you believe it?

A. I believed it.

Q. Did you feel the kids were in danger at that time?

A. Yes, I did.

Q. Why did you agree to have an interview with Brad Miller?

A. Because I believed him.

Q. At which location was this interview?

A. In Jay’s apartment.

Q. And did he arrive by himself, Mr. Miller?

A. Yes, he did.

Q. Did he identify himself to you?

A. Yes, he did. Michael’s P.I.

Q. He told you he was a P.I.?

A. Michael’s P.I.

Q. You’ve had an opportunity to listen to a tape-recording of that interview, have you not?

A. Yes, I have.

Q. Do you recall at some point during the course of that interview him turning the tape off?

A. Yes.

Q. Do you know why?

A. I had walked in for that second, and then I had walked back out right after he had turned it back on, and he said that -- that -- here’s that phrase, to say nice things about Michael, because that would appease the killers. That phrase is burned in my brain.

Q. And were you in the room during the entirety of that interview?

A. No. I kept coming in and out, because Jay in the beginning, he was kind of like very -- now he’s softened up, but before, he was very military, very -- everything had -- everything was organized, everything was -- his things were his things.

And so I noticed that he was kind of getting a little upset, because he was walking back from the -- from the living room where we were at into his bedroom, so I was kind of nervous that he was getting upset, so --

Q. So you were checking on him periodically?

A. Yes. Yes.

Q. Do you know how long that interview went?

A. It -- I since have seen the transcript to it, and it shows an ending time, and the ending time is inaccurate. It's incorrect.

Q. What do you think is the length of that interview?

A. The length of the interview from when he was there is -- it's about an hour, a little over an hour, but the time that it has on the transcript doesn't reflect that.

Q. Did Mr. Miller explain to you why he was there?

A. Yes. For what Frank had said. The same purpose.

Q. Did he give you any instruction as to what to say before turning on the tape-recorder?

A. Yeah, he fed us. Sometimes we would rewind, stop, rewind, stop. And so he was feeding us, but everything I said, I said it with my heart.

Q. All right. And you said nice things about Mr. Jackson, did you not?

A. Yes, I did.

Q. And did you believe those things at that time?

A. Yes, I did.

Q. You would have said those things even if he hadn't rewound the tape-recorder?

A. That's right.

Q. Did you then go back to Neverland?

A. Yes, I did.

Q. Did Mr. Miller talk to you about going back to Neverland?

A. No, he didn't.

Q. Who was it who made the arrangements for you to return to Neverland?

A. Frank.

Q. Do you know if that was the next day?

A. That was the next day.

Q. When you got back to Neverland, what did you see?

A. And another thing, too, that I seen, which I wasn't that correct on, I noticed that there is -- the only way I can know this is because when Chris Carter brought me back, immediately the phone -- the phone stuff was subpoenaed, so on the day that I used Chris Carter's phone is the day that --

Q. We're jumping ahead of ourselves.

A. Well, okay. I feel the date may be incorrect also. But the only reason is because I found out afterwards of that phone call.

Q. We're going to get there. We're going to get there.

You're back in Los Angeles. Who is it who brought you back to Neverland?

A. Gary Hearn.

Q. Did you go with your children?

A. Yes, I did.

Q. Do you know what time it is, approximately, that you arrived at Neverland?

A. I think it was the afternoon.

Q. What did you see when you got there?

A. Ronald and Dieter.

Q. Did that surprise you?

A. Minutes -- minutes into being inside the house.

Q. Which house?

A. Michael's house.

Q. Did you go to his house soon after arriving at Neverland?

A. Yes.

Q. Did you see if Michael Jackson was there?

A. Yes. I saw him. He went straight to my kids.

Q. And where did your kids go?

A. With him to his office.

Q. All three of your kids?

A. Yes. And then I saw Davellin, and then she went back in. But they were in his office.

Q. Did you speak with Mr. Jackson at the time that you arrived?

A. No.

Q. Did you see the two Germans, Dieter and Ronald, immediately?

A. Yes.

Q. What did you do when you saw them?

A. I knew now that Frank had been lying to me the whole entire time.

Q. What did you do when you saw them?

A. I told them that I had an emergency and I have to go back home, me and the kids have to go back home.

Q. And who did you say that to?

A. I said it to Ronald and I said it to Dieter.

Q. What did they say?

A. They said no, I couldn't; that the kids have to stay. If I have an emergency, I can go, but the kids had to stay. And that at this point is when they had pointed out to me that my outside phone calls are being monitored, that I'm being watched, listened to, and they can make my kids disappear.

Q. Was this the first time --

A. And that anybody -- anybody I told -- and at this time I'm like, what am I going to tell? That we're walking across the grass? You know, what am I going to tell? And that anybody that I told, their life was going to be in danger.

Q. Did you make a decision at that time as to whether you would leave?

A. Yes.

Q. What was that decision?

A. Because that's the only way I could get out, because the other time it took -- it took a long process for me to leave. And this time, Jesus had told me he couldn't help me.

Q. What was that decision that you made? To leave?

A. To leave.

Q. To leave, all right. Did you speak to anybody else other than Ronald and Dieter about leaving?

A. Yeah, well, Jesus, I asked him for help. We went from the -- from the video place, tried to talk -- I tried to talk secret with him in Spanish because I was talking to him in English and that’s when Dieter had walked up, and then I -- and then I tried to talk to him in Spanish.

And we went to the train station, and we went up -- up to the -- way up on the top, and I tried to talk to him, plead for him to help me, and he said he couldn’t help me anymore, because when I had -- when I had left, the whole house turned into chaos.

Q. Did you ask him specifically to take you back to Los Angeles?

A. Yes, I did. Me and the kids.

Q. He told you no? What did he tell you?

A. That he couldn’t; that to ask Chris for help, because he doesn’t know, and -- and I found out that everybody was on a need-to-know basis; that not unless they stumbled upon the problem or they were pulled into it, other than that, everybody was clueless.

Q. Okay. All right. Did you go talk to Mr. Carter?

A. Well, what happened was, when -- I was going to look for him, but I didn’t have to -- have to look for him, because I happened to see him, so -- and that was Jesus’s advice.

Q. Did you know Chris Carter from a prior visit?

A. Yes, from when I was there. He’s Michael’s personal bodyguard.

Q. Was he somebody who had been nice to you in the past?

A. Yes, he was.

Q. Did you go up and ask him if you could leave?

A. Yes.

Q. Did you ask him if your children could as well?

A. I did mention it to him, but that’s when I seen the Germans again, so I completely, you know, “pshooo,” played it off; it was just an emergency.

Q. Did he say he would take you?
A. Yes, he did.
Q. And did you leave?
A. Yes, I did.
Q. Did you leave with your children still at Neverland?
A. Yes.
Q. Why did you do that?
A. Because I did. Because of the reasons that I just told you.
Q. Now, you mentioned earlier that in the drive back to Los Angeles, you used Mr. Carter’s cell phone?
A. Over and over. And I used the phone inside your car.
Q. Who were you calling?
A. Calling Jay over and over. But -- and I was praying in the car. And --
Q. Were you scared?
A. Yes.
Q. What were you worried about?
A. That they were going to make true on everything that they had said.
Q. Were you able to reach Jay on the telephone?
A. No.
Q. Where did Mr. Carter take you?

A. To Jay’s.
Q. And did he drop you off there?
A. Yes.
Q. Do you recall at approximately what time you arrived?
A. Oh, I don’t know, but that -- that telephone call is -- you could see it on the subpoenaed phone record.
Q. Whatever time that is would be the time that you were in the vehicle?
A. That’s the time. That’s the time.
Q. Do you remember how many phone calls you made to Jay during that time?
A. A lot of them.
Q. At one time during the course of this phone conversation or conversations that we just listened to, Frank mentions a trip, going someplace; says

you’ll be dancing every night. Do you remember that conversation?
A. Yes, I do.
Q. Did you have more than one conversation with Frank about going someplace?
A. Yeah. They wanted us to leave the country.
Q. Did they tell you where they wanted you to go?
A. Well, this is in Neverland, when I -- and I found out that they were monitoring my phone calls inside Neverland. They had first mentioned Austria.

And so I had mentioned it to -- to Jay, I think it was Jay, over the phone, and then they came in hollering, because nobody was supposed to know. Then they found out that I had -- that I knew Spanish and was a Spanish-speaking country, and the end result was Brazil, so I knew that they wanted me out of the country since then.
Q. All right. They were talking about going to Brazil?
A. Yes.
Q. They’d actually begun that conversation prior to Jesus taking you out?
A. Prior to Jesus.
Q. And during the phone calls that you had with Frank, did he mention that?
A. Yes.
Q. Did he mention it more than once?
A. Yes.
Q. Did he mention it often?
A. Yes.
Q. Did he ever mention locations other than Brazil?
A. No. It ended up being Brazil.
Q. Did he tell you why he wanted you to go to Brazil?
A. At first -- everything -- everything evolved. At first, it was to keep me and my children safe from the killers. Then -- then it

just evolved into that, into -- and one of the maximum points was until they had damage-controlled everything for you.

Q. No, you need to address us, okay?

A. I mean for Michael. And it escalated to that there was no definite time of return, until they fixed everything for you, for Michael.

Q. Now, at some time after you came back to Jay’s residence, at some point around that time, did you become aware of the fact that the Department of Child & Family Services wanted to talk with you?

A. Immediately.

Q. Do you remember if that was before or after you went back to Neverland?

A. When Chris Carter brought me back, immediately like that, so then I said yes, I’m going to use this as an excuse to get my children out; that I need them for that.

Oh, they went into high gear now, more.

Q. Hold on. We’ll get there. We’ll get there, okay?

Now, who was it who called you from the Department of Child & Family Services?

A. On the phone I spoke to three ladies at three different times, because I was trying to meet with the Child Protective Services by myself, in their office, because I figured -- because I believed what the Germans had said. So I figured, you know what? Maybe inside their office, you know, it’s going to be safe to express to them that my children are still there and they’re not letting them out.

Q. Did you ask somebody among them if you could interview with them at the office?

A. Yes, and they said no. They were not helpful.

Q. Who is “they”?

A. Karen Walker. LaVerne. And I think -- I don’t know whether it’s Jackie or Yvonne. She goes by two --

Q. There were two people that you had spoken with?

A. Three.

Q. All on the telephone?

A. Yes.

Q. Same conversation or different

conversations?

A. Different conversations, because I couldn't make them aware over the phone that - because I believed that my phone calls were being monitored - that they were over there.

Q. Did you know why they wanted to meet with you?

A. No.

Q. Did they tell you why?

A. No.

Q. Did they tell you whether or not it had something to do with Michael Jackson?

A. No. They said that it -- that they would let me know in the meeting.

Q. All right. Did --

A. They didn't let me know of any allegations till the meeting.

Q. Did not discuss this video, the "Living with Michael Jackson"?

A. Nothing.

Q. Were you aware, prior to your meeting with Child Protective Services or, as they call it, their Department of Child Family Services, whether or not that meeting had something to do with this documentary "Living with Michael Jackson"?

A. Not until they had the actual meeting.

Q. Okay. Now, did you tell anybody at Neverland about the fact that you'd been contacted by representatives of the Department of Child & Family Services?

A. Yes. I had called the administration office. I had called -- I had called -- I had called Jesus. Jesus did not return a -- not a single phone call of mine. And the administration offices, their business offices did not return any of my phone calls. And then so there was contact made between Frank and me.

Q. All right. Now, Frank then called you back?

A. Yes. I don't know whether he called -- I can't remember this fact, but maybe by the phone records you can.

Q. Okay.

A. I don’t know whether they told him to call me or I called him. I don’t know. But at that point I was completely desperate.

Q. Did you -- did they -- by “they” I mean the people from Child -- the Department of Child Family Services, DCFS, did they request of you to have your children present during that interview?

A. Yes.

Q. Did they tell you that that was necessary?

A. Yes; that they have to see them themself.

Q. All right. Did you communicate that to Frank?

A. Yes.

Q. Did you tell anybody else that; that you needed to have the children there?

A. No, that’s all. My one conversation was now only with Frank.

Q. All right. And tell me about the conversation that you had with Frank about this interview with DCFS?

A. I’m sorry, did you say --

Q. Did you have a conversation in particular with Frank?

A. No, not “a.” Many.

Q. Many, all right. Do you remember any of these conversations?

A. Yeah. That -- I mean, my kids, because of this meeting.

Q. What was Frank telling you during that time?

A. At first, it was no, unless I do the video. Then it evolved into -- it evolved into more.

Q. Well, what more? I mean, what specifically was he telling you about the video and the children?

A. Well, it evolved. Right before the video, it evolved into that if I did a good job, I wouldn’t have to leave the country.

Q. At some point in time did you agree to do a video?

A. Yes, I did.

Q. Did somebody say to you that the video needed to be done before the interview?

A. Yes.

Q. Who was that?

A. Frank.

Q. What specifically did he tell you about that?
A. That I had to do it.
Q. You had to do it before?
A. Yes.
Q. All right. Now --
A. The meeting could not take place prior to the video. The video had to take place prior to the meeting.
Q. Do you have a recollection at this time of the dates that these particular events --

A. Yes.
Q. In other words, if I were to ask you specifically the date of the initial phone call from the Department of Child Family Services.
A. Oh, no, that I wouldn't be able to tell you. I need your help on the phone records.
Q. Do you know the date?
A. But I know it was like that, immediately.
Q. Immediately after you returned?
A. Yes, with Chris Carter.
Q. Do you know the date that was scheduled for the interview?
A. Yes, that I do. The 20th.
Q. And what day was that? The 20th?
A. The 20th. I --
Q. And do you know what day of the week that is?
A. I think that was a Thursday. I think. I think so. I -- I think so. Thursday and the 20th go together in my mind.
MR. ZONEN: If the Court will once again take judicial notice that the 20th -- I'm sorry, I gave you my calendar. I believe it is a Thursday, but could the Court check and perhaps we could take notice of that.
THE COURT: Thursday is the 20th.
MR. ZONEN: It is a Thursday, then.
MR. MESEREAU: May I just see it for a second?

MR. ZONEN: He doubts you?
MR. MESEREAU: Thursday is the 20th. Thank you. So stipulated.
THE COURT: All right. Is this a good place to stop?

MR. ZONEN: Yes, Your Honor.

THE COURT: Is it time to stop?

Okay. We’ll stop. See you tomorrow morning at 8:30. Remember the admonitions.

(The proceedings adjourned at 2:30 p.m.)

--o0o--

REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 5953 through 6138 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 13, 2005, and thereafter reduced to typewriting by computer-aided

transcription under my direction.

DATED: Santa Maria, California,
April 13, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

THURSDAY, APRIL 14, 2005

8:30 A.M.

(PAGES 6140 THROUGH 6198)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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(Not Present)

INDEX

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
JACKSON, Janet	6144-Z (Contd.)			

E X H I B I T S

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
24	Photograph	6165	6166
810	CD of DCFS interview	6178	6187
811	Releases given to Janet Arvizo for signature	6194	
812	Unsigned releases given to Janet Arvizo for signature	6194	

Santa Maria, California
Thursday, April 14, 2005
8:30 a.m.

THE COURT: Good morning.
THE JURY: (In unison) Good morning.
COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.
THE COURT: Ready to proceed?
MR. ZONEN: Yes, Your Honor.

THE COURT: Go ahead.

JANET JACKSON
Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION (Continued)
BY MR. ZONEN:
Q. Miss Arvizo, good morning.
A. Good morning. How are you?
Q. When we left off yesterday, we had been talking about the interview with Brad Miller that took place at your then boyfriend’s house, Major Jackson; is that correct?
A. Yes.
THE BAILIFF: Is your microphone on?
MR. ZONEN: Yes. Just need to be closer, okay.

Q. When was it that you returned back to Neverland after that interview?
A. The next day.
Q. And did you return back with your children?
A. Yes, I did.
Q. Did you have an understanding about that with Frank?
A. Yes.
Q. When was that conversation? When did that conversation take place?
A. Every day, many conversations. Even on that day, the next day.
Q. Was there a conversation with Frank after the interview with Brad Miller?
A. Yes. Even during.
Q. Even during?
A. Yes.
Q. Did he call during that?
A. Yes, he did.
Q. And did you speak with him during that?
A. Yes.
Q. All right. Tell me about the understanding that you had with Frank about returning to Neverland.

A. That the Germans had been fired, and -- and me and the kids were coming back, and we didn’t have to do the video at that point.

Q. And that’s when you went back to Neverland; is that correct?

A. That’s when I went back.

Q. Now, there was going to be a DCFS interview; is that correct?

A. Yes.

Q. And that was going to be on the 20th?

A. Yes.

Q. Tell us about the conversation that you had with Frank about the rebuttal video.

A. Okay.

Q. And specifically in time after you had learned that there was going to be an interview with your children with DCFS.

A. First, he had told me, no, that he wasn’t going to bring the two kids back. It evolved and that made me very stressed. And then he says the only way they’ll bring back the kids if I do the video. And then it evolved into that I wouldn’t have to leave out of -- leave the country.

Q. You were already having conversations with Frank about leaving the country?

A. Oh, yeah, that had been since --

Q. And had the location of where you were supposed to go already been resolved?

A. Yes, Brazil.

Q. Brazil? All right. You then went back to Neverland, you’ve already described. And then you then turned around and went back to Los Angeles; is that correct?

A. Yes.

Q. Now, the rebuttal video took place where?

A. At Hamid’s house.

Q. Can you tell us when it took place?

A. The 19th until the 20th, like past 11-something at night, all the way into the a.m. hours.

Q. The 19th of February being a Wednesday, I think we've already established.
A. Yes.
Q. So it was late at night?
A. Yes.
Q. Into the morning hours?
A. Yes.
Q. Where did it take place?
A. In Hamid's house.
Q. And Hamid is who?
A. His personal videographer.
Q. Had you met Hamid before that day?
A. I don't think so.
Q. Do you know Hamid's last name?
A. Moslehi.
Q. Moslehi?
A. Yes.
Q. How did you get to Hamid's house?
A. Vinnie drove me.
Q. Do you know where Hamid lives?

A. And that's the first time that I met Vinnie.
Q. That's the first time you met Vinnie?
A. Yes.
Q. Do you know where Hamid lives, or at least lived at that time?
A. No. I just know we drove a long way, and I met -- they said something about San Fernando Valley, but I really don't know where he lives.
Q. Do you know how long it took to drive from Jackson's apartment to Hamid's residence?
A. No, I couldn't tell you.
Q. Could you describe Hamid's residence to us?
A. Yeah, I can.
Q. Go ahead and do so.
A. He has a bedroom. Rest room. The dining area, but he had -- to me, I assumed it was a dining area, but he had, like, some kind of table there, and then this open area and the kitchen. But everything's, like, in -- open.
Q. All right. Now, were your kids there?
A. Yes.
Q. Were they there when you arrived?

A. Yes.
Q. Do you know how your kids got there?
A. My understanding is that Hamid took them there himself.
Q. All right. And you say somebody named “Vinnie” took you; is that right?

A. Yes.
Q. Do you know Vinnie’s last name?
A. Amen.
Q. A-m-e-n?
A. Yes. Yeah.
Q. All right. You had never met Vinnie before?
A. No.
Q. Did he introduce himself to you in some fashion?
A. Well, actually, Frank did the introduction before.
Q. Frank did the introduction in person?
A. No, no, no. No. Frank, over the phone, told me about Vinnie.
Q. All right.
A. And then Vinnie had shown up.
Q. So you knew in advance somebody named “Vinnie” was coming?
A. Yes.
Q. Did Frank tell you who Vinnie was?
A. Yes.
Q. What did he say about Vinnie?
A. That he’s one of Michael’s people.
Q. Did he arrive with anybody else or by himself?
A. By himself.
Q. Do you know approximately what time it was?
A. It was about -- I don’t know. My best

estimate, probably about 11:00.
Q. Do you know why this video was done at Hamid’s house in the San Fernando Valley?
A. Yeah. I didn’t want to go back to Neverland.
Q. Did you say that to somebody?

A. Yes, I said it to Frank.

Q. All right. Now, at the video at Hamid’s house, tell us who else was present.

A. Oh. In Hamid’s house, Brad Miller’s there, on top of the film crew, Hamid, Vinnie, and Frank continuously on the telephone.

Q. All right. So Miller was there, Brad Miller?

A. Yes.

Q. Was he already there when you arrived?

A. Yes.

Q. Hamid, I assume, was already there?

A. Yes. My kids.

Q. Vinnie came with you?

A. Yes.

Q. Your three kids?

A. Yes.

Q. Anybody else that you can recall?

A. Yeah.

Q. Who else?

A. Christian. The one who’s asking the scripted questions.

Q. Christian was there?

A. Yes.

Q. Were either of the Germans there?

A. No. No Germans.

Q. But there were scripted questions?

A. Yes.

Q. Were these questions that you had already seen?

A. Yes.

Q. And who had shown them to you?

A. Dieter.

Q. And when was that?

A. In Neverland.

Q. Was that prior to your leaving Neverland?

A. Yes. Prior to leaving with Jesus. And it continued afterwards with Frank on the phone.

Q. So Frank went over the questions as well?

A. Yes.

Q. What essentially was it that they wanted you to say?

A. Basically he's a -- you know, a father figure, everything in an answer to this Bashir thing.

Q. All right. But what specifically was it that they asked you to say?

MR. MESEREAU: I'm going to object to the word "they" as vague.

THE COURT: Just a moment, please.

Sustained.

MR. ZONEN: I'm sorry, I didn't hear.

THE COURT: The word "they."

MR. ZONEN: Oh, yes, that's fine.

Q. Let's start with Frank. Tell us what exactly it was that Frank wanted you to say in this video.

A. What I got in trouble for or what I ended up actually saying?

Q. No, no. Tell us, in advance of doing this video, what was it that Frank wanted you to say on this video?

A. That he's a wonderful father.

Q. Did he use the word "father"?

A. Yes. Basically, in summary, that he's a wonderful father.

Q. Now, with regard -- in regard to his own children or in regards to your children?

A. To my children.

Q. Did you feel that that statement was accurate?

A. I was confused. I was confused, and I was sad at that moment.

Q. What was your confusion?

A. Well, because I -- I -- as things evolved, I ended up finding out who were the bad guys.

Q. I'm asking you, now that you had this conversation with Frank --

A. I was confused with him, because I still believed his initial meeting in Miami. But I was still -- and I was sad and confused as to why everything was happening. I didn't know why.

Q. Did you, in fact, say on the video that you thought he was a father figure to your children?
A. I think so. Many times. In different ways.
Q. Did you mean it when you said it?
A. I was confused. I was sad. So basically I was acting.
Q. What would you have been willing to say on his behalf at that time if you had not been given a script?
MR. MESEREAU: Objection; calls for speculation.
MR. ZONEN: Relevant for her state of mind.
THE COURT: Overruled.
You may answer.
Q. BY MR. ZONEN: Do you understand the question?
A. Yes. Nice things.
Q. Nice things like what?
A. Nice things of everything; that I believed him in the initial meeting that he had told me in Miami.
Q. Up to this point, had you had any reason to be concerned about Mr. Jackson?
A. No. I was just sad and confused.

Q. The incident that you saw on the plane returning --
A. Yes.
Q. -- him licking Gavin --
A. Yes.
Q. -- was that something that you were thinking about at the time of this video?
A. No, I --
MR. MESEREAU: Objection; leading.
THE WITNESS: I thought it was --
THE COURT: Sustained.
Just a moment.
The answer is in, but I’ll sustain the objection. Next question.
Q. BY MR. ZONEN: What was your thought process with regards to that licking incident?
MR. MESEREAU: Objection. Leading; foundation.

THE COURT: Based on her answer to the question that I sustained the objection to, I'll sustain this objection.

MR. ZONEN: All right.

Q. Did you have any concerns about Mr. Jackson at all during the course of that video?

A. I said I was confused and I was sad, and that's it. And the prior incident on the airplane, that had already been out of my mind.

Q. Did they talk to you about how you would dress for this video, or makeup, or anything like that?

A. No.

Q. Did you do all that on your own?

A. No. Right there, inside the -- when I had arrived there, Vinnie had told me to go ahead and put some more on, and -- but Frank -- and that was per Frank's instructions to Vinnie.

Q. Hold on a second.

A. Because Vinnie had given him like an update to how I looked.

Q. Now, did somebody talk to you in advance of your going to Hamid's house --

A. Yes, yes, at Jay's house.

Q. You have to let me finish the question.

A. Oh, okay.

Q. Did somebody talk to you in advance of your arrival at Hamid's as to how you should dress, how you should wear your hair, or how you should wear makeup?

A. To put on makeup, because usually I don't put on makeup.

Q. And who was it who talked to you about that?

A. Frank.

Q. And that was over the telephone?

A. Yes.

Q. Did you have any further discussion with anybody at Hamid's house about makeup or hair or dress?

A. Well, Vinnie had given Frank an update as to

how I was. And then Vinnie, per Frank's instructions, told me to put some more on.
Q. Some more what?
A. Makeup.
Q. How about clothing, who made the decision as to what clothing you would wear?
A. Nobody.
Q. You made that decision on your own?
A. I just -- yeah, yeah.
Q. Do you know what time that video started?
A. I think it was about -- I think it was about 3:00 a.m. I'm not sure.
Q. Do you know what time it was that you arrived at Hamid's house?
A. No. It was already the a.m. hours.
Q. What time did you -- what time was your meeting with the Department of Child & Family Services?
A. It was scheduled at 9:00, and -- but it started around 10:00.
Q. And you're talking about the next morning?
A. Yeah. And I hadn't slept all night.
Q. All right. The -- the video then ended at approximately what time?
A. I wouldn't be able to tell you. I wouldn't be -- but it was definitely -- it was already

morning, a.m. hours.
Q. Did you have any sleep at all that night?
A. Zero. Zero sleep.
Q. Before the video, did you have a conversation with anybody over the telephone?
A. Before the video?
Q. Yes.
A. Yeah.
Q. With whom?
A. With Vicky Poderevski.
Q. How -- tell me how that came about.
A. Brad Miller dialed the phone, his private investigator. And he handed it to me, and this woman was on the phone.
Q. Did he tell you in advance that he was dialing that number?

A. No.

Q. Did he tell you in advance who he was calling?

A. No. And that was scary.

Q. When he -- so the first time you knew you were getting on the phone with somebody is when he handed you the phone?

A. Yeah, he dialed the number and handed it to me.

Q. Did he tell you who the person was?

A. No. Zero.

Q. Or why he wanted you to talk to this person?

A. No.

Q. And the person at the other end of the line identified herself as who?

A. Vicky Poderevski, an attorney for Michael Jackson and Geragos.

Q. And what did she tell you?

A. I came to find out per the investigation now, but this is what they told me then.

Q. I'm asking you what you understood at the time --

A. Okay.

Q. -- not what you've learned since.

A. Okay.

Q. All right? At the time of this conversation, what did Miss Poderevski tell you?

A. That she was an attorney for Michael Jackson and Geragos.

Q. And what did she recommend to you?

A. She recommended that she be present at the CPS meeting.

Q. And what did you say?

A. "No."

Q. Did she talk to you about who would pay her bill at all?

A. No.

Q. Was there any discussion about payment?

A. No.

Q. Why did you say no, if she was offering her services?

A. Because I -- in the past, I had spoken to, not these same exact people, but a different department -- same department but different group of people, and different city. And they were nice people.

Q. And that was in --

A. Actually, it was a person. Nice person.

Q. When was that?

A. That was when David had been arrested. They had sent someone from that department. But totally different city. Totally different building.

Q. All right. But your experience with them was what at the time?

A. It was positive. And you know what I liked about her, is that she was concerned about my kids, not me.

Q. You’re talking about the prior experience?

A. The prior one.

Q. All right. Did you have concerns about the meeting the next morning?

A. Yes, I did.

Q. What were your concerns?

A. That my children were going to be taken away from me.

Q. Did somebody tell you that?

A. Yes.

Q. Who?

A. Vicky.

Q. Did you, in fact, have somebody present with you at that time?

A. At the CPS meeting?

Q. Yes.

A. Not by my choice.

Q. Now, who is it that took you to the meeting with the Department of Child & Family Services?

A. Vinnie. Vinnie took my children and me back to Jay’s.

Q. Was anybody else present during that time?

A. No.

Q. I mean in the car coming back.

A. No.

Q. Just Vinnie, you and your children?
A. Yeah, and then another car following us.
Q. All right.
A. There was always --
Q. Do you know approximately what time in the morning it was you arrived back at Jay's house?
A. I think it was -- it was about one hour prior to Jay going to work.
Q. So Jay was still there when you arrived?
A. Yeah.
Q. Had you told Jay in advance that there was going to be that meeting at his house?
A. I think so.
Q. Did Jay stay for that meeting?

A. No.
Q. Tell us, at the point that everybody arrived at the apartment, how many people did you have at the apartment?
A. Vinnie, me, the children, and then that -- those people that were following us.
Q. Excuse me.
A. But they --
Q. I'm sorry, do that one more time for me. I didn't hear. Who was there?
A. Me, Vinnie and the children, and those people that were following us.
Q. You, Vinnie, the children, the people in the other car?
A. Yes.
Q. Was it just one other car?
A. Yes.
Q. At some point in time, did you see who those people were --
A. No.
Q. -- or who they were?
A. No.
Q. Who actually went into the apartment with you?
A. Vinnie.
Q. Was Aja there at that time?
A. In -- in the meeting? Are we talking about the meeting now?

Q. We’re at Jay’s house now.
A. Okay.
Q. We’ve left Hamid’s house, all right?
A. Okay.
Q. And I think you said you arrived about an hour before Jay went to work.
A. Yes. And my children --
Q. Can you tell us what time that was, if you can recall?
A. I don’t know. The best I can recall is maybe 5:00 or 6:00 a.m. That’s the best -- and that’s just an estimate.
Q. The people who were in the other car, did they go into the apartment with you?
A. No. No.
Q. At what time did the people from the Department of Child Care Services arrive, Child Family Services?
A. Okay. The meeting was scheduled for about 9:00, but it didn’t start until about 10:00. So I don’t know. It’s within that time bracket, because -- can I -- can I continue?
Q. Let me -- I’ll go ahead and ask.
A. Okay.
Q. Tell us who was there at the time that the workers from the Department of Child Family Services arrived.
A. Before the CPS people arrived?

Q. Yes, before. Just before.
A. Okay. I know him as CPS, DCFS, different names. But they’re all the same people to me, okay? Asaf had arrived before those three ladies did, before Aja did.
Q. And Aja?
A. Yes. Aja arrived just about the same time as the ladies did.
Q. Was Vinnie still there?
A. Vinnie, no, no.
Q. Vinnie had left?
A. Yes.

Q. So he wasn’t in the apartment?
A. No. But he was within the area, now it’s my understanding.
Q. But you didn’t see him in the apartment?
A. No, I didn’t.
Q. Was Asaf in the apartment?
A. Asaf was inside the apartment way before the CPS people were.
Q. Did Aja arrive?
A. It’s almost as if Vinnie went out, Asaf came in, like that.
Q. All right. How did Aja happen to be there?
A. Per Frank’s instruction, it was in -- per my -- my suggestion -- his suggestion, my suggestion, it was kind of like a compromise.
Q. Well, did you call Aja?

A. Yes, I did.
Q. The “Aja” we’re referring to is Chris Tucker’s girlfriend; is that right?
A. Yes.
Q. And your relationship with her up to that point you would describe as how?
A. Real nice.
Q. Why did you want her to be there?
A. Well, it was -- like I said, it was kind of like a compromise going back and forth with Frank, until finally, I had to pick someone that he approved of, and he approved of Aja.
Q. Why were you picking anybody, picking somebody to do what?
A. Because Frank wanted an independent person there, an independent person, because that’s per how they use their choreography, they pull in unsuspecting people until they stumble upon it.
Q. Why did you want Aja there?
A. I trusted her.
Q. Why did you want anybody there?
A. I was okay meeting with the CPS people by myself, but it was per Frank’s instructions, and then it ended up being a back-and-forth compromise that he approved of her.
Q. Did Frank tell you who he wanted to be

present during this meeting?
A. No. He suggested Chris’s girlfriend, and then it went back and forth, and I -- I -- go ahead.

Q. “Chris’s girlfriend” being Aja?
A. Yes. And so I figured it would be okay. So there was a period of compromising who.
Q. Is Asaf somebody you knew prior to that day?
A. No.
Q. That was the first time you met him?
A. Yes.
Q. Do you know Asaf’s last name?
A. No. I never learned it.
Q. Did you see him again after that day?
A. Asaf?
Q. Asaf.
A. I -- I think -- I think I did see him briefly. I don’t remember clearly, but I think it was a period between -- when I was in the Calabasas area. And that’s briefly. I can’t remember that. That’s my best -- I think that was the only other time.
MR. ZONEN: Madam Clerk, is Exhibit No. 24 in evidence?
THE CLERK: It hasn’t been identified yet.
THE WITNESS: (To a juror) Bless you.
THE CLERK: It hasn’t been identified yet.
MR. ZONEN: May I approach the witness, Your Honor?
THE COURT: Yes.
Q. BY MR. ZONEN: I’d like to show you two exhibits at this time, if I may. Exhibit No. 19 already in evidence, do you know who that is?

A. Vinnie Amen.
Q. Exhibit No. 24 for identification?
A. Asaf.
Q. All right. Is this photograph an accurate photograph of Asaf?
A. Oh, yes, it is.
MR. ZONEN: Okay. Move to introduce --
THE WITNESS: It’s burned in here, their

faces.

MR. ZONEN: Move to admit Exhibit No. 24.

MR. MESEREAU: No objection.

THE COURT: It's admitted.

MR. ZONEN: May I publish No. 24, Your Honor?

THE COURT: Yes.

Q. BY MR. ZONEN: Miss Arvizo, if you could face the screen and tell us if that's, in fact, Asaf.

A. That's Asaf.

Q. Did Asaf tell you who he was?

A. Michael's security.

Q. Did you have a conversation with Asaf at some point that morning before the arrival of the workers from the Department of Child & Family Services?

A. Yes.

Q. And did he give you any particular instructions?

A. Yes. To play -- he was verifying that I was going to play the vid -- the DVD. He told me that if I put Michael in a bad light, that they know where my parents live. He wanted to hear the allegations read in front of him.

Let me see. What else?

He was verifying that I would do -- carry out Carrie -- Vicky's instructions and Frank's instructions.

Q. All right. You mentioned a DVD, play a DVD.

A. Yes.

Q. What was that?

A. That's of Michael and Gavin.

Q. Had you ever seen that DVD before?

A. No. Prior to the Miami, never.

Q. Did you know that that DVD had actually been prepared?

A. No.

Q. All right. Did you see it for the first time?

A. For the first time in Miami.

Q. You saw it in Miami.

A. Yes.

Q. So they showed it to you there?

A. Yes.

Q. What was the circumstance of their showing you that DVD in Miami?

A. I don’t know. I don’t know.

Q. Well --

A. Evvy -- Evvy had given it to Gary, and Gary had given it to Gavin while we were still at Chris’s house.

Q. All right. And did they give any instructions at that time as to what to do with it?

A. No, none.

Q. Now, that DVD then went to Miami?

A. Yes.

Q. And you saw it for the first time in Miami?

A. I saw it, like, complete in Miami, but a little bit at Chris’s house.

Q. Explain to us the content of that DVD.

A. It’s of my son when he’s barely being ill, and Michael and Star.

Q. The two of them walking together?

A. Yes.

Q. Is Star in it on occasion?

A. Yes. Star’s in there for a little bit.

Q. Now, did you keep that DVD from Miami?

A. Yes, I did.

Q. And did you have it in your possession?

A. Yes, I did.

Q. All right. Now, on the occasion of the visit from the Department of Child & Family Services, did you play that DVD to them?

A. Yes, I did.

Q. Whose idea was it to do that?

A. Asaf, but he was verifying with Frank and Vicky had gave me instructions to do. But mostly Frank.

Q. But you had that DVD in your possession?

A. Yes, I did. And this is as best as I can remember.

Q. That's okay.

Did somebody give you a tape-recorder during this interview?

A. Oh, yeah.

Q. Who was that?

A. Asaf. But I didn't know that he had a tape-recorder until after.

Q. Well, tell me what the circumstances were with the tape-recorder. What happened with that?

A. Okay. When Asaf found out he was being kicked out, that's when he told me, "Can I talk to you for a second?"

And he pulled me into Jay's bedroom. And then he gave me -- he gave me instructions, but it was already on, it was already working. What I was trying to find out was that I didn't have to push anything because it was already working. He gave me instructions about to, "Take her here. Talk to her here. Leave it here."

And you could also hear in there that that 6169

period of week was very stressful for me, because Karen had also -- they -- the CPS knew that I was --

Q. Let's back up a little bit now.

A. Okay.

Q. Before Asaf talked to you about a tape-recorder --

A. Uh-huh.

Q. -- did you have a discussion with anybody among the Department of Child and Family Care Services about having other people present during this interview?

A. Yes, and I was referring that to Aja.

Q. Who did you ask to have present in the interview?

A. Aja.

Q. Did you ask to have Asaf present?

A. No. Only Aja. I trust Aja.

Q. Did Asaf ask you to ask them to allow him to remain?

A. Yes.

Q. Did you ask them to allow Asaf to remain?

A. No. I was -- hopefully I was -- I was

hoping that the CPS would make that call so Asaf wouldn’t hear it come from my mouth. So I was referring to Aja, but I had to, per Asaf’s order.
Q. Did you know that there was a tape-recorder in the room at the time --
A. No.

Q. Hold on. Hold on. Listen to the question. Did you know that there was a tape-recorder in the room prior to your discussion with the social workers about who would be present during the interview?
A. No.
Q. At some point in time, did somebody tell you from the social workers who would be allowed to be present during the interview?
A. Yes.
Q. All right. And what was that resolution? Who was allowed to be present?
A. Just me and the children.
Q. Not Aja?
A. Not Aja.
Q. Not Asaf?
A. Not Asaf and not the baby.
Q. All right. Tell us when it was that Asaf then had a conversation with you about a tape-recorder.
A. When -- after that.
Q. All right. Now, what exactly did Asaf say to you? What did he do?
A. “Can I talk to you for a second?” And told me that -- told me that it was working, that I didn’t have to push anything. Told me to talk -- to, you know, in the room, “Leave it here. Talk to her here. Take it here.”

And you could also hear in there when I was -- I got very scared when I thought the DVD of Gavin and Michael were missing. Because that was one of the orders that I had to do.
Q. Did he then hand you a tape-recorder?
A. Yes, he did, after he said, “Can I talk to

you for a second?"

Q. Now, what did you do with this tape-recorder?

A. He put it on the desk. And I just went ahead like -- that was -- I just played along with him, "Yeah, yeah, sure, uh-huh." You know, basically that kind of behavior.

Q. What was your intent --

A. But I didn't say those words. My behavior -- that was my behavior.

Q. At the time that he gave you the tape-recorder, what did he ask you to do with it, in terms of where to keep it, where to place it?

A. He placed it on the desk area.

Q. Okay.

A. Just to, "Leave it here. Talk to her here. Take her here." Because Karen had said she was going to talk to each one of us individually, so he assumed that it was going to be in the bedroom. And he also -- you know.

Q. "Karen" being one of the social workers?

A. Yes, Karen was the supervisor.

Q. Do you know her last name?

A. Karen Walker.

Q. Did you have any concerns about the tape-recorder?

A. Yes.

Q. What were your concerns?

A. That these people are going to be illegally taped.

Q. Did you think there was an illegality problem?

A. Yes, because she had just said, "This is confidential."

Q. All right.

A. And I wasn't aware at that time that he had the tape-recorder.

Q. All right. Now, did everybody finally leave the room, in terms of Aja and Asaf?

A. Okay. Asaf didn't leave until I had came out of the rest room. I thought he had already -- I thought he had already gone. So you could even hear me on the tape-recorder, because I was going to tell the lady there -- I figured he had already gone. So I -- I started telling her, because the lady -- one of the women had pulled me -- well, not pulled me, was talking to me also in the area where the tape-recorder was. And so I’m -- I was going to start to tell her, and then there’s Asaf right there. And I just -- you can hear my -- my voice.

Q. Okay. Did Asaf tell you anything about any other tape-recorders?

A. Yes.

Q. What did he say?

A. After I turned it off, came out of the rest room, and then he was still -- Jay’s apartment, it was very long. It was like an apartment house, but it’s only one bedroom.

So he was in a distance where a wall was covering, but he can hear.

Q. Who’s “he”?

A. Asaf. Asaf can hear.

And so that’s when he called me over. And at this point he told me that there’s another one in the room. So I didn’t know whether it was a tape-recorder or a monitoring device. I didn’t know what it was. But there was certainly another one in the room.

Q. When the interview finally began, who was present in the interview room?

A. When -- the three ladies, me and my children.

Q. And were all of you interviewed together?

A. Yes.

Q. At any time did they separate you from the children or each of the children from each other?

A. No. No. I carried out Vicky’s instructions.

Q. And what were those instructions?

A. Not to let the children be separated, interviewed separately. Ask what are my rights, what are the children’s rights. Have the

allegations read before -- before the meeting. Just, you know, different things like that.
Q. Did you play or record the entire conversation?
A. Me?
Q. Yes.
A. No, I turned it off.
Q. You turned it off when?
A. I turned it off when I thought he had already gone, and he was there.
Q. Why did you turn it off?
A. Because it's illegal to tape people without them knowing.
Q. At some subsequent time, did you have an opportunity to listen to a recording that you believed to be that recording?
A. There?
Q. Let me try that one more time.
A. Okay.
Q. At some later time --
A. Yes.
Q. -- sometime after the meeting --
A. Yes.
Q. -- did you have an opportunity to listen to

a tape-recording?
A. Yes. At the grand jury, the D.A.'s Office, right before the grand jury, I was like -- it was like hours before, hours. And they only had two minutes -- about two minutes' worth of that DCFS tape. And I told them, you know, "There's more. There's more to this tape."
So he -- so the D.A.'s Office had -- had me explain to them how much more there was. And I said, "Because that's not all of it. There's still more."
Q. All right.
A. I was monitored continuously by those people.
Q. The first tape that you listened to at the time of the grand jury was a tape from what?
A. From a -- I don't know whether it's a media report, area, I don't know what you properly call

the show. Abrams Report.
Q. Television?
A. Yes.
Q. Something that had played on television?
A. Yes. Yes.
Q. And after having listened to that, what was your view of whether or not that was the entirety of the conversation?
A. That was not its entirety.
Q. Since then, have you had an opportunity to listen to another tape?

A. Yes.
Q. What is your opinion about that other tape?
A. This one is accurate.
Q. Up until the point where you turned it off?
A. Yes.
Q. Okay. Well, through the time, the entirety of the tape?
A. Yes. And he turned it on when the CPS people arrived. Not prior.
Q. Okay. Can you make out the different voices in this tape?
A. Yes, I can.
Q. And how many different voices are there in this tape?
A. The three ladies from Child Protective Services. Aja. And my three children. You kind of can hear the baby a little bit. That’s their -- he’s a toddler. And you can hear Asaf. You can hear him say he’s Michael’s security.
Q. And during the course of that time, did you play the video that they had asked you to play?
A. Yes, I did. And I got scared, because I thought -- I thought it went missing. I thought I misplaced it, so I got really scared because that was one of the instructions.
Q. All right. Now, did you say positive things about Michael Jackson?

A. Yeah, I had to. At this point now, it’s a -- now it’s a have-to. Because everything’s evolving. And he had said that -- to put Michael -- don’t say anything that would put Michael in a bad light, because they knew where my parents lived, he knew where my parents lived. And this is prior to the tape-recording.

Q. Miss Arvizo, did you know why Child Protective Services were at your house, those social workers?

A. No, I did not know why. And they didn’t even want to tell me on the phone when I was trying to talk to them.

Q. At some point in time after they arrived, did they explain why they were there?

A. They didn’t explain it until I was alone with the children.

Q. Did Miss Poderevski, in her conversation with you, tell you why, her opinion, they were there?

A. No. She just told me to -- to basically drive it home for him being a good father.

MR. ZONEN: Thank you. We’re going to play it at this time.

Your Honor, we have marked for identification a CD, a tape-recording, No. 810, 8-1-0, and we would like to play that at this time.

THE COURT: Do you have a transcript of that?

MR. ZONEN: We do. And we’ll -- I have it here, but we’ll have a copy for the Court before the session is over today, along with the one from yesterday that I promised you.

THE COURT: How long is the tape?

MR. ZONEN: I’m sorry?

THE COURT: How long is it?

MR. AUCHINCLOSS: 19 minutes.

MR. ZONEN: 19 minutes, Your Honor.

May we begin?

THE COURT: Yes.

THE WITNESS: And this is all the best that I can remember.

(Whereupon, a portion of a CD, Plaintiff’s Exhibit No. 810, was played for the Court and jury.)

MR ZONEN: We’re pausing it a moment.

Q. Miss Arvizo, what is the music that we’re hearing right now?

A. That is from the DVD, the background music to the DVD that Michael and Gavin were in, and a little bit of Star was in there.

Q. This goes for approximately what, six minutes?

A. I think so.

MR. ZONEN: All right. Let’s go ahead.

(Whereupon, a portion of a CD, Plaintiff’s Exhibit No. 810, was played for the Court and jury.)

MR. ZONEN: We’re stopping the tape momentarily.

Q. Miss Arvizo, can you tell us what that sound was that we were hearing just prior to stopping this tape; do you know?

A. No, I don’t know. I don’t know.

Q. Do you have a recollection of that sound from the time of this event itself?

A. No, I don’t. But it sounds like tape. But I don’t know.

Q. Was that taped to you at any time?

A. No.

Q. Were you able to see the tape-recorder prior to him giving it to you, before he gave it to you?

A. Yes.

Q. Where was it?

A. The best I can remember, he took something out of his pocket, so I don’t know.

Q. Do you remember what he was wearing at the time?

A. Yeah.

Q. We’re talking about Asaf, right?

A. Blue shirt.

Q. He had a shirt?

A. Blue shirt, long-sleeved, collar.

Q. Did he have a jacket on at all?

A. No, just a blue shirt.

Q. And prior to him taking it out, did you see

that tape-recorder?
A. No. So I don’t know if he -- you know, where.
Q. There was a single man’s voice, a deep voice, that came on just before we turned off the tape.
A. Yes.
Q. Who was that?
A. Asaf.
Q. Was he the only male in that room at that time?
A. He was the only male. And plus my two boys and plus the toddler, Aja’s baby.
Q. He was the only adult male in the room at the time?
A. Yes, he was the only adult male.
MR. ZONEN: Let’s go ahead and resume.
(Whereupon, a portion of a CD, Plaintiff’s Exhibit No. 810, was played for the Court and jury.)
Q. BY MR. ZONEN: Miss Arvizo, the tape just ended?
A. Yes.
Q. How did it end?
A. I turned it off.
Q. We heard some rustling sound within the last couple of minutes before it ended.
A. I was trying to figure out -- it was like some very high-tech thing, and I couldn’t figure out where the “off” was. And I -- I tried my best. And so I -- that -- and even when I turned it off, I was unsure that I had turned it off. So what I did, I put it inside a closet and I put two towels completely covering it.

Q. In what room were you at the time you did that?
A. In the bedroom.
Q. All right. And where were the workers at this time?
A. They were in the -- okay. Like I said, Jay’s apartment was -- even though it’s a one-bedroom apartment, they call it apartment houses. It’s long.

So they were way over there in the living room. And that's when -- afterwards Asaf was still in there. He was there present with the CPS people.
Q. All right. At the time that you turned off the tape-recorder, were the CPS workers in the same room with you?
A. Me? No.
Q. Did you have to move the tape-recorder to a different room before you turned it off?
A. No, it was all within the bedroom.
Q. And was the interview going to be held in the living room or in the bedroom?
A. Asaf had assumed that it was going to be in the bedroom, and they said to, "Take her here. Talk

to her here. Leave it here."
Q. So at one point prior to this, you asked to go to the rest room; is that correct?
A. Yes.
Q. Did you actually go to the rest room?
A. No, I was just pretending I was in there.
Q. And the purpose for that was what?
A. So -- to create some -- some -- so I can have some privacy so I could turn off the tape.
Q. That is what you wanted to do?
A. That's what I wanted.
Q. Now, in the course of this interview, they represented that this was going to be a completely confidential interview; is that right?
A. Yes.
Q. And that none of these records or documents would become public; is that correct?
A. Exactly.
Q. And, in fact, what did happen with these documents?
A. All this stuff got leaked.
MR. MESEREAU: Objection; foundation.
THE WITNESS: All of it.
THE COURT: Sustained.
MR. ZONEN: I'll lay the foundation.
Q. Did you see any of these records in the public forum at some subsequent time?
A. Yes. Every single sheet of paper that was

ever created from my children, about my children or me from the DCFS people, was all over.

Q. All over where?

A. All over the world.

Q. On television?

A. On television. Internet. Every single place.

Q. How long after this interview was it that that happened?

A. Right after he was arrested.

Q. “He” being Mr. Jackson?

A. Michael. Mr. Jackson.

Q. How long did this interview go on after you turned off the tape-recording?

A. After I had turned off -- I used the rest room. Turned off the tape-recorder. And then I got extremely frightened, because I saw him still there with the CPS people. And that’s when he called me over.

And I went over there, the separate area out of the bedroom, and that’s when he had told me that he had placed another one -- the ladies are still distracted with my kids. And so that’s when he had talked to me and told me about that there was another one there. And I’m like, “Where?” I had been in the rest room. “Where.”

Q. Did he tell you?

A. No, he didn’t tell me where this one was at.

Q. Did he tell you whether it was open or hidden? Did he say anything about it?

A. No.

Q. Do you know whether or not there was a second one in that room?

A. No, I don’t know.

Q. To this day you don’t?

A. To this day I don’t know.

Q. Did Asaf finally leave and go outside?

A. Yes.

Q. Did Aja go outside?

A. Aja had left almost immediately. Aja and

the baby.
Q. In what room did the interview finally take place?
A. It took place in the -- okay, the dining and the living room, it's combined. But it just looks like, you know --
Q. There is some conversation with you and the social worker that's on this tape; is that correct?
A. Yes.
Q. All right. Where did this conversation take place? Where was the tape-recorder during that conversation?
A. In the bedroom.
Q. So they were with you initially in the bedroom?
A. No, no, no. I'm sorry, I'm thinking about

when the lady was talking to me by myself.
Q. Yes.
A. And I tried to tell her, and that's when Asaf popped up.
Q. Yes.
A. That part, when there's one person talking to me is -- towards the end is in Jay's bedroom.
Q. And that person came into the bedroom with you?
A. Yes, she came into the bedroom.
Q. Do you know who that person was, what her name was?
A. I don't remember her name, but I can -- I can tell you who -- who it is by the description.
Q. By the description?
A. Yes, I can.
Q. There were how many social workers there at the time?
A. Three.
Q. Did one appear to be a supervisor to you?
A. Yes, she -- Karen Walker.
Q. And the person who had the conversation with you that is picked up, was that Karen Walker or one of the others?
A. You could pick up Karen Walker in the beginning. But this one was not Karen Walker in the

bedroom.

Q. All right. To the extent that this

tape-recording goes on for approximately 19 minutes, does this tape-recording accurately capture the conversations?

A. Yes. And Asaf began taping when the CPS women walked in.

MR. ZONEN: Your Honor, we would move to introduce into evidence Exhibit No. 810 with the representation that the transcript will be furnished within the day.

MR. MESEREAU: No objection.

THE COURT: It’s admitted.

Q. BY MR. ZONEN: How long did that interview go on with Child Protective Services or Department of Child Family Services?

A. Yeah, I couldn’t tell you, Mr. Zonen.

Q. At -- presumably this conversation ended at some point in time, did it not?

A. Yes.

Q. Did they make any representations to you, “they” being any of the social workers?

A. The three women?

Q. Yes.

A. They were just concerned about Mr. Jackson. They just didn’t want to be sued by Michael Jackson. They had not a single sheet of paper in front of them. They didn’t even take a single piece of note from me or my children.

Q. Do you know if they tape-recorded the

conversation?

A. No, I don’t know.

Q. You didn’t see a tape-recording?

A. I didn’t see anything.

Q. They didn’t tell you they were tape-recording?

A. They didn’t tell me.

Q. None of them had notes that they were taking?

A. None of them had a single sheet of pad, notepad, pencil, pen, pulled out. All they kept telling me was that they didn’t want to be sued by Michael Jackson, over and over.

Remember I told you there was a difference of people? The one that had been brought out way, way -- her sole concern was my children. But in these, their sole concern was Michael Jackson.

Q. Did they ask any questions of your children in your presence?

A. Yes, they did.

Q. Did they ask them if anything had happened to them when they were at Neverland?

A. Not really.

Q. What did they ask them?

A. It was just -- it was more of a -- of a pep talk.

Q. What did your children say to them in their presence?

A. They basically said happy things about Michael. And them being together.

Q. And did you do the same?

A. Yes, I did.

Q. Did you tell them that he was a father figure to your children?

A. Yes, I did. Almost identical to the scripted video. But not as long. It was kind of like -- it was extremely short.

Q. All right. Presumably they left at some time after?

A. Yes.

Q. Who was still present among the ones that you’ve previously identified after the social workers left?

A. Aja, the baby, Asaf, me, the children, then Vinnie was there now. After the CPS women walked out.

Q. Excuse me. Did Asaf talk to you after the social workers left?

A. Yes. He was making sure that me and Aja had no private time. And he had told me, “Hold on. Vinnie wants to tell you something.” And he escorted Aja and the kids out to Aja’s car.

Q. Now, did Asaf in your presence retrieve the tape-recorder?

A. I think -- I remember him walking into the bedroom, but that's the -- because what happened was

when -- after -- when the CPS women came, I ran into the bedroom and I put it back in the same place that he had placed it.

Q. All right. And did he then retrieve it?

A. Yes.

Q. And he retrieved it from the same place?

A. From the same place.

Q. All right. Did he make any effort to listen to it in your presence?

A. No.

Q. Did you tell him that you had stopped it?

A. No.

Q. Or attempted to stop it?

A. I -- yeah, I tried and -- but I did end up turning it off. Because I was pushing.

Q. Did he say anything to you at all about whether or not this tape had run the entire time? Did he make any inquiries of you?

A. No.

Q. Did you have any conversation with Asaf at all following the moment when the social workers left?

A. Well, Vinnie was there now. And he told me that Vinnie had -- that Vinnie had to talk to me.

Q. All right.

A. While he escorted Aja and the children out to Aja's car.

Q. So there was no additional conversation?

A. No additional conversation. This is the best I can remember.

Q. With Asaf?

A. With Asaf. He told me that Vinnie had something to tell me.

Q. Did you then talk with Vinnie at that point?

A. Yes.

Q. What did Vinnie say to you?

A. That I had done -- that I had not done an adequate job on the video, and we were going to have to proceed with leaving out of the country.

Q. Is this the first time that anybody talked to you about your performance or the performance of the children in the rebuttal video?

A. Yes, it was Vinnie.

Q. And he said it wasn’t adequate?

A. That’s right.

Q. Did he give you any specifics as to what was not adequate in this interview?

A. Yeah, that I -- I was supposed to stick strictly to the script. I went out of -- the things I got in trouble for, because of God, the Child Welfare Services thing, and Gavin’s cancer.

Q. All right. Now, we have seen this video a couple times already.

A. Okay.

Q. Let’s go back. These are things that Vinnie specifically told you?

A. Yes.

Q. Let’s start with the first one. What did he say about references to God?

A. Okay. I was supposed to say that Michael healed Gavin.

Q. And did you not say that?

A. I did not say it exactly like they wanted me to. Instead I said -- Dieter had also presented to me to say, “Via God’s Grace,” because I was so, “No, it’s God who healed Gavin, not Michael healed Gavin. God did.” And so then I was supposed to say that sentence plus that, them.

Q. And what did he say about the other two issues that you had mentioned?

A. That I was supposed to make no issue -- see, the whole video, plus the outtakes, was also scripted. It wasn’t -- it wasn’t -- it was the -- the whole thing, from outtakes, to video filming, to everything, every single thing was part of the choreography.

Q. What did he say to you specifically, Vinnie? What did he say to you about the other two issues that you mentioned?

A. Well, I didn’t say about Gavin’s cancer, that’s why they repeatedly -- I wasn’t on target about that, what they wanted.

Q. What did he want you to say more about Gavin’s cancer?

A. Well, how they had scripted it.

Q. How was that? How was it different than what you actually said?

A. Well --

Q. Do you recall?

A. The best I can remember is that I said Gavin -- about -- I totally was not on script about Gavin’s cancer. I said from my heart.

Q. All right. And what was the third thing?

A. The Child Welfare Services, I was supposed to make no commentary about that at all. Zero.

Q. And you did?

A. And I did.

Q. Now, where did everybody go after this took place and the social workers were gone? Where did the kids end up going at that point?

A. Okay. The kids and Aja went to Neverland, and they were also being followed, and Aja don’t know she’s being followed.

Q. Just tell us where they went. They went back to Neverland?

A. Yes, they went to Neverland.

Q. Did they get any sleep that night at all?

A. The children?

Q. Yeah.

A. They must have slept about one hour. About one hour.

Q. Where?

A. At Jay’s.

Q. At Jay’s house before the workers got there?

A. Before the workers got there. And me? Zero.

Q. Did you have to wake them up?

A. Yes, I did.

MR. ZONEN: Excuse me.

Your Honor, I'd like to approach the witness, if I can, to show a couple of exhibits already shown to counsel, defense counsel.

THE COURT: All right.

MR. ZONEN: Before I do that, I need a stapler.

Q. I'd like to show you Exhibit No. 811. And then I'm going to show you 812. Let's start with 811 here.

A. Okay.

Q. 811 is a collection of four pieces of paper stapled together; is that correct?

A. Yes.

Q. Have you ever seen any of those documents before?

A. Yes.

Q. All right. Tell us what those documents are.

A. This is when we got off the car at Hamid's house, Vinnie had told me that I had to sign these releases. And this was part of it.

Q. Now, are these the releases, in fact, that were given to you?

A. Yes.

Q. And did you, in fact, sign that release?

A. Yes, I did.

Q. And why did you do that?

A. Because this is all part of what they requested.

Q. All right.

A. In order -- in order for us not to leave the country and for my children to be let go and not have to deal with this anymore.

Q. Did you consult with an attorney before signing that release?

A. No.

Q. Did you have any discussions with Vicky Poderevski about that release?

A. No.

Q. Was there any other attorney that was brought to the -- to the -- to the house to --

A. No.
Q. Did you ever talk with Mark Geragos about that release?
A. No. I've never even spoke to Mark Geragos.
Q. Never had any conversation?
A. Zero conversation.
Q. Did you ever meet Mark Geragos?
A. Never.

Q. Did you have some discussion with either Vinnie or anybody else there about the nature of that release before signing it?
A. No.
Q. I'd like you to look at the next exhibit that's -- incidentally, before you turn back, there's four pages there.
A. Yes.
Q. Tell us how each of those pages differ from one another.
A. I -- I don't understand your question.
Q. All right. Is the -- are the signatures the same on each one?
A. Of -- no. They're all different, except Vinnie's. Vinnie's is the same on all of them.
Q. And whose are the other signatures? Is one of the signatures yours?
A. My three children and myself.
Q. Do you have a recollection of your three children actually signing those releases?
A. Yes, I do.
Q. Were you present at the time?
A. Yes, I was.
Q. Was anything explained to them at the time they signed it?
A. No.
Q. Did you encourage them to sign it?
A. No.

Q. Who was it who presented the releases to them?
A. Vinnie.
Q. And, in fact, Vinnie's signature is on each

of them as well?

A. Yes.

Q. All right. Do you recall if any of your children asked any questions about those releases before signing them?

A. They didn't.

Q. Did anybody talk to you about whether or not releases signed by a child would be legally binding?

A. I'm sorry?

Q. Did anybody talk to you about the question of whether or not releases that are signed by a child -- wait till the question is asked.

A. Okay.

Q. That releases signed by a child would be legally binding? Did that discussion come up at all with Vinnie?

A. No.

Q. Or with anybody else?

A. No.

THE COURT: All right. We'll take our break.

(Recess taken.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 6144 through 6197 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 14, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
April 14, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

THURSDAY, APRIL 14, 2005

8:30 A.M.

(PAGES 6199 THROUGH 6374)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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INDEX

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
JACKSON, Janet	6345-Z (Resumed)			

EXHIBITS

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
259	Brazilian trip records, applications for birth certificates	6218	6220
271	Gavin Arvizo's school checkout records; driver's licenses	6286	6293
272	Star Arvizo's school checkout records	6291	6293
276	Rental documents	6277	6293
277	Handwritten note	6331	6331
806	Birth certificates and passports	6237	6238
811	Releases given to Janet Arvizo for signature	6194	6203
812	Unsigned releases given to Janet Arvizo for signature	6194	6210
813	DVD - Compilation of surveillance tapes	6335	
814	Copy of Exhibit #812 with Vinnie's writing on back	6211	

THE COURT: All right. Counsel?

MR. ZONEN: Thank you, Your Honor.

Q. We were looking at Exhibit 811, which I think you still have in front of you.

A. Yes.

Q. All right. And are those accurate copies --

THE BAILIFF: Oh, microphone, please.

Q. BY MR. ZONEN: We were looking initially at 811. Those are the four documents that are stapled together. And you've already testified as to what they were --

A. Yes.

Q. -- and when they were signed.

Are those accurate duplicates of the documents signed that evening by you and your three children?

A. Yes.

MR. ZONEN: And, Your Honor, I would move to introduce 811 into evidence.

MR. MESEREAU: No objection.

THE COURT: It's admitted.

Q. BY MR. ZONEN: Now, prior to your signing it or even subsequent to your signing it, was there any subsequent conversation with Vinnie or anybody else about money that would be received?

A. No.

Q. Did you discuss with an attorney anything about money?

A. No.

Q. Did they offer you money?

A. No.

Q. Did you ask for money?

A. No.

Q. And I think that you had already said that that was not part of the conversation that you had with Vicky Podberesky.

A. Exactly.

Q. And did they offer you any other legal assistance, anybody else to talk --

MR. MESEREAU: Object to the word "they" as vague.

MR. ZONEN: I'll withdraw the question.

Q. Did Vinnie tell you about any other lawyers who might be available for you to discuss -- to talk about this release?

A. No.

Q. Was there ever any representation by them that they would pay you or your children for your participation in this video?

A. No.

MR. MESEREAU: Objection to the word "them" as vague.

MR. ZONEN: I'll withdraw the question.

Q. Was there ever any representation by Vinnie that you would be paid for your participation in this video?

A. No.

Q. Did you ever request of Vinnie that you be paid for your participation in the video?

A. No.

Q. Did you ever have a discussion about being paid for this video with any employee of Michael Jackson?

A. No.

Q. Did you ever talk with Michael Jackson about it?

A. No.

Q. Did you expect to be compensated for it?

A. No.

Q. Did you have a conversation prior to doing this video with Jay Jackson about whether or not you should be compensated for this video?

A. No.

Q. Did Jay Jackson have a conversation with you where he reviewed the content of a conversation he had with Frank?

A. No.

Q. Were you aware that he had had a conversation with Frank about this video?

A. No.

Q. Now, I'd like you to look at the other document that's right in front of you. It's No. 812. Have you seen that document before?

A. I’ve seen it per your investigation and over there at Neverland.

Q. Okay. When was the first time you saw that document?

A. I think the best I remember was in Neverland.

Q. And do you know who it was that showed that document to you?

A. It was Frank and Vinnie.

Q. Was that before the video was done?

A. No.

Q. It was after the video was done?

A. Yes.

Q. Did somebody hand that to you and ask you to sign it?

A. Yeah.

Q. All right. Who was that who handed it to you?

A. By this time my signing days were over.

Q. Tell us when that was, approximately.

A. That was in Neverland after -- after the Chris Carter thing.

Q. Okay. Now, the person -- I’m sorry, who was it again who handed that to you?

A. Frank and Vinnie.

Q. Were they both together at the time?

A. Sometimes together.

Q. But on the first occasion that you saw this document --

A. Frank.

Q. -- it was Frank?

Did you see that document on more than one occasion?

A. Wait. Best I remember. It could have been Vinnie. Vinnie or Frank. I don’t know.

Q. Take a moment. Take a moment.

A. Uh-huh. I think -- the best I can remember, I think -- yeah, the best I can remember was Vinnie, then Frank, then both. That’s the best I can remember.

Q. Let’s start with Vinnie, whether he was first or second. Do you remember what Vinnie specifically said to you about that document?
A. “Sign here.”
Q. Did he explain what it was?
A. No.
Q. Did he explain what it was for?
A. No.
Q. Did he give you any detail at all about that document or why he wanted you to sign it?
A. No.
Q. How about Frank? When he talked to you individually, what did he say about that document?
A. Nothing. Just, “Sign it.”
Q. Do you remember when this was relative to the video that you had already done?
A. After.

Q. Do you know approximately how long after?
A. No, I wouldn’t be able to tell you.
Q. Okay. Did Frank give you any direction as to why he wanted you to sign that document?
A. No.
Q. And when the two of them were together and spoke to you about that document, did either one of them, in the course of that conversation, say anything to you about why they wanted you to sign it?
A. No.
Q. All right. Now, the document that you have in front of you --
A. Yes.
Q. -- has your name preprinted; is that correct?
A. Uh --
Q. At the bottom of the page?
A. Oh, I see. Yeah. At the bottom.
Q. And was that how it was at the time that they had handed it to you?
A. Yes.
Q. Did you, in fact, refuse to sign that document?
A. Yes.

Q. You never did?

A. Huh-uh.

Q. In the course of your --

A. I got in trouble for that.

Q. -- discussions with either Vinnie or Frank about your signing or not signing that document, did you make a demand for money?

A. No.

Q. Did you ever ask them for money?

A. No.

Q. Did you tell them why you didn’t want to sign the document?

A. Because my signing days were over. That’s it.

Q. What does that mean?

A. They had me sign a bunch of different things --

Q. Were there --

A. -- over the course of from Miami to this. I’m talking in total. And that’s it. You know, “Let me go. Let my kids go.” That’s all I wanted.

Q. All right. Ultimately you did not sign that document?

A. No.

Q. Did you see if there were similar copies of that document but with the names of your children?

A. Yes. Yes.

Q. Did they show them to your children at all?

A. I -- they may have. They may have. Because they had a period of time when they were alone with the children.

Q. Do you know from personal knowledge? In other words, did your children ever sign those documents in your presence?

A. In my presence, never.

Q. All right. Do you have any information, one way or the other, as to whether or not they ultimately signed that release on 812?

A. I don’t know about this release.

Q. Okay. Is that, in fact, an accurate copy of the release that was shown to you at Neverland?

A. Yes.

Q. Were you shown that release on more than one occasion?

A. Yes.

Q. On how many separate occasions were you shown that release?

A. I wouldn’t be able to tell you, Mr. Zonen.

Q. Can you give us a sense of it?

A. No.

Q. Okay. More than once?

A. Yes.

MR. ZONEN: Your Honor, I would move to introduce 812 into evidence at this time.

MR. MESEREAU: No objection.

THE COURT: It’s admitted.

MR. ZONEN: Just one moment, Your Honor, please.

(Off-the-record discussion held at counsel table.)

MR. ZONEN: May I approach the witness, Your Honor?

THE COURT: Yes.

Q. BY MR. ZONEN: Miss Arvizo, I’m showing you No. 814 for identification. No. 814 for identification. I’d like to -- I’d like you to take a look at this, please. Take a moment and look at it.

A. Uh-huh. Okay.

Q. Is that a document you’ve seen before?

A. Yes.

Q. Where did you see that before?

A. I think I seen this in -- I think I seen this in Neverland.

Q. Okay. Is that your handwriting?

A. No.

Q. Do you know whose handwriting it is?

A. This is Vinnie’s.

Q. Was that drafted in your presence?

A. I don’t think so.

Q. Turn the document over, if you would.

A. Oh, my God.

Q. Excuse me. Tell us what that is on the other side of the document.
A. It's the same one.
Q. In other words, it's --
BAILIFF CORTEZ: Your microphone, sir.

MR. ZONEN: Okay. We're back on.
Q. I've now asked you to turn this document over on the other side.
A. Yeah.
Q. And what is it on the other side?
A. It's the same one.
Q. It's the copy of exhibit number what?
A. Yes.
Q. I'm sorry, exhibit number what? Tell us what exhibit that is. I think it's 812. No?
A. Yes, 812.
Q. So the back side of the one that I just showed you which has Vinnie's handwriting --
A. Yes.
Q. -- is, in fact, a copy of 812?
A. Yes.
Q. Is it the one that has your name preprinted or one of the kid's?
A. It's mine, preprinted.
Q. Did Vinnie ever show you that document, the written one?
A. I don't -- I can't remember. I --
Q. Do you have a recollection of having seen it at some point in time?
A. Yes, I think so. At Neverland.
Q. Did you ever sign a handwritten document?
A. A handwritten document?
Q. Yes.

A. No.
Q. Is your signature on that document?
A. No, it isn't.
Q. But your name is on it?
A. But my name is on it.
Q. Does that appear to be some form of a model release?

A. It says, “This model release....”

Q. Was there ever a discussion between you and Vinnie or you and Frank about coming up with some kind of a release that was suitable for you?

A. No.

Q. The release that you’re holding in your hand right now, the printed form on the back of that page, that was presented to you before or after you did the video rebuttal?

A. After.

Q. You can go ahead and put those down.

A. Okay.

Q. Miss Arvizo, 812 that I showed you initially, the one that does not have something on the back --

A. Okay.

Q. -- is that, in fact, an accurate copy of the release that was given to you by both Vinnie and Frank?

A. Yes.

MR. ZONEN: I’d move -- is 812 in evidence

already?

THE COURT: Yes.

MR. ZONEN: It is in evidence. Okay. Never mind.

MR. ZONEN: Tom, do you want to stipulate to this coming in?

MR. MESEREAU: No.

MR. ZONEN: Then I’ll lay the foundation. Excuse me.

Q. After the social workers left and your kids went back to Neverland, where did you go on that day?

A. Well, that began the process of getting the passports and visas. The first step was getting the birth certificates.

Q. All right. And did you, in fact, get birth certificates that day?

A. On that day was the application. And when I arrived there, I had to do -- they -- I had to write a little kind of paragraph stating that it was an emergency; that I had to get out -- something about

out of the country. I don’t recall, but they wanted it fast enough.
Q. Did they say -- who is “they”?
A. Michael’s people.
Q. Well, somebody in particular had you write something?
A. Vinnie. And Frank over the phone. Frank never left our side, whether he was on the phone or in person.

Q. Vinnie asked you to write something that stated it was an emergency?
A. Yes.
Q. Did he tell you what that was for?
A. Well, that’s what -- the information that he had got, because he had asked the birth certificate people that he needed it immediately. And they had told him, “No, the only way we can do it, if there’s an emergency.” And so he had told me that to write it’s an emergency.
Q. Who was it who told you, “You’re going to Brazil now”?
A. Frank, Vinnie.
Q. What did you tell them in response to whether or not you wanted to go to Brazil?
A. They knew I didn’t want to go.
Q. Did you tell them that?
A. Yes, I did.
Q. Tell us why you didn’t want to go.
A. I didn’t want to go because first, first and main reason, is Gavin’s doctor is here. He has to see an oncologist and a nephrologist. He depends on those doctors, first. And second, I waited a lifetime to find someone I could give a valentine to, and that was Jay.
Q. You didn’t want to leave that relationship?

A. No, I didn’t.
Q. Did you tell this to either Vinnie or Frank?
A. Yes.
Q. What did they say?
A. Well, the part about no, no going to Brazil.

Not the part about Jay.

Q. Did you talk to either Vinnie or Frank about medical issues?

A. Yes. I told him I couldn’t -- you know, I’m trying to negotiate for mine and my children’s freedom --

Q. Uh-huh.

A. -- by saying, you know, “Sorry, I can’t go,” you know. “The doctors are here.” And nope, still got to go.

Q. Okay. Why did you ultimately agree to go? I mean, why not just say, “I’m not going”?

A. Because of my parents’ life, my -- and Jay’s life.

Q. What does that mean, “your parents’ life” and “Jay’s life”?

A. Well --

Q. What did that have to do with going to Brazil?

A. That they were going to be killed.

Q. Who told you that?

A. Frank. Frank became the worst out of all of them.

Q. Did you have any additional conversations with either Dieter or Ronald?

A. No, the Germans are out of the picture. They’re no longer in the picture. Slowly -- there was a transition period where Ronald and Dieter were replaced by Frank and Vinnie. Frank and Vinnie took the spots of Ronald and Dieter. The Germans are out of the picture now.

Q. Did you tell them that you were going to go to Brazil?

A. No.

Q. Did you start doing things toward going to Brazil?

A. Yes.

Q. All right. And you started to mention something about birth certificates.

A. Yes.

Q. Okay. Now, on this -- was it the same day as the interview that you had with the department --

with the social workers that you went and started gathering up materials?
A. Yes. Same day.
Q. What materials did you gather?
A. The only thing was the birth certificate application. They -- they assumed that we were going to get the application on the spot, and so --
MR. ZONEN: Counsel?
(Off-the-record discussion held at counsel

table.)
MR. ZONEN: May I approach the witness, Your Honor?
THE COURT: Yes.
MR. ZONEN: Did you want these separate from the notebooks at the time we introduce them?
THE COURT: I'm sorry?
MR. ZONEN: I think I've made the decision already. I'll withdraw that question.
Q. I'm going to show you three items that are part of one exhibit. We will ultimately staple it together. At the moment it's three separate pages. And this exhibit number is No. 259. I'd like you to look at the three different pages. Do you know what this is?
A. Yes, this is an application for the birth certificate.
Q. All right. And have you seen these documents before?
A. Yeah. This is on -- when we did the application thing, when we had a paper.
Q. At the time you actually got the applications?
A. Yes, yes.
Q. And who were you with when you got those applications?
A. Vinnie, and the people that were following us. I always had a crew following us.

Q. There were others in a separate car?
A. Yes.
Q. Do you know who was in the separate car?

A. No, I never knew. And that was the scary part. Vinnie would always point them out to me.
Q. Go ahead and look at this document now, which is No. 259.
A. Yes.
Q. And are those, in fact, applications for each of you?
A. Yes.
Q. All right. Whose signature is on those applications?
A. There’s no signature. Just printed.
Q. It’s just printed out?
A. Yes.
Q. Is any of that your handwriting?
A. Yes, it’s all my writing.
Q. And then each of the names are on here; is that correct?
A. Yes.
Q. And each of the children’s names are on here?
A. Yes.
Q. Are those, in fact, accurate copies of those applications for birth certificates?
A. I feel they are.
Q. Do you remember where it was they were deposited?

A. In Norwalk. It’s by the 605 freeway.
Q. Okay. Now, the third document in here titled “The Registrar Recorder” --
A. Yes.
Q. -- does have a signature on it, does it not?
A. Yes.
Q. And whose signature is that?
A. That’s mine. This is that emergency thing.
Q. All right. And that you recall signing?
A. Yes. Yes.
Q. And the date on it is what, now?
A. The date on it is February 20th, the day of the CPS meeting. Afterwards.
MR. ZONEN: I would move to introduce into evidence Item No. 259.
MR. MESEREAU: No objection.

THE COURT: It’s admitted.

MR. ZONEN: May I approach through here, Your Honor?

THE COURT: Yes.

MR. ZONEN: If you would staple them together as one exhibit.

THE COURT: When you previously marked that exhibit, you meant it to have three pages when you prepared your notebook?

MR. ZONEN: Yes.

Q. Miss Arvizo, I’m going to show you now Exhibit No. 2-6-0. No. 2-6-0. 11 pages, separate. We will staple them together as one exhibit, No. 2-6-0.

I’d like you to turn through the pages of that exhibit, please. And when you’ve gone through each of the pages, let us know.

A. Read them?

Q. You don’t need to read it in its entirety.

A. Oh, okay.

Q. Just gain familiarity with them.

A. Okay.

Q. Have you seen these documents before?

A. Yes.

Q. All right. I’m going to separate them now and I’m going to show you four specific pages on here of the documents.

A. Okay.

Q. Take a look at those four pages. Tell me what they are.

A. It says up here, “Application for U.S. Passport.”

Q. All right. Are these, in fact, four pages of applications for a passport for you and your children?

A. Yes. This isn’t my writing.

Q. All right. That’s my next question. Let’s begin with -- and perhaps what we can do is we can number these. This exhibit is 260. We’re going to number these four pages specifically 260-A, B, C and

D. And if I can have four tags for that. Well, let's do it as separate tags. 260-A, B, C and D. And then we'll distinguish them that way. Let's start with the --

THE COURT: Do you realize that exhibit is in, already admitted in its entirety?

MR. ZONEN: Would you prefer to distinguish these four pages from the other -- oh, it's already in evidence?

THE COURT: It's in evidence in its entirety.

MR. ZONEN: Can we just label it with a pen, then, those four pages on the outside of the vinyl cover, A, B, C and D? Can we do that?

THE COURT: All right. They have numbers within them, don't they?

MR. ZONEN: I --

THE COURT: 821 and 822?

MR. ZONEN: Do they?

THE COURT: They do in the book you gave me. That's in the bottom in the right-hand corner.

MR. ZONEN: Yes, they do.

THE COURT: Could you just reference those numbers?

MR. ZONEN: I sure can.

THE COURT: All right.

MR. ZONEN: I sure can. Let me just have a moment to make sure I have the right numbers.

(Off-the-record discussion held at counsel table.)

MR. ZONEN: Your Honor, the numbers that I'm looking at in the lower right-hand corner, mine are in red, is that what you have in your notebook?

THE COURT: They're not in red, but --

MR. ZONEN: Are those numbers Q-1, Q-2, Q-3 and Q-4?

THE COURT: No.

MR. ZONEN: Okay. That's my concern.

THE COURT: Go ahead the way you were going to do it. That's fine.

Q. BY MR. ZONEN: Let's do it the way -- we're just going to take one, two, three and four, four documents. And let's start with the first one, and write -- on the vinyl on the lower left hand, just write “A,” the letter “A.” And this one is whose application, please?

A. This one is mine.

Q. All right. Is your signature on it?

A. Yes, my signature is on it.

Q. Is the content of the application your handwriting or your printing?

A. No, it isn’t.

Q. Do you know who filled this out?

A. Vinnie did.

Q. Did he fill it out in your presence?

A. No, he told me he did.

Q. And where was it that he had you sign it? Where were you? Not on the document. Where are you at the time he had you sign it?

A. I think it was when I was in the motel.

Q. And in this particular one, No. A, does this application have on it a destination?

A. Yes, it does.

Q. What is that destination?

A. The “Destination” says, “Countries to be visited: Italy, France.”

Q. Did anybody talk to you about going to Italy or France?

A. No. No.

Q. Did you notice that at the time that you signed that application --

A. No.

Q. -- that it said “Italy” or “France”?

A. No.

Q. Was there any discussion about going to someplace other than Brazil at the time that you signed that document?

A. No. Only Brazil at that time.

Q. All right. Now, let’s go to the next one and mark a “B” on the second one in the lower hand, on top of the vinyl. And whose picture is that, please?

A. That’s my daughter Davellin.

Q. On the first one, “A,” is your picture as well, is it not?

A. Yes, it is.

Q. Do you know where those pictures were taken?

A. Yes. I think -- I don't know. I think I remember it's a Walgreen's. I think. I may be off. My best estimate is a Walgreen's.

Q. They took you there?

A. Yes, Vinnie.

Q. Vinnie took you there?

A. Yes.

Q. Was that a Walgreen's someplace near Neverland or someplace in Los Angeles?

A. Here. No, somewhere right here in Neverland. Here in Neverland, I think.

Q. Here in Santa Barbara County?

A. Yes, that's the best that I can remember.

Q. Again, the handwriting on this one, or the printing on this one, is that your daughter's printing?

A. No, it isn't.

Q. Is there a signature on there?

A. Yes, it is.

Q. And whose signature is that?

A. I don't know if it's my daughter's signature. I don't know.

Q. Were you present at a time that that was handed to your daughter?

A. Yes.

Q. Does that appear to be your daughter's signature?

A. I wouldn't be able to tell you that.

Q. Okay. What's the destination on that particular application?

A. This one says, "Italy, France."

Q. All right. Move to the next one. And let's mark that one "C." Whose picture is that, please?

A. That's my son Gavin.

Q. All right. And the application handwriting is whose?

A. Vinnie.

Q. Is there a signature on that?

A. No, there isn’t, of his.
Q. So is there a signature at all?
A. That’s mine.
Q. Okay. And where it says on there “Gavin Anton Arvizo” --
A. That’s printing.
Q. It’s printed?
A. Yes.
Q. That’s your signature?
A. Yes.
Q. Gavin’s signature is nowhere on there?
A. No, it isn’t.
Q. Did you sign that at the time you signed the other one?
A. Yes.

Q. The destination on that is what again, please?
A. “Italy, France.”
Q. Move to the next one, please. And this would be “D.” Who is that?
A. That’s Star.
Q. The handwriting on that is whose, please?
A. The handwriting is my name.
Q. The handwriting is your name?
A. Yes.
Q. All right. And the signature on that is whose?
A. It is mine.
Q. All right. Did Star sign that at all?
A. No.
Q. And the destination of that is what?
A. “Italy, France.”
Q. If you haven’t already labeled that as “D,” please go ahead and do that, lower left.
MR. ZONEN: Your Honor, as to the collection of these documents, which I would ask to be bound together and admitted as No. 260, I believe already in evidence; is that correct?
THE COURT: That’s correct.
MR. ZONEN: Are any of these subsections, A, B, C or D, not yet in evidence?
THE COURT: No, the whole package is in.

MR. ZONEN: The whole package is in, all

right.

May I approach through here?

THE COURT: Yes.

Q. BY MR. ZONEN: Item No. 261, currently in evidence, I believe --

THE COURT: Correct.

Q. BY MR. ZONEN: -- is a collection of one, two, three, four, five, six, seven, eight, nine -- ten different pages. I'd like you to take a moment and just look through them to gain familiarity with each of them.

Have you seen any of these documents before?

A. Yes.

Q. I would like to show you specifically a couple pages in here.

Let's go ahead and mark each of these A through, on the vinyl as we did before, so we can distinguish one page from the other. Just mark "A" on the first page here, and then we're going to skip through it.

A. Okay.

Q. The second page we'll mark "B." Put it right there, if you can.

What is this, No. B, please?

A. It says, "Visa Application Form."

Q. All right. And is your picture on that?

A. Yes.

Q. Is there handwriting on that application or

printing?

A. Printing.

Q. Is that your printing?

A. No.

Q. Did you not fill that out?

A. No.

Q. Is there a signature on there anywhere? Is that your signature?

A. No, it isn't my signature.

Q. Do you know whose signature it is?

A. It's Vinnie's.

Q. Is the signature in Vinnie’s name or is it in your name?
A. His name.
Q. But nowhere on there is your signature?
A. No.
Q. Okay. Now, the photograph that’s on there is, in fact, your photograph; is that right?
A. Yes, it is.
Q. Do you remember where that photograph was taken?
A. No, I don’t.
Q. Does it list the names of your parents?
A. Yes, it does.
Q. And are their names accurately listed on there?
A. Yes, they are.
Q. First, middle and last name as to both your parents?

A. That’s correct.
Q. Did you ever see this document prior to the grand jury?
A. This one?
Q. Yes.
A. I don’t remember that.
Q. I mean, did you see it -- did Vinnie ever show you that document?
A. Oh, no. Vinnie never showed me this.
Q. Were you aware at the time that there was an application process under way for visas to go to Brazil?
A. Yes.
Q. He had told you that?
A. Yes.
Q. Did he tell you anything about the applications that would go with it?
A. No. I was aware where Brazil was in the future.
Q. Let’s mark this -- let’s mark this next page 261-C. Do you know what that document is?
A. It says something “itinerary.”
Q. “For flights”?
A. Yes.

Q. Is your name on that document?
A. Yes.
Q. Where is your name?

A. It says, “Miss Janet Arvizo,” and it has a --
Q. Go ahead.
A. The address is 111520 Trent -- I guess it’s “CT.”
Q. Court?
A. Trent -- 111520 Trent Court, Calabasas, California 93102.
Q. Have you ever lived at such an address?
A. I never lived in such an address.
Q. Do you know whose address that is?
A. No, I don’t.
Q. Did you know the address for Hamid?
A. I think it was somewhere -- I heard something like San Fernando Valley.
Q. All right. Did anybody ever mention that particular address in your presence?
A. Never.
Q. Did anybody tell you that there was a flight itinerary to Brazil in effect?
A. No, not something like this.
Q. Is there a date on that in terms of the flight out?
A. Yeah.
Q. Can you read it?
A. Yes. It says up here, “Date, February 25th, 2003.”
Q. All right. The last one was 261-C. We’re now going to 261-D, if you’d write that in smaller print right there.

A. “D”?
Q. “261-D.”
A. Oh, “261-D.”
Q. Tell us what we’re looking at there.
A. We’re looking at my son Star.
Q. All right. That’s his photograph?
A. Yes.

Q. Taken at the same time and place as yours?
A. I figure so.
Q. The handwriting on that application is yours? The printing, rather?
A. The print, it’s not mine. It’s Vinnie’s.
Q. The signature at the bottom left?
A. Vinnie’s.
Q. It’s in his name? His signature, his name?
A. Yes.
Q. All right. That one is “D.” Let’s make this one 261-E. Tell us what that is.
A. This is my son Gavin.
Q. Is that the same application for a visa?
A. Yes, it is.
Q. It appears to be the same as the other two you’ve discussed so far?
A. Yes.
Q. Again, the same handwriting?

A. It’s printing.
Q. I’m sorry?
A. Printing, the same printing. Printing.
Q. And the signature on the lower left?
A. It is Vinnie’s.
Q. All right. That photograph of Gavin is the photograph that was taken at the same time as yours?
A. I figure so.
Q. Do you recall that?
A. I don’t remember. This set of pictures, I thought it was --
Q. Do you remember any other occasion that pictures were taken of you or your children for purposes of some official document?
A. No, I don’t remember the order.
Q. So this would be F, 261-F, if you could write that perhaps right here in small print.
A. Okay.
Q. Tell me what we’re looking at now.
A. We’re looking at my son Gavin’s birth certificate.
Q. All right. 261-G. And what is that document?

A. This is mine and my children’s child custody -- I don’t know what -- exactly what the title, but may I read this?

Q. Read the title.

A. Yes, sir. It says, “Child Custody and Visitation Order Attachment.”

Q. All right. Tell us what that is, to your understanding. What do you believe that document is?

A. Okay. To my understanding, this is something to do with the restraining order.

Q. Was there any discussion with either Vinnie or Frank about having to have a legal document?

A. Yes.

Q. And that attested to your custody of your children?

A. Yes.

Q. Do you believe that that’s what that document is?

A. Yes, it is.

Q. Who is it who asked you to get that?

A. Vinnie and Frank.

Q. Did they explain to you why you needed such a thing?

A. For the -- the processing of the passports.

Q. Do you know where you got that document?

A. I think -- I don’t remember whether I had -- no, I did, I did. I think I -- yeah, because I always carried one with me all the time, the restraining order.

Q. Do you think that that came from your collection of materials from your restraining order?

A. Yes, yes, yes, yes. But you asked me from where, so I don’t know exactly where, but I always made it a point to have it with me.

Q. Why did you carry a copy of the restraining order --

A. Because if --

Q. Let me finish the question. Why did you carry a copy of the restraining order with you at all times?

A. Because of David.

Q. Okay. That’s 261-G you’re looking at. That’s the custody order. 261-H would be who, or what?

A. Oh. This is a birth certificate for my son Star.

Q. That’s 261-H.

A. H?

Q. Yes. 261-I is the next one. And what is that?

A. This one is a visa application form, and my daughter is on it.

Q. This is for Davellin?

A. This is for Davellin.

Q. All right. The printing on that form is whose printing?

A. This is Vinnie’s.

Q. All right. The signature on the bottom is whose?

A. Vinnie’s.

Q. The photograph in the document is whose?

A. It is Davellin, my daughter.

Q. And the photograph was current for that time; is that correct?

A. Yes, it is.

Q. That was a photograph of her at about that age?

A. Yes.

Q. J, which would be 261-J.

A. Okay.

Q. Tell me what that is.

A. This is a birth certificate for my daughter Davellin.

MR. ZONEN: Your Honor, I’m not certain that 261 is in in its entirety or if at all. If not, I would move to introduce into evidence at this time 261.

THE COURT: 261 is in evidence.

MR. ZONEN: It’s in evidence.

Q. On the 20th and the 21st, do you remember where you stayed the night of the 20th; in other

words, after you were with Vinnie gathering up the birth certificates?
A. For most of the part on the 20th, I stood in Jay’s apartment by myself.
Q. And then that night, did you spend the night in Jay’s apartment?
A. That’s what I’m talking about.

Q. Your children were where?
A. They were already in Neverland.
Q. The next day, did you meet up with Vinnie again?
A. Yes.
Q. Do you recall where you went on that next day, the 21st?
A. The next day, the best I can remember is Marc Schaffel’s house, and he -- and Vinnie picked upp the passport applications from his house. That’s the best I can remember.
MR. ZONEN: Could I approach the witness, Your Honor?
THE COURT: Yes.
Q. BY MR. ZONEN: I’m going to show you No. 806. This is in a clear evidence bag which has a separate number of 1732. The court exhibit for identification, No. 806, pulling out the content.
A. And I’m being followed this whole entire time.
Q. That’s okay. Thank you.
Inside this exhibit are five pieces of paper. Would you take a look at those, please? Are those, in fact, duplicate copies of birth certificates --
A. Yes.
Q. -- of you and your children?
A. Yes. Those are originals.

Q. And the cover letter Affidavit to Amend Record?
A. Yes.
Q. County of Los Angeles?
A. Yes.

Q. And I’m handing you four items now. Take a look at those.

A. Finally. Finally.

Q. Well, just look at them one at a time and tell us what they are.

A. These are --

Q. Go ahead and look at all four first. What are they?

A. They’re my passports.

Q. Now, had you ever seen those documents before today, those passports?

A. No.

Q. All right. Is this what you understood to be the passports that they applied for at the time?

A. Yes. I had seen them when Vinnie was holding on to them --

Q. At some point in time --

A. -- in Neverland.

Q. Let’s go ahead and put these separate. I don’t know if 806 is not in evidence. I would move to move 806 into evidence at this time.

MR. MESEREAU: No objection.

THE COURT: It’s admitted.

THE WITNESS: These are the ones that Bill wrote for that I wanted.

Q. BY MR. ZONEN: “Bill” is Bill Dickerman?

A. That’s right.

Q. You just looked at those four passports. And those four passports are of you and your children; is that correct?

A. Yes.

Q. Now, did you mention that you had seen them at some time previous?

A. Yes.

Q. When was that that you saw them?

A. In Neverland.

Q. And do you remember when at Neverland it was?

A. Yes. Afterwards.

Q. And in whose possession were those passports?

A. Vinnie.

Q. How is it that you happened to see them in Vinnie’s possession?

A. Because he was rummaging through his like, I don’t know what. I don’t know. It kind of looks like a suitcase, but it’s not a suitcase. It’s a bag that you open up like this, and he was rummaging through the things. And that’s where I seen my passports. And I told him, “Could I have them?” And he said, “No.”

Q. How did you know that they were your passports?

A. Because he was rummaging through all these things, and then I happened to see them, and I said, “Is that my passports?” And he said, “Yes.”

Q. Okay. Did you see more than just the cover of them?

A. No, I -- just the cover.

Q. But you asked him if they were yours?

A. Yes.

Q. And he said?

A. He said, “Yes.”

Q. Did you ask to have them?

A. Yes.

Q. And what did he say?

A. He said, “No.”

Q. Did he say why he wasn’t giving them to you?

A. No, he just said, “No.”

Q. Now, at some later time, you retained an attorney by the name of Bill Dickerman?

A. Yes, I did.

Q. All right. And did he request, by way of letter that was shown to you, to have these passports returned?

A. Yes, he did.

Q. Were they, in fact, ever returned to you?

A. No, they were never returned to me.

Q. Prior to today?

A. Prior to today.

Q. Have you ever seen them?

A. I haven’t seen them.

Q. Where did you stay after you left on the 21st? Where did you go after the 21st of February; do you recall?

A. Neverland. After Marc Schaffel’s application, I went to Neverland.

Q. Let me ask you about Marc Schaffel. Who is Marc Schaffel? Who do you understand Marc Schaffel to be?

A. They just -- I know now per the investigation, it’s different.

MR. MESEREAU: Objection.

Q. BY MR. ZONEN: Hold on. At the time, did you know the name “Marc Schaffel”?

A. No, I didn’t. But I had spoken to a Marc when the Germans were there.

Q. All right.

A. Marc --

Q. In person --

A. Marc Schaffel.

Q. All right. In person or over the telephone?

A. Over the telephone.

Q. Did this person identify himself to you?

A. Yes. He said he was Marc Schaffel.

Q. He said he was Marc Schaffel?

A. Yeah, and then that’s the one that I told about the audio you can hear. And I said he was very unkind, because he was saying I had to do the video, and I thought he was one of the Germans.

Q. This was a person you spoke to prior to doing the rebuttal video?

A. Yes.

Q. And he was talking to you about the video?

A. No. He said I had to do the video. And this is before Jesus.

Q. All right. Now, at some point on the 21st you were taken to a home?

A. Yes.

Q. Did somebody tell you that was Marc Schaffel’s home?

A. Yes, Vinnie did.

Q. Did you meet Marc Schaffel?

A. No, I didn’t.

Q. To this day, have you ever seen a picture of him?

A. To this day I’ve never met him.

Q. All right. What were you doing at Marc Schaffel’s house?

A. Picking up the applications for passports.

Q. Were you with your kids or by yourself?

A. No, I was by myself.

Q. With Vinnie?

A. With Vinnie and the people that would --

Q. You’re saying there was another car of people?

A. There was always someone following us.

Q. Did you know who those people were?

A. I didn’t know at the time.

Q. Could you tell how many people were in that car?

A. Yes, sometimes there was two. And sometimes there was three. And sometimes there was one.

Q. Did you recognize any of them at any time?

A. No.

Q. You already knew Asaf’s appearance.

A. Yes.

Q. Did you know if Asaf was ever one of them?

A. No, I just happened to see Asaf one other time, and - I think so - that was during that Calabasas period.

Q. All right. Where did you go on the 21st? Where did you stay after that?

A. On the 21st, I stood at Neverland.

Q. And for how long were you at Neverland?

A. Until the 25th.

Q. And on the 25th, you went where?

A. To the hotel. I don’t know if it’s hotel, motel, in Calabasas.

Q. All right. Do you remember the name of it?

A. I think it’s Country Inn & Suites.

Q. In Calabasas?

A. Yes.

Q. All right. Let me go back to that period of

time from the 21st to the 25th that you were at Neverland. Where did you stay during that time?
A. In the guesthouse.
Q. And were your children there as well?
A. Yes.
Q. Where did Davellin stay?
A. In the guesthouse next to me.
Q. Not your unit?
A. And -- and I don’t mean to say “guesthouse.” It’s actually one building divided into four, and they’re actually just bedrooms.
Q. Four separate units in a building?
A. Four separate units?
Q. Yes. And you had one of the units?
A. Yes.
Q. And Davellin had another?
A. Yes.
Q. Where were the boys?
A. The boys were in the house.
Q. And that’s Gavin and Star you’re referring to?
A. Yes, yes.
Q. They were staying in the house?
A. Yes.
Q. Did they stay in the house the entire time?
A. Yes.
Q. Do you know if Michael Jackson was there during that period of time?

A. At that time, I don’t know.
Q. Do you have a recollection of seeing him during that time?
A. At that time, I don’t remember.
Q. Were you seeing your sons throughout that period?
A. No.
Q. The 21st through the 25th?
A. No.
Q. Where were you during the day?
A. In the guesthouse.
Q. Did you ever leave?
A. Not really.
Q. Where did you take your meals?

A. In -- in there.

Q. In the guesthouse?

A. Yes, I did.

Q. Did you ever go into the main house for meals?

A. No. No.

Q. Did you ever walk around the property?

A. Um, I think in that whole period from when I returned, from the 21st on, I’m being generous if I say -- if I may, my best estimate, if I say twice.

Q. “Twice” what?

A. I walked out into Neverland. And that’s my best -- and we’re talking about the period from the 21st on.

Q. Were you having -- were you spending time with your sons during that four-day period?

A. No.

Q. On the 25th, where did you go?

A. On the 25th?

Q. Yes. The 25th of February.

A. Okay. The 25th of February, went to my son’s doctor’s appointment. Then from there, I went to -- to Jamie’s, and then from there the hotel.

Q. All right. Let’s talk about the first two that you mentioned.

A. Okay.

Q. There was an appointment you had, I assume with Gavin; is that right?

A. Yes, I did. And Vinnie was there.

Q. And Vinnie went with you?

A. And the people that were following us.

Q. And another vehicle behind you?

A. Yes.

Q. And did you go with your other two children?

A. All three of my kids.

Q. All of your kids went?

A. Yes.

Q. The doctor’s appointment was where?

A. In Kaiser. That was his cancer specialist, his oncologist.

Q. And did they make another appointment for him or for testing at that time?

A. Yes. Yes, they did.

Q. What was that appointment?

A. That was -- I don't know what the correct medical term is, but Gavin has to go -- yes, he is a healthy boy, but he's got a lot of medical issues, and they have to watch out for -- and so they -- I don't know what this one is called. I don't know whether it's called a CT scan, ultrasound. The main purpose of that was to check his kidney, because there's a constant concern that Gavin could possibly lose his kidney.

Q. Is this a concern that exists today?

A. It still exists today.

Q. All right. Now, the -- he had an appointment with the doctor. So he actually visited with the doctor on the 25th?

A. Yes.

Q. During that visit, where did Vinnie go?

A. Oh, Vinnie was right there.

Q. What is "right there"?

A. With us, with me, the whole entire time with us. And usually our doctor visits, me and the kids are always like a group, you know.

Q. All right.

A. Because when I go to the doctors' appointments, yes, I -- you know, Sergeant Mommy. But I'm always like this, weak in my knees, because

I never know what is going to happen, I have to have, after the visit. So prior to the visit, I am holding my breath.

Q. Did Gavin actually have an examination with the doctor?

A. Yes.

Q. I assume that was separate from where Vinnie was.

A. Yes.

Q. Were you present during --

A. No, Vinnie was right there. Vinnie had expressed to me that there was something they could listen to me.

Q. I don’t understand what “right there” means.
A. Right there. Right outside the doctor’s room.
Q. Is that where you were?
A. Yes.
Q. So he was with you?
A. And he was with the kids.
Q. All right. And the kids were there, too?
A. Yes.
Q. Is this a waiting room of some kind?
A. No, it isn’t. It’s actually the hallway outside the doctor’s room.
Q. When you left the doctor’s office on the 25th, did you have an appointment to have an appointment to return to the doctor at some time in

the future?
A. Yes. I --
Q. Was that for an examination or a test?
A. No, that was a test. Purely a test. No doctor visit whatsoever.
Q. And what day was that?
A. March 10th.
Q. What was the test?
A. I don’t know. Like I told you, Mr. Zonen, I don’t know whether it was one of those CT scans or ultrasound. The main purpose of that test was to check on his kidney.
Q. All right. Was that the day that you were supposed to turn in a sample of -- a collection of his urine?
A. Yes.
Q. Now, let’s go back to this, now, again.
A. A 24-hour collection.
Q. A 24-hour collection. We’re going to cover this in just a moment. Let’s go back to the 25th.
A. Okay.
Q. You said that you had a doctor’s appointment with all of you, and then you went to, you said, The Laugh Factory?
A. Yes, I did.
Q. What was your reason for going to The Laugh Factory?

A. Okay. We were already on Sunset Boulevard.

And the Laugh Factory is not that far from Kaiser, so I tried to -- I tried to -- I'm -- I'm trying -- all along through this period, I'm trying to reach people to help me, to let them know the best that I knew at that time, because it kept evolving into more and more escalation.
MR. MESEREAU: Objection; nonresponsive.
THE WITNESS: Okay. That's my answer, though.
THE COURT: Just a moment, please.
THE WITNESS: Yes.
THE COURT: I think it was nonresponsive.
MR. ZONEN: I think it was.
Q. Now, you were going to go to The Laugh Factory. Excuse me, I'm sorry. Were you expecting to meet somebody at The Laugh Factory?
A. Yes.
Q. Who were you expecting to meet at The Laugh Factory?
A. I was expecting to meet just Jamie. And I think that Jamie on his own called Mr. Dickerman.
Q. Did you know who Mr. Dickerman was prior to that day?
A. Yes.
Q. And how did you know who Mr. Dickerman was?
A. Because Jamie had told me that Mr. Dickerman could possibly maybe help put a stop to Gavin's being ridiculed and called "gay" and all these

things.
Q. Do you mean the television show?
A. Yes, because they were making no effort.
Q. Did you understand Mr. Dickerman to be an attorney?
A. Yes, I did.
Q. Did you understand him to be Jamie's attorney, Jamie Masada's?
A. Yes, I did.
Q. Did you tell Vinnie in advance that you were going to go visit with a lawyer?

A. No, I didn’t.

Q. Why not?

A. Because I was -- there was -- there was consequences, consequences for going out of their plan.

Q. Okay. When you arrived at The Laugh Factory, what did you tell Vinnie was the purpose of going to The Laugh Factory?

A. Just -- just visit Jamie.

Q. Did you tell him who Jamie was?

A. Yeah, I had told him Jamie’s a good friend, and that’s about it. And so the second I went in there, there was -- in two minutes I had to leave.

Q. All right. You went in there. Did you go in with any of your children?

A. I think it was one of them. He had two of them stay with him. And then now Frank’s on the phone going crazy because I’m talking to Jamie, so --

Q. Hold on a second. Hold on a second. You’re inside The Laugh Factory right now?

A. Yes.

Q. How do you know Frank’s on the phone with anybody?

A. Because Davellin came in running and said, “Mommy, let’s” -- “Frank’s on the phone, and he’s mad and he’s going crazy.”

Q. All right. How long were you inside talking to Jamie at that time?

A. My gosh, it was like -- not that long. Not that long.

Q. What is “not that long”? Five minutes? Ten minutes? 20 minutes? Give us a sense of it.

A. My best estimate -- my best estimate, less than maybe ten minutes.

Q. Less than ten minutes?

A. Yes.

Q. All right.

A. And that’s my best estimate.

Q. Where did you go after that? This is the 25th. Where did you go after that?

A. Then they -- then Vinnie had told me that --

do you just want me to tell -- not what happened prior?

Q. Yes, just where did you go after you left The Laugh Factory?

A. The motel.

Q. The motel in Calabasas?

A. Yes. Or hotel, the Country Inn.

Q. How many days did you stay in Calabasas?

A. The 25th through the 2nd of March.

Q. That’s a 28-day month, February.

A. Yes.

Q. So you were there five days?

A. Yes.

Q. 25th, 26th, 20 --

A. And I didn’t know I was going to stay there.

Q. Did they tell you why you were there as opposed to going back to Neverland?

A. Yes, Vinnie had said that the killers had arrived at -- at Neverland, so we weren’t going to be able to go back. We had absolutely no kind of piece of luggage with us. Nothing. That was a complete surprise.

Q. So --

A. Yes.

Q. -- where did Vinnie say you were going after the Calabasas hotel?

A. After?

Q. Yes.

A. Not during?

Q. Well, while you were at Calabasas at that hotel, Vinnie told you that it was not safe to go back to Neverland?

A. That’s right.

Q. All right. Did he tell you where you were going to go?

A. We were going to a motel.

Q. And after the motel?

A. After -- now, what are you talking? During?

Q. You said you were going to go to a motel. You were in a motel.

A. Yeah, that’s it.

Q. Did he tell you you were going -- how long did he tell you you were going to have to stay at that motel?

A. No, he didn’t. It was always one day. One day. Every day everything changed.

Q. You had no other clothing with you?

A. No.

Q. All your clothing --

A. No clothing.

Q. -- was at Neverland?

A. Was at Neverland.

Q. At some --

A. Every piece of clothing was at -- in Neverland that I had with me.

Q. At some point in time did you go shopping?

A. Yes.

Q. Where did you go shopping?

A. And this is -- again, I had told them this is to replace -- because I wouldn’t accept anything from them. It was only in replacement. They said it was not -- not safe to return, so they were going to replace the children’s items, and that’s how they tricked us.

Q. All right. Ultimately how long did you stay at that hotel at Calabasas?

A. From February 25th to March 2nd.

Q. And during that time, on how many of those days did you go shopping for clothing?

A. One day.

Q. Was there any discussion during that five-day period of time as to when you were going to be going to Brazil?

A. Yes. It was -- we were going to Brazil. That’s it.

Q. Did they give you a day? Did they say in a week? In a month? Did they say when?

A. No. No, the second they get them, the second we’re going to go.

Q. The second they get what?

A. The second they get all of this covered.

Q. The documentation that they needed?

A. Yes, uh-huh.

Q. Did you believe at that time that you were actually going to go to Brazil?

A. Yes. And this is the period when I called Wheezy, Louise Palanker.

Q. You called her from the hotel in Calabasas?

A. No, I didn’t. I don’t know where I was. I don’t know where I was, but I called her during this period. That I can remember clear.

Q. All right. Who was at the hotel during this five-day period, other than you and your three children?

A. Frank. Vinnie. Johnny. This -- another guy that I never saw that always would stand outside my window. And then these other people that I never came to find out who they were.

Q. How many other people are we talking about?

A. Like I said, sometimes in the car there was one, sometimes there was two, and sometimes there was three.

Q. Were they there all the time?

A. Yes.

Q. Or one of them all the time?

A. Yes. Oh, there was -- nobody left my side at all.

Q. Were Frank and Vinnie with you the entire time?

A. No. It was these people that were all the time.

Q. Somebody named “Johnny” you just mentioned.

A. Yes.

Q. All right. What does he look like?

A. He’s -- he’s big.

Q. I’m sorry, I asked you about Johnny.

A. He’s big.

Q. Big?

A. Yes.

Q. What color hair does he have?

A. It’s a light color.

Q. Was he there the entire time?

A. Yes, the entire time.

Q. And day and night?

A. Day and night.

Q. Was there some -- if you walked out of your door, did you always see somebody there?

A. Yes. Absolutely. Outside my door, and outside my window, and wherever we went.

MR. ZONEN: If I could approach the witness, Your Honor.

THE COURT: Yes.

Q. BY MR. ZONEN: Showing you No. 26, please, would you tell us who this is?

A. This is Johnny.

Q. That’s Johnny?

A. Yes.

Q. During this period of time did you have telephone calls with anybody else?

A. Me?

Q. Yes.

A. But my phone calls were being monitored and listened to.

Q. Somebody told you that?

A. Yes.

Q. Who?

A. Frank and Vinnie.

Q. Did you believe that to be true?

A. Yes, I did believe them.

Q. Notwithstanding that belief, did you make phone calls from the hotel?

A. Yes, I did. What I did, I tried to give -- drop clues to every person. I figured -- I figured by all -- this was all going to be resolved by God’s miracles, and I figured one day -- there will be one day that all these people could give clues as to when me and my children would have disappeared, clues, clues, and this way this puzzle would have been put together.

Q. Who did you call during that period of time when you were at the hotel?

A. I called my mom, but I tried to like whisper to her in Spanish, and she said, “Que?” And so -- and --

Q. Your mom's a little hard-of-hearing, isn't she?

A. Yes, so -- so that didn't help me.

Q. All right. Did you tell your mother you were going to Brazil?

A. No, I don't think so.

Q. She didn't know?

A. No.

Q. Who else did you call?

A. But Aja did.

Q. You called Aja during this period of time?

A. Yes, yes. I sneaked it in there.

Q. You called her from where?

A. From the hotel.

Q. Okay. And you say you sneaked it in. What does that mean?

A. Yes, yes. Like, you know, I was letting her -- I was talking and kind of dropping people clues. Oh, you know, just kind of making --

Q. Hold on a second. The question was, how did you sneak a call in? What does that mean?

A. Okay. No, no, all my conversations were being monitored and listened to, all of them. What I'm trying to say is, I sneaked it in a way where I -- I said it to her, hoping that nobody had listened in on what I had told her.

Q. Who else did you call besides Aja, your mom and Louise?

A. Aja, my mom, Louise -- but I didn't call Louise from the hotel. I don't remember where I called her from.

Q. Okay.

A. Um -- um, I think it was one of my cousins. My mom.

Q. Did you call Jay during that period of time?

A. Yes, I called Jay. I hadn't called him for days.

Q. And you did call him from that hotel?

A. Yes.

Q. All right. Did you call the police during that time?

A. No.

Q. Why not?

A. Because my calls are being monitored, they were being listened to, my parents are in danger, Jay's in danger, and who could possibly believe this?

Q. What do you mean by, "Who could possibly believe it?" What was your concern in that regard?

A. That nobody would believe me. And that's because Frank said nobody would believe me.

Q. Did you, in your conversation with Jay from the hotel, tell him what was going on?

A. No.

Q. Did you tell him you were going to Brazil?

A. I told him the same way I tried to talk to Aja. Everything was always broken. It was never complete. So in my -- in the midst of a regular conversation, I'd throw something in, hoping that it hadn't been heard, and yet that this -- that part could stick in somebody's mind, and hopefully one of these days this puzzle could be put together. I tried.

Q. After five days there, where did you go?

A. Back to Neverland.

Q. So this is now on the 2nd of March; is that right?

A. Yes.

Q. And how long did you stay at Neverland from the 2nd of March?

A. Till March 10th.

Q. During that eight-day period of time, where did you stay?

A. Like I told you, Mr. Zonen, from the 21st on, when I was at Neverland, I just stood in the room. That's it. And that was per their order.

Q. Was there somebody around?

A. Yes. Either Frank or Vinnie, or both. But this guy Joe, he was really scary. You know what's more scary? When you're not spoken to and you're just watched. That was really scary.

Q. Do you know Joe's name?

A. I don’t know his last name, but he’s -- he is extremely loyal to him, to Mr. Jackson.

Q. What does he look like, “Joe”?

A. He is tall, kind of balding, a little bit of hair you can see.

Q. Do you mean a shaved head?

A. Yes.

Q. Do you know his last name?

A. I don’t know his last name.

Q. Did you ever hear it before?

A. No. Always -- the last names I would always find out by accident. They never told me their last names. Only when I would overhear them.

Q. What was it about Joe’s behavior that frightened you?

A. That -- that this particular specific time, for example, they would stand right outside my window, and Frank and Vinnie would talk to him, and then they’d turn around, Joe would go like this (indicating), and he’d go back and like this (indicating) and just stand there.

Q. Was Chris Carter there during that time?

A. Chris Carter. Um, I don’t know. I don’t know. I stood there inside the room.

Q. Was Jesus there during that time?

A. Yes. And whenever Jesus would -- whatever, come into my room, I’d go -- you know, right there in my room I’d try talk to him, and he would tell me, “I can’t help you.”

Q. Where were your boys during this time, from the 2nd to the 10th?

A. From the 2nd to the 10th, they were -- they were with Michael. This time I did see him.

Q. Could you tell if he was there the entire time, from the 2nd --

A. Oh, yes.

Q. Who are we talking about now?

A. Yes, because I’d see him. They’re running around with my kids like crazy, crazy nuts, you know. You know, I --

Q. All right, wait. You said “him.” Who is “him”?

A. Mr. Jackson.

Q. All right. And “they” were running with him. Who are “they”?

A. My boys.

Q. “Like nuts,” explain that to me. What does that mean?

A. Yeah, you know, I could see through my window at a distance. I know they’re my kids, but they’re this little. When you see someone really far, they’re about this little, and I see him this much bigger. It’s clearly them, them riding around in a go-cart and -- goodness gracious.

Q. Was there something about your boys’ behavior at that time that was alarming you?

MR. MESEREAU: Objection; leading.

THE WITNESS: No guidelines.

THE COURT: Just a minute.

Overruled.

You may answer.

THE WITNESS: No guidelines.

Q. BY MR. ZONEN: What does that mean, “no guidelines”?

A. There’s no guidelines. There’s -- that’s it. I’ve lost my kids.

Q. Did you have any contact with them during this period of time?

A. No.

Q. And “no guidelines.” How were they actually behaving? Tell us how they were behaving at that time.

A. Doing everything they wanted with Mr. Jackson.

Q. All day long?

A. All day long, all night long.

Q. Where were they staying at night?

A. With Mr. Jackson.

Q. All right. Did you ever go into Mr. Jackson’s residence at night?

A. No.

Q. Were you able to go into his residence?

A. No. From -- like I told you, Mr. Zonen, from the period of the 21st on, no. I'd be generous if I say, as my best estimate, two times.

Q. Did you tell the social workers from the Department of Child & Family Services, did you tell them that you would check on your children inside the house throughout the night?

A. With the DCFS meeting, if you take a smaller version of the video that we did on that same day, if you make it smaller, that's what -- that's what was discussed.

Q. Right. But did you, in fact, tell them that?

A. I could have. I could have.

Q. Did you know where your children --

A. And then but don't forget about the other additional tape-recording thing that Asaf had left there.

Q. Okay. Did you know where the boys were sleeping inside the house?

A. No. At that time. Now I know.

Q. At the time, where do you believe that they were sleeping?

A. I believed that the children stayed with children. That's what I believed.

Q. Do you mean his own children?

A. Well, with other children, because -- just children. That's what I believed.

Q. Did you ever ask Gavin or Star where exactly in the house they were sleeping during that time?

A. At that time, no.

Q. Did you ever have any conversations with Michael Jackson during that period of time from the 2nd of March until the 10th of March?

A. No. Zero. They were having too much fun.

Q. Did you have any conversations with either Vinnie or Frank during that period of time?

A. Oh, God. A lot of them.

Q. And --

A. I didn't have conversations. They -- they were coming at me.

Q. And what types of things were they telling you at that time?

A. And just following their orders. Oh, this is one of the things when they were trying to make me sign that -- that waiver.

Q. That waiver.

A. And I said, “No, no, I’m sorry, but my signing days are over.”

Q. Were your children in school during this period of time that they were at Neverland?

A. No, no school.

Q. Were they getting any private instruction while they were at Neverland?

A. No. See --

Q. No, did you complain about that to anybody?

A. I brought it to Mr. Jackson’s attention --

THE REPORTER: And to whose attention?

THE WITNESS: To Mr. Jackson, on that first -- prior to that meeting with Jesus.

Q. BY MR. ZONEN: During the initial stay?

A. Yes, the initial --

Q. Early in February?

A. Yes.

Q. What did Mr. Jackson say to you about your children getting tutoring or schooling?

A. That Ronald and Dieter would fix everything.

Q. Now, during this subsequent stay from the 2nd to the 10th of March of 2003, did you complain about them not getting any schooling during that time?

A. No. My complaining -- my speaking days were over, because the second I would say something, “Ahh.”

Q. The second you would say something, somebody would do something?

A. Yes. Frank would holler at me.

Q. Were you aware that there was a private school located near Neverland?

A. No.

Q. Did you ever ask them to send the children to a private school?

A. No.

Q. At some point in time did your children visit a dentist while they were at Neverland?

A. Yes.

Q. For what purpose?

A. Remember how I told you I kept trying to do -- do things, Mr. Zonen, about ways -- ways of getting out of there? And so I had told them that if I didn’t get -- if I didn’t get the orthodontist’s teeth -- braces removed, that they will -- the social workers were going to call the police.

And originally, Ronald and Dieter, way when the Germans were involved, they had said that it was bad PR for the police to get involved for Mr. Jackson.

So I used that, and I told them that they were going -- if I didn’t get the braces removed, that they were going to call the social workers.

Q. All right.

A. So I used that, because what I was trying to do was go to my orthodontist, so this way it was someone I knew that could possibly believe me.

Q. All right. Now, whose idea was it to go to a different orthodontist?

A. Their idea.

Q. And did you, in fact, go to a different orthodontist?

A. Yes. And get this: After the orthodontist was closed, no other patient was there. It was after hours, and with that scary guy Joe, and being put on notice that I was being listened and monitored. So again, I, the mother, failed again.

Q. All right. Now, did they take off the braces at that time?

A. Yes, they took off the braces.

Q. Were they, in fact, ready to have their braces removed?

A. They were not ready to take off the braces.

My children were supposed to have -- I think one of them was, I think two years of orthodontistry. And the other one had -- Star needed -- required orthodontic care, and I think it was about three years.

And so we -- the kids only had -- at that period, I think they only had them on for -- oh, I think they only had had them on at a period of six months at that time. And that’s my best estimates. So they weren’t supposed to be taken off.

Q. Why didn’t you simply change your mind about it and say, “No, we won’t take them off”?

A. Then they would have known then that I’m trying to escape. Because every time I tried to leave, there was huge consequences.

Q. Did you have a talk with anybody at Neverland about moving out of your apartment on Soto Street?

A. This was -- it was an evolvement of different things. First evolvement was when -- because the killers had gone to my apartment, I had to move out and different things. But this only came after -- after they found out that I had in my home Michael’s letter, a rabbit that he had given my son, which he wanted him to call him “Michael,” just different pictures. So my apartment was meaningless to them until they found out that Michael’s things were there.

MR. MESEREAU: Objection. Nonresponsive; move to strike.

THE WITNESS: That’s my whole answer.

THE COURT: Just a moment. Just a moment. It’s sustained.

Q. BY MR. ZONEN: Let’s back up a couple notches if we can.

A. Okay.

Q. The first conversation that you had about moving out of the apartment on Soto Street was with whom? Just tell me the name.

A. With Ronald and Dieter.

Q. That was with Ronald and Dieter?

A. Yes. Way back.

Q. So that was way back?

A. Yes.
Q. And did they talk to you at that time about moving out of the apartment?
A. Yes.
Q. At some point in time, did you tell -- did you tell somebody that in your possessions at that apartment --
A. Yes.
Q. -- were letters from Michael Jackson?
A. Yes.
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
Q. BY MR. ZONEN: That answer was “Yes”?
A. Yes.
Q. With whom did you have that conversation?

A. With Ronald and Dieter.
Q. Now, in fact, where were those letters?
A. In my apartment.
Q. And where in your apartment were they?
A. Okay. They were in different places. But one specific place that I remember is, I had a clay pot and it was Gerbera daisies, artificial Gerbera daisies. They weren’t real. So when you lift it up, it’s empty, because the artificial flowers do not belong to that pot. You can -- you can easily lift it up and out.
And I had placed them there. The -- and the reason that I had placed them there is because David is very sneaky. He does things, so I didn’t want David to get his hands on them.
Q. The letters were from Michael Jackson to whom?
A. To Gavin. Purely to Gavin.
Q. Had you read those letters?
A. Who?
Q. You.
A. Me? Yes. Yes.
Q. Why did you keep them at all, those letters?
A. Because they -- Michael had sent them, and they said “I love you” to Gavin, and, “Love you, Apple Head,” and “Doo-Doo Head.” Just -- I just kept them, you know, along with all these other

things that I had ever received from other people.

Q. You had other letters there as well?

A. Yeah. From other people, too.

Q. Now, did you tell either Dieter or Ronald where those letters were?

A. No, I didn’t. I just said they were in my apartment.

Q. Did you tell them that anything else was in your apartment that had come from Neverland or from Michael Jackson?

A. Yeah. Pictures. And then the rabbit. It was a little pretend rabbit, not a real rabbit.

Q. All right. A rabbit from Neverland?

A. Yeah, it was just a rabbit that came in a gift basket.

Q. Where was that kept?

A. That was out in the open.

Q. Now, you said Ronald and Dieter talked to you about moving out of the apartment?

A. Yes.

Q. At some point did either Frank or Vinnie talk with you about moving out of the apartment?

A. Oh, yes.

Q. Who was the first, between the two of them, to the best of your recollection?

A. Frank, on the phone, telling me it was so dangerous.

Q. At some point in time did you move out of the apartment?

A. Yes, I did.

Q. Who did you tell that you were willing to move out?

A. I didn’t tell them that -- that yes, for sure. That I would think about it.

Q. Who is it that you told that to?

A. To Frank. But it wasn’t a “Yes.” I would think about it.

Q. Were you ultimately moved out of that apartment?

A. Yes. And this time I had said, “No.” I thought about it, and then it was a “No.”

Q. Do you recall if you signed anything that reflected your willingness to move out of that apartment?

A. I didn’t sign a thing.

Q. Did you have a conversation with anybody about moving out?

A. Yeah. Frank and Vinnie. And then Ronald, Dieter in the beginning.

Q. All right. Now, was there any rent that was owed on that apartment at that time?

A. That’s another thing that they had found out. It had slipped out --

Q. Hold on just one second.

A. Okay.

Q. The question was, was there any money that was owed on that apartment?

A. At that current time, it was -- no.

Q. How long had you lived in that apartment?

A. Five years.

Q. Was there any point in time during that five-year period where you did not pay rent?

A. Yes.

Q. And when was that?

A. That was when Gavin was ill.

Q. And for how many months was that?

A. That was two months.

Q. And what did the landlord say about that?

A. One -- one month he gave -- he gave us. And the second one was owed to him, and he had told us to pay it when we can and it’s okay.

Q. All right. One month was simply gratis; it was given to you --

A. Yes.

Q. -- for free?

A. Yes.

Q. And the second month you owed?

A. Yes.

Q. How much money was -- what was the rent for that apartment?

A. My apartment rent was 425. But I was current to the point that -- since 2000. That was

since 2000.
Q. All right. So at the time that you were at Neverland for this period between the 2nd and the 10th --

A. Was already 2003. And I was still current on my month (sic), every month.
Q. How about that one month that you were going to pay back at a later time? Was that ever paid back?
A. No. Never.
Q. So there was still a --
A. Yeah, it's something that I knew.
Q. There was still 400-plus dollars that --
A. No, it was actually -- it was two months that weren't paid. But he said one was okay, and one was -- but it was two.
Q. Well, tell me, what was the amount that was owed at --
A. 850 from the year 2000. Nothing current. My rent was paid current.
Q. All right. 850 would reflect two months; is that right?
A. Yes.
Q. And that was --
A. Of the year 2000.
Q. Didn't you say that one of those months was forgiven?
A. Yeah, that's what he said. But I didn't -- I still didn't -- you know.
Q. It was either 425, one month, or 850 for two months?

A. It was for two months, but he had voluntarily said that one month is okay.
Q. All right.
A. But --
Q. Did you believe you owed 850?
A. Yeah.
Q. All right.
A. Yes, I did.
Q. Do you know if somebody paid off the balance

of the rent that was owed?

A. Yes.

Q. Do you know who that was?

A. I came to find out -- it had slipped out of Vinnie that they didn’t want no one to be able to -- to miss me or the kids, or start raising questions as to where the kids were. And usually because of -- this is what Vinnie said; that they would possibly start looking for me because I hadn’t paid my rent.

Q. Do you know if somebody paid off that balance?

A. Yes, I became aware of that.

Q. Do you know who it was that paid it off?

A. No, I don’t. That part I don’t know.

Q. It wasn’t you?

A. No.

THE COURT: Counsel? Take a break.

(Recess taken.)

MR. ZONEN: May I approach the witness, please?

THE COURT: Yes.

MR. ZONEN: Yes, please.

Madam Clerk, is 276 in evidence? I don’t believe it is. 276.

THE CLERK: It hasn’t been identified yet.

Q. BY MR. ZONEN: All right. I’m showing you now Exhibit No. 276, which is two separate sheets, the second one having two documents in it, front and back.

And do we have that pen that you had initially?

And again, on the vinyl of 276, not on the document itself, perhaps right here, tell us what -- let’s mark “A” for 276-A. And is that an envelope?

A. Yes, it is.

Q. To whom?

A. To me.

Q. From whom?

A. From my old landlord.

Q. Okay. At the Soto Street address?

A. Yes.

Q. And the address to where that was sent?

A. The address where it was sent was my mother’s home address.

Q. In El Monte?

A. In El Monte.

Q. Let’s go to the second document, No. B. And mark that “B,” if you would, please, on the vinyl again.

BAILIFF CORTEZ: You have to speak into the microphone.

THE WITNESS: Oh.

Q. BY MR. ZONEN: And does that appear to be a letter?

A. Yes.

Q. Is your name typed on the end of that letter?

A. Yes, it is typed.

Q. And is that your signature above it?

A. No, it’s not my signature.

Q. Would you read the content of that letter, please. To yourself.

A. Oh. Okay. Okay.

Q. All right. What does that letter purport to do?

A. What does --

Q. What does the letter say?

A. Oh. It says basically -- should I read it or just tell -- summarize?

Q. Go ahead and read it.

A. It says, “I, Janet Arvizo, who have lived in Apartment 208, have spoken to Yolanda about ending my lease. As of March 1st, 2003, my apartment is cleaned and I have officially moved out as per the conversation. This letter is official notification of the monthly lease on Apartment 208’s termination.”

Q. And what is the date of the letter itself?

A. March 4th, 2003.

Q. Did you, in fact, sign that letter?

A. No, I didn’t.

Q. Turn the letter over, this document, No. B, over. Is there another letter on that?

A. Yes, there is.

Q. Is your name on that?

A. The printed name is on it.

Q. Is there a signature above your printed name?

A. Yes, there's a signature.

Q. Is that, in fact, your signature?

A. It is not my signature.

Q. Read that letter to yourself.

A. Okay. Okay.

Q. And what does that document say?

A. It says, "As per my conversation with Yolanda, the official final liabilities owed to the management is an amount of $850. This is an official receipt of this liability owed to the building manager and fully absolves me of any further payment. Upon signing this form, the management of the apartment building on 807 North Soto Street, Los Angeles, California, for my apartment, Apartment 208, recognizes payment in full, and no other moneys to be received by the management of this building from me, Janet Arvizo. And I am fully free of any debts owed to the management."

Q. All right. Were these letters sent to you?

A. Yes.

Q. Were they sent -- who sent these letters to you?

A. The landlord did.

Q. Was that after you had already moved out?

A. Yes.

Q. Who is it you were talking to about moving out of your apartment? In other words, who at Neverland was it that you were talking to about moving out?

A. Frank and Vinnie.

Q. At some point in time did you give them the key to that apartment?

A. I think they had taken the key from me.

Q. I'm --

A. I think, maybe. I don’t know.

Q. Do you have a recollection of how they got the key?

A. No, I don’t remember.

Q. What were your feelings about moving out of your apartment at that time?

A. Remember how I said I would think about it?

Well, at this time now it’s a no.

Q. All right. Did you tell them no, you didn’t want to move out of your apartment?

A. That’s correct.

Q. Do you know where your possessions went to after they moved you out?

A. No, I do not.

Q. Did they ever tell you where your possessions were moved to?

A. No, they didn’t. That’s another reason why I needed Mr. Dickerman’s help after I left Neverland.

Q. Did anybody tell you that they were put into storage?

A. No.

Q. Did you ever return to that apartment on Soto Street after you left Neverland at the time?

A. No.

Q. Did you talk to anybody at Neverland about the boys being withdrawn from school?

A. Until afterwards.

Q. I’m sorry, “afterwards” of what?

A. Until after they had checked Davellin out.

Q. All right. Now, Davellin was going to school where at the time?

A. She was going to school at Roosevelt High School, which was down the street from my Soto Street apartment.

Q. So that was in East Los Angeles?

A. In East L.A. It’s even on Soto Street, the high school.

Q. Now, let me back you up just a little bit, before you went off to Miami.

A. Okay.

Q. I think you had testified that you were living part time at Jay Jackson’s apartment in mid-Wilshire.

A. I was visiting.

Q. And part time at Soto Street?

A. I lived in Soto Street.

Q. The address that you used for the boys to go to the school that they were in on Wilshire --

A. First they attended Hollenbeck.

Q. Okay.

A. They attended Hollenbeck. This is a school down the street from Soto Street. And because the boys were not involved in any gangs, they kept getting beat up, because they wouldn’t join any gangs. And so I told Jay about it, and so moved them to another school within the same L.A. school district.

Q. And the school that you moved them to was which one?

A. John Burroughs.

Q. And John Burroughs is located where?

A. It’s near Jay’s apartment.

Q. Did you use Jay’s address to be able to do that?

A. Yes, I did.

Q. And --

A. And also they became aware of that afterwards, but it was already on the record and they were okay with it.

Q. Okay. Now, where were you actually residing during that period of time prior to going to Miami?

A. In my East L.A. apartment.

Q. All right. Would you spend the nights at Jay’s apartment as well?

A. Yes, sir, I did.

Q. Can you give us a sense of how many nights a week you would be at the East L.A. apartment and how many nights a week you would be at Jay’s apartment, on average?

A. Depending if Jay had to work late or -- it all depended upon Jay’s work.

Q. All right. Now, when you stayed at Jay's apartment during the week, where did Davellin stay?

A. She always stood in -- and this is what would happen: We'd all stay there in East L.A. She'd go to school, and then I'd take off on the bus to drop off the boys. And then I'd go to Jay's apartment, clean his apartment, do anything to -- just make myself serviceable.

Q. All right. On the nights that you actually stayed overnight at Jay's apartment --

A. Yes.

Q. -- during the week, where would Davellin stay?

A. Okay. When that would happen, I would -- I would contact my parents, and so since my dad has like a swing shift -- he's a truck driver, my dad. I would let my parents know, and then so they'd go by the apartment and go pick up Davellin.

Q. All right. Let me move you back now to this period from the 2nd to the 10th of March, and back at Neverland again.

A. Okay.

Q. Did you have a discussion with anybody at Neverland about checking your kids out of school?

A. Yes. After Davellin was checked out.

Q. All right. Did you have a discussion with anybody about checking Davellin out of school --

A. No. No.

Q. -- before you checked her out of school?

A. No.

Q. Did Davellin check out of school?

A. They checked Davellin out of school.

Q. Did you know that they were doing that in advance?

A. No, I did not know.

Q. And that was from Roosevelt School?

A. That was Roosevelt.

Q. In East L.A.?

A. East L.A., yes.

Q. Now, was Davellin out of school this entire period of time?

A. Yeah. They’re off track. So I don’t know if they’re familiar here with “track.”

Q. Well, let me see if we can figure this out. From the period of time in early February when you first went to Miami --

A. There’s a portion --

Q. Hold on. There’s no question pending.

A. I’m sorry.

Q. From the time you went to Miami in early February until the 10th of March, was Davellin going back to high school at all?

A. I think that’s -- I think -- I can’t remember, but I think Davellin was off track. “Off track” means you don’t go to school during that period.

Q. This is one of those schools where students --

A. Yes.

Q. -- attend --

A. It’s year-round school.

Q. It’s one of those schools where students attend at different times?

A. Yes.

Q. And it’s sometimes not necessarily in the summertime --

A. Yes.

Q. -- they are out of school?

A. Yes. And I think that’s the best I can remember.

Q. Now, as to the boys, did you have a conversation with anybody at Neverland about the boys being checked out of school?

A. Okay, this is when Frank and Vinnie holler at me that I have to sign this paper. That’s why it came to a point where my signing days were over. I had to sign a paper for them to check out the boys, but with Davellin, they did it without my signature. They did it themself.

Q. I’d like to show you a document now, or a couple documents.

If I may approach the witness, Your Honor.

THE COURT: Yes.

Q. BY MR. ZONEN: Exhibit No. 271 -- do you have a pen there?

A. Yes, I do.

Q. Exhibit No. 271 for identification, not in evidence, for identification, mark that first one on there “A,” and then we’re going to move on to the second one.

Let’s go to 271-B. Mark that “B,” and tell me what that is.

A. This one?

Q. Yes.

A. Okay. It says, “Checkout sheet.”

Q. From where?

A. From John Burroughs.

Q. All right. Is --

A. The boys’ -- my boys’ school.

Q. John Burroughs Middle School?

A. Yes.

Q. Is this for one of your sons?

A. Yes. This is for Gavin.

Q. All right. Is there a date on that?

A. It says March 6th, 2003.

Q. Is there a signature on that document?

A. Yes, there is. It says, “Parent’s signature.”

Q. And whose signature is it?

A. It’s Vinnie’s.

Q. All right. It says “date of birth” on there?

A. Yes.

Q. Is that Gavin’s birth --

A. That is Gavin’s birth date.

Q. Does it indicate where the new address is going to be for this child, for this student?

A. Yes. It says -- “City” is “Phoenix.” The state is “Arizona.”

Q. All right. Is this in your handwriting at all?

A. Not in my writing at all.

Q. Did you ever see this document?

A. I’ve never seen this document before.

Q. All right. You -- before today or before the grand jury?

A. Before -- I think it was the grand jury. I think that time. Or before --

Q. But at the time all this was happening --

A. At that time, no.

Q. Back on March 6th, 2003 --

A. No.

Q. -- did you ever see that document?

A. No.

Q. Now, did anybody talk to you about moving to Arizona, to Phoenix?

A. No. Except in that letter, the one -- the letter with the “Phoenix, Arizona,” that you showed me.

Q. Oh, all right.

A. That one.

Q. But conversations?

A. Conversation, no.

Q. Nobody had a conversation with you at Neverland about you moving to Phoenix, Arizona?

A. No, no. Zero.

Q. Did either Vinnie or Frank mention Phoenix, Arizona, to you?

A. No. Zero.

Q. Did either of them indicate where they wrote on these checkout forms where they were moving you to?

A. It says right here, “New address.”

Q. But in conversations that you may have had with Vinnie and Frank at the time?

A. No, no, it was Brazil.

Q. This is B.

Let’s go to C, if we can, right here. Mark that one “C.”

A. This is what I’m talking about.

Q. All right. Would you take a look a moment at that document?

A. Okay.

Q. Have you ever seen that document before?

A. Yes, this is the one with --

Q. Is your signature on that?

A. Yes, this one has my signature.

Q. And read that document.

A. It says, “I, Janet Arvizo, allow Vincent Armenta to check out my son Gavin Anton Arvizo from John Burroughs” -- I mean, “from Burroughs Middle School. He will be placed in another school district in Phoenix, Arizona, where a current new residence is being sought.”

Q. That is your signature?

A. Yes, it is.

Q. And written -- typed below is the name “Janet Arvizo”?

A. Yes.

Q. Is this the letter you’re referring to?

A. Yes, this is what I was talking about.

Q. Now, at the time that you signed that, did you talk to them about, “What’s the business with Phoenix, Arizona?”

A. And they said this way nobody would be able to find me or the kids.

Q. This is C. Let’s go to D, please.

A. Okay.

Q. Go ahead and write “D” on that. What is “D”?

A. “D” is my driver’s license. Oh, that’s another thing they had.

Q. Just tell us what it is right now.

A. My driver’s license.

Q. And who else?

A. Vinnie’s driver’s license.

Q. At some point in time did somebody tell you that they needed a copy of your driver’s license?

A. No, they took my driver’s license.

Q. All right. Who is “they”?

A. Frank and Vinnie.

Q. Well, did both of them take it?

A. Yes. Yes. Frank was present when Vinnie took it. So --

Q. Tell me what you mean by “took it.” What did they do?

A. They said, “Let me have your driver’s license.”

Q. And did you hand it over to them?

A. Yes, I did. At that point I was doing everything they said.

Q. Was it about this time that you did that?

A. Yes. Yes, I did.

MR. ZONEN: Oh, I’m sorry. I’ll do that.

Q. Exhibit No. 272. At this time No. 272. Would you tell us what that is, please?

A. It’s “John Burroughs Middle School Checkout Sheet.”

Q. That’s for who?

A. For my son Star.

Q. Is this the same form as the one that we had previously looked at for Gavin?

A. Yes. And it says, “Star David Arvizo.”

Q. His full name is on there?

A. Yes, his full name is on there.

Q. This one also states you’re going to Phoenix, Arizona?

A. This one also states I’m going to Phoenix, Arizona.

Q. Put an “A” on that. So that’s 272-A. And we’ll turn it over.

A. And the parent’s signature is not mine.

Q. There is a spot for parent’s signature?

A. Yes.

Q. And whose signature is that?

A. It’s not mine. It’s Vinnie’s.

Q. Did he sign his own name?

A. Yes, he did. And it says, “Date of birth: 12-11-1990.”

Q. Is that, in fact, Star’s birthday?

A. Yes, it is.

Q. And Vinnie, I’m assuming, is not his parent?

A. Yes, it’s -- oh.

Q. This is A. This is B.

A. Yes.

Q. Right here. Mark “B” on that, please.
And that document, is that the same document; however, the letter, that’s signed by you, except this one is for Star?
A. Exact -- exactly.
Q. And that is, in fact, your signature?
A. Yes, it is my signature.
MR. ZONEN: Your Honor, I would like to move into evidence Exhibit -- Exhibit No. 276, which would be A and B, which is the envelope as well as the letter dealing with the landlord. And I would so move at this time.
MR. MESEREAU: No foundation.
THE COURT: It’s admitted.
MR. ZONEN: I’m sorry, the Court’s ruling?

THE COURT: It is admitted.
MR. ZONEN: All right. I would also move to introduce into evidence 271, as to B, C, D, and 272-A and B.
MR. MESEREAU: No objection.
THE COURT: It’s admitted.
MR. ZONEN: May I publish a few of these documents at this time?
THE COURT: Yes.
MR. ZONEN: Let’s start with 271-B and C.
MR. AUCHINCLOSS: May we have “Input 4,” Your Honor?
Q. BY MR. ZONEN: Now, this is the “John Burroughs Middle School Checkout Sheet”; is that right?
A. Yes.
Q. And who’s “the student”?
A. “The student” is Gavin Anton Arvizo.
Q. And the printing on that -- the handwritten printing on that, is that yours?
A. No, it isn’t.
Q. All right. Was this filled out in your presence?
A. No.
Q. And again, this is a document you did not see until a court proceeding in Santa Barbara?
A. Correct.

Q. “Parent’s signature,” that’s Vinnie’s?

A. Yes.
Q. And the date of birth; is that right?
A. Yes.
Q. And this is the document that indicates “Phoenix, Arizona”?
A. Yes.
Q. Let’s go to the next one, please.
Exhibit C from that same exhibit, is this the letter, then?
A. Yes.
Q. And that is your signature?
A. It is my signature.
Q. And then 276-B on the front side -- what happened to our laser?
Put it on so both signatures are on there.
And then the second down here, where it says “Janet Arvizo,” is that your signature?
A. No, it isn’t.
Q. All right. Do you know if that is Yolanda Lozalde’s signature?
A. Yes, it is.
Q. And then turn it over.
This is the second letter that you identified. And that signature here, is that your signature?
A. No, it isn’t.
MR. ZONEN: Okay. You can turn on the lights.

Q. I’d like to move you ahead to the 10th of March, if I may.
A. Okay.
Q. You told us that you had a preexisting schedule requiring a visit again back at Kaiser Hospital; is that right?
A. Yes.
Q. And what exactly was it that Gavin had to do in preparation for that visit?
A. He had to -- okay, well, actually the creatinine clearance, Mr. Zonen, had to be turned in

immediately. The creatinine clearance, that had to be turned in immediately after the doctor’s visit, which was way back in February, February 25th.

MR. MESEREAU: Objection, Your Honor. Nonresponsive; move to strike.

THE COURT: Sustained. Stricken.

Q. BY MR. ZONEN: I want to be very specific about the questions that I ask --

A. Okay.

Q. -- and the answers that you give.

A. Okay.

Q. The purpose of the visit on the 10th of March was for what?

A. Just to check his kidney.

Q. And was there a requirement that he had to furnish a urine sample?

A. That was required since February 25th.

Q. Okay. And why --

A. I had to do that the next day.

Q. Why didn’t you do it on February 25th?

A. Because they didn’t let me. They didn’t want me to go back to Kaiser to turn it in.

Q. Did he have an examination that had to take place on the 10th as well?

A. Yes.

Q. And the examination was to do what?

A. Was to check his kidney.

Q. All right. Did they, in fact, do that at that time?

MR. MESEREAU: Object to the word “they.” Move to strike.

THE COURT: Sustained. Stricken.

Q. BY MR. ZONEN: Did he have an examination of some kind at Kaiser Hospital on the 10th?

A. Yes.

Q. And what was the examination that he had?

A. To check the inside of his kidney.

Q. Were you present during that exam?

A. Yes.

Q. And did that exam take place?

A. And so was Vinnie.

Q. And that exam took place?

A. Yes.

Q. Now, the creatinine clearance, tell us what that is, please.

A. The creatinine clearance is a 24-hour urine collection to check on Gavin’s kidney.

Q. And was there some piece of equipment that he had to have to collect it in?

A. Yes. It’s a big, giant jug that -- it’s made to collect urine.

Q. Now, I’m told that this is not a used exhibit.

A. Okay.

Q. And this is No. 349. Can you tell us if this Exhibit No. 349 is similar or dissimilar --

A. It’s similar, but it’s not it.

Q. It’s not the same?

A. No.

Q. Tell us how that is different from the one that you had.

A. Okay. It doesn’t have this, this thing, at all. It’s just completely closed.

Q. All right. Is the configur -- and the thing that you’re saying, “this thing” --

A. The cap. The cap.

Q. The cap is different on it?

A. Yes.

Q. All right. Now, the cap on the one that you had, did it close in the same fashion?

A. It closed. It’s completely closed, sealed.

Q. So there wasn’t a part that you could open up?

A. There is no part that you can open up like that.

Q. On the one that you had, did it twist closed?

A. Yes.

Q. In the same fashion?

A. Yes. Yes.

Q. Was it --

A. It’s similar, the bottle, though.

Q. The bottle and the size was similar?
A. Yes.
Q. The cap on the one that you had, did it close to the same extent?
A. Completely sealed, because --
Q. You need to wait until the question is asked in its entirety.
A. Okay.
Q. The top, did it seal closed to the same extent that this one does?
A. Yes.
Q. So it twisted closed?
A. Yes.
Q. All right. The one that you had, was it as secure as the one that this is?
A. Yes.
Q. Okay. All right. Now, was the color the same?
A. Yes, just about.

Q. All right. Where did you get that particular container, the one that --
A. At Kaiser at the laboratory.
Q. All right. Was that on the 25th?
A. That was on the 25th. And I was supposed to do that --
Q. Did you have a specific time schedule for returning it?
A. Immediately.
Q. All right. And it wasn’t done until the 10th?
A. It wasn’t done.
Q. All right. Whose idea was it to do it around the time of the 10th?
MR. MESEREAU: Objection; foundation.
THE COURT: Overruled.
You may answer.
Q. BY MR. ZONEN: Go ahead and answer.
A. Every time -- I had done these creatinine clearance already for years, since the year 2000.
MR. MESEREAU: Objection; nonresponsive.
THE COURT: Sustained.
Q. BY MR. ZONEN: Again, you need to listen to

the question.

A. Okay.

Q. Whose idea was it to do it the 10th, you or somebody else?

A. I had kept having Gavin do the urine

clearance, and every time there was an excuse why it couldn’t get turned in. It was lost; it was -- the urine wasn’t continued --

MR. MESEREAU: Objection. Nonresponsive; move to strike.

THE WITNESS: That’s my answer.

MR. ZONEN: No, you need to listen to the question.

THE COURT: Sustained.

Q. BY MR. ZONEN: Who decided to do it on the 10th?

A. I did.

Q. All right. That was the question.

A. But there was many times before --

Q. Hold on.

MR. MESEREAU: Move to strike as nonresponsive.

MR. ZONEN: Hold on. We’ll take care of it.

THE COURT: Sustained.

Q. BY MR. ZONEN: You need to listen to the question being asked.

Did you then give this container to Gavin to do this urine collection?

A. It had been given to him since the 25th.

Q. So he had it in his possession?

A. Yes. Yes.

Q. All right. Did you have a conversation with Gavin about him collecting his urine?

A. Yes.

Q. At about that time?

A. Yes.

Q. Was it at least 24 hours prior to your going back to Los Angeles?

A. Yes, it had to be.

Q. Did you talk with him about collecting the urine during that time?

A. Yes. From the doctors.

Q. Yes. And, now, this is something he had done previously; is that right?

A. Yes. For years already.

Q. Now, to your understanding, did he begin collecting his urine?

A. He started collecting it from -- from like -- I think it was from the 2nd on, when we returned to Neverland. Because from the 25th to the 2nd when we were in the hotel, Frank had taken them away from us, because we weren't going to go to the doctors anymore.

Q. I didn't understand that. Frank actually took one of these containers away?

A. Yes, he took it away from Gavin.

Q. At the hotel?

A. At the motel.

Q. You had one of these at the hotel?

A. Yes.

Q. Did you have a conversation with Gavin at 6301 Neverland about turning in this urine?

A. No, I didn't. I had told Vinnie and Vinnie had told Gavin. It was like I said; no more contact with my children from when we returned to --

Q. At some time prior to your going back to Los Angeles, did Gavin call you?

A. Yes. On March 10th.

Q. All right. Did he say something to you concerning the urine?

A. Yes.

Q. What --

A. It was about 4 a.m.

MR. MESEREAU: Objection. Nonresponsive and hearsay.

THE COURT: I'll strike after, "Yes."

Q. BY MR. ZONEN: What did he tell you about his urine sample?

MR. MESEREAU: Objection. Hearsay.

MR. ZONEN: It would be a spontaneous declaration and an excitable utterance.

MR. MESEREAU: No foundation.

MR. ZONEN: It also explains the conduct of the parties thereafter.

THE COURT: I'll overrule the objection.

Q. BY MR. ZONEN: All right. What did he say to you about the urine sample?

A. He called me about 4 a.m., and -- he had phoned into the guesthouse, into the room I was.

And he had told me, "Mommy, we need to reschedule," because this was the end --

Q. Just tell us what he said.

A. Okay. Every time I wanted to do a creatinine clearance, they would always say no. Finally, I was using this appointment --

MR. MESEREAU: Objection. Nonresponsive; move to strike.

Q. BY MR. ZONEN: You need to tell us -- the question specifically is, what did Gavin tell you?

A. Gavin had called me about 4 a.m., and he had told me that Michael was scared because he had drank some Jesus Juice; that it was going to be detected in his urine.

And that's when I told him, "Baby, what do you mean."

THE COURT: Wait, stop. He just asked what Gavin said.

THE WITNESS: Oh, okay.

THE COURT: Just stop.

Q. BY MR. ZONEN: Did you know what "Jesus Juice" was?

A. I had asked what "Jesus Juice" was.

Q. Did he tell you what "Jesus Juice" was?

A. Wine.

Q. Was this the first time you knew that he had been --

A. This is the first time.

Q. You need to listen to the question.

Was this the first time you had learned that Gavin was drinking alcohol?

A. Yes.

Q. When did you leave to go to the hospital?

A. From 4 a.m., I didn’t sleep anymore. It was -- I tried to get them up about 6:00. Nobody could find Gavin, so we left there in the morning.
Q. What do you mean, “Nobody could find Gavin”?
A. They couldn’t find Gavin.
Q. Did --
A. The security people. And they said that, “They’re with Michael,” and that was it; that they needed Jesus’s help to locate Michael with the boys.
Q. All right. Now, how did you find Gavin that morning? How were you able to find Gavin?
A. Well, finally Jesus brought him over.
Q. At what time was that?
A. That was -- I don’t know. I don’t know. We were supposed to leave Neverland at 7:00, and I know we didn’t because --
MR. MESEREAU: Objection. Nonresponsive; move to strike.
THE WITNESS: I can’t -- so it had to be after 7:00, because we didn’t leave at --
THE COURT: Just a moment.
THE WITNESS: Okay. Yes, sir.
THE COURT: I’ll strike that. Ask the question again.

Q. BY MR. ZONEN: Do you know what time it was you left Neverland?
A. No. It was after 7:00, my best estimate.
Q. Were you up from four o’clock in the morning?
A. Yes.
Q. Was Gavin with you when you left?
A. Yes. And so was Vinnie.
Q. Did you have the container of urine with you?
A. Yes.
Q. Who was holding on to the container?
A. Gavin handed it to me.
Q. So you were holding on to it during the drive?
A. Yes. Oh, yes, I was.
Q. Where were you sitting in the car?
A. I was sitting in the front of the car, in

the front seat, and Gavin handed it to me.

Q. All right. Did you hold on to it for the length of the drive?

A. Yes, I did.

Q. Where was Gavin sitting?

A. Gavin was laid out, passed out in the back seat.

Q. He was asleep?

A. In deep sleep.

Q. And was it Vinnie who was driving?

A. Yes. It was Vinnie.

Q. Anybody else in the car?

A. No. Just me, Vinnie, and -- me, Vinnie and Gavin, and -- and those people.

Q. At some point in time, did you stop on your way to the hospital?

A. Yes.

Q. Why did you stop?

A. I -- I had to go -- I had to use the rest room really bad, because I had been drinking the whole entire time to keep me up, so I wouldn’t fall back to sleep.

Q. Drinking what?

A. I kept drinking coffee.

Q. Okay. You had to use the rest room?

A. Yes.

Q. Where did you stop?

A. I stopped at Denny’s, and I tried to hold it so much.

Q. Did you -- do you know where it was that you stopped?

A. No.

Q. The location?

A. No.

Q. Do you know how long you were in the car at the time that you stopped to use the rest room?

A. I don’t know. My best estimate, maybe

halfway.

Q. Did you then go into the restaurant?

A. Yes, I went into Denny’s.

Q. When you came back out, where was the car?

A. Gone.

Q. How long did you wait for the car to return?

A. Maybe about -- maybe about not more than five minutes. It was just minutes.

Q. Was Gavin still asleep in the back?

A. He was asleep.

Q. All right. And did you talk to Vinnie about where he had been?

A. Yeah. I asked him, “Where did you go?” He says, “Oh, I went driving around.” I’m thinking, “We’ve just been driving for a long time. Why would you need to drive any more?”

Q. Did you get back in the car and proceed to the hospital?

A. Yes.

Q. Did you notice the urine sample at that time?

A. Yes.

Q. What did you notice about the urine sample?

A. I noticed that the bag had been moved a little bit, okay?

Q. It was in a bag?

A. Yes, in a paper bag, okay? So then I said, “Okay,” so then I picked it up. And when I picked it up -- when it had urine, it’s heavy. And it was light. And there was only -- do I continue?

Q. You --

A. There was only this much urine in it.

Q. All right. Did you ask Vinnie -- was the top sealed back on?

A. It was sealed back on and it was like a little bit wet.

Q. All right.

A. And it wasn’t closed tight, though, because when Gavin had handed it to me, it’s customarily that I always check the cap.

MR. MESEREAU: Objection. Move to strike; nonresponsive.

THE COURT: Stricken.

Q. BY MR. ZONEN: When you noticed that the container was missing, did you say anything to Vinnie?

A. The container wasn't missing. It was --

Q. The content of the container was substantially less than before; is that right?

A. Yes. I asked him -- it was only this much in there.

Q. How much had been in there up to that time?

A. Almost this way.

Q. And by "this way," you mean about 90 --

A. About this full.

Q. About 90 percent full?

A. About this full. And then there was this much after I went to Denny's.

Q. Maybe 10 percent full?

A. About this much.

Q. Okay.

A. I don't know percent.

Q. That's okay.

All right. Did you ask him what happened?

A. Yes. I said, "What happened?"

Q. What did he say?

A. And he didn't answer me. And then he just commented, "Oh, it must have fallen."

Q. I'm sorry?

A. He said -- he commented -- because he didn't answer me. And then he said, "It must have fallen."

And that's it. I knew at that point, zip the lip.

Q. All right. But were you able to tell --

MR. MESEREAU: Move to strike; nonresponsive.

THE COURT: Stricken.

Q. BY MR. ZONEN: Were you able to tell whether urine had spilled into the car or not?

A. There was no urine odor, wasn't wet, nothing like that.

Q. You weren't able to see any evidence that urine spilled inside --

A. That's right.

Q. Listen to the question in its entirety.

You weren’t able to see any evidence of urine having been spilled anywhere inside the car?
A. That’s correct.
Q. Did you ask Vinnie to explain how it happened?
A. I asked him what happened. He didn’t answer. But afterwards he had commented.
Q. What did he comment to you about?
A. “It must have fallen.”
Q. Did you continue on to Kaiser Hospital?
A. Yes, I did. And I stood quiet.
Q. And did Gavin, in fact, have the test that he was supposed to have at that time?
MR. MESEREAU: Objection; foundation.
MR. ZONEN: I’ll withdraw the question.
Q. Did Gavin go into the hospital --
A. Yes.
Q. -- with you?
A. Yes.
Q. Was Vinnie there?
A. Yes.
Q. Was the urine sample turned in?
A. Yeah. I turned it in and --
MR. MESEREAU: Objection. Nonresponsive; move to strike.
MR. ZONEN: The question is, was it turned in, and she said yes.

THE COURT: The objection is overruled.
Q. BY MR. ZONEN: All right. Where did you turn it in?
A. In to the laboratory.
Q. Did you talk with anybody there about the content of the bottle?
A. They said --
MR. MESEREAU: Objection; hearsay.
Q. BY MR. ZONEN: The question is, did you --
A. Yes.
Q. Yes or no?
Okay. And did you at that time turn it in?
A. Yes.
Q. Prior to your leaving the car to go to the rest room, how tight was the top of that

container --
A. It was --
Q. Wait till the question is answered (sic).
A. Okay.
Q. How tight was the top of the container screwed onto the container?
A. It was tight.
Q. Was that your habit and custom each time?
A. It was a habit and custom, because I always had to travel with the urine on a bus, so --
Q. Do you know how long you were at the hospital, Kaiser Hospital, with Vinnie and with Gavin?

A. Well, when I went to go try to turn that in to the laboratory, and then we went to the appointment, which was in a different building.
Q. All right. And after you left that building, where did you go?
A. Then I went to the apartment.
Q. You went to whose apartment?
A. Jay’s apartment.
Q. Was Jay there?
A. Jay was not there.
Q. Was Vinnie with you?
A. Vinnie was with me.
Q. Was Gavin with you?
A. Gavin was with me. But they didn’t go into the apartment.
Q. How long did you stay at the apartment?
A. Long enough to ask Jay to meet me at the nail shop.
Q. All right. Did you call Jay from the nail shop or from the apartment?
A. I called him from the apartment and told him to -- you know, because since they’re monitoring my phone calls, like I told you how I would speak to people. And then I told him, “Oh, why don’t you meet me in” -- “at the nail shop.”
Q. All right. Did you then go to the nail shop?
A. I did go to the nail shop.

Q. Was he there when you got there?

A. No, he wasn’t there.

Q. Did you have whatever they do at a nail shop done?

A. No. I had used the -- their phone. I had waited for Vinnie to cross the street, and that’s when I did it.

Q. What do they do, manicures at a nail shop?

A. They do manicuring and waxing there.

Q. Did you have any of that done?

A. I had done only a leg wax.

Q. Did you have a manicure?

A. No.

Q. Where was Vinnie while you were having a leg wax done?

A. Okay. He had came in --

Q. No, no. Where was Vinnie when you were doing --

A. Me, Vinnie and Gavin, when we originally arrived at the nail shop, we were all three together.

Q. And while you were having this procedure --

A. No.

Q. -- where was he?

A. First Vinnie checked the area out. And then I told her, “I came here for a leg wax.”

Q. While you were having the leg wax, where was Vinnie?

A. Then he saw that I was going to do the leg wax, and then that’s when he walked across the street.

Q. So he left?

A. Yes.

Q. Where was Gavin?

A. With him.

Q. He was with him?

A. Yes.

Q. Did Jay eventually arrive?

A. That’s when I called Jay to come.

Q. So you called him a second time --

A. Yes.

Q. -- from the beauty salon?
A. Yes.
Q. And did he, in fact, come?
A. Yes, he did.
Q. Now, did you go back with Vinnie?
A. No.
Q. At some point in time, did Vinnie come back and see Jay?
A. Oh, yeah.
Q. What happened?
A. He turned red.
Q. Vinnie did?
A. Yes.
Q. All right. Did Vinnie say something to Jay or to you?

A. He said, "Okay. Let's go now, Janet."
Q. What did you say in response to that?
A. I told him that I kind of wanted to stay since I had a Family Court appointment the next day. And so I told -- I used that as a reason why I could stay, me -- me and Gavin.
Q. All right. Did you want to stay with Gavin?
A. Yes.
Q. Your other two children were still at Neverland?
A. Yes. But I had to do everything as if -- not to raise suspicion.
Q. Did you say something to Vinnie specifically that you were not going back?
A. Yes.
Q. What did he say?
A. "No. That's not part of the plan."
Q. Now, was Gavin standing there at the time?
A. Yes.
Q. How was Gavin behaving?
A. At that time he's just -- he's just observing.
Q. All right.
A. It's until he talks to Frank that he gets -- he becomes distressed.
Q. Are you aware as to whether or not Vinnie got on the phone with anyone?

A. Yes, he did. He goes, “I got to call Frank.”

Q. And did he, in fact, call Frank?

A. Yes, he did.

Q. Did he have a conversation with Frank in your presence?

A. Yes, he did.

Q. Were you able to hear what he was saying to Frank?

A. No, but Gavin got on the phone calls.

Q. You noticed that Gavin was on the phone as well?

A. Yes, because Vinnie wanted to talk to Frank -- to Gavin. Frank wanted to talk to Gavin.

Q. Was Jay Jackson there during this conversation?

A. Yes.

Q. Was Jay Jackson in uniform?

A. Yes.

Q. And what kind of a uniform does he wear during the day?

A. His military uniform. A camouflage.

Q. Camouflage. That’s his daily uniform; is that right?

A. Yes. That’s his work uniform.

Q. At some point in time, was it decided who was going to go back to Neverland and who was going to stay?

A. Jay got upset that Frank -- that Vinnie had said no. So then Jay starts -- he starts becoming a little bit -- I don’t know if “confrontational” is a correct word. I don’t know. But a little -- you can see that he’s upset. So I -- and then that’s when Frank -- another time he goes out right there, right outside the nail shop door.

And then that’s when I tell Jay, I said, “Please, Jay, please, Davellin and Star are there. Just play along. Just play along.”

Q. So who went back to Neverland?

A. Vinnie and Gavin.

Q. Why did you agree for Gavin to go back to Neverland?

A. Well, because. When Vinnie came back, I said, “Vinnie, Vinnie, I just want to spend some time alone with Jay. You know, that kind of stuff. That’s all. You know, we’ll” -- “We’ll see each other back in” -- “in the Family Court.” You know, you just bring all my kids, and I’ll go back. I just kind of want to spend some of that kind of time, quality time, with Jay.”

So then when -- when he saw me behave that way, then he says, “Okay.” He agreed to that.

Q. All right. Family Court?

A. Yeah.

Q. All right. Tell us about Family Court. Did you have an appearance in Family Court?

A. Oh, yes.

Q. And when was that appearance scheduled for?

A. It was the next day.

Q. And had you already told them about that --

A. Yes.

Q. -- the Family Court appearance?

A. Yes.

Q. Who is it that you told about the Family Court appearance?

A. Frank and Vinnie knew.

Q. Did you know whether or not your children had to be at that appearance at Family Court?

A. I knew that they didn’t have to be there. But again, it’s like that orthodontist visit. I had said they had to be there.

MR. MESEREAU: Objection. Nonresponsive; move to strike.

THE COURT: I’ll strike after, “I knew they didn’t have to be there.”

Q. BY MR. ZONEN: The question was whether you knew whether or not the kids had to be there. And the answer was you knew?

A. I knew they didn’t have to be there.

Q. They didn’t have to be there.

Did you tell Frank or Vinnie --

A. No, I didn’t tell them that. I told them

that they had to be there.
Q. And who was it you told, Frank or Vinnie or both?

A. Both.
Q. What was the purpose of the Family Court session on the 11th?
A. Because I was finally going to be awarded support.
Q. All right. It was a spousal support, or a child support --
A. Spousal support, child support, all that.
Q. Were you represented by an attorney during that time?
A. Yes, I was.
Q. Who was the attorney?
A. Michael Manning.
Q. Family law lawyer?
A. Yes. That I’ve had for years, already years.
Q. All right. Did Vinnie represent that he would or would not bring the children back for this appearance?
A. He said he will bring all three of my kids back.
Q. Did you spend the night in Los Angeles?
A. Yes, I did.
Q. The next day was the Family Court appearance?
A. Yes. And now I’ve told Jay everything that night.
Q. So you had a complete conversation?

A. Told him everything.
Q. All right. Now, did you have an understanding with Vinnie as to how you would get to the Family Court appearance the next day?
A. Yes. The condition --
Q. Yes or no.
A. Oh. Yes.
Q. Okay. You’re doing better.
A. Okay.

Q. All right. Now, at what time was that appearance?

A. The appearance, I don’t remember, but maybe 8:00 or --

Q. It was a morning appearance?

A. It was a morning.

Q. How were you going to get to the court appearance?

A. The condition was Vinnie was going to pick me up and take me there.

Q. And the kids?

A. With him.

Q. All right. Did Vinnie arrive the next morning?

A. He did. He went all the way to Neverland and arrived early that morning.

Q. All right. When he arrived, did he have the kids with him?

A. He had no kids with him.

Q. Did he explain to you why the kids weren’t there?

A. He said I had to go back.

Q. He said you had to go back?

A. I had to go back.

Q. All right. Did you go to the Family Court appearance with Vinnie?

A. I did.

Q. And at the conclusion of the Family Court appearance, where did you go?

A. I went back to -- I went back to Jay’s.

Q. Did he take you back to Jay’s?

A. He took me back to Jay’s.

Q. You did not go back to Neverland?

A. I didn’t go back to Neverland.

Q. Did you ever go back to Neverland?

A. I never went back to Neverland.

Q. Now, this is now the 11th of March; is that right?

A. Yes, it is.

Q. Did you engage in some effort at this point to get your kids delivered to Los Angeles?

A. I did.

Q. All right. What was this effort? What did you do?

A. When Jay came home, we called Karen Walker, the supervisor of the -- I don’t know. CPS, DCFS, that. And I and Jay both talked to her, and she said, “It’s out of my hands. It’s out of my hands. Go get yourself some legal help. I’m sorry, I can’t help you.” That’s what she said.

Q. Was Karen --

A. Karen Walker said that.

Q. Hold on.

Was Karen Walker one of the three that had been to Jay’s --

A. Yes.

Q. Listen to the whole question.

Was Karen Walker one of the three workers who had been to Jay’s apartment on the day of that interview on the 20th?

A. Yes.

Q. Now, after you called Karen Walker, what did you then do?

A. She didn’t help us, me or Jay. We both talked to them, and so we were trying to find a way where we can go get the kids where they wouldn’t do anything before we got the kids.

Q. What did you decide to do?

A. For my parents to play sick. My -- specifically my dad.

Q. So did you have one of your parents call Neverland?

A. Okay. When Jay returned to work, he called from his work, because now he’s aware that our phone calls are being monitored.

Q. So he called from work to whom?

A. To my parents.

Q. And talked with who, your father?

A. With my dad, and -- well, my dad and mom, but my mom speaks only Spanish, so my dad told my mom.

Q. Okay. And in that process communicated to them this plan?

A. Yes. Yes.

Q. Now, were the kids at some point in time then delivered to your parents’ house?

A. Yes, I negotiated for my kids. I told them I would give them myself in exchange for my parents being able to see my children.

Q. Who did you talk to?

A. To Frank.

Q. And did you tell him that; that you would --

A. Yes.

Q. -- go back to Neverland?

A. Yes, I negotiated for one hour. One hour. And I got two. And then I got a day. And then I finally got two days.

Q. All right. So by the time you got off the phone with Frank, it was understood that your kids would visit for how long?

A. For two days.

Q. And that was a conversation that you had with Frank?

A. With Frank.

Q. And you were placing that phone call to Frank, or he called you? Which?

A. Let me see. I had originally -- as Jay’s calling my parents, I’m calling Frank. And I’m letting him know.

Q. So you called Frank?

A. Yes.

Q. And you called from which telephone?

A. From Jay’s apartment.

Q. And you called Frank on the number that you had for him?

A. I think -- I don’t know whether it was his number or Neverland number, but on the other line was Frank, on the other end of the line.

Q. Were your kids, in fact, delivered to your parents?

A. Yes.

Q. Was it that day or the next day?

A. That day.

Q. Were you present at the time --

A. And I was made aware that our every step is being watched.
MR. MESEREAU: Objection. Move to strike; nonresponsive.
THE COURT: Stricken.
Q. BY MR. ZONEN: Were you there at the time your kids were delivered to your parents’ house?

A. No, I was --
Q. Do you know what time it was that you finally saw your kids?
A. In the evening.
Q. Did you go with Jay?
A. Yes.
Q. All right. At the time you got to your parents’ house, who is present? Who was there?
A. My mom and dad and my three children.
Q. How were your children behaving at that time? Let me be more specific. How was Gavin behaving at the time you got there?
A. They were not my kids anymore.
Q. Well, describe Gavin’s behavior specifically, how he was behaving.
A. He didn’t want to talk to Jay.
Q. We’re talking about Gavin right now.
A. Yeah.
Q. Describe Gavin’s behavior specifically.
A. Angry, violent. Yeah.
Q. Did you tell him that he was not going back to Neverland?
A. Yeah.
Q. And you say “angry” and “violent.” What do you mean? Describe what he was doing or what he was saying.
A. Just hollering, telling me that -- yelling at me at the top of his lungs that Michael loves him, and that he had to go back.

Q. All right. Were you the one telling him he wasn’t going back?
A. That’s right.
Q. How long did his behavior continue that way?

A. For hours.
Q. How long was it before his behavior was back to normal?
MR. MESEREAU: Objection. Assumes facts not in evidence; no foundation.
THE COURT: Overruled.
Q. BY MR. ZONEN: You can answer the question.
A. It took a long time.
Q. And what is that, “a long time”? Give me a sense of it.
A. I can’t.
Q. Are we talking about days or weeks or months?
A. It took weeks.
Q. Weeks?
When did you tell either Frank or Vinnie that none of you were going back to Neverland?
A. Excuse me. I didn’t call Frank or Vinnie.
We contacted Jesus the very next day.
Q. You contacted Jesus?
A. Yes.
Q. Did you tell him?
A. Yes.

Q. All right. What happened after you told Jesus?
A. And we weren’t coming back. And the only reason we contacted Jesus was because when the children were leaving, Frank had taken away all of the new clothes that they had purchased, plus some of my children’s clothing also in the -- in the removing the new clothes, because Frank had told them that they had to come back if they wanted their new clothes.
Q. When they came to your mother’s house, do you know if they actually had anything with them when they came?
A. Gavin wasn’t allowed to bring nothing.
Zero.
Q. And how about the other two?
A. The other two did bring their luggages and my bag with them.
Q. Did you start receiving telephone calls or

visits?

A. Yes.

Q. All right.

A. Immediately.

Q. And in terms of visits, who was it who came to the house?

A. It wasn't visiting. It was -- it was following us in a very, very visual way. Knocks. Throwing rocks. Following us. Very -- they weren't hiding about it. They were in-my-face type of attitude.

Q. Do you know --

A. To come back.

Q. Are we talking about people who now are new, people-you-hadn't-seen people, or --

A. Okay.

Q. Wait till the question is answered (sic).

A. Okay.

Q. Are you talking about people you hadn't seen before or people that you were familiar with?

A. People that I hadn't seen before. And also, in addition to that, new ones.

Q. Among the people that you had seen before, tell us who they were.

A. The people that I seen before was Johnny, Frank and Vinnie. And then some other people.

Q. You actually saw Frank and Vinnie at some location?

A. Yes, yes.

Q. Where?

A. At Jay's apartment. And I knew it, because I looked through the peephole.

Q. Did you stay at your parents' house?

A. No.

Q. Did you go to Jay's?

A. Jay's.

Q. Did you stay anyplace but Jay's thereafter?

A. Only Jay's. And I enrolled Davellin, because I believe in, you know --

Q. No, the question is whether you stayed at some other location.

A. No, just Jay’s.

Q. For what period of time did you stay at Jay’s?

A. From that point on, till now.

Q. Your Soto Street apartment was now vacated?

A. Gone.

Q. You said that you saw Frank and Vinnie at Jay’s. Did you actually talk to them?

A. No. I didn’t open the door.

Q. You saw them through the peephole?

A. Yes, I did.

Q. Both of them together or on different occasions?

A. Well, on this occasion they were both together.

Q. Were they saying anything to you?

A. Yeah. “Open the door.” Just knocking.

MR. MESEREAU: Objection. Move to strike; vague.

THE COURT: Sustained.

Q. BY MR. ZONEN: Do you know who it was who was talking to you through the door?

A. Frank. I could see him through the -- I could see everything.

Q. Were you able to hear his voice?

A. Yes.

Q. You could hear what he was saying?

A. Yes.

Q. And did you recognize his voice?

A. Yes.

Q. Did you engage either one of them in conversation through the door?

A. No. Zero.

Q. Did you acknowledge to them that you were there?

A. No. Didn’t even want to let them know that I was there. But they knew. Because Frank was saying, “I know you’re in there.”

Q. Were you receiving telephone calls as well?

A. Yes.

Q. Continuously?

A. Continuously.

Q. Were you answering any of the calls?

A. No. No more answering.

Q. Did you have any conversation with Vinnie or Frank?

A. No.

Q. Did you ever see Johnny?

A. Yes.

Q. Okay. Where did you see Johnny?

A. On my front door. And also there was one time when I was watching through the peephole, he had slipped a note through the side of Jay’s apartment. Before -- before they had put this thing around there, it was open all the way around, and so he slipped a note through there. And I saw him writing it.

MR. ZONEN: May I approach the witness?

THE COURT: Yes.

Q. BY MR. ZONEN: Exhibit No. 277, please, for identification, have you seen that exhibit before?

A. Yes, I have.

Q. Is that the note that you just described?

A. Yes, this -- this is the note.

Q. And how do you know that it was Johnny who left that note?

A. Because I’m looking at him while he’s writing it. I’m looking at him as he’s slipping it in.

Q. Okay. And he left that note where?

A. At Jay’s apartment.

Q. And that’s the note you then turned over to law enforcement?

A. Yes, I did.

MR. ZONEN: Move to --

THE WITNESS: I put it in --

MR. ZONEN: Move to admit that exhibit into evidence, please.

MR. MESEREAU: No objection.

THE COURT: It’s admitted.

MR. ZONEN: Your Honor, may I publish that note, please?

THE COURT: Yes.

Q. BY MR. ZONEN: Now, it appears there’s something on the front and on the back; is that correct?

A. Yes.

Q. What is the back part? I’m assuming that’s the back. What does that say?

A. It says, “To Star or Gavin.”

Q. And then on the front it says?

A. It says, “Please call Frank, Vinnie, at emergency, 1-805-686-5466.” And it says “Now,” and it’s underlined.

Q. The top part’s in red. “Now” is in what color?

A. Blue.

Q. And the back, “To Star or Gavin,” is?

A. In black.

Q. Is that the front of the note that’s 277, Exhibit 277? Miss Arvizo, is that, in fact, what we’re looking at, the same thing?

A. Yes. Yes.

Q. And I’m going to turn it over at this time. And this is the part that says, “To Star or Gavin”?

A. Yes.

Q. Now, in response to that note, did you call either Star or Gavin?

A. No. No.

Q. I’m sorry, did you -- did you call either Frank or Vinnie in response to that?

A. No more. And then --

Q. Do you recall at this point you had any conversations with Frank or Vinnie?

A. No more.

Q. For what period of time did this continue, the phone calls and things like that?

A. It -- it went for months.

Q. You said at one point stones were thrown?

A. Yes. At my mom’s house.

Q. Did you ever see who was doing that?

A. No, I didn’t. Davellin saw him.

Q. All right. But you were not present at the time it happened?

A. No. It was my mom and Davellin present.

Q. Now, I think that you had also said that people were following you?

A. Yes.

Q. How did you become aware of the fact that people were following you?

A. Because now they were in my face.

Q. And explain what that means.

A. Meaning before, everything was being done a little bit -- a little bit secretly. And now it was -- I mean, it was more intimidating than it was before. That’s the best I can say.

MR. MESEREAU: Objection. Move to strike; nonresponsive.

THE COURT: Overruled. Next question.

Q. BY MR. ZONEN: Could you tell who it was who was following you?

A. Yes. Johnny. And then some of those other people that I had told you I never came to know who they were. And this is the first time I also saw a female and -- because the rest were always male. And then --

Q. Did you recognize any of them, other than Johnny?

A. Only Johnny. And then -- and then they were replaced by some other people.

Q. How were you aware of the fact that people were following you? I mean, what is it that you noticed specifically?

A. Well, I’m in the lane, they change the lane. I’m in a lane, they change a lane. I get off, they get off. I go to my under -- Jay’s underground parking, they’re right there. When I’m -- when Gavin went to church, one of these -- there’s -- there’s -- I don’t know what kind of camera, but it’s kind of like this, right there. Just right there, showing me that they’re doing it.

Q. All right. Now, at some point in time, were you actually shown video images of yourself and your

family?
A. Barely now. Just the other day. Mr. Zonen showed it to me.
Q. All right. Did you see other images at the time of the grand jury?
A. No --
Q. Okay.
A. -- I didn't.
Q. You have no recollection of seeing other images?
A. No.
MR. ZONEN: All right. Your Honor, Exhibit No. 813 is a DVD. I've consulted with counsel. We've agreed it can be played at this time. There's no sound, so there's no transcript.
Q. Now, you've had an opportunity to view these images in advance; is that correct?
A. Yes. Yes, Mr. Zonen.
Q. And you have recognized the people in it; is that correct?
A. Yes.
THE COURT: How long is it?
MR. ZONEN: I'm sorry?
THE COURT: How long is it?
MR. ZONEN: Five minutes. Five, six minutes. About that, I think. If we can, let's go ahead.
Q. Excuse me one second.

Part of this, as well, is of your apartment on Soto Street, is it not?
A. Yes.
Q. There appears to be people moving your things out?
A. Yes.
Q. And that's at the very end of it?
A. Yes.
MR. ZONEN: Let me revise it. I think it's more like ten minutes.
THE COURT: Is this the PC, "No. 1"?
MR. AUCHINCLOSS: It is, Your Honor.
THE COURT: You're ready?

MR. AUCHINCLOSS: Yes.

MR. ZONEN: We’re ready.

(Whereupon, a portion of a DVD, Plaintiff’s Exhibit No. 813, was played for the Court and jury.)

MR. MESEREAU: Your Honor, they added the title to that. I didn’t approve that. That’s nothing we’ve seen before. Mr. Zonen added it. It’s not part of the original, so we object to this.

MR. ZONEN: Well, I -- all right.

MR. MESEREAU: We object on foundation and authenticity and that it’s been tampered with.

THE COURT: All right. The --

MR. ZONEN: I’d like to be heard on that issue.

THE COURT: You may, but -- maybe what we’ll do --

MR. ZONEN: All right. There is --

THE COURT: I think we’ll -- I think we’ll excuse the jury, and let you discuss it with me. That way they’ll get a little extra break here.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: Okay.

MR. ZONEN: Are we back in session?

THE COURT: We are back in session. Mr. Mesereau.

MR. MESEREAU: Yes, Your Honor.

THE COURT: Maybe you want to -- can you move it back to the opening screen so we can look at what the objection was about?

MR. ZONEN: While he’s doing it, I can explain what the understanding was that we had that preexisted the showing.

MR. AUCHINCLOSS: It’s up, Your Honor, if you go to “Input 1.”

THE COURT: This is what you were objecting to, Mr. Mesereau?

MR. MESEREAU: Yes, Your Honor.

MR. ZONEN: I explained --

THE COURT: Could I have Mr. Mesereau's objection, so I fully understand it?

MR. MESEREAU: Yes, Your Honor.

This particular wording is not part of the original tape. It's been added by the prosecution. It was not disclosed to me. It was done to influence the jury. There's been no foundation laid that these are Brad Miller's surveillance tapes at all. The numbers have been added by them.

THE COURT: So, to be specific, what we're looking at is the "Brad Miller Surveillance Videotape, Item 811, 812, 816 and 815," and that was not on the --

MR. MESEREAU: No, not --

THE COURT: -- not on the DVD that you saw?

MR. MESEREAU: Not that I have seen.

They have laid no foundation to prove that Brad Miller arranged to have these tapes made. They have thrown different names around, Johnny and Asaf, et cetera. They have not ever proven who these people actually worked for. They haven't proven who did the surveillance. They haven't laid a foundation to where they found these tapes and whether or not they've been tampered with. There's no authenticity. There's no foundation. There's no logical connection, and they basically tampered with the tapes by adding these words.

THE COURT: Was there an agreement.

MR. MESEREAU: Not to have this. That's a surprise to me.

THE COURT: All right.

MR. ZONEN: Well, counsel knows that they're not tampered with at all.

And furthermore, we had a discussion in advance of showing this where I explained to counsel that there were two witnesses who will subsequently lay a foundation. The first witness who will testify that these -- that this is a compilation of tapes that were -- it's -- it's put now onto one DVD that were, in fact, a compilation of tapes that were seized from - guess where? - Brad Miller's office. And the second witness will be the one who actually seized the tapes from Brad Miller's office.

All right. Now, the content of the surveillance thereafter is identical. Nobody has touched anything on there, and counsel knows that.

My --

MR. MESEREAU: I don't know that.

MR. ZONEN: I had asked him if it would be agreeable that we could show this in advance of the other two witnesses laying the foundation; one, that they were seized from Brad Miller's office; and number two, that they were compiled into one DVD for ease of showing at this time, and he agreed to that.

My suggestion at this time is that you instruct the jury to disregard this frame on it, and we will commence the showing from the point where

the car is in -- in session.

MR. MESEREAU: We object on foundational and authenticity, Your Honor. And we'd ask that the individual tapes be played, not their concoction.

MR. ZONEN: Well, you know, I had asked his permission and he gave it to me to do so.

MR. MESEREAU: To play videotapes.

MR. ZONEN: Wait a second.

I am relying upon his representation of what he said he was agreeing for us to do.

THE COURT: Sounds like he thought you were going to play two separate --

MR. ZONEN: No, he didn't. I made it --

MR. MESEREAU: Yes, I did. Nowhere was this ever described to me.

MR. ZONEN: I made it very clear that we compiled it into one DVD. Now, this I did not say. This I didn't know was going to be shown.

THE COURT: What's the -- what's the compilation? Is it a serial, just the first one and then the second one?

MR. ZONEN: Yes; one right after the other.

THE COURT: You intermixed the two?

MR. ZONEN: We can show it to you right now.

It only takes a couple minutes, if you'd like to see

it.

THE COURT: I thought you said ten minutes.

MR. ZONEN: The bulk of it is the cleaning out of the apartment, which is one separate tape, but the initial surveillance is less than five minutes, of different segments of surveillance.

MR. MESEREAU: I might suggest, Your Honor, that the cleaning out of the apartment, as I understand it, was to show what was being moved in or out, and it's not a surveillance tape. That is their concoction.

MR. ZONEN: Once again, this was something counsel approved of.

MR. MESEREAU: No, I didn't.

MR. ZONEN: He's lying. That's simply not true.

MR. MESEREAU: He's lying.

THE COURT: All right.

MR. ZONEN: I'll take a polygraph.

MR. MESEREAU: You'll fail it.

THE COURT: Just a moment. I don't want to hear anything like that. You don't accuse each other of lying. There's a misunderstanding here. You've added something. And that's not professional conduct. I won't put up with that. Do you understand, Mr. Zonen?

MR. ZONEN: Yes.

THE COURT: And you are not to respond to him. You two talk to me.

MR. MESEREAU: I apologize, Your Honor.

THE COURT: Now, I think what we'll do is, I will explain to the jury that the initial title of the tape was added by the District Attorney, and they're to disregard that; that this is a compilation of two separate videos, and that it's being entered with --

MR. ZONEN: Let me have just one moment, please. Let me have one moment.

MR. MESEREAU: If I may, Your Honor, it's four videos they're made to look like one. They're not one at all.

MR. ZONEN: Let me have just one moment.

THE COURT: All right.

(Off-the-record discussion held at counsel table.)

MR. MESEREAU: If I may address the Court, Your Honor.

THE COURT: Wait till he’s through with his conference.

MR. MESEREAU: Sure.

(Off-the-record discussion held at counsel table.)

MR. ZONEN: Your Honor, we’re going to play the original ones. We’re going -- as soon as we get it. We will not play this one. We will do the originals. We don’t have them here. We’re going to make arrangements to get them as quickly as we can.

THE COURT: All right. I think I -- I think I find that to be an acceptable way to proceed. I do want to tell the jury, though, when they come back in that the initial title they saw was, in fact, added by you, and not part of the seized tapes. They were tapes, right?

MR. ZONEN: Yes. The original videotapes have been transposed to a DVD.

THE COURT: Okay.

MR. MESEREAU: Thank you, Your Honor.

MR. SNEDDON: Ron?

Can I just have one moment?

THE COURT: Yes.

(Off-the-record discussion held at counsel table.)

MR. ZONEN: The problem that we’re dealing with at this moment is that all of the detectives are currently at a funeral, and I’m not sure that we’re going to be able to get -- are we --

THE COURT: Let me tell you, what we’ll do is, you know, we’ll start our break now that we normally take at 1:15. So, the jury’s already out, so we won’t bring them back in. And we’ll just start our break, and take a -- let’s take a 20-minute break, and then you can decide how you’re going to proceed on the break. What we do know is you’re not going to --

MR. ZONEN: I will be not showing this one. I will show the originals.

THE COURT: And I do want to remember, when they come back in, to tell them to disregard the opening title. And -- okay? Any objection to that?

MR. MESEREAU: No, Your Honor.

THE COURT: All right. Let’s start our break, then.

MR. AUCHINCLOSS: Can you go to “Black Screen,” Your Honor? Thank you.

(Recess taken.)

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: Go ahead.

MR. ZONEN: Your Honor, we’re going to withdraw this exhibit at this time and we’re going to play it tomorrow morning.

THE COURT: (To the jury) All right. On the exhibit that we started to show you just before the break, there was a label, a heading on it, and the label was not part of the seized exhibit. It was added by the District Attorney as a title, and I’m going to instruct you to disregard that label and do not consider it in any way in your deliberations in the case. And you’ll -- you will see the material but it will come in in a different form than it was going to come in today.

All right. You may proceed.

MR. ZONEN: Thank you.

DIRECT EXAMINATION (Resumed)

BY MR. ZONEN:

Q. Miss Arvizo, by the time that you got back to El Monte and then back to your residence in Los Angeles, how long had the children been out of school?

A. About less than two months. Less than.

Q. Did they have any instruction during that period of time at all?

A. None. Zero.

Q. Did you have, during that period of time, a conversation with either Michael Jackson or Vinnie or Frank about them getting tutoring?

A. Yeah. We had to go to Brazil if we wanted to get tutored.

Q. Who was that you had a conversation with?

A. With Frank and Vinnie.

Q. At different times or together?

A. Different times, together.

Q. What did Frank tell you specifically about tutoring?

A. That if I wanted a tutor for my children, that we had to leave the country and go to Brazil; that they could provide a tutor there. Everything was always Brazil.

Q. All right. Was there any mention by either Frank or Vinnie that a tutor had already been arranged in Brazil?

A. I can’t remember that.

Q. All right. Did either one of them tell you where specifically in Brazil you were going to be going?

A. Yes.

Q. Where?

A. In Brazil, it had to be in a place where there was no American hotels, no hotels, so no one could notice me and my children.

Q. Did they tell you whether any of them, meaning Frank or Vinnie, would be going with you to Brazil?

A. Yes. Frank and Vinnie and Brad Miller and Marc Schaffel had already prepared an apartment full of surveillance and everything there. This is what Frank and Vinnie told me.

Q. Did they tell you what city in Brazil?

A. No. They did tell me that it was away from any hotel.

Q. Did they tell you what size city or community or town you would be going to?

A. No.

Q. Did they tell you how long you would be there?

A. Until they did damage control for Mr. Jackson. And I followed everything that they said. There may be a possibility that I could come back, depending on what I did.

Q. Did they actually tell you in terms of days or weeks or months?

A. At this point, no. It was until they decided.

Q. Did they tell you whether or not Mr. Jackson would be joining you there in Brazil?

A. No. Mr. Jackson would not be joining us there.

Q. Did either of them say that specifically?

A. Yes.

Q. Who?

A. Frank and Vinnie. And remember, this is an evolution, different times --

MR. MESEREAU: Objection; move to strike her comments.

THE COURT: I'll strike the last sentence.

Q. BY MR. ZONEN: Do you recall when the conversation was specifically with Frank about whether or not Michael Jackson would be joining you there?

A. That was towards the end. There was going to be just me and my kids, and -- in the apartment that Brad Miller, Marc Schaffel had prepared full of high-tech monitoring surveilling system, surveilling me and the kids, and --

Q. Did your two sons and Davellin enroll back in school again?

A. Yes, I enrolled them back in school.

Q. Which school did the boys enroll in?

A. The boys re -- I reenrolled them back into John Burroughs.

Q. Did you continue living at the St. Andrews apartment?
A. I now began living in the St. Andrews apartment.
Q. Full time?
A. Full time in a one-bedroom apartment, now with Jay.
Q. Where did Davellin reenroll in?
A. I enrolled her in a high school near my mom’s out in El Monte.
Q. This is a different high school --
A. Different high school.
Q. Hold on. Wait till the question is asked. This is a different high school than the one prior to going to Miami?
A. That’s correct, it’s a different high school now.
Q. And which high school was it in El Monte?
A. Now it’s Mountain View High School.
Q. And did she live with your parents?
A. Now my daughter began living with my parents.
Q. Where does she live now?

A. My -- my daughter lives with us now.
Q. Were you able to get your possessions back?
A. Until the police got involved.
Q. Did you know -- by “possessions,” I mean your possessions from the Soto Street address.
A. That’s correct.
Q. What did you have at the Soto Street address at the time that it was moved from that location?
A. All my stuff. All my stuff from my apartment.
Q. What do you mean by “stuff”?
A. My furniture, the -- what was still there, because some -- some of these things got rid of.
Q. All right.
A. Our clothing. Our --
Let me see. What else?
Q. Did you have furniture?
A. No. The only thing that they left in there was my kitchen table with my kitchen chairs.

Q. All right. But was there some understanding with either Frank or Vinnie or somebody else that your possessions would either be stored or moved?

A. No. At this point it was a no. Remember I said I would think about it? And then I finally said no.

Q. When you finally got your possessions back, was what was returned to you everything that existed in the apartment?

A. No.

Q. What was missing?

A. What was missing was all of -- everything to do with Mr. Jackson. Everything.

Q. How about furnishings, furniture?

A. My kitchen table, my chairs were returned back to me.

Q. Okay.

A. My children’s clothing, my clothing. My pictures that were hanging on my wall.

Q. Were returned?

A. Were returned.

Q. Okay.

A. And -- but all the stuff that Mr. Jackson had given Gavin were gone.

Q. Did you have kitchen appliances of sorts?

A. Yes, I did.

Q. Pots and pans?

A. Yes, I did.

Q. Silverware?

A. Yes, I did.

Q. Plates?

A. Yes.

Q. Cups?

A. Yes.

Q. Was that all returned?

A. Yes.

Q. Prior to going to Miami had you moved any of your possessions to Jay’s apartment?

A. No.

Q. Did you seek help from anybody in an effort to get your property back?

A. Yes, I did.

Q. Who?

A. From Mr. Dickerman.

Q. Before contacting Mr. Dickerman, did you contact anybody from Neverland to --

A. No.

Q. Wait till the whole question’s asked.

A. Uh-huh.

Q. Before contacting Mr. Dickerman, did you contact anybody from Neverland in an effort to get your property returned?

A. No way.

Q. Did you have any other conversations with anybody from Neverland after you left?

A. No.

Q. Did you know where your possessions were?

A. No, I didn’t.

Q. Did Mr. Dickerman write a number of letters on your behalf?

A. Yes, he did.

Q. Did you read those letters?

A. Yes, I did.

Q. Had you noted -- had you seen your passports prior -- well, you answered that you had seen them

with Frank; is that right?

A. No. Vinnie.

Q. I’m sorry, with Vinnie.

A. Yes.

Q. Were your passports among the items that were requested to be returned?

A. Yes.

Q. And I assume they were not returned to you?

A. They weren’t. They weren’t.

Q. Were there other personal items that were requested returned?

A. Yes. The children’s clothing. That’s one of them.

Q. Was there something else that you wanted Mr. Dickerman to do on your behalf?

A. Yes. For Michael’s people to stop following us; that we did not want to go back. To get the message, “Please, leave us alone.”

Q. Was that communicated in the form of a letter as well?

A. Yes, it was.

Q. And do you know to whom those letters were sent?

A. To Mr. Geragos.

Q. Mark Geragos?

A. Yes.

Q. Do you know if your children were still appearing on television in that production “Living

with Michael Jackson”?

A. Yes, they were.

Q. How do you know that?

A. Because Mr. Dickerman had told me, Jamie had told me.

Q. Others were telling you --

A. Others were telling us.

Q. -- that it was still being featured?

A. Yes.

Q. Did Mr. Dickerman on your behalf attempt to get your children off television?

A. Yes, he did.

Q. At some point in time -- I’d like to move back one second, if I could.

I believe that you had testified that the workers, the social workers from the Department of Child & Family Services, that interview was conducted on the 20th in the morning hours; is that correct?

A. Yes.

Q. Did you see any of them the next day?

A. Yes, I did. On the 21st I did.

Q. Who did you see on the 21st?

A. I saw Karen Walker, the supervisor.

Q. What was the purpose of that meeting?

A. She had called -- like I had mentioned before, all my phone calls was being monitored every day, 24 hours a day. Monitored, listened,

surveilled, watched, followed. Everything.

She had came -- she requested that I sign a paper that said I understood the language in English. Bilingual form.

Q. All right.

A. Over the phone. So I went ahead, I said, “Yes, please come.”

Q. And did you sign that document?

A. Yes. She came, she met me outside. And I tried to run around on her driver’s side to try to talk to her secretly, and at that time I’m being followed right here, and Vinnie’s right here, so I was unable to communicate to her. So when I ran around this way, now Vinnie comes up and talks to her, and I’m trying to talk where -- behind him to her.

Q. Was she in her car at the time?

A. She was in her car.

Q. Do you know what kind of a car she was driving?

A. I can’t remember.

Q. Do you know cars at all?

A. Yeah, I do.

Q. Was it a sedan, or some other kind of car?

A. No, no. It was kind of like a little -- kind of like a little -- I don’t know if it’s called a little SUV. I don’t know. Kind of like a Range Rover type of thing.

Q. Did you communicate to her anything other than the fact you spoke both English and Spanish?

A. No. But when Vinnie was talking to her, telling her that --

MR. MESEREAU: Objection. Nonresponsive; move to strike.

THE COURT: I’ll strike after, “No.”

Q. BY MR. ZONEN: Did Vinnie say something to Karen Walker in your presence?

A. Yes, he did.

Q. All right. Where was Vinnie standing at the time?

A. Right there on the passenger-side window, talking to her.

Q. And where were you?

A. I was right here.

Q. I don’t know where “here” is.

A. Right behind him off to the side.

Q. You were on the passenger-side window as well?

A. Yes.

Q. And next to Vinnie?

A. Yes, sir.

Q. What did Vinnie say to Karen Walker that you were able to hear?

A. Vinnie told Karen Walker that the children were being put in school immediately. Because Karen Walker asked him, were the children going to be put in school. And he said yes, the next day.

Q. This was on the 21st of February?

A. Yes, which was a Friday.

Q. And the kids were not put in school thereafter?

A. They weren’t put in school.

Q. Did you seek a tutorial for your children or a tutoring program once you were back out of Neverland?

A. Yes, I did.

Q. Where did you seek to do that?

A. After the children -- we were out, and I reenrolled the children in John Burroughs. I took them to a place called G -- I apologize, JEI Learning Center to bring them up to speed for all those weeks that they had missed school.

Q. How did you select JEI?

A. I was looking, actually, for a learning center somewhere in the vicinity of John Burroughs so they would waste no time from attending school all day and then go there. And then that’s where I found it.

Q. Excuse me, I’m sorry.

At some point in time, were you introduced to an attorney by the name of Larry Feldman?

A. Yes.

Q. Who is it who introduced you to Larry Feldman?

A. Bill Dickerman.

Q. Do you recall when it was you were introduced to Larry Feldman?

A. Yes, when Michael's people wouldn't stop following us.

MR. MESEREAU: Objection; move to strike.

THE COURT: Stricken.

Q. BY MR. ZONEN: Tell us the date, if you recall, of your first meeting with Larry Feldman.

A. I can't remember.

Q. Tell us approximately how many weeks after you finally -- after your children left Neverland it was that you actually met with Larry Feldman, if you recall.

A. No, I can't remember.

Q. Whose idea was it to go to Larry Feldman?

A. Mr. Dickerman's.

Q. After you saw Larry Feldman, did he refer you to somebody else to see?

A. Yes.

Q. Who was that?

A. He referred us to see Dr. Katz.

Q. Is that Dr. Stan Katz?

A. Yes.

Q. What kind of a doctor did you understand Stan Katz to be?

A. Something with mental.

Q. Psychologist or psychiatrist?

A. Yes.

Q. Do you know which one he was, psychologist or psychiatrist?

A. No, I don't.

Q. Did each of you meet with Dr. Katz?

A. Yes, we did.

Q. And by "each of you," who are we referring to?

A. Me and my three children. Davellin, Gavin and Star.

Q. Did you know why you were meeting with him?

A. Yes, because Mr. Feldman --

MR. MESEREAU: Objection.

THE COURT: After “Yes,” I’ll strike that.
Q. BY MR. ZONEN: What was your understanding of why you were meeting with Mr. -- Dr. Katz?
A. Because basically my house was a cuckoo house now.
Q. At the time that you went to Mr. Feldman, did you have any understanding of accusations of sexual abuse --
A. No.
Q. -- to Gavin?
A. No.
Q. Had Gavin talked to you up to that point about anything that had happened at Neverland to him?
A. Um --

MR. MESEREAU: Objection; hearsay.
THE COURT: Overruled.
You may answer “yes” or “no.”
THE WITNESS: Yes. Gavin --
Q. BY MR. ZONEN: No, just “yes” or “no.”
A. Oh, yes.
Q. Gavin did have a conversation with you?
A. No, it wasn’t a conversation. It was like an erupted volcano.
Q. Hold on.
At some point in time, did you actually sit down with Gavin and have a conversation with him about what took place at Neverland?
A. No. It was always broken, always.
Q. At some point in time, did you sit down and have a conversation with Star about what happened at Neverland?
A. He, too, it was always broken. I would always hush them up. I’d say, “Just forget. Forgive, forget. Forgive, forget.”
Q. Did you have any belief at the time you went to Mr. Feldman that either of your boys had been molested?
A. No, not molested. But I was aware of things.
MR. MESEREAU: Move to strike the comments.
THE COURT: Strike the last sentence.

Q. BY MR. ZONEN: Did you go to Mr. Feldman because you believed your children were molested?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

You may answer.

THE WITNESS: My children -- Gavin was like an erupted volcano, all the different things.

MR. MESEREAU: Objection; nonresponsive.

THE COURT: Sustained. Stricken.

THE WITNESS: That’s my answer.

Q. BY MR. ZONEN: Let me withdraw the question and let me ask it again.

A. Okay.

Q. Why did you go to Mr. Feldman?

A. Because as time progressed, I was finding out more and more. I -- I thought it was just alcohol.

Q. Were you concerned about the fact that your child had been given alcohol?

A. Yes.

Q. That was something --

A. That was enough for me.

Q. Was that something you told Mr. Feldman?

A. Yes.

Q. Why were you concerned about your child having been given alcohol?

A. Because he only has one kidney --

MR. MESEREAU: Move to strike.

THE WITNESS: -- and it’s malfunctioning.

THE COURT: Just a minute. You have to wait when there’s an objection.

THE WITNESS: Okay. Okay.

THE COURT: All right. The objection is overruled. And the answer was, “Because he only has one kidney.” Next question.

Q. BY MR. ZONEN: During the course of your interview with Dr. Katz, did you tell Dr. Katz that you believed that your child had been molested?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

You may answer.

THE WITNESS: I don’t remember what I told Mr. -- Dr. Katz. But -- I don’t remember, because as time went by it was progressing.

MR. MESEREAU: Objection. Nonresponsive; move to strike.

THE COURT: “I don’t remember,” I’ll leave that part in. Strike the rest of it.

Q. BY MR. ZONEN: At the time of your meeting with Dr. Katz, did you believe that your child had been molested?

MR. MESEREAU: Objection. Asked and answered; and leading; and foundation.

THE COURT: Sustained.

Q. BY MR. ZONEN: Did you ever come to a conclusion that your child had been molested?

MR. MESEREAU: Objection. Asked and answered; foundation; and leading.

THE COURT: Overruled.

You may answer.

THE WITNESS: Yes. When I was told by the D.A., police office --

MR. MESEREAU: Objection. Move to strike; nonresponsive.

THE COURT: I’ll leave the “Yes” and strike after that.

Q. BY MR. ZONEN: I just want you to tell us when, not the circumstance. But when did you come to the conclusion that your child had been molested?

A. Okay, when. I don’t remember when.

Q. Was it before or after your meeting with Dr. Katz?

A. Oh, it’s way after.

Q. Was it before or after your initial meeting with one of the detectives from the sheriff’s office?

A. It was after the police, the police form a trust bond with Gavin --

MR. MESEREAU: Objection. Move to strike; nonresponsive.

MR. ZONEN: The question is simply when.

THE COURT: Just a moment. Just a moment.

THE WITNESS: Yes.

THE COURT: All right. I'll leave the answer, "It was after the police," and strike the rest of that sentence. Next question.

Q. BY MR. ZONEN: Approximately how long after your initial conversation with detectives was it?

A. I can't remember. But it was after the police got involved.

Q. Okay.

A. But I was aware of things.

Q. That's all. Just --

MR. MESEREAU: Objection; move to strike.

THE COURT: Stricken.

Q. BY MR. ZONEN: When did you finally get your possessions back?

A. Until the police got involved. Yeah.

Q. Where were your possessions moved to at that time?

A. They were moved into another storage area, because I -- I no longer had a place now.

MR. MESEREAU: Objection. Move to strike; nonresponsive.

THE WITNESS: I -- okay.

THE COURT: Overruled. Next question.

Q. BY MR. ZONEN: Did you have an opportunity to go through your items after they were ultimately returned?

A. Yes. With the police there.

Q. All right. And where was that that you went through all of your items?

A. I immediately went to the clay pot that I told you where I had --

Q. Just tell us where it was that you looked at these items. Where is the location where the items were where you looked at them?

A. Dino's Storage.

Q. Do you know where that is?

A. I can't remember.

Q. Okay. Was it someplace in Los Angeles County, to your knowledge?

A. Yeah. Yes.

Q. Now, at that location, did you go through all of your --

A. Oh, God, no. I think it’s somewhere near, like, Calabasas area. Somewhere like that.

Q. In the valley somewhere?

A. Yeah, in that area.

Q. San Fernando Valley?

A. Yes.

Q. Now, at that location did you go through all of your items to see what was there and what was not there?

A. Yes.

Q. Were you able to find any of the letters that Mr. Jackson had sent to Gavin?

A. I immediately went to the clay pot. Lifted it up. Gone.

Q. Was everything missing from the clay pot?

A. Everything was missing.

Q. Were there any other items besides letters that were missing?

A. Yes. Pictures, and that rabbit.

Q. By “pictures” do you mean photographs?

A. Yes.

Q. And these are photographs of what?

A. Of Michael with the children.

Q. And then you said a rabbit.

A. Yes.

Q. You’re talking about a doll of some kind?

A. Yes. Yes.

Q. And from where did this rabbit come from?

A. From Michael, from Mr. Jackson.

Q. And what became of that?

A. Gone.

Q. Do you recall the jacket that you referred to that was given to Gavin by Mr. Jackson?

A. Yes, I do.

Q. What happened to that jacket?

A. I turned that over to Mr. Sneddon.

Q. And did you identify that jacket before the grand jury?

A. I don’t remember if I did that. I don’t

remember.
Q. Can you describe that jacket for us?
A. Yes, I can. It’s black with -- Mr. Jackson said it was crystals on the back.
Q. Something that glittered?

A. Yes. Mr. Jackson said it was real crystals.
Q. Was there anything else that was given to any of your children by Mr. Jackson during the time that they were with him during the months of February or March?
MR. MESEREAU: Objection; foundation.
THE COURT: Sustained.
Q. BY MR. ZONEN: Did you ever see a watch?
A. Yes. Mr. Jackson told Gavin that it was a $75,000 watch.
Q. And where did you see that watch?
A. On his wrist. On Gavin’s wrist.
Q. At --
A. Mr. Jackson took it off of his wrist and placed it onto Gavin’s wrist.
Q. Were you watching that happen?
A. I don’t think I did. I don’t think I did. I just know afterwards this is what I found out.
MR. MESEREAU: Objection. Move to strike; no foundation.
THE COURT: Sustained. Stricken.
Q. BY MR. ZONEN: Where did you first see that watch?
A. I first seen it when -- I think when Gavin got off the airplane. And then the rest of the time when they were at Neverland.
Q. Did he wear that watch while you were at Neverland?

A. Yes, he did.
Q. Can you describe the watch for us?
A. Oh, it was gold, and it had stuff that looked like diamonds on the face. That’s the best I can remember.
Q. For how long did Gavin wear that watch?
A. Every day until -- every day. Every day, I

think, prior to going back to Neverland. I think so. I don’t remember. I’m doing my best estimate.

Q. When he took the watch off, what happened to the watch?

A. Oh, he didn’t take it off while he had it on at Neverland at all.

Q. At some point in time did he stop wearing the watch?

A. Yeah. When we got back, I took it off. You know, “Stop wearing this ridiculous watch.”

Q. Okay. What did you do with the watch?

A. I think I had -- I think I had Jay -- I left it at Jay’s apartment.

Q. And ultimately where did the watch go?

A. I gave it to the police.

Q. Mr. Sneddon?

A. Yes, Mr. Sneddon. The police.

Q. The police. Do you remember who it was you gave it to?

A. Let me see. Okay. Yes, I did. I gave it to the attorneys, because I didn’t want it in my

house. And then --

Q. Which attorneys?

A. I gave it to Mr. Dickerman, and then we ended up giving it to Mr. Feldman, and then the police retrieved it from Mr. Feldman’s office, the -- yeah.

Q. While you were at Neverland, did anybody talk to you about finding you a place to live ultimately after Brazil?

A. No. The -- it was at Brazil.

Q. No, but did anybody ever talk to you about getting a house for you or apartment or a condo or something like that?

A. The condition was that we had to leave the country.

Q. I’m sorry. The question was, did somebody talk to you about getting a house or an apartment at some time?

A. Only if we left the country.

Q. Does that mean the answer is “yes,” somebody did --

A. Yes.

Q. Okay. Now, this conversation was with whom?

A. With Frank and Vinnie.

Q. At the same time?

A. Yeah.

Q. Okay. Were both of them talking to you?

A. Yes. They were trying to get me to leave the country.

Q. And this was still while you were at Neverland?

A. Yes.

Q. What did they say specifically about getting you a house or an apartment, or what --

A. If I left the country, I can have that.

Q. You could have what?

A. A house and an apartment to go back and forth. But, no, I didn’t want to leave the country.

Q. I don’t understand, “a house” -- I don’t understand. What does that mean, “to go back and forth”?

A. That’s what they said. Frank and Vinnie came up with different things every time. But the key here, that is consistent, is that, “You got to leave the country.”

Q. Conditioned upon going to Brazil?

A. Yes.

Q. What did they say specifically about a house or an apartment? What did they say?

A. If I left the country I could have that.

Q. You could have what?

A. A house and an apartment.

Q. Did they say why you would need both a house and an apartment?

A. They said something like to go back and forth. This way there’s still -- I have that burned in my brain, appeasing the killers. This way, if the killers showed up at the apartment, I could go to the house; from the house to the apartment.

Q. Did they tell you Michael Jackson would be purchasing that for you or renting that for you or what the arrangement would be financially?

A. That Mr. Jackson would do it if I left the country.

Q. Did you understand that you would actually own this?

A. No.

Q. They didn’t say one way or the other whether --

A. No, they just said as I told you.

Q. You didn’t ask whether this would be something in your name or somebody else’s name?

A. No.

Q. Or whether you’d have to pay rent on it?

A. I knew I didn’t want to leave the country. I don’t care what they promised me.

Q. Did either Frank or Vinnie make any other representations to you in terms of money, or college education, or anything else that they would be giving you if you went to Brazil?

A. No.

Q. Did he make any representations of what they would be giving to you even if you didn’t leave for Brazil?

A. No. Zero.

Q. During the period of time from the time that you were contacted by Michael Jackson back in early February of ‘03 to the time that you left Neverland and your children left Neverland on around the 11th of March, did you ever ask anybody from Neverland, whether it was Michael Jackson or Vinnie or Frank, for money?

A. No. Zero.

Q. Did you ever ask any of them for money prior to that time --

A. No.

Q. -- on February 4th?

A. That’s not my nature.

Q. Did either or any of them at Neverland make an offer to give you money?

A. No.

Q. Did you receive money from any of them?

A. Nope.

Q. And by receiving money, I mean at any time since you first visited Neverland back in August of 2000 until you ultimately left and had no further communication with them.

A. No.

Q. Did you ever have a conversation with anybody at Neverland, whether it was Michael Jackson or Vinnie or Frank or anybody else, about the subject of whether money would be given to you?

A. No.

Q. Did you ever ask anybody at Neverland, whether it was Michael Jackson or anybody else, to support you for the rest of your life?

A. No.

MR. ZONEN: Could counsel and I approach the bench briefly about the exhibit?

THE COURT: All right.

(Discussion held off the record at sidebar.)

THE COURT: Okay. We’re ready to go.

Q. BY MR. ZONEN: Miss Arvizo, are you intending on filing a lawsuit against Michael Jackson?

A. No.

Q. Are you intending on filing a lawsuit against Michael Jackson on behalf of your children?

A. No.

Q. Are you intending on doing it anytime during this proceeding or anytime thereafter?

A. No.

MR. ZONEN: Your Honor, I have no further questions at this time. I do intend to play the video once the particulars are worked out on it. And --

THE COURT: All right. What we agreed to at the sidebar here was the District Attorney needs to prepare the three or four tapes that he was going to show earlier that was compiled into one. He’s going

to show them separately based on an earlier ruling I made. And rather than have Mr. Mesereau start late in the afternoon with cross-examination and then be interrupted with that, we're going to recess early.

(To the jury) I knew you'd be unhappy about that. I'll see you tomorrow morning at 8:30. Remember the admonition.

(The proceedings adjourned at 2:10 p.m.)

--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 6203 through 6373 contain a true and correct transcript of the proceedings had in the within and above-entitled

matter as by me taken down in shorthand writing at said proceedings on April 14, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
April 14, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

FRIDAY, APRIL 15, 2005

8:30 A.M.

(PAGES 6375 THROUGH 6418)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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(Not Present)

INDEX

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
JACKSON, Janet	6379-Z	6399-M (Contd.)		

E X H I B I T S

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
815	DVD	6383	6398
816	DVD	6388	6398
817	DVD	6393	6398
818	DVD	6396	6398

Santa Maria, California
Friday, April 15, 2005
8:30 a.m.

THE COURT: Good morning, everyone.

THE JURY: (In unison) Good morning.

COUNSEL AT COUNSEL TABLE: (In unison) Good morning.

THE COURT: Counsel, you may proceed.

MR. ZONEN: Thank you, Your Honor.

JANET JACKSON

Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION (Continued)
BY MR. ZONEN:
Q. Miss Arvizo, good morning.
A. Good morning.
THE BAILIFF: Do you have your microphone on?
Q. BY MR. ZONEN: Miss Arvizo, good morning.
A. Good morning.
Q. Yesterday I asked a few questions about your testimony with regards to your being followed at times. Did you ever see people actually filming you?
A. Yes.

Q. Do you remember where and when you saw people filming you?
A. At Jay’s home. My children’s school. At church. Everywhere.
Q. And I had asked you if you recognized any of those people. Did you recognize any of those people?
A. Yes, I did.
Q. And could you tell us the names of any of the people you saw?
A. One of them was Johnny, and I think one other time was Asaf, and then there was one to three people. And then after we left, permanently left Neverland, that’s the first time I ever saw a female, in addition to a group of males.
Q. Prior to coming into court today, on a couple of different occasions did you have an opportunity to view videotapes of different persons being filmed out on the street and at other locations?
A. Yes, I did.
Q. Did you recognize the people who are the subject of those films?
A. I sure did.
Q. And who were they?
A. My mom, my dad, my daughter.
Q. Davellin?
A. Davellin. My boys, Gavin and Star. And my now husband Jay Jackson.

MR. ZONEN: And, Your Honor, we're prepared to play it at this time.

THE WITNESS: And myself.

Q. BY MR. ZONEN: You were among them?

A. Yes.

THE COURT: All right.

MR. ZONEN: We need a moment. Excuse me. Just one moment. Your Honor, I'm sorry, we need to reboot the computer. It's going to take a moment.

THE COURT: What's the exhibit number on this?

MR. ZONEN: I'm going to withdraw the other exhibit, the DVD, and we're going to do this as three separate DVDs.

THE COURT: Actually, I don't think you can withdraw it. There were objections made concerning it. It will have to remain in evidence.

MR. ZONEN: That's fine.

THE COURT: Not in evidence, but it will have to remain as an exhibit. Not in evidence.

MR. ZONEN: All right. Then we'll simply give three new exhibit numbers to these three DVDs.

THE COURT: While that's being done, could I ask counsel to, each of you, file a response to the special master's report Monday so that I know what your positions are on that?

MR. MESEREAU: Yes, Your Honor.

THE COURT: And a response from the defense to the supplemental motion that was served on me today, probably due today.

MR. MESEREAU: I have not seen that, Your Honor.

MR. SANGER: We received a motion this morning. Is that what you're referring to?

THE COURT: Yes.

MR. SANGER: Is that what you're referring to?

THE COURT: They can't hear you.

MR. SANGER: We received a motion this morning, if that's what you're referring to.

THE COURT: Yes. You might respond to that by Monday also.

MR. SANGER: Monday at 3:00.

THE COURT: At what?
MR. SANGER: At 3:00. Or Monday morning at 8:00?
THE COURT: Yes. That would be good.
MR. ZONEN: Your Honor --
THE COURT: You ready?
MR. ZONEN: Almost.
MR. AUCHINCLOSS: Some technical difficulties. I think what we'll try to do, Your Honor, is play it on the DVD player, so we'd ask you to go to "Input 4."
BAILIFF CORTEZ: Sir, your microphone's off.

MR. ZONEN: We also have the VCR here. We can do it on that. Either way we'll be able to do it this morning, if the computer doesn't work.
In the meantime, could I wrap up a little bit of old business? Exhibits 809 and 810 that are already in evidence are tapes in the form of a DVD and a CD -- CV -- CD. And the Court was waiting for transcripts from the People. We have those transcripts and they are now numbered 809-A and 810-A, and a copy has been furnished to the defense. I'll submit that to the Court at this time.
THE COURT: All right. And you're offering 809 at this time?
MR. ZONEN: 809 is not in evidence. We are offering it into evidence. That's right.
THE COURT: All right. That's admitted.
And 814, did you mention that?
THE CLERK: 814 is the one that had writing on the back. They were going to do it later.
MR. AUCHINCLOSS: Can we go to "Input 1" -- or "Input 4," Your Honor?
(Whereupon, a portion of a DVD, Plaintiff's Exhibit No. 815, was played for the Court and jury.)
Q. BY MR. ZONEN: Miss Arvizo, we've now -- this frame is stalled at this spot here. Can you tell us what we're looking at?
A. You're looking at my mom's house.
Q. This is in El Monte?

A. This is in El Monte.
Q. All right. The building -- the front

portion of the building -- do you have the laser?
This front portion, is this portion your parents' house, as well?

A. Yes, it is.

Q. What is it?

A. That's the garage area.

Q. That's a gate that's in front of the house along here?

A. Yes.

MR. ZONEN: All right. Let's go ahead and proceed.
Excuse me just one second before we start.

MR. AUCHINCLOSS: It just went dark. But I can back it up.

MR. ZONEN: Let's start here.

Q. On February 14 of '03, do you know where you were on that day?

A. I think -- to my best estimate, I think I was already at my mom's house. I think that, to my best estimate, is when Jesus had brought me back.

MR. ZONEN: Okay. Let's go ahead and advance it.

THE WITNESS: And notice the time. 6:40 a.m.

MR. MESEREAU: Objection.

THE COURT: Sustained. No question pending.

Q. BY MR. ZONEN: All right. This is still your parents' house?

A. This is still my parents' home.

Q. And the last entrance on there was 10:35 a.m.?

A. Yes.

Q. All right.

THE COURT: Just for the record, what number is the exhibit you're showing now?

MR. ZONEN: 815, Your Honor. This is 815.

Q. BY MR. ZONEN: Do you now recognize the picture that you're looking at?

A. By the shape of the tree, the shape of the top of the garage and the white area above the garage door, that's my mother's home. This is after my -- Jesus had brought us back.

Q. And the -- on this frame are the words and numbers February 15, '03, 6:09 a.m.

Go ahead.

(Whereupon, a portion of a DVD, Exhibit 815, was played for the Court and jury.)

MR. ZONEN: Go ahead and stop.

Q. This frame now reads February 15, ‘03, 1:04 p.m. Miss Arvizo, what are we looking at right now?

A. You’re looking at my parents’ home from a different angle. And this is still my best estimate from when Jesus helped me and my children come out of Neverland.

Q. The building that we’re looking at right now - and I’m pointing with the laser in front - is that the garage?

A. Yes, it is.

Q. And your parents’ residence over here to the left?

A. Yes, that is the complete home.

Q. All right. And the entryway into the -- is from the garage over here?

A. No. This way.

Q. Over this way?

A. Yes.

Q. On this side, to the left is the garage?

A. Yes, it is.

(Whereupon, a portion of a DVD, Exhibit 815, was played for the Court and jury.)

Q. BY MR. ZONEN: Now, this says in the lower right February 15, ‘03, 3:07 p.m. And what are we looking at here?

A. You are still looking at my parents’ home.

Q. There’s the one right there.

A. Okay.

Q. Show us, please, where your parents’ house is.

A. This is -- right here is the door, my parents’ front door. Right here.

Q. The red car that we see in the driveway, is that --

A. That is the neighbor’s car.

Q. And your parents’ garage, can you see it?

A. It’s right here. Here’s the white of the top of the front of the garage. There’s the garage door. You walk around this way, and right there is the front door.

MR. ZONEN: Okay. Go ahead.

(Whereupon, a portion of a DVD, Exhibit 815, was played for the Court and jury.)

Q. BY MR. ZONEN: Who is this person?

A. This is my father.

Q. And go ahead and point the laser so we can see where he is.

A. And I think --

MR. ZONEN: Advance it a little bit.

THE WITNESS: Right -- right there.

MR. ZONEN: Okay. Go ahead.

(Whereupon, a portion of a DVD, Exhibit 815, was played for the Court and jury.)

MR. ZONEN: Stop right there.

Q. That person walking by, who is that?

A. This is my mother.

Q. And right now we're looking at the lower right-hand corner of the frame, it says February 15, '03, 3:51 p.m.

Go ahead.

(Whereupon, a portion of a DVD, Exhibit 815, was played for the Court and jury.)

MR. ZONEN: Stop right there.

Q. We're looking at a new frame that says February 15, '03, 8:12 p.m. Do you recognize the subject matter of what you're able to see?

A. Yes, I do.

Q. What is that, please?

A. This is now the underground parking of Jay's apartment building.

Q. Is that the one on St. Andrews?

A. Yes, it is.

MR. ZONEN: Your Honor, we're going to change tapes at this time.

The next tape, Your Honor, is 816.

THE COURT: 816?

MR. ZONEN: Yes.

MR. AUCHINCLOSS: Can we go to "Input 4," Your Honor? Or "Input" -- yes, "Input 4."

Thank you.

(Whereupon, a portion of a CD, Plaintiff's

Exhibit No. 816, was played for the Court and jury.)

Q. BY MR. ZONEN: This now says February 19, ‘03, at 5:56 p.m. Whose car is that?

A. This is Jay Jackson’s car, my husband.

Q. Can you tell who’s driving?

A. This is my husband who’s driving.

Q. And the location now?

A. This is the underground parking of Jay’s apartment on St. Andrews.

MR. ZONEN: Go ahead.

(Whereupon, a portion of a CD, Plaintiff’s Exhibit No. 816, was played for the Court and jury.)

MR. ZONEN: Stop it.

Q. We’re now looking at a frame that reads February 19th, ‘03, at 6:01 p.m. Can you tell what we’re looking at here?

A. Yes, you’re looking at my husband Jay Jackson.

Q. Do you know where he is? Can you tell?

A. He is in an area called Larchmont. It’s in -- there’s different -- it’s kind of like a -- different eating places. Different -- a marketplace in Larchmont. Near where Jay Jackson used to live.

Q. It’s in Los Angeles?

A. Yes, it is.

(Whereupon, a portion of a DVD, Exhibit 816, was played for the Court and jury.)

Q. BY MR. ZONEN: Let me stop at this moment and ask you a question.

A. Yes.

Q. I believe that you had testified before that it was at the end of the day of the 19th that you went to Calabasas for the video; is that correct?

A. That is correct.

Q. Do you know where you were at approximately six o’clock in the evening?

A. I was inside Jay’s apartment.

MR. ZONEN: Go ahead.

(Whereupon, a portion of a CD, Plaintiff’s Exhibit No. 816, was played for the Court and jury.)

Q. BY MR. ZONEN: Are we still following your husband?

A. Yes, you are still -- they’re still following my husband.

MR. ZONEN: Okay.

(Whereupon, a portion of a CD, Plaintiff’s Exhibit No. 816, was played for the Court and jury.)

Q. BY MR. ZONEN: The frame that we’ve stopped is February 21, ‘03, 2:04 p.m. Tell us who we’re looking at here.

A. This is me and --

Q. Hold on a second.

The question is simply, who are we looking at? That’s you; is that right?

A. Yes.

Q. And do you have a recollection of having a conversation with somebody in a Range Rover on that day?

A. Yes, I do.

Q. With whom did you have a conversation?

A. I had a conversation with Miss Karen Walker.

Q. And Karen Walker you identified previously as the social worker?

A. Yes.

Q. Do you remember the nature of that conversation?

A. Yes, I do.

Q. Now, was it your testimony previously that Vinnie was somewhere in that area?

A. Yes.

MR. ZONEN: Go ahead and play.

(Whereupon, a portion of a DVD, Plaintiff’s Exhibit No. 816, was played for the Court and jury.)

MR. ZONEN: Stop.

Q. Miss Arvizo, who is that?

A. This is Vinnie.

Q. All right. We’re now where it says February 21, ‘03, at 2:04 p.m. And the timeline on the lower left of this frame reads 11:33:11.

(Whereupon, a portion of a DVD, Exhibit 816, was played for the Court and jury.)

Q. BY MR. ZONEN: Is that Vinnie?

A. This is Vinnie.

Q. And this reads 11:45:29 is the time segment on the lower left-hand side, February 23 at 2:04

p.m.

Go ahead.

(Whereupon, a portion of a CD, Plaintiff's Exhibit No. 816, was played for the Court and jury.)

MR. ZONEN: Stop just a second.

Q. We're now at February 21, '03, at 3:05 p.m. It reads the time is 11:50:18. Can you tell us what we're looking at right here?

A. Yes, I can.

Q. What is this?

A. This is the vehicle that I was in with Vinnie. I remember the -- that little light thing going across. And I remember the seat being above me. And that's Vinnie's hair on top of --

Q. Go ahead and show us with the laser Vinnie's hair. And then -- are you in the seat?

A. Right there. I'm in there. But the seat's higher than me.

MR. ZONEN: Okay. Go ahead.

(Whereupon, a portion of a CD, Plaintiff's Exhibit No. 816, was played for the Court and jury.)

Q. BY MR. ZONEN: Santa Monica Boulevard is what's now showing, the street sign; is that correct?

A. That is correct.

Q. And do you remember being on Santa Monica Boulevard?

A. Yes.

MR. ZONEN: Go ahead.

(Whereupon, a portion of a DVD, Plaintiff's Exhibit No. 816, was played for the Court and jury.)

Q. BY MR. ZONEN: Who is that?

A. This is me. And in the vehicle is Vinnie.

Q. Vinnie's driving and you're getting in?

A. Yes.

Q. And this is on the 21st of February, '03?

A. Yes.

Q. And the time reads at 4:15 p.m.

Go ahead.

(Whereupon, a portion of a DVD, Plaintiff's Exhibit No. 816, was played for the Court and jury.)

MR. ZONEN: Stop.

Q. Are you in that frame?

A. I'm right here. This is Vinnie right there. This is Vinnie right there. And I'm right behind this man. Right there. You can actually see us walking up behind this couple.

Q. That couple have nothing to do with you?

A. This couple has nothing to do with me.

MR. ZONEN: All right. Go ahead. Or, hold it.

Q. Do you know where you are at this point?

A. At this moment I don't know where we're at.

Q. Or on what street?

A. I don't remember.

MR. ZONEN: Okay. Go ahead.

(Whereupon, a portion of a DVD, Exhibit 816, was played for the Court and jury.)

MR. ZONEN: Your Honor, the next tape we're going to look at is 817.

THE COURT: All right.

(Whereupon, a portion of a DVD, Exhibit 817, was played for the Court and jury.)

Q. BY MR. ZONEN: It reads March 17, '03, at 2:02 p.m. Can you tell us what we're looking at

right now?

A. Yes, I can.

Q. And what are we looking at?

A. This is my daughter. And beyond that is my parents' home.

Q. Show us where your daughter is in the picture.

And the home?

Now, where would you and your family have been on March 17, '03?

A. On March 17, '03, my boys, myself, are with Jay. My daughter is with my parents. We have permanently now left Neverland.

MR. ZONEN: Okay.

(Whereupon, a portion of a DVD, Plaintiff's Exhibit No. 817, was played for the Court and jury.)

Q. BY MR. ZONEN: This is a close-up of your daughter looking back; is that right?

A. That is correct.

Q. And show us the house where she's going to.

A. It’s right here. Right here.

Q. Is 2:02 about the time that she’d be arriving back at school?

A. Yes, it is. I enrolled my daughter and my sons almost immediately into school.

Q. She’s wearing a backpack. Is that the type of backpack she traditionally took to school?

A. That is correct.

MR. ZONEN: Go ahead.

(Whereupon, a portion of a DVD, Plaintiff’s Exhibit No. 817, was played for the Court and jury.)

Q. BY MR. ZONEN: And she’s looking back a second time; is that correct?

A. Yes, she is looking back and she looks frightened.

MR. MESEREAU: Objection; move to strike her comments.

THE COURT: Stricken.

(Whereupon, a portion of a DVD, Plaintiff’s Exhibit No. 817, was played for the Court and jury.)

Q. BY MR. ZONEN: Is that the name of the street that your parents’ home is on?

A. This is the name of the street my parents live on.

MR. ZONEN: We have a fourth tape as well.

Q. Miss Arvizo, did you have an opportunity to take a look at a tape of the cleaning and moving of materials from a residence?

A. Yes.

Q. Did you recognize the residence?

A. Yes.

Q. Whose residence was it?

A. It used to be my apartment.

Q. Is that the Soto Street address?

A. It is the Soto Street address.

Q. And the items that were being packed up, to

the extent that there were still items left, did you recognize those items?

A. Yes, I did recognize them.

Q. Whose items were those?

A. They’re mine.

Q. Of any of the people who appear at any time in that film, did you recognize any of them?

A. I did recognize someone to be, I think, Asaf.

Q. Was he the one who is the photographer or the videographer?

A. Asaf is the one who did the tape-recording of the Department of Child Family Services.

Q. Hold on a second.

The question is, in the course of the --

A. Oh.

Q. -- the film that you saw previously, you’re about to see --

A. Oh, okay.

Q. -- is he the one holding the camera?

A. That is correct.

Q. At one moment he appears in a mirror, is that correct?

A. Yes, he is.

MR. ZONEN: Let’s go ahead and play this one.

(Whereupon, a portion of a DVD, Plaintiff’s Exhibit No. 818, was played for the Court and jury.)

Q. BY MR. ZONEN: Which room is that?

A. This is our room that me and my children and my ex-husband used to live in.

Q. And sleep?

A. And sleep in.

MR. ZONEN: Go ahead.

THE COURT: Is this 818?

MR. ZONEN: Yes, Your Honor.

(Whereupon, a portion of a DVD, Plaintiff’s Exhibit No. 818, was played for the Court and jury.)

Q. BY MR. ZONEN: Is that the picture that you saw before?

A. Yes, it is.

Q. And at some point, were you able to hear his voice as well?

A. Yes.

MR. ZONEN: Let’s resume.

(Whereupon, a portion of a DVD, Plaintiff’s Exhibit No. 818, was played for the Court and jury.)

Q. BY MR. ZONEN: Was that Asaf’s voice?

A. That is Asaf’s voice.

Q. The deeper voice?
A. Yes, it is.
MR. ZONEN: All right.
(Whereupon, a portion of a DVD, Plaintiff’s Exhibit No. 818, was played for the Court and jury.)
MR. ZONEN: Your Honor, I have no further questions.

THE COURT: Cross-examine?
MR. MESEREAU: Yes, please, Your Honor.
THE COURT: That was Exhibit 118.
THE CLERK: 818.
THE COURT: 818. Are you offering that, or --
MR. ZONEN: I’m sorry, Your Honor?
THE COURT: Are those exhibits being offered?
MR. ZONEN: Yes, they are, Your Honor. The numbers are 815, 816, 817 and 818.
MR. MESEREAU: Thank you, Your Honor.
THE COURT: Are there any objections to those exhibits?
MR. MESEREAU: No objection at all.
THE COURT: All right. They’re admitted.
MR. MESEREAU: Your Honor, Mr. Sanger is obtaining the tape of the phone conversation between Miss Arvizo and Frank Cascio, and I’m going to begin with that.
And also, the prosecutor lodged a transcript with the Court this morning of that phone conversation, which, with the Court’s permission, I’d like to hand to the witness as we play that tape.
THE COURT: All right.
MR. MESEREAU: Thank you, Your Honor.
May I approach?

THE COURT: Yes.
The tape should be 809.

CROSS-EXAMINATION
BY MR. MESEREAU:
Q. Good morning, Miss Arvizo.
A. Good morning.

Q. Miss Arvizo, as you know, my name is Tom Mesereau and I speak for Michael Jackson.

Now, you heard the prosecutor for the government play a recorded phone conversation between you and Mr. Frank Cascio, correct?

A. Yes.

Q. And you didn't know that conversation was being recorded, correct?

A. No.

Q. And to your knowledge, it was probably recorded by Mr. Cascio, correct?

MR. ZONEN: Objection; speculative.

THE COURT: Sustained. Foundation.

Q. BY MR. MESEREAU: Before it was played in court, when did you last hear that recorded phone conversation between you and Mr. Cascio?

A. I think it was during the grand jury. I think that's when it was.

Q. And you have in front of you a transcript of that phone conversation, correct?

A. Yes.

Q. Have you read any transcript of that phone conversation before today?

A. I think so.

Q. And who provided you with a transcript to read?

A. When I came -- the D.A.'s Office.

Q. At this point, Miss Arvizo, I'd like to play that recorded conversation for the jury, and at various points I'm going to ask my co-counsel, Mr. Sanger, to stop the recording, and I'm going to ask you questions about what Mr. Cascio says and about what you say. Okay?

A. Okay.

MR. MESEREAU: With the Court's permission, we'll play the phone conversation, Your Honor.

THE COURT: And this is Exhibit --

MR. SANGER: 809, Your Honor.

THE COURT: Okay.

THE WITNESS: And this is more than one conversation blended, put together.

MR. MESEREAU: I know your position.

THE WITNESS: Okay.

MR. MESEREAU: We'll go through it.

THE WITNESS: Okay.

THE BAILIFF: Are you on "Input 1," Your Honor?

Can you check that switch and make sure it's over, the audio switch?

BAILIFF CORTEZ: I hear something.

THE BAILIFF: Is it where it was?

BAILIFF CORTEZ: No, it's just a little bit --

THE BAILIFF: It should work.

BAILIFF CORTEZ: I hear it.

MR. SANGER: Is it going through the microphone?

MR. MESEREAU: Start it again.

THE BAILIFF: I can turn it up here.

MR. SANGER: This happened last time. We were told there was a switch up there, but....

One more try, Your Honor. I'm sorry.

THE BAILIFF: Did you plug it into the defense?

MR. SANGER: It's plugged into the defense.

Plugged into the back. That's on. One, two, that's on. We can play it again with the speakers.

THE COURT: I think that's the best thing to do.

THE BAILIFF: They're coming right over.

MR. SANGER: Your Honor, I don't know if the Court's willing to wait for just a moment. I hear they're coming right away.

THE COURT: Would you like me to?

MR. SANGER: It would be a lot better to hear it through the system, I think.

THE COURT: All right. We'll wait.

MR. SANGER: Thank you.

THE BAILIFF: We check this every day. They should be here any minute, Judge.

Q. BY MR. MESEREAU: While we're waiting, Miss Arvizo, let me ask you a few questions about what's said in this conversation.

You're telling the jury under oath, that you never wanted any kind of security provided to you by

Frank, correct?

A. Yes.

Q. And you never made any statements to Frank that you needed any kind of protection, correct?

A. Uh-huh. That’s correct.

Q. And when Frank offered you any type of security at your home, you always declined; is that correct?

A. That’s correct.

Q. Because you never felt you needed any security of any kind from him, right?

A. No, what I said was I didn’t want my parents to be scared.

Q. Are you telling the jury you didn’t want any security from Frank?

A. That’s correct.

Q. And in no conversation with him did you ever say anything to that effect, right?

A. That’s how I feel.

Q. And did you ever tell Frank that your home

was being, in effect, bombarded by media people?

A. This was after a conversation with him.

Q. Did you ever tell Frank your home was, in effect, being bombarded by media people?

A. Yes, because I believed them after they had told me, and, yes, I saw it for my own self in my parents’ home.

Q. So you saw media people bombarding your home?

A. Yes. With all the mail that was left on the table.

Q. And did you ever tell anything like that to Frank?

A. Yes, I did.

Q. Okay.

THE COURT: Would you pause so they can try to....

(Discussion held off the record.)

MR. SANGER: May I try it just to --

THE COURT: Yes.

MR. SANGER: Thank you very much.

MR. MESEREAU: I think we’re all set, Your Honor. Thank you.

THE COURT: All right. Go ahead.

Q. BY MR. MESEREAU: Miss Arvizo, do you recall telling Frank with respect to the rebuttal interview with you and your family that the Germans only want you to talk about one charitable act of Michael, but

you want to talk about more than that?

A. What is your question?

Q. Do you recall telling Frank that you didn’t like what the Germans were asking you to say on the rebuttal video, because they only wanted you to talk about one charitable act of Michael and you wanted to talk about much more than that?

A. That’s incorrect.

MR MESEREAU: Okay. Could we play the --

THE WITNESS: There’s more than that.

MR. MESEREAU: I understand. You’ll have your chance to talk about it.

MR. SANGER: Ready?

MR. MESEREAU: Yes.

THE WITNESS: Because they wanted me to do a choreograph that me and Michael had done a charity act to German orphans. And I wasn’t going to do that, to say that that had happened.

MR. MESEREAU: At this time we’re going to play the conversation, Your Honor. Thank you.

(Whereupon, a portion of a CD, Plaintiff’s Exhibit 809, was played for the Court and jury.)

Q. BY MR. MESEREAU: Now, you’re telling Frank that you love his family, correct?

A. Yes.

Q. You’re telling Frank that, in effect, “We’re all family,” right?

A. Yes. Because of Michael’s initial

lovey-dovey meeting.

Q. Just please answer my question, Miss Arvizo. The prosecutor will then ask you whatever he wants. I just want direct answers to my questions, all right? Is that all right with you?

A. If you could simplify the questions, that would be easier for me.

Q. I will try to make them as clear as I can. And if you don’t understand, don’t answer me. Just ask me to try and restate it. Okay?

A. Okay. That’s fair enough.

Q. You told Frank Cascio in this conversation, “We’re all family,” true?

A. I said, “It’s like we’re family.” True.

Q. Did that mean in your mind that your family, Frank’s family, and Mr. Jackson’s family were all united?

A. Let me see. It says right here, “I love you so much. You don’t know how much I love your little sister and your little brother.” That’s what it said.

Q. And then later on, it says, “It’s like we’re family, you know, Frank?”

A. Yeah.

Q. Okay.

A. “Like we’re family.”

Q. And when you said that you meant it, true?

A. Yes, I believed what he said in the initial

meeting in Miami.

Q. I understand, it all comes from Miami, correct?

A. Correct.

Q. Doesn’t come from your being at Neverland with the Cascio family, does it?

A. No.

Q. Were you ever at Neverland with the Cascio family?

A. With the whole entire family? No.

Q. With the children?

A. With the children, no, never before at Neverland, before Miami.

Q. So one trip to Miami and you’re calling everyone family, correct?

A. Correct.

MR. MESEREAU: Okay. Let’s keep going.

(Whereupon, a portion of a CD, Plaintiff’s Exhibit No. 809, was played for the Court and jury.)

Q. BY MR. MESEREAU: Now, you say to Frank, “It’s like we’re family, you know, Frank?” And he says, “I know. And you say, “You know. And people don’t understand that,” correct?

A. Correct.

Q. And when you said, “People don’t understand that,” what did you mean?

A. Well, I thought they were honest people. And, for example, people 50 and over have a tender spot in my heart, and so it’s loving someone without knowing them. That’s what I mean.

Q. So what you’re saying is in your mind you were family with the Cascios because you loved them without knowing them; is that correct?

A. Correct.

MR. MESEREAU: Okay.

(Whereupon, a portion of a CD, Plaintiff’s Exhibit No. 809, was played for the Court and jury.)

Q. BY MR. MESEREAU: Now, you say, “It’s like crazy here.” Do you see that?

A. I said, it goes, “Um, (inaudible), bleep, are like crazy here,” so I really couldn’t tell you what was before there.

Q. Let’s go two lines down.

A. Okay.

(Whereupon, a portion of a CD, Plaintiff’s Exhibit No. 809, was played for the Court and jury.)

Q. BY MR. MESEREAU: You say to Frank, “Are like crazy here,” And he says, “Who?” And you say, “The reporters and stuff.” Right?

A. Correct.

Q. And please tell the jury what you’re talking about.

A. Well, in my mom’s table, when I arrived from Neverland, from Jesus helping me, there was a table filled with offers, many different offers requesting interviews, some people offering cars, to various denominations, and just a variety of things. And the phone ringing over and over and over.

Q. Okay. And people were coming to your house, true?

A. And some -- some of the reporters just wanted to talk. But it was all there.

Q. They were looking for you at times, correct?

A. Mostly my children. Mostly Gavin specifically.

MR. MESEREAU: Okay. Let’s keep going.

(Whereupon, a portion of a CD, Plaintiff’s Exhibit No. 809, was played for the Court and jury.)

Q. BY MR. MESEREAU: Now, you’re talking to Frank after you say Chris took you and, “Jesus helped me leave,” correct?

A. Correct.

Q. So the things you’re saying to Frank on this tape --

A. Has been manipulated.

Q. Oh, I understand your position, because we’ll go through that.

A. Okay.

Q. And what you’re saying is you’ve had someone look at this tape and decide it’s all been jumbled up together; right? Is that your position?

A. My position is I had the conversation. I know when I left, the first time I left with Jesus, the second time I left with Chris, two different events.

Q. Okay.

A. That’s why I know.

Q. But what you say is, Ya know, ya know, Frank, when I asked to leave on Sunday night,” and then Frank coughs, and then it’s inaudible, and it says, “And, ah, Chris took me and, ah, Jesus helped me leave.” Do you see that?

A. Yes, I do.

Q. And obviously this conversation is happening after Jesus helps you leave?

A. Correct.

Q. And it’s after Chris helped you, correct?

A. No.

Q. Why did you say then, “Chris took me and then Jesus helped me leave”?

A. Because Chris -- this tape has been manipulated. But also on that day -- Chris was the one who took me to go do the leg wax.

Q. Okay. Now, Chris was part of Michael Jackson’s personal security group at Neverland, true?

A. Correct. His personal bodyguard.

Q. Yes. He’s the one who took you for a body wax, correct?

A. Incorrect.

Q. Who took you for a body wax?

A. No one ever.

Q. Well, you went for a body wax when you were at Neverland, did you not?

A. Inaccurate.

Q. Never did it?

A. Never did it.

Q. Never went to a salon in Los Olivos and met someone there who treated you, correct?

A. I had a leg wax done.

Q. In Los Olivos?

A. In Los Olivos.

Q. And that was the day you claim Jesus helped you escape from Neverland, true?

A. That was the day that the Germans said that they wanted to do positive PR for Michael. And I figured this is what they have and that’s it. I could go now and it was still a no.

Q. The body wax you had in Los Olivos was the day that you claim Jesus helped you escape from Neverland, true?

A. His statement is inaccurate. He keeps continuously saying “body wax.” There is no body wax.

Q. What did you have at the salon in Los Olivos on the day you claim you escaped from Neverland?

A. A leg wax.

Q. Okay. Okay. And how did you get to the salon to have the leg wax?

A. I didn’t get them to do anything. They had already arranged it, the Germans, for their positive PR for Michael. With the film crew following us.

Q. How did you get to the salon in Los Olivos from Neverland to have your leg wax?

A. Chris took me.

Q. So when you say, “And, ah, Chris took me, and, ah, Jesus helped me leave,” you’re talking about Chris, who is part of Mr. Jackson’s security detail, taking you to Los Olivos to the salon, right?

A. For Michael's positive PR.

Q. I understand what your position is, but I'm asking you a direct question.

On the day you claim Jesus helped you escape from Neverland, that's the same day Chris took you to a salon in Los Olivos for a leg wax, correct?

A. Well, if he wants to get that technical, it was the next day, because it was closer to 1 a.m.

Q. Well, how do you escape from Neverland with Jesus and then have Chris take you for a leg wax?

A. Chris took me to have a leg wax in the afternoon. After midnight, about 1 a.m., is when Jesus helped me and my children leave.

Q. Okay. And to --

A. The next day.

Q. -- to get back to my initial point, this phone conversation is happening after you say Jesus

helped you leave from Neverland, isn't it?

A. These multiple conversations are happening after Jesus helped me leave.

MR. MESEREAU: Okay. All right. Let's keep going.

(Whereupon, a portion of a CD, Plaintiff's Exhibit No. 809, was played for the Court and jury.)

Q. BY MR. MESEREAU: Now, you're telling Frank Cascio --

A. Just a moment, Mr. Mesereau. Where are we? I'm trying to --

Q. We're on the third page.

A. Okay.

Q. Okay? There are no numbers on the lines, but we're on the third page. If you look about midway through --

A. Okay.

Q. -- you will see your comment, "And, ah, Chris took me, and ah, Jesus helped me leave." Do you see that?

A. Okay. But we played the tape a little bit further.

Q. Yes, we did. Yes, we did. And we've stopped two quotes down.

A. Okay.

Q. We stopped where it says, "And that's how I feel.” Do you see that?

A. Oh, goodness gracious.

Q. Do you see it? Do you want me to point it out to you?

A. Please.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: Okay. Good. Thank you.

Q. BY MR. MESEREAU: You’re talking to Mr. Cascio after Jesus helped you leave, and you’re telling him, “My family, so as far as me and the kids, we are family, and that’s how I feel.” Do you see that?

A. Yes, it says, “My family” --

Q. Yes.

A. -- “(inaudible),” and then it says, “So as far as me and the kids, we are family, inaudible, and that’s how I feel.”

MR. MESEREAU: Okay. Let’s keep going.

(Whereupon, a portion of a CD, Plaintiff’s Exhibit No. 809, was played for the Court and jury.)

Q. BY MR. MESEREAU: Now, Frank says to you, “People out there are so evil.” And you reply, “Yes, yes, Frank, they are, they are.”

He says to you, “They’re so evil,” and you go, “Yes, I know, I know.”

Right?

A. Correct.

MR. MESEREAU: Okay. Let’s keep going.

(Whereupon, a portion of a CD, Plaintiff’s Exhibit No. 809, was played for the Court and jury.)

Q. BY MR. MESEREAU: Now, you start to talk about David, correct?

A. Yes.

Q. And you say, “They’ve been replaying over and over the news over here and on the radio. The father said making him so, so credible, you know, even the father said. David -- he was -- there’s nine criminal charges for what he did to that kid, you know. And for what he did to me. He doesn’t pay child support and, ah, he has a restraining order to stay away from me and the kids.”

Right?

A. Correct.

Q. And you’re talking about your former husband David Arvizo, right?

A. Correct.

Q. Okay. And you’re talking about a criminal case against him, right?

A. Correct.

Q. And that was a situation where the police were notified, right?

A. Two different criminal cases that both he pled guilty on 2001 and 2002.

Q. And one of them was an allegation that he had molested Davellin, true?

A. Not an allegation. Information.

Q. Okay. But, I mean, he was -- you know, you

reported him to the police on a couple of occasions, true?

A. No. That was -- He’s incorrect. I was there. He was arrested for domestic violence. In the process of being investigated for that, that’s when they found out that there’s more -- that this man had caused more harm not just on me, but also my children, and so that sparked an investigation on what he had done to my kids.

Q. And you did report him for having falsely imprisoned your family, true?

A. It was -- I give them the information and they did whatever they did with it.

Q. And you did report him for having molested Davellin, true?

A. They -- he’s inaccurate. They asked a history about David, and the event he’s referring to is something that happened way over ten years ago.

Q. Okay. In answer to my question, there was a report made that David had molested your daughter Davellin, true?

A. It was a one-sentence statement, and they were asking for the history of David.

Q. Was a report made that your former husband David had molested your daughter Davellin? Yes or no.

A. That was in the midst of all the information

that they were gathering about David, so, yes.

Q. Okay. Now, it mentions a restraining order, correct?

A. On which particular restraining order are we talking about?

Q. I’m going to ask you about that.

A. Okay.

Q. Did you get a number of restraining orders against your former husband David?

A. Yes, that were issued through the Family Court and the criminal courts.

Q. And how did you do that?

A. Well, when David was arrested for domestic violence finally, the criminal courts issued something that they do routinely, a restraining order.

Q. And at some point he was reported for having violated a restraining order, correct?

A. That is correct.

Q. And how did that happen? Please tell the jury how the case against him for violating a restraining order came about.

A. Well, my daughter came home, told me what happened. So then I called -- I let them know, the investigating officer, what had happened.

THE COURT: Counsel?

MR. MESEREAU: Yes, Your Honor.

THE COURT: Take our break.

(Recess taken.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 6379 through 6417 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 15, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
April 15, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

FRIDAY, APRIL 15, 2005

8:30 A.M.

(PAGES 6419 THROUGH 6542)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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14126 East Rosecrans Boulevard Santa Fe Springs, California 90670
(NOT PRESENT)

INDEX

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
JACKSON, Janet	6423-M			

E X H I B I T S

FOR IN DEFENDANT'S NO. DESCRIPTION I.D. EVID.

5007 Document prepared by the Sheriff's Department and signed by Janet Arvizo December 18, 2003 6504

THE COURT: Counsel?

MR. MESEREAU: Thank you, Your Honor.

Q. Miss Arvizo, we were talking about the domestic problems you had with David, okay? And you said that you had obtained two restraining orders against him at various times, right?

A. I didn't obtain them. It was through the court system that they were issued.

Q. One for the criminal court system, correct?

A. Which I think, as best I can remember, is that they routinely issue them.

Q. And one through the Family Court system; is that correct?

A. Correct. That my family attorney requested.

Q. And who was your family attorney at that point?

A. Mr. Michael Manning.

Q. Okay. And when the issue came up about David Arvizo violating a restraining order, you went to court, true?

A. No.

Q. Did you ever appear in court for any hearing involving allegations that David had violated a restraining order by talking to Davellin?

A. I think that was in the course of the -- they didn’t have a, what you’re trying to say, that there was a separate issue. It wasn’t a separate issue. It was -- as best as I can recall, it was within the midst of the domestic violence that he was arrested that he did upon me.

Q. And the violation of the restraining order that was alleged against him had to do with his showing up at school and talking to Davellin, true?

A. It had to do with the fact that he violated the restraining order.

Q. The violation of the restraining order had to do with David showing up at school and talking to Davellin, right?

MR. ZONEN: Your Honor, I’ll object; lack of foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: David, a grown man, was given a restraining order, and he violated it.

Q. BY MR. MESEREAU: Let me repeat the question again. If it’s not clear, tell me.

A. It’s not clear.

Q. Okay. What was the nature of the violation?

A. What do you mean?

Q. Didn’t David go to Davellin’s school --

A. Yes.

Q. -- see Davellin outside of school and ask her to go into his car and talk to him?

A. He called -- my understanding, because I wasn’t there -- the best who could explain it would be Davellin.

Q. You don’t know what happened?
A. I do know, but the best one who could explain it would be Davellin.
Q. What do you know about it, Miss Arvizo?
A. Okay, my understanding is that David had called her over into the car, and he wouldn’t let her go until he finished his conversation with her and until he was satisfied. Then he let her go. That’s my understanding. But the best one who could explain it is Davellin.
Q. You attended court with Davellin when there was a hearing with a judge on whether or not David had violated that restraining order, right?
A. Again, that was in the midst of the domestic violence that he had done upon me.
Q. Did you attend court when there was a hearing on whether or not David had violated the restraining order?
A. I think I understand what you’re trying to say, but if not, please make me aware.
Q. Okay.
A. I feel that he is trying to say that I was present when these proceedings were happening in the midst of the domestic violence. That is inaccurate. She went behind a closed door with a judge, a court reporter, and a -- David, Mr. Halpern, his attorney. And that’s where they had the hearing, some kind of hearing, understanding, talking. I don’t know what that process would be called. Because he had violated the restraining order.

Q. And you were in court that day, right?
A. They did it behind closed doors, in the judge’s chambers, and I was not allowed to be present.
Q. You were in court that day, true?
A. I was in the courthouse, in the courtroom. But in the judge’s chambers when that took place, I was not present. And there was a court reporter reporting everything there.
Q. And who was with you in court that day?
A. On that day was just -- it was me and Davellin, I think.
Q. Was Carol Lamir ever in court with you?

A. With me? No. She’s my ex-husband’s, David Arvizo’s, best buddy.

Q. Was she ever in court with you for any proceeding involving domestic violence?

A. With me, never. But with David. David. That’s his girlfriend.

Q. Okay. Now, you’ve told the jury about your experience in obtaining restraining orders involving David, right?

A. I don’t understand what you’re trying to say.

Q. You’ve just told the jury about your history of getting restraining orders against David, right?

A. Not history, not experience, but what happened after he committed these crimes.

Q. You never went to any court at any time and tried to get a restraining order against Mr. Jackson or anyone you thought was associated with him, right?

A. I was hoping it will just go all away. And Mr. Dickerman handled everything.

Q. You thought you were being falsely imprisoned, right?

A. Correct.

Q. You thought --

A. I didn’t think it. I knew it.

Q. You thought you were being extorted, true?

A. What do you mean?

Q. Did you think you were the victim of extortion by Mr. Jackson or any people associated with him?

A. Please be more clear.

Q. Do you know what “extortion” means?

A. No, I don’t.

Q. Okay. Did you think you were being restrained against your will by either Mr. Jackson or anyone you thought was associated with him?

A. Yes.

Q. Did you think you were being --

A. I didn’t think it. I knew it.

Q. Did you think you were being kidnapped by

Mr. Jackson or anyone associated with him?

MR. ZONEN: Calls for a legal conclusion. Objection.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you think you were being held against your will by Mr. Jackson or anyone associated with him?
A. Did I think it?
Q. Yes.
A. I knew it.
Q. And did you think you were the victim of either force or fear created by anyone associated with Mr. Jackson?
A. I knew it.
Q. Yet, you never went into court to get any restraining order at any time regarding Mr. Jackson, true?
A. I was too scared of him.
Q. Okay. And at the time you claim you were being held against your will, you had a number of lawyers who had represented you at that point, true?
A. I don't understand what you're saying.
Q. Well, you had a lawyer who, you just told the jury, had represented you in your domestic dispute with David, correct?
A. Correct.
Q. At some point you visited Mr. Dickerman with Jamie Masada, correct?

A. Uh-huh.
Q. You had a number of meetings with Mr. Dickerman and Jamie Masada, correct?
A. Correct.
Q. At some point, Mr. Dickerman referred you to an attorney named Larry Feldman, correct?
A. This is after the fact.
Q. Is that true?
A. Correct.
Q. Never have you ever sought a restraining order against Mr. Jackson or anyone associated with him, right?
A. That's correct.
(Whereupon, a portion of a CD, Plaintiff's Exhibit 809, was played for the Court and jury.)
Q. BY MR. MESEREAU: Okay. Frank Cascio says

to you, “Do you know everything that David is saying is completely false.” Do you see this?

A. Yes, I do.

Q. And you say, “Oh, I know, I know. That’s why I’m getting” -- excuse me, “That’s why I’m -- I’m getting all those information. Oh, for example, ah, there was like year and a half ago, a year and a half ago, they did an investigation of me and David. We understand that -- that Michael Jackson, and Chris Tucker are involved with you and the kids, and they said -- and the kids spoke up and they said, ‘They’re family to us. If we didn’t have Michael,

if we didn’t have Michael, we wouldn’t have a father, a father figure in our life.’” And then the social worker, (inaudible),” it says, “(possible keys typing), okay, I’ll give the person here a call named David Arvizo. And she documented it and everything and so I’m returning the note paper so you can have all these papers.”

Do you see that quote?

A. Yes.

Q. All right. You’re referring to an investigation of you and David, correct?

A. Yes.

Q. What investigation are you talking about?

A. Okay. Remember how I told you about the Child Protective Services, that there was different people, not this group, the one that was in a different building, which was a female. This is how -- my children’s state of mind at that point, because Michael had been kind to them in the initial meeting when we first met in August. That stood with them. Yeah.

Q. Well, okay. So you met Michael Jackson in August of what year?

A. Of 2000. And also Evvy, his personal assistant, made sure that we -- that the children felt and saw everything as a family environment and to see him as a father figure. This is Evvy Tavasci, his personal assistant.

Q. When you were involved in the investigation you just described --

A. Yes.

Q. -- how many times had you seen Michael Jackson?

A. Me personally by this time, once.

Q. You had seen Michael Jackson one time, and when you're being investigated by the Department of Children & Family Services, you tell them that Michael is like a father to your kids and your family, true?

A. No. Inaccurate. It says, "And the kids spoke up and they said 'They're family to us.'" The children continue speaking and say, "If we didn't have Michael -- if we didn't have Michael, we wouldn't have a father."

My kids said that.

Q. "A father figure in our life," correct?

A. Yes, that's the children.

Q. Were you there when the kids said that to the representatives of the Department of Children & Family Services who were investigating you?

A. That's correct.

Q. One meeting with Michael and --

A. Not me.

Q. -- and you're calling him "family" and "a father figure," right?

A. Yes, per Evvy Tavasci's, his personal assistant, request. And also Michael had also pointed that out to the children in August of 2000.

Q. I'm asking about you.

A. Okay, me?

Q. You're being investigated by DCFS, true?

A. Yes. Me and David. Because when David was arrested for domestic violence -- remember how I told you that this particular social worker, I was very impressed, because she didn't care about me. All she was interested was in my children.

And that's what I thought and was hoping that these three, who were only solely concerned about being sued by Michael Jackson, would have had that same position. Then all this wouldn't have happened.

Q. Miss Arvizo, we're talking about a DCFS investigation, by your own words, that was a year and a half before you’re quoted in the conversation, correct?

A. This is correct.

Q. That has nothing to do with what you just told the jury.

A. This has everything to do with it. This is -- this, 2003. The DCFS was about -- about 2001. So I’m giving a best estimate on this conversation.

Q. You’ve met Michael one time and you’re using him to defend yourself in the investigation?

A. No. Incorrect. Inaccurate. We had -- in my apartment, we had a series of different pictures. And the social worker had pointed out, because the pictures that they had taken out of my apartment when they did that little move, they were there displayed amongst many celebrities, many people. People that even donated blood were up there.

Q. Now, you told the jury when the prosecutor for the government was asking you questions that you’d always had good relationships with the Department of Children & Family Services, correct?

A. Who’s “the government”?

Q. These guys.

A. Okay.

Q. Okay?

Do you remember telling the jury that you had always had good relations with the Department of Children & Family Services?

A. That’s correct. Prior to this CPS meeting which they were not concerned with my children, they were just concerned about being sued by Michael Jackson, it was a positive experience. Like I said, they cared solely about my kids.

Q. And was it a positive experience with the Department of Children & Family Services when you were investigated a year and a half before this conversation with Frank Cascio?

A. That’s what I’m talking about. In the year 2000, when David was arrested, they initiated a Child Family Services -- I don’t know, one of those -- it’s the same people, I feel, had came out to make sure that I was a good mom and make sure

that the children were in a safe environment.
Q. And you used the name “Michael Jackson” and the name “Chris Tucker” in that investigation?
A. That’s incorrect.
Q. So, are you not telling the truth when you say that to Frank?
A. No, no, you said if I used them. That’s inaccurate. Like I said, there was pictures on my walls of different people that had been kind to my children. Amongst them was Michael, Chris, celebrities, other people, and people that had donated blood. And it was her question that she asked that sparked my children to answer that. At that moment was a time that -- that was their mindset.
Q. You were investigated by the Department of Children & Family Services in the 1990s when Gavin alleged you had abused him. Remember that?
A. Yes, I do.
Q. Okay. Did you have a good relationship with the Department of Children & Family Services at that time?
A. Yes, I did.
Q. Okay. He accused you of abusing him and then he changed his mind, right?

A. No, that’s inaccurate.
Q. Why don’t you tell the jury what happened in the investigation in the 1990s.
A. I feel -- if I’m correct, I feel that what he’s talking about, it was a time when Gavin was I think in kindergarten. I think it was kindergarten. I’m not sure. And the nurse, or something like that, had said to Gavin -- and this is the best I can recall it, had said -- about Gavin going home.
And then Gavin says, “No, I don’t want to go home,” because he didn’t want to go home from school.
And so he had told them that -- that if he went home, he would get in trouble or something like that. I don’t remember very clear.
And so the Department of Child Family Services came out, verified that my son was in a safe environment, and that was it. It was another positive experience.

Q. He had accused you of abusing him and then changed his story, didn't he?

A. No, it's inaccurate what you're saying.

Q. You just said that to the jury, that he accused you of abuse, right?

A. And it's okay. He was a kindergartner. He was a kindergartner. And the way -- the nurse or teacher, whoever it was - this is the best I can recall - had communicated it that way to the Department of Child Family Services. And that was it. This -- it's okay.

MR. MESEREAU: Okay. Let's keep going. Thanks.

(Whereupon, a portion of a CD, Plaintiff's Exhibit 809, was played for the Court and jury.)

Q. BY MR. MESEREAU: Okay. Frank says to you, "Janet, can you do me a favor? You see what's going with everything, and it seems like you're, like, hiding from everybody, right?" And you go, "Yes." See that?

A. Yes, I do.

Q. Who were you hiding from?

A. Well, from the people that they said that were out to kill my children.

Q. You were also hiding from the media, weren't you?

A. No, the media -- I was -- I was a little bit unclear, because Michael had said that they're all bad people.

Q. You had said they were bad people.

A. Well, because Michael in the initial meeting in Miami had said that, and so did the Germans.

Q. I see. Okay.

A. So I believed them. I -- you know, I'm incompetent. I don't know -- I don't have experience with this, so I believed him.

Q. I'm sorry. Do you remember making repeated statements that the media were harassing your family, your parents, your children, and you?

A. I don't see anywhere I say here "harassing."

Q. Did you ever say that to anyone at any time, Ms. Arvizo?

A. In this conversation I don’t think I said, and prior to this I never did. This is per these conversations, and this is multiple conversations.

Q. I understand your position. I’m asking you a general question.

Did you at any time, while these events were occurring, ever say to anybody, “The media is harassing my family, my children, my parents, and me”? Yes or no.

A. Well, like you said, it’s general, so I’m going to generally answer. Prior to these conversations, which are multiple conversations, no.

Q. I understand your position.

A. It’s no.

Q. So you never said -- you never complained to anyone about the media harassing you at any time, other than in this conversation.

A. You know --

Q. Is that true?

A. No. That’s correct.

Q. Okay. This was the first and only time you ever complained about the media harassing you and your family?

A. And that was because, in the initial meeting in Miami, Michael had pointed out that the media were bad people, which I come to find out different now, and that the Germans had said they’re bad people. I believed them.

When I got to my mom’s and I saw all those offers and the constant phone calls, then it just confirmed in my mind to what they had told me. And that’s it. They’re just doing their job. And that’s okay.

Q. Then why did you tell Frank they were harassing you at your home?

A. I didn’t say they were harassing me.

Q. Never said anything like that in this conversation, true?

A. No, I didn’t say “harassing.”

Q. Okay. All right.

(Whereupon, a portion of a CD, Defendant’s Exhibit No. 809, was played for the Court and jury.)

Q. BY MR. MESEREAU: Now, you tell Frank about the offers you received, right?

A. Uh-huh.

Q. And you, in effect, tell him you're not going to accept any of them, right?

A. Correct.

Q. And then you say --

A. Because that's not in my nature.

Q. I understand that. We'll get to the J.C. Penney case and a few other things.

MR. ZONEN: Objection; move to strike.

THE COURT: Stricken.

MR. ZONEN: It's a gratuitous comment.

MR. MESEREAU: Withdrawn.

Q. You say here, "I know we're family, Frank. Me, you, me, my kids are family. You, Marie Nicole, my kids, Baby Rubba are family. Michael, Marie Nicole (inaudible), (Frank coughs). You, me, are family and my parents. That's all I got. So that's why when these German people...," and then it's inaudible. Do you see that?

A. That's correct.

Q. Now, this conversation is taking place after you say you escaped from Neverland with Jesus, true?

A. Correct.

Q. You're still calling Michael your family, correct?

A. That's correct, yes.

Q. You didn't escape from Neverland at all, did you?

A. Oh, yes, I did.

Q. And how many times did you go back after your first escape?

A. Be more specific, please.

Q. How many times did you return to Neverland after your first escape?

A. After I was convinced by Frank, believing that they were good people, I went back probably --

well, they've broken it down for you guys in a period of two days. So, let me see.

I went back with -- with Chris immediately. Came back that same day. And then when Vinnie took me back, and that's it. I think. I'm trying to be summarizing those two days’ worth of information.

Q. Well, it’s a total of approximately three escapes, isn’t it?

A. Are you including the one where I permanently left and never went back?

Q. Yes, and maybe it’s four escapes. How many times do you escape from Neverland?

A. I’m asking you. I’m asking you. Please.

Q. I’m asking you how many times, in your mind, you escaped from that dungeon Neverland?

MR. ZONEN: I’m going to object as argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: How many times did you escape from Neverland, Miss Arvizo?

MR. ZONEN: Objection; asked and answered.

THE COURT: Overruled.

You may answer.

THE WITNESS: Thank you.

With Jesus. With Chris. And then the last time. And that’s the best I can remember.

Q. BY MR. MESEREAU: And during the period of these escapes, you’re constantly referring to Michael as family to you, right?

A. Prior?

MR. ZONEN: Objection; vague as to “during the period of.”

MR. MESEREAU: I’ll rephrase it, Your Honor.

THE COURT: All right.

MR. MESEREAU: I’ll withdraw it.

Q. Between the first and the last escape from Neverland, you were still referring to Michael as your family, right?

A. Prior to Jesus taking me, my kids and me, back to El Monte to my parents’ house, I thought he was still a good guy. I was confused and I was sad at that moment because I did not know the events or what’s happened. Now I know a lot. But in that period I only thought it was the Germans. That’s it.

Now, after, when Chris brought me back, I knew now things are problematic, things that are arising, so I’m still clueless. But as time evolves, I'm finding out more and more things. Now today, I know different.

Q. Ms. Arvizo, getting back to the leg wax that you had on February 11th, 2003, the day of your escape, you had a full leg treatment, a brow treatment, a lip treatment, a face treatment and a bikini wax; is that correct?

A. That's incorrect.

Q. Would it refresh your recollection to look at the receipt?

A. It wouldn't refresh my recollection because I know my recollection. It's solely a leg wax. If they've manipulated it, that's what they have done.

Q. The total cost was $140, correct?

A. Like I say, it was only a leg wax.

Q. Would it refresh your recollection to just look at the copy of the receipt?

A. I'm telling you, it was only a leg wax. He has the ability to choreograph everything.

Q. How about you, Ms. Arvizo?

A. No.

Q. Okay. You don't want to even look at the receipt?

A. No, because I'm telling you, it was only a leg wax.

Q. And who paid for that?

A. I paid for it. The reason is, they deducted it from the items they lost or stolen that were taken from me from the Miami trip.

Q. Who paid for your treatment at the salon?

A. I did, because that was their effort in replacing the items that were lost and stolen from the bags that I had in Miami.

Q. Did you pay the person at the salon your own money?

A. Like I said, the condition here was that they were deducting it from the items that they had lost or stolen from me.

Q. Did you pay the person at the salon any money?

A. I just answered that.

Q. Did you take money of your own and give it to anyone at the salon on that day, Miss Arvizo?

A. No.

Q. Who did?

A. I don't know. I don't know. That was taken care of by the Germans in the process of doing their positive PR, which there was a film crew. It would be good to show that.

Q. We'll talk about that. Okay.

(Whereupon, a portion of a DVD, Plaintiff's Exhibit 809, was played for the Court and jury.)

Q. BY MR. MESEREAU: Now, Frank asks you to be interviewed for a documentary about Michael Jackson, correct?

A. Correct.

Q. This is after your escape with Jesus, correct?

A. Yes, it is.

Q. And he tells you he'd like to do a documentary and would like you to say "nice things" - actually, he used the word "beautiful" - "about Michael," right?

A. This is correct.

Q. And you say, "Oh, I would. That's all I have to say." Frank says, "You" -- and then you say, "Me and the kids, that's all we have to say." Correct?

A. This is correct. In this period, I only thought it was the Germans that were problems.

Q. Are you still telling the jury that everything you said nice about Michael on the rebuttal tape was from a script?

A. Yes.

Q. And if it hadn't been for that script, you wouldn't have said beautiful things about Michael, right?

A. Could you say that again?

Q. Are you telling the jury that when you did the rebuttal video, you and the kids, and you said nice things about Michael Jackson, you were doing it all from a script? Yes or no, Miss Arvizo.

A. Well, you lost me now.

Q. I will rephrase it.

A. Okay.

Q. In this conversation that you didn’t know was recorded --

A. Correct.

Q. -- Frank’s asking you --

A. That was illegally recorded.

Q. Thank you.

In this conversation where you are recorded --

A. Illegally.

Q. I understand your position.

A. Okay.

Q. -- you tell Frank that all you and your family had to say in a documentary are beautiful things about Michael Jackson, true?

A. Yes. That is correct.

Q. Yet, you’ve also told the jury that when you did the documentary, all the good things you said about Mr. Jackson were scripted, correct?

A. In the document -- in the thing, the rebuttal that they did, the whole entire thing -- I know I have a problem speaking. I’m trying to do my best.

The whole thing, from the beginning to the end, including outtakes, it was all scripted material. All of it. You didn’t have to do that at this point. I would have done it on my own. But -- prior to that, because I thought it was only the Germans.

But from the period that they did this, now this is scripted, now things have elevated. But in this, at this moment in time, yes, I would have.

But now? Have another rebuttal, and I’ll speak freely. Have another audiotape with Brad Miller. I’ll speak freely now.

Q. I understand. But at this point in time after your first escape, you had nothing but nice things to say about Michael Jackson?

A. That is correct. I only thought it was the Germans.

Q. And you were ready to do a documentary about Michael Jackson where all you had were beautiful things to say, correct?

A. And only if the things wouldn't have been dictated of exactly what to say. Only if. That's the only problem I had; that they want -- they wanted me to say things that were scripted, exactly what they wanted to say. Because I -- I felt what's wrong with telling the truth? And at that moment, that was the truth.
Q. And everything you said --
A. And now I know different. It was happening right underneath my nose.
Q. Miss Arvizo, everything you said on that rebuttal tape was scripted; is that what you're saying?
A. Every single thing.
Q. We will get to the rebuttal.
A. Even the outtakes.
MR. SANGER: Ready?
MR. MESEREAU: Yeah.
(Whereupon, a portion of a CD, Plaintiff's Exhibit 809, was played for the Court and jury.)
Q. BY MR. MESEREAU: Now, you complained to

Frank that the Germans are trying to dictate to you what to say, right?
A. I didn't complain. I expressed myself.
Q. Is that what you expressed to him?
A. Yes. Because they were trying to dictate to me exactly what to say. For example, also the charitable act. They wanted me to say that me, Michael, my children had went to Germany and gave to German orphans. That's what they said. I'm not going to do that. What's wrong with the truth at that point? I thought he was a good guy. Now I know different.
Q. Miss Arvizo, at any time in that rebuttal tape, did you talk about going to Germany and dealing with orphans, per the script?
A. No. Obviously they eliminated that.
Q. Okay.
A. Or maybe I forgot. I don't know.
Q. I understand.
A. I was -- like I told you, I got in trouble for not doing exactly what they said, so that's why the process of leaving out of the country had to

happen.

Q. Right. I understand.

A. You’re correct, I did an inadequate job. I’m a poor actress. You’re right.

Q. I think you’re a good one.

MR. ZONEN: I’m going to move to object.

Ask the Court to admonish counsel.

THE COURT: I’ll admonish counsel not to make those remarks.

MR. MESEREAU: I will --

THE COURT: Admonish the jury to disregard such a remark.

I expect more professional behavior from you.

MR. MESEREAU: I apologize, Your Honor.

I withdraw it.

THE COURT: (To the witness) And you must only answer his questions. You’re not to get into arguments with him. It’s as much your fault. Do you understand that?

THE WITNESS: Yes, sir.

Q. BY MR. MESEREAU: You said that to Frank, that what you say in the documentary has to come from the heart, right?

A. Yes. I said -- yes, I did. I said, “Think with your heart, not your head.” Because our heart has a lot of pure things in there.

Q. And when you said the things you said about Michael Jackson on that rebuttal video, you were, in fact, speaking from the heart, right?

A. It was all scripted.

MR. MESEREAU: Okay. Let’s keep going.

(Whereupon, a portion of a CD, Plaintiff’s Exhibit 809, was played for the Court and jury.)

Q. BY MR. MESEREAU: Now, you said you didn’t like someone named Mark Ratner, right?

A. Uh-huh.

Q. Mark Ratner was a director on the Rush Hour movie, true?

A. Incorrect.

Q. Who was Mark Ratner?

A. I came to find out afterwards that it was

Marc Schaffel.

Q. Well, you talked about Mark Ratner.

A. There is no Mark Ratner. There’s only Brett Ratner.

Q. And --

A. And I hadn’t --

Q. And who is Brett Ratner?

A. And I haven’t spoke to Brett Ratner since my children were with Chris, since 2001. I think -- wait, 2000 -- I think it was January of 2001.

Q. Brett Ratner was the director on the Rush Hour movie, right?

A. Yes.

Q. And where did you first meet him?

A. I met him for about -- Chris had taken the children to -- that’s when he was doing the filming for Rush Hour 2. It was on the set.

Q. Did you ever see him at Neverland?

A. I never saw him at Neverland.

Q. Did you ever learn that Gavin had seen him at Neverland?

A. Yes, I came to find out that afterwards.

Q. And did you learn that Gavin had asked him to take Gavin to Florida to see Michael? Did you ever learn that?

A. You are -- you are -- I have a lot of thoughts in my heart about you.

But he’s incorrect.

Q. Did you ever learn such a thing? Yes or no.

A. What I learned afterwards is that Brett Ratner, while I was over here in Los Angeles, and Dieter had cornered my son, including with Michael, to have him sign a piece of paper. That’s what I learned while I was over here in Los Angeles.

Q. Did you ever learn that Gavin wanted to go to Florida to see Michael, and Brett Ratner wouldn’t permit it?

A. That’s incorrect.

Q. Okay.

A. Because Brett Ratner, Dieter and Michael were all there in Michael’s house.

Q. Were you there?

A. My children were there.

Q. Were you there?

A. I wasn't there.

Q. Now, you talk about the Germans keep trying to push Michael Jackson to drink. Do you see that?

A. Yes. How foolish I was. I thought he didn't drink. And they choreographed the little scene in front of me where they were pretending like he doesn't drink, and he doesn't even drink Pepsi, and I fell for that. I did. Now I know a lot of things.

Q. You complained that the Germans are trying to get Michael Jackson to drink alcohol, right?

A. Yes. Like I said, I fell for it, their little choreography. I thought he didn't drink. They pointed out he didn't drink an ounce of alcohol, not even Pepsi, and I fell for it. Yes, I did.

Q. When you fell for this, how many times had you stayed at Neverland?

A. This is the period before I left with Jesus. This is this period.

Q. When you fell for this, how many times had you stayed at Neverland?

A. This is the period before I left with Jesus.

Q. Okay. And did you watch the people you refer to as the Germans trying to get Michael to drink?

A. Yes. Michael was part of this choreography. Michael had pointed out that he doesn't drink, and the Germans said he doesn't drink and that he doesn't even drink Pepsi. He was going, "No, no." And now I know different. Now I know that Neverland's all about booze, pornography and sex with boys.

MR. MESEREAU: Move to strike her comments as self-serving.

THE COURT: They're stricken. The jury is admonished to disregard those remarks.

(Whereupon, a portion of a CD, Plaintiff's Exhibit 809, was played for the Court and jury.)

Q. BY MR. MESEREAU: Now, Frank says there are evil people out there, and you agree with him,

correct?
A. Yes, I believed him.
Q. Okay. And he talks about making some arrangements because you're not safe, right?
A. That's correct.
Q. And you thank him, correct?
A. Let me see. I'm just being appropriate.
Q. You're just being --
A. I have manners.
Q. You're just being well-mannered?
A. I'm just having manners, because as you can recall, I had left -- I believed what he had said.
MR. MESEREAU: Your Honor, can I move to strike her comments?
THE WITNESS: So I went to Jay Jackson's house instead of going back.
THE COURT: Just a moment.
All right. I'll strike after she said, "I'm just having manners."

Q. BY MR. MESEREAU: When you agreed with Frank that he should make arrangements because you weren't safe, you were just being well-mannered, correct?
A. At this point, I'm being only well-mannered, and I didn't agree. I was -- he was convincing me.
Q. I see. Okay. All right.
(Whereupon, a portion of a CD, Plaintiff's Exhibit 809, was played for the Court and jury.)
Q. BY MR. MESEREAU: Now, you get back on the line with Frank and he says, "How can I get in touch with you, because I know sometimes your lines are always busy."
And you say, "Yeah, it's like people are calling like crazy, you know?"
Who are you referring to?
A. This is correct. A lot of people were calling. They were interested in my son Gavin.
Q. And you were complaining to Frank about that, correct?
A. No, I'm not complaining. This is in the midst of a conversation. I didn't call him. He called me. Many times.
Q. Did you ever complain to Frank that people were calling you like crazy?

A. I stated to him -- the word here is, “Yeah, it’s like people are like calling crazy, you know.”
MR. MESEREAU: Let’s keep going.
(Whereupon, a portion of a CD, Plaintiff’s Exhibit 809, was played for the Court and jury.)

Q. BY MR. MESEREAU: Now, Frank says to you, “I’m going need to get through to you and talk to you, because I want to get you out of there. It’s -- I don’t think -- I don’t want you -- I don’t think it’s safe.”
And Miss Arvizo, you respond, “It’s not. It’s like it’s crazy. Can I read you one of the letters? It’s like there are all kinds of things, and it’s of no interest to me, because family never leaves family behind.”
Do you see where you said that?
A. Yes, I do.
Q. You don’t refer to any death threats at all, do you?
A. No, I don’t.
Q. You say it’s not safe, and you talk about all the letters you’re getting. No reference to one single death threat --
A. That’s because --
Q. -- is that correct, Miss Arvizo?
Just please answer my question, if you can.
A. Yes, that’s correct.
Q. Okay.
A. You don’t have to raise your voice. I’m here listening.
Q. I’m sorry. I’m sorry.
And then you say, “Family never leaves family behind, you know,” right?

A. That’s correct.
Q. You still consider Michael to be your family, right?
A. That’s because of the initial meeting where he said --
Q. Yes or no?
A. -- “Family never leaves family behind.”
Q. You still considered Michael --
A. At this point?

Q. -- to be part of your family?

A. He called himself family, and it -- basically, like I said, people 50 or over have a tender spot in my heart. Sometimes --

MR. MESEREAU: May I object to the colloquy? Move to strike.

THE COURT: Sustained. Do you want to read the question back? Read the question to her.

(Record read.)

THE WITNESS: I considered him to be like family.

MR. MESEREAU: Okay.

(Whereupon, a portion of a CD, Plaintiff’s Exhibit 809, was played for the Court and jury.)

Q. BY MR. MESEREAU: Frank says to you, Ms. Arvizo, “For your safety, and if we were to put a secur -- maybe have somebody 24 hours outside your house, protecting your house from people, would you mind if we do that?” And your answer is, “No.” Right?

A. My answer is, “No,” I don’t want that.

MR. MESEREAU: Keep going.

(Whereupon, a portion of a CD, Plaintiff’s Exhibit 809, was played for the Court and jury.)

Q. BY MR. MESEREAU: Now, Ms. Arvizo, after Frank says, “Maybe have somebody 24 hours outside your house, protecting your house from people, would you mind if you do that?” And you say, “No,” you then talk about how your children’s school is bombarded; correct?

A. Yes, this is because Michael and the Germans had told me that.

Q. Well, you didn’t say that now, did you?

A. I did say that.

Q. You’re in Los Angeles when you make this comment, aren’t you?

A. No, it’s correct. I’m telling you -- you want to know the information. You weren’t there; I was. Michael and the Germans had told me that.

MR. MESEREAU: May I ask -- would the Court instruct the witness just to respond to my question?

THE WITNESS: I am responding.

THE COURT: You must listen to the question and answer the question, and not try to advance beyond the question.

THE WITNESS: Okay.

Q. BY MR. MESEREAU: You say to Frank, “So I have my kids here, and the school is completely cooperating with giving, like, me to work.” He says, “Okay.” And you say, “My children’s school is like bombarded,” correct?

A. This is correct.

Q. Frank goes, “I know,” right?

A. That’s correct.

Q. Then you say, “I didn’t go to the other apartment. It’s like crazy over there,” correct?

A. This is correct.

MR. MESEREAU: Let’s keep going.

(Whereupon, a portion of a CD, Plaintiff’s Exhibit 809, was played for the Court and jury.)

Q. BY MR. MESEREAU: You then tell Frank about the apartment in East Los Angeles, correct?

A. This is correct.

Q. You tell him it’s on North Soto Street, right?

A. That’s right.

Q. And after telling him that your children’s school is, like, bombarded, and that the other apartment, it’s like crazy over there, you tell him that you didn’t go to Soto Street. You went straight to your mom’s house, true?

A. This is -- this is correct. I told him I came straight here to my mom’s house from Neverland, to my mom’s house, because I believed what the Germans and Michael had said.

Q. Okay.

A. And I’m repeating what they said --

Q. I see.

A. -- to Frank.

Q. That’s your explanation for those comments, correct?

A. This is -- this is accurate information.

MR. MESEREAU: Okay. Let’s keep going.

(Whereupon, a portion of a CD, Plaintiff’s

Exhibit 809, was played for the Court and jury.)

Q. BY MR. MESEREAU: Now, Miss Arvizo, after talking about how your children’s school is bombarded, and it’s crazy over at Soto Street, and that you’ve gone to your mom’s house and didn’t go to Soto Street, Frank says to you, “What if we were to take you to a church up there? Because it’s just really important. You’re going to have to have somebody stay outside your house and watch you, your house, protect and make sure nobody comes to your house. Oh, I want to take you up to the ranch just for your safety and your family.”

And your response to that statement is, “Do you have a cell number, Frank?” And he says, “Yes.”

At no time do you say you don’t want any of that protection, do you?

A. At no time does it say a “Yes.”

Q. Your response to his statement about giving you protection is, “Can I have your cell number?” Right?

A. I just said, “Do you have” -- and prior to that, you said something about church. I have never missed Ash Wednesday. Never.

MR. MESEREAU: Objection; move to strike.

THE WITNESS: And when I was in Neverland, they didn’t take me to church. I missed Ash Wednesday.

THE COURT: Just a moment.

I will strike that, those remarks. But, Counsel, your question was so long and lengthy, one wonders what one should comment on in it.

MR. MESEREAU: Okay.

THE COURT: And I’ll ask you to refrain from that type of question. It’s causing problems here.

MR. MESEREAU: Yes. I’ll rephrase it, Your Honor.

Q. Miss Arvizo, referring you to Frank Cascio’s statement, it begins with “What if we were…,” do you see that?

A. Okay.

Q. He says to you, “What if we were to take you to a church up there,” right?

A. That’s correct.

Q. “Because it’s just really important,” right?
A. Uh-huh.

Q. And it says -- it says, “Inaudible,” right?
A. Yes.
Q. And then he says, “You’re going to have to take somebody” -- excuse me. “You’re going to have to have somebody stay outside your house and watch you,” right?
A. Correct.
Q. He says, “Your house,” right?
A. Uh-huh.
Q. Then he says, “Protect and make sure nobody comes to your house,” right?
A. Correct.
Q. “Oh, I want to take you up to the ranch just for your safety and your family.” Do you see that?
A. Correct.
Q. And your response to that is, “Do you have a cell number, Frank?” Right?
A. That’s it.
Q. And he says, “Yes.”
A. And it’s not --
Q. Right?
A. And it’s not a “yes” from me.
Q. And it’s not a “no” either, is it?
MR. ZONEN: It’s argumentative; objection.
THE WITNESS: He’s convincing me.
THE COURT: Excuse me, Counsel?
MR. MESEREAU: Objection; argumentative.
THE COURT: Sustained.

MR. MESEREAU: Let’s keep going.
(Whereupon, a portion of a CD, Plaintiff’s Exhibit 809, was played for the Court and jury.)
Q. BY MR. MESEREAU: Going further into this taped phone conversation --
A. And notifying that there’s also numerous tape breaks.
Q. I understand.
You say to Frank, “Is there a way I can get back to you, Frank?” Do you see that?
A. Yes, I see that. I’m being polite.
Q. I understand.

And Frank --

A. Because I not once - and when you see those subpoenaed phone records - called him back during this period.

Q. And you say, “Call you” -- Your Honor, may I move to strike the witness’s comments?

THE COURT: I’m not going to strike it. The last question listed is you just saying, “I understand,” and then she starts talking. So there was no question and --

MR. MESEREAU: Okay.

Q. Miss Arvizo, you say to Frank, “Is there a way I can get back to you, Frank?” Correct?

A. Correct.

Q. Frank says, “Call you if there is an emergency,” right?

A. Correct. And there’s also a tape break.

Q. Yes. And then you say, “Okay, I have no control (another phone is heard ringing) Frank. People call and call. So when they call, it sounds busy to whoever else. “ Do you see that?

A. This is correct.

Q. Frank says, “Okay.” And then you say, “This is my mom’s number.”

A. Yes, I was at my mother’s house.

Q. You gave Frank your mom’s phone number, true?

A. I gave Frank my mom’s phone number? No.

Q. All right.

A. He himself had it.

Q. Okay.

(Whereupon, a portion of a CD, Plaintiff’s Exhibit 809, was played for the Court and jury.)

Q. BY MR. MESEREAU: You said to Frank, “Don’t worry, Frank, we’re a family, okay?” Do you see that?

A. Oh, I see it right here.

Q. Frank says, “Okay.” Do you see that?

A. Yes.

Q. You say, “Michael’s family to me.” Then it’s inaudible. “My kids call him Daddy Michael.” Do you see that?

A. That’s correct. This is correct.

Q. Then he says, “But -- but Janet, you understand like how we have to protect you and Michael, Gavin and your kids. That’s why I’m so concerned.” Do you see that?
A. Yes.
Q. And then you respond to Frank, “That’s why the German people said, ‘You need no protection. You’re nobody’ --
A. Yes.
Q. -- “you know?”
And you say -- and Frank says, “No, that’s not true,” correct?
A. Correct. Do you want me --
Q. I’d like to ask you just some questions, if I can, all right?
A. Okay. Sure.
Q. You complain to Frank that the German people said you didn’t need protection, because you’re a nobody, right?
A. No. It’s -- it says, “That’s why the German people say, “I need no protection. You’re nobody,’ you know?”
Q. And then Frank then responds, “No, that’s not true,” correct?
A. Correct. Correct. But do you want information on this statement?
Q. Did the German people tell you you don’t need protection, you’re a nobody?

A. Yes, they sure did.
Q. We’ll move further on.
A. When they had me sign the paper --
Q. Correct?
A. Oh, then he doesn’t want you to know.
THE COURT: Just a moment. Just a moment. Listen to the question and answer it. You’re going beyond the question. I’ve asked you not to do that.
THE WITNESS: Okay. This is just so hard, Judge. For two years I’ve been waiting.
THE COURT: I’ll strike that remark.
Go ahead, Counsel.
MR. MESEREAU: Let’s go.

(Whereupon, a portion of a CD, Plaintiff's Exhibit 809, was played for the Court and jury.)

THE COURT: Counsel? I'm sorry to break your concentration, but I want to explain something to the jury.

MR. MESEREAU: Sure.

THE COURT: If you need to start over on that, you can.

(To the jury) During the course of this trial, quite often I have said, "I'll strike that." The purpose in doing that is twofold: One is to tell you you're not to consider that, whether it's testimony, whether it's remarks by an attorney, whether it's remarks by a witness. And it also is reflected in the record.

Later, when you're deciding this case and you're in the jury room, you may want to have testimony read back. And when testimony is read back to you, you don't -- that's not there. It is stricken at that time, so the court reporter reads it to you, she sees that it's stricken, she doesn't read all of that to you.

So it may seem strange that I just say "Strike that." But what it really means always is, if I say "strike it," don't consider it. Don't discuss it in your deliberations. It's sort of like asking you to unring a bell that you've heard ring, but as intellects, we are -- you know, we are capable of deciding the case on information that's admissible and not on information that's not admissible, right?

Everybody on the jury understand that?

THE JURY: (In unison) (Nods head up and down.)

THE COURT: All right.

MR. MESEREAU: Thank you, Your Honor.

THE COURT: Did you want to -- since I interrupted you, did you want to play that section back, or are you okay?

MR. MESEREAU: I think we're okay, Your Honor. Appreciate it. Thank you.

Q. Miss Arvizo, you constantly complain about the German people in this conversation, right?

A. This is correct.

Q. And going back to the portion that we just played, Frank tells you the following: “No, don’t. Listen, ah, you don’t have to talk to them. Just talk to me, talk to Michael, and I’m going to arrange everything. But it’s either we’re going to have to have somebody at your house this weekend or we’re going to have to take you to the ranch. This way Michael -- Michael wants to see you. He’s -- he was almost -- he didn’t know what happened. He thought he did something and he was trying to get in touch with you. And I said, ‘Don’t worry, I’ll take care of this.’ So --”

And your response to that statement is, “Tell him he’s our family,” right?

A. That is correct.

Q. You never object to having security at your house, as Frank proposes, right?

A. I didn’t -- I never said “Yes.”

Q. Okay.

(Whereupon, a portion of a CD, Plaintiff’s Exhibit 809, was played for the Court and jury.)

Q. BY MR. MESEREAU: Going further, you keep complaining about the German people.

A. Uh-huh.

Q. Frank says to you, “You don’t have to talk to them,” right?

A. Correct.

Q. You say, “I thought like everything, my family was in jeopardy,” correct?

A. This is correct.

Q. Frank responds, “No,” right?

A. Yes.

Q. And your response to that is, “Meaning us being with Michael and Michael being with us, correct?

A. Yes.

Q. What you said to Frank was you were concerned about your family not being with Michael and Michael being with your family, true?

A. I said, “I thought like everything, my family, was in jeopardy.”

Q. And then you say, “Meaning us being with Michael and Michael being with us”?

A. Yes. I will never say no to love.

MR. MESEREAU: Objection. Objection to her -- move to strike the remarks.

THE COURT: I’m sorry, I don’t understand the question or the answer.

Would you just ask another question?

MR. MESEREAU: I’ll ask another question, yes, Your Honor.

Q. Frank says, “You don’t have to talk to the German people,” and you say to him, “I thought like everything, my family, was in jeopardy,” right?

A. Yes.

Q. And then you say, “Meaning us being with Michael and Michael being with us,” correct?

A. This is correct.

Q. After your escape with Jesus, you still want Michael to be with your family, and your family to be with him, true?

A. Yes. I thought it was all --

MR. MESEREAU: Objection, Your Honor.

THE WITNESS: I believed what he said in Miami.

THE COURT: Just a moment.

All right. Go ahead with your next question.

(Whereupon, a portion of a CD, Plaintiff’s Exhibit 809, was played for the Court and jury.)

Q. BY MR. MESEREAU: Going further into this tape, okay?

A. With the numerous tape breaks.

Q. I understand. Now, Frank says, “We need to protect you and your family, so I’ll call you in one hour to see if you’re okay,” right?

A. Okay. Did you go farther up, higher, or --

Q. Well, let’s see, the pages aren’t numbered. So it starts at -- the top of the page starts with, “...to do in a couple of hours....” Do you see that?

A. Okay, this is from this previous page.

Q. Do you see that?

A. And then on top. Okay. Okay.

Q. Yes. The first full quote from Frank Cascio on that page, okay?

A. Okay.

Q. Frank says, “I’m going to call you just to see how you’re doing, because we need to protect you and your family. So I’ll call you in one hour to see if you’re okay.” And you say, “Okay,” right?

A. Uh-huh. This is correct, being polite.

Q. At no time do you disagree with the continually repeated idea that your family needs some protection, right?

A. And at no time do I request it.

(Whereupon, a portion of a CD, Plaintiff’s Exhibit 809, was played for the Court and jury.)

Q. BY MR. MESEREAU: You tell Frank you’re at your mom’s house. He says to you, “This is the number to your mom’s house,” question mark, and you say “Yeah,” correct?

A. This is correct.

Q. Are you still telling the jury you never wanted Frank to have the number to your mom’s house?

A. He’s calling at my mom’s house. He asked me, “Is this your mom’s house?” I never gave it to him. He already had it.

Q. Okay.

A. I’m at my mom’s house.

Q. And you have no idea how Frank got the 6469 number to your mom’s house, true?

A. That’s correct.

Q. Okay. Now, going back a little bit --

A. Oh, yeah, now I know how.

Q. I understand.

Going back a little bit, “I told them when people neglected us, rejected us, they don’t know…,” and then there’s a tape break. It says, “Um, Baby Rubba.”

What were you referring to when you said, “People neglected us and rejected us”?

A. My husband, my ex-husband David Arvizo, with his family.

Q. Were you referring to anyone else?

A. No. Nobody else.

Q. Do you remember in the rebuttal video where you accused the Department of Children & Family Services of neglecting your family?

A. Maybe it was -- maybe it was put in another context, but that’s what I meant. My ex in-laws.

Q. They’re the only people you’re referring to, right?

A. That’s exactly right.

Q. Okay. Now, in that rebuttal tape, you also talk about your family being spit on and discriminated against and things like that, correct?

A. Yes. Yes.

Q. And are you only referring to David’s family when you say that?

A. Part of it is David’s family. And David. Mostly David.

Q. And who’s the rest of it?

A. Mostly David, his family. And just different things like that. Different experiences.

Q. But in that tape you talk about more people than David and his family.

A. Are we talking about this tape or --

Q. I’m asking about the rebuttal tape now, okay?

A. Okay.

Q. You talk about -- excuse me, in that tape, you say words to the effect, “We’ve been spit on, we’ve been fried, we’ve been rejected because of our race,” and a whole bunch of things, right? You’re not referring to David’s family when you say that?

A. Are you missing the point that it was all scripted?

Q. I’m asking you a question, Miss Arvizo. Could you please answer it?

A. Okay. Remember in the initial meeting in Miami how I was just telling everything about -- to the Germans? Well, obviously they were in the works in doing the script since back then.

Q. So when you say words to that effect in this conversation --

A. This conversation.

Q. -- the Brad Miller interview and the

rebuttal video, you're only referring to David's family?

A. Brad Miller audiotape and this is referring to David's -- David mostly, with his family. But in the rebuttal, like I said, it was all scripted. All of it. It was the information that they had extracted from me and my children. And it's pretty obvious that it's very ingrained, the experiences that I have felt and gone through with my ex family, which is David's family.

Q. Okay.

A. And they put it in with their little script.

Q. Okay.

(Whereupon, a portion of a CD, Plaintiff's Exhibit 809, was played for the Court and jury to its conclusion.)

MR. MESEREAU: Your Honor, I think that completes the recording of the phone conversation.

THE COURT: Okay.

Q. BY MR. MESEREAU: Now, Miss Arvizo, you filed for divorce from David approximately five days after you settled the J.C. Penney case, correct?

A. I filed for divorce after David was arrested for domestic violence.

MR. MESEREAU: Your Honor, may I ask the Court to instruct the witness to answer the question?

THE WITNESS: Well, your question was about --

THE COURT: Just a moment.

Would you read the question back to the witness?

(Record read.)

THE WITNESS: I don't know about that. He wanted a history as far as when, and I'm telling you, I filed for divorce the day after -- not the day after, but after David finally was arrested for domestic violence.

Q. BY MR. MESEREAU: In your case against David for domestic violence, you told the Los Angeles Police Department that he had been abusing you for many years, true?

A. This is correct.

Q. You told the Los Angeles Police Department that he had been abusing you since you were married, correct?

A. This is correct.

Q. Had David been abusing you from the time you were married?

A. This is correct.

Q. You told the Los Angeles Police Department that for approximately 17 years, he had been physically and emotionally abusing you, right?

A. This is correct.

Q. You also said he had been abusing your children for the entire marriage, correct?

A. This is correct.

Q. But in the J.C. Penney case, when you wanted money, you said the opposite about David, didn’t you?

A. That’s incorrect. When David was arrested, I went to Rothstein’s office, who was in charge of the civil -- civil proceedings, of the civil J.C. Penney’s lawsuit, and I told him David has finally been arrested. I want to correct this statement that me and my children were unable to say because he was still part of our life. And I went to their office, and they told me that they would take care of it. And that’s why when the police asked me to waive this information of my civil lawsuit, I did happily. And yet these Rothstein people did not do that. I told them to inform J.C. Penney’s and Tower Records that that information was incorrect right after David was arrested. I finally was liberated to say what actually had been going on for years.

Q. Miss Arvizo --

A. So you’re inaccurate.

Q. Well, Miss Arvizo, do you remember having your sworn deposition taken in the J.C. Penney case?

A. Yes.

Q. And that was a case that you had filed claiming you were sexually abused by J.C. Penney by the security guards in a public parking lot, correct?

A. I gave the civil lawyers the information about what happened, just as I told the police department, the West Covina Police Department. Now, how they write their statement, how they do these paperworks, I don’t know. But it’s only one story. And it’s been repeated over and over. How they put it in this paperwork, I don’t know. I wasn’t the attorney.

Q. Miss Arvizo, you gave a sworn deposition in that case where you were placed under oath, correct?

A. This is correct.

Q. And you filed a claim for monetary damages against J.C. Penney, correct?

A. This is correct.

Q. You were claiming that you had suffered physical injury because of what J.C. Penney security guards did to you, correct?

A. Tower Records.

Q. Correct?

A. This is correct.

Q. And to prove your claim for monetary damages, you had to explain that your physical injuries were solely the result of what J.C. Penney and Tower Records had done to you, correct?

A. This is correct. And they had me explain, to the millisecond, of the process while I was being hurt.

Q. Your deposition was taken on December 18th, the year 2000, correct?

A. Yes, while I was still married and David was with me and my children. Yes, that’s correct.

Q. And what year did you file for divorce from David?

A. Approximately in 2001. When David was arrested.

Q. And on December 18th, the year 2000, you were asked under oath, “Has David Arvizo ever struck you,” and you said, “No.”

A. This is correct.

Q. You were asked under oath, “Has David ever struck your children?” You said, “No. We goof around a lot, though, play.” Correct?

A. Yes. This is correct.

Q. You were not telling the truth under oath when you made those statements, correct?

A. But prior to settlement, I had went to the -- to Rothstein's office and I requested that they fix that, after David was arrested, because I finally could open my mouth. And this -- I want you to have a picture of this.

MR. MESEREAU: Move to strike, Your Honor.

THE WITNESS: This is when Gavin is going through chemotherapy.

THE COURT: Just a moment. Just a moment.

I'll strike her answer to that.

Q. BY MR. MESEREAU: Further in that deposition --

THE COURT: Just a moment.

MR. MESEREAU: Oh, I'm sorry. Pardon me.

THE COURT: Do you want to go back to the question you asked? The answer has been stricken.

MR. MESEREAU: Yes, if we could have it read back, Your Honor, I'd appreciate it.

(Record read.)

THE WITNESS: This is correct.

Q. BY MR. MESEREAU: Further, in that deposition, you were asked, "Have you had any marital problems at all other than related to this incident at J.C. Penney?" And you said "No." Right?

A. This is correct. I was -- by the time that David had gotten arrested, I was never going to tell anything that he had done to me or my kids. Never.

Q. You lied under oath to increase the amount of money you could get from what you claimed J.C. Penney and Tower had done to you, right?

MR. ZONEN: Objection; argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Now, in that deposition, you were asked when you decided to file a lawsuit, correct?

A. Correct.

Q. You said you decided to file a lawsuit against J.C. Penney and Tower Records two weeks or two or three weeks prior to the expiration date.

Remember that?

A. I don’t understand what your question is.

Q. Well, I’m just going to ask you about your answer. And I can show you the page, if you want to see it.

A. No, I just don’t understand your question. I don’t know whether you’re making a statement or an actual question.

Q. Then that’s my mistake. I’ll rephrase it.

A. Okay. That’s okay.

Q. In your deposition under oath, in the J.C. Penney case, you were asked the question, “When did you decide to file a lawsuit?” Do you remember that?

A. Yes. Yes.

Q. And your answer was, “Two weeks or two or three weeks prior to the expiration date.”

A. This is correct. If it’s on there, it is correct.

Q. Then you were asked, “Was that before or after the criminal charges had been dropped?” Remember that?

A. Yes.

Q. And you said, “Way after,” correct?

A. Yes.

Q. When you used the words “expiration date,” you were referring to the deadline that you had to file charges -- excuse me, file a lawsuit before, correct?

A. That’s what I was explained.

Q. You would lose your right to file a civil suit if you didn’t file it by a certain date, correct?

A. That’s what I was explained by the civil attorneys.

Q. And --

A. If there’s anything that sounds worth -- worth of any intelligence there, that’s what I was informed. No credit to me. Only to the civil attorneys.

Q. Well, you knew enough to say under oath that you filed your civil case before the deadline, right?

A. Because of attorneys had made me aware of that.

Q. Are you aware of the deadlines that you or your children have to file claims against Mr. Jackson?

A. We will never file a claim against Mr. Jackson. I want justice here.

Q. Are you aware, Ms. Arvizo, of the deadlines you have to file a civil claim against Mr. Jackson? Yes or no.

A. I think so. I'm not interested, so I don't ask.

Q. I understand. And in this case you weren't interested until after the criminal investigation was over, correct?

A. I wanted an apology.

MR. ZONEN: Which case is counsel referring to? Vague.

MR. MESEREAU: I will rephrase it. The prosecutor is correct.

Q. In the J.C. Penney case, you waited till after a criminal investigation was over to file your civil claims, true?

A. I wanted an apology.

Q. You wanted over $100,000, didn't you?

A. I didn't get over $100,000.

Q. You got 152,000 in the settlement, Miss Arvizo, didn't you?

A. In -- in my hand, I did not get $150,000.

MR. MESEREAU: May I ask the witness be instructed --

MR. ZONEN: I think she just answered.

THE WITNESS: I answered.

THE COURT: It was -- your question, your last question, was basically whether she got a certain amount, and she's trying to answer that.

Q. BY MR. MESEREAU: The settlement to you and --

THE COURT: Just a minute. Let her finish the answer.

THE WITNESS: In my hand, I received only $32,000. That's it. In my hand. And that's my best approximation.

Q. BY MR. MESEREAU: Miss Arvizo, what did Gavin get in his hand from that settlement?

A. I don’t remember, because it’s been put away where it’s to be untouched by me.

Q. What did Star get in his hand in that settlement?

A. Still nothing. I don’t know, because it’s -- it’s something that’s untouched by me. It’s for them.

Q. What did David get in his hand from that settlement?

A. That’s -- you’re going to have to ask David, and yet he was not injured whatsoever.

Q. The total was over $152,000 that your family was given in the settlement, true?

A. That you have to ask my civil attorneys. And I think his statement may be correct.

Q. Okay. You claimed in that case that you had bruises from what the security guards did to you, right?

A. It is correct.

Q. After you had resolved that case and obtained money, you claimed that you were bruised by

David, true?

A. I had always been bruised by David for years. But I never told anyone until after David was arrested. That was the pivotal point in my life. Not until David was arrested did I say anything about bruises in my whole entire life, and that was only with people of authority. That’s it.

Q. When you were seeking money from J.C. Penney and Tower Records, you testified under oath on December 18th, the year 2000, that you never had any black and blue marks prior to the incident at J.C. Penney, correct?

A. Yes, this is correct. I was too embarrassed to ever tell anyone.

Q. You made that statement because you wanted any injury you ever had to be attributed to J.C. Penney and Tower Records, right?

A. Incorrect. What J.C. Penney’s and Tower Records did to me was one day, one situation, one incident. That's it.

Q. If you had testified truthfully under oath and said that your bruises were from David, the amount of monetary damages you could get from J.C. Penney would have been lowered, true?

A. This is incorrect. I would have never told anyone until David got arrested that I -- that David was giving me these bruises. Never. People would see me with bruises and I would never, never, never tell them.

Q. Did you lie under oath in your deposition in the J.C. Penney case?

A. I tried to remedy that when I had gone to my -- after David was arrested, I went to Rothstein's office. And I requested that they inform Tower Records and J.C. Penney's that I would like to make that correct statement because the statements that were there were incorrect. But finally me and my kids could finally say what was really happening for many, many years.

Q. Mrs. Arvizo, the problem you had was that when you made allegations later on against David that he had abused you for 17 years, there was a deposition that had previously been taken where you said the opposite under oath, right?

A. You're -- it's too long. There's a yes and no and yes and no, and now I don't know.

THE COURT: Let's take a break.

(Recess taken.)

THE COURT: Mr. Mesereau?

MR. MESEREAU: Yes, thank you, Your Honor.

Q. Miss Arvizo --

THE BAILIFF: You need to turn your microphone on, please.

MR. MESEREAU: Oh, thank you.

THE COURT: You missed a good show of hands there. Give it to him again, would you? Look, look, look.

(Laughter.)

Q. BY MR. MESEREAU: Miss Arvizo, did you tell the jury that David was not honest in the J.C.

Penney case?

A. Me?

Q. Yes.

A. Okay. Ask the question again.

Q. I’ll rephrase it. Did you tell the jury words to the effect that your ex-husband David did not tell the truth in the J.C. Penney case?

A. Are we talking about the grand jury or the civil lawsuit?

Q. The civil lawsuit.

A. Did I tell a jury?

Q. Did you tell this jury today that David did not tell the truth in the J.C. Penney civil suit?

A. We weren’t talking about David. I was telling you what I -- David had done to me and the children.

Q. David sued J.C. Penney with you, correct?

A. This is correct.

Q. David claimed he was injured in that parking lot with you and your children, correct?

A. To my -- what I was aware of is that he wasn’t injured. And that’s it.

Q. But he was suing, with you, for monetary damages for being injured, right?

A. I came afterwards. David -- when I walked up to the situation, he was being hit by these people. So I don’t know what happened prior to me arriving there. So I’m unaware.

Q. During the time you had your deposition taken in the J.C. Penney lawsuit --

A. Yes.

Q. -- did you consider David to be an honest person?

A. No.

Q. Do you remember testifying under oath in the J.C. Penney lawsuit that, “David is extremely honest. He’s too honest”?

A. If that’s on there, then that’s correct. Whatever’s on the deposition is correct.

Q. Do you remember saying that under oath?

A. If it’s on there, then it is.

Q. Would it refresh if I just show it to you?

A. I’m just asking, if it is on there, it’s

correct.

Q. Okay. I have to get a response from you as to whether you said that or not, okay?

A. If it’s on there, it’s correct. And it would be a yes, if it’s on there.

Q. Would it refresh your recollection just to show it to you first? Would that help?

A. It’s a yes.

Q. Your answer is “yes”?

A. Yes.

Q. You did say under oath that, “David is extremely honest. He’s too honest”?

A. Yes.

Q. And you weren’t telling the truth when you made that statement under oath, correct?

A. Anything to do with David, no. That’s why I went to the civil attorneys, to try to correct that after he was arrested.

Q. Let me get this straight, now. You went to the civil attorneys to try and change your testimony after you collected a settlement?

A. Incorrect. The settlement still had not been corrected, accepted or settled. Anything like that. It was still prior.

Q. Now, you claimed you were assaulted in a public parking lot by J.C. Penney security guards, correct?

A. Plus Tower Records.

Q. And Tower Records, right?

A. That’s right.

Q. You said you thought you were going to die, correct?

A. Yes.

Q. Did you think you were going to die in a public parking lot when you were assaulted by these security guards?

A. Yes, I did, because it came to a point where I couldn’t breathe.

Q. Okay. You testified the security guards were doing belly flops on top of your body, right?

A. That’s what I was told.

MR. ZONEN: I’ll object as beyond the scope of the 402 hearing.

THE COURT: The objection is overruled. Do you want to read the question back to her?

MR. MESEREAU: Yes, please, Your Honor. Thank you.

(Record read.)

THE WITNESS: This is correct.

Q. BY MR. MESEREAU: And you also claimed that security guards in a public parking lot pulled your breasts out of your blouse and squeezed your nipple between 10 to 25 times, correct?

A. No, they didn’t pull my breasts out.

Q. What did you claim happened?

A. In the course of me getting beat up, I was laying flat on the floor. My breasts had came out of my bra.

Q. Did you testify under oath that your nipple was squeezed by one of the guards 10 to 25 times?

A. At this moment, the attorney, who was the defense attorney, wanted me to describe everything by the millisecond, even though, in my depositions, I keep saying, over and over, “It was like this. It was like this.” And instead, he wanted me to go millisecond per millisecond, so I described it the best I could as it was happening. But if you fast-forward, that would have been fast.

Q. And how did you describe the sexual assault?

A. Like I said, the wording as far as how the civil attorneys did, that was their choice of words. There was only one, how I described it, and that’s how they put it in.

Q. Please tell the jury how you were sexually assaulted.

A. Well, to me - me - I feel that my breast area and anything to do with my -- with down there, my private area, is considered my sexual organs. That’s how I see it and how I feel about it. So if you place your hands on me in that area, I’m going to say that.

Q. And please tell the jury how you were sexually assaulted in that public parking lot.

A. Okay. When I was laying on the floor, while they're beating on me, one of the Tower Records guys, who incidentally -- this can be verified. I think he was also fired for doing this to some other people after this, so -- but this person, while I was laying on the floor getting beat up, he had his hand over and over on my breast and on the front area of my private area. My pants were on. There was no intercourse, no rape, no nothing like that.

I was just trying to describe that his hands were on my breasts, which I think I repeatedly kept saying I just wanted his hands off of me, and that's it.

Q. Do you remember testifying your nipple was squeezed 10 to 25 times?

A. Yes. Again, it was he wanted me -- to humiliate me, like he's trying to do at this moment, and making me to say it millisecond per millisecond.

Q. You testified to these facts to get money, true?

A. It was a civil lawsuit, yes, it was.

Q. Now, you claim in that lawsuit that Gavin's cancer was made worse by the security guards, true?

A. I don't think so. I think -- I think I said something that Gavin was having the chemotherapy at this time when they wanted the deposition to occur.

Q. You also claim that Star's cyst was made worse by the security guards, correct?

A. Incorrect.

Q. Did you ever make such a claim?

A. Incorrect.

Q. What did you say about Star in that situation?

A. I think -- and this is the best I can remember, and we're talking 1998 here when this happened. This is the best I can try to remember. He's got a big, giant book right there, and I have nothing in front of me.

And, let me see, I think what happened was when we went to the doctors, they did -- they put him in this tube, and when it came out, they ended up telling me that Star has a cyst on his brain, but this is something that is -- that Star has. That's it. Has nothing to do with J.C. Penney's lawsuit.

I’m -- of course, getting hit on the head doesn’t help if you’ve got a cyst on your brain.

Q. Do you know someone named Mary Holzer?

A. Yes, I do.

Q. Please tell the jury who Mary Holzer is.

A. Mary Holzer is a giant Michael Jackson fan. And she’s also a -- an office manager. This is my understanding. She told me she was an office manager for Rothstein civil law -- civil law firm.

Q. And who is the Rothstein civil law firm?

A. The Rothstein civil law firm is a firm that was responsible for the lawsuit.

Q. Do you remember, after you had settled that case, telling Mary Holzer that you lied in the case?

A. That is inaccurate.

Q. Okay. Do you remember telling Mary Holzer that David’s brother is in the Mexican mafia?

A. That’s incorrect.

Q. And that he sells drugs here and in Las Vegas?

A. That’s incorrect.

Q. You said, “He’s going to come after you and your daughter if you ever tell anyone what I’m revealing to you”?

A. Incorrect.

Q. Okay. So that never happened, right?

A. That never happened.

Q. And if Mary Holzer comes into court and says that, she’d be lying; is that correct?

MR. ZONEN: Objection; argumentative.

THE WITNESS: Yes, she would. Yes, she would.

THE COURT: Just a moment. The objection to the question is sustained. The question and answer are stricken.

Q. BY MR. MESEREAU: How many lies under oath do you think you told in your depositions in the J.C. Penney case?

A. Like I said, I tried -- after David was arrested, I went to the Rothstein office and I pointed out to them, prior to a settlement agreement, that I would like to correct the statements that were inaccurate, because finally

David was arrested. Finally, we and my children could speak. And Rothstein, including with Mary Holzer, said, “Don’t worry. We’ll take care of it.” And they didn’t. So I considered their firm a -- liars.

Q. But not you, right?

A. That’s correct.

MR. ZONEN: Objection; argumentative.

THE COURT: Sustained. The remark’s stricken.

You’re admonished not to make those remarks.

MR. MESEREAU: Yes, Your Honor.

Q. You testified in that deposition in the J.C. Penney case that you had worked as an undercover agent. Do you remember that?

A. Me?

Q. Yes.

A. Yes.

Q. Where did you --

A. I don’t think the way you’re using it is correct.

Q. Remember you said you had worked in internal security?

A. What he’s trying to say, he’s trying to make it bigger than it is. I used to be a loss prevention agent way back in -- I think it was 1990. We’re talking about 15 years ago. That’s my best estimate. I used to work at Von’s. Just, you know, people that took an orange, took a banana, things like that.

Q. Remember you were asked the question, “And you were an undercover type of agent?” And you answered, “Yes”?

A. Yes. That’s what they called it. It was loss prevention agent. You wore plain clothes and you stopped people when they take items without purchasing them from the market, from Von’s market. A grocery store.

Q. How long did you work in that capacity?

A. I think I worked there for -- my best estimate, best estimate, maybe - this was about 15 years ago - maybe about one year. Maybe. My best estimate. This is having to recall 15 years ago. Please, this is an approximation of dates.

Q. You testified in that case that security agents in the public parking lot punched you, correct?

MR. ZONEN: Which case are we talking about? Von's?

THE WITNESS: Yes.

MR. MESEREAU: J.C. Penney case. Was there a case against Von's?

I haven't have said that, Your Honor.

THE COURT: You're right, you shouldn't have.

The District Attorney, you're admonished to object according to the legal standards for objections.

MR. ZONEN: The objection is vague, then, Your Honor.

THE COURT: It's a little late.

I'm not going to allow you to engage in that type of conversation with each other or with the witness.

MR. MESEREAU: I apologize.

THE COURT: Do you want me to shut the trial down this afternoon?

MR. MESEREAU: No, Your Honor, I don't.

THE COURT: Then let's start taking this seriously and act correctly.

MR. MESEREAU: Yes, Your Honor.

THE COURT: Go ahead.

Q. BY MR. MESEREAU: In the J.C. Penney case, you claimed under oath that you were punched with closed fists in the parking lot of J.C. Penney, correct?

A. Yes.

Q. You also claim that you were punched with handcuffs, like they were brass knuckles, correct?

A. Read -- what are you talking about? If I said that I was beat up, that includes everything they did.

You know, he wants me to recall something that happened in 1998 and break it down while he's got a big, giant book right here.

Q. In the J.C. Penney case, did you claim under oath that you were punched with handcuffs as if they were brass knuckles?

A. I remember -- I remember seeing the female having the handcuffs inside her fingers like this. That's what I remember seeing.

Q. And after being punched all these times in the parking lot, you said you thought you were going to die and it was like you were in a cave in a tunnel. Do you remember that?

A. Yes, it did feel that way. It did feel that way.

Q. You said security guards were punching Gavin and Star, correct?

A. Can you please read -- bring me that where it says that?

Q. Okay.

A. Because my son -- both of my sons were hurt.

Q. Were they hurt by security guards?

A. No, bring me --

Q. Were they hurt by security guards?

A. Yes, they were.

Q. Okay. You said Gavin didn't get up. He just laid on the floor, right?

A. I think -- he's being general. My son was pushed and -- by one of them, causing his elbow to fracture. He ended up having a fracture, so --

Q. And you said Gavin had cancer in both his lungs, right?

A. Now, are we going at that time?

Q. Yes, at that time.

A. Okay. He's mixing up the facts purposely. When my son was deposed in 2000, he had cancer. And they had -- progressively it went to both of his lungs. At that time when both my boys -- the summer of first grade when this happened with J.C. Penney's, no, he did not have cancer. But when he was deposed, yes, he did.

Q. And he had cancer in both of his lungs at that point, right?

A. Yes.

Q. Okay.

A. Stage IV.
Q. Do you know an attorney named George Owen Feldman?
A. No, I don’t know him.
Q. Has George Owen Feldman ever represented you, to your knowledge?
A. Never.
Q. Would it refresh your recollection if I just showed you a document you signed with his name on it?
A. Sure. Go ahead.
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
THE WITNESS: Okay. And I think that’s something that your office, Mr. -- Mr. Sneddon’s office --
THE COURT: Just a minute. There’s no question pending.
THE WITNESS: Oh, okay. I was ready to --

THE COURT: Just a moment.
THE WITNESS: Okay.
THE COURT: Go ahead, Counsel.
MR. MESEREAU: Okay.
Q. Have you had a chance to look at that document?
A. Yes, I have.
Q. Does it refresh your recollection about who George Owen Feldman is?
A. I’ve never been represented by George Owen Feldman, but I understand what he’s trying to say, the paperwork.
Q. So you never have been represented by that lawyer, right?
A. Never.
MR. ZONEN: Objection; asked and answered.
THE WITNESS: Never.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you remember testifying under oath in the J.C. Penney deposition that you weren’t interested in suing?
A. I wanted an apology.
Q. Did you ever withdraw your suit for money?
A. No.

Q. Are you telling the jury that you blame your descriptions of what happened to you on your attorneys?

A. What?

Q. Are you telling this jury that you blame the way you describe your injuries in that case on your lawyers?

A. No. Like -- I’m going to try to make out what he’s trying to say. However I spoke to them and however they communicated to the court, that’s how it was.

Q. Did you testify under oath the way your lawyers told you to? Is that what you’re saying?

A. What?

Q. Did you testify under oath in that deposition the way your lawyers told you to?

A. No.

Q. Are you blaming your descriptions about what happened to you in the parking lot on your lawyers?

MR. ZONEN: Objection. Vague as to “descriptions.”

THE COURT: Overruled.

You may answer.

THE WITNESS: Okay. I’m going to try -- I’m trying to feel for what he’s asking.

How I communicate -- communicated to him, to them, is once. As I told the police, I told them.

Now, what they -- how they put it on paper, I have no control of that. He was not -- I wasn’t one of the knights of the round table sitting there and coming up with proper words what to say.

That’s it. One story. That’s it. The same one I told to the police.

Q. BY MR. MESEREAU: When did you meet Michael Jackson?

A. I think it was, my best estimate, August of 2000.

Q. Do you remember signing a document prepared by the Santa Barbara Sheriff’s Department on December 18th, 2003?

A. Okay, I think -- is it the paper you just showed me?

Q. Yes. But I have a --

A. I can’t answer unless you tell me exactly. You know, there was a lot of paperwork.

Q. Would you like to see it?

A. Well, I’m asking you, please, is it the same one that you just came up here and showed me?

Q. It is.

A. Okay. Then, yes. I’ve signed many paperworks of theirs.

Q. Let me ask you the question again.

A. Okay.

Q. Do you recall signing a document prepared by the Sheriff’s Department of Santa Barbara County on December 18th, 2003?

A. I think so.

Q. Would it refresh your recollection just to look at the date and your signature?

A. No. That’s -- is that the one that you just showed me?

Q. It is.

A. Then -- then, yes.

Q. You did sign that document --

A. Yes.

Q. -- on December 18th --

A. Yes.

Q. -- 2003?

A. Yes.

Q. All right. Now, do you remember signing a document prepared by the sheriff’s department that said the following: “From time to time, between January 1st, 2000, and the present date, I consulted one or more of those lawyers concerning Michael Jackson’s interaction with me and my children at Neverland Ranch in Santa Barbara County and elsewhere, in this and other states, and concerning the return of some furniture stored by or in the name of Brad Miller at Dino’s Storage in North Hollywood, Los Angeles County.” Do you remember signing a document that had those words?

A. Do you want me to have the document, like -- we’ve had this discussion over since August.

MR. MESEREAU: Object, Your Honor.

THE WITNESS: Since August, the same thing --
THE COURT: Just a moment. I want you to

answer the question. The question is, do you remember signing that document?
THE WITNESS: Yes. Yes.
Q. BY MR. MESEREAU: And the document said that you had started investigating Michael Jackson sometime between January 1st, 2000, and the date you signed the document, which is December 18th, 2003, right?
A. Yes. If that’s -- those words are on there.
Q. Why would you start investigating Michael Jackson around January 1st, 2000, if you didn’t meet him till August 2000?
A. Okay. Let me explain something to you. And this has already been discussed, and he knows the answers. This was discussed at the end of September.
MR. ZONEN: I’m going to object to this part of the answer as nonresponsive.
THE COURT: Sustained.
THE WITNESS: This -- when the sheriffs were doing their investigation, they wanted to know every single detail about me. George Owen Feldman is -- I think he’s associated in the same law firm of Rothstein.
So the -- the police department did an extensive, extensive search on me as a person, and so they want -- they put everything in a general form so they can have access to everything about me

and my past, because they wanted to verify and make sure that what they were going to do towards this goliath was going to be accurate and truthful. And that’s why this -- this paper was made in such a general way.
Q. BY MR. MESEREAU: Are you now telling the jury that George Owen Feldman did represent you?
A. No, he didn’t represent me.
Q. At any time?
A. No, he didn’t represent me. He is one of the people inside the civil law firm. But my

understanding -- my understanding was that it was only the Rothstein -- Rothstein and another attorney named Adler, another attorney named Ramieri. That was my understanding, and it still is today.

Q. Let me try and ask the question again - okay? - in a clearer form, because perhaps I was not clear. And I apologize if I wasn’t.

You signed a document that said from time to time between January 1st, 2000, and the date you signed the document, you were investigating Michael Jackson through various lawyers, correct?

A. Okay. There’s more information on that paperwork which he purposely has taken out of context. It’s -- certain events are attached to specific attorneys. Certain situations are attached to certain attorneys.

Like I said, the police wanted to do an extensive, thorough investigation on me prior to doing it on him. So they wanted everything about me. So they made it in a general form. But he keeps taking it out of context.

MR. MESEREAU: I don’t want to offend the Court, Your Honor. I don’t think I actually got an answer to that, but I will leave it to the Court’s discretion.

THE COURT: Ask your next question.

MR. MESEREAU: Yes, Your Honor.

Q. You did sign this document, correct?

A. Yes, I did.

MR. MESEREAU: I would move it into evidence, Your Honor.

THE COURT: It’s admitted.

MR. ZONEN: I will object, given the prior ruling dealing with confidentiality of the --

MR. MESEREAU: It’s redacted.

MR. ZONEN: Perhaps we could argue this at the next break or the conclusion of the proceedings.

THE COURT: All right. I’ll withhold ruling on it, on its admissibility, till --

MR. MESEREAU: Shall I submit it to your clerk, Your Honor?

THE COURT: Have you numbered it?

MR. MESEREAU: I have not.

THE COURT: Will you do that now, so we have a record of what you’re talking about?

THE CLERK: 5007.
THE COURT: 5-0 --
THE CLERK: 5007.
THE COURT: All right. I’ll withhold ruling until we hear from the District Attorney.
MR. MESEREAU: Yes, Your Honor, at this time we’d like to play the rebuttal tape.
MR. SANGER: Exhibit 340.
THE COURT: 340.
Are you ready?
(Whereupon, a portion of a DVD, Plaintiff’s Exhibit 340, Disk 1, was played for the Court and jury.)
Q. BY MR. MESEREAU: Now, Miss Arvizo, you are laughing at various times during this tape. Was that something that you scripted in advance?
A. I was nervous. Brad Miller was standing right next to the camera, right in front of me.
Q. Was the laughing something that you scripted in advance?
A. Yes. Also, Dieter wanted that included.
Q. Is everything that your son is saying memorized?
A. Everything -- they took all the information from us, information that did exist, back from Miami, and information that they had already, they studied us and got background information --
MR. MESEREAU: Move to strike, Your Honor.

THE WITNESS: -- and then they put it all together.
THE COURT: Just a moment.
THE WITNESS: I answered your question.
THE COURT: I think that could be answered “yes” or “no.” The question is, “Is everything that your son is saying memorized?”
THE WITNESS: Everything is -- is going according to what Dieter had scripted.
THE COURT: Go ahead.
Q. BY MR. MESEREAU: Is it memorized?
A. I think so.

Q. Okay.

(Whereupon, a portion of a DVD, Plaintiff’s Exhibit 340, Disk 1, was played for the Court and jury.)

Q. BY MR. MESEREAU: Ms. Arvizo, were the words you just articulated on that tape all memorized?

A. Yes.

Q. Were you lying on this tape?

A. No. I’m a poor actress. That’s why they started the proceeding to go do the passport and the visa. That’s what Vinnie had communicated to me; that what I did was inadequate.

Q. You were not lying on this tape?

A. Acting.

Q. Let me rephrase the question.

The jury just heard the words you expressed

on the tape, right?

A. Correct.

Q. Were they lies?

A. Acting.

MR. MESEREAU: Your Honor, may I request that the witness be instructed to answer the question?

THE COURT: Well, the question was, “Were they lies?” And she said, “Acting.”

MR. MESEREAU: I can rephrase it, Your Honor.

Q. When you said what the jury just heard you say on this tape, were you telling the truth?

A. I was acting. I don’t know how you want me to define it. I mean, you’re not going to call Halle Berry and say, “Are you Catwoman?” She’s going to tell you she’s acting. She’s just acting. She’s not a liar.

I was acting. That’s it.

Q. Are the words you said on that tape the truth?

MR. ZONEN: Objection; asked and answered.

THE COURT: Sustained.

(Whereupon, a portion of a DVD, Plaintiff’s Exhibit 340, Disk 1, was played for the Court and jury.)

Q. BY MR. MESEREAU: Ms. Arvizo, was what you just said about Michael Jackson being fatherly the truth?

A. Everything on here was choreographed by Dieter and Ronald, specifically Dieter, and it’s all acting. And I failed at that.

Q. Are the words you spoke true or false?

A. The words I spoke were part of a script.

Q. Were you telling the truth or not?

A. I was acting.

Q. Was Gavin telling the truth or not, as far as you were concerned?

A. As far as --

MR. ZONEN: I think that’s speculative. I’ll object.

THE COURT: It’s overly broad. I’ll sustain the objection.

Q. BY MR. MESEREAU: Was it your belief that Gavin was acting in this tape?

A. Yes, because I had seen Dieter work with my children prior to Jesus taking us back to my mom’s house. I had seen Dieter work with me and my children.

Q. Did you believe that what Gavin was saying was true or false?

A. I believe, like I told you, Dieter had worked with us continuously on this script.

Q. Did you believe what Gavin said was the truth or not?

A. I believe what he was saying was keeping to the script.

(Whereupon, a portion of a DVD, Plaintiff’s Exhibit 340, Disk 1, was played for the Court and jury.)

Q. BY MR. MESEREAU: Now, Ms. Arvizo, you said that you and your children were neglected and spit on, right?

A. Yes.

Q. And who were you referring to?

A. They took elements of my life and my children’s life which were truthful and incorporated it into their script. And this happened in the initial meeting in Miami. They already had -- they were already in the works on this. It took me a while to find out. And it's taken many other people to find out later, too.

Q. Who neglected your family?

A. In this script, everything is scripted. But if you're making a general question, you already have the specifics on that.

Q. When you said your family was spit on, who were you referring to?

A. On this rebuttal thing, everything is scripted. They took elements of mine and my children's life which were true and incorporated in here.

Q. When you said, "Everybody tossed us aside," who were you referring to?

A. This is all scripted here.

Q. When you said, "We weren't in the right zip code, and we weren't the right race," what were you referring to?

A. This was all scripted.

For those answers, you need to ask Dieter.

Q. But wouldn't you agree that on numerous other occasions you said exactly the same thing?

A. That's correct.

Q. You even said words to that effect on that phone call you had with Frank when you didn't know you were being recorded.

A. That's correct.

Q. And your answers weren't scripted there, were they?

A. No, they weren't. They -- like I said, they took elements of mine and my life -- mine and my children's life and put it into this script.

Q. Well, not referring to what you say on this tape, but referring to what you said on other occasions when you didn't know you were being recorded, what did you mean when you said, "Our family has been neglected and spit upon," et cetera? What were you talking about?

A. Outside this rebuttal, we're talking about David.

Q. Okay.

(Whereupon, a portion of a DVD, Plaintiff's

Exhibit 340, Disk 1, was played for the Court and jury.)

Q. BY MR. MESEREAU: Now, Ms. Arvizo, you had been very critical of David for not defending you and your children like a father should, correct?

A. He would have to defend us from his own self.

Q. Were you critical of David for not defending you in the J.C. Penney case the way you thought he should?

A. I was not critical.

Q. Never were?

A. No, I was just -- he just stood there.

Q. Didn’t you say that you had -- excuse me. Let me rephrase the question.

Didn’t you say on one occasion that you would forgive David for not acting like a man in that parking lot?

A. I don’t remember clearly, but I can -- I can try to recall for you.

I’m getting beat up on the floor. And the history is David had always been beating me up. And this one moment that he could have done something for me, he allowed these people to beat on me while I was laying flat on the floor, while he stood like a coward on -- it was like a little sidewalk.

That’s where he stood.

If that’s what you want --

Q. Okay.

A. -- that’s the best I can recall.

Q. Now, you say in this tape about -- excuse me. Davellin says in this tape, about Michael, “The fact that he stood up and defended us, that’s a father.” Was that just scripted?

A. Okay. All this on the video, plus the outtakes, everything is scripted. Michael, when we arrived in Miami, he had like a 45-minute lovey-dovey meeting with us.

Q. Okay. And they started scripting it in Miami?

A. They must have. They must have started all this stuff way before I was even called up -- up to

Miami. They must have.

Q. So they were scripting you in Miami, but you didn't know what they were doing, right?

A. Like I said, we're going to have to call Ronald, Dieter, all of them in here to find out what they were up to. Or Michael, he could come up here.

Q. Were you being scripted in Miami without knowing it?

A. I don't know. I don't know.

(Whereupon, a portion of a DVD, Plaintiff's Exhibit 340, Disk 1, was played for the Court and jury.)

Q. BY MR. MESEREAU: Miss Arvizo, is what you just said memorized?

A. Yes. And -- yeah.

(Whereupon, a portion of a DVD, Plaintiff's Exhibit 340, Disk 1, was played for the Court and jury.)

Q. BY MR. MESEREAU: As far as you were concerned, was everything Gavin just said memorized?

A. As far as I'm concerned. Like I say, I pointed out, Dieter had worked on us, with us. And also, I would like to maybe help you remember, this was --

MR. MESEREAU: Could I get a "yes" or "no" answer, Your Honor?

THE COURT: Yes. Do you want the question read back?

THE WITNESS: Sure, please.

(Record read.)

THE WITNESS: Yes.

(Whereupon, a portion of a DVD, Plaintiff's Exhibit 340, Disk 1, was played for the Court and jury.)

Q. BY MR. MESEREAU: Now, Ms. Arvizo, you say that because you're with Michael, you don't have money problems, correct?

A. Scripted. And remember, this is being filmed at 3 a.m., right before the CPS meeting.

Q. Now, you say that everything the jury has just watched and heard on this videotape was memorized and rehearsed, right?

A. Yes. And while I was over here, in Jay Jackson’s apartment they had their claws in my three kids.

Q. How long did it take all of you to memorize all the words that the jury just heard you say?

A. Well, they worked -- Dieter -- while I was there, in my presence, Dieter worked, well, with us daily, and about on the average of ten times a day. And then when I came over here, and the children were over there, who knows how many times. That you would have to get from my children.

Q. Let’s talk about you only. You said you sat down with Dieter ten times a day, correct?

A. My best estimate.

Q. And where did you do that?

A. In one of the guesthouses, the one that looked like the little boy’s room. That one.

Q. This is the first time, after numerous police interviews and after going to the grand jury, that you’ve ever said, “I met with Dieter ten times a day to memorize my words,” right?

A. No, I said, “Many times daily.”

Q. Okay.

A. That’s my words, but you want specific answers.

Q. So you said everything the jury just heard was memorized, and I’m just asking you how long it took you to memorize all of it.

A. How long?

Q. Do you think.

A. Well, I didn’t do a good job.

Q. How long do you think it took you to memorize all of this?

A. I couldn’t give you an answer.

Q. Was it all memorized word for word?

A. I did my best.

Q. And was it all written out in advance?

A. Yes, it was.

Q. So how -- how many pages were in this script, if you know?

A. Well, at the end of the video right here, you can see Christian have the script himself. And probably Bradley Miller also had it, because he was standing right next to the cameraman right in front of us. Brad Miller’s job was to report to Dieter if we did everything we were supposed to do.

Q. Was everything written out word for word in advance?

A. Yes.

Q. Okay.

A. They’re very detailed.

Q. And you just memorized every page, true?

A. I did my best.

Q. Okay.

A. And I failed.

MR. SANGER: That was the end of that first disk. We have the second disk.

THE COURT: I understand.

You ready?

MR. MESEREAU: Yes, Your Honor.

MR. SANGER: Oh, we’ve got to -- just a second.

THE COURT: Do you want me to put it on “Black”?

MR. SANGER: Oh, you can leave it on. I just wanted to squelch the high-pitched tone that would be otherwise heard.

THE COURT: That was pretty good of you to remember that.

(Whereupon, a portion of a CD, Plaintiff’s Exhibit No. 340, Disk 2, was played for the Court and jury.)

Q. BY MR. MESEREAU: Miss Arvizo, was what you just said memorized word for word?

A. Yes, I tried to do my best.

MR. MESEREAU: Do you want to take a break at this point, Your Honor?

THE COURT: That would be good. Thank you.

(Recess taken.)

THE COURT: Mr. Mesereau?

MR. MESEREAU: Yes, thank you, Your Honor.

Q. Miss Arvizo, before we continue with the tape, I’d like to clarify something. Did you tell the jury earlier that even the outtakes were scripted?

A. Yes. Everything. The whole entire -- from the moment we got to Hamid's house, Brad Miller there -- was there, Michael's P.I.

Q. So when you said about Gavin, "He was doing gang signs. That was what he was doing. He's -- he shot out to his friends on the west side," was that all scripted?

A. Everything; everything was scripted.

Q. Okay. We can continue.

THE BAILIFF: You need to push the "DVD" button.

MR. SANGER: I pushed "DVD." I'm going to pause for a second. Shall we just pick up? We missed ten seconds, but I'll just go ahead.

Q. BY MR. MESEREAU: Now, Miss Arvizo, this is the portion of the videotape where you refer to the Department of Child Social Services, right?

A. Yes.

Q. And you told the jury that you were criticized for referring to them in the videotape, right?

A. As I told you before, I got in trouble by -- because I mentioned -- I went off the script with God, cancer, and the Child Welfare Services, those three things --

Q. Okay.

A. -- specifically, Vinnie told me.

Q. So now you're off the script --

A. Yes.

Q. -- when you criticize the Department of Child Social Services, right?

A. Yes.

Q. You were speaking of your own free will when you said that, correct?

A. Yes.

Q. And when you said, "So where are all these people that -- that have all of a sudden this care and concern throwing the child advocacy group on me, the Department of Child Social Services," you were telling the truth, correct?

A. At that point where I went off, God, the Child Welfare Services, and the cancer, so that one word.

Q. Were you criticizing the Department of Child Social Services?

A. No. That one word I went off the script, and so I got in trouble for it.

Q. Were you criticizing the Department of Child Social Services?

A. No. That was part of the script, the child advocacy.

Q. That was part of the script?

A. Yes. I added the -- the Child Welfare Services in a way that was off the script.

Q. And why were you criticizing that agency?

A. Well, I had the Child Welfare Services meeting that morning, and it blurted out, so I got in trouble for it.

Q. Were you worried about the meeting?

A. No -- yeah, I was worried about the meeting, so I got in trouble for that.

Q. So you were being critical of DCFS, correct?

A. No, no, I wasn’t. That came out.

Q. It came out, but you were --

A. No, the word, the one word, “Child”....

MR. MESEREAU: We can move on. /

(Whereupon, a portion of a DVD, Plaintiff’s Exhibit 340, Disk 2, was played for the Court and jury.)

Q. BY MR. MESEREAU: Ms. Arvizo, everything said in this interview was memorized, correct?

A. Everything was except for what I got in trouble for. Those are the three things. I was supposed to say that Michael healed Gavin --

MR. MESEREAU: Your Honor, could I -- could the Court admonish the witness to just answer the question?

THE COURT: Yes.

Just answer the question.

THE WITNESS: I thought I was answering it.

THE COURT: Yes, go ahead.

Q. BY MR. MESEREAU: Everything was memorized word for word, right?

A. Yes, except when I blurted out the little meeting that I was going to have in a matter of hours. I wasn’t supposed to blurt that out. And I did. I failed.

Q. Now, you told the jury yesterday that during this period of time where you claim your family was falsely imprisoned, that you never reported it to the police, correct?

A. Correct.

Q. And you told them that you didn’t report it to the police because you thought no police officer in Los Angeles would believe you, correct?

A. That’s correct.

Q. And because you thought no police officer would ever believe you, you never talked about being held against your will, right?

A. Is that a question?

MR. ZONEN: Objection; vague. To whom?

MR. MESEREAU: Let me rephrase it.

Q. What is the period of time that you claim you and your family were held against your will by people associated with Mr. Jackson?

A. From -- approximately from February to March.

Q. And --

A. That’s my best estimate.

Q. And what date was this rebuttal video, if you know?

A. This was -- the best I can remember is being taken there on the 19th about 11 p.m. at night, approximately. And then it went into the morning of the 20th, was filmed at about 3 a.m. And that morning, about nine o’clock, was the meeting.

Q. During the time you claim your family was held against their will, were you in contact with any police officers?

A. No.

Q. Do you know a Los Angeles police officer named Andrew Lassak?

A. Officer Lassak, yes, I do.

Q. Who is Officer Lassak?

A. Officer Lassak is a friend.

Q. How long has he been your friend?

A. He’s been my friend since I think approximately -- let me see. Oh, you know, after

David was arrested from domestic violence. That period of, I think, about 2001.

Q. And during the period of time you claim you were being held against your will, you were communicating with Andrew Lassak, correct?

A. No, that's incorrect.

Q. Well, do you remember an interview you had with the Santa Barbara Sheriff's Department where you mentioned Andrew Lassak?

A. Yes.

Q. Remember while you were discussing what Vinnie was doing, you told the interviewer, "He's one of the LAPD officers that I had told him about things that were happening?" Do you remember that?

A. I don't think you're saying it correctly. You're leaving things out from the beginning and in front of that.

Q. Would it refresh your recollection to see what you told the Santa Barbara sheriffs when you were interviewed?

A. No. You don't need to -- I'm saying to you, you're not saying it completely to the jurors.

What he's trying to say is I was -- after I met with Mr. Dickerman and Mr. -- in the process of that, of the attorneys, I tried to reach Officer Lassak. And in between that was when I had contacted him in order to get help to let him know what was going on.

And then in the midst of that, that's when the sheriffs, the Santa Barbara sheriffs got involved, and the Santa Barbara sheriffs, which is on my police report, stated that he didn't need to get involved, that it happened over here, so therefore they're the ones that are going to take over the investigation.

Q. During the time you claim you were falsely imprisoned, you had phone conversations with Andrew Lassak, correct?

A. Incorrect.

Q. Okay.

A. But during the police interview, yes.

Q. He is with the Hollenbeck Division, correct?

A. That is correct.

Q. The Hollenbeck Division of the Los Angeles Police Department is the division where your Soto Street address is, right?

A. That is correct.

Q. Okay. And you’re saying you never told anyone from the Santa Barbara Sheriff’s Department that you were in communication with Andrew Lassak during that period of time?

A. When we were having a police interview, Officer Lassak happened to call because I was trying to put in a call, like I said, between the attorneys and the Santa Barbara sheriffs. This period was Officer Lassak, way after Neverland, because finally I was able to make contact with him.

Q. Do you remember telling Officer Lassak, “Something big is happening. I can’t talk about it. I have lawyers”?

A. I never said something like that.

Q. So if he said you said that, that wouldn’t be true?

MR. ZONEN: Objection. Argumentative; speculative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you know an LAPD officer named Patrick Metoyer?

A. Yes, I did.

Q. When did you meet Patrick Metoyer?

A. Officer -- the same time Officer Lassak, I met him.

Q. And what year would that be?

A. That would be in 2001.

Q. Did you know a Sergeant Milt Hernandez from the LAPD?

A. And Officer Metoyer is no longer working for LAPD.

Q. Did you know a Sergeant Milt Hernandez from the LAPD?

A. That -- that name doesn’t sound familiar.

Q. Do you remember talking to him? He’s with the Hollenbeck Division.

A. I think what you’re trying to refer to is someone who was there as a watch commander or

something like that.
But not a friend. He’s not a friend.
Q. When did you first meet him?
MR. ZONEN: Who’s “him”? Objection; vague.
MR. MESEREAU: Milt Hernandez.
Q. When did you first meet him?
A. If it’s the same --
MR. ZONEN: Objection; assuming facts not in evidence that she ever met him.
MR. MESEREAU: I’ll rephrase it, Your Honor.

Q. Did you ever meet Sergeant Milt Hernandez from the Hollenbeck Division?
A. No, never.
Q. Did you ever speak to him on the phone?
A. If it’s the same person, I think it was inquiring about the LAPD Explorers, because I was interested in moving Davellin from the Wall Street Central Division up to the Hollenbeck Division, if that’s --
Q. And approximately when did you talk to him, if you remember?
A. I don’t remember.
Q. You said you first met LAPD Officer Andrew Lassak --
A. And this is the best I can remember.
Q. You said you first met LAPD Officer Andrew Lassak in 2001; is that correct?
A. That is correct.
Q. And how did you meet him?
A. I think it was because of a call or something like that.
Q. And what are you talking about?
A. That’s the best I can remember.
Q. You said it’s a call about something?
A. Yeah, that’s the best I can remember.
Q. Did you call him?
A. No, I didn’t.
Q. Did he call you?

A. No.
Q. Did you ever ask him to assist you or your family in anything?
A. No.

Q. Did you ever ask him to drive you home?
A. Not me personally.
Q. Did he ever drive you home?
A. I think so, yes. In the LAPD car, yes. I do recall that.
Q. And when did LAPD Officer Andrew Lassak drive you home?
A. He drove me home because I had -- both my feet were operated.
Q. And how did you get in touch with him?
A. I think there was a call, a request for help, and he helped me out. I don’t really recall.
Q. He drove you home from the welfare department, didn’t he?
A. Yeah, I think so. Yeah. Yes.
Q. Okay. And through him, you met a number of LAPD officers, did you not?
A. Yes. Just met, not friends.
Q. And they were in the Hollenbeck Division where your Soto Street home was, correct?
A. That’s correct. And I don’t know any of their names.
Q. And you met all these officers in approximately 2001, right?

A. This is correct.
Q. You also met some officers from the Metropolitan Transportation Authority, also called MTA, right?
A. This is correct.
Q. And who did you meet from the MTA -- excuse me, let me rephrase that.
What police officers did you know from the MTA?
A. That department, to the best I can remember, was dissolved. It’s no longer. They were all sent out to different departments, because that was -- that had ended. But I did get to meet - which I completely lost contact with them - I think it was a female officer and a male officer. No, actually -- yeah. That was the initial officers I met, yes. But they’re no longer existent.
Q. How do you know that?
A. Because I drove -- I rode the bus frequently

and I never got to see them again anymore. They were substituted by private security. Because LAPD used to run the metro department.

Q. Did you ever meet a Sergeant Chiu from the Rampart Division?

A. Sergeant Chiu. That name doesn’t sound familiar.

Q. How about a Cindy Garcia?

A. I may have. But it doesn’t sound familiar.

Q. How about a Detective Angulo, A-n-g-u-l-o, from the Hollenbeck Division?

A. It doesn’t sound familiar. Because of Officer Lassak, I got to meet a lot of officers, but they weren’t my friends. Just when he was doing his patrol, he would stop by and he would have someone with him. He was -- what are those officers called when they’re -- oh, he was a training officer. So he constantly had someone he was training.

Q. And at one point you had LAPD Officer Lassak’s cell phone number, didn’t you?

A. Yes, I did.

Q. Do you remember the number?

A. No, I don’t.

Q. And he did some nice things for you and your family, didn’t he?

A. Yes, he -- he was our friend.

Q. Please tell the jury the nice things that LAPD Officer Andrew Lassak did for you and your family.

MR. ZONEN: I’m going to object as irrelevant.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Ms. Arvizo, the truth is, you knew a lot of police officers near where you lived, you could have called any of them and said you were the victim of crime, and you didn’t, right?

A. It would have been helpful, but Officer Lassak was recently married in about June. And out of respect I figured he’s got a new wife, and it’s best that I don’t communicate with him. So I lost communication the day he got married, right before.

Q. Did you ever hear of a group called Big

Brother or Adopt-a-Family?
A. No, but -- no, but I came to find out now that maybe those kind of things are --
Q. I'm sorry?
A. That's what I told you.
Q. Okay. When you were interviewed by Santa Barbara sheriffs --
A. Yes.
Q. -- did you ever mention that you had met Andrew Lassak and a bunch of other officers through a group called Big Brother or Adopt-a-Family?
A. I think that was Officer Robel or Officer Zelis that mentioned that. It wasn't I that said that.
Q. Excuse me. Let me rephrase that.
Did you ever participate with LAPD Officer Andrew Lassak in any type of group involving family support in East Los Angeles?
A. Okay, Officer -- I think I know what you're referring to if --
Q. Yeah, whatever -- please tell the jury whatever it is.
A. Okay, Officer Lassak -- usually all the

department -- this is what was explained to me. Each officer personally picks someone, someone from the community or someone they like, or anything, and they put their name into some kind of -- I don't know how it works, but this is how I came to understand. That they put their name into some -- something, and then they pick families out of there. And that's it.
Q. And was your family chosen to participate?
A. Yes. Officer Lassak put me and my kids in there.
Q. Approximately when was this?
A. This was in -- I don't remember. But it was Christmas.
Q. Do you know approximately what year?
A. No, I wouldn't be able to tell you that, but I know it was Christmas.
Q. Was it before you think you met Michael Jackson?
A. No, it was after. Because I -- like I said,

I met Officer Lassak after David was arrested.

Q. And for the jury’s benefit, approximately when was David arrested?

A. About -- I don’t know. My best estimate, September, October of 2001. That’s my best estimate.

Q. And in your interview with the Santa Barbara sheriffs, you said that Mr. Lassak would come with different officers and make jokes, right?

A. Yes. He would -- like I said, Officer Lassak, even though he was a corporal, he’s also a training officer. And he would bring different officers, and he would stand in the doorway, and he’d make jokes with the kids.

Q. Now, which doorway was this?

A. My front door to my apartment.

Q. Okay. And you said he’d get a big kick out of the kids telling him jokes, right?

A. Yes.

Q. And do you know who the officers are that he used to bring to your front door?

A. I wouldn’t be able to tell you, because the majority of them never came twice. They just would come once.

Q. How many would he often bring -- excuse me, let me rephrase that.

How many officers would Mr. Lassak bring to your house at one time?

A. Well, whoever he was training at that time.

Q. What’s the largest number of officers he ever brought to your house?

A. Well, him and the other person he was training.

Q. And did you ever go to the police department to see him, where he worked?

A. I don’t think so.

Q. Did you used to see Officer Lassak driving around the Hollenbeck Division?

A. Yes, I did.

Q. And you were a friend of his for a number of years, weren’t you?

A. Up until he got married. Because when he got married, I felt it’s a new marriage, and out of respect, he needs to dedicate himself to his wife. And I don’t think it would be very respectful for me to be a friend when he’s supposed to be dedicating his time to his new wife.

Q. Okay. Do you remember the names of other officers in the Hollenbeck Division that you knew around the time Officer Lassak used to come to your doorway?

A. Only Officer Lassak.

Q. Did Officer Lassak ever arrange any type of fund-raiser for your family?

A. No, outside from him putting -- putting us in that Christmas thing, that’s it. No fund-raiser.

Q. Now, what Christmas thing was this?

A. It was -- every officer picks somebody and they put it in like a bag, and that’s it.

Q. Okay. And where did this take place?

A. In the Hollenbeck Division.

Q. And what location did this Christmas event take place?

A. In the Hollenbeck Division.

Q. Okay. Was that at the police station?

A. I think it was.

Q. Did you bring your children to the police station?

A. I didn’t go.

Q. Did your family participate in that event?

A. Yes.

Q. How?

A. Officer Lassak had came by and told the kids that on this day they were going to have like a Christmas party. And that’s it.

Q. And who went to the Christmas party from your family?

A. Davellin, Gavin and Star.

Q. Okay. And this is after 2001, right?

A. It definitely has to be, because it was -- I met Officer Lassak after David was arrested, and that’s my best estimate.

Q. When is the last time you spoke to Attorney Larry Feldman? Don’t say what you said. That’s confidential. But when was the last time you spoke to Attorney Larry Feldman?

A. I -- I wouldn't be able to tell. I couldn't remember.

Q. Have you been in any communication with him in the last month?

A. Let me see. Let me see.

No. It's only the times that I was receiving subpoenas from your office was -- yeah, that's the best I can remember.

Q. Have you talked to him in the last couple weeks?

A. I don't think so. I've been here.

Q. Have you talked to Attorney Larry Feldman in the last couple of weeks?

A. Let me see. You know what? When was -- when did he testify?

Q. I can't answer questions.

A. Oh, okay. I'm only saying that would help me remember. Because it was before that time.

Q. Have you talked to Attorney Larry Feldman while this trying has been going on?

A. Oh, yes, yes.

Q. How many times?

A. Oh, I wouldn't be able to tell you that. Just about every time you sent a subpoena.

Q. Okay. Would it be accurate to say that while this trial has been going on you've talked to him more than once?

A. Oh, yes. Every time they sent a subpoena.

Q. Okay.

THE COURT: Counsel, there may be a little ambiguity there as to, "while the trial has been going on."

MR. MESEREAU: Oh, okay. I understand.

THE COURT: What "the trial" is to some people is different than others.

MR. MESEREAU: Sure. Let me rephrase it.

Q. You're aware that Attorney Larry Feldman testified in this trial, right?

A. Yep. Yes.

Q. How did you know that?

A. Because I had seen "Accuser's Mother's

Attorney Testifies." I seen that, something like that.

Q. Okay. Within the last few months, you've been in contact with Attorney Larry Feldman, have you not?

A. Yes, yes.

Q. You've been in contact with him on a number of occasions?

A. Yes, every time they sent a subpoena over.

Q. Okay. Okay. Now, I think you've answered this question, but let me just be specific.

A. Okay.

Q. All of these officers you met through LAPD, Officer Andrew Lassak, starting with the year 2001, none of them were ever contacted by you about false imprisonment, right?

A. That's correct.

Q. None of those --

A. Until when I tried afterwards between Mr. Dickerman and the Santa Barbara sheriffs. And on your thing they said, "Don't talk to any other officers but their department so the investigation wouldn't be compromised."

Q. Before you went to Attorney William Dickerman, you never contacted any of these officers or trainees that you knew in your neighborhood about anything you claim Michael Jackson was doing?

A. That's correct. I was afraid to talk on the phone, because they were monitoring, listening and surveilling me and following me. That's correct.

Q. Even when you were at your parents' home, you never called LAPD Officer Andrew Lassak and complained, right?

A. Because at this point I didn't have his phone number.

Q. When did you lose it?

A. When he got married, out of respect, I seized my communication with him.

Q. Well, you'd been to the Hollenbeck Division Police Department before, right?

A. Yes, I had.

Q. Did you ever contact anyone from the Hollenbeck Division Police Department and complain about Michael Jackson?

A. Well, I no longer belong to their division. I know -- because my apartment, because of them, is no more existent there, so I'm not their problem anymore.

Q. You still could have called them, couldn't you?

A. I didn't. Because of being monitored, followed, surveilled, listened to.

Q. You didn't call them from Jay Jackson's apartment, right?

A. That's correct.

Q. You didn't call them from your parents' home in El Monte, correct?

A. That's correct.

Q. You didn't call them from Soto Street while you were living there, correct?

A. That's correct. But I told the Santa Barbara Sheriff's Department.

Q. After you went to Attorney Larry Feldman, right?

A. No. Before. Jay Jackson called in about February and that's when we communicated. That was our first communication.

Q. You didn't fill out a police report with any police department about anything until you went to Attorney Larry Feldman, right?

A. We made contact with sheriffs, Santa Barbara sheriffs, back in February. They were not helpful to us. So there was this big gap until afterwards.

Q. When did you first meet Attorney Larry Feldman?

A. After Mr. Bill Dickerman introduced me to him.

Q. Do you know about when that was?

A. I wouldn't be able to tell you. But they could tell you best.

Q. To your knowledge, how long has Attorney Larry Feldman been giving you advice? Don't say what the advice is. I'm just asking you, as far as you know, how long has Attorney Larry Feldman been giving you advice?

A. I’m a little confused by the question, because he’s helped more than gave me advice, when you guys have been bomb -- giving me all those subpoenas.

Q. I understand.

A. That they even wanted my school records all the way till I was a kindergartner myself.

MR. MESEREAU: Move to strike, Your Honor.

THE COURT: Just a moment.

That’s stricken.

Do you want to rephrase the question?

MR. MESEREAU: Yes.

Q. If you know, for how many years has Attorney Larry Feldman been giving you advice?

THE WITNESS: Your Honor, I’m having difficulty with it. I’m telling you, “help” and “advice” to me is different.

THE COURT: She’s asking you to clarify the question. That’s --

Q. BY MR. MESEREAU: What you say to an

attorney is confidential, and I’m not asking you about your conversations. Okay?

I’m just asking you how long, in your mind, Attorney Larry Feldman has been helping you. We’ll use the word “help.”

A. Okay. Well, he felt that your defense team was bullies.

MR. MESEREAU: Objection. Objection.

THE COURT: Sustained.

MR. MESEREAU: Move to strike.

THE COURT: Stricken.

MR. MESEREAU: Your Honor, could the witness be admonished to answer the question?

THE COURT: Ask the question again or have the question read back, please.

(Record read.)

THE WITNESS: Okay. Every time they -- they were sending me the subpoena, for example, requesting all my school records, all the way till I was a kindergartner, he’s been helping me.

Q. BY MR. MESEREAU: Let me ask it one more time. But if I’m not clear, just tell me.

A. Okay.

Q. What year did you meet Attorney Larry Feldman?

A. In 2003.

Q. You knew some police officers from the MTA, did you not?

A. Yes, I did. I did meet them, but it was not a close contact, as I was with Officer Lassak, which I stopped because he had gotten married, and that was it. And they no longer were in existence, because a private security company took over the metro bus division. So I lost complete contact of them.

Q. And MTA means Metropolitan Transportation Authority, correct?

A. Yes. They're underneath the ground. They're police officers that were underneath the ground taking care of the trains that run -- I don't know whether they're train or metro rail. I don't know the correct --

Q. And you knew a number of officers with the MTA, correct?

A. When that was dissolved, my -- as far as my relationship was with them, every time me and my children rode the trains, when we would see them we'd say hello. But past that, once they were -- I don't know what the word is. When they were gone, no more, I didn't see them anymore.

Q. And how many officers from the MTA do you think you knew, when you knew them?

A. It was about two. A male and a female, and the rest were by sight. Every time we'd see them, we'd say hello. But there was definitely more than two that I recognized by face.

Q. And were they stationed in the Hollenbeck area?

A. No, they weren't stationed in the Hollenbeck area.

Q. Where were they stationed?

A. They were stationed -- to my understanding, they were stationed right there, underneath the ground in the train rail system.

Q. And didn't these MTA officers help your family out also?

A. Well, I don’t know if you call it help, but they also did some Christmas thing.

Q. And what was that?

A. They -- they took a liking to the kids, because they saw the kids go off and on the trains, and so -- and that was it.

Q. And approximately when did this happen?

A. Christmastime.

Q. Approximately what year, if you know?

A. I don’t remember. But I do remember Christmastime.

Q. Was it after 2001?

A. Oh. Oh, yes, yes. After -- after David was arrested, me and my kids became free to have -- to go beyond having friendships.

Q. And after David was arrested, it would be accurate to say that you and your kids had a lot of friends who were police officers, right?

A. The only one we could say is Officer Lassak. That’s it. The rest were just people that we met, but completely lost contact with.

Q. And through Major Jay Jackson, did you meet anyone in the United States Army?

A. Not really. I -- no. I don’t even go to -- when Jay would have, like, gatherings from the Army, I prefer not to go. Even to his -- even to his going-away luncheon, because I knew I wasn’t smart enough to be in that kind of group.

THE COURT: Counsel, is this a good place to stop?

MR. MESEREAU: Yes, Your Honor. Thank you.

THE COURT: All right. We’re going to recess for the weekend. Remember next Wednesday afternoon, we’re not going to be in session. I’ll see you Monday at 8:30. Remember the admonitions. Don’t talk to anybody. Don’t read anything. Enjoy the weekend.

MR. SANGER: When are we not in session?

THE COURT: Wednesday afternoon.

MR. SANGER: Wednesday afternoon we’re not in session. We’re here Monday.

(The proceedings adjourned at 2:30 p.m.)

--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 6423 through 6541 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 15, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
April 15, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

MONDAY, APRIL 18, 2005

8:30 A.M.

(PAGES 6543 THROUGH 6598)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

APPEARANCES OF COUNSEL:

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-and- GORDON AUCHINCLOSS,
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For Defendant: COLLINS, MESEREAU, REDDOCK & YU BY: THOMAS A. MESEREAU, JR., ESQ.
-and- SUSAN C. YU, ESQ.

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-and-
SANGER & SWYSEN
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-and-
OXMAN and JAROSCAK BY: R. BRIAN OXMAN, ESQ.
14126 East Rosecrans Boulevard Santa Fe Springs, California 90670
(NOT PRESENT)

I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES DIRECT CROSS REDIRECT RECROSS

JACKSON, Janet 6546-M (Contd.)

Santa Maria, California
Monday, April 18, 2005
8:30 a.m.

THE COURT: Good morning, everyone.
THE JURY: (In unison) Good morning.
COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.
THE COURT: Ready to proceed?
MR. MESEREAU: Yes, Your Honor.
THE COURT: All right. Go ahead.

JANET JACKSON
Having been previously sworn, resumed the stand and testified further as follows:

CROSS-EXAMINATION (Continued)
BY MR. MESEREAU:
Q. Ms. Arvizo, throughout January, February, March and April of 2003, you were being represented by counsel in proceedings related to your ex-husband David, correct?
A. Of what year?
Q. 2003.
A. Yes.
Q. And without going into much of the detail, you were represented by a lawyer who you’ve mentioned already named Michael Manning, correct?

A. For what?
Q. For your request for spousal support, your issues involving David Arvizo and your domestic proceeding, correct?
A. This is correct.
Q. And documents related to your requests for spousal support from David and other issues related to your divorce were being periodically filed by Attorney Michael Manning, correct?
A. I don’t understand his question very well,

but something about spousal support and child support, that was in effect for already almost -- almost, my best estimate, for almost three years. We had been waiting for that court date for years already. That’s my best estimate.

Q. And how long do you recall Michael Manning representing you?

A. I think, my best estimate, since 2001. I was way at the bottom of his list because I -- he was providing his services for free.

MR. MESEREAU: Move to strike.

THE COURT: Stricken after the date.

Q. BY MR. MESEREAU: So would it be accurate to say, based on what you remember, Attorney Michael Manning was representing you in 2001, 2002, 2003, and 2004 on issues related to your ex-husband?

A. Yes.

Q. And various income and expense declarations, various declarations, various documents were periodically being filed with the court by Attorney Manning on your behalf, right?

A. If I clearly -- if I understand his question, I think with Mr. Manning, that was handled in a bulk, and I think it was probably in the first meeting that I had ever met with him, and I held onto those things. That’s the best I can remember. So he did it when he had time because, like I said, I was at the bottom of his list.

Q. Would it be accurate to say that this lawyer filed documents on your behalf on October 15th, 2001, October 16th, 2001, November 6th, 2001, January 10th, 2002, April of 2002, June 25th, 2002, January 6th, 2003, January 23rd, 2003, March 5th, 2003, and that there was a hearing on March 11th, 2003, involving your issues with David? Does that sound accurate to you?

A. I don’t know what he’s trying to say. But like I said, in the initial meeting with him, to the best of my recollection, it was handled like in a package, he had like a package already made. So when he had time, he went ahead and took care of it himself. Because he made me aware, since he was doing it for free, it was as he could, so I had to be patient.

Q. Would it refresh your recollection if I just showed you all those filed documents that were filed with the court?

A. Yes. He filed them accordingly to when he had time, because I was not a paying customer.

MR. MESEREAU: Move to strike.

THE COURT: After “Yes,” I’ll strike.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

Q. BY MR. MESEREAU: Miss Arvizo, have you had a chance to look at those court documents?

A. Just the date on them, the same ones he just said.

Q. Do they refresh your recollection that your attorney was filing documents throughout those years on your behalf?

A. Like I said, he went -- according to when he had time, yes, that’s correct.

Q. All of those years, this attorney was representing you in your domestic problems with your ex-husband David, right?

A. Yes.

Q. Okay. I think it goes without saying that this lawyer was representing you during the time period you claim you were being harassed and falsely imprisoned by Mr. Jackson’s associates, correct?

A. Yes.

Q. And I think you’ve already said, you never told this lawyer at any time that anyone in your family was being held against their will, correct?

A. Are you -- is that attorney-client privilege? Because he’s still my attorney.

Q. If you’re asserting the privilege, I will not ask any further into that.

A. Yes, please.

Q. Okay. Is Attorney Michael Manning still representing you?

A. No, he’s not.

Q. Okay. Now, you indicated to the jury that this attorney was representing you for free; is that correct?

A. Yes, this is correct.

Q. Didn’t your attorney at one point file documents with the court asking that your ex-husband pay your fees?

A. Yes, this is correct.

Q. Now, in the -- just to set the record straight on dates, it appears that your divorce action was filed October 15th, 2001. Does that make sense to you?

A. The best I can remember is after David was arrested and the first day he presented himself at the criminal courts is when Michael Manning handed him already the documents for divorce.

Q. Okay.

A. That’s the best I can remember how it happened.

Q. And do you recall approximately when he was first arrested?

A. I think he was arrested either the end of September -- I think my best estimate is the end of September, but it could have possibly been the beginning of October. But the best I can remember is the end of September.

Q. Now, on October 4th, 2001, you went to the Hollenbeck Division with Davellin, Star, and Gavin to report problems with David, right?

A. The Hollenbeck Division is composed of two different separate buildings. The Hollenbeck Police Department is a separate building from the Hollenbeck detective center. And if you walk there, it’s quite a distance. But on car, it’s quite fast. And there’s even, I think, a bridge, a freeway bridge that separates both things, and they’re even on separate side of the buildings. Separate side of the street, I mean.

Q. And you know that police department quite well, correct?

A. I’ve never gone to the police department. I’ve only gone to the detective center.

Q. And on October 4th, 2001, you did go to the Hollenbeck detective section, correct?

A. I don’t remember the date, but I do remember the event.

Q. Would it refresh your recollection if I just show you a report to refresh your memory on the date?

A. If you say the date’s on there, then that should be correct. That should be accurate.

Q. I can’t testify. Can I just show it to you?

A. Well, if it’s on the paper, it’s correct.

Q. Okay. Would it refresh your recollection if I just show it to you?

A. Okay. Come on over.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes. But, Counsel, she’s conceded the date. So what are you doing?

MR. MESEREAU: If the Court permits, I’ll just read the date into the record.

MR. ZONEN: Your Honor, I’ll stipulate to the date as being the date of the event.

THE COURT: Without stipulation, she’s conceded whatever date is on there is accurate. So let’s move along.

MR. MESEREAU: Yes, Your Honor.

Q. The date on the report is October 4th, 2001.

A. Okay.

Q. And you recall going to the detective division to speak about your problems with David, correct?

A. Yes. The detective there had invited me, if I wanted to come on over, to come on over, because our phone had been -- our interview had been by the phone.

Q. Now, you got to the detective division and asked to talk to a detective, correct?

A. Yes. I think it was the same one that I had been talking to.

Q. And you told the detective you wanted to show the detective a videotape and numerous photos of you and your children spending time with various celebrities?

A. Yes, because he had a hard time believing that a woman in East L.A. with her children knew such -- knew -- knew them. And he’s a detective, so, you know, he was curious.

Q. Did you bring the photos of celebrities with you?

A. Yes, I did.

Q. And what photos of celebrities did you bring to the detective division of the Hollenbeck Division?

A. I think it was -- I think it was mostly of Chris. Chris and Aja.

Q. And according to the detective, you laughed and appeared happy at the meeting, correct?

A. Yes, because finally me and my children are getting some sense of freedom.

Q. It says you seemed happy as you showed him information about various celebrities, correct?

A. Well, it was a video of Chris and the children together. And Aja.

Q. Now, before you testified has anyone showed you any police reports to review?

A. Yes, they have shown them to me.

Q. And who’s “they”?

A. The D.A.’s Office.

Q. Okay. And when did they do that, approximately?

A. Approximately, probably -- I think it was days ago, yes.

Q. Okay. Did you meet over the weekend with anyone from the prosecution?

A. Yes, I did.

Q. Who was that?

A. Mr. Zonen.

Q. And when did you meet Mr. Zonen?

A. Yesterday, with a detective present.

Q. And did you go over documents?

A. No.

Q. Did you talk about your testimony?

A. Yes.

Q. How long was the meeting?
A. With me? Probably about -- about ten minutes.
Q. Okay. And the whole meeting was ten minutes?
A. Yes.
Q. Okay. And where did it take place?
A. At -- in --

Q. Don’t give your address if it’s your home. Just say it’s, you know, at a residence.
A. No.
Are you okay?
BAILIFF CORTEZ: I apologize.
THE WITNESS: I don’t know what you --
Q. BY MR. MESEREAU: Was it at a residence?
A. No. No, it wasn’t.
Q. Was it at an office?
MR. ZONEN: I’ll object to the location, Your Honor.
THE COURT: He’s just trying to get a general statement. It’s overruled.
You may answer.
THE WITNESS: Where I’m staying.
Q. BY MR. MESEREAU: Okay. Okay. And they came to see you?
A. Yes.
Q. And the meeting was only ten minutes?
A. It was ten minutes.
Q. Okay.
A. I think he must have been on his way back to the office, I guess.
Q. Okay. In your -- in one of your domestic violence disputes with David, do you remember signing a declaration that your children -- your boys sleep with baseball bats because they’re afraid of David?

A. Yes.
Q. And was that true?
A. Yes.
Q. Okay. And when did your boys begin sleeping

with baseball bats, if you know?

A. To the best that I can remember, it’s when David and Mr. Halpern, his attorney, were making the -- parading on the circuitry of the T.V., you know, making their rounds on T.V. And so it resurfaced a lot of things that they had been already feeling. But it intensified in 2003.

Q. So because of the T.V. appearances by David and his lawyer, your sons began sleeping with baseball bats; is that what you’re saying?

A. It began then. It began. It’s the best I can remember.

Q. Now, did the -- now, excuse me, did you say a prosecutor showed you various police reports?

A. Not yesterday.

Q. Not yesterday?

A. No.

Q. But at some point?

A. Yes. Yes.

Q. Did the prosecutor show you another police report where you reported David for domestic violence and told the police that Michael Jackson, Kobe Bryant and Fritz Coleman are going to help you?

A. That’s because David was calling me “whore,” and he said -- David said that he was going to tell everybody that I had sex with them. And so if they wanted to do that, they can go verify with them that I’m not having sex with any of those people.

Q. That wasn’t in your police interview, was it?

A. I did speak to the detective about it.

Q. So when you told the detective, “Michael Jackson, Kobe Bryant and Fritz Coleman are going to help me in my action against David,” that’s what you were referring to?

A. Not action against David. That they can go ask basically them themself that I’m not having sex with them.

Q. Okay. But you’ve seen the report, and nowhere in the report does it ever say that you told the police officers that there are accusations that, “I’m having sex with these celebrities,” correct?

A. Well, I don't think that's considered a crime.

Q. So when the police officer just mentions that quote, in your mind you should have also said, "I told him the reason for the quote was that there were false accusations about me having sex with these celebrities," correct?

MR. ZONEN: I'll object. That question is ambiguous.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Had you ever told Michael Jackson anything about your domestic problems with David?

A. No.

Q. Had you ever told Kobe Bryant anything about your domestic problems with David?

A. No.

Q. Had you told Fritz Coleman anything about your domestic problems with David?

A. No.

Q. And again, in looking at the report, you know that there's nothing in that report about these false accusations of sex, you know that, correct?

MR. ZONEN: Objection; asked and answered.

THE COURT: Overruled.

Q. BY MR. MESEREAU: Do you know that?

A. I don't think it was considered a crime.

Q. Would it refresh your recollection just to see the report?

A. I don't need to see the report. I'm telling you that's what happened and that's it.

Q. Okay. Now, you had a hearing -- excuse me, let me rephrase that better.

Based on reports you made to the police, David Arvizo was charged with domestic violence a couple of times, right?

A. I don't know what you're talking about. What --

Q. I'll be happy to rephrase.

Based on accusations you made about David

Arvizo being abusive and violent, he was prosecuted, right?
A. I don’t under --
MR. ZONEN: I’ll object as speculative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you recall David Arvizo being prosecuted for crimes related to domestic violence?
A. Yes.
Q. And as far as you know, why was he prosecuted?
A. Because he did the crime.
Q. And was he reported for those crimes, to your knowledge?
A. He was investigated.
Q. And do you know how the investigations began?
A. Yes, because the best I can remember is I was outside getting beat up and some children called the police.
Q. Now, do you recall, in -- excuse me. At some point you spoke to a city attorney, correct, from the Los Angeles County City Attorney’s Office, correct?
A. Okay. Which case are we talking about?
Q. One of your domestic -- one of the domestic violence cases that were filed against your ex-husband David. Do you recall talking to someone named Soriano?

A. Okay, yes.
Q. Okay. And do you recall talking to Mr. Soriano about a photograph that had you holding a knife? Do you remember that?
A. I didn’t talk to him about it. He asked me, because David and Mr. Halpern, the ones that they’ve sold to the tabloids, presented it to me.
Q. And you didn’t deny there was a photo of you with a knife like this, right?
A. Of course there was.
Q. And you had an explanation for that photograph, right?
A. Of course.

Q. And please tell the jury what that explanation is.

A. In the tabloids they have blurted out -- well, they phased out the running -- I think it was running water, dishes -- full of dishes in the sink, my son sitting in the background doing his homework. I was washing the dishes at the time. And David had asked me, he goes, “Hey, Janet’s like the movie.” This is the best I can remember. And he said, “Here,” and it was all done in jokingly, and he snapped a picture. Well, we’re talking about one of those throw-away camera pictures. And my son is clearly in the background doing his homework, holding up his paperwork. It’s the best I can remember.

Q. And you would agree you’re photographed with a knife like this?

A. Yes, I am.

Q. And it all is play acting, right?

A. No, it was done jokingly.

Q. Okay. Some other photographs surface of you with something else you were holding, correct?

A. That was a broom. You know, when you sweep like this from left to right, depending, yes. And they also -- Mr. Halpern and David also sold that to the tabloids.

Q. And that was meant in jest also, correct, the photo of you with a broom?

A. Those pictures were taken in, hmm, I think -- I think in 1999. The best I can remember. 1999. No, goodness, I think 1998, actually. Seven years ago. That is the best I can remember.

Q. Now, around October 16th of 2001, you filed documents with the Superior Court through your attorney, Michael Manning, in which you claimed David had threatened to kill you and the kids, right?

A. I don’t think it’s the word -- the way you’re saying it is word for word. But David, many, many years, had already threatened me. Always.

Q. And didn’t you say in documents filed with the court David said he would kill you and the kids?

A. I think what is -- I don’t think he’s saying it word for word. But David had always threatened me and the kids, always.

Q. Did he threaten you with death?

A. He always would.

Q. And you indicated that David said that if you cause him trouble, he would have one of Ray’s, his brother, people kill you and the kids, right?

A. Yes. David had said that for years, many, many years to me.

Q. Who is Ray?

A. Ray is David’s brother, who is a convicted drug dealer.

Q. And did Ray himself ever threaten you and the children?

A. Ray never, never threatened me. It was all per David’s own word.

Q. At some point did you mention in one of your interviews that you had been abused in your own home growing up?

A. Never.

Q. Okay. Did you ever mention anything about your father being abusive?

A. Absolutely never.

Q. And you didn’t tell that to anyone, correct?

A. Never.

Q. Okay. Did all the abuse in your home come from David himself?

A. Always.

Q. Okay. Do you recall the meeting with Brad Miller at Jay Jackson’s residence?

A. I think so.

Q. And do you recall Mr. Miller mentioning to you and Jay Jackson and your family that he worked for Attorney Mark Geragos, who represented Michael Jackson?

A. No, I didn’t recall that. And it wasn’t important to me because when he had walked in at the door, he said he was Michael’s private investigator. And also Frank had told me that Brad Miller was

Michael's private investigator. So all that mumbo-jumbo he was saying, it wasn't brought to my attention until we had a -- here, I was here in this courtroom, and I think it was September. So he's doing the same thing he did in September.

Q. When --

Move to strike, Your Honor.

THE COURT: I'll strike after, "No, I didn't recall that."

Q. BY MR. MESEREAU: When you learned that Brad Miller was an investigator, did it ever occur to you that you were being investigated?

A. No. Because Frank had told me that he was Michael's private investigator and he was here to help me and the kids. And I believed him. I believed too much of them.

Q. He said he was an investigator for Mark Geragos in front of Major Jay Jackson, did he not?

A. Jay repeatedly kept coming in and out of his bedroom.

Q. Did Brad Miller, as far as you remember, ever tell Major Jay Jackson in Major Jay Jackson's home that he was an investigator for Mark Geragos, who represented Michael Jackson?

A. No.

Q. Do you recall ever discussing with Jay Jackson the fact that Brad Miller was a private investigator?

A. No. It's just that's how he introduced himself.

Q. Did you ever discuss with Jay Jackson either before or after that interview who Brad Miller was?

A. There was no -- I don't know what he's trying -- it's so broad, but, the answer to that question is no, as I'm understanding it.

Q. After the interview was completed, did you ever discuss with Jay Jackson who Brad Miller was?

A. No.

Q. And did Jay Jackson ever ask you, "Janet, he said he's an investigator. Who is he?"

A. No.

Q. Did you ever learn that Asaf worked for

Attorney Mark Geragos?

A. On the tape -- on the tape-recorder that Asaf illegally was taping the Child Protective Services, he also says my son -- I think my son there, Star, asks him, and he points out that he’s Michael’s security, or Star asks him, “Are you Michael’s security?” And he clearly says by his own mouth, “Yes.”

Q. Did you ever learn that Johnny was a private investigator working with Miller?

A. Johnny told me he was Michael’s security.

Q. So it never occurred to you at any time that Attorney Mark Geragos had anyone investigating who you were and who your family was?

A. Well, first of all, why would he have a criminal defense attorney --

MR. MESEREAU: Move to strike.

THE WITNESS: -- if there’s no criminal investigation under its way?

THE COURT: You may answer that “yes” or “no.” Did it occur to you?

THE WITNESS: Can you --

MR. MESEREAU: If we could have it read back.

THE WITNESS: Could you ask it differently? Because I answered you what I thought was the answer that you were looking for.

Q. BY MR. MESEREAU: Did it ever occur to you that Attorney Mark Geragos had hired investigators to investigate who you and your family were and what your plans were?

A. Criminal defense attorney, no. Now I know he’s a criminal defense attorney. No.

Q. And you never discussed with Major Jackson who these people are and what they’re doing, correct?

A. No. I believed everything Frank had told me. I believed everything Michael had told me. I believed them. I trusted them, that’s why we’re here today.

MR. MESEREAU: Move to strike, Your Honor.

THE COURT: I'll strike everything after "No."

MR. MESEREAU: At this time, Your Honor, with the Court's permission, we'd like to play the audiotape of the Brad Miller interview, Exhibit 5000.

THE COURT: Would you remind us how long that tape is?

MR. SANGER: It's 34 minutes and 24 seconds.

THE COURT: Are you going to interrupt the tape with questions or just play it again?

MR. MESEREAU: I was going to interrupt with a couple of questions. Not too many.

THE COURT: Can't you just go to the points in the tape that -- instead of having us sit here again, listen to that whole tape?

MR. MESEREAU: I can do that, Your Honor.

THE COURT: All right. Do it.

Q. BY MR. MESEREAU: Miss Arvizo, do you recall -- the interview begins with Mr. Miller saying the following: "All right. This is a tape-recorded statement conducted with the Arvizo family, conducted by Brad Miller. Today is Sunday, February 16th, 2003. It's now 9:47 p.m. on that evening. And as I told you, my name is Brad Miller. I'm a licensed private investigator working on behalf of the Law Firm of Geragos & Geragos, specifically for an attorney by the name of Mark Geragos, who is an attorney for Michael Jackson. And this conversation is being tape-recorded with your permission, correct, Janet?"

And your answer is, "Yes."

Do you recall Mr. Miller telling you he worked for Mark Geragos?

A. In September it was brought to my attention, this mumbo-jumbo. Up to that point I had only believed he was Michael's private investigator.

Q. Do you recall towards the end of that recorded interview, Mr. Miller asks you the following: "All right. Well, I thank you guys. I think this has been very helpful. So let's wrap this up. It’s now about 10:25, Sunday night, February 16th, 2003. As I’ve told you, my name is Brad Miller. I’m a private investigator working on behalf of Mark Geragos, who’s an attorney for Michael Jackson. And this conversation has been tape-recorded with your permission, correct, Janet?”

Answer, by you, “Yes.”

Do you recall that?

A. I didn’t pay attention to that.

THE COURT: Counsel, do we have a transcript yet for that?

MR. MESEREAU: Yes, we do, Your Honor. I don’t think we’ve lodged it with the Court, but we do have one.

THE COURT: Would you lodge it with the Court, please?

MR. MESEREAU: I’ll see if I can --

THE COURT: Later today is fine.

MR. MESEREAU: Okay. Yes, we will.

Q. Where was Jay -- excuse me, where was Major Jay Jackson during that interview?

A. My husband -- in the beginning, we were just -- it was a new relationship. And at that point I think he must have been in his bedroom, because you saw him kind of detached, what was going on.

MR. MESEREAU: Move to strike, Your Honor.

THE COURT: Stricken.

You just need to answer the question. Listen to it carefully, and then just answer the question. Don’t volunteer additional information.

Would you -- do you want to restate it or do you want the court reporter to read it back?

MR. MESEREAU: If the court reporter would read it back, I’d appreciate it. Thank you.

(Record read.)

THE WITNESS: The majority of the time, in his bedroom.

Q. BY MR. MESEREAU: Do you recall Major Jay Jackson sitting during the majority of that interview on the couch?

A. The majority of that interview he was in his bedroom.

Q. Now, is it your -- let me rephrase that. Are you claiming that what you said in this interview on February 16th, 2003, was scripted?

A. I already told him before. Everything that was on the Bradley Miller audiotape was from my heart, from the initial lovey-dovey meeting that I had in Miami. I believed him and I trusted him. So, it's -- the best I can say, it's most -- it's all accurate.

Q. You were asked by Mr. Miller, "What was Mr. Jackson's role in his recovery?" referring to Gavin and his cancer. Do you remember that?

A. Uh-huh.

Q. And you said, "Like a father, like a father to him." Do you remember that?

A. Yes.

Q. Brad Miller said to you, "What would Michael do?"

And your answer was, "Everything a loving father, unselfish, kind," then inaudible, "exhibits unconditional love," correct?

A. All of the Bradley Miller audiotape, it's all correct and accurate. That's how I felt.

Q. Now, your son Gavin also spoke in that interview, correct?

A. Yes.

Q. And as far as you know, he was telling the truth, right?

A. There's -- there was a few times that I had stepped out, because I was feeling a little bit concerned as to why and -- how Jay was feeling, because it was a new relationship with me that I was beginning with Jay, so I was getting a little concerned as to why Jay kept coming in and out. So there's periods in there that I'm not present when there's being audiotape.

Q. Gavin said that Michael would always put a smile on his face. Do you remember that?

A. I have since read the -- the transcript of the audiotape. And like I said, everything there is accurate. Everything there is correct. That’s how they were feeling at that moment and at that time.

Q. And you were there when Gavin said Michael didn’t come to the hospital but he would call him on the phone, correct?

A. Pardon me?

Q. You were present at the interview when Gavin said Michael didn’t come to the hospital. He would call on the phone, right?

A. Yes. He did -- Michael never once came to the hospital. But there was long hours of conversations, hours and hours.

Q. And you said in that interview, “And that’s one thing the role Michael was, he wasn’t just a father figure to Gavin, he also was to Star and Davellin, because he knew that all three of them needed him and he was -- um, is family to me. And he also realized that I needed him.” Correct?

A. Yes. This is stemming from the initial meeting that I had in Miami that he gave me a reinterpretation of what his role was. This is from Michael in Miami.

Q. So this is from your heart and it’s the truth, correct?

A. Yes, it is. It is.

Q. You talked about David being charged with child endangerment and terrorist threats, right?

A. If that’s on there, yes.

Q. Would it refresh your recollection? I can show it to you.

A. Yes.

Q. And Davellin said that David had broken her tailbone, correct?

A. Yes, he had.

Q. And that was true, correct?

A. Yes. Yes. With his big old foot. Kicked her right --

Q. Gavin said that David hit him during his cancer treatment?

A. Oh, yes.

Q. And that was also true, right?

A. Yes.

Q. And Star said that David hit him where he has a cyst, correct?

A. Yes.

Q. You said that David would even abuse the dog, right?

A. Yes. He hurt many of our little animals.

Q. You mentioned a ferret and a dog, right?

A. Yes.

Q. Okay.

A. Yeah.

Q. You talked about, “They had filmed -- when they had filmed the beautiful story about Michael and my son, David was there present.” Do you remember that?

A. Yes. Yes.

Q. What were you referring to when you talked about “the beautiful story about Michael and my

son”?

A. It was the DVD that’s titled “Michael and Gavin.” I had never seen it prior to this time, but Michael had informed me that it was a beautiful story. So this is a -- all stemming from the Miami meeting, that 45-minute lovey-dovey meeting that I had with Michael.

Q. So when you talked about the beautiful story, you hadn’t seen it; is that true?

A. I had never seen it prior to Gary giving it to Evvy -- I mean Evvy giving it to Gary and Gary giving it to us.

Q. You said that David was mad one day because you and Michael were dancing, right?

A. Yes. And this was -- this was David’s character. You know, I couldn’t wear makeup. Couldn’t shave my legs. You know, just different things.

So, yes, it was a -- I was happy to see Gavin dancing, because Gavin at that point had like a toddler walk. And, to me, that made me happy. And we were at a 20-foot distance and yet I still got beat up for that.

Q. But you said that, “Me and Michael were dancing,” correct?

A. Yes, me, Michael, the children. You don’t take it out of context or make it dirty. He was -- me, Michael, the children, other guests there. It was inside this -- what is it? -- bumper cars area, and they have the ability to play the music really loud, so -- and that’s what -- that’s just what it was all about.

MR. MESEREAU: Move to strike the comments, Your Honor.

THE COURT: Denied.

Q. BY MR. MESEREAU: Where were you and Michael dancing?

A. It was inside, just the children, me, Michael and other guests there, under a tent in the bumper car area.

Q. And when did this happen?

A. That happened in the initial meeting in August of 2000. And I was happy to see that Gavin was actually trying to dance. He wasn’t able to dance. But because he had a toddler walk, to me, that was a big step.

Q. Did you tell the jury last week you had never had a conversation with Michael Jackson until Miami?

A. Yes, I never had a conversation with Michael. Michael didn’t talk to me in the initial visit with him.

Q. You danced with him, but you never talked to him?

A. That’s right. It wasn’t me and him solely under the blue sky night. It was me, him, my children, other guests, under a tent in the bumper car area, which they had the ability to play the music really loud.

Q. The first time you visited Neverland, do you recall having dinner in the main house at Neverland?

A. Yes.

Q. Do you recall Michael Jackson being there?
A. Yes.
Q. Do you recall a discussion about where Gavin was going to sleep?
A. It wasn’t a discussion with me. It was a discussion with David.
Q. And approximately when did that dinner take place?
A. Dinnertime.
Q. Approximate month and year?
A. Approximate, August 2000.
Q. And you never spoke to Michael Jackson at that dinner table?
A. No. David was present.
Q. How long did the dinner last?
A. I guess maybe -- maybe 20 minutes’ worth. Maybe.
Q. Getting back to the Brad Miller recording, you said the following: “In my observance and their interaction, and Gavin with Michael and Star, with Michael and Davellin, with Michael is that, as a father figure, he provides for them. He provides them with a sense of humor. He’s very funny. And a sense of direction and guidance.”
And you meant what you were saying, correct?

A. Yes, I did. This is my observance of what I saw in Miami. But now I know different what was happening and I was -- and I was clueless.
MR. MESEREAU: Move to strike the comments.
THE COURT: I’ll strike after “Yes, I did.”
Q. BY MR. MESEREAU: You said, “Michael’s everything that an ultimate father is, and that’s what the children have always prayed for, is a father, and that God has blessed them with. And me, I’ve always wanted family, so he’s family to me.”
You said that from your heart, correct?
A. Yes. He put on a good show in Miami.
MR. MESEREAU: Move to strike the comment.
THE COURT: Strike the -- after “Yes.”
Q. BY MR. MESEREAU: And you said, “In being what I endured in 17 years, I would be the most sensitive to any little thing. And Michael has

never, absolutely never, made me feel in any way, form, shape or matter that anything was anything different other than Gavin as a son to Michael, Star as a son to Michael, Davellin as a daughter to Michael, and Michael father, like a father to all three of them."

Do you remember saying that?

MR. ZONEN: What page are we on?

MR. MESEREAU: 12.

MR. ZONEN: Thank you.

Q. BY MR. MESEREAU: Do you remember saying those words?

A. Yes, and now I realize how stupid I was.

MR. MESEREAU: Move to strike.

THE COURT: I'll strike after, "Yes," but what's the point? I mean, on the questions here, you're asking her whether she said things. We've heard the tape, we know what she said. Do you have specific areas you wanted to ask her about?

MR. MESEREAU: Yes, Your Honor.

THE COURT: Getting her to say again that she said those things doesn't seem to be getting us somewhere here, to me.

MR. MESEREAU: I'll tie it up, Your Honor.

Q. Ms. Arvizo, do you remember telling the jury that you were rehearsing with the people you refer to as the Germans for the February 20th interview?

A. Yes.

Q. This interview with Brad Miller is February 16th, 2003, correct?

A. Yes.

Q. You've told the jury it wasn't rehearsed, correct?

A. That's correct.

Q. Are you saying in the next four days you rehearsed for the February 20th video?

A. Prior to Jesus, it was many times daily in Neverland with Dieter. First it was Ronald, Dieter, and then it became Dieter hands on. And as you can see, maybe you've -- it's been played approximately five or six times here, and I’m sure there’s many people that can recite it now. Imagine me working daily, Dieter hands on, with me and my kids, many times in one day, how that’s possible.

MR. MESEREAU: Move to strike.

THE COURT: I’ll ask you just to answer the question again. The question was, “Are you saying in the next four days you rehearsed for the February 20th video?” And what’s your answer to that question?

THE WITNESS: It had already done -- been done prior with Dieter on a daily basis.

THE COURT: All right. I’ll strike her other answer. Next question.

Q. BY MR. MESEREAU: You’re saying you’d rehearsed with Dieter before, but what you said on this interview with Brad Miller was from the heart, right?

A. Yes.

Q. All right. When did you first meet Jamie Masada?

A. The best I can remember, I think it was -- it was definitely before Gavin became ill.

Q. And how did you meet him?

A. Through -- the best I can remember, it was -- I had seen a flyer at a public school that was, you know, talking about a comedy camp.

Q. Did you bring your children to Jamie Masada’s comedy camp?

A. Yes, I did.

Q. Okay. And did your children attend the comedy camp?

A. Yes. Yes, they did.

Q. Did you attend with them?

A. Yes. Every single time. I did.

Q. Now, do you recall any of your children getting on stage and performing about how poor your family was?

A. Yes, I do.

Q. And do you recall telling Jamie Masada that your children dove into a fountain for coins?

A. No.

Q. Do you recall telling George Lopez your children dove into a fountain for coins?

A. No. It may have been David maybe. If they’re saying that, it may have been David.

MR. MESEREAU: Move to strike.

THE COURT: Stricken after “No.”

Q. BY MR. MESEREAU: Jamie Masada introduced you to various celebrities, right?

A. Not just me, the whole group, the whole -- everybody. Everybody that was attending.

Q. And did you meet various celebrities through Jamie Masada?

A. Yes.

Q. And who did you meet?

A. There were guest comics. And me personally, I didn’t get to meet them. The only people I did get to meet was -- personally was George Lopez. This is the best I can remember. Louise Palanker. Fritz Coleman. Sully McCullough. That’s the best I can remember. Those are the people that I personally met. And of course Chris Tucker and his fiancee, girlfriend, I don’t know how they are now, but that’s the best I can remember. Me personally.

Q. And approximately what month and year was this?

A. The best I can remember, it was all prior to Gavin becoming ill. The only one that we met after Gavin was ill was Chris Tucker. And with Aja. This is the best I can remember. But all the other ones that have already came up here, it was prior to Gavin becoming ill.

Q. In your deposition in the J.C. Penney case, and I’m referring to December 18th, 2000, you indicated that you had filed a state disability claim because you were depressed. Remember that?

A. Um, yes.

Q. You were asked what caused the depression. You said it was not your marriage, “I was just sad

about being a nobody.” Do you remember that?

A. I’m still a nobody.

Q. Would you just answer the question. Isn’t that what you said?

A. If it’s on there, that’s correct.

Q. Would it refresh your recollection if I just show you that?

A. There was many things why I was sad. Most of all, the man that I was married that didn’t love me or my kids.

MR. MESEREAU: Move to strike.

THE COURT: Strike that answer. I’m not quite sure what the question is at this point, however.

MR. MESEREAU: I’ll rephrase; I can restate it, Your Honor.

Q. You testified under oath, Ms. Arvizo, that you filed a state disability claim because you were depressed, and when asked why you were depressed, you said, “I was sad about being a nobody,” right?

MR. ZONEN: Objection; compound.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you remember being questioned about why you had filed a state disability claim?

A. No, I don’t. But what he’s talking about --

MR. ZONEN: I’ll object as nonresponsive.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you remember filing a state disability claim?

A. Not at that time. It was years and years and years prior to what he’s saying now.

Q. Do you remember why you filed that state disability claim?

A. Depression.

Q. And the depression was because you felt you were a nobody, right?

MR. ZONEN: I’ll object as irrelevant; immaterial.

THE COURT: Overruled.

You may answer.

THE WITNESS: I’m still a nobody. But now I’m with somebody that’s just a regular person.

MR. MESEREAU: Move to strike, Your Honor.

I'd just request the witness be asked to respond to the question.

THE COURT: I'll strike the answer. Are you asking her if that's the reason she gave on the form?

MR. MESEREAU: In the deposition, Your Honor.

THE COURT: I think you need to make that clear. It's not clear.

MR. MESEREAU: Okay. I will do that.

Q. Ms. Arvizo, in your deposition in the J.C. Penney case on Monday, December 18th, 2000, you had admitted you had filed a state disability claim, correct?

A. Yes. Years prior.

Q. You said you filed a claim for depression, true?

A. Yes.

Q. You were asked if your marriage had caused depression. Do you remember that?

A. No, I don't remember that.

Q. Would it refresh your recollection if I just show you those pages?

A. No. But if it's on there, it's correct.

Q. You were asked was it your marriage, and your answer was, "No, I was just sad about being a nobody," correct?

A. And I'm still a nobody.

Q. In your effort to obtain money in that lawsuit, you didn't want anyone to think you had had any depression from -- caused by David, correct?

A. That's incorrect.

Q. When did you last see Brad Miller?

A. When did I last see Brad Miller?

Q. Yes.

A. When he was standing right next to -- next to the camera, in the rebuttal video. Right there. Here's the camera. Here's Brad Miller. Right there. I think. That's my best remember -- my best recollection.

Q. The interview with the DCFS was the morning after the rebuttal video.

A. Oh, that’s right. He did come afterwards and -- that’s -- go ahead.

Q. Was Brad Miller at the meeting with the representatives of the Department of Children & Family Services?

A. No, he wasn’t present there when they were there.

Q. So was the last time you saw him, that you can recall, where you did the rebuttal video? Was that the last place you saw him?

A. He did come afterwards, after the ladies had left. The ladies were no longer in my apartment. He did come afterwards.

Q. Was it your idea to have the DCFS interview at Major Jackson’s home?

A. I think so.

Q. Why?

A. I don’t remember.

Q. Were you living at Major Jackson’s home --

A. No.

Q. -- when you had that interview?

A. No.

Q. Did you represent to the social workers from the DCFS that that was your home?

A. No, I told them this was my boyfriend’s home.

Q. Did you tell him that your children ever stayed there?

A. I did tell them that we visited there.

Q. Was your intent to make them think that’s where your children lived?

A. Absolutely not. They know where I lived. I lived in East L.A. on Soto Street. They knew that.

Q. Now, I believe you told the jury that at that interview was someone named Aja Pryor, correct?

A. Aja Pryor, yes.

Q. And Aja Pryor at the time, as far as you knew, was actor and comedian Chris Tucker’s fiancee, right?

A. At that time that’s what I felt. They do have a baby together.

Q. And her baby was there for the interview, right?

A. Yes.

Q. And after the interview was over, you drove somewhere with Aja Pryor, didn’t you?

A. Incorrect.

Q. Did you ever drive with Aja Pryor anywhere after the interview?

A. No.

Q. Did Aja Pryor ever drive you to Neverland at any time?

A. No.

Q. How often did you used to talk to Aja Pryor during this time period?

A. Often.

Q. Would you call her?

A. Yes.

Q. Would she call you?

A. We’re talking about a friendship that had gone on for years. So can you specify the time period?

Q. Sure. Let’s say between January of 2003 and April of 2003.

A. Okay. Prior to Neverland, it was back and forth phone calls. During Neverland, it was -- there was no return phone call that she can call me back on.

Q. Do you recall Miss Pryor ever driving your children to Neverland?

A. Yes.

Q. When was that?

A. That was right after the CPS interview, when Asaf had escorted Aja and the children to the car. And they were being followed.

Q. Did you ask --

Move to strike the comments.

THE COURT: Denied.

Q. BY MR. MESEREAU: Did you ask Miss Pryor to drive your children to Neverland after the DCFS interview?

A. No.

Q. Do you know why she did that?

A. That was already prearranged.

Q. How was it prearranged?

A. Well, it was already in a conversation prior, per Frank's instructions.

Q. Did you ever ask Aja Pryor for the keys to Chris Tucker's car?

A. No.

Q. To your knowledge, did Davellin ever do that?

A. No.

Q. Do you recall ever being in a call with Davellin where you and Davellin asked Aja Pryor to the keys to Chris Tucker's automobile?

A. No.

Q. Do you recall discussing going to Brazil with Aja Pryor?

A. Like I had told you, remember those conversations that I would have and try to slip something in? So at the end of the -- all these people could put this puzzle together as to where me and my children were finally at.

Q. Do you recall telling Aja Pryor that you were excited to go to Brazil?

A. No.

Q. Do you recall inviting Aja Pryor to go to Carnaval in Brazil with you?

A. No.

Q. When's the last time you saw Aja Pryor?

A. I think it was the CPS meeting. I think that was the last day.

Q. I'd like to ask you some questions about some of the interviews you gave the sheriffs in Santa Barbara, okay?

A. Okay.

Q. I'm just going to go through those interviews.

You indicated in one interview that you were studying to be an orthopedic technologist, correct?

A. Yes.

Q. And was that true?

A. Yes.

Q. And where were you doing that course of study?

A. I was doing that at a vocational school in Orange County.

Q. And what years did you attend there?

A. I attended approximately in 2003.

Q. Did you finish that course?

A. No.

Q. How long did you go to school there?

A. Probably summer and attempted to try to finish fall.

Q. You mentioned to the sheriffs that you knew Carol Lamir, correct?

A. Yes. That's David's girlfriend.

Q. Well, before you thought she was David's girlfriend, you knew her in another capacity, correct?

A. Yes, David and I both knew her.

Q. And how did you know her?

A. Through -- she doesn't like to call herself grandmother, but she actually is the grandmother to -- to one of the children that was taking tap dance lessons where my children were.

Q. And you met her at that school, correct?

A. This is correct.

Q. Okay. Did you stay in touch with her for any length of time after you met her at that school?

A. David did.

Q. Did Davellin ever stay at her house, to your knowledge?

A. Davellin stood, I think, when Gavin had gotten ill, I think for less than one month. And I came to find out that all she wanted Davellin was to clean her house. And so I put a stop to that.

Q. To your knowledge, how many evenings did Davellin stay at Carol Lamir's house?

A. I can't remember. But the best one who could remember that would probably be Davellin. We're talking five years ago.

Q. Do you know if she spent weeks there?

A. I don’t think so.

Q. Did you often know if she was going to stay there?

A. Of course.

Q. Would she ask your permission to stay there?

A. No, she didn’t want to go to her house anymore. And I came to find out is because all Carol wanted her was to clean her house.

Q. But you don’t know approximately how many nights Davellin stayed at Carol Lamir’s home, right?

A. No. Please. My son had cancer, I....

Q. Do you know approximately what year Davellin was staying at Carol Lamir’s home?

A. Yes, this was when Gavin had cancer, in 2000.

Q. Did you ever tell Aja Pryor that your family was being held against their will?

A. Yes.

Q. When was this?

A. I think -- I think it was during the hotel period. That’s the best I can remember. I -- I tried to reach different people.

Q. And you specifically remember telling her that you were being held against your will?

A. Yes.

Q. Do you remember ever asking her to call the police?

A. No. That was another thing I slipped in, and I was always hoping that these people would call themself. This way the call didn’t come from me. Quick slip-in.

Q. Now, during the DCFS interview, Aja’s present at Major Jackson’s home with three social workers from Los Angeles, correct?

A. Yes.

Q. You never say anything about your being held against your will, correct?

A. That’s correct. Because Asaf had already told me -- he already had warned me prior to them -- the ladies coming in.

Q. You saw Major Jackson when you arrived that morning, correct?
A. Yeah -- I think so. But it was a new relationship with Jay, and he was a -- now he has softened up, but back then was very completely organized.
Q. The first time you visited Neverland, did you tell the jury you didn’t know where your sons were the first evening?
A. Which -- are you talking the police report?
MR. ZONEN: I’ll object as vague.
MR. MESEREAU: I’ll rephrase it if it’s unclear.
THE COURT: All right.
Q. BY MR. MESEREAU: The first time you, your husband and your son -- excuse me, you, your husband and your children visited Neverland, do you remember when that was?

A. Yes.
Q. And approximately when was that?
A. In August of 2000.
Q. Do you remember where your son stayed that first evening?
A. In Michael’s house.
Q. How did you know they were staying in Michael’s house?
A. Because Gavin had asked.
Q. Did you hear Gavin ask?
A. Yes, I did.
Q. Do you know approximately where he made that request?
A. No, I don’t remember.
Q. Did he make that request at the dinner table, to your knowledge?
A. You know, I -- I can’t remember that part.
Q. Did you --
A. We’re talking five years ago.
Q. Did you have any discussion with Michael Jackson about where your sons were going to stay that evening?
A. I didn’t -- he didn’t talk to me. I didn’t talk to him. It was David talking to Michael.

Q. So as far as you know, the first night you were there, your sons were staying somewhere in the main house, but you didn’t know where, right?

A. This is correct.

Q. And you assumed that David knew where; is that correct?

A. I assumed that children stay with children. That’s what I assumed.

Q. Did you see your sons the next day?

A. Yes.

Q. Did you ask them where they had stayed that evening?

A. No, I didn’t. They had told me that they had played, and that was good.

Q. Did you then stay at Neverland a second night?

A. I think so. Yes. Yes, yes.

Q. And was it your belief that your sons stayed in the main house that night?

A. Yes, they did.

Q. Did you see them the next morning?

A. Yes.

Q. Did you ask them where they had spent the evening?

A. No. I didn’t -- now I know a lot of things. Now I know --

MR. ZONEN: Objection; nonresponsive.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you stay at Neverland a third night during that first visit?

A. I don’t remember how many days we stayed there, but I know it was just days. And that’s it. You’re going to walk me through each room -- I mean each door, each day, and I don’t know.

Q. Do you think you stayed more than two nights at Neverland during that first visit?

A. Definitely more than two, but definitely less than -- less than a week. It was just days. But I can’t remember, it was five years ago.

Q. Did you ever at any time ask your sons during that first trip to Neverland where they had spent the night?

A. No. No, I didn't. But I've learned things now --

MR. ZONEN: Objection; nonresponsive.

THE COURT: Sustained.

MR. MESEREAU: Move to strike.

THE COURT: Stricken.

Q. BY MR. MESEREAU: In one of your initial interviews with the sheriffs, you talked about Michael Jackson giving a big gift for Gavin, which was a car, correct?

A. Yes. It looked exactly like the O.J. Simpson truck.

Q. Was it an SUV?

A. It was -- it was an old car. It looked like just the O.J. Simpson Bronco thing.

Q. It wasn't a Bronco, was it?

A. Oh, no. No. That's incorrect. Thank you. You're right. It was a laptop computer. The truck came afterwards.

Q. Okay. I'm focusing on just the truck. Okay?

A. Okay. Because you had mentioned the truck, so --

Q. Well, you said it looked like Mr. Simpson's Bronco, but it was really a Chevy Blazer, wasn't it?

A. No. I think it was a Ford Bronco.

Q. At some point, didn't you refuse to return the registration to that car?

A. I didn't have no registration.

Q. Did you ever keep any of the papers associated with that car?

A. No, a VIN number.

Q. Did you ever tell the sheriffs in any interview, "I have the papers associated with that car"?

A. I have papers that -- I wrote down the VIN number.

Q. Anything else?

A. No, that's it.

Q. You were upset that that Blazer was

returned, weren't you?
A. No.
Q. You never were upset?
A. No.
Q. Did you ever think it was wrongfully kept by Mr. Jackson?

A. No. What I thought was wrong is that they wanted Gavin to come back alone to pick it up, that's what I thought. That was the uneasy part.
Q. Did you ever complain to anyone that, "Michael Jackson said he would repair the car and we never saw it again"?
A. No, I didn't complain. That was just information that -- the police wanted to know every detail, so that was the best I can recall. And we're talking about in 2001. This is four years ago.
Q. Now, at some point, you said that Mr. Jackson gave your son a laptop computer, right?
A. Yes, he did.
Q. And do you know approximately when that was?
A. That was the first visit that we had gone to in August of 2000.
Q. And did you actually see that computer?
A. Yes.
Q. And was that returned at some point also?
A. Yes, it was.
Q. Do you remember telling the sheriffs that you had kept the VIN number and registration?
A. Okay. Now I know the difference. It was only VIN number. The paperwork of the VIN number. That's all.
Q. So when you said "registration," it was a mistake?

A. Yes. It's VIN number, that big long number.
Q. All right. And you also complained about Michael's people taking the computer back, correct?
A. No, I didn't complain. I had just made them aware, that's all.
Q. And when you say you made them aware, who

were you talking about?

A. The police.

Q. Okay.

A. Because they wanted every detail that I can possibly remember, so it was just information.

Q. Okay. You never complained to any sheriff that the computer had been returned when it really belonged to Gavin?

A. No. It was information.

Q. Okay.

THE COURT: Counsel?

MR. MESEREAU: Oh, okay.

THE COURT: Take our morning break.

(Recess taken.)

--o0o--

REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 6546 through 6597 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 18, 2005, and thereafter reduced to typewriting by computer-aided

transcription under my direction.

DATED: Santa Maria, California,
April 18, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

MONDAY, APRIL 18, 2005

8:30 A.M.

(PAGES 6599 THROUGH 6769)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
JACKSON, Janet	6743-Z			

E X H I B I T S

		FOR	IN
PLAINTIFF'S NO.	DESCRIPTION	I.D.	EVID.
819	16 pages of photographs	6754	6759
820	J.C. Penney settlement amount document - Gavin Arvizo	6752	
821	J.C. Penney settlement amount document - Star Arvizo	6752	
DEFENDANT'S NO.			
5000-A	Transcript of Brad Miller interview	6606	
5009	Recommended Statement by Janet Ventura	6723	6723

THE COURT: Counsel?
MR. MESEREAU: Yes, thank you, Your Honor.
Q. Ms. Arvizo, you mentioned to the sheriffs in one of your initial interviews that Michael had sent gifts to Gavin, correct?
A. Yes.
Q. And what gifts do you recall Michael Jackson sending to Gavin when Gavin was ill?
A. When Gavin was ill?
Q. Yes.
A. Go through the whole list?
Q. Sure. Whatever you can remember.
A. The best I can remember is the computer, the -- I think it was a Bronco - I just have a picture of it - white, Christmas gifts, and that was all, when he was sick.
Q. And what --
A. That's the best I can remember.
Q. Do you remember anything being delivered at the hospital for Gavin from Michael Jackson?
A. Yes, a big gift basket.
Q. Okay. Do you remember toys like Play Station 3, things like that, being delivered to Gavin for Michael?
A. Okay, I was incorrect in saying Play Station 3. It was a Play Station 2, and that was during Christmastime.
Q. Is that all the gifts you remember Gavin

ever receiving from Michael Jackson?
A. This is the best I can remember, when Gavin was sick.
Q. When Gavin wasn't sick, do you remember other gifts being given?
A. Yes. Michael would send things through -- through like a courier, messenger, something like that, give baskets, and was saying, "I love you, Gavin."
Q. Do you remember telling the sheriffs that when Michael Jackson gave those gifts and those messages, you assumed he was trying to cure him, because Gavin was ill? Do you remember saying that?

A. No, I don’t think that’s exactly correct how you’re saying it. But I feel when Gavin was sick, there were just things that were get-you-well gifts, I guess, I don’t know. The only thing that made me uneasy was --
MR. MESEREAU: Objection; move to strike.
THE COURT: Overruled. And you interrupted her answer.
Q. BY MR. MESEREAU: Do you remember telling the sheriffs Michael Jackson would leave messages at your home for Gavin?
A. Yes. He would leave -- what kind of messages? Phone messages?
Q. Yeah. He’ll say things like, “I’ll never forget you,” and things like that, right?

A. Okay. The best I can remember, Gavin had his own private phone number, own answering machine, because his room had to be sterile. And Michael knew that it was his private -- private phone line. And that’s where Michael would leave the phone messages.
Q. And you told the sheriffs when you were discussing those messages, referring to Michael Jackson, “He’s saying it out in the open. You know, you know, he’s saying it probably because he’s ill, trying to cure him.” Do remember that?
A. Yes. That again is my own cluelessness.
MR. MESEREAU: Move to strike.
THE COURT: The part after “Yes”? After “Yes,” is that --
MR. MESEREAU: Yes, Your Honor.
THE COURT: All right. I’ll strike it.
Q. BY MR. MESEREAU: Now, you learned at some point that Star, your son Star, had done a video at Neverland with Mr. Jackson, correct?
A. Yes.
Q. And when did you learn about that video?
A. I think in Miami. That’s when I learned that.
Q. And have you ever seen that video?
A. I’ve never seen that video.
Q. Okay. When Star was at Neverland making

that video, did he ever discuss it with you?

A. No.

Q. You’ve described your first trip to Neverland, okay? When was your second trip to Neverland?

A. I think it was the -- Aja and Chris’s baby boy’s birthday party that Aja and Chris took their -- almost their entire whole family. He had them flown in from Atlanta, Georgia.

Q. And approximately when was that trip?

A. That was approximately -- I think it was early September in 2002.

Q. After your first trip to Neverland, your children went back with David on a couple of occasions, did they not?

A. Not my children. My two boys. They went -- do you want me to say?

Q. Sure.

A. Okay. The initial visit, the best I can remember - always, please, dates, best I can remember - is August 2000. And then both my boys returned with David to Neverland. Davellin did not return. Davellin stood with me. So --

MR. MESEREAU: Okay. Your Honor, we have lodged with the Court a transcript of the Brad Miller interview, and I believe it’s Exhibit 5008.

THE COURT: Thank you.

THE CLERK: Is it received into evidence?

THE COURT: No.

Q. BY MR. MESEREAU: During -- let me get this straight now. You went the first time with David and your children, and there were a couple of times after that that David just took your sons, correct, to Neverland?

A. It was one other time.

Q. Okay. Was there just one other trip with David and the sons alone?

A. Yes.

Q. All right. And when do you think that was?

A. That was right after, also.

Q. And how long a trip was that, if you remember?
A. The best I remember, it was also -- it was also days.
Q. Do you know where your sons stayed, during that trip, in the evening?
A. No, I don’t. The best -- you can probably ask the boys.
Q. Did you ever ask them yourself where they had stayed during that next trip with David?
A. No.
Q. Did you ever ask David where they had stayed during that trip?
A. No.
Q. Before 2003, how many times did you personally visit Neverland?

A. Before 2003?
Q. Yes.
A. Before 2003, best I can remember was the initial visit that I went. I think it was August 2000. And then with Chris and Aja’s baby boy’s birthday party in early September 2002.
Q. Now, during Chris and Aja’s birthday party, Mr. Jackson was not present, right?
A. Yes. Mr. Jackson was not present.
Q. And did you stay in the guest quarters?
A. Not at all. It was only a day visit. It was a birthday party. That’s all it was.
Q. You came in that morning and left that evening?
A. Yes.
Q. Now, at some point your children are at Neverland when the Bashir documentary was filmed, right?
A. Yes.
Q. And do you recall approximately when that was?
A. Approximately -- this is the best I can remember. Gavin had done -- had a biopsy done on his kidney. Then the baby boy’s birthday party. And then the film that I now know -- am aware of.
Q. How did your children get to Neverland when

the Bashir documentary was filmed, if you know?

A. Yes. Michael picked them up from my East L.A. apartment. He had a driver, and then they went over there. They stood the night, and they came the next day.

Q. Did Chris Tucker introduce you to other celebrities?

A. No. Not me. David, yes. And the children.

Q. To your knowledge, what celebrities did Chris Tucker introduce David to?

A. I don’t know.

Q. To your knowledge, what celebrities did Chris Tucker introduce your children to?

A. I think one of them was Jackie Chan. And that’s the best that I’m aware of. That’s it.

Q. Do you recall Chris Tucker introducing your children to Mike Tyson?

A. Oh, that’s correct. Yes. Chris took the children to Mike Tyson’s house.

Q. Now, was it in Las Vegas?

A. Yes, this was in Las Vegas.

Q. Were you there during that trip?

A. There’s actually more than one trip there.

Q. Okay. Did you take more than one trip to Las Vegas with Chris Tucker?

A. No.

Q. Did you take any trips to Las Vegas with Chris Tucker?

A. One.

Q. Was that the trip when your children met Mike Tyson?

A. No.

Q. Did you ever meet Mike Tyson?

A. Never.

Q. Okay. Did you at some point meet Louise Palanker?

A. Yes, I did.

Q. And where did you meet Louise Palanker?

A. Through the comedy camp. Through Jamie.

Q. At some point do you recall Louise Palanker writing a check for $10,000 to you?

A. What time period are we talking about? At any time?

Q. Sure.

A. This was when Gavin had become ill.

Q. And do you recall that check being written to Janet Arvizo?

A. Yes, I became aware of that.

Q. And do you recall it being deposited into your mother’s account?

A. It was cashed through my mom’s account.

Q. Did you cash that check?

A. No.

Q. Did you endorse that check?

A. Yes, I think I did.

Q. Okay. And do you recall at some point a second $10,000 check being written by Louise Palanker to David Arvizo?

A. Yes, I did.

Q. And do you recall that check being deposited into your mother’s account?

A. It was cashed through my mom’s account.

Q. At that point in time, did you have any bank account?

A. At that point in time, no, I didn’t.

Q. At that point in time did David have any bank accounts?

A. No, he didn’t. Well, actually, I think -- no. The best I can remember, no, I don’t think so. I don’t know.

Q. At that point in time, had you set up any bank account for Gavin’s benefit?

A. No.

Q. At some point did you set up a bank account for Gavin’s benefit?

A. Yes, I think so.

Q. Do you know when that was?

A. I think that was in -- the best I can remember, maybe October. Maybe November. That’s the best I can remember.

Q. And did you personally deposit money into that account?

A. Yes.

Q. And was that money that you raised at The Laugh Factory?

A. No.

Q. Was that money that you got from fund-raisers for Gavin?

A. With -- attached to The Laugh Factory?

Q. No. Let me rephrase the question. The money that you deposited into the account you set up for Gavin, do you remember that account?

A. I -- I don’t think I personally deposited things. They were deposited.

Q. Okay. That was an account set up at -- was it Washington Mutual?

A. Yes.

Q. And that was across from The Laugh Factory, wasn’t it?

A. Pardon me?

Q. Was that bank near The Laugh Factory?

A. There’s Washington Mutuals everywhere.

Q. Was this particular branch near The Laugh Factory where you opened the account?

A. No, it wasn’t.

Q. Where was it?

A. The best I can remember, it was -- it was done, I think, in -- well, near the Hollenbeck Division.

Q. And you made deposits for the benefit of Gavin, right?

A. I think the majority of them, they were deposited on their own.

Q. So people went to the bank and deposited money on their own into Gavin’s account?

A. I think so, yes.

Q. Did you ever deposit any money into that account for Gavin’s benefit?

A. The best I can remember, I don’t think so.

Q. All right. Now, when the $10,000 check that Louise Palanker wrote to you was placed into your mother's account, you say that it was basically -- cash was taken out immediately; is that correct?

A. The best I can remember, I think there had to be a waiting period or something like that. And then it could be cashed.

Q. And you endorsed the check, right?

A. Yes, I think so.

Q. And did you get some of the money?

A. No, everything was handed to David. David loved having the sense of authority, and I was like his personal secretary.

Q. So you're saying none of that money went to your benefit, right?

A. It was -- like I said, David had the authority. I was like David's personal secretary.

Q. Okay. So you're telling the jury that you never spent any of that money for yourself, correct?

A. I'm telling the jury I was as -- like David's personal secretary.

Q. Did any of that money go to the benefit of Gavin, to your knowledge?

A. I think so.

Q. Do you know so?

A. I think so.

Q. You're not sure?

A. No, I think so.

Q. Okay. What do you think it went to?

A. I --

MR. ZONEN: Objection; asked and answered.

THE COURT: Overruled.

You may answer.

THE WITNESS: I think it went to credit cards, to food, to -- just different things. Whatever David would instruct me to do.

Q. BY MR. MESEREAU: And the second $10,000 check that Louise Palanker wrote was also --

A. I was talking -- I was referring to both.

Q. Okay.

A. So it's going to be the same information.

Q. Okay. Let me just go through the second one, make sure.

Louise Palanker wrote the first check for

$10,000 to Janet Arvizo. It was deposited for cash, and you believe it was spent on matters related to Gavin, correct?

A. No. There was -- Louise Palanker, there was no strings attached. It was just to the family.

Q. And you’re not sure whether -- what that was spent on. You think credit cards, right?

A. We’re talking five years ago. And the best I can remember, it was to the family, and I did everything that David instructed me to do.

Q. Let me ask you about the second $10,000 check from Louise Palanker.

A. Again, I’m lumping both of them. Because it was both the same thing.

Q. So as far as the second $10,000 check goes, you pretty much did what David asked you to do with the money, right?

A. That’s correct.

Q. All right. And other than credit cards, you’re not that sure what it was spent on, right?

A. No.

Q. You think maybe food, right?

A. I think so.

Q. Okay.

A. And whatever David kept for his pocket.

Q. And you never kept any for your pocket, right?

A. No.

Q. Okay. Were you employed at that point?

A. Yes, I was.

Q. And where were you working then?

A. I was a waitress.

Q. Okay. Where was that?

A. The Bonaventure Hotel.

Q. And is that when Gavin was in the hospital?

A. Yes.

Q. Okay. And did you work there full time?

A. Yes, I did.

Q. Okay. Did you learn at some point about some fund-raisers that went on at The Laugh Factory for the benefit of Gavin?

A. I came to find out everything afterwards.

Q. Did you know those fund-raisers were going on when they actually happened?

A. I don’t think so. We’re talking five years ago.

Q. So you’re not sure whether you knew they were even going on when they happened, right?

A. No, I would find out afterwards.

Q. Now, were you in touch with Jamie Masada at this point in time?

A. Just a little bit.

Q. Was he a friend of yours at that point in time?

A. Yes, he is a friend of mine. And he was a friend of mine at that point.

Q. And he still is a friend of yours, right?

A. He still is a friend.

Q. All right. And you had met him when your kids were going through the comedy camp, right?

A. Yes.

Q. You knew him to have assisted Gavin when Gavin was ill in the hospital, right?

A. Yes.

Q. You were in touch with him at that point in time, right?

A. Yes.

Q. But you’re not sure if you knew when these fund-raisers were going on?

A. That’s correct. I would find out afterwards. And not because David told me, but because Jamie would tell me.

Q. Do you recall Fritz Coleman, the newscaster, helping with any fund-raiser?

A. No.

Q. Do you recall David -- excuse me. Do you recall George Lopez ever trying to help Gavin?

A. No.

Q. Knew nothing about that?

A. No.

Q. Okay. Never met with him and thanked him for what he had done for your family?

A. No. I thanked him through Ann Lopez, because Ann Lopez would pray with me on the phone.

Q. Did you ever meet with George Lopez and give him a gift and thank him for what he had done?

A. I had given him a mustard seed faith amulet, because he had told me that he had lost his key chain, so I had given mine, the one I would carry.

Q. Okay. So when -- excuse me.

When any fund-raisers were being planned at The Laugh Factory for Gavin, you were not involved, right?

A. That is correct.

Q. And Jamie Masada didn’t tell you what he was planning, right?

A. This is correct.

Q. Okay. Louise Palanker never told you what she was planning, correct?

A. This is correct.

Q. And you don’t even know who attended those fund-raisers, right?

A. This is correct.

Q. Because you never discussed a fund-raiser with Louise Palanker, right?

A. This is correct.

Q. Never discussed a fund-raiser with Fritz Coleman, right?

A. This is correct.

Q. And never discussed a fund-raiser with Jamie Masada, right?

A. This is correct.

Q. Do you recall ever speaking to someone at a local newspaper in El Monte about Gavin’s illness?

A. Yes.

Q. And who did you speak to about Gavin’s illness?

A. The best I can remember, I think her name

was Christie. And she had expressed to me -- I felt sorry for her, because she had told me that -- she was an elderly lady and she was trying to start a new career and -- start a career in journalism, because she never had had the chance. So when she expressed herself like that, I went ahead and spoke to her about my son’s illness.

Q. So you were really doing her a favor is what you’re saying.

MR. ZONEN: Objection; argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Are you saying you were trying to help this person with her career; that’s why you spoke about Gavin?

MR. ZONEN: Objection. Argumentative and irrelevant.

THE COURT: Just a minute.

I’ll sustain the objection as argumentative.

Q. BY MR. MESEREAU: Do you recall asking Miss Causer to put an article in her newspaper so you could raise money for Gavin?

A. I think how this came about, if -- I’m trying to understand his question -- was I went ahead and spoke to her about my son’s illness because the editor there is David’s good friend of his sister, and it was David and his sister that went to this editor and brought this about.

I purely wanted to speak to her only about

my son’s illness because she had expressed to me that she was an elderly lady trying to start a new career.

Q. Did you tell this lady that it cost $12,000 per chemo treatment for Gavin?

A. What I told this lady was that it was $1200 for the -- it’s called Neupogen injections. Gavin had to have these injections right after chemotherapy. So when it appeared that way, it was a typo. They added an extra zero, first of all.

And then second, I had expressed to her that continuously we’re experiencing miracles, and that when -- that David had went to the -- to the -- where they were processing the Neupogen injections. They made him aware how much this would cost if it would have came out of anybody’s pocket.

But, no, at no time did I say it was costing us a single penny. So I told her basically that it was a miracle of God that it was being covered.

Q. You're telling the jury that you told her it was $1200 for a treatment, and there was a typo that said 12,000?

A. No -- that's correct. $1200 for the Neupogen injections, not for the treatment injections. And if you want to be completely -- that's part of his care.

Q. Did you see the article that appeared in the Mid Valley News?

A. Yes, I did.

Q. And did you ever complain about what was in the article?

A. David said he was going to take care of it, because David's sister is the editor's real good friend, and David's sister and the editor and David had -- this is where that had originated.

Q. You told Miss Causer that several celebrities were doing fund-raisers to help pay for Gavin's chemotherapy, didn't you?

A. I think what I told her was that they were helping. And to me, "help" meant sitting by Gavin, feeding him the water -- the cantaloupe, things like that. That's what I meant by "help."

Q. Did you tell Miss Causer that various celebrities were doing fund-raisers to help pay for Gavin's chemotherapy?

A. No.

Q. Did you complain to Ms. Causer that the first article about Gavin did not mention the bank account at Washington Mutual?

A. No.

Q. And did you ever complain to Miss Causer about the typo which said chemo cost 12,000 per treatment?

A. David said he was going to take care of it because the editor was David's sister's good friend.

Q. Do you recall Miss Causer visiting your

address on Ramer Street?

A. She did come to where my son's sterile room was, and that would be my mother's home.

Q. And do you recall her bringing a turkey?

A. No, she didn't bring a turkey.

Q. Do you recall anyone from that newspaper ever bringing you a turkey?

A. No.

Q. And did you ever complain to anyone at that newspaper that a turkey wasn't enough. You wanted, in effect, money?

A. That's incorrect.

MR. ZONEN: I'm going to object as to the content of an article as impeachment.

THE COURT: The objection is overruled.

You may answer.

She was interrupted. Have the question read back.

THE WITNESS: I heard -- I remember it.

It's incorrect.

Q. BY MR. MESEREAU: You do remember the article appearing, though, right?

A. The one by -- the one that you guys encouraged to be put out there?

Q. No, the one that you encouraged to appear in the Mid Valley News.

A. The one that I helped the lady with, yes.

But it didn't say nothing about no turkey dinner

there.

Q. Did you do anything to help arrange for any fund-raisers for Gavin at any time?

A. No.

Q. Did you ever ask anyone for any assistance at any time for Gavin?

A. No.

Q. At some point you said to the sheriffs you did not trust Chris Tucker, correct?

A. He's taking that out of context.

MR. ZONEN: I'll object as irrelevant, the question, and nonresponsive; move to strike.

THE COURT: The objection is overruled.

THE WITNESS: Chris Tucker --

THE COURT: Just a moment.

Read the question back to her.

(Record read.)

THE WITNESS: That’s incorrect. He’s taking it out of context. Chris Tucker is a decent person. It was in response to afterwards, Chris Tucker was budding around with Michael afterwards. That’s all that was referring to. I didn’t trust, because he may have innocently communicated something to Michael, and since I already had -- was in the process of deprogrammizing my children from being brainwashed, that I didn’t want Chris Tucker to communicate something innocently to him, and that was it. Chris Tucker has always been a decent person to my children.

MR. MESEREAU: Move to strike.

THE COURT: After “That’s incorrect” is stricken.

Q. BY MR. MESEREAU: Now, you indicated at one point that Brett Ratner -- excuse me. You indicated at one point that Brett Ratner met your family, true?

A. Yes.

Q. And did you personally meet Brett Ratner?

A. I personally didn’t -- was not introduced to him, but I knew that he was the director.

Q. And how did you learn who he was?

A. Because Chris Tucker had pointed him out to me; that he was the director.

Q. Have you ever met him to this day?

A. I never was introduced.

Q. Have you ever talked to him on the phone?

A. I’ve never talked to him on the telephone.

Q. Okay. Do you know how many fund-raisers took place at The Laugh Factory to help your family?

A. No.

Q. Do you know, as you sit here today, when any fund-raisers at The Laugh Factory took place for your family?

A. As I sit here today how many?

Q. Yes.

A. No.

Q. Do you know approximately when any fund-raisers took place at The Laugh Factory for your family?

A. No.

Q. Did you ever see Jamie Masada at the hospital when Gavin was ill?

A. I think -- I think maybe once. I think maybe once.

Q. And did you ever discuss with Jamie Masada efforts being made to raise money at The Laugh Factory?

A. No.

Q. Do you recall Fritz Coleman, the newscaster, visiting your home in East Los Angeles?

A. Yes, I do. This was before my son was ill.

Q. Were you there during the visit?

A. Yes, I was there.

Q. Were you ever aware at any time that Fritz Coleman had tried to raise some money for your family?

A. No.

Q. When's the last time you saw Fritz Coleman?

A. Let me see. I think the best I can remember was -- I think he was at the hospital and he was already leaving when I was arriving. I think that's the best I can remember. So it was a matter of just minutes.

Q. Okay. Did you ever speak to comedian George Lopez about Gavin?

A. Yes.

Q. And approximately when did you speak to comedian George Lopez about Gavin?

A. I think -- I think when he first became ill, and then the next time when he was visiting Gavin. And that's -- I gave him the mustard seed amulet key chain.

Q. Did you ever know anything about George Lopez trying to put together a fund-raiser for Gavin?

A. No.

Q. Did you ever discuss with Louise Palanker ways to raise money for the family?

A. No.

Q. Do you know why Louise Palanker wrote her first $10,000 check to Janet Arvizo?

A. I think that’s because David requested that way.

Q. Okay. You don’t know for sure, right?

A. Well, I believe Wheezy, because she’s the one that wrote the check for the money.

Q. Okay.

A. “Wheezy” is Louise Palanker.

Q. Were you the signatory on the bank account at Washington Mutual, which was set up for the benefit of Gavin?

A. What does signatory mean?

Q. Were you the one who would actually -- could sign to withdraw money from the bank?

A. Yes. David requested it that way because David owed his brother in the thousands of dollars, so he wanted to point out to his brother Ray that I was the one that -- that’s it.

Q. Was he a signatory on that account, to your knowledge?

A. No, he wasn’t.

Q. Did you ever withdraw any money from the account?

A. Yes, I did.

Q. How much do you think you withdrew?

A. Well, everything that had always been put in.

Q. Do you remember roughly how much was in there at any time?

A. No. I can’t remember.

Q. Were there thousands of dollars in there, to your knowledge?

A. There was thousands. And I went ahead and gave all that information to the police and the D.A.’s Office.

Q. Did you ever withdraw any money yourself from that account?

A. Yes, of course I did.

Q. Did you withdraw thousands of dollars from

that account?
A. Yes, I sure did.
Q. Was any of that money used for medical expenses?
A. No, there was no need for medical expenses in the hospital, because everything was covered through Kaiser.
Q. Okay. And were you ever aware that anyone donated money to that account to help with medical expenses?
A. No.
Q. Now, you’ve told the jury you told someone at the Mid Valley News about $1200 per type of treatment, correct?
A. And I was expressing to her that -- that thank God our family is experiencing a lot of miracles, and that was covered.
Q. And you never mentioned the word “chemotherapy” to that person, true?
A. I think I did. It was -- it was a little story about my son being ill.
Q. Did you ever mention the cost of chemotherapy to Miss Causer?
MR. ZONEN: I’m going to object as asked and answered.
THE COURT: Overruled.
You may answer.
THE WITNESS: I think what I was telling her

was a story complete about the miracles that we were experiencing. That’s it.
Q. BY MR. MESEREAU: Did you know the article was going to be published?
A. Yes.
Q. Did you see it when it was published?
A. Yes, I did. And that’s when David said he was going to take care of it.
Q. And based on what you read, did you think it was a request for assistance?
A. No.
Q. Okay. Now, did you go with Chris Tucker to

Knott's Berry Farm?

A. No.

Q. And did your children?

A. Yes.

Q. Do you know when that was?

A. Yes. They went with Chris, Aja, David and the children.

Q. Do you know approximately when that was?

A. When Gavin was ill.

Q. Were you talking to Aja Pryor on a regular basis at that point?

A. I don't think so.

Q. Okay. When did you start communicating with Aja Pryor on a pretty regular basis?

A. Our friendship -- probably -- it just grew very slowly, to the point where we were -- we were speaking almost -- almost maybe a few -- four times a week. But it started out very slow.

Q. Did you ever tell Aja Pryor that all of the money that came from the fund-raisers for Gavin was spent on David's drug habit?

A. I don't think so. It may have --

Q. No?

A. It may have probably -- I know the children and I had conversations with her. So --

Q. Did you ever tell Aja Pryor that the money from the fund-raisers for Gavin was spent on David's drug habit?

A. I don't think so.

Q. Do you know for sure?

A. I'm for sure more towards I don't think so.

Q. Isn't it true that after you told Aja Pryor that the money for the fund-raisers was spent by David on drugs, she went to her bank and got a $600 check for you and the family?

MR. ZONEN: Objection. Compound and assuming facts not in evidence.

THE COURT: I'll sustain the compound.

Q. BY MR. MESEREAU: Do you remember Aja Pryor going to a bank and getting a $600 cashier's check for you and the family?

A. He's incorrect.

Q. Did she ever do that?

A. You're letting me answer?

Okay. Aja was leaving out of town to Atlanta, Georgia. She had told me -- I had -- me and the children had bought her, Chris and the baby some Christmas gifts. Aja then told me, "Janet, I don't have time for shopping. Please buy the children some Christmas gifts." She's flying out -- out of town to go to Atlanta, Georgia. And that's what happened.

Q. But you never mentioned to Aja anything about fund-raisers for Gavin, true?

A. No.

Q. You never mentioned to Aja that money from fund-raisers went to support David's drug habit?

A. I don't think so.

Q. Do you remember telling Aja that David was taking money from fund-raisers for Gavin?

A. I don't think so.

Q. Do you remember having a discussion about fund-raisers for Gavin with anybody?

A. No.

Q. Do you remember receiving any money from Chris Tucker?

A. I became aware of this afterwards, now, through the police investigation, that he had wired some money into the account.

Q. Which account?

A. The Washington Mutual.

Q. That was the account you were a signatory on, correct?

A. You've explained "signatory." So it's still the same meaning the way you're using it, correct?

Q. Yes, it is.

A. Yes. Yes. Which I withdrew the money and gave it to David.

Q. And you're saying -- telling the jury under oath that you never knew Chris Tucker had wired that money into that account until the police told you?

A. That's correct.

Q. Do you know approximately when this was?

A. Now, per the police investigation, I think it was -- I think it was in December or January. I think it was within those time -- months.

Q. And you had received --

A. And at that point, that's when Chris and -- David was going everywhere with Chris.

Q. And that's the point in time where you were associating quite a bit with Aja, right?

A. No, our friendship did not begin with Aja until -- until David was out of the picture. I hardly even spoke to Aja. My friendship did not begin with her until David was out of the picture.

Q. And where did the 2,000 from Chris Tucker go, if you know?

A. Well, yeah, I withdrew it and gave it to David, and that's when David had gone to Las Vegas.

Q. So, to your knowledge, you gave that money to David and it wasn't used for the benefit of Gavin, right?

A. This is correct.

Q. Do you recall any discussion with Aja or Chris Tucker about your family getting the use of one of Chris's cars?

A. Okay, say that again.

Q. Do you recall any discussion with Chris Tucker or Aja about your family using one of Chris's vehicles?

A. Okay. I'm -- I don't know what he's asking.

MR. ZONEN: I'll object as nonresponsive, or vague. She doesn't understand the question.

THE COURT: Overruled. I'll have the question read back.

THE WITNESS: Okay.

(Record read.)

THE WITNESS: It's incorrect the way he's saying it.

Chris -- Aja had her birthday. Chris had taken the children to go pick out a brand-new Mercedes for Aja. The children picked out the color for Aja, and Chris went ahead and purchased it. And that was Chris's gift, birthday gift, to Aja.

And so the car that Aja was driving, months later, Chris and Aja gave it to me and the children for a Christmas gift, but I never have driven it. I don’t have it. I don’t have ownership of it. But

that’s what he’s referring to.

Q. BY MR. MESEREAU: Did you ever ask anyone if you could use that car?

A. Never.

Q. Did you ever complain to anyone that you were supposed to be able to own that car?

A. Never.

Q. How did you learn about the car?

A. Well, because Chris had given me the keys and told me, “This is a Christmas gift. This is Aja’s old car, but we -- Aja and me want you and the kids to have it,” because Aja had been given for her birthday a brand-new Mercedes.

Q. Didn’t you complain to Aja that you had no car to drive?

A. No, I didn’t complain to Aja. It was okay for me. I drove -- I was on the bus continuously.

Q. Did you ever tell Chris you needed a car to drive?

A. Never.

Q. And never told that to Aja either, right?

A. No.

Q. Did you ever know why Chris Tucker would even discuss letting you use his car?

A. He would never let me use his car. Like I said, he gave it to me and the kids as a Christmas gift, because it was Aja’s old car that was just sitting in her driveway. No one had no -- no need

for it.

Q. To your knowledge, did Davellin ever call Aja Pryor on your behalf asking for the keys to the car?

A. No, Chris had already given me the keys.

Q. And you think he just came over there one day and just said, “Here’s a gift”?

MR. ZONEN: Objection; argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you know why Mr. Tucker was giving a gift of a car to you?

MR. ZONEN: Objection. Asked and answered and speculative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you recall Davellin telling Aja Pryor words to the effect, “I can’t wait until you get another new car. Then I can have the Mercedes”? Do you recall that ever?

A. No.

Q. Do you recall complaining to Aja Pryor about the Germans?

A. Yes. I made her aware. That’s another thing I slipped in. I tried. I tried my best.

Q. You told her you didn’t like these German people around Michael Jackson, correct?

A. No.

Q. Well, you did complain about them to her, right?

A. I didn’t complain. I made her aware. I tried to make different people aware so me and my children could get help.

Q. You told Aja Pryor you didn’t like the Germans, right?

MR. ZONEN: Objection; asked and answered.

Q. BY MR. MESEREAU: You never complained to Aja Pryor about being held against your will at any time, did you?

MR. ZONEN: I believe there was an objection, Your Honor.

MR. MESEREAU: Oh.

THE COURT: He changed the question, so --

THE WITNESS: I made her aware that they were not letting us go.

Q. BY MR. MESEREAU: To your knowledge, did she ever do anything about that?

A. I don’t know.

Q. After she drove your children to Neverland, did you speak to her?

A. No.

Q. How did you know your children got to

Neverland?

A. Because they had -- Michael's people had tabs on them. They were being followed.

Q. How did you know your children got to Neverland?

A. Because Frank told Vinnie and Vinnie told

me.

Q. And did you ever tell it to Aja Pryor after she drove the children?

A. No. On that day, no.

Q. Do you remember telling Mrs. Pryor that you had errands to run and asked her to drive your children to Neverland?

A. Me?

Q. Yes.

A. No.

Q. Okay. Did you tell Aja Pryor about your friendship with Marie Nicole?

A. Never.

Q. Ever tell Aja Pryor you liked the Cascio children?

A. No.

Q. Ever talk with Aja Pryor about Miko Brando?

A. No.

Q. Do you know who Miko Brando is?

A. Yes.

Q. Who is Miko Brando?

A. He would die for Michael. That's who he is.

Q. Who is Miko Brando, if you know?

A. I think --

MR. ZONEN: Objection; lack of foundation.

THE COURT: Overruled.

MR. ZONEN: And relevance.

THE COURT: Overruled.

You may answer.

THE WITNESS: I think I met him once. He had actually came to bring --

THE COURT: Just a minute. The question is, who is Miko Brando?

THE WITNESS: He's one of Michael's damage control, personnel assistant. He has a lot of titles.

Q. BY MR. MESEREAU: Do you know if he’s related to the late Marlon Brando?

A. This I became aware.

Q. Okay. What did you become aware of?

MR. ZONEN: I’ll object as speculative; lack of foundation; and relevance.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you meet Miko Brando at Neverland?

A. Yes. Once.

Q. Approximately when was that?

A. When he came to deliver Mr. Jackson some things.

Q. Was it your understanding he was the son of Marlon Brando?

MR. ZONEN: Objection; asked and answered.

THE WITNESS: At that time, no.

Q. BY MR. MESEREAU: Did you ever have a discussion with --

THE COURT: Just a moment.

The objection is sustained. The answer is stricken. Next question.

Q. BY MR. MESEREAU: Did you ever have a discussion with Miko Brando?

A. No.

Q. But you met him, right?

A. Yes.

Q. Okay. And was it your understanding that he worked at Neverland?

MR. ZONEN: Objection; asked and answered.

THE COURT: Overruled.

You may answer.

THE WITNESS: Okay. It was my understanding that he had multiple roles, multiple titles. One being damage control. Another one, positive PR. Another one personal assistant. He wore many hats.

Q. BY MR. MESEREAU: Do you remember telling Aja Pryor that you had learned that Michael Jackson was not going on the Brazil trip?

A. No.

Q. Do you remember ever telling Aja Pryor that once you learned Michael Jackson was not going on the Brazil trip, you didn’t want to go?

A. No.

Q. And it’s your testimony you never discussed the Brazil trip at any time with Aja?

A. I’m -- like I said to different people in the midst of the conversation, I tried to slip something in as to what was happening.

Q. Do you recall complaining to Aja Pryor that Michael Jackson was making money on the Maury Povich show and your family was getting nothing?

A. Never.

Q. Do you recall commenting to Mrs. Pryor that a college fund was being set up for Gavin by Michael Jackson?

A. No.

Q. Do you remember telling Aja Pryor, “What good will a college fund do for my son? He may not be alive in ten years”? Do you remember saying that?

A. No.

Q. Do you remember telling Aja Pryor that you had not signed releases for the rebuttal video?

A. He’s incorrect. No.

Q. Did you ever discuss the rebuttal video with Aja Pryor?

A. No.

Q. Ever complain to Aja Pryor that phone calls were being monitored at Neverland?

A. I informed her that the phone calls were being monitored. Like I said, I tried to make people aware of what really was happening in there.

Q. Did you make your lawyer, Michael Manning, aware at any time?

A. Yes, I did.

Q. Michael Manning never called the police, right?

A. That’s right.

MR. ZONEN: Objection; lack of foundation.

THE COURT: Sustained. The answer's stricken.

Q. BY MR. MESEREAU: Did you ask Louise Palanker if you could meet her at a Von's?

A. I think I did. That's when I was in a period of -- a period -- in the Calabasas period.

Q. Did you ask Louise Palanker if you can meet her at her home?

A. I think I did. I was trying anything possible to leave the grasp of him and his people.

Q. Do you know when you first met Bill Dickerman, the attorney?

A. I think I met him approximately -- the best I can remember is the 25th, because it was the same day that I had that visit, and it was on the way to over there.

Q. Do you remember complaining to Aja Pryor that you were being kept away from Michael Jackson?

A. No.

Q. Did you ever complain to her that the Germans were keeping you away from Michael Jackson?

A. No. What I was telling her was that they were keeping -- maybe you're taking that out of context; that I wasn't able to see my children anymore.

Q. Did you ever complain to anyone that the people around Michael Jackson were separating Mr. Jackson from you and your family?

A. No, no. They were separating me from my children. By the end, I had no control of my kids anymore. I had lost them.

MR. MESEREAU: Move to strike.

THE COURT: Denied.

THE WITNESS: Your Honor? I'm sorry, but I have to go to the rest room.

THE COURT: All right.

THE WITNESS: I've been holding it here.

THE COURT: All right. Would you take her back there?

MR. MESEREAU: Can Mr. Jackson go as well?

THE COURT: We're not taking a break. Just to the witness.

Let's see, Mr. Mesereau, maybe someone from the District Attorney on the hard drives, if you'll approach the bench. Maybe we could discuss that for a moment.

MR. MESEREAU: If I could, Your Honor, Mr. Sanger would --

THE COURT: Yes. Whoever. That's fine.

(Discussion held off the record at sidebar.)

THE WITNESS: Thank you.

THE COURT: Are you ready?

THE WITNESS: Thank you.

THE COURT: Excuse me. Go ahead, Mr. Mesereau.

MR. MESEREAU: Thank you, Your Honor.

Q. Ms. Arvizo, to this date, have you ever watched the Maury Povich rebuttal video?

A. No.

Q. Ever discussed it with anybody?

A. No.

Q. And did I hear you correctly that you said you had never actually watched the entire Bashir documentary?

A. That's correct. In Miami I wanted to see it. Now I don't want to see it.

Q. Did you ever discuss the Bashir documentary with anyone?

A. No.

Q. Now, you indicated that you saw Mr. Jackson licking your son's head on a plane, right?

A. Yes. This is correct.

Q. And you told the jury you at first did not believe what you were seeing, right?

A. Yes.

Q. After that flight, did you ever allow your children back to Neverland?

A. Yes.

Q. How many times?

A. Well, the whole entire time until we permanently left in March.

Q. If you can recall, how many times did you let your children go back to Neverland after you claim you saw your son’s head being licked?

A. The whole entire time until March.

Q. And how many times would that be, back and forth?

A. The best -- I can’t remember, but we’ve already walked through that.

Q. Do you think it was four times you let your children go back to Neverland?

A. They were there the whole entire time except for that time that Jesus had taken us out. Poor judgment on my part.

MR. MESEREAU: Move to strike.

THE WITNESS: I know now.

THE COURT: Just a moment.

Strike the last sentence. Go ahead.

Q. BY MR. MESEREAU: Would it be safe to say you’re not sure how many times your kids returned to Neverland after the head-licking incident?

A. The only time my children were out -- out of their grasp was when Jesus had let -- taken me and my children to my mom’s house. But the rest of the time, they were -- even if they were outside, Michael’s people were still on my children.

So if you want to get very specific, my children only made it out of there once. Because all the other entire time, Michael’s people were on them.

Q. How many times did they go back and forth to Neverland after --

MR. ZONEN: Objection; asked and answered.

THE COURT: He wasn’t allowed to finish his question.

Go ahead, Counsel.

Q. BY MR. MESEREAU: Did your children go back and forth to Neverland after the Jesus incident?

MR. ZONEN: Objection; asked and answered.

THE COURT: Overruled.

You may answer.

THE WITNESS: Okay. Except for that time with Jesus, the rest of the entire time, Michael’s people were on my children.

Q. BY MR. MESEREAU: When did you first learn that Gavin claimed he'd been drinking alcohol at Neverland?

A. The day I never went back. That's the day. And it's burned in here.

MR. MESEREAU: Move to strike.

THE COURT: Denied.

Q. BY MR. MESEREAU: Do you know what day that was?

A. Yes. I will never forget the date. It was March 10th. 4 a.m., to be exact.

Q. You had never had any indication that Gavin had ever touched alcohol before that day, correct?

A. This is correct. I know different now.

MR. MESEREAU: Move to strike.

THE COURT: Strike the last sentence.

Q. BY MR. MESEREAU: Do you remember telling the Santa Barbara sheriffs in an interview, "There's plenty of police out there that can protect my kids"?

A. He's --

MR. ZONEN: Vague as to time; objection.

THE COURT: Sustained.

Q. BY MR. MESEREAU: When did you first tell anyone that there were threats to kill your family from people associated with Michael Jackson?

A. I think I -- I think the best I can remember -- the best I can remember -- let's see. The best I think I can remember is Mr. Dickerman.

Q. Was that in a meeting with Jamie Masada?

A. I don't remember that. I just remember being -- when I finally was able to say everything was with the Santa Barbara Sheriff's Offices -- officers.

Q. Do you know approximately what month that was?

A. I think -- the best I can remember, finally I think it was in July. I think. That's the best I can remember.

Q. And that was after you had met with Larry

Feldman, correct?

A. Oh, yes.

Q. It was actually long after you had first met with Attorney Larry Feldman, right?

A. My -- my meetings with Mr. Feldman, he couldn't make out -- we were basically all, you know, cuckoos after him. You know, it was all cuckoo. Our whole home environment was cuckoo. So he basically wanted to make heads and tails. He just basically wanted to help.

Q. And your discussion about anyone threatening to kill your family first occurred long after you met Attorney Larry Feldman, true?

A. I wanted to tell that to the sheriffs. I wanted to tell that to the police officers, let them be the first. I remember asking Mr. Dickerman that I wanted to share that information with the police.

Q. And in none of Mr. Dickerman's letters involving your family did he talk about threats to kill, correct?

A. Because I expressed to him that I wanted to tell the police, because that would have gave them the opportunity to see that I was trying to make contact with the police.

Q. Do you remember going shopping while you were staying at the Calabasas Inn?

A. Yes.

Q. And tell the jury where you went shopping.

A. I think it was -- I think it was an outlet store, and also a Robinson's-May. And this is what -- with their positive PR film crew following us.

MR. ZONEN: Objection; nonresponsive.

THE COURT: Sustained as to the last sentence.

Q. BY MR. MESEREAU: While you were shopping, you didn't ever complain to anyone you were being held against your will, true?

A. Incorrect. I called Wheezy.

Q. Did you call the police?

A. No.

Q. If you could call Wheezy, why couldn't you

call the police?
A. Because I couldn’t. I was hoping she would.
Q. Which phone did you use to call Wheezy?
A. I don’t remember.
Q. Was it a cell phone?
A. I had no cell phone at that time.
Q. Was it a phone in the hotel?
A. I don’t think so.
Q. Was it a phone at the shopping center?
A. I don’t remember.
Q. You didn’t dial 9-1-1, did you?
A. That’s correct. But I have now.
Q. After meeting with two attorneys, correct?
A. He’s incorrect.

Q. When you appeared for the Department of Children’s & Social Services interviews, did you believe you, yourself, were being investigated?
A. Can you be more clear?
Q. Sure. Sure. When you had the meeting with the Department of Children & Social Services representatives at Major Jackson’s home, did you believe you were being investigated?
A. Um --
Q. Yes or no, if you could, please.
A. Yes.
Q. Okay. And did you believe you were being investigated because someone had made a complaint about the Bashir documentary?
A. All this I came to find out after the meeting. But before the meeting, I had no understanding whatsoever.
Q. So you didn’t know why you were there?
A. This is correct.
Q. Did you ever tell the sheriffs that you were there because somebody complained about the Bashir documentary called “Living with Michael Jackson” and wanted the mother investigated?
A. Yes, I came to find this after.
Q. Do you remember at the beginning of your interview with the Department of Children & Family Services you asked what your rights were?
A. Yes.

Q. And why did you do that?

A. Because that was Vicki Podberesky’s instructions.

Q. Vicki Podberesky was the lawyer that you had spoken to, right?

A. This is the attorney who put fear in me right before the video, and she claimed she was Michael Jackson’s attorney and Geragos’s attorney.

Q. The fear she put into you was you better handle it properly or you could lose your children, correct?

A. The fear that she put in me was that I could possibly have my children ripped away from me forever and probably won’t see them for a long time. That’s the fear she put in me.

Q. Did you tell her you had been investigated on other occasions by the Department of Children & Family Services?

A. No. Brad Miller, his P.I., dialed the phone number, gave me his cell phone, and there she was.

Q. And did you speak to her?

A. Yes, she spoke to me.

Q. Did she give you advice about how to handle a meeting with the Department of Children & Family Services, to your knowledge?

A. Because I declined - she wanted to be present - she had gave me information, and now I know why. They wanted all --

MR. ZONEN: Objection; nonresponsive.

THE COURT: Sustained.

Q. BY MR. MESEREAU: How long was your interview with the Department of Children & Family Services?

A. Well, let me see. Asaf arrived there. He tape-recorded the meeting illegally, and then maybe a total of -- maybe a total of about -- maybe about, total, about 35, 30, 40 minutes. Because the time frame of Asaf tape-recording the meeting was about 20 minutes.

Q. By the way, on one of your sheriff’s

interviews, do you recall saying that there are no clocks or calendars at Neverland?

A. What I remember was that -- what I was trying to communicate, that in my bedroom, I had no -- no -- none of these things in my bedroom.

Q. You told them at Neverland there are no clocks, correct?

A. Yes. Because I was in the guesthouse. For the end part of the time, I wasn’t allowed to come out anymore.

Q. Are there no clocks at Neverland?

A. On the ground, yes, there is.

Q. Now, the people you claim were telling you that your family were going to be killed are Frank, Vinnie, Dieter, and Ron, right?

A. Right. Ronald and Dieter were replaced by

Frank and Vinnie. But the initial meeting was with Michael. Michael told me. But what started it off was Michael.

Q. Telling you your family was going to be killed --

A. Yes.

Q. -- is that what you’re saying?

A. First it was Gavin, and then it went to my three children, in Miami.

Q. Do you recall ever telling a sheriff’s investigator that Miller told you that Mr. Jackson was buying you a house and an apartment?

A. I don’t remember saying that.

Q. Would it refresh your recollection if I just show you a page of the transcript of your interview?

A. What I think he’s referring is totally different. He’s taking it maybe out of context. But, yeah, bring it on over.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

MR. ZONEN: What page is that, Counsel?

MR. MESEREAU: It’s nine of this interview. The interview is August 13th, 2003.

MR. ZONEN: Oh, thank you.

THE WITNESS: Yeah. This is what I had talked to you about already; that we had to leave the country.

Q. BY MR. MESEREAU: Have you had a chance to look at that page?

A. I just looked at the highlighted words. I didn’t read anything.

Q. Does it refresh your recollection about what you told the sheriffs?

A. That’s because we had to leave the country.

Q. Did you tell the sheriffs that Brad Miller told you that they were buying you a house and an apartment?

A. What I was trying to point out to the police department was this is what they were trying to do in order for me to leave the country. And there’s no house and no apartment, because I don’t want to leave the country. And because they’re lies. What I was trying to point out is they were using different tactics.

MR. ZONEN: I’ll object as nonresponsive.

THE COURT: Sustained.

THE WITNESS: Because they wanted me out of the country.

MR. ZONEN: Objection; nonresponsive.

THE COURT: I had sustained the objection.

Q. BY MR. MESEREAU: Did you think you were getting a house from Michael Jackson?

A. No, I was pointing out to the police that they were trying to do everything possible to get access into my apartment, to go clean it up, to go remove all the letters and items that Michael had given Gavin. This is what I was trying to point out to the police. And second, that they wanted me and my children out of this country really bad.

Q. Did you tell the jury that the plan was for you to go to Brazil and never come back?

A. That’s -- that’s what their plan was ultimately. That they were going to decide -- depending if they did positive PR, cleaned all the mess for Michael, then they were going to decide at that point in time if I could return. “If.”

Q. Did you ever see any documents that said it was a two-week trip?

A. That don’t matter.

Q. Did you ever see any documents that said the trip to Brazil was a two-week trip?

A. Don’t -- and if you look at the documents, it’s not going to be within the time frame that I was supposed to leave. They choreograph everything.

Q. Did anyone ever mention to you in any form, verbal or in a document, that this was a planned two-week trip?

A. No, it wasn’t. I know that.

Q. Did you ever see a document that said that?

A. Never. But like I said, they choreograph everything.

Q. Okay. So when you told the sheriffs that Brad Miller said they were buying you a house and an apartment, you were not suggesting you wanted one, right?

A. That is correct.

Q. Okay. Did you tell the Department of Social Services that your children were being sent to a private school?

A. No, I didn’t. Vinnie himself, straight from his mouth, told Karen Walker.

Q. That your kids were going to a private school?

A. Yes. This is another lie.

Q. Okay. Did you believe Vinnie when he said that?

A. No. That’s why I was behind Karen Walker saying, “No.” I was going like that.

Q. Is that when you didn’t tell Karen Walker you were held against your will?

A. This is correct.

Q. Now, you make some references in some of your sheriff’s interviews to speaking in code. Do you remember that?

A. Yes.

Q. And what code were you speaking in?

A. This is what I’ve already explained to the jurors, is that in the midst of my conversations I’d try to slip something in, or I would say one word, say another sentence and say another word, hoping that when a person would sit or think, they’d say, “Wait a minute, that word doesn’t match this.” I was constantly trying to leave clues for people.

Q. Did you leave any clues for Major Jay Jackson when you stayed at his home?

A. Yes, I tried. I tried. Yes. When I finally left the nail shop, that’s when I finally told him everything. Because Asaf had pointed out that there was another tape-recording being -- and Frank and Vinnie told me they can hear everything, so I believed them. I believed them.

Q. So you believed Jay Jackson’s phones were being tapped?

A. Yes.

Q. Did you believe the phones at the salon were being tapped?

A. When I finally was able, I told him, “Come on over,” and then that was it. Permanently left Neverland forever, thank God.

Q. Did you believe the phones at the salon were being tapped?

A. No. That’s why -- I didn’t know what they could do. Because they said I was being constantly listened and monitored, so I went ahead and tried.

Q. Do you remember visiting a federal building to get a passport?

A. Yes.

Q. Who were you with?

A. Vinnie, the people that were following us.

Q. Do you remember walking into that federal building to get your passport?

A. Yes. Vinnie and the people that were following us, yes.

Q. Do you remember speaking to anyone in that federal building as you got your passports?

A. No. I just stood by Vinnie and the children, and that’s it.

Q. Did you see any federal employees or agents in that federal building?

A. Yes, and I wanted to reach for them so bad.

Q. Did you complain to any of them that you were being held against your will?

A. No, because at that point my parents' lives were at risk. And until I can see my parents and tell them what was the danger, I couldn't say a single thing. They had full control of me.

Q. Did you complain to anyone in that federal building that any crimes were being committed against you or your family?

A. No, I did not.

Q. Did you ever try to dial 9-1-1 to reach any police officer?

A. No. But I have now.

Q. Now, you're aware that in your family law proceeding, your ex-husband David claims that you sat down and scripted your children in the J.C. Penney case, correct?

A. Yes. Amongst many things David has said.

Q. Did you ever sit down and rehearse your children about what to say in depositions in the J.C. Penney case?

A. He's giving me too much credit. No.

Q. To your knowledge, did your children always tell the truth when they testified under oath in the J.C. Penney case?

A. Except for the part about David.

Q. What about the part about your injuries? Did they tell the truth, to your knowledge?

A. Yes.

Q. Okay. Now, that was when -- that was a situation where Gavin was caught running out of the store with something that wasn't paid for, correct?

A. This is what I came to understand, because I wasn't present when that happened.

Q. And you told the police that Gavin was just trying to trick his father into paying for those goods, right?

A. No, I did not tell them that.

Q. What did you tell them the reason Gavin did that was?

A. At that point, when I talked to the police, I had -- I wasn't aware of what happened.

Q. Did you ever learn that that was the reason why Gavin left the store with unpurchased goods?

A. Yes, I came to find out afterwards. The police told me themself.

Q. Now, did you ever learn about an incident with George Lopez where there was a claim that money had been taken from Gavin's wallet?

A. I came to find out afterwards by Jamie.

Q. And did you talk to George ever about that event?

A. No.

Q. Ever talk to his wife about that event?

A. No.

Q. Ever talk to David about that event?

A. No.

Q. Ever talk to Gavin about that event?

A. No.

Q. Now, you told the sheriffs that Mr. Jackson's people had done background investigations on Jay Jackson. Do you remember saying that?

A. Yes.

Q. And how did you know that anyone associated with Mr. Jackson had done a background investigation on Jay Jackson?

A. His dear damage control people and Frank told me that.

Q. They told you they had checked out who Jay Jackson was?

A. Yes, Frank told me that.

Q. Okay. So you were aware that Mr. Geragos's employees were doing investigations into who you were and Jay Jackson --

A. No, you're incorrect.

Q. -- was, correct?

A. Frank had told me that they had done all this information so they can choreograph their story. That's why.

Q. In that recorded phone conversation you had with Frank which we played on Friday, you never mention anything about killers, do you?

A. I'm sure I did. And since he had control of that, illegally taping, I'm sure they either erased it, manipulated it or took it off. But if it was left to me, I would have left it on there. But it didn't benefit him to leave it on there.

Q. You never mention killers in that recorded phone conversation, do you?

A. I'm sure I did. But Frank had control of the tape.

Q. Okay. Do you recall a blood drive at Neverland for Gavin?

A. Yes, I was the one responsible for that. Anywhere where I can gather 50 people or more, Kaiser was willing to go and take their own bloodmobile, because it benefitted not just Gavin, many, many children and hospital patients. So I was continuously asking for anybody that can gather more than 50 people, that Kaiser themself would go over there.

Q. And Mr. Jackson allowed you to use his

property for a blood drive, correct?

A. All his employees gave blood. All of his employees that wanted to could donate blood. Not just to Gavin, but to many people, because they were trying to find O negative, C and B negative blood for Gavin.

Q. And to your knowledge, Mr. Jackson allowed you to do this blood drive on his property, correct?

A. Yes, this is correct.

Q. And approximately when was this blood drive?

A. Oh, when Gavin was ill in 2000.

Q. Okay.

A. But, you know, he wasn't the only one. There was many church groups. Many, many people that had gathered. And the bloodmobile would go out to those particular places.

Q. At one point you told the sheriffs that you didn't think Michael was really involved in that, right?

A. Yes, and I've also communicated to you. In the beginning, I thought it was only the Germans, but now I know different per their hard work, investigative working, that it was different.

MR. ZONEN: I'm going to object as nonresponsive and also object to the question as vague. Involved with what?

MR. MESEREAU: I can rephrase it, Your Honor.

THE COURT: Well, now the time to object to the question is long gone, but I'll sustain the objection to the last part of the answer.

Next question.

Q. BY MR. MESEREAU: Did you work with someone named Grace at the blood drive for Gavin?

A. No, I didn't work there. All I had done was ask Grace if she could ask permission, because like, remember, that's another indicator that I didn't talk to Michael himself.

MR. ZONEN: Objection; nonresponsive.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you remember complaining to the sheriffs in an interview about Michael Jackson, "Here's a man that has so much wealth, and yet did not even hire my children a single tutor when they're supposed to be in school."

Do you remember complaining about that?

A. I didn't complain to him. I was trying to point out to the police that these were the things that now I'm aware of that he really didn't care about children. He just cared about what he was doing with the children.

Q. Do you remember saying that to the sheriffs?

A. Like I said, I gave him information.

Everything possible that I could possibly do to let them know that the children -- all this time had passed, and they were not educated.

Q. Now, how much time are we talking about where you think Michael Jackson should have hired a tutor for your kids?

A. No, I don't think he should have tutored --

hired a tutor. I think -- I think he should have just let me and my kids go.
Q. When you said to the sheriffs, “Here’s a man who has so much wealth, and yet did not even hire my children a single tutor when they’re supposed to be in school,” what were you referring to?
A. That he’s managed to fool the world, and I was one woman inside there. That’s what I was communicating; that what he puts out in the world is not who he really is. Now, because of this criminal case proceedings, now people know who he really is.
MR. MESEREAU: Move to strike.
THE COURT: Denied.
Q. BY MR. MESEREAU: Have you done any investigation into Michael Jackson’s actions around the world for children?
MR. ZONEN: Objection; argumentative.
THE COURT: It’s not argumentative, but it’s not material.
MR. MESEREAU: Okay.
THE COURT: We’ll take our morning recess.
MR. MESEREAU: Okay.
(Recess taken.)
THE COURT: All right. Mr. Mesereau, you may proceed.

THE BAILIFF: Turn your microphone on, please.
MR. MESEREAU: Oh, I’m sorry.
Q. Miss Arvizo, when the prosecutor was asking you questions about the Brazil trip, he showed you an itinerary, which is in evidence. Do you remember that?
A. Yes.
Q. It’s a typed itinerary giving departure and arrival times, correct?
A. This is correct.
Q. And he showed it to you. Do you remember that?
A. Yes.
Q. And you identified it as something you were aware of, right?
A. I came to find out after.

Q. Well, the itinerary says you’re leaving Los Angeles for Sao Paulo, Brazil, on March 1st, 2003, right?

A. Okay.

Q. It says you’re returning from Sao Paulo, Brazil, to Miami on March 6th, 2003, correct?

A. Uh-huh.

Q. And it says you’re leaving Miami for Los Angeles on March 7th, 2003, correct?

A. Uh-huh.

Q. That was the itinerary you were shown about the trip, correct?

A. Yes.

Q. Did you ever see any plane tickets that were actually purchased for the trip?

A. No. Just like my visa and passports.

Q. And you never discussed that trip with anyone other than who, Frank and Vinnie?

A. This is correct. Frank, Vinnie, and the initial meeting, in that 45-minute meeting where Michael said if things got so bad we would have to leave the country.

Q. And you never told Jay Jackson about the Brazil trip?

A. I didn’t tell Jay anything until when I permanently left Neverland. That’s when I told Jay.

Q. Okay. Did you tell Jay Jackson you had gotten passports?

A. I told Jay everything after we came out of -- permanently out of Neverland.

Q. Did you tell Jay Jackson you’d gotten a visa?

A. I told Jay everything after we had left permanently out of Neverland. That’s the best I can remember.

Q. Now, at some point, you must have met with, it appears to be Vinnie, and filled out some of those documents, correct?

A. Vinnie never left our side the majority of the time.

Q. Excuse me?

A. The majority of the time, Vinnie never left our side.

Q. And did you sit down with him and fill out the documents so you could apply for a visa?

A. No.

Q. Do you know where he got the information that went onto those forms?

A. They had already studied me. They already had acquired all the information they wanted, needed.

Q. Did you ever sign any forms; do you know?

A. Yes, I did. Yes, I signed them.

Q. And where did you sign those forms?

A. I think -- the best I can remember, I think actually there at the facility.

Q. Which facility is this?

A. Where they were doing the -- where they were doing the -- processing it.

Q. Is that a federal facility, to your knowledge?

A. Yes, it is.

Q. Did you sit down and do -- work that out with Vinnie? Is that how it worked?

A. It was already filled out by Vinnie.

Q. And did you and your children sit down with 6666

him and sign anything, to your knowledge?

A. No, we didn't sit down.

Q. Okay. But you -- what I think you're saying, and correct me if I'm wrong, you completed those documents at the federal facility, right?

A. Incorrect.

Q. Is that incorrect?

A. That's incorrect.

Q. All right. Where did you just tell the jury you sat down to finish those forms?

A. Never sat down. Vinnie had already all that information pre filled out. All I did was sign it. And that's the best I can remember.

Q. Okay. And then you took a trip to the -- was it a consulate you went to?

A. No.

Q. What buildings did you go to to get your passport, visa, and all the documents you needed to take this trip to Brazil?

A. Everything was done in steps. First it was the birth certificate. Then the passport. And then the visa.

Q. Do you know how many buildings you went to to get all this done?

A. Three different buildings.

Q. And which -- identify those buildings, if you can remember.

A. The birth certificate, the passport and the

visa place.

Q. And was it always you, Vinnie and your children?

A. Yes, plus the people that were following us. They never left our side.

Q. Did these people that you have not identified who were following you ever enter the buildings?

A. Yes, they did.

Q. So they were just mixing in with the crowds in the buildings?

A. Yes.

Q. And is that what prevented you from ever telling any officer or employee, “Help us, we’re being kidnapped”?

A. Mostly because my parents’ life were now in danger.

Q. Now, you told the sheriffs at one point you thought your family might disappear in a hot air balloon from Neverland, correct?

A. He’s taking it out of context. I had informed the police that -- that Frank and Vinnie had expressed to me that they had many ways to -- and also Ronald and Dieter, remember, and Ronald and Dieter were replaced by Frank and Vinnie, and that they had many various ways to make my children disappear. And I was expressing it, but he’s minimizing it.

Q. Did you tell the sheriffs that you thought your family might disappear in a hot air balloon from Neverland?

A. Again, he's minimizing it. I told him what I told the police what Ronald and Dieter, Frank and Vinnie had said; that they had various ways to make -- transporting my children and making them disappear. And what was most terrifying is when it was towards the end, now they had the passport, plus visa.

Q. Did you ever mention a disappearance in a hot air balloon? Yes or no.

A. I made them aware that they had a variety of ways of getting my children out and that was one of them. This isn't me. This is what your Frank and Vinnie said, plus your Ronald and Dieter. So I'm just communicating to the police what I was told.

Q. And some of them -- somebody mentioned to you disappearance in a hot air balloon, right?

A. This is one of a variety of ways.

Q. Okay. Now, you said you went to the child support hearing, correct?

A. Yes.

Q. Your lawyer, Michael Manning, was there, right?

A. Yes.

Q. And the night before, you stayed at Major Jackson's, correct?

A. This is correct.

Q. And the night after the hearing you stayed at Major Jackson's, correct?

A. The night of the hearing, yes.

Q. And you never complained to anyone at the courthouse about these problems you've identified, right?

A. This is correct.

Q. And I think you told the jury, correct me if I'm wrong, that you never told Jay Jackson about these problems either the night before the support hearing or the night after it, right?

A. The night of March 10th.

Q. Is that correct?

A. This is correct. I told him that night everything.

Q. You told him the night of the hearing?

A. The March 10th, which was the day before the hearing.

Q. Okay.

THE COURT: You know, Counsel, I'm going to ask you to refrain from saying, "You told the jury. You told the jury." Everything that she says here she told the jury.

MR. MESEREAU: Okay.

THE COURT: It's just an improper reference on your behalf. You ask her for the facts, and they'll listen to it.

MR. MESEREAU: I will do that, Your Honor.

Q. You appeared at a hearing in this courthouse on September 17th, 2004. Do you remember that?

A. Yes, this is correct.

Q. And at that point in time, you were represented by Attorney Larry Feldman, true?

A. No.

Q. Would it refresh your recollection if I just show you the transcript?

A. I think what I'm clear on, he was helping us every time something was happening.

Q. I asked you, "You are represented currently by Mr. Feldman, correct?" And you said, "Yes," right?

A. Yes. Yes.

Q. Now, when you first hired Attorney Dickerman, one of the things you wanted him to do was stop any use of your children's likeness or photos in any media-type event, correct?

A. Yes. This is correct.

Q. And did you say earlier that you were involved in a proceeding in England against Bashir that you didn't know about?

A. This is correct. Mr. Dickerman came to find out afterwards.

MR. ZONEN: I'll object as nonresponsive beyond, "This is correct."

THE COURT: Sustained.

Q. BY MR. MESEREAU: Are you saying that you were a party to a lawsuit in England that you knew nothing about?

MR. ZONEN: Objection. Speculative; lack of foundation.

THE COURT: Overruled.

THE WITNESS: This is correct.

Q. BY MR. MESEREAU: And when did you find out that you were represented by a lawyer in England in a lawsuit against Bashir and his company?

A. That Michael was involved in.

Q. I'm sorry, excuse me?

A. That Michael was involved in. I came to find out this.

THE COURT: The question was when. When did you find out?

THE WITNESS: Oh. Summer. In about the summer.

Q. BY MR. MESEREAU: And what summer was that?

A. 2003.

Q. Okay. And did you come to learn that some statements had been attributed to you in some British newspapers about the Bashir documentary?

A. Yes, I came -- I came to find out a lot of things through this investigation, what they were doing.

Q. Did you ever see a document that was titled "Recommended Statement by Janet Ventura to the UK Sunday Telegraph"?

A. I don't know what you're talking about. But I know that Ronald and Dieter were heavy at work.

Q. Okay. Do you know if they were preparing any statement to be released quoting you?

A. I came to find out that Ronald and Dieter were using my children, like Michael was using my children. Everybody was exploiting and using my children. Now I've came to find out many things.

Q. Okay. And let me rephrase the question. Did you ever find out that anybody had prepared a statement attributed to you to be

released to a British newspaper?
A. I gave no authority, no interviews, no nothing.
THE COURT: Just a minute. He’s asked you --
THE WITNESS: Okay.
THE COURT: -- two or three times if you know about a statement. That’s the only question he’s asked you. Do you or not?
THE WITNESS: No.
Q. BY MR. MESEREAU: Did you have any communication during the first three months of 2003 with an attorney named David LeGrand?
A. No, I didn’t.
Q. Okay. Did you ever even hear his name during that period?

A. Yes, I did.
Q. And when did you first learn about an attorney named David LeGrand?
A. Okay. Michael had called over the 60 Minutes, Ed Bradley. This was all part of the choreography. And Dieter pointed this out, and Ronald over the telephone, that this interview was never going to take place. It was just per Michael’s choreography. And that Ed Bradley was a dishonest man and they were using him for their choreography.
And David LeGrand’s purpose -- Michael’s attorney was there as part of their choreography, to let them know that this interview was not going to take place. He was used. That’s what happened.
Q. Did you -- I’m sorry, go ahead.
A. No, it’s okay.
Q. Did you ever tell anyone to include the following words in a recommended statement by you to the Sunday Telegraph newspaper in England --
A. No.
Q. -- “The relationship that Michael has with Gavin, Star and Davellin is a beautiful, loving father, son and daughter. He is their Daddy Michael. And to me and my children, he is our family. He cares for them as a good, loving father.

Michael is their only father figure who loves and cares about them. They are not fatherless, because

they have their Daddy Michael. My family consists of unconditional love."
Did you ever tell anyone to use those words?

MR. ZONEN: May I see the document, please, Your Honor?

MR. MESEREAU: Sure.

MR. ZONEN: Go ahead.

Q. BY MR. MESEREAU: Did you ever give words to that effect to anyone to be used in a statement by you?

A. I think I'm recalling something. Remember how they put those two -- that page that had, like, two signatures on there? And I told you that one of my -- them, one of them was my signature, but it had been moved, I can tell, because of where it was.

MR. ZONEN: I'm going to object as nonresponsive to the question of whether or not she used those words.

THE COURT: I'll sustain that objection. But I'm going to ask counsel to simplify the question a little bit. It's a little cumbersome the way it stands.

MR. MESEREAU: Okay. May I approach, Your Honor?

THE COURT: Yes.

MR. MESEREAU: Thank you.

THE WITNESS: Here it is. There it is. Uh-huh.

Q. BY MR. MESEREAU: Have you had a chance to look at that document?

A. Yes. Yes, I have.

Q. Have you had a chance to read those words?

A. This is where they took my signature from.

Q. Okay. Have you had a chance to look at it?

THE COURT: Just a minute. Just look at the words that counsel wants you to look at.
Would you show her which paragraph you're --

MR. MESEREAU: Yes, Your Honor.

THE WITNESS: Yes. Yes, yes.

THE COURT: You're showing her two paragraphs?

MR. MESEREAU: Yes, Your Honor. I am. Well, I'm showing her --

THE COURT: Which one are you going to ask her the question about?

MR. MESEREAU: I'm showing her one sentence in one paragraph and a -- well, it's really one, but there's some handwritten stuff that I'm asking her to look at.

THE COURT: Well, you need to address with her what you're trying to show her so that she can answer any questions.

MR. ZONEN: Your Honor, could we mark this item as an exhibit?

THE COURT: No. He was refreshing her memory with it.

Q. BY MR. MESEREAU: Ms. Arvizo, I'm just asking you if you know where the following words came from.

A. Yes, from Dieter.

Q. Okay.

A. Dieter had -- they added that second paragraph right now. But all it was was --

THE COURT: Just a minute. There's no question pending.

THE WITNESS: Oh, okay.

Q. BY MR. MESEREAU: Okay? Do you remember the words I read?

A. No, you didn't read any.

Q. Okay. Let me just read them and see if you know where those words came from.

A. Okay.

Q. Okay? "The relationship that Michael has with Gavin, Star and Davellin is a beautiful, loving father, son and daughter. He is their Daddy Michael. And to me and my children, he is our family. He cares for them as a good, loving father. Michael is their only father figure, who loves and cares about them. They are not fatherless, because they have their Daddy Michael. My family consists

of unconditional love."
Have you heard those words before?
A. Yes. This is when -- when Mr. Zonen was doing his -- when he was speaking with me, I had

told you that my signature had been moved, because Dieter had a pre -- preprinted paragraph, and then in my -- in my own writing, he had me write something. So, yes, that is right before we left Miami.
Q. Well, if you knew about this, did you know about the lawsuit?
A. No.
Q. So you did know about a statement that was supposed to be attributed to you to appear in a British newspaper, right?
A. No. No, no, no.
Q. Do you know whose writing that is that I just showed you?
A. This is my writing that I've already told the jurors.
Q. So you wrote those words, correct?
A. Yes, per Dieter's dictation.
Q. You wrote those words on a statement to be released Friday, February 7th, 2003, correct?
A. No. It wasn't a statement that was going to be released. What Ronald had done -- Dieter had told me that what Ronald had done did not work to appease the killers. And there's that phrase, and that's a quote.
Q. And there's a heart that's written in between the printing, and that's a heart that you wrote, correct?

A. Yes.
Q. And then you see "XOXOXO," meaning "Love," right?
A. Yes. That's --
Q. And that's your writing, correct?
A. Yeah. That's correct. I used to be that kind of person. Now I'm like this (indicating) hold up. I'm putting one hand over my heart.

Q. And your writing is inserted into a printed statement, right?

A. Yes. They have -- by the way, he’s shown me the paper. That bottom paragraph was not there.

Q. Are you saying that you wrote these words and put a heart and put “XOXOXO” in Florida?

A. Yes. This is correct.

Q. And does the date February 7th, 2003, sound right to you?

A. It must be right.

Q. Okay. And the printed portion of the statement says, “I am appalled at the way in which my son has been exploited by Martin Bashir and Granada Television,” correct?

A. That’s what Dieter had written.

Q. And that’s the way you felt, right?

A. No. They had told me that this would -- what Ronald had did does not work and this would appease the killers. So I was fooled.

Q. Well, are you saying you didn’t know this was to be released in England?

A. Exactly.

Q. And you’re saying you didn’t know that there was going to be a lawsuit in England in which you, your children, and Mr. Jackson were going to sue Bashir and Granada Television?

A. This is correct. Money doesn’t buy happiness. That’s why when I found out through Mr. Dickerman --

MR. ZONEN: Objection; nonresponsive.

THE WITNESS: -- I put a stop to it.

THE COURT: Sustained. There’s no question pending.

Q. BY MR. MESEREAU: Did you ever see an article that appeared in a British newspaper the next day, February 8th, 2003, that quoted you?

A. No.

Q. Did you ever talk to anyone who claimed to represent a British newspaper at any time?

A. I think -- I think when those two people that had came before we left to Miami that had scared my parents, and they kept saying, “Gavin, cancer; Gavin, cancer.”

Q. Ms. Arvizo -- oh, sorry.

Miss Arvizo, did you ever tell anyone that you were living in a stable with hay and horses in Bakersfield?

A. No.

Q. Ever say anything to that effect to anyone?

A. No.

Q. Did you ever hear or learn that you were quoted as saying that?

A. Yeah. I came to find out a lot of things.

Q. When did you find out that you were quoted as saying that you and your family were so poor you were living in a stable with hay in Bakersfield?

A. Just recently. I’ve never lived in Bakersfield.

Q. Did you ever learn that Jamie Masada had quoted you as saying that?

MR. ZONEN: I’ll object as lack of foundation and assumes facts not in evidence that Jamie Masada said she lived in Bakersfield.

THE COURT: Sustained; foundation.

Q. BY MR. MESEREAU: Now, the document that you just admitted adding language to, was that presented to you at the hotel in Florida?

A. Yes, it was.

Q. And you read that before you inserted all these words?

A. No, I didn’t. I completely trusted them.

Q. Did you know it was supposed to be a recommended statement by you?

A. What?

Q. Did you know the document you were inserting words into was titled “A Recommended Statement” by you?

A. No. I didn’t read it. I completely trusted them.

Q. Well, why would you add language to an already existing paragraph if you didn’t know what was in the paragraph?

A. Because Dieter dictated that. Everything was -- at that point was like a state of panic. That’s how Ronald and Dieter were behaving.
Q. So you just filled out what you were told to fill out and never read a thing, correct?
A. Yes, I completely trusted them. I did.
Q. Let me get back to what you told the social workers on the 20th, okay? You told them, “My children are never solely alone with Michael Jackson,” true?
A. Incorrect.
Q. You didn’t tell that to them?
A. That’s correct.
Q. Okay.
A. And let me remind you --
MR. ZONEN: Objection; no question pending.
THE COURT: Sustained.
Q. BY MR. MESEREAU: You told the social workers, Mrs. Arvizo, “There’s always someone around,” right?
A. Incorrect.
Q. You told them, “When we go to Neverland, we are always around people,” right?

A. Incorrect.
Q. You said, “Sometimes I stay in the visitors’ quarters, but mostly I am in the main house,” right?
A. Incorrect.
Q. You said, “Gavin, Star and Davellin have all been in Michael’s room,” right?
A. Yes, I did.
Q. You said, “Yes, Gavin and Star have been with Michael on his bed watching T.V.,” right?
A. Incorrect.
Q. You told the social workers, “As to the allegations that they share a bed, it is no”?
A. What?
Q. Did you tell that to the social workers?
A. Repeat that, please.
Q. The words are, “As to the allegations that they share a bed, it is no.”
A. Incorrect. These social workers, all they were interested was not being sued by Michael

Jackson.

MR. ZONEN: Objection; nonresponsive.

THE COURT: Sustained.

THE WITNESS: They didn't have --

THE COURT: Just a minute. There's no question pending.

THE WITNESS: Okay. Okay.

Q. BY MR. MESEREAU: In that interview with the social workers, you said, "There are always children in Michael's room," right?

A. Incorrect.

Q. You told the social workers, "On or about September 15th, 2002, the day in question, Gavin and Star were in Michael's room watching T.V. and they made s'mores in a fireplace in Michael's room"?

A. Incorrect.

Q. Never said anything like that to the social workers?

A. No, no. They didn't even have no pad or pen with them when they were sitting at the kitchen table.

Q. You told the Los Angeles social workers, all three of them, that, "Michael slept on the floor with blankets and a sleeping bag while Gavin and Star slept in the bed," right?

A. Incorrect.

Q. You told the social workers, "I'm usually up walking around the house all night long," right?

A. No.

Q. You told the social workers, "The room is open and there are no doors to shut," correct?

A. Incorrect.

Q. You told the social workers, "It makes me sick that someone would accuse Michael of doing harm to my son and other children when he has never been anything but wonderful." You said that, didn't you?

A. Incorrect.

Q. You told the social workers, "He has been like a father to them," right?

A. Yes.

Q. Told the social workers, “My children have never felt uncomfortable in his presence,” right?

A. Incorrect.

Q. You told the social workers, “Michael has been a blessing,” right?

A. Huh-uh.

Q. You told the social workers, “I was not aware that the taping with Mr. Bashir would be aired”?

A. That I did.

Q. You told them, “We did not sign any consent to have my children on this interview,” right?

A. This is correct.

Q. You further told them, “When my children would go to visit Neverland, there was always somebody present,” right?

A. Incorrect.

Q. You told them, “On several occasions, Michael’s friend, Chris Tucker, and his family were there,” right?

A. I informed them that my children had been there, had had that visit that I’ve already expressed to you over and over.

Q. You told the social workers, “In September of 2002, Chris Tucker accompanied Gavin, Star and Davellin in Neverland Ranch,” right?

A. That’s the birthday party that I was talking to you about.

Q. You told them, “Our last visit to Neverland together was on February 19th, 2003”; is that right?

A. Incorrect.

Q. You said, “The children are welcome there any time,” right?

A. Incorrect.

Q. You said, “I do not always go to Neverland with the children,” right?

A. This is correct.

Q. You told them, “Michael is like a father to my children,” right?

A. This is correct.

Q. You said, “He’s like family,” correct?

A. This is correct.

Q. You said, “He gives advice to my children, and that is something they never had with their father,” right?

A. That is correct, because of the initial meeting.

Q. You said, “He loves them and I trust them with him,” right?

A. Yes. What a fool I was.

Q. You said, “Michael is so kind and I feel that he is misunderstood,” right?

A. “So kind,” but I didn’t say “misunderstood.”

Q. You further said, “Michael was an important part of Gavin’s recovery from cancer,” right?

A. Incorrect.

Q. You said, “Gavin met Jamie Masada at The Laugh Factory about three years ago and made a wish to meet Michael Jackson,” true?

A. No. I said Gavin had spoke to Jamie and said he was one of three people that he wanted to meet.

Q. Did you tell them you felt that the paternal grandparents had deserted your children?

A. Does that mean like David’s family? I’m asking you if that’s what it means. Unless you want to clear -- can you make it clearer, please?

Q. All I can ask you is, did you say, “Mother feels that the paternal grandparents have deserted the children”?

A. Oh.

MR. ZONEN: I’ll object as vague.

THE COURT: She’s asked for a definition of “paternal.”

THE WITNESS: Yes.

THE COURT: She didn’t use the word. It’s not suggested she used the word. That’s a conclusion of one of the social workers. So would you help her?

MR. MESEREAU: Yes, I will, Your Honor.

Q. Yes, I think the way you’ve defined it would be correct.

A. Yes. Yes. David’s family didn’t want nothing to do with my kids.

Q. Do you remember telling those social workers the media has been taking everything out of context and you’re appalled at the negative attention your children have been receiving?

A. No. What I told her is that -- told them that I didn’t understand what was happening.

Q. Did you tell them that you’ve been having a difficult time personally and financially?

A. No.

Q. You told them about your prior involvement with the DCFS, right?

A. Oh, yes. Yes, I did.

Q. Your children were interviewed on that day, right?

A. Yes.

Q. Were you there when they were interviewed?

A. Yes, I was.

Q. And just in summary, you heard them say glowing things about Michael Jackson, right?

A. Yes, they did. Yes.

Q. And at some point, you learned that this investigation was closed, right?

A. Yes, I came to find out.

Q. Approximately when did you find out the investigation was closed?

A. Well, when Jay and me paged Karen Walker after the Family Court day and we asked her for help. And she said, “It’s out of my hands. It’s out of my hands. We’ve already done the report. Go get legal help. I can’t help you.”

When I told her that my son had been given alcohol, that we were being held, that they were taped, gave her all this information, and she said, “It’s out of my hands,” that’s when I found out the report was done.

Q. And approximately what date was that?

A. That was the 11th, March 11th.

Q. And did you call her?

A. Yes, I did.

Q. Okay. Did you file a report?

A. Well, I spoke to the supervisor. She was the supervisor, Karen Walker.

Q. Were you being represented by Attorney William Dickerman at that point?

A. No.

Q. When did you first start being represented by Attorney William Dickerman?

A. After she didn't help me.

Q. He didn't write to the DCFS at any time, did he?

A. No, he didn't. But Mr. Feldman did.

Q. And that was, what, months later? To your knowledge.

A. I can't....

Q. Okay. Did you ever read any of the letters Attorney Dickerman was sending to Attorney Mark Geragos?

A. Yes, some of them I did.

Q. And did you assist Mr. Dickerman in preparing those letters?

A. I didn't assist him. I told him what was happening. He wrote them himself.

Q. And was it your belief that Mr. Dickerman was writing Mr. Geragos to complain about injustices that had been done to you and your family?

A. What Mr. Dickerman was doing was giving us help, as retrieving our visa, our passports, everything that belonged to us. Where is my storage? Where is my items? Things that belonged to me. Requesting that my children's clothing be returned.

Because when Frank rummaged through the children's clothing, he took all the new clothing that they had purchased. But when they were doing that, they also took my children's own clothing and kept all of Gavin's clothing. And Frank said that if they wanted them, they needed to come back to Neverland.

Just different things like that. And for your people to stop following us, and to make you aware that we wanted nothing to do with you anymore.

Q. In none of his letters did he ever mention anything about alcohol or child molestation, true?

A. Because that was information for these guys right here, for the police.

Q. How many months later?

A. Because I didn't want Geragos to know that we were headed towards -- straight to the police.

Q. Do you know when you first met with Dickerman?

A. I believe -- I think it was the 25th of February.

Q. Pardon me?

A. I believe I met him, but he was not my attorney, February 25th. Just met him for minutes. Minutes. That's it.

Q. How many meetings did you have with Mr. Dickerman?

A. Prior to leaving out of Neverland, once.

Q. How about after you left Neverland?

A. After I left Neverland? Well, all these -- in order to -- I think -- the best I can believe, I think it was two. It was two. That's the best I can remember.

Q. How long did Mr. Dickerman represent you?

A. Well, until Mr. Feldman and Mr. Dickerman kicked me to the curb because I didn't want to tell them all the information that I was telling the police. Because the police told me not to tell them because that would compromise the investigation. And so I didn't tell them nothing. Mr. Feldman was clueless, and so was Mr. Dickerman.

Q. But you weren't speaking to the police until long after you met Larry Feldman, true?

A. Yes, because I wanted to ensure that these people weren't following us anymore.

Q. You didn't go to the police until months after you first started meeting with Attorney Larry Feldman?

A. This is correct. I wanted to just hopefully -- maybe we could have the ability to just -- maybe it would disappear. But the more things were happening, the more I was becoming aware.

Q. So you had gone to at least two lawyers about your alleged problems with Mr. Jackson for months before you ever spoke to anyone with the Santa Barbara Sheriff’s Department, right, Ms. Arvizo?

A. Yes, this is correct.

Q. And the first report of any allegation of child molestation to the sheriffs came from Mr. Feldman, did it not?

A. Let me see. Well, actually -- actually, Mr. -- my husband, Jay Jackson, tried to reach the police. And then when me and -- me and Jay both contacted the supervisor, Karen Walker, then -- and she said to go get legal help. And also, as things are moving in dates, I’m starting to find out more and more. Now I know why he had a criminal defense attorney, but I didn’t know because there was no investigation underway.

Q. There had been an investigation since February that was publicly announced by Santa Barbara, right?

A. Well, I wasn’t aware of that.

Q. You’re claiming that in the middle of all of these efforts to falsely imprison your family, restrain your family, get you to Brazil, deal with the media, all of a sudden child molestation starts, right?

MR. ZONEN: Objection. Argumentative and compound.

THE COURT: Sustained on compound.

Q. BY MR. MESEREAU: Do you remember meeting with someone named “Bowen” from the DCFS?

A. No. Is she the one, or he, that leaked all the information from the DCFS to everybody?

Q. You remember meeting with three women from the DCFS on the 20th, right?

A. Yes, I do.

Q. And there was Karen Walker, right?

A. Yes.

Q. Was there -- Irene Peters one of the ladies?
A. That sounds familiar.
Q. How about Jacqueline Bowen?
A. I don't -- I don't remember the -- all I remember is Miss Karen Walker, Jackie and someone named Yvonne. So I don't know.
Q. And you complained to Miss Peters about the Bashir documentary, right?
A. No, I didn't. I told them that there was no consent. That's all.
Q. And you were upset about that, right?
A. No, I said there was no consent.
Q. Do you remember complaining that you could not get any assistance from Michael Jackson regarding tutoring or home schooling because of all the media attention?
A. No. That's incorrect.
Q. Do you remember saying you were having a difficult time schooling your kids because of the media attention?
A. That's incorrect. Because I reenrolled my children back into that school the second we finally got to leave Neverland permanently.
Q. Do you remember telling Miss Bowen you were having a hard time contacting Michael Jackson in regards to helping with the tutoring due to the problems the children were having at school?
A. That's incorrect.

Q. You never said that to Ms. Bowen of the DCFS?
A. No, the meeting was so small with them, that I remember all they were interested was not being sued by Michael Jackson.
Q. And how long was that meeting, if you remember?
A. Okay. Well, let me see. Here we go. Twenty minutes -- about 20 minutes of Asaf taping it. So about maybe after that, maybe about ten minutes sitting with them. 10, 15 minutes. 15 minutes would be generous. So about a total of --

altogether maybe 30, 35 minutes, 40 minutes. 40 minutes would be a stretch. That would be making it generous.

They came in there for one thing only. You know, one thing: Not to be sued by Michael Jackson.

MR. ZONEN: I’ll object as nonresponsive.

THE COURT: The last two sentences are stricken.

Q. BY MR. MESEREAU: Do you remember asking Karen Walker if she could talk to Michael’s people to see if they could provide schooling for your kids?

A. No.

Q. Do you remember asking Miss Walker if she would write a letter on your behalf so your kids could get schooling?

A. No.

Q. And do you remember telling Ms. Walker you’re not going to take a trip to Brazil?

A. Do I?

Q. Yes.

A. I made no mention to them of leaving the country. I made her aware afterwards, when Jay and I paged her, what they were trying to do.

Q. Now, at some point, did you sign any documents which suggested your children should be taken out of their school?

A. I -- not suggested. It was. I didn’t sign the one for Davellin, which they had done before they had taken the children out. The one for the boys I did sign, because that was afterwards.

Q. And the document you signed was designed to give your permission to take your sons out of school, correct?

A. This is correct.

Q. And what school did you think they were leaving?

A. I didn’t know. I just did what they said. That’s it. At that point, the end point, I was doing what they were saying. That’s it.

MR. ZONEN: Objection; nonresponsive to the question.

THE COURT: I’ll strike after, “I didn’t know.”

Q. BY MR. MESEREAU: During the point in time when you signed that document authorizing your sons to be taken out of school, did you talk to anyone at the school?

A. At that time, no. I wasn’t even present.

Q. But clearly you knew your children were going to be leaving their school, right?

A. This is correct.

Q. And what school did you believe Gavin was leaving?

A. They were going to be nowhere. We were headed out -- out of the country. This was for their purpose of no one being able to trace my children nor me. We were headed out.

Q. What school did you believe Gavin was leaving when you signed that document?

A. Well, if it was up to them, they were going to be in no school.

MR. ZONEN: Your Honor, I don’t believe the witness understands the question.

MR. MESEREAU: I can try to rephrase it, Your Honor, if it’s unclear.

THE COURT: We’ll just have the court reporter read it back. She hasn’t said she doesn’t understand.

Read it back.

(Record read.)

THE WITNESS: Zero.

MR. ZONEN: I don’t believe the witness understands the question.

THE WITNESS: I don’t understand.

MR. MESEREAU: I’ll try to rephrase it.

Q. You signed a document --

A. Yes.

Q. -- authorizing the school to release Gavin as a student, right?

A. Gavin and Star. The boys.

Q. Which school were you talking about?

A. That they were attending?

Q. Yes.

A. They were attending John Burroughs.

Q. And you knew that a document was prepared to allow Davellin to leave school, right?

A. No.

Q. Did you know that Davellin was going to leave school?

A. No. Davellin, I had no knowledge of.

Q. So you thought you were going to Brazil, but you only thought Gavin and Star were leaving school?

A. No, no. I signed that paper because they had me sign it.

Q. To your knowledge, did Gavin and Star actually leave that school?

A. Well, they were checked out by Vinnie. I wasn't there. When I finally got permanently out of Neverland, I reenrolled them immediately into the same school.

Q. Well, when you got out of Neverland at that point, you knew you were not going to be involved with Mr. Jackson ever again, correct?

A. He gave my son alcohol. Please.

Q. Did you know that?

A. He gave my son alcohol. That was enough for me. But as time progressed, I found out more and more and more. So no way, no way.

Q. Well, as time went on, the story just kept getting bigger and bigger, didn't it?

MR. ZONEN: Objection. Argumentative; asked and answered.

THE COURT: It's argumentative. Sustained.

Q. BY MR. MESEREAU: Did you know that Major Jay Jackson had asked for monetary compensation for your family from Frank?

A. No.

Q. Did you know that Jay Jackson had said words to the effect, "You guys are making millions. And this family should get their proper piece of the action"?

MR. ZONEN: Objection; misstatement of the evidence.

THE COURT: Overruled.
You may answer.

THE WITNESS: Okay. I’ve come to find out now. But, no, I didn’t then.

Q. BY MR. MESEREAU: So at that point in time, you never discussed with Major Jay Jackson your family’s right to have any compensation if they appeared in a rebuttal video?

A. This is correct. There was a new relationship with Jay.

Q. And based on the fact that you now are aware of this, do you believe he kept you silent on that issue?

A. I don’t understand your question.

Q. You’re saying that Jay Jackson never told you that he approached Frank and said, “How much is the family going to get?”

A. I’m aware now, because of the investigations, but I didn’t know then. And that’s it.

Q. Did you know at any time that Major Jackson was discussing the possibility of selling a story to a British tabloid?

A. I think you’re saying it incorrect. I barely found out as I’ve been up here.
But the way he’s saying it isn’t the way it’s been said to me by the D.A.’s Office.

Q. Did you know at any time that Major Jackson was in discussions with representatives of a British tabloid about the possibility of selling a story?

A. No.

Q. He never discussed that with you at any time?

A. No. Not at all. Till this day he still hasn’t.

Q. Did you ever have a discussion with Frank about your getting any home in the Hollywood Hills?

A. No.

Q. Did you ever have a discussion with Frank about the possibility of a college education for

Gavin being paid for by Michael Jackson?

A. No.

Q. Now, you believe your signature was forged on some documents making you a party to a lawsuit in Britain, right?

A. My signature, per their investigation, is accurate. I signed a blank piece of paper in Miami that Ronald had presented to me. But that signature is mine.

Q. Did you ever receive any communications from any lawyer regarding the lawsuit in England?

A. After we were permanently out, Mr. Dickerman communicated to me that this was going on. And they even offered me money to stay in it, and I said no.

Q. When you left the apartment on Soto Street, did you personally sign any documents that say you're going to leave?

A. No.

Q. Did you ever sign any documents involving rent that was owed or not owed?

A. No, I did not.

Q. Did you ever talk to the landlord and say you were leaving?

A. Yes, I did.

Q. And was that Yolanda?

A. Yes.

Q. Okay.

A. And I -- this is another person that I tried to slip something in --

MR. MESEREAU: Move to strike.

THE WITNESS: -- leaving -- that I told her I was leaving the country.

THE COURT: Just a moment. Just a moment, please.

Stricken.

Q. BY MR. MESEREAU: Was that Yolanda Lazalde?

A. Yes. That's where I slipped in "I'm leaving the country." This is another one of the people that I was trying to reach out to.

Q. This was another one of your clues that you were leaving?

A. Pardon me? Yes. Yes, it was.

Q. Now, was Ramon Trujillo also the landlord?

A. Yes.

Q. Okay. Did you communicate with Ramon Trujillo that you were leaving the apartment?

A. No, I had no communication with him.

Q. Okay. You told Miss Lazalde that you were leaving the apartment, but gave no reason?

A. I did not tell her that. I told her I was leaving the country, but that's it. Jay Jackson had went and paid my current rent.

Q. To your knowledge, did anyone other than Jay Jackson pay rent that you owed?

A. No. It was from my funds that he went and did me the favor to go pay the rent, because I couldn't.

Q. My question is, and it may not have been clear, are you aware of anyone other than Jay Jackson paying rent that you owed on that apartment?

A. I came to find out, through that, what Mr. Zonen submitted into evidence, that they had done that. And then I also came to find out that Frank and Vinnie had said that this was a way for no one to start searching for where me and the kids might be.

Q. Now, at this point in time, you thought that Mr. Jackson, one of the best known people in the world, was trying to just kidnap your whole family, right?

MR. ZONEN: Object as argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: At this point in time, you thought Michael Jackson was arranging to kidnap your entire family, right?

MR. ZONEN: Objection to the use of "kidnap"; leading.

THE COURT: Overruled.

You may answer.

THE WITNESS: All I know is what I saw and what I knew. They were making me, my children leave the country. That's all I knew.

Q. BY MR. MESEREAU: You were leaving the country for one week, right?

A. No. Till they decided when. And as long as I did what they told me.

Q. Do you know someone named Katie Bernard who worked at Neverland?

A. No.

Q. Now, are you aware of Katie Bernard driving you to the spa in Los Olivos when you had the wax?

A. That was Chris Carter.

Q. You don’t recall Katie Bernard doing that?

A. No, it was Chris.

Q. Are you aware of a Katie Bernard ever dropping you off the next day to have your hair done?

A. Never happened.

Q. Do you remember telling Katie Bernard how good Michael Jackson had been to your family and what a great guy he was?

A. No, I don’t even know Katie Bernard.

Q. Okay. Are you aware of Katie Bernard paying for your spa treatment?

A. No. And it was a leg wax.

Q. Did you ever call Katie Bernard and ask her to arrange for Gavin and Star’s braces to be removed by a dentist?

A. No. That was taken care of by Frank and Vinnie.

Q. Did you ever tell Katie Bernard that you were being hassled by a Los Angeles dentist for payment and you wanted her to arrange to have your two sons’ braces removed?

A. No.

Q. Did you ever tell Katie Bernard you wanted her to return the braces to the L.A. dentist because you couldn’t afford to pay for them?

A. No.

Q. Do you remember ever calling Katie Bernard and saying you wanted to go shopping for clothes while you were at Neverland?

A. No.

Q. Did you ever know someone at Neverland named

Rafael Camacho?

A. No.

Q. Do you recall Rafael Camacho occasionally driving you to places off the ranch property while you were staying at Neverland?

MR. ZONEN: I’ll object as lack of familiarity by the witness. She says no, she doesn’t know him.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you know whether or not anyone who worked at Neverland ever drove you to various places off the ranch property while you stayed at Neverland?

A. No. They even made me miss Ash Wednesday, and I had never missed it before.

Q. Who’s “they”?

A. Michael’s people.

Q. Okay. Did you ask for someone to drive you to church on Ash Wednesday?

A. They knew I wanted to go to church. But at that point, that was it.

Q. But did you actually ask for someone to drive you to a local church on Ash Wednesday?

A. Yes, I did.

Q. Who did you ask?

A. I asked Frank and I asked Vinnie, and they said no.

Q. Did you ever know someone named Modesto Camarena at Neverland?

A. No.

Q. Did you ever know someone at Neverland named Hector Elenes?

A. No.

Q. Did you know someone at Neverland named Francisco Fuentes?

A. No.

Q. Ever complain to Francisco Fuentes that you were struggling financially?

A. I don’t even know Francisco Fuentes.

MR. ZONEN: I’ll so object as lack of

foundation.

THE COURT: Lack of foundation; sustained.

Q. BY MR. MESEREAU: Ever know someone at Neverland named Tammy Gewehr, G-e-w-e-h-r?

A. No.

Q. Ever know someone at Neverland named Gayle Goforth?

A. No.

Q. Ever know someone who worked at Neverland named Maria Gomez?

A. No.

Q. Ever tell Maria Gomez that you thought Frank and Vinnie were separating you from Michael Jackson?

MR. ZONEN: Objection. Lack of foundation, that she knows this person.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you ever tell anyone at Neverland that Frank and Vinnie were separating you from Michael Jackson?

A. No.

Q. Did you ever tell anyone at Neverland that you had financial problems?

A. No.

Q. Did you ever know someone who worked at

Neverland named Curtis Gordon?

A. No.

Q. Did you ever know someone at Neverland named Patty Hankins?

A. No.

Q. How about Chris Hernandez?

A. No.

Q. How about Ryan Hester?

A. No.

Q. Ever know someone who worked at Neverland named Anthony Hudley?

A. No.

Q. Did you ever know someone who worked at Neverland named Charlie Kirchhoff?

A. No.

Q. Ever know someone who worked at Neverland named Julio Magana?

A. No, I don’t. But I remember when I had called to Neverland to make contact with my kids, because I was already out, I asked him his name and he said his name was Julio. So that was it. But that's the name. It sounds familiar.

Q. Do you know someone who worked at Neverland named Christy Mann?

A. No.

Q. Did you ever know someone named Shane Meredith?

A. No.

Q. During any of your trips to Neverland, did you ever meet someone named Samuel Moreno?

A. No.

Q. Did you ever meet someone named Jonathan Bruce Richards?

A. No.

Q. Did you ever meet someone named Manuel Rivera during your trips to Neverland?

A. No.

Q. During your trips to Neverland, did you ever compliment Michael Jackson?

A. No.

Q. Ever complain to anyone that you wanted your children on television with Michael Jackson?

A. No.

Q. Now, you did argue with Ronald Konitzer at Neverland, right?

A. I didn't argue with him.

Q. Did you ever argue with Dieter?

A. I didn't argue with them.

Q. Did you ever know someone at Neverland named Brian Salce, S-a-l-c-e?

A. No.

Q. Ever know an employee at Neverland named James Silva?

A. No.

Q. While you were visiting Neverland, did you ever meet Javier Velasco?

A. No.

Q. Did you ever tell anyone at Neverland that your children loved Michael Jackson like a father?

A. No. Once at Neverland, all that stopped. Especially when he’s running around like crazy with my kids.

Q. Did you ever complain to Javier Velasco that Michael Jackson had promised to take care of you, and you knew now it wasn’t going to happen?

MR. ZONEN: Lack of foundation that she ever knew Javier Velasco.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you ever complain to anyone at Neverland that Michael Jackson had promised to take care of you, and now you knew it wasn’t going to happen?

A. No.

Q. Ever meet someone named Angel Vivanco?

A. No.

Q. Did you ever know someone named Jason Wolcott at Neverland?

A. No.

Q. Did you ever meet someone named Christian Robinson?

A. Yes. He’s the one that did the -- the rebuttal video. He’s the one that had the scripted questions and you could even see him holding it. And he’s the one that also picked up mine and my children’s birth certificate.

Q. Now, when you say “scripted questions,” do you mean he had the questions in advance that he was going to ask you on the rebuttal video?

A. Yes. That’s my understanding. I may be wrong.

Q. And were they the questions you believe he was asking you when you filmed the rebuttal video?

A. Yes.

Q. Where did you first meet him?

A. Right there.

Q. Was that at Hamid’s house?

A. Yes.

Q. Was that the first time you had ever seen him?

A. Yes.

Q. And that would have been the -- what, the day of the 20th?

A. The day of the 19th, going into the 20th. From 19th, about 11-something, till like a.m. hours of the 20th.

Q. And approximately what time do you think you met Christian Robinson?

A. Oh, well, when I got there.

Q. Now, did someone tell you whose house you were going to?

A. Yes. Vinnie.

Q. Okay. So you knew it was owned by someone named Hamid, right?

A. Yes. And also Frank on the phone.

Q. Your understanding was that the purpose of that video was to make Michael Jackson look good, right?

A. That’s correct.

Q. And you knew for quite a while that efforts were being made to put together a television show in response to the Bashir documentary, right?

A. That’s what I came to find out. And I wanted no part of it, and that’s why I left with Jesus, me and my children.

Q. Did you ever hear your sons say to Mr. Robinson they wanted to be famous on the T.V. show?

A. I don’t think so.

Q. When is the last time you saw Christian Robinson?

A. It was just that day. That’s it.

Q. Okay. Now, do you remember when you testified before the grand jury, you were shown a number of documents involving expenditures that were made for you and your family at one point by Frank and Vinnie?

A. Yes, this is correct.

Q. And when you were in the grand jury room, you did acknowledge that what was on those documents had been spent for you, Gavin, Star and Davellin, true?

A. He’s taking it out of context. Another thing: What applied to me and my kids was pretty accurate, but what applied to Frank and Vinnie, you’re going to have to talk to them about it.

Q. When you stayed at Neverland, it was your understanding that any costs involved were paid for by Michael Jackson, true?

A. We were on his --

MR. ZONEN: Objection; vague. Costs involved with what?

MR. MESEREAU: I’ll be happy to rephrase it.

Q. When you and your family visited Neverland, you were often transported back and forth by someone that you thought was hired by Mr. Jackson, correct?

A. We were not often transferred back and forth.

Q. Well, how many visits do you think your family made to Neverland in total?

MR. ZONEN: Objection; asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: How did you get to Neverland the first time your family went?

MR. ZONEN: Objection; asked and answered.

THE COURT: Overruled.

THE WITNESS: How did we get there the first time?

Q. BY MR. MESEREAU: Yes.

A. Which time?

Q. Let me rephrase the question. Most of the time when you or your family went back and forth to Neverland, the transportation was arranged by someone at Neverland, true?

A. Yes. This is correct.

Q. And it was your belief that this transportation was paid for by Mr. Jackson, correct?

A. Yes, this is correct.

Q. And you mentioned someone named Evvy Tavasci whom you knew, right?

A. Yes, I never met her. It was only solely per the telephone.

Q. You used to call her sometimes, didn’t you?

A. No, she called us.

Q. Did you ever call her yourself?

A. In returning her phone message.

Q. Did you ever ask Evvy Tavasci to do anything for you or your family?

A. Never.

Q. Okay. Ever give her any ideas about ways Michael Jackson could help you or your family?

A. Never. I had friends. If I wanted some help I could ask my own friends, and yet I never did.

Q. Ever ask Evvy Tavasci to arrange any trip for you or your family?

A. Never.

Q. To your knowledge, did she ever do anything like that?

A. Well, she -- when Michael had contacted us for the Miami stuff.

Q. Well, you traveled to Miami on Chris Tucker’s plane, right?

A. No, not Chris Tucker’s plane.

Q. Did you travel to Miami with Chris Tucker?

A. Yes, I did. And that was per Evvy’s arrangement. Evvy and Michael had called Chris and got him pulled into this mess.

Q. Did you hear -- did you watch Michael Jackson call Chris?

A. No, I didn’t.

MR. ZONEN: Objection; argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you ever observe Mr. Jackson calling Chris Tucker at any time?

A. Well, it’s my understanding in Miami, and Chris had told me there at his house, that Evvy and Michael had contacted him. This is why I became aware.

Q. Did you ever request to travel to Florida with Chris Tucker?

A. No.

Q. Did you ever meet anyone at Neverland named Julio Avila?

A. I think I already said this.

Q. You did not.

A. They -- when I had called and I was already out of Neverland, I called wanting to speak to my kids. And the person that I was speaking to, I asked them what their name was, and they said their name was Julio. I think that’s --

Q. Did you ever speak with anyone named Alex Byrne?

A. No.

Q. Do you know who Alex Byrne is?

A. No.

Q. How about Nancy Catullo?

A. No.

Q. Did you ever speak to Nancy Catullo about setting up a bank account for Gavin?

A. No.

MR. ZONEN: Objection. No foundation she knows a Nancy Catullo.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you ever seek advice from anyone about setting up a bank account for the benefit of Gavin?

A. No.

Q. Now, you spoke to Dr. Alex Farshshian, did you not?

A. No, I didn’t.

Q. Did you ever meet him?

A. Yes, I did. But we weren’t introduced. I just knew because I heard them calling him that.

Q. He was the physician who was on the plane --

A. Yes.

Q. -- on the flight back from Miami, true?

A. Yes, I am aware of that.

Q. Did you exchange any words with him at all?

A. No.

Q. Ever meet someone at Neverland named Romero Ruvalcaba Garcia?

A. No.

Q. How about Gary Hearn?

A. Gary Hearn, the extent of my conversations with him was when he would pick up the kids, and when he told us, “Guys, there’s been a change of plans,” and he took us to Chris’s house. So it’s just -- he was a driver.

Q. Do you remember him driving your family from Neverland and making various stops to buy things for you and your family?

A. No.

Q. That never happened?

A. That never happened.

Q. Ever meet someone related to Mr. Jackson named Rio?

A. No.

Q. Did you ever meet someone related to Mr. Jackson named Simone?

A. No. But I did see other children there.

Q. Do you know Arlene Kennedy?

A. Yes, I know Miss Kennedy.

Q. And who is she?

A. Miss Kennedy is someone that I got to meet. She’s the owner of the tap dance school where my children had attended tap dances. I think my children only attended there for less than -- I’m being generous if I say five months. It was only months.

But my relationship with Miss Kennedy and Mr. Kennedy continued. She’d come and pick me up and take me to like, for example, a Christian crusade to the Anaheim Convention Center. She’d come and pick me up and take me to a variety of churches in South Central.

We’d pray a lot on the phone. She’d continuously come and pray for Gavin in the church. I mean, at -- at the hospital. And then we’d request churches to pray for Gavin.

She took a trip to another country and she inscribed Gavin’s name on somewhere where they could pray continuously. It’s a place where they pray 24 hours. So my relationship with Miss Kennedy was mostly that of spiritual.

Q. And she ran the dance school your children attended, right?

A. Yes, for less -- my children -- for about five months, that’s all. And that’s the best I can recall. No more than five months. But my relationship with Miss Kennedy went on for years, and Mr. Kennedy.

Q. And your children did attend the school on a scholarship --

A. No.

Q. -- because they didn’t have funds, right?

A. No.

Q. That never happened?

A. That never happened.

Q. Okay. Now, you called her from Neverland Ranch, did you not?

A. Yes, I did. This was another person that I tried to reach.

Q. You called her after the airing of the Bashir video and said you were at the ranch because the press was causing problems, right?

A. No.

Q. You told Miss Kennedy that you wanted to get out of the country, correct?

A. No. She would know, too, that there’s no way, because she knows the extent of my son’s medical needs. He needs medical care. I know he looks, on the surface, healthy, but he does have some serious medical issues.

Q. You complained to Miss Kennedy that people around Michael Jackson keep everything from him and he doesn’t have a clue about anything, correct?

A. No.

Q. Never said that?

A. Never said that.

Q. Did you ever tell Miss Kennedy that the people around Michael Jackson keep him in the dark?

A. No.

Q. Do you recall Miss Kennedy telling you, “Go to Michael Jackson directly with these concerns”?

A. No.

Q. How many times do you think you called Arlene Kennedy from Neverland Ranch?

A. I think maybe once.

Q. Are you sure about that?

A. Yeah. I think it was only once.

Q. Only one time?

A. Yes, I did.

Q. You called her many times and never indicated your calls are being monitored, right?

A. No, I called -- I think I called her once. And when I knew that they were listening, I wouldn’t be able to say that, when I felt -- but, yes, I did tell everybody possible when I could.

Q. Now --

A. Because I knew I was being monitored. I knew it.

Q. I understand.

You mentioned that you knew Carol Lamir, right?

A. Yes. That’s David’s girlfriend and part of his damage control team in the past. She had to do something to reinstate herself, and this is it.

Q. When did you first meet Carol Lamir?

A. At the dance school.

Q. That was years before you ever met Mr. Jackson, wasn’t it?

A. Yes, this is correct. But she made it very aware.

Q. For how many years did you know Carol Lamir before you ever met Michael Jackson?

A. Let me see. I think my children attended tap there in -- my best recollection is maybe three years.

Q. And at some point, your understanding is that Carol Lamir arranged for Mr. Jackson to speak to Gavin, right?

A. My understanding is David has -- had and still has a very close relationship with Carol Lamir, extremely close. David would even go cook at her house. David would even go spend nights over there.

And my understanding is that David was the one that communicated to me that Carol Lamir felt that she was the one that introduced Michael and

Gavin, the family. And Jamie, I heard it from Jamie, that he felt it.

So I never have known. It was either one of two people. That’s how I feel till this day.

Q. Was it your understanding that Carol Lamir arranged for Mr. Jackson to provide your family with an automobile so that you could get to the hospital?

A. I wasn’t involved with that. All I know is that David and Carol Lamir were, and still are, very close.

Q. Do you know who first informed Mr. Jackson that you wanted an automobile so you could travel back and forth to the hospital?

A. I didn’t need an automobile. I didn’t ask for an automobile. David and Carol Lamir were, and still are, very close.

Q. When did you first learn that Mr. Jackson had provided an automobile so you could travel back and forth to the hospital?

A. When it was delivered to my mom’s house. I knew it came from him.

Q. Did you ever inquire as to why it was being delivered?

A. No, I didn’t.

Q. To your knowledge, did Miss Lamir ever refer you to a woman named Nancy Catullo?

A. No.

Q. And you’ve indicated you knew Davellin was staying at her house, right?

A. Yes. Until I found out that all Carol wanted my daughter was to clean her house. That’s it. A little housekeeper.

THE COURT: Let’s take our break.

(Recess taken.)

THE COURT: Counsel?

MR. MESEREAU: Thank you, Your Honor.

Your Honor, the last document I showed the witness we’ve marked as Exhibit No. 5008. And I would move that it be admitted into evidence.

MR. ZONEN: Which document is that, Your

Honor?

THE COURT: That’s the document you showed her earlier to refresh her recollection?

MR. MESEREAU: Yes, Your Honor.

THE COURT: All right. That’s admitted.

MR. ZONEN: No objection.

THE COURT: You moved it in earlier, Counsel, yourself.

MR. ZONEN: Yes, I understand.

MR. MESEREAU: I’m sorry, Your Honor, was that admitted?

THE COURT: Yes, it was.

MR. MESEREAU: Oh, it was. Oh, thank you. I’m sorry.

Q. Ms. Arvizo, when did you last see Carol Lamir?

A. I last saw Carol Lamir when she accompanied David to David’s criminal domestic violence proceeding. That’s when I last saw her. And they were holding hands.

Q. Did you ever tell her that David did not provide for the family and you had no food?

A. No.

Q. Did you ever tell her that you had no insurance and needed money to pay Gavin’s medical bills?

A. No.

Q. Ever tell Louise Palanker that David had threatened to kill you?

A. I don’t think so, but that is something that David always did.

Q. Pardon me?

A. That’s something that, you know, was customary, part of his own violence.

Q. He would always threaten to kill?

A. But I don’t think I told Wheezy that.

Q. Did you ever tell anyone that David often threatened to kill members of your family?

A. I don’t think so.

Q. Ever tell the police that?

A. I don’t think so. I told them what David would tell me, and that was about his brother Ray, but Ray had never done that, or said that to me.

Q. Did you ever meet someone named Richard Ramey?

A. No.

Q. Do you know Marian Arvizo?

A. Yeah, that's the one that's friends to the

editor of the Mid Valley News. And David, that's -- they're -- David and Marian are in cahoots about many things. Such as like the --

Q. I'm sorry.

A. I came to find out -- a lot of things.

MR. ZONEN: I'm going to object as exceeding the scope of the question.

THE COURT: Nonresponsive do you mean?

MR. ZONEN: Yes.

THE COURT: Sustained.

Q. BY MR. MESEREAU: How long have you known Marian Arvizo?

A. The last time I seen Marian Arvizo was when she also went to David's criminal domestic violence proceeding. And prior to that, I hadn't seen Marian since, let me see, maybe when my children -- when my daughter was, I think, two years of age.

Q. Do you recall Marian Arvizo organizing some blood drives for Gavin?

A. No.

Q. Did you ever hear anything about that happening?

A. No. All I know is that she's -- she's the editor's friend.

MR. ZONEN: Objection; nonresponsive.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you ever meet someone named Mrs. Marie Triggs?

A. No.

Q. Are you aware of Mrs. Marie Triggs ever trying to organize blood drives for Gavin?

MR. ZONEN: Objection. No foundation that she knows the person.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Regardless of whether you know the person, did you ever learn that Marie -- someone named Marie Triggs had helped organize some blood drives for Gavin?

A. No.

Q. Do you remember ever complaining to Marian Arvizo that you didn’t want her to arrange blood drives for Gavin?

A. No.

Q. Ever tell Marian Arvizo, “I don’t need your blood. What I need is money”?

A. No.

Q. Okay. When did you last see Marian Arvizo?

MR. ZONEN: Objection; asked and answered.

THE COURT: Sustained.

THE WITNESS: I already said.

Q. BY MR. MESEREAU: Ever know of a blood drive being held in Claremont, California, for Gavin?

A. No.

Q. How about a blood drive being arranged through Von’s warehouse where David used to work?

A. No.

Q. Do you know -- I think I may have asked you. I’m not sure whether I asked this question or not, Your Honor.

Do you know someone named Bruce Richards?

A. No.

Q. Now, while you were at Hamid’s home, and before you began the filming of the rebuttal video, do you recall making some phone calls?

A. No. I made no phone calls.

Q. Do you recall ever being on the phone with anybody before the video was shot?

A. No. The only -- when Brad Miller had dialed the phone and Miss -- Vicki was on there.

Q. Was that at Hamid’s house?

A. This was at Hamid’s house.

Q. Did you only talk to Vicki Podberesky that one time?

A. This is the one time.

Q. Okay. Do you know Violet Silva?

A. No.

Q. Now, which employees at Neverland, other than Jesus and Chris, do you recall meeting?

A. That's it. I gave the police every possible information that I could, and that's it.

Q. I want to just clear something up that I said on Friday. The J.C. Penney settlement -- excuse me. Let me rephrase it. That agreement to settle was approximately September of 2001, right?

A. I don't think so.

Q. When do you think you settled that case?

A. When -- I think it was -- I know it was after David was arrested.

Q. Actually, he was arrested five days after the agreement was signed, right?

A. Okay. No, David was arrested. Then he was out on bail. And so -- no, it had to be after he was arrested. That's the best I can remember.

Q. The agreement was signed September 24th, 2001, right?

A. Okay. I may not understand what his -- the legal words is. I'm talking about the end result, the end result when the J.C. Penney's attorneys and Tower Records attorneys stood with my civil attorney, and that's what I'm talking about. And to my understanding, that's when the judge approved it. I don't know. So that's what I'm talking about. Me and you may be talking about something different.

Q. Okay.

A. Because I know there was different proceedings prior to that.

Q. But around that time, David was arrested, correct?

A. Yeah, because, you know, he did what he did.

Q. And a couple of weeks after the agreement was signed, you filed for divorce against David, right?

A. I -- when David showed up to the criminal court proceedings on the first day --

MR. ZONEN: Objection; nonresponsive.

THE WITNESS: I already answered that so

many times.

THE COURT: Just a moment, please.

Sustained. Do you want the question read back, Counsel?

MR. MESEREAU: Yes, please, Your Honor.

(Record read.)

THE WITNESS: I don't know how to answer that. All I know is that David was arrested. And the first day that he showed up where I was at the criminal proceedings, that's when he was handed my -- the filed divorce file. And I've never gone back with him ever again, so it was serious. That was it. That was enough.

Q. BY MR. MESEREAU: After he was arrested, you were in a legal dispute with him as to how the settlement money would be divided, correct?

A. Incorrect.

Q. Did you go to any type of mediation procedure to settle how much each member was going to get of the 152,000?

A. No. That's incorrect.

Q. You don't recall any discussion among lawyers about that, right?

A. That's incorrect.

Q. Okay. When did you and David agree how much each party was going to get?

A. There was no -- there was no back and forth with that. They -- the civil law firm, they decided that. But I know -- but I am aware of this, though: David's -- Mr. Halpern, his wife --

MR. ZONEN: I'm going to object as nonresponsive.

THE WITNESS: -- was demanding --

THE COURT: Just a moment. There's no question.

Go ahead.

THE WITNESS: Okay.

Q. BY MR. MESEREAU: Okay. David got approximately $5,000 from that settlement, correct?

A. That's correct.

Q. Okay. I'd like to ask you about purchases made on your behalf by anyone associated with

Michael Jackson, okay? Do you recall a dinner at Outback Steakhouse on February 21st, 2003?
A. No. That didn’t happen. I know where I was February 21st.
Q. You never were there with Frank or Vinnie, correct?
A. This is correct.
Q. Okay.
A. As a matter of fact, on the surveillance video, you can see your guy following us.

Q. Well, you were being investigated, weren’t you?
A. No.
Q. Okay. You’re not aware of Mr. Geragos ever hiring people to investigate you?
MR. ZONEN: Objection; lack of foundation.
THE COURT: Sustained.
Q. BY MR. MESEREAU: So you never went to Outback Steakhouse, right?
MR. ZONEN: Objection; asked and answered.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you recall going to Robinson’s-May on February 21st, 2003?
A. No. That’s incorrect. I know where I was February 21st.
Q. Did you ever go into Robinson’s-May in Thousand Oaks on February 21st, 2003?
A. No. I remember the day. I think it was the 26th.
Q. You went to Robinson’s-May?
A. I think it was the 26th. The same day that my children had gone.
Q. And do you know who paid that bill?
A. That was Vinnie. I think that was Vinnie.
Q. And do you remember what was purchased?
A. No, I can’t remember. I think it was -- I think it was a couple of outfits. I think so.
Q. For who?

A. This was for me.
Q. And you were --

A. I think so.
Q. Do you recall the bill being approximately $92.24?
A. No, I think it was more like -- I don’t know. It was around that price range, though.
Q. And do you recall what clothes you bought?
A. No, I can’t remember, because they took them away. They rummaged through the things when I had finally got out. And not only did they take the things that they had purchased, but they also took some of our items back. And that’s why Mr. Dickerman’s letter, it states “Children’s clothing.” I didn’t care about mine.
Q. Would it refresh your recollection if I just show you the receipt --
A. It don’t matter.
Q. -- as far as the clothes you bought?
A. I’ve already seen it.
Q. Do you know what clothes you purchased?
A. And I’m acknowledging that on the same day that my children’s things were purchased, the same items were.
Q. Okay. Do you know what clothes you bought?
A. No, I don’t remember.
Q. Would it refresh your recollection to look at the receipt?

A. Sure. If you have the receipt --
MR. MESEREAU: May I approach, Your Honor?
THE WITNESS: -- of the 26th.
MR. ZONEN: May I see the receipt, please? This is not the 26th. Your Honor, I believe the witness has requested the receipt from the 26th.
THE WITNESS: That’s right.
Q. BY MR. MESEREAU: You don’t want to see one from the 21st?
A. No.
Q. You deny being in Robinson’s-May on the 21st, right?
A. This is correct. I know where I was the 21st.
Q. Do you recall going to Lisa’s Beauty Supply on the 21st?

A. That’s incorrect.

Q. Have you ever been to that store?

A. No.

Q. Never got hair products there?

A. No.

Q. How about a store called Pacific Sunwear, did you ever go there?

A. I don’t think so. I think it was just the -- I think it was -- the best I can remember, it was in an outlet area. It was a Jockey store, and I think it was a Levi store. And then the luggages.

Q. And you think you went --

A. On that same day, Robinson’s-May. I think -- that’s the best I can remember.

Q. Do you think you went to Robinson’s-May on the 25th?

A. No. No, it was the same day, the 26th.

Q. Did you go to Robinson’s-May on the 25th?

A. No.

Q. Did you go to Anchor Blue on the 25th?

A. No.

Q. To your knowledge, did Mr. Jackson ever pay for clothing for you at Anchor Blue?

A. No.

Q. How about at Robinson’s-May?

A. On the 26th, yes. Which they kept.

Q. And you never went to Pacific Sunwear on the 26th of February, right, 2003?

A. No. The best I can remember is the Levi outlet store, the Jockey outlet store, and then that luggages. That’s the best I can remember.

Q. Do you recall --

A. And Robinson’s-May.

Q. I’m sorry. Are you finished?

A. Yes.

Q. Do you recall purchasing luggage on February 26th, 2003?

A. Yes.

Q. And what luggage do you recall purchasing?

A. They were -- they were black.

Q. Do you recall asking for a particular kind of luggage?
A. No.
Q. Okay. And the cost was approximately $127.40, right?
A. I think so. And also -- Vinnie had purchased also for Frank and Vinnie.
Q. For themselves?
A. Yes.
Q. Okay.
A. In that luggage store.
Q. For that trip to Brazil?
A. Yes.
Q. Do you recall going to Banana Republic on February 26th, 2003?
A. No.
Q. Never went there?
A. Never went there.
Q. Do you recall going to the Gap outlet in Camarillo on February 26th, 2003?
A. No. The best I can remember, it was the Levi outlet, the Jockey, the luggage, and the Robinson’s-May. That’s the best I can remember.
Q. Do you recall charging up $436.77 at the Levi outlet on February 26th?
A. That sounds about correct.
Q. Do you recall eating at the Woodland Hills Black Angus on February 26th?

A. I think that -- I think that’s correct.
Q. And who did you eat there with?
A. It was Frank, Vinnie, the three kids, myself, and they were filming that for Michael’s positive PR.
Q. And the bill was $175.34, approximately, right?
A. I never saw the bill. I never saw the bill.
Q. All right. Do you recall shopping at The Foot Locker on February 26th, 2003?
A. No. That’s incorrect.
Q. Didn’t go there?
A. No.
Q. Didn’t get any shoes for your son there?

A. No.

Q. Okay. Do you recall going to Abercrombie & Fitch on February 26th, 2003?

A. No.

Q. Didn’t go there at all, right?

A. That’s correct.

Q. Okay. And you do recall Robinson’s-May in Canoga Park on February 26th, right?

A. I don’t know what city it was, but it definitely was February 26th. Some things just -- are just stuck in there.

Q. Would it refresh your recollection if I just show you the receipt?

A. Like I said, if it happened February 26th,

then it did happen.

Q. Okay. Do you know what clothes you bought there on that day?

A. No, I can’t remember.

MR. ZONEN: On what day? Objection; vague.

MR. MESEREAU: February 26th, 2003.

MR. ZONEN: Where is this?

MR. MESEREAU: Robinson’s-May in Canoga Park.

Q. Do you know what clothes you bought there?

A. No, I can’t remember. But besides that, Frank had taken all the clothes that they had purchased. And when he was rummaging through our bags, he also took some of my children’s clothing that belonged to them that they did not purchase.

Q. Were you shopping with Frank or Vinnie on February 27th, 2003?

A. No.

Q. Didn’t go to Robinson’s-May on February 27th?

A. No.

Q. Didn’t go to Rite-Aid?

A. No.

Q. Didn’t go to Anchor Blue, right?

A. No.

Q. Okay. Do you recall going to Hsong’s Barber Shop on February 28th?

A. No.

Q. Do you recall going to Adidas on February 27th of 2003?

A. No.

Q. Do you recall going to Old Navy on February 27, 2003?

A. No.

Q. Now, do you recall going to Robinson’s-May on February 27th, 2003?

A. February 26th. It’s burned inside my memory.

Q. And where was that Robinson’s-May located?

A. Right next to -- right next to the hotel where we were at.

Q. Was that across the street?

A. No.

Q. Do you recall ever going to Canoga Park during this period of time?

A. I don’t know what the city was. I just know that it was near there. That’s all.

Q. Do you recall going to Anchor Blue on March 1st?

A. No.

Q. How about Robinson’s-May on March 2nd for cosmetics?

A. No.

Q. How about Lovely Nails on March 10th?

A. March 10th is the nails -- the nail shop.

Q. And that was for a manicure and a pedicure,

correct?

A. No.

Q. It was a $115 bill paid by Mr. Jackson, true?

MR. ZONEN: Objection; lack of foundation.

THE WITNESS: No.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you recall -- let me rephrase this.

Do you recall sending any employees to do shopping for you while you were there?

A. No.

Q. So that never happened?

A. Never happened.

Q. Okay. Where was Lovely Nails located?

A. Right by Jay’s work.

Q. And do you know who paid that bill?

A. Vinnie did.

Q. Do you recall Gavin getting a haircut during that period of time?

A. No.

Q. Do you recall ever asking Frank or Vinnie to buy cosmetics for you?

A. No, that didn’t happen.

Q. Never happened?

A. No.

Q. Did you ever go to any store where you could pick out cosmetics that they would purchase?

A. No.

Q. What restaurants do you recall eating at with Frank or Vinnie?

A. The Black Angus one. And it was one meal, while we were in the hotel. It was one meal per day. And they were filming the whole thing. So Black Angus is one of them. But that’s the best I can remember. And we had to stay in the hotel.

Q. So you’re saying you were limited to one meal a day while you were filming?

A. Yes. This is correct.

Q. And where were you filming?

A. I wasn’t filming. Your people were filming. And when we’d go eat. At Black Angus was one of them.

Q. Let me get this straight. You’re staying at the hotel, right?

A. Yes.

Q. And you’re saying you’re limited to one meal a day, right?

A. Yes.

Q. While you’re being filmed; is that correct?

A. No, not while we were being filmed. They would film the event. They would film the dinner for Michael’s positive PR.

Q. So a dinner was filmed at Outback

Steakhouse?

A. If in that time period, it falls within that time period, it did happen. But the best I can remember is only -- what he just said, is Black Angus. I do remember that.

Q. And who do you remember eating at Black Angus with?

A. Frank, Vinnie, my three children, me, yes.

Q. Do you recall around November 9th, 2001, buying an automobile?

A. November 9th?

Q. Yes.

A. Of what year?

Q. 2001.

A. No.

Q. Did you buy an automobile around that period of time?

A. No, I didn’t.

Q. Okay. Were you taking the bus all the time then?

A. Yes.

Q. And you -- again, just for the record, you moved in with Jay Jackson approximately December of 2002; is that right?

A. That’s incorrect. I moved when they took my place away.

Q. Okay.

A. And that was in March of 2003.

Q. Were you spending time at Jay Jackson’s home starting December of 2002?

A. I visited Jay throughout -- since I first met him. He was my -- it was a new relationship. I really liked being with him, me and the kids.

Q. And did you start spending a good portion of the week there approximately December of 2002?

A. No.

Q. When did you start spending days at Jay Jackson’s home?

A. Again, this is like three years ago now probably. Well, when you guys took my place away.

I had nowhere else to go.

Q. Were you spending most of the week at Jay Jackson’s home before the Soto apartment was vacated? Yes or no.

A. I would ride the bus with my children on the metro rail. I’d take them to school. And then I’d go and -- to Jay’s apartment and make myself serviceable with cleaning his house, do just something, and then go pick up the kids. And he would let me know how long he was going to be at work. If he was going to stay longer, then I’d just go home.

Q. Do you know approximately -- let me rephrase that.

You first met Psychologist Stanley Katz in May of 2003, true?

A. I think so. I think so.

Q. You met him through Larry Feldman, right?

A. Yes. This is correct.

Q. And you told the jury that at some point you first learned about any molestation through the Santa Barbara police, right?

A. I already felt and were aware that things were a mess. But it was confirmed when the police and the D.A.’s Office made me aware. Mr. Robel had explained to me that Gavin had entrusted something with him --

MR. MESEREAU: Objection. Move to strike; nonresponsive.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You claim you first learned about any alleged molestation in September of 2003, correct?

A. I don’t understand what he’s saying, but I was becoming aware of things through Gavin and Star, little by little by little.

Q. You claim that you learned about any alleged molestation in September of 2003 from Prosecutor Sneddon, Sheriff Klapakis and Sheriff Robel, right?

A. Yes.

MR. MESEREAU: I have no further questions.

REDIRECT EXAMINATION

BY MR. ZONEN:

Q. Ms. Arvizo, good afternoon.

A. Good afternoon.

Q. Mr. Mesereau had asked you about a Mary Holzer. Who is Mary Holzer?

A. Mary Holzer, she is the last -- what I know, she’s the office manager of the Rothstein civil law firm, and she’s a humongous Michael Jackson fan.

Q. What do you mean by that?

A. Well, when she was taking me back and forth to the various visits, because I didn’t have a car, she was continuously asking, requesting, begging to meet Michael Jackson.

Q. Did you ever tell Miss Holzer that the injuries that you sustained after the J.C. Penney’s incident were given to you by your husband?

A. Never.

Q. Is it the case that the injuries that you sustained in the J.C. Penney’s case were received by you by your husband?

A. If the -- on the day the J. --

Q. Yes.

A. Say it again.

Q. Is it the case that the injuries that you suffered during -- that the injuries that you had were received by your husband and not by J.C. Penney’s?

A. I kind of don’t understand.

Q. Let me ask that question again.

A. Okay.

Q. Were you injured during the J.C. Penney’s arrest?

A. Yes.

Q. Now, what happened in that arrest?

A. The J.C. Penney’s and Tower Records injured me and both my boys.

Q. How did that happen?

A. Well, they clobbered me.

Q. How did you happen to be there?

A. Well, because I was -- I had already gotten a loss prevention agent job for Oshman Sporting Goods.

Q. Where was Oshman Sporting Goods?

A. It was inside the mall.

Q. Were you at Oshman Sporting Goods?

A. Yes, I was.

Q. Was your husband with you?

A. No, he wasn't.

Q. Were either of your two children with you?

A. No, they weren't.

Q. Where did they go?

A. They went with David.

Q. And Mr. Mesereau had asked you if, in fact, you had learned your son Gavin had walked out of the store with items. How old was your son Gavin at that time?

A. I think my best -- they were in the summer of first grade, and I think -- I think both -- I think either -- I think it was six and seven. Six and seven, I think.

Q. This was before Gavin was ill with cancer; is that correct?

A. Yes, way before Gavin was ill.

Q. At some point, did you learn that he had walked out of the store with something?

A. Yes.

Q. What was the item he walked out with?

A. Two school uniforms and two school uniform pants.

Q. Was David Arvizo with him at that time?

A. Yes, he was.

Q. All right. Now, what was the first thing you saw or learned that day?

A. Well, the first thing I saw was David getting hit by a male and a female. And this is -- I don't know if you know malls. Like --

Q. Just tell us what you saw.

A. -- way far.

Q. Just tell us what you saw. What did you see?

A. I walked out and I saw that David was

getting hit by a male and a female.
Q. Did you know who they were?
A. No, I didn’t know.
Q. Were they wearing uniforms?
A. No, they weren’t.
Q. Did you have any reason to believe that they were security?

A. No, I didn’t.
Q. What did you do?
A. Well, I figured, you know, they might think -- I might be able to startle them with my two phrases, and those two phrases are also burned here. I told them, “What are you doing? What’s going on?” Because I figured by saying that, that would spook them and they would run.
Q. What happened?
A. Instead they turned around and just clobbered me.
Q. Were you arrested by them?
A. Yes, I was.
Q. Were you injured by them?
A. Yes, I was.
Q. Hold on just one second. Where were you injured and how were you injured?
A. Okay. The best I can remember is they broke my hand, my left hand. They made some -- like a little bump here, pop out, from my wrist. They, you know, hit -- punched all over my body. Let’s see. They did significant muscle damage on my back. Hit my face. All over my body. That’s the best I can remember.
Q. Where did you have bruises on you?
A. My legs. My arms. A little bit on my face. But that’s -- that’s the best I can remember.

Q. Were you arrested that day?
A. Yes, I was arrested.
Q. Were you taken to jail?
A. I was taken to jail.
Q. Was David Arvizo taken to jail?

A. Yes. David was taken to jail.

Q. Were you charged with any criminal offense?

A. Yes.

Q. What were you charged with?

A. I was charged with burglary, assault and battery, and petty theft.

Q. Did you ever actually go inside J.C. Penney's?

A. I never even went inside that store.

Q. Were those charges ultimately dismissed?

A. Yes.

Q. Was the lawsuit with J.C. Penney filed before or after the charges were dismissed?

A. It was after.

Q. Did you have photographs that were taken of your injuries?

A. Yes.

Q. After you were released from jail, what did you do?

A. After I was released from jail, the best I can remember is I remember the -- the jail person giving me the car keys, so I walked over to the mall parking lot. The best I can remember is I picked up the car. My children at this point had already been taken by my parents, because the police officer did not want to take custody of my children. So they waited for my parents to arrive before I even went to the jail. Right there in the parking lot, the police handed over my two boys.

And -- but after I came out of jail, and then I -- I don't know whether this came first or after, I went to go do a drug test, because that's what I went to go pick up at the -- at Oshman's. I had already been given the job. I just had to do -- it was -- they said it was a mere technicality. All I had to do was submit to an alcohol -- I mean, what they -- those drug tests. And --

Q. Was that a urine exam?

A. Pardon me?

Q. A urine test?

A. Yes, it was.

Q. Where did you have to do that?

A. It was really close to the mall, right there.
Q. Did you do it that night?
A. Yes, I did it. And they time-stamped it.
Q. Where was your husband at that time?
A. At that time, I believe he’s still in jail.
Q. All right. The kids were where?
A. The kids are with my parents.

Q. Do you know approximately what time it was?
A. At this time?
Q. Yes.
A. No, I don’t. I know it was right before I ended up going to Kaiser.
Q. All right.
A. Which that was also time-stamped.
Q. Did you have a car at that time?
A. At that time, yes, it was a mini-van.
Q. And where was the vehicle?
A. The vehicle was at the -- still at the shopping mall.
Q. All right. And then where did you go with the -- did you get the vehicle at some point in time?
A. Yes, I did.
Q. I believe that I walked over and went and picked it up myself.
Do you know approximately what time it was that David Arvizo was released from custody that night?
A. No, I don’t. I just know that it was minutes before we went to Kaiser.
Q. All right. Did you, in fact, go to Kaiser that night?
A. Yes, I did.
Q. Did you do that soon after David Arvizo’s release?

A. Yes, like that.
Q. Did he inflict any injury on you at any time from the time he was released from custody to the time --

A. No.
Q. -- that you arrived at Kaiser Hospital?
A. No, he didn't.
Q. All right. And did they attend to your injuries when you got to Kaiser Hospital?
A. Does that mean like --
Q. Did they treat your injuries at that time?
A. Yes, they did. They did.
Q. You said your kids were picked up by your parents at that time?
A. Yes, at the shopping mall. They didn't even take them -- the police wanted to release the children right there to my parents. They didn't want to take them into custody.
Q. Were either of your children injured in the course of that altercation?
A. Yes, they were.
Q. Which children were injured?
A. They broke Gavin's arm. They gave him a black eye. Star, they gave him a concussion. That's the best I can remember.
Q. Was there a settlement on behalf of Star and Gavin?
A. What does that mean?

Q. In other words, did they receive money?
A. Yes, they did.
Q. Do you recall how much they received, approximately?
A. No, I don't recall. I've never touched it. It's still sitting there.
Q. I believe you just said there was an amount of money that was received by both Star and Gavin.
A. Yes.
Q. You don't recall at this moment how much that was?
A. No, I don't. That's --
Q. Did one receive more than the other?
A. Yes.
Q. Was that reflective of the injury?
A. I think so.
Q. Which one? Which of your children received the greater amount?

A. Gavin did.
Q. I think you said it went into a bank account; is that correct?
A. Yes.
Q. And is it still there?
A. It is still there.
Q. How long will it remain in that bank account?
A. Till they become adults.
Q. I'd like to show you two exhibits, please, No. 820 and 821. Take a look at those two exhibits, if you would.

A. Okay. Okay.
Q. Are those exhibits familiar to you?
A. Yes, they are.
Q. All right. And do they reflect the amount of money that was received by each of those two children?
A. Yes. It is correct.
Q. Can you tell us, then, how much money it was for each one?
A. Gavin is -- to the dollar? To the penny?
Q. Yes.
A. Okay.
Q. As long as it's in front of you.
A. Okay. Gavin is 25,595. And Star's is $8,576.
Q. Have either you or your husband had -- your ex-husband David had access to that money at all?
A. No.
Q. And that's per the conditions of that settlement; is that correct?
A. Yes, this is correct.
Q. Tell us how much you received on that.
A. Myself?
Q. Yes.
A. The best I can remember, myself, I received 32,000.

Q. All right. And how much did David receive?

A. David received 5,000.

Q. All right. Now, the total judgment on that was something over 150,000; is that right?

A. This is correct.

Q. What happened to the rest of the money?

A. The attorneys -- it went all to the attorneys.

Q. Were there medical expenses as well?

A. I think so. I -- it came -- it was disbursed from the law office. What they did with it, they would know best.

MR. ZONEN: May I approach the witness, Your Honor?

THE COURT: Yes.

Q. BY MR. ZONEN: I'm showing you a collection of documents that are numbered 819 for identification. 819, a series of photographs. And there's actually 19 pages in here. Excuse me, 16 pages. 16 pages.

Take a look at that, if you could, and let's start with each one of those pages. Can you tell us the content of the subject matter of that first page?

A. It is me. I do have a bra on. And it shows bruises on my arms and my legs.

Q. Go ahead and go to the next page. And the two top photographs are who, please?

A. They're both of me.

Q. And they show injuries where?

A. On my legs, on my arms, and then wearing that thing on my wrist.

Q. And the thing on your wrist is a brace?

A. Yes. First it was the cast, and then it went -- they did that after they cleaned it up.

Q. Okay. And then the two bottom photographs on the second page of this exhibit.

A. They're both of Gavin.

Q. Okay. And what injury did Gavin have?

A. He had a broken arm.

Q. Okay. Was it at his elbow?

A. I think it was his elbow. I'm -- or up here. I don't remember very clear. It was either

up here or his elbow.
Q. Okay. How old was Gavin?
A. The best I can remember, six or seven.
Q. Okay. Go to the next page, please.
A. Okay.
Q. No. 3 reflects what, the two top photos?
A. It's of my hand, and myself sitting down.
Q. And the two bottom photos?
A. Of me with the bruises.
Q. All right. And the bruises are where in those photos?
A. My arms and my legs.

Q. Go to the next page, please, No. 4. And where are the bruises in these four photographs?
A. On my arms and my legs.
Q. The front or back of your legs?
A. The back.
Q. All right. Go to the next page, please, No. 5, and tell us what these photographs depict.
A. They're of my legs.
Q. No. 6, page six, what do these photographs depict?
A. Still on my legs.
Q. And these are bruises on the bottom and top portion of your leg?
A. Yes.
Q. Go to the next page, No. 7. What does that reflect?
A. Bruises still on my arms and legs.
Q. All right. Next page, please.
A. And I think this is Gavin's arm up here.
Q. So on page seven of the four photographs in that -- on that -- depicted on that page, the upper right, you believe, is Gavin's elbow?
A. I think so.
Q. All right. Go to the next.
A. Okay.
Q. Four pictures on page eight, what are they?
A. They're of myself.
Q. Okay. And the two top ones, or the top one

on the left, what does that depict?

A. The top left is a full back side of how I looked.

Q. And it shows bruising where?

A. On the back of my arms, and the back of my legs.

Q. Okay. And on the right side at the top, what does that depict?

A. My arms from the front side.

Q. Okay. And then the bottom picture on the left?

A. Of my wrist.

Q. And then the picture on the right?

A. Of my face, right cheek.

Q. What kind of bruise did you have on your right cheek?

A. Like a -- like this.

Q. All right. Go to the next page. This is page nine. Let’s turn it on its side. Tell us what -- the picture of the little boy, which little boy is that?

A. This is Gavin.

Q. And that shows his arm?

A. Yes.

Q. And then the two other pictures?

A. This was the scrape that he had on this arm, and it shows his black eye.

Q. Okay. And then the other two pictures

apparently are -- no, go back.

A. Oh.

Q. On the same page, which is page nine, there are two other pictures. That is of you?

A. Of my legs.

Q. And then the four photographs on page ten?

A. They’re all the same. And they’re just showing my upper arms.

Q. Okay. And page 11?

A. My upper half and one of full body.

Q. Okay. So these are --

A. Showing bruises.

Q. -- bruises, upper chest and your upper arms?

A. Yes.

Q. Okay. Page 12?

A. A front view of me.

Q. Okay. Page 13, one photograph.

A. Of Gavin.

Q. And that’s his arm?

A. Yes.

Q. Page 14?

A. I think this is because it’s showing a scrape on that arm.

Q. Okay. Page 14, four photographs of what?

A. Of right here.

Q. The wrist?

A. Yes.

Q. Page 15?

A. My son Gavin.

Q. That’s Gavin?

A. Yes.

Q. With his arm?

A. Yes. Yes.

Q. And finally, page 16?

A. This is Gavin with his broken arm.

Q. All right. When were those photographs taken?

A. Immediately.

Q. By “immediately” what do you mean? That day, or the next day, or when?

A. I think it was -- the best I can remember, I think it was -- I think it was the next day right after we had taken -- I think it was after the boys had received medical services. I think that’s the best I can remember.

MR. ZONEN: Your Honor, I’m going to move to introduce these photographs, which is Exhibit 819, into evidence at this time.

MR. MESEREAU: No objection.

THE COURT: They’re admitted.

MR. ZONEN: May I have just a moment, please?

Your Honor, I’d like to publish these photographs, or some of them. I’d like to publish these photographs at this time.

THE COURT: All right.

Q. BY MR. ZONEN: Let’s start with the two on the top of page two of this exhibit. And Miss Arvizo, go ahead and look at this. These are the top of page two. And describe for us, please, what we’re looking at, the injuries. First start with the pictures on the left.

A. That’s me. This is me sitting down and showing the bruises from -- from this, this part right here, my legs and my lower half.

Q. All right. And the picture on the right?

A. Yes, my legs.

Q. It’s page six of that exhibit. Tell us specifically what we’re looking at here, please.

A. Kind of like a little diagonal view of my legs.

Q. And that shows the bruises where on your legs?

A. On my -- the front part of my calf area.

Q. All right. And on both legs?

A. Yes. On both legs. And you can see a little bit of the back part of my thighs.

Q. Also page six on the lower left-hand corner. Can you describe what we’re looking at in that photograph?

A. Bruising on the back side of me. And there’s that -- the thing over my hand.

Q. And on your left hand?

A. Yes.

Q. And this is page number seven. On page number seven, would you tell us, please, what we’re looking at on that photograph?

A. That’s from a sitting position, I think it’s di -- I think it’s diagonal in the other direction of the bruises on my arms and my legs.

Q. On both legs -- both arms?

A. Both arms.

Q. And both legs?

A. Yes.

Q. Exhibit No. 8, No. 8 of this exhibit, tell us what that one is, please.

A. This is a -- a back side of me. And then you can see a little bit of the -- of the underarm, showing that, showing my right arm.

Q. And what are we looking at on this picture?

A. I had -- I had bruising and a little bit of swelling right here, my right cheek.

Q. And that’s also Exhibit No. 8.

THE COURT: I think you’re referring to the page number.

MR. ZONEN: Yes, page number. Exactly.

Q. That was who now?

A. This is Gavin.

Q. And he had his hand at that time in a sling; is that right?

A. Yes, he did.

Q. And a cast?

A. He had a cast.

Q. We can have the lights back on.

You were asked some questions about a car that had belonged to Chris Tucker. Did Chris Tucker ever actually offer you a vehicle?

A. Chris Tucker gave it to me and the kids as a Christmas present from him and Aja. It was Aja’s old car, but Chris had taken the kids to buy Aja a birthday present, as a surprise birthday present, and he had the kids pick Aja’s new color of her car for her birthday.

Q. Now, did you actually ever drive that car?

A. I never drove that car.

Q. Did you ever take possession of it?

A. I never took possession of the car.

Q. Do you remember when it was that he offered you the car or gave you the car?

A. It was for Christmastime. And he hadn’t seen me and the kids, neither did Aja, so the first time he got to see us was at his home, and that’s when he gave it to me.

Q. Did -- you say he gave it to you. But how is it you never took possession of it?

A. Well, because he says, “Here’s the keys. And this is yours and the kids’ Christmas present.”

Q. And --

A. It was Aja’s old car.

Q. But tell me why you didn’t drive away with

it.

A. Because. In Miami -- remember way in the beginning I had told you that I had tied a garbage bag which I had placed my Timberland shoes inside a Turnberry bag and I tied it so tight to my red sports bag that the only way you can take this bag off was by ripping it? That’s it. And that disappeared. I didn’t see it till --

Q. Are you telling us that had the keys in it?

A. Yes, that had the keys in it.

Q. All right. Now, again, that was early February when you went to Miami?

A. That’s correct.

Q. Where was the car between Christmas and early February?

A. At Aja’s house.

Q. All right. Did you -- you took the keys, but you never got the car?

A. That’s correct. On that day was when Chris had told me that Aja and Chris had been looking for us to give us a Christmas present.

Q. All right. So when exactly was it that they gave you the keys?

A. The day I went to Chris’s house.

Q. To go to Miami?

A. To go to Miami, yes.

Q. Okay. All right. So it was not a Christmas gift to you. It was a Christmas gift to Aja?

A. No.

Q. The new car?

A. No. I don’t know if I explained it correctly. Aja had gotten a brand-new Mercedes for her birthday. This was now Aja’s old car, which was just sitting in her -- in her driveway. So Chris and Aja decided that they wanted to give me and the children this car for Christmas, but they were unable to locate us.

Q. All right. It wasn’t until the --

A. Until --
Q. He went to Miami?
A. Yes, that’s correct.
Q. So the keys you took, but you never got the car?
A. Exactly.
Q. Did you ever have a conversation with either Aja or Chris Tucker after you got back from Miami --
A. Well --
Q. -- about the car?
A. With Chris, never again.
Q. You never had another conversation with Chris?
A. I never had.
Q. And with Aja?
A. With Aja, I think so. I think it was -- I think it was, yeah, I was able to tell her, “Thank you.”

Q. Did you ever see the keys again?
A. I never saw the keys again.
Q. You never took the car, never drove the car?
A. No, they disappeared with my garbage bag.
Q. Now, the vehicle that was a gift to Gavin from Mr. Jackson, do you know the difference between a Bronco and a Blazer?
A. No, I don’t.
Q. If I were to ask you to describe one against the other, would you know?
A. No, I wouldn’t be able.
Q. Do you remember what color it was?
A. I do remember that. It was white.
Q. Do you know what the letters “SUV” stand for?
A. No. No.
Q. If somebody were to say “SUV” to you, does that --
A. The best I can --
Q. Hold on.
Does that conjure up in your mind some kind of a vehicle?
A. Yes.
Q. SUV?

A. Yes.

Q. What kind of a vehicle?

A. Kind of like a half truck, half pickup with enclosure, like a camper, all fused together.

Q. Okay. Was it that kind of vehicle that Mr. Jackson gave you?

A. Yes.

Q. Do you know the difference between a GMC and a Ford?

A. No, I don’t.

Q. Do you know what the letters “GMC” stand for?

A. No.

Q. Did somebody tell you it was a Bronco?

A. Yes.

Q. Who?

A. David did.

Q. All right. Now, this car actually did come into your family’s possession; is that right?

A. Yes, it did.

Q. Did you ever get any documentation on it; in other words, a registration of some kind, or a pink slip?

A. No.

Q. Do you know what -- when I say “pink slip,” do you know what that means?

A. Yes, I do know that.

Q. And registration, do you know what that means?

A. Yes.

Q. Have you ever actually bought a car yourself?

A. No. Let me see. I think a long, long, long time ago, I may have been a co-signer, I don’t know, of a red Nissan Sentra.

Q. Did you ever actually walk into a car dealership by yourself and pick out a car and purchase it?

A. By myself, never.

Q. On this particular case, I asked you about documentation, a pink slip or a registration, and you said, I think, they did not give you that; is that right?

A. Yes, that’s correct.

Q. So you were talking about a document with a VIN number on it.

A. Yes.

Q. What was that?

A. Okay. I had -- there was a -- like a long number thing, and I had written it down on a piece of paper.

Q. So you wrote the number yourself?

A. Yes, I did.

Q. And tell me why you did this.

A. Because -- just so I know that that was the car that belonged to that. That’s all.

Q. But you did that at a time that you had the car in your possession?

A. Yes.

Q. All right. How long was --

THE COURT: All right. Counsel, we’ll end for today.

Remember the adminitions. See you tomorrow morning at 8:30.

(The proceedings adjourned at 2:30 p.m.)

--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify: That the foregoing pages 6603 through 6768 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 18, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
April 18, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
OFFICIAL COURT REPORTER

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, APRIL 19, 2005

8:30 A.M.

(PAGES 6770 THROUGH 6828)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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-and-

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-and-

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14126 East Rosecrans Boulevard Santa Fe Springs, California 90670

I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES DIRECT CROSS REDIRECT RECROSS

JACKSON, Janet 6773-Z 6788-M
6825-Z (Further)

Santa Maria, California
Tuesday, April 19, 2005
8:30 a.m.

THE COURT: Good morning, everyone.

THE JURY: (In unison) Good morning.

COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.

THE COURT: Mr. Zonen, you may proceed.

MR. ZONEN: Good morning, Your Honor.

JANET JACKSON

Having been previously sworn, resumed the stand and testified further as follows:

REDIRECT EXAMINATION

BY MR. ZONEN:

Q. Miss Arvizo, good morning.

A. Good morning.

Q. Yesterday, there were a number of questions that were asked about that tape-recording of the phone call, or series of phone calls, between Frank and you that you listened to in court early in your testimony, and you had testified previously that you believed it was a compilation of a few different calls; is that correct?

A. This is correct.

Q. All right. Now, at any time during the series of telephone conversations that you had with Frank after you had left Neverland on that first occasion, did you talk with him about the specific issue of danger?

A. Yes.

Q. And what specifically did you tell him?

A. The death threats about my children.

Q. How often did you bring up that subject in the course of those conversations?

A. Every single time.

Q. You were asked some questions about attorneys that you had seen over the last number of years, and why you might have contacted an attorney to deal with Mr. Jackson. Do you remember those questions from Mr. Mesereau?

A. Yes, I do.

Q. It’s a little confusing because apparently you have at one time or another dealt with two attorneys by the same name, Feldman; is that correct?

A. This is correct.

Q. The attorneys that you went to with regards to the J.C. Penney’s lawsuit. What was the name of that law firm?

A. The law firm was called Rothstein & Feldman.

Q. All right. Now, the Feldman that we’re referring to, is that Larry Feldman?

A. No. That is not Larry Feldman.

Q. It’s a different Feldman?

A. It is a different Feldman.

Q. Do you know his first name?

A. I come to know now that his name is George Owen Feldman.

Q. Did you actually deal with Mr. Feldman, George Feldman?

A. I’ve never dealt with George Owen Feldman.

Q. Who are the attorneys from that law firm, Feldman & Rothstein, who you actually dealt with?

A. From that law firm, dealt with Mr. Rothstein, Anthony Ramieri, and a Michael Adler.

Q. Now, did you contact Feldman & Rothstein?

A. And --

Q. Not Larry Feldman?

A. There was one more, but he was with Michael Adler.

Q. Did you contact the law firm of Feldman & Rothstein for purposes of dealing with Michael Jackson in any way?

A. No.

Q. When was the first time issues of Michael Jackson or actions involving Michael Jackson came up with a lawyer?

A. Mr. Dickerman.

Q. And then Larry Feldman thereafter?

A. Then Larry Feldman thereafter.

Q. There were questions that were asked of you by Mr. Mesereau as to the amount of money that Louise Palanker gave to you or your family. Did you ever ask Louise Palanker for money?

A. No.

Q. How many separate checks were turned over to your family by Louise Palanker?

A. It was two checks in the amount of $10,000.

Q. All right. Were you present at the time either of those checks were written?

A. I wasn’t present.

Q. Were you present at either time the checks were given to you?

A. No.

Q. Did you know in advance that David was going to be given that money?

A. No.

Q. Did he discuss it with you in any way prior to him getting the money from Louise Palanker?

A. No.

Q. Did you assist in cashing or depositing either of the two checks?

A. No.

Q. Were you aware that one of them was written to you?

A. Yes.

Q. Did you have to endorse that one, sign it?

A. Yes, I did.

Q. There’s been a lot of testimony so far about the cleanroom at your mother’s house for Gavin while he was ill. The money that came to create that clean room came from where?

A. From Wheezy, Louise Palanker.

Q. Did you have any conversation with Louise Palanker, either before or after that check was given to you, about how that check would be used?

A. No.

Q. Were you given any money by Fritz Coleman?

A. No.

Q. Did you ever ask for money from Fritz Coleman?

A. No.

Q. Were you given any money by George or Ann Lopez?

A. No.

Q. Did you ever ask for money from either George or Ann Lopez?

A. No.

Q. Were you present at any time when that issue of a wallet became the subject of discussion between George Lopez and your husband, your then husband David Arvizo?

A. No.

Q. Were you aware of that at the time that it happened?

A. No.

Q. When did you first learn about that

incident?

A. I think I heard it from Jamie. And this was after David was no longer with us.

Q. At some point in time, did you learn that there was an unnamed benefactor who was prepared to give you money?

A. Yes.

MR. MESEREAU: Objection. Leading and beyond the scope.

THE COURT: Overruled. The answer was, “Yes.” Next question.

Q. BY MR. ZONEN: Who is it who told you about that?

A. Jamie.

MR. MESEREAU: Objection. Leading; beyond the scope.

THE COURT: Overruled.

MR. ZONEN: The answer is in?

THE COURT: The answer was, “Jamie.”

Q. BY MR. ZONEN: Was that Jamie Masada?

A. Yes, that was Jamie Masada.

Q. What was your response to this offer of money?

A. I told him, “No, thank you”; that all I wanted was friends and prayers.

Q. Do you know the name of the person who was this benefactor?

A. I never knew.

Q. Do you remember when that took place?

A. This was -- the best I can remember, it was after all this Neverland stuff happened. That’s the best I can remember.

Q. Did you ever ask Jay Leno for money?

A. No.

Q. Did you ever meet Jay Leno?

A. I’ve never met Jay Leno.

Q. Did you ever have a telephone conversation with Jay Leno?

A. I’ve never had a telephone conversation with Jay Leno.

Q. Were you ever present at the time your son made any telephone calls to Jay Leno or had a conversation with him?

A. No.

Q. Were you present at any of the fund-raisers that took place at The Laugh Factory?

A. No.

Q. Mr. Mesereau asked you questions about medical insurance covering Gavin’s illness during that period of time. Did his medical insurance cover all of the expenses of his illness during that period of time?

A. Yes. This is correct.

Q. Did you ever tell anybody that -- that insurance was not covering the medical expenses?

A. No.

Q. Were you ever concerned about whether the medical insurance would continue?

A. I was concerned because David wasn’t working. He didn’t want to go back to work.

Q. Did you express that concern to anybody, to your recollection?

A. To my recollection, I don’t think so.

Q. At one point you purchased an automobile -- or, excuse me. At one point -- let me do that one more time.

You were asked a question by Mr. Mesereau as to whether or not you purchased an automobile. Did you actually take steps towards purchasing an automobile?

A. Yes, I did.

Q. What was it that you did toward purchasing an automobile?

A. Okay. I had -- I had called a car dealership from a phone booth, from the phone book. And the person -- they transferred me over to the sales department. And the gentleman who spoke on the phone sounded really nice. So I figured that’s the way I’m going to go, through this dealership, through this man. And then --

Q. Which dealership was it?

A. I think it was -- I don’t remember. But I remember it was -- I think it was Hollywood Ford. I think it was. That’s the best I can remember.

And so I had a -- I don’t know whether it was a travelers check or a cashier’s check, one of those things made out to that, in that amount, but I then changed my mind and I had it cancelled. But I -- so I never did purchase a car.

Q. Okay. You had a travelers check that you actually made out for a certain amount of money?

A. Yes, I did.

Q. Were you able to cancel that check?

A. Yes, I was. I -- yes. I didn’t follow through with the purchase of the car.

Q. You were asked questions about conversations with Mr. Jackson by Mr. Mesereau. Prior to the phone call on the 5th of February, or the date that you received that phone call from Mr. Jackson when he was in Miami, inviting you to come to Miami, had you had any conversations with Mr. Jackson prior to that day?

A. No.

Q. Had you asked him for any money?

A. No.

Q. Prior to that date?

A. No.

Q. Or since that date?

A. No.

Q. Did you receive any money from him?

A. No.

Q. What was the state of your -- what was your

life like prior to that phone call?

MR. MESEREAU: Objection; vague.

MR. ZONEN: Let me change the question.

Q. On the 4th of February, the day before you received that phone call, were there any problems that you were dealing with at that time?

MR. MESEREAU: Objection; vague.

THE COURT: Sustained.

Q. BY MR. ZONEN: Were your children healthy prior to that?

A. Our life prior to Mr. Jackson's --

Q. No, just limit it to just the question.

A. Okay.

Q. Were your children healthy in early February?

A. Yes.

Q. Gavin was dealing with no medical issues other than the ones that he deals with on a regular basis?

A. This is correct.

Q. How long had you been in a relationship with Mr. Jackson at that time, Major Jackson?

A. It was a new, promising relationship with him.

Q. Were you aware, prior to Mr. Jackson's telephone call to you, that he was even in Miami?

A. No.

Q. Did you express any desire to anybody to go to Miami?

A. No.

MR. ZONEN: Your Honor, finally, this might be beyond the scope of the cross-examination in which I would ask the Court's indulgence to reopen. I've advised Mr. Mesereau of this. We neglected to show part of the surveillance tapes. We missed it on Friday. And I'd like to show the last part of it. It's about 60 seconds' worth, if I could do that at this time.

MR. MESEREAU: Beyond the scope, Your Honor.

THE COURT: All right. I'll allow you to reopen.

MR. ZONEN: Thank you.

Q. You had previously seen some surveillance tapes prior to coming into court and then you saw some surveillance tapes on Friday. This is an

additional footage I'd like to show you at this time. And then we're going to stop the tape and have you identify it.
If you could turn down the lights, please.
THE COURT: It's going to be on "Input 1"?
MR. AUCHINCLOSS: Yes, Your Honor.
And we're on "Input 1," Your Honor?
MR. ZONEN: Bob, did you rewire this?
THE COURT: I think you all ought to go together and hire a teenaged boy to handle this for you.

(Laughter.)
MR. ZONEN: Any teenaged boy.
MR. SANGER: You don't have that hooked up.
THE BAILIFF: Do you want to play it off the DVD?
MR. AUCHINCLOSS: I think we'll just play it off the DVD.
We'll need "Input 4," Your Honor.
(Off-the-record discussion held at counsel table.)
MR. AUCHINCLOSS: Your Honor, I'm just going to fast-forward through a portion of it that we've already seen.
MR. ZONEN: We're ready, Your Honor.
Go ahead and stop it.
Q. Miss Arvizo, do you recognize those people?
A. Yes.
Q. And who is that?
A. This is now my now husband, Mr. Jay Jackson, and my two boys, Gavin and Star.
Q. And they appear to be carrying something.
What is that?
A. Yes. This is -- they're carrying their military uniforms.
Q. From the laundry?
A. Yes, from the cleaners.
Q. Do you know what street they're on?
A. Yes, actually, this is right near Jay's Army

base, which is way far from where Jay was living.
Q. In West Los Angeles, do you mean?
A. Yes.

MR. ZONEN: And for the record, the date on the lower right-hand corner is March 20th, ‘03, and the time was 3:47 p.m.

Go ahead, please.

And stop it.

Q. They’re stopping now. The date on the lower right-hand corner, March 21, ‘03, at 8:01 a.m.

Do you know who’s in that car?

A. Yes, I do.

Q. Who is that?

A. This is me.

Q. All right. And that car is --

A. And my boys.

Q. That car is your family car?

A. This at the time was -- I’m now married to Jay, but that was Jay’s car.

Q. Okay. The -- do you know where you are?

A. Yes, I am.

Q. Where is that, in this slide?

A. Yes. Right here, I am dropping off the children at their school. Gavin and Star. I’m parked right there in front of their school.

Q. Is the school John Burroughs Middle School?

A. This is John Burroughs Middle School.

Q. And would 8:01 a.m. be consistent with about the time that you would drop them off at school?

A. Yes, this is consistent.

Q. Let’s go ahead and -- March 21st was a day, in fact, that they went to school?

A. Yes, I had already by this time immediately reenrolled them back into John Burroughs Middle School.

MR. ZONEN: Go ahead.

Go ahead, stop it.

Q. It now says March 22nd at 5:10 p.m.

Do you know what we’re looking at here?

A. Yes, this is Jay Jackson’s apartment. Where you see that little rag or shirt, rag, shirt, hanging off the balcony, that’s his apartment.

His -- I don’t know -- what’s that called? Balcony.

That’s what it is, balcony. And right beyond the palm you can see me, I’m standing right there.

Q. And again, this says March 22nd, ‘03, at

5:10 p.m.
A. So if you look closer to the wall where the palm is, right above the palm, that’s me.
MR. ZONEN: Stop it for just one second.
Q. I’ve asked to stop it one more time. Just a couple of questions.
Behind this apartment building, what is there? In other words, is it a parking lot or something that’s right behind? Let me ask it differently.

A. Okay.
Q. Are we looking at the back of the apartment or the front?
A. Yes, you are looking at the back of the apartment building.
Q. Standing up on the balcony where you appear to be, what can you see looking down?
A. You can see the street. You can see other apartments. And beyond that, you can see the actual -- like a little eating area, market area, stuff like that.
Q. Okay.
A. This was Korea Town.
Q. Can you tell, based on looking at this picture, where the person would be who is taking the photograph?
A. Yes. Based on this angle, they would be right there, on the street, because right there is an actual city street.
Q. Do you know the name of the street right there?
A. No, I don’t. It’s just the back side of the apartment building. The apartment building is surrounded by three public city streets. And that’s one of them.
Q. Were you aware -- I mean, now that you know the date, March 22nd, were you aware at that time you were being filmed actually at that time?

A. No. It’s by -- by -- sometimes I would see them and sometimes I wouldn’t.
Q. But on this particular occasion --
A. But on this particular occasion, I did not

see them.

MR. ZONEN: Go ahead.

Your Honor, we have no further questions.

THE COURT: Mr. Mesereau?

MR. MESEREAU: Yes, please.

RECROSS-EXAMINATION

BY MR. MESEREAU:

Q. Miss Arvizo, the day after you claim you were beaten severely in the J.C. Penney parking lot, you returned to J.C. Penney, true?

MR. ZONEN: Objection; exceeding the scope of the redirect examination.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Now, you told -- the prosecutor asked you about -- excuse me. Let me rephrase it.

The prosecutor asked you about what happened to you in the parking lot in his redirect examination, okay? And I'd like to explore some more of those facts, all right?

You were in a public parking lot, what time of day?

A. I was in a public parking -- I don't know if you know a mall. Way, way, way at the end. And this particular area where we're talking about, there's actually no windows, no anything. It's almost empty.

Q. It was a public parking lot at J.C. Penney, true?

A. Incorrect. It was a mall parking lot, which was at the furthest distance where this Tower Records sits independently. And there's no windows or no -- nothing of view. So it's kind of like in a -- the farthest away, where -- it's almost isolated, that area.

Q. Is that where your car was parked?

A. Yes, this is where the car was parked.

Q. Is that where Gavin ran to with the items that were not paid for?

A. I wouldn't know that. I wasn't there.

Q. Well, at some point, you saw something going on near the automobile, correct?

A. That’s incorrect.
Q. Did you ever see something going on near your automobile in the parking lot?
A. No.
Q. Did you see something going on at some point that concerned you?
A. That’s too vague. Everything concerned me.
Q. Well, at some point, did you walk out of a building and see some activity around Gavin and David?

A. When I had came out of the mall, I had to walk the farthest distance of the parking lot and that’s where I saw David getting beat up by this male and this female. But, no, I did not see Gavin.
Q. Didn’t you tell the jury the other day that nothing happened to David?
A. As far as to the extent that happened to me, no. But I did see him getting hit by this male and this female.
Q. And for how long did you see David being hit by a male and a female?
A. The best I can remember, it’s from when I had view of to where I walked up to them.
Q. How far away from the car was David when you saw him being beaten up by J.C. Penney security people?
A. Well, initially I didn’t see where the car was. I just saw David. It’s until afterwards did I become aware where the car was located.
Q. Did you ever learn that Gavin had the car keys with him?
A. I was explained that afterwards.
Q. And where were you coming from?
A. I was coming from having had accepted a job for loss prevention from Oshman’s.
Q. Now, you claim that at one point one of the J.C. Penney security guards twisted your neck, correct?

A. This is correct.
Q. You said the person got behind you, put a hand on your chin, grabbed your hair and twisted your neck, true?

A. This is correct.

Q. Okay. You said your head was being pulled from side to side, front and back, correct?

A. This is correct. And these are things that are happening all in a fast motion. But this attorney, defense attorney, wanted me to break it down to millisecond to millisecond.

Q. Did you break it down from millisecond to millisecond?

A. I tried to do my best.

Q. Okay. Did you tell the truth?

A. Of course.

Q. Okay. Now, you said one of the J.C. Penny security guards was calling you “Bitch, bitch,” right?

A. I think so.

Q. Would it refresh your recollection to see your --

A. I’m saying I think so. I’m saying yes.

Q. Now, J.C. Penney security guards were assaulting you, if you remember?

A. The best I can remember, it was two males and a female, and then that other one from that other store. That’s the best I can remember. And we’re talking about this event that occurred almost seven years ago.

Q. You walked over to where you saw David being struck, correct?

A. Yes, I did.

Q. And you claim you never struck anyone, true?

A. This is correct.

Q. You claim you never resisted in any shape or form, right?

A. This is correct.

Q. You were just attacked by these people for no reason, right?

A. Yes, this is correct.

Q. You said your head was being twisted like the exorcist, correct?

A. Yes.

Q. You said that someone struck you with their knee, right?

A. Yes.

Q. You said at some point you were --

MR. ZONEN: I'm going to object as hearsay, unless it's inconsistent with current testimony. The deposition would be hearsay.

THE COURT: Overruled. You may proceed.

Q. BY MR. MESEREAU: You said you were dragged on the ground, true?

A. Yes.

Q. And who dragged you?

A. I remember how he looked, and it was one -- it was one of the J.C. Penney's people. That's the best I can remember.

Q. Now, you were handcuffed at one point, right?

A. Yes, I was.

Q. And you were then dragged with the handcuffs, right?

A. Yes.

Q. And you had trouble breathing, right?

A. Yes.

Q. You fell and you were dragged and dragged and dragged, right?

A. Yes.

Q. That was in public view, correct?

A. Like I said, this area is the furthest of the shopping parking mall and it's actually almost behind this building, Tower Records. And on this side of the building, there is no windows. So, yes.

Q. Was it a public parking lot?

A. Yes.

Q. Was it a parking lot attached to a mall?

A. Yes.

Q. Was J.C. Penney's in that mall?

A. J.C. Penney's was on the other side of the mall.

Q. Was Tower Records in the mall?

A. No, Tower Records is an independent building, and that's where these people did what they did.

Q. Now, you said your head, neck, arms, hand, fingers, back, butt, thighs and calves were all

injured, right?
A. This is correct.
Q. Do you know approximately what time this happened?
A. Okay. Like I said before, this is something that happened seven years ago, and the best I can remember, it was in the afternoon. Actually, the afternoon.
Q. Do you know what day it was?
A. No. I can’t.
Q. Well, you arrived sometime between 6:00 and 6:30, correct?
A. That sounds about right.
Q. And was it during the week or a weekend, if you remember?
A. I wouldn’t be able to tell you that.
Q. Now, you said that David was driving around the parking lot and delaying what you were doing because you were kissing him over and over, right?
A. The best I can remember -- the best I can remember is that David couldn’t find a parking space close to the mall. And so, yes, I was. I was happy

to have a job.
Q. And you said that your appointment was delayed because you were driving around the mall with David kissing him, correct?
A. Like I said, there was no parking near the entrance area. So he was trying to find a parking space.
Q. There was no parking because the lot seemed pretty full, true?
A. No. The -- since I was just going to run in and out to go pick up the drug test, and we were on our way to go wash clothes, so that’s why.
Q. But you testified under oath you were driving around the lot because David -- because you kept kissing David, right?
A. He was my husband.
Q. Did you say that?
A. That -- yeah, that he was my husband.
Q. Was that your testimony?
A. Yes.
Q. Now, yesterday, you said Gavin was six or

seven, correct?
A. It's approximately six, seven, maybe -- the boys are about a year difference. So depending -- if we count back seven years, so maybe six, seven, seven, eight, about there. Because you didn't ask me specifically. You said "boys," I think.
Q. Well, you testified on December 14th, the

year 2000, that Gavin was eight years old when this happened, right?
A. When -- when -- he's mixing up things purposely. My son was deposed right in the middle of chemotherapy and radiation treatment. And that -- and at that age, he was ten years of age. But when this happened, he must have been -- the boys are a year apart. He was either six or seven, seven or eight. And this is the best I can remember. The deposition was done when my son Gavin was ten and my son Star was nine.
Q. Do you remember testifying that Gavin was eight years old when that incident happened?
A. This was seven years ago. The best I can tell you is either the boys were six and seven, or seven and eight. They're only a year difference. So -- I'm not really good at math, so if you would like to subtract seven years from now, that's about when.
Q. Now, you testified that one of the security guards, a female, kept using the "F" word at you, right?
A. I think so. I believe so.
Q. That she was going to "F" you up, right?
A. I think so, yes.
Q. And she said -- you testified she called you an "F asshole," right?
A. I think so, yes.

Q. Would it refresh your recollection to see your testimony?
A. No, I'm saying yes, I think so.
Q. And you testified she did this for no reason, right?
A. That's how I felt. That's my opinion.
Q. They didn't know --

A. Because definitely I did not go inside the store. And definitely I did not do what they were claiming that I had done, which was burglary, petty theft and assault and battery.
Q. And this woman said this to you when you walked over to what was happening to David?
A. I think they were just overzealous security. And so they did what they did. I think they themself were in the moment.
Q. Now, you said you were hit with a closed fist, correct?
A. Yes.
Q. By this woman; right?
A. Yes.
Q. You said you saw David being choked, correct?
A. Yes, I did.
Q. Now, you also mentioned that a male security guard assaulted you, correct?
A. They all assaulted me.
Q. And at some point you hit the ground, right?

A. Yes.
Q. Okay. And while this happened, the security guards kept cursing at you, right?
A. I believe it was only the -- one of the males, and the female.
Q. You indicated that one of the security guards took his badge and twisted it into your face, correct?
A. I think so. But at that time I couldn’t tell there was a badge.
Q. Well, you testified that he took a badge, twisted it into your face and said to you, “For the tenth time,” and did it, right?
A. Yes, I came to find out afterwards that that’s what it was.
Q. You testified you thought you were going to die, right?
A. Yes, it did feel that way.
Q. And at no time did you resist any of this assault, right?
MR. ZONEN: Objection; asked and answered.
THE COURT: Overruled.

You may answer.

THE WITNESS: This is correct.

Q. BY MR. MESEREAU: And you said at some point you were face down on your stomach, right?

A. Yes.

Q. And you said at no time did David ever come over to help you, right?

A. Yes. This is correct.

Q. You said he just stood there on the sidewalk, right?

A. That’s right. He just stood there on the sidewalk.

Q. You said that the woman was hitting you over the head with her handcuffs, right?

A. Yes.

Q. And you said she was pulling your hair, right?

A. This says -- if -- yeah, that’s the best I can remember.

Q. And you said the male security guard is the one who grabbed your breasts and touched you in your private areas, right?

A. This is correct.

Q. You also said he was kicking you, right?

A. I think so. Yes.

Q. And the woman was kicking you as well, right?

A. Yes.

Q. And you said you had no idea why you were being assaulted this way, right?

A. This is correct.

Q. You said you were being choked, correct?

A. Yes.

Q. You said you were kneed by one of the two guards, right?

A. Yes.

Q. You said they all scratched you, correct?

A. Yes. I did receive scratches.

Q. You said you were hit with handcuffs that were like brass knuckles, right?

A. They had -- I was trying to describe where they were on their hand.

Q. You said that you were smashed like a cockroach, correct?

A. Probably so.

Q. Did you say that?

A. I probably did, trying to -- for them to get a visual.

Q. You said that the male was holding on to your breast with one hand, right?

A. This is correct.

Q. You said they were hitting you all at the same time everywhere, correct?

A. Yes.

Q. You said that Star was assaulted for no reason, right?

A. Yes.

Q. You said Gavin was assaulted for no reason, right?

A. That's right.

Q. And how many security guards do you remember being in the parking lot with your family? 6800

A. Okay. The best I can remember is first it was the male and female. Then another male. Then another male. And then way towards the end, there was another male, but that other male didn't do a single thing. That's the best I can remember.

Q. You said everything became like an echo, like a cave in a tunnel, correct?

A. Yes. It did.

Q. And that's when you thought you were going to pass away, correct?

A. Pass out.

Q. Well, you said you thought you were going to die, right?

A. Yes, but you're taking it -- he's mixing up words. I did feel that way.

Q. And you said they took Gavin and they shoved him into some vomit, right?

A. Yes.

Q. And you said at some point Gavin just laid there, right?

A. He did.

Q. Okay. Were you handcuffed standing up or when you were on the ground; do you know?

A. I -- I remember that. And the best is -- yes, I was laying down when they handcuffed me.

Q. And you said at one point you were called an “F-ing wetback,” right?

A. Yes.

Q. And you said they were all laughing while they did this, right?

A. Yes, they were.

Q. And you said Gavin and Star were following while you were dragged, right?

A. Oh, yes. Oh, that is -- that is burned right there.

Q. You said at one point your breasts were outside your blouse and Gavin helped you redress, right?

A. Gavin and Star. My breasts were outside of my bra, and the boys -- because I was handcuffed, the boys got my breasts, put them inside my bra and buttoned me up. So, yes, it was my boys.

Q. And you said that one of the security guards told you, “I hate blacks and I hate Mexicans,” right?

A. One of the security guards, that was his focus.

Q. Is that what you claim that one of them said?

A. I think so. But, you know, I’m -- since -- this is seven years ago. This is the best I can remember. And since he takes things out of context and mixes words around, I’m -- you know, but that does sound correct.

Q. You said under oath, “Gary said, ‘I hate blacks and I hate Mexicans,’” right?

A. Yes.

Q. You were asked how you felt about the fact that clothes were taken without being paid for and that’s when you said, “David is extremely honest. He’s too honest,” right?

A. Yeah.

Q. You said Gavin helped you get your cell phone out of your pocket, right?

A. Yes, I remember that.

Q. And you were both dialing 9-1-1, right?

A. Yes.

Q. And at some point, all of you were arrested, right, you and David and the children?

A. The children were never arrested.

Q. Did they go to the station with you?

A. No, they never went to the station.

Q. Where did they go?

A. They -- when I was standing outside, the police officer did not want to take the boys into custody. So he had the station call my parents. My parents came. And my -- and the officer gave the boys to my parents and that’s from right there. Then I was taken to the police station after my parents came from there, from the area, and took the children with them.

Q. And you went to the station, correct?

A. This is correct.

Q. Your photograph was taken, right?

A. Yes.

Q. Did your photograph show bruises on your face?

A. I don’t think so. I had makeup on at the time.

Q. Do you remember testifying that at the station, you didn’t show bruising, you showed marks, correct?

A. This is correct.

Q. You said, “As days went by, they started getting darker and changing colors, you know, every day, every week,” right?

A. Yes.

Q. Okay?

A. Yes. Yes.

Q. You said you had no black and blue marks prior to the incident, right?

A. Yes, this is correct.

Q. Now, the prosecutor asked you questions about a woman who worked at the law firm that represented you named Mary Holzer, correct?

A. Yes.

Q. And you told Mary Holzer that the photographs in the J.C. Penney case were the result

of David’s beatings, not anybody at J.C. Penney, right?
A. That’s incorrect.
Q. You said your hand was broken, correct?

A. Yes. Right here.
Q. You said they stomped on your hand, correct?
A. I think so. I think so.
Q. Would it refresh your recollection if I show you that page?
A. No, I’m saying I think so, so that’s a “yes.”
Q. You didn’t ask that anyone in your family be taken to a hospital, right?
A. Yes, I did. I asked -- I asked the officer and the officer said, “We’re going to just process you. It shouldn’t take long. And then you can go to the doctor’s.”
Q. Do you remember testifying, your response to the following question: “Did you urge anybody at any time, including to the police, that either of your sons be taken to the hospital or receive emergency treatment?” And the answer was, “No”? Do you remember that?
A. Yes.
Q. And you were asked, “Why is that? You didn’t think there was an emergency?” You said, “At that point I could breathe again. And since my mom knows how to fix everything, you know” --
“Q. You were going to leave it in her hands?
You said, “Yes,” right?
A. Yes. Yes.

Q. All right. You said you’re not a doctor, and you didn’t have any reason to think you needed emergency treatment, right?
A. That’s correct. But there’s also somewhere in the deposition where I stated -- what I had asked the J.C. Penney’s people, for them to call the paramedics or something like that - this is the best I can remember - and he declined it. And it’s in there.
Q. And you testified at the time you just

wanted the J.C. Penney guards arrested. You didn’t want any lawsuit, right?
A. Show me that.
Q. Sure.
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
THE WITNESS: So this is correct, then.
MR. ZONEN: I’ll object as vague to the question, “at the time.” At the time of the deposition or the time of the event?
THE COURT: You’re refreshing her memory. Go ahead.
THE WITNESS: That’s right. At --
THE COURT: Wait. Just a moment.
Q. BY MR. MESEREAU: Have you had a chance to look at that page?
A. Yes.
Q. Does it refresh your recollection about what you said in that deposition under oath?

A. Yes.
Q. You said you wanted them arrested, you weren’t interested in suing, right?
A. That’s correct. At that moment, that second, when the officers came, that’s what I wanted.
Q. You later changed your mind and decided to file a suit, correct?
A. Because the time had already expired for these people to be arrested.
Q. You claim you had a back injury, right?
A. Yes, I did.
Q. You said prior to this event you had never had a back injury before?
A. This is correct.
Q. Okay. You were asked if you knew whether or not David was aware that Gavin was going to run out of the store with the unpurchased items, and you said, “I didn’t have to, no. I know David’s honest character,” right?
A. Yes.
Q. You testified that in the parking lot, your breasts were fondled for minutes, not seconds, right?

A. That’s how I felt.
Q. You said your pelvic area was touched for minutes, correct?

A. That’s how I felt.
Q. You said you were hit with closed fists, right?
MR. ZONEN: Objection; asked and answered.
THE WITNESS: Yes.
Q. BY MR. MESEREAU: And you said the security guard spit intentionally --
MR. ZONEN: There was an objection to the last question, Your Honor.
THE COURT: Overruled.
Q. BY MR. MESEREAU: You said the security guards at J.C. Penney spit intentionally into Star’s face, correct?
A. I think so.
Q. Would it refresh your recollection if you see that?
A. I think so. “I think so” meaning “yes.”
Q. Did you say that under oath?
A. I don’t know if -- this is seven years ago, so I don’t know whether it was Star or Gavin, so that’s why I’m saying yes, I think so. But since he said Star --
Q. Would it refresh your recollection to look at the deposition transcript?
A. Okay. I’m saying to you, because he’s saying this, I said yes, I think so --
THE COURT: Just a moment.
THE WITNESS: Okay.

THE COURT: He asked you a question whether it would refresh your recollection to look at the transcript.
THE WITNESS: It’s okay.
I remember it happening to one of my boys.
And he’s specifying --
THE COURT: Ma’am, you’re not answering my question.
THE WITNESS: Okay.
THE COURT: Do you want -- will it refresh your recollection to look at the transcript?

THE WITNESS: It’s a yes.

Q. BY MR. MESEREAU: You also said the security guards started spitting pumpkin seeds at your family, correct?

A. Oh, yeah, I remember that. That’s right there, burned.

Q. And at that point in the deposition is where you said that David Arvizo had never struck you or your children at any time, right?

A. Yes, this is correct.

Q. When did you first go to a lawyer after this incident?

A. I think it was about a year later.

Q. So a year after the incident you change your mind and decided you did want to sue, right?

A. That was too long ago, the question.

Q. Well, during the time of the alleged events you described, you said you weren’t going to sue anyone and then you changed your mind, right?

A. There was a criminal proceedings. I was charged with crimes. I was charged with burglary, petty theft, assault and battery. That process took months. And those people needed to apologize.

Q. So you only sued for an apology?

A. Yes, I did.

Q. At one point didn’t your lawyer ask for millions of dollars?

A. No.

Q. But you accepted 152,000, right?

A. No. On -- in my hand, what I received, was only about 32,000. That’s it.

Q. Now, did you talk to the prosecutor last night about what you were going to testify to today?

A. I -- on the telephone he spoke to me that he would like to show these surveillance videos, and that’s it.

Q. Did the prosecutor talk to you last night about Louise Palanker?

A. Yes, he did.

Q. Do you remember testifying yesterday you didn’t know what happened to the money Louise Palanker gave you and David?

A. This is correct.

Q. But last night you talked to the prosecutor and now you remember it was used on the room for Gavin?

A. No. He refreshed my memory as far as what it was. That’s all.

Q. Now, you said today -- excuse me. Let me rephrase.

You said today that you never asked for any money to help Gavin, right?

A. This is correct.

Q. To your knowledge, the only person in your family that ever asked for money to help Gavin was David, right?

A. Yes. This is -- now I know.

Q. But on the Washington Mutual account, which was set up to take funds for Gavin, you were the signatory, right?

A. Yes.

Q. You were the one who withdrew money from the account, correct?

A. This is correct.

Q. So you’re on that account for Gavin which you have no knowledge of any fund-raisers, right?

A. This is correct.

Q. You’re the signatory on that account, but you don’t know why anybody even deposits money into it, correct?

MR. ZONEN: That’s argumentative. Objection.

THE COURT: Overruled. You may answer.

THE WITNESS: Okay. Can you ask it differently?

Q. BY MR. MESEREAU: Sure. You’ve said you had no knowledge of any fund-raisers for Gavin, correct?

A. This is correct.

Q. You said you never asked anybody for any financial help at any time, right?

A. This is correct.

Q. You said you never asked anybody for financial help to assist Gavin, right?

A. Yes, this is correct.

Q. Yet at the same time, you set up a bank account --

A. Is this a question or a statement, what you're starting right now?

Q. Yet at the same time, you set up a bank account for Gavin's benefit with you being the signatory, correct?

A. Yes, I did follow David's instructions.

Q. And you have no idea why anybody put any money into that account, correct?

A. This is correct.

Q. You just saw the money there and withdrew it, right?

A. Yes. I was David's personal secretary.

Q. Never asked a question of anybody, "Where did this money come from?" Right?

A. That's correct.

Q. Just assumed it was for you to withdraw, right?

A. No. I did what David told me.

Q. And you said yesterday you couldn't remember what any of that money was spent on, right?

A. This is correct.

Q. And you had no idea that Chris Tucker was going to wire some money into that account, right?

A. Yes, this is correct.

Q. And all your discussions with your friend Aja Pryor, who was his fiancee, the issue of Chris Tucker giving money never came up, right?

A. This is correct. Like I testified yesterday, I didn't become friends with Aja until after David was completely out of the picture. While Gavin was sick we hardly even spoke. The one I spoke most to was Ann Lopez.

Q. And in your discussions with Ann Lopez, you never learned that George Lopez was planning to put together a fund-raiser for Gavin, right?

A. Yes, this is correct.

Q. And in all your discussions with Jamie Masada, you never learned that he was putting any fund-raisers together for Gavin's benefit, right?

A. Yeah, this is correct.

Q. And in any of your discussions with Fritz

Coleman, you never learned that Fritz Coleman was helping to assist your family with Gavin’s illness, right?

A. Yes, this is correct.

Q. No one told you about any of this, right?

A. That’s right.

Q. You never knew that comedians showed up at The Laugh Factory on a number of occasions to help raise money for Gavin, right?

A. This is correct.

Q. You never knew that Gavin was in the lobby with his father accepting funds, right?

A. This is correct.

Q. Now, you said you began to buy a car and then changed your mind, correct?

A. Yes. This is true.

Q. And approximately when was that?

A. The best I can remember, the best, because I never even stepped foot in the dealership, was the fall of 2001. I think -- no. No, no, that’s incorrect. I apologize.

It was definitely the fall. No, it was, the fall of 2001. That’s the best I can remember.

Q. And was the company that you were going to purchase an automobile from Hollywood Ford?

A. Yes, it was.

Q. Did you go to Hollywood Ford yourself?

A. I never went to Hollywood Ford.

Q. How did you communicate with Hollywood Ford?

A. I looked in the phone book, and I -- I got their phone number from there, and I called.

Q. Do you recall using any money that had been donated for Gavin’s benefit on cosmetic surgery?

A. No, I used a credit card.

Q. Was it your credit card?

A. Yes. My credit card. Which is still outstanding.

MR. ZONEN: I’m going to object as exceeding the scope of the redirect.

THE COURT: Sustained.

Q. BY MR. MESEREAU: The prosecutor mentioned the room that was constructed for Gavin at your

parents' house, okay? Do you remember him asking you questions about that?
A. Yes, I believe so.
Q. And that's the room that today you say Louise Palanker's money was spent on, right?
A. This is what Mr. Zonen made me aware, refreshed my memory yesterday.
Q. Did you hire a contractor to fix up that room?
A. No.
Q. Do you know if anyone did?
A. I now know that David did hire, through Wheezy, through Louise Palanker. I know now.
Q. Did you have anything to do with a contractor fixing up that room for Gavin?

A. No.
Q. Did you ever meet a contractor who was fixing up that room for Gavin?
A. No.
Q. Did you even tell a contractor what to do to fix the room up for Gavin?
A. No.
Q. Did you have any involvement at all in making sure that room was fixed up properly to help Gavin with his illness?
A. I think so. It's my mom's house. It started with it being in my mom's house.
Q. Did you ever see it being repaired?
A. No. I was with my two other children.
Q. Do you remember when it was repaired by a contractor so that it would be an appropriate room for Gavin?
A. No.
Q. You never had a discussion with anyone about what the requirements were for Gavin in that room?
A. No.
Q. That was all David, too; is that correct?
A. Yes, this is correct.
Q. So David was the one who was telling the contractor what the specifications were for this renovated room, right?
A. Yes, this is correct.
Q. And David was the one telling the contractor

what Gavin's requirements were to make sure he didn't get exposed to germs and things of that sort, right?

A. I think so.

Q. Was all David, right?

A. Yes. I wasn't there. I was with my two other kids.

Q. It was done at your parents' home but David was the one taking care of everything, right?

MR. ZONEN: Objection; asked and answered.

THE WITNESS: Yes, that's correct.

THE COURT: Sustained.

Just a moment.

Next question.

Q. BY MR. MESEREAU: Now, in response to the prosecutor's questions, you said that you never obtained any of the money from the first Louise Palanker check, correct?

A. Yes, this is correct.

Q. That was a $10,000 check written to Janet Arvizo, correct?

A. Yes.

Q. Was that presented to you by David?

A. No.

Q. Well, who presented the check to you?

A. I -- I think this is how it went. I endorsed it, give it back to David, and that was it.

Q. You just said -- excuse me. Who gave you

the check to begin with?

A. David had me endorse it, and that's it.

Q. And you know --

A. I think so. That's how it happened.

Q. Did you know David was going to deposit the check into your parents' account?

A. Now I understand, this is my understanding, that my mother cashed it for him.

Q. You didn't know that was going to happen at the time?

A. No, I was with my two other kids.

Q. Well, you saw a check for $10,000 --

A. Yes.

Q. -- made out to Janet Arvizo, correct?

A. Yes.

Q. And you knew it was made out to you by Louise Palanker, correct?

A. Yes.

Q. And you're saying that David asked you to endorse it, but didn't tell you where it was going?

A. This is correct.

Q. And you never knew until recently that it was deposited into your parents' account?

A. Yes. This is correct.

Q. Okay. When did you first learn it had been deposited into your parents' account?

A. It wasn't deposited, it was cashed. Just with a lot of events that are occurring now.

Q. And you never knew where any of that money went, true?

A. This is correct. I was -- I did what David told me. I was like his personal secretary.

Q. Did you ever learn that Louise Palanker had written a second check for $10,000 to David?

A. I am aware now.

Q. Did you know at the time?

A. At the time, no.

Q. Well, you were communicating with Louise Palanker a lot at that point, weren't you?

A. Yes, I was.

Q. Wheezy was your friend, correct?

A. Still.

Q. And you were talking to her quite often, were you not?

A. I feel -- I feel I was.

Q. Yet, Wheezy never mentioned she was contributing $20,000 to your family?

A. Yes, that's correct.

Q. Wheezy never mentioned she was writing a $10,000 check to you?

A. This is correct.

Q. Wheezy never mentioned she was writing a $10,000 check to David?

A. This is correct.

Q. You never knew anything about this, right?

A. Yes, this is correct. At that time,

David -- David was more in control of all these previous friendships that I had had.
Q. By the way, do you recall David's using Von's to cash checks?
A. No.
Q. Did you ever learn that David would go to Von's and cash checks?
A. No.
Q. Okay. To your knowledge, did David have his own account anywhere at that time?
A. No.
Q. He had no bank account at all?
A. No.
Q. Did he use a credit union at Von's?
A. Maybe. I don't know.
Q. But you never heard anything about that, right?
A. No.
Q. Now, in one of the police reports involving David's domestic violence, you said you had been abused by him throughout your marriage, true?
MR. ZONEN: Objection; exceeding the scope of the redirect.
THE COURT: Sustained.
MR. MESEREAU: It would have to do with her injuries, Your Honor.
THE COURT: All right. I'll allow the question.

MR. MESEREAU: Thank you.
Q. Do you remember telling the police, when David was arrested, that throughout your 16-year marriage he had physically abused you?
A. Yes. Finally I said something.
Q. You told the police that he would hit you on all parts of your body, right?
A. Yes, he did.
Q. You said he forced your head under water, right?
A. Yes, he did.
Q. You said he prevented you from wearing makeup, right?
A. That's correct.
Q. And in a number of interviews with the

police, you said he had beaten you throughout that marriage, right?

A. Yes, he did.

Q. Yet, in the J.C. Penney case, you said none of your bruises or injuries had anything to do with David, right?

A. That’s correct.

Q. When you testified under oath in the J.C. Penney case that initially you weren’t bruised but as time went on they got blacker and blacker, what did you mean?

A. Well, that I had -- even though I had -- I did have visible abrasions, that even though these people had hit me, it wasn’t immediate. I could see them.

Q. Did your attorney have those photographs taken that the prosecutor introduced into evidence yesterday?

A. Yes.

Q. You didn’t go to a lawyer till a year later, right?

A. No. He’s incorrect. Those photographs were taken immediately with the criminal court proceedings. That stuff, criminal case, whatever. Had nothing to do with the civil case. I had those photos already. Well, actually, my -- the defense attorney had those photos.

Q. Who hired the photographer?

A. Actually, I think it was -- I don’t remember very clear. I don’t remember very clear. But it was per the defense attorney’s actions, ways, I don’t know what you would call it, suggestion. I don’t know.

Q. It wasn’t taken -- excuse me. Those photos were not taken by the police, correct?

A. This is correct.

Q. They were taken at the direction of a lawyer, correct?

A. Yes. This is correct. A defense attorney. Not a civil lawyer.

Q. Where were those photos taken?

A. That I do remember. It’s at -- it’s a place in El Monte. I don’t remember the name, but it’s El Monte.

Q. Was it an office of a photographer?

A. No, it’s actually one of those, like, one-hour photo places.

Q. Who took you there?

A. I think it was David. Yes, I think it was David.

Q. Do you know when he took you there?

A. Immediately.

Q. But didn’t you testify in the deposition you didn’t have these bruises immediately?

A. No. That’s right. When the -- when the defense attorney had told us, then that’s the time.

Q. Who went there to get their photographs taken?

A. I believe it was me and David. And then I think Gavin was -- the boys were with us. I think so.

Q. And were you doing this all at the direction of David?

A. No. I was doing it in the direction of the defense attorney.

Q. And what was this defense attorney’s name?

A. Mr. Fountain.

Q. The prosecutor asked you questions about Attorney Bill Dickerman. You first met Attorney Bill Dickerman on February 21st, 2003, correct?

A. Incorrect. I remember the date. It was February 25th.

Q. Did you ever tell anyone that you met with Bill Dickerman on February 21st?

A. No.

Q. Have you ever discussed with Bill Dickerman the date you first met him?

A. No.

Q. Are you aware of Gavin telephoning Jay Leno at any time?

A. No.

Q. Never heard anything about that?

A. No. I’ve heard now.

Q. Did Gavin ever tell you, “I tried to reach Jay Leno”?

A. No.
Q. Were you ever standing in the background during a phone call that Gavin made to Jay Leno?
A. No.
Q. Have you ever spoken to Jay Leno?
A. I've never spoken to Jay Leno.
MR. MESEREAU: If I may just take one second, Your Honor, I'll be ready to wrap this up.
THE COURT: Yes.
Q. BY MR. MESEREAU: Were you aware of Gavin making any attempt to contact celebrities by phone?
A. No.

Q. To your knowledge, did Gavin ever try to contact any celebrity from your home?
A. No.
Q. Did you ever contact any celebrity from your home?
A. No.
Q. Did you attempt to contact any celebrities at any time?
A. No.
MR. MESEREAU: No further questions.

FURTHER REDIRECT EXAMINATION

BY MR. ZONEN:
Q. Ms. Arvizo, did you earlier testify that you had contacted George Lopez when your son became ill?
A. Yes.
Q. All right. Did you contact any other people when your son became ill to notify them that he was ill?
A. I think I contacted Jamie Masada, Louise. These are all previous people that I had already known before Gavin had become ill. And that's it. That's the best I can remember.
Q. When did you first learn that Gavin had been injured in the altercation at J.C. Penney's?
A. Okay. My parents had came and picked up the children from the parking lot, because the officer did not want to take them to the police station.

And so it was my mom who called me up and told me that -- that she's tried everything, everything, first aid, and that was still not enough for the kids to feel better.

Q. You say she called you up. Where did she call you?

A. She called me -- at that time I had a cell phone.

Q. But where were you at the time? At what time was this?

A. I was staying in the place that we were staying in.

Q. Okay. I'm asking you when. So had you already been arrested and released from jail?

A. Yes.

Q. And had you already gone to the hospital?

A. Yes.

Q. For your own injuries?

A. Yes.

Q. So at the time that you were being arrested at J.C. Penney's in the parking lot, were you aware that Gavin was injured at that time?

A. I had seen them, the way they had hit both the boys, but I figured my mom, you know, could do what she always does, and in first aid, just like when they fall or scrape or anything, that she can tend to them. So that's what I figured. I didn't think it was beyond what my mother could care for.

But my mom made me aware that it was beyond her capability.

Q. Did you know at the time that you were arrested that your son Gavin had a broken elbow?

A. No, I didn't.

Q. Did you know at the time that you were arrested that you had a broken bone in your hand or wrist?

A. No, I didn't.

MR. ZONEN: Thank you. I have no further questions.

THE COURT: All right. We'll take our morning break.

(Recess taken.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 6773 through 6827 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 19, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
April 19, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION

DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

TUESDAY, APRIL 19, 2005

8:30 A.M.

(PAGES 6829 THROUGH 6988)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
ALVAREZ, Victor M.	6835-Z	6839-M	6847-Z	(Re-called)
VENTURA, Maria A.	6851-Z			
CALDWELL, William F.	6869-Z	6878-SA	6884-Z	
FORNEY, Rod	6893-Z	6897-SA		
DAVY, Michael	6902-SN	6921-M		
WILLIAMS, Janet	6948-SN	6973-SA		

E X H I B I T S

FOR IN PLAINTIFF’S NO. DESCRIPTION I.D. EVID.

590-A	Book “Bob and Rod” by Tom Bianchi	6952	6954
590-B	Book “Before the Hand of Man” By Roy Dean	6952	6954
590-C	Book “Room to Play” by Simen Johan	6952	6954
590-D	Book “Naked as a Jay Byrd” by Dian Hanson	6952	6964
591	Solaire Universelle Day Nudisme Volume 11	6955	6956
592	Nudist - March 1935	6957	6959
593	American Sunbather, May 1961	6957	6959
594	Nudist, February 1935	6957	6959
595	The Nudist, May 1935	6957	6959
596	Book “Man, A Sexual Study of Man,” Text by Larry Stevens	6959	6961
597	Book “The Golden Age of Neglect” by Ed Templeton	6959	6961
598	The Nudist, June/July 1935	6962	6964
599	Book “Taormina Wilhelm VonGloeden”	6959	6961
600	The Nudist, August 1935	6962	6964
601	Sunshine and Health, The Nudist, May 1937	6962	6964
602	The Nudist, February 1936	6962	6964
603	The Nudist, June 1936	6962	6964
604	The Nudist, August 1936	6962	6964
605	The Nudist, October 1936	6962	6964
606	Sunshine and Health, The Nudist, April 1937	6962	6964

EXHIBITS (Continued)

PLAINTIFF’S NO.	DESCRIPTION	FOR I.D.	IN EVID.
607	Sunshine and Health, The Nudist, December 1937	6962	6964
608	Sunshine and Health, The Nudist, October 1937	6962	6964
609	Sunshine and Health, The Nudist, February 1937	6962	6964
610	Sunshine and Health, The Nudist, January 1937	6962	6964
611	Sunshine and Health, The Nudist, December 1937	6962	6964
612	Sunshine and Health, The Nudist, September 1938	6962	6964
613	Sunshine and Health, The Nudist, July 1939	6962	6964
614	Eden Quarterly, Issue 7	6964	6969
615	Sunshine and Health, The Nudist, November 1937	6964	6969
616	Sunshine and Health, The Nudist, November 1937	6964	6969

617	Sunshine and Health, The Nudist, February 1938	6964	6969
618	Sunshine and Health, The Nudist, March 1938	6964	6969
619	Sunshine and Health, The Nudist, September 1937	6964	6969
620	Eden Quarterly, Issue 8	6969	6972
621	Sunshine and Health, The Nudist, June 1937	6969	6972
822	"The Art of Dave Nestler, Wicked Intentions"	6836	6849
823	VHS Tape, Item 811	6839	
824	VHS Tape, Item 812	6839	

E X H I B I T S

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
825	VHS Tape, Item 815	6839	
826	VHS Tape, Item 816	6839	
827	Audio cassette tape, MJ	6876	
828	Audio cassette tape, Michael Jackson	6876	
829	Mini video cassette tape Arvizo Move	6877	
831	Photo of cabinet with TV, VCR, audio and VHS tapes	6874	6878
832	Photo of audio tapes blown up	6874	6878
833	Photo of VHS tapes blown up	6874	6878
834	Evidence bag containing Exhibits 592 through 595	6957	6959
835	Evidence bag containing Exhibits 598 and 600 through 613	6962	
836	Evidence bag containing Exhibits 614 through 619	6964	6969
837	Evidence bag containing Exhibits 620 and 621	6969	6972
838	Evidence bag containing book "Poo-Chi"	6971	6972

THE COURT: Any further questions, Mr. Mesereau?

MR. MESEREAU: No, Your Honor.

THE COURT: Call your next witness.
MR. ZONEN: Thank you, Your Honor. We'll call Detective Vic Alvarez to the stand, please.
THE COURT: Come forward, please.
When you get to the witness stand, remain standing. Face the clerk over here, and raise your right hand.

VICTOR M. ALVAREZ
Having been sworn, testified as follows:

THE WITNESS: Yes.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Victor M. Alvarez; A-l-v-a-r-e-z.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. ZONEN:
Q. Detective Alvarez, you've previously testified in these proceedings, have you not?
A. Yes.
Q. And identified yourself as a detective with the Santa Barbara County Sheriff's Office?

A. Yes.
Q. You're going to be testifying to a number of different items this morning, although fairly rapidly. Is that your understanding?
A. Yes.
Q. Now, the last time that you were on the witness stand testifying, or perhaps one of the last few times you were on the witness stand testifying, you were testifying to some items that you had personally seized from Neverland Ranch during the course of that search back in November of '02; is that correct?
A. Yes.
Q. November 18, '02, am I right?
A. '03.
Q. I'm sorry --
A. It would be '03.
Q. I'm sorry, '03. Okay. November 18 of '03.

Exactly.

At the time of your testimony, you had -- one particular item had fallen out of a bag and was not present in court at the time it was presented to you. Is that your recollection?

A. Yes.

Q. I'd like to show you Court Exhibit 822. Court Exhibit 822, and specifically -- occupational hazard here -- specifically Sheriff's No. 304-B. Would you take a look at this item and tell us if you recognize that item?

A. Yes.

Q. Is that an item that you seized?

A. That's correct.

Q. Is that the item that fell out of the bag?

A. Yes.

Q. Okay. And just describe it for us, please.

A. It is a -- appears to be a paperback. It is titled, "The Art of Dave Nestler," N-e-s-t-l-e-r.

Q. Was that taken to another detective who then booked it into evidence?

A. The title is "Wicked Intentions" and -- yes.

Q. I'm sorry, there were two questions. The title of the magazine again was what, please?

A. "Wicked Intentions."

Q. And that magazine was then booked in by whom?

A. I believe it was Detective Padilla.

MR. ZONEN: Okay. I would move to introduce that item into evidence at this time, Your Honor.

MR. SANGER: I need to cross-examine on that, if I may, please, before the Court rules.

THE COURT: All right.

MR. SANGER: Thank you.

THE COURT: I'll withhold ruling on that.

MR. ZONEN: Okay. I'll proceed with other exhibits, if I may.

Q. Detective Alvarez, did you have an opportunity to review a number of VHS videos and compare them as against a number of DVDs?

A. Yes.

Q. All right. I would like to show you each of the DVDs and each of the videos and ask you if, in fact, they are duplicate copies of one another, if I may.

A. Sure.

MR. ZONEN: May I approach the witness?

THE COURT: Yes.

Q. BY MR. ZONEN: Let me begin with four court exhibits, and the four court exhibits are No. 815, a DVD; 816, a DVD; 817, a DVD; and 818, a DVD. Have you seen those four previously?

A. I have.

Q. And can you tell us if you viewed the contents of those four?

A. I have.

Q. And what is the subject matter of those four DVDs?

A. These are surveillance tapes.

Q. Is one of a residence on Soto Street?

A. One is a residence on Soto Street.

Q. And the other three?

A. Of Ramer Street. One of Jay Jackson. One of Davellin.

Q. Okay. Did you -- were you in court on Friday where some of those surveillance tapes were

played?

A. Yes, I was.

Q. And are those, in fact, the same as the ones that you're currently holding?

A. They are.

Q. All right. Now, did you have an opportunity to compare them as against videotapes?

A. I did.

Q. Let me now show you exhibits for identification, please, No. 823, No. 824, No. 825 and No. 826. And could you take a moment and look at each of those four VHS videos?

A. Yes.

Q. Do those four correspond to the four DVDs you've already identified?

A. They do.

Q. Are they duplicates of them?

A. The DVDs are actual exact copies of the VHS tapes.

MR. ZONEN: Thank you. No further questions.

CROSS-EXAMINATION
BY MR. SANGER:

Q. Exhibit 822, Detective --
A. Yes. The magazine.
Q. The magazine. It's just a separate magazine?

A. Yes.
Q. That's marked as 822, correct?
A. That's correct.
Q. And you've indicated that it was actually 304-B as designated by the sheriff's department. Was that your testimony?
A. Yes. That's -- it came from Item 304, the original item, and this is -- this was found with Item No. 304.
Q. Okay. So really it was not booked into sheriff's department evidence as 304-B, was it?
A. I believe it was.
Q. Okay. On your booking form, your sheriff's department booking form, the one that was filled out by Detective Padilla --
A. Correct.
Q. -- that would be the form that he used to designate by number the various items that were seized; is that correct?
A. Yes.
Q. And he indicated that the contents of that one bag were 304?
A. Right.
Q. All right. He did not designate it 304-A or B, correct?
A. Not at that time.
Q. Okay. Now, I think you've told us -- and I don't want to be redundant, but I think I asked you

about your training and experience when you were on the stand previously --
A. Correct.
Q. -- is that correct?
And I don't know if I went into detail, but

let me ask quickly, if I can, you were trained at a police academy; is that right?

A. Yes.

Q. Which police academy?

A. Allan Hancock.

Q. Allan Hancock, all right. That’s a POST Academy?

A. That’s right.

Q. And you have also had inservice training; is that correct?

A. Yes.

Q. And you were also a bailiff in Department 9, or whatever number it was over the years, Judge Lodge’s department down in Santa Barbara; is that correct?

A. Yes.

Q. So you had an occasion to see how evidence was handled in court, correct?

A. Correct.

Q. And you had an occasion to see countless witnesses, police officers, detectives, cross-examined with regard to the chain of custody; is that right?

A. Correct.

Q. And in your training and experience, both your POST Academy training and your inservice training and your experience as a police officer or a sheriff, you’re aware that chain of custody is important; is that correct?

A. Correct.

Q. And when an item is seized originally by your department, specifically the sheriff’s department, it is given a sheriff’s booking number, correct?

A. Correct.

Q. And it’s put usually into an evidence bag, assuming it’s the kind of object that can be put into a bag; is that correct?

A. Yes.

Q. That bag is sealed; is that right?

A. Correct.

Q. And the idea is to come into court and open the bag, and say, “Sure enough, here’s the same contents that were put into that bag originally,” right?

A. Yes.

Q. You would agree that it is not a proper police practice to lose an item from a bag; is that right?

A. This wasn’t lost.

Q. Okay. It wasn’t here when the item was in front of the jury when you testified originally, was it?

A. No, it wasn’t.

Q. It fell out of the bag?

A. It was in the box.

Q. Okay. Fell out the bag, right?

A. Yes.

MR. ZONEN: Objection; argumentative.

THE COURT: Overruled. Next question.

Q. BY MR. SANGER: And you would agree it’s not a proper police practice to have things fall out of the bag before you’re standing in front of the jury or sitting in front of the jury and introducing the contents of the bag, correct?

A. Whether it’s proper or not, I -- I don’t know, but it happened.

Q. When do you believe that somebody gave this item the designation of 304-B?

A. Originally what happened was at the initial search of Neverland Ranch, all these items were put -- for example, 304, there were more than one item. Later on, as these items were opened, they were given As, Bs and Cs, depending on what was searched and what was found.

Q. Okay. Detective Padilla gave it the number 304, correct?

A. As a group, yes.

Q. Who gave it -- to your knowledge, do you know who actually gave it a designation 304-B?

A. I’d say it was Detective -- or Sergeant Bonner.

Q. All right. So you were not -- you did not give it the number 304-B; is that correct?

A. I did not. I gave it the original number,

304.
Q. Did you ever see that item between the time you handed it to Detective Padilla and the time that you found it was in the box?
A. Yes.
Q. When did you see it?
A. When Sergeant Bonner was itemizing the items.
Q. So you saw him --
A. This is not the second time I have seen this.
Q. You saw it when Sergeant Bonner actually gave it a designation 304-B?
A. That's correct.
Q. And then your understanding was it was supposed to be put back in the bag, 304, right, to preserve the chain of custody?
A. Either in 304 or designated as 304-B in its own container.
Q. In any event, when you took the stand, 304, the bag that you thought contained 304-A and B, only contained A and not B; is that correct?

A. Correct.
Q. Now, this particular item, which you told us is "The Art of Dave Nestler," is that a book of art by that particular individual?
A. Yes.
Q. All right. And that is an item that, to your knowledge, is legal for an adult to purchase commercially, correct?
A. Yes.
Q. I'm not talking about copyrights. What I'm talking about --
A. Yes, yes.
Q. -- it's something that somebody could buy. If they can find it in a store, right, an adult can buy it? There's nothing illegal about that, right?
A. Yes.
Q. And there's nothing illegal about an adult possessing that?
A. I don't think so.
Q. All right. Thank you.
Now, let me just ask you, the second part of

your testimony pertained to these videos, and you have related the videos to the DVDs. The actual --
A. Or the DVDs to the video. Either way, yes.
Q. Okay. Am I missing something there?
A. The DVDs are made from the original videos.
Q. You said you related them. That was my word.

A. Yes.
Q. Okay. On the stand you said these DVDs were taken from these videos, right? That's, in essence, what you're saying?
A. Yes.
Q. There we go. And in that regard, the videos -- your understanding is that these video were located in Bradley Miller's office; is that correct?
A. Correct.
Q. And Bradley Miller is a private investigator that worked for Mark Geragos, correct?
A. Correct.
MR. ZONEN: Objection; speculative.
THE COURT: Overruled. The answer is, "Correct."
MR. ZONEN: Lack of foundation.
THE COURT: Proceed.
MR. SANGER: Thank you.
Q. The -- you've looked at the videos, correct?
A. I have.
Q. And they appear to be surveillance films of some sort, correct?
A. Yes.
Q. They appear to be taken from a public place, a place where a person would lawfully be, a street or sidewalk; is that correct?
A. Yes.

Q. And that is consistent with what private investigators do from time to time, correct?
A. I'm not a private investigator.
Q. No, sir. But you've seen private investigators' surveillance videos before, have you not?
A. I have.

Q. And sometimes private investigators, for whatever reason, do surveillance videos, correct?
A. Yes.
MR. SANGER: All right. Thank you. I have no further questions.

REDIRECT EXAMINATION
BY MR. ZONEN:
Q. The magazine that's in front of you, I think it's right below your hands at the moment.
A. Yes.
Q. What is the Court number again on that? The one that we've identified as 304-B, sheriff's number?
A. 822. Exhibit 822.
Q. Where in Neverland did you find that particular exhibit?
A. This was in --
MR. SANGER: I'm going to object. That's beyond the scope of direct, actually.
MR. ZONEN: Then I would move to reopen on that question if that's the case.

THE COURT: It is the case. I'll allow you to reopen.
MR. ZONEN: Thank you.
Q. Where exactly was it that you found that?
A. This was along with Item 304.
Q. Yes.
A. And it was in the master bedroom downstairs bathroom, next to the sink area by the tub. There's a sink. There's a tub. It was in the middle there.
Q. Was it something that was contained in a drawer or in a suitcase or in any kind of a closed container?
A. I believe it was out in the open.
Q. It was in the open at the time?
Now, you said the magazine wasn't lost, it was in the box. Tell us what you mean by that.
A. As we brought the exhibits into the courtroom, it was actually placed in one of the boxes that we carried it in. So it just --
Q. And what happened with the magazine?
A. It was in the box and wasn't presented in

court.

Q. Okay. Fell out of the -- what was it originally contained in within the box?

A. If it’s labeled 304-B, then it was in plastic and must have just fell out of the plastic.

Q. And did you then retrieve it from the box?

A. I did.

MR. ZONEN: Thank you. No further questions.

MR. SANGER: No further questions, Your Honor.

THE COURT: You may step down.

MR. ZONEN: As to Exhibit No. 822, we would move that into evidence at this time.

MR. SANGER: I’ll submit it.

THE COURT: It’s admitted.

MR. ZONEN: And we’ll call Maria Ventura to the stand.

THE COURT: She’s on her way.

Counsel, the in-camera hearing that was requested, I think we’ll conduct that at about ten minutes before the next break. I think ten minutes is a sufficient amount of time for that in-camera hearing. So that will extend the jurors’ lunch by ten minutes and shorten yours by every minute you take over ten.

(Laughter.)

MR. SNEDDON: Why are you looking at me, Judge? I have a guilty conscience maybe.

THE COURT: You must have a guilty conscience.

MR. SANGER: Your Honor, could you give us a little more --

THE COURT: Mr. Mesereau knows.

MR. MESEREAU: Oh, oh, oh. I know what it is.

THE COURT: Come forward, please. When you get to the witness stand, please remain standing. Face the clerk here and raise your right hand.

MARIA A. VENTURA

Having been sworn, testified as follows:

THE WITNESS: Yes.
THE CLERK: Please be seated. State and spell your name for the record.
THE COURT: For the attorneys' information, we have two interpreters. I've given them permission to switch off as they need a break. They know when they need to, and so they may do that while you're questioning the witness.
MR. ZONEN: Thank you.
May I proceed?
THE COURT: Yes.
THE WITNESS: Maria A. Ventura.
THE INTERPRETER: May the interpreter spell?
Ventura is spelled V-e-n-t-u-r-a.
MR. ZONEN: Thank you.
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DIRECT EXAMINATION
BY MR. ZONEN:
Q. Miss Ventura, are you the mother of Janet Arvizo?
A. Yes, sir.
Q. Do you have other children as well?
A. Yes.
Q. Does Janet Arvizo have children?
A. Yes.
Q. And how many children does she have?
A. Three.
Q. All right. These are the three children from her marriage with David Arvizo?
A. Yes, sir.
Q. Does she have a child also with her marriage to Jay Jackson?
A. Yes.
Q. And that child is how old?
A. The little one?
Q. Yes, the little one.
A. Eight months.
Q. Okay. Now, the three older children, the children who are the children of Janet and David

Arvizo --
A. Yes, sir.
Q. -- are their names Davellin, Star and Gavin?
A. Yes.
Q. And those three are your grandchildren?

A. Yes.
Q. Do you talk with those three children on a regular basis?
A. Well, they’re my kids.
Q. Does that mean yes, you do?
A. Yes.
Q. All right. And do the children speak enough Spanish that they’re able to communicate effectively with you?
A. Yes.
Q. I’d like to direct your attention back to the early --
A. You can speak louder, because I can’t hear. I can’t hear.
Q. I would like to direct your attention back to the early part of 2003, January and February of 2003.
A. That’s fine.
MR. AUCHINCLOSS: It’s not you. It’s the interpreter.
MR. ZONEN: I was wondering why --
THE WITNESS: What did you say?
MR. ZONEN: That’s what happens when trials go on long enough.
Q. Miss Ventura, can you hear me now?
A. Yes, I do. It was for her.
Q. I understand.
(Laughter.)

Q. I would like to direct your attention back to the early part of 2003.
A. That’s fine.
Q. Were you aware as to where your daughter and her three children were visiting during that period of time?
A. Yes.
Q. And where was that?
A. Neverland. I can’t say it very well, but

there, Neverland.

Q. Is Neverland a place where you had once visited?

A. Never.

Q. Did you know what Neverland was prior to that time of January and February and March of 2003?

A. No.

Q. Did you know who Michael Jackson was prior to February of 2003?

A. No.

Q. Do you know who Michael Jackson is today?

A. We all know, because you see it on T.V.

Q. All right. Now, did you ever see a documentary on television that was titled “Living with Michael Jackson”?

A. No.

Q. Did you ever see anything on T.V. that featured your grandchildren, where your grandchildren were shown on television?

A. No. I only see parts of it in the Mexican channel, because those are the channels I watch.

Q. Did you ever see any shots at all of your grandchildren on television?

A. Lately, just little clips, short little clips on 52 and 34.

Q. Did you become aware of the fact that your grandchildren had been featured on television in a documentary?

A. No.

Q. At some point in time, did you have a number of reporters or press who came to your home?

A. Oh, yes. My door, my mailbox. They opened my mailbox.

THE INTERPRETER: Okay, okay.

(Laughter.)

THE WITNESS: They even opened my mailbox. They yelled at me. I even had to call the police several times. They parked everywhere. The worst ones were the 52, Channel 52. The light was so bright they seemed like a soccer field. The police came and told them to take that away. And that reporter, she said no, because she had to do a report. Another police officer came and he did make them to turn it off, and then they -- six o’clock p.m., they turned it on again.

Q. BY MR. ZONEN: Do you know what it was that caused all of these reporters to come to your home?

A. Yes.

Q. What was it?

A. The participation of that man, the involvement of that man.

Q. All right. Did you --

A. They wanted to find out what I knew from new talk, but I didn’t know anything. I found out later when I watched all those reports, all those newscasts, everything.

Q. At some point in time, did your children come to your home from Neverland?

A. Yes.

Q. Did you do something to facilitate their coming to your home, to cause them to come to your home?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

THE WITNESS: I had to lie and say that I was ill so that they could come.

Q. BY MR. ZONEN: Who did you --

A. Because those children love me very much, because I raised them.

Q. Okay. The children specifically, who was it who you told that you were sick?

A. The truth is I don’t remember. The one thing I know is that my children called me.

MR. MESEREAU: Objection; nonresponsive.

THE COURT: Sustained.

Q. BY MR. ZONEN: Was it --

MR. MESEREAU: Move to strike.

MR. ZONEN: I’m sorry?

MR. MESEREAU: Move to strike.

THE COURT: It wasn’t stated, so it doesn’t need to be stricken.

Q. BY MR. ZONEN: Was it one of your grandchildren who called you?

A. Yes.

Q. Do you remember which of the three?

A. No.

Q. Do you remember if it was one of the boys as opposed to Davellin?

A. Yes. Yes. I don’t remember if it was Gavin or Star.

Q. Did you tell that grandchild that you were sick?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

THE INTERPRETER: I’m sorry, Your Honor.

THE COURT: Overruled.

You may answer.

THE WITNESS: Yes.

Q. BY MR. ZONEN: Why did you do that?

A. So that they could come.

Q. Okay. Were you, in fact, sick at the time?

A. No. Well, no. Well, yes, actually, because I do have arthritis and thyroid problems and things.

Q. All right.

A. High cholesterol. I mean, I can make you a longer list.

(Laughter.)

Q. It’s not necessary.

Did they, in fact, come, the three children?

A. Yes.

Q. Do you know if it was the same day or at a subsequent time, at a later time?

A. They called me in the afternoon. Later in the afternoon they called me and they said, “Mom” --

MR. MESEREAU: Objection; hearsay.

THE COURT: Overruled.

You may complete your answer.

THE WITNESS: They call me “mom,” because they do call me “mom,” so they asked me if I was sick. And I said yes, because I was -- I was desperate and I was anguished because I hadn’t seen them, and I would get a heart attack from not seeing them.

Q. BY MR. ZONEN: And did they arrive that day or soon thereafter?

A. The following day, I believe, is when they came.

Q. All right. Do you know who it was who

delivered them to the house?
A. No. Because my house is like this, the entrance is right here, so they had to walk.

Q. All right. Did they come into the home, the three children?
A. Yes.
Q. This is your El Monte home, the home in El Monte?
A. Yes. My house.
Q. The person who -- how long have you lived in that house?
A. 36 years.
Q. And your husband --
A. Approximately. More or less.
Q. Your husband’s name is what, please?
A. David.
Q. And David has been married to you for how many years?
A. He’s been my only boyfriend and my only husband and he’s still with me.
Q. How old were you when you met him?
A. 20. 20.
Q. And David does what kind of work?
A. He’s a trucker.
Q. And he has worked in that capacity for how long?
A. His whole life, since I met him.
Q. Is he still working?
A. Yes.
Q. And he’s still a trucker?
A. Yes.

Q. For which company does he work?
A. I’m not -- I’m going to say it, but I don’t know if it’s right. Ralph’s?
Q. A grocery store chain?
A. Yes, the markets.
Q. All right. Going back to when the three children arrived at your house, did you see the person who drove them to the house?
A. No.
Q. Did that person walk them to the door?
MR. MESEREAU: Objection; leading.

THE COURT: Overruled.
You may answer.
THE WITNESS: Why are you saying that?
Q. BY MR. ZONEN: Did that person --
A. No, I’m saying him. Why does he say to wait? Is it --
Q. Because he can.
(Laughter.)
THE WITNESS: I’m sorry.
THE COURT: Okay.
MR. ZONEN: Let me change the question.
Q. Did you see at any time the person or persons who delivered your three children to your home?
MR. MESEREAU: Objection; asked and answered.
THE COURT: Sustained.

Q. BY MR. ZONEN: Do you know who the person was who delivered the children to the house?
A. Miguel’s people.
Q. Is “Miguel” Michael Jackson?
A. Yes. It’s “Miguel” in Spanish.
Q. Thank you.
Miss Ventura, when your children came into the house, was your daughter Janet and her then boyfriend Jay at your home at the time that the three grandchildren arrived?
A. No. I received them by myself.
Q. At some time later that day or at another day, did Janet and Jay arrive at your home?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes, they came later.
Q. BY MR. ZONEN: Was it the same day or a different day?
A. Yes. The same day.
Q. The same day. All right. Would you describe for us how the children were behaving at the time that they arrived from Neverland?
A. Those children that came were not my grandkids.
Q. Explain that to us, please.

A. The -- their entire life, my grandkids and I were very close. Their happiness, their sadness, their games, all of that. I was always very important for all three of them.

When they came back, they didn't talk to me the same way. They were different kids. And -- and even up till now Gavin is not the same child.

MR. MESEREAU: Objection. Nonresponsive; move to strike.

THE COURT: Overruled.

Q. BY MR. ZONEN: After the three children returned from Neverland to your home, did you receive any phone calls at your home?

A. Many. Many, many. Day and night. I had a red telephone, and it had a square like that. And in that little square sometimes it said "Neverland," and some other time "Frank," or I don't know. And the voice would say, "Gavin, Star, Davellin, somebody answer."

MR. MESEREAU: Objection; nonresponsive.

THE COURT: Excuse me. Sustained.

Q. BY MR. ZONEN: Could you actually hear messages being left on your phone?

A. Yes.

Q. Were there -- was -- were there voices on the messages asking for your grandchildren?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

Just a moment.

THE WITNESS: Yes.

THE COURT: Have you offered her some water?

I'm --

Yourself too, if you --

THE INTERPRETER: I have my bottle. Thank you.

THE COURT: Go ahead.

Q. BY MR. ZONEN: Could you tell if it was one voice or more than one voice leaving messages on the phone?

A. Sometimes it said on there "Neverland."

Q. Okay.

A. And some other times it was that Frank.

What really hurts me is that my granddaughter erased it. Otherwise -- she always liked to -- well, one of the phones broke down, and she tried to make, out of two phones, make one.

MR. MESEREAU: Objection; nonresponsive.

THE COURT: Sustained.

MR. ZONEN: All right. The latter part of the answer, Your Honor, you're referring to?

THE COURT: We'll leave the first two sentences in.

Q. BY MR. ZONEN: You told us what you were able to see on the screen on the phone, and you told us you were also able to hear a voice.

A. Yes.

Q. Is that your --

A. Yes. The phone had a little square, and 6862 then you could hear the person talk.

Q. All right.

A. And I never allowed the kids to pick up the phone because I was always watching out for that. You know, I would also get calls very late at night, maybe thinking that I was asleep.

But ever since that time when they came, when they were no longer the same kids, I couldn't sleep anymore because I was always watching out for that phone.

Q. Let me ask you some questions about the messages. Were the messages always left in English?

A. Yes.

Q. Were you able to understand the messages?

A. No. What I understood is as soon as I saw "Neverland" --

MR. MESEREAU: Objection; nonresponsive.

THE COURT: Sustained.

Q. BY MR. ZONEN: What were you able to understand of the messages?

MR. MESEREAU: Objection; hearsay.

MR. ZONEN: It's not for the truth of the matter.

THE COURT: I'll allow the question.

THE WITNESS: What I understood is that it said "Neverland" and that they were calling my grandkids. That's what I understood.

Q. BY MR. ZONEN: You were able to hear the names of the kids being called?

A. Yes.

Q. All right. Could you tell if it was the same voice each time or if it was a different voice?

A. The same one.

Q. Give us a sense of how many times this person called.

MR. MESEREAU: Objection; foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: The number of times I can’t tell you, but I know that it was very often.

Q. BY MR. ZONEN: Over what period of time did the calls continue? In other words, was it over days, over weeks, or months? How would describe the length of time that the calls continued?

A. A long time. I couldn’t tell you days or whatever, because I just -- I didn’t keep track of days, hours. And I watched my grandkids until my daughter took them, took the boys. And Davellin stayed with me.

Q. Did you ever become aware of the fact that there were people watching you?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

THE WITNESS: All around my house there was a lot of cars. There was a lot of people.

Q. BY MR. ZONEN: Did anybody ever come to the door and attempt to contact you or the children?

A. Many people came to the door of my house. Cameras. I was -- I was hiding. I was almost like a prisoner. I had to hide. I couldn’t even stick my face out like that, because everybody would just come on, come on over.

Q. Within a week or two after your grandchildren returned to your home, did anybody come to the door, knock on the door, and inquire about the children?

A. Yes. All the time. All the time.

Q. Anybody throw stones at your house?

A. Yes. Once. I’m speaking slow so that you can be talking.

I was sitting down watching the soap operas, because I'm always watching my soap operas. That T.V. I have in the dining room. Davellin sleeps -- or used to sleep in the bedroom that goes out -- that's out to the street. But sitting like this, here's the dining room and there was her bedroom. But I was sitting down when I heard, "bbrrr," something like that.

MR. ZONEN: (To the interpreter) That was well done.

(Laughter.)

THE WITNESS: But I thought to myself, well, it must be the kids just out in the street. But, no, then again, and again. And then by the third time is when I stood up --

MR. MESEREAU: Objection. Nonresponsive and narrative.

THE COURT: Narrative; sustained.

Q. BY MR. ZONEN: What did you then do?

A. I stood up and I walked around. And Davellin just rushed out of the bedroom, and she asked me, "Mama" -- "Mom, did you hear that?"

So I told her, "Yes, somebody's throwing rocks at the house."

We both went up to the door. And when we went out like that, we saw a man standing next to the car. It was a small car. I don't know if it was black or blue, because it was getting late.

MR. MESEREAU: Objection. Narrative; nonresponsive.

THE COURT: Sustained.

Q. BY MR. ZONEN: After you saw the vehicle, did you see the person near the vehicle?

A. Yes.

Q. Could you --

A. Right at the time that my granddaughter and I went out, we turned like that, because right at the time, a rock was coming on its way, and it hit right on the window of Davellin's bedroom.

Q. While you were standing watching?

A. Yes. Right at the time that we went out, like that.

MR. MESEREAU: Objection. Narrative; nonresponsive.
THE COURT: Sustained.
MR. ZONEN: Perhaps we could get the translation of the last -- I don’t know if the interpreter translated the last statement.
THE COURT: Well, I sustained the objection, narrative, so --
MR. ZONEN: Let me back you up a couple steps.
Q. You actually saw somebody throw a stone?
A. Yes.
Q. Was it the person standing next to the car?
A. Yes.
Q. Can you describe that person for us, as best you can?
A. I know that it was a man that was standing there, and he had a cap. Right at the time that we saw the man, Davellin and I, I told Davellin, “Call the police.”
MR. MESEREAU: Objection, Your Honor. Narrative.
THE COURT: Sustained as to the last sentence.
Q. BY MR. ZONEN: Were you standing with Davellin at the time you saw the stone being thrown?
A. When he threw -- when he threw the last rock that I saw that hit Davellin’s bedroom window, we were both standing there.

Q. Did you then contact law enforcement?
A. That’s when I told Davellin to run and call the police.
Q. Did you --
A. And so that man very quickly got in the car and took off.
Q. And did you, in fact, call the police?
A. No.
MR. ZONEN: May I have just one moment, please, Your Honor?
THE WITNESS: I don’t really remember, but, yes.
MR. ZONEN: Thank you, Your Honor. I have

no further questions.

MR. MESEREAU: No questions, Your Honor.

THE WITNESS: But the other day --

THE COURT: Thank you. There are no other questions. You may step down.

MR. ZONEN: I'm sorry, Your Honor, I need to call the next witness. I neglected to do that.

Your Honor, we will not be needing the interpreter any further.

Who's doing this, you or Bob?

MR. MESEREAU: Bob.

THE COURT: Counsel, maybe you'd like to take this moment to explain the scheduling issue that you were going to raise while we're waiting for the

witness.

MR. SNEDDON: Approach the bench?

THE COURT: No, it's all right. You can just tell us. Go ahead and tell us. I mean, it's not a private matter.

MR. SNEDDON: I think it is, because it involves some evidentiary issues.

BAILIFF CORTEZ: Your microphone, sir.

THE COURT: All right. Approach the bench.

(Discussion held off the record at sidebar.)

THE COURT: Please remain standing. Face the clerk and raise your right hand.

WILLIAM F. CALDWELL

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: William F. Caldwell; C-a-l-d-w-e-l-l.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. ZONEN:

Q. Sergeant Caldwell, your current occupation, please?

A. I'm a sergeant for the Santa Barbara

Sheriff’s Department.
Q. You’ve been in the Sheriff’s Department in Santa Barbara County for how long?
A. 27 years.
Q. What is your current position?
A. I’m a detective sergeant in the Coastal Station.
Q. I’m sorry, which station?
A. Detective sergeant in the Coastal Station, Carpinteria area.
Q. You’ve held that particular position for how long?
A. Four years.
Q. Were you involved, among other detectives, with searches that were executed on the 18th of November, 2003?
A. Yes, sir.
Q. The area where you searched was what, please?
A. It was the office of Bradley Miller, a private investigator in Beverly Hills, California.
Q. And do you remember the address?
A. I don’t. 211 South Beverly Drive, No. 108, I believe.
Q. Very good. In Beverly Hills?
A. Yes.
Q. All right. Can you tell us at approximately what time you conducted that search?

A. At approximately 9:30 in the morning.
Q. And how many of you went to conduct that search?
A. Three of us.
Q. And who were they?
A. Investigator Tonello from the District Attorney’s Office and Detective Forney from the sheriff’s department.
Q. The three of you. And did you have any uniformed officers with you at that time?
A. Yes. Officer Roy Tinkler from the Beverly Hills Police Department.
Q. When you arrived at that location, was anybody at the office?
A. No, sir.

Q. Was the office closed and locked?

A. Yes, it was.

Q. Were you able to gain entry into the office?

A. Yes.

Q. And how were you able to do that?

A. We contacted the property manager who ran the building, and she provided a key for entrance into the outer door of the office.

Q. And did that get you through the outer door into the office?

A. Yes.

Q. Did you at some time, either prior to or after gaining entry into the outer door, make an effort to contact Brad Miller?

A. Yes.

Q. And how did you do that?

A. I previously obtained Mr. Miller’s cell phone number and I tried to call it and I left a message on his voice mail on the cell phone.

Q. Were you able to get ahold of him?

A. No.

Q. Did you attempt to gain entry into the inner doors in the office?

A. Yes.

Q. How many inner doors were there?

A. A total of three.

Q. And where did they lead to?

A. One of the offices was open. The door led to a secretarial area, and then the other two doors were locked.

Q. All right. Were you able to gain entry into the two rooms that were locked?

A. Yes.

Q. How did you do that?

A. Through use of a sledgehammer.

Q. What does that mean?

A. We forcibly opened the door by pounding on the door with a sledgehammer.

Q. How were you able do that? What -- kind of give us a sense of what’s involved. We’ve all seen it on T.V., but I don’t know that we’ve ever --

MR. SANGER: I’m going to object.

Relevance, Your Honor.

THE COURT: Sustained.

MR. ZONEN: Sustained as to the entirety of that question or just the comments at the end?

THE COURT: The entirety.

Q. BY MR. ZONEN: Did you gain entry into that office?

A. Yes, sir.

Q. And what were the two rooms that you gained entry into?

A. One of the offices was the office of Bradley Miller, the private investigator, and the second room was a conference room.

Q. All right. Did you seize a number of items from that location?

A. Yes.

Q. All right. Did you have something to do with the documentation of the items that were seized?

A. Yes.

Q. Tell me what your role was in that.

A. My role was to complete the property form at the scene. Detective Forney would bring me the items, and I would number them and list the items on a property form, and put them in bags, and number the bags.

MR. ZONEN: Excuse me. I'm sorry.

Q. I would like to show you three exhibits currently marked for identification No. 831, 832, and 833.

If I may approach the witness, Your Honor.

THE COURT: You may.

Q. BY MR. ZONEN: If you would look at those three photographs and please tell us what they are.

A. Exhibit 831 is a photograph of a cabinet with a television and VCR and a number of video and audiotapes.

Exhibit 832 is a blow-up of some audio tapes.

And Exhibit 833 is a blow-up of some VHS video cassette tapes.

Q. Now, the audiotapes and the videotapes, the VHS tapes that you can see in 832 and 833, are they also visible in 831?

A. Yes, sir.

Q. And can you describe in that photograph where they are?

A. They're located on a shelf above the VCR, which is standing on top of the television.

Q. Were items seized from that general location --

A. Yes.

Q. -- as depicted in 831?

A. Yes.

Q. And among the items that were seized, can you just describe what they were, please?

A. Videotapes and audiotapes.

Q. I'd like to now show you a series of tapes, if I can.

If I could approach the witness with all of them.

THE COURT: All right.

Q. BY MR. ZONEN: I would like to show you, if I can, Exhibit No. 823, and that is Court Exhibit 823.

A. Okay.

Q. Can you tell us what this item is?

A. It's a videotape. It's entitled, "Arvizo 2-19 and 2-21." And it says, "Re MJ." And it's my Evidence Item No. 811. It was seized from this cabinet that I've talked about earlier.

Q. And who was it who actually seized it from the cabinet?

A. Detective Rod Forney.

Q. Did you see it in the cabinet?

A. Yes.

Q. Court Exhibit No. 824, please. Take a look at that, Court Exhibit No. 824, and tell us what that is.

A. It's a VHS cassette tape. It's entitled, "To Brad Re Arvizo." It's my evidence Item No. 812. And it was seized from the top shelf, as indicated in the photo.

Q. No. 825, please, Court Exhibit No. 825, tell us what that is.

A. This is a VHS video cassette tape. It's entitled, "Arvizo Move, 3-5-3. MJJ." And it's my Evidence Item No. 815. And this, as well, was seized from that same location, the cabinet above the television.

Q. Showing you Item 826, please.

A. This is a VHS video cassette tape. It's entitled, "To Brad, Jeanette, March, Johnny." There's a phone number, "1-866-256-6275." And it's marked, the other side, "MJJ, Arvizo, 2003." It's my Evidence Item No. 816. And it was seized from the location as indicated, the cabinet above the television.

Q. Item 827, Court Exhibit Item 827, tell us what that is.

A. This is an audio cassette tape. It's marked "MJ" or labeled "MJ." It's my Evidence Item No. 817. And it was seized on that same shelf above the television.

Q. Court Exhibit No. 828, please tell us what that is.

A. This is an audio cassette tape. It's entitled, "Michael Jackson." It's my Evidence Item No. 818. It's also labeled on the side, "Michael Jackson," and it says, "Arvizo, ST, MT, 2-16-03." And it was seized from that same location on the shelf above the television.

Q. Item 829, please tell us what that is.

A. This is a mini video cassette tape. It's marked "Arvizo Move." It's my Evidence Item 819. And it was seized, as well, from the shelf in the television cabinet, the same location.

Q. Now, as the person who we've described previously was the scribe, what was your obligation with regards to those items?

A. My obligation was to collect them from Detective Forney, to note the location that he seized the items from, to number the items, and to log the items in on an evidence sheet and to place them in those respective bags and seal them.

Q. And did you do that as to each one of those items?

A. I did.

Q. The three photographs that I've handed you, tell us again the court exhibit number of those.

A. 831 is a photograph depicting the cabinet and the television, the VCR and the tapes on the top shelf.

Exhibit No. 832 is a blow-up or an enhancement of the audio cassette tapes.

And Court Exhibit 833 is a blow-up or enhancement of the video, VHS tapes.

Q. The content of those three photographs, are they accurately depicted in those photographs?

A. Yes.

MR. ZONEN: I would move to introduce into evidence 831, 832 and 833.

MR. SANGER: No objection.

THE COURT: They're admitted.

MR. ZONEN: I have no further questions.

CROSS-EXAMINATION

BY MR. SANGER:

Q. Sergeant Caldwell.

A. Mr. Sanger.

Q. How are you?

A. Very well, sir. Thank you.

Q. Good. You've been a detective for how many years total?

A. 16 or 17 years.

Q. So 27 years in the sheriff's department, correct?

A. Yes.

Q. 16 or 17 of those as a detective, correct?

A. Yes.

Q. Four years as the detective sergeant in charge of the Carpinteria substation or what's now called the Coastal Station, correct?

A. Yes, sir.

Q. And Vic -- Victor Alvarez is a detective who works under your supervision; is that correct?

A. Yes, sir.

Q. And your assignment in this case came from whom?

A. Well, initially from Lieutenant Kitzmann and

Lieutenant Klapakis.
Q. All right. So the two lieutenants, Kitzmann and Klapakis, assigned you, in essence, to be a scribe on the search of Brad Miller’s office; is that correct?
A. Well, they didn’t make that individual assignment. I made that assignment to myself.
Q. All right. Let’s put it this way: They assigned you to go do the Brad Miller search in this case; is that correct?
A. Yes, sir.
Q. Did they assign you, with your background and experience, to do anything else in this case other than the Brad Miller search?
A. Yes.
Q. What else?
A. A search of a storage locker in West Los Angeles.
Q. All right. That was related to the Brad Miller search; is that correct?
A. Yes, sir.
Q. All right. So other than the Brad Miller search and that spin-off, you were not assigned to do anything else in this investigation relating to Mr. Jackson; is that correct?

A. Yes.
Q. Now, with regard to the location that you searched, you understood that to be the office of a private investigator; is that correct?
A. Yes.
Q. And you knew, before you went in, that Bradley Miller was the owner of the premises or was the person whose offices you were searching, correct?
A. Yes.
Q. And you knew Bradley Miller was, in fact, a licensed private investigator, correct?
A. I was told that, yes.
Q. And had somebody else done some background work on that and presented you with it?
A. I believe that information was contained in the search warrant affidavit, yes.
Q. All right. And at the time you searched,

did you know who Bradley Miller was working for? Of your knowledge, did you know who he was working for?

A. I -- at one point I was told that he worked for Mr. Jackson.

Q. Okay. And later you found out he worked for Mr. Geragos, correct?

A. Yes.

Q. All right. Now, Mr. Geragos, at the time and currently, was a prominent lawyer in Beverly Hills; is that correct?

A. Yes.

Q. All right. And Bradley Miller had an office in Beverly Hills, correct?

A. Yes.

Q. During the course of the search, you determined that there was a connection between Mr. Geragos and Bradley Miller, correct?

A. When you say “connection” I’m not clear on the question, sir.

Q. Well, let’s put it this way: In all your experience in law enforcement, you’re aware that private investigators often work for lawyers, correct?

A. Yes.

Q. All right. And in the course of your doing your search, you ran across correspondence indicating that there was a connection between Mark Geragos and Bradley Miller, correct?

A. Yes.

Q. All right. Now, you mentioned that on one of the tapes there, there was a reference -- maybe more than one, but at least one of the tapes there’s a reference to, quote, “Michael Jackson” --

A. Yes.

Q. -- correct? You’re familiar with the manner in which private investigators work, to a certain extent, correct?

A. To a certain extent, yes.

Q. You’ve never been one?

A. No, sir.

Q. All right. But you have certainly dealt with a lot of private investigators during your career, correct?

A. Yes.

Q. And a lot of your colleagues in years gone by, who retired from law enforcement, have become private investigators, correct?

A. Yes.

Q. All right. And private investigators, when they're working for a lawyer, are usually assigned to work on a particular case; is that correct?

A. Yes.

Q. And often they will give the name of their -- the client of the lawyer -- let me withdraw that.

Often the name of the lawyer's client will be the designation that they will place on their materials; is that correct?

A. My answer would be a guess. I don't know one way or the other.

Q. It's not unusual for people on either side of the -- of the matter, either a private investigator working for a defense lawyer or law enforcement, to refer to, for instance, "the Smith

case," am I right?

A. That's correct.

Q. So you'd refer to matters pertaining to an investigation relating to Mr. Smith as being "the Smith matter," right?

A. Yes.

Q. Okay. That does not, in and of itself, imply that Mr. Smith had any particular control or direction over anything that --

MR. ZONEN: I would object to this as speculative and beyond the scope of this witness's expertise.

MR. SANGER: I didn't finish the question, but the Court got the gist of it, I suppose.

THE COURT: Go ahead and finish.

MR. SANGER: All right. Let me try to start it over.

Q. The fact that, for instance, hypothetically, based on your training and experience, the name

"Smith" appeared on a file or a videotape, or something of that sort, would not necessarily mean that Mr. Smith had any control or direction with regard to what the private investigator is doing; is that correct?

THE COURT: I'll sustain the objection.

MR. SANGER: All right. Very well. No further questions.

//

REDIRECT EXAMINATION

BY MR. ZONEN:

Q. You mentioned the presence of an affidavit. Was that an affidavit to a search warrant?

A. Yes.

Q. And did you have that search warrant with you?

A. I had the search warrant with me, yes, sir.

Q. And had you reviewed the affidavit prior to the execution of the search?

A. I did.

Q. That was a search warrant authorized by a judge in Santa Barbara County; is that correct?

A. Correct.

MR. ZONEN: No further questions.

MR. SANGER: I'm going to move to strike the last question and answer, Your Honor, as beyond the scope of direct and irrelevant.

THE COURT: It is beyond the scope, but I'll allow the question.

Do you want any examination on the issue?

MR. SANGER: No, Your Honor. That's fine.

THE COURT: All right. Thank you. You may step down.

MR. ZONEN: We'll call Detective Rod Forney to the stand.

THE COURT: You know, we're just going to start -- in a couple minutes we're going to start the in-camera hearing, so have the next witness available at quarter to 12:00.

MR. ZONEN: Thank you.

THE COURT: We'll excuse you a little early for lunch; be in a few minutes.

The nature of the hearing that we're going to have is going to be in camera, in chambers, and I'll have the court reporter and an attorney from each side come back. And Mr. Jackson may attend or may not attend, as you deem -- whatever you request, Mr. Mesereau.

MR. MESEREAU: Okay.

(Whereupon, proceedings were held in chambers and, having been ordered sealed by the Court, are omitted herefrom.)

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: Mr. Sneddon, you had indicated you had a scheduling issue you wanted to raise outside the presence of the jury?

MR. SNEDDON: I do.

THE COURT: Go ahead.

MR. SNEDDON: Your Honor, there are several issues I want to address the Court on, and some of it is going to be some good news for the Court and some of it is going to be bad news for the Court, or end up being bad news for me, one or the other. But in any case, I wanted to alert the Court to several issues.

The first one that I want to alert the Court to is, for scheduling purposes, that we believe, under our estimation, that we will probably be completing our evidence by the end of next week, so that the defense is prepared to know that that's -- we estimate we will be done by the end of next week.

The second issue involves -- I wanted to alert the Court, because I had a conversation with the attorney from Las Vegas last night, that one of the witnesses who you signed an order of transportation on, Mr. Carter, who is scheduled to be here either Thursday or Friday, that the lawyer indicated to me that he was going to invoke his Fifth Amendment rights with regard to the charges which are currently pending against him in Nevada.

And that raises several issues to the Court, and to us personally, with regard to his testimony.

And I thoroughly intended to have for the Court this morning a memorandum of the issues involved. And the reason I don’t is because Mr. Franklin’s computer blew up, and playing around with it trying to get the two documents that I had prepared and should have been here this morning and filed by 8:30 didn’t -- aren’t done yet. And my last estimate is they’re working on the computer to free up the stuff that’s in there. I don’t understand it, but a 15-year-old teenager probably does.

So in any case, those were issues I wanted to bring to the Court’s attention that are issues before Mr. Carter testifies. And that’s why I had the order changed from Thursday to Friday.

In addition to that, there are several outstanding issues that we’re going to ask -- one of the other things that we were going to file at 8:30 this morning was to calendar with the clerk a hearing, like we did on the 1108, that it’s now time, since Mrs. Arvizo has testified, to revisit the issues the Court postponed on the testimony of the domestic violence expert that we filed briefs on and counsel for the defendant filed briefs on.

And so before we can go forward on that front, we need to get some rulings from the Court on that, as well as, the Court knows, the issue that I filed and you asked that counsel for the defense did a brief yesterday on Mr. Abdool.

So that’s a long way of saying that the good news is, I believe that we’re about to the point where we can close off our case next week.

The bad news, which I was saving for last, is I don’t think we have enough witnesses to complete this week. And I’m very concerned about our ability to bring anybody in on Friday particularly. And the reason for that is that a lot of the witnesses that are on for next week are people who are coming from -- involve telephone records and things of that nature, which we had to give advance warning and are not local people. And we had to line it up in terms of their transportation and in terms of their ability to stay in order to try not to spend extra money having people fly and cancel trips and pay penalties on flights and stuff like that.

And we believe that we can put all of those people on on Tuesday. We'll have witnesses on Monday. But I believe that -- that also, like I said, we can't go forward on some of these until we get some rulings.

And the last thing is that we want to look at those disks, because that could impact what we do in the future. And not having had an opportunity to look at those and it's not simply something that we can simply turn over to investigators and say, "Look at these things," I think we, as the lawyers involved in the case, are going to need an opportunity to do that.

So I guess what I'm telling the Court is that -- that we will be able to go forward as the Court has asked us to in the past, and that's consecutively with witnesses, but I believe on Friday that we will have a very difficult time rustling up anybody for that date. We did not anticipate certain things that have happened in this courtroom today or yesterday, and so that's where we are. And that's the status on everything.

And as you know, we've only -- one time since we started our case did we finish early. So I think we've followed the spirit, if not the letter, of the Court's rulings. And I think we just have reached a point where trying to get the caboose in line for the finish has been a little more difficult than keeping the train on track to this point.

THE COURT: Do you have enough witnesses for tomorrow morning?

MR. SNEDDON: At this particular point in time, we believe we do. It will be close, but I think, you know, the Court wanted us to get that three hours in, so -- but it's a local witness. So if you were contemplating something else, I could push that witness off to the next day or something.

THE COURT: Well, I think the jurors would be happier with a three-day weekend than with an interruption in the middle of the week. I don’t know that, but I think so.

MR. SNEDDON: I agree with you.

THE COURT: So then the -- so, Mr. Mesereau, before I start saying anything, do you want to be heard?

MR. MESEREAU: Your Honor, we plan to call a lot of witnesses and we could run into some scheduling problems and we may be asking for some consideration, so I think the least we could do is be considerate in this regard. Because I think anytime you’re putting on a lengthy case, you can run into scheduling difficulties. So --

THE COURT: Are you saying that you sympathize with Mr. Sneddon?

(Laugher.)

MR. MESEREAU: I believe -- I think we should take Friday off, Your Honor.

THE COURT: How about the motions? I think the domestic violence one, we have all the material. I just needed to know where we were. You may want to make some additional points on that, each side, before I rule. But as far as the written work done, it’s done, I think.

MR. MESEREAU: And there are some other issues, Your Honor, I think, like the motion Miss Yu filed, which is important to our case.

THE CLERK: Can’t hear, Judge.

THE COURT: They can’t hear you in the back.

MR. MESEREAU: The motion that Miss Yu filed dealing with examination on sexual conduct --

THE COURT: Oh, yeah.

MR. MESEREAU: -- is an important one to us.

MR. SNEDDON: Judge, could I give you two other things to factor into your contemplation?

THE COURT: Yes.

MR. SNEDDON: We anticipate filing, no later than tomorrow morning, two other motions for reconsideration on issues that the Court’s addressed. They’re short, brief motions, but we’ve almost got them finished.

THE COURT: All right. Well, I think the way that I would like to handle it, then, would be that we take whatever evidence you have -- today, how much evidence do you have for today?

MR. SNEDDON: How much we have today, Your Honor? I think -- I think we'll probably finish the day out.

THE COURT: Okay.

MR. SNEDDON: I wasn't short today. I mean, we could get ten minutes short or something, but I think we'll be here the rest of the day.

THE COURT: Let's finish the day out with evidence. And then what I would do is, if we finish early with evidence on Thursday, we'll start the motions. I think we could all do with Friday off, so if we can hear -- if we can get to the end of the evidence and still have the motions before Friday, that would be a good thing, so let's make that our goal.

MR. SNEDDON: I can arrange that, Judge. I can drop one witness off the bottom.

THE COURT: You can do that?

MR. SNEDDON: I can do that, Your Honor.

THE COURT: Okay. So let's do that. Let's figure that we'll use today, tomorrow, and -- half of tomorrow and Thursday, and we'll go dark Friday, but we'll have the motions done before we leave. That's a condition.

MR. SNEDDON: Okay.

THE COURT: We will hear the motions before Friday.

MR. MESEREAU: Thank you, Your Honor.

MR. SNEDDON: All right.

(The following proceedings were held in open court in the presence and hearing of the jury:)

MR. ZONEN: We'll call Rod Forney to the stand, please.

THE COURT: Please raise your right hand and be sworn.

ROD FORNEY
Having been sworn, testified as follows:

THE WITNESS: Yes, I do.
THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Rod, R-o-d, Forney, F-o-r-n-e-y.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. ZONEN:
Q. Sir, what is your current occupation?
A. I'm a detective for the Santa Barbara County Sheriff's Office.
Q. You've been so employed for what period of time?
A. For the sheriff's department, approximately 11 years.
Q. And as a detective?
A. As a detective for approximately five years.
Q. And your current assignment is what?
A. As a detective in the Coastal Operations Bureau, which is in Carpinteria.
Q. Were you called to assist on the execution of a search warrant back on the 18th of November, 2003, at an office in Beverly Hills?
A. Yes, I was.
Q. Do you happen to remember the address?
A. It was 211 South Beverly Drive, and it was Suite -- or Room No. 108.
Q. Do you recall whose office it was?
A. Yes, sir, I do.

Q. And whose office was it?
A. Bradley Miller's.
Q. And your responsibilities that day were what?
A. To seize evidence.
Q. All right. And did you, in fact, seize evidence at that time?
A. Yes, I did.

Q. Now, there's three photographs in front of you. Go ahead and grab those and take a look at those photographs.
Are those, in fact, Exhibit Nos. 831, 832 and 833?
A. Yes, they are.
Q. And can you tell us what those are, 831, 832 and 833?
A. They're photographs of items I had seized from Mr. Miller's office.
Q. All right. And in front of you are a series of objects.
May I approach the witness, Your Honor?
THE COURT: Yes.
Q. BY MR. ZONEN: I'd like to show you each of these items, please, consecutively by number, and tell me if you recognize these items. Starting with Court Exhibit 823.
A. Yes, I recognize that.
Q. Is that an item that you seized?

A. Yes, it is.
Q. And turned over to Sergeant Caldwell?
A. Yes, I did.
Q. And does that have a sheriff's number associated with it?
A. Yes, it does.
Q. And what is that number?
A. Which -- there's numerous numbers that are associated with it. This is Item No. 811 and it's Tag No. 122980.
Q. Okay. Let's -- we'll do the item numbers on this case.
That was Item No. 811; is that right?
A. Yes, it is.
Q. In this case, the court number is 824. And tell us what it is, please.
A. It's Item No. 812, another videotape.
Q. It's a videotape. And you seized that item as well?
A. Yes, I did.
Q. And Item No. 825, and this is Court Exhibit 825, what is that?
A. This is actually Item No. 815, and it's a

videotape.

Q. When you say “815,” do you mean Sheriff’s No. 815?

A. That’s correct.

Q. And it’s a videotape as well?

A. Yes.

Q. And the next one is Court Exhibit 826. Tell us what this is.

A. It’s Sheriff’s Item No. 816. And it’s also a videotape that I seized.

Q. All right. And the next one would be Court Exhibit No. 827. What is that?

A. Okay. This is an audiotape that I seized. It is item -- Sheriff’s Item No. 817.

Q. And then the next one? Quick, before it falls out of the bag. Court Exhibit No. 828?

A. This is Sheriff’s Item No. 818. And it’s another audiotape that I seized.

Q. All right. And then Court Exhibit No. 829, what is this?

A. It’s item -- Sheriff’s Item No. 819. And it is a small videotape, digital videotape.

Q. And each of these items that you seized and turned over to Sergeant Caldwell, from where did you retrieve those items?

A. I retrieved them from like an entertainment unit in the conference room of Bradley Miller’s office.

MR. ZONEN: Your Honor, the three photographs are currently in evidence. May I publish them at this time?

THE COURT: Yes.

MR. ZONEN: We have to switch over to “Input” -- is it “4”?

THE BAILIFF: I’ll get it.

Q. BY MR. ZONEN: The exhibit is 831 that we’re looking at at this time. Tell us, please, in which room in Mr. Miller’s office is this?

A. It would be what I would refer to as the conference room.

Q. All right. And can you tell us what we’re looking at in this photograph?

A. We're looking at the videotapes and audiotapes that I had seized.

Q. This is Item No. 833 currently on the board. Can you tell us what this is?

A. Those are some of the tapes that I had seized that were in the same location.

Q. And then finally 832?

A. Those are also tapes that I had seized from the same location.

MR. ZONEN: Thank you. I have no further questions.

CROSS-EXAMINATION

BY MR. SANGER:

Q. Detective Forney.

A. Yes.

Q. How are you?

A. Fine, thank you.

Q. Good. How long have you been a detective?

A. Approximately five years.

Q. And how long have you been a deputy sheriff?

A. A deputy sheriff for 11 years total.

Q. Eleven total including the five as a detective?

A. Yes, and then another 14 as a police officer.

Q. And with what department?

A. Bakersfield Police Department.

Q. Okay. Did you have assignments there other than patrol?

A. Yes, I did.

Q. Were you assigned to detectives at any time?

A. I was sort of a street-level vice/narcotics unit and also traffic as a motor officer.

Q. Okay. So would you just tell us -- that's 20-some years anyway?

A. 25 years.

Q. All right. And you were assigned to work on the case regarding Mr. Jackson; is that correct?

A. Yes, I was.

Q. And your assignment was to go to the premises of Bradley Miller in Beverly Hills and

execute a search warrant; is that right?
A. That’s correct.
Q. Were you assigned to do anything other than that?

A. No.
Q. All right. You’re familiar -- based on your training, you’ve had training through a POST academy, I take it, right?
A. That’s correct.
Q. And then you’ve had inservice training at two different departments you work at, right?
A. Yes.
Q. And you would agree that chain of custody is a pretty important aspect of handling evidence; is that correct?
A. That’s correct.
Q. And that’s what we have all these bags for with tape on them and initials and dates and all that; is that correct?
A. That’s correct.
Q. Okay. Mr. Zonen made a remark about something falling out of a bag. You want the evidence to be in the bag that it was put in so that you can show that there is a chain of custody, correct?
A. That’s correct.
Q. And so you wouldn’t want to, for instance, find a random piece of evidence at the bottom of a box that fell out of its bag, would you?
A. No.
Q. All right. All right. Now, let me just ask you a question or two about the pictures that were

up on the board, and I won’t put them back up. But basically, when you did this search, you realized you were searching a private investigator’s office; is that correct?
A. That’s correct.
Q. In the course of searching that office, you found things that seemed to be consistent with this being an office of a private investigator; is that correct?
A. That’s correct.

Q. There were -- there was office equipment and computers, correct?

A. Yes.

Q. And there were -- there were videotapes --

A. Yes.

Q. -- is that correct?

There were audiotapes?

A. Yes.

Q. There were tapes other than the tapes that you seized in this particular investigation; is that correct?

A. That's correct.

Q. And you would agree there's nothing unusual about investigators having surveillance tapes; is that correct?

A. That's correct. Yes.

MR. SANGER: All right. Okay. Thank you.

No further questions.

MR. ZONEN: Oh, I have no further questions.

THE COURT: Thank you. You may step down.

MR. SNEDDON: Michael Davy. He should be outside.

THE COURT: For the jury, during our last hearing you weren't present for, we decided to not have court on Friday. So we've worked long and hard, a lot of days in a row, and the District Attorney has told us that he expects to end his case probably by the end of next week.

So, considering some issues that we have to decide in your absence, we're all going to take Friday off, not just you. So, remember, there won't be court tomorrow afternoon, and there won't be court Friday now.

Come forward.

MR. ZONEN: Mr. Davy, go right up to the front, please.

BAILIFF CORTEZ: Remain standing. Face the clerk. Raise your right hand.

MICHAEL DAVY

Having been sworn, testified as follows:

THE WITNESS: Yes.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name is Michael Davy. Last name is D-a-v-y.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. SNEDDON:

Q. Mr. Davy, we’re going to need you to scoot up closer to that microphone, if you can. It’s been a constant problem. But you have to lean into it so everybody can hear what you have to say, okay?

A. Okay.

Q. You’re retired, are you not?

A. Yes.

Q. And what did you do before you were lucky enough to retire?

A. I worked for the Los Angeles City School District as a teacher, a counselor and an administrator.

Q. For how long were you employed by the school district?

A. 32 years.

Q. During the time that you worked for the school district, were you at some point in time assigned to John Burroughs?

A. Yes.

Q. And what grades does John Burroughs cover?

A. Sixth, seventh and eighth.

Q. So it’s three years, then?

A. Right.

Q. And what is the size of the school, approximately, when you were there?

A. When I was there it was about 2400.

Q. Now, during the year 2002 - okay? - the school year 2002-2003 - all right? - what were your assignments at John Burroughs?

A. I was a grade-level counselor.

Q. And for how long did you -- were you assigned that responsibility?

A. I worked there about -- I worked there five years, and I was in that assignment for about three

and a half years.
Q. At some point during the school year of 2002-2003, were you reassigned some other responsibilities within John Burroughs?
A. Yes.
Q. And what were your -- what was your new assignment?
A. I became an administrator in charge of attendance.
Q. All right. Now, let’s go back to the first one. You were a counselor?
A. Right.
Q. Did you also have teaching responsibilities?
A. No.
Q. Full-time counselor?
A. Yes.
Q. And how many other counselors were there in

the school; do you recall?
A. Yes. There’s one for each grade level, and there was a special needs counselor, so there was three -- a total of four counselors.
Q. During the time that you were a counselor and working at John Burroughs, did you meet two students by the name of Gavin Arvizo and Star Arvizo?
A. Yes.
Q. And did you meet their mother?
A. Yes.
Q. Do you recall her name?
A. Yes.
Q. What was that?
A. Janet Ventura.
Q. So she was known to you as “Janet Ventura”?
A. Right.
Q. And were the boys known to you as “Ventura” or “Arvizo”?
A. Arvizo.
Q. Now, at some point in time you were assigned as an administrator, correct?
A. Correct.
Q. What are the responsibilities or what were those new responsibilities to you as administrator?
A. It was to process students during the

enrollment process, and to process them if they were leaving the campus, leaving the school, transferring to another school or school district. And it was also to make monthly reports to the district on our status, our attendance status. And to find out where kids were that were not coming to school.

Q. At some point during the school year of 2002 and 2003, you transitioned from counselor to administrator, correct?
A. Correct.
Q. Can you tell us approximately when that transition occurred?
A. Well, the person that I replaced went out on leave, so I was just temporarily filling that person's job in the early parts of January, February, and March. And at some point, that person retired and I took the job permanently.
Q. So the earliest point would have been January, February, March of 2003?
A. Right.
Q. Okay. Let me show you a photograph, if I might. Just take a look at it for a second. I've handed you a photograph that I believe has the number "338" on the tag; is that correct?
A. Yes.
Q. All right. And in that photograph, do you recognize anybody in the photograph?
A. I recognize Star and Gavin, and I assume the third person is their sister, but I never met her.
Q. Okay. But the two males in the photograph are Star and Gavin?

A. Right.
Q. Okay. Now I'm going to ask you a few questions about Star and Gavin, okay?
A. Okay.
Q. To your knowledge, were they attending John Burroughs during some portion of the school year during 2002-2003?
A. Yes.
Q. And during the time that they were at the school, were you a counselor to them?
A. Yes.

Q. Or let’s take them one at a time. Were you a counselor to Gavin?

A. Yes.

Q. Were you a counselor to Star?

A. Yes.

Q. So that would have been what grade?

A. Seventh. Seventh grade.

Q. Seventh. Now, later, when you were in charge of attendance, did it come to your attention that Star and Gavin were not attending school?

A. Yes.

Q. And as a result of that information, what did you do? What course of action did you take?

A. I notified our pupil services counselor that I was unable to reach the house by phone, and I asked him to go out there and make a home visit.

Q. Does this gentleman -- is this a male or a female?

A. It’s a male.

Q. And what’s his name?

A. Stephen Coffman.

Q. Okay. And did you ever hear back from Mr. Coffman as to whether or not he was able to make contact with the family?

A. Yes, he reported back the same day that he was unable to make contact, and that he had left his card there, and that he had talked to neighbors, but was unable to find out where they were.

Q. At some point after this conversation that you had with Mr. Coffman, did you receive a telephone call from Janet Arvizo?

A. I did.

Q. Now, let’s go back just in point in time. Prior to this telephone call - okay? --

A. Yes.

Q. -- had you met Mrs. Arvizo personally?

A. Yes.

Q. Mrs. Ventura, I guess, as she was known to you.

A. Yes.

Q. And on how many occasions did you meet Mrs. Ventura?

A. Numerous. She came up to school regularly.

Q. And how would you describe her in terms of her cooperation with you and the school?

A. She was very supportive of our efforts.
Q. Now, at the time that you received a telephone call from her after Mr. Coffman had gone out to her house and been unable to locate her - okay? --
A. Yes.
Q. -- with regard to that telephone conversation, did you find anything unusual or different about that telephone call with Mrs. Ventura than your previous contacts with her?
MR. MESEREAU: Objection. Vague and leading.
THE COURT: Sustained. Sustained.
MR. SNEDDON: On which ground, Your Honor? Just so I know.
THE COURT: Vague.
Q. BY MR. SNEDDON: During the course of your conversation with Mrs. Ventura after Mr. Coffman went out to the house, how would you describe her demeanor?
A. It wasn’t forthcoming.
Q. Was that unusual, in your opinion?
A. Yes.
Q. And when the subject -- would you tell us what the subject matter of the conversation was?
A. Right, I --
MR. MESEREAU: Objection; hearsay.

THE COURT: Sustained.
Q. BY MR. SNEDDON: With regard to the conversation that you had with Mrs. Ventura - okay? - did it involve the attendance of the kids at school?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
THE WITNESS: Yes.
Q. BY MR. SNEDDON: And as a result of the conversation with Mrs. Ventura, did you give her some information that was necessary with regard to the kids’ future attendance at school?
A. Yes.

Q. All right. What did you tell her?
A. I -- they had been gone more than ten days, and I said that I needed her to bring them back to school or check them out. And she said to me that --
MR. MESEREAU: Objection; hearsay.
MR. SNEDDON: Your Honor, it’s offered as circumstantial evidence with regard to her state of mind at this particular point in time.
THE COURT: The objection is sustained.
Q. BY MR. SNEDDON: Okay. So without telling us what she said, would you tell us what you said to her, what instructions you gave her?
A. Right. I told her that I needed the students to either return to school or to check out. And she said it was not --

Q. You can’t tell us what she said.
MR. MESEREAU: Objection; hearsay.
Q. BY MR. SNEDDON: She said something in response to that, correct?
A. Yes.
Q. And then did you say anything back to her?
A. I told her we cannot keep the kids in -- on our books as students at the school for any longer than we already had. And that if it was going to be an extended stay, they were going to be gone for a while, they needed to be checked out. And when they were available to come back to school, we would check them back in.
Q. All right. And did you give Mrs. Ventura some directions as to what was necessary to check the children out of school?
A. Right.
Q. Tell us what you told her.
A. I asked her to come in and check the students out. She said that wasn’t --
MR. MESEREAU: Objection; hearsay.
THE COURT: Sustained.
Q. BY MR. SNEDDON: Okay. So you asked her to personally come in and do it?
A. Yes.
Q. Okay. And she said something back to you?
A. Right.

Q. And as a result of that, did you give her further direction as to what procedurally would have to be followed to get those children out of school?

A. Right.

Q. Tell us what you told her.

A. I indicated that if she was unable to come, that we needed someone with a note from her, and her driver’s license, and that person needed to be able to have an I.D. also. And that we needed the textbooks returned, and to do it quickly, to do it soon.

Q. All right. At that point in time, did you become aware of the fact that somebody came to check the children out of school?

A. Yes. She said that somebody would come in a day or two.

Q. And did you write a note to somebody to expect this to happen?

A. I wrote a note to my secretary that a person would be coming with her I.D. and his I.D. and pay for the books, and to direct that person to the book room to pay for any textbooks that weren’t there.

Q. Now, did you at some point actually meet somebody who came to check the boys out of school?

A. I did.

Q. And do you remember the name of that person?

A. Yes. It was Mr. Amen. Vincent Amen.

Q. All right. And did you personally deal with him on the check-out procedure?

A. The secretary gave him the paperwork and made copies of his I.D. and Miss Ventura’s driver’s license, and she kept the note that was sent along with him.

And, you know, I spoke to him briefly, but I didn’t handle the nuts and bolts of it. The secretary did.

Q. And were some books paid for on that particular occasion?

A. Books were paid for, yes.

Q. By whom?

A. By Vincent Amen.

Q. All right. I’m going to show you some exhibits. Counsel, it will be 271 and 272. I want you to take a look at the exhibit that's been marked as 271-A and ask if you recognize that.

A. Yes.

Q. That exhibit is actually in evidence. And how do you recognize it?

A. It's my note to the secretary.

Q. That's in your handwriting, correct?

A. Yes.

Q. What's the date of that note?

A. February 5th. I'm sorry, I don't have my glasses on. March 5th.

Q. I'm sorry, I couldn't hear you.

A. March 5th.

Q. All right. Was that note prepared at the time of -- that date?

A. I think it -- I prepared it the day that I had the phone call.

Q. Okay.

A. I had the conversation.

Q. All right. Turn the next page to page B, if you would. Do you recognize page B?

A. Yes.

Q. And with regard to page B, what is that?

A. That's a school form that we use when students check out.

Q. And for what student is that?

A. This is for Gavin Arvizo.

Q. And does it indicate the destination?

A. It does.

Q. As what?

A. Phoenix, Arizona.

Q. All right. Let's go to C, if we can. And this is 271-C. What is that document?

A. It is a note from Miss Arvizo.

Q. That's a document that you indicated she needed as part of the process if she was going to have somebody else check them out?

A. Yes.

Q. Okay. And lastly, 271-D, what's that?

A. These are copies of Miss Arvizo’s -- or Miss Ventura’s I.D., driver’s license, and Mr. Amen’s driver’s license.
Q. Okay. Now, let’s move to 272, if we can.
All we need you to do is just flip this over. Thank you.
And 272-A, which is in evidence, what is that?
A. It’s the check-out sheet for Star Arvizo.
Q. And is the destination indicated on that also?
A. Yes. Phoenix, Arizona.
Q. And the next page, which would be 272-B?
A. It’s a note from Miss Ventura to check out Star.
Q. Okay. And on the last page, on the back side of that is what?
A. That’s the school form where the teachers sign the student’s check-out form and put a grade there.
Q. And does that indicate that books were paid for on that form?
A. It does.
Q. All right. I’ll take that. Thank you.
During the time that -- I want to make it more particular, but -- well, during the year -- the school year 2002 and 2003 - okay? - at John Burroughs, was there an instructor there by the name

of Mr. Geraldt?
A. Yes. Mr. Geraldt, yes.
Q. Geraldt. And how long have you known Mr. Geraldt?
A. Five years.
Q. And had you worked at the same school with him --
A. Yes.
Q. -- during that five-year period?
A. Right.
Q. And what was Mr. Geraldt’s position with the school?
A. He was a classroom teacher, and he also handled the detention room. And in the mornings, he didn’t have a home room. He processed students that

were late to school.

Q. Did the manner in which Mr. Geraldt interacted with some of the students and parents at the school cause problems?

A. Yes.

Q. In what respect?

A. He had a kind of paramilitary demeanor about him. He was kind of a drill instructor, in your face, you know. Kind of shouty, loud, and, you know, “You need to do this” and -- just aggressive.

Q. And did that cause problems with some of the students?

A. It did.

Q. Did it cause problems with some of the parents?

A. It did.

Q. And did the school have to take actions towards him to try to calm down his behavior?

A. Yes.

Q. Now, at some point -- I didn’t ask you this, but I should have. The documents that -- 71 (sic) and 72 (sic) that show that Gavin and Star were checked out of the school, those were completed on the day that the children were checked out?

A. Yes.

Q. That’s correct?

A. Yes.

Q. That would have been in March of 2003?

A. Right.

Q. Now, did Gavin and Star come back to John Burroughs later?

A. Yes.

Q. Do you remember approximately when it was?

A. About three weeks later.

Q. Now, do you recall an incident in which a person by the name of Major Jay Jackson came to contact you?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

You may answer.

THE WITNESS: Yes.

Q. BY MR. SNEDDON: And do you know who Major

Jay Jackson is?
A. I do.
Q. Where did you first meet Mr. Jay Jackson, Major Jay Jackson?
A. I met him in my office when I was having a conference with Gavin’s mother, and he attended with her.
Q. Now, on the particular day when Major Jackson approached you, do you remember approximately when that was in relationship to the kids coming back to school, Gavin and Star?
A. Yes.
Q. All right. Tell the jury --
A. It was -- it was shortly thereafter. Within a few days or a week.
Q. And where were you when Major Jackson approached you?
A. I was in front of the school.
Q. I’m sorry?
A. In front of John Burroughs.
Q. And could you describe his demeanor at the time that he approached you?
A. All right. He was agitated. He said that there was a --
MR. MESEREAU: Objection; hearsay.
MR. SNEDDON: It’s offered to explain the conduct of this witness in response to the information that was provided.

THE COURT: I’ll sustain the hearsay objection.
Q. BY MR. SNEDDON: All right. I don’t know if we got an answer to the first part, so I’ll just start over again. And don’t tell us what Major Jackson told you, okay?
A. Okay.
Q. Would you describe his demeanor when he first approached you?
A. He was agitated.
Q. All right. And without telling us what he said, did he say something to you --
A. Yes.
Q. -- that caused you to do something?
A. Yes.

Q. All right. As a result of the information that you received from Major Jackson, what did you do?

A. I went down to the street and approached a car that had a gentleman in it that was videotaping students.

Q. Did you actually see the camera?

A. Yes.

Q. And where was the camera at the first point that you saw it?

A. In the driver’s hand.

Q. And in what direction was it pointed?

A. Out the windshield.

Q. Now, let’s pause for just a second, if we can, and go back.

At what point in the school day was it that Major Jackson approached you?

A. It was dismissal time.

Q. Can you describe to the jury what it’s like at John Burroughs at dismissal time in terms of the traffic flow?

A. John Burroughs is situated in a residential area between two major streets. And at dismissal time, the only way out of the school is through the front or the north and south end of the school. You can’t exit the back of the school because there’s houses back there. So the vast majority of these 2400 kids leave out the front or the side, but they end up in front of school.

And there’s school buses out there, and there are parents, a lot of parents there to pick up their students. So you have a traffic jam for about 15 or 20 minutes where the traffic flow is very, very slow. Only about five or six cars can go through the light at a time, because the students crossing the street hold up traffic. So it would take you -- it will take you 15 minutes to go from one end of the block to the other at dismissal time.

Q. Now, at the time that you approached this car, do you remember what kind of a car it was?

A. Generally, yes.

Q. Tell us.

A. It was a Nissan sports car.
Q. And where was this car in terms of the relationship with this traffic flow at the point?
A. It was in gridlock. It was in front of school in the gridlock.
Q. Were you actually able to go up to the driver of the car?
A. Yes. Yeah, that’s --
Q. Did you have a conversation with the driver of the car?
A. I walked up to the driver and I told him that he couldn’t videotape students. And he -- I said, “I need you to stop videotaping students.”
And he said, “Okay,” and set the camera down on the seat or the floor of the car.
Q. Did you write down the license number of the car?
A. I did not.
Q. Was there any school security available to you on this particular day?
A. On that particular day, the school police officer was not present. And I gave him a note the next day describing the car and telling him the situation.
MR. SNEDDON: No further questions.

CROSS-EXAMINATION
BY MR. MESEREAU:
Q. Good afternoon, Mr. Davy.
A. Good afternoon.
Q. My name is Thomas Mesereau. I speak for Mr. Jackson.
When did you first meet the Arvizo family?
A. Fall of 2002.
Q. Okay. And was that when Gavin and Star entered your school?
A. Yes.
Q. And Gavin and Star entered your school approximately November of 2002, right?
A. Yes.
Q. What grades were they in?
A. Seventh.
Q. Okay. They both were in seventh?

A. Yes.

Q. Okay.

A. I think Gavin had lost a year. He’s older, but he had lost a year from his health problems.

Q. Okay. And had you known them before they entered your school in November of 2002?

A. No.

Q. Had you known anyone else in the family before they entered your school in 2002?

A. No.

Q. Gavin was consistently a disciplinary problem, correct?

A. Correct.

Q. His behavior was disruptive and challenging, in your own words, correct?

A. Correct.

Q. Gavin would routinely act up in class, right?

A. Correct.

Q. He would display poor cooperation with students and teachers, right?

A. Right.

Q. He would create situations in which he had an audience to view his poor behavior, right?

A. Yes.

Q. His grades were low throughout his education, right?

A. They were at John Burroughs.

Q. Yes. Pardon me.

A. Yes.

Q. His grades at John Burroughs were consistently low, correct?

A. Yes. Yes.

Q. And you felt he didn’t apply himself in a constructive manner in school, right?

A. Yes.

Q. You had a number of parent meetings with Gavin, Janet and Jay in which Gavin’s poor behavior was discussed at length, correct?

A. Correct.

Q. And you felt that Gavin was the kind of young man who could handle himself with adults,

right?

A. He thought he was the kind of person.

Q. You felt he could handle himself with adults also, didn’t you?

A. He was -- he was pretty glib, yes.

Q. You did actually write a report -- excuse me, not “write a report.” You gave an interview where you actually made that statement, did you not, about Gavin; that he can handle himself with adults?

A. Yes.

Q. Okay. You looked at his school records at one point, correct?

A. You know, I don’t recall that.

Q. Do you recall concluding that Gavin’s grades at your school were very similar to his grades at other schools he had attended?

MR. SNEDDON: Your Honor, I’m going to object. It calls for hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you yourself ever look at Gavin’s grades from other schools and compare them to the grades he got at your school?

A. You know, I don’t recall that.

Q. Do you remember being interviewed by a Sergeant Steve Robel of the Santa Barbara Sheriff’s Office?

A. Yes.

Q. Do you remember telling Sheriff Robel that you saw a consistent pattern of poor grades from school to school with Gavin?

MR. SNEDDON: Your Honor, I’m going to object. It’s hearsay. It calls for reliance on hearsay records.

THE COURT: Overruled.

THE WITNESS: You know, I honestly don’t recall it.

Q. BY MR. MESEREAU: Might it refresh your recollection to look at a police report about your interview?

A. Okay.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

Q. BY MR. MESEREAU: Mr. Davy, have you had a chance to look at that report? Does it refresh your recollection about what you told Sheriff Robel about that issue?

A. Yes.

Q. And what did you tell him?

A. That he had consistently underperformed in his academic pursuits.

Q. Do you recall that you were asked if you had seen any change in Gavin’s demeanor, attitude or academic performance from the period prior to February 2003 to the time Gavin returned to school on March 17th, 2003?

A. Yes.

Q. Do you recall your saying you had seen no definitive change in Gavin’s demeanor, attitude or academic performance during that period?

A. Yes.

Q. Now, Gavin had a truancy counselor, correct?

A. Well, are you talking about Mr. Coffman?

Q. Yes.

A. Well, Mr. Coffman was an itinerant. He came to school two or three days a week and dealt with -- he would get computer readouts of people who had long-term absences.

Q. Okay. Is the appropriate label for him truancy counselor?

A. No, it’s pupil service and attendance counselor.

Q. Okay. And you said he would come three days a week?

A. Yeah. Oftentimes schools have to buy that time. So sometimes the school would buy two days and another school would buy three days, so he would split the assignment.

Q. Okay. And did you discuss issues involving Gavin with Mr. Coffman?

A. I don’t know about issues. I asked him to go to Gavin’s house.

Q. Okay. And the purpose was to talk to the family about why Gavin wasn’t going to school?

A. Right. At that point in time.

Q. Okay. Now, you indicated to the prosecutor that at some point someone named Vinnie Amen came to the school to check Gavin and Star out; is that correct?

A. Correct.

Q. And Mr. Amen provided the school with a copy of his identification, correct?

A. Correct.

Q. And he gave the school a copy of his New Jersey driver’s license for the school files, right?

A. Right.

Q. And to your knowledge, did he sign anything when he was checking these two students out; do you know?

A. I don’t know.

Q. But your understanding was that Janet had given him permission to check out Gavin and Star, right?

A. Right.

MR. SNEDDON: I object, Your Honor. It calls for a conclusion.

THE COURT: Sustained.

Q. BY MR. MESEREAU: In your response to the prosecutor’s questions, correct me if I’m wrong, did you say something to the effect that the school had permission from Janet to allow Mr. Amen to check out these two students?

MR. SNEDDON: Your Honor, I’m going to object. Calls for hearsay.

MR. MESEREAU: His state of mind, Your Honor. I believe he testified to it on direct.

THE COURT: The objection is sustained. I believe you objected to the same testimony.

MR. MESEREAU: Okay.

Q. At some point, was it your understanding that Mr. Amen did, in fact, check out the two students?

A. Yes.

Q. Okay. And what would the normal procedure be for allowing someone not in the family to check out a student?

A. A permission slip written by the parent.

Q. Okay. And did you follow the normal procedure when Mr. Amen was checking out Gavin and

Star?
A. Yes.
Q. Do you know how many meetings you had with Ms. Arvizo about Gavin’s poor behavior?
A. Not an exact number, no.
Q. And when Gavin was checked out of the school, how long had he been attending that school, if you remember?
A. Well, just months, since November. So

November to late February.
Q. And would it be accurate to say that even though he was only there a few months, it became readily apparent that he was a disciplinary problem, right?
A. Yes.
Q. The disciplinary problems began -- excuse me. The disciplinary problems with Gavin began in November of 2002, right?
A. I don’t recollect the first time.
Q. But certainly around that time, correct?
A. Probably.
Q. Now, what typically is the procedure you follow at this school if somebody has a disciplinary problem?
MR. SNEDDON: Object as immaterial, Your Honor.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you recall Gavin being late to class?
A. Not specifically, but I’m guessing that he was.
MR. SNEDDON: Object. Move to strike. Speculation. That part beyond the --
THE COURT: It’s stricken.
Q. BY MR. MESEREAU: Would it refresh your recollection to look at some school records in that regard?

A. Sure.
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
Q. BY MR. MESEREAU: Mr. Davy, have you had a chance to look at those records?

A. Yes.

Q. Do they refresh your recollection about disciplinary problems you had at your school with Gavin Arvizo?

A. Yes.

MR. SNEDDON: Excuse me, Your Honor. I’m going to object to the question. That wasn’t the question that he was refreshing. I won’t talk any more, but I don’t believe that’s the question.

THE COURT: That’s correct. It’s not.

MR. MESEREAU: Let me rephrase my question, Your Honor. I’ll withdraw that one.

Q. Mr. Davy, does the document you just looked at refresh your recollection about Gavin being late to class?

A. Yes.

Q. And was that a problem with him while he attended your school?

A. On occasion, yes.

Q. Do you recall a problem with Gavin banging on doors at your school?

A. Yes.

Q. Do you recall Gavin being consistently warned about his bad behavior?

A. Yes.

Q. Do you recall problems with Gavin arguing with teachers?

A. Yes.

Q. Do you recall problems with Gavin arguing with students?

A. No, I don’t.

Q. Would it refresh your recollection just to look at those records again?

A. Sure.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

Q. BY MR. MESEREAU: Have you had a chance to look at that record?

A. Yes.

MR. SNEDDON: Your Honor, before counsel asks his next question, I want to interpose an objection to lack of foundation as to whether he’s aware of those records. Has he ever seen them?

MR. MESEREAU: Just refreshing recollection, Your Honor.
THE COURT: All right. The objection as to lack of foundation is overruled.
Q. BY MR. MESEREAU: Do you recall, Mr. Davy, problems with Gavin arguing with another student?
A. From those records, yes.
Q. Do you recall a problem with Gavin having a negative impact on his class?

A. Yes.
Q. Do you recall problems with him jumping around, quote, “like retarded people”?
A. Yes.
Q. Do you recall problems with Gavin mumbling in class?
A. Yes.
Q. Do you recall your having to detain Gavin for disciplinary problems?
A. Yes.
Q. And what is the detention procedure that you would have used with him?
A. Well, basically you have to stay after school for an hour.
Q. Okay. And do you recall a problem with him that required lunch detention?
A. Well, a number of people can assign detention, so I don’t recall that. But I’m guessing that he served lunch detention.
Q. Would it refresh your recollection if I just show you the records?
A. If it’s there, it happened.
MR. MESEREAU: May I approach, Your Honor?
THE COURT: I think the problem that we have is that I overruled an objection by Mr. Sneddon about foundation, but the -- when counsel asks you if it refreshes your recollection, that doesn’t mean that you then testify about what’s in the record. It means do you independently -- now do you independently remember this?
For example, “Do you know if he was late for school?” And you say, “I don’t remember.” Then he says, “Well, will this refresh your recollection?”

And you look at it. And that’s asking you, “Do you” -- “Now do you remember seeing him be late for school,” not “What does the record say?”

THE WITNESS: Okay, I misunderstood that.

THE COURT: Okay. So --

THE WITNESS: The fact --

THE COURT: You don’t need to come back to it. But the point we’re at is, you want to ask him if he can refresh his recollection about -- what was it?

MR. MESEREAU: About Gavin having been detained at lunch.

THE COURT: Okay. Would looking at these records help you refresh your recollection about being detained at lunch?

THE WITNESS: No, simply because oftentimes those are reflections of dean’s entries or another counselor’s entries.

MR. SNEDDON: Judge, could I --

Excuse me, Counsel.

THE COURT: Yeah.

MR. SNEDDON: I don’t want to be burdensome,

but I think that I would move to strike --

BAILIFF CORTEZ: Microphone.

MR. SNEDDON: I don’t want to be burdensome, but I move to strike all of the questions that he’s used to refresh recollection until the proper foundation can be established that this witness actually remembered that, as opposed to some record.

MR. MESEREAU: I believe, Your Honor, the witness has said he remembers it and spoke to a sheriff in an interview and made those conclusions.

THE COURT: Well, the problem that’s come up is whether or not he was refreshing his memory to things he actually can remember, or if he was just telling you what you showed him in the record.

So what I’ll do is go back and sustain the foundation objection that he made before you asked him these series of questions relating to Gavin’s behavior and strike those answers. And then you can proceed again to see --

MR. MESEREAU: Okay.

THE COURT: -- what he remembers and what was just in the record.

Q. BY MR. MESEREAU: Mr. Davy, I want to go back over some questions I asked you earlier.

Now, you were interviewed by Sheriff Steve Robel of the Santa Barbara Sheriff's Office approximately December 4th, 2003. Do you remember that?

A. Yes.

Q. And that was at your school in Hollywood, right?

A. In Hancock Park, yeah.

Q. And for the purpose of that interview, you obtained Gavin's cumulative school files and his disciplinary file, correct?

A. I did. But one of the things that you need to understand is that there was another office that also handled discipline, other than the counseling office. And so some of the records that I think you're referring to came out of that office.

Q. Okay. But you did tell Sergeant Robel that you had obtained Gavin's cumulative school files and his discipline file from Bonnie Murrow, right?

A. She took my place when I transferred, so she wasn't there at that time.

Q. Do you recall telling Sergeant Robel that you had obtained Gavin's cumulative school files and his discipline file from Bonnie Murrow?

A. I believe that was after I left the school.

Q. Okay. But you did obtain those files, correct?

A. I went to obtain them. I think they were under subpoena.

Q. Do you recall meeting with Sergeant Steve Robel in a principal's office to review and discuss the files' contents?

A. Yes.

Q. And you did, in fact, discuss those contents with Sergeant Robel, right?

A. Yes.

Q. You gave Sergeant Robel a brief history of the schools Gavin had recently attended, true?

A. True.

Q. They were LeConte Middle School for sixth grade, right?

MR. SNEDDON: Your Honor, I’m going to object as hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Had you counseled Gavin in your position at Burroughs?

A. Yes.

Q. And what had you counseled Gavin about?

A. Disruptive behavior in the classroom.

Q. Why did you counsel Gavin about his disruptive behavior in the classroom?

MR. SNEDDON: Your Honor, this has been asked and answered.

MR. MESEREAU: If it’s in the record, Your Honor, I don’t have a problem. But I wasn’t sure if -- you’d asked me to go over this again.

MR. SNEDDON: Not this. Sorry, I apologize.

THE COURT: The objection is overruled.

Q. BY MR. MESEREAU: Why did you counsel Gavin?

A. I was receiving referrals from his classroom

teachers.

Q. Were they negative referrals?

A. Yes.

Q. Were they consistently negative referrals?

A. Yes.

Q. Was it normal procedure when you received consistently negative referrals about a student that you try to counsel that student?

A. Yes.

Q. Did you have many counseling sessions with Gavin about his poor behavior?

A. Yes.

Q. And do you know approximately how many you had?

A. Probably a half a dozen.

Q. Did you counsel him individually or with others present, if you know?

A. Individually.

Q. Is that the normal procedure for that type of counseling?

A. Yes. Oftentimes with a parent, too, present.

Q. Did you also counsel Gavin with any parent present?

A. Yes.

Q. And what parent was typically present for those meetings?

A. Miss Ventura. And sometimes Miss Ventura and Mr. Jackson.

Q. Okay. Did you tell Ms. Ventura that Gavin's behavior was disruptive and challenging?

A. Yes.

Q. Did you tell Ms. Ventura that Gavin would routinely act up in class?

A. Yes.

Q. Did you tell Ms. Ventura that he displayed poor cooperation with students and teachers?

A. Yes.

Q. Did you tell Ms. Ventura that Gavin would create situations in which he had an audience to view his poor behavior?

A. Yes.

Q. And did you tell Ms. Ventura that his grades were consistently low throughout his schooling?

A. I think she knew that.

Q. Okay. Do you recall meeting with Jay Jackson to talk about Gavin's poor behavior?

A. With -- with Miss Ventura present.

Q. Yes. But you did meet with Miss Ventura and Jay Jackson to talk about Gavin's consistently disruptive behavior, right?

A. Yes. Yes.

Q. And Gavin was present at those meetings, correct?

A. Correct.

Q. And you told Ms. Ventura that you had seen no definitive change in Gavin's demeanor or attitude or academic performance from the period prior to February 2003 to the time following his return to school on March 17th, 2003, right?

A. Right.

Q. Now, you indicated that at some point, Mr. Coffman went to Gavin's home; is that correct?

A. That's correct.

Q. Do you know where that was?

A. Not offhand. I mean, we use school records for that. I don’t have access to that right now.

Q. To your knowledge, did Mr. Coffman find anyone home?

A. No.

Q. Did you meet with Mr. Coffman to talk about that issue?

A. Yes.

Q. Was it Mr. Coffman’s responsibility to try and locate Ms. Arvizo?

A. Yes.

Q. And at some point, to your knowledge, he did locate her, correct?

A. Well, what they typically do is talk to neighbors and leave business cards with people. And at some point she contacted me.

Q. She contacted you and gave her permission to have Mr. Amen check out her sons, correct?

A. Correct.

MR. SNEDDON: Object. Calls for a conclusion. It’s the same question that was asked before.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you recall a problem with Gavin Arvizo singing in the classroom?

A. No.

Q. Would it refresh your recollection to look at these school records?

A. Like I said, those records may have been written by someone else.

Q. Okay. Well, the question would be if you remember.

A. No, I do not.

Q. Is it possible they would refresh your recollection about that, since you counseled him on those issues?

A. I didn’t -- I wasn’t the only person that counseled him.

Q. Well, let me ask you this: You don’t remember an issue of him singing in class, right?

A. Right.

Q. If you look at some records, might they refresh your recollection about that problem?

A. Well, it will refresh my memory that it happened, but that I may not have handled it. I don't know who wrote those records.

Q. I'm only asking you about your memory about whether it happened, okay?

A. I don't have a recollection.

Q. Might it refresh your recollection to look at the records?

MR. SNEDDON: I'm going to object to the question. He says -- it's asked and answered.

THE COURT: All right. The witness is just trying to follow my instructions. Go ahead and show him the record.

MR. MESEREAU: Thank you, Your Honor.

Q. Have you had a chance to look at that school record?

A. I have.

Q. Does it refresh your recollection about any problem in that regard?

A. No.

Q. Okay. Do you recall problems with Gavin disrupting test-taking?

A. No.

Q. Is that something you recall counseling him about?

A. My general recollections of counseling him were disruptive behavior. Specifically whether it was testing or singing, whatever, it doesn't -- I can't speak to that.

Q. Okay. Did you talk to various teachers at the school about Gavin's consistently disruptive behavior?

A. Yes.

Q. How many teachers did you talk to about his disruptive behavior, if you remember?

A. Well, I'm sure I spoke to the ones that were writing referrals.

Q. Were a lot of his teachers writing referrals?

A. The students at that grade level were in a group of teachers that had the same students all day. So generally if one teacher had a problem in that group, they all had a problem.

Q. Now, the prosecutor asked you questions about a teacher named Geraldt; is that correct?

A. Geraldt.

Q. And I believe you said words to the effect you thought he was somewhat -- acted in -- somewhat in a paramilitary kind of way?

A. Yes.

Q. What did you mean by that?

A. Well, he had a kind of drill instructor demeanor, I mean, when he was dealing with students that were late to class or misbehaving.

Q. But Gavin had many other teachers besides Mr. Geraldt complaining about him, didn't he?

A. In fact, I don't think he had Mr. Geraldt as a classroom teacher. I think he probably had him for his ROTC, his extracurricular --

Q. So the disruptive behavior that you've been talking about was disruptive behavior in the classroom, correct?

A. Correct.

Q. And those were classroom teachers that were referring these problems to you, right?

A. Correct.

Q. Now, you said Mr. Geraldt taught a -- was it an after-school type of program?

A. Well, he was an eighth grade science teacher, but he also had an ROTC class that sometimes met after school and on Saturdays. And he also ran the detention room after school.

Q. And did you think he was too strict in the ROTC program?

A. I don't know if he was too strict in his ROTC program.

Q. Okay. But you mentioned his paramilitary behavior. Was that in the ROTC program?

A. No, that was in his dealing with students on the yard or in the morning when they were coming in late.

Q. Okay. Okay. Do you recall him interacting with Gavin at all?

A. I do not recall that.

Q. If he had, would it be because Gavin was late?
MR. SNEDDON: Object; calls for speculation.
THE COURT: Sustained.

Q. BY MR. MESEREAU: Was one of Mr. Geraldt's functions to deal with late students?
A. Yes.
Q. And how would that work? I mean, if someone was late, how would they get to Mr. Geraldt?
A. Well, he did not have a home room which met first thing in the morning, so Mr. Geraldt was assigned to process students at the front door that were late coming in.
Q. So he would simply wait at the front door?
A. Yeah. Everybody had to pass through the front door. People with passes or notes from home would proceed on. People that didn't would be processed by him.
Q. And the procedure -- excuse me. The procedure he followed if he met someone at the front door who was late was what? What would he do?
A. Well, he would write them a detention slip.
Q. Okay. And would that detention slip be handed to the student?
A. Yes.
Q. And was there a procedure dictating what the student should do with that detention slip?
A. Yes.
Q. And what were they supposed to do with the detention slip?
A. One, they were supposed to get it signed by their parent and do their detention. It was an NCR

paper, so we kept the copy.
Q. Would the detention typically be done that day?
A. No.
Q. When would it typically be done?
A. The next day after the parents were notified.
Q. And was the proof that parents were notified their signature on the slip?
A. Yes.

Q. Would someone actually talk to the parent directly?

A. Somebody from school?

Q. Yes.

A. Not unless they didn’t do the detention.

Q. Okay. Now, you do recall problems with Gavin being late, correct?

A. My recollection is more clear on the discipline inside the classroom, the disruption in the classroom.

Q. Okay. Now, when did you -- excuse me. Have you spoken to any prosecutor about your testimony today?

A. Yes.

Q. And when was that?

A. Last night.

Q. Okay. Who did you speak to?

A. Mr. Sneddon.

Q. Okay. Did he call you?

A. Yes.

Q. And you spoke to him about what you were going to be asked today?

A. We -- he just looked at my grand jury testimony and had questions about that.

Q. Okay. And did he ask you questions about what you would be saying today?

A. No, he was just clearing up what I had said, making him understand what I said during the grand jury testimony.

Q. Have you reviewed your grand jury transcript?

A. I have.

Q. And how did you get it?

A. I got it online.

Q. Okay. And so you and Mr. Sneddon discussed what you said before the grand jury last night, right?

A. Yes.

Q. Okay. How long a discussion was that?

A. Twenty minutes.

Q. Okay. Did you and Mr. Sneddon discuss Gavin’s poor record for discipline in that call?

A. Briefly.

Q. Excuse me?
A. Briefly.
Q. Okay. Did you and Mr. Sneddon discuss your interview with Sheriff Robel?

A. No.
Q. You did discuss Mr. Geraldt, correct?
A. Correct.
Q. Did Mr. Sneddon bring up the name “Geraldt” in that conversation?
A. Yes.
Q. Did he tell you he would ask you questions about Mr. Geraldt today?
A. I don’t think so. He just wanted me to tell him about it.
Q. In that conversation, did you inform Mr. Sneddon that Mr. Geraldt had not actually been a classroom teacher for Gavin?
A. I don’t think so.
Q. Okay. Did you talk about Mr. Geraldt’s responsibilities at the door of the school?
A. Yes.
Q. Did you talk about his responsibilities in the ROTC program?
A. Briefly.
Q. Okay.
THE COURT: Counsel?
MR. MESEREAU: Yes, Your Honor.
THE COURT: We’ll take our break.
MR. MESEREAU: Yes.
(Recess taken.)
//

MR. MESEREAU: Thank you, Your Honor.
Q. Mr. Davy, you met the gentleman who identified himself as Vinnie Amen, didn’t you?
A. Yes.
Q. And you expressed surprise at how young he seemed to be, right?
A. I believe so.
Q. And you described him as business-like, real cooperative and wearing dressy casual clothes, right?
A. Right.

MR. MESEREAU: I have no further questions, Your Honor.

THE COURT: Counsel?

MR. SNEDDON: No questions.

THE COURT: All right. Thank you. You may step down.

Call your next witness.

MR. SNEDDON: Janet Williams.

THE COURT: Come to the front of the courtroom, please.

When you get to the witness stand, please remain standing. Face the clerk and raise your right hand.

JANET WILLIAMS

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Janet Williams. J-a-n-e-t, W-i-l-l-i-a-m-s.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. SNEDDON:

Q. Ms. Williams, you’re now retired; is that correct?

A. I am.

Q. And before your retirement where did you work?

A. I worked for Santa Barbara County Sheriff.

Q. And how long had you worked for them?

A. A little over 29 years.

Q. I think the bailiff’s about to tell you to scoot into that microphone.

In case we missed it, how many years?

A. 29 years.

Q. And at the time of your retirement, what was your assignment?

A. I was working investigations at Coastal Station, which is located in Carpinteria.

Q. And how long had you been at that particular

assignment?
A. Ten years.

Q. And prior to that, where were you assigned?
A. I was assigned to the main station in Goleta.
Q. In what capacity was that?
A. Jail, patrol, investigations, variety of assignments.
Q. All right. Now, prior to the time that you retired in November, the 18th of 2003, were you assigned to participate in the execution of a search warrant at Neverland Valley Ranch?
A. Yes.
Q. And during the course of your responsibilities on that particular day, did you -- were you responsible for seizing certain items of evidence?
A. Yes.
Q. And in particular, were you at one point in time assigned to search the downstairs area of Mr. Jackson’s bedroom suite?
A. Yes.
Q. And in that area, did you find some items that you seized?
A. Yes.
Q. And could you just generally describe the area that you took these items from?
A. The area appeared to be similar to a sitting room. It had a piano, large screen televisions and chairs, and some books. Fireplace. That kind of

area.
Q. All right. I’m going to show you a photograph.
Counsel, it’s 90 and it’s in evidence.
MR. SANGER: What number?
MR. SNEDDON: Nine -- 9-0.
MR. SANGER: That’s fine. Thank you.
Q. BY MR. SNEDDON: Now, with regard to the exhibit that I placed in front of you, which is a photograph, which is People’s 90 which is in evidence, do you recognize the area that’s depicted in that photograph?

A. Yes, I do.
Q. When and where was the first time that you saw -- or were in that particular location?
A. It would have been the day of the search.
Q. And do you see depicted in the photograph, People’s 90, the area from which you obtained some items that you seized and then had booked into evidence?
A. Yes.
Q. And I gave you a red pen. Would you put an arrow to the area where you obtained the items from?
A. An arrow on the photograph?
Q. Yes. Yes, mark on the photograph.
Now, in that photograph -- let me get the photograph for just a second. I was looking for the laser.

MR. ZONEN: Oh, here’s the laser.
Gordon?
Your Honor, could we have the input, I think four?
MR. AUCHINCLOSS: “Input 4.”
Q. BY MR. SNEDDON: All right. Ms. Williams, with regard to the photograph that we have on the board, which is People’s 90 in evidence, can you point out to the ladies and gentlemen of the jury the arrow that you placed on that exhibit. Use the laser, if you would.
I think you might be pointing it the wrong way.
A. Could be. Oh. Found the right button, sorry.
Q. All right. So it’s the one that comes down on the right-hand side of the photograph. And below that, directly below that are a number of boxes and books; is that correct?
A. Yes.
Q. Is that the area from which you seized certain items?
A. Yes.
Q. Okay. In this particular room -- well, that’s okay. I’ll do it another way.
I think we can have the lights for right now, Your Honor.

(Off-the-record discussion held at counsel table.)

MR. SANGER: All right. Go ahead.

Q. BY MR. SNEDDON: All right. I'm handing you a bag, a plastic bag that has the number "590" on it, 590 marked for identification purposes. And inside the bag are four books that have been marked 59-A (sic), B, C and D. So I'm going to ask you some questions about these, okay?

A. Yes.

Q. Now, with regard to 590-A, do you recognize that book?

A. Yes.

Q. And where was the book the first time that you saw it?

A. The book was inside one of the boxes that was -- that I depicted by the arrow.

Q. Now, there are a number of boxes there. Do you recall which one of the boxes that 59-A (sic) came out of?

A. I do not.

Q. But it was from one of those boxes?

A. Yes.

Q. Okay. Now, is that book in the same condition as when you seized it on that particular day?

A. It appears to be.

Q. All right. Now, let's go to 59-B -- 590-B. Okay. Do you recognize that exhibit?

A. Yes.

Q. And when and where was that the first time you saw it?

A. Inside one of the boxes from the same area.

Q. And do you remember what specific box it was in?

A. I do not.

Q. Do you recall whether it was with the Exhibit 59 -- 590-A?

A. I do not.

Q. All right. Let's go to the next one then, 590-C. Do you recognize that?

A. Yes.

Q. And where was that book the first time you saw it?

A. In one of the boxes from the same area.

Q. Is that the same condition as when you first saw it?

A. It appears to be.

Q. All right. And then let’s go to 590-D, like in “David.” All right. Do you recognize that book?

A. Yes.

Q. Is that one of the books you seized?

A. Yes.

Q. From the same area?

A. Same area, yes.

Q. And do you recall whether it was with the other -- any of the other books, A, B or C?

A. I don’t remember.

Q. With regard to that book, does it appear to be in the same condition as when you first saw it?

A. Yes.

MR. SNEDDON: All right. Your Honor, I move that 590-A through D be admitted into evidence.

MR. SANGER: Submit it.

THE COURT: They’re admitted.

MR. SNEDDON: I’m going to display these, Your Honor.

Q. 590-A, now, this particular book is titled, “Bob and Rob.” After you took it out of one of those boxes that are depicted in the photograph, People’s 90, what did you do with this particular book?

A. I took it to the area where Detective Padilla was preparing the documents showing the items that were being seized.

Q. He was designated as what we call “the scribe”?

A. Yes.

Q. What you call “the scribe”?

A. Yes.

Q. Okay. All right. Let’s put up 590-B. With regard to this particular exhibit, “Before the Hand of Man,” what did you do with that after you seized it?

A. The same procedure, I took it over to

Detective Padilla for scribing in.

Q. Okay. 590-C. This is a book called “Room to Play.” And you obtained that from the same areas, correct?

A. Yes.

Q. And what did you do with it after you obtained it?

A. I took it to Detective Padilla.

Q. All right. And lastly, 590-D. That was also found in those boxes?

A. Yes.

Q. And you also took that to the detective?

A. Yes, I did.

MR. SNEDDON: All right. Thank you. Lights are fine.

(Off-the-record discussion held at counsel table.)

MR. SNEDDON: Your Honor, I’ve handed counsel for his examination a clear plastic bag which has inside of it a white binder. This exhibit has been marked as 591 for identification purposes.

Q. I’m going to ask you to look at 591. Now, yesterday, I asked you to take a look at that exhibit, correct?

A. Yes.

Q. And you did take a look at that exhibit, correct?

A. Yes.

Q. And inside of the Exhibit 591, which has the white binder, there are two items, two magazines, correct?

A. Yes.

Q. Are those magazines that you seized on November 18th?

A. Yes.

Q. From where?

A. From the same area as the books that we’ve previously discussed.

Q. The books in 590?

A. Yes.

Q. And with regard to the two exhibits that -- the two magazines that are inside the Exhibit 591,

are they in the same condition now as when you first viewed them?
A. No.
Q. In what respect are they different?
A. They've been disassembled. They were intact at the time that I seized them.
Q. But they are the same two magazines that you took?
A. Yes.
MR. SNEDDON: All right. Move that 591 be admitted into evidence, Your Honor.
MR. SANGER: I will submit it, Your Honor.
THE COURT: It's admitted.
(Off-the-record discussion held at counsel table.)

MR. SNEDDON: Your Honor, I have a clear plastic bag which has on the outside of it "Exhibit No. 834." That's on the outside of the bag. And from inside the bag there are four magazines that have been marked consecutively as 592, 593, 594 and 595. And I've shown them to counsel for his examination. And I'm going to approach the witness.
THE COURT: Yes.
Q. BY MR. SNEDDON: First of all, there's the bag that's marked as 834, and the four magazines, 592 through 595. Do you recognize those?
A. Yes.
Q. And those were also exhibits that I had you look at yesterday; is that correct?
A. Yes.
Q. And you've had a chance to go through them; is that correct?
A. Yes.
Q. And with regard -- let's take them one at a time. 592, where was it the first time that you saw it?
A. It was inside one of the boxes that I labeled on the photograph.
Q. Now, the title of these magazines -- or this magazine is?
A. This is "The Nudist."
Q. All right. And they must be from a long

time ago because they're 15 cents.

A. It says "March 1935."

Q. All right. Now, do you remember where in those boxes that you found the Exhibit 592?

A. No.

Q. Which one of the boxes?

A. No, I do not.

Q. Let's go to 593. Do you recognize that?

A. Yes.

Q. Is that another one of the magazines that you took out of those boxes?

A. Yes.

Q. And are 592 and 593 in the same condition as when you first saw them?

A. Seems to be, yes.

Q. And this one's called "Sunbather"; is that correct?

A. Correct.

Q. Let's go to 594. That's also a nudist -- the title is "The Nudist," correct?

A. Yes, it is.

Q. Where did you find that particular item?

A. In one of the boxes.

Q. All right. And then let's -- I mean, is it in the same condition as when you found it?

A. Yes.

Q. And 595? It's another of "The Nudist," correct?

A. Yes, it is.

Q. Is that in the same condition as when you saw it?

A. Yes.

Q. And where did you see it first?

A. One of the boxes.

Q. Now, with regards to the Exhibit 592, 593, 594 and 595 - okay? - can you tell us whether those exhibits were all together in the same box or in different boxes? Do you have a recollection about that?

A. I don't remember.

Q. Now, with regard to those exhibits, 592, 3, 4 and 5, what did you do with them after you seized them from the box or boxes that you found them?

A. I took them to Detective Padilla for scribing and booking.
MR. SNEDDON: Your Honor, I'd move that 592 through 595 be admitted into evidence, as well as the bag that contains it, which is 834.
MR. SANGER: I'll submit it.
THE COURT: They're admitted.
Q. BY MR. SNEDDON: Miss Williams, I'm now asking you to look at three books, and the first one is numbered 596, 597, and I believe 599. Would you take a look at those for me, if you would.
Do you recognize those exhibits?
A. Yes, I do.

MR. SANGER: Counsel, you didn't show me those, I don't think.
MR. SNEDDON: I apologize. I was trying to be too efficient.
Q. All right. Let's start with 596, "Man, A Sexual Study of Man." Where was that the first time you saw it?
A. This was inside one of the boxes.
Q. And the same location as the other item?
A. Yes.
Q. All right. And is it in the same condition as when you first saw it?
A. Yes.
Q. All right. And the next one, 597, "The Golden Age of Neglect." Do you recognize that?
A. I do.
Q. Is that one of the items that you seized?
A. Yes.
Q. Where was it when you saw it the first time?
A. This was also inside one of the boxes.
Q. And do you recall whether it was in the same box as any of the other items that you previously identified?
A. I don't remember.
Q. Okay. And with regard to 599, do you recognize that?
A. Yes.
Q. And where was that the first time you saw it?

A. Inside one of the boxes.

Q. And the same area?

A. Yes.

Q. The boxes that you've previously talked about?

A. Yes.

Q. Is that in the same condition as when you first saw it?

A. Yes.

MR. SANGER: All right. Your Honor, I move that 596, 97 and 99 be admitted into evidence.

MR. SANGER: Submit it, Your Honor.

THE COURT: They're admitted. All three.

MR. SNEDDON: All right. We need the lights out again and "Input 4" again.

Q. 596 is the book, "Man, A Sexual Study of Man."

Now, with regard to that particular book, after you seized it, what did you do with it?

A. I took it over to Detective Padilla to have it scribed and booked into evidence.

Q. All right. And 597, do you recognize that?

A. Yes.

Q. Okay. And with regard to that particular item, what did you do with it after you seized it?

A. I took it to Detective Padilla for scribing and booking into evidence.

Q. All right. And the last item, which is 599, did you follow the same procedure with regard to that particular book?

A. Yes, I did.

MR. SNEDDON: All right. Thank you. You can turn the lights on. Thank you.

(Off-the-record discussion held at counsel table.)

MR. SNEDDON: Your Honor, I have a bag that's been marked as People's 835 for identification purposes. And inside of the bag are Exhibits 598 and then Exhibit 600 consecutively through 613. So it's 598 and then 600 through 613.

And I've shown them to counsel.

And may I approach the witness, Your Honor?

THE COURT: Yes.

Q. BY MR. SNEDDON: All right. Ms. Williams, I'm showing you the exhibit that's been marked. It's a plastic bag, 835. You see that?

A. Yes.

Q. And then I took out -- from 835, I took 598 and then 600 through 613.

Now, did I ask you yesterday to look at all of those magazines contained in there?

A. Yes, you did.

Q. And do you recognize those magazines? Let's just do 598 first. Do you recognize 598?

A. Yes.

Q. Where was 598 the first time that you saw it?

A. It was in one of the boxes that I mentioned earlier.

Q. And the title of the magazine?

A. "The Nudist."

Q. All right. So why don't we take 5 -- is it in the same condition as when you first saw it?

A. Yes.

Q. Let's put that one aside.

Now, with regard to 600 through 613, were you asked to look through those magazines?

A. Yes, I was.

Q. And those magazines are basically the same magazines, "The Nudist," and then there's a few other different ones in there?

A. Yes.

Q. And were those all magazines that you found in the downstairs area of Mr. Jackson's bedroom?

A. Yes.

Q. And where in that area?

A. Within the boxes earlier mentioned.

Q. Okay. And were those also items that you gave to Detective Padilla to be scribed and booked into evidence?

A. Yes.

Q. And are the ones that you looked at and the ones I'm talking about now, 600 through 613, are they in the same condition as when you first saw them on the 18th of November, 2003?

A. Yes.

Q. All right. Let's put those back in here. And I move that 598 and 600 through 613 be admitted into evidence, Your Honor.

MR. SANGER: I will submit it.

THE COURT: They're admitted.

(Off-the-record discussion held at counsel table.)

MR. SNEDDON: Your Honor, I have a brown paper bag with a sheriff's evidence booking tag on the front of it, and I've had affixed to it the Exhibit No. 836 to the brown bag. And contained inside of the brown bag are Exhibits 614, 615, 616, 617, 618 and 619 for identification purposes. And I've shown them to counsel and he's examined them, Your Honor. And I'd like to approach again.

THE COURT: All right.

Q. BY MR. SNEDDON: These exhibits I've handed you came from the bag marked Exhibit 836, okay? And again, yesterday, I had you examine the items that came out of that bag, Item 836, correct?

A. Yes.

Q. And those bags -- actually, those items have been chemically treated, correct?

A. Yes.

Q. With regard to the first exhibit, 614, it's a binder. And did you have an opportunity to examine that item yesterday?

A. Yes.

Q. And inside of that binder, 614, did you recognize the item inside?

A. Yes.

Q. And what was that?

A. It was a magazine.

Q. And was it the same type of variety of the others that you've identified?

A. Yes.

Q. At the time that you saw it yesterday, was it in a different format as when you first saw it?

A. Yes.

Q. How is it different now than when you first saw it?

A. It is -- has now been disassembled and chemically treated.

Q. Other than that, are the contents of the binder, the white binder that’s been marked as 614, the same as the magazine that you picked up on November 18?

A. It appears to be, yes.

Q. Put that aside, and let’s just go to 615, if we could. And 615, inside the plastic bag, do you -- I had you examine that item yesterday, too, correct?

A. Yes.

Q. And what is the title of that document? Here, let me. I got my hands dirty. I’ll do it.

A. It is “The Nudist.”

Q. So these are the like kind of magazine that we’ve previously -- you’ve previously identified?

A. Yes.

Q. And other than having been chemically treated and disassembled, is the Exhibit 615 the same exhibit that you seized from Mr. Jackson’s bedroom?

A. Yes.

Q. All right. Let’s go to 616. Do you recognize that? You were asked to look at it yesterday, correct?

A. Yes.

Q. And it’s the same type of magazine, “Sunshine and Health, The Nudist,” as 615 is, correct?

A. Yes, it is.

Q. Other than being chemically treated and disassembled, is it in the same condition as when you first saw it in Mr. Jackson’s bedroom?

A. Yes.

Q. Now, these items, 614, 615 and 616, where were they found?

A. They were found in the boxes that I’ve mentioned earlier.

Q. Okay. Do you remember whether they were found in the same boxes with the other items or in different boxes?

A. I don’t remember.

Q. Okay. Go ahead and put that up there. And let’s go to 617. Do you recognize that?

A. Yes, I do.

Q. And that’s another magazine of the same brand, correct?

A. Yes, it is.

Q. Same title?

A. Yes.

Q. And it has also been chemically treated, correct?

A. Yes.

Q. And disassembled?

A. Yes.

Q. Have you had the opportunity to examine the contents of that yesterday?

A. Yes.

Q. And is that also a magazine that you obtained from Mr. Jackson’s bedroom?

A. Yes.

Q. And from the same area that you previously told the jury?

A. Yes.

Q. Put that up there. Is it in the same condition, other than the chemical treatment and it’s disassembled, as when you first saw it?

A. Yes.

Q. All right. The next item is 618. Do you recognize that?

A. Yes.

Q. And where was that the first time you saw it?

A. Within one of the boxes from the same area.

Q. And with regard to that exhibit, what’s different about it now than when you first saw it? And by “that exhibit,” I mean 618.

A. This one has also been chemically treated and disassembled.

Q. Other than that, it’s the same?

A. Yes.

Q. All right. Would you put that up on top. And let’s go to 619.

Do you recognize 619 for identification purposes?

A. Yes.

Q. And where was that the first time that you saw it?

A. From within one of those boxes.

Q. And that one has also been chemically treated and disassembled, correct?

A. Yes, it has.

Q. Other than that, is it in the same condition as when you first saw it?

A. Yes.

Q. All right. And with regard to these items that we've had marked for identification purposes 614 through 619, were these also given to Detective Padilla, the scribe?

A. Yes, they were.

MR. SNEDDON: Your Honor, I move that 614 through 619 be admitted into evidence, as well as the bag which contains these exhibits, which is 836.

MR. SANGER: Submitted.

THE COURT: They're admitted.

MR. SNEDDON: We're almost there.

(Off-the-record discussion held at counsel table.)

MR. SNEDDON: All right, Your Honor. At this time I've had marked for identification purposes a bag, a brown bag, with, again, a sheriff's evidence tag with the number "#366" at the top. And the number here is 837.

And from inside of that bag I've withdrawn two exhibits. One is a magazine. And its identification is 620 for identification. The title is "Eden," E-d-e-n, and the exhibit number 621 is "The Nudist" I've had marked for identification purposes.

And then lastly -- and I've shown those to counsel for his examination.

And lastly, I have a brown bag, again with a sheriff's evidence tag on it, with the number "359" in black in the upper right-hand corner. Inside the bag I've withdrawn the contents and shown to counsel a book called “Poo-Chi,” P-o-o-C-h-i. I’m sure I’m not pronouncing it correctly. But that’s as good as it gets. And may I approach again, with your permission?

THE COURT: Yes.

Q. BY MR. SNEDDON: Okay. Now, with regard to the Exhibit 837, that’s the brown bag, okay? We have 620 and 621. So let me ask you the questions. 620, where did you find it?

A. I found this within one of the boxes.

Q. And is it in the same condition today as when you first found it?

A. Yes.

Q. This one hasn’t been treated or disassembled, correct?

A. Correct.

Q. All right. And then 621, where did you find that?

A. Within one of the boxes.

Q. And with regard to 621, is it in the same condition as when you first saw it?

A. Yes.

Q. Now, with regard to 620 and 621, did you give those also to Detective Padilla?

A. Yes, I did.

Q. All right. If I can have those back. And these are in the same condition as when you first seized them?

A. Yes.

Q. If I didn’t ask you, where did you seize these two items, 620 and 621, from?

A. They were from within one of the boxes.

Q. And lastly, 538 (sic). I’m taking out of the bag a book and handing it to you, the contents of 538 (sic). Do you recognize that book?

A. May I look at that?

Q. Absolutely.

A. Yes, I do.

Q. Do you recall where that item was the first time you saw it?

A. Yes, I do.

Q. Where?

A. This was located in a bookcase that is on the far wall of the den area.

Q. Okay. I’m going to come back up and show you Exhibit 90.

Do you recognize the area where you found Exhibit 838?

A. Yes.

Q. All right. Would you put an arrow to it?

And would you just write “838” up there?

THE COURT: I think you’d earlier called that 538. Am I correct?

MR. SNEDDON: The book, Your Honor? It’s 838.

THE CLERK: He misspoke.

MR. SNEDDON: I misspoke?

THE COURT: I’m sorry, I just want the record to reflect that when you said 538, you meant 838.

MR. SNEDDON: I did, Your Honor. Thank you.

Q. All right. For the record, on Exhibit 90 you put a red arrow and an “838” to the right of the red arrow; is that correct?

A. I did.

Q. And that is the location where you found Exhibit 838?

A. Yes.

Q. And is that exhibit in the same condition as to when you found it --

A. Yes.

Q. -- on November 18th?

A. Yes, it is.

Q. Did you also give that to Detective Padilla?

A. Yes, I did.

MR. SNEDDON: Okay. Thank you.

Move that Item 837 and the contents, which are 620 and 621, and 838 and the contents, be admitted into evidence, Your Honor.

MR. SANGER: Submitted, Your Honor.

THE COURT: They’re admitted.

MR. SNEDDON: I believe that’s it. No further questions.

THE COURT: Mr. Sanger?

MR. SANGER: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. SANGER:

Q. Detective Williams, how are you?

A. Fine, thank you.

Q. You -- and you're retired, correct?

A. Yes.

Q. May I still call you "detective"? Is that okay?

A. I'm happy with it.

Q. When did you retire exactly? You said that, and I missed it.

A. February of last year.

Q. February of --

A. 2004.

Q. 2004, okay.

You were active duty and still working actively for the sheriff's department in November of 2003; is that correct?

A. Yes.

Q. All right. Now, Detective Williams, I think you said you've been a sheriff's officer for 29 years; is that right?

A. Yes.

Q. Okay. And in fact, if I'm not mistaken, you were one of the first two female officers in the Santa Barbara Sheriff's Department; is that correct?

A. No.

Q. Okay. Close to it, in any event?

A. Close.

Q. There's a story behind there that I haven't got quite right. But in any event, you have a long career with the sheriff's department; is that right?

A. Yes.

Q. And you have been a detective for how long?

A. I was a detective two different periods. The last time in Coastal Station, which was ten years. And then prior to that, it was at the main station, which was for nine years.

Q. Okay. And part of what you did as a detective was specialize in sex crimes; is that right?

A. Yes.

Q. All right. So you have a great deal of experience being the lead detective in sex offenses; is that right?

A. I have some experience, yes.

Q. Well, when you say “some,” are you being modest? You’ve had quite a number of cases where you’ve been the lead officer --

A. Yes.

Q. -- in sex cases, correct?

A. Yes.

Q. All right. And in this particular case, your assignment was to assist on one of the searches that was occurring on November 18th, 2003; is that correct?

A. Yes.

Q. And you were then -- you were then not asked to do anything else. You were given no other assignments in this case; is that correct?

A. That’s correct.

Q. Now, if I understand what you did, you focused your attention on that first floor.

And could I have the exhibits? I’d like 590, if you have it there.

MR. SNEDDON: It’s up there.

MR. SANGER: Oh, it’s up there?

May I approach to retrieve it?

THE COURT: Yes.

MR. SANGER: May I put this back up on the screen, Your Honor?

Q. Now, you’ve already told us that this is the first floor. But just so we’re oriented, for people who are not oriented already, the boxes of books that you referred to under the arrow are to the right of a television, large screen T.V. console; is that correct?

A. Yes, it is.

Q. All right. And there’s additional -- an additional part of the room to the left on this picture that you can’t see in the picture; is that correct?

A. Yes.

Q. And did you search that entire area?

A. Yes.

Q. Behind the piano -- in fact, do you have the pointer there still?

Okay. Would you be kind enough to point to the piano?

Okay. By the way, on the piano, was there a letter from Steven Spielberg sitting there?

MR. SNEDDON: Object as immaterial, Your Honor.

THE COURT: Overruled.

You may answer.

THE WITNESS: I don’t remember.

Q. BY MR. SANGER: All right. Behind the piano that you just pointed to is an alcove area; is that correct?

A. Yes.

Q. Can you point to that?

And there are quite a number of books in that area as well, correct?

A. Yes.

Q. And that’s where you found 838; is that right?

A. Yes.

Q. Most of the books in that area are art books; is that correct? Or art and entertainment kind of books?

A. I believe so. I don’t remember exactly, but I believe there were quite a number of those.

Q. All right. And then on the -- where you’ve drawn the other arrow to the boxes, and you indicated you found the other exhibits that you’ve talked about today, there are -- there were a number of boxes there; is that correct?

A. Yes.

Q. You don’t know whether those boxes were coming or going or had been sitting there, do you?

A. Correct.

Q. You don’t know whether or not Mr. Jackson had even looked inside those boxes, do you?

A. Correct.

Q. All right. Now, Mr. Jackson is an artist; is that correct? A performer?

A. He’s a performer, yes.

Q. And he’s an artist. He writes and composes music and choreographs dance, that sort of thing; is that correct?

MR. SNEDDON: I'm going to object as immaterial; lack of foundation.

THE COURT: Overruled.

You may answer.

Q. BY MR. SANGER: Is that correct?

A. Yes.

Q. And you saw a tremendous number of books that pertained to that sort of thing, art and dance and entertainment, music, correct?

A. I remember seeing books of that nature, yes.

Q. Do you know if people send books to Mr. Jackson?

MR. SNEDDON: Object; calls for speculation.

MR. SANGER: It's a "yes" or "no," Your Honor.

THE COURT: Yes, you may answer "yes" or "no."

THE WITNESS: I don't know if people send him books.

Q. BY MR. SANGER: All right. Now, of all of the books that you have identified -- and I'm not going to go through by number here. But out of all of the books that you've identified, there are no books in that group that are unlawful for an adult to purchase; is that correct?

A. I don't think there are.

Q. All right. And none of those books are unlawful for an adult to possess in his home; is that correct?

A. I believe you're correct.

Q. You mentioned that -- let's put it this way: You saw a number of these books. Let me see if I can take them out, here.

THE COURT: Are you through with the picture up there?

MR. SANGER: Yes, Your Honor. And then I'll -- thank you.

Q. I'll just refer you for the moment to Exhibit -- the bag is 835 and the contents are 598 and following. Do you remember those magazines?

Would you like me to bring them to you?

A. I remember them basically, yes.

Q. Okay. These magazines are, I think you said, from 1931; is that correct?

A. They’re from different years; 1935, ‘37, that era.

Q. That’s true, actually. These are from 1935. And the title of the publication is “The Nudist”; is that correct?

A. Yes.

Q. These appear to be collector’s items, do they not?

A. They could be.

Q. All right. And you have no information as to whether or not Mr. Jackson even knew that they were in the box; is that correct?

MR. SNEDDON: Object. It calls for speculation.

THE COURT: I was going to say she could answer “yes” or “no,” but anybody I’ve ever said that to has never answered “yes” or “no.”

(To the witness) Don’t answer that “yes” or “no.”

(Laughter.)

THE WITNESS: But I should answer?

THE COURT: Yes.

THE WITNESS: So, may I ask what the question was again, please?

Q. BY MR. SANGER: I think His Honor is kidding with you. You can answer “yes” or “no.” Do you have any information as to whether or not Mr. Jackson ever saw these nudist magazines?

A. I don’t have any information that he did or did not see them.

(Laughter.)

MR. SANGER: There you go.

THE COURT: Someone following my instructions.

Q. BY MR. SANGER: Now, in the part of Mr. Jackson’s house that you searched, do you know how many books were there total?

A. No, I do not.

Q. Were there thousands?

A. There were many books.
Q. Okay. At least hundreds?
A. Yes.
Q. All right. And you went to some other places in the residence other than that particular room, did you not?

A. Yes.
Q. What other places did you go to?
A. The second story, a pantry-like room, a large room with multiple games and toys, and two bedrooms.
Q. All right. And you saw books elsewhere in the house besides where you were searching here in this room; is that correct?
A. Some books.
Q. Did you -- in order get to that room, you had to walk down a hallway, right?
A. To the den area. Is that what you're talking about?
Q. Yes.
A. Yes.
Q. And that hallway was lined, floor to ceiling, with bookshelves filled with books; is that correct?
A. I don't remember.
Q. Okay. That's fair enough.
And there was a library just off of that hallway as well. Did you take a look in that library?
A. No.
Q. Okay. Now, you said you did go upstairs, because you went into Mr. Jackson's son's room; is that right?
A. Yes.

Q. And right up there by his son's room is an alcove that is filled with children's books; is that correct?
A. Yes.
Q. All right. And again, there are hundreds of books up there; is that right?
A. Yes.
Q. Did you have occasion to go to the arcade

where there is a room that is basically filled with books?

A. Are you talking the same room that's the second story of the main residence?

Q. No, it's a different building. The arcade building.

A. I did not go there.

Q. All right. Of all the books that you saw, you seized the ones that you felt might be of some evidentiary value based on what you understood this case to be about; is that correct?

A. Yes.

Q. All right. I'm going to ask you to take a look at 599, and see if we can....

May I approach, Your Honor?

THE COURT: Yes.

Q. BY MR. SANGER: I'm going to show you 599.

That appears to be a book of photographs that were taken some time ago; is that correct?

A. May I look through it?

Q. Yes, please.

They appear to be old photographs?

A. They look like they could be old photographs. They have the sepia tone into them.

Q. All right. And you said that as far as you know, there's nothing illegal about an adult possessing that book in the United States, or in California, let's say?

A. Yes.

Q. The United States in general, okay.

Were you aware that that particular author, that photographer, was prosecuted and acquitted during the Nazi regime prior to World War II for those very photographs?

MR. SNEDDON: Your Honor, I'm going to object as immaterial.

THE COURT: Sustained.

Q. BY MR. SANGER: Let's put it this way: As you look at that, that appears to be a historic book, a book of recording historic photographs; is that correct?

A. I don't know what you mean by that.

Q. All right. Did you do any research as to any of the authors of any of these books?

A. No.

Q. All right. So in other words, that day you were there, your job was to look at things and see if they appeared to be within the search warrant and you seized them?

A. Yes.

Q. All right. All right. Let me show you -- let me ask you, before I show you something else, you seized some other things that have not been introduced into evidence here; is that correct?

A. Yes.

Q. All right. You seized some paperwork from Mr. Jackson’s son’s room; is that right?

A. I believe so.

Q. Okay. And you seized some other things. You seized a Christmas invitation from Liza Minnelli; is that correct?

A. Yes.

Q. All right. Now, I’m also going to show you Exhibit 838.

May I approach, Your Honor?

THE COURT: Yes.

MR. SANGER: And I’ll take this back, if I may.

Q. That’s 838. Before I ask you about it, your procedure in searching through all these books and boxes and things was to -- was to find books that, by their cover, looked like they would warrant some further interest on your part, right?

A. Usually I would open up the books to try to see what was inside also.

Q. Okay. But you didn’t flip through every single book in that room?

A. No.

Q. All right. So first of all, you’d look at something that looked like it might be a book that had something to do with sex. Is that pretty much what you were looking for?

A. Yes.

Q. All right. And then once you found that book, you would look through it and see if you felt that it was the type of book that you thought should be seized in this case, correct?

A. Yes.

Q. All right. And you've indicated you seized some other items besides that, but when it came to these books that related to some sexual topic, you would actually look in them and make a determination that you should take it, correct?

A. Yes.

Q. All right. Now, on No. 837 -- I'm sorry, what is that? 838, the bag 838, and inside the bag is the book, right?

A. Yes.

Q. And you seized -- have you looked inside the book?

A. Yes.

Q. Okay. Now, again, you're an experienced sex crimes detective, correct?

A. Yes.

Q. So you're not shocked by seeing pictures of the human body; is that right?

A. I can still be shocked.

Q. Okay. Were you shocked by that book that's called Poo-Chi, P-o-o-C-h-i?

A. Yes.

Q. And you described it as -- if I get your exact -- do you recall how you described it?

A. How I described it?

Q. Yes. Did you describe it as a book containing photographs of the female groin area?

A. I may have. I'm not sure if I did or if that's the way Detective Padilla understood what I said.

Q. All right. Well, did you say something like that to him?

A. Probably.

Q. And does that appear to be what you described to him?

A. Well, some of it looks like it, yes.

Q. Okay. So the question is, is that pretty much what you told Detective Padilla, that you have a book that appears to be photographs of the female groin area?

A. Probably.

Q. All right. And, Detective, as you look at that a little more carefully, those are pictures of armpits and other bodily folds, that are not from genital areas, that are made to look like that as a spoof of some sort; is that correct?

A. Some of them could be. And some of them I don’t know.

Q. All right. And once again, there’s nothing illegal about owning that book, is there?

A. Not that I’m aware.

Q. And you don’t know if Mr. Jackson even ever saw that before, do you?

A. I do not know.

MR. SANGER: Okay. Thank you. I have no further questions.

MR. SNEDDON: No questions.

THE COURT: All right. Thank you. You’re excused.

THE WITNESS: Thank you.

THE COURT: We’ll take our recess. Remember, tomorrow’s a half day. See you tomorrow at 8:30.

(The proceedings adjourned at 2:30 p.m.)

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REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 6835 through 6987 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 19, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, April 19, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, APRIL 20, 2005

8:30 A.M.

(PAGES 6989 THROUGH 7054)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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INDEX

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
BARRON, Brian	6992-A	7025-SA		

EXHIBITS

		FOR	IN
PLAINTIFF’S NO.	DESCRIPTION	I.D.	EVID.
300-335	Black notebook containing Neverland Ranch logs	7004	7014

Santa Maria, California
Wednesday, April 20, 2005
8:30 a.m.

THE COURT: Good morning.
COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.
THE COURT: You may proceed.
MR. AUCHINCLOSS: Thank you, Your Honor. People will call as our next witness Brian Barron.
THE COURT: When you get to the witness stand, remain standing.
Face the clerk and raise your right hand.

BRIAN BARRON
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Brian Barron, B-a-r-r-o-n.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. Good morning, Mr. Barron.
A. Good morning.

Q. Who do you work for, please?
A. Currently I work for the City of Guadalupe as a police officer.
Q. How long have you been a police officer?
A. About six and a half years.
Q. And for the City of Guadalupe that entire time?
A. Correct.
Q. At some time in your past, were you an employee of Neverland Ranch?

A. Yes.
Q. And what did you do for Neverland Ranch?
A. I was a security officer there.
Q. How long were you a security officer at Neverland?
A. For about five, five and a half years.
Q. Was that continuous or sporadic?
A. It was sporadic. It was over three periods of time.
Q. Can you characterize approximately what those three periods were?
A. I started in the fall of 1997. Worked for about a year. I was in the police academy at that time. I then got hired by Guadalupe Police Department. Left the ranch for about a year. And then went back again about nine or ten months after that, and was there for about three years, three and a half years.

Q. And when did you ultimately leave your employment at Neverland?
A. It was about April or May of last year.
Q. And whose decision was that to leave?
A. Mine.
Q. Tell me what your duties were as a security officer at Neverland Ranch.
A. Our duties consisted of the ranch itself, securing the ranch itself, the guests on the ranch, the owner of the ranch, and anything that had to do with the ranch as far as first aid, security. Anything that we could do to help, we would do. But mostly it was to secure the ranch, the owner, and the guests that were there, the employees.
Q. Did you have set days and hours that you worked?
A. Generally, yes. Hours, yes. At times the days weren’t always set, but hours, yes.
Q. So during your time working there, did you always work days or nights? Or you tell me.
A. Generally I worked nights for the entire time I was there.
Q. And tell me what a night shift would consist of.

A. Night shift would consist of 6 p.m. to 6:30 a.m. And then we would do rotating shifts at the front gate. And then we would do -- which would be about four hours per person at the gate. And then secure the ranch after you’ve done your -- before or after you’ve done your gate time.

Q. So if you would, if you can, give me a description of an evening of work at Neverland Ranch from the time that you check in to the time that you finish your evening’s work and you go home. And I’m interested in particularly where you go, where you are on the ranch at various times.

A. Okay. If I were to get there at 6 p.m. and were to take the first shift at the gate, I would be at the gate from 6 p.m. till about 10:15. And that would be checking in and out people who are coming in and off the property, answering phones, doing whatever was necessary there.

Q. So when you’d come to work, there’s a gate that is -- approximates the perimeter of the property, is that --

A. Correct.

Q. Or is that inside the property?

A. No, that would be the guard house at the front gate. So you’d come in the gate there and there’s a guard.

Q. Okay. There’s a house there, a guard house?

A. Yeah.

Q. And when you’d come to work, would you just check in at the gate and stay there, or would you go to the main house first and go back to the gate?

A. Sorry. We’d go to the main house first, get any pass-on information that was going to happen that we needed to know that had happened on the prior shift or the things that we needed to know from the oncoming shift. That would be just speaking with the officers who were there at the house office. Security office.

Q. And where is that located?

A. If you can imagine the entire house

property, and if you were looking at it from the front, it would be on the far left. Sorry, it would be on the far left of the building. There’s a main house, a walkway, Mr. Jackson’s office, video library, and the security office.

Q. So the security office is contiguous to the main house structure?

A. By way of a breezeway.

Q. Okay. And access to the security office, is that an exterior door or an interior door?

A. It’s an exterior door.

Q. Does it have any interior connection to other parts of that structure?

A. No.

Q. When you go in the security office, how many rooms are there?

A. There’s two.

Q. And could you describe them for me?

A. First room would be -- had a desk in it. Had a computer in it. So it technically had two desks in it, one on each side of the wall. There was a window that faced out towards the front property, the front lawn area of the house. And then as -- that would be basically the inside of that room. There was also in that room a grease board that we put pass-on information on, guest information on. And then as you go into the next room, it was basically a break room. There was lockers, refrigerator, and a table to eat on.

Q. What was the computer used for in the first room you mentioned?

A. Mostly what we used it for was generating our forms that we use on a daily basis, accident forms. It wasn’t really used for much. We would create, like, reports on that computer, security reports, anything that had to do with us. If there was a -- you know, we noticed damage to something on the property, we would write it up on the computer there. But that was mostly what that computer was used for.

Q. All right. So moving back to our chronology of a day in the life of a security guard. You check with the main office. If you have gate duty, you go out to the gate. What next?

A. If you don't have gate duty, then you would start your regular patrols. First thing you would do when you got on the property was make sure -- you know, we would know who was there, if we had guests, if the owner was on the property. And we would check all of the doors around the house first. We'd do a check of the house area, make sure all the doors were locked, everything was in order. If buildings needed to be opened, that those buildings were opened around the house area. And then we would -- after completing that check, we would do a similar check to the rest of the properties on the residence, any other buildings on the residence.

Q. If you're on patrol, would you be doing continuous checks?

A. Hourly checks.

Q. And what would you be doing between those checks?

A. Stuff to keep busy. We did a lot of training. The fire department, they're trained regularly, and we would assist with that. We were all basically part of the same group.

Q. How many security guards are on duty during an evening shift?

A. When I was working there, it was between three and four.

Q. How many on a day shift?

A. About the same.

Q. And as far as the next thing you'd do in your evening's work, would you continue to do these security checks throughout the evening?

A. That's correct.

Q. How many would you do in an evening?

A. If we did one an hour, 12. If we did more, just -- it would depend on need.

Q. Okay. And where would a security check take you on the property?

A. Everywhere.

Q. Would different officers check out different areas?

A. No. We'd check all -- being there would only be two of us at the house. If there was three of us working, there would be one of us at the gate and two of us at the house office. If there were guests or anyone on the property that was in -- at the house area, we would -- one of us would stay there, and the other one would check all the doors on the residence, all the buildings -- on the property, excuse me, everything.

Q. As far as checking the doors of the main residence, would you have -- did you have a key to the main residence?

A. Yes.

Q. And what door did that open?

A. The back door.

Q. Okay. As far as -- did -- the main residence has a punch card that can --

A. A key pad.

Q. -- that can give you access?

A. Like a telephone pad.

Q. Did you have the code to that key pad?

A. No.

Q. Did you have the code to the key pad that gave access into Mr. Jackson's private suite?

A. No.

Q. Did any of the security guards, as far as you know?

A. Not that I'm aware.

Q. When you'd work in the security guard booth at the entrance to the property, tell me about what your duties would be there.

A. Duties there were generally letting people on and off the ranch. We had paperwork that would allow us -- that we would know ahead of time who was allowed to come on the ranch, whether that would be guests, or it would be general deliveries, contractors, things of that nature. We would know who was coming and who was supposed to be there for that day, so we would have those people come on and off.

We also checked in all the employees and checked out all the employees, times they were in, times they were out. Every time they came or left the property.

Answering phones was a large part of it.

The majority of the phone calls that came in, especially in the evening time, they all came basically through us.

Q. When you were conducting your duties as a security officer at Neverland, did you have occasion to see the owner of the property?

A. Yes.

Q. And that would be Mr. Jackson?

A. Yes.

Q. Is he seated to my right, the man with the black hair?

A. Yes.

Q. And how much would you see Mr. Jackson on the property, assuming -- let me strike that question.

How often would you see Mr. Jackson on the property during those times when he was visiting Neverland or staying at Neverland?

A. Daily. At least.

Q. Okay. And would you be able to see him -- would you see him interacting with guests when they were on the property?

A. Occasionally.

Q. Would you ever talk to Mr. Jackson personally?

A. Only if I needed to.

Q. Okay. And how often would you have contact with him?

A. Not on a regular basis. Only if there was something pressing that he needed to know or we needed to ask him. We tried to let him have his

privacy when he was there.

Q. You mentioned forms that are prepared on the computer. Are there daily logs that are kept at Neverland?

A. Yes.

Q. What are the daily logs?

A. The daily logs that we kept at the gatehouse, where those logs were kept always, was the employee entry list, the daily activity list, which would include, like I said, anybody other than employees coming on and off the property, which would mean anything -- general contractors, deliveries, anything like that, any guests that were on the property.

Also our time checks for all of the -- we would call in the start of a check of the ranch, a security check, all the doors, and we would call in anything that would happen that we would find out of the ordinary and log that at the gate. And then the end of that check also.

Q. Were these logs used during the entire I believe four years that you said you worked there?

A. About five years. Yes.

Q. Five years you worked there?

A. They changed. At times they looked different, but they were basically the same.

Q. What about accident reports? You mentioned those. How are they prepared?

A. In the same fashion. We would -- initially we would let whoever was at the gate know that we found something or something had happened, somebody had wrecked one of the golf carts or fallen down, whatever the case may be. We would let -- either the gate would let us know, because they called the gate, or we would let the gate know, because we were notified at the house. And then we would prepare that form after the conclusion of whatever was going on.

Q. How often would you have to prepare accident reports?

A. Not often. I didn’t prepare very many. The day shift usually prepared more, because more things -- there’s more people, more activity on the ranch, more employees. More guest activity during the daytime generally. But, you know, a couple times a month.

Q. You mentioned they'd be prepared if a golf cart was wrecked?

A. Uh-huh.

Q. Would that be a common occurrence?

A. It happened -- it seemed to happen a lot more than it needed to, yeah.

Q. Why do you say that?

MR. SANGER: Objection, calls for speculation, Your Honor.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Okay. Was there -- tell me, was there a difference in the attitude and demeanor of employees when Mr. Jackson was on property as opposed to when he was off?

A. Yes.

Q. How would you describe that?

A. Tense.

Q. Can you elaborate on that? Why would employees be tense?

A. Well, they would have to get there earlier usually. They'd have more work to do. He was -- he's very -- at least the way I feel, is he's very -- like a perfectionist, everything has to be right. His property, his prerogative to be that way. But there was a lot more work to be done. Everybody just seemed to be walking on pins and needles a little bit more just to make sure things were right.

MR. AUCHINCLOSS: Madam Clerk, do we have a notebook with Exhibits 300, et seq.?

THE CLERK: Yes.

MR. AUCHINCLOSS: Thank you. May I approach, Your Honor?

THE COURT: Yes.

Q. BY MR. AUCHINCLOSS: Mr. Barron, I show you a black notebook that appears to have numerous records in it. It is labeled as Exhibits 300 through 335. I'd like you to take a moment and look

at that.

I don't really want you to look at every exhibit, but --

A. That’s all right.

Q. If you could just kind of thumb through it quickly.

A. They look very familiar.

Q. All right. Have you looked at a notebook like that?

A. Yes.

Q. And can you identify those records for me, please?

A. Yes. They are the employee in-and-out logs, the gate activity logs, and the daily entry access logs.

Q. And are these the type of logs that you were talking about when you said that you personally would prepare records at Neverland?

A. They are the logs.

Q. Okay. Now, just to help us a little bit with the various types of forms here, looking at Exhibit No. 300, the first page, can you tell us what that is, please?

A. That’s an accident or damage report.

Q. All right. And is that the type of report that would be prepared by a security officer in his normal duties at Neverland Ranch?

A. Yes.

Q. Did you yourself ever prepare these reports?

A. Yes.

Q. Does this look to be an authentic copy or an authentic document as far as an accident damage report?

A. Yes.

Q. Would these reports, the accident damage reports, be prepared in the normal course of your duties as a security officer at Neverland Ranch?

A. Yes.

Q. When would these reports be prepared in relation to the accident that they are describing?

A. Generally right after, or very soon after the -- whatever happened happened.

Q. And is the information -- does the person who prepares these reports have a duty to accurately

describe what is in the report itself?
A. Yes.
Q. Moving on to Exhibit 301, it appears to be -- it appears to be a daily log.
A. Uh-huh.
Q. Is that, in fact, what it is?
A. Yes.
Q. And tell me what type of daily log this is.
A. This would be the employee in-and-out entry and exist list. So the time you were in and time you were out, if you were there overnight. You notice there’s “CO” here, carry-over, you were

carried over from the midnight hour to the next day.
Q. Okay. And there are numerous names on there?
A. Yes.
Q. Are those the names of the employees at Neverland?
A. Yes.
Q. And the written in information, in and out, depicts the time that they checked in and the time they checked out?
A. Correct.
Q. Again, this is a report that’s prepared in the ordinary course of your duties as a security officer?
A. Yes.
Q. And does the security officer have a duty to accurately record the information in this report?
A. Yes.
Q. And is it prepared at or near the time of the entries that are made?
A. At the time.
Q. Okay. Now, there appears to be a -- turning over page 301, on the back of it and on the next page there appears to be a report entitled “Daily Entry Access.”
A. Correct.
Q. Tell me what that is.
A. That would be the entry and access of

anybody who normally would come on the ranch. Most of these on the top part of it are deliveries, and then those on the bottom would be the guests who are on the ranch.

Q. Okay.

A. For that day.

Q. Again, the same question. Are those parts of your duties as an officer at the ranch?

A. Yes.

Q. And are they prepared at or near the time of the events recorded in that report?

A. At the time.

Q. And your duty is to prepare those reports accurately?

A. Yes.

Q. Okay. Now, I'm also seeing -- looking at a report now that is on the back page of Exhibit No. 302.

A. Uh-huh.

Q. It's entitled "Gate Activity Log." Tell me what that is, please.

A. The gate activity log is, like I was explaining earlier, when something happens or there's some information that officers need to know or anybody else who may need to know, we would write it down on the gate activity log.

The top part of that paperwork is the officer who was working the gate and the time that

they were there. And then the center part is, again, that information that would be necessary for officers to know or to pass along to other people who are coming on and off the ranch, and that information is written down at the time it's given and then there's a time that it's given. If it says, "CO," which again is carry-over, that would mean that's something that needs to be on this list for an extended period of time, so that we're aware of it.

And then the bottom portion is the time we start our checks of the ranch, and then the time we finish the house checks, and then the exterior patrols also.

Q. Okay. I hate to be redundant, but I have to ask you the same questions. Is that prepared in the ordinary course of your duties as a security officer at the ranch?

A. Yes.

Q. Is it a document that is -- that your duty is to accurately describe the gate activity at the time that it is happening or contemporaneous with the information that's in that log?

A. Yes.

Q. And you yourself have filled these logs out and are familiar with how these are prepared?

A. Many of them, yes.

Q. All right. And I asked you previously if you had reviewed a book similar to this. There's one more page here that I think I'll ask you about. Looking at 320, there is a security clearance and guest information form.

A. Correct.

Q. Tell me what that is.

A. That would be given to the gate. For instance, this one was given hopefully the day before, so it's June 18th of '02, telling us that the next day this gentleman would be coming onto the property, that did he not need to sign a confidentiality form, and then what he was going to be doing or where he needed to go.

Q. Okay. So before you'd let somebody on the ranch, would one of these have to be filled out if they were not already a guest or employee?

A. Yes.

Q. And were you notified beforehand whether to let a guest onto the property or not?

A. Yes.

Q. Would guests be allowed on the property if you did not have a form authorizing their admission?

A. No.

Q. Showing you Exhibit 333, there appears to be an emergency medical report.

A. Uh-huh.

Q. What is that, please?

A. That would be if someone was injured, one of the firefighters, who were for the most part all EMTs, would complete one of these forms for the ranch purposes to have record of whatever the accident -- where they had been injured had happened.

Q. Okay. And same questions there, duty to accurately prepare that information?

A. Yes.

Q. You're familiar with how that information's prepared?

A. Yes.

Q. You filled those out yourself?

A. I think maybe one I filled out for the EMT that was working on the person, just handwriting for them. I never did one of my own.

Q. These are prepared at or near the time of the event that's recorded?

A. Yes.

Q. And there's a duty to accurately depict the information on there?

A. Yes.

Q. And then I'm showing you lastly a Neverland Valley Medical Report Log. Have you ever seen one of those?

A. Yes.

Q. Tell me what that is.

A. That is a log of all the medical reports that were done for the year. So all of them had

their incident report number, the date, who took it, the time it was taken, the name of the person, what was -- what happened, the injury, and then what type of treatment they were given.

Q. Okay. The person filling that form out had a duty to prepare it accurately?

A. Yes.

Q. Prepared at or near the time of the act, condition or event that's depicted in the form?

A. Yes.

Q. And you're familiar with how those are prepared?

A. Yes.

Q. Okay. And then I'm showing you -- I don't think we've gone over one of these yet, have we?

A. Again, that's the same, it's just a different looking form. It's the blanket routine form, the guest form, and then ranch -- again, a lot of these forms changed. This is the same form as one of the earlier forms that we looked at.

Q. This is a form in Exhibit 335. It's on the back page of one -- well, on the second page, there appears to be one. So this is a similar form as far as guest activity?

A. It's the exact same, it's just written different.

MR. SANGER: Excuse me, Your Honor. 335 has a number of pages, as far as I can tell. What page

are we talking about?

MR. AUCHINCLOSS: I had said the second page. Turn the page over and it's on the back side of the first page.

MR. SANGER: May I approach, Your Honor? I think the book that we were given may be out of order in 335.

THE COURT: Yes, go ahead.

MR. SANGER: Thank you.

MR. AUCHINCLOSS: Do you have 335? It should be the second page.

MR. SANGER: You have it on the back side.

MR. AUCHINCLOSS: We doubled it up.

MR. SANGER: All right. Thank you.

Q. BY MR. AUCHINCLOSS: So all the questions I'd asked you before would apply to this one as well --

A. Yes.

Q. -- that you've spoken about, guest activity logs and such?

A. Yes.

Q. Okay. And I previously asked you if you had a chance to review these records. Would your testimony be the same concerning all of the records that are contained in this notebook regarding the accuracy of the information, the duty to prepare accurate information? All these records were prepared at or near the time of the events that were

recorded?

A. Yes.

Q. And you're familiar with their method and mode of preparation?

A. Yes.

MR. AUCHINCLOSS: Your Honor, I'd ask that Exhibits 300 through 335 be admitted at this time.

MR. SANGER: And I take it they're offered as a business record.

MR. AUCHINCLOSS: They are.

MR. SANGER: I have no objection to that foundation.

THE COURT: All right. They're admitted as business records.

MR. AUCHINCLOSS: Thank you.

Q. Mr. Barron, you said when you were doing your daily duties, conducting your daily duties as a security guard, you'd have occasion to see Mr. Jackson on the property?

A. Yes.

Q. Would you have occasion to see him interacting with his guests?

A. Occasionally, yes.

Q. Would you have occasion to see guests when they weren't interacting with Mr. Jackson on the property?

A. Yes.

Q. Do you know an individual by the name of

Frank Tyson or Cascio?

A. Yes.

Q. Who is Frank Tyson or Cascio?

A. From what I originally knew, he was a friend of the family -- of Mr. Jackson's family, or a friend of Mr. Jackson. His family, his parents and brothers and sister were friends. At some point I believe he became an employee of Mr. Jackson. What his exact duties were I don't really know. But he was -- at some point, he became an employee.

Q. And do you have a time frame for when he was an employee, approximate?

A. I would say probably around -- maybe around the year 2000, right around in there.

Q. Okay.

A. And whether he still is or is not, I don’t know, but --

Q. Did Frank Cascio ever live at Neverland?

A. He stayed there a lot. Whether he lived there or not, as far as his primary residence, I don’t know. But he was there quite often.

Q. Would he stay there longer than a month?

A. Yeah. At times I think he would, yes.

Q. Did you have occasion to observe his relationship with Mr. Jackson?

A. Not on a real personal level, between the two of them, no.

Q. Did you see them together?

A. Yes.

Q. Would Mr. Cascio ever spend time in Mr. Jackson’s bedroom?

A. I have no idea.

MR. SANGER: Objection; calls for speculation, Your Honor.

MR. AUCHINCLOSS: I’ll withdraw that question. And you can strike the answer, that’s fine.

MR. SANGER: So moved.

THE COURT: All right. So granted.

Q. BY MR. AUCHINCLOSS: Do you feel that you could -- you have sufficient information to describe their relationship?

A. Yes.

Q. And how would you describe their relationship?

A. I would describe it --

MR. SANGER: I would object as no foundation. I believe he said he didn’t observe their relationship.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: When you said you observed them together, where would you observe them?

A. Generally on the ranch, in the movie theater. I'd seen them riding the quads on the ranch before. Just doing general activities. In the park, I'd seen them in the park before, the theme park.

Q. How many times do you think you'd seen them before, approximately, if you can estimate?

MR. SANGER: I'm going to object as vague as to time.

Q. BY MR. AUCHINCLOSS: During the entire period of time that you were a security guard.

A. Maybe 75 to 100 times. I mean, in passing I would see them together.

Q. And did you -- how many times -- if you could estimate, how many nights during that period of time, five-year period of time, did Frank Cascio spend at Neverland?

A. Oh --

MR. SANGER: Well, I'm going to object as lack of foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: You said that you were familiar with the logs in terms of who was staying on the property?

A. Yes.

Q. Was that part of your daily duties?

A. Yes.

Q. When Frank Cascio visited the property, would he be noted in that log as a visitor spending the night?

A. Yes.

Q. On how many occasions, could you estimate, did Frank Cascio spend the night during that five-year period?

MR. SANGER: I'm going to object as lack of foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: Hundreds.

Q. BY MR. AUCHINCLOSS: Who is Vinnie? Do you know an individual -- let me start with that. Do you know an individual who visited Neverland named Vinnie?

A. Yes.

Q. Who was Vinnie?

A. As far as I know, Vinnie was a friend of Frank.

Q. And do you know the period of time when Vinnie visited Neverland?

A. No, not offhand I don’t.

Q. Do you know approximately -- did Vinnie spend the night at Neverland?

A. Yes, I do know that he spent the night occasionally at Neverland Ranch.

Q. Do you know how many nights he spent?

A. No.

Q. Do you know an individual by the name of Marc Schaffel?

A. Yes.

Q. How do you know Mr. Schaffel?

A. Just from his coming to the ranch.

Q. Do you know how often he would visit the ranch?

MR. SANGER: Vague as to time.

Q. BY MR. AUCHINCLOSS: During the period of time that you were a security guard.

A. Not very often, but he would come probably three or four times a year maybe.

Q. Do you know an individual by the name of Ronald Konitzer?

A. I know the name.

Q. Okay. Did you ever meet him?

A. Not that I’m aware of.

Q. How about Dieter Weizner?

A. Yes.

Q. Did you meet Mr. Weizner?

A. Yes.

Q. Where did you meet him?

A. At the ranch.

Q. And if you can characterize, again I’m asking for your best estimation, if you can provide it, how many times did Mr. -- did Dieter visit the ranch?

A. Several times. He was there -- he would stay sometimes for a couple of days, and then he'd be gone for a while and come back. It wasn't a regular thing that he was there. For a short period of time it was, maybe two or three months I believe he was there on a somewhat regular basis, but generally it was off and on.

Q. Can you characterize the period of time that you observed Dieter on the ranch in terms of the five years you were there?

A. It would have been --

Q. Beginning time to when you left.

A. Probably sometime in 2002 to 2003.

Q. Okay. Now, did you have occasion to see children visit the ranch?

A. Yes.

Q. How were children treated at the ranch?

A. Well.

Q. What do you mean by that?

A. It was a fun place to go. They got to do pretty much whatever they wanted, for the most part. Not all of them. But they were treated quite well.

Q. Are you familiar with some visitors to the ranch who were local residents of Los Olivos?

A. Yes.

Q. Do you know their names?

A. Um, I can't remember right now.

Q. How many were there?

A. Three.

Q. Were they boys or girls?

A. Boys.

Q. What ages?

A. Teenage.

Q. Were any of them related?

A. Two of them were.

Q. And how often would they visit the ranch?

A. For a short period of time quite regularly.

MR. SANGER: Do you have numbers on those?

MR. AUCHINCLOSS: 45, 46, and 47.
Q. Mr. Barron, I show you People’s 45. Does that look -- can you recognize that?
A. Yes, I recognize that.
Q. And who would that be?
A. His name -- their names are completely --
Q. Is that one of the people you’re talking about?
A. Yes.
Q. How about 46?
A. Yes.
Q. Is that one of the boys you’re talking about?
A. Yes.
Q. 47?
A. Yes.
Q. Okay. Did you have occasion to see how those young men conduct themselves at the Neverland property?
A. Yes.
Q. How would you describe their conduct?
A. Destructive.

Q. And why do you say that?
A. Whenever they were there, we had broken carts. Damaged carts. They at some point egged -- threw eggs at my security chief’s car, inside, outside, we’re talking dozens of eggs. There just always seemed to be something broken or some problem when they were there.
Q. Do you know if they ever got in trouble for this type of conduct?
MR. SANGER: Objection; lack of foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: You mentioned a grease board at the security office.
A. Yes.
Q. And what specifically was that grease board used for?
A. Specifically it was for guest information, names of people who were in which guest unit or where they were staying on the ranch. And then a pass-on board, just write notes on the board for the

oncoming shift or something that happened, just so that it was remembered. Anything that we needed to remember on a daily basis could have been put up on that board.

Q. Who was your supervisor?

A. I had -- Violet Silva was the security chief, and then Curtis Gordon was a supervisor and Julio Magana was a supervisor.

Q. Did you have any supervisorial capacity as security guard?

A. Yeah, I had a shift supervisor. Curtis and Julio would work generally day shift. And then when I was there in the evening, I would be the shift supervisor. They were supervisors to me, but I would be in charge of the shift at night.

Q. Okay. At some point -- and let me just make -- be clear. What do you mean when you say "grease board"?

A. A white -- a white board that you use the wipeable ink markers on.

Q. Okay. So like a chalkboard or similar but you can --

A. Similar, yes.

Q. -- but you can wipe the ink off?

A. Yes.

Q. At some point during your employment at Neverland, did you see a directive on that board concerning Gavin Arvizo?

A. Yes.

Q. Do you know who Gavin Arvizo is?

A. Yes.

Q. First of all, tell us how you know Gavin Arvizo.

A. Because he was a guest at the ranch.

Q. Okay. So you knew him by sight?

A. Yes.

Q. And tell us what that directive was.

A. It simply stated, "Gavin is not allowed off property."

Q. Can you tell me the approximate time that --

your best recollection as to when that -- when that directive appeared on the grease board?

A. It was early part of 2003, January, February.

Q. Do you know the exact date?

A. No.

Q. Do you know how long it was on the grease board?

A. I remember it being approximately a week.

Q. Okay. If Gavin Arvizo appeared at the front gate during this period of -- well, let me back up, first of all. What did that directive mean to you in terms of a security officer?

A. That we weren’t to allow him off property without some sort of permission from a supervisor.

Q. Okay.

A. That would be -- I would check first.

Q. Okay. So if Gavin Arvizo appeared at the gate, walking out of the ranch, would you let him pass?

A. No.

Q. If Gavin Arvizo appeared at the gate being driven out by Jesus Salas, would you let him pass?

A. I would check first with the ranch manager.

Q. So would you say you wouldn’t let him pass before getting authorization?

A. No.

MR. SANGER: Well -- I’ll withdraw it.

THE COURT: All right.

MR. AUCHINCLOSS: Thank you. I have no further questions.

CROSS-EXAMINATION

BY MR. SANGER:

Q. Mr. Barron, how are you?

A. Good.

Q. You’re a sworn peace officer; is that correct?

A. That is correct.

Q. And you went to the Allan Hancock Police Academy?

A. Yes.

Q. And you have been a police officer, an active duty police officer with the Guadalupe Police Department for how long?

A. Six and a half years.

Q. And during the entire time that -- I’m sorry, during the entire past six and a half years consecutively, you have been a police officer, correct?

A. That’s correct.

Q. So at no time during the last six and a half years have you not been a sworn peace officer?

A. Correct.

Q. You worked at Neverland while you were going to the academy, correct?

A. That’s correct.

Q. And then after you finished the academy, you got a job with Guadalupe as a sworn peace officer, correct?

A. Correct.

Q. And when was that?

A. The day I started with Guadalupe?

Q. Sure.

A. September 28th of 1998.

Q. Okay. So since September of 1998 to the present, you’ve been a sworn peace officer?

A. Correct.

Q. And sometimes you worked at Neverland Ranch as a security person as well; is that correct?

A. Correct.

Q. So you were moonlighting, as it were?

A. Yes.

Q. And at some point you were aware that there was a raid on Neverland; is that correct?

A. Yes.

Q. Were you there that day?

A. No.

Q. After you learned there was a raid at Neverland, did you have a discussion with your chief of police at Guadalupe?

A. Yes.

Q. As a result of that discussion with the chief of police, did you determine that you should resign your position as a security guard?

A. Yes. It was more like step away from it for a while.

Q. Okay. In other words, between you and your chief, you decided there's an ongoing criminal investigation, as a peace officer, you probably should not also be working at the ranch; is that correct?

A. At that time that's what I decided, yes.

Q. And when was that, approximately? Was that right after the raid?

A. I was on vacation at that time, at the time of the search warrant. And then so shortly after I came home from vacation.

Q. All right. So sometime maybe end of November?

A. What day was the raid?

Q. November 18th, 2003.

A. Yeah. Correct. I think I came home from vacation the last couple days of November, so shortly after that. Maybe the first week of December.

Q. All right. And you did not cease your employment -- I was going to say quit, but you actually stepped away for a while, you took a leave?

A. Yes.

Q. You did not do that because you had seen anything unlawful at the ranch; is that correct?

A. That's correct.

Q. And in fact, had you seen anything unlawful at the ranch from 1998 to the time that you stepped away from the job, you would have been duty-bound to report that, correct?

A. Absolutely.

Q. And in fact, as a sworn peace officer, you probably -- if you saw a criminal activity, you probably would have been duty-bound to either investigate or even make an arrest; is that correct?

A. Yes. To a point.

Q. Okay. At the very least report it?

A. Correct.

Q. All right. And you had no -- you found no need whatsoever to do that the entire time that you were there; is that correct?

A. That’s correct.

Q. The people at Neverland Ranch that you worked with were made aware that you were a police officer; is that correct?

A. They all knew.

Q. All right. There was no secret?

A. No secret.

Q. And you were given access to every part of the ranch that any other security officer was given access to; is that correct?

A. That’s correct.

Q. You reported, you said, to Mr. Magana and Mr. Gordon?

A. Correct.

Q. And then Violet Silva was the chief of security at the time; is that correct?

A. Correct.

Q. Did you have a good relationship with Violet Silva?

A. Very good.

Q. And was she a professional chief of security?

A. Yes.

Q. All right. Now, I know that a lot of times law enforcement might look at security guards as -- somewhat cynically, is that true?

A. Absolutely.

Q. Did you feel that this security department was run in a professional fashion?

A. Yes.

Q. To a certain extent, the security department included the use of various police procedures; is that correct?

A. To a small extent, yes.

Q. General radio etiquette, for instance?

A. Yes.

Q. Making sure that you logged things in appropriately?

A. Correct.

Q. Did Violet Silva, for instance -- let’s take her. Did Violet Silva insist that the people under her command, as it were, keep accurate records?

A. Yes.

Q. All right. Did Violet Silva insist that the people under her make sure that the various places on the ranch were secure?

A. Yes.

Q. And there was a regular detail, or a regular -- let me withdraw that. There was a regular procedure to go through and check the various locations during the evening and the night to make sure that the ranch was secure; is that correct?

A. That’s correct.

Q. Now, during the time you were there, was there a risk that intruders would get onto the ranch?

A. Absolutely.

Q. Did any intruders get onto the ranch during the time that you were there?

A. Yes.

Q. Were there ever occasions that you were aware of that intruders actually got to the house?

A. Yes.

Q. Did any intruders actually get into the house?

A. Yes.

Q. Were law enforcement officers called eventually to deal with those intruders?

A. Yes.

Q. In fact, that was the protocol, if you found somebody trespassing, to call for law enforcement?

A. Correct.

Q. Now, I understand you were law enforcement, but you would call the sheriff’s department at that point, correct?

A. Yes.

Q. And I may be going a little fast and then you're kind of stepping on the end of my questions, and I may be asking too quickly. It makes it hard for the court reporter.

A. I apologize.

Q. That's all right. I apologize. We'll just slow down a little bit, both of us.

All right. Now, you explained the situation out there and I just want to go over it in a little more detail. There are basically two main security posts, stationary posts at the ranch; is that right?

A. That's right.

Q. There's the gate, which is the little house right by the big front gates, correct?

A. Correct.

Q. Now, at that little house, and the big front gates, there's -- or in the -- in the little house there's a computer and a desk; is that correct?

A. That's correct.

Q. Telephone?

A. Yes.

Q. Is the phone often answered by -- at that phone?

A. Yeah. A lot.

Q. All right. So people calling into the ranch, particularly at night, the phone will ring there, and the security guard at that phone will answer it; is that correct?

A. That's correct.

Q. All right. And then the phone -- the phone can be -- or the call can be forwarded from that phone to other phones?

A. Any -- basically any phone on the ranch.

Q. And the phone that's at the gate is a regular telephone within that -- let me back up.

There's a system and the phones are pretty --

A. It's a multiline phone.

Q. They're pretty much identical phones throughout the ranch?

A. Yes. I believe they're all the same.

Q. So this is -- this is not a big phone with a lot of buttons on it. It's a smaller phone; is that correct?

A. That’s correct.
Q. So you get an incoming call and then you would forward it by using a code to forward it; is that correct?
A. Transfer it to whatever extension it needed to go to.
Q. All right. The gates at the guard house there are big iron gates, is that correct, the front gate?
A. Well, maybe on the inside. They’re wood.
Q. Or wood gates. I’m sorry, I think you are right. They’re big wooden gates, in any event?
A. Yes.
Q. And they’re anchored by, I think, stone walls on either side; is that correct?
A. Yes.
Q. If you stand at the gates looking out to Figueroa Mountain Road, to the road there, and you were to go to the left of the guard house --
A. Okay.
Q. -- as you’re looking out to the left of the guard house, how far does the stone work extend, roughly?
A. Maybe 20, 25 feet. 30 feet maybe at the max.
Q. Okay. And after that 30 feet, what kind of fencing protection do you have?
A. Very little. Two-plank ranch fencing. It’s nice. It looks like -- but it’s maybe about four feet tall.

Q. And two rails?
A. Two rails and then posts however many feet.
Q. And there’s no wire on that or anything else, correct?
A. No.
Q. So people can pretty much hop over that if they want to?
A. Yes.
Q. All right. As you go around the rest of the ranch there’s -- as you get farther away from the

gate, at some point there's some fencing, cattle-type fencing; is that correct?
A. Cattle, barbed wire fencing.
Q. All right. Now, you mention that there was another location which was up by the house, I think, for -- another stationary location for the guards; is that correct?
A. The house security office, correct.
Q. And that's not in the house itself?
A. No.
Q. It's at the end of the building that's adjacent to the house; is that correct?
A. Correct.
Q. And in there, you have a -- an initial room that includes a desk and the computer and so on; is that correct?

A. That's correct.
Q. And there's a rack of battery chargers for the portable radios?
A. It may be in that room, now. It was in the other room before when I was there.
Q. Okay. In any event, there's the initial room that you walk into, and then behind it is sort of a break room; is that correct?
A. Correct.
Q. It's got a few lockers; is that right?
A. That's right.
Q. The break table and some chairs, right?
A. Yes.
Q. Is that where that board is that you were telling us about?
A. No. It was in the first room.
Q. In the first room. All right. Now, let me ask you something: The gate logs that you told us about that are among the documents that you authenticated from Exhibit 300 to 335 -- I realize there's some other documents that aren't gate logs in there --
A. Yes.
Q. -- but the gate logs that are in those documents, those gate logs are used to communicate information to the various guards who are on duty or

who come on duty; is that correct?
A. Yes.

Q. All right. Now, I realize -- or let me ask you this: You had previously told law enforcement that you believed that this -- what you called or what Mr. Auchincloss called a directive, that this note about Gavin Arvizo was on the grease board?
A. Yes.
Q. And are you aware that none of the other officers recall seeing it on the grease board?
MR. AUCHINCLOSS: Objection. That assumes facts not in evidence.
THE COURT: Sustained.
Q. BY MR. SANGER: Are you aware of any other officer who claims to have seen that on the grease board?
A. Yes.
Q. Okay. Is it possible that this particular notation was, in fact, on a gate log instead of the grease board?
A. I'm sure it was on a gate log.
Q. Okay. And in fact, it's on the gate log for February the 19th; is that right?
A. I don't know the date that it's on there.
Q. You remember seeing it on the gate log; is that correct?
A. No.
Q. Okay. You said it was on the gate log?
A. I now know that it was on the gate log.
Q. Okay. All right. Do you have the book up

there, the --
MR. AUCHINCLOSS: It's right here.
MR. SANGER: This is the official book. All right.
Q. Now, you say you're aware it's on the gate log. Did somebody show it to you?
A. I was told.
Q. By the prosecution?
A. Yes.
Q. Okay. And who told you that?

A. The District Attorney.

Q. Which one?

A. Auchincloss.

Q. Mr. Auchincloss.

A. Thank you. Sorry.

MR. SANGER: Okay. Your Honor, what I'd like to do, I'm going to take this page out of the book, the entire book has been admitted, and there are exhibit tabs, official court exhibit tabs on the first page of each exhibit. So I am taking a page out of 334. And at the bottom, this page says "MJ 00154." And I'd ask permission to put this up on the screen, if I may.

THE COURT: You may.

MR. SANGER: Thank you.

Q. I'll back up, first of all. I'll represent to you I just took that -- as I said to the Court, I took that out of the book here. That's one of the various pages. Does that appear to be a gate activity log?

A. Yes.

Q. And there's a number up on the top which we'll focus in on a little more. It says 2-19-03. It's a little fuzzy there, but --

A. Correct.

Q. And the purpose of this gate activity log would be to record pretty much contemporaneously activities that occurred during the security shift; is that true?

A. That's correct.

Q. And it's also for the purpose of recording information that should be communicated to other officers on other shifts; is that correct?

A. Yes.

Q. All right. Now, I'm going to, with any luck, focus in so we can read it, but we'll see about that.

Okay. Do you see there, it says -- three lines up from the bottom, on the middle of the page, it says 1752.

A. Yes.

Q. What does 1752 represent?

A. 5:52 p.m.

Q. Military time. So it’s 5:52 in the afternoon, correct?

A. Correct.

Q. That would be the time that somebody recorded the information on that, on that line adjacent to it; is that correct?

A. Correct.

Q. And the line adjacent to it says, “The kids are not to leave per Joe.” “Kids” meaning like Gavin, Star, et cetera, correct?

A. Correct.

Q. All right. Were you aware that that particular evening was the evening that these children were to go down to Los Angeles?

MR. AUCHINCLOSS: Objection; assumes facts.

MR. SANGER: That’s --

THE COURT: Foundation; sustained.

MR. SANGER: Well, I asked if he was aware. Should I rephrase it? Let me do it this way, Your Honor. I won’t make that request.

THE COURT: The foundation’s a little different, too. Go ahead and rephrase it.

Q. BY MR. SANGER: All right. Let’s do it this way: A couple of questions. Just in general, if children are on the ranch, are guests at the ranch and they’re staying there and there’s not a parent present, would it be the policy of the ranch not to allow those children to go off of the ranch property without supervision?

A. Correct.

MR. AUCHINCLOSS: I’ll object as vague as to “children.”

THE COURT: Overruled.

You may answer.

THE WITNESS: Yes, we would not let them go off the property by themself.

Q. BY MR. SANGER: So at this time do you know whether or not there was a parent at the ranch with Gavin, Star -- well, it was “Gavin, Star, et cetera." So we'll say with Gavin and Star.

A. I don't know for sure. I don't believe there was.

Q. All right. So that would be a reasonable instruction for security in general, correct?

MR. AUCHINCLOSS: Objection. Argumentative; calls for a conclusion.

THE COURT: Sustained on argumentative.

Q. BY MR. SANGER: It would not be out of the ordinary, then, to not let children such as Gavin and Star leave the ranch without approval or without supervision, correct?

A. Correct.

Q. And based on your experience, if children or any guests were scheduled to leave as a group, would it be appropriate for security to be alerted so that the people would be there to leave in the vehicle that was assigned to take them? Does that make sense? It was a long question.

A. Would it be appropriate to have security

notified --

Q. Yeah.

A. -- if they were going to be leaving?

Q. Yes.

A. It would have been appropriate. It didn't happen very often, but --

Q. So if there was a bus or a limousine that was going to leave and certain kids were going to be on it, that's something that security could well be advised of, correct?

A. Should well be advised of. We weren't always advised.

Q. Weren't always advised. But if you were advised, you'd feel that was appropriate, right?

A. Yes.

Q. Okay. I'm going to put that page back where I found it. Close the book so I don't mix things up, and we'll come back to it in a moment.

All right. Now let's work backwards just a little bit here. You were asked about Frank Cascio, correct?

A. Correct.

Q. And was he also known by another name?

A. Frank Tyson.

Q. Frank Tyson. Okay. Frank?

A. Frank.

Q. As far as Frank Cascio, Frank Tyson was concerned, was he there -- you said he stayed over, as far as you could tell, quite a number of times, right?

A. Right.

Q. And the District Attorney asked you if this was logged in the logs when he might be staying over.

A. Correct.

Q. Did you go back and look at the logs and add up the times?

A. No.

Q. All right. So you’re really not answering that question based on reviewing the logs; is that right?

A. I reviewed the logs, but did not write down or memorize how many times he’d been there.

Q. All right. So your general impression was that he stayed overnight quite a number of times, correct?

A. Yes.

Q. And did Frank Cascio have any other family members who you were aware of?

A. Yes.

Q. And did they often stay over?

A. Yes.

Q. Did his father come out and visit from time to time?

A. Yes.

Q. Did his brother and sister visit from time to time?

A. Yes.

Q. Any other family members you can recall?

A. His mother had been there.

Q. Okay.

A. I think he had two brothers.

Q. All right.
A. I believe.
Q. Very good. So his brothers, his sister, and both of his parents would stay over from time to time; is that correct?
A. Yes.
Q. All right. Now, were there times during your -- your span there, when Frank Cascio or his family might be there, and then there would be a period of time where he wouldn't be around and he or his family would come back at some later time?
A. Meaning that --
Q. That was a bad question.
A. I'm sorry, I don't understand the question.
Q. Fair enough. Just tell me.
In other words, you say he was there -- from the time that you were employed to the time that you left the ranch, you said he was there many times, maybe you saw him 75 to 100 times with Michael Jackson, he stayed over many times, right?
A. Yes.
Q. Was this continuously or were there periods of time where the Cascios might be visiting, and then months might go by before they'd come back?

A. Yes, that's correct.
Q. And did -- you were yourself gone for periods of time; is that correct?
A. Yes.
Q. You next had somebody named Vinnie. Did you know his last name?
A. No, I don't know it.
Q. You said, well, he spent the night occasionally, I think. Do you know when that was?
A. The actual dates of when? Or --
Q. If you know them.
A. No, I don't know the actual dates of when.
Q. In general, when did you see Vinnie?
A. Generally I saw Vinnie when Frank was there.
Q. And when did you start seeing Vinnie?
A. Probably in 2002, right around there. I don't know the exact time frame.
Q. Maybe late 2002?

A. Could have been, yes.
Q. All right. So you didn't really see him the entire time that you were working there?
A. No.
Q. He was a more recent visitor?
A. Yes.
Q. Same with Marc Schaffel. You said he was not there -- or he did not spend the night very often. You recall seeing him every once in a while?

A. Every once in a while. Granted I worked two, three days a week, so I wasn't there all during the week.
Q. I understand.
A. But occasionally he was there, yes.
Q. And was he there continuously during a period of time or off and on, or two different distinct periods of time?
A. I remember him being there just off and on, odd times. He would just come out and -- he may stay the night, he may leave that day.
Q. You mentioned Ronald Konitzer and you said you recognized the name, but you couldn't really put a face to that name; is that correct?
A. I don't believe I could, no.
Q. You remember Mr. Konitzer being listed as a guest; is that correct?
A. Yes.
Q. You remember seeing the name anyway --
A. Yes.
Q. -- in the context of being a guest.
Do you remember Mr. Konitzer's wife and children being listed as guests?
A. I don't remember that, no.
Q. All right. Now, if they were guests, there's a good chance they would be in the guest logs; is that correct?

A. That's correct.
Q. And then you mentioned Dieter Weizner. You said you saw him visiting several times; is that correct?

A. That’s correct.
Q. And do you know when this period of time was? Was this the entire time from 1998?
A. No, it would have been later into when I worked there, probably around, again, late -- mid, late ‘02, end of 2002, into 2003.
Q. Into 2003. Okay. Now, in general, besides intruders, which we talked about, actual trespassers and people who intrude, were there other concerns for security on the ranch?
A. Meaning --
Q. Well, for instance, was one of the concerns that this was Michael Jackson’s home and that his privacy should be preserved?
A. Yes.
Q. So there were confidentiality agreements that new visitors would sign when they came to the gate; is that correct?
A. Correct. Correct. I’m sorry, yes.
Q. I didn’t know if the court reporter got it.
A. I’m sorry.
Q. And one of the reasons for the confidentiality agreements was -- or one of the provisions was that people not take pictures when they’re at the ranch; is that correct?

A. That’s correct.
Q. And you understood the reason for that to be that people would sell pictures if they could; is that right?
A. I understood the reason to be we were told not to let them do it. What they did with them is --
Q. You understand that -- there was a concern about people getting cameras on the ranch to take pictures to sell them to the tabloids?
A. I’m sure that there was.
Q. And some of the intruders that you caught had cameras with them; is that correct?
A. Yes.
Q. Did you -- were you aware of an armed intruder getting onto the ranch?
A. Armed with what?

Q. With a gun.

A. No.

Q. The ranch itself you understood to be Mr. Jackson’s home, right?

A. Yes.

Q. And one of the things that security was instructed to do was to accord Mr. Jackson respect as a person who is trying to live in his home, correct?

A. Absolutely.

Q. So the idea was to not unduly approach him or burden him, or take up his time while he’s trying to -- while he’s trying to be at home, correct?

A. That’s correct.

Q. And have you ever worked for any other celebrities or people of that sort?

A. No.

Q. But that made sense to you, didn’t it?

A. Absolutely.

Q. All right. When you say that when Mr. Jackson was there people were on pins and needles, did you mean by that to suggest that Mr. Jackson was a harsh or mean boss of some sort?

A. No.

Q. Just -- the structure of the people there, through the various commands and different departments, made everybody aware that when Mr. Jackson’s on property that you need to be on your best behavior, right?

A. Yes.

Q. And you didn’t see anything wrong with that, did you?

A. No. Not necessarily, no.

Q. Okay. And you felt personally that -- I suppose you probably felt you should be on your best behavior at all times; is that right?

A. Yes.

Q. But you didn’t have any objection to

everybody being, you know, particularly careful to be prepared and ready to perform their duties when the owner is on the property, right?

A. I had no objection to that. No.

Q. Now, you said people worked harder when Mr. Jackson was there, right?

A. They worked more, for sure.

Q. Okay. Now, there's sometimes Mr. Jackson was not there when there were big events that were scheduled; is that right?

A. That's correct.

Q. There were family days?

A. Yes.

Q. And you've gone to family days, have you not?

A. Several of them.

Q. Do you have family? I won't go into details. But did you bring family members with you?

A. Yes.

Q. And this is something that Mr. Jackson did for his employees; is that right?

A. That's right.

Q. Basically opened up the whole property, the employees could bring their children, their friends or their close friends or relatives certainly, and could enjoy the rides and all the other amenities at Neverland; is that right?

A. That's right.

Q. Mr. Jackson would sometimes be there and sometimes not; is that right?

A. That's right.

Q. And then there were other days when he would have large groups of either, for instance, disadvantaged children or children who were sick or just children in general who would come to be his guest at the ranch; is that correct?

A. That's correct.

Q. During those times, Mr. Jackson was often not on the property; is that right?

A. Often not on the property?

Q. Yes.

A. That's right.

Q. And he was sometimes on the property; is that correct?

A. Yes.

Q. Whether he was on the property or not, the entire staff was instructed to treat all of the people, adults and children, as guests, as if they were guests at somebody’s private home; is that correct?

A. That’s correct.

Q. The only difference is that there would be certain boundaries, you can’t go into certain parts of the house and that sort of thing; is that correct?

A. That’s correct.

Q. But other than that, if the kids want something, if the adults want something, everybody is there to serve; is that right?

A. That’s right.

Q. Now, you mentioned that the security guards often did the job of other -- let me withdraw that. You mentioned the security guards worked with the fire department from time to time; is that correct?

A. Basically they were the same department.

Q. All right. And you had at least one fire truck there?

A. Yes.

Q. Was there a time when you had more than one?

A. Well, there was a time when there was -- when I was there, there was a time that there was more than one, one was not working.

Q. Okay.

A. But there were two. And then prior to me being there, yes, there was, I believe, more than one.

Q. Eventually they turned one of those fire trucks into a water truck, I think.

A. Water tender, yes.

Q. There you go. But they have one operating professional fire truck there; is that correct?

A. Not in the sense -- fire rescue, like a brush truck. It would be not like a large city fire truck. But, yes, a working -- held water, medical equipment.

Q. All right. Not a hook and ladder, but something that was an emergency vehicle --

A. Yes.

Q. -- that could be used to tend to emergencies on this ranch, correct?

A. Correct.

Q. And anywhere from somebody being injured, to having a brush fire, to anything else that was needed on an emergency basis; is that right?

A. Yes.

Q. And both the people who were assigned as security officers and those assigned as firemen were somewhat interchangeable in these tasks. If it needed to be done, you all would respond and do it; is that correct?

A. That is correct.

Q. Now, there were a number of people who were in the fire department from time to time who eventually became employed in other fire departments; is that correct?

A. Yes.

Q. All right. So this was an area where people could work, gain additional experience in order to go work someplace else; is that right?

A. Yes.

Q. And did you feel -- as a professional law enforcement officer, did you feel that the -- that the operation was run professionally?

A. Yes.

Q. All right. Now, the duties of security and fire you said were pretty much merged. But in addition to those duties, you also had duties to attend to the needs of guests and Mr. Jackson, or anybody else who required some assistance on the ranch; is that correct?

A. Yes.

Q. And they were not always law enforcement duties or fire duties, correct?

A. Generally, no.

Q. Generally not.

So, if somebody needed something, you or

anybody else that worked there -- say a guest needed something, you or anybody else that worked there was expected to respond as favorably as possible; is that right?
A. Yes.
Q. All right.
THE COURT: Counsel? Take our break.
MR. SANGER: Okay. Thank you.
(Recess taken.)
--o0o--

REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 6992 through 7053 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 20, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
April 20, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, APRIL 20, 2005

8:30 A.M.

(PAGES 7055 THROUGH 7115)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
BARRON, Brian	7058-SA (Continuing)			

THE COURT: Go ahead.
MR. SANGER: Thank you.
Q. All right. Mr. Barron --
A. Uh-huh.
Q. -- or Officer Barron, across the street from --
THE BAILIFF: Can you turn your microphone on?
MR. SANGER: Oh, sorry. There you go.
Q. Across the street from Neverland on Figueroa Mountain Road, there are two schools; is that correct?
A. That's correct.
Q. What kind of schools are they?
A. One is a boarding school, and one is like a -- an elementary school, I believe.
Q. Okay. And are these private schools?
A. Yes.
Q. People are there during the day?
A. Yes.
Q. So there's activity, at least during the school year; is that correct?
A. Correct.
Q. All right. February and March of 2003, those schools would have been open; people would have been there?
A. Yes.
Q. Parents coming and going?

A. Yes.
Q. Teachers?
A. Yes.
Q. Administrators?
A. Yes.
Q. Now, you told us about the security staff that you were a member of, correct?
A. Correct.
Q. And you told us about the fire department?

A. Correct.

Q. Did Mr. Jackson also have personal security or personal bodyguards?

A. Yes.

Q. And are these people who traveled with him?

A. Yes.

Q. You did not travel with Mr. Jackson; is that correct?

A. No.

Q. So your duties were pretty much restricted to the ranch. I shouldn’t say restricted. It’s a big ranch, but you were there at the ranch, correct?

A. Yes.

Q. If he went to Los Angeles or Miami or went on tour or anything else, you would not go with him; is that correct?

A. No.

Q. And who would go with him?

A. Whomever was his personal security at the time. It did change.

Q. All right. So he did have people who were generally experienced in going on the road and protecting a celebrity under those circumstances; is that correct?

A. There were times when he did, yes.

Q. Okay. There were some times when you thought his personal security may not have been --

A. Yes.

Q. -- quite as -- okay. All right.

Now, do you remember Janet Arvizo?

A. I know she was there. I do not remember her face until yesterday.

Q. All right. But you remember her being there and you remember having some contact with her; is that correct?

A. Yes.

Q. And you remember Gavin Arvizo?

A. Yes.

Q. You remember Star Arvizo?

A. Yes.

Q. And in general, did Janet Arvizo ever appear to not want to be at the ranch?

A. In general, I couldn’t answer.
MR. AUCHINCLOSS: Objection. I’m going to object on the basis of foundation.
THE COURT: Sustained.
Q. BY MR. SANGER: All right. Would it be your

opinion, based on your seeing her there at the ranch, that what stood out in your mind was that Mrs. Arvizo appeared that she wanted to be there?
MR. AUCHINCLOSS: Objection. Same objection.
THE COURT: Sustained.
Q. BY MR. SANGER: All right. What kind of contact did you have with Janet Arvizo?
A. Probably talked to her on the phone once or twice. Other than that, relatively none.
Q. When you talked to her on the phone, did it appear that she wanted to be there at the ranch?
A. Yes.
Q. And Janet Arvizo had access to the house, full access to the house; is that correct?
MR. AUCHINCLOSS: Objection. Foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: I don’t know.
Q. BY MR. SANGER: Okay. Do you recall testifying before the Santa Barbara Grand Jury on April the 12th, 2004?
A. Yes.
Q. Do you recall telling the grand jury that Janet Arvizo was one of the people who had access; she would have access to the house?
A. Yes.
Q. And when you were -- when the District

Attorney said, “Okay,” you said, “No question.”
A. Yes.
Q. Is that correct? And she had full access to the house because her children were there; is that correct?
A. Yes.
Q. All right. Now, did you have any personal

observations about the behavior of Gavin and Star?

A. No.

Q. They appeared -- from what you could see, they appeared to want to be at the ranch; is that correct?

MR. AUCHINCLOSS: Objection. Foundation.

THE COURT: Sustained.

Q. BY MR. SANGER: Did you see them from time to time at the ranch?

A. Seldom.

Q. Was there any indication -- from the seldom times that you saw them, was there any indication that they did not want to be at the ranch?

A. No.

Q. You indicated that part of the security -- part of security’s job was to monitor who was coming onto the property, correct?

A. Correct.

Q. And that was recorded, to a large extent, in the gate logs; is that correct?

A. Yes.

Q. Were you aware that in addition to just plain interlopers, that there would be people who would try to gain some kind of introduction to Mr. Jackson to get into his favor?

MR. AUCHINCLOSS: Objection. Ambiguous; foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: How do you mean?

Q. BY MR. SANGER: Well, were there people who seemed to be trying to get close to Mr. Jackson?

A. Yes.

Q. And sometimes Mr. Jackson really wouldn’t want those people to be around him, correct?

A. Correct.

Q. So if they were allowed on the ranch, they were to be treated courteously?

A. Yes, yes.

Q. But nevertheless, you were to try to help Mr. Jackson not be bothered by people; is that right?

A. That's right.
Q. And Mr. Jackson, of course, during the time you were there, and now, for that matter, is an international celebrity, an artist, a very well-known person, correct?
A. Yes.
Q. And there would be people who would basically be trying to get into his good graces; is that right?

MR. AUCHINCLOSS: Objection. Foundation.
THE COURT: It's argumentative. Sustained.
Q. BY MR. SANGER: All right. Now, let me ask you one other thing before we get to the gate logs and some of the other documents you identified.
You were actually asked -- let me put it a different way. You were contacted by the Santa Barbara County Sheriff's Office in December of 2003; is that correct?
A. That's correct.
Q. And in particular, Detective Bonner of the Santa Barbara Sheriff's Department contacted you; is that correct?
A. Correct.
Q. And he did an interview of you to determine if you'd seen anything unlawful and so on; is that correct?
A. That's correct.
Q. But then he asked that you work as an informant; is that correct?
A. Yes.
Q. And you were at that time a sworn peace officer of the Guadalupe Police Department, correct?
A. That's correct.
Q. And he basically wanted you to go back to work for Mr. Jackson in December of 2003 to be an informant, correct?

A. That's correct.
Q. And at that time, you know that the raid had already occurred on Mr. Jackson's house, correct?
A. Correct.

Q. You knew Mr. Jackson had a lawyer, had counsel, right?

A. Yes.

Q. And you were being asked to go in as a law enforcement informant into his ranch, at his home, and inform for the sheriff; is that correct?

MR. AUCHINCLOSS: Objection. Asked and answered.

THE COURT: Overruled.

You may answer.

THE WITNESS: Yes.

Q. BY MR. SANGER: And you refused to do that; is that right?

A. Yes.

Q. What I'd like to do now is go through some of the exhibits that you've identified and ask you, based on your training and experience, to interpret the documents, okay?

To the extent you were there, you made an entry, and then you can contribute that as well and say, "Yes, I actually wrote that."

A. Yes.

Q. But to the extent that you introduced these documents, you said they were kept in the ordinary course of business, I'd like you to explain what they mean, if you could.

A. Okay.

MR. SANGER: So I'm going to start with Exhibit 300, and, Your Honor, if this procedure is acceptable, I'd like to do this without asking each time -- or I can. Whatever the Court wants me to do.

What I propose to do is identify the document by exhibit number. If there is more than one page to the exhibit, I'll indicate which page of the exhibit. If -- in the Exhibits 334 and 335, there are hundreds of pages, so I'll refer to the Bates stamp number on the bottom of the page for that purpose.

And if that procedure is acceptable, what I'd like to do then is put each of these up on the -- not all of them, but each of the ones I want to point out on the overhead projector, and I'll just make reference to it at the time.

THE COURT: That's a fine procedure.

MR. SANGER: Okay. Thank you. In other words, I won't ask leave each time. I'll just do it.

THE COURT: That's good.

MR. SANGER: Thank you. Okay. In that case, with the Court's permission in advance, I'll

put Exhibit 300 up.

THE BAILIFF: Can you put "Input 4"?

MR. SANGER: Or we'll put up Mr. Auchincloss's....

THE COURT: That was "Input 4."

Q. BY MR. SANGER: What I'm going to do, I hope, is put it up in a way so we can show the exhibit tag number, if such exists, and then I'll give you an opportunity here to see what the document is, best we can.

If you want me to -- this was printed pretty large, so we can do it this way, if you want me to scroll it up or down. If you'd like me to approach and give it to you, if you can't read it, I'll just walk up and show it to you. So just let me know.

A. Okay.

Q. This is Exhibit 300. And it appears at the top to be an accident damage report, okay?

A. Okay.

Q. And I think you told us that was kept in the ordinary course of business; is that correct?

A. Correct.

Q. And the accident damage report appears to have been generated on a computer; is that right?

A. Correct.

Q. In other words, it's not just a form that's handwritten in, but somebody generated the whole thing on a computer, correct?

A. Yes.

Q. And the format is such that it appears to be a standard format, and then you put in particular information based on the particular incident; is that correct?

A. That’s correct.

Q. All right. Now, what would be the purpose of this particular accident damage report? Let me rephrase that. What does this accident damage report refer to?

A. One of the golf carts.

Q. All right. And from that report and from the records, and based on your training and experience, can you explain what happened and why this report was written?

A. I can read it.

Q. Okay. Well, let’s do it this way, because we’ll start this way and then the other ones will speak for themselves.

There’s a date up there at the very top, right?

A. Yes.

Q. 6-21-02.

A. Yes.

Q. Would that be the date of the incident?

A. Yes.

Q. And then you have a date at the bottom. Would that be the date the report was written?

A. Yes.

Q. And there’s a time, 1610, so 4:10 in the afternoon, correct?

A. Correct.

Q. And the time at the top would be 1530, which would be 3:30 in the afternoon, correct?

A. Correct.

Q. All right. So this report is designed to document the fact that Gavin Arvizo was involved in crashing a golf cart into the theater fountain; is that correct?

A. That’s correct.

Q. And the cause of the accident was recorded as reckless driving; is that correct?

A. That’s correct.

Q. All right. Now, you told us that you’re supposed to be very courteous to the guests, no matter who they are, where they're from or whatever. Is it appropriate, however, for security officers to warn guests, particularly children, if they're involved in unsafe behavior?

A. Yes.

Q. And based on this report, does it appear that there was a warning given to Gavin Arvizo about driving the golf cart?

A. Yes.

Q. And the warning was to slow down or the golf cart would be taken away; is that correct?

A. Correct.

Q. So based on your experience in these records, that would indicate that an officer gave that warning to Gavin Arvizo?

A. Yes.

Q. All right. Were you aware of other incidents involving Gavin or Star Arvizo that involves destruction of property or accidents or that sort of thing?

A. No.

Q. Okay. Did you review these records to see if you could find such evidence?

A. Not for that purpose, no.

Q. Okay. That's fair enough. Actually, I didn't see that. I don't think it was on my copy. Maybe it was.

On the back of 300 is a photograph. Does that appear to be a Polaroid-type photograph?

A. Yes.

Q. Is that the front of a golf cart?

A. Yes.

Q. And it kind of looks like a car.

A. Well, you couldn't hold golf clubs on them. They're more of a car.

Q. It's essentially the frame of a golf cart and it's got a little fiberglass car body on it?

A. Correct.

Q. And this one, I think, is the Batmobile one;

is that --

A. We call it “the Batman cart.”

Q. “The Batman cart,” okay. In any event, this photograph is taken to show damage that was associated with that report; is that correct?

A. That’s correct.

Q. I’m going to go to Exhibit 301.

And just so nobody gets too nervous, Your Honor, I’m going to try to -- I’m going to keep these in order, but it’s too hard to put them back on the sprocket there, and I’ll do that when we’re through, if that’s all right.

THE COURT: Yes.

MR. SANGER: 301 consists of a number of pages. And in the book, I would say it’s page four. It’s the back of the second sleeved page. No, I’m sorry, it’s the back of the first sleeved page, so it would be page two, I suppose. And let me put this up, if I may.

Do you want to see it first?

MR. AUCHINCLOSS: Uh-huh.

Q. BY MR. SANGER: All right. Exhibit 301 is the front, and then the back of the sleeve is the next page. And we’ll use this document for the purpose of orienting everybody to the way this works.

At that time, there was a form that looked like this, correct?

A. Correct.

Q. And that form was changed slightly as time went on; is that correct?

A. Yes.

Q. But essentially you’ve got -- at the top, you have the blanket “Routine Authorized Entries.” That’s people who might be making deliveries, that sort of thing; is that correct?

A. That’s correct.

Q. I see up there, for instance, “Santa Barbara Surfacing.” Looks like somebody may have been there to do some surfacing work on the roads; is that correct?

A. I don’t know what they were doing, but, yes.

Q. Okay. Just as an example, all right. And then I see -- looks like it says “Santa Ynez Ford.” It is a little hard to see.

A. “Santa Ynez Feed.”

Q. That would make more sense. “Santa Ynez Feed.” That would be, for instance, you would assume somebody came on at 11:30 to deliver some feed, and by 11:57, or whatever that says, they went back out the gate, correct?

A. Correct.

Q. And the in-and-out times on this are recorded at the time somebody comes in the gate, right?

A. Yes.

Q. And the time they leave, right?

A. Yes.

Q. So when somebody comes in the gate, the gates are opened if they’re allowed to have access?

A. Right.

Q. They stop the car or the truck right there by the guard house, correct?

A. Right.

Q. And the guard comes up and greets them?

A. Yes.

Q. And will write down who the person is and write down the exact time that it is at that moment; is that correct?

A. Yes.

Q. And when they leave, the same thing occurs in reverse. They’re stopped before the gate. The guard will record who’s in the vehicle and the time that they’re leaving; is that correct?

A. Well, yes. We would make sure it’s the same person, and then we wouldn’t record their name again, but we would just record their time out.

Q. Their time out, okay. So if somebody came in with three people and only left with one, you’d want to know about that?

A. Yes.

Q. All right. Now, we have the guest names down there. And guests would be people who are guests of the owner staying at the ranch, correct?

A. Correct.
Q. And they might be guests who stay all day and they might be guests that are coming and going that same day; is that correct?
A. That's correct.
Q. All right. Now, I don't know if it's the glare or what. It's a little hard to read. Can you read it from there?
A. For the most part.
Q. Okay. Right at the top of "Guests," it says, "Grace"; is that correct?
A. Yes.
Q. And it says, "C/O." And that means?
A. Carried over. They were carried over from the previous 24-hour period.
Q. So, in other words, there's no entry time for Grace, because Grace was already there?
A. Already there at midnight the night before. This was prepared at midnight the night before.
Q. And there's no indication that Grace left, so one would assume that she would still be there the next day?
A. At midnight of this day, this would be completed, and that "CO," carry-over, would be put in the "out" box. So she would continue to be carried over for the period.
Q. So let's look down the list. And the third person on the list appears to have gotten there at 7074 1205; is that correct?
A. Correct.
Q. And that would be five minutes after noon; is that correct?
A. Correct.
Q. And then left at 1440 hours, which would be 2:40 in the afternoon; is that correct?
A. Yes.
Q. Can you tell me who that person is?
A. I can't read that.
MR. SANGER: All right. May I approach with a copy?
THE COURT: Yes.

Q. BY MR. SANGER: Now that you have it in front of you, can you read the name?

A. Yes.

Q. What does it say?

A. “M. Bashir.”

Q. So Mr. Bashir came there at five minutes after noon and left at about 2:40, or left at exactly 2:40, correct?

A. Yes.

Q. Let me leave that with you just for the moment, just in case you have trouble reading the rest of it.

A. Uh-huh.

Q. On that same day, it appears Chris Tucker arrived; is that correct?

A. Yes.

Q. And Chris Tucker arrived at?

A. 1500, or 3 p.m.

Q. So 3 p.m. And it appears that at the same time Chris Tucker arrived, a number of other people came through the gate; is that correct?

A. Yes.

Q. And those people include Gavin Arvizo?

A. Yes.

Q. Star Arvizo?

A. Yes.

Q. There are a couple of other people there, and then I think there are three other people, and then there’s something that says, “Gavellin.” Or what do you think it says?

A. Well, it looks like maybe “Aubrey.”

Q. Below that. Right below that.

A. “Gavel” -- yeah, “Gavellin.” I -- “Gavellin.”

Q. “Gavellin.” Do people always get the spelling right at the gate?

A. Not always, no.

Q. Okay. You try your best, but sometimes you just spell it the way you thought you heard it?

A. The way it sounds, yeah.

Q. All right. So those people, plus Adrian, Kelly Bond and Aubrey, or Audrey, whatever that says, all those people seem to have come at three o’clock on the dot, correct?

A. Yes.

Q. All right. Now, it appears that Mr. Tucker and the Arvizos did not leave -- and I’ll ask you to assume, just for the sake of this question, that “Gavellin” is an Arvizo. But those three people came at three o’clock and they did not leave that day; is that right?

A. Correct.

Q. All right. Let me retrieve my book, if I may. Thank you. I guess I was asking permission of the Court to approach there, to be specific.

I’m now going to go to Exhibit 302, and this would be what appears to be the third page of 302 in the exhibit, the official exhibit book. So this does not have a tag on it, but the first page does. And I’m sure I would be corrected if I were wrong. This is 302 I’m putting up, the third page.

So let’s start up here, first of all. This is on 6-22, the date following the day that we just saw; is that correct?

A. Yes.

Q. And we look down here, and we see that it appears that Chris Tucker, Gavin, Star, and the other people we talked about, and then this “Gavellin,” all show that they are carried over; is that correct?

A. Correct.

Q. And they’re carried over not only from the day before, but they appear to be carried over to the next day.

A. Correct.

Q. And if we look at 303 -- and we’ll take page two of 303. It’s on the back of the envelope here. So that’s 303, and I’ll turn it over, and that’s the guest names. And once again, Chris Tucker, Gavin, Star, and “Gavellin” are all carried over as guests; is that correct?

A. Correct.

Q. And I’m sorry, that’s the next day, 6-23; is that correct?

A. Yes.

Q. We go to 304, Exhibit 304. Looking at page two of 304, page two, 6-24-02?

A. Yes.

Q. And again, we show Chris Tucker, Gavin, Star and “Gavellin” all carried over; is that correct?

A. Yes.

Q. And it doesn’t show any check-out time for them or any time they went by the gate; is that correct?

A. No. That’s correct.

Q. And then 305, this would be the third page, 6-25-02. And it shows Chris Tucker, Gavin, Star. And I don’t see “Gavellin” on there or “Davellin” or anything else like that. But it shows that Chris Tucker’s group left at 7:54 in the morning; is that correct?

A. Correct.

Q. So they would have been there overnight and then they left together?

A. Correct.

Q. Okay. Now, if we skip ahead timewise to -- it’s Exhibit 306, and it’s page two of 306, it says “6-29-02” on the top, and it appears that Gavin, Star, and Davellin, or Davellin, and a limo driver all showed up at 46 minutes after midnight; is that correct?

A. Correct.

Q. And Gavin, Star and Davellin all stayed there overnight that day, correct?

A. Correct.

Q. And the limo driver got a cup of coffee and left, looks like.

A. Yes.

Q. Okay. And then going to Exhibit 307, about 6-30-02, we have Gavin, Star and Davellin all staying overnight at the ranch, correct?

A. Correct.

MR. SANGER: All right. Excuse me just one second.

(Off-the-record discussion held at counsel table.)

MR. SANGER: Excuse me, Your Honor. I'm sorry. I just had to clear something up.

Q. Okay. I want to -- just because it's in sequence in the exhibits, let me show you 308, and this is a different kind of a form. And we'll be able to go a lot quicker here. And actually, we'll skip quite a ways ahead in a moment, just so everybody has something to anticipate.

308, okay, and I'll try to get as much of a wide angle as I can and still read it. Do you see that? It says, "Security Clearance and General Information"?

A. Yes. "Guest Information."

Q. Or, I'm sorry, I can't read it. All right. I can read it here. "Guest Information."

And this is information about the people who were arriving. And actually, this dates back a little out of sequence. It dates back to 6-21-02, correct?

A. Correct.

Q. And basically this is information so you know how to treat the guests and what they can do; is that right?

A. We know who's coming and what they're able to do.

Q. Okay. So this tells you the estimated time of arrival; is that correct?

A. Correct.

Q. And you never know exactly if somebody's going to arrive on time, but it gives you a heads-up, right?

A. Right.

Q. And it shows Chris Tucker, Gavin Arvizo, Star Arvizo, Adrian, Kelly, Gavellin and Aubrey, it looks like.

So on 6-21, this was telling you these people are really going to show up, right?

A. Yes.

Q. And then at the bottom, it says Mr. Jackson has cleared the guests to have full access, correct?

A. Correct.

Q. So Chris Tucker and his guests are allowed to have full access to all of these activities; is that right?

A. That’s right.

Q. And those activities include the hill house, pool, spa, water fort, dance studio, and then quad runners; is that right?

A. Yes.

Q. And what were the quad runners?

A. ATVs.

Q. Were people supposed to keep those on the property?

A. They were property of the ranch.

Q. But, I mean, they weren’t supposed to go drive on Figueroa Mountain Road.

A. Correct.

Q. And they definitely were not supposed to go into Los Olivos.

A. No.

Q. All right. And then there’s scooters, right?

A. Uh-huh.

Q. Golf carts?

A. Yes.

Q. Jet skis. The main house. And written in is “horseback riding”?

A. Yes.

Q. So Mr. Jackson, according to this record, kept in the ordinary course of business, had cleared the guests to have full access to all of those activities?

A. Yes.

Q. And those guests would be Mr. Tucker and the Arvizos and his other guests; is that correct?

A. I believe Mr. Tucker, there, says he was the driver. Whether or not he had access to that stuff at the same time, probably, but --

Q. Do you know who Chris Tucker is?

A. Yes.

Q. Okay. Who is Chris Tucker?

A. He was an employee of the ranch.

Q. Okay. Are you thinking --

A. Or of Mr. Jackson.

Q. Are you thinking of Chris Carter?

A. I'm sorry. Chris Tucker. Excuse me. I apologize.

Q. Chris Tucker is the actor?

A. Chris Tucker is the actor, yes. I'm sorry.

Q. Do you remember him visiting the ranch?

A. Yes.

Q. And you would assume Chris Tucker would have --

A. Chris Tucker, I'm sorry. Thank you.

Q. He would have full access to --

A. Yes, he would.

Q. All right. Now, if we go to Exhibit 309, you may recall -- let's show 309. There we go. You may recall that when we went through the gate logs, it appeared that Gavin, Star and Davellin came back and Mr. Tucker was not there; is that correct?

A. Correct.

Q. Now, when they came back this time, they're estimated to arrive sometime in the evening. And if I'm not mistaken, I think they got there very early in the morning the next day. But here, Mr. Tucker is not there. They were not cleared for the quad runner or the jet skis; is that correct?

A. Yes.

Q. And they were not cleared for horseback riding; is that correct?

A. Correct.

Q. Based on your experience and understanding of these records kept in the ordinary course of business, who would have given those instructions?

A. Those instructions there?

Q. Yes.

A. They would -- this would have come to us through the administration office.

Q. All right. So somebody in the chain of command above decided that, under these circumstances, that these children should not have access to the quads or the jet ski?

A. Correct.

Q. All right. We'll go to Exhibit 310. And this will be the second page of 310. And it appears that -- 7-1-02. And it appears that Gavin, Star and Davellin stayed overnight, correct?

A. Correct.

Q. And then they left at 2114 hours, which would be 9:14 in the evening, correct?

A. Correct.

Q. Now, then we skip ahead in time to September the 15th, which is the next record in the exhibit book which was presented to you by Mr. Auchincloss. And that shows 9-15-02; is that correct?

A. That's correct.

Q. And on 9-15-02, we have Chris Tucker, Gavin, Star, sister, it looks like it says Chris's nephew; is that correct?

A. Correct.

Q. There's a star there. What does that mean?

A. Probably means that the time was either not written down when they came in, or it was -- at that time, whomever was checking people in the gate failed to write them in, or we just didn't know when they came in.

Q. Okay. So every once in a while somebody makes a mistake, true?

A. Yes.

Q. That will happen.

And then it shows on that day, which is 9-15-02, Mr. Tucker and his group, including Gavin, Star, sister, and Chris's nephew, all stayed overnight; is that correct?

A. Correct.

Q. I'm going to go to Exhibit 312. 9-16-02.

And here we have a record that Chris Tucker and his group stayed overnight. It also shows "bus driver," correct?

A. Yes.

Q. Do you remember if Chris Tucker had a bus?

A. I don’t know if he personally had a bus. I don’t remember.

Q. Well, looks like the bus driver left with Chris Tucker and the rest of the party at 6:54 in the morning; is that correct?

A. Yes.

Q. Now, do you know if Mr. Jackson was at the ranch at these various times that we’ve covered so far?

A. I don’t know.

Q. Okay. Now, 9-26 -- I’m sorry, this would be Exhibit 313, the second page. 9-26 at the top, ‘02. And I think you can read this, but if you can’t, just tell me.

I don’t know if I made it better or worse.

Okay. All right. Looks like Martin Bashir arrived at two o’clock in the afternoon and left at 6:13; is that correct?

A. Yes.

Q. And it looks like he probably arrived with some other people there. There’s three other people, correct?

A. Correct.

Q. We see -- we see Gary Hearn arrived at 2:30; is that correct?

A. Yes.

Q. All right. Looks like somebody adjusted that, but that was the way it was entered at the time; is that correct?

A. Correct.

Q. All right. And it looks like -- now, first of all, Gary Hearn is who?

A. Gary’s a driver.

Q. He’s a driver for Michael Jackson and for Neverland; is that correct?

A. Yes.

Q. He often drives a limousine or whatever car is appropriate to transport people, correct?

A. Correct.

Q. And Gary Hearn seems to have arrived with Gavin, Star, and “Davida” or “Davila” or something, whatever that says, right?

A. Yes.

Q. All at the same time. And then it appears that they were there from 2:30 and stayed overnight; is that right?

A. Correct.

Q. And then I’m going to put up 314, the second page. And it shows Gavin, Star, and “Davida” - I think that’s what it says - stayed over that night as well, correct?

A. Correct.

Q. And then I’m going to put up 315, page two, for 9-28, okay? I’m going to go down to the bottom, and it looks like Gavin, Star, and “Davida,” or whatever that says - all right? - stayed overnight, but they left at four o’clock in the afternoon; is that correct?

A. That’s correct.

Q. And it appears that Gary -- down at the bottom, that’s probably “Gary Hearn”; is that correct?

A. Most likely, yes.

Q. And Gary Hearn came and went, but he came in about three o’clock, and then left at exactly four o’clock; is that correct?

A. Yes.

Q. So based on that, you would assume that he drove the -- Gavin, Star, and whoever Davida is; is that correct?

A. Yes.

Q. And it looks like it -- it’s really hard to see what that says there, but it does look like there’s an entry, and I just want to clarify it so I don’t get confused. It says something like “Maxim Bahit”?

A. Your guess is as good as mine.

Q. All right. It’s not “Martin Bashir,” though?

A. It doesn’t look like “Martin Bashir” to me.

Q. All right. Now, if somebody checks out --

in other words, I say “checks out.” If somebody goes through the gate, out, and then they go to dinner or to town or whatever, and they come back, when they come back, they should be logged back in again with the time?

A. Yes.

Q. Does that sometimes not happen?

A. For employees? Sometimes.

Q. For anybody.

A. Yeah, I’m sure there’s times when it happens.

Q. All right. Now, I’m going to skip way ahead, and you guys are going to be happy to hear that, to Exhibit 331.

Okay. I’m sorry. Better yet, 333. And I’m going to put 333 up. This is the second page of it. And there’s a -- wide angle here. Okay. A medical report log; is that correct?

A. Correct.

Q. And that logs in various medical emergencies or skinned knees or anything else that happens that requires somebody to respond?

A. Each medical report for the year.

Q. And on the other side, actually the front side of 333, there’s a medical report for Star Arvizo; is that correct?

A. Yes.

Q. Can you read that?

A. Not well. Actually, that really hurts my eyes. If you could bring it up, that would be great.

Q. Actually, I don’t blame you.

May I approach, Your Honor?

THE COURT: Yes.

Q. BY MR. SANGER: I’m giving you a copy of that page. Can you take a quick look at it there? And what I want to ask you is, basically, does this document reflect that Star Arvizo apparently had a fall on a scooter, slid on some loose gravel or something?

A. Yes.

Q. And he had minor scrapes to his left knee, right ankle and right knee?

A. Yes.

Q. So that sort of thing was documented carefully at Neverland, and that’s an example of it; is that right?

A. Yes.

MR. SANGER: All right. May I approach to retrieve that, Your Honor?

THE COURT: Yes.

Q. BY MR. SANGER: All right. I’m now going to go to Exhibit 334. For the benefit of the Court and everybody else, it’s probably about 90 pages, and so this is a part where I’m going to refer to -- I’ll just put the first page up so we can see it here, 334, and it’s again one of the logs, which I believe here actually starts February 1 of ‘03, correct?

A. Yes.

Q. All right. And now I’m going to refer to a Bates stamp number, which is a number in the lower part of the document, generally the lower right corner, and I believe in all of these it starts out with “MJ” and two zeroes and then a number. And I will refer to that so we’re on the same page.

THE COURT: Okay.

Q. BY MR. SANGER: And I’m going to skip to page 116. That’s MJ00116. And I’m going to show you this here.

Now, this appears to be the format that was being used in 2003; is that correct?

A. Correct.

Q. And I think it’s a little different, at least a little different than some of the forms that were used because under “Guest Information” you also have “Ranch Vehicle Information” --

A. Yes.

Q. -- showing when people come in and out.

On this particular document -- oops, sorry.

Let’s try here. This is for February the 6th, 2003; is that correct?

A. Correct.

Q. And it appears that at 2243 hours -- let's see. 2245 hours, it should be 10:45 at night, it says, "Owner and guests"; is that correct?
A. Yeah. Could I see that page? I -- I would assume it does.
MR. AUCHINCLOSS: May I see that?
MR. SANGER: May I approach?
THE COURT: Yes.
THE WITNESS: Based on the paperwork that we fill out, we would not have put "owner" or "Mr. Jackson" or anything that would represent him

on this paperwork. In the time that I worked there, I have never done that, that I can remember.
It could be -- it could be, "Owner and guest," which I didn't write it, but definitely could be.
Q. BY MR. SANGER: Okay. That's fair enough. I'll ask you about that a little more so it makes sense.
MR. AUCHINCLOSS: Could I see that again?
MR. SANGER: Sure.
Q. This is Mr. Jackson's home, right?
A. Correct.
Q. And so you were not -- not only not required to, but you were really not supposed to write down Mr. Jackson comes and goes and log him in like somebody else; is that right?
A. That is correct.
Q. Okay. You saw what you thought said, "Owner and guest," may have said, "Owner and guest," you're not sure --
A. No.
Q. -- but it would not be typical for you to write down "Owner"?
A. I've never done it. The whole time I was there, I'd never done it.
Q. That's fine. And it does -- it looks like it says, "Guest."
A. Yes.

Q. All right. It doesn't say who the guests are?

A. No.

Q. And that's somewhat unusual, isn't it?

A. If someone had come in with Mr. Jackson, we don't routinely stop his vehicle and look in his vehicle. Again, it's privacy for him. We try to bother him as little as possible.

So if someone had -- if that is "Owner and guest" and someone had come with him, we would not have just stopped his vehicle and, for the most part, asked who was in there, unless we really felt it was necessary.

MR. SANGER: Do you want to leave that on?

MR. AUCHINCLOSS: Yeah.

MR. SANGER: Okay. All right. I won't put it here. I'll --

MR. AUCHINCLOSS: Yeah, that's fine.

Q. BY MR. SANGER: I want to see if we can reconstruct this a little bit. Where it just says, "Guests," there are no names?

A. Correct.

Q. So does that suggest to you that those guests were probably in a vehicle with Mr. Jackson?

A. It could have -- yes, it could have been.

Q. All right. And now we're going to go to -- and I'm sorry, that was on 2-6, February 6, 2003, correct? I'll put it up again if you want.

A. Yes. That's correct.

Q. All right. February 6th, 2003.

Do you know if Mr. Jackson was returning from Miami that night?

A. I don't know.

Q. Okay. All right. And you're welcome to look at this whole exhibit, if you want me to bring the book down so you can see it, if you feel you need to look at the pages in order or anything, okay?

I'm going to put up 2-7-03, which is MJ00120. And that is still a part of Exhibit 334, okay? And you can see we're referring to the "120" down there on the bottom, just so we're all oriented. That's what we call the Bates stamp number. This is for 2-7-03; is that correct?

A. Yes.

Q. All right. Now, if you look at the guests -- and I’m going to bring it a little closer and give everybody a headache, all right? If you look at the “Guests,” it appears that there’s an M. Nicole Cascio --

A. Yes.

Q. -- who stayed overnight; is that right?

A. Yes.

Q. And it looks like a Dr. Farshshian stayed overnight; is that correct?

A. Yes.

Q. Actually, I’m going backwards. He’s at the top of that list, right?

A. Right.

Q. It looks like he left at 8:30 in the morning, right?

A. Right.

Q. And then he may have come back at 10:15?

A. Yes.

Q. Okay. So let’s go down to -- to “Marie Nicole,” or it says, “M,” something, Nicole Cascio.” You assume that’s Marie Nicole?

A. Yes, uh-huh.

Q. So -- it says stayed over or carried over, so that would tell you she stayed overnight; is that right?

A. Yes.

Q. Now that you think about that in conjunction with the whatever-it-was “and guests,” does that suggest that Marie Nicole Cascio was probably one of the guests that came in the day before?

A. Do you have the other pages for this?

Q. I have --

A. There’s usually like three pages per day.

Q. Yes. Yes. You’re welcome to look at them. We have to be careful because we’ve got the book apart, and I want to put it back. So we have to keep it in the same order here.

Before I do, I'll let you see the whole thing, but it's safe to say you've got Gavin Arvizo, Star Arvizo, looks like "Daviella" now, Arvizo, Aldo Cascio, and Mom Arvizo, right?

A. Correct.

Q. And those are all carry-overs. So that would mean, to you, that they were there --

A. The night before.

Q. -- the night before?

A. Prior to midnight of that day.

Q. Of this day, which was 2-7 --

A. Correct.

Q. -- 03.

Okay. And it also appears that they then continued to stay overnight on the 7th; is that right?

A. Yes.

MR. SANGER: Okay. So now having said that, if it's all right with the Court, I'll approach with the book so that the witness can see everything in context.

Q. And I'll just speak loud for a moment, if I can.

The pages are in the exact order of the exhibit, so keep them in that same order, if you would.

A. Yes.

At some point they came in on the 6th and were there on the 7th.

Q. All right. And as you look at that -- before I come up and retrieve it, as you look at that, there's no specific record where those particular individuals, that is, the Cascios and the Arvizos, were logged in by name as coming in.

A. No.

Q. Other than perhaps just that reference to "Owner and guest," or whatever it says; is that correct?

A. Correct.

MR. SANGER: All right. May I approach to retrieve the book, Your Honor?

THE COURT: Yes.
MR. SANGER: Okay. Thank you, sir.
Q. Now, I'm going to go to page 121 of the same exhibit. It will still be 334 until further notice, if that's all right.
So it's -- it says 121, MJ00121 at the bottom. And then this is -- at the top, rather than "Guest," there are a number of people who are listed there. And this is -- there's no date at the bottom of this, correct?
A. Correct.
Q. So you need to try to ascertain the date by figuring out where it falls within the context of the other documents, right?
A. Correct. The -- it would have been, again, 7097 with at least one, most likely two other pieces of paper that -- gate logs.
Q. All right. And for the purpose of -- well, I'll withdraw that.
This shows that at the ranch, there were quite a number of people; is that correct?
A. Yes.
Q. And it says, "CBS Entertainment" there; is that correct?
A. Yes.
Q. Now, it appears that on that list -- I won't read them all, but on that list is "Ed Bradley"; is that right?
A. Yes.
Q. Are you familiar with Ed Bradley of CBS?
A. Yes.
Q. And Jack Sussman, is he a producer at CBS? You don't know?
A. I have no idea.
Q. That's okay. There are a number of other people associated with CBS there, right?
A. Yes.
Q. And it indicates that all the people associated with CBS, at least down to the point that it's recorded -- let me withdraw that.
It looks like Jack Sussman arrived at 9:40; is that right?

A. Yes.

Q. Doesn’t show that he was checked out?

A. No.

Q. Okay. We assume he’s not still there.

A. Yes.

Q. Okay. You got Ed Bradley. Can you read that?

A. Yes. The times?

Q. Yeah, the times.

A. 10:30 to -- it’s either 18 or 1900. So 6 or 7 p.m.

Q. And then the rest of them are 10:30 to 7 p.m., is that correct?

A. Yes.

Q. 10:30 to 7 p.m.

Were you on duty that day?

A. I don’t know.

Q. Do you remember there being a large group of people?

A. I don’t remember being there when CBS was there.

Q. All right. That’s fair enough.

All right. Now we go to page 123, which is dated -- by that I mean MJ00123, which is dated 2-9-03, correct?

A. Yes.

Q. And here we show on the 9th of February, 2003, that you have Gavin Arvizo, Star Arvizo, Davellin Arvizo. It shows they were all -- if you just look at those entries, they were all carried over from the night before?

A. Correct.

Q. And then it shows that they left at about 1:30 --

A. Yes.

Q. -- and apparently left with the person right before there, whose name is, oh, Marie Nicole.

A. Yes.

Q. That says “Marie Nicole” right above “Gavin Arvizo”?

A. Yes.

Q. So they all left at 1:30. Doesn't tell you where they went; is that correct?

A. That's correct.

Q. And then they came back at 4:15 in the afternoon?

A. Yes.

Q. It does appear that there are two other people down at the bottom, Anna Ruiz and looks like Silvana Ruiz. Do you see those?

A. Yes.

Q. Looks like they left at 1330, which is 1:30, and came back at 4:15, right?

A. Correct.

Q. And it says "limo" there. Does that mean they went by limo?

A. Yes.

Q. And you don't know how the Arvizos traveled on that occasion, do you?

A. No.

Q. You would assume that somebody gave them a ride, though?

A. Yes.

Q. Okay. And then it shows next they're carried over -- that being the Arvizos -- they're carried over. They stayed overnight; is that correct?

A. Yes.

Q. And then we have page MJ00126, which shows 2-10-03, correct?

A. Correct.

Q. And here we see the Arvizos and Marie Nicole staying overnight; is that correct?

A. That's correct.

Q. And it shows there "Mrs. Arvizo," as well, under "Anna Ruiz," correct?

A. Yes.

Q. And it appears that they stayed overnight. Not only were they overnight the night before, but they're staying overnight the next night; is that correct?

A. Yes.

Q. So that’s the 10th.

Now, did the -- did the procedures change at some point to where you would start logging in where people were staying at the ranch?

A. Yes.

Q. All right. I want to show you 2-11-03, which is 00129, Bates stamp number 129. Okay, 2-11-03, correct?

A. Yes.

Q. And here on 2-11 -- oops, sorry -- it appears that Dieter Weizner was staying in Guest Unit No. 4.

A. Yes.

Q. And he stayed overnight?

A. Yes.

Q. If you go down to the next, it shows Janet Arvizo.

A. Yes.

Q. All right. I’m sorry, when I said “the next,” I meant to say skip one. It goes down to Janet Arvizo, Guest Unit No. 2.

A. Yes.

Q. Stayed overnight, or she was staying overnight, correct, from the night before?

A. Yes.

Q. But on this day, and again, “this day” being February the 11th, then Arvizo leaves at 5:04 in the afternoon, correct?

A. Correct.

Q. And she comes back at three minutes to 8:00?

A. Correct.

Q. Okay. It shows, “Gavin and Star, house”?

A. Yes.

Q. That means they’re staying at the house, according to this?

A. Yes.

Q. And then it shows -- now, what does that say now?

A. It looks like “Daniella.”

Q. Okay. Seems this name changes continuously.

But anyway, whoever that is, D. Arvizo, whatever it says there, is staying in Unit No. 2; is that correct?

A. Yes.

Q. And then Marie Nicole is staying in the doll room, right?

A. Yes.

Q. That’s in the house?

A. Correct.

Q. And Aldo, her brother, is staying in the house; is that correct?

A. Yes.

Q. Now, Ronald Konitzer is there in Unit No. 1, correct --

A. Yes.

Q. -- is that right?

And his wife and two children are also staying there at the ranch in Unit No. 1; is that correct?

A. Yes.

Q. Now, Units 1, 2, 3 and 4 are the four guest units that are right by the lake; is that correct?

A. That’s correct.

Q. And they’re just across the front --

A. Grass.

Q. Yeah, the front entrance.

A. The driveway.

Q. The driveway for the entry of the house.

They’re right across from the front of the house in a building that has four units in it?

A. Yes.

Q. All right. So according to this, Ronald Konitzer, his wife and children, are staying in 1. Davellin’s in 2 with Janet. And there are these other two people. Dieter’s in 4. And this Mark Lester, whoever that is, is in 3, right?

A. Right.

Q. Now, excuse me one second. I think it got cut off here. Hold on.

Yeah, okay. On this -- at the bottom here, same page, we’re still on 129 for February 11th, ‘03, at the very bottom, you have “Ranch Vehicles,”

right?

A. Yes.

Q. And I’m going to direct your attention to the one just before the bottom. It says “Katie,” and it’s kind of cut off, but it’s Katie Bernard; is that correct?

A. Yes.

Q. Do you know who Katie Bernard is?

A. Yes.

Q. Who is she?

A. She’s a secretary for the ranch.

Q. Works at the ranch?

A. Yes.

Q. Is she a nice person?

A. Very nice.

Q. It says, “Black van,” right?

A. Yes.

Q. And what is the black van?

A. Black van. It would be the -- it’s a ranch vehicle that usually Gary drives.

Q. Okay. So it’s a vehicle that’s used to drive people places, if the guests want to go to town or do something else, or go to the airport or whatever, it can be used for that, correct?

A. Yes.

Q. All right. Now, it looks like Katie Bernard checks the black van out and then she leaves at four minutes -- at 5:04; is that correct?

A. Correct.

Q. So it appears that she is taking Janet Arvizo off the ranch, correct?

A. They at least left at the same time.

Q. If it’s down to the minute, they’re either right in the same car or one right behind the other.

A. Yes.

Q. But usually it’s the same car, right?

A. Yes.

Q. It would be 1705 by the time you get to the next car, probably, right?

A. Yes.

Q. Now, it looks like Katie Bernard was gone long enough to, say, go to town, drop somebody off and come back, right?

A. Yes.

Q. All right. Now we go to 2-12. And this is page 132, 00132, and it shows February the 12th, 2003; is that correct?

A. That’s correct.

Q. All right. Now, here, let’s start with the guests. And I take it -- I think it’s obvious to everybody, the Xerox machine evidently cut off the edge of the page there, correct?

A. Yes.

Q. Here it appears that there are a number of guests overnight, including Gavin, Star, and Davellin, however her name is spelled, all right?

A. Yes.

Q. We’ll call her Davellin, all right?

A. Okay.

Q. It appears that they stayed overnight, correct?

A. Yes.

Q. And then it appears -- and Janet as well, correct? It says Janet, Gavin, Star, Davellin?

A. Yes.

Q. They all stayed overnight, and then they all left at 1:38 in the morning; is that right?

A. That’s right.

Q. So when they went to the gate, whoever was driving them stopped the vehicle and said, “We’re leaving. And we have Janet, Gavin, Star and Davellin here,” correct?

A. Yes.

Q. So the person at the gate, the guard at the gate, could check all these people out at that date?

A. Yes.

Q. There was no secret spiriting of people away. This was checking right out at the gate?

MR. AUCHINCLOSS: Objection; argumentative.

MR. SANGER: That probably was. I’ll withdraw it.

THE COURT: All right. I’ll sustain the

objection.

MR. SANGER: There we go.

Q. In other words, this is done according to procedure. A car comes up; the driver identifies the people in the car?

A. Either the driver or the security officer.

Q. Or the security officer looks in and sees who it is, and he opens the gate and they go, right?

A. Correct.

Q. All right. If you look at the bottom here, we also have something that says, “Salas,” and it just says, “u-s Salas,” but your bet would be that’s “Jesus Salas,” correct?

A. Yes.

Q. Just got cut off by the Xerox machine. And he checks out the Rolls Royce, right?

A. Correct.

Q. Do you know what kind of Rolls Royce that is?

A. I don’t know which one exactly that is. There was a couple. They were older.

Q. Nice car?

A. Nice, yes.

Q. Nice car, all right. And he checked it out according to the ranch procedures, correct?

A. Correct.

Q. And he checks out -- it goes out at 1:38, correct?

A. Yes.

Q. He does whatever he does, and he gets back, in the Rolls Royce, by 9:08 in the morning, correct?

A. Yes.

Q. Now, Gary Hearn was there. He’s a driver, correct?

A. Yes.

Q. And he was staying overnight; is that right?

A. Yes.

Q. Okay. I think I’m going to go to 135. Hold on one second. Excuse me, Your Honor. I’m sorry. Let me skip ahead a little bit.

Okay. I’m going to go to 149. Show the bottom first. 149.

Now, it says 2-17 through 2-26-03. Is that a typical way to do this?

A. It has -- I’ve seen it done. I think it says 2-20, but --

Q. 2-20, you’re right, I’m sorry. 2-17 through 2-20?

A. The reason we would do something like this would be if we knew we were going to have guests for a certain period of time.

Q. So you have here -- and let me do this, first of all, so we can see it, and then I’ll focus in a little better for you.

At the top where it says -- ordinarily you’d put your service people and whatnot up there, that’s crossed out and it just says, “Guest List” and the whole page is used for “Guest List”?

A. Yes.

Q. Down through the first two parts of it, in any event; is that right?

A. Yes.

Q. And on the guest list -- let me see if we

can get closer and read it.

Can you find the one that I did?

MS. YU: Yeah.

MR. SANGER: Let me borrow that.

Q. 2-17 through 2-20, it shows -- well, it looks like Davidia Arvizo was staying overnight, had been staying overnight; is that correct?

A. Stayed overnight at least once.

Q. All right. And then it shows “out” at 1951; is that correct?

A. Yes.

Q. Do you know what day she left at 1951, 7:51 in the evening?

A. No.

Q. All right. And then you have Gavin is also staying overnight and leaves at 1951, correct?

A. Yes.

Q. And you have Janet, who leaves at 2145?

A. Yes.

Q. And then, again, Star is 1951?
A. Yes.
Q. And here it shows that the Arvizos are staying -- it says --
A. I would assume it’s “Dance Studio.”
Q. Staying at the dance studio?
A. Yes.
Q. All right. And it shows the Cascios, Aldo and Marie Nicole, are staying at the main house; is that correct?

A. Yes.
Q. And then there’s a number of other people there who are staying in the guest units down there. We don’t have to go through all of the names, but I see Ann Konitzer and kids is in one.
A. Yes.
Q. With Ronald Konitzer?
A. Yes.
Q. And there are other people staying in the other units, right?
A. Yes.
Q. Okay. Now, if we go to MJ00151, it says 2-18. And it doesn’t show all those guests that you showed -- I’m sorry, it does not show all the guests that were shown on page 149 that we just looked at; is that right?
A. Correct.
Q. So since the other one said 2-17 through 2-20, you would assume that some or all of those people were continuing to stay overnight; is that correct?
A. Yes. We most likely had that one that you just showed without the guests, we had that for every day --
Q. Okay.
A. -- up through that period, because we would still need to have written down somewhere where those people, or general deliveries, contractors or whatever, were still coming in.

Q. If we go to 155, which is for 2-19, it doesn’t show all those other guests that were listed, correct?

A. Correct.

Q. But it does show some new guests, for instance, fan club people there?

A. Yes.

Q. Who apparently came onto the ranch for a while; is that correct?

A. For the day, it looks like.

Q. Okay. Now, I’m going to go to 2-20-03, which is 157. And again, if you want to look at any of the pages in between, you’re welcome to do it. I’m trying to pick out the ones that count here, but you can look at anything you want.

So this is 2-20-03, and this shows guests as of 2-20. It shows Aja Pryor coming in at 1420 hours.

A. Yes.

Q. Along with Dustin Tucker. Is that her son?

A. I don’t know.

Q. Okay. Aja Pryor is Chris Tucker’s girlfriend? Or you don’t --

A. I have no idea.

Q. Okay. Do you know who Aja Pryor is at all?

A. No.

Q. In any event, whoever they are came in at 1420. At the same time, Gavin, Star and Davellin came in at 1420 hours; is that correct?

A. Yes.

Q. So evidently they left sometime before the time that they returned on 2-20, right?

A. Yes.

Q. And I showed you that other page where it said 2-17 to 2-20; is that correct?

A. Yes.

Q. And it showed some “out” times, but it didn’t tell you the day?

A. Right.

Q. So if somebody were to have left, say, on the 19th, the time was there, but you wouldn’t have the day to determine whether it was the 19th, the 17th, or what?

A. If that's how that particular paper was kept, yes. I don't know exactly what was going on, why -- I'm sure we had the extra sheet because we had so many people.

Q. All right.

THE COURT: One thing you need to do is to keep referring to the page number.

MR. SANGER: Did I fail to do that on the last one?

THE COURT: I don't -- I don't think you did. Maybe I missed it, but --

MR. SANGER: Okay. I'm sorry. The one that I just put up was 00157.

THE COURT: Yes.

MR. SANGER: And that is for 2-20-03.

THE COURT: You did refer to it. I just missed it. I'm sorry.

Is this a good place to stop?

MR. SANGER: Fine, Your Honor.

THE COURT: All right. We'll reconvene tomorrow morning at 8:30. Remember the admonition.

(The proceedings adjourned at 11:30 a.m.)

--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 7058 through 7114 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 20, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
April 20, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

THURSDAY, APRIL 21, 2005

8:30 A.M.

(PAGES 7116 THROUGH 7163)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

APPEARANCES OF COUNSEL:

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-and- GORDON AUCHINCLOSS,
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-and-

SANGER & SWYSEN
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Santa Barbara, California 93101

-and-

OXMAN and JAROSCAK BY: R. BRIAN OXMAN, ESQ.
14126 East Rosecrans Boulevard Santa Fe Springs, California 90670
(NOT PRESENT)

I N D E X

Note: Mr. Sneddon is listed as "SN" on index. Mr. Zonen is listed as "Z" on index. Mr. Auchincloss is listed as "A" on index. Mr. Mesereau is listed as "M" on index. Ms. Yu is listed as "Y" on index. Mr. Sanger is listed as "SA" on index. Mr. Oxman is listed as "O" on index.

PLAINTIFF'S WITNESSES DIRECT CROSS REDIRECT RECROSS

BARRON, Brian 7120-SA (Contd.)

Santa Maria, California
Thursday, April 21, 2005
8:30 a.m.

THE COURT: Good morning, everyone.
THE JURY: (In unison) Good morning.
COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.
MR. SANGER: Good morning, Your Honor.
THE COURT: Mr. Sanger?
MR. SANGER: Thank you, Your Honor.
Could we please have the document screen again, please? There we go.
All right. With the Court's permission, we'll resume with Exhibit 334. And the Court may recall this is a series of a couple hundred documents and they have the Bates stamped number on the bottom, so we'll be referring to those by the MJ00 three-digit number, sometimes four-digit number.
Is that all right, Your Honor?
THE COURT: You may do so.
MR. SANGER: Thank you.

BRIAN BARRON
Having been previously sworn, resumed the stand and testified further as follows:
//

CROSS-EXAMINATION (Continued)
BY MR. SANGER:
Q. And in that regard, Mr. Barron, or Officer Barron, we had gotten to this period of time, just before we stopped yesterday, where the gate log showed from 2-17 to 2-20. Do you recall that?
A. Yes.
Q. And that was not the usual mode of recording. Usually it was day by day; is that correct?
A. That's correct.
Q. All right. So I'm going to show you 149 here again. Even though we had gotten up to 2-20, I want to go back to that period for a couple of other

entries, all right?

So just to remind us where we were, I have MJ00149 up on the board. And that is the one that said 2-17 through 2-20-03, correct?

A. Correct.

Q. And at the top, that had the extensive list of guests and where they were staying, correct?

A. Correct.

Q. And then it shows "CO," so it's carry-over for the Arvizo family, and then it has times out, but those times out are not necessarily coordinated with a particular day; is that correct?

A. Correct.

Q. All right. Now, I'm going to refer to 00152 and put that up on the board, if I may. Shows, at the bottom, 152.

Do we have our laser pointer, by any chance?

If you have it.

152. And then up at the top there's an entry that I'm going to -- I'm going to push the wrong button. I'm sorry. There we go. Sorry. I'm going to push the -- that button. See if you can read that entry.

Do you have it there?

MS. YU: No, somebody took it out.

MR. SANGER: All right. That's all right.

Q. Are you able to read the top entry there after I stop moving it? Just a second. There we go. Can you read that entry?

A. At 3:05?

Q. Yes. Would you like to have another copy up there?

A. I think -- I believe it says Marie Nicole, Danielle, Aldo are staying upstairs theater.

Q. Okay. And this particular gate log is dated 2-18-03, correct?

A. Correct.

Q. Now, what would be the purpose of that particular entry; do you know?

A. So we would know where they were.

Q. So that would be a reference to where those particular guests were staying on that particular day; is that correct?

A. That's correct.

Q. So as of 3:05, those guests had decided to stay in the upstairs theater, correct?

A. Correct.

Q. All right. We'll skip ahead, then, to -- I don't want to get this out of order. We'll skip ahead to 155. Now, I'm going to show you 155. And I'll try to speak up when I come back here? If anybody can't hear, raise a hand so the Court and bailiff know. That's for 2-19-03, correct?

A. Correct.

Q. And on this, I want to direct your attention to the top part of this one. It appears to indicate Hamid, a photographer.

A. Yes.

Q. Okay. And by the way, there's a column that says, “CONF.” What does that mean?

A. Confidentiality, if they need to sign one or not.

Q. So a person who has been there doesn't have to sign that agreement each time they come in, correct?

A. Correct.

Q. And the agreement basically says, “I'm not going to disclose private things about Mr. Jackson's residence”; is that right?

A. Correct.

Q. Okay. And it shows that Hamid and apparently a couple other people, a Mark Adams and a Ray Dominguez, arrived at 1620 hours, is that correct, 4:20 in the afternoon?

A. Yes.

Q. And departed at 2010 hours, which would be 8:10 in the evening, correct?

A. Yes.

Q. Now, other -- let me ask you, did you have a chance to review these logs since you testified yesterday?

A. No.

Q. All right. I'm going to show you now 157. And I think this was really the last one that we put up yesterday. And this shows -- let me back this up a little bit. 00157 is for 2-20-03, correct?

A. Correct.

Q. And this one shows that the Arvizos returned to the property at 1420 hours, or 2:20 in the afternoon, on the 20th of February, 2003, correct?

A. Yes.

Q. And it also shows that Aja Pryor and something Tucker, that's cut off there, returned at the same time?

A. Yes.

Q. So it indicated all those people came to the gate at the same minute, correct?

A. Yes.

Q. And generally that would indicate they came in the same vehicle?

A. Generally, yes, it would.

Q. All right. Now, if we go to the next page, which would be 00158, which I'll put up, that shows 158 at the bottom. If we look at the top, that's also for 2-20-03, correct?

A. Yes.

Q. And you indicated there usually are three pages per day; is that right?

A. Generally, yes.

Q. Generally. So this is just another page for that same day?

A. If it's dated the same day, then yes.

Q. Yeah. And what I would like to do is direct your attention to -- see if I can get it in there so you can still read it.

If you look at the entrance for 1420 --

A. Yes.

Q. -- that's the same time that was indicated on the preceding page that the Arvizos, Aja Pryor, and Destin Tucker arrive; is that correct?

A. Yes.

Q. And here the entry indicates Jesus S., so let's start with that. That would be Jesus Salas; is that correct?

A. Correct.

Q. Jesus Salas cleared Aja Pryor, Dustin

Tucker, Gavin Arvizo, Star Arvizo, Davellin Arvizo to come in, correct?

A. Correct.

Q. And the purpose of that entry is what, that type of entry?

A. That type of entry is generally for, first of all, whomever's at the gate to know to let someone in if they don't have prior -- you know, if we haven't been given a list of somebody who's coming in that day, and then to let the oncoming shift know that they're there.

Q. So that would be further evidence in these logs that all of those people just mentioned, Pryor, Tucker, and three Arvizos, came back to the ranch at 1420 hours on February the 20th, correct?

A. Correct.

Q. Oh, I'm sorry, there was one other thing on that. It also looks like Shane Brando ran over somebody's foot with a cart, is that true, at about 1815 hours?

A. If that's what it says, I'm assuming it's true.

Q. And then 1924, it looks like Shane Brando hit Gavin Arvizo with a cart?

A. Yes.

Q. And then the cart was taken away, all right?

A. Yes.

Q. Okay. So, again, somebody in security or somebody on the staff, when they saw that there was a safety issue, exercised supervision over guests on the ranch; is that correct?

A. Correct.

Q. And it shows Gavin is Code 4, right?

A. Yes.

Q. And then it says, "Received EMT care from," what does that say, K-10 and K-13?

A. No, it's R-10 and R-13.

Q. R-10 and R-13, are those designations for people that worked on the ranch?

A. "R" is Robert. It's a call sign over the radio, so we're not using each other's name.

Q. So whoever it was who responded from the fire department came down to give him some sort of emergency care to make sure he's okay, is that right?

A. Yes. Robert 10 gave the care. Robert 13 wrote it down.

Q. There you go. When it says, "Gavin, Code 4," Code 4 means no further assistance required, okay?

A. Yeah, he's okay.

Q. If you say, in police talk basically, "Code 4," you mean no further assistance, everything's okay?

A. Correct.

Q. All right, good. We're going to skip ahead here to 160. I'm putting up 160. Now, that's for 2-21-03; is that correct?

A. Yes.

Q. And at the bottom, it shows, "Vincent Black," yes, "22" -- I think that says "55," "2255," correct?

A. Yes.

Q. So that would indicate -- even though it's written on the bottom, it would indicate, sir, that Vincent Black arrived, had to sign an agreement, right?

A. Yes.

Q. And that he arrived at 2255 hours, correct?

A. Pull the paper down a little more.

Q. Certainly. Would you like to look at a -- would it be easier to look at a full sheet?

A. Yes, my eyes haven't adjusted from yesterday yet.

MR. SANGER: All right. May I approach, Your Honor?

THE COURT: Yes.

MR. SANGER: Excuse me. Does anybody want to see this? I'm just going to show him my copy.

MR. AUCHINCLOSS: Go ahead.

THE WITNESS: Mr. Black did need to sign a confidentiality, and he was checked in at 2255. It's on the bottom, because there's no more room for

guests here.

Q. BY MR. SANGER: All right. So, the fact that it's put in the margin is of no significance other than the fact you ran out of room on the form, right?

A. Yes, and the officer didn't want to start a new sheet.

Q. For ecological reasons, I assume?

A. Sure.

Q. It says "CO" next to the 2255, so that means Mr. Black checked in at 10:55 at night, he came through the gate at 10:55 at night, and then he stayed to the next day, correct?

A. Correct.

Q. And below it, it says Janet Arvizo, correct?

A. Correct.

Q. That tends to indicate that Janet Arvizo came in at 2255 hours as well; is that correct?

A. Yes.

Q. And she was not required to sign a confidentiality agreement?

A. No.

Q. And then she also stayed overnight that night; is that correct?

A. Yes.

Q. And if we go up here, higher on the sheet, we see among the guests who were there on this day, the 21st of February, you also had Aja Pryor, 7128 correct?

A. Yes.

Q. And then Destin Tucker, correct?

A. Yes.

Q. And then the Arvizo children, Gavin, Star and Davellin?

A. Yes.

Q. And it shows that the Arvizos were there from the night before, and they continued on to the next day without checking out; is that correct?

A. That's correct.

Q. Okay. And then, of course, there are other people that are listed on the list. We won't go through each one. There are other guests there that day?

A. Yes.

Q. All right. There you go.

May I approach to retrieve that?

THE COURT: Yes.

Q. BY MR. SANGER: Now, we'll go to page 164, if I may. It's MJ00164. Show that. And that's for February 22nd, 2003; is that correct?

A. Okay.

Q. It's hard to read. Maybe counsel would agree that when you look at it closely it says the 22nd. If not, let me approach.

May I approach, Your Honor?

THE COURT: Yes.

MR. SANGER: I'll tell you what --

MR. AUCHINCLOSS: I can't read it on mine.

MR. SANGER: Let's do this.

THE WITNESS: Is there a date on the top or just one on the bottom?

Q. BY MR. SANGER: No, there's just one on the bottom. But let me show you the -- let me show you that page.

May I approach with that page?

I'm going to show you page 00164, and ask you to take a look -- excuse me, take a look at the date at the bottom, and see if you can tell the date from that.

A. I'll agree it's the 22nd.

Q. All right. Thank you. And it would be in order, correct? There should be other pages pertaining to the 22nd in the book, correct?

A. Yes.

Q. All right. Okay. So there's the date. And I'm putting 00164 back up on the screen. And do you see there is the entries for Gavin, Star, Davellin in the guest information?

A. Yes.

Q. Okay. Gavin, it shows -- under "Limo/POV," it shows "#2." What does that represent to you?

A. To me that would represent he was staying in Guest Unit 2.

Q. And it shows Star Arvizo, ditto, is also in

Guest Unit 2; is that correct?

A. Yes.

Q. And they were both staying overnight. They had been there and they stayed over to the next time period, to the next 24-hour period, correct?

A. Correct.

Q. If you look at Davellin, what does that say?

A. Upstairs viewing.

Q. And upstairs viewing would be the room in -- one of the rooms in the theater; is that correct?

A. Yes.

Q. So that indicates that she was staying in the upstairs viewing part of the theater; is that correct?

A. Yes.

Q. And if you look up at the third entry up there, you have Cascio, comma, Marie Nicole; is that correct?

A. Yes.

Q. And it shows that she was also staying in the upstairs viewing in the theater; is that correct?

A. Yes.

Q. All right. And she also stayed overnight, correct?

A. Yes.

Q. Okay. And down at the bottom it shows Janet Arvizo, correct?

A. Correct.

Q. And it shows No. 4. Is that Guest Unit No. 4?

A. Yes.

Q. Now, is Guest Unit No. 4 the guest unit that Elizabeth Taylor likes to stay in when she visits?

A. I have no idea.

Q. Okay. Is it a nice guest unit?

A. Yes.

Q. And it shows Janet Arvizo was staying overnight. She had been there at midnight, and she was there at the next cutoff, which would be the next midnight; is that correct?

A. Correct.

Q. Okay. We'll go to MJ00166, and that's 2-23-03; is that correct?

A. Yes.

Q. Now, on this date, we have the Arvizos shown

again as staying at the ranch; is that correct?
A. Yes.
Q. And they were all staying -- they had all been there and they were all staying overnight as guests again, correct?
A. Correct.
Q. And Gavin and Star are in Unit 2; is that right?
A. Yes.
Q. Davellin's at the theater upstairs?

A. Yes.
Q. And Janet is in Unit 4?
A. Yes.
Q. All right. And Marie Nicole Cascio is also in the theater upstairs, the same place as Davellin; is that correct?
A. Correct.
Q. Now, it's possible for people at Neverland to -- for guests at Neverland to request the services of staff people there; is that correct?
A. Yes.
Q. And in a sense, it's almost like a hotel as far as service is concerned; is that right?
A. That's correct.
Q. If somebody wants to call and have coffee brought to them or breakfast or anything, they can simply call and that will be done for them; is that correct?
A. Yes.
Q. If somebody wants to call and have their laundry done, for instance, if they have laundry or cleaning that needs to be done, somebody would come and pick it up and take care of it for them; is that right?
A. That's correct.
Q. If somebody wants to have a wake-up call, they can make a request for a wake-up call; is that correct?

A. Yes.
Q. So I'm going to show 167 here, if I may. 167. By that I mean 00167, and the top is 2-23-03. And here this shows that a wake-up call is

requested for Unit 4 at seven o'clock in the morning; is that correct?
A. Yes.
Q. All right. Let's skip ahead. I like to say that. It gives everybody a false sense of progress here. We are getting there. Skip ahead to 171, if I may. 00171 is 2-24-03, correct?
A. Correct.
Q. Okay. Now, there's a number of entries I'd like to -- a number of entries I'd like to focus on here. First of all, let's look at -- Gavin and Star Arvizo were staying in Unit 2, correct?
A. Correct.
Q. Davellin is again at the theater?
A. Correct.
Q. Janet Arvizo is in Unit 4; is that right?
A. Yes.
Q. Okay. Now, it appears that the Arvizos were there overnight from the night before, correct?
A. Yes.
Q. And then it appears that they all left at 1634 hours, which would be 4:34 in the afternoon; is that right?
A. Yes.

Q. And then it appears that Gavin and Star and Janet came back at 2005, which would be 8:05 p.m.; correct?
A. Correct.
Q. And then they stayed overnight till the next day, right?
A. Correct.
Q. And then Davellin came back at 1855, which would be 6:55, five minutes to 7:00 in the evening, correct?
A. Yes.
Q. So it looks like they all left together, but Davellin came back a little earlier, and Janet, Star and Gavin stayed out and did something else and came back later, right?
A. Yes.
Q. All right. Now, if we look down on this sheet -- and by the way, do you know if Gavin and Star were taken to the dentist at some point?

A. I don't remember that.
Q. All right. This is not a day that you were particularly on duty, was it?
A. Which day?
Q. This day, which is 2-24-03.
A. You'd have to show me the other log.
Q. That would be 172. Let me put that up.
This is 00172. And can you tell whether or not you were on duty that day?

A. No. Not according to that.
Q. I'm going to put 00171 back up. And let's see if we can figure this out. It looks like from the top that the whole Arvizo family left at 1634 hours. And then if you look down at the bottom, it says, "Employee vehicle," and the second entry shows "Vinnie, Arvizos 4," correct?
A. The second entry down?
Q. Yes.
A. No, that would be on the first entry.
Frank, Vinnie.
Q. Frank and Vinnie. Okay. That's fair enough.
That says, "Frank and Vinnie, brown dually."
Was there a -- or some kind of dually. Is there a dually?
A. Yes, it's a brown dually.
Q. Okay. And a dually, as most people know here, has got dual wheels in the back of the truck?
A. Correct.
Q. It looks like they went out in a brown dually at 11:05 in the morning and got back at 3:11 in the afternoon, correct?
A. Yes.
Q. Okay. And the next entry, the one I was focusing on -- and it seems to be cut off just a little bit there. The second one says, it looks like "Vinnie," does it not? Or, "i-n-n-i-e,"

a little bit of a first letter got cut off?
A. Could I see your sheet? I --
Q. You can see mine, sure. If it's all right with the Court.
May I approach?

THE COURT: Yes.
THE WITNESS: It doesn't look like "Vinnie" to me.
Q. BY MR. SANGER: What does it look like?
A. "Chris."
Q. Oh, "Chris"? Okay. Anyway, you see -- I'm going to move away - because I'm not supposed to talk up here - so I don't have to walk back and forth.
You see where it says, "Arvizos 4"?
A. Yes.
Q. And whatever that says before, it might be "Chris," it might be anything, but whatever it is, after "Arvizos 4," it then says, "Pontiac," right?
A. Yes.
Q. So somebody took a Pontiac out. Was that a ranch vehicle?
A. I don't recall a Pontiac. It doesn't mean there wasn't one. I don't recall a Pontiac.
Q. Do you remember Vinnie was driving a Pontiac, if he brought a Pontiac to the ranch?
A. I have no idea.
Q. Did Vinnie at that time -- do you recall

Vinnie having some kind of a vehicle that he brought to the ranch?
A. No, I -- I don't recall his vehicle whatsoever.
Q. Okay. You don't recall either way, whether he brought one or didn't bring one?
A. No.
Q. All right. In any event, somebody with four Arvizos took a Pontiac and left at 1634, correct?
A. Yes.
Q. If we look up at the top, that's consistent with the check-out at the gate, 1634, of the family; is that correct?
A. Correct.
Q. And then whoever that was with the Arvizos came back at 1855 hours, correct?
A. Yes.
Q. If we look up at the top, it would appear that whoever came back with that vehicle brought Davellin back; is that correct?

A. Yes.
Q. And so Janet and the boys remained out until 2005 hours, right?
A. Right.
Q. And if we look at the next entry, we've got Joe Marcus, right?
A. Right.
Q. Joe Marcus is the ranch manager; is that correct?

A. If he still is. He was at that time, I believe, yes.
Q. That's fine. As of the time, he was the ranch manager, correct?
A. Yes, he was.
Q. And do you know Joe?
A. Yes.
Q. Is he a good guy, decent guy?
A. Yes.
MR. AUCHINCLOSS: Objection; relevance.
THE COURT: Sustained.
Q. BY MR. SANGER: Okay. You get along with Joe Marcus?
A. At times.
Q. All right. At times not, I gather. All right.
A. Well, I did at the time.
Q. You did at the time?
A. At the time, yes, I did.
Q. And had Joe Marcus, to your knowledge, been at the ranch for a long time?
A. Very long.
Q. In fact, his father had been the ranch manager for the prior owner; is that right?
MR. AUCHINCLOSS: Objection; relevance.
THE COURT: Sustained.
Q. BY MR. SANGER: All right. Now, it shows Joe Marcus has -- took a gray van; is that right?

A. Yes.
Q. And was the gray van one of the ranch vehicles?
A. Yes.
Q. And it appears that he left at 1759 hours,

which would be one minute to 6:00 in the evening; is that correct?
A. Correct.
Q. And then came back at 2005 hours; is that right?
A. That's right.
Q. And when you look at the -- put two and two together here, the Arvizos, Janet and the two boys, came back at that time. It would appear that they came back with Joe Marcus; is that right?
A. Yes.
Q. We'll go to 174. And 174, MJ00174, was from February the 25th, 2003; is that correct?
A. Correct.
Q. And here we see that the Arvizos, Gavin and Star, stayed overnight, correct?
A. Yes.
Q. And they were in Unit 2; is that right?
A. That's right.
Q. And then Davellin and Janet were in Unit 4; is that correct?
A. Correct.

Q. The Arvizos, all four of them, stayed overnight?
A. Yes.
Q. And then they left at 7:25 in the morning --
A. Yes.
Q. -- is that correct?
So at 7:25 on the morning of February 25th, they leave the ranch?
A. Yes.
Q. And if you look down a little farther, it says, "Vinnie," who is apparently staying in the video library, he stayed overnight and he left at 7:25 in the morning?
A. Yes.
Q. So it looks like Vinnie and the Arvizos left together at that time, correct?
A. They left at the same time. If they left together, I don't know, but they definitely left at the same time.
Q. All right. Now, let's go to 180. This will be 00180 that I'm putting up. And this skips ahead

now to February the 27th, .03, correct?

A. Correct.

Q. I'm going to direct your attention in this case to Frank Cascio.

A. Yes.

Q. It appears that Frank Cascio returned to the ranch on February the 27th, .03, at 1735 hours or 5:35 in the afternoon; is that correct?

A. Correct.

Q. And we'll go to 00181. 181. February 27th. This is another one of those sheets that pertains to the same day; is that correct?

A. Yes.

Q. And at 735 -- I'm sorry, 1735 hours, the same time that was shown on the previous sheet, it shows that Jesus Salas cleared Frank Cascio to come on the property; is that correct?

A. Yes.

Q. That's just further indication that Frank Cascio came back to the property at 1735 hours on that day?

A. Yes.

Q. All right. And I'll put up 183. And this is 00183 on February the 28th, .03. And directing your attention to the third line down under "Guest Information." It shows Frank Cascio; is that correct?

A. Yes.

Q. So on February the 28th, it shows that he had been on the ranch from the previous day, and continued to stay on the ranch to the next day?

A. Yes.

MR. SANGER: Okay. Your Honor, I'm now, with the Court's permission, going to go to Exhibit 335 and proceed in the same fashion. That's a couple hundred pages. So I'm going to pick out a few of those pages and make reference to the Bates stamp number, if that's all right

THE COURT: That's fine.

MR. SANGER: Thank you.

Q. Just so we're oriented here, there's the Court's Exhibit No. 335 that starts on page MJ00185, and the date on that page is March 1, 2003, correct?

A. Yes.

Q. And that was not a leap year, so February had 28 days; is that right?

A. Yes.

Q. Okay. So the next day, from the last page we showed, would be 3-1; is that right?

A. Correct.

Q. And in the back they're in these envelopes, back to back, here. I'm going to show you 186, which also says 3-1-03.

A. Yes.

Q. And it looks like somebody's trying to give February 29 days there, but tried to correct it?

A. Looks that way.

Q. And I want to focus your attention on the last line there of the guest information log where it says, "Frank Tyson," and that means that Frank was staying at the video library, and he stayed overnight; is that correct?

A. Correct.

Q. And it didn't -- it didn't show that he checked out that day?

A. No, it doesn't.

Q. All right. I do see at the bottom, it says Frank/Chris took a gray van from 1:30 in the afternoon to 4:30. Is that an indication that Frank Tyson or Cascio went out with Chris?

A. Yes.

Q. Okay. There was not another Frank there at the time, that you're aware of?

A. Not that I'm aware of, no.

Q. But they came back, right?

A. Yes.

Q. And so Frank, as far as you can tell, was an overnight visitor that night as well?

A. As far as it shows. Didn't show that he left. Doesn't show that he was carried over, so very possibly.

Q. And then let's go to --

Okay, Your Honor, this is the exhibit as it exists from the way it was presented by the prosecution. This particular page does not have a

Bates stamp number on the bottom. I'll show it to counsel. This does not have a Bates stamp number. It follows Bates stamp number 33673 and precedes Bates stamp number 33675.

THE COURT: I see that.

MR. SANGER: So I'm going to put that page

up.

THE COURT: All right.

MR. SANGER: And I'm going to hope it focuses. There we go.

Q. Okay. So no Bates stamp number, but it does say 3-2. So that's March the 2nd, 2003, correct?

A. Yes.

Q. And on March the 2nd, 2003, Frank Tyson, it shows, stayed overnight from the night before, correct?

A. Excuse me, correct.

Q. And then it shows 1630 that he left; is that right?

A. On -- that who left?

Q. Frank Tyson. Am I not reading it correctly?

A. I'm sorry, I was -- yes. Six --

Q. Let's take our time here. I'm sorry if I confused you --

A. I apologize, I had to work last night.

Q. You worked last night?

A. Yes.

Q. Okay. I apologize, I'm sorry that you have to be here after doing that.

All right. We'll try to get you through this here. But take a look at it again, take your time. Looks like it says, "ank," a-n-k, "Tyson."

A. Yes.

Q. That's Frank Tyson, right?

A. Yes.

Q. And where it says 3625, are those the phone --

A. Phone extensions.

Q. And those phone extensions are where?

A. In the video library.

Q. So it's another way of saying that's where he was?

A. Correct.

Q. It shows he stays overnight and then it shows 1630, it appears that he left; is that correct?

A. To me, it looks like 20 from here.

Q. All right. Whatever it says, that would be the time that he left, according to this log; is that correct?

A. Correct.

Q. And down at the bottom it says, “Frank Tyson” again, and it shows “out.” That means he took a ranch vehicle of some sort and left; is that right?

A. It should, if it was put there.

Q. All right. And that, I think, says 1305?

A. Yes.

Q. So 1:05 in the afternoon. And then it shows “in,” meaning he came back at 3:30 in the afternoon, right?

A. Yes.

Q. All right. And it looks like at 4:30 or 4:20, whatever that says, he may have left again; is that correct?

A. Yes.

Q. Now, there's a star next to his name, and what does that mean?

A. Most likely that he came back and the person at the gate didn't record the time he came in.

Q. All right.

A. But if there was a star there, most likely whomever was at the gate knew that he was there.

Q. That he came back on the property but they just didn't record the exact time?

A. They didn't record the exact time.

Q. If you look up above that, we see what I think says, “n-n-i-e.”

A. Yes.

Q. And that shows that probably Vinnie; is that correct?

A. Probably.

Q. All right. Arrived at 1430 hours. It should be 2:30 in the afternoon.

A. Yes.

Q. And that he left at 1630 hours, correct?

A. Yes.

Q. And then there's a star, indicating he came back and somebody forgot to put it down?

A. Correct.

Q. So if we put those two together, it looks like Frank Tyson and Vinnie probably left at the same time, around 4:30 in the afternoon; is that right?

A. Yes.

Q. All right. Now, we also see that the Arvizo family came back, and we have Gavin, Star, and Davellin -- whose name is now recorded as "Davida" or something; right?

A. Yes.

Q. -- and Janet all came back at about 2:30, apparently with Vinnie.

A. Yes.

Q. All right. I'm going to go to 033667, which is dated 3-3-03, correct?

A. Correct.

Q. And this shows that -- excuse me one second.

(Off-the-record discussion held at counsel table.)

Q. BY MR. SANGER: This shows -- just going down the list, on this particular date, which is 3-3-03, Vinnie was there, stayed overnight, and then he left at ten minutes after noon; is that correct?

A. Yes.

Q. It doesn't show that he came back that day?

A. No.

Q. Then you have Gavin, Star, "Davellia" and Janet Arvizo all staying overnight both from the night before and till the next night, right?

A. Correct.

Q. This shows both the extensions and the room numbers, or the unit numbers in some cases, right?

A. Yes.

Q. So Gavin was staying in Unit 3, which is Extension 20 on the phone; is that right?

A. Correct.

Q. Star was staying in Unit 4, which is

Extension 21, is that correct?

A. Correct.

Q. We'll skip one there and go to Janet Arvizo was staying in Unit 4, also at Extension 21, also?

A. Yes.

Q. Now, Davellin was staying -- first it said Extension 3. I'm sorry, it said, "Unit 3." That's scratched out and it says, "Extension 50"; is that correct?

A. Yes.

Q. And Extension 50 is out at the theater; is that right?

A. Been a while. I -- I know 48 is. So it could be, yes. I don't remember which one 50 was at.

Q. But in any event, wherever 50 is, it's not one of the guest units?

A. No.

Q. So it's someplace else on the ranch, right?

A. Yes.

Q. And that shows that she was staying at whatever room was associated with Extension 50; is that correct?

A. Yes.

Q. All right. Now, there are also -- and throughout, we've been not commenting on everybody who was staying there, but if you look down at the bottom there, it says Rio and Simone.

A. Yes.

Q. And you know who they are?

A. Yes.

Q. Does it appear that Rio and Simone arrived at about eight o'clock at night on the 3rd of March?

A. Yes.

Q. And then they stayed overnight; is that right?

A. Correct.

Q. And who are Rio and Simone?

A. They are cousins, I believe, of Mr. Jackson.

Q. Okay. And I'm going to go to 189. 00189, and that's for 3-4-03; is that correct?

A. Correct.

Q. And on 3-4-03, we have Gavin and Star up at

the top, staying overnight?
A. Yes.
Q. From overnight to overnight, there's no check-out time; correct? 7150

A. Yes. Well, they were there overnight.
Q. Yeah.
A. At least one night.
Q. All right. In other words, it doesn't show that they left. Usually you'd show carry-over for "out," but it just didn't show that, so you don't know. We'll look at the next day.
A. Yes.
Q. All right. The best way to do it. And look at the next day and see if they're still there, right?
A. That would be the best way.
Q. In any event, they're at 20 and 21. So those are guest units, right?
A. Yes.
Q. And then we have Davellin, and she was staying at that Extension 50, wherever that is, right?
A. Yes.
Q. That's somewhere other than the guest units and it may be the theater?
A. I believe it's one of the rooms in -- there's two bedrooms in the theater.
Q. All right. And the other bedroom in the theater is 51, is it not?
A. I believe so.
Q. All right. So it shows that she was there from overnight; is that right? 7151

A. Yes.
Q. And then it shows that she went out at 2:25 in the afternoon, right?
A. Yes.
Q. And came back at 6:01 in the evening?
A. Yes.
Q. And it appears, if we do some detective work there, down at the bottom, Chris Carter took the gray van out and apparently was driving -- was the driver of the van, and drove her out at 1425 and

back at 1801, the same times; is that correct?

A. Yes.

Q. And then Rio and Simone were also on the ranch; is that correct?

A. Correct.

Q. And it looks like they had been staying overnight, right?

A. Right.

Q. And that they went out with Davellin driven by Chris Carter at 1425 and came back at 1801, at the same time; is that right?

A. Yes.

Q. And it looks like Rio was staying in the same room as Gavin; is that correct?

A. Yes.

Q. All right. So that's 3-4, and now they're -- we're going to go to -- we're going to go to 191.

Just for the record, Your Honor, it's not a big thing, but it's just a thing. As I'm paging through here, I'm seeing that these are a little bit out of order. It goes from 188 to 193 to 191 in the exhibit book. I don't know that there's any significance, but I just --

THE COURT: It's the same in my copy.

MR. SANGER: That's fine.

Q. So we go to 191, and that shows for 3-5, March the 5th, 2003, correct?

A. Yes.

Q. And here we show, once again, Gavin in 20, guest unit?

A. Yes.

Q. Star, guest unit?

A. Yes.

Q. Both there from overnight, and no indication that they left; is that correct?

A. Correct.

Q. We have Davellin -- and I'll persist in saying “Davellin,” even though it's spelled countless ways in these logs; is that all right?

A. That's fine.

Q. You knew eventually her name was Davellin, is that correct?

A. Yes.
Q. So we have Davellin again at 50, which is apparently in the theater; is that right?

A. Yes.
Q. And she stayed overnight, or she had been staying overnight, and there's no indication she checked out; is that right?
A. Correct.
Q. And then you have Janet, who's staying in one of the guest units; is that correct?
A. Yes.
Q. And again, she was staying from overnight and there's no indication that she checked out, correct?
A. Correct.
Q. And then you have Rio, who is apparently staying in the same guest unit as Gavin; is that correct?
A. Correct.
Q. And Rio was there from overnight, and on this date, March the 5th, it appears that both Rio and Simone left about 7:30 in the evening; is that correct?
A. Yes.
Q. Okay. Let's go to 195. Showing MJ00195. That's for 3-6-03; is that correct?
A. Yes.
Q. Here we show Janet Arvizo is now in Unit 4, which is Extension 21, correct?
A. Correct.
Q. And she had been staying overnight?

A. Yes.
Q. And then we have Davellin, who's in Unit 3. She had been staying overnight, correct?
A. Yes.
Q. And in fact, Gavin and Star are also shown in Unit 3, staying overnight; is that correct?
A. Correct.
Q. I'll put up MJ00198, which is for March the 7th, so once again the next day. And let's take the easy ones first. We have Gavin, Star and Davellin Arvizo, they show they're in Unit 3, which is

Extension No. 20, right?

A. Yes.

Q. And that they were there overnight, and they continued to remain overnight, correct?

A. Correct.

Q. Then you have Janet Arvizo, who was logged in for Unit 4. It's crossed out. Do you have any idea why it was crossed out?

A. No.

Q. And then there's a star and a star; is that correct?

A. Correct.

Q. And what does the star tend to mean?

A. Generally it means there was no time given, written in, no time given written out, so it wasn't written out. The fact that it's crossed out can mean that she wasn't there. I don't know.

Q. It shows she was there the day before?

A. Yes.

Q. All right. And then if we look here, we see that Frank and Vinnie -- it says, "Vinnie Black." That's the same Vinnie. There was one Frank and one Vinnie throughout this, right?

A. Yes.

Q. So Frank and Vinnie, if I may use the first names, are staying in the video library, and they were there at the beginning of the day, at midnight, and they were there at midnight the next --

A. Next day, yes.

Q. Next day, right?

A. Yes.

Q. Okay. Now we go to 2001. 2001, I'm sorry. Too many numbers. Sorry. 00201, which is 3-8 of .03, correct?

A. Correct.

Q. The next day. And on that day, the logs show that we have Gavin, Star, and Davellin as well as Frank and Vinnie all there the entire 24-hour period?

A. Correct.

Q. So they didn't come; they didn't go. All right.

Now we go to -- oops. Again, these seem to be a little bit out of order. 204 comes before 203. But in any event, I'm going to put 204 up, which is 3-9-03. So that's the next day.

A. Yes.

Q. And on this day we have Gavin, Star, Davellin, all there the entire time, correct?

A. Correct.

Q. And then you have Frank and Vinnie, who were there from the night before, and they seem to leave at about 3:43 in the afternoon, correct?

A. Correct.

Q. And then they come back at -- the two of them come back at the same time, at about 8:43 at night, correct?

A. Yes.

Q. And then they stay overnight; is that right?

A. Yes.

Q. We also on that day have other guests of course, but we have Rio and Simone arriving at ten minutes after noon, correct?

A. Yes.

Q. And then they stayed overnight?

A. Yes.

MR. SANGER: Now, may I approach the witness with the book?

THE COURT: Yes.

MR. SANGER: Let me put that page back first.

Let me just say it out loud if I'm going to say it to the prosecutor. What I'm going to show the witness, keeping the pages in order and hoping not to trip and drop them all over the place, we have page 203 and then we have page 33697, and then there's page 121, which is followed by page 33698, and I want to ask the witness if that page, 121, belongs in the sequence here. And that's what I intended to approach him to do, if that's all right with the Court. And that gives counsel an idea of why I'm doing it.

MR. AUCHINCLOSS: Sure.

THE COURT: All right.

MR. SANGER: Thank you.

Q. Okay. Now, I'm not supposed to talk up here, but I just want to tell you this. Obviously these pages, we're going to keep them in the same order. It's just too hard to put them back in the binder as we went along.

Here we have page 121 and I'm going to ask you if that belongs in that particular position, and I'm going to ask you to take a look towards the beginning of the book. And I'll try to give you a better indication, when I get back to my book, as to where that page may have come from.

MR. AUCHINCLOSS: Can I just interrupt?

(Off-the-record discussion held at counsel table.)

MR. SANGER: I don't think this is the biggest thing in the world, but if you look at 121

that's in the book right there where you're looking at it --

A. Yes.

Q. -- does that appear to be in the correct sequence? Forget about the numbers at the bottom.

A. Right.

Q. That will just confuse us for the moment.

A. This looks like one of the pages that we looked at yesterday.

Q. In fact, if you look back to -- hesitant to have you flip that because it might fall apart.

A. I'll do my best.

Q. If you look back at Exhibit 334, and now look at the bottom --

A. Any idea how far back that is?

Q. 334 is just --

Okay. May I approach again? It might be --

THE COURT: Yes. He's referring to an exhibit number, not the page numbers now.

THE WITNESS: Oh, I'm sorry. I'm sorry.

Q. BY MR. SANGER: No, no, it's not your fault.

Okay. There's Exhibit 334, and now -- if I may, I'll just speak here briefly -- if we look at the bottom, and you flip forward to 121, which is MJ00121, does that look like that's the same page?

A. Yes.

Q. All right. And -- all right. May I have the book back?

Do you want to look at it, Counsel?

Okay. Thank you.

And -- okay. And this is just the way the exhibit is, so we have to leave the exhibit the same way here. I'm now going to put this copy of 121 up on the board, just so we're all oriented.

There's no date on it; is that correct?

A. Correct.

Q. And you've gone back and you've seen -- this is a second copy of a page we looked at yesterday; is that right?

A. That's right.

Q. And that was really the page from February the 8th of 2003 -- oops, let me make sure I said that right. I'm sorry, February the 7th of 2003, correct, when CBS Entertainment was at the ranch with Ed Bradley and Jack Sussman, and so on?

A. I don't know from yesterday, but if that's the date that it says on the paper, then that's the day that it was from.

Q. I will represent that's in between the pages for February the 7th in Exhibit 334.

A. Yes.

Q. All right? Okay. So that has nothing to do with the current sequence then, in March. All right?

A. Correct.

Q. Now, on -- on the --

MR. AUCHINCLOSS: Counsel?

MR. SANGER: Yeah.

MR. AUCHINCLOSS: Just for point of reference -- it's between the 7th and the 9th. So it's not keyed to the 7th.

MR. SANGER: Counsel is saying it's between the 7th and the 9th. Suffice it to say it's in the book in February and we can let the exhibit speak for itself. It doesn't have a date on it.

Is that all right, Your Honor?

THE COURT: Yes.

MR. SANGER: All right. Thank you.

Q. Now, for this particular time period --

THE COURT: For a minute I thought the clock was going backwards.

(Laughter.)

THE COURT: Go ahead.

MR. SANGER: We'd like to start with February 7th, if we could, please.

THE COURT: All right.

MR. SANGER: And do it all over again.

THE WITNESS: No, we wouldn't.

Q. BY MR. SANGER: No, we wouldn't. I think we all agree with that.

We are almost through, which is always a terrible thing to hear from a lawyer. But I think it's true in this case.

All right. I'm going to show you now 033698. We're back on Exhibit 335, okay? So we're going to put this up. Now, I will represent to you, and counsel can disagree if he wants, there does not appear to be the regular guest information page for --

MR. SNEDDON: Can't see it.

MR. SANGER: I know. It will focus in a moment.

Q. There does not appear to be the regular guest information page on March the 10th in this set where it lists who's staying at the ranch.

A. Okay.

Q. I'll just represent that. And this -- I'm hoping while I'm talking it's going to focus.

There we go. Okay. But this appears to be one of the other pages for March the 10th, 2003; is that correct?

A. Yes.

THE COURT: Can we take a break here?

MR. SANGER: Fine.

(Recess taken.)

--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 7119 through 7162 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 21, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, April 21, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

THURSDAY, APRIL 21, 2005

8:30 A.M.

(PAGES 7164 THROUGH 7325)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as SN on index.
Mr. Zonen is listed as Z on index. Mr. Auchincloss is listed as A on index.
Mr. Mesereau is listed as M on index. Ms. Yu is listed as Y on index.
Mr. Sanger is listed as SA on index. Mr. Oxman is listed as O on index.

PLAINTIFF'S WITNESSES DIRECT CROSS REDIRECT RECROSS

BARRON, Brian 7174-A 7195-SA
7209-A 7211-SA (Further) (Further)
7213-A
(Further)
CLEAVES, Stephen 7214-SN 7218-SA
SUTCLIFFE, Timothy 7223-SN 7226-SA 7229-SN (Re-called)
ROONEY, Timothy 7232-SN 7235-SA
MOELLER, Steven 7238-SN 7246-SA
KLAPAKIS, Jeff 7250-A
(Re-called)

MONTGOMERY, Examination by The Court - Page 7317 Cynthia C.
(Nonjury)

THE COURT: Counsel?

MR. SANGER: Your Honor, could we have the screen, please?

Q. Where we left off was MJ0033698 is the identifying number on the bottom, and on the top it says, 3-10-03.

And what I'm going to do, with the Court's permission, is I'm going to put this back in the book where it was and approach the witness, if I may.

THE COURT: All right.

MR. SANGER: I had time during the break to put all the pages back in the clamps so they won't fall all over the place.

And before I get up, what I'm going to do --

ask you to do, we had established that this page, 33698, with Jack Sussman on the top, was out of order, and that was really from February, right?

A. Right.

Q. I'm going to give you the book -- we have to leave it the way it was anyway. I'm going to give you the book here, and I'm going to ask you to look in this time period, and see if you have the guest information page for March the 10th, 2003, or if that page seems to be missing from this, all right?

A. All right.

Q. And you're welcome to flip back and forth, do whatever you want, and then we'll -- I'm not

going to ask you to look through the entire book, but in the general vicinity.

A. In the general vicinity after it, I don't see it.

Q. Look before.

A. I don't see it.

MR. SANGER: May I approach?

THE COURT: Yes.

MR. SANGER: Thank you.

Thank you, sir.

THE WITNESS: Uh-huh.

Q. BY MR. SANGER: Okay. So that brings us back to putting that same page back up, which is 033698, all right? And we looked at that and that does appear to be from the 10th; is that correct?

A. Correct.

Q. But since the guest information log page is not there, I'm going to ask you to take a look at this, which is part of the gate activity log. And at 2145 hours, there's an indication there that Janet Arvizo did not return with Vinnie and Gavin. Do you see that?

A. Yes.

Q. All right. So trying to fill in the gaps on a page that's missing, it appears, from that entry, that Vinnie and Gavin Arvizo came back to the ranch at 2145 hours, correct?

A. Yes.

Q. And that Janet Arvizo did not come back at that time?

A. Correct.

Q. And we can't tell from that anything about Star and Davellin, but at least we can tell that much, correct?

A. Correct.

Q. All right. And by the way, the -- just to save some time here, I'll put that same page back up again.

When these -- when these entries are made on this page, they are made contemporaneously with the event that's occurring; is that correct?

A. Correct.

Q. So when it says "Time" there, "2145," that would be the time the gate officer noted that Vinnie and Gavin had returned; is that correct?

A. According to this, it would be that Janet did not return with --

Q. With them.

A. -- Vinnie and Gavin.

Q. So Vinnie and Gavin returned, Janet's not in the car or whatever, and that would have been at 2145 hours, correct?

A. Yes.

Q. Okay. Now, having said that, let's go to 0033701, which is for March the 11th, the next day. And here we have Gavin, Star, and Davellin, whose

name is yet spelled a different way, all staying in Unit 3; is that correct?

A. Yes.

Q. All right. And it looks like they were there overnight from the night before, correct?

A. Yes.

Q. And then it appears that they all left at 1645 hours?

A. Yes.

Q. To go someplace off the ranch, correct?

A. Yes.

Q. And they came back at 1829 hours, correct?

A. Correct.

Q. So they returned to the ranch at that point and there's no indication that they left again, so you would assume they were there again overnight; is

that correct?

A. Correct.

Q. If you look down at the bottom of that page, it appears that Chris Carter checked out the gray van, correct?

A. Correct.

Q. And he was out and in earlier in the morning, but if you look at the last two entries there, he left at 1645 hours, and he came back at 1829 hours, correct?

A. Correct.

Q. So it appears that he gave a ride to the

Arvizos?

A. Yes.

Q. All right. And then we'll go to the next page. Excuse me.

And, Your Honor, this page, for the record, in the book is the next exhibit page to Exhibit 30 -- or, I'm sorry, 335. It's the next exhibit page following MJ033701. The number seems to be cut off at the bottom. I take it it's the same way in the Court's book.

THE COURT: Yes.

MR. SANGER: So I'm referring to the numberless page.

THE COURT: You can see half of it, can't you?

MR. SANGER: Well, that's an optimistic view of this. Let's see if we can get this to focus.

That's all I can see on mine. Is that what the Court is seeing in your book?

THE COURT: Mine's a little clearer.

MR. SANGER: The next page is about half.

I'm wondering if we're looking at the same page.

THE COURT: 702.

MR. SANGER: I believe that's the next page, Your Honor. This is -- well, I don't want to argue with the Court. I don't know what you're looking at, but that's what we have, and it's the same in my copy that was given to us by the government.

THE COURT: Okay. It is a different page.

I don't have the beginning page --

MR. SANGER: All right.

THE COURT: -- which is all right. That's the official exhibit book. So you go ahead with it.

MR. SANGER: All right. So in the official exhibit book, this follows MJ033701 and there's just the very top of a number there.

Q. And what it is, for the record, is the gate activity log for 3-11-03, correct?

A. Correct. I'm sorry.

Q. I'm sorry. I was talking to the Court, and now I'm talking to you, so, all right.

It's a little hard to read there, but -- and I'm happy to bring it to you to look at. But it does appear that on the third line down, it says “C/O.”

A. Yes.

Q. And that would, again, be continued from the night before; is that right?

A. That's right.

Q. And it says Janet Arvizo did not return with Vinnie and Gavin; is that correct?

A. Correct.

Q. So it's another notation in the logbook for the next day that from overnight from the day before, Janet Arvizo did not return; is that right?

A. That's -- it's just to let the next shift know that that was written on the page before.

Q. All right.

A. Or the day before.

Q. Okay. Now I'm going to go to MJ033703, and this is the last page that I'm going to show you.

A. Excellent.

Q. Sigh of relief that caused a veritable windstorm up here by the podium.

Okay. That's not going to focus. There we go. Okay. MJ033703, this is on March the 12th, 2003, the next day?

A. Yes.

Q. All right. And on this day, we see Gavin, Star, and Davellin, and it shows that they stayed in Unit 3; is that correct?

A. That's correct.

Q. And that they had been there overnight, correct?

A. Yes.

Q. And it shows at 12:15, or 15 minutes after noon on that day, March 12th, 2003, that they left; is that correct?

A. Yes.

Q. And it shows further that -- if you look there, it says, “Frank, video library,” stayed overnight, in essence, and “stayed overnight.” And right below that it says, “Vinnie, video

library.” He was there from the night before. And it shows at 12:15 he apparently left at the same time as Gavin, Star, and Davellin, correct?

A. Correct.

Q. And he was gone from the ranch from 15 minutes after noon until 7:49 at night, when he returned to the ranch --

A. Yes.

Q. -- correct? And then he stayed overnight following that; is that correct?

A. Correct.

MR. SANGER: And I have no further questions. Do you want this book here?

MR. AUCHINCLOSS: Yes, please.

REDIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. All right. Good morning, Mr. Barron.

A. Good morning.

Q. Unfortunately I'm going to have to return to these records, but I'm going to give us a little bit of a break, ask you a few questions beforehand.

A. Certainly.

Q. Mr. Sanger asked you about the intruders on the ranch.

A. Yes.

Q. Can you characterize what -- any generalities concerning what type of intruders they would be? What would their purpose be to try and get onto the ranch?

MR. SANGER: I'm going to object. That's vague.

MR. AUCHINCLOSS: I'll begin by asking you a foundational question. I'll withdraw that question.

Q. Was there anything that these individuals had in common, any generalities you could make in terms of their motive to be on that property?

A. Yes.

Q. What was that?

A. To see Mr. Jackson in the ranch.

Q. So these were fans?

A. Yes.

Q. Predominantly not physically threatening to Mr. Jackson?

MR. SANGER: I object. Calls for speculation and leading.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Did these fans, in your opinion as a security guard and based on your observations of them, appear to present any physical threat to Mr. Jackson, in general?

MR. SANGER: Objection; lack of foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Did you see these intruders on the ranch on occasion?

A. Yes.

Q. How many occasions?

A. Several. Not many came on the ranch while I was working.

Q. During the five years you were there?

A. Yes. We did have --

MR. SANGER: Objection, Your Honor. The witness is trying to answer the question.

Q. BY MR. AUCHINCLOSS: How many were there?

MR. SANGER: Excuse me.

THE COURT: I think the last question was, “During the five years you were there?” Answer, “Yes, we did have...,” and then you were interrupted.

THE WITNESS: We did have intruders throughout my working there. When I was working, at the times that I was working, maybe a handful, five to ten.

Q. BY MR. AUCHINCLOSS: Okay. And in terms of -- in terms of staying on top of the potential security threat from fans entering the ranch, were you generally apprised when other intruders entered the property when you weren't there?

A. Yes.

Q. So this was part of your job as a security officer to be aware of who might want to get on the property?

A. Yes.

Q. All right. And during the course of your employment during this five-year period, can you state whether or not these intruders in general appeared to present any physical threat to Mr. Jackson?

A. In general, not much physical threat. There were a few, a couple, that we felt could. Maybe not to him, but we were not just there to protect him. I mean, there was lots of other people on the ranch.

Q. Okay. And what do you mean when you say they might not present a threat to Mr. Jackson, but might present a threat to someone else?

A. For the most part, if Mr. Jackson was inside a building, he would be fairly secure.

Q. Uh-huh.

A. We didn't have a dozen security guards to post at every door or anywhere -- I mean everywhere that we could possibly have an intruder on the ranch. But there were -- there were a few that we were concerned with when they were seen in the area or did happen to get on the ranch.

Q. Okay. In terms of Frank Cascio, you've testified that you've seen him with Mr. Jackson about 75 to 100 times. He's visited the ranch over 100 times. Is that accurate?

A. Absolutely.

Q. Are there any guests that you're aware of

that you would say had visited Mr. Jackson on more occasions than Mr. Cascio?

A. Possibly Miko Brando and his family.

Q. Okay. Anybody else?

A. I can't think of any right off the top of my head.

Q. And would Mr. Cascio typically be on the property -- well, let me strike that. Would Mr. Cascio always be on the property when his siblings were with him?

A. Not always. But most of the time.

Q. Who is Miko Brando?

A. Marlon Brando's son.

Q. In terms of his relationship with Jackson, is he an employee?

A. I think so. I don't know. I'm sure -- I know that they're friends. I don't know for certain if he is employed by Mr. Jackson.

Q. Okay. You said that you were certain that Janet Arvizo had access to the house. Did you ever see her in the house?

A. No.

Q. Do you have any personal knowledge to base that statement on?

A. She was a guest. Her children had access to the house. I would just, as a security guard at that time, put two and two together and say she had access to the house.

Q. So that's an assumption?

A. Yes.

MR. SANGER: Objection. Leading; argumentative.

THE COURT: Overruled.

Q. BY MR. AUCHINCLOSS: You testified that typically, ideally I should say, that you would be notified when guests would be leaving Neverland?

A. Ideally, yes.

Q. Would that -- and that would include children as well as adults?

A. Yes.

Q. And that rule was -- is it fair to say that that rule was -- generally was not really enforced or followed very often?

MR. SANGER: I will object, Your Honor. First of all, it's vague. And secondly, if it wasn't vague, it would be leading.

MR. AUCHINCLOSS: Well, I'll strike the

question and ask another one.

Q. Can you tell me whether that rule was followed or not?

A. Not often.

Q. In terms of being allowed off the property, you talked a little bit about children, whether or not they'd be allowed off the property.

If a 16-year-old walked up to the gate and said, "I want to take a walk down the road," would

you allow them to do so?

MR. SANGER: Objection. Calls for speculation; incomplete hypothetical.

THE COURT: Overruled.

You may answer.

THE WITNESS: If they wanted to take a walk down the street?

Q. BY MR. AUCHINCLOSS: Yeah.

A. I don't see why not.

Q. So you wouldn't question their leaving, exiting the ranch for purposes of taking a walk?

A. No.

Q. And as far as ATV use, you said those were not allowed off the property?

A. That's correct.

Q. So if -- did that rule apply to adults as well as children?

A. Anyone.

Q. Anyone. Okay.

A. Yes.

Q. So if Chris Tucker drove up on an ATV, on one of these quads, you'd say, "Sorry, you can't go off the property"?

A. Correct.

MR. SANGER: Objection. Calls for speculation and relevance.

THE COURT: Overruled. The answer was, "Correct." Next question.

Q. BY MR. AUCHINCLOSS: Neverland Ranch, is that in the County of Santa Barbara?

A. Yes.

Q. Now, as far as having access to Mr. Jackson, the employees having access to Mr. Jackson, can you characterize for me the degree with which he valued his privacy on the ranch?

A. In my opinion, his privacy was most important on the ranch.

Q. Okay. So why do you say that?

A. He never specifically told me that his -- that he wanted his privacy, but that's what we were there for was to help him have his privacy on the ranch.

I tried to impose on him as little as possible, only if needed be. And that was something that I was taught as I was trained at the ranch, to let him have his own time. And if we needed to speak to him, we would. If not, we wouldn't. We'd pass it through a chain of command.

Q. Okay. So if Mr. Jackson was, let's say, in the dance studio --

A. Yes.

Q. -- and you knew he was in the dance studio --

A. Yes.

Q. -- would you avoid that area; I mean, let him kind of have his space there?

A. Yes.

MR. SANGER: Wait a second. I'm going to object. I'm sorry. Move to strike the answer. For purpose of objecting, the question was vague and compound.

THE COURT: Overruled.

Q. BY MR. AUCHINCLOSS: Were you encouraged or discouraged in engaging with guests in conversations?

A. Discouraged.

Q. Discouraged?

A. Yes.

Q. What about privacy for the guests?

A. Same as Mr. Jackson.

Q. Were you aware that Mr. Jackson -- were you ever aware that Mr. Jackson would have young boys sleep in his room with him?

MR. SANGER: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: You mentioned that you

were -- you would report something illegal if you saw it?
A. Yes.
Q. Were you allowed into Mr. Jackson's bedroom when he had guests in there?
A. No.
Q. Do you know of any employees that were allowed access into his bedroom to see what was going on in there when he had guests in there?

MR. SANGER: Objection; foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: I know that Joe Marcus had access to his room. Or the house manager, whomever that was at the time. Whether or not they were allowed to go in when he had guests in his room, I don't know.
Q. BY MR. AUCHINCLOSS: You just know that he had the key, the code; is that what you're saying? Or you tell me.
MR. SANGER: Objection; leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: I know that Joe Marcus was able to get into the -- Mr. Jackson's room. Whether he had a key or had the key pad, I would assume he had both.
Q. BY MR. AUCHINCLOSS: Who did Joe Marcus report to?
A. Mr. Jackson.
Q. Directly?
A. I believe so, yes.
Q. Okay. Anybody outrank Joe Marcus on the ranch?
A. When he was ranch manager, no.
Q. Okay. Do you know if there were guests allowed on the property without Mr. Jackson's approval?

MR. SANGER: Objection; foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Are you aware of any instances, personally aware of any instances, where

an individual was allowed on that property, Neverland Ranch, if Mr. Jackson -- and Mr. Jackson did not want them there?

A. At the time of them coming on?

MR. SANGER: Objection. Foundation and vague.

Q. BY MR. AUCHINCLOSS: Yes.

THE COURT: Overruled.

You may answer.

THE WITNESS: No, generally Mr. Jackson would be the one who allowed people to come on the property. There was sometimes when somebody would show up and we would call whomever was in charge, like Jesus Salas or Joe Marcus, and he would make a decision whether or not they could come on. But for the most part, from what all I remember, those are people who have been allowed on the property prior to that occasion.

Q. BY MR. AUCHINCLOSS: Was Frank Tyson one of these people?

A. Yes.

Q. So during your evening rounds as a security officer, would you ever have occasion to see Mr. Jackson during the late and early morning hours?

A. Yes.

Q. Would you ever have occasion to see him with his guests during the late and early morning hours?

A. Yes.

Q. Were his guests during these periods ever children?

A. Yes.

Q. How often?

A. Often.

Q. Okay.

A. Often. I don't know how to say how often, but often.

Q. And the assignments and guest logs. There are certain rooms that are assigned to certain guests. Does that mean that that individual who was assigned to that unit necessarily slept in that unit on that given night?

A. No.

Q. Why do you say that?

A. Because -- well, one of the biggest reasons is we would receive the phone calls in the evening hours for guests at the front gate. And nine times out of ten, we had to try several extensions to find that person. The first one you would try would always be where on the log it said they would be, if it were a guest unit or in the theater or wherever it said they may be. We went through several different places. So you would try that first. But it was -- often we had to go through more than one extension to find someone.

Q. Were there any instances where you'd see children sleeping in areas of the ranch where they were not assigned?

A. Yes.

Q. How common was that?

A. Um, it happened. It wasn't uncommon. It wasn't something that happened every time, but it definitely happened.

Q. Okay. Who is Dr. Farshshian? Do you know that name?

A. I know he's a doctor. I don't know what he's a doctor of. And I know he came to the ranch often.

Q. Do you know if Dr. Farshshian would ever come to the ranch without Mr. Jackson?

A. I don't know if he did or didn't.

Q. As far as the -- as far as the individual you've named as Chris Carter --

A. Yes.

Q. -- you previously identified him as what?

A. Chris Carter?

Q. Yes, and his relationship to Mr. Jackson.

A. As a security guard, I believe personal security guard.

Q. And how often would you see Mr. Carter with Mr. Jackson?

A. Together?

Q. Yes.

MR. SANGER: I'm going to object. Vague as to time.

MR. AUCHINCLOSS: That's fine. I'll refine

that question.
Q. When did you first see Chris Carter start to visit Neverland?
A. Oh. Probably in either late 2001 or early 2002.
Q. And was he employed as a security guard for Mr. Jackson at that time?
A. Yes.
Q. Now, you've mentioned that there are security guards that are personal guards and security guards that are guards on the ranch.
A. Yes.
Q. The difference is what?
A. Guards on the ranch generally don't travel with Mr. Jackson.
Q. So Chris Carter would be someone who traveled with Mr. Jackson?
A. Yes.
Q. When Mr. Jackson -- well, let me strike that. When Mr. Carter was on the ranch, would he ever spend any time just as a guest of the ranch, generally speaking?

A. No.
Q. So if Mr. Carter visited -- was on the ranch, would it be fair to say that Mr. Jackson would generally be with him?
MR. SANGER: Objection; leading.
MR. AUCHINCLOSS: I can rephrase it.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: When Mr. Carter was on the ranch, generally where was Mr. Jackson?
A. On the ranch.
Q. Okay. Now, you've mentioned during direct examination that there was this grease board with a message from somebody that says Gavin is not to leave the property.
A. Yes.
Q. And Mr. Sanger has shown you one of the exhibits that says Gavin and Star are not to leave the property.
A. Yes.
Q. Is there a relationship between the logs that you looked at and the information that you

would normally find on that grease board?
A. Yes, at times there --
Q. Would one normally track the other?
A. Yes.
Q. And why is that?
A. So that -- because we don't all -- let's say

there's three of us on duty at the ranch as security guards. Because we're not all at the front gate at the same time -- for instance, if we all worked 6 p.m. to 6 a.m., we're not all going to work the gate at 6 p.m. to 6 a.m. So there would be one at the gate, or two or three, however many more, at the house, so that both areas of the security, both offices of the security had the same information.
Q. Okay. So all the security guards would be on the same page working to fulfill those directives?
A. Correct.
Q. Now, I believe the directive that appears in the log, if I remember correctly -- let me just find it here.
If I could have the Elmo, Your Honor.
The date on this particular exhibit is 2-19-03. And this is the one that has, “The kids are not to leave per Joe.” Let's get the entire statement in there, and I believe that's at 5:52.
Now --
MR. SANGER: Your Honor, I'm sorry, just for the record, could we have the page number?
MR. AUCHINCLOSS: Oh, yes. Certainly.
MR. SANGER: And the exhibit number.
MR. AUCHINCLOSS: That's a good point. This is Exhibit No. 334 and it's page number 154.
Q. Have you ever seen a directive like this on

one of the logs before that told the security guards not to let a child off the property?
A. No.
Q. Have you ever seen a directive before like the one you saw on the grease board that said, “Do not let Gavin off the property”?
A. No.
Q. During your five years, did you ever see

anything of that nature during your employment?

A. No.

MR. SANGER: Objection; asked and answered.

MR. AUCHINCLOSS: I said “before,” and this contemplates the entire period.

THE COURT: All right. The objection is overruled. It's answered.

Q. BY MR. AUCHINCLOSS: As far as this date goes, February 19th, are you aware whether or not Janet Arvizo was scheduled to return to Neverland on that particular day?

A. I'm not aware if she was.

Q. All right. I have a few questions about the logs and I'll be done.

Beginning with the log for 334, Exhibit 120, we've had considerable testimony about this particular page.

Now, first of all, let me ask you, based upon your review of the logs and your experience in working with these logs, how would you characterize

the degree of accuracy that is recorded?

MR. SANGER: I'm going to object. Are we talking about this particular page or are we talking about --

MR. AUCHINCLOSS: In general.

THE WITNESS: In general, they were -- can I answer?

THE COURT: Sure.

THE WITNESS: Sorry.

In general they were accurate. Obviously we make mistakes spelling names. There was that issue. But they were accurate.

Q. BY MR. AUCHINCLOSS: And as far as this particular page goes, which is at the bottom, 2-7-03, this shows that the Arvizos are a carry-over from the previous day?

A. Yes.

Q. And if we go back to the preceding day, we have -- I'm now showing you 2-6-03. We have this guest information --

MR. SANGER: Your Honor, excuse me. Could we have a page number?

MR. AUCHINCLOSS: Yes, thank you. That same exhibit, 00116.

Q. Now, if Gavin, Star, and Davellin were on the property, if the Arvizos were on the property on 2-7-03 as a carry-over, shouldn't they be reflected in this document on February 6 somewhere in "Guest Information"?

A. Yes.

Q. So how do you explain that?

MR. SANGER: Calls for speculation, Your Honor.

MR. AUCHINCLOSS: Not necessarily.

MR. SANGER: And lack of foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: Either it was completely overlooked or they weren't there.

Q. BY MR. AUCHINCLOSS: Would you agree there clearly is an error in the logs somewhere on those two pages?

A. Yes.

Q. Now, as far as the "Owner and guest" notation there that you see, I believe you were shown that by Mr. Sanger, and you responded that there was something odd about that?

A. Yes.

Q. What is it that you find curious about that entry?

A. What strikes me is that we would never -- I would never, and I don't believe anyone else would ever write "Owner" down, "Owner and guest," on one of these logs. Again, for his privacy. We never logged him in or out.

Q. Okay. Would you sometimes make a notation

if he was to be expected on the property?

A. On one of these sheets?

Q. On a sheet somewhere; just that, "Mr. Jackson is expected to come today," or something of that nature.

A. No, that was generally verbal.

Q. Okay. But as far as an entry on -- in this particular fashion, you've never seen this before?

A. No.

Q. Never seen it during your five years there?
A. No.
Q. Do you recognize that handwriting at all?
A. No. I can barely read it. But, no, I don't recognize it.
MR. AUCHINCLOSS: All right. If I could just have a moment, Your Honor.
THE COURT: Yes.
Q. BY MR. AUCHINCLOSS: Do you know an individual by the name of Klein?
A. Is there a first name?
Q. Doctor?
A. Dr. Klein. I remember the name of Dr. Klein.
Q. Okay. And did that have any relationship to your employment at Neverland?
A. Yes.
MR. SANGER: I'm going to object. It's beyond the scope of cross.

MR. AUCHINCLOSS: I believe counsel showed him a document that had Dr. Klein's name on it.
THE COURT: All right. Overruled.
Q. BY MR. AUCHINCLOSS: And how do you know Dr. Klein?
A. Just that he came to the property.
Q. Do you know what his relationship was to Mr. Jackson?
A. No.
Q. Do you know if he would be a guest of Mr. Jackson's when Mr. Jackson was not present?
MR. SANGER: Objection. Lack of foundation, Your Honor, and relevance.
THE COURT: Overruled.
You may answer.
THE WITNESS: I don't recall if he was ever there without Mr. Jackson being there.
Q. BY MR. AUCHINCLOSS: Okay. When one of the Rolls or the Bentleys would leave the property, can you tell me whether or not Mr. Jackson would generally be associated with the use of that vehicle, such a vehicle?
MR. SANGER: Objection. Vague and lack of foundation.

THE COURT: Sustained on vague.
Q. BY MR. AUCHINCLOSS: When you were conducting your daily duties at the security guard booth --

A. Yes.
Q. -- would you see Mr. Jackson coming and going onto the property?
A. Yes.
Q. Would he typically be in a vehicle?
A. Yes.
Q. Would you see an occasion where the Bentley or the Rolls was used?
A. Yes.
Q. Would you be able to see if Mr. Jackson was in that vehicle?
A. In the Rolls, the older Rolls Royces, yes, because there wasn't as dark a tint as on the Bentley. The Bentley was very dark tinted.
Q. Can you tell me, were those cars generally used when Mr. Jackson was being transported somewhere?
A. The Bentley in particular, yes.
Q. And I'm going to direct you to Exhibit No. 191, and/or I should say Exhibit 335, page number 191, if I can find it. It's not in order. Here we go.
That's the wrong exhibit. I'm sorry, Your Honor.
That actually completes my redirect. Thank you.
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RECROSS-EXAMINATION
BY MR. SANGER:
Q. I know you want to go home.
A. Yes, sir.
Q. I'll try to get you out of here.
First of all, you had occasion to meet Michael Jackson from time to time, correct?
A. Yes.
Q. Had a chance to talk with him from time to time, correct?

A. Yes.

Q. And you felt it was appropriate to respect his privacy at his home, correct?

A. Correct.

Q. There was nothing weird about allowing a celebrity to have private time at his home, was there?

A. No.

Q. And in fact, how many employees were there at the ranch, roughly, during the time you worked there?

A. Probably around 80. Between 80 and maybe 100.

Q. So if 80 or 100 people came up and spent a minute with Mr. Jackson every time, every day, he would have no privacy, correct?

MR. AUCHINCLOSS: Objection; argumentative.

THE COURT: Sustained.

Q. BY MR. SANGER: Okay. In other words, with that many people or even with a few people, it would be important to allow a person whose home it was to spend time at their home and not be bothered by people who are employed there to work for him, correct?

MR. AUCHINCLOSS: Same objection.

THE COURT: Overruled.

You may answer.

THE WITNESS: Yes.

Q. BY MR. SANGER: Okay. Now, in the course of knowing Mr. Jackson in the context that you just described, Mr. Jackson is sensitive to the sun; is that correct?

MR. AUCHINCLOSS: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. SANGER: Were you aware that he took measures to try to avoid direct sunlight?

MR. AUCHINCLOSS: Objection; exceeds the scope.

MR. SANGER: Not at all. Dr. Klein.

THE COURT: Overruled.

(Laughter.)

THE WITNESS: Was I aware --

Q. BY MR. SANGER: That he took measures to avoid direct sunlight.

A. Yes.

MR. AUCHINCLOSS: Object as to foundation.

THE COURT: Overruled.

MR. SANGER: And the answer's in, Your Honor?

THE COURT: Yes.

MR. SANGER: Thank you.

Q. Were you aware that Dr. Klein was the dermatologist treating Mr. Jackson's vitiligo?

A. No.

Q. Were you aware that he was a dermatologist?

A. I was aware that he was a doctor.

Q. And you believe he was Mr. Jackson's doctor for one problem or another; is that correct?

A. Yes.

Q. All right. Now, there was testimony on direct and then redirect again about this notation on the grease board and the notation in the logs on page -- it was 154 of Exhibit 334 about -- the notation on the grease board you recall was specific to Gavin. Gavin should not leave the property; is that right?

A. "Gavin is not allowed off property."

Q. That's your recollection of what was on the grease board, correct?

A. Yes.

Q. And your recollection of what was in the log is what, in fact, was shown to you in Exhibit 334, page 154.

May I, your Honor?

THE COURT: Yes.

Q. BY MR. SANGER: Page 00154, and again, it says -- the whole quote is, "The kids are not to leave per Joe." "Kids" meaning like Gavin, Star, et cetera, right?

A. Right.

Q. And this was on the log of - you can see it there - 2-19-03, correct?

A. February 19th.

Q. February 19th, 2003, correct?

A. Yes.

Q. And that was that time period where you had so many people on the ranch that you had this master list on 2-17, and then the regular posting of guests didn't resume again until after 2-20. You resumed again on 2-21-03, correct?

A. Yes.

Q. All right. So it was not possible to track everybody's movements on and off the ranch during that period of time; is that correct? They weren't all logged in and out as they should have been?

A. Not possible to --

Q. Track whether or not people left and came back on the ranch between that 2-17 and 2-20 when they were all kind of lumped together?

A. I believe there's even a note on the bottom of that page that that's going to be carried over through those periods. I believe it would be easy to keep track of who comes and goes on the property. In answer to your question, no, I believe that it could be tracked --

Q. Okay.

A. -- who was coming and going.

Q. All right. And I'm going to --

A. Maybe not by paperwork, but it could have been done.

Q. Okay. It could have been done, but the paperwork here is somewhat deficient in that regard, isn't it?

Let me put up 149, which is the page that said 2-17 through 2-20. And that's where we had everybody there on that big list, correct?

A. Correct.

Q. And, for instance, it shows for the Arvizo family, the kids, it shows carried over from the day before, and it shows 1951 hours out, and it doesn't show back in.

A. Well, if you lift -- scoot the page back so we can see the bottom.

Q. Certainly.

A. If I were working the gate at this time period and I saw that note on the bottom, "List until guest departs, C-1," which is for Charles 1, which was Curtis Gordon, who was a supervisor, I would take that to mean that they came in on -- or the carry-over happened on the 17th, and their time

out was on the 20th.

Q. Okay. I understand. So your interpretation of this, if this were accurate, is that the Arvizos did not leave until the evening of the 20th, 1951 for the children, and 2145 for Janet, correct?

A. Correct.

Q. So again, everybody gets this, but 7:51 at night and 9:40, whatever that says, at night for Janet, correct?

A. Yes.

Q. Now, were you -- are you aware, as you sit there right now, that the Arvizos were in Los Angeles on the evening of the 19th?

A. No.

MR. AUCHINCLOSS: I'm going to object as to the form of the question being -- assuming facts.

THE COURT: The answer is, "No." Next question.

Q. BY MR. SANGER: And if they were in Los Angeles on the evening of the 19th, there is no indication in these logs that they left the ranch for that purpose; is that correct?

A. That's correct.

Q. All right. And, now, turning to 154 again, which we've all seen, 2-19, it says 1752, so that's 5:52, just before six o'clock in the evening on the 19th.

If the Arvizos were supposed to be available

for the purpose of going to Los Angeles for a videotaping, would it be reasonable for the gate to be advised that the kids should not leave the ranch?

MR. AUCHINCLOSS: I'm going to object as argumentative and assuming facts not in evidence.

THE COURT: Sustained as argumentative.

MR. SANGER: All right.

Q. Let's put it this way: In other words, as part of the duties of somebody at the gate, would you feel it was an appropriate instruction that somebody not -- whether it's an adult or a child, that somebody not leave the ranch if they're expected to be available to get into a car to go somewhere?

MR. AUCHINCLOSS: Objection. Argumentative; calls for a conclusion.

THE COURT: Sustained.

MR. SANGER: All right.

Q. Now, whatever that notation is for, was that notation placed there in a place on these gate activity logs where any and all of the security staff would be able to read it?

A. Any and all that were working that day, yes.

Q. Okay. And was it -- are these records kept as permanent records?

A. I believe so.

Q. All right. So presumably months later, years later, somebody could go back and find that

notation, right?

A. Yes.

Q. This is not a secret communication that was designed to be destroyed after people received the information, correct?

A. Correct.

Q. Okay. It was left as a permanent memorial to something that was instructed or something that was communicated to the security staff; is that right?

A. Yes.

Q. And when you talk about this grease board, any message that was on the grease board was put there so that anybody on the security staff could see it; is that correct?

A. Correct.

Q. And anybody else that consulted the records could also see it, obviously; is that right?

A. These records.

Q. I'm sorry, you're right. You're up all night and I'm getting confused, so let me clarify it.

First of all, the grease board. Anybody that came into the security office could see that grease board and would be able see what was up there, right?

A. Yes.

Q. And that was right in the front room, correct?

A. Correct.

Q. The doors are often open?

A. When someone comes in and out.

Q. There's windows there?

A. Yes.

Q. Administration people can come down and do often come down into the security office, correct?

A. Correct.

Q. So there's people that would work up in the administration building, the ranch manager, the administrative assistants and so on, correct?

A. Yes.

Q. Firemen could go in there and see that, correct?

A. Yes.

Q. You of course could see it, and you were a sworn peace officer, right?

A. Correct.

Q. All right. And then similarly, with regard to those records, the gate log records, those were maintained so that people from the administration could review them, correct?

A. Correct.

Q. And again, firemen and other security officers could review them?

A. Yes.

Q. So this was not a secret?

A. No.

Q. Thank you.

Now, you indicated that sometimes assignments got -- let me withdraw that.

The question was about room assignments.

Was there really a room assignment system?

A. Yes, at times there were.

Q. Okay.

A. Especially with the guest units.

Q. Who assigned people guest units?

A. Generally it would be the -- whomever was in charge of the house, or at times who was in charge of the housekeeping, or the ranch manager.

Q. Okay. So was it your understanding that those -- that somebody like that would actually tell the guest, "You are assigned to this unit"?

A. Yes.

Q. Okay. And if guests wanted to stay someplace else, for instance, somebody said, "Boy, I'd really like to have Unit No. 4," would an effort be made on the part of the staff to allow that person to have that unit?

A. I never was involved in that.

Q. Fair enough. If somebody wanted to stay, for instance, out at the theater rather than a guest unit, would they be accommodated, for the most part?

A. For the most part, yes.

Q. All right. Now, sometimes somebody might be assigned, say, to a guest unit and they would decide, "Well, I'd really rather stay out at the theater." That could happen, right?

A. Sure, it could happen.

Q. They might ask permission of somebody, whatever happens; they end up staying out at the theater on Night No. 1?

A. Okay. Yes.

Q. And it's -- it's generally -- it generally becomes known where the guests are staying; is that correct?

A. Eventually, hopefully.

Q. Okay.

A. Yes.

Q. But guests may make requests for food or other services on a -- well, let me ask that. They may do that from time to time?

A. Yes.

Q. In fact, it's very common for people to call for food or drink or something and have it delivered to where they are?

A. Yes.

Q. And security eventually becomes aware of where people are, either through them requesting services, or phone calls coming in for them, or something else, right?

A. Yes.

Q. And so if somebody is logged in repeatedly in the same unit in the security logs, that would tend to indicate that security is now pretty much aware that that's where the person is staying; is that right?

A. Yes.

Q. All right. Now, you remember Davellin, do you not?

A. Vaguely.

Q. Vaguely. Do you remember -- and you remember Marie Nicole?

A. Yes.

Q. During this time period, do you remember Davellin and Marie Nicole hanging out together?

A. Yes, I believe I do.

Q. And they seemed to be good friends; is that correct?

A. Yes.

Q. And did they seem to be having fun?

A. Yes.

Q. All right. And they'd walk around the property and have a good time?

A. Sure.

Q. All right. And do you recall Davellin and Marie Nicole staying out at the theater during this period of time?

A. Yes, I do.

Q. So in addition to the log entries, you personally recall them being out -- staying out in that area; is that correct?

A. Yes.

Q. Okay. And I believe one last area I want to ask you about here that was brought up by Mr. Auchincloss.

You have experience as a police officer, and also experience being a security guard for Mr. Jackson, a major celebrity, and I'm going to ask you, drawing on all of that, do you assume that intruders are not going to be a danger to anybody?

A. No.

Q. In fact, you assume they're going to be a danger?

A. Yes.

Q. You have to do that. And you're aware of celebrity stalkers, are you not?
A. Yes.
Q. And you're aware of instances where celebrity stalkers, even though they were fans, did harm to celebrities, correct?
A. Yes.
Q. And did harm to people around celebrities, correct?
A. Yes.
Q. Were you aware that one of the intruders actually got into the train room upstairs in Mr. Jackson's house?
MR. AUCHINCLOSS: I'll object. Assumes facts.

THE COURT: Overruled.
You may answer.
THE WITNESS: The third floor of the house?
Q. BY MR. SANGER: Yes.
A. Yes.
Q. And you would consider that to be a serious intrusion into Mr. Jackson's security, would you not?
A. Yes.
Q. Were you aware that one of the intruders was possessing a handgun?
A. No.
Q. A number of these intruders were actually arrested, the sheriff was brought on, and they were arrested and taken away; is that correct?
A. Correct.
Q. And some of the repeat intruders were actually prosecuted by the District Attorney's Office; is that right?
A. Yes.
MR. SANGER: Okay. Thank you. No further questions.

FURTHER REDIRECT EXAMINATION

BY MR. AUCHINCLOSS:
Q. Generally speaking, based on your experience and not on what you anticipated, what did these

intruders want?
MR. SANGER: I'm going to object. That's -- that's vague.
THE COURT: Overruled.
You may answer.
THE WITNESS: What did they want?
Q. BY MR. AUCHINCLOSS: Yeah. Why did they want to come on Neverland?
A. They wanted to see Mr. Jackson.
Q. Just see him?
A. See him.
Q. Maybe meet him?
A. Yes.
Q. That's all?
MR. SANGER: Objection. Calls for speculation, Your Honor.
THE COURT: Argumentative; sustained.
Q. BY MR. AUCHINCLOSS: As far as the grease board goes, you previously testified that that instruction was on the board for approximately a week?
A. That's about the length that I remember it being there.
Q. Did you take that instruction seriously for the entire week?
A. Yes.
Q. Did you consider that to be an order to not let Gavin off the property for that entire period of

time?
A. Yes.
Q. And can you tell me, based on your experience and training at Neverland, who would have authority to make such an order on the grease board and in the logs?
A. Well, ultimately Mr. Jackson.
Q. Okay. And who would do -- who would ultimately? How would the chain go? Who put stuff up on the board?
A. Generally one of my supervisors.
Q. And who was your supervisor?
A. Either Curtis Gordon, Julio Magana or Violet Silva.
Q. And who do they report to?

A. Joe Marcus.

Q. And who does he report to?

A. Mr. Jackson.

MR. AUCHINCLOSS: Thank you. No further questions.

FURTHER RECROSS-EXAMINATION

BY MR. SANGER:

Q. Now, when you say "report to," you have absolutely no evidence whatsoever that Mr. Jackson himself gave an instruction that Gavin was not to go off the ranch; is that true?

MR. AUCHINCLOSS: Objection; argumentative.

THE COURT: Overruled.

You may answer.

THE WITNESS: I have no knowledge of him giving that.

Q. BY MR. SANGER: All right. And the fact that people report -- Mr. Jackson owns the property, to your knowledge, correct?

A. To my knowledge, yes.

Q. Okay. And the fact that people ultimately report to the owner of the property does not mean that they get every instruction that they communicate down the line from the owner of the property, correct?

A. Correct.

Q. So it's entirely possible, based on your understanding of this chain of command, that somebody somewhere in the middle, up or down, in this chain of command decided to put this on the grease board, correct?

A. It could have happened, yes.

Q. And you certainly never saw Mr. Jackson come in and write anything on the security grease board himself, correct, sir?

A. That's correct.

Q. And you never saw Mr. Jackson write anything himself into the gate logs; is that correct, sir?

A. Correct.

MR. SANGER: Okay. Thank you.

MR. AUCHINCLOSS: One last question.

FURTHER REDIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Are you aware, during the course of your employment at Neverland, of any motive, reason, why Joe Marcus, Violet Silva, Curtis Gordon, Julio Magana, any of these individuals, any -- are you aware of any reason why they would want to have Gavin Arvizo kept on the Neverland property?

A. No.

MR. SANGER: Calls for speculation, Your Honor.

THE COURT: Sustained.

MR. AUCHINCLOSS: Thank you. No further questions.

MR. SANGER: And move to strike the answer. I think it did come in or was said.

THE COURT: I'll strike the answer.

MR. SANGER: Thank you.

He had no questions. There were no questions, so I have no questions.

THE COURT: You're free to go.

THE WITNESS: Thank you, sir.

THE COURT: Come forward.

When you get to the witness stand, please remain standing, face the clerk and raise your right hand.

STEPHEN CLEAVES

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Stephen Cleaves.

S-t-e-p-h-e-n; C-l-e-a-v-e-s.

THE CLERK: Thank you.

MR. SANGER: Your Honor, could I have just one moment, please?

THE COURT: Yes.

MR. SANGER: Thank you.

MR. SNEDDON: Go ahead?

MR. SANGER: Yeah.

DIRECT EXAMINATION
BY MR. SNEDDON:
Q. Good morning.
A. Good morning.
Q. You're a sergeant employed by the Santa Barbara County Sheriff's Department, correct?
A. That's correct.
Q. How long have you been with the department?
A. 25 years.
Q. And your current assignment?
A. I'm working special operations.
Q. And you live in Santa Ynez?

A. That's correct.
Q. And on November the 18th of 2003, were you part of a group of people who executed a search warrant at Neverland Valley Ranch?
A. I was.
Q. And what was your particular responsibility on that day?
A. To supervise a group of investigators that went and searched the security offices for files.
Q. And when you say "security office," where was that located on the premises?
A. It was part of the main residence at the far west end, I believe that is.
Q. Was it directly connected to the residence or was there a breezeway between the two buildings?
A. I believe there's a breezeway.
Q. Now, when you got to the security office, you said that you were assigned a particular responsibility in that office.
A. That's correct.
Q. What was the responsibility?
A. To look for files or computers. Specifically, we had a list of names that we were looking for that -- of persons who came on or off the ranch.
Q. And did those names include the Arvizo family?
A. Yes, they did.

Q. And other individuals?
A. They did.

Q. Now, did you actually participate in looking through the records yourself?

A. I did.

Q. And from where did you obtain the records?

A. There were several boxes of -- cardboard boxes that had files stored in them in that room, and we ultimately went through each one of those boxes and then pulled the files with the names that we were looking for.

Q. So with regard to the search that occurred, all of the boxes and all the files contained in that security office were viewed by you or other members -- or the people working with you in that task?

A. That's correct.

MR. SANGER: Objection. Calls for speculation; lack of foundation; and leading.

THE COURT: Overruled. Next question.

Q. BY MR. SNEDDON: Did you personally, as a result of your efforts in looking through these materials, take into your custody and control certain exhibits?

A. I did.

Q. And do you recall just approximately how many -- well, first of all, what were the nature of the items that you actually took into your custody

and control?

A. Mine were files, and they were related to the gatehouse log entries and/or any medical injury incident reports. I believe all of mine were directly related to the entry logs, though, for the ranch.

Q. And when you went through the items and you saw items that you felt were items that you wanted to seize pursuant to the search warrant, what did you do with those items?

A. As we went through the box, we would collect the items that we wanted to seize and set them aside, completed the box, and then we took the items over to Deputy Moeller, who was our seizing officer, and turned them over to him. He assigned them an item number and packaged them for evidence.

Q. And that's what you did with regard to the items that you took?

A. That's correct.

Q. Now, do you recall whether or not any of the documents that you went through personally that day involved any records beyond December 31st of the year 2002? In other words, did you find any records for the year 2003?

A. I -- I don't believe so, no.

MR. SNEDDON: No further questions.

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CROSS-EXAMINATION

BY MR. SANGER:

Q. Sergeant Cleaves, in your 25 years with the Santa Barbara Sheriff's Department, what kinds of duties did you have?

A. Started off in patrol, working down in Goleta. Was transferred to Solvang, Santa Ynez. Worked there for a number of years. Went back down to special operations, where I worked vice, narcotics, gangs, and then was assigned to the helicopter crew. Was promoted to sergeant, transferred to Santa Maria.

From Santa Maria, back to Santa Ynez. From Santa Ynez, back to Santa Maria. And then back to Santa Ynez, and I'm currently working in special operations.

Q. Special operations is a -- is that a detective assignment?

A. It is.

Q. All right. And in this particular case, the extent of your assignment in this case was essentially to assist with this search and look for some records in the office?

A. That's correct.

Q. And did you search anyplace other than the security office?

A. Our search also --

Q. I'm sorry. I was vague. Let me clarify the

question. Did you personally search anyplace other than the office?

A. I did.

Q. Where else did you search?
A. The garage immediately to the rear of the security office. And the video library that was upstairs above that office.
Q. You did not search the administration building; is that correct?
A. No.
Q. In fact, there was not a warrant to search the administration building, correct?
A. I don't know. I just searched the area that we were asked to search.
Q. So did you review the warrant?
A. I did.
Q. And you were given a briefing --
A. Yes.
Q. -- the morning of the search?
A. Yes.
Q. Is that correct, sir?
A. Yes, yes.
Q. And prior to your searching, you were given a copy of a protocol; is that right?
A. A protocol.
Q. It was a -- I forgot the name of -- a memorandum, in any event, that explained what the case was about and what you were looking for?

A. We received the warrant, we read the warrant. And my assignment was to do the security wing, and that's what we did.
Q. Do you remember whether or not you got a little packet that included an outline of what the case was about and who the significant parties were and that sort of thing?
A. I don't recall that. I do recall getting a list of names that we were supposed to look for in the security office.
Q. And you got a copy of the affidavit for the search warrant?
A. Right.
Q. So you had a chance to familiarize yourself with that; is that correct?
A. Yes, sir.
Q. And the affidavit would have been something that explained to the judge issuing the warrant,

would have explained what your department thought the case was about, and why you should be allowed to search, correct?
A. True.
Q. Correct?
A. Yes.
Q. And -- all right. Did you have a copy of the warrant itself, see a copy of the warrant?
A. We did get a copy of the warrant and we did read it, yes.

Q. Was it your understanding, from all of that information, that the warrant was for the main residence, correct?
A. Yes.
Q. And it was for the security office, correct?
A. Yes.
Q. And it was for the separate building that was described as an arcade; is that correct?
A. I don't specifically recall that.
Q. All right. In any event, it was not for every building on that ranch, was it?
A. I don't have that specific knowledge.
Q. All right. In any event, to your knowledge -- well, let me withdraw that.
Aside from where you said you looked, which would have been the security office, and then in that same building, which was part of the garage, correct?
A. Correct.
Q. You looked in the garage?
A. Correct.
Q. And then you went upstairs in that same building and you looked in the video library, correct?
A. Correct.
Q. All right. Other than that, you did not search any other part of that ranch, you personally, for records, correct?

A. No, I did not.
Q. And are you familiar with Brian Barron?
A. I know the name. A security guard.
Q. Were you aware that he was a sworn peace

officer?

A. At the time of the search I don't believe so.

Q. You're aware --

A. I hadn't paid attention.

Q. You are aware now; is that correct?

A. Yes.

Q. And if he has indicated that records are accurate, as presented to him in court by the prosecutor that pertain to these gate logs, would you have any reason to believe that he was incorrect?

MR. SNEDDON: Your Honor, I'm going to object. Calls for speculation; no foundation.

THE COURT: Sustained.

MR. SANGER: Okay. I have no further questions.

MR. SNEDDON: Nothing further.

THE COURT: Thank you. You may step down.

MR. SNEDDON: Thank you, Sergeant Cleaves. Whoever's out there.

MR. SANGER: There are probably a lot of people out there, but --

MR. SNEDDON: Only some of them are witnesses.

THE COURT: Raise your right hand, please, face the clerk.

TIMOTHY SUTCLIFFE

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Timothy Sutcliffe, and that's spelled S-u-t-c-l-i-f-f-e.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. SNEDDON:

Q. Actually, just to clarify things, you're the same Timothy Sutcliffe who testified previously in this case?

A. Yes, I am.

Q. That was a long time ago, but -- now, everybody probably recalls this, but just for the purposes of refreshing people's recollections, you're employed by the Santa Barbara County Sheriff's Department?

A. That is correct.

Q. And your current assignment is?

A. I work for the Criminal Investigations

Division in the Forensics Unit.

Q. And was that your assignment back on November 18th of 2003?

A. Yes, it was.

Q. Now, on that particular date, were you assigned to assist Sergeant Cleaves in the review of certain records and files in the security office of Neverland Valley Ranch during the execution of a search warrant?

A. Yes, I was.

Q. Now, tell me what you did on that particular day with regard to the records in the security office.

A. We were given a list of names of individuals that -- to search for specific items. We were checking through the security documents, which were gate logs and guest lists, for those particular names, and I did find some of those items.

Q. And with regard to the items that you found, what did you do with them?

A. As I collected those items, I then gave those to Detective Moeller, who listed them on the SH-451 property form.

Q. Now, prior to testifying here today, I asked you to review the logs that you personally took on the occasion of the execution of that search warrant on November 18th. Do you recall doing that?

A. That's correct.

Q. And I specifically asked you to review those logs to see whether or not you found the name of Janet Arvizo on any of those documents that you took.

A. That's correct.

Q. And with regard to the documents you took, you found the name of the Arvizo children listed, did you not?
A. Yes, I did.
Q. And on the documents that you reviewed, did you find the name of Janet Arvizo listed as a guest at the ranch during any of those occasions?
A. No, I did not.
Q. Now, the records that you found, describe to the jury the process that you went through personally to take the records.
A. There were several boxes of records, and there was a filing cabinet, and I had selected a specific box to go through of records. And as I was pulling the records out, looking over each individual record searching for those individuals' names, then I would set those aside. And when I was done with a particular box or file, I'd hand those to Detective Moeller so he could enter those into the 451 form.
Q. All right. Now, lastly, with regard to the logs and the documents that you actually took on this particular occasion, did you find or take any logs that went beyond the date of December 31st of 2002?

A. Can I check my --
Q. Do you need to refresh your recollection on that?
A. Yes, I do.
Q. What document are you doing that from?
A. The SH-451 form.
Q. All right. Please take a look at it and see if it refreshes your recollection. That's just for the documents you took, now.
A. Correct.
Yes, just the last entry is 12-2 of .02.
Q. Nothing with regard to the year 2003?
A. No.
MR. SNEDDON: Thank you. No further questions.

CROSS-EXAMINATION
BY MR. SANGER:

Q. Detective Sutcliffe, how are you?

A. Good morning.

Q. The logs that you saw were located in the security office; is that correct?

A. That's correct.

Q. All right. And that is, once again, the office at the end of the building that has the garage on the first floor and the video library on the second floor; is that correct?

A. That's correct.

Q. Did you search the administration building? Do you know where the administration building is?

A. No. If you could tell me where it is.

Q. Up on the hill.

A. No, I did not search the administration building.

Q. Okay. Did you -- did you -- and you were briefed before you went out there to do the search; is that correct?

A. That's correct.

Q. The search warrant did not include the administration building, did it?

A. I don't recall on that.

Q. Okay. And you did not search the office at the gate; is that correct?

A. No, I did not.

Q. You said the last record you have an entry for in your sheriff's booking form is December 2, 2002; is that correct? Is that what you just said?

A. Can I check?

Q. Sure. Certainly. I thought I was wrong. But you need to look. That's fine. Okay.

A. Yes, 12-2 of .02.

Q. Okay. That's the last record you seized; is that correct?

A. That's the last -- the latest date.

Q. That's the last date or the latest date that you seized, correct?

A. That is correct.

Q. That is not the latest date that you saw?

A. I don't recall any further than that.

Q. Do you recall seeing records there at that office that went through the end of 2002?

A. Yeah, I -- I recall. I think there was some 2003 records as well.

Q. Some 2003?

A. But I didn't seize those, no.

Q. In any event, you just seized the records up to the date -- let me withdraw that.

You just seized the records that had entries for the names that you were looking for, correct?

A. Correct.

Q. And you did not make any record of the last date of any records that were there; is that correct?

A. I don't understand the question, I'm sorry.

Q. That's fine. You did not make a note of the last -- the most recent record that was there present in the office; is that correct?

A. The only ones I'm real familiar with are the ones I collected. And the last date of the items I collected was -- the latest date was 12-2 of 2002.

Q. Okay. My question was, you did not make a note of the latest date that was present in the office, did you?

A. No, I did not.

Q. And your recollection was, however, that you did not have the current logs for 2003, correct?

A. I recall that there was some 2003 logs. I just remember dates for 2003, but I don't recall what exactly they were.

Q. Okay. You didn't have logs -- this was November 18th, 2003, that you're there, right?

A. Correct.

Q. You didn't have the logs for November 17th, for instance, did you?

A. Not that I'm aware of.

Q. All right. And you did not locate the current logs for the recent months of 2003 in your searching, correct?

A. I personally did not, no.

MR. SANGER: All right. I have no further questions. Thank you.

REDIRECT EXAMINATION

BY MR. SNEDDON:
Q. Well, let's just get this straight so everybody understands it.
You were only authorized by the warrant to seize documents through the time that the Arvizo family was there, isn't that correct, through March of 2003?

A. That's correct.
Q. So there would be no reason to look for documents in April, May, June, July, November of 2003?
MR. SANGER: Objection. That's leading and it's also argumentative.
THE COURT: Sustained.
Q. BY MR. SNEDDON: In the execution of the search warrant, are you bound not to review the records that go beyond the period authorized by the judge in the warrant?
A. Yes.
Q. Now, with regard to whatever document you may have seen in 2003 that would have been within the time limit of the warrant itself, did you personally see anything within 2003?
A. No.
MR. SANGER: Excuse me, I'm going to object to that question. The way it's phrased is -- it's vague and it's also compound, if I understand it at all.
THE COURT: Sustained.
Q. BY MR. SNEDDON: Did you personally see any documents during your examination of the records covering the month of January 2003?
A. I don't recall the specific month. I just remember seeing 2003s. Seems to me that there was some, but I don't recall any specific information about 2003.

Q. In the execution of the warrant, if you'd seen something during the time period set forth in the warrant, in other words, January, February, March of 2003, and it contained the name of any of the parties that you were looking for, would you have taken it?

A. Yes, I would have.
MR. SNEDDON: Nothing further. No further questions.
THE COURT: Thank you.
MR. SNEDDON: Investigator Rooney.
THE COURT: We'll take our break.
MR. SNEDDON: Okay.
(Recess taken.)
THE COURT: Counsel?
MR. SNEDDON: Thank you, Your Honor. Tim Rooney.
THE COURT: Remain standing, please. Face the clerk and raise your right hand.

TIMOTHY ROONEY
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Timothy Rooney, R-o-o-n-e-y.

THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. SNEDDON:
Q. Mr. Rooney, you're employed by the Santa Barbara County District Attorney's Office, correct?
A. Yes, sir.
Q. How long have you been with the District Attorney's Office?
A. 16 years.
Q. And in what capacity are you employed by the District Attorney's Office?
A. Senior criminal investigator.
Q. Before that, did you have law enforcement experience?
A. 11 years with Santa Barbara Police Department.
Q. Okay. Now, on November the 11th of -- November the 18th, I'm sorry, November 18th, 2003, were you assigned to participate in the execution of a search warrant on Neverland Valley Ranch?
A. Yes.

Q. And what were your -- was part of the assignment that you were given that day to participate in the review of some documents and logs in the security office?

A. Yes.

Q. And were you working in conjunction with other people in doing that?

A. Yes, sir.

Q. I'm not sure that mike's working. You might want to try that one there.

A. Okay.

Q. And who was it that you were working with in processing these documents?

A. Sergeant Steve Cleaves from the sheriff's office, Deputy Moeller from the sheriff's office, Tim Sutcliffe from the sheriff's office, Shelly Sweeton, a criminal investigator with the District Attorney's Office, and myself.

Q. And from where did you obtain the materials that you personally went through?

A. From the security area.

Q. And were they in some form of containers?

A. Yes.

Q. What kind?

A. Some were retrieved from files that were in file cabinets and boxes.

Q. Now, what is the process that you used in -- first of all, were you given a list of names of people to look for on these logs and records?

A. Yes.

Q. And what was the nature of the records that you were looking through?

A. Records consisted of logs of people going in and out of the ranch, employees, guests, business vendors.

Q. And you had a list of names to look for; is that correct?

A. Yes, sir.

Q. And during the course of your examination of the documents that you personally examined, did you have occasion to remove some of those documents?

A. Yes, I did.

Q. And after you removed them, what did you do with them?
A. I notified Deputy Moeller and he scribed them, took them from my possession and documented them.
Q. So he took them from you, you gave them to him and he documented them --
A. Yes.
Q. -- is that correct?
A. Yes, sir.
Q. Now, have you had a chance to review the documents that you took on that particular day --
A. Yes.
Q. -- generally speaking?
A. Yes, I have.
Q. Do any of those documents include documents after the date of December 31st of 2002?
A. I don't believe so.
MR. SNEDDON: No further questions.

CROSS-EXAMINATION
BY MR. SANGER:
Q. Good morning.
A. Good morning.
Q. It's still morning. We always have to check here. We get kind of out of sequence.
Did you write a report in this case?
A. No, sir.
Q. Your assignment, among other things, was to look through those documents; is that correct?
A. Yes.
Q. Were you assigned to do anything else in this case?
A. I helped search the video movie room that he had.
Q. The video library?
A. Yes, the library.
Q. I'm sorry.
A. The video library at the ranch.
Q. I didn't mean to talk over you.
Okay. The video library was upstairs in the same building as the security office?
A. Yes.

Q. And you also were assigned to stand watch over the guest units until somebody came to search them?
A. Yes.
Q. Okay. Other than that, did you do anything else in this case?

A. I went to the back employee area and stood by till somebody came -- from the sheriff's office came and contacted the employees.
Q. Okay. Did you search the administration building? Let me ask the foundational question. Do you know where the administration building was on the ranch?
A. No, sir.
Q. Okay. You were down at the main residence on the adjoining building with the video library and the security office, correct?
A. Yes, sir.
Q. You did not go up on the hill to an administration building to search there, did you?
A. Yes, that's the building I was referring to in the back. I didn't search there, but I stood by with the employees until somebody from the sheriff's office relieved me. I did not search that area.
Q. You're saying “the back.” Do you mean right behind the house?
A. Up high where you're talking about.
Q. What does that building look like?
A. I don't remember.
Q. Was it an industrial-looking building?
A. I believe so.
Q. Okay. So we're then talking about the -- is that the building that has a fire truck up there?

A. There were no fire trucks when I was up there, I don't believe, but other employees' vehicles.
Q. All right. Okay. In any event, you did not search inside of that administration building; is that correct?
A. That's correct.
Q. And you're aware at the front gate there is an office at the gatehouse; is that correct?

A. Yes, there is.
Q. Did you search the office at the gatehouse?
A. No, sir.
MR. SANGER: Okay. Thank you. No further questions.
MR. SNEDDON: Nothing further.
THE COURT: Thank you. You may step down.
MR. SNEDDON: Detective Moeller.
Is that one on?
BAILIFF CORTEZ: It's on.
THE COURT: Remain standing. Face the clerk. Raise your right hand.

STEVEN MOELLER
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name's Steven Moeller, M-o-e-l-l-e-r.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. SNEDDON:
Q. All right. Mr. Moeller, you're going to have to scoot up to that microphone there.
A. Can you hear me?
Q. That's perfect. That's as good as it gets in here.
All right. You're a deputy employed by the Santa Barbara County Sheriff's Department?
A. I am.
Q. How long have you been with the department?
A. 30 years.
Q. And what are your current duty assignments?
A. Currently I'm attached to the Aviation Bureau of the sheriff's department.
Q. And on November the 18th of 2003, you are one of the people who participated in the execution of a search warrant at Neverland Valley Ranch; is that correct?
A. That's correct.

Q. And on that particular occasion, were you assigned some responsibilities in connection with the execution of that warrant at the security office?

A. Yes, I was.
Q. And what were those responsibilities?
A. To go through various documentation looking for specific names on the list, and doing a basic search of that security office.
Q. All right. And were you assigned a particular responsibility with regard to any of the documents that were found during the course of that search?
A. Yes. I was a scribe.
Q. What's that mean?
A. That means that I -- for the search team, once they find something that they believe they want to hold as evidence, they turn it over to me, I assign it a number, and then I fill out the property sheet.
Q. And then after you assign it a number and you fill out the property sheet, what do you do with it? What did you do with it on this occasion?
A. The evidence?
Q. Yes.
A. Bagged it.
Q. Okay. And then after you bagged it?
A. I turned it over to the evidence officer.
Q. All right. Now, you were working with some other officers in the security office who you provided the scribe responsibilities for. Now, who were the other officers you were working with in there?

A. There was Sergeant Steve Cleaves, Detective Sutcliffe, Detective Rooney, and Detective Sweeney.
Q. And as they -- as they gave you the particular item and you assigned a number to it, did you make out what's called an SH-451 form?
A. I did.
Q. What is that, for the jury?
A. Basically that takes the evidence that's turned over, any description of that evidence, and

we log who located that evidence and what location.
Q. All right. I want to show you a series of exhibits, with the Court's permission.
I can approach the witness, if I might.
THE COURT: Yes.
MR. SNEDDON: And Counsel, this is 300 through --
MR. SANGER: 334.
MR. SNEDDON: 334. Excellent.
Q. I'm going to ask you to examine the items 300 through 334, which basically ends where that yellow tag is.
MR. SANGER: Your Honor, I'm going to object to this procedure as cumulative, in that there's already a foundation and these documents were admitted.
MR. SNEDDON: I have other questions about the documents that I'm going to ask.

THE COURT: I'm not going to rule on your objection, because I don't know -- he's just asked him to look at the records. So I don't know if it's cumulative or not.
Q. BY MR. SNEDDON: Okay. Have you looked at all those documents?
A. I have.
Q. Now, with regard to the very last one, this is People's 333, it's in evidence, it's the one -- yeah, flip that over, because I'm going to ask you a question about -- no. Flip it this way.
A. Okay.
Q. With regard to that particular document, in the upper left-hand corner is a number written in ink; is that correct?
A. That's correct.
Q. And do you recognize that number?
A. Yes.
Q. Okay. Did you put that number on there?
A. I did.
Q. Okay. Now, go back one more document, if you would. That document -- excuse me. With regard to the exhibit we were just talking about is in small numbers, black ink, correct?
A. That is correct.

Q. Now, go back one more.
MR. SANGER: May I approach, Your Honor? I'm not sure I'm following this.

THE COURT: Yes.
MR. SNEDDON: It's the same as in yours.
MR. SANGER: It's a different colored ink on that one. This is not colored.
MR. SNEDDON: It's black.
MR. SANGER: I see, okay. That was the first number? Can I just ask where the second number was?
THE WITNESS: 602?
MR. SNEDDON: That's on 601.
THE WITNESS: 601.
MR. SNEDDON: In the upper left-hand corner of the document.
MR. SANGER: All right. Thank you.
Q. BY MR. SNEDDON: Moving back, the next document has, in the upper left-hand corner, what number in black?
A. 6-3-5.
Q. Is that your handwriting?
A. Yes.
Q. Now, the handwriting with regard to 635 compared to 601 is significantly larger, is it not?
A. It is.
Q. Okay. And with regard to the review of the documents that I asked you to do in front of the jury here, those all have large print on them like the 6 -- like the one that's marked as People's 332, correct?

A. Correct.
Q. So even though they're smaller in size in one case and bigger in others, it's the same handwriting, your scribe?
A. It is.
Q. Do you have your SH-451 form --
A. I do.
Q. -- with you?
Don't look at it yet. I'm going to ask you a question.
A. Okay.

Q. And if you have to look at it, I'll let you do that.
A. Oh. Okay.
Q. With regard to the items that were given you from No. 300 through 332 - okay? --
A. Okay.
Q. -- were any of those documents beyond the date of January 1st, 2003?
A. I don't believe so.
Q. Did you -- would your SH-451 help you refresh your recollection to that effect?
A. It might.
Q. Make sure you're certain of that. Let me just ask you a question. Your report, your SH-451, is listed by item number, correct?
A. Correct.

Q. So it doesn't necessarily correspond, without individually looking at every page, as to which is which?
A. Correct.
Q. So why don't we just turn all the way back, just momentarily to get the place on this, to Item No. 300 -- or Item 301. How's that? Just turn the book to 301.
A. 301.
Q. Okay. And that corresponds to your Item No. 614, correct?
A. Correct.
Q. Just run consecutively to 614 down to the end of your documents.
MR. SANGER: I'm going to object, Your Honor.
MR. SNEDDON: Let me do it another way.
MR. SANGER: Sorry. Go ahead.
Q. BY MR. SNEDDON: Just please review your form for right now.
A. Okay.
Q. And, now, does that refresh your recollection as to whether or not items -- the evidentiary items 301 through 332 were all items from the year of 2002?
A. With the exception of one.

MR. SANGER: I'm going to object, Your Honor. The exhibits speak for themselves. We're getting a report about the exhibits.

THE COURT: He just asked him to refresh his recollection. If I understand your objection correctly, I'll overrule it.

MR. SANGER: Well, the objection was -- the question was, what is the dates on the exhibits, not in his report.

THE COURT: He asked him to review the item and see if it refreshed his recollection.

Q. BY MR. SNEDDON: This would be only through Items -- your Item 635?

A. Correct. 2002.

THE COURT: I think what's happened is the question is in two stages. So I'll ask you to break the question down to two separate questions.

MR. SNEDDON: Yes, Your Honor. I will do that.

Q. Does reviewing your SH-451 form refresh your recollection as to whether or not the Exhibits 301 through 332 are all from the same year?

A. Correct.

Q. And that year would be what?

A. 2002.

Q. And there was a single document which is Exhibit 333, correct?

A. Correct.

Q. One-page document. That was from the year 2003?

A. Correct.

MR. SNEDDON: Nothing further.

MR. SANGER: The only problem is the book that was given to me has a two-page document. Maybe it's two sides of one page.

May I just inquire?

CROSS-EXAMINATION

BY MR. SANGER:

Q. 333, is that two pages, or is it one page with two sides, or what is it?

A. Two sides.

Q. Actually --

A. Well --

Q. -- one piece of paper?

A. No, two pieces of paper.

Q. So basically, then, the answer would be Exhibit 333 is two pages that pertain to 2003?

A. Correct.

Q. Without getting too complicated here, you have a number of records which include gate logs from 2002?

A. Correct.

Q. And then you have two pages, which is Exhibit 333, that are not gate logs; is that correct?

A. No, they're not.

Q. Okay. So you have -- those are a Neverland

Valley Fire Department Emergency Medical Report from 2003, correct?

A. Correct.

Q. And then there's a Neverland Valley Medical Report Log from 2003?

A. That's also correct.

Q. So those medical reports are from 2003. The gate logs that you scribed in during the search were from 2002?

A. Correct.

Q. There you go.

Now, by the way, is your assignment with the Aviation Bureau, is that a -- does that mean you're up in the air full time in a helicopter or a plane?

A. Yes.

Q. That's where you are at all times?

A. As much as --

Q. As much as you can, probably?

A. As much as the county can afford.

Q. When did you first get that assignment?

A. Approximately six years ago.

Q. All right. So at the time you were -- you were assigned to do this, you were taken out of the air to come down to the ground and help out?

A. Actually, during that year that the search warrant occurred, I was temporarily with the narcotics unit for about eight months.

Q. So you were working as a detective?

A. I was.

Q. And you have prior experience as a detective in the department?

A. No.

Q. That was your only time as a detective?

A. Yes.

Q. All right. Now, you were briefed on this search before you went out to the ranch, correct?

A. Correct.

Q. And you received a copy of the search warrant, correct?

A. Correct.

Q. And you were aware of the structures that were covered by the search warrant; is that correct?

A. Correct.

Q. And that would be the main house, correct?

A. Correct.

Q. The security office, correct?

A. Correct.

Q. And then the arcade building?

A. Yes.

Q. Did you search the administration building?

A. I did not.

Q. Do you know where that administration building was?

A. No.

Q. Were you aware there was an industrial-looking building up on the hill?

A. If that's by the fire department --

Q. Yes.

A. -- area, yes.

Q. You're aware of that building?

A. I'm aware of that building, yes.

Q. But you did not search it?

A. I did not.

Q. And you're aware of the gatehouse or the office next to the gate, the very front gate on Figueroa Mountain Road, correct?

A. Yes.

Q. And that was an office that was not searched as well; is that correct?

A. I did not search that.
MR. SANGER: All right. Okay. No further questions.
MR. SNEDDON: Nothing further, Your Honor.
THE COURT: You may step down.
MR. AUCHINCLOSS: Your Honor, we'll call Jeff Klapakis as our next witness.
THE COURT: All right. Come forward. When you get to the witness stand, you may be seated. You're still under oath.
LIEUTENANT KLAPAKIS: Yes, sir.

JEFF KLAPAKIS
Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. Good afternoon, Lieutenant Klapakis.
A. Good afternoon.
Q. You've previously testified in this case that you were a lieutenant assigned to the Michael Jackson case. During the month of January in 2004, did you serve a search warrant on the home of F. Marc Schaffel?
A. Yes.
Q. And where did you serve that warrant?
A. In Calabasas, California. At his residence.
Q. What was the date of the -- that the warrant was served?
A. January 31st, .04.
MR. SANGER: Before we go any further -- yes, all right. Before we go any further, could we approach the bench briefly?
THE COURT: Yes.
MR. SANGER: Thank you.
(Discussion held off the record at sidebar.)
THE COURT: (To the jury) Before we have any further testimony, I have to hear some motions, and not just as to this witness, but to several witnesses that the District Attorney is anticipating calling. And there's -- I don't see any way that we could complete those this afternoon, so I'm going to have to let you go home.

THE JURY: (In unison) Oh.

(Laughter.)

THE COURT: I knew you would be disappointed.

So you don't come back.

THE JURY: (In unison) Oh.

THE COURT: And I'll see you Monday at 8:30.

Remember the admonitions.

Let me just say one thing to you. This is not unusual. When you get to the end of either side of the case, things -- it starts stuttering. Every case I've ever had, those -- the witnesses that are left are the ones that have something that I have to do, and it's just not unusual. I don't want you to think it is. It just sort of -- cases don't just ride out to the end smoothly and stop. At least not in my court. They always go bump, bump, bump. That's where we are; bump, bump, bump.

So I'll see you next Monday.

I'm going to just leave the stand for a moment until you're ready to start the motions.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

MR. SANGER: Your Honor, before you start on the motion, I asked Mr. Dunkle to come over and sit in, because so many of these things were filed at the last minute and he's worked on responses, so I'd like to have him here. And he'll be here in a few minutes, but we can start without him, of course.

THE COURT: That's fine.

All right. The first item on the calendar is the plaintiff's motion in limine re admission of expert testimony on Battered Women's Syndrome. I deferred ruling. I would like to have Mr. Sneddon, whoever is handling the motion here, explain to me why this witness is necessary, what you intend to prove.

MR. AUCHINCLOSS: This is my motion, Your Honor. And given the enormity of the evidence concerning Janet Arvizo's 16-year abusive relationship at the hands of her husband, and given the fact that the charges and facts of this case fall immediately upon the end of that 16-year relationship, both sides have made the issue of this relationship central to this case.

The defense has even attempted to use this relationship to show that Miss Arvizo was somehow fraudulent in the J.C. Penney case by attempting -- I won't concede that they were successful, but they attempted to lead the jury to believe that some of her injuries were, in fact, caused by her husband.

So there doesn't seem to be any contention that both sides agree that this woman suffered at the hands of her husband.

THE COURT: I guess the issue that I want discussed is what is the relevance here. The code section says that if you show relevance and you have an expert that will so testify --

MR. AUCHINCLOSS: Very well. I'll go straight to the point.

False imprisonment. Child endangerment. Personal verbal attacks. Death threats. Isolation. Hopelessness. Emotional abuse. These are all the central issues of domestic violence. They are also the central issues in this case.

Domestic violence evidence, expert evidence by a Battered Women's Syndrome expert, is designed to debunk misperceptions about women who have suffered this posttraumatic stress disorder. Women who have been raped, women who have been beaten, women who have been abused do not act in a -- in a predictive manner.

There are many misconceptions about how Janet Arvizo should act, given the stimulus of the defendant's conduct in this particular case.

Specifically -- these are problem areas for this jury that this expert will help them now to wade through. Specifically, why did she return to her abusers at Neverland? The jury needs to understand that. Victims of domestic violence virtually always return to their abusers.

Why didn't she go to the police? Why

doesn't she report this? Victims of domestic violence -- this expert will testify, victims of domestic violence, when they're threatened, when they're abused, when they're taken advantage of, they virtually never go to the police.

Why didn't she make greater attempts to leave? Why didn't she just walk away? Those are the questions of people who wonder why these women stay in these domestic violence relationships. This expert will help this jury understand this issue.

Why she's still susceptible, why she's so gullible.

Common traits in domestic violence cases. Why was she so easily manipulated? Domestic violence victims are routinely manipulated by the men who abuse them. Why did she continue to trust in people who had proven they were untrustworthy?

Another common trait, this learned hopelessness. That's the terminology that the experts use, “learned hopelessness”; that they become eternal believers in, “Well, you know, if I just tow the line, if I just do what I'm told, if I don't make any waves, if I don't make any fuss, everything will be okay.”

Why did she act so helpless? A common question that we all have of victims of domestic violence and a common trait that's certainly associated with this disorder.

Why did she have -- continue to have hope

and faith in Jackson when Jackson's people were conducting this conspiracy around her? Again, this sense of hope, trying to find some light at the end of the tunnel, trying to believe, wanting to believe. She wanted to believe that Jackson could help her, even when all the evidence was contrary.

Why does she lie under oath? Now, here's an important point. The defense has placed that fact in the center of their attack on Janet Arvizo.

They've charged her with perjury. They made a big deal about it. They questioned her extensively about that.

And this expert will come forward and tell you that victims of domestic violence virtually always or routinely lie under oath and protect their abusers. And that's exactly what she did in this case.

THE COURT: But I'm having trouble keeping up with you here. Are you talking at this point about her lying under oath in depositions about whether her ex-husband was abusive or not?

MR. AUCHINCLOSS: Yes, I am.

THE COURT: But just before that, you were attributing the -- it wasn't -- you were sort of placing Mr. Jackson in the position of a husband, weren't you?

MR. AUCHINCLOSS: Well, I am. I'm placing --

THE COURT: You made a big jump there.

MR. AUCHINCLOSS: Well, I did. And I'm saying that Mr. Jackson was in a position where he could exploit the vulnerabilities of a woman who suffers from posttraumatic stress disorder.

Now, the statute itself says that the common misperceptions regarding Battered Women's Syndrome is admissible to help the jury understand the nature and effect of the physical, emotional, mental abuse on the beliefs, perceptions and behavior of victims of domestic violence.

Janet Arvizo's beliefs, her perceptions and her behavior in this case have been called into question by the defense. And those beliefs, perceptions and behaviors were altered, permanently probably, during those 16 years of being a battered wife.

Now, there are some interesting parallels here, even though Mr. Jackson is not in a position of being a typical classic father figure in a family. I mean, there's the family overtones. There's the I'm-going-to-take-care-of-you overtones. There's certainly some interesting parallels here. But this is primarily to help the jury understand why Janet behaves the way she does. Many questions are asked about this, and questions that have been focused on by the defense.

And Janet behaves the way she does because of her history as a victim of domestic violence.

Because of the stimulus that's provided, death threats, she reacts that way when she gets death threats. When she's scared, when she's upset, she doesn't go to the police. When she's feeling hopeless, she locks herself in a room and sits there on Neverland and doesn't go out and see anybody. She is -- is she paranoid? Yes, as most victims of domestic violence are.

THE COURT: The thing I'm having trouble with is that the case where this usually arises is in a case where a -- if it's a husband -- let's use that as an example. A husband is charged in court with abusing his wife, and she testifies, and there's a lot of inconsistencies because she didn't report it, or at other times she said he was abusive, he wasn't abusive, that type of thing, and you have --

MR. AUCHINCLOSS: Well --

THE COURT: -- the testimony to explain her -- it's not too different from the Child Abuse Accommodation Syndrome, where the child doesn't accurately report and you bring in an expert to suggest why that would be, you know, in the total scheme of things.

MR. AUCHINCLOSS: And you're exactly right.

THE COURT: In this case, that's not the situation at all. I mean, she's --

MR. AUCHINCLOSS: This is an unusual hybrid. I couldn't agree more.

But as you pointed out, there's two tracks here for admissibility. One deals with the conduct of the defendant, and trying to understand Janet's conduct, which I think is just -- just something that this jury absolutely has to have to help them understand Janet. She suffers from a posttraumatic stress disorder. They should be apprised of that and the classic symptomology, which is completely counterintuitive. And we don't want this jury to make this decision based on misconceptions. And there are an abundance of misconceptions of how women should be behave and how they actually do behave when they've been abused by domestic partners.

But the other side, the other track, which is completely independent of this and which this evidence should come straight in on, is to explain why she didn't tell the truth under oath. It goes straight to that issue, which the defense has chosen to make a centerpiece on their attack on Janet.

So for the jury to understand why did she perjure herself, why did she lie about her husband, that's a highway to bring this type of evidence in so that the jury can understand, that's normal. Women who are -- who are abused do that. It shouldn't be held against her, and it shouldn't be used against her the way this defense intends to do, and the way they tried to do when they examined her, and the way they ultimately will do when they argue this case.

So on one hand, the defense has asked for it. They've asked -- they should have all the evidence on what the reasons why she perjured herself. But on the other hand, it's -- there are many enigmas about why Janet acted the way she did, and those enigmas are largely explained when people understand that she is a classic -- she's exhibiting the classic symptoms of posttraumatic stress disorder.

And I might point out finally, just that under the code, under the section here, this is not exclusively used in the case of Battered Women's Syndrome where there's a domestic violence, where the husband is charged and the woman is the victim. I mean, the code itself says "whenever it's relevant." So it's not a matter of whether it's normal or not. The question is, is it relevant? Does it have a tendency in reason to prove --

THE COURT: Well, it's just that it's -- the relevancy is very clear under the typical scenario.

MR. AUCHINCLOSS: Yes.

THE COURT: It's not so clear here.

MR. AUCHINCLOSS: But even in the cases, the cases don't always just go to that classic scenario. Sometimes it's used on the other side of the coin. Sometimes it's used to show why the woman assaulted the man.

THE COURT: Well --

MR. AUCHINCLOSS: And there's case law on that as well.

THE COURT: Yeah, and --

MR. AUCHINCLOSS: So --

THE COURT: I chose the example of the man assaulting the woman because that's the scenario we have in front of me.

MR. AUCHINCLOSS: Sometimes it's used to show that the defendant -- it's not only used to show the victim suffered from post-traumatic. Sometimes it's used to show the defendant suffered --

THE COURT: Oh, I see what you're saying.

MR. AUCHINCLOSS: When the woman is charged with murder, for instance, and an expert is introduced to show she suffered from Battered Women's Syndrome. So there are other cases. But I agree with you, it's not always simple, but we are not always confronted with simple facts for the application of the law. But I will say that it is abundantly clear that, under the defense's own intent and their own tactic in this case, they made it relevant, at a minimum, by charging her with perjury and parading that out in front of this jury.

So I would submit there are two very strong reasons that make this evidence highly relevant. And I don't think you can -- you can dispute the fact that many of her -- much of her conduct is counterintuitive, that -- and that it does fit within a pattern that is prevalent among women who are victims of this.

THE COURT: But you're saying that the expert's going to testify that not only does the spousal abuse accommodation theory explain why a person doesn't report, prosecute, et cetera, a person who is physically abusing them, and will say that that's equivalent to this case where --

MR. AUCHINCLOSS: Yes, she will say that. She will say that this -- this disorder, the symptomology of this disorder, is not isolated to the home. When they walk out of the home, they carry this disorder with them. When they are confronted in the world with the stimulus, the similar stimulus that they have in the home, such as death threats, such as false imprisonment, such as threats of child abduction, such as trying to obtain control, any act of power, isolation and control, which we have here, when they're confronting these types of influences, they react the same way they do in the home. The posttraumatic stress disorder goes with them wherever they go.

And that's what this witness -- this expert witness will testify to. She will testify to that these types of incidences are -- are Janet suffering from this syndrome. That this type of behavior is -- and not specifically, but generally, because this will be general testimony, as it should be. It's to demystify the area. But she'll testify that women do not leave this disorder when they walk out of the house or even when they leave their husband. So --

THE COURT: Okay. Mr. Sanger, are you going to discuss this?

MR. SANGER: Yes, sir. Yes, sir.

We briefed it, and I think the Court has hit one of the major points on the head, is that this isn't relevant to this kind of a case.

But responding to what Mr. Auchincloss said in an effort to answer the Court's question, we didn't make her perjury relevant. She has committed perjury, I think it's pretty clear, in this court from the stand. And she has said things that are preposterous, that are absolutely counter to the other evidence in the case. And that's not because she's a battered woman. That's because she lies for gain.

I don't want to be unnecessarily harsh, but let's face it, that's what this is about. She took the Fifth so that she has that protection to not be cross-examined. But the Court is going to allow us to bring in evidence that she lied for gain on repeated declarations for money and got that money and continued to get that money, and lied and cheated her way through life. That is what she does. That has nothing to do with being a battered woman.

Now, the People say, well, they should bring this in and because Mr. Auchincloss says she's really suffering from posttraumatic stress disorder, which is interesting, because they specifically asked to exclude Dr. Hochman's testimony, who indicates that she is basically an antisocial personality disordered patient, person, who coaches her children to lie. Remember, Dr. Hochman was the one that said that, and that she lies for gain, and lied for gain in that case in the J.C. Penney's case itself. But he made a diagnosis after actually seeing her and evaluating her and testing her. If they're --

MR. AUCHINCLOSS: I'm going to object that that misstates the evidence, and this should be a legal argument rather than a factual one.

MR. SANGER: Well --

THE COURT: Overruled.

MR. SANGER: If they bring in PTSD and say that's what this is all about, and she can get up and say whatever she wants, obviously it proves too much. It's not relevant to this case. It's not relevant to the facts of this case, despite the heroic effort to stretch it. But it would prove too much. Anybody who claims that they were assaulted by their husband could come into court, lie in the trial proceedings before the Court, lie in countless other proceedings, and under oath, and then say, "I get a pass."

Now, there's nothing funny or nothing to be minimized about being the victim of any kind of violence, whether it's domestic violence or any other kind of violence. But it proves too much to say that therefore this witness, who Your Honor heard for five days -- and we'll address this maybe in an 1118.1 motion at some point here.

But without prejudging that, Your Honor heard this witness for five days. That is not the behavior of a shy, hopeless - what were the words? -

a hopeless person who can't stand up for herself. She was perfectly willing to take Mr. Mesereau on as aggressively as possible. She has taken other people on in her history in that very same way.

When she wants something, she will get it.

There is nothing -- nothing shy about that woman that was on the tape that was trying to keep herself situated as close to Michael Jackson as possible, while denying that Jay Jackson even existed. There is nothing shy about this woman at any time. And she'll get up here and blatantly lie.

If the Court says, "Well, you can" -- if any court said, "Well, you can bring in an expert to say this person gets a pass and they can lie," what's the point of cross-examination? What's the point of coming into court and having the jury hear these things?

Now, it simply proves too much. It's not relevant to the facts of this case. If they do intend to bring in something like that and claim that it shows PTSD, and therefore she's not able to tell the truth, what does that tell us? But if they're able to do that, then we should, of course, be able to bring in Dr. Hochman to say he knows exactly why she doesn't tell the truth.

THE COURT: Don't you think there's relevance, without conceding your position, though? I'm having trouble with you, just like I am with the District Attorney. There's two areas we're talking about. One area, the claim is that she was the victim of abuse by David Arvizo. And as the District Attorney pointed out in his argument, neither side seems to be -- that's not an area of contest in this case. You know, when it occurred, and all that, may be, but not that it actually occurred.

So then we have the actual impeachment by the defense of her testimony that Mr. Arvizo was abusive by you, the defense, bringing in the depositions of the J.C. Penney case where she denies that he's abusive. And I don't want to go into the evidence at length, but there was a considerable amount of evidence relating to her responses in the J.C. Penney case, and then the -- you know, the final, ultimate statement by her that if she, you know, was at the point that he was finally arrested and removed from her presence, that she was able to go to her attorney and explain some of the untruths that she told.

That's one area.

Now, what's your argument, without drifting, please, as to the relevance of her -- of expert testimony explaining the Spousal Abuse Accommodation Syndrome in regard to that issue?

MR. SANGER: Or Battered Women's Syndrome.

THE COURT: Yes.

MR. SANGER: So, if I'm understanding the Court, the -- taking the argument -- and I understand the Court's advancing for the purpose of discussion, taking the argument --

THE COURT: You're giving me a discussion, yes.

MR. SANGER: Taking the argument that, while the testimony might not be admissible with regard to Mr. Jackson and any other conduct associated with people at Neverland, the argument may be relevant to explain what happened with David Arvizo and why she may have lied in the J.C. Penney's lawsuit.

THE COURT: Yes.

MR. SANGER: Okay. First of all, under 352, let's start there, the Court has to make the cut at some point on evidence that is going to come in to explain what is an issue in the case, but it is not the core issue in the case.

And the Court has made that determination with regard to Dr. Hochman, for instance, that we cannot bring in what we considered to be probative evidence. The Court did not say it was not probative. The Court said that you were going to exclude it, I take it, in part, on the grounds that it would be -- I believe the Court said on the grounds that we're not going to have a complete trial within a trial on all aspects of it.

So there does have to be a cut of some sort. And it seems to me that's a place where we can start with the discussion. Can they -- in a trial where Mr. Jackson is on trial for his liberty over what these people allegedly did, we're going to have an expert come in, whose testimony should really be limited to this very small area.

Now, I understand if the Court were to do that, Mr. Auchincloss would not be allowed, nor would anybody on that side be allowed to argue that this testimony explains away her perjury in this

case or her perjury in other respects. But Your Honor would propose that somehow the jury be limited to that.

And so under 352, besides the undue consumption of time, you have the potential for prejudice to this defendant, to whom this witness would not apply at all, but the jury would not be capable of making that very surgical line, if you make a line surgically, but make that line very specifically. So it would cause prejudice, and it would cause undue confusion to the jury, besides the undue consumption of time.

Now, I want to address the relevance issue even more specifically, but I started with 352, because I think that really answers the question. But going more specifically beneath that, to whether or not it's probative at all on this, Your Honor said we don't dispute that she was abused by her husband.

There's already been reference to the fact that there was a photograph taken of her where she was appearing to assault her husband with a knife. And she said it was all a game, but I will represent to the Court that we have a number of witnesses who say that she was the violent one in the marriage, and was, in fact, striking not only her husband but other family members, and she's --

MR. AUCHINCLOSS: I'm going to object that

this is all irrelevant as to what she -- what Janet Arvizo is and what she may have done.

THE COURT: Overruled. Go ahead.

MR. SANGER: And we have a number of witnesses who we could call for that. Whether we will call them -- I'm representing they've been interviewed and that's what they say. Whether we will call them is a question of trial strategy and tactics, depending on where this all goes, of course. And there's evidence that -- well, suffice it to say, without going into the detail, there's evidence from third-party witnesses and family members to that effect.

Given that, if the Court allows her to now shore up her credibility as to why -- sort of a strange phrase, shore up her credibility as to why she perjured herself --

THE COURT: That's a phrase you've been choosing. I mean --

MR. SANGER: What the prosecution would be saying -- Your Honor argued this for them, I suppose, because we're talking about this narrow issue.

What the prosecution would be saying on this part of it, I suppose, is, “Look, of course she lied in J.C. Penney's because her husband's abused her and she's afraid.” So then when she -- when she testified, she not only testified that her husband

never beat her and she loved her husband, and they had a hide-away love nest, and there was all these other things that went along with that deposition, but she also felt compelled to testify that she was sexually molested and all the other things that came out in that deposition that were just inherently preposterous. And they would argue, “Well, she's a battered woman, so she tends to lie about everything if she lies about anything.”

THE COURT: The expert on the Battered Women's Syndrome, doesn't the expert in that situation just explain why a person who's been the subject of abuse might not report it, might not report it accurately, might at one time say one thing about it and other times about another? That explanation doesn't extend to everything a person says thereafter to anybody, does it?

MR. SANGER: Well, it shouldn't, but I heard Mr. Auchincloss just argue that it does. However, focusing on the Court's argument, the question is what would the expert bring to this?

The expert is not going to be able to substantiate the argument that Mr. Auchincloss made, and that's my point. The expert's not going to be able to say that she committed perjury just in general because she's hopeless. The expert can simply say there are syndromes where a woman, or a man, or anybody that's subject to a Battered Person Syndrome, usually a woman, hence the name, but where a person is subject to this syndrome, they are beaten down, they're dependent on the person, they feel hopeless. And the theory goes, therefore they don't necessarily avail themselves of conventional means to resolve the problem. They tend to go back to the person, things that Mr. Auchincloss said are common -- I won't adopt them all, but those that I'm repeating are common denominators in the expert testimony. And that will explain the traditional case where, in fact, a woman doesn't go report it, and when asked, after being beaten, says, “No, I wasn't beaten.”

It just doesn't explain the facts in this case. When I say, “this case,” I mean the J.C. Penney's case. It certainly doesn't explain anything in this case. But in the J.C. Penney's case, it just doesn't explain the facts that are in that case, where she will go in for gain and make up a big story about all sorts of things for gain.

And then remember, Your Honor, she doesn't -- it's not that she's afraid to report her husband. She reports her husband five days after they get a settlement by mediation, while they are still deciding how the money's going to be split between them. And during the months that ensue, they can't decide, the insurance company files an interpleader -- I don't know if they actually filed, but stated in correspondence they're going to file an interpleader because they don't want to have anything to do with it. She reports him then for sexual abuse. And he finally says, “I give up. I'll just take 5,000 for my divorce lawyer and you can have the rest.” And that's not a battered woman.

THE COURT: You're really not addressing the issue. But --

MR. SANGER: I'm trying.

THE COURT: Let me ask you the other question.

MR. SANGER: I'm sorry.

THE COURT: The area I cut you off on -- I just wanted to hear the argument related to my hypothetical, so I cut you off from arguing why it shouldn't apply, if the expert actually purported to be able to apply it to the -- a situation outside of the marriage or the relationship such as the Michael Jackson connection that she has. I'll let you argue that a little bit, because I wouldn't let you argue it.

MR. SANGER: All right. And not wanting to decline that invitation, could I make just one closing remark on the other issue?

THE COURT: If it relates to my question, yes.

MR. SANGER: And I want to tie it to the question. I think that is the question, is Your Honor says if it was limited to that issue, I suppose the question is how do you limit it to that issue? And that's why I come back to the 352, which is if you let in a battered woman expert on that, then we have all this other evidence as to whether or not she was actually battered, and whether or not she was behaving in accordance with a Battered Women's Syndrome, which would open that whole area substantially more than the Court, I think, intends to have it opened at this point.

Having said that -- that was the point of going on about the additional facts with regard to that point.

Having said that, the -- the greater argument, as it pertains to Mr. Jackson, who, after all, is the person we're representing -- we're not taking David Arvizo's side or not. You know, that's something that either did or didn't happen. The question is whether or not Janet Arvizo is telling the truth in this case when she's accusing Michael

Jackson and other people at Neverland and elsewhere of doing things to her.

And this syndrome, as it's typically described in the testimony, would have no application to this picture, despite Mr. Auchincloss's argument that basically explains perjury in general.

Not only that, we still do not have an offer, specific offer of proof or a report of anything from a Battered Women's Syndrome expert.

And as far as I know, they haven't elected which one of the number that they listed on their list they were going to actually call.

So we don't know what they're going to say.

We have to assume they're going to say no more and probably no less than they generally will say in domestic violence cases or cases in which the parties, whichever one is the victim of the ultimate offense, where the parties are husband and wife or boyfriend and girlfriend, and they have that kind of a relationship.

So if they give that kind of testimony, that kind of testimony will not apply to this. That means that they are expecting to call somebody who is either going to say that, and therefore there's no relevance, or they're going to call somebody who's going to expand on the theory beyond any measure upon which it's been approved to explain that somehow this can give an account of what happened here for five days.

THE COURT: Have you ever seen a case where it's been applied, this testimony, to anything other than the people involved in the relationship?

MR. SANGER: I have never seen such a case. I have never seen such a case reported.

And let me just ask very quickly. Did you see a report of this?

MR. DUNKLE: No.

MR. SANGER: And Mr. Dunkle, who is religiously researching some of these things, particularly the last-minute motions, has tried to read every case there is on all of these things.

MR. AUCHINCLOSS: If the record could reflect, Mr. Dunkle shrugged his shoulders.

THE COURT: Clearly he said, “No.” Right? I heard him absolutely say, “No.”

MR. SANGER: I'm a battered defense attorney.

THE COURT: The way he was shrugging his shoulders was in fright. It was, “Don't ask me.”

(Laughter.)

MR. DUNKLE: That's correct.

MR. SANGER: As a battered defense attorney, I may not be able to hear him clearly. I guess that's --

THE COURT: Okay.

MR. SANGER: The point is, I just don't see how it can apply. If the Court has any other questions, I'll answer them. Otherwise, I'll submit it, Your Honor.

MR. AUCHINCLOSS: Two comments.

THE COURT: I'll let you make your two comments, but let me ask you the same question. Do you have any case where this has been allowed or used other than between the two parties and the typical domestic violence situation?

MR. AUCHINCLOSS: I don't have a reported case.

THE COURT: Do you have any unreported case?

MR. AUCHINCLOSS: Um --

THE COURT: Oh, you're not supposed to cite those, are you?

MR. SANGER: Rule of Court 977, but the delay answered the question.

THE COURT: You should have let him make his answer and then move to strike.

MR. AUCHINCLOSS: But the bottom line -- one of my two important points is, number one, this is apples and oranges to Dr. Hochman, who would testify specifically about Janet Arvizo. This is not going to be testimony about Janet Arvizo.

THE COURT: No, I understand that.

MR. AUCHINCLOSS: This is just general testimony. Mr. Hochman would testify about specifically Janet Arvizo and it's inadmissible for that purpose.

THE COURT: You're getting --

MR. AUCHINCLOSS: Putting that aside, I want to make that point, because it's not prejudicial to the defendant. It's not about the defendant. It's merely some information that the jury can use or not use. It's up to them. If they think it applies to this case, no problem. If they don't think it applies, they're the arbiters. So in terms of prejudice, really it's -- all it is is informing the jury of the truth about a certain syndrome.

Secondly, as far as this thing about perjury, I've never said that this gives her a pass to commit perjury. And Battered Women's Syndrome does not provide any exculpation of an individual who lies under oath except for the individual who lies about their mate. That is the one area, when they say, "He didn't beat me." When they say, "He didn't do anything." When they say, "He's a great guy. Oh, he's a good person. He's an honest person." When they say those things, that's where they do get a pass, and that's the only area. And that's what this witness would testify to. And that's why it's so -- it's so important and so probative in this case.

Thank you.

THE COURT: This is an area that has caused me a great deal of concern. Probably why I didn't rule on it initially, I wanted to hear all of the evidence before making the ruling.

And I think this type of evidence is valuable in domestic violence cases for jurors to help understand the dynamics of a particular relationship involving violence, but I'm not going to allow it in this case. It may or may not explain her -- or a person's conduct in a similar case, such as the J.C. Penney case, which was not a domestic violence case between her and her husband either, as this one is. And I think it would be a mistake for me to allow that type of evidence on what is a peripheral issue in this case, i.e., whether or not she told the truth in the Michael Jackson -- in the

J.C. Penney depositions.

The Court will also find, under 352, that in this case the prejudicial effect far outweighs the probative value of the information, in that the jury might well confuse the purpose of the testimony, which would be -- the only way I could see it at any time would be to explain the relationship of the abused and abusing couple.

And I also think that, under 352, to allow the evidence would force the defense to approach the abuse in a different area, a different way, which would cause an undue use of time and prolong the trial unduly.

So for all those reasons, the Court will deny the use of the expert on the Spousal Abuse Syndrome.

The next issue we'll take up is the plaintiff's supplemental motion for admission of additional evidence pursuant to Evidence Code Section 1108.

MR. SNEDDON: Judge, I'll be brief. I just want to correct a couple of misconceptions in the response by the defense to this motion.

Mr. Kassim was on the original witness list and has been since the beginning of this trial.

Secondly, the discovery with regard to Mr. Kassim's statement was provided, along with all the other materials, back in October of 2004 of the statements that he made to police in 1994 -- in 1994, in May, during the course of the first investigation involving Mr. Jackson. These have been known to the defense since that period of time.

With regard to the motion itself, I will indicate to the Court that he was not on the list of the 1108, because in my view, with regard to the observations that he made, as I've indicated in the brief, they were corroborative of the testimony of Mr. Chacon and did not involve the actual seeing of any misconduct on the part of any individual. And frankly, it didn't dawn on me that he couldn't just come in and testify to those events. However, when the Court asked me to do it and put it in writing and defer his testimony, I was more than glad to do so.

But this -- so this is not something that we're trying to bootstrap into something we didn't plan to do a long time ago. He's been on the witness list, items have been discovered, and so we filed a supplemental motion. And I believe that the evidence is probative and is admissible under the code section and certainly is -- sets a stage and corroborates the testimony of Mr. Chacon in terms of the fact of the defendant being with the children that were mentioned by Mr. Chacon, and the events as mentioned by Mr. Chacon, and then the corroboration of the incidents by finding the swimming trunks in the rest room when he went to turn the lights off immediately after the defendant went from that position to the house.

I'll answer any other questions that the Court has, but that was -- I wanted to explain those differences between our position and the defense's position on the factual issues in terms of what was and was not provided.

THE COURT: Okay. Counsel?

MR. SANGER: Yes, I don't know that there's -- that there is a dispute, nor did we intend to say there was a dispute about what Mr. Sneddon said.

All of the people that they could find in the Abdool, Chacon, McManus, Domz and Bagnall vs. Jackson case, the civil case, all of those plaintiffs were listed as potential witnesses in this case on the December 6th witness list, as I recall. If it wasn't that one, it was the one shortly thereafter. That was not our complaint.

Our complaint was that Abdool was not listed in the 1108 -- specific 1108 motion where the government spelled out what they intended to prove.

It has been and continues to be our contention that the government is required to turn over witness statements of witnesses who talk to the government, whether it's police officers or district attorneys. And our concern is that we had reports from 1994. We've had testimony, of course, from this Mr. Abdool in 1996 or .7, and that was involving the case I was involved in in representing Mr. Jackson, but we don't have any current reports.

And it's just hard to imagine that any of these witnesses -- and I'm taking just a moment, because this applies to other witnesses that will come up, that any of these witnesses from times gone by would just be called to the stand cold, without even so much as a reinterview. So that was our concern, so that was what we were trying to express.

And without anything new, and without anything by way of an offer in the original 1108, all we have now is the new offer, which is not based on declarations, as so many of these motions are. They're just things that are said in the motions, and the government wants to call Mr. Abdool for that.

This goes far afield. The Court was limiting the testimony under 1108, recognizing, I believe, that 1108 evidence can be very distracting to the jury for the same 352 reasons that we've discussed before, and the Court made an effort to limit it, my belief was, to people who saw some actual acts or purported to see some actual acts that would amount to actual evidence as opposed to circumstance and innuendo.

And not to go on about all the details of Mr. Abdool's testimony and whether or not it's been refuted by his own words, which I can indicate to the Court it has been, but aside from that, you're talking about a tangential witness to shore up another witness who has testified here, and we're turning the 1108 into more than it should be turned into.

This still remains a balancing act, and the Court has discharged that duty to balance by attempting to limit the 1108 testimony so the jury could hear what might be important to hear for the purposes set forth in 1108 and not to allow 1108 evidence to overtake the significance of the actual evidence in this case of guilt or innocence.

And so I think that expanding it any further would be a mistake, and I think it would be -- it would be harmful, be prejudicial, for all the reasons under 352, consumption of time, confusion to the jury, and prejudice to the defendant.

Thank you.

MR. SNEDDON: Your Honor, I just want to make one comment and I'll -- with regard to Mr. Sanger's position.

I think that the -- there's three incidents, and I tried to be specific about the incidents involved in the offer of proof. And clearly, my take on it, and has been from the beginning, that the first two incidents that really frankly involve relevancy issues more than anything else, and that they are like having multiple people see the same events and you're allowed to call people in to testify to certain portions of what they saw during the course of those events.

Clearly, I think the third incident is one that is more akin to the 1108 and 1101 kind of evidence that's been before the Court. But clearly, I think the first two incidents are ones that are more, in the sense, relevant because they corroborate Mr. Chacon as to significant events that he's testified to in this case.

And there's been a -- an attempt by the defense to claim that this evidence was fabricated based upon his involvement in later suing Mr. Jackson. And I think in fairness to Mr. Chacon, when there's a witness out there who can testify that he was also there that night and he also saw the same things that Mr. Chacon saw, in terms of the setting for the event and placing Mr. Jackson with the child at the time that Mr. Chacon says, that that's highly relevant evidence that this jury should be presented with.

So I think there's a difference in the basis for which the first two incidents would be admissible as opposed to the third.

And I'll submit it.

THE COURT: You know, I want to take a couple of minutes to read the briefs again on this. I'll take a five-minute recess.

(Recess taken.)

THE COURT: What department is this? Where are we?

(Laughter.)

THE BAILIFF: 8.

THE COURT: Okay. On this plaintiff's motion for admission of additional evidence pursuant to 1108 and 1101(b), I am going to deny the request to allow the -- what I'll refer to as the bedroom incident, which is your third incident.

I think I will allow the evidence relating to the -- what you call the bathroom incident, the swimming trunks. And the second one, the hug, that will be allowed under 1101.

Then the next item on the Court's agenda is the admissibility of certain testimony of several of the defense proposed witnesses.

I have a way of sort of streamlining this one. I can't tell how to rule without knowing why you would offer a certain witness in what regard. This is evidence that what you want to do is produce employees who will declare that they never saw Mr. Jackson touch a child inappropriately or something, you know, some type of evidence. And it's, generally speaking, negative evidence, you know. We can call a million people who never saw him do that. But if there's some way of advising me and the prosecution in advance that a particular witness was in a particular situation, it makes that not seeing something germane, then we have a different situation, right? Do you understand what I'm saying?

MR. SANGER: Yes.

THE COURT: If you could give me the facts as to a -- I don't know, maybe it would be a situation where the District Attorney had a witness that said, "I saw such and such happen," and you had a witness that was there in the vicinity that didn't see such and such happen, then that becomes relevant.

MR. SANGER: Yes.

THE COURT: Does my streamlining really work?

MR. SANGER: No, it didn't work, Your Honor.

THE COURT: All right.

MR. SANGER: I'm here to prove that point.

THE COURT: Go ahead.

MR. SANGER: No, I understand what the Court's saying.

Certainly that streamlined version -- I think there's no question -- if they say at eleven o'clock in the morning on the 1st of whatever, somebody was standing outside the theater and something untoward happened, and we have an employee, for instance, who was working in that vicinity at eleven o'clock and was vigilant, and we can say he was looking around and he never saw any such thing happen on that particular day, clearly that's relevant. I mean, that wouldn't be a question. So to the extent it's streamlined to that extreme, I mean, obviously --

THE COURT: That's an extreme situation.

MR. SANGER: But I think that the kind of evidence that we are talking about is much more -- is much broader than that. There will be evidence of that sort. But there's also evidence of people who, for instance, worked at the park, the amusement park, saw children on a regular basis, saw Michael Jackson with children on a regular basis, some of whom saw the Arvizo children, some of them who did not see the Arvizo children, per se. They may have seen them, but they didn't see anything particular with regard to those children one way or another, but were able to say that they have seen Mr. Jackson on a regular basis with children and never seen him do anything inappropriate. There are also people who would say that they did not see children who were --

THE COURT: Do you think that's character testimony? Now you're having people testify to a trait of character. Do you want to put his character in issue for the trait of, you know, whatever?

MR. SANGER: Well, in essence, his character has been put in issue and that was part of what we briefed. 1108 evidence is -- the way 1108 is written and the way it's been interpreted, although we have thought -- I say "we." You know, the defense bar in general and a lot of legal scholars have thought that it really went overboard. It's been interpreted as propensity evidence. That's character evidence. If they're allowed to introduce some evidence of some events from 12, 13, 15 years ago for the purpose of showing propensity, which is what 1108 allows, we should be able to counter that by saying, no, there is no propensity.

And when they've been allowed to introduce evidence of children running amuck, this is not character as to Mr. Jackson, but you've heard the testimony elicited by the prosecution that there are children running amuck and totally unsupervised and out of control. Some witnesses say that. And other witnesses say, other than particular children, like the Arvizos, for instance, children were not running amuck, there was supervision, a certain amount of decorum. I think those are relevant. That's not character evidence as to Mr. Jackson. That is -- that is evidence that's directly offered to refute the evidence that was put in by the prosecution.

So if we take those two different categories and talk about those -- let's take the last one first. Let's assume -- let's assume we put on a witness who worked at the ranch in the public areas and saw children on a regular basis and said, "I've seen children on a regular basis there. I have not seen any children under the influence of alcohol. I had the opportunity to observe." Of course there could be a foundation objection. But assuming that there is a foundation, survives that, they have an opportunity to observe and they say, during the relevant time periods, "I saw dozens, hundreds of kids," whatever it is, "and nobody was under the influence," that's evidence we should be allowed to present, because it directly refutes evidence that was presented by the prosecution.

If we have evidence that -- so that's that category, and I think that's pretty simple.

If we have evidence with regard to Mr. Jackson behaving appropriately with children and providing -- you know, not doing anything inappropriate in his contact with them, that counters the 1108 evidence, the propensity evidence.

THE COURT: Well, I think what I'll do is I'll let you -- what I would do is let you, as to each witness - and we're not going to do it now, but either in through some written paragraph or through some offer of proof before they're called - tell me the basis, because I see some of those, but, you know, the example you just gave me, an employee who worked in the area of -- observed all these children, never saw any of them drinking, you know, if you had the ability and it was an area where they would be seen if they were drinking, you know, then I think I could -- I would go along with that employee. But, you know, if he's a ranch hand and comes in and out of the ranch occasionally and says he never saw anyone, we're starting to talk about people who wouldn't have an opportunity.

MR. SANGER: And that would be a foundation issue.

THE COURT: So I think I need a better -- and I would allow the D.A. to address each one, too. It's not just showing me, but -- the general scheme of things, there has to be something specific here to make it relevant. Just plain negative testimony isn't going to get it.

MR. SANGER: I understand.

So what the Court is saying, we have to show a foundation for the observation; that if the foundation is that there's adequate opportunity to observe and that it's relevant to the area or the time period.

THE COURT: Yeah. Something that makes the fact they didn't see it relevant.

MR. SANGER: Right.

THE COURT: Which is -- and I think your alcohol example is a good example of something that I would allow.

MR. SANGER: All right. And -- and I don't want to argue with the Court, and I'm not, but as far as --

THE COURT: And just like you're not supposed to talk over there by the witness stand, so you always remind yourself of that right before you start talking.

(Laughter.)

THE COURT: That saves me from reminding you.

(Laughter.)

MR. SANGER: It provides a warning, actually.

THE COURT: Yes. Could I go direct to contempt from there? Or -- go ahead.

(Laughter.)

MR. SANGER: Well, I'm just a little concerned that we're sort of in the position of having to make an offer of proof on all these defense witnesses.

THE COURT: Just the ones relating to the negative testimony.

MR. SANGER: Yeah. And there may be -- I mean, we'll have witnesses who'll have percipient testimony on very particular things for which there would be no question. And they might also say something like that. It puts us in a position of just about every witness that worked at the ranch that we're going to call, because we're not going to call people that spent their entire time up at the administration building or over at the zoo --

THE COURT: I don't think it's burdensome to ask you to give me less than a paragraph. Just something.

MR. SANGER: Not overburdensome to me, but Mr. Dunkle, he's young, so he can take it. I say that facetiously. If the Court requires it, obviously we'll do it.

THE COURT: I think I do.

MR. SNEDDON: Judge, can I have 30 seconds on this issue?

THE COURT: Well, I thought you were winning, but if you want to --

MR. SNEDDON: No, I'm winning, but I want to make something very clear that I think needs to be very clear on the record on this issue that may have not been clear from Mr. Sanger's remarks, but what's abundantly clear from the Court.

I couldn't agree more with the Court, and I couldn't agree more based upon the defense's own case, the Calpine case. That if they attempt to put people on the witness stand to testify to Mr. Jackson not -- not seeing Mr. Jackson molest some kid, that is opinion -- lay opinion testimony of character and opens the door for us to do the have-you-heards.

And I want to make it clear now, so that -- so they don't say I'm doing something different later, that's not -- that has nothing to do with 1101 or 1108. That's for everything that contests the credibility of that witness's lay opinion with regard to Mr. Jackson's character trait for deviancy or nondeviancy. And so I just want to make it clear today that if that's where they go, that's where we're going.

MR. SANGER: I want to make it clear that that's not clear, because what Mr. Sneddon said was lay opinion. If you bring somebody up to talk about an opinion, that's one thing. But if you say, "Did you see specific conduct during the relevant time period," that's not opinion as to character. And when we talked about 1108 being a type of character evidence, it is propensity evidence. It's not opinion.

THE COURT: It's not character evidence under the legislative approach.

MR. SANGER: That's correct.

THE COURT: It is propensity evidence, and it's an unusual statute, and California is one of the few states that has it. But it's been held constitutional, and we go by it.

MR. SANGER: And there it is.

THE COURT: But it's not character evidence.

MR. SANGER: I mean, I was speaking in general terms. When you respond to propensity evidence, which says there was conduct that occurred, and you respond by showing that there is conduct that is inconsistent with that, that is not a lay opinion that's offered as character evidence.

So Mr. Sneddon getting up making the remarks, it was welcome, because if there is any question --

THE COURT: I think he was responding to your -- you argued more broadly than I think you performed. In other words, you argued, “Well, Judge, 1108's character evidence, so we can put on character evidence.”

MR. SANGER: Yes.

THE COURT: That's what you argued.

MR. SANGER: That's why I say, I welcome that, because when I was saying it, I didn't mean it --

THE COURT: I was just tipping you off, you know.

MR. SANGER: Well, there you go.

But in any event, just so we're clear --

THE COURT: Okay.

MR. SANGER: -- Your Honor, it is not character evidence. This is our position. It's not character evidence to bring in specific acts.

THE COURT: You're telling me that you're not going to offer character evidence.

MR. SANGER: That's correct.

THE COURT: All right.

MR. SANGER: And if we do, we will and we'll let you know. But what we're talking about here is not character evidence.

THE COURT: Now you're telling me you might offer character evidence.

MR. SANGER: Speaking as the -- as a member of a group, we have to decide at some point, and if -- in other words, to be serious about it --

THE COURT: I won't hold you to anything. Don't worry about that.

MR. SANGER: Okay. If we introduce character evidence, it will be of a different character.

THE COURT: I think the discussion just got way off track on the character evidence issue, and I think I probably started it.

Okay. The next item is the motion to quash the subpoena for Manuel Ramirez.

My thought on this is that I'm going to deny the motion to quash, but I'm going to ask the defense if they can accommodate this person. He's in the military. He needs to move on. Can you put him somewhere at the beginning of your case?

MR. SANGER: I had offered to do a conditional exam, and I say that's an offer. The prosecution opted to seek to quash first. I don't know that they would -- given the Court's ruling, that they would refuse to do a conditional exam, but that may be one way to take care of it. And we can talk about that. If that doesn't work, we will try to accommodate him.

THE COURT: Counsel, you're -- you stood up after I ruled.

MR. ZONEN: Actually, I was standing before, but I'll be happy to go sit down at this point, if you would like.

I'm not agreeable to a conditional exam.

They want to do that because they have no idea what this person's going to testify to. That's why they want to do a conditional exam.

He doesn't have any information on this particular case, and he was subpoenaed because he's the boyfriend of the victim's sister. That's all.

Now, if they want to put him at the very beginning and put him on the witness stand, they can do that. They won't. They're not going to call him as a witness in this case because they have no idea what

he's going to say.

MR. SANGER: We do have an idea, and if Mr. Zonen tells us that this witness is not saying something, he's making a representation that he has a statement of a witness he hasn't turned over. I think it's rhetoric. But if it's more than rhetoric, I want that statement of this witness that he has nothing to say, because I believe, from all the evidence that we've presented, he does.

THE COURT: There appears to be evidence that he has something to say, and that's why I denied the motion to quash.

And now back to my question. Can we accommodate this young man somehow? He's in the military, we're holding up his transfer, and I would like to help him get on with his life in the Marine Corps -- is it the Marines?

MR. SANGER: Yes, sir.

THE COURT: They won't let him go anywhere until this subpoena is taken care of.

MR. SANGER: I understand. We will talk.

There's a colonel who is representing him, and we will communicate with the colonel and see what we can do.

THE COURT: All right. The next one is the defendant's motion to admit evidence of alleged sexual conduct which, in accordance with the Penal Code, had been filed -- or Evidence Code had been filed under seal.

Who is going to speak first?

MS. YU: Thank you, Your Honor.

I didn't realize we can have a hearing on this, because I thought it was under seal.

THE COURT: It is under seal, and I've read the points and authorities. And if you have anything to say, you have to say it without --

MS. YU: The issue presented by this motion, Your Honor, is critical to the defense, because it really presents whether Gavin and Star are telling the truth when they say Mr. Jackson inappropriately touched Gavin or masturbated Gavin, because we're here to seek the truth. And the truth of the matter is that they themselves engaged in the very act that they are accusing Mr. Jackson of having committed. They themselves --

THE COURT: What I was trying to ask you when you interrupted me was not to mention the acts that --

MS. YU: I'm sorry. About the date in particular?

THE COURT: I just asked if you had any further legal argument on it. I know what's involved.

MS. YU: No, Your Honor.

THE COURT: All right. Anything from the People?

MR. AUCHINCLOSS: Yes.

One thing that I think is very important for the Court to focus on in the analysis of whether to conduct a hearing, move forward under 782, is to make certain that we do not obviate the intent and purpose of 782 in the method in which we proceed.

One of the complications in this case at the present time is the fact that the victim has been cross-examined about this subject matter. The reason that's complicated is because if the victim answers in the affirmative, then the evidence comes in doing an end run around 782. In other words, 782 is obviated if the victim admits the conduct. If the victim denies the conduct, then the defense says, “Well, we want to get it in because we want to impeach him with this conduct,” irrespective of 782.

Now, the intent of 782 is specifically to allow this evidence in when the conduct itself is credible or deals with -- goes to the credibility of the victim in the case. Not to impeach him about some statement. But when that conduct impeaches the victim for purposes -- I shouldn't use the word “impeaches,” but when that conduct imputes the credibility of the victim by virtue of its relevancy, it has some similarity, some aspect that helps the jury understand whether or not this victim's being truthful.

Now, the cases on this which we've cited,

the first one -- I don't know if we cited this case, but it's of course before we get to the next stage of 782, which is an open hearing, calling witnesses, that the defense has a burden to show affirmatively under oath the relevance of the complaining witness's ascribed sexual conduct and they must show that this is not evidence that's just designed to deprecate the character of the victim.

Secondly -- and that is People v. Rios at 161 Cal.App.3d 905.

Secondly, the case of People vs. Woodward, at 116 Cal.App.4 281, says that the conduct itself must be similar to the charged crime.

Now, I won't go into the facts, but I suggest to the Court that this is not similar conduct in terms of the actual act itself. There may be a similar description of events, but there is one that involves two people and one that involves one.

Finally, one case that we did cite for the Court is the Harlan case, which specifically states that this type of conduct is not relevant. It's not -- it doesn't go to the blameworthiness of the victim.

So going back to my original problem, if we look at the conduct itself that we're -- that the defense is trying to get in, under Harlan, the courts hold that that conduct, in and of itself, is not really relevant to the credibility of a victim in a child molest case. The reason it's not relevant is because it's common and it's something that could be ascribed to any child victim.

So if this conduct is not relevant, I suggest it would be unjust and unfair to let it in to impeach the victim's statement denying this conduct.

It's a little convoluted, but if you follow me, if we do that, if we say that the defense gets to cross-examine the victim about it, and the victim denies it, then the protections of 782 are completely obviated and the purpose is ignored.

So our point is, is that really the only way that they can get this evidence in is by showing that this type of conduct is sufficiently directly relevant to the facts of this case, even assuming it's true. And the case of Harlan specifically states that this type of -- this type of conduct does not pass muster and should not be admissible.

Thank you.

MS. YU: This conduct is relevant, Your Honor. It is relevant because Mr. Jackson is charged with masturbation, and that is the very act that deals with this particular motion. And it goes directly to the credibility as to whether they're telling the truth. Did they, in fact, do it themselves, or are they blaming now Mr. Jackson for the very act that he never did?

Star got on the stand and he -- he testified under oath that he looked at these adult materials outside the presence of Mr. Jackson, when in fact they looked at the adult materials, they looked at other explicit materials, and engaged in the very act that they're blaming Mr. Jackson for. It is credible to this case.

THE COURT: All right. Thanks.

Normally Evidence Code Section 782 does require a hearing outside the presence of the jury to determine what the complaining witness would say about that. But in this case, the complaining witness has already been questioned on the behavior, so the necessity of a 782 hearing is dissipated. We don't need one now.

I find that the evidence is relevant based on the -- particularly in view of the amended declaration as to the time frame, which I thought was critical to the relevance. So the evidence will be allowed.

Let's see, the next item is Mr. Jackson's request for clarification of the Court's order known to prosecution and unknown to defense.

The Court did provide you with a copy of the minute order of March 11th, 2005. And I don't want to hear argument on this.

MS. YU: Okay.

THE COURT: This is for my clarification. I don't see any need for it. But I have ordered that the defense may not attack Gavin's credibility with evidence that he maintained an e-mail account with the password "Sexy" on it. That's prohibited.

And the second one was -- stated that I would only permit the information that was submitted with respect to Rio's testimony, which was referred to as the male witness in the minute order. So that's -- that's -- I don't think any further clarification is necessary. It's -- is there?

MS. YU: I'm sorry? I apologize.

MR. MESEREAU: Is there any other clarification that's necessary?

MS. YU: No, Your Honor. I believe we're informed about the password. That was the only clarification.

THE COURT: They're all waving at you. So that takes care of the clarification.

MS. YU: We were seeking clarification as to Mr. Mesereau's cross-examination of Gavin on the e-mail account, as well as the passwords, because he did testify about the various passwords.

THE COURT: But I prohibited this area.

MS. YU: Yes.

THE COURT: All right. The next item was the plaintiff's memorandum regarding admissibility of evidence of criminal charges pending against witness Chris Carter.

MR. SNEDDON: Judge, let me take this opportunity to indicate to the Court that Mr. Carter's attorney, Mr. Segal, is here - he's in the front row. Jeff Segal - and might want to address the Court with regard to his advice he's given his client with regard to this case. I will indicate to the Court that --

THE COURT: Counsel, if you'd like to come in.

MR. SEGAL: Thank you, Your Honor.

THE COURT: Someone will give up a seat for you, I'm sure.

MR. ZONEN: Why don't you sit up here at the table.

MR. SNEDDON: I just want to indicate to the Court that the representations that have been made in the brief with regard to the fact, the key fact, one of the key facts, I think, in the Court's determination about how much can be brought before the jury in this particular case, Mr. Carter is testifying and he's testifying on his own, and he has not been promised anything at all with regard to his testimony.

MR. SANGER: Well, on that issue, the reported decisions are replete with cases where the representation was that there was no promise of leniency. And we've had very little time to respond to this, so I'll ask leave to do this off the cuff, but if the Court wanted some citations to the cases, I could certainly give them.

The cases are numerous where there has been no promise of leniency, or that's been the representation, and then when it comes time for sentencing, the witness later, in his own case, receives a lenient sentence. There are a number of habeas corpus cases where habeas corpus was granted based on that exact scenario.

I am not disputing at the moment what Mr. Sneddon has just said, but the fact of the matter is, that anybody who's facing both state and federal charges and very serious charges, bank robbery and robbery charges, may well have an inclination to please whatever government official comes before him.

And here we have the District Attorney of the entire County of Santa Barbara who is handling this case. There's no question this is a very high-profile, big case. There is no question that a person might believe that by cooperating with Mr. Sneddon in the case of the century de jour, which will be superseded, I'm sure, by some other case next week or next month, but right now that's the way it was perceived and it would be perceived to a witness like this, he may feel, by cooperating, that somehow this is going to redound to his benefit with

other prosecutors.

We went back to the Gilio case, because that's sort of the root of all of this. The United States Supreme Court made it clear that the potential for influence of a witness's testimony is not up to the District Attorney to decide. It's up to the jury. And therefore, the defense should be allowed to explore that, to know about it. This is Gilio and that's the genesis of these cases. And the jury should be allowed to know about it so that they can evaluate whether or not there's any influence.

It's just -- even though this has already happened with Janet Arvizo, I mean, this is extremely unusual that the prosecution would come forward and say, “We want to avoid” -- “We want a witness to testify for us, but we want to prohibit the defense from fully confronting and cross-examining that witness.

And the Court has fashioned a remedy with regard to Janet Arvizo, which obviously was over objection, but this is beginning to add up, because following this motion, they've got yet another motion. They've got another witness they want to call who wants to take the Fifth and the jury's not supposed to know about it.

This is getting to be pretty weird, to put it in legal terms. All right? It's very, very unusual. It's gone beyond unusual to weird. I mean, you just cannot put a defendant in a position where the historic right to confront and cross-examine is being cut off or circumvented not only once, but twice and three times.

This particular situation is particularly egregious. I mean, we've got somebody who's charged with bank robbery, and, you know, this is -- this is not something that the defense should --

THE COURT: So what are you asking?

MR. SANGER: Well, I think if the witness is going to -- as we said with regard to Mrs. Arvizo, if the witness is going to be taking the Fifth, then their entire testimony is subject to being stricken. I know the Court has cited the Hecker case, and --

THE COURT: Well, I think that's a little different situation with Miss Arvizo.

MR. SANGER: Well, what I was going to say with regard to -- with regard to the cases -- and I don't know what the Court meant. Maybe I should find out what you just meant by that remark, if I may.

THE COURT: I think we're dealing with a little different situation here. But what did you want to say about the case?

MR. SANGER: I'm trying to guess what the Court is getting at.

What I was going to say was that this is a witness called by the prosecution. It's not a complaining witness. And maybe that's the distinction the Court was looking at.

THE COURT: (Nods head up and down.)

MR. SANGER: Okay. This is a witness they want to call. None of the cases that are cited by the prosecution really stand for the proposition that they're advancing. It is true that in the leading case that they cite, the defense sought to call a witness just to have the witness take the Fifth in front of the jury to gain that kind of impact. And that's not what we're talking about here. We're talking about the prosecution calling a witness and being immunized from confrontation.

One of the things Hecker said, and I'm not conceding this at all. I think if these witnesses, these two witnesses -- if we could address both at the same time, but certainly we can start with this one and equally it applies to Miss Montgomery. If they're going to take the Fifth, then they take the Fifth out of the presence of the jury and they go home, and that's it.

I would point out that Hecker said, which is the case the Court cited to us, that one of the remedies there, in a different situation admittedly, but one of the remedies there would be to allow somebody to take the Fifth and to have adverse comment made about that. Because again, it's -- as I argued in the Arvizo matter, these people are not stakeholders. And certainly these two witnesses we're now talking about are not stakeholders. If Miss Arvizo had any stake, it's the mother of a complaining witness, I mean maybe.

But these people have absolutely no stake, and their asserting the Fifth Amendment should not hurt them in their own affairs, if they were suing somebody or if they were being prosecuted and they're defending their own case, but there's no reason why they should be immunized from confrontation in this case, and there's no interest that they can assert --

THE COURT: Let's hear from his attorney.

MR. SANGER: All right. Thank you.

THE COURT: Would you state your name, please?

MR. SEGAL: Yes. Good afternoon. My name

is Jeff Segal, and I represent Chris Carter.

Mr. Carter has no dog in this fight. If he is called by the People or by Mr. Jackson, he is prepared to testify truthfully, so long as he can do that without risking self-incrimination. He is charged with very serious crimes in Las Vegas. He denies that he was involved in committing those crimes. And the issue in all of those crimes is the identity of the perpetrator.

So I have instructed Mr. Carter to exercise his Fifth Amendment privilege with respect to any questioning about the alleged criminal actions in the State of Nevada, or anything that might tend to implicate him in any of those crimes.

With respect to whether he does that in front of the jury, or outside the presence of the jury, that's for the parties in this litigation to address. So long as Mr. Carter's rights are fully protected, you know, I have no other point to make on that issue.

So he is prepared to testify with respect to his knowledge and involvement with Mr. Jackson, but he cannot do that if it means self-incrimination. So he will be -- he will be asserting his Fifth Amendment privilege.

With respect to any agreement for leniency or expectation for leniency, I certainly don't have that expectation. There is no agreement with either Mr. Sneddon's office or with any of the prosecutors in Nevada. And I have no expectation that there would be any leniency down the road.

THE COURT: If he -- what if -- if he was asked the simple question whether or not charges are pending against him, in other words, not whether he committed them, but, "Is it true you're charged with" -- I don't know what it is, robbery, or whatever it is, in Nevada.

MR. SEGAL: Your Honor, I believe in an abundance of caution that he should not be required to answer even those questions. I think there may be another way to introduce that evidence before the jury, either by stipulation of the parties, or by the introduction of some kind of court record, but I would strongly prefer that Mr. Carter is not asked those questions, even that question, in front of the jury. I have no objection to that being admitted in court. I have no standing to object to that. But I would instruct him to exercise his Fifth Amendment privilege even as it relates to what crimes he's charged with in Nevada.

THE COURT: All right. Anything further by either side?

MR. SANGER: If I could just clarify one thing, just to say we object in Santa Barbara to analogies of dogs in fights, I think, but we might say no horse in this race.

However, there is a horse that this witness does have in this race, and he's charged with federal offenses. State offenses would be the same, but federal offenses in particular, the 5K1 downward departure is something that a person would argue if they came to sentencing, and there's no question that to be competent, as I'm sure Mr. Segal is, he would argue for a 5K1 downward departure under the United States sentencing guidelines. And the guidelines, as the Court is probably aware, have

really been --

THE COURT: Held unconstitutional.

MR. SANGER: More or less. Under Booker and Fanfan, the two cases Booker and Fanfan, the guidelines have been opened up because they're found to be guidelines now, which was, actually, the title, as to opposed to actual requirements, and so therefore any kind of mitigation can be brought before the Court and would be brought before the Court. And I would actually expect Mr. Segal, as I believe he's the lawyer on the federal case --

Is that correct?

MR. SEGAL: In both cases.

MR. SANGER: In both cases, okay.

I would expect Mr. Segal, as a federal practitioner, unless he's confident he's just going to win the case, he'd be looking, as we all would in a case like that, to the consequences at the time of sentencing and would be looking to present evidence of mitigation.

So there is a horse in the race or a dog in the fight, if we take the analogy that was used by Mr. Segal, and we need to have the opportunity to confront this person in front of the jury if he's going to testify, and say, “Look, it's a fact that you know that you're -- that you're facing serious charges, and that's going to color your testimony, isn't it?” and go into that kind of a cross-examination with him.

Simply sanitizing it and saying, well, you can bring in evidence through a docket or something, or from some other witness that, yes, he's facing these charges doesn't do what cross-examination does. And the cases we cited before on cross-examination, it is a -- it is a very effective tool in getting to the heart of somebody's testimony and allowing the jury, the contemporaneous trier of fact, to see how that person performs and how things like that might affect their assessment of credibility.

So I'd submit as to this witness and also the other one, to save some time, if it does, that either they take the Fifth or they don't, which is certainly their right. But if they take the Fifth as to anything, then they should be precluded from testifying as to everything.

Thank you.

THE COURT: Anything further, Mr. Sneddon?

MR. SNEDDON: No. I guess my only comment would be -- I guess I shouldn't have said “No.” I should have said “Yes.”

I do have a brief comment, and my brief comment to the Court is, first of all, I haven't heard any reason why the two cases we cited, the Bento case, B-e-n-t-o, and the Dyer case, D-y-e-r, don't apply to this situation. And I just can't sit there and let it go unsaid that Mr. Jackson's not the first person in the world that's ever had a case where somebody comes in and claims the Fifth. That's why we have cases like this, and there's a lot of them on the dockets. And it's -- it's -- two of the three people were people associated with Mr. Jackson and we just happened to call them as witnesses. They're in our case, but they're associates of Mr. Jackson.

So I find it unfortunate that they have to do that, but I don't think that this -- this sin should be laid at our doorstep. It's just a fact that we have to bring to the Court's attention, because counsel representing those people have indicated in their representation of them they have to do it. It's that simple.

THE COURT: All right. What I'm going to do is allow him to testify, and I'm going to preclude the defense from inquiring into the circumstances of the crimes in Nevada for which Mr. Carter is charged.

I will allow, through some form, the fact that he is -- that he has those pending charges in Nevada and that he is incarcerated. How we tell the jury that I'm open to suggestion.

MR. SANGER: Could I address that issue?

THE COURT: Yes.

MR. SNEDDON: I'll make it very simple, stop

Mr. Sanger from addressing the Court. I'll be willing to work out a stipulation with Mr. Sanger which would satisfy the Court. If we can't, then we'll come back to the Court.

MR. SANGER: I think we should be allowed to ask the question, not -- and not in an excessive fashion, but ask two or three direct questions to the witness, and he should -- if he wishes to take the Fifth, he should take the Fifth in front of the jury, and it should be subject to adverse comment under the Hecker case.

THE COURT: Well, I've already ruled that you're not to ask him any questions to force him to make a claim of the Fifth Amendment in front of the jury. And that suggestion that you turn around and do that flies in the face of the ruling I just made.

MR. SANGER: I apologize. I didn't understand that. So --

THE COURT: I'll give you an opportunity to work something out. If not, I'll do something, tell them myself personally.

I'll give you time. You can tell me Monday whether you've reached agreement on how he's -- how the jury is to be advised.

The next item is the -- shall we take up the other claim of privilege? That's the plaintiff's motion in limine to exclude evidence under the surrender flight. Is that --

MR. NICOLA: Should I bring the witness in, Your Honor, or would you like to hear argument first?

THE COURT: The witness isn't here? Maybe we should bring her. Is she close?

MR. NICOLA: She's right outside.

THE COURT: Okay. Let's have her come in.

MR. NICOLA: Should she take the stand, Your Honor?

THE COURT: No. Let's see here.

You're Miss Montgomery?

MS. MONTGOMERY: Right.

THE COURT: She's right there?

MR. NICOLA: She's right there.

THE COURT: Why don't you step forward, please.

You don't have counsel with you, do you?

MS. MONTGOMERY: No.

THE COURT: It's my understanding that -- well, before I state what my understanding is, do you wish -- I'll have counsel address me.

Do you want to address me on the issue?

MR. NICOLA: If I may, Your Honor.

THE COURT: You can sit down for a second.

I'm sorry.

MR. NICOLA: We filed this motion with two alternatives. One is to preclude any mention of the November 20th, 2003, flight, because it's simply irrelevant. What happened on that flight and the

conduct of anybody involved with that flight or thereafter is simply not relevant to any issue that Miss Montgomery will testify to or any other issue in this case.

And insofar as the defense has certainly made it a habit to bring things up in their cross-examination which are marginally relevant to attack credibility of witnesses, this is a particularly thorny issue, because Ms. Montgomery has, in fact, been advised by her attorney not to answer any questions with respect to conduct arising out of the November 20th surrender flight, as we've called it. And her attorney may have many reasons for that. To presume it's kind of guilty conscience or knowledge of guilt or anything adverse is not fair. And certainly the courts have said that's not a proper inference to draw.

With respect to perhaps drawing an analogy as to the previous motion the Court heard, we --

THE COURT: Would you -- would you come forward, please?

You know what I'd like to do, I don't know what instructions your counsel's given you, but what I would like to do is have you sworn and have you state under oath that you intend to invoke the Fifth Amendment so there's no question about what you're doing. That's the only reason.

MR. NICOLA: I appreciate that, Your Honor.

THE COURT: Would you swear the witness, please?

CYNTHIA C. MONTGOMERY

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please state and spell your name for the record.

THE WITNESS: Cynthia C. Montgomery, C-y-n-t-h-i-a, C., Montgomery, M-o-n-t-g-o-m-e-r-y.

THE CLERK: Thank you.

EXAMINATION

BY THE COURT:

Q. Miss Montgomery, if any questions were asked to you concerning the travel on charter jets and the booking of flights by Michael Jackson or Michael Jackson's companies, what would your answer be? Would you be claiming the Fifth Amendment?

MR. NICOLA: I don't think she understood the question, Your Honor.

Q. BY THE COURT: All right. I'm just asking you a general question. If you were questioned at all about arranging chartered flights for Michael Jackson or his company during the time period from, let's say, 2002 through 2004, would you claim the Fifth Amendment?

A. Um, only on November 20th of 2003.

Q. Only on that --

A. Correct.

Q. -- flight?

Is that the flight you were going to question her about?

MR. NICOLA: No. That's the flight that we wish to exclude from evidence under 352 and relevance.

THE COURT: Okay. That's the flight you're going to question her about?

MR. SANGER: Yes, Your Honor, and all the circumstances surrounding it, including the lawsuit, her cross-complaint against Mr. Jackson that she is litigating for money, and the fact that she came forward and offered to be an informant, a confidential informant, and brought forth a friend of hers who she offered as a confidential informant, who in fact was enlisted by the police to surreptitiously tape-record phone calls.

That kind of cooperation, that level of cooperation was, we believe, directly dictated by the fact that she's under federal investigation and engaged in a lawsuit surrounding the same facts both as a defendant and as a cross-complainant.

THE COURT: What's the -- what are you calling her for? What is the purpose of the testimony that you wish --

MR. NICOLA: Well, as a general proffer, Your Honor, Ms. Montgomery was the defendant's travel coordinator for a period of some time, during the relevant period of time. Say late 2002 through approximately September, she arranged private flights for Mr. Jackson. She's aware of the people that he flew with and continued to fly with after the conduct alleged in the 288 counts, which is circumstantial evidence of a continuing conspiracy.

She's going to offer testimony about Count 1, with respect to the Arvizos getting, through Mr. Schaffel, short-set one-way tickets to Brazil, with a date to leave of nearly immediately after the rebuttal video was filmed, things of that nature.

With respect to the November 20th, 2003, flight, we didn't intend to introduce at all or ask her any questions at all. And we understand that the existence of a civil lawsuit is certainly something that the defense can argue creates a bias within the witness as she testifies. However, the underlying facts of the lawsuit appear to be largely irrelevant.

It's almost like a witness -- mind you, there are no charges. She has not been charged. There's no evidence that she's being actively investigated, only that an investigation is being conducted. Under those circumstances, it's akin to asking a witness, “Isn't it true that you're being audited by the IRS?” And the implication there is that you violated some kind of federal tax statute. It's just simply not relevant.

MR. SANGER: Interesting. Because this actually is a progression along a continuum. Your Honor said the Janet Arvizo was different than Chris Carter, and Chris Carter is actually different than this, so I suppose this tests the hypothesis here.

In this particular case, Mr. Sneddon said two of the three witnesses -- I forgot what his words were. Two of the three witnesses are associates of Michael Jackson, something like that.

This witness is not in any sense an associate of Michael Jackson. She was in business for herself. But more importantly, Michael Jackson is the victim in her criminal activity. The FBI has an active investigation. They've interviewed people, and they've seized evidence indicating that Xtra Jet and Miss Montgomery have engaged in --

MR. NICOLA: Your Honor, I'm going to object at this point. I don't think Mr. Sanger's doing this for anybody's benefit except for the people behind us. If he has --

MR. SANGER: That's absolutely not true, and if there's a legal objection --

THE COURT: The objection is overruled.

MR. SANGER: All right. She -- they surreptitiously videotaped Michael Jackson and attempted to sell the tape, and that's how they got caught, and Michael Jackson is the victim of this person.

So we really have a continuum here of some sort, or maybe it comes back to a circle, depending on how you look at Janet Arvizo's activities. But certainly here he's -- he is a victim. And if Michael Jackson, the victim of this conduct of surreptitiously taping and attempting to sell that tape, if Mr. Jackson were convicted in this case with the help of Miss Montgomery, it would certainly help her in her civil case where she has filed a cross-complaint against Mr. Jackson.

Excuse me one second.

Yes.

(Off-the-record discussion held at counsel table.)

MR. SANGER: I mean, was that not clear? I'm sorry. I'm sorry, it's the end of the day. Mr. Mesereau is saying the Court understands that Mr. Jackson in the civil case is the plaintiff. I think I said this. And I think the Court knows it. He's the plaintiff.

THE COURT: I understand.

MR. SANGER: He has sued Xtra Jet. And she, Miss Montgomery, has cross-complained against Mr. Michael Jackson.

The point is, she has a big stake in the outcome of this case because it would directly impact her civil case and may or may not impact the underlying criminal case.

But all of that behavior on the part of Miss Montgomery and Xtra Jet also gives a tremendous amount of content and context, both content and context, to her activities in volunteering, going to the police, the sheriff here in Santa Barbara and volunteering that she had information. Her information that she offered was primarily hearsay, double or triple hearsay, and she offered to be helpful and she was considered to be a confidential informant for about eight or nine months.

The Court may remember that we complained that we didn't get discovery about Miss Montgomery and about Mr. Provencio that they had compiled in January, and we didn't get it until October or something. And the government got up and said, "Well, we didn't give that to you because they were confidential informants. We didn't want to tell you what they were doing."

They came forward, and she really didn't have much firsthand or anything firsthand, but she then got the government in contact with Mr. Provencio, who she continued to contact. And he eventually was told to tape-record conversations with other people, not with Mr. Jackson, so -- I don't think he knew Mr. Jackson. But that was --

that was being used, and in fact, they're seeking to call him as another witness in this case.

So I think we have to have the right to confront and cross-examine this woman on her bias. She's involved in litigation. And the underlying basis of the litigation is the illegal not only taping of Mr. Jackson as a celebrity and making him a victim of this, but attempting to sell that tape.

THE COURT: Well, the case is -- this is a different situation than the other two, as you pointed out. Each are distinctly different approaches. And the -- in this case, the Court's going to exclude the testimony entirely. I believe that the District Attorney has the ability to produce the evidence that she would testify to through other means, and the claim of the privilege here would be a total deprivation of the right to cross-examination.

So her testimony is ordered excluded based on her claim of privilege under the Fifth Amendment.

Let's see, we're through with our day. There's one motion left. I guess we could take that up Monday morning, unless everyone wants to meet tomorrow.

MR. SANGER: I think there are two.

THE COURT: Hold up your hand if you want to meet tomorrow.

My bailiff is holding up....

THE COURT: Oh, I skipped 9 and 10, too. I don't want to go on now because the court reporter has to do her daily transcript, and we're all -- I guess 9 and 10 --

MR. SANGER: I think there's 9, 10 and 12.

THE COURT: Yeah, on 9 we're going to have a longer hearing. I need more information on those documents. So I'm not -- I wouldn't -- that's not a short issue.

The admissibility of the state of Gavin's testimony by Chris Carter, if I could have resolved that by saying no, we wouldn't have had to deal with the Fifth Amendment problem. So you know my ruling on the admissibility of that statement is that he can give that evidence. But I think we'll take up the other issues on Monday, then.

All right. Court's in recess.

MR. SANGER: Thank you.

(The proceedings adjourned at 2:35 p.m.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 7167 through 7324 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 21, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
April 21, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
OFFICIAL COURT REPORTER

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MONDAY, APRIL 25, 2005

8:30 A.M.

(PAGES 7326 THROUGH 7371)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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Santa Maria, California
Monday, April 25, 2005
8:30 a.m.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: Good morning.

COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.

THE COURT: Let's see. There was an issue you wanted to address, Counsel?

MR. MESEREAU: Yes. Yes, please, Your Honor. Thank you.

Your Honor, I was informed by the prosecution this morning that they want to call Cindy Montgomery as a witness. As the Court may recall, the Court essentially disqualified Miss Montgomery last week because she's going to assert a Fifth Amendment privilege on certain issues related to a secret taping of Mr. Jackson on a plane.

The prosecution informed me this morning after I got to court that they have decided to grant her immunity. This is a surprise to the defense, and I was not prepared to examine her today. I have materials on Miss Montgomery that are not with me today, and it would be prejudicial to the defense for them to suddenly decide to immunize her and call her without us being aware of that.

The second issue, Your Honor, has to do with a witness named Hamid, who the prosecution intends to call today. We were given proper notice that he was to testify, but we were notified last night by Prosecutor Auchincloss that there is a tape of an interview that we have not heard and certainly have not had a chance to transcribe. So because we have not been able to do that, we'd request that Hamid not testify today.

I am told by Ms. Yu, who spoke to Mr. Auchincloss, that the tape is apparently not that lengthy, but we could not transcribe it in time, obviously, and I would need that for cross-examination. Based upon the information given to Ms. Yu by Mr. Auchincloss, there could be some significant information of value to us in that tape.

They're the two requests, Your Honor.

MR. AUCHINCLOSS: Your Honor, I'll go ahead and address the Hamid issue first. Mr. Nicola will talk about Miss Montgomery.

Mr. Moslehi was interviewed on Saturday by myself and Detective Robel, and he gave us information on four points, basically that were summarized in four sentences, that I provided to the defense yesterday.

Detective Robel recorded that conversation on a digital recorder. He came back to Santa Maria yesterday and downloaded it and made a CD copy of that. And yesterday afternoon when he had finished that, we contacted the defense and tried to set up a meeting place where we could provide them with that tape. That didn't work out. It was -- the evening kind of became -- it became somewhat late and Miss Yu said she couldn't make it to deliver that document, or that tape. I also provided Mr. Sanger an e-mail with a copy of the four bullet points and

I told Miss Yu yesterday the substance of those four points. So that's where we stand.

Mr. Moslehi is a witness that -- probably our lengthiest witness today. So he was anticipated to take up most of the day. And I'll just say that the discovery was certainly timely in the fact that we turned it over as soon as we -- as soon as we obtained it.

THE COURT: All right.

MR. NICOLA: Good morning, Your Honor.

I filed a declaration, a motion for reconsideration, and had those documents served on the defense by fax on Friday morning, and we filed it with the Court Friday morning, as well, with respect to Ms. Montgomery.

And essentially in the declaration I believe I laid out that we received late notice on Wednesday that Ms. Montgomery would assert the Fifth on

Friday -- or on Thursday, excuse me. We didn't have time to contact the U.S. Attorney and see their stance. On Thursday, after the Court's ruling, I was in touch with both Miss Montgomery's attorney and the U.S. Attorney. A decision was made at that time to offer use immunity for Miss Montgomery since she was claiming the Fifth. And upon hearing Thursday afternoon that everybody was okay with that, including the U.S. Attorney, I filed my motions as quickly as I could Friday morning. I know we faxed them to Mr. Sanger's office. I have no knowledge whether he received them or Mr. Mesereau did, but we did file it, and there is a proof of service on file.

MR. SANGER: I see that we have six pending matters and then I was handed some more material just this morning. So we just may need time to sort this out, Your Honor. I think we're all trying to do this as efficiently as possible.

On the Montgomery issue, we received sometime on Friday -- and I don't think it was in the morning. I didn't see it until the end of the day. Of course we were not in session, so it was sent to me. But there was a motion to grant her use immunity, which, as I understand it, is something that the People are going to have to apply to the Court for, and then the Court has to determine whether or not to grant it, and the witness has to

decide whether or not to testify based on use immunity, because there's a question as to whether or not this Court can bind the U.S. Attorney.

I heard the prosecution just say something about being in contact with the U.S. Attorney, and my recollection is - and it may be faulty - that that was not concluded as of the time they filed their papers. The papers indicated that they were intending to make the motion, but there was no indication from the U.S. Attorney that they were going to abide by any grant of immunity that this Court made. So that is an issue that obviously needs to be heard, and there's several parts to it.

Our part, whether or not the Court grants immunity -- I mean, we're not here to argue one way or the other on a grant of immunity. The Court can do that based on other criteria.

The -- as far as the Hamid material is concerned, I did not get the four points. I believe Miss Yu got the four points just as of the end of the day last night. We got the tape or the interview just this morning, so obviously I don't know how long it is. If it's an hour long, we need an hour to listen to it. We have not heard his most recent interview.

So I -- I don't think that we can proceed with Mr. Moslehi without having an opportunity to hear the latest interview or, you know, take some

other -- I think that's all we can do is hear it before he testifies.

I would indicate that, just so we're all on the same page, if I may, Your Honor, quickly, the other matters that are pending would be the Marc Schaffel matter, which I think the Court has. I was given some new material for Exhibit 420 by the prosecutor just this morning, at 8:30, which is one of the exhibits that we have objected to, and so there will need to be a hearing on all of that at some point. And I don't know if they intend to call him later today or tomorrow or when, but before he's called. That was a matter from last week that has been carried over, and we'll need to have a ruling on that.

And then we have the motion -- the People's motion to present the testimony of Alexander Manchester, to which we object, and we filed an objection on Friday.

And by the way, we filed our objection - I think the Court has it - on Thursday, on the first motion I addressed, which is the Schaffel exhibits.

We addressed just now the Cindy Montgomery issue of immunity.

The fourth one would be a motion by the prosecution to present testimony of Debbie Rowe. We filed an opposition -- that was received Thursday. We filed an opposition Friday. I take it the Court has that.

And then five, there was a motion for reconsideration of admitting some material the Court had excluded. That motion was filed on Thursday, and we filed our opposition on Friday.

And then the last thing is there was a proposed jury instruction on Chris Carter's taking the Fifth that we had discussed on Thursday. The Court had discussed that and said we should present something. We sent that to the District Attorney's Office on Friday for review and comment. We received no response. So we filed our proposed jury instruction this morning for the Court's consideration and I gave another copy to Mr. Auchincloss.

So I show those six matters as still pending, in addition to anything else that might come up here.

THE COURT: I didn't see the proposed jury instruction.

Did we get that?

I haven't seen it.

MR. SANGER: We wanted the prosecution to have an opportunity to respond, so we gave it to them on Friday. We just filed it this morning, and gave it to your secretary, Ms. Wagner, this morning, I think 15 minutes ago.

MR. SNEDDON: Judge, I wouldn't worry about it. Mr. Carter is not going to be testifying.

THE COURT: Okay. I won't worry about it.

(Laughter.)

MR. SANGER: Five matters, then.

THE COURT: On the issue of the Attorney General, who spoke to the Attorney General on the use immunity?

MR. NICOLA: The U.S. Attorney's Office, Your Honor, and Cindy Montgomery?

THE COURT: Yes.

MR. NICOLA: I spoke to them. They are not offering her use immunity. They didn't oppose us offering use immunity. Our contact with them is merely a formality between offices.

THE COURT: What rights does that give her with them?

MR. NICOLA: Well, I believe that a state court's grant of use immunity under the legal standard that we set forth in our brief covers her in federal court. They're not allowed to use her statements, her derivative evidence from that against them.

Her attorney is here today, and he would, of course, oppose her being compelled to testify on that very basis. But we served him as well with that motion. He won't contest that. I spoke to him this morning. And whatever the Court's ruling is with respect to that, then that's the Court's ruling.

THE COURT: Is he here right now?

MR. NICOLA: He is not.

MR. SNEDDON: He's upstairs.

MR. NICOLA: Shall I bring him down?

THE COURT: I think he should be here if

we're discussing his client.

MR. NICOLA: Certainly.

It will be just a moment, Your Honor.

Your Honor, do you wish the witness to be in here as well?

THE COURT: Yes.

MR. NICOLA: Your Honor, they are present.

THE COURT: All right. Just a second.

All right. On the testimony on Cindy Montgomery, is counsel for Miss Montgomery present?

MR. MOORE: Yes, I am, Your Honor. Bob Moore. Good morning.

THE COURT: Mr. Moore, the issue that I had talked to the District Attorney about before I realized you weren't in the courtroom was what the U.S. Attorney's position was on your client's use immunity through the state court.

MR. MOORE: I don't believe he's taken a position.

THE COURT: What's your position, then?

MR. MOORE: My position is if she testifies here, she's exposing herself to prosecution. I'm

not saying a crime was committed or that she was involved in it, but she might say something that's incriminating.

THE COURT: Is there any protection under the federal court system once a use immunity is granted here?

MR. MOORE: The People have cited a couple of cases, which perhaps support that. However, I'm concerned about the language in the code, 1324. It says, and I quote, "The Court shall order the question answered or the evidence produced unless it finds that to do so would clearly -- would be clearly contrary to public interest or could subject the witness to a criminal prosecution in another jurisdiction." And I think that language is meaningful.

We have the federal jurisdiction. If a crime occurred, it may have occurred in Los Angeles County. It may have also occurred in Riverside County and in Las Vegas. And those are additional jurisdictions which have not been addressed.

THE COURT: Isn't the use immunity provision clear in terms of prosecution under California law? I mean, we're really one jurisdiction under California law. It's the federal jurisdiction that I would -- that I'm concerned about.

MR. MOORE: And so am I.

THE COURT: There's no federal statute similar to the California statute that covers this?

MR. MOORE: 1324, do you mean? I'm not sure, Your Honor.

THE COURT: Have you yourself discussed it with the U.S. Attorney's Office?

MR. MOORE: Yes, I spoke with him on Friday. And he took no position, which leads me to believe that there could be a prosecution down the road.

THE COURT: All right. Thank you.

MR. MOORE: Thank you, Your Honor.

MR. NICOLA: May I address the Court on that legal issue, Your Honor?

THE COURT: Yes.

MR. NICOLA: May I borrow your brief?

MR. MOORE: Sure.

MR. NICOLA: Your Honor, I also left my -- the papers I filed on Friday upstairs. And Mr. Moore has allowed to let me use the one I faxed to him Friday.

Your Honor, we believe our authorities are directly on point with respect to this issue. The Supreme Court ruled quite some time ago that the Fifth Amendment privilege is of Constitutional significance, obviously. And immunity from prosecution for a witness who's compelled to testify under a grant of use immunity or derivative immunity or even transactional immunity transcends between the state courts and the federal courts. The case is absolutely clear about that issue. And when -- when the Supreme Court looked at the federal statutes, they analyzed them within the context of one jurisdiction granting use immunity to a witness who may further be subject to prosecution or an investigation in federal court. It was very specific to that. And congress has passed other statutes which are not inconsistent with California law.

With respect to the California courts, they've been following the Supreme Court line of cases now for quite some time. The case in particular was Nelson, and the fact pattern in Nelson is fairly identical to the one that we've -- we have confronting us in here; a witness believes that part of their activity with respect to what they may testify to could subject them to some kind of prosecution federally. And the Nelson court ruled that because of the Waterfront case, Murphy v. Waterfront, the issue has been well settled. The same kind of fact pattern, a witness in state court testifying to something they're worried about in federal court. And the Nelson court upheld the contempt order for those witnesses refusing to testify.

So we believe that we're on pretty firm ground here. And we'd request that the Court sign that use immunity order.

MR. MOORE: May I respond briefly, Your Honor?

THE COURT: Yes.

MR. MOORE: As I mentioned earlier, to the extent that if the crime occurred, it may have also occurred in the State of Nevada, which is a separate jurisdiction. And the code -- the language in the code says if you believe that the prospective witness could be exposed to prosecution in a different jurisdiction, that's a different jurisdiction. Federal court is a different jurisdiction. The People have cited cases that seem to indicate -- and they're somewhat old, but indicate that that immunity would be respected by the federal court. They cited nothing to say that the State of Nevada, if a crime occurred there, is bound by the immunity you might give her today. Thank you, Your Honor.

THE COURT: Do you want to address the Nevada issue, Counsel?

MR. NICOLA: May I, Judge?

The United States Supreme Court authority is binding on every court in the country, whether it's in Nevada, Alaska or California. The Waterfront holding is good law and has been for, I believe, nearly 40 years. And part of the reasoning, the broad reasoning that the Supreme Court gave it back three or four decades ago - I forget the exact date of the publication of that opinion - was that to require every jurisdiction within the umbrella of the United States jurisprudence to grant use immunity before any prosecutorial agency could use the testimony of that witness in their case is unduly burdensome on government in its most legitimate function, which is the prevention of crime and justice.

So given that being the state of Supreme Court law in this country, we believe that Mr. Moore, if charges were filed against his client, based on anything she may say from this witness stand under compelled testimony by the Court, he should have no problem whatsoever avoiding that evidence from being used against her, if, in fact, it does incriminate her for something. That's all speculation, but we understand the statute invites a small amount of speculation with the Court.

We believe that your grant of use immunity compelling her to testify will preclude any jurisdiction, including Nevada, although I can't cite a case aside from the Supreme Court case that we cited previously, from using that testimony or any derivative evidence from that against her.

THE COURT: There's one area of the law that concerns me if I compel her to testify, and she testifies, and the law is that that testimony cannot be used against her, which I think that is what the law is.

What is the law in regards to impeachment in the federal court? If she testifies and testifies contradictory in a federal proceeding, is the testimony that was compelled here admissible for impeachment in substantive purposes against her?

MR. NICOLA: Your Honor, my understanding of federal law is unless it's a voluntary statement, she can't be impeached in a federal court. It cannot be used against her in the federal court.

THE COURT: They can't hear you in the back.

MR. NICOLA: I'm sorry, Your Honor. I thought I was speaking up.

The use immunity -- the use immunity law essentially and intellectually merges all the courts. The Supreme Court fails to see the distinction between any jurisdiction. So essentially a grant of use immunity makes that -- that statement or any use of it, even impeachment purposes or getting a search warrant based on the statement that was given in court, completely untouchable. It cannot be used, period. It's not a voluntary statement. It's a compelled statement. And it's protected under the U.S. Constitution according to Waterford (sic). It cannot used against Miss Montgomery in any fashion, by anyone.

THE COURT: All right. Anything you want to add, Counsel?

MR. MOORE: I'm not sure that's an accurate statement. If she were to say something inconsistent, it could be used. It's my opinion. Perhaps I'm wrong, Your Honor.

THE COURT: What do you base your opinion on?

MR. MOORE: Well, I'm kind of shooting from the hip right now. It's a question I didn't expect. So I apologize.

THE COURT: That's called lack of authority.

MR. MOORE: Perhaps. No authority I can think of at the moment, though.

And with respect to counsel's statement earlier about the federal case law he cited governing all the states, what the case says, in Daly I think it was, it says that the testimony given in state -- compelled testimony given in state court cannot be used in a federal prosecution. That's what it says. Doesn't say it can't be used in a federal prosecution or in any other jurisdiction.

THE COURT: All right. Thank you.

MR. MOORE: Thank you.

THE COURT: Let's take up the motion to present testimony of Alexander Montague.

MR. MOORE: Just before I leave, Mr. Sanger has been kind enough to give me a case, Harris v. New York, that says that impeachment can be used.

THE COURT: Do you have a citation on that?

MR. MOORE: No. U.S. Supreme Court. I'm sorry.

THE COURT: That's the old Harris case.

(Laughter.)

MR. MOORE: Yes, Your Honor, the old Harris case.

THE COURT: Yes.

MR. MOORE: We all know it well.

THE COURT: Maybe you'd like to run out - we have a law library here - find it, and come back. I'll withhold any ruling until you find that.

MR. MOORE: I will do my best.

MR. ZONEN: Your Honor, the motion is a motion by the People to present the testimony of Alexander Manchester. We've outlined in the brief what it is we expect that Mr. Manchester will be testifying to. The relevance deals with three specific aspects of his testimony.

First, he'll be testifying as to dozens and dozens of telephone calls that were made by the defendant to his child, this was back in, I believe, 1998 or 1999, I don't recall which, at the earliest stages of his becoming acquainted with this child. Telephone calls that were made all hours of the day, all hours of the night.

And that testimony is entirely consistent with the testimony of both Gavin Arvizo, his mother, about the telephone calls received by Gavin, as well as the testimony of June Chandler in terms of the level of obsessiveness with which the defendant pursued a relationship with her child, Jordan Chandler, back in 1993. In that regard, the testimony of Mr. Manchester is entirely corroborative of those three witnesses.

Secondly, he was prepared to testify to a visit that he had with Mr. Jackson at Neverland Ranch where he was in the theater and lost track of his child and Mr. Jackson, for an hour and a half he spent looking for his child, and eventually found the child up in Mr. Jackson's bedroom under circumstances outlined in the brief.

That, plus his statements to Mr. Jackson thereafter complaining about that particular event resulting in Mr. Manchester being threatened, physically threatened, physically confronted by a couple of Mr. Jackson's security people. And the notifying Mr. Jackson of that particular event certainly places Mr. Jackson on notice of the fact that staff at Neverland have been and continue to be vigilant in their protection of Mr. Jackson to the extent of using violence and threatening violence. Specifically, Mr. Manchester was threatened that harm could come to him and his family from fans in a manner that is entirely consistent with the threats that were given to Janet Arvizo.

We believe that those three specific areas of testimony are relevant for purposes of corroboration and are not so uniquely remote in time from the events that took place in this case, and are right on point in terms of the types of testimony given by a number of witnesses in this case.

Submit it.

MR. SANGER: We filed a brief response to this, but -- and I think we really covered it. I mean, the fact of the matter is that this is offered as 1101(b) evidence, not as 1108. It obviously could not come in under the Court's prior rulings on 1108. It is a big stretch on all of those points to say that this is conduct that would qualify under 1101(b). It is extremely remote in time. This is a witness who has been, in essence, clamoring to be a part of this case. And there are people like that, and they should be viewed with some distrust.

This man's child was interviewed and consistently denied that anything inappropriate had happened. There's no evidence that anything inappropriate had happened. And yet we have this man, who is a self-proclaimed, perhaps actually is some sort of royalty down the line, who just insists he wants to be a part of this case. And I don't think this qualifies under any stretch of the imagination. It's way too remote in time. Despite Mr. Zonen's rhetorical efforts to make it similar, it isn't similar. The fact that some security guard did something in 19 -- in the 1990s, and Mr. Jackson may or may not have been aware of it, doesn't mean that it can be used against Mr. Jackson in this case.

And it really comes down, in essence, to one thing. And I was almost just going to submit it without saying anything, but I want to --

THE COURT: But you just couldn't do that.

MR. SANGER: I couldn't do that. Now I'm trying to justify it.

THE COURT: I knew you couldn't do that.

MR. SANGER: Some of these last-minute motions share something in common, and that is sort of a desperation to come in and dirty up the case and make Mr. Jackson look bad as opposed to really bear on something that is actually relevant to this case.

The Court has now heard the testimony of Janet Arvizo and some of the other testimony that makes the story of the complaining witnesses in this case highly improbable, to say the least. And it just isn't right to allow the government to come in at the last minute and try to pull in strings on things that are not relevant and are not proper 1101(b) or 1108 evidence.

So I'll submit it on that, Your Honor.

MR. ZONEN: Mr. Manchester -- it's our desire that Mr. Manchester be a witness in this case. It's hardly Mr. Manchester's desire. He'd be happy to be left well enough alone. He has been on our witness list from day one. He was subject to an interview at the earliest stages of this investigation. And we're talking about within weeks after the execution of the search warrant at Neverland. This information has been turned over to the defense. It's been well over a year, probably closer to a year and a half, that they've had this information, or longer. We certainly indicated that we intended on calling him from the very earliest stages, if not just the investigation, but certainly the trial as well, and he was on our witness list from day one.

Now, this motion is being filed at this stage because it is corroborative of the testimony of other witnesses, and it was appropriate to wait and see how they testified before doing this, but nothing comes as a surprise. These materials and reports were turned over to the defense early on.

And it is corroborative of all of them. It is -- does come in as well under 1101, but also it is, under California's constitution, that all relevant evidence is admissible, and this is clearly relevant evidence. It's corroborative of each of the three different witnesses.

Submit it.

THE COURT: All right. The Court's going to deny the motion to introduce Alexander Manchester's testimony. It doesn't comply with my previous ruling that there had to be some connection of evidence of grooming activities with actual molestation, and there's no consistency in the other parts of it that would lead the Court to admit it under 1101. So that motion is denied.

The motion that -- on the admissibility of Gavin's statement to Chris Carter, that's no longer an issue, is it?

MR. SNEDDON: You ruled on that already, Your Honor. You ruled that it was admissible, but it's no longer an issue.

THE COURT: I think I said I intended to admit it at the end of the court day, didn't I?

MR. SNEDDON: Yes, Your Honor.

THE COURT: But I didn't want to rule out a statement from someone, or an argument if someone wanted to make it.

MR. SANGER: Chris Carter --

MR. SNEDDON: It's not necessary, Your Honor.

THE COURT: It's not necessary.

MR. SNEDDON: It's not at this point.

THE COURT: I just wanted to be sure. Okay. And the issue on the admissibility of the defendant's adult books from 1993 seizure, have you responded to that?

MR. SANGER: Yes, sir, we filed something on Friday on that.

THE COURT: Do you wish to add anything more to that? Either side?

MR. ZONEN: I'm sorry, was the Court addressing the prosecution?

THE COURT: Yes.

MR. ZONEN: Only to the extent of saying that it is our recollection that the Court had indicated that the Court would reconsider the issue with regards to the .93 seizure subject to resolution of the 1108 motion. That, of course, has been resolved. These books were seized -- we are only asking to introduce two books of all the items that were seized during that period of time.

THE COURT: Where are those books?

MR. ZONEN: We have them here in Santa Maria. We could have them before the Court within an hour, if the Court would like to see them.

THE COURT: I'd like to see them.

MR. ZONEN: All right. We'll make arrangements to get them over here to you.

MR. SANGER: And, Your Honor, your comments suggest that you don't have the opposition in front of you. Could I give you --

THE COURT: I don't have it in front of me.

Thanks.

MR. SANGER: Let me just give you a copy.

THE COURT: I'm going to reserve ruling on that until I see the books.

The testimony of Debbie Rowe. Do you wish to be heard on that?

MR. ZONEN: Your Honor, very briefly.

The facts are outlined in the People's brief on that matter, but Miss Rowe had -- virtually at the same time that Miss Arvizo was submitting to a tape-recorded interview or videotaped interview for purposes of rehabilitating the damages to the defendant caused by the Bashir documentary, Miss Rowe was doing exactly the same thing. It was also a highly scripted interview that was being conducted. And there was the virtual identical incentive for her to do so, participate in the interview. And not just participate in the interview, but participate in the interview with enthusiasm was the suggestion in statement that she would be allowed to have visitation with her children. Something she did not have at that time. That was, in part, of course, an incentive for her to participate in that interview.

We believe that the fact that they used the same types of scripted questioning for purposes of conducting this interview, that her performance was the same level of over-the-top type of performance

that we saw from Miss Arvizo, and the fact that the children were used as pawns to create that level of incentive is relevant in this case.

Submit it.

THE COURT: What about the fact that the defense raises that the Maury Povich footage has not been seen by the jury?

MR. ZONEN: Well, nor -- the Maury Povich tape is not relevant in this proceeding as having anything to do with her interview, except to the extent that segments of her interview are in it.

We're not planning on playing the Maury Povich interview. If we wish --

THE COURT: How does the jury understand the context of what you're presenting?

MR. ZONEN: Well, they have the -- we have the interview of Debbie Rowe separate. The entire interview was about three hours long. We haven't decided if we intend on playing all of it, any of it or none of it.

THE COURT: The interview by --

MR. ZONEN: The Ian Drew interview of Debbie Rowe, which was done at the same time. Marc Schaffel was present, Rudy Provencio was present. A number of the people who were involved in the interview with the Arvizo family were involved in this interview as well. And a number of them were present at that time, and there was discussions

about what to do and how to do it. Many of them are witnesses to those events as well, including Debbie Rowe's attorney, Iris Finsilven.

But it's not necessary to play the Maury Povich film in that most of it has nothing to do with the Debbie Rowe interview. It's simply other information about Michael Jackson, his history, his life, his performances, his music, other people in his life, his father and allegations of abuse, things like that.

But there is a separate video of the entirety of the Debbie Rowe interview. Only segments of it were actually shown on the Maury Povich film. But we have the entire thing on video and are able to play the entire thing if it's appropriate to do so, if it's requested by either side, if the Court feels its appropriate. Or we could do it in segments, or we could do none of it and just have testimony about it. The interview is about three hours and two minutes, I believe, in its entirety.

THE COURT: Counsel?

MR. SANGER: This, once again, is reaching.

First of all, Debbie Rowe gave up her parental rights, which is a totally different situation than we have here. There's an ongoing family law matter that persists, even as we speak today, in Los Angeles over this, over the relationship and her

attempt to get some -- possibly some visitation or some other benefit from that.

However, we keep hearing "scripted performances," and there are no scripts. The only thing that has ever come up in this case, and will be clearly shown, if it isn't already, by the time we get through, is that there were questions that were written out in advance. And anybody that does any kind of an interview for television is going to script out questions in advance, just as lawyers script out questions or question areas before they get up and ask witnesses on the stand, so interviewers script out their questions. There's nothing untoward about that.

There was no scripted response to anything, despite Janet Arvizo's preposterous testimony on that. Everybody else will testify consistently with common sense that there was no script of answers. So it doesn't show a darned thing in that regard.

And as we pointed out, and the Court's already commented, the Maury Povich show is not in evidence. I don't think there's any way we can get it into evidence. We don't intend to offer it. And as a result, unless Debbie Rowe testifies, of course, so how is her performance on that tape relevant, as much as the prosecution would like to make it relevant. And I'm hearing they'd like to play parts of her tape, which just creates, under

352, if we even get to that point, if there is any probative value to this, it's far exceeded by the consumption of time, the confusion of the jury and the prejudicial effect. Because if they bring that in and they play even part of the Debbie Rowe tape, we'll play the three hours. There's no question that Debbie Rowe was spontaneous in her remarks, and it goes on and on. I think the Court saw the Maury

Povich part of it, where she even answers at one point, “Look,” and she uses some term that would not ordinarily be appropriate on television, kind of laughs about it, and says, “I just want to get to the point. Here's what it's all about.” That is her demeanor on the rest of that tape. She is giving an interview based on how she felt at the time.

However, if the Court allows the prosecution to get into this, besides playing the three-hour tape or a large portion of it - not as a threat, but because it will show the context of her answering questions in a very spontaneous fashion - we will have to get into this whole business with Ian Drew, and his fight with Marc Schaffel, and Marc Schaffel's fight with Ian Drew, and all these -- the -- all that surrounded this.

Debbie Rowe's on tape. In fact -- and she surreptitiously tape-recorded conversations that she had with Ian Drew that go on for hours where she is

not upset at Michael Jackson, doesn't say anything bad about Michael Jackson as far as this -- the case is concerned. She says a few callous things, I might point out. But other than that, her focus is she doesn't like Marc Schaffel. And so she's fighting with -- or working with Ian Drew to fight about Marc Schaffel. All of this will come out to show -- it will have to come out because it shows the context in which she would be testifying here.

She has been extremely upset with Marc Schaffel for some other reason and has had an agenda that's clear on all of her taped remarks, including the ones she taped of herself talking. It's very clear that she has some agenda with regard to Marc Schaffel that has nothing whatsoever to do with Michael Jackson. She regards him as just being pretty much a victim in Marc Schaffel's machinations.

So if she's going to testify, we're going to have to bring that out. Again, it's not a threat. But I want the Court to understand the context.

There really is a tremendous amount of material, tape-recorded material, by Debbie Rowe and by others in the group that the prosecution is trying to present here which indicate that there are -- there are many other agendas on this case.

I don't know if you get to 352 because I just plain don't see the relevance, forgetting about the giant can of worms that it would open. I just don't see the relevance to these proceedings.

So I'd submit it, Your Honor.

MR. ZONEN: Your Honor, all of these people are interconnected in a number of different levels throughout this case. And the Court has been very good over the last number of months as we've proceeded through this trial in being able to separate what's relevant and what's not relevant and keep everybody on point, and on focus, and I think that we can do that in this case as well.

I mean, the fact is, is that she had a scripted interview that she gave. And part of the incentive for that interview was the suggestion that she would be able to have visitation with her children. Yes, it is true that some years ago, she gave up her parental rights. She had misgivings about doing that, particularly after this Indictment came down. She went back to court and was successful at reversing that decision. So her parental rights have been reinstated since then and now the litigation that they're involved in is compelling visitation with these children. To that extent, the children have been appointed counsel and that counsel has not yet had an opportunity to visit with them, to my understanding.

I don't see that that's an issue that would or necessarily should come into evidence in this particular case, except to the extent that she was promised visitation with her children if she did this video. That hasn't been given to her and is something she wanted to have. She did want to see those kids.

To that extent, it's one more example of how this group of people used children as a pawn to compel not just participation in these videos for Mr. Jackson's benefit, but an enthusiastic response as well.

Now, there will be obviously some level of questioning as to what's enthusiastic within reason, what's enthusiastic outside of reason. We expect that. But that's part of the give and take of the litigation process. We think that we can control, with fair measure, how far afield we go in terms of relationships between Schaffel and Ian Drew or any of the other people who are involved in this case. And at some point in time, some of these things become too collateral. And the Court has been very good at recognizing that and putting the kibosh on it, and I expect that will happen in this case as well.

I think that I've mentioned in the pleading, and it's worth mentioning again, her participation in this video was at the behest of Mr. Jackson personally. Initially she was contacted by Mr. Konitzer, one of the co-conspirators, but ultimately it was Mr. Jackson who made the initial phone call and brought her into this.

THE COURT: All right. I think we've argued every issue except the problem with the foundation of documents of Marc Schaffel, the ones seized from his office. On those, it seems to me that we have to sort of do admissibility on a case-by-case basis as the documents come up as opposed to -- some of the offers are made without evidentiary -- I mean, they're just that, they're offers without true evidentiary basis. I find it kind of hard just to go through and make rulings on all of them in advance.

MR. AUCHINCLOSS: Well, our primary foundation will be laid with the officers who seized those documents in Mr. Schaffel's home. And as I mentioned in our brief, I think that authentication will be sufficient when the Court looks at each document and considers where it was found.

As to putting on separate foundations for each document, those foundations are going to be primarily laid in terms of hearsay - certainly secondary evidence is really not an issue here - hearsay and relevance in light of the totality of the circumstances of the case, which the Court has before it. And most of those arguments will be -- will be handled in consideration of the evidence that is presently before the Court as to how they specifically are relevant.

THE COURT: Well, my example would be Exhibit 401, you say Rudy Provencio will verify the signature.

MR. AUCHINCLOSS: Yes.

THE COURT: Those are the kind of items that you say are going to happen.

MR. AUCHINCLOSS: And that's fair.

THE COURT: We don't know if they're going to happen.

MR. AUCHINCLOSS: But there really are only a couple of witnesses left that will testify with any specificity about these documents. Mr. Provencio is one of them. So he's certainly one person who's going to figure in on these foundations.

So if you'd like --

THE COURT: I understand the basic seizure issue that you're raising, but that's not the -- you know, that just says they're seized legally. Now you have to prove the connection to the case.

MR. AUCHINCLOSS: Except for --

THE COURT: It seems to me that you're going to be able to do that, but I'm not going to rule in advance based on your representation that that's going to happen, that they're all admissible. It's like any other evidentiary issue. It's not till I hear the actual foundation and I hear the witness that I make that ruling.

MR. AUCHINCLOSS: Yes. Well, I guess I'm just preparing the Court for the fact that we have basically only -- I mean, the first foundation -- first foundational step is the one which we --

THE COURT: The seizure.

MR. AUCHINCLOSS: -- is the seizure. And we'll go from there and deal with it piecemeal, if that's the Court's desires.

THE COURT: And that allows you to -- unless you want to address something separate from that.

MR. SANGER: Let me just address a little more of a generic concern that I have, because the way we saw this, and given the fact that the Court's of course very familiar with this case by now, but Your Honor has not had a chance to see everything that we've seen. Okay?

So I just want to share with the Court, my belief is that if the prosecution is allowed to start going down this road in front of the jury, that we're going to have a lot of wasted time and we're going to have some potentially prejudicial material get in front of the jury just to have the Court say there's no foundation. We understand that this stuff was by and large seized -- maybe all of it in this segment 400 to 420, was seized by law enforcement, in one form or another.

We're now told that there was a disk of hard copies as opposed to a disk of direct e-mails, but that was this morning. We'll take a look at that. But assuming for the moment that it was all seized from Mr. Schaffel's possessions somewhere, do we go to the point where we start marking things? We have somebody like Rudy Provencio giving a lot of testimony about his alleged connections with Mr. Schaffel, which would otherwise be irrelevant, only to find out that -- and I think it's -- it would be a fairly -- let's take a fairly easy ruling.

There's a Pendaflex file label that -- as I understand, it's a Pendaflex file label that says something like, “Fires Burning.” How in the world could that be admissible unless -- it's not admissible. I mean, it just doesn't make any sense that that would come in at all. That's hearsay. We don't know who made the file label. The fact it's in Mr. Schaffel's possession in an office that he shared with a number of people, so what? It just doesn't come in. But are we going to have testimony about that and spend a lot of time?

For the most part, and I think entirely really, these exhibits are based on that kind of speculation. It's stuff found in Mr. Schaffel's files in an office which the government knows was shared by a number of people during the relevant time period. So there's no way to authenticate it. And Rudy Provencio is apparently the person they're going to rely on. He's the person that volunteered

to be an informant for the government, and tape-recorded conversations ad nauseam with all sorts of people that meant nothing, turned the tapes over to government. And one little thing they want to call him in here for is really speculation that somehow these documents, which he's not going to say he saw before, are probably legitimate because they came from Mr. Schaffel's stuff.

And I think if the Court has a chance to see that in the big picture, we save a lot of time by resolving it now. If the government had one or two or three things that they thought did not come within that category, then maybe we should hear that and we should focus on those. But I see this is taking quite a bit of time for no apparent reason. That's why we tried to address it up front.

Thank you.

MR. AUCHINCLOSS: Just one final remark. This case, the conspiracy case, the evidence of the conspiracy deals with words, just as in a drug case, the evidence in a drug case is the drugs. You find the drugs in the home of the individual, those drugs come in as evidence of the crime.

In a conspiracy, we're dealing with communications between the parties, with the knowledge that the individual parties have, the relationships between the parties, the various motives that may be pushing them forward through

this conspiracy, and evidence of the criminal act itself. So that's where these documents come in.

And I don't think it's very genuine to say that we don't know whose documents these are. They're Mr. Schaffel's documents, found in his personal files, found with all his other files in his home, in his filing cabinet, in his office, and in his locked closet. So there's no issue as to whose records these are.

And we've gone through the records and taken out the ones that are relevant to this case showing the relationship between the parties, showing the evidence of the conspiracy and the communications, and the criminal acts themselves, the Arvizos, specific involvement with the Arvizos. So that's the nature of the relevance and where we're headed with all this evidence.

THE COURT: The attorney is not back yet on -- that was looking for the Harris case? Does anyone -- I'd like someone to communicate with him and have him come back in.

MR. SANGER: We could ask --

MR. SNEDDON: I'll take that responsibility, Your Honor.

MR. SANGER: We won't fight over that. I was going to offer. But that's all right.

MR. SNEDDON: Mr. Nicola has gone to get him, Your Honor.

MR. MESEREAU: Excuse me, Your Honor.

THE COURT: Yes.

MR. MESEREAU: We have found the citation, Your Honor, if the Court wants it.

THE COURT: Counsel?

MR. MOORE: Yes.

THE COURT: Did you find your case?

MR. MOORE: I did. If the Court would like the citation, it is 401 U.S. 222. Would you like the lawyer's edition?

THE COURT: No, that's fine.

MR. MOORE: Thank you.

THE COURT: What's the --

MR. MOORE: What the case says -- and I apologize, a rather quick read, Your Honor -- but Ms. or Mr. Harris was not properly mirandized, and ultimately the decision is that the nonmirandized statements can't be used to convict, but they can be used to impeach. And I think that's the holding in the case.

THE COURT: Well, that's the underlying case that caused me to --

MR. MOORE: Yes, Your Honor.

THE COURT: -- raise the issue.

But does the case go to the issue of immunity or is that just the --

MR. MOORE: It talks about Miranda.

THE COURT: Okay. That's -- all right.

Thank you.

MR. MOORE: Anything further, Your Honor?

THE COURT: No.

MR. MOORE: Thank you.

Does Your Honor want me to remain at counsel table, or --

THE COURT: Just for a moment.

MR. MOORE: Thank you, Your Honor.

THE COURT: All right. The Court is going to grant the People's motion and grant the request for use immunity as to Cynthia Montgomery.

I do not know if I have the original document for signing of the use immunity that you provided but....

Do you have that, Lorna?

THE CLERK: No, I don't. Carrie has it.

MR. NICOLA: I believe Carrie has two copies, Your Honor. We'd request two original copies so that I may serve the United States Attorney in Los Angeles with that, so they're clear on that issue.

THE COURT: Okay.

MR. NICOLA: I believe defense counsel also wanted to delay her testimony. I didn't hear the Court address that issue.

THE COURT: I don't think they did. They wanted to delay --

MR. SANGER: Mr. Moslehi.

THE COURT: -- Mr. Moslehi's testimony.

MR. MESEREAU: Also Miss Montgomery's, Your Honor. I didn't know she was even an issue. I didn't come here today prepared to examine her. If I could have a day --

THE COURT: They can't hear you.

MR. MESEREAU: If I could have just a day, Your Honor, I'd be prepared to do her tomorrow. I just didn't know it was even an issue.

THE COURT: They say they served you last week. They served me. Why didn't you --

MR. MESEREAU: I --

Did you get it?

MR. SANGER: We got it Friday at the end of the day.

MR. MESEREAU: I was not notified of it.

MR. SANGER: I got it Friday at the end of the day. That's all I can say. And --

THE COURT: So what witnesses are you prepared to go forward on?

MR. SNEDDON: We have Mr. Abdool here and ready to testify. He will be the first witness, Your Honor.

THE COURT: How long will that be?

MR. SNEDDON: I'm expecting direct examination to be in the neighborhood of a half hour, 40 minutes at the most.

After that, we intended to call Mr. Moslehi,

and then we intended to call Cynthia Montgomery, and then we intended to put on the officers with regard to the search of the Schaffel residence and the items that they took. And we felt that would take the entire day and probably -- if probably not more than that, frankly, given we knew that the Court was going to have to spend some time on rulings today.

But at this point, clearly we have one witness here ready to go, and that's Mr. Abdool. And then the rest is contingent upon what -- the position that the Court takes on the defense request.

I should say we're also ready to go forward to get the officers here on the Schaffel search.

And we could do that during the time that Mr.

Abdool's on the stand. We were going to put them after the civilian witnesses, but we can get those people here, Your Honor. So -- and we would, obviously, if you told us. So that would -- those are the options available to the Court.

THE COURT: All right. Well, I think I will give the defense time that they have requested on both the witnesses so that they can hear the tape and prepare their examinations.

So I'll have Cynthia Montgomery testify tomorrow -- I mean, I'll put off her testimony one day, and the same with the other witness that you have the tape on.

MR. SNEDDON: Mr. Moslehi, Your Honor?

THE COURT: Mr. Moslehi. I'll put that off until tomorrow to give the defense time to review that.

So we'll go forward with Abdool and then the officers today.

MR. SNEDDON: All right. We'll get those officers in here, and --

MR. MESEREAU: Thank you, Your Honor.

THE COURT: This is our -- Counsel?

MR. MOORE: I was just going to inquire, Your Honor. Ms. Montgomery is up from Los Angeles and flew me up this morning. Can we get some sort of a time indication as to tomorrow? Would it be first off?

THE COURT: What would be most convenient for you - since I'm putting it over till tomorrow - to be first or later?

MS. MONTGOMERY: First thing tomorrow.

MR. MOORE: Most convenient would be to do it today, Your Honor. But not having that as a choice, first up tomorrow would be --

THE COURT: Can you accommodate him there?

MR. SNEDDON: I would say that's okay. We haven't checked with the other civilian witness, but we can do that.

THE COURT: Well, if you can't, let him know.

MR. SNEDDON: I will. I will check at the break. But as of right now, let's just assume that

that is correct. We'll put her on first and Mr. Moslehi second. Okay?

THE COURT: All right. This is the normal time for our break. We'll take our break, and then we'll expect to have the jury in at....

(Recess taken.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR,

CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 7328 through 7370 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 25, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
April 25, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MONDAY, APRIL 25, 2005

8:30 A.M.

(PAGES 7372 THROUGH 7520)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF'S WITNESSES DIRECT CROSS REDIRECT RECROSS

ABDOOL, Kassim 7379-SN 7413-M 7461-SN 7465-M
KLAPAKIS, Jeff 7467-A 7472-SA (Re-called)
BONNER, Craig 7476-A 7493-SA 7505-A 7510-SA
(Re-called) 7512-A
(Further)
ALVAREZ, Victor 7513-A
(Re-called)

E X H I B I T S

FOR IN
PLAINTIFF'S NO. DESCRIPTION I.D. EVID.

400 Marc Schaffel files 7468
401 Marc Schaffel's Rudy Provencio file 7468
402 Marc Schaffel's payroll records file 7468
403 Marc Schaffel's fire brewing file 7468
404 Mark Schaffel's Stuart Backerman file 7468
405 Marc Schaffel's files 7468
406 Marc Schaffel's Fox contract 7468
407 Marc Schaffel's Ronald file 7468
408 Marc Schaffel's file 7468
409 Marc Schaffel's Christian Robinson file 7468
410 Marc Schaffel's address book file 7468
411 Marc Schaffel's Enterprise rental file 7468
412 Marc Schaffel's artist releases file 7468
413 Marc Schaffel's model releases file 7468
414 Marc Schaffel's expenses

file 7468
415 Marc Schaffel's files, black notebook 7468
416 Marc Schaffel's file
(provided by Schaffel's attorney Chris Cheney)
417 Marc Schaffel's David LeGrand
file 7468

EXHIBITS

FOR IN
PLAINTIFF'S NO. DESCRIPTION I.D. EVID.
418 Marc Schaffel's file 7468
419 Marc Schaffel's files,
blank folder 7468
420 Marc Schaffel's file 7468
420-A Complete copy of Plaintiff's Exhibit No. 420, including
missing pages 7509
421 Ten-page document; Armstrong Hirsch, et cetera,
fax with attached agreement 7491
422 Letter of intent from
Royalty Advanced Funding 7491
423 Seven-page document; 7492 e-mail and various
correspondence
843 Envelope containing photographs of grand
jury exhibits 7478 7480

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: Good morning.
THE JURY: (In unison) Good morning.

THE COURT: (To the jury) Sorry to keep you all waiting back there, but we just had a lot of legal issues to take up this morning, and because of that, I'm not sure, but the day may be somewhat shortened.

Do you expect us to go the entire day today, or --

MR. SNEDDON: I would think -- I would think that would be probably not the case. But you never know.

THE COURT: Okay. That's what I thought. You never know.

MR. SNEDDON: I'd hate to raise somebody's expectations and then have them looking at me at 2:15 saying, "Why are we still here?"

THE COURT: I understand.

(To the jury) Some of the witnesses that were going to testify today I put off until tomorrow, is basically what we're dealing with. And so they're calling some witnesses that were going to appear later in the day, and we're not exactly sure how much time it will take.

MR. SNEDDON: I will say this, Your Honor. I think we're going to have a full week, though, from here on out.

THE COURT: Full week?

MR. SNEDDON: Yes, sir.

THE COURT: All right. Let me just -- so that -- before you start, let me just give you a ruling on the motion on -- I'll call it the motion regarding Rowe. That motion is granted. I will admit testimony in that case. I will look for ways to restrict the length of that testimony. We'll talk about that later.

MR. SNEDDON: All right. That would be fine, Your Honor. Thank you.

THE COURT: All right. You may call your next witness.

MR. SNEDDON: Kassim Abdool.

Mr. Abdool, would you come forward, please.

THE COURT: When you get to the witness stand, please remain standing.

Face the clerk here and raise your right hand.

KASSIM ABDOOL

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your first and last name.

THE WITNESS: My name is Kassim Abdool. K-a-s-s-i-m; A-b-d-o-o-l.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. SNEDDON:

Q. Mr. Abdool, I think you're going to have to scoot up as close as you possibly can to the microphone so everybody can hear you.

A. That okay.

Q. Sounds a little better. You have a very soft voice, so try to keep it up. Thank you. Mr. Abdool, you live in Lompoc; is that correct?

A. Yes, sir.

Q. And you're employed with the school district?

A. Yes, sir.

Q. And did you at one time used to work at Neverland Valley Ranch?

A. Yes, sir.

Q. And from what period of time did you work at Neverland Valley Ranch?

A. .91, .92, .93.

Q. Do you recall when in .91 you came to work there?

A. No. It may be about the middle of the year. I'm just guessing.

Q. And do you recall when in 1993 or .94 was it that you left?

A. It was part of .94. In the middle of .94.

Q. When you worked at Neverland Valley Ranch, what were your -- what was your position there?
A. When I left or when I --
Q. No, during the time that you were employed at Neverland Valley Ranch, what was your position at the ranch? What were your job responsibilities?
A. To secure the ranch, to provide security for Mr. Jackson.
Q. So you were part of his security team?
A. Yes, sir.
Q. Did you have a rank at that point in time?
A. I started off as a basic security guard and I went up to the head of security.
Q. What were the range of responsibilities that you had at the ranch during the time, let's say -- let's narrow it down now to 1993 and 1994, okay?
A. Okay.
Q. Were you the head of security at that point in time?
A. Just part of .93, I think. Maybe a few months.
Q. What were your responsibilities during .93 and .94?
A. To supervise, make sure the buildings are

locked. Make sure whatever Mr. Jackson wants, to provide for him. Provide security for the guests. Sometimes they may need luggages to their units. We'd help with that. Make sure no intruders come on property. Those type of things.
Q. Now, what was the time -- during .93 and .94, what were the hours that you worked?
A. I think during most of my employment at the ranch, I worked the graveyard shift. Almost for all those years.
Q. And "graveyard shift" means -- what time do you come on and what time do you leave, generally?
A. Generally from about 10 p.m. to 6 a.m. I work most of the time that shift.
Q. Now, during the time that you worked at Neverland Valley Ranch, did you become acquainted with an individual by the name of Ralph Chacon?
A. Yes.

Q. In what capacity? How did you get to know Mr. Chacon?

A. He was also a security officer at the ranch. And he worked on the shift I worked on also.

Q. Did you know Mr. Chacon prior to the time that you came to work at Neverland Valley Ranch?

A. No, sir.

Q. And since the time that you left the employment of Neverland -- well, let me save that question for later, okay?

Was Mr. Chacon, to your knowledge, employed at the ranch during the same period of time that you were employed there?

A. Yes. I think he started working at the ranch maybe a couple of months after I started in .91.

Q. And was he working there during .93 and .94?

A. Yes, sir.

Q. Part of .94?

A. Yes.

Q. During the time that you were employed in security for -- at Neverland Ranch, did you get to know a young child by the name of Jordan?

A. Yes, sir.

Q. Did you know Jordan's last name?

A. Chandler.

Q. And did you see the child Jordan Chandler on the ranch on more than one occasion?

A. Yes, sir.

Q. And can you give us an idea approximately how many times you saw him on the ranch?

A. He was there -- he was there for many times. I can't give a number of times.

Q. During the time that the child Jordan Chandler was on the ranch, was the defendant in this case, Mr. Jackson, on the ranch?

A. Yes, sir.

Q. During the times that Mr. Jackson and the child Jordan Chandler were on the ranch, were the Chandler parents present on all occasions?

A. No, sir.

Q. How many occasions do you believe that Jordan Chandler, to your knowledge, was on the ranch with Mr. Jackson only?

A. Only?

Q. Yeah.

A. Maybe a couple times, I think. Two, three times. I'm talking about coming on the ranch with Mr. Jackson alone.

Q. So arriving with Mr. Jackson --

A. Yes.

Q. -- alone?

A. Yes, sir.

Q. During the time that you were on the ranch, could you describe -- well, when the child Jordan Chandler was on the ranch, did you have an opportunity to see him on a number of occasions?

A. Yes, sir.

Q. Could you describe his general behavior while he was on the ranch?

A. I don't think he ever spoke to me. He just kept, you know, a distance. I don't recall ever speaking to him.

Q. All right. Did you have an opportunity to -- to observe how he acted on the ranch?

A. Well --

MR. MESEREAU: Objection; vague.

THE COURT: Sustained.

Q. BY MR. SNEDDON: Did you have -- do you have carts on the ranch?

A. Golf carts?

Q. Golf carts.

A. Yes, sir.

Q. Did you have any problems with Mr. -- the child Chandler and the golf carts?

A. Yes. I remember one problem, yes.

Q. What was that?

A. I think he crashed it once.

Q. Were there any other occasions that you had problems with Mr. Chandler, the child Chandler?

MR. MESEREAU: Objection; asked and answered.

THE WITNESS: No, I don't recall --

THE COURT: Just a moment.

Overruled.

You may answer. Go ahead.

THE WITNESS: What's the question, sir?

MR. SNEDDON: Let me rephrase it.

Q. During the time that you had an opportunity to observe the child Jordan Chandler on the ranch, how would you describe his behavior?

A. Kind of wild. Kind of wild behavior. You know, driving -- driving wild a little bit.

Q. Anything else?

A. He would keep to himself. He would not associate with the security members or talk to them.

Q. During the time that you were employed at Neverland Ranch, did you meet a child by the name of Wade Robeson?

A. Yes, I know him.

Q. And during the time that you were at the ranch, did the child Wade Robeson visit the ranch?

A. Yes, sir.

Q. And when he did, was Mr. Jackson on the ranch?

A. Yes, sir.

Q. And with regard to Mr. -- with regard to the child Wade Robeson, would you describe his behavior?

A. Same type of behavior. You know, driving around wild, but they would not have conversation with us.

Q. With regard to -- do you know a child by the name of Brett Barnes?

A. Yes, sir.

Q. Did the child Brett Barnes visit the ranch while you were there?

A. Yes, sir.

Q. On more than one occasion?

A. Yes, sir.

Q. And was Mr. Jackson there on those occasions?

A. I don't recall all the occasions, but I know that Mr. Jackson was there when Brett Barnes was there, sir.

Q. Do you recall whether or not Brett Barnes' parents were always present when he was on the ranch with Mr. Jackson?

A. No, I don't recall that, sir.

Q. With regard to your capacity as security for Mr. Jackson at the ranch, were you given instructions with regard to how you were to interact with the children who misbehaved on the ranch?

MR. MESEREAU: Objection; leading.

THE COURT: Just a moment.

Overruled.

You may answer.

THE WITNESS: I don't understand your question.

Q. BY MR. SNEDDON: Were there rules that were given to you as an employee at the ranch in terms of what you were or were not to do when children misbehaved at the ranch?

A. No, I don't recall rules.

Q. Were you given any -- can you tell us whether or not you were given any instructions as to what to do when somebody did something?

MR. MESEREAU: Objection; vague.

Q. BY MR. SNEDDON: Did something wrong.

THE COURT: Rephrase the question.

MR. SNEDDON: All right. I'll start all over again.

Q. Were there any instructions given to you during the time that you worked at the ranch as to what you were to do to try to control any children who got out of control at the ranch?

A. I don't recall instructions. I don't recall any instructions, sir.

Q. During the time that you were at the ranch, do you recall an incident that involved you and Mr. Chacon with regard to some French doors being left open?

A. Yes, sir.

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

You may answer -- he did answer, “Yes.” Go ahead.

Q. BY MR. SNEDDON: Now, with regard to that particular night - okay? - did you see Mr. Jackson that night?

A. Yes, sir.

Q. Did you work the graveyard shift that night?

A. Yes, sir.

Q. Was Mr. Chacon working with you that night?

A. Yes, sir.

Q. And do you recall approximately when it was you saw Mr. Jackson for the first time on that particular evening?

A. It would have been after 10:00, 10:15 or so.

Q. At some point that night did you see Mr. Jackson go to the Jacuzzi?

A. Yes, sir.

Q. And where is the Jacuzzi located?

A. The Jacuzzi's located outside the house, in the back of the house, near the swimming pool area. There's a barbeque area, and a Jacuzzi and a swimming pool area, and an arcade room on the other side.

Q. And when you saw Mr. Jackson going to the Jacuzzi area, was he alone or was he with somebody?

A. No, he was with the boy.

Q. What boy?

A. Jordie.

Q. And could you see how they were dressed?

A. Yes, sir.

Q. How were they dressed?

A. They were dressed with bathing -- you know, bathing pants. But they were bare back. And they had like bathing trunks. Pants that reached just above the knee.

Q. That went down to the knee?

A. Yeah, like loose-fitting pants.

Q. Do you recall where you were at the time that you saw Mr. Jackson and the child Jordan going towards the Jacuzzi?

A. I was --

Q. Where were you?

A. I was near the office area, somewhere closer to the back of the house.

Q. Now, at some point -- let me ask you this: At the time that you saw Mr. Jackson and the child Jordan walking towards the Jacuzzi, did you know where Ralph Chacon was situated or positioned?

A. I -- I had an idea where he was, but he was more in the barbeque area, I think.

Q. Was that his ordinary assignment?

A. Yeah. Normally they would go in that back area where no one could pretty much see them.

Q. What were the lighting conditions like at this particular point in time at night out around the swimming pool and the Jacuzzi?

A. It -- you know, like around the pool, you have these pool lights. Around the Jacuzzi, you have the Jacuzzi lights, and maybe some small lights in the flowers. I would say it would be like dim lighting.

Q. Now, at some point later, did you hear Mr. Jackson say something to someone?

A. Yes. Mr. Jackson called me.

Q. And did you respond to him?

A. Yes, sir.

Q. As a result of what Mr. Jackson told you, did you do something?

A. Yes, sir.

Q. What did you do?

A. I went to the chef, his name is Bucky Black. Bucky.

Q. Okay.

A. I went to the chef. He was still on property that night, and I asked him to get two sodas for Mr. Jackson.

Q. All right. Did you take the sodas to Mr. Jackson or --

A. No, I did not take them.

Q. Now, later, when was the next time that you saw Mr. Jackson?

A. I saw Mr. Jackson going to the bathroom

area.

Q. What bathroom area are you talking about?

A. It's -- it's a bathroom maybe that's kind of joined -- you know, joined onto the arcade room.

Q. And when he was going to the bathroom area, was he alone or was he with someone?

A. I recollect he was with Jordie.

Q. And do you recall how they were dressed?

A. No. I don't recall exactly how they were dressed. My best recollection, they were in bathing trunks, but to be specific, no.

Q. And did you see them actually go into the rest room area or were they just walking towards that area?

A. I recall they were walking towards the rest room area.

Q. Now, at some point in time, did you see Mr. Jackson again later that evening?

A. Yes, sir.

Q. And where was he when you saw him?

A. He was near the back door of the main house. About -- about maybe five, eight yards or so from the back door.

Q. And was he alone or was he with somebody?

A. He was with Jordie.

Q. And where was Mr. Jackson in relationship to Jordie? Where was Jordan?

A. He was like piggybacking. You know, piggyback, when you put someone on your back.

Q. Who was on whose back?

A. Jordie was on Mr. Jackson's back.

Q. Do you recall what Mr. Jackson was wearing, if anything?

A. He was wearing -- he was bare back and he had a towel around his waist.

Q. And how about the child?

A. The child had like a towel-like robe, you know, like a bathrobe. Like, you know, it's towel material. It was thrown over him, over the child.

Q. And where were they when you first saw them?

A. I'd say five, eight yards from the back door.

Q. Okay. And did you see where they went?

A. They went into the house.

Q. And did you see or hear anything at that point in time?

A. Yes, sir.

Q. What?

A. I heard the two locks on the back door, the screen door and the back door lock. You know, “clack,” when someone close it.

Q. Now, was that -- anything unusual about that?

A. Yes, sir.

Q. What?

A. I never recall Mr. Jackson locking the house. We normally go and lock the house. We go and lock the theater, lock the game room when he goes to bed.

Q. So that's your responsibility?

A. Yes.

Q. And you're familiar with how that door locks?

A. Yes.

Q. And that there's a double -- that there's a double lock there to secure it?

A. It's not a double -- from my -- from what I remember, it was two doors, like a screen door and a solid door. And the two doors -- I heard the two doors, you know, lock.

Q. So it's not a double door -- double lock on one door. It's two doors that have separate locks,

as you recall?

A. I don't know it had a double lock. I can't remember. But I remember it was two doors. That's my recollection.

Q. All right. And each had a lock?

A. Yeah.

Q. Okay. Now, what I'd like to know is, from the point that you saw Mr. Jackson --

A. Yes, sir.

Q. -- walking towards the bathroom area that's attached to the arcade - okay? - with Jordan, to the time that you saw him later with Jordan on his back, just before he entered the door to the house - okay? - how much time had elapsed, approximately?

A. I would say maybe half an hour or so. Half an hour. That's an average. Could be a little bit more. But I would say half an hour.

Q. Now, after you saw Mr. Jackson and the child enter the house, and the door was -- the doors were locked - okay? - did you have an occasion where you went to the rest room area that you had -- that's attached to the arcade?

A. Yes, sir.

Q. And why did you go there?

A. I was securing the arcade room and the rest room area, locking them up.

Q. And did you actually physically go into the rest room?

A. Yes, sir.

Q. And when you went into the rest room, what did you see?

A. The lights were on, as far as I recollect.

Q. Okay.

A. And it's -- the ground is like -- I don't think it's like concrete. It's like cobblestone, you know, the blue cobblestone.

Q. Okay.

A. That's my recollection.

And the ground was wet, and there were two bathing pants on the ground close to each other.

Q. Now, were these the same trunks that you had seen Mr. Jackson and the child Jordan Chandler wearing?

A. Yes. It seemed to be the same trunks.

Q. And could you explain to the jury, where were the trunks in relationship to each other?

A. The trunks were like maybe about this far apart.

Q. You're indicating about --

A. About three --

Q. -- a foot and a half, three feet?

A. They were this far apart. Two feet apart.

Two, three feet. And they were near to -- closer to the door area when you walk in.
Q. Close to the front door, the entrance door?
A. Yeah. That's what I recollect, yeah.

Q. Did you notice anything with regard to the floor?
A. Yeah, the floor was wet.
Q. Now, I think in the beginning or earlier on in your testimony, you indicated that there was an incident about the French doors being unlocked - okay? - that particular evening where there was some French doors or some big doors that were unlocked?
A. Yeah, there were some doors unlocked in the house.
Q. Was this, again, part of your security routine, to check --
A. Check and secure, yes.
Q. Where are these doors located in terms of, if you were to walk through these doors, what room in the house would you be in?
A. If you walk -- if you were to walk through the ones that were open?
Q. Yes, sir.
A. You would come into a big living room area, and then there's a little corridor, and then Mr. Jackson's bedroom is right there.
Q. And with regard to these particular doors, how -- could you describe them to the jury?
A. They're like -- you know, like tall doors. Not regular - what would I say? - rectangular doors. They were like tall doors, like ten feet tall with an archway.

Q. Okay.
A. Huge doors. And they were -- so they had like bolts, you know, big bolts. I don't recall them having locks, these doors --
Q. Okay.
A. -- like the other doors that I found unlocked. And so you would probably have to climb up and, you know, bolt these heavy copper bolts into

the frame, and to bolt the bottom. So each door -- if you have two doors opening like that, each door would have two bolts. One on top, one below.

Q. So you'd have to go inside the house to actually secure the house?

A. Yes, you have to go inside.

Q. And then you have to walk through of the house to get out of the house?

A. You have to walk through the house, yes.

Q. Was Mr. Chacon with you when you observed these to doors to be unlatched?

A. Yes, sir.

Q. And did you give Mr. Chacon some instructions with regard to what you wanted him to do with these doors?

A. Yes, sir.

Q. What was that?

A. I told him that we were going inside to secure the doors. We need to go in and lock them.

Q. And did he do that?

A. No, sir.

Q. Did you ask him on more than one occasion to do it?

A. I think a couple times, from what I remember, yeah.

Q. Did he say why he wouldn't do it?

A. He said he's not going in the house.

Q. Was that unusual for him to disobey an order from you?

A. Yeah. Yes, sir.

Q. Do you recall any other occasion where he ever did that?

A. No.

Q. Now, with regard to the incident that you've just described for the ladies and gentlemen - okay? - the one with Jordan, the child Jordan Chandler, and the Jacuzzi and going into the arcade rest room - okay? --

A. Okay.

Q. -- do you have an idea of approximately when that occurred?

A. That would have been somewhere in the middle of .93 or so.

Q. Was Mr. Jackson, to your knowledge, just returning from some trip?

A. Oh, yeah, he had returned from a trip overseas.

Q. Do you know where?

A. No. He was on a tour, I guess.

Q. Where?

A. He was singing overseas and he came back. He was over there for a long time.

Q. Okay. Now, on the ranch during the time 1993 - okay? --

A. Okay.

Q. -- was there a thing called a Peter Pan display?

A. Yes, sir.

Q. And where was the Peter Pan -- I can't even say it. Where was the Peter Pan display located?

A. It was in the back of the house outside Mr. Jackson's office. He had an office in the back of the house.

Q. Okay.

A. You know, a -- how would I describe -- you have the main house. You have a breezeway.

Q. Okay.

A. You have Mr. Jackson's office there.

And then on the other side, you have the arcade room, the swimming pool, the Jacuzzi, the barbeque area.

So the display, I don't recall if it was inside of the window or outside of the window, you know, but it was like on a short -- like a -- when you look in the window, it was like a lighting display. But it's been so long, I can't recall if

it was inside of -- inside of the office or outside of the office.

Q. Now, on an occasion while you were working at Neverland Valley Ranch, did you see an incident occur involving the defendant Michael Jackson and the child Jordan Chandler?

A. Yes, sir.

Q. And was this incident before or after the incident that you've described or the occasion which you described finding the swimming trunks basically next to each other in the rest room?

A. I don't recall, sir. I don't recall if it was before or after.

Q. All right. Now, on that particular day or on that particular occasion, did you see Mr. Jackson and the child Jordan Chandler together before you saw them at the display?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

You may answer.

THE WITNESS: I don't recall.

Q. BY MR. SNEDDON: Where were --

A. Are you talking on this particular evening?

Q. Yes.

A. I don't recall if I saw them before I saw them at that time.

Q. Okay. And so, then, what would have been the first time you saw them?

A. It probably would have been when I came onto the night shift, so I would guess approximately after 10:00. 11:00, 12:00.

Q. All right.

A. It was pretty late in the night.

Q. And when you saw them at the Peter -- did you see them at the Peter Pan display?

A. Yes, sir.

Q. Now, prior to them being at the Peter Pan display, did you see where they came from?

A. Okay. Yes.

Q. Where did they come from?

A. They had come down from the hill area, probably from where the theater was, and they drove down a small hill and drove in the back of the house. The back of the security area there's a garage, and then swung around, and that's where the Peter Pan display is. So they drove in the back of the house.

Q. You say they "drove." What were they

driving?
A. As far as I remember, it was a small golf cart.
Q. And were they both in the same cart or in different carts?
A. My recollection, they were in the same cart.
Q. Now, at the time that you saw them in front of the Peter Pan display, could you tell us what you observed?

First of all, let me ask you this: Let's -- where was the child Jordan Chandler in relationship to Michael Jackson? Where were they positioned?
A. Jordan was standing in front of Mr. Jackson, and Mr. Jackson was standing behind him. You know, like if I'm standing here and someone is standing here, but we are both facing the same direction. They were looking at the -- at the display.
Q. And what did you observe about Mr. Jackson's conduct in relationship to the child at that time?
A. When I turned -- you know, I turned to walk away. I went to ask him a question. When I turned to walk away, and on the side, I saw Mr. Jackson giving him a little kiss on the side here, and he was kind of like hugging him. I just saw that maybe a couple seconds.
Q. And then you kept going?
A. Yeah, I kept going.
Q. You didn't watch what happened after that?
A. No.
Q. Now, was Mr. Chacon working that night?
A. Yes, sir.
Q. Now, in May of 1994, you were subpoenaed to appear before the Los Angeles grand jury?
A. Yeah, okay. I think that's the time.
Q. You recall going down to Los Angeles?
A. Yes, sir.

Q. And you recall testifying in front of the grand jury?
A. Yes, sir.
Q. You recall receiving a subpoena before you

were to go down there?
A. Yes, sir.
Q. And what was your attitude towards receiving the subpoena to go to the grand jury?
MR. MESEREAU: Objection. Vague; relevance.
MR. SNEDDON: Goes to his bias, Your Honor, his motive for testifying.
THE COURT: Overruled.
You may answer.
THE WITNESS: You want me to answer?
Q. BY MR. SNEDDON: Yes.
A. I didn't want to go.
Q. Now, prior to going down to Los Angeles to testify, did you have a meeting with attorneys who represented Mr. Jackson?
A. Yes, sir.
Q. And who were those attorneys?
A. It was Mr. Steve Cochran, Mr. Jackson's attorney. It was also a private investigator.
Q. And do you recall where that meeting occurred?
A. Yes, sir.
Q. Where was that?
A. Mr. Bob Sanger's office in Santa Barbara.

Q. And at the time that you were at that meeting, did the attorneys for Mr. Jackson offer you certain services?
MR. MESEREAU: Objection. Misstates the evidence. One attorney was mentioned.
MR. SNEDDON: Okay. I'll rephrase it if that's the problem.
Q. At the time that you met at Mr. Sanger's office with the private investigator and Mr. Steve Cochran, did he offer you services?
A. I don't recall. But he gave me some advice.
Q. Well, did you have a lawyer representing you at that time?
A. No, sir.
Q. Did they offer to represent you?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
You may answer.

THE WITNESS: He offered to be down with the grand jury if we needed advice, attorney.

Q. BY MR. SNEDDON: Can you tell us --

A. I think -- I vaguely remember now that -- I think he remembered -- he offered, you know, to represent us, represent me.

Q. Do you recall whether or not you were ever offered any transportation down there?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

THE WITNESS: Yes, sir.

Q. BY MR. SNEDDON: Were you?

A. Yes, sir.

Q. Did you ever use Mr. Steve Cochran's services?

A. No, sir.

Q. Were you asked what you were going to say in front of the grand jury by Mr. Cochran?

A. Yes, sir.

Q. Did you tell them?

A. I don't recall telling him, sir.

Q. Did you tell them what you were going to do?

A. I told him I was going to say what I know. I speak the truth.

Q. Now, between the time that you received the subpoena to appear before the Los Angeles County Grand Jury and the time that you actually testified at the Los Angeles -- before the Los Angeles County Grand Jury, did you receive a raise?

A. Yes, sir.

Q. And how much of a raise did you receive?

A. About a thousand dollars a month more. Or maybe a little bit more than that.

Q. Was this a proposal that you had made to them? Had you requested the raise?

A. Yes, sir.

Q. And how long prior to the time that you went down to Los Angeles to testify had you requested

that raise?

A. A few months. Couple months, maybe. I'm

guessing. I -- it was before.
Q. Now, after you testified in front of the Los Angeles County Grand Jury, did you receive any threats?
MR. MESEREAU: Objection. Leading; foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes, sir.
Q. BY MR. SNEDDON: In what fashion? In what form did you receive threats?
Mr. Abdool, there's some water up there if you'd like some water. Take your time.
A. Yes, sir.
Q. What were the nature -- describe what threats you received.
A. People would call at home and threaten to kill me and my family. A lot of phone calls coming to the house.
Q. Was there always somebody on the other end of the line when you picked the phone up?
MR. MESEREAU: Objection; leading.
THE WITNESS: They would stay on the line sometimes.
THE COURT: Overruled.
You may answer.

THE WITNESS: They would stay on the line sometimes, yes. Just stay on the line.
Q. BY MR. SNEDDON: Did you report these threats to law enforcement at the time that they occurred?
A. Yes, sir.
Q. Mr. Abdool, do you know what the witness protection program is?
A. I know -- I heard about it. I don't know exactly what it entails.
Q. Did you ever request to be -- for you and your family to be put in the witness protection program?
MR. MESEREAU: Objection. Leading; move to strike.
THE COURT: Stricken. It's leading.

Q. BY MR. SNEDDON: At any time did you ever request of law enforcement protection?

MR. MESEREAU: Same objection.

THE COURT: Overruled.

You may answer.

THE WITNESS: Yes, sir.

Q. BY MR. SNEDDON: And what did you request?

A. I requested to be put in that program, the witness protection program.

Q. Now, with regard to the -- with regard to the Neverland Valley Ranch, was there a change in terms of additional security people who were brought onto the ranch during the time that Mr. Jackson was under investigation back in 1993?

A. There was not a change. There was addition, some more people came on.

Q. And did you folks on the ranch have a name for those people, or was there a name that was associated with them?

A. Yes, sir.

Q. What was that?

A. The OSS, Office of Special Services.

Q. Were they armed?

A. Yes, sir.

Q. Were you armed?

A. No, sir.

Q. The regular security staff was not?

A. No, sir.

Q. How would you describe the atmosphere at the ranch with these people who are armed on the ranch?

A. It was very tense. I would say in the beginning -- you know, they were big people, and they were armed. And I've seen them drink on property, so you'd be concerned about your security on the ranch.

I also heard them make threats to people on the ranch.

MR. MESEREAU: Objection.

MR. SNEDDON: Well, that was going to be my next question.

MR. MESEREAU: Move to strike.
THE COURT: Stricken. Next question.
Q. BY MR. SNEDDON: Did you at any time ever hear them make threats to people on the ranch?
MR. MESEREAU: Objection. Hearsay; move to strike.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes, sir.
Q. BY MR. SNEDDON: And did they do that to you also?
A. Not directly, no.
Q. Okay. Did they do it indirectly or what you thought was indirectly?
A. Yes, sir.
Q. In what fashion?
MR. MESEREAU: Objection.
MR. SNEDDON: Oops. Sorry. I'll wait.
THE COURT: You said, “Objection.” I didn't hear your --
MR. MESEREAU: Leading and calls for speculation.
THE COURT: Sustained.
Q. BY MR. SNEDDON: In what fashion?
MR. MESEREAU: Same objection.
THE COURT: That was your last question.
MR. SNEDDON: That --
THE COURT: Really, you have to take the

last two questions to understand my ruling that you were leading.
MR. SNEDDON: I thought the first one was, but I didn't think the second would be, “In what fashion?” But I'll start over, Judge. That's no problem.
Q. You indicated that you thought that you had been intimidated indirectly. Could you describe for the jury in what fashion that occurred?
MR. MESEREAU: Objection. Misstates the evidence, leading, and foundation, and calls for speculation.
THE COURT: I think what I'm asking you to do is to go back and form a foundation for the question

you're asking before you ask in what fashion.

MR. SNEDDON: Okay.

Q. Were you ever indirectly intimidated on the ranch?

MR. MESEREAU: Objection. Leading; foundation.

THE COURT: Overruled.

You may answer.

Q. BY MR. SNEDDON: You may answer. Were you ever indirectly intimidated on the ranch?

A. Yes, sir.

Q. And do you remember who the person or persons were that were involved?

A. Yes, sir.

Q. Who were they?

A. On couple occasions it was one person, and at other times it would be two, three of them, of the OSS officers.

Q. Could you describe in what manner you were indirectly intimidated by these people?

A. Are you saying things that they would say?

Q. You tell us. What was the nature of it?

MR. MESEREAU: Objection. Foundation and hearsay.

THE COURT: Overruled.

You may answer.

THE WITNESS: I remember one of them, his name was Van Norman. He would say how they would beat people when they were overseas. You know, when they were on tour with Mr. Jackson, how they would beat people, and he knew a hit man in Europe.

And I remember once there was a fan at the front gate and he came down and put his gun and pointed it at her head. She was outside the gate.

And also --

MR. MESEREAU: Objection; narrative.

THE COURT: Sustained.

Q. BY MR. SNEDDON: Was there any other indirect incidents directed directly at you?

A. Yes, sir.

Q. All right. What was that?

A. After I testified at the grand jury, when

I'm sitting in my office, they would just pass outside my office and just stare at me. They would not come in and talk to me. They would just walk past outside the door.
Q. Are there occasions they displayed their firearms to you?
MR. MESEREAU: Objection; leading.
THE COURT: Sustained.
Q. BY MR. SNEDDON: Let's move on to another subject, if we can.
Were you involved in a civil lawsuit against Mr. Jackson?
A. Yes, sir.
Q. And do you recall approximately when that lawsuit was filed?
A. .95, .96. Something around there.
Q. So this was at least a couple of years after your testimony, or at least one year after your testimony before the Los Angeles County Grand Jury?
A. Yes.
Q. During the course of the time that you were involved in that lawsuit, did you give a statement to the media?
A. Yes, sir.
Q. And describe how that came about.
A. I think it was in the attorney's office.
Q. The attorney?
A. Our attorney's office, yes.

Q. Who's that?
A. Mr. Ring.
Q. Okay. And that's where the interview occurred?
A. Yes, sir.
Q. And was it your idea to have the interview?
A. No, I don't think so. I don't recall that.
Q. Did you understand that as a result of the interview, that someone was going to pay someone some money?
A. Yes, sir.
Q. Did you receive any of the money?

A. No, sir.

Q. Did you understand how that money was going to be used?

A. Yes, sir.

Q. For what purpose?

A. To carry on the civil case.

Q. Against Mr. Jackson?

A. Yes.

Q. And do you know who it was that set up that interview?

A. No, I don't recall.

Q. Now, one last question. Between the time that you received your subpoena to appear before the Los Angeles County Grand Jury - okay? --

A. Okay.

Q. -- and -- let me go back and start over again, okay?

You received a subpoena to appear before the Los Angeles County Grand Jury, correct?

A. Yes, sir.

Q. Now, between the time that you received that subpoena and the time that you actually appeared before the grand jury to testify, okay?

A. Okay.

Q. We're talking about that time frame.

A. Yes.

Q. Did you have a conversation with Mr. Chacon, Ralph Chacon, about what he saw the night that you found the swimming trunks side by side in the rest room?

A. Yes, sir.

Q. And did he tell you what he saw?

A. Yes, sir.

MR. MESEREAU: Objection; hearsay.

MR. SNEDDON: I haven't asked that yet. I'm sorry, Your Honor.

THE COURT: Overruled.

MR. SNEDDON: Okay. No further questions.

THE COURT: Cross-examine?

MR. MESEREAU: Yes, please, Your Honor.

CROSS-EXAMINATION

BY MR. MESEREAU:

Q. Good morning, Mr. Abdool.

A. Good morning, sir.

Q. My name is Thomas Mesereau. I speak for Mr. Jackson.

A. Okay.

Q. If anything I ask you is unclear, if you don't understand it, please don't answer and just ask me, and I'll try and rephrase it, okay?

A. Okay.

Q. Now, you told the prosecutor that on one occasion you met at Mr. Sanger's office in Santa Barbara, correct?

A. Yes, sir.

Q. And you told the prosecutor that present were Attorney Steve Cochran, correct?

A. Yes, sir.

Q. And an investigator, right?

A. Yes, sir.

Q. And you told the prosecutor that in response to questions asked of you by Mr. Cochran and the investigator, you said you would tell the truth, correct?

A. Yes, sir.

Q. In your discussions with them, you told the truth, correct?

A. I don't recall having discussions with them.

Q. Well, you met at the office, true?

A. Yes, sir.

Q. Approximately how long was the meeting?

A. There were two meetings that day.

Q. Do you know when these meetings took place?

A. A date are you talking about? I don't recall the date.

Q. Okay. Do you recall approximately when those meetings took place?

A. It was just within a week before going to the grand jury.

Q. And do you know approximately when you went to the grand jury?

A. It was a Monday.
Q. Was it in 1993, do you think?
A. .90 -- early .94 maybe.
Q. Would it be approximately May of 1994, do you think?
A. Okay.
Q. And you met with Mr. Cochran and the investigator at some point before you testified before the Los Angeles County Grand Jury in May of 1994, right?
A. Yes, sir.
Q. How many meetings did you have with any representatives of Mr. Jackson before you testified before the Los Angeles County Grand Jury in May of 1994?
A. Two meetings.
Q. Okay.
A. Three. Three meetings.

Q. And you told the truth --
A. Yes.
Q. -- in all of your discussions at those meetings, correct?
A. Yes, sir.
Q. You told the truth about what you had observed at Neverland, right?
A. Yes, sir.
MR. SNEDDON: I'm going to object, Your Honor. Assumes facts not in evidence that he said anything to them.
THE COURT: Sustained.
MR. SNEDDON: Move to strike.
THE COURT: Stricken.
Q. BY MR. MESEREAU: In any of those three meetings, did you utter a word?
MR. SNEDDON: That's vague.
THE COURT: Sustained.
MR. SNEDDON: Object.
Q. BY MR. MESEREAU: In any of those three meetings, did you speak?
A. Yes, sir.
Q. Did you speak about what you had observed at Neverland?

A. I don't recall speaking about what I observed.
Q. Do you recall speaking about Mr. Jackson in those meetings?

A. No.
Q. Do you recall speaking about your employment at Neverland?
A. I don't recall, sir.
Q. Do you recall speaking about your background before you ever worked at Neverland?
A. I don't recall. I may have. I don't recall.
Q. Do you remember signing a statement, Mr. Abdool, in one of those meetings?
A. No, I don't recall that.
Q. Do you recall signing a statement on January 13th, 1994?
A. No, sir.
Q. Would it refresh your recollection if I show you --
A. Sure.
Q. -- a statement?
May I approach, Your Honor?
THE COURT: Yes.
MR. SNEDDON: Can I see it first, Counsel?
Okay. Thank you.
MR. MESEREAU: Your Honor, it's a two-page statement. Could I request that the witness just read it to himself?
THE COURT: Yes.
THE WITNESS: Yeah, okay.
MR. MESEREAU: There's another page, too.

THE WITNESS: Yes.
Q. BY MR. MESEREAU: Mr. Abdool, have you had a chance to look at and read that statement?
A. Yes, sir.
Q. Does it refresh your recollection about what you signed?
A. Yes, sir.
Q. And that is your signature on this

statement, correct?
A. Yes, sir. Yes, sir.
Q. In fact, in the beginning of the statement, you corrected the spelling of your last name in your own handwriting, correct?
A. Yes.
Q. You said you'd worked at Neverland Ranch since June of 1991, correct?
A. Okay.
Q. Is that approximately when you started work?
A. Yes, sir.
Q. You said during your employment at the ranch, you worked in the security department and that you were currently working as a shift supervisor, right?
A. Yes.
MR. SNEDDON: Your Honor, I'm going to object to the use of the reading of the statement into the record. It's hearsay and it's not used to refresh his recollection.

THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you remember signing a statement?
A. Yes, sir.
Q. Do you remember what you said in the statement?
MR. SNEDDON: Well, vague as to -- he stated it's two pages long, so it's --
THE COURT: Do you mean outside of his having just read it now, or what?
MR. MESEREAU: Yes. Well --
THE COURT: You gave it to him to refresh his memory.
MR. MESEREAU: Yes, I did.
Q. Does the statement you read refresh your recollection about the statement you signed?
A. Yes, sir.
Q. Okay. And that is your signature on the statement, correct?
A. Yes, sir.
Q. You told representatives of Mr. Jackson that you'd never seen Mr. Jackson touch any child in a

sexual manner or in any way that could be construed as sexual, correct?

A. That's what I wrote, yeah. I signed to that, yes.

Q. You said you'd never seen Mr. Jackson unclothed or in the company of unclothed children, correct?

A. Yes. I mean, when I say "unclothed," naked. If you have on pants, that's not unclothed.

Q. But you said you'd never seen Mr. Jackson unclothed or in the company of an unclothed child, correct?

A. Yes.

Q. You said you'd seen Mr. Jackson play with children, right?

A. Yes, sir.

Q. You said he plays as if he's a child himself, correct?

A. Yes.

MR. SNEDDON: I'm going to object to reading the document into -- it's hearsay.

THE COURT: Sustained.

MR. MESEREAU: Cross-examination -- impeachment, Your Honor.

THE COURT: Well --

MR. MESEREAU: I believe on cross-examination --

THE COURT: Some is and some isn't. You're reading the whole thing, so you're not being very discerning in your impeachment.

MR. MESEREAU: Well, I'm not going to read the whole thing.

THE COURT: There was certain questions that he was asked that you can do that with. You're reading a lot more into it. You'd have to lay the foundation for each remark.

Q. BY MR. MESEREAU: Okay. Do you remember signing a statement that discussed what you'd seen of Jordie Chandler at Neverland?

A. I remember signing a statement. I believe that statement that I signed was not at Mr. -- when I met with the attorneys. That was a statement that was prepared by the investigator in his handwriting. Yes, I did sign it.

Q. And you also corrected the statement before you signed it, true?

A. My name, I corrected it, yes.

Q. You said you'd never seen Mr. Jackson engage in anything sexual with Jordie Chandler, correct?

A. Yes.

Q. And you said that no one working at the ranch had ever complained about Mr. Jackson doing anything sexual with children, correct?

A. Right. No, that was before I went to the grand jury, before I think, before I met with Mr. -- in Mr. Sanger's office.

Q. The date was January 13th, 1994, right?

A. Right.

Q. Okay.

A. So that was about -- months before I think I went to the grand jury.

Q. You said you were the father of two children.

A. Yes, sir.

Q. That you had no problem leaving them alone with Mr. Jackson, correct?

MR. SNEDDON: I'm going to object to the question. It's hearsay. It's an improper use of the document.

THE COURT: Sustained.

Q. BY MR. MESEREAU: At any time did you ever tell any representative of Mr. Jackson that you are the father of two children, ages 9 and 13, and you would have no problem leaving them alone with Mr. Jackson?

MR. SNEDDON: Same objection, Your Honor.

THE COURT: Overruled.

THE WITNESS: I probably did. I have no reason to say no.

Q. BY MR. MESEREAU: Would it refresh your recollection if I just show you that portion of it?

A. If it's there, it's there, yeah.

MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
THE WITNESS: Right. Okay. Yeah, I signed to that.
Q. BY MR. MESEREAU: You've had a chance to look at that document?
A. Yeah, I've looked at it, sir.
Q. And you did make that statement, that you

were the father of two children, 9 and 13, and they had both visited the ranch, right?
A. I signed it, the statement. It's not my writing. It's -- I didn't write that statement.
Q. But you signed it?
A. Yes.
Q. After correcting it, correct?
A. I corrected my spelling of my name. I didn't sign -- I didn't write that statement, sir. That's not my writing.
Q. Does your signature appear on both pages of that statement?
A. Yes, that's my signature. I signed that document.
Q. Okay. Now, the prosecutor alluded to a lawsuit that you and Ralph Chacon and Adrian McManus and others filed against Michael Jackson, correct?
A. Yes, sir.
Q. In that lawsuit, you also sued the security guards that you called "the OSS," right?
A. Yes, sir.
Q. And one of the security guards you sued was James Van Norman, right?
A. Yes, sir.
Q. He's the fella you just testified to threatening you, correct?
A. Yes.
Q. Okay. And that was the longest civil trial

in the history of this courthouse in Santa Maria, California, right?
A. I don't know.
Q. It was a six-month trial, approximately, was

it not?
A. Yes, sir.
Q. And at the conclusion of that trial, Mr. Jackson prevailed, right?
A. Yes, sir.
Q. And you ended up with a judgment against you for $1,473,117.61, correct?
A. I don't know the figure, but that sounds correct.
Q. Would it refresh your recollection if I just show you the judgment?
A. It's fine. I accept it.
Q. All right. And the security guards that you sued also prevailed --
A. Yes.
Q. -- in that lawsuit, correct?
A. Yes, sir.
Q. And it's your understanding that Mr. Jackson won the case, was awarded costs, and was awarded all of his attorney's fees against you, correct?
A. Yes, sir.
Q. All right. Did you ever pay him any of that money?
A. No, sir.

Q. Do you know approximately when you filed that case?
A. I think maybe .95, 1995. I'm not sure.
Q. Would it refresh your recollection if I just show you the Complaint? It has a date of December 2nd, 1994. Does that sound correct?
A. Okay.
Q. You sued Mr. Jackson for many different claims, correct?
A. Yes, sir.
Q. You sued him for emotional distress, correct? Right?
A. If it says that. I don't recall all the complaints.
Q. Well, you said you'd been intimidated during your employment, right?
A. Yes, sir.
Q. And you testified in the case, correct?

A. Yes, sir.

Q. And you testified that you had suffered emotional distress and various medical problems because of the way you were treated at Neverland, true?

A. Yes, sir.

Q. And your attorney was a gentleman named Mr. Ring, correct?

A. That's correct.

Q. When did you first go to Mr. Ring to talk about suing Mr. Jackson and the security people of the ranch?

A. It would be after I -- we stopped work at the ranch. That's my recollection.

Q. And approximately when was that?

A. I don't recall, sir.

Q. Do you know the year you left your employment?

A. .94.

Q. Okay. Do you remember being disciplined while you were working at Neverland for stealing Mr. Jackson's gasoline?

A. For stealing Mr. Jackson's gasoline?

Q. Yes.

A. No, first time I -- no.

Q. You were counseled by a security chief named Mr. Wegner, spelled W-e-g-n-e-r, correct?

A. That's his -- yeah, that's the correct spelling.

Q. Do you remember being disciplined because you had filled your car up with Mr. Jackson's gasoline?

A. Mr. Jack -- where would I get his gasoline from to fill my car up? No.

Q. Would it refresh your recollection to show you that disciplinary report?

A. Sure. Yeah.

MR. MESEREAU: May I approach?

THE COURT: Yes.

THE WITNESS: Okay. Yeah.

Q. BY MR. MESEREAU: Have you had a chance to look at that disciplinary report?

A. Yes.

Q. Does it refresh your recollection about that issue?

A. Right. I remember that, yeah.

Q. Okay. A report was filed to that effect, correct?

A. Right. Right.

Q. That you had improperly filled your own vehicle with Mr. Jackson's gasoline.

A. No, not improperly fill my vehicle. I used my vehicle to go to -- I think to Solvang to run an errand, and I -- it was replaced for me, the three gallons of gasoline.

Q. Okay.

A. I remember that, yeah. I did not steal the man's gasoline. And that's why I refused to sign it, because I was having problem with the chief at that time.

Q. You were counseled on the violation, true?

A. Yes. I told you I went -- I used my vehicle and -- and --

Q. You were told a violation would be part of your permanent record of employment at Neverland, true?

A. I don't recall. Probably.

Q. Okay. There are gasoline pumps on the ranch, true?

A. Yes, sir.

Q. Okay. Staff, particularly security staff, are not supposed to be filling their own vehicles with Mr. Jackson's gasoline, correct?

MR. SNEDDON: I'm going to object as argumentative.

THE COURT: Sustained. It's a foundational sustaining.

Q. BY MR. MESEREAU: Did you know the policy on whether or not security staff are supposed to use Mr. Jackson's gasoline for their own personal use?

A. I don't know if there's a policy, but of course you can't use his gasoline for your personal use. And as I said, sir, I did not use it for my personal use.

Q. You're not supposed to fill your tank with it, correct?

A. I didn't fill my tank. I put, what, three gallons of gasoline. I vaguely remember that, yes, that happened.

Q. All right.

A. I'm not denying it.

Q. Were you ever disciplined on any other occasion that you recall?

A. I don't recall.

Q. Okay. Do you know one way or another whether you were disciplined on any other occasion?

A. I don't recall. That one he told me, it even surprised me. I had forgotten about it. It was a nonissue as far as I was concerned.

Q. Now, you claimed in your lawsuit that you had been disabled because of what happened to you at Neverland, true?

A. Disabled -- emotionally disabled, yes.

Q. Yes. And you obtained a number of what are called disability certificates from a physician because of your disability, correct?

A. Yes, sir.

Q. And did you apply for state disability; do you know?

A. What is state disability? I --

Q. Well, there are various ways to file for disability, correct?

A. Well, like unemployment?

Q. Or disability. You claimed that you could not work because of all the emotional problems you had resulting from your work at Neverland, correct?

A. Yes, sir.

MR. SNEDDON: Your Honor, excuse me, I'm going to object that the question is vague as to whether he's talking about -- I don't want to go any further, but it's vague as to what point in time or what document he's referring to.

MR. MESEREAU: I'm not referring to a document, Your Honor.
MR. SNEDDON: Well, then it's vague.
MR. MESEREAU: I'll rephrase.
Q. It was your position when you filed the lawsuit against Mr. Jackson and the security guards that you should get millions of dollars because you had been emotionally disabled, correct?
A. Yes, sir.
Q. You claimed you were so distraught and depressed that you couldn't work, true?
A. Yes, sir.
Q. And you were actually examined by physicians in that regard, true?
A. Yes, sir.
Q. And at one point an insurance company refused to pay you any benefits because they said you weren't disabled, right?
MR. SNEDDON: Your Honor, I'm going to object. It's hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you remember TIG Insurance concluding that you, Mr. Abdool, are not medically disabled?
MR. SNEDDON: Your Honor, I'm going to object and I'm going to ask the Court to admonish counsel. That's the same question, and he just asked it with a new start to it.

THE COURT: The objection is sustained.
MR. MESEREAU: Okay.
Q. The jury in your civil suit completely rejected your claims that you were emotionally or medically damaged by anything at Neverland, true?
A. Yes, that's correct.
Q. And you never got the millions you were seeking, correct?
A. That's correct, sir.
Q. Do you know approximately when that suit ended?
A. I know it was five, six months. I don't have the date, no.
Q. Now, as head of security at Neverland, you

were concerned about media people coming on the property, true?
A. Yes, sir.
Q. And one of your jobs was to try and keep media people away from Mr. Jackson, right?
A. Keep anybody away from -- from the property, any intruders.
Q. But you were particularly concerned about tabloid-type people, correct?
A. I would say generally anyone, any type of intruder.
Q. But weren't you particularly concerned about media attempts to get to Mr. Jackson?
MR. SNEDDON: Object; asked and answered.

THE COURT: Overruled.
You may answer.
THE WITNESS: I -- we were concerned -- I was concerned with any intruder on the property.
Q. BY MR. MESEREAU: Okay. And would that include the media?
A. Yes, sir.
Q. Would that include people who write for tabloids?
A. Yes, sir.
Q. And was it your understanding that Mr. Jackson was very concerned about his privacy when it came to the media?
MR. SNEDDON: Lack of foundation; object.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes, sir.
Q. BY MR. MESEREAU: Were you still employed at Neverland when you first spoke to representatives of the media about Mr. Jackson?
A. No, sir.
Q. How long after you left your employment did you talk to representatives of the media about Mr. Jackson?
A. I don't recall, sir.
Q. You talked to somebody named Gary from an organization called Splash, correct?
A. Right.

Q. And it was your understanding that you would be quoted in a tabloid called The Star, right?

A. It wasn't me. It was the attorney's office.

Q. But your understanding was that you were going to be quoted in an article in a tabloid called The Star, right?

A. Okay, yes.

Q. And you were interviewed along with Ralph Chacon, correct?

A. Yes.

Q. You were interviewed with Adrian McManus, correct?

A. Yes, sir.

Q. How many meetings did you have with that tabloid?

A. I think it was just one meeting.

Q. Okay. Do you know what they paid for the interview?

A. No, sir.

Q. Did you ever hear they paid $15,000 for that interview?

A. I probably did. I don't recall that exactly.

Q. And what you chose to do was rather than not put the money in your pocket, you chose to use it to fund your lawsuit against Mr. Jackson where you wanted to get millions, right?

A. Yes, sir.

Q. Obviously, it turned out to be a poor investment, right?

MR. SNEDDON: Objection, Your Honor. Argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Does July 31st, 1994, sound like the approximate time you stopped working at Neverland?

A. Yes.

Q. Okay. How long after you stopped working do you think you and Chacon and McManus got together and met with the attorney about filing a lawsuit?

MR. SNEDDON: Object; assumes facts not in evidence.
MR. MESEREAU: I'll rephrase it.
Q. Did you and Ralph Chacon and Adrian McManus at some point get together and decide to jointly file a lawsuit against Mr. Jackson?
A. I don't recall Adrian McManus. I recall Melanie Bagnall.
Q. Do you know who Adrian McManus is?
A. Yeah, she -- she probably came on at some time after we spoke. That's my recollection.
Q. And all of you sued the private security people that you called "the OSS," right?
A. Yes, sir.
Q. And you all claim that these people had terrorized you and caused damages to you, right?

A. Yes, sir.
Q. And that claim, again, was rejected completely by the jury, right?
A. Yes, sir.
Q. Who were the other people that you claim were causing severe distress to you and Ralph Chacon and the others who joined in your lawsuit?
MR. SNEDDON: Your Honor, I'm going to object to the question as compound with regard to "other people."
THE COURT: I'm not sure what you meant, Counsel.
MR. MESEREAU: I'll rephrase.
Q. You testified earlier that one of the things you were concerned about was private security guards of Mr. Jackson consuming alcohol, correct?
A. One of them I saw drinking alcohol.
Q. One individual?
A. Yes.
Q. Okay. And who was that?
A. Van Norman.
Q. Okay. And you also complained about someone carrying a firearm, correct?
A. I -- I don't recall specifically. I probably did.
Q. Well, you testified that you saw somebody

point a firearm at a fan, correct?

A. Yes. Yes.

Q. And who was that?

A. Van Norman. That's my recollection.

Q. Now, you never complained to Mr. Jackson about Mr. Van Norman carrying a firearm, true?

A. No. Never.

Q. And you never complained to Mr. Jackson about Mr. Van Norman drinking alcohol, correct?

A. Never. No.

Q. And you never complained to Mr. Jackson about any of these private security guards threatening anyone, right?

A. That's correct.

Q. And, in fact, you never complained to Mr. Jackson about any of them doing anything wrong at any time, true?

A. True.

Q. Did you, if you remember, sign a confidentiality agreement when you went to work at Neverland?

A. Yes, I think I recall -- I think I did one, yeah.

Q. And was it your belief that as a condition of your working at Neverland, that you were not supposed to take information about Mr. Jackson's life and exploit it in the media?

A. That's correct, sir.

Q. Yet, when you left your employment, that's exactly what you did, correct?

A. Yes, sir.

Q. Did you and Ralph Chacon discuss what tabloid you were going to sell a story to?

A. I don't recall, no.

Q. Did you ever get together with Adrian McManus and discuss what information you and she were going to sell to a tabloid about Mr. Jackson?

A. Oh, I don't think so. I think we just gave an interview and she spoke and I think I probably spoke, too.

Q. Did you learn that any of the information you sold had actually been printed about Mr. Jackson?

A. Yes.

Q. And how did you learn that?

A. I recall -- I think I saw the tabloid. I think I saw it, yeah.

Q. Now, you actually hired a guy named Gary to be an agent to get more tabloid opportunities, correct?

A. Yes, we -- we used him as a broker or something like that.

Q. Yeah, he was a broker to go to various tabloids around the world to see if he could sell stories, correct?

A. Yes, sir.

Q. Now, to your knowledge, did Gary get a commission from whatever he brought in; do you know?

A. No.

Q. But you did this with the approval of your attorney, right?

A. I wouldn't use "approval." But he explained to us that we needed the money. So if you say "approval," yes.

Q. And part of the reason for doing all this was to put pressure on Mr. Jackson to settle that case and give you people money, right?

A. No. I don't think so, no. We needed the money. We had no money to go ahead with the case.

Q. The plan was to do what you could to make Mr. Jackson want to get rid of this case, right?

MR. SNEDDON: Object as asked and answered, Your Honor.

THE COURT: Sustained.

Q. BY MR. MESEREAU: And you actually had your photograph taken by Gary, true?

A. I don't recall. But probably, yeah.

Q. And the purpose of the photograph was to have that photograph appear in tabloids, right?

A. Yes, sir.

Q. Now, did you and the other plaintiffs in that civil case have a nickname that you used for

yourselves?
A. No, I don't think so. I don't recall that.
Q. Well, did you ever call yourselves "The Neverland 5" or something like that?

A. No.
Q. Did you ever see an article with a name like that?
A. I've heard that, yeah.
Q. But that's not a nickname you people were using yourselves, correct?
A. No, I didn't give myself that name.
Q. Okay. You also gave interviews about Mr. Jackson in front of this courthouse, true?
MR. SNEDDON: Your Honor, I'm going to object as vague as to when in time.
MR. MESEREAU: I'll rephrase it, Your Honor.
Q. Around the time you were pursuing your civil lawsuit against Mr. Jackson, you had to come to this courthouse from time to time, right?
A. Yes. Yes, sir.
Q. And you did give some interviews to reporters at this courthouse, right?
A. I vaguely remember I think I spoke to reporters outside, yes.
Q. Okay. And do you remember meeting with your broker in a lawyer's conference room in this courthouse?
A. No, I don't recall that.
Q. Do you remember meeting with Gary in a lawyer's conference room here when your photograph was taken?
A. No, I -- I would think that the photograph

was taken in our attorney's office in Santa Barbara.
Q. Okay.
A. It may have. I don't recall, but I would think it was Santa Barbara.
Q. Would it refresh your recollection if I just show you a --
A. No, it's fine.
Q. -- a page of your deposition?

A. It's fine. If I said it, I said it, yeah.
Q. You remember your deposition being taken in that case, true?
A. Yes.
Q. In fact, there are volumes of that deposition, right?
A. What I'm saying is, if it's there, then that's correct, but I couldn't recall.
Q. Now, the plan initially when you hired the broker named Gary was to put together a fund of money to pay costs in the litigation, correct?
A. Yes, sir.
Q. And to your knowledge, that's what your lawyer spent that money on, right?
A. Yes, sir.
Q. Okay. Do you remember what you were interviewed about by the tabloids?
A. No, it's been a long time. I don't recall.
Q. Do you remember being interviewed about Mr. Jackson's relationship with Lisa Marie Presley?

A. Specifically me, I don't recall that, no.
Q. Do you recall being there when Chacon and McManus were talking about that?
A. I don't --
MR. SNEDDON: Object as immaterial, Your Honor.
THE COURT: Overruled.
You may answer.
THE WITNESS: I don't specifically recall exactly what questions and answers were given, no. It's been over 13 years. I don't recall. But, yeah, there was an interview.
Q. BY MR. MESEREAU: Was Gary at the interview?
A. Yes.
Q. Okay. Who else was there, if you remember?
A. I think Melanie Bagnall, Ralph Chacon, myself, Adrian McManus. I'm not sure about Sandy Domz. I'm not sure.
Q. Okay.
A. I don't recall anymore.
Q. And do you remember you were quoted in an article entitled, "Kinky Sex Secrets of Michael and

Lisa Marie's Bedroom?

A. I don't recall being quoted in that article. But if it's there, the article -- it may not be me saying it, but if it's there, if it's quoted there, it's quoted there.

Q. Would it refresh your recollection if I just

show you the title?

MR. SNEDDON: Your Honor, I'm going to object. It's immaterial. He stated he didn't have anything to do with it. Lack of foundation. It's hearsay.

THE COURT: Well, I will let him refresh his recollection with it, but we'll take a break first.

MR. MESEREAU: All right.

(Recess taken.)

THE COURT: Counsel?

MR. MESEREAU: Thank you, Your Honor.

Q. Mr. Abdool, you described for the prosecutor what you say you observed of Mr. Jackson's behavior with Jordie Chandler, right?

A. Yes, sir.

Q. Now, when you saw what you've described, you did not automatically call any police officer, correct?

A. That's correct.

Q. And you were a former police officer yourself, correct?

A. Yes, sir.

Q. You had been a police officer in -- was it Trinidad?

A. Yes, sir.

Q. How long were you a police officer in Trinidad?

A. Three, four years or so.

Q. Okay. And you were trained to use firearms, et cetera, correct?

A. Yes, sir.

Q. And at one point you carried a concealed weapon, right?

A. Yes, sir.

Q. Were you carrying a concealed weapon during the time you worked at Neverland?

A. No, sir.

Q. Approximately when do you recall seeing Mr. Jackson with Jordie Chandler? Can you tell me approximately when you say you saw this?

MR. SNEDDON: Your Honor, I'm going to object as to which occasion. Vague.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Let's take the first occasion you described - okay? - dealing with the Jacuzzi, all right?

A. Uh-huh.

Q. Approximately when do you think you saw that?

A. I can't give an exact date, but I recollect when he came back from overseas. So it would have been probably around the middle of .93 or so.

Q. Okay.

A. I'm just guessing. I --

Q. And you described another incident.

A. Yes.

Q. The prosecutor asked you about the Peter Pan statue, right?

A. Yes.

Q. And approximately when do you think that happened?

A. I don't recall, but it would be in that time frame, you know, maybe after. I don't recall.

Q. Okay. This is sometime in .93, do you think?

A. .92, .93, yes. It's difficult for me to give you a date.

Q. Now, are you familiar with a -- an event at Neverland called Family Day?

A. Yes.

Q. And what is Family Day at Neverland?

A. Family Day is when the employees are invited to bring their family.

Q. And you participated in Family Day with your family, correct?

A. Yes. On maybe two, three occasions, yeah.

Q. You participated on Family Day at Neverland with your family in 1994, didn't you?

A. I don't -- I think it was Appreciation Day. Employee Appreciation Day it was called.

Q. Okay. And you brought your family to Neverland in 1994 to participate in that, correct?

A. Yes. Yes, sir.

Q. This was after the events you claim you saw that you have just described?

A. Yes, sir.

Q. Do you know someone named Sandy Domz?

A. Yes, sir.

Q. Who is Sandy Domz?

A. Sandy Domz used to work at the ranch administration office.

Q. And did you work with her?

A. I worked on the ranch, but not with her.

Q. Was she working at the ranch while you were working at the ranch?

A. Yes, sir.

Q. Okay. And you and Sandy Domz met with a T.V. show called Inside Edition, did you not?

A. It's possible, yeah.

Q. Do you remember doing that?

A. I know we gave interviews. Maybe television, yes. It's been about 13 years.

Q. I'm sorry?

A. It's difficult to remember.

Q. She was the spokesperson for a group, that included you, that gave various interviews, right?

A. I don't recall, but that's probably correct, yeah. I'm not going to deny that.

Q. And one of them was with the T.V. show Inside Edition, right?

MR. SNEDDON: Your Honor, I'm going to object to the question. It calls for lack of foundation that he was -- that he was involved.

MR. MESEREAU: Your Honor, he said he was involved.

MR. SNEDDON: Well --

THE COURT: Overruled.

You may answer. Do you want the last question read back?

THE WITNESS: Yes, please.

(Record read.)

THE WITNESS: What I'm saying is, if that's a fact, yes, I don't deny it. But I don't recall specifically Inside Edition or who. But I'm saying --

Q. BY MR. MESEREAU: You recall various T.V. shows, correct?

A. T.V. shows or T.V. show, or newspapers or newspaper, I don't -- yes. But I gave interviews or interview, yeah.

Q. And you and Sandy Domz split some of that money, right?

A. What's the word? "Sweat"?

Q. You and Sandy Domz split some of the money that you got from television, did you not?

A. No, sir.

Q. Did it all go to the attorney fund?

A. As far as I know.

Q. But Sandy Domz was not -- excuse me. Did Sandy Domz arrange these meetings or did they all go through Gary, to your knowledge?

A. I don't recall.

Q. Okay. All right. Do you remember meeting for several days with a book author named Gutierrez?

A. I met once with him. Not several. Just once.

Q. It was a long meeting, was it not?

A. Probably, yeah. Two, three hours.

Q. Now, these meetings with various representatives of the media, were they going on during the lawsuit?

A. I don't recall the specific one, but -- I gave interviews during the lawsuit, yes. I don't deny that.

Q. While you were doing this in 1994, you knew that security guards at the Jackson family home in Encino had gotten $100,000 for selling stories, correct?

A. No, I don't recall that.
Q. You never discussed that with your cohorts?
A. No. I may have. I don't recall. I don't recall that one, no.
Q. Okay. You've indicated you never spoke a word with Jordie Chandler, right?
A. Yeah. I mean, I may have said -- you know, he asked for something, but conversation-wise, I don't recall having any conversation with him.
Q. Did you ever see his mother at Neverland?

A. Yes.
Q. Did you see her on a number of occasions?
A. Yes, she's been there on a few occasions, yes.
Q. You said you worked with Ralph Chacon, correct?
A. Yes.
Q. And how long did you work with Ralph Chacon?
A. I worked most of my time at the ranch on the graveyard shift. Ralph Chacon may have worked a substantial time, too, graveyard shift. But he was on another shift, also.
Q. Was he a friend of yours?
A. Yeah, we got along pretty good. I would say a friend, yeah.
Q. You mentioned someone named Brett Barnes, right?
A. Yes, sir.
Q. Did you ever see relatives of Brett Barnes at Neverland?
A. I don't recall. Maybe --
Q. Do you recall his mother?
A. -- maybe yes; maybe no. I don't recall.
Q. Do you recall ever seeing his sister?
A. No, I don't recall.
Q. Okay.
A. I may have.

Q. Now, you indicated that you didn't know if there were any rules should a child get out of line, or wild, or anything like that. You said there were

no rules that you were supposed to follow?
A. I recall there were no procedure if a child -- I don't recall anything like that.
Q. Well --
A. Of course, if they're doing something really bad, you know, you have to stop that, but --
Q. Well, you said Jordie Chandler crashed a golf cart at one point, right?
A. Yeah, I remember he hit the golf cart at one --
Q. Did you take care of him?
A. I think there was an accident report written. That's what I -- vaguely.
Q. Well, what did you consider your responsibilities as head of security to be?
A. To provide security for Mr. Jackson and his guests, you know, the property and so on. Make sure that intruders don't come on the property. That type of thing.
Q. Now, the prosecutor asked you if you had been head of security, right?
A. Yes, sir.
Q. And you answered yes, right?
A. Yes. For the last part of my employment, yes.
Q. And how long a part of your employment were

you head of security?
A. Maybe three months. Three months, four months.
Q. Three months?
A. Yeah.
Q. So that would be the last three months that you worked in 1994, right?
A. Yeah.
Q. Okay. So you became head of security long after you claim you saw Mr. Jackson act this way with Mr. Chandler, correct?
A. That's correct.
Q. And before you were head of security, what was your position?
A. I was a sergeant, supervisor of the -- of a shift.

Q. Now, you said that the Jacuzzi is located outside the house, right?

A. The one I'm talking about. Maybe there's one inside. I don't know.

Q. But there's one outside the house?

A. Yes, sir.

Q. Is that in the back of the house?

A. It's in the back of the house.

Q. Okay. And what else do you see near the Jacuzzi in the back of the house?

A. There's the Jacuzzi. There is a large swimming pool. On the other side, there is a huge barbeque area with a roof, but it's not, you know, boarded, no sides.

Q. That Jacuzzi is in open view, right? It's not hidden by anything?

A. There's some little shrubs in that area. But it's not hidden, no.

Q. Yeah. It's a pretty open area, isn't it?

A. Pretty much, yes.

Q. And guards who are walking around Neverland or driving, can see it, correct?

A. No. If you're driving, you probably cannot see it.

Q. But if you're walking around, you can?

A. Well, how can I answer you? We were told not to go near Mr. Jackson and his guests, so we would not walk where he was.

Q. There are hills above, correct?

A. Yes.

Q. You could actually look down, can't you?

A. If you look down with binoculars or so, you could probably see.

Q. And there are offices on the hill, true?

A. Not in that area, no.

Q. Which area are you talking about when you say “a hill”?

A. You said Jacuzzi?

Q. Yes.

A. In relation to the Jacuzzi, if you go way down, maybe 2-, 300 yards, in that area, there is the administration office, the gardeners.

Q. Right.

A. But they cannot see the Jacuzzi area.

Q. They can see the pool area, can't they?

A. No.

Q. Can't see it at all, even if they look?

A. Even if they look. Because the arcade and the trees in that area are going to be blocking that area.

Q. The pool area is a pretty wide open area, isn't it?

A. Yeah, but there's a big building blocking it. You can't see through.

Q. But guards do walk around, do they not?

A. Yes, when -- but not when we have guests and stuff. They don't want us walking around when they're swimming.

Q. Okay. But you stay there when guests are there because you're supposed to protect the guests, true?

A. Generally if guests are around there, you don't stay close where -- you know, to watch them. You would stay maybe like in the breezeway or in a dark area. But you don't -- you know, you don't go close to the guests.

Q. But part of your responsibility was to make sure that guests are properly treated, true?

A. Yes, but we were instructed not to have close contact with Mr. Jackson or his guests, to keep away, give them distance.

Q. Well, to observe what you say you observed, you would have had to get close to Mr. Jackson, true?

A. Are you talking about the Peter Pan display?

Q. Talking about the Jacuzzi.

A. Yeah. Well, he called me for a couple of drinks, for a couple of sodas.

Q. Right.

A. I was walking and he says, “Security, security.” So I went to him, and he said, “Can you bring two sodas?” And I spoke to the chef about it.

Q. Obviously, Mr. Jackson didn't seem to be afraid to have you see what he was doing.

A. I did not go near him. I was a distance when he asked me for the sodas.

Q. He called you, right?

A. He called me, that's correct.

Q. Okay. Now, typically how many hours would you work on a shift?

A. How many -- pardon me?

Q. How many hours would you work on a shift?

A. Areas?

Q. No, hours, time.

A. Hours. Eight hours. Maybe a little bit more if it's needed, if we're short.

Q. And at the time that you say Mr. Jackson locked his house, what shift were you working?

A. The night shift, the graveyard shift. I think it was from like 10:00 to 6:00 in the morning.

Q. 10:00 to 6:00 in the morning?

A. Yes.

Q. Now, how often did you work that graveyard shift?

A. I worked that graveyard shift, I'm just estimating, pretty much all my employment. I would say 75, 80 percent of my employment.

Q. And do you recall ever seeing Mr. Jackson outside in the evening?

A. Yes, sir.

Q. Did you ever see Mr. Jackson walking late at night?

A. Yes, sir.

Q. Ever see Mr. Jackson driving late at night?

A. Yes, sir.

Q. And you would sometimes see Mr. Jackson at 3:00 in the morning, correct?

A. Yes, sir.

Q. Because Mr. Jackson's known to be by himself sometimes at 3:00 in the morning, right?

A. I don't recall seeing him by himself three o'clock in the morning.

Q. He would take walks or he would drive, correct?

A. I don't recall him by himself at three o'clock in the morning.
Q. But you've seen him late at night on his property, true?
A. Not alone, but with guests.
Q. Have you seen him late at night on his property?
A. That's correct.
Q. Have you ever seen him driving on his property alone late at night?
A. No, I don't recall. But I really don't recall Mr. Jackson driving alone.
Q. And you've seen him with guests late at night, right?
A. Yes, sir.
Q. 3:00 in the morning was not unusual at times, right?
A. I would say not unusual. That would be unusual. Hardly ever. Maybe all my employment I've seen him outside that time maybe two or three times or so.
Q. And, sir, he has gone back into his house late at night and locked it, hasn't he?
A. That evening, that night? Before?
Q. He has done that at various times when he goes out late at night, hasn't he?
A. I don't recall that, sir.
Q. Okay.

A. He may have, but I don't recall.
Q. But you didn't check every time he went out late at night to see if he locked the door when he went back into the house?
A. Yes, you have to check. You have to check the whole property to make sure the property is secured.
Q. But he routinely locks that door when he comes back in the wee hours of the morning, sir?
A. No. No, sir, I'm telling you.
Q. Okay.
A. I know that is a fact.

Q. So when he brings guests back into his house at 3:00 or 4:00 in the morning, he never locks it, is what you're saying.

A. Mr. Jackson doesn't lock the property, even his house. We walk around and lock the house.

Q. Sir, you didn't check every time he went back into his house late at night to see if it was locked?

MR. SNEDDON: I'm going to object as argumentative and asked and answered.

MR. MESEREAU: All right.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Now, where is the Peter Pan display in relation to the house?

A. If you have the -- you have the house, the main house --

Q. Yes.

A. -- there's a breezeway. On like a big archway, there's Mr. Jackson's office. So the Peter Pan display would be if you're driving to the back of the house, and you come around to the side of Mr. Jackson's office --

Q. Uh-huh.

A. -- the Peter Pan display, as far as I can recall, would be on that window. So it would be to the back of the house. Would be 10, 15 yards or so.

Q. Okay. Now, you indicated you had requested a raise several months before you got one, right?

A. That's what I recollect, yeah.

Q. And you had requested a raise to a Mr. Bray, correct?

A. I remember requesting a raise to the administration. I'm not sure if it's directly to Mr. Bray, you know, but to the head of Mr. Jackson's company. I knew he had put Mr. Bray in there.

Q. I'm sorry.

You had complained that you were very underpaid, true?

A. Well, I said I should be paid the amount that the last chief of security was being paid. That's what I recollect.

Q. Right. And didn't you also complain that others were getting paid more than they should, like the private security guards?

A. I don't recollect that. I recall telling them that some officers were working for more money than some, and they should come up to be equal. So the new officers were making more money than the old officers we hired on. I think it's fair that they should get the same amount of money.
Q. Did you put the request in writing?
A. I recall so, yes. I vaguely recall that.
Q. And were you interviewed about that request?
A. By Mr. Bray, yes.
Q. Okay. Now, people in your security group did not like Mr. Jackson's private security people, did they?
A. I can't speak for everybody. But in the beginning, I got along with them in the beginning.
Q. But didn't a lot of tension develop between the two groups?
A. Yeah. It developed as time went on, yes.
Q. And your group would not travel with Mr. Jackson, right?
A. No. We were just security for the ranch.
Q. The other group would travel with him when he went on tour, right?
A. That's correct. That's my understanding.
Q. They would travel with him to various cities, correct?
A. That's my understanding, yes.
Q. And when they returned -- excuse me. When

Mr. Jackson returned, they would come with him, right?
A. No, that's the first time they came on property.
Q. Well, sometimes one or two would travel on a flight with him, correct?
A. I don't know. I've never been on a flight with him. But I'm talking about Neverland Valley Ranch.
Q. Right.

A. When Mr. Jackson came back in .93 or .94, that's the first time I've seen any one of his OSS officers there.

Q. But he had security people in the past when he went on tours, throughout his life, providing security for him?

A. That's my understanding, yes.

Q. Okay. And he's had security problems his whole career because he's so famous, right?

A. Yes, I know that.

Q. Now, you said Van Norman pointed a gun at a fan; is that true?

A. Yes.

Q. Did you watch that?

A. Yes. He, like, put -- like through the gate.

Q. And you were upset with that?

A. I was frightened, you know.

Q. And never made a complaint to anybody?

A. No. Who can you complain to?

Q. Well, you're a former police officer. You could call the local police, couldn't you?

A. Yes, I could have. But in the conditions there, you can't talk. When you're in that ring of that employment, you don't talk.

Q. Where were you living at that time?

A. Lompoc.

Q. On one of your trips back or forth to Lompoc, you could have called a police officer, correct?

A. That's correct.

Q. Now, do you remember in your civil trial a tape was produced that you claim had some threats on it?

A. I vaguely remember. I remember there was a tape, yes.

Q. And it turned out to be a tape involving your son and some music. Do you remember that?

A. Could be, yeah.

Q. There was no threat at all, correct?

A. Probably, yeah. I don't recall, but it's fine.

MR. MESEREAU: Okay. No further questions, Your Honor.

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REDIRECT EXAMINATION

BY MR. SNEDDON:

Q. Mr. Abdool, with regard to those occasions where you saw Mr. Jackson out at night at 3 a.m., was he with little boys on any of those occasions?

A. Yes, sir.

Q. Mr. Mesereau asked you why you didn't complain to Mr. Jackson about certain events that were happening on the ranch with regard to these OSS individuals. Do you recall those series of questions?

A. Yes, sir.

Q. Why did you not complain to Mr. Jackson about that?

A. I felt they were more like attached to him, because he'd be talking with them and they would go meet him personally and talk to him. So I was -- I was scared to, you know, go to him and complain about the people who were close to him.

Q. Now, Mr. -- Mr. Mesereau asked you about this gasoline incident.

A. Yeah.

Q. And do you remember he showed you the form, it was December of .93?

A. Yeah. Okay.

Q. And was it after that point, after this incident where you wouldn't sign for having done anything wrong, that you became -- they promoted you to head of security?

A. Yes, sir.

May I explain about the gasoline?

Q. Pardon?

A. May I explain about the gasoline?

Q. If you'd like to.

A. Yeah. What happened, I remember going to work that evening, and I had very little gas in my car. And I ran an errand, you know, to somewhere in Solvang with my personal car. And when I came back, I put three gallons of gasoline to -- you know, for whatever I used, because I had very little gas to go home after.

And I told Mr. Wegner about it. I told him about it. I told him I took three gallons of gas. I didn't hide it. And, you know, we had -- in the ending, we had -- our relationship was not good.

Q. But in any case, after that incident they still promoted you?

A. To head of security, yes.

Q. Okay. Now, with regard to some timing issues here, were you still employed at the ranch at the time that you testified before the Los Angeles County Grand Jury?

A. Yes, sir.

Q. Mr. Mesereau asked you a lot of questions about interviews that you gave and your participation in a joint interview with some -- with a magazine.

A. Yes, sir.

Q. Did you ever say anything during those interviews that you said that was untrue?

A. I don't recall the interviews. It's hard -- it's 13 years ago. It's hard for me to recall what I said or what was -- what I was quoted as saying.

Q. Well, I'm not interested in what you were quoted, because we all know how we can be misquoted. But with regard to what you have said, would you have said anything that was untrue?

A. No, no.

MR. MESEREAU: Objection. Calls for speculation

THE COURT: Sustained.

Q. BY MR. SNEDDON: Do you have a recollection of ever saying anything to any of those people, interviews, that was untrue?

A. No.

MR. MESEREAU: Objection.

THE WITNESS: I --

MR. MESEREAU: Objection. Relevance;

foundation; calls for speculation.

THE COURT: Overruled.

You may answer.

Q. BY MR. SNEDDON: That means you can answer.

A. Can you say the question again?

THE COURT: He said, "No," so --

MR. SNEDDON: So just leave the answer in, Your Honor? That's fine.

Q. And lastly, since this case has been in the news - okay? - the present case --

A. The .9 --

Q. This case.

A. Okay.

Q. The current case against Mr. Jackson.

A. Yes, sir.

Q. And before you were subpoenaed to testify in this case, were you approached by members of the press to give interviews?

A. Within the last year and a half, yes.

Q. And were you offered substantial amounts of money to do that?

MR. MESEREAU: Objection. Leading; foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: People have not talked money figure. They have come to my house. They have called me at work. They want to do interviews. They want to write books. Many reporters in the last year and a half have approached me.

Q. BY MR. SNEDDON: Have you talked to any of them?

A. I pretty much chase them away. I tell them, "I don't want to talk about it. I don't want to get

involved in this."

Q. And you're here today because you were subpoenaed to come, correct?

A. Yes, sir.

MR. SNEDDON: Nothing further.

RECROSS-EXAMINATION
BY MR. MESEREAU:
Q. Mr. Abdool, you're subject to a gag order in this case, correct?
A. That's correct.
Q. You're not allowed to talk to the media, right?
A. That's correct.
Q. You were informed of the gag order by the prosecution, correct?
A. Yeah. About two, three months ago, yes.
Q. Well --
A. I'm talking about before that.
Q. Well, even before that, you knew that you were a potential witness in the case, didn't you?
A. Yes.
Q. When did you first talk to any prosecutor about your testifying in the case?
A. Mr. Sneddon called me about three weeks ago, I think.
Q. Did you ever talk to any sheriff about this case?

A. No. No.
Q. Never gave interviews at all?
A. Yes, I talked to sheriffs long ago. 12, 13 years ago, I think.
Q. Okay.
A. But recently, no. Mr. Sneddon called me about three weeks ago. That's the first contact I had with the sheriffs.
Q. Did he tell you there was a gag order on the case?
A. The officer that serve me --
Q. Yes.
A. -- the subpoena at my house told me there was a gag order.
MR. MESEREAU: Okay. No further questions.
MR. SNEDDON: Nothing further, Your Honor.
THE COURT: All right. Thank you. You may step down.
MR. AUCHINCLOSS: We'll call as our next witness, Your Honor, Lieutenant Jeff Klapakis.

THE COURT: When you get to the witness stand, you may be seated. You're still under oath.

JEFF KLAPAKIS

Having been previously sworn, resumed the stand and testified further as follows:

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DIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Good afternoon, Lieutenant Klapakis.

A. Good afternoon.

Q. You've previously testified that you were assigned to the case of People v. Michael Jackson as the lead investigator?

A. I was the lieutenant in charge of the case, yes.

Q. All right. And I think where I left off questioning you, I asked you if, in the month of January, 2004, you served a search warrant on the home of Frederic Marc Schaffel?

A. Yes, I did.

Q. And what day was that?

A. I believe it was January 31st, .04.

Q. Who was with you when you served that warrant?

A. I had several of my detectives, John McCammon, Craig Bonner, Vic Alvarez, Sergeant Robel. They arrived at differing times. I believe Sergeant Robel was doing something else and he arrived shortly thereafter. Paul Zelis.

Q. And were you directed by the Court to seize certain documents pursuant to that search warrant?

A. Yes.

MR. SANGER: I'm going to object to the Court directing him. He was permitted by the Court to do that.

MR. AUCHINCLOSS: It was an order is what it is.

THE COURT: Well, you're both right. Next

question.

MR. AUCHINCLOSS: All right. Thank you. If I may approach, Your Honor.

THE COURT: Yes.

Q. BY MR. AUCHINCLOSS: Lieutenant Klapakis, I show you a notebook that is marked as original exhibits 400 to 420, F. Marc Schaffel files. Under the Tab 400, there appears to be a single page that says -- entitled, "Work Agreement with Neverland Valley Entertainment." Can you identify that document for me, please?

A. Yes, this is a document we found pursuant to that search warrant at Schaffel's house, and it's a work agreement between Michael Jackson --

MR. SANGER: Objection, Your Honor. That's nonresponsive. Motion to strike.

THE COURT: Stricken.

Q. BY MR. AUCHINCLOSS: And this document is noted as Exhibit 400 on the first page; is that correct?

A. Yes.

Q. Where was this document seized from?

A. It was found in a master bedroom closet in Mr. Schaffel's house.

Q. Okay. Was there any box or file cabinet, anything of that nature that you located that file in?

A. No, I believe it was loose in the closet.

Q. And now I show you Exhibit 401. It appears to be a four-page document; has Exhibit Tab 401 on the front page, and there appears to be a fax sheet on the front of that to Tom Byrne.

A. Yes.

Q. Can you identify that document for me, please?

A. Yes. This is a document I found in a locked closet within a guest bedroom of Mr. Schaffel's house. And it was in a filing cabinet.

Q. Okay. Was there anybody living in that guest bedroom?

A. No.

MR. SANGER: Calls for speculation.

THE COURT: Sustained.

MR. SANGER: Move to strike the answer.

THE COURT: Stricken.

Q. BY MR. AUCHINCLOSS: All right. Did you see anybody else's personal belongings in that room?

A. No.

Q. And you said that the closet was locked. Tell me about that.

A. It was -- I believe it was a deadbolt lock on a closet in that bedroom.

Q. How did you get into the closet?

A. One of my detectives is familiar with how to pick locks, and he picked the lock.

Q. And tell me about the filing cabinet that it was seized from.

A. There were, I believe, seven filing cabinets in this closet. And I believe it was in the sixth filing cabinet, one of the drawers.

Q. And can you identify for me the nature of documents that were found in those filing cabinets along with this document?

A. Yes.

MR. SANGER: I'm going to object. Calls for hearsay.

MR. AUCHINCLOSS: I'm asking for a generality.

MR. SANGER: Then it's vague.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Were you able to determine the identity of the individual whose documents were in those cabinets based upon the totality of everything that you searched? And maybe I'll back away from that and ask, first of all, did you have occasion to peruse the contents of those various file cabinets?

A. Yes.

Q. And was there any indicia of ownership located in those file cabinets?

MR. SANGER: Objection. Calls for speculation.

THE COURT: Calls for a conclusion.
Sustained.
Q. BY MR. AUCHINCLOSS: Was there anybody's name associated with the documents in those file cabinets?
A. Yes.
MR. SANGER: Objection. Vague; calls for speculation; lack of foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Did you have any indication that those file cabinets belonged to anybody other than the owner of that home?
MR. SANGER: Objection, Your Honor. This calls for speculation. There's a lack of foundation proven. It's an opinion or conclusion.
THE COURT: Well, I'll sustain the objection.
MR. AUCHINCLOSS: All right.
Q. Did you know if -- could you tell, based upon your -- well, let me strike that.
Did you do a walk-through of that house?
A. Yes.
Q. Did you locate any other occupants?
A. No.
Q. Any occupants whatsoever?
A. The house was vacant. Not vacant, but nobody was there. Unoccupied. Excuse me.

MR. AUCHINCLOSS: Thank you. I have no further questions.
MR. SANGER: I'll let you take your stuff.
May I proceed, Your Honor?
THE COURT: Yes.

CROSS-EXAMINATION

BY MR. SANGER:
Q. Okay. Now, first of all, you said something in response to a question about a search warrant. Your office applied for a search warrant, correct?
A. Several.
Q. Okay. We're talking about this particular case.
A. Then yes.
Q. And what date was the search warrant applied

for?

A. I believe it was applied for on the same date.

Q. What date was that?

A. I believe it was January 31st, .04.

Q. And at that time, when you applied for the warrant, you understood you were asking the Court's permission to search a private area, right?

A. A residential home.

Q. Which would be a private -- otherwise a private area, correct?

A. Yes.

Q. All right. And that is not -- you were not -- let me withdraw that.

It was not your understanding that any court, on its own volition, told you you ought to go search this area; is that right?

MR. AUCHINCLOSS: Objection. Calls for a legal conclusion.

THE COURT: The objection is overruled.

You may answer.

THE WITNESS: I'm not quite sure I -- could you repeat the question?

MR. SANGER: Okay. Could we ask it be read back?

THE COURT: All right.

(Record read.)

THE WITNESS: If I understand your question correctly, did the Court ask us to go do this? The answer is no.

Q. BY MR. SANGER: All right. As part of law enforcement, you decide where you want to go, you ask permission, and you either get it or you don't when you ask for a warrant, correct?

A. Yes. That's an easy way to say it, sure.

Q. All right. Now, when you searched the -- these premises, approximately how many documents were ultimately booked into evidence?

A. Do you want a guesstimate?

Q. Your best estimate, yes.

A. Hundreds.
Q. Thousands?
A. It's very possible there were thousands.
Q. Now, you're the lieutenant in charge of this investigation, correct?
A. Yes.
Q. And therefore, your -- part of your responsibility is to know what is booked into evidence, correct?
A. That's pretty vague. I mean, it's -- I'm not going to know everything that -- on every document that goes in, no. The answer would be no.
Q. But you have a general idea of how many documents were seized in January, correct?
A. Generally? And I said hundreds, possibly a thousand.
Q. Hundred, possibly a thousand?
A. Yes.
Q. Were any other documents seized from Mr. Schaffel on any other occasions?
A. Yes.
Q. And how many documents were seized?
A. No, actually we seized -- I'm not sure we seized documents, but we seized computers on a different occasion.
Q. All right. And when was that?
A. I believe it was a few days afterwards. But again, I'm not sure. I wasn't present during that

search.
Q. And your understanding, as the lieutenant in charge of this investigation, that the computers contained tens of thousands of documents?
MR. AUCHINCLOSS: Objection. Beyond the scope, and relevance.
THE COURT: Sustained.
Q. BY MR. SANGER: Okay. Now, based on your role as the lieutenant in charge of this investigation, were you aware from your investigation that Mr. Schaffel had employed other people?
A. I'm aware that he worked with other people, yes. Whether they were employed by him, that --

Q. Were you aware from your investigation that other people had been given office space within Mr. Schaffel's house?

MR. AUCHINCLOSS: Objection. Foundation; hearsay.

THE COURT: Overruled.

You may answer.

THE WITNESS: I'm aware that Mr. Schaffel also used his home as an office at times.

Q. BY MR. SANGER: And he had other people working for him there in his house?

A. I believe that they did work out of his home at times, yes.

MR. SANGER: There you go. Thank you. No further questions.

MR. AUCHINCLOSS: I have no further questions.

THE COURT: You may step down.

THE WITNESS: Thank you.

MR. AUCHINCLOSS: Call Detective Craig Bonner as our next witness.

THE COURT: When you get to the witness stand, you may be seated. You're still under oath.

CRAIG BONNER

Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Good afternoon, Detective Bonner.

A. Good afternoon.

Q. Before I begin asking you about some files regarding a search warrant, I'm going to cover a couple of other items.

Pursuant to your -- you previously testified you're a detective in the People v. Jackson case, correct?

A. That's correct.

Q. And pursuant to your investigation, were you asked to compare a sheriff's office item number, a tape, Item No. 817, with a Court Exhibit No. 827?

This would be a phone call that has been admitted into evidence referred to as the "Frank/Janet phone call."
A. That's correct.
Q. Did you compare those items as to their similarity or identical -- the identical information on those two -- I shouldn't say documents. I believe they're two tapes, right? Or CDs?
A. That's correct. Well, the original is a tape. The exhibit is a CD.
Q. Okay. So the S.O. No. 817 is a tape that was seized pursuant to this case?
A. That's correct.
Q. And you compared that with the Court CD, Item No. 827?
A. That's correct.
Q. Are they one and the same, as far as the -- as far as the voices and information that's on those two audio medias?
A. Yes, they are.
Q. Same question for Sheriff's Office Item No. 818, and Court Exhibit No. 828, which is the Miller interview of the Arvizo family. Did you compare those two items?
A. Yes, I did.
Q. Again, was 818 a tape?
A. Yes, it was.
Q. 828 is a CD?

A. Yes.
Q. And they're one and the same in terms of the information that's on them?
A. Yes, they are.
Q. Okay.
(Off-the-record discussion held at counsel table.)
MR. SANGER: Could we have just a moment, Your Honor, please?
MR. AUCHINCLOSS: I need an exhibit number.
Q. Detective, pursuant to your duties in this case, were you asked to do a photographic

documentation of grand jury exhibits?

A. Yes, I was.

Q. And what was the nature of that task?

A. On July 20th, I went to the Superior Court in Santa Barbara where the exhibits that were lodged into the court from the grand jury proceedings were being held. I then photographed certain exhibits at that location, including every page of magazines that were booked in.

MR. AUCHINCLOSS: Okay. And if I might approach again, Your Honor.

THE COURT: Yes.

Q. BY MR. AUCHINCLOSS: Detective, I show you a envelope with "Exhibit 53, GJ Pics" written on the outside. It appears to contain a document with Item 317 on the top. It is held together by a green

paper clip and there's three pages to it.

And then there appear to be a number of photographs that are following that, along with photographs of the contents of Exhibit 470 face page.

Can you identify that for me?

A. Yes, I can.

Q. What is it?

MR. SANGER: Well, there's one problem. I think I missed the court exhibit number for what is being shown the witness.

MR. AUCHINCLOSS: Exhibit 843.

Q. All right. Can you please identify that for me, Detective?

A. Yes, I can. When I went to the court, specifically one of the items that I photographed the contents of was Item 317, the black briefcase. That's also the Grand Jury Exhibit No. 53. I did that with a digital camera.

All of those photographs were downloaded onto a CD. These pictures are the printed photographs that I took of the materials. This document corresponds to these pictures and tells the reader which picture corresponds to which item, and to what the current exhibit number is for this trial.

In addition to that, I also went in and I handwrote in the sheriff's department item number

for each picture.

MR. AUCHINCLOSS: Okay. Ask to admit Exhibit No. 843 at this time, Your Honor.

MR. SANGER: I'm going to object to it. Number one, it contains some extraneous material, other than the photographs of the grand jury exhibits.

Number two, that it's cumulative. These pages of these magazines have already been marked and shown to the jury countless times in different contexts or for different reasons. This being yet another set, it's cumulative.

MR. AUCHINCLOSS: And I'm willing to make an offer as to the specific reason for this, if you wish.

THE COURT: Okay.

MR. AUCHINCLOSS: Shall we do it at sidebar?

THE COURT: All right.

(Discussion held off the record at sidebar.)

THE COURT: All right. Based on the offer of proof, I'll admit it.

MR. AUCHINCLOSS: All right. If I could have the Elmo, please.

Q. All right. So what was the date that you conducted this photo essay of evidence?

MR. SANGER: Asked and answered, and "photo essay" is vague and ambiguous.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: When did you do these photographs?

A. July 20th.

Q. All right. All of them were taken on that day?

A. Yes.

Q. And I show you the first page of the three-page document that I previously identified. And if you'd tell me what this, explain this document to me, please.

A. This is -- I prepared this by order sequence of the pictures. It will tell you the evidence item number, that's the sheriff's department number, as well as the trial exhibit number for the item that is pictured.

Q. Okay.

A. That's by sequence of the pictures.

Q. All right. And there's three pages of that, correct?

A. Correct.

Q. Two and a half? Well, almost three.

A. They're the same material. They're in different order for researching purposes.

Q. All right. I need you to explain that for me. I'll show you the first one again.

MR. SANGER: Actually, Your Honor, I apologize, I should have brought this up, but we have not been provided a copy of this, of these, of

any of this, but specifically these three pages. And it appears that counsel's not familiar with them either. Could we please have a copy so we can look at them closely while we go through here?

THE COURT: Do you have a copy for them?

MR. AUCHINCLOSS: No.

THE WITNESS: I have an extra copy.

MR. AUCHINCLOSS: Thank you, Detective.

THE COURT: Go ahead.

MR. AUCHINCLOSS: May I proceed?

Q. Okay. Now, this one has the notation in the right-hand portion of the document, "Order by picture sequence"?

A. That's correct. So --

Q. And what does that mean?

A. It means that if you follow along with the pictures, this document is going to follow as the pictures go along.

Q. Do you mean in terms of the --

A. So if you start, page one, with the first picture, it's a picture of Item 317-J.

Q. Okay. And did you make that notation on each of the pictures that is in this exhibit?

A. Yes, I did.

Q. Okay. The second page, that's, "Order by S.B.S.O. item number." What does that mean?

A. It's the same data that has been reconfigured so that if somebody wants to go and quickly look based upon the sheriff's department item number, that they can do that, and they can correspond that with the trial exhibit number.

Q. Okay. And then lastly, you have, "Order by criminal trial exhibit number."

A. Again, the same data. This time it had been arranged so that you can quickly look, based upon a trial exhibit number, and know what the sheriff's department number is.

Q. Okay. So all of these three documents have the same information in different configurations?

A. That's correct.

Q. All right. Now, I'm just going to show you the first page of this group of exhibits and just ask you to explain to me what you did.

Okay. These are an example of the photographs you took?

A. Yes, they are.

Q. And explain this exhibit to me.

A. The easiest way -- it's a printout in order of the pictures as they were taken. You can't really see it too well, it's a little fuzzy, but 317-J is written above this picture.

Q. We're going to give you a laser pointer so it's a little easier for you, and I'll blow this up a little bit.

A. Okay. This is Item 317-J. I have notated that above the picture. Same thing for this one. If you were to -- I'll skip down to this picture right here. This is 317-A, and the order goes like this.

Q. And these are -- this is the -- I believe you testified to this, but this is the grand jury exhibit that was presented to the grand jury?

A. That's correct.

Q. All right. Detective, did you participate in the execution of a search warrant in the case of People v. Jackson on January 31st, 2004?

A. Yes, I did.

Q. And whose home did you serve that search warrant on?

A. Marc Schaffel or Frederic Schaffel.

Q. And did you seize documents pursuant to that search warrant?

A. Yes, I did.

MR. AUCHINCLOSS: If I might approach again, Your Honor.

THE COURT: Yes.

Q. BY MR. AUCHINCLOSS: All right. Detective, I show you the notebook that I've mentioned as Exhibit 400 through 420. And showing you Exhibit 402, which appears to be a Neverland Valley Entertainment -- "What more can I give" is at the top of it.

I'm sorry. I'm a little ahead of myself here.

I'm going to first show you Exhibit 404, which appears to be a two-page document -- three-page document. The first page appears to be entitled, "Messages." Did you seize that document pursuant to the warrant?

A. Yes, I did.

Q. Then there are two more pages attached to that or behind that, the first of which is entitled, "MJJ Productions Working Group List." Appear to be phone numbers.

Did you also seize those documents, those two documents?

A. Yes, I did.

Q. Where did you seize those?

A. Those were seized from an upstairs bedroom closet. It was a small walk-in closet that was locked, and within that were a number of filing cabinets.

One of these cabinets in particular had a drawer that was pretty much filled with materials related to this case. We seized -- or I seized that entire drawer, and that is where this document came from.

Q. Did it come out of a specific file?

A. I believe it came out of the Stuart Backerman file.

Q. A file that had Stuart --

MR. SANGER: I'm going to object to hearsay content. There's no foundation for any of this.

MR. AUCHINCLOSS: I'm just asking where it was located.

THE COURT: The objection is overruled.

Q. BY MR. AUCHINCLOSS: Moving to 405; let's see, it appears to be a one-page document with “Bell Yard” at the top of it.

Did you seize that pursuant to the execution of this warrant?

A. Yes, I did.

Q. And where was that document seized?

A. This came out of the same file drawer.

Q. Moving on to 406, it appears to be a 14-page document. The first document has “Hale Lane” at the top of it. Appears to be a fax sheet.

Did you seize this 14 -- these 14 pages?

A. Yes, I did.

Q. And where did they come from?

A. Again, out of the same file drawer.

Q. 407, it appears to be a ten-page document, and the first page appears to be an e-mail entitled, “Spain Deal.”

Can you look through those documents and tell me if you seized those pursuant to the search warrant that you've been discussing in this?

A. Yes, I did.

Q. And where were those documents seized from?

A. Those were on top of the filing cabinets.

Q. Okay. Were they located inside any particular file?

A. There was a file titled, “Ronald.”

Q. 408 appears to be four pages, and I think we've withdrawn that, so I'll move on.

409, that's my next witness.

410, did you seize that document? This appears to be a four-page document, starts off with a phone number sheet, two pages of yellow paper, lined paper, and then a -- looks like a fax.

A. Yes, I did.

Q. Were those seized pursuant to the warrant?

A. Yes, they were.

Q. And where were they seized from?

A. They were seized from, again, on top of the filing cabinets and they were in a file-held address book.

Q. Moving on to 411. This is a two-page document. Appears to be some kind of a computer printout with "Enterprise Rent-A-Car" on the top page of each one. Did you seize those documents?

A. Yes, I did.

Q. Where did they come from?

A. They came from that large filing drawer that we seized, and a -- specifically a file in that drawer that said, "Enterprise Rental."

Q. From the locked closet?

A. Yes.

Q. And the file said, "Enterprise Rental"?

A. Yes.

Q. Moving on to 412, it appears to be a five-page document, a Hale Lane fax sheet on the first one; "Gabriel Media" on the second one; "Appearance and Consent," third; "MJJ Productions" on the fourth. The fifth appears to be a signature page.

BAILIFF CORTEZ: They can't hear you, sir.

MR. AUCHINCLOSS: The fifth appears to be a signature page.

THE WITNESS: I seized these documents.

Q. BY MR. AUCHINCLOSS: Where did you seize them from?

A. These were seized from within that same file drawer. Specifically a file titled, "Artist Release," or "Artist releases."

Q. Okay. Moving on to 413, it appears to be a ten-page document. The first page -- the first five pages appear to say, "Appearance, Consent and

Release" on them. The next page is a yellow lined page. And the next page appears to have six pages paper-clipped together, all contained in one plastic liner, all right? So we've got, looks like, 11 pages total in there.

Did you seize those documents?

A. Yes, I did.

Q. Okay. Where did they come from?

A. They came from within that large filing drawer and in a file folder titled, "Model Releases."

Q. And showing you what's noted as page seven, there appears to be several documents that are paper-clipped together. Were those documents paper-clipped in that fashion when you found them?

A. I believe so, yes.

Q. All right. Moving on to 414, it appears to be an eight-page document that -- and we have -- I believe we've withdrawn that.

So I'll go to 415, which appears to be 47 pages of various records. The first one appears to be -- has "Living with MJ, Take 2" at the top.

Did you seize those 47 pages, Detective?

A. Yes, I did.

Q. And where did those come from?

A. These were contained within a black binder which I found on a shelf above the filing cabinets.

Q. Moving on to 417, skipping 416, it appears to be a 12-page document, at least 12 plastic-lined -- or, I'll double-check this. It does appear to be 12 pages.

All right. Can you identify that for me, please? Or I should say, did you seize those pages from the home of Marc Schaffel during the execution of this warrant?

A. Yes, I did.

Q. Where did they come from?

A. They came from that same locked walk-in closet in a folder that was up above the filing cabinets.

Q. And going now to -- oh, one question that I neglected to ask you. Did that come from a particular file?

A. I believe it was the David Gardner LeGrand file.

MR. SANGER: Can we just specify for the record what "that" meant?

MR. AUCHINCLOSS: My question went to Exhibit 417. Its location was in the file drawer. My question was --

MR. SANGER: I understand. You pointed to a page, and I didn't know if you were singling out a page or you meant the whole exhibit.

MR. AUCHINCLOSS: No, I meant the whole exhibit.

MR. SANGER: I'm sorry to talk directly to counsel, but we worked it out.

Q. BY MR. AUCHINCLOSS: Is that clear to you --

A. Yes.

Q. -- that all those documents came from the David Gardner LeGrand file?

A. Yes, it is.

Q. Skipping 419 for the time being, going to 420, which appears to be a 28-page document, or 28 separate pages, various -- look to be various e-mails, did you seize those documents pursuant to the warrant on Mr. Schaffel's home?

A. Yes, I did.

Q. Where did they came from?

A. They came out of the same large filing drawer from the locked closet.

Q. Moving on to 421, it appears to be a ten-page document. First page says at the top, "Law Office" -- "Law Offices of Armstrong, Hirsch, et cetera." It appears to be a fax sheet with an agreement attached to it. Did you seize those items, Detective, pursuant to your warrant?

A. Yes, I did.

Q. Where did they come from?

A. They came from on top of the filing cabinets.

Q. That were in the locked closet?

A. Yes.

Q. 422. It appears to be a letter of intent from Royalty Advanced Funding.

BAILIFF CORTEZ: Still can't hear you, sir. You have to --

MR. AUCHINCLOSS: Okay.

Q. It appears to be a letter of intent from Royalty Advanced Funding. Let's see. I'm going to have to count these pages. It appears to be 19 pages.

Did you seize those documents pursuant to your search warrant?

A. Yes, I did.

Q. And where were they seized from?

A. They were also on top of the file cabinets.

Q. And same location, locked closet?

A. Yes.

Q. Did they come out of any specific file?

A. I believe they came out of a file titled, "Royalty."

Q. And lastly, 423, it appears to be seven pages. The face page looks to be an e-mail followed by various correspondence.

Did you seize those documents?

A. Yes, I did.

Q. Where did they come from?

A. They came out of the large filing drawer that we seized.

Q. Okay. Once again, the locked file closet?

A. Yes.

Q. And were they associated with any particular file?

A. I believe it was called "Foreign Rights."

MR. AUCHINCLOSS: All right. Thank you, Detective. No further questions.

MR. SANGER: May I have one moment, please, Your Honor?

May I proceed, Your Honor?

THE COURT: Yes.

CROSS-EXAMINATION

BY MR. SANGER:

Q. Let's talk about the grand jury pictures here, first of all.

Are you aware that one of the fingerprints that was identified sometime ago in this trial was located on a magazine that was in that briefcase?

A. I don't know. I've heard that. I don't know which one.

Q. Okay. You've heard that?

A. Yes.

Q. And so you did not go through to compare your numbers to see if the 317 sheriff's exhibit number matched up with the particular item on which a fingerprint was identified?

A. No.

Q. Basically what you're saying here with regard to all these grand jury pictures that we've just heard about is, you went to the grand jury clerk, right?

A. Correct.

Q. And you had her pull out the briefcase, correct?

A. Yes.

Q. And this -- this was theoretically the way the briefcase was delivered to her by the grand jury when they were through; is that right?

A. Theoretically, correct.

Q. And so if she did her job, she would have kept it intact, and then it would be there, you would open it up, and the contents would be the way that she got it from the grand jury, correct?

A. Yes.

Q. There was no way for you to know what was done with the briefcase at or during the grand jury proceedings; is that correct?

A. No.

Q. I'm sorry, I said, "Is that correct?" So that's my fault.

Was there any way for you to know what was done to the briefcase and the contents at or during the grand jury?

A. No, there's not.
Q. All right. And when you recovered the briefcase from the clerk, did you ascertain from her that she and staff members had gone through the exhibit without wearing gloves?
A. No.
Q. Did you do anything to, from that moment forward, preserve the exhibit so that fingerprints could be analyzed?
A. Yes, I wore gloves.
Q. And did you ask that the clerk wear gloves in the future when handling that exhibit?

A. I didn't know that she hadn't.
Q. Okay. All right. Very well.
Let me ask you -- Miss Frey, we're fine on that.
THE CLERK: Okay.
MR. SANGER: Thank you. Thank you for looking.
Q. Let me ask you about some of these exhibits that you had identified from the residence of Mr. Schaffel. And I want to ask you, first of all, if you were aware that persons other than Mr. Schaffel had been working out of his house.
A. Yes.
Q. Now, you identified most of the exhibits in this book that's placed before you; is that correct?
A. Yes.
Q. And by that I mean, just now you went through and you said, "Sure enough, I seized those items," correct?
A. Correct.
Q. What percentage, if you can give us an estimate, of the materials that you seized does this book represent?
A. 5 to 10 percent.
Q. Okay. So there were thousands of pages --
A. Yes.
Q. -- that you seized, correct?
A. Yes.

Q. And you seized thousands of pages from tens of thousands of pages of documents and materials, maybe more than that, that were in these various offices or file cabinets or whatever the location was within this house, correct?

A. Correct.

Q. Now, you indicated in your direct testimony -- for instance, if you would look at Exhibit 421, please. It's in front of you there. 421 in the book. You indicated that this was a fax with a number of sheets attached to it. The first thing I want you to do is ask you to turn to page two of that exhibit, 421, and note that there's a handwritten number on the top.

A. 8012?

Q. Yes, sir. Is that a number that was there, or is that something that was placed there?

A. That number has been there. We didn't put that there.

Q. All right. So that's a number that just was on the document. You seized it. There it was.

A. Yes.

Q. All right. The District Attorney asked you if the document was attached to the fax. Was the document, in fact, attached to the fax cover?

A. I don't know.

Q. Okay. In fact, if you look at it, can you tell whether or not the document actually belongs to that fax?

A. Being that it didn't get -- or it was not sent to me, I wouldn't absolutely know that. I know that I seized all of these documents from that file --

Q. All right.

A. -- in his residence.

Q. And I'm just trying to clarify the question about the document attached to the fax. It's attached as it's sitting there. You don't know whether or not it was physically stapled or attached at the time, correct?

A. No.

Q. And if you look, there's no fax header on the first page and there are fax headers on the subsequent pages, correct?

A. Correct.

Q. Now, I want to go back to an exhibit. Let me just find it here. 414. Let me see if I have the right one. Yes. 414.

Now, the District Attorney indicated -- when you got to 414, he started to ask you about that and he said, “We're withdrawing that exhibit,” or “That's withdrawn”; is that correct?

A. Yes.

Q. I'd like to ask you about 414, and so I'm going to ask that it be marked for identification as 414. In other words, it's already been premarked by

the prosecution, but I think I need to say on the record that we're asking this be identified on the record, if that's acceptable to the Court. And it starts out with what appears to be a Xerox of -- at least the one I have is a Xerox of two --

MR. AUCHINCLOSS: I'm going to object to the admission of any evidence on that document on the basis of hearsay, including the document's name.

THE COURT: All right. As to 414, it is a marked exhibit, and it cannot be unilaterally -- how do you say that?

THE JURY: (In unison) Unilaterally.

THE COURT: All right. Let's take a break. Withdrawn.

(Recess taken.)

THE COURT: As for the rest of the objection, he's doing the same thing.

MR. AUCHINCLOSS: And I --

THE COURT: He's laying a foundation, which he's allowed to do.

MR. AUCHINCLOSS: And I have no objection to that. I'll just ask -- I'll stipulate to identification and ask --

BAILIFF CORTEZ: Your mike is off, sir.

MR. AUCHINCLOSS: Stipulate to identification and ask that counsel not read the name of the exhibit. The Court can look at that exhibit and appreciate my reasons for that.

MR. SANGER: Didn't the Court just rule I could do it? I'm confused.
THE BAILIFF: Is your microphone on?
MR. SANGER: It was, but I guess I wasn't close.
THE COURT: Say that again. You're confused?
MR. SANGER: I'm confused.
THE COURT: Okay.
MR. SANGER: And I think the District Attorney was going to stipulate to that. That's what he said.
MR. AUCHINCLOSS: So stipulated.
THE COURT: You may proceed.
MR. SANGER: Okay. Thank you.
Q. The question pending was -- or I don't know if there was a question pending, but let me ask you, look at 414. The first page has what appear here to be copies of -- what do we call those these days? Floppy disks?
A. That will work.
Q. That's beginning to be like an 8-track these days, I suppose.
Anyway, it's -- you have the actual disk there; is that correct?
A. That's correct.
Q. And there's a notation on those two disks that say --
MR. AUCHINCLOSS: And that's what I'm

objecting to. I'll stipulate they're two disks that he found.
THE COURT: Actually, you are not allowed to proffer stipulations in open court if the --
MR. AUCHINCLOSS: All right.
THE COURT: Go ahead, Counsel.
Q. BY MR. SANGER: Did the disk say on them "Janet expense backup" and "Janet cash expense"?
A. Yes, they do.
Q. That's followed by a number of pages that indicate "Register" at the top --
A. Correct.

Q. -- is that correct?

Now, as to 414 and the two disks, where did you locate those?

A. 414 -- well, the only thing I located was the two disks.

Q. I see. All right. Where did you locate the two disks?

A. They were in that same filing cabinet drawer that was seized from the upstairs locked closet.

Q. All right. And you see 414, the printed pages. Are those pages that were printed out from the disk subsequent to your seizure?

A. In a manner of speaking. They had to be imported into Quicken and bring it up as a check register, and then print that.

Q. Did you do that?

A. Yes, I did.

Q. All right. Good. So the rest of 414 -- you have the two disks, and then the rest of it, the printed pages, is it your opinion that these pages accurately reflect at least a part of the content of the two disks?

A. That's correct.

Q. Now I'm going to refer to Exhibit 416. That is another one, if I'm not mistaken, that the District Attorney indicated that he was not going to address. And let me ask you to take a look at 416. It's been marked for identification, and the first page on 416, it says, "Summary of petty cash expenditures"; correct?

A. Yes. Yes.

Q. And that's approximately two pages. And then it appears that the subsequent pages are receipts and other evidence of expenses that were incurred; is that correct?

A. That's correct.

Q. Did you find these documents from 414 -- let me withdraw that.

Did you find these documents that are -- I'm going to withdraw that.

Did you find these documents which comprise 416 in your search?

A. No.
Q. Did somebody else find it?

A. No.
Q. Do you know where they came from?
A. I believe they came --
MR. AUCHINCLOSS: Objection. That's a "yes" or "no" question.
THE COURT: That's true. "Yes" or "no."
Q. BY MR. SANGER: Do you know where they came from?
A. Yes.
Q. Where did they come from?
MR. AUCHINCLOSS: Objection. No foundation.
THE COURT: Sustained.
Q. BY MR. SANGER: How do you know where they came from?
A. In meetings that we've had, I've came to know where these items came from.
Q. Okay. As a part of your job being an investigator in this case, you've determined where these items were originally obtained; is that correct? Is that what you're saying?
Let's put it this way: Did you personally seize these from any location anywhere?
A. No.
Q. Did you witness them being seized?
A. No.
Q. So you were informed where they were seized from?
A. Yes.

Q. There you go. All right.
Now, you wanted to -- at the break, you indicated you wanted to clarify part of your testimony.
A. Uh-huh. Yes.
Q. And I believe it was with regard to we had made reference to Exhibit 421, and I believe you wanted to clarify part of your testimony with regard to Exhibit 421.
A. Correct.

Q. Are you turned to it there?
A. Yes.
Q. That's the exhibit where I asked if the cover went -- the fax cover went with the document.
A. Correct.
Q. And you were not sure. And then I had asked you about the numbers on the top of the document, number 8012, and then it seems to be successive numbers up to 8020, with a number sign in front; is that correct?
A. Correct.
Q. Just handwritten at the top, right?
A. Yes.
Q. Did you determine, during the break, whether or not those numbers were in fact on the documents when you actually seized them?
A. Yes, I did.
Q. And were they on the documents when you actually seized them?

A. No, they were not.
Q. Do you know who put those documents (sic) on?
A. District Attorney personnel.
Q. So you seized them, booked them into evidence; is that right?
A. Correct.
Q. Sometime, apparently, they were withdrawn from evidence, from the booking -- I'm sorry, from the sheriff's evidence, right?
A. Correct.
Q. And the District Attorney at some point had them and wrote numbers on them; is that right?
A. Correct.
Q. And I take it, if you look at 422, there are numbers again written on the top, which are not necessarily in sequence. In fact, I could drop the word "necessarily." They're not in sequence at all, it appears; is that correct?
A. Correct.
Q. But there are numbers that I think all start with the number "8"?
A. Correct.

Q. Four-digit numbers. Were those numbers on those documents when you seized them?

A. No, they were not.

Q. And your understanding is that they were later added by the District Attorney's Office?

A. Correct.

Q. If we turn to 423, would that similarly be the testimony on 423?

I see that the first few pages do not have a number, but it appears that maybe starting on page five, there's a number starting with seventy -- well, it's actually 7802 is the number. And there's some numbers following that that are not in sequence.

Those numbers all starting with “7,” are those numbers that also were added in that same fashion, to your knowledge?

A. Correct.

MR. SANGER: Okay. I have no further questions.

REDIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. As far as those numbers go, Detective, do you know if those numbers were added to the original documents?

A. No, they were not.

Q. Okay. So these -- do you know if these documents were ever scanned into a CD format?

A. Yes.

Q. Were they assigned JPEG numbers, or numbers?

A. Yes.

Q. And do you know if those numbers coincide to the scanned numbers?

MR. SANGER: That's leading.

MR. AUCHINCLOSS: “Do you know?”

THE WITNESS: I don't.

THE COURT: Overruled. The answer?

Q. BY MR. AUCHINCLOSS: Do you know?

A. I don't.

MR. AUCHINCLOSS: Okay. As far as Exhibit 420 goes, Your Honor, I spoke with counsel about this earlier. And I asked to have marked as an additional exhibit 420-A. I neglected to ask this witness about those particular changes that were made to that exhibit when I had him on direct, and with the Court's permission, I'd just like to ask a foundation about 420-A.

THE COURT: Okay.

Q. BY MR. AUCHINCLOSS: All right. Let me bring up the notebook as well, or you still have the original?

A. I have it.

Q. Okay. Detective, we've established that some of these documents are scanned duplicates of documents that were seized; is that correct?

A. This is the end of it.

Q. Did you hear my question?

A. Yes.

Q. Is that correct?

A. Yes.

Q. And as far as 420 goes, do you know if 420 was also scanned into a CD format?

A. Yes, it was.

Q. Okay. And did you do that? Or, actually, not scanned. I believe pictures were taken. Do you know whether it was scanned or pictures?

A. Both.

MR. SANGER: I'm going to object as leading and asked and answered, actually.

MR. AUCHINCLOSS: I'll -- well --

THE COURT: Overruled. Next question.

Q. BY MR. AUCHINCLOSS: Do you know if it was scanned or pictures?

A. Both.

Q. Okay. Some were scanned; some were taken pictures of?

A. Some were taken pictures of. All of them were scanned.

Q. Did you have anything to do with the picture-taking?

A. Yes, I did.

Q. What did you have to do with that?

A. During a review of these evidence items after having seized them, I took photographs of certain ones which we thought were pertinent to the investigation.

Q. All right. Did you download those photographs to a CD?

A. Our forensics personnel did.

Q. Okay. Do you know if those were provided to the D.A.'s Office?

A. Yes, they were.

Q. And when you took photographs of those documents, do you know if you photographed every -- for instance, let me give you an example. When you had a picture of -- or a document that comprised more than one page, did you always photograph each page of that document?

A. No.

Q. And why was that?

A. I would have only taken photographs of the ones that appeared pertinent. In other words, if there were multiple pages stapled together or multiple pages together and only one of them was pertinent, I only took a photograph of that one pertinent page.

Q. Okay. And during the course of the review of this notebook, did you look at 420 to see if each of those e-mails or documents that are in that exhibit contained all relevant pages for each of those documents? Do you understand the question?

A. Can you ask that again, please?

Q. The question is, did you review the -- these -- the evidence notebook in this case that deals with Exhibits No. 420 through --

A. Yes.

Q. I believe we've got 440; is that right? 420 through -- 400 through 422, I think, at this point.

A. Yes, I did.

Q. Okay. And did you find that Exhibit No. 420 had some pages missing?

A. Yes.

Q. And did you then go back to the evidence and cull out the missing pages so that it would be a complete exhibit?

A. Yes.

Q. I show you Exhibit 420-A. Can you identify that for me, please?

A. These are the pages that I went and pulled out of the actual evidence item to correspond with these photographs or images.

Q. Okay. So is 420 pretty much an identical copy of 420-A, except for 420-A has some additional missing pages?

A. Yes.

Q. All right. Thank you.

I'd ask -- actually, we're going to hold off on admission of this additional evidence at this time. Those are all the questions that I have right now, Your Honor.

MR. SANGER: Do you want to take your book?

MR. AUCHINCLOSS: Yeah. Thanks.

RECROSS-EXAMINATION

BY MR. SANGER:

Q. Okay. 420-A is now what you feel to be a more complete set of documents than 420; is that correct?

A. Correct. And they are the original documents.

MR. SANGER: All right. May I approach, Your Honor?

THE COURT: Yes.

MR. SANGER: I was given a copy.

Q. All right. So 420-A are original documents. In other words, they were documents that you found in the condition they were actually in --

A. Correct.

Q. -- during the search. They aren't photocopies. They aren't photographs.

A. Correct.

Q. They aren't scanned.

A. No.

Q. All right. There are paper clips on there. Why are the paper clips on them? Does that mean anything? Let me put it this way: Did you put the paper clips on them?

A. No, these paper clips aren't on the documents themselves. They're on the sleeve.

Q. All right. Did you put the paper clips on the sleeves?

A. Did not.

Q. Okay. Now, with regard to 420, how did you -- where did these come from? You photographed them? Or you scanned them, or what? I'm not clear.

A. These are either the photographs or the scans. All of the Schaffel evidence was scanned. We also took certain photographs of them.

Q. Okay. I must say, I looked in there, and maybe I'm wrong, but I didn't see anything that looked like a photograph of a document as opposed to a photocopy or scan. Am I wrong? In 420.

A. Well, I don't know what -- how these items -- this was done by the District Attorney's Office that put together the court exhibit book here.

Q. Okay.

A. What I did is, I went and found the actual evidence item that I seized to correspond with this exhibit book.

Q. Basically you're saying you don't know how 420 was generated at all; is that correct?

A. I know where the items came from. I don't know how they got into here.

Q. All right. And then you don't know what the paper clips mean on 420-A?

A. No.

MR. SANGER: All right. Thank you. No further questions.

FURTHER REDIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Would you look at those documents and see if you can ascertain any reason for the paper clips to be on those documents?

MR. SANGER: I'm going to ask -- that calls for speculation and asked and answered. He says he doesn't know.

MR. AUCHINCLOSS: He's reviewed the documents as far as completeness, and he's testified as to that issue as to whether the documents had missing pages, and I'm -- my question goes to that issue.

MR. SANGER: And I object to a speaking --

THE COURT: Yeah. I'll sustain the objections.

MR. SANGER: Thank you.

MR. AUCHINCLOSS: All right. I have no further questions.

THE COURT: Anything further, Counsel?

You may step down.

MR. AUCHINCLOSS: Call Detective Vic Alvarez, Your Honor, and he will be our last witness today.

THE COURT: Come forward, please. When you get to the witness stand, you may be seated. You're still under oath.

//

VICTOR ALVAREZ

Having been previously sworn, resumed the stand and testified further as follows:

THE COURT: You may be seated.

DIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Good afternoon, Detective Alvarez.

A. Good afternoon.

Q. If I may approach, Your Honor.

Detective Alvarez, did you participate in the search of the home of Fred Marc Schaffel in Calabasas, California, on January 31st, 2004?

A. Yes.

Q. Did you seize certain documents pursuant to that search?

A. I did.

Q. Calling your attention to the black notebook which contains an exhibit that is marked as 402, there is a document that's dated 11-12-01 and appears to be a balance sheet. It's two pages. And as soon as I locate it, I'd like to ask you if this was a document that you seized.
A. Yes.
Q. And you tell me, where -- did you seize that pursuant to the warrant of Mr. Schaffel's home?
A. I did.

Q. Where did you seize it from?
A. It was in the upstairs office area of the residence.
Q. Okay. Was that area locked at all?
A. No.
Q. Okay. And from where in that upstairs office did you seize that document?
A. This was in the desk area of the upstairs office.
Q. Did it come from a file with any specific notation, if you recall?
A. I don't think so.
Q. Okay. Looking at Exhibit 403, which appears to be -- I believe we have 13 pages, plus a -- 12 pages, plus a -- looks to be a file divider. Did you seize that file divider and those documents pursuant to your search of Mr. Schaffel's home?
A. Yes, I did.
Q. Where did they come from?
A. These were also on -- in the office area upstairs on the desk.
Q. There appears to be a file divider, a plastic file divider, with "Fires Brewing" on it. Did you seize that as well?
MR. SANGER: I'm going to object to that, because they already laid the foundation without bringing in content, so this is irrelevant, and no foundation for content.

THE COURT: Overruled. Proceed.
Q. BY MR. AUCHINCLOSS: Did you seize that as

well?

A. That's correct.

Q. And where did that come from?

A. This was also on the top of the desk in the office area, second floor of the residence.

Q. Do you know where the contents of that file -- were there documents inside that file?

A. Yes.

Q. And can you tell me their relationship to the documents that you just identified?

A. Yes. They appear to be e-mails.

Q. Do you know if those documents came from that file?

A. Yes, they did.

Q. Okay. The one designated with that particular file marker?

A. Correct.

Q. That's my question.

A. Correct, yes.

Q. Moving on to 409, which appears to be a one-page document, that has at the top "Phone Number," singular. It appears to have some phone numbers on it. Did you seize that document, Detective?

A. Yes, I did.

Q. And you seized that from Mr. Schaffel's home?

A. I did.

Q. Where did it come from?

A. This was also on top of -- in the office area, second floor of the residence, near -- on top of the desk, the desk in the room there.

Q. Okay. And then finally call your attention to Exhibit 419, which appears to be three pages of plastic sleeves with a check -- checkstub and check copy, it appears to be. Did you seize those documents at the search of Mr. Schaffel's home on that day?

A. I did.

Q. And can you tell me where they came from in Mr. Schaffel's residence?

A. They also came from the office, the second floor of the residence.

Q. Okay. Whereabouts?

A. These were also on the desk area of the residence, or of the room.

MR. AUCHINCLOSS: Okay. Thank you. No further questions.

Actually, I do have one additional question, I'm sorry.

Q. On a different matter, Detective, pursuant to your investigation in this case --

A. Yes.

Q. -- did you interview a witness by the name

of Cindy Bell?

A. I did.

Q. Did you question her concerning her involvement as a witness in this case?

A. I did.

Q. Did you question her specifically about the issue of serving alcohol as part of her duties as a flight attendant for Xtra Jet?

A. Yes.

Q. Did she tell you whose idea -- well, first of all, let me ask you a question. Did she tell you anything about Coke or about wine in Diet Coke cans?

A. Yes.

Q. What did she tell you?

A. She said she serves white wine in a Diet Coke can for Mr. Jackson.

Q. When he's a client of Xtra Jet?

A. Correct.

Q. Did she tell you whose idea that was to put white wine or wine in a Diet Coke can?

A. Yes.

Q. What -- whose idea did she say it was?

A. She said it was either Michael Jackson's or Dr. Farshshian's.

MR. AUCHINCLOSS: Okay. Thank you. No further questions.

You know, I do have one additional question I neglected to ask.

MR. SANGER: I was going to say "No questions" so we can go home, so I'll have to wait and see what happens.

THE COURT: He was going to say "No questions."

MR. AUCHINCLOSS: Oh, I'm sorry.

Q. I neglected to ask you the date of that interview, if you can approximate it.

A. I don't remember.

Q. Do you remember the approximate month?

A. I don't.

Q. Okay. Was it --

A. It's on -- it's documented on my report.

Q. Do you have your report with you?

A. I don't.

Q. You don't. Well, you might get to come back and tell us what date that was, then.

MR. SANGER: Move to strike, Your Honor.

THE COURT: Stricken.

MR. AUCHINCLOSS: I'll withdraw it. Okay. Thank you.

MR. SANGER: In light of those questions, Your Honor, I have no questions.

THE COURT: All right. Pretty good. That must end the day; is that right?

MR. AUCHINCLOSS: That's right.

THE COURT: All right. And you heard what they said this morning, that it will be -- the rest of the week will be a full week, so we'll see you tomorrow morning at 8:30. Remember the admonition.

(The proceedings adjourned at 2:00 p.m.)

--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify: That the foregoing pages 7377 through 7519 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 25, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
April 25, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
OFFICIAL COURT REPORTER

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, APRIL 26, 2005

8:30 A.M.

(PAGES 7521 THROUGH 7577)

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BY: Official Court Reporter

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Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Nicola is listed as “N” on index. Mr. Mesereau is listed as “M” on index.
Ms. Yu is listed as “Y” on index. Mr. Sanger is listed as “SA” on index.

PLAINTIFF'S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
MONTGOMERY, Cynthia	7526-N	7565-M		

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PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
16	Photo of Frederic Marc Schaffel	7528	7529
251	Xtra Jet, SBSO #1350, 6/8/03 - 6/13/03, Chris Carter, E. Jackson, Jose Rivera, M. Jackson, M.J. Jackson, Jr., P.M. Jackson, P.J.J. Jackson, Patricia Chavez	7540	7542
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254	Xtra Jet, SBSO #1503, 3/24/03, Grace Rwaramba, Michael Jackson, M.J. Jackson, P.K. Jackson, Patricia Chavez, Christopher Carter, Elijah Jackson, Jose Rivera, Levon Jackson	7547	7548
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Santa Maria, California
Tuesday, April 26, 2005
8:30 a.m.

THE COURT: Good morning, everyone.

COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.

THE JURY: (In unison) Good morning.

THE COURT: Counsel, are you ready to proceed?

MR. NICOLA: We are, Your Honor. We'd be calling Cynthia Montgomery. And she's on her way in.

THE COURT: When you get to the witness

stand, please remain standing. Please face the clerk and raise your right hand.

CYNTHIA C. MONTGOMERY

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Cynthia C. Montgomery. C-y-n-t-h-i-a; C, middle name; M-o-n-t-g-o-m-e-r-y.

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DIRECT EXAMINATION

BY MR. NICOLA:

Q. Good morning, Miss Montgomery.

A. Good morning, Mr. Nicola.

Q. There's some water right there. You were asking about that this morning.

A. Okay. Thanks.

Q. Could you scoot closer to that second mike there?

A. Better?

Q. Try to keep your voice up so everyone can hear you.

Could you tell the jury, please, what profession you're in.

A. I'm a travel consultant.

Can you hear me?

THE COURT: That was a little low.

THE BAILIFF: Actually, she needs to move closer.

BAILIFF CORTEZ: There you go. That's fine.

Q. BY MR. NICOLA: Move it up. Why don't we try that again.

What's your profession?

A. I'm a travel consultant.

Q. Okay. Do you have your own business?

A. Yes, I do.

Q. And what is it called?

A. Class A Travel. Also Uniglobe Travel.

Q. Class A Travel and Uniglobe Travel?
A. Correct.
Q. You're still very soft-spoken.
A. I don't mean to be. Can you hear me now?
Q. Where are you based out of?
A. Las Vegas. Oops, excuse me.
Q. Is that where your family is?
A. My husband, yes.
Q. How long have you been a travel consultant?
A. 21 years.
Q. And what kind of clientele do you service?
A. 90 percent of my clientele is in the entertainment industry. Primarily musicians.
Q. We can still barely hear you.
A. Primarily musicians. My clientele is based on the entertainment industry.
Q. Okay. And has it always been based on the entertainment industry for clients?
A. For the last 15 years, 16 years.
Q. Do you have any experience arranging transportation outside of the United States?
A. Yes, I do.
Q. Does that include air travel?
A. Yes, it does.
Q. And do you have some amount of experience dealing with foreign embassies and securing visas and passports and things of that nature on behalf of your clients?

A. Yes, I do.
Q. Are you familiar with the entrance requirements, meaning the visa requirements, for a U.S. citizen to get into Brazil by air?
A. Yes, I do. Yes, I am.
Q. Have you arranged for accommodations for any of your clients in the past?
A. Yes, I have.
Q. Okay. Do you know the defendant in this case?
A. Yes, I do.
Q. Mr. Jackson?
A. Correct.
Q. And how do you know him?
A. Through Mr. Schaffel.

Q. Okay. I'd like to show you --
MR. SANGER: Tom.
MR. NICOLA: Oh, Mr. Mesereau?
MR. MESEREAU: (Nods head up and down.)
MR. NICOLA: May I approach, Your Honor?
THE COURT: Yes.
Q. BY MR. NICOLA: Showing you Exhibit No. 16, do you recognize that individual?
A. Yes, I do.
Q. And who is that?
A. Marc -- Frederic Marc Schaffel.
MR. NICOLA: Your Honor, we'd move 16 into evidence at this time.

MR. MESEREAU: No objection.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Does Mr. Schaffel go by the names “Fred” or “Marc”?
A. Yes, he does.
Q. And what do you call him?
A. Fred.
Q. Fred. Okay. And how do you know Mr. Schaffel?
A. Through a man by the name of Steven Doolittle. They were business associates.
Q. How long have you known Mr. Schaffel?
A. I believe almost 20 years.
Q. 20 years?
Are you two friends?
A. Not anymore.
Q. Okay. Had you been friends for the majority of that 20 years?
A. Yes.
Q. And you met Mr. Jackson through Mr. Schaffel?
A. That's correct.
Q. At some point in time did Mr. Jackson become a client of yours?
A. Yes, he did.
Q. And around when was that?
A. The latter part of 2000.
Q. Okay. And what did you do for Mr. Jackson

in that period of time, just very generally, please?

A. Arranged for his private jet transportation.

Q. Okay. And did you cease working for him in that capacity for some period of time in 2002?

A. Yes, I did.

Q. Okay. And when did you resume your duties, your activities, with respect to arranging Mr. Jackson's private air travel?

A. I believe the latter part of 2002. I can't be certain of the date.

Q. Okay. Later in the year?

A. I believe so.

Q. During the period of time that Mr. Jackson was a client of yours, did you have occasion to meet any of his associates?

A. Yes, I did.

Q. Did you meet a man named Dieter Weizner?

A. Yes, I did.

Q. Did you know what his capacity was with respect to Mr. Jackson?

A. Yes, I do.

Q. What is that?

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. NICOLA: How did you know Mr. Weizner?

A. I met him through Mr. Schaffel.

Q. Okay. Is it Weizer or Weizner?

A. Dieter Weizner, is the way I was told to pronounce it.

Q. Okay. And was he associated with Mr. Jackson, to your knowledge?

A. Yes.

MR. MESEREAU: Objection; leading.

THE COURT: Sustained.

Q. BY MR. NICOLA: Do you know what the relationship was between Mr. Weizner -- Weizner. Weezner --

A. Weizner.

Q. -- and Mr. Jackson?

A. Could you repeat that? I'm sorry.

Q. Did you know what the relationship was between them?

MR. MESEREAU: Objection; foundation.

THE COURT: Overruled.
You may answer that question. It should be answered “yes” or “no.”

THE WITNESS: Yes.

Q. BY MR. NICOLA: Okay. And how did you come to that knowledge?

A. By Mr. Schaffel and being around them.

Q. Okay. Did any of that information come from Mr. Weizner?

A. I was with Mr. Weizner on certain occasions.

Q. With Mr. Jackson present?

A. Twice.

Q. Okay. And did Mr. Weizner represent himself to you as having any business relationship with Mr. Jackson at the time?

A. Yes.

Q. And what was that?

A. He was -- he owned the merchandise company for Mr. Jackson.

Q. Okay. I'd like to approach and show you Exhibit No. 17 and 18.
Do you recognize the man in Exhibit 17?

A. I do.

Q. And who is that?

A. Dieter Weizner.

Q. In addition, do you recognize the man in Exhibit 18?

A. I do.

Q. And who is that?

A. Ronald Konitzer.

Q. How do you recognize Mr. Konitzer?

A. I met him in Las Vegas.

Q. Okay. And through whom did you know him?

A. Mr. Schaffel.

Q. Do you know a man by the name of Frank Cascio?

A. I do.

Q. Have you met him before?

A. Once.

Q. I'd like to show you Exhibit No. 20. Do you

recognize the man in Exhibit 20?

A. I do.

Q. And who is that?

A. Mr. Cascio.

Q. Did you ever have occasion to meet a man by the name of Vinnie or Vincent Black?

A. No.

Q. Okay. How about Vinnie or Vincent Amen?

A. I don't recall meeting him. I know who he is.

Q. Did you ever make flight arrangements for Mr. Amen?

A. Yes, I did.

Q. Did you ever make flight arrangements for Mr. Cascio?

A. I did.

Q. How about Mr. Konitzer?

A. Yes, I did.

Q. How about Mr. Weizner?

A. Yes, I did.

Q. When you made these travel arrangements, were they in connection with flights that Mr. Jackson was also taking?

A. Sometimes.

Q. Okay. How about if they were by private jet?

A. Sometimes.

Q. Okay. And at other times what kind of arrangements did you make for those men?

A. Commercial flights.

Q. Okay. Now, with respect to the period of late 2002 and up to late September of 2003, did you have multiple occasions to make flights for Mr. Jackson where Mr. Konitzer or Mr. Weizner were also on the same flight?

A. Yes, I did.

Q. Okay. Who made arrangements for those flights? In other words, who contacted you to set the flights up?

A. There would have been two people.

Q. Let's start with the first person.

A. Michael's assistant, Evvy Tavasci.

Q. And did she contact you through a company that she was working in? Was there a company name associated with Evvy Tavasci?

A. Yes.
Q. What was that?
A. MJJ Productions.
Q. Okay. So Ms. Tavasci would contact you and then what would happen?
A. I would arrange for jets or commercial flights per her instructions.
Q. She would send you instructions about where Mr. Jackson wanted to go?
A. Correct.
Q. And then you would do what?

A. I would make a phone call to reserve a jet for him.
Q. Okay. Was there a company that you worked with primarily in reserving a jet for Mr. Jackson?
A. Yes.
Q. And what was that company?
A. Xtra Jet.
Q. Okay. Did Miss Tavasci ever contact you to arrange travel for Mr. Amen, Mr. Cascio, Mr. Konitzer, or Mr. Weizner that did not involve commercial aircraft? Excuse me --
A. Yes.
Q. Excuse me, private aircraft.
A. No.
Q. Who was the second person that contacted you to arrange travel?
A. Fred Marc Schaffel.
Q. And did he work through a company?
A. Yes.
Q. And what was the name of that company?
A. Neverland Valley Entertainment.
Q. Okay. And was that his company, to your knowledge?
A. And Mr. Jackson's.
Q. A joint company?
MR. MESEREAU: Objection; foundation.
THE COURT: Sustained.
MR. MESEREAU: Move to strike.

THE COURT: Strike the answer.
Q. BY MR. NICOLA: Just a yes or no question:
Do you know who the principals of Neverland Valley

Entertainment were?

A. Yes.

Q. And how did you come to that knowledge?

A. Through Mr. Schaffel.

Q. Was it something Mr. Schaffel told you?

A. Yes.

Q. What did he tell you about the principals of Neverland Valley Entertainment?

MR. MESEREAU: Objection. Hearsay and foundation.

THE COURT: Sustained.

MR NICOLA: We'd be offering them under admissions, Your Honor, of agents.

THE COURT: Excuse me?

MR. NICOLA: We'd be offering them under admissions of agents, Your Honor.

THE COURT: The objection is sustained.

Q. BY MR. NICOLA: Okay. When Mr. Schaffel contacted you, was it always on behalf of Neverland Valley Entertainment?

MR. MESEREAU: Objection; leading.

MR. NICOLA: Let me rephrase it. I'd like to clean that up, if I may, Your Honor.

THE COURT: Go ahead.

Q. BY MR. NICOLA: When Mr. Schaffel contacted you with respect to making flights or travel arrangements, was it always through Neverland Valley Entertainment?

A. Could you be more specific?

Q. Certainly. For travel arrangements -- did Mr. Schaffel ever call you to make travel arrangements for Mr. Jackson?

A. Yes.

Q. And did he do that through Neverland Valley Entertainment?

A. Most of the time, yes.

Q. Most of the time, yes.

Did he ever make those arrangements for Mr. Jackson through MJJ Productions?

A. Yes.

Q. Okay. Let's talk about how the arrangements were made.

If Mr. Schaffel or Miss Tavasci called you and wanted to arrange a flight for Mr. Jackson, who would be responsible for paying the bill for that flight?

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. NICOLA: Do you know how billing was arranged?

A. Yes, I do.

Q. Okay. Please explain that to the jury.

A. Um --

MR. MESEREAU: Same objection. Foundation.

THE COURT: Sustained.

Q. BY MR. NICOLA: How -- do you know how the billing was arranged for the private flights for Mr. Jackson that you arranged?

MR. MESEREAU: Objection. Foundation and assumes facts not in evidence, no personal knowledge.

THE COURT: Sustained.

Q. BY MR. NICOLA: Do you have personal knowledge of how the billing was arranged for the private flights that you set up for Mr. Jackson?

A. Yes.

Q. Explain that for the jury, please.

MR. MESEREAU: Same objection. Foundation.

THE COURT: Sustained.

Q. BY MR. NICOLA: Who was billed -- or did you do the billing for the private flights that you set up for Mr. Jackson?

A. I did the billing.

Q. You did the billing?

A. Correct.

Q. Okay. Who did you charge for those flights?

A. Two different accounts. Neverland Valley or his business managers, Whitman Fox.

Q. Neverland Valley Entertainment and who else?

A. Bernstein Fox & Whitman Company.

Q. Did you ever bill MJJ Productions?

A. I might have.

MR. MESEREAU: Move to strike. Speculation.

THE COURT: Sustained.

Q. BY MR. NICOLA: Do you have any recollection of whether or not you billed --

THE COURT: I'll strike that. I'm sorry, I just wanted the record to reflect I struck that.

MR. NICOLA: Oh, I'm sorry, Your Honor.

Q. Do you have any recollection of billing MJJ Productions directly?

A. I might have.

MR. MESEREAU: Move to strike; speculation.

MR. NICOLA: Let me ask you a different question.

THE COURT: Stricken.

Q. BY MR. NICOLA: Did you ever pay for those flights prior to being reimbursed?

A. Yes.

Q. Okay. Could you explain how that would come about?

A. Well, I act as an agent, second party. I would be invoiced by Xtra Jet and, in turn, I would invoice one of the companies. I've --

Q. Okay. So Xtra Jet would send you the bill?

A. That's correct.

Q. And that's how you would know the billing was arranged?

A. That's correct.

Q. Then you would send an invoice to which companies to get payment?

A. Depending on which company I was instructed to bill. Either Neverland Valley or MJJ or Bernstein Fox.

Q. And who would --

A. -- invoice MJJ. Sorry?

Q. Who would you receive billing instructions from?

A. Either Mr. Schaffel or Miss Tavasci.

Q. As part of your responsibility in arranging flights for Mr. Jackson to keep the flight manifests as part of your records?

A. It's an FAA requirement.

Q. Okay. Could you tell us how a flight manifest is transmitted to you with respect to these flights that we're talking about?

A. Either verbally or via fax or e-mail.

Q. Okay. And was that the same as the

reservations, the information came to you from Mr. Schaffel or Miss Tavasci?

A. Correct.

MR. NICOLA: Okay. If I may approach the witness again, Your Honor.

Mr. Mesereau, Exhibit 251, 253 and 254.

Now I'm going to approach.

Q. Mrs. Montgomery, I've placed in front of you a three-ring binder, which is opened to a page that

has an exhibit sticker on the bottom right-hand corner, Exhibit No. 251; is that correct?

A. Yes.

Q. Do you recognize that document?

A. I do.

Q. Okay. And can you please turn the pages and review each of the documents in that section labeled 251.

Did you go on to page 252?

A. Did I go to page 253?

Q. 252.

A. No, I did not.

Q. Okay. Do you recognize Exhibit 251, ma'am?

A. Yes, I do.

Q. What is that?

A. It's a flight manifest. It's a bill from Xtra Jet, it's a passenger trip sheet, and it's a trip report from the pilots.

Q. Okay. How do you recognize those documents in Exhibit 251?

A. The first page is addressed to me from Evvy. The second page is the trip sheet from Xtra Jet, which I always get after a flight is terminated. I have an invoice here made out to my company. And I have the pilots' report.

Q. Are the items in Exhibit 251 records that are kept within the normal course and scope of your business as a travel consultant?

A. Yes, they are.

Q. Okay. And do you regularly rely upon the contents of those documents in Exhibit 251 in the regular course and scope of your business?

A. Yes.

Q. Okay. And is the information contained within the documents in Exhibit 251 recorded at or near the time of the event purported?

A. Yes, they are.

MR. NICOLA: Okay. We'd move 251 into evidence, Your Honor.

MR. MESEREAU: Objection. Foundation, hearsay, and authentication.

THE COURT: All right. It's admitted. It's a business record.

MR. NICOLA: Thank you, Your Honor.

Q. Now, with respect to the first page dated June 6th, 2003, of 251.

A. Yes. Yes.

MR. NICOLA: May I have "Input 4," Your Honor?

Counsel, do you object to this exhibit?

MR. MESEREAU: No.

Q. BY MR. NICOLA: Mrs. Montgomery, if you would take a look over your shoulder, please. And is that the first page of -- a copy of the first page that you have there in Exhibit 251?

A. Yes, it is.

Q. Okay. And is this an example of how Miss Tavasci would contact you with respect to setting up a flight for Mr. Jackson on a private aircraft?

A. Yes, it is.

Q. And this particular request came to you on June 6th of 2003?

A. That's correct.

Q. There appears to be two columns with names, and that -- are those names provided to you by Miss Tavasci in the regular course of setting these flights up?

A. The normal course.

Q. Okay. The "M. Jackson" on the top and the "Marc Schaffel" on the bottom, are these typically the ways you would set the flights up for Mr. Jackson, using Marc Schaffel's middle name, "Marc," and Mr. Jackson's first initial, "M."?

A. It's the way Evvy would transmit it to me.

Q. Okay. Were there ever occasions when the flight instructions from Ms. Tavasci with respect to who's going to be on the flight, were there ever occasions when those instructions were changed?

A. Yes.

Q. Okay. The flights again, please.

If you could turn the page, please, to Exhibit 253, please. And flip through the documents in Exhibit 253 and review them, please.

A. Okay.

Q. Okay. Do you recognize those documents?

A. I do.

Q. Okay. And do they relate to a flight that you arranged for Mr. Jackson and his entourage on September 12th of 2003?

A. I do. I recognize it.

Q. Okay. Are the contents of Exhibit 253 records of similar nature as Exhibit 251, kept within the normal course and scope of your business, et cetera?

A. Yes.

Q. Did you rely on these documents as well within the regular course of your business?

A. Yes.

Q. And are these copies of your actual records for this flight?

A. Yes.

MR. NICOLA: We'd move Exhibit 253 into evidence, Your Honor.

MR. MESEREAU: Objection. Foundation, hearsay, authenticity.

THE COURT: They're admitted.

MR. NICOLA: If I may have the Elmo again, Your Honor.

THE WITNESS: Can I ask you something?

If you're going to show the one with my address, can you block it out, please?

MR. NICOLA: The witness has asked that a

particular address on this document be blacked out.

BAILIFF CORTEZ: Microphone, sir.

MR. NICOLA: I had the mike off.

Do you object, Mr. Mesereau?

MR. MESEREAU: No.

MR. NICOLA: May I have a sticky, please?

Q. And is your business name up here on this exhibit?

A. Yes, it is.

Q. I'm sorry, Mrs. Montgomery. May I have “Input 4,” Your Honor? These are difficult to work, I'll tell you that right now. Okay. Now, Exhibit 253, this was a flight on September 16th of 2003, and the customer name up there appears to be Class A Travel Services. That's one of your companies?

A. Yes, it is.

Q. Okay. Did you receive a flight manifest for that particular trip?

A. Yes, I did.

Q. If you'd turn to page -- the second page of Exhibit 253. Is there a handwritten passenger list?

A. Yes, there is.

Q. Okay.

A. May I reiterate something? I no longer do business as Class A Travel, just for the record.

Q. You do business as a different company?

A. Now I do, correct.

Q. Okay.

A. It's a former company.

Q. But back in the period of time that we're talking about, late 2002 through September of 2003, you did business as Class A Travel and Uniglobe?

A. Back in that period of time, Class A Travel and Travel 21.

Q. Okay. Is Mr. Jackson's name on this list, obviously?

A. Yes.

Q. And was it uncommon for you to get a handwritten passenger list such as this?

A. This is from the pilot of the plane company.

Q. And these are records that you also keep for billing purposes?

A. There's times where I would have these records, yes.

Q. If you could turn to the fourth page. Let me show that, Your Honor.

Now, is this document the actual request from Miss Tavasci for you to set up a flight on the 16th?
A. Yes, it was. Yes, it is.
Q. And the names on her list, the passenger names are a little bit different; isn't that right?
A. That's correct.

Q. Would that happen on occasion?
A. All the time.
Q. Okay. And finally, if you'd turn to the next page, there appears to be yet another list of individuals for the same flight.
A. That's correct.
Q. And what is the purpose of this document?
A. It was for the U.S. Customs.
Q. Was this an international flight?
A. Yes, it was.
Q. Where did it go?
A. To Canada.
Q. Okay. And then it came back to the U.S.?
A. That's correct.
Q. Do you see the bottom name written on there, Ronald Konitzer?
A. Yes, I do.
Q. Is it uncommon for you to receive records from Xtra Jet with additional names on the list handwritten?
A. No, it's not.
Q. If you could turn to Exhibit No. 254, please, and page through those.
A. Okay.
Q. Do you recognize the contents of Exhibit 254 as records that you kept within the regular course and scope of your business?
A. I do.

Q. Okay. Was the information recorded in those documents recorded at or near the time of the events recorded in Exhibit 254?
A. Yes.
Q. And are they records that you normally rely upon in the course of your business?
A. Yes.

MR. NICOLA: We'd move Exhibit 254 into evidence, Your Honor.

MR. MESEREAU: Objection. Hearsay, foundation, and authenticity.

THE COURT: They're admitted.

Q. BY MR. NICOLA: Now, 254 contains information with respect to two individual flights; is that correct?

A. Yes.

Q. And the first three pages relate to a flight from Boca Raton to California on February 25th, 2003; is that right?

A. Yes.

Q. Okay. I'd like to show you the first page of that exhibit, if I may, with Input 4.

Now, is this an example that -- a flight that Mr. Schaffel set up for Mr. Jackson?

A. It appears to be that way, yes.

Q. Do you have a specific recollection of this flight from Boca Raton to -- is that Van Nuys, VNY?

A. Yes, it is.

Q. That's in California?

A. Correct.

Q. Do you have a specific recollection of this?

A. I do.

Q. How did that flight get set up, if you remember?

A. I received a phone call from Mr. Schaffel and -- saying he needed an airplane.

Q. Okay. From Florida to California?

A. Correct.

Q. On the 25th --

A. Right.

Q. -- of February of 2003?

A. Right.

Q. Did you receive a passenger list for that flight from anyone?

A. On the third page, it could be the manifest from Evvy. Yes, this is the passenger manifest for this flight.

Q. Okay. And did that come to you in a different format?

A. No. Normal procedure. E-mail.

Q. Okay. The passengers on this Xtra Jet flight were Mr. Jackson, appears to be two of his children, correct?
A. That's correct.
Q. Do you know who Grace Ru -- I can't say that last name.

A. Rwaramba, I believe.
Q. Rwaramba?
A. Yes.
Q. Do you know who that individual is?
A. Yes, I do.
Q. How do you know who she is?
A. I was told.
Q. Is she a frequent flyer with Mr. Jackson?
A. I believe so.
Q. How about Patricia Chavez?
A. Also I know who she is.
Q. Mr. LaPerruque, Mr. Crawford and Mr. Carter, are you familiar with those individuals?
A. With the exception of Daniel Crawford, yes.
Q. How do you know Mr. LaPerruque?
A. Because I was told who he was.
Q. Did he frequently fly with Mr. Jackson?
A. I can't be certain.
Q. Okay. How about Mr. Carter?
A. Yes.
Q. Did he fly with Mr. Jackson frequently?
A. Yes.
Q. Are you familiar with the names Marie Nicole Cascio and Aldo Cascio?
A. Yes.
Q. And are they related to Frank Cascio, to your knowledge?
A. Yes.

Q. Were they also frequently on Mr. Jackson's private aircraft?
A. I won't say frequently.
Q. Not frequently?
A. Correct.
Q. Okay. Before we turn to the second flight that's contained within Exhibit 254, if we could discuss the bottom entry here where it says,

Catering.
Were you responsible for arranging the catering on Mr. Jackson's private aircraft?
A. Yes.
Q. How would you set the catering up?
A. I would call it in to -- I would call it in to Xtra Jet to the representative I worked with there.
Q. Okay. And were you familiar with what Mr. Jackson wanted on his flights?
A. Yes.
Q. He was your client?
A. Yes.
Q. Okay. It was important for you to please him, I suspect?
A. Of course.
Q. Okay. Would you inform Xtra Jet in writing or verbally as to what should be catered for Mr. Jackson?
A. I would forward the manifest -- or the 7551 request from Evvy as well as verbally instruct them.
Q. Were there standard instructions that just were not relayed to you from Miss Tavasci in writing?
A. Yes.
Q. Could you describe one of those requests?
A. She always wanted --
MR. MESEREAU: Objection; hearsay.
THE WITNESS: She told me --
THE COURT: Just a minute.
THE WITNESS: Sorry.
THE COURT: Just a minute.
MR. NICOLA: Just a minute.
THE COURT: Sustained.
Q. BY MR. NICOLA: Okay. Without telling us the content of your conversation with Ms. Tavasci, she would relate the special needs, or any needs for the particular flight, correct?
A. Yes.
Q. Okay. With respect to serving alcohol on Mr. Jackson's private aircraft, Xtra Jet's private aircraft that you arranged for him, did you ever make arrangements for alcohol to be served to Mr.

Jackson?

MR. MESEREAU: Objection. Leading and foundation.

THE COURT: Overruled.
You may answer.

THE WITNESS: Yes, I did.

Q. BY MR. NICOLA: Okay. Did you ever make specific instructions as to how Mr. Jackson should be served alcohol?

A. Yes, I did.

Q. With respect to wine, did you ever instruct any Xtra Jet employees on how to serve Mr. Jackson wine?

A. Yes, I did.

Q. Okay. Prior to making those instructions, did you receive information from a Lauren Wallace about how Mr. Jackson wanted his wine served to him?

A. Yes, I did.

Q. Okay. And did you know Lauren Wallace as a flight attendant?

A. Yes. She is.

Q. Was she the primary flight attendant for Mr. Jackson during your period of service?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

THE WITNESS: Yes.

Q. BY MR. NICOLA: Yes, she was?

A. Yes, she was.

Q. Okay. And in what period of time did you receive the instructions from Ms. Wallace?

A. Through the course that we handled his private flights.

Q. Okay. Do you recall what Miss Wallace told you specifically about how Mr. Jackson was being served his wine?

A. Yes, I do.

Q. Can you please relay that to the jury?

MR. MESEREAU: Objection; hearsay.

THE COURT: Overruled.
You may answer.

THE WITNESS: She told me --

Q. BY MR. NICOLA: Could you speak up, please.

A. Lauren Wallace told me that Mr. Jackson had requested that his wine be put into soda cans, and then if she was ever unable -- you can't always ensure that we're always going to have the same flight crew. To respect his privacy and to relay the message to anyone other than her if she was not flying to -- how to serve him.

Q. Okay. So Ms. Wallace told you that was Mr. Jackson's request to her?

A. That's correct.

Q. Could we turn back to Exhibit 253, please? And the last page appears to be an invoice for a flight on March 25th of 2003.

A. You said Exhibit 253?

Q. I'm sorry, I meant 254.

A. Okay.

Q. Please turn to the last page of Exhibit 254.

A. Correct.

Q. Okay. Are there handwritten notes all over that exhibit?

A. Yes, there are.

Q. Is that your handwriting?

A. Yes, it is.

MR. NICOLA: If I may have “Input 4,” Your Honor. Thank you.

Q. Now, in the upper left-hand corner, does that exhibit show a billing address for MJJ Productions of Provident Financial Management?

A. It does.

Q. Did you cross that out?

A. I did.

Q. And why was that?

A. He had terminated his relationship with them.

Q. And you were told to bill another entity; is that correct?

A. Correct.

Q. Did you write that entity's name on the bottom of the document?

A. I did.

Q. And was that Bernstein, Fox & Whitman?

A. Correct.

Q. Okay. Did you ever have occasion to keep a

passenger profile for Mr. Jackson --
A. Um --
Q. -- in writing?
A. There is a document that I'm aware of in writing.

Q. Would you turn to Exhibit No. 252.
A. Okay.
MR. NICOLA: I believe I'm finished with the Elmo, Your Honor.
Q. Now, Exhibit 252 appears to be a passenger profile for Mr. Jackson?
A. That's correct.
Q. Did you generate that document?
A. Verbally.
Q. You verbally generated that document?
A. I did.
Q. And for what purpose?
A. For the purpose of his -- it would be on file for Mr. Jackson for his specific needs on board his flights.
Q. Now, are the contents of Exhibit 252 consistent with your instructions to the flight crews of Xtra Jet with regard to how Mr. Jackson should be taken care of with respect to catering?
A. Could you repeat that, please?
Q. Have you read through the exhibit?
A. Yes.
Q. Okay. Are the instructions in there consistent with the instructions that you gave Xtra Jet?
A. They're more specific.
Q. Okay.

A. Mine were general. These are specific.
Q. Is there a specific reference to putting white wine in Diet Coke cans in every flight?
MR. MESEREAU: Objection. Hearsay; foundation.
THE COURT: Sustained.
Q. BY MR. NICOLA: Did you go by the name Cindy Greenberg?
A. I did.
Q. Back when Mr. Jackson was your client?

A. Some of the time.

Q. Okay. And were you listed as one of Mr. Jackson's contact people along with Evvy?

A. Yes.

MR. NICOLA: Okay. If I may approach Madam Clerk.

This is next in order, and this is next in order.

THE CLERK: Mr. Sneddon has the stickies.

MR. NICOLA: Mr. Sneddon has the stickies?

MR. SNEDDON: They're right there.

Q. BY MR. NICOLA: I'm off like a herd of turtles today.

I'd like to show you Exhibits 848 and 849, please.

A. Okay.

Q. Okay. Do you recognize the contents of Exhibit 848?

A. I do.

Q. And that appears to be a two-page document, front and back?

A. Yes.

Q. Okay. Is that a document that you generated?

A. Yes.

Q. And did you do that in the normal course and scope of your business?

A. I did.

Q. And are the entries -- let me ask you this a different way: Is the information in that exhibit recorded at or near the time that the information was recorded?

A. A little vague.

Q. I asked the same question two different ways.

Does the information accurately reflect the entries that you made? You actually entered this information, correct?

A. That is correct.

Q. And can you describe what the exhibit is for the jury? Just generally, and we'll get more specific.

A. It's called a PNR, a passenger name record.

It's a reservation made through an airline computer system reflecting someone's flights that they would take. A reservation, basically, with names, itinerary.

Q. You personally entered this information into the computer system and this is a printout of what you entered?

A. Yes, it is.

Q. Okay. Is it a record you keep in the -- that you keep and rely upon in the ordinary course of your business?

A. Yes.

MR. NICOLA: We'd move 848 into evidence, Your Honor.

THE COURT: Are you looking for the document, Mr. Mesereau?

MR. MESEREAU: Excuse me, Your Honor?

THE COURT: He made a motion to introduce 848 into evidence. I didn't know if you were looking for the document or....

MR. MESEREAU: No, it was produced this morning by the prosecutor. No objection, Your Honor.

THE COURT: All right. There's no objection. I'll admit it.

Q. BY MR. NICOLA: Okay. With respect to Exhibit 849, is that also information that you entered consistent with 848 only with respect to a different client and a different flight?

A. Correct.

Q. Are those reservations for Mr. Fred Schaffel?

A. Correct.

MR. NICOLA: Okay. We'd move that into evidence as well, Your Honor.

MR. MESEREAU: No objection.

THE COURT: It's admitted.

MR. NICOLA: May I have the "Input 4," please?

Q. I'll show you the first page of Exhibit 848. It works better that way.

With respect to generating this reservation, do you recall having a conversation with Mr. Fred Schaffel on or around February 25th of 2003?

A. I do.

Q. And how did that conversation begin; do you recall?

A. He called me and asked me to make --

MR. MESEREAU: Objection; hearsay.

THE COURT: Sustained.

MR. NICOLA: Statements in furtherance, Your Honor.

THE COURT: Well, the question was, “How did that conversation begin?” And the answer was, “He called me...,” and then she started to volunteer the information. So the objection is sustained.

Q. BY MR. NICOLA: Okay. Did he ask you to do something for him?

A. Yes.

Q. And what did he ask?

MR. MESEREAU: Same objection.

MR. NICOLA: Our offer of proof is in furtherance.

THE COURT: I'll admit this document under the previous instructions, limited to the use of conspiracy evidence. Remember those conditional instructions I gave you earlier?

All right. Go ahead. It's admitted under those provisions.

MR. NICOLA: Okay, Your Honor.

Q. You can relay what he asked you to do for him, please.

A. He asked me to make flight arrangements for four passengers to Brazil.

Q. Okay. And are the names of those four passengers listed on this document?

A. Yes, they are.

Q. Did you personally highlight the lines within that exhibit prior to court?

A. Yes, I did.

Q. Okay. And are the names listed on this reservation easily available to you to read to the jury?

A. Yes, they are.

Q. Please do so.

A. Arvizo, Janet; Arvizo, Davellin; Arvizo, Star; Arvizo, Gavin.

Q. Did Mr. Schaffel tell you where he wanted the Arvizos to fly to?

A. Yes, he did.

Q. Where?

A. To Brazil, Sao Paulo.

Q. You're going to have to speak up.

A. Sao Paulo, Brazil.

Q. Okay.

A. South America.

Q. Did he make a specific request as to what kind of tickets he wanted --

A. Yes, he did.

Q. -- for the Arvizos? He did?

A. One-way tickets.

Q. Okay. Is it possible for U.S. citizens to get into Brazil with a one-way ticket?

A. No, it's not.

Q. Why is that?

A. For visa reasons, you must have a return ticket to enter the country.

Q. Okay. Did you make arrangements for return tickets for the Arvizos?

A. I did. I chose the date.

Q. You chose the date for their return?

A. I did.

Q. Was that done arbitrarily or did you discuss that with Mr. Schaffel?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

THE WITNESS: I chose a date arbitrarily, and then I called him to tell him what I had done and the reason why I did it.

Q. BY MR. NICOLA: Okay. When you finished making these arrangements for the Arvizos to travel to Brazil, how many days' notice did you give the airline before the flight?

A. Just a couple days.

Q. Okay. The flight was scheduled to leave on what date?

A. March the 1st of 2003.

Q. And you made the reservation on the 25th of February, 2003?
A. That's correct.
Q. What was the cost going to be for that flight?
A. For a party of four, 15,092.
Q. Were you flying them first class?
A. No.
Q. Those are coach prices?
A. Coach. They were open tickets, basically. You know, they're expensive.
Q. Did Mr. Schaffel ask you to do anything with the reservations once they were made?
A. Yes, he did.
Q. What did he ask you to do, please?
MR. MESEREAU: Objection; hearsay.

MR. NICOLA: Same offer of proof, Your Honor.
THE COURT: All right. I'm going to admit this for the limited purpose.
Go ahead.
THE WITNESS: To fax over the itinerary.
Because they needed passports.
Q. BY MR. NICOLA: If you'd take a look at the board behind you, there appears to be in the far right, in yellow highlighter, an address for Miss Janet Arvizo that begins at least with 11520, what I believe is Trent. Do you see that on your original document?
A. I do.
Q. Okay. Was that information provided by Ms. Arvizo or Mr. Schaffel?
A. Mr. Schaffel.
Q. Did you ever speak to Ms. Arvizo about these flight arrangements?
A. Not to my recollection, no.
Q. Okay. How about any members of her family?
A. No.
MR. NICOLA: If I may have just a moment, Your Honor.
I just have a few more questions, if that's okay. I don't need the inputs anymore, Judge.
Thank you.

Q. Now, with respect to the reservations you made for the Arvizos to travel to Brazil on March 1st of 2003, assuming they made that flight that left on March 1st, 2003, was there any requirement for them to make the return flight on the date that you chose?

MR. MESEREAU: Objection. Foundation; calls for speculation.

THE COURT: Overruled.

You may answer.

THE WITNESS: No.

Q. BY MR. NICOLA: To your knowledge, would they have been able to stay in Brazil indefinitely?

MR. MESEREAU: Objection. Relevance; calls for speculation; foundation.

THE COURT: Sustained; foundation.

MR. NICOLA: Okay. I believe I have no further questions at this time, Judge.

THE COURT: Cross-examine?

MR. MESEREAU: Yes, please, Your Honor.

If I may, Your Honor, I'm just trying to locate one book.

THE COURT: Go ahead.

CROSS-EXAMINATION

BY MR. MESEREAU:

Q. Good morning.

A. Good morning, Mr. Mesereau.

Q. Miss Montgomery, we have not spoken before, correct?

A. No, we have not.

Q. And as you know, I'm Tom Mesereau, and I speak for Michael Jackson, okay?

A. I understand.

Q. If I say anything that's not clear to you, please don't answer it, just let me know you don't understand the question, and I'll try and rephrase it, okay?

A. Absolutely.

Q. All right. You are testifying under what is called immunity, correct?

MR. NICOLA: Objection. Misstates the

evidence, Your Honor. It's use immunity.

THE COURT: The objection is overruled.

Q. BY MR. MESEREAU: Is that correct?

A. I believe I am, yes.

Q. And you received a grant of immunity yesterday, true?

A. Verbally, I believe I did.

Q. Okay. And immunity means you cannot be prosecuted for statements you make in court today, true?

A. Correct.

Q. Your position was if you did not receive a grant of immunity, you would not testify, correct?

MR. NICOLA: Objection; relevance.

THE COURT: Overruled.

Q. BY MR. MESEREAU: Is that true?

A. Um, per my lawyer's instructions. That's what he requested.

Q. And who is your attorney?

A. Robert Moore.

Q. And he is from Los Angeles, true?

A. Yes.

Q. Your position, through your attorney, was that unless you were immunized from any prosecution based on what you said today, you would not testify as a witness, correct?

A. That's what he asked me to do, yes.

Q. And that's what you agreed to do, correct?

A. That's correct.

Q. When your lawyer made that request in this court, you were present, true?

A. Yes.

Q. And to your knowledge, a legal grant of immunity means no one, particularly in the federal government, can come after you for anything you say today under oath, true?

A. To the best of my knowledge, yes.

Q. And the reason you wanted that legal grant of immunity is because currently there is an FBI investigation into allegations that you and others secretly videotaped Michael Jackson on an Xtra Jet flight, true?

A. I am a witness for that case, yes.

Q. My question to you is, the reason you wanted a grant of legal immunity was because you know the FBI is currently investigating allegations that you and others secretly videotaped Michael Jackson on an Xtra Jet flight, true?
A. I can't answer that yes or no.
Q. Are you saying that you've never heard of any FBI investigation into that subject?
A. No. I've spoken to the FBI voluntarily twice.
Q. Then you're aware of the investigation, correct?
A. Pertaining to the allegation, correct.
Q. Okay. How long have you known Frederic Marc Schaffel?
A. Approximately 20 years.
Q. Have you done business with him before?
A. Yes.
Q. What business have you done with him before?
A. Travel arrangements.
Q. Have you done that for him for 20 years?
A. No.
Q. How long have you made travel arrangements for Marc Schaffel?
A. I couldn't be certain of that.
Q. What's your estimate?
A. Whenever he needed a flight. Ten years, maybe? 15 years? 7568

Q. When did you last talk to him?
A. November 20th, 2003.
Q. Are you aware that Mr. Schaffel is currently suing Mr. Jackson for millions of dollars?
A. Yes.
Q. You also are currently suing Mr. Jackson, correct?
A. Not for millions of dollars. Yes.
Q. You also are currently suing Mr. Jackson, correct?
A. Yes. He's suing me.
Q. Mr. Jackson is suing you for invasion of privacy, correct?
A. I believe so.

Q. Are you represented by counsel in Mr. Jackson's suit against you for invasion of privacy?
A. I am.
Q. And who is your lawyer on that case?
A. Robert Moore.
Q. And who is representing you in your suit against Mr. Jackson?
A. Mr. Moore.
Q. Okay. Now, you're aware that if Mr. Jackson is convicted in this case, Mr. Schaffel will have a much easier time winning his suit, right?
MR. NICOLA: Objection. Calls for speculation and it's argumentative.
THE COURT: Sustained; speculation.

Q. BY MR. MESEREAU: If Mr. Jackson is convicted in this case, you would have an easier time winning your suit, wouldn't you?
A. No, I would not.
MR. NICOLA: Same objection, Your Honor.
THE COURT: Sustained.
MR. NICOLA: Move to strike the answer.
THE COURT: Stricken.
BAILIFF CORTEZ: Your microphone, sir. Your microphone, sir.
Q. BY MR. MESEREAU: The lawsuit Mr. Jackson has filed against you has to do with an Xtra Jet flight on November 21st, 2003, correct?
A. No, sir. It's November 20th.
Q. Okay. My mistake.
A. But to answer your question, yes.
Q. So November 20th of 2003 was the flight?
A. Yes.
Q. That's the flight that is the subject of controversy in the litigation, true?
A. That's correct.
Q. All right. And you said you last talked to Mr. Schaffel around that time; is that true?
A. Yes, it is.
Q. Mr. Schaffel wasn't on that flight, to your knowledge, true?
A. Yes. No, he was not on that flight.
Q. But you're aware that Mr. Jackson was

secretly recorded --
A. I learned that after.
Q. -- and videotaped on that flight, true?
A. I learned it after the fact.
Q. Are you the one who made arrangements for Mr. Jackson to fly on that particular flight?
A. I made arrangements like I normally do for him.
Q. And did you make arrangements for Mr. Jackson to fly on an Xtra Jet flight on November 20th, 2003?
A. Yes, I did.
Q. Did you ever talk to Mr. Schaffel about those flight arrangements?
A. Yes, I did.
Q. And you're aware that not only was Mr. Jackson secretly videotaped on the flight but someone tried to sell that videotape, right?
MR. NICOLA: Objection. Calls for hearsay and relevance and vague as to “someone.”
THE COURT: Sustained.
Q. BY MR. MESEREAU: The allegations against you in that case are that Mr. Jackson was secretly videotaped and recorded and that efforts were made to sell that for profit, true?
MR. NICOLA: Objection; calls for hearsay.
MR. MESEREAU: State of mind, Your Honor.
MR. NICOLA: Then relevance.

MR. MESEREAU: And bias.
THE COURT: The objection is overruled. I'm going to have the question read back so you can understand the question.
(Record read.)
THE WITNESS: I believe so. I have not read the suit against me.
Q. BY MR. MESEREAU: The reservations for that flight were made through a company called Travel 21, Inc.; is that true?
A. Yes.
Q. Was that your company?
A. I was -- I leased space from that company.
Q. Okay. Well, was the reservation made through the company Travel 21, Inc., to your

knowledge?

A. That's how I did the billing on that particular flight.

Q. But you made those reservations, true?

A. I did.

Q. You directly made those reservations with Xtra Jet, correct?

A. I did.

Q. And at some point before you made those reservations, you were asked to use a different company, correct?

A. A different billing company or a different plane company?

Q. A different plane company.

A. Yes, I was.

Q. You insisted on using Xtra Jet, correct?

A. I didn't insist. It was to my client's better -- for his better being.

Q. It was your recommendation that Mr. Jackson fly on Xtra Jet during the flight on November 20th, 2003, correct?

A. It was my -- I discussed it with Mr. Schaffel and we thought it was in the best interest of our client to use Xtra Jet, yes.

Q. So you and Mr. Schaffel made the arrangements for the flight, right?

A. I made the arrangements, but I had discussed it with Mr. Schaffel.

Q. Okay. When did you learn that -- excuse me. Let me rephrase that.

When did you first learn that Mr. Jackson had been secretly videotaped and recorded on that particular flight with Xtra Jet?

A. November 21st of 2003.

Q. To your knowledge, has Mr. Schaffel been involved in any efforts to sell that videotape or audiotape?

A. Not to my knowledge.

Mr. Mesereau, I don't believe there's audio.

MR. NICOLA: Objection, no question pending.

THE WITNESS: Sorry. Okay.

MR. NICOLA: Rules.

Q. BY MR. MESEREAU: Were you going to say you don't believe there's an audio recording?
A. To the best of my knowledge. I don't know of any audio recording.
Q. But you know of a video recording?
A. I do.
Q. Have you seen it?
A. In the FBI building, yes.
Q. To your knowledge, how long will your grant of legal immunity last for?
A. I have no idea, sir.
Q. You haven't learned through your counsel --
MR. NICOLA: Objection.
Q. BY MR. MESEREAU: -- how long you'd be immunized from any prosecution based on what you say today?
MR. NICOLA: Objection, Your Honor, that is vague.
THE COURT: It violates a privilege.
Q. BY MR. MESEREAU: For -- let me rephrase that.
When did you begin booking flights for Mr. Jackson?
A. I believe in 2000 -- the latter part of 2000. May have been 2001.
Q. You said you met Mr. Jackson twice, correct?
A. Yes.

Q. And where did you first meet Mr. Jackson?
A. On his ranch.
Q. Approximately when was that?
A. September of 2003.
Q. Did you stay at the ranch?
A. Overnight?
Q. Yes.
A. No.
Q. When was the second time you ever met Mr. Jackson?
A. In Las Vegas.
Q. And approximately when was that?
A. And it was several times. October of 2003.
Q. Typically any flights that were booked through you were arranged for someone other than Mr. Jackson. Excuse me, let me rephrase that.

Typically any flights that you arranged for Mr. Jackson came through, I think you said Evvy or Mr. Schaffel; is that correct?
A. Yes.
Q. Now, how many flights do you think you booked at the direction of Evvy?
A. Ninety-nine percent of them. Private jets.
Q. How many flights do you think you booked at the direction of Mr. Schaffel?
A. One percent.
THE COURT: Do you want to take a break, Counsel?

MR. MESEREAU: Oh, yes, Your Honor.
(Recess taken.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 7525 through 7576 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 26, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
April 26, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, APRIL 26, 2005

8:30 A.M.

(PAGES 7578 THROUGH 7748)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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INDEX

Note: Mr. Sneddon is listed as “SN” on index.

Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Nicola is listed as “N” on index. Mr. Mesereau is listed as “M” on index.
Ms. Yu is listed as “Y” on index. Mr. Sanger is listed as “SA” on index.

PLAINTIFF'S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
MONTGOMERY, Cynthia	7614-N	7622-M	7623-N	
(Further)				
KLAPAKIS, Jeff (Re-called)	7624-N	7625-SA	7627-N	7628-SA
MOSLEHI, Hamid	7630-A			

E X H I B I T S

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
27	Photo of Christian Robinson	7654	7657
39	Photo of Joseph Martin Marcus	7654	7657
41	Photo of Miko Brando	7654	7657
42	Photo of Stuart Backerman	7655	7657
844	Photo of Michael Jackson and Frank Cascio	7654	7657
845	Photo of various individuals	7655	7657
846	Photo of various individuals	7656	7657
847	Photo of various individuals	7656	7657

THE COURT: Sorry for the delay. The court reporters are having a little problem with the computer that runs their court reporting equipment.

Go ahead, Counsel.

MR. MESEREAU: Thank you, Your Honor.

Q. Miss Montgomery, I want to clarify a couple of questions I asked about your grant of legal use immunity, okay?

A. (Nods head up and down.)

Q. The kind of immunity you've been granted by the Court is called use immunity, true?

A. Yes.

Q. And use immunity means that anything you say in court today cannot be used against you, correct?

A. Correct.

Q. You could, however, still be prosecuted for perjury, correct?

A. To the best of my knowledge, correct.

Q. And the grant of use immunity that you have grew out of concerns about a possible prosecution over the secret videotaping of Mr. Jackson on that Xtra Jet flight, correct?

A. Yes.

Q. And you were sued by Mr. Jackson and others, correct?

MR. NICOLA: Objection. This has been asked and answered, Your Honor.

MR. MESEREAU: No, it hasn't, Your Honor.

THE COURT: Overruled.

You may answer.

THE WITNESS: I sued him, and then he sued me back.

Q. BY MR. MESEREAU: You also have been sued by Attorney Mark Geragos who was on that flight, correct?

A. I believe so. I have not seen, actually, the lawsuit.

Q. Is it your understanding that Mr. Jackson and his then attorney, Mr. Geragos, were secretly videotaped on an Xtra Jet flight?

MR. NICOLA: I believe that has been asked and answered. Object on those grounds.

MR. MESEREAU: Not with Mr. Geragos, Your Honor.

THE COURT: Overruled.

You may answer.

THE WITNESS: Yes.

Q. BY MR. MESEREAU: Okay. And that is, in fact, the flight you booked, correct?

A. I booked the flight.

Q. That's the flight you booked with the assistance of Mr. Schaffel, correct?

MR. NICOLA: Objection, Your Honor, that has been asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Now, you indicated you met Mr. Jackson for the first time in approximately September of 2003, true?

A. Formally.

Q. Formally?

A. Correct.

Q. When did you first meet Mr. Jackson in person?

A. I've been introduced to him backstage at a concert.

Q. And when was that?

A. I don't recall. Many years ago.

Q. Okay. Do you know how many years ago that was?

A. I couldn't tell you that.

Q. You didn't really have a discussion with him at that point, did you?

A. No.

Q. Okay. And were you attempting to try and

get Mr. Jackson's business at the time?
A. In September of .03?
Q. The first time you met him.
A. No.
Q. Were you in the travel business at that point?
A. Yes.
Q. Was it ever your goal to obtain Mr. Jackson as a client?
A. When Mr. Schaffel approached me with it, of course.

Q. And when did Mr. Schaffel approach you with the idea of booking flights for Mr. Jackson?
A. When he became an associate of Mr. Jackson's.
Q. When did Mr. Schaffel first approach you about booking flights for Mr. Jackson?
A. I couldn't recall specifically.
Q. Do you know approximately when it was?
A. It was sometime in the year 2000.
Q. Had you been booking flights for Mr. Schaffel before that date?
A. Yes.
Q. And I believe you said you have booked flights for Mr. Schaffel for approximately, what, 10, 15 years?
A. I believe so.
Q. Okay. Now, are you the only one, to your knowledge, during that period that was booking flights for Mr. Schaffel?
A. No.
Q. Were other people booking flights for Mr. Schaffel as well?
A. In my office, or --
Q. Anywhere.
A. Well, I can only speak for my office. There was someone else that could have done them.
Q. And who else could have done it in your office?

A. One of my assistants.
Q. Would you have known about the flight if your assistant did it?

A. Absolutely.
Q. To your knowledge, during the 10 or 15 years that you booked flights -- excuse me. For the 10 or 15 years that you or your company booked flights for Mr. Schaffel, was it your understanding that you were the exclusive travel agent for Mr. Schaffel?
A. Absolutely not.
Q. Who else was booking flights for Mr. Schaffel at the time?
A. I'm not privy to that information.
Q. Well, how do you know someone else was?
A. I -- I didn't say that I did. I have no idea. I have no knowledge. Other than in my office, I said I have no knowledge.
Q. Okay. So as far as you know, during the 10 or 15 years that you or your office booked flights for Mr. Schaffel, you were the only people doing that, correct?
A. I don't believe that's what I said. I booked flights for him. Somebody in my office could have booked flights for him. I have no other knowledge if he went through another agency or directly through the airlines. I have no knowledge of that.

Q. And during those 10 or 15 years, you have booked flights for Mr. Schaffel to Brazil, have you not?
A. Yes, I have.
Q. You have booked many flights for Mr. Schaffel to Brazil, have you not?
A. I don't -- I mean, without looking at the documents, I'm sure I have.
Q. Why are you sure you have?
A. I recall a few trips.
Q. He has traveled to Brazil extensively through the years, has he not?
A. I believe he has.
Q. How close a friend were you of Mr. Schaffel during the time you had a friendly relationship with him?
A. We would socialize on occasion. Travel together.
Q. And would that be -- would the socializing

be in Las Vegas primarily?

A. No.

Q. Where would it be?

A. Hawaii.

Q. Okay. Now, when you met Mr. Jackson at Neverland in September of 2003, Mr. Schaffel was there, correct?

A. Yes, he was.

Q. And you were there because Mr. Schaffel was conducting a fund-raiser, correct?

A. Yes, he was.

Q. And you were assisting Mr. Schaffel in that fund-raiser, correct?

A. I did.

Q. And Mr. Schaffel arranged for the fund-raiser to take place at Neverland, true?

A. Yes.

Q. Okay. And then you say you met Mr. Jackson about a month later; is that true?

A. Yes.

Q. Okay. And approximately when was that? Was that October?

A. Yes.

Q. And where was that, if you know?

A. Yes, I do. The Four Seasons Hotel in Las Vegas.

Q. Okay. Have you ever spoken to Mr. Jackson on the telephone?

A. No.

Q. When you arranged the flights you testified about earlier, you have never spoke to Mr. Jackson in any phone call about arranging those flights, true?

A. That's true.

Q. And it was Mr. Schaffel who talked to you about the flight to Brazil that was supposed to involve the Arvizos, correct?

A. Yes.

Q. Were plane tickets ever purchased for that flight?

A. No.

Q. When did you last talk to Mr. Schaffel about

that proposed flight?
A. Sometime probably in February of 2001.
Q. Did you ever talk --
A. The year.
Q. I'm sorry.
A. The year. I'm sorry.
Q. Did you ever talk to any member of the Arvizo family about that flight?
A. No. Not that I'm aware of, no.
Q. And at some point you learned that that flight was going to be cancelled, correct?
A. Yes.
Q. And you learned the flight was going to be cancelled before you had a chance to buy any flight ticket, correct?
A. Yes.
Q. And certainly, it goes without saying, you never sent any bill for any tickets or anything related to that flight, correct?
A. Correct.
Q. And that's because Mr. Schaffel talked to you about what he wanted, but the flight never happened, right?

A. He said he had a change of plans.
Q. Okay. Now, around the time the plans were changed, to your knowledge, did Mr. Schaffel go to Brazil?
A. Yes.
Q. Did you arrange the flight for Mr. Schaffel to go to Brazil?
A. I did.
Q. Did you arrange to purchase the tickets for Mr. Schaffel to go to Brazil?
A. Indirectly.
Q. Okay. To your knowledge, did Mr. Schaffel go to Brazil alone?
A. I don't know.
Q. Okay. And do you know approximately when Mr. Schaffel's flight to Brazil took place?
A. Around the same time. March the 1st.
Q. Okay. Do you remember whether you arranged a round-trip for Mr. Schaffel in March of 2003?
A. I did.

Q. And to your knowledge, did he then return to the United States at some point?
A. I can't swear that he actually took the flight.
Q. Okay. But you bought tickets for him, correct?
A. Indirectly. I made reservations for him.
Q. And to your knowledge, he actually did go to Brazil, right?

A. I can't testify to that, Mr. Mesereau. Sorry.
Q. Okay. Okay. You never learned one way or the other?
A. I can't recall if he did.
Q. Okay. Do you know someone named Cindy Bell?
A. I do.
Q. And who is Cindy Bell?
A. She's a flight attendant for Xtra Jet.
Q. And did you ever make arrangements for Mr. Jackson to fly anywhere with Cindy Bell?
A. Yes, I believe so.
Q. And what are you referring to?
A. A flight -- she was a stewardess on one of his flights.
Q. Had you met her personally?
A. No.
Q. Have you spoken to her on the phone?
A. I have.
Q. And you've also spoken to Lauren Wallace on the phone, right?
A. Yes.
Q. And have you met Lauren Wallace personally?
A. Yes.
Q. Okay. Now, I believe your lawsuit against Mr. Jackson has to do with your using your credit card to pay for the Xtra Jet flight that he was secretly videotaped on; is that correct?

A. No.
Q. What is your suit against Mr. Jackson for; how much money?
A. I believe the suit is for $50,000.
Q. Okay. And aren't you claiming in the suit

that you charged on your credit card costs that were -- should have been borne by Mr. Jackson?

A. No.

Q. Well, what are you --

A. There's no credit card in question here.

Q. Did you pay for a flight involving Mr. Jackson?

A. I did.

Q. And how did you pay for that flight?

A. In cash.

Q. And was that the flight where he was secretly videotaped?

A. Yes.

Q. And did you actually go to Xtra Jet and give them cash?

A. I did.

Q. And where did you go to Xtra Jet and pay cash?

A. Santa Monica, California.

Q. Did you go to their offices?

A. I did.

Q. Okay. And you personally arranged for that

flight, true?

A. I did.

Q. Did you get a receipt from Xtra Jet?

A. I -- I'm not sure. I probably did. At that time --

Q. Are you saying -- excuse me. Are you saying you handed $50,000 in cash to Xtra Jet?

A. No, I didn't say that. I hand -- the lawsuit is a different amount than what I gave Xtra Jet.

Q. Are you suing Mr. Jackson because you claim you should be reimbursed by Mr. Jackson for money you spent on his behalf?

A. Correct.

Q. And was the money you claim you spent on his behalf cash that you paid?

A. I have paid part of it, I did that day, part of it in cash.

Q. You say part of it in cash?

A. That's correct.

Q. Okay. Did you give Xtra Jet that cash?

A. I did.

Q. Who did you give the cash to at Xtra Jet?

A. Jeffrey Bohr.

Q. And who is he?

A. The owner of Xtra Jet.

Q. Okay. And was he a friend of yours?

A. I would say more of a business associate.

Q. And you went to Santa Monica to have a meeting with him, true?

MR. NICOLA: Objection. Relevance, Your Honor.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Are you suing Mr. Jackson for money you paid in cash?

MR. NICOLA: Objection, Your Honor. This is -- asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Are you suing Mr. Jackson for charges you made on a credit card?

A. No.

MR. NICOLA: Objection; asked and answered.

THE COURT: Overruled. Next question.

Q. BY MR. MESEREAU: Okay. How long have you had a relationship with the company Xtra Jet?

A. Um, for a couple of years.

Q. And who has been your primary contact at the company called Xtra Jet?

A. Brian -- at the time it was Brian Kranitz.

Q. Okay. And it was your recommendation that Mr. Jackson fly with Xtra Jet, true?

A. No.

Q. Well, it was certainly your recommendation that he fly on Xtra Jet on the day he was secretly videotaped, true?

A. That's true.

Q. Now, on that particular day when Mr. Jackson was secretly videotaped on Xtra Jet, you also flew on a different Xtra Jet flight, correct?

A. I did.

Q. And on that particular day, Mr. Jackson was flying from Las Vegas to Santa Barbara, true?

A. Yes.

Q. And you flew on a separate Xtra Jet flight from Las Vegas to Santa Barbara; is that correct?
A. Yes. In part.
Q. And other people were with you on your particular flight on Xtra Jet on that day, true?
A. Yes.
Q. Did you arrange for those people to be on that flight with you?
A. Only one.
Q. Did you learn at some point that photographers were on that flight that you were on?
A. No.
Q. Okay. To your knowledge, were any media people on the flight that you were on?
A. No.
MR. NICOLA: Objection, relevance, Your Honor.
THE COURT: Overruled. The answer is in. “No.” Next question.
MR. MESEREAU: Yes, Your Honor.
Q. Now, the prosecutor has showed you some itineraries that you've testified you used in your business of making flight arrangements for Mr. Jackson, right?

A. Yes.
Q. And I believe you said that 99 percent of the time Evvy would give you the information you needed to make those flight arrangements, correct?
A. Yes.
Q. And your understanding was that you would make the flight reservations for Mr. Jackson, right?
A. Yes.
Q. You'd also make the reservations for others who traveled with Mr. Jackson, right?
A. I would -- she would give me the manifest with their names on it.
Q. Yes. And you would ensure that all of those individuals were allowed to be on the flight that you booked, right?
A. It was an FAA requirement. I had no -- I couldn't allow or disallow anything.
Q. Well, but the plans for Mr. Jackson and others to fly were primarily made by you, right?

A. I was -- I submitted -- I was given a list, I submitted a list, and I had no control of who was on that flight.

Q. Well, I don't mean to suggest that. But certainly if you were told by Evvy --

A. Uh-huh.

Q. -- that she would like you to make a flight reservation for whatever it may be, let's say five people, you would arrange for all those five people to be on a particular flight, true?

A. Yes.

Q. Okay. And would the cost billed by Xtra Jet go up the more people that were on the flight?

A. No.

Q. It was a set fee each time, true?

A. Correct.

Q. So if Mr. Jackson were with two people or six people, it made no difference in terms of cost, correct?

A. Other than the catering, it made no difference.

Q. Okay. And would you arrange the catering as well?

A. Yes.

Q. And are you the person who would arrange for a particular type of food to be served on the flight?

A. Yes.

Q. All right. And how were you compensated for making these arrangements?

A. Xtra Jet would bill me back.

Q. Okay. And what was your understanding with Xtra Jet as far as what you would be billed?

A. It was discussed prior to making the reservations.

Q. Would you -- excuse me. Let me rephrase that.

Did you have a set fee that you would be billed by Xtra Jet or did you negotiate it differently for each flight?

A. Well, each destination carries its own price --

Q. Okay.
A. -- depending on where he was going.
Q. So there was a -- in effect, a form or schedule of what the cost of the flight would be, depending on where it went, true?
A. Absolutely.
Q. And how were you compensated?
A. I received commission.
Q. Okay. And would the commission be a percentage of the total cost of the flight?
A. Usually, yes.
Q. All right. Now, if Xtra Jet sent you a bill, would you then typically forward that bill to whoever you thought should pay it?
A. Yes.
Q. And you've indicated that you sent some bills to MJJ Productions, right?
A. Yes.
Q. And you sent some bills to Neverland Valley Entertainment, right?

A. Yes.
Q. Now, the prosecutor asked you some questions about who owns those companies, correct?
A. Yes.
Q. You don't have any idea whatsoever who actually owns stock or any other interest in Neverland Valley Entertainment, true?
A. I wouldn't say that that's true at all. I would say I was told about Neverland Valley Entertainment.
Q. Only by Mr. Schaffel, correct?
A. Yes.
Q. And certainly it was always your understanding that Mr. Schaffel was trying to promote a relationship with Michael Jackson for his own benefit, true?
MR. NICOLA: Objection. Calls for speculation, Your Honor.
THE COURT: Sustained.
Q. BY MR. MESEREAU: You never spoke to Mr. Jackson about whether he owned any interest whatsoever in Neverland Valley Entertainment, did you?

A. No.

Q. Your information about Neverland Valley Entertainment came primarily from Mr. Schaffel, true?

A. And one of the bookkeepers.

Q. How long would you say you were a friend of Mr. Schaffel?

A. I believe I said almost 20 years.

Q. Okay. Did you know whether or not Mr. Schaffel would try and get reimbursed for anything his company allegedly spent for Mr. Jackson?

A. Yes. Yes.

Q. Did you have knowledge that Mr. Schaffel would sometimes send bills to Mr. Jackson's accountants?

MR. NICOLA: Objection. Relevance; calls for speculation; lack of foundation.

THE COURT: Overruled.

You may answer “yes” or “no.”

THE WITNESS: Yes, I have knowledge.

Q. BY MR. MESEREAU: And did you have any knowledge at the time that Mr. Schaffel was sending bills to Mr. Jackson's accountants for money allegedly spent on the Arvizos?

MR. NICOLA: Objection, Your Honor. That lacks a foundation.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you ever learn whether or not Mr. Schaffel was sending bills to Mr. Jackson's accountants seeking reimbursement for money he claimed he spent on the Arvizos?

MR. NICOLA: Your Honor, that calls for speculation. Lacks foundation.

THE COURT: Overruled.

THE WITNESS: I know that he -- I'm sorry. I have some knowledge.

Q. BY MR. MESEREAU: Pardon me?

A. I have some knowledge.

Q. Okay. When you sent bills to Neverland Valley Entertainment, your understanding was that Mr. Schaffel owned some interest in that company, true?

A. Absolutely.

Q. And you also knew that Mr. Schaffel was sending bills to Mr. Jackson's accountants on behalf of Neverland Valley Entertainment claiming he was owed reimbursement, true?

A. Yes.

Q. And you say, as you sit here today, you've never learned Mr. Schaffel has sued Mr. Jackson claiming he's owed millions?

MR. NICOLA: Objection, Your Honor. That's argumentative, calls for speculation.

THE COURT: Sustained.

Q. BY MR. MESEREAU: The prosecutor showed you some documents involving travel plans that came to you from Evvy Tavasci, correct?

A. Yes.

Q. And your understanding was that Evvy Tavasci was a personal assistant to Mr. Jackson, right?

A. Yes.

Q. And she was employed by MJJ Productions, right?

A. As far as I understood, yes.

Q. And your understanding was that MJJ Productions was a company owned by Michael Jackson, correct?

A. Yes.

Q. Now, you would often make travel arrangements for Mr. Jackson and members of his family, true?

A. Yes.

Q. And did you meet other members of his family at any time, to your knowledge?

A. Um, cousins.

Q. And who were they?

A. Elijah Jackson. People that were in Vegas.

Q. And to your knowledge, who was Elijah Jackson?

A. I believe to be a cousin or a nephew.

Q. Okay. Did you ever meet Grace Rwaramba?

A. Yes.

Q. And where did you meet Grace Rwaramba?

A. Officially on the tarmac in Santa Barbara.

Q. And your understanding was that she was a

nanny for Mr. Jackson's --
A. Correct.
Q. -- children, correct?
A. Correct.

Q. Did you ever meet his children?
A. I don't recall.
Q. How about Levon Jackson?
A. I can't recall that either.
Q. Okay. How about P.K. Jackson?
A. That's one of the children.
Q. P.M. Jackson? Never met them?
A. To the best of my knowledge, no. Best of my recollection, no.
Q. You met the nanny but not the children, right?
A. Right.
Q. And how about Patricia Chavez?
A. No.
Q. But you remember booking flights for these individuals, right?
A. The names are very familiar.
Q. Okay.
A. Sure.
Q. Do you recall making any special arrangements for the dietary needs of his children?
A. Diet -- special dietary needs. Just what Evvy would tell me to order.
Q. So pretty much she made those decisions, not you?
A. That's correct.
Q. She'd forward the information to you, you would then call Xtra Jet and arrange for it to

happen; is that right?
A. Yes.
Q. All right. When did you last book a flight for Mr. Jackson, to your knowledge?
A. November 19th, 2003.
Q. Do you ever remember booking flights for the Cascio family?
A. I do.
Q. Did you ever meet the Cascio family?
A. Just the son.

Q. Okay. Ever meet the parents?
A. No.
Q. To your knowledge, are you the only one in your family suing Mr. Jackson?
A. Yes.
Q. Is it you individually, or your company, or both?
A. As an individual.
Q. Okay. The company did not sue Mr. Jackson; is that true?
A. Yes, that's true.
Q. And when did you file that suit, if you know?
A. I believe 2004.
Q. Was it filed in Los Angeles?
A. Yes.
Q. To your knowledge, is the case currently going forward?

A. Yes.
Q. Okay. Are you familiar with an individual named Michelle Christina?
A. Not that I recall.
Q. How about a company called Oneness, O-n-e-n-e-s-s?
A. Yes.
Q. And when did you first become familiar with a company called Oneness?
MR. NICOLA: I'm going to object, Your Honor. It doesn't appear to be relevant. It's beyond the scope of direct.
MR. MESEREAU: I will -- I will tie it up, Your Honor.
THE COURT: All right. Overruled.
Q. BY MR. MESEREAU: You get involved in charitable fund-raisers from time to time, correct?
A. Yes.
Q. Is that part of what your travel company does?
A. I donate through my travel company.
Q. Do you ever help to arrange charitable fund-raisers?
A. Yes.
Q. And is that one of the things your company

does?

A. Like I just said, I donate travel for charities.

Q. Okay. And you became familiar with a company Oneness while doing just that, right?

MR. NICOLA: I'm going to renew my objection, Your Honor, on relevance grounds.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Are you claiming that because Mr. Jackson owes you money, you're not going to pay a company called Oneness?

MR. NICOLA: Objection. Your Honor, there's --

THE COURT: Sustained.

Q. BY MR. MESEREAU: How many fund-raisers have you been involved in for Marc Schaffel?

A. One.

Q. Just one?

A. Yes.

Q. Okay. Have you ever assisted in promoting Mr. Schaffel's company in any way?

MR. NICOLA: I'm going to object. Your Honor, this is not relevant.

THE COURT: Overruled.

You may answer.

THE WITNESS: I'm sorry?

Q. BY MR. MESEREAU: Have you ever assisted Mr. Schaffel in any public relations efforts involving his company?

A. "His company" being Neverland Valley?

Q. Any company he owns.

A. Not that I -- I mean, I'm not sure I'm understanding where -- what the question is. Have I promoted his company?

Q. Yes.

A. I would say no to that.

Q. Okay. But the fund-raiser you claim you met Mr. Jackson at was a fund-raiser arranged by Mr. Schaffel, true?

A. Yes.

Q. And you were assisting him with that, true?

A. Yes.

Q. Okay. Were you assisting him in raising money?
A. Yes.
Q. Have you done that on other occasions?
A. Yes.
Q. How many times have you assisted Marc Schaffel in raising money, to your knowledge?
A. Just that one time.
Q. I'm sorry if I misunderstood.
A. Just that one time.
Q. Okay. Never on any other occasion?
A. Not that I'm aware of.
Q. Okay. Have you ever had any kind of a financial interest in any projects involving Mr. Schaffel?
MR. NICOLA: Objection, Your Honor. It's vague, lacks a foundation and not relevant.

MR. MESEREAU: Bias, Your Honor.
THE COURT: Overruled.
You may answer.
THE WITNESS: No.
Q. BY MR. MESEREAU: Have you ever done any business with Mr. Schaffel other than arranging flights and helping him with that one fund-raiser?
A. Not to my knowledge.
Q. When did you first meet with any representative of the prosecution about your testimony?
A. Sometime in the year 2004.
Q. Were you contacted by any representative of the prosecution for purposes of that meeting?
A. I received a phone call.
Q. Okay. And who called you?
A. I believe it was Lieutenant Jeff Klapakis.
Q. And how many meetings do you think you've had before today with any member of the prosecution to discuss this case?
A. Specifically the prosecution or the detectives?
Q. Let's start with the prosecution.
A. I met with them -- I just met them last week.
Q. For the first time?

A. Yes.
Q. Were you with your attorney?

A. No.
Q. When did you first notify the prosecution that you would not testify in this trial unless you were granted legal immunity?
A. I did not do that.
Q. Who did it?
A. My attorney.
Q. Do you know when he first did that?
A. I can't be certain of that.
Q. Okay. Do you have any idea at all?
A. I think it was Thursday maybe.
Q. Okay.
A. I have no idea.
Q. Okay. Did you ever personally, on your own initiative, call any sheriff to give information about Mr. Jackson?
A. I did.
Q. And when did you do that?
A. After I saw the 60 Minutes Ed Bradley special.
Q. Okay. Did you then meet with any representative with the sheriff's department?
A. Not at that time, no.
Q. How many times have you personally called the sheriff's department to volunteer information about Mr. Jackson?
A. About Mr. Jackson?
Q. Yes.

A. I couldn't tell you a number.
Q. How many interviews do you think you've had with any representative of the sheriff's department about Mr. Jackson?
A. Several.
Q. How many do you think?
A. In person, three or four.
Q. Have you ever had any discussion with anyone about what you were going to say in court today linked to the prosecution?
A. Yes.
Q. Who?

A. Mr. Nicola and the sergeant and the lieutenant.

Q. Did you discuss with Mr. Nicola what questions you were going to be asked in court?

A. Yes.

Q. And did you and he discuss what your responses were going to be?

A. To tell the truth.

Q. Say anything more than that?

A. Just tell the truth. Be honest.

Q. That's all he said, right?

A. To relax.

Q. Okay. So he went over questions he was going to ask you, and all you said in response was, “I'll tell the truth, I'll tell the truth,” right?

A. To answer the questions pertaining to the 7610 evidence that I am responsible for doing, correct.

Q. Did you ever discuss with Mr. Nicola of the prosecution the fact that you had legal immunity?

A. After my attorney called him, I did.

Q. And did you and he ever go over what legal immunity means?

A. Yes. We touched on it.

Q. And when did you do that?

A. I believe that day, Thursday.

Q. Okay. And that would be last Thursday, correct?

A. Correct.

Q. Did you and he discuss any document that gave you legal immunity from being prosecuted for what you said in court?

A. No.

Q. Did you and your attorney ever meet with Mr. Nicola regarding your grant of legal immunity?

A. Mr. Nicola was introduced to my attorney yesterday morning for the first time. I wasn't privy to their conversation.

Q. So you'd never had a meeting with Mr. Nicola and your attorney present, correct?

A. Not a meeting, no.

Q. Okay. To your knowledge, have you ever been involved in any secretly recorded telephone conversations concerning this case?

A. Yes.

Q. How many conversations, to your knowledge, have you been involved in that were secretly recorded?

A. One.

Q. Did you know that conversation was going to be recorded?

A. I was asked to record it, yes.

Q. Was that by the representatives of the sheriff's department?

A. Yes.

Q. And did you call someone knowing that that call was going to be secretly recorded?

A. I did.

Q. Okay. And approximately when was that?

A. 2004, the beginning -- I'm not sure. I'm sorry.

Q. Do you have any idea?

A. Not without reviewing documents, no, sir.

Q. Okay. The round trip that you -- excuse me, let me try and find the right word.

You and Mr. Schaffel discussed a round trip to Brazil involving the Arvizos, correct?

A. Yes.

Q. And you put together an itinerary for that round trip, right?

A. I made a reservation for that trip.

Q. And in the course of making the reservation, you actually had an itinerary with dates, correct?

A. Yes.

Q. There was a departure date, true? And there was a return date, right?

A. True.

Q. The trip you were arranging was for how many people?

A. Four.

Q. You separately had arranged a Brazil trip for Mr. Schaffel, correct?

A. Yes.

Q. You arranged a separate trip for Mr. Schaffel around the time that you and he discussed arranging a trip for the Arvizos, correct?

A. Yes.
Q. And when you used to get tickets for Mr. Schaffel, how would you typically arrange to pay for those tickets?
A. He would send me a check or put it on his credit card.
Q. Did he ever send you a check involving a trip for the Arvizos?
A. I couldn't tell you for sure. I'd have to look at documents.
Q. To your knowledge, was there ever a charge made on any credit card for a trip to Brazil involving the Arvizos?
A. Not to my knowledge.
Q. Okay.

A. No.
Q. And at no time did you ever arrange any trip to Brazil for Mr. Jackson, right?
A. That's right.
Q. And at no time did you ever speak to Mr. Jackson on the phone about any trip to Brazil, right?
A. I've never spoken to Mr. Jackson on the telephone.
Q. And you've never spoken to him in person about any trip to Brazil at any time?
A. That's correct.
MR. MESEREAU: I have no further questions at this time.
THE COURT: Counsel?
MR. NICOLA: Thank you, Your Honor.

REDIRECT EXAMINATION
BY MR. NICOLA:
Q. Mrs. Montgomery, did you actually review the Judge's order granting you use immunity during the break?
A. I did.
Q. Okay. And do you understand use immunity does not protect you from lying on the witness stand; isn't that correct?
A. Absolutely.
Q. You indicated with respect to the events of

November 20th of 2004 -- 2003. Thank you for that -- with respect to the events of November 20th, 2003, you've cooperated with the FBI?
A. I have on several occasions.
Q. Okay. And was it your idea to request immunity in this case?
A. No, it was not.
Q. It was your attorney's?
A. Absolutely -- yes.
Q. Were you present in court yesterday when immunity for you was discussed amongst all the attorneys and the Judge?
A. Yes, I was.
Q. Did your attorney actually object to that?
A. Yes, he did.
Q. Again, was that your idea or his?
A. It was his idea.
Q. You mentioned that you contacted law enforcement for the first time after seeing an Ed Bradley 60 Minutes interview?
A. Yes, I did.
Q. Was that broadcast on television?
A. It was.
Q. Was there something about that that caused you to pick up the phone and call the police?
MR. MESEREAU: Objection; relevance.
THE COURT: Overruled.
Q. BY MR. NICOLA: You may answer.

A. Yes. A statement Mr. Jackson made.
Q. What was that statement?
A. That he was mishandled by the authorities upon his arrest.
MR. MESEREAU: Objection; relevance.
THE COURT: Overruled. It's redirect of questions you asked.
Q. BY MR. NICOLA: Would you answer that question again? I believe you were cut off.
THE COURT: I'll just have the question and statement read back.
Read the question and answer, please.
(Record read.)
Q. BY MR. NICOLA: Were you present at his

arrest scene?
A. I was -- yes. When he was put into handcuffs, yes, I was.
Q. Was that the tail end of that November 20th flight in 2003?
A. It was close to the tail end of it.
Q. Okay. And you witnessed the events?
A. I did.
Q. Felt what Mr. Jackson said on the television was not true?
MR. MESEREAU: Objection. Move to strike; foundation.
THE COURT: Sustained. It's stricken.
Q. BY MR. NICOLA: Did you see Mr. Jackson being mishandled by anybody?

MR. MESEREAU: Objection. Relevance; foundation.
THE COURT: Sustained.
Q. BY MR. NICOLA: Could you tell us on approximately how many occasions you contacted Lieutenant Klapakis?
A. How many times I contacted him? Through the course of this investigation?
Q. Yes.
A. Many.
Q. You talk to him frequently, correct?
A. I do.
Q. And did you always relay to him information that you had firsthand knowledge of?
A. I did.
Q. Okay. Did you also relay to him things that you had heard from other sources?
A. Yes, I did.
Q. Did you ever actively try to hide anything from Lieutenant Klapakis when he inquired with you about facts you may know about the case?
A. No, I did not.
Q. Did you hide anything from the FBI when they interviewed you about the November 20th flight?
A. No, I did not.
Q. I'd like to clean something up in your cross-examination. You actually testified that the

flight arrangements you made for the Arvizos to Brazil occurred in 2001. That actually occurred in 2003?

A. Yes, it did.

Q. Could you take a look at Exhibit No. 848 again, please, and just confirm that?

A. February 25th, 2003.

Q. And the day of their flight was March 2nd?

A. March 1st of 2003.

Q. And you indicated on cross-examination that at some point Mr. Schaffel called you and said there was a change of plans regarding the Arvizos' trip?

A. Yes, he did.

Q. Do you recall his tone of voice when he spoke with you?

A. I'm not sure I recall his tone of voice.

Q. Do you recall anything about that conversation that caused you to take particular note of it?

A. Normal for Schaffel's behavior.

Q. Normal behavior for Mr. Schaffel?

A. Uh-huh. I would say yes to that.

Q. Is there anything that can help you pinpoint the date of when he contacted you and said there had been a change of plans?

A. I don't recall a date that he would have told me to cancel the reservations.

Q. Do you know even whether that occurred after the flight was scheduled to leave?

A. Reservations, if you don't ticket, will fall out of the computer system after -- 24 hours after the scheduled departure date.

Q. Is there any indication on Exhibit 847 of a cancellation date?

A. 848?

Q. 848, I'm sorry.

A. No. They were never physically cancelled.

Q. Okay. The information regarding the address for Mrs. Arvizo --

A. Yes.

Q. -- Mr. Schaffel give you that address?

A. Yes.

Q. Would you read that whole address into the record for us, please?

A. Ms. Janet Arvizo, 11520 Trent Court, Calabasas, California 91302.

Q. Okay. And he gave you each part of that address?

A. Yes.

Q. To your knowledge, and with your experience in dealing with securing visas for clients that travel outside of the country, do you know the different levels of visas that are available for travel into Brazil specifically?

A. You have to call each consulate every time you book into a country, find out the specific

needs.

Q. And with your contact specifically with respect to Brazil and Mr. Schaffel traveling down there, did you have knowledge from your contacts with the consulate as to whether they issued 30- or 60- or 90-day visas?

A. I called to inquire at the time I made the reservations, yes.

Q. So you called to inquire on the Arvizos' reservation as well?

A. I called because they needed passports, so I needed to know how --

Q. Do you recall what the length of the visa was they were requesting?

A. I don't recall that.

Q. If you asked for a 30-day visa, but you overextend your stay, do you know what happens?

A. Well, if -- customs, if they catch you, they will kick you out of the country.

Q. Okay. But they have to catch you first?

A. Yes. They would catch you trying to depart the country, actually. They would see that your visa had expired, if it did expire.

Q. You mentioned that you secretly recorded one telephone conversation. Do you recall which detective asked you to do that?

A. Two detectives. One lieutenant, one sergeant.

Q. Okay. And was that something that you did willingly?

A. Yes.

Q. They didn't pressure you or threaten some kind of prosecution against you if you didn't do that?

A. No.

Q. Has anybody at this table, anybody you've met from law enforcement or the prosecution, ever threatened you or tried to coerce you and get you to say anything that was not truthful?

A. No.

Q. Does this grant of use immunity protect you from lying on the witness stand?

A. No, it does not.

Q. Do you understand if you do, you can be prosecuted for perjury, correct?

A. Yes, correct.

Q. Your suit against Mr. Jackson, you are suing for the cost of the flight from Las Vegas to Santa Barbara, plus other expenses?

A. Correct.

MR. NICOLA: Okay. Your Honor, I have no further questions.

THE COURT: Mr. Mesereau?

MR. MESEREAU: Yes.

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RECROSS-EXAMINATION

BY MR. MESEREAU:

Q. The prosecutor asked you questions about what your attorney said in court yesterday, right?

A. Yes.

Q. And you were present yesterday when your attorney made those comments on your behalf, true?

A. Yes.

Q. Your attorney expressed a concern in open court that you might be prosecuted in Nevada, true?

A. I believe he said that.

Q. Your attorney also expressed concerns that you might be prosecuted in federal court, true?

A. I believe he said that.

Q. And because of his fear that you might be prosecuted, he didn't want you to testify at all,

correct?

A. It's his job to do that.

Q. Because of his fears that you would be prosecuted, he didn't want you testifying at all, true?

A. I've had a conversation with my attorney. I don't believe he has any fears of my prosecution.

Q. Did your attorney express concerns yesterday in this courthouse in your presence and on your behalf that you might be prosecuted in Nevada and also by federal authorities?

MR. NICOLA: Object. Objection, Your Honor, calls for hearsay and speculation.

THE COURT: Sustained.

Q. BY MR. MESEREAU: It's a concern that you might be prosecuted that resulted in your demand for a legal immunity, true?

MR. NICOLA: Objection; misstates the evidence.

THE COURT: Overruled.

You may answer.

THE WITNESS: No.

Q. BY MR. MESEREAU: Your position yesterday in this courtroom was, "If I don't get immunity, I don't testify," right?

A. That was my attorney's position.

Q. But you had nothing to do with that?

MR. NICOLA: Objection, that's argumentative, Your Honor. Calls for hearsay.

THE COURT: Sustained.

MR. MESEREAU: No further questions.

MR. NICOLA: May I inquire, two, from here, Your Honor?

THE COURT: No.

MR. NICOLA: From here?

THE COURT: Yes.

FURTHER REDIRECT EXAMINATION

BY MR. NICOLA:

Q. Is it your understanding that if you did something wrong on November 20th you can still be prosecuted either in Nevada or federal court?

A. Yes, it's my understanding.
MR. NICOLA: Okay. I have no further questions.
MR. MESEREAU: No further questions.
THE COURT: Thank you. May step down.
MR. MESEREAU: Your Honor, may the witness be subject to re-call?
THE COURT: Yes.
THE WITNESS: Am I excused?
MR. NICOLA: Yes.
THE WITNESS: Thanks.
THE COURT: Call your next witness.
MR. NICOLA: I believe it's going to be Lieutenant Jeff Klapakis, Your Honor.
THE BAILIFF: He's on his way in.
THE COURT: You're still under oath. You may be seated.

JEFF KLAPAKIS
Having been previously sworn, resumed the stand and testified further as follows:

REDIRECT EXAMINATION
BY MR. NICOLA:
Q. Good morning, Lieutenant Klapakis.
A. Good morning.

Q. Do you recognize the document labeled 848 in front of you, Exhibit 848?
A. Yes, I do.
Q. Were you present during a meeting with Cindy Montgomery, Cynthia Montgomery, where she explained the contents of that document for you?
A. Yes, I was.
Q. Did she explain to you how the address for Janet Arvizo was placed on that bill and who the source of the information for that was?
A. Yes, she --
MR. SANGER: Objection.
MR. NICOLA: It's a "yes" or "no" question.
MR. SANGER: I'll withdraw it, as long as he goes no further.
Q. MR. NICOLA: Just "yes" or "no."
A. Yes.

Q. Okay. Are you trained to search for addresses and verify whether or not they exist?

A. Yes.

Q. Does the address listed on 848 for Janet Arvizo in Calabasas exist?

A. No.

MR. NICOLA: Nothing further.

CROSS-EXAMINATION

BY MR. SANGER:

Q. You were the officer who first had a formal interview with Miss Montgomery; is that correct?

A. Yes.

Q. And that was on January 13th, 2004?

A. Well, my first contact with her was in November of .03.

Q. Oh, that's true. Okay. As far as a formal interview, though, you didn't have a formal interview until that time?

A. I've had several interviews with her. I'm not quite sure of the date, sir.

Q. You were aware that prior to that, she had called and volunteered some information. She had talked to somebody else in the sheriff's department; is that right?

A. Yes.

Q. And as a result of her calling and volunteering information, you then called and talked to her?

A. Yes.

Q. And you had a rather extensive interview with her; is that correct?

A. Phone interview, yes.

Q. Phone interview.

And following that, arrangements were made to meet with her on January 22nd, 2004, correct?

A. I believe it was in January. But I'm not quite sure of the date.

Q. And that was a date in which you met with her and with her attorney, Robert Moore; is that right?

A. Yes.

Q. And she then volunteered information about Mr. Schaffel; is that right?
A. That's correct.
Q. And she volunteered information about other people associated with Mr. Schaffel; is that correct?
A. Yes.
Q. And she offered to make a pretext telephone call to one of those people; is that correct?
A. She did agree to do that, yes.
Q. And she made the call and it was tape-recorded for the benefit of the sheriff's department; is that right?
A. Yes.
MR. SANGER: I have no further questions.

REDIRECT EXAMINATION
BY MR. NICOLA:
Q. To your knowledge, Lieutenant, are members of police agencies investigating crimes or their agents - for example, citizens who agree to work with them - allowed to tape-record telephone conversations during the course of an investigation?
MR. SANGER: I'm going to object to the form of the question. Calls for speculation, and/or irrelevant information.

THE COURT: Overruled.
THE WITNESS: Yes, they are.
MR. NICOLA: Okay. Nothing further.

RECROSS-EXAMINATION
BY MR. SANGER:
Q. All right. So just to clarify that, under -- your understanding of California law is that if law enforcement, a peace officer, authorizes somebody to make a call and tape-record it, that that permits them then to do so; is that right?
A. That is my understanding of California law.
Q. In other words, it would be unlawful otherwise for just an ordinary citizen to tape-record a telephone conversation without the consent of both parties to the conversation; is that right?

A. That's correct. You need law enforcement direction.
Q. Yes. So there's a law enforcement exception to that rule - all right?
A. Yes.
Q. -- that allows -- that allows law enforcement to tape-record in California, to tape-record a conversation without the consent of the other party, correct?
A. Yes.

Q. And that's been interpreted to allow a law enforcement officer to empower another person, a civilian, to make a call and tape-record it without the consent of the other party as long as law enforcement said it was okay; is that right?
A. That is my understanding of California law, yes.
Q. Okay. And in this particular case, did you -- did your office -- whether it was you in particular or not, did your office participate in making this pretext call that was tape-recorded?
A. I participated in it.
Q. Okay. So this wasn't just saying, "If you want to tape-record somebody, go do it." It was you actually sitting there getting the tape-recorder set up on the phone and having her place the call in your presence; is that right?
A. That's correct.
Q. Okay. And it was your understanding at that time that she was attempting to be helpful in the case against Mr. Jackson; is that right?
A. She was helpful in this investigation, yes.
MR. SANGER: Okay. No further questions.
MR. NICOLA: No further questions, Your Honor.
THE COURT: You may step down.
Call your next witness.
MR. AUCHINCLOSS: People call Hamid Moslehi.

THE COURT: Come forward. When you get to the witness stand, please remain standing.
BAILIFF CORTEZ: Right here, sir.
THE COURT: Face the clerk here and raise

your right hand.

HAMID MOSLEHI

Having been sworn, testified as follows:

THE WITNESS: Yes, I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Hamid Moslehi. H-a-m-i-d; M-o-s-l-e-h-i.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Good morning, Mr. Moslehi.

A. Good morning.

Q. What is your occupation, sir?

A. I do still photography and video production.

Q. And what training and experience have you had that qualifies you to -- for that profession?

A. Training; like what do you mean by that?

Q. Well, I mean, what is your background that qualifies you for that position, to be a professional photographer and videographer?

A. Well, I majored in art directing, actually. But then now I started, like, experience hands-on in photography, and then I got into video production, so I became one.

Q. All right. How long have you been a professional photographer/videographer?

A. Since 1990 I would say.

Q. Okay. The microphone I'm going to have you use is the one on the left there, okay?

A. Sorry.

Q. And tell me a little bit about the type of photography that you do and the type -- we'll start with the type of photography that you do.

A. I do, like, documentaries. I do events. And kind of news style, too.

Q. Okay. When I say “photography,” I'll -- my intention will be to cover still photography as well as videography, okay?

A. Okay.

Q. When you say "documentaries," are you talking about videos?

A. That's correct.

Q. What about production of videos? Editing, this type of thing? Do you participate in that activity?

A. Sure. I do, like, pre-production, and then production, and post-production, which contains some editing work.

Q. Okay. What are the distinctions between pre-editing --

A. Pre-production is mostly planning for the production. Production, it's the shooting itself. And post-production is editing it and putting the final touches together.

Q. Do you have any employees for your business?

A. I hire, like, independent contractors.

Q. On an as-needed basis or --

A. That's correct.

Q. Have you ever -- well, let me back up. How do you work with an individual who hires you in terms of the legal arrangement? Do you ever act as an employee?

A. No. They're mostly independent contractor. Basically they work per project. So I give them a call, check their schedule. If they are available, then I book them.

Q. And what type of independent contractors do you use? What --

A. Freelance people mostly.

Q. But specifically what tasks do you assign them?

A. It could be sound, it could be assisting, it could be lighting, grip, all sort of thing.

Q. What's a grip?

A. A grip is the guy who put, like, stands together or, you know, carries heavy equipment around, and things like that.

Q. Have you ever been contracted by MJJ Productions for any of your photography work?

A. MJJ Production has used my services from 1996, I believe, till 2003.

Q. And what type of services have you provided to MJJ Productions?

A. Still photography and video production.

Q. How many projects have you worked on with MJJ Productions?

A. I would say between maybe 40 to 50 projects.

Q. And if you can tell me, give me an example, or a couple of examples, of the nature of the work that you do for MJJ Productions.

A. Could you be more specific to that? Like --

Q. Well, do you ever receive still photography assignments?

A. Sure.

Q. What type?

A. It could have been a birthday party. It could have been family portrait pictures. It could have been concert.

Q. Okay.

A. Or documentaries.

Q. Same question for videography.

A. Same.

Q. Same answers?

A. Same answers.

Q. Okay. When you work for MJJ Productions, how do you become aware that there is a job for you there? Who informs you that MJJ Productions wants to employ your services?

A. Typically I would get a call from Mr. Jackson's personal assistant at MJJ Production. And basically I would check my schedule. Upon my availability, I would book that job and take it from there.

Q. What do you understand MJJ Productions to be?

A. I believe it's Michael Joe Jackson Productions.

Q. Okay. Michael Jackson's production company?

A. Yeah.

Q. Okay. And when you say “Michael Jackson,” you're referring to the gentleman seated in -- at the table to my right?

A. That's correct.

Q. And when you shoot video work, what type of documentaries? You mentioned that you would shoot video documentaries. Give me an example.

A. For example, Mr. Jackson would take a trip to London to do -- for, like, a fund-raising event. And I would shoot basically fans, media, everything that goes around it. And including the event itself.

Q. Would Mr. Jackson ever personally call you

to set up one of these contracts that you'd do for him?

A. Maybe a few times.

Q. Okay. And when I say "contract," I mean you're a contractor, contracted employment?

A. That's correct.

Q. Okay. Did you ever do any public relations type of photography for Mr. Jackson?

A. In what sense? Like --

Q. Videos or still photographs that were going to be used for public relations purposes.

A. Sure.

Q. How many times, if you can approximate?

A. Maybe 20, 25.

Q. Did you interact with Mr. Jackson when you were shooting those projects?

A. Sure.

Q. Can you tell me what his level of interest was and involvement -- well, let's start with his interest. When you did those projects, can you characterize how involved -- let's strike that question. We'll go right to involvement.

How involved would Mr. Jackson be with you when you would be shooting a project that was for public relations purposes?

A. How involved? Like what --

Q. Would he interact with you?

A. Sure.

Q. And what would his level of interaction be in terms of what he wanted concerning the specific project?

MR. MESEREAU: Objection; vague.

THE COURT: Overruled.

Q. BY MR. AUCHINCLOSS: Do you understand the question?

A. Please repeat that question one more time.

Q. My question is, what would his level of interaction be with you regarding the video project that you're shooting for public relations purposes?

A. Mostly technical. Like lighting, camera angles.

Q. He would talk to you about that?

A. Sure.

Q. All right. Would he tell you what angles he wanted?

A. He would look at the monitor and then make some suggestions as to what he likes it to be.

Q. What about the finished product? Would he be interested or involved with you concerning what the finished project would look like?

A. Sure. Sometimes.

Q. All right. Were you ever present when he was shooting a music video?

A. Yes.

Q. What was -- was he involved in that process, if you know?

A. Of the story? Or --

Q. The shooting of it. How involved would he be with the part of the project that you observed?

A. I'm sure he would be involved with the director as far as the story of the music video, and also with the director of photography for the look of the picture.

Q. As far as the finished product would go, can you characterize Mr. Jackson's level of interest in terms of how that finished product would come out?

MR. MESEREAU: Objection; vague.

THE COURT: Overruled.

You may answer.

THE WITNESS: Very perfectionist, I would say.

Q. BY MR. AUCHINCLOSS: Okay. And why do you say he's a perfectionist?

A. Because he would make comments that would make sense, changes, and using a level of perfectionism I would say.

Q. Were you familiar with a project that was --

that involved Martin Bashir that was entitled, “Living with Michael Jackson”?

A. Say that, your question, one more time.

Q. Are you aware --

A. Oh, yes, I am.

Q. -- of a video called “Living with Michael Jackson,” a documentary?

A. I am.

Q. Do you know if Mr. Jackson was involved in the production part of that documentary?

A. Production of it?

Q. Yes.

A. Meaning --

Q. The cutting, the editing. I'm talking about the whole production. Do you understand the word “production”?

A. I do understand the word “production.”

Q. Okay.

A. When you say “involved,” because Mr. Jackson was the subject of this documentary.

Q. I know.

A. Now, technically, was he involved technically with it?

Q. Yes.

A. In some level.

Q. And what level was he involved?

A. Mostly the look of the camera and the picture.

Q. Okay. And did you participate at all in the making of that video production?

A. The Martin Bashir, right?

Q. Yes.

A. Yes, I did.

Q. In what capacity?

A. I was called from Mr. Jackson's office to come to Neverland and supervise a production or a shoot that is taking place by Martin Bashir. I was -- usually my duties are to make sure that Mr. Jackson looks good in that monitor or a picture of it. That includes camera angles, lighting, other technical things. And that's what my involvement was for that documentary.

Q. Okay. What does the term “personal videographer” mean?

A. A personal videographer would be someone who creates video images for another person.

Q. And is it uncommon in the world of celebrities for celebrities to have their own personal videographer?

A. Actually, it's called a personal DP. This stands for Director of Photography.

Q. All right.

A. It is common that celebrities have their own DP that they bring on a shoot, because that person is familiar with that, with the image of that celebrity, and it could help to create a good-looking picture.

Q. And during the period of time that you worked as a contractor for Mr. Jackson, were you his personal DP?

A. I worked on certain projects that I acted as a personal DP for Mr. Jackson.

Q. Was there anybody else during that time who

was working with him as a personal DP?

MR. MESEREAU: Vague as to time.

MR. AUCHINCLOSS: That's fair.

Q. During -- I believe you said that you began working with him in .97?

A. 1996.

Q. 1996. And when did you finish, stop working with him?

A. I believe early 2003.

Q. Okay. So during that period, are you aware if he had any other personal DPs?

A. At the beginning there was another gentleman that also had the same kind of position.

Q. Uh-huh. And then at some point, did you become the only personal DP for Mr. Jackson?

A. That's correct.

Q. When did that occur?

A. I think towards .97. 1997.

Q. Okay. So from .97 to 2003, were you Mr. Jackson's personal DP?

A. That's correct.

Q. And did you ever travel with Mr. Jackson?

A. Yes, I did.
Q. Did you ever go on tour with Mr. Jackson?
A. Yes, I did.
Q. Did you ever go to places at Mr. Jackson's behest, at his request, to meet him and do video shoots?

A. Yes, I did.
Q. Okay. Now, as far as the Martin Bashir video, you said that you participated in -- well, let me strike that.
Did you participate as a personal DP in any of the video shoots involving Michael Jackson for the Martin Bashir special?
A. Yes, I did.
Q. How many?
A. I'm sorry.
Q. Help yourself.
A. I think three sessions.
Q. Do you know the dates?
A. To my best memory, I think it was July 30th of 2002, July 31st of 2002, and the last session was mid-January of 2003.
Q. And on these individual shoots, what were your duties?
A. The very first session, I took some still photographs and I hired a crew to do like a behind-the-scenes footage.
Q. Where was this first one that occurred on July 30th? Where did that shoot take place?
A. At Neverland Valley Ranch.
Q. All right. And you took some stills?
A. That's correct.
Q. Okay. Any video shooting on that day?
A. Yes.

Q. Did you help out with that at all?
A. Well, I hired a crew to do video and sound as a behind the scene, so, yes, there was a video and the still photography that day.
Q. And as far as the videographer for the actual special, the Martin Bashir special, did you do the video for that?
A. I helped Mr. Bashir's crew for lighting

purposes.

Q. Okay. So Mr. Bashir had his own crew for that shot -- that shooting, and you assisted with lighting?

A. Well, yeah, my duty were to light Mr. Jackson.

Q. Did you also help out with camera angles?

A. Yes.

Q. And what's your goal when you try to assist in lighting and camera angles? What are you trying to do?

A. I try to make my subject the best that they can look.

Q. Okay. What occurred on the 31st -- first of all, let me back up. Where did that shoot occur?

A. The 31st?

Q. Yes.

A. Neverland Valley.

Q. And what did you do at Neverland Valley on that date?

A. The second day, basically it was supposed to do just -- to be an interview only. So I helped Mr. Bashir's crew put up lighting. I did the lighting for Mr. Jackson. And I also recorded it on a separate camera.

Q. Did you record anything on a separate camera the first day?

A. Well, I had a crew the first day, which they were shooting behind-the-scene footage.

Q. So you had a separate camera both days?

A. They were different cameras, yes.

Q. Okay. And then you had another shoot in mid-January of .03. Where did that shoot occur?

A. Florida.

Q. Did you -- and I take it you flew to Florida to make that appointment?

A. That's correct.

Q. How did you become aware that that -- on the trip to Florida, how did you become aware that your services were going to be requested?

A. I believe I received a call from Mr. Jackson's assistant from MJJ Productions, and they informed me that there's going to be another

interview with Martin Bashir of Mr. Jackson in Florida.
Q. Okay. And what did you do to help out on that particular shoot?
A. Mostly lighting for Mr. Jackson.

Q. Did you do any behind-the-scenes video footage on that?
A. Yes, I did some footage of behind the scene and still photos.
Q. During the course of your work for Mr. Jackson, have you ever shot any videotape of a family with the last name of Arvizo?
A. Yes, I did.
Q. On how many occasions?
A. Approximately three.
Q. Do you remember the approximate month and year that those three video shoots took place or --
A. Each of them?
Q. Yes.
A. I believe the first one was October of 2000. Or, I'm sorry, the first one was September 2000, if I remember correctly.
The second was -- the second one was October of 2000, if I remember correctly.
And I believe the last one was February 19 of 2003.
Q. Were you present -- well, let me ask you, first of all, did you see the Martin Bashir special?
A. "Living with Michael Jackson"?
Q. Yes.
A. Yes.
Q. Did you see the segment in which Gavin Arvizo appears in that documentary?

A. Well, there's two versions. There's an ABC version and a BBC version. I saw the ABC version.
Q. Okay.
A. And I saw Gavin with Mr. Jackson in a scene.
Q. Were you present when that scene was shot?
A. No, I was not.
Q. Okay. Let's go back to the first video that you did for Mr. Jackson on -- involving the Arvizo family. You said it was September 2000. What was

that shoot about? First of all, tell me, if you can recall, who contacted you.

A. If I remember correctly, I received a call from MJJ Productions, Mr. Jackson's personal assistant, and they informed me that Mr. Jackson wants me to go to Neverland to shoot some footage.

Q. And you arrived at Neverland?

A. That's correct.

Q. Did you have any crew with you?

A. I believe I had one assistant, if I remember correctly.

Q. And what did you do at Neverland on that particular occasion?

A. I was told by Mr. Jackson to get some footage of Gavin and him walking around at Neverland.

Q. Is that the first time you met Gavin?

A. I believe so.

Q. Did you meet any other members of the Arvizo family on that trip?

A. His brother.

Q. Do you recall his name?

A. Star.

Q. So tell me how you went about your task of getting video footage. How did that happen, specifically?

A. I believe I was told by Mr. Jackson to just get some coverage, footage of Mr. Jackson and Gavin walking around the Neverland.

Q. Were these shoots scripted at all?

A. No.

Q. How did you go about getting this video footage?

A. I would basically decide what angle, how, where, you know, to shoot this footage.

Q. And who would decide the arrangement of the subjects and what the subjects would be doing?

A. Sometime Mr. Jackson will direct me as far as what shots he wants. But most of the time he would leave it up to me.

THE COURT: All right. Let's take our break.

(Recess taken.)

THE COURT: Counsel?

MR. AUCHINCLOSS: Thank you, Your Honor.

Q. BY MR. AUCHINCLOSS: Mr. Moslehi, where we left off, we were talking about the September 2000 video that you shot of Gavin and Michael Jackson.

Now, my last question really deals with the -- dealt more with the subject -- what the individual subjects of that video were doing.

First of all, let me ask you, who were the individual subjects in that video?

A. Mr. Jackson.

Q. Yes.

A. Gavin. I believe there was a shot of three of them, with Star, the brother.

Q. All right. Anybody else who appeared in that video?

A. Not that I remember.

Q. And in terms of what Mr. Jackson was doing in that video, who decided that, what he was doing, in terms of whether he was standing in a place, walking, that kind of thing?

A. Well, Mr. Jackson asked me to shoot some footage, and while he was walking with Gavin, I will decide whether to get an over-the-shoulder shot, which is a back shot, or run in the front and get a front shot.

Q. Okay. I understand that you were in charge of shooting the photography, the video, and that you made a decision about camera angles, right?

A. Sure.

Q. And but in terms of what Mr. Jackson was doing when you shot those photographs, did you direct him, or did Mr. Jackson do that on his own?

A. You mean the video, right?

Q. Yes. What he was doing.

A. He was walking with Gavin, I guess.

Q. Did you understand my question?

A. No, I'm sorry. Go ahead.

Q. Who made that decision, what Mr. Jackson was doing, what he did in that video? Who decided --

A. Himself. Mr. Jackson himself.

Q. So you didn't tell him, “Go stand over there. And now I want you to walk across" --

A. No.

Q. Okay. He decided.

Let's talk about the second video. You mentioned that was in October of the same year; is that right? 2000?

A. As I remember, yes.

Q. Who were the subjects of that video?

A. Well, the video was a pilot. A pilot is like a little sample of an idea. Mr. Jackson -- well, I had a meeting with Mr. Jackson, and he informed me that he likes to do a program called "Neverland Channel."

Q. Okay.

A. Which is like --

Q. So this was a little pilot --

MR. MESEREAU: Objection. I don't think the witness completed his response, Your Honor.

MR. AUCHINCLOSS: Then I believe we were getting nonresponsive. But --

THE COURT: Well, you can ask him another question. Go ahead.

Q. BY MR. AUCHINCLOSS: All right. So going back to my original question, who were the subjects of that video?

A. The host of the video was Star, Gavin's brother.

Q. Okay. And who else appeared in that video?

A. Some other kids, including Gavin, and some animals.

Q. How long did that video take to shoot?

A. A good 16-hour day it was.

Q. 16 hours?

A. Yeah. One day.

Q. Did Star exhibit any natural talent in terms of his ability to host this program?

A. "Natural talent" meaning?

Q. Talent.

A. Was he be able to do this right, or --

Q. Correct.

A. Not really.

Q. Tell me what you mean.

A. Well, first of all, dealing with kids and

animal in production is really tough.
Q. Uh-huh.
A. But when you deal with both of them, is just another situation that it's really tough to shoot.
Star did not have enough, I guess, rehearsal or talent to do this video right, so we had to take a lot of takes and that kind of thing. Is that what --

Q. Yeah, that's the question.
For instance, how many takes would it take -- how many different takes would you run before you got a good shot of Star doing what you wanted him to do?
A. Well, I -- if I remember correctly, I never ended up getting a really good shot that I was looking for. But it would take like 15 takes, maybe, just to get a little piece so I can probably fix it in editing and put a piece together.
Q. All right. What were Star's shortcomings, if you could characterize them, in his ability to be the host of this program?
MR. MESEREAU: Objection; relevance.
THE COURT: Overruled.
You may answer.
THE WITNESS: May I answer?
THE COURT: You may.
THE WITNESS: Well, the way he was basically acting in front of a camera, and, you know, just like his skills, I guess. It wasn't -- it wasn't professional.
Q. BY MR. AUCHINCLOSS: Okay. Were you the producer of this particular video?

A. Yes, I was.
Q. Okay. Were there any other individuals who were involved in this, other than yourself?
A. Crew-wise? Like other --
Q. Any fashion.
A. Yes.
Q. Was there a crew?
A. Yes, I hired a crew to shoot this.
Q. What about in the production of it? Was there anybody else who was involved in the production of it?

A. Well, production is like really the crew who shoot the footage, or sound, that kind of stuff. Is that what your question --

Q. I mean pre-production --

A. Oh, pre-production.

Q. -- production or post-production. Anybody else involved in any production aspect?

A. Well, the pre-production was mostly me and Mr. Jackson.

Q. Okay.

A. Production was me and my crew.

Q. Okay.

A. And post-production was me.

Q. Okay. Was Frank Cascio involved in this production at all?

A. Yes, he was.

Q. In what fashion?

A. Co-producer.

Q. And what does that mean?

A. Like somebody who coordinates things. For example, he would practice with the talent, in this case Star, go through his lines. That kind of thing.

Q. When you say Mr. Jackson helped you with pre-production, what did you mean by that?

A. As I said, we had a meeting with -- I had a meeting with Mr. Jackson, and Mr. Jackson explained to me what he wants to create for this look, or for the story of it. So that's part of the pre-production.

Q. Okay. Did you go through what was going to be said by Star or the individuals who were appearing?

A. With Mr. Jackson?

Q. Yes.

A. I -- I don't think so.

Q. Okay. Did you go through what the individual shoots would involve? Any specifics about what the program -- that program or pilot would be about?

A. We covered certain style of the coverage, if I remember correctly.

Q. Okay.

A. With Mr. Jackson.
Q. Who is Frank Cascio?

A. Frank is a friend/associate of Mr. Jackson.
Q. Do you know Frank Cascio?
A. Yes, I do.
Q. How long have you known him?
A. I believe I saw him at the tour, which was 1996.
Q. I'm sorry?
A. In 1996, Mr. Jackson did a tour. And if I remember correctly, Frank was there.
Q. Where was that tour?
A. It was a world tour.
Q. Were you present during the entire tour?
A. Yes, I was.
Q. And where did that world tour go?
A. We went to a lot of different countries. I would say 40, 50 countries. 40, 50 countries.
Q. How long did the tour take?
A. It was a year -- well, eight months in a year-and-a-half period.
Q. Was Mr. Cascio there the entire time?
A. On and off.
Q. What percentage of time would you say he was on the tour with Mr. Jackson?
A. I would say maybe 30 percent.
Q. All right. I'd like to show you some photographs at this time.
If I may approach, Your Honor.
THE COURT: Yes.

Q. BY MR. AUCHINCLOSS: All right.
Mr. Moslehi, I show you People's Exhibit 338. Can you identify that for me, please?
A. These are the Arvizo kids, or Star, Gavin and I believe Davellin.
Q. All right.
I show you People's Exhibit 844. Can you identify that for me, please?
A. Mr. Jackson and Frank.
Q. Did you take this photograph?
A. I believe I did, yes.
Q. When was that photograph taken?

A. If I remember correctly, December, November of 2002.
Q. People's Exhibit 27, do you recognize that individual?
A. Yes.
Q. Who is that?
A. I believe his name is Christian Robinson.
Q. People's Exhibit 41, can you identify that individual for me?
A. I believe he's Marlon Brando's son, Miko Brando.
Q. Okay. People's Exhibit 39, can you identify that individual?
A. I believe he's Joe Marcus, the property manager.
Q. Property manager for where?

A. Neverland.
Q. People's Exhibit 42, have you ever met this individual?
A. Yes. His name is Stuart Backum (sic). Something like that.
Q. Okay.
A. He was a spokesman of Mr. Jackson for a short period of time.
Q. Do you recognize this individual in Exhibit No. 23, People's Exhibit 23?
A. I believe he's Brad Miller.
Q. Okay. People's Exhibit 18, do you recognize that individual?
A. Ronald Konitzer.
Q. People's Exhibit 17, can you identify that one for me?
A. Dieter Ron -- Weizner.
Q. People's Exhibit 19?
A. I believe Vinnie Amen.
Q. People's Exhibit 16?
A. Marc Schaffel.
Q. People's Exhibit 845 appears to be a photograph of a number of individuals. Do you recognize this photograph?
A. Yes.
Q. And what is it a photograph of?
A. Marc Schaffel, Mr. Jackson, and I believe

that individual in the back is Rudy. I'm not sure about his last name. Provencio.

Q. Do you know the other two individuals in the photograph?

A. No, I don't.

Q. Okay. People's Exhibit 846 appears to be a similar photograph. Can you identify that for me?

A. Yes. Michael Jackson. Nick Carter. Frank. Schaffel.

Q. Frank Cascio?

A. Frank Cascio. Or Schaffel. And Rudy.

Q. Okay. And the other two individuals who you didn't know?

A. I didn't.

Q. Okay. One final photograph of a similar subject. Please identify that. I should say the second -- the last one I showed was 846. This is 847.

A. I see Mr. Jackson, Marc Schaffel, Aaron Carter and Rudy. And I believe the other gentleman is Brad Buxer.

Q. Okay. These three photographs, 847, 846 and 845, were you present when these photographs were shot?

A. Actually, I think these are freeze frames of a video, if I'm correct.

Q. Yes.

A. Yes, I was.

Q. Okay. So you actually observed these shots as they were being taken?

A. That's correct.

Q. And Exhibit 193, can you identify that for me?

A. That's my house.

Q. Okay. That's one of the rooms in your home?

A. That's correct.

Q. Which room?

A. Well, it's a billiard room.

Q. All right. And 194?

A. That's like a living room.

Q. In your home?

A. In my house.

MR. AUCHINCLOSS: All right. Your Honor, at this time I'd like to admit into evidence Exhibit 847, 846, 845, 16, if it hasn't been admitted, 42, 39, 41, 27 and -- I should say 27 and 844.

MR. MESEREAU: No objection.

THE COURT: All right. They're admitted.

Q. BY MR. AUCHINCLOSS: All right. You mentioned a few names that I'd like to ask you some questions about.

And if I could have the Elmo, Your Honor.

First of all, I'll show you People's Exhibit 844. Is that the photograph that you said you shot of Mr. Jackson and Frank Cascio?

A. That's correct.

Q. And where was that shot taken?

A. I believe we were at Neverland Valley.

Q. All right. And do you know what the purpose of this shot was?

A. I think it was just documentary.

Q. I show you Exhibit No. 23. You've identified this subject as Brad Miller.

A. That's correct.

Q. Have you met Mr. Miller?

A. Yes, I believe I did.

Q. Where did you meet Brad Miller?

A. At my house.

Q. And when did you meet Brad Miller?

A. I believe it was February 19, 2003.

Q. Exhibit 16, who is that, please?

A. Marc Schaffel.

Q. Exhibit 42?

A. Stuart. Again, I'm not sure what his last name.

Q. How did you meet Stuart?

A. At Mr. Schaffel's house, I believe.

Q. During what time frame? When did you first meet him?

A. I would say between February 10 -- approximately February 10 of 2003 till February 18 of 2003.

Q. Showing you Exhibit 39 at this time, who is that?

A. I believe it's Joe Marcus.

Q. And you know him to be associated how with Mr. Jackson?

A. I believe he's the property manager of Neverland Valley.

Q. Exhibit 41, who is that?

A. Miko Brando.

Q. How did you meet Miko Brando?

A. I believe I met him at Neverland.

Q. People's Exhibit 17 you've identified as Mr. Weizner?

A. Dieter Weizner.

Q. Okay. 18, is that Mr. Konitzer?

A. Ronald Konitzer.

Q. And 27, who is that?

A. Christian Robinson, I believe.

Q. All right. Finally, showing you People's Exhibit 845, you've identified this as a video still?

A. This is a freeze frame of a video.

Q. Okay. Can I have the laser pointer, please?

If you could use that laser pointer, Mr. Moslehi, and show us, identify for us -- we know Mr. Jackson. You identified Mr. Schaffel in that photo. And you've also identified two individuals that you could not -- that you did not recognize. Would you point the photo -- or the laser at those two individuals?

Indicating in the center and indicating to the right corner.

And the individual who you've identified as Rudy, indicating on the left side in the white T-shirt.

Showing you 847, please point out the various individuals in this photograph for us.

A. And name them?

Q. That you recognize.

A. Oh. Marc Schaffel.

Q. Yes.

A. Mr. Jackson.

Q. Yes.

A. Aaron Carter.

Q. Who is Aaron Carter?

A. He's an entertainer or a musician or a singer.
Q. Okay.
A. I believe that's Rudy.
Q. Yes.
A. And I believe that's Brad Buxer.
Q. Okay. Who is Brad Buxer?
A. Mr. Jackson's musical director.
Q. All right. Same question for Exhibit No. 846. Would you identify the subjects in that photograph?
A. Mr. Jackson.
Q. Yes.
A. Nick Carter.

Q. Who is Nick Carter?
A. Aaron Carter's brother, which is another musician or singer. Entertainer.
Q. All right.
A. I believe that's Frank.
Q. Yes.
A. I believe that's Schaffel.
Q. Uh-huh.
A. And I believe that's Rudy.
Q. Okay. Appearing in the left-hand corner with the T-shirt?
A. That's correct.
Q. And the individuals in the center of the photograph, you don't recognize them?
A. I do not.
Q. All right. Thank you. Okay. Mr. Moslehi, at some time during the early part of 2003, you said that -- well, let me strike that. In 2003, did you perform some video services for Michael Jackson in the early part of 2003?
A. Yes, I did.
Q. And I believe you, first of all, characterized that you did some assistance in the Martin Bashir documentary in January; is that correct?
A. Mid-January of 2003.
Q. Okay. Subsequent to that, did you perform

some more -- some additional video services for Mr. Jackson?

A. Yes, I did.

Q. All right. And could you describe the first one? First, let me strike that.

How many projects or individual shoots did you involve yourself in at the request of Mr. Jackson for the remainder of 2003?

A. I would say five or six projects.

Q. Okay. Tell us about the first one. Tell me what -- first of all, what was the subject matter of the first shoot, the first of those shoots?

A. Well, I believe the very first project, if I'm not wrong, it was the Martin Bashir, which was --

Q. Yes.

A. -- mid-January of 2003.

Q. Yes. And what was the next one?

A. Next one, I believe, was a shoot in Florida which never took place.

Q. Okay. Let's start with that one. Well, let me ask you this, first of all:

Prior to that shoot in Florida, did you do any video -- any other video production between the shoot -- between going to Florida and the Martin Bashir documentary?

A. I'm not sure.

Q. All right. Do you recall doing a video

shoot on February 5th, 2003?

A. I think there was an interview with Debbie Rowe.

Q. All right. Where did that interview take place?

A. At Marc Schaffel's house. Calabasas.

Q. When did you first learn that that was a project that Mr. Jackson wanted you to shoot?

A. Maybe a day before.

Q. Who informed you of that?

A. I'm not sure. Could have been Mr. Jackson's personal assistant or his new managers.

Q. Okay. Who were his new managers at that time?

A. Ronald and Dieter.

Q. When did you first learn that Ronald and Dieter were Michael Jackson's new managers?

A. I believe I had a meeting with them in late 2002. I would say November, December.

Q. Uh-huh.

A. And they informed me that they were going to take the management from, I guess, the beginning of the year.

Q. Did Mr. Jackson ever confirm that, that they were his new managers?

A. Not directly, but somehow indirectly.

Q. What do you mean?

A. Once I called Mr. Jackson to ask him a question, and he asked me to call Dieter.

Q. Okay. Did he indicate what -- who Dieter was, to why he wanted you to call Dieter?

A. Why Mr. Jackson wanted to know --

Q. Why Mr. Jackson wanted you to call Dieter. Did Mr. Jackson tell you?

A. Well, I think Dieter had the answer for whatever question I had.

Q. I'm not asking what you think. I'm asking you if Mr. Jackson told you why he wanted you to call Dieter.

A. He didn't specifically told me why, but he just advised me to call Dieter.

Q. Do you know what the subject matter was? Do you remember the subject matter of that conversation?

A. I don't remember.

Q. So you were instructed to do a video shoot of Debbie Rowe?

A. That's correct.

Q. And where did that shoot take place?

A. At Mr. -- at Marc Schaffel's house.

Q. Who told you to show up at Marc Schaffel's home?

A. It could have been either Mr. Schaffel or Dieter.

MR. AUCHINCLOSS: Just a moment.

(Off-the-record discussion held at counsel table.)

Q. BY MR. AUCHINCLOSS: All right. Going back to this video shoot, what was the purpose of it?

A. The Debbie Rowe?

Q. Yes.

A. I believe it was like a response for what the Martin Bashir documentary was about.

Q. Had the Martin Bashir documentary aired in the United States at that time?

A. I don't think so. I'm not sure.

Q. All right.

A. If I remember correctly, that documentary was aired on the 6th of February.

Q. Okay. Did you see the Martin Bashir documentary?

A. Yes, I did.

Q. Where did you see it? Where were you when you saw it?

A. I was in Florida.

Q. Do you specifically remember whether you shot the Debbie Rowe footage before you went to Florida?

A. I believe, yes. The day before.

Q. The day before?

A. The day before.

Q. All right. So whatever day you went to Florida, the day before that, you shot the Debbie Rowe footage?

A. That's correct.

Q. Now, tell me, who was at Marc Schaffel's home at the time this footage was shot?

A. There was Debbie, another lady, the interviewer, which I forgot his name, Schaffel, Christian Robinson, me, and my crew.

Q. And what was Mr. Schaffel's role in this shoot?

A. I believe some sort of producer.

Q. Okay. And specifically what did he do?

A. He would have, like, a questionnaire in his hand to let the interviewer -- what to ask.

Q. What did this questionnaire look like?

A. Pieces of paper.

Q. Did the interviewer -- who was the interviewer?

A. I forgot his name.
Q. This is the fellow you can't remember his name?
A. That's correct.
Q. And the interviewer, did he have any paper in his hands when he was asking the questions?
A. During the interview, I don't remember seeing him having any paper in his hand.
Q. Would he ever confer with Mr. Schaffel about how this interview would proceed?
A. Prior to this shoot or during the shoot?
Q. At any time.

A. They had some interactions as far as, you know, what kind of questions to ask and so on.
Q. And how many times did they interact about how this interview was going to be conducted?
A. Approximately?
Q. If you can recall, yeah, approximately.
A. Six, seven times, maybe.
Q. How many times before the interview started did they have discussions of that nature?
A. I'm not sure.
Q. And this interview, after you finished shooting it, what did you do with the footage?
A. Mr. Schaffel took it.
Q. Did he take it on that day?
A. Yes.
Q. It was in video format?
A. That's correct.
Q. Okay. So you said the next day after that shoot, you went to Florida?
A. That's correct.
Q. What city in Florida?
A. Miami.
Q. And why did you go to Florida?
A. I was informed that there's going to be some sort of video shoot.
Q. Who informed you of that?
A. Either Mr. Jackson's personal assistant or Dieter.

Q. And when you say his personal assistant, do you mean Evvy?

A. That's correct.

Q. How long has Evvy been his personal assistant, as far as you know?

A. Years. Maybe 15 years. Something like that.

Q. Okay. She was his personal assistant when you began in .96?

A. That's correct.

Q. And were you informed of what the nature of this video shoot was going to involve in Florida?

A. No, I was not.

Q. Were you informed of what type of equipment you would need?

A. Video equipment.

Q. Anything else?

A. Well, I usually take, like, my still camera, too.

Q. Did you have any employees with you?

A. No.

Q. Okay. So tell me the arrangements that you made before you left for Florida, if any.

A. Since I couldn't take anybody with me, if I remember correctly, I called a rental house, which they rent equipment and -- video equipment, and booked some equipment so when I get there, I have the proper equipment that I need. Then basically I grabbed all my equipment that I could carry by myself and flew to Florida.

Q. Where did you go when you arrived in Florida?

A. I believe one of Mr. Jackson's drivers picked me up and they drove me to Mr. Jackson's hotel.

Q. Which hotel was that?

A. I don't remember the name of the hotel.

Q. And where did you go when you arrived at the hotel?

A. To my room.

Q. Okay. Did you meet with anybody at the hotel on that day?

A. I met with Dieter and Ronald that day.

Q. Where did that meeting take place?

A. I believe at their room.

Q. And what did that meeting consist of? What was it a meeting about?
A. Mostly about just them taking over the management; they're the new managers, and the way they liked to conduct business from now on.
Q. Okay.
A. And also we had discussion about my unpaid invoices.
Q. Okay. Did you have some unpaid invoices at that time?
A. I'm sorry?

Q. Did you have some unpaid invoices --
A. Yes, I did.
Q. -- that were owed by MJJ Productions?
A. Yes, I did.
Q. What kind of figure are we talking about at that time? How much money was owed to you, approximately?
A. About $250,000.
Q. How long had you been owed that money?
A. Well, this was like a year and a half worth of unpaid invoices, so it kept adding up.
Q. Would you bill as the invoices would accrue?
A. I'm sorry?
Q. Would you make bills out and send them to Mr. Jackson's company --
A. That's correct.
Q. -- as the bills would accrue when you do the work?
A. Yeah, I would finish the work and render an invoice and mail it to Mr. Jackson's office.
Q. So, did you have any discussions with Mr. Konitzer and Mr. Weizner about what you were to do in Florida?
A. I asked them what the purpose is. I guess they didn't know or they didn't want to let me know, but I was never informed specifically why I went there. But at one point I was informed that it's not going to happen.

Q. When did that happen?
A. I believe was either the same day that I got there or it could be the same -- the day after.

Q. Who told you that it wasn't going to happen?
A. I believe Dieter.
Q. Did you see any other individuals there that you recognized from the previous shoot at Debbie Rowe's -- at Marc Schaffel's house involving Debbie Rowe there in Florida when you were there?
A. If I remember correctly, there were -- I only met with Ronald and Dieter and Mr. Jackson's bodyguard.
Q. Who was that?
A. At the time I believe it was Mike and another gentleman.
Q. What was the -- what was their involvement, the two bodyguards? What did they have to do with this meeting?
MR. MESEREAU: Objection; foundation.
MR. AUCHINCLOSS: Maybe I'll start over again.
Q. Was the meeting with the bodyguards separate from the meeting with Mr. Konitzer and Mr. Weizner?
A. Well, it wasn't a meeting with them, but I met them there. I mean, I saw them there.
Q. Okay.
A. You know.
Q. Did you talk to them?

A. Yeah. Casually.
Q. Did you ever see the individual who was the interviewer in the Debbie Rowe shoot in Florida while you were there?
A. Not that I remember.
Q. Sorry?
A. Not that I remember --
Q. Okay.
A. -- seeing him there.
Q. Did you see Mr. Jackson while you were in Florida?
A. I don't believe I did.
Q. Did you receive any other instructions while you were in Florida from Mr. Weizner or Mr. Konitzer?
A. Well, I informed them about having some footage of Martin Bashir, behind-the-scene documentary. And after discussing certain matters,

they advised me to call Marc Schaffel.
Q. Did you call Marc Schaffel?
A. Yes, I did.
Q. While you were in Florida?
A. I believe so.
Q. Did you receive any instructions from Mr. Schaffel?
A. He wanted me to come back to L.A. so I can show him the footage.
Q. Okay. Did you do so?

A. Yes, I did.
Q. When did that occur?
A. I believe the day after.
Q. So you fly back to Los Angeles. You didn't do any photography at all in Miami?
A. No.
Q. And then the next day you meet with Mr. Schaffel?
A. That's correct.
Q. And what did Mr. Schaffel -- what was that conversation about with Mr. Schaffel?
A. If I remember correctly, I explained to him that I have -- "I have certain footage of behind the scene that I shot during Martin Bashir production, and that I have made some agreement and arrangement with Dieter and Ronald in regard to usage of this footage, and they asked me to see you."
And then I showed him the footage, and that was it.
Q. Okay. Did you receive any further instructions from Mr. Schaffel during the month of February concerning any other shoots, video shoots?
A. Some additional footage of Mr. Jackson's family interviews, some of Mr. Jackson's archival footage and so on.
Q. I'm talking specifically about new video footage that you shot in the month of February --
A. Okay.

Q. -- at the request of Mr. Schaffel. Did you shoot any such video?
A. Well, there was some -- I mean, there were a few projects within the same one project --

Q. Okay.

A. -- which contained footage and creating a new footage of certain people.

Q. Let's begin with what the nature of this new one project was. What was the purpose of this new one project?

A. Was like -- was a rebuttal documentary of the Martin Bashir documentary.

Q. And who did you take new video footage of for purposes of that documentary?

A. I believe we shot Mr. Jackson's parents, including his brother.

Q. Where did that take place?

A. At the Encino place in California. Mr. Jackson's house. Joe Jackson's house in Encino.

Q. Okay. And do you know what date that video was shot?

A. Approximately February 15.

Q. All right. Any other video footage that you shot for this rebuttal film or this rebuttal documentary?

A. We're talking new footage, right?

Q. Yes. New footage.

A. Well, we shot some footage of the Arvizo family, but it never got used. Never got aired on the FOX.

Q. Okay. So let's talk about that. You were -- were you assigned to shoot video footage of the Arvizo family for purposes of this rebuttal video?

A. That's correct.

Q. Who assigned you to that task?

A. I believe was Marc Schaffel.

Q. Okay. Do you know?

A. I think it was Marc Schaffel.

Q. Okay. And were you instructed the nature of this video, what this video footage would be about involving the Arvizo family?

A. Well, this footage were supposed to be used in that rebuttal documentary that Martin Bashir basically originally did. So --

Q. Okay. Was this rebuttal film -- did this rebuttal film have a public relations purpose?

A. Sure.

Q. What was the public relations purpose?

A. Well, to make Mr. Jackson look good.

Q. Okay. And so what was the purpose -- or let me strike that.

Were you ever informed as to what the purpose of taking video footage of the Arvizo family was? What was the purpose for taking footage of the Arvizo family?

A. Well, in the Martin Bashir documentary there was a shot of Gavin, I believe, and Mr. Jackson holding hands, which it created some sort of controversy about it. And we were trying to show that basically there was nothing between Mr. Jackson and Gavin that they were saying on the media and news and stuff like that.

Q. I'm not sure I understand. There was nothing that -- that they were saying?

A. Well, just to rebuke (sic) that shot that -- basically Mr. Jackson holding the hand of Gavin. We were putting this family in front of a camera just to see what they have to say and use it in that rebuttal documentary.

Q. Did you discuss this video-shooting with Mr. Schaffel?

A. Of the Arvizo family?

Q. Yes.

A. Sure.

Q. Was it anticipated at all that this video would be a positive thing for Mr. Jackson?

A. Sure.

Q. How so? How was it anticipated that this was going to be good for -- make Mr. Jackson look good?

A. Well, the footage that I shot of Martin Bashir during Martin Bashir production, there were a lot of segments or scenes that Mr. Bashir was saying --

Q. I'm going to interrupt you as not --

MR. MESEREAU: Objection to interrupting the witness.

MR. AUCHINCLOSS: It's nonresponsive.

MR. MESEREAU: It is responsive, I believe, Your Honor.

THE COURT: It is.

I'll allow you to finish the question -- or the answer. Do you want me to have the part read that you answered?

THE WITNESS: I'm sorry, say that again?

THE COURT: I'm going to allow you to finish your answer. Do you want to hear the first part of your answer?

THE WITNESS: I forgot what I was talking about.

THE COURT: Read him the part of his answer.

MR. AUCHINCLOSS: I'm sorry, Your Honor, my question dealt with the previous question of the video of the Arvizos. It was not a general question about the video, the whole video.

THE COURT: I'll let her read the question.

MR. AUCHINCLOSS: All right.

(Record read.)

THE COURT: Now you can finish your answer.

THE WITNESS: (Continuing) -- that Mr. Bashir was saying good thing about Michael Jackson.

Q. BY MR. AUCHINCLOSS: Okay. I'm going to go back to my -- what I intended to ask or make. How was the Arvizo family footage anticipated -- how was it anticipated that this would help Mr. Jackson to look good, in your discussions with Mr. Schaffel?

A. Well, I mean, at that time, I don't think, there was no footage of the Arvizo, but we were supposed to shoot this footage.

Q. Right. I'm talking about the planning of it. You planned to shoot the Arvizo family, correct?

A. Correct.

Q. The plan was to do a video, a rebuttal video, that would make Mr. Jackson look good?

A. Overall, the plan of the rebuttal documentary was to make -- basically make Mr. Jackson look good.

Q. Was shooting the Arvizo family something you did to try and make Mr. Jackson look good in this rebuttal film?

A. Well, at the time, I didn't know how the final piece would look, because we were still in the production phase of this whole production. Once it's edited and you look at it, then you can, you know, basically decide whether that's going to make him look good or not.

Q. Let's just move on.

The -- where was this -- originally where was this video shoot to take place?

A. At Neverland.

Q. And whose idea was that?

A. I believe was Marc Schaffel.

Q. Okay. Did you ever go to Neverland to do this shoot?

A. Yes, I did.

Q. When was that?

A. February 19, 2003.

Q. Did you bring any assistants with you, any assistants with you?

A. I took two people, crew, with me.

Q. What time did you arrive at Neverland?

A. I would say late afternoon, early evening. 7:00-ish, kind of. 6:00-ish.

Q. Did you contact any members of the Arvizo family at Neverland that day?

A. I saw the three kids at Neverland, and I told them that, "We're supposed to shoot an interview with you guys."

Q. Okay. The three kids, Gavin, Star and Davellin?

A. That's correct.

Q. Was Janet at Neverland that day?

A. She was not.

Q. Was there any plan to shoot this video with Janet in it?

A. Yes, it was.

Q. So did you make an effort to determine where Janet was?

A. I asked the kids where their mom is.

Q. Okay. What happened next?

A. They said, "She's not here."

Q. What did you do after that?

A. I asked them if they know where she is, because we're supposed to set up this lighting and camera equipment and do the interview. They -- I believe they told me that, “She's not here,” and they're going to -- I asked them if they can call her to see if she's going to do it or not, or what's the schedule.
Q. During that period, did you have any contact with Mr. Schaffel concerning this problem of the mother not being there?
MR. MESEREAU: Objection. Misstates the evidence; move to strike.
THE COURT: Overruled.
You may answer.
THE WITNESS: Did I have any conversation with Schaffel? I believe so.
Q. BY MR. AUCHINCLOSS: Okay. Tell me about it. Did you contact Mr. Schaffel?
A. I believe either he called me or I called him. I'm not sure. But there was a conversation saying that, “Janet, the mother, is not here.”
Q. And what was Mr. Schaffel's -- did Mr. Schaffel have a solution to this issue?

A. I guess not at --
MR. MESEREAU: Objection; hearsay.
MR. AUCHINCLOSS: Offered in furtherance.
THE COURT: First of all, that requires a “yes” or “no” answer.
MR. AUCHINCLOSS: Okay. Fair enough.
Q. Did Mr. Schaffel have a solution of this issue of Janet not being there where you intended to shoot the video involving the entire family?
A. Not at the time, I guess. It was just information going back and forth.
Q. Okay. At some point while you were at Neverland, did you talk to Janet Arvizo on the phone?
A. Yes, I did.
Q. Had you previously met Janet Arvizo?
A. Yes, I believe I did.
Q. Okay. When had you previously met her?
A. Where?
Q. Where, let's say where?

A. At Neverland Valley.

Q. Okay. Was that during one of the shoots that you had done with the Arvizo family before, the Arvizo kids?

A. The year 2001?

Q. Yes.

A. I don't think so.

Q. Okay.

A. It was maybe a birthday party of Mr. Jackson's kids or things like that.

Q. Okay. Did you make any efforts to get Janet to come to Neverland to do the shoot?

A. If I remember correctly, I had a conversation on the phone with her.

Q. Yes.

A. And I asked her whether she was going to do it or not so that I know what my schedule would be for that day.

Q. Okay. Did she want to do this video shoot?

MR. MESEREAU: Objection. Foundation; calls for speculation.

MR. AUCHINCLOSS: It's offered --

THE COURT: Foundation; sustained.

MR. AUCHINCLOSS: Okay.

Q. Did she describe to you whether or not she was willing to do the rebuttal video shoot?

A. I believe at the beginning she was not happy to do this rebuttal video.

Q. Okay. Did she tell you why she didn't -- was not happy about it?

A. Um --

MR. MESEREAU: Objection; hearsay.

MR. AUCHINCLOSS: Offered for state of mind.

THE COURT: Well, the question is, did she tell you why she was not happy? But without telling us any more, did she? Did she tell you that, whether or not she was happy?

THE WITNESS: She told me that she's not happy.

THE COURT: Okay. So the Court will allow that for the limited purposes of her state of mind at that time.

Q. BY MR. AUCHINCLOSS: So my follow-up question, did she tell you -- and this is “yes” or “no.” Did she tell you what she was unhappy about, why she was unhappy about doing the rebuttal filming or video?

A. I believe yes, she did.

Q. What did she tell you?

MR. MESEREAU: Objection; hearsay.

MR. AUCHINCLOSS: Offered for state of mind.

THE COURT: I'll admit this, her statement, for the limited purpose of her state of mind, not the truth of the matter asserted in the statement. You may answer.

Q. BY MR. AUCHINCLOSS: All right. Go ahead and answer that question.

A. Did she tell me why she didn't want to do it?

Q. Yes.

A. She said since -- if I remember correctly, she said since the rebuttal documentary of Martin Bashir has aired, her life turned upside down

because of the, you know, media and press following her, and that kind of stuff. And if I remember correctly, she said, “The last thing I want to do is do another video, you know, and expose myself to more hassle.”

Q. Did she want her children to be in another video?

A. I'm not sure.

Q. Was that any part of her concern?

A. Yeah, yeah.

MR. MESEREAU: Objection; asked and answered.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Did you make any efforts to persuade her to make this video?

A. If I remember correctly, I told her that we're doing this rebuttal documentary and --

Q. That's really a “yes” or “no” question.

A. I'm sorry, say that again, the question.

Q. Yeah. Did you make any efforts to persuade her to do the rebuttal video, the rebuttal video involving --

A. Yes.

Q. -- this segment?

A. Yes.

Q. And what was your purpose in doing that?

A. So I can get the production done.

Q. Okay. How long did you talk to her on the

phone?

A. I would say 20 minutes, approximately 20.

Q. And was that 20 minutes largely -- did that deal with anything other than persuading her to agree to do the video? Did you talk about anything else?

A. She talked -- me or her or both parties?

Q. No, you said you were having a conversation. She's reluctant; true? You're persuading her. Was there anything -- any discussion, other than her coming to do the video, during that 20-minute phone conversation?

A. Not that I remember.

Q. All right. When you finished the phone conversation, had Janet Arvizo agreed to do anything?

A. I believe she agreed to do this video finally.

Q. Do you have a specific recollection whether she agreed to it or not?

A. I believe she did.

Q. What did she say? Did she say -- you tell me.

A. I believe she said that she's going to do it. I mean, after we hung up, my understanding was that this is going to happen at one point.

Q. Where was it going to happen?

A. I didn't know at the time.

Q. So she said she'd do it, but she didn't say she would do it that day?

A. Well, there was not specific conversation about how, when, where it's going to happen. But I think, if I remember correctly, the conversation end up that it's going to happen. My understanding, if I remember correctly at the time, was that she's coming to Neverland to get it done.

Q. Okay. So at the end of the conversation, you believe Janet's agreed and she's going to come to Neverland to do the film?

A. As I remember, yes.

Q. About what time is it at this point?

A. I would say 9:00-ish, 10:00-ish, at night.

Q. At some point did you learn or decide -- let me strike that, start over.

At some point did you decide that the filming was not going to take place that night at Neverland?

A. I'm sorry, say that again. Me deciding, or --

Q. Yes.

A. Well, I was informed it's not going to happen at Neverland.

Q. Okay. Who informed you of that?

A. I believe it was Marc Schaffel.

Q. You believe?

A. Well, Marc Schaffel, I think. It was Marc

Schaffel.

Q. And how did you hear from Marc Schaffel that that was not going to take place at Neverland that night?

A. I believe it was a phone conversation.

Q. So you had -- was this the first phone conversation? Second? You tell me.

A. I believe could be second.

Q. And did you receive some instructions from Mr. Schaffel regarding the filming on that second phone conversation?

A. If I remember correctly, he informed me that Janet, the mom, is going to -- is going to be in L.A. She's in L.A. Therefore, we're going to shoot this in L.A. He asked me if I can shoot that in my house. I respond to him that if we can shoot it at his house, but then he said he doesn't want them to remember where he lives. So we ended up shooting at my house.

Q. Mr. Schaffel said he didn't want who to know where he lived?

A. I believe the family.

Q. So what did you do then?

A. I informed my crew that this production will not take -- this shoot will not take place at Neverland. I let them know that they should pack the equipment. And then I got the three kids and we drove back to my house. 7687

Q. After you spoke to Mr. Schaffel and learned that the shoot was going to take place at your house, did you have a conversation with Joe Marcus, the Neverland Ranch manager?

A. If I remember correctly, I -- when I arrived at Neverland, I let him know why I'm there, to shoot this interview. Then later, I informed him that it's not going to happen here at Neverland, it's going to be at my house, and I'm taking the kids with me.

Q. Did you tell him that you were going to do the shoot with the mother and the kids?

A. I believe so.

Q. What was Mr. Marcus's reaction when you told him that you wanted to take the kids off of Neverland?

MR. MESEREAU: Objection; hearsay.

MR. AUCHINCLOSS: Offered in furtherance.

THE COURT: All right. I'm going to admit it for the limited purposes previously discussed on the conspiracy issue.

Q. BY MR. AUCHINCLOSS: What did Mr. Marcus tell you when you informed him that -- of your intent to take the children --

A. I believe he said --

Q. -- to your home?

A. I believe he said, "They're not allowed to leave the property." 7688

Q. You believe that or did --

A. I did --

Q. Do you remember what he said?

A. I remember he said, "They're not allowed to leave the property."

Q. At some point did you confront him with the intent or did you confront him with the necessity to have the children go down to your home to complete the video shoot?

A. Well, at one point I believe I informed him that the video that we were supposed to shoot at Neverland, it's not going to take place, and it's going to be at my house.

Q. Uh-huh.

A. So the kids are coming with me.

Q. Did he agree to anything at that time during that first conversation with you in terms of letting the kids off the property?

A. He agreed?

Q. Yes. Did he agree with you about anything during that first conversation you had with Joe Marcus where he told you that the kids are not allowed off of the property?

A. What do you mean, did he agree? Do you mean letting them go with me, or --

Q. Yes.

A. I don't remember hearing anything from him.

Q. Okay. What did you do then?

A. Then I let the kids know that within, like, 15 minutes we're going to take off, “So get your stuff ready.”

Q. What did you do in the next 15 minutes?

A. If I remember correctly, I went to help my crew so we can pack the car, the equipment back to the car, and take off.

Q. Did you see Joe Marcus again before you left Neverland?

A. I believe I did.

Q. Did you talk to him about getting the kids off the property?

A. I'm not sure if I had a conversation with him about that, but he saw me leaving.

Q. All right. So you were allowed to leave Neverland when you drove off the property, when you wanted to leave the property?

A. Yeah, that's right.

Q. And how much time went by between the time that you first told Joe Marcus -- or when Joe Marcus first told you the kids are not allowed off Neverland and the time that you actually drove off of Neverland?

A. I would say approximately half an hour.

Q. When you went down to the theater to collect your equipment, where was -- where did Joe Marcus go, or where was he?
A. I don't know.

Q. Did he come with you?
A. No.
Q. Do you know if he had any conversations with anybody during that meantime?
A. I'm not sure.
Q. All right. So you took the kids, personally you loaded them up in one of the vehicles?
A. That's correct.
Q. How many vehicles?
A. I took two vehicles of mine to Neverland.
Q. Okay. And which vehicle did the kids go in?
A. I had a Suburban for the equipment and the crew, and a BMW for myself, basically.
Q. Okay. Which one did the kids go in?
A. The BMW.
Q. And you drove that?
A. That's correct.
Q. And did you drive straight to your home?
A. That's correct.
Q. About what time was it when you ultimately arrived at your home?
A. Approximately 11:00-ish.
Q. And what did the children do during the drive down from Santa Barbara?
A. We had some little conversations, and they went to sleep.
Q. Your home is in Calabasas?
A. West Hills.

Q. West Hills. So you arrived at your home about 11:00. What did you do then?
A. I immediately started loading equipment to the area that I was going to shoot, and let the kids play with video games and things like that.
Q. Do you have some video games at your home?
A. Yeah.
Q. Some fancy ones?
A. Not really.
Q. Okay. So they played video games?

A. That's right.
Q. All three of them?
A. I guess the guys. She was -- I don't know what she was doing. I don't remember exactly. But she was there, too.
Q. Did they stay in one area of the house during that period?
A. Yeah.
Q. And were your two assistants still with you?
A. Yes, they were.
Q. Was there anybody else at the house when you first arrived, other than you, your assistants and the Arvizo kids?
A. No. Just us.
Q. Did someone arrive at the house shortly thereafter?
A. Yes.
Q. Who was that? Who was the first person to arrive?
A. I believe was Christian Robinson, and another gentleman by the name of Paul, which is an associate of Marc Schaffel.
Q. Had you met Paul before?
A. Yes.
Q. On what occasion?
A. In the year 2001, Mr. Jackson did the project "What More Can I Give?" And Paul was involved somehow with that production helping Schaffel.
Q. Did you set up your equipment for the shoot?
A. At my house, yeah.
Q. During that period, did anybody else show up at the house after Christian and Paul arrived?
A. Another gentleman; I believe was Brad Miller.
Q. Did he arrive by himself?
A. I believe so, yes.
Q. Had you ever seen Brad Miller before?
A. No.
Q. Have you ever seen him since that night?
A. No. On T.V., I guess, once.
Q. And he arrived by himself?
A. I believe so.

Q. Did you have any understanding of what Brad Miller was doing at your home that night?
A. No. And I remember asking Christian who this guy is, and they said, “Don't worry about it. It's just a private detective.”

Q. Have you ever done any video shoots where there was a private detective invited to watch at a home that the shoot occurred at?
A. No.
Q. Did you ever see Brad Miller do anything that evening?
A. He was walking around my house.
Q. Did anybody else arrive at your home?
A. Vinnie and the mother.
Q. Janet Arvizo?
A. That's correct.
Q. Do you know about what time they arrived?
A. I would say towards midnight.
Q. All right. So how was the preparation going at this point for the video shoot?
A. Well, me and my crew were setting up the lighting. Mainly I'm doing the lighting, background, sound and that kind of stuff. They're bringing the equipment in.
Sorry.
And Janet was getting her makeup done. And the kids were just, you know, playing with games and stuff like that.
Q. Did anybody do Janet's makeup for her?
A. I don't believe -- she did her own makeup.
Q. And how did you feel at this point about this scene, if you can characterize it in terms of the time, the people? Was there anything unusual about this?

A. Well, timing was a little -- you know, kind of getting late. Also having Brad Miller in my house, I didn't really feel comfortable.
Q. Had you met Vinnie before?
A. Yes.
Q. And prior to the shooting of the video, did you become aware of any problems that Janet had, any additional problems that Janet expressed concerning

the shooting of the video?

A. I think there was a problem with the contract or the release that they were asking her to sign.

Q. Okay.

A. And if I remember correctly, Vinnie asked me to use my fax machine and that kind of things.

Q. And you say "they" were having a problem with her?

MR. MESEREAU: Objection; misstates the evidence.

Q. BY MR. AUCHINCLOSS: Well, I believe you said, "...They were asking her to sign." Who were "they"?

A. I believe it was Paul and Vinnie and potentially Christian Robinson.

MR. AUCHINCLOSS: Okay. So if I could have 7695 the Elmo briefly, Your Honor.

Q. I'm showing you again Exhibit No. 194 which you previously identified as your home. Can you identify that perspective for me?

A. Yeah, this is a view of my living room.

Q. And does this area -- does this photograph depict any area of the part of your home that was used in the video shoot?

A. That's correct.

Q. Which area? Explain it to me.

A. This is where I set up the background.

Q. Uh-huh.

A. I believe the family were sitting approximately in this area. And my camera was like -- it's off of this frame, but about this area.

Q. You've indicated the background was in the center of the carpeting, the carpet, or I should say rug?

A. Right about there.

Q. And then the seating area was at the front, between the two carpets?

A. About there.

Q. The two rugs. And then your camera was down outside the frame of the picture?

A. Outside this frame.

Q. Below it.

Okay. And where were the boys and Davellin during the period of the downtime when you were preparing the video shoot?

A. That's my T.V. set-up, so that's where they were sitting. It's like a little coffee table and a little video game stuff.

Q. Where was the discussion that was taking place between Janet, Paul, Vinnie and possibly Christian?

A. In the other room, which is out of this frame.

Q. Showing you Exhibit 193, would you identify that area?

A. That's, well, like a billiard room, kind of.

Q. Is that the area you're saying that the conversation took place in?

A. That's correct.

Q. Now, you said you have a fax machine?

A. That's correct.

Q. Where is your fax machine in your home?

A. Upstairs. I have three rooms upstairs, and one of them's an office.

Q. Do you know which of those individuals went upstairs? I believe you said Vinnie went and used the fax. Anybody else?

A. Not that I remember. I think it was Vinnie.

Q. Thank you.

So how much time passed between the time that Janet arrived at your home and the time that you started shooting the video?

A. I would say a couple of hours, approximately.

Q. How much time went by in which Janet was -- how long did this discussion take place between Janet, Vinnie, Paul and possibly Christian?

A. I would say half an hour.

Q. How much time did it take for you to set up the video equipment?

A. I would say hour to hour and a half.

Q. Did you hear any of the conversation between Janet and these other parties about the consent form?

A. Did I hear any conversation?

Q. Yeah. You told us the general context of the conversation. Did you hear any specifics about what the issue was about signing this consent?

A. No, I did not.

Q. Can you tell me what Janet's demeanor was? What was her -- what was her mood like? How did she act about this?

A. About the --

MR. MESEREAU: Objection; foundation.

MR. AUCHINCLOSS: Well, that's fine. I can lay a better foundation.

Q. You mentioned that Janet had a problem with signing the consent form.

A. That's correct.

Q. Why do you say that? What do you base that on?

A. Because I observed that they're looking at the contract, and she was going through it, and there was some, I guess, words that she was not happy with or the content of this contract. And then at one point Vinnie asked me to use my fax machine, I guess to get faxed in or out, to redraft that contract, some sort.

Q. During that period of time that you were observing Janet and these individuals, did you have a chance to see what her demeanor was like? Do you know what I mean by “demeanor”?

A. Yeah, like an attitude?

Q. Yeah. What was her attitude like?

A. Um --

Q. Did you have a chance to notice that?

A. I was very busy setting up equipment, so I didn't really pay attention to each individual's, you know --

Q. Right.

A. -- attitude or whatever. She was, I guess, normal. I guess. I don't know.

Q. Did she seem happy about it?

A. Um --

Q. About this thing they wanted her to sign?

A. She wasn't happy about the assignment, or I mean the contract that she wanted to sign, as I understood.

Q. So ultimately you do the video shoot?

A. Yes.

Q. Do you know if she signed anything that night?

A. I believe she did.

Q. Did you see her sign something?

A. No, I did not.

Q. Okay. Why do you say you think she did?

A. Because it looks like Marc's people were happy.

Q. Okay.

A. So --

Q. So you do the video shoot. Was it a continuous shoot or were there segments?

A. I believe we shot one-hour interview, and each of these professional tapes are 30 minutes. I don't believe there were so many cuts in it, so we continued rolling camera, basically. Maybe one or two cuts in between, if any.

Q. So how much video footage did you shoot total?

A. I would say approximately an hour.

Q. At the conclusion of the -- of this project, when you finished shooting it, what happened? After you finished it, you've got the videotape. What happened next?

A. Well, we wrapped equipment and everybody left.

Q. Okay. Did you see who left with whom?

A. Not specifically, no.

Q. Did you provide the videotape that you had shot to anybody, any member of the group that had come from -- well, did you give that tape to anybody that night? Let me just put it that way.

A. No, I didn't.

Q. Did anybody want that tape?

MR. MESEREAU: Objection. Calls for speculation; vague; foundation.

MR. AUCHINCLOSS: I can ask the question a little better.

THE COURT: All right.

Q. BY MR. AUCHINCLOSS: Did somebody ask you for that tape?

A. I believe Paul, Marc Schaffel's associate.

Q. Was there a discussion with Paul about him getting the tape that night?

A. He asked me to turn him -- turn over the tapes to him.

Q. Yes.

A. And I refused.

Q. Did anybody else ask you to turn those tapes over, other than Paul?

A. Maybe Christian.

Q. Okay.

A. I'm not sure.

Q. Why did you refuse to turn the tapes over?

A. Well, first of all, I wanted to make a copy so in case -- as insurance, to have a second copy of that tape. Also, there was some other issues that were not resolved by then, so I kind of kept the tape for that.

Q. At the conclusion of the evening, did you spend some time with Janet, any time privately with Janet?

A. Yes, I did.

Q. When did that occur in relationship to the end of the video shoot and everybody leaving?

A. It was towards the end of when everybody was leaving. At the end of the shoot.

Q. Do you remember who was still at the home at that time?

A. Everybody was there.

Q. Did you have a purpose in meeting her separately?

A. Yeah.

Q. What was your purpose?

A. I -- I remember I gave her, like, a loan.

Q. Okay. What was -- let me back up.

During the period of time that you first became acquainted with the Arvizos to the time of this shoot, how many separate meetings would you say you had with the Arvizo family?

A. Including the kids?

Q. Yeah.

A. Six, seven.
Q. Did you get to know them?
A. Yeah.
Q. How did you feel about the Arvizo family?
MR. MESEREAU: Objection. Vague; foundation; relevance.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Did you at some point that night decide to give Janet Arvizo a loan based on your own desire?
A. Did I decide?
Q. Yeah.
A. Yeah.
Q. You did.
A. Yeah.
Q. Did Janet Arvizo ever ask you for any money?
A. No.
Q. Did she ever request anything from you?
A. No.
THE COURT: All right. We'll take our break now.
MR. AUCHINCLOSS: All right.
(Recess taken.)
Q. BY MR. AUCHINCLOSS: Okay. I think where we left off, we were talking about --
THE BAILIFF: Is your microphone on?
MR. AUCHINCLOSS: It is now, yeah.
Q. We were talking about the end of the video shoot and your having this private conversation with Janet. When you had that private conversation with Janet, did you give her some money?

A. That's correct.
Q. And I think I've already asked you, did she ever ask you for that money?
A. No.
Q. Whose idea was it to give Janet some money?
A. It was mine.
Q. During that period of time that you were with the Arvizo family, did you form any kind of affection for this family during this period of time?
MR. MESEREAU: Objection; relevance.

MR. AUCHINCLOSS: Goes to his --

MR. MESEREAU: And leading.

THE COURT: All right. The objection is overruled.

You may answer.

THE WITNESS: I kind of felt sorry when I -- about the whole family, about Gavin being -- you know, being sick, and, you know, close to dying from cancer, and that kind of thing.

So -- and then over the video shoot that we had in, I believe, October 2000, I worked with Star and Gavin very closely, so we became kind of, you know, buddies --

Q. BY MR. AUCHINCLOSS: Okay.

A. -- in a way.

Q. Okay. Were those the reasons why you did this act?

MR. MESEREAU: Objection; leading.

MR. AUCHINCLOSS: I'll strike that.

Q. Did what you have just described have anything to do with your decision to give Janet some money?

A. I'm sorry. Repeat that question one more time.

Q. You just described that you had some affection for Gavin and Star and you were sad about the hardship of Gavin's cancer.

Did your feelings towards the Arvizo family have anything to do with your decision to give them -- give Janet some money?

A. Yeah.

Q. Okay. And how much money did you give Janet?

A. $2,000.

Q. Did you envision that she would pay this back some day?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

THE WITNESS: Can I answer that?

Q. BY MR. AUCHINCLOSS: Yes, you can answer it.

A. Well, I told her that, "This is a loan, a personal loan, from me to you, and pay me whenever you have the money.”

Q. And did you have a date that you envisioned getting this money back by?

A. No. I left it up to her.

Q. During the period of time that you were working on this rebuttal film, and I mean the entire film, not just the portion with the Arvizos, did you work with -- did you spend any time at Mr. Schaffel's home?

A. Yes, I did.

Q. What did you do at Mr. Schaffel's home?

A. Mostly rough editing, meaning I would go through Mr. Jackson's archival footage, find certain footage from concerts to some other material. And while we were creating this new footages for the interviews, then I would make a rough cut. And then the production company who was assigned to do this entire video, Brad Lachman Productions, would do the final editing.

Q. During this period of time, did you ever have an opportunity to overhear Mr. Schaffel talking on the phone?

A. As I remember, there were a couple of times that I had, like, questions that I wanted to ask Marc Schaffel, and I would walk from the room where we set up the equipment, like the editing equipment, to his office, and, you know, he would be on the phone or things like that.

Q. Did you ever hear him making any remarks concerning getting people out of the country?

MR. MESEREAU: Objection. Leading; foundation; move to strike.

THE COURT: Overruled.

You may answer.

THE WITNESS: If I remember correctly, one occasion I walked into the room, and I think I heard Schaffel saying, “We're going to get them out of the country.”

Q. BY MR. AUCHINCLOSS: Do you remember hearing that?

A. To my best recollection, yes.

Q. Was there anything about the context of that conversation that struck you as unusual?

A. Not at the time.
Q. Did you know what he was talking about?
A. Not at the time.
Q. Did you know who he was talking to?
A. No.
Q. So at some point you said that during 2003, you were -- you ended your relationship as Mr. Jackson's personal DP; is that correct?
A. Well, Mr. Jackson stopped calling and using my service.
Q. Okay. Was there a specific date that was associated with that change?
A. I think after that rebuttal documentary,

“The Footage You Were Never Meant To See” --
Q. Yes.
A. -- I guess after that, basically that was the last project that Mr. Jackson used my services.
Q. Were you ever terminated?
A. Terminated -- well, they just stopped using my service.
Q. Were you ever informed that your services were no longer required?
A. I received a letter from --
Q. That's “yes” or “no.”
A. Yes.
Q. Okay. So tell me, do you remember what date that was?
A. I believe it was February 21st of 2003.
Q. And when did “The Footage You Were Never Meant To See,” that rebuttal video, when did that air on the network?
A. I believe it was February 20th of 2003.
Q. Did you watch it on T.V.?
A. Yes, I did.
Q. Did Mr. Jackson ever contact you after that?
A. If I remember correctly, the day after, he called me. Mr. Jackson called me.
Q. And what was the substance of -- what was the purpose of that phone call?
A. He thanked me for my good work.
Q. Did you have any conversations with him --

well, let me strike that.

Does Mr. Jackson still owe you the $250,000 that had been promised?

A. Part of this is paid, but there's still a substantial amount of unpaid invoices that has not been paid yet.

Q. Did you bring that up with Mr. Jackson?

A. I -- I believe I had one conversation to him about my invoices not being paid. But I had hundreds of conversation with his personal assistant, his accountant, all his agents, including his managers, and his lawyers.

Q. Okay. My question is, did you bring that up to Mr. Jackson on the 20th when he called you -- or was it the 21st --

A. The 21st.

Q. -- the 21st when he called you and said you did a good job on the rebuttal video?

A. I believe I mentioned that for the very first time that my invoices are not being paid.

Q. Okay. Later that day, did you receive a communication from Mr. Jackson's attorney?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

Yes, go ahead.

THE WITNESS: Yes, I did.

Q. BY MR. AUCHINCLOSS: What was his name?

A. David LeGrand.

Q. And can you tell me what the substance of that communication was?

MR. MESEREAU: Objection; hearsay.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Can you tell me....

It's offered in furtherance, Your Honor.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Is that the day that you were terminated?

MR. MESEREAU: Objection. Misstates the evidence; move to strike.

MR. AUCHINCLOSS: That's fair.

Q. Is that the day that you were informed --

THE COURT: Stricken.

Go ahead. Next question.

Q. BY MR. AUCHINCLOSS: Is that the day that

you were informed that your services were no longer required by Mr. Jackson?
MR. MESEREAU: Objection; misstates the evidence.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Were you ever informed that your services were no longer required by Mr. Jackson?
MR. MESEREAU: Objection; asked and answered.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: When were you informed

that your services -- when were you informed that Mr. Jackson no longer needed your services?
MR. MESEREAU: Objection. Misstates the evidence; leading; move to strike.
THE COURT: Overruled.
You may answer.
THE WITNESS: I believe was February 21st, by a letter.
Q. BY MR. AUCHINCLOSS: Okay. How did you receive that letter?
A. By fax.
Q. Was it before or after you spoke with Mr. Jackson on the phone?
A. After.
Q. Did you continue to make any efforts to have your outstanding bill paid by Mr. Jackson?
A. Yes, I did.
Q. What did you do?
A. I made several communications between Mr. Jackson's accountant, managers, personal assistant, and his lawyer, David LeGrand. I have provided them with my invoices, and I basically let them know that, you know, my invoices are not being paid and they are due immediately. And it was failed.
Q. Did you ever make an attempt to contact Mr. Jackson again personally about your outstanding invoices?
A. I remember I made a conversation with Mr.

Jackson's personal assistant, Evvy, and I explained to her that my invoices were promised to be paid at certain date, and they are not, and that I'd like to make a meeting with Mr. Jackson to discuss these matters.

Q. So did you attempt to meet with Mr. Jackson?

A. I did.

Q. When was that?

A. The meeting was supposed to be, I believe, February 26th of 2003.

Q. And how did you go about attempting to contact Mr. Jackson on that date?

A. I believe I spoke to Evvy, Mr. Jackson's personal assistant, and I was informed that Mr. Jackson will come to L.A. from Florida at certain date, and that I can meet with Mr. Jackson, have a meeting with him and go through these issues.

Q. Did you go to Neverland that day?

A. I did.

Q. And was Mr. Jackson there?

A. When I arrived at Neverland, Mr. Jackson was not there.

Q. What did you do?

A. I talk -- I spoke to, I believe, Joe Marcus, and I told him the reason I'm in Neverland, to meet with Mr. Jackson. And he informed me that Mr. Jackson is on his way, coming home right now, so why not just wait for him.

Q. Did you wait for him?

A. Yes, I did.

Q. Did Mr. Jackson show up?

A. I saw Mr. Jackson arriving, yes.

Q. Did he arrive with anybody?

A. I believe with his entourage, like Miko and bodyguards, and I think maybe his own kids.

Q. You previously mentioned Miko, identified his picture. Is he a part of Mr. Jackson's entourage?

A. Sometimes he travels with Mr. Jackson.

Q. Do you know what his relationship is with Mr. Jackson?

A. I would say friend/associate, some sort. Personal assistant kind of.

Q. All right. So where were you when Mr. Jackson arrived at Neverland?

A. I was waiting for Mr. Jackson outside the main house in the little catering area, and just waiting for him so he can -- you know, so I can have this meeting with him.

Q. And did you see him?

A. I saw Mr. Jackson coming in.

Q. Did he see you?

A. I believe he did.

Q. Could he have missed you?

MR. MESEREAU: Objection; calls for speculation.

MR. AUCHINCLOSS: That's fair.

Q. Where were you standing in relationship to Mr. Jackson when he walked in his house?

A. Again, I was behind the main house on the north side of the main house. There's a little catering area, kind of, a little bar kind of. It's not like a liquor bar, but like a little catering bar area.

Q. Okay.

A. I was just waiting. There were two tables there. I was just sitting and waiting.

Q. Was that in clear view where Mr. Jackson walked?

A. I believe, yeah.

Q. You could see him clearly?

A. Yeah.

Q. How far away were you from him?

A. I would say 30 feet, 40 feet.

Q. Did he acknowledge you?

A. Um, that I'm there?

Q. Yeah. Did he even -- did he acknowledge that you were there in any way?

A. Mmm --

MR. MESEREAU: Objection. Foundation; calls for speculation.

THE COURT: Overruled.

THE WITNESS: I don't remember whether he saw me, I mean eye contact or not, but I felt like that he knows that I'm here.

Q. BY MR. AUCHINCLOSS: Okay. Did he wave, say anything to you, do anything to acknowledge your

presence?
A. Not at that moment.
Q. Did he do it at some other time?
A. Well, I -- I received a call.
Q. Okay. So Mr. Jackson walks inside -- did he go inside his house?
A. He was going inside his house.
Q. Okay. And you were still sitting where you were sitting?
A. That's correct.
Q. What happened after that?
A. They informed me that there's a phone call for me.
Q. How much time passed between the time that Mr. Jackson walked into his house and you were informed that there was a phone call for you?
A. I would say five to ten minutes.
Q. Did you go inside and take this phone call?
A. Yes, I did.
Q. Who was it from?
A. Evvy called me, Mr. Jackson's assistant.
Q. And what was the purpose of this call?
MR. MESEREAU: Objection. Foundation; hearsay.
THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Did you do something after you talked to Evvy?
A. I left the property.
Q. Has Mr. Jackson ever paid you the money he owes you?
A. Not in full.
Q. Have you had to take legal action to try and get your money?
MR. MESEREAU: Objection. Leading; assumes facts not in evidence.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes, I have filed a lawsuit.
Q. BY MR. AUCHINCLOSS: After you terminated or after you stopped working the last time for Mr. Jackson, did you become aware that you were -- at any time that you were being -- that there was surveillance on you?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

You may answer.

THE WITNESS: Did I know about surveillance being conducted on me? No.

Q. BY MR. AUCHINCLOSS: Did you give anybody permission to take your video, take videotapes of you?

A. No.

Q. And prior to your testimony today, did you review a DVD on this computer to my left of an Exhibit No. 815? Did you review that?

A. Yes, I did.

Q. Is that image an image of you?

A. Yes, it is.

Q. Is that an image that you permitted or allowed anybody to take?

MR. MESEREAU: Objection. Leading; foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: No, I did not give permission to anybody to follow me or take pictures of me.

MR. AUCHINCLOSS: Your Honor, there's one last unpublished portion of 815 that I'd like to publish for the jury at this time. We've previously admitted the rest of that DVD.

THE COURT: All right. Is that on the computer, or is it on --

MR. AUCHINCLOSS: That's on the computer, so I'd ask for "Input 1."

(Whereupon, a portion of a DVD, Plaintiff's Exhibit No. 815, was played for the Court and jury.)

Q. BY MR. AUCHINCLOSS: Mr. Moslehi, whose vehicle is that? We're looking at a -- appears to be a large SUV in the center frame of this picture.

A. It seems to be my vehicle.

Q. And who is the individual that I've stopped -- where I've stopped this video at? Who is the individual that seems to be approaching that vehicle?

A. It seems to be me.

Q. Okay.

(Whereupon, a portion of a DVD, Plaintiff's Exhibit No. 815, was played for the Court and jury.)

MR. AUCHINCLOSS: That's it.

Thank you, Mr. Moslehi. No more questions.

CROSS-EXAMINATION

BY MR. MESEREAU:

Q. Good afternoon.

A. Good afternoon.

Q. Mr. Moslehi, my name is Thomas Mesereau, and I speak for Mr. Jackson.

A. Nice meeting you.

Q. Same here.

You gave an interview on April 23rd of this year with Sergeant Steve Robel, correct?

A. Where was this?

Q. I'm not sure where. My understanding is that you were with your attorney, Mr. Dowling, correct? And you met with Sergeant Steve Robel of the Santa Barbara sheriffs. Do you recall that recent interview?

A. You said the 24th of 2004?

Q. The date that I have is April 23rd. Do you recall a recent interview with a Santa Barbara sheriff?

A. Of this year, 2005?

Q. Yes.

A. I believe so.

Q. Okay. And your lawyer was present, correct?

A. I don't remember my lawyer being present.

Q. Is your lawyer's name Mr. Dowling?

A. Alan Dowling.

Q. Alan Dowling, okay.

And when -- let me restate all this.

You recently interviewed with a Santa Barbara sheriff, correct?

A. That's correct.

Q. And when do you think that interview was?

A. Recent-recent or --

Q. The most recent interview you gave to a Santa Barbara sheriff.

A. The most recent was, I guess, two days ago.

Q. Right. Okay. And to your knowledge, was that with a Sergeant Steve Robel of the Santa Barbara Sheriff's Office; do you know?

A. I believe I was talking to another gentleman. Maybe he was present in and out or -- kind of things.

Q. Okay. Where did the interview take place?

A. This interview took place at Santa Barbara District Attorney's Office.

Q. Okay. Do you know if any representative of the Santa Barbara District Attorney's Office was present at the interview you gave?

A. Yeah. I think, again, at the beginning, I was talking to Mr. Auchincloss. Then Mr. Robel came in and out.

Q. Okay.

A. And, yeah, Mr. Alan Dowling was there, too.

Q. Right. Okay.

A. Yeah. I'm sorry.

Q. And the purpose of the interview was to inform the prosecution for the first time that you had given money to Janet Arvizo, right?

A. The purpose of the interview was I guess an overall of what's going to be taking place in this courtroom --

Q. Okay.

A. -- when I take the stand.

Q. And in the interview, you admitted that you now recalled that you had given $2,000 to Janet Arvizo, right?

A. During that interview, yes.

Q. Yes. And you indicated to the Santa Barbara sheriffs that Janet had not ever directly asked you for money, right?

A. That's correct.

Q. But you also indicated with your attorney that Ms. Arvizo had described to you her financial situation from time to time, correct?

A. If I remember correctly, I had one conversation with Janet Arvizo which took place at Neverland, and this was right after the Martin Bashir documentary.

Q. Yes.
A. And at that time, there were some discussions as to her life is upside down, and, you know, she can't work and things like this.
Q. But at some point she led you to believe that her family was having some financial difficulties, true?
A. What I understood from that conversation is that she couldn't work and that they had to, you know, move around because of the media and the press following them.
Q. Right. She led you to believe at one point that she was out of money, right?
A. We never discussed money with her. I mean, she was just explaining to me what has happened to her since the Martin Bashir documentary.
Q. But you got the impression at one point that she needed financial assistance, correct?
A. Um, that she needed financial assistance?
Q. Well, let me restate the question.
A. Yes.
Q. In that interview you had with the Santa Barbara sheriffs on April 23rd, 2005, your lawyer

spoke to Sergeant Robel, correct?
A. That's correct. Alan Dowling.
Q. And he did so in your presence, right?
A. That's correct.
Q. And on your behalf, your lawyer indicated that you had learned about Janet Arvizo's dire financial circumstances, correct?
MR. AUCHINCLOSS: I'm going to object -- I'm going to object as to any comments about this lawyer as hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Was one of the --
MR. AUCHINCLOSS: And I'll move to strike the question.
THE COURT: It's not necessary. Go ahead.
Q. BY MR. MESEREAU: Was one of the purposes of that meeting for you and your lawyer to explain why you gave $2,000 to Janet Arvizo?
A. One of -- yes.
Q. And on your behalf, your lawyer did at one

point explain why, true?

A. I believe so.

Q. And at some point, it was your belief that Janet Arvizo was out of money, right?

A. Again, if I remember correctly, we didn't specifically talk about money. She was mainly complaining about her life being upside down because of this Martin Bashir documentary, and not being able to work.

Q. And the impression you got was that she needed some financial assistance, right?

MR. AUCHINCLOSS: Objection; asked and answered.

THE COURT: Overruled.

You may answer.

THE WITNESS: Could you repeat that again, please?

Q. BY MR. MESEREAU: Yes. You got the impression that Janet and her family could use some financial help. That's why you made a loan, right?

A. Sure.

Q. Okay. You based your conclusion that Janet needed financial help on what she had said to you from time to time, right?

A. Could you repeat that one more time?

Q. Sure. Let me restate it completely.

You didn't just give her $2,000 for no reason, right?

A. That's correct.

Q. You thought she could use it, right?

A. That's correct.

Q. You thought she needed it based on things she had told you about she and her family, right?

A. Sure.

Q. She didn't directly ask for it at any time, right?

A. No, she never asked for it.

Q. But she led you to believe that their lives had been turned upside down and she needed some financial help, right?

MR. AUCHINCLOSS: Objection. Compound; misstates the evidence; asked and answered.

THE COURT: Overruled.

You may answer.

THE WITNESS: Could you repeat that one more time? I'm sorry.

Q. BY MR. MESEREAU: Yes, okay. At some point -- let me restate the question. I'll withdraw the previous question.

A. Okay.

Q. At some point after numerous discussions with Ms. Arvizo, you formed the conclusion that she and her family could use some financial help from you, right?

A. After one conversation with her that night, February 19th, on the phone, I felt that they could use some financial assistance.

Q. Okay. And because you had reached that conclusion, you gave her $2,000, correct?

A. That's correct.

Q. You called it a loan, but you didn't expect to be repaid, correct?

A. Well, actually, I've been expecting to be paid. But if not, I can live without it.

Q. Okay. I mean, realistically when you gave it to her, did you expect her to repay it?

A. I did.

Q. Did you --

A. I mentioned, "This is not a gift. It's a loan. It's from me."

Q. Okay.

A. "And pay me whenever."

Q. Okay. And has she ever repaid it?

A. No.

Q. Okay. Now, is the conversation where you spoke to her and then concluded she could use some financial help the 25-minute conversation?

A. Approximately.

Q. Okay. And to your knowledge, where was Janet Arvizo when you had this approximately 25-minute conversation?

A. At what location she was, you mean?

Q. Yes. If you know.

A. I don't remember.

Q. And did she call you?

A. No.
Q. Did you call her?
A. No.
Q. Where were you when you had the 25-minute conversation?
A. At Neverland.
Q. Okay. And do you know approximately what date that conversation took place?

A. I believe it was February 19, 2003.
Q. Okay. So the impression you got that Janet could use a little help was formed before the rebuttal video was filmed at your home, true?
A. That's true.
Q. The rebuttal video was filmed at your home the next day, right?
A. Well, the morning after.
Q. Okay.
A. Once, you know, it goes over midnight, the date changes.
Q. Now, are you familiar with a company called I Films, Inc.?
A. That's my company.
Q. Is that still your company?
A. Yes, it is.
Q. And the services you provided to either Mr. Jackson or Mr. Jackson's company has been on behalf of I Films, Inc., right?
A. That's correct.
Q. Okay. And that's a corporation, obviously, right?
A. That's correct.
Q. Okay. And I believe you said you've been providing services for Mr. Jackson for a long time, correct?
A. From 1996 to 2003.

Q. Okay. All right. And when you've provided services for Mr. Jackson, you have periodically gone to different locations to provide the service, correct?
A. That's correct.
Q. And you have typically sent an invoice not long after you provide the service, right?

A. That's correct.
Q. All right. At some point you dealt with a company called Brad Lachman Productions, Inc., right?
A. That's correct.
Q. And to your knowledge, who is Brad Lachman Productions, Inc.?
A. It's a production company that FOX hired to put the rebuttal documentary together.
Q. Okay.
A. Final editing.
Q. And was it your understanding that that rebuttal documentary was being done by FOX Television?
A. What do you mean, "by FOX Television"?
Q. Well, you mentioned FOX, correct?
A. Yeah, it was supposed to be aired by FOX.
Q. And to your knowledge, was FOX involved in the production in any way?
A. Could have been.
Q. Okay. When you were doing the filming, was it your belief that FOX was somehow involved at that point?

A. Well, I never met anybody from FOX Television to discuss certain matters, but most of the communications came from Brad Lachman Productions.
Q. Okay. And you signed an agreement with Brad Lachman Productions on approximately February 14th, 2003, right?
A. I don't remember.
Q. Would it refresh your recollection if I just show you that document?
A. Sure.
MR. MESEREAU: May I approach, Your Honor?
THE WITNESS: Okay.
Q. BY MR. MESEREAU: Have you had a chance to look at that document?
A. I never been provided with that document.
Q. But do you see your signature on the document?
A. It seems to be my signature.
Q. Okay. Do you recall what the purpose of

that document was?
A. There was an interview of me being used in that rebuttal documentary.
Q. Okay. And when you were interviewed, who did your interview, if you know?
A. Brad Lachman Productions.

Q. Okay. Did they choose an interviewer to actually interview you?
A. I believe they did.
Q. And do you recall where your interview took place?
A. In a hotel.
Q. Okay. And was that prearranged by somebody?
A. I believe so.
Q. Okay. And I gather the purpose of that interview was to allow you, who had known Michael Jackson, to say good things about him?
A. Well, actually that interview was supposed to be the rebuttal, to be used for the rebuttal documentary that we were working on titled, "Footage You Were Never Meant To See."
Q. Right.
A. To respond to some of the comments that Martin Bashir made.
Q. And the reason you were interviewed was that when Martin Bashir was filming his interview with Michael Jackson, you were also filming that interview, true?
A. That's correct.
Q. And Bashir had arranged to film the interview separate and apart from what you were doing, right?
A. There were two different cameras and two different angles.

Q. Yes. And you were filming it at the request of Mr. Jackson, right?
A. No.
Q. Who were you filming it at the request of?
A. Myself. There was no request as far as me recording it. I decided on my own.
Q. But certainly Mr. Jackson knew you were there, right?

A. Yes.
Q. And you were right next to Mr. Jackson doing your filming while Bashir was doing his filming of Mr. Jackson, right?
A. That's correct.
Q. And your intention was to make sure you had a full copy of all the questions and answers between Bashir and Michael Jackson?
A. Repeat that question one more time.
Q. Yes. Maybe I wasn't clear on that. Your intent was to try and film a complete copy of the interview between Bashir and Michael Jackson, right?
A. Actually, my intention was just to document this interview on my camera.
Q. Yes, okay. And one of the purposes was not to allow Bashir to have exclusive possession of what he had done in that interview, right?
A. Would you repeat that one more time?
Q. Sure. I'm sorry if I'm unclear.

If you hadn't filmed Mr. Bashir's interview with Michael Jackson, logic suggests that the only person that would have had a copy of that interview would have been Bashir, right?
A. Well, you see, there were like two different cameras, one single scene. So meaning if there was not my camera in there --
Q. Yes.
A. -- the only other camera that would have been in there would have been Martin Bashir's camera.
Q. Yes. And if that had been the case, Mr. Bashir could have selectively used, or not used, whatever parts he wanted and he would have had control of all the product, right?
A. Yes.
Q. And when you saw the Bashir documentary, you knew that there were parts where Mr. Bashir had said positive things about Michael Jackson that he had left out of his documentary, right?
A. That's correct.
Q. And the reason you were being interviewed by Brad Lachman Productions was because the intention

was to have some of those parts that you had filmed appear in the rebuttal video, right?

A. That's --

MR. AUCHINCLOSS: I'm going to object; relevancy and beyond the scope.

MR. MESEREAU: I believe he opened the entire door, Your Honor.

THE COURT: The objection's overruled.

Q. BY MR. MESEREAU: In fact, the title of that documentary on television was, "The Michael Jackson Interview: The Footage You Were Never Meant To See," right?

A. That was the title of the rebuttal video, that's correct.

Q. And the words "The Footage You Were Never Meant To See" were supposed to apply to footage you had?

A. That's correct.

Q. That Bashir had never used, right?

A. That's correct.

Q. That included footage where Mr. Bashir was complimenting Mr. Jackson on what a parent he was, right?

A. That's right.

Q. Complimenting Mr. Jackson on what a good person he was, right?

A. That's correct.

Q. He was complimenting Mr. Jackson on his wonderful role in the world involving children, right?

MR. AUCHINCLOSS: Objection; hearsay.

THE COURT: Overruled.

Q. BY MR. MESEREAU: Right?

A. Do I answer?

THE COURT: Yes.

THE WITNESS: Yeah.

Q. BY MR. MESEREAU: He had footage about Mr. Jackson wanting an international day in honor of children, right?

A. I'm sorry. Say that again.

Q. Mr. Bashir, in his interview, talked to Mr. Jackson about Mr. Jackson's desire to have a day

around the world in celebration of children, right?
A. Yeah.
Q. And your belief at that time was that Mr. Bashir had presented a very distorted view of that interview with Mr. Jackson, correct?
MR. AUCHINCLOSS: Objection; calls for a conclusion.
MR. MESEREAU: State of mind, Your Honor.
MR. AUCHINCLOSS: Relevance.
THE COURT: Overruled.
You may answer.
THE WITNESS: Say that one more time.
Q. BY MR. MESEREAU: Yeah, I'm sorry. Sorry.
Your role in the television show titled, "The Michael Jackson Interview: The Footage You Were Never Meant To See," was to talk about the footage you had in that interview that Bashir didn't use, right?
A. That's correct.

Q. And that was footage that was very positive about Mr. Jackson, true?
A. Most of Martin Bashir's comments were positive.
Q. Yes. And the agreement you signed with Brad Lachman Productions related to the fact that you yourself were going to appear in that documentary, right?
A. That's correct.
Q. So your role in that documentary was not just filming people. It was actually appearing yourself, right?
A. At one point, yes. I basically did an interview to appear in that with the permission of Mr. Jackson.
Q. Okay. That's why you signed an agreement with Brad Lachman Productions, Inc., right?
A. Just for that interview.
Q. Yes.
A. For my interview, yes.
Q. Okay.
A. Not the footage.
Q. But the consent was to use your likeness and your words in the show, right?

A. My image, my voice in the show.

Q. Yes. Okay. And you signed that on February 14th, 2003, right?

A. Again, I don't -- I don't think I have the copy of that, but if that's what it says, I believe so.

Q. Okay. And that is what it says, and you think that's accurate?

A. I'm sure. If you tell me, I believe you.

Q. Okay. You believe that's accurate, the date I showed you, right?

A. I didn't pay attention to the date. I was just looking at my signature.

Q. Would it refresh your recollection just to see the date?

A. Sure.

MR. MESEREAU: May I approach?

THE COURT: Yes.

THE WITNESS: Sure.

Q. BY MR. MESEREAU: Have you had a chance to look at the document?

A. No.

(Laughter.)

THE WITNESS: Oh, right now? Oh, I'm sorry. I thought you were talking about the entire thing.

Q. BY MR. MESEREAU: Okay. Have you had a chance to look at the date on the document?

A. I looked at the date of the document just right now, yes.

Q. And does it refresh your recollection that it was signed on February 14th, 2003?

A. I believe so.

Q. All right. Now, I gather from what you've said that you decided at some point that your role in this rebuttal documentary titled, “The Michael Jackson Interview: The Footage You Were Never Meant To See,” was to be both participant and help film portions of it, right?

A. Would you repeat that one more time?

Q. Yeah, and I think -- I think you've said this. You were both interviewed to appear in it, and you also were doing footage yourself?

A. Sure.
Q. Okay. Okay. And I believe you told the prosecutor that the footage you took of the Arvizos you decided to retain yourself at some point, right?
A. Well, I -- well, what happened is, it remained in my possession and it was not turned over that night.
Q. Okay. Okay. And one of the reasons was you wanted to make sure you got paid, right?
A. One of the reasons, if I remember correctly, was that Mr. Jackson's managers, his agents, they promised me certain things.
Q. Right.
A. And they did not fulfill their promise.
Q. So you thought you would get paid either that night or the next day, right?
A. Yes.
Q. And that didn't happen?

A. That didn't happen.
Q. So you were retaining control of the video to make sure you were paid properly, right?
A. Well, I figured I did everything that I promised them, but they not fulfill their promise, so I'm going to stop doing whatever I was doing until I get paid.
Q. Okay. Now, how many interviews did you do yourself to help prepare the rebuttal show?
A. How many interviews I shot, or --
Q. Yes, how many did you shoot? You, yourself.
A. Of other people?
Q. Yes.
A. For that rebuttal documentary?
Q. Yes. You did the Arvizos, obviously.
A. We did Arvizos. We did Mr. Jackson's parents. I believe Debbie Rowe.
Q. Okay.
A. Mr. Jackson's makeup artist.
Q. That's Karen Faye?
A. Karen Faye.
Q. Okay.
A. That's what I remember right now.
Q. Do you recall whether or not you did an interview with Mr. Jackson's physician? Pardon me,

I'm sorry, that's not -- that's not phrased well. Do you recall whether or not you filmed any footage of an interview with Mr. Jackson's physician?

A. Do you have a name? Because Mr. Jackson has a lot of physicians.

Q. Do you recall doing anything like that?

A. No.

Q. Okay.

A. Not any physicians that I remember.

Q. And were you involved with Brad Lachman Productions while you were doing these filmings?

A. I had some involvement with them.

Q. Okay. And what was the involvement you had with Brad Lachman Productions?

A. Providing footage to them from Mr. Jackson's archival office and some new footage that we were shooting.

Q. Okay. Okay. Now, was it your understanding that you would be paid for the actual interview you did?

A. No.

Q. Okay. You were expecting payment for the film footage that you did, right?

A. For my services.

Q. Yes, okay. All right. And I believe you testified that the footage of the Arvizos that you did never appeared in that television documentary, right?

A. That's correct.

Q. Did you, yourself, deal with anybody from FOX when it came to preparing this documentary?

A. I don't believe so.

Q. Do you recall at one point complaining that Martin Bashir had used footage of you in his televised interview with Mr. Jackson?

A. Did I ever complain?

Q. Yes.

A. To who?

Q. To anyone, that you had appeared in this documentary without your permission.

A. I discussed with some people that I was in that documentary without my permission, but I wasn't really complaining, because, you know, it's just --

Q. But your position certainly was that you had appeared in the Bashir documentary without any permission from you, right?

A. I did not sign anything to Martin Bashir to use me in that video, but then he did and -- you know, it was okay with me.

Q. Did you ever send a letter to anyone complaining about the fact that Bashir had used you in his documentary without your permission?

A. Send any letter?

Q. Yes, about the unauthorized use of your likeness by Bashir.

A. I received a letter from Mr. Jackson's lawyer asking me to sign that document that you're talking about.

Q. Okay.

A. But I never did.

Q. You never did, okay.

A. I never did.

Q. Okay. But your position at the time was he had used your likeness without any authorization from you?

A. He never ask me if we can do that, but he used it.

Q. Now, he was not some friend of yours, was he, Mr. Bashir?

A. We became friends, kind of.

Q. Okay. Did you remain friends?

A. I'm sorry?

Q. Did you remain friends?

A. After the air -- after the airing it?

Q. Yes.

A. I guess not.

Q. Okay.

A. I've never seen the guy again.

Q. Okay. All right. Around March of 2003, you were represented by a law firm named Greenberg Traurig, correct?

A. March 2003, that's correct.

Q. And Greenberg Traurig is a large law firm with different offices around the country, right?

A. That's correct.

Q. And they were representing you in your desire to get paid, right?

A. That's correct.

Q. All right. And you were asking to be paid for the work you did, right?

A. For my services and out-of-pocket expenses.

Q. But you were also asking for more money than that, correct?

A. What do you mean by that?

Q. Well, your lawyer claimed that you were promised you would be compensated above and beyond the moneys set forth in your invoices, right?

A. Mr. Jackson's managers, Ronald and Dieter --

Q. Right.

A. -- they promised me percentage of the net profit of this -- of this documentary.

Q. Yes. So your position was that you not only should be paid what was in your invoices, but that you should be given a profit percentage of what was made on the whole show, right?

A. They promised me that all my invoices for the last year and a half that has not been paid at the time, approximately $250,000 --

Q. Right.

A. -- will be paid in full, plus a percentage of the net profit.

Q. Yes. And obviously they never came through with that, did they?

A. They never fulfilled their promise.

Q. Okay. And at some point did you learn that they had been caught stealing close to a million dollars from Mr. Jackson?

MR. AUCHINCLOSS: Objection; assumes facts not in evidence.

THE COURT: Sustained.

Q. BY MR. MESEREAU: At some point did you ever learn that they were stealing anything from Mr. Jackson?

A. No.

Q. Okay. But you were dealing with -- excuse me, I'm going -- sorry.

Your lawyers were dealing with a lawyer for Mr. Jackson named David LeGrand, right?

A. That's correct.

Q. And to your knowledge, Mr. LeGrand had an office in Las Vegas?

A. That's correct.

Q. Okay. Did you ever talk to him personally yourself?

A. Yes, I did.

Q. And at some point you turned that over to your lawyers, right?

A. To my lawyer, yes.

Q. To deal with him directly?

A. Yes.

Q. Okay. Now, when you say that Dieter and Konitzer promised you a net profit's interest in

that rebuttal documentary, what did you believe "a net profit's interest" meant?

A. A percentage of, like, the gross sales or net profit of it, some sort.

Q. Is that what Dieter and Konitzer promised you?

A. That's correct.

Q. The two of them?

A. That's correct.

Q. All right. And you took the position that you owned a copyright interest in the footage you had done, right?

A. What footage?

Q. The footage that you did to put together the T.V. documentary about "The Footage You Were Never Meant To See," right?

A. That's correct.

Q. All right. And what did you mean by your having a copyright interest?

A. I'm the author of this footage, and because no payment has ever made for those, I'm claiming ownership of it.

Q. Okay. Okay. So you claim that you owned an interest in footage that was used in that television documentary, right?

A. That's correct.

Q. And did you ever see that television

documentary?

A. "The Footage You Were Never Meant To See"?

Q. Yes.

A. Yes.

Q. And that was narrated by Maury Povich, correct?

A. That's correct.

Q. Okay. When did you first meet Dieter?

A. The very first time?

Q. Yes.

A. 1996.

Q. So you knew Dieter before he was doing anything for Mr. Jackson, correct?

MR. AUCHINCLOSS: Objection; assumes facts.

THE COURT: Overruled.

You may answer.

THE WITNESS: I met Mr. Dieter during the History tour, Mr. Jackson's world tour, and his position was merchandising.

Q. BY MR. MESEREAU: Okay. He said he was trying to merchandise something involving Mr. Jackson, correct?

A. He was doing the merchandising of that tour, I believe.

Q. Okay.

A. With a promoter.

Q. With a promoter you said?

A. Yeah.

Q. And who was the promoter, if you know?

A. Avram.

Q. Okay.

A. Forgot his name. Mr. Avram.

Q. After you met him in 1996, did you do any business with Dieter, other than what you have described today?

A. After 1996?

Q. Let me rephrase it. Bad question.

You met him in 1996, right?

A. That's correct.

Q. After you met him in 1996, did you do any business with him?

A. Until like from 1996 till sometime -- I mean, are you giving me a time frame or --

Q. Yes. Between the time you first met Dieter in 1996 --

A. Okay.

Q. -- and the events you've described today --

A. Okay.

Q. -- did you personally do any other business with him?

A. "Business" meaning financial business-type of -- no. No.

Q. Did you have any involvement with him at all between the time you met him in 1996 and the events you've described today?

A. When you say "involvement," what do you mean by that?

Q. Were you in communication with him at all?

A. Sometimes.

Q. And when did you start communicating with him after you first met him in 1996?

A. Well, just an example would be we're on the tour, and he's doing merchandising --

Q. Right.

A. -- and we will just see each other and say "Hi" at a venue, let's say, and he would show like the new jackets that he designed and things like that.

Q. Okay.

A. Basically that kind of -- that kind of, you know, interaction.

Q. Right. After the tour ended, when did you next communicate with Dieter?

A. I would see Dieter once in a while --

Q. Okay.

A. -- with Mr. Jackson.

Q. Okay. And that would be in Los Angeles?

A. Various locations.

Q. And your understanding was that he was trying to merchandise memorabilia, jackets, things like that, involving the name "Michael Jackson," right?

A. For the tour.

Q. Yes. Okay. Your understanding was he was trying to merchandise products, correct?

A. That's correct.
Q. Products like jackets, right?
A. Sure.
Q. Jackets that were supposed to be associated with Michael Jackson, right?
A. Sure.
Q. Okay.
A. Mr. Jackson's name would be on it.
Q. Right. Right. And when did you first meet Konitzer, if you know?
A. I believe late 2002. I would say in November, December 2002.
Q. Okay. You didn't meet him when you first met Dieter, right?
A. No.
Q. Okay. Okay.
THE COURT: All right. Let's take our afternoon recess.
8:30 tomorrow morning. Remember the admonitions.
(The proceedings adjourned at 2:30 p.m.)
--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 7582 through 7747 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 26, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
April 26, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, APRIL 27, 2005

8:30 A.M.

(PAGES 7749 THROUGH 7807)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

APPEARANCES OF COUNSEL:

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-and- GORDON AUCHINCLOSS,
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For Defendant: COLLINS, MESEREAU, REDDOCK & YU BY: THOMAS A. MESEREAU, JR., ESQ.

-and- SUSAN C. YU, ESQ.
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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

PLAINTIFF'S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
MOSLEHI, Hamid	7752-M (Contd.)			

Santa Maria, California
Wednesday, April 27, 2005
8:30 a.m.

THE COURT: Good morning, everyone.
COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.
THE JURY: (In unison) Good morning.
THE COURT: Counsel, you may proceed.
MR. SANGER: Can we have just one second, Your Honor, for a technical matter?
MR. MESEREAU: Thank you, Your Honor.

HAMID MOSLEHI
Having been previously sworn, resumed the stand and testified further as follows:

CROSS-EXAMINATION (Continued)
BY MR. MESEREAU:
Q. Good morning.
A. Good morning.
Q. Mr. Moslehi, yesterday you mentioned that you had decided to give Janet Arvizo a $2,000 loan on approximately February 19th, 2003, right?
A. That's correct.
Q. And you said you did that based upon a phone conversation with Ms. Arvizo that lasted about 25 minutes, right?

A. That's correct.
Q. You didn't give her the actual check till the next day after you had filmed the Arvizo family in what is often referred to as the rebuttal portion, right?
A. Towards the end of it, after the interview, yes.
Q. Yes. Now, obviously, if you were filming the Arvizo family in that tape, you heard what Janet

was saying, correct?

A. Oftentimes I wasn't paying fully attention to what she was saying because I was mostly concerned about, you know, lighting, camera, that kind of stuff. But, yeah, I heard some.

Q. But you heard a number of the things that Janet Arvizo said in that footage, correct?

A. Some, yes.

Q. And did you hear her saying words to the effect that her family had been spat upon and abused and not treated properly by various people?

A. I believe so.

Q. And would it be accurate to say that your phone conversation with her the previous day plus what you heard her say in that tape-recording influenced you to give her $2,000?

A. In some effect, yes.

Q. Okay. Now, in your phone conversation with Ms. Arvizo on February 19th, 2003, did she ever tell

you that she was living with and being supported by a Major Jay Jackson?

MR. AUCHINCLOSS: I'll object as assumes facts not in evidence. Compound, as well.

MR. MESEREAU: I'll rephrase it if the Court would like.

THE COURT: All right.

Q. BY MR. MESEREAU: When Ms. Arvizo on the 19th of February 2003 in your approximately 25-minute phone conversation discussed her financial situation, did she ever tell you she was living with Major Jay Jackson?

A. I don't remember her making a comment as far as where she lives and who she lives with.

Q. In that conversation, did she ever tell you that she was being supported by a Major Jay Jackson?

MR. AUCHINCLOSS: I'll object as assuming facts not in evidence.

MR. MESEREAU: Strictly a question.

THE COURT: The objection is overruled. You may answer.

THE WITNESS: Um, did she mention whether she lives or being supported by Jay Jackson?

Q. BY MR. MESEREAU: My first question was, did Janet Arvizo in your phone conversation on February 19th, 2003, ever mention to you that she was living with a Major Jay Jackson, and I believe you said, "No."

A. I believe -- I don't remember having that conversation.

Q. My next question is, in that same phone conversation did Janet Arvizo ever mention that she was receiving any financial support from a Major Jay Jackson?

A. I don't remember having that conversation.

Q. In that phone conversation, did Ms. Arvizo ever mention that her family had obtained an approximately $152,000 settlement from J.C. Penney?

A. No.

Q. In that phone conversation, did Miss Arvizo ever mention that her family had received any money from fund-raisers at The Laugh Factory?

A. No.

MR. AUCHINCLOSS: I'll object and move to strike, as to the last question, as vague as to time.

THE COURT: Overruled.

Q. BY MR. MESEREAU: In that phone conversation of February 19th, 2003, did Ms. Arvizo ever mention that any celebrities had at any time given her family money?

MR. AUCHINCLOSS: Objection; vague as to time.

THE COURT: Overruled.

THE WITNESS: Do I answer? No.

Q. BY MR. MESEREAU: And in your phone conversation on February 19th, 2003, did Ms. Arvizo ever mention that she had set up a bank account for the benefit of her son Gavin from which she withdrew thousands of dollars?

MR. AUCHINCLOSS: Objection; assumes facts not in evidence.

THE COURT: Sustained.

Q. BY MR. MESEREAU: In that phone conversation on February 19th, 2003, did Ms. Arvizo ever mention that she had set up a bank account for the benefit of her son Gavin?

A. No.

Q. And in that same phone conversation, did she ever mention that her family had ever obtained any vehicle from Michael Jackson?

A. No.

Q. Did she ever say in that phone conversation any benefits, financial or otherwise, that she or her family had received from Michael Jackson?

A. No.

Q. Did she ever say anything about someone named Louise Palanker giving the family $20,000?

A. No.

Q. Did she ever say anything about Fritz Coleman, a newscaster in Los Angeles, trying to raise money for the family?

A. No.

Q. Did she ever say anything about Chris Tucker giving $2,000 to the family?

A. No.

Q. Did she ever say anything about Chris Tucker giving the family the use of a vehicle at any time?

A. No.

Q. Now, you indicated that when you went to Neverland to pick up the family -- excuse me. Pardon me. Let me rephrase that. Poor question.

You indicated that you drove to Neverland for the purpose of filming the family at Neverland, right?

A. That's correct.

Q. And you indicated that when you got there, to your knowledge, the children were there but Janet Arvizo was not, correct?

A. That's correct.

Q. And I believe you said you spoke to Joe Marcus about your desire to take the children to Los Angeles to do the filming, correct?

A. After Janet not being there, there was a decision made that the interview will take place in

L.A.

Q. Okay.

A. And I informed Joe Marcus about that decision.

Q. And to your knowledge, who was Joe Marcus?

A. Joe Marcus is Neverland Valley property manager.

Q. And had you met him before?

A. Yes.

Q. And was it your understanding he had worked at Neverland for a long period of time?

A. That's correct.

Q. And your understanding from Mr. Marcus was that he didn't have the authorization to let the children get in your car and drive off to Los Angeles, correct?

A. What I remember is that I told him about the plan of taking the kids to Los Angeles for an interview, and if I remember correctly, he said that they're not allowed to leave the property.

Q. And at some point, he came back to you and said he had the authority to let you drive the kids to L.A., correct?

A. If I remember correctly, it just happened that I took the kids and I don't remember having any more conversation. But he was aware of me taking the kids with me.

Q. Okay. So did you assume at the time that Mr. Marcus knew the children were on the property, without the mother, and that Mr. Marcus needed some type of authorization to just let them go off with you?

MR. AUCHINCLOSS: Objection; requires speculation.

THE COURT: Sustained.

Q. BY MR. MESEREAU: How much time elapsed between Mr. Marcus telling you that he didn't have authority to let the kids go and your actually taking the kids with you?

A. Approximately 30 minutes.

Q. Okay. And did you assume that within that 30-minute period Mr. Marcus telephoned someone to find out if he could let these children leave the property?
A. I assume that's what he did, yes.
Q. Okay. And you then, approximately 30 minutes later, put the three children in your car and drove them to Los Angeles, right?
A. That's correct.
Q. Had you ever had those three children in your car before?
A. No.
Q. Now, when you went to Mr. Marcus and told him you wanted to take the three children to Los Angeles, did he ask you if you had the authority to do so?
A. I don't remember.
Q. Did you tell him you had the mother's permission to put her three children in your car and drive them to Los Angeles?
A. I don't remember.
Q. Okay. But I assume at some point you thought you had the mother's permission to do that, correct?

A. That's correct.
Q. Okay. And at some point in time, you learned that Janet Arvizo did not want to return to Neverland for the filming, right?
A. That's correct.
Q. You learned that Janet Arvizo wanted the filming to take place somewhere in Los Angeles County, correct?
MR. AUCHINCLOSS: Objection; assumes facts.
THE COURT: I'll sustain the objection as vague.
MR. MESEREAU: Okay.
Q. At some point before you put the three children into your automobile and drove them to your home, was it your understanding that the mother approved your doing that?
A. Yes.
Q. And I gather you then drove the children

directly to your home; is that right?

A. That's correct.

Q. When you got to your home, was Janet Arvizo there?

A. No.

Q. At some point after you arrived at your home with the three children, did Janet Arvizo arrive?

A. That's correct.

Q. Okay. And as you testified, the filming then took place at your home, right?

A. That's correct.

Q. Now, you indicated that an investigator named Brad Miller was there, right?

A. That's correct.

Q. And did you learn that he was working for Attorney Mark Geragos?

A. I did not know who he was working for.

Q. Okay. Did you assume he was investigating somebody?

A. I didn't know why he's there.

Q. Okay. Did he ever explain to you why he was there?

A. No.

Q. Okay. But he must have identified himself as a private investigator, right?

A. No. What happened is I asked one of the gentlemen of Marc Schaffel's people who this guy is, and they said he's a private investigator.

Q. Okay. But you never really knew if he was investigating the Arvizos, or Schaffel, or you, or anybody, right?

A. I didn't know.

Q. Okay. Now, you've been interviewed by representatives of the District Attorney's Office, correct?

A. That's correct.

Q. And have they ever discussed with you who Mr. Miller is in those interviews?

A. On November 18, 2003, I was served with a search warrant. On that search warrant, it says

that any document that could show any relationship between me and Brad Miller.
Q. Okay.
A. And there were some other questions about that.
Q. And other than him being at your house that night, you really had no relationship with him, right?
A. No.
Q. And if he was putting anyone under surveillance, you weren't aware of it, right?
A. No.
Q. Okay. And at some time you learned that he had actually done a few minutes of surveillance on you, right?
A. Recently I learned that.
Q. You learned that from the prosecution, correct?
A. That's correct.
Q. Okay. Now, obviously yesterday, the prosecutor played that little bit of footage, and you identified yourself and your automobile, right?
A. That's correct.
Q. And where did that footage take place, if you know?

A. That's what I was wondering yesterday. I don't --
Q. It was not at your home, right?
A. No.
Q. It was somewhere else?
A. That's correct.
Q. It appeared that you were going to a parked vehicle that you owned?
A. I believe so.
Q. But you're not sure where that was?
A. No.
Q. Okay. Okay. Did you ever see Investigator Brad Miller after that evening you filmed the Arvizo family?
A. Did I see him again?
Q. Yes.
A. No.

Q. So that was the first and only time you've ever seen the guy?
A. That was the first and the last time I ever saw him.
Q. Did he ever call you after that and ask you anything, to your knowledge?
A. No.
Q. Okay. But you're saying Marc Schaffel told you he was a private investigator?
A. One of his guys.
Q. Okay. Not Schaffel himself?

A. Not Schaffel himself.
Q. Okay. Okay. But whoever told you that didn't tell you that he was employed by Attorney Geragos, correct?
A. No.
Q. All right. Did you learn that at some point, that Mr. Miller was a private investigator hired by Attorney Mark Geragos?
MR. AUCHINCLOSS: Objection; asked and answered.
THE COURT: Overruled.
You may answer.
THE WITNESS: I heard on the T.V.
Q. BY MR. MESEREAU: Okay. Okay. All right.
Let me get back to the financial disagreement you had regarding your filming the Arvizo family, okay?
A. I'm sorry, repeat that, please.
Q. The concerns you had about being properly compensated for the work that you had done, okay?
A. Unpaid invoices?
Q. Yes. I want to ask you some questions about that.
At the time you filmed the Arvizo family for purposes of the rebuttal documentary, did you know when the documentary was supposed to air on television?
A. Yes.
Q. And what was your understanding about when

that rebuttal documentary with Maury Povich was supposed to air on television?

A. February 20th of 2003.

Q. That didn't give you much time to get the footage you filmed to the network that was going to actually air the show, did it?

A. No. In fact, we missed the deadline.

Q. Yes. Originally, was the plan for you to film the family, get immediately paid and get it to the network? Was that the initial plan?

A. The initial plan was to finish this rebuttal documentary by midnight of 19 -- February 19 of 2003, to be aired for the 20th. And the day after it's aired I was supposed to get paid in full.

Q. Okay. And I believe you testified that you withheld the footage because you hadn't been immediately paid, correct?

A. Well, I held the footage because of other reasons. I had to make a copy of it. And also, since we missed the deadline, there was no reason to rush to deliver these tapes anyway.

Q. But by withholding the footage, it was clear to you that it could never be on the televised documentary, right?

A. Sorry, say that again?

Q. By withholding the footage the way you did for the reasons you've expressed, it was obvious to you that it could never appear on the documentary,

right?

A. Well, as I said, we missed the deadline anyway, so there was no way that those footage could have been used in the rebuttal documentary.

Q. But your understanding about why you were to film the family was that there was a desire to possibly use that footage in the T.V. documentary, correct?

A. Well, originally we were supposed to shoot this on 19, February 19, to be delivered by midnight to the production company. Since we passed that deadline, I knew that it's not going to be used for the rebuttal documentary.

Q. Now, yesterday, you testified that Dieter and Konitzer had promised you a profit participation in the televised documentary, correct?

A. A percentage of the revenue.

Q. Now, correct me if I'm wrong, I think yesterday you used the firm -- used the term, excuse me, a percentage of gross profits; was that true?

A. Yeah, gross profit.

Q. Okay. Because there is documentation that talks about your claim that you had a net profits interest as opposed to a gross profits interest?

A. Well, maybe I'm not qualified to distinguish the difference between the two, but there was an agreement that once -- once this documentary is aired, there would be a percentage of the sales, amount of the gross sales, to me for my work.

Q. And was that percentage of gross sales supposed to include gross sales all over the world?

A. That's correct.

Q. And in your mind, that could be many millions of dollars potentially, right?

A. At the time, I didn't know what was the sales.

Q. Okay. And you're saying that Dieter and Konitzer gave you an oral agreement to that effect, right?

A. That's correct.

Q. There was nothing ever reduced to writing about your having a percentage interest in profits associated with that show, right?

A. They promised me that they will put this in writing, but they never did.

Q. Okay. Now, in light of the fact that the footage of the Arvizo family could not appear in that documentary, did you still think you were entitled to that percentage interest?

A. Sure.

Q. In light of the fact that the footage could not appear in that documentary, did you still feel you were entitled to your normal fees and costs?

A. Well, the Arvizo family footage was not the only one, the only footage to be used in that rebuttal documentary. There was some other footage

created by me that was supposed to be used in there.
Q. And an example of that footage was your own personal interview, right?
A. As far as profit goes?
Q. Yes.
A. Could you be more specific?
Q. Sure. Sure. Let's talk about all the work you did on the rebuttal show that was hosted by Maury Povich, okay?
A. Okay.
Q. The work you did was a personal interview, right?
A. Personal interview of --
Q. You.
A. I did not do that myself.
Q. But you spoke yesterday about a personal interview --
A. No, I did not shoot that interview. In other words, I did not shoot myself to be interviewed. Somebody else shot me.
Q. Yes. But certainly you did grant an interview that somebody else shot for purposes of that documentary, right?
A. That's correct.
Q. And you also obviously did a shoot of the Arvizo family for the purposes of that documentary, right?
A. Sure.

Q. What else did you do for the purposes of preparing that documentary?
A. As I remember correctly, I put 250 hours in a matter of 11 days, 250 hours in a matter of 11 days, oftentimes 20 -- 20 hours a day to finish this rebuttal documentary.
Q. And that included footage of other family members of the Jackson family, correct?
A. The Jacksons' family members interview, other footage that I provided, and edited for --
Q. Right.
A. -- for the purpose of this documentary.
Q. All right. Now, other than the Arvizo

footage, did you provide the other footage you did to the network?

A. Other footage of?

Q. Family members. Did you provide that in a timely fashion so it could be used in the documentary?

A. When you say “family members,” are you talking about Mr. Jackson's family members?

Q. Yes.

A. Okay.

Q. So that was given in time to be included in the documentary, correct?

A. That's correct.

Q. The only footage you did that was not provided in time to include in the documentary was

the footage of the Arvizo family, right?

A. The only footage that was not provided?

Q. Well, let me -- I'm probably confusing you. Don't intend to.

The Arvizo family footage never got there in time, right?

A. That's correct.

Q. The other footage you did did get there in time, right?

A. That's correct.

Q. Okay. If you knew that the footage of the Arvizo family was not going to get there in time, why did you continue to do it?

A. Well, since we set up all the equipment and everything, might as well shoot it.

Q. Okay. And your position after you shot it was, “I want to make a copy of it, and I'm not handing it over to anybody till I'm properly compensated,” right?

A. No, first my thought was I'm making a copy of it, just for insurance. In case something happens to the tapes, there's a copy of it.

But the morning after when Ronald and Dieter and other of Mr. Jackson's agents refused to talk to me about this unpaid invoices issue, I decided that I'm not going to do anything until I get paid.

Q. Uh-huh. Okay. Your position was you

weren't going to do anything until you got paid your normal fees and costs that were owed, plus you had a documented percentage interest in profits coming from the show, right?

A. All the unpaid invoices and the percentage that they promised me.

Q. Yes. Okay.

Now, your lawyers at Greenberg Traurig, the law firm you retained, wrote a letter to David LeGrand on March 5th, 2003, that I showed you yesterday, okay?

A. I don't think you showed me a letter of my lawyer.

Q. Oh, may I -- would it refresh your recollection if I just show it to you?

A. Sure.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: No, you haven't asked him a question that requires any refreshing of memory.

Q. BY MR. MESEREAU: Okay. Do you recall a letter from your lawyers that was written to David LeGrand on March 5th, 2003?

A. There was a lot of letters wrote. I don't recall which one you are referring to.

Q. Do you recall one written on March 5th, 2003?

A. I don't remember a specific date.

Q. Would it refresh your recollection if I just show you a copy of that letter?

A. Sure.

MR. MESEREAU: May I approach?

THE COURT: No. You haven't asked him a question that requires refreshing of memory.

MR. MESEREAU: I thought -- he doesn't know the date, Your Honor. I was just going to refresh him on that. All right.

Q. How long after you completed the footage of the Arvizo family did you retain a law firm to represent you?

A. Could you repeat that again?

Q. Yes. You filmed the Arvizo family on the 20th, right?

A. Yes.

Q. You withheld the footage - okay? - for various reasons that you've identified?

A. Sure.

Q. And you went to a law firm to represent you shortly after that, correct?

A. What do you mean "shortly after"?

Q. Well, within a couple of weeks, true?

A. Approximately.

Q. The law firm was a firm by the name of Greenberg Traurig, correct?

A. That's correct.

Q. And Greenberg Traurig wrote a letter to Attorney David LeGrand, who you have spoken about before. They wrote him a letter on March 5th, 2003,

identifying your position on compensation, right?

A. I believe so.

Q. Okay. Do you know for sure?

A. Well, again, I don't have my records here, so I don't know what -- what letter you're referring to.

Q. Okay. Would it refresh your recollection if I show that to you?

A. Sure.

MR. MESEREAU: The letter of March 5th, is that permitted, Your Honor?

THE COURT: Yes.

MR. AUCHINCLOSS: So what number?

THE WITNESS: Okay.

Q. BY MR. MESEREAU: Have you had a chance to look at that document?

A. Well, my lawyer was in touch with Mr. LeGrand, so most of the communications were between my lawyer and Mr. LeGrand.

Q. But you've looked at that document I showed you, right?

A. Right now I looked at it.

Q. And you see a date of March 5th, 2003?

A. It says March 5th.

Q. Okay. Do you know approximately when you

hired a lawyer to represent you on this particular issue?
A. I don't remember.

Q. Okay. It was shortly after you filmed the Arvizo family, correct?
A. When you say “shortly,” what do you mean?
Q. Within a couple weeks? Within two weeks?
A. Approximately.
Q. And had you made any verbal requests to Dieter and Konitzer to fulfill what you say their promises were before you went to a lawyer?
A. I'm sorry, say that again?
Q. Had you spoken to Dieter and Konitzer between the filming of the Arvizo family and the time you retained the law firm of Greenberg Traurig?
A. Yes, I spoke with them.
Q. Did you try to get things resolved with them?
A. Yes, I did.
Q. And I gather you could not do that?
A. Negative.
Q. Okay. Now, you were asking to be compensated for projects you had done since 1999, right?
A. There were unpaid invoices --
Q. Yes.
A. -- from .99, 2001, and I believe 2002 and 2003.
Q. Right. One of them had to do with your filming the Air Force visiting Neverland, correct?
A. I don't have my records, but it could be.

Q. Would it refresh your recollection if I just show you your outstanding -- a record of your outstanding invoice?
A. Is that one of the outstanding?
Q. Yes.
A. It is, for sure? Okay. I mean, I don't have my records. I do have records that shows what has been paid, what has not been paid.
Q. Okay.

A. But right now I don't have nothing in front of me to be able to tell you whether that specific invoice has been paid or not.

Q. Would it refresh your recollection if I just show you a record of your invoices?

A. Please.

MR. MESEREAU: May I approach?

THE COURT: Yes.

MR. AUCHINCLOSS: What number, Counsel?

THE WITNESS: Are you referring to this one? Okay.

Q. BY MR. MESEREAU: Have you had a chance to look at that document?

A. Yes.

Q. Does it refresh your recollection about your outstanding invoices at that time?

A. What you showed me, it's a summary of all the unpaid invoices at the time.

Q. Okay. And some of the work you had done you had provided and some of it you had withheld pending payment, true?

A. I don't remember.

Q. Well, the -- you had done an interview with Michael Jackson, correct?

A. I did an interview with Michael Jackson?

Q. Well, you, in your invoices, refer to the Bashir interview with Michael Jackson in Florida, correct?

A. Okay.

Q. You had filmed that interview yourself, right?

A. That's correct.

Q. And you were withholding that footage until you were paid, correct?

A. No.

Q. Well, the schedule your lawyer provided indicated that, didn't it?

A. Well, this footage that you're talking about, it's been aired already. So that means I have provided that.

Q. Okay. Do you recall your lawyer saying you were going to withhold that footage until you were

paid on March 5th, 2003?
A. Do I recall if my lawyer were saying that I'm going to withhold --
Q. Yes.
A. -- the footage until I get paid?

Q. Yes.
A. That footage was not withheld.
Q. Okay.
A. Because it was aired already on February 20th --
Q. So that --
A. -- by FOX.
Q. So you weren't withholding anything in that regard?
A. Well, that footage, no.
Q. The only footage you say you're withholding is the footage of the Arvizo family?
A. Again, I don't have my records, but if you tell me, I'll take your word.
Q. Do you recall filming in London, in New York, some footage dealing with Sony?
A. I do remember that.
Q. And were you withholding that footage until you were paid?
A. Again, I don't have my records to tell you whether I have turned over those footage or not.
Q. I'm talking about March 5th, 2003. Do you recall whether your position was you were going to withhold footage dealing with Sony in New York and London until you were paid?
A. I don't understand your question.
Q. Okay. Let me rephrase it. As of March 5th, 2003 --

A. Okay.
Q. -- the Arvizo footage that you have described was not the only footage you were refusing to deliver until you were properly paid, right?
A. Well, I mean, I -- can you refresh my memory by making an example of it?
Q. Would it refresh your recollection to look

at this summary of invoices your lawyer sent?
A. Sure.
MR. MESEREAU: May I approach?
THE COURT: Yes.
THE WITNESS: When it says, “No,” not necessarily means nothing has been turned over. Maybe not like the original copy, but there has been copies that has been delivered already.
In fact, if you look at that summary, you'll see under the Martin Bashir footage, it says, “No,” but it was provided, a copy of that footage anyway.
Q. BY MR. MESEREAU: Okay.
A. Because it was aired on February 20th.
Q. Okay. Do you recall any money ever being wired to you in partial payment of what you felt you were owed for the work you did?
A. There was one payment made after -- I believe a month after what they promised me.
Q. Do you know how much that was?
A. 200,000.
Q. Okay. Who wired you the 200,000; if you

know?
A. I believe it was from David LeGrand's office.
Q. Okay. And do you recall how much you felt you were still owed after you received the 200,000?
A. I believe my invoices were over $300,000.
Q. Okay.
A. For a period of a year and a half, which 200,000 was paid.
Q. Okay. And you, to this day, never turned over the Arvizo footage to anyone, correct?
A. Correct.
Q. The Arvizo footage was seized by sheriffs representatives when they did a search of your home, right?
A. That's correct.
Q. Now, when did you last talk to Janet Arvizo?
A. February 20th of 2003.
Q. Okay. So that was the last day you saw her or spoke to her, right?
A. As I remember, that's correct.

Q. Okay. Have you ever spoken to any of her three children since that day?

A. No.

Q. Okay. Now, the prosecutor asked you questions about Dieter and Konitzer claiming they managed Mr. Jackson's affairs, right?

A. I was informed by Mr. Ronald and Dieter, Konitzer and Weizner, that sometime in probably approximately December of 2002, they going to take over the management of Mr. Jackson.

Q. And you were instructed by Konitzer not to call Michael Jackson, right?

A. At one point, yes.

Q. He asked you to only call him and not call Michael Jackson or Evvy, correct?

A. That's correct.

MR. AUCHINCLOSS: Objection; hearsay.

MR. MESEREAU: Your Honor, it's in response to the doors opened by the prosecution on that issue.

THE COURT: The objection's overruled.

Q. BY MR. MESEREAU: Approximately when did Konitzer tell you, "Don't speak to Michael Jackson or Evvy"?

A. I believe was like approximately February 21st.

Q. Okay.

A. Late February, I mean of 2003.

Q. And did he do that in person or on the phone?

A. I believe there was an e-mail and a phone.

Q. Okay. And he told you that he was going to clean up the mismanagement in Mr. Jackson's business affairs, right?

A. That's correct.

Q. He told you he was in charge of all restructuring, right?

A. They told me that they going to take over, and, you know, make things smoother.

Q. Right.

A. Operation.

Q. And did you honor his request that you not contact Mr. Jackson?

A. Um, I don't remember.

Q. Okay. Do you remember whether or not you ever telephoned Mr. Jackson after Mr. Konitzer told you, “Don't call him; just talk to me”?

A. I believe I spoke to Mr. Jackson.

Q. Okay. And do you know when that was?

A. I believe it was February 21st of 2003.

Q. Okay.

A. I believe.

Q. And you think that was after Konitzer told you, “Don't ever call Mr. Jackson; just contact me”?

A. Could have been.

Q. Did you talk to Mr. Konitzer after he made that request?

A. Yes, I believe I did.

Q. Okay. Did you ever see him in person after he made that request to you?

A. I believe I did.

Q. Okay. Do you know where that was?

A. In Santa Monica in a hotel.

Q. Okay. Now, at some point did you learn that Weizner and Konitzer had been fired?

MR. AUCHINCLOSS: Objection. Assumes facts; hearsay; foundation.

THE COURT: Sustained on assumes facts.

Q. BY MR. MESEREAU: Did you ever learn whether or not Ron Konitzer continued to be involved in Mr. Jackson's affairs?

A. After --

Q. The 20th.

A. Yeah. That was my belief, that he still continued.

Q. And did you ever learn from him at any point that he was no longer involved with Mr. Jackson's affairs?

A. Not from him.

Q. Did you learn from someone else?

MR. AUCHINCLOSS: Objection; hearsay.

THE COURT: Sustained.
MR. MESEREAU: Okay.
Q. Do you recall a lawsuit in England that was filed by attorneys representing Mr. Jackson over the Bashir documentary?
A. I have heard about it, but I've never seen the lawsuit itself.
Q. Was it true that after Bashir did his footage, you asked him to provide you copies of his footage?

A. Repeat that question one more time?
Q. Yes, I'm sorry if it's unclear.
Did you ever ask Bashir or any agent of Bashir to provide you copies of Bashir's footage?
A. Yes, I did.
Q. And when did you do that?
A. The very first day I met him.
Q. Okay. Now, it was understood that you were going to do your own footage at the same time, right?
A. That's -- well, the first day.
Q. But you were also asking Bashir to give you some of his footage, right?
A. All his footage.
Q. All right. And did he respond to you?
A. He said -- he promised he will.
Q. Did he ever do that?
A. No.
Q. Did you ask him verbally or in writing; do you know?
A. Verbally.
Q. And that was face to face?
A. That was face to face.
Q. All right. And was that at Neverland?
A. That's correct.
Q. Okay. And was that before any of the filming began?

A. That's correct.
Q. Now, he never objected to you doing your filming, correct?

A. He wasn't happy, but he had no choice.

Q. Okay. How much of Bashir's footage -- excuse me, let me rephrase that. How much of the material that Bashir filmed did you film as well? Did you film everything that he filmed?

A. No.

Q. Okay. What did you actually film yourself?

A. Two interviews and one sightseeing at Neverland.

Q. To your knowledge, what did Bashir film that you didn't film yourself?

A. Well, since I was not present at all the sessions that Mr. Bashir did, I really don't know how much he shot.

Q. Okay. But other than your request that he give you some of his footage, you didn't participate in any litigation involving Bashir, right?

A. Legal litigation?

Q. Yes.

A. No.

Q. Okay. And you knew litigation was going on in England, did you not?

A. I have heard from Mr. Jackson's personal assistant that there's going to be a lawsuit against Martin Bashir and Granada T.V. in regard to this documentary.

Q. Okay. During the filming of the Arvizo family at your home, you said you were sort of in and out of the room where the filming was being done?

A. While I was setting up, yeah, I was going from garage to the place where the interview was supposed to take place.

Q. But while the interview was actually conducted, were you present at all times?

A. During the filming, yes.

Q. Okay. And approximately how long did that filming last, if you know?

A. Approximately an hour.

Q. How long were the children at your house before the filming actually began, approximately?

A. Two to three hours.
Q. And how long was Janet Arvizo at your house before the filming actually began?
A. Approximately one hour.
Q. Who did the questioning during the interview?
A. Christian Robinson.
Q. Had you worked with him before?
A. Yes.
Q. Okay. How many times had you worked with Christian Robinson before?

A. On one project.
Q. All right. And was it your understanding that he had a list of questions he was going to ask during the interview?
A. I saw him having a list of questionnaire, yes.
Q. And was it your understanding that he was asking questions from the questionnaire?
A. I believe so.
Q. Okay. And you observed the Arvizo family responding to those questions, true?
A. That's correct.
Q. Before the filming began, did you see Mr. Robinson meet with any member of the Arvizo family?
A. I'm sure he did. But I did not observe that.
Q. Did you see him going over the questions with any member of the Arvizo family?
A. Could have been.
Q. You're not sure?
A. I'm not sure.
Q. Okay. Typically when you film an interview like this, the person doing the interview has a list of questions, correct?
A. Most of the time.
Q. And you've filmed numerous interviews like this in your career, right?
A. That's correct.

Q. Okay. During the two to three hours that the Arvizo children were at your home before the interview, you never watched them memorizing anything, did you?

MR. AUCHINCLOSS: Objection; requires speculation.

THE COURT: Overruled.

You may answer.

THE WITNESS: Repeat that again.

Q. BY MR. MESEREAU: Yes. During the two to three hours that the Arvizo children were at your home prior to the start of the interview, you never saw them memorizing words, did you?

A. No.

Q. In fact, what you saw them doing was mostly playing and having fun, right?

A. As I remember.

Q. Before Janet Arvizo started the interview, you didn't watch her memorizing words, did you?

A. No, I didn't.

Q. You said that Janet was there for about an hour, right --

A. Approximately.

Q. -- before the taping began, okay?

And I think you said that she was in a discussion about some type of contract, right?

A. I believe there was a release that she had to sign.

Q. Okay. And was she talking to someone about that release?

A. Yeah.

Q. Who was she talking to, if you know?

A. I think she was talking to a few people. Vinnie, Christian Robinson, and possibly Paul. There's a gentleman by the name of Paul, I believe it's Hugo or something like that. I don't know his last name, but --

Q. And did you see a document that you thought was a contract or a release?

A. I saw a document, but I never looked at it.

Q. Okay. And did it appear that Janet and these other individuals were discussing the document?

A. Yes. They were discussing the document.

Q. Did you actually hear Janet and these individuals discussing this document?

A. Did I hear or see?

Q. Yes. Well -- excuse me, let me rephrase. Did you hear what you believed was a discussion between Janet and these individuals about that document?

A. Yeah.

Q. Okay. Did you see Janet and these individuals discussing that document?

A. I believe I saw some.

Q. Okay. Did you ever see Janet on the phone during that period of time?

A. Could have been. I'm not sure.

Q. Okay. At some point, did you watch Janet sign that document?

A. I don't remember seeing her signing it. But it was towards the end of the interview, and I -- my understanding was that she signed it.

Q. Okay. And correct me if I'm wrong, but did you say something yesterday about there being changes made to the document?

A. I believe there was some changes being made to the document.

Q. And what made you believe that?

A. Because Vinnie asked me to use my fax machine so he can fax some documents back and forth I believe with Schaffel.

Q. Okay. And why did you think Janet at some point signed the document?

A. Because there was no other discussion about it.

Q. Okay. Did you see -- but you never saw anybody actually sign it, true?

A. I didn't see her sign it.

Q. Okay. Now, did you say at some point Schaffel told you he didn't want the Arvizos to know where he lived?

A. That's correct.

Q. Did he tell you he was suspicious of the

Arvizos?

MR. AUCHINCLOSS: Objection; hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did Schaffel ever discuss with you why Investigator Brad Miller was there?

A. Schaffel himself?

Q. Yes.

A. No.

Q. Did anyone else there ever tell you that the investigator was investigating the Arvizo family?

A. No.

Q. What did you see Brad Miller doing while the taping went on?

A. Well, during the taping I was paying attention to, you know, my work. But before that, he was walking around my house.

Q. Okay. Did he appear to be taking notes at all, to your knowledge?

A. During the filming?

Q. Let me start again.

At some point Miller arrived at your house, right?

A. Correct.

Q. And did he knock on the door?

A. Yes, he did.

Q. And did you answer the door?

A. Yes, I did.

Q. And did he identify who he was at that point?

A. I said, “Who are you?” And he said, “I'm for the interview.”

Q. Okay. Did he say he was a private investigator?

A. No, he did not.

Q. Did he give you his card?

A. No, he did not.

Q. Okay. And why did you let him in?

A. Um, because I -- why did I let him in? Um, I thought he was with Marc Schaffel's people, and since they were there already, I thought they were expecting him. Maybe it's delivering something

or -- I don't know. But being kind and polite, I let him in.
Q. Yes. Okay. So he was there the whole time, as far as you know?
A. Yes.
Q. Do you know when he left?
A. At the end of the interview.
Q. Okay. Do you know if he left with anybody?
A. I did not see him leaving with who -- with anybody.
Q. Did you ever see him recording anything in your house?
A. No, I did not see him recording anything.
Q. Did you ever see him writing anything down?
A. I did not. Could have been. I don't know.

Q. And did you ever see him photographing anything while he was in your house, to your knowledge?
A. Not to my knowledge.
Q. Okay. Now, when Janet -- excuse me. Before Janet Arvizo was filmed, she used your rest room and began to apply her own makeup, right?
A. She used my --
Q. Rest room --
A. Yeah.
Q. -- and applied her own makeup for the filming, correct?
A. I believe so.
Q. And you never saw anybody coaching Janet on what to say, correct?
A. No, I did not.
Q. You never saw anyone coaching the children on what to say in the interview, right?
A. I did not see anything.
Q. I believe you testified yesterday that, in your opinion, Janet Arvizo had a problem with a draft contract, right?
MR. AUCHINCLOSS: Objection to the use of the word "contract."
MR. MESEREAU: Well, I'll change the -- I'll rephrase it.

Q. You recall Janet looking at a three-page nondisclosure contract, right?

A. I never --

MR. AUCHINCLOSS: I'll make the same objection.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you ever tell a representative of the Santa Barbara Sheriff's Department during an interview that Vinnie brought a three-page nondisclosure contract for Janet to sign?

MR. AUCHINCLOSS: Calls for a legal opinion.

THE COURT: No, he's asking if he told the sheriff that, so the objection is overruled. You may answer.

THE WITNESS: I don't remember being so specific about "three-page" or "nondisclosure agreement." If I had said anything about that, about that document, it would have been a release. I don't remember saying that it was a three-page confidentiality or some sort of title for the document.

Q. BY MR. MESEREAU: Would it refresh your recollection to just show you a police report summary of your interview?

A. Sure.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: Um, I don't --

MR. MESEREAU: I have to first ask you a question.

Q. Have you had a chance to review that document?

A. No, I never have, that document.

Q. Have you had a chance to review the document that I just showed you?

A. No, I did not, I never obtained that document that you just showed me.

Q. Okay. Did you just look at that document?

A. I looked at that document. I do not remember saying three pages nonconfidentiality contract.

Q. Okay. Okay. Now, Vinnie at some point asked you to sign a document, did he not?

A. I believe so.

Q. And you refused to sign a document presented to you by Vinnie, correct?

A. That's correct.

Q. Okay. Do you know what that document concerned?

A. That was a three-page non -- a confidentiality document, which he left it at the house.

Q. The FOX TV special, “The Footage You Were Never Meant To See,” appeared on February 20th, 2003, on television, right?

A. That's correct.

Q. Did you watch that show?

A. Yes, I did.

Q. Okay. Did some of the footage you had done of the Bashir interview appear on that documentary?

A. Yes, it did.

Q. Did your interview, your personal interview, appear in that documentary?

A. Yes, it did.

Q. Was it your understanding that additional documentaries were going to be made to put Mr. Jackson in a favorable light?

A. Another after “The Footage You Were Never Meant To See,” I had no knowledge of that.

Q. You never understood there was to be a two- or three-part series in that regard?

A. No. Nobody informed me anything on that.

Q. Okay. Do you recall being at Neverland on approximately February 8th, 2003, to meet people from 60 Minutes?

A. I believe so. I think it was a Saturday, if I'm not wrong.

Q. Do you remember meeting someone named Ed Bradley at Neverland?

A. Yes.

Q. And do you remember meeting Mr. LeGrand on that day?

A. Yes.

Q. Do you remember meeting other people from CBS on that day?

A. Yes.

Q. And why were you at Neverland on February 8th, 2003?

A. I was there as a personal DP, which stands for Director of Photography, for Mr. Jackson, for his lighting and the look of his picture.

Q. Was anything filmed on February 8th, 2003?

A. I don't believe so.

Q. Do you know why?

A. No.

Q. Okay. How long were you there that day, if you remember?

A. A few hours.

Q. Do you remember seeing Janet Arvizo there that day?

A. I don't remember.

Q. Would it refresh your recollection just to look at the police report summary of your interview?

A. Sure.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: I don't remember making that statement about Janet.

Q. BY MR. MESEREAU: How many times do you think you have seen Janet Arvizo at Neverland?

A. I would say two or three times.

Q. Okay. Do you know approximately when?

A. At various times.

Q. Okay. Approximately when do you think the first time you saw Janet Arvizo at Neverland was?

A. Between 2000 and 2003. It could have been 2001. I don't know.

Q. Okay. Did you meet her for the first time when the 60 Minutes crew was at Neverland?

A. I don't remember seeing her that day.

Q. Okay. When do you think you first saw her, ever?

A. It could have -- again, it's between the year 2000 and 2002, I would say. It could -- like approximately 2001. I don't know.
Q. And was your first meeting with her at Neverland, to your knowledge?
A. Yes.
Q. Okay. And do you recall whether or not her children were there when you met her the first time?
A. I think they were.
Q. Okay. And you indicated in response to the prosecutor's questions you developed a friendship with the Arvizo family?
A. Well, as I said, in the year 2000, I did two projects that Arvizo kids, David or Star and Gavin, were involved. One of the project I was directing. And within that project I had a lot of conversations and interactions with David and Gavin. So I kind of got to know them.
Q. Did you stay in touch with them on a social level?

A. No.
Q. When you weren't talking to them at Neverland, did you call them on the phone?
A. From Neverland, calling them?
Q. Let me rephrase it. I'll ask a better question.
Aside from the instances where you saw them in person, did you have a relationship where you would call them from time to time?
A. I don't think so.
Q. Did they call you from time to time?
A. I don't think so.
Q. Okay. So your only involvement with them was either at Neverland or when they came to your home; is that right?
A. That's correct.
Q. You didn't see them during your trips to Florida, right?
A. No, I didn't.
Q. Okay. Now, you indicated that you had met one of Marlon Brando's sons; is that correct?
A. Yes.

Q. And who did you meet that was a son of Marlon Brando?

A. Miko Brando.

Q. And when did you first meet him?

A. .97, .98.

Q. Did you see him often at Neverland?

A. Sometimes.

Q. Was it your understanding that he was a friend of Michael Jackson?

A. Friend and associate.

Q. Okay. And when did you last see him?

A. Last time, end of February of 2003.

Q. Okay. Now, you did an interview with a woman named Debbie Rowe, didn't you?

A. That's correct.

Q. And that was footage that you filmed for purposes of the rebuttal documentary, right?

A. At the time I don't think there was a rebuttal documentary. My understanding was she was responding to some of the comments that Bashir made on his documentary.

Q. And that interview took place at your home, correct?

A. No.

Q. Where did that take place?

A. At Marc Schaffel's house in Calabasas.

Q. Oh, okay. Okay. Do you know approximately when that interview took place?

A. I believe early February 2003.

Q. So it took place before you filmed the Arvizo family, right?

A. That's correct.

Q. Did you meet Ms. Rowe at Marc Schaffel's

house?

A. I met her at -- well, not for the first time, but, yeah, I saw her.

Q. But when you filmed her for purposes of responding to the Bashir documentary, you traveled to Schaffel's home, correct?

A. That's correct.

Q. And when you got there, was Debbie Rowe present?
A. Or she came afterwards.
Q. You didn't bring her there, right?
A. No.
Q. So your understanding on February 20th was that Schaffel had no problem with Debbie Rowe knowing where he lived, but he didn't want the Arvizos to know where he lived, right?
A. That could be so, yeah.
Q. But he never told you why he didn't want the Arvizos to know where his house was?
A. No.
Q. Now, it was no secret that the purpose of the rebuttal documentary was to put Mr. Jackson in a positive light, right?
A. Sure.
Q. Everyone knew that was the purpose, right?
A. Yeah.
Q. It was meant to be a response to the Bashir documentary, right?

A. That's correct.
Q. It was meant to show things that Bashir had left out of his documentary that were positive about Michael, right?
A. That's correct.
Q. You actually had volunteered to provide footage that Bashir had left out of his show, right?
A. Did I volunteer?
Q. Yes. It was partly your idea to include your footage in the response to Bashir, right?
A. Um --
Q. Let me rephrase it if it's unclear.
A. Please.
Q. At some point following the airing of Bashir, you came forward and said, "I have footage of what positive things Bashir said about Michael," right?
A. This, I believe, was prior to the airing it. Prior to the airing the ABC version of Martin Bashir in the United States.
Q. Yes. Okay. Let me restate the question.

You saw the Bashir documentary at some point, right?
A. At one point, yes.
Q. When you saw it, you realized he had left out a lot of footage where he praises Michael Jackson, right?
A. No.

Q. Well, he had footage where he praised Michael Jackson for being a good parent, right?
A. Well, I mean, let me correct --
Q. Sure.
A. Okay. The timing of how you're putting it is kind of off.
Q. Oh, okay.
A. I was told by Mr. Jackson's personal assistant at one point, before this documentary, the ABC version of the Martin Bashir was aired in United States; that Martin Bashir is going to air his own version in London through BBC, I believe. At that point I brought up the fact that I have some footage of the behind the scenes. So at that time I have not seen the Martin Bashir footage yet.
Q. Okay.
A. Am I clear?
Q. At that particular time, you were the only one that had a copy of your footage, right?
A. That's correct.
Q. Okay. And did you talk to representatives of FOX about including your footage in the FOX documentary?
A. No.
Q. Okay. Who did you talk to about including your footage in that show?
A. Well, this is how it happened: I talked to Mr. -- Miss Evvy Tavasci, which is Mr. Jackson's personal assistant. I informed her that I have footage of the behind-the-scene and other footage of the interview.

Q. Uh-huh.
A. And I offered her to look at it. And she

refused. She said, “It's okay. Don't worry. Mr. Jackson has obtained lawyers and they're going to take care of this matter.”

I took the footage with a video camera and a play-back machine to the office of Miss Tavasci to show her what I have. She still refused to look at them, and she indicated that I should not be worried about it, and Mr. Jackson's lawyers will handle the situation.

Then --

Q. And what did you do next?

A. Next, I believe I spoke to Mr. Jackson and he asked me to call Dieter --

Q. Okay.

A. -- about the matter.

Q. Right.

A. I spoke to Dieter, and I told him what I have, and he informed me that I'm going to go to Florida for another type of filming, and we're going to discuss this matter with him.

Q. And it was after that that you flew to Florida, right?

A. Yes.

Q. And you flew to Florida expecting to do some filming, right?

A. That's correct.

Q. And at some point in Florida you learned that there was a change of plans and there would be no filming; is that correct?

A. That's correct.

Q. How long were you in Florida for that trip?

A. I think a day, one day maybe.

Q. Do you know approximately when that was?

A. I don't have my records here. But I believe it's like February 6th and 7th. Something like that.

Q. Do you remember hearing anything about a press conference that was cancelled in Florida?

A. Did I hear that there was a press conference that was cancelled?

Q. Yes.

A. No.

Q. Okay. Do you recall any talk about a press conference in Florida?
A. I asked what is the purpose of this filming --
Q. Yes.
A. -- and they never give me a specific answer. But my understanding was that it could have been either a press conference or a response in a video format from Mr. Jackson to Martin Bashir documentary.

Q. Okay. Now, how long after you got to Florida did you find out there was a change of plans and you were not going to be filming anything?
A. I think hours after that.
Q. Okay. Did you spend the night in Florida on that trip?
A. Yes, I did.
Q. Where did you stay?
A. At the hotel.
Q. The Turnberry?
A. I don't remember the name of the hotel.
Q. Okay. And did you fly back on your own the next day?
A. Yes.
Q. Okay. And when you were in Florida for that trip, did you see Mr. Jackson?
A. No.
Q. Did you see any of the Arvizos?
A. No.
Q. Did you see Chris Tucker?
A. No.
Q. Did you see Dieter or Konitzer?
A. Yes.
Q. And where did you see them?
A. In their room.
Q. Okay.

THE COURT: Okay, Counsel. Let's take a break.
(Recess taken.)
--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 7752 through 7806 contain a true and correct transcript of the proceedings had in the within and above-entitled

matter as by me taken down in shorthand writing at said proceedings on April 27, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
April 27, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, APRIL 27, 2005

8:30 A.M.

(PAGES 7808 THROUGH 7971)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

APPEARANCES OF COUNSEL:

For Plaintiff: THOMAS W. SNEDDON, JR., District Attorney -and- RONALD J. ZONEN, Sr. Deputy District Attorney -and- GORDON AUCHINCLOSS, Sr. Deputy District Attorney -and- MAG NICOLA, Sr. Deputy District Attorney 1112 Santa Barbara Street Santa Barbara, California 93101

For Defendant: COLLINS, MESEREAU, REDDOCK & YU BY: THOMAS A. MESEREAU, JR., ESQ. -and- SUSAN C. YU, ESQ. 1875 Century Park East, Suite 700 Los Angeles, California 90067 -and- SANGER & SWYSEN BY: ROBERT M. SANGER, ESQ. 233 East Carrillo Street, Suite C Santa Barbara, California 93101

I N D E X

Note: Mr. Sneddon is listed as “SN” on index. Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index. Mr. Nicola is listed as “N” on index. Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index. Mr. Sanger is listed as “SA” on index.

PLAINTIFF'S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
MOSLEHI, Hamid	7872-A	7848-M		
PAULSEN, Terry	7852-N	7859-SA	7864-N	
DOMINGUEZ, Gabriel	7877-N	7892-SA		
SIMS, Anne Marie	7896-N	7905-SA	7913-N	

SHEBROE, Joseph	7914-N 7923-SA
MULCAHY, Jeanne	7924-N
JACKSON, Deborah Rowe	7932-Z

E X H I B I T S

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
451	Pacific Bell records	7896	7898
452	T-Mobile records	7878	7883
453	AT&T Wireless records	7924	7928
454	Cingular Wireless Records	7924	7928
456	Verizon Wireless subscriber information	7915	7919
850	Air-to-ground telephone bill from 2-7-03	7853	7855
851	Fax from Hale Lane dated 2-21-03	7842	7850
DEFENDANT'S NO.			
5009-A	DVD	7812	
5009-B	DVD	7812	
5009-C	DVD	7812	
5010	DVD	7812	

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: Counsel?

MR. SANGER: Yes, Your Honor, if I may address the Court.

THE COURT: Yes.

MR. SANGER: Thank you.

We would -- first of all, it's a good time to do this on the record. There were four DVDs which were lodged with the Court on a previous occasion for a pre-trial matter that were numbered 913, 1011 and 12, and also 1315, and I don't think they were given exhibit numbers at the time.

I believe the Court has allowed the clerk to now mark the Exhibits 913, 1011 and 12 as 5009-A, -B, and -C. And then the item marked 1315 has been marked as 5010.

So we'd just like the record to reflect that, if we can, Your Honor, first of all.

THE COURT: All right.

MR. SANGER: Now, having said that, we would like -- as a part of the cross-examination of this witness, we would like to play Exhibit 5009-A, -B and -C, which are the outtakes or Mr. Moslehi's footage of the Bashir interviews. And they're offered for the purpose of showing the context and

the complete statements made by Mr. Jackson at the time that certain statements were edited out and placed in the Bashir video.

And as the Court recalls, statements in the Bashir video were admitted for the truth of the matter as admissions of the party. And these videos show the context in which those statements were made, not just the particular words, but the whole context in which Mr. Jackson was led to make those statements. So that's our offer.

Now, I've talked to the District Attorney, Mr. Auchincloss. I asked him if he would agree that we could play this in open court without first showing Mr. Moslehi to authenticate it, and he is considering that; I think probably will agree to that.

The question that he asked that we address right now was the admissibility of this, so I asked the bailiff to ask Your Honor to come out so we could talk about --

THE COURT: I already ruled that it wasn't admissible in the direct part of the People's case, because the Bashir case -- the Bashir tape was introduced for the limited purpose of showing that Mr. Jackson had some motive to be doing certain acts that the People claimed that he did, and it had nothing to do with the truth of the matter in the tape, although the tape was admitted under certain

circumstances for the truth of the matter.

So your request is denied. That's the second time I've denied it.

All right. Let's bring in the jury.

MR. SANGER: Your Honor, could I --

THE COURT: No.

MR. SANGER: I don't mean to argue -- okay.

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: You may proceed.

MR. MESEREAU: Thank you, Your Honor.

Q. Mr. Moslehi, I believe you testified that you had approximately six or seven meetings with the Arvizo family at various times. Does that sound right?

A. Approximately.

Q. Okay. And I believe you testified that Janet Arvizo told you in the phone conversation of the 19th of February, 2003, that she was being hassled by the media; is that right?

A. That's correct.

Q. And she was not happy about that, correct?

A. That's correct.

Q. And in your interviews with representatives of the Santa Barbara Sheriff's Department, you have discussed your various discussions with Janet, correct?

A. Could you refresh my memory?

Q. Sure. Sure. Maybe I'm not being clear.

In your interviews with representatives of the Santa Barbara Sheriff's Department, you have discussed conversations you had with the Arvizos, correct?

A. Janet and the kids?

Q. Yes.

A. Yeah.

Q. And in your discussions with representatives of the prosecution, you have discussed conversations you had with the Arvizos, right?

A. Sure.

Q. At no time did Janet Arvizo tell you she thought she was going to be murdered, right?

A. No.

Q. She never said that to you, right?

A. No.

Q. At no time did Janet Arvizo tell you there were death threats on she and her family, right?

A. That's correct.

Q. At no time did Janet Arvizo tell you she or her family were being falsely imprisoned, right?

A. That's correct.

Q. At no time did Janet Arvizo ever complain to you that Mr. Jackson was giving alcohol to her children, right?

A. That's correct.

Q. At no time did Janet Arvizo ever complain to you that Mr. Jackson was improperly touching any of her children, right?

A. That's correct.

Q. At no time did Janet Arvizo tell you her children were being abused by Mr. Jackson, right?

A. That's correct.

Q. At no time did Janet Arvizo ask you to call the police on her behalf, right?

A. That's correct.
Q. Now, you testified that at Mr. Jackson's request, you did a video at Neverland called "Neverland Channel," right?
A. That's correct.
Q. And was it your understanding that was supposed to be a videotape featuring Star Arvizo as sort of the narrator?
A. Well, initially my understanding was that we're going to do a pilot - a pilot is like a sample of an idea in a video format - of an idea that Mr. Jackson have.
Q. And you did film that entire video, right?
A. That's correct.
Q. And the understanding was that Mr. Jackson would pay for your services in filming that video, right?

A. That's correct.
Q. You also testified that you did a video of Mr. Jackson with Gavin, right?
A. The 2000?
Q. Yes.
A. Yeah.
Q. And it was your understanding Gavin was recovering from cancer, correct?
A. Well, Gavin had cancer. I'm not sure whether he was recovering or not, but --
Q. But your understanding is he was ill?
A. Yes.
Q. And your understanding was that Mr. Jackson also agreed to pay for your services in doing that video, right?
A. Customary, sure.
Q. Yes. At no time was it ever your belief that the Arvizos were supposed to pay for any of these videos?
A. That's correct.
Q. Okay. Now, you currently have a lawsuit against Mr. Jackson, right?
A. Unpaid invoices, yes.
Q. Right. You're seeking unpaid invoices and some other benefits, right?

A. Like?
Q. Well, you're asking that invoices be paid. You're also --

A. Damages.
Q. Yeah. You're also talking about a profits interest that you claim Dieter and Konitzer promised you, right?
A. That's correct.
Q. Now, in your lawsuit, you're also asking for damages related to a -- excuse me. You're also seeking damages related to some footage of what you call “Michael Jackson's Private Home Videos,” correct?
A. I believe so.
Q. And that was another FOX special that was done about Michael Jackson, right?
A. I believe so.
Q. And it's your belief that some of your work appeared in that show as well, right?
A. Yes.
Q. And it's your belief that you should be paid for your services in that regard, right?
A. For -- sure.
Q. Yes. Was it your belief that footage you did was going to appear both in the Povich documentary and in another show done by FOX called “Michael Jackson's Home Videos”?
A. No. I was never been informed that there is a second documentary.
Q. Do you know, as you sit here today, whether or not there was a second documentary?

A. I did not know there was a second documentary. Meaning nobody informed me that there's a follow-up, .nother piece of documentary called “Michael Jackson's Home Videos.”
Q. Did you learn at some point that that had happened?
A. Yes.
Q. When did you learn that there had been a second documentary called “Michael Jackson's Private

Home Videos?

A. I believe I've learned that watching T.V., been advertised.

Q. Okay. And that show appeared in approximately April of 2003, right?

A. Approximately.

Q. Did you watch that show on television?

A. Yes, I did.

Q. Okay. Your belief is you're entitled to a profit participation in whatever revenues were generated from that show as well, right?

A. Well, I guess we have to talk to my lawyer in regard to that.

Q. Okay.

A. Because that's a technical question. I'm not a lawyer to make that kind of --

Q. Okay. But your lawsuit is currently active, right?

A. It is.

Q. Okay. And your claim is that the agreements you had about being compensated for your services and having a profit participation in these television shows were primarily based on what Dieter and Konitzer told you, right?

A. Well, the invoices, it's part of customary transactions between me and MJJ Productions.

Q. Right.

A. But the percentage was between Ronald, Dieter and me.

Q. Okay. And you don't know whether Dieter or Konitzer ever discussed a profit participation with Michael Jackson, right?

A. With Mr. Jackson himself?

Q. Yes.

A. I'm not sure.

Q. They just told you talk to them and don't talk to Mr. Jackson, right?

A. That's correct.

Q. Okay. Now, I believe you said that approximately February 21st, 2003, Michael Jackson called you to thank you, right?

A. That's correct.

Q. Now, obviously when he called you to thank you, he hadn't seen what you had filmed, right?
A. Filmed what?
Q. Well, the footage you did of the Arvizos, he could not have seen, true?

A. Oh, of the Arvizo family footage.
Q. But nevertheless, he called you and thanked you for what you had done, right?
A. After seeing “The Footage You Were Never Meant To See,” I believe that's why Mr. Jackson called me, to thank me.
Q. He was talking about the Bashir footage that you had done; is that correct?
MR. AUCHINCLOSS: Objection; requires speculation.
MR. MESEREAU: I'll rephrase it.
Q. When Mr. Jackson called you to thank you on February 21st, was it your understanding that he was thanking you about what you had done in the Bashir interview?
MR. AUCHINCLOSS: Objection; speculation.
THE COURT: Overruled.
You may answer.
THE WITNESS: My understanding for that thank-you call was that Mr. Jackson saw the rebuttal documentary, the entire “Footage You Were Never Meant To See,” and because of what I've done --
Q. BY MR. MESEREAU: Yes.
A. -- he's calling to thank me.
Q. But he obviously, at that point, had never seen your film of the Arvizo family, right?
A. No.
Q. Because you had control of that, right?

A. That's correct.
Q. You had never released that, right?
A. That's correct.
Q. And he was thanking you for what was on that Maury Povich documentary, true?
MR. AUCHINCLOSS: Objection; asked and answered.

THE COURT: Sustained.

MR. MESEREAU: No further questions, Your Honor.

THE COURT: Counsel?

MR. AUCHINCLOSS: Thank you, Your Honor.

REDIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. During the period of time that you were working with the Arvizos on this rebuttal film, you've told us about Christian Robinson, Brad Miller, Paul being present, Vinnie being present, you and your crew.

As far as you know, was anybody else involved in this rebuttal video?

A. Being involved or being present at my house?

Q. That's a good question. Let's add a few names.

You mentioned that Frank was involved in it; is that correct?

A. He was involved with it, yes.

Q. And Mr. Schaffel was involved in it?

A. That's correct.

Q. And Mr. Konitzer was involved in it?

A. I'm -- sure.

Q. He talked to you about it, right?

A. I think most of the conversation was going through Dieter than Ronald in regard to that.

Q. Was Ronald present in that conversation?

A. It was a phone conversation, so I don't know whether Ronald was listening to that or not, or whether they had conversation within themselves.

Q. Okay. But you also mentioned a conversation you had in Florida with Ronald and Dieter?

A. That's correct.

Q. Did they discuss filming the rebuttal film at that time?

A. At that time, the discussion was about what I had already filmed of Martin Bashir.

Q. Okay.

A. There was nothing on the table as far as project goes.

Q. Okay. So as far as the project goes, they just told you to talk to Mr. Schaffel?
MR. MESEREAU: Objection. Leading; assumes facts not in evidence.
MR. AUCHINCLOSS: I'll strike the question.
Q. So as far as the project goes, what did they direct you to do?

A. Once we discussed what I have as far as the footage that I shot of Martin Bashir interview with Mr. Jackson, and once we agreed to certain terms, they informed me and advised me to go to L.A. and talk to Marc Schaffel.
Q. Okay. And the purpose of this, you've testified, was to make Michael Jackson look good ultimately, the whole rebuttal film?
A. That's correct.
Q. Okay. So other than the names I've mentioned, were -- were there any other people involved in this enterprise of making the entire rebuttal film, as far as you know?
A. Um -- okay, can we go through those names one more time? Just so I don't misunderstand.
Q. Okay. Mr. Jackson, Ronald, Dieter. We've got Mr. Schaffel, Frank, Vinnie, Christian, Paul --
MR. MESEREAU: Objection to the question. I don't think it's -- I think it's a compound question.
MR. AUCHINCLOSS: I'm asking him for other names.
THE COURT: He's clarifying an earlier question. Overruled. Go ahead.
Q. BY MR. AUCHINCLOSS: Paul. Brad Miller. You and your crew.
A. Well, there was another production company called Brad Lachman Productions --

Q. Okay.
A. -- which FOX hired to put the final editing together.
Q. Very good. Anybody else other than that?

A. Not that I remember right now.

Q. When you were engaging in the production or the putting together the various videos that were going to make up this rebuttal film, what were the issues that you were trying to address specifically?

A. Comments that Martin Bashir made on his own documentary.

Q. Were there comments that Mr. Jackson himself made that you were attempting to address?

A. On the Martin Bashir documentary?

Q. In your rebuttal, yes.

A. Well, we tried to clarify certain statements that Mr. Jackson made which, for example, if Martin Bashir would have continued rolling, I mean, or editing that -- let me try this again.

Q. Sure.

A. There were certain statements that were made by Mr. Jackson in the Martin Bashir documentary --

Q. Uh-huh.

A. -- that the way it was edited, what happened is Mr. Jackson sounded different than if they would have continued another two or three seconds of that statement.

Q. Give me an example.

A. Um -- um --

THE COURT: Counsel, I have to ask a question. Why are you going into an area that I told the defense they couldn't go into? My objection's sustained.

MR. AUCHINCLOSS: Okay. Thank you, Your Honor. I'll move on.

Q. What was the level -- well, let me ask you this: Was there any sense of urgency in the creation of this rebuttal film?

MR. MESEREAU: Objection; vague.

THE COURT: Overruled. You may answer.

THE WITNESS: We tried to get it as soon as possible.

Q. BY MR. AUCHINCLOSS: Okay. And why was that?

MR. MESEREAU: Objection; foundation.

THE COURT: All right. I'll sustain the foundation objection.

MR. AUCHINCLOSS: Okay.

Q. Do you know why there was a sense of urgency in creating this film?

A. My opinion? Or was there any discussion from any party?

Q. Did you discuss the timing issues of this film with any of the people that I've mentioned previously that were involved in it?

A. Well, once this project was sold to FOX, they set up a date, deadline to be aired.

Q. Okay.

A. So basically, based on that date, we'll try to squeeze everything in there and finish it.

Q. And that date was?

A. February 20th.

Q. Midnight February 20th; is that right?

A. Well, the deadline to provide the footages was I believe the 19th, February 19 of 2003, to be aired on February 20th, 2003.

Q. In terms of the Martin Bashir special, was there any editing done by Mr. Bashir that was problematic, that you saw, that misrepresented Mr. Jackson's statements about him sleeping with children?

MR. MESEREAU: Objection. Foundation; leading; Court order.

THE COURT: The objection is sustained. It's the area I told you not to go into.

MR. AUCHINCLOSS: All right.

Q. Was that area one of the areas that you felt you needed to work on?

MR. MESEREAU: Same objection.

THE COURT: Sustained.

MR. AUCHINCLOSS: All right.

Q. As far as the -- I want to talk now about the activities that occurred at your home when the Arvizos were being filmed.

You mentioned that Janet was -- expressed some reluctance to sign this release; is that correct?

MR. MESEREAU: Objection; misstates the evidence.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Did Janet express any reluctance to sign this release?

A. What I saw is that there was a con -- a conversation and a discussion between Janet and Vinnie and other parties about this release or document that was presented to her.

Q. Did that discussion cause any delay in the shooting of the filming?

A. A little bit. A little bit.

Q. How many minutes of delay, would you say, if you can characterize it?

A. I would say 15 minutes.

Q. And you said that Vinnie used your phone number?

A. My fax.

Q. Your fax number.

A. Or they could have used my phone, too.

Q. Do you know if he used your phone number?

A. To call somebody?

Q. Yes.

A. I remember my phone being used, but I didn't know who's calling who or what. But I remember my phone being used.

Q. Do you know the number (310) 283-5866?

A. That's my cell phone number.

Q. That's your cell phone number, okay.

As far as the use of your fax machine, do you know if Vinnie made any documents that came from your fax machine?

A. I believe that he either received or send some faxes through my machine.

Q. When Janet had finished with negotiating or talking with Vinnie, Christian and Paul, you mentioned that Vinnie, Christian and Paul seemed happy previously, correct?

A. It seemed to me that the matter has been resolved, but --

Q. Did Janet seem happy, or could you tell? You tell me.

A. Well, when we started filming, she appeared happy. But I don't know, prior to, whether or not she was happy or not. I don't know.

Q. Was there a change in her demeanor from before filming to when the cameras started rolling?

A. Repeat that one more time.

Q. Was there a change in her demeanor from before the cameras were rolling and she's in your home for this however -- I guess you said it was over an hour -- to the time the cameras started rolling, was there a change in Janet's demeanor?

A. She seemed more energetic when the cameras are rolling.

Q. You were asked if you saw any coaching, and you said, “No.”

A. Not that I remember seeing any coaching.

Q. Do you know if she was coached?

A. I don't know that.

Q. Do you know whether or not -- did you keep your eye on her the entire time that she was in your house?

A. The entire house? No.

Q. Was there an opportunity for her to be coached?

MR. MESEREAU: Objection. Foundation; calls for speculation.

THE COURT: Calls for a conclusion. Sustained.

Q. BY MR. AUCHINCLOSS: You mentioned that you went to Neverland at one time for the filming of 60 Minutes, correct?

A. Yes.

Q. And was that cancelled?

A. Yes.

Q. Do you know why?

A. I don't.

Q. As far as the entire documentary, this rebuttal documentary, you mentioned that you were to receive some points?

A. Percentage.

Q. A percentage?

A. Yeah.

Q. When you spoke to Ronald and Dieter, was it contemplated that this documentary was a for-profit enterprise?

A. For profit?

Q. Yeah, would make money.

A. Sure.

Q. Do you know if it made money?

A. I think it did, yes.

Q. Do you know how much it made?

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Do you know how much -- was there any discussion about how much this documentary was anticipated to make with Dieter and Ronald?

A. Well, FOX --

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Did you have a discussion with Dieter and Ronald about the profitability or the amount of money that this documentary or rebuttal could make?

A. Did I have any conversations with them that

this documentary will make -- well, we knew there was going to be some money made off of it.

Q. Yes.

A. But we didn't know how much at the time.

Q. Did you have an idea?

MR. MESEREAU: Objection. Foundation and Court order.

MR. AUCHINCLOSS: It's a “yes” or “no.” That's fine, Your Honor. I'll move on.

Q. Now, as far as the -- the Arvizos being taken off -- the Arvizo children being taken off of Neverland, you answered a few questions for counsel concerning that issue when you took the children off Neverland.

And you said there was a period of time, I

believe it was about a half an hour, between when you first talked to Joe Marcus and he said the children were not allowed off the property and the time when you actually left; is that right?
A. I believe so, yeah.
Q. Did you see where he went during that half hour at all?
A. No, I didn't.
Q. If you wanted to contact Mr. Jackson when he was away from Neverland, how would you do it?
A. I would either call his bodyguards or his office.
Q. Okay. Why would you call his bodyguard?

A. Well, that's the fastest way to get to Mr. Jackson.
Q. Does Mr. Jackson carry a cell phone?
A. I don't believe so.
Q. Do his bodyguards carry cell phones?
A. I think they do.
Q. Have you seen this?
A. Yes.
Q. If he wants to make a call, do you know what he does in terms of use of a cell phone?
MR. MESEREAU: Objection; foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Have you seen Mr. Jackson ever use a cell phone?
MR. MESEREAU: Objection. Foundation; calls for speculation; beyond the scope.
THE COURT: Overruled.
Q. BY MR. AUCHINCLOSS: Have you seen Mr. Jackson ever use a cell phone over the years you've known him?
A. Dialing it, or just talking on it?
Q. Talking on it.
A. I've seen him talking on the cell phone.
Q. Whose cell phone would he use?
A. I'm assuming his bodyguards', but I can be wrong.
Q. Okay. So after this half hour passed and you left the property, did Joe Marcus offer any

resistance?

A. No.

Q. Did he seem to be okay with you taking the children off property?

A. Sure.

Q. You said that you had a conversation at Neverland with Mrs. Arvizo, and your sense was that she approved of you taking the children to your home. I believe that was your testimony. You correct me if I'm wrong. Is that accurate?

A. If I remember correctly, after I had a conversation with her, my understanding was that she's going to participate in this rebuttal documentary, but she's not going to be at Neverland, so therefore we went to L.A.

Q. Okay. So that was on the evening of February 19th?

A. That's correct.

Q. And your deadline was midnight on February 19th; is that correct?

A. That's correct.

Q. Was an arrangement made with Brad Lachman Productions that if you got the Arvizo film to them by midnight, they would still be able to incorporate it into the final production of the rebuttal film?

A. If I remember correctly, if we had any additional or new footage that we wanted to put into this documentary, should be delivered no longer than

midnight 19 -- February 19.

Q. Okay. If you delivered it on February 19th before midnight, was it your understanding there was still time to get it into the final version?

A. Yes.

Q. And your testimony is that you didn't make that deadline?

A. Yes, we missed that.

Q. When you originally talked with Dieter and Ronald about being paid the money that you were owed, was it understood that upon the completion of the Arvizo film, you would be paid, the filming of the Arvizos?

A. Upon airing “The Footage You Were Never Meant To See.”
Q. Okay. And the Arvizo footage was just part of that?
A. That's correct.
Q. All right. Did you anticipate that you would be getting a payday - in other words, a payment of all the money that was owed to you - after the 20th of February?
A. I was expecting the 21st, by midday, I would receive my payments in full, plus what they promised me.
Q. Okay. Are you aware of whether or not this documentary was also sold all over the world?
A. It is sold all over the world.

Q. Okay. This rebuttal film was sold all over the world?
A. That's correct.
Q. In terms of the filming of the Arvizos, the footage that you obtained, is this footage -- was this footage at the time, did you consider it to be valuable?
MR. MESEREAU: Objection; vague.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: At the time that this footage was filmed, you understood that it was not going to make it into the Brad Lachman production, correct?
A. Well, I was hoping that I can get it done by midnight.
Q. Okay.
A. But once we passed the deadline, I figured it's not going to happen.
Q. And you shot it anyway because of what?
A. Well, because I was told to, and also I wanted to do my job. I mean, I had a responsibility and I wanted to do that.
Q. And who specifically told you to shoot that footage?
A. I believe it was arranged through Marc Schaffel and Dieter, those people.
Q. Did you discuss with anybody the fact that

you weren't going to make the deadline and that you should go ahead and shoot it anyway?

A. I don't remember discussing the deadline with anyone. This was just in my mind.

Q. Okay. So that was your decision to go ahead and shoot it anyway?

A. Well, I figured since I had my crew and equipment ready, if they are happy to participate, get it done at least.

Q. Was there a discussion at the shooting about the deadline; that it had to be done by midnight?

A. I think I mentioned to one of these guys that, "Guys, we're not going to make it anyway." But --

Q. Do you know if either Christian or Paul or Vinnie knew about the deadline?

A. I'm not sure about Vinnie, but I'm sure Christian and Paul should have known about the deadline.

Q. And I believe your testimony is that Christian wanted the video to take with him?

A. They wanted to take the tapes that night, yes.

Q. Even though it was too late to put it on the --

A. That's correct.

Q. All right. If you -- are you familiar with the value of footages such as this, you know, footage concerning a family that is of public interest on the open market?

MR. MESEREAU: Objection. Vague; Court order.

MR. AUCHINCLOSS: I'm unfamiliar with the Court order, but --

THE COURT: I'll sustain the objection. It's the restrictions I've placed on financial information.

MR. AUCHINCLOSS: All right.

Q. You testified that you gave Janet Arvizo $2,000, considered it a loan, and were asked a number of questions about financial conditions involving Janet Arvizo.

Would it have made any difference to you in giving Janet Arvizo this $2,000 if you learned that some people gave her some money three years earlier based upon Gavin's illness? Would that have made any difference to you?

MR. MESEREAU: Calls for speculation and misstates the evidence.

THE COURT: Overruled.

You may answer.

THE WITNESS: Um, can you repeat the question one more time?

Q. BY MR. AUCHINCLOSS: My question is, you gave her this $2,000.

A. Okay.

Q. You previously stated you were concerned

about Janet. Her world was upside down is what you've said.

Would it have made any difference, would it have prevented you from doing this act of generosity or kindness if you knew that years earlier she had received some money for charitable -- from charitable individuals to help Gavin? Would that have made any difference?

A. I believe, depending on the timing and the amount of money, it could have been.

Q. Okay. So let's say she got $20,000 to help Gavin with his illness in terms of creating a safe room for him, that type of thing.

A. Three years prior?

Q. Yeah. Would that have made any difference to you?

A. For 20,000 three years prior, no.

Q. And what about if she got a civil judgment for about 30,000 three years prior, would that have made any difference?

A. Three years --

MR. MESEREAU: Objection; misstates the evidence.

THE COURT: Overruled.

You may answer.

THE WITNESS: Three years, 30,000, no.

Q. BY MR. AUCHINCLOSS: Okay. You were asked if she told you some things about her circumstances at the time. Did Janet confide in you anything other than the fact that her world was upside down at that time?

A. I don't remember.

Q. Okay. Did you have a relationship with Janet where she would sit down and confide with you details about her problems, other than what you've stated?

A. Did I have a relationship? Such as --

Q. Is she the type of person that would sit down and confide in you personal things?

A. I believe because I worked with her kids a lot during a few other productions, she kind of felt comfortable to just empty herself of whatever she had in mind, I guess, at that time.

Q. And did she do that in that phone conversation with you at Neverland?

A. Did she did that on that conversation?

Q. Yeah. That you had when you were at Neverland.

A. I believe the way she was expressing her, you know, personal life matters, in this case being upside down because of the media, I felt like, you know, she needs a shoulder to cry, kind of things.

Q. Did she do that any other time?

A. No.

Q. When you were -- well, I want to go through this time period of February 20th to the 21st. And I want to talk particularly about your conversation with Mr. Jackson on that.

First of all, when you talked to Mr. Jackson after the filming -- or after the airing of the rebuttal film, you mentioned that you talked to him about some financial problems that you were having with him and his production company.

A. I believe what I discussed with him is that my invoices are not being paid.

Q. Yes.
A. And also some other issues.
Q. Did you talk to him about the fact that you were also promised some -- a percentage of the rebuttal film?
A. I don't think I went that far. But I just wanted to keep it simple and, you know, short with him, just so, you know, whomever he needs to call, please call, because I'm not being paid.
Q. Did you explain that you hadn't been paid in years, or over a year, I guess it was?
A. I'm not sure whether I mentioned the period of time that I'm not getting paid, but I said that my invoices are not being paid, and I --
Q. Did you mention the amount of money that was owed to you?
A. I don't remember.
Q. Okay. And what did he tell you to do about these problems?

A. He asked me to call David LeGrand, his lawyer.
Q. And did you call David LeGrand?
A. Yes, I did.
Q. And you told him about the problems?
A. Well, he knew the problem. I told him that, “Mr. Jackson wants to talk to you, so why don't you call Mr. Jackson.”
Q. Okay. Did you mention to him that it was about finances?
A. I -- well, I don't remember specifically on that conversation whether I spoke or not. But during the day, during the whole entire day, I'd been calling them and asking, you know, “What is it with my payment?” So they were well aware of that I'm not being paid, that they have not made the payment.
Q. Sometime later in the day, did you receive a fax from David LeGrand that same day?
A. I believe it was the 21st, yes.
MR. AUCHINCLOSS: If I may approach, Your Honor.
THE COURT: Is that a marked exhibit?

MR. AUCHINCLOSS: Yes, it is.

Q. Mr. Moslehi, I show you Exhibit No. 851. Appears to be a two-page document with a fax page on the first, and the top being -- at the top of each page are the words “Hale Lane.”

Do you recognize that document?

A. Yes, I do.

Q. What is it, please?

A. This is a letter from David LeGrand dated February 21st, 2003. It was faxed to me. And is telling me that my services are no longer required. And then also Mr. Weizner and --

MR. MESEREAU: Objection; hearsay.

Q. BY MR. AUCHINCLOSS: Okay. I'll ask you, is this the document that you received from Mr. LeGrand in response to your conversation with him that he should call Mr. Jackson?

A. That's correct.

Q. And was a copy of this letter -- does this letter indicate a copy was sent to Mr. Jackson?

A. Um --

MR. MESEREAU: Foundation.

THE WITNESS: It says carbon copy --

THE COURT: Just a moment.

THE WITNESS: I'm sorry.

MR. AUCHINCLOSS: This is offered as foundation.

THE COURT: All right. Overruled.

Q. BY MR. AUCHINCLOSS: Does it indicate that a copy was sent to Mr. Jackson?

A. This letter is signed by David LeGrand and it's carbon copy, cc, to Michael Jackson, Ronald Konitzer, John Genga.

Q. And the facsimile page on the front, the first page, does it also indicate that copy was sent to Mr. Jackson at Neverland Valley Ranch?

A. That is correct.

MR. AUCHINCLOSS: All right. Offer 851 into evidence, Your Honor.

MR. MESEREAU: Objection. Foundation and

hearsay.

THE COURT: I need to see the document.

MR. AUCHINCLOSS: Yes. It is offered as an authorized admission, as well as it is offered for nonhearsay purposes to show knowledge on behalf of the defendant.

There is one further authentication issue that I will mention; that this is defense discovery to the People, so this is a copy of a document that's in the defendant's possession.

THE COURT: That doesn't authenticate anything.

The only foundational issue that I just have a quandary about is how he knows that this is from -- who it purports to be from.

MR. AUCHINCLOSS: It's a response to --

THE COURT: No, how the witness knows, not how you know.

MR. AUCHINCLOSS: No, I mean his testimony is that he called Mr. LeGrand that day and received this letter.

THE COURT: I'd like to hear from -- I'll allow you to -- before I rule on the foundation issue, I'll allow you to ask him any other questions you have on that issue to --

MR. AUCHINCLOSS: Thank you.

THE COURT: -- authenticate that.

Q. BY MR. AUCHINCLOSS: Mr. Moslehi, how long after the conversation with Mr. LeGrand on the 21st -- first of all, let me ask you, did you receive this communication, Exhibit 851, before or after you spoke to Mr. LeGrand on the phone?

A. After.

Q. How much time after?

A. A few hours.

Q. And this document references a communication regarding future -- your business affairs that is -- that you are to have with Dieter Weizner and Ronald Konitzer on February 24th, 2003. Are you aware of that?

A. I'm sorry, um --

Q. If I may show you the exhibit again. Page two, paragraph two.

MR. MESEREAU: Objection. I'm not sure what the procedure is.

THE COURT: Excuse me.

MR. AUCHINCLOSS: Well, I'm --

THE COURT: Why are you showing him the document?

MR. AUCHINCLOSS: I'm sorry. I'm sorry. I'll go about it the proper way.

Q. Would -- does this letter have a paragraph in this indicating that you are to communicate with Ronald Konitzer and Dieter on February 24th, 2003?

A. Yes, it does.

Q. Did you communicate with them on that date?

A. And prior, yes.

Q. Did you discuss this letter with them?

A. Yes, I did.

Q. Did they appear to understand and know about it?

A. They were playing games with me.

Q. Okay. But did they pretend that they didn't know about this letter, or did they --

MR. MESEREAU: Objection. Leading; foundation.

MR. AUCHINCLOSS: I'll strike the question.

THE COURT: Sustained.

MR. AUCHINCLOSS: May I ask the next question?

THE COURT: Yes.

Q. BY MR. AUCHINCLOSS: What do you mean they were playing games with you?

A. I would call Dieter, and Dieter would say call Ronald, and they were not responding to my phone calls properly. And they told me this was probably a misunderstanding, or -- you know, games.

Q. All right.

A. They were not sincere about their statements or, you know, whatever they had in mind.

MR. AUCHINCLOSS: I would offer 851 into evidence at this time.

MR. MESEREAU: Same objection.

THE COURT: How did you know that that letter came from Mr. LeGrand?

THE WITNESS: Because it was faxed from his office, and it had a cover sheet and it's signed by Mr. LeGrand.

THE COURT: Did you recognize that signature?

THE WITNESS: I believe it was the first time I saw Mr. LeGrand's signature, but I had every reason to believe that that was from Mr. LeGrand.

THE COURT: All right. I'm going to reserve ruling on that. I have some problems with your foundation.

MR. AUCHINCLOSS: Okay. I'll ask a couple more questions along those lines.

Q. Have you subsequently received any faxes from Hale Lane, Attorneys at Law?

A. After that?

Q. Yes.

A. Yes, I have.

Q. Did they look identical in terms of the appearance of the fax letterhead?

A. Yes, they did.

Q. Have you subsequently received letters from David LeGrand?

A. After that one?

Q. Yes.

A. I believe maybe I received one or two, and then he started communicating with my lawyer.

Q. Okay. As far as those letters go, did they match, did the signature match?

A. I never tried to look into the signature, see if it matches. Once I received that letterhead, I had every reason to believe that it's coming from David LeGrand.

Q. Did you -- this is a fax letter with a fax letterhead. Did you subsequently receive this letter by way of U.S. Mail?

A. I don't believe so.

MR. AUCHINCLOSS: Okay. Thank you. No further questions.

THE COURT: All right.

MR. MESEREAU: May I see that exhibit?

MR. AUCHINCLOSS: Uh-huh.

RECROSS-EXAMINATION

BY MR. MESEREAU:

Q. Mr. Moslehi, if you had known that Janet Arvizo was living with someone who earned close to $80,000 a year, would you have loaned her that $2,000?

MR. AUCHINCLOSS: Objection; assumes facts.

THE COURT: Overruled.

You may answer.

THE WITNESS: If I knew that Janet Arvizo was living with another husband or just a person that has $80,000?

Q. BY MR. MESEREAU: Who was supporting her and who earned close to $80,000 a year, would you have loaned her the 2,000?

A. Well, at the time, my state of mind was different. I don't know. Today, probably not.

Q. Okay. Now, the letter that the prosecutor just showed you, which purports to be from the Hale Lane law firm, is dated February 21st, 2003, right?

A. That's correct.

Q. And you claim you did receive this letter, right?

A. That's correct.

Q. And in the letter, you were asked to return tapes, photos and other property of MJJ Productions by a certain date, correct?

A. Yes, it is.

Q. The date you were supposed to return those properties was February 24th, 2003, correct?

A. I -- I'm not sure. I don't have it in front of me, but if you say so, I take your word.

Q. Okay. And the letter suggested that your invoices will be addressed, correct?

A. I'm not looking at the document, but if you say so, I take your word.

Q. And at some point after this letter was received, you obtained or received payment of $200,000, correct?

A. I believe a month after I received that letter, approximately a month after, I received.

Q. So approximately late March 2003, you received payment of $200,000, true?

A. That's correct.

Q. You never returned the tapes or photos referred to in the letter, true?

A. What does it refer in the letter?

Q. Any tapes, photos or other property of MJJ Productions, or Michael Jackson or his affiliates.

A. I don't -- after 21st, I don't believe so.

Q. Okay. To date, you haven't turned over all the tapes you did for Mr. Jackson, true?

A. Since my invoices were not paid in full, no.

MR. MESEREAU: Okay. No further questions.

THE COURT: Was that 851 that you were quoting from?

MR. AUCHINCLOSS: Yes.

THE COURT: All right. I'll admit it.

MR. AUCHINCLOSS: No further questions.

MR. SANGER: Your Honor, we do have a motion, and it probably ought to be heard before this witness leaves the general vicinity.

THE COURT: You have no other questions of this witness?

MR. MESEREAU: No, Your Honor.

THE COURT: And you have no other questions?

MR. AUCHINCLOSS: No.

MR. SANGER: Depending on the ruling on the motion.

THE COURT: Is it a motion that you already tried to make this morning?

MR. SANGER: No. No, Your Honor.

THE COURT: Why don't you approach and tell me what it is.

(Discussion held off the record at sidebar.)

THE COURT: What I'm going to do is require that the witness remain at the courthouse, and call your next witness.

I think the way we'll handle this, the

motion that the defense wishes to make, is that we'll stop a few minutes early so the jury gets a longer lunch, and we'll listen to the motion.

Come forward, please. When you get to the witness stand, remain standing.

Face the clerk and raise your right hand.

TERRY PAULSEN

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name is Terry Paulsen. T-e-r-r-y; P-a-u-l-s-e-n.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. NICOLA:

Q. Good morning.

A. Good morning.

Q. Would you mind scooting up by that microphone, please?

A. Okay.

Q. And swivel that towards your mouth so that everybody can hear you.

How are you this morning?

A. Fine.

Q. Ms. Paulsen, who are you employed with?

A. Huntel Systems.

Q. What is your position with Huntel Systems?

A. I'm a senior billing analyst.

Q. How long have you been working in that capacity with Huntel?

A. 27 years.

Q. And are you here today as the custodian of records for some documents from Huntel Systems?

A. Yes.

Q. What kind of documents?

A. They're phone calls made from an aircraft, telephone calls.

Q. Air-to-ground telephone calls?

A. Yes.

Q. Pursuant to a search warrant, did you provide the documents that I'm going to hand you marked as Exhibit 850, previously shown to counsel?

A. Yes, these are ones I provided.

Q. Could you describe those documents briefly for the jury, please?

A. It's phone calls made from an aircraft on February 7th, 2003.

Q. And the company that bill was sent to?

A. It was sent to Xtra Jet out of Santa Monica, California.

Q. With respect to the contents of that exhibit, is that generally a phone bill?

A. Yes, it is.

Q. Okay. And is your company a company that bills for phone calls made from aircraft to the ground?

A. Yes.

Q. Does the document reflect information that's made in the regular course of the business of Huntel?

A. Yes, it is.

Q. And Huntel is a telecommunications provider?

A. Huntel is -- we're the billing vendor.

Q. Okay. Is it part of your business to keep track of the kind of records that you're --

A. Yes, it is.

Q. Okay. Now, the entries in the phone record, do they begin on a particular page in that exhibit?

A. They begin on page four.

Q. Okay. Is there a page two or a page three in Exhibit 850?

A. No, there is not.

Q. Okay. Do you recall what is actually contained in the record of page two and three?

A. One of it is just information on paying your bill by a credit card. The other was phone calls that did not pertain to the date that we were requesting to provide.

Q. Is it customary to provide only what is reflected in the search warrant, as far as your company is concerned?

A. Yes.

Q. And their request was for February 7th, 2003?

A. February 7th or 8th, but there weren't calls on the 8th.

Q. Is the information on that document relied upon by your company in the regular course of its business?

A. Yes, it is.

Q. Okay. And do you rely on it being accurate?

A. Yes, I do.

Q. And briefly describe for the jury how the information in those phone records is generated.

A. When a customer makes -- or is flying in an airplane and they make a call, it goes from the airplane to a ground station, out a landline to the party that's being called. And when the call's completed, then the ground station records that in its memory.

And once a week, we go into the system, we -- through a modem telephone line, computer program, we get that information out. And once a month, we process that into a telephone bill so it puts it in a format that can print on a bill, reads the information that's taken from the ground station.

Q. Does the ground station have an identifying number that shows up on the bill?

A. Yes, it does.

MR. NICOLA: And, well, Your Honor, at this time I would offer 850 into evidence as a business record.

MR. SANGER: No objection.

THE COURT: It's admitted.

Q. BY MR. NICOLA: What I'm going to do, Miss Paulsen, is use the Elmo.

"Input 4," if you don't mind, Your Honor.

THE COURT: All right.

Q. BY MR. NICOLA: If you would turn to line 25, I would just like to show you a sample line from this. If you could just start with the number 25 and explain to the jury what the items mean as you go from left to right as you look at the exhibit, please.

A. Okay. Each call has its own item number. The date would be 2-07; would be it was made February 7th. They called El Monte, California. The phone number, the 626 number, is the number that they called. 6:57 p.m. is the time that they hung up from the call. So the call was made one minute prior to that, and one minute tells you how long the call lasted.

"CCD" just means, years ago when these numbers were issued to companies, they were called calling cards. So it just -- "CCD" is calling card.

Then the -- there's two charges per phone call, or the call's broken out into two different sections. One is the land time, and that's from the time, if I called you, you picked up the phone. From the time you pick up the phone till you hang it up, that's the land time.

The air time is what is actually charged, and that's the time from when I pick up the phone in the airplane and I hang up the phone. That's the air time. So there's two different times.

And you can tell by the time of day or by the number called which two calls go together. So in this case, Call 25 and 26 would go together. It was made over Troy, Alabama, and the phone number under that would be the phone number for Troy, Alabama.

Q. Is the number for the Troy, Alabama, place a ground station?

A. Pardon?

Q. Is that what you would call a ground station?

A. The ground station phone number.

Q. How does the wireless phone on the aircraft decide which ground station it's going to repeat at;

do you know?

A. Okay. As you're flying, the transmitter in the phone will pick up the strongest signal on the ground station. The ground station sends up signals, and it picks up the strongest one. So you don't have a choice of what station you're going through. It just picks it up and places a call. So if you're flying near Troy, it's going to pick up the Troy, Alabama, ground station.

Q. Now, with respect to the date stamp specifically on Item 25, it says 6:57 p.m. Is that 6:57 p.m. in any particular time zone? Or can you explain that for the jury, please?

A. The time zone is the time zone that the ground station is located in. So if you're flying

over Troy, Alabama, that would be the time of day at Troy, Alabama. If you're flying over Los Angeles, California, it would be the Los Angeles time, so there could be a difference in the time zones.

Q. Okay. Miss Paulsen -- I wasn't done with the Elmo. If I could direct your attention, please -- and if I could have "Input 4" again, Your Honor -- to Line No. 40.

A. Okay.

Q. And is that a call placed to Santa Ynez, California?

A. Yes.

Q. You can read the area code and the number, please.

A. The area code is (805) 688-9979.

Q. And the time of that call, please?

A. Is 8:39 p.m.

Q. And where is the aircraft now?

A. The aircraft is over Artesia, New Mexico.

Q. Okay. Could you please flip to the second page of the exhibit?

A. Page five?

Q. Yes. And just tell the jury what time the last call was recorded from that aircraft.

A. Line Item 71?

Q. Yes, please.

A. It was placed at 9:28 p.m. on February 7th over Grand Canyon, Arizona.

MR. NICOLA: Okay. Thank you, Miss Paulsen. No further questions, Your Honor.
MR. SANGER: Could I have that?
MR. NICOLA: Certainly.
MR. SANGER: Just leave it up on the thing.
MR. NICOLA: Oh, on the --
MR. SANGER: Your Honor, I'm going to put this back up on the Elmo and....

CROSS-EXAMINATION
BY MR. SANGER:

Q. Okay. It's your understanding that this reflects telephone calls made from an airplane that are eventually connected through to some landline somewhere, correct?
A. Yes.
Q. And when I say "landline," it could be connected to a cell phone ultimately; is that right?
A. It would still go through a landline to a cell phone. I mean, it goes out the ground station, however the ground station sends it out.
Q. When you're talking about Troy, Alabama, there's some ground station there, and essentially you're now hooked up with the phone system that we would hook into if we pick up the kind of phone we pick up in the courtroom, right?
A. Right.

Q. And wherever that phone system then directs the call is the ultimate destination, right?
A. Right.
Q. All right. And so just so we're all clear, you got two lines per call, right?
A. Right.
Q. And the one line shows the number that's called -- actually both lines show the number that's called, correct?
A. Correct.
Q. And then the second line shows the charge to

the airline; is that right?

A. Right.

Q. Now, first of all, the billing goes to a particular airplane or a particular company?

A. Particular company.

Q. And so the company that owns the airplane will get the bill?

A. Yes.

Q. All right. Can you tell which airplane that belongs to that company was the source of the telephone call?

A. No, I cannot.

Q. So if an airplane -- private charter airplane company might have several planes, and their phone bill will not distinguish between one airplane and another; is that correct?

A. It will distinguish between one phone number and another, but not one airplane and another.

Q. All right. And on the airplane, you have no idea how big these airplanes are; is that true?

A. They're private aircraft. I'm -- I would assume like a jet or something, but I do not know, no.

Q. Yeah. So you're making some assumptions, but you don't know how many people, for instance, would be on the airplane, right?

A. No.

Q. And you have no way of determining what person on the airplane made the call, correct?

A. No, I don't.

Q. So let's assume hypothetically that an airplane had two pilots, 11 passengers, and a crew member. Assume that as a hypothetical. Of those 14 people, would you have any way to determine from your records who made these phone calls?

A. No.

Q. Now, I do note that there are some phone calls, a number of them that are -- if we look at the exhibit, and this is Exhibit 850, I believe; is that correct? You have the actual exhibit in front of you.

A. Yes.

Q. And what's on the board is a copy of the same exhibit?
A. Yes.

Q. So if we look up at the top there where it says, "Minute," or "M-I-N" --
A. Uh-huh, yes.
Q. -- what is the minimum unit of time that will be recorded on your bill?
A. The minimum is -- you'll see there's a couple that are short-term charges that are 20 to 30 seconds. But the minimum usually is 30 seconds. But 20 seconds on.
Q. Okay. So on this particular bill, the minimum that we see on that page -- and I'm taking this off so I can see it up close. The minimum charge -- or, I'm sorry, the minimum recorded in the columns on this exhibit is one minute; is that right?
A. Right. So it rounds up to a minute.
Q. All right. So if there's a shorter call, it's still going to show up as one minute on the -- in that column there; is that correct?
A. Anything over 30 seconds will.
Q. And you also, from this bill, do not know if two people were actually able to talk to each another during these phone calls; is that correct?
A. It will connect. If it doesn't connect, it doesn't register.
Q. Okay. It connects to another phone, right?
A. Right.
Q. Now, this is basically a cell phone in the air, right?

A. Similar to a cell phone.
Q. And when you're flying and using one of these phones, you have to basically hit the repeater down on the ground in order to make a connection, correct?
Do you know what I mean, or am I using the wrong word?
A. If you can, yeah, rephrase that for me.

Q. Well, you said it's like a cell phone in the air.
A. Right.
Q. So while you're flying along, your signal from the cell phone in the air has to hit --
A. A ground station.
Q. -- the ground station.
And that's called a repeater, is it not, or do you know? Or a cell site?
A. I have no idea.
Q. Okay. Whatever it's called, you got to hit that thing, otherwise it doesn't work, right?
A. Right.
Q. And when you hit it, there are places where you will -- you'll hit it and you'll make a connection, but you will not have a clear enough connection to actually talk; is that correct?
A. There's that possibility, yes.
Q. So it's, in that sense, like a cell phone; 7863

that you can have bad reception, and you can be saying, “Can you hear me now?” And somebody on the other side is saying, “What?” Right?
A. True.
Q. Okay. So you do not know, from all these phone calls, how many actual conversations occurred between human beings where they could hear each other and communicate; is that correct?
A. No.
MR. SANGER: Okay. Thank you very much.
No further questions, Your Honor.

REDIRECT EXAMINATION
BY MR. NICOLA:
Q. You mentioned that sometimes the airline charges will be together and you need to look at the actual time of a call that goes out?
A. Uh-huh.
MR. NICOLA: If I could have the Elmo just one more time, Your Honor.
THE WITNESS: Excuse me.
MR. NICOLA: I think we have an example here, line --

THE COURT: I'm going to break now for the argument.

(To the jury) Go ahead and take your recess.

MR. NICOLA: Oh, the motion.

THE COURT: You may step down.

MR. NICOLA: Step down.

THE COURT: (To the audience) All right. Please remain seated. There's a motion that's going to be made.

All right, Counsel. Go ahead. Do you want to make your motion?

MR. SANGER: Yeah. (Indicating.)

THE COURT: Oh, I'm sorry.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

MR. AUCHINCLOSS: Your Honor, would you like the witness to leave the courtroom?

THE COURT: No. She may well want to. She's free to do so, but she doesn't -- she's not required.

MR. NICOLA: Are we back in session at 11:45, Your Honor?

THE COURT: At the end of our break, yes. Go ahead.

MR. SANGER: On behalf of Mr. Jackson, we are making a motion for mistrial based on prosecutorial misconduct. And the grounds for that motion for mistrial are that the Court ruled, as Your Honor reminded me, at a 402 motion that we would not be allowed to play this tape in its -- in the prosecution's case-in-chief.

THE COURT: Correct.

MR. SANGER: I made another motion contemporaneous in time, having felt that it was appropriate to do so. The Court summarily, and I think clearly, denied the motion.

THE COURT: And correctly. No, all right, go ahead.

(Laughter.)

THE COURT: You don't have to say that.

MR. SANGER: I'm going to assert my Fifth Amendment rights on that.

I said that humorously, for the record.

THE COURT: I took it humorously, for the record.

MR. SANGER: Thank you.

The serious part here, though, is that Mr. Auchincloss deliberately overreached. And the harm is, that having -- the Court having made such a clear ruling, he attempted to gain benefit from the Court's ruling that he wasn't entitled to.

Your Honor said we couldn't go into it, so he got up and went into it, and that was clearly inappropriate to start with. And it seemed calculated and intentional. Now, I can't read his mind. But I can't figure out how he could have missed that, after we just had a hearing on it.

Your Honor made an admonition -- and unfortunately my Livenote is not hooked up today, so I can't quote verbatim, but Your Honor has it. You gave an admonition to Mr. Auchincloss not to do that, and you explained to him exactly why; that you had just ruled, and it's not appropriate for him to go into that same area. He persisted and asked at least two more direct questions that just flew right in the face of the Court's ruling.

And the questions were not innocent questions that were going around to try to get to something else. They were even more focused, to telegraph to the jury exactly what he wanted them to hear. And he wanted them to hear that, in his opinion, the issue with regard to, as I think he said, something like sleeping with boys was not one of those areas that this witness felt was unfairly portrayed.

And he knew that he could get away with that because the Court was, at the very least, going to sustain the objection. We already couldn't go into it. There's nothing we could do about it. The bell has been rung, and this jury heard it.

I think the harm is particularly significant, because it's been our position that clearly those statements were the statements that were grossly misrepresented by Mr. Bashir in the way he edited the film.

So as a result of that, a tremendous amount of prejudice has occurred. It was deliberate on the part of the prosecutor. I say that, and that's my interpretation of what I saw. I don't think there's another reasonable interpretation. It's -- there's no other remedy, other than to grant a mistrial and say this is prosecutorial misconduct. It shouldn't have been done. As a result of their willful misconduct, a mistrial has to be granted. And that's our motion.

If the Court denies that, then we would of course ask the Court to entertain some other remedy which I'd ask to be heard on later, but I'm making a motion for mistrial, and I think it should be granted.

Thank you.

THE COURT: Counsel?

MR. AUCHINCLOSS: To begin with, the questions that I was asking this witness about did not focus upon the material that was produced in the video, "The Footage You Were Never Meant To See." And those questions were not designed and obviously were not intended to ask him about what was on that final production.

My question went directly to an issue that defense counsel spent five pages questioning this witness about on cross-examination yesterday. And I have a couple of those items highlighted, and if the

Court would allow me, I'd like to project them from the official transcripts.

THE COURT: Just read them to me.

MR. AUCHINCLOSS: All right. First of all, Your Honor, counsel started by asking the question of this witness:

"And the reason you were being interviewed by Brad Lachman Productions was because the intention was to have some of those parts that you had filmed appear in the rebuttal video, right?"

And I objected. I say, "I'm going to object. Relevancy and beyond the scope.

"Mr. Mesereau: I believe that he opened the entire door, Your Honor.

"The Court: The objection is overruled.

"Mr. Mesereau: In fact, the title of that documentary on television was, "The Michael Jackson Interview: .The Footage You Were Never Meant To See,' right?"

We go on. He questions him extensively about "The Footage You Were Never Meant To See," including charities and Mr. Bashir's remarks.

We get to an area here that's particularly interesting in which counsel says:

"And your belief at that time was that Mr. Bashir had presented a very distorted view of that interview with Mr. Jackson, correct?

"Mr. Auchincloss: Objection; calls for a conclusion.

"Mr. Mesereau: State of mind, Your Honor.

"Mr. Auchincloss: Relevance.

"The Court: Overruled."

Now, this is an area that was clearly gone into by the defense, and my questions went directly to that question that defense counsel asked of this witness, that the -- that Martin Bashir presented a very distorted view, and my questions went directly to those remarks.

THE COURT: You went from the general concept, which I allowed, to the specifics, which I was not allowing.

The motion for a mistrial is denied.

All right. We'll take our break.

MR. SANGER: Your Honor, just -- if I may --

THE COURT: I'll let you address the issue of alternative remedies. I thought you said you wanted to do that later.

MR. SANGER: Well, later. Whenever you want.

THE COURT: I will. I'll let you do that.

MR. SANGER: Okay.

(Recess taken.)

MR. MESEREAU: I don't think Mr. Sanger is here, Your Honor. I think he was intending to present some potential remedies to the Court.

THE COURT: Yes, that's what I thought he was going to do.

They're waving at you.

MR. MESEREAU: Oh, okay. No, I said Mr. Sanger doesn't appear to be here, and I think he wanted to present some alternative remedies to the Court. And unfortunately, I don't know where he is.

(Laughter.)

THE COURT: Perhaps we should just call the jury in and we could take up that issue later.

Maybe he's doing some research on that.

MR. MESEREAU: Yes, Your Honor. Thank you.

MR. NICOLA: He may wish to recross after I redirect Miss Paulsen. He may wish to recross.

THE COURT: This is his witness?

MR. NICOLA: Yes.

THE COURT: So we have to wait for him no matter what.

MR. NICOLA: If you say I could be back on Friday, I'll go look for him right now, Judge.

Maybe he's in the law library?

MR. MESEREAU: I really don't know.

A VOICE FROM THE AUDIENCE: There he is.

THE BAILIFF: Yea.

(Laughter.)

THE COURT: I'm sorry. I came out; I didn't know you were not here yet.

MR. SANGER: I apologize. I had to go back

to my office and get something here.

THE BAILIFF: I'm sorry, I thought he was here. Sorry.

MR. SANGER: Do you want to address the --

THE COURT: If you're prepared. I came on so that you could do that. I don't know if you wanted to do it now or later. I misinterpreted what you had said earlier, so....

MR. SANGER: That's fine, Your Honor.

The reason I wanted to bring it up sooner rather than later is that if the Court fashioned a remedy that involved Mr. Moslehi, he would be here; and if you didn't, he could leave. So let me just address it quickly.

The motion for mistrial having been denied, and without conceding anything in that regard, our alternative request would be to either have, number one, an admonition to the jury that it was inappropriate to continue to ask those questions and that you had precluded the defense from getting into it, and make it very clear that those -- the questions, as the jury's been instructed, are not to be considered unless there's an answer.

But in this particular case, because you had already made rulings very clearly, you want to make sure that there's no unfair inference drawn, even if it's a subconscious or subliminal one. So some instruction to that effect, a curative instruction of some sort to try to get us back to square one and unring the bell.

Absent that --

THE COURT: "You're to disregard any subliminal messages you received during the last session?"

(Laughter.)

MR. SANGER: I'm sure we could word something more artfully than the concept that I just floated there, but I think there is something that could be done by way of a curative instruction to try to unring that bell. And I think it was unfairness and it was a matter of seizing on what the Court has just ruled on, and I think that's the big harm. It's not a matter that -- it's a matter that the prosecution had objected to our bringing that tape in and then sought to gain the benefit of the Court's continued ruling.

If the Court does not do that, then I would ask -- or in the alternative, either way, I'd ask the Court to allow us to now just play the outtakes, and that's --

THE COURT: That's where I thought you were going.

MR. SANGER: I didn't want to disappoint.

(Laughter.)

MR. SANGER: And it's a fair way to do it, Your Honor. The outtakes are the outtakes. And if the jury sees that, they'll be able to form their own opinion and they won't be dealing with subliminal matters. They'll be dealing with liminal matters.

I'll submit it.

THE COURT: (To Mr. Auchincloss) You can sit down.

You know, I don't believe that Mr. Auchincloss seized the moment to take advantage of you after objecting. You know, I think there was a disconnect from -- in his brain somewhere about -- because he was worried about the earlier examination that had been done. And I just don't believe he was trying to do something to confront the Court or affront the Court.

And I think I, you know, saved the day by objecting myself, stopping it. So the jury has -- knows that I did not think that was proper. They got the message loud and clear. I've never done that before in this trial, so it was a very loud message I sent. So I think that's sufficient in this case.

So, do you have your witness here if we bring in the jury?

MR. NICOLA: Yes, Your Honor.

THE COURT: All right. And, you know, the issue of the playing those tapes still remains for your part of the case. That may well be. So if there's a foundational issue here, you had suggested that the prosecution might agree. I would like that out of the way, because I don't think -- if all we need is to have him come back, when all you want to do is play the tapes, we wouldn't want to have to do that.

You may want him back, too. I don't know.

But if that's something we could agree on, playing those outtakes without a further foundation from him, if either of the parties desire, I think that would be a good thing to do. But you can talk to each other about that.

MR. SANGER: Very well, Your Honor.

MR. AUCHINCLOSS: And is it permissible for Mr. Moslehi to leave? He's waiting for us.

THE COURT: Yes.

MR. AUCHINCLOSS: Thank you.

THE COURT: But you understand my issue on --

MR. AUCHINCLOSS: I do. And I think that's something --

THE COURT: -- whether you want to agree to a foundational issue that he took those tapes. We've all watched them.

MR. AUCHINCLOSS: I'm certain if it's merely authentication, we can come to some agreement.

THE COURT: Okay. I'll leave while you bring the jury in.

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: All right, Counsel. Proceed, please.

MR. NICOLA: Thank you, Your Honor.

May I have -- Input 4 is already on.

Q. Miss Paulsen, if I could direct your attention to Item 29 and 30. There appear to be two air link charges right behind each other.

Is that an example of what you testified to on direct as having to look for the corresponding number to figure out which charges go together?

A. Yes, it is. Item 27 and 29 would go

together. And Item 28 and 30 would go together.

Q. Okay. And Item 27 is registered in the bill as a two-minute call to the same telephone number as Item 25; is that correct?

A. Yes.

Q. Okay. Once a call gets past one minute, does it register automatically in your system as a two-minute call?

A. Anything over one minute, if it goes over a minute, it registers as two minutes.

MR. NICOLA: Thank you, Mrs. Paulsen. I have nothing further.

MR. SANGER: Nothing further, Your Honor.

THE COURT: All right. Thank you. You may step down.

THE COURT: Call your next witness.

MR. NICOLA: The next witness will be Gabe Dominguez, Your Honor.

MR. SANGER: Which exhibit?

MR. NICOLA: With T-Mobile.

Stop that witness.

Oh, he got it. Never mind.

THE COURT: Raise your right hand, please.

GABRIEL DOMINGUEZ

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Gabriel Dominguez. G-a-b-r-i-e-l; last name D-o-m-i-n-g-u-e-z.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. NICOLA:

Q. Good morning, sir. How are you?

A. I'm fine.

Q. Are you here as a custodian of records for the telephone company T-Mobile?

A. Yes.

Q. How long have you been employed with T-Mobile, please?

A. For over four years.

Q. And have you testified before as a custodian of records for T-Mobile?

A. Yes.

Q. Approximately how many occasions?

A. Over 60 or 70 times.

Q. Is that your primary role with T-Mobile?

A. It is one of them.

Q. You go to court and authenticate the records that were asked for pursuant to subpoena and search warrant?

A. Yes.

Q. Okay. With respect to this particular case, did your company send records pursuant to search warrant for phone records for the following individuals: Christopher Carter; Franchesco Cascio; Vincent Amen; Evelyn Tavasci; and Christian Robinson?

A. Yes.

Q. In front of you is Exhibit 452. Do you recognize that?

A. Yes.

Q. How do you recognize that?

A. I recognize this to be subscriber information and billing records, or called detail records, for the people you just mentioned.

Q. Is there a table of contents in that exhibit?

A. Yes.

Q. Have you compared the contents of the exhibit with the table of contents?

A. Yes.

Q. Have you looked through the entire exhibit prior to your testimony today?

A. Yes.

Q. Generally, and I mean this with respect to all the documents in that exhibit, save the table of contents, are they records that are made in the regular course of T-Mobile business?

A. Yes.

Q. Now, with respect to the specific subscriber information within those exhibits, is the information recorded on the subscriber report made by persons under a duty to record the information accurately at or near the time that the information is relayed to them?

A. Yes.

Q. Would you explain to the jury what a subscriber record is?

A. A subscriber record is a customer's name, address, Social Security number, and any identifying information for that customer.

Q. Why do you need that information?

A. For billing purposes.

Q. I'd like you to turn specifically to Tab No. 1, and is that the information for one Christopher Carter?

A. Yes.

Q. Okay. And Tab No. 2, please, is that the information for Franchesco Cascio?

A. Yes.

Q. Tab No. 3, please, is that the information for Vincent Amen?

A. Yes.

Q. Tab No. 4 and Tab No. 5 respectively, Evelyn Tavasci and Christian Robinson?

MR. SANGER: I'm going to object. That's compound.

THE COURT: Overruled.

THE WITNESS: Yes.

Q. BY MR. NICOLA: Okay. With respect to the contents of Tab 1, the records pertaining to Christopher Carter, are there also bills which include phone tolls?

A. Yes.

Q. Are those records also kept in the regular course of T-Mobile business?

A. Yes.

Q. Do you regularly rely upon those records in generating revenue?

A. Yes.

Q. Do you rely on their accuracy?

A. Yes.

Q. Mr. Dominguez, with respect to Christopher Carter, is the phone number listed on the table of contents the same phone number that appears on the record within Tab No. 1 of Exhibit 452?

A. Yes.

Q. And with respect to Franchesco Cascio, is the phone number listed on the table of contents the same as the phone number listed on the pages of Tab 2?

A. Yes.

Q. How about with Vincent Amen; same question with respect to Tab 3?

A. Yes.

Q. Okay. And I have the same question for Evelyn Tavasci, Tab 4.

A. Yes.

Q. And Christian Robinson, Tab 5?

A. Yes.

Q. Do the phone tolls for each of the individuals that we've just named extend from a period of January through March of 2003?

A. Yes.

Q. Okay. With respect to the Christian Robinson subscriber information in Tab 5, is there also another name in the subscriber report?

A. Yes.

Q. And what is that, please?

A. Site LLC.

Q. Is there another document right behind that that has the name Christian Robinson on it?

A. Yes.

Q. And what is that document?

A. That is the front page of a bill.

Q. Okay. What does it say on the top left-hand corner?

A. The top line says, “Site LLC.” Second line says, “Attention: Christian Robinson.”

MR. NICOLA: With the Court's permission, we'd offer this into evidence so we can project it.

MR. SANGER: Your Honor, before you rule --

THE COURT: Yes.

MR. SANGER: -- my understanding is they're offering the entire book as an exhibit. Is that correct?

MR. NICOLA: That is correct.

MR. SANGER: And I object, because the entire book -- there's material in at least the book that was given to me that has not been covered by the prosecution, and I would like an opportunity to approach the witness and see what is in that book.

THE COURT: You may.

MR. SANGER: Thank you. Your Honor, can I have a moment to speak with counsel for just a --

THE COURT: Yes.

(Off-the-record discussion held at counsel table.)

MR. NICOLA: We're having a -- trying to explain the different table of contents, Your Honor.

THE COURT: That's fine.

MR. SANGER: It's more than that. There are things that were removed from the book and we're just trying to figure out which book is right. And there we go. Based on what I've now seen, I will withdraw -- if I objected, I'll withdraw it. Otherwise, I'll submit it.

THE COURT: All right. I'll admit it.

MR. NICOLA: Thank you, Your Honor. May we have "Input 4," please?

Q. If you could turn to the subscriber record for Christopher Carter located under Tab No. 1, and is this the account information that it contains for Mr. Carter for the phone number that appears at the very top of the exhibit, (702) 234-9059?

A. Yes.

Q. And is the work telephone number gathered at the time that the account is opened?

A. Yes.

Q. And for this exhibit, it is -- or for this account, it is (818) 910-5505?

THE COURT: I just cut the screen on this. You're showing a person's Social Security number and address, and I don't think you should be doing that.

MR. NICOLA: A little brain dead right now. I apologize.

Q. Can you turn to, in your book, the exhibit that begins with -- I believe it's 29 of 32 for Chris Carter's number. Okay. It's the exhibit in Mr. Carter's bill that begins with roaming charges, 29 of 32. Do you have it in front of you?

A. Yes.

Q. Is the first entry on that dated 1-31-03, Miami, Florida?

A. Yes.

MR. SANGER: Just one second before we do this. Before we do this, let me just have a moment.

MR. NICOLA: Maybe we should kill that.

(Off-the-record discussion held at counsel table.)

MR. SANGER: Now, having resolved that, I guess I have a belated question. We had raised it earlier with regards to Mr. Jackson's phone numbers. I mean, we are putting everybody's phone numbers up on the board.

MR. NICOLA: May we approach so we can -- I have a solution for that that will take two seconds to discuss at sidebar.

THE COURT: All right.

//

(An off-the-record discussion was held at sidebar.)

MR. NICOLA: May I proceed with the Elmo, Your Honor?

THE COURT: Yes.

MR. NICOLA: Excuse me, the “Input 4.”

Q. We were talking about the -- this document in the T-Mobile exhibit. If you could just explain generally the highlighted area and what they mean for the jury, please.

A. The first column shows the date that that call took place. The following column under "Call Destination," that shows the city called. And that's also an outgoing call. Column after that shows the time that that call took place. The "Number Called" is either the number called or received. And then the duration.

Q. Okay. How do we know if a call has been received?

A. If a call has been received, it would show "incoming." So if you look at where it says, January 31st, 2003, at 6:27 p.m., that's an incoming call, and that's how you can tell it's an incoming call, because it says so.

Q. Sometimes the incoming call will record in there and sometimes it will not?

A. Um -- explain.

Q. Well, if it's an incoming call, will the --

A. Where the number doesn't show up, it's because the person is blocking their number or our system did not catch a date and incoming number.

Q. Let me ask you about the code highlighted parentheses "A." What does that mean?

A. If you were to look at the bottom of the page, there's a legend that displays the call type and what the "A" would stand for. "A" stands for call waiting.

Q. Okay. Let me move that up.

MR. SANGER: Your Honor, I'm very sorry. This is -- this is -- yeah, I understand. This is somewhat piecemeal here.

THE COURT: Did you want me to black out the screen while you --

MR. SANGER: Could you please, Your Honor? This -- this -- I don't want to argue in front of the jury, but the availability -- this witness is not being called, as I understand it -- I don't think there's relevance to these phone records. And I know I submitted it. And now that I'm hearing what is being presented from these records, I think I should object to this exhibit or move to strike this exhibit based on irrelevancy, at least this Tab No. 1, unless there's something that's going to connect it up at some point in this case.

THE COURT: I assume you are entering this information for a purpose.

MR. NICOLA: We are, Your Honor. And I don't want to argue this in front of the jury.

THE COURT: Okay. I'm going to allow -- I'm going to deny the motion to strike and go forward.

MR. NICOLA: Thank you.

Q. Okay. The different call types are listed on the bottom of the billing page?

A. Yes.

Q. And "A" is for call waiting?

A. Yes.

Q. For those of you who don't know how call waiting works, can you explain that real quickly for us?

A. When someone receives an incoming call, they'll hear a tone telling them then there's a call on the other end. What they would do then is they would switch over to the other line, and they could speak to the other person. And when they're finished, they can terminate that call and continue with the phone call they -- they initially originated or whoever called them originally.

Q. So the subscriber is on the phone?

A. Right.

Q. Another call comes in; he hears a beep?

A. Right.

Q. Pushes a button; can talk to the other person on the phone without hanging up on the first one?

A. That's correct.

Q. Okay. What about call forwarding?

A. Call forwarding. Call forwarding works -- if you wanted to receive a call, but you wanted to forward it to a different number, someone calls you, that number, then that call then goes to the number that you forwarded it to.

Q. Okay. Say, someone has their home phone number forwarded to their cell phone. Would that register as an incoming call on the cell phone?

A. It would -- on the record, it would show the incoming number from the person that's calling. It wouldn't show the number where it's being forwarded to.

Q. And if you forward your cell phone to a different number, will the number that called, that was forwarded, show up on the bill?

A. No.

Q. With respect to the "G" in parentheses, what is that code for?

A. Voice mail.

Q. So if somebody is checking their voice mail, it will show up on the bill as voice mail retrieval?

A. Yes.

Q. And then get charged for that?

A. Yes, if they go over their allotted minutes.

Q. Are there different sections of this particular bill for Mr. Carter? For example, this one here has a header called "Roaming Charges."

A. Yes. There would be another bill, just the regular billed charges of calls that he made while he was in his home area.

Q. Okay. And with respect to the charges listed under this heading, "Roaming Charges," can you tell us where the phone that was being used to dial out, say, to this number here, the 305 number, where that phone was?

A. In the Miami/Dade area, or Southern Florida.

Q. And how can you tell that?

A. On the top left-hand corner above the date, it says, "Miami/Dade."

Q. Right there where I'm pointing?

A. Yes.

Q. Now, if it is not under a "Roaming Charges" section in the bill, where does "Call Destination" correspond to?

A. The "Call Destination" doesn't actually

correspond to the physical location of the outgoing number that they're calling. A few years ago the area code and prefix used to correspond to a specific geographic area. Now, with cell phones, they can be pretty much anywhere.
Q. Okay. If you could turn to page 4 of 23 on the March 5th bill. Are we looking at the same page

here?
A. Yes.
Q. Okay. So where it says, “2-9-03, Santa Ynez, California,” the time and the phone number, is that under one of the regular billing headers?
A. Yes.
Q. Okay. So the call was not placed from Santa Ynez, as far as the bill is concerned?
A. Right.
Q. Okay. And, now, is Santa Ynez a region that just shows up on the bill because of a --
A. Because of the area code and prefix.
Q. And that destination tied in with the phone number that was dialed?
A. No.
Q. How does that work?
A. The area code and prefix are the first six numbers. The area code, being 805 the prefix being 688, that belongs to Santa Ynez.
Q. Okay.
If you can move on, please, to the documents in Tab 2 for Franchesco Cascio, do those records show a work telephone number for him of Area Code (818) 905-0386?
A. Yes.
Q. Okay. If you'd turn to page -- or Tab 3, please, for Vincent Amen. If you could turn to the bill dated February 21st, 2003.

(Off-the-record discussion held at counsel table.)
Q. BY MR. NICOLA: I'd like to show you an example of an incoming call with respect to the phone call which registered 2-11-03, 2:30 p.m,

that's highlighted. Do you see that?

A. Yes.

Q. What does the "F" mean?

A. "F" means mobile-to-mobile. The number that is being dialed or received is another T-Mobile customer.

Q. Okay. Does that work outside of your calling network?

A. Yes.

Q. So if someone with AT&T Wireless on a mobile phone dials the owner of this cell phone, will their number show up here?

A. Yes, but it wouldn't have an "F" behind it.

Q. So this is within the same calling area?

A. No, it's within the same company. They're both T-Mobile customers.

Q. So there's no charge?

A. There's no charge, because they can either be within their allotted minutes, or if they have part of their price plan all T-Mobile to T-Mobile, calls can be free.

Q. Okay. I'd like you to turn to the next tab, please, the records for Ms. Evelyn Tavasci. I'm

going to take this down.

On the subscriber record, do you see the home telephone number of Miss Tavasci?

A. Yes.

Q. And is that the same number that is listed in Christopher Carter's subscriber information as being a work number?

A. Yes.

MR. NICOLA: Thank you, Mr. Dominguez.

Your witness, Mr. Sanger.

CROSS-EXAMINATION

BY MR. SANGER:

Q. Good afternoon.

A. Good afternoon.

Q. We always have to look at the clock when we say that, because we don't know when it's noon around here.

THE COURT: Some of us.

(Laughter.)

MR. SANGER: Oh. Some may be painfully aware, I suppose.

Q. All right. You have testified to some records that are in front of you there, and the fact that -- let me withdraw that.

These particular telephones are mobile telephones. They're cell phones, right?

A. Yes.

Q. Okay. So these are not phones that are associated with a particular address. I mean, you have a billing address and that sort of thing, but they're not stuck someplace, right?

A. No.

Q. Secondly, you mentioned that the Tab No. 4, Evelyn Tavasci phone, and the Tab No. 1, Christopher Carter phone, have a similar -- or have the same number on the - what would you call it? - subscriber database; is that right?

A. Yeah, the one has the number for being the work, and the other has it for their home telephone number.

Q. Just to make this a little more clear, the actual telephone number for the records -- in other words, you have billing records behind each tab, right?

A. Right.

Q. Are the billing records for Tab No. 1 for the same telephone number as Tab No. 4?

A. No.

Q. Okay. And all that you show there is that in the subscriber database where you have other telephone numbers for people, this telephone number ending in 5005 shows up in both of those bases; is that correct?

A. One shows up in the work telephone slot, because that was the number that they gave when they signed up for their account as to what their work telephone number was.

The other one shows that number as being their home telephone number, because that was the information they gave when they set up the account as that being their home telephone.

Q. And obviously you're here as custodian of records. You weren't there when these were signed up. You don't know who did it, right?

A. No.

Q. Is it common for a company or an organization to purchase a number of telephones from your company?

A. Yes.

Q. And they would have similar subscriber information for more than one telephone on occasion; is that correct?

A. Yes. For a large corporation, yes.

Q. All right. And finally, the fact that these phone records -- these billing records are billed to a particular person, it says, "Statement For" up in the right-hand corner; is that correct?

A. Yes.

Q. The fact that it says, "Statement For," Christopher Carter or Franchesco Cascio or any of the others, does that the mean that those particular individuals were using the telephone on that day?

A. No, it does not.

MR. SANGER: Okay. Thank you. I have no further questions.

MR. NICOLA: Nor do I, Your Honor.

THE COURT: Thank you. You may step down.

MR. NICOLA: Pacific Bell, Anne Marie Sims, Your Honor.

THE COURT: On Exhibit 452, I'll order that the District Attorney provide redacted pages for those pages that have home addresses, Social Security numbers, and unrelated phone numbers on them.

MR. SANGER: Just to clarify while we're waiting, I take it that your ruling on the motion to strike is without prejudice to renewing it if it isn't connected up.

THE COURT: It is, correct.

MR. SANGER: Thank you.

THE COURT: Come forward, please. When you get to the witness stand, please remain standing. Face the clerk. Raise your right hand.

ANNE MARIE SIMS
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Anne Marie Sims. A-n-n-e; M-a-r-i-e; S-i-m-s.

DIRECT EXAMINATION
BY MR. NICOLA:
Q. Good afternoon, ma'am.
A. Hello.
Q. What company do you work for?
A. SBC.
Q. You're here about telephone numbers.
A. Yes.
Q. Surprise.
How long have you been with SBC?
A. It will be 25 years in May.
Q. We placed in front of you Exhibit 451, I believe; is that correct?
A. Yes.
Q. And are you familiar with the contents of Exhibit 451?
A. Yes.
Q. Okay. Now, with respect to your role here as custodian of records for Pacific Bell, how long have you been working for them in that capacity?
A. Two years.
Q. And have you testified on a number of occasions as a custodian of records?
A. Yes.
Q. Have you had an opportunity to look at the records contained within Exhibit 451 prior to today's date?

A. Yes.
Q. And is there a table of contents in the front portion?
A. Yes.
Q. Okay. Have you compared the information under the subscriber name and the subscriber phone number with the records which are contained within that exhibit?
A. Yes.
Q. Did you find that they corresponded?
A. Yes.
Q. And is the table of contents accurate?
A. Yes.
Q. With respect to generally the entire exhibit, are the records in there, save the table of contents, records which are made in the ordinary course and scope of the business of Pacific Bell?
A. Yes.
Q. And is the information contained within Exhibit 451 recorded at or near the time of the events that they purport to relate?
A. Yes.
Q. And is this exhibit -- excuse me, are the contents of this exhibit records that you normally rely upon in conducting the business of Pacific Bell?
A. Yes.

MR. NICOLA: We'd move this into evidence at this time, Your Honor.
THE COURT: It's admitted.
MR. SANGER: Excuse me, Your Honor. I was going to ask counsel and he started too soon. May I just approach and --
THE COURT: I'll withdraw my ruling until you've had an opportunity to look at them.
MR. SANGER: Just take a quick look at them. Thank you.
MR. NICOLA: Ahh.
MR. SANGER: May I borrow that for a second? I'll submit it, but again, relevance has not been demonstrated as yet.
THE COURT: All right. They're admitted,

subject to that same proviso.
MR. SANGER: Thank you.
MR. NICOLA: Thank you, Your Honor.
Q. In Tab No. 1, I believe there are the records of Ms. Evvy Tavasci.
A. Yes.
Q. Is that correct?
A. Yes.
Q. And the phone lines that you'll be referring to contained within Exhibit 451, are they cellular phones or are they hard lines that go into houses, business lines?
A. They're landlines, wire lines.

Q. Do you have two phone numbers listed for Ms. Tavasci's home? You don't have to tell us what they are. Are they within the table of contents?
A. Yes.
Q. Okay. And is the one ending in 0088 the second line into that home?
A. Yes.
Q. And the one ending in 5005 the primary line?
A. Yes.
Q. Are there specific billing information records within the exhibit for Evvy Tavasci, Tab No. 1, for the period between approximately January and March of 2003?
A. Yes.
Q. If you could move to Tab No. 2. Are those the billing and subscriber information records for Ms. Aja Pryor?
A. Yes.
Q. And if you could move to Tab No. 3. Contained within that tab, do you find the billing and toll information for a business entitled, "Neverland Valley Entertainment"?
A. Yes.
Q. And are there five separate phone lines going into that business that you have record of?
A. Yes.
Q. And are all those phone numbers reflected in the records within Tab No. 3?

A. Yes.

Q. I have the same question about exhibit number -- excuse me, Tab No. 4 in Exhibit No. 451. Is that the subscriber and billing records of one Miko Brando?

A. Yes.

Q. Okay. Moving on to Tab No. 5, please, subscriber and billing records for David Ventura?

A. Yes.

Q. I would like to show you a page from that, if I may.

If you could turn to the March 12th section of the bill. It would be a long-distance call.

Okay. Do you have a call to Santa Ynez on that date?

A. On what date?

Q. Did I say March 12th? March 14th.

A. March 14th, yes. On March 14th?

Q. Yes.

A. Oh, yes.

Q. You do?

A. Yes.

MR. NICOLA: If I may have the "Input," Your Honor.

Q. Okay. Is that the page you're looking at in the exhibit?

A. Yes.

Q. Perhaps we can just go over this one page.

Is the phone number connected to David Ventura (626) 575-6162, this one up here?

A. Yes.

Q. On this bill, can you explain these groups of numbers up here? The 8-1 of 9, what does that mean?

A. When we're looking at telephone accounts or bills in the computer, the screen can only show a third of the page, so -- or, you know, just a portion of the page that prints out on the actual customer's bill. So this would be like eight -- the eighth page, the first part of the screen in the computer.

Q. Okay. So --

A. And then there would be nine pages altogether.

Q. So this is part of page nine of the bill; is that right?

A. It would be, I believe, page eight. I don't know.

Q. Page eight out of nine pages, I'm sorry.

A. Right.

Q. It's confusing. That's why I'm trying to --

A. You're confusing me.

Q. Okay. So this is the eighth page, first computer screen --

A. Right.

Q. -- out of nine pages?

A. Right.

Q. Now, the call you were referring to, is that Item No. 10 listed down here?

A. Yes.

Q. So on "MR14," is that March 14?

A. Yes.

Q. This is the 2003 bill at 2:15 p.m. A call was placed to that number down there?

A. Yes.

Q. That's (805) 688-9788?

A. Yes.

Q. Would you please turn to the page immediately preceding that in the exhibit? Is that page No. 7-4 of 9?

A. Yes.

Q. On the Ventura bill there appear to be calls both on February 13th and February 14th to a number in Morristown. And does that "NJ" stand for New Jersey?

A. Yes.

Q. And the number dialed was (201) 213-0763?

A. Yes.

Q. Can you tell over here under the "Minutes" column whether those are completed calls or not?

A. Yes.

Q. How can you tell that?

A. Because they were printed on the bill.

Q. Okay. So if I call this number but hang up before someone else picks up the phone, it's not going to show up on my bill?

A. Correct.

Q. Okay. And do you use the round up, take-whatever-you-can-get-from-the-consumer system of counting minutes?

A. Yes.

Q. So a two-second call -- excuse me. I couldn't resist.

A two-second telephone call with this company, completed, will cost a minute, correct?

A. Yes.

Q. Okay. So it's a little different than some other systems?

A. Yes.

Q. A three-minute one-second call will register as four minutes, correct?

A. Yes.

Q. The most you can say about any of these numbers over here under "Minutes" is that this call, Item No. 9, lasted between three and four minutes; is that accurate?

A. Yes.

Q. Okay. If we could go back to the table of contents, please. And Tab No. 6, are those the records for one Jay Jackson?

A. Yes.

Q. And is the telephone number for Jay Jackson (213) 739-9279?

A. Yes.

Q. Moving on to Tab 7, MJJ Productions, is the phone number for MJJ Productions listed as (310) 278-3383?

A. Yes.

Q. Okay. And how about the information for one Chris Tucker in Tab No. 9? Without telling us the phone number, is his information within Tab No. 9, is that information accurate?

A. Yes.

Q. I'm going to ask you now about, in order, The Country Inn at Calabasas. Oh, yes. I'm sorry. Is their subscriber information under Tab 10?

A. Yes.

Q. How about the next tab, Number 11, the L.A. City Board of Education, specifically Burroughs Junior High School? Is the subscriber information and telephone number in there as well?

A. Yes.

Q. And finally, No. 12 and 13, Kaiser Foundation and Enterprise Rent-A-Car respectively.

A. Yes.

MR. NICOLA: Okay. I have no further questions, Your Honor.

//

CROSS-EXAMINATION

BY MR. SANGER:

Q. Good afternoon. Let's start with Tab No. 9, and -- yeah, let me borrow that. And I'm going to ask you if you correlate a particular telephone number to Chris Tucker.

A. Yes.

Q. Yes? And does that number end in 1861?

A. Yes.

Q. All right. And in fact, it's (818) 757-1861. That's Chris Tucker's number; is that right?

A. Yes.

Q. All right. And I'm going to ask you to turn now to Tab 9. And with the Court's permission, I'm going to put up on the board -- I'm sorry, wait a second. Tab 6. Tab 6. With the Court's permission, I'm going to put up on the board a page from that exhibit, which appears to be February 8th at the top and then it says, “3-3 of 6.” Let's see if we have the same thing there. Are you looking at that page in the book?

A. Yes.

Q. All right. So we're on the right page. Okay. Just a second. Oop, there it goes. All right. Sorry. This -- first of all, page six would be the phone number for Jay Jackson up in the upper left-hand corner; is that correct?

A. Yes.

Q. And that shows his phone number right up here, the upper left-hand corner above his name, correct?

A. Yes.

Q. The entry on line 16 is for February 4, 2003, correct?

A. Yes.

Q. And at 6:11 p.m., it appears that a call -- is this made to or was received from?

A. Made to.

Q. Okay. So the call was made to Reseda, California, to Chris Tucker's phone number, correct?

A. Yes.

Q. And it lasted -- is that the amount of time right there, four --

A. Yes.

Q. Four-minute call? All right. And then it appears that at 6:14 p.m., another call was made to Chris Tucker on February 4, that same number, that lasted about four minutes, correct?

A. Yes.

Q. Now, you could not tell from the billing records, from this billing record, whether or not this particular billing record -- whether or not Chris Tucker called -- well, let me withdraw that. On this record, we see the two calls are made to that Chris Tucker number, correct?

A. Yes.

Q. All right. I'm going to ask that -- if you leave it on for a second, Your Honor, I'm going to flip to another page. I'm going to ask that you go back to Tab 5, and I'm going to go to the page -- it's actually the first page that was shown to you by the prosecutor and the two pages after that. So it will be the March 26th, 2003, 8-1 of 9, 8-2 of 9. And then we'll go to the next page in the exhibit, in the way mine's organized anyway, which is the April 26th, 2003, 5-4 of 5.

Is that the next page in your exhibit?

A. I -- I have 2-1 of 5 and then 5-4 of 5.

Q. Okay. Well, I'm going to go to 5-4 of 5.

So we've got those three?

A. Yes.

Q. Let's start with the first one.

If I may, Your Honor.

THE COURT: Yes.

Q. BY MR. SANGER: I'm going to put up this page. And this shows us that this is the telephone of David Ventura, correct?

A. Yes.

Q. All right. And it appears that on March the 12th -- and I'll just note that apparently there's some pen marks here that aren't on the actual exhibit, if I can be excused for that, but it's on my copy. Quite frankly, I must have done it, or somebody did.

Other than that, look -- just look at the printed page here. On March 12, somebody at David Ventura's number is calling a number in Buellton two different times, at 5:08 p.m. and 7:02 p.m., right?

A. Yes.

Q. And then there's a number on March the 12th at 11:25 p.m. That's 35 minutes before midnight, right?

A. Yes.

Q. And somebody, at half an hour or so before midnight, is calling Guadalupe, California, and calling a number there, correct?

A. Yes.

Q. And talking for 35 minutes, correct?

A. Yes.

Q. There are a couple more calls on the 13th to Santa Ynez. And then on the evening of the 13th at 6:45 p.m., somebody at David Ventura's number is calling that same number in Guadalupe again. Do you see that?

A. Yes.

Q. And talking for 64 minutes. Right?

A. Yes.

Q. And when it's 8:45, that's the start time of the call, correct?

A. Yes.

Q. So that call went on from 8:45 in the evening to 9:49, if I add it correctly, in the evening; is that right?

A. Yes. Yes.

Q. Thank you. You have to say “yes” or “no” for the court reporter there.

Okay. Now, I'm going to -- and then the District Attorney already asked you about the last one, a call to Santa Ynez at 2:15 p.m.

Let's go to the next page, if we may, with the Court's permission. And this is the next page of the phone bill, or the next computer screen of the phone bill; is that right?

A. Yes.

Q. And again, this is David Ventura's telephone. Somebody in David Ventura's house on March the 14th, at 8:12 p.m., calls that same number in Guadalupe, talks for -- or is billed for a minute. So it was connected and it lasted less than 60 seconds, right?

A. Yes.

Q. All right. And then at -- on the 16th, which would be one minute after midnight on the early morning of March the 16th, there's a call to the same number from David Ventura's phone to that

Guadalupe phone number, same number, right?

A. Yes.

Q. Lasts 26 minutes, correct?

A. Yes.

Q. Okay. And then March the 16th, that was just one minute after midnight, the first thing in the morning. The next one is later that night at

10:14 p.m. on March the 16th. Somebody's calling that same number in Guadalupe, California, right?
A. Yes.
Q. Six minutes.
A. Yes.
Q. Right?
A. Yes.
Q. And then on the 17th, there are three telephone calls here that I'm pointing to, on lines 14, 15 and 16, and they are respectively at 6:28, 8:51 and 8:57 p.m.
So somebody's trying to call someone at that same number in Guadalupe, and apparently concluding the call within a minute?
A. Yes.
Q. All right. And then on March the 18th, somebody from Mr. Ventura's phone calls Guadalupe at 3:26 p.m., talks to someone at that same number, presumably, for 22 minutes, correct?
A. Yes.
Q. And then at 9 -- almost 9:30, 9:29 p.m. on 7910

the 18th, there's another call to that same Guadalupe number for 26 minutes; is that correct?
A. Yes.
Q. Okay. Now I'm going to go to the next page I referred to. I'll put it up and I'll describe it.
It's the next page in my book, but wherever it is in the official book it is. It's identified by the number at the top, April 26th, 2003, correct?
A. Yes.
Q. And 5-4 of 5, correct?
A. Yes.
Q. And this is David Ventura?
A. Yes.
Q. Now, here it shows a series of calls on 3-19 and 3-20 and 3-21. So March 19th through March 21st, correct?
A. Yes.
Q. And this is still 2003, right?
A. Yes.
Q. And somebody is calling from the Venturas' telephone, calling that very same number at

Guadalupe; is that right?

A. Yes.

Q. And without going too laboriously through this, the calls are in the evening of 3-19 at 7:10 p.m. for 36 minutes?

A. Yes.

Q. And then that would have taken it from 7:10 to 7:46. So about 15 minutes later, at 8:01 p.m., there's another call to the same number for another 17 minutes, correct?

A. Yes.

Q. And then at 10:50 p.m. is another call for three minutes --

A. Yes.

Q. -- correct?

And the next day, at 2:57 p.m., there's a three-minute call?

A. Yes.

Q. And later that evening, at 7:52, there's a three-minute call, correct?

A. Yes.

Q. And then on 3-20, at 7:55 p.m. So it -- if I'm right, it looks like that three-minute call, there was a hang-up and a call right back; is that right?

A. Yes.

Q. So -- and that call then lasts for 20 minutes; is that right?

A. Yes.

Q. And then the next day, at 9:37 at night, there's a call to that same number in Guadalupe from the Ventura residence for one minute; is that right?

A. Yes.

Q. Thank you.

Oh, and before I leave, all -- I think the District Attorney asked you this, but just to be sure. All of these phones are landlines, so they're -- they're all connected by a wire to the wall?

A. Yes.

Q. So the location that's indicated for the telephone is the location where that telephone actually is?

A. Yes.

MR. SANGER: Okay. Thank you. No further questions.

THE COURT: Counsel?

MR. NICOLA: No redirect, Your Honor. Oh, I'm sorry. I do have one question.

REDIRECT EXAMINATION

BY MR. NICOLA:

Q. With respect to a completed call on the phone bill, is there any way to -- any way to tell whether the call actually went to voice mail or whether it was live conversation?

A. No.

MR. NICOLA: Okay. Thank you.

THE COURT: You say "yes" better than any witness I've ever had.

(Laughter.)

THE WITNESS: Thank you.

THE COURT: You're excused.

THE WITNESS: Thank you.

MR. NICOLA: Thank you, Your Honor. Joseph Shebroe.

THE COURT: When you get to the witness stand, please remain standing. Face the clerk over here, and raise your right hand.

JOSEPH SHEBROE

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name's Joseph Shebroe. J-o-s-e-p-h; S-h-e-b-r-o-e.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. NICOLA:

Q. Any chance you're here to talk about phones?

A. I am.

Q. Which company, please?

A. Verizon Wireless.

Q. Are you here as the custodian of records for Verizon Wireless?

A. I am.

Q. How long have you been with Verizon Wireless?

A. A little over seven years.

Q. What is your current position?

A. I currently supervise a specialty customer service group called the Executive Relations Team.

Q. Okay. With respect to this particular case, were you sent here by your agency to testify about search warrant information that you sent to the court in People vs. Jackson?

A. Yes, sir.

Q. Do you recognize the contents of Exhibit No. 456?

A. Yes, I do.

Q. Go ahead and look through that, please. Have you had an opportunity to see Exhibit 456 prior to your testimony today?

A. I have.

Q. Okay. And is there a table of contents?

A. Yes, there is.

Q. Okay. And is that a two-page table of contents?

A. Yes, sir.

Q. Have you compared the information contained within each of the tabs with the corresponding information on the table of contents for each entry?

A. I have.

Q. And is the table of contents accurate with respect to what is actually within Exhibit 456?

A. It is.

Q. Does Exhibit 456 contain subscriber information for the following individuals under Tab

No. 2: Deborah Rowe?

A. Yes.

Q. Jesus Salas?

A. Yes.

Q. Franchesco Cascio?

A. Yes.

Q. Paul Hugo?

A. Yes, sir.

Q. Okay. Does Exhibit No. 456, Tab 2, accurately reflect the telephone numbers for each of those subscribers?

A. It does.

Q. Okay. Moving to Tab No. 3, does Tab No. 3 include the billing -- excuse me, the account summary for Mr. Cascio for the billing period of February of 2003?

A. Yes, sir, it does.

Q. Okay. Is that a phone number, (201) 213-0763?

A. Yes.

Q. Tab No. 4, does that contain what is -- what we put on the exhibit as an incoming/outgoing February 2003 heading for the number 213-0763?

A. Yes.

Q. Is that actually a document that's a switch 7916 record?

A. Yes.

Q. Could you explain what a switch record is for the jury?

A. Sure. A switch record is basically more -- it's not like a billing statement. It's the record that -- that the cell towers produce when a call is placed that we use kind of as a back end.

Q. I don't think they heard the last part of that.

A. Kind of as a back end. It's not something that's produced for the customer. It's the records that we use internally that then feeds to the billing system, which then generates a particular bill.

Q. Do you keep those particular records for a period of time?

A. Yes, although I'm not sure of the exact amount of time we keep those for.

Q. Is it longer than a couple of weeks?

A. Absolutely.

Q. Okay. Tab No. 5 are the contents of Mr. Cascio's March 2003 bill for the same phone number, 213-0763?

A. Yes.

Q. And the Tab No. 6 , does that contain the switch records for the same period of time?

A. Yes, the same time.

Q. And Tab No. 7, does that include Mr. Cascio's account summary for April of 2003, the same phone number?

A. Yes, it does.

Q. Moving down to the next entries are Tab 10?

A. Uh-huh.

Q. Is there a Tab 11?

A. Not in the table of contents. There is in here.

Q. Are there two Tab 10s on the table of contents?

A. Yes, there are.

Q. Would you take a look at the second Tab 10 and see if the contents should be marked as Tab 11, please?

A. Yes.

Q. Okay. Would you change that on the table of contents? Do you have a pen? So we do go now Tab 10 and Tab 11?

A. That's correct.

Q. Okay. And is that the account information for one Ms. Deborah Rowe?

A. Yes, it is.

Q. For February and March respectively?

A. Yes.

Q. Are the contents of Exhibit 456 records which you keep in the ordinary course of Verizon Wireless business?

A. They are.

Q. Is the information contained within Exhibit 456 recorded at or near the time of the events purported to be --

A. Yes, they are.

Q. -- purported to be in the exhibits?

A. Yes, they are.

Q. All right. And does Verizon Wireless regularly rely upon the documents within 456 to conduct their business?

A. We do.

MR. NICOLA: We move that this exhibit be moved into evidence, Your Honor.

MR. SANGER: May I approach and take a look?

THE COURT: Yes.

MR. SANGER: Subject to a motion to strike if it's not connected, based on the prior ruling to the Court, I'll submit it.

THE COURT: I'll admit it with that proviso.

MR. NICOLA: Thank you, Your Honor.

Q. Would you please turn to Frank Cascio's February billing statement, please, under Tab 3?

A. Okay.

Q. And could you please turn to what is marked as page 23 of 35?

A. Okay.

Q. This blacked-out section up above, is that something that your company does prior to sending

the records in?

A. Yes.

Q. Makes it hard for us to do this. Can you read what the fourth column header is? Is that called “Origination”?

A. Yes, it is. Yes, it is.

Q. If I go back down to the fourth column --

A. Uh-huh.

Q. -- the number 926, is that a telephone call item number?

A. It's actually 936.

Q. Okay.

A. But, yeah. Yes, it is.

Q. Could you just read for us what, going from left to right, what these columns mean?

A. Sure. Item No. 936, the date the call was placed was February 1st at 12:16 a.m. The "O" under "Rate Period" is for off peak, meaning a night or a weekend. "Call Origination" is Miami, Florida. Then the phone number that was called. Would you like me to read the number?

Q. No. We can see it.

A. Okay. The phone -- the location of that phone number is Beverly Hills, California. The duration was ten minutes. It was placed on a weekend. The "Home Air Time Charges Included," that's basically in relation to the calling plan that was chosen. And then the two charges on the right are both zero.

Q. Okay. So the first geographical location is where the call was placed from?

A. That's correct.

Q. And the second geographical location is where the phone number is registered to?

A. That's correct.

Q. Okay. Could you explain what the -- the codes beginning with "W," "RMW" and "CW" mean?

A. Sure. The "RMW" is a voice mail retrieval. You can also tell that just to the left of that, where it says "Voice Mail." That's another way. And the "C" -- the "W" under the "CW" is the weekend. The "C" I'm not exactly 100 percent sure of.

Q. Is there a legend in the phone bill that would assist you?

A. Yeah. There should be. There is. It's call waiting.

Q. Okay. Do you find that on page 34 of 35 on the February 7th, 2003, bill?

A. 34 of 35, yeah.

Q. Okay. Is that what you're looking at?

A. Yes, sir.

Q. Is there a three-way calling feature with Verizon Wireless?

A. Yes.

Q. Is that encoded somewhere on this legend, or

does that have a separate --
A. It would have a separate, but it's not on the legend that you have up there, though.
Q. What is the code for three-way calling?
A. I'm not sure.
Q. Can you find that for us? I think we're going to probably take a break here in a couple of minutes.
A. Okay. Thank you.
Q. Go ahead, if you can look through the record. If you'd like, we'll move on to something else, and during the break you can find that code for us, okay?
A. Okay.
THE COURT: We'll take a break.
MR. NICOLA: Now?
THE COURT: We'll go ahead and take a break.
MR. NICOLA: Thank you, Judge.
(Recess taken.)
THE COURT: Go ahead, Counsel.
MR. NICOLA: Thank you, Your Honor.
Q. Mr. Shebroe, just prior to the break, I asked you if you knew what the code was for the three-way calling off the top of your head.
Did you find your cheat sheet to help you?
A. Yeah.
Q. What is the code for three-way calling?
A. The code letter "O." 7922

Q. Is there a code for call forwarding?
A. For call forwarding? The letter "F."
MR. NICOLA: I believe that's all I have.
THE COURT: Mr. Sanger?

CROSS-EXAMINATION
BY MR. SANGER:
Q. Okay. Mr. Shebroe, how're you doing?
A. Good. How are you?
Q. I'm fine.
All of these phones are cell phones; is that correct?
A. That's correct.

MR. SANGER: Okay. No further questions.

(Laughter.)

THE COURT: But you couldn't say, "No questions," could you?

(Laughter.)

THE COURT: You came that close.

MR. NICOLA: May the witness be excused, Your Honor?

THE COURT: You may. You may step down. Just so the jury knows, the short delay, our court reporter is still having problems with her computer, so in case nobody told you that, that's why we're having some lengthened recesses. It's not because I care about your recesses.

Call your next witness.

MR. NICOLA: Here she is. Jeanne Mulcahy.

THE COURT: Please remain standing. Face the clerk and raise your right hand.

JEANNE MULCAHY

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Jeanne Mulcahy. J-e-a-n-n-e, M--u-l-c-a-h-y.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. NICOLA:

Q. Good afternoon, ma'am. And which phone company are you here to testify about?

A. I'm with Cingular Wireless, and we also acquired AT&T Wireless, so both companies.

Q. You purchased that with cash, right?

A. Yes.

Q. Because two seconds equals one minute?

A. Sure. Yes.

Q. I placed in front of you Exhibit No. 53 and Exhibit No. -- excuse me, 453 and 454?

A. Uh-huh.

Q. Have you been through those two exhibits prior to coming to court today?

A. Yes, I have.

Q. Okay. And what is Exhibit 453, please?

A. They're the records that were requested from AT&T Wireless.

Q. Pursuant to search warrant?

A. Yes, sir.

Q. Have you been through the contents of Exhibit 453 to check it for accuracy?

A. Yes, sir.

Q. Within Exhibit 453, Tab No. 3, do we find the billing information, the bill, for one Paul Hugo?

A. Yes.

Q. And within Exhibit 453, Tab 4, do we find the billing information for MJJ Productions, Miko Brando?

A. Yes.

Q. And under Tab 5, is the account information there for Rudy Provencio?

A. Yes.

Q. Under Tab 6, is there subscriber information for MJJ Productions/Paul Hugo and Rudy Provencio?

A. Yes.

Q. And under Tab 7, those -- are those records for tolls of MJJ Productions/Miko Brando?

A. Yes.

Q. And under Tab 9, do we find some billing and financially labeled party information for the following people or entities: MJJ Productions/Miko Brando?

A. Yes.

Q. MJJ Productions with five telephone numbers associated?

A. Yes.

Q. And three entries for one Evvy Tavasci with telephone numbers ending in 8984, 4676 and 9111?

A. Yes.

Q. Okay. Are the records contained within

Exhibit 453 kept in the normal course of business?

A. Yes, they are.

Q. Are the entries within Exhibit 453 made at or near the time of the events they purport to record?

A. Yes.

Q. And does AT&T Wireless rely on these documents in the performance of their business?

A. Yes.

Q. With respect to Exhibit 454, are the documents contained within 454 Cingular Wireless records?

A. Yes.

Q. And are they records for the following two individuals, Ann Kite under Tab No. 1?

A. Yes.

Q. Evvy Tavasci at Tab No. 2?

A. Yes.

Q. Okay. Now, prior to the merger of AT&T and Cingular -- well, excuse me, one bought the other, right?

A. Yes.

Q. Which agency did you work with?

A. AT&T Wireless.

Q. AT&T Wireless, okay. Are you familiar with the Cingular Wireless records?

A. Yes, I am.

Q. And their billing cycle?

A. Yes.

Q. And is it with respect to that knowledge that you come here and testify as a custodian of the records that have the Cingular label on them?

A. Yes, sir.

Q. Okay. Are these records also kept within the normal course and scope of the business of AT&T Wireless/Cingular?

A. Yes.

Q. And with respect to the documents in 454, are they recorded at or near the time of the events?

A. Yes.

Q. And does Cingular/AT&T rely on these documents in the regular course of their business?

A. Yes.
MR. NICOLA: Your Honor, at this time we would offer 453 and 454 into evidence.

MR. SANGER: Same request, Your Honor.
THE COURT: All right. They're admitted with the same provision.
Q. BY MR. NICOLA: If you could please turn to Exhibit 454, Tab No. 1, and what appears to be labeled "Field Usage" for one Ann Kite.
May I have the Elmo, please, Your Honor? I'm just going to lay this on the projector.
MR. SANGER: I think you have to open it.
MR. NICOLA: I keep thinking it's a copy machine.
Q. Okay. Can you just give us an example of how you would read this bill across, from left to right, please, top line?
A. The first area is the number; and then the electronic serial number; rate plan; an abbreviation of the amount; called locations; description, whether it's incoming, or the number that was dialed if it was outbound; the date; the time; duration; and charges; and the roamer system that was being used to processed calls.
Q. Okay. Do you know what the codes are for three-way calling if they're available for these mobile phones?
A. I believe it's usually 3 -- 3W.
Q. 3W; three-way?
A. Yes.
Q. Makes more sense than an "O," right?

A. Yes.
Q. I'd like you to turn to Exhibit 453, please. I'd like to show you a different format bill. Why don't you turn to page one of the Paul Hugo account under Tab 3.
I'll lay this on the Elmo. And these records appear to be in a different format, correct?
A. Correct.
Q. Could you explain to us, please, just

starting at Item No. 1, what the columns mean across?

A. Sure. It's the date; the time of the call; the number called; the general area that the call was placed to; quantity of minutes; the rate that was charged; and just the charge description.

Q. And the calling plan?

A. Uh-huh, yes.

Q. Is the code for a three-way call on this bill also "3W," or is that different?

A. I believe so.

Q. Okay. Could you please turn to the next page on the Paul Hugo exhibit?

A. Yes.

Q. Are there sections of your bills which indicate where a party may be while they're placing phone calls using these wireless phones?

A. I don't believe on this bill.

Q. Are you looking at what I'm looking at?

A. Oh, I'm sorry. Under the "Roamer Usage," yes, that's the detail of when you're roaming. Sorry.

Q. Okay, I'm going to guess this means the phone was in Brazil.

A. Correct.

Q. And on Item No. 2, does that entry mean that while in Brazil, this number called, on March 2nd at 6:05 p.m., the phone number (201) 233-0063?

A. Yes.

Q. Okay. If I could show you just one more format bill. Please turn to Tab 4. And is that the service information and toll record for MJJ Productions, Service User Miko Brando?

A. Yes.

Q. If you could turn to what is marked as page 48. I believe it's the first page in that exhibit.

A. Yes.

Q. Okay. And yet another way to track phone calls. Is that in the same format, just spaced differently?

A. Yes, it's the same format.

Q. And is the first group of numbers the phone number of the user?

A. Yes.

Q. Okay. And then the fourth column in from the left, or, actually, the next phone number you would see would be the number dialed, correct?

A. Yes.

Q. And then the date and the time entry in the middle of this bill now, right?

A. Correct.

MR. NICOLA: Okay. Thank you, Miss Mulcahy.
Your Honor, I have no further questions.

THE COURT: Counsel?

MR. SANGER: No questions.

(Laughter.)

THE COURT: Doesn't get any better than that.

(Laughter.)

THE COURT: Call in your next witness.
Thank you. You're excused.

MR. ZONEN: Call Deborah Rowe to the stand.

THE COURT: Come to the witness stand, please.
When you get to the witness stand, please raise your right hand, face the clerk.

///

DEBORAH ROWE JACKSON

Having been sworn, testified as follows:

THE WITNESS: Yes, I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Deborah, D-e-b-o-r-a-h; Rowe, R-o-w-e; Jackson, J-a-c-k-s-o-n.

THE CLERK: Thank you.

MR. ZONEN: May I proceed?

THE COURT: You may.

DIRECT EXAMINATION

BY MR. ZONEN:

Q. Do you refer to be called Miss Rowe?

A. Debbie, please.

Q. All right. But in court, we're a little more formal.
A. Oh.
Q. In terms of surnames, do you go by Miss Rowe?
A. Yes.
Q. Do you know the defendant, Michael Jackson, seated to my right with the long, dark hair?
A. Yes, I do.
Q. How do you know Mr. Jackson?
A. We've been friends and we were married.
Q. When were you married to Mr. Jackson?
A. From 1997 to 1999.
Q. All right. We've --
A. Sorry.
Q. The acoustics are not quite what they could be in this courtroom, so you have to stay close to the microphone and keep your voice up. Is that all right?
A. Okay.
Q. All right. You were married to Mr. Jackson between which periods of time again, please?

A. I believe 1997 to 1999.
Q. For what period of time did you know Mr. Jackson prior to that?
A. Probably 20 years or more.
Q. Were you friends with Mr. Jackson?
A. Yes.
Q. Are you the mother of his two children?
A. Yes, I am.
Q. The two oldest children?
A. Yes, I am.
Q. And their names are what?
A. Michael Joseph Jackson, Jr., and Paris Michael Katherine Jackson.
Q. And when were you divorced from Mr. Jackson?
A. October -- I believe October 1999.
Q. Did you have -- did you ever live with Mr. Jackson during the course of your marriage?
A. We never shared a home.
Q. Did you live with Mr. Jackson prior to that marriage?

A. We never shared an apartment.

Q. At the time that the marriage was dissolved, was there an understanding or an agreement as to child custody?

A. I'm sorry?

Q. Was there an understanding or agreement as to child custody?

A. Yes.

Q. And who had custody of the two children?

A. Michael did.

Q. Did you have visitation of the two children?

A. Yes, I did.

Q. And what was the extent of the visitation as determined by that divorce?

A. Every 45 days for eight hours.

Q. All right. Did you, in fact, see the two children every 45 days for eight hours?

A. I tried.

Q. All right. Were there difficulties in being able to do so?

A. Yes.

Q. What kinds of difficulties?

A. There were times that the children and Michael would be out of the country, and I was working at the time, and if they were in South Africa, I would not have enough time to fly to where they were and then return home in time to be at work.

Q. Were you able to make up that eight-hour period when they returned?

A. No. It was pushed off until the next 45 days.

Q. For what period of time did that continue, that custody arrangement?

A. I believe a year and a half.

Q. At some point in time did you voluntarily agree to give up parental rights as to those two children?

A. Yes.

Q. And when was that, can you tell us?

A. I believe 2001.
Q. And why did you do that?
A. The visitations were not comfortable. We were hooked up at a hotel. I was -- when I would bring things to do, finger-painting, coloring or whatever, the nanny was always very concerned with the children getting dirty. I would bring T-shirts or something to put over their clothes, and the environment was very sterile. It wasn't a quality relationship.
Q. Did you ask to have more time with the kids?
A. Yes.
MR. MESEREAU: Objection; leading.
THE COURT: Overruled. The answer was, “Yes.”
THE WITNESS: I'm sorry.
THE COURT: Next question.
That's all right.
Q. BY MR. ZONEN: And was that request granted?
A. No.
Q. And tell me why you made the decision to give up parental rights as to the two children at that time.

A. I didn't believe that --
MR. MESEREAU: Objection. Relevance; opinion.
THE COURT: Sustained.
Q. BY MR. ZONEN: At some point in time -- when was the last time that you saw the two children?
A. Two and a half, three years ago. I'm not sure. I don't remember the dates.
Q. Did you receive a call from anybody in the early part of February of 2003 requesting your assistance on behalf of Michael Jackson?
A. Yes.
MR. MESEREAU: Objection; leading.
THE WITNESS: I'm sorry.
THE COURT: Overruled.
You may -- it's answered, “Yes.” Next question.
Q. BY MR. ZONEN: From whom was that telephone call?

A. Originally --

MR. MESEREAU: Objection; hearsay.

MR. ZONEN: I asked who it was.

THE COURT: Overruled.

You may answer as to who it was.

THE WITNESS: Originally my former boss's partner called me and said that I needed to call my old boss; that he needed to speak with me; that Michael needed my help with something.

Q. BY MR. ZONEN: Who was the old boss you're referring to?

A. Arnold Klein.

Q. What kind of work was that that you were doing for Mr. Klein?

A. He's a dermatologist. I was an assistant for him.

Q. For what period of time were you his assistant?

A. From 1979 to 2000 or 2001.

Q. What kind of work did you do for Mr. -- Dr. Klein?

A. I assisted him with surgeries and patients.

Q. Without getting into the content of that telephone call, did you, in fact, call Dr. Klein?

A. Yes, I did.

Q. And did you have a conversation with him?

A. Very brief.

Q. Did that conversation lead to a conversation with yet another person?

A. Yes. He wanted me to speak with Marc Schaffel.

MR. MESEREAU: Objection; hearsay.

THE COURT: Sustained.

MR. MESEREAU: Move to strike.

THE COURT: Stricken.

Q. BY MR. ZONEN: That conversation led to a conversation with yet another person; is that correct?

A. Yes, it is.

Q. Who was that person with whom you then had a

conversation?
A. Marc Schaffel.
Q. Do you know Marc Schaffel?
A. Not before this conversation.
Q. Was that the first time you had ever spoken with Mr. Schaffel?
A. Yes.
Q. Prior to that conversation, did you know who he was?
A. No.
Q. Had you -- had you ever heard his name prior to that day?
A. No.
Q. Did you, in fact, call Marc Schaffel?
A. The call was placed between Dr. Klein and myself.
Q. All right.
A. I don't hand out my phone number.
Q. Ultimately, Marc Schaffel contacted you, or Dr. Klein arranged the conversation? How was that?
A. Correct. Dr. Klein arranged the conversation. I did not feel comfortable with a three-way, and told Mr. Schaffel that I would call him if he gave me his number.
Q. All right. Did Mr. Schaffel, in fact, have

a conversation with you?
A. Yes, he did.
Q. Do you recall when that conversation took place?
A. It was early in February, in the morning.
Q. And what was the nature of that conversation?
MR. MESEREAU: Objection, hearsay.
THE COURT: Sustained.
Q. BY MR. ZONEN: Would you tell us if -- prior to that conversation, were you aware of a documentary that was titled, "Living with Michael Jackson"?
A. No.
Q. Were you aware of a person by the name of Martin Bashir?
A. No.

Q. As a consequence of this conversation with Marc Schaffel, did you then have a conversation with the defendant?
A. Yes.
Q. And how long after your conversation with Mr. Schaffel was your conversation with Michael Jackson?
A. Probably 30 minutes.
Q. Who called who?
A. They called me back, because they could not get ahold of Michael immediately.

MR. MESEREAU: Objection. Nonresponsive; hearsay; move to strike.
THE COURT: Nonresponsive. Who called who is the question?
MR. ZONEN: Right.
THE COURT: I'll strike the answer.
Q. BY MR. ZONEN: Were you contacted by somebody with regards --
A. Marc Schaffel, yes.
Q. Marc Schaffel called you?
A. And Ronald Konitzer.
Q. You then had a conversation with Ronald Konitzer as well?
A. For a brief moment. Michael was with him.
Q. Did Michael Jackson then get on the telephone?
A. Yes, he did.
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
Q. BY MR. ZONEN: What did Mr. Jackson say to you in the course of this conversation?
A. He told me there was a video coming out, and it was full of lies, and would I help. And I said, as always, yes. I asked him if he was okay. I was very upset.
Q. When was the last time you had talked with Michael Jackson?
A. The day of our divorce.

Q. And how long prior to that, to this

conversation you're now referring to, was that day of your divorce?
A. October 12th.
Q. Of what year, please?
A. .99.
Q. All right. So we're now talking about February of 2003; is that correct?
A. Yes.
Q. Now, he asked you for some kind of assistance; is that correct?
A. Yes.
Q. What exactly did he ask you to do, if anything?
A. He asked if I would work with Ronald and Dieter to help him, and I said yes. And I asked him how he was. I asked him how the children were. And I asked if I could see them when everything settled down.
Q. What did he tell you?
A. He said yes.
Q. All right. Had you had any communication with Mr. Jackson in the preceding period of time with regards to the children?
A. No.
Q. Had you sent any letters to him at all requesting that you be able to see them at some point in time?

A. No.
Q. Did you want to see the children?
A. Very much.
Q. All right. The conversation that you had with Mr. Jackson over the telephone, did he tell you from where he was calling?
A. No. I was told by Marc that they had to call Europe.
MR. MESEREAU: Objection. Hearsay; nonresponsive; move to strike.
THE COURT: It's nonresponsive. Stricken.
Q. BY MR. ZONEN: You had mentioned that Ronald Konitzer had called back; is that correct? Did I get that right?
A. Marc Schaffel called me back. Ronald had

called Marc, or Marc had called Ronald. I don't know who placed that call.

Q. At some point in time you actually spoke with Ronald Konitzer?

A. Yes.

Q. Did you know Mr. Konitzer prior to that day?

A. I think I met him years ago when Michael was on tour. I don't -- he said that I had met him. I didn't remember. I didn't have a face and I didn't recognize the voice.

Q. All right. And did you carry on -- without getting into the content of the conversation, did you, in fact, have a conversation with Mr. Konitzer before your conversation with Michael Jackson?

A. He just said, “Michael needs your help” --

MR. MESEREAU: Objection. Nonresponsive; hearsay.

Q. BY MR. ZONEN: The question is “yes” or “no.”

A. Yes.

THE COURT: Sustained.

THE WITNESS: Sorry.

Q. BY MR. ZONEN: The conversation that you had with Michael Jackson was approximately how long in length?

A. Two and a half minutes, maybe.

Q. Were you at home at that time?

A. Yes, I was.

Q. You said that you had asked him how he was and how the children were?

A. Yes.

Q. What did he tell you specifically about the -- whatever it was, the performance that was coming on television or the documentary, how did he describe it to you?

MR. MESEREAU: Objection. Leading and assumes facts not in evidence.

THE COURT: Sustained as to assuming facts.

Q. BY MR. ZONEN: What did he tell you about what was going to happen?

A. That there was a bad video coming out. I did not -- he didn't go into any more detail about that.

Q. Did you ask him what it was about?

A. No.

Q. Did you ask him if it dealt with him personally, Mr. Jackson?

A. I assumed it did.

Q. Okay. Now, he asked you for some assistance; is that correct?

MR. MESEREAU: Objection; asked and answered.

THE COURT: Overruled.

You may answer.

THE WITNESS: Yes.

Q. BY MR. ZONEN: And did he describe to you in any detail or particularity what it was he wanted you to do?

A. No, he did not.

Q. Okay. Did he tell you to follow anybody's direction?

A. He asked me --

MR. MESEREAU: Objection; leading.

THE WITNESS: I'm sorry.

THE COURT: Sustained.

Q. BY MR. ZONEN: What did he tell you to do?

A. He asked me to work with Ronald, Dieter and Marc.

Q. All right. You just told us about Ronald. Is Dieter somebody you knew prior to that day?

A. I don't remember.

Q. Do you know Dieter's last name?

A. Weizner or Weizer.

Q. Okay. And you don't recall at this time whether you had ever met him prior to that date, the time of that phone call?

A. No.

Q. Now, did you ask any directions as to how you were going to work with him or what you were going to do?

A. I told them that I needed a release of confidentiality, and that until that was done, I

wouldn't be able to do anything.
Q. You told Mr. Jackson that?
A. No, I'm sorry, I told Marc Schaffel, Dieter and Ronald.
Q. All right. Let's go back to the conversation again with Mr. Jackson --
A. Okay.
Q. -- before you hung up the phone or before your telephone conversation ended.
You said specifically about the children.
Tell me what it was that he told you about the children with regards to visitation.
MR. MESEREAU: Objection; asked and answered.
THE COURT: Overruled.

You may answer.
Q. BY MR. ZONEN: Go ahead.
A. When -- when -- I said, “Are you” -- “Are you okay? Are the children okay?” And he said, “Yeah, we're okay.” And I said, “Can I see you when everything -- and the children when everything is over with?” And he said, “Yes.”
Q. Did you want to see Mr. Jackson and the children?
A. Absolutely.
Q. Did he give you any other direction as to when that might be?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: No.
Q. BY MR. ZONEN: Did that conversation end at that time, or was there anything else that you discussed in the course of that conversation?
A. Michael and I?
Q. Yes.
A. No, we didn't discuss anything else. The phone was handed back to Ronald.
Q. All right. Your conversation then continued with Ronald?
A. Correct.
Q. All right. What was asked of you at that

point by Ronald?

MR. MESEREAU: Objection; hearsay.

MR. ZONEN: As explaining her conduct thereafter, not for the truth of the matter.

THE COURT: All right. I'll allow the hearsay for that limited purpose.

Q. BY MR. ZONEN: What was explained by Ronald thereafter?

A. That they were going to do a special - I don't know if they used the word "rebuttal" - to counter whatever this video was.

Q. And what was asked of you?

A. Would I help.

MR. MESEREAU: Objection; assumes facts not in evidence.

THE COURT: Sustained.

MR. MESEREAU: And leading.

Q. BY MR. ZONEN: Was anything said by Mr. Weizner as to your involvement?

A. What -- I don't understand. What do you mean by that?

Q. Well, in the telephone call that continued -- maybe I'm confused. Was it Konitzer or was it Weizner?

A. Konitzer.

Q. It was Konitzer, all right. Ronald Konitzer. What exactly was it that Mr. Konitzer then said to you about what you were supposed to do?

MR. MESEREAU: Objection; hearsay.

THE WITNESS: To --

MR. MESEREAU: Assumes facts not in evidence.

MR. ZONEN: Again, to explain --

THE COURT: Sustained.

Q. BY MR. ZONEN: Was there a conversation with Mr. Konitzer at that point about anything that you were then going to do?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

MR. ZONEN: That was overruled?

THE COURT: Yes.
Q. BY MR. ZONEN: Go ahead and answer.
A. What was the question? I'm sorry.
THE COURT: I'll have the court reporter read it back to you.
THE WITNESS: Thank you.
(Record read.)
THE WITNESS: I was supposed to work with Marc Schaffel, and that was when I told them that we had to have the paperwork done --
MR. MESEREAU: Objection; nonresponsive.
THE COURT: The second part of the answer I'll strike. Leave the first part in.
Q. BY MR. ZONEN: All right. With regards to working with Marc Schaffel, was there any other statement that was given to you by Mr. Konitzer at that time?

MR. MESEREAU: Objection; leading.
MR. ZONEN: Hardly suggests the answer.
THE COURT: Overruled.
You may answer.
THE WITNESS: That I would be working with Marc on whatever project that had been decided.
Q. BY MR. ZONEN: All right. Did you, in fact, then have a conversation with Marc?
A. Yes.
Q. When did that conversation take place? Marc Schaffel.
A. After the connection was broken between Michael and Ronald and myself.
Q. That same day?
A. It was the same conversation. Marc had us on two lines. So when he hung up the one line, Marc and I were still on another line.
Q. Was Marc Schaffel part of the conversation that you had with -- in other words, was it a conference call between Marc and you and Ronald Konitzer?
A. Correct.
Q. So he was privy to the conversation that was taking place at that point?
A. He set it up.

Q. All right. Was he part of the conversation while you were talking with Mr. Konitzer? In other words, did he periodically say things as well?

A. I don't remember.

Q. What did Mr. Schaffel want you to do?

MR. MESEREAU: Objection. Hearsay; assumes facts not in evidence.

MR. ZONEN: Same exception.

THE COURT: Foundation, sustained.

Q. BY MR. ZONEN: In the course of this conversation, did Mr. Schaffel make requests of you?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

You may answer.

THE WITNESS: Nothing specific. I couldn't discuss anything at that point.

Q. BY MR. ZONEN: Did you advise him that you needed to do something?

A. Yes.

Q. And what was that?

A. We needed to agree on a confidentiality release between Michael and myself.

Q. Was there such an agreement that you had between you and the defendant?

A. Eventually.

Q. Well, prior to this conversation, was there some kind of a confidentiality contract that you had with Mr. Jackson?

A. Yes.

Q. And when did you and Mr. Jackson enter into that agreement?

A. At the time of our divorce.

Q. And did that restrain you from having conversations with people about something or other? What did it restrain you from doing, this confidentiality agreement?

MR. MESEREAU: Objection. Foundation; leading; relevance.

THE COURT: Sustained.

Q. BY MR. ZONEN: Did you know what the

confidentiality agreement was? Have you ever read it?

A. Yes.

Q. And you read it at or about the time that you entered into this divorce with Mr. Jackson?

A. Yes, I did.

Q. All right. Did that confidentiality agreement keep you from doing something?

A. Yes, it did.

Q. What did it keep you from doing?

MR. MESEREAU: Objection. Foundation; leading; relevance.

THE COURT: Overruled.

You may answer.

MR. MESEREAU: 352.

Q. BY MR. ZONEN: Go ahead and answer the question.

A. The confidentiality agreement said that I could not speak with the press, public, anyone,

regarding Michael or the children or our lives together.

Q. Were you able to get an exemption from that agreement?

A. Yes.

Q. Did you have an attorney working on that?

A. Yes.

Q. What is your attorney's name?

A. Iris Joan Finsilver, F, as in Frank, i-n-s-i-l-v-e-r.

Q. Has Miss Finsilver been your attorney for some time?

A. Yes.

Q. Did she represent you in your divorce with Mr. Jackson?

A. Yes, she did.

Q. Ultimately when that exemption was executed, were you then able to speak with Mr. Schaffel about what you were expected to do?

A. Yes.

Q. And what was it that you were expected to do?

MR. MESEREAU: Objection. Assumes facts not

in evidence; foundation.
THE COURT: Sustained.
Q. BY MR. ZONEN: All right. Did you have a conversation with Mr. Schaffel after the execution of this exemption?

A. Yes.
Q. All right. In the course of that conversation, were you told things by Mr. Schaffel with regards to doing something on behalf of Michael Jackson?
MR. MESEREAU: Objection; leading.
THE COURT: Sustained.
Q. BY MR. ZONEN: What did Mr. Schaffel tell you in this conversation?
MR. MESEREAU: Objection; hearsay.
MR. ZONEN: For the same exception.
THE COURT: All right. Overruled.
Q. BY MR. ZONEN: Go ahead.
A. That we would be doing an interview.
Q. Did he tell you where or when?
A. He said that it would probably be at his home in Calabasas and within two or three days of when everything was settled.
Q. All right. Now, when was it exactly that you had this conversation with Mr. Schaffel about doing the interview relative to this first phone call from Mr. Jackson?
A. Do you mean when we were going to do it? Or when we scheduled it?
Q. When you scheduled it.
A. We didn't schedule it till after the documents had been signed.
Q. Okay. And how long did that take before you were able to create and sign documents?

A. I would like to say that it was probably only two days. It seemed a lot longer. There was a lot of faxing back and forth.
Q. Was there some urgency in doing it soon?
MR. MESEREAU: Objection; leading.
THE COURT: Sustained.

Q. BY MR. ZONEN: Did anybody ask you to do it at a particular time?

A. Mr. Schaffel.

Q. What did he say with regards to that?

A. As soon as he could arrange --

MR. MESEREAU: Hearsay.

MR. ZONEN: Same exception.

THE COURT: Overruled.

You may answer.

THE WITNESS: As soon as he could arrange to have whatever he needed, I believe, for the interview.

Q. BY MR. ZONEN: And was there a date finally set for the interview?

A. Yes.

Q. Do you know what that date was?

A. I don't know exactly. Beginning of February, I believe.

Q. Are you aware as to when or if the screening of “Living with Michael Jackson” ever actually aired in the United States?

A. I know that it aired. I don't know when it aired. I didn't watch it.

Q. Do you know when, relative to the airing of that production, your interview took place?

A. I know in relation to when it took place in Europe, but not here.

Q. When did it take place relative to the European airing?

A. The day before I gave my interview.

Q. Did that interview take place at Mr. Schaffel's residence?

A. My interview?

Q. Yes, your interview.

A. Yes, it did.

Q. Can you tell us who was present during that interview?

A. Hamid, who is Michael's photographer; Rudy; Christian; Marc; Stuart Backerman, who I think was Michael's PR person; and Iris came with me.

Q. Up until the time that you arrived at Mr. Schaffel's home to do this, had Mr. Schaffel told

you that you would get any benefit from doing this interview?
MR. MESEREAU: Objection. Leading and hearsay.
MR. ZONEN: I'm sorry?
THE COURT: Sustained.
Q. BY MR. ZONEN: Were you going to be paid for this interview?

A. No.
Q. Were any promises made at all?
A. Just that I --
MR. MESEREAU: Objection. Leading and hearsay.
THE COURT: Sustained.
MR. MESEREAU: And vague.
THE COURT: Hearsay, sustained. Hearsay.
MR. ZONEN: On hearsay. We would offer it again as to tending to explain her actions and her response, and not for the truth of the matter stated.
THE COURT: The objection's sustained.
Q. BY MR. ZONEN: Did anybody offer you anything in response to your doing this?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: Do you mean quid pro quo?
Q. BY MR. ZONEN: Yes.
A. No, I was excited to see Michael and the children when all this was over.
Q. Why did you do this interview?
A. I promised him that I would always be there for him and the children.
Q. Did anybody mention your children in the course of either doing this interview or leading up to the interview?

MR. MESEREAU: Objection. Asked and answered and leading.
THE COURT: Overruled.
Q. BY MR. ZONEN: You can answer that question.

A. Can you explain what you mean?

Q. Did anybody mention anything about your children with regards to -- relative to this interview --

MR. MESEREAU: Objection.

Q. BY MR. ZONEN: -- leading up to the interview or during the course of the interview?

MR. MESEREAU: Vague; compound; and leading and foundation.

THE COURT: Rephrase. It's an extended question now.

Q. BY MR. ZONEN: All right. Specifically, you had conversations with Mr. Schaffel, did you not --

A. Yes.

Q. -- prior to the interview?

A. Yes.

Q. Did you have a number of conversations prior to the interview?

A. No.

Q. How many conversations did you have with him prior to the interview?

A. One to set up the day and time, and one for directions on how to get to his house.

Q. All right. Prior to actually arriving at his house, did he talk to you about your children at all?

A. He said the kids were fine; that Michael was going to be okay.

Q. All right. Did he make any representations to you about visitation?

MR. MESEREAU: Objection. Leading; foundation; hearsay.

THE COURT: Overruled.

You may answer.

THE WITNESS: When I expressed excitement for seeing the children and for seeing Michael again and possibly reconnecting, he seemed to be very happy.

Q. BY MR. ZONEN: All right. During the course of your being at the house conducting this interview, did you talk with Mr. Schaffel any further about your children?

A. Yes.
Q. All right. What did he say with regards to your children while you were at his house?
MR. MESEREAU: Objection; hearsay.
MR. ZONEN: Same exception. I will add also it's a statement in furtherance.
THE COURT: I reject that as a reason, but let me look.

All right. I'll allow the question for the limited purpose of explaining her action after that. Do you want the question read back?
THE WITNESS: I can't see that far, yes, please.
THE COURT: Okay.
(Record read.)
THE WITNESS: That they were fine; that Michael was going to be okay; that it was -- he was happy for me that we were all going to get to see each other again, and how big the kids have gotten, and how beautiful they were, and how strong-headed Paris is and -- about like me.
Q. BY MR. ZONEN: What was your expectation with regards to your children in terms of your completing this interview?
MR. MESEREAU: Objection. Leading; foundation.
THE COURT: Sustained.
Q. BY MR. ZONEN: Did you have any expectations with regard to your kids at all?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
THE WITNESS: Yes.
Q. BY MR. ZONEN: What was that? What were your expectations?
A. To be reintroduced to them and to be reacquainted with their dad.

Q. You wanted to be reacquainted with Mr. Jackson as well?
A. Yes.

Q. Why?

A. He's my friend.

Q. Let me ask you about the interview. For what period of time were you at Mr. Schaffel's home?

A. I was at his house about ten and a half hours, but the taping was about nine.

Q. Was your attorney with you?

A. Yes.

Q. The entire time?

A. She stayed downstairs when Ian Drew arrived. And I was concerned about someone being able to say that --

MR. MESEREAU: Objection. Nonresponsive and hearsay.

THE COURT: Sustained.

Q. BY MR. ZONEN: The question was whether or not she was there the entire time. Was there a period of time --

A. She was in the house.

Q. Okay. She was in the house, but at some times not with you?

A. Correct.

Q. All right. Now, prior to the start of this interview, had you talked with anybody about the content of this interview, in other words, what was going to be asked of you?

A. No.

MR. MESEREAU: Objection. Assumes facts not in evidence, leading and foundation.

THE COURT: Overruled.

Do you want the question read back?

THE WITNESS: No. No, I did not want that.

Q. BY MR. ZONEN: Did you know what it was you were going to be saying?

A. No.

Q. Did you know what it was -- the questions, what questions would be asked of you?

A. No.

Q. Did you know whether or not it had anything to do with this video or this television show?

A. All I knew, it was whatever was being put out about Michael could be hurtful to him and the children, and I don't know if I was supposed to run interference. I don't know what the basis was for my interview.

Q. Did you ask him about the content of the television show?

A. No.

Q. Did you ask anybody about the content of the questions that would be put to you?

A. Absolutely not.

Q. Did you know that it would be questions put to you? In other words, it would be in the format of an interview?

A. Yes.

Q. Who had told you that?

A. Mr. Schaffel.

Q. Who was present at the time when this interview commenced?

A. Iris. Stuart. Rudy. Christian was in and out. It was either Christian or Rudy that was in and out. Marc. Myself. And Ian Drew.

Q. Iris is Iris Finsilver, your attorney?

A. Yes.

Q. Stuart is who?

A. Stuart Backerman, I was told, was a spokesperson for Michael.

Q. Had you ever seen Mr. Backerman prior to that day?

A. No.

Q. Had you ever heard his name prior to that day?

A. No.

Q. Were you introduced to him that day?

A. Yes.

Q. Did you actually have a conversation with him?

A. Nothing other than, "Nice to meet you," and very casual. Nothing important to say.

Q. You said Rudy. Who is Rudy?

A. He was Marc's go-fer boy.

MR. MESEREAU: Objection; foundation.

THE COURT: Overruled.

Q. BY MR. ZONEN: Marc's -- say that again?

A. Go-fer boy.

Q. Go-fer? Somebody who did things for Mr. Schaffel?

A. Yes.

Q. Do you know Rudy's last name?

A. No, I don't. I'm sorry.

Q. Do you recall if you were told his last name at any time?

A. No, I was -- I was introduced to everyone on a first-name basis. I knew Hamid from before.

Q. All right. Rudy was or was not somebody you knew prior to that day?

A. No.

Q. Christian, if I'm reading my handwriting correctly --

A. Yes.

Q. -- was the name you mentioned?

A. Yes.

Q. Was Christian somebody you knew prior to that day?

A. No.

Q. Was his name given to you at that time?

A. I don't remember if I was introduced to him or if someone had said, “Christian will get it.” I knew it was his name, because -- I don't remember being formally introduced to him.

Q. All right. You don't recall an acquaintance with him prior to that day?

A. No.

Q. You mentioned Ian Drew.

A. Yes.

Q. Who is Ian Drew?

A. He was someone that was going to interview me.

Q. And was he somebody you knew prior to that day as well?

A. No.

Q. Did you have any preliminary conversation with him prior to the commencement of this interview?

A. Absolutely not.

Q. Was that by your choice?

A. Yes.

Q. And why is that? Why was that?

MR. MESEREAU: Objection. Foundation; 352; leading.

THE COURT: Overruled.

You may answer.

Q. BY MR. ZONEN: Go ahead.

A. Because I didn't want anyone to be able to come back to me and say that my interview was rehearsed, that someone told me what to say. Mr. Jackson knows no one can tell me what to

say. I tend to speak my own mind, and I didn't want the interview to be construed as something other than what it was, which was a cold interview.

Q. At some point in time, were you given any kind of a list of questions?

MR. MESEREAU: Objection.

THE COURT: Overruled.

THE WITNESS: It was offered to me and I declined it.

Q. BY MR. ZONEN: All right. Who offered you the list?

A. Ian Drew.

Q. Why did you decline it?

A. Again, it was a cold interview, and I wanted to keep it that way.

Q. Was anyone else in the room during the course of the interview?

A. Everyone was. Rudy and Christian were in and out, but the main people who were there was Hamid, Iris, Stuart, Marc and myself.

Q. All right.

A. And Ian.

Q. Did you know Hamid prior to that?

A. Yeah, I did.

Q. Was that Hamid Moslehi?

A. Yes.

Q. And you recognized him when you got there?

A. Oh, yes.

Q. He had been Mr. Jackson's videographer for some time?

A. Yeah, for a long, long time.

Q. Was the location of this interview in Calabasas, California?

A. Yes.

Q. Do you happen to know the date?

A. It was the day before that documentary was to air. I don't know the date.

Q. Miss Rowe, in the course of the interview that took place, I think you said over about the next nine hours --

A. Yes.

Q. -- were you truthful in the answers that you gave?

A. Can you rephrase that?

Q. Did you tell the truth? Did you answer all those questions truthfully and honestly?

A. No.

Q. All right. Why is that?

MR. MESEREAU: Objection. Foundation; opinion; relevance.

THE COURT: Overruled.

You may answer.

Q. BY MR. ZONEN: Why is that?

A. Because my personal life is my personal life and no one's business. And it pretty much doesn't matter. I could call something black. In the media, it will be called white.

Q. Do you remember the questions that you were asked?

A. Not all of them.

Q. Do you remember some of the questions that you were asked?

A. I would have to see the tape again.

Q. Did you have an opportunity to review the tape recently?

A. Yes.

Q. All right. How many hours of tape did you review?

A. To scan over? It was probably two and a half hours of it, but I wasn't really paying attention. I found myself very boring and dull.

Q. Do you mean as the subject matter of the tape?

A. Yeah.

Q. It went for, I think you said, about two and a half hours?

A. That I -- that I saw, I think it was a three-hour tape, but I didn't watch the entire video.

Q. Do you have a belief as to whether or not it was an edited version of what had taken place?

A. It had to be. It was a nine-hour interview. And if there's only three hours, there's six hours someplace.

Q. Were you asked questions about Mr. Jackson?

A. Yes, I was.

MR. MESEREAU: Objection. Leading; hearsay.

THE COURT: Overruled.

Q. BY MR. ZONEN: What questions that were asked of you about Mr. Jackson did you not give honest answers to?

A. Can you be more specific?

Q. I can. Did he ask -- were you asked questions about Mr. Jackson and his parenting of your two children?

MR. MESEREAU: Objection. Leading; move to strike.

THE COURT: Overruled.

Q. BY MR. ZONEN: Did you understand the question? Would you like to hear it again?

A. Yes, I was asked the question.

MR. ZONEN: May the court reporter repeat the question, Your Honor?

THE COURT: I think she understood the --

THE WITNESS: I understood the question, and I said, “Yes.”

MR. ZONEN: Oh, I'm sorry.

THE COURT: She answered your question.

MR. ZONEN: I'm sorry.

Q. Were those the questions, or among the questions, that you did not answer honestly?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

You may answer.

THE WITNESS: Yes.

Q. BY MR. ZONEN: When was the last time you had actually seen Mr. Jackson related to your two oldest children?

A. The day that we signed our divorce papers.

Q. Did you have any information at all about his parenting skills with your children?

A. Just -- yes, I did. I -- when I was seeing the children, I spoke with the nannies before we divorced. I saw him with the children. I've seen him with the kids the whole time I've known him.

THE COURT: Counsel, we'll take our afternoon break.

Before we break, I just want to ask you a question, Mr. Sanger.

MR. SANGER: Yes, sir.

THE COURT: Would you stipulate that the phone records could be released so they can be redacted as I ordered?

MR. MESEREAU: Yes, sir.

THE COURT: All right. I'll release the phone records that went in evidence today to the District Attorney so they can be redacted and returned to the Court immediately.

MR. SANGER: I take it they'll give me the copy of the redacted --

THE COURT: And you're ordered to give the defense a copy of the redaction.

Thank you. We're in recess until tomorrow morning. And I'll see you at 8:30.

MR. NICOLA: Mr. Sanger -- can we talk with him for a second?

MR. SANGER: If the Judge wants us.

(The proceedings adjourned at 2:30 p.m.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 7812 through 7970 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 27, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
April 27, 2005.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

THURSDAY, APRIL 28, 2005

8:38 A.M.

(PAGES 7972 THROUGH 8028)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

PLAINTIFF'S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
JACKSON, Deborah Rowe (Contd.)	7977-Z	7988-M		

Santa Maria, California
Thursday, April 28, 2005
8:38 a.m.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: Good morning, everyone.

COUNSEL AT COUNSEL TABLE: (In unison) Good morning.

THE COURT: The reason I came in without the jury is I was provided with a motion to strike the testimony of Debbie Rowe this morning.

I assumed you anticipated I would take that up at this moment. Or did you not?

MR. SANGER: We hoped you would, if you would give us the time to do it, Your Honor.

THE COURT: Here's my sense of it: She hasn't testified long enough for me to know, really, what she's going to say, or anyone else. And your motion might be well-taken. It might not. But I -- I understand what she said yesterday, but I don't really understand what she has to say today. So I would want to really hear more testimony, I think.

MR. SANGER: Very well. Well, we briefed it, and Your Honor understands our position.

THE COURT: I understand your position.

I just think the -- she barely got started yesterday. I mean, I really -- I think I'd have to let it -- well, I would have to know more about what she says than what I know already to know whether or not your motion is well-taken.

MR. SANGER: Well, my concern was -- if I may, my concern was to raise it at the earliest possible moment --

THE COURT: I know.

MR. SANGER: -- because if it goes too long, then we get into a position where it's hard to undo it. And if --

THE COURT: I understand that, but --

MR. SANGER: I'm not arguing with the Court.

THE COURT: Okay.

MR. SANGER: I just want to let you know why I think -- whenever you feel --

THE COURT: There is another side of the coin, though. I let the testimony in based on their representations in their written materials, which -- if the testimony is the exact opposite, I mean, isn't that the testimony that would be relevant to your side of the case?

MR. SANGER: Yes and no. And the problem -- I understand that. And we thought about it, but the problem is that this will then lead to a tremendous amount of other collateral testimony to put whatever it is in context.

THE COURT: Okay.

MR. SANGER: And that's my concern. If we go too far down the road, then we pretty much are committed to doing the whole thing.

THE COURT: Okay. Well, let's go further down the road before --

MR. SANGER: Thank you.

THE COURT: Is there anything you -- you didn't get to say anything. I assume --

MR. ZONEN: Nor am I requesting to.

THE COURT: Huh?

MR. ZONEN: Nor am I requesting to.

THE COURT: Okay.

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: I already said good morning to everyone else, so I'll say good morning to you.

THE JURY: (In unison) Good morning.

THE COURT: You may proceed.

MR. ZONEN: Thank you.

DIRECT EXAMINATION (Continued)

BY MR. ZONEN:

Q. Miss Rowe, good morning.

A. Good morning.

Q. We left off, we were discussing the interview that you had back in February of 2003 at Marc Schaffel's home in Calabasas. And you recall that interview, do you not?
A. Yes.
Q. And I believe that you had testified yesterday that you were at his residence for some time over nine or ten hours; is that correct?
A. Yes.
Q. Approximately how long were you at his residence?
A. We started early in the morning and finished around 9:00, 10:00 at night.
Q. Was your attorney there the entire time?
A. Yes.
Q. Was she in your presence the entire time?
A. No, she was not.
Q. Were there times when you were separated from her?
A. Yes.
Q. All right. What was the purpose of that?
A. To -- I didn't want to see the interviewer before the interview. And the best way to do that was to leave where everything was that was happening in the living room off to the side of the main entrance of the house, so Mr. Schaffel and I went upstairs in his office.
Q. And did you have a conversation with Mr.

Schaffel at that time?
A. Yes.
Q. Did you discuss the interview?
A. No.
Q. At some point in time, did you take a look at a script?
A. No.
MR. MESEREAU: Objection; leading.
THE COURT: Overruled. The answer was, "No."
Q. BY MR. ZONEN: All right. At some point in time, did you see one in somebody else's possession?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
THE WITNESS: Mr. Drew had questions; I assume they were questions. He had a number of

pages and asked if I wanted to see them. And I said no.

Q. BY MR. ZONEN: Do you know how many questions were on that script?

A. He told me 105.

Q. Do you know if he went over all of those questions during the course of that interview?

A. My understanding is we did.

Q. And the number of hours that you spent in actual interview was approximately what?

A. Nine.

Q. Was Mr. Schaffel there the entire time?

A. Yes.

Q. Was Mr. Schaffel saying anything during that time?

A. He was hearing sounds in the background, thought it was being picked up on audio, wanted to change what the back --

MR. MESEREAU: Objection; hearsay.

THE COURT: Overruled.

Q. BY MR. ZONEN: Go ahead.

A. Wanted to make sure what the background looked like and everything. He occasionally -- not "occasionally," frequently would interject to rephrase a question or an answer. And I told him if that did not --

MR. MESEREAU: Objection. Nonresponsive; narrative.

THE COURT: Sustained at this point.

Q. BY MR. ZONEN: Tell us specifically what he said to you with regards to either questions or answers.

MR. MESEREAU: Objection. Calls for a narrative; hearsay; foundation.

THE COURT: Sustained as to narrative.

MR. ZONEN: All right.

Q. Tell us if he -- let me change that. With regards to answers to your questions, did he make any comments as to answers to your questions?

A. Yes.

Q. What kinds of comments did he make?

A. He --

MR. MESEREAU: Objection. Vague; foundation; calls for a narrative.

THE COURT: Overruled.

Q. BY MR. ZONEN: Go ahead and answer the question, if you recall.

A. He would ask me if I would rephrase an answer or he would ask Mr. Drew to rephrase a question.

Q. And what types of questions or answers would he ask you to rephrase?

MR. MESEREAU: Objection; vague.

THE COURT: Sustained.

Q. BY MR. ZONEN: Do you remember any specific questions that he asked you to rephrase?

MR. MESEREAU: Objection. Misstates the evidence and vague.

THE COURT: Overruled.

You may answer.

Q. BY MR. ZONEN: You can answer.

A. I don't remember a specific -- there were so many, I don't remember any specific. I remember at the end he wanted us to add stuff to clarify what he thought might be misunderstood or something.

Q. And did you, in fact, make changes in your interview in accordance with his request?

A. Only if it didn't change the meaning of what I had to say.

Q. And what was the meaning of what you had to say?

MR. MESEREAU: Objection; vague.

THE COURT: Sustained.

Q. BY MR. ZONEN: All right. What is it that you were intending to represent in this interview?

A. Michael as a wonderful person and as a great father and generous and caring.

Q. All right. Did you have information as to Michael Jackson as a wonderful father?

A. As I've known him?

Q. Yes.

A. Yes.

Q. When was the last time you'd actually talked with him?

A. In 1999.
Q. All right. This was in early 2003; is that correct?
A. Correct.
Q. When was the last time you saw him interact with the children?
A. 1991. I'm sorry, 1999.
Q. In the course of this interview, did you represent yourself as still being part of the family?
A. Yes, I did.
Q. Was that true?

A. No, it was not.
Q. Why did you do it?
A. To protect the children and to try to keep the media and questions away and out of their focus. And to make sure that I could do whatever I could even at a distance.
Q. Did you feel that you were enthusiastic during this interview?
A. I --
MR. MESEREAU: Objection; leading.
THE COURT: Sustained.
Q. BY MR. ZONEN: How did you approach this interview in terms of your affect?
A. I was excited to do it.
Q. Why?
A. Because I would get to see my children and possibly renew a relationship with Mr. Jackson.
Q. Why did you want to do that?
A. They're my family.
Q. Did you consider them your family?
A. Yes.
Q. Did you consider Mr. Jackson to be your family to the same extent as your children?
A. I don't think anyone is as much as your children, but, yes.
Q. How long had it been since you had seen your children?
A. About two and a half years.

Q. At the conclusion of the interview, did you have a conversation with anybody about when you would be able to see your children?

A. Mr. Schaffel said that he was excited, and that we'd be going up to Neverland soon. And I said, "Fine." I said, "Let me know as soon as you can."

Q. Was that something that you wanted to do?

A. Very much. Very much.

Q. When was the last time you had been to Neverland?

A. Years. I couldn't tell you. Probably .99, .98.

Q. Did you make any contact with anybody about seeing your children within the next, say, 30 days or beyond?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

You may answer.

THE WITNESS: Mr. Schaffel. I would call --

Q. BY MR. ZONEN: How often -- I'm sorry?

A. I would call him almost weekly. I didn't want to be a noodge, or piss him off, so I would call him and chat him up, and say, "By the way," you know, "Are they back?" You know, "When can I see them?" Because it was my understanding they were out of town.

Q. For what period of time did you continue to contact Mr. Schaffel about that?

MR. MESEREAU: Your Honor, we object. Make a motion to exclude.

MR. ZONEN: I'd like to respond to it, even if at sidebar.

THE COURT: The objection is overruled.

You may answer.

Q. BY MR. ZONEN: Go ahead.

A. About nine months.

Q. Did you ever see your children?

A. No, I did not.

Q. To this day, have you seen your children?

A. No, I have not.

Q. Have you gone back to court?

A. Yes.

Q. Have you reinstated parental rights --

A. Yes.

Q. -- for yourself?
MR. MESEREAU: Objection. Leading; foundation.
THE COURT: Sustained.
MR. MESEREAU: Relevance.
Q. BY MR. ZONEN: What did you accomplish in court?
MR. MESEREAU: Objection. Leading; foundation; relevance; vague; and calls for improper opinion.
THE COURT: The objection to "What did you accomplish..." is sustained as vague. That question is vague.

Q. BY MR. ZONEN: All right. Were you able to get a ruling in regards to your custody of your children?
MR. MESEREAU: Objection; relevance; motion to exclude.
THE COURT: Overruled.
Q. BY MR. ZONEN: Go ahead.
A. Not regards to custody, but my parental rights were reinstated.
Q. At this time you have parental rights again, is that right?
A. Yes, I do.
Q. Have you seen your children?
A. No, I have not.
Q. Are you still in court making an effort to do so?
A. Very much so. Actively.
Q. Have you ever seen yourself on television or any part of that interview that was conducted at Mr. Schaffel's house?
A. Yes.
Q. Where did you see it?
A. I reviewed it last night. I hadn't seen it. I didn't watch it when it was on television, so I saw a video last evening.
Q. All right. That was the same video that you had reviewed once previously?

A. Yes.
Q. But on the occasion last night, you viewed

it with greater detail?
A. Yes.
Q. Did you ever see the Maury Povich film that was featured at a later time?
A. I don't remember watching it.
Q. Did you ever receive any money for your participation --
A. No.
Q. -- in this interview?
A. No.
Q. What was your motivation to participate in this interview?
A. To see my children.
MR. ZONEN: Thank you. I have no further questions.
THE COURT: Cross-examine?
MR. MESEREAU: Your Honor, we'd like to renew our motion to exclude testimony into these areas.
THE COURT: I'll give you an indicated, subject to full argument, but at this point I would probably not grant that motion.
THE WITNESS: Good morning, Mr. Mesereau.
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CROSS-EXAMINATION
BY MR. MESEREAU:
Q. Good morning, Ms. Rowe.
We've never spoken before, correct?
A. No, we have not.
Q. Okay.
A. I'm Debbie.
(Laughter.)
Q. The prosecutor asked you some questions about your, for lack of a better word, current dispute with Michael Jackson in Family Law Court, correct?
A. I wouldn't call it a dispute, but if that's the legal term, okay.
Q. Well, the prosecutor asked you about whether you obtained rights or not - okay? - and I believe you said you have obtained parental rights but not custody rights; is that true?

A. I corrected him, and said that my parental rights had been reinstated --

Q. Okay.

A. -- when he mentioned custody.

Q. Okay. Okay. Now, when did you first meet Mr. Schaffel?

A. When Mr. Jackson asked me to do the interview.

Q. Okay. And did you first meet him at the interview?

A. Yes. Personally -- I had spoken to him on the phone. But personally, yes.

Q. And I gather you developed some type of friendship with him; is that true?

A. I wouldn't call it a friendship. More of an acquaintance. More than an acquaintanceship, but not a friendship.

Q. And you were calling him approximately every week; is that true?

A. For about three months, yes.

Q. Okay. And at some point you were in contact with the Santa Barbara sheriffs about this case, correct?

A. They had called me, yes. And I did not return the first call.

Q. And eventually, you developed somewhat of a dialogue with Santa Barbara sheriffs about this case, right?

A. When they caught me on my cell phone on my way home from Palm Springs, yes, the number they got from Marc Schaffel.

Q. And you agreed to make what you called some pretext phone calls for the sheriffs, correct?

A. Correct.

Q. And a pretext phone call means basically you agreed to work with the sheriffs, telephone people and talk to them while the sheriffs were recording those calls; is that correct?

A. Correct.

Q. And the idea was that the people you would call would not know they were being recorded, right?

A. Correct.

Q. Only you and the sheriffs would know there were recordings, right?

A. Correct.

Q. Now, how many of these pretext phone calls do you think you made with or for the sheriffs?

A. I think there were a total of four to six. I'm not sure.

Q. And who were those pretext phone calls with?

A. Marc Schaffel. Ian Drew. And I think I may have tried to do one with Dieter.

Q. Were you able to do that one?

A. I don't remember.

Q. Okay. So the only people you recall actually speaking with when they didn't know the call was being recorded are Schaffel and Drew; is that right?

A. And Dieter, if I did one with him, he wouldn't have known.

Q. Now, Schaffel and Drew were there when you were interviewed?

A. Yes, they were.

Q. And when you arrived for the interview had you ever spoken to Mr. Drew before?

A. No, I had not.

Q. Did you meet him for the first time at the interview?

A. Yes, I did.

Q. So you met Ian Drew for the first time at Marc Schaffel's home, right?

A. Correct.

Q. And after you met him, did you develop an understanding as to whether or not Mr. Drew would have a role in your interview?

A. I was told he was the one that would be doing the interviewing.

Q. And did he, in fact, do that?

A. Yes, he did.

Q. Okay. And is he the one that had the list of questions you've described?

A. Yes, he did.

Q. And I believe you said you thought there were about 105 questions, right?

A. He told me there were 105.

Q. Mr. Drew told you that?
A. Yes, he did.
Q. Did he ever show you the list of questions?
A. He offered to.
Q. And you refused, right?
A. Correct.
Q. You refused because you wanted to give a spontaneous type of response to whatever he asked you, right?

A. Correct.
Q. Okay. And I think it's fair to say that your responses were very favorable about Michael Jackson, right?
A. Yes.
Q. You answered questions for approximately nine hours; is that true?
A. Yes. It was a very long day.
Q. And you were asked all sorts of questions about what kind of person Mr. Jackson was, right?
A. Yes.
Q. You were asked about what kind of a father he was --
A. Yes.
Q. -- right?
You were asked whether or not he was a good family person?
A. Yes.
Q. You were asked about whether he was a good friend of yours, right?
A. Yes.
Q. And you, throughout that nine-hour period, were very positive about Michael Jackson, right?
A. Yes.
Q. And when you got there for the interview, your understanding was you were going there to help do a very positive, favorable piece about Michael, right?

A. Correct.
Q. And your understanding was that one of the purposes of this interview was to counteract the negative stuff that appeared in the Bashir documentary, right?

A. I didn't know what the video was. I had never heard of Bashir. It was regarding something that had played in Europe and was going to be played in the United States. I didn't want to see the video. I didn't want to see the transcripts from the video. I didn't want to know anything about it.

Q. Okay. Okay. But you knew there was -- the purpose was to respond to something in the media that had been negative about Michael, right?

A. Negative, twisted, misunderstood, whatever it was.

Q. Okay. And I believe you testified you were more than eager to help Michael in this area, right?

A. Absolutely.

Q. And as far as you're concerned, you did help him, right?

A. I hope I did.

Q. You spoke favorably about him and some of your comments were placed on a T.V. documentary, right?

A. The show that -- whatever it was that aired for it, yeah. I think they said the Povich thing.

Q. And you kept calling Mr. Schaffel for a

number of months?

A. Yes.

Q. And you would see him from time to time, right?

A. No, I never saw him. I saw him one time --

Q. You had lunch with him one time?

A. He set me up. Yes, I had lunch with him one time.

Q. Where was that?

A. The Ivy.

Q. Okay. And you say Schaffel set you up?

A. Yeah.

Q. And what do you mean by that?

A. Apparently there was a meeting going on with Michael and some of his people, and I later found out that Schaffel and Dieter were not included. And so Marc had called me up and said, "Do you want to go to lunch?" And I said, "Sure." I said, "Do you want me to meet you in the valley halfway? Do you want to come over here? I'll pick you up." You

know, “What do you want to do?” And he said, “Well, why don't I pick you up.” And I said, “Fine. Where are we going to go?” And he said, “The Ivy. Is that okay?” I said, “Sure.” I never had any problems at The Ivy before. So we went to The Ivy.
Q. And would Schaffel call you from time to time?
A. Yes.

Q. Okay. And you have previously commented that you thought Mr. Schaffel was using Mr. Jackson, true?
A. Oh, yeah.
Q. You thought he was using him, manipulating him?
MR. ZONEN: I'm going to object as lack of foundation. She said she just met him. Also improper opinion.
THE COURT: Overruled.
Q. BY MR. MESEREAU: You told the sheriffs that, in your opinion, Marc Schaffel was continually trying to take advantage of Michael Jackson, true?
A. Correct.
Q. And you thought he was manipulating Michael Jackson to make lots of money, right?
A. Yes.
Q. Now, you met Dieter at some point, true?
A. Yes.
Q. And when did you meet Dieter?
A. I don't remember if I met him anytime before The Ivy incident, but I met -- he was with us at lunch.
Q. Okay. And did you meet Konitzer at some point?
A. Years ago on tour, when he was doing “Those Cool Sunglasses.”
Q. During the period of the interview -- I say

“during the period.” That's a little bit vague. Let me withdraw that.
Around the time of the interview, did you talk to Konitzer at all?
A. I spoke with him when I spoke with Mr. Jackson to arrange it. And he and Dieter and Marc

had been on the phone. They had been on the phone to tell me about problems that were going on, yes.

Q. And you've also made statements to the sheriffs that you thought Dieter and Konitzer were manipulating Michael Jackson, correct?

A. Yes.

Q. You thought Dieter and Konitzer were taking advantage of Michael Jackson, true?

A. Yes.

Q. And you thought they were trying to manipulate Michael Jackson to make a lot of money, right?

A. Yes.

Q. Was it your perception, based upon what you observed of Schaffel, Dieter and Konitzer, that those three were working together?

A. Oh, yeah.

Q. You definitely got that impression?

A. Oh, yeah.

Q. Okay. And was it your impression that those three were working together to find ways to use Michael Jackson's name so they could profit?

A. Yes.

Q. And at one point you told the sheriffs that you thought Michael Jackson was, in some ways, very removed from what those guys were doing, right?

A. In my past knowledge, he's removed from the handlers, the people who are taking care of business, and they make all the decisions. There's a number of times they don't consult him.

Q. And you thought these three guys, Schaffel, Dieter and Konitzer, were doing just that, didn't you?

A. Very strongly.

Q. Do you recall if around this time you ever tried to warn Michael Jackson about Schaffel, Konitzer and Dieter?

A. I did. I tried to go through my -- my -- I'm sorry, my old boss. And actually, when I did call, I was told that, "Be careful of Marc."

Q. And your old boss was Dr. Klein?

A. Arnold Klein, yes. K-l-e-i-n.

Q. What you're saying, you tried to communicate with Michael, through Dr. Klein, to warn him about what these three characters were doing to Michael?

A. Or to look and see if he was aware of what was going on, if he even knew that I was still trying to see the children.

Q. Okay. And one of the problems you had was that because of the custody issues, you were supposed to talk through attorneys, right?

A. Correct.

Q. And that created a problem in your ability to communicate with Michael, right?

A. It was difficult, yes.

Q. Okay.

A. It was easy with Mr. Spiegel, Lance Spiegel.

Q. And Mr. Spiegel was a prior lawyer for Mr. Jackson?

A. For family, yes.

Q. Okay. Okay. Now, approximately when did you -- when were you divorced from Mr. Jackson? Was it 1999?

A. Yes.

Q. And at that point you gave up custody of the children?

A. No, not at that point. A year and a half later.

Q. Okay. A year and a half later you gave up custody of the children, and you had the visitation rights that you identified yesterday, right?

A. Right. No, I'm sorry, I misunderstood. I gave up custody at the divorce. I gave him full custody. I had visitation - I'm sorry, I misunderstood - every 45 days.

Q. Approximately how long was your marriage to Mr. Jackson?

A. Three and a half years.

Q. Okay. And I believe you said yesterday you've stayed his friend, right?

A. I've always considered him my friend.

Q. And you still do, right?

A. Yeah. If he'd talk to me. Sorry.

Q. And without question, the communicating through lawyers has created problems with --

A. Have you met Mr. Hall? Extreme problems.

Q. Okay. Okay. You're blaming the lawyers for a lot of that, right?

A. Have you met Mr. Hall? You don't want to.

Q. Okay. All right. How many times did you meet Dieter personally?

A. Like -- I know for sure the one time.

Q. Did you talk to Dieter on the telephone?

A. Yes.

Q. How many times do you think you talked to Dieter on the telephone?

A. I think once or twice.

Q. Okay.

A. I don't remember. They weren't eventful calls.

Q. Did he call you or did you call him?

A. He's -- I know he called me once, and I believe I called him.

Q. Now, did you learn at some point -- excuse me. Before I get into that, how many calls do you think you had with Drew, if any?

A. From when to when?

Q. Oh, around the time of the interview.

A. I met Mr. Drew, he went back to Florida, I didn't see him for about a year. When he came back to Los Angeles, he called me and said he was back in town.

Q. Did you develop a friendship with him?

A. Yeah.

Q. Okay. Now, did you learn at some point that Schaffel was trying to make millions of dollars from the footage of your interview?

A. Yes, I --

MR. ZONEN: I'm going to object as lack of foundation.

THE COURT: Overruled.

THE WITNESS: Yes.

Q. BY MR. MESEREAU: How did you learn that Schaffel was trying to make millions of dollars from the footage of your interview?

A. He told me he was paid for it. He told me that part of the money that was made from it went for a debt that Mr. Jackson had owed him. I later found out that he took -- he told Ronald and Dieter that I wanted $100,000 for doing the interview. And I believe a check was cut - not to me. I wouldn't have taken it - and he kept it.

Q. And how did you learn this information?

A. Some of it was from Ian. Some of it was

from Marc himself.

Q. And at one point Schaffel told you he was going to sue Michael Jackson, didn't he?

A. Yes, he did.

Q. He told you he wanted over a million dollars from Michael Jackson, true?

A. He said Michael owed him a million dollars.

Q. And approximately when did Marc Schaffel tell you he was going to sue Michael Jackson?

A. Six months ago maybe. It may have been longer than that, but I'm not really good with -- if you could give me something to refer to at a time, I could say yes, it happened then. But I think it was about six months ago. And then he told me, about three months ago, that he and his lawyer were filing papers.

Q. And did you ever learn at some point that he had actually sued Michael Jackson?

A. He told me that they'd filed the papers.

Q. Okay. Did Schaffel ever ask you for assistance in his suit against Michael Jackson?

A. No.

Q. Did he ever ask you for information to help him in his business dealings with Michael Jackson?

A. I wouldn't have given it to him.

Q. Okay. Did he ever ask you for help, though?

A. I'm sorry?

Q. Did Schaffel, in your mind, ever ask you to

help him in his business dealings with Mr. Jackson?

A. No. He just bragged about either how he took advantage of an opportunity that I'm sure he knew nothing about or how he was going to do this, that or the other thing to make sure that Michael's career was saved, and things of that nature.

Q. Did Schaffel tell you that he was involved in business matters with Dieter?

A. Yes.
Q. Did Schaffel tell you he was involved in business matters with Konitzer?
A. Yes. In Europe.
Q. Okay. And did you ever get the impression he was not giving Michael Jackson all the information about what he was up to?
A. He was like everybody else around Mr. Jackson. Yeah, he wasn't telling him everything.
Q. Why did you think Schaffel was calling you?
A. To placate me. To say that, "Oh, no, I'm working on it. You'll be seeing the kids. Michael's very excited about it. Everything's going to be great. They're still in Florida." You know, "As soon as they get home you guys will be together."
Q. And you didn't think he was being truthful, right?
A. Obviously he's full of shit. Sorry. I'm sorry, Your Honor.

Q. You consider Marc Schaffel a liar, don't you?
A. Yes.
Q. You consider Dieter a liar, don't you?
A. Yes.
Q. You consider Konitzer to be a liar, don't you?
A. Yes.
Q. Did Mr. Drew appear to you to want to interact with Schaffel?
MR. ZONEN: I'll object as speculative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: You met Mr. Drew at Schaffel's residence, right?
A. Yes.
Q. And you were introduced to him through Schaffel, right?
A. Yes.
Q. Was it your belief at that time that the two of them had some type of business relationship?
A. Marc told me that Ian was a plant at one of the tabloids to run interference for bad publicity for Michael.

Q. And did you believe that?

A. I didn't know, didn't care, didn't want to be there, but was there for the kids and for him. I -- you know, I wanted to get in and get out. I'm having about as much fun here as I had there.

Q. Was it your understanding that Schaffel was using Ian Drew for a particular purpose?

A. Yes.

Q. And that purpose was to sew publicity that he wanted in the tabloids?

A. To get information out. I don't know if I knew that it was -- if I knew that it was The Globe then that he was the plant for, or if Marc told me shortly thereafter. I think Marc told me at the day, the day that it was, so I knew that I was supposed to expect something coming out in the tabloids.

Q. Right.

A. "Shockingly" was misinterpreted.

Q. And was it your impression that Schaffel was using Drew to promote Schaffel's business interests?

A. If I'm considered a commodity to Mr. Jackson, then yes.

Q. And as far as you were concerned, Schaffel was using you as a commodity, right?

A. Schaffel was talking out both sides of his mouth, telling me one thing, telling Mr. Jackson something else.

Q. You thought he was using the two of you, didn't you?

A. Yes.

Q. Schaffel bragged to you about the large sums of money he was going to make off of Michael

Jackson, didn't he?

A. Yes, he did.

Q. He bragged about making millions of dollars off of Michael Jackson, didn't he?

A. Yes, he did.

Q. He did that many times, didn't he?

A. Constantly.

Q. Did Dieter brag as well about the millions he was going to make off of Michael Jackson?

A. He wasn't as -- he was more subtle about it and spoke of it as plans for Michael, not actually to take from Michael. So it's a matter of semantics, I'm saying, you know, “I'm going to do it for Michael.”

Q. Did Konitzer brag about all the money he was going to make off of Michael Jackson?

A. He had big plans. So -- but they -- I didn't speak with him as often as I spoke with Marc. So those conversations weren't about that with Ronald. It was getting this project started and how they were going to -- how everything was going to be much better.

And then I think I had another conversation with Ronald and Dieter afterwards when they called to say that everything was fine with the video, and “Thank you,” and “Things will be fine. We have big plans,” and stuff like that. I think there's only two times I spoke with Konitzer.

Q. Did Dieter ever tell you that he and Konitzer were going to take over all of Michael Jackson's affairs?

A. That was their plan, because he'd been mishandled.

Q. Did Dieter ever tell you, “Don't call Michael Jackson. If you have any question about him, talk to me”?

A. I wouldn't be allowed to call him. But if I had any concerns I would -- he said, you know, “Please call me.”

Q. Did Schaffel ever show you any written agreements that he said concerned projects he was going to do with the Jackson name?

A. The song. Didn't show me the contract, but that was one thing that he spoke to me about is that they were doing a song for Clear Channel or something.

Q. How many times have you been to Schaffel's home?

A. Once for the interview, and once to pick him up, and I have to remember where we were going. We had to drop a friend of his off in Hollywood someplace. Oh, we went to see Parviz, this guy

Parviz. That's what we did.

Q. Okay. And did Schaffel talk to you about an attorney named Mr. Geragos?

A. Uh-huh.

Q. Did he tell you that he had picked Mr. Geragos?

A. I don't know who picked him, but whoever did made a huge mistake. Come on. He pleads out or loses.

Q. Well, in your discussions with the sheriffs, you made negative comments about Mr. Geragos, didn't you?

A. Oh, yeah.

Q. And didn't you also comment that you thought Mr. Geragos was doing --

MR. ZONEN: I'm going to object as hearsay and speculative and irrelevant and beyond the scope of the direct.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you know why you were asked by the sheriffs to record phone conversations with Ian Drew?

MR. ZONEN: Objection; speculative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did any representative of the sheriff's department ever tell you why they wanted you to record phone conversations with Ian Drew?

A. It was very frustrating working with the sheriff's department. They don't give you any information. That's why I wanted to find out for myself what was going on.

Q. And did you ever record conversations yourself and then just give those recordings to the sheriff?

A. No, that's illegal.

Q. You just did it always with a sheriff involved with you?

A. Yes.

Q. Okay. When did you last talk to Mr. Schaffel?

A. Conversation-conversation? Probably two weeks ago. Probably right before he got the transcripts from the conversation. But he had sent me e-mails that I had not opened. They're still on my account before I came up here.

Q. So a couple of weeks ago you talked to him?

A. Spoke with him, yes.

Q. Okay.

A. He was out of town and wouldn't be back for a couple of weeks. He said there was a family crisis or something. I was hoping his family wasn't ill.

Q. Did you call him?

A. I don't have a cell phone number for him anymore. I lost it. So when he was in town, the conversations were less and less after I had spoken with the sheriff's department and found the information out that I had found and the way I had been treated. And it's a little difficult for me to be civil to someone that I dislike.

Q. Well, I gather you tried your best to let Mr. Schaffel think he could still communicate with you?

A. Yes.

Q. Up until two weeks ago, right?

A. Yes.

Q. Was that at the request of the sheriffs?

A. No, that was more me. If he did get in touch with me, I did tell them.

Q. And when did you last talk to Ian Drew?

A. He got promoted from his job just after the first of the year. I had dinner with him. There's a group of us that go out on Wednesday nights, and I think it was a month ago that I last talked to him. It was getting close to my uncle's birthday, so we did -- everybody has to come on this Wednesday night to not miss my uncle's birthday.

Q. Your last communication with Dieter was when?

A. Oh, a long time ago. Not within the last year, I don't think. Well, I think The Ivy incident was the last time that I spoke to him. I may -- oh, no, no, no, no. I did try to call him. Sorry. I did try to call him afterwards. And I may have made the one phone call. I don't remember if I made it or not. I haven't seen any of the stuff. So if there's something there, I'd be happy to look at it and tell you what was done and what was said and what was meant, if you'd like.

Q. I'm just asking you.

A. Blonde.

I don't remember the day, you know. I think I did, but I can't totally swear to it.

Q. How about Konitzer. When do you think you last talked to him?

A. If I did, it was very shortly after the video.

Q. Okay. Would it be accurate to say that your impression was that Schaffel, Konitzer, and Dieter were trying to profit off problems Mr. Jackson had?

MR. ZONEN: I'm going to object again as speculative and lack of foundation.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did Schaffel tell you that he and Dieter and Konitzer were going to make a lot of money off of the problems that came out of the Bashir documentary?

A. They said they were going to fix the problem and bragged that they had made money.

MR. ZONEN: Objection; nonresponsive. "They said."

THE COURT: Overruled.

Q. BY MR. MESEREAU: That bothered you, didn't it?

A. Yeah.

Q. Did you ever tell Schaffel, "I don't like what you're doing to Michael," or words to that effect?

A. If I had said that, then I wouldn't have been able to find out what he was doing and try to get word to whoever was handling him, "You guys are going to get screwed."

Q. So what you were trying to do was make Schaffel think he could maintain a friendship with you, but what you really wanted to do was get information from him?

A. Yeah. He was out to hurt Michael, in addition would hurt my children.

Q. And did you feel Dieter was trying to hurt Michael and also your children?

A. I think they're opportunistic vultures.

Q. Would that be Dieter, Konitzer and Schaffel?

A. Okay. You can do them alphabetically if you'd like.

Q. You're talking about the three of them, right?

A. All of them.

Q. Who else are you referring to as vultures, besides those three?

A. If it's a personal opinion, does it count?

MR. ZONEN: I'm going to object as beyond the scope of the direct examination and speculative and improper opinion.

THE COURT: Sounds like she's got a long list. I think I'll sustain the objection.

(Laughter.)

THE WITNESS: Thank you.

Q. BY MR. MESEREAU: Okay. Ms. Rowe, at some point, did you learn that Santa Barbara sheriffs had recorded a discussion with you?

A. You did? You did? No, I didn't know that.

Q. Okay.

A. Damn you guys. You don't share anything.

Q. Did you ever learn that any discussion you had with the Santa Barbara sheriff was, in fact, recorded?

A. Well, if -- if you're referring to I was with them and, yeah, they were recording, so that's what I thought was recording. Did you bug my phone?

Q. So at some point you knew they were recording -- at some point you knew they were recording a discussion with you --

A. Yes.

Q. -- right?

A. It was a discussion with me with Marc Schaffel or with Ian Drew.

Q. Okay. How about with you just alone with an officer?

A. Oh, when I was speaking with an officer, yes, there was a -- an interview that was done.

Q. Okay. And where did that interview take place, if you know?

A. Calabasas. And I can't give you the name of the place because I don't remember.

Q. Do you know what officer that was?

A. Officer Steve Robel. Sergeant Steve Robel, actually.

Q. Do you know approximately when that interview took place?

A. Not off the top of my head, no.

Q. Do you recall, at one point, you mentioned the possibility of going to The Enquirer? Do you remember that?

A. Me?

Q. Yes. I don't know if it was -- you were joking or not, but do you recall saying something like that?

A. It would have been totally joking and sarcastic and, "Let's see if we can mess with them."

Q. Well, you talked about at one point Ms. Arvizo's orchestrating lawsuits. Do you remember that?

A. Yeah.

Q. And you referred to the J.C. Penney case, correct?

A. Probably.

Q. Did you do your own research into what Janet Arvizo had done in the J.C. Penney case?

A. Just by asking people who had heard something on the news. And I hadn't sat down at the computer and actually properly researched it, no.

Q. And you told the officer that you --

MR. ZONEN: I'm going to object as hearsay and irrelevant, exceeding the scope of direct.

THE COURT: Sustained.

Q. BY MR. MESEREAU: When you spoke to the officer in that interview, were you trying to in some way protect Michael from the Arvizos?

A. Yes.

Q. And that's because you thought the Arvizos were taking advantage of Michael, right?

MR. ZONEN: I'm going to object as lack of foundation, exceeding the scope of direct.

THE COURT: Sustained.

Q. BY MR. MESEREAU: At one point you told Officer Robel that Schaffel had made seven and a half million dollars off your interview. Do you remember that?

A. Yes.

Q. Did Schaffel tell you that?

A. Yes.

Q. Did you have any reason not to believe that he'd made seven and a half million?

A. I don't know what shows go for. Michael doesn't do interviews, so I'm sure that anything that was televised or produced was worth a lot of money.

Q. Did Schaffel offer you any of that money?

A. No, and I wouldn't have taken it.

Q. Did you know -- did you have any idea why Schaffel told you he made seven and a half million off your interview?

A. He likes to brag. “Look what I have. Look what I've done.”

Q. Did Schaffel tell you any of that money went to Dieter?

A. He didn't. The way he spoke about it was all him.

Q. Did he tell you any of that money went to Konitzer?

A. No, again, all to him.

Q. Was it your understanding that Schaffel, Dieter and Konitzer worked together or -- what was your understanding of their relationship?

A. Michael had a previous relationship with Dieter and Ronald, so if Marc wanted to get in touch with Michael he could go through them, if he couldn't get ahold of him himself. But I think Marc felt that he handled everything in the United States. And that they were involved in the European things and in marketing or something.

Q. Did you think Dieter, Konitzer and Schaffel were competing with each other at all?

A. There was some --
MR. ZONEN: I'm going to object as irrelevant, exceeding the scope of direct.
MR. MESEREAU: Sustained.
Q. Did Schaffel ever tell you he was in any company with Dieter and Konitzer?
MR. ZONEN: I'm going to object as exceeding the scope of direct and hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you remember telling the officer who interviewed you, "Michael is very, very easily manipulated especially if he's scared"?
A. Yes.
Q. You were trying to tell the officers that Michael was being taken advantage of by these people, weren't you?
MR. ZONEN: Objection; asked and answered.
THE COURT: Overruled.
You may answer.
THE WITNESS: I'm sorry?
Q. BY MR. MESEREAU: You were trying to tell the officer that you thought Michael was being taken advantage of by these people, right?
A. Yes.
Q. Now, you indicated in your interview you were there for about nine to ten hours, right?
A. Yes.
Q. How much of that time do you think you were answering questions?

A. It was -- we were on that stupid couch for seven hours, with no breaks except to change film.
Q. And was that you and Mr. Drew?
A. I was on the couch. Drew -- Ian was opposite me, either in a chair -- I think he was in a chair.
Q. Okay. So if you think you know, how many hours of actual interview do you think there was with you?
A. The full seven hours. Except for the -- the time that it took to change videotapes.
Q. Okay.

A. I'm sorry. We didn't break for anything.

Q. And you have before today, I believe you said last night the most recent time, seen a DVD of what purports to be that interview, right?

A. It's not the whole interview.

Q. And is that about two and a half to three hours long, the one you saw?

A. It was about three hours.

Q. And who gave you that DVD to watch?

A. I asked for a copy from Mr. Zonen.

Q. And you watched it last night, right?

A. Yes, I did.

Q. And correct me if I'm wrong, I think what you're saying is that many hours of your interview don't appear in that DVD, right?

A. I don't see how I could have sat there for seven hours and only had three hours on tape. I don't remember any breaks except for when the cameras were -- the film was being changed. I interrupted the interview to tell them the film was -- the camera was blinking, the light. I didn't want to be in the middle of the statement and have to start over again, to tell them that the lights were blinking, to change the film.

I saw cuts in that film, in that tape, that were -- had nothing with me saying, "It's blinking, take it off," so there's -- there is stuff missing from that video.

Q. When Schaffel told you he'd made seven and a half million dollars off your interview, did he ever tell you who he made the money from?

A. I think he said it was FOX Network. And someone in Europe. But I don't remember who it was in Europe.

Q. And was it your understanding that he kept all the footage of your interview?

A. Yes. It was all taken upstairs to a bedroom where they did the editing that night.

Q. Okay. How did you know they did the editing that night?

A. I was there for about an hour when they were doing it.

Q. Were you upstairs in the bedroom while they

were doing it?
A. Yes.
Q. And who is “they”?
A. Marc was in and out. I don't remember --
I think it was Christian that was doing the editing.
Ian told me he was going to be there all night to
get the video done.
Q. Now, Mr. Jackson wasn't there for any of
that interview, was he?
A. No.
Q. Were you being asked to assist in the
editing upstairs?
A. No, I wanted to see what they were putting
down. I'm a bit of a control freak.
Q. So did they ever object to you being
upstairs and watching what they were doing?
A. No, it just got to be too late and too long
a day and I had to go home. I had school.
Q. But during the hour that you were upstairs
watching the editing, what did you see them do?
A. The very beginning of the interview talking
about Michael, me speaking about Michael and what
kind of a person he is. And the -- I gave them a
list, not a written list, but a verbal list of
things that I wanted included to make sure.
Q. In that interview, what kind of a person did
you say Michael was?
A. Generous. To a fault. Giving and kind.

Q. Anything else do you recall saying?
A. Good father. Great with kids. Put other
people ahead of him. Things like that.
Q. If you can, do you remember anything else
you said about Michael?
A. He's a brilliant businessman. There's
different Michaels. There's, like, my Michael.
Q. Do you want some water?
A. And the Michael that everyone else sees.
Q. And that would be the public Michael?
A. Yes.
Q. That would be Michael the entertainer,
right?
A. Michael the entertainer, yeah.

Q. When did you first meet Michael?

A. In the .80s.

Q. And how did you meet Michael?

A. Through my office when I worked with Dr. Klein.

Q. Okay. And what was your position with Dr. Klein at the time?

A. I was an assistant.

Q. And Michael went to Dr. Klein for various treatments, right?

A. Yes.

Q. And do you recall when he first went to Dr. Klein?

A. Yes. The very first day, yes. I was not his nurse then.

Q. And what was the treatment he was receiving; do you know? Was it a skin condition he had?

MR. ZONEN: I'm going to object at this point. The question is, What was the treatment he was receiving?"

MR. MESEREAU: I'll withdraw it. I'll withdraw it.

THE COURT: All right. It's withdrawn.

Q. BY MR. MESEREAU: You met him in the early .80s?

A. Yes.

Q. And you continued to know him through the .90s until you were married, right?

A. Yes.

Q. And how long did you work for Dr. Klein?

A. From .79 to 2001, I think it was, or 2000.

Q. Okay.

A. I don't remember the exact dates.

Q. Okay. Do you recall ever going on tour with Michael?

A. Uh-huh.

Q. And when did you first go on a tour with Michael?

A. What was the tour after "Bad"? Was it the "History" tour, or "Dangerous"? It was the "Dangerous" tour, I'm sorry.

MR. ZONEN: I'm going to object to

communications between the witness and the defendant and ask that that be stricken.
THE WITNESS: Sorry.
THE COURT: Stricken.
Q. BY MR. MESEREAU: Let me try and ask it again. What was the first tour that you went on with Michael?
A. “Dangerous.”
Q. And approximately when was that?
A. I don't remember. That was -- all those tours. And they all just ran together, because it was a long schedule.
Q. Okay. Was it in the .80s or .90s; do you know?
A. I think it was in the early .90s.
Q. Okay. And where did that tour go to?
A. I think it started in Bangkok, and went throughout Asia, Japan, Singapore. Then there was a break. And then it went to Europe.
I did go to the last concert in Gutenberg, I think on the tour previous to that. Because Gutenberg wasn't on the “Dangerous” tour.
Q. And were you traveling with Michael along with his physician?
A. Yes.
Q. Okay. And you then went on another tour after that?
A. Yes.

Q. And what tour was that?
A. “History.”
Q. Okay. And approximately when was that?
A. It seemed like it was right after “Dangerous,” within a year or two after “Dangerous.” It could have been a little bit longer than that.
Q. And you were on that tour along with the physician as well, right?
A. We were married when that was going on.
Q. Okay.
A. So, no. Klein would come every once in a while, but I was there every three weeks to see little Michael and Michael and to see how everybody was, because I was still working. I couldn't more often than that.

Q. When did you first meet Mr. Sneddon?

A. The day before yesterday. Two days ago. When did I come up here? I came up here Tuesday. Today's Thursday. I came up here Tuesday.

Q. I mean, your first time you ever met Mr. Sneddon was the early .90s, wasn't it?

A. I don't remember. I remember I did a deposition. I thought it was for a woman. I don't remember. I don't remember any of that part. I tend to block out unpleasantries. I don't remember any of that part. I don't remember if Mr. Sneddon was there or not.

Q. Okay.

A. I think -- I think I just met him.

Q. Okay. Do you know when you were first contacted about this particular case by anyone associated with the sheriffs or the prosecution?

A. It was -- there was a voice mail on my car phone, which I don't give out because it's stupid to give out a car phone if you're not in the car all the time. And they had gotten it through -- somehow probably through Schaffel, because that's how the tabloids got it. Because Marc Schaffel handed out that phone number, because that was the only one he had, because I had to call release from that line to call his house. So there was a message left, and I did not return the call.

And then on a trip back from Palm Springs, probably eight or nine o'clock at night, it was dark, I'm going to guess it could have been a little bit later, but eight o'clock or 9:00 the phone rang, and I thought it might have been someone -- something wrong with one of my animals or something. And I answered it, and it was Sergeant Robel.

Q. Okay. And do you know approximately when that was?

A. I don't. I'm sorry.

Q. Was it like a year ago?

A. Oh, yeah. Yeah. Yeah.

Q. Now, you said Schaffel was giving information to the tabloids?

A. Yes.

Q. Was he giving information to the tabloids about Michael Jackson, to your knowledge?

A. He was leaking information.

Q. To your knowledge, was he trying to profit from the tabloids with information about Michael Jackson?

A. I don't think monetarily. I think maybe through manipulation, you know, “Maybe I can stop this,” or “I can talk to so and so and fix it.”

Q. Has it been your belief that Schaffel has been trying to create problems for Michael Jackson so he could profit from them?

MR. ZONEN: Objection. Asked and answered and speculative, lack of foundation.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did Schaffel ever tell you in your conversations that he was going to generate crises around Michael Jackson so he could then find ways to profit?

A. Just this lawsuit. And I don't know the details of the lawsuit.

Q. Did he tell you he intends to make millions from his lawsuit against Michael Jackson?

MR. ZONEN: Objection; asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did he tell you whether or not Dieter or Konitzer are still doing business with him when you last talked to him?

A. When I was speaking with him, he didn't say anything about business.

Q. But he said --

A. He was more concerned about self-preservation at this point.

Q. He said he's still talking to them?

A. I think he is, yes. I think he is. I don't know.

MR. ZONEN: The question is did he say.

THE WITNESS: I don't --

THE COURT: Is that an objection?

MR. ZONEN: That's an objection, nonresponsive.

THE COURT: Sustained. Stricken.

Q. BY MR. MESEREAU: You met with Mr. Zonen

last night; is that correct?
A. Yes.
Q. Did you have a long meeting with him?
A. I watched the video there. And I spoke with him for maybe 20, 25 minutes.
Q. Did Mr. Zonen talk to you about what he was going to ask you today?
A. No.
Q. He just asked you pretty much to watch the video?
A. Yes.
Q. And where did this meeting take place?

Don't give me an address, if it's where you were --
A. Oh. It's in an office that they had.
Q. That's the District Attorney's Office?
A. Yes.
Q. Okay.
A. I don't know the address. So I'm lost.
Q. When was the last time any representative of the sheriff's office asked you to record somebody?
A. I want to say last year.
THE COURT: Let's take our break.
MR. MESEREAU: Yes, Your Honor.
(Recess taken.)
--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 7975 through 8027 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 28, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, April 28, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

THURSDAY, APRIL 28, 2005

8:38 A.M.

(PAGES 8029 THROUGH 8156)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.

Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Nicola is listed as “N” on index. Mr. Mesereau is listed as “M” on index.
Ms. Yu is listed as “Y” on index. Mr. Sanger is listed as “SA” on index.

PLAINTIFF'S VOIR
WITNESSES DIRECT CROSS REDIRECT RECROSS DIRE
JACKSON,
Deborah Rowe 8033-Z
FINSILVER, Iris Joan 8052-Z
DIETZ,
Andrew R. 8058-SN 8100-SA 8109-SN 8095-SA
SCHWARTZ,
Jeffrey 8110-N 8121-SA
DANKO, Crystalee 8131-N
SIMMONS,
Jennifer 8141-N
CORRAL, JR. Joe J. 8147-N

E X H I B I T S
FOR IN PLAINTIFF'S NO. DESCRIPTION I.D. EVID.

223-249 Records of Air Apparent, Inc. 8061 8066
450 Nextel records 8141 8146
455 Sprint records 8132 8137
457 Verizon California
records 8147 8151
458 Talk America records 8111 8112
459 Verizon New York records 8147
852 Air Apparent, Inc.
Itinerary/Invoice Record 8066 8068
853 Five-page Air Apparent, Inc., record 8067 8068
854 Three-page Client Summary,
February 5 through February 12, 2003 8080 8097

855 Thirteen-page Client Summary, February 12
through March 31, 2003 8080 8097

THE COURT: Counsel?

MR. MESEREAU: Thank you, Your Honor. Your Honor, we have no further questions, and we withdraw our motion.

THE WITNESS: Thank you.

REDIRECT EXAMINATION

BY MR. ZONEN:

Q. How many conversations did you have with Ronald Konitzer?

A. One or two.

Q. Over the telephone?

A. Yes.

Q. And the length of each of those conversations?

A. Minutes.

Q. Minutes? Did you ever see Ronald Konitzer interact with Michael Jackson?

A. Not since I had met him in Europe on tour years before.

Q. So you're talking about conversations that may have taken place when, in the early .90s?

A. Yes.

Q. All right. Since the early .90s, have you seen him interact with Mr. Konitzer?

A. Physically, no. Just on the phone.

Q. Did you hear him interact with him on the telephone, in other words, conversations where you were present?

A. When Mr. Schaffel was setting up the interview --

Q. Yes.

A. -- Ronald was there with Michael.

Q. Was that the only conversation that you had, were party to --

A. No.

Q. -- involving Mr. Jackson and Mr. Konitzer?

A. No. There was one or two after that. Just -- after the interview, thanking me, saying everything was going to be fine, and I don't recall if there was another one after that.

Q. Was Mr. Jackson involved in those conversations?

A. No, he was not.

Q. That was just a conversation with you and Mr. Konitzer?

A. No, Marc would have been on the phone. He did not have my phone number.

Q. All right. So it was a conversation involving you, Marc Schaffel and Ronald Konitzer?

A. Yes.

Q. And the subject of that conversations was what?

A. Superficial. About the video.

Q. Nothing about Mr. Jackson's business affairs?

A. No. Not with Michael on the phone, no.

Q. Did any of them talk to you about issues dealing with the Martin Bashir video?

A. Before or after the interview?

Q. After the interview.

A. When the interview aired, it did, and they said that the interview that I had done would help deflect and do damage control.

Q. Did they say that to you more than once?

A. Yes.

Q. Did Mr. Konitzer say positive things to you about your involvement in this interview?

A. About my possible involvement?

Q. No.

A. I'm sorry.

Q. Did he say positive things to you about your involvement?

A. Yeah. Yeah.

Q. Did he say that you were helpful?

A. Yeah.

Q. Did you believe that you were?

A. Yeah.

Q. Was that your intent?

A. Yes.

Q. All right. Do you still like Michael Jackson?

A. I have very strong memories and feelings for the Michael that I have known but haven't seen since 1999. But those are based on my feelings. We haven't spoken.

Q. All right. Is it the case that the sum total of your communication with Mr. Jackson since 1999, six years ago, was a two-and-a-half-minute conversation that you described?

A. Correct.

Q. And that was a conversation where he asked you to participate in this video; is that correct?

A. To work with Ronald, Dieter, and Marc.

Q. Is it clear to you that he understood that you wanted to see your children?

A. Yes.

Q. All right. Did he ever call you to say that --

A. No.

Q. -- or to invite you up to come see the children?

A. No, he didn't.

Q. Who do you believe is responsible for your not being able to see the children?

MR. MESEREAU: Objection. Relevance; foundation.

THE COURT: Overruled.

Q. BY MR. ZONEN: You can answer the question.

A. He's their father. Ultimately it's his decision. I don't want to believe that. I want to believe that it's other people. I want to believe it's Marc Schaffel threatening him that I want to take the children, things like that.

Q. How long has Marc Schaffel been involved with Michael Jackson? When do you believe was the end of Mr. Schaffel's involvement with Michael

Jackson?

A. I think The Ivy incident was probably what tore it.

Q. All right.

A. Marc told me he was on the outs and wanted to do what he could to get back in.

Q. When did he file the lawsuit against Michael Jackson?

A. I don't know how long it takes to actually get to court when you file a paper, or whatever, but he had talked about it about three months ago.

Q. All right.

A. So I don't know if he was filing the papers then, if he was getting ready to file the papers.

Q. All right. But your understanding is that Marc Schaffel hasn't had anything to do with Michael Jackson for a number of months now; is that correct?

A. Correct.

Q. All right. And yet you're still being denied access to your children?

MR. MESEREAU: Objection. Leading; relevance; foundation.

THE COURT: Overruled.

Q. BY MR. ZONEN: Is that true?

A. We're -- yes, yes.

Q. All right. Well, then who do you think is responsible for that, if it's not Marc Schaffel?

MR. MESEREAU: Objection. Relevance; foundation; leading; and opinion.

THE COURT: It's argumentative. Sustained.

Q. BY MR. ZONEN: Tell us, in your opinion, who is responsible at this time for your not being able to have access to your children?

MR. MESEREAU: Same objection.

THE COURT: Overruled.

THE WITNESS: When I was first promised to see the kids, when Michael -- he called me, for me to show up when they were at that age of three and four, four and five, I could be introduced as a friend, as a friend of daddy's. And you don't confuse a child by saying, "Oh, this is your mother."

I can't do that now. They're too old. To do something like that, it would be too traumatic. I would not walk in and say, “Hey, I'm your mom,” you know, “Want to go out?” It's -- it's so much more complicated than that when reintroducing yourself to children who may or may not remember me.

Q. BY MR. ZONEN: Are you saying that you believe that Mr. Jackson is amenable to your seeing your children; it's just a question of how?

MR. MESEREAU: Objection. Leading; argumentative; no foundation.

MR. ZONEN: It's impeachment, Your Honor, as to the leading issue.

MR. MESEREAU: Improper opinion.

THE COURT: The objection is overruled. Do you want the question read back?

THE WITNESS: No. Thank you. I'm hoping in my heart that he is. But we haven't spoken, so I don't know. I get to deal with Abrams and Hall.

Q. BY MR. ZONEN: Why do you believe he hasn't spoken with you?

MR. MESEREAU: Objection. Leading; argumentative; foundation; relevance.

THE COURT: Overruled.

THE WITNESS: I don't know if he is concerned about this case. I don't know what his concerns are, if he thinks I'm going to take the children from him. I don't know. I haven't spoken to him. I don't know.

Q. BY MR. ZONEN: How many conversations have you had with Dieter Weizner?

A. The last conversation I had with Dieter I think was at The Ivy.

Q. And how many conversations prior to that?

A. One or two.

Q. You said that you were set up, is that correct, at that --

A. In my opinion --

Q. -- lunch?

A. -- yes.

Q. What does that mean, “set up”?

A. You don't go to lunch and then call the paparazzi to come and take a picture of you while you're trying to have a salad, and then someone runs across the street and almost gets hit by a car because they're taking my picture.

Q. You didn't mention that in cross-examination when you said that to Mr. Mesereau.

A. Oh, sorry. I thought --

Q. Is that what it was that you believe to be the set-up?

A. Yes, because Michael was having a meeting with his -- some group of people at the Beverly Hills Hotel or something. And Marc and Dieter were not included. So they were going to show him.

Q. All right. What does the presence of paparazzi have to do with that?

A. I'm assuming because Marc Schaffel could not get to Michael, that if someone were to see it on T.V. or something, then it would be detrimental to him.

Q. How long has Michael Jackson had an association with Ronald Konitzer?

A. I know that he knew him in the .90s doing marketing and things like that in Europe. I don't know, I haven't -- I haven't had any involvement with Michael since .99, so I don't know.

Q. All right. You offered the opinion that you believe that this group of people are taking advantage of him.

A. Yes.

Q. Have you ever actually seen them interact with him?

A. No.

Q. Are you aware of any of the transactions that have taken place between Mr. Konitzer and Michael Jackson?

A. Just when Konitzer was on the phone with Michael to tell me that it was okay to work with these people to do what needed to be done for the project.

Q. And would you consider that to be a conversation for Mr. Jackson's benefit?

MR. MESEREAU: Objection. Foundation;

vague.

MR. ZONEN: It's her opinion.

THE COURT: Sustained.

Q. BY MR. ZONEN: The conversation that you had over the telephone with Mr. Konitzer involving your involvement in a rebuttal was supposed to defuse a difficult situation that Mr. Jackson was in; is that correct?

A. That was my understanding.

Q. So that was for his benefit, for Mr. Jackson's benefit?

A. Correct.

MR. MESEREAU: Objection; argumentative. Same objection. Foundation; opinion.

THE COURT: Overruled.

THE WITNESS: Correct.

Q. BY MR. ZONEN: And that's correct. How many conversations have you been party to between Mr. Konitzer and Mr. Jackson?

A. Just the one.

Q. That was the only one?

A. Yes.

Q. So you don't really know what extent of communication they had between each other; is that correct?

MR. MESEREAU: Objection. Assumes facts not in evidence; foundation; move to strike.

THE COURT: Overruled.

THE WITNESS: Only what I was told.

Q. BY MR. ZONEN: Ahh. And told by whom?

A. By Marc.

Q. Only Marc; is that right?

A. And Dieter.

Q. Okay. Marc is the person you believe to be an inveterate liar; is that correct?

A. Yes.

Q. He told you that he was making seven and a half million dollars off of this production, the Maury Povich production?

A. Correct.

MR. MESEREAU: Objection; assumes facts not in evidence.

THE COURT: Overruled.
Q. BY MR. ZONEN: Is that correct?
A. Yes, that's what I was told.
Q. Did you believe he was profiting from that production?
A. Yes.
Q. Did you understand that production to be a production for profit?
A. I didn't care.
Q. But did you understand it to be a production for profit?
A. If I assumed that, you know, if you're going to make it and sell it, yes, it's for profit.
Q. And you understood it was being sold?
A. Yes.
Q. You understood it was being marketed?
A. Yes.
Q. And that, in fact, was Marc Schaffel's job, was to market that film?
A. Yes.
Q. And your involvement in it was to make it more marketable; is that true?

A. Correct.
Q. Do you think it was inappropriate for Marc Schaffel to make a profit off that film?
MR. MESEREAU: Objection. Improper opinion; calls for speculation; foundation.
THE COURT: Sustained.
Q. BY MR. ZONEN: In your opinion, should he have made some profit off that film?
MR. MESEREAU: Same objection.
THE COURT: Sustained.
Q. BY MR. ZONEN: Do you have any reason to brief that Michael Jackson didn't receive any profit off that film?
MR. MESEREAU: Same objection.
THE COURT: Sustained.
Q. BY MR. ZONEN: Are you aware that Michael Jackson was given over a million dollars in cash by Marc Schaffel during that period of time?
MR. MESEREAU: Objection. Assumes facts not in evidence; foundation; move to strike.
THE COURT: Sustained.

Q. BY MR. ZONEN: Now, I'd asked you your number of conversations with Dieter Weizner. Is Weizner somebody you knew back in the early .90s as well?

A. He said I'd met him. I don't remember. I met a lot of people when Michael was on tour.

There was a ton of people involved.

Q. Did you have a face-to-face conversation with Dieter Weizner in 2003?

A. For the inter -- at The Ivy. Not for the interview or anything.

Q. And The Ivy was just the lunch that you had with them?

A. Yes.

Q. Did you stay and actually have a lunch?

A. I was -- yeah, I was a wreck. They moved us inside until it was completely out of control, and it had -- I had to leave.

Q. So you didn't really have a conversation with him?

A. We did talk.

Q. About what?

A. About how they were going to -- that the people that were on the other side of town were inching them out and not including them, and that this would show them and get their attention because I was with -- with them.

Q. All right. Now, this was in 2004; is that right?

A. I think -- I don't remember the date.

Q. This is well after the Indictment was returned against Mr. Jackson; is that correct?

A. No. It was -- I believe it was before.

Q. Were you --

A. I don't -- I don't remember the date.

Q. Were you already involved in having given information to law enforcement regarding this investigation?

A. I think so. I don't remember.

Q. You described Mr. Jackson as a brilliant businessman.

A. Yes.

Q. Is that a true statement?

A. In my opinion, yes.

Q. During the years that you knew him, you understood him to be very talented at the business end of his career; is that correct?

A. I thought so.

Q. He was successful in making an awful lot of money during the years you knew him; is that right?

A. Yes.

Q. And he knew Mr. Konitzer and Mr. Weizner for over ten years, didn't he?

A. I don't know how long they'd known each other. I don't remember when they met. I remember meeting -- like I said, I remember meeting Ronald when he was showing marketing things to Michael. I don't even remember what city we were in.

Q. But it was the early .90s, was it not?

A. Yeah. Yeah. It would have had to have been. So, yeah, I guess that would be ten years.

Q. Would the same be true as to Dieter Weizner?

A. I don't remember meeting Dieter. Even though he said I did, I don't remember.

Q. So when did you understand Mr. Weizner's involvement with Michael Jackson to begin?

A. The man carried six cell phones. I wasn't quite sure what -- I wasn't sure if he was a liaison, if he was doing the European marketing and working with Marc Schaffel doing the American things. All I knew is that the three of them were --

Q. Who are we talking about right now?

A. Ronald, Marc and Dieter were involved in -- directly in the video and saving Michael after this documentary came out.

Q. All right. Is there anything that you saw that was put out to any of the tabloids or any of the newspapers by any of the three of them that you felt was negative to Michael Jackson?

A. What do you mean?

Q. Well, you talked about Mr. Schaffel giving information out to the tabloids; is that right?

A. Yes, but he did it to -- he said he could run interference. That was why he had Ian Drew as a plant at The Globe, to run interference, because -- I didn't know this, but I guess the magazines are all owned by the same company and they shuffle the stories around.

Q. What kind of interference?

A. To keep bad stories or gossip, or whatever, out, so he would release good information to someone he thought was more reputable.

Q. Bad stories about whom?

A. Michael.

Q. All right. So the work that they were doing was trying to boost his reputation?

A. Correct.

Q. And improve his reputation?

A. Correct.

Q. Not destroy him.

A. After this documentary, correct.

Q. All right. Was it your understanding that the more money Michael Jackson was capable of making translated to the more money those three men were capable of making?

MR. MESEREAU: Objection. Foundation; relevance.

THE COURT: Sustained.

Q. BY MR. ZONEN: Did you know Frank Cascio?

A. Yes.

Q. How did you know Frank Cascio?

A. I met his family years ago.

Q. Years ago?

A. Yeah.

Q. How old was Frank Cascio when you met his family?

A. It was just after little Michael had been born. He must have been middle teens maybe. He was the oldest of the boys.

Q. You didn't know him as a person who was involved in Mr. Jackson's relationships or business affairs?

A. No.

Q. He was a teenager?

A. This is years ago. We're talking --

Q. Yes.

A. Yeah. No, no, no.
Q. Did he visit Mr. Jackson regularly?
A. The family came up -- I knew him with the family, when Mr. and Mrs. Cascio were there with the kids, with the boys.
Q. Did you understand Frank Cascio's relationship with Michael Jackson to be very close?
A. He was close with all the Cascios.
Q. Did you know Vinnie Amen?
A. No.
Q. You made the statement, “If I'm considered a commodity of Mr. Jackson.” What did that mean?
MR. MESEREAU: Objection. Misstates the evidence. She was talking about Mr. Schaffel.
THE COURT: Overruled.
You may answer.
Q. BY MR. ZONEN: Do you remember making that statement?
A. Yes.

Q. What did that mean?
A. I was sellable.
Q. Do you mean in conjunction with your giving this interview?
A. Yeah. I don't do interviews.
Q. Did you ever give an interview for the press?
A. I did a couple of things with Chuck Henry in the late .70s. He was a newscaster for NBC in Los Angeles.
Q. You've given no interviews other than that?
A. Not personally, no.
Q. Did you believe that made you more marketable?
A. To do the interviews?
Q. Yes.
A. I don't want to be marketable.
Q. I didn't ask that. I said, do you believe that it made you more marketable; in other words, for somebody else?
A. Yeah.
Q. Do you believe that you were asked to participate in this interview because it would make the film more marketable?

MR. MESEREAU: Objection. Calls for speculation; foundation.

MR. ZONEN: It's her opinion.

MR. MESEREAU: And improper opinion.

THE COURT: Sustained for speculation.

Q. BY MR. ZONEN: Did any of the three of them, Konitzer or Weizner or Schaffel, talk to you about your participation in this video in terms of mentioning that it would make the film more marketable?

A. Yes, and that it would help Michael.

Q. Help Michael Jackson in terms of its marketability?

A. Of the damage control from the Bashir document -- documentary thing, show.

MR. ZONEN: Thank you. I have no further questions.

MR. MESEREAU: No further questions, Your Honor.

THE COURT: All right. Thank you. You may step down.

THE WITNESS: Thank you, Judge.

THE COURT: Call your next witness.

MR. ZONEN: Iris Finsilver, please.

Your Honor, I'm sorry, I believe this may take a moment. I believe she's upstairs.

THE COURT: When you get to the witness stand, please remain standing.

BAILIFF CORTEZ: Remain standing.

THE COURT: Please remain standing.

THE WITNESS: Oh, yes, Your Honor. I'm sorry.

THE COURT: Face the clerk and raise your right hand.

IRIS JOAN FINSILVER

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Iris Joan Finsilver. I-r-i-s.

J-o-a-n. F-i-n-s-i-l, V as in "Victor," e-r.
THE CLERK: Thank you.
THE WITNESS: Thank you.

DIRECT EXAMINATION
BY MR. ZONEN:
Q. Miss Finsilver, good morning.
A. Good morning.
Q. You're not used to being on that side of the witness stand, are you?
A. No, I'm not.
Q. What is your occupation?
A. I'm a lawyer.
Q. How long have you been an attorney?
A. I was admitted to the bar of Michigan in or about 1986.
Q. In then California?
A. In California, I believe I was admitted in

1989.
Q. What kind of a practice do you have?
A. Family law.
Q. And family law means what?
A. Divorce, custody, child custody, support, family matters.
Q. All right. Is Debbie Rowe Jackson your client?
A. Yes.
Q. How long has she been your client?
A. Since in or about 1996.
Q. Did you represent her in her divorce with Michael Jackson?
A. Yes, sir.
Q. Do you continue to represent her?
A. Yes, sir.
Q. Were you present at the filming of an interview that took place in Calabasas at the residence of Marc Schaffel back in February of 2003?
A. Yes, sir.
Q. Prior to doing that, had you engaged in any legal work to be able to allow Deborah Rowe to participate in that interview?
A. Yes, sir.
Q. What was the purpose of that?

A. It was -- she had signed a confidentiality agreement, and in order for her to speak of Mr. Jackson, she would have to be released from the confidentiality agreement for the express purpose of speaking about Mr. Jackson.

Q. Did you draft that waiver of confidentiality?
A. I think it was a mutual effort between Mr. Jackson's lawyers and myself. It was in fact, yes.
Q. But it was one that was drafted as a document?
A. Yes, sir.
Q. And was it one that required signatures?
A. Yes, sir.
Q. Whose signatures were required on that document?
A. Mr. Jackson's and Deborah Rowe Jackson's.
Q. And did Debbie Rowe sign the document?
A. Yes, sir.
Q. And to your knowledge, did Mr. Jackson sign the document?
A. Yes, sir.
Q. And following the signing of that document, did Miss Rowe participate in an interview?
A. Yes, sir.
Q. Were you present during the interview?
A. Yes, I was.
Q. Were you present during the entirety of the interview?
A. Yes.
Q. Approximately how long did that interview last?

A. Well, I can tell you the whole day was about nine hours. And I can't exactly tell you how long the filming took place. It was many hours of filming throughout a nine-hour day.
Q. All right. Was there a man by the name of Marc Schaffel present?
A. Yes, sir.
Q. Did you know Marc Schaffel prior to that day?
A. I had never met him prior to that day.

Q. Did you know his name prior to that day?

A. I believe I did.

Q. In what context?

A. In that he would be --

MR. MESEREAU: Objection. Relevance and foundation.

THE COURT: Overruled.

Q. BY MR. ZONEN: Go ahead.

THE COURT: Go ahead.

Q. BY MR. ZONEN: Oh, you don't need to be told that, do you?

A. In that he would be part of the interview that was going to be taking place, so that's how I heard of his name. And I knew that we were going to be going to Marc Schaffel's home, where the filming was conducted.

Q. And was that where it was conducted, at his

home?

A. Yes, sir.

Q. Was he present during the interview?

A. Yes, sir.

Q. Was he present during the entirety of the interview?

A. Yes.

Q. Did he periodically make comments with regards to the answers or questions that were given?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

You may answer.

THE WITNESS: Thank you.

Yes.

Q. BY MR. ZONEN: Did you hear any representations from Mr. Schaffel at any time during the course of the filming that dealt specifically with the subject of Ms. Rowe's children?

A. Yes.

MR. MESEREAU: Objection; leading.

THE COURT: Overruled. The answer was, "Yes." Next question.

Q. BY MR. ZONEN: What were those representations?

MR. MESEREAU: Objection; hearsay.

MR. ZONEN: Relevant for prior stated

purposes.
THE COURT: Overruled.

You may answer.
Q. BY MR. ZONEN: Go ahead.
A. I heard him, in connection with her answers, when she would give a favorable answer, “Oh, Michael will be very, very pleased about this. You're really helping him out of a big jam, and you'll go to Neverland and you'll see Michael and your kids.”
Q. On how many occasions did he give an answer of that nature?
A. I recall two specific times. There may have been more. I just --
MR. MESEREAU: Objection; move to strike.
THE COURT: The last sentence is stricken.
MR. ZONEN: Thank you. I have no further questions.
THE COURT: Mr. Mesereau?
MR. MESEREAU: No examination, Your Honor.
THE COURT: Thank you. You may step down.
THE WITNESS: Thank you, Your Honor.
THE COURT: Call your next witness.
MR. SNEDDON: Your Honor, I want to get an exhibit book.
THE COURT: All right.
MR. SNEDDON: I was going to ask permission to go between there, but I'll....
MR. ZONEN: I apologize, Your Honor.
I thought it would be a little faster than we expected, but we are moving ahead of schedule.

THE COURT: That's fine.
MR. SNEDDON: Call Andrew Dietz, Your Honor.
THE COURT: Come forward, please.
When you get to the witness stand, remain standing. Face the clerk and raise your right hand.

ANDREW R. DIETZ
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Andrew R. Dietz, D-i-e-t-z.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. SNEDDON:
Q. Good morning.
A. Good morning.
Q. Mr. Dietz, you have a business -- you're going to have to lean into that mike. Okay?
A. Good morning.
Q. Good morning. Do you have a business?
A. Yes, I do.
Q. And what is the name of your business?
A. Air Apparent, Inc.
Q. And where is your business located?
A. Los Angeles, California.

Q. And what is the nature of the business?
A. It's a retail travel agency.
Q. And basically could you describe for us what that means? What's a retail travel agency do?
A. We arrange transportation.
Q. And any other services you provide in addition to transportation?
A. Not that I can think of.
Q. In connection with that transportation, you make reservations at hotels and things like that?
A. Yes. Certainly.
Q. Now, in that particular business, what is your position?
A. I'm the president.
Q. And how long have you been associated with that business?
A. Since 1980.
Q. Now, is one of your clients MJJ Productions?
A. Yes.
Q. And how long has MJJ Productions been a client of yours?
A. I believe around 15 years.
Q. And what is the nature of the business services that you provide to MJJ Productions?
A. We arrange hotel, air transportation, commercial air transportation, car reservations for many of the people that he employs and engages in

work for himself.

Q. What is the -- can you describe to the jury what the business relationship is in terms of how the services, once they're provided, how they're invoiced and paid and how that works?
A. A call -- I think if you're asking how is business conducted --
Q. Yes.
A. -- a call's typically made and a reservation is usually made, a ticket is usually generated. It's then invoiced and sent to the client.
Q. Now, at the time that the ticket is made, do you have to -- do you have to pay for the ticket yourself?
A. The minute the ticket is issued, it's my obligation to pay the carrier.
Q. Okay. I guess that was the question. And then you pay it and then invoice the client?
A. Correct.
Q. And then the client repays you?
A. Correct.
Q. Was that the type of business arrangement that you had with MJJ Productions?
A. Yes.
Q. Now, at some point back in 2004, did members of the sheriff's department come to your business and execute a search warrant with regard to your records?
A. Yes, they did.

Q. And those records involved MJJ Productions; is that correct?
A. Yes.
Q. And the time period covered by that was March -- February and March of 2003?
A. I believe that's correct.
MR. SNEDDON: Your Honor, may I approach the witness?
THE COURT: Yes.
Q. BY MR. SNEDDON: All right. Mr. Dietz, I'm going to hand you a book, and there are a number of exhibits in the book. And the first exhibit I'd like you to look at begins with 223 and I'd like you

to look just quickly through 249, and ask you if you examined those documents yesterday, just to ensure they're the documents that you examined.
A. Through what number?
Q. 249.
A. Did you say 239?
Q. 249.
A. I believe these are all the records that we reviewed last night.
Q. And those records are records from your business; is that correct?
A. That is correct.
BAILIFF CORTEZ: Excuse me, sir.
THE WITNESS: That is correct.
Q. BY MR. SNEDDON: And these records generally

deal with what type of transactions?
A. Airline reservations, or airline tickets.
Q. And are they records dealing with your business relationships with MJJ Productions?
A. They are invoices which reflect transactions that we did.
Q. I think you're going to have to lean into that mike a little bit.
A. Those are invoices that relate to tickets that were issued to MJJ Productions.
Q. Now, are these generally the records that are kept in the regular course of your business?
A. Yes, but not in the manner in which they were given to you.
Q. What do you mean by that?
A. I mean the invoices are separated from the copies of the tickets.
Q. Okay. We'll get to that. But both of those documents are kept in the regular course of your business; is that correct?
A. Yes.
Q. And the transactions that are reflected in those documents, do those reflect transactions that were made at or about the time that those events occurred?
A. I believe they do.
Q. By people who are in your organization who are responsible for documenting those?

A. Yes.

Q. Let's turn -- if you could get that exhibit book and put it back in front of you, I'm going to ask you a couple of questions.

A. Okay.

Q. With regard to -- let's turn to Exhibit No. 224, if we can.

A. Okay.

Q. All right. On --

A. 2-2-4?

Q. Yeah, 2-2-4. 224.

A. Gotcha. All right.

Q. 224 has two pages in it, correct?

A. Yes.

Q. Now, with regard to the first page, what is the title of that document?

A. It's called an “Itinerary/invoice number.”

Q. Do you recognize that document?

A. Yes, I do.

Q. Can you explain to us how that document's generated?

A. An agent in the office will book a reservation. The reservation system will then, at the agent's queue, ticket the reservation for the itinerary in question, and then an e-ticket is basically created for a passenger to be picked up at Los Angeles International Airport.

Q. And then with regard to that particular 8063 document, how do you use that in your business?

A. To collect money.

Q. To collect money. That's the invoice part of it?

A. That's the invoice part. The itinerary part is related to the -- for the accountant, business manager, to see the nature of the -- see the actual details of the flight, as would the ticket show you the same things, as relates to dinner or how long the flight was, things like that.

Q. All right. So these are generated at or about the time of the transaction, contemporaneous with the transaction?

A. Yes. In most cases.

Q. And you say the invoice part of it. How does it serve as an invoice? How do you use that in your business practice?

A. I mail them out for my services, and I expect them to get paid in a timely manner.

Q. Okay. Now, the second part of that Exhibit 224 has what is called an agent coupon, correct?

A. Correct.

Q. All right. Would you explain to us what the agent coupon is?

A. The agent coupon I believe represents our copy of the transaction for purposes of maintaining it for our regulatory people. In the airline business, you have to report your weekly sales of airline tickets.

Q. So that would be a record used by you to be audited --

A. We present the, quote, “auditor's coupon,” and we retain the agent coupon. A ticket has many different -- has flight coupons, as well as agent coupons, passenger coupons, and auditor coupons.

Q. And how is the document -- agent coupon generated or prepared?

A. It's one of -- as I just stated, it's I think a five-part document.

Q. But internally that document is generated within your business?

A. Within our reservation system.

Q. Now, within your company, with regard to the agent coupon document, are those located in a separate place in your business?

A. Yes.

Q. So they're not located exactly with the invoice and the itinerary information?

A. Definitely not.

Q. But they're both located and kept for business purposes?

A. Correct.

Q. And are the exhibits contained in the ones that you reviewed, 223 through 239 (sic), are those records regularly relied upon by you to conduct business?

A. I believe they are, yes.

MR. SNEDDON: Your Honor, I'd move to admit 223 through 249 into evidence as business records.

MR. SANGER: No objection.

THE COURT: All right. They're admitted.

MR. SNEDDON: And with the Court's permission, I'd like to remove a couple of the documents to publish.

THE COURT: All right.

MR. SNEDDON: To ask some further questions.

I don't need the lights just yet, Your Honor.

Q. There are two other documents that I want to show you before we go through the publication process. And I'm showing them to counsel.

These have been marked, Your Honor, as 852, which is a three-page document from Air Apparent, and 853, which is a five-page document, or five pages in the document, which is also an Air Apparent record.

And may I approach?

THE COURT: Yes.

Q. BY MR. SNEDDON: Mr. Dietz, I'm going to hand you the exhibit marked as Exhibit 852. I'd like you to take a look at that for just a moment.

A. Okay.

Q. Go ahead and take a look at the pages in that document. They're multiple pages.

Do you recognize those?

A. Yes.

Q. Those are also documents that were obtained through the search warrant?

A. I believe so.

Q. And those are also records that are kept in the normal course of your business?

A. I believe so.

Q. And it is also, just for the record, an itinerary/invoice record, correct?

A. Correct.

Q. And let me show you 853 and ask you if you recognize that. And the pages attached, there are five pages.

A. Yes.
Q. Do you recognize those documents?
A. Yes, I do.
Q. And you were able to compare those documents to your actual business records to ensure that they were part of the records that were taken pursuant to the search warrant, correct?
A. Yes.
Q. And with regard to those records, they were also made at or about the time of the transaction?
A. Yes.
Q. By personnel --
A. Yes.

Q. -- in your office and kept in the normal course of business?
A. Yes.
Q. All right. Thank you.
Your Honor, I'd move to admit 852 and 853.
MR. SANGER: No objection.
THE COURT: They're admitted.
MR. SNEDDON: All right. Now, Your Honor, if we could have the Elmo, I'd appreciate it.
Q. The document that's up there is 223, which is in evidence, okay? Now, do you recognize this document?
A. Yes.
Q. Now, at the top of the document I'm indicating a customer number. Are the individuals that you service assigned a customer number?
A. Yes.
Q. And that number carried over to all the business transactions that you conduct with that particular individual or company?
A. Several accounts have different companies -- there is different -- there are some accounts that have different customer numbers.
Q. In other words, an individual or a business may have more than one account with you?
A. Correct.
Q. Okay. But wherever they are billed to, that number is used, either on one of the accounts or on

another account with regard to that business or individual?

A. The MJJ Productions had more than one account.

Q. Correct. Now, the information at the top, it says, "MJJ Productions." What is that information in terms of how you conduct your business?

A. That's the mailing -- that's the mailing address that we've been requested to send invoices to.

Q. And with regard to the next line down, it says "For," and has "Gavin Arvizo, Star Arvizo, Janet Arvizo." Do you see that?

A. Yes.

Q. And what does that information reflect?

A. I believe it reflects the passengers' names.

Q. And obviously the next says, "Travel Itinerary." This is the itinerary that was explored for these individuals; is that correct?

A. Correct.

Q. And lastly, it indicates whether the ticket is a one-way ticket or a round-trip ticket, correct?

A. Correct.

Q. In this case, this particular itinerary that was looked into was a one-way ticket for those individuals?

A. Correct.

Q. Now, with regard to this particular document -- look in the book, if you would, to the document in front of you that's 224, okay?

A. Yeah.

Q. On that particular document, the heading on it is "Itinerary and Invoice," correct? On 224?

A. Yes.

Q. And this particular document only reflects the itinerary on the date of February the 5th, correct, of 2003?

A. Correct.

Q. What is the difference, if there is one, in the use between the document reflected in 223 and the document that you just spoke about in 224?

A. Well, the itinerary typically is a document which you would fax to somebody or e-mail somebody

to inform that -- to more or less confirm with the person that requested the transportation that, "This is the itinerary request" --
Q. Okay. And --
A. -- "correct?" And then we expect, you know, "That's right. Ticket it."
Q. And with regard to the travel itinerary, I want to go back to the date underneath where it says, "Travel Itinerary," on 223, it says, "05 February, .03." That would be the date of travel?
A. That's correct.
Q. Okay. We can take that one down.

All right. This is Exhibit 852, all right?
A. Yes.
Q. Could you explain to us what this particular document is that is displayed as 852 and that has the heading "Itinerary/Invoice Number"?
A. This is primarily what I refer to as an invoice. And as I was relating before, besides showing you how much the tickets cost, it also provides an itinerary for the passenger, or for the person paying the bill, so that they can see that -- whatever flight information they want to see from that.
Q. All right. Now, in this particular document, 852, it reflects that the customer -- it has a customer number, correct?
A. Correct.
Q. Is that the customer number for one of the accounts for MJJ Productions?
A. Yes.
Q. And then the "To" section on this particular document, 852, is where you would send the bills to?
A. That's correct.
Q. Right below are a couple of names. What are those names? Why are those names on that itinerary?
A. That probably represents the passengers flying.
Q. And then under "Travel Itinerary," then that is the flight information, correct?

A. That is correct.
Q. And then on the Travel Itinerary it has,

above -- on the line where I'm showing, it shows air -- "American Airlines Flight 1245," and then it has across there "Business." What does that reflect?

A. The type of service. Business class.

Q. Business class. And to your knowledge, how many types of services or classes are there on ordinary domestic flights?

A. Primarily coach and first class. They throw in business as well.

Q. And then down at the bottom it would be the total amount due on this particular invoice?

A. That's correct.

Q. All right. The second page of the Exhibit 852, what is that?

A. That's a copy -- that's the agent coupon.

Q. This is what you told the jury about earlier in your testimony?

A. Yes.

Q. And with regard to this particular document, the information that is on this document, does it give flight information?

A. Yes.

Q. And does it give the name of the individual on it?

A. Certainly.

Q. So in this case, it says, "Christopher Carter," correct?

A. Correct.

Q. And it also contains the amount of money that's paid?

A. Correct.

Q. All right. The third and last document of page 852 is another agent coupon, correct?

A. Yes.

Q. It reflects a different name on it; is that right?

A. Correct.

Q. And the name being?

A. "Danny Crawford."

Q. And these two names are the same names that are on the front page of the invoice/itinerary that you earlier talked about as Exhibit 852. I don't know if you have that in front of you. We can put that back up. Here it is.

Same two names under the "For" section, F-o-r, in 852, correct?

A. The first one said Christopher Carter. That makes sense. The second one said Danny Crawford.

Q. And they correspond to the agent coupons that go with this document?

A. Yes.

Q. The flight information matches up; is that correct?

A. That's -- hold on one second. If you go back to the ticket, I can tell you.

Q. All right. Put the agent coupon back up.

You may want to heighten that up a little bit.

A. I'm trying to look first.

BAILIFF CORTEZ: Okay.

THE WITNESS: Can't see the flight information. J. American Airlines. I'm sorry, I'm not that familiar with these documents.

MR. SANGER: Your Honor, excuse me. I'm sorry.

MR. SNEDDON: Let me --

MR. SANGER: I couldn't hear the witness's last answer.

MR. SNEDDON: There was no question pending, I don't think.

MR. SANGER: He was asked to look at the -- he said something about, "I'm not" -- sounded like he said, "I'm not familiar," and I couldn't hear what he said.

THE WITNESS: I said -- do you want me to answer?

THE COURT: He said that he wasn't that familiar with the document.

MR. SANGER: Thank you, Your Honor.

THE WITNESS: What are -- what do you want me to tell you about this document?

MR. SNEDDON: Let me just put that down.

Let's put 852 back up. This is....

Q. All right. On the document, 852, it has two airline ticket numbers, correct, in the lower left-hand corner?

A. I can tell you if they're the same ticket numbers for sure --

Q. You have to turn into the microphone.

A. I can tell you if they're the same numbers if you go back.

Q. You got ticket numbers on the invoice and itinerary.

A. That I can see. 465, 466.

Q. Okay. And then if you put up the other two --

A. 466 and 465.

Q. They match?

A. That matches.

Q. So they go with that flight?

A. I believe they do.

Q. All right. Wasn't supposed to be that hard. It's hard to see from here. No problem. Let's try 853. All right. Now, this 853 is another document that's an itinerary/invoice, correct?

A. Yes.

Q. For March 2nd?

A. Right.

Q. And it reflects that there are four people

who are supposed to travel under this invoice?

A. Yes.

Q. And four tickets issued down in the lower left-hand corner, correct?

A. Yes.

Q. With ticket numbers associated with that flight?

A. Yes.

Q. All right. Now, I'm going to put up the first agent coupon for that flight. And I'll tell you what I'm going to do. I'm going to come up there and hand you 852, the first page. Make this easier.

A. Yes. Thanks.

Q. Now, looking at 852, and the front part of it that has the ticket information for it, and looking at the exhibit -- agent coupon, which is part of that exhibit, does the ticket number on the front of that invoice match the agent coupon on the Exhibit 853? Or -- 853, yes.

A. Yes.

Q. All right. Let's put the second one up. And -- excuse me. That was for an M. Jackson, correct?

A. Yes.

Q. All right. Let's put the second one up, the second agent coupon.

Now, this particular agent coupon has

stamped in the middle of it “Void,” v-o-i-d, correct?

A. Correct.

Q. And could you look at the front of the document, the first page with regard to the ticket number? Does the ticket number on the agent coupon for a Michael LaPerruque match the ticket number on the front of the invoice for this particular document, 853?

A. Yes.

Q. Now, with regard to your business practices, what does it mean when you have an agent coupon that has “Void” on it?

A. The ticket was not used.

Q. And how is it that you become informed, in your normal business practices, that the ticket was not used?

A. In our normal business practices?

Q. Right.

A. Either they don't show up at the airport, or somebody calls in and tells us to cancel the reservation.

Q. Are you also -- are you given any information from the airlines themselves that reflects whether the person was on the flight or not?

A. No -- yes. For e-tickets, the person has to pick up the e-ticket.

Q. And if they don't, then you're notified?

A. Then we're notified.

Q. And --

A. To the best of my knowledge.

Q. And the particular stamp "Void" that's on the ticket agent -- or the agent coupon, on this one for Mr. LaPerruque, is that placed on there by your staff in the regular course of your business in the performance of their responsibilities?

A. Yes. Yes.

Q. Is this document used to adjust any billings that may have occurred where a ticket wouldn't be used?

A. Certainly.

Q. Let's go back to the document you have in front of you, which is 853, okay?

A. Uh-huh.

Q. So we're all on the same page. 853 is a billing for four tickets in the total amount of what?

A. $6,644.

Q. And if this ticket -- if this particular ticket to Mr. LaPerruque isn't used, then you have to adjust your billings accordingly; is that correct?

A. Yes.

Q. All right. Let's go to the next one. The next agent coupon involves an individual by the name

of Marie Cascio. Do you see that?

A. Yes.

Q. And on the exhibit that you have in front of you, the itinerary invoice, does the name "Marie Cascio" appear?

A. Yes.

Q. And is the ticket number assigned to her on the exhibit number of the first age, 853, the same as the ticket number on the agent coupon that the jury's looking at?

A. Yes.

Q. And again, this one is stamped with "Void," correct?

A. Correct.

Q. Meaning she did not take the trip?

A. She did not make that trip.

Q. All right. Let's put up the last one. The last agent coupon associated with the invoice 853 is an Aldo Cascio, correct?

A. Yes.

Q. Does the ticket number on this particular document, the agent coupon, match up with the ticket number on the first page of 853?

A. Yes.

Q. And again, this one is stamped with “Void,” correct?

A. Yes.

Q. Indicating the person did not make the flight?

A. Yes.

MR. SNEDDON: I think we can have the lights, Your Honor. Thank you.

I have two more documents, Your Honor, that I'd like to have marked for identification. 854 and 855 for identification purposes. I'm showing them to counsel. He's seen them.

THE COURT: All right.

Q. BY MR. SNEDDON: All right. Mr. Dietz, I'm going to take this back so we don't lose it. You can swing around there.

I'm going to show you a document that -- it's actually a three-page document, front, back and then front, entitled, “Client Summary,” and ask you to look at that document.

Do you recognize that document?

A. Yes, I do.

Q. And does that document for the time period of - may I have it back just a second, just to make sure I've got this right? - February 5th, 2003, through February 12th, 2003, reflect the summary of the transactions that -- and services provided by your company to MJJ Productions?

A. Not this in front of us. This is only two pages.

Q. No, the back page.

MR. SANGER: I'm sorry, I can't hear the witness.

MR. SNEDDON: He said --

Q. Lean into it and say what you said.

A. I'm sorry, I thought we did more transactions than this in that time frame. There

must be another client summary.
Q. This is only for the 5th to the 12th.
A. Okay.
MR. SANGER: Objection. Leading and argumentative.
THE COURT: Overruled.
Q. BY MR. SNEDDON: Go ahead and take the paper clip off and look at all three pages.
Have you looked at all three pages?
A. Yes.
Q. Okay. You --
A. But they only reflect activity through February 12th, when this is for February 1st through March 31st.
Q. Okay. But the caption at the right is -- has a larger period, correct?
A. That's right.
Q. All right. Now, I want to show you --
A. And there's transactions that you've shown me that are clearly not on here.
Q. Now I want to show you Exhibit 855.
A. Okay.
Q. And take the clip off and look at them front

and back, if you would.
A. Okay. Okay.
Q. You've seen those documents before, correct?
A. Yes.
Q. You saw them last night?
A. Correct.
Q. Are those the other transactions that you had in mind between this time period in question?
A. Yes.
MR. SANGER: Objection; calls for hearsay.
THE COURT: Overruled.
Q. BY MR. SNEDDON: And this particular document, which is 13 pages in length, covers the period 2-12-03 --
A. Uh-huh.
Q. -- correct? And ends at the end of March of 2003, correct?
A. Uh-huh. Yes.
Q. Now -- all right. Why don't you keep these for just a second.

All right. Now, Mr. Dietz, with regard to the Exhibit 854, does that have an account number on it?
A. 854. Yes, it does.
Q. What's the account number?
A. 1359.
Q. What's the customer?
A. MJJ Productions, Inc.

Q. You're going to have to lean into the mike.
A. MJJ Productions, Inc.
Q. All right. Now, let's look at Exhibit 855, if we can.
A. Okay.
Q. What's the billing account on that particular series of transactions?
A. MJJ Productions, Inc.
Q. That's the customer?
A. That's the customer.
Q. What's the account number?
A. 1656.
Q. It's a different account from the other -- from Exhibit 854, correct?
A. That's correct.
Q. Now, with regard to the information that is reflected in those client summary forms - okay? - the information reflected in those, is that information that you keep in the normal course of your business?
MR. SANGER: I'm going to object, Your Honor. There's a lack of foundation as to who prepared these and where they came from.
MR. SNEDDON: Well, that's what I'm trying to do.
THE COURT: The objection is overruled.
You may answer.
Q. BY MR. SNEDDON: Is the information

contained in these documents, Client Summary, information that you utilized in your business to bill clients and to keep a history on the services you provide to those clients?
A. Is the information?
Q. Yes.

A. Yes, the information is.

Q. And then that information, in this particular case with regard to MJJ Productions' accounts during this time period, was put into this format, correct?

MR. SANGER: Objection; lack of foundation.

THE COURT: I don't know what the question -- really what you're asking him. Maybe you do, but I don't.

MR. SNEDDON: If you don't, the jury doesn't, so I better start over again.

Q. The documents that you have, let's start with them individually. 854, the Client Summary for 854, okay?

A. Yes.

Q. All right. Did your -- did your business prepare those documents?

A. Yes.

Q. And -- you have to lean into the microphone.

A. Yes.

Q. And did your business -- did the information contained on the document, 854, come from business entries of documents that you maintained in the regular course of your business, information that you maintained?

A. Yes. It's a computer-generated report. It's something we made up. It's something that the computer generates based on the subpoena we received, which was to give us all the transactions that occurred between February 1st and March 31st.

Q. And between the documents 8 -- in 855, the document 855, look at that. That's a Client Summary?

A. Uh-huh.

Q. Is that the same -- would you make the same statement with regard to that document? It's information generated from your computers?

A. That's correct.

Q. And --

A. For the purposes of the subpoena.

Q. Correct. Now, with regard to those particular documents, do they cover the transactions that are reflected in the Exhibits 223 through 249?

A. I haven't had time to do that, but I would assume they do.
Q. Well, yesterday --
MR. SANGER: Excuse me. Move to strike as speculation.
THE COURT: Sustained. Stricken.
Q. BY MR. SNEDDON: Yesterday, you were asked to look at those Client Summary forms and compare them with certain transactions to confirm whether or not particular invoices were sent in certain amounts for certain flights, correct?

MR. SANGER: Objection; leading.
THE COURT: Overruled.
THE WITNESS: Can you say that again?
THE COURT: I can have it read back to you. Just a moment.
(Record read.)
THE WITNESS: Yes, we briefly looked at this Client Summary for a few -- for a few -- I would say for less than 30 seconds. And I referred -- I actually remember going back to it once or twice with respect to one or two invoices on it.
Q. BY MR. SNEDDON: Right.
A. Rather than every one on them. So I couldn't attest to every one. In general --
Q. We discussed in general --
A. We discussed the ones you've already brought up.
Q. Let's just establish that, okay?
A. Okay.
MR. SANGER: I want to move -- Mr. Sneddon's comments about what he discussed, move to strike those.
MR. SNEDDON: I don't have a problem with that, Judge. I'll just ask the question.

THE COURT: All right. Go ahead.
Q. BY MR. SNEDDON: Mr. Dietz, with regard to the Documents 854 and 855 --
A. Yes.
Q. -- yesterday you and I discussed how those documents were prepared, correct?
A. Yes.

MR. SANGER: Objection; leading.
THE WITNESS: Yes.
THE COURT: Overruled. The answer is, "Yes." Next question.
Q. BY MR. SNEDDON: And then I asked you to take those documents and look at a couple of specific flights, did I not?
A. Yes.
MR. SANGER: Objection. Leading, Your Honor.
THE COURT: Overruled.
Q. BY MR. SNEDDON: Now, with regard to the transaction reflected in the Document 853 --
A. Okay.
Q. -- all right? - were you asked to look at your Client Summary form to determine whether or not the invoice reflects a charge of 6,000 -- whatever it is, $6,600 for those four people, or whether it reflects a flight of one person?
A. It reflects -- I believe it reflects the price of one person.

MR. SANGER: I'm going to move to strike that answer on the grounds that it's based on hearsay. And there's no foundation.
MR. SNEDDON: Your Honor, I think he's -- the records are before the Court, and he's simply using this to verify the authenticity of those records.
MR. SANGER: Objection to speaking responses.
MR. SNEDDON: Well --
THE COURT: Well, it seems to me you haven't offered them as business records.
MR. SNEDDON: I was getting there. I was trying to lay the foundation for that, as to the relevancy first, and then I was going to go into that. Perhaps if you --
THE COURT: I think if you go to the business record foundation first, and then they're either admitted or not admitted, then you're -- if they're admitted, then you can question him in the way you're questioning him.
MR. SNEDDON: All right.

THE COURT: And I know I might be not quite understanding still the record that he's looking at.

MR. SNEDDON: Let me ask one other question. It might help the Court guide us through this.

THE COURT: All right.

MR. SNEDDON: Make it a little clearer.

Q. Mr. Dietz, you're going to have to lean into the microphone there, okay?

A. Uh-huh.

Q. Mr. Dietz, with regard to the Exhibit 853 - okay? - that's the one that has the void tickets on it.

A. Yes.

Q. -- does your business maintain information that would reflect the adjustment as to whether or not the original invoice is sent to your client for payment or some subsequent amount is sent to reflect the voids?

A. The original invoice may have definitely been mailed out. Actually, no, I know that it was not mailed out. It was adjusted to reflect that one passenger -- that only one e-ticket was issued.

Q. Now, going to the Client Summary form, okay?

A. Yes.

Q. Do the Client Summary forms contain information maintained by your business in the normal course of business to reflect the transactions that occurred on the exhibits that I showed you, 223 to 249?

A. Yes.

Q. And that information is kept in the normal course of your business, correct?

A. The information on that summary is.

Q. Yes.

A. Yes.

Q. And with regard to the mode and time of the preparation of that information as it's placed into your computer, it's made at or about the time of the transactions; is that correct?

MR. SANGER: Objection. That -- there's a lack of foundation. That's the connection. Lack of foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: Can you repeat the question?

THE COURT: Yes.

(Record read.)

THE WITNESS: Yes and no.

Q. BY MR. SNEDDON: Yes and what?

A. Reservations can be made. It's only -- an invoice is generated only when the reservation is turned into a ticket.

Q. Right. And that's what we're talking about here.

A. Okay.

MR. SANGER: Objection. Move to strike counsel's comment.

MR. SNEDDON: Well --

THE COURT: Overruled. Go ahead.

Q. BY MR. SNEDDON: Just so there will be no question about it, the exhibits we're talking about, except for the one exhibit, 223, all reflect 8090 transactions that occurred, correct, tickets were issued?

A. Except for --

MR. SANGER: I'm sorry, I have to object. What exhibits are we talking about, except for 223? Vague.

MR. SNEDDON: I'll clarify it.

Q. I asked you to look at the documents 223 through 249, and then I asked you to look at 852 and 853, correct?

A. Yes.

Q. All right. Are those all transactions that occurred between you, Air Apparent, your company, and MJJ Productions?

A. Yes.

Q. And with regard to the information contained on those transactions, is that the information that's downloaded to your computers?

A. Yes.

Q. And you use that for your business purposes?

A. Yes.

Q. And with regard to the exhibits, now getting back to 854 and 855 - all right? --

A. Yeah.
Q. -- they contain a client summary - correct? --
A. Yeah.
Q. -- of all of those transactions from information that was loaded into your computers at or about the time of the transactions?

A. Correct.
MR. SNEDDON: All right. I move they be admitted.
MR. SANGER: And I would object.
MR. SNEDDON: Let me ask one more question. I want to ask one more question, and this may take care of it.
Q. With regard to the Client Summary form - okay? - and the information that's on that form - okay? - does that information -- from that information, are you able, in the due course of your business, to be able to provide invoices to clients to be paid that may be different than the original invoices that were sent out?
A. Yes.
MR. SNEDDON: All right. Now I move they --
THE WITNESS: But not in that form.
Q. BY MR. SNEDDON: I understand that. But that's what the information is used for, correct, the information that's in your computer?
A. Yes.
MR. SANGER: I'm going to object. It's leading; argumentative; statements of counsel.
THE COURT: Overruled.
Q. BY MR. SNEDDON: I think the point you're trying to make -- and I think you made it, but let's just make sure that the jury understands. What you're --

MR. SANGER: Move to strike comments of counsel, Your Honor.
THE COURT: Sustained.
Q. BY MR. SNEDDON: The Client Summary form was a form that was produced specifically to respond to the search warrant, correct?
A. Yes.
Q. That form itself is not something that you

use ordinarily, correct?

A. Yes.

Q. All right. But the information on the form is all information that you house at your place of business to conduct business, correct? It was just downloaded into a different format?

A. I -- yes.

MR. SANGER: Objection. Well -- I was going to object, compound.

THE COURT: Sustained.

MR. SNEDDON: All right. We'll break it up.

Q. Is it information that you maintain at your place of business to conduct business?

A. Is what, the --

Q. The information on those forms.

A. Yes.

Q. Is that input into your computer?

A. Yes.

Q. All right. And is that information --

A. That's the output. That is the output from input.

Q. Well, let's go back. It's a matter of semantics.

A. Okay.

Q. The information on the form is the output?

A. Correct.

Q. The information that went into the computer is the input?

A. Correct.

Q. The information that's input is information that you keep in the normal course of your business?

A. Yes.

Q. It happened to be output into this format for this trial?

A. Yes.

Q. But reflects information that you keep?

A. Yes.

MR. SNEDDON: All right. Now I move that they be admitted.

MR. SANGER: And I object and request either to have an opportunity to voir dire or ask the Court to reserve ruling until cross.

THE COURT: Well, I think he needs to ask him some questions about this, so I'll let you voir dire now, rather than wait. I don't think that's productive.

MR. SANGER: That's fine. That's why I

offered. Thank you.

VOIR DIRE EXAMINATION

BY MR. SANGER:

Q. Mr. Dietz, how are you doing?

A. Good. How are you doing?

Q. I'm doing fine, thank you. On 854 and 855, it's my understanding that you had not seen those document before they were shown to you by the District Attorney; is that correct?

A. Um, before last evening?

Q. Yes.

A. I might have looked at them in preparation for coming up here.

Q. You're not sure?

A. I'm not sure.

Q. And those are not documents that you downloaded from your computer; is that correct?

A. I don't believe I downloaded them. I believe one of my accounting staff did.

Q. Okay. So you're assuming that that was something somebody on your accounting staff did; is that correct?

A. I'm pretty certain that it's something that somebody did on my accounting staff.

Q. You have not had an opportunity to verify whether or not the billing amounts, the invoice

amounts to the particular client, are accurate in each regard on those two exhibits; is that correct, sir?

A. Do you mean the invoices to the statement?

Q. Yes. In other words --

A. To the Client Summary that's been presented?

Q. Let me withdraw it. Your question indicates that my question was not clear.

A. All right.

Q. On 854 and 855 --

A. Yeah.

Q. -- these client billing summaries --

A. Yeah.

Q. -- they show invoice amounts to the client, correct?

A. Correct.

Q. You have not had an opportunity to determine whether or not the invoice amounts shown on those documents are accurate in each case; is that correct?

A. Not in each case.

Q. And these documents, as far as you knew, were prepared for the purposes of this litigation; is that right?

A. Yes.

MR. SANGER: I have no further questions on voir dire, and I object.

THE COURT: Does that material on the

printouts on 854, 855, is that a compilation of the material that's in your computer on this particular account?

THE WITNESS: Yes.

THE COURT: All right. Your objection is overruled. They're admitted as a compilation. But after that --

MR. SNEDDON: I should have let you ask the questions, Your Honor. We'd be way ahead of the game.

THE COURT: Well, I've just got to start this break early. That was so painful.

(Laughter.)

(Recess taken.)

THE COURT: All right. Mr. Sneddon, go ahead.

Q. BY MR. SNEDDON: Mr. Dietz, I placed in front of you the document that's in evidence. That's 853, all right?

And does that document have or bear an invoice number?

A. Yes, it does.

Q. What is that invoice number?

A. 0143505.

Q. And the amount of money that's indicated on

that invoice number is what?
A. $6,644.
Q. For four tickets?

A. Correct.
MR. SNEDDON: I'm going to place on the Elmo, Your Honor, if I might have it for just a moment, page six of Exhibit 855.
No, the other one. Back. Back. There.
All right.
Q. The information contained on page six of Exhibit 855 has the date in the far left-hand corner; is that correct?
A. Correct.
Q. And moving down the date to March 1st, 2003, in the second column over, what does the number 143505 refer to?
A. The invoice number.
Q. And with regard --
MR. SANGER: Excuse me.
Q. BY MR. SNEDDON: -- to the far right-hand side of the exhibit at the top, it bears the word "fare," correct, f-a-r-e?
A. Yes.
Q. And with regard to the flight on Invoice No. 143505, you billed $1,661, correct?
A. Yes.
Q. Is the invoice number and trip reflected on page six of the Exhibit 855 the same trip that's represented by the invoice number on 853?
A. You got me there. Where is 855?
Q. 853, the one in your hands. 855 is the one on the board.

A. Okay.
Q. Is that the same trip?
A. That is the same trip, but the invoice was -- the ticket was issued the weekend. It was changed over the weekend, or reservations were cancelled. Flights were issued, e-tickets were issued. Three of the passengers did not travel --
Q. So this --
A. -- on this itinerary.
Q. Okay. So 855 reflects the fact that only

one person traveled on that itinerary that's been marked as 853 that's in your hand, correct?
A. Correct.
Q. I couldn't hear you.
A. Correct.
MR. SNEDDON: All right. No further questions.
MR. SANGER: Can I have the exhibits, please?
MR. SNEDDON: I was going to put them back together again. If you want to have them, here.
MR. SANGER: Why don't we keep them out for now, please.
MR. SNEDDON: The rest of them are up there.
MR. SANGER: May I approach to retrieve the exhibits?
THE COURT: Yes.

MR. SANGER: I'm just a little concerned, Your Honor. Mr. Sneddon said he was going to put them back together, so I think I will give them to Mr. Sneddon so they get in the right position there.
MR. SNEDDON: They're all in order except for the one that was taken away from me.
MR. SANGER: All right. There it is.

CROSS-EXAMINATION
BY MR. SANGER:
Q. All right. First of all, on -- with regard to these summaries you just saw up on the board, particularly you took a look at one of the pages, I think it was page six, and it showed the amount that was billed, and it showed it was billed for one person to travel, right?
A. Yes.
Q. Say a word so the court reporter can get it down.
A. Sorry.
Q. That's okay.
You are assuming that that record was accurately placed into the computer database by whoever entered these things; is that correct?
A. Correct.
Q. All right. And you noted from the other

actual tickets that it appeared that three of the tickets, the ones for the Cascios, I believe, were voided?

A. Yes.

Q. Okay. There was the Cascios and LaPerruque, correct?

A. Yes.

Q. They were voided. You look at that, and you pretty much figure, well, as far as your company was concerned, the person that traveled on that particular day was Mr. Jackson?

A. I would not necessarily assume that.

Q. Okay. I was going to ask you how you would come to that conclusion. So you're saying you don't know that?

A. Correct.

Q. All right. Now, I want to show you -- you have the book in front of you there --

A. Yeah.

Q. -- with the exhibits in the 200 series. And I'd ask you to turn to Exhibit 223, and I believe that that is a two-page exhibit; is that correct?

A. Yes, it is.

MR. SANGER: All right. And, Your Honor, with the Court's permission, I would like to put the copy I was given of those two pages up on the -- on the board, if I may.

THE COURT: Okay.

MR. SANGER: Or up on the machine.

Q. And I'm going to show you the first page of exhibit -- the 223. And that's already been up there before, but I'll ask you to look at that again. And this appears to be an itinerary that was generated somehow, correct?

A. Yes.

Q. That's not your usual format for itineraries that are generated, is it?

A. For itineraries, I believe it is.

Q. Okay. All the other itineraries that you have shown for Exhibits 224 through 249 are generated on letterhead, with a different font, in a different format; isn't that correct?

A. Yes, they're associated with an invoice.

Q. All right. Now, this particular one was not associated with an invoice because it was not sent -- an invoice was not sent for payment on this flight; is that correct?

A. I cannot tell from what I see here.

Q. All right. Do you know whether or not that flight took place?

A. I do not know.

Q. All right. And ordinarily when flights are booked through your agency by MJJ Productions, who is it that contacts you to book the flights?

A. Evvy.

Q. All right. And I'll tell you what. I'm going to ask you to just turn around and look this way, and I'll direct your attention to the board in a second when we put the next one up, but it's hard for everybody to hear you.

A. Okay.

Q. So Evvy Tavasci is ordinarily the person who would be contacting your agency, correct?

A. Yes.

Q. All right. And she contacts your agency not just for Mr. Jackson's travel arrangements, but for other employees of MJJ Productions, correct?

A. Definitely.

Q. Okay. And to your knowledge, if some other employee of MJJ Productions needs to travel for some business-related purpose, they would contact her, and she would in turn contact you; is that correct?

A. Yes.

Q. When you make a flight arrangement for Evvy Tavasci, or at her -- at her request, do you fax a confirmation?

A. I'm not sure. I don't know our daily practices.

Q. You're not the person that actually does it?

A. Not at all.

Q. You just own the place?

A. Yes.

Q. There you go. All right. Well, let me show you this anyway and see if this is -- this is the second page I'm going to put up of this exhibit, and

I'd like you to read the top -- no, I'm kidding.

(Laughter.)

Q. BY MR. SANGER: I'd like you just to look down at the bottom there. There's a TX Result Report.

A. Yes.

Q. Is that a fax report?

A. Yes, it is.

Q. Now, I am going to focus in on that a little bit more here. Give you a fair chance.

Do you recognize the telephone or the fax number that that was sent to as being a fax number associated with anybody?

A. I do not.

Q. Okay. And it appears that this fax -- just go a little wider there. The result on the right is that it did not go through. It's "NG," correct?

A. That's what it looks like to me.

Q. And it says, "Redial, all failed," right?

A. That's what it looks like to me.

Q. Now, your business has regular communications -- during this period of time, your business had regular communications with Evvy Tavasci, correct?

A. Yes.

Q. And you had a good fax number for her, correct?

A. Yes.

Q. Is there any indication in these two documents -- and you can actually look at the documents in front of you, since I just have a copy here.

A. Okay.

Q. If you look at these two documents that are marked as 223, is there any way to determine the time of day on February 5th that these tickets were requested?

A. Requested?

Q. Yes.

A. No. Prior to 11:31.

Q. You know it's prior to 11:31, because that's when the fax first was attempted, the fax that didn't work, correct?

A. That's correct.

Q. And ordinarily, your people would be pretty prompt if they were setting up a ticket for the same day. And I believe this is a ticket for the same day, right? You can take a look at your --

A. Yes, it looks like that way. Yes, for a flight at two o'clock in the afternoon.

Q. The flight was to depart at two o'clock in the afternoon of February the 5th?

A. Correct.

Q. So if somebody were doing this and faxing it out at 11:51 in the morning, they probably had made the arrangements very shortly before that; is that correct?

A. That is correct.

Q. All right. Now, the fact that on the top of -- you keep looking at what you're looking at there.

A. They didn't necessarily make the reservation at the time they called it in. I mean, on this day. They could have -- they could have made the reservation prior to this date.

Q. Okay.

A. If that's the question.

Q. Well, that's fair enough. You look -- well, you're looking at your copy there. You're on the first page?

A. Uh-huh.

Q. And at the top -- at the top there, it says, "To MJJ Productions," and "Attention: Evvy, Personal and Confidential"?

A. Uh-huh.

Q. Does that mean that Evvy was actually the person that called this in?

A. Not necessarily.

Q. Somebody could have called it in and then you would be dealing with Evvy Tavasci at MJJ Productions, correct?

A. Yes.

Q. So, in essence, from the records that you have before you, you do not have any idea who called in this request for tickets?

A. Let me clarify. Most of the tickets, to my knowledge, were ordered or confirmed by Evvy.
Q. I understand.
A. Some of them were called in by other employees of MJJ Productions.
Q. Okay.
A. But nothing was done without, typically, getting Evvy's authorization.
Q. So theoretically, before this flight -- before the tickets would actually issue on this flight, you would need to have Evvy's confirmation, correct?
A. Typically, yes.
Q. Maybe Narcisse, who also worked there, correct?
A. I'm not sure if Narcisse is on the -- she definitely is calling some things in. I'm not sure if she's a part of the approval process.
Q. But going back to my question originally, here, you cannot tell who actually called this in. In other words, somebody else -- somebody else entirely different could have called it in?
MR. SNEDDON: I'm going to object. Calls for speculation, Your Honor.
THE COURT: Overruled.
THE WITNESS: I cannot tell who called this in.
Q. BY MR. SANGER: All right. And then if you look at the air fare there, that's economy air fare, $1,180.50 per person, right?

A. Yes.
Q. Does that tend to indicate to you that this was a flight that was scheduled at the last minute?
A. I -- I can't speculate on that. I think it was -- I mean, my gut feeling is yes, but --
Q. All right.
A. I don't know if it was called in last minute.
Q. Okay. I'm going to take that down for a moment.
A. You know, it might have been contemporaneously, only because ticket fares are

good for only, you know, for a 24-hour period per se. So the fare is only good for -- for a certain time frame, and then it will move on. So --
Q. Now, you testified to some other documents as to who might have been -- I'm sorry, you testified to other documents as to whose names were on particular tickets or potential tickets. You do not actually know who flew on a particular day; is that correct?
A. I do not.
Q. And, of course, if you -- if somebody booked flights independent of your agency, you would not know about those flights; is that correct?
A. That is correct.

MR. SANGER: Okay. I have no further questions. And I have the exhibits that were handed to me. I'm just going to leave them here.

REDIRECT EXAMINATION
BY MR. SNEDDON:
Q. Mr. Dietz, are you familiar with the regulations that were put in place as a result of 9/11?
A. Yes.
Q. And given the regulations that are in place as a result of 9/11, in your opinion, based upon your experience in the travel industry, that another person cannot travel on a ticket -- that a person cannot travel on a ticket not issued to them without proof of identification?
A. That's my understanding.
MR. SNEDDON: Nothing further.
MR. SANGER: No further questions.
THE COURT: Thank you. You may step down.
MR. NICOLA: People call Jeff Schwartz, Your Honor.
THE COURT: Come forward, please.
When you get to the witness stand, please remain standing.
BAILIFF CORTEZ: Right here, sir. Stand up there. Face the clerk.
THE COURT: Face the clerk and raise your

right hand. She's right here.

JEFFREY SCHWARTZ

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Jeffrey Schwartz. J-e-f-f-r-e-y, S-c-h-w-a-r-t-z.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. NICOLA:

Q. Good afternoon, sir.

A. Good afternoon.

Q. Would you tell the jury, please, who you're employed with?

A. My employer is Talk America.

Q. And what is Talk America?

A. We're a C-lite local and long-distance Internet telephone provider.

Q. Are you here to testify today as their custodian of records?

A. I am.

MR. NICOLA: May I approach the witness, Your Honor?

THE COURT: Yes.

Q. BY MR. NICOLA: I've placed in front of you Exhibit 458, and I ask you if you recognize that document, and if you do, what is it, please?

A. I do. It's subscriber information from a customer of Talk America, Jay Jackson.

Q. And does that Exhibit 458 also contain toll records for the period of January, February and March of the year 2003?

A. It does.

Q. Is the information contained within that exhibit material that is generated within the regular course and scope of the business of Talk America?

A. It is.

Q. Okay. And is the material that is in there, the information that is in that exhibit, collected at or near the time of the individual toll calls?

A. Yes, it is.

Q. And is it relied upon to conduct the business of Talk America?

A. Yes, it is.

MR. NICOLA: Your Honor, we would offer 458 into evidence at this time.

MR. SANGER: I just have a technical question. There's a different 458 that we were provided. Has that been withdrawn or --

MR. NICOLA: That was never identified.

MR. SANGER: Never provided to the Court?

MR. NICOLA: No.

MR. SANGER: Oh, okay. I'm just now informed by counsel that what was provided to us was not provided to the Court or marked. So....

MR. NICOLA: We used a different exhibit number for this.

MR. SANGER: So based on that, I have no objection.

THE COURT: It's admitted.

MR. NICOLA: Thank you, Your Honor. May I please have "Input No. 4," Your Honor?

Q. Mr. Schwartz, I would just like to go to the first page of the toll records of that exhibit. I'm going to project a few items up onto the screen, and if you could please explain them to the jury once they're up there, okay?

A. Okay.

Q. Let's begin with the headings in the columns entitled A, B, C, D, et cetera. And I'm just going to point with the laser. If you can speak next to that second mike, please, it would be more convenient for you, and everyone will be able to hear you.

Could you tell the jury what's in this section, the first line, Section A, please?

A. That's a number where the call would originate from.

Q. Is that the number that corresponds to the

subscriber?

A. Yes, it does.
Q. The customer?
A. Yes, that's correct.
Q. Okay. And is that a mobile phone number or is that a landline?
A. That's a landline.
Q. Do you provide local service for that, or did you during the time period in question?
A. We did not.
Q. Okay. What kind of service did you provide to that particular landline?
A. We provided LD service only.
Q. And LD, for those of us who don't know?
A. Long distance.
Q. Long-distance service.
What's in Column B?
A. Column B is where the call would have terminated.
Q. What does that mean?
A. That means where the receiver would have been picked up on the other end.
Q. The number that was dialed by the person at the 9279 number?
A. That's correct.
Q. Okay. Column C, is that the date of the call?
A. The date and the time.

Q. Do you know whether the time stamp is based on a particular time zone?
A. It is on the time zone where the call originated from.
Q. So if the phone number is registered in Los Angeles, it's going to be in Pacific Coast time, correct?
A. Correct.
Q. The next column seems to indicate a place.
A. That is the origination column date.
Q. Okay.
A. That is the origination which corresponds to the Column A.
Q. Column E appears to be the state, obviously, correct?
A. Correct.

Q. Correct?

A. Correct, I'm sorry.

Q. And of course there's Column H and Column I. What is Column H, please?

A. Column H is actually the duration of the call, from the time the call is received until the call was terminated.

Q. So that's the actual time that the call lasted?

A. Correct.

Q. And what is this over here, Column I?

A. That would be the time that the call was billed for.

Q. Okay. For example, in this column, H, on the second line, a 34-second call results in one minute worth of billing?

A. Correct. That is correct. Common practice in the telecommunications industry.

Q. We've heard that, yes. I'd like to direct your attention, please, to the middle of this chart, if I may. Beginning with the entry on line 25 --

A. Okay.

Q. -- this would be the calling number, Mr. Jackson, correct?

A. That would be the origination of the call for Mr. Jackson, correct.

Q. And this number here, (201) 213-0763, is the number that was placed -- or dialed by whoever was using this phone?

A. Placed and terminated at that number, correct.

Q. Okay. And does this call on Item No. 24 -- excuse me, Item No. 25 indicate the call was a completed call?

A. Yes.

Q. How can you tell that?

A. By the duration of the call.

Q. Over here, the 6:32?

A. That's correct.

Q. Which on the bill appears to be what, seven minutes?

A. What line are we looking at? 25?
Q. Yes, right where the pointer is.
A. That's correct. Well, six minutes and 32 seconds. Billed for seven minutes.
Q. Okay. And that's how Cingular bought AT&T. Okay. Here we go. Line No. 27, same number, to Morristown, New Jersey?
A. Correct.
Q. And that call lasted 15 seconds, correct?
A. Correct.
Q. Now, is that a completed call, if it lasts 15.3 seconds?
A. Yes. Any call -- I'm sorry.
Q. Explain that, please.
A. Well, any call that is entered into the record, if the call was not answered, if there was not an answer on the telephone, there wouldn't be a record for the call because the call would not have terminated. But once the call is received and answered, regardless of one second or 20 seconds, or as far as ten minutes, there would be a record of the call.
Q. Okay. So does that mean that this call was either answered on the other end or it got forwarded to voice mail or something like that?
A. Any one of those possibilities is possible,

correct.
Q. Okay. And this 15 seconds also costs a minute, right?
A. That is correct also.
Q. Going down the list to Item No. 28 on the left, same number was dialed to Morristown, New Jersey, at 11:53?
A. That's correct.
Q. Is this military time?
A. Yes.
Q. So the next call down here at 1320 hours, that's actually 1:20 p.m., correct?
A. That's also correct.
Q. And the 1:20 p.m. call lasted one minute and eight seconds?
A. And billed for two minutes, if that's what you're asking, yes. Yes, it did.

Q. This is my favorite one right here. The next call appears to be the same number, is that correct, on line 30?

A. Yes. That's correct.

Q. And that call was placed at 1324, 1:24 in the afternoon, correct?

A. Yes, that's correct.

Q. To Morristown, New Jersey, for a period of 2.4 seconds?

A. That's correct.

Q. Immediately thereafter, at 1334 hours, that number was called again, correct?

A. That's correct.

Q. And that call lasted 3.1 seconds?

A. That's also correct.

Q. And in total, that was two minutes, in telephone company time, right?

A. That's also correct, yes.

Q. You can tell I enjoy this, huh? The remainder of these calls, at 1539 hours, Item 32, Item 33 at 1407 hours, Item 34 at 2036 hours, Item 35 at 2043, and Item 36 at 2048, were all to the same phone number in Morristown, New Jersey, right?

A. That is correct.

Q. And they were all completed calls?

A. That is correct also.

Q. Now, I believe I misspoke and called 1359 1539. So Item 32 is actually a call placed at 1359 or nearly two o'clock in the afternoon, right?

A. That's correct.

Q. Okay. Now, beginning with Item 36 -- 37, excuse me, on February 16th, 2003, at 4:07 in the afternoon, was a call placed to a phone number in Wyckoff, New Jersey?

A. That's correct.

Q. And what does your record reflect that phone number to be?

A. (201) 847-7576.

Q. Now, you have no way of knowing whether the receiving phone call -- excuse me, the number dialed is a cellular phone or a landline, correct?

A. You could gather the information. I do not know. You could gather the information if you had to gather it. You could do that.

Q. By some kind of a cell site?

A. Or a customer service record. You could request what we call a “CSR,” which would be a Customer Service Record, for the receiving call.

Q. How long are those records kept?

A. I believe a record should be kept for eight years, is what a telephone record is required to be kept, so --

Q. Okay. Would the subscriber information on this end of the phone call also tell you whether it's a cell phone or a landline?

A. Yes, it could.

Q. Okay. Now, beginning with Item 37, and continuing down to Item 41, there appear to be four -- four calls in a row between four o'clock in the afternoon and approximately 10:23 the following day, February 17th, to the same number in Wyckoff, New Jersey; is that correct?

A. That's correct.

Q. And were those completed calls?

A. Yes, they were.

Q. Proceeding to Item 42, was a different 8119 number called on February 17th of 2003 at 11:24 in the morning?

A. Yes. Different between 41 and 42 is what your -- is the question?

Q. Yes.

A. Yes, different.

Q. Is that the same phone number that was called on the 15th to Morristown, New Jersey?

A. Yes, it is.

Q. Okay. And was that a completed phone call?

A. Yes.

Q. And how long did that one last?

A. Item 42?

Q. Yes, please.

A. It looks like 17 minutes and 39 seconds, billed for 18 minutes probably.

Q. There you go. Okay. And the item right below 42 is 43.

A. Right.

Q. Could you tell us about that phone call including the location and duration, please?

A. It looks like it was 26 minutes and 15 seconds to Wyckoff, New Jersey. The (201) 847-7576 number.

Q. Would you turn the page, please? Okay. I'm trying to get this up there. How about we just do it verbally.

Items 45 through 48 -- excuse me, 45 through 47, are they all telephone calls placed from the Jackson residence, Jay Jackson residence, to the 7576 telephone number in Wyckoff, New Jersey?

A. Yes, they are.

Q. And were they all completed phone calls?

A. Yes, they were.

Q. And did they occur between February 18th of 2003 and February 19th of 2003?

A. Yes, they did.

MR. NICOLA: Your Honor, I have no further questions of this witness.

CROSS-EXAMINATION

BY MR. SANGER:

Q. Mr. Schwartz, how are you?

A. Pretty well.

Q. Good. I think you need to kind of list more towards that microphone, if you could.

A. This one?

Q. Yes, please.

The phone records that you just testified to are in the name of Jay Jackson; is that correct?

A. Yes, that's correct.

Q. And there's a billing address in Los Angeles; is that correct?

A. That's correct.

Q. Is this a land-based landline phone or is this a mobile phone?

A. It's a land-based phone.

Q. Is it your understanding this is a residence phone?

A. It is. Our company only provides LD service to residence phones. We don't provide any type of cellular service.

Q. So this particular phone number -- let me see if I can put one of these up here.

Your Honor, with the Court's permission, I'll put up page -- I guess it's really just page one. I'll put up my copy of page one and see if this looks like your copy of page one of Exhibit 458.

A. That is.

Q. All right. So you can look at yours, because it's a little hard to read.

A. Okay.

Q. But look up here first just so you can see what I'm pointing at. I'm going to point on the screen at a phone number up there. Is that the phone number that is associated with this account?

A. Yes, it is.

Q. And the account is for Jay Jackson, correct?

A. That's correct.

Q. Now, I'm going to ask you to tell us what the -- well, let me ask --

Your Honor, I need to ask for the actual phone number. It's up there. Is that all right if I do that? I don't want to --

THE COURT: Yes. It was the other information that we were concerned about, the Social Security numbers, that kind of thing.

MR. SANGER: That's fine. Thank you. I just want to make sure.

Q. Can you read that phone number from the exhibit?

A. From your exhibit or my exhibit?

Q. You have the official exhibit. I'm putting up a copy.

A. All right. Yes, I can.

Q. Please read it.

A. (213) 739-9279.

Q. All right. Now, your phone company provided service, provided long-distance service to that number; is that correct?

A. That's correct.

Q. Does that mean anytime that the phone was

picked up and a call was made on that telephone number ending in 9279, anytime the phone was picked up and a long-distance call was made, it would be automatically billed to your carrier?
A. That's correct.
Q. Is there a way to bill it to some other carrier?
A. No.
Q. All right. So I'm going to put up page two

with the Court's permission. And if you can look in the book there so you can actually read it. But I'll also help you to stay closer to the microphone, because we have that microphone issue here.
These records start when?
A. On page one is what we're talking about?
Q. Yeah. I mean the records you just --
A. January 1 of .03.
Q. January 1 of .03. And these appear to be the comprehensive records for that period of time; is that correct?
A. They are, correct.
Q. All right. Now, do you know what carrier this customer, Jay Jackson, had for his regular telephone services?
A. It would -- probably -- I don't know specifically. It would probably be Pac-Bell.
Q. Pac-Bell. Okay. So if we had seen, for instance, on February 4th a Pac-Bell record showing a call from this number to Reseda, two calls to Reseda on February 4th, they were logged in on the Pac-Bell statement, those calls would not necessarily show up here; is that right?
A. I'm not sure I understand your question.
Q. Well, let's do it this way. I'll just ask you to look at yours, because I can't read mine from the thing there.
If you look at the entries --

I'm going to put that page back up again, Your Honor, if I may. Now that I've seen it, I'll do it this way here.
I'll just try to look at the particular entries here. If you look at the entries for --

starting at the top, it starts with 1-1-03, correct?
A. Correct.
Q. And it goes through the month of January. There is a total of 11 calls through January, correct? Well, no, I'm sorry, there's a total of nine calls. It starts on line 3 and goes to line 11, correct?
A. Right.
Q. And --
A. 1-20-03 would be the last call in January.
Q. Okay. And then as far as your carrier is concerned, the next charge you have is on 2-4-03, correct?
A. To Newport News, Virginia.
Q. That is a call to Newport News, Virginia.
A. Talking about line 12, correct?
Q. Line 12, correct.
A. That's correct.
Q. And then on 2-5-03, there's a call to Naples, I suppose.
A. I'm sorry. Yeah. Naples, Florida, correct.
Q. All right. Now, I'm going to show you Exhibit 451, and I'm going to have to ask the clerk for that, if I may, please. Should be a book. May I inquire of the government to see if they have that book there, by any chance? We're looking for an Exhibit 451, which is the Pac-Bell records. You don't have it there at the counsel table is what I was inquiring.

MR. NICOLA: I don't. It was released for us to redact per the Court's instruction. I didn't bring it down with me.
THE COURT: She couldn't hear what you said.
MR. NICOLA: I'm sorry, Your Honor. I took that per the Court's instructions to redact. I haven't brought it back.
THE COURT: Try to blame it on me, will you?
(Laughter.)
THE COURT: That's the book you have.
MR. NICOLA: Yes. It's one of several.
MR. SANGER: Okay. May I confer with counsel, see if we can find a way around this?
THE COURT: Yes.

(Discussion held off the record at counsel table.)

MR. SANGER: Your Honor, with the stipulation of counsel, we'll use my copy and the one that was provided to me of 451, Tab 6. It's already been received into evidence. And that's what we'll use in a second, if I may.

THE COURT: All right. Good.

Q. BY MR. SANGER: Okay. Mr. Schwartz, let me ask you, how long have you worked in the phone business?

A. Nine years.

Q. And are you familiar with phone billing records in general?

A. Yes, I am.

Q. And how many companies have you worked for in that period of time?

A. Just one.

Q. Which one is that?

A. Talk America.

Q. Has Talk America been in existence all that time?

A. Yes, that's correct.

Q. Oh, okay.

All right. I'm going to show you a phone record that has been admitted into evidence, which is 451, Tab 6, and it's page three of Tab 6. And this was -- I think I can say for your benefit, to orient you, this was provided by a Pac-Bell representative.

And I'll put that up if I may, Your Honor.

THE COURT: Yes.

Q. BY MR. SANGER: Now, this is -- I'll let you take a look at that for a second and see if you can orient yourself and get a feel for that. That is --

A. It looks like a phone bill.

Q. There you go. All right. And if you look in the upper left-hand corner, the indication is that this phone bill pertains to this phone number, (213) 739-9279.

A. Okay.

Q. See that? Is that the phone number that's referred to on your Exhibit 458, the Talk America exhibit that's in front of you?

A. It is.

Q. I think you have to lean into the microphone.

A. Yes, it is.

Q. Oh, that one works, too. All right. Okay. And I guess what I was referring to is there are a couple of entries here for February the 4th at 6:11 p.m. and then 6:14 p.m., both four-minute calls to a number apparently in Reseda, an (818) number.

And my question to you is, assuming this is the same telephone, why would there be two calls billed to Pacific Bell on that date and another long-distance call to - where did we say? - Newport News billed to Talk America on the same date?

A. Why would there be?

Q. Yeah.

A. So you're asking why a long-distance call would show up on a local phone bill?

Q. Yes.

A. I'm not familiar with the geography of California, but Reseda may be within the latta, and it may not reflect as a long-distance call.

Q. Could you turn around and talk into the mike there, please. You said -- I think everybody heard, but you said “within the latta”?

A. Correct.

Q. And what is a latta? I'm afraid to ask.

A. For lack -- I guess to -- a layman term would be an area code or a geographic area in which the phone call would be billed in, so -- do you want me to explain it or --

Q. Go ahead.

A. A latta is the area where the phone call -- you'd be charged different rates when you went across a latta. And once you cross a latta, it would be considered a long-distance call.

Q. All right. So your local phone bill might have a call that crosses a latta but does not invoke your carrier's business?

A. That's correct.

Q. All right. So if I then put 458 back up, and this is page two, the calls that we've just referred to there are not inconsistent with your carrier providing service during that same period of time; is that right?

A. No.

Q. Okay. Thank you. I just have a couple of more questions here. And let me look at this first. Yes, all right. I'm going to put this up and we'll again try to orient ourselves. Okay. You're welcome to look at the actual exhibit in front of you, but I'm going to refer to Line 17, 18, and 19 from February the 11th, 2003. Do you see those?

A. I do.

Q. Okay. And your bill would reflect only outgoing calls, I suppose, unless somebody called collect, correct?

A. Outgoing only, that's correct.

Q. So it appears on February the 11th, 2003, there were three outgoing calls to Santa Barbara; is that correct?

A. That's correct.

Q. And those three calls were at 2322 hours, which would be 22 minutes after eleven o'clock at night, correct?

A. Correct.

Q. And the next -- that's to one number. And then the other two calls are to the same number. I didn't say that correctly. The first call is to a -- one number. And the second two calls are to the same number?

A. The first one's to 2300, and the second two are 2724.

Q. And the second two were placed at 11:23 at night and 11:49 at night, correct?

A. Yes.

MR. SANGER: Let me have just one more second, if I may, Your Honor, please. All right. I have no further questions.

MR. NICOLA: No questions, Your Honor. See you latta.

THE COURT: Call your next witness.

MR. NICOLA: Crystalee Danko.

CRYSTALEE DANKO

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Crystalee Danko. C-r-y-s-t-a-l-e-e; Danko, D-a-n-k-o.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. NICOLA:

Q. Good afternoon, Miss Danko.

A. Good afternoon.

Q. I've placed in front of you Exhibit 454, correct?

A. That's correct.

Q. Do you recognize that exhibit?

A. Yes, I do.

Q. Have you had an opportunity to review it and its contents before you came to court today?

A. Yes, I have.

Q. Can you tell the jury, please, what exhibit four fifty --

A. Five.

Q. -- five is? Excuse me.

A. Yes, these are Sprint cell phone records and landline records, including subscriber information and billing information.

Q. And are the contents of Exhibit 455 those which are regularly made in the course of your business?

A. Yes, they are.

Q. Would you open up Exhibit 455 in the index, please?

A. Yes.

(Off-the-record discussion held at counsel table.)

MR. NICOLA: Okay. Just want to make sure we're all on the same page.

Q. With respect to Exhibit 455, did you compare the contents of the table of contents with the information contained in the corresponding tabs within the binder?
A. Yes, I have.
Q. Okay.

MR. SANGER: We're not on the same page. We're not on the same page, I'm sorry. There is no -- there's no -- there's no table of contents on this one.
MR. NICOLA: You can use mine.
MR. SANGER: Okay. Thank you. Let's see what you did here.
MR. NICOLA: You ready?
MR. SANGER: Excuse me just one second.
Q. BY MR. NICOLA: I'm sorry.
A. That's okay.
Q. With respect to the information contained in Tab No. 1, is that subscriber information for a firm listed in the table of contents?
A. Yes, it is.
Q. Okay. And are there telephone numbers that your records show connected with that firm?
A. Yes.
Q. And are they also on the table of contents?
A. Yes, they are.
Q. Would you read those telephone numbers into the record, please?
A. (702) 362-5118; (702) 222-2500; (702) 365-6940.
Q. If you would turn to Tab 1 of your exhibit, and does the first page of the exhibit list the same name that is under "Subscriber Name" in the table of contents?

A. Yes, it does.
Q. If you would turn to page two. And what is page two?
A. It is listing information, listing address and names for the information on the front page.
Q. Do those names correspond to the 222-2500 number?
A. Yes, they do.

Q. And is one of those names a David LeGrand?
A. Yes, it is.
Q. Would you please turn the page and go to the page marked 3 of 11. Are you there?
A. Yes, I am.
Q. And on page 3 of 11 of what appears to be a February 21, 2003, phone bill, is there a list of telephone numbers which include the 362-5118 and 365-6940 numbers listed in the table of contents?
A. Yes.
Q. Okay. And do all those telephone numbers belong to the firm of Hale Lane Peek Dennison and Howard?
A. Yes, they do.
Q. If you would turn to Tab 2, please. Now, does Tab 2 contain the subscriber information for a business entitled, “Geragos & Geragos”?
A. Yes, it does.
Q. And is there a telephone number on the table of contents which corresponds to the number you have

on record for Geragos & Geragos?
A. Yes.
Q. And what is that number?
A. (213) 864-2100.
Q. If you would turn to page two, the second page, do you find an additional number for the business “Geragos & Geragos”?
A. Yes.
Q. And what is that number?
A. (213) 625-3900.
Q. Turning to Tab No. 3, does Tab No. 3 contain subscriber and billing information for one Vincent Amen?
A. Yes, it does.
Q. Is there a cellular number associated with Mr. Amen in your subscriber records?
A. Yes.
Q. And what is that number, please?
A. (201) 838-4345.
Q. If you would turn, please, to Exhibit No. -- excuse me, Tab 4 in Exhibit 455. Do you have in Tab 4 the subscriber information for one Frederic Marc Schaffel?

A. Yes, I do.

Q. And do the numbers in the table of contents correspond to the subscriber information in your Sprint records?

A. Yes, it does.

Q. Is there an additional telephone number in your subscriber information for Mr. Schaffel that is not on the table of contents? If you would look at page one.

A. Yes, there is.

Q. And what is that number?

A. (818) 876-0029.

Q. And can you tell if that is a cellular number or a landline?

A. I cannot tell by these records.

Q. If you would turn briefly to Exhibit No. 5. Does Exhibit 5 contain the subscriber information for a Maria Farshchian?

A. Yes, it does.

Q. F-a-r-s-h-c-h-i-a-n?

A. Yes, it does.

Q. Okay. And does the Tab No. 5 also contain the toll records -- excuse me, the billing for the period of January, February and March of 2003?

A. Yes, it does.

Q. Are the records contained within Exhibit 455 records which Sprint regularly relies upon in the normal course and scope of their business?

A. Yes, they are.

MR. NICOLA: Your Honor, we would offer 455 into evidence at this time, please.

MR. SANGER: On these, we have the objection of relevance as to, in particular, some of the

subscribers. It's the same objection that I made previously, that there's no foundation to show relevance. And I think the Court --

THE COURT: I'll admit them, subject, as I did the others, to the District Attorney tying up the relevance.

MR. SANGER: Thank you.

MR. NICOLA: Thank you, Your Honor. Your Honor, may I publish?

THE COURT: Yes.

Q. BY MR. NICOLA: Mrs. Danko? It's Missus?

A. Yes.

Q. If you would please turn to the billing information for Fred Schaffel and find the page that corresponds to February 7th of 2003, please.

A. Okay.

Q. Have you found it?

A. Yes.

Q. Okay. Does the billing for February 7th of 2003 begin on page eight of the February 21 bill?

A. Yes.

Q. Okay. I'd like to talk to you about a code on your bills which is denoted as "CW."

A. Yes.

Q. Okay. On line -- excuse me. On Line No. 194, there's a "CW" next to the date and time stamp of 10:17 a.m., entitled "Incoming." Can you explain to us how an incoming call -- what an incoming call on your system means, call waiting?

A. Yes. Our subscriber was on the phone. Either he had received an incoming call or he had made an outgoing call. Either way, he was on a phone call. And during that phone call, he received another call. And when he received that second call, he answered it. And that's what indicates here, an incoming call. And a "CW" over there is what indicates the call waiting was used.

Q. Okay. Now, after he received, he or she --

A. Or she.

Q. After the call came in at 10:17 a.m., can you tell whether or not your subscriber stayed on the phone with the call immediately preceding?

A. For one minute or less.

Q. Okay. How can you tell that?

A. Our corporation bills in one-minute increments, and one minute is listed here next to the call waiting indicator.

Q. So this could have actually been a 2.4-second call?

A. Yes.

Q. My question, however, is, if the caller was on the phone to this number at 10:16 a.m., and it lasted for six minutes, did this call actually interrupt this call?

A. Yes, it does.

Q. Okay. So the Entry 193, did that continue

after the entry on 194?

A. Yes, it did.

Q. If you could please turn to page nine, and I'd like you to begin at line 215. I'll project that.

There appears to be the same call -- excuse me, the same code here a number of times. "CW" and "CW"?

A. That's correct.

Q. There's also this code right here, what does that mean, the "3W"?

A. The "3W" indicates that a three-way call was initiated.

Q. And how does that work on your system?

A. You would need to be on the phone call in the first place, just like the call waiting situation. In this situation, if you look at 2-7 at 3:13 p.m., there was an outgoing call. Our subscriber had made an outgoing call and was on the phone for approximately 14 minutes. During that time frame, at 3:22, our subscriber called out and conferenced in another number.

Q. Let me stop you for a minute. Where are you? Which line item?

A. I'm on line 230.

Q. Would you look at line --

A. Sorry.

Q. -- 218?

A. That's kind of hard for you to see. How about line 217?

Q. Okay. Explain how that came about.

A. Our customer had received a call, an incoming call, at 3 -- at 1:13 p.m., and that lasted for seven minutes. During that call, they made a call out, three-waying into the (702) 222-2520 number.

Q. Okay. Would you expect, in a three-way call, that when the user of Mr. Schaffel's phone

dialed the 222-2520 number, that would show as an incoming call on their system, if they record such things?
A. The receiver?
Q. Yes.
A. Yes.
MR. NICOLA: Okay. I think I have no further questions. Thank you.
THE COURT: Counsel?
MR. SANGER: No questions, Your Honor.
THE COURT: Good.
You may step down.
THE WITNESS: Thank you.
THE COURT: Next witness.
MR. NICOLA: Our next witness is Ms. Jennifer Simmons.
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JENNIFER SIMMONS
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Jennifer Simmons. J-e-n-n-i-f-e-r, S-i-m-m-o-n-s.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. NICOLA:
Q. Good afternoon, Miss Simmons. I'd like to hand you Exhibit No. 450, and ask if you recognize that, please.
A. Yes.
Q. What is it?
A. It's records of Nextel statements from Tavasci, Evvy; MJJ Productions.
Q. These are records of Nextel Phone Company?
A. Correct.
Q. Do you work for them?
A. Yes, I do.
Q. For how long?
A. Six years.

Q. And are you here today as their custodian of records?

A. Yes.

Q. He's going to adjust your microphone.

A. Oh.

Q. Are you familiar with the contents of Exhibit 450?

A. Yes.

Q. And is there a three-page table of contents?

A. Yes.

Q. Have you gone through the subscriber information, the corresponding telephone numbers that are listed out in that table of contents?

A. Yes.

Q. And have you confirmed the accuracy of the entries on the table of contents?

A. Yes.

Q. With respect to Tab No. 1, does that contain account statements for the telephone numbers (310) 901-7487 and (818) 402-7087 for the billing period of February of 2003?

A. Could you repeat the second number? The first one was correct.

Q. (818) --

A. Uh-huh.

Q. -- 402-7087?

A. Yes.

Q. Okay. I have the same question about those two phone numbers in Tab No. 2, and I ask if the contents of Tab No. 2 are the billing statements for the month of March for those two numbers?

A. Yes.

Q. And the same question with respect to those telephone numbers and the April billing statement. Are those contained within Tab No. 3?

A. Yes.

Q. Is the bill address under Tab No. 1, 2 and 3 - you can look at Tab 1 first - Evelyn Tavasci --

A. Yes.

Q. -- MJJ Productions, P.O. Box 6034, Sherman Oaks, California?

A. Yes.
Q. Is that the same on exhibits -- excuse me, the bills on Tabs 1, 2 and 3?
A. Yes, they are.
Q. With respect to Tab No. 4, can you describe what is in that exhibit, please?
A. This is a subscriber history, a description of each unit. It will show the unit's phone number; the user name of that unit that's listed in our bill; the radio I.D.; an IMSI I.D., which is for our network to identify each unit for billing purposes; a serial number, which is a SIM identification, which tells what piece of equipment it is, as well as the effective date of the activation, and if there was an expiration, meaning a cancellation of that unit, if it cancelled.
It also includes the account number for the 8143 bill, the billing name, and the billing address.
Q. Are there a number of phones -- excuse me, phone numbers registered to an Evelyn Tavasci --
A. Yes.
Q. -- that are listed in the table of contents under Tab No. 4?
A. Yes.
Q. Did you confirm that each one of those telephone numbers corresponds to the information in Tab No. 4?
A. Yes.
Q. And with respect to the billing information, do all the bills appear to go to the address at P.O. Box 6034 --
A. Yes, they do.
Q. -- Sherman Oaks, California?
Are some entitled, "Ms. Evelyn Tavasci, Attention: MJJ Productions"?
A. Yes.
Q. And some are not, correct?
A. Correct.
Q. But they're all going to the P.O. Box at 6034?
A. Yes.
Q. I'd like you to turn, please, to Tab No. 5.
A. Actually, there is no Tab No. 5 in this one.

Q. Oh, I'm sorry.

A. That's all right.

Q. It's actually Tab No. 7. Does Tab No. 7 contain four additional phones registered to an Evelyn Tavasci?

A. Yes.

Q. And are those phone numbers accurately printed on the table of contents on Exhibit 450?

A. Yes.

Q. Are the billing statements attached for the February billing cycle of the year 2003?

A. Yes.

Q. Okay. With respect to the final two tabs, No. 8 and No. 9, are the numbers listed in the table of contents and registered to an Evelyn Tavasci contained within the Tabs 8 and 9 for the months of March and April of 2003?

A. For 8 and 9, yes.

Q. And you confirmed both of those --

A. Yes.

Q. -- sections before you came to court?

A. Uh-huh.

Q. Now, with respect to the contents of Exhibit 450, are these all records which record the information contained at or near the time of each of the events recorded?

A. Yes. Yes.

Q. Nextel is just a wireless company, correct?

A. Correct.

Q. And none of these telephones are landlines?

A. Right, they are all wireless.

Q. Okay. And does Nextel rely on the information contained within Exhibit 450 in the regular course of their business?

A. Yes, they do.

MR. NICOLA: We would offer Exhibit 450 into evidence.

MR. SANGER: I have the same objection.

THE COURT: All right. They're admitted, subject to connection later.

MR. NICOLA: Thank you, Your Honor. I have no further questions.

MR. SANGER: I have no questions, Your Honor.

THE COURT: Thank you. Call your next witness.

MR. NICOLA: It's going to be Joe Corral.

JOE J. CORRAL, JR.

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Joe J. Corral, Jr., C-o-r-r-a-l.

THE CLERK: Thank you.

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DIRECT EXAMINATION

BY MR. NICOLA:

Q. Good afternoon, Mr. Corral.

A. Afternoon.

Q. I'd like to show you Exhibit 457 and Exhibit 459, please. Do you recognize Exhibit 457?

A. Yes, I do.

Q. And what is it, please?

A. It's telephone records that were subpoenaed from Verizon.

Q. Do you work for Verizon?

A. Yes, I do.

Q. For how long?

A. Approximately 27 years.

Q. And are you here to testify as Verizon's custodian of records with respect to the California and I think it's New York records?

A. Yes, I am.

Q. And are the New York records kept in Exhibit 459?

A. Yes, they are.

Q. Okay. With respect to Exhibit 457, is there a table of contents with a number of entries corresponding to tabs in the exhibit?

A. Yes, there is.

MR. NICOLA: Would you give us just a moment.

MR. SANGER: Just one second, Your Honor,

please.

THE COURT: Why don't we take our break now.

(Recess taken.)

THE COURT: Go ahead, Counsel.

MR. NICOLA: Thank you, Your Honor.

Q. Mr. Corral, we just started talking about the two exhibits in front of you. Why don't we start with the New York exhibit. Is that Exhibit 459?

A. Yes.

Q. And contained within that exhibit, is there subscriber information and toll records for Franchesco Cascio?

A. Yes.

Q. Does he have a billing address in New Jersey?

A. Yes.

Q. Are the records contained in Exhibit 459 those kept within the normal course and scope of the business of Verizon?

A. Yes, they are.

Q. And is the information contained within that exhibit gathered at or near the time of the event?

A. Yes, they are.

Q. And does Verizon rely upon those records to conduct their business?

A. Yes, we do.

MR. NICOLA: Your Honor, we would move 459

into evidence at this time.

MR. SANGER: Same objection. I take it same ruling.

THE COURT: Same ruling, yeah. I'll allow it with the proviso that it's connected up later.

Q. BY MR. NICOLA: If you would please turn to Exhibit 457. Are those the records for Verizon California?

A. Yes, they are.

Q. And with respect to the ten numbers listed in the table of contents, are those landlines?

A. Yes, they are.

Q. I didn't ask you, but is it a landline in

Exhibit 459 as well?

A. Yes, it is.

Q. Okay. And listed within Exhibit 457, is there a table of contents that lists five sections where the subscriber is the Neverland Ranch?

A. Yes.

Q. Have you examined the exhibit and all of its contents prior to your testimony today?

A. Yes, I have.

Q. And are the numbers listed for Neverland Ranch which are listed on the table of contents - those telephone numbers appear on your records contained within Tabs 1, 2, 3, 4 and 6 - do those numbers correspond to the information contained within those tabs?

A. Yes, they do.

Q. Do your records show that the numbers listed for Neverland Ranch were active during the period of January through April of 2003 -- excuse me, through March of 2003?

A. Yes, they do.

Q. So those phone lines were active during that period of time?

A. Yes.

Q. If you would turn your attention, please, to the contents of Tab No. 5. Is that subscriber and billing information for one Rudy Provencio?

A. I'm sorry? Could you repeat the question?

Q. Are the contents of Tab No. 5 the subscriber and billing information for Rudy Provencio?

A. Yes.

Q. And is the corresponding telephone number for him (301) 473-5702?

A. Yes, it is.

Q. Okay. I'm going to show you some records, if you could please turn to page 22.

May I publish, Your Honor?

THE COURT: They're admitted, are they? Have these been --

MR. NICOLA: Oh, I'm sorry. The rest of the foundation.

Q. Are the contents of Exhibit 457 records which are kept within the ordinary course and scope of your business?

A. Yes, they are.

Q. And are the entries recorded at or near the times of the events recorded?

A. Yes.

Q. And are they records which Verizon regularly relies upon in the normal course of their business?

A. Yes, they do.

MR. NICOLA: We'd make our proffer at this time, Your Honor.

THE COURT: Are you asking that they be admitted?

MR. NICOLA: May we admit 457 in evidence at this time, Your Honor?

MR. SANGER: Same objection.

THE COURT: All right. Same ruling. It's admitted.

Q. BY MR. NICOLA: If you could turn to Tab 4, page 22 at the bottom, if I could direct your attention to this section of the phone bill. And maybe give us a little interpretation of what all this means, this string of numbers and letters and numbers. Start right here where it says, “0204,” if you could.

A. Yes, it's a record of billable calls, and in this case, the first call on the very top shows the date, which would be “0204,” or February 4th. The call that was made to would be Canoga Park - that's 8151

an abbreviation “CANO” - in California.

Q. Okay.

A. The time right after that is in military time, which would be 2234, which would convert to 10:34 p.m.

Q. Okay.

A. The numbers after that would be the number that was called, which would be (818) 876-0029.

Q. Okay. Is there a header column at the top of this? I'll focus on that so you can see that one more clearly.

A. Yes. It basically states calls billed to (310) 473-5702.

Q. And that corresponds to the subscriber's

phone number, correct?
A. Yes, it does.
Q. Now, this column up here that says "Date," "Call," et cetera, that corresponds with the numbers down this -- these columns here?
A. Yes, they do.
Q. Okay. So when someone wants to read these records, if they want the phone number dialed, they go to the end of this block and count backwards to get to the area code, correct?
A. Yes. Or, on the very top, where it says, "MPA," which basically is the area code, that's where you can start, and in this case it's (818).
MR. NICOLA: Okay. Your Honor, I have no

further questions.
THE COURT: Cross-examine?
MR. SANGER: Your Honor, I have no questions.
THE COURT: Thank you.
Call your next witness.
MR. NICOLA: We have no other witnesses, Judge.
THE COURT: Those are all the witnesses for today?
MR. NICOLA: It is.
THE COURT: (To Mr. Sanger) Do you want to go back and cross-examine? We've got some extra time.
(Laughter.)
THE COURT: (To the jury) I'll see you tomorrow morning at 8:30.
Counsel approach for just a moment. I want to talk to you about our schedule for a moment.
(To the jury) You can go ahead.

(Discussion held off the record at sidebar.)

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: All right. Let me just put this on the record. We're going on the record.

The Court was just inquiring of counsel about the schedule tomorrow, and there's anticipated to be three witnesses tomorrow. Some will be outside the presence of the jury and some will be in the presence of the jury.

Do you think it will be a full day tomorrow? Or what's your anticipation?

MR. SNEDDON: I anticipate it will not be, Your Honor. But from there on, it will be.

THE COURT: They can't hear you back there.

Go ahead.

MR. SNEDDON: And I anticipate it will not be a full day tomorrow. I anticipate on Monday and Tuesday we will complete our case, and we will go all the way through without a break until we finish.

THE COURT: And then you now anticipate we'll complete the People's case Tuesday?

MR. SNEDDON: I believe, depending on cross-examination, but we will not have any more breaks. We will have all our ducks in order for those two days.

THE COURT: Then the Court was addressing with counsel Exhibits 809-A and 810-A, which are the transcripts for -- 809-A is the transcript for the CD tape of the phone conversation between Janet Arvizo Jackson and Frank. And 810-A is the transcript of the tape, CD, made during the Los Angeles Protective Services interview.

And they were previously accepted into evidence, and the Court's pulling them from evidence and having them lodged as transcripts, which is the proper procedure when you file a transcript with the Court. Unless the parties stipulate the transcript may go to the jury, the transcript doesn't go to the jury. So we're just correcting that.

The other transcripts all were lodged properly, and those were the only two that we found that were taken into evidence.

MR. SNEDDON: That's fine with us, Your Honor.

THE COURT: Is there anything else to take up before we recess for the day?

MR. SNEDDON: No, sir.
MR. MESEREAU: No, Your Honor.
THE COURT: All right. Court's in recess.
(The proceedings adjourned at 1:49 p.m.)
--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 8033 through 8155 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 28, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
April 28, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
OFFICIAL COURT REPORTER

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

FRIDAY, APRIL 29, 2005

8:30 A.M.

(PAGES 8157 THROUGH 8202)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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-and-

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” onindex.
Mr. Sanger is listed as “SA” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
SMITH, Rosibel Ferrufino (Nonjury)	8162-Z			
BONNER, Craig (Re-called)	8184-Z	8185-SA		
KOONS, Harry	8190-Z			

E X H I B I T S

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
841	Book entitled "Boys Will Be Boys"	8163	
842	Book entitled "The Boy; A Photographic Essay"	8163	
856	Photograph	8164	8166

Santa Maria, California
Friday, April 29, 2005
8:30 a.m.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: Good morning.

COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.

THE COURT: Let's see. I understand that the District Attorney has requested the out-of-presence hearing on the foundation on the books.

MR. ZONEN: Yes, Your Honor.

THE COURT: What exhibit number is that?

MR. ZONEN: No. 841 and 842.

THE COURT: All right. I did review those materials, as I had requested. I did get the materials, and I looked at those books and indicated that there must be further foundation.

Are you prepared to go forward with that?

MR. ZONEN: I am, Your Honor. Foundation with regards to where seized, do you mean?

THE COURT: Yes. Connecting --

MR. ZONEN: Yes, we're prepared to do that at this time.

We'll call Detective Rosibel Smith to the stand.

THE COURT: When you get to the witness stand, remain standing and face the clerk.

ROSIBEL FERRUFINO SMITH

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Rosibel, R-o-s-i-b-e-l; Ferrufino, F-e-r-r-u-f-i-n-o; Smith, S-m-i-t-h.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. ZONEN:

Q. Tell us your current occupation.

A. I'm a police detective for the Los Angeles Police Department currently assigned to the Threat Management Unit of the Detective Support Division.

Q. How long have you been a police officer for the City of Los Angeles?

A. For a little over 20 years.

Q. And your current assignment involves what?

A. Aggravated stalking cases, criminal threats of elected officials, and workplace violence incidents within the City of Los Angeles.

Q. Did you work also as a sex crimes

prosecutor -- sex crimes detective?

A. Yes, I did.

Q. For what period of time?

A. For nine years.

Q. All right. Which period of nine years was that?

A. From 1988 to 1997.

Q. Did you have occasion to conduct and execute search warrants during that time?

A. Yes, I did.

Q. In August of 1993, did you participate in the execution of a search warrant at Neverland Ranch in Los Olivos, the County of Santa Barbara?

A. Yes, I did.

Q. And did you seize objects from that residence during that search?

A. Yes.

MR. ZONEN: May I approach the witness?

THE COURT: Yes.

Q. BY MR. ZONEN: I'm going to show you three objects at this time. Exhibits No. 841 and 842; would you take a look at those two objects, please?

A. Okay.

Q. Do you recognize those two books?

A. Yes, I do.

Q. Did you seize those two books?

A. Yes, I did.

Q. From where?

A. These books were seized from a cabinet within Michael Jackson's closet in the master bedroom.

Q. All right. Describe his bedroom for us, please.

A. The bedroom is a very large --

MR. SANGER: Your Honor, I think it would be cumulative at this time, wouldn't it?

THE COURT: Sustained.

Q. BY MR. ZONEN: All right. Tell us where in his bedroom this particular closet is.

A. It was off to the side of the main bedroom. There were -- actually, there were two closets on either side of the room, and this would have been the side where the Jacuzzi was located.

Q. Now, this is the first floor of his bedroom suite; is that right?

A. That’s correct.

Q. Was there a bed in that bedroom suite?

A. Yes.

Q. I’m going to show you Exhibit No. 856.

A. Okay.

Q. Do you recognize that photograph?

A. Yes, I do.

Q. And that photograph is what?

A. This is a photograph that was taken during the search warrant of Neverland Ranch, and it depicts the file cabinet that the books were seized

from.

Q. All right. And is that file cabinet depicted in that photograph?

A. Yes, it is.

Q. How many drawers in that file cabinet?

A. Four.

Q. In which drawer were those two books seized, from which drawer?

A. From the third drawer.

Q. Was that file cabinet locked?

A. Yes, it was.

Q. How were you able to unlock it?

A. We were able to get the key from -- the maid brought the key over to the home and we were able to unlock it at that time.

Q. Do you remember which maid that was?

A. I believe it was Blanca Francia.

Q. Thank you. Is that photograph -- does that photograph accurately depict the subject matter contained within it?

A. Yes, it does.

MR. ZONEN: Move to introduce 856 into evidence.

MR. SANGER: For the purposes of?

MR. ZONEN: For the purposes of this hearing.

MR. SANGER: For this hearing, I have no objection.

THE COURT: Then it’s admitted for the purposes of the hearing.

MR. ZONEN: And I have no further questions as to foundation for this witness.

THE COURT: Cross-examine?

MR. SANGER: May I approach the witness to take a look at the exhibits, please?

THE COURT: Yes.

MR. SANGER: And I have no questions for the purpose of this hearing.

THE COURT: All right.

MR. ZONEN: I would move to introduce into evidence 841, 842 as well.

MR. SANGER: Well, and I suppose that’s the purpose of the hearing, Your Honor. We had previously objected, and -- excuse me one second. We still object on the grounds that this is remote in time. We have books from -- seized in 1993 with regard to events that allegedly occurred in 2003, so the probative value of these books is minimal at best, and it’s outweighed by the confusion to the jury, prejudicial effect, and everything else. There’s got to be some connection in time. It’s just plain stale to bring in something from that far back and try to use it by way of not much more than innuendo at this time. These books were not shown to anybody. There’s no evidence they were shown to anybody. No evidence they were shown to minors. They were locked in a cabinet.

THE COURT: What about the Memro case, People vs. Memro, cited by the prosecution? The only relevance I see would be to the 1108 evidence that was introduced as these books could be viewed as supportive of the other 1108 evidence. That’s what I think their purpose of introducing the books is.

MR. SANGER: Well, I think that is. I mean, I can’t imagine what else it would be. That’s what I’m saying. In other words, there’s no evidence that these books, or any of the other books, the actual books that were seized, many of which, or all of which the Court has allowed from the 2003 time period, there’s no evidence that they were shown to any of the people in this case. Not shown to minors. They weren’t used for any purpose. They’re just shown -- they’re -- I’m sorry. They were offered to show that Mr. Jackson had these materials in his house. I think the Court’s now heard all the testimony. I think it’s very minimal weight even for the 2003 materials.

And so my concern is that while Memro might talk about allowing this kind of evidence to show that the -- that the individual had this evidence in his possession at the time of the offense, this isn’t the time of the offense. This is ten years before. And it’s locked in a file cabinet. So not only do you not have it being used for any untoward purpose, but it’s simply possessed and it’s possessed in a secure fashion, and it’s possessed ten years before any events in this case.

It just seems to me that at some point the Court has to draw the line. And the Court has, of course, been drawing lines throughout this trial as to what has the kind of probative value that should come before the jury and what doesn’t.

And I think that, given the fact that the only materials that there’s any evidence were shown or seen by minors in this case are adult heterosexual magazines that are lawful to possess by adults, the fact that they have attempted to introduce from a giant library of books any book that might have a page or two or five or ten of individuals who are not fully clothed is -- I think it’s just an effort to prejudice the jury. So --

THE COURT: But the Memro case isn’t about showing the material to anybody. It’s about having the material and allowing it to be introduced as evidence that the defendant may have some proclivity to the type of sexually explicit material that we’re dealing with.

So it’s not a question -- you know, one of the issues in this case presently is about whether he showed children that material. But another reason the material’s admissible is that it relates to his state of mind. And that's why they're offering it, according to their proffer.

MR. SANGER: Right. I understand that. And maybe I'm not being clear. But what I'm saying is, yes, there is no showing that it applies to the other purpose. So therefore, it's evidence to show that it's being offered to show that the person who possessed it has an interest in these materials. And if that's all it is, then my position is that because it's ten years old, the probative value is very, very weak.

THE COURT: If it's offered to show that he had that interest at the time of the 1108 allegations, that's the probative value.

MR. SANGER: And --

THE COURT: And you say that's --

MR. SANGER: And I'm saying that's very, very weak.

THE COURT: I just want to be sure we're seeing it the same way, and I think we are. Okay.

MR. SANGER: Yes. And I apologize for not being more direct in answering the Court's questions.

But I guess what I'm saying, at some point you have to draw the line there. In other words, this case really isn't about 1993. 1108 only allows that to come in for really a limited purpose.

THE COURT: True.

MR. SANGER: And now we are embellishing the limited purpose that's already pretty remote. And as the Court acknowledged from the beginning, the real question is whether or not this kind of material is going to be so prejudicial when the jury is considering the strength of the case that was presented as to the charged events. And the strength of the case presented as to the charged events is, I submit, much weaker than it was led to -- the Court was led to believe at the time of the 1108 ruling.

In other words, Your Honor had heard some of the evidence, but you hadn't heard all of the evidence. You've heard more evidence and it's gotten worse for the prosecution. Their current case is very weak. This is just an attempt to further bolster that with what is remote. And I understand the Court's theory, and -- the prosecution's theory, let's put it that way, and the Court's acknowledgement of that theory. And that's my point; it is remote. It's to bolster 1108. And 1108 is to bolster this case. It's too far afield.

THE COURT: Okay. I understand your argument now.

MR. SANGER: Yes. Thank you, Your Honor.

THE COURT: Do you wish to respond, Mr. Zonen?

MR. ZONEN: If the Court would like, yes.

Just briefly, Your Honor, the books that were seized in 1993 were seized at a time that was contemporaneous with the evidence presented pursuant to 1108. There were four young boys who were involved in Michael Jackson's life. It's interesting and unique that the maid who was called to open up this file cabinet was, in fact, the mother of one of those victims at that time.

Those books -- one of the books -- both of the books are pictorial essays of adolescent boys. One of them, about 10 percent of the photographs are completely nude boys. And the other one, 90 percent of the photographs are completely nude boys. The possession of those books by Mr. Jackson, we believe, is evidence of a prurient interest in adolescent boys and it's exactly contemporaneous with the state of the evidence as to all of the 1108 witnesses. Therefore, we believe it adequately corroborates within the meaning of People vs. Memro. We'd ask that it be admitted.

THE COURT: All right. I want to think about this issue a little further. I'm not ready to make a decision on that.

MR. SANGER: Your Honor, could I -- I know we go back and forth, and I can't really tell who started and if I get a brief rebuttal. But could I be permitted to make one remark?

THE COURT: Yes.

MR. SANGER: Thank you.

When the Court looks at the evidence, I'd ask the Court to look at the inscription in the inside of the first book, which is "Boys Will Be Boys." And I don't know --

THE COURT: Do you want to get the book for me and I'll look at it?

MR. SANGER: Yes. I take it I may approach.

THE COURT: You may, yes. You may retrieve the exhibits. Bring both of them. You might as well bring both of them.

Officer, I think I let you sit there a little longer because I wasn't sure that someone might want to ask you another question. But I don't think that's necessary, so you may step down.

THE WITNESS: Thank you, sir.

MR. ZONEN: Your Honor, if we're going to -- if the debate is going to go beyond the location of where the books are seized --

THE COURT: Cross-examination is over. The argument's not there in that area.

Am I missing something?

MR. ZONEN: No. My understanding was the debate was over the location of the books.

THE COURT: No, no. The debate -- I said I wanted further foundation. I wanted to look at the books, and I wanted foundation. There was no debate. That was my request.

MR. ZONEN: That's fine.

THE COURT: Now I have what I want. I still have to make a decision.

MR. ZONEN: That's fine. That's fine.

THE COURT: Now, what was your reference?

MR. SANGER: I don't know which number is which, but the one that's entitled "Boys Will Be Boys."

THE COURT: Yes.

MR. SANGER: Which I think is 841, but I'm not positive.

THE COURT: It's 841.

MR. SANGER: Okay. On 841, if you look at that, it appears to be Mr. Jackson's own inscription, and he says, "Look at the true spirit of happiness and joy in these boys' faces. This is the spirit of boyhood, a life I never had and will always dream of. This is the life I want for my children. M.J.”

The other book, which would be 842, appears to be inscribed by a female fan, and it appears to have been sent to Mr. Jackson by a fan of some sort. That’s the interpretation I take from that inscription.

THE COURT: Well, there is an inscription, “To Michael. From your fan.”

MR. SANGER: Yes.

THE COURT: “Love” -- “XXXOOO” - I was going to interpret that, but I won’t - “Rhonda.” I know what I mean when I put “XXXOOO.”

MR. SANGER: And I have noted Your Honor has never put that on any of your rulings in this case.

(Laughter.)

THE COURT: I can’t top that.

All right. Then that hearing -- at this point, I’m going to take that under submission, and we’ll rule on that before the People rest.

And if you’re about to rest and I haven’t ruled it, tell me. Remind me.

MR. ZONEN: Did you mean rest the case or rest today?

THE COURT: Rest the case.

MR. ZONEN: All right. The witnesses are here today. Are they not going to be testifying today? If they are not, I will go ahead and excuse them.

THE COURT: They can’t hear you.

MR. ZONEN: I’m sorry.

THE COURT: What witnesses?

MR. ZONEN: The witness who seized the book presumably would be testifying as to where and what she seized in the course of the trial before the jury.

THE COURT: Oh, I see. You need it for that purpose?

MR. ZONEN: Yeah. If we’re not going to do that today, I’ll go ahead and excuse her and have her come back.

THE COURT: No, we can do that today.

MR. ZONEN: We could put her to the end of the witness list.

THE COURT: We could put her to the end of the morning.

MR. ZONEN: Your Honor, there was one other matter, a motion that was filed by an attorney who represents one of the witnesses to be called today. Did the Court want to address that at this time?

THE COURT: Yes. That’s the Drew witness?

MR. ZONEN: Yes, Your Honor.

THE COURT: Is that witness present?

MR. ZONEN: The witness is present, out of the courtroom, and counsel is present before you.

MS. SAGER: Good morning, Your Honor. Kelli Sager on behalf of Ian Drew, a nonparty reporter.

THE COURT: Good morning.

MS. SAGER: We had filed a short memorandum with the Court concerning Mr. Drew’s testimony largely to give the Court some guidance and background, which I understand has already come up once in this case, as to the scope of the reporter’s privilege under the California Constitution and the First Amendment and the common law.

Mr. Drew is being called by the prosecution, as I understand it from Mr. Zonen, to repeat information that has been published by him in a television broadcast. And I assume that Mr. Zonen still intends to limit his questioning to the published material. It nonetheless raises an issue as to cross-examination. And in the Foss case, which we cited in our papers, if it appears that the defendant’s cross-examination would intrude into privileged areas, then it’s advised that the Court address that at the outset, because it may be that if the defendant is not going to be permitted to cross-examine into those areas, that the original testimony should not be permitted either.

In either case, I just wanted to make sure the Court was apprised that the witness does intend to assert his rights as to unpublished information or confidential source information and to ask the Court’s permission to be making objections on his behalf.

THE COURT: Well, you have my permission to do that.

MS. SAGER: Thank you.

THE COURT: You know, I thought your points and authorities were well done and complete.

One of the things that you mentioned in your points and authorities was that there’s a preference to have a hearing outside the presence of the jury before the testimony is proffered to the jury so the Court can determine whether or not the evidence should be allowed.

MS. SAGER: That’s correct, Your Honor.

THE COURT: Based on the right of the defense to cross-examine.

Mr. Mesereau, you wish to say --

MR. MESEREAU: Yes, please, Your Honor.

Your Honor, as the Court knows, the witness’s name came up during the testimony of --

THE COURT: Just a moment.

Would someone create a seat there so she doesn’t have to stand.

MS. SAGER: Thank you. Thank you, Your Honor.

MR. MESEREAU: This witness’s name came up during the testimony yesterday of Debbie Rowe.

THE COURT: Right.

MR. MESEREAU: And she did testify, among other things, that he had actually interviewed her at Schaffel’s house during the subject interview that was talked about yesterday.

This witness was secretly recorded on a number of occasions by Debbie Rowe at the behest of the sheriffs and he also gave a police interview where he talked extensively about various aspects of the case, including Mr. Schaffel and others.

Clearly, he had a career motive in doing this.

Clearly, there were financial considerations involved, considerations involving advancing his career, and clearly he wanted to be involved in this case. If you look at the secretly recorded conversations, you can gather a lot of his motives to do what he's doing.

And to permit him to testify as a prosecution witness and not allow the defense to go into those types of incentives to do various things, say various things, appear in various places, would be highly prejudicial to the defense. So allowing him to just hide behind a journalistic privilege every time his motives and veracity are impeached or contradicted or questioned would be prejudicial to us.

He put himself right in the middle of this investigation intentionally, willingly, and knowingly. Met with Mr. Klapakis for an interview, talked about his knowledge of various individuals and various occurrences in the case as he understood them. Was recorded on a number of occasions by the sheriffs because they thought he had information of significance, conducted the interview. How can they possibly, if he gets caught in a problem, say journalistic privilege? I think that would be highly inappropriate and very prejudicial to the defense.

Thank you, Your Honor.

MS. SAGER: Your Honor, if I could just briefly respond to Mr. Mesereau's comments.

Under Penal Code Section 632, I believe any recordings of Mr. Drew that were done without his knowledge would not be admissible for any purpose. As a reporter, he's engaged in conversations with a great number of people, including Miss Rowe, as she testified to, in the course and scope of his duties as a reporter. The fact that those conversations may have been secretly recorded without his permission, without his knowledge, cannot waive any privilege that he has as a journalist as to information he's attempting to gather.

He's reported on Mr. Jackson. He did an interview with Miss Rowe, which everyone has a tape of. And as I understand it, the issue about that interview has already been discussed, there have been other witnesses who have testified, and the tape of the entire interview is available. So there's nothing Mr. Drew can add to that equation.

As to his -- what Mr. Mesereau described as an interview with detectives, when detectives showed up, as I understand it, at Mr. Drew's office to subpoena him, he was asked about statements that he had made on television, and again referred to those statements that he had already made on television, the published statements.

He didn't have an attorney. He didn't have anyone advising him of his rights at that point, and again, I don't think that could be viewed as a knowing waiver of his rights. Nor is that a publication within the meaning of Article I, Section 2(b) of the California Constitution. He was not disseminating information to the public in any conversation he had with the detective who was serving him with a subpoena.

As I understand it, there's one statement that the prosecution intends to ask Mr. Drew about, and that was in this particular television broadcast concerning a conversation that he had with one of Mr. Jackson's -- I don't know how you would describe him, someone that Mr. Jackson knew. That person is certainly a witness who could testify as to that.

As I understand, it's about whether the family at issue left the ranch at some point in the middle of the night. I don't believe that's disputed. So it's difficult for me to see what Mr. Drew can add to these proceedings in any case, and certainly nothing that would justify invading his privilege by opening him up to questions about conversations he had during the course and scope of his news-gathering activities.

THE COURT: Mr. Zonen?

MR. ZONEN: Your Honor, we intend to limit our inquiry to information that was disclosed by Mr. Drew on national television. It's published information, therefore it's not protected by the shield law.

THE COURT: Well, but that's not the issue, is it? I mean, that --

MR. ZONEN: That's one issue. The next issue is the question of whether or not cross-examination --

THE COURT: Right.

MR. ZONEN: -- is important for impeachment. We believe that the information that we are going to be asking him is about a statement made by another person, one of the unindicted co-conspirators, to the effect that the Arvizo family had fled from Neverland, and therefore Mr. Drew would not be able to conduct an interview that he expected to do.

I don't know that the content of that information requires an extensive cross-examination into collateral areas. I think it can be adequately cross-examined as to that statement alone without going too far beyond the published information.

THE COURT: Well, I think what we'll do is you can call your witness, you can ask him the questions, and then I'll understand what you're going to ask him in front of the jury and what his answers are going to be --

MR. ZONEN: Okay.

THE COURT: -- and then we'll see what --

MR. ZONEN: Shall we do that at this time?

THE COURT: -- what Mr. Mesereau wants to do. Yesterday he filed a motion to prevent someone from testifying and later withdrew it, so....

MR. ZONEN: He might wish to do that today.

THE COURT: I don't know. Call your witness.

MR. ZONEN: Did you wish to do that outside the presence of the jury at this time?

THE COURT: Absolutely. That's the point.

MR. ZONEN: Yes. We're prepared to do that. Would you call Mr. Drew down, please.

MS. SAGER: As I believe the District Attorney knows, Mr. Drew is not in the courthouse. He was told to be here at ten o'clock.

THE COURT: Oh, okay.

MS. SAGER: I was asked by Mr. Zonen's office last night to show up early in case the Court wanted to hear argument on that.

THE COURT: That's not a problem. We can do the hearing later.

MS. SAGER: Okay. I will go outside, though, and call him, Your Honor, and tell him to come directly to the courthouse, and he'll be available whenever the Court can then hear him.

THE COURT: If he's going to be here at 10:00, that's fine.

MR. ZONEN: I don't know that our other

witness will necessarily go to ten o'clock. If we're not going to be dealing with --

THE COURT: I thought you were going to try to get other witnesses for me.

MR. ZONEN: We are not able to do that. The witnesses we had I think were the ones that we identified yesterday.

THE COURT: But I was told you would attempt to get other witnesses to fill the day. Because I didn't give you permission for a short day today, or no day.

MR. ZONEN: I apologize to the Court. We are not able to do that.

THE COURT: Go ahead and call your client, please.

MS. SAGER: I'll do that. Thank you, Your Honor.

MR. ZONEN: We have a witness who's ready to proceed at this time.

THE COURT: All right. You can bring in the jury.

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: Good morning again.

THE JURY: (In unison) Good morning.

THE COURT: It's getting to be a habit, isn't it?

Counsel, call your next witness.

MR. ZONEN: We'll call Detective Craig Bonner to the stand.

THE COURT: I believe you were already sworn.

You may be seated.

CRAIG BONNER

Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION

BY MR. ZONEN:

Q. Detective, good morning.

A. Good morning.

Q. You've already testified previously, I believe, on a couple of occasions already. Detective, you've already testified previously on a couple occasions. There's an exhibit that's in front of you. Could you take that exhibit, please? And is that Exhibit 827?

A. Yes, it is.

Q. And does that correspond to the Sheriff's No. 817?

A. Yes, it does.

Q. Do you recognize that exhibit?

A. Yes, I do.

Q. What is that exhibit?

A. It is an audio cassette tape which contains a recording of Janet Arvizo and Frank Tyson, or Cascio.

Q. This is a telephone conversation; is that correct?

A. It appears to be, yes.

Q. Was that tape-recording delivered to a lab in Los Angeles County?

A. Yes, it was.

Q. And what lab was that?

A. The Aerospace Corporation and/or the National Law Enforcement and Corrections Technology Center.

Q. The purpose for delivering that tape to that lab was what?

A. To have them analyze it, and to determine if there were any breaks or stops that occurred within that recording.

Q. Who was it who delivered that tape to the lab?

A. I did.

MR. ZONEN: Thank you. No further questions.

CROSS-EXAMINATION

BY MR. SANGER:

Q. Good morning.

A. Good morning.

Q. The National Law Enforcement Technology and -- whatever it was --

A. Corrections and Technology.

Q. Corrections and Technology. This is actually a private company, is that right?

A. It is.

Q. And they market their services to law enforcement; is that correct?

A. I believe they have a grant through the government that they get paid to assist law enforcement.

Q. Okay. It’s a private company, but they market their services to law enforcement?

MR. ZONEN: Objection; asked and answered.

MR. SANGER: Asked, but not answered.

THE COURT: Overruled.

MR. SANGER: Thank you.

THE WITNESS: I don’t believe they market their services, no.

Q. BY MR. SANGER: They let you know that they exist and they’re available to do work; is that correct?

A. That’s correct, yes.

Q. They get paid by doing the work?

A. Not by us, no.

Q. They get paid by this grant?

A. I believe so, correct.

Q. That’s your understanding? All right. Now, did you seize this particular item that you took down?

A. No, I did not.

Q. So you took it out of the evidence locker?

A. Correct.

Q. At the sheriff’s department?

A. Correct.
Q. And you delivered it down to the -- to the lab; is that right?
A. Yes.
Q. And then you stayed for a while while some work was done; is that correct?
A. That is correct.
Q. Not all the work was done while you were there?
A. No.
Q. You left it?
A. Left the item?
Q. Yes.
A. No.
Q. What did you do?
A. I remained with this item until they had brought it into their system, and then I retained this item and brought it back to the sheriff’s department.
Q. All right. So they made a copy to do the rest of their work?

A. They brought it in digitally. I’m not real savvy on it, but basically they played it into their system, which brought it into a computer, and then they utilized that material that was saved onto the computer.
Q. Okay. In other words, that is an audiotape. That’s a regular cassette, little reel-to-reel cassette?
A. Correct.
Q. Magnetic tape, correct?
A. Correct.
Q. And while you were there, they did some analysis of the actual tape?
A. Correct.
Q. And then while you were there, they copied it into digital format of some sort?
A. Correct.
Q. And then you took the actual tape and you brought it back?
A. Yes.
Q. All right. Now, what is your understanding as to the source of the original tape?

A. This tape came from the office of Brad Miller.

Q. Okay. In other words, as one of the detectives working on the case, you are familiar with the source of various items of evidence; is that right?

A. Yes.

Q. And that was something that was seized during the search warrant execution at Brad Miller’s office, correct?

A. That is correct.

Q. In other words, it was not offered to law enforcement as a piece of evidence that was helpful to Mr. Miller or helpful to Mr. Jackson, or helpful to anybody; is that correct?

MR. ZONEN: I’m going to object as beyond the scope of the direct examination and beyond the scope of his personal knowledge. And relevance.

THE COURT: Sustained.

Q. BY MR. SANGER: Okay. It was something that was -- that was simply seized during a surprise search, right?

MR. ZONEN: Objection. Irrelevant; beyond the scope of his knowledge.

MR. SANGER: Well, that’s the question.

THE COURT: Sustained. Argumentative.

MR. SANGER: All right. It’s still my last question. No further questions.

MR. ZONEN: No further questions. I will call Dr. Harry Koons to the stand.

THE COURT: You may step down. Remain standing, raise your right hand, and face the clerk here.

//

HARRY KOONS

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name is Harry Koons, K-o-o-n-s.

THE CLERK: Thank you.
MR. ZONEN: May I proceed?
THE COURT: Yes.

DIRECT EXAMINATION
BY MR. ZONEN:
Q. Dr. Koons, good morning.
A. Good morning.
Q. What is your current occupation?
A. I'm a scientist.
Q. You're a scientist in what capacity?
A. I'm a scientist at The Aerospace Corporation in El Segundo, California. It's the Space Science Applications Laboratory. And our company is a -- well, it hosts an FFRDC, which is a federally funded research and development center, which primarily assists the Air Force and national security agencies in their space programs.
Q. All right. Do you also have a second company titled "The National Law Enforcement and Corrections Technology Center"?

A. Yes. That's also hosted by The Aerospace Corporation and it's funded by the National Institute of Justice.
Q. Let's start with the first one, The Aerospace Corporation. What is your position there with The Aerospace Corporation?
A. I'm a distinguished scientist.
Q. What kind of work do you do with the Aerospace Corporation?
A. On the Air Force side, I have flown instruments on spacecraft to make measurements in the magnetosphere of what we call plasma waves, and I'm also an expert on the space hazards to spacecraft.
Q. All right. I think the other microphone is on as well.
A. Shall I just talk in the middle?
Q. You need to be close to one or the other, but whichever is more comfortable.
A. Either one is okay.
Q. All right. What is your education, your qualifications, please?

A. I have a bachelor’s of science in physics from the Massachusetts Institute of Technology, and a Ph.D. in geophysics also from the Massachusetts Institute of Technology.

Q. How long have you worked with The Aerospace Corporation?

A. I joined them right out of graduate school in 1968.

Q. Give us a sense of what type of work you do for Aerospace Corporation. How do you spend your day?

A. I have a million hats. I spend most of my time either -- working on scientific papers. I spend 20 percent of my time on the forensics audio. I spend about 40 percent of my time working with the program offices on trying to help them with their problems on their space programs. There’s almost no way I spend a given day.

Q. Now let’s turn to the National Law Enforcement and Corrections Technology Center. Tell us what that is and how that happens to be associated with The Aerospace Corporation.

A. It began in 1995. There was a -- an initiative by the National Institute of Justice to find a way of helping local law enforcement agencies in their work. They recognized that a lot of agencies didn’t have a lot of funding for detailed forensics work, and so they issued a proposal for organizations with more capabilities to help them. And so Aerospace responded with a proposal, and out of that was formed the National Law Enforcement and Corrections Technology Center at Aerospace.

Q. And what kind of work do you do with the National Law Enforcement and Corrections Technology Center?

A. I personally am responsible for the audio forensics work.

Q. Is there other forms -- are there other forms of forensic work that are done by that center as well?

A. Yes. Video forensics and also crime scene analysis. We have a large capability in our support for the Air Force, electron microscopes and very sensitive equipment that can be used to analyze materials. And so it’s essentially a matrix organization that if the Law Enforcement Center needs something in the laboratories, they go to the person in the laboratories. The video and the audio efforts have been more or less continuous since its inception.

Q. All right. What is it that you do with regard to audiotapes?

A. Primarily what we do is we enhance the audio to allow for a transcription. Most people would call this clarifying the audio.

We also, from time to time, are asked to look at the tapes for special reasons. Some of them, for example, are to identify the number of gunshot wounds -- or not “wounds.” Gunshots that were fired at a scene that was recorded. At other times to try to identify the number of people that were present during the recording. We’ve been asked to try to determine where a recording was made based upon background sounds that were heard on the tape.

Q. All right. Are you able to make determinations as to whether a tape is a first-generation or second-generation tape? Is that something that can be done?

A. We can -- we can do that, in some cases, by looking at the content of the -- of the tape, yes.

Q. Are you able to determine whether there are breaks in a tape?

A. Yes. Normally we can determine if there are breaks in the audio in the tape.

Q. Are you able to determine, on occasion, whether a tape is a compilation of prior other multiple tapes?

A. Normally we can do that, yes.

Q. How do you do those things?

A. Each one is done in a different way. Let’s start at the back and work forward.

If you have a compilation of a multiple of tapes, you’ll have different background audio on the different segments. And, for instance, if one segment, at the extreme, if it was made in a restaurant, and another section was made out on a street with passing cars, and another section was made in a home with a television on, that you can look at the backgrounds of each of these tapes and

identify the background in the ways that you see, and you can see where these different sections are on the tape.

You ask -- what was the second one?

Q. The second one was breaks in a tape.

A. Breaks. Okay. For breaks in a tape, you again look at the background, and when you have a -- a discontinuity, or a break in the tape, you’ll normally have -- the tape will start and stop, start up again, stop, start up again, and you can see signatures of this on the waveforms on the tape.

You will also find lines in the background. By “line,” I mean a constant frequency. For instance, one line which appears on many tapes is a power line at 60 hertz, and if that power line is discontinuous you could say that the tape was started and stopped when the power line disappears and reappears.

Q. I think the first question that was asked to you was multiple generations of tapes.

A. Yeah, multiple generation is more difficult.

Normally, with the capabilities we have, when a tape is started and played, and stopped and started again, that -- there’s an erase head on the tape-recorder, and the erase head erases the material that was on the tape prior to that.

Now, some laboratories have the capability of going in and examining the material of the tape

itself, and they may be able to identify if the tape was started and stopped. We can only look at the content of the tape. And normally what we would do when we’re asked a question like that is we would look at the beginning of the tape and we would look at the end of the tape and see if there’s material which is not contiguous with the material in the middle of the tape, and also look at the end of the tape to see whether, if the present material that was recorded, let’s say, is recorded on only one

half of the tape. And then if the tape was previously used there would still be material on the second half of the tape, unless somebody recorded -- erased it all the way to the end.
Q. Doctor, when did you begin doing forensic analysis of audiotapes?
A. 1995.
Q. How many do you think you have done since that time?
A. About 200 cases, give or take 10 or 20.
Q. Have you ever had occasion to testify in court as to your analysis of those tapes?
A. No, I haven’t. I’ve been subpoenaed twice before and I have not testified in court.
Q. This is your first occasion?
A. Yes.
Q. I hope you’re comfortable this morning.
A. I’m fine.

Q. Doctor, did you have an occasion to analyze a tape that was presented to you by Detective Craig Bonner from the Santa Barbara County Sheriff’s Office?
A. Yes, sir.
Q. Could you tell us approximately when that was?
A. They brought the tape to us on June 1st of last year. And according to our logbook, which I may want to refer to later -- but according to our logbook, they stayed with us while we digitized the tape. Digitizing means taking a copy of the audio from the tape and putting it onto a computer. That was done by a technician and I was standing there while he did that. And then we gave the tape back to Craig Bonner. We went up to my office and we looked at it for a period of time. I don’t remember how long it was. There was another gentleman with him, I believe, and then they left. And about a month later, I went through and did a detailed analysis of the tape and wrote a letter, which I sent to him at the time.
Q. All right. The work that you do is off the digital copy of that tape, then; is that correct?
A. That’s correct.

Q. And the process of making a digital copy of a tape, does that in any way transform the original tape?

A. No.

Q. It wouldn’t affect the integrity of the content of that tape?

A. No. There would be no effect on the tape at all.

Q. What was your assignment in this case as to the digital copy of that tape? What was your assignment?

A. Our assignment was to determine if there were any breaks in the audio.

Q. Just for purposes of clarity to make sure that we’re on the same topic, did you have an opportunity to actually listen to the tape as well?

A. Yes, partly. We were listening to the tape, but partly we were looking at pictures of the image of the audio on the screen. I have listened to about 90 percent of the tape.

Q. Is this a tape of what appears to be a telephone conversation between two people, predominantly two people?

A. Okay. Two people.

Q. An adult woman and an adult man and a child?

A. And a child, yes. Three people.

Q. Predominantly the adult woman and the adult child -- the adult man?

A. That’s right.

Q. All right. Doctor, what did you do with this tape? The copy, that is. What were you seeking to do and what did you do?

A. Well, the primary thing we were asked to do was to determine if there were any breaks in the audio. And the first thing that I did was I -- I put an image of the audio on the screen and just looked at the entire tape at one time. And my impression was that it was relatively continuous. And -- because the background appeared to be about the same level from the beginning of the tape to the end. There’s 22 minutes of audio on the tape. It’s a 30-minute tape.

And then I went in and I started at the beginning and I looked at the segments which were one minute long. And the first thing I noticed was that, I think it was 13 seconds or so into the tape, there appeared to be a discontinuity. And so I blew that up and I took a look at it, and there was, in fact, a gap at that time period.

And so having seen one, then I sort of had some idea what I should look for if there were others like that one. And so I moved along through the tape, and I identified a number of these -- these gaps. The gaps are very short on the tape. They're about two seconds each.

Q. All right. Tell us what you were able to determine with regards to gaps in the tape.

A. We found 34 gaps. And they had a characteristic signature. And the signature was 8199

very close to the same as when the tape was first started. And by this I mean that if you start an audiotape, there are wheels that take up reel on the feed reel that have to turn, and it takes a little while to get those to turn, "a little while" being a second or so. And during that time period when the amplifier is trying to put a voltage onto that tape, it makes a little signature that looks a little bit like this, and it's a couple tenths of a second long.

And if you look at the beginning of the tape, you get that signature very clearly the first time it's turned on. There was no audio in front of it and you see that signature.

And what I found, then, was a very similar circumstance, not identical each time. But each time there was a gap, there was a signature that looked just like that one at the beginning.

Q. What would cause a gap in a tape?

A. Can I refer to my notes on this?

Q. Yes. Please, go ahead.

A. At the time I was analyzing it, I made a note of what I thought might be causing these. And instead of trying to remember it, I'd like to see if I can find it in here and --

Q. Go ahead and take a look and read it, but don't read it out loud.

A. Yeah. Okay. It was July 2nd, and I made a note --

MR. SANGER: I'm going to object. There's no question pending.

THE COURT: Sustained.

Q. BY MR. ZONEN: What I'd like you to do is go ahead and read the notes that you have made quietly to yourself.

A. To myself.

MR. SANGER: And then after he does that, I would like to see what notes he's referring to.

MR. ZONEN: I have no objection.

THE WITNESS: Okay.

MR. SANGER: May I approach, Your Honor? Hang on, one second. Your Honor, could we approach for a moment, please?

THE COURT: Yes.

(Discussion held off the record at sidebar.)

THE COURT: I'm going to take a brief recess to give counsel an opportunity to look at the notes before further examination, so I'll see you in a few minutes.

(Recess taken.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR,

CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 8161 through 8201 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 29, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
April 29, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

FRIDAY, APRIL 29, 2005

8:30 A.M.

(PAGES 8203 THROUGH 8304)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
KOONS, Harry	8224-SA	8230-Z	8231-SA	
SMITH, Rosibel	8234-Z	8239-SA		
DREW, Ian	8247-Z	8262-M (Nonjury)		

E X H I B I T S

		FOR	IN
PLAINTIFF'S NO.	DESCRIPTION	I.D.	EVID.
841	Book entitled “Boys Will Be Boys”	8163	8232
842	Book entitled “The Boy; A Photographic Essay”	8163	8232
856	Photograph of file cabinet	8164	8166
857	Photograph of computer image of audiotape	8215	8218
858	Photograph of computer image of audiotape	8215	8218

THE COURT: All right, Counsel.

MR. ZONEN: Thank you, Your Honor.

Q. Dr. Koons, we left off, I was asking some questions about breaks in this --

BAILIFF CORTEZ: Your microphone.

Q. BY MR. ZONEN: Dr. Koons, when we left off, I was asking you some questions about the breaks in this tape, and I think you proffered the opinion that there were 34 breaks; is that correct?

A. That's correct.

Q. All right. And then I had asked you what types of things or occurrences could cause breaks of such a nature, and you had referred to some notes and you've read some notes.

A. Yes.

Q. All right. Are you prepared at this time to answer that question?

A. Yes, I am.

I hope I can remember all four of them.

I identified four things that could cause breaks such as this. So one is the "pause" button on the tape-recorder. If you press the "pause" button and you press it again to restart it, you would get a break in the tape.

Another would be a press-to-talk telephone that, I don't know if -- you may not be familiar with these in the home context very often, but in a classified context, you have a telephone with a button on the handle, and the only time you can hear a person speak is when the button is pressed.

Another is the "mute" button on the telephone would cause the audio to go out, and then, when you unmute it, to come back in again.

And I don't remember the fourth one.

Q. All right. Would it help to look at your notes again to see what it was?

A. Yeah, probably.

Oh, a voice-activated line; that if you have a voice activation on your recorder, the recorder will stop and start. It will start whenever it hears a loud -- a signal such as a person beginning to talk, and it will stop when a person stops talking.

Q. Would that tend to explain breaks in a first-generation tape?

A. Yes, it would.

Q. Would it explain breaks in a second-generation tape?

A. No. It really can’t do that, because a second-generation tape is not made with a microphone. It’s made by copying or using wires from one tape-recorder to -- the source to the destination tape-recorder.

Q. Let’s talk about the first generation, then, if we could. Is it your understanding or does it appear that this is a tape-recording of a telephone

conversation?

A. Yes, I believe it is.

Q. How do people generally tape-record telephone conversations?

MR. SANGER: Objection. Calls for speculation; no foundation.

MR. ZONEN: I’m not asking this specific time, but simply how is it done that telephone conversations are taped.

THE COURT: The foundation is sustained.

Q. BY MR. ZONEN: Do you know how people tape-record telephone conversations?

A. Yes, there are two basic ways to do it.

MR. SANGER: I’m going to move to strike as nonresponsive beyond “Yes.”

THE COURT: Stricken.

Q. BY MR. ZONEN: You said, “Yes.”

A. Yes.

Q. During the course of the work that you have done over the last ten years, have you, in fact, tape-recorded telephone conversations?

A. Yes.

Q. And have you examined conversations that have been tape-recorded?

A. Yes.

Q. And does your study require that you look into the manner in which the conversations are tape-recorded as well?

A. Yes.
Q. And would that be important to your analysis?
A. Yes.
Q. Okay. What are the ways in which telephone conversations are tape-recorded?
A. There are two ways. One, you place a small microphone on the handset. And that's usually not a very good way, because it's not strongly coupled into the conversation on the phone.
The second is to put a sensor in-line with the handset. You have these modular plugs that plug into a modern handset, and you have a device that you plug in-line there, and so it picks up the conversation going in both directions very well.
Q. Now, can you tell by listening to a tape-recorded conversation what method was used to tape-record that conversation?
A. Yes.
Q. Do you have a sense of what method was used in this case?
A. I believe it was the in-line sensor.
Q. Why is that?
A. Because of the quality. It had a good pickup at both ends of the conversation.
Q. Now, when we talk about first-generation or second-generation tape, what are we talking about?
A. A first-generation tape is called a virgin 8210

tape, where the first audio is recorded onto the tape. A second-generation tape is one of two things. It's either an overrecording of that one, or it's taking the material on the first tape and recording it onto a second tape.
Q. All right. Now, can you tell whether this recording is a first- or second-generation tape or subsequent to that?
A. There's -- there's some evidence that it's a second-generation tape.
Q. And what is the evidence that you saw?
A. The evidence is the first piece of recording, the first 13 seconds or so of recording, is very different than all of the other, which suggested that the -- that the tape had been used

for something else and the second recording started later in the tape.

Q. Can you tell whether or not this is a tape that is a compilation of multiple conversations?

A. I personally cannot determine that.

Q. It could be or could not be?

A. It could be or could not be.

Q. All right. Now, is it possible that this could be a tape-recording of a single conversation but where pieces have been taken out, portions of the conversation deleted?

A. If it’s a second-generation tape, yes. If it’s a first-generation tape, probably not.

Q. Okay. Let’s -- go ahead and explain that to us. Let’s see, what’s the first probability, or the first possibility? The first-generation tape.

A. Okay. If it’s --

Q. Tell us what you mean when you say “probably not” in terms of first generation.

A. Okay. If it’s a --

MR. SANGER: I’m going to object to this line of questioning as no foundation.

THE COURT: Overruled.

You may answer.

Q. BY MR. ZONEN: Go ahead.

A. If it’s a first-generation tape, you can usually identify it by the length of the -- of the pauses. For example, if you press the “pause” and then you go some distance, it usually takes longer than on a second-generation tape. And also, you can tell by the context of the material that’s recorded on the tape where the breaks occur in it.

Q. All right. In this particular case, you suggested a greater likelihood of second generation?

A. Yes.

Q. All right. And then we were asking some questions -- I was asking some questions about pauses on a second-generation tape and whether or not this could be simply copied from another tape. Explain how you would have those types of breaks then, please.

A. The -- the way that you -- you make a

high-quality second-generation tape with material from other tapes, if that’s what you mean --
Q. Yes.
A. -- is you would pick the section that you want to record, you would turn on the two tapes and record a section, and then you would pause the one you’re recording onto.
And then you would go to either another tape or another place on the first tape, and you would set it up so that you’re about to record it again, and you begin it a little ahead of time, and you hit the “pause” button to start it recording again, and you can record a second recording onto the tape.
You can take any number of tapes, then, and put them onto one tape that way.
Q. What you effectively can do, then, is take portions of an original tape and put it on a second tape, and leave out whatever portions you wish to leave out?
A. That’s correct.
Q. Do you have any way of knowing whether the tape you analyzed was, in fact, the product of that kind of conduct?
A. Not really.
Q. I --
A. No.
Q. All right. You have no way -- let me reask

that question.
A. From the analysis that we do, you cannot determine that.
Q. Okay.
A. You would have to use the context to determine that.
Q. All right. In other words, reading the content of it?
A. Yes. Now, can I elaborate?
Q. Yes, please.
MR. SANGER: I’m going to object. There’s no question pending and there’s no foundation based on what was just said.
THE COURT: Foundation is -- no question pending is sustained.
Q. BY MR. ZONEN: All right. Explain to me

exactly what the limitations are in terms of what you're able to do.

A. We are able to -- to look at the audio in several formats on the computer screen. And normally what we look for for breaks are discontinuities in the background or discontinuities in the amplitude.

In this case, we found -- we found both, but the -- the type is such that it could be generated by either a "pause" button on a -- going to a second-generation tape or possibly a "pause" button on a first-generation tape.

Q. All right.

A. It's only the context of the conversation would tell you which it is.

Q. You can't tell whether, again, this is first generation or second generation, other than the clues that you have already testified to?

A. That's correct.

Q. All right. Doctor, I'd like you to look at Exhibits No. 857 and 858 that are before you. Tell us what those two documents are.

A. May I start with the second one?

Q. 858?

A. Yeah.

Q. Yes. Please go ahead.

A. 858 is a record of the amplitude of the signal from the tape for 1.8 seconds beginning at two minutes and about 37 seconds into the tape. And in the center of the picture, it shows a section where, first of all, the level goes almost to zero, and then it's at a very low level. Then there's a transient at the turn-on and then it's followed by speech. So there's speech at the beginning, speech at the end, and the transient in the middle is what I have been calling a break.

Q. And the other exhibit, 857, what is that?

A. 857 is the same time period with a different depiction. This shows what we call an audiogram, or a spectrogram, and it shows the intensity as a

function of frequency and then with time running along the horizontal or X axis, and it shows in the background the same break as a lightening of the signal. So this is two different ways of looking at a break at exactly the same time period on the tape.

Q. How did you generate those two exhibits?

A. We use a software tool called Adobe Audition, and that is actually listed up on the -- on the menu line on the screen. And this is a screen capture where we take the image from the screen and we capture it and we save it as a file on the disk. So this is what we were looking at at the time.

Q. So this is actually the equivalent of a photograph, or a copy of --

A. A photograph of the screen. An image of the screen.

Q. Yes. Of exactly the image that you look at --

A. That's correct.

Q. -- when you make your determinations --

A. That's correct.

Q. -- and analysis?

A. Yes.

Q. And this is for a relatively small period of time, is it?

A. 1.8 seconds it says on here.

Q. And in 1.8 seconds, does it generate 8216

sufficient information that you can actually see and identify a break at that time point?

A. Yes, the -- yes.

Q. You talked to us about the signature. You used that term early on in your testimony. What does that refer to?

A. The signature is shown on both of these. It's shown best on 858, and that's the -- there is a -- a wave in the line at 238, just before 238.1 seconds, which is what happens when you turn this particular tape-recorder on.

Q. All right. Are these breaks relatively short in duration?

A. They're very short. This one is only about a second long.

Q. The other 33 breaks in this telephone conversation, are they comparable to that one as well?

A. Yes.

Q. What does that suggest to you, that all of the breaks are roughly comparable and fairly short in duration?

A. That they were -- I think in this case, in addition to the signature, they were all made in the same way.

Q. All right. Would it be difficult to have relatively short breaks if you are stopping and starting a tape-recording during the course of a conversation?

A. Well, the breaks would still be short. It’s the context that’s different.

Q. Oh, I see. The content of the conversation itself. Okay.

The two exhibits that we’ve been referring to, 857 and 858, do they accurately depict the content contained in those exhibits? In other words, are they an accurate depiction of what you looked at during the course of your examination?

A. Yes, they are.

MR. ZONEN: Your Honor, I would move to introduce 857 and 858 into evidence.

MR. SANGER: No objection.

THE COURT: They’re admitted.

MR. ZONEN: And may we publish those two at this time?

THE COURT: Yes.

Q. BY MR. ZONEN: In front of you should be a laser that I left -- you have it. Good.

Go ahead, please, and tell us what it is that you’re looking at.

A. Yes, we’re looking at an image of -- do I have to talk close to this?

MR. SANGER: We haven’t identified which exhibit is up there, for the record.

MR. ZONEN: 858. That’s Exhibit 858 that’s currently being shown.

Q. And yes, I’m sorry, I know that’s an awkward position, but you do have to continue to speak through the microphone.

A. They won’t be able to see through me.

This is an image of the screen when we were analyzing the tape, and the time runs along the bottom axis here. It’s virtually impossible for you to read it, but it starts at two minutes 36.994 seconds. That means two minutes and essentially 37 seconds into the tape. It’s very difficult to read this little number down here, but that says that the view is 1.8 seconds long. So the time from here to there is 1.8 seconds.

The signature is the amplitude of the signal, and it’s centered at the center, about zero.

And the best analogy that I can make with this is, if there are people here that are old enough to remember what a vinyl record is, this is very much like the groove in that vinyl record; that the needle would be moving along here, and so it would move faster here, and hardly move at all here, and then it goes through a big bump, and then more here. And by -- on a vinyl record, it reproduces the audio in the same way that the voltage that we’re displaying here, when it’s passed through a speaker on a computer, reproduces the speech.

Q. Do you see the signature that you refer to?

A. Yes. The signature extends from here to here, right in -- right in the center, and this is the primary signature which I’ve been calling the turn-on signature.

Q. And the break that you refer to?

A. Yes, the break is really this entire time period, that during this time period the audio turned off, right here. It’s very low here. And then this is the turn-on signature when the reel started to come back up to speed. And then there’s normal speech after about this time here. So this is all a transient that occurred during what I call the break in the tape.

Q. All right. Let’s go ahead to 858, if we can.

A. Okay. This is exactly the same --

MR. SANGER: Excuse me, Your Honor.

MR. ZONEN: We need a question.

MR. SANGER: I think this is 857. Am I

wrong?

THE WITNESS: Yes, this is --

MR. ZONEN: Forgive me. My dyslexia is acting in.

This is 857. The last one, then, was 858, if we could correct the record accordingly.

Q. Please go ahead and tell us about 857.

A. Yes, this is the same time period, starting at 236.994 and extending for 1.8 seconds across the axis here. And what's displayed on the vertical

axis now is frequency.

And the best way to explain this is if you look at this signature over here, this is a word that a person has spoken, and what you can see is the fundamental of their voice box and then the harmonics of their -- of their voice. And you can also see that over here and over here.

And this is the time period which was very quiet where I said that the tape had turned off. And you can see that the noise at the bottom, which is indicated by the yellow, has gone away. The blue indicates the lowest volume at that frequency; the green, an intermediate volume; the yellow, a louder volume; and the red, the loudest volume.

And the frequency scale is on the left over here. It's impossible to read it there. This is 500 hertz -- oop, no, I think you want to....

Okay. Yes, okay. So this is a thousand hertz, and it goes well above what most people's hearing is at, at ten kilohertz up here. Take it back to the full....

So if you can remember what I showed on the preceding exhibit, this is the period when it went very quiet. This is a period where there was just a little bit of low frequency noise here. This is the transient, and this is the beginning where it begins to have speech again over here. So this is the characteristic signature, on this particular media,

of a break.

Q. Doctor, you had mentioned something about a voice-activated tape-recorder. What is a voice-activated tape-recorder?

A. A voice-activated tape-recorder is a tape-recorder which, if the room goes silent, turns off. And if somebody speaks in the room or there’s a noise in the room, the tape-recorder turns back on again.

Q. Does there generally have to be a period of silence before the tape-recorder is activated or deactivated?

A. Yes, it usually takes quite a bit of time before it deactivates, because it doesn’t want to miss speech. And so they have a circuit that waits a long time, in terms of seconds, for the silence to decide to turn off, but then they usually turn on very rapidly because they want to get the first words.

Q. Okay. Doctor, do you have an opinion as to whether this tape is the product of a voice-activated tape-recorder and then those breaks would have been caused by silence in the conversation?

A. My opinion is it’s not voice-activated.

Q. And why is that?

A. Because the turn-off occurred too rapidly after the speech right here. This is only a few

tenths of a second.

MR. ZONEN: All right. We can turn the lights on and turn off the projector at this time.

Q. Doctor, just a couple of final questions. Do you have an opinion as to the nature of the equipment that was used in this particular case?

MR. SANGER: I’m going to object as either asked and answered or it’s vague.

THE COURT: Overruled.

Q. BY MR. ZONEN: Go ahead, please. And I guess by “equipment,” I mean both telephones and tape recorders.

MR. SANGER: Then it’s compound.

THE COURT: Just a minute.

THE WITNESS: I really have --

THE COURT: I’ll sustain the objection.

Q. BY MR. ZONEN: Let’s talk about telephones. Does it make a difference to you in terms of your analysis of what type of phones are used?

A. Only in the sense of whether it was voice-activated or not.
Q. Okay.
A. But otherwise, no.
Q. Or the recording equipment?
A. No.
Q. Okay. Do you have a sense of where the recordings took place?
A. No.

Q. All right. Is there any information that would be -- let me rephrase that just for one second.
In terms of resolving the question of whether or not this is multiple conversations as opposed to a single long conversation, are you able to hear any unique dynamics in the sounds that would send to suggest that there were recordings at different locations?
A. No.
Q. Are you able to tell one way or the other?
A. No.
MR. ZONEN: Okay. I have no further questions.
THE COURT: Cross-examine?

CROSS-EXAMINATION
BY MR. SANGER:
Q. All right. Dr. Koons, the bottom line to this is that you had a tape which you analyzed, and you believe that the tape -- the recording process was stopped several times during the course of the recording; is that right?
A. Yes, sir.
Q. All right. You don’t know if it was stopped for five minutes, or ten minutes, or for a second; is that correct?
A. That’s correct.

Q. And you didn’t really listen to the tape to hear the context when you did your initial analysis of this tape; is that correct?
A. Yes.
Q. Recently you decided to listen to the tape

to see if you could kind of hear what the people were saying, right?

A. Right.

Q. And when you listened to the context, as far as you could tell, it seems to be pretty much a continuous conversation, correct?

A. Most, but not all of it.

Q. The first 13 seconds you had a question about; is that right?

A. Yes.

Q. All right. And, now, when you looked at the sonographic, if I'm using the right term, analysis, that was pretty much consistent with what you heard when you listened to it like the rest of it; is that right?

A. Yes.

Q. In other words, you pretty much have the same background noise. You've got the same level of speech that goes throughout the entire tape; is that correct? With the exception of the first 13 seconds.

A. That's correct.

Q. And you had speculated in your bench notes -- in fact, you said, "Speculate on causes," right?

A. Right.

Q. And you said, "Pause on tape-recorder; voice-activated line; push-to-talk phone; mute button," right?

A. Right.

Q. Now, what is an AGC?

A. An AGC is an automatic gain control circuit, and the point of an AGC is to try to make the audio level uniform on a tape.

If you have, for instance, a conference with people sitting around a large table, and you have a tape-recorder in the middle, that the person closest to it will be naturally louder than the person at the end of the table, and the automatic gain control, when it hears a period when the audio is weak, tries to push it up and amplify it, and if it's strong, it brings it down a little bit so it's uniform on the tape.

Q. And you determined that you did not think this was an automatic gain control function that was causing these apparent breaks; is that correct?

A. That’s correct. There is no automatic gain control on this recorder.

Q. So as it stands, you really don’t know what happened, but there was some kind of break?

A. Yes, there are breaks.

Q. All right. You also indicated that there’s a signature to these breaks, simply meaning that they appear to have been caused by the same mechanism; is that right?

A. That’s right.

Q. And from what you could tell by looking at it, it appeared to be some kind of a mechanical function that caused this break; is that right?

A. That’s right.

Q. All right. In other words, somebody pushed a button, either hit a “stop” button on the recorder, or a “mute” button, or a “pause” button, something like that?

A. Can I elaborate on that?

Q. Yes.

A. More specifically, by “mechanical,” I meant that it had something to do with probably the rotation of the wheels on the -- the drive on the tape-recorder rather than the button itself. That the wheel will take a little longer or a little shorter to take up slack, for example, at the beginning and end of the tape and the middle of the tape. And so there are many different mechanical things like that, rather than the button itself.

Q. Okay. Well -- all right. That’s fair enough. In other words, the way these cassette tapes work is that there’s a magnetic head --

A. Uh-huh.

Q. -- that will alter the tape itself magnetically --

A. Yes.

Q. -- when input occurs; is that correct?

A. Yes.

Q. So somebody talks; it’s translated into energy that affects the magnetic head, that in turn affects the tape; is that right?

A. That’s correct.

Q. So as the tape turns by the head, that’s how you record it, right?

A. Right.

Q. And if you stop the tape from turning, it stops recording?

A. Yes.

Q. All right. And so your determination is that at some point it looks like this tape was stopped from time to time?

A. Right.

Q. Now, you said you couldn’t tell if it was first generation or second generation; is that correct?

A. That’s true.

Q. And you did not do an analysis of the actual tape?

A. Physically.

Q. Physical analysis of the tape. All right.
And there are labs that can do that?

A. I believe so, yes.

Q. All right. So you just looked -- once you digitized it, you just looked at the actual electronic remnants of whatever it was that was done to this tape? In other words --

A. I don’t want to use the word “remnants,” but, yes.

Q. I was trying to think of a better word.

A. I know what you mean.

Q. The electronic imprints or whatever it was.

A. It’s the signature of the electronic signal on the tape.

Q. If you actually look at a tape, sometimes you can determine that there are erasure marks or there’s other actual physical --

A. Right.

Q. -- marks on the tape; is that right?

A. We did not do that.

Q. Did not do that.
And I take it, from your analysis, you have no way of determining who it was that stopped this

tape from turning from time to time?

A. No.

Q. And you have no idea how long the tape stopped; is that correct?

A. That’s correct.

Q. It’s even possible that there could be a malfunction in the tape machine, is it not?

A. Possibly. But they were not random.

Q. All right. So you don’t know how long the tape stopped; in other words, if somebody stopped the tape, got up, went out of the room, came back, or something?

A. That’s true. Yes.

Q. It could have been just a second that was not recording, couldn’t it?

A. Yes.

MR. SANGER: All right. Okay. Thank you. I have no further questions.

REDIRECT EXAMINATION

BY MR. ZONEN:

Q. Doctor, explain to us what you mean by “not random.”

A. If you have -- if you have a random process, the -- the distribution of the stops will obey a statistical function called a Poisson function, and these do not fit that function. They’re almost uniformly spaced throughout the tape, except at the end, where they become more rapidly in the last minute.

Q. All right. Do you have an opinion as to whether the breaks in this particular tape are caused by a malfunction of the recording device?

A. My opinion is they are not.

MR. ZONEN: Thank you. No further

questions.

RECROSS-EXAMINATION

BY MR. SANGER:

Q. Actually, I didn’t notice that. So let me ask you about that.

You actually -- in your bench notes there, you broke down the times. Are you saying there's essentially a uniform time gap between the tape -- between the --

A. Between the gaps.

Q. Between the gaps?

A. Not uniform. It's not periodic. But they -- there is a group at the end which is out of character with the other ones, which suggest that it's not random. There were a bunch that occurred in the 21st minute and most of the other minutes had only one or two.

Q. I see what you're saying.

A. There was also one period around six to ten minutes where there was no gap at all. So it's not random.

Q. Okay. When you say it's not random, do you mean it's --

A. "Random" means a throw of the dice did it.

Q. Okay. So because there are groupings, you feel that there's some causation?

A. That's right.

Q. So if there was a mechanical problem of some sort, it would have to be a mechanical problem that was more prevalent at one point?

A. Than the others, right.

MR. SANGER: All right. Okay. Thank you. No further questions.

MR. ZONEN: No further questions.

THE COURT: Thank you. You may step down.

MR. ZONEN: Your Honor, the next two witnesses require a Court ruling.

THE COURT: The Court will admit Exhibits 841 and 842 and make a finding that the probative value exceeds the prejudicial effect under 352.

MR. ZONEN: I'm sorry, I didn't hear the last part of your ruling.

THE COURT: It was just a finding under 352.

MR. ZONEN: And the finding was it's admissible?

THE COURT: They are admissible. They are admitted.

MR. ZONEN: Thank you. We'll call Detective Rose White to the stand, please.

MR. SANGER: Is there a limiting instruction that goes along with that, Your Honor?

MR. ZONEN: Smith. I’m sorry, Smith.

THE COURT: We could do one.

MR. SANGER: Your Honor, would it be possible to approach briefly to discuss that?

THE COURT: Yes.

(Discussion held off the record at sidebar.)

THE COURT: I think the next two witnesses are going to involve these exhibits, are they, or the next one?

MR. ZONEN: The next one witness.

THE COURT: (To the jury) The next witness is going to involve testimony about two books, Exhibits 841 and 842. And I want to advise you that these exhibits fall within the same instruction I gave you regarding the 1108 evidence, Code Section 1108 evidence relating to the alleged prior sexual acts.

Remember those instructions I gave you sometime ago? This material is connected to that and has the same limitation. At the end of the trial, we’ll reiterate that instruction for you so that it’s -- this won’t be the last time you hear the instruction.

MR. ZONEN: We’ll call Rose Smith to the stand, Detective Smith, please.

THE COURT: You’ve already been sworn. You may be seated.

DETECTIVE SMITH: Thank you, Your Honor.

ROSIBEL SMITH

Having been previously sworn, resumed the stand and testified further as follows:

THE COURT: You’re still under oath.

THE WITNESS: Yes, Your Honor.

DIRECT EXAMINATION

BY MR. ZONEN:

Q. The jury hasn’t heard who you are yet.

You’ve already been sworn in, but tell us who you are, please.
A. Yes. I’m Detective Rosibel Smith. R-o-s-i-b-e-l. S-m-i-t-h. I’m a police detective with the City of Los Angeles, Los Angeles Police Department, currently assigned to the Threat Management Unit of the Detective Support Division.
Q. How long have you been an officer with the Los Angeles Police Department?
A. For a little over 20 years.
Q. And your current assignment is what again, please?
A. The Threat Management Unit of the Detective Support Division, and we are responsible for investigating stalking cases, criminal threats and workplace violence.
Q. How long have you been in that unit?
A. For six years.
Q. And prior to that, what work did you do?

A. Prior to that, I worked a station called Rampart Detectives, and then prior to that Juvenile Division.
Q. Have you worked as a sex crimes investigator?
A. Yes, I have.
Q. For what period of time?
A. For nine years.
Q. And which nine-year period?
A. From 1988 to 1997.
Q. As part of your responsibilities as a sex crimes investigator, did you conduct and execute search warrants?
A. Yes, I did.
Q. In August of 1993, did you execute a search warrant at Neverland Ranch in Santa Barbara County?
A. Yes, I did.
Q. Did you do that with others?
A. Yes.
Q. A few others, I would assume?
A. There were several others, detectives and officers at the location, yes.
Q. And do you remember which -- where on the

property at Neverland Ranch that you personally conducted a search?

A. In the master bedroom of Mr. Michael Jackson’s residence.

Q. All right. Now, the -- I’d like you to look at three exhibits that are in front of you at this time, Exhibit No. 841 and 842 already in evidence.

A. Okay.

Q. Tell us what those two exhibits are. Let’s start with the first one, 841.

A. 841 is a hard-cover book entitled, “Boys Will Be Boys.”

Q. And what is that a book of?

A. It’s a book depicting images of young boys. Some are clothed. Some are nude. And various stages of dress. Depicts them in various positions, at play, swimming, jumping. So....

Q. Is there an inscription in the front of that book?

A. Yes, there is.

Q. Is that an inscription in a person’s handwriting or printing?

A. Yes.

Q. Did you seize that book?

A. Yes, I did.

Q. From where did you seize that book?

A. From a file cabinet in the master bedroom of Mr. Jackson’s residence.

Q. Now, Mr. Jackson’s residence is a -- the bedroom portion of his residence is actually a suite; is that correct?

A. Yes.

Q. Is there an upstairs and a downstairs?

A. Yes, there is.

Q. And the portion from where you seized these items, was that from the upstairs or the downstairs?

A. It was from the downstairs portion of the bedroom.

Q. And can you -- can you tell us where specifically it was seized from?

A. It was seized from a file cabinet within a closet in the master bedroom.

Q. Let’s go ahead to the next exhibit, 842, and tell us what that is, please.

A. This is another book, hard-cover book, entitled, “The Boy; A Photographic Essay.”

Q. Can you tell us what this is, please?

A. And again, this is a book depicting images of young boys, again in various stages of clothing and undress. Some appear to be be nude. And again, various poses; playing, swimming, jumping.

Q. Is there an inscription in the front of that book as well?

A. Yes.

Q. Now, Detective, those two items, were they seized from the same location?

A. Yes, they were.

Q. And I think you’ve already described that location; is that correct?

A. Yes.

Q. I’d like you to look at another exhibit 8237 that’s before you, which is 856 in evidence.

A. Okay.

Q. What is 856?

A. 856 is a photograph of the search warrant. We, as law enforcement, are required to photograph the location that we serve the warrant on. And this is the photograph of the file cabinet where the books were seized from.

Q. All right. And in that file cabinet, are there multiple drawers?

A. Yes, there are.

Q. Do you actually know from which drawer those books were seized?

A. Yes, I do.

Q. Which drawer was that?

A. They were seized from the third drawer.

MR. ZONEN: Your Honor, may I publish that exhibit? It’s already in evidence.

THE COURT: Yes.

Q. BY MR. ZONEN: Describe for us, please, the photograph that we’re looking at.

A. To the rear of the photograph is the file cabinet containing the four drawers. The third drawer is where I seized the books from. So it’s partly covered by, looks like maybe a briefcase of some sort, or something there.

Q. All right. Detective, how were you able to get into the closet? How were you able to get into the file cabinet?

A. The closet was -- actually, the room was locked. And we had to get keys for the room, as well as for the file cabinet, to get access into the room and the file cabinet itself.

Q. Were you able to do that?

A. Yes, we were.

MR. ZONEN: Thank you. I have no further questions.

You can turn the lights on.

MR. SANGER: Leave it. Leave it.

MR. ZONEN: Do you need this?

MR. SANGER: Yeah.

CROSS-EXAMINATION

BY MR. SANGER:

Q. Detective Smith, how are you?

A. Fine, thank you, sir. How are you?

Q. You mentioned, Detective, that you were -- that you’re currently assigned to a unit with the Los Angeles Police Department that investigates a number of things, and I think you said threats?

A. Yes.

Q. Okay. And one of the things you mentioned is stalking; is that correct?

A. That’s correct.

Q. And do you, in the course of your duties, investigate celebrity stalkings?

A. Yes.

Q. All right. And many times celebrities, in your experience, you find are stalked by fans; is that right?

A. Yes.

Q. And is this -- does this pose a danger to the celebrities?

A. It could, yes.

Q. So you take those seriously?

A. Absolutely.

Q. In fact, somebody may claim to be a fan, and they come out --

MR. ZONEN: I'm going to object as exceeding the scope of the direct examination.

THE COURT: Sustained.

MR. SANGER: All right. Very well.

Q. Your assignment back in 1993 was working with the detectives division in sex crimes; is that correct?

A. Yes.

Q. That's Los Angeles Police Department?

A. Yes.

Q. So you got a warrant -- I say "you." Your department got a warrant to search Mr. Jackson's home in Santa Ynez, in Los Olivos, California; is that correct?

A. That's correct.

Q. That's not within the City of Los Angeles, I take it?

A. No, it is not.

Q. And you got a warrant issued by a Los Angeles judge?

A. Yes.

Q. All right. And the people that came with you at that time, among others, were fellow Los Angeles police officers; is that correct?

A. Yes.

Q. And you ended up seizing these books that you talked about in the course of that search in 1993; is that right?

A. That is correct.

Q. Now, these two books -- I think -- are they still up there in front of you?

A. Yes, they are.

Q. Those two books are not unlawful to possess by adults in California; is that correct?

A. That is correct.

Q. And do you have any idea how Mr. Jackson came into possession of those books or how they ended up in this locked file cabinet?

A. From the inscription in Exhibit No. 842, it appears that possibly a fan, somebody named Rhonda, possibly gave the book to him. And the other one, I do not know.

MR. SANGER: All right. Your Honor, may I approach and retrieve the books?

THE COURT: Yes.

MR. SANGER: Thank you.

Your Honor, I'd like to put the book up on the screen, if I may.

THE COURT: Yes.

Q. BY MR. SANGER: I'll put the cover up there, first of all. And it says, "The Boy; A Photographic Essay," and this is -- this is Exhibit 842, correct?

A. Yes.

Q. All right. You referred to the inscription, and I'm going to put the inscription up on the board. I'm not going to put the whole one up because it doesn't fit yet.

But in any event, this is on the -- I know there's a word for it, but it's on the first actual page of the book, whatever you call it, right inside the cover; is that right?

A. That's right.

Q. Okay. And you were -- based on this inscription, it appeared to be a book that was presented to Mr. Jackson, or to his people, by a fan; is that correct?

A. It appears to be, yes.

Q. And then down at the bottom, it looks like it says, "1983," and that could be "Chicago," but I don't know. Or is it something else? What do you think?

A. I -- it's really hard to read. It could

possibly be "Chicago," but I'm not certain.

Q. But in any event, 1983 is the date?

A. Yes.

Q. At the time that you did this -- that you did this search in 1993, did you determine that Mr. Jackson not only received, but kept a tremendous amount of material from fans that was sent to him? I'm not just talking about books, but just things in general that Mr. Jackson received.

Did he seem to have a lot of things that had been sent to him by fans, if you can remember?

A. I do recall him -- or locating letters, notes, from fans.
Q. All right. So even back then, in ‘93, you were -- or I shouldn’t say “even.” He had a lot of fans sending him things. That was your understanding as you were doing this search; is that correct?
A. Yes.
MR. SANGER: All right. Now, with the Court’s permission, I’d like to put up 841. That’s the other book.
THE COURT: Yes.
MR. SANGER: If I may.
Q. And this is the cover. We can’t get the whole thing on at once, but it’s 841 up in th corner, for the record, and it says, “Boys Will Be Boys,” and it has a picture there; right?

A. Yes.
Q. That’s the cover. And by the way, this is a commercially -- both of these are commercially available books; is that correct?
A. Yes.
Q. Okay. And when you open this book up, it actually says -- let’s look right over here. I’m going to try to talk loudly while I’m holding this. It says on the flyleaf, “Book Adventures, Inc.,” and the copyright 1966. Do you see that?
A. Yes. Down at the bottom.
Q. All right. And then if we look up here, at the top, again the first page -- I’m sure somebody who knows books knows the correct word for that. But the very first page, up at the top it says, “OP” -- “OP ‘88.” That means “Out of print, ‘88,” does it not? Or do you know?
A. I’m not certain what that means.
Q. And somebody has written up there, “Very scarce.”
A. Yes.
Q. Do you see that? That was there on the book when you seized it; is that right?
A. Yes, it was.
Q. And there’s some initials that look like “MJ” up in the upper right-hand corner?

A. Yes.

Q. Now, could you read the inscription for the record, please? And I’ll move it up as you go along.

A. “Look at the true spirit of happiness and joy in the boys’ faces. This is the spirit of boyhood, a life I’ve never had and will always dream of. This is the life I want for my children. MJ.”

MR. SANGER: Thank you. I have no further questions.

MR. ZONEN: I have no further questions.

THE COURT: Thank you. You may step down.

THE WITNESS: Thank you.

MR. ZONEN: Your Honor, the next witness requires a pre-trial hearing.

THE COURT: (To the jury) All right. I’m going to excuse you again. We have to have another hearing before this witness may be presented.

Is the witness here now?

THE BAILIFF: The Judge is addressing you.

MR. ZONEN: I’m sorry, Your Honor. I’m not hearing well today.

THE COURT: Is the witness here now?

MR. ZONEN: Yes, the witness is here.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

MR. ZONEN: May his counsel sit at the counsel table?

THE COURT: Yes, for this hearing.

Please remain standing and raise your right hand. Face the clerk over here.

IAN DREW

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Ian, I-a-n. Last name is Drew, D-r-e-w.

THE CLERK: Thank you.

THE COURT: Counsel?

MR. ZONEN: May I proceed?

THE COURT: No, just a moment. I’m sorry, I want to interrupt you.

I’m not sure that I made that finding on the record or at sidebar on Exhibits 841 or 842, both of them, but I previously had reviewed the books and made a finding, preliminary finding, that there were photographs within each book that could be determined to be sexually explicit photographs by a trier of fact, and then I made a finding on -- under 352, which I know is on the record.

Now you may proceed with this witness.

MR. ZONEN: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. ZONEN:

Q. Mr. Drew, good morning.

A. Good morning.

Q. Sir, what is your current occupation?

A. Editor at US Weekly Magazine.

Q. What does that mean? What do you do?

A. Everything from reporting on stories, to coordinating stories, to a wide array of covering the celebrity news.

Q. How long have you worked in that capacity?

A. Um, about two and a half years.

Q. And how long with US Magazine specifically?

A. Oh, no. At US Magazine, two and a half years, excuse me. And in the capacity about three and a half years.

Q. What is your -- are you a journalist?

A. Yes.

Q. What is your training and experience as a journalist?

A. I have about three and a half years experience. And I started working at a small newspaper and then moved up to different publications, and have been at US Weekly the longest.

Q. If I can direct your attention back to February of the year 2003. Were you working with or for Michael Jackson at that time?

A. No.

Q. Were you working for anybody who was working with or for Michael Jackson?

A. No.

Q. All right. Did you have any association with either Marc Schaffel or Ronald Konitzer or Dieter Weizner?

MS. SAGER: I'm going to object, Your Honor, to the extent that's calling for unpublished information. I think the question is vague.

THE COURT: They can't hear you. Is your microphone on?

MS. SAGER: Sorry, Your Honor. I'm objecting to the question as calling for unpublished information and as vague.

THE COURT: Sustained on both grounds.

Q. BY MR. ZONEN: Were you called upon to conduct an interview of a family, including a mother of children by the name of Janet Arvizo?

A. No.

Q. Were you expecting to do an interview with Janet Arvizo?

A. Yes.

Q. Did that interview ever take place?

A. No.

Q. Who was it that was coordinating that interview with you?

A. Ronald Konitzer and Marc Schaffel.

Q. Did you know either Ronald Konitzer or Marc Schaffel prior to that day?

A. Yes.

Q. What is it that you were supposed to be doing with regards to this interview?

A. Interviewing them for a print magazine.

Q. Do you know what the subject matter was going to be of that interview?

A. How Mr. Jackson did not do anything inappropriate with the family.

Q. Who is it who retained you to do that?

A. Marc Schaffel and Ronald Konitzer.

Q. Were you expecting to get paid for that

interview?
A. I did not get paid through them. I got paid through a magazine.
Q. All right.
A. I was on staff at a magazine at the time.
Q. All right. Was this an article that would appear in a magazine?
A. Uh-huh.
Q. Would it include photographs?
A. That was hoped for.
MS. SAGER: Object to the extent it’s unpublished information, Your Honor, since there was not an interview published.
THE COURT: Sustained.
Q. BY MR. ZONEN: Did you ever meet with Janet

Arvizo or her family?
MS. SAGER: Same objection, Your Honor.
THE COURT: Sustained.
Q. BY MR. ZONEN: Did you know who they were?
MS. SAGER: Same objection, Your Honor, to the extent that nothing has been published on that subject.
THE COURT: Sustained.
This is -- all objections are under the shield law at this time?
MS. SAGER: Yes, Your Honor.
Q. BY MR. ZONEN: Did you have a conversation with Ronald Konitzer as to whether or not that interview would take place?
A. Yes.
Q. What did Mr. Konitzer tell you?
MS. SAGER: And, Your Honor, I’ll only object to the extent that if it includes information that has not been published, that the witness should not be required to reveal anything unpublished. To the extent that there has been published information on that, we are not objecting.
MR. ZONEN: And let me preface the question with one other....
Q. Mr. Drew, did you appear on national television and discuss this very topic?
A. I believe so.
Q. Was the national presentation through Court

TV?

A. I believe so.

Q. Were you interviewed by someone by the name of Diane Dimond?

A. I was.

Q. Have you ever seen that presentation?

A. Yes.

Q. And you did recognize yourself as well as Miss Dimond?

A. Yes, I did.

Q. And did you discuss the subject matter of this very interview on national television?

A. I believe so. I believe so. Again, I do so many television interviews as part of my job, so remembering what I said in each one is a little difficult, but I believe so.

Q. All right. Did you, in fact, discuss the reason why this interview was not going to take place?

A. Yes.

Q. And what was the reason that the interview would not take place?

MS. SAGER: And again, Your Honor, I will only object to the extent that there's any information that has not been published. But to the extent Mr. Drew has revealed any portion of that on national television, we're not objecting.

THE COURT: So can I take this as an instruction by yourself to your witness to only divulge material that he's previously divulged on television?

MS. SAGER: Yes, Your Honor. Thank you.

THE COURT: I'll accept that.

Q. BY MR. ZONEN: Can you answer the question?

A. I was told that the family was unavailable.

Q. And what does "unavailable" mean?

A. I was told that they had disappeared from the ranch in the middle of the night.

Q. And who had told you that?

A. Ronald Konitzer.

Q. In fact, he used the word "escaped," didn't he?

MS. SAGER: Same objection, Your Honor.

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

MS. SAGER: Your Honor, we would object to the extent that the word -- whatever words were used in the interview are the words that were used, and any other words should be unpublished information.

MR. ZONEN: The objection was overruled?

THE COURT: Well, I'm to take that as an instruction to the witness, because the objection is -- it's not really an objection. She's saying, "If something happened, I object. If not, I don't." So I can't --

MS. SAGER: I understand, Your Honor.

THE COURT: I could rule if it happened, okay? And if not, no.

I think the better way is for you to instruct your witness. And he knows, to the best of his recollection, what he's said and what he hasn't said. And then if there's an issue there, we'll deal with it.

MS. SAGER: Thank you, Your Honor.

And I would instruct Mr. Drew not to answer with respect to any words that were not used in his discussion of what Mr. Konitzer said.

THE COURT: Do you have any idea what the question was you're supposed to answer?

THE WITNESS: Could you rephrase, please? Thank you.

Q. BY MR. ZONEN: What exactly did Ronald Konitzer tell you about the disappearance of the Arvizo family?

MS. SAGER: Again, Your Honor, with the same instruction to the witness, only to answer as to what he said on national television on that subject.

THE COURT: Can we just -- can you give him that standing instruction that he would tell you or indicate to you, or us, if we're getting into an area he hasn't discussed, so you don't have to keep interjecting yourself?

MS. SAGER: That's fine, Your Honor.

I don't know that Mr. Drew has a copy of the transcript of the interview in front of him. And that's the only reason I'm issuing this same objection.

THE COURT: Go ahead.

MR. ZONEN: All right.

MR. MESEREAU: Excuse me.

Your Honor, am I allowed to participate in this area of objections? I'm not sure.

THE COURT: You're not sure?

MR. MESEREAU: Well, I think I can. But I know you're trying to determine what's the scope of the privilege.

I'm objecting to what he's saying for other reasons. And I'm going to object on hearsay as far as what he said on an interview.

MR. ZONEN: To the extent that they are statements from the unindicted co-conspirator, Mr. Konitzer.

THE COURT: Well, I think -- he's asking me a question.

Yes, you can object, because what we're testing here is what the jury will hear, of course, and then what you can cross-examine on. So if you object to something and it doesn't come in, there's not an issue about cross-examination.

MR. MESEREAU: Okay. Thank you.

I'm objecting on hearsay.

MR. ZONEN: The answer is it's a statement

in furtherance of a conspiracy from one of the unindicted co-conspirators, Mr. Konitzer.

THE COURT: I don't know what the question was now.

Q. BY MR. ZONEN: What specifically did he say with regard to the disappearance of this family?

Would it be helpful if the witness was given a transcript of the television program? We can do that.

THE COURT: Well, you have to ask the witness that question. That's the question that, would it refresh your recollection if --

MR. ZONEN: I don't believe he's -- well --

THE WITNESS: It's a simple enough question, I think.

I was told that they had disappeared; that they couldn't keep them there anymore.

MR. MESEREAU: Objection. Objection.

THE WITNESS: And --

THE COURT: Just a moment.

Let him complete it.

THE WITNESS: And I believe the word "escaped" was used, but again, I don't -- I can't say word for word. But from -- the best of my recollection, yes, I heard the word "escaped."

THE COURT: Okay. Now, I made you wait, but you have an objection of hearsay.

MR. MESEREAU: I'm objecting to double hearsay. What the prosecutor is asking is, "What did you say in an interview about what somebody else said?"

MR. ZONEN: No, I did not.

THE COURT: He's asking what Mr. --

MR. ZONEN: Konitzer.

THE COURT: -- Konitzer said. That is hearsay. Now, the question is, was it in the furtherance of the conspiracy?

I don't see that it is, so I'll sustain the objection.

MR. ZONEN: I ask to make an offer of proof.

THE COURT: Yes, you may.

MR. ZONEN: This was -- he was prepared to do the interview of the family, the interview that ultimately was done on the evening of the 19th into the morning hours of the 20th by a different interviewer, and this was going to be done in furtherance of the promotion of the rebuttal film, the portion that was to be contained in the Maury Povich film. The family took off. That was in conjunction with the movement off of Neverland Ranch about that time.

It was Mr. Konitzer who was attempting to arrange this, this filming, who then called him and notified him that this filming would not take place because the family had escaped. It's a reflection of the state of mind of the co-conspirator; that the family acted in conformity with the testimony as we presented it.

So the objection -- or the exception to hearsay would be both a statement in furtherance of conspiracy, and a statement consistent with the state of mind of the co-conspirator.

THE COURT: I don’t get that.

If the information is -- I mean, all of the things you said could be in furtherance of the conspiracy, except we get to this one statement, which is, basically, “Where’s the family?” “Well, they escaped.”

That is -- that’s not in furtherance of the conspiracy. If anything, it might reveal the conspiracy.

MR. ZONEN: The fact that he says they escaped, they disappeared in the middle of the night, reflects, as to Mr. Konitzer, a state of mind consistent with the fact that this family was being kept there against their will, or at least as to the mother. So that would be an admission on his part that the family, in fact, was being kept against their will.

And to the extent that that statement was made during the course of the conspiracy, which it was, it was mid-February, then that statement would be an adoptive admission as to each of the unindicted co-conspirators, including the defendant.

THE COURT: All right. You just changed horses in mid-stream.

MR. ZONEN: I sure did.

THE COURT: Do you want to address the --

MR. MESEREAU: Yes, Your Honor.

I mean, first of all, I think the Court has an obligation to take into account the whole context of the statement, when it was made, and the purpose that apparently it was made for, in deciding whether it might even be reasonably construed to be in furtherance of a conspiracy.

THE COURT: I think he conceded suddenly that it’s not in furtherance. Now he’s asking that it come in as an admission, some sort of admission.

MR. MESEREAU: No, it’s a hearsay statement by someone who’s never been charged with a crime, who isn't in the courtroom. It's not an admission.

They didn't even charge any of these people, except Mr. Jackson.

THE COURT: Don't -- wait, wait. Talk to me.

MR. MESEREAU: It's not an admission.

That's just grabbing for something that doesn't exist. The only way it could possibly get in would be an exception to the hearsay rule, which the Court has, I think, found does not exist.

MR. ZONEN: If I could respond very briefly, Your Honor.

Konitzer's state of mind certainly is an

issue in this case as one of the unindicted co-conspirators named specifically in the Indictment returned by the grand jury. To that extent it would be relevant.

But it is also admissible as either an admission, given the fact that he is an unindicted but named co-conspirator, or a declaration against interest, specifically penal interest, if we were to consider him as an unnamed party to this action.

MR. MESEREAU: Your Honor, again, he's not here. He's not charged. He's not present. He's not testifying. We can't cross-examine him. It's not an admission. And it's clear hearsay. If it can't come in under alleged co-conspirator hearsay by someone who's never even been charged with a conspiracy, it just can't come in.

THE COURT: Well -- just a minute. You know that's not the law. The law is that statements by co-conspirators, whether they're here or with us today or not, can come in. That's not the issue. That's -- he's -- you're not addressing the issue. But just give me a moment to think here.

MR. MESEREAU: Your Honor, if there was a co --

THE COURT: Just a moment, please.

Okay. I think what you were going to say is, if it were a co-defendant and one co-defendant's admission was attempted to be introduced in a trial

of both of them, that it couldn't be introduced in front of the jury. And I agree with you, if it were any other crime but conspiracy.

MR. MESEREAU: But, Your Honor, I don't believe it would come in as an admission. I believe it would come in under co-conspirator hearsay or it couldn't come in.

THE COURT: They either are trying to help you or they can't hear.

(Laughter.)

MR. MESEREAU: Oh.

MR. ZONEN: I would object to the first of those choices.

MR. MESEREAU: What I said to Your Honor is in that event, it would not still come in as an admission. It would have to come in as an exception to the hearsay rule and be deemed by the Court co-conspirator hearsay.

THE COURT: Well --

MR. ZONEN: Can I ask --

THE COURT: I'm going to --

MR. ZONEN: Can I ask this one question? If, in fact, among the overt acts -- if, in fact, among the overt acts would be acts of this family leaving Neverland Ranch, and to the extent that this person is one of the unindicted co-conspirators, and the overt acts include their efforts to return the family to the ranch and to

return the family to this video presentation, then his statement that they had fled the ranch and escaped would certainly be statements in furtherance of the conspiracy in terms of their efforts to renew their activities to bring them back onto the ranch. It would also be an admission on the part of a co-conspirator to the extent of what they were trying to do, and it would be a reflection of that party's state of mind that that's what they wanted to do, was keep them on the ranch until the point that they were able to do this particular interview, and thereafter to Brazil.

MR. MESEREAU: I think I said what I can say, Your Honor. I don't think it can come in in either event.

MR. ZONEN: And I'll submit as well.

MS. SAGER: And, Your Honor, we really don't have a dog in this fight. I want to make sure the record is clear that --

THE COURT: They can’t hear you, so you have to speak into the microphone.

MS. SAGER: We don’t have a dog in this fight, but I just want to make sure the record is clear as to what this witness testified about was not the video interview of the family. He was a magazine reporter who was asking for an interview of the family.

And I don’t want it to be confused with some conspiracy theory about what was or wasn’t done with the video and what they were doing with that. That is not what Mr. --

THE COURT: I’m not -- you have to have been here for 49 days or so.

(Laughter.)

MS. SAGER: I understand, Your Honor.

THE COURT: That’s not a problem.

MR. ZONEN: Where does that metaphor come from? This is the second Los Angeles lawyer talking about dogs and fights.

THE COURT: I don’t know. I’ve used it before. But after hearing someone chastised, I’ve decided I’ll never use it again.

I think it’s admissible as to the state of mind of the co-conspirator, so I’m going to allow it.

MR. ZONEN: Thank you. I have no further questions.

MR. MESEREAU: May I cross-examine, Your Honor?

THE COURT: Yes.

MR. MESEREAU: Okay. Thank you.

CROSS-EXAMINATION

BY MR. MESEREAU:

Q. Good morning, Mr. Drew.

A. Good morning. How are you?

Q. Fine, thank you.

You gave an interview to Lieutenant Klapakis and another Santa Barbara sheriff named Robel on

August 4th, 2004, correct?

A. Yes.

Q. Do you know how long that interview was?

A. No. I didn’t think it was that long, but it was probably a lot longer than it was.

Q. You waived privileges when you gave that interview, correct?

MS. SAGER: This is a question that’s a legal question, not a question for this witness as to whether he waived privileges. He did not have counsel. He had not been advised of rights.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You gave that interview freely and voluntarily, correct?

MS. SAGER: Same objections, Your Honor. He was being served with a subpoena, had no counsel.

THE COURT: Just a moment here.

All right. As to the objection that he had no counsel present, that’s overruled.

The question pending, which you may answer, is, did you give that interview freely and voluntarily?

THE WITNESS: I guess. I didn’t know it was an interview, and I didn’t know that it was being documented in any way.

Q. BY MR. MESEREAU: You were not served with a subpoena for purposes of that interview, were you?

A. I don’t know why I was served with a subpoena. I just got it in the mail.

Q. You did not attend that interview because you were subpoenaed to do so, right?

MR. ZONEN: Objection.

THE COURT: Maybe he doesn’t know which interview you’re talking about.

THE WITNESS: I didn’t think I was attending any interview.

Q. BY MR. MESEREAU: Did you interview on August 4th, 2004, with Lieutenant Klapakis and Sergeant Robel of the Santa Barbara Sheriff’s Department?

A. I had a conversation with them.

Q. Where did the conversation take place?

A. Outside of my office.

Q. And did those two officers meet you outside of your office?

A. They did.

Q. Did you speak to them?

A. I did.

Q. You were not subpoenaed to speak to them, were you?

A. No.

Q. You spoke to them about facts concerning this investigation, true?

A. Yes.

Q. You told them you were a freelance journalist who was currently working for US Weekly Magazine, right?

A. That’s not true. I’ve only worked as a staffer at US Weekly.

Q. Did you tell them you were a journalist in that interview?

A. Yes.

Q. Did you tell them you were doing some work for US Weekly Magazine?

A. Yes.

Q. After you told them you were a journalist, you continued to interview with them, right?

A. Yes.

Q. You gave them statements about Marc Schaffel, true?

MS. SAGER: Your Honor, to the extent that this is unpublished information that Mr. Drew has gathered in the course of his job as a journalist, I would still assert the shield law, which applies unless he has published information. And the statute and the Constitution specifically say, “disseminated information to the public.” And I’m quoting.

So any discussion he may have had with law enforcement officials would not fall within the scope of published information as it’s defined in

Article I, Section 2(b).

MR. MESEREAU: If I may respond, Your Honor.

THE COURT: Yes.

MR. MESEREAU: He gave a free, voluntary

interview with two sheriffs. He knew they were taking notes. He knew they were going to make a report. He knew it was part of this investigation. He knew that the reports were likely to be circulated.

They have been circulated. They are not under any particular special form of privilege. They have been produced to the defense. They are available to use at trial. He knew the information he gave could be used in the investigation.

THE WITNESS: That’s not true. I didn’t know any of that. I knew some of that.

MS. SAGER: Ian.

Actually, I was going to object, Your Honor, but I was going to let Mr. Mesereau finish first.

THE WITNESS: Okay.

MR. MESEREAU: He gave extensive information about Schaffel, Konitzer, his discussions with them, his perceptions of them. And it’s very clear from the interview he knew exactly what he was doing.

MS. SAGER: And, Your Honor, I would point out two things. One is Mr. Mesereau, with due respect, has not established any of the things that he just said as to what Mr. Drew knew or didn’t know. He’s merely asserted them.

Second, we’re talking about a waiver of a constitutional right, First Amendment right and state constitutional right. And I don’t think Mr. Mesereau has established either that Mr. Drew understood or had any reason to know when he was in that conversation that there was later going to be a position taken that, by talking to the police officers at all, that he was waiving his constitutional rights.

THE COURT: Are there any cases on this scenario where a person talks freely to the law enforcement and then claims the shield law in court?

MS. SAGER: I don’t know of a case in California, Your Honor, that deals with this particular issue.

The Playboy case, which we cited in our papers, does deal with the difference between revealing information publicly and any other information that may be related that's not revealed publicly, and they draw a very strict line. The language of Article I, 2(b), talks about information that is disseminated to the public. Everything else is defined as unpublished information.

THE COURT: What about -- I didn't read the Playboy case. What was the disclosure in the Playboy case?

MS. SAGER: In the Playboy case, there was

an interview published with Cheech and Chong that had some information that they had given during the course of an interview with a Playboy --

THE COURT: But nobody understood what they said.

(Laughter.)

MS. SAGER: Everybody bought it for the article, too.

(Laughter.)

MS. SAGER: The argument was made, in subpoenaing all of the information from Playboy, that they had already revealed, in fact, what was said in the interview because they wrote an article about it.

And the Court of Appeal in the Second Appellate District said only what is actually revealed in the article disseminated to the public has been revealed, even though there were discussions with Mr. Cheech and Mr. Chong, even though there was some information published.

THE COURT: Are you familiar with that case, Counsel.

MR. MESEREAU: I am not, Your Honor. But I would -- I haven't completed my examination of him yet, so I don't think -- I think it's rather premature to conclude we can't establish that he didn't know what he was doing or didn't know he was --

THE COURT: The question, though, is what questions he has to answer right now while you're trying to complete your examination. That's the problem. And --

MR. MESEREAU: Well, Your Honor, if I can't cross-examine him on the issues he wants to testify on direct about, then I don’t think he should be allowed to testify as a witness.

MS. SAGER: And, Your Honor, I’d only point out that we did not brief the issue of waiver, because it did not come up, but there’s certainly a long line of cases about the waiver of constitutional rights needs to be knowing, not simply a voluntary conversation, but a knowing waiver of your rights.

And if Mr. Drew is asked, I expect he could answer the question as to whether he knew and understood that, by any conversation he had with these officers, he was waiving all rights he might have under the California shield law and the Constitution.

THE WITNESS: Can I actually say, I was told by the officers and I actually had the understanding that --

THE COURT: Just a moment.

THE WITNESS: All right.

THE COURT: The way we have to do this is we rely on your attorney to help --

THE WITNESS: Okay.

THE COURT: -- what she wants to bring out. You -- that’s the -- you have a very competent attorney, so I think you should --

MS. SAGER: Thank you, Your Honor.

THE WITNESS: Thank you.

MS. SAGER: And I just would add, Your Honor, that I don’t disagree with Mr. Mesereau about whether Mr. Drew should have to testify at all. I do think getting into cross-examination will lead into areas that are covered by the privilege, which is the reason we put that in our brief. It is a problem when you have reporters called as witnesses, because even if one side tries to limit what they’re asking to published information, it is inevitable the cross-examiner will attempt to get into other areas that are not published and that do delve into reporters’ constitutionally protected information.

MR. MESEREAU: If I may, Your Honor.

THE COURT: Yes.

MR. MESEREAU: There is information in the police reports that suggests that it was the conclusion of the investigating sheriffs that Mr. Drew has been a business associate of Mr. Schaffel.

The Court already knows, because it's in evidence, that he did conduct an interview of Debbie Rowe at Mr. Schaffel's residence, presumably at the behest of Mr. Schaffel. And there is considerable evidence in the police reports that he has relationships with Konitzer and others.

Now, if he's going to be called to testify to what Mr. Konitzer says to him, it would terribly prejudice our ability to defend if we couldn't extensively cross-examine on veracity, on bias, on a motive to make a statement for a particular reason, and also his relationship with these people. If we can't do that, he should be precluded from testifying.

MS. SAGER: And the problem again, Your Honor, is journalists have relationships with a number of people. They may be getting information from a lot of different sources. And the fact that they get information from people that they may later want to publish, that's something that is tremendously protected under the First Amendment. And to allow counsel to cross-examine into what information he may or may not have gotten from people who may have been confidential sources, may have been on-the-record sources but were not ever published, really opens up the privilege widely, and for something that in this case, frankly, is a tangential issue.

And there's some question about whether this particular statement has any relevance here, given that I don't believe it's disputed that the family left when they left, why they left. And the circumstances of that, are not within this witness's personal knowledge.

So what his impressions were, what he interpreted the remark to mean is not something that would be admissible. So the remark itself that they left is really not all that important compared to the constitutional issues.

THE COURT: Actually, the substance of what he said is important. That’s not a good argument. But --

MR. MESEREAU: If the Court will permit, Your Honor, could we have a few minutes to try to research that case? Because I’m not --

THE COURT: The Playboy case?

MR. MESEREAU: Yes.

THE COURT: Yeah, it wouldn’t hurt for me to look at it.

MR. ZONEN: Do we need the actual evidence from that case?

THE COURT: Let’s --

MS. SAGER: As I said, Your Honor, we did not brief the issue of waiver extensively, so we’re happy to do that for the Court if that’s going to be an issue that’s --

THE COURT: That might not be necessary if each of us have a chance to look at the case. Let’s see. The next recess is scheduled for -- I don’t want to make the same mistake I made

earlier, so why don’t we just take our 11:30 recess, and then everybody who doesn’t have to read cases can eat. Okay? And we’ll come back at the end of our 11:30 recess.

(Recess taken.)

THE COURT: All right. You wanted time to look at that case?

MR. MESEREAU: I did look at it, Your Honor. It deals primarily with civil matters, obviously. And I think --

THE BAILIFF: Can you turn your microphone on, please?

MR. MESEREAU: Pardon me. I did look at the case, Your Honor, and I believe it clearly deals with civil matters. I think what the Court in our discussion has identified are really three issues to be analyzed. The Court did analyze the first issue, and that had to do with the question of whether this was admissible or not. We did do a little bit of research. I don’t know if the Court will allow me to even address that again, or if you would, I would refer the Court to a local case called Saling, which holds that, “Although it has been held that statements which merely narrate past events are not to be deemed to be made in furtherance of a conspiracy…,” and then it does say that the Court has to do a balancing analysis. The cite is 7 Cal.3d at 852.

So we would certainly renew our objection to the admission of the statement the witness purportedly wants to testify to.

Number two, the question is, does the shield law apply? And if the shield law is deemed by the Court to apply, I believe you still have to then do another balancing test to determine, in a criminal trial, if the defendant, to get a fair trial, has a right to crack what is being shielded.

And I would refer the Court to the case of Delaney vs. Superior Court, 50 Cal.3d 785. It’s a 1990 case. And you have a holding that, “To overcome a prima facie showing by a newsperson that he is entitled to withhold information under the shield law, a criminal defendant must show a reasonable possibility the information will materially assist his defense. A criminal defendant is not required to show that the information goes to the heart of his case.”

Now, I think the prosecutor has basically admitted that he thinks the purported testimony goes to the heart of his conspiracy allegation. He believes it goes to the heart of his conspiracy allegation as it appears in the Indictment and as it appears in the alleged overt acts in the Indictment, according to the prosecutor.

The question we have, or the question for the Court is, if he’s allowed to bring in this hearsay statement, or I think the Court considered it an admission as well, what are we allowed to do if we want to cross-examine him?

And I think it’s pretty clear that the witness and his attorney are attempting to preclude any type of examination into his relationships with the people he wants to testify about, relationships which he identified and articulated to two police officers. And I renew my claim that we would be severely hamstrung and prejudiced in our ability to examine him for the truth of what he is saying and his motives for saying what he's saying if we couldn't go into that.

So where we are right now, Your Honor, is, I think there's an argument that it's shielded based on the case the Court read, but there is a far stronger argument that the defense must go into that information if the witness is allowed to testify.

So perhaps the better solution, weighing all of these issues, is disqualify him from testifying, and then there is no argument that the defendant is being unfairly hamstrung in his ability to confront and cross-examine.

And I don't think -- one thing I will say to the Court, in his interview to the police, it appears as if he's giving all of the information. As I understand, a lot of these cases dealing with

the shield law, they have to deal with information gathered by the reporter that the reporter doesn't want to disclose.

Here, you've got police interviews where basically the police appear to be saying nothing, giving him no information at all, and he is voluntarily allowing himself to be interviewed, near his place of business, about Schaffel, about Konitzer, et cetera, about the Arvizos.

THE COURT: But, see, that's the material he's gathered. It's not -- he wasn't gathering from the police, or if he tried, he apparently failed. He was -- he had already gathered his information, and he was telling the police what he'd gathered.

MR. MESEREAU: Uh-huh.

THE COURT: And --

MR. MESEREAU: But it does involve more than that, Your Honor. He admitted to the police working out of Schaffel's home for weeks, for example. Things like that are part of that interview and are part of the information his lawyer wants to shield. And it would just -- it would just eviscerate our ability to probe and test for credibility on cross-examination if we couldn't go into those relationships and that information.

THE COURT: Well, under Delaney, you have to show -- the defense has the burden of showing that the information, the unpublished information that he has, would materially assist the defense. And --

MR. MESEREAU: As I just said, Your Honor, I believe the holding is just if we show a reasonable possibility it will help us to assist the trier of fact in determining whether this witness should be believed or whether this witness has a motive to lie or a motive to gain financially by appearing in this trial, by saying what he's saying, given his past associations, his past admissions and statements to various people. If we can't go into that, we are severely prejudiced.

THE COURT: Well, what is the information that you claim that he has that would materially assist the defense? And it says you must make a specific showing that the nondisclosure would create a substantial probability of injury to the defendant's right to a fair trial. What is that information that you think is that valuable?

MR. MESEREAU: His relationships with Konitzer; when he met him; how many times he spoke to him. Did he have any financial connection with Konitzer? To his knowledge, was Konitzer involved with Schaffel when he was involved with Schaffel? What business relationship or financial relationships did he have with these two people? Why was he trying to get information from them? What did he intend to do with the information? When did he last talk to them? Did he, in fact, talk to the police voluntarily and give information to try and be part of this case, because he is a journalist and he can profit that way?

I mean, there are lots of questions that I would want to go into about his relationship --

THE COURT: There's lots of questions, but the -- what is the information you would get that would -- it's not the questions that prove the point. It’s the answers.

MR. MESEREAU: Yes. Yes. Well --

THE COURT: So what are you offering -- what are you proffering to me in the way of information he has? Not questions you have.

MR. MESEREAU: He’s had a falling-out with Schaffel, who he had a business relationship with. He worked out of his house for three weeks. He saw a contract at Schaffel’s saying Schaffel was going make millions of dollars. He was not allowed to participate in that. He had a falling-out with Konitzer. Is he now trying to basically assist the prosecution in incriminating Konitzer? He has a lot of relationships with these two characters that I would think we have to be able to go into to show his motive to lie.

THE COURT: You’re making an offer of proof that those facts are -- if he were forced to testify, he would say that he had not been able to enter into multi-million dollar deals with them, et cetera, et cetera?

MR. MESEREAU: Well, he may deny it. But if he does, I would explore it further and show he’s not telling the truth.

THE COURT: Okay. Well, what I want to know is what you know he has to say, not what you suspect from your questions.

MR. MESEREAU: Well, Your Honor, I’ve never interviewed him.

THE COURT: You have the police interview.

MR. MESEREAU: Yes, I do.

THE COURT: That would be of some assistance, I would think.

MR. MESEREAU: Yes, Your Honor. He worked out of Schaffel’s residence for approximately three weeks. He learned that Schaffel was trying to enter into a contract with FOX for $7.5 million regarding the Rowe interview. He conducted the Rowe interview. He told the police the Rowe interview was not scripted. He apparently didn’t make any money off of the Rowe interview and apparently wanted to. He had -- he met Konitzer, who was also involved in the Rowe interview. He had a relationship with Konitzer. They apparently talked on a number of occasions. He was in Florida with these individuals.

THE COURT: I think what we should do is -- you know, some of those things may not be subject to the shield law. Some may. The District Attorney has finished his examination. I've made the ruling, which I'm not changing, on the state of mind that -- so now the question arises under Delaney.

So, in order to find out where we really are under Delaney, I think you have to ask the witness some questions, and we have to see which ones he answered and which ones he claims are unpublished and he has a privilege, and I'll have to look at the case from that standpoint.

MR. MESEREAU: Okay.

MS. SAGER: And the only thing I would like to add, Your Honor, is under the Delaney test, the test that --

THE COURT: You need to --

MS. SAGER: I'm sorry, Your Honor. I'm not used to using these microphones.

Under the Delaney test, it's not only the threshold test, which is what Mr. Mesereau presented, of whether the information sought is reasonably likely to materially assist the defense. That's simply the threshold.

Assume he gets past that. Then the Court engages in a balancing of all the other factors in Delaney. It's not simply enough that he meet that one test.

THE COURT: That's right. Then we look to see the balance, I agree.

So you may question.

MR. MESEREAU: Thank you, Your Honor.

Q. Mr. Drew, do you know someone named Marc Schaffel?

A. I did.

Q. You did?

A. Uh-huh.

Q. When did you first meet Marc Schaffel?

MS. SAGER: Your Honor, I'd object to the extent that reveals unpublished information. And also point out, Your Honor, that really has very little relevance to the one statement that Mr. Drew has been asked about by the prosecution that was published. You're now talking about an entirely different individual, not even the individual that he has spoken to that he talked about in his interview.

MR. MESEREAU: With all due respect to counsel, that's not true, Your Honor. I will link the relationship he has with Schaffel and Konitzer to the impeachment I'm trying to demonstrate. But I could ask the questions on Konitzer, and I'll see if he's going to assert the privilege to those. Maybe that would narrow it. Shall I do that, Your Honor?

THE COURT: Let me think. He's already testified that the -- that he was working for Konitzer when he did the interview, right?

MS. SAGER: Actually, I don't believe that's correct. I believe he testified he was working for a magazine and the interview was set up through Mr. Konitzer and Mr. Schaffel, not that he was working for them.

And in fact, I think he testified -- and counsel will correct me if I'm wrong. I believe he was asked was he paid anything by them, and he said no. Nor was he working for Mr. Jackson at any point.

THE COURT: All right. For purposes of where we are in the hearing, I'll sustain the shield objection on that question.

Q. BY MR. MESEREAU: Do you know someone named Ronald Konitzer?

A. Yes.

Q. And how long have you known Ronald Konitzer?

MS. SAGER: Same objection, Your Honor, to the extent that that's not been published, the extent of the length of their relationship or knowledge. Simply the fact that he knows him has been published.

THE COURT: Well, I think I need you to be more clear in your objection. You're saying "to the extent that that has not been published." I mean, you have to make a claim that that's not been published; that, "Your Honor, that has not been published," so I know that. I don't really know that, the way you're stating it.

MS. SAGER: I apologize, Your Honor, and the only reason I'm couching it the way I am is because Mr. Mesereau seems to believe that some things are publications which I don't agree with and the Court hasn't ruled on. There is an interview that does not contain the information that Mr. Mesereau is asking about and that's the publication that we're looking at. That information is not published, as far as I'm aware.

THE COURT: Well, I don't think you can limit it to that interview. I mean, if he's published it anywhere, in any magazine, or any news, or T.V., or -- you know, the definition really doesn't even involve media. If it's -- I guess if it's dissemination to the public, he could do it personally walking around the mall over there. So we have to -- when you claim he's being asked to reveal something that he hasn't published, it has to be he hasn't published it. Not that he didn't talk about it in the interview with the -- which interview are we talking about?

MS. SAGER: The Court TV interview, Your Honor.

THE COURT: The Court TV interview that he was interviewed on. That is not the only place that he could have published. He may have published it nowhere else, but we need to be clear. We aren't limiting this to that.

MS. SAGER: I understand, Your Honor. And so my objection is that Mr. Mesereau is calling for information which is unpublished within the meaning of the shield law.

THE COURT: All right. For purposes of this hearing right now at this point, just to see where we're going, I will sustain the claim under the shield law.

Q. BY MR. MESEREAU: When did you first meet Ronald Konitzer?

MS. SAGER: Same objection, Your Honor. That’s unpublished information.

THE COURT: All right. For purposes of this hearing right now, I’ll sustain that claim under the shield law.

Q. BY MR. MESEREAU: Where did you first meet Ronald Konitzer?

MS. SAGER: Same objection, Your Honor.

THE COURT: All right. And I’ll make the same ruling for purposes of this hearing.

Q. BY MR. MESEREAU: When you first met Ronald Konitzer, who else was present?

MS. SAGER: Same objection, Your Honor.

THE COURT: I’ll sustain the objection under the shield law.

Q. BY MR. MESEREAU: When you first met Ronald Konitzer, in your mind, what was the purpose of the meeting?

MS. SAGER: Same objection, Your Honor. Also that Mr. Drew’s state of mind is not at issue here.

MR. MESEREAU: I think it is on cross, Your Honor.

THE COURT: I’ll sustain it under the shield law.

Q. BY MR. MESEREAU: How many times have you met with Ronald Konitzer?

MS. SAGER: Same objection, Your Honor, as to unpublished information.

THE COURT: I’ll sustain the objection under the shield law.

Q. BY MR. MESEREAU: Have you ever discussed Michael Jackson with Ronald Konitzer?

MS. SAGER: And I would object to the extent that it seeks information that has not been published.

THE COURT: That’s an insufficient objection. I’ll overrule it.

MS. SAGER: I understand, and the only reason I’m couching it that way is the question, as phrased, is ambiguous. But I’ll object to the question as calling for information that is not published.

THE COURT: All right. I’ll sustain that under the shield law for this hearing.
Q. BY MR. MESEREAU: Have you ever had a

discussion with Ronald Konitzer about the possibility of interviewing the Arvizo family?
A. Yes.
Q. When did that discussion take place?
A. It took place the week after the Debbie Rowe interview.
Q. When was the Debbie Rowe interview?
A. I believe, from my recollection, it was March of 2003.
Q. Were you at the Debbie Rowe interview?
A. Yes, I did the Debbie Rowe interview.
Q. Are you the person who asked Debbie Rowe questions in that interview?
A. Yes.
Q. You’ve told the police that interview was not scripted, correct?
MS. SAGER: Your Honor, and I’d again object that this is not published information.
MR. ZONEN: And I would also interject an objection that it exceeds the scope of the direct examination.
THE BAILIFF: You guys have to use the microphone.
MR. ZONEN: I would object that it exceeds the scope of the direct examination.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Was the Debbie Rowe interview scripted?

MS. SAGER: Same --
MR. ZONEN: Objection; exceeds the scope of the direct examination.
MS. SAGER: Also unpublished, Your Honor.
THE COURT: Sustained on both grounds.
Q. BY MR. MESEREAU: Was Ronald Konitzer at the Debbie Rowe interview?
MS. SAGER: Objection, Your Honor. Calls for unpublished information.
THE COURT: Sustained under the shield law.
Q. BY MR. MESEREAU: Now, you said, in response

to the prosecutor's questions, that Mr. Konitzer referred to the Arvizo family leaving Neverland Ranch, right?

A. Yes.

Q. And your first response to the prosecutor's question was that Konitzer told you that they had disappeared from Neverland Ranch, correct?

A. Yes.

Q. After being further asked questions by the prosecutor, you said that Konitzer had used the word "escape," right?

A. I said I believed he had used the word "escape." I remembered it.

Q. You didn't use the word "escape" when you first responded to the prosecutor's question about what Mr. Konitzer had said, right?

A. I think I did. I think it was all within the same sentence, from my recollection.

Q. You said "disappear," did you not?

A. That was part of it, too.

Q. Now, how long did your discussion with Konitzer take place on that particular occasion?

MS. SAGER: Objection, Your Honor. Calls for unpublished information.

THE COURT: All right. Sustained under the shield law.

Q. BY MR. MESEREAU: Were other things said by Mr. Konitzer to you on the occasion when you claim he made that statement?

MS. SAGER: Same objection, Your Honor. Calls for unpublished information.

THE COURT: Sustained.

Q. BY MR. MESEREAU: How long did that discussion last?

MS. SAGER: Same objection, Your Honor.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you say something to Mr. Konitzer in that discussion?

MS. SAGER: And I'll object, Your Honor, to the extent that it calls for information that has not been published. It was one word, I believe, Mr. Drew has published, which I'll let him answer.

THE COURT: All right. Answer the one, the word, following your attorney's instructions.

MS. SAGER: If you recall.

THE WITNESS: I don't. I don't remember.

Q. BY MR. MESEREAU: Where did the discussion take place?

MS. SAGER: Same objection, Your Honor. Calls for unpublished information.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Who else was there with you and Konitzer?

MS. SAGER: Same objection, Your Honor. Also assumes facts not in evidence.

THE COURT: Under the shield law objection, I'll sustain the objection.

Q. BY MR. MESEREAU: Was anyone else there with you and Mr. Konitzer?

MS. SAGER: Calls for unpublished information, Your Honor.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you arrange for the discussion where you claim Mr. Konitzer made that statement?

MS. SAGER: I believe it's vague, Your Honor, but it's information that is published, so I'll let the witness answer, if he recalls.

THE WITNESS: Yes, I was trying to get an interview, so I think I -- I think I made the phone call, because I'm pretty dogged about that usually.

Q. BY MR. MESEREAU: Where were you when you made the phone call?

MS. SAGER: Calls for unpublished information, Your Honor.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you call Konitzer's number?

MS. SAGER: Same objection, Your Honor.

THE COURT: Sustained.

MR. MESEREAU: Your Honor, I believe at this point it's pretty clear I wouldn't be able to cross-examine the witness on any of this; we would be prejudiced. And I believe, under the Delaney case, the witness should be disqualified from testifying. I’m not being allowed to cross-examine on anything regarding the bona fides of what he said and in what context it was said, who was there, where it took place.

And again, I would refer the Court to the holding in the Delaney case. All we have to show is a reasonable possibility the information will materially assist the defense. And the material assistance would be in examining the veracity, the motives, the bias of this witness.

MS. SAGER: And, Your Honor, I believe under the Foss case, that disqualification of the witness is the appropriate measure to take rather than allowing any counsel to get into information that clearly is protected by the shield law, so that even published information should not be presented if

then, to allow cross-examination, would delve into constitutionally protected information.

THE COURT: Mr. Drew?

THE WITNESS: Uh-huh.

THE COURT: I’m looking at the testimony you’ve already given. What I want to do is read to you what you said about the -- just that one sentence is all we’re talking about. I want to read to you that sentence, and I want to ask you a couple of questions about why you said that sentence.

THE WITNESS: Okay.

THE COURT: But to do that, I want to read it to you, so I’m going to ask you to listen to this:

The question by Mr. Zonen was, “What specifically did he say with regard to the disappearance of this family? “Would it be helpful if the witness was given a transcript of the television program? We can do that.”

I say something, and then Mr. Zonen says something.

And then Mr. Zonen says, “Well,” as a question mark, and you say, “It’s a simple enough question, I think. I was told that they had disappeared, that they couldn’t keep them there anymore.”

There’s some objections.

And you say, “And I believe the word

‘escaped’ was used. But again, I don’t -- I can’t

say word for word. But from the best of my recollection, yes, I heard the word ‘escape.’” First of all, what you’ve already answered, does that accurately reflect your recollection of that conversation?

THE WITNESS: Uh-huh. Yes.

THE COURT: What is your -- if you can answer this, what is the failure of your recollection about the word “escaped”?

THE WITNESS: No, it’s to the best of my recollection. When I was talking to Mr. Konitzer, I was simply trying to get -- I was on a deadline trying to get an article done, so I wasn’t paying attention word for word, knowing that in a trial two years later I would have to remember each part of it. I remember the tone of his conversation more than I remember even the exact words.

THE COURT: Okay. Thanks.

Mr. Mesereau, is there anything in the police reports that you have that you would like to represent to me --

MR. MESEREAU: First of all, Your Honor, as the Court knows, in many of my prior cross-examinations of witnesses, I have asked them when they -- excuse me, if they ever met with any representative of the Santa Barbara Sheriff’s Department; who initiated the meeting; what was said; who said what; did the sheriffs say anything

to you about the case?

And the reasons are obvious. We want to establish if, in fact, the prosecution or its agents have tried to infect any witness with information of a specific nature or give them a perspective on the case or try and indoctrinate them in some way. We also want to establish if the witnesses have said anything to the sheriffs which suggests a desire to be involved in this case or a desire to --

THE COURT: I think you didn’t let me finish my question.

MR. MESEREAU: Oh. I’m sorry. Pardon me.

THE COURT: The question I wanted to ask, is there anything in the police reports that he said in the interview with the sheriff's department or any law enforcement people that you want to show me or advise me of? You know, as opposed to the questions that you would ask, any information contained therein that you believe is, you know, material that would --

MR. MESEREAU: Yes, Your Honor. I mean, first of all --

THE COURT: -- materially assist your defense if he were to testify to it?

MR. MESEREAU: Yes, Your Honor. There is the business relationship between this witness and Schaffel and Konitzer, as I would like to establish, is that he had a relationship with them. He was

involved in their efforts to make money off of Michael Jackson. The --

THE COURT: That's -- just to be clear now, that's in the police report?

MR. MESEREAU: Yes, Your Honor. He conducted the Debbie Rowe interview. He was working out of Schaffel's residence. He was promised he could interview the Arvizo family. He had a financial interest in working with Schaffel and Konitzer. He then was apparently told, "You're not going to be interviewing the Arvizo family because they left Neverland."

And then the question is, what kind of relationship did he continue to have with them? What money did he expect to make? Who was supposed to pay him for doing all of this? Did he think he was going to be involved in the FOX contract? He did tell the sheriffs that he saw, in fact, a FOX contract at Schaffel's residence during the approximately three-week period of time that he worked out of Mr. Schaffel's residence.

And the question would be, why did he look at the contract? How did he know it said $7.5 million from FOX? What interest did he think he had? Has he had a falling-out with Konitzer? When did he last talk to any of these people?

He did not obtain this so-called quote in isolation, and he didn't obtain it in a casual, unexpected occurrence or meeting. He obtained it, if he did, within the context of an ongoing business relationship with Konitzer and Schaffel, who the prosecution allege are unindicted co-conspirators. And the motives for coming forward and making this allegation on T.V. and in court are fertile ground for cross-examination where the scope of cross-examination is very broad to show any type of financial motive, financial bias, or a bias to say anything that hurts his former co-business partners, which in fact they were. So we would be severely hamstrung if we could not go into these relationships and these motivations.

Now, he told the police that when he interviewed Debbie Rowe, he was working out of Schaffel's residence for approximately three weeks. He said that during that period of time, he saw the FOX contract. He just told the Court that when he got this information from Konitzer, he had a deadline. How did that deadline relate to why he was talking to Konitzer to begin with? What project were they still involved in, if any?

And clearly his police interview, which was conducted by him, as I said before, on a voluntary basis, talks about how he met these characters, how he stayed in contact with them, where he called them from, how the interview with the Arvizos he thought he was going to do related to the interview with Debbie Rowe. It's all part of the same package.

And, Your Honor, there are tapes where he and Debbie Rowe complain about Schaffel and Konitzer. There is the issue of his falling-out with them. It's all interconnected.

THE COURT: Okay. Do you want to be heard, Mr. Zonen?

MR. ZONEN: Your Honor, the police report in this matter is four pages of text, and I think it would be appropriate for the Court to review it, and I would invite the Court to review it to make the determination as to whether -- would you like me at the podium?

THE COURT: Yes.

MR. ZONEN: The Court specifically made the inquiry as to whether or not there’s information contained in the police report as might justify extensive cross-examination of this witness with regards to information given by the witness to detectives in the course of that interview.

Rather than debate what is and what isn’t, it’s a very brief report. It’s only four pages of large script. And I would ask that the Court read it to make a determination as to whether or not that would assist the Court in its judgment.

Once again, the prosecution is offering one sentence in this case. It’s a conversation that took place between this witness and another person, one of the unindicted co-conspirators, to the extent this that person said to this witness, “They’ve left,” and the words of how they left. It’s effectively one or two sentences.

I do not believe that that warrants and justifies extensive cross-examination on the relationships and interrelationships between each of the five unindicted co-conspirators and this witness and any of the co-conspirators among themselves at any point in history. I also don’t believe it justifies an examination into his involvement in the interview with Debbie Rowe, which was an entirely separate interview and separate people involved.

As to the question of what he can be cross-examined on in the course of the interview with the -- the “interview” -- the two-sentence conversation with Mr. Konitzer, I think that he can be cross-examined on information that would shed light on what was going on at that time and the accuracy of that statement, and it is a statement that is relatively noncontroversial. It is not the type of thing that a thorough examination of the relationships of these parties would necessarily disprove or as to motivation.

And so I believe that until the defense satisfies the burden, which they have, for the purposes of showing that there is information out there, and they’re not simply on a fishing expedition, but that there is concrete information that would somehow show that this statement was never made, or, if it was made, had a different meaning, or in fact was a statement that's entirely different from what it was as it's represented by this witness, and I believe that they can do that within the limitations of the Court and within the limitations imposed by the shield law.

I have the report to turn over to the Court, if that's permissible.

MR. MESEREAU: If I may, Your Honor, there are other reports as well. There's a number of pretext phone calls where he discusses the same issues identified in that police interview.

I suspect Miss Sager is going to say they're privileged, but they do relate to the same facts. They give us a good-faith basis, in addition to what I just told the Court, to inquire into his relationship with Konitzer and Schaffel, and what his expectations were, what happened to the money he thought he was going to get, et cetera.

I think the Court would have to look at those as well. There aren't that many of them and I have them with me. I also have transcripts of those pretext phone calls.

THE COURT: And do both of you agree and stipulate that I can review those reports in conjunction with reaching a decision on this?

MR. ZONEN: Yes.

MR. MESEREAU: Yes, Your Honor.

THE COURT: All right. Would you provide those to me?

MR. MESEREAU: Yes.

MS. SAGER: Your Honor, we have not been provided with those reports, and for purposes of arguing this motion, it would greatly assist me, if the Court is going to consider them, if we also were allowed to review them.

THE COURT: Certainly.

MR. ZONEN: I will do so.

THE COURT: You can step down. There's no sense in sitting there while we're trying to figure this out.

MR. ZONEN: How clean are your copies?

MR. MESEREAU: They're pretty clean.

MR. ZONEN: Do you just have yellow highlights?

MR. MESEREAU: Yeah, but also -- there are transcripts as well.

MR. ZONEN: You don't have material written into them?

MR. MESEREAU: Not really, no.

MR. ZONEN: Okay.

MR. MESEREAU: It may take a moment. I'm just trying to staple these reports together, Your Honor.

THE COURT: All right.

I think what I'd like to do, Lieutenant, would it work all right, when I take these back to read, if I declare a recess? And then you can -- so these folks don't have to sit in here? Is that all right? And then we can bring them back in. It looks like I'm going to be a few minutes reading.

LIEUTENANT McKINNY: That's fine, Your Honor.

THE COURT: That would give them five minutes' notice to bring them back into the courtroom, or let them, excuse me, back in the courtroom.

MR. MESEREAU: Your Honor, I might add that this witness's name comes up in other reports dealing with interviews with other individuals and investigations into other individuals. Information regarding this witness was seized at Schaffel's house, for example.

So I don't want to suggest that the scope of examination or the good-faith basis for questions about his relationship with these people are purely based on what I'm giving you. There's other stuff, too.

THE COURT: Okay.

MR. MESEREAU: May I approach?

THE COURT: Yes.

All right. Then we'll take this recess.

(Recess taken.)

THE COURT: Counsel, would you like to

retrieve the police reports?

THE BAILIFF: I can get them.

MR. MESEREAU: Thank you, Your Honor.

THE COURT: All right. The Court is going to make the following order: That the Court finds that the probative value of the statement offered by Mr. Drew is questionable; that if the statement was introduced into evidence, the statement might lend itself to proving somewhat the conspiracy, but the only value I see of the statement -- the only evidentiary value of the statement would be to prove Konitzer’s state of mind, which is not Mr. Jackson’s state of mind, and may very well not be appropriate to admit under any circumstances. Because even though it’s a co-conspirator’s state of mind, it would be unlikely helpful in proving Mr. Jackson’s involvement. It wouldn’t prove his involvement.

In addition to that, there is some real vagueness in the statement as recalled by the witness, since he does not recall exactly what was said, but more the sense of what was said, and isn’t sure where the word “escaped” fit in.

Considering these items, in balancing under Delaney, the Court does not believe that the shield law is overcome in this case. The shield law then remains in effect.

That effectively bars the defense from

cross-examination on the statement which I’ve already determined to have some questionable value. Therefore, the Court finds the only appropriate remedy is to deny the People’s request to admit the statement.

MR. ZONEN: Your Honor, we have no further witnesses for the day.

THE COURT: What I would like to do is excuse the jury. There’s two ways to do that. Probably the cruelest way would be to --

MR. ZONEN: Send the bailiff in there?

THE COURT: -- file them in here and then tell them. In fact, I don’t think I could face them.

(Laughter.)

THE COURT: No, I better face them, though.

Let's bring them in.

MS. SAGER: Your Honor, is Mr. Drew excused?

THE COURT: I'll be a man about this.

Yes. You're excused.

MS. SAGER: Thank you.

THE COURT: It's my custom to not be on the bench when the jury comes in, so I think I'll leave.

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: Good afternoon.

THE JURY: (In unison) Good afternoon.

THE COURT: (To counsel) You tell them.

(Laughter.)

THE COURT: Because of rulings that I've made today, we have no further witnesses.

I am advised by the District Attorney that they have two days left in their case, Monday and Tuesday, and they will be full days, without delays.

So I apologize for keeping you here all day today like this. I didn't anticipate, of course, the length of time that was going to be involved, and I tried very hard not to do that to you.

I know how crummy it is to sit back there and not have anything to do and not know what's going on, and it's just one of my things I just don't do. And we have gone through a lot of days without doing that to you, so I'll try to get through a lot more before it happens again.

So I'll see you next week.

Court's in recess.

(The proceedings adjourned at 1:25 p.m.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 8207 through 8303 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 29, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
April 29, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
OFFICIAL COURT REPORTER

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MONDAY, MAY 2, 2005

8:30 A.M.

(PAGES 8305 THROUGH 8351)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Nicola is listed as “N” on index. Mr. Mesereau is listed as “M” on index.
Ms. Yu is listed as “Y” on index. Mr. Sanger is listed as “SA” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
WAGNER, Beverly	8311-A	8316-SA	8321-A	
BONNER, Craig (Re-called)	8322-N			

E X H I B I T S

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
200-218	Turnberry Isle Resort & Club records	8309	8309
255-258	The Beverly Hilton records	8309	8310
418	Copy of check for $1,000,000	8312	
419	Copy of check for $500,000	8314	
859	Visual chart documenting phone calls	8325	8327
860-867	Linked phone calls record	8325	8328
871	Chart and spreadsheet for February 20, 2003	8325	8328
875-879	Charts for March 5, 2003, to March 9, 2003	8325	8328
880	Linked phone calls and Excel spreadsheet	8325	
881	Linked phone calls and Excel spreadsheet	8325	
882	Linked phone calls and Excel spreadsheet	8325	

Santa Maria, California
Monday, May 2, 2005
8:30 a.m.

THE COURT: Good morning, everyone.
THE JURY: (In unison) Good morning.
THE COURT: Call your next witness.
MR. SNEDDON: Good morning, Your Honor. Before we get started this morning, we have some records that we want to move into evidence. I've discussed it with Mr. Sanger.

And the first set of records involves the documents that have been marked as Exhibits 200 through 218 for identification. We have the custodian of records certification from the Turnberry Inn, and we would move at this time that the documents 200 through 218 be admitted into evidence as business records and duly certified.

MR. SANGER: No objection.

THE COURT: They're admitted, 200 through 218.

MR. SNEDDON: In addition to that, Your Honor, we would be moving that the records that are No. 255 through 258, which again bear the custodian's certification from the Beverly Hilton Hotel, be admitted into evidence as Items 255 through 258.

MR. SANGER: No objection.

THE COURT: They're admitted.

MR. SNEDDON: And then one other item of business, Your Honor, that we will complete at the break, but I wanted to bring to the Court's attention, we have some records that have been produced pursuant to a subpoena duces tecum from the Calabasas Inn & Country Suites, which are documents 219 through 222. And while there are copies in the Court's original, we want to be able to check the ones that came in to make sure they're exactly like the ones that are in the document, and we'll do that during the break.

And we'll be offering those later after Mr. Sanger and I have had a chance to review it, but I'd like just a stipulation that the clerk can provide that to us to examine during the course of the break.

THE COURT: Do you agree, Mr. Sanger?

MR. SANGER: Yes, Your Honor.

THE COURT: All right. That will be the order.

MR. SNEDDON: Thank you very much, Your Honor.

MR. AUCHINCLOSS: Good morning, Your Honor. The People call Beverly Wagner.

THE COURT: When you get to the witness stand, please remain standing.

Look over here. Face the clerk, raise your right hand.

BEVERLY WAGNER

Having been sworn, testified as follows:

THE WITNESS: Yes.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Sure.

My name is Beverly Wagner. B-e-v-e-r-l-y. W-a-g-n-e-r.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Good morning, Miss Wagner.

A. Good morning.

Q. Who do you work for, please?

A. U.S. Bank.

Q. What do you do for U.S. Bank?

BAILIFF CORTEZ: Your microphone, sir.

MR. AUCHINCLOSS: I’m sorry.

Q. What do you do for U.S. Bank?

A. I’m the bank manager at the bank.

Q. Which bank?

A. Right now I’m at the 4th and Wilshire office.

Q. In the year 2003, did you work at a different branch?

A. Yes.

Q. What branch was that?

A. The 23rd and Santa Monica branch.

Q. And were you branch manager for that particular branch?

A. Yes.

Q. That second branch, what is the city that that’s located in?

A. Santa Monica --

Q. Okay.

A. -- California.

Q. What is the branch that you worked at in 2003? Where was that? What city was that in?

A. 2221 Santa Monica Boulevard in Santa Monica.

Q. In Santa Monica, all right. Very good. May I approach, Your Honor?

THE COURT: You may.

Q. BY MR. AUCHINCLOSS: I'm going to show you two exhibits, which appear to be copies of checks. The first one has been marked as People's Exhibit 418, page three. It appears to be a check from Neverland Valley Entertainment dated April 2nd, 2003. Do you recognize that check?

A. Yes.

Q. How is it that you recognize that check?

A. From the name on the account and the routing number for U.S. Bank, and the account number.

Q. All right. Did you participate personally in the cashing of that check as branch manager for U.S. Bank?

A. Yes.

Q. And were you working at the Santa Monica branch at that time?

A. Yes.

Q. And did you -- how is it that you personally participated in the cashing of that check?

A. This is way above the approval limit for a branch manager, and I had to get authority to even cash the check, so it had to come through my hands.

Q. How much is that check for?

A. One million dollars.

Q. And can you tell me in what manner that check was cashed? In other words, was it deposited? Was it -- did the bank disburse those funds in other methods? Tell me exactly how the individual cashed that check.

A. Cash.

Q. They walked in with this check and walked out with one million dollars in cash?

A. Yes.

Q. Did the bank have to make any special arrangements to put together that much money in cash?

A. Yes.

Q. How much advance time is necessary for an individual to notify the bank that it will need to have certain funds on hand for a large cash disbursement like this?

MR. SANGER: Objection; relevance.

THE COURT: Overruled.

You may answer.

THE WITNESS: A minimum of about seven days.

MR. AUCHINCLOSS: All right.

THE COURT: What’s the exhibit number, Counsel?

MR. AUCHINCLOSS: It’s --

THE CLERK: 418.

MR. AUCHINCLOSS: -- 418, page three.

THE COURT: Thank you.

Q. BY MR. AUCHINCLOSS: All right. I now show you Exhibit 419, page three. Did you also participate in the cashing of that check?

A. Yes.

Q. That check is for how much?

A. $500,000.

Q. And did the same individual who cashed this first check cash that second check?

A. Yes.

Q. Was this check also cashed for currency?

A. Yes.

Q. So the individual walked in with this check and walked out with $500,000 in U.S. currency?

A. Yes.

Q. The individual who cashed these two checks, what is his name?

A. Fred Schaffel.

MR. AUCHINCLOSS: If I may ask Madam Clerk to help me find a photograph.

If I can just have a moment, Your Honor.

Q. Miss Wagner, I show you People's Exhibit 16. Do you recognize that individual?
A. Yes.
Q. Who is that?
A. Fred Schaffel.
MR. AUCHINCLOSS: Thank you. I have no further questions.
THE COURT: Cross-examine?
MR. SANGER: Thank you, Your Honor. Do you want to take your book there? Are the exhibits up there?
MR. AUCHINCLOSS: Yeah.
MR. SANGER: Excuse me one second. May I confer with counsel? Do you have the official exhibit book there?
MR. AUCHINCLOSS: Yes.
(Off-the-record discussion held at counsel table.)
MR. SANGER: May I proceed, Your Honor?
THE COURT: Yes.
MR. SANGER: Thank you.

CROSS-EXAMINATION
BY MR. SANGER:
Q. Miss Wagner, how are you?
A. I'm good, thank you.
Q. You were the branch manager at the 2nd and Santa Monica branch, is that what you said?
A. The 23rd and Santa Monica branch.
Q. 23rd. I can't read my handwriting. Sorry.
A. Okay.
Q. In any event, is that a branch where Frederic Marc Schaffel had one or more accounts?
A. Yes, sir.
Q. How many accounts did he have?
A. I believe it was three.
Q. Okay. And you produced records for his accounts, correct?
A. Pardon me?
Q. You produced records for his accounts to the Court?
A. Um -- what -- I'm not sure what records you're talking about.

Q. Okay.
A. Oh, yes. For -- yes, we did. U.S. Bank. Yeah. I’m sorry.
Q. Yes. I believe -- the District Attorney referred to you at one point as a custodian of records?
A. Yes.

Q. Excuse me. So you were responsible for having records sent to the Court --
A. Yes, sir.
Q. -- at some earlier time?
A. Uh-huh.
Q. And now you’ve identified two checks. And you’re telling us on these two checks, Exhibits 418 and 419, page three in each one, that you personally participated in those transactions?
A. Yes, sir.
Q. So you remember Mr. Schaffel coming in and getting cash for those two checks; is that correct?
A. Yes, sir.
Q. All right. Now, you see my client, Mr. Jackson, sitting there, correct?
A. Yes, sir.
Q. Okay. Did Mr. Jackson come in the bank?
A. No.
Q. Have you ever seen Mr. Jackson before in person?
A. No.
Q. All right. Now, with regard to Mr. Schaffel and the records you produced, is it true that in his three accounts during, let’s say, the first six months of 2003, that millions of dollars went through his accounts?
MR. AUCHINCLOSS: I’m going to object to reference to records that are not exhibits in this case as well as beyond the scope.

THE COURT: Sustained.
Q. BY MR. SANGER: Well, let’s put it this way: You -- as the branch manager and as the custodian of records, you reviewed the records before they were

sent up here, right?

A. Not fully.

Q. Okay. Were you aware that Mr. Schaffel was a customer of the bank?

A. Yes.

Q. Okay. And you knew that personally; is that correct?

A. Yes.

Q. And you knew it personally in part because you cashed these two checks for him, right?

A. Yes.

Q. Did you have other dealings with him?

A. No.

Q. So the two times you really remember seeing Mr. Schaffel in person were with regard to these two checks; is that right?

A. Yes.

Q. Okay. All right. A little hesitancy. You may have seen them --

A. More than twice, yes.

Q. But the two that stick out in your mind were these two, I take it?

A. Yes, sir.

Q. I guess what I'm getting at is, to cash these checks, you had to make sure he really was a customer of your bank, right?

A. Yes, sir.

Q. All right. And had he been a customer of your bank for a long time?

A. Yes.

Q. All right. And during the course of his being a customer for your bank, did you conclude that he was trustworthy as far as dealing with him on these two rather large checks?

A. Yes.

Q. Now, the checks were drawn on an account that's called Neverland Valley Entertainment; is that correct?

A. Yes, sir.

Q. And was it your understanding that Mr. Schaffel was the signatore on that account?

A. Yes.

Q. Was there anybody else who was a signatore on that account?

A. Yes.

Q. Who else?

A. Michael Jackson.

Q. Did Mr. Jackson ever sign any checks, to your knowledge, or sign any documents whatsoever on that account?

A. Yes.

Q. Other than the signature cards?

A. I'm not sure.

MR. AUCHINCLOSS: Objection; foundation.

THE COURT: Sustained.

MR. SANGER: All right.

Q. Did you review the records to determine whether or not Mr. Jackson ever signed anything other than the signature cards on that account?

A. No, sir.

Q. All right. And you did not verify Mr. Jackson's signature other than it was on the signature card; is that correct?

A. Yes.

Q. Okay. In other words, he didn't come in and sign in your presence?

A. No.

Q. You ended up looking in your records and you saw a signature card that appeared to have a signature for Michael Jackson; is that right?

A. Yes.

Q. All right. And other than that, all of your dealings, as far as you know, were with Frederic Marc Schaffel, is that correct, on these accounts?

A. No.

Q. Were there other people that may have come in?

A. Not come in. But that I spoke with.

Q. Spoke with. Okay. All right. And you do not know what happened to this money after Mr. Schaffel walked out of the bank with it; is that correct?

A. No.

MR. SANGER: All right. And I have no further questions.

REDIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Were Michael Jackson and Frederic Marc Schaffel the only two authorized individuals as far as to remove funds from this account?

A. Yes.

Q. And you said you spoke to someone else other than Marc Schaffel about these accounts. Who was that?

A. I think at one time I spoke with Michael.

Q. Do you remember what that was about?

MR. SANGER: I'm going to object. That calls for hearsay. Calls for hearsay and there's a lack of foundation.

MR. AUCHINCLOSS: Offered as an admission.

THE COURT: The objection is overruled. You may answer.

Q. BY MR. AUCHINCLOSS: Do you remember what that was about?

A. No. Not really.

Q. Did it have something to do with this 8321 account?

MR. SANGER: I'm going to object. That's leading and no foundation.

THE COURT: Overruled. You may answer.

THE WITNESS: Yes.

MR. AUCHINCLOSS: All right. Thank you very much.

MR. SANGER: No further questions.

THE COURT: All right. Thank you. You may step down.

THE WITNESS: Thank you.

THE COURT: Call your next witness.

MR. NICOLA: The next witness will be Craig Bonner.

THE COURT: You may be seated. You're still under oath.

CRAIG BONNER

Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION

BY MR. NICOLA:

Q. Good morning, Sergeant Bonner.

A. Good morning.

Q. With respect to your investigation in this case, did you have occasion to gather, sort and analyze telephone records and subscriber information?

A. Yes, I did.

Q. Do you see the stack of phone exhibits sitting on counsel table? I believe they’re 450 through 459.

A. Yes, I’m quite familiar with them.

Q. Do you recognize those exhibits?

A. I’m quite familiar, yes.

Q. And did you play a role in putting those exhibits together and analyzing the information that was contained within them?

A. I did.

Q. Can you briefly and generally explain to the jury the process that was used to -- the initial step used in getting a handle on the information that’s in those exhibits?

A. Yes. Basically we obtained quite a number of telephone records through search warrant and subpoena. We amassed those records and brought them into a computer database, used that computer database to compile and sort those records into a format where we could begin to see patterns of calls and who was calling whom.

We then utilized that information to cut out the unnecessary material, or the material which we could not substantiate through other evidence, and we have brought that together now into exhibits that will show just those phone calls that are pertinent, and we have done that in a visual manner as well as in a document that will back up that visual manner.

Q. Okay. I think we missed a step. With respect to the information that was generated and you created a spreadsheet from it, can you explain to the jury how you verified the information that was in your spreadsheets?

A. The computer database basically put together a list of the calls that it said occurred between our involved parties to ensure that that list was correct. We then went into those records, which are the actual records sent by the phone companies, and we verified each and every call that the computer said occurred, and we have noted where that call occurs within those records.

Q. Okay. Did you prepare some exhibits for court today to demonstrate your testimony?

A. I did.

Q. As soon as I finish marking the last of these pages I'll show you the exhibit, okay? I apologize.

I'll ask you whether you reviewed the records from the Turnberry Resort - and I'll show you those documents in a minute - while you were conducting your phone analysis?

A. That's correct.

Q. Did you review records from The Beverly Hilton? And I'll also show you those exhibits in a minute.

A. Yes, I did.

Q. Did you examine the record from Huntel with respect to air-ground communication for a flight occurring on February 7th of 2003?

A. Yes, I did.

(Off-the-record discussion held at counsel table.)

Q. BY MR. NICOLA: Detective Bonner, with the Court's permission, I'd like to approach and show you Exhibits No. 859 through No. 882.

MR. SANGER: Excuse me. Let me just see what we have here.

(Off-the-record discussion held at counsel

table.)

MR. SANGER: All right. Go ahead.

Q. BY MR. NICOLA: I ask if you recognize Exhibit 859?

A. Yes, I do.

Q. What does 859 contain?

A. 859 is the visual chart documenting telephone calls between the involved parties on February 5th, 2003.

Q. Is there also a document behind the visual chart?

A. There is. It’s an Excel spreadsheet, which is the verification of each call that is claimed on

the visual chart.

Q. And did you create or cause to be created these charts?

A. I did.

Q. And did you cause to be created 859 through 882?

A. I did.

Q. Okay. Now, with respect to testifying about the contents of these exhibits, 859 through 882, did you delegate some other of your colleagues to assist you?

A. I did.

Q. And which exhibits will you be testifying to today, if you could please the tell jury now?

A. I will testify to 859, 860, 861, 862, 863, 864, 865, 866, 867, 871, 875, 876, 877, 878 and 879.

Q. Okay. With respect to Exhibit Nos. 859 through 867, are those telephone charts and spreadsheets between the period of February 5th of 2003 and February 16th of 2003?

A. That’s correct.

Q. Exhibit 871, is that the chart and the spreadsheet for February 20th of 2003?

A. That’s correct.

Q. And with respect to Exhibits No. 875 through 879, do those cover the dates of March 5th, 2003, through March 9th of 2003?

A. That’s correct.

Q. Turning your attention to Exhibit No. 859, would you briefly describe for us in general terms what is depicted on the chart?

A. This chart depicts a number of calls that occur between various individuals that have came up during this investigation, including Frank Cascio, Marc Schaffel, Jay Jackson, Evelyn Tavasci, as well as a number of telephones that come back registered to the Turnberry Resort in Florida.

Q. Okay. And do the numbers and links on that chart accurately reflect the information that you gleaned from the telephone records you've testified about previously?

A. That's correct.

Q. And does the information supporting the links you make on Chart 859 provided in the Excel spreadsheets an accurate depiction of what is on the charts?

A. That is correct.

MR. NICOLA: Your Honor, I would move 859 into evidence at this time.

MR. SANGER: I have a concern about foundation and relevance as to all of the entries, but I'll submit it at this point subject to cross-examination.

THE COURT: All right. I'll admit them.

Q. BY MR. NICOLA: I'd ask you the same questions about Exhibits 860 through 867. Do each

of those charts represent individuals that came up in your investigation, including the people you just mentioned, and link telephone calls between phones registered in their names?

A. That's correct.

Q. And do each of those exhibits also contain a spreadsheet supporting the information you placed on the flow chart?

A. That is correct.

MR. NICOLA: Your Honor, at this time we'd move 860 through 867 into evidence as well.

MR. SANGER: Same objection, Your Honor.

THE COURT: All right. They're admitted.

Q. BY MR. NICOLA: I have the same question about Exhibit 871 and Exhibits 875 through 879. Do each of the charts in those exhibits accurately reflect the telephone calls between the phones listed on the charts that are connected to individuals in this investigation, and is there an Excel spreadsheet accompanying each chart supporting the information that's in the charts?

A. That's correct.

MR. NICOLA: We'd move 871 and 875 through 879 into evidence, Your Honor.

MR. SANGER: Same objection.

THE COURT: All right. They're admitted.

MR. NICOLA: Madam Clerk, may I have the Turnberry records that were just admitted, please?

I believe they're 200. Thank you.

May I approach the witness, Your Honor?

THE COURT: Yes.

Q. BY MR. NICOLA: Detective Bonner, I'm going to hand you a binder containing records from the Turnberry, Exhibits 200 through 218, and I'd ask if you'd review that.

And when you're finished, please tell us whether you recognize the contents and whether you used the contents in generating your charts and spreadsheets?

A. I recognize these charts as being the hotel records for the Turnberry Resort. And we utilized these charts in that they are the documents within our charts, in that they contain telephone records.

Q. Okay. Do you recognize the exhibits?

A. Yes.

MR. NICOLA: Your Honor, may I have "Input 4," please, and may I publish?

THE COURT: Yes.

(Off-the-record discussion held at counsel table.)

Q. BY MR. NICOLA: Detective Bonner, I'm going to place on the Elmo what appears to be Exhibit 859; is that correct?

A. That's correct.

Q. Okay. Just starting in the upper left-hand corner, where there’s a little telephone symbol and the name “Frank Cascio,” can you just give all of us a very general description of what is intended to be depicted in this exhibit?

A. Absolutely. What we have again are a number of individuals whom we have determined through our investigation to be involved or associated with Mr. Jackson, including Mr. Cascio, Mr. Schaffel, Evelyn Tavasci, Chris Carter, Debbie Rowe, and these are the hotels -- the Turnberry Hotel records that we have just spoke of, and these are calls between these individuals.

Here we have telephones that belong to Frank Cascio, telephones that belong to Mr. Schaffel, and we have indicated that there are nine telephone calls that occurred between telephones belonging to Mr. Cascio and Mr. Schaffel, and each one of these links tells the same information.

We have three calls that occurred between telephones belonging to this, which is Evelyn Tavasci’s home telephone number, and Frank Cascio’s telephone numbers.

We have one call that occurred between Jay Jackson’s telephone number and Evelyn Tavasci’s home telephone number.

We have one call that occurred between the Presidential Suite at the Turnberry, which was under the name of Fred Macy, to Jay Jackson’s telephone number.

And again, each one of these links tells you that there is a call that occurred between phones belonging to this person and a phone over here, and the number of calls is indicated in the link.

Q. Okay. I’m going to put up the first page of the spreadsheet behind the chart for 2-5-03.

MR. SANGER: That’s part of --

MR. NICOLA: That’s a part of 859.

MR. SANGER: Part of 859.

Q. BY MR. NICOLA: I’m only going to put up a portion of it, Detective, just so we’re not publishing a bunch of home numbers.

Could you please describe what is intended by the numbers and the headings across this exhibit, please?

A. Okay. Starting over on the left, we have this number right here, (702) 234-9059. That is a telephone number that came back registered to Christopher Carter, which is indicated in the next one. And then we have the date of the call, which is 2-5-2003. We have the time of the call, which is at 2322 hours, 11:22 p.m. We have the duration of the call, one minute. We then have the number that he dialed, (201) 213-0763, which comes back registered to Frank Cascio. This is the source of that information that's detailed right here, which is -- came from T-Mobile records. This is the exhibit number which corresponds to one of those exhibits. This is the tab number within that exhibit. And this is the page number at which this record can be found within this exhibit.

Q. Okay. So the Chris Carter to Frank Cascio call occurring at 11:22 p.m. on February 5th, 2003, is found in the T-Mobile exhibit, which is 452, under the first tab, and under the page marked 11 of 23?

A. That's correct.

Q. Is that how all of the entries in all of these spreadsheets work?

A. Fundamentally. Different records have different means by which we were able to identify specific calls. Some of them actually had an exact call number to correspond to that call. And in that case we gave that exact call number to go along with it.

Q. Okay. Did you index the phone calls from the hotel records the same way?

A. Similarly, yes.

MR. NICOLA: If I may, Counsel, the second page.

MR. SANGER: Same exhibit?

MR. NICOLA: Same exhibit.

MR. SANGER: All right.

Q. BY MR. NICOLA: Would you turn to page two of your spreadsheet, and please go to the line with the heading “Macy Presidential”?

THE COURT: What number exhibit is the spreadsheet?

MR. NICOLA: This exhibit is also Exhibit 859, Your Honor.

Q. Do you see on the bottom line up there?

A. I do.

Q. Is that the entry for the Presidential Suite at the Turnberry Isle Resort?

A. That’s correct.

Q. I’m going to blow it up just a little bit so we can see portions of it. This doesn’t want to focus.

Okay. How about we do it like this, Detective?

Okay. So the time of the call from the Turnberry Isle, from the Presidential Suite to Major Jackson, occurred at what time in the morning?

A. 0958 hours, or 9:58 a.m.

Q. And that’s Florida time, correct?

A. Correct.

Q. And when you indexed the hotel records, you referenced the exhibit, correct, 202 in this case?

A. That’s correct.

Q. And then what does the T794, page six, mean in the last column?

A. T794 is a reference number that is on the documents pertaining to the Fred Macy Presidential Suite, and page six indicates that that particular telephone call is found on page six of the documents labeled T794.

Q. Okay. Would you turn to the Turnberry exhibit, please, 202, find the page where that phone call is and remove it for me, please.

MR. SANGER: What exhibit number?

MR. NICOLA: This is 202, page six.

Q. I’m going to put on the screen Exhibit 202, page six. And the call that you’re referring to, is that the first entry for the date of 2-5 on this exhibit?

A. Yes. The first telephone call entry.

Q. Okay. And that appears to have lasted for 27 minutes?

A. Correct.

Q. And is that represented on your chart by the link between Fred Macy Presidential Suite and Jay Jackson?

A. Yes, it is.

Q. Okay. I’d like to flip this over to page five, if I may.

These appear to be phone entries for the date of February 4th, correct?

A. That’s correct.

Q. With respect to the bottom two telephones -- telephone entries ending in 6162, one at 1935 hours and one at 2054 hours, do you recognize those numbers from these exhibits?

A. Yes, I do.

Q. And who do those belong to?

A. Those belong to David Ventura. That would be Janet Arvizo’s parents.

Q. Okay. If we could go to the date of February 6th, please. Just have that ready.

I’d like to finish discussing these records for the 5th.

Finishing up with Exhibit 859, Detective, with your pointer, please, and with respect to the call from -- the calls from Frank Cascio to Marc Schaffel, over what period of time did those occur?

A. I’ll have to refer back to the spreadsheet.

Q. Please do.

A. Okay. The first call I have is in the early morning hours, specifically right before 1 a.m., and the last call I see is after 9 p.m.

Q. And did a number of these calls last for two minutes or more?

A. Yes.

Q. And did one of them last 15 minutes?

A. Yes. One call at 1:00, a little after 1 p.m.

Q. How many times did Mr. Cascio call the home of the defendant’s personal assistant, Miss Tavasci?
A. Three times.
Q. And over what period of time did those calls occur?

A. Again, the first call occurred -- I’m sorry. The first call occurred at 3:42 p.m. The last call occurred a little after 9 p.m.
Q. So those are within the times that Mr. Cascio was ringing Mr. Schaffel?
A. That’s correct.
Q. Or at least his phone was calling Mr. Schaffel’s phone?
A. Correct.
Q. Okay. In the bottom left-hand corner, there’s a symbol that says, “Tavasci, Evelyn, MJJ Prod, Unit 1.” Can you explain that for the jury, please?
A. That is a phone record. We took the naming of that right off of the phone record, which is a Nextel record.
Q. Is that a telephone number of (310) 864-7791?
A. Yes, it is.
Q. And are all the calls either going to or coming out of your flow chart for that telephone number, the 7791 number?
A. I’m sorry, what was the question?
Q. Are all the numbers going to that Unit 1 number and going out to the same number, the 7791 number? Do you understand? You don’t.
A. No.
Q. The calls from Chris Carter --

A. Okay.
Q. -- to the Unit 1 number, and the calls from Frank Cascio to the Unit 1 number, those are all to the same number, the 7791 number, correct?
A. Correct, the one for -- that’s indicated as Unit 1.
Q. Okay. And there are other Tavasci, Evelyn,

MJJ Production phones later on that have different telephone numbers, correct?

A. Correct.

Q. That's why I was asking about this one. The calls in between Chris Carter and the Turnberry Resort and Marc Schaffel going to the link in the bottom right, the Turnberry Isle Resort, are those incoming or outgoing calls; do you know?

A. Those are both outgoing from the individual, i.e., Marc Schaffel or Chris Carter, going to the Turnberry Resort.

Q. Okay. And the Andy Brandon room in the middle, is that the only room where both the Cascio phones and the Schaffel phones were connected during this period of time?

A. On that date, that's correct.

Q. Can you tell us the period of time in which the calls between Schaffel and the Brandon room occurred, please?

A. Okay. With regard to Andy Brandon room to Marc Schaffel, I have the first call at about 10:40

in the morning, and ending at right after 10 p.m.

Q. All day long?

A. All day long.

Q. With respect to the call between Major Jackson and Evelyn Tavasci's home, can you tell us whether Mr. Jackson called Miss Tavasci or whether it was the other way around?

MR. SANGER: Well, I'm going to object. We're referring to an individual making a call as opposed to somebody at one phone calling somebody at another phone.

THE COURT: Sustained.

Q. BY MR. NICOLA: With respect to the phone call between the Evvy Tavasci phone and the Jay Jackson phone, can you tell us which way that call went?

A. Okay. That was Evelyn Tavasci's telephone calling Jay Jackson's telephone.

Q. And how long did that -- how long was that call?

A. Three minutes.

Q. And was that after the call between the Fred Macy Presidential Suite and the Jay Jackson phone?

A. That appears to be prior to.

Q. In Pacific time or Eastern time, Sergeant Bonner?

A. That would have been Pacific time.

Q. So it's listed as 7:27 Pacific time?

A. It actually -- yeah, 7:27 a.m. Pacific, which would be after, I'm sorry.

Q. Okay. So the call from the Presidential Suite came first, and then the call from the Tavasci home came second?

A. That's correct.

Q. Okay. If you could please turn to Exhibit 860. I'm going to put this chart up. And briefly if you could summarize this chart for the jury, using your laser.

A. Okay. As with the previous date, we're again showing the connections of telephone calls between telephones belonging to various individuals identified throughout this investigation. Again, we have Frank Cascio, Marc Schaffel, Evelyn Tavasci, Christopher Carter, Hamid Moslehi, David Ventura, that's Janet Arvizo's parents, Jay Jackson, Deborah Rowe, and again, telephones at the Turnberry Resort.

Q. Can you tell us, please, when the first call between the Cascio phone and the Schaffel phone occurred?

A. The first call that I have between the Cascio phone and the Schaffel phone occurs slightly before 1 a.m. at 0039 hours.

Q. And your chart indicates there were 19 calls between the two phones?

A. That's correct.

Q. And did those last essentially throughout the day?

A. Yes. The last call occurred a few minutes before midnight at 2351 hours.

Q. With respect to the calls between the Cascio phone and the rooms named "Stressler" and "Franklin" at the Turnberry, starting with the Stressler room, can you tell us whether that was incoming or outgoing?

A. It’s an outgoing call from the Stressler room to Frank Cascio’s telephone.

Q. What about the Franklin room?

A. Again, that would be an outgoing call from the Franklin room to the Cascio telephone.

Q. And the calls between the Brandon room and the Schaffel phone?

A. That is an outgoing call from the Brandon room to Schaffel’s telephone.

Q. Do you have a time for the phone call between the Schaffel phone and the Deborah Rowe phone?

A. 2116 hours.

Q. Which direction was that call going?

A. That was from Deborah Rowe to Marc Schaffel’s telephone.

Q. Okay. From Ms. Rowe’s phone to Mr. Schaffel’s phone?

A. That’s correct.

Q. You show two calls between the Schaffel 8340 phone and phones registered to David LeGrand?

A. Correct.

Q. And can you tell us when the first phone call was?

A. The first phone call was at 1:48 p.m.

Q. And how long did that last?

A. Five minutes.

Q. And the second phone call?

A. Was at 2:30 p.m., again for five minutes.

Q. Okay. With respect to the calls from the Gavin Franklin room to Janet’s parents and the Jay Jackson phone, it’s a little blurry from here. Can you tell us how many calls there were from the Franklin room just to Janet’s parents?

A. There were eight calls.

Q. Were there two rooms registered under Gavin?

A. Correct.

Q. Okay. And in your Excel spreadsheet, did you separate the rooms out?

A. Yes, we did.

Q. Do you know how many calls came from either room, and if you could give us the room designation?

A. There are two room designations. One would be T597, the other would be T309. With regard to T597, I have six of those calls to the Venturas' residence coming from T597, and I have two of the calls coming from T309.

Q. Is Room T597 Exhibit 216 in the Turnberry book?

A. That's correct.

Q. Would you please remove the page that contains the phone calls you're referring to? Sergeant Bonner, I'm going to put page one of Exhibit 216 on the board and I'll blow that up. Okay. The calls, at least two of the calls, between Room T597 registered under Gavin Franklin, are those right in the middle of the exhibit?

A. Yes, right here.

Q. Okay. And the first call lasted four minutes and the second one four minutes?

A. Correct.

Q. Okay. And those are the first phone calls for the 6th, correct?

A. Correct.

Q. Showing you page two of the same exhibit, the last call to the 6162 number on the 6th is 11:53 p.m., top line?

A. Yes. All this is -- this one appears to be at straight-up midnight, so depending on which day you want to count that one to.

Q. I count midnight as tomorrow.

A. Either one.

Q. That will work, okay. And then the bottom three numbers, those are Jay Jackson?

A. Correct.

Q. And they're dated 2-6, but clearly they occur after midnight, right?

A. Correct.

Q. So did you put those on the charts for 2-7?

A. I would have put these on 2-7, that's correct.
Q. Can you tell us, please, at what time the Cascio phone and the phone registered to Mr. Jackson's personal assistant, Miss Tavasci, what time those occurred?
A. The first call occurred at 5:34 p.m.; the second call at 8:17 p.m.
Q. And shortly after getting -- shortly after the phone call between Cascio and Tavasci, after the first one, were there two calls immediately to Mr. Schaffel, 1750 and 1757?
MR. SANGER: I'm going to object, again.
MR. NICOLA: To the Schaffel phone, excuse me.
MR. SANGER: No foundation.
MR. NICOLA: I'll rephrase.
THE COURT: Is that the same objection as using the phone instead of the person?
MR. SANGER: Yes, sir.
THE COURT: All right. Sustained.
MR. SANGER: There are actually several numbers as well.
MR. NICOLA: Okay.
Q. Between -- let me start this over.

After the phone calls between the Cascio phone and the Tavasci phone, were there two phone calls immediately following -- to the Schaffel phone from the Cascio phone?
A. There were two calls, one to one number associated with Schaffel and another to another number associated with Schaffel. The first one at 1750. The second one at 1757 hours, or 5:50 and 5:57 p.m.
Q. Okay. So the 5:57 one lasted for seven minutes?
A. That's correct.
Q. If we could turn to Exhibit 861, those are phone calls occurring on the 7th of February, correct?
A. That's correct.
Q. Okay. Again, you've mapped calls from the

Turnberry out to other individuals?

A. Correct.

Q. There is a “Fred Macy, regular room,” kind of in the middle of this exhibit. Can you explain to us what you mean by that?

A. There were two different rooms that were registered to Fred Macy. One was the Presidential Suite that cost several thousand dollars a night. There was also a Fred Macy room that was a room that cost about $400 a night, which is what all of the other rooms cost. These are two separate records, and to designate that, we had “Fred Macy Presidential” and “Fred Macy regular room.”

Q. Okay. And the calls from the -- the rooms, the individual rooms at the Turnberry and the phone registered to Mr. Christopher Carter, were all those outgoing calls?

A. No. They are, with the exception of this call right here, where there’s one call. That is an incoming call from Carter’s -- or a telephone associated with Carter to the Turnberry Isle Resort.

Q. Okay. But the individual rooms are all outgoing calls, correct?

A. Correct.

Q. You can’t see incoming calls on the individual room bills; isn’t that right?

A. No.

Q. Okay. And the Turnberry Isle Resort number, that’s the main line?

A. Yes.

Q. The calls from Schaffel -- the Schaffel phone, excuse me, to the Turnberry Isle Resort, are all those going from Schaffel to the Turnberry Isle?

A. This specific connection right here, these are calls from Schaffel to the Turnberry. However, these two are not.

Q. Okay. And the call from the Chris Franklin room to Neverland Valley Ranch, can you tell us whether that occurred before or after the outgoing call to the Chris Carter phone? You can look at your records.

A. Let me just clarify that. You want to know whether or not this call here occurred before or after that call there?

Q. No. There are two calls coming out of the Chris Franklin room, correct?

A. Correct.

Q. One to the Neverland Valley Ranch?

A. Okay.

Q. Okay. And the other one to the Chris Carter phone?

A. Correct.

Q. Which one occurred first, please?

A. Okay.

The first call occurred to the Neverland Valley Ranch at 9:06 a.m.

Q. What time was the second call?

A. It occurred at 803 p.m.

Q. I placed in front of you Exhibit No. 850.

Do you recognize that document?

A. Yes, I do.

Q. What is that?

A. This is a billing record for air-to-ground telephone calls that occurred on an Xtra Jet flight on February 7th, 2003.

Q. And does it appear that calls were made from that flight to the phone registered to Janet's 8346 parents?

A. Yes, there were three calls.

Q. And did those occur in time after the ten calls from the Gavin Franklin rooms to the phone at Janet's parents?

A. The telephone calls on the airplane occurred after the telephone calls from the Gavin Franklin room.

Q. Okay. Do those -- did they occur -- did the phone calls from the aircraft occur after the phone calls from the Gavin Franklin rooms to the Jay Jackson phone?

A. They occurred after.

Q. And were there also phone calls placed from that aircraft to numbers registered to Neverland

Valley Ranch?

A. Yes, there were.

Q. Two of them?

A. Yes.

Q. And how long did those calls last?

A. I have one for one minute. And one for two minutes.

Q. And the three calls that were placed from the aircraft to the phone at Janet's parents' house, were they interspersed with the calls to the Neverland phone or did one group come before the other?

A. They were interspersed.

Q. Sergeant Bonner, if you could turn to Exhibit No. 862, please, and the supporting chart.

MR. SANGER: That's 2-8?

MR. NICOLA: 2-8.

Q. Do you have this? If you could please describe each one of the phones and monikers you've given them on this exhibit, please, 2-8. Exhibit 862 for February 8th of 2003.

A. Okay. Starting in the top left, we have a cellular telephone that came back -- the records said -- indicated MJJ Productions, Miko Brando. We then had another phone that came back to Evelyn Tavasci, MJJ Productions, Unit 1. This one came back to just MJJ Productions, Evelyn Tavasci, without a unit number. This was a telephone registered to Christopher Carter. These were telephone lines that came back to Neverland Valley Ranch. These are telephone lines that came back to Marc Schaffel. Telephones associated with Debbie Rowe. Telephones associated with Frank Cascio. Telephones associated with Vincent Amen. Telephones associated with Christian Robinson, under the business name Site LLC. And a telephone associated with Rudy Provencio.

Q. With respect to the contacts between the Cascio phone and the Vince Amen phones, if you could find those in your records, please.

A. Okay. I have those.

Q. Could you tell us what time the first call between those two phones occurred?

A. The first time is 11:13 a.m.

Q. And that was a call for three minutes?

A. Correct.

Q. Which direction did it go?

A. From Amen to Cascio.

Q. And the second phone call?

A. Occurred at 2:47 p.m., again, from Amen to Cascio.

Q. And that was a one-minute call, correct?

A. Correct.

Q. With respect to the call between the Cascio phone and the Neverland Valley Ranch number, would you tell us what time that occurred?

A. The first call occurred at five -- correction, 11:48 a.m.

Q. The call between the Chris Carter phone and the Neverland Valley Ranch phone, can you tell us what time that occurred, please?

A. At four -- or, correction, 2:44 in the morning.

Q. Was there a call between the Cascio phone and the phones at Neverland Ranch at around that same time?

A. That's correct. There was a call at 2:34 a.m. from Neverland Ranch to Cascio.

Q. And that showed as an incoming call on Mr. Cascio's phone record, correct?

A. That's correct.

THE COURT: All right. We'll take our break.

(Recess taken.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 8309 through 8350 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 2, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, May 2, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MONDAY, MAY 2, 2005

8:30 A.M.

(PAGES 8352 THROUGH 8472)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as "SN" on index.
Mr. Zonen is listed as "Z" on index. Mr. Auchincloss is listed as "A" on index.
Mr. Nicola is listed as "N" on index. Mr. Mesereau is listed as "M" on index.
Ms. Yu is listed as "Y" on index. Mr. Sanger is listed as "SA" on index.

PLAINTIFF'S
WITNESSES DIRECT CROSS REDIRECT RECROSS
BONNER, Craig 8393-SA 8446-N 8450-SA
(Re-called)
ZELIS, Paul (Re-called) 8451-N 8467-SA

E X H I B I T S

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
868	Linked phone calls and Excel spreadsheet	8452	8452
869	Linked phone calls and Excel spreadsheet	8453	8453
870	Linked phone calls and Excel spreadsheet	8453	8453
880	Linked phone calls and Excel spreadsheet	8325	8454
881	Linked phone calls and Excel spreadsheet	8325	8454
882	Linked phone calls and Excel spreadsheet	8325	8454
883	Correction to People's Exhibit No. 879	8447	8448
DEFENDANT'S NO.			
5011	Hand-drawn diagram re phone calls	8402	8404
5012	Hand-drawn diagram re phone calls	8419	8419
5013	Hand-drawn diagram re phone calls	8427	8427

THE COURT: Go ahead.
MR. NICOLA: Thank you, Your Honor.
Q. Sergeant Bonner, with respect to the call between --
BAILIFF CORTEZ: Microphone, sir.
MR. NICOLA: Thank you.
Q. Sergeant Bonner, with respect to the call between the Cascio phone and the Neverland Valley

Ranch phones occurring at 1544, or 3:44 in the afternoon, was that a four-minute call?

A. That was a four-minute call.

Q. Okay. And were there also calls between the Cascio phone and the Neverland Ranch phone that occurred from between 35 and 45 seconds, in addition to that one?

A. I see two other calls.

Q. Okay. And did they last for that period of time, between 35 and 45 seconds?

A. Correction, I'm sorry. There's three other calls. Yes, 35 seconds and 45 seconds.

Q. If you could turn to the next exhibit in order, please, Exhibit 863.

MR. SANGER: Which is what, 2-12?

MR. NICOLA: 2-12.

Q. Is that 2-12, Detective?

A. That's correct.

Q. Now, to your knowledge, was February 12th the day the Arvizos left Neverland Ranch the first time?

A. I believe it is about that time frame, yes.

Q. And beginning at the upper left-hand corner, please, can you indoctrinate the jury as to the individual names you have up there by those phones?

MR. SANGER: I'm not sure "indoctrinate" was the correct word, so I object.

THE COURT: All you do is quibble.

(Laughter.)

THE COURT: Is that an objection?

MR. SANGER: It's an objection.

THE COURT: All right. Sustained.

Q. BY MR. NICOLA: Could you explain, please?

A. Absolutely. The first phone we have is a telephone number that is registered to the Law Firm of Geragos & Geragos. We then have a telephone that is registered to Ann Kite, a telephone that is registered to Azia Pryor. And the telephone number that is registered to David Ventura, Janet Arvizo's parents. Again, we have telephones that are registered to Frank Cascio and telephones that are registered to Marc Schaffel. We also have a telephone registered to Christopher Carter, Neverland Valley Ranch, and a couple of telephones associated with Evelyn Tavasci’s residence. One is the primary, another is a secondary line. We then have a telephone registered to Hamid Moslehi.

Again, one registered to Christian Robinson under the business name Site LLC. A telephone associated with Vincent Amen. And a telephone associated with David LeGrand.

Q. Beginning right in the middle of the chart -- maybe it will show clearer if I blow that up. Well, that wasn’t the right button.
Is that a “38” between the phones of Mr. Cascio and Mr. Schaffel?
A. That’s correct.
Q. Okay. When did the first of the 38 phone calls between the two phones occur?
A. The first call that I have is at 0024 hours, or shortly after midnight.
Q. And how long did that call last?
A. One minute in length.
Q. Was there another call from the Cascio phone to the Schaffel phone immediately thereafter?
A. Yes, there was.
Q. And at what time?
A. 0025 hours. Four minutes.
Q. How long did that last?
A. Four minutes.
Q. Was there another one immediately after that?
A. We then jumped to 0037 hours for one minute.
Q. Next?
A. 0039 for nine minutes.

Q. Was that one outgoing or incoming to the Cascio phone?
A. The last two were actually incoming calls.
Q. Okay. What about the next call?
A. That’s an incoming call at 0047 hours.
Q. How long did that last?
A. For seven minutes.

Q. And the next call?

A. Again, an incoming call at 0054 hours for two minutes.

Q. And that's going from the Schaffel phone to the Cascio phone, correct?

A. Correct.

Q. Is there another call from Schaffel phone to Cascio phone?

A. Yeah, at 0056. I have a two-minute incoming call from the Schaffel phone to the Cascio phone.

Q. Was there another call after that?

A. 0058 hours. Again, an incoming call from the Schaffel phone to the Cascio phone for five minutes.

Q. Can you tell us when the next call between a Schaffel phone and a Cascio phone occurred?

A. We then skip to 10:52 a.m.

Q. And which direction is that call going?

A. That is, again, an incoming call from a Schaffel phone to a Cascio phone for six minutes.

Q. Immediately after the incoming call from 8359 Schaffel phone to Cascio phone, was there a call placed from the Vinnie Amen phone to a Marc Schaffel phone? Take a look at 11:01.

A. That's correct, I have a call at 1101 hours for two minutes, and this is a direct call from Vincent Amen to Marc Schaffel.

Q. You mean their phones, right?

A. Yes.

Q. And at 11:02 p.m., was there a one-minute call between Frank Cascio's phone and Vince Amen's phone?

A. That's correct. For one minute. Again, this one would be Cascio calling Amen.

Q. And immediately after that, at 11:03, was there a call from the Cascio phone to the Chris Carter phone?

A. That's correct. One minute. It's an outgoing from Cascio to Carter's phone.

Q. Was there a phone call between the Cascio phone and the Vince Amen phone at 11:06?

A. That's correct. It's an outgoing call from

Frank Cascio’s phone to Vincent Amen’s phone for four minutes in length.

Q. And at the same time was there an incoming call from the Marc Schaffel phone to Frank Cascio’s phone, again at 11:06?

A. That’s correct. I have a three-minute incoming call on Cascio’s phone from a phone

registered to Marc Schaffel.

Q. When was the next call between Vince Amen -- Vince Amen’s phone, excuse me, and Frank Cascio’s phone?

A. At 1113 hours for one minute.

Q. And that was from a Cascio phone to an Amen phone?

A. Correct.

Q. Okay. Was there a call placed between Marc Schaffel phone and the phone belonging to Ann Kite?

A. Yes, there was.

Q. Do you also know her as Ann Gabriel?

A. Yes.

Q. What time was that phone call and how long did it last, please?

A. The first call was at 11:40 a.m. for 11 minutes in length.

Q. If you could find the record for Frank Cascio/Marc Schaffel at 12:41.

A. Okay. I have that.

Q. You’ve got it? Okay. The call between Frank Cascio’s phone and Marc Schaffel’s phone at 12:41, how long did that last?

A. Three minutes.

Q. Okay. And then at 1312, 1:12 in the afternoon, was there a call placed between a phone belonging to Frank Cascio and Chris Carter? Chris Carter’s phone, excuse me.

A. That’s correct, a one-minute call.

Q. And immediately after that, was there a seven-minute call placed by the Frank Cascio phone to Neverland Valley Ranch?

A. Correct, at 1313 hours for seven minutes.

Q. After that phone call, was there a call placed from the Frank Cascio phone to the firm Geragos & Geragos?

A. Correct. At 1333 hours.

Q. And after the phone call to Geragos & Geragos, was there a call between Frank Cascio's phone and the home of defendant Jackson's personal assistant, Evelyn Tavasci?

A. Correct, at 1343 hours.

Q. How long was that call?

A. One minute in length.

Q. Was there another call placed exactly one minute after that?

A. Correct. At 1344 for three minutes.

Q. To the home of Evelyn Tavasci?

A. Correct.

Q. After that three-minute phone call, was there a call between the Frank Cascio phone and the Marc Schaffel phone?

A. Which call were you interested in?

Q. 1348 hours.

A. That's correct, for two minutes 11 seconds.

Q. So the call at 1344 to the home of Evelyn Tavasci from the Cascio phone lasted three minutes, and then the next call from the Cascio phone was to the Schaffel phone at 1338, which lasted for two minutes, correct?

A. Correct.

Q. With respect to the link between the Evelyn Tavasci home number and the phone registered to Mr. Moslehi, did that occur at 2:11 in the afternoon, 1411?

A. Correct. 2:11 for one minute.

Q. Were there additional phone calls between the Frank Cascio phone and the Geragos & Geragos phone? Specifically at 1527 and 1542 in the afternoon.

A. That's correct. The first at 1527 was a 55-second incoming call. The second at 1542 was a five-minute 54-second call.

Q. And in between those two calls to the Geragos phones from the Cascio phone, was there a call by the Cascio phone to the Marc Schaffel phone at 1540?

A. That’s correct. I have a one-minute call between the Cascio phone and the Schaffel phone.

Q. Was there a call placed from a Schaffel phone to the phone of David LeGrand at 1547 hours?

A. That’s correct. Three minutes in length.

Q. And at 1727 hours, is that the next phone call between the Cascio phones and the Schaffel phones?

A. That’s correct.

Q. Did that last for seven minutes?

A. Yes, that was seven minutes in length.

Q. And shortly after that phone call at 1742, was there an incoming call from the second home line of Mr. Jackson’s personal assistant to the phone registered to Frank Cascio?

A. That is correct. For one minute and ten seconds.

Q. Are there additional phone calls between Ann Kite -- between the Ann Kite phone and the Marc Schaffel phone in the evening, approximately 8:24?

A. 6:24 p.m.

Q. Okay. How long did that call last?

A. Four minutes in length.

Q. Now, with respect to the 19 calls between the Cascio phone and the Amen phone, and the 38 calls between the Cascio phone and the Schaffel phone, did one group of phone calls occur before, after, or interspersed with the others?

A. They were interspersed.

Q. Throughout the entire day?

A. Correct.

Q. If you could turn your attention to the phone call between the Christian Robinson phone and the Moslehi phone. If you could find that.

A. I have it.

Q. Which direction was that phone call in?

A. Christian Robinson contacting Hamid Moslehi’s phone.

Q. Okay. With respect to the phone calls in the upper right-hand corner between Janet’s parents’ phone and the phone registered to Azia Pryor, was there a call placed at approximately eight o’clock at night, 2000 hours?

A. Correct. At 8:06 p.m. for a little over one minute.

Q. One minute, or one hour 33 minutes?

A. I’m sorry. One hour 33 minutes.

Q. Okay. Do you know which direction that call went?

A. That call was from the Venturas’ residence to Azia Pryor’s phone.

Q. Okay. If you could turn your attention to Exhibit -- 863 or 864, which one’s next?

A. 864.

MR. SANGER: What’s that, 2-13?

MR. NICOLA: That’s 2-13, Counsel.

Q. Without trying to indoctrinate, could you explain for the jury what’s on that?

A. Again, we have telephone numbers that are associated with the various individuals. I believe all of these we’ve already spoke of. Hamid Moslehi, Christian Robinson, Vincent Amen, Evelyn Tavasci, David Ventura, Janet’s parents, Frank Cascio, Neverland Valley Ranch, Azia Pryor, Marc Schaffel, Ann Kite, the law offices of Geragos & Geragos, and Deborah Rowe Jackson.

MR. MESEREAU: Excuse me.

MR. NICOLA: Bless you.

MR. MESEREAU: Thank you.

Q. BY MR. NICOLA: If we could go to the bottom right-hand corner specifically with respect to the phone calls between the Ann Kite phone and the Geragos & Geragos phone, how many were there? Because we can’t quite see it.

A. Four.

Q. And in which direction?

A. All four calls were from Ann Kite to the law offices of Geragos & Geragos.

Q. Is that five calls between the Ann Kite phone and the Schaffel phone?

A. That’s correct.

Q. With respect to the four calls between the Ann Kite phone and the Geragos & Geragos phone, what was the shortest call?

A. One minute in length.

Q. And there were two of those?

A. Correct.

Q. Was there also a six-minute call and a two-minute call respectively?

A. Correct. At 10:05 and 3:48 p.m.

Q. Okay. So at 10:05 a.m., there is a 8366 one-minute call between the Ann Kite phone and the Geragos & Geragos phone, correct?

A. Correct.

Q. Also at 10:05 a.m. is another one-minute call between the Ann Kite phone and the Geragos & Geragos phone?

A. That’s correct.

Q. And also at 10:05 a.m., there’s a six-minute call between the Ann Kite phone and the Geragos & Geragos phone?

A. Correct.

Q. Okay. And the last call between the Ann Kite phone and the Geragos & Geragos phone?

A. Was at 3:48 p.m. for two minutes.

Q. Okay. And in between the time interval that you’ve just testified about, how many times did Ms. Kite’s phone contact the Schaffel phones?

A. Two times.

Q. Is one of those times at 10:11 in the morning?

A. Correct.

Q. That was immediately after the 10:05 call to the Geragos & Geragos firm?

A. Correct.

Q. How long did that 10:11 call to the Schaffel phone last?

A. 11 minutes. Correction. 17 minutes.

Q. Was there another call at 11:30 to the 8367 Schaffel phone?

A. That’s correct. For 13 minutes.

Q. Okay. Was there a call at 7:06 a.m. between the Ann Kite phone and the Marc Schaffel phone?

A. Correct. One minute in length.

Q. And immediately after that call, was there a call between the Schaffel phone and Neverland Valley Ranch?

A. There was also a call at 7:06 from Schaffel to Neverland Valley Ranch for 17 minutes in length.

Q. After the call to Neverland Valley Ranch, was there a call between the Marc Schaffel phone going from the Marc Schaffel phone to the Ann Kite phone?

A. Correct. At 0759 for 15 minutes.

Q. Do your records show a phone call between the Frank Cascio phone and the David Ventura phones -- phone?

A. That’s correct. I have outgoing calls from the Ventura to the Cascio phone.

Q. And what time are those two calls?

A. Two calls. The first one at 11:35 p.m. for four minutes. Second one at 11:43 p.m. for three minutes.

Q. Immediately preceding those two outgoing calls from the Ventura phones to the Cascio phones, were there a number of phone calls from the Ventura line to the Azia Pryor line?

A. I have three calls from the Ventura line to the Azia Pryor line. The first one at 5:47 p.m. for nine minutes. The second one at 6:37 p.m. for 14 minutes. And the last one at 7:21 p.m. for two minutes.

Q. If you could turn your attention to the calls surrounding Frank Cascio’s phone. With respect to the one call going between the Frank Cascio phone and the Evelyn Tavasci phone, what time did that occur, please?

A. That occurred at 5:37 p.m., four minutes in length.

Q. With respect to the 12 calls between the Amen phone and the Cascio phone, can you tell us generally what time of day those 12 calls occurred?

A. With the exception of one call, they occurred in the afternoon to evening time frame.

Q. And was that first call the exception, at 054 in the morning?

A. Correct.

Q. And how long did that last?

A. Four minutes.

Q. And which direction was that going?

A. Frank Cascio calling Vincent Amen.

Q. Immediately prior to that was a one-minute call between the Frank Cascio phone and the Marc Schaffel phone at 052 in the morning?

A. That’s correct. One minute in length.

Q. Sergeant Bonner, if you could turn to Exhibit 865, please. Could you please explain the chart for February 14th of 2003, Exibit 865.

A. Again, as with the other ones, we have a number of telephone numbers that are associated with individuals that have came out during this investigation. And we start with Vincent Amen, Hamid Moslehi, David LeGrand, Frank Cascio, Marc Schaffel, Christian Robinson, Ann Kite, the Law Offices of Geragos & Geragos, Evelyn Tavasci, David Ventura, and Azia Pryor.

Q. If you could begin in the center with the Moslehi, Schaffel and Christian Robinson phones, can you tell us first which direction the call from -- in between Moslehi and Schaffel occurred, between their phones?

A. The Marc Schaffel phone contacted the Hamid Moslehi phone for one minute in length at 8:42 p.m.

Q. What about the contact between the Christian Robinson phone and the Marc Schaffel phone?

A. That was a call from the Christian Robinson phone to the Marc Schaffel phone, one minute in length, at 10:18 p.m.

Q. And in between the call from the Schaffel phone to the Moslehi phone, and the Christian Robinson phone and the Schaffel phone, were there two calls placed to Frank Cascio, one from the Ventura phone at 2105 hours?

A. I have a phone call from the David Ventura residence to a Frank Cascio phone at 2105 hours, two minutes in length.

Q. And at 2130 hours, 9:30 p.m., was there a call between the Vince Amen phone and a Frank Cascio phone?

A. That’s correct. 2130 hours, one minute in length.

Q. It’s not clear on the chart, from here anyway, but how many times was there contact between the Cascio phone and the Ventura phone, Janet’s parents?

A. There were four calls.

Q. Can you tell us what time the first call was made on Valentine’s Day 2003?

A. The first call I have is from the Ventura residence to a Cascio phone at 4:45 p.m., one minute in length.

Q. Okay. When was the next call, please?

A. The next call occurred at 7:29 p.m. This one was from the Cascio phone to the Venturas’ residence, two minutes in length.

Q. And the next one, please?

A. Was at 7:45 p.m., again from the Cascio phone to the Ventura residence, for 59 seconds.

Q. Is the next one the call that occurs at 2105, 9:05 p.m., between the Ventura residence and the Cascio phone?

A. That’s correct. Two minutes in length.

Q. Okay. Are there also a number of calls between the Ventura phone and the Azia Pryor phone?

A. Yes, there are.

Q. And are they going in one direction or both directions, generally?

A. They’re going in both directions.

Q. And what time is the first call between those two phones, please?

MR. SANGER: Your Honor, I’m going to object at this point. I’ve been waiting, but it does seem that this is cumulative, and the relevance in these details -- I’ll object on relevance.

THE COURT: Overruled.

THE WITNESS: The first call occurred at 2:20 p.m., one minute in length, from the Ventura residence to the Azia Pryor telephone.

Q. BY MR. NICOLA: Do you have an entry there marked 1250 in the morning?

A. I'm sorry, that's correct. That's the first one. 1250, one minute 30 seconds in length, from Azia Pryor's phone to the Ventura residence.

Q. One minute 30 seconds?

A. I'm sorry, one hour 30 minutes. They're numbers.

Q. You bill like phone companies, in reverse. And when was the last call between the Ventura phones and the Azia Pryor phones for the 14th?

A. The last call I have is at 11:40 p.m. for two minutes in length from the Ventura phone to the Azia Pryor phone.

Q. Okay. And in total, there was contact between the LeGrand phone and the Kite phone just one time?

A. Correct.

Q. And two times between the Kite phone and the Geragos & Geragos phones that day?

A. Correct.

Q. If you could please continue to Exhibit 866, the chart for February 15th. And please explain this exhibit for the jury, please.

A. It's a little off center.

Q. Okay.

A. Okay. Again, we have a number of individuals who we have identified as being associated with this investigation, and these are telephones that are associated with those individuals: Hamid Moslehi, Rudy Provencio, Vincent Amen, Marc Schaffel, Frank Cascio, Neverland Valley Ranch, Ann Kite, Law Offices of Geragos & Geragos, Evelyn Tavasci, Jay Jackson, a second line into Evelyn Tavasci's residence, David Ventura and Azia Pryor.

Q. Was the first call between the Cascio phone and the Jay Jackson phone at 2:11 in the morning?

Look on page two, four up from the bottom.
A. The David Ventura phone.
Q. Oh, I’m sorry. Was that the first of five calls to the David Ventura phone at 2:11 in the morning?
A. Correct.
Q. And can you tell us when the first call was between the Cascio phone and the Jackson phone that morning, that day?
A. The first call I show is at 10:17 a.m. from the Jay Jackson phone to the Cascio phone.
Q. Of the 14 calls between the Jay Jackson phone and the Frank Cascio phone, how many of them lasted more than one minute?
A. 11 of them.
Q. Was there a call between the Frank Cascio phone and the Geragos & Geragos phone that day as well?
A. Yes, there was.
Q. And what time was that?
A. That occurred at 2:45 p.m., for 44 seconds, from Cascio to Geragos phones.
Q. And prior to that phone contact between the Cascio phone and the Geragos & Geragos phone, was there a 15-minute phone call beginning at 1424 hours between the Cascio phone and the Jay Jackson phone?
A. That’s correct.
Q. And immediately after the phone call between

the Cascio phone to the Geragos & Geragos phone, were there two more calls placed between the Cascio phone and the Jackson phone?
A. Correct. At 1501 and 1502, first one for one minute and the second one for three minutes.
Q. And at the end of the three-minute call at 1502 between the Cascio phone and the Jackson phone, was there a call between Frank Cascio’s phone and Marc Schaffel’s phone?
A. That’s correct, at 1505 hours for three minutes.

Q. Of the three calls between the Cascio phone and the Tavasci home phone, can you tell us what time the first call was?

A. The first call occurred at 5:45 p.m., six minutes in length.

Q. And which direction was that call going?

A. That was from Cascio to the Tavasci phone.

Q. At that same time, at 5:45 p.m., was there a call from the Vince Amen phone to the same Frank Cascio phone that dialed the Evvy Tavasci home phone?

A. That's correct. It was seven minutes in length from Amen to Cascio.

Q. And at the same time, the Cascio phone called the Tavasci home?

A. Correct.

Q. And that was for six minutes?

A. Correct.

Q. Is that what's known as a three-way call, Sergeant?

A. It is potentially a three-way call.

Q. Immediately after that call between the Amen/Cascio, Cascio/Tavasci phones, was there a call placed from the Cascio phone to the Schaffel phone?

A. That's correct. I have a two-minute call at 1755 hours from the Cascio phone to a Schaffel phone.

Q. Okay. And then were there two calls after that between the Cascio phone and one of the Evelyn Tavasci home phone numbers and the Cascio phone and the other Tavasci home number, the second line, at 1825 and 1843 hours?

A. That's correct. I have the first call at 1825 hours for three minutes and 33 -- correction, three minutes and 36 seconds, and that is from the Cascio phone to the Tavasci, Evelyn, home phone. And the second call is at 1843 hours, one minute 47 seconds in length, and that goes from the Cascio to the Evelyn Tavasci second home line.

Q. At 1851 hours, was there a phone call between the Cascio phone and the Jay Jackson phone?

A. That's correct. Two minutes in length.

Q. This would be the call immediately after the call from Cascio's line to the second home line at Evvy Tavasci's?

A. A few minutes later, correct.

Q. Okay. And that was a two-minute call?

A. Correct.

Q. At the end of that phone call at 1853 was there another call placed from the Cascio line to the same Jay Jackson line?

A. That's correct. We have a call at 1853, for 17 minutes in length.

Q. And at the end of that call, at 1910 hours, was there another call placed from the Frank Cascio phone to the Jay Jackson phone?

A. Correct. Three minutes 19 seconds in length.

Q. And immediately after that call, was there -- excuse me. Were there two calls placed from the Frank Cascio phone to the Frank Schaffel phone?

A. Okay. Yes, we have one at 7:14 p.m., one minute in length. And another one at 7:16 p.m., four minutes in length.

Q. After the phone call at 7:16 p.m. between the Cascio phone and the Schaffel phone, did the phone belonging to Jay Jackson connect with a phone belonging to Frank Cascio, in that direction?

A. That's correct. At 8:43 p.m. for four minutes 15 seconds.

Q. Was there another call between the same two phones and in the same direction at 8:48 p.m. that lasted for two minutes?

A. Correct.

Q. And immediately after that phone call at 8:48, was there a call between the Frank Cascio phone and the Evvy Tavasci home phone?

A. That's correct, at 8:56 p.m., two minutes 28 seconds in length.

Q. Was there a call approximately ten minutes later from the Cascio phone to the Amen phone at 2108?

A. Correct. Six minutes in length.

Q. At the end of that six-minute call, was there a call between the Cascio phone and the Neverland Valley Ranch phone?

A. That’s correct. 2126 hours. That’s an incoming call from Neverland Valley to the Cascio phone, three minutes 41 seconds in length.

Q. If you could turn to Exhibit 867, please. And is that the chart for Sunday, February 16th, of 2003?

A. That’s correct.

Q. If you could explain to the jury what’s depicted in this exhibit, please.

A. Once more, we have a number of telephones that are associated with individuals that have came up during this investigation; namely, starting on the left, Chris Tucker, Vincent Amen, Rudy Provencio, Evelyn Tavasci, Azia Pryor, Neverland Valley Ranch, Marc Schaffel, Chris Carter, David Ventura, Jay Jackson, Frank Cascio, another call from Marc Schaffel, and Christian Robinson as Site LLC.

Q. With respect to the calls between the Cascio phone and the Jay Jackson phone, the chart shows a “2” over a “1.” Were there 21 calls between the two, or what?

A. No, there was not. That should indicate that there were two calls from one direction and one call from the other direction.

Q. Which direction were the two calls from?

A. From Jay Jackson to Frank Cascio. And one call from Frank Cascio to Jay Jackson.

Q. Okay. Can you tell us the time of the first call between Jay Jackson and the Frank Cascio phone?

A. The first call occurred at 4:32 p.m., four minutes in length, from Jay Jackson to Frank Cascio telephones.

Q. And when was the last call between the two phones?

A. At 11:26 p.m., two minutes 30 seconds in length, from the Frank Cascio phone to Jay Jackson phone.

Q. In between the first and last calls between the Jay Jackson phone and the Cascio phone, was there contact between the Cascio phone and the Neverland Valley Ranch phone?

A. The only call I'm showing was at 0100 hours.

Q. So there was not?

A. Correct.

Q. When was the first call between the Vince Amen phone and the Frank Cascio phone?

A. 0844 hours, or 8:44 a.m.

Q. If you could turn to Exhibit 871, I believe. Is that the chart for February 20th?

A. That's correct.

Q. Is it Detective Zelis who will have all the fun with the charts on the 17th, 18th and 19th?

A. That's correct.

Q. I placed Exhibit 871, or a reasonable likeness, up on the board. Do you know whether this date, February 20th, coincided with the filming of a rebuttal video?

A. That is my understanding, correct.

Q. Okay. And explain to the jury, please, what's depicted in this exhibit.

A. Again, we have icons which are associated with telephones registered to individuals that have came up during this investigation. Starting at the top left, we have Frank Cascio, Marc Schaffel, David Ventura, Jay Jackson, Evelyn Tavasci second line, Evelyn Tavasci's home line, Neverland Valley Ranch, Vincent Amen, the Turnberry Isle Resort, Christopher Carter and Rudy Provencio.

Q. If you could begin, please, with the phone calls between the Vincent Amen line and the Jay Jackson line, tell us what time the first call was placed.

A. The first call occurred at 10:02 a.m., two minutes in length, from Amen to Jackson.

Q. Would you look at the time stamp, 9:51 on your chart, please?

A. I'm sorry, they're out of order. 9:51 would

be the first call.
Q. And the second call would be at 10:02 a.m.?
A. Correct.
Q. How many times did the Vince Amen phone contact the Marc Schaffel phone that day?
A. I have five calls.
Q. And was the first call placed at nearly one o’clock in the morning or just before one o’clock in the morning?
A. Five minutes prior, at 0055 hours.
Q. And how many times was there contact between the Vince Amen phone and the Frank Cascio phone that day? You could refer to the chart itself if it helps you.
A. I’m just double-checking. I have 31 calls.
Q. Was the first call a call that was placed between Frank Cascio’s phone and Vince Amen’s phone at 1:25 in the morning?
A. That’s correct.
Q. And how many times was there contact between the Cascio phone and the Schaffel phone on the 8381

morning -- on the day of the 20th?
A. I have 11 calls. And I have two -- two more, so a total of 13.
Q. Of the two calls between the Cascio phone and the Evvy Tavasci home phone, can you tell us whether they were going in one direction or both ways?
A. It appears they were going just from Cascio to Evelyn Tavasci.
Q. From the Cascio phone to the Tavasci phone?
A. Correct.
Q. And what time is the first call from the Cascio phone to the Tavasci phone?
A. At 1:26 p.m., three minutes in length.
Q. If you would please turn to the next exhibit that you have, which is No. 875 -- actually, before we leave 871, the chart shows seven calls between Neverland Valley Ranch and Frank Cascio’s number; is that correct?
A. That’s correct.
Q. And what time did those calls begin and in

which direction were they going, please?

A. I believe each of these calls was an incoming call. I'm sorry, they're going both directions. And they start at a little after 2 p.m. and end a little after 9 p.m.

Q. Okay. Now you can turn to Exhibit 875, please.

MR. SANGER: Is that March 5?

MR. NICOLA: It's March 2.

THE WITNESS: March 5th.

MR. SANGER: March 5 is what mine says.

Q. BY MR. NICOLA: Is there an exhibit tag on March 2nd?

A. Yeah. It's not mine, though.

Q. Okay. I'm sorry. 875 is March 5th. And who's doing March 2nd, 3rd and 4th?

A. Chief Investigator Dave Saunders.

Q. I'm sorry. Is this a chart for Wednesday, March 5th?

A. It is.

Q. Okay. Explain to the jury what's on this exhibit, please.

A. Okay. Again, we have a number of icons that are associated with telephones that are registered to individuals that have came up during this investigation. Starting on the left, we have Frank Cascio, Neverland Valley Ranch, Evelyn Tavasci/MJJ Productions, another number, MJJ Productions/Miko Brando, Evelyn Tavasci home, Rudy Provencio, Paul Hugo and David LeGrand.

Q. Let's talk about the Frank Cascio phone and the Neverland Valley Ranch phone. Can you tell us when they first -- when they first begin and which direction they went?

A. They first started at shortly before 2 a.m.

in the morning, which was an incoming call from Neverland to Frank Cascio, and it ended at 6:15 p.m., again with an incoming call from Neverland to Frank Cascio. In between that we had two calls from Cascio to Neverland.

Q. Okay. Can you tell us what time the call between the Paul Hugo phone and the Rudy Provencio phone was?

A. Okay. That was at 2109 hours for one minute in length.

Q. And also between the Paul Hugo phone and the David LeGrand phone, please?

A. That was 2134 hours, or 9:34 p.m., for two minutes in length.

Q. Okay. If you could move to Exhibit No. 876, please. And if you could explain to the jury what's on this exhibit?

A. Okay. As with the other exhibits, we have a number of telephones associated with individuals and/or locations that have came up during this investigation. I'll start on the left. We have Paul Hugo, Marc Schaffel and Vincent Amen. We have Frank Cascio, Neverland Valley Ranch. This was a room at the Beverly Hilton that was registered under Christopher Carter. We have the MJJ Productions/Miko Brando phone, Evelyn Tavasci/MJJ Productions phone, Evelyn Tavasci second home line, and the Evelyn Tavasci home line.

Q. Could you turn to the exhibit book on your right, please, and find Exhibit No. 255? Are those The Beverly Hilton records?

A. These are.

Q. Okay. Exhibit 255, is that the room bill for Chris Carter, Room 429, from The Beverly Hilton?

A. Yes, it is.

Q. Okay. Did the phone charge -- do the phone charges on The Beverly Hilton records include minutes?

A. I don't immediately recognize anything as being specific to length of call.

Q. And indeed, there are no minutes on your chart for The Beverly Hilton calls, correct?

A. Correct.

Q. Do you show three calls going from The Beverly Hilton out of the Chris Carter room on the 6th to Ms. Evelyn Tavasci's home or second home numbers?

A. That’s correct.

Q. And what time is the first call?

A. I have two calls that occur at 1136 hours. One to the home line; the second one to the second home line.

Q. Okay. Can you remove the page you’re looking at in Exhibit 255?

MR. SANGER: Which one?

MR. NICOLA: March 5.

Q. Showing you page one of Exhibit 255, just generally the time stamp in the middle column on the left, for example, eleven-three -- 11:36, that’s the time that corresponds to the call in your charts, correct?

A. That’s correct.

Q. And there’s nothing on the right that indicates the length of the time; isn’t that right?

A. I don’t recognize anything as being a length.

Q. Can you tell us at approximately what time the call between the -- between the Hugo phone and the Schaffel phone was, please?

A. 15 -- or 3:59 p.m.

Q. How long did that call last?

A. Two minutes in length.

Q. And can you tell us what time the calls between the Amen phone and the Schaffel phone were?

A. At 12:21 p.m. and 12:17 p.m., four minutes and three minutes respectively.

Q. And your records show the only place of relevance to your investigation that the Cascio phone called was the Neverland Valley Ranch line?

A. That’s correct.

Q. If you could move on to Exhibit 877, please. And is 877 the chart for Friday, the 7th of March, 2003?

A. That’s correct.

Q. Again, the only calls from Frank Cascio that you registered were to Neverland Valley Ranch?

A. That’s correct.

Q. Can you tell us what time the first call was and what time the last one was?
A. The first call occurred five minutes after midnight, at 0005 hours, and the last call occurred at 12:03 p.m.
Q. Sergeant Bonner, can you tell us about the middle icon, The Beverly Hilton Kenneth Morgan room?
A. As with the Chris Carter room on the previous day, this was a room at The Beverly Hilton which was registered under the name Kenneth Morgan.
Q. And in which exhibit did you find the Kenneth Morgan phone records from The Beverly Hilton?
A. It was under Exhibit 256.
Q. Would you find those in the exhibit book, please?
A. Done.
Q. Done. When was the first call made from that room and to what number?
A. The first call occurred on 3-7, 2003, at 9:21 p.m. to the Evelyn Tavasci home line.
Q. How many calls were placed to the Evelyn Tavasci home line from the Kenneth Morgan room?
A. On the 7th?
Q. Yes, please.

A. I have a total of four calls.
Q. And when was the last phone call between the Kenneth Morgan room and the Evvy Tavasci home?
A. At 9:51 p.m.
Q. Is there a room charge visible on Exhibit 256?
A. There is; in the amount of $850.
Q. Per night?
A. Correct.
Q. I believe the next exhibit is 878.
MR. SANGER: Your Honor, I’m going to move to strike the last answer for the purpose of objecting to the question. I didn’t know where he was going, but it’s not going anywhere and violates the Court’s rule -- ruling, the room charge.
THE COURT: Sustained.
MR. SANGER: Stricken?

THE COURT: Stricken.

MR. NICOLA: Stricken?

THE COURT: Yes.

Q. BY MR. NICOLA: Exhibit 878, is that March 8th? I haven’t put it up yet.

A. That’s correct.

Q. Okay. What do you have listed in Exhibit 878?

A. Again, we have icons representing telephones associated with individuals and/or locations that have came up during this investigation; namely,

starting on the left, Neverland Valley Ranch, Evelyn Tavasci/MJJ Productions, MJJ Productions/Miko Brando, Beverly Hilton, again the Kenneth Morgan room, Evelyn Tavasci/MJJ Productions, and Evelyn Tavasci, home.

Q. Are the phone calls between the Evvy Tavasci home and the Kenneth Morgan room also contained in Exhibit 256?

A. Yes, they are.

Q. And of the 12 calls you have listed, can you tell us which direction they were going?

A. All of those are outgoing calls.

Q. And over what --

A. From the Kenneth Morgan room to the Evelyn Tavasci room, or line.

Q. And over what period of time did those 12 phone calls span?

A. The first call I have occurs at 8:35 a.m. in the morning and the last call occurs at 6:57 p.m. in the evening.

Q. Were there calls from the Kenneth Morgan room to two other phones registered to Evvy Tavasci through MJJ Productions?

A. There were.

Q. And on the right-hand side of that exhibit appears to be the number “3” in the middle of a link. Can you tell us about that phone number, please, between the Kenneth Morgan room and the

Evelyn Tavasci MJJ Production phone?

A. Okay. That is the -- the phone number is (818) 402-7087. It comes back registered to Evelyn Tavasci, MJJ Productions.
Q. And in the top center of the page, there's another telephone with the same icon. Is that a different number with the four connections?
A. Actually, I'm sorry, that -- the four is the 7087 number. The four calls were to that (818) 402-7087. And the three calls were to (310) 717-8984.
Q. The next exhibit in order, please, Exhibit 879. Is this the exhibit for Sunday, March the 9th?
A. Yes, it is.
Q. Can you tell us what time the phone call between the Cascio phone and the Evvy Tavasci second home line was?
A. It occurred at 11:34 p.m., and that was an incoming call from Tavasci to the Cascio line.
Q. Can you tell us about the phone calls between the Cascio phone and the Schaffel phone on that day?
A. I have two telephone calls from the Cascio phone to -- correction, one from the Cascio phone to the Schaffel phone. Another one that was an incoming from Schaffel to Cascio. First one was one minute prior to 7 p.m., and the second one was at 9:31 p.m.

Q. Can you tell us about the 12 phone calls between the Evvy Tavasci/MJJ Production phone and the Schaffel phone, please? Do you know when the first one occurred?
A. No. There appears to be an error.
Q. That should say "Neverland Valley Ranch"?
A. It should.
Q. Okay. Can you tell us what time the first call to Neverland Valley Ranch occurred?
MR. SANGER: I'm just going to object for the moment, that there is a reference to, "That should be Neverland Valley Ranch," and it's not clear what that reference is to.
THE COURT: Sustained.
Q. BY MR. NICOLA: The 12 phone calls I was

referring to should have been referred to as the Neverland Valley Ranch, correct?
A. That's correct.
Q. So the link between the Tavasci/MJJ Productions phone and the Marc Schaffel phone is incorrect; is that what you're saying?
A. That's correct.
Q. Okay. Were there any calls between the Schaffel phone and the Tavasci phone for that day?
A. No.
Q. Okay. So the 12 calls between the Tavasci/MJJ Production phone and the Neverland Valley Ranch phone began at what time that day?

A. 8:48 a.m.
Q. And what time did they cease?
A. At 8:19 p.m.
Q. Is the chart -- excuse me, is the spreadsheet behind the chart accurate, to your recollection?
A. Yes, it is.
Q. Okay. And is that how you realized the actual chart that's up on the screen is incorrect with respect to the link between the Evvy Tavasci phone and the Marc Schaffel phone?
A. That's correct.
Q. The call between the Amen phone and the Schaffel phone, what time did that occur, please?
A. At 1757 hours.
Q. And that was a one-minute call?
A. One-minute duration.
MR. NICOLA: Your Honor, I'll move to strike this chart, Exhibit 879.
It is 879, correct?
THE WITNESS: Correct.
MR. NICOLA: Pending correction.
MR. SANGER: Well, I object to that. It's been referred to in front of the jury, so it should remain. And they can present a corrected chart if they want.
MR. NICOLA: We can do that.
THE COURT: I think that's the way to do it.

Q. BY MR. NICOLA: Did that take you through your daily obligation?

A. It did.

MR. NICOLA: Thank you.

Your Honor, I have no further questions at this time.

THE COURT: All right. We’ll take our break and then you can do your cross.

(Recess taken.)

THE COURT: Okay. Mr. Sanger, you ready?

MR. SANGER: Yes.

Before we do, I was right in the middle of trying to find Exhibits 451 and 458. They’re in a binder.

MR. NICOLA: The originals? They’re all right here.

MR. SANGER: There we go. All right. I’ll get to them in a minute.

May I proceed, Your Honor?

THE COURT: Yes.

CROSS-EXAMINATION

BY MR. SANGER:

Q. Okay. Some big-picture questions. First of all -- I don’t really want to go through the exact times of minutes of everything, but there are some big-picture questions.

First of all, in all these phone records that you analyzed, were you able to determine from the phone records whether or not Michael Jackson was ever on a single call?

A. No.

Q. And as to some of the other records, for instance, those pertaining to Marc Schaffel, Frederic Marc Schaffel, there are several telephone numbers associated with Mr. Schaffel, correct?

A. That is correct.

Q. And you’re one of the lead detectives in this case, correct?

A. Correct.

Q. Based on your investigation, during the

period of time February and March of 2003, Mr. Schaffel had converted his house into an office; is that right?
A. It’s the first I’ve heard of it, but --
Q. Were you aware that he had a number of people working out of his house?
A. Yes.
Q. All right. And they had different offices set up in his house?
A. The interviews that I’ve conducted, basically people were working -- doing work out of his house, but not necessarily separate offices.
Q. Okay. All right. Now, I notice on the summary charts, sometimes, in fact most of the time, you included one-minute calls?

A. Correct.
Q. Sometimes you did not, correct?
A. Usually -- I mean, we tried to include everything that was a one-minute call.
Q. Okay. For instance - and I’ll find the chart here - but there was a chart, I believe, where you had not shown two calls from Jay Jackson’s house because apparently they were very short calls. They were one-minute calls.
MR. NICOLA: Objection. The question is vague.
THE COURT: Overruled.
Q. BY MR. SANGER: Do you recall that?
A. I think I can clarify that. The records that were introduced into evidence show that those calls were actually less than 30 seconds in length, and that’s why we removed those calls from the overall count.
Q. All right. So some of these phone records -- you looked at phone records from various carriers and from hotels; is that correct?
A. Correct.
Q. And some of the carriers bill a call as a minute, no matter how long it takes?
A. Correct.
Q. If it’s under a minute, I should say, of course.

A. Yes.

Q. And sometimes the carrier will show a specific number of seconds; is that correct?

A. Correct.

Q. All right. Now, another big-picture item, if we can. There are some calls that you showed were placed to the law firm of Geragos & Geragos?

A. That’s correct.

Q. And some of those calls -- and we can go through if you want, but some of those calls were a minute or less, correct?

A. That’s correct.

Q. Do you have any reason to believe that the caller was able to get through the receptionist and to an attorney there?

A. I wouldn’t necessarily think an incoming call less than a minute, but an out -- I’m sorry, an incoming call from Geragos to the cell phone could result in a connection in less than a minute. However, I would highly doubt that a call from the cell phone to Geragos would probably result in a call.

Q. In other words, his law firm has a receptionist; is that correct?

A. I would assume so.

Q. Okay. And there are a number of people that work at his law firm besides Mr. Geragos himself?

A. That’s correct.

Q. All right. Another overall question. When there are phone calls that are placed to -- they’re coming into a place like the Turnberry or one of the other hotels, those calls go to a switchboard; is that correct?

A. Correct.

Q. And then the switchboard would send the calls to particular rooms or particular staff people or guests or whatever, correct?

A. Correct.

Q. And so, number one, you have no way of determining where those calls ended up, correct?

A. Other than to say they went to the Turnberry itself, no.
Q. That’s right. As far as you could trace it, it got to the reception desk, and then where it went from there we don’t know?
A. Correct.
Q. Okay. And once again, if there’s a one-minute call to one of those hotels, there’s no reason to believe that the call actually got completed to a guest in the hotel?
A. Not necessarily, no.
Q. Okay. All right. One more overall question here. You mentioned Rudy Provencio in your analysis, correct?
A. Correct.
Q. And the first call that you show Rudy Provencio was involved in was on February the 8th of

2003; is that correct?
A. That’s correct.
Q. And there are some other references to Mr. Provencio from time to time being involved in phone calls after that date, correct?
A. That’s correct.
Q. But you have no phone calls showing that Rudy Provencio was involved in making or receiving calls from any of the people involved in this investigation before February the 8th, 2003, correct?
A. Not that has made it into these exhibits.
Q. Well, based on your analysis of the records and everybody else that was helping you - right? --
A. Correct.
Q. -- you have no indication that Rudy Provencio talked to anybody on the phone associated with this case before February the 8th, 2003; is that correct?
A. Again, I’d have to -- to say that it’s based within these exhibits, no, there is not. However, I am aware that there are some records that did not make it into the computer to get analyzed with this, and I can’t tell you whether or not there are or are not calls in those records.

Q. Okay. So you’re saying -- you’re leaving the door open that, you know, there’s some other records, but you did your best job at analyzing what you thought was important for this case, right?

A. That’s correct.

Q. Okay. And you tried to put in all the phone calls that you thought would be important to the investigation, right?

A. Correct.

MR. SANGER: Okay. Now, let me ask if I can retrieve from the District Attorney, I think I need the original of 451 and 458.

MR. NICOLA: Help yourself.

MR. SANGER: May I walk around here?

THE COURT: Yes.

Q. BY MR. SANGER: Now, Detective Bonner, did you prepare these charts, these actual charts that you have shown?

A. I had them prepared, correct.

Q. Okay. And some of these were finalized just this morning or late last night; is that correct?

A. Late last night.

Q. Okay. So we were handed the final versions of some of them just this morning. They were handed to the defense this morning, correct?

A. I don’t know when you were handed. I do know that we finalized them late last night.

Q. All right. Did you do a chart for February the 4th, 2003?

A. No.

Q. Were you aware that there were telephone calls relating to some of the people in this case on February the 4th, 2003?

A. Yes.

Q. And specifically let me ask you if those were from the SBC Pac-Bell phone records, or, I don’t know anymore, AT&T phone records?

A. I’d have to refer to the records.

Q. Okay. I’m sorry, just one second. Okay. Let me get you the original.

All right. May I approach the witness, Your Honor?

THE COURT: Yes.

Q. BY MR. SANGER: I’m going to show you Exhibit 451 and I’ve turned it to Tab No. 6, and see if you’re oriented as to what that is.

A. Okay. This is a telephone record, a Pacific Bell telephone record for the Jay Jackson line, (213) 739-9279, and it shows two calls on February 4th to a phone number ending in 1861.

MR. SANGER: And, Your Honor, with your permission, may I put a copy of that one page up?

THE COURT: Yes.

MR. SANGER: All right. This is 451, Tab 6.

Q. All right. And that -- the two calls that I’m referring to there say, “FE04.” Is that February 4th? Is that correct?

A. Correct.

Q. 6:11 p.m. and 6:14 p.m.; is that correct?

A. Correct.

Q. It says -- oh, thank you. There’s a point up there, I think we all know but -- all right. And it says, “Reseda.” Is that where it’s going or where it came from?

A. I believe that’s where it’s going to.

Q. And that’s the phone number that it’s going to, correct?

A. Correct.

Q. And this is the phone number that it’s coming from; is that correct?

A. Correct.

Q. All right. And both of those phone calls were four minutes apiece?

A. Correct.

Q. All right. The phone that this was coming from was Jay Jackson’s phone; is that correct?

A. Correct.

Q. The phone number it’s going to is whose phone?

A. I don’t immediately recognize that number.

Q. All right. Let’s see if we can figure it out here.

If you turn to Tab 9, please, and look at those documents and see if those are the types of documents that would assist you in determining who is assigned a particular phone number.

A. It is. That phone number, (818) 757-1861, comes back to Chris Tucker.

Q. Chris Tucker. Okay.

What I'm going to propose, with the Court's permission, is I'm going to write on a piece of paper here illustrative of the witness's testimony. I'll take it piece by piece, and if he agrees, I'm going ask to admit it and publish it.

So I'm going to start with a blank piece of paper, and I guess we should have that marked as defense next in order, if we may.

THE COURT: That's fine.

MR. SANGER: Thank you.

THE CLERK: That's 5011.

MR. SANGER: 5011? Okay. Why don't we go ahead and mark that piece of paper.

Okay. Thank you.

Q. Okay. Now, you would agree that the phone records that we just referred to up here, which is from Tab No. 6 of Exhibit 451 - okay? - the one that's on the board - all right? - you would agree that those relate to February 4th of 2003; is that correct?

A. Correct.

Q. So I'm going to write at the top "02-04-03."

Now, your chart started -- Exhibit 859 started on 02-05-03; is that right?

A. Correct.

Q. That was a Wednesday. So what day of the week would 04 be?

A. Tuesday.

Q. There you go. You paid attention in grammar school and it paid off, all right.

All right. I'm going to write that on the top of the page.

Now, the one telephone that we're dealing with here belongs to Jay Jackson; is that correct?

A. Correct. The 9279.

Q. Okay. So I'm going to draw a telephone. And I'm going to put "Jay Jackson" under it. And now that you've looked at the other phone records, you determined that that call was placed to who?

A. Chris Tucker's phone.

Q. Chris Tucker's phone. I'm going to draw another telephone, not very well, by the way, and I'm going to put the number "2" on the bar. That's what you were doing if you were showing two calls, correct?

A. Correct.

Q. And these two calls go from Jay Jackson's telephone to Chris Tucker's telephone, correct?

A. Correct.

Q. So I'll write "Chris Tucker." And remind us who Chris Tucker is.

A. He is an entertainer, comedian.

Q. And he was in the movies with Jackie Chan?

A. Yes.

Q. There you go. And I'm going to do one other thing, if it's all right with you. I'm going to do an arrow at the end of the bar to show which direction those calls were going. Would that be all right?

A. Sounds good.

Q. Does that make sense to you?

Okay. And can you tell us what time of day those telephone calls occurred?

A. 6:11 and 6:14 p.m.

Q. Okay. So I'm going to write down 6:11 and 6:14 p.m. under the line.

May I approach the witness?

THE COURT: Yes.

MR. SANGER: I'll show you what I did.

Who's looking at this? Oh, that's right. Sorry.

MR. NICOLA: That's a beautiful chart.

MR. SANGER: Thank you. Others will be the judge of that.

THE WITNESS: You appear to have paid more attention in art class than I did.

Q. BY MR. SANGER: There you go. All right. I want to ask you, does that appear to be an accurate depiction?

A. Correct.

MR. SANGER: Your Honor, I would move into evidence 5011.

THE COURT: It's admitted.

MR. SANGER: Thank you. And I'd ask permission to place that up on the board.

THE COURT: You may.

MR. SANGER: Thank you. Or on the screen.

Q. Okay. Did it the old-fashioned way. Now, does that accurately represent -- I don't want to beat this to death here, but does that accurately represent the date at the top, right?

A. Correct.

Q. And then we have a call from Jay Jackson's telephone, two calls, 6:11 and 6:14 p.m., to Chris Tucker's telephone, correct?

A. That's correct.

Q. Okay. Thank you. All right. Now I want to go to some other telephone calls at the end. And let me take this down. I'm sorry, not at the end. I want to go to the middle, to 2-11. Excuse me. Oh, I'm sorry, excuse me. Before I leave that, you have the book up there with the 200 series, I believe; is that correct?

A. Appears to be from -- correction. Or -- it is the 200 series.

Q. So if you look at Exhibit 223 -- And that's already been received into evidence, Your Honor, and I'm going to ask permission to put that up.

THE COURT: All right.

MR. SANGER: Thank you.

Q. There's two pages to 223; is that correct, sir?

A. That's correct.

Q. Okay. The first page I'll put up on the board, and that's the itinerary that we've seen -- you weren't in the room, I don't think, but we've seen this before. It's an itinerary for a flight that apparently did not occur, no tickets were issued on this. But it's an itinerary. But do you see that? Do you recognize that to be what it is?

MR. NICOLA: Objection; lack of foundation, Judge.

THE COURT: Overruled.

You may answer.

THE WITNESS: I recognize it as an itinerary. However, I'm not familiar enough with it to tell you whether or not a ticket was issued or not.

Q. BY MR. SANGER: That's fair enough. In any event, there's an itinerary there, and that's for a flight that's scheduled to go at two o'clock in the afternoon; is that correct?

A. It appears to be the case.

Q. All right. And if we look at -- keeping that in mind for a moment, if we look at page two down at the bottom, there's a fax transmittal that shows this document was faxed or attempted to be faxed at 11:31 in the morning on February 5, correct?

A. Correct.

Q. It shows, "NG," it didn't go through, but at least they were trying to fax it at that time, correct?

A. Correct.

Q. All right. Now, on your February 5 document, if we look at page -- if the summary is page one, then this would be page three. It's the second page of phone summary records.

A. Okay.

Q. All right. Did I tell you Exhibit 859?

A. That's correct.

Q. Did I say that? Okay. So that's for the 5th of February. And if you look down the list --

Your Honor, may I inquire of counsel?

Has this page been changed?

THE WITNESS: I don't believe so.

MR. SANGER: Okay. May I inquire of the

witness? All right. Why don’t I just approach so we don’t have a problem, Your Honor.
THE COURT: You may.
Q. BY MR. SANGER: Let me just make sure we’re -- maybe compare the top and the bottom to see if they’re the same.
A. Yes.
MR. SANGER: Okay. May I publish this page? It’s already been admitted.

THE COURT: Yes.
Q. BY MR. SANGER: It actually says page two of three at the bottom, sir?
A. That’s correct.
Q. It’s actually page three of the exhibit, because the first page is your summary, right?
A. Correct.
Q. All right. I’ll put that up. Let’s see if it settles there.
All right. I’m hoping it’s going to get a little clearer, but it doesn’t seem to want to do that. I guess we cut off part of it here. Let’s see if that....
All right. Before I refer to -- I’m going to refer to this particular line here.
A. Can you show me which one again?
Q. Yeah, it’s -- there you go. You have to hold it just right. I’m going to refer to this particular line here, which is 2-5-03 at 9:58.
A. Okay.
Q. Okay? And before we talk about that particularly, let me ask you some general questions that will cover other entries as well.
In general, through your investigation in this case, did you determine that when Mr. Jackson travels, the people that arrange his travel often will take a name that is not Mr. Jackson’s name and use that for the purpose of booking hotels?

A. That’s correct.
Q. And is that something common with celebrities, to book rooms under other names,

whether it’s a staff person or just a fictitious name?

A. I don’t have personal knowledge. This is the only instance that I’ve personally been involved in.

Q. All right. Have you ever seen other celebrities book rooms?

A. No.

Q. Okay. All right. Anyway, it makes sense to you. You don’t want to put your own name down there if you’re going to attract a lot of attention, right?

A. Correct.

Q. And sometimes in your investigation, just to cover the big picture, you will see in the documents that the name that is used appears to have -- the last name that’s used appears to have no relation to anybody we know of, right?

A. Correct.

Q. So it just might be a name like “Mason” or something like that; is that correct?

A. Could be, yes.

Q. On the other hand, sometimes you’ll see rooms are booked in the name of somebody who is actually working for MJJ Productions or in some other way associated with that organization, such as Chris Carter?

A. Correct.

Q. So Chris Carter might reserve rooms in his name, right?

A. Correct.

Q. You never saw rooms reserved in the name of Michael Jackson himself, correct?

A. No.

Q. All right. And the records are kept openly in that regard, correct? In other words, through the records that you found both at Neverland and from the various places where records were subpoenaed or obtained by search warrants, internally there was no effort to hide the fact that these were Mr. Jackson’s rooms, right?

A. No.

Q. All right. So, going to these -- we can look at all these rooms down here. These are basically a series of phone numbers that are associated with rooms or suites at that hotel; is that correct?

A. Correct.

Q. And the Presidential Suite, or the top one that we're looking at here, was a multi-room suite; is that correct?

A. I don't know for certain. I just simply went off the records themselves.

Q. In your investigation, the course of your investigation, did you determine that the Presidential Suite was a multi-room suite?

A. Not personally, no.

Q. You heard that though?

A. I have heard that, yes.

Q. Do you know how many telephones were located in that suite?

A. I do not.

Q. Do you know how many people associated with MJJ Productions or with other people in this case, or in or out of this case, how many people were associated with that room?

A. I don't know.

Q. Do you know how many people came in and out of that room?

A. No, I do not.

Q. Do you know how many people -- how many people used the phone or phones in that room?

A. Of course not.

Q. Pardon?

A. Of course not.

Q. Yeah, okay.

That's a question like Tuesday comes before Wednesday. I just wanted to get it on the record.

Thank you.

Okay. Now, as we look here, this appears -- this particular call appears to have occurred at 9:58 in the morning, correct?

A. Correct.

Q. That’s two minutes of 10:00, right?

A. Correct.

Q. And that would have been Florida time, right?

A. Yes.

Q. And Florida is three hours -- what time would it be in California if it was 9:58 in Florida?

A. It would be two minutes before 7 a.m., California time.

Q. All right. So there’s some call from somebody at two minutes to 7:00 that lasts 27 minutes that was placed from the Turnberry and was made to Jay Jackson, correct?

A. Correct.

Q. Now, in the course of your investigation, I think we’ve already shown you, and I won’t put it back up, Exhibit 223. That at least has an itinerary for people to fly commercially at two o’clock on the 5th, right?

A. Correct.

Q. In the course of your investigation, you determined that in fact, Chris Tucker was the person who arranged for a private jet to take the Arvizos to Florida; is that correct?

A. That is my understanding.

Q. And you do not have any other calls, other than those on the 4th, between members associated with the Arvizos - that is, Jay Jackson and the Venturas or anybody else associated with the Arvizos - and Chris Tucker; is that correct?

A. I believe there was one call later on that we covered.

Q. When was that?

A. It was in the March time frame.

Q. Okay. I’m sorry, I meant in this time period, February the 4th and the 5th, regarding this flight to Miami.

A. No. No.

Q. Okay. All right. Now I’d like to turn to Exhibit 458, if we can, please, and I’ll take this off in a moment. And 458 relates to whom?

A. You’ll have to bring me the record.

Q. Oh, I’m sorry.

May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: Thank you.

MR. SANGER: Sure.

Q. 458 relates to whom?

A. This appears to be a billing for Jay Jackson telephone line.

Q. And what company?

A. I believe this is the Talk America records.

Q. And that would be the long-distance carrier for Jay Jackson?

A. Correct.

Q. Okay. So the phone records that we just saw up on the board were the local phone records for Jay Jackson; is that correct?

A. Or local toll or -- yeah. Not long distance.

Q. Not long distance. There are toll charges?

A. Correct.

Q. But not technically long distance.

All right. So looking at 458, these appear to indicate phone calls made long distance by Jay Jackson. And if I’m correct -- if you’ll bear with me, just hold on to that. Don’t go anywhere for a moment.

Look at your exhibits that you just talked about today, Exhibits 859 through 881, whatever it was, and you testified to some of them, but not all of them, we know that, okay? And I’m going to ask you to look in particular at 862 and 863.

While the witness is doing that, I’d like to have marked next in order two more blank pieces of paper.

THE COURT: You may.

MR. SANGER: Thank you. Separate numbers.

Q. All right. Are you looking at 862 and 863?

A. Yes.

Q. Okay. Not a big thing. It’s just you jump -- 862 is for February the 8th, and then the next summary chart you have is for February the 12th; is that correct?

A. That’s correct.

Q. All right. So you did not do a summary chart for February the 11th, correct?

A. No.

Q. Now, on February 11th, based on your investigation, the night of February 11th, right at the end of the night, were you aware that Janet Arvizo had asked somebody to give her a ride?

A. The 11th or the 12th. I’m not sure which day.

Q. And the ride actually occurred at -- the ride -- the Rolls Royce left the ranch at about 1:52 in the morning; is that correct?

A. The person I interviewed wasn’t real certain about times, so --

Q. You’re familiar with the gate logs, right?

A. Yes. But --

Q. Did you look at the entries on the gate logs?

A. I did. But not having them in front of me, I couldn’t state with certainty.

Q. Whatever time it was, it was sometime in the early morning hours of the 12th when the Rolls Royce left the property; is that your understanding?

A. Yes.

Q. So my question was, were you aware that she was asking, around midnight, somewhere just before midnight on the 11th, for a ride?

A. That is my understanding, yes.

Q. All right. There you go.

So on the 11th, I want to follow the same procedure, with the Court’s permission, and I’m going to write up at the top “02-11-03.” And since the 12th was a Wednesday, the 11th had to be a Tuesday. We learned that. Right?

A. Sounds good.

Q. Okay. And now I’m going to ask, with the Court’s permission, to put up page two of Exhibit 458.

THE COURT: All right.

MR. SANGER: All right.

Q. Page two of 458. All right. Now, referring to -- I'm going to refer to these three calls down here. Hit the line numbers, I'll make it easier. Referring to these three calls down here that say "Santa Barbara," so that looks like 17, 18 and 19, correct?

A. Correct.

Q. And I think you told us these are the phone records of Jay Jackson, correct?

A. Correct.

Q. The long-distance phone records, correct?

A. Correct.

Q. And it appears that on line 17, on 2-11-03 8416 at 2322 hours -- that would be 11:22 at night, correct?

A. Correct.

Q. Jay Jackson calls from Los Angeles, where his phone's located, to Santa Barbara, correct?

A. Correct.

Q. And then you look right below it, at 2323, in other words, one minute later, he makes another call to Santa Barbara, correct?

A. Correct.

Q. And then on the 19th -- I'm sorry, on line 19, the same evening, at 2349 or 11:49 at night, he makes another call to Santa Barbara, correct?

A. Correct.

Q. So, once again, I'm going to draw one of those little phones and I'm going to put "Jay Jackson" under it, and I'm going to put -- there's two different numbers that are called, right?

A. That's correct.

Q. I'm going to put two arrows, do it a little differently than your chart, but not much, and I'll put "1" for one number and "2" for the other numbers, and then I will draw two phones quickly.

All right. Now, let me ask you if you recognize the first number that was called on that evening.

A. The 2300 number?

Q. Yeah.

A. I’m not certain, but it may be the Santa Barbara Police Department.

Q. The Santa Barbara -- that’s the Santa Barbara Police Department in downtown Santa Barbara, correct?

A. The police department as opposed to the sheriff’s department.

Q. Yes, sir. I was going to let you explain that. For those who don’t know, but probably everybody does, the police department has jurisdiction over the City of Santa Barbara?

A. Within the city limits, correct.

Q. Within the city limits in the South County?

A. Correct.

Q. Okay. The sheriff’s department has jurisdiction over the entire county, but primarily the incorporated areas; is that correct?

A. Correct.

Q. And I guess by contract, some of the unincorporated areas like Buellton, Solvang, so on?

A. A few of them, yes.

Q. Okay. So the first call we believe is to the police department, right?

A. It’s my guess, based on the number.

Q. Okay. So I’m going to put a little shield-looking thing there that says “SBPD,” and I’m going to show you this in a minute. The next two calls are made to what number?

A. (805) 683-2724.

Q. What number is that?

A. I don’t know.

Q. Is that the sheriff’s department, by any chance?

A. It’s not a number I recognize as being the sheriff’s department.

Q. All right. So you don’t know that number at this point?

A. No.

Q. So I’m going to just write “2724” on there.

I won’t put the whole number down. And then we’ll deal with that later.

May I approach the witness, Your Honor?

THE COURT: Yes.

Q. BY MR. SANGER: I’m just going to ask you to take a look at that.

THE COURT: State the exhibit number.

MR. SANGER: Yes, I’m sorry.

THE WITNESS: 5012. And it appears to be an accurate representation.

MR. SANGER: Thank you.

MR. NICOLA: May I see that?

MR. SANGER: Oh, yeah.

MR. NICOLA: Thank you.

MR. SANGER: I’d move 5012 in.

THE COURT: It’s admitted.

MR. SANGER: Thank you. May I publish it?

THE COURT: Yes.

MR. SANGER: By now everybody’s got it, all right?

Q. So we have -- on 2-11, we’ve got three calls from Jay Jackson to numbers in Santa Barbara. One is the Santa Barbara police, we believe, and the other is a number ending in 2724?

A. That’s correct.

Q. Okay. Thank you.

All right. I’d like you to go to Exhibit 451, Tab No. 5.

And, Your Honor, I’m going to follow the same procedure, with the Court’s permission, with one variation. Rather than doing a separate page for a number of days, one separate page for each day over a number of days, I will do one page for a series of phone calls over a series of days.

THE COURT: All right.

MR. SANGER: Thank you.

Q. I’m going to ask you to look at the -- under No. 5, tell me whose phone records those are.

A. These are the phone records for David Ventura, Janet Arvizo’s parents.

Q. Now, you did not do all of the summary charts in this case. I think we’ve established

that.

A. Correct.

Q. Would you agree that the last summary chart that was prepared and submitted, although you haven’t testified to it - somebody else will - will be Exhibit 882?

A. That’s correct.

Q. And so the last summary chart, then, was for March the 12th of 2003?

A. Correct.

Q. And what was the significance of the date March the 12th, 2003?

A. The 12th was the day we believed the Arvizo family left Neverland Ranch.

Q. All right. Now -- may I approach just to make sure we have the same pages here?

THE COURT: Yes.

MR. SANGER: Thank you.

Q. We’re looking at Exhibit -- I shouldn’t talk up here, so excuse me. I just want you to look at these pages here.

A. 8-1.

Q. And dash 2.

MR. SANGER: Your Honor, if I may speak loudly just briefly so I can get oriented.

THE COURT: All right.

MR. SANGER: Thank you.

Q. On these, I believe you have to look at the date of the bill and then reference the page numbers. Do you want to --

A. I just got to find it.

Q. Okay. Excuse me one second.

A. Okay. I have them all.

Q. Why don’t you put a post-it sign on each one of those that you just found.

All right. Now, Exhibit 882, the reason I put post-its there, I need to flip back and forth a little bit. So look at Exhibit 882, first of all, 8-8-2. 882, that’s the exhibit number. Sorry to say it three times.

That's a summary chart for 3-12-03, correct?

A. Correct.

Q. On that summary chart - I realize you did not prepare it, and I'm not going to go into any detail except to ask, do any of the phone calls to Buellton or Guadalupe that are shown on Exhibit 451, Tab 5, the page that says March 26th, 8-1 -- 8-1 of 9, that's the first half -- the first post-it. Are any of those phone calls shown on that summary chart?

A. Do you mean the calls from the --

Q. The David Ventura telephone to Buellton and Guadalupe on the 12th.

A. On 2-12? No, they're not.

MR. SANGER: All right. Now, Your Honor, may I put up that page of Exhibit 451-5, and it's the March 26th, 8-1 of 9.

THE COURT: Yes.

MR. SANGER: And I did this before, Your Honor, and I apologize. And I apologize, there's some little pen marks there that should be ignored. They're not on the original exhibit.

Q. But I'd like to direct your attention to the telephone calls here to -- on March the 12th. It's Line No. 4, March the 12th, 5:08 p.m. to Buellton. Do you see that?

A. I do.

Q. About a four-minute call?

A. Four-minute call, correct.

Q. And March the 12th, a 7:02 call to Buellton, a one-minute call, correct?

A. Correct.

Q. And March the 12th at 11:25 p.m. to Guadalupe, 35-minute call?

A. Correct.

Q. All right. Now, I'm going to put at the top of this page -- there's an overlap, because you already have a 3-12 exhibit, but I'm going to overlap and it's going to be 03-12-03 to 03-21-03. And then we're going to start with the telephone number that this comes from, and I'm going to risk

drawing another telephone here.
And whose phone do all of these calls come from on those three pages that I’ve asked you to look at on page Exhibit 451, Tab 5?
A. David Ventura.

Q. I’m going to write “David Ventura. And based on your investigation, by 3-12-03, you believed that the children, as well as Janet Arvizo, had left the ranch; is that correct?
A. Correct.
Q. And they went to David Ventura’s house; is that correct?
A. I’m not certain where they went, but I do know they left.
Q. All right. Now, I’m just going to look at the phone number that ends in 5002, which is shown here on line 6, all right? It says “Guadalupe,” line 6, 5002, okay?
Did you determine whose telephone that was?
A. No.
Q. Okay. I’ll put a phone there, and I’m going to write the last digits of the number, “5002,” and I’ll put “in Guadalupe.”
All right. Now what we’ll do is, we’ll start here with what we have, and I’m going to put arrows for these various phone calls from the David Ventura telephone to the 5002 phone in Guadalupe.
And I’m going to put the date and time on each call, because this chart is going to span several days.
So when’s the first call to Guadalupe?
A. The first call to Guadalupe was at 11:25 p.m.
Q. So I’ll put -- it was on 3-12-03, correct?

A. Correct.
Q. 11:25 p.m. All right. When’s the next call to Guadalupe? I think if you look at the page that’s on the screen there.
A. March 13th, 8:45 p.m.
Q. And while we’re at it, I’m going to put down the duration here. So the first call was a duration

of 35 minutes; is that correct?
A. Correct.
Q. The second call?
A. 64 minutes.
Q. 64 minutes. Okay. Now, I’m going to -- are there any other calls to Guadalupe on that page?
A. No.
Q. All right. With the Court’s permission, I’ll go to the next page, 451, Tab 5. What’s the next call to Guadalupe?
A. March 14th, 8:12 p.m.
Q. How many minutes?
A. One minute.
Q. The next call?
A. March 16th?
Q. Yes.
A. 26 minutes.
Q. What time was that?
A. 12:01 a.m.
Q. 12:01 a.m. So one minute after midnight?
A. Correct.

Q. And how many minutes? I’m sorry.
A. 26 minutes.
Q. Okay. Next?
A. March 16th, 10:14 p.m., six minutes.
Q. Next call?
A. March 17th, 7 -- 6:28 p.m., one minute.
Q. Next call?
A. March 17th, 8:51 p.m., one minute.
Q. Yes. Next one?
A. March 17th, 8:57 p.m., one minute.
Q. And again, when you say one-minute calls, they could be less than that?
A. Correct.
Q. Somebody picks it up and they say, “He’s not here.”
A. Correct.
Q. Next call?
A. March 18th, 3:26 p.m., 22 minutes.
Q. Okay.
A. March 18th, 9:29 p.m., 26 minutes.
Q. 26 minutes.

All right. And then I'll put up the last page from -- or the third page I identified from Exhibit 451, Tab 5, and ask if that shows additional calls and times.

A. It does.

Q. And if you'd go ahead, and we'll continue to add them here.

A. 3-19, 1910, or 7:10 p.m., 36 minutes.

Q. Okay. Go ahead.

A. 3-19, 8:01 p.m., 17 minutes.

Q. Yes.

A. 3-19, 10:50 p.m., three minutes.

Q. Okay.

A. 3-20, 2:57 p.m., three minutes.

Q. Yes.

A. 3-20, 7:52 p.m., three minutes.

Q. Okay.

A. 3-20, 7:55 p.m., 20 minutes.

Q. So it looks like 7:52, there was a hang-up and then a call back pretty much right away; is that right?

A. Appears to be the case.

Q. And that last one was 20 minutes; is that right?

A. Correct.

Q. Okay.

A. And finally, 3-21, 9:37 p.m., one minute.

MR. SANGER: All right. May I approach the witness --

THE COURT: Yes.

Q. BY MR. SANGER: Ask you to take a look at this and see if that's --

THE COURT: Give us the exhibit number.

MR. SANGER: Yes, I'm sorry, that's Exhibit No. 5013.

THE WITNESS: It appears to be correct.

MR. SANGER: All right. May I retrieve the exhibit?

THE COURT: Yes.

MR. SANGER: Thank you.

And I would move into evidence 5013 and ask to publish it.

THE COURT: All right. It's admitted.

MR. SANGER: Thank you.

Q. All right. We won't go over all this again, but this is a summary of what you just testified to, correct?

A. Correct.

Q. All right. Now, we talked about that phone number and -- well, it ends in 5002. We don't have to say the whole number again here. Do you know if anybody -- as one of the detectives in the case, do you know if anybody made an effort to find out whose number that was?

A. No.

Q. Do you know if the defense turned over information to the prosecution indicating whose number that was?

A. I don't know, no.

Q. Do you know if anybody tried to find a number for a Mr. Vivanco?

A. I have -- somebody has asked me to go in -- we went in and researched our record and found no

record other than a Santa Maria number for him.

Q. You found a number for Mr. Vivanco?

A. Yes, but he gave our sheriff's detectives, when we served a search warrant in November of 2003, he gave a Santa Maria number.

Q. And you -- did you go along and interview him at that time?

A. I didn't interview him. I was at Neverland, but that was the phone number that was given to the detective who put it onto his report.

Q. Okay. So you checked that phone number from November and it's a different number than this number; is that correct?

A. Correct.

Q. Have you subsequently learned, from information turned over from the defense, that there is some relationship between Mr. Vivanco and that number?

A. No. I --

MR. NICOLA: Objection, Your Honor. Asked and answered.

THE COURT: Overruled. The answer was, “No.” Next question.

Q. BY MR. SANGER: Have you done anything to follow up on that, to your knowledge? And by “you,” I mean your department.

MR. NICOLA: Objection, Your Honor, it calls for speculation. And it’s asked and answered. It’s beyond the scope.

THE COURT: Overruled.

You may answer.

THE WITNESS: Again, I have not personally had anything to do with attempting to find out what that number comes back to. I was asked to research Vivanco to find out what number he gave to us and that’s what I did.

MR. SANGER: Okay. All right. I’ll take that down now, Your Honor.

Q. All right. I want to go through just a few of your summary charts here and try to do it in a way that is representative, rather than going through every single thing.

First of all, in your analysis of the phone records, you determined that there are a lot of telephone calls that are placed to phone numbers associated with Evvy Tavasci; is that correct?

A. That’s correct.

Q. And you understand that Evvy Tavasci works for MJJ Productions; is that right?

A. That’s correct.

Q. And she’s also responsible for securing phones for a number of people; is that right?

A. Correct.

Q. She also has other people who assist her in the office; is that your understanding?

A. One other person that I know of, yes.

Q. Okay. And is it also your understanding that Miss Tavasci tends to be the person that people go to at MJJ Productions to obtain information, make reservations, all that sort of thing?

A. I know that she is the administrative assistant, but I think that’s what she does, based on what she’s described to us.

Q. Okay. The District Attorney several times referred to her as Mr. Jackson’s personal assistant. Did you hear that?

A. I did.

Q. Okay. And in addition to that, she fulfills the function of facilitating the purchase of supplies, tickets, travel arrangements, all sorts of things; is that right?

A. I would believe that to be the case.

Q. Okay. So she’s not just doing this for Mr. Jackson. She is working for -- or she is providing these services to anybody associated with MJJ Productions who needs to have such things; is that right?

MR. NICOLA: I’ll object. Lack of foundation. Compound.

THE COURT: Sustained.

MR. SANGER: On compound or lack of foundation?

THE COURT: Lack of foundation.

MR. SANGER: Okay.

Q. Based on your investigation, did you determine what her duties were, what Evvy Tavasci’s duties were?

MR. NICOLA: Objection. Relevance at this point.

THE COURT: Overruled.

THE WITNESS: Based on the investigation, I think we’ve seen a few different things that, in addition to coordinating for Mr. Jackson’s personal calendar, that she also is a coordinator for travel arrangements for various other subjects.

Q. BY MR. SANGER: All right. Now, the summary charts in general show that there’s a bunch of people, or at least their telephones, talking to each other here during a period of time. That’s pretty much what you’re showing, right?

A. Correct.

Q. You’re aware that a number of these people were involved in putting together rebuttal videos, correct?
A. Correct.
Q. Based on your investigation, there was the first rebuttal video, the actual one that was aired, that was hosted by Maury Povich; is that right?
A. Correct.
Q. And then there was a second one called, “Michael Jackson Home Movies”; is that right?
A. I don’t know if that was a rebuttal, but I do remember that we have a video of that.

Q. All right. During the period of time that Mr. Schaffel was involved, based on your review of the records and as a lead detective in this case, you were aware that he was working on doing a three-television-show package surrounding Mr. Jackson at this period of time; is that right?
MR. NICOLA: Objection, Your Honor. Relevance to this testimony. Beyond the scope.
THE COURT: Sustained.
Q. BY MR. SANGER: All right. I’d like to go to February the 7th and I would like to -- I’m not sure I have the absolute latest chart on each one of these. I’m not saying it wasn’t given to me this morning, but I’m not sure that I have the latest on each one. So I’d like you to look at that and then I’m going to take it away from you and put it on the board, if I may.
May I approach for that purpose?
THE COURT: Yes.
MR. SANGER: Thank you.
THE WITNESS: Do you need the Excel sheets also?
MR. SANGER: I’ll leave those with you. I’ll just take this. Thank you.
Q. So this is the first page of 861, which is the summary, and I’m putting that up on the board. And again, I’m not going to go through all of these. I’ve skipped there. I’m going to skip a

few more places and then we'll be done. But just of interest, you had -- there you go -- you had commented on these telephone calls that are in the upper right-hand corner?

A. Correct.

Q. Now, you do not have directions on your lines. You don't have arrows. You just have lines.

A. No.

Q. Hence, we were talking about whether it was placed to or placed from a different number, correct?

A. Correct.

Q. You also -- well, we're going to have to use this as -- you also have some lines that go from one place in a straight line down to another place. This does not suggest that these are pass-through calls or three-way calls or anything like that, correct?

A. No, they do not.

Q. It's just a chart that shows these phone calls went there, and that phone was used to make some other phone calls, right?

A. Correct.

Q. So the connections are -- the important connections in the chart are really just between one phone and another, correct?

A. That's correct.

Q. All right. So let's go back up to this corner here where we're at. And all of these calls, there are 16 phone calls from the Gavin Franklin rooms at the Turnberry -- I'm sorry, let me withdraw.

There are 13 phone calls from the Gavin Franklin room at the Turnberry to Jay Jackson, or Jay Jackson's phone, and the grandparents' phone or Janet's parents' phone, right?

A. Correct.

Q. All of those calls were made on Mr. Jackson's nickel, right?

A. Correct.

Q. Okay. So in other words, they're charged to the room. There is also three phone calls from the

Xtra Jet flying up in the air to the Ventura telephone number, correct?

A. Correct.

Q. And once again, all of these phone calls were placed to those two phones. There were no calls that were made back to either the Turnberry or to the Xtra Jet?

A. Correct.

Q. And when we say “Turnberry,” if there were, they would show up over here, correct, to the resort main number?

A. Correct.

Q. So there are no phone calls from either the David Ventura phone or the Jay Jackson phone to the Turnberry Hotel itself at all, to any phone number there, correct?

A. Correct.

Q. Okay. Let me skip ahead here, and we’ll go to 864.

May I approach to exchange documents?

THE COURT: Yes.

MR. SANGER: Let me give you 861.

Okay. Thank you.

May I put 864 up?

THE COURT: Yes.

MR. SANGER: Thank you.

Q. Again, we’ll just take a representative instance here to talk about them, and rather than going through all the phone calls. Looking at the calls between Ann Kite and Geragos & Geragos, there are four calls there, right?

A. That’s correct.

Q. Two of the calls were one minute long; is that right?

A. Correct.

Q. Three of the calls -- I may be wrong -- three of the calls were placed in the same minute; isn’t that right?

A. Correct.

Q. So to add to Mr. Nicola’s conspiracy theory with the phone company, they managed to charge for

three minutes, all of the calls made in the very same minute, right?
A. That’s correct.
Q. All right. That doesn’t mean that Ann Kite actually talked to a lawyer at Geragos & Geragos four times?
A. No. Two times.
Q. It strongly suggests that, at most, there was -- there was one or two phone calls that might have gotten through to somebody; is that true?
A. Probably two that were conversations.
Q. Okay. All right. I’m going to skip ahead to Exhibit 866.
And may I do the same thing, approach and exchange here?
THE COURT: Yes.
MR. SANGER: May I put 866 up?
THE COURT: Yes.
Q. BY MR. SANGER: All right. Now, this is for February the 15th, and this is the second time that Rudy Provencio’s phone number shows up; is that correct?
A. I believe so.
Q. All right. So for Rudy Provencio we had oneth -- “oneth,” sorry. Let me try it again.
For Rudy Provencio, we had one call on February 8th, and then another call on February 15th?

A. Correct.
Q. All right. I’d like to direct your attention now to the phone calls here. We have Jay Jackson and Frank Cascio. There are 18 calls. I’m sorry -- well, I’m not sure.
You have 14, and I have I guess an earlier version that says 18. How many calls were there between Frank Cascio and Jay Jackson’s phone, Frank Cascio’s phone and Jay Jackson’s phone?
A. 14.
Q. Okay. Of those 14 calls, how many calls were placed from Jay Jackson, Jay Jackson’s phone to Frank Cascio’s phone?

A. Eight of the calls.
Q. I’m sorry, eight?
A. Eight.
Q. And of the five phone calls from the Ventura phone, how many phone calls were made from the Ventura phone to the Cascio phone?
A. There was one call from the Ventura phone to the Cascio phone.
Q. And so one of the five, somebody in the Ventura residence called Frank Cascio’s phone, right?
A. Correct.
Q. And that call lasted for eight minutes and 22 seconds; is that correct?
A. Correct.

MR. SANGER: All right. May I approach again, Your Honor, just to compare a page?
THE COURT: Yes.
MR. SANGER: Now, Detective -- oh, excuse me one second.
THE COURT: Counsel, it’s necessary to break early. We’ll take our break early.
(Recess taken.)
THE COURT: Go ahead.
MR. SANGER: May I proceed?
Q. All right. Just for reference, we have Exhibit 866 --
BAILIFF CORTEZ: Microphone, sir.
MR. SANGER: Oops.
Q. Just for reference, we have Exhibit 866 up on the board, which is where it was when we took our break. And we were talking about the 14 telephone calls between the Cascio phone and the Jay Jackson residence phone, correct?
A. Correct.
Q. And you had told us that in your summary you had identified eight of those 14 calls as being placed by Jay Jackson’s phone or from Jay Jackson’s phone to the Cascio phone, correct?
A. Correct.
MR. SANGER: All right. Now, with the Court’s permission, I’ll put up the last page of

866, which is actually marked 3 of 3, but it's the

fourth page, because that's the first page.

THE COURT: All right.

MR. SANGER: That's a little crooked there. Sorry.

Q. Okay. And on your summary page you summarized the phone records by putting this into a spreadsheet computer program, correct?

A. Correct.

Q. And you have the eight phone calls here from the phone at Jay Jackson's house to the Frank Cascio telephone, correct?

A. Correct.

Q. And these eight phone calls, all on the 15th, right? They're all on the 15th? That was the question. Sorry.

A. That's correct.

Q. And that would have been the day before the Brad Miller interview; is that correct?

A. I believe so, yes.

Q. And these particular eight phone calls all last a number of minutes; is that correct?

A. With the exception of the third to the last one, which was less than one minute. I'm sorry. And the three up from that is also less than one minute. You have one for 47 seconds, and one for 57 seconds.

Q. Yes, absolutely. Actually, sorry, I was looking at the wrong column.

Okay. So let me point here. All right? Let's just go through very quickly, and we'll just round it off. We've got a six-and-a-half-minute call; a three-and-a-half-minute call; a call that's three seconds short of a minute; eight seconds over a minute; a minute and a half; 47 seconds; four minutes and 15 seconds; two minutes and six seconds, correct?

A. Correct.

Q. And we also see that these telephone calls were placed from 10 -- that's 10:17 in the morning to 8:48 at night; is that correct?

A. Correct.

Q. And then you also have the call that was placed to Mr. Cascio's phone from the Venturas' residence. That was at 8:22 in the morning, and that lasted for two minutes, correct?

A. Correct.

Q. So basically you have more calls being made from these phone numbers to Mr. Cascio's phone than you do from Mr. Cascio's phone to these two numbers?

A. That's correct.

Q. Looks like somebody was trying to get ahold of Mr. Cascio and talk to him, or somebody at Mr. Cascio's phone, correct?

A. I don't know that I can say what they were trying to do, but I can say that they were calling numerous times.

Q. All right. Now, we have the -- we have these eight phone calls you just talked about. And I'm going to put up -- let me take off that page, which is 866, and I'll put it back together with the exhibit and I'll deliver that up to you in just a moment.

Your Honor, with the Court's permission, I'm going to put up Exhibit 458. And this would be page 2 of 458.

THE COURT: All right.

MR. SANGER: Is that going to work? Excuse me one second. Can I borrow your stapler?

It's on this podium here and kind of bubbling up. See if that makes it any better. I don't know if that makes it better or worse. It doesn't, all right.

Q. The point of this is -- I showed you this at the break; is that correct?

A. Correct.

Q. And you counted there are actually 12 phone calls to the phone number of -- associated with Mr. Cascio from Mr. Jackson's telephone; is that correct?

A. 12 attempts or phone calls, yes.

Q. All right. And in essence, you eliminated four of those and you only showed eight -- I’m sorry, Major Jackson, Jay Jackson’s telephone. When we’re talking about Jackson here, we’re talking about Jay Jackson.

A. Understood.

Q. Okay. Make sure there’s no question.

And in fact, this Exhibit 458 is an exhibit from the phone records of Major Jay Jackson, correct?

A. Correct.

Q. All right. And your understanding is this was a land-based phone in his house?

A. Correct.

Q. Okay. So back to our story, it’s very hard to read there because of the glassine envelope, but it’s 2-15, February 15th. Those are all February 15th calls and there are 12 of them, correct?

A. There are 12 calls or attempts to call, correct.

Q. And you did not include some of these in your summary charts because you felt that they were too short?

A. Yes, there were several of them that were two, three seconds and less -- and the other two that were less than 30 seconds.

Q. So there are a couple that are just a couple of seconds. And I can’t read it from here, but there was one 15 seconds, I think.

Anyway, your criteria was if they broke it down, if they broke it down into seconds less than a minute, you would eliminate anything under 30 seconds, correct?

A. We did that with all records, correct.

Q. All right. But if they didn’t break it down and they said one minute, then you would record it?

A. We have no other way of doing it, correct.

Q. So using those criteria you eliminated four of these calls, right?

A. Correct.

Q. But nevertheless -- as an evidentiary or as a matter of your investigation, nevertheless, it does show that somebody from Jay Jackson's phone was at least dialing the number for Mr. Cascio's phone; is that correct?

A. That is correct.

Q. And it was dialed a total of 12 times from Jay Jackson's phone and one time from David Ventura's phone, right?

A. Correct.

Q. And more calls were dialed -- in fact, more calls were completed to the Cascio phone than were made from the Cascio phone to those phones; is that correct?

A. Correct.

Q. So you would agree that for the purpose of getting down to the actual facts here, the original exhibits being the exhibits of the actual phone records, are going to be more detailed and more reliable than the summary charts; is that correct?

A. More detailed --

MR. NICOLA: I'm going to object. That's argumentative, Your Honor.

MR. SANGER: Let's start with more detailed.

MR. NICOLA: They're different records.

MR. SANGER: Let me withdraw it so it's not compound.

THE COURT: All right. Go ahead.

Q. BY MR. SANGER: Would you agree that there would be more detail in the actual records than shows up in the summary charts?

A. Correct. Yes.

Q. And you identified at least one chart where the -- there was actually an error, correct?

A. Correct. 3-9.

Q. Okay. And 879?

And may I approach? And I'll exchange 866. I don't want to leave these things out of the book, so if I may --

THE COURT: All right. Go ahead.

MR. SANGER: Okay. Thank you. Oops. Yes. 879, that's right.

I think it was offered. I think this was received, 879? It was -- it was shown and I think it was found to be in error, but I’d like to put it up.

THE COURT: It’s in evidence, I think. The error was found later.

MR. SANGER: Okay. May I put it up?

THE COURT: Yes.

Q. BY MR. SANGER: And the error on 879 is that there were not 12 calls between a phone associated with Evvy Tavasci and Marc Schaffel, but instead, between Evvy Tavasci’s phone and Neverland Ranch, correct?

A. Correct.

Q. And you -- based on your review of the records, you would expect, in the ordinary course of business, that Evvy Tavasci’s phones would be in contact with Neverland Ranch, right?

A. At minimum, occasionally, yes.

Q. And you understood that Miko Brando, although he’s the son of Marlon Brando, was an employee of MJJ Productions, correct?

A. Correct.

Q. And he’s one of the longer-term employees. He’s been there a number of years; is that right?

A. I don’t know.

MR. SANGER: May I have just a moment, Your Honor, please?

THE COURT: Yes.

MR. SANGER: Thank you.

All right. We can take this down. And may I approach to return it?

THE COURT: Yes.

MR. SANGER: And I have no further questions.

MR. NICOLA: May I have that exhibit again, please? And 879, please.

REDIRECT EXAMINATION

BY MR. NICOLA:

Q. Detective Bonner, during the break, did you make a correction to another copy of Exhibit 879, which is the chart for March 9th of 2003?

A. I did.

MR. SANGER: Do you have a copy for me, or --

MR. NICOLA: I don’t.

MR. SANGER: Okay. That’s fine.

Q. BY MR. NICOLA: I’d like to put the 879 on the board that we’ve already moved into evidence. And I’d like to show you Exhibit No. 883 and ask if this is your corrected exhibit.

A. It is.

Q. Using the original 879, could you just point out for the jury what -- what the difference is? And then we’ll show 883 in a moment.

A. I recognize that the mistake that was made is that on Marc Schaffel, the records say “Neverland Valley Entertainment,” and what we did is we accidentally made a mix-up between Neverland Valley Ranch and Neverland Valley Entertainment, so I have relabeled “Neverland Valley Entertainment - Schaffel” into “Neverland Valley Ranch,” and “Neverland Valley Ranch” into “Marc Schaffel - NVE.” And this connection has gone from here to here and we have erased or removed this connection right here.

Q. You did that yourself?

A. I did.

Q. Okay. And is that depicted on Exhibit 883?

A. It is.

MR. NICOLA: We’d offer that into evidence at this time, Your Honor.

MR. SANGER: No objection, but I’d ask, since nobody has a copy of it, if we might be allowed to have a copy, if the clerk can make one, if that would be possible.

THE COURT: That’s fine. I’ll admit it. The clerk will give you a copy.

MR. NICOLA: Thank you, Your Honor. And with the Court’s permission, I’d just publish it just briefly.

THE COURT: Go ahead.

Q. BY MR. NICOLA: Okay. These are the changes that you were talking about, Detective Bonner?

A. That’s correct. The switch of the name here, and here, and then removing this connection and making it go from here to here.

Q. Okay. Mr. Sanger was asking you about dropping phone calls from your analysis that lasted roughly 30 seconds or less. In particular with Jay Jackson’s phone records found in Exhibit 458, did you follow that procedure for dropping numbers that were in the 30-second range and less for everybody?

A. Yes.

Q. So everyone who had seconds in their cell phone records, you would drop those calls?

A. Correct.

MR. SANGER: Objection. Asked and answered and actually misstates the testimony.

THE COURT: I’ll sustain the objection.

Q. BY MR. NICOLA: Did you drop calls that were 30 seconds or less on Frank Cascio’s records?

A. Yes, we did.

Q. And Vinnie Amen’s records?

A. I don’t believe Vinnie Amen had any seconds on his.

Q. Just the ones that were billed in seconds that you could locate?

A. Correct.

Q. Let me ask you about the minutes. Specifically with respect to Exhibit 451, that’s the exhibit that Mr. Sanger --

May I have your exhibit, please?

MR. SANGER: The ones we did?

MR. NICOLA: Uh-huh.

MR. SANGER: I gave them back to the clerk.

Q. BY MR. NICOLA: Specifically with respect to Exhibit No. 5011, now you testified under cross-examination that the call at 6:11 lasted four minutes and the call at 6:14 also lasted four minutes. And is it your understanding that a four-minute call on those records can be anywhere between three and four minutes?

A. Correct.

MR. NICOLA: Okay. I have no further questions, Judge.

RECROSS-EXAMINATION

BY MR. SANGER:

Q. You talked about getting Neverland Valley Entertainment confused with Neverland Ranch.

A. Correct.

Q. And Neverland Valley Entertainment was a separate entity, correct?

A. Yes, it is.

Q. And it seemed to have been run by Marc Schaffel; is that correct?

A. Correct. Records came back to his home address.

Q. And did it appear to you that Marc Schaffel was attempting to use a similar name for the purpose of suggesting that he was part of Mr. Jackson’s business enterprise?

MR. NICOLA: Objection, Your Honor. Calls for speculation. Beyond the scope of redirect.

THE COURT: Sustained.

MR. SANGER: Okay. Thank you. No further

questions, Your Honor.

MR. NICOLA: No questions.

THE COURT: All right. Thank you. You may step down.

Call your next witness.

MR. NICOLA: We call Detective Paul Zelis, Your Honor.

THE COURT: You may be seated. You’re still under oath.

DETECTIVE ZELIS: Thank you.

PAUL ZELIS

Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION

BY MR. NICOLA:

Q. Good afternoon.

A. Good afternoon.

Q. Detective Zelis, did you participate with the team analyzing certain phone records for certain dates arising out of the records which were seized in this case?

A. Yes, I did.

Q. And to that end, did you examine the records pertaining to these following days: February 17th of 2003, February 18th of 2003, February 19th of 2003, March 10th of 2003, March 11th, and March 12th of 2003?

A. Yes, I did.

Q. Okay. Are you familiar with the phone records to the left of me, sitting on the end of counsel table? The other left.

A. Oh, I'm sorry. Yes, I am.

Q. Did you actually receive copies of all that and go through and --

A. Yes.

Q. I'd like to begin with the date of February 17th of 2003, and ask if you'd turn to the exhibit corresponding to that in the exhibit binder.

A. Okay.

Q. Is that Exhibit 868?

A. Yes, it is.

Q. And have you gone over the contents of both the link chart on the front page and the supporting documents behind it?

A. Yes, I have.

Q. And did you participate in creating both of those documents in 868?

A. I did.

Q. And to your knowledge, do the contents of 868 accurately reflect your analysis of the phone calls conducted on 2-17 of '03?

A. Yes, they do.

MR. NICOLA: Your Honor, we'd offer 868 into evidence.

MR. SANGER: No objection.

THE COURT: It's admitted.

Q. BY MR. NICOLA: Detective Zelis, if you would just save us a step and go to Exhibit 869 and 870, I’d ask if 869 corresponds to February 18th.

A. Yes, it does.

Q. And if 870 corresponds to February 19th of 2003.

A. Yes.

Q. Do both of those exhibits accurately reflect your analysis of the phone calls on those particular days?

A. Yes, they do.

MR. NICOLA: We’d offer 869 and 870 into evidence at this time.

THE COURT: Admitted.

Q. BY MR. NICOLA: If you could turn to Exhibit No. 880.

A. Okay.

Q. IS that one of your exhibits?

A. Yes.

Q. Okay. And what’s the date on that?

A. March 10th of 2003.

Q. And how about 882?

A. Yes, that reflects March 12th of 2003.

Q. And right in the middle is 881, right?

A. Correct.

Q. Does the information contained in Exhibit 8453

880, 881 and 882 accurately reflect the analysis that you conducted on March 10th for the phone calls -- excuse me, for March 10th, March 11th and March 12th of 2003?

A. Yes, they do.

MR. NICOLA: We’d offer those into evidence at this time, Your Honor.

THE COURT: Admitted.

MR. SANGER: No objection.

Q. BY MR. NICOLA: Detective Zelis, if you could please turn back to Exhibit No. 868, we’ll start with February 17th of 2003.

If I may have “Input 4,” Your Honor.

Is this Exhibit 868 that is in the book?

A. Yes.

Q. If you could please describe the contents for the jury, please.

A. It is a visual graph that shows the calls between different parties on the date of February 17th, 2003.

Q. Could you be more specific and point to the sections with your laser and tell the jury what you’re trying to convey with that exhibit?

A. This exhibit basically shows different parties involved, the number of calls between the two telephone numbers and how they are connected.

Q. Starting in the upper left-hand portion, you have a phone symbol, which we understand is connected to a Christopher Carter?

A. Correct.

Q. That’s how these charts work, right?

A. Yes.

Q. And you show 12 links between phones belonging to Mr. Carter and Mr. Jay Jackson?

A. Correct.

Q. Can you tell us when those phone calls first began and who placed them?

A. I’d have to refer to the Excel spreadsheet.

Q. Go ahead. It’s attached, right?

A. Yes.

They began just shortly before ten o’clock at night. It shows 2151 hours, which is military for 9:51.

Q. And in which direction were those calls going?

A. All 12 calls were in the direction of Chris Carter to Jay Jackson.

Q. Were any of those 12 calls longer than one minute?

A. No, they show that all of them were exactly one minute long.

Q. And did they occur at a fairly regular interval?

A. The 12 calls are approximately 10 to 15 minutes apart.

Q. After the first four calls and at 2224 in the evening, was there a phone call placed from the

Carter phone to Neverland Valley Ranch?

A. Yes.

Q. And how long did that call last?

A. Four minutes.

Q. Was there another call immediately thereafter to Neverland Valley Ranch from the Chris Carter phone?

A. Yes. At 2228.

Q. After that phone call to Neverland Valley Ranch, did the calls from the Chris Carter phone to the Jay Jackson phone continue?

A. Yes.

Q. And did they continue at the same interval of frequency, approximately 10, 15 minutes apart?

A. Yes.

Q. And were any of those calls longer than one minute?

A. No.

Q. Of the four phone calls between Marc Schaffel and Rudy Provencio, can you tell us how many were going in which direction, please?

A. It shows the direction is Rudy Provencio to Marc Schaffel.

Q. All four calls?

A. Correct.

Q. And the calls between Frank Cascio and Vincent Amen, it appears there were seven of them.

A. Yes.

Q. Were they in a predominantly one-sided direction or were they mixed?

A. Predominantly in one direction. The records -- or the record source is from T-Mobile, which belongs to Mr. Amen, and it shows five of the calls being incoming. Five of the seven, I should say.

Q. At what time were the calls between Jay Jackson’s phone and Frank Cascio’s phone?

A. Did you want the times? I’m sorry.

Q. Yes, the times.

A. The first call was at 1441 hours, which was at 2:41, and 1423, which is 2:23.

Q. And then which direction were the two calls

going?
A. One was outgoing and one was incoming.
Q. So one in each direction?
A. Correct.
Q. Which one was first?
A. The call from Frank Cascio to Jay Jackson.
Q. How long did that call last?
A. Three minutes and 37 seconds.
Q. I’d like to turn your attention to Exhibit 869, please.
A. Okay.
Q. Is that the chart for February 18th?
A. Yes.

Q. Can you tell us which phone initiated the call for the Jay Jackson symbol in the middle?
A. Jay Jackson.
Q. And which phone did he call first?
A. Christopher Carter.
Q. That registered for 33 seconds?
A. Correct. At six o’clock in the morning.
Q. At 6 a.m.?
A. Correct.
Q. When was the last call on the 17th from Christopher Carter to the Jay Jackson phone?
A. 2331, which would be at 11:31 at night.
Q. Okay. At what time was the call between the Jay Jackson phone and the Frank Cascio phone?
A. On the 18th?
Q. Yes. I’m sorry.
A. At 1806 hours, which would have been 6:06 in the evening.
Q. Was there a phone call between Frank Cascio and Vince Amen -- excuse me, Vince Amen at 26 minutes after midnight?
A. Yes.
Q. And after that phone call -- how long did that call last?
A. Six minutes and 27 seconds.
Q. After that phone call, was there a call between Frank Cascio’s phone and Evvy Tavasci’s home phone?

A. Yes.

Q. And what time was that call?

A. 33 minutes past midnight.

Q. Okay. How long did that phone call last?

A. 15 minutes and 17 seconds.

Q. Was there a call placed after that particular call between Frank Cascio's phones and Vince Amen's phones?

A. I show another call between Frank Cascio and Vincent Amen.

Q. At what time?

A. At 1:39 in the morning.

Q. Okay. Detective Zelis, if you could proceed, please, to Exhibit No. 870 of the chart for February 19th.

A. Yes.

Q. Does this chart show additional phone calls between Rudy Provencio and Marc Schaffel?

A. Yes.

Q. Okay. At least between their phones?

A. Yes.

Q. And included in the exhibit are phone calls between the phones of Christian Robinson, Vince Amen and Marc Schaffel, Neverland Valley Entertainment, correct?

A. Correct.

MR. SANGER: I'm sorry, I'm going to object that that's -- that's compound.

MR. NICOLA: I'll rephrase.

THE COURT: All right. Go ahead.

Q. BY MR. NICOLA: There are phone calls between the Christian Robinson phone and the Marc Schaffel phone, correct?

A. Yes.

Q. And also between the Christian Robinson phone and the Vince Amen phone?

A. Correct.

Q. And also between the Vince Amen phone and the Marc Schaffel phone?

A. Yes.

Q. And three calls between the Vince Amen phone and the Hamid Moslehi phone?

A. Yes.

Q. And three calls between Vince Amen and the Jay Jackson phone, correct?

A. Yes.

Q. And in the lower left-hand corner -- why don’t you read it? Go ahead.

A. Frank Cascio to Marc Schaffel, there’s six calls. Frank Cascio to Vincent Amen, ten calls. Frank Cascio to Jay Jackson, nine calls. And Frank Cascio to Neverland Valley Ranch, 13 calls.

Q. There appears to be one call from the Jay Jackson phone to Neverland Valley Ranch?

A. Yes.

Q. What time did that call occur?

A. 1421 hours, which would be 2:21 in the afternoon.

Q. How many of the calls between the Frank Cascio phone and the Jay Jackson phone occurred prior to the time Neverland was called from Jay Jackson’s line?

A. From Frank Cascio to Jay Jackson?

Q. Yes. Please.

A. I’m not showing --

Q. They were all afterwards?

A. Correct.

Q. At 8:05 p.m., 2005, was there an 18-minute call between Frank Cascio and Jay Jackson?

A. Yes, 18 minutes and 33 seconds.

MR. SANGER: Once again, it’s not between the people, it’s between the phones. I haven’t objected each time, but --

THE COURT: Sustained.

MR. SANGER: Thank you.

Q. BY MR. NICOLA: Was there another seven-minute phone call between the phones of Mr. Cascio and Mr. Jackson at 7:20 -- excuse me, 2026?

A. Yes.

Q. And with respect to the phone calls between the Vince Amen phone and the Jay Jackson phone, can you tell us what time they began, please?

A. They began at 1050 hours, 10:50 in the morning. And ended at 2125, 9:25 in the evening.

Q. And were they all from the Amen phone to the Jackson phone?
A. Yes.
Q. With respect to the ten calls between the Cascio phone and the Amen phone, can you give us a time range of when those occurred?
A. A time range of 11:07 in the morning to 2345, 11:45 at night.
Q. Why don’t we proceed to the next exhibit in your set, Exhibit No. 881, please. That’s March 10th.
A. Okay.
MR. SANGER: I have March 10th as 880.
Q. BY MR. NICOLA: Is that Exhibit 880?
A. Which date?
Q. Yes.
A. I’m sorry, which date?
Q. March 10th.
A. March 10th is 880. Eight-eight-zero.
Q. I’ll be with you as soon as I find my chart.
Why don’t you tell the jury what’s going on in this exhibit for this day, please.
A. We have one call between Jay Jackson’s phone and Vincent Amen. We have one call between Vincent Amen and Rudy Provencio.
Q. Their phones, right?
A. Correct.
Q. Okay.

A. One -- or, I’m sorry. Five calls between Vincent Amen’s phone and Marc Schaffel’s phone. Four calls between Vincent Amen’s phone and Neverland Valley Ranch phone. 13 calls between Neverland Valley Ranch phone and Frank Cascio phone. And one call between MJJ Productions/Miko Brando and Evelyn Tavasci’s home.
Q. Can you tell us what time the call between the Amen phone and the Jay Jackson phone occurred, please?
A. At 1355 hours, which is 1:55. Afternoon.

Q. And with respect to the 13 calls from -- or between the Cascio phone and Neverland Valley Ranch phones, could you give us an approximate time spread of those?

A. From about 11:42 in the morning to 2320 at night.

Q. About a 12-hour spread?

A. Yes.

Q. How about the calls between the Vince Amen phone and the Neverland Valley Ranch phones, what's the spread on those?

A. 1751 to 1918 hours.

Q. Of the five calls between the Marc Schaffel phone and the Vincent Amen phone, can you tell us how many were initiated by either phones?

A. Four calls were initiated by the Vincent Amen telephone number, and one by the Marc Schaffel

phone.

Q. Okay. Now we can go on to Exhibit 881, please. That's 3-11.

A. Okay.

Q. Can you explain this exhibit for the jury, please?

A. This exhibit shows the telephone of Frank Cascio and Neverland Valley Ranch. There's a total of 11 calls. Neverland Valley Ranch phone and Tavasci, Evelyn/MJJ Productions, there's four telephone calls. Tavasci, Evelyn/ MJJ Production to Tavasci, Evvy, home, second line, one call. Neverland Valley Ranch to Vincent Amen telephones, one call. Ventura David, Janet Arvizo's parents, and Vincent Amen telephone, there's two calls. Schaffel, Marc/Neverland Valley Entertainment and Vincent Amen, there's two calls. Rudy Provencio and Vincent Amen, there's one call. And Jay Jackson and Vincent Amen, three calls.

Q. Beginning with the calls between the Jay Jackson phone and the Vince Amen phone, can you tell us what time they began?

A. 7:04 in the morning.

Q. And were those calls placed by the Amen end?

A. Two calls by the Amen end, and one call by

Jackson.

Q. What time was the call from the Jackson side?

A. 1503, which is 3:03 in the afternoon.

Q. Okay. What about the calls between the Vince Amen phone and the David Ventura phone?

A. Two calls, one at 12:07, and the other at 12:29.

Q. The call at 12:07, which end was the Amen end?

A. The front end. The initiating pend.

Q. Okay. And how long did that phone call last?

A. 22 minutes.

Q. At 12:29, was there another call placed from the Amen phone to the Ventura phone?

A. Yes.

Q. How long did that call last?

A. Five minutes.

Q. With respect to the call between Amen and Provencio, can you tell us what time that call was placed and which end initiated it?

A. The time of the call was at 1710, which is 5:10 in the afternoon, and it was initiated by Vincent Amen phone.

Q. Okay. If you could proceed, please, to Exhibit No. 882, I believe. Is 882 the chart for March 12th of 2003?

A. Yes.

Q. Can you tell us what's occurring in this exhibit, please?

A. It shows Jay Jackson's phone, or calling -- or calls between a Jay Jackson phone and Neverland Valley Ranch. There's a total of six calls. A Neverland Valley Ranch to Tavasci, Evelyn/MJJ Productions. There's one call. Tavasci, Evelyn/MJJ Productions to Christopher D. Carter, there's seven total calls.

Neverland Valley Ranch to Frank Cascio, a total of 13 calls. Frank Cascio's phone to Vincent

Amen’s phone, a total of four calls. Vincent Amen to Marc Schaffel, four calls. And Schaffel to Rudy Provencio, two calls. And Schaffel, Marc, to Christian Robinson or Site LLC, K. Robinson, one call. And Tavasci, Evelyn/ MJJ Productions to David Ventura, Janet Arvizo’s parents, one call.

Q. With respect to the phone calls -- with respect to the phone calls initiated between the Jay Jackson phone and the Neverland Valley Ranch phone, can you tell us which direction they were going in?

A. All six calls were initiated by Jay Jackson to Neverland Valley Ranch.

Q. And the calls from Jay Jackson’s phone began at approximately 7:35 in the morning?

A. Yes.

Q. What about the calls between the Frank Cascio phone and Neverland Valley Ranch, what time did those begin, please?

A. 1302.

Q. In the afternoon?

A. Correct. 1:02 in the afternoon.

Q. And the calls between the Rudy Provencio phone and the Marc Schaffel phones, were both of those calls from Mr. Provencio’s phone to Mr. Schaffel’s phone?

A. Yes.

Q. And how long were those calls and at what times?

A. The first call was for 12 minutes. The second call for 20 minutes. The first call was at 1904, which is 7:04 in the evening. The second call was at 2154, which is 9:54 in the evening.

MR. NICOLA: Thank you, Detective Zelis.

THE WITNESS: You’re welcome.

MR. NICOLA: Your Honor, I have no further questions.

THE COURT: Cross-examine?

CROSS-EXAMINATION

BY MR. SANGER:

Q. Detective, Zelis, how are you doing?

A. Good afternoon.
Q. I'd like to go to Exhibit 870, so I'm going to ask you to take that out of the book, if you would.
And may I approach, Your Honor?

THE COURT: Yes.
MR. SANGER: May I put this on the screen?
THE COURT: Yes.
Q. BY MR. SANGER: Okay. That's Exhibit 870 up on the screen. Now, you are one of the lead investigators in this case; is that correct?
A. Yes.
Q. All right. And based on your investigation in this case, the day of the 19th of February, 2003, was the day that Hamid Moslehi was attempting to put together a video of the Arvizos; is that right?
A. He among others, yes.
Q. Okay. He was the videographer, right?
A. Correct.
Q. And he had a crew, correct?
A. Yes.
Q. And you understand that that was originally scheduled to take place at Neverland Ranch, correct?
MR. NICOLA: Objection; lack of foundation.
THE COURT: Overruled.
Q. BY MR. SANGER: Sir?
A. That is my understanding, yes.
Q. And then at some point they decided that they had to do it in the Los Angeles area; is that correct?
A. Yes.
Q. And that's because Janet Arvizo was down there and wanted to do it down there, correct?

MR. NICOLA: Objection. Calls for hearsay and speculation. It's beyond the scope of direct.
THE COURT: Calls for hearsay; sustained.
MR. SANGER: All right.
Q. So you see that there is a good deal of activity between Frank Cascio's phone and the Neverland Valley Ranch phone; is that correct?

A. On this particular date?

Q. Yes.

A. Yes. 13.

Q. And Frank Cascio’s phone and Vincent Amen seem to be interacting with each other, correct?

A. Yes.

Q. And somebody at Jay Jackson’s number is talking with somebody at Vincent Amen’s number?

A. Correct.

Q. And also Frank Cascio’s number, correct?

A. Yes.

Q. And then Mr. Moslehi receives some phone calls, I believe. Does he receive them or make them?

A. He received them.

Q. All right. Now, you were aware that Mr. Moslehi was also at the ranch during that afternoon, correct?

A. Yes.

Q. So if he was making phone calls, he could have made phone calls from the Neverland Valley Ranch telephones; is that correct?

A. I don’t know.

Q. All right. He was at the ranch, right?

A. Yes.

Q. And you see there’s some phone calls that are made from various ranch numbers; is that correct?

A. No, I don’t.

Q. Okay. All of the phone calls are made to the ranch numbers; is that your understanding?

A. There are five calls from Neverland Valley Ranch to Frank Cascio.

Q. Okay. That was my original question. So some of the calls are made to Mr. Cascio’s phone, and you don’t know who made those? They just came from Neverland Valley, correct?

A. Yes.

MR. SANGER: All right. Now, I think I can finish with this witness if I have another 45 seconds.

THE COURT: Go ahead.

Q. BY MR. SANGER: All right. At this time, on February the 19th, you understood that Rudy Provencio was working with Christian Robinson; is that correct?

MR. NICOLA: Objection, assumes facts not in evidence, Your Honor.

THE COURT: Sustained.

Q. BY MR. SANGER: Let’s put it this way: Your understanding from your investigation is that both Christian Robinson and Rudy Provencio were associated with Mr. Schaffel; is that right?

A. Yes.

Q. Okay. And as far as the production was concerned, they were working on the production on behalf of Mr. Schaffel, the production of the rebuttal video; is that correct?

MR. NICOLA: Objection. Vague; assumes facts not in evidence.

THE COURT: Sustained.

MR. SANGER: Okay. I have no further questions.

THE COURT: All right. We’ll take our afternoon recess. I’ll see you tomorrow morning.

MR. NICOLA: Your Honor -- may the witness be excused? I won’t have any redirect.

THE COURT: No redirect?

You may step down.

Call your next witness first thing in the morning.

MR. NICOLA: Thank you.

(The proceedings adjourned at 2:30 p.m.)

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REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE)

OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 8356 through 8471 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 2, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, May 2, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

TUESDAY, MAY 3, 2005

8:30 A.M.

(PAGES 8473 THROUGH 8528)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Nicola is listed as “N” on index. Mr. Mesereau is listed as “M” on index.
Ms. Yu is listed as “Y” on index. Mr. Sanger is listed as “SA” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
SAUNDERS, David	8478-N	8487-SA		
KLAPAKIS, Jeff (Re-called)	8501-SN	8503-SA		
BONNER, Craig (Re-called)	8509-SN	8518-SA		

E X H I B I T S

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
872	Linked phone calls record	8478	8480
873	Linked phone calls record	8479	8480
874	Linked phone calls record	8479	8480
884	Four-page compilation of telephone records	8510	8512
885	Diagrams	8512	8512

Santa Maria, California
Tuesday, May 3, 2005
8:30 a.m.

THE COURT: Good morning, everyone.

THE JURY: (In unison) Good morning.

COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.

THE COURT: You may proceed.

MR. NICOLA: Thank you, Your Honor. The People call Dave Saunders as their next witness.

THE COURT: Come forward, please. When you get to the witness stand, remain standing. Face the clerk over here and raise your right hand.

DAVID SAUNDERS
Having been sworn, testified as follows:

THE WITNESS: Yes, ma’am.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: My name is David Saunders. S-a-u-n-d-e-r-s.
THE CLERK: Thank you.
//
//

DIRECT EXAMINATION
BY MR. NICOLA:
Q. Good morning. Would you please tell the jury how you’re employed and what your position is?
A. Yes, I’m the chief criminal investigator for the District Attorney’s Office.
Q. How long have you held that position?
A. About two and a half years.
Q. And prior to that, did you have other law enforcement experience?
A. Yes. I’ve been a peace officer about -- for about 19 years.
Q. Turning your attention to this case, were you asked to assist Sergeant Bonner and Detective Zelis in the analysis of certain phone records contained in telephone binders to my left and in front of you?
A. Yes.
Q. Were you assigned the dates of March 2nd, 3rd and 4th of 2003?
A. Yes.
Q. If you could turn your attention to Exhibit 872, please.
A. Okay.
Q. Do you recognize that exhibit?
A. Yes.
Q. And could you tell the jury what that exhibit is?

A. Yeah, this is a diagram showing the relevant telephone calls involved in this matter on March 2nd, 2003.

Q. And if you can flip to Exhibit 873.

A. Yes.

Q. Is that the diagram for March 3rd of 2003?

A. Yes.

Q. And Exhibit 874, please.

A. Yes. That's the diagram for the 4th.

Q. Now, behind each of the diagrams marked 872, 873 and 874, are there spreadsheets which contain the actual phone calls?

A. Yes, there are.

Q. Okay. And are those accurate?

A. Yes.

Q. Did you physically connect the phone calls that are listed on that chart to the evidence in the telephone binders that we've previously discussed?

A. Yes, for -- on the spreadsheet for each row, each one, I manually checked and compared it to the exhibit to confirm the accuracy.

Q. Okay. And do Exhibits 872, 873 and 874 accurately reflect the analysis that you conducted?

A. Yes.

MR. NICOLA: Your Honor, at this time we'd offer those three exhibits into evidence.

MR. SANGER: No further objection. We have the objection to tying these up, but other than

that --

THE COURT: All right. They're admitted.

Q. BY MR. NICOLA: If you could turn to the chart for Exhibit 872, please.

And, Your Honor, if I may have "Input 4" on the Elmo.

Is that the diagram chart for Sunday, March 2nd of 2003?

A. Yes.

Q. If you could please start in the upper left-hand corner and tell us when the call between the Frank Cascio phone and the Evvy Tavasci home phone occurred.

MR. SANGER: Your Honor, I'm going to object and also move under 352; the objection being the documents speak for themselves. There's been inadequate foundation, and 352, undue consumption of time going through each call.

THE COURT: All right. That's overruled. Go ahead.

THE WITNESS: The call between Mr. Cascio and Ms. Tavasci occurred at 6:04 p.m., and lasted two minutes or less.

Q. BY MR. NICOLA: Okay. And generally can you give us a time frame between the Cascio phone and the icon marked "Evelyn Tavasci/MJJ Productions"?

A. Yes, the calls occurred between 6:03 p.m. and 6:15 p.m.

Q. Okay. And if you could direct your attention to the bottom middle icon, the one that's marked "Paul Hugo." And I've placed in front of you Exhibit 453. If you could open that up, please. Are the telephone records for that Paul Hugo phone contained within Exhibit 453 at Tab No. 3?

A. Yes, sir.

Q. Do the records indicate where the calls from the Paul Hugo phone originated on March 2nd of 2003?

A. Yes, Brazil.

Q. And can you tell us which page you're looking at in that exhibit?

A. Yes, sir, it's page 8 of 12. As well as page 9 of 12.

Q. I'm going to put page 9 of 12 up on the screen briefly. I've highlighted a line in there. Based on your review of the records, what can you tell us about the call that is highlighted up on the Elmo?

A. Mr. Hugo checked his voice mail at 10:32 a.m., Brazil time, and he was in Brazil when he did so.

Q. And Brazil is five hours ahead of the Pacific Coast?

A. Yes.

Q. So that's 5:32 a.m., California time, correct?

A. That's right.

Q. Is that the first call that you see in the Paul Hugo records?

A. Yes, sir.
Q. Coming from Brazil?
A. Yes.
Q. Now, with respect to the calls - I’ll put it
back up - between the Paul Hugo phone and the
Vincent Amen phone, what time was the first call
placed from Brazil to the Vincent Amen phone?
A. 6:05 p.m., Brazil time.
Q. Okay. How long did that call last?
A. Three minutes or less.
Q. Immediately after that call to the Vincent
Amen phone from the Paul Hugo phone, was there a
call from the Frank Cascio phone to the Vince Amen
phone?
A. Yes.
Q. How long was that call?
A. One minute or less.
Q. And immediately after the call between the
Frank Cascio phone to the Vince Amen phone, was
there also a call that’s not on this chart from the
Frank Cascio phone to the Paul Hugo phone?
A. Yes.
Q. Okay. I’m going to put that on the chart.
I believe this is page eight of the Paul Hugo phone
records; is that correct?
A. Yes, sir.

Q. And were you able to confirm which of these
calls was the call between the Frank Cascio phone to
the Paul Hugo phone?
A. Yes, it’s the one item, number three.
Q. And that call lasted for eight minutes?
A. That’s right.
Q. The additional calls on this record,
specifically Call 4 and Call 9, do you recognize the
phone numbers associated with those calls being
dialed out from Brazil?
A. Yes. That’s Vincent Amen’s.
Q. Okay. And with respect to Call No. 7 and 8,
do you recognize those phone numbers? Are they on
your chart for Marc Schaffel?
A. Yes. Thank you. Yes.
Q. Now, before we finish with the Paul Hugo
phone record, I’d like to show you page 11 of 12.

Just briefly, is that page 11 of 12?

A. Yes, sir.

Q. Okay. I'm not going to project it, but while you're testifying, can you tell us whether that call item contained within the Paul Hugo phone records was the last call that you see from Brazil?

A. It was.

Q. And without telling us the actual phone number, do you know from your review of the records where that call was placed to?

A. The defendant's home.

Q. Neverland Valley Ranch?

A. Yes, sir.

Q. And that call lasted for how long?

A. Two minutes or less.

Q. Okay. If we could turn to Exhibit 873, please.

And if I may use the Elmo again, Your Honor.

Is that the chart for Monday, March 3rd of 2003?

A. Yes.

Q. And at the right-hand corner of the chart, if you would focus on the calls labeled "Vincent Amen" and "Neverland Valley Ranch," if you could give us the time range that those calls occurred between those two phones.

A. The first call was at 3:17 p.m. and the last call was at 6:49 p.m.

Q. And the same question with respect to the calls between the Frank Cascio phone and the Neverland Valley Ranch phone.

A. The first call was at 1:34 p.m., the last call was at 8:28 p.m.

Q. The calls between Neverland Valley Ranch and the marker marked "Evelyn Tavasci/MJJ Production," was that call -- excuse me, was the phone number for the Evelyn Tavasci line that you have up there 402-7087, Area Code (818)?

A. Yes.

Q. Were all the calls in that link to that particular phone?

A. Yes.

Q. If we could turn, please, to the next exhibit, 874. If we could start with the Paul Hugo telephone line, I’d ask you whether the calls between the Paul Hugo line and the Vince Amen line were in one direction or whether the calls were going both ways.

A. They were in one direction.

Q. And which direction was that?

A. Mr. Hugo was calling Mr. Amen.

Q. And are the calls being placed from the Paul Hugo phone in Brazil?

A. Yes, sir.

Q. The next link would be from Paul Hugo phone to Marc Schaffel phone. Were those also all initiated by the Paul Hugo phone?

A. Yes.

Q. Can you tell us what time the first call between the Hugo phone and the Amen phone first came in?

A. Yes.

Q. Please do so.

A. 1 a.m., Brazil time.

Q. Okay. And with respect to the calls between Paul Hugo phone and Marc Schaffel phone, can you tell us what time that first call came in?

A. 1:12 p.m., Brazil time.

Q. Did the calls between the Vince Amen phone and the Neverland Valley Ranch phone go both directions or one direction?

A. One direction.

Q. Was there a call placed from the Vince Amen phone to Neverland Valley Ranch at 1307 p.m.?

A. Yes.

Q. And did that follow a call -- excuse me. Was that the first call to Neverland Valley Ranch by Vince Amen’s phone?

A. Yes.

Q. And the other two calls were at 4:14 and 2:34 p.m.?

A. Yes, sir.

Q. If you could turn your attention to the Frank Cascio phone.

A. Okay.

Q. Were all the phone calls from the Frank Cascio phone inbound to Neverland Valley Ranch?

A. Yes.

Q. And what time was the first call?

A. 9:05 a.m.

Q. And how long did that call last?

A. Seven minutes or less.

MR. NICOLA: Thank you, Chief Investigator. I have no more questions.

MR. SANGER: May I proceed?

THE COURT: Yes.

CROSS-EXAMINATION

BY MR. SANGER:

Q. Investigator Saunders, how are you?

A. Fine, thank you.

MR. SANGER: Why don't you leave those there, please. Those are the originals?

MR. NICOLA: These are my copies.

MR. SANGER: Oh, the originals are up there. Sorry.

Excuse me, Your Honor, I'm sorry.

Q. All right. I'm going to ask you to clarify one thing, first of all. And we're going to put these exhibits up quickly. You said, your testimony was, that a call was placed by Paul Hugo to the defendant's home. Do you remember saying that?

A. Yes.

Q. Okay. You were out there at the search on November 18th, 2003, were you not, sir?

A. That's correct.

Q. And you're aware that what you refer to as the defendant's home is, in fact, 2700 acres; is that correct?

A. Yes.

Q. And you're aware that not only is there a large home, but there are a number of outbuildings; is that correct?

A. That's right.

Q. And there is approximately 100 people who are employed at that ranch; is that correct?

A. I don't know if there are 100 people

employed.

Q. How many -- what’s your best estimate, having been out there?

A. You know, I -- that’s beyond the scope of my knowledge. I really don’t know how many employees he has.

Q. Let’s just put it this way: You know that there are dozens and dozens of people who work out there; how about that?

A. That’s a fair assessment.

Q. All right. And do you know how many telephone extensions there are out there?

A. I know there are multiple telephone extensions. I don’t know the exact number off the top of my head.

Q. Now, when you did the phone analysis, you evaluated how many telephone numbers, in other words, distinct telephone numbers for Neverland Valley Ranch?

A. For the three dates in question I’d have to go back and look at each date to add them up, but there were multiple numbers.

Q. Okay. Are there at least eight distinct telephone numbers?

A. No, I don’t think there are that many.

Q. During the period you looked at, you looked at about four of them; is that right?

A. That sounds more accurate, yes.

Q. Were you aware that there were more than the four numbers that you looked at?

A. Yes.

Q. And then in addition to telephone numbers, I’d asked you about extensions. In other words, physical telephones located different places. And you don’t know how many physical telephones are located in different places on the ranch, do you?

A. I’m sorry, can you rephrase that question?

Q. Well, when I said “extensions,” I wanted to clarify we’re talking about -- there’s phone numbers and then there are actual telephones. You can have more telephones than extensions, I take it?

A. Sure. Sure.

Q. And so do you know how many actual telephone

extensions there were throughout that ranch?
A. No.
Q. Would you say dozens?
A. I -- I’m not qualified to comment on how many there are.
Q. Well, you were -- you were out there during the search, and you looked around, right?
A. No. I didn’t look around. I was at the command post.

Q. Were you in the house?
A. No, I was at the command post.
Q. I’m sorry?
A. I was at the command post.
Q. You were out on the front porch of the house for a while?
A. Right.
Q. You’re in the photographs of the search, right?
A. I haven’t seen my photographs.
Q. Okay. And then where did you go to? Where is the command post?
A. It was parked in front of the residence.
Q. Okay. So you were outside -- the command post was the big van, or the big motorhome?
A. Motorhome-looking thing.
Q. You didn’t stay inside the whole time on November 18th, 2003, did you?
A. Inside the mobile home?
Q. Right.
A. No, sir.
Q. All right. And it’s your testimony you did not go into any of the buildings, any of the structures anywhere?
MR. NICOLA: Objection, Your Honor, this is beyond the scope.
THE COURT: Overruled.
THE WITNESS: At one point, I went in to get some of my personnel to check on them, and that was a fairly isolated incident.

Q. BY MR. SANGER: All right. In any event, your understanding is that there was certainly several telephone extensions on that ranch, let us

say that.
A. Yes.
Q. And do you know who was at the ranch, which employees were at the ranch, on March the 2nd, 2003?
A. Personal knowledge or what the investigation has indicated?
Q. Well, start with personal knowledge.
A. No.
Q. You know there were employees there, correct?
A. Yes.
Q. All right. And you were there at the search as a representative of the District Attorney's Office, correct?
A. Yes, sir.
Q. Mr. Sneddon himself was there during part of the search, correct?
MR. NICOLA: Objection, relevance, Your Honor.
THE COURT: Sustained.
Q. BY MR. SANGER: All right. In any event, you saw other district attorney's employees besides yourself there at the search, correct?

MR. NICOLA: Objection, relevance, Your Honor.
THE COURT: Sustained.
Q. BY MR. SANGER: So when you said Paul Hugo -- the phone call went to the defendant's home --
A. Uh-huh.
Q. -- you have no idea who made the call, first of all, Paul Hugo's phone, right? You have no idea who placed the call from his phone, correct?
A. I'd say it's a reasonable inference that he did. I wasn't there and didn't witness it.
MR. SANGER: Move to strike based on speculation.
THE COURT: It's a question you asked, Counsel. I'm not going to restrict him.
MR. SANGER: It's not responsive if it's --
THE COURT: That's responsive. You have no idea. Well, he has an idea.
MR. SANGER: All right. Very well, Your

Honor.
Q. Beyond the fact that if somebody’s phone is in their name, you could speculate that they may have been the person using it. Beyond that, from these records, can you determine who placed the call from Paul Hugo’s phone?
A. No.
Q. Now, more importantly, with regard to the Neverland Valley Ranch, can you determine from the phone records who answered the phone, if anybody, at Neverland Valley Ranch when the call was made?

A. From the phone records?
Q. Right.
A. No.
Q. All right. And can you tell us from the phone records -- let me withdraw that.
I asked you about the employees at the ranch on March the 2nd, 2003. And I think, if I’m not mistaken, you said that there were employees -- your understanding was that there were employees there, you just don’t know who; is that right?
A. Yes, sir.
Q. All right. Now, were there other people there, guests, or people associated with business or music, or some other connection, were there other people at the ranch besides employees on March the 2nd, 2003; do you know?
A. There were many people there. I don’t know what their role was specifically. There were employees. There were some young boys, and there were some other people but --
Q. On March the 2nd, 2003?
A. We’re talking about the day of the search warrant?
Q. No. We’re talking about March the 2nd, 2003.

A. Oh, I’m sorry.
Q. You testified to March the 2nd.
A. Yes, sir. I see. You’re right. I’m sorry.
I don’t know who was there.
Q. All right. Now, when did you prepare 872, the chart that was put up on the board?

In fact, Your Honor, while asking that question, I’d like to approach and retrieve that exhibit, if I may put it up.

THE COURT: You may.

MR. SANGER: Thank you.

THE WITNESS: That was finalized yesterday morning.

Q. BY MR. SANGER: All right. You can leave it in the book for a moment.

Mr. Nicola has given me his copy of this, which purports to be the same thing. May I put that up?

THE COURT: You may.

MR. SANGER: It’s 872.

Q. All right. Now, you had just indicated this was finalized yesterday morning, this particular summary chart.

A. Yes, sir.

Q. Which is 872, for the record.

And on that chart, you do not record some of these telephone calls that you referred to, is that correct, in your testimony?

A. Yes, there was a call between -- an outgoing call from Mr. Cascio --

Q. Okay. I didn’t ask you about -- to detail them. Because there were several, were there not? You referred to a call from Cascio, a call from Hugo to Neverland Valley Ranch, at least two of them; is that correct?

MR. NICOLA: I’d object. It misstates the evidence with respect to Neverland Valley Ranch.

THE COURT: The objection is overruled.

You may answer.

THE WITNESS: That’s not what I recall.

That call between Hugo and Neverland Valley was when Hugo was leaving Brazil, and I believe that was a later date than the second.

Q. BY MR. SANGER: What date was that?

A. Let me look back into the records and --

Q. Well, that’s all right. It’s in the records.

MR. NICOLA: Your Honor, I’d request the witness be allowed to answer that question.

MR. SANGER: He asked permission to go through the records and --
THE WITNESS: I have it now.
MR. SANGER: If he has it, then we'll ask.
THE COURT: All right.
Q. BY MR. SANGER: What date was it?
A. March 8th.

Q. March 8th, okay. So that would not have anything to do with the March 2nd call, the March 2nd chart for 872, correct?
A. Correct.
Q. All right. Now, there's one page attached to 872, the first page of which we have on the board, right? You have one page --
A. There's one page, yes, sir.
Q. And it's not a full page, correct? All right. It looks like you have more on your page than I do on mine.
May I approach, Your Honor?
THE COURT: Yes.
Q. BY MR. SANGER: On page two of 872 that you have that's been admitted into evidence, you have a number of calls from Mr. Hugo which are added on to the analysis; is that correct?
A. They're included in the analysis, yes, sir.
Q. When were they added on?
A. I don't have an independent recollection when they were added on. I know I was working on this through the weekend confirming that everything was completely accurate. And I believe they were there at that time.
Q. All right. Now, as far as Mr. Hugo is concerned, in the course of your investigation in this case, you were aware that Mr. Hugo and -- Mr. Hugo was a production associate of Marc Schaffel, correct?

MR. NICOLA: Objection. Lack of foundation; calls for hearsay.
THE COURT: Overruled.
You may answer.
THE WITNESS: Would you please repeat the question?

MR. SANGER: Ask, Your Honor, if it may be read back.
THE COURT: Yes.
(Record read.)
THE WITNESS: No.
Q. BY MR. SANGER: Were you aware that Mr. Hugo had worked with Marc Schaffel in any capacity?
MR. NICOLA: Objection, lack of foundation, Your Honor.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes, generally.
Q. BY MR. SANGER: All right. And you were aware that at this time Marc Schaffel had traveled commercially to Brazil; is that correct?
A. No.
MR. SANGER: Okay. All right. With the Court's permission, I'll put up --
MR. AUCHINCLOSS: My apologies.
(Laughter.)
THE COURT: I think you --

MR. SANGER: Are we to go to our corners now?
THE COURT: You said the magic word.
(Laughter.)
MR. SANGER: Sorry, I stole the Court's line.
THE COURT: You did.
MR. SANGER: Yours was probably funnier, I'll acknowledge that.
I would like to put 873 up, if I may. Is that all right, Your Honor?
THE COURT: Yes. Of course.
Q. BY MR. SANGER: And I'm using the copy just provided to me by the District Attorney, so if you'd be kind enough to take a look at your 873 and make sure that we are literally and figuratively on the same page here.
A. Yes, sir.
Q. Okay. I don't want to spend unnecessary time on this, but you notice in your analysis of the phone records here that there are several telephone numbers that were associated with Evelyn Tavasci?

A. Yes.

Q. In other words, there is the one you've labeled "MJJ Production," there's one "Evelyn/MJJ Prod, Unit 1," there's one "Evelyn Tavasci home," and there's one "Evelyn Tavasci/MJJ Production" at the bottom. Do you see that on the chart?

Do we have our --

A. Yes.

MR. SANGER: Do we have our pointer, please?

MS. YU: Oh.

MR. SANGER: Thank you.

Q. There's a technical term for this. "The pointer thing."

There we go. Just so we're clear - I think everybody is, but just in case - we have this one that says, "MJJ Production"?

A. Right.

Q. And this one says, "MJJ Production" also. But those are, in fact, two different phone numbers; is that correct?

A. Yes.

Q. The first -- the first one at the top is -- ends in 9239, correct?

A. Let me double-check that.

That's correct.

Q. And this one ends in 8984, correct?

A. Yes.

Q. And then there's another one over here that says, "Tavasci," comma, "Evelyn/MJJ Production," and that's yet another phone which, in fact, is a different Area Code and ends in 7087, correct?

A. Yes.

Q. All of these phones that we referred to that say "Tavasci" and have some designation after them,

sometimes the same, all of these five phones are different phone numbers, right?

A. That's right.

Q. And they're either (310) or (818), which is the Los Angeles area; is that correct?

A. Yes.

Q. And then you have this other phone down here, "MJJ Production/Miko Brando," which is yet a different number; is that right?

A. That’s right.

Q. Now, in essence, you have somebody at -- in various places here -- without going into excessive detail, you’ve got somebody on one Evelyn Tavasci phone calling somebody else on another Evelyn Tavasci phone, correct?

A. Right.

Q. Now, you speculated before, so I’ll let you do it again, if it’s all right. Do you therefore assume it’s not Evelyn Tavasci calling herself on the various phones?

A. That’s a good point. Thanks for giving me a little latitude here. I think that example down at the bottom, the seven calls going to Neverland, for example, I know that’s Chris Carter calling the ranch, and based on --

Q. I didn’t ask you if it was Chris Carter calling the ranch. I asked you about these. I didn’t say say anything you want. I was asking about these calls. You assume that it is not Evelyn Tavasci calling Evelyn Tavasci; that in fact there are other people calling --

A. Right.

Q. -- on those phones?

A. Right.

MR. SANGER: All right. Okay. All right. And I have no further questions.

MR. NICOLA: No questions.

THE COURT: All right. Thank you. You may step down.

Call your next witness.

MR. SNEDDON: Lieutenant Klapakis, Your Honor.

THE COURT: You may be seated. You’re still under oath.

JEFF KLAPAKIS

Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION

BY MR. SNEDDON:
Q. Good morning.
A. Good morning.
Q. Are you familiar with the telephone number Area Code (310) 490-0144?

A. Yes, I am.
Q. And did you make a telephone call to that particular phone number?
A. Yes, I did.
Q. When did you do that?
A. Yesterday morning.
Q. And when you made that telephone call -- let me go back for just a second. During the course of this investigation, have you had an occasion to contact a private investigator by the name of Brad Miller?
A. Yes, I have.
Q. Do you remember when the first time you contacted Mr. Miller was?
A. It was 2004.
Q. And you had a conversation with him at that time?
A. Yes, I believe we did.
Q. Was it a personal call or was it a telephone call?
A. It was a personal call. We were trying to locate him to deliver some paperwork and stuff like that, so --
Q. And were you able to make contact with him?
A. Yes.
Q. Now, with regard to the telephone number that you called, it's Area Code (310) 490-0144, you called that number yesterday?

A. Yes, I did.
Q. And did you talk to somebody on the other line?
A. Yes, I did.
Q. Who was that?
A. Brad Miller.
Q. Did you have a conversation with Mr. Miller, without going into the details of what was said?
A. Yes, I did.

Q. Were you satisfied that the person on the other end of that line was Mr. Miller?

A. Yes, I am.

Q. Based on both the first conversation earlier in 2004 and the content of the conversation yesterday?

A. Yes.

MR. SNEDDON: Nothing further, Your Honor.

THE COURT: Any questions?

MR. SANGER: I'm sorry?

MR. SNEDDON: Nothing further.

MR. SANGER: Okay.

CROSS-EXAMINATION

BY MR. SANGER:

Q. Lieutenant Klapakis, how are you doing?

A. Fine, sir.

Q. You've been on this case since June or July of 2003, correct?

A. Actually, I believe it was prior to that. February of 2003.

Q. You've been on this case since February of 2003?

A. Yes.

Q. And you were aware of Brad Miller's existence in this case since what time?

A. Prior to November 2003.

Q. And you say that because, among other things, you all got a search warrant for Brad Miller's office before November 18, 2003, correct?

A. We obtained a search warrant before November 18th, yes, we did.

Q. And you were aware that Brad Miller was a private investigator before November 18, 2003, correct?

A. Yes.

Q. In part, Mr. Sneddon himself went to Brad Miller's office before November 18, 2003, to investigate and take photographs, correct?

A. Mr. Sneddon's been by there, yes, that's correct.

Q. Did he go down to investigate and take photographs?

A. He went down to take photographs of the office, yes.
Q. And he looked in the phone book to see if he had the correct address for Mr. Miller, correct?

A. You know, I'm not sure if he looked in the phone book, sir.
Q. He wrote a report, right?
A. Do you have the report? It would refresh my memory.
Q. Somewhere.
A. All right.
Q. It's a fair question, but I don't have it right in front of me. In any event -- and Mr. Sneddon actually went down and showed photographs of Brad Miller to Janet Arvizo before the November 18, 2003, search, correct?
A. I believe that's correct.
Q. And then you had officers search Mr. Miller's office in Beverly Hills on November 18, 2003, correct?
A. That's correct.
Q. And they went through, to a certain extent, his papers, records, and files within the scope of the search warrant, correct?
MR. SNEDDON: Your Honor, I'm going to object as immaterial and irrelevant. Beyond the scope.
THE COURT: Sustained.
MR. SANGER: All right.
Q. It's your testimony that the first time you figured out Brad Miller's phone number was yesterday?

MR. SNEDDON: Object as argumentative.
THE COURT: Overruled.
You may answer.
THE WITNESS: No. We believed it was -- from other sources, we believed it to be Brad Miller's phone.
Q. BY MR. SANGER: When did you first believe it was Brad Miller's phone?
A. I believe that we were aware it was Mr. -- a phone that was linked to Mr. Miller through other

documents we had found through the various search warrants that we had found from Mr. Schaffel’s residence, I believe.
Q. And so if today is May the 3rd -- which I think it is. I was just verifying that. Is that correct?
A. Yes.
Q. All right. Time flies. May the 2nd, 2005, is the first time that you actually attempted to verify that this phone number belonged to Brad Miller; is that correct?
A. That’s incorrect.
Q. When did you try to verify it before?
A. Well, one of my detectives has written several search warrants to various phone companies involved in this investigation. What we -- as you heard, there’s thousands of numbers. We’ve -- we were able to determine a couple of days ago that the 8506 phone number that we believed showed linked to Brad Miller was actually linked to a subsidiary cellular phone company that fell through -- fell through the cracks when we were putting everything together.
Q. All right. But in order to determine whose phone it is, you concluded that you can call it and find out who answers it, right?
A. That’s exactly what I did.
Q. And you concluded that yesterday and did that yesterday, correct?
A. That’s what I did yesterday, yes, sir.
Q. All right. Now, there’s no question, based on your investigation at this point, that Brad Miller was a licensed private investigator, correct?
A. I’m sorry, say that again.
Q. Based on your investigation -- you’re in charge -- back to the foundation. You’re in charge of the investigation; is that correct?
A. Yes, I am.
Q. And as a part of that, your responsibility is to have a working knowledge of the investigation that’s conducted by officers under you; is that correct?
A. I have some knowledge of the investigation, yes.

Q. And you are aware that Brad Miller is a licensed private investigator, correct?
A. I'm aware of that.

Q. And you were aware long before today that Brad Miller was, in fact, working for Mark Geragos, correct?
A. I'm aware of that.
Q. Okay. And you've been aware of that for some time?
A. Yes, I have.
Q. And you would have expected that Mark Geragos and Brad Miller would have been in communication based on the fact that he's a lawyer and this was a private investigator working for him, correct?
A. Yes.
Q. Okay. So you called yesterday?
A. Yes.
MR. SANGER: Okay. No further questions.
MR. SNEDDON: Nothing further.
THE COURT: You may step down.
Call your next witness.
MR. SNEDDON: Craig Bonner.
MR. SANGER: Do you have an exhibit number for this?
MR. SNEDDON: I'm trying to find out when I have the evidence.
MR. SANGER: Yes.
(Off-the-record discussion held at counsel table.)
//

CRAIG BONNER
Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION
BY MR. SNEDDON:
Q. Detective Bonner, one of the assignments that you were given in this case and which you spent considerable time on the witness stand the last couple of days just testifying to phone records, correct?

A. That’s correct.
Q. And in the -- in the procurement of those records, did you obtain a search warrant for the telephone records of Brad Miller?
A. For the number that I associated with Brad Miller, yes.
Q. Okay. And how many telephone companies was that request sent to?
A. Every single one, by name and his personal information.
Q. Every single one doing business in California?
A. Correction -- or, I’m sorry, correct. Basically any phone company, ATT Wireless, all of the cell phone companies, as well as Verizon California and Pac-Bell. Anything that I thought might have a telephone registered to Mr. Miller.

Q. And as a result of the search warrants that were returned, did you -- did you get any information from any of those carriers that the private investigator Brad Miller had a telephone?
A. None of the information directly came back directly to Mr. Miller.
Q. Now, with regard to the telephone number Area Code (310) 490-0144, do you recognize that number?
A. Yes.
Q. And when -- and was there a return on the search warrant associated with that number?
A. There was. It came back to a Payless reseller with an associated name -- last name of like Mozaffarian.
Q. So Mr. Miller wasn’t in any way, with the paperwork you’ve got, connected to that number?
A. No.
Q. As a result of the information that Detective Klapakis was able to obtain about the person that he talked to at that number, were you asked to put together a list of phone calls that you reviewed from the Exhibits 452, 456 and 450 that you had previously testified?
A. Yes, I did that last night.
Q. And let me just show you the exhibit which

I've shown to counsel, Your Honor, and had marked as 884 for identification purposes.

THE COURT: All right.
MR. SNEDDON: It's a four-page document.
THE WITNESS: This is the materials I prepared last night.
Q. BY MR. SNEDDON: That's a compilation of the telephone records that are in evidence in this case that reflect communications between that phone number, Mr. Miller's phone, and other parties in this case, correct?
A. That's correct.
Q. And is that particular exhibit, 884, listed in the time in which those are -- the sequence in which those phone calls are made?
A. Yes, it does.
Q. And the individual names that are contained on that particular exhibit?
A. Do you want me to list the --
Q. Just the people, yes.
A. The phones that are in this exhibit come back to Vincent Amen, Frank Cascio, Evelyn Tavasci/MJJ Productions, and Miss -- or the Hamid Mozaffarian phone number that we now believe or now know comes back to Brad Miller.
Q. Now, with regard to the -- the document 884 that you put together, this is a digest or a compilation of the information from the exhibits I referred to, 452, 450, 456, and -- I believe those are the ones; is that correct?

A. That's correct.
MR. SNEDDON: Your Honor, at this time I move this be put into evidence.
MR. SANGER: No objection, other than the previous objection.
THE COURT: All right. They're admitted, subject to the....
MR. SNEDDON: Oh, Bob? I showed you this earlier.
Your Honor, I have another document. It's 885, and it's a 13-page document. I'm sorry, it's a 22-page document. And I've shown that to counsel

and I placed a blue number in the lower right-hand corner on each of the pages, 1 through 22.
Q. All right. Detective Bonner, have you -- are you familiar with the Exhibit 885?
A. Yes, I am.
Q. And are you familiar with the pages -- or what it purports to represent of 1 through 22?
A. Yes.
Q. And these are diagrams, are they not?
A. Yes, they are.
Q. That reflect the information contained in Exhibit 884?
A. Correct.
Q. Between the parties?
A. Correct.
MR. SNEDDON: I'd move that 885 be placed into evidence, Your Honor.

MR. SANGER: No objection.
THE COURT: It's admitted.
MR. ZONEN: Excuse me.
Q. BY MR. SNEDDON: Now, with regard to the information that's contained in the Exhibit 884- okay? - the source of that information is from exhibits that are in this case, correct?
A. Correct.
Q. And there are no exhibits in this case that show phone calls that are -- let me rephrase that. Did you determine whether Mr. Cascio's phone was a cellular or a landline?
A. It's a cellular.
Q. And Mr. Amen's?
A. Again, a cellular phone.
Q. And the Tavasci phone?
A. It's a cellular phone.
Q. So these are cellular phones?
A. Correct.
Q. And the phone calls that are on this particular document are all cellular contacts; is that correct?
A. Correct.
Q. So these would be calls that are -- that show up on the user phone either Cascio, Tavasci or Amen, correct?

A. Correct.

Q. Calls either made by them to that number, (310) 490-0144, or calls placed by that number to them that show up on their telephone records, correct?

A. That's correct.

MR. SNEDDON: All right. Probably to the relief of everybody, I'm not going to go through all 22 of these exhibits. I'm just going to show one on the Elmo, Your Honor, to illustrate the information that you've provided on document 884. And I'm selecting 3.

MR. SANGER: 15th?

MR. SNEDDON: Yeah.

Q. Okay. I've just taken the one that has a "3" in the lower right-hand corner. And this has the date of March 15, 2003, on it, correct?

A. Correct.

Q. And the -- obviously the cellular phones -- there's a cellular phone, four phones, depicted on the exhibit?

A. That's correct.

Q. Now, tell the jury what these -- what the numbers that you placed on there reflect in terms of the information provided on the Exhibit 884, the telephones.

A. Basically there are two lines for each phone to each of the other phones -- or, I'm sorry, from Brad Miller's phone to each of the other phones.

There are directional arrows which indicate which direction the call went. And there are numbers associated with the arrows if there are any calls, and that will tell you how many calls went from each phone on that date.

Starting with the top connection between the Bradley Miller phone and the Frank Cascio phone, we have seven calls going from Cascio's phone to Miller's phone. And we have four calls going from Miller's phone to Cascio's phone.

With regard to the other two phones, there's a large zero in the center indicating there are no telephone calls to those phones.

Q. And was this the same approach that you took to all 22 charts that were prepared?
A. It is.
MR. SNEDDON: Okay. Could we have the lights, Your Honor?
Q. All right. Let’s move on to another subject.
During the course of the investigation, were you assigned to review items of evidence that were seized from certain locations?
A. Yes, I was.
Q. And were you assigned to review some video footage that was obtained in the residence of Mr. Hamid Moslehi?
A. I was for Hamid also, yes.

Q. And did you review a -- some footage of a -- that was filmed between Mr. Jackson and Mr. Bashir having a conversation?
A. Yes, I did. I should clarify that that actually came from Schaffel’s residence.
Q. Oh, okay. It came from Mr. Schaffel’s residence?
A. Correct.
Q. All right. So you reviewed that item?
A. Yes.
Q. And what is the item number of that associated with the sheriff’s investigation?
A. Item No. 1360.
Q. And during the course of that conversation, or during the course of the review of that, did you actually see Mr. Jackson having a conversation with Mr. Bashir?
A. I did.
Q. And did the subject of flying come up during that conversation?
A. It did.
Q. And during the course of that conversation between Mr. Bashir and Mr. Jackson, did you hear anything said by Mr. Jackson with regard to alcohol?
A. I did.
Q. What did Mr. Jackson say?
A. I’ll go ahead and read it from my report. I quoted it. Mr. Jackson’s statement was, “You don’t

have, like, a little bit of Jesus Juice, a little bit of wine.”

Q. Now, was there anywhere else on that video that you reviewed that the term “Jesus Juice” was used by anybody else?

A. No.

Q. You were also assigned the responsibility -- give me a moment.

Are you familiar with an individual by the name of Louise Palanker?

A. Yes, I am.

Q. How did you become familiar with Ms. Palanker?

A. I interviewed Miss Palanker.

Q. Do you recall when that interview had occurred?

A. Not offhand. I know it was in the middle part of last year.

Q. And was it taped?

A. Yes, it was.

Q. And was that tape booked into evidence?

A. Yes, it was.

Q. And did you, at my request, review that tape?

A. I did.

Q. And what were you asked to review, looking for what?

A. I was asked to review any -- to find if

there was any statement to the effect that Janet Arvizo had sold the kids at the comedy camp or sold the kids at the hospital.

Q. Was the word “sold” or “seldom”?

A. The actual word used was “seldom”; that Janet was seldom at the comedy camp. Janet was seldom at the hospital.

Q. Could you spell that, please?

A. S-e-l-d-o-m.

Q. It was not s-e-l, apostrophe, i-m?

A. No.

Q. And you reviewed the tapes and ascertained that to be correct?

A. Yes.

MR. SNEDDON: Nothing further, Your Honor.

CROSS-EXAMINATION

BY MR. SANGER:

Q. Okay. Let's start with your first topic. You had three topics, the first one being the cell phone records. The summary chart that was Exhibit 885 that Mr. Sneddon put up, I believe he put page three up on the board, the summary charts?

A. Right here.

MR. SANGER: With the Court's permission, I could put up my copy, if that's all right.

THE COURT: That's fine.

MR. SANGER: And Mr. Sneddon, is this the most recent?

MR. SNEDDON: (Nods head up and down.)

MR. SANGER: Okay.

Q. I'm going to put up page three, because that's the one that was shown as a representative -- that was shown as a representative page and there's -- actually, I forgot how many pages we were told, but quite a number of pages to this, right?

A. 20 some-odd, I believe.

Q. 20 some-odd pages. When was this prepared?

A. Last night.

Q. And when was it delivered to defense counsel?

A. I didn't deliver it, but I would assume this morning.

Q. This morning. Okay. Now, 884 -- May I just put up the first page of that? It would be my copy, if that's all right.

THE COURT: Yes.

MR. SANGER: Mr. Sneddon, this is the correct --

MR. SNEDDON: Fine.

MR. SANGER: All right.

Q. 884 is a several-page -- I think a four-page exhibit that has the summary of all the records, correct?

A. Correct.

Q. And those were faxed to my house last night by you, I believe; is that correct?

A. Yes, they were.

Q. And that would have been about 7:22 in the evening?

A. Correct.

Q. All right. On this summary chart --

And we can have lights again, if that’s all right, Your Honor.

On this summary chart, you have a record of phone calls that were made to and from what you’ve now determined -- what you’ve now labeled as the Bradley Miller telephone, correct?

A. Correct.

Q. Maybe it would be helpful, I’m sorry to do that, but if I could put up 885, that one page again. Because on these, you’ve now labeled which way they were going and the number going each way, correct?

A. Correct.

Q. All right. There you go. And you show four phones and those -- that same graphic is used for each of the pages; is that right?

A. Correct.

Q. That’s why you have “0” here, because there were zero --

A. Correct.

Q. -- on this particular date.

On the other hand, this also tells us that 8520 what you were able to analyze were calls going to and from what you’ve labeled as the Bradley Miller telephone, to and from the Vincent Amen telephone, the Evelyn Tavasci/MJJ PROD telephone, and the Frank Cascio telephone; is that correct?

A. Correct.

Q. Now, was there just one number to Evelyn Tavasci that you looked at?

A. That’s the only number that came out.

Q. And that is a cell phone?

A. Yes.

Q. All right. Now, did you do this by analyzing just the records of the Amen, Tavasci and Cascio telephone?

A. We looked at every record that we have with the computer system, and these are the only three records that came out with any calls to that telephone.

Q. Okay. Do you have the records for what's called the Bradley Miller phone?

A. We only have a one-sheet piece of -- if we're talking about toll records, no, we do not. We do have a one-sheet page that tells us that it comes back to Hamid Mozaffarian, a cellular.

Q. And just because we have two Hamids we've talked about, Hamid Mozaffarian has nothing to do with Hamid Moslehi, correct?

A. No.

Q. I said, “Correct.” I'm sorry. Let me ask the question, does Hamid Mozaffarian have anything to do with Hamid Moslehi?

A. No.

Q. Thank you.

Therefore, you did not have the records from that Miller phone to see what numbers the Miller phone called, correct?

A. Correct.

Q. Nor to see what incoming calls, if any, were recorded for that phone, correct?

A. Other than for these three telephones up here, no.

Q. I'm sorry, I'm saying for the Brad Miller phone itself, right?

A. No, but these records do show calls to and from the Bradley Miller phone. We don't have Bradley Miller's records, though.

Q. Thank you. That's what I was getting at.

I understand you have the other records.

But for Brad Miller you have one page that showed the subscriber information; is that correct?

A. Correct.

Q. Has that page been marked as an exhibit in this case --

A. I don't know.

Q. -- to your knowledge? Okay. All right. So therefore -- let me withdraw that.

The Geragos records -- you had records

pertaining to the Law Firm of Geragos & Geragos, correct?

A. Correct.

Q. You didn’t have the toll records, did you? Did you --

A. I believe -- I believe they were actually sent. However, those were not -- we were not supposed to receive those, so we have not included those in any analysis.

Q. All right. Because Mr. Geragos’ law firm has attorney-client privilege communications, I take it?

A. And more specifically in the warrant that I wrote, I laid out that we were not going to seek toll records.

Q. All right. And you did that because you understood that that might create a problem?

A. It could unless we were able to show him as being a member of a conspiracy.

Q. All right.

A. And part of the crime that occurred.

Q. All right. So the point being, that you did not have an opportunity to evaluate calls between Mr. Miller’s phone, the one you’ve attributed to him, and the Geragos law firm?

A. Correct.

Q. In other words, you didn’t have records 8523 going either way on that one, right?

A. We have records. We did not analyze them, yes.

Q. When I say “have,” did you not have them to look at and analyze and --

A. Correct.

Q. All right. And you did not have records pertaining to any cell phones that Mr. Geragos might have, correct?

A. Correct. Other than subscriber records. We do see subscriber records on that also.

Q. And when you say that, that means it just shows whose telephone number it is, right?

A. Correct.

Q. So therefore, did you not have available to you to analyze records to determine the -- any calls between Mr. Miller’s phone and Mr. Geragos’ cell phone?

A. I’m having a slight problem with that, because we did have the records. We simply set them aside and did not use them with regard to the Geragos records.

Q. And that was pursuant to the Court-ordered search warrant that you requested; is that correct?

A. Right.

Q. So I think I used the word “have available to analyze.”

A. I just want to clarify. They were sent, we just did not use them.

Q. Okay. All right. So what we have here -- it’s not a big thing, I just want to clarify this. What we have here basically is the analysis of the other records that -- for which there are toll records showing communications with this phone, but not any phone numbers associated with Geragos?

A. Correct.

Q. All right. Now --

THE COURT: Can we take a break?

MR. SANGER: That would be fine. But, Your Honor, we do need to address the Court on one matter briefly before or after we take the break.

THE COURT: All right. Let’s let the jury go ahead and take their break, I’ll remain a moment. Officer, you may step down.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: All right.

MR. SANGER: Your Honor, I know this is the fourth time, but I think you can see this coming. The -- what’s called the Hamid footage or the outtakes footage that we had asked to play --

THE COURT: Yes.

MR. SANGER: -- we now have -- the government has now quoted from that footage, and therefore we would ask to play the entire statement to put that -- those quotes in context.

And I know I’ve asked the Court before, and I don’t mean to be rude.

THE COURT: I was just going to say, one more time, if it’s the fourth time, you’re keeping track.

MR. SANGER: Yes.

THE COURT: Not in the People’s case.

MR. SANGER: Very well. I hope the Court understands, there was a reason, because they quoted from it.

THE COURT: Well, if you could isolate out one piece that has to do with that one piece. However, you have to remember that I watched all those outtakes, and I know how many hours and how much repetition is there.

MR. SANGER: Right.

THE COURT: So we’re not talking about something I’m not totally familiar with. And if you want to take the time to go and find the material specifically that they’re relating to and show a small portion that relates to that, that’s fine. But that doesn’t give you license to play hours and hours of that takeout -- outtake, whatever it’s called.

MR. SANGER: I think it’s like two hours and 45 minutes or something like that.

THE COURT: Well, it seemed like -- all right.

MR. SANGER: The second one -- I understand what the Court said. And please, Your Honor, understand we just learned this right now, that they were going to quote that section. So I’ll have to see if I can find it and maybe do it later.

The second thing I wanted to address is there’s been now a quote from the Louise Palanker tape. That is a shorter tape, and I do think it would be appropriate to play that. That’s her interview.

THE COURT: I don’t see that either. It’s up to -- if is there anything specific you want to play, you know, in rebuttal to what they’ve just put on, or if there’s some reason to play the whole tape in your case, you may, but I’ll have to find out what it is. But one -- you know, just clarifying that one word doesn't call for the playing of the whole tape.

MR. SANGER: So having moved, those are denied and we're on a break.

THE COURT: Yes.

MR. SANGER: All right. Thank you.

(Recess taken.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 8477 through 8527 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 3, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
May 3, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION

DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

TUESDAY, MAY 3, 2005

8:30 A.M.

(PAGES 8529 THROUGH 8699)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Nicola is listed as “N” on index. Mr. Mesereau is listed as “M” on index.
Ms. Yu is listed as “Y” on index. Mr. Sanger is listed as “SA” on index.

PLAINTIFF’S
WITNESSES DIRECT CROSS REDIRECT RECROSS
ZELIS, Paul 8533-SA
(Re-called) (Continuing)
ROBEL, Steve (Re-called) 8537-SN 8545-M
O’BRYAN,
John Duross 8552-A 8601-M 8641-A
8659-A 8660-M (Further) (Further)
8662-A
(Further)
PROVENCIO, Rudy 8664-Z

EXHIBITS

FOR IN
PLAINTIFF’S NO. DESCRIPTION I.D. EVID.

886 PowerPoint presentation 8664

THE COURT: Go ahead.
MR. SANGER: May I proceed? Okay.
Q. All right. We're going to Point No. 2 of your testimony, which was video footage that you reviewed. And I think you established that you had obtained this from the evidence bookings that pertained to the Marc Schaffel residence; is that correct?
A. Correct.
Q. And what sheriff's identification number was on the item that you referred to?
A. Item 1316, 1-3-1-6.
Q. And Item 1316 is booked into sheriff's evidence, correct?
A. Correct.
Q. And it remains booked into sheriff's evidence as we sit here right now, correct?
A. The original is, yes.

Q. The original. And you gave us a copy of that, right?
A. Correct.
Q. And do you know if that's the same as your Sheriff's Item 913, -10, -11 and -12?
A. I don't know without reviewing materials.
Q. In any event, what you reviewed was -- it was a CD, or a DVD, or what?
A. The original, I believe, was either -- it was a cassette tape. I don't recall if it was a Beta cassette tape or a regular cassette tape.

Q. Okay. And you provided that, a copy of that, to us in the form of a DVD; is that right?
A. Correct.
Q. So the original is some kind of tape. Now, what did you review? You didn't review a Beta cassette tape, did you?
A. I reviewed both, actually. I participated in the process of changing it over to the DVD format and watched it at that time.
Q. All right. But most recently when you reviewed it for this quote that you -- that you recited on direct examination, did you review the Beta cassette tape or the DVD?
A. The DVD.
Q. All right. And that's because Beta cassette tapes have to be played on some kind of a professional machine; is that right?
A. Correct. And we only have one, and it's in Santa Barbara.
Q. All right. So to lay the foundation here for something we'll do in the future, I understand that you will produce to the Court your Sheriff's Identification No. 1316, which is the original Beta cassette tape; is that correct?
A. Correct.
Q. And then you have a DVD that is -- how is that labeled?

A. It would be labeled "Item 1316," and more specifically the actual title that was on the cassette tape in question.
Q. I'm sorry, I just want to make sure I'm

clear, and I'm not clear. If we say at some future date we would like to play this DVD that's in sheriff's evidence right now, how do we refer to it? 1316, the DVD? Or is there another number?
A. The most appropriate would be to say Item 1316 and then also provide the title, "MJ/Bashir, Summer 2003."
Q. All right. So that's what you reviewed. Now, I understand you did not review recently 913, -10, -11 and -12?
A. Correct.
Q. Which were sheriff's numbers. Did you ever review those?
A. I may have. I'm not certain at this point.
Q. All right. And then going to your third point, you referred to a Louise Palanker interview, correct?
A. Correct.
Q. And you and, I believe it was Detective Zelis, were present during this interview; is that correct?
A. That's correct.
Q. And it was surreptitiously tape-recorded,

correct?
A. Yes, it was.
Q. And how long did that interview last?
A. I believe it was approximately 40, 45 minutes in length.
Q. And that particular item is on a DVD; is that right?
A. CD. Yes.
Q. CD. Was it recorded on a CD or --
A. It was recorded on a digital recorder and downloaded into CD format.
Q. Okay. So the actual item that is Sheriff's Item 1790 is the original recording; is that correct?
A. The CD recording.
Q. And that's in sheriff's evidence, booked into sheriff's evidence at the substation; is that correct?
A. Right.

Q. And you -- you agree to bring those to court for whatever purpose we'll use them in the future; is that correct?
A. Absolutely.
MR. SANGER: All right. Thank you. Based on that, I have no further questions, Your Honor.
MR. SNEDDON: Nothing further.
THE COURT: All right. You may step down.

MR. SNEDDON: Detective Robel.
THE COURT: You're still under oath. You may be seated.

STEVE ROBEL
Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION
BY MR. SNEDDON:
Q. Detective Robel, during the course of this investigation, were you involved in an interview with Debbie Rowe?
A. Yes, I was.
Q. And was that interview tape-recorded?
A. Yes, it was.
Q. And was it tape-recorded with her knowledge?
A. Yes, it was.
Q. And who else was present during the taping?
A. Lieutenant Klapakis.
Q. And do you recall where that took place?
A. Yes.
Q. Where was that?
A. In Los Angeles.
Q. Do you recall what day that took place?
A. I believe it was on March the 3rd, 2004.
Q. So over a year ago?
A. Yes.

Q. All right. I'm going to ask you a few questions about that interview. First of all, were you asked to review that tape?
A. Yes, I was.
Q. And you were asked to review it in detail,

correct?

A. That's correct.

Q. And did you do that?

A. Yes, I did.

Q. And when did you do that?

A. Yesterday.

Q. And did you compare it to a transcript?

A. Yes, I did.

Q. Now, during that conversation that you had with Miss Rowe, did she at any time during the course of that transcript describe the defendant as a good parent?

A. No, she didn't.

Q. At any time during that conversation that you had with her over a year ago did she describe him as a wonderful father?

A. No, she didn't.

Q. At any time during the course of that interview with her over a year ago, did she describe him as a caring person?

A. No.

Q. And does she at any time during that interview use the word "generous" to describe the defendant?

A. No.

Q. During the course of the conversation that you had with Miss Rowe over a year ago, did she express to you, during the course of that interview, comments about her concerns of his parenting skills?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

THE WITNESS: Yes.

Q. BY MR. SNEDDON: And in particular, what did she say?

MR. MESEREAU: Objection. Opinion; relevance.

THE COURT: Overruled.

You may answer.

THE WITNESS: She referred to Michael as a sociopath and his children as being possessions.

Q. BY MR. SNEDDON: Did she at other points during the conversation express any other areas of concern --

A. Yes.
Q. -- about the defendant and the children’s relationship?
A. Yes, she did.
Q. How many different areas did she talk about? Without going into the details of what she talked about, the areas, how many areas of concern?
A. I recall there were three.

Q. And did each one of those reflect negatively upon the defendant’s parenting skills?
MR. MESEREAU: Objection; leading.
THE COURT: Calls for a conclusion, sustained.
Q. BY MR. SNEDDON: Were those three areas discussed in the context of him being a good or a bad parent?
A. Yes.
Q. And was it good or bad?
A. It was bad.
Q. During the course of the interview with Miss Rowe, did you discuss the topic of whether or not the comments that she made during the course of her interview that was included in the Maury Povich program were truthful?
MR. MESEREAU: Objection; leading.
MR. SNEDDON: Let me rephrase that, Judge. I need to rephrase it anyhow, to be correct.
Q. During the course of your interview with Miss Rowe over a year ago, did you discuss with her the topic of the truthfulness of her statements made during the time -- the nine-hour interview that occurred at Mr. Schaffel’s house?
A. Yes, I did.
Q. And what did she say?
A. She told me that she had a plan since she got divorced from Michael in 1999.

Q. Did she tell you who made the plan up?
A. Yes.
Q. Who?
A. She and Mr. Jackson.
Q. Together?
A. Yes.

Q. And what was the plan?

MR. MESEREAU: Objection. Relevance; foundation.

MR. SNEDDON: Your Honor, this is impeachment.

THE COURT: I’m going to sustain the objection. I don’t understand how that question could lead to an answer that would impeach something she said in front of this jury.

MR. SNEDDON: That the comments were truthful.

THE COURT: But that’s not the question that’s been asked. You asked about a plan she had with Mr. Jackson. So I’m sustaining the objection.

Q. BY MR. SNEDDON: Were you present during Miss Rowe’s testimony here in court?

A. Yes, I was.

Q. And did you hear Miss Rowe testify about the statements that she made during that nine-hour interview?

A. Yes.

Q. And you heard her testify that those statements were -- were truthful in court?

A. Correct.

Q. Now, did you have a conversation with Miss Rowe over a year ago when she told you about the comments -- about the same comments that she made in court here and whether they were truthful or not?

MR. MESEREAU: Objection. Misstates the evidence, leading, and vague.

MR. SNEDDON: Let me rephrase it, Judge. I might be able to solve the problem.

Q. During your conversation with Miss Rowe, did she say anything to you that was inconsistent with her statement in this courtroom that those statements were true when she made them on the film?

A. Yes.

Q. What did she say?

MR. MESEREAU: Objection. Calls for a narrative; vague.

THE COURT: Overruled.

THE WITNESS: She said that she and Mr. Jackson, when they got divorced, that they had a plan --

MR. MESEREAU: Objection. Same objection as before. He’s trying to answer the same question, Your Honor.

THE COURT: Sustained.

Q. BY MR. SNEDDON: All right. You told us all about the plan. Tell us what she said after the plan.

A. She said she --

MR. MESEREAU: Objection; vague.

THE COURT: Overruled. You may answer.

THE WITNESS: That she stuck with her plan to talk positive about Mr. Jackson, as she’s done throughout news conferences that she’s had since they were divorced.

Q. BY MR. SNEDDON: Did she indicate to you during this conversation whether those statements were true or false?

A. Yes, she did.

Q. What did she say?

A. And she says that they were false.

Q. All right. I want to go on to another subject. Excuse me just a second.

All right. Sergeant Robel, I’m handing you the exhibit book. First of all, you recognize those as being the Neverland Ranch logs, correct?

A. Yes, I do.

Q. Now, during the course of the search warrant at the ranch on November 18th of 2003, were certain logs seized from the ranch?

A. Yes, there were.

Q. You’re aware of that?

A. Yes, I am.

Q. And you reviewed those logs, as a matter of fact, have you not?

A. Yes, I have.

Q. And do any of the logs that you reviewed that were seized from the ranch go beyond the date of January 1st, 2003?

A. No.

Q. Now, there’s a medical report, one-page medical report that does, but all the logs themselves were before, correct?

A. That is correct.

Q. During the course of this investigation, did, to your knowledge, the Santa Barbara Sheriff’s Department in any other search warrant seize any records or logs associated with the months of January, February or March of 2003?

A. No.

Q. Now, in the exhibit book, towards the end, there are logs for the months of February and March of 2003, correct?

A. Yes.

Q. And what exhibit numbers, what two exhibit numbers are those? They should be tabbed.

A. 335 and 334.

Q. And those logs are log entries from the year 2003, correct?

A. That is correct.

Q. And those have been described by Mr. Sanger as being government documents. Do you know where they came from?

A. Yes, I do.

Q. Where did they come from?

A. It came from the defense.

Q. Do you recall when it was that we obtained those records from the defense?

A. Yes.

Q. When?

A. To the best of my recollection, I believe it was about three to four months prior to us starting trial.

Q. Months?

A. Actually, excuse me. I’m sorry. Weeks.

Q. So they’ve been in the defense possession for over a year?

A. That is correct.

MR. SNEDDON: Nothing further.

CROSS-EXAMINATION

BY MR. MESEREAU:

Q. What is the date of your interview with Debbie Rowe?

A. March the 3rd, 2004.
Q. Did you do an interview with her on February 23rd, 2004?
A. Yes, that was a -- I talked with her on the phone.
Q. And that was recorded, correct?

A. That was not recorded.
Q. The transcript -- do you have a transcript of the interview you're referring to?
A. Yes, I do.
Q. And could I --
May I approach, Your Honor, just to take a look at the transcript?
THE COURT: Yes.
Q. BY MR. MESEREAU: Okay. And you say you just listened to the tape the other evening?
A. I listened to it yesterday.
Q. Do you ever ask the question, "Is Michael a good parent?"
A. I don't recall asking that.
Q. You never had a conversation with her about his parenting skills at all, did you?
A. I don't recall asking that question.
Q. Okay. In response to the prosecutor's question to you, you indicated that Ms. Rowe, during your conversation, had not said some of the things she said in open court, correct?
A. Correct.
Q. But there are things she said in open court that you didn't ask her about in your interview, correct?
A. Correct.
Q. She said Michael Jackson was generous in open court. Do you remember that?

A. Yes.
Q. You never asked her if Michael Jackson was generous, did you?
A. I don't recall asking that.
Q. She said that Michael Jackson was her friend, correct?
A. Correct.
Q. You never asked her in your interview if

Michael Jackson was her friend, right?

A. I don’t recall asking that.

Q. In fact, at one point in your interview, she said she wasn’t really supposed to talk a lot about Michael Jackson, because her lawyer had advised her as such, right?

A. Correct.

Q. And when she said that to you, you didn’t ask her a lot of questions about Michael Jackson as a person after that, right?

A. She volunteered some of the stuff.

Q. Now, at that particular point in time, did you know when she had last seen Michael Jackson? Excuse me, let me rephrase that better.

At the point in time when you interviewed Debbie Rowe, did you know when she had last seen Michael Jackson?

A. I believe that she had told us that it had been two to three years.

Q. Now, at the particular point in time when you interviewed Debbie Rowe, she was rather upset about their family law proceeding, true?

A. No, I don’t think that’s correct.

Q. Do you remember she said to you, “Officer, I have Michael’s Achilles tendon, I have the kids. I don’t have them, but I’m going to have them.” Do you remember that?

A. I remember something to that effect.

Q. Isn’t that what she said to you?

A. She did, Mr. Mesereau, but I don’t believe that her child custody issue was going on at that time.

Q. Well, she told you she had a lawyer named Iris Finsilver, did she not?

A. Yes, she did.

Q. Did you know why she had a lawyer named Iris Finsilver?

A. At the time I knew she had her because of the filming that she participated in where Iris was present.

Q. She told you in that interview that she was in a dispute with Mr. Jackson about the children, right?

A. I don't recall that.

Q. Did you know she was in a dispute with Mr. Jackson about the children when you conducted that discussion with Debbie Rowe?

A. To the best of my knowledge, I want to say that I did not.

Q. Do you recall in the first page of your interview -- and in my transcript it's page one. I don't know what page it is in yours. It's a different transcript.

Do you recall she says -- let me try and restate that.

Look at the fourth quote down of Debbie Rowe. It starts with, "Iris." Do you see that?

A. It said, "Iris, I..."

Q. Yes, exactly.

A. Okay. I'm there.

Q. She says, "F-u-c-k his defense at this point. I want the kids." Do you see that?

A. Yes, I do.

Q. Did you think that might have some relevance to a dispute between Mr. Jackson and Ms. Rowe when you heard her say that?

A. By reading it, you could interpret that, but at the time I did not.

Q. Okay. And this was the conversation where she talked about Janet Arvizo's history of orchestrating lawsuits, correct?

MR. SNEDDON: Your Honor, I'm going to object as beyond the scope of direct examination. We were very pointed in our questions.

THE COURT: Sustained.

Q. BY MR. MESEREAU: This was a conversation where she said, "Michael is very easily manipulated," true?

MR. SNEDDON: Object. Same objection.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Now, do you remember Ms. Rowe in this conversation responding to your question, "Is Michael the kind of person that would keep a journal?" Do you remember that?

A. I do remember that.

Q. And she said, “He doesn’t keep a journal. He’s not organized enough to keep a journal.” Do you remember that?

MR. SNEDDON: Object. Same objection.

MR. MESEREAU: I think it’s all in -- they opened the door on this conversation about Mr. Jackson, Your Honor.

THE COURT: I’m having the same difficulty with you as I’m having with the District Attorney. I can’t really tell where you’re going from that question, and it appears to be beyond the scope. So I’ll sustain the objection. If you can rephrase it so I can see it better, that’s fine.

Q. BY MR. MESEREAU: Ms. Arvizo -- excuse me. Ms. Rowe --

Let me start again. How did this conversation originate? Did you call her?

A. For this particular interview?

Q. Yes.

A. Yes. We had a phone discussion, and she agreed to meet with me on a specific date and time.

Q. And where did she meet you?

A. In the Los Angeles area, Calabasas.

Q. Was her attorney there?

A. No.

Q. Okay. But you begin the conversation with reference to her attorney, correct? Really on the first page. The sentence we just discussed where it starts by saying, “Iris....”

A. Correct.

Q. You discussed her attorney almost at the very beginning of the interview, correct?

MR. SNEDDON: Your Honor, I object. Asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: And this was the interview where she talked about Schaffel and Konitzer and Dieter trying to steal from Mr. Jackson, correct?

MR. SNEDDON: Object, Your Honor, beyond the scope.

THE COURT: Sustained.

MR. SNEDDON: Ask the Court to admonish counsel. This --

THE COURT: Next question.
MR. MESEREAU: Yes. No further questions, Your Honor.
MR. SNEDDON: Nothing further, Your Honor.

THE COURT: You may step down.
MR. AUCHINCLOSS: Your Honor, we call as our next witness Duross O'Bryan.
THE COURT: When you get to the witness stand, remain standing.
Face the clerk here and raise your right hand.

JOHN DUROSS O'BRYAN
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: John Duross O'Bryan. J-o-h-n; D-u-r-o-s-s; O-B-r-y-a-n.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. Good morning, Mr. O'Bryan.
A. Good morning.
Q. What is your occupation, please?
A. I am a certified public accountant in the State of California.
Q. And by whom are you employed?
A. With the firm of Alex Partners.
Q. Tell us a little bit about Alex Partners, if you would.

A. Alex Partners is an international financial consulting firm.
Q. And what is your title with Alex Partners?
A. I am a managing director.
Q. Prior to joining Alex Partners, did you work with other accounting firms?
A. I did, yes.
Q. And what were their names?
A. I started my career in 1978 with the

international public accounting firm of Peat, Marwick, Mitchell & Co., now called KPMG. I was there for approximately six or seven years. And I went off to my own firm for about nine months to a year. And then joined the international public accounting firm of Coopers & Lybrand, which merged and it's now Pricewaterhouse Coopers. I was with them basically from 1985 through 2003.

Q. So what type of firms are KPMG and Pricewaterhouse Coopers?

A. They were referred to as The Big 8 accounting firms, which are the large accounting firms. They're international, both domestic and abroad, all over the world.

Q. All right. Let's start with KPMG. Can you tell us a little bit about your experiences there?

A. As I mentioned, I started in 1978, and I was really auditing, which is accounting. I have a accounting degree. I worked auditing companies' financial statements, auditing individuals' financial statements, and effectively auditing those numbers to make sure they are accurate and in conformity with accounting guidelines.

Q. How would you give a lay definition of what an audit is, general terms?

A. An audit is basically a function performed by auditors, CPAs that work principally with The Big 8, or now I think they call them The Final 4 accounting firms, that simply looks at, on a test basis, transactions and support the company's financial statements, and then gives an opinion about the accuracy of those financial statements, whether or not they are accurate and whether or not, in fact, they conform with what's called generally accepted accounting principles.

Q. Tell us a little bit about your experiences at Pricewaterhouse Coopers.

A. I started with Pricewaterhouse Coopers in 1985, or the predecessor firm. I was there through 2003. I continued doing audits through approximately 2000, 2001. And in about 1988, October the 1st of 1988, I was admitted to the partnership. And on and around that time, I was also asked to begin working, assisting individuals and/or companies in what’s called disputes, litigation matters, whether or not there’s damages,

malpractice issues, whether or not an accountant did something wrong, any type of matter involving a dispute or an investigation.

Q. Have you participated in financial accounting investigations?

A. I have, yes, on several occasions.

Q. And as it relates to financial advisory services - I think you mentioned that - what kind of engagements have you worked?

A. Financial advisory services was one of the divisions within The Big 4 firms. I was in charge of that in both Los Angeles and in New York. That division does dispute analysis and investigation, work investigations that we’re talking about. It also does due diligence work, mergers and acquisitions, bankruptcy work valuation, et cetera. I was involved in most of those practices of being the partner in charge. But certainly specifically as a partner responsible, I worked on most of those engagements, those type of engagements.

Q. Do those engagements include forensic accounting investigations?

A. They do, yes. One of the -- the title “DA&I,” the “I” stands for investigation, which is an accounting investigation of financial records.

Q. Okay. So tell us what specifically you mean when you say “a forensic accounting investigation.”

A. Well, if an audit is really looking at a company’s financial statements and looking on a test basis to be able to opine as to the accuracy and conformity with those financial statements with accounting principles, a forensic accounting investigation is completely different. It basically looks at all the records you can possibly get, all of the information you can possibly get, and it attempts to reconstruct what happened and what went on in any period of time.

So the scope is completely different and the type of procedures are completely different. It’s much more invasive. It’s much more intrusive. And it is really, in fact, an investigation, not a sampling of documents like an audit is.

Q. So can you give us an idea of what kind of forensic accounting investigation you have participated in?

A. I’ve participated in dozens. Some of them involving thousands of dollars at issue, some of them involving billions of dollars at issue, and companies small and large, public, private, and not for profit.

Q. And are these investigations primarily for the purposes of litigation, prelitigation, testifying in court, that type of thing?

A. Some of them involve litigation. Probably most of them do. But there’s a vast majority that could just be an investigation that the company has authorized or the company is asking for or individuals are asking for to ask what’s going on within their company. So it may not be a litigation or it may not be a civil or criminal matter. It could simply be that the company is interested in what’s going on in their business and asked to have an investigation performed.

Q. Have you previously been asked to testify in California courts or in courts around the country as an expert in the area of a forensic accounting investigation?

A. I have, yes, on several occasions.

Q. Do you have an accounting degree?

A. I do, yes. I have a Bachelor of Science degree in accountancy from Northern Arizona University.

Q. Presently what are your hourly rates at Alex Partners?

A. My rate on this engagement is $385 an hour.

Q. Okay. I’ll try to be quick then.

How many hours have you put into this investigation or into this particular task?

A. I’ve put in probably 20 to 30 hours possibly.

Q. Okay. So tell us about your assignment in

this particular case, the case of People v. Jackson.
Specifically what were you asked to do in this matter?

A. I was asked to look at the financial condition of Mr. Jackson leading up to February 2003.
Q. All right. And did you prepare a PowerPoint presentation to assist the jury in describing just exactly what you did in this case?
A. I did, yes.
Q. All right. Would you consider this to be a forensic accounting investigation?
A. The work that we performed was absolutely a forensic accounting investigation, yes.
Q. And have you ever performed other work that entailed a similar task, looking at someone's personal finances for forensic purposes?
A. Absolutely, yes.
Q. Okay. So let's talk about some terminology.
What does the term "financial condition" mean for purposes of your testimony here today?
A. I'm defining "financial condition" as basically an individual's assets, their liabilities, their net worth. One's net worth is simply the difference between their assets and liabilities. If you have more assets than liabilities, you have positive net worth. If you have more liabilities than assets, you have negative net worth.
So we look at the assets and the liabilities. We look at the income. We look at the expenditures. That's how I would really define one's financial condition, and really how those all interrelate and what kind of condition they're in. Can they afford to pay their bills, et cetera.

Q. You're going to be, I'm sure, throwing these words around, so I want to make sure everybody's clear on them.
Assets, would that just be -- a simple way of saying assets, would that be property that someone owns?
A. Yeah, I'm sorry. Assets are really anything that is an asset, which is your house, a car,

artwork, intangible things like maybe a copyright. Anything that creates benefit to you is an asset. And so that’s what I’m referring to as an asset.

A liability is just the opposite of that. It is something that’s an obligation. You owe something, somebody something, meaning a bank for your mortgage on your house, a lease on your car, a loan securing some of the copyright things that you have. Any of those there becomes obligations, things that you actually have to pay for.

And then the difference between the two is simply a mathematical function of assets minus liabilities equals net worth.

Q. Okay. And can a net worth be positive as well as negative?

A. Yes. As I mentioned --

Q. Go ahead.

A. -- if you have more assets than liabilities, conceptually, if you gain the value of all of those assets at whatever is stated, say you have $100 worth of assets, and you can really get $100 for those assets, and you have $50 worth of liabilities, and you’re really only going to pay $50, then you have a net worth of $50. At the end of the day, you have $50 cash sitting in your hand.

On the other hand, you could have a situation where your assets are $50, and you’ll only get $50 for them. You really are going to pay $100 in liabilities, and therefore you have a negative net worth. At the end of the day, you will be short $50, or negative net worth.

Q. All right. Before we get into your opinions, let’s talk generally about how you conduct a forensic investigation of this type.

Typically how would you start a financial forensic accounting investigation?

A. Well, you ask for as many documents as you can get, because again, it’s not a sampling of documents. It’s everything you can possibly look at. And you get as much information as you possibly can during that relevant period of time. And the place we typically like to start with is a set of financial statements, and those being a balance sheet on an income statement, potentially to help us understand what's going on within that company or that individual's financial condition position.

Q. Okay. I think maybe this would be a good point to segue into your PowerPoint presentation.

MR. MESEREAU: Objection. Foundation; relevance; Court ruling.

THE COURT: The PowerPoint presentation is -- what does it consist of?

MR. AUCHINCLOSS: It consists strictly of some basic information about what Mr. O'Bryan does. It also describes his expert opinions in this matter, and it also includes the specific information that he relied upon in forming those opinions.

THE COURT: So it's demonstrative of his testimony?

MR. AUCHINCLOSS: Yes, it is, Your Honor.

THE COURT: Have you seen the presentation? Have you seen the materials?

MR. MESEREAU: I was handed a couple of documents that -- I think that has it.

MR. AUCHINCLOSS: Yes, I provided it to counsel yesterday. Actually, day before yesterday.

THE COURT: Generally, this is the kind of thing that if the witness was given a piece of chalk, he could go to the blackboard and, as he testified, put this up.

MR. MESEREAU: He's referencing select paragraphs from documents, one after another, without showing the whole document, and that would be one of our objections as well.

MR. AUCHINCLOSS: And if counsel wishes to introduce those documents at the end of his cross-examination, I don't think we'll have an objection to that.

THE COURT: I'll let you go forward with it on my theory that it's the type of help a witness normally could do with a piece of chalk or a marker and some butcher paper, but in these days we do it with PowerPoint. If it appears to be something beyond that type, I'll have to reevaluate it.

MR. AUCHINCLOSS: Very well.

MR. MESEREAU: Thank you, Your Honor.

MR. AUCHINCLOSS: All right. If we could have “Input 1,” Your Honor. All right. If I may approach, Your Honor, and provide the laser pointer to the witness.

Q. I’ll give you this to use, if you wish. If you could, Mr. O’Bryan, please take us through the components of a financial statement.

A. The components of a financial statement, as shown up on the board, are really made up of four different components, the first being the balance sheet. And all that is is a statement, part of the financial statements that are typically referred to in a set of financial statements, that lists out the assets and the liabilities, and then shows net worth. And it literally does balance. That’s why they call it a balance sheet, because the total of assets will equal the total of liabilities plus net worth, so it balances. So it’s simply a listing of assets and liabilities, and then it shows net worth as the difference.

Q. Before we --

THE COURT: I’m sorry, before you ask the next question - I thought you were through with your answer - I want to have Mr. Sneddon and Mr. Mesereau approach for a moment.

(Discussion held off the record at sidebar.)

THE COURT: All right, Counsel. Go ahead.

MR. AUCHINCLOSS: All right. Thank you, Your Honor.

Q. I think we were at income statement.

A. And the second set of -- the second statement within a set of financial statements is an income statement, and that simply lists out all of an individual’s or company’s income or revenues, and it subtracts out all of the expenditures or expenses. And the difference between those two is either a net income or a net loss. So that’s the income statement.

The third is what’s called a statement of cash flows. It is simply a statement that shows cash, and where cash came in and where cash goes out. And at the end of the year, it shows what the ending cash balance is. Just cash.

And then the last component of a set of financial statements is notes. And those notes are a narrative addition to all of the numbers, and they’re simply informative. They simply tell you the basis that the financial statements are put together and some of the different accounting policies and principles used in accumulating the financial statements.

Q. All right. Let’s look at the next slide. What do you look for in these financial statements?

A. You first try to get an understanding of the business, or the assets and liabilities. You then look at the significant assets and liabilities and try and understand what those are. You look for unusual relationships, ones that you should do additional information and/or additional research on. And then lastly, you just look for unusual issues that should be considered during your investigation.

Q. All right. In this particular investigation, were you able to find any financial statements?

A. We did, yes. We found a June 30th, 2002, financial statement.

Q. All right. What type of financial statement was this?

A. It was a balance sheet only. Just that first statement, just the balance sheet showing assets and liabilities.

Q. Okay.

A. And net worth.

Q. And that’s what you’ve described as being balancing out. Subtract the liabilities from the assets, you have a net worth?

A. That’s correct.

Q. Okay. So let’s talk about what this particular June 30th, ‘02, balance sheet said about Mr. Jackson’s assets and liabilities.

MR. MESEREAU: Your Honor, could we have the exhibit marked?

THE COURT: Yes.

MR. AUCHINCLOSS: Certainly.

MR. MESEREAU: We'll renew our objection based on the Court's ruling.

THE COURT: Yeah. The ruling that you're talking to me about is the ruling limiting the financial presentation.

MR. MESEREAU: Yes, Your Honor.

THE COURT: He's made an offer of proof in his written materials that is within the scope of what I anticipated him to do.

The problem and the reason I have blacked out the screen is that if you're relying on documents that are evidentiary in nature in your

presentation, they first must be introduced into evidence. The witness wouldn't be allowed to put parts of a document in evidence that is not in evidence. So....

MR. AUCHINCLOSS: I would just say that this is offered as expert testimony. And expert testimony may be based upon inadmissible evidence that's not normally admissible. And these are the specific documents that he is basing his opinions on, including hearsay and a variety of other -- so typically the --

THE COURT: But usually -- all right. Go ahead. The foundation for the figures is what I was looking for.

MR. AUCHINCLOSS: All right.

THE COURT: The objection is overruled.

Q. BY MR. AUCHINCLOSS: All right. Going back to your consideration of this particular balance sheet, tell us what it said in terms of Mr. Jackson's assets versus liabilities at that particular date.

A. This showed that as of June 30th, 2002, there was $130,000,000 in assets, $415,000,000 in liabilities, and a negative net worth of $285,000,000.

Q. Okay. Now, as far as this balance sheet goes, does it mean that Mr. Jackson is, by virtue of that balance sheet, bankrupt?

A. No, it doesn’t.

Q. Why do you say that?

A. Because the balance sheet is prepared on what’s called a cash basis, or an income tax basis. And that means that the assets are actually listed at their cost, not necessarily their fair market value. So those assets could have higher values, and they could have lower values. The liabilities could have higher values; they could have lower values. It’s just a cash basis. In other words, what was paid for the assets. So, no, it does not mean that. You have to look at it more from a fair market value.

Q. So this does not mean Mr. Jackson has $285,000,000 more liabilities than assets at this time?

A. The statement shows that. However, you know, it’s on a cash basis, which means if you want to get into the real world, you have to look at it more from a fair market value perspective.

Q. Okay. So as a beginning point to your investigation, would a balance sheet like that be a cause of any concern?

A. You certainly look at it and question as to why there’s a negative $285,000,000 net worth. I mean, that’s certainly a concern and a consideration. But it simply means that more investigation needs to take place.

Q. Were there other documents that you were able to review to give you a better picture of Mr. Jackson’s financial condition?

A. Yes. I mean, we weren’t -- we asked for things such as bank statements and general ledgers, which is a group of transactions that gets accumulated to become the financial statements. We asked for those types of things. We were not given those. We have not seen those. However, we did see about four to five boxes of other documents that were principally correspondence between Mr. Jackson’s financial advisors and some of his advisors and/or himself.

So where he actually had hired financial advisors to take care of his money and his assets and pay his bills, that correspondence was made available to us, or some of that. So we actually looked at those to try and get a better understanding of his financial condition during that period of time.

Q. And in a forensic investigation such as this, do you typically have all the documents you want?

A. No. You might have more than we had, but you don't typically get all the documents you want.

Q. Based upon what you were able to look at and consider in this case, were you able to form some opinions with regards to Mr. Jackson's financial

condition leading up to February of 2003?

A. Yes, we were.

Q. Okay. I'd like you to take us through your opinions in this case that were based upon these documents.

MR. MESEREAU: Objection; foundation.

THE COURT: Overruled.

You may proceed.

MR. AUCHINCLOSS: All right.

Q. If you would, please tell us about the opinions you formed based upon your review of all the financial documents you've described that were in these boxes that you reviewed.

A. Based on the information we saw, Mr. Jackson's financial condition had been deteriorating up and leading into February 2003, evidenced principally by a significant amount of overexpenditure over what was being made. In other words, expenditures exceeded income.

Secondly, that the liabilities, the obligations side of things, the obligations and liabilities were increasing steadily and fairly significantly.

And lastly, there appears to be an ongoing cash crisis. You'll see a number of the memos that we looked at that talked about cash crisis. Not enough cash to pay bills, et cetera.

And then lastly, I believe that information,

based on the documents that I've seen, was certainly known as of February of 2003.

Q. All right. Have you prepared a diagram of this particular slide, Mr. O'Bryan, that you brought with you?

A. I think there was a blow-up of that made, yes.

MR. AUCHINCLOSS: If I may approach, Your Honor. And I've shown this to counsel. And I'd like to just place it on the easel so Mr. O'Bryan can refer to it during his testimony.

MR. MESEREAU: Your Honor, we're going to object just to the comment on their seeking documents and their not finding them, to the extent it suggests that the defense didn't produce something, and move to strike.

THE COURT: I'll strike that comment.

MR. AUCHINCLOSS: All right.

THE COURT: Go ahead.

Q. BY MR. AUCHINCLOSS: Okay. I'd like you to --

THE COURT: Have you seen the chart that he --

MR. MESEREAU: Yes, I did. I did receive a copy, Your Honor.

Q. BY MR. AUCHINCLOSS: Okay. So let's talk about the first opinion that you've expressed about Mr. Jackson's financial condition deteriorating.

If you could, tell us why you -- how you arrived at that particular conclusion.

A. Well, as I mentioned, it was principally the documents that we reviewed, and principally in this matter some of the correspondence received from Mr. Jackson's financial advisors to either him or his other advisors about his cash position.

Q. Okay. And referring to Slide No. 5, if you'd take us through that.

A. Yes. Through some of these correspondence, it's apparent that there was --

THE COURT: Just a moment. The jurors can't see.

JUROR NO. 8: Can't see.

MR. AUCHINCLOSS: Oh, I'm sorry. I'm sorry. My apologies.

If I may place this down in the well or -- let me just try and adjust it here. No, that's not going to work. Is that all right? Okay.

Q. All right. If you'd please --

A. We came to that conclusion based on reviewing a number of different documents. It seemed to point to the following three things fairly consistently: One, that there was approximately 20 to 30 million dollars per year overspending. In other words, spending over what was being made. That has a tendency -- going back to that balance sheet, if you're not increasing your assets, and you're not -- you don't have the income to support that kind of expenditure, your debt goes up. And when your debt goes up and your assets don't go up, back to the balance sheet, your net worth goes down. So that is a tendency to look at that talks about deteriorating financial condition, first and most importantly, an overspending of that nature and that number. And, two, then, a decreasing net worth. And that was caused by the third bullet point, which is the fact that the debt increased almost $70,000,000 between 1999 and 2003.

Q. All right. So let's talk about the first thing you mentioned, his overspending habits, then how you come to your conclusions based on that. First of all, you mention these primary assets, two main -- two music publishing catalogs?

A. Well, I believe that, based on my review of the balance sheet, there are really three main assets, certainly one of them being the MIJAC catalog, which is publishing rights to certain of Mr. Jackson's personal performances and songs. And second is a Sony/ATV catalog, which is a library of copyrighted songs and performances by both Sony and Mr. Jackson -- Jackson other than the MIJAC catalog. Those would be two main assets. And those are income-producing, because they produce royalties and create income to Mr. Jackson.

The third main asset would also be Neverland, Neverland Ranch, which is a fairly substantial and significant asset.

Q. So what documents did you rely upon to come to the conclusion that he was overspending?

A. That was correspondence from his financial advisors.

Q. Okay. I'd like to start by going back to 1999 and then take us up to 2003 and '4. In 1999, did you consider any correspondence from Mr. Jackson's financial advisors in your forensic investigation?

A. We did, yes.

Q. Did you recall a letter dated October 13th, 1999, from Holthouse?

A. Yes, it was Holthouse Kaitlyn & Von Tropp (sic), or something like that.

Q. Okay. Who is -- can you determine from the correspondence who is Holthouse Kaitlyn & Von Tropp (sic)?

A. That is a CPA firm in Los Angeles that appeared to be acting as Mr. Jackson's financial advisors, business managers. They literally paid the bills, they kept track of the assets. And they reported back to Mr. Jackson or his advisors as it relates to financial condition and status of bills, et cetera.

Q. So they were actually cutting the checks to the vendors and people that Mr. Jackson owes money to?

A. Apparently so, yes.

Q. Okay. Back to this '99 memo. Does it make any reference to unpaid bills?

A. It does, yes.

Q. All right. Let's look at the next slide.

MR. MESEREAU: Objection. Relevance; Court ruling.

THE COURT: Overruled.

Q. BY MR. AUCHINCLOSS: Specifically, what does it tell you about Mr. Jackson's unpaid bills?

A. It says that Holthouse was short approximately $780,000 to meet "our outstanding liabilities," meaning at that point in time there was -- they were short in cash $780,000 to pay outstanding invoices or obligations due by Mr.

Jackson and/or his entities.
Q. In this letter does Holthouse offer any suggestions or concerns?
A. They do, yes.
Q. What do they say?
A. They go on to say --
MR. MESEREAU: Objection; hearsay.
MR. AUCHINCLOSS: It’s relied upon for his opinion.
THE COURT: I’ll sustain the objection to the hearsay. He’s allowed to form his opinion on that type of material, but he isn’t necessarily allowed to repeat it, the material he forms his opinion on.

MR. AUCHINCLOSS: Okay.
Q. All right. So they expressed concerns about Mr. Jackson’s overspending?
A. That’s correct.
MR. AUCHINCLOSS: Your Honor, am I permitted to continue the PowerPoint presentation?
THE COURT: Well, you can’t show that material. You’re quoting hearsay quotes from other people that have to have limiting instructions, and that’s exactly what I asked you at the beginning, what the material was about. I wouldn’t allow a witness to go to the blackboard and write down what someone else told him. You’ve got that in the PowerPoint presentation?
MR. AUCHINCLOSS: This is the specific statement that he relied upon to form his opinion, from the defendant’s --
THE COURT: I understand that. He’s given his opinion.
MR. AUCHINCLOSS: Okay.
Q. So looking at the records, going through the records, did Mr. Jackson appear to heed the concerns of the Holthouse accountants, of his Holthouse accountants?
A. No. The expenditure levels seemed to continue throughout 1999, as evidenced by comments made within the Holthouse memos.

Q. Okay.
MR. MESEREAU: Same objection. Excuse me.

I'm going to object to relevance; 1999.

MR. AUCHINCLOSS: I'll be happy to make an offer of proof as to why we're starting here.

THE COURT: The objection is overruled.

Q. BY MR. AUCHINCLOSS: Is there an indication, during this period, from Holthouse as to how much Mr. Jackson is receiving in income versus how much his expenditures are?

A. Yes. In one of the memos, it stated that Mr. Jackson was receiving --

MR. MESEREAU: Objection; hearsay.

THE COURT: The problem we're having here -- I'm going to talk to the jury a second about this.

(To the jury) The expert is allowed to use this type of material to form an opinion on. But you, as a jury, are not allowed to accept that material for the truth of the matter asserted. It is hearsay, and it is only being presented to show you what he relied on.

So with that limiting instruction, I will allow him to state -- to answer your question.

MR. AUCHINCLOSS: Okay. Would you like the question repeated?

THE WITNESS: No, I have the question in mind.

MR. AUCHINCLOSS: Okay.

THE WITNESS: In fact, in 1999, there was a memo, it was actually in 2000, which summarized the 1999 income statement, and basically said that there was approximately 11 --

MR. MESEREAU: Objection; hearsay.

THE COURT: Overruled.

Go ahead. With the same limitation.

THE WITNESS: Stated that there was approximately $11.5 million received on the MIJAC catalog and the Sony/ATV catalog; five million on the MIJAC, 6.5 million on the Sony catalog, for a total revenue of about $11.5 million, if my math's correct.

At the same point in time, there was expenditures of over $20 million, made up of approximately $5 million in legal and professional fees, $5 million in security and ranch expenditures, seven and a half million dollars in personal expenditures, and $2.5 million of other miscellaneous, which was principally insurance. So total income of 11.5 million and expenditures of over $20 million.

Q. BY MR. AUCHINCLOSS: All right. Now, you've mentioned previously this MIJAC catalog and the Sony/ATV catalog. Does it appear, based on these records that you have reviewed, that these are his two main assets? You mentioned Neverland, but are these the main assets over and above Neverland?

A. Well, those are the main income-producing assets. I mean, as I said, I think there's three main assets, the two catalogs and Neverland. But the MIJAC catalog and the Sony/ATV catalog are the two income-producing assets which generate royalties off of those copyrighted performances.

Q. What is a music publishing catalog?

A. It's really a library of copyrighted songs or performances which a manager or an administrator sells into the commercial market. Either they sell it by playing it on the radio, they sell it by allowing a movie to use the song, a T.V. show to use the song, advertisements to use the song, or they might sell sheet music.

Each and every time that song is played or those -- that sheet music is used, you get a royalty off of it. So that generates money, which is captured by a royalty capture device, and then that is sent to MIJAC catalogs for all of the MIJAC songs, which again principally were Mr. Jackson's personal compendium of performances, or for the Sony/ATV, which was that catalog. That generates revenue.

Q. Okay. Now, the MIJAC catalog consists of what?

A. As I mentioned, that was principally Mr. Jackson's personal compendium of copyrighted songs and performances. That's what the MIJAC catalog is.

Q. And the Sony/ATV catalog?

A. The Sony/ATV was a joint venture or a partnership between Sony, who contributed a number of their copyrighted songs. I think it started out principally as country-western, and Mr. Jackson contributed his copyrighted performances of songs, other than MIJAC, which at the time there were a number of different performances, but some of them were The Beatles' hits.

Q. And is Mr. Jackson's interest in the Sony catalog a part interest?

A. Yes, it is.

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Is Mr. Jackson the sole owner of the Sony catalog?

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Do the records that you've reviewed indicate whether or not Mr. Jackson is the sole owner of the Sony catalog?

MR. MESEREAU: Objection; foundation.

THE COURT: Overruled.

You may answer that question.

THE WITNESS: Yes, the records indicate that Mr. Jackson is a part owner of that catalog with Sony as the other partner.

Q. BY MR. AUCHINCLOSS: Okay. Now, you've given us a breakdown of the 20 million in expenses.

MR. MESEREAU: Objection; misstates the evidence.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Did you give us a breakdown of the 20 million in expenses that -- for the '99 period in that March Holthouse letter?

A. I did, yes.

Q. Okay. Was there -- were there any additional liabilities over and above the $20 million, that Mr. Jackson accrued during the previous year based on that letter?

A. Yes, there were.

Q. What are we talking about?

A. It's about $11 million of interest expense on the two loans. There's two loans with B of A that are secured by -- one by the MIJAC catalog. The royalties in the MIJAC catalog are used as collateral against -- first it’s a $15 million loan, and then a $20 million loan, and it continues to go up.

And then there’s the -- the Sony/ATV catalog is used as collateral for approximately $140 million of loans from B of A. And those two loans in 1999 incurred about $11 million of expenditures -- excuse me, $11 million of interest that would be added to the 20 million to come up to a total expenditure.

Q. Okay. So let me see if -- paraphrase and see if I have this right.

In 1999, before this letter was written, Mr. Jackson had $31 million in liabilities; is that correct, approximately?

A. $31 million of expenditures.

Q. I’m sorry, $31 million in expenditures?

A. That’s correct.

Q. And he had $11.5 million in income?

A. That’s the income coming off of the two catalogs, yes.

Q. So he’s spending millions more than he’s making?

A. The evidence shows that he’s spending about $20 to $30 million more than he’s making.

Q. Now, is that an annualized issue? Are you saying -- I mean, he’s making 20 or 30 -- or spending 20 or 30 more than he’s making per year?

A. That’s correct.

Q. Is that what we’re talking about?

A. That’s annually, yes.

Q. Okay. So, you’ve mentioned some loans that he has accrued, some debts. Who was the lender in those loans?

A. Bank of America.

Q. Can you tell at this stage what types of loans those are?

A. Well, one is what’s called a line of credit,

which means you can borrow from zero to the total amount of the loan possible. And the other was just a set loan. Started at $140 million, and it’s grown to $200 million.

Q. Okay. So we’re still looking at the

Holthouse memo of 2000. At that stage, what was that loan?

A. In 2000 --

Q. In March.

A. In March of 2000, I believe that loan was $24 million.

Q. Okay. And then was there -- were there any other loans at that point?

A. Well, there was the B of A loan for 140 million. There was the $24 million B of A loan on the MIJAC catalog. And there was an additional $26 million owed to Sony.

Q. Okay. And what is the Sony loan related to, if you could tell us?

A. It appeared to be some 1994 transaction where 26 million dollars was owed.

Q. So the previous Holthouse letter you talked about said that he had I think around $800,000 in accounts payable.

A. Okay.

Q. Is that right?

A. Well, it said that there was -- there was not cash available to pay approximately $800,000 of

outstanding obligations.

Q. So those are bills that he has that he didn’t have the money to pay?

A. Correct.

Q. How does his outstanding obligations versus cash -- look at the point where we’re at now, at the -- in March of 2000. Does the letter reflect his ability to pay his obligations at that point?

A. As I recall, the memo from Holthouse said that at that point in time --

MR. MESEREAU: Objection; hearsay.

THE COURT: Overruled.

You may answer, with the same limitation that I instructed the jury on earlier.

Go ahead.

THE WITNESS: Approximately $3.5 million of outstanding obligations as of that date in 2000.

Q. BY MR. AUCHINCLOSS: Does Holthouse express any additional concerns about his assets, the vitality of, or the risk that’s being presented by this overspending concerning his assets?

MR. MESEREAU: Objection. Leading and hearsay.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Are there any other concerns that are expressed by Holthouse in this memo?

MR. MESEREAU: Objection. Leading and hearsay.

THE COURT: Sustained. Calls for a narrative.

Q. BY MR. AUCHINCLOSS: Okay. Does Holthouse talk about any possible tax liabilities in this letter?

MR. MESEREAU: Objection; hearsay.

THE COURT: Overruled.

You may answer.

THE WITNESS: They do, yes. What's talked about is, they mention in the letter that if Mr. Jackson and his entities continue to overspend by $20 to $30 million a year, that the collateral for those loans is the catalogs. That's what secures the catalogs. Just like your car secures your car loan, those catalogs secure those loans, or your house secures your mortgage.

And their concern is that if that rate of spending continues, that those catalogs could be in jeopardy. In other words, he may have to sell those, even if he could sell them. And if, in fact, you sell those catalogs, there's a substantial tax liability. So you not only have to pay the debt, but you also have to pay the taxes on the sale of those catalogs. And it talks about that issue and that being a concern of Holthouse.

Q. BY MR. AUCHINCLOSS: Does Holthouse write an additional letter expressing their concerns in June of 2000?

MR. MESEREAU: Objection. Hearsay; leading; foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: They do, yes.

Q. BY MR. AUCHINCLOSS: And do they discuss the issue of how much available cash or remaining debt on these loans Mr. Jackson has to fund his current obligations?

A. They do, yes.

Q. What do they say?

A. At that point in time, there was the $20 million line of credit that was basically -- Holthouse even says in the memo that it's really -- that line of credit and the other debt is funding his living expenses.

And the memo goes on to say that at that point in time, $9.2 million has been lent or drawn on the line of credit. Meaning that there's only another $800,000 available on that line to fund living expenses for an indefinite period of time.

Q. Do they describe any spending restrictions on Mr. Jackson that need to go into effect?

A. They do. Concerned over that cash situation or that cash crisis, they immediately state that they will no longer pay any bills unless authorized by the client, and --

MR. MESEREAU: Objection. Hearsay; foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: All right. Moving on to June 14th, just a few days later, did they send another memorandum? Did Holthouse send another letter to Mr. Jackson?

A. They did, yes.

Q. Do they talk about Mr. Jackson's rate of spending specifically in that letter?

A. Um --

MR. MESEREAU: Objection. Hearsay; foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: Yes, they do.

Q. BY MR. AUCHINCLOSS: What do they say?

A. They continue to act -- or they continue to say they are concerned about Mr. Jackson's rate of spending. And again, he is spending approximately $20 to $30 million more than he's making per year.

Q. BY MR. AUCHINCLOSS: Did they specifically say that?
A. Yes.
Q. What is Mr. Jackson’s debt at this particular juncture? Is it mentioned in these documents?
MR. MESEREAU: Objection. Foundation and hearsay.

THE COURT: It’s --
MR. AUCHINCLOSS: It’s compound.
THE COURT: -- compound.
MR. AUCHINCLOSS: I’ll go ahead and withdraw the question.
Q. Does -- do these documents that you’ve described so far say anything about Mr. Jackson’s debt that he is now servicing at this point in time, on June 13th or June 14th of 2000?
A. They do, yes.
Q. What do they tell you about his debt at that point?
MR. MESEREAU: Objection; hearsay.
THE COURT: Overruled. You may answer.
THE WITNESS: As I recall, they mention that the Bank of America debt is a $200,000 -- excuse me, $200 million, which is securing the ATV catalog. And as I recall, the line of credit is up to $35 million at that point in time.
Q. BY MR. AUCHINCLOSS: Okay. And do they talk about his ability to pay unpaid vendors or bills in that letter?
A. Yes. It goes on to state that Holthouse is unable to pay vendors; that vendors continue --
MR. MESEREAU: Objection; hearsay.
THE COURT: Overruled. Go ahead.

THE WITNESS: And that vendors are continuing to threaten alternative action if they are not paid.
Q. BY MR. AUCHINCLOSS: Does Holthouse warn Mr. Jackson of an impending problem?
MR. MESEREAU: Objection. Leading; hearsay.

THE COURT: Overruled.

THE WITNESS: Yes. It goes on to say, back when -- it said back three months earlier --

MR. MESEREAU: Objection; nonresponsive.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Could you just confine your answer to any warnings that are given in the June 14th, 2000, Holthouse letter?

A. Yes. The warnings are that, again, that the catalogs are now at risk. And that’s the MIJAC catalog and the Sony/ATV catalog, because again, they are securing those loans, and those loans continue to increase.

Q. Did you consider a memorandum from So Young Lee to Myung Ho Lee?

A. I did, yes.

Q. And who is Myung Ho Lee?

A. Apparently he was a financial advisor to Mr. Jackson.

Q. And the date of this letter was -- do you recall it?

A. I think it was October of ‘00. ‘01, possibly.

Q. And in this letter, does Miss Lee forecast future spending for the period -- 16-month period of September 2000 through December 2001?

A. Yes, she does.

Q. How much spending is forecast?

MR. MESEREAU: Objection. Hearsay; foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: A little over $31 million for that 16-month period of time.

Q. BY MR. AUCHINCLOSS: So what does that equal on an annualized basis in terms of spending?

A. If my math is right, about $23, $24 million per year.

Q. All right. So has that been an increase from the previous documentation that you reviewed concerning Mr. Jackson’s expenditures when he was warned back in, I think it was, March of 2000?

A. Yes. The 1999 expenditures were $20

million, plus approximately $11 million of interest. The projection by Ms. Lee was $23 million for that year, and that did not include the $11 or $12 million of interest expense. So those expenditures are continuing to increase.

Q. Were you able to determine whether or not

these forecasts were accurate as far as future spending?

A. No, we did not see those documents as to actual expenditures in 2001.

Q. Did you ultimately look at documents from 2004 that showed his level of debt during that period?

A. Yeah, we saw how the debt increased 2001 -- or 2000 through 2004.

Q. And was the increase in debt commensurate with these predictions of excessive spending by So Young Lee?

A. Yes. As I mentioned earlier, the debt increased approximately $70 million over a three-year period of time. And that would tend you to believe that it was about $20 to $30 million per year increase. The debt was increasing because the expenditures increased over the income levels.

Q. Did you consider a February 13th, 2003, memorandum from International Business Management?

A. I did, yes.

Q. And who is International Business Management?

A. They appear to be another financial consulting firm that was assisting Mr. Jackson and/or his advisors.

Q. Okay. Does this letter mention anything about Mr. Jackson's rate of spending?

A. It does.

Q. What does it say?

MR. MESEREAU: Objection; hearsay.

THE COURT: Overruled.

THE WITNESS: It says that they are concerned about his excess spending habits, his continued excess spending habits over his income.

Q. BY MR. AUCHINCLOSS: Do they cite any

specific figures?

A. I think it was $20 to $30 million again.

Q. Okay. Does that letter talk about how many -- how much money is building up in the unpaid vendors category?

A. It does, yes.

Q. What does it say?

MR. MESEREAU: Objection. Relevance; Court ruling.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Does it say how much cash is left to pay these vendors?

MR. MESEREAU: Objection; Court ruling.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Does it say anything about the status of his current loan balances in February of 2003?

MR. MESEREAU: Objection; hearsay.

THE COURT: Overruled.

You may answer.

THE WITNESS: It does, yes.

Q. BY MR. AUCHINCLOSS: What is that?

A. At that point in time, it mentions that the MIJAC loans are approximately $70 million. And the B of A loan on the Sony/ATV catalog is approximately $200 million.

Q. Does it say whether or not he has any -- has sufficient cash to pay his bills?

MR. MESEREAU: Objection.

Q. BY MR. AUCHINCLOSS: In that month, February of 2003.

MR. MESEREAU: Leading; hearsay; foundation; Court ruling.

THE COURT: Overruled.

You may answer

THE WITNESS: Yes. It states that at that point in time there are $10.5 million of unpaid vendor invoices. And there’s only $38,000 of cash in the bank.

Q. BY MR. AUCHINCLOSS: Okay. So if we can summarize what has happened to his debt since 1999, what was his debt with the Bank of America as of 2000?

A. Well, in 2000, the debt was approximately $155 million.
Q. And let’s go now to February of 2003.
A. That debt has grown to $224 million.
Q. 70 $million in three years increase?

A. That’s correct.
Q. Have you reviewed loan documents, these loan documents for the two loans that you’re -- or for the loans on these music catalogs that you’ve talked about?
A. I did, yes.
Q. Do they have any covenants or conditions?
A. They do, yes.
Q. Any covenants regarding accruing additional debt?
MR. MESEREAU: Objection. Foundation, hearsay, and leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes, there is a covenant. Covenants -- well, there is a covenant that says that there’s no additional debt allowed unless approved by Bank of America.
Q. BY MR. AUCHINCLOSS: Is there a covenant against -- any covenant regarding, I should say, further encumbering these two assets? In other words, getting more -- mortgaging them further with another agency?
A. Yes. There is also a covenant that says that Mr. Jackson and/or his businesses are not allowed to further encumber these two catalogs. In other words, the only loan that can be on these two catalogs is the two B of A loans.

Q. So --
THE COURT: We’ll take our break.
MR. MESEREAU: Your Honor, we have a motion to make.
THE COURT: Not now.
(Recess taken.)

(The following proceedings were held in open court outside the presence and hearing of the

jury:)

THE BAILIFF: You can have a seat, Mr. O'Bryan.

THE COURT: The reason I've come in before we bring the jury in is that I want to make a ruling here that helps clarify what you're trying to do, both of you.

Initially I made an order that the District Attorney was permitted to bring in general financial information to provide evidence from which the jury may or may not infer that the defendant was -- had financial problems, from which they may or may not infer that that gives him some motive to commit the crimes the D.A. alleges he's committed.

The offer of proof that was made in the memorandum that you submitted, your trial memorandum, was within what I perceived.

The thing that I'm uncomfortable with, and have been for a few minutes, is the constant having your expert refer to, you know, letter after letter from his advisors about his financial condition.

The expert has testified that he relied on the balance sheet and income expenditure statements, which is basically what you expect an expert to rely on. And to some extent certainly he would rely on other people's opinions, financial advisors of Mr. Jackson. But it's not the kind of evidence that I'm going to allow you to continue to bring up.

So you can -- my ruling is that his quotes from -- that he wants to make or you want him to put into evidence from Michael Jackson's advisors are to stop at this point.

I have advised them that those have limited value to them, since they can't accept those for the truth of the matter asserted, but I think if we continue in that vein, it's not the right way to present the evidence.

MR. AUCHINCLOSS: May I just tell the Court how I intend to finish up, just so we're --

THE COURT: They can't hear you.

MR. AUCHINCLOSS: May I just tell the Court how I intend to finish up?

THE COURT: You may.

MR. AUCHINCLOSS: Basically, just so you know, Your Honor, we wanted to do this with balance sheets. And as you know, we weren't --

THE COURT: I don't want to hear that. What do you want to tell me?

MR. AUCHINCLOSS: At the end of the -- we're at the end of his testimony. And we're going to finish with the two summaries that were provided by the Bank of America. Now, these are actual letters that were SDT'd from Bank of America to representatives. And just so you know, the testimony is book-ended by the statement, balance statement, and these letters.

THE COURT: Let me see the letters.

MR. AUCHINCLOSS: Okay. Well, I have a copy, but --

THE COURT: Have you seen the letters, Counsel?

MR. MESEREAU: I'm not sure what he's talking about.

MR. AUCHINCLOSS: This would be the Jane Heller letter and the Maiorella letter from the Bank of America indicating the status of the loan balances as of 2004.

THE WITNESS: I have them here, if you want.

MR. MESEREAU: May I take a look, Your Honor?

THE COURT: Well, after me.

MR. MESEREAU: Okay. Excuse me.

MR. AUCHINCLOSS: Jane Heller and Maiorella.

THE COURT: So these are the status of the

loans in 2004?

MR. AUCHINCLOSS: Yes. And these provide conclusive evidence that everything that was predicted, everything that was stated by all of the letters that we have indicated, was borne out in the resulting accumulation of debt and of what the --

THE COURT: Yeah, but the issue isn't what his financial status is today or whether you were right or wrong.

MR. AUCHINCLOSS: I know, the issue is --

THE COURT: The issue is what was his frame of mind in 2000 -- late 2002 and 2003.
MR. AUCHINCLOSS: And that’s what --
THE COURT: And not whether he was even right. He could have been absolutely wrong. So --
MR. AUCHINCLOSS: That’s true.
THE COURT: So his financial statement today isn’t at issue.
MR. AUCHINCLOSS: Well, I’m just saying that’s why the letters are so important, because they impute knowledge of the defendant.
THE COURT: Today.
MR. AUCHINCLOSS: No, the ones that we’ve introduced so far. And this basically confirms that the letters were all correct, and that they also further show what was going on in 2003.
THE COURT: What they show is, in hindsight, he was in trouble. But that’s not the issue.

MR. AUCHINCLOSS: All right. So --
THE COURT: Did you look at the letters, Mr. Mesereau?
MR. MESEREAU: I’ve looked at them, Your Honor. And I would object based on what the Court just said. The point of their presentation is not to talk about --
THE COURT: They can’t hear you.
MR. MESEREAU: I’m sorry, Your Honor. The point they’re trying to prove is not what is his financial status today. They’re allegedly trying to suggest there was a motive in 2003 to conspire to do criminal acts because of financial concerns, which of course we vigorously dispute.
But nevertheless, the issue is what is relevant to a possible motive in 2003, specifically between January and March. Nothing after that date would have any relevance to what they claim they’re trying to prove.
MR. AUCHINCLOSS: Our point is that these letters tell what happened in 2003, tell what was going on at that time. Our --
THE COURT: I must have misread them. Do you want to give them back to me? I thought they were

talking about right now.
MR. AUCHINCLOSS: Well, they're talking about how the debt has accumulated.

THE COURT: They're talking about right now, aren't they?
MR. AUCHINCLOSS: Yes, they are.
THE COURT: All right. Give them back to him.
MR. AUCHINCLOSS: But it's the genesis of those problems that exist in 2003.
THE COURT: Do you understand what I'm saying, Counsel?
MR. AUCHINCLOSS: I do. I do.
THE COURT: Do you understand the limitations that I gave you on the financial material?
MR. AUCHINCLOSS: That it was to be concise --
THE COURT: I think now the limitation is this: That I don't want you asking him any more quotes from any of his advisors. You are apparently not going to do that.
MR. AUCHINCLOSS: All right.
THE COURT: And I don't think it's -- and I will rule that an opinion as to his present financial status would be improper.
MR. AUCHINCLOSS: Very good. I'll just finish up with his opinions about the defendant's financial status in 2003.
THE COURT: At that time. All right.
MR. AUCHINCLOSS: All right. Thank you.
THE COURT: Thank you.
You can bring in the jury.

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: Counsel?
MR. AUCHINCLOSS: Thank you, Your Honor.
Q. Mr. O'Bryan, where we left off, I was drawing your attention back to the summary of your opinions, and I'm going to ask you at this time, based upon your review of all the records in this case, including the records you've testified about,

can you walk us through your opinions about Mr. Jackson’s financial condition as of the February-March period of 2003? What are your opinions, sir?

A. Again, they are that Mr. Jackson’s financial condition has deteriorated, up and leading to that point of time, February of 2003. The expenditures have exceeded income. The liabilities have increased. And there is a liquidity crisis or a cash crisis which looms and has been ongoing. And I believe those conditions were known as of February 2003.

MR. AUCHINCLOSS: All right. Thank you very much, Mr. O’Bryan.

THE COURT: Cross-examine?

MR. MESEREAU: Yes, please, Your Honor.

CROSS-EXAMINATION

BY MR. MESEREAU:

Q. Good afternoon.

A. That it is. Good afternoon.

Q. My name is Thomas Mesereau and I speak for Mr. Jackson.

When you began your examination by the prosecutor for the government, you indicated there was some documents that you had wanted to see if you could, but they were not available to you, right?

A. That is correct.

Q. And what documents were they?

A. Those would be -- well, we’d like to see financial statements for 2000 -- for 1999, 2000, 2001, 2002, and all the way through February of 2003. In addition to that, general ledgers, which are the summation of transactions, which become financial statements. We asked for bank statements. Those types of detailed supporting documentation would be things that we would typically ask for, and we did. They were just simply not made available to us.

Q. Okay. They were not made available to you by the prosecutor who hired you, correct?

MR. AUCHINCLOSS: Objection; misstates the evidence.

THE COURT: Overruled.
You may answer.

THE WITNESS: I was simply told that that information was not available to me.

Q. BY MR. MESEREAU: Well, you've never spoken to anyone on the defense side, correct?

A. I have not, no.

Q. The only people you spoke to about your opinions today are the prosecutors for the government, correct?

A. That's correct.

Q. And when did you first talk to any prosecutor for the government?

A. Oh, I think the first call came to me probably back in October-November.

Q. Okay. And who called you?

A. Oh, it was Mr. Auchincloss.

Q. Okay. And have you worked with Prosecutor Auchincloss ever since?

A. I have not, no.

Q. Okay. Who have you worked with to -- in the process of preparing to testify in this trial?

A. We've met with Mr. Auchincloss, and also a Ms. Linz, as I recall her name, Chris Linz. I met Mr. Sneddon, but we really didn't talk about my testimony, per se.

Q. Okay. Now, you've indicated you wished you could have looked at financial statements for 1999, 2000, 2001 and 2002; is that correct?

A. All the way up through February of 2003, actually.

Q. Okay. So in the process of forming your opinions, and I'm speaking about the opinions you've testified to today, you haven't looked at one certified financial statement of Mr. Jackson, true?

A. Well, we saw the June 30 -- there's a 1999 financial statement, and there's a June 30, 2002, financial statement.

Q. Okay. And who prepared those?

A. Prepared by Holthouse, as I recall.

Q. Okay. And are they certified, to your knowledge?

A. Yes, they are.

Q. Okay. And did you talk to anyone at Holthouse about what they used to prepare those statements?

A. No. You can see what they used to prepare the statements.

Q. Well, let me just -- you can see what they used to prepare those statements?

A. Yes.

Q. You can see every document they reviewed?

A. No, but you know, based on the opinion that they gave and the types of financial statements that they are.

Q. Okay. Okay. You didn't look at general ledgers, because they were not available, correct?

A. That's correct.

Q. And please tell the jury what general ledgers would have -- well, first of all, before I get into that. The financial statements you did not look at, why would you like to have looked at those financial statements?

A. Because, as I mentioned in my direct, in doing a forensic accounting investigation, you want to see as much information as you possibly can. So that may lend additional information, it may not, but you certainly want to see as much as you possible can.

Q. And you said you would like to have looked at general ledgers, but could not, right?

A. That's correct.

Q. And why would you have preferred to have looked at general ledgers?

A. It's just more information. Understand that the general ledgers are nothing more than a process of accumulating a bunch of different transactions that then come to an end number that then become part of the balance sheet. So it just tells you the detail that makes up the final number. It's just more information.

Q. You didn't look at bank statements, correct?

A. We did not see any bank statements, no.

Q. And had you had any bank statements available, what benefit would you have had?

A. Well, it would tell you cash balances. It would tell you the expenditures, at least on a cash basis. You wouldn’t know the detail. It would just be like looking at your normal bank statement, just shows the check and the account. So it would show you cash balances on an ongoing basis.

Q. And are you saying the documents you looked at did not identify for you exactly what the nature of the expenditures were?

A. No, there are documents within some of the Holthouse memos and some of the financial consultants that talk about individual expenditures and individual expenditure levels.

Q. Okay. You didn’t look at any tax returns, correct?

A. No, we actually did, I think, see tax returns.

Q. Which ones; do you know?

A. I don’t recall the years. Seems to me they were later years.

Q. Okay. You didn’t see any during the period you’re giving an opinion on, did you?

A. I think we may have seen ‘02, maybe ‘03.

Q. Okay. And are you sure about that?

A. I don’t recall. There’s not a lot of information that’s pertinent to this analysis in a tax return.

Q. Okay. Were they corporate returns or personal; do you know?

A. I believe they were personal.

Q. Okay. Now, you’ve indicated that you are with a financial consulting firm, correct?

A. That is correct.

Q. And would one of the areas of expertise in your firm be looking at someone’s bare financial condition and giving them advice how to change their condition and improve it?

A. I’m not sure what you mean by “bare.”

Q. Well, you’ve given the jury your opinions about Mr. Jackson’s expenditures, liabilities and liquidity, correct?

A. That’s correct.

Q. You were not here to tell the jury what all of his assets were worth during that particular time period, correct?

A. And we don’t know exactly what they were worth during that particular time frame.

Q. Have you looked at any information in response to the prosecutor’s questions that would have given you any indication what any of Mr. Jackson’s assets were worth?

A. There were a number of different documents in those which we saw that talked about value over periods of time. For example, I think there was a value given for Neverland Ranch at some point in time. There was also an appraisal done on the MIJAC catalog at some point in time. And there was an appraisal done on the entire Sony/ATV catalog at some point in time. Those would be the major assets. And we did see valuation -- two valuations done by an appraiser, and then one I think was just a representation maybe made by IBM, as I recall.

Q. Now, the prosecutor talked to you about a letter from a company called International Business Management. Do you remember that?

A. I do, yes.

Q. That was in February of 2003, correct?

A. That’s correct.

Q. And do you recall that in that letter from that firm the Sony/ATV catalog was estimated to be worth approximately one billion dollars?

A. I do, yes. That’s the catalog in total, yes.

Q. And clearly if you were going to try and advise someone like Mr. Jackson, based on the information you’ve given the jury today, about how to restructure his affairs to not have the debt he had or to be more liquid, you would consider the possibility of selling assets, true?

A. I think that’s a real possibility here, yes.

Q. And if, in fact, the value of one billion dollars that is found in the letter you refer to is true, clearly if you were advising Mr. Jackson how to solve any cash crisis, you would consider the possibility of liquidating that asset, true?

A. No, because the value of the catalog is one billion dollars. Mr. Jackson’s interest is not half of that billion dollars.

Q. Well, sir, he has an interest in that catalog, correct?

A. Yes. But it is not worth half of one billion dollars.

Q. He purchased the catalog in approximately 1986 for about $47 million, right?

A. I think that’s right.

Q. He sold half of that interest in the catalog in approximately 1995 for 90 million, true?

A. I believe that’s correct.

Q. And in 1999 -- excuse me, in 2003, you see an estimated value in this particular letter of one billion dollars, right?

A. That’s correct.

Q. And that catalog contains ownership interests in all of The Beatles’ music, true?

A. I don’t know that it’s all of The Beatles’ music. I think it’s some of The Beatles’ music.

Q. Do you know whether or not it’s all of it or not?

A. I don’t know.

Q. Do you know any other recording artists whose copyrighted music is contained within that catalog?

A. Yeah, I saw a memo on that. I don’t recall

the specifics, but I saw there were others involved. I think there were -- Sony’s copyrighted music was in there, which I think it initially was country-western. But I think there were other artists in there as well as The Beatles.

Q. Okay. Now, that catalog today has been estimated to be worth a couple of billion dollars by some, and even four to five by others. Are you aware of that?

MR. AUCHINCLOSS: Objection; assumes facts.

THE WITNESS: I’m not aware of that, but again --

THE COURT: That’s overruled. The answer is he’s not aware of it. Next question.

Q. BY MR. MESEREAU: Your job was not to appraise the value of the Sony/ATV catalog, correct?
A. No. We certainly considered the value in coming to our opinions.
Q. Did you hire an appraiser to give you an appraisal of the value of that catalog in the year 2003?
A. No.
Q. You never hired any appraiser to put a value on that catalog at any time while you were working for the government, correct?
A. No. I don’t see the need to.
MR. AUCHINCLOSS: I’m going to object as relevancy as to the entire catalog. What’s relevant is only the defendant’s portion of it.

BAILIFF CORTEZ: Your microphone, sir, is off.
THE COURT: The objection is overruled. The answer is in. Next question.
Q. BY MR. MESEREAU: Did you look at the transactional documents that were drafted in the mid-’90s, approximately 1995, whereby Mr. Jackson sold a half interest in that catalog to Sony?
A. I see the Sony/ATV agreement. Is that the document you’re referring to?
Q. That and other documents that refer to that transaction.
A. I see -- the Sony/ATV agreement is what I saw.
Q. Okay. Your job was not to obtain all of the documentation that pertained to Mr. Jackson’s sale of a half of his catalog to Sony, right?
A. Well, again, I would ask for any document that’s available. And I got the documents I got, which was the Sony/ATV catalog document.
Q. Okay. And you’re not aware of efforts, through the last four or five years, by anybody to try and purchase his interest, correct?
A. In the Sony/ATV?
Q. Yes.
A. Well, Mr. Jackson, I don’t believe, is allowed to sell any interest until 2005.

Q. But there are efforts to purchase it. If you can get all parties to agree, you can sell your interest, can’t you?

A. That’s true. If he gets Sony’s approval, he could sell his interest, based on the agreement.

Q. So are you aware of any efforts during the last four or five years by third parties to try and get Sony and Mr. Jackson together and purchase that catalog?

MR. AUCHINCLOSS: I’ll object as to relevancy beyond 2003.

THE COURT: Sustained.

MR. AUCHINCLOSS: March.

Q. BY MR. MESEREAU: Let me rephrase.

Are you aware of any efforts by third parties, between 1999 and the end of 2003, to get Sony and Mr. Jackson together and work out an arrangement where Mr. Jackson’s interest is sold?

MR. AUCHINCLOSS: Same objection. End of 2003.

THE COURT: Sustained.

MR. MESEREAU: I’ll rephrase it again.

Q. Are you aware of any efforts between the years 1999 and March of 2003 by any third party to get Mr. Jackson and Sony together so they could purchase Mr. Jackson’s interest in that catalog?

A. No, I have not seen any document like that.

Q. Okay. Now, among the documents that you were handed by Prosecutor Auchincloss, was the only reference to a value of the Sony/ATV catalog the one billion dollars you just referred to?

A. No, there was two. The IBM memo said, I think, one billion dollars, and it’s June -- excuse me, a February 13th, ‘03 memo. But again, that’s the value of the catalog, not Mr. Jackson’s interest.

And there was a second document that was actually an appraisal done by an appraisal firm in, I think it was 1999, for $991 million, I believe.

Q. Okay.

A. So there’s two documents that I saw.

Q. Now, Prosecutor Auchincloss showed you documents from March of 2003 that were written to

Mr. Jackson by an attorney named David LeGrand, correct?

MR. AUCHINCLOSS: Objection; misstates the evidence as to the date of the documents.

THE WITNESS: You’d have to refer me to that document. I’m sorry.

THE COURT: Just a moment.

THE WITNESS: I’m sorry.

THE COURT: Well, I guess the District Attorney is saying that’s not the correct date. Do you have a document that’s dated March of 2003?

MR. MESEREAU: Yes, I do.

Q. Did the prosecutor in the course of your work for him show you a document dated March 18th, 2003, to Mr. Jackson from a lawyer named David LeGrand?

A. I don’t recall seeing that document.

Q. Okay. Might it refresh your recollection if I just show you the one I have?

A. Please.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

MR. AUCHINCLOSS: May I see what you’ve got?

THE WITNESS: I don’t recall seeing this memo before.

Q. BY MR. MESEREAU: So you’re saying the prosecutor didn’t give you this document when he was preparing you?

A. No, I’m not suggesting that. It’s just I have not seen that document.

Q. Okay. Well, how many documents did you look at in preparing to testify?

A. As I mentioned earlier, there was about six boxes, something like that, of documents.

Q. Okay. Do you recall seeing the name David LeGrand in the documents?

A. I do, yes. There’s documents from IBM to David LeGrand.

Q. Do you recall that he was giving Mr. Jackson advice about how to handle his financial situation?

A. I do recall that, yes.

Q. Do you recall him suggesting that if Mr.

Jackson --

MR. AUCHINCLOSS: I’m going to object to counsel reading --

Q. BY MR. MESEREAU: -- sold his --

Your Honor, can I --

MR. AUCHINCLOSS: -- reading from the letter --

MR. MESEREAU: -- complete the question?

MR. AUCHINCLOSS: -- that he says he doesn’t know about.

THE COURT: Sustained.

Q. BY MR. MESEREAU: If Mr. Jackson sold his interest in March of 1993 -- excuse me, March of 2003 in the Sony/ATV joint venture, okay?

A. Yes, I gotcha.

Q. That’s assuming the parties got together and all agreed Mr. Jackson can sell his interest, all right?

A. That’s what I believe would have to happen, yes.

Q. Yes. He could have paid off the Bank of America loan, he could have ended up worth $200 million after taxes, excluding royalty income, true?

A. I’ve never seen that document, so I can’t tell you that’s true or not.

Q. Okay. But you were given some documents by the prosecutor that Mr. Jackson had gotten from his

lawyer, Mr. LeGrand, true?

A. Yes, we were.

Q. And you saw some documents that said “Hale Lane” on them, correct, the law firm the lawyer belonged to, right?

A. We’ve seen those documents, yes.

Q. Okay. And you don’t recall a document dated March 18th where Mr. LeGrand told him how to solve his liquidity problem and be worth $200 million before he got a royalty?

MR. AUCHINCLOSS: Objection. Assumes facts; argumentative.

THE COURT: The objection is sustained.

Q. BY MR. MESEREAU: Did you ever ask Prosecutor Auchincloss if he had any documents available to him where any of Mr. Jackson’s advisors gave him advice on how to solve his liquidity problem?

A. Well, we asked for any and all documents relevant, so if I didn't know that document exists, whatever that document is, I wouldn't have known to ask for it. So we simply asked for any and all documents relevant to financial condition issues through February of 2003.

Q. Okay. Did you ask for documents through March of 2003 from Prosecutor Auchincloss?

A. We asked for documents all the way through today --

Q. Okay.

A. -- with respect to bank statements and the like.

Q. But you have never seen any document that suggested Mr. Jackson sell that asset and analyzes what he'll be worth if he sells his interest, right?

A. No. I've never seen that document, no.

Q. Okay. Now, none of your calculations consider any opportunities Mr. Jackson had in the entertainment industry during those years, correct?

A. That's -- well, I mean, it doesn't consider from an income perspective.

Actually, that's not true. It does consider, because the financial consultants -- the letters that the financial consultants wrote that I have looked at and relied on would assumingly take that into account. They're his business advisors and they're talking about the excess expenditures. So my guess is -- not a guess. I would assume they would include all items of revenue with respect to a calculation.

Q. Mr. O'Bryan, an entertainer like Mr. Jackson doesn't just go to his CPA every time someone offers him an opportunity around the world, right?

A. I don't know what his relationship with his business manager was.

Q. Well, did you know that he was offered $100 million to do a national tour in 2002?

MR. AUCHINCLOSS: Objection; assumes facts.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Are you an expert on the music industry?

A. No, I’m not.

Q. Have you done any kind of an analysis on what opportunities in the entertainment industry Mr. Jackson had between the years 1999 and March of 2003?

A. I did not, no. I relied on the financial consultants’ information.

Q. Now, based on what you have seen to date, Mr. Jackson has never gone bankrupt ever, has he?

A. Not to my knowledge.

Q. Do you have any knowledge of what Mr. Jackson was offered to do either national or international music tours between the years 1999 and March of 2003?

A. No.

Q. Did the prosecutor give you any documents about licensing opportunities for various Michael-Jackson-related products that he was offered between the years 1999 and March of 2003?

A. I don’t recall seeing any of those. There could be some in there, but I don’t know that would be relevant to my calculations.

Q. If you were trying to solve a liquidity crisis like you’ve identified here, wouldn’t it be relevant if you knew that Mr. Jackson could accept one opportunity and solve it in a day?

A. Well, it could be relevant, but it isn’t in this calculation, because that liquidity crisis was real. There were documents -- there are documents throughout that we reviewed that there was a serious cash crisis. And if it could have been solved, why wasn’t it? I mean, there were documents that there’s $10 million being unpaid. There’s documents where vendors are threatening lawsuits. If it’s that easy to fix, why don’t you fix it?

Q. If it was as bad as you said it was, why didn’t he go bankrupt?

A. Because I think he’s been able to continue to borrow.

Q. Do you know that for a fact?

A. Yes. The debt’s gone up.

Q. Do you know what opportunities he had to market Michael Jackson video games, market Michael Jackson fragrances, Michael Jackson music, Michael Jackson concerts, Michael Jackson tours during that period? Do you know what cash opportunities were available to him if he wanted them?

A. I have no doubt that there were substantial opportunities. The issue becomes why weren't they availed themselves? Why didn't they do that? There was a serious cash crisis. There's no doubt about that, based on the documents I've seen. And in fact, if it was so easy to do, why wasn't it done?

Q. Maybe it wasn't as serious as you've identified.

MR. AUCHINCLOSS: Objection; argumentative.

THE COURT: Sustained. The jury's admonished to disregard Mr. Mesereau's remark.

Q. BY MR. MESEREAU: Did your firm ever do any independent due diligence investigation of Mr. Jackson's finances during that period?

A. No. No. Like, for example, searching the Internet or something like that? I mean, we asked for documents.

Q. Yes.

A. And we got the documents we got. I'm not sure -- independent investigation. Do you mean by going to the Internet or something like that?

Q. If your firm had been theoretically retained by Mr. Jackson to do an analysis of his assets and liabilities, to analyze any cash liquidity problem and to make recommendations how to solve it, what would you have wanted to look at?

A. We would have wanted to look at the documents we requested, which were all the bank statements, all the general ledgers, all of the income statements and balance sheets and financial statements for the individual years, plus the documents that we've seen, which is the opinions and/or the correspondence from all of his advisors as they progressed through serving him and helping him with his cash crisis.

Q. Okay. And I think it goes without saying, you didn't get all those documents to look at, correct?
A. As I mentioned, we didn't get all the financial statements and all the documents that we talked about, no.
Q. Now, you asked for documents up to the present; is that correct?
A. As I recall, we did, yes.
Q. Did Prosecutor Auchincloss give you documents that concerned March of 2003?
A. We -- we didn't -- apparently we didn't see some documents. In fact, I'm sure we didn't see all the documents, but we got what we got and those documents appeared to go through mostly 2003.
Q. Okay. Now, did you see current appraisals of all assets you believe Mr. Jackson owned when you did your analysis?
A. No. No, the -- as I said, the only two appraisal documents we saw was an official one in 1999, and then the IBM document, which was again a valuation of the venture, not just Mr. Jackson's interest.
Q. Now, based on what documents you saw, clearly the Sony/ATV music catalog was an appreciating asset, right?

A. It was an appreciating asset for the catalog. I'm not sure it was an appreciating asset for Mr. Jackson's interest because of the way it was structured.
Q. Okay. But, sir, again, if three parties, Sony, Mr. Jackson and a potential purchaser, get together, and there is an effort to buy that catalog from Sony and Mr. Jackson, terms are negotiated, and almost anything can be liquid at that point, true?
A. I'm sorry, "anything can be liquid." Do you mean --
Q. Sony and Mr. Jackson were certainly, based on what you know, capable of getting together and jointly selling their interests in that catalog to a third party, right?
A. That's my understanding; that either party could sell with the approval of the other.

Q. Okay.

A. Up until December 2005.

Q. And you knew that that catalog had originally been completely owned by Mr. Jackson, right?

A. That's correct. Well, he owned a portion of it. The catalog became total once Sony put their interests in as well.

Q. Well, when Mr. Jackson initially obtained an interest in the catalog, he had a complete interest, did he not?

A. He had the interest in his copyrighted assets. Sony had their interest in their copyrighted assets.

Q. I'm talking about in 1986 when he purchased it.

A. He had apparently 100 percent interest.

Q. Okay. And you knew he had paid approximately 47 million for his interest, right?

A. I think that's right.

Q. He had sold half of that interest approximately ten years later for 90 million, right?

MR. AUCHINCLOSS: Objection; asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: And in 2003, it was your understanding that the entire catalog was worth -- at least the only estimate you saw was a billion, right?

MR. AUCHINCLOSS: Objection; asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Now, let me ask you this, because you do advise businesses on how to restructure --

A. I do.

Q. -- and improve liquidity, correct?

A. We do, yes.

Q. Okay. Given the rate of appreciation of that asset, based on what you know, between 1986 and 2003, can you envision a situation where Mr. Jackson says to himself, "I'll deal with the liquidity crisis each year, because it’s a price worth paying to hang on to this asset the way it’s increasing in value”?

A. I don’t know what Mr. Jackson may have said to himself. But from a financial perspective, I would simply disagree with you that his interest is necessarily increasing each year given the financial structure of the arrangement.

Q. But the asset could be appreciating in terms of inherent value, true?

A. Depends on what royalties, in fact, it’s generating.

Q. Do you know?

A. Actually, yes, the royalties were increasing. But again, that’s the catalog in total. That’s not necessarily Mr. Jackson’s interest in that catalog.

Q. Well, let me ask you this: Had you seen the letter of March 18th -- excuse me, March 19th that I just showed you from Mr. LeGrand - okay? - where his lawyer advises him, “You can sell your interest, and you can end up worth $200 million after taxes” --

MR. AUCHINCLOSS: Objection. This was -- this was -- the objection was sustained previously.

Hearsay.

MR. MESEREAU: I haven’t finished the question, Your Honor.

THE COURT: I’ll sustain the objection, though. I know it is the same question.

MR. AUCHINCLOSS: Motion to strike.

Q. BY MR. MESEREAU: If you’d known that asset could be sold in March of 2003 - okay? - if you knew that Mr. Jackson could have been worth 200 million after taxes by doing it, excluding royalty income, let’s assume those facts just for the sake of argument, all right?

A. Okay.

Q. If you knew that, you wouldn’t consider this liquidity crisis to be as serious as you’ve made it, true?

A. Well, the liquidity crisis was ongoing. There’s -- in my mind, there’s no doubt about it, in 1999, 2000, 2001, 2002, and as of February 13th,

2003. In my mind there's no question about that. If, hypothetically, Mr. Jackson could have sold his interest, Sony would have agreed, and it would have created a net cash to him of $200 million, of course liquidity issues would change subsequent to February 13th, 2003.
Q. Okay. I'm not talking about net cash. I'm talking about when all the dust settles and all the loans are paid, and Bank of America is out of the equation, he ends up worth $200 million free of all debt. If you knew he could have achieved that in March of 2003, would that change your opinion about the seriousness of this liquidity crisis?

A. As I was saying --
MR. AUCHINCLOSS: I'll object as to assumes facts. Argumentative. And requires speculation.
MR. MESEREAU: It's just using a hypothetical, Your Honor.
THE COURT: I'll allow the question as a hypothetical.
(To the jury) I've already given you some instruction on hypothetical questions. Do you remember that instruction? Vaguely. Okay. I'll give it to you after a while.
Go ahead. You may answer.
THE WITNESS: As I mentioned, it would not change my opinion about his liquidity of the cash crisis up through 2-13-03. However, if that was known at that point in time, and at the end of the day there would be $200 million of net worth in your hypothetical, clearly that would change a liquidity issue at that point in time.
Q. BY MR. MESEREAU: And certainly if Mr. Jackson had received a letter from his attorney in March of 2003 stating an assumption like that, that would likely have changed Mr. Jackson's view of his financial situation, right?

MR. AUCHINCLOSS: Objection. Improper hypothetical; argumentative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Now, typically, if you were going to advise Mr. Jackson on how to handle a

liquidity crisis, once you identified a liquidity crisis like you have today, logically wouldn't you sit down with the client and say, "What opportunities are available to you, sir, to raise millions of dollars and help solve your short-term needs?" That would be one of the questions you'd ask, right?

A. Certainly.

Q. And given what you know about Mr. Jackson and the success he's had in the music business and his reputation he's had around the world, logically wouldn't one of the first questions be, "Mr. Jackson, what are the opportunities available for you around the world right now to raise millions of dollars and help solve the crisis?"

A. Would that be a question an advisor would ask? Is that your --

Q. Wouldn't that be a logical question if you were consulting -- or someone like Mr. Jackson was consulting you?

A. Certainly. Clearly cash needed to be raised, and that would be a question one would ask.

Q. Okay. Now, have you, in your work, advised people in the entertainment industry --

A. No.

Q. -- of how to restructure their affairs?

A. No, I have not.

Q. You've never done it once?

A. Never once.

Q. Well, certainly in the course of your career, you've heard from time to time about various celebrities in the entertainment industry who, for whatever reason, end up with a cash crisis, true?

A. Yes.

Q. One of the reasons is sometimes work is sporadic depending on what work you do, correct?

MR. AUCHINCLOSS: Objection. Argumentative; irrelevant.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you recall generally what documents you looked at when you were preparing your conclusions in this case?

A. Yes. As I mentioned, we saw -- it was five

to six boxes. There was a couple of boxes of UCC filing statements. There was also a couple of boxes of Warner-Schappel royalty statements. And I think the remaining two boxes were miscellaneous financial documents, including correspondence from Mr. Jackson’s financial advisors. And the balance sheet that I mentioned to you, as well, for 1999 and 2002.
Q. With respect to the expenditures that you’ve

identified as exceeding income during those years - okay? --
A. Yes.
Q. -- am I correct in assuming that you saw some general information about how much was being spent?
A. Yes.
Q. As opposed to what the individual expenditures were for; is that correct?
A. We saw some specifics.
Q. Okay.
A. And some summaries that the consultants included.
Q. Okay. Okay. Did you see any year-by-year breakdowns about what Mr. Jackson was supposedly spending this money on?
A. Well, we showed you 1999, which summarized it by four or five different categories. There was some information in 2000. There was not -- I don’t recall any information in ‘01 or ‘02.
So we saw some details, but principally we saw the summarized memos of his financial consultants.
Q. Okay. Now, you mentioned the one-billion-dollar figure you saw attributed to the Sony/ATV catalog, correct?
A. That’s correct, in the IBM memo.
Q. And there was a second catalog as well that

you became aware of, correct?
A. That’s correct, the MIJAC catalog.
Q. And that was a catalog devoted to Mr. Jackson’s own music, right?
A. That is correct.
Q. Did you see any appraisals on what the value

of that catalog was?

A. Yes. There was one done in 1999.

Q. And what was the value placed on that catalog based on the appraisal you looked at?

A. $128 million.

Q. And do you recall who did that appraisal?

A. It was the same firm that did the Sony/ATV catalog appraisal. I don't remember the name of the firm. It was a Los-Angeles-based firm.

Q. And I believe you testified that as part of your analysis, you considered what the Michael Jackson catalog was generating each year in terms of revenue, right?

A. Absolutely, yes.

Q. Just like you took into consideration what the Sony/ATV catalog was generating in terms of revenue, right?

A. Right.

Q. You didn't do any analysis of whether or not, between the years 1999 and March of 2003, the Michael Jackson catalog could have been sold, correct?

A. Well, I think that the Michael Jackson catalog could have been sold at any point in time. I'm not aware of any restrictions similar to the ones on the Sony/ATV catalogs. My assumption is that could be sold at any time.

Q. Okay. And if it had been sold in 1999, based upon the document you looked at, the best value you could ever come up with would be 128 million right?

A. 128 million would be the value of the catalog, less, of course, any debt, taxes, et cetera.

Q. Right. Now, in 1999 -- actually, excuse me. Let me just rephrase that.

You're not aware of any efforts to sell the Michael Jackson catalog, correct?

A. I've never seen any documentation like that, no.

Q. Okay. And I believe you testified that, from what you could see, the three main hard assets were the two catalogs and Neverland, right?

A. Those are the three main assets, yes.

Q. Okay. And clearly, you didn't consider any analysis of what entertainment opportunities were ever available for Mr. Jackson during 1999 to March of 2003, right?

A. No, I did consider those, in that it doesn't matter if those opportunities were available. There was a serious cash crisis. That's a fact. That's what the documents support. Also, whether or not that could have happened, it didn't, and therefore there was a cash crisis. That's what the documents show.

Q. And if you knew you could solve your cash crisis tomorrow by selling a portion of an asset and accepting an opportunity to tour around the world, that would make a difference in terms of the severity of that crisis, correct?

MR. AUCHINCLOSS: Objection. Requires speculation, assumes facts, and asked and answered.

THE COURT: Sustained. Assumes facts.

Q. BY MR. MESEREAU: As you sit here today, you know that he's never gone bankrupt and he's continued to live at Neverland, correct?

MR. AUCHINCLOSS: Objection; asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Now, let me ask you the following: Let's assume that your conclusions are correct. In February of 2003, let's assume that your conclusions about Mr. Jackson's financial crisis are true. Okay?

A. Okay.

Q. As of February of 2003, how much was he in debt?

A. Well, the -- the Sony B of A loan had a balance of $200 million. The MIJAC loan had a balance of $24 million. There was apparently an additional ten and a half million dollars owing to vendors that had not been paid.

Q. Okay. Now --

A. Those are the large liabilities that I can think of as I sit here right now.

Q. Let’s assume that’s all correct, all right? And let’s assume he doesn’t want to sell his interest in the Sony/ATV catalog. Let’s assume he doesn’t want to sell his own catalog, which was estimated to be worth $128 million in 1999, okay? Let’s assume he decides to sit there and just keep living with this, these obligations that you’ve identified, all right?

A. Okay.

Q. Now, let’s assume he has an opportunity to make a documentary for television that can generate about $7 million, all right?

A. Okay.

Q. Let’s assume FOX is doing what is called a rebuttal documentary, okay? That $7 million isn’t going to make much of a difference, is it?

A. No, it’s not.

Q. Wouldn’t be worth committing a crime over $7 million in that situation, would it?

MR. AUCHINCLOSS: Objection; argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Now, I believe you testified that on June 30th, 2002, he was not bankrupt, right?

A. June 30th, 2002?

Q. Yes. I wrote down some notes, and if I misstated that, let me know. But did you say that?

A. Oh, I’m sorry. Based on the financial statements --

Q. Yes.

A. -- I think Mr. Auchincloss asked, by definition of a negative net worth, does that mean he’s bankrupt, and I said no.

Q. Okay. And could you please explain why you felt a negative net worth did not mean you’re bankrupt?

A. As I mentioned, that financial statement, those assets were listed in what they call a tax basis, or cash basis, which means it’s the cost. So that’s the cost of acquiring those assets whenever they were acquired. And liabilities are, in fact, the stated amount of the liability. We all know, for example, if you buy a house for 100,000, two years later it might be worth 150,000. So if that’s, in fact, the case, the 100,000 asset is lower on the balance sheet than it is the fair market value. And that’s the reason that you cannot draw that inference from that information, because that’s stated at cost, not necessarily fair market value.

Q. You were referring, in response to the prosecutor’s questions, to a document dealing with -- I gather it was a financial statement from June 30th, 2002; is that correct?

A. That is correct.

Q. Okay. Now, if you were trying to determine fair market value of Mr. Jackson’s assets based on that document, what would you have to do?

A. You’d have to go through each one of the assets and figure out what the fair market value was.

Q. And how would you do that?

A. You’d have to perform an appraisal on the largest of the assets; namely, the catalogs, and Neverland Ranch and all of the furnishings and fixtures and artwork within Neverland Ranch. And then you’d have to go through the liabilities’ side and understand what the total liabilities were, adjusted for taxes, because assuming you have to sell all those assets, there’s going to be taxes related to that. So that’s how you go about it.

Q. Did Prosecutor Auchincloss ever ask you to get an appraisal done of anything?

A. No.

Q. Did Prosecutor Auchincloss ever ask you to do a fair market value analysis of anything owned by Mr. Jackson?

A. No. But as part of the work that we were performing, we did look at and consider the value of the MIJAC catalog and the Sony/ATV, Mr. Jackson’s interest in that.

Q. But you didn’t actually have it appraised by someone capable of appraising its value, true?

A. There was no appraisal done, no.

Q. Okay. And you would agree that to put a value on something like the Sony/ATV catalog would require fairly unique expertise, would it not?

A. Not necessarily, no. I mean, it’s -- valuations -- both these valuations are simply based on cash flows. And the cash flows of that entity are then projected out into the future, and then they’re discounted back. That’s a common valuation technique. I’ve done it dozens of times.

Q. But they’re also based on whether or not you think the hard asset is appreciating, correct?

A. No, it’s not appreciating, because the appraisal tells you whether or not it’s appreciating. It’s simply based on assumptions with respect to the cash flow stream.

The value of those copyrights are nothing more than the cash flow going forward. That’s what someone would pay for them. And so you have to make an assumption about how they’ll grow, but then they simply apply a multiplier and they discount it back to today’s dollars using a discount rate.

And so it’s a rather -- I’m not going to say it’s simple, but it’s a rather common valuation technique that we use in our business.

Q. And if it’s so common to do, why wasn’t it done in your analysis?

A. Well, as I said, I did consider the MIJAC valuation as of 2003 and the Sony/ATV valuation of 2003. I did consider that.

Q. You did no analysis regarding what the marketability of his interests were in either of those assets during that point in time, and if he were to market those assets, what his condition would have been afterwards, correct?

A. No, that’s not true. No, I did. I considered that.

Q. Well, I just showed you a letter from March 2003 where his lawyer actually does that, and you said you didn’t do any analysis like that, right?

A. No, I said I didn’t see the letter, and I didn’t do a formal appraisal.

Q. Okay.

A. But I certainly took a look at what I believed the values to be of those assets. Not the whole catalog, because you can't value the whole catalog. It's just Mr. Jackson's interest. But I certainly considered the value of the MIJAC catalog and the Sony/ATV catalog as of February of 2003.

Q. But correct me if I'm wrong, you said you don't know how marketable that interest was, either individually or jointly with Sony at that time, right?

A. No, I think what I said was Sony would have to approve any sale. How marketable it is, I don't know.

Q. Okay. Did you ever do any analysis as to whether or not Mr. Jackson's assets were appreciating in value between 1999 and February of 2003?

A. I believe that the catalogs were actually -- that Mr. Jackson's interest in both MIJAC and Sony/ATV were depreciating. The Neverland Ranch I've just always assumed at the value that was put in, I think in 1999, by one of his advisors.

Q. Sir, if Mr. Jackson's interest in the Sony/ATV catalog went from 47 million in 1986 to selling half of it for 90 million in 1995, and then was estimated -- the entire catalog was estimated at a billion in 2003, based on the document you saw, how can you say it's diminishing in value?

A. Because when you look at the way the money gets disbursed to the partners on the sale, and you look at how much money has been advanced to Mr. Jackson over the years, he gets six and a half million dollars guaranteed every year on that. While that's going on, Sony should be getting six and a half million, and they're not. So that means that they are, in fact, accruing a liability on an annual basis.

In addition to that, Sony is making substantial investments in additional copyrights expenses which Mr. Jackson is not contributing to, so that liability increases.

So I literally cash-flowed a model out and looked at when anybody could expect to get cash out of the Sony/ATV catalog, and it's like out into 2015 that someone would get that value, cash flows. When you discount that back to today’s dollars, it’s not as much as you think.

Q. Does anything happen in the year 2006 regarding liquidity of that catalog, to your knowledge?

A. Well, there’s a “put” option that happens in December of 2005, which Mr. Jackson could sell for $200 million to Sony.

Q. What else is available?

A. I don’t recall. I think at some point in time it can be sold. But again, the interest is -- what the cash flow values are, and when you look at the actual cash flows that will result off that interest, there’s been a substantial amount of pre-drawing, if you will, of disbursements.

Q. But you saw documents that indicated what Sony’s making on the catalog.

A. Well, you see a financial statement that shows what the entire partnership is making.

Q. Okay. So what you’re saying is, based upon the obligations Mr. Jackson’s assumed, you think value has been lost with each year; is that correct?

A. I do, yes.

Q. Okay. But you’re not taking into account the value of the music around the world and what markets might be available for that music, true?

A. No, I am. I’m taking into account the cash flows that the partnership’s generating.

Q. Okay. All right. Now, you indicated -- by the way, did you look to see whether Neverland has increased in value?

A. I didn’t, no. I think at some point in time there was a value, and I just assumed that value.

Q. And what year did the -- excuse me, what year was there a value that you assumed?

A. I thought there was a number in there. I think it was sometime in the 2000 range. About $50 million.

MR. MESEREAU: Okay. If I may take just one second, Your Honor.

THE COURT: You may.

MR. MESEREAU: Thank you.

Q. As far as his expenditures go, you don’t know, generally speaking, who he’s spending money on, do you?

A. No. There is some detail in the records, yes.

Q. How much detail would you say?

A. As I mentioned, in the 1999 memo it shows the expenditures for the Neverland Ranch and security, it shows for professional and legal, it shows for personal, it shows for other, so there are details in there. There’s a listing of all the employees that work at Neverland Ranch. There is detail at times.

Q. Do you think that detail accounts for all of the expenditures you’ve identified today?

A. Well, I think -- I think that the work done by Mr. Jackson’s financial consultants would take into account all the expenditures. I don’t know why they would have a reason to misstate those expenditures.

Q. No, I don’t mean the amount. I mean the actual whatever -- whatever the money was actually spent on. Did you get detail to that effect?

A. As I mentioned, for 1999 we have detail.

Q. Okay.

A. And there are -- there is other detail. But Holthouse was the ones writing the checks. They would know where all the money went.

Q. Excuse me?

A. Holthouse was writing the checks. They would know where that money went.

Q. Did you see a detailed accounting of where every dollar was spent?

A. No.

MR. MESEREAU: Okay. No further questions.

THE COURT: Counsel?

REDIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Mr. O’Bryan, you mentioned that you did an analysis of Mr. Jackson’s interest in the Sony/ATV catalog, as well as an analysis of the value of the

MIJAC catalog in coming to the conclusions that you've stated to the jury today; is that correct?
A. I did consider those values, yes.
Q. And you've also stated that you arrived at those values based on a cash flow analysis?
A. That's correct. That's how you value that investment.
Q. What do you mean by a cash flow analysis?
A. The cash that actually is paid to someone over a period of time. That's the cash flow.
Q. Okay.
A. How that cash flows to you and what you're willing to pay for that investment is how much cash you will get in the cash flow that you get out of it. That's a common valuation methodology.
Q. So those catalogs are only worth their -- you arrive at your value based on what kind of income streams they produce?

A. Right.
Q. Okay. So tell us about your analysis of the MIJAC catalog. What were your findings or what were your conclusions about the value of the MIJAC catalog based upon your cash flow analysis in this case?
A. Well, the MIJAC catalog, I believe, has gone down in value from 1999. The revenues, the royalties stream has gone down by almost 30 percent from the 1997, '98, '99 time frame, into '00, '01, '02, '03. And by virtue of the fact that the cash flow stream goes down, the value goes down. That's just the way -- it's the way the model works. You simply multiply the revenue stream times the multiplier. So if, in fact, the revenue stream goes down, the value goes down, and that makes sense. So that's gone down.
Q. Okay.
A. And on the Sony/ATV, it was exactly as I described, and that is that the amount of money which Mr. Jackson and/or his entities have been taking out on an annual basis and/or not paying into the partnership on an annual basis has created a growing liability.

And by the time you pay back that growing liability, there is a substantial amount of time that will pass before you see cash flows out of that. There's a guaranteed amount of six and a half

million, I think, through 2005. And that goes down to two million. And then after that, it's just the actual amounts. But when those actual amounts are paid, you have to first repay the amounts that Sony hasn't been paid, and/or the investments that they've made that in fact they have not been paid back for, including interest.

And I looked at that and it's a long while, once you get through this guaranteed portion, before you'll see a cash flow on that investment.

Q. So based on everything that you've considered, I believe you said that Sony is putting more royalties -- more copyrights into that catalog as time goes on?

A. They continue to invest.

Q. Mr. Jackson is taking more than his share out in terms of cash on an annualized basis?

MR. MESEREAU: Objection; misstates the evidence.

THE WITNESS: I wouldn't say he's taking more than his share, but --

THE COURT: Just a moment.

THE WITNESS: I'm sorry.

MR. AUCHINCLOSS: Okay.

THE COURT: Well, I'll allow the answer. You may --

THE WITNESS: I wouldn't say he's taking more than his share. I would say that Sony isn't

getting their share.

Q. BY MR. AUCHINCLOSS: So is the catalog producing what was anticipated when this agreement was originally reached?

A. I don't know when it was anticipated, or when it was reached. I don't know.

Q. So tell us about this -- the structure of Mr. Jackson's interest in the ATV catalog.

MR. MESEREAU: Objection; foundation.

THE COURT: Overruled. You may answer.

Q. BY MR. AUCHINCLOSS: You mentioned he doesn't own half of that catalog today on an asset basis. In other words, if it's worth a billion dollars, he doesn't own half a billion dollars, doesn't have a half-a-billion-dollar interest in that catalog; is that correct?

A. Well, he owns half of the catalog.

Q. Yes.

A. But his interest in the catalog is not worth half of the catalog value --

Q. All right. So --

A. -- because of the front-end loading of the cash flow stream that has gone to him and not gone to Sony.

Q. So if the catalog gets sold, then Sony walks away with more money than Mr. Jackson?

A. Yes, because he has to repay all of the advances on all of the investments that Sony has made. Absolutely.

Q. And you stated that Mr. Jackson has a right to sell his interest in that catalog for $200 million; is that correct?

A. There is a "put" option. That means I can -- it's a technical term in financial -- it means I can put this opportunity to you, and that "put" option is worth 200 million. Starting on December 2005, Mr. Jackson can force Sony to pay him $200 million for that investment for his share.

Q. And I think you previously testified that in February of 2003, that asset, his Sony/ATV catalog, was mortgaged to the tune of $200 million; is that correct?

A. That's right. But remember, you also have to consider the taxes on that. If you sell that, you're going to pay taxes.

Q. Good point. Tell me what happens, from a tax basis, if Mr. Jackson has to sell his Sony/ATV interest for $200 million to pay off that $200 million loan.

A. His basis is somewhere around $40 million, meaning his cost basis. So you'd subtract the 200 from the 40, and you get a gain of about 160 million, and you'd basically calculate it in what's called capital gains rates, which federal and state would be about 25 percent, so you’d pay about $40 million in taxes.

Q. Now, you said that he can exercise this “put” option asking Sony to purchase that catalog in December of 2005, correct?

A. That’s correct.

Q. When is that loan due, that $200 million loan?

A. December 20th, 2005.

Q. Now, assuming, as Mr. Mesereau asked you to do, assuming that he was just going to sell his interest in the Sony/ATV catalog back in, let’s say, 2003 - okay? - February of 2003, and assuming Sony agreed and said, “We’ll sell our interest. We’ll sell it on the open market.”

Using your cash flow analysis, can you give us -- get us in a range, a reasonable range on a cash flow basis what Mr. Jackson’s interest would be in the sale of that Sony/ATV catalog, if it were to occur?

A. My -- it would be --

MR. MESEREAU: Objection; foundation.

MR. AUCHINCLOSS: He’s testified he did a cash flow analysis. Counsel asked him this question as part of his opinion.

THE COURT: All right. I’ll allow the answer.

As I understand the question, he’s asking you what interest he would have if it were sold.

MR. AUCHINCLOSS: That is the question.

THE COURT: The catalog were sold.

THE WITNESS: In 2003, that interest was probably worth a couple hundred million dollars.

Q. BY MR. AUCHINCLOSS: Okay. Now, moving on to the MIJAC catalog, you said that you did a cash flow analysis on that. What -- give us the same analysis in terms of what that catalog was worth to Mr. Jackson back in 2003.

A. Well, as I mentioned, the royalties had dropped about 25 percent -- 33 percent, excuse me. So if you take 33 percent off the value of 128 million, then it comes up to somewhere between $75 and $80 million.

Q. And he’s also asked you some questions about Neverland. Do you know if Neverland has a mortgage on it?

A. Neverland is cross-collateralized with one of the Sony/ATV loans to the extent of $18 million.

Q. What do you mean by “cross-collateralized”?

A. The collateral on the MIJAC loan -- excuse me, the $24 million loan, which is now $70 million, is collateralized by the MIJAC catalog. The bank has asked for additional collateral, including an $18 million lien on Neverland.

Q. Why would a bank ask for additional collateral on a $70 million loan?

A. They want more collateral.

Q. Would it have anything to do with the perception of what that catalog was worth?

A. Certainly.

Q. And what would the tax ramifications be if Mr. Jackson was to sell his Sony -- or sell his MIJAC catalog for, let’s say, 70 million?

A. It would be the same calculation. The interest -- the investment was about ten million. So you’d have about a $60 million gain, I’m just rounding it to 70. Less ten million, or 60 million, at 25 percent would be about a $10 million tax, so you’d have a net of $50, $60 million.

Q. Okay. So summarizing everything, is it your testimony that Mr. Jackson’s ATV catalog is fully mortgaged? In other words, if -- well, let me back up.

As of February of 2003, your testimony is that the Sony/ATV catalog was worth $200 million, approximately?

MR. MESEREAU: Objection. Misstates the evidence; no foundation.

THE WITNESS: I think that’s a --

MR. AUCHINCLOSS: Just a minute.

THE WITNESS: Oh, I’m sorry.

MR. AUCHINCLOSS: And I should rephrase that, Your Honor.

THE COURT: All right. Rephrase it.

Q. BY MR. AUCHINCLOSS: Your testimony is that

that catalog, Mr. Jackson's financial interest in that catalog, the Sony/ATV catalog, in February of 2003 was worth approximately -- I know we're not talking about a sharp pencil here, but approximately $200 million?

MR. MESEREAU: Objection; foundation.

THE COURT: Overruled.

He's asking you if that's what you've already testified to.

THE WITNESS: That's correct.

Q. BY MR. AUCHINCLOSS: Okay. And there's a loan against it at that time for $200 million?

A. That's correct.

Q. And if he sells that asset for $200 million, he has to come up with another $40 million from somewhere to pay taxes?

A. That's correct.

Q. He also has another $10 million in unpaid vendors that he has to come up with?

A. As of February 13th, that's correct.

Q. Okay. And if he sells his MIJAC catalog for $70 million, which is about your stated -- you stated that's about what it's worth?

A. Approximately.

Q. It is encumbered or there are loans against that catalog to the tune of about 70 million?

A. $70 million, correct.

Q. And if he sells that catalog, then he -- he

incurs an additional ten million in taxes?

A. That's correct.

Q. You previously testified that Mr. Jackson was accruing debt at a rate of about, I believe it was, $20 to $30 million a year?

A. That's correct. To fund living expenses.

Q. So his living expenses were exceeding his income for that amount per year?

A. Correct.

Q. And as a financial advisor, is that a advisable course of action for somebody?

A. None that I would give.

Q. Okay. As far as providing you with

information, is it -- is it true that I personally have not provided your office with anything in terms of me giving you documents?

A. Do you mean you personally?

Q. Yes.

A. I don't know where the documents came from. I assume they came from your office. But you didn't hand me any document, no.

Q. Very well. Did Chris Linz of our office, who you've mentioned -- do you know who she has?

A. Yes, I've met Chris Linz.

Q. Was she your contact point in the District Attorney's Office?

A. With respect to documents. I mean we spoke to you about documents.

Q. Yes.

A. We spoke to Miss Linz. And my understanding was Miss Linz was the one that passed documents to us.

Q. And were you given an opportunity, you or your staff given an opportunity to go through all of the D.A.'s records to review documents for purposes of your analysis and opinions in this case?

A. Yeah, we were made available to all the documents I believe you had.

Q. No restrictions whatsoever?

A. No. The only thing was that some just wasn't available.

MR. AUCHINCLOSS: Thank you. I have no further questions.

THE COURT: It's about time for the break, Mr. Mesereau.

MR. MESEREAU: Oh.

THE COURT: Unless you were just going to ask one question.

MR. MESEREAU: No, Your Honor.

THE COURT: All right.

(Recess taken.)

THE COURT: All right. I think it's okay now.

Q. BY MR. MESEREAU: Did you say you did an appraisal of the value of the Sony/ATV catalog?

A. No, I considered values. I did not do a

formal appraisal, as I mentioned earlier.
Q. Do you have a piece of paper which reflects your values?
A. I have it in my mind, yes.
Q. You didn’t reduce it to paper?
A. I have papers in front of me here that show me how I get to that. But there’s nothing that’s formalized as far as a valuation report, no.
Q. So pretty much it was done in your head?
A. No. I mean, it was done with calculators and with computers and the like, but I understand the value, and about the amounts I stated at those times.
Q. Did the computer generate any type of report showing your analysis?
A. No. It’s -- basically I have it in my notes in front of me.
Q. Can I take a look at it?
A. Certainly.
MR. MESEREAU: May I approach, Your Honor?
Q. Now, I realize you said you’re not an expert in the music industry, right?
A. That is true.
Q. And you indicated you didn’t know who the recording artists were whose music were copyrighted and owned by the catalogs, correct?
A. No, I’ve seen that. I just don’t recall as I sit here right now. The appraisal that was done in 1999 lists all of the copyrighted material in that document.

Q. How many recording artists are we talking about; do you know?
A. In the Sony/ATV?
Q. Yes.
A. I don’t recall. There was a number, as I recall.
Q. There were hundreds, correct?
A. Yeah. There was a substantial amount, yes.
Q. You had country western musicians, correct?
A. That’s correct.
Q. You had very different kinds of musicians in that arrangement, correct?

A. There was a wide disparity of types of music, yes.

Q. And how many years out did you project the value of the catalog?

A. Well, I looked at when Mr. Jackson's interest would actually begin to see the benefit of some cash flow. And it's well out into 2015, I believe.

Q. Well, if you don't know who any of the recording artists are and you can't put a value on their music today or tomorrow, how can you possibly give a value to the catalog?

A. Because I used the financial statements that were prepared by Pricewaterhouse Coopers.

Q. When?

A. They were prepared, I think, in 2003.

Q. Well, what is the music going to be worth in 2006 or 2007 when you look at it artist by artist? You don't know, right?

MR. AUCHINCLOSS: Objection. Argumentative and irrelevant.

THE WITNESS: Well --

THE COURT: Overruled. You may answer.

THE WITNESS: No, certainly you do. I mean, that's exactly how you do valuation, is you look at what the catalog is producing in cash flow streams, and then you value that. And that's going to change over time. But you have to use historical paths to then try and figure out what the future will be.

Q. BY MR. MESEREAU: Did they pick up any artists last year?

A. I suspect they did. There's constant investments.

Q. Do you know who they were?

A. No, I don't.

Q. Do you know what their music is worth?

A. No, I'm simply looking at the cash flow stream that this partnership is producing and projecting that out into the future.

Q. If --

A. That's the only way anyone can do a

valuation. No one is going to value the cash flow stream based on artists that aren't even in the catalog yet.

Q. But if you have artists who are in the catalog and you have someone who's an expert on how their music is marketed and how it might be marketed differently this year or next year, you can place additional value, correct?

A. Additional over what? I'm simply using the real numbers as to what the cash flow was, and that cash flow would generate a value. And that's how you value that asset.

Q. Has the cash flow changed from year to year?

A. Yes.

Q. Where is it going to be three years from now? Do you really know?

A. That's the projection you have to make --

Q. Okay.

A. -- to come up to a value. And that's exactly how it was valued -- pardon me.

Q. Sure.

A. That's exactly how it was valued by the valuation people in 1999, was simply to look at an income stream, try and understand what that income stream was going forward, and then put a multiplier on it. That's how any valuation works.

Q. So in other words, if you're going to try and put a value on this music catalog and project

out three or four or five years from now, you don't need to know who the recording artists are, what kind of music they've generated, and where that music is likely to be or not be in a few years, right?

A. No, that has to be considered. But again, historical paths to the cash flow is what's most important.

Q. So now you're conceding it is important to know who the recording artists are and what value you might be able to place on their music two, three, four, five, ten years from now, right?

MR. AUCHINCLOSS: Objection; argumentative.

THE COURT: Overruled.

You may answer.

THE WITNESS: As of 2003, we know what the cash flow was. And at that point in time, you can value based on the cash flow. In fact, if there are other artists added in 2004 and 2005, that could change the cash flow, and that should be considered, absolutely. But in 2003, when you have the figures, that cash flow is known and can be used to then value into the future.

Q. BY MR. MESEREAU: Okay. Looking at the document that we talked about earlier, which is a letter from International Business Management dated February 13th 2003, to Attorney David LeGrand, okay?

A. Yes, I remember that memo.

Q. That’s the letter that, on page two, says the value of the Sony/ATV catalog is estimated to be approximately one billion dollars; right?

A. That’s correct.

Q. Okay. According to that letter, which you certainly did consider in your work, right?

A. That is correct.

Q. It says that in November of 2005, the bank will enforce a put, right?

A. Correct.

Q. Which forces Sony to either buy out Mr. Jackson’s interest at fair market value, right?

A. Correct.

Q. Sell the entire catalog to a third party, right?

A. Correct.

Q. Or give Mr. Jackson the opportunity to purchase Sony’s interest in the catalog, right?

A. Correct.

Q. And do you have any way of knowing what Sony’s interest in the catalog will be in November of 2005?

A. No.

Q. Why not?

A. Because I don’t have that -- I haven’t calculated what Sony’s interest is.

Q. How would you do it, if you were going to?

A. The same way as you do with Mr. Jackson’s interest, you simply look at the cash flows that would be accruing to or earned by Sony, project that out over time, and then discount it back.

Q. How do you relate the one-billion-dollar amount to the value either side has in the catalog?

A. Well, the one billion dollars is the entire catalog.

Q. Right.

A. It’s made up of two components, the Sony component and Mr. Jackson’s component. And the two would equal whatever the value is.

Q. Okay. So if the value is one -- is estimated at one billion dollars, each side would theoretically have a $500 million interest, true?

MR. AUCHINCLOSS: Objection; misstates the evidence.

THE COURT: Overruled.

You may answer.

THE WITNESS: If it’s -- if the catalog is worth a billion dollars, that’s what the catalog’s worth. Then you have to go about the process of understanding what the cash flows which will accrue to each party will be, and that’s how you value the total one billion dollars.

Q. BY MR. MESEREAU: And you have no way of knowing what third parties are out there trying to purchase it, correct?

A. I do not, no.

MR. MESEREAU: Okay. No further questions.

MR. AUCHINCLOSS: I have no further questions, but I do have a request at sidebar.

THE COURT: All right. We should mark the Power Point.

MR. AUCHINCLOSS: And I have a copy of that, which I’ll mark.

THE COURT: And you may approach.

(Discussion held off the record at sidebar.)

FURTHER REDIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. All right. Mr. O’Bryan, I’m just going to finish up with one final question.

Based upon your cash flow analysis and everything you know about this case, what is the maximum -- in general, what is the value of what Mr. Jackson could obtain for this ATV/Sony catalog in February of 2003?

MR. MESEREAU: Objection. No foundation; no expertise.

MR. AUCHINCLOSS: I phrased it in terms of a cash flow analysis, which he's testified extensively about.

THE COURT: What I'm going to do is limit the question to a little different question, which would be what was the value he used in determining the net worth figure that he's already testified to

the jury.

MR. AUCHINCLOSS: Maybe I'll lay a couple of foundational questions before I ask that one. Just a couple.

Q. Mr. O'Bryan, are you familiar with how these catalogs are appraised, in general terms?

A. Yes, I am.

Q. And when an appraiser conducts an appraisal of a music catalog, do they use a cash flow analysis?

A. Yes, they do.

Q. And are cash flow analyses something that you do in the course of your business as a forensic accountant or a CPA?

A. All the time.

Q. And is -- and did you do such an analysis in this particular case?

A. We did, yes.

Q. And based upon that, can you tell us what your analysis -- what your conclusion was based on a cash flow analysis of the value of Mr. Jackson's share of the ATV catalog in February of 2003?

A. As I stated, I believe that's $200 million.

MR. AUCHINCLOSS: All right. Thank you.

THE COURT: Mr. Mesereau?

FURTHER RECROSS-EXAMINATION

BY MR. MESEREAU:

Q. When you say Mr. Jackson had a $200 million interest in the catalog in February of 2003, are you suggesting that if he sold it for $200 million, he would end up with zero because of his debt?

A. Yes. And/or taxes.

Q. And where did the other 700 million in value of the catalog go to? Sony?

A. Go to Sony, yes.

MR. AUCHINCLOSS: Objection; misstates the evidence.

Q. BY MR. MESEREAU: Even though they each had a 50 percent interest --

THE COURT: Just a moment.

The objection is overruled.

Q. BY MR. MESEREAU: Even though they each had a 50 percent interest in something estimated at one billion dollars, you think Sony's interest is really worth 700 million, correct?

A. Yes, at least that.

Q. And tell me how you arrived at that conclusion.

A. Again, it's just simply looking at the cash flows that would be accruing to Mr. Jackson over time, beginning in 2003, out over a period of time. And because of the fact that he has taken much more than Sony, Sony is due an equal amount. Sony is additionally due the investments that they have made, plus interest. The cash flows that would accrue to Mr. Jackson and/or his interest would not even occur until about 2015. At that point in time, the discount rate used would, quite frankly, have a value of around $200 million.

Q. Do you know Mr. Jackson was offered 400 million for half of his interest in 2003?

MR. AUCHINCLOSS: Objection; assumes facts not in evidence.

THE COURT: I guess the question is are you aware of any such offer.

THE WITNESS: No, I'm not.

Q. BY MR. MESEREAU: Are you aware of what anyone has ever offered Mr. Jackson for his interest in the catalog?

A. No, I'm not.

Q. Have you ever tried to market a music catalog in your career?

A. I have not, no.
Q. Ever tried to negotiate a sale of any interest in a music catalog?
A. I have not, no.
Q. Is this the first music catalog you've analyzed with your cash flow analysis?
A. No. I also did one for Mr. Bowie, David Bowie.
MR. MESEREAU: No further questions.

FURTHER REDIRECT EXAMINATION

BY MR. AUCHINCLOSS:
Q. If Mr. Jackson wanted to sell his share of the ATV catalog to somebody else in 2003, could he have done it?
A. Only with the approval of Sony.
Q. And as far as this put goes, did you consider that in your cash flow analysis, the fact that in December of '05 he would receive $200 million?
A. Certainly. I mean, that's a stated amount that he could get in '05.
Q. So if he sold it in 2003, he would accrue -- what was your tax analysis in terms of how much capital gains tax he would have to pay?
A. 25 percent.
Q. So $40 million?
A. Off --
Q. Off the 200 million?
A. That's correct.
Q. Okay. Finally, there was --
A. It was $50 million. Well, no, that's not true because you have to take the basis out.
Q. So you tell me.
A. So it was about 40 million, as I recall.
Q. And Mr. Mesereau said if Mr. Jackson got $200 million, then Sony would be entitled to $700 million. I believe we've got a math problem there.
A. Well, the 800. That's why I said --

Q. It would be 800. All right. Thank you.
Nothing further.
No further questions, Your Honor.

THE COURT: All right. Thank you.

For the record, what’s the exhibit number on the Power Point?

MR. AUCHINCLOSS: That would be 886, Your Honor.

THE COURT: All right. Thank you.

Call your next witness.

MR. ZONEN: Call Rudy Provencio to the stand, please.

MR. PROVENCIO: Right here?

THE COURT: Yes, please. When you get there, remain standing.

Look at the clerk over here. Raise your right hand. Right here.

RUDY R. PROVENCIO

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name is Rudy R. Provencio. R-u-d-y; R.; P-r-o-v-e-n-c-i-o.

THE CLERK: Thank you.

MR. ZONEN: May I proceed?

THE COURT: Yes.

DIRECT EXAMINATION

BY MR. ZONEN:

Q. Mr. Provencio, what is -- good afternoon.

A. Hello.

Q. What is your current occupation?

A. Independent contractor.

Q. What kind of an independent contractor are you?

A. For entertainment, placement of music for film and television.

Q. What does that mean?

A. Basically it means that I take music that already exists, and I place it in film and television, depending on what they are looking for or what they want. You know, like for a -- for a commercial, they would like want something, maybe an oldies --

BAILIFF CORTEZ: Excuse me.

THE WITNESS: Can you hear me? Can you hear me okay? Sorry.

THE BAILIFF: If you could just scoot closer to the mike.

THE WITNESS: Scoot closer?

For T.V. or film, basically what are they looking for? If they’re looking for an oldies, like if -- for instance, if The Gap is looking for an old song, I would secure rights for that -- for that song and bring it in, and secure the legal part of it, and the whole nine yards, so --

Q. BY MR. ZONEN: Do you work for a company or are you self-employed?

A. Self-employed.

Q. How long have you been in this business?

A. The entertainment business?

Q. Yes.

A. 20 years.

Q. Prior to that, what type of work did you do?

A. I worked for record companies, various record companies.

Q. Do you know Marc Schaffel?

A. Yes, I do.

Q. Did you know him by the name Fred Schaffel?

A. Yes, Fred Schaffel.

Q. When did you first meet Mr. Schaffel?

A. I met him in high school in 1983, ‘84.

Q. You both went to high school, the same school?

A. Yes, Toledo, Ohio.

Q. In Toledo, Ohio?

A. Uh-huh.

Q. At some point in time, did you actually do business with Mr. Schaffel?

A. Not until much later, which would have been 2001.

Q. And in 2001, did he contact you or did you contact him?

A. He contacted me.

Q. Now, how did he know who you were at that point or where you were or what you did?

A. He came over to the record labels a couple of times to pick up CDs and such, and I kept in contact with him. When he moved out to California, I met up with him, I believe in ‘93. Yes, it would have been ‘93, because I was working at Warner Brothers Records at that time, so I met up with him and, you know, we kept a casual contact.

Q. Were you both living in the Los Angeles area during that time?

A. Yes.

Q. All right. Did he invite you into some form of business adventure?

A. Yes. With him and Michael Jackson.

Q. All right. What was it exactly that you were invited to go into?

A. We were -- well, I was invited to come and participate in a benefit single called “What More Can I Give?” and he said that it was a Michael Jackson and Marc project, and they would -- were both going to hire me to work on this project if I was willing to come on board with them.

Q. All right. Did you eventually talk with Mr. Jackson about your involvement in that?

A. We had a meeting at -- well, we first had a meeting with -- the first one we had at The Beverly Hills Hotel with Lee Davidian, I think is his last name, where it was Ali, myself, Marc, and we talked about doing “What More Can I Give?” into a game that Ali was producing --

Q. Uh-huh.

A. -- or such.

So, you know, there was a lot of material to cover in that meeting. I remember that, because there was going to be a game featuring Michael Jackson in the game --

Q. All right.

A. -- and the music of “What More Can I Give?” was going to be in that, so we talked about that.

Q. Explain -- “What More Can I Give?” you mentioned was a benefit single.

A. Charity single.

Q. What does that mean?

A. Basically we hadn’t announced what Michael -- excuse me, what Michael’s charities were going to be yet, because Michael would have to do that. That’s -- he is the captain of the helm, so he’d have to do that. But basically what the idea and the premise was to do a benefit single that would benefit people just in general and Michael’s charities in particular. We hadn’t narrowed it down exactly what those charities were going to be until, you know, a little bit more into the project. Does that answer your question?

Q. Yes, but we’ll have a couple more, as you can imagine.

A. All right.

Q. How does a single benefit anybody in the day and age where you only buy CDs with many songs on them? What --

MR. MESEREAU: Objection. Move to strike; colloquy.

THE COURT: Coming from you?

(Laughter.)

MR. ZONEN: My sentiments exactly.

THE COURT: All right. Stricken.

MR. ZONEN: Stricken, all right.

Q. How does a single benefit anybody? How do you market a single?

A. Well, we were looking at it to be the next “We are the World.” You know, Michael is -- was a genius behind that. That made more money than any other single in history.

Q. Tell us what “We are the World” was.

A. Oh. I believe in 1983 or ‘84 it came out and basically it made a trazillion dollars. I don’t know how much exactly. I won’t say, you know, $100 million, because I don’t know. But we were estimating that even if “What More Can I Give?” could make half of that, that would make like $50 million right there and would be able to go to some of Michael’s charities, you know, in the process.

Q. Okay. How is it marketed?

A. It --

Q. A single, how do you market a single?

A. Well, it depends. Basically, you know, we'd have -- well, the way that I was thinking that we were going to do it, the way that we had talked about it is, we would do a press release later in regards to who was going to be the beneficiaries. But Michael would have to have done that because that's going to be Michael's charities. But -- but it would have gone through the regular routes, which would have been a record company for the distribution. We didn't really want Sony at the time. There was some problems with Sony. So we were going to look, per advice, Marc and Michael, to go other places and look at other distribution, like I believe we ended up talking with Zamba Entertainment, and they handled Britney Spears and Backstreet Boys and stuff, and so they were hot, so we were thinking we were going to possibly go with their distribution.

Q. Now, like, would this be a song that would have been performed by multiple groups?

A. By multiple who?

Q. Groups. Performers.

A. Multiple performers, yes.

Q. Performers.

A. We had a recording time in the studio and we brought in quite a few artists.

Q. Is that, in fact, what "We are the World" was?

A. No, that was an arrangement that was different. They came from an awards show and went right across the street, essentially, or down the street and they recorded it in one fell swoop.

Q. And who are "they"? You say "they" came and did that.

A. Oh, well, the performers that were on "We are the World," Kim Carnes, Huey Lewis and the News, Michael was there, Diana Ross, everybody went from an awards show looking good and went into this thing with recording, filming, the whole nine yards. Ours was a little bit different, because what we were going to do is bring people in one at a time and record it, so it was a little bit more --

it was essentially the same premise, but a little bit more lengthy.

Q. All right. Were you anticipating having multiple groups or performers?

A. Yes, we did.

Q. And were you going to be generating an entire CD or a single song?

A. We were going to have a Spanish version that was completed with Casey Porter doing the Spanish version, which was completed, and then we were going to have the English version and many, many, many different artists. Santana played on the Spanish version. And so we were going to have many artists on -- essentially the same amount of artists, but a little bit different with the Spanish version than the other one.

Q. Again, this is a single song?

A. Yes, a single song with many versions. So that would be considered what’s called a CD-5. So that would be different versions of the same song.

Q. By “different versions,” how would it be marketed? I mean, in a physical form.

A. Well, the marketing, it’s its own unit when you look at it, because it’s a Michael Jackson song. It’s -- you know, which you can’t get bigger than that. And, you know, you’ve got a benefit. You would have a press -- world press release around it. You know, it would create its own buzz. You wouldn’t even have to take out an ad anywhere, so then you’d have to have the disks from the record label to kind of get it in the public’s hands, which would have been Best Buy and the other chains.

Q. So you actually purchase it as a CD?

A. You would purchase it as a CD.

Q. On the CD is one single song?

A. A single song with many versions, yes. English and Spanish as well. And re-mixes. There were going to be re-mixes by Junior Vasquez.

Q. That does sell?

A. Oh, absolutely. For something like -- if you can tie into something that is of importance, like charities and things like that, then you -- you

have a commodity that's very well sought after.
Q. Tell me when it was that you were called into this. When were you invited to explore the possibilities of joining this enterprise?
A. 2001.
Q. Do you remember when in 2001?
A. June is the first meeting.
Q. Okay. The first meeting between you and who?
A. Marc and Michael. And Ali joined us on that first meeting.
Q. All right. And that first meeting was in a hotel in Los Angeles; is that right?
A. Yes.
Q. Now, was the song already drafted? Was it already performed? Was it already recorded?
A. Yes, Michael had done a demo of it.
Q. Okay. Were artists lined up to participate in the recordings?
A. Yes. Absolutely.
Q. Had some of the artists already participated in the recordings?

A. Not until -- not at that time. Not June.
Q. Okay.
A. Michael had a demo, and the only thing that was on it was Michael's voice.
Q. All right. Is it possible, in fact, to be able to have multiple artists performing at different locations at different times --
A. Absolutely. That's what we did.
Q. One of the things you have to do is wait until the whole question is asked.
A. Oh, I'm sorry.
Q. She goes nuts otherwise.
A. Oh, I'm really sorry.
Q. Is it possible to be able to, in fact, perform at different places and different times and then be able to mix it all into one product?
A. You can perform many places at the same time, and so that's -- yes. And then you can mix it as one product later, yes, absolutely.
Q. So it was not necessary to be able to have everybody perform at the same time, same location as

was done in “We are the World”?

A. Correct.

Q. That was a matter of convenience back then?

A. That was a matter of happenstance.

Q. Okay.

A. I believe. You just happened to go across the street and there you are --

Q. Okay.

A. -- performing a song. I mean, they planned it. But they also planned it that all these performers could -- from what I understand.

Q. You described this as a benefit single, which means part of the purpose is to raise money for charities; is that correct?

A. Absolutely.

Q. Was it also intended to be for profit?

A. Well, yeah. You have to make a profit to keep going. I mean, it’s like, you know, you can’t be in the ditch for $20 million. Yeah, so it had to make a profit somewhere.

Q. So not just pay expenses. This wasn’t just a charitable enterprise exclusively, but it was going to generate profit for some people. Would that be correct?

A. Yes.

Q. Okay. Now, were you hired on salary?

A. Yes. Salary, uh-huh.

Q. Were you ultimately hired to do this?

A. Yes.

Q. And did you actually work on this project?

A. Yes.

Q. And by the time you -- from the point that you began the project to the time that you officially ended your employment on this project, how long had you worked on it?

A. Until 2001 -- June is when we took the first meeting. I’d have to look at my records to see exactly when they signed my contract, and then it was 2003 of February, the 25th, I believe I received my last check.

Q. All right. And when did you cease your employment? Was it on the day you received your last check?

A. No, I stopped going in the office I believe it was the first week of August.

Q. What kind of things were you expecting to do in terms of promoting and marketing and creating this product?

A. Well, nobody had any record experience.

MR. MESEREAU: Calls for speculation.

MR. ZONEN: I believe he did it.

THE COURT: But you asked him what he was expected to do.

MR. ZONEN: All right. Let me change the question, then.

Q. What actually did you do during the two years of employment in this capacity? What types of things did you do?

A. Okay. Well, I was the general manager of the label of Neverland Valley Entertainment. I oversee the books. Not all of the books, but a certain major portion of the books. Everything from the task of filing, to making sure artists are where they're supposed to be, and doing the things that we're supposed to do to get things done to get the single finished, and to facilitate any other dream or necessity that Michael might have that would fall into us participating with him --

Q. All right.

A. -- on that.

Q. You've mentioned Neverland Valley Entertainment. What exactly is Neverland Valley Entertainment?

A. It's Marc and Michael's company.

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. ZONEN: All right. At some point in time, did you become part of Neverland Valley Entertainment?

A. Well, yeah, when they signed my contract.

Q. And during the course of your two years of working as the general manager of Neverland Valley Entertainment and based on your conversations with both Marc and Mr. Jackson, did you learn what Neverland Valley Entertainment was?

MR. MESEREAU: Objection. Assumes facts not in evidence and foundation.
THE COURT: Overruled.
You may answer.
Q. BY MR. ZONEN: What is it?
A. Can you state the question again? I'm sorry.

MR. ZONEN: Perhaps the court reporter could read it.
(Record read.)
THE WITNESS: Well, it was a Michael and Marc company. That's what it was.
Q. BY MR. ZONEN: Was it created while you were there?
A. Well, yeah. It was created as -- as -- it wasn't -- it wasn't flying until we got a loan, but, yeah, we were in the midst of having conversations with Parviz to get a loan, or they were, to get a loan to get this thing flying.
Q. All right. Who were the people who were involved at that time, at the time that you came into it, with Neverland Valley Entertainment?
A. Who were the people involved?
Q. Yes.
A. It would have been Michael, Marc, myself. You know, Dieter and Ronald were on the fringes, but the -- but the single was Marc and Michael.
Q. The what was Marc --
A. The single. The "What More Can I Give?" was Michael and Marc's creation.
Q. Did you have meetings with Mr. Jackson pursuant to your coming on board?
A. Yeah, we had meetings at The Beverly Hills Hotel, and then we had meetings at The Universal Hilton.

Q. What discussions did you have with Mr. Jackson about your involvement in this in both -- either of those two meetings?
MR. MESEREAU: Objection; vague.
THE COURT: Overruled.
You may answer.
THE WITNESS: Okay. The first -- the first

meeting, we talked about the video game, and then we talked about how “What More Can I Give?” would be a great project, which -- you know, which we could work on, make some cash, and -- you know, and basically have it segue way into many other things. You know, maybe -- because there wasn’t -- we had a conversation in regards that the “What More” -- or the “We are the World” wasn’t marketed to its full potential. There weren’t like a lot of T-shirts made. There was different marketing --

MR. MESEREAU: Objection; nonresponsive.

THE COURT: Sustained.

MR. ZONEN: I’m sorry, Your Honor?

THE COURT: Sustained.

Q. BY MR. ZONEN: Did you have a discussion as to how “What More Can I Give?” would be marketed during either of those two meetings?

A. Yes.

Q. What was the nature of that discussion?

A. The nature was that basically we needed to reach its full potential, much more and much better, making it much bigger and making much more money than “We are the World” made. How are we going to do that? Are we going to take a present situation and make it better? You know. Basically this present model that we had was “We are the World.” How do we explore that?

Q. And you said --

A. And you need a business plan.

Q. And you said “and make more money.” Was there a discussion with Mr. --

A. It had to be bigger.

Q. Hold on.

A. Sorry.

Q. You’ve got to wait until the question’s asked.

Was there a discussion with Mr. Jackson as to the potential of what could be made on the production of “What More Can I Give?”

A. To answer your question, Michael wanted it bigger and better than “We are the World.” So it had to be more than “We are the World,” which unfortunately I don’t remember off the top of my head. I know it was like $100 million, something crazy like that.

Q. Mr. Jackson had indicated he wanted this to exceed that?

A. Oh, yeah. He was very excited. It had to.

It had to.

Q. Was there any discussion as to what percentage of this would actually go toward the charitable causes and what would be profit?

A. We hadn’t really finessed that all out. I mean, we really were -- we were -- everything was moving very quickly, like everything in my experience with Michael. Everything moves very, very quickly, and Michael wants his results now. And we really hadn’t gotten down to sitting with lawyers to work out percentages and things like that.

We knew essentially, you know, what we wanted to do overall, but we had to get a product made first, so that was -- that was our first and most important thing was to get this product made.

Q. Did you ever actually sit down with lawyers and work out details of percentages as to who would get what during the course of that two years you worked on that project?

A. No.

Q. Did you have some form of contract signed with either Michael Jackson or Marc Schaffel as to what your compensation would be?

A. Yes. They gave me a point on the record.

Q. Did you have a salary in addition to a point on the record?

A. Yes, I did.

Q. What was the salary?

A. 225,000.

Q. And was that for the duration of the project?

A. For the project.

Q. Would it make a difference how long the project took?

A. Not really. The project had to be done, so --

Q. Did you have a sense at the time as to what -- I mean, did you anticipate what it would be?

A. A year, maybe a little bit more. But a year.

Q. Now, you also said a point was given to you. What does that mean?

A. Well, a point is basically a percentage, or a 1 percent of the gross, or the total of a project. Marc got four points. Michael had given Marc four points. And Michael and Marc had given me one point.

MR. MESEREAU: Objection; nonresponsive.

THE COURT: Sustained.

Q. BY MR. ZONEN: All right. Let's talk about what was going to you, and then we'll talk about Mr. Schaffel.

A. Okay.

Q. One point was given to you, and you mentioned the gross. Explain what that means.

A. Well, what the album makes, you know, is considered -- you know, what it really actually -- what's in the kitty at the end of the day is really -- you know, what you're selling -- I'm not making sense here, but what -- when the product is sold, you know, you've got your expenses covered first. That comes out of -- like you make a dollar, and let's say you just made the dollar from that CD. You're -- 60 cents of it is taken away because it's, you know, marketing, whatever.

This was going to be a cheap single, so we weren't going to be spending a tremendous, tremendous amount of money, so there would be more take-home, you know, for Neverland Valley Entertainment, so -- I think I just got lost.

Q. Let me ask this: The 1 percent gross --

A. Uh-huh.

Q. -- does that mean your 1 percent would come to you before any of the expenses were paid?

A. Oh, no. We hadn't worked that all out yet. That hadn't been worked out. So if the record made 50 million dollars, you know -- you know, you have to remember, we hadn't sat down with the lawyers to get the exact verbiage down, so we were estimating.

And our assumptions in our meetings was that if it made $50 million, I would be getting 1 percent of that.

Q. Which would be $500,000?

A. Or if it made more.

Q. Or if made 100 million, you'd get one million?

A. Exactly.

Q. All right. Did you negotiate that? In other words, was that part of the negotiation as you came into this project?

A. No.

MR. MESEREAU: Objection; relevance.

THE WITNESS: No.

THE COURT: Sustained.

Q. BY MR. ZONEN: When did you get the 1 percent?

MR. MESEREAU: Objection; relevance.

THE COURT: Sustained.

Q. BY MR. ZONEN: Who was it who gave you the 1 percent?

A. Michael and Marc.

MR. MESEREAU: Objection; relevance.

THE COURT: Overruled.

Q. BY MR. ZONEN: Go ahead.

A. Michael and Marc.

Q. Was that in the form of a document signed by both of them?

MR. MESEREAU: Objection. Leading and relevance.

THE COURT: Overruled.

You may answer.

THE WITNESS: Yes. They both signed it.

Q. BY MR. ZONEN: And did you -- and did you commence work on this project?

A. Yes.

Q. All right. What were the -- over the next, say, couple months after you began working in June of '01, did you speak with Mr. Jackson on any kind of regular basis?

A. Well, we had the studio time, and we'd have our meetings in the studio time, and, you know,

there was plenty of filming of that.
Q. Did you have conversations with him as well?
A. Yes.
Q. What was Mr. Schaffel's role in this? You were the general manager. What was he?
A. He was the president of Neverland Valley Entertainment.
Q. And did he have a similar agreement to yours in terms of compensation?
A. Yes, he did.
MR. MESEREAU: Objection; no foundation.
THE COURT: Sustained.
Q. BY MR. ZONEN: As the general manager, did you have access to all of the records that dealt with the expenditures?
A. Well, they were in a filing cabinet, and I went through all of them, yes.
Q. You read them all?

A. I read most of them.
Q. As well -- it was the two of you. Did you have conversations with Mr. Schaffel about such matters?
A. Oh, yeah, we talked about things. He was a little bit more braggadocious, but --
MR. MESEREAU: Objection; nonresponsive.
THE COURT: Sustained.
Q. BY MR. ZONEN: Braggadocious?
A. Yeah. He bragged a lot.
Q. What was his compensation, Mr. Schaffel's?
MR. MESEREAU: Objection. Foundation; relevance.
THE COURT: Sustained.
Q. BY MR. ZONEN: Did you review his employment documents as well?
A. I looked at them, yes.
Q. Yeah. And did that contain what his compensation was?
A. Yes.
Q. And what was it?
MR. MESEREAU: Objection; relevance.
THE COURT: Sustained. It's hearsay, really.
Q. BY MR. ZONEN: During the next couple months, you indicated that you did have meetings

with Mr. Jackson. Can you tell us with what level of frequency you would meet with him?

A. Well, whenever he came to the studio, but sometimes he wouldn't come to the studio. So it was whenever he came into the studio.

Q. And how often might that be?

A. Boy, the first couple of months, it was pretty regular. I mean, he came in, you know, three or four times a month.

Q. Did you have meetings with him on a regular basis when he came into the studio?

A. Well, we would talk about the project, how did we think -- when Michael walks in the door, he's -- he's meticulous. He wants to know everything that's going on and what's happening, and he's a great businessmen.

MR. MESEREAU: Objection. Nonresponsive and move to strike.

THE COURT: Sustained.

Q. BY MR. ZONEN: Did you brief Mr. Jackson on a regular basis of what was going on with Neverland Valley Entertainment?

A. We did, yes.

MR. MESEREAU: Objection. Foundation; leading.

THE COURT: Overruled.

You can go ahead and answer.

He did. He said, "Yes."

Q. BY MR. ZONEN: How did you do that? How did you brief him?

A. We would have meetings. Michael would want to know what's going on. "Who do we have coming in? Did you get this person? Is Usher coming?"

MR. MESEREAU: Objection. Nonresponsive; move to strike.

THE COURT: I'll strike after, "We would have meetings."

Q. BY MR. ZONEN: What kind of things would Mr. Jackson want to know in the course of these meetings?

A. That we are getting the hottest artists out there right now on this project. We had to be the hottest.

Q. And did he ask you details in terms of who you were going after and what you were intending to do, attempting to do?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

Q. BY MR. ZONEN: You can answer.

A. Oh, he wanted to know that it was the hottest artist, and when are they coming, and what are we doing.

Q. All right. In addition to the meetings at the studios that took place, did you also have meetings with him at other locations?

A. The -- well, like I said, we had The Beverly Hills Hotel. We had the studio meetings. And then we would have -- we had two meetings at The Universal Hilton.

Q. All right. Did you have telephone conversations with Mr. Jackson?

A. Oh, yeah. He called -- him and Marc would call my house.

Q. On what level or frequency? And we’re talking about Mr. Jackson, not Marc Schaffel. But on what level of frequently would you have a conversation with Mr. Jackson about the business?

A. In the beginning, the first couple of months, it was -- I would say it was -- it was semi-regular, once or twice a month. You know, just late-night phone calls, because Michael gets up late, so -- or -- so it would be late-night phone calls sometimes.

Q. You would be home by the evening hours?

A. Yeah, I’d be home.

Q. All right.

A. Exhausted, but home.

Q. And did you ever get calls from Mr. Jackson while you were at the office?

A. Yes, he would call in.

Q. And did you, in fact, have an office there?

A. Yes, at Neverland Valley Entertainment.

Q. And where was Neverland Valley Entertainment?

A. In Calabasas, California.

Q. At somebody's residence?
A. At Marc's residence, yes.

Q. Describe for us his residence, please, in Calabasas.
A. A gated community. Pretty swanky. It's pretty nice. A rich person's home.
Q. And was the office set at a particular location within the house?
A. Upstairs.
Q. All right. Were there multiple offices devoted to this project?
A. Well, you know, there was an office at Neverland, but, you know, that wasn't really used that much. You know, it was you usually worked out of the bungalow and then -- and then -- but that was the primary office, Mr. Schaffel's --
Q. At Mr. Schaffel's residence, were there multiple rooms that were devoted to this project?
A. Yes.
Q. Okay. Did you have separate rooms from Mr. Schaffel?
A. Yes. I did.
Q. Okay. Were you able to hear, from where you worked, conversations that Mr. Schaffel was having on the telephone?
A. Well, Marc had a really bad habit of having you sit there, and he would --
MR. MESEREAU: Objection; nonresponsive.
THE COURT: Overruled.
You may finish that sentence.

THE WITNESS: Marc would have a really bad habit of having you sit there, and he would put people on speakerphone, and -- or answer on speakerphone, so you would know who it was, so he can kind of gloat that, you know, "Oooh, look who I'm talking to," whether it's Michael or Beyonce or some other star. And then he would pick up the phone or he would just leave them on speakerphone, and you could hear the whole conversation.
Everybody in the house that we were working in, we were always shocked that pretty much a lot of business was known just by sitting there, you know.

Q. BY MR. ZONEN: All right. So did you have to actually be in his room to be able to overhear these conversations?

A. Well, yeah. I mean, pretty much you had to be in his office. But then I could hear them in my office, too, if I jumped on a conference call with them.

Q. Did you frequently overhear conversations that Marc Schaffel was having with other people concerning his business enterprise?

A. Yes.

Q. Did you frequently overhear conversations that Marc Schaffel was having with Michael Jackson?

A. Yes.

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. ZONEN: Do you know Michael Jackson’s voice?

A. Yes.

Q. Is it fairly distinct?

A. Well, unless he’s upset. Then he uses the other voice.

Q. Now, you tell us another voice --

MR. MESEREAU: Objection; nonresponsive.

THE WITNESS: Oh.

THE COURT: Sustained.

Q. BY MR. ZONEN: Have you talked with Mr. Jackson often enough or been present during his conversations that you’re able to recognize his voice when he calls?

A. Michael Jackson’s voice is the most distinctive voice in the world, I think.

MR. MESEREAU: Objection. Nonresponsive; move to strike.

THE COURT: Overruled. Next question.

Q. BY MR. ZONEN: All right. That means yes, you do know his voice?

A. Yes.

Q. And you know his voice well?

A. Based on my experience of hearing him.

Q. On those occasions when he called, did you have any difficulty at all recognizing his voice?

A. No. God, no. He always introduced himself as Michael Jackson.

Q. All right. Were you able to overhear conversations between Marc Schaffel and Michael Jackson?
A. Yes.
Q. Both sides of the conversation? In other words --
A. At times. Not all the time, but at times.
Q. All right. Can you give us a sense of how often you would overhear a conversation? And I’m now talking about both sides of the conversation between Marc Schaffel and Michael Jackson. How often would that happen?
A. Could you be more clear? I’m sorry.
Q. Well, in the first couple months of your employment with Neverland Valley Entertainment --
A. Uh-huh.
Q. -- give us a sense of how often you would overhear a conversation between Marc Schaffel and Michael Jackson.
A. Frequently. Especially if I stayed later, because Michael would always -- always call later. And he would always call him “Arnold.” That was his nickname. “Ar-nold.” And then -- and then he would pick up the phone and say, “You’re looking for french fries?”
MR. MESEREAU: Objection. Nonresponsive; move to strike.
THE COURT: Stricken.

Q. BY MR. ZONEN: All right. We’ll get to Arnold in just a moment.
A. Oh, all right.
Q. Let’s talk about -- if we can, let’s talk about -- this happens when we get later in the day.
A. Okay.
Q. The frequency with which you might hear conversations between Michael Jackson and Marc Schaffel where you could actually hear both sides of the conversations, you answered “frequently” to that?
A. Yeah.
Q. Give us a sense, please, of what that means in a week period of time.

A. Well, if you’re speaking about the beginning, before the Martin Bashir thing, Michael was calling. He wanted to know what was happening with the project. He’s a meticulous businessman.

MR. MESEREAU: Objection. Nonresponsive; move to strike.

THE COURT: So the question is kind of hard to get back to, but you were asking him what the frequency of calls from Michael Jackson were.

MR. ZONEN: Yes, Your Honor, I was.

THE COURT: That’s the question. How often did he call in a week?

THE WITNESS: In a week? God, sometimes ten times. Hey, he would be on the phone with him for hours sometimes at night. And we didn’t have a schedule. You have to remember, work is work. You get up, you work. And when Michael calls and you got something to do, you work.

MR. MESEREAU: Objection; nonresponsive.

THE WITNESS: So it’s like that’s the way it was.

Q. BY MR. ZONEN: Give us a sense of when you were there at this office in Calabasas, what kinds of hours and days did you put in?

A. Seven days a week. If you had to do something, you had to do it.

Q. Now, you were working pretty much full time on this project?

A. Yes. This was our only project in the beginning.

Q. The point that was offered to you, that 1 percentage of -- at the time as was described as gross, did that give you some incentive to work even harder on making this --

A. Well, God, yeah.

MR. MESEREAU: Objection. Leading and relevance.

THE COURT: Sustained.

Q. BY MR. ZONEN: What is the consequence of having a commission like that?

A. You’d be rich.

MR. MESEREAU: Objection; relevance.

MR. ZONEN: Would you like me to move on,

Judge?

THE COURT: Yes.

MR. ZONEN: And I will.

Q. All right. During the course of the conversations that you had with Mr. Jackson, and of course the conversations you had overheard with Mr. Schaffel, as frequently as they were, describe how attentive to business Mr. Jackson was.

A. He wanted to know the details.

MR. MESEREAU: Objection; no foundation.

THE COURT: Overruled.

Q. BY MR. ZONEN: Go ahead.

A. He wanted to know the details. He wanted to know what was happening with the project. You know, the project was -- you know, it was taking time to get the artists in, so he wanted to know we were getting the hottest artists and the best artists, and where were we going to be going next, and -- and things like that. I mean, it was pretty much our duty to make sure everything was set up.

MR. MESEREAU: Objection; nonresponsive.

THE COURT: The last sentence is stricken.

Q. BY MR. ZONEN: Do you know who was financing this project?

A. Michael was.

Q. Do you know how it was being financed?

A. Yes.

Q. How?

A. Through a money lender named Parviz in Beverly Hills.

Q. Was that a loan that was obtained by Michael Jackson?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

Q. BY MR. ZONEN: Go ahead.

A. Yes, it was a loan that Marc and Michael got from Parviz for ten million dollars.

Q. Were you there?

A. I was there when the paperwork was signed. We brought the paperwork to Parviz after Michael had signed it in Beverly Hills, in the 9000 -- I believe the 9000 block of Beverly Hills, Wilshire, and

Parviz ran it upstairs, and we came back the next day, and it was signed.
Q. Okay. Now --
A. And I saw the document.
Q. Was the ten million dollars actually turned over to either Marc Schaffel or Michael Jackson?
A. No, it was -- it was, like, in the bank, and they withdrew, I think it was like two million dollars, two and a quarter initially to start the company, start the project going.
Q. All right. And which bank, incidentally, was that deposited into?
A. It was -- it was Marc’s bank, and that would have been B of A. No, not B of A. It was, uh, U -- God, I can’t remember the name of it. I can see the logo, but I can’t remember the name of it. But --

Q. Were you about to say --
A. But it was the one off of Santa Monica. I remember because we went there many times, because Beverly was the lead person that we dealt with.
Q. All right. So you were there in Santa Monica, the City of Santa Monica?
A. Uh-huh.
Q. Beverly was the person --
A. Yes.
Q. -- you dealt with?
A. Her name was Beverly.
Q. And you’ve seen her?
A. Oh, yeah, I’ve talked to her many times. She made me open an account. I didn’t have a million dollars to put in it, but --
Q. Did you get a toaster?
A. I didn’t get anything. So -- but I opened an account with her.
THE COURT: You want to quit, don’t you?
MR. ZONEN: I really do.
THE COURT: All right. See you tomorrow at 8:30. Remember the admonitions.
MR. ZONEN: Thank you.
(The proceedings adjourned at 2:30 p.m.)
--o0o--

REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 8533 through 8698 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 3, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
May 3, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
OFFICIAL COURT REPORTER

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, MAY 4, 2005

8:30 A.M.

(PAGES 8700 THROUGH 8766)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
PROVENCIO, Rudy R.	8706-Z (Contd.)			

E X H I B I T S

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
888	Photograph	8754	8755

Santa Maria, California
Wednesday, May 4, 2005
8:30 a.m.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: Good morning, everyone. The Court has received the memorandum concerning the admissibility of statements involving this witness, and this morning received the opposition filed by the defense. Without further argument, I'm going to make these rulings.

The statement -- looking at page three of the prosecution's memo and page one of the defense memo -- actually, I think it's a little clearer, easier to refer to, on the defense memo.

So number one statement, Vinnie Amen told him that signs had been posted at Neverland Ranch directing security personnel not to allow the Arvizo children to leave the ranch. I'm not going to allow him to repeat that hearsay.

Number two, Vinnie Amen and Marc Schaffel used the word "killers." I am going to allow that.

Number three, Mr. Amen informed Mr. Provencio that a tape-recorder had secretly been used. I'm not going to allow that.

That Mr. Schaffel informed Provencio that Janet Arvizo didn’t want to go to Brazil, wanted to leave Neverland, did leave Neverland and that it was an escape. I’m breaking that into two parts and I’m not allowing the first part, but I will allow him to say that Mr. Schaffel informed Mr. Provencio that they, the Arvizo family, had escaped.

So with those rulings, I think we can go forward.

MR. ZONEN: Any discussion about Brazil at all?

THE COURT: Excuse me?

MR. ZONEN: Any discussion about his knowledge for Brazil, the family going to Brazil? All of that is out?

THE COURT: What I’m ruling on is that hearsay statements made to him by Mr. Schaffel that she didn’t want to go to Brazil is not admissible.

MR. ZONEN: But that the family had escaped is admissible.

THE COURT: Yes.

MR. ZONEN: Can I have a moment with the witness to make sure he understands the extent of the rulings before we begin?

THE COURT: Absolutely. I’m going to leave. And when you’re ready, tell the bailiff and we’ll have the jury brought in.

MR. ZONEN: Thank you so much.

MR. SANGER: We have another motion that we filed.
THE COURT: I’m looking up some law on that motion. I received it this morning.
MR. SANGER: Thank you, Your Honor.
(Recess taken.)
THE COURT: Good morning.
COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.
THE COURT: You may proceed.
MR. ZONEN: Thank you, Your Honor.

RUDY R. PROVENCIO
Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION (Continued)
BY MR. ZONEN:
Q. Mr. Provencio, good morning.
A. Good morning.
Q. Did you remember the name of the bank that Neverland Valley Entertainment used during the course of the time that you were employed there?
A. Yes, the U.S. Bank.
Q. Beverly was, in fact, the person that you dealt with when you worked in conjunction with that bank?
A. Yes.

Q. I had asked you a few questions about your work in lining up artists for the presentation of the “What More Can I Give?” Were artists that were going to be performing on that song going to be compensated or paid for their performance?

MR. MESEREAU: Objection; foundation.

MR. ZONEN: This is what he was doing.

THE COURT: The objection is overruled.

Q. BY MR. ZONEN: You can answer.

A. No, they were not going to be compensated. It was going to be for the next “We are the World” charity single, which was going to be “What More Can I Give?”

Q. Did you need Mr. Jackson’s assistance in being able to get those artists to perform?

A. Well, yeah. He was on conference calls, and calling the artists, and -- like he -- like we were in a car and he talked to Britney Spears, with us, on the phone. Stuff like that.

Q. All right. Mr. Provencio, you mentioned yesterday, you made a reference to two voices in your discussion about Mr. Jackson. What do you mean?

A. Well, there’s the --

MR. MESEREAU: Objection; vague.

THE COURT: Overruled. You may answer.

Q. BY MR. ZONEN: Go ahead.

A. There’s the -- you know, there’s the voice you hear on television and stuff, and then there’s the upset voice, I guess you could call it. You know, the voice --
Q. How are they different?
A. Well, one is deeper.
MR. MESEREAU: Objection. Relevance; foundation.
THE COURT: Overruled.
Q. BY MR. ZONEN: Go ahead.
A. One is a deeper voice.
Q. And you have heard both of those voices?
A. Oh, yeah.
Q. Are they uniquely distinct?
A. I think so, yes.
Q. Did you ever talk with Mr. Jackson about his use of cell phones?
A. I just saw him use people’s cell phones.
Q. Did you ever see him use his own cell phone?
A. I don’t think he owned one.
Q. Did you ever have -- did you ever have the ability to contact him by cell phone?
A. If we needed to get him, like if we were in the office and needed to get ahold of him?
Q. Yes.
A. We would call the bodyguard or we would call someone that we knew was close to him at that time, because he would travel or he would be someplace,

and so we’d have to get ahold of somebody to get ahold of him. So he didn’t have his own cell phone direct.

Q. And that was your understanding during the entirety of the time that you --

A. Oh, yeah. Oh, yeah. You couldn’t get ahold of him directly. You can’t get ahold of Michael Jackson directly. Like, you know, “bbrring.” “Oh, hi.” You know, it was -- you know, it was -- you know, you had to go to the bodyguard or you had to go through somebody, and then -- you know, that was always my experience.

Q. Did he ever make a comment to you about being like fog?

MR. MESEREAU: Objection; leading.

THE COURT: Sustained.

Q. BY MR. ZONEN: Did he ever talk to you about how he liked to travel or move around?

MR. MESEREAU: Objection; leading.

THE WITNESS: Well --

THE COURT: Overruled.

You may answer.

THE WITNESS: We were at The Beverly Hills Hotel, and I had made a comment that I liked -- I was talking about anonymity --

MR. MESEREAU: Objection. Nonresponsive; move to strike.

MR. ZONEN: I believe it is responsive.

THE COURT: All right. Overruled.

Q. BY MR. ZONEN: Go ahead.

A. I was speaking about anonymity, and I remember because I was drinking my Smart Water. And I was talking about anonymity and being in New York and how I loved the fact that I could be anyplace I want, and nobody knows me and I like that feeling, compared to someone like him, where he can’t go anywhere unless he’s dressed up or disguised.

And then he had made a comment that he could go places and be like no place, which was like being like fog. It was like a strange reference. But that he would have to be in costume. Like when he was at Universal, he said that he dressed like a clown and walked around in disguise so people -- so he wouldn’t be mobbed essentially.

Q. Did he explain the term “fog” to you?

A. Well, that’s what he said. I don’t -- you know, I just thought it was strange.

Q. Now, you mentioned that the charities had not been decided as to which charities that were going to be the beneficiaries of this song “What More Can I Give?” At some point in time was it resolved who the beneficiary would be?

MR. MESEREAU: Objection; relevance.

THE COURT: Sustained.

Q. BY MR. ZONEN: Over the time that you had the opportunity to listen to conversations between

Mr. Schaffel and Mr. Jackson, did you ever hear any use of diminutives or nicknames by either of them for the other?
A. Just that Marc called him “Arnold.” But they were good friends. I mean, they were buddies.
Q. All right. And where did “Arnold” come from?
A. Gosh, I don’t know. I don’t know. I mean, “Arnold” was like, you know, “Ar-nold,” and then Michael would laugh. I just thought it was kind of like an endearment term.
MR. MESEREAU: Objection; move to strike.
THE COURT: Stricken.
Q. BY MR. ZONEN: Did you hear that often?
A. Yeah. When they were around each other, uh-huh. We were in the studio, we would go and have meetings with Michael to talk about the benefit single.
Q. What -- you mentioned the term “french fries.” What was that?
A. Money.
Q. Excuse me?
A. Money.
Q. And what does that mean?
A. Typically Michael wanted money. So, “I need french fries,” or -- you know, “french fries” was about money.
Q. Did that term come up in conversations

frequently?

A. Well, yeah.

Q. Did you learn over time what it was in reference to?

A. That Michael needed money.

Q. Did either Mr. Jackson or Mr. Schaffel tell you that, that that was what that term meant?

A. Well, Michael was always asking for money, or --

MR. MESEREAU: Objection.

THE WITNESS: You know, everybody has to make money.

MR. MESEREAU: Objection; move to strike.

THE COURT: Stricken.

Q. BY MR. ZONEN: In the conversations that you overheard between Mr. Schaffel and Mr. Jackson, were there discussions about money passing from one to the other?

A. Yeah.

Q. Frequently?

A. Well, yeah. We were -- you know, you had to make money to -- you know, the single had to take off, and there were other things Michael wanted to do, and he needed his cash, like after the RMAs and --

MR. MESEREAU: Objection. Nonresponsive; move to strike.

THE COURT: I'll strike the last phrase.

Q. BY MR. ZONEN: Did you ever specifically hear Michael Jackson -- ever hear Michael Jackson specifically ask for cash from Mr. Schaffel, money to be delivered in cash?
A. Yes.
Q. On a number of occasions?
A. Couple times, yes.
Q. Were you present when that happened, when money was, in fact, transferred from Mr. Schaffel to Mr. Jackson?
A. No. I saw checks.
MR. MESEREAU: Objection. Nonresponsive; move to strike.
THE COURT: Overruled. Next question.
Q. BY MR. ZONEN: In November 2001, did something happen that changed the working relationship between you, Marc Schaffel and Mr. Jackson?
A. Yes. The -- Marc got fired.
Q. Got fired by whom?
A. Neverland Valley wasn’t closed. Marc got fired, though.
Q. And did you actually see or witness the firing of Mr. Schaffel?
A. Yeah, it came through a fax machine.
Q. It was a letter?
A. Yeah, it was a letter.
Q. From whom?

A. A guy named Zia. I believe --
Q. Do you know his last name?
A. Maroda. Maroder or something.
Q. Do you know who Zia is?
A. He was just one of Michael’s lawyers, crony lawyers.
MR. MESEREAU: Objection; move to strike.
MR. ZONEN: Did I hear that right?
THE WITNESS: Well, there’s many lawyers.
THE COURT: Just a moment.
THE WITNESS: Oh, sorry.
THE COURT: I’ll strike the last phrase in that answer.
Q. BY MR. ZONEN: You understand Zia to be one of the attorneys; is that right?
A. Yes.
Q. And this letter was received by whom?
A. By Marc in his office.
Q. All right. But did you see it?
A. Yes.
Q. Did you see it when it actually came in?
A. Yes.
Q. Did you see it before or after Mr. Schaffel saw it?
A. We pretty much saw it at the same time, because it was, you know, “You’re fired,” you know, when I handed it to him.
Q. Was there some level of controversy that --

MR. MESEREAU: Objection. Nonresponsive; move to strike.
THE COURT: I’ll strike the last sentence. Leave the first phrase in, that they “saw it at the same time.”
Q. BY MR. ZONEN: Was there some controversy that was going on at that time involving Mr. Schaffel?
MR. MESEREAU: Objection. Relevance; foundation.
MR. ZONEN: I can lay foundation for it.
MR. MESEREAU: And leading.
MR. ZONEN: But it would require some discussion.
THE COURT: The objection is overruled.
Q. BY MR. ZONEN: Go ahead.
A. What was the question?
Q. Was there some controversy that was going on involving Marc Schaffel at that time?
A. Well, they --
THE COURT: Just answer “yes” or “no” on that.
THE WITNESS: Oh, okay. Yes.
Q. BY MR. ZONEN: What was it?
MR. MESEREAU: Objection. Relevance; foundation; 352.
THE COURT: Overruled. You may answer.

Q. BY MR. ZONEN: What was it?
A. His past.
Q. And what was it about his past?
A. He was in adult entertainment.
MR. MESEREAU: Objection. Objection. 352; foundation; relevance.
THE COURT: Overruled.
Q. BY MR. ZONEN: What was it about his past?
A. He was in adult entertainment.
Q. What type of adult entertainment; what was he doing?
MR. MESEREAU: Objection. Relevance; 352.
THE COURT: Sustained.
Q. BY MR. ZONEN: All right. And he was fired. But this operation was out of his home; is that correct?
A. Right. Neverland Valley Entertainment kept on operating.
Q. Up until this time in November -- and do you remember if it was early or late November of ‘01?
A. It was -- I think it was like the third week in November.
Q. Up until this time in November of ‘01, was there fairly continuous communication between Mr. Schaffel and Mr. Jackson and even between you and Mr. Jackson?
A. There was continuous communication between those two definitely, and then I would only come

into it when it was just business.

Q. Okay. And the communication between Mr. Jackson and Mr. Schaffel was communication that you were able to personally witness; is that right?

A. Right. He would have him on the speakerphone.

MR. MESEREAU: Objection. Nonresponsive; move to strike.

THE COURT: Overruled. Next question.

Q. BY MR. ZONEN: All right. Now, after the firing of Mr. Schaffel, was there any communication that you were able to personally witness between Mr. Schaffel and Mr. Jackson?

A. No.

Q. And did that go on for some period of time?

A. Yeah. For quite a while.

Q. All right. Now, Neverland Valley Entertainment was housed in Mr. Schaffel's home; is that correct?

A. Yeah, it was a Michael Jackson/Marc Schaffel company housed in his home.

Q. So what happened to you at that point?

A. Well, we just kind of went into limbo, because we didn't -- without Michael's cooperation on the single, we couldn't really get more artists to sing on it, and everything just kind of went screeching to a halt.

Q. All right. What did you continue to do?

A. We started working on, you know, finances, how much we have spent on the project, getting the receipts together. Getting the books together, essentially, to make sure that, you know, things were, you know, on the up and up and --

Q. Who is “we”? You say “we.”

A. Marc and I.

Q. So Marc was still working there?

A. Yeah, Marc, Christian, I was still there.

Q. Christian Robinson?

A. Yes, Christian Robinson.

Q. What was he doing during this time?

A. He was doing the same thing we were doing, you know, just getting filing done and -- you know, there had been a mountain of things. You know, everybody had been traveling, trying to get artists.

MR. MESEREAU: Objection. Nonresponsive; move to strike.

THE COURT: Overruled. Next question.

Q. BY MR. ZONEN: Did you continue to draw salary during this time?

A. Yeah.

Q. Do you know if Mr. Schaffel continued to draw salary?

A. I’m pretty sure.

Q. Was that bank account still in existence at U.S. Bank?

A. Yes.

Q. And were either you or Schaffel periodically dealing with that bank with regards to funds?

A. Well, yeah, we had to go in and see Beverly and --

Q. For how long did this continue, that you continued working in Mr. Schaffel's home on this project?

A. Well, at the beginning, we took a break. You know, we just kind of took a breather. And then we started -- just went in like gangbusters and got all the paperwork together. So that went on for like seven, eight months, something like that.

Q. And for the next seven or eight months, was there any contact between you and Michael Jackson?

A. No. He wasn't calling the office.

Q. Pardon me?

A. He wasn't calling the office.

Q. And there was no contact between Mr. Schaffel and Mr. Jackson that you were personally witness to; is that correct?

A. Correct.

Q. Was there any progress that was being made toward the development of "What More Can I Give?"

A. No. Everything was at a dead halt. Other than, you know, it was trying to be -- Marc was trying to work on things. But, you know, as far as I was concerned, getting artists in the studio and everything, and recording and other things, you know, everything was at a dead halt.

Q. Did you still have your point? Do you know what I’m talking about, the point?

A. I didn’t. Yeah.

Q. Did you still have -- that’s the point of the interest, 1 percent interest in the song; is that right?

A. Yeah, I still had it in the beginning. And then I started debating whether I was going to hold on to it.

MR. MESEREAU: Objection. Nonresponsive; move to strike.

THE COURT: I’ll strike after, “In the beginning.”

Q. BY MR. ZONEN: Mr. Provencio, what did you do with your 1 percent interest in “What More Can I Give?”

A. I gave it back to Michael.

Q. How did you do that?

A. I signed documents at Wahoo’s Fish Taco on Wilshire, and basically it says that I give my point back to Michael.

Q. Who did you furnish those documents to?

A. To Marc Schaffel, but it had Michael’s name. I read it. It said that, “This hereby” -- “You are giving your point back.”

MR. MESEREAU: Objection. Nonresponsive; move to strike.

THE COURT: The last portion is stricken.

Q. BY MR. ZONEN: Why did you do that? Why did you return your 1 percent back to Michael Jackson?

MR. MESEREAU: Objection; relevance.

THE COURT: Overruled.

Q. BY MR. ZONEN: Go ahead and explain.

A. Well, there was two things. I was really kind of just wanting to get away from all of them, and I really didn’t feel like really I deserved to keep something that was Michael’s song, and make money on something that I didn’t really -- it was Michael’s song, so I felt that it was the right thing to do.

And I just wanted to kind -- I had a good time while I had it, and -- and, you know, I wasn’t rich before, so, you know, I can’t miss anything I didn’t have. So I just gave it back because I thought that was the right thing to do.

Q. Mr. Provencio, during that period of time, did Marc Schaffel continue to work with Neverland Valley Entertainment?

A. Yes.

Q. Even after he was fired?

A. Yes. Because Neverland Valley Entertainment still existed.

Q. Were there other projects that Neverland Valley Entertainment was engaged in other than “What More Can I Give?”

MR. MESEREAU: Objection; foundation.

THE COURT: Overruled.

You may answer.

MR. ZONEN: I’m sorry, Your Honor?

THE COURT: Yes, he may answer.

Q. BY MR. ZONEN: Go ahead, please.

A. The rebuttal specials, the RMA Awards in Las Vegas. Essentially The BAMBIs, The BAMBIs in Germany.

Q. Now, The BAMBIs in Germany, tell us what that is.

A. Well, that’s --

MR. MESEREAU: Objection; relevance.

THE COURT: Sustained.

Q. BY MR. ZONEN: Did Marc Schaffel attend any activities with Michael Jackson during the latter -- at any time during 2001 or 2002?

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. ZONEN: Were you present during the attendance of any activities with Marc Schaffel and Michael Jackson after he had been fired?

A. Yeah.

Q. Where?

A. Went to Gary, Indiana.

Q. What happened at Gary, Indiana?

A. We went to Michael’s home town.

Q. And Mr. Schaffel was there?

A. Yeah. That’s the last time I talked to Michael, was there.

Q. Okay. Do you remember when that was?

A. June 2003, I think.

Q. Let me go back, if we can, please, to early 2003, January 2003. Did you know in January 2003 a woman by the name of Kathryn Milofsky?

A. Yes.

Q. Did I pronounce her name correctly?

A. I can’t even pronounce her name. Yeah, I believe so.

Q. Okay. Who is Kathryn Milofsky, to your knowledge?

A. She was a press person, a really nice press person.

Q. Okay. From where; do you know?

A. Well, she worked at one of the major networks.

Q. And do you know in which country?

A. Yeah, Great Britain. And then she came over to America.

Q. Did she send something to you or to Mr. Schaffel that you saw in early January 2003?

A. Yeah, the transcript to Martin Bashir, January 24th.

Q. So the “Martin Bashir,” what was that exactly? Do you know the name of it?

A. It was the transcript -- I’m sorry?

Q. Do you know the name of it?

A. “Living with Michael Jackson.”

Q. All right. Now, had it been aired at the time that she sent it?

A. No.

Q. Did she actually have a conversation with either -- with you?

A. About?

Q. About “Living with Michael Jackson” and the transcript.

MR. MESEREAU: Objection; hearsay.

THE COURT: Overruled.

You may answer “yes” or “no.”

Q. BY MR. ZONEN: Just “yes” or “no.”

A. Yes.

Q. Was this conversation with her before or after she sent you the transcript?

A. Both before and after.

Q. You had multiple conversations with her?

A. Yeah. It was -- she had warned us it was going to be very damaging to Michael.

MR. MESEREAU: Objection. Hearsay; move to strike.

MR. ZONEN: Tends to explain their conduct thereafter.

THE COURT: Well, it’s nonresponsive.

Sustained.

Q. BY MR. ZONEN: Mr. Provencio, when you

received the transcript, did you read it?
A. Yes. On the 24th.
Q. Was this before the documentary had been aired either in Europe or in the United States?
A. Yes.
Q. Did you understand the impact of that transcript when you read it?
A. Oh, yeah.
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
MR. ZONEN: The answer is in?
THE COURT: Yes.
Q. BY MR. ZONEN: All right. At some point in time did you begin getting phone calls at Neverland Valley Entertainment?
A. Oh, yeah, the phone went ballistic.
Q. Was that before or after the first showing of “Living with Michael Jackson”?
A. It was actually before, because other -- other press people had, I guess, received the transcript, too, or got ahold of it.
Q. And when you say -- don’t tell me what the content of the conversations were, but just give me a sense of how much -- you say the phone went ballistic. How many calls were you getting, how often?
A. Well, if an octopus could pick up a phone every two seconds, that’s how many phone calls we

were getting. So literally the phone just rang and rang and rang and rang.

Q. For the entire time?

A. Oh, yeah, day and night.

Q. Was it people other than the press?

A. Well, first it was European press and then it was the American press, North American press.

Q. Was the American showing a few days after the European showing?

A. Excuse me?

Q. The American showing of “Living with Michael Jackson,” to your understanding, was a few days after the European showing?

A. Yes, like two or three days.

Q. And after that, were there plenty of phone calls?

A. Yeah, it was crazy.

Q. Did it go on for some period of time?

A. Well, yeah, it was an engagement. You had to -- you know, you had to take the phone calls, or people would just keep calling.

Q. All right. Now, without getting into what, were the questions geared towards specific areas of the content of that documentary?

MR. MESEREAU: Objection. Hearsay and leading.

MR. ZONEN: Leading for a reason. I’m trying to narrow the focus, Your Honor.

THE COURT: Just a moment. The objection is overruled.

Q. BY MR. ZONEN: Did you understand the question?

A. Yes. They were asking -- the press was asking primarily two questions.

MR. MESEREAU: Objection.

MR. ZONEN: Hold on. Hold on.

MR. MESEREAU: Hearsay.

THE COURT: Sustained.

Q. BY MR. ZONEN: I'll ask you specifically -- listen to the question. Were there specific areas -- without getting into what they were, were there specific areas in particular that the press were inquiring about?

A. Yes.

Q. All right. Was one of those areas the issue of the child?

MR. MESEREAU: Objection; leading.

MR. ZONEN: For a reason.

THE COURT: The objection is overruled.

Q. BY MR. ZONEN: Was one of those areas the issue of the child?

A. Yes.

Q. As to that issue, what were they inquiring about?

MR. MESEREAU: Objection. Hearsay; foundation.

THE COURT: Overruled.

Q. BY MR. ZONEN: Go ahead.

A. What was their question?

Q. Yes. Who were they inquiring about?

A. Who was this boy Michael was sleeping with.

Q. Was that asked often?

A. Yeah, a lot.

Q. Was that asked as much as any other inquiry, without getting into any of the other inquiries?

A. Yeah, that was the number one.

Q. Now, did things change at Neverland Valley Entertainment after the screening of “Living with Michael Jackson”?

A. Well, yeah, it was in high gear again, and they were going to make doc -- rebuttals.

MR. MESEREAU: Objection. Nonresponsive; move to strike.

THE COURT: After “in high gear again,” I’ll strike that.

Q. BY MR. ZONEN: Were there other people brought in now to Neverland Valley Entertainment to deal with this crisis?

A. Yeah. Well, Frank’s always been around. But Vinnie was brought in and -- but they were -- they were -- and Stuart Backerman.

Q. Okay. Is Stuart Backerman somebody that you knew prior to the screening of “Living with Michael Jackson”?

A. Oh, God, no. Nobody knew him. So, no.
Q. What was Mr. Backerman’s role?
A. He was going to be the press person.
Q. Did he work out of Mr. Schaffel’s residence as well?
A. Yes. You know, at first, and then he was working at a hotel down the street. And they would come into the office.
Q. Did you know an Ann Gabriel or Ann Kite?
A. I only knew that they had her around for like a minute, and then she was gone. So --
Q. Did you know of any other people who were brought in, who were working with Neverland Valley Entertainment dealing with this issue?
A. Oh, this British company, Bell something or something Bell.
Q. Bell Yard?
A. Bell Yard. That’s it.
Q. And were there, in fact, conversations that you were able to overhear between Mr. Schaffel and Bell Yard in England?
A. Yeah. And I also saw the paperwork.
Q. Okay. Were there -- was there now communication with Michael Jackson that you were privy to, that you were actually witness to?
A. Yeah.
Q. Did that begin after this?
A. After --

Q. In other words, after the -- after the screening of “Living with Michael Jackson,” or even -- let me withdraw that question.

After you and Mr. Schaffel became aware of the existence of the transcript of that show, did either you or Mr. Schaffel make that -- the content of that transcript known to Mr. Jackson?

A. Marc did. Marc did to Ronald, Dieter and Michael.

Q. So all of them were contacted at that time?

A. Yes.

Q. All right. Now, had Ronald and Dieter been active in dealing with Mr. Schaffel in your presence during the preceding months prior to January ‘03?

A. I don’t understand. Can you say that --

Q. Were you witness to conversations between Marc Schaffel and either Ronald Konitzer or Dieter Weizner prior to January of ‘03?

A. Oh, prior to January?

Q. Yes.

A. Yeah. They were -- he was trying to get back into good graces with Michael, so he was talking to Frank and to Ronald and Dieter on the phone a lot.

Q. What -- did you ever have conversations with Frank or Ronald or Dieter during that period prior to January ‘03?

A. Well, Ronald and Dieter came over to the 8730 house to have meetings, like two meetings I remember.

Q. All right. And that was -- you were there at the time; is that correct?

A. Yeah, we had a meeting with them.

Q. All right. Were there any conference calls that took place in the early part of February or late part of January that involved Mr. Jackson, conference calls that you were privy to?

A. January 1st.

Q. How many conference calls were there that you actually heard?

A. With Michael on it?

Q. Yes.

A. Two.

Q. And were you actually part of the conference call?

A. Well, in the beginning I was sitting there. And they got -- you know, he put them on speakerphone. And then -- and then he kind of just wanted to make it a little more private, and I went in my office and was listening to the conference call.

Q. All right. Were you listening to the conference call on your phone in your office?

A. Yes.

Q. We're talking about Mr. Schaffel's residence; is that correct?

A. Right, but I had my own office in there, and the phones were all interlinked.
Q. And were you able to listen to the conversation in its entirety?
A. Yeah, because I kept notes.
Q. You kept notes as to both those conversations?
A. Yes.
Q. All right. Was Mr. Jackson part of the conversation?
A. Yes. Not in the beginning, but Dieter would bring him on.
Q. From the point that Mr. Jackson became part of the conversation - and this is the first conversation on the 1st of January - was there any discussion about Debbie Rowe in that conversation?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
Q. BY MR. ZONEN: Go ahead.
A. Yes.
Q. And what was discussed about Debbie Rowe?
MR. MESEREAU: Objection; vague.
THE COURT: Sustained.
Q. BY MR. ZONEN: Was there any specific discussion about Debbie Rowe being actively involved in dealing with this controversy?
MR. MESEREAU: Objection. Leading and vague.

MR. ZONEN: I’m not sure they can be both leading and vague.

THE COURT: I’ll allow a “yes” or “no” answer to that question.

Do you know the question?

THE WITNESS: Could you state it again, please?

MR. ZONEN: Perhaps the court reporter could read it back.

THE COURT: Yes.

(Record read.)

THE WITNESS: The answer is yes.

Q. BY MR. ZONEN: Okay. Was Mr. Jackson asked to do something by any of the other participants in this conference call with regards to Debbie Rowe?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

You may answer.

Q. BY MR. ZONEN: You can answer.

A. Yes.

Q. What was he asked to do?

A. Call her.

MR. MESEREAU: Objection. Vague and hearsay.

THE COURT: Overruled.

MR. ZONEN: And the answer is in?

THE COURT: Yes.

Q. BY MR. ZONEN: Did Mr. Jackson say something

in regards to that?
A. Just that he wanted to know what was going on.
Q. Did he ask that throughout that conversation?
MR. MESEREAU: Objection; leading.
THE COURT: Sustained.
Q. BY MR. ZONEN: Was he told what he needed to say or was there any discussion about what he needed to say to Debbie Rowe?
A. Yeah.
Q. What was that?
MR. MESEREAU: Objection; vague.
THE COURT: Overruled. I want -- there's an issue here for me, though, and that is who is talking?
MR. ZONEN: All right. All right. Let me back up a question, and then we'll go back to the other one.
Q. Who was on this telephone conversation?
A. Dieter, Marc and then Michael.
Q. Now, did you know where Dieter and Michael were at the time of the conversation? That's just "yes" or "no."
A. No.
Q. And Marc, of course, was in the same residence with you?
A. Correct.

Q. Who was it who was talking to -- to Mr. Jackson about -- specifically about what he needed to do with regards to Debbie Rowe?

A. Marc and Dieter.

Q. Were both of them speaking at different times with Mr. Jackson with regards to Debbie Rowe?

A. Together and separate.

Q. What is it that Marc told Mr. Jackson he needed to do with regards to Debbie Rowe?

MR. MESEREAU: Objection. Hearsay and leading.

THE COURT: Overruled.

Q. BY MR. ZONEN: Go ahead.

A. He needed to call her and talk to her.

Q. Okay.

A. Give her permission.

Q. All right. Something about permission?

A. Uh-huh.

Q. Okay. What did Dieter say to Mr. Jackson with regards to Debbie Rowe?

MR. MESEREAU: Objection. Foundation and hearsay.

THE COURT: Overruled.

Q. BY MR. ZONEN: Go ahead.

A. That he needed -- that all he needed to do was talk to her so that she could do the rebuttal.

Q. Did Mr. Jackson say anything in that regard as to whether he would or would not do that?

A. No, I never knew if he even called her. So....

Q. All right. Were you aware, from your having read the transcript -- incidentally, did you ever see the documentary “Living with Michael Jackson”?

A. Yeah, I saw it. I mean, parts I nodded off on, but, you know, I saw it for what it was worth, yeah.

Q. Did you see the portion of the documentary that specifically featured this child who was the subject of the controversy?

A. Oh, yeah.

Q. Did you see it in its entirety, that section?

A. Oh, absolutely.

Q. All right. Did you know the name of this family?

A. Yes.

Q. Did you know how many members were in the family?

A. Yeah, I mean, I pretty much knew there was like -- how many people were there, yeah.

Q. In this first conference call that you were listening to on the 1st of January, was there any discussion about the family at all?

A. Yes.

Q. And what was said in the presence -- at the time that Mr. Jackson was on the phone?

MR. MESEREAU: Objection; vague.

THE COURT: Sustained.

Q. BY MR. ZONEN: Was Mr. Jackson asked to do anything with regard to this family?

MR. MESEREAU: Objection. Hearsay and vague.

THE COURT: Vague as to the person asking.

MR. ZONEN: Okay.

Q. Did either Mr. Schaffel or Mr. -- it was Dieter, right? Not Ronald.

A. Dieter.

Q. Dieter was on the call.

Did Mr. Weizner or Mr. Schaffel ask Michael Jackson to do anything with regards to the family?

A. Well, Frank had told him that --

MR. MESEREAU: Objection; nonresponsive.

Q. BY MR. ZONEN: “Yes” or “no.”

A. Yes.

Q. All right. And who was it, Dieter or Schaffel or both?

A. Both.

Q. Let’s start with Mr. Schaffel. What did Mr. Schaffel say with regards to Mr. Jackson with regards to this family?

MR. MESEREAU: Objection; hearsay.

THE COURT: Overruled.

You may answer.

Q. BY MR. ZONEN: Go ahead.

A. That they could ruin your career, they could blackmail you.
Q. All right. Did Mr. Weizner say anything to Mr. Jackson?
A. Essentially the same thing. You know, essentially the same thing.
Q. Was there some discussion by either one of them as to what should be done?
A. On the second conference call there was a little bit better clarity there.
Q. We’ll get to that in a second. But on the first one, was there any further discussion at that point?
A. Not really. Not that I can remember, that I can recall. I mean, it’s -- do you want me to look at my notes, or --
Q. Would it refresh your recollection to look at your notes?
A. Yeah.
Q. Did you, in fact, take notes at that time?
A. Yeah, at the time. This is --
Q. Were your notes taken contemporaneous with the event, the phone call?
A. Yeah, they’re right here.
Q. You have those notes with you?
A. Yes.
Q. Go ahead and take a look at your notes. Don’t read from them, just read them, and then close

your notebook back up when you’re done.
A. Okay.
Q. Having reviewed your notes, did it refresh your recollection as to any other content of that conversation that specifically dealt with this family?
A. Yes.
Q. All right. And what else was said?
A. That --
MR. MESEREAU: Objection; vague.
Q. BY MR. ZONEN: Let’s start with either Mr. Weizner -- what else was said by Mr. Weizner, if anything else?
MR. MESEREAU: Objection; hearsay.
THE COURT: Overruled.
You may answer.
THE WITNESS: I don’t -- Weizner and Marc were essentially saying the same things back and forth. There was that urgency tone in their voice of, you know, “You’ve got to” -- you know, “You have got to take care of” --
MR. MESEREAU: Objection; nonresponsive.
THE COURT: Overruled. As to the tone of voice is stricken.
Q. BY MR. ZONEN: Let’s deal specifically with Mr. Weizner, as best you can recall. Anything other than what you’ve told us already with regards to the Arvizo family?

MR. MESEREAU: Objection; hearsay.
Your Honor, was there a ruling?
THE COURT: I’m sorry, yes.
MR. ZONEN: What was the ruling? I’m sorry, I didn’t hear it. I apologize.
THE COURT: Overruled.
MR. ZONEN: All right.
THE COURT: My voice was --
MR. ZONEN: Now I don’t remember the question.
Q. Oh, it was dealing with Mr. Weizner, and the question of whether or not your notes refresh your recollection as to anything else that Mr. Weizner had said to Mr. Jackson concerning the Arvizo family. Am I right?
A. Right.
Q. Tell us anything else you can recall having read your notes, reviewed your notes.
A. That they wanted to do this rebuttal and put some money in his pocket.
Q. There was discussion about rebuttal at that point?
A. Yeah, that was an early concept of theirs.
Q. All right. What specifically was the discussion about the rebuttal coming from Mr. Weizner? And then we’ll talk about from Mr. Schaffel.
MR. MESEREAU: Objection; hearsay.

THE COURT: Just rephrase the question. You've confused the witness.

Q. BY MR. ZONEN: Was there a conversation between Mr. Weizner and Mr. Jackson about a rebuttal?

A. Yes.

Q. What did Mr. Weizner say to Mr. Jackson about a rebuttal?

MR. MESEREAU: Objection; hearsay.

THE COURT: Overruled.

You may answer.

Q. BY MR. ZONEN: To the best of your recollection.

A. That we -- that they needed to do it.

Q. Did he say why they needed to do this rebuttal?

A. To save Michael's image, his career.

MR. MESEREAU: Objection; hearsay.

THE COURT: Overruled.

Q. BY MR. ZONEN: And did he talk at all about this being a money-raiser in any way?

A. Oh, yeah. This could make money.

Q. And that's what Mr. Weizner said to Mr. Jackson?

A. Both of them did.

Q. All right. Now, let's move to Mr. Schaffel as well. To the best of your recollection, what did Mr. Schaffel say about -- to Mr. Jackson about

performing this -- doing this rebuttal film?
MR. MESEREAU: Objection; hearsay.
THE COURT: Overruled.
You may answer.
Q. BY MR. ZONEN: Go ahead.
A. That, “You could let the network make all the money or you could make the money.” So there was an incentive.
Q. Do you recall what Mr. Jackson said in response to that?
A. Well, he agreed.
Q. Was there any discussion about whether the Arvizo family would be involved in this rebuttal?
A. Yes, because Michael had --
MR. MESEREAU: Objection; vague.
THE COURT: Overruled. The answer was, “Yes.”
Q. BY MR. ZONEN: All right. Tell us who -- between which parties was there discussion about the Arvizo family being involved in this rebuttal? Who talked about the Arvizos’ family participation in the rebuttal?
A. Oh, Michael brought it up.
Q. And what did he say?
A. That Frank had told him.
Q. That Frank had told him what?
A. That they could be filming the family, or that the family might be in this rebuttal special.

And needed to be.

Q. Did Mr. Jackson offer any commentary as to why the family needed to be involved in this rebuttal?

A. Not really. Just -- wanted just to be aware of things.

Q. Now, this is all the first conversation, is that right, the first conference call?

A. Yes. Things were moving very quickly.

MR. MESEREAU: Objection; move to strike.

THE COURT: Stricken. No question pending.

Q. BY MR. ZONEN: Now, the second conversation conference call that took place, do you remember when that was?

A. Yeah, it was either Feb 2nd or 3rd. One of those days.

Q. Within one to two days?

A. Yes.

Q. Were you listening to that conversation as well?

A. Yes.

Q. Were you party to the conversation? In other words, were you talking during the conversation?

A. No, I was just listening.

Q. Do you know whether or not the other parties knew you were on the line?

A. They didn’t know.

Q. As to the first conversation on the 1st, do you know whether the other parties knew whether you were on the line?

A. He knew I was sitting there when he got them on the phone, and then I went into the other room and listened.

Q. Did he know that you -- Schaffel, you’re talking about, is “he,” right?

A. Right.

Q. Did Mr. Schaffel know that you were listening on the other line as to either of those two conversations?

A. No, but he -- no, the answer is no.

Q. In the second conversation, who were the participants of that conversation?

A. Dieter and Michael again, and it was the same way. Dieter first and then Michael got on the phone.

Q. In other words, initially the conversation was between Marc and Dieter?

A. Uh-huh.

Q. And then Michael got on the phone?

A. Uh-huh.

Q. Without getting into the content of the conversation, what -- how long did Marc and Dieter talk before Michael got on the phone?

A. A couple of minutes. Just about probably, like, eight or ten minutes. And it was just rambling money crap, I mean stuff.

Q. That happens here every once in a while.

A. Oh, okay.

Q. Could you tell if Dieter and Michael were in the same location? I mean, when Michael -- Mr. Jackson got on the phone, did they have to commence another phone call to do that or did he simply get on the phone?

A. Well, initially it was like an operator, so I knew it wasn't at Neverland. But I didn't know where they were.

Q. But did they have to invoke -- use an operator again to get Mr. Jackson on the phone?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

Q. BY MR. ZONEN: Do you understand the question?

A. Yes.

No, when Michael came on the phone, it was like he was right there.

Q. Okay.

A. Or he had walked into another room, you know, if it was that kind of phone.

Q. You said, "Neverland." Did you know whether or not they were actually calling from Neverland?

A. No, because when you call at Neverland, they pick up and say "Neverland."

Q. Do you know who commenced this phone call?

A. Marc did.

Q. And no one said “Neverland” at the time that he called?

A. No. It was an operator.

Q. All right. After Mr. Jackson became party to this conversation that was now a conversation with Dieter and Michael Jackson and Mr. Schaffel, was there a discussion about making the video?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

You may answer.

Q. BY MR. ZONEN: Just “yes” or “no.”

A. Yes.

Q. Who was involved in that discussion?

A. Dieter, Ronald, Michael.

Q. Can you tell us what Michael Jackson said specifically about the video and making the video?

A. Well, he wanted to know what was going on, so he just asked it blunt, like, “What’s happening? What’s the latest? What’s going on?”

Q. And did either Dieter or Marc answer that question? That’s “yes” or “no.”

A. Yes.

Q. Which one answered that question?

A. Both of them did.

Q. What did Marc say with regards to what’s going on?

MR. MESEREAU: Objection; hearsay.

THE COURT: Overruled.
You may answer.

Q. BY MR. ZONEN: What did Marc say with regards to what's going on?

A. Can I look at my notes?

Q. Would it refresh your recollection to do so?

A. Yes.

Q. All right. And if that same question dealt with Dieter, would you need to refresh your recollection as to that as well?

A. Yes.

Q. All right. Would you please refresh your recollection as to both of those.
Have you reviewed your notes as to both of those conversations?

A. Uh-huh.

Q. Were you able to refresh your recollection as to both of those conversations?

A. Yes.

Q. What did Mr. Jackson say with regards to his conversation with Marc Schaffel as to what was going on?

A. Well, first --

Q. You already answered that.
I'm sorry. What did -- you know, I'm not sure what the question was.

THE COURT: It was, "What did Marc say?"

MR. ZONEN: I'm sorry?

THE COURT: I think you were asking, “What did Marc say?”

Q. BY MR. ZONEN: Okay. Go ahead.

A. What did Marc say? Well, he said that, “We’re going to go down to Florida,” or something like that, yeah.

Q. He made a comment about going to Florida?

A. Yes.

Q. Do you recall what --

A. Taking the family down to Florida.

Q. So the content of that conversation included going to Florida with the family?

A. Correct.

MR. MESEREAU: Objection; misstates the evidence.

THE COURT: Overruled.

Q. BY MR. ZONEN: And as to Dieter, what did Dieter say specifically?

MR. MESEREAU: Objection; hearsay.

THE COURT: Overruled.

Q. BY MR. ZONEN: To Michael Jackson, what did Dieter say?

A. They needed to do a press conference.

Q. What did Mr. Jackson say in response to doing a press conference?

A. That he hates doing those things.

Q. I’m sorry?

A. That he hated doing those things.

Q. Did he agree to do it?

A. You know, I didn’t hear Michael say, “Yes,” you know, “I want to do it.” He just says, “Ahh, I hate doing those things.”

Q. Was there any other discussion about the Arvizo family in this conversation other than that they were going to go to Florida to do a press conference?

A. Yeah, they were going to be with Michael and Michael wanted to go someplace fun.

Q. What did he say specifically about going someplace fun?

A. He said, “Let’s go someplace fun.” I don’t know, maybe the place was boring.

Q. Was there any discussion in this second conference about being concerned about the Arvizo family?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled. You may answer.

THE WITNESS: No, but I was concerned.

Q. BY MR. ZONEN: All right. But --

MR. MESEREAU: Objection. Move to strike; nonresponsive.

THE COURT: Stricken. Except for “No.”

Q. BY MR. ZONEN: You had mentioned, as to the first conversation on the 1st, that there was some discussion about blackmail; is that right?

A. Correct.

Q. Was there any discussion about blackmail on the second conversation, to the best of your recollection?

A. No, not that I can think of.

Q. Was there any more discussion in the second conversation about Debbie Rowe’s involvement in the video?

A. No, she was just going to do the rebuttal.

Q. All right. Was that talked about in the second conversation at all?

A. No.

Q. At some point in time, did you become aware of the fact that there was going to be an interview with Debbie Rowe?

A. Oh, yeah.

Q. Did you learn about that prior to the commencement of that interview?

A. Could you say that again?

Q. Before the interview actually took place, did you know that that interview was going to happen?

A. Oh, yeah.

Q. How long prior to the commencement of the interview?

A. A couple days. It was going quick.

Q. Do you know when that interview took place relative to, say, the second phone call?

A. Actually a couple days later, I believe. Yeah.

Q. Do you know where that interview took place?

A. Yeah, I was there. It was at Marc’s house.

Q. Do you know for what period of time that interview took place? How long did it last?

A. It went on for forever. It was like -- it was like eight, nine hours, something like that.

Q. Do you know approximately what time it started and approximately what time it ended?

A. It seemed like it just went on all day. There was a lot of setup. Hamid had to come in and set up. So if you’re talking that, that started early. And then, you know, we didn’t get out of there until the sun went down, really, so....

Q. And was Debbie Rowe there the entire time?

A. No, not in the beginning, because that’s all setup; microphones, lighting, the cameras.

Q. You said Hamid was there. Who is Hamid? Do you know his full name?

A. Hamid Molesi or Moleshi.

Q. And what does he do?

A. He was Michael’s personal videographer, photographer.

Q. If I referred to Hamid as Mr. Moslehi --

A. Moslehi.

Q. -- would that sound close enough?

A. I always mispronounced his name, so yeah. 8751

Q. I think everybody does.

Who else was there besides Mr. Moslehi?

A. Iris, her attorney.

Q. Whose attorney?

A. Debbie Rowe’s attorney.

Q. Do you know Iris’s last name?

A. Silver something.

Q. Does Finsilver sound right?

A. Finsilver.

Q. And then Debbie was there?

A. Uh-huh.

Q. All right. And who else was there?

A. Christian. Ian Drew.

Q. Is this Christian Robinson we’re talking about?

A. Yes.

Q. Christian Robinson was still working --

A. Oh, yeah.

Q. -- for Neverland Valley Entertainment?

A. Oh, yes.

Q. And the workplace for Christian Robinson continued to be Mr. Schaffel’s residence?

A. Correct.

Q. And he was there on that occasion?

A. Yes.

Q. Was he actually involved in this interview with Debbie Rowe?

A. Well, he was working, yeah. I mean, doing some sideline things and helping to assist camera work and stuff.

Q. Was Marc Schaffel there?

A. Yes.

Q. We have Christian Robinson, Marc Schaffel, Iris Joan, Hamid, you were there; is that correct?

A. Uh-huh.

Q. Who else was there? Anybody else you can think of?

A. Stuart Backerman.

Q. Was he there for the entire time?

A. Yeah, everybody stayed for the entire time.

Q. Anybody else?

A. Not that I can think of. I mean, there was camera -- I think Hamid had some camera guys, but --

Q. Who actually conducted the interview?

A. Ian Drew.

Q. Now, were you witness to any part of this interview?

A. Yeah, I would come up and -- upstairs and downstairs and watch, and then get bored and go back upstairs, and then come down.

Q. Did you watch at times for extended periods?

A. Yeah, to see what was said and how it was going to be performed or whatever.

Q. Over the entirety of the time that this interview took place, what percentage of it do you believe you actually witnessed?

A. Probably 75 percent of it, because I was going up and down. You couldn’t help it, it was just happening right there, so --

MR. ZONEN: Your Honor, may I approach the witness?

THE COURT: Yes.

Q. BY MR. ZONEN: I’m going to show you Exhibit No. 888. 888, you would agree, is a photograph?

A. Yes.

Q. Okay. Can you tell us the content of the photograph, the subject matter?

A. It’s the interview that’s happening in the house. Marc’s home.

Q. Can you identify the people who are in that photograph?

A. Yes.

Q. All right. Who are they?

A. Debbie Rowe. Ian Drew sitting across from her. Marc to the right in the blue shirt. And Christian Robinson to the left.

Q. Does that appear to be a photograph that was taken during the course of that interview?

A. Oh, absolutely.

Q. All right. Are all of those people identified accurately as the subject of that photograph?

A. Yes.

Q. And is that photograph, in fact, an accurate depiction of the subject matter contained within?

A. I guess so, yeah.

MR. ZONEN: I would move to introduce 888 into evidence.

MR. MESEREAU: No objection.

MR. ZONEN: All right.

Q. In that photograph, do you see Mr. Schaffel doing something?

THE COURT: It’s admitted.

MR. ZONEN: Your Honor, can I publish the photograph?

THE COURT: Yes.

Q. BY MR. ZONEN: And can you identify those people again, please?

A. Yes. By pointing?

MR. ZONEN: Do we have that laser?

Yeah, right there.

THE WITNESS: This is a laser?

MR. ZONEN: It is.

THE WITNESS: All right.

MR. ZONEN: Don’t start playing with it.

Q. Point out, please, Debbie Rowe for us.

Point out Ian Drew for us.

A simple point would be adequate.

Point out Marc Schaffel, if you would, please.

And point out Christian Robinson.

Okay. Can you tell what Mr. Schaffel is

doing at that time?

A. He's working on the -- he's working on the questions and answers.

Q. Did you actually see documents that you believed to be questions and answers?

A. Well, initially they were just questions, because they were sent over by Ian Drew. And then they became questions and answers.

Q. Now, you say "were sent over by Ian Drew." Ian Drew was actually there at that time. Do you mean sometime prior to this interview?

A. Oh, yeah, because Ian was upset that Marc hadn't responded to him right away.

MR. MESEREAU: Objection. Nonresponsive; hearsay; move to strike.

THE COURT: Strike the last sentence.

Q. BY MR. ZONEN: Were questions received by Marc Schaffel at Neverland Valley Entertainment headquarters, at Mr. Schaffel's residence, prior to the commencement of this interview?

A. Yes. 100 questions.

Q. Did those questions also contain suggested answers?

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. ZONEN: Did you see the questions at the time they came from Mr. Drew?

A. He printed them and had them on the desk.

Q. And you looked at them?

A. Yeah, I just looked at them quickly.

Q. You were able to see how many questions roughly; is that correct?

A. Well, yeah, there was 100. There was about 100. 90 to 100.

Q. Were they numbered, the questions?

A. Well, actually, Marc complained there were so many questions. I said, “How many questions?” And he said, “About 100.”

Q. All right. But you did actually look at it at one point?

A. Yes. It was sitting on his desk.

Q. And at that time that it came in, were there answers associated with those questions?

A. Not at the time.

Q. At a later time, were there answers associated with those questions?

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. ZONEN: Did you see the document at a later time?

A. Yes.

Q. Did that document change over time?

A. Uh-huh.

Q. How did it change?

A. There was answers.

Q. Prior to the commencement of this interview, were there answers as part of that document?

A. Well, it was changing. So Ian Drew sent over the questions. And it changed. And then there were answers.

Q. During the course of the interview, what was Mr. Schaffel’s involvement?

A. He was like the producer. He was like the director.

Q. All right. Was he making any suggestions one way or the other?

A. Oh, yeah.

Q. In what way?

MR. MESEREAU: Objection; hearsay.

THE COURT: Is that a request for him to repeat what was said or -- I’ll ask for a different question.

MR. ZONEN: I’m sorry --

THE COURT: “In what way” is the question I find vague.

MR. ZONEN: All right.

Q. What was Mr. Schaffel saying to Debbie Rowe during the course of this interview?

MR. MESEREAU: Objection; hearsay.

THE COURT: It’s overly broad. It’s sustained.

Q. BY MR. ZONEN: Was Mr. Schaffel making any suggestions as to how to answer the questions to Debbie Rowe?

MR. MESEREAU: Objection as leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes.
Q. BY MR. ZONEN: In what way? What was he saying?
MR. MESEREAU: Objection; hearsay.
MR. ZONEN: It’s not for the truth of the matter stated.
THE COURT: The objection is overruled.
Q. BY MR. ZONEN: Tell us in what way.
A. He would prod her to do it better or say it better, like any producer would.
Q. How often did he do that with regards to the questions, the frequency with which the questions were asked? How often would he offer suggestions?
A. A lot. That’s what -- he was there the whole time and he was working on things at the same time. He would write things and scratch it out and then she would redo it.
Q. Was Debbie Rowe responsive to his suggestions?
A. Yes.
Q. Was she changing her answers in accordance with his directions?
MR. MESEREAU: Objection. Hearsay and leading.
THE COURT: Calls for a conclusion.

Sustained.

Q. BY MR. ZONEN: Did she make changes in any answers at any time during those interviews?

MR. MESEREAU: Objection. Foundation; hearsay.

THE COURT: Sustained.

Q. BY MR. ZONEN: Did you hear any discussions about --

THE COURT: It’s not the foundation. You’re asking him to conclude, when she says A and then says B, that that’s a change in testimony. Not in testimony, but in statement. So it’s opinion, and I’m not allowing that.

MR. ZONEN: Okay.

THE COURT: If you want to give some examples --

MR. ZONEN: I can do that.

THE COURT: -- you can do that.

Q. BY MR. ZONEN: Mr. Provencio, were there some subject matters that you recall at this time that were the subject of this discussion -- this interview?

A. Yeah, well, like when she was --

MR. MESEREAU: Objection; nonresponsive.

Q. BY MR. ZONEN: That’s “yes” or “no.”

A. Yes.

MR. MESEREAU: Move to strike.

Q. BY MR. ZONEN: Do you recall specifically that there was a discussion about the quality of Mr. Jackson’s parenting of his children?

MR. MESEREAU: Objection; leading.

MR. ZONEN: For a reason.

THE COURT: The objection is overruled.

Q. BY MR. ZONEN: Were there any discussions about the quality of Mr. Jackson’s parenting of his children?

A. Well, that Debbie said?

Q. Questions that were put to Debbie Rowe about exactly that.

A. Yes.

Q. Were those questions subject to Mr. Schaffel’s suggestions?

A. Yes, because he would --

MR. MESEREAU: Objection. Objection; hearsay.

THE COURT: Overruled.

Q. BY MR. ZONEN: All right. What -- do you remember a question in specific that dealt with that topic that was eventually commented on by Mr. Schaffel?

A. That Michael was a good father, and then he said, “You’re going to see your kids.”

Q. Do you recall having heard that?

MR. MESEREAU: Objection. Nonresponsive; move to strike.

THE COURT: Sustained. The question was

whether or not you remember a question, not what the response was.

THE WITNESS: Okay.

Q. BY MR. ZONEN: All right. Let me -- was there an answer specifically that Debbie Rowe gave to that issue of the quality of Mr. Jackson’s parenting that Mr. Schaffel wanted to change?

MR. MESEREAU: Objection. Calls for speculation, hearsay, and a conclusion.

THE COURT: Sustained.

Q. BY MR. ZONEN: Was there a conversation about her seeing her children?

A. Well --

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

Q. BY MR. ZONEN: You may answer.

A. He said, “You’re going to see your kids soon.”

MR. MESEREAU: Objection. Nonresponsive; hearsay; move to strike.

THE COURT: It’s stricken.

Q. BY MR. ZONEN: Well, but the answer would be “yes” or “no.” Was there a conversation specifically about her kids?

A. Yes.

Q. What did Mr. Schaffel say to her about her kids?

MR. MESEREAU: Objection; hearsay.

THE COURT: Overruled.

Q. BY MR. ZONEN: Go ahead.

A. That, “You were doing good. You are going to see them soon,” or something like that.

Q. Were there times when you were watching this interview when Miss Rowe was crying?

A. Yes.

Q. Was there any discussion between Mr. Schaffel and Ms. Rowe about her crying at other times?

A. Yes.

Q. Would you explain that to us, please?

MR. MESEREAU: Objection. Hearsay; vague.

THE COURT: Overruled.

You may answer.

Q. BY MR. ZONEN: Go ahead.

THE WITNESS: Can you say it again?

MR. ZONEN: Perhaps the court reporter would read it back.

(Record read.)

THE WITNESS: Okay. He thought she could cry better.

Q. BY MR. ZONEN: And did they do the scene again?

A. Pretty much, yeah. Well, not “pretty much.” They did.

Q. And did she cry when they redid it?

A. She cried better.

Q. She cried better.
Did you eventually see this production of the Maury Povich rebuttal?
A. Yes.
Q. Were there, in fact, scenes of Debbie Rowe in this production?
A. Yes.
Q. Were any of the scenes including -- which included her crying?
A. Yeah, there was like a crying scene.
Q. During the course of the interview, did you receive phone calls at the house from a Mark Geragos?
A. Yes.
Q. Were you able to overhear those conversations?
A. Well, he would -- he would get on the phone with Marc.
Q. “Yes” or “no.”
A. Yes, sorry.
Q. You were able to overhear the conversations?
A. Yes.
Q. How could you overhear the conversations?
A. Because sometimes they were on speakerphone, and sometimes -- you know, he just --
Q. Did he call more than once?
A. Oh, yeah.
Q. And can you give us a sense of how often he

called, how frequently he called during that time?

A. Well, he was calling -- in a week’s time, he was calling three or four times that I would know for sure that was him, because I could hear his voice. And then -- and then if Vinnie was there, he called a lot.

Q. All right. And we’re talking at the moment during the course of the interview, the Debbie Rowe interview.

A. Oh. If we’re talking towards the interview, he was calling a couple of times, yes.

Q. Vinnie was not there during that interview; is that correct?

A. I don’t believe he was, no.

Q. But at subsequent times Vinnie was -- “Vinnie” is Vinnie Amen; is that right?

A. Vinnie Amen.

Q. And Vinnie was there at the house subsequent to that interview; is that correct?

A. Yes.

Q. And you testified that there were conversations with Mr. Geragos and Vinnie Amen?

A. Correct.

MR. ZONEN: Your Honor, this might be a good time to take a break, if that’s okay.

THE COURT: All right. We’ll take our break.

(Recess taken.)

--o0o--

REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 8704 through 8765 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 4, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
May 4, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, MAY 4, 2005

8:30 A.M.

(PAGES 8767 THROUGH 8966)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

PLAINTIFF’S WITNESSES DIRECT CROSS REDIRECT RECROSS

Provencio, Rudy R. 8792-M 8908-Z 8936-M
8947-Z (Further)

E X H I B I T S

FOR IN PLAINTIFF'S NO. DESCRIPTION I.D. EVID.

45 Photo of Dale Couture 8960
46 Photo of Dale Couture 8960
47 Photo of Jordan Graham 8960
219-222 Calabasas Country Inn & Suites records 8950 8950
250 Xtra Jet/Chris Tucker records 8950
294 Document from inside Exhibit No. 288, 12 pages, with M.J. initials on each page 8955
349 Orange-colored plastic bottle 8956
401 Marc Schaffel's Rudy Provencio file 8951
405 Marc Schaffel's files 8951
409 Marc Schaffel's Christian Robinson file 8951
410 Marc Schaffel's address book file 8951
413 Marc Schaffel's model releases file 8951
625 Collection of letters to Attorney Geragos and one letter from Attorney Geragos 8957
823-826 VHS tapes 8959
827 Audio cassette tape 8959
828 Audio cassette tape 8959
829 Mini video cassette tape 8959
887 "Invincible" CD 8771 8773

Q. BY MR. ZONEN: Mr. Provencio, did you ever become aware of a CD that was produced by Michael Jackson?

A JUROR: Your microphone.

MR. ZONEN: I’m in my own world today.

Q. Did you ever become aware of a CD that was produced by Michael Jackson entitled “Invincible”?

A. The album “Invincible,” yes.

Q. Do they still call them “albums” nowadays?

A. Yeah, CDs, albums.

Q. Are there actually people who remember albums?

A. Yeah, I hope so.

Q. Did you have an opportunity to take a look at it?

A. Oh, yeah. Yes.

Q. Did you look at the credits that are contained in it?

A. Oh, yeah. Marc gloated over it.

MR. MESEREAU: Objection; move to strike.

THE COURT: Stricken, the last sentence.

Q. BY MR. ZONEN: I’d like to show you Exhibit 887, please. Is that, in fact, the CD “Invincible” produced by Mr. Jackson?

A. Yes.

Q. Was that published during the course of your employment with Neverland Valley Entertainment?

A. Yes, but it was a Sony record.

Q. A Sony production?

A. Yes, it's a Sony record.

Q. All right. Are there credits that are published along with that CD?

A. Yes.

Q. And did you have an opportunity to look at them?

A. Oh, many times.

Q. All right. Is there, in fact, a credit there to Marc Schaffel?

A. Yes.

Q. Could you read that to us?

A. "Marc Schaffel: Thank you for all your help. I love you, Michael."

MR. MESEREAU: Objection; hearsay.

THE COURT: Overruled.

Q. BY MR. ZONEN: I'm sorry, the -- we heard the, "Thank you for all your help." What's the next part?

A. "Thank you for all your help. I love you, Michael."

Q. Is there also a credit to the Cascio family, including Frank Cascio?

A. Yes.

Q. And did you find that?

A. Yes. "Frank" --

Q. What does that say?

A. "Frank: Thank you for all your help, love and support. You are my true friend and family. (Stop fishing). I love you, Michael.”

Q. Is there a separate credit to the Cascio family, other members of the Cascio family besides Frank?

A. There is. Let me look for it. Hold on.

Q. Okay.

A. Oh, yes. “Special thanks to Connie (Momma Rubba)” -- I think that’s a -- oh, “Angel and Frank, my other family.”

Q. Is there a credit there to Bob Jones?

A. Yes.

Q. What does that say?

A. Let me find it.

“Special thanks and appreciation to Bob Jones for your continuing support and love over the years. Love, Michael Jackson.”

Q. Do you know when “Invincible” came out?

A. 2001.

MR. ZONEN: All right. I’d move into evidence Exhibit No. 887.

MR. MESEREAU: No objection.

MR. ZONEN: May I approach the witness? I’d like to show some other exhibits.

THE COURT: It’s admitted. Yes.

You’re stepping on my lines here.

Q. BY MR. ZONEN: Let me put this notebook in front of you, if I may, and with the admonition that it's --

A. Oh, the water spilled.

Thank you. Okay.

Q. I'd like to direct your attention to Exhibit No. 400 that's before you here. And with the admonition as we turn each page, do it gingerly, because it gets caught in the binder.

No. 400 is the document that's currently in front of you. Do you recognize that document?

A. Yes.

Q. What is that document?

A. The work agreement.

Q. And was that -- a work agreement for whom?

A. For Marc, I believe, yes.

Q. Okay. At Neverland Valley Entertainment?

A. Correct.

Q. Was that kept at Mr. Schaffel's offices at his home?

A. Yes, in the filing cabinet.

Q. And you've seen that document before, have you?

A. Yeah. It was -- it's been -- it's laid out a couple of times, too.

Q. No. 401, please. 401, consisting of one, two, three and four pages, do you know what these pages are?

A. This is the agreement where Michael gives Marc the song and gives me a point on the record, on

"What More Can I Give?"

Q. And this was kept at Mr. Schaffel's residence, the offices to Neverland Valley Entertainment?

A. Yes, and I had a copy as well.

Q. Exhibit No. 402. Tell us, please, what 402 is.

A. It's the reports on basically money that we're spending, receipts, and what we've been spending on, you know, production people for the record, Brad Buxer, Bruce Swedien, who was a production person for "What More Can I Give?"

Q. Did you participate in putting these compilation figures together?

A. Yeah, parts. And then -- we would work on parts and then bring it all together, because we had to hunt down receipts and just do what you do in any kind of an office.

Q. Was this document, No. 402, kept at Neverland Valley Entertainment offices at Mr. Schaffel's residence as well?

A. Yes, that's part of how we'd track money.

Q. And was that where you and Mr. Schaffel compiled those figures?

A. Yes.

Q. Going to No. 405, please.

A. Uh-huh.

Q. The document, No. 405, with the name, at the 8775 upper left-hand, of “Bell Yard,” had you ever seen that document before?

A. Yes.

Q. And where did you see that document?

A. Laying around in the office.

Q. Did you have any discussions with Mr. Schaffel concerning the content of that document at any time?

A. I just concerned -- I was just concerned for the family --

Q. Hold on a second. It’s a “yes” or “no.”

A. Yes.

Q. Yes, you did have a conversation with Mr. Schaffel concerning that document?

A. Yes.

Q. Do you recall at what time that was? When, approximately, in terms of month, year?

A. February 2003.

Q. Now, I -- let me correct something while I remember to do so.

The telephone conference calls that you referred to --

A. Uh-huh.

Q. -- the two of them, where you were listening in on those two conference calls, were at the beginning of what month?

A. February.

Q. It was February 1st and February 2nd?

A. 2nd, 3rd.

Q. Or 2nd or 3rd was the other one?

A. Yes.

Q. 2003?

A. 2003.

Q. I may have said “January” early on. Do you have a recollection of that at all?

A. January was when the transcript was sent.

Q. All right. So the conference calls were at the beginning of February?

A. Correct.

Q. All right. I take you now to Exhibit 409. What is this, please?

A. Oh, this is the thing we would -- basically we had a wall where we just stuck people’s numbers on so that everybody knew who they were when they called and how to get ahold of them.

Q. And the wall was where?

A. Right there in Marc’s office. There was an extra space right there for someone to work on the other computer.

Q. Do you know who compiled those documents?

A. Well, we all did, pretty much. We would write them down and then -- this one looks like it was done by Marc or Christian.

Q. Okay.

A. So --

Q. And the -- this document contains a phone 8777 number and the name of Gavin Arvizo; is that correct?

A. Yes.

Q. Showing you now No. 410, please. Tell us what 410 is.

A. It’s the same thing. Basically phone numbers and -- of people we need to know. David LeGrand, Ronald Konitzer. You know, if they called, so you would recognize numbers and know to patch them in to Marc right away.

Q. And did this also include the name Gavin “Orvizo,” spelled O-r-v-i-z-o?

A. Yeah.

Q. We are in Exhibit No. 413, and 413 is a piece of paper, yellow legal pad, that has handwriting writing on it. Do you recognize the handwriting of Exhibit No. 413?

A. Yeah, it’s Vinnie’s.

Q. This is 413, specifically page six. That’s Vinnie’s handwriting?

A. Yes.

Q. And you’ve seen his handwriting before?

A. Many times. He always writes in notebooks.

Q. Let’s see if we can get to the very back of that. Let’s just do that.

A. No, I can just hold it.

Q. All right. Showing you Exhibit no. 423 then, which is a collection of pages --

A. Uh-huh.
Q. -- do you recognize these documents?
A. Yes. They're the Parviz documents.
Q. The entire collection of documents?
A. Yes. I mean, these are what Parviz had to sign and Marc had to sign and Michael had to sign.
Q. And you had testified to those documents yesterday; is that correct?
A. Right, because we went there twice.
Q. And where was that collection of documents kept?
A. In the office.
Q. Was there a particular file it was kept in?
A. Well, yeah, it had a -- I think it was just the Parviz loan file.
Q. It was kept in the office at Mr. Schaffel's residence?
A. Yes, in the filing cabinet.
Q. Thank you. Go ahead and --
A. Shut it all?
Q. Well, leave it like that. I'll take care of it.
In the early days of Neverland Valley Entertainment after you had started up and until the time that Marc Schaffel was formally fired, were you involved in meetings or conference calls with Michael Jackson?
A. Yes.

Q. Was he involved in the business decisions of Neverland Valley Entertainment?
A. Absolutely.
MR. MESEREAU: Objection; foundation.
THE COURT: Sustained.
MR. ZONEN: All right.
Q. Were you able to watch Mr. Jackson’s participation in meetings that were held between Mr. Jackson and Mr. Schaffel?
A. Yes.
Q. All right. Were you able to listen to the interaction between the two of them?
A. Yes.
Q. Were you able to listen and understand the content of the dialogue between the two of them?
A. Oh, yeah, because it was business.
Q. All right. And did those conversations take place with some level of frequency?
A. Yes. I mean -- yes.
Q. And did you hear all of them when they did?
A. Not all of them, no.
Q. What percentage of conversations were you a witness to?
A. Well, if we had a face-to-face meeting, is that what you’re saying?
Q. Yes. Yes.
A. I was there with those meetings, with him and Michael.

Q. How many face-to-face meetings did you have with Michael Jackson and Mr. Schaffel?

A. There was three at The Beverly Hills Hotel. Two at The Universal Hilton. And then all the ones in the studio, when Michael would come to the studio.

Q. And how many times did that happen?

A. Four. Maybe four, five times maybe.

Q. As to all of those meetings, was business discussed?

A. Excuse me?

Q. As to all of those meetings, was there a discussion of business matters?

A. Yes, my situation with Michael was always business, just business.

Q. Was Michael Jackson actively involved in the business of Neverland Valley Entertainment?

A. Yes.

Q. In what way?

A. He was the captain at the helm.

Q. All right. And what do you mean by that?

A. He had to make the decisions. It was Michael Jackson’s project, “What More Can I Give?” Michael and Marc’s.

Q. I want to move back now to February of -- February and March of 2003.

A. Uh-huh.

Q. Did you have a discussion with anyone among the people who -- may I have just one second? Did you have a discussion with anyone among the people who were working for Michael Jackson where the words or word “killers” became part of the conversation?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

You may answer.

THE WITNESS: Yes.

Q. BY MR. ZONEN: All right. With whom did you have that discussion?

A. With Marc and Vinnie.

Q. All right. Who was the first person with whom you had that discussion?

A. Marc.

Q. And where were you at the time of that discussion?

A. I was in his office.

Q. Do you remember when that was? Can you tell us as to the best of your recollection?

A. It was right -- right after the Arvizos came to the house the first time.

Q. Did the Arvizos actually come to the house?

A. Oh, yeah. Twice.

Q. On more than one occasion?

A. That I saw, twice.

Q. Did they ever actually come into the house?

A. Yes.

Q. Did you ever meet them?

A. Well, I pointed to the bathroom.

Q. Okay.

A. When Gavin -- or the boy came in.

Q. All right. Did other members of the Arvizo family come into the house besides Gavin?

A. Yes. They were in the car.

Q. Did they actually come into the house?

A. No.

Q. All right. Was Gavin the only member of the family to actually come into the house?

A. That I saw, yeah.

Q. Do you remember when those two visits were?

A. Had to have been -- well, I don’t remember exactly the date, but I remember when they came, you know.

Q. Do you remember if it was still in February of ‘03?

A. Oh, it was in February for sure.

Q. Do you remember how far apart these two visits were?

A. They were pretty close because they were going shopping.

Q. Did you ever see the other members of the family besides Gavin?

A. Yes, the young girl.

Q. Did you ever see the mother?

A. No.

Q. Were you ever introduced to any of them?
A. No.
Q. Now, I asked you the question about the discussion of the word “killer” or “killers” --
A. Uh-huh.
Q. -- and you said that it was Frank -- excuse me, you said it was Marc Schaffel --
A. Marc and Vinnie.
Q. -- and Vinnie.
Tell me about the conversation with Marc Schaffel involving the word “killer.”
A. Well --
MR. MESEREAU: Objection; hearsay.
THE COURT: Overruled.
Q. BY MR. ZONEN: Go ahead.
A. He said -- he made a flippant remark about the “killers,” and I was kind of trying to figure out what was happening here. So I said to him, I said, “Well, what killers?” And he said, “The killers that are after the Arvizos.” And I think I’m pronouncing the name right. And I said, “Um,” because I thought, “Well, maybe I should be” --
MR. MESEREAU: Objection. Nonresponsive; narrative.
THE COURT: Narrative; sustained.
Q. BY MR. ZONEN: All right. He said the killers that were after the Arvizos; is that correct?

A. Correct.
Q. Did he say anything else about the killers?
A. No, that was the first time I was hearing about it, so -- it was a flippant remark.
Q. Did you ever hear the word “killers” prior to that?
A. Never.
Q. Did you ask him about that, to explain further?
A. Yes.
Q. And what did you ask him?
A. I said, “Who are the killers?”
Q. And what did he say?
MR. MESEREAU: Objection; hearsay.
THE COURT: Overruled.
You may answer.
Q. BY MR. ZONEN: What did he say?
A. He says, “The killers that are after the family.” I mean, he didn’t really go into it. That was the first time I was hearing about it. So --
Q. Did he offer any further explanation?
A. No. That’s what was alarming, because --
MR. MESEREAU: Objection; move to strike.
THE COURT: Strike the last sentence.
Q. BY MR. ZONEN: Were you alarmed by those comments?
A. Absolutely.
Q. Did you ask him for any further explanation?

A. No. Because I didn’t know -- I didn’t know -- it was just an alarming situation.

Q. What was the tone of that --

MR. MESEREAU: Objection; move to strike.

THE COURT: Overruled. Next --

Q. BY MR. ZONEN: What was the tone of his comments?

A. The comment about “the killers”?

Q. Yes.

A. Just flippant, like it was nothing. Like, “Oh, the killers.”

Q. And that conversation lasted for approximately how long?

A. 15 seconds, I guess.

Q. Okay.

A. I mean, it just didn’t go on that long. It was just “the killers.” And I was --

Q. Did you ever pursue that conversation with anybody else?

A. Yes.

Q. Was that Vinnie?

A. Yes, it was Vinnie.

Q. Approximately how long after your conversation with Marc Schaffel was it that you had the conversation with Vinnie?

A. I raced over to the phone and picked up the phone and called him.

Q. So immediately?

A. Immediately.

Q. All right. What did you ask Vinnie?

A. “Who the heck are the killers?”

Q. What did he say?

A. He goes, “There are no killers.”

Q. Did he say anything beyond that?

A. He said that -- that they were calling him a faggot at school, and that was really it. It was just so -- it was another kid or something, I don’t know. But he just said that they were calling him a faggot at school, so….

Q. Was that the end of that conversation?

A. Pretty much.

Q. Did you have a conversation with anybody among the people who worked for Michael Jackson at that time about escape or escaping from Neverland?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

THE WITNESS: Yes.

Q. BY MR. ZONEN: All right. With whom did you have that conversation?

A. With Marc and Vinnie again.

Q. Okay. At the same time, or at separate times?

A. Separate times.

Q. With whom did you first speak about that subject?

A. Marc.

Q. And what did Marc say to you?

MR. MESEREAU: Objection; hearsay.

THE COURT: Overruled.

Q. BY MR. ZONEN: What did he say to you?

A. “I can’t talk right now. They just escaped.”

Q. Was there any further discussion with him at that point?

A. No, he just got off the phone. It was kind of ugly.

Q. You were talking to him over the telephone?

A. Yes.

Q. All right. Did he make any further qualifications on that?

A. No.

Q. Did you have -- but the word “escaped” was the word he used?

A. He used “escaped.”

Q. Okay. Do you know when this conversation took place, as best you can recall?

A. Yes. I was -- my dad was -- I was taking care of my dad because he was dying of liver cancer, so I was taking care of him at his house, so I called on the phone.

Q. And his house was where?

A. In Michigan.

Q. And so your conversation was with Mr. Schaffel by telephone?

A. Yes.

Q. Do you remember what period of time you were tending to your father’s needs in Michigan?

A. It would have been March, the first of March, like around the 6th or 7th, something around there.

Q. The early part of March?

A. Yeah, it was the 6th. I think it was the 6th or 7th.

Q. Are those to the best of your recollection, the dates?

A. Oh, I remember. You don’t forget “escape.”

MR. MESEREAU: Objection; move to strike.

Q. BY MR. ZONEN: No, I understand the content of the conversation, but the date.

THE COURT: Sustained.

THE WITNESS: Yes, the date. Sorry.

Q. BY MR. ZONEN: Now, did you follow up that conversation, on the question of escape, with anybody else?

A. I didn’t bring it up. I just called Vinnie.

Q. All right. Was this one of those things where you did it again immediately after?

A. Yes, I did it often, to see what the truth was.

MR. MESEREAU: Objection. Move to strike; nonresponsive.

THE COURT: I’ll strike the last voluntary clause.

Q. BY MR. ZONEN: Did you, in fact, call Vinnie soon after your conversation with Mr. Schaffel where the word “escaped” was used?

A. Yes.

Q. All right. Did you have a conversation with Vinnie about that particular word?

A. It was just very quick.

Q. What did you ask Vinnie, and what did he tell you?

MR. MESEREAU: Objection. Hearsay; compound.

THE COURT: Overruled.

You may answer.

Q. BY MR. ZONEN: Go ahead.

A. He essentially was panicked and said he couldn’t talk right now because the family just escaped.

Q. He said that as well?

A. Yeah, pretty much the same thing.

Q. Did you ask him for any clarification on that as well?

A. No, because I was kind of relieved.

Q. I’m sorry?

A. I was relieved.

MR. MESEREAU: Objection. Move to strike; nonresponsive.

THE COURT: After “No,” I’ll strike that.

Q. BY MR. ZONEN: All right. Did he offer any other commentary or -- commentary or explanation?
A. No. He just wanted to get off the phone.
Q. And did you get off the phone?
A. Yes.
Q. All right. When did you leave Neverland Valley Entertainment?
A. The beginning of March.
Q. Did you complete your contract with them?
A. Yes.
Q. Were you paid everything in accordance with your contract?
A. Yes. I received my last check on the 25th of February.
Q. And the point that you had, you had already given back to Mr. Jackson?
A. Yes.
MR. ZONEN: Thank you. I have no further questions.
Hold on just one second, Mr. Mesereau.
Excuse me. Your Honor, if I could have just one moment.
THE COURT: Yes.
MR. ZONEN: No further questions. Thank you, Your Honor.
MR. MESEREAU: May I just take a second, Your Honor?
THE COURT: Yes.

CROSS-EXAMINATION

BY MR. MESEREAU:

Q. Good morning.

A. Hello.

Q. Mr. Provencio, we haven’t spoken before. My name is Tom Mesereau, and I speak for Mr. Jackson, okay?

A. Okay.

Q. Now, you referred to your taking notes in response to the prosecutor’s questions, correct?

A. Could you repeat that, please?

Q. Yes. Did you make a reference in response to one of the prosecutor’s questions to taking notes?

A. I’ve always taken notes, yes.

Q. And could you please explain what you mean by that?

A. By always taking notes?

Q. Yes.

A. I take notes -- I have been taking notes in journals since I was a teenager.

Q. And do you take notes about every phone call you make?

A. No. Not every single one.

Q. Do you take notes of some phone calls that you make?

A. Ones that I think are important.

Q. Okay. When did you first talk to any

representative of the Santa Barbara sheriffs about this case?

A. When -- let’s see. That would have been, oh, gosh, a couple months after Michael’s house was raided.

Q. And that would be when, do you think?

A. That would have been 2000 -- 2004.

Q. And do you recall where that interview took place?

A. Interview?

Q. Yes. Was it an interview?

A. No, that was they came to my place.

Q. And did you talk?

A. Yeah.

Q. Was it an interview?

A. No, I just told them, “You can have whatever you want.”

Q. Did they ask you any questions?

A. Yes.

Q. Did you answer the questions?

A. Yes, sir.

Q. Okay. And approximately how long was that discussion, if you know?

A. Maybe -- well, you know, I was pretty nervous. Probably 30 minutes.

Q. Did they ask you questions about Mr. Jackson?

A. Yeah. They asked me, you know, basic

questions in regards to, you know, “How well do you know him?” And, “Do you have any information in regards to what we’re investigating?” or “You saw,” you know, “on the news,” or whatever.
Q. Did you tell them when you first met the Arvizo family?
A. At that meeting?
Q. Yes.
A. Did I tell them when I first met them?
Q. Yes.
A. No, not at that meeting, I don’t believe.
Q. When did you first meet the Arvizo family?
A. I never met them, other than showed Gavin the bathroom.
Q. When did you first meet them?
MR. ZONEN: Asked and answered.
THE COURT: Sustained.
Q. BY MR. MESEREAU: When you showed Gavin the bathroom, did you meet the family?
MR. ZONEN: Objection; asked and answered
THE WITNESS: Not the family. Just Gavin.
Q. BY MR. MESEREAU: Was Gavin the only one --
THE COURT: Just a minute.
MR. MESEREAU: I’m sorry.
THE COURT: The objection is overruled. Next question.
Q. BY MR. MESEREAU: Was Gavin the only member of the Arvizo family that you met that day?

A. Yes.
Q. And where did you meet him?
A. Downstairs in Neverland Valley Entertainment.
Q. And “downstairs” is in the home of Marc Schaffel, true?
A. Right.
Q. Was any other member of the Arvizo family present that day, to your knowledge?
A. Yes. They were -- yes.
Q. And who were they?
A. It was -- it was that girl, Star, I think is her name, yeah. And then whoever was in the car. I couldn’t see in the car. I didn’t look in the car.
Q. Do you know approximately when that happened?
A. February.
Q. February of when?
A. Middle of February.
Q. Okay. Would that be 2003?
A. 2003.
Q. Okay. Were you making notes about the Arvizos at that point in time?
A. Yes. Because there was a slanderous thing that was said against them.
Q. Okay. And this -- the slanderous thing was said when?
A. Was -- was the first -- first time they came

over.

Q. And approximately when was that?

A. February 2003.

Q. Okay. Do you know the date, approximately?

A. The middle of February I'm thinking.

Q. Was it after the Bashir documentary had aired?

A. I believe so. Possibly -- well, honestly, I won't say yes, because I know it was in February, but things are moving so quickly, so I think I'd have to tell you that I'm -- I guess I would say I'm uncertain.

Q. Did you have any reason to meet them before the Bashir documentary had aired?

A. No. I just knew they were nice people. That's what they said.

Q. I understand that. But you met them after the Bashir documentary aired, true?

A. Yes.

MR. ZONEN: Objection; assumes facts not in evidence, that he met them.

MR. MESEREAU: I'll rephrase it, Your Honor.

THE COURT: All right.

Q. BY MR. MESEREAU: Did you meet Janet Arvizo after the Bashir documentary aired?

A. No.

Q. Did you meet Janet Arvizo before the Bashir documentary aired?

A. No.
Q. Didn’t you just say she’s a nice person?
A. They said she was a nice person.
Q. Did you meet Gavin Arvizo after the Bashir documentary aired?
A. Yes.
Q. Did you meet Davellin Arvizo, his sister, after the Bashir documentary aired?
A. No.
Q. Did you ever meet Davellin Arvizo?
A. No.
Q. Did you ever meet Star Arvizo?
A. Saw her.
Q. Excuse me?
A. Didn’t meet her, no.
Q. Okay. Is Gavin Arvizo the only member of the Arvizo family you ever met personally?
A. Yes.
Q. Okay. And that was at Mr. Schaffel’s house, correct?
A. Yes. As I pointed to the bathroom.
Q. And he was alone, to your knowledge?
A. Well, Vinnie had come in.
Q. Okay. And he was with Vinnie, right?
A. Correct.
Q. All right. Now, the conversation that you’ve described about killers --
A. Uh-huh.

Q. -- happened approximately when, to your knowledge?

A. It was soon after the second visit. So that would have been mid-February.

Q. Okay. And to your knowledge, was that after the Bashir documentary had aired?

A. In America -- I think the Bashir thing aired the 5th or 6th in America. So, yes, that would be afterwards.

Q. Okay. And is it your recollection that the discussion about so-called killers happened after you saw the Bashir documentary?

A. After I saw the Bashir documentary, did the word “killers” come into dialogue with other people and I heard it? Is that what you’re saying?

Q. Yes. Yes.

A. Yes.

Q. Okay. Was it your belief that the discussion about killers that you heard with Schaffel and Vinnie in some way related to the Bashir documentary?

A. Well, it would have to be, because they’re saying it, and they’re around, so that would make sense, yes.

Q. And were you taking notes about your discussions with any member of the Arvizo family?

A. I didn’t have a discussion with the Arvizo family. I showed him the bathroom. Is that what you mean?

Q. Did you take notes about any discussion you had with Schaffel concerning the Arvizos?

A. Yes. He called them “stupid Mexicans,” so I wrote it down.

Q. Did you write that down?

A. Yeah, it’s in my notes.

Q. Okay. And did you write down any notes about what Vinnie said about killers?

A. Well, he said there were no killers.

Q. Did you write that down in your notes?

A. I believe so.

Q. Would you write your notes down shortly after you heard these discussions?

A. Yeah. Typically -- well, this is the notebook. So I would write it -- if I had the notebook in my hand, I would write it and then -- or as soon as I could go and write something, I would write it. I was concerned that something might be wrong with the family.

Q. And because of your wonderful concern for the family, you were writing notes down?

MR. ZONEN: I’m going to object as argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Because of your concern for the family, you were taking contemporaneous notes, true?

A. For my concern for the family, I took notes, because I wanted to see what was happening.

Q. Okay. That was your only purpose, correct?

A. Well, I thought it was fishy. And so much was moving so quickly, that if I didn’t write things down, I wouldn’t remember things, so I wrote them down as they were happening.

Q. And your only purpose was a concern for the family, true?

A. Well, yeah. Because I just wanted to know what was happening. Something fishy was going on.

Q. No, I understand, I understand. And because something fishy was going on, you thought you would just take notes of everything that was happening, right?

A. I took notes because I knew things were moving so quickly, that unless I kept track of what was going on -- I wasn’t sure what was happening with this family, because people were all saying different things.

Q. I understand. And have you ever discussed the possibility of writing a book based on your notes?

A. No.

Q. When you first met the sheriffs, did you tell them you had taken notes?

A. At first, maybe, probably not. I didn’t want to get involved really. 8800

Q. I see. And did you continue to take notes about what was going on around Mr. Jackson?

A. Around Mr. Jackson?

Q. Yes.

A. I take notes anyways. Of everything. For my life; I mean, for who I am. It helps me become a better person.

Q. And you do that every day?

A. Not every single day.

Q. Every other day?

A. Couple times a week.

Q. Have you at any point, when you wrote notes about this investigation, gone backward and wrote about what happened, say, months before?

A. No.

Q. Have all of your notes been taken about the time you described these events in the notes?

A. Yeah. That’s why they seem kind of scrambled, because I just frantically write and I never meant for anybody to read them. They were just for me to understand.

Q. And you wrote notes about the word “killers,” right?

A. Yeah. I believe I did, yes.

Q. You wrote notes about how you thought the Arvizos used to be good people, right?

A. Yes. But those were their words, so I was just writing down what they had said.

Q. Okay. And when you wrote those notes, you thought the Arvizos used to be good people, right?

A. Well, yeah, until they called them a crack whore, called her a crack whore.

Q. I understand your point.

A. Yeah.

Q. When you wrote the notes that you thought they were good people --

A. Oh, I see what you're saying.

Q. Yes.

A. Oh. I wrote the notes because verbiage started changing around the family. And so I started writing notes during the time, and then afterwards I started writing notes, you know, still.

Q. And you consider your notes to be accurate, right?

A. Well, they were for me, yes.

Q. Yeah. And you thought they were -- everything you wrote down is honest and truthful, right?

A. For --

Q. Yeah.

A. Because I was writing them for me, not for other people to read.

Q. You were just writing them for yourself for therapy, is that the idea?

MR. ZONEN: That's argumentative and I'll object.

THE COURT: Sustained.

Q. BY MR. MESEREAU: And you never went backward months and wrote down --

A. I wrote them --

MR. ZONEN: Object as asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Okay. Mr. Provencio, isn’t it true that in your notebook, you claim the word “killers” was used on February 1st, 2003?

A. If that’s in my notes, yes.

Q. Sir, that’s before the Bashir documentary ever aired. Did you know that?

A. I just wrote it. I heard -- if I heard it, I wrote it. I mean, that’s what I did.

Q. Do you remember writing that word down and --

A. I remember writing it down.

Q. On February 1st, 2003?

A. If it’s in my notes, I wrote it, yeah.

Q. Do you remember that you put the date “February 1st, 2003”?

A. No, I don’t remember that.

Q. Would it refresh your recollection to look at your own notes?

A. Sure, if you want me to.

Q. Sure, please.

A. Okay. Yes, here it is.

Q. Did you write, “Are these killers?” and date 8803 it February 1st, 2003?

A. Well, actually, if you look at it, it’s a different paragraph, so I don’t really know when that was written specifically. I mean -- because the top part is February the 1st.

Q. And what date do you have above those words, sir?

A. The first paragraph, I have February the 1st. The second paragraph, if you -- if you take a look at the entire page, there’s all kinds of information on there that either has a date or it doesn’t have a date. These notes were intended as, like, scribbled memory. So parts of it, unless I have a date right there, then I don’t know if that second paragraph is exactly when I wrote it, because I wrote these notes for me.

Q. What is the date above those words?

A. The date above the first paragraph?

Q. Yes.

A. Is February 1st. The second paragraph has no date.

Q. Okay. Well, let’s look at the first paragraph.

A. Yes, sir.

Q. You say, “I thought they used to be good people,” correct?

A. Correct.

Q. You’re talking about the Arvizos?

A. Uh-huh.

Q. You'd never met them on February 1st, 2003, right?

A. No. They said they were good people, like I said before.

Q. Did you write down, "I thought they used to be good people" under February 1st, 2003?

A. Yes.

Q. You hadn't met them, correct?

A. I hadn't met them, but that's what they said.

Q. Did you write under February 1st, 2003, "Mom's flipping out about something"?

A. About February 1st, 2003?

Q. Yes.

A. Yes.

Q. You hadn't met the mom, correct?

A. Never met her.

Q. Did you write under February 1st, 2003, "Family-kids"?

A. Yes.

Q. You hadn't met the family or the kids on February 1st, 2003, correct?

A. That's not what it means.

Q. And write below that first paragraph is where you wrote the words, "Who are these killers?" Correct?

A. Yes.

Q. And after that, you wrote, “Nobody but press are calling,” correct?

A. Right.

Q. Okay.

A. Because that was after the transcript on the 24th.

Q. You don’t write down the 24th there, do you?

A. No. You’re right.

Q. Okay. Now, you’ve been taking notes about various conversations you’ve had with people you think are associated with this case, correct?

A. Yes.

Q. And at one point you were recording conversations with various people you think are associated with this case, correct?

A. Correct.

Q. How many people’s conversations do you think you recorded of people you think are associated with this case, sir?

A. Three, four.

Q. A lot more than that, wasn’t it?

A. Well, if you count my grandma. She’s on -- you know, but it comes on automatically sometimes.

Q. I understand that. Let’s look at Ms. Milofsky.

A. Okay.

Q. How many times have you recorded phone conversations with Miss Milofsky?

A. A few times. Quite a few times.
Q. How many?
A. I don’t know. Quite a few times.
Q. Can you give an estimate?
A. No, just -- I can tell you it’s quite a few times.
Q. Ten?
A. Probably a little more than that.
Q. 20?
A. Probably -- yeah, something like that, probably.
Q. 30?
A. No. 30, come on. 10, 15. Something like that.
Q. Okay. How about Vinnie? How many times have you recorded phone conversations with --
A. A few times, yeah.
Q. How many?
A. Less than ten probably.
Q. How about Schaffel?
A. Quite a few times.
Q. How many do you think?
A. Probably 10, 20, probably.
Q. 10 or 20?
A. Probably ten. I would say ten.
Q. So now we’re up to about 40 you’ve recorded, correct?
A. Well, yeah, I was cooperating with the 8807

police.

Q. Yeah.

A. Law enforcement.

Q. You were doing it before then, weren't you?

A. Was I doing it before that?

Q. Yeah.

A. With -- cooperating with the police?

Q. You were recording people before you started cooperating with the police, were you not?

A. No, I don't think so.

Q. You sure?

A. I'm pretty sure.

Q. Did you go to the police at some point and say, "I recorded people"?

A. Oh, I didn't -- did I go to the police?

Q. Yes.

A. Say that question one more time.

Q. Did you ever go to any representative of the sheriff's department and say, "I've recorded people's conversations"?

A. Yes, later on.

Q. Yeah. And then you agreed to keep recording at the request of the sheriffs, true?

A. Yes. For law enforcement.

Q. Yes. How many do you think -- how many phone conversations with people associated with this case do you think you recorded before you revealed that fact to the police?

A. Say that one more time. I’m sorry.
Q. Sure. Maybe I’m not clear.
How many phone conversations with people associated with this case do you think you recorded before you told any representative of the sheriffs about your recordings?
A. So how many people or how many times?
Q. Well, let’s start with people, yes.
A. Probably like four or five people. Yeah, four people.
Q. And how many times?
A. Well, quite a few times. You know, I felt there was something wrong, so I -- I was, like, everybody should work with law enforcement. I did it.
Q. I understand. But you were doing it before you worked with law enforcement, were you not?
A. No. I did it after.
Q. Did you record anyone’s phone conversation associated with this case before you went to law enforcement and told them about it?
A. Before I went --
MR. ZONEN: I’ll object as vague as to when he went to law enforcement and told them about it.
THE COURT: Sustained.
Q. BY MR. MESEREAU: When did you first tell anyone associated with law enforcement, Mr. Provencio, that you were recording telephone calls?

A. Well, they had asked me if I was willing to cooperate with law enforcement. So I told them later on that I had -- had did, you know, what they had requested.

Q. Did you ever record anyone’s call before you got authorization from law enforcement? Anyone.

A. Not to my memory.

Q. You ever recall Schaffel -- did you ever record Schaffel’s calls before you went to law enforcement?

A. Not that I can remember.

Q. Are you sure?

A. I’m pretty sure. I believe I bought the recorder after, after the police -- I had contact with the police.

Q. Now, you’ve testified you were listening in on phone calls --

A. Correct.

Q. -- of Mr. Jackson and Mr. Schaffel, correct?

A. Correct.

Q. You were listening in on phone calls without them knowing about it, true?

A. That’s true.

Q. Okay. And you were doing this because you were so concerned that something wrong might be going on; is that correct?

A. Well, it’s not that sarcastic, but I was concerned about the family.

Q. Right. Right. But you didn't even know the family, correct?

A. You didn't need to. Something was fishy. Something was going wrong.

Q. I see. And did you call the police immediately and say, "Something wrong is going on"?

A. No, because nobody would believe me. So I --

Q. You just kept working for Schaffel, listening to phone calls, hearing what wrong was going on, and never called the police, right?

A. I was trying to figure out what was going on.

Q. Okay. And when do you think you first spoke to any representative of the sheriffs?

A. It was a couple months, I guess, after Michael's place was raided.

Q. Okay. And Michael's place was raided approximately when?

A. Gosh. Gosh, I know I saw it on T.V. I know the police came to me the first of the year. So it had to have been sometime --

Q. Was it maybe November 2004, something like that?

A. Maybe. Yeah.

MR. SANGER: 2003.

Q. BY MR. MESEREAU: 2003?

A. Oh, yeah, it was around Thanksgiving, wasn't it? It was around Thanksgiving that the place was raided.

Q. But you’re writing in your notes in February of 2003 --

A. Right.

Q. -- your concern about killers and disparaging remarks, correct?

A. Correct.

Q. You waited from February to November to do a good deed and go to the police, right?

A. No. It wasn’t like that. It was -- it was basically there was no -- they escaped, so I didn’t need to. I was relieved because I didn’t need to do anything.

Q. Did you watch them escape, sir?

A. No. They told me they escaped.

Q. Did you watch them escape?

A. No.

Q. Did you know that Janet Arvizo got a body wax that day?

MR. ZONEN: I’m going to object. Objection. Irrelevant; argumentative.

THE COURT: Sustained.

BAILIFF CORTEZ: Microphone’s off, sir.

Q. BY MR. MESEREAU: When you heard they escaped, did you call the police and say, “These people are being held”?

A. No, I was relieved at least this portion of this train wreck was over.

Q. In other words, they'd been held against their will, they had escaped, so you had no need to call the police at that point, correct?

MR. ZONEN: Object as argumentative. And asked and answered.

THE COURT: It's a compound question. Sustained.

MR. ZONEN: That too.

Q. BY MR. MESEREAU: Let me try and ascertain your state of knowledge, sir. When you say this escape took place --

A. Uh-huh.

Q. -- you assumed they had been held against their will, true?

A. They said there were signs up at Neverland.

Q. Did you assume they had been held against their will?

A. True.

Q. Did you assume they had escaped from confinement?

A. Well, why would you use the word "escape"? So the answer is true.

Q. Did you call the police right away?

A. No, they had escaped. I didn't need to.

Q. How long did you keep working for Schaffel after this escape?

A. I was already gone.

Q. Did you stay in contact with Mr. Schaffel after this escape?

A. Yes.

Q. On a regular basis?

A. Well, not when -- the month that I buried my dad.

Q. Did you stay in contact with Mr. Schaffel on a regular basis after you thought the Arvizos had escaped?

A. Yes.

Q. How often would you talk to Mr. Schaffel after you claim the Arvizos escaped?

MR. ZONEN: Objection. Compound and argumentative.

THE COURT: Overruled. You may answer.

THE WITNESS: Okay. Can you ask again?

Q. BY MR. MESEREAU: Yes.

THE COURT: I’ll have the court reporter read it back.

(Record read.)

THE WITNESS: Often. I mean, you know, I would talk to him quite a bit.

Q. BY MR. MESEREAU: You talked to Mr. Schaffel a lot between February 2003 and when you went to the sheriffs in late 2003, correct?

A. Late 2003?

Q. Yes.

A. Do you mean 2004, when -- after Michael’s place was raided?

Q. Yes.

A. Yes.

Q. You --

A. We would chitchat, but the chitchat was just that. Chitchat. Nothing real --

Q. Did you have any ongoing business relationship with Schaffel during the year of 2003?

A. Oh, only that I went to -- there to visit him and Michael at Gary, Indiana.

Q. And when was that?

A. It was -- I believe it was in the summer. I believe it was the summer.

Q. How many months after you thought this escape took place did you go to Gary, Indiana, with Schaffel?

A. About five months. I think it was about five months.

Q. Did you think you were traveling with a criminal at that point?

A. I was just trying to get over this train wreck. That’s why I gave my point back. I was over this part of my life, and I just, you know, thought now that the family’s gone and maybe everything’s going to get better for everybody.

Q. Uh-huh. And did you ever learn that they went back and escaped a few more times? 8815

MR. ZONEN: I’m going to object as argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you ever learn of any other escapes after the one that you have just articulated?

A. I only knew of the one escape on the first of March.

Q. Did you ever hear anything about the Arvizos returning to Neverland after the escape that you’ve described?

MR. ZONEN: Objection. No evidence that it’s that escape. Argumentative.

THE COURT: It’s vague as to date.

Q. BY MR. MESEREAU: Okay. You’ve indicated that in your mind an escape took place, correct?

A. That’s what they said.

Q. And you believed it, right?

A. Well, yeah. Nobody uses those words.

Q. And you were relieved that they had escaped, right?

A. I was just happy that it was over.

MR. ZONEN: Objection. Objection. Objection; asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: When did you think this escape took place?

MR. ZONEN: Objection. Beyond the scope of his information, personal knowledge. Foundation.

MR. MESEREAU: I’ll withdraw it.

Q. Did you know when this escape took place?

A. I only know what they told me.

Q. And when did -- did they tell you when the escape took place?

A. They didn’t tell me when they escaped. That they couldn’t talk because they had escaped.

Q. When do you think this escape had taken place?

A. Well, I tried to get that information, but they told me on, like, March the 6th.

Q. And when were you relieved that an escape had taken place?

MR. ZONEN: Objection. Irrelevant and argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You claim you were relieved that the family had escaped, true?

MR. ZONEN: Objection; asked and answered.

THE COURT: The objection is overruled. You may answer.

THE WITNESS: Okay. Will you ask it again? Could you ask it again?

Q. BY MR. MESEREAU: Yeah. I’m trying to find out when you felt relief that the Arvizos had escaped from Neverland.

A. Well, I was relieved at that point because

that meant that -- that that part -- portion of this train wreck was going to be over.
Q. No, I understand.
A. That’s what I thought.
Q. When --
A. That would have been the first week of March, like March 6.
Q. Okay. So around March 6th you thought they had escaped from Neverland, correct?
A. That’s what they said.
Q. Okay. Did you ever check to see if the Arvizos were at Neverland in early March?
A. I -- no.
Q. Do you know if the Arvizos were at Neverland in early March?
A. No.
Q. Okay. Have you ever spoken to Janet Arvizo at any time?
A. No.
Q. Okay. Now, you took notes about a need for a Debbie Rowe interview, correct?
A. Correct.
Q. And when did you learn there was any thought about a Debbie Rowe interview?
A. Well, that was the first time I was hearing about it.
Q. When?
A. I guess February the 1st, I guess. Well,

not “I guess.” It was February the 1st when I was listening to the conference call.

Q. Before the Bashir documentary aired, right?

A. Yeah, because we had received the transcript on the 24th.

Q. Okay. And when, in your mind, were they planning a Debbie Rowe interview?

A. I didn’t know. I really didn’t know until like maybe a day or two beforehand.

Q. Before the interview?

A. Before the interview took place there, I really didn’t know exactly when it was going to be.

Q. And when did the interview take place, if you know?

A. I think it was that Thursday or something. That Thursday or -- I was going to say the 5th, maybe the 5th or 6th of February, something around there.

Q. Do you remember writing in your notes about a Debbie Rowe interview and dating it February 2nd, 2003?

A. Yeah.

Q. Did you know about a Debbie Rowe interview on February 2nd, 2003?

A. Well, they were talking about it, but I don’t know if -- I don’t believe I wrote down what day it was going to be.

Q. Do you want to check your notes?

A. Oh. Okay.

Okay, what about it?

Q. Didn't you write down the words "Debbie Rowe interview" on February 2nd, 2003?

A. Oh, I'm at the wrong one. I'm sorry. Hang on one second.

It appears, again -- you're looking at one that's dated, correct? Correct?

Q. It says, in the middle of the top of the page, "February 2nd, 2003," correct?

A. Okay. I'm looking for that one.

Oh, okay. With the scripts, yes.

Q. You see that? First you say, "Two scripts," right?

A. Uh-huh.

Q. Slash, "questions and answers," right?

A. Uh-huh.

Q. And then you say, "Debbie Rowe interview," right?

A. Right, question mark.

Q. There had been no discussion about a Debbie Rowe interview on February 2nd, 2003, had there?

A. They were talking about it.

Q. Where did that discussion take place?

A. Where did that -- on the phone.

Q. Yes.

A. On the phone.

Q. And where were you?

A. I was there on the phone listening.
Q. Where is “there”?
A. Oh, at Neverland Valley Entertainment.
Q. Okay. Is that a conversation you claim Mr. Jackson was involved in?
A. Well, yeah.
Q. And you say here, “Rough drafts on Marc’s computer,” correct?
A. Correct.
Q. Are you telling the Court that there were rough drafts of the Debbie Rowe interview on February 2nd, 2003?
A. There was an outline of something they wanted -- he wanted to do something, so -- I -- I -- you know what, I should say that “rough drafts” might not be an accurate thing to say about that, but there was -- there was something there.
Q. Sir, you went back and wrote these notes because you wanted to be involved in this case, didn’t you?
A. No. God, no. And ruin my career?
Q. It just happens all the dates are wrong?
A. Well, not all the dates are wrong.
MR. ZONEN: I’ll object as argumentative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Now, the prosecutor asked you about your relationships with Vinnie and Schaffel, right?

A. Uh-huh.

Q. Did you respond truthfully about all your relationships with Schaffel and Vinnie?

A. Yeah.

Q. Were you ever involved in a corporation with Schaffel and Vinnie?

A. Oh, yeah. We started an LLC, I think it was.

Q. Really. When was that?

A. Oh, yeah. It was with Marc, yes. It was an LLC that basically, if we wanted to start something else, we could do it.

Q. Well, let's explore that a little bit.

A. Okay.

Q. Please say what an LLC is.

A. Limited liability company, corporation.

Q. And who did you form that company with?

A. With Vinnie. I thought it was with Frank, too, but maybe it wasn't. I think it was Vinnie and Marc definitely.

Q. And when did you form that limited liability company with Vinnie, Marc, and you think Frank?

A. Well -- well, I think Frank, but I'm not sure. I'm not positive, because Vinnie did it on the computer.

Q. Okay.

A. At the office, he did it on the computer.

Q. And when was this? 8822

A. Gosh, I don’t remember, to tell you the truth.

Q. Can you kind of estimate the year, Mr. Provencio?

A. I would say it was 2003. Early 2003.

Q. Any reason why you didn’t say that in your response to the prosecutor’s questions?

A. I don’t remember that question. I’m sorry.

Q. Let me rephrase it. Is there any reason why, when you were asked when you met Vinnie and Schaffel by the prosecutor, you never talked about the company you had set up with those individuals?

A. Nothing ever happened with it. So to answer your question, no, I didn’t mention it.

Q. What was the name of your limited liability company that you set up with Schaffel and Vinnie?

A. I don’t remember. It was so off the cuff, it was just something we did on the computer. You can do it on the computer in like ten minutes, and you mail in a check and that was it. So it wasn’t really something that -- I probably didn’t pay enough attention to it, to tell you the truth.

Q. What was the name of your company that you set up with Schaffel and Vinnie?

A. I don’t remember the name of it.

Q. Was it called Steal the Stage, LLC?

A. Yeah. It was, yeah.

Q. And where did that company operate out of, 8823

Mr. Provencio?

A. That operated out of nowhere. It was registered, but there was no operations from it.

Q. Where was it registered?

A. It was registered on the computer at Marc’s house.

Q. It was registered in New Jersey, was it not?

A. Oh, maybe it was. Maybe he did register it in New Jersey.

Q. Okay. And what was the purpose of the company?

A. To explore other options outside of, you know, being on the coattails of Michael or anything like that.

Q. What other options were you exploring?

A. Well, possibly we could do things with -- like an American Idol, but something different. That’s what it was, yeah. I remember that now, yeah.

Q. Michael Jackson was not part of that company, was he?

A. No.

Q. Did you have a board of directors?

A. No.

Q. Did you have shareholders?

A. We did it on the computer in 15 minutes, so, no.

Q. I understand. And it was filed in the State

of New Jersey, correct?
A. He must have did it in the State of New Jersey.
Q. I see. Did you ever look at any papers involving that company?
A. No, he just said, “This is what I did,” and, “I just have it set up.” Like a kid could do it. I mean, it’s just like nothing.
Q. I understand. Just set up a company like a kid, right?
MR. ZONEN: Objection; argumentative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Does the company still exist?
A. Um, you know what? I don’t know. To tell you the truth, I don’t know.
Q. Did you have meetings with Schaffel and Vinnie --
A. No, I don’t think it exists. No, I don’t think it exists.
Q. Did you have meetings with Schaffel and Vinnie about this company?
A. No.
Q. When did you start recording conversations for the sheriff’s department as part of this investigation?
A. Soon after they -- that I agreed to work with law enforcement. So it would have been a

little bit after they came and served a search warrant, that I agreed to.

Q. And when was that?

A. A couple months after Michael’s place had been raided. A couple months after November.

Q. And do you think that was what year, 2004?

A. Yeah, I think it was 2004.

Q. Okay. And between February 1st, 2003, when you were so concerned about the family, and that meeting with the police, you never called the police at any time about Mr. Schaffel, Vinnie or anybody, right?

A. You know what, Mr. Mesereau, I didn’t want anybody really to get in trouble. I really didn’t. I thought -- I thought it was -- they had gone, and that possibly and hopefully this problem was just gone, too. So --

Q. Okay. Well, when did the escape take place in relation to the interview of Debbie Rowe?

A. Oooh, I think I already answered that, but the -- they said “escape” in the first week of March.

Q. When did the Maury Povich documentary air, if you know?

A. I think it was -- I think it was the third week of February.

Q. The third week of February?

A. I think so.

Q. Okay.
A. Yeah, I think so.
Q. So it aired before the --
A. We watched it at Neverland Valley Entertainment. That's where we watched it.
Q. By the way, did you ever find out how the Arvizos escaped from Neverland, meaning who took them home?
A. No.
Q. Did you ever learn it was a Michael Jackson employee?
MR. ZONEN: I'm going to object as exceeding the scope of this witness's knowledge.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Have you ever had a discussion with anybody about how the Arvizos left Neverland?
A. Not that I can remember. I -- I know that they had left. I was relieved. And so I kind of figured that that's -- that's where it was.
Q. And no one's ever told you a Michael Jackson employee took them home?
A. I think I heard that on the news.
Q. But never discussed that with the sheriffs, right?
A. That -- that what?
Q. That a Michael Jackson employee had taken --
A. Oh, I heard that.

MR. ZONEN: I’m going to object as exceeding the scope of this witness’s knowledge. No foundation.

THE COURT: Overruled. The question was, “But never discussed that with the sheriffs, right?” And then he asked for clarification, “What?” So it’s in your --

MR. MESEREAU: Okay. I guess -- let me withdraw the question, Your Honor.

Q. To date, you’ve never had a discussion with any representative of the sheriff’s department about who helped the Arvizos escape, right?

A. I -- no. I inquired about it, yes.

Q. When did you inquire about it?

A. Probably -- oh, probably just recently. Probably in the last month. Because I had a lot of unanswered questions, and I was just curious in nature.

Q. Those questions that have been just sort of sitting in there for a couple years, right?

A. Well, not a couple years, but --

MR. ZONEN: That’s argumentative and I’ll object.

MR. MESEREAU: I’ll withdraw it.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Now, in your notes, and I’m referring to the February 1st, 2003, entry, you say, “Mom’s flipping out about something,” right?

A. Uh-huh.
Q. Is that Ms. Arvizo you’re talking about?
A. I’m assuming -- yes, yes, yes.
Q. Did you think she was flipping out on February 1st, 2003?
A. Well, she was kind of strange.
Q. But you hadn’t met her.
A. I know. They were telling me she was strange.
Q. Did you think she was flipping out on February 1st, 2003, when you made your entry?
MR. ZONEN: Objection. Lack of foundation and irrelevant.
THE COURT: Overruled.
You may answer.
THE WITNESS: Would you state your question again? I’m sorry.
THE COURT: I’ll have the court reporter read it back.
THE WITNESS: Okay.
(Record read.)
THE WITNESS: Yes, they had said that.
Q. BY MR. MESEREAU: And did you get your information from Schaffel?
A. Yes.
Q. Did you know whether or not Schaffel had ever met them on February 1st, 2003?
A. He said he never met them, but then I

reminded him that they came to the house, and then he goes, “Oh, yeah.”

Q. They came to the house before February 1st, 2003?

A. Oh, no, they didn’t come to the house before February 1st.

Q. Well, you wrote down in your, as you described, your accurate notebook --

A. Uh-huh. My notebook.

Q. -- that “Mom’s flipping out about something” on February 1st, 2003, right?

A. Yeah, February, that is true. And it has a question mark, because I really don’t know what she’s flipping out about.

Q. You haven’t met her at that point, true?

A. I never met her.

Q. Schaffel hadn’t met her either, right?

A. I don’t know.

MR. ZONEN: Objection; lack of foundation.

THE COURT: Sustained.

Actually, I’ll leave the question and answer in. He answered he didn’t know.

Q. BY MR. MESEREAU: And you say on February 1st, 2003, in the first paragraph that you identify with that, “I thought they used to be good people,” right?

A. Correct. That’s what they said.

Q. But you say, “I thought they used to be good people.”

A. Yeah, because I’m asking myself a question. You know, are these -- because, you know, Michael had taken care of this person with cancer. You know, oh, they’re good people. They’re gracious. And so I’m -- I’m hearing some verbiage starting to change around them, but I’m not really sure -- I’m not really certain what’s exactly happening, so I’m trying to kind of get kind of a clarity around that. What is really going on here? You know, it was kind of like my general question. If you look through my notes, I’m asking myself a lot of questions, because I don’t know the answers. And I just keep -- keep asking, you know, because it’s I think what people do.

Q. And you’re doing this for yourself, you say, right?

A. Yeah, because I don’t know what’s going on.

Q. Okay. All right. Now, to your knowledge, the Bashir documentary didn’t air until February 3rd, 2003, right?

A. The one in the United States or the one in Great Britain?

Q. Well, which one aired first, to your knowledge?

A. Great Britain.

Q. When did that air?

A. It was -- it was probably the 3rd or -- I believe the 3rd or something like that. 3rd or 4th. Because we got the transcript on the 24th, so then -- then came the British one, and then right on top of that, I think it was two days later, came the one in North America.

Q. To your knowledge, was the Florida trip planned in response to the airing of the Bashir documentary?

A. Was it planned?

Q. Yes.

A. I know that they were going to fly -- well, according to my notes and what I remember hearing, that they were going to come down to Florida. I guess.

Q. And to your knowledge, was that supposed to be a response to the airing of the Bashir documentary?

A. Everything was a response. Push and pull every single day.

Q. Okay. Starting when, Mr. Provencio?

A. Starting on January the 24th, to my -- the best of my recollection. Things -- as soon as we got the -- got the transcript, things were going cuckoo.

Q. And that's when you wrote down that the Arvizos were having trouble, right?

A. What, on the 24th?

Q. Sure.

A. No. Are you saying did I write it down and you’re seeing it?

Q. When did you think the Arvizos were having trouble with the press?

A. I thought possibly -- well, the phone calls were coming in, so the 24th -- the 24th we get the transcript, and then all of a sudden the phone calls started coming in. They just started coming in. So I felt that possibly -- do you want me to explain or not?

Q. Yeah, please explain.

A. I felt that possibly there could be a problem, because you have this poor family and you’ve got somebody who’s very wealthy. I’ve been in entertainment enough to know that, you know, that could potentially be kind of a bad situation for both people. And so I was starting to pay attention, because I had read the transcript.

Q. How did you know they were poor?

A. You know what? I didn’t know for sure, so they told me they were poor, that they were ghetto.

Q. The Arvizos did?

A. No, Marc and -- Marc and Vinnie.

Q. Okay. Okay. And this is approximately when, Marc tells you they’re poor people?

A. Well, yeah, that they leave in East L.A., that they live in a dump.

Q. When was this?

A. Probably in -- probably had to be in January sometime. Yeah, the late part of January, to the best of my recollection.

Q. Marc knew nothing about these people in January, did he?

A. I don’t know.

MR. ZONEN: I’m going to object as to lack of foundation.

THE COURT: He answered he doesn’t know. Next question.

Q. BY MR. MESEREAU: Do you remember telling Kathryn Milofsky, “Marc is putting this whole thing together. He wants to be the kingpin”?

A. Uh-huh.

Q. What were you referring to?

A. He -- I was referring to a phone call that he had made to Dieter at -- at the ranch, that, you know, “This is what you need to do.” He was trying to get ingratiated back with Michael.

Q. And approximately when were you starting this process?

A. As soon as he got the transcript. As soon as he got the transcript.

Q. That’s approximately when?

A. January the 24th.

Q. Okay.

A. Or soon after that.

Q. So when you referred to Marc putting this whole thing together, he wants to be a kingpin, you're talking about sometime after January 24th, 2003, correct?

A. Actually, I remember that conversation with her, and I'm referring to the phone call, because -- because I'm saying he wants to be the kingpin, he wants to be in charge of things, and he wants to look good with Michael, like most people do.

Q. Okay. Do you remember telling Ms. Milofsky -- excuse me, let me rephrase that. Did you ever communicate with Ms. Milofsky by e-mail?

A. Oh, yeah, frequently.

Q. Did you turn those e-mails over to the sheriffs?

A. Yes.

Q. Do you remember telling Kathryn Milofsky, "I would always" --

A. They took my computer. Oh, I'm sorry.

Q. Okay. Do you remember telling Kathryn Milofsky in an e-mail, "I would always say that MJ had no idea what he was up to," referring to Schaffel?

A. Well, not all -- okay, go ahead, I'm sorry. Repeat that.

Q. Do you remember saying that?

A. Yes.

Q. Words to the effect that, "Michael Jackson had no idea what Schaffel was up to"? Do you remember telling that to Milofsky?

A. Of the total scope. You’ve got to remember the complete conversation. The total scope of everything, yes.

Q. Do you remember saying that?

A. Yes.

Q. Okay. Do you remember telling Milofsky Michael Jackson was unaware of what Schaffel was up to?

A. In his totality, his other situations, maybe his past and things like that.

Q. Okay. That’s what you were referring to, without explaining it, correct?

A. Well, I mean, there’s a whole conversation happening, so that’s just one piece of a conversation.

Q. Okay.

A. But that Michael and him were business people, but the totality of the conversation was -- was that, you know, there were other things Marc was doing --

Q. Right.

A. -- that probably Michael didn’t know about it.

Q. But you said that right after you talked to Ms. Milofsky about the hiding of the Arvizos; correct?

A. I’d have to -- I don’t know. I’d have to look. There’s a zillion e-mails.

Q. Did you ever tell Milofsky, “I saw him give them money to take them shopping”?

A. Yes.

Q. And you were referring to Schaffel, true?

A. Yes. Schaffel and Vinnie.

Q. Schaffel and Vinnie gave the Arvizos money so they could go shopping, right?

A. Correct.

Q. Do you know how much money they gave the Arvizos so they could go shopping?

A. No. I just saw an envelope with money in it, and then Vinnie had to sign a receipt for it.

Q. Did you ever go shopping with them at any time?

A. Oh, God, no.

Q. Where were you when they were shopping?

A. I stayed put. I wasn’t going to go anywhere near that disaster. I was already close enough.

Q. Where are you staying put?

A. Well, the first time, where -- are you talking about the first time he gave them money and I saw it?

Q. Sure.

A. I was in the office. And the Arvizos came over and they parked in that four-door whatever. Vinnie came in. Gavin came in to use the rest room. Stuart was downstairs. And I just pointed to the bathroom. And then Vinnie went upstairs and got some money and signed for a receipt.

Q. And at this particular point in time, you thought something was wrong about this, right?

A. Well, it was the conversation, because I said, “Well, what’s going on?” And he said -- I said, “Why are you,” you know, “taking them shopping? This doesn’t make any sense.” See, none of this made any sense.

And he said, “Do you honestly think I’d take those stupid people shopping?” He goes, “Those stupid Mexicans shopping? I’m just trying to get receipts.”

So it was ugly. It was kind of ugly.

Q. And you were in the house when Schaffel told you this?

A. Yeah.

Q. Did you call the police?

A. No, I didn’t know what was going on yet. I didn’t know what was going on.

Q. But you suspected something was wrong, true?

A. Well, you know, you know when something’s not right. And you just -- and you’re paying attention, like anybody would.

Q. So you paid attention, you followed your suspicions wherever they took you and waited till the following year to go to the police, right?

MR. ZONEN: Objection; argumentative.

THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you remember telling Ms. Milofsky that, “Schaffel made a lot of money off Michael, but I don’t think Michael knows how much money was made off of him”?
A. Yes.
Q. And were you telling the truth when you said that?
A. Everybody was making money, yeah.
Q. Off of Michael, right?
A. With and off of Michael.
Q. Okay.
A. Because that needs to be clear. There’s --
Q. And your feeling was that Michael didn’t know what kind of money people were making off of him, true?
A. Well, I -- yes, that was true. I would say that’s true. Everybody seemed to have different stories, so I just kind of -- I said what I felt was the truth.
Q. Okay. Do you remember telling Vinnie in a conversation you recorded where you were speaking to him that, “All fingers point to Marc”?
A. Yes, Marc as a ringleader.
Q. That’s what you said to Vinnie, correct?
A. Yes.
Q. Okay. Were you working for Marc at the time?

A. At the time of what?

Q. You were recording conversations with Vinnie.

A. No.

Q. Were you in contact with Marc at the time you were recording conversations with Vinnie?

A. Yes.

Q. How often would you talk to Marc during the time you were recording conversations with Vinnie?

A. How often would I talk to Marc?

Q. Yes.

A. Gosh, I don't know. Your answer is, "I don't know."

Q. You said at one point Schaffel was fired, right?

A. Yes, in November.

Q. And then you said Schaffel -- I don't mean to put words in your mouth, but Schaffel kept trying to be involved with Mr. Jackson?

A. That's correct. Everybody does, from what I witnessed.

Q. And when you say everybody was trying to be involved with Mr. Jackson, who are you referring to?

A. Well, Ronald, Dieter, Marc. It just seemed like they just kissed his butt all the time, so, yeah.

Q. And did you have a business relationship with Ronald anytime?

A. With Ronald?

Q. Yes.

A. No.

Q. Did you have a business relationship with Dieter at any time?

A. No. I mean, we had meetings with him, but, no, I didn’t ever, like, hawk one of their products or anything like that.

Q. How many meetings do you think you had with Dieter?

A. Two.

Q. How many do you think you had with Ronald?

A. The two. They were both there.

Q. Now, how many conversations do you think you’ve had on the phone with Michael Jackson?

A. Conversations?

Q. Yes.

A. Well, they called my house like two or three times, and we talked about “What More Can I Give?”

Q. Two or three conversations with Michael Jackson?

A. Well, and then the meetings at The Beverly Hills Hotel.

Q. Okay.

A. And The Hilton. And then in the studio.

Q. All right. On the phone?

A. But it was always business. No, not on the phone. In person and on the phone. 8841

Q. How many times do you think you've ever spoken to Michael Jackson on the phone?

A. Oh. If he's calling the office? Or if he's -- having a conversation like, "Hey, how are you doing? Do you want to go see a car show or something?"

Q. How many times do you think you have spoken to Michael Jackson on the phone?

A. A couple times. A dozen, I guess.

Q. A dozen?

A. Well, I mean -- I say, "How are you doing?" He says, "Fine." He's always very polite. And -- you know. And on the phone, probably -- they called me twice at my home. I would say, you know, for knowing for sure that we had conversations on the phone, strictly on the phone, would probably -- I would say twice.

Q. Okay.

A. Everything else was just chitchat.

Q. How many times do you think you've met Mr. Jackson in person?

A. 10, 12 times. And it was always business.

Q. And were --

A. Except for Gary, Indiana.

Q. Where did these meetings take place?

A. Oh, in the studio, at the hotel.

Q. Okay. Now, which hotel are you talking about?

A. The Beverly Hills Hotel and then The Universal Hilton.

Q. Were you with Schaffel every time?

A. Oh, yes. The first time was with Ali and then it was just Schaffel or Marc.

Q. For how long a period of time were you in business with Schaffel?

A. For the duration of 2001 to 2003 when I ended my contract and, you know, essentially when I got my last check on the 25th of February.

Q. You got your last check from Neverland Valley Entertainment on February 25th, 2003?

A. Yes, I believe so.

Q. Did you do any kind of work for Schaffel after that date?

A. Oh, he asked me -- I have a pickup truck, so he asked me if we could pick up some stones from someplace. But that wasn’t work. I wasn’t compensated. I just did it.

Q. What stones are you talking about?

A. Stones for his house, just like bags of stones.

Q. Approximately when was this?

A. I was going to -- I think that summer. It was that summer. So it was 2003, summer.

Q. Summer of 2003?

A. He just asked me for a favor, and I just said, “Yeah, okay,” whatever.

Q. And you helped him pick up some stones for his house in the summer of 2003?
A. I think. I believe so.
Q. Was that after your so-called escape?
A. After my so-called escape?
MR. ZONEN: I’m going to object as sarcastic and argumentative. Also his “so-called escape.”
THE COURT: It’s sustained.
MR. MESEREAU: Withdraw it.
Q. Was that after the escape --
A. Yes, that was.
Q. -- that concerned you so much?
A. That concerned me so much.
Q. Yes.
A. After I was relieved that the family was just gone and blah-blah-blah, yeah.
Q. Okay. Before Mr. Schaffel asked you to help him with some stones on his house, you were in constant communication with him, true?
A. Chitchat. Chitchat.
Q. “Chitchat” meaning what?
A. Nothing really of substance. Just -- just, you know, something -- “Hey, how you doing?” “What’s going on?” “Oh, that sounds great.” And then just be off the phone. Really nothing of substance. There was occasional, like, more conversation, but nothing really of substance.
Q. The corporation that you had formed with 8844

Schaffel and Vinnie was still in existence, was it not?

A. I don’t know, tell you the truth. I don’t know. I thought it was all closed down. So -- I thought it was like -- we did it, and then for a -- I didn’t really put any weight in it. I just thought, “Okay, if a project comes along and we’re going to it, we’ll do it.” But nothing happened, so I just didn’t put any weight in it.

And then Vinnie had told me that he had closed it for -- I think he closed it for tax purposes. I think that’s what he said.

Q. And when was that?

A. Geez. Tell you the truth, I don’t remember.

Q. When --

A. It was in 2003. I believe it was in 2003.

Q. The company was still in existence after you got your last check from Neverland Valley Entertainment, right?

A. Well, yes, because we were going to possibly work on a benefit, a different benefit, and then that would basically be -- I think it was called “Best Buddies” or something like that. It was a benefit.

Q. And did you work on putting this benefit together?

A. Huh-uh.

Q. Did you talk to Vinnie about it?

A. Yeah.

Q. Did you talk to Schaffel about it?

A. Not Schaffel.

Q. Did you talk to Vinnie about it?

A. Yes.

Q. When did you last talk to Vinnie?

A. Gosh. It’s been a while. It’s been a little while. With today -- or a couple of months probably now, I guess.

Q. Couple of months ago you talked to Vinnie?

A. Possibly, yeah. Possibly.

Q. Did you record him?

A. No.

Q. When did you last record Vinnie?

A. Boy, I don’t remember, tell you the truth.

Q. When did you last record a phone call for the sheriffs?

A. Gosh, I would say maybe a couple weeks before -- gosh, you know what? I -- I can’t say, because I -- it just stopped and I just stopped it. So, maybe a couple weeks before I gave him the tapes, possibly.

Q. Which would be approximately when, do you think?

A. Well, let’s see, this is March -- maybe a couple of weeks before April 14th. I’m sorry, I’m not meaning to be that way. I’m just trying to be accurate. So I’m just trying to make sure I’m saying what I -- what I know is in my mind.

Q. Now, in the notes that you say you took --

A. Which notes? Which ones?

Q. The notes you have in front of you. The notes you say you took close to the date or on the day these events occurred, we referred to February 1st, 2003, and you said that you thought there was a train wreck going on, right?

A. A train wreck, right.

Q. Yet all through that year, you kept in communication with all the people you thought who were involved in the train wreck and never called the police, right?

A. That's true.

Q. You kept in touch with Vinnie on a regular basis, correct?

A. Initially, yes.

Q. All through 2003, you kept in touch with Vinnie on a regular basis, correct?

A. Yes.

Q. All through 2003, you kept in touch with Schaffel on a regular basis, correct?

A. True.

Q. Did you stay in touch with Frank?

A. Yeah, the last time we spoke was he was in the studio.

Q. And when was that?

A. I don't know. It's in my notes.

Q. Was it in 2003?
A. Oh, 2003? Yeah. I kept on talking to Frank.
Q. Was it after you say this train wreck was going on that you documented in your notes?
A. Yes, I just wrote, yes, “train wreck.”
Q. Okay. Now, I believe you indicated in response to the prosecutor’s questions that you thought a press conference was going to go on in Florida, true?
A. I didn’t think so. They said it.
Q. Okay. Well, Schaffel said it, correct?
A. Correct.
Q. Did Ronald say it?
A. They both wanted Michael to do a press conference.
Q. Okay. And you said Michael was reluctant to do one, correct?
A. Yeah, he said he doesn’t like to do those things.
Q. And ultimately, no press conference took place, to your knowledge, right?
A. To my knowledge, yes. That’s true.
Q. All right. Did you talk to Debbie Rowe yourself?
A. Yes.
MR. ZONEN: Objection; vague.
MR. MESEREAU: I’ll rephrase, Your Honor.

I’ll withdraw it.

Q. During the interview with Debbie Rowe that you described in response to the prosecutor’s questions, did you speak with Debbie Rowe?

A. Yes. And Iris.

Q. Iris was her lawyer, correct?

A. Correct.

Q. And Iris was sitting there during the interview, correct?

A. Yes. She’s very nice.

Q. And Iris was sitting there when you say Schaffel tried to get her to change some of her answers, correct?

A. I didn’t say Iris was sitting there. I was sitting there watching Debbie. I don’t know where Iris was at that particular moment.

Q. But you did say that Schaffel tried to get Debbie Rowe to change some of her answers, correct?

A. To -- yeah, he was nudging, like any producer would, would nudge you to get a better performance or whatever it is that they’re looking for.

Q. And do you know if Debbie’s lawyer was right there while that was going on?

A. She was there a lot. I don’t remember turning around and seeing her. But I remember she was around a lot.

THE COURT: Let’s take our break.

MR. MESEREAU: Yes, Your Honor.
(Recess taken.)
THE COURT: Counsel?
MR. MESEREAU: Thank you, Your Honor.
Q. Mr. Provencio, you were first interviewed by the Santa Barbara Sheriff’s Department on Saturday, January 31st, 2004, right?
A. Uh-huh.
Q. And you were interviewed by a Sergeant Robel, correct?
A. Correct.
Q. And in that interview, Mr. Provencio, you told Sergeant Robel that, “Marc directed everything,” and “It’s unknown if Michael Jackson even knew about what was going on with the Arvizo family,” correct?
A. If it’s in the report. At that time, you know, I just -- I didn’t know what to do. I just was, like, just talking to them, yeah.
Q. I understand. But that’s exactly what you told Sergeant Robel?
A. If I wrote it, then that’s what I said at that time. He was -- Marc was orchestrating -- oh, I’m sorry.
Q. That was your first police interview, true?
A. Yeah. If you have the report there, yeah.
Q. You used those words in your interview with Sergeant Robel, correct?

A. Yes, if it’s in the report.

MR. ZONEN: I’m going to object as nonresponsive based on personal knowledge.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Would it refresh your recollection if I show you Sergeant Robel’s handwritten notes of your interview with him?

A. No, that’s okay. I believe you.

Q. I need to find out if that’s what you said to Sergeant Robel.

A. Sergeant -- to Sergeant Robel?

Q. Yes. Did you tell Sergeant Robel in your interview on January 31st, 2004, words to the effect, “Marc directed everything. It’s unknown if Michael Jackson knew about what was going on with the Arvizo family”?

A. Yes, I wrote that, or said that. Sorry.

Q. Now, you told Sergeant Robel in that interview that when the Bashir taping of “Living with Michael Jackson” was aired in the U.S., Schaffel immediately contacted Weizner and Konitzer, right?

A. Correct. I believe Dieter was staying at the ranch at that time.

Q. At no time in that police interview did you say that any of these people got together because a transcript was forwarded in January of 2003, right?

A. Does it say that? Or -- are you telling me something or are you asking me a question?

Q. I’m just --

MR. ZONEN: Objection; vague.

MR. MESEREAU: Okay.

Q. In your police interview on January 31st, 2004 --

A. Uh-huh.

Q. -- you told Sergeant Robel that Weizner and Konitzer -- excuse me, let me rephrase that.

Schaffel contacted Weizner and Konitzer after the Bashir taping of “Living with Michael Jackson” was aired in the U.S., right?

A. No, it was after -- I believe it was after the 24th transcript.

Q. That’s something --

A. Because that’s when the conspiracy really starts is after the 24th transcript.

Q. That’s something you’ve come up with for this trial. That’s not what you said in your first interview, right?

MR. ZONEN: That’s argumentative.

Objection.

THE COURT: Sustained.

Q. BY MR. MESEREAU: In your interview, you said they got together after the airing, right?

A. Well, I know what happened. It was after we got the transcript they made the -- he made the phone calls.

Q. Would it refresh your recollection if I show you the police report?

A. I know what it might say, but I’m telling you right now it was after the 24th transcript was delivered that we -- that they, you know, started contacting --

Q. You just came up with that recently, didn’t you?

A. No.

MR. ZONEN: Objection; argumentative.

THE COURT: Overruled. Next question.

Q. BY MR. MESEREAU: You recently turned over the so-called notes you say you kept, right?

A. Uh-huh. Uh-huh.

Q. And when did you recently turn them over to the prosecution?

A. When I found them in my storage unit.

Q. When did you find these notes in your storage unit?

A. When -- it was probably last month, around the 14th. I really had for -- I really actually did forget about them. I stuck them in a box and -- you know, and I just kind of forgot them, because they weren’t -- you know, I just -- that’s what I did. I just put them in a box and put the whole thing behind me.

Q. During all of this period of time when you were acting as a police informant --

MR. ZONEN: I’m going to object to the use of that term; and compound.

MR. MESEREAU: I’ll rephrase it.

Q. Did you act as a police informant in this investigation?

A. Whenever something has happened, a criminal act has been committed, it’s everybody’s duty to work with law enforcement, so the answer is yes.

Q. When did you start working as a police informant, Mr. Provencio?

A. Law enforcement, I worked with them when -- when they asked me, you know, after - what is it? - when they served me the search warrant, or I agreed to the search warrant.

Q. And when was that?

A. A couple months -- like I said, a couple months after Michael’s place was searched.

Q. And you started recording phone calls for the sheriff’s department --

A. Right.

Q. -- correct?

A. To get to the truth, correct.

Q. I understand. And this was in 2004, correct?

A. It would have been 2004, yes.

Q. And did you do it into 2005?

A. Into 2005? Yes, uh-huh.

Q. And you were in constant touch with the sheriffs about the investigation, right?

A. Well, I only let them know what -- what I had, you know, as far as, like, tried to get to the truth of some matters that were unanswered.

Q. You were in constant touch with the sheriffs during the period of time you were recording phone calls, right?

A. Yes, sir.

MR. ZONEN: I’ll object to that question as vague.

THE COURT: Overruled. He said, “Yes.”

Q. BY MR. MESEREAU: Is that right?

A. Yes.

THE COURT: He answered it; “Yes.”

Q. BY MR. MESEREAU: And you were recording phone calls for over a year, correct?

A. Yes.

Q. Never told anyone in the sheriffs about these notes, right?

A. Well, I’ve always had notes, so yes, I did tell them about the notes, but not these. Those particular notes I had found when I cleaned out a storage unit, and I have the receipt to show that I cleaned out that storage unit, because I switched storage units.

Q. When they searched your house, did you give them the notes?

A. I gave them some notes, yes.

Q. Not the ones you turned over in the last few weeks, right?

A. No, that's true.

Q. You just kind of forgot about them while you were working as an informant?

MR. ZONEN: I'm going to object to the continuous use of argumentative questions and sarcasm in his questioning.

THE COURT: Mr. Mesereau?

MR. MESEREAU: Yes, Your Honor?

THE COURT: I'm going to admonish you to stop that.

MR. MESEREAU: Yes, Your Honor.

Q. In your interview with Sergeant Robel on January 31st, 2004, you said it was around the beginning of February of 2003 when Weizner and Konitzer allowed Schaffel to rejoin their team, true?

A. Yes.

Q. It was not in January, correct?

A. Can you rephrase that again? I'm sorry. Maybe I blanked out a little bit. Say it again. I'm sorry. I'm sorry.

Q. You told Sergeant Robel that Weizner and Konitzer allowed Schaffel to rejoin their team around the beginning of February of 2003?

A. It had been -- do you want me to explain? No?

Q. Is that what you told Sergeant Robel in that police interview?

A. If it’s there, I told him that, yeah. But --

Q. Do you know if that’s what you said?

A. Yes. If I said it, I said it.

Q. Did you say it?

A. Yes, I said it.

Q. Do you remember telling Sergeant Robel in that interview that you thought Debbie Rowe was honest and sincere regarding her responses to the questions in that interview?

A. Well, I don’t remember exactly saying that, but I know what I saw there. I mean, so I guess if it’s there in writing and I said it, then I said it.

Q. Well, I have to ask you if you said it.

A. Okay. I said it. Sorry.

Q. And you told Sergeant Robel in that interview on January 31st, 2004, that you thought the questions she was asked were typed via computer, right?

A. Well, there was several versions, but, yeah, like there was one version that I saw handwritten, and then it -- because it’s just not one piece of paper that you -- that I saw. It was variations of things.

Q. And when you saw the questions, you asked Schaffel what they were, and he told you they were questions to be asked to Debbie Rowe, right?

A. Yeah, flippantly. Questions and answers.
Q. Well, you didn’t tell the police about answers in that interview, did you?
A. In that interview?
Q. Yes.
A. Probably not. I just -- but I was really scared at that time, too, so -- because that was the very first time I was meeting them, law enforcement. So I didn’t really know what was going on, so -- and I can -- you know, I do make mistakes. I can get jumbled in some of my stuff, but, you know, I was being as honest -- I was being honest when I was there.
Q. Who wrote out the questions, if you know?
A. For Debbie Rowe, are you --
Q. Yes.
A. Ian had sent over the questions via e-mail. And then -- and then -- and then they were in many different forms at the office.
Q. Did you work on the questions yourself?
A. Oh, no.
Q. Okay. Did you see Schaffel changing the questions at all?
A. Well, yeah, he would write things and then, you know, edit it.
Q. Okay. By the way, in that interview --
A. Uh-huh.
Q. -- of January 31st, 2004 --

A. Uh-huh.

Q. -- you never said anything about any escape, correct?

A. I don’t believe I did, no. We were just first meeting, so it was like -- it was a bombardment of questions and information, so I was just trying to answer, you know, what I knew. And it seemed all very overwhelming.

Q. In that interview of January 31st, 2004, with Sergeant Robel, you never mentioned the word “killers,” true?

A. That is true.

Q. You did talk about the Arvizo family going shopping, right?

A. Correct. That they had told me. And seen them exchange money.

Q. You said Schaffel would give cash to the Arvizo family for shopping, right?

A. Well, to Vinnie. And then Vinnie would sign a receipt. That’s what I witnessed.

Q. You talked about Vinnie Amen transporting the Arvizo family, correct?

A. Correct, in that four-door clunker.

Q. And you indicated at the beginning of that interview to Sergeant Robel that you would tell him everything you knew, right?

A. Well, at that -- yeah, to the best of my knowledge at that time. You know, but I was nervous, too.

Q. And you said --

A. Like I'm nervous now.

Q. You told Sergeant Robel you would tell him everything you knew, and you didn't want it to be tape-recorded, right?

A. That's true.

Q. Did you tell Sergeant Robel everything you knew on that date?

A. No, because I didn't -- it's not something -- it wasn't something I was thinking about for a while, so it was -- you know, I told him what I knew at that particular time.

Q. And the first time you ever produced anything to the sheriffs referring to "escape" or "killers" was a few weeks ago, right?

A. Well, that was when I found it, because I didn't think I had it anymore, so -- but I always kept journals, so -- not all of them that I still have, so --

Q. Well, would it be -- would it be accurate to say that even though you told Sergeant Robel you would tell him everything you knew on January 31st, 2004, you just forgot about the escape on that date?

A. No. I -- I told him what I knew based on the questions he was asking me. And I was being honest at that time.

Q. And would it be accurate to say that during 8860 your interview with Sergeant Robel on January 31st, 2004, you just forgot about the reference to -- I'm sorry. Let me withdraw the question and restate it.

Would it be accurate to say that during your interview with Sergeant Robel on January 31st, 2004, where you said you'd tell him everything you knew about these events, you just forgot about someone using the word "killers"?

A. I know what I heard.

Q. Did you forget to mention that in that interview?

MR. ZONEN: Objection; asked and answered.

THE COURT: Overruled. I'll have the question read back.

THE WITNESS: Okay.

(Record read.)

THE WITNESS: I didn't mention it at that time, if it's in writing. I didn't mention it at that time.

Q. BY MR. MESEREAU: You just forgot, do you think?

A. I don't forget. I just didn't mention it at that time.

Q. Now, the prosecutor asked you to read some of the credits --

A. Correct.

Q. -- that are found in the little brochure that accompanies Michael Jackson's DVD entitled

“”Invincible”,” okay?

A. Uh-huh.

Q. And -- did you ever work on that album?

A. We went to the video shoot, yes.

Q. And he had you read credits that are given to Schaffel, right?

A. Well, yeah, Marc said that that was his.

Q. And he had you read credits that are given to the Cascio family, right?

A. Right.

Q. Michael gave a lot of other credits to a lot of other people?

A. Correct. There’s a lot there.

Q. And he tells a lot of people that he loves them, right?

A. Yes.

Q. Michael typically says he loves people he’s giving credits to, right?

A. Yeah. That’s like his sound bite, yeah.

Q. And he dedicated the “”Invincible”” album, said, “A special thanks to all the children of the world of all nationalities. You are my greatest inspiration. Without you this album would never have been released. I love you all, Michael Jackson,” right?

A. You read it. Yeah.

Q. Do you remember that?

A. Well, yeah, I read through it.

Q. Okay. He expressed gratitude to his parents, Joseph and Katherine, right? Remember that?

A. Does it say it there?

Q. Right.

A. Does it say it?

Q. “For their love and support, inspiration and caring, I love you dearly. Thank you for conceiving me. Your son, Michael.” Do you remember that?

A. I’m sorry, I don’t remember that, but -- I did read it. I read it once or twice.

Q. He also dedicated it to Prince and Paris, saying, “You give me the greatest joy I’ve ever known in my entire life. I love you both from the bottom of my heart, now and forever,” right?

A. Yep.

Q. Did you know someone named John McClain?

A. I don’t know him. I knew of him.

Q. Who is he?

A. He’s a music guy that we never could figure out what he did.

Q. Do you remember Michael dedicated “”Invincible”” to John McClain?

A. Yeah, I read that.

Q. Saying, “This album would not be possible without your genius and perfection. I love you, Michael Jackson,” right?

A. I remember John McClain’s name.

Q. He dedicated it to Elizabeth Taylor, correct?

A. Yeah.

Q. He said, “Elizabeth: Through it all, you have been my constant, with your support, your caring and your love. I love you dearly, Michael Jackson,” right?

A. Okay.

Q. Do you remember that?

A. Sure.

Q. He said, “A special thanks to Carlos Santana for sharing your genius and love. Michael Jackson,” right?

A. Yeah.

Q. Remember that?

A. Yeah, I guess so. You’re reading it.

Q. He had a whole list of people --

A. Right.

Q. -- that he dedicated this album to with expressions of love, correct?

A. Correct.

Q. It wasn’t just to Schaffel or the Cascios alone, was it?

A. Well, him and Schaffel were friends. So, yeah, it wasn’t just -- it wasn’t just them.

Q. He dedicates it to Chris Tucker, does he not?

A. I don’t remember that one, but sure.

Q. Says: “Dear Chris, with all my respect for your art and deepest gratitude for your contribution, your friendship and your love. To the future, and to all that we can create together. I love you, Michael Jackson,” right?
A. Okay.
Q. Remember that?
A. No. But if it’s there, I believe you.
Q. He gave a special thanks to everyone at MJJ Productions, and listed people in various capacities, right?
MR. ZONEN: My objection is that the witness has stated to the last three that he has no recollection of any of them. It appears that counsel is simply reading it into the record. I’ll object.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Before you testified, did you go over this document with the prosecutor?
A. I looked at it.
Q. Where did you go over this document with the prosecutor?
A. In the office.
Q. And when was this?
A. A couple days ago. Two days ago, or something.
Q. And were you with Prosecutor Zonen?
A. Yes.

Q. Okay. Did you talk about your being asked questions about where the credits went on the album “Inspiration”?

A. “Inspiration”?

Q. I mean, pardon me, “”Invincible”.” I’m sorry, my mistake.

A. “”Invincible”.”

Q. Did you talk to him about what you were going to say to those questions?

A. No. I just -- he just asked me to look at it. “Can you identify” -- “Is this” -- you know, “Is this Marc? Are you sure?” And I said, “Well, yeah. He bragged about it.”

Q. Okay. Okay. And how much work did you do on the album “”Invincible””?

A. Went to the video shoot. And everything else was -- it was -- we were already working on “What More Can I Give?” We couldn’t focus on two things at one time.

Q. Okay. Now, at some point you -- let me rephrase that. You mentioned Christian Robinson in response to the prosecutor’s questions, right?

A. Yes.

Q. And when did you first meet Christian Robinson?

A. Gosh. 2000 -- 2001, first time I met him.

Q. Was he working with Schaffel at the time?

A. Yeah. They might have been working on 8866 something else, but I don’t know what it was. No, he was around. I don’t know what they were doing. I think he just brought him on board.

Q. You mentioned to Vinnie one time in a recorded conversation that you had learned that Christian Robinson made $10,000 selling some pictures of Michael Jackson, right?

A. That’s what I had heard, yes.

Q. Did you ever confirm whether that was true?

A. I never confirmed it with Christian. I just heard it from one of my friends who told me about it.

Q. And you indicated that he had sold those pictures to ABC, right?

A. Yes. I believe so.

Q. Okay. Were you --

MR. ZONEN: I’m going to object to lack of foundation.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you ever learn where Christian Robinson had sold those pictures to?

A. What? Say that again.

Q. Did you ever learn where Christian Robinson sold pictures of Michael Jackson to?

MR. ZONEN: Your Honor, no -- objection. Lack of foundation that such pictures were sold.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You’ve indicated that you learned at some point that Christian Robinson had sold pictures of Michael Jackson for $10,000, right?

MR. ZONEN: Your Honor, objection, lack of foundation.

THE COURT: Overruled.

You may answer that. Do you want the question read back?

THE WITNESS: Please.

(Record read.)

MR. ZONEN: I’ll object as hearsay as well.

THE COURT: He’s just asking him if he’s already testified to that. That’s his question.

Did you say that a minute ago?

THE WITNESS: Yes.

THE COURT: Next question.

Q. BY MR. MESEREAU: Do you know -- excuse me.

Do you know whether those pictures were actually sold?

A. No, I had heard about it.

Q. Okay. Did you ever talk to Christian Robinson about that subject?

A. No, because I was alarmed that they were doing it, but --

Q. You never talked to him about it, right?

A. No.

Q. When did you last see Christian Robinson?

A. I saw Christian, oh, in Gary, Indiana.

Q. Was that after you had learned that he had sold pictures of Michael Jackson for $10,000?

MR. ZONEN: I'm going to object as lack of foundation and assuming facts not in evidence.

THE COURT: It's not relevant. I'll sustain that objection.

Q. BY MR. MESEREAU: At some point, you had a discussion with Marc Schaffel about Schaffel's writing a book about Michael Jackson, true?

A. True.

Q. Now, when did you first talk to Marc Schaffel about his writing a book about Michael Jackson?

MR. ZONEN: I'll object as hearsay.

MR. MESEREAU: Just asked him when, Your Honor.

THE COURT: The objection is overruled.

The question is, when did you talk to Schaffel about that?

THE WITNESS: I learned -- he had told me that they were going to --

THE COURT: Just -- the question is when.

THE WITNESS: When? Oh, gosh. I don't -- I don't know. I don't remember. Last year sometime. German book fair.

Q. BY MR. MESEREAU: And you had a number of discussions with him about that subject, correct?

A. Well, I was trying -- yeah, I -- okay, the answer is yes.

Q. And it was your understanding that Schaffel was trying to make some money on a book deal in Europe, right?

MR. ZONEN: Objection. Lack of foundation; hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you ever learn if Schaffel was trying to peddle a book about Michael Jackson in Europe?

MR. ZONEN: Objection. Lack of foundation and hearsay.

THE COURT: Hearsay; sustained.

Q. BY MR. MESEREAU: How many conversations have you had with Marc Schaffel about the possibility of his writing a book about Michael Jackson?

MR. ZONEN: I’m going to object as hearsay.

MR. MESEREAU: Just asked how many, Your Honor.

MR. ZONEN: Assumes facts not in evidence.

THE COURT: Sustained. It’s just hearsay.

Q. BY MR. MESEREAU: Do you remember in one of your recorded conversations with Vinnie where you told Vinnie that Chris Tucker and a woman identified as his girlfriend are witnesses the Arvizo family were free to come and go from Neverland whenever they wanted?

A. Did Vinnie say that or did I say that?

Q. You.

A. Gosh. I don’t remember.

Q. Would it refresh your recollection if I show you a transcript?

A. Sure. Go ahead.

MR. MESEREAU: May I approach?

THE COURT: Yes.

THE WITNESS: Could I ask you a question?

MR. ZONEN: I’m going to object to any further dialogue other than whether or not that provision refreshed his recollection.

THE WITNESS: Oh.

Q. BY MR. MESEREAU: Have you had a chance to look at that page of the transcript?

A. Yes, I looked at that.

Q. Does it refresh your recollection about you saying that to Vinnie?

A. Can you say the question again? I’m sorry. What was the question?

Q. Did you tell Vinnie that it was your understanding that Chris Tucker and a woman identified as Tucker’s girlfriend are witnesses that the Arvizos were free to come and go whenever they wanted from Neverland?

A. I think I’m asking a question. I’m not? Am I asking it or am I making a statement?

MR. ZONEN: I’m going to object to the absence of a foundation that it refreshed his recollection.

THE COURT: The only question pending is whether, having looked at that manuscript, your memory is refreshed about that statement or question, whatever it may be.

THE WITNESS: Okay.

THE COURT: Does it refresh your recollection?

THE WITNESS: No. Not really.

THE COURT: All right. Next question.

Q. BY MR. MESEREAU: You’ve talked about the project “What More Can I Give?” right?

A. Correct.

Q. You’ve talked about the work you did on “”Invincible”,” right?

A. No, I didn’t -- no, I didn’t say that. I said I went to a video shoot.

Q. You didn’t do any work yourself on it?

A. No. My name ain’t in it.

Q. You did some work on the rebuttal show involving Debbie Rowe, correct?

A. I was there for the shooting of Debbie Rowe, true.

Q. Were you actually working for Schaffel at that time?

A. I worked until the 25th, and that was it, of February of ‘03.

Q. So you were working for Schaffel when the 8872 interview with Debbie Rowe took place?

A. With Neverland Valley Entertainment.

Q. Okay, excuse me.

A. Okay.

Q. You were working with Neverland Valley Entertainment when the interview with Debbie Rowe took place?

A. Correct. I received my last check on the 25th.

Q. And when the interview with Debbie Rowe took place, were you working that day at Schaffel’s residence?

A. Yeah, I was doing filing and other miscellaneous --

Q. Did you do any work on that video yourself?

MR. ZONEN: Which video? Objection.

MR. MESEREAU: I’ll rephrase.

Q. Did you yourself do any work on the rebuttal video involving Debbie Rowe?

MR. ZONEN: Again, it’s vague as to just the section of Debbie Rowe or the whole film?

MR. MESEREAU: I’ll be happy to rephrase those questions, Your Honor.

Q. The first question: Did you do any work on the rebuttal video documentary --

A. Uh-huh.

Q. -- involving the Arvizos?

A. No.

Q. Did you do any work on the rebuttal documentary particularly, specifically the Debbie Rowe interview?

A. I was there for the filming.

Q. Okay. Were you working on it at all?

A. Just upstairs I was doing things for Neverland Valley Entertainment. It was part of Neverland. They were filming there.

Q. Did the work that you were doing on that day involve the interview with Debbie Rowe?

A. No, not really. My work was just office stuff.

Q. When you looked at the list of questions you've identified that were being asked of Debbie Rowe --

A. Uh-huh.

Q. -- was that part of your responsibilities and your work for Neverland Valley Entertainment?

A. They were laying around. It wasn't like -- there was no secret about it. They were laying around. It was like -- just like you would in any production.

Q. Well, I think you said you went up and down the stairs during the shoot.

A. Yeah, I went up and down the stairs to get coffee, take a leak, come back downstairs, watch a little bit more. Go back upstairs.

Q. Were you just watching it on your own time or was that part of your work for Neverland Valley Entertainment?

A. Everybody was -- it was like Stuart. We were just there. We were watching. We were -- you know, I just wanted to do something else other than just sit there for nine hours. So --

Q. So am I correct you didn’t directly work on that portion of the video?

A. I didn’t do any lighting. I didn’t ask her any questions. You know, but I was there. It was part of Neverland Valley Entertainment, for clarity’s sake.

Q. Do you remember telling Vinnie --

A. In what?

Q. -- in one of your recorded interviews with him -- excuse me, not “interviews.” Excuse me. Let me rephrase the question.

Do you remember telling Vinnie during one of your phone conversations with him that you recorded that, “All fingers point to Marc”?

A. Yeah, he was mastermind, letting people know what was happening.

Q. Do you remember telling Vinnie that, “Even if you were stupid and had the inside track, you would see the finger’s pointing to Marc”?

A. Yeah, and Marc informed everybody what was going on.

Q. How long were you in contact on a regular basis with Marc Schaffel after you decided there was a conspiracy?

A. I never -- I never really decided there was a conspiracy per se. I just knew something was wrong. The family had escaped, and so I was relieved. I was just real relieved that everything was just like -- I thought everything was just going to be -- you know, that these people were kind of on a -- like lost souls on a ship. They could just float away from me and I could just be free of all of it.

So -- but I kept in contact with them. I love people. I adore people. Even if they do something wrong doesn’t mean that I have a right to judge them. And maybe I don’t know all the answers and maybe I don’t -- I didn’t know everything that was happening at the time. But as long as they were -- everything was okay and everybody was okay, I just kind of figured that -- I’m rambling. Sorry. So that’s a --

Q. So around the time you decided the family had escaped, you did not judge Marc positively or negatively; is that right?

A. I was just -- like I said, they were all on a boat, I mean, lost souls on a boat, so just let it go. Just let them go and do whatever fantastic things they do.

Q. While you were working for Neverland Valley 8876

Entertainment at Schaffel's residence --

A. Uh-huh.

Q. -- you learned that Schaffel had stolen money from a woman in Japan, correct?

A. Correct.

Q. And you kept working with him anyway, right?

A. I didn't learn it until later. And -- and even though I saw some documents, I don't know if the agreement specifically was that there was to be any money given back or anything like that. I only saw, you know, what I saw and heard what I heard.

Q. You saw what you saw and you heard what you heard while you were working with Schaffel, right?

A. We were on hiatus, yeah.

Q. Did you see the documents that you just referred to at Schaffel's residence?

A. I saw a couple of them, yeah. They would come in fax.

Q. How much longer did you keep working with Schaffel after you learned he had stolen money from a woman in Japan?

A. Well, I learned it much later, what had happened. I learned that the money situation -- because the people who brought -- can I explain this? Is that okay?

Q. I'm just asking you how much longer you kept working for Schaffel after you saw the document you've just described.

A. I kept on working with him, but I didn’t know he had taken this money until much later.

Q. You are friendly with a woman named Cindy Montgomery, right?

A. Correct. I met her.

Q. And when did you first meet Cindy Montgomery?

A. Around the Brazil trip, where they were trying to get one-way tickets to Brazil. Right around that time.

Q. Well, Mr. Schaffel used to go to Brazil a lot, didn’t he?

A. Well, yeah. But -- yes. The answer is yes.

Q. You knew Cindy Montgomery before the Brazil trip you just referred to.

A. I knew of her.

Q. Correct.

A. But that was the first time I was actually meeting her face to face and talking to her.

Q. At some point you learned Cindy Montgomery tape-recorded a phone conversation with you, correct?

A. Yes.

Q. And you then began to tape-record phone conversations with Cindy Montgomery, right?

A. Yes. Because the machine would come on. I believe there was one conversation in there.

Q. And you repeatedly told Cindy Montgomery that Marc Schaffel is a prolific liar, right?

A. That’s true.

Q. When did you learn that Marc Schaffel was a prolific liar?

A. Well, do you want the short answer or the long one?

Q. When do you think you decided Marc Schaffel is a prolific liar?

A. When I started working with him, things -- things were -- things were unraveling, stories weren’t matching. You know, things his parents did for a living, things like that. You know, so I -- I kept on kind of, “Well, wait a second. That’s not what you told me last month,” so then I was just starting to remember.

Q. You’d known him since high school; is that correct?

A. I knew of him since high school, yes.

Q. Okay. Did you know him in high school?

A. Yes, I knew of him in high school.

Q. Before you began to work for Neverland Valley Entertainment, were you working in the entertainment industry?

A. Yes.

Q. What were you doing?

A. I was a record promoter.

Q. And where were you promoting records?

A. At the Universal Music Group.

Q. How long did you do that?
A. Oh, God, like four years.
Q. Did you meet -- did you run into Schaffel while you were working for the Universal Music Group?
A. No, I ran into Schaffel when I was working for the Warner Music Group.
Q. When was that?
A. In ‘93. Because we lost contact from like ‘84 to like ‘93 is kind of like when we lost contact with each other, because I didn’t know where he moved.
Q. Did the sheriffs -- excuse me. Did representatives of the sheriff’s department tell you that Cindy Montgomery had recorded a conversation with you?
A. No, but I understood the wisdom of it later.
Q. How did you learn she had recorded a conversation with you?
A. She told me the truth.
Q. Okay. Approximately when was this, if you know?
A. Gosh, I don’t remember. I really didn’t think it was a big deal, so I don’t remember. I mean, I couldn’t honestly tell you a day or a month.
Q. Did you learn she had done that as a part of a police investigation?
A. She just basically said, “Listen, I’m your 8880

friend. I really like you. I don’t want this to ruin our friendship, but, you know, I” -- “I wanted to make this recording.” And she did it and.... Listen, everybody was making recordings in that world. So this was like nothing. This was nothing. I mean, people were following people. People were making recordings. You weren’t allowed to talk on the phone at Neverland, things like that. So this was nothing new.

Q. So you were not upset when you learned that Cindy Montgomery had recorded a conversation with you as part of this investigation?

A. Well, I was upset, because I wished she would have just told me. And I remember, you know, I put it in my notes, that I just thought, you know, God, you know -- I was upset at the time. And then later on, I just -- I realized that, you know, I could see the wisdom of why that occurred, and it was fine. It was just like I got done with what I was doing, so --

Q. Did you tell her that you were recording conversations with her?

A. No, I don’t think so. But I think that conversation with her was an accident, if I’m right. I think there’s maybe one or two in there with her, and I think that was a complete accident, because it was just -- the tape would go on, so -- when you pick up the phone.

Q. Do you remember discussing with Cindy Montgomery the fact that you were keeping notes of this investigation?

A. Keeping notes?

Q. Yes.

A. Yeah. I keep notes of everything, you know. My journals do you mean?

Q. Yes. Do you remember telling Cindy Montgomery that you were taking notes about this investigation?

A. I was keeping notes, yes.

Q. Do you remember telling her about that?

MR. ZONEN: I’ll object as hearsay.

THE COURT: Overruled.

You may answer.

THE WITNESS: Okay.

Q. BY MR. MESEREAU: Do you remember that?

A. Yes.

Q. Do you remember telling Cindy Montgomery, in discussing your notes, “I’ll give my lawyer the bullet points, overview, but not give him my detailed notes. Are you kidding me? That’s a book, honey”?

A. Yes, I did say that.

Q. But you said earlier you have no intention of writing a book about this case, right?

A. I don’t. I really don’t.

Q. Okay. Do you know someone named Ian

Barkley?

A. He was one of the people that Christian Robinson -- Christian Robinson brought on board. I think he was a photographer also.

Q. Did you ever --

A. From Utah.

Q. Did you work with him?

A. No, I didn't really communicate with him. I know he was around and was working for Christian or helping to assist Christian.

Q. Did you ever see Ian Barkley with Michael Jackson?

A. No.

Q. Was it your belief that Schaffel was trying to prevent people from talking to Michael Jackson?

A. Well, yeah, he would -- I mean, he always wanted to kind of hog the spotlight, I guess you might say.

Q. And he tried to keep Ian Barkley away from Michael Jackson, did he not?

MR. ZONEN: I'll object as lack of foundation and relevance.

THE COURT: Sustained.

Q. BY MR. MESEREAU: I'm not sure if I asked you this. When did you last talk to Schaffel?

A. Right before last month, on the 14th.

Q. Did he call you?

A. I don't remember. But I know I talked to him.

Q. And when had you talked to him last before that call?

A. Gosh, off the top of my head, I don't remember. It was just back and forth. Whatever.

Q. When did you last see Marc Schaffel in person?

A. I think it was in Ohio. Yeah, I'm pretty sure it was in Ohio. Yeah, it was in Ohio.

Q. You indicated you gave up your point --

A. Uh-huh.

Q. -- in the project that you had with Neverland Valley Entertainment?

A. Yes, with "What More Can I Give?"

Q. And how did you give up your point?

A. I signed documents and just said -- basically Marc had provided me documents and said that this is going to return -- because I had said, you know, "I think this is a good idea. We should return our points to Michael. I think that's a very good idea." And he said, you know, "Oh, I agree."

And I met him at Wahoo's Fish Taco, and we had lunch, and that's when I signed the point over to Michael.

Q. And I believe you said you did that out of pure generosity; is that --

A. Well, I did it because I just felt like I would have bad karma owning something I didn't think 8884

I deserved. I really thought that I should; I should do it.

Q. Okay. Do you remember telling Vinnie Amen that you should have made $150,000 by going to a tabloid?

A. That I go to the tabloid or he did?

Q. You.

A. I never went to a tabloid.

Q. Do you remember telling him you should have?

A. I might have been tempted, yes, but I never did it. And I got calls and offers, but I never took them.

Q. Have you been told by anyone associated with the prosecution, “Don’t make any deal till after the trial’s over”?

A. No.

Q. Have you been told by any member of the prosecution, “Don’t give interviews till the trial’s over”?

A. Oh, they said I’m under gag order. Is that what you mean?

Q. Has anyone from the prosecution said to you, “Mr. Provencio, don’t give any interviews till this trial’s over”?

A. They never said do interviews or any of that. They just said, “You’re under gag order,” you know, and, “You’re accountable for your own actions.”

Q. Do you remember telling Vinnie Amen, “Marc has made money hand over fist on Michael Jackson”?

A. Yes.

Q. Do you remember telling Vinnie that Michael Jackson had given a million dollars to Marlon Brando?

A. Yeah, I was there. Because he got booed.

Q. And you told Vinnie that Schaffel had stolen a million dollars from that woman in Japan, correct?

A. Yes. After I found out -- and maybe I’m being overassumptious, but the woman died and he didn’t return the money, so I considered that not right.

Q. Have you ever spoken to anyone who represents the media about this case?

A. I have friends in the media, but -- I would listen to what they said, but I -- I didn’t want people to put a stranglehold on me, so I preferred not to speak to them about it.

Q. And what friends in the media have you spoken to about this case?

A. Well, Kathryn’s a person that I talked to.

Q. Okay. She’s with who, CBS?

A. CBS.

Q. Who else have you spoken to in the media about this case?

A. Nobody. So....

Q. You just referred to some friends in the

media.
A. Yes, I did refer to friends. And --
Q. And who were they?
A. And that’s Kathryn Milofsky.
MR. ZONEN: I’m going to object unless there are people he actually discussed in this context.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Correct me if I’m wrong --
A. Uh-huh.
Q. -- did you just say you have friends in the media that you have listened to about this case?
A. Yes, they -- they call me, and I hear what they have to say, but it’s -- you know, it’s -- it has to stay a one-way street.
Q. And who are they?
MR. ZONEN: Objection, irrelevant.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Is Ian Drew a friend of yours?
A. Yes. He is in the media.
Q. Who does he work for?
A. A magazine. US Weekly, I think.
Q. Have you ever had a discussion with him about this case?
A. Oh, yes, I -- yes.
Q. And when was that discussion?
A. We were both there experiencing things at the same time, so that’s what -- I mean, at the time

it wasn’t really a case, but we were experiencing things at the same time. So, like, I said, “Did you hear the word ‘escape’ or did I just make that up in my mind?” And he said he had heard it, too.

Q. When did you last talk to Ian Drew about the case?

A. A couple days ago. Oh, about the case?

Q. Yes.

A. He just said he --

Q. When did you last talk to Ian Drew about this case?

A. A couple days ago.

Q. And you said he worked for US Weekly?

A. Yes. But I’ve never been paid by them or anything like that.

Q. What does he do for US Weekly?

A. You know what? I think he’s a writer. I think he’s a writer.

Q. Did he call you or did you call him?

A. He called me.

Q. Do you talk to him on a regular basis?

A. Infrequently. He’s very infrequent. Cool guy. Very infrequent.

Q. Now, in your handwritten notes, you refer to someone named Larry Schiller, correct?

A. I guess. Oh, is that my handwriting or Marc’s?

Q. I don’t know. I can show you a page of 8888 this.

A. I can look at it, if you want me to look.

Q. Sure.

THE COURT: We'll take our break now.

MR. MESEREAU: Yes, Your Honor.

THE COURT: No?

(Laughter.)

All right. We won't.

THE WITNESS: Oh.

THE COURT: The second time.

(Laughter.)

Q. BY MR. MESEREAU: I can show you that page, if you want.

A. You know what? Why don't you just show me.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

MR. ZONEN: Counsel, could I see that, please?

THE WITNESS: Oh, yeah, that's Marc's writing.

Q. BY MR. MESEREAU: Okay. Now, that page was found in your notes, true?

A. Correct.

Q. Do you know why Marc's writing is found in your notes?

A. Well, I would have it -- well, sometimes I was kind of stupid and I would have the -- the -- the -- the book sitting out. And if he went to my phone to answer the phone and he was in there, I think that’s when he wrote it.

Now, I didn’t see him write it, but that’s when -- I mean, I freaked out. I even made the reference that I got to keep my notes a little bit better.

Q. Do you know who Larry Schiller is?

A. No.

Q. Okay. Did you ever talk to Marc about who Larry Schiller was?

A. Huh-uh.

Q. Okay. He writes books about trials. Did you know that?

A. No.

MR. ZONEN: I’ll object as beyond the scope of this witness’s knowledge and assuming facts not in evidence.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Have you ever taken your notes and rewritten them?

A. Huh-uh.

Q. Are --

A. I mean, I ramble and I scribble, but -- you know, and rewrite sometimes. Like if I find a fact out, I’ll, like, write out the answer. Or sometimes I’ll be, like, “Well, what is this?” You know what I mean?

Because, like, in that period of time, I wasn't sure who was telling me the truth. That's why the notes seem pretty scrambly a little bit.

Q. I thought you'd forgotten about them.

A. What do you mean?

Q. Your notes.

A. Well, I did, you know, for a period of time after it was all done. I just stuck it in a box in storage, so --

Q. Did you ever go back to those notes and redo them?

A. No.

Q. Ever add anything to any of those notes?

A. No. I know I have, like, different styles of handwriting. But, no.

Q. Did you ever go back to your notes when you had another thought and just kind of add something?

A. No. That wouldn't be cool.

Q. Was there only one set of notes?

A. One set of notes?

Q. Yes.

A. There are many notes. There are many journals.

Q. When did you first give the police -- well, let me rephrase that.

A. Okay.

Q. The notes you took, are you referring to them as journals?

A. Yes.

Q. Okay.

A. You know, just notes that I took. Journals.

Q. Okay. When did you first give any representative of the sheriff’s department a journal referring to anything about this case?

A. I guess the first -- the first couple weeks, I guess. Oh, no, it was during the -- no, I had notes that I gave them during the -- when they came to my house the first time.

Q. You gave them your journal notes a few weeks ago, didn’t you?

A. No, I continuously give them notes.

Q. The notes you were referring to earlier that have a February 1st date are notes you gave them a couple of weeks ago?

A. That’s true. From the Neverland Valley book, right.

Q. Had you given them some notes before that recent date?

A. Well, it was an ongoing investigation, so I gave them notes all along. I was keeping in contact with people, so --

Q. You didn’t give them any of your notes until a few weeks ago, right?

A. Any of my notes? No.

MR. ZONEN: Objection.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You mentioned someone named Stuart Backerman, right?

A. Uh-huh. Uh-huh.

Q. And when did you first meet Stuart Backerman?

A. When he was hired to come on for the “What More Can I Give?” project. Or was it -- no, he was hired for the -- for when he -- he came on -- excuse me. He came on when Ronald brought him on to work on the -- the -- kind of the fall-out of the Martin Bashir thing. That’s when I believe he started working.

Q. Did you work with him directly?

A. Yeah, he was in the office.

Q. How long did you work with him?

A. Couple months. Well, not really. I mean, probably a month and a half maybe.

Q. Now, in your notebook, you have phone numbers and fax numbers for Access Hollywood?

A. Yes.

Q. MTV?

A. Uh-huh.

Q. Entertainment Tonight?

A. Uh-huh.

Q. Have you ever talked to anyone associated with those organizations?

A. Yeah, they call -- they were all calling us.

Q. About the case?

A. About the case?

Q. Yes.

A. Not me. Marc did. But I just kept the phone calls because they called in.

Q. Did you listen in on any of Marc’s calls to the media?

A. A few of them. Like when he was -- like I said, he would have it on speakerphone, and you would just sit there and you would just listen.

Q. Did you ever become aware of Marc’s efforts to sell any information about Michael Jackson to the media?

MR. ZONEN: Assuming facts not in evidence. Objection.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you remember discussing with Cindy Montgomery the possibility that she secretly videotaped Michael Jackson on an Xtra Jet flight?

A. Did I talk to her about it?

Q. Yes.

A. I just -- I don’t remember it. But probably did.

Q. Did you have a number of discussions with Cindy Montgomery about the claim that she had secretly videotaped Michael Jackson on an Xtra Jet flight?

MR. ZONEN: Assuming facts not in evidence, that she had secretly videotaped anyone.

THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you remember learning about that issue?
A. Yes.
MR. ZONEN: Objection; vague. What issue?
Q. BY MR. MESEREAU: Cindy Montgomery videotaping Michael Jackson on an Xtra Jet flight. Do you remember learning about that subject?
MR. ZONEN: Objection; assuming facts not in evidence.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you ever tell anyone you thought Cindy Montgomery secretly videotaped Michael Jackson on a flight?
MR. ZONEN: I’m going to object as irrelevant; assumes facts not in evidence.
THE COURT: Overruled.
MR. ZONEN: And hearsay.
THE COURT: Overruled.
THE WITNESS: I don’t remember.
Q. BY MR. MESEREAU: Do you remember talking with her about that subject?
A. Of her videotaping?
Q. The claim that she had.
A. That she -- what the news was reporting?
Q. Yes.
A. Yeah, I brought it up to her. I believe so.
Q. Did you ever tell anyone you thought she had

done it?

A. I was uncertain.

Q. To your knowledge, how long had Cindy Montgomery been friendly with Marc Schaffel?

A. Well, I found out many things, but I found out that --

MR. ZONEN: Judge, I'm going to object. Lack of foundation, personal knowledge, and hearsay.

THE COURT: Foundation; sustained.

Q. BY MR. MESEREAU: How many phone calls of Cindy Montgomery -- excuse me. How many phone conversations with Cindy Montgomery did you record?

MR. ZONEN: That was asked and answered. Objection.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did anyone from the sheriff's department ask you to record a phone conversation with Cindy Montgomery?

A. No. But like I said, it just came on, so it was an accident. I acknowledge that.

Q. It was a what?

A. It was an accident. I acknowledge that.

Q. Okay. It was an accident that you recorded her?

A. It was an accident that the thing -- I didn't mean to record her.

Q. Okay. And how many times did you record her in total, do you think?

A. I think once or twice, because I wouldn’t get to the thing and pick it up right away.
Q. Okay. And was this at your home?
A. Yes.
Q. Were you recording these phone conversations out of your home?
A. Yes.
Q. Okay. Did the sheriffs give you some equipment to use to record those conversations?
A. I went and got it.
Q. Yourself?
A. Yes.
Q. Had you ever done that before you began to work with the sheriffs in this investigation?
A. Huh-uh.
Q. Did they tell you what equipment to buy?
A. No.
Q. Did you already know what kind of equipment to buy for that purpose?
A. I just walked into Radio Shack.
Q. And when was that?
A. I don’t recall.
Q. You used to discuss entertainment projects with Cindy Montgomery, right?
A. Correct.
Q. And why did you do that?
A. Because she had some good ideas.
Q. Was she involved with you in any 8897

entertainment projects?

A. Oh, yeah, we worked on Michael’s party together.

Q. And when was that?

A. September of ‘03.

Q. Was that a party at Neverland?

A. Yes. The Romero-Britto party.

Q. And you worked with Cindy Montgomery on that?

A. We did the -- we did the thing for the raffle, yes.

Q. And that was a charitable function?

A. I hope so. But, yes.

Q. It was a charitable function, correct?

A. Yes.

Q. Schaffel was involved in that, correct?

A. Yes.

Q. And you were working for Schaffel at that time, right?

A. Well, no, I was working for Neverland Valley Entertainment.

Q. And this was when, September of 2003?

A. Yes. They had asked me to -- to -- if I would be willing to do another fund-raising thing and basically -- and help Michael raise some money. And I thought maybe that might be a good idea.

Q. Were you suspicious at the time that the money might not go to charity?

A. Well, I was uncertain, but -- I don’t want to think the worst, but --
Q. Did you keep working for Neverland Valley after that date?
A. No.
Q. You didn’t work after September of 2003?
A. Oh, September 2003. Neverland Valley Entertainment, getting a check?
Q. Yes.
A. No.
Q. When was this event that you just described?
A. It was in September.
Q. Of what year?
A. I think 2003. 2003 or 2004. Maybe I’m wrong. I have a reference here. May I look at it?
Q. Sure.
A. Okay.
Q. Just looking for that day.
A. Yes. Yes, September 13th, 2003.
Q. And that was how long after you were relieved that the family escaped?
A. It was a while.
MR. ZONEN: I’m going to object as asked and answered and argumentative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you remember telling Cindy Montgomery in a recorded phone conversation regarding the Debbie Rowe interview that it was a

sheet full of questions, in reference -- referring to the script? Do you remember that?

A. Yes, there was -- there was a few, in the beginning, a sheet full of questions, and then it turned into having answers on it.

Q. All right.

A. It wasn’t just one piece of paper, ever.

Q. During the time you worked with Marc Schaffel, how many times do you remember him going to Brazil?

A. Quite a few times.

Q. And over --

A. Four, five times, maybe.

Q. Over what period of time would that have been?

A. Over a couple of years, that I knew of.

Q. To your knowledge, did Cindy Montgomery book his trips to Brazil?

A. To my knowledge, yes.

Q. Do you know when you first talked to her?

A. About?

Q. Anything.

A. Probably not until the “What More Can I Give?” project. Probably June, June 2001, when she would call at the office.

Q. Do you remember giving the sheriffs your handwritten notes about the taping of the Arvizos --

A. Right.

Q. -- where you said you saw the script yourself. Questions only, no answers?

A. Yes. I wrote that.

Q. You gave those notes to the police, correct?

A. Right.

Q. You were referring to the taping of the Arvizos, right?

A. Correct. And then later on, I believe, in the notes I make another remark about it.

Q. Were you there during the taping of the Arvizos?

A. No. That was at Hamid's place.

Q. Did you ever meet Jay Jackson?

A. No.

Q. To your knowledge, has Ian Drew been speaking to Marc Schaffel as of late?

A. No. They don't like each other.

Q. Did they ever work together, to your knowledge?

A. Yeah, on the Debbie Rowe rebuttal.

Q. Did they work on any other projects together, to your knowledge?

A. The -- the one that was -- they were at, which was the Debbie Rowe rebuttal. I think there was something else, but -- I think there was something in regards to --

MR. ZONEN: I'm going to object to lack of foundation, unless it's based on personal knowledge.

THE COURT: Sustained. Foundation.

Q. BY MR. MESEREAU: Now, you mentioned hearing some conversations that involved Mark Geragos, right?

A. Correct. He would call the office.

Q. Did you used to speak to Mark Geragos?

A. No, I didn’t speak to him.

Q. Ever spoken to him?

A. Just when he called the office.

Q. And did you ever actually have a conversation with him?

A. No.

Q. Do you recognize his voice if you hear it?

A. It’s pretty distinctive, but --

Q. Did you ever listen in on any discussions that Marc Schaffel had with Mark Geragos?

A. No.

Q. Well, in your response to the prosecutor’s questions, you, I think, gave a number of how many times you had -- you recall Geragos calling Schaffel, right?

A. Uh-huh.

Q. And how many times do you recall Geragos calling Schaffel?

A. Well, he called quite a bit. When he -- Marc said that he only talked to him twice, but I know he was calling often when Vinnie was there.

Q. Did you hear anything that Mark Geragos ever said in those conversations?

A. Just updates.

Q. You heard him giving updates?

A. No, he -- he -- Vinnie was giving him updates.

Q. Could you hear Vinnie but not Geragos? Is that the way it worked?

A. Well, yeah.

Q. Were you in the room?

A. And then he would hang up, and I would go, “Who was that?” And he would go, “Oh, just Mark Geragos.”

Q. Were you in the room listening to Vinnie speak to Mr. Geragos?

A. Well, sometimes it’s -- well, it’s an office, so if you’re on the fax machine or you’re on the computer, you can hear people talking. So --

Q. Could you hear what Vinnie was saying?

A. Well, you could hear Vinnie, yes.

Q. Did you listen to his conversations with Mark Geragos?

A. I heard the conversation in a work setting.

Q. And was this one conversation?

A. No, there were a couple.

Q. And where did they take place?

A. At Neverland Valley Entertainment.

Q. Have you ever met Mark Geragos?

A. Huh-uh.

MR. MESEREAU: Let me take just one second.

THE COURT: Yes.

Q. BY MR. MESEREAU: You took notes -- excuse me. You’ve been writing notes about this case almost up till the present, right?

A. Practically, uh-huh.

Q. And do you do this on a daily basis?

A. No.

Q. How often do you do it?

MR. ZONEN: Objection; asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you ever tell any representative of the sheriff’s department that Dieter didn’t tell Michael Jackson everything?

A. None of them told everybody everything, so -- that’s an accurate statement, you know, because they had their own deal -- oops, sorry. They had their own deals they would do, and if they weren’t part of Michael, I don’t think they would tell him.

Q. During the time you worked with Neverland Valley, was it your perception that Schaffel was working closely with Dieter and Konitzer?

A. And Michael, yes.

Q. Well, but you’ve made -- excuse me. But you’ve told the police that you didn’t think Michael Jackson knew what they were doing, correct?

A. No, not what they were doing. Not every thing. There’s a difference.

Q. Do you recall anyone in the sheriff’s department ever giving you a police report to read and make corrections to?

A. Oh, I’m -- yes, I made corrections.

Q. And when did you do that, if you remember?

A. One of the meetings.

Q. Pardon me?

A. One of the meetings.

Q. Do you know who you were meeting with?

A. Yes.

Q. Who were you meeting with?

A. Gordon and Steve -- or was it -- oh, it was Gordon. It was Jeff Klapakis.

Q. And where did that meeting take place?

A. In their office.

Q. And did someone give you a police report about your interview to look at?

A. At that time?

Q. Yes.

A. No. They gave me a police report to look at later.

Q. When was that?

A. And I made corrections.

Q. When was that?

A. You know what? Honestly I don’t know.

Q. Were you given a copy of a police report about a past interview you’d had for you to correct?

A. Yes. Some of the words, like my name was misspelled and other things like that. Plus, I'd been getting phone threats, and I wanted to make sure they knew that I had been getting some phone threats lately.
Q. Well, my question is this: Who gave you a police report from a past interview to look at and make corrections?
A. Gordon.
Q. Gordon Auchincloss?
A. Yes, sir.
Q. All right. Did you do what he asked you to do?
A. He said to look it over, "Are these things spelled right? Are these things right?" And I did.
Q. And when did that meeting take place?
A. I told you, I don't exactly remember.
Q. Was it recently?
A. No. It was a while -- a while ago. Maybe a couple months ago, yeah.
Q. A couple of months ago?
A. Yeah, probably a couple months ago.
Q. And what report were you -- excuse me. The report that Mr. Auchincloss gave you to look at --
A. Uh-huh.
Q. -- concerned an interview that was very old, did it not?
A. Yeah. Like I said to you prior, that, you 8906

know, when that interview was taking place, I was very nervous, and I could expand on certain things a little bit better, bring clarity to it.

Q. And is that what you and Mr. Auchincloss discussed the purpose of your looking at that report was?

A. No, he just said correct the spelling, and if there’s something that’s totally wrong, just make a mark on it.

Q. This is a report about an interview that had happened a long time ago, correct?

MR. ZONEN: Objection; asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you remember looking at that report of your prior interview where you talked about Schaffel and Dieter and Konitzer doing things you thought were wrong?

A. Yeah. I always thought that.

Q. And while you were sitting with Prosecutor Auchincloss, you decided to add the name “Michael Jackson,” right?

A. No. God, no.

Q. Did you ever add “Michael Jackson” to any report that he gave you to correct?

A. I added -- added “Michael Jackson.” Yes, I added “Michael Jackson,” because that’s what I knew from those two conference calls. That’s it.

Q. He wanted you to add the name “Michael

Jackson” because it didn’t appear in your original interview, right?

A. No, he didn’t want me to add it.

Q. Well, that’s what you did, isn’t it?

A. I added it, because it was correct.

Q. So you were correcting a statement you made well over a year ago where you said Schaffel, Konitzer and Dieter were doing incorrect things?

A. Uh-huh.

Q. And suddenly, right before the trial, you handwrote in an additional name, Michael Jackson, right?

MR. ZONEN: I’m going to object as argumentative; and narrative in the questioning.

THE COURT: Sustained.

MR. MESEREAU: No further questions at this time, Your Honor.

Just one second, Your Honor. I’ve got a bunch of stuff to move.

Thank you.

REDIRECT EXAMINATION

BY MR. ZONEN:

Q. Mr. Provencio, did anybody in law enforcement ever ask you to change your testimony?

A. No.

Q. Did anybody in law enforcement ever ask you to create facts to help this prosecution?

A. Absolutely not.
Q. Would you have done such a thing?
A. No.
Q. Did Mr. Auchincloss ever ask you to change any of the factual content in your report?
A. No.
Q. What exactly did he ask you to do with regards to that report?
A. Look it over, make sure things are right, that they're spelled right. And my name was even spelled wrong. And I didn't give a taped recording, so I know it was kind of handwritten-note-driven and there was things missing. Because if you're not tape-recorded, then it can't be like a transcript form.
Q. And did you make changes on that report?
A. Yes.
Q. All right. Did you believe that there was a statement that missed Mr. Jackson's name that should have been included?
A. Yes. That's why.
Q. What was it that you believed that Mr. Jackson's name should have been included on?
A. That he knew what was going on along with everyone else, he knew what was happening.
Q. What did you base that on?
A. The conversation I heard.
Q. You had had many conversations with Mr. 8909

Jackson over the two years you worked for Neverland Valley Entertainment; is that correct?

A. Not tons and tons, but many, yes.

Q. And had overheard many conversations that he had with Mr. Schaffel?

A. That's correct.

Q. Did you -- was it your experience that Mr. Jackson was actively involved in his own businesses?

A. He's a brilliant businessman. He knows what's going on.

Q. And he would ask questions frequently?

A. He wanted updates.

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

Q. BY MR. ZONEN: Do you have the notebook with you that contains that note that you wrote on -- that is dated February 1, '03?

A. May I look?

Q. Please.

A. Okay. In regards to the conference call?

Q. It was a note that was shown to you by Mr. Mesereau.

Could I approach the witness?

THE COURT: Yes.

THE WITNESS: Yes.

Q. BY MR. ZONEN: Do you have that with you?

A. Yes.

Q. Would you pull it out, please?

A. Okay. Oh, here it is. Is it this one? Yeah.
Q. Those are the original notes; is that correct?
A. Yes.
Q. And may I take a look at it?
A. Sure.
Q. Now, you -- are these the notes that you refer to as the ones that went into a storage locker?
A. Yes. And I have the storage locker thing to show that that’s when I found them.
Q. Would this be the front of the notebook here?
A. Yeah. It looks juvenile, but, yeah.
Q. That’s all right. We have “N-V-E” --
A. Right.
Q. -- in kind of block letters. Is that Neverland Valley Entertainment?
A. Right.
Q. All right. Now, as we proceed to the section that has February 1, ‘03 -- and you see that page right here; is that correct?
A. Uh-huh. Uh-huh.
Q. Now, let’s back up one, two pages.
A. Uh-huh.
Q. And this would be closer to the front of the notebook; is that correct?

A. Right.

Q. And here we have a date, February 17, ‘03?

A. Uh-huh.

Q. Can you explain how that is, that you have an entry from February 17 closer to the front of the notebook and this reference that Mr. Mesereau talked to you about, February 1, ‘03, two full pages beyond? How is that?

A. Well, my notebook’s random. I doodle in it. I mean, I flick -- open a page that’s open, and I just write. Then there’s -- it’s on both sides. I’ve got horrible drawings, and that’s what -- that’s what my notebook is. It’s for me and my eyes only, so it’s not really meant for other people to see and care about it.

Q. I guess the question, then, is this: Should we assume that the order in which we see the pages is the order in which they’re entered?

A. Oh, no. For -- if it’s -- if the first page is supposed to be January 1st and then the third page, you know, or second page January 2nd, no, it’s not written like a diary.

It’s written like a notebook would, from an office. You just scribble on whatever you scribble on. This is the notebook I just carried around.

Q. Now, this notebook ended up in a storage locker; is that correct?

A. Yes.

THE COURT: All right. We’ll take our break.

(Recess taken.)

MR. ZONEN: May I proceed?

THE COURT: Yes.

Q. BY MR. ZONEN: I’d like to go back to a couple more inquiries about that notation in your notebook that includes the reference to --

BAILIFF CORTEZ: Turn your microphone on, sir.

Q. BY MR. ZONEN: Let me go back to that notation in your notes of February 1, ‘03. You had testified as to the paragraph that was right after February 1, ‘03, and then another paragraph that followed after that, “Family in danger.”

A. Uh-huh.

Q. “Who are these killers? Nobody but the press are calling.”

A. Uh-huh.

Q. Do you have an opinion as to whether or not that paragraph was written on February 1, ‘03?

A. Well, like I said to Mr. Mesereau, that’s a different paragraph with the slant going different, and it’s a different kind of writing. I have different style writing, and like I showed everybody, including Mr. Mesereau, I scribble and write all over the place.

Q. Okay. But the question is, do you have an opinion as to whether that paragraph was written on a day other than February 1, ‘03?

A. Yes.

Q. Okay. What is that opinion?

A. I just -- I just wrote it as I heard it, and it was later.

Q. At a later time?

A. Yeah.

Q. Do you have any way of knowing how much later that was?

A. Not unless I put a date on it.

Q. And you didn’t put a date on it on this occasion?

A. Huh-uh.

Q. Is your handwriting different in that paragraph than the paragraph that precedes it, the paragraph directly above it?

A. Yes, as in all -- my whole book I have different styles of writing based on urgency. And if I take my time, I really write well, and if I don’t, it looks like chicken scratch.

Q. Let’s go to the paragraph above it. There’s some reference to Mexicans in that, and there are a few references in your notes to that, correct?

A. Yes. Yes.

Q. When did you first hear that reference to Mexicans?

A. It was when the family first came to the -- Neverland Valley Entertainment and Gavin came in and went down to the bathroom.

Q. All right. Was that after the 1st of February?

A. That was -- yeah, that would have been after the 1st, but I had heard -- I had heard them talk about them --

MR. MESEREAU: Objection. Reference to “them.”

THE COURT: Sustained.

Q. BY MR. ZONEN: Who are you talking about, “them”?

A. The family.

Q. The Arvizo family?

A. Yeah.

Q. All right. When was the first time you heard Marc Schaffel speak in a derogatory fashion about the Arvizo family?

A. Well, unfortunately, Marc is catty and spoke in derogatory terms about everybody. And so the first time, I think, was actually in January. But I don’t think I wrote it down till later. You know, not right when he said it, but when I heard it the next time, I wrote it down.

Q. Were you hearing conversation from Marc Schaffel about the Arvizo family as soon as you had read the transcript that was delivered to you by Kathryn Milofsky?

A. Yes. Oh, absolutely.

MR. MESEREAU: Objection; leading.

THE COURT: Sustained.

Q. BY MR. ZONEN: When did you first start hearing commentary from Marc Schaffel about the Arvizo family?

A. That day.

Q. What day?

A. The 24th of January.

Q. And the 24th of January was --

A. I believe it was the 24th of January.

Q. Was what?

A. Oh -- oh, ‘03.

Q. When you received the transcript?

A. Right.

Q. Did the commentary from Mr. Schaffel about the Arvizo family change over time?

A. Well, the --

MR. MESEREAU: Objection; vague.

THE COURT: Sustained.

Q. BY MR. ZONEN: You told us that at some stage they were speaking favorably of the Arvizo family?

A. Right.

Q. Who is “they”?

A. Vinnie, Frank, Marc, you know, because Marc had already started talking to -- he had been speaking to Frank for a while, trying to ingratiate himself back into Michael’s world and stuff. And he

was informed from Ronald and Dieter, and this is what Marc had told me, that there was this family that the boy had cancer. And so they were wonderful, good people at that time. And so I heard that early on.
Q. Did they discuss the family in a religious context?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes.
Q. BY MR. ZONEN: What did they say?
A. They were deeply religious, so -- Catholic I believe is what he said.
Q. Now, you’ve mentioned the term “crack whore.”
A. Oh, yeah.
Q. And who used that term?
A. They all did.
Q. When?
MR. MESEREAU: Objection.
THE COURT: Sustained.
Q. BY MR. ZONEN: Who are “all,” if that sentence is even close to permissible?
A. Vinnie, Frank, Marc.
Q. I’m sorry?
A. Vinnie, Frank and Marc.
Q. Vinnie, Frank and Marc all used that term?

A. Yeah. I double-checked, and I said, “Did you see them smoke crack? On the ranch?” See, that didn’t make any sense.

Q. Did anybody acknowledge actually seeing anybody in the Arvizo family smoking crack?

A. No.

Q. Did you confront each of them with that?

A. Yeah, I asked them, because it just sounded stupid.

Q. Did all three of them use that expression?

A. Yeah, they said that, “Oh, well, no, Marc told me they were using crack.” And then, “No, Frank told me she was using.”

And I was like, “Oh, whatever.” So it was like --

Q. Did they say who in the Arvizo family was using crack?

A. The mom.

Q. The reference on that note on February 1, ‘03, to “Mom flipping out,” who was it who told you that?

A. Marc did.

Q. Did he --

A. Because -- oh. Sorry.

Q. Did he give you any other information about that?

A. No, not really, because I don’t know what she was flipping out about. I mean, she was kind of -- as I said, she was kind of cuckoo, so it could have been anything, I guess.

Q. And the reference to the subsequent paragraph where it says, “Who are these killers? Nobody but the press are calling” --

A. Uh-huh.

Q. -- what does that mean, “Nobody but the press are calling”?

A. Well, the 24th transcript comes, and the press are already calling. They want to ingratiate themselves to either Marc or whoever. That’s the game. You know, you get there first. You’re buddy-buddy.

MR. MESEREAU: Objection; nonresponsive.

Q. BY MR. ZONEN: Did anybody from the press mention anything about killers?

A. No.

Q. Did you receive any telephone calls from people voicing threats against anyone?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

You may answer.

THE WITNESS: I never -- I never heard any threats coming in.

Q. BY MR. ZONEN: Did you know anything about threats at all --

A. Huh-uh.

Q. -- other than these statements about

killers?

A. I was hearing about this. That’s why I wrote it down. I was like, “What the hell? What are the killers?”

Q. The conversation you had with Ian Drew where the word “escape” came in, when was that conversation?

A. Gosh. A while ago.

MR. MESEREAU: Objection; assumes facts not in evidence.

THE COURT: Overruled. The answer is in. Next question.

Q. BY MR. ZONEN: Did you begin recording conversations with people prior to the involvement of law enforcement?

A. No.

Q. Why did you record telephone conversations?

A. Well, I -- everybody had been doing so much shady crap, and I just was like -- I was just tired of it, you know. I was just tired, because it was involving me still and ruining my career, and I just figured, “You know what? I’m just going to do this for the right people and I am going to do it.”

And, you know, I hem-hawed for a long time, because I knew it would really -- in Hollywood, that would ruin your career.

Q. What do you mean by that?

A. Well, it’s -- you know, it’s -- you don’t

want people to think that of you. But I did it because I made a choice. You know, like I even told my father on his deathbed. He said, you know, “You have to live your life without regret.”
MR. MESEREAU: Objection. Nonresponsive; move to strike.
THE COURT: As to the last sentence, I’ll strike it.
Q. BY MR. ZONEN: Do you believe there’s going to be a consequence for you in your profession for having cooperated with law enforcement?
MR. MESEREAU: Objection; calls for speculation.
THE COURT: Sustained.
Q. BY MR. ZONEN: Have you had a consequence to your profession because of your involvement in this case?
A. Oh, yeah.
MR. MESEREAU: Objection. Relevance; calls for speculation.
THE COURT: Sustained.
Q. BY MR. ZONEN: What is Steal the Stage, LLC?
A. It was a company that basically Vinnie, Marc -- and I don’t remember if Frank was involved or not, like I said before, but we decided that maybe we should open an LLC. It was in the office. It was early, whatever, but -- so that we could possibly do other things outside the realm of 8921

Michael Jackson. Not just use Michael Jackson’s name for things, but do our own things.

Q. Did you ever begin working on such a thing?

A. No. Nothing ever happened with it.

Q. Was there any project that had ever actually been commenced?

A. No.

Q. What did you mean by the statement “making money off or with Michael Jackson” in reference to Marc Schaffel?

A. Well, they would use his name to, you know, make money. I mean, they would -- you know, some things he was included and did things with, and then some things, you know, Marc was doing his own thing. So --

Q. Like what?

A. You know, like him and Dieter wanted to put out some book. You know, it was a table -- coffee table book or something. And it had Michael’s authorization, but they were kind of doing it. You know, but I wasn’t really -- the details on exactly who knew what, or whatever, isn’t clear to me. But I knew that that was something that they were pursuing, but it didn’t necessarily need Michael’s involvement every day like something like working on a charity single did.

Q. Did you believe that that was going to profit somebody other than Michael Jackson?

MR. MESEREAU: Objection. Calls for speculation; leading; foundation.

MR. ZONEN: It’s in response to his questions.

THE COURT: Overruled.

You may answer.

Q. BY MR. ZONEN: Go ahead.

A. Everybody would have benefited I’m sure.

Q. Including Michael Jackson?

A. Yes.

Q. Did you see at any time Marc Schaffel involved in any activity that you believed was done for purposes of cheating Michael out of money?

A. I think -- well, that’s why I kind of kept on keeping track. I was trying to figure out what the whole story was. So to answer yes or no, I guess -- I guess it would have to be probably -- I would say yes. He was doing things, and some things --

Q. Like what?

A. Well, like I don’t know if that coffee table book thing was on the level, you know.

Q. Okay.

A. And there was these MJ speakers. Like where in the heck did those come from? You know, all of a sudden --

Q. What is an MJ speaker?

A. I don’t know. They had some speakers that --

Q. Are you speaking people speaking, or --
A. Like speakers for his home stereo system. I was just like, “Where did those come from? And what the world were those?”
Q. Did you ever inquire as to whether that was a project that did or did not have Mr. Jackson’s permission?
A. It had his name on it, and Dieter and Ronald were practically living at the ranch, so when they showed up, I just was like -- also, they showed up at the RMAs in Las Vegas.
Q. All right. But did you have any information from any of them that these were projects that were done to the exclusion of Michael Jackson?
MR. MESEREAU: Objection; leading.
MR. ZONEN: I’m sorry, I didn’t hear.
THE COURT: All right. You may answer that “yes” or “no.” Do you want the question read back?
THE WITNESS: Yes, please.
(Record read.)
THE WITNESS: No, not the exclusion. They always said that Michael knew.
Q. BY MR. ZONEN: All right. What was Frank Cascio’s relationship with Michael Jackson?
A. He was a family friend.
MR. MESEREAU: Objection; foundation.
THE COURT: Sustained.
Q. BY MR. ZONEN: During the time that you knew

both Frank Cascio and Michael Jackson, did you see them together?

A. Yeah, at the ranch and at the studio.

Q. Did you see them interact with one another?

A. Yeah. Especially at the studio.

Q. Did Michael Jackson ever tell you about his relationship with Frank Cascio?

A. No. Frank told me.

Q. Did -- did -- during the entirety of your two years of dealing with Michael Jackson or Neverland Valley Entertainment, was Frank Cassidy involved?

A. Cassidy?

Q. Excuse me, Frank Cascio.

A. Okay. Was he involved?

Q. Was he involved?

A. Yes.

Q. So was there any time during the time that you were involved with Neverland Valley Entertainment that you were not dealing at one point or another with Frank Cascio?

A. Gosh, you know what? No, because he was there bringing -- he would come to the studio, and then -- and then, you know, when, you know, there was the firing.

MR. MESEREAU: Objection; nonresponsive.

THE WITNESS: Oh.

THE COURT: After “No,” I’ll sustain that.

MR. MESEREAU: Move to strike.
THE COURT: Strike it after “No.”
Q. BY MR. ZONEN: Mr. Mesereau had asked you if you had made the statement in an interview that Debbie Rowe was honest and sincere in her interview.
A. Uh-huh.
Q. Do you recall making that statement?
A. Not really, no.
MR. MESEREAU: Objection; asked and answered.
MR. ZONEN: Not by me.
THE COURT: The objection is overruled. And he did answer the question.
THE WITNESS: I’m sorry --
MR. ZONEN: The answer is in?
THE COURT: The answer is in. He said, “No.”
Q. BY MR. ZONEN: Do you believe that Debbie Rowe was honest and sincere in her interview?
A. No.
Q. I’m sorry?
A. No.
Q. Mr. Mesereau was asking you questions about your answers to questions put to you by Detective Sergeant Robel in the January 24, ‘04, interview.
A. Uh-huh.
Q. Did you have any pre-notice about that interview?
A. Pre-notice?

Q. Yeah. Did they call you in advance and say they were going to be coming by to ask you some questions?

A. In the very first time I meet them?

Q. That’s right.

A. No.

Q. Was that interview conducted on the very day that you met them?

A. Yeah. They just asked me basic questions.

Q. How long was that interview?

A. God, not more than 30 minutes. I mean, it was just like, “Where’s your car? Is this your computer?” Things like that.

Q. And you did cooperate with them; is that correct?

A. Yeah. I gave them my notes.

Q. Now, in the course of this interview, were they interested in conversations that you had with any of these other people that you’ve been testifying about today?

A. Well, yeah, but, you know, I was outside in pajamas, so it wasn’t like I was going to go very far.

Q. Is it the case that you were giving them as much information as you were able to recollect on a moment’s notice in your pajamas --

MR. MESEREAU: Objection; leading.

Q. BY MR. ZONEN: -- about many people?

MR. MESEREAU: Move to strike.
THE COURT: Yes. Stricken.
Q. BY MR. ZONEN: Were you really in your pajamas?
A. Yeah. I was -- I was in my pajamas and freaking out, yeah.
Q. And in this 30-minute conversation, did you give them as much information as came to mind at that time?
A. Yeah. I mean --
MR. MESEREAU: Objection; leading.
THE COURT: Sustained.
Q. BY MR. ZONEN: What were the difficulties in your being able to recall facts at that time?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: I was just extremely nervous. Here was -- here was one explosion -- yet another Neverland explosion, so -- happening at my front door.
Q. BY MR. ZONEN: What does the expression “all fingers point to Marc” mean?
A. He was organizing, informing. He was taking care of some of the business of, you know, paying Vinnie and Frank. You know, money, receipts. It was a lot of, you know, that kind of business going on.

Q. There was a woman Mr. Mesereau asked you about from Japan. There was a woman that Mr. Mesereau asked you about from Japan. His question suggested that Mr. Schaffel stole from that woman.

A. Uh-huh.

Q. Do you have information about that encounter?

A. I just know that -- that he had bragged and said that -- he didn't brag, per se, but he just said -- later on I said, "Well, how did you get that money?" And he said, "Oh, well, she died. It doesn't matter."

Q. All right. What was the nature of the transaction between this woman and Mr. Schaffel?

A. She was going to try to buy the rights to "What More Can I Give?" I guess, and then -- and hopefully Marc was going to convince Michael to do a show in Japan.

Q. All right. Did she advance money in that effort?

A. Yes.

Q. And then she died?

A. Then she died.

Q. Was it your belief that Mr. Schaffel should have returned the money to the family?

A. Absolutely. Absolutely.

Q. And he did not do that?

A. Yeah, and like I said, I didn't know exact --

you know, contract, maybe there was some clause in there, but I just thought it was the right thing to do. If somebody dies and you're in it, in the middle of an agreement, then you should give that money back, especially like a million bucks.

Q. You gave your point back to Mr. Jackson, didn't you?

A. Yes.

Q. Did you have a conversation with Mr. Schaffel at that time suggesting that he do the same with his points?

MR. MESEREAU: Objection; leading.

THE COURT: Overruled.

You may answer.

Q. BY MR. ZONEN: Did you?

A. I thought -- I thought we were all giving our points back because that was the right thing to do.

Q. Did he tell you whether or not he would do that?

A. He never answered me, but then I didn't care anymore.

Q. Do you know whether or not he did that?

A. I don't know.

Q. Do you know what your point was worth?

A. Well, I got an offer of a million bucks for it from this guy from Korea.

Q. Did you turn it down?

A. Oh, yeah. I turned it down.

Q. Why?

A. I mean, Michael gave it to me in the spirit of good faith. And I thought it was -- you know, that was going to be worth a lot of money, so I gave it back because I couldn’t miss what I didn’t have. And I thought -- I kind of felt sad for everybody. I mean, I kind of felt sad. I loved them and at the same time didn’t like what they were doing, but I felt sad for them, and at the same time I kind of figured, you know, I was a good person coming into this, and I think that I’ll be an okay person leaving, too, so --

Q. Are you intending on writing a book on this matter?

A. No, I’m not intending to write a book.

Q. What was the meaning of the reference, the statement to Cindy Montgomery?

A. The book just means this is a book. I mean, this is like -- this is like a story I don’t think anybody would believe. I mean, this is just -- it’s outrageous. It’s really an outrageous, ridiculous train wreck story.

Q. You said to Mr. Mesereau you weren’t allowed to talk on the phone at Neverland. What did you mean by that?

A. Oh. I was just told by everybody not to talk on the phone. We were always monitored.

That’s what I -- that’s why I didn’t really feel bad recording people. I was always monitored, so what the heck.
Q. Who told you that?
A. Frank, Vinnie and Marc.
MR. MESEREAU: Object.
THE WITNESS: Because I would say something, and they would shut me up and say, “Don’t say that on the phone here.” And I was like, “Oh, okay.”
Q. BY MR. ZONEN: You told Mr. Mesereau that Mr. Jackson gave one million dollars to Marlon Brando. Is that true?
A. Yes.
Q. When did that take place?
A. Right after the 30th Anniversary Special in New York before September 11. But the check actually didn’t get -- you know, because we were stuck there in New York. The check didn’t actually get to Marlon Brando until afterwards.
Q. When was the direction from Mr. Jackson to turn a million dollars over to Marlon Brando?
A. Well, he was upset that Marlon Brando got booed and just said, you know, in that kind of deeper voice, he just says, “You got to give him a million dollars.” And we were just like, you know, stunned.
Q. And where did this money come from?
MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. ZONEN: Were you present at the time Mr. Jackson made that statement?

A. Yeah, we were in the dressing room. We were in the back.

Q. To whom did he make that statement?

A. To Marc.

Q. Were you there at that time?

A. Yeah, we were both standing there, because we were both -- our faces were set to stun, really. You know, I wanted to get booed, so --

(Laughter.)

Q. Incidentally, do you know what Marlon Brando did to warrant being booed?

A. Yeah.

MR. MESEREAU: Objection; relevance.

THE COURT: Sustained.

Q. BY MR. ZONEN: All right. Let's go back to the million dollars. Was he paid a million dollars, Mr. Brando?

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. ZONEN: Did you have an opportunity to look at the bank records dealing with that transaction?

A. I saw the check.

Q. You saw the check. The check was made on whose account?

A. Neverland Valley Entertainment.

Q. All right. How long after that encounter was that check written on Neverland Valley Entertainment?

A. Well, as soon as we got back, because we flew back private jet. So as soon as we got back, you know, he started working and complaining about it.

Q. So was this part of the money that came from the Parviz loan?

A. Oh, yeah.

Q. This was part of your operations money; is that right?

A. Uh-huh.

MR. MESEREAU: Objection; leading.

THE COURT: Sustained.

Q. BY MR. ZONEN: At the time the police came to your house when you were in your pajamas, did they have a search warrant?

A. They had one with them, but they didn’t need to serve it.

Q. And why is that?

A. Because I believe -- I believe that you should work with law enforcement.

MR. MESEREAU: Objection. Objection. Nonresponsive; relevance.

THE COURT: Sustained.

Q. BY MR. ZONEN: You’ve been in the music

industry, I think you said, 20 years; is that right?
A. Yeah, 20 years. Started when I was 18.
Q. Have you been involved with albums before?
A. Yeah, plenty.
Q. Are you familiar with people putting credits on the album jacket?
A. They're called liner notes, yes.
Q. Called what?
A. Liner notes.
Q. Liner notes; is that right?
A. Uh-huh.
Q. All right. Is it generally the habit and custom of artists to do that for people who they're close to or people who have a particular interest in the production of that album?
A. Yeah. Oh, yeah.
Q. Is it generally the case that they hold them in high regard?
A. Yes.
Q. Would there be people contained --
MR. MESEREAU: Objection. Foundation; move to strike; and calls for speculation.
THE COURT: I'll strike the last answer. Sustain the objection.
Q. BY MR. ZONEN: Is there any expectation in the record industry that a person would automatically be included in one of these things?
A. Huh-uh.

MR. MESEREAU: Objection. Foundation; calls for speculation; relevance.

THE COURT: Sustained.

MR. ZONEN: I have no further questions.

RECROSS-EXAMINATION

BY MR. MESEREAU:

Q. Now, Mr. Provencio, on cross-examination you admitted having a discussion with Cindy Montgomery about your notes and saying to her the following: “I’ll give my lawyer the bullet points, overview, but not giving him my detailed notes. Are you kidding me? That’s a book, honey.”

A. Uh-huh.

Q. What is your explanation now for that?

A. It’s -- it’s like -- it’s like a really bad fairy tale that -- it’s like a book nobody would believe. I mean, you wouldn’t believe it if you read it. It’s kind of unbelievable. It’s an unbelievable story, I think.

Q. Were you telling the jury when you made that statement in a recorded phone call with Cindy Montgomery you were not referring to your writing a book?

A. Not at that time.

Q. Whose book were you referring to when you said --

A. The tale.

Q. -- when you said, “That’s a book, honey”?

A. That’s a book. It’s a tale. It’s like an unbelievable tale and a book.

Q. When you said, “I’ll give my lawyer the bullet points,” which lawyer were you talking about?

A. An entertainment lawyer that I dealt with.

Q. You said, “I’ll give my lawyer the bullet points, overview, but not giving him my detailed notes. Are you kidding me? That’s a book, honey.”

A. Uh-huh.

Q. Are you telling -- excuse me. Are you testifying under oath that you were not referring to your writing a book?

A. That’s true.

Q. Okay. All right.

Now, the prosecutor for the government asked you some questions about your interview with Sergeant Robel of January 31st, 2004, correct?

A. Who’s the government? I’m sorry.

Q. These guys.

A. Oh. Okay. Law enforcement. Okay. So, state your question again, please. I’m sorry.

Q. The prosecutor asked you about your interview with Sergeant Robel of January 31st, 2004, correct?

A. Correct.

Q. That’s when you say you were in your pajamas and just don’t remember a lot of things, right?

A. Well, when the police show up, you freak out, so, yeah, that’s true.

Q. So you told Sergeant Robel in that interview that you were going to tell him everything you knew, but you didn’t want to be recorded, correct?

A. Oh, no, that was an interview -- oh, the 2000 -- wait. Hold on a second. So when they came to my house and served me with a search warrant, are you talking about that particular time, or are you talking about --

Q. Excuse me. I’m sorry. Let me rephrase the question.

A. Okay.

Q. You were interviewed by Sergeant Robel on January 31st, 2004, correct?

A. Correct.

Q. Is that the interview you claim you gave while you were in your pajamas?

A. If that’s the interview at the hotel, I was not in my pajamas. The time I was in my pajamas is when they first came to my house with a search warrant.

Q. There are nine pages of comments you made about these events in that interview, right?

A. Uh-huh. I guess, if they’re there.

Q. Well, the interview took place January 31st, 2004, right?

A. Where? Does it say where?

Q. It says “in Los Angeles area.”
A. Okay.
Q. Right?
A. Not Calabasas?
Q. You gave an interview on January 31st, 2004, to Sergeant Robel, correct?
A. Right. Right.
Q. You said in that interview you were going to tell him everything you knew, but you didn’t want it tape-recorded, right?
A. Correct.
Q. You were given that report recently to look at, correct?
A. To correct spelling. I corrected the spelling.
Q. Well, you did a lot more than that with it, didn’t you?
A. Well --
MR. ZONEN: Objection; asked and answered.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes, I made -- because it was not taped, I guess not everything I know is in my head made it on that piece of paper.
Q. BY MR. MESEREAU: So approximately two weeks ago would be --
A. Uh-huh.
Q. -- April of 2005, correct?

A. Right.

Q. Prosecutor Auchincloss gives you a police report about your interview on January 31st, 2004, right?

A. Right. The book, or whatever.

Q. He says, “Read it and correct it,” right?

A. No. He says -- he says, “Look it over.” “Look it over. Is this information correct, to your best ability?”

Q. And you started adding the name Michael Jackson to statements you had made about Dieter, Konitzer and Schaffel --

MR. ZONEN: Objection. Asked and answered; exceeding the scope of the redirect.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Was your memory of these events better two weeks ago than it was on January 31st, 2004, Mr. Provencio?

A. No, it’s like riding a bike. You either remember or you don’t remember. It’s in your head or it’s not. Like I remember what people wear, their shoes, if they smell. You know, weird things like that.

Q. Now, let me get this straight, your comments about your notes on February 1st, 2003.

A. Okay.

Q. You have a -- you put down “February 1st, 2003,” on the pad, correct?

A. Uh-huh. Straight up and down.

Q. You wrote a paragraph that goes how many lines under that day?

A. Four. In -- but the four -- the four lines are slanted to the right. So the “February 1st, ‘03” slanted upward and it says, “Family-kids,” and then there’s a couple lines and it slants to the right.

Q. Okay. And in that paragraph you say Schaffel made a derogatory comment about Mexican people, right?

A. That’s correct. And I’m Mexican.

Q. And you talk about “Mom flipping out” in that first paragraph, correct?

A. Correct.

Q. Right?

A. Correct.

Q. In the next paragraph, you talk about a family, right?

A. Well, yeah, but it’s written in different writing again, so it’s --

Q. You say --

A. It’s a different paragraph. It’s a different paragraph. I’m scribbling at a different time.

Q. You say “Who are these killers?” in that paragraph, right?

A. Yes, uh-huh. Because the press are calling, 8941 and it’s after the 24th. So they were already calling.

Q. And you wrote those words underneath the date February 1st, 2003?

A. The first paragraph that you are referring to --

Q. Yes.

A. -- the first two lines --

Q. Yes.

A. -- “Family-kids” is written under February the 1st. There’s a paragraph there with different kinds of handwriting, and then it shoots down to another paragraph.

Q. Okay.

A. And that’s -- that’s -- you know, those things are unrelated thoughts, and they’re just scribbling thoughts.

Q. Sir, look at the last sentence that you wrote --

A. Uh-huh.

Q. -- on the first paragraph. Do you see that?

A. “I thought they used to be good people.”

Q. Right.

A. Uh-huh.

Q. Are you saying that that handwriting is different from the handwriting in the next paragraph?

A. It’s similar, but I know my handwriting 8942 enough to know when I write things, so --

Q. It’s the same style of handwriting, true?

MR. ZONEN: Objection; argumentative.

THE COURT: Overruled.

THE WITNESS: So answer?

THE COURT: Yeah.

THE WITNESS: Okay. I don’t believe so. I think it’s different.

Q. BY MR. MESEREAU: How is it different?

A. Well, first of all, “family” is written different. It’s a different paragraph. If you take a look at the entire -- if the jury could see the entire thing, there’s many things on a piece of paper, and it all looks like kind of a collision/ mess, because it’s not meant to be an exact narrative. It’s meant for me to remember certain things as they occurred.

Q. During the break, the last break, did you talk to Prosecutor Zonen about your testimony?

A. Yes. I asked about -- I asked a couple questions.

Q. Did he ask you any questions?

A. He wanted to know about the threatening phone calls that I got.

Q. Did he tell you anything about what you had testified to?

A. Yes, he asked me a question, “Did you tell the truth?” And I told him, “Yes.”

Q. Did he ask you anything -- excuse me. Did he tell you anything about what he was going to ask you after the break?

A. No. He just asked me to clarify something for him on the date.

Q. Did he discuss your police interview of January 31st, 2004?

A. No.

Q. Isn’t it true that when you were interviewed by the sheriffs on January 31st, 2004, you did not hand over any notes?

A. I don’t know. Is that what it says? I’d have to look at it, but I don’t -- did I not hand over notes at that time?

Q. You didn’t hand over any notes during your police interview on January 31st, 2004.

A. When they came to my house? I sure did.

Q. When you were interviewed in the Los Angeles area, you gave no notes, correct, to Sergeant Robel?

A. I did give him notes, because I even gave him the address book. I remember that.

Q. So the report should reflect that, in your mind, right?

A. It should, yeah.

Q. When did you discuss these notes you had lost, the ones you took -- you turned over a couple weeks ago?

MR. ZONEN: Objection. Misstates the 8944 evidence, that they were lost.

THE COURT: Sustained.

Q. BY MR. MESEREAU: When did you discover the notes that you had kept in storage all this time but I believe you said you forgot about?

A. I had stuck them in a box. I thought they were just lost. Like I said, I just stuck them in storage.

Q. And you found them when?

A. Do you want me to look? I can tell you exact dates.

Q. Approximately.

A. I have the receipt right here. Do you want me to look?

Q. Sure.

A. I believe I brought the receipt. Mid-April.

Q. That’s this year?

A. Yes, this year.

Q. Now, Prosecutor Zonen asked you a question on redirect examination about whether you thought Debbie Rowe was honest and sincere in her responses during the interview, right?

A. Uh-huh.

Q. Did you discuss that issue with him during the break?

A. No.

Q. But you admit that on January 31st, 2004, you told Sergeant Robel that Debbie Rowe was honest and sincere in her responses, right?

A. Yes, some of it was. I think some of it was.

Q. You didn’t say “some of it.” You said she was honest and sincere in her responses?

A. Well, it wasn’t recorded. I know what I meant is that some of it was sincere.

Q. Okay.

A. She wanted her kids back, to see them.

Q. Just to clarify something in your notes of February 1st, 2003, you say that, “Mom’s flipping out about something,” correct?

A. Uh-huh. Yes.

Q. And you’re referring to Mrs. Arvizo, correct?

A. Yes.

Q. Whom, at that point, you had never met, right?

A. No, just heard about.

Q. And that’s before the Bashir documentary aired in the United States, correct?

A. And after the transcript was received on the 24th of January, correct.

Q. By you, right?

A. I received it. Marc received it.

Q. Do you agree that in every police interview you’ve done, you’ve never mentioned the transcript of February 24?

A. I don’t know if I did or didn’t, but I know when I got it, because I had the e-mail.

MR. MESEREAU: I have no further questions.

FURTHER REDIRECT EXAMINATION

BY MR. ZONEN:

Q. Do you remember to whom you turned over your notes when the police arrived at your door?

A. Who did I turn them over to?

Q. Yes.

A. The police officers.

Q. Do you remember which one that was?

A. Steve Robel and Jeff Klapakis -- Klapakis.

Q. Do you know whether it was Lieutenant Klapakis or if it was Sergeant Robel?

A. Yes, it was those two.

Q. It was those two, all right.

A. Uh-huh.

Q. Was that on the first occasion that they came to your door?

A. Yes.

Q. That was at the time they had a search warrant?

A. Correct.

Q. All right. The interview that took place was at a -- was there some level of interview that was done at that time, at the time of the search warrant?

A. Yeah, but it was like I’m outside, and it’s cold, and I’m freaking out, there’s cops everywhere.

Q. Was there a follow-up interview that then took place --

A. Oh, yeah.

Q. -- soon thereafter?

A. Yep.

Q. Approximately how long after that was the follow-up interview?

A. I don’t remember. I just remember it was in the Calabasas area.

Q. Do you remember if it was longer than a week or two after the initial arriv --

A. No, I think it was within the first two weeks of that.

Q. Did you have additional notes to turn over on that occasion?

A. Yeah, just stuff -- you know, I mean, they asked, “Where’s your computer?” You know, “Do you have some notes?” And I said, “Yes, there’s some right here.”

You know, “What other information” -- “Can we talk to you outside?” And I said, “That’s okay.”

And I agreed -- you know, I mean, I was scared, but I agreed to, because I just felt that that was the right thing to do.

Q. Over the months that followed, did you take additional notes?

A. Yes.

Q. And did you turn those notes over periodically to Detective Robel, Detective Sergeant Robel or to Lieutenant Klapakis?

A. Yes.

MR. ZONEN: No further questions.

MR. MESEREAU: No further questions.

THE COURT: All right. Thank you. You may step down.

THE WITNESS: Okay. Where do I go?

THE COURT: Call your next witness.

MR. SNEDDON: Your Honor, at this time we have some items to be moved into evidence.

(Off-the-record discussion held at counsel table.)

MR. SNEDDON: Your Honor, we're going to start with a series of records that have been marked as People's 250 for identification purposes. It's one, two, three, four, five, six, seven -- eight pages, front and back. And I believe there's a stipulation that they may come into evidence.

MR. SANGER: Yes. So stipulated, Your Honor.

MR. SNEDDON: In addition to that, Your Honor, there are a series of records.

THE COURT: Just a moment.

MR. SNEDDON: I'm sorry? I guess I should wait.

THE COURT: 250 through 258?

MR. SNEDDON: No, 250 only, Your Honor. That's all one document.

THE COURT: Those are pages 1 through 8?

MR. SANGER: For the record, I think we should say they're records pertaining to Xtra Jet and Chris Tucker.

MR. SNEDDON: That's correct.

THE COURT: All right. No objection, 250 is admitted.

MR. SNEDDON: And then there is a series of records, Your Honor, from the Country Inn & Suites which have been provided through the custodian of records, and we've had a chance to look at them. And we're moving that People's 219, 220, 221 and 222 be admitted into evidence. They're all records dealing with the Calabasas Inn.

MR. SANGER: No objection.

THE COURT: They're admitted.

MR. SNEDDON: Your Honor, Mr. Provencio was our last witness. However, there still remains the outstanding issue of the documents that are before the Court under consideration, and there are one other set of records that just came in today that I need to look at with counsel, but beyond that, we'd be prepared to rest.

And, oh, also we need to go over the exhibits, because there are several exhibits that you deferred ruling on, and we need to address those.

So there's some miscellaneous items that need to be done, but other than that, in terms of live witnesses, we're prepared to rest once all these are cleared up.

THE COURT: You're resting subject to those issues?

MR. SNEDDON: I am, Your Honor.

THE COURT: The Court will make the following rulings on the 400 series, which I've been briefed by both sides on and listened to the evidence:

401 is admitted.

402 is excluded as cumulative and restricted financial information.

405 is admitted. 409 is admitted. 410 is admitted. 413 is admitted.

And 423 is admitted -- no, excuse me, I'm excluding 423.

So then that leaves what issues?

MR. SNEDDON: I'm sorry.

THE COURT: I'm just waiting for --

MR. SNEDDON: We're consulting. We don't....

(Off-the-record discussion held at counsel table.)

MR. SNEDDON: Judge, there are -- do you

have your court exhibit sheet handy, Your Honor?

THE COURT: Yes.

MR. SNEDDON: There are several items that have been marked for identification but have not yet been admitted into evidence. We would be moving --

MR. SANGER: I didn’t know he was going to do that. Can I have a moment to get my sheet out?

MR. SNEDDON: Go ahead.

THE COURT: I was just thinking we could let the jury go a few minutes early, because we can go through the admitting of them.

MR. SNEDDON: That’s fine, Your Honor. That’s --

THE COURT: Let me speak to the jury for a second.

MR. SANGER: Excuse me. Just for planning -- I’m very sorry to interrupt, but there will be a motion when the People rest. For planning.

THE COURT: I understand that. I wanted to tell the jury that next Tuesday, the 10th, will be a half day. So we’ll stop at 11:30 on that day. And then what you’re suggesting, I think, is that they should come in a little later in the morning, because you’re going to make a motion. They’re really resting right now, and I don’t think you have time to make the motion this afternoon.

MR. SANGER: I -- I don’t think so. We also have a written brief which we did not, and should not, file until they rest. So I have that.

THE COURT: Right.

MR. SANGER: They may want to take a look at it, so it may be more efficient to do it tomorrow morning.

THE COURT: Yeah.

(To the jury) So I think what we’ll do is, court will start at the regular time and I’ll hear the motion, and then I’ll have you come in at -- we’ll start with jury at 10:00. I don’t want you frivolously wasting that time of your day.

All right. I’ll see you tomorrow morning.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: All right. Go ahead, Counsel.

MR. SNEDDON: Judge, may I inquire of the Court for just a moment before we start the process?

THE COURT: Yes.

MR. SNEDDON: With regard to the 418 that you excluded, was that on the basis of a lack of foundation or for some other reason? That’s the check.

MR. AUCHINCLOSS: 418, page three.

THE CLERK: You didn’t mention 418.

THE COURT: I didn’t rule on that. The rulings were on 401, 402, 405, 409, 410, 413 and 423, which are the documents you took testimony on today.

MR. AUCHINCLOSS: Okay.

THE COURT: That’s what I was keeping track of today.

MR. AUCHINCLOSS: Okay.

THE COURT: In your briefs, you had covered other exhibits.

MR. SNEDDON: And we’ll --

THE COURT: But they were not addressed today, so I didn’t rule on them today.

MR. SNEDDON: Okay. I just was seeking clarification. And will there be an opportunity to address that, or are you going to rule on those without argument?

THE COURT: Well, if you’re offering something, you can offer it. I mean, that’s what you’re doing now, is it not, offering the rest of your exhibits?

MR. SNEDDON: Yes, sir. The ones that haven’t been previously admitted.

THE COURT: Right. So just go ahead and offer them, and we’ll see if there’s any --

MR. SNEDDON: I’ll do the ones that I know about, and I’ll have Mr. Auchincloss do the 400 8954 series, if that’s okay with the Court.

The one I’d like to begin with is 294, which for the Court’s recollection, it was a document that was found inside of the briefcase that contained several items of adult materials and was offered for indicia of ownership and knowledge of the materials inside. It was identified by the officer and contains the initials of the defendant on the document. So we’re moving that 294 be admitted.

THE COURT: All right. It’s admitted.

MR. SANGER: Your Honor, I at this point --

THE COURT: You need to speak into the microphone.

MR. SANGER: I just turned it on. I’m sorry.

I was going to say, at this point, unless the Court is absolutely clear, I don’t have an absolute clear recollection, without looking at that particular exhibit, and I -- I have notes on some of the items.

THE BAILIFF: No one can hear you.

MR. SANGER: Can’t hear?

THE BAILIFF: No.

MR. SANGER: It’s on. I’ve just got to bend over. What happened is the cord got shorter.

All right. All I’m saying is, if the Court has a clear recollection and is prepared to rule without hearing from the defense, I understand that, but if not, I’d like to have a chance to look at that exhibit.

THE COURT: I’m going to admit it. And if, for some reason, you want to readdress that after you look -- find it -- I think I do have a clear recollection. But then I thought the break was at quarter to 1:00.

MR. SANGER: Okay. Thank you.

MR. SNEDDON: The next item, Your Honor, is 349, which is the orange bottle that you took under submission and we offered as demonstrative evidence. And I believe there’s case law that --

THE COURT: There is. That’s admitted. That’s clear to the jury that that’s not the -- it just looks like the bottle. It’s not the bottle.

MR. SNEDDON: Right.

MR. SANGER: We object there was a lack of foundation, and I believe we did object, but if we didn’t, I --

THE COURT: You did object, and that’s why I took it under submission. And there is a couple of cases on it, one I recall about a fire can that carried gasoline to start a fire, and they lost the can, and they brought a can just like it in, and that was just to show the jury what it looked like, and that’s admissible.

MR. SNEDDON: The next item, Your Honor, is 625, which is the series of letters between Mr.

Geragos and Mr. Dickerman.

THE COURT: All right. They're admitted.

MR. SNEDDON: We'll withdraw -- I mean 630 we're not offering, because that has not been admitted.

THE COURT: Yes.

MR. SNEDDON: With regard to the series of exhibits in 823 through 829, I believe we laid the foundation when we put Detective Alvarez and Bonner on to establish the foundation for these particular exhibits that they're the ones from which the DVDs were made from, so -- and seized by Detective Caldwell, so we would move that they be admitted.

THE COURT: I believe the foundation was laid. Is there any objection to that?

MR. SANGER: I just want to make sure that we don't have one in there -- I understand that there's been a foundation for most of them, but I'm not -- I'm not sure that all of them have been -- there's an independent relevance foundation laid. In other words, there's been a seizure foundation laid, that they were obtained and in the offices of Brad Miller, but there's nothing that -- as I sit here, I don't know which number, but there's nothing that lays the foundation for the relevance in this case.

MR. SNEDDON: Judge, they're the surveillance tapes.

THE COURT: They were all played to the jury. They were your surveillance tapes.

MR. SNEDDON: That’s why we thought they were in evidence.

MR. SANGER: Were they all played?

MR. ZONEN: All were except 829. 829 is a duplicate of another one. It’s the micro-mini. They made a copy of the micro-mini. We then played it off of the more conventional form, but 829, it is the micro-mini that was seized, and then the one we played was the one that was duplicated onto to be able to play it.

MR. SANGER: I didn’t understand that, quite frankly.

THE COURT: They made it -- they made one from this exhibit, so he didn’t show this exhibit, but he showed the copy they made from the exhibit.

MR. ZONEN: And the testimony was that they’re identical.

MR. SANGER: Okay. I think they showed the copies. They showed copies of all of these. They didn’t show any VHS tapes. So that’s not the issue. I believe there were two tapes that were similar, and one of them was not shown and one of them was shown.

MR. ZONEN: That’s 829.

MR. SANGER: So 829 was shown and 828 was not?

MR. ZONEN: 829 is the mini. That’s the one that was not shown.

MR. SNEDDON: Excuse me. The DVD copy of 829 was shown, so this is the foundation to show that this is the original.

MR. ZONEN: Yes.

MR. SNEDDON: And this was authenticated by the officer.

THE COURT: Well, in terms of what the jury should get, 828 has been authenticated. We’ll just put in 828. We’ll leave out 829. It’s in as an exhibit and it’s part of the --

MR. SNEDDON: Record.

THE COURT: -- record.

MR. SNEDDON: That’s fine. That’s perfectly acceptable to us, Your Honor.

MR. SANGER: There you go.

MR. ZONEN: I don’t believe that’s the duplicate of 828. I believe it’s actually the duplicate of 825.

THE COURT: Okay. Okay. Same ruling.

MR. SANGER: Your Honor, since everybody’s still talking and we’ve only got a couple minutes, I understand the Court’s ruling is that you’re not going to let in both tapes of the same thing.

THE COURT: Right.

MR. SANGER: And with that ruling in mind, if there’s some dispute, can we take it up later?

THE COURT: Absolutely.

MR. SANGER: Okay. Thank you.

MR. SNEDDON: I believe, except for the 400 series, that covers all the issues, except for the one that I mentioned to the Court about having to check with the SDT records that just came in with United Airlines. Other than that, I think we’re -- oh, wait a minute. That’s right. I’m sorry, Your Honor, there are three photographs --

THE COURT: Okay. What I’m going to do is --

MR. SNEDDON: Yeah. 45, 46 and 47 should be admitted, Your Honor.

THE COURT: All right. Any objection?

MR. SANGER: No objection, Your Honor.

MR. AUCHINCLOSS: Would you like me to address the 400 series at this time, Your Honor?

THE COURT: Well, no. Just tell me what other ones you want rulings on that I haven’t ruled on.

MR. AUCHINCLOSS: I believe at this point you’ve excluded 402; is that correct?

THE COURT: Yes.

MR. AUCHINCLOSS: Okay. We would ask that the remainder of the 400 series --

THE COURT: And 423.

MR. AUCHINCLOSS: And 423. Very well. We’d ask that the remainder of the 400 series be 8960 admitted, with the exception of -- the exceptions of 414 and 416.

MR. SANGER: When counsel says “the exception,” Your Honor, does that mean they’re withdrawn?

MR. AUCHINCLOSS: Yes.

THE COURT: I think they’re not offering that.

THE CLERK: There’s numerous in the 400 series that haven’t even been identified.

THE COURT: The only ones I’m going to consider are the ones that have been identified in court, which are the 400 series up to 424. After that, 425 through -- just so you all know, 425 through 449 haven’t been identified; 460 through 469. But I think you were just talking about the 400 series ending with 423, because that’s what your briefs covered.

MR. AUCHINCLOSS: We have some additional exhibits under the 400 series that -- let me just have a moment to look at the notebook.

MR. SANGER: While they’re looking, Your Honor, you went so quickly through the numbers, when I tried to write them down, I don’t think I got them all.

402 was excluded. 401 was admitted?

THE COURT: 401 was admitted.

MR. SANGER: Okay.

THE COURT: 402 was excluded. 405 was admitted. 409 was admitted. 410 was admitted. 413 was admitted. And 423 was excluded.

MR. AUCHINCLOSS: And if your question was are we offering at this time, concerning the 400 series, only up through 423, which, as you said, has been excluded, that is correct.

THE COURT: Well, then I can make rulings on the others.

MR. AUCHINCLOSS: You may. But the one thing I'd request, Your Honor, if we have a dispute about exhibits that can be remedied by additional foundation, we'd just ask that the Court allow us to reopen to handle that evidentiary issue, if necessary.

MR. SANGER: Well, Your Honor, we had filed a written brief, and I believe we objected to all of these.

THE COURT: You did.

MR. SANGER: Okay. So the Court has ruled on some, but not all of them.

THE COURT: The only ones I ruled on were the ones that they laid foundation on today.

MR. SANGER: There you go. Okay. Now I understand. We did object to everything else, and I don't believe there is a foundation --

THE COURT: Well, that's true.

MR. SANGER: -- as to the remaining ones.

THE COURT: There are foundation problems as to other documents, there’s no question.

MR. SANGER: Yes.

THE COURT: Other than these documents that are hanging out here, what I would like to have us do is to have you rest, subject to my rulings on that, have you serve your 1118 motion, and be prepared to argue that motion tomorrow morning, both of you. And I’ll make rulings on the other documents in the 400 series that have been identified before you make your argument.

MR. AUCHINCLOSS: Okay. My request is just because, as you know, of the timing of the admission of these documents, we’ve held off on them, but normally during the course of the presentation of our case, we would have an opportunity to lay additional foundation if there was a foundational issue on any of the documents. And there may be an issue that could be remedied fairly quickly, so I’d just make that representation to the Court, that that may be a request, depending upon the outcome.

THE COURT: Okay.

MR. SANGER: Well, Your Honor, just so I’m clear, I would like to be able to file -- I’d like to be able to serve and file the motion, and I think the Court has asked us to do that. My concern -- I’m sitting because I’m worried about getting too far away from that, so let me stand here.

My concern is that these are documents obviously -- let’s put it this way. Obviously, Count 1 is going to be the subject -- significant subject of our motion.

THE COURT: Right.

MR. SANGER: And these are documents that, if they intend to reopen and call some more witnesses, we are giving them a road map to our objections, and they could then say, “Well, we said we’re going to reopen,” so, you know, call in a bunch of witnesses.

So I don’t want that to happen, and Mr. Auchincloss was very vague in what he’s requesting, so I’m going to object to what he’s requesting. Either they rest or they don’t rest.

I understand the Court can say, “I’ll take under submission whether these documents come in or not.” That’s not a problem. I just don’t want to file this and have them bring in another witness, or two, or three.

THE COURT: Well, I am taking under submission whether or not any of the other 400 series would be admissible under the present state of the record. They’re resting subject to that. They’ve said they may wish to reopen. I’m not ruling on that issue. So as of right now, you have a record. You have them resting, and all that’s left is my ruling.

MR. SANGER: Based on that -- Your Honor, thank you for clarifying that. Based on that, I will serve in open court a copy of a Motion for Judgment of Acquittal Under 1118.1, and I'll file the original and provide two copies to the clerk. And we'll expect to argue that tomorrow, if that's all right.

THE COURT: Right.

All right. Then court's in recess. I'll see you tomorrow at 8:30.

MR. SANGER: Thank you, Your Honor.

Oh, Your Honor? Not to take time, but there is one other motion that was still pending.

THE COURT: I'll rule on that in the morning. I haven't had time -- I got that late this morning. I haven't had time to -- I read it. That's all I've done with it, so --

MR. SANGER: Okay.

THE COURT: That's the motion to dismiss; the mistrial.

MR. SANGER: The mistrial and the Griffin/ Doyle.

THE COURT: I'll rule on that before you argue in the morning.

MR. SANGER: Thank you, Your Honor.

THE COURT: Thank you.

(The proceedings adjourned at 2:40 p.m.)

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REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 8771 through 8965 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 4, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
May 4, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
OFFICIAL COURT REPORTER

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

THURSDAY, MAY 5, 2005

8:30 A.M.

(PAGES 8967 THROUGH 9011)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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E X H I B I T S

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
418	Copy of check for $1,000,000, page 3	8975	
418-A	Remainder of pages from Exhibit 418	8975	8975
419	Copy of check for $500,000, page 3	8975	
419-A	Remainder of pages from Exhibit 419	8975	8975

Santa Maria, California
Thursday, May 5, 2005
8:30 a.m.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: Good morning.

COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.

THE COURT: I want to talk about the 400 series exhibits before we start argument on the dismissal. I was trying to review some testimony yesterday.

Is someone from the District Attorney's Office prepared to address that?

MR. AUCHINCLOSS: Good morning, Your Honor.

THE COURT: Did you work on this at all last night, or --

MR. AUCHINCLOSS: Well, I'm prepared to address the Court's concerns. But I'm not certain exactly what areas you would like me to address.

THE COURT: What I was looking for is independent authentication of some of the documents. The documents were marked primarily by an officer just reporting what he'd seized in a search, and the fact they were seized in a search is not sufficient

authentication to get the documents in. So I was trying to keep notes of the various independent authentication as you went through them. And I was looking at the list that I had and this morning I was trying to go through some testimony from yesterday and the day before, and I found that you had authenticated Exhibit 400, which I didn't admit yesterday. And I suspect you authenticated some others that I missed, so --

MR. AUCHINCLOSS: Well, in terms of the foundation for the admissibility of all the documents, as we pointed out in our brief, Your Honor, authentication --

THE COURT: I'm beyond your brief.

MR. AUCHINCLOSS: Okay.

THE COURT: Let me tell you, like on Exhibit 400, we have -- maybe it would be best if I address particular problems with you than --

MR. AUCHINCLOSS: Okay.

THE COURT: I think Exhibit 400 was properly authenticated by Mr. Provencio.

Mr. Sanger, rather than have him speak to that, and that's my -- my feeling at this point. Do you have anything you want to address on that document?

MR. SANGER: I will only because I think that this may -- this may have a carry-over to some of the others. So let me just say this in general.

At the time we filed our brief, of course, Mr. Provencio had not testified. His testimony, I think, is not sufficient for authentication in general. His testimony, besides being highly suspect, was to the effect that he went through a file cabinet that wasn't really necessarily his to go through, and that's where he saw certain documents. He doesn't -- he hasn't laid the foundation for what the document is.

If we look at 400 in particular, it appears to be -- let me move it up here so I can stand at the microphone. It appears to be one page of something that has some purported initials at the bottom. And besides authenticating the document in the sense that, "I saw it in this house" that was used by a number of people, including Marc Schaffel, there has to be some authentication as to whether or not this document was actually a document that was effective. In other words, is this something -- is this a draft? Is this a page of a draft? Is this something that the rest of which was discarded? Or, there was a new first page put on and that's why you have this page? I mean, none of that has been explained. So simply having a page, and having a witness say, “That looks like something I saw when I was flipping through my boss’s file cabinet” --

THE COURT: In other words, he didn’t identify the signatures or anything other than to say, “Yeah, that’s a document I saw in their office.”

MR. SANGER: That’s correct. And it’s only one page of a document. So, you know, we don’t have authentication as to signatures. We don’t have authentication as to the nature and extent of the document and what it means.

THE COURT: Okay.

MR. SANGER: Yes.

THE COURT: That’s sort of -- Mr. Sanger was able to sort of pinpoint the problem I’m having with these documents.

MR. AUCHINCLOSS: Well, our introduction of these documents, the foundation for them, as we pointed out with our citing of the Olguin case, is authentication may be established by circumstantial evidence. We don’t need a direct witness to come up and say, “I saw Marc Schaffel sign that document,” or, “I know Marc Schaffel’s signature and that’s his signature on that document.”

You look at the totality of all the evidence before the Court, and see if you can draw a reasonable inference as to whether or not this document is what it purports to be.

Now, we have an abundance of testimony that Marc Schaffel and Michael Jackson were involved in a business enterprise known as Neverland Valley Entertainment, and we found --

THE COURT: I’m not willing to go there with you.

The problem is that in your points and authorities, I think you represented that Mr. Provencio would testify that he was familiar with Michael Jackson’s signature and initials, and that he would identify them on Exhibit 400, but in trying to review the testimony, I didn’t recall that. But --

MR. AUCHINCLOSS: I don’t think that was produced.

THE COURT: But going back there, I don’t see that in the transcript. So....

MR. AUCHINCLOSS: If that is a predicate to the admissibility of this document, then that would be one of those foundational minor points that we would re-call Mr. Provencio to lay. If that’s the place where the Court has an issue. And that’s why we requested yesterday that we be able to address concerns of the Court regarding the admissibility of these documents as we normally would be during trial. We’re in an unusual circumstance here, because these documents are being discussed at the very end of our case.

THE COURT: Was there any document that I did not admit out of that series that you think you did authenticate that I just missed the authentication?

MR. AUCHINCLOSS: Well, in terms of direct testimony, we did provide evidence from the Bank of -- from the U.S. Bank.

THE COURT: Give me an exhibit number when you’re talking so I know what you’re talking about.

MR. AUCHINCLOSS: Yes. That would be exhibit number -- let me find it. 418, page three, the million-dollar check. We did ask the U.S. Bank representative about that exhibit, as well as --

THE COURT: 418 and 419 I think was authenticated by the U.S. Bank person who testified.

MR. SANGER: Only as to the pages that are checks. Not as to the other --

THE COURT: Documents.

MR. SANGER: -- documents.

MR. AUCHINCLOSS: That’s correct. That’s correct. 418-3 and 419-3, page three.

THE COURT: So I would be willing to admit those pages that she authenticated as those documents, 418 and 419.

MR. SANGER: And I would submit that, Your Honor.

THE COURT: Okay. I’ll admit the checks, and I’ll have the clerk separate the other pages and call -- redesignate the other pages as 418-A and 419-A. The actual 418 and 419 will be the checks themselves.

MR. AUCHINCLOSS: And that would be the only other documents that we provided direct testimony on.

THE COURT: Well, one of the things, Exhibit 403.

MR. AUCHINCLOSS: Certainly.

THE COURT: I do not think that you have had Mr. Provencio identify that document and those e-mails from between Rudy -- Rudy Provencio and Kathryn Milofsky. Although on cross, I remember Mr. Mesereau raising some questions about those e-mails.

MR. AUCHINCLOSS: There certainly is testimony that Kathryn Milofsky was providing substantial information by way of e-mails to Marc Schaffel.

THE COURT: But I don’t think that’s sufficient to just dump, then, a bunch of exhibits in if they’re not -- and I’m asking you -- I’m asking for argument.

MR. AUCHINCLOSS: Certainly, yes, as I stated before, you can’t deny the circumstantial evidence in this case that -- we look at these documents, Your Honor, somewhat like you might look at some numbers scribbled on a piece of paper found in a drug dealer’s home that are introduced as pay/owe sheets. Now, there’s no authentication. Nobody comes in and says, that’s -- you know, that’s his handwriting. You don’t need that. You don’t need to have someone come in and say these are pay/owe sheets for a drug transaction. You might have some expert testimony to that effect.

THE COURT: I was going to say, I can’t imagine letting that kind of thing in without some authentication, but --

MR. AUCHINCLOSS: I mean, in terms of the admissibility of it, it's not as if there's any --

THE COURT: I think we're going down a side street here.

MR. AUCHINCLOSS: Our position is that these documents speak for themselves. They are words that are relevant to the conspiracy, and a conspiracy is a crime of words, in addition to some overt acts. And as we pointed out in our brief, each one of these documents impute either knowledge about facts that are relevant to this conspiracy, motive, reasons why these co-conspirators as well as Mr. Jackson would engage in this conspiracy, the relationship between the parties. For instance, phone sheets with every single -- virtually every single co-conspirator's name on them. I mean, those are coming in because Mr. Provencio testified to it.

THE COURT: I would really try to direct your attention to one exhibit at a time. It's not helpful to me to be doing that. I lose track of what you're saying.

MR. AUCHINCLOSS: I understand, Your Honor, there's a number of exhibits.

THE COURT: I think we're talking about Exhibit No. 403. That's what I want to talk about. So I'm saying what is the foundation that you've laid for 403 to come in. That's what I'm asking you.

MR. AUCHINCLOSS: All right. If I could just have a moment, here.

THE COURT: You may.

MR. AUCHINCLOSS: 403. The "Fires Brewing" file. The Court has previously admitted evidence of the panic that was going on among the co-conspirators during this time. There's been extensive testimony by Ann Gabriel that -- of a laundry list of problems that confronted Mr. Jackson, public relations problems. The press was going crazy. Not only about the rebuttal -- or about the Martin Bashir film, but a number of other issues that came up, including Mr. Schaffel's prior history, the Jordie Chandler release of that -- of the Complaint over the Internet, issues regarding the other problems that Martin Bashir pointed out, such as child abuse or possible child neglect issues. You name it.

This is being offered as corroboration of Miss Gabriel’s testimony, and as evidence of the issue of the panic, the reasons for that panic that were generated and known by the co-conspirators.

Now, it’s offered as circumstantial evidence, because these words, these documents, were found in Martin -- in Mr. Schaffel’s home, in his files, in his locked closet, and they clearly show a group of files under an unambiguous heading, “Fires Brewing,” that Mr. Jackson had a number of problems on his hands. And the problems were to be addressed by the co-conspirators. That was the purpose of this --

THE COURT: Let me ask you this: Did Mr. Provencio testify about those documents yesterday or the day before?

MR. AUCHINCLOSS: He testified that the phones were ringing off the hooks. That there was --

THE COURT: Did he testify about the “Fires Brewing” documents?

MR. AUCHINCLOSS: No, he did not.

THE COURT: I think I remember him identifying who Kathryn Milofsky is.

MR. AUCHINCLOSS: He did identify Kathryn Milofsky as being a conduit through which much of this information came, including, of course, the original script for the Martin Bashir film way before it was introduced -- played.

THE COURT: Okay. On 404, it seems there was the phone log and then there was a list of contacts; is that right?

MR. AUCHINCLOSS: That’s correct. This came out of the Stuart Backerman file in Mr. Schaffel’s filing cabinet. As Mr. Provencio testified, the media was keeping them very busy. This is a list of messages showing contacts from the media, from Larry King, to Good Morning America, Barbara Walters. And this is on February 6th. Again, introduced to show the level of panic that was being inspired by this public relations disaster. Everybody was calling. “Who’s that boy that Mr. Jackson is sleeping with?” And it’s corroborative of Mr. Provencio’s testimony, and it shows --

THE COURT: Was there any specific authentication on that exhibit than -- besides the simple seizure of the --

MR. AUCHINCLOSS: In Mr. Schaffel’s home? No. Other than, as I mentioned, the reasonable inferences that you can draw from finding it there, in light of all the testimony. And that’s what we’re asking for, is that the Court draw a reasonable inference as to what this document is, what it means.

THE COURT: Okay. On 406 --

MR. AUCHINCLOSS: Would you like to address the working group list that follows that, or --

THE COURT: I’m sorry.

MR. AUCHINCLOSS: There are a couple of phone sheets in here. Again, this, as the 8980 authorities noted, provide that evidence of relationship between the parties is admissible on the issue of whether or not a conspiracy occurred. We have a production working group list that shows Ronald Konitzer, Dieter Weizner, Mr. Backerman, Mr. LeGrand, Marc Geragos on the same working group list in the possession of Mr. Schaffel. Now, Mr. Schaffel cannot contact co-conspirators unless he has contact information. Showing that he has their e-mail addresses, their phone numbers, their mobile phone numbers, their addresses is evidence that Mr. Schaffel is working with these individuals. It’s evidence of their relationship.

THE COURT: Okay. I understand that.

MR. AUCHINCLOSS: Okay. Moving on to 405?

THE COURT: Yes.

MR. SANGER: Or 406, I think the Court said.

THE COURT: 405 was admitted. 406.

MR. AUCHINCLOSS: 406 is the contract for the FOX rebuttal. It's a $3 million contract. There's been quite a bit of testimony about the amount of money that was going to be made in this particular endeavor. This is corroborative of that testimony. It's -- appears to be on a Hale Lane fax transmittal sheet. We had testimony from Mr. Hamid Moslehi about receiving faxes from Hale Lane. This is identical to all of the other fax transmittal sheets that we seized during this warrant. There is no evidence or, I believe, reasonable inference you can draw that this document is anything but what it appears to be, a revised agreement of the FOX Broadcasting Company and Fire Mountain Services. And it's offered to show that this was a money-making enterprise, that Mr. Jackson was going to personally profit from it, as well as the co-conspirators.

THE COURT: You're talking about the --

MR. AUCHINCLOSS: Pages 1 through 4.

THE COURT: 1 through 4.

MR. AUCHINCLOSS: Yes. Now, we have introduced testimony that the Arvizo family was to be included in this FOX rebuttal and the reasons why they were never seen in that rebuttal film.

THE COURT: On that document, that's pages five through nine, right?

MR. AUCHINCLOSS: Yes.

THE COURT: And that's --

MR. AUCHINCLOSS: Five through nine are --

THE COURT: How do we know that Mr. Jackson had anything to do with that document?

MR. AUCHINCLOSS: Well, Mr. Jackson does not have to be linked to every aspect of the co -- of the conspiracy.

THE COURT: But you want to admit it to show his involvement in the rebuttal video, right?

MR. AUCHINCLOSS: We want to admit this document to show that the special was a money-making enterprise, and that -- I mean, there has been quite a bit of testimony, or there was quite a bit of testimony with Ann Gabriel dealing with the issue of the problems with that, how that would be perceived by the media as negative. She felt it should be done without a profit motive, and how her advice was ignored by the team.

THE COURT: Okay. Exhibit 407?

MR. AUCHINCLOSS: Just -- if I may just remark about the remaining exhibits on 406, Your Honor.

THE COURT: Yes.

MR. AUCHINCLOSS: Because there were some additional pages there.

THE COURT: Page ten.

MR. AUCHINCLOSS: And one of the pages is a fax to Michael and Al from Marc, appears to be, with a personal message from Marc Schaffel. It talks about the specifics of the clips, the editing, everything looks good, it’s all very positive, shows Mr. Jackson’s direct involvement in the second FOX rebuttal -- or FOX film, I should say, as well as, following that, there is the agreement in which the second FOX film was to produce $4 million in income. And we finally have a note from Mr. Jackson signed by Mr. Jackson, care of Al Malnik, that he

authorizes giving the keys to Dieter Weizner at the warehouse for Optima Productions. Shows again Mr. Jackson’s direct involvement in these films, as well as his relationship to the parties, particularly Dieter Weizner.

THE COURT: Okay.

MR. AUCHINCLOSS: 407 is offered as a statement -- as statements in furtherance of the conspiracy.

THE COURT: Well, I’m sorry, did you want to -- that’s all right. Okay. 407. Go ahead.

MR. AUCHINCLOSS: These are e-mails that were found, I believe -- let me just double-check my notes here -- in Marc Schaffel’s “Ronald” file. And that's how we -- just so you know, you can look at the index and see that we've divided these documents up into the various -- we've kept them in the various files that they were found in, so that's the reason why some of the documents do not always have a subject matter relationship, but they do have a relationship of the location in where we found them.

This is the "Ronald" file. There are a couple of e-mails in here from Ronald Weizner -- or Ronald Konitzer, excuse me, talking about -- talking to Marc and Stuart. The first one is really just to -- for purposes of showing the relationship of the parties, and their involvement back on February 6 of '03.

The second one entitled "Money," February 11th, '03, is highly relevant. It talks about the money split. It talks about how much money they're going to get for the FOX rebuttal. It talks about how they're going to split it up, about how some of it is needed just to pay for that rebuttal, the Jackson -- this goes to Mr. Jackson's financial crisis. He doesn't have money to pay for this rebuttal, so he has to generate money just to pay for the expenses. Some of it goes to -- is going to Hamid. The final page is really where you see the breakout.

THE COURT: Do you think the e-mail addresses need to be authenticated in this?

MR. AUCHINCLOSS: Well, the e-mail addresses for Mr. Konitzer are mentioned in the other address documents. I mean, assuming that the address documents come in, there's circumstantial evidence that they are accurate, correct e-mails.

THE COURT: That being the list --

MR. AUCHINCLOSS: The previous list that we've talked about. These are identical e-mails that we have throughout and including the e-mails that are identified in the telephone and contact sheets.

There is -- and the last page, as I said, is really particularly revealing. It talks about $3,200,000 to be produced from the first rebuttal film. 200 goes to Hamid. A million-five to David's trust account to pay bills due now, and that's because of the vendors that are screaming for their money. $600,000 for Marc --

MR. SANGER: Your Honor, by the way, I'm going to -- I'm going to object to just gratuitous remarks for the press. There isn't evidence of vendors screaming for money in this case. Counsel should restrict his remarks to the Court's inquiry, which is what is the authentication, and not continue to make gratuitous remarks.

THE COURT: Sustained.

MR. AUCHINCLOSS: I'm making the -- sustained?

THE COURT: Yeah. We're really looking at a narrow issue here.

MR. AUCHINCLOSS: Well, I think, you know -- I'll draw your attention to the main thing, is that the -- the $600,000 for Marc, including all production and, quote, "vacation," end quote for Gavin.

THE COURT: What about the e-mail address of Milofsky? How do we know that's her? Do we have someone testifying to her e-mail address?

MR. AUCHINCLOSS: Well, what reasonable inference do you draw from the fact that Rudy Provencio testified that they received an abundance of e-mails from this woman?

THE COURT: I thought you just told me that you didn't have that testimony about e-mails. You had the testimony about the phone calls.

MR. AUCHINCLOSS: No, he didn't identify the individual -- the individual e-mail, but he did say he received e-mails from Kathryn Milofsky, and that Mr. Schaffel and him both received e-mails from her. So I guess, I mean, I'm just drawing a reasonable inference that he says they received e-mails. We look in his file drawer and we find e-mails. There's -- it's not conclusive, but it's pretty close that these would be the e-mails that he

received from Kathryn Milofsky.
THE COURT: Okay. 408?
MR. AUCHINCLOSS: 408 is a printout from a disk. It just is offered to show the financial gain that Mr. Schaffel was obtaining through the marketing of the rebuttal film. Rudy Provencio did talk about foreign rights, so this would be something akin to the previous e-mail, which indicates that Mr. Jackson himself was going to benefit from this -- financially from this enterprise, and that there was -- there were additional profits out there. Offered on the issue of motive, to show the perception of the parties that this was a valuable enterprise that they could make money on.
THE COURT: How about 412?

MR. AUCHINCLOSS: Again -- I'm sorry, we're jumping ahead to --
THE COURT: Well, 409 has been admitted. 410 has been admitted. 411 --
MR. AUCHINCLOSS: Is of no great moment.
THE COURT: Right.
MR. AUCHINCLOSS: That's not important.
THE COURT: So 412 was the one I was concerned about.
MR. AUCHINCLOSS: 412. Ann Gabriel, I believe, did lay foundation on 412. She testified that David LeGrand sent her this virtually identical release that was ultimately placed before the Arvizos. He asked her to put "Gabriel Media, Inc.," on it and then send it back. It finds its way into Marc Schaffel's file in various permutations. One with "Gabriel Media," the second without, and then there is a third with "MJJ Productions."
THE COURT: Okay. What about 413?
MR. AUCHINCLOSS: There has been some testimony on 413 that.
THE CLERK: It was received yesterday.
MR. SANGER: You received it, Your Honor.
THE COURT: All right. Thank you. 415.
THE CLERK: 414.

THE COURT: Withdrawn. 414 was withdrawn. 415?

MR. AUCHINCLOSS: These are records that are found regarding the expenses for the rebuttal film. Circumstantial evidence that Mr. Schaffel was in charge of that film. And these records, notably on page four, have references to the Arvizos. And I draw that conclusion from the cash withdrawals that say, “JGSD Trip.” Janet -- I interpret that to mean Janet, Gavin, Star and Davellin trip.

On 225 and 226, there are petty cash withdrawals corroborative of what Mr. Provencio testified to, regarding cash paid out to Vinnie.

There are cash disbursements on page six that include $5,000 to Frank Cascio.

THE COURT: Okay. 417?

MR. AUCHINCLOSS: And I would just say that on page 17, there is a receipt which --

THE COURT: You know what I’m asking you, though, not what’s there, I’m asking you what’s the authentication. Your telling me what’s there doesn’t answer that question, so --

MR. AUCHINCLOSS: Well, I’m just telling you about areas of testimony that are relevant to -- that Rudy Provencio did testify about a cash receipt that was signed by Vinnie Amen and that is in that file under page 17.

THE COURT: But he didn’t identify that.

MR. AUCHINCLOSS: He didn’t identify it, no.

THE COURT: You’re saying that’s the one that

he must have been talking about, right?

MR. AUCHINCLOSS: Yeah. I’m drawing a reasonable inference from the location of that document in the files.

THE COURT: Okay.

MR. AUCHINCLOSS: This is -- 417 is the -- are the documents -- the first document entitled “Janet Strategies” located in Mr. Schaffel’s files clearly provides some circumstantial evidence of an intent to come up with various strategies to deal with Janet Arvizo and her family. You can read the document. The same thing with the, quote, “David case.” The strategies are not always consistent, and they’re admitted for purposes to show consciousness of guilt and knowledge of the criminal purpose of this conspiracy.

THE COURT: To show whose consciousness of guilt?

MR. AUCHINCLOSS: The co-conspirators.

THE COURT: Okay. 418?

THE CLERK: You admitted that this morning.

THE COURT: That’s already done.

419 is done.

420?

MR. AUCHINCLOSS: 418, we’ve already --

THE COURT: No, we did 418 and 419, I’m sorry. 420 is where we are.

MR. AUCHINCLOSS: 420 are the e-mails amongst the co-conspirators, including Mr. Schaffel. Some of these specifically reference the Arvizo family. They certainly reference the panic that existed at the time.

THE COURT: Were the e-mail addresses authenticated, identified, and how do we know who they came from?

MR. AUCHINCLOSS: The e-mail addresses are -- well, I would submit that if we have an e-mail that is from Melanie at bellyard.com, and we have testimony that Bell Yard is the crisis management team in London that was dealing with Mr. Schaffel at this time and he’s one of the parties on the team, that that is circumstantially sufficient foundation that this e-mail is what it purports to be. There’s no evidence that these are all fabricated. To the contrary, that this was -- these are all seized in a search warrant.

So this is -- these came out of files that -- the personal files of Mr. Schaffel. So I guess, you know, I’m -- I keep drawing the same reasonable -- I mean, these are my inferences. They may not be yours, Your Honor, but that’s where we’re going with these.

THE COURT: On 421, that’s a contract after the alleged events. Is that --

MR. AUCHINCLOSS: It is.

THE COURT: What would the relevance of that be?

MR. AUCHINCLOSS: The defense has announced -- and maybe -- well, I shouldn’t say that they’ve just announced it. They have attempted, through the introduction of evidence through cross-examination, to show that Mr. Jackson was an unknowing party to this conspiracy. They, in some respects, seem to concede there was something nefarious going on, but not involving Mr. Jackson.

If that is the case, then the continued association with the co-conspirators beyond the conspiracy, even after all of the fallout, would tend to rebut that claim. And we have -- this is just one link in the many links we have that Mr. Jackson maintained his affiliation with Mr. Schaffel, Mr. Weizner, Mr. Konitzer, for months and months and months past the conspiracy. So this was not a situation where some bad things happened and Mr. Jackson then fired everybody.

It also shows the financial motive of the various co-conspirators to continue in their relationship with Mr. Jackson. This is all about money. We don’t dispute that among the co-conspirators. They’re interested in a financial gain. But the financial gain they are seeking is from the success of Mr. Jackson, not from his fall.

THE COURT: Okay. 422.

MR. AUCHINCLOSS: There was testimony about these documents. Mr. Provencio did look at them. He did identify them as the operative documents that established the loan with Royalty Advance Funding that bankrolled Neverland Valley Entertainment.

THE COURT: All right. Thank you.

Mr. Sanger, do you wish to address any of these?

MR. SANGER: Yes. Thank you.

I know we have other things to do, so let me try to go through as quickly as I can.

I think I addressed 400.

THE COURT: You did.

MR. SANGER: Okay. That takes us to --

THE COURT: 403.

MR. SANGER: -- 403.

One quick correction, and I think it really helps to illustrate how little foundation there is for this. Your Honor had indicated that you believed that Mr. Mesereau had referred to perhaps something in that exhibit or related to that exhibit.

If I'm not mistaken, Mr. Mesereau is referring to something totally different. He was referring to an instant message communication, which, although there's advertisements for instant messages at the bottom of some of those purported e-mails, they are not instant messages. The instant message is a realtime exchange where one person

types something and the next person responds, and they go on in, more or less, realtime. And it was not, as far as I know -- and I've looked through it again quickly, it was not one of the documents in the 400 series that had been marked by the prosecution. So there's been no authentication, and this will apply to all these other e-mails, so I don't have to repeat it.

THE COURT: All right.

MR. SANGER: No authentication. We don't know if -- who sent the e-mails, if they were received by somebody in particular, if they were reviewed by somebody in particular, if they were possessed, if anybody had knowledge of it.

Most importantly, it has nothing to do with Mr. Jackson's knowledge of anything. There's no indication from Mr. Provencio's testimony or anybody else that Mr. Jackson had knowledge of any of this stuff that's in here. And I'll say that generically so I don't have to repeat it.

There's a way to lay a foundation in a court of law, and it just wasn't done. I don't know if it could be done. I take it, because they didn’t do it, they didn’t have a witness who could do it. But whether they could or they couldn’t, it was not done, and therefore none of these things are admissible.

I’ll go to 404. Again, no specific authentication. The indication is 404 had something to do with Stuart Backerman. And the question is what did it have to do with Stuart Backerman, just like all these other documents. Quite frankly, I’ve forgotten exactly if it was in a Stuart Backerman file or whatever it was. We now have testimony that there were several people who were in that house, using that house as an office, several people maintaining desks and having phones, having files. How do we know who had what?

The People cannot -- the prosecution can’t get up here and say to the Court, everything is some kind of statement that is in furtherance of the conspiracy or it shows the state of mind of a co-conspirator, or some other thing like that, and not identify which, if any, co-conspirator it relates to. They haven’t alleged that Stuart Backerman was a co-conspirator. They haven’t alleged that Bell Yard was a co -- Bell Yard is a reputable public relations firm in England. And the testimony was is that they were a public relations firm. I mean, he can’t say everybody that helps a celebrity with regard to productions of -- or people associated with a celebrity, with a production of an event or a video or a television show, is involved in some kind of a conspiracy, and therefore, even though there’s been no proof as to who possessed it or what it is, it must belong to some nebulous co-conspirator in some giant conspiracy. And that, again, is an underlying problem with some of the subsequent ones, so I’ll spend just a moment on that at this point.

In other words, the proper way to prove something is to prove that it -- it was in the possession of and belonged to a particular person; that it was sent by somebody in particular; that it had some significance. It isn't just a piece of paper there. You have to authenticate it. Just the fact there's a piece of paper there doesn't cut it.

The analogy for a pay/owe sheet I think was actually telling. Because if you have somebody who is caught, you know, with the dope in their room and under their bed, and under the bed with the dope is a sheet that says so-and-so, somebody something, you still have to authenticate it. Now, it may not be an issue as to wrote it. If it's an issue as to who wrote it, and whether or not the person who's charged had knowledge and possession of that pay/owe sheet, then it would be a big issue. That's the issue that we're dealing with here. It's an issue as to what Mr. Jackson knew, if anything, about this.

This is a lot of junk that was taken out of somebody's house and thrown in with rhetoric that it's highly relevant. Highly relevant is what the District Attorney wants to make out of it. But that isn't the authentication. And that's where they're stuck and they haven't laid the foundation.

406, the first four pages are not authenticated as to signatures or significance or who it came from or what happened. It's just a document that's there. The next pages, five to nine, are pages that, once again, we don't know what it is. It's not signed. There's some notes by somebody, the handwriting hasn't been authenticated. Who possessed it, who had knowledge of it hasn't been authenticated. It, again, doesn't link Michael Jackson to anything, because there's absolutely no evidence Michael Jackson had anything to do with it.

Now, I'd remind the Court respectfully that the witness that did testify, the police officer that testified to the seizures I believe is Detective Bonner, said that he wasn't sure which pages were attached to which pages. He didn't know who wrote the numbers at the top until he took a break and was informed they were D.A. numbers. And in fact, he said that, at least as to a couple of the exhibits, it was questionable as to whether the items that were stapled together actually went together.

So we have a problem that the jury would be given a bunch of documents that are stapled together or put in a binder by the District Attorney that are given significance the District Attorney wants to give them, but there's no authentication that they belong together or have anything to do with each other or were actually known of or possessed by anybody.

Page ten of that exhibit, the words of Mr. Auchincloss were, "It appears to be a fax." That is exactly the problem, is that it appears to be a fax. We don't know what it is.

And then page 11 - I don't want to get ahead of myself here - is another document that -- if I'm in the right place, is another document that's unsigned. And the very last page was offered as a -- as a letter purportedly signed by Michael Jackson. And a lot of discussion was had by the District Attorney about how significant this is, that this shows Michael Jackson had a connection with Dieter Weizner. It's offered for the truth of the matter. You can't offer a document for the truth of the matter. And you can't say this is signed by Michael Jackson just because it's found in somebody else's house or office. You have to lay a foundation. You have to establish authentication. And that's all -- it wasn't done. That's all there is to it.

Go to 407, again, those documents are subject to all the same criticisms. I heard Mr. Auchincloss say they were accurate and correct e-mails. Well, that would be nice if there was evidence that they were accurate and correct e-mails. The fact that he says accurate and correct doesn't make them accurate and correct. It doesn't make them e-mails, it doesn't make them anything.

No foundation was laid.

Go to 409.

THE COURT: No, that was admitted. 410 was admitted.

MR. SANGER: Let me --

THE COURT: You need to go to 412.

MR. SANGER: Did I talk about 408?

I think 408 was -- I wrote 409. I meant 408. I'm sorry.

408, was that withdrawn or --

THE COURT: 408 would be your next --

MR. SANGER: All right. I misspoke when I said 409.

408, this was a document that we were told came off of a disk, and then as I recall, the officer said that he printed out or somebody printed out what was on the disk.

We have no idea who inputted this information into the disk, who had knowledge of this. There were quite a number of people at that house. The fact is it doesn't mean anything. And the prosecution wants to use it to imply that somehow Michael Jackson had some interest in the data on this disk. And there's absolutely no connection whatsoever with regard to that.

If we go to 412, there was reference to Ann Gabriel. Her name is actually Ann Kite. And once again, these are documents that are found, they're subject to all the same objections that I've already made. Same with 413. In fact, if you put 412 and 413 together, they're for the most part blank documents that are not signed. There's some other things in there, some handwriting. We don't know whose handwriting it is. This is not the way you present documents to the Court.

THE COURT: I did admit 413 already.

MR. SANGER: I'm sorry. Okay. Well -- and evidently, I'm sorry, this a good example of how you present documents to the Court.

(Laughter.)

MR. SANGER: Okay.

THE COURT: 415.

MR. SANGER: Go to 415. Interesting. 415, this is a collection of documents that I suppose there could have been some foundation laid for it. All we have is that they were seized. The prosecution is adamant about wanting to introduce 415, and they do not want to introduce 416, which is a summary of petty cash expenditures for Janet and the children, and is exactly the same except evidently they feel that it doesn't make their point.

We have the same objections to authentication on 415 that we have on the other matters. But if the People were going to successfully offer 415, then upon that, the Court's ruling in that regard, we would then offer 416. If that's an adequate foundation, I think the same foundation was laid for both, whatever it is.

And I did specifically ask the officer about -- some questions about 417. So whatever authentication he was able to give, he gave at least as much as was given by the People for the other document.

420? Actually, the correct discussion I think would be with regard to 420-A, if I'm not mistaken. 420 were the documents that were originally presented in the notebook, and then I believe the prosecution gave us a new set of documents which were marked 420-A.

Is that consistent with the clerk or the Court's recollection?

THE COURT: I'll look at my --

MR. SANGER: While the Court's looking, I think that the -- I think that the idea was that Detective Bonner, I believe, testified that 420-A was a better set.

THE COURT: You're correct.

MR. SANGER: So I assume that actually 420 was being withdrawn by the prosecution, and I would

assume that their remarks pertain to 420-A, not 420. May I assume that?

THE COURT: I think so.

MR. SANGER: Okay. Thank you. So I'll respond to 420-A. The offer was these are e-mails amongst co-conspirators. Once again, that's relevance, but it doesn't establish the authentication as to the e-mail addresses, where they came from, how they got in the file, who saw them, and so on.

421, I believe this is the -- this is the particular document, Exhibit 421, that Detective Bonner said that he couldn't be sure that the first page went with the other pages. In fact, as he looked at it, it probably didn't.

And I think if you look at the content, Your Honor will see that the cover page doesn't seem to match the dates of the subsequent document, nor does the cover page have a fax header. So it looks like somebody stapled a different fax sheet to two other documents, and that just plain highlights the problem that we have with these documents. And that's what happens when you don't have authentication and the Court's asked to just assume that if it's there, it's all okay.

Once again, there's a purported signature of Michael Jackson at the end of that, the very last page of that document. There are no other signatures. We don't know if this was a draft or a proposal. We don't have any authentication of his signature, that that is his signature. And I think, as we pointed out in our moving papers, if you look at the various signatures that the prosecution is offering as Mr. Jackson's signatures in this series from 400 to 423, Your Honor will see that there are remarkable differences between some of them. Some of them are similar. But there are others that look totally different. And not that we're asking the Court to do a handwriting analysis, but that's just an example of why authentication is necessary. You can't just assume, based on the fact it's found in somebody's house, that Michael Jackson signed it. Particularly if it's found in the house of Marc Schaffel, of whom the prosecution witnesses have said some pretty harsh things about his integrity.

So we have documents that are going to be held against my client in a criminal case that are in the possession of somebody who's been accused of being a liar and not a reliable person. And the signatures don't look the same, and yet the jury is going to be asked to assume that Mr. Jackson signed them all. That's exactly why you need authentication. And we don't have it here.

And that takes us to 422; am I right?

THE COURT: Yeah.

MR. SANGER: 422. And 422 is exactly -- suffers from the same problem. The only difference is that Rudy Provencio actually did look at these documents when he was on the stand, and said that he believed those were the documents pertaining to this transaction. How did he know that? He was apparently snooping in the file cabinet. He had no direct involvement in preparing these, dealing with these or anything else. And as the Court I think gathered - and more about that in a minute - Mr. Provencio was trying to be a very helpful witness to the prosecution and lied about things that we can conclusively show he lied about. So his testimony should be disregarded.

But if it's not disregarded entirely, at least there's something there. However, it does suffer from all of the other -- the other problems the other exhibits have.

And I'll submit it.

THE COURT: All right. Thank you.

Who's going to argue the motion to dismiss?

MR. MESEREAU: Mr. Sanger is, Your Honor.

MR. AUCHINCLOSS: May I offer one more thought on that, that last one?

THE COURT: Yes.

MR. AUCHINCLOSS: I mean, one thing we could do is to offer defendant's 977 waiver as evidence of his handwriting, ask the Court to take judicial notice of that.

THE COURT: Okay.

MR. AUCHINCLOSS: All right.

THE COURT: What I'm going to do -- I'm going to listen to the motion to dismiss. I have a pretty good idea now, having heard your arguments on the other exhibits, what -- I've made notes to myself as to their admissibility or nonadmissibility. I'm not going to announce those now because we need to move along.

MR. SANGER: Yes, sir.

THE COURT: But I wanted to take care of that before you argued the motion to dismiss so that I would know in my own mind what documents I would be considering, if any were alluded to in the motion.

MR. SANGER: Very well.

THE COURT: So you may go ahead. Mr. Sanger?

MR. SANGER: All right. We did have that other -- that Doyle motion, which is just -- I thought Your Honor --

THE COURT: The Court will deny the motion for a mistrial and deny the request for specific instructions. Basically I think that Mr. Mesereau, on his cross-examination, adequately covered the area. And I'm going to leave it with that. If you want to submit, as in other cases, a special instruction in the final jury instructions, I would consider it at that time.

MR. SANGER: Okay. Thank you, Your Honor. All right. With regard to the motion for judgment of acquittal based on insufficient evidence, excuse me, that was coupled with a motion to strike statements allegedly made by the co-conspirators. Let me argue the main motion first, because I think that -- that would be a consequence of the Court's ruling, although the Court could independently rule to strike the co-conspirators' statements or it could do it first or second, I suppose is what I'm saying. So let me address the motion for judgment of acquittal. There are four areas of the prosecution's case that I want to address, and I want to address them in the context of the law that we have already briefed under 1118.1 of the Penal Code, and briefly indicate that that law includes the Court’s determination that the evidence is reasonable, credible, and of solid value from which a reasonable trier of fact could find the defendant guilty beyond a reasonable doubt.

THE COURT: Let me ask you -- I read your motion, which you really seemed to be asking me to make some credibility calls on the witnesses, and isn’t it true that that’s not my job? I mean, that is exactly what I shouldn’t be doing, is be the person who makes credibility calls on the witnesses.

MR. SANGER: No, I think that that is part -- that’s why we cited that.

THE COURT: You cited a general jury instruction, so --

MR. SANGER: We cited the case specifically of People vs. Allen, 2001 case, which cited -- that’s a Court of Appeal case, which cited People vs. Stanley, 1995 California Supreme Court case. It all goes back to Jackson vs. Virginia, which has nothing to do with Mr. Jackson, my client. Jackson versus Virginia was the United States Supreme Court decision in which the U.S. Supreme Court talked about the standard of review and whether or not a rational trier of fact could find a defendant guilty beyond a reasonable doubt.

That Jackson versus Virginia instruction has been used for the purpose of sufficiency of evidentiary view by appellate courts and it’s been incorporated into the California standard for the review of an 1118.1 motion for the review of the evidence under that code section.

And as these cases say, the California Supreme Court has said that the Court has to look to see that the evidence is reasonable, credible and of solid value. In other words, the mere fact that somebody threw something up on the wall and it wasn’t ruled inadmissible does not mean that the Court has to defer to it. So it is -- this is, in fact, different than the kinds of rulings the Court was being asked to make, for instance, on 352 evidence, and some other places where the Court was saying, “Well, I’m not supposed to weigh the credibility, or 1108 I’m not supposed to weigh the credibility.” We’ve had those discussions.

The Court, there, we argue -- well, you should anyway, but -- the Court took that position. However, with regard to 1118.1 motions, the Court does consider credibility.

Now, it doesn’t mean that Your Honor sits there and says, “I am going to pretend I’m a juror and I’m going to decide this case based on how I would vote if I would a juror.” But it does mean that this is now the one place where the Court can say the prosecution has put on all their evidence, they’ve rested, they took their best shot, this is it, and a rational trier of fact could not find the defendant guilty beyond a reasonable doubt.

The emphasis on “rational” in the case law, all the way back to the U.S. Supreme Court decision in Jackson vs. Virginia, is extremely important. It’s not just words. It’s based on the idea that the Court, as a jurist, a lawyer who’s become a judge and has sat and heard cases - in this Court’s case for a long time - a jurist --

THE COURT: I resent that.

(Laughter.)

MR. SANGER: Or you started early in life or something.

The point of the story is that a jurist, of course, is supposed to be able to look at things dispassionately, and we are supposed to be able to avoid submitting matters to the jury, where a jury, a rational trier of fact, cannot find the defendant guilty beyond a reasonable doubt. So it is a much higher standard. This is not the 995 standard either, where the Court just determines whether or not there’s probable cause or a strong suspicion that a crime was committed, that being the standard for 995. This, under 1118.1, is rational trier of fact could not find the defendant guilty beyond a reasonable doubt.

So the Court does have a considerable burden to look at the evidence and determine whether or not a rational trier of fact could look at what just happened here over the last ten weeks, or whatever it's been, and find a defendant guilty beyond a reasonable doubt.

So there are four areas I'd like to talk about as far as the evidence is concerned. And I'll try to go through as quickly as I can, but this is important, so I do want to cover it.

THE COURT: I don't want you to feel compelled, because of a deadline, to hurry. Because I needed that extra time on those 400 exhibits. So --

MR. SANGER: Sure.

THE COURT: We're going to take our regular break and then I'm going to tell the jury that it's going to be a while, and give you time to argue this.

I didn't mean to reduce either side's time for this important motion.

MR. SANGER: Very well. Thank you.

(Recess taken.)

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REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 8970 through 9010 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 5, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, May 5, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603

MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

THURSDAY, MAY 5, 2005

8:30 A.M.

(PAGES 9012 THROUGH 9206)

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BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as "SN" on index.
Mr. Zonen is listed as "Z" on index. Mr. Auchincloss is listed as "A" on index.
Mr. Nicola is listed as "N" on index. Mr. Mesereau is listed as "M" on index.
Ms. Yu is listed as "Y" on index. Mr. Sanger is listed as "SA" on index.

DEFENDANT'S
WITNESSES DIRECT CROSS REDIRECT RECROSS
ROBSON, Wade J. 9091-M 9104-M 9132-M 9144-Z
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BARNES, Brett
Christopher 9170-M 9176-Z

E X H I B I T S

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
889	Photos of Brett Barnes	9191	
890	Photos of Brett Barnes and Michael Jackson	9190	
891	Photos of Michael Jackson	9189	

892	Photos of Brett Barnes and Michael Jackson	9189
893	Photos of Brett Barnes and Michael Jackson	9188
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896	Photos of Michael Jackson and buildings	9195

THE COURT: Go ahead, Counsel.

MR. SANGER: All right. May I proceed, Your Honor?

THE COURT: Yes.

MR. SANGER: Thank you.

Just before the break, I indicated that there were four areas of evidence that I wanted to talk about in the context of the law, and I think I was just about to conclude my recitation or reference to the law which we have briefed. And we tried to keep our briefs short, so I’ll, with the Court’s permission, just make a quick reference to a couple of important legal points.

The four areas of evidence, or the four areas of this case or aspects of this case that I want to talk about are, number one, the failure of the People’s evidence in certain regards.

Number two, the fact that what resulted was inherently improbable and not credible.

Number three, the effect of the 1108

evidence, not only its nature, but the effect and the potential for causing a jury not to determine the case in a rational fashion.

And number four, willfully false statements and the effect that that should have on the Court's analysis of the prosecution's key witnesses.

And I do this in the context of all of the counts. But in particular, to start with, the conspiracy count requires that there be proof of two different elements that require specific intent. First, that there is a specific intent to agree or conspire. And second, that the intent to commit the -- there has to be specific intent to commit the offense. So there's actually specific intent required to prove both of those elements. Those are the intent elements. Obviously there are other elements. And that specific intent has to be the specific intent of the defendant, Mr. Michael Jackson in this case, not a nebulous intent that maybe one or more of the alleged co-conspirators might have had at one time or another in doing whatever they were doing.

I also will refer to the "witness willfully false" instruction, which is a CALJIC instruction, of course. But it is reflective of the law, and it's something that the -- a rational trier of fact would have to take into account, and that is, when a witness is willfully false in one part of his or her testimony, it is to be distrusted in others. And I won't read the whole thing. The Court knows the rest of it. I think that has a very significant impact on the evidence in this case.

So if I may refer now to those four areas of the People's case, and I'm going to do so -- even though the Court's given us additional time, I'm going to try to do so in horseback fashion, because Your Honor has sat here for the same ten weeks we did. There's no point in going over every single thing. But there's some, just, points that I want to cover that hopefully will make the ultimate point here, that I believe a judgment of acquittal is not only appropriate, but is really required in this case at this time as to all of the counts.

First of all, the prosecution indicated in its opening statement it was going to show certain things. The evidence that was actually put on, the People's witnesses that came in had a tendency to self-destruct. And I don't mean to be -- to be gratuitous in a negative remark, but I think it goes without saying, or it can't be escaped when I say that some of the witnesses got on the stand and testified either on direct or cross-examination in ways that were absolutely antithetical to what the prosecution was attempting to prove.

We had Cindy Bell, who is the flight attendant on the flight, who was on her feet the entire time on that flight, saw no molest, saw no children drinking alcohol.

We had Jesus Salas, who said he delivered wine and four glasses, but on cross-examination said, yeah, he delivered -- he delivered sodas as well.

So the "smoking gun" evidence that these witnesses were supposed to present just didn't come through. And these are -- again, are examples.

There was much made out of the scripting of the Janet Arvizo testimony. And earlier versions of stories indicated that witnesses were going to say that the Janet Arvizo and Star, Davellin and Gavin Arvizo interview that was filmed by Hamid Moslehi was scripted, and you could see the script and it sounded terrible the way it was said. And then there was going to be evidence that, well, not only that, but this is part of the modus operandi of this group of alleged conspirators. They script everybody and make them say things, "And we'll prove," they said, "that by bringing in Debbie Rowe."

And of course it was conclusively shown so far from the evidence, and where we are at this point, there was no script for the answers of Debbie Rowe. She got on the stand and said there was no script. The prosecution tried to impeach her as to whether or not she thought Mr. Jackson was a good father based on some remark she made a year ago when she admitted she was irritated with Mr. Jackson and contemplating a family law matter.

But they didn't impeach her on what they put her up there for. They put her up there, they made the offer that she was going to testify and show that this was the modus operandi, to script out the answers to questions, not just the questions, and that evidence did not exist. It didn't happen.

Similarly with the Arvizo situation. These are professional interviews that were intended to be used on national, international television. In fact, Maury Povich did a show that was professionally produced. There was reference to that. The Court has not -- the jury has not seen that. The Court has not seen the show in the context of the evidence at this point where the prosecution rests, but you've heard testimony that that happened.

It would be idiotic for an interviewer to go into an interview and not have questions scripted out to cover during the course an interview. So this turned out to be a big nothing.

Mr. Moslehi confirmed that there was no script. In fact, he felt that Janet Arvizo was sincere in her answers, and even gave her money at the end of it because he was so moved by her tale of woe and the world that she portrayed.

And they had other witnesses. They put Brian Barron up, who turned out to be a police officer, who was a sworn peace officer the entire time he was working at the ranch, or became a sworn peace officer shortly after he started, was there during all the relevant times. Never saw anything improper.

And those sorts of witnesses that were put on by the prosecution to show that terrible acts occurred or something was going wrong, it turns out, just didn’t do that, and couldn’t do that. And when they got up to tell the truth under oath, they told the truth. Many of them had told the prosecution exactly that before they were called. There were several other witnesses, but I don’t want to take the time to go over all of the witnesses. I use those as examples of the kind of failure of proof that has occurred in this case.

The second area is that if you look at the entire People’s case to this point, it is inherently improbable and not credible, and -- excuse me. Sorry.

When you look at the -- at the law that we cited, the Allen case, citing the California Supreme Court case of People vs. Stanley, credibility is part of the call the Court has to make at this time. It isn’t -- as I said, it’s not a matter of sitting as a juror and usurping their function and saying, “This is the way I would call it.” But it is a matter of determining whether or not a rational trier of fact could believe these stories.

In that regard, under the category of inherently improbable and not credible evidence to this point, we’d ask the Court to look at the timeline. The timeline is inherently preposterous. And this goes to the -- to the other counts besides the conspiracy count as well. And in particular it goes to that.

Look at the allegations that everybody -- if you listen to Mr. Auchincloss’s summary even trying to introduce exhibits, everybody, in his words, was in a panic. I don’t think it shows a panic. It shows people were excited about getting some kind of video out because they thought it would help Mr. Jackson, they thought it would help their own business interests. Sure, that’s not contested in this case.

And what’s not contested is that at that time, at least during the course of February, it became obvious that Janet Arvizo was not a very stable person. No matter how you look at this evidence, it became obvious that she was showing signs of being somewhat unstable in one way or another. And we can talk about that in more detail, but let’s just take the big picture.

It was not clear what her agenda was. And it was known that her boyfriend, Major Jackson, was calling and asking for money, more money than a college education and a house. It was clear that other things were going on.

It is just inherently improbable that anybody - anybody - and I’m not suggesting for one second that Mr. Jackson would do such a thing, but it’s inherently improbable that anybody would choose the moment somewhere late in that scenario in March to say, “Well, why don’t I molest this child.” I mean, it just makes no sense. It makes no sense. It’s inherently improbable.

Secondly, what’s inherently improbable about the timeline is that Janet Arvizo and Major Jackson, on at least one occasion, went to visit Attorney Dickerman, maybe two occasions. Janet Arvizo visited him several times. She visited with Jamie Masada. The children visited with Attorney Dickerman. This occurred in April, I think, for Dickerman. April, May, on into June. They eventually go to Attorney Feldman sometime in April and into May. On all of these meetings with all of these people, there’s never an allegation of molest.

The molest allegations come up only after they’re sent to Dr. Katz and only after they see Dr. Katz, after Janet Arvizo talks to him a couple times, and then he sees the children late May and early June, and then the lawyers, Dickerman, Feldman, and Katz meet and then they decide to go to Child Services at that time.

Thank you.

So the -- it’s inherently improbable that this -- that this supports a molest charge or a conspiracy charge.

But the Court also has to look at this in the context of what’s already come in about Janet

Arvizo's modus operandi and the modus operandi of this family. On at least two other occasions she followed the exactly the same scenario, and that evidence has already come in. It hasn't come in in full force yet, but it's come in sufficiently in the conclusion of the People's case that the Court can consider it.

The J.C. Penney's case. It came in through her testimony that she first made claims, not right away, but months later, that she was assaulted and falsely imprisoned, and then was -- from the testimony we had, toward the end of the statute of limitations, she comes in and makes allegations of sexual assault, which ultimately there was some testimony about that in the deposition.

She eventually settles that case.

The same progression occurs over time with her ex-husband. Right -- the evidence is there. And from the evidence you have, you can put two and two together from the dates that were there. Right after she settles the case at a mediation with J.C. Penney's, but before she and her husband have decided who's going to get the money, she accuses him of assault and imprisoning her and her family. Later, and the evidence is there, just before the money is finally going to be divided, while they're still fighting about it, she accuses him of sexual molest.

The same pattern that occurred here. As things progressed, you go from assault, to imprisonment, to sexual molest.

This -- that evidence makes it highly improbable in and of itself that just somehow, out of all of the people of the world, these people are going to be victims of Michael Jackson.

The next point in this category of the highly improbable case is that obviously, as the Court's heard, this is a family who is taking advantage of a lot of benefits of being associated with Mr. Jackson from February through March of 2003, and those benefits include the shopping sprees, the body waxes, the nails, all the other things particularly that Miss Arvizo had admitted to. And they're staying in hotels, they're doing all sorts of things that are just inconsistent with being imprisoned.

It's highly improbable because they claim they escaped three or more times, depending on how you count it, from Neverland, whereas they came back each time. They were sent in a Rolls Royce the first time that was checked out, and everybody checked out at the gate. There was nothing secret about it.

Sure, that may have made people nervous that were trying to put together a rebuttal video because they're hoping that this family is going to cooperate and they're hoping they don't go to the tabloids and sell a salacious story. They're hoping they don't turn on them one way or another. And it turns out their hopes and their fears in that regard were well-founded, because that is ultimately what happened.

But the escapes and the return and the escapes and the return are just improbable, highly improbable, and not credible.

All of the Arvizo family members, although it seems it was a long time ago now, but when they were on the stand, I think the Court recalls that they had incredibly selective memories. They were very able to recite some rote facts that were the core of their claims against Mr. Jackson, but they couldn't remember much of anything else, including who they met with recently and so on.

So, on the sexual offense charges, it's inherently improbable and there is not credible evidence of those charges.

When I get to "witness willfully false" testimony at the end, I'm going to cover some more points on that, but for now, I think it's safe to say the Court heard all that evidence, it's not credible, it's inherently improbable.

On the conspiracy charges, there's just a total failure of proof, so I'd say it's more than inherently improbable and not credible. There's just a failure of proof in tying Mr. Jackson into any kind of a conspiracy. There is nothing to show his specific intent to agree to -- there's no agreement and no specific intent to agree to commit a crime, and there's no specific intent that that crime actually occurred. You just don't have him in this.

You've got witnesses called by the prosecution who basically -- even Rudy Provencio, who was their blockbuster witness, who basically says Mr. Jackson was not involved in things. You had Debbie Rowe, who said people would take advantage of him. You've got witness after witness who's testified that Mr. Jackson is a creative genius. He is -- he does a lot of things very well. You have from time to time people say he's a very good businessman, but -- and I don't mean to say that he's not, but that doesn't mean that he has hands-on control of what people are doing. And in particular in this case, there's no evidence that he had hands-on control of anything with regard to this alleged conspiracy.

I don't think a conspiracy has been shown even among the other people, but this is a case against Mr. Jackson. And there's been nothing shown that's credible to establish that he is a member of a conspiracy. He was a person who had all sorts of other things going on in his life. Certainly he

would have been aware of this Bashir tape. He would have been aware of some things, but -- in general one might assume that, but beyond that assumption, there's no indication that he was running anything, directing anything, or doing anything.

Now, the third area of evidence I'm going to talk about is the 1108 evidence. And I want to talk about that in two different regards.

First of all, the 1108 evidence was highly improbable. But secondly, it has the danger -- even if it was credible evidence, it would have the great danger of causing a rational trier of fact to not hold the prosecution to the standard of proof required in this case, proof beyond a reasonable doubt of the current offense. And that is the danger of 1108 and that’s -- that’s something that needs to be addressed.

In that regard, every witness that was called with regard to the 1108 evidence either sued Mr. Jackson for money, sometimes -- never successfully, but sometimes settling, other times being blown out of the water rather dramatically, or they sold their stories to the tabloids or the tabloid television shows, or they had a book deal, or in some cases like Adrian McManus, Chacon and Abdool, they had all three. They did a book deal with Mr. Gutierrez. They did tabloid -- selling of their stories through Splash, to Star Magazine, and elsewhere. And they had one of their members appear on Inside Edition, all for money.

The other ones, as the Court has heard -- I won’t go through every witness, but as the Court has heard, everybody has been involved in that. Out of the literally thousands of people whose lives intersect Mr. Jackson’s during that period of time -- and we’ve heard about that. He has -- you know, he had 100 employees or more, maybe not all at one time at the ranch, but over that period of time certainly he had at least that many. He’s had countless friends and relatives and other people who have visited the ranch, guests of all sorts. Obviously he’s had all sorts of connections with people in the music industry, and so on. And there’s been some testimony about other celebrities with whom he’s friends. And yet who comes forward in this case under 1108 but the Abdools, McManuses and Chacons, who sell their story and the other witnesses who sell their stories.

Phillip LeMarque, who was out there bidding and admitted that he was told, “Well, if you can do better about the story it would be worth more,” his answer is, “Well, I was just playing along,” when he was asking for $500,000.

So you look at that evidence and it’s very,

very weak and very suspect evidence. I realize that it met the burden, that the Court determined it met the burden. I can’t concede anything, as you know, Your Honor. But the Court concluded it met the burden for 1108 and made some cuts and calls as to what could come in. But that doesn’t mean that it makes the cut when it comes to being determinative so a rational trier of fact can find a defendant guilty beyond a reasonable doubt.

More importantly, as I indicated at the beginning of this segment of my argument, this creates a high risk that a false conviction could occur. Because the 1108 evidence isn’t really probative on anything except propensity, and that’s what it’s brought in for. There’s minimal 1101 evidence. But it’s really 1108 evidence. It’s only on propensity. And that means that the jury then is told, “You can conclude that this defendant has a propensity to do these sorts of things.”

If there’s a total failure of proof, and there’s a lack of credible, reliable evidence that could persuade a rational trier of fact beyond a reasonable doubt on the charges that he’s sitting here facing, there’s a lack of that kind of evidence, there is a high risk that that kind of 1108 evidence can cause an emotional reaction rather than a rational reaction. So you risk that the jury could -- an emotional jury could find the defendant guilty as opposed to a rational jury or a rational trier of fact.

And I don’t mean to insult the jurors, but that’s precisely why the Court is asked to entertain an 1118.1 motion. It’s because the Court can sit here more dispassionately and look at the evidence and make the kinds of distinctions that we talk about when we talk about the law in this area.

Whereas the jury, as much as they’re going to be instructed and as much argument as there’s going to be, this is their one case and they’re going to sit here and it’s going to be very difficult for them to make that cut. So it’s all the more important in a case where 1108 evidence has come in to -- for the Court to make a careful determination on 1118.1 as to whether or not this case should make the cut and go to the jury.

And I realize -- and I’ve got to parenthetically insert this somewhere, so I’ll do it here. There’s no question this is a hard call. And the Court has made hard calls throughout this whole case, and it’s a hard call.

But I think we have to look at it and -- as I’m sure the Court is doing, and I don’t mean to be, you know, insulting in any way to bring it up, but we all have to remind ourselves, it doesn’t matter if this is the Michael Jackson case or any other case, any other person sitting in that chair, whether there are cameras out there or there are not cameras out there, whether there’s a lot of press

going on about this or not. The fact of the matter is, as a friend of mine used to say, it’s balls and strikes, and the Court, of course, has to call it.

And when you look at this, one has to wonder -- after looking at those first three categories of the case that I just talked about, one has to wonder would this case have ever gone anywhere like this were it not for the fact that Michael Jackson was the defendant.

How many -- and I don’t want to refer to other cases, but I think it’s reasonable to raise the question as to how many cases, murder cases, death penalty cases, do you have nine fingerprint technicians and experts working on fingerprints? How many cases do you spend the kind of resources and the time, and bring people in, try to find anybody who will come in and say anything to try to put together a prejudicial case, if not an actual legal case of the elements against a defendant?

So having said that, Mr. Jackson, as I said before, is not only -- you know, he’s entitled to no more, but no less respect than anybody else in this regard. And the Court also has to look at it and say, “Well, wait a second. All of these resources have been spent and where are we?” We’re nowhere in this case.

Now, the last category that I want to talk about I think makes the Court’s decision a little easier. And I hesitate to use that word, because I suspect there’s nothing easy about the Court’s determination. But if there is -- if there’s any way to make it less hard, I think this does, because as we have briefed and as I have alluded to at the beginning, if a witness is willfully false, the Court can disregard or the trier of fact can disregard the entire testimony unless the overall evidence persuades the Court of the truth of their testimony.

And we have witnesses who have committed perjury on the stand, who were put up on that stand, and who got up there and lied. And I’m not just arguing this. I’m going to point out, through a few witnesses, where I believe the evidence conclusively shows that there are lies. And that anybody who looked at this case from any aspect, whether it be the jury box or the bench or the counsel table, would have to say these people have been willfully false. And if the key witnesses have been willfully false, and the other witnesses that were put on have pretty much self-destructed to a large extent, what is this case all about?

I think the Court has to look at it and say there is not credible evidence at the end of the day supporting the prosecution’s theory of this case, and therefore an 1118.1 motion should be granted as to everything.

Let me refer to some of the “witness willfully false” statements. And I chose statements that I think will be noncontroversial. I say that, and we’ll find out if there’s a controversy, but I tried to pick some of the statements that are just so clearly false that there really isn’t an argument about it, or there shouldn’t be an argument about it.

Let's take Gavin Arvizo to start with.

One of the statements that was so clearly false, not a close call at all, is he got on this stand in this court and alleged that Michael Jackson told him that he had to masturbate because if boys don't masturbate, they get to a certain level and they may rape women.

Now, we know that's false, because I believe it was Sergeant Robel -- and I was going to go check, but I believe it was Sergeant Robel who was on the stand, and I asked him, "Did you ever hear that statement before in this case?" And he said, "No." And then I asked him if he had interviewed Gavin Arvizo previously, and he said, "Yes." And who did he attribute that statement to? And it was his grandmother. And I believe we brought out that it was -- that's what he also said at the grand jury.

Now, this isn't something that innocent misrecollection may cause a witness to just, you know, make a little mistake on the stand. This is something that somebody says when they are lying. And that's why we have the "witness willfully false" instruction and that's why, when you look at these willfully false statements, at the end of the day, the only rational thing that anybody can conclude is the People have failed to prove their case beyond a reasonable doubt.

Look at the changed dates of the alleged incidents. Gavin Arvizo at first said it was from February 7th on. And what happened was, as the case progressed, rather than memories fading, memories got much more specific in all of these prosecution witnesses, these key prosecution witnesses. And they got more specific in a way that helped the prosecution get over hurdles.

What happened, as we know, is that nobody had the Bashir tape. Nobody had the Brad Miller tape-recording. And the Arvizos free-wheeled and said, "Hey, this is the way everything was," and made their statement.

As this came out, all of a sudden the

prosecution did what they should have done, and I agree they should have done: They took the tape and they showed it to these people, and said, “What do you have to say about that?” Okay.

Well, for one thing, what they did is, they decided to move the dates. So they moved the dates to the point where it happened at the end of the stay. And now, from the evidence that the Court has before it, and including travel records and logs that were just admitted by the prosecution, it’s clear that Mr. Jackson was there only a very brief period of time during those days in March when the Arvizo family was there. But they moved the dates. It’s willfully false.

As I alluded to the change in testimony with regard to the tapes, remember that, until the prosecution had these tapes, they had no idea that these people had gotten up there and said, you know, “Michael Jackson is a wonderful guy,” and “Everything was fine and nothing happened,” and “We’re happy,” and, you know, “We wish him the best and we love him and he’s like a daddy,” and everything else.

They show them the tapes and what happened? This came out in cross-examination. Each one of those Arvizo children said that what they said on the tape was false and they said Dieter made them say it. And Janet embellished on that, which I’ll get to in a moment, but they said Dieter made them say it. Gavin himself said, two places, 99.9 percent of that tape was false and Dieter made him say it.

That’s a witness willfully false. It’s a witness willfully false. And we know that, why? Not only because it’s all inherently improbable when you watch the tape and they’re goofing off and they’re laughing and they’re saying whatever they’re saying, but we uncovered the cards that were sent by the Arvizos.

And I’m sorry, I don’t have the exhibit

number right here, but Your Honor remembers the cards that were sent.

Why were the cards sent? They were sent in 2001 because Gavin had recovered, and Michael Jackson was no longer at that point inviting them to the ranch. Mr. Jackson had other things to do, I’m sure. But he wasn’t inviting him to the ranch. They claim they had his phone number or a phone number. They had to call Evvy Tavasci, which everybody else has to call, as we found out, who everybody has to call. They didn’t like that. They didn’t have communications, so they started sending these over-the-top cards. And these over-the-top cards had exactly the same language that they used in that video that they -- that Gavin has now claimed is 99 percent false because Dieter told him to say it.

So it’s a witness willfully false. And I’m sorry, I mean, we can feel sorry for this young man because apparently he had these serious health problems, and everybody’s glad to see when a child recovers and so on. But the problem is he’s making serious felony accusations against my client and he’s lying. And he’s lying. That’s all there is to it.

We know that the cards, by the way, were sent for what? They were sent for gain. They wanted to get back into Michael’s world. That’s when they weren’t able to do it. We know that cards were sent to Louise Palanker that were just the same kind of cards, that called her “Mommy,” “Wheezy,” and made the same kind of things. What happened? Those were sent after she said, “You can’t have any more money.” It’s the same pattern.

So they got on this tape and they said over-the-top things, not because Dieter told them to say them or anybody else. It’s because that’s what they do when they want to get into somebody’s world and they want to gain something from them, whether it’s money or just being a part of the celebrity or whatever.

But what we do know from that is that when he got up there, he made that statement, that it was 99 percent false, on the stand. He said, “Well, I didn’t really mean that.” “Well, maybe I meant it.” That’s willfully false. It’s willfully false.

Dieter didn’t tell him to do that. We know that.

We can’t look the other way and say it’s close enough for government work. These things are too big.

Gavin lied about what happened on the plane.

We had Cindy Bell, who came to testify. She was a People’s witness. She was clear. She was on her feet the whole time. It was a small plane. She said it would be like the front part of the jury box to where she was there. She walked back and forth. She could see everybody. She was constantly worried about their well-being. She stayed on her feet the entire trip. Nobody ever said she sat down. The mother was there, Dr. Farshshian was there. We had the testimony that the security guard was there. Other people are there.

It’s inherently improbable, but Cindy Bell makes it very clear that the testimony in particular was false. Gavin wasn’t drinking alcohol. Gavin was obnoxious when he got on the plane to start with, and remained obnoxious throughout the flight. He threw food at the sleeping doctor, which was kind of a humorous picture, but it shows that the testimony of these people in this case, Gavin in particular, is willfully false. Can’t get around it.

So on Gavin, if the statement attributed to Michael Jackson to try to convict him of a felony that he had routinely said in the past was what his grandmother told him, just taking that one statement alone, I don’t see how any rational trier of fact could say, “Well, let’s regard the rest of his

testimony as truthful.”

Going on to Star, claiming there was wine in the Coke can because he saw red around the rim. The only problem was these kids had some core facts they got right or they got consistent with each other, but they didn’t have some of the other facts. All the other testimony was that Michael Jackson had white wine in his Coke can.

Star Arvizo denied that he ever pulled a knife on Kiki Fournier. Your Honor heard Kiki Fournier. She was called by the prosecution. She said the kid pulled a knife on her. I mean, it’s -- that’s not something that is just you don’t remember.

And then he lied about what happened on the plane as well. He lied about where he was sitting and he lied about all sorts of things. But certainly the Cindy Bell testimony makes it clear that he was lying.

So we have witness willfully false, Gavin and Star.

Davellin had some other issues.

And again, I want to emphasize, there are lots of things that I disagree with in the testimony, I think maybe the way the testimony indicates that these people are lying in other regards and it just didn’t happen. I mean, don’t get me wrong, but I’m just picking out these

specific willfully false episodes.

Look at Davellin. She lied. She said she stayed in the guest cottage with her mother, and her mother didn’t want to leave, so they cowered there and they stayed there. I forgot her exact words. But she was imprisoned with her mother there in the guest cottage, in the Unit 4.

And what happened? It turns out they brought the police officer on, sworn police officer, Officer Barron, who moonlighted there. He said not only did the gate logs reflect that she was out at the theater staying with Marie Nicole, but I asked him, “Do you remember that?” He says, “Oh, yeah, I remember she was out there. She was hanging out with Marie Nicole. She was out there at the theater. That’s where she stayed.” That’s not cowering in her room with her mother. That is witness willfully false.

They are trying to convict Michael Jackson and they have the assistance of the prosecution doing things like bringing in this 1108 to try to make their otherwise absolutely fantastic stories seem more saleable to a jury.

Davellin also said -- and this is a witness willfully false. That’s why I pick it out. She also said her brother was a sweet, nice boy who never had problems until after they left the ranch at the end, in March of 2003.

There was clear evidence from people called by the prosecution, from a teacher and an administrator, who went through the records and summarized everything else that was in his record, that he was completely out of control. He was profane. He was obnoxious. He would disrupt class. He was actually kicked out of class repeatedly prior to 2003.

So this idea that she was going to get up and sell the product here to this jury that her brother was a sweet, nice boy and Michael Jackson caused all this, and therefore he should be convicted of child molest, is a witness willfully false on a material issue. Forgetting, again, about all the other details of her testimony that don’t match with reality or other evidence in their arguments, that’s just clearly refuted.

Then we go to Janet Arvizo. And we can spend forever on Janet Arvizo, but I won’t. I’ll just hit some of the highlights of things that are clearly a witness willfully false.

I mean, anybody who saw her affect in the courtroom would have to conclude by virtue of her affect alone and the glib way that she tried to testify and the way she tried to add things whenever it suited her purpose, and so on, was the testimony of somebody who wasn’t telling the truth. But look at some of the particulars.

She claimed the entire Bashir tape was scripted. Every single word. She said she made three mistakes. She said something about God -- I forgot what the three were. But there were three little mistakes. Otherwise, it was absolutely scripted.

We got to get real. I don't care whose case this is. That witness was bizarre. And she says it was scripted. She said the outtakes were scripted. The hand-holding, the laughing, the gang signs, everything was scripted, she claimed, when it's clear -- I mean, you'd have to be an idiot to believe that. Excuse me for putting it that way. But I mean, it's clear when you look at the tape the first time -- as Your Honor mentioned, we saw the tape many times. When you look at the tape the first time, one of the things that strikes you right off the bat is she doesn't know the camera's on and she's laughing and fooling around and giving suggestions how to make this look better and telling the camera people what to do. And she's claiming now on the stand that that was scripted, she was told she had to say all those words and she memorized it.

Now, the memorization part of it. I'm just taking the real big whoppers that you can really pin down so we don't have to talk about everything else. The memorization part of it is so clearly false.

She said the Brad Miller interview was all from the heart and what she said to Brad Miller was all true.

The Brad Miller interview included a lot of the exact same kind of language and it was -- they weren't the exact same words. Some of the same words were used, but it's the same phraseology, it's the same thoughts, it's the same this and that, that she had in the -- conveyed in the rebuttal film with Mr. Moslehi.

The Brad Miller interview was on February the 16th. The rebuttal video was February the 19th at night, going into the morning of the 20th. Probably the camera started rolling right around midnight or so, okay?

She said, when she was asked, how could you have memorized however many hours that was of conversation, including outtakes and giggling, and doing that -- I mean, that takes a lot of rehearsal. How did you do that? She said she met with Dieter ten times a day, who coached her and had the script, and she memorized every word, except for the three words that she got wrong.

Okay? Inherently improbable to start with. But it's also just absolutely bizarre. I'm sorry to laugh, but it's just so bizarre, because from the 16th to the 19th, she's staying at Jay Jackson's house. She didn't see Dieter between the 16th and the 19th. The only time that she would have seen Dieter was from February 6th, when she said she briefly talked to him in Miami, and then from February 8th, after everybody returned on the 7th from Miami to the ranch, the 8th, 9th, 10th, 11th, when she went out and got her body wax and then had Jesus Salas drive her home in the middle of the night in the Rolls Royce.

So is she claiming that we should believe or any rational trier of fact should believe that she was coached ten times a day on the 8th, 9th and 10th and 11th, took her out for a body wax, and then forgot it all. When she talked to Brad Miller, it was from the heart, and then came back on the 19th? Or are we to believe that this happened between the 16th and the 19th when she -- when this was scripted and she was given every word? It's just preposterous.

So she's a witness willfully false, clearly, on these issues, and I don't mean to, by taking those examples, to ask the Court not to think about the big picture. This is one of the most clearly deceptive witnesses that has ever appeared in any court.

Look at the testimony about the -- what she called the leg wax. We'll give her the benefit of the doubt for the purpose of the end of the People's case here. She gets a leg wax on 2-11. She knows that's coming up. And a number of the prosecution witnesses did this. They knew something was coming up, and so they tried to head it off at the pass.

And she knew this was coming up and she raised her hand, as I recall. I was sitting there, and I thought, “What’s happening?”

But she raises her hand and said something. “Oh, I paid for this. I paid for this.” And she wasn’t asked. She just was volunteering this. And how did she say she paid for it? She said the plastic bag that was tied onto her luggage handle had gotten lost on the Xtra Jet flight, and therefore somebody owed her money for her shoes that were in there. And so she considered that Michael Jackson paying for her leg wax was, in fact, her paying for the leg wax because she lost her plastic bag.

Besides that just being improbable, the way she did it, it was clearly lying. Clearly lying. It had no relation to reality, no relation to the other evidence in the case. No relation to her own internal testimony. It was just an effort to lie to try to persuade this jury that Mr. Jackson should be convicted.

She admitted that she lied under oath in the J.C. Penney case. She lied about had what happened on the plane. It’s clear from Cindy Bell’s testimony and everybody else’s testimony, it just doesn’t match up.

As we were precluded from going into -- and I understand the Court can’t consider it. I suppose the Court can’t consider it. I won’t concede that, but for the sake of this argument I will concede it, without conceding the case, whether the trier of fact can consider her taking the Fifth adversely to her, even the Court doesn’t do that, and we didn’t get into -- directly into the welfare fraud allegations through her testimony. Her husband, Jay Jackson, took the stand and, said, “Yeah, I had” -- “I had base pay.” And we all know, base pay is just the start for the military. After you get all the allowances, housing allowance and all that, his pay is 5,000 a month. He’s depositing her welfare checks into his account. He said that. Clearly this is a person who's not telling the truth.

Now, as I say, the rest of her story is inherently preposterous. But one of the things that's not just preposterous but it's obviously a witness willfully false that recurs throughout her testimony, and so I select it just to use as a further example, is that she claimed that she was imprisoned and couldn't call 9-1-1. And yet, once all the telephone records come in, and they're in, for instance, from the Calabasas Inn, she said -- in her direct, I believe, she admitted she called her mother. She called Jay Jackson routinely from Calabasas. She called Aja Pryor from other locations, including the ranch. She called Jay Jackson. She called other people. She talked to Aja Pryor numerous times. She was able to meet with her lawyer, Mr. Dickerman. Was able to meet with Jamie Masada. She was able to go to all sorts of restaurants, do all sorts of other things, go in and get documents from the federal building where there are all sorts of federal officers. She had her lawyer send her her divorce papers. I believe she indicated that's where she got them from, so she could get her passports. She met with her lawyer in court.

She had every opportunity to talk with somebody or to make that 9-1-1 call. Louise Palanker said that she called and said something to the effect that -- Miss Palanker said she called and said, "Well, can I come over?" And Miss Palanker didn't want her to come over for -- using some good judgment. And at that point she says, "Well, maybe I could meet you tomorrow at the mall." And any rational person will say, "Well, wait a second. Meet at the mall; what's the story."

And Miss Palanker said -- I asked her, "What do you mean?"

"She said, 'Well, they let me go shopping.'"

I mean, that's not a person who's falsely imprisoned. That's a lie. These are just plain lies.

Now, the Court can speculate as to why she was lying. I mean, there is certainly some cross-examination about the fact that she didn’t want to be separated from Michael Jackson. And there’s a lot of other things going on in her life that you could put together to see how inherently improbable her testimony is; for instance, why she would have this wax, and then Jay Jackson calls, and then she calls him back, and then all of a sudden she decides after that, when he wasn’t able to get ahold of her while she’s having her body wax and whatever else she’s doing there, that she tells him, “No, everything’s okay,” and she’s got to leave right away. That’s not escaping from the ranch. That’s escaping to go back to Jay Jackson and patch things up before they fall apart.

We could talk about the different theories. But forgetting about the theories for the moment, you got a witness willfully false. She couldn’t call 9-1-1? She could make outgoing calls from the ranch to Jay Jackson. She could make outgoing calls from the ranch to other people. She can call Aja Pryor. She made all these -- completed all these calls and talked for -- if you look at the records of the Calabasas Inn, she talked for, you know, 30 minutes, 45 minutes. I mean, she’s yakking on the phone. Her testimony is, “Well, I was leaving little hints.” That is just absolutely a witness

willfully false.

And then that leaves us with the prosecution’s last blockbuster witness, who they, I think, represented but clearly intended that he’d tie things up for the People and somehow make their case after everything has fallen apart. And what happened but his testimony fell apart. And that was Rudy Provencio.

He got up, his affect was very strange for a witness in a serious case who really had something to say, and then we find out why. It turns out that when he was first interviewed at length on January

31st, he had never said anything about killers. He never said anything about escape. He said Debbie Rowe was sincere. He never said anything about questions being -- I'm sorry, answers being scripted. He only said there were questions. That's what he told the police officers.

Then he decided to go to work for the police and start tape-recording stuff. None of which came into evidence, because it wasn't significant. It didn't come into evidence or it would have been here, I'm sure. He tape-recorded stuff during 2004 trying to get people to say things. And he was trying to be helpful to the prosecution, all right?

What does he do? He comes in with these notes that he claims he found two weeks ago. And what does he do? He even comes with the receipt from the -- from the storage place to show that he went there to clean out his storage two weeks ago. He's a witness willfully false. He was lying through his teeth.

And we know that. We not only know that he was lying and perjuring himself on the stand, as were these other witnesses -- and I don't say that lightly and I don't say it rhetorically. I'm saying it specifically, clinically, for a reason. That's what happened. We know he manufactured evidence. And how do we know that? We know that from the evidence in this case. It is just absolutely clear.

And the reason we know that is he claimed that he wrote these notes contemporaneously. And the new notes that he just turned over that he never told anybody about, he never told the police about escape, killers, or anything else until two weeks ago, when at the same time he's finding these -- miraculously finding these notes that he manufactured in violation of Penal Code Section 134, a felony. He should be prosecuted.

He said these notes were written on February 1, 2003. When he was confronted with the absolute impossibility that those notes couldn't have been written at that time, then he said, "Well, look down here. Paragraph two is a different handwriting, so

I must have done it on a different date, even though February 2 comes after February 1." And, "Look, I had February 17 earlier, so, see? It could all be a big mistake."

Okay? But what he said, and he stuck by it through the very end through Mr. Mesereau's questioning, was the part about "The mom is flipping out" was definitely part of his notes. That was right under the January -- I mean, the February 1, 2003, notation. And he said and he claimed and swore under oath that that was February 1.

And he offered the explanation on January 24th, we've got a transcript from Kathryn Milofsky, a CBS correspondent who was at one time in England and apparently is here now, whose name pops up every once in a while on various things. She seems to be corresponding with a lot of people. Of course, I suppose you haven't ruled on the 400 series yet, so I won't talk about the content of that. But that was part of the offer there, part of the offer by Mr. Auchincloss.

It turns out that that story, that -- he thought he saved the day, so he could be the blockbuster witness. I don't know what his motivation is. He wants to be the big star witness. He's a wanna-be cop, he's a wanna-be this. I don't know. But he was a liar on the stand. And I don't say that lightly, and I don't say that just to insult him.

We know that because the weight of all the other evidence in this case indicates that Janet Arvizo didn't have any idea what Bashir was about when the press started calling her mother's house on February 4 and February 5. She doesn't have any idea. She had no idea. There is no contest on that. Jay Jackson, Major Jay Jackson confirms that. That's when the press comes around, on February 5, and he tries to get them to pay him money, and they eventually offer $15,000, and it's not enough.

That's February 5. Nothing is happening on

February 1. Nothing is happening on February 2. Nothing is happening on February 3. He created these notes to make himself a key witness in this case. And that’s why, when I say Mr. Jackson is entitled to no more, but no less fairness than anybody else, and I don’t care if I’m standing here representing another client who has absolutely no status as a celebrity or status in any other regard, I would make the same argument. He is entitled to have this Court determine if there are witnesses lying up there, and they’re willfully false, that their testimony should be disregarded, and when you look at the whole body of evidence, reject it and grant the 1118.1.

Now, to make matters worse, he tried to lie about that further by saying, well, it was because of the transcript. And you recall that the transcrip - or the report - it was unclear whether

it was a transcript or a report that he went through - Mr. Mesereau asked him, “Well, you went through two weeks ago and you started adding ‘Michael Jackson’ to everything.”

“Well, I made corrections as to spelling.”

“Well, you added ‘Michael Jackson.’ You added some other things.”

“Well, I did add that.”

He manufactured all this, and he manufactured this story that was the script. The problem is that we all know from this evidence -- if we don’t know anything else, we know from this evidence that Janet Arvizo had absolutely no knowledge of a script from the Bashir film whatsoever. And she didn’t even know about the Bashir film airing in England and she didn’t even see the Bashir film when it came out on February 6th in the United States. And so it is much more consistent -- not “much more.” It’s -- the only thing that’s consistent with the facts that you’ve seen from multiple witnesses is that after the 6th and it was shown, the Bashir tape was shown in the United States, did Mr. Schaffel get himself back into the group.

And remember, he was sent a letter -- and this Witness Provencio tried to make fun of the lawyer, Zia Modabber. He was sent a letter, Schaffel was sent a letter saying, “Stay away from Michael Jackson,” and his -- he was trying to get back into Michael Jackson’s world, like everybody does, to try to be a part of this celebrity world and get the benefits and make money behind Mr. Jackson’s back or with his -- with his approval in some regard, make money, make yourself a big wheel. That’s what he was trying to do. We had that testimony.

And in his original statement to the police, he was clear it was after the Bashir tape aired in the United States on February the 6th, and that’s the only thing that would be consistent. Not that Marc Schaffel or anybody else were making conspiratorial statements, let alone the other things he attributed to them in the February 1st and the February 2nd calls. That’s absolutely false. It’s a lie. It couldn’t have happened. But it’s not only a lie, but it’s a lie by somebody who came in here and manufactured notes to give to the prosecution, who gave them to the defense, and we all sat and looked at his notes, and that was false evidence, a felony violation of Penal Code Section 134. The man should be prosecuted for that, and we’ve seen people prosecuted for a lot less.

So when you look at that, he is the only witness that they’ve been using to try to somehow tie Michael Jackson into some kind of a conspiracy by saying, “Well, he was on the phone. Well, I listened to all the phone calls.”

“Oh, you did?”

“Well, because he had them on speaker.”

And “Marc Schaffel was a terrible person. He was very happy to put down anybody he wanted to.”

And then he went into his own office, and he picked up the phone and he listened in secretly to calls. That testimony can’t be believed. That man never said Michael Jackson had anything to do with anything. And in fact, he had told others that Michael Jackson didn't know what was going on.

He comes into court to be a hero for the prosecution. And they put him up, and I choose to think they put him up unwittingly. I don't suggest they put him up deliberately saying, "Get up there and lie." But at some point they had to know he was lying.

And I'll tell you what. There was something that was very telling. Mr. Mesereau asked Mr. Provencio, after this incredible testimony that any lawyer, like Mr. Zonen, who knows the facts of this case, would have to see is not only improbable, but it's a lie. And the one question was, "What did Mr. Zonen ask you at the break?"

"He asked me if I was telling the truth."

Don't you think that any lawyer in his right mind would have asked that witness, "Are you telling the truth?" And might have asked him a few more

questions like, "How in the world could you possibly do that?"

I'm disappointed that they tried to rehabilitate him after that, and they didn't succeed. I'm disappointed in that. I would expect them to say, "This man is lying, and we want to withdraw his testimony."

Even defense lawyers, because defense lawyers are always picked on, and prosecutors have a higher standard when it comes to some things, but lawyers, as lawyers, have certain high standards we have to abide by. The Court's well aware that even when a defendant takes the stand, over the objection of counsel, and wants to say something untrue, a defense lawyer has an obligation not to -- not to aid and abet in that, even though it's an exercise of a Constitutional right by a defendant. Any lawyer, prosecution or defense, has an obligation to not try to rehabilitate somebody who's gotten up there and lied through his teeth so clearly and emphatically. There's just no way around it.

Now, having said all of those things, when you put all of that in context, that's why it says -- that's why I say it makes the Court's job easier or less hard, because I know it's a hard task to perform.

If this wasn't the Michael Jackson case, I don't think the prosecution would have tried anything, and the prosecution would have said, "You're lying. We want to stop. Let's disclose this to the Court and let's have a hearing. Let's do something. Let's dismiss the case." But they went ahead and they're going ahead, and they're going to get up after I sit down and they're going to argue these people weren't lying, I suppose.

It's up to the Court to look at this and say, "We cannot permit this case to go any further." Why? The jury may well see it the same way, and I think they probably do, to a certain extent. They're not lawyers. They don't know all the rules. They don't know exactly what they're supposed to do yet.

At the end of the case, they may well do the right thing and acquit Mr. Jackson, but they might not, because they might be moved by the innuendo. They might be moved by the 1108 evidence in particular. That is extremely dangerous. It's extremely dangerous in this case where it is propping up people who are witnesses willfully false.

So I'd ask the Court to grant the 1118.1 motion as to the conspiracy count and as to all the other counts.

Thank you.

THE COURT: Thank you, Mr. Sanger.
On behalf of the People?

MR. SNEDDON: Be right with you, Your Honor.

First of all, Your Honor, let me address the question that we began discussing with Mr. Sanger at the beginning of his remarks.

I believe Mr. Sanger is wrong in the law.

I believe his interpretation of the law with regard to what the Court’s responsibility is with regard to this motion is incorrect. And while I believe that -- that that was a nice final argument that Mr. Sanger made, unfortunately, the point that we are at with regard to an 1118 motion is after a defendant has been convicted. And at that point is there substantial evidence to support the conviction, drawing all favorable inferences in favor of the jury’s verdict. That’s the standard.

And I cite to the Court two cases that clearly set forth that standard. The first case is People vs. Cuevas, C-u-e-v-a-s. It’s a 1995 case at 12 Cal.4 252. And then there’s a rather recent case -- and that’s at page 260, if I didn’t indicate that, Your Honor.

And then there’s a more recent case which is called People vs. Coffman, with a C, f-f-m-a-n, and Marlo, M-a-r-l-o, which is found at 34 Cal.1 at page 90.

Both of those cases make it very clear that the Court is not in a position on an 1118 to make credibility issues and decisions, but only to decide whether or not there is substantial evidence that the jury believe the evidence was credible. And so that’s a considerably different matter than what Mr. Sanger was urging upon the Court.

Having that in mind, what we have to do is assume, it’s a starting point, that every argument that Mr. Sanger just made to you, that he would have made to the jury, and the jury didn’t believe it or didn’t find it persuasive, and convicted the client in any case, and are there reasonable inferences in what remains in the testimony and the evidence that supports the reasons that the jury found against everything Mr. Sanger just stood here and told you? That’s where we really are in this case.

Having said that, I’d like to begin with a little bit of analysis, first of all. And I won’t spend much time on it, but I think it’s important to put things in perspective in terms of the law of conspiracy in light of some of the things that Mr. Sanger said.

There are three charges here. One charge of conspiracy, with an allegation of three particular crimes that were involved: Extortion, false imprisonment and child abduction.

Now, I share, in one respect, Mr. Sanger’s notion that there is a double agreement and a double intent that’s required to commit this crime. And I do not take exception with that. However, I do take exception with this little bit of selective memory in terms of the rest of the law on conspiracy.

For Mr. Jackson to be guilty of the conspiracy does not require him to be the puppet at the top of this, moving all the strings to the little puppets below. It requires that in whatever role Mr. Jackson plays in the conspiracy, that he does so with the intent to commit the crimes that are alleged and he does so with the intent that there be a conspiracy to commit those crimes. All he needs to do is share in the overall goal of the conspiracy; that is, that there was an attempt to conceal or an agreement. Not an attempt, but it was an agreement to conceal or to falsely imprison, to abduct and to extort.

The crime of conspiracy is unique, because it does not require that the crime actually be committed or accomplished. And that’s why we have a whole series of overt acts. And that’s why the law of conspiracy is set forth in the instructions to the jury as they need not find that these crimes were actually committed, only that there was an agreement and an intent and a conspiracy to commit these crimes, and there was at least one -- one overt act done towards the commission of the goals of that crime.

Now, that’s the law of conspiracy. That’s the proper perspective for which this case and this 1118 motion needs to be heard.

And it’s a fundamental principle of the law of conspiracy that when you have many people involved in a conspiracy, that many people have different roles. And I don’t think we have to stretch very far if you just take the common analogy sometimes that I’m sure this Court is familiar with, and I don’t mean this in any disrespect to Mr. Jackson, but I’m only using it as an analogy. The one that comes before us more often than not, if you look at those cases that this Court has seen and if you look at the cases on the laws of narcotics and drug cases, and when you try to get to the top of the cartel, you try to move to the top of the big sellers, oftentimes what you’re talking about is moving through other people through that syndicate that’s reflective of what the agreement is at the top. It doesn’t mean that the person at the top doesn’t know or share in the agreement of what the people are doing down below.

So I think that the attempt by the defense to portray Mr. Jackson as somehow being the mastermind behind the conspiracy is a false attempt. It is not something that we’ve alleged during the entire time that we’ve tried this case to the jury and the time we put this case on to the grand jury, or the time that we talked with you at the 995. The fact of the matter is, Mr. Jackson had a role. The fact of the matter is, I’m going to point to you evidence that shows that he was in agreement. The fact of the matter is that he was the beneficiary of everything that happened in this case.

And it’s not necessary that the -- that they succeed in their attempts to falsely imprison, or to abduct the children, or to extort something out of someone, although I do believe that there is strong evidence that they did succeed in certain extents in all of those goals, as I will point out.

Now, I’d like to start, first of all, and I want to say that there’s another thing that I think needs to be said to the Court. There’s another fundamental principle of the cases that interpret the sufficiency of the evidence to sustain a conviction on appeal that deals with how you prove a conspiracy.

Lord knows nobody is dumb enough to get together and have five or six or seven or two or three people sign a contract and say, “We’re going to go out and commit these crimes, and I agree to do this, and you agree to do this, and he agrees to do this.” Nobody does that. I dare say that all the time you’ve been on the bench, you’ve never heard of a conspiracy where they had a contract and they walked in here and showed you everybody agreed by way of contract to do this.

And that’s why the case law in California is replete with cases that demonstrate over and over and over again that the thing that you look for on the substantial evidence review is, is there association? Is there a way to link these people together in some common purpose? Is there a motive among the people? Are the goals and the acts of the people reasonably calculated to accomplish what is alleged to be the goals of the conspiracy?

And that’s where I think our starting point has to be. What’s the motive in this particular case?

The motive of Mr. Jackson is clear. The Bashir tape, and even Mr. Sanger, to an extent, admitted it in his argument to you, the evidence of one thing has been proven in this case so far. The evidence is overwhelming that this was a death threat to his career. He was hemorrhaging financially and had been for several years. He had a cash flow problem. And for some reason -- as Mr. Duross indicated, for some reason he couldn’t get out and market himself, and didn’t, or chose not to, to try to do something about this debt.

But the Bashir filming was the thing that was just the last stroke that was going to end his career if something wasn’t done immediately to turn that around.

Now, sure, some people are going to make money off that. There’s no reason that some of these people involved in trying to resurrect his career couldn't make money in a venture trying to resurrect it. There's no reason why these people involved in this couldn't benefit from being associated with whatever was left of Mr. Jackson's career, and to the extent that they were able to resurrect his career, to benefit by being on the inner circle.

But the motive was to resurrect his career.

And that's what was clear, that the only person who really benefited first, foremost, was the defendant in this case, Michael Joe Jackson.

It's totally unrealistic to believe that at this particular point in time, when his entire career, his entire financial situation, his entire entertainment, his entire record career is on the line, that Mr. Jackson is going to sit on the sidelines, allow people to come in from the outside, run his career, what's left of it, and try to salvage it without knowing what's going on.

And one thing that has also been proven here, I believe, that there's substantial evidence that Mr. Jackson is a hands-on person. He likes to get involved to some extent and to be informed, and likes to make the ultimate decisions as to what's going on. He's been described as the captain of the ship. And I think that the evidence that circumstantially has been shown here establishes that just to be the case here, and I want to start to just direct the Court's attention to some of the things that I think are important.

First of all, I think we need to comment on the associates themselves. These are people that came in from different places. One's from Canada. One's from Germany. Mr. Schaffel is local. Mr. Schaffel had a history. Mr. Tyson had been a friend, a close family friend, and his family has been a close family friend of the defendant's for years. Absolute years.

Now, who is it that's involved the most in actually executing many of the overt acts in this case? Frank Tyson. Frank Tyson, the defendant's closest friend, is the person who's out there doing many, many, many of these overt acts. Who's at the ranch hanging out with the defendant while all this conduct is being conducted? Frank Tyson. And his friend, Vinnie, that he brought in to help him do all of these things.

You look at the phone analyses that were presented to the jury in this case, and you look through the key times when things are going on, like when the Arvizos left on the 12th, and the video on the 19th and the 20th, there are very few phone calls up there of Marc Schaffel. The majority of the calls are going back and forth between the

defendant's closest friend, Frank Tyson, his cohort Vinnie Amen, Neverland Valley Ranch, and phone calls to Michael Jackson's investigator's cell phone. And we have testimony from at least, I believe, three different witnesses in this case that that's how Mr. Jackson communicated with people.

I think it's significant that the Court in this particular case also has to put into context what happened here when this whole thing got started, when the bad news came out, when they learned about the transcript on the 24th, when Schaffel went to Dieter and Ronald and when they went to Miami where the defendant was. Those people were called to Miami to be with the defendant to consult. "What are we going to do to solve this problem?"

What comes out of the product of that, Your Honor? The product of that is the defendant is the first one in this case who mentions "killers." It's the defendant who is the first one in this case who reaches out his hand across the nation through the telephones to contact the Arvizos, who he has not had a single solitary contact with for months, and that last contact was simply to manipulate Gavin Arvizo to participate in the Bashir tape. And he hadn't seen Gavin and the family for months and months and months before that. It's the defendant who reaches out first.

The Arvizos are minding their own time. They're getting bombarded by the media because of the Bashir tape. But they're not calling Jackson. It's Jackson calling them. It's Michael Jackson who says, "I want you to come to Miami." It's Michael Jackson who said, "I want you to come here for a press conference."

Now, I think we have to stop and think about something here, something that Rudy Provencio said on the witness stand. Mr. Jackson said he didn't really like to do press conferences. Well, if he wasn't going to do a press conference, why did he want those people in Miami? And why was there a one-way ticket bought, or going to be bought, before they put them on the charter jet with Chris Tucker? A one-way ticket? They wanted those people out of circulation. They wanted that family out of circulation. And it was the defendant that reached out to them and brought them to Miami, to him and to the other members of the conspiracy in this case.

And who was it who speaks first in Miami? It's the defendant, Michael Jackson. It's not Dieter. It's not Ronald. It's not Marc Schaffel. It's not Frank Tyson. And it's not Vinnie Amen.

And he sets the tone. Again, he says, "the killers." "And if you want to appease them, if you want to appease them, the killers, do what these two people who work for me tell you to do." And he set

the whole tone for the entire relationship and the situation at that very point in time.

And we know for a fact, or there's no evidence to the contrary, that there were no killers. There were no people to appease. It was false. It was made -- it was something that was made up to induce a mother, who is fearful for her children, who has no father figure in the family, to go to somebody they thought was their friend, his friend, Michael Jackson.

And it worked. And it worked.

And when they get there, what are the first two things that Dieter and Ronald do? The people that Janet Arvizo is instructed to rely on? The people who are going to take her out of this problem? The people who are going to appease the killers? They don’t do anything to try to make money off of Michael Jackson. What they do is, they have her sign blank pieces of paper which are eventually used to try to infer that she’s part of a lawsuit with Michael Jackson against Bashir that she says never -- wasn’t on the sheet of paper when she signed it in blank.

What else do they do when they’re in Miami? They don’t try to do anything to take money from Michael Jackson. They issue a press release, which statement’s attributed to the family and to Janet Arvizo and to Gavin Arvizo that they’ve never made.

Who benefits by that? The defendant is the only one that benefits by that.

When they decide to go back to California, you can’t reasonably assume that Mr. Jackson didn’t know that the Arvizos were going to come to the ranch. It’s his ranch. It’s his charter plane. It was his invitation. Why is he doing this? There was no press conference. Why not take them home? Why not let them go? Why take them to the ranch?

Again, the reason is clear. They wanted to isolate these people. They wanted to keep them away from the media. They wanted to convince them to do a rebuttal film, all things that Mr. Jackson was aware of. He was aware of it, because on the conversation that Rudy Provencio tells us about, he not only talks about Debbie Rowe doing the rebuttal film, but he also talks about the fact that they talk about the fact that the Arvizos were to be part of that film. So he’s aware that that’s part of the project. So why do they have to go the ranch? Why do they have to stay on the ranch if that’s part of the project?

And the defendant ‘s the one who’s involved in making those kinds of decisions as to who can stay at his ranch and under what circumstances and who gets on his charter jet. That’s not a decision made by Dieter Weizner. It’s not a decision that’s made by Marc Schaffel, who’s in California. That’s not a decision that’s made by Ronald Konitzer. And it’s certainly not a decision that would be made by somebody like Frank Tyson.

I think the evidence is fairly clear in this, by the way, this “killer” statement, that it was false, was not true. We have from several different witnesses in this case now that confirms that. Not only through the -- through Rudy Provencio, but he said he heard the same thing from Ian Drew. And so there’s several different sources of the fact that this kind of language was used to scare the Arvizos in this case.

Now, with regard to what happens in the next 12 days, whether you want to call it an escape or not between lawyers, or whether you want to categorize it as a situation where somebody was there against their will, I don’t think we have to quibble about it, because the people associated with the defendant in this case clearly called it what it was. It was Ronald Konitzer on the phone with Ann Gabriel Kite, and it was the other people that talked about the conversation that they escaped that we heard about in this case. They used the word “escape.”

Now, I don’t think any reasonable person could understand the use of the word “escape” unless somebody was being held against their will, unless there had been a lack of an opportunity to voluntarily leave or -- why would you use that term? And just the circumstances itself that they have to go to a person and speak in Spanish and then leave in the middle of the night in a hurry and leave and go back to Los Angeles bears that out.

But the thing I think that bears it out more than anything else is the eventual telephone conversation between Frank Tyson and Janet. And you hear that conversation on the phone. And it indicates several different things about the continuing nature of that conspiracy.

It indicates -- number one, it corroborates the fact that there had been contact between Dieter and Ronald and Janet; that those contacts had been nasty, I guess is the easiest word you could use; that she was upset about that; that she didn't want to be there anymore with those people there.

The second thing that it shows is that they still wanted the rebuttal film. They still wanted the Arvizos to participate in what they hoped to be the FOX program at that time, because they committed publicly to FOX to have the Arvizos on that program, because Frank's heard to say on that tape, "I want you to say beautiful things about Michael. Come back. Come back." He says several times on that tape -- if you recall, Your Honor, several times he alludes to the danger that they're in. "Danger," over and over again.

And he then tells her several times, speaking on behalf of the co-conspirators, Michael Jackson, "Michael misses you, Michael cares for you, Michael wants you to come back."

Now, it's unreasonable to believe -- now, we have to understand, they leave on the 12th. This conversation take place two, three days later with Frank Tyson. It's unreasonable to believe that the defendant was not aware of the fact that that family had left the ranch. For every day and every night since that he arrived at that ranch on the 7th, he had been in the presence of those children. At least Gavin and Star. It's unreasonable to believe that he didn't know for several days that they were gone from the ranch, when they'd been sleeping with him and playing with him, and doing whatever they did the rest of the time of the day.

It's just as unreasonable to believe that Frank Tyson, his closest friend, would be making representations to Janet that weren't representations made on behalf his closest friend, Frank Tyson. Frank even lies to her to get her to come back to the ranch by telling her that the Germans are gone, that the problem's over with, and, "Come back."

Janet makes it very clear on her behalf, Your Honor, that she’s not interested in making any money on this case. She makes it very clear in that conversation with Frank. She still cares very much about Michael Jackson. She’s told on the tape, you can hear it, “There are letters all over my mother’s table in El Monte. We’re getting calls by the press.” “If I wanted to make money,” she could have made money, she said. “I didn’t want to make any money off Michael Jackson.”

And then what happened? She goes back to the ranch. And what did she see? She sees Dieter and Ronald. She’s been lied to, and she leaves. But who is it that says the children must stay? It’s the co-conspirators, Dieter and Ronald, who are there. And at that point she’s deprived of her children. She says, “You can leave, but the kids are staying here. They’re staying here, whether they want to be here or not.”

The fact of the matter is, they did. She couldn’t have taken them with her even if she’d wanted to.

Now, the other thing I think we have to take into consideration is that there is evidence that Dieter and Ronald were at the ranch with Michael Jackson during this whole period of time, not the entire six weeks, but the entire time from around the 8th or 9th through the 12th and then later. And that Frank Tyson is there at certain critical points and times and then later.

And to believe that the ranch is being used by these people without Michael Jackson knowing a thing that’s going on I think is an unreasonable inference to draw from the conduct of the parties, from the fact that they’re seen together meeting. And I think illustrative of this is the fact that -- and this wasn’t something that Gavin testified to on direct examination. This was something Mr. Mesereau brought out on cross-examination.

That at the very time before the video is going to be filmed, Brett Ratner and Michael Jackson were at the house trying to get Gavin to sign a release to participate. It clearly shows that the defendant is still actively involved in the project to get the Arvizos on that rebuttal film, and knows the significance of that in terms of the preservation of his own career.

I don't think there can be much doubt of the fact that at that point in time, after the children returned, with the case -- and the state of the evidence in this case, we have a witness, Barron, who says there's a sign that Gavin's not to leave, and we have logs that say that Gavin and Star, et cetera, are not to leave. We have testimony from Mr. Barron he never saw anything like that before or after during his time he was employed there. We have Hamid saying that Joe Marcus wasn't going to let the kids leave the ranch to do the rebuttal film until it was cleared. I don't think it can be argued that these children were free to go wherever they wanted to go, or this family was free to go wherever they wanted to go.

The trip to Brazil. The trip to Brazil.

They take them down to a hotel. And have you ever heard anything more bizarre than that, than having people sit in the hotel two to three doors down with the door open so you can't even walk by in the hallway? And then a private investigator sitting in the lobby? For what purpose, other than to confine, and to intimidate, and to control, and to isolate those people.

The trip to Brazil, I think, is also illustrative, and then again, this is something Mr. Jackson, the state of the evidence is, Mr. Jackson knew about. You recall that Gavin testified that he was present during a conversation where he and Frank Tyson and Mr. Jackson testified that Mr. Jackson said that he would join them later. To entice them. So you can't say he wasn't aware that they were trying to get this family out of the country.

Why are they trying to get this family out of the country? What have they done that deserves for them to be taken out of the country? And why do, when they go to check him out of school, they tell one person they’re going to Arizona? And why, when they go to get passports, do they tell them they’re going to Italy and France, and then they

eventually get visas for Brazil, another country?

I think the only logical reason for that is they’re trying to hide the trail so nobody can track this family, ever. And take them down to Brazil where at least two people connected with the defendant are familiar with things down there. We have testimony that Mr. Schaffel goes down there. And Mr. Hugo, who was present at the rebuttal filming, was down in Brazil and making phone calls back to people during this particular point in time that was critical to the trip to Brazil.

THE COURT: How much -- I think we’ll take our break. How much time do you need to finish?

MR. SNEDDON: I don’t think I need much longer. Maybe 15 minutes. But counsel had an hour, so --

THE COURT: I just was asking.

MR. SNEDDON: Okay.

THE COURT: All right. We’ll take our break.

(Recess taken.)

MR. SNEDDON: I’ll try to wrap this up pretty quickly.

Oops, sorry.

THE COURT: They’re waving at you.

MR. SNEDDON: I heard. I could feel it back there. It was like a breeze, a nice one.

(Laughter.)

MR. SNEDDON: I said, and so everybody can

hear it again, I’ll try to wrap this up rather quickly, I think. The break helped me do that.

I just want to go back and address a couple other items on the conspiracy, and then I’ll turn my attention -- and I want to say this at the outset. I believe that we correctly analyzed the state of the law to the Court before we -- when we started this, but I think I’d be remiss if I didn’t address at least some of the factual credibility issues that were raised by the defense, but I really don’t believe that that’s pertinent to this particular proceeding, but there’s some things I think need to be clarified about what was said. I’m not going to do it in detail. I’m just going to hit some highlights about things, so....

First of all, I just want to get back to the conspiracy. I think there’s another thing that needs to be noted about the associates that the defendant was involved with in these particular adventures that I think that bears some noteworthiness or some reasonable inferences in this case.

A lot has been made about the fact that Marc Schaffel was a person of low credibility, and there’s been evidence that he may have taken a million dollars that he shouldn’t have taken from a lady in Japan, and that Dieter and Ronald may have taken money from Mr. Jackson, a lot of conversations about that.

But I got to tell you that the one thing that stands out about that in relationship to this case is that if you’re going to be involved in a conspiracy to save your career, you’re not going to go out and try to hire somebody to help you that’s honest, if you’re going to try to extort something out of somebody, if you’re going to try to control and isolate individuals and falsely imprison them and move them around and keep their kids away from them.

You’re going to get the kind of people that you know are willing to do things that are dishonest. These are people that the defendant’s been associated with for many, many years, and he knows their character, and he knows what they’re capable of. Or you can out and find somebody who is blindly loyal to you, who you can trust implicitly, because it’s somebody who will be at your side and has been at your side and will always be at your side no matter what you request of them. Somebody like Frank Tyson. Those are the kind of people that go to making up a conspiracy of this type with the stakes that are this large.

And I think it needs to be clarified that when -- in relationship to Mr. Jackson knowing about what goes on, Mr. Sanger glossed over the testimony in this case where he said, “Even Rudy Provencio said that he doesn’t always know what’s going on with Ronald and Dieter and Marc Schaffel.”

Well, that’s not exactly what his testimony was.

What his testimony was is that in relationship to what was going on from the crisis from the Bashir tape, that Mr. Jackson was in the information loop and in that loop regularly. That the things -- if you check the transcript, the things that he said that Jackson didn’t know about were the other ventures that these people had going on that did not involve this particular crisis. But he was very clear in his testimony that as to this particular crisis, Mr. Jackson was in that loop, and he was in that loop on a regular basis.

I think the other thing that needs to be borne out about much that Mr. Sanger makes about “scripted.” I guess the difference is, and I think perhaps there’s some legitimacy to this, given the fact that Mr. Jackson’s an entertainer, that there’s a common-sense meaning for “scripted” and then there’s an entertainment meaning for “scripted,” I would think.

The fact of the matter is, whatever way you want to put it, that Debbie Rowe interview was not a legitimate, truthful interview by any stretch of the imagination. And why it should take somebody nine and a half hours to say something nice about the defendant is beyond me. And why they should have to stop the tape and say that, “You didn’t cry well enough, so we’ll go back and cry again,” now if that’s not scripted in the common-sense term, I don’t know what is.

And I think that proves just the point we were trying to make with the Janet Arvizo tape is, whether you talk about it's written, or it's not written, and for Pete's sake, look at the photograph that's in evidence. There's papers all over that room. You see Marc Schaffel sitting on the ground writing. They weren't doing their income tax returns. Those were scripts of questions.

Now, whether you want to technically say that they were -- that something was told to be said this way and that way, obviously they tried to do that. They just weren't successful with her. She was going to tell the lie that she and the defendant made up years ago. And she was going to stick to that, and she was going to tell it her way. It wasn't that they didn't want it another way.

I think another thing that needs to be borne out with regard to something I said earlier this morning, Your Honor, and that's with regards to this ranch sign, the one that said Gavin can't leave, the one that's in the logs. I don't think there's a shred of evidence in this case that indicates that Marc Schaffel has the kind of power to tell Joe Marcus what to do at that ranch and to tell the people what to put in those logs.

It was Joe Marcus who said the kids can't leave the ranch. And who does Joe Marcus report to? He reports to the defendant in this case, not to Marc Schaffel.

I'd like to just finish up by a direct -- addressing just a few, and I'm not going to go into all of that, because I don't think there's any sense in doing final arguments on a day like this, particularly when I don't believe the credibility issues are on point. But I think there's some things that need to be clarified, and frankly, this is a good opportunity to say this.

I am -- I am offended and I'm sick and tired of the defense standing up in this case, as they've done for months and months and months and months, saying that they don't take it lightly when they accuse somebody of perjury. They said this when they accused me of perjury. They said that when they accused me of suborning perjury. They accused Mr. Auchincloss of that. And now they're accusing Mr. Zonen of some impropriety. I think they do take it lightly, and the fact of the matter is, there's a common denominator. Anybody who stands in their way, whether it's Janet Arvizo, Gavin Arvizo, Star Arvizo, Davellin Arvizo, Rudy Provencio or anybody else in this case that says one thing bad about the

defendant in this case are perjurers.

I don't think the law of coincidence is that high. None of us get anything out of this except a lot of grief. So to say that they don't take it lightly I think is nonsense, and I'd like to show you why some of these things are nonsense.

If Rudy -- Rudy Provencio is a media guy. He works in the media. He knows the media. Now, if he wanted to go get a notebook and make up a bunch of things about Michael Jackson and implicate him in this case, all he has to do is go to smokinggun.com, download the grand jury transcripts, have an accurate depiction of every single event that occurred in this case and a date reference, and he could have made up the greatest notebook in the world and came in here and testify to it.

MR. SANGER: Your Honor, excuse me, I'm just going to object to keep it on track. This argument is limited to the evidence that's before the jury at the conclusion of the People's case. So I don't want to object unnecessarily, but I think we're going afield from that particular issue talking about "The Smoking Gun" and things that are not in evidence.

THE COURT: Overruled. Go ahead.

MR. SNEDDON: He could have gone out and constructed a notebook that would have been devastating to the defense in every respect. Every

date right, every event, every conversation. He could have manufactured conversations that occurred between he and Schaffel, or he and the defendant, or any other parties to this conspiracy that occurred, not only just the two he testified to. He could have made up other conversations if he wanted to be a hero in this case and a perjurer in this case and to do the defendant in in this case. That just doesn’t hold water, like the pay/owe with a big hole in it.

If he wanted to be the hero -- and one thing, if you could tell, he’s not a dumb person. He didn’t need to do it that way. And probably the reason and likely -- the more likely reasonable inference is he did it that way because that’s the truth and that’s the way it happened. And people do things at certain points in time and they’re not looking back that there’s going to be a trial. There was no investigation going on when he took these notes. There was just a crisis going in the media over the defendant and his career.

This timeline change makes Gavin a liar.

Let’s put it in perspective, if we can.

First and foremost, this whole thing about there’s no disclosure until after they go to the lawyers and after they go to Dr. Katz, well, actually there wasn’t a disclosure even with Dr. Katz, so there was nothing for the lawyers to muck

around with because he doesn’t disclose to Dr. Katz. As you recall, Dr. Katz’ testimony is he got very emotional, and he terminated the conversation because he felt something had happened, but he didn’t want to go any further.

The first disclosure was to law enforcement.

Now, what’s the testimony in that case about the disclosure to law enforcement?

The testimony elicited by the defense, Mr. Sanger himself did it, elicited from Sergeant Robel, when he was testifying, was they -- “they,” Santa Barbara Sheriff’s Department, after having received the information from Mr. Feldman that there had been a report made, or that was the report, to be more accurate -- tried to get this family to come to Santa Barbara in order to do an interview with them to see whether or not anything had happened. In other words, to follow up on that responsibility because they had received a mandated report.

And what did he say? They didn’t want to be involved. They didn’t want to come. They didn’t want to do it.

And, now, does that sound like a family that has a lawsuit on their mind? Or does that sound like a family that just wants to be left alone, that’s tied up in this thing now there was a mandated reporter involved?

It just doesn’t hold water.

And the timeline never changed. The timeline was, as the testimony disclosed from Gavin, that was consistent with his grand jury testimony, which was consistent with his trial testimony, that he told Sergeant Robel early on during the investigation, that the crimes -- the molestations occurred during February and March. Gavin doesn’t pick the time period. The prosecutors pick the time period that’s involved.

Now, before the grand jury, Gavin testified to two incidents involving the defendant. And what he told the grand jury and what he told the jury here is, “I believe that I was molested on other occasions. I have a feeling that I was,” which is what he was talking about to Sergeant Robel in an interview. “But,” he said, “I have to testify under oath. Under oath, I only remember two.”

Now, does that sound like something that a perjurer would do? My Lord, the only two people present when all this happens is the defendant and Gavin. He could have made up 20 allegations if he wanted to. He could have made up more horrendous things if he wanted to. Instead, the kid’s honest enough to say, “I think it might have happened on other occasions, but Lord, I’m not going to come in here under oath and say something against Mr. Jackson that I don’t believe that I can credibly say without doubt.”

And that’s what he did. And they want you to believe that he’s a perjurer because he did that?

That doesn't make sense, like a lot of the things that the defense is urging in this case.

I just want to clarify two other things and I'm about to sit down, Your Honor.

With regard to Janet -- and I'm not going to be an apologist for Janet Arvizo. I'm also not going to sit here and tell you that I think that she's a perjurer or that she's willfully false in her testimony. I will tell you that, as I think has been clear and from a lot of things that happened, that she is a woman who projects a person who has been involved in a domestic relationship with a lot of abuse for 16 years, and it's showing, and it showed here in the courtroom.

And I think it's a little unfair for counsel to stand up here and say that Janet created false information about her husband beating her up, created false information about a molestation, just like happened in this case, from what happened before, when there is public records that exist that show that her husband was publicly convicted, beyond a reasonable doubt and to a moral certainty, of not one, but two offenses of abusing not only her, but her daughter. And that a Judge, a neutral magistrate, was so offended by the conduct that he took away visitation rights for that father for

three years, along with a lot of other things that happened.

Now, that's a little unfair. That's a tad unfair to say somebody's a perjurer and somebody's setting up the defendant, Michael Jackson, when there's objective proof of the fact that what she said was truthful.

And this whole thing about the sexual molestation, can anybody forget -- can you forget? I'm sure you haven't. Can anybody forget, any of these people who are sitting here, hearing Davellin on the stand talk about that conversation involving her mother and herself and her father where her father confesses to her that he molested her when she was a child and she breaks down and she cries? Can anybody forget that? And that makes her a perjurer? That makes Janet a perjurer for making up something that actually happened?

I'd just tell the Court, you know, it's things like this, all the way through this case, that when you look at this thing with the standard, not only eventually, but right now, that's required of this Court, I could stand up here for another two hours and make a final argument to you just like Mr. Sanger did, and I could go through point by point by point and show you the unreasonableness of their position, and I think I've just given you some isolated examples of just what I'm talking about.

And I just submit to the Court that given the standard in this case and given the evidence before this Court, that this jury ought to be able to be given the opportunity to decide for themselves the credibility of these issues -- of these witnesses, given the totality of the circumstances, and that's the very standard that the Court of Appeals and the Supreme Court sets out for an 1118 motion.

Thank you.

THE COURT: All right. Thank you.

No, Counsel, you don't need to stand.

MR. SANGER: Thank you, Your Honor.

THE COURT: The Court's going to deny the 1118 motion. The request to dismiss the charges is denied.

I'm going to bring in the jury. Are you prepared to call your first witness?

MR. SANGER: Yes, Your Honor.

THE COURT: All right.

MR. MESEREAU: Excuse me, Your Honor? There's a motion in limine that the prosecution made about a couple witnesses we plan to call.

THE COURT: They don't seem to be the first two.

MR. MESEREAU: They're not the first two.

THE COURT: So I'll put that off.

Get the jury in.

MR. MESEREAU: Okay. Thank you.

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: Good afternoon.
THE JURY: (In unison) Good afternoon.
THE COURT: You may proceed.
THE CLERK: Judge, we need to swear the witness.
THE COURT: All right. Please raise your right hand and face the clerk.

WADE J. ROBSON
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: My name is Wade J. Robson, spelled W-a-d-e, initial J., R-o-b-s-o-n.
THE CLERK: Thank you.
MR. MESEREAU: May I proceed, Your Honor?
THE COURT: You may.
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DIRECT EXAMINATION
BY MR. MESEREAU:
Q. Good afternoon, Mr. Robson.
A. How you doing.
Q. How old are you?
A. I am 22.
Q. And would you please give the -- please just summarize your employment history.
A. My employment history.
I started dancing when I was two, professionally when I was five. In Australia originally. And moved to America when I was eight. Became a professional dancer. Started teaching dance classes when I was 12. I was in a rap duo

when I was 11 and 12. Started choreographing for different artists when I was 14, and now I’m directing film.

Q. And where do you live at the moment?

A. I live in Tarzana, California.

Q. Okay. And you say you’re directing films?

A. Yeah.

Q. And can you summarize what you’re doing in that regard?

A. The main focus right now, I did a short film that I wrote and produced and directed last year, and that’s doing the whole film festival circuit right now. And I have a three-picture deal with Disney as a film director, and we’re developing an original musical.

Q. Do you know the fellow seated at counsel table to my right?

A. Yes.

Q. And who is that?

A. That’s Michael Jackson.

Q. How do you know him?

A. I met him first when I was five years old. I think it was ‘87. And Michael was touring, he was doing the “Bad” tour. And I was imitating him as a dancer at that point. And he was holding these -- it was in connection with Target or something like that, holding these dance, like, contests all around wherever he traveled. So I entered one of the dance contests and ended up winning it, went on to the finals and won that, and then the prize was to meet Michael.

So I met him after one of his concerts in Brisbane, Australia. And it was just like in a meet-and-greet sort of room. And we met, and I was in my whole, you know, “Bad” outfit and everything. He was sort of laughing and tripping out on my outfit and asked if I danced. I said, “Yeah.” And he asked me to perform with him in the show the next night.

So after -- it was like the end of the concert, I pulled up, performed in the show with him. The next -- the next -- I think within the next couple of days, my mother and I went to visit him at his hotel room, and we stayed for a couple of hours. It was in Brisbane, Australia. Just talking about what I want to do. And then that was kind of it at first.

And then for the next two years, we didn't have any contact at all. And I continued pursuing my dance career in Australia. And then the company that I was with, the dance company, was traveling to America to do a performance at Disneyland.

So we all went. Came out, did that performance. As I said, we'd had no contact with Michael or anything. Somehow my mother got in contact with Michael's secretary at that time, who was Norma Stokes.

MR. ZONEN: Your Honor, I'm going to object to the narrative form of the answer.

THE COURT: Sustained.

Q. BY MR. MESEREAU: After your mother got in contact with Norma Stakos, what happened next?

A. She talked to Michael about -- we wanted to see if we could hook up with him again and meet him again. She talked to Michael. Michael remembered me from when I met him when I was five years old, wanted to meet me again.

So I was out there with my mother, sister, my father, and grandparents. We all went to meet him at Record One Recording Studios. And this was -- this was ‘89.

Q. Where is Record One Recording Studios?

A. I don't remember exactly. It's somewhere in the valley, yeah. In California. Yeah.

Q. And what happened next?

A. We met up with him. He was in between, you know, working on music and that sort of thing. He was doing a photo shoot at the time at the studio. We took some photos with him. My family and I all went into his -- sort of like the green room, and played him some videotapes of all the dancing stuff that I've been doing over the last two years. And, you know, he was just really excited, checking out everything I had done. And then by the end of the time, he invited my family and I up to the ranch that weekend.

Q. And did you begin a friendship with Mr. Jackson?

A. Yes.

Q. Did you spend much time at Neverland?

A. Yeah. Spent a lot of time, yeah.

Q. When do you think you first went to Neverland?

A. It was right after that visit. I’m pretty sure it was that night that we went, my whole family went to the ranch. And, you know, we stayed for, I don’t know, about a week or something like that.

Q. And approximately what year do you think you

first went to Neverland, Mr. Robson?

A. That was 1989.

Q. Okay. And who did you go to Neverland with the first time?

A. Went with my mother, my sister, my father, and my grandfather, grandmother.

Q. And how long did you stay during that first visit?

A. I think it was about a week.

Q. And after you spent a week at Neverland, what did you do?

A. Went back to Australia.

Q. Okay. Did you see Mr. Jackson again?

A. Yeah. We would -- I don’t remember exact dates, but over the next two years, my mother and I would come out, I don’t know, maybe twice a year, something like that, and spend a couple of weeks with Michael.

Q. Would you spend the night at Neverland?

A. Some of it was at Neverland. Sometimes it would be at the -- he had an apartment in I think it was Westwood at that point that we would stay at sometimes, too.

Q. That’s your mother and you would stay at the apartment in Westwood?

A. Yeah. That first time, I think a couple times, sometimes I would stay by myself. Always -- I think -- sometimes -- most of the time my mother and I went to the ranch together. I think once I was there by myself without my mother. There was other people there.

Q. And did you stay in contact Mr. Jackson through those years?

A. Yes.

Q. And how would you communicate with Mr. Jackson?

A. When we weren't there, you know, we'd talk on the phone or we'd send faxes back and forth.

Q. At some point did you move to the United States permanently?

A. Yeah. We moved in September of 1991. My mother and sister and I.

Q. Have you lived here ever since?

A. Yes.

Q. Have you lived in Los Angeles ever since?

A. Yes.

Q. Now, your mother's name is?

A. Joy Robson.

Q. And how about your sister?

A. Chantel Robson.

Q. Okay. How many times do you think you've stayed at Neverland?

A. Um, it's got to be somewhere in the twenties or something like that. Mid-twenties.

Q. And have you stayed there for varying periods of time?

A. Yeah. Most of the time it's usually like a weekend, you know. Friday, Saturday, Sunday.

Q. What's the longest amount of time, do you think, you've ever stayed at Neverland?

A. You know, I would say a week to a week and a half.

Q. Do you consider Michael Jackson your friend?

A. Yes.

Q. Do you consider him a close friend?

A. Yes.

Q. You're aware of the allegations in this case, are you not?

A. Yes.

Q. And are you aware, as you sit here today, that there's been allegations that Mr. Jackson molested you?

A. Yes.

Q. Mr. Robson, did Michael Jackson ever molest you at any time?

A. Absolutely not.

Q. Mr. Robson, did Michael Jackson ever touch you in a sexual way?

A. Never, no.

Q. Mr. Robson, has Mr. Jackson ever inappropriately touched any part of your body at any time?

A. No.

Q. When you first visited Neverland -- and I think you said it was about a week you and your mom stayed there?

A. Yeah.

Q. Where did you stay?

A. I stayed in Michael's room.

Q. And could you please describe the room for the jury?

A. When you walk in, there's -- there's a bed, sort of like the main bed, diagonally to your left. Wood floors. There's a second floor that you go around to the right and up, which also has another bed. There's a bathroom to the left. There's bathrooms on both sides of the main bed on the first floor.

Q. And you stayed in Mr. Jackson's room?

A. Yes.

Q. The first time you were there?

A. Yes.

Q. To your knowledge, has your mother ever stayed in Mr. Jackson's room?

A. In the room? No.

Q. How about your sister?

A. Yes.

Q. And when do you recall your sister staying in the room?

A. On that first trip, the first time we went to Neverland.

Q. Okay. What do you recall doing at Neverland during that first visit when you spent approximately a week?

A. Well, at that point he didn't have many of the rides. We would watch movies in the theater. You know, we'd play video games. We'd drive around on the golf carts, look at the animals. Those sort of things.

Q. Has Mr. Jackson ever helped you with your career?

A. Yes.

Q. What has he done?

A. When I first moved out here, when I was nine, he put me in a couple of his music videos. I was in the "Jam" music video, "Black or White" music video, and "Heal the World." And that sort of helped me get a dance agent, dance agency, and -- and, yeah.

And then the next thing, when I said I was in a rap duo when I was 11 and 12, that was on Michael Jackson's label under Sony.

Q. Do you recall the second time you ever visited Neverland?

A. No, I don't.

Q. Do you recall staying in Mr. Jackson's room on other occasions?

A. Yes.

Q. And typically when you'd stay in Mr. Jackson's room, what would you do?

A. What would we do as far as just --

Q. Sure. Anything.

A. Yeah. We'd watch -- same thing. We'd watch movies, we'd play video games, you know, we'd have a pillow fight every now and then. We'd talk. Hang out.

Q. How many times do you think you've stayed in Mr. Jackson's room at Neverland?

A. Same amount of times as I’ve been there. Well, no, that’s not true, I’m sorry. I’ve been there a bunch of times without Michael, just with other friends and family traveling there. But, I don’t know, maybe 15 to 20.

Q. And at no time has any sexual contact ever occurred between you and Mr. Jackson, right?

A. Never.

Q. Have you ever taken a shower with Mr. Jackson?

A. No.

Q. Have you ever gone swimming with Mr. Jackson?

A. Yes.

Q. And please explain what you mean.

A. One time with my sister and I, my sister and I and Michael, we went in the Jacuzzi at Neverland Ranch.

Q. And do you know approximately when that was?

A. I don’t. I can’t say for sure. I have a feeling that it was within that first trip in ‘89 when I went there.

Q. Do you recall what Mr. Jackson was wearing in the Jacuzzi?

A. From my recollection, he was wearing shorts. You know, like swimming shorts. And that was it.

Q. Did anything inappropriate ever happen in that Jacuzzi?

A. No.

Q. Has anything inappropriate ever happened in any shower with you and Mr. Jackson?

A. No. Never been in a shower with him.

Q. Did you get to know any of the employees at Neverland when you were there?

A. I wouldn’t say “get to know.” You know, I knew of them and we’d know each other’s names, but it never went beyond that.

Q. Do you recall someone named Blanca Francia?

A. Yes, I remember her name. And I remember her presence. I can’t place her. I can’t remember what she looks like or anything like that.

Q. Do you know whether or not Blanca Francia

ever was in a room when you were with Mr. Jackson?
A. Not that I can remember.
Q. Okay. Did you ever meet anyone named Ralph Chacon?
A. No.
Q. How about Kassim Abdool?

A. No.
Q. Do you recall anyone named Adrian McManus?
A. No.
Q. Did you have much interaction with the security people when you were visiting and staying at Neverland?
A. No. The only interaction would be is, I don't know, if -- if they were trying -- if we were out, you know, watching a movie or something like that, they'd come tell us that dinner was ready or something like that.
In later years, when I would go there and just visit with my family and that sort of thing, sometimes we'd have water fights and get the security involved. But other than that, no.
Q. Did you come across anyone named Mrs. Chandler when you were at Neverland?
A. Yes.
Q. And when do you think this was?
A. I think I was about 13. But I can't pinpoint any more -- anything more definitive than that. Around that time.
Q. Do you recall ever seeing someone at Neverland talking to Mrs. Chandler?
A. Sorry? Can you repeat that?
Q. Did you ever see Mrs. Chandler talking to anyone at Neverland?
A. Yeah, I mean, maybe chefs or -- you know, or maids or something like that.

Q. What do you recall Mrs. Chandler doing at Neverland?
A. I think I mainly saw her if we'd sit down to eat dinner or something like that. That's the only time I saw her.

Q. Did you ever see her ordering people around at Neverland?

A. Yeah, well --

MR. ZONEN: I'm going to object as leading.

THE COURT: Sustained.

Q. BY MR. MESEREAU: When you saw Mrs. Chandler talking to these people at Neverland, what do you recall her doing?

MR. ZONEN: I'll object as irrelevant and vague.

MR. MESEREAU: There's been testimony by her, Your Honor, about what she saw.

THE COURT: I'll allow the question. You may answer. Do you want it read back?

THE WITNESS: Yes, please.

(Record read.)

THE WITNESS: I remember her, you know, ordering food, that sort of thing, from maids or chefs, or whatever.

And, you know, the thing I sort of noticed was she was always sort of -- you know, she would sort of act like the place was hers, you know. Sort of order people around a bit.

And, you know, I guess I noticed it because my mother, when we went there, she always made it really clear that this was Michael Jackson's house. This was somebody's house and --

MR. ZONEN: I'm going to object as nonresponsive to the question and narrative.

THE COURT: All right. The last sentence is stricken.

Q. BY MR. MESEREAU: Mr. Robson, has anyone told you what to say in this courtroom today?

A. No.

Q. Is everything you've said the complete and honest truth?

A. Yes.

Q. Did Mr. Jackson ever do anything wrong with you?

A. No.

MR. MESEREAU: No further questions.

THE COURT: Cross-examine?

CROSS-EXAMINATION

BY MR. ZONEN:

Q. Mr. Robson, good afternoon.

A. Good afternoon.

Q. Have you been living in the United States continuously since you were eight years old?

A. Yes.

Q. Was Mr. Jackson instrumental in your being able to move to the United States to pursue your career?

A. Yes.

Q. Are you grateful for Mr. Jackson’s help and assistance in the development of your career?

A. Yes.

Q. Did you go to high school or college at all?

A. No.

Q. Not either one?

A. I didn’t go to a public high school. I did home studies.

Q. You did home studies all through high school?

A. Yeah.

Q. And no college at all?

A. No.

Q. So you began your dance career early on and continued through to today; is that correct?

A. Yes.

Q. All right. Now, the first time that you slept with Mr. Jackson you were seven years old; is that correct?

A. I slept in the same bed with him. But, yes, I was seven.

Q. Did you understand my question to mean something other than that?

A. Sounded like it.

Q. All right. But you slept in the same bed with him when you were seven years old; is that correct?

A. Yes.

Q. Was anybody else in that bed with you?

A. My sister, Chantel Robson.

Q. She was ten years old; is that right?

A. Yes.

Q. Is it true that there was not another adult anywhere in that room at the time you crawled into bed with Mr. Jackson?

A. True.

Q. And in fact, you continued to sleep with Mr. Jackson through the balance of that week during your seventh year; is that right?

A. Yes.

Q. Was your sister there the entire time during that week as well?

A. Yes.

Q. Was she in that bed with you as well?

A. Yes.

Q. Did she continue to share a bed with you and Mr. Jackson thereafter, or did you sleep only with Mr. Jackson thereafter?

A. What do you mean by “thereafter”?

Q. Well, on all the occasions that you returned to visit Mr. Jackson’s ranch, did you stay in his room, by yourself, with him?

A. Yes. But my sister wasn’t in -- wasn’t with us at all in America.

Q. All right. So when you moved here -- and incidentally, your father was there during that first week when you were seven years old; is that right?

A. Yes.

Q. But your father did not return to visit thereafter?

A. No.

Q. All right. So you stayed in the United States. Your father stayed in Australia.

A. Yes.

Q. Did your mother stay in the United States?

A. Yes.

Q. For the balance of the next number of years, your father was simply not in the picture while you were in the United States; is that right?

A. He wasn't there with us, no.

Q. And Mr. Jackson understood that as well, did he not, that your father was not in the picture while you were at Neverland?

A. Well, he understood that he wasn't there, yes.

Q. Okay. And did you have any contact with your father at all?

A. Yes. We talked on the phone.

Q. By telephone?

A. Yeah.

Q. Did you visit him?

A. I'm sorry, are we talking about once I moved to America?

Q. Yes.

A. Oh, yes, we would go back at least every two years for Christmas.

Q. Did he ever come to the United States to visit you?

A. Yes.

Q. Did he have any other visits with you at Neverland?

A. No.

Q. Did you talk with your mother, prior to that first week that you slept with Mr. Jackson with your sister, about the sleeping arrangements at all?

A. Well, yeah, the first day that we got there, to Neverland Ranch -- you know, I think we got there in about the afternoon. We hung out a bit. When it was time to go bed, I asked Michael if I could stay with him in his room. And then Michael and I went to -- mom was staying in a guest room. We went to her room and I asked her. Michael asked her if that was okay. And she said yes.

Q. All right. Now, you asked Michael Jackson if you could share his room with him. Now, what caused you to do that? You were seven years old. What caused you to ask him if you could stay with him in his room?

A. Well, it's the same way with any child.

When you -- you know, when you have a best friend or a new friend that you found, you always want to stay in the same room with them.

Q. He was in his mid 30s; is that right?

A. Yes, I guess so.

Q. Had you ever crawled into bed with a 30-year-old man prior to that day?

A. My father.

Q. Okay.

A. But other than that, no.

Q. Any person who you had just met?

A. No.

Q. All right. And in fact, throughout your entire adolescent years, you had never slept with any other man other than Michael Jackson and your father; is that correct?

A. Never slept in a bed with any other man, no.

Q. Now, you had a conversation with your mother about where you would sleep that night, that first time. Again, you're seven years old; is that right?

A. Yeah.

Q. Did your mother talk to you about perhaps you should stay with her in the guest cottage?

A. No.

Q. Was she the one who suggested that your sister should go with you and stay in that room with Mr. Jackson?

A. I don't remember that. I remember Chantel, my sister, wanted to as well.

Q. Had your mother actually seen the room that -- or the rooms that constitute Mr. Jackson's bedroom suite?

A. Yeah. When we first got to the ranch, he took us around, a tour around everywhere, in his room.

Q. So she understood at the time that the bedroom suite was composed of a number of different rooms with actually beds in at least two of them; is that right?

A. Yes.

Q. And there were bathrooms on both levels; is that right?

A. I don’t think there’s a bathroom on the second level. There’s two on the first level.

Q. Was your mother under the impression that you would be sleeping in a different location from Michael Jackson when you first went to his room at age seven?

A. Not that I know of.

Q. All right. Had you talked with her the next day about where you actually slept that prior night?

A. No, not that I remember.

Q. At any time during that first week when you were there at age seven, did you ever tell your mother that you actually shared the bed with Michael Jackson?

A. I’m sure.

Q. You think you did?

A. Yeah.

Q. Do you remember your mother’s response to hearing that?

A. No.

Q. Did your sister, in your presence, tell your mother that she was also sleeping in the same bed with Michael Jackson at age ten?

A. I can’t say for sure. I don’t remember, but --

Q. At any time during that first week that you were there, did you have any conversation with your mother wherein your mother expressed concern about where you were sleeping?

A. No.

Q. Were you seeing your mother during the day?

A. Yes.

Q. All right. After that first week, did you go back to Australia?

A. Yeah.

Q. You were in Australia for what, about a year?

A. I think so. I don’t remember.

Q. And then you returned to the United States for good at that point?

A. Well, we had a couple of visits back to America before we returned in ‘91 for good.
Q. With what rate of frequency did you continue to visit with Michael Jackson after returning at age eight?
A. I would say twice a year.
Q. All right. And during those periods of time, you would stay for up to a week at a time, no?
A. Yeah.
Q. Were there times that you actually stayed at Neverland for many weeks at a time?
A. Not that I can remember. Like I said, a week to a week and a half. Maybe it was two weeks, but I don’t remember any more than that.
Q. Were there periods of time when you were at Neverland and working with Mr. Jackson on dance routines?
A. No. I mean, we would mess around and dance a little bit in the studio every now and then, yes.
Q. Was there ever an occasion where you were on the dance floor with Mr. Jackson and he was showing you a routine and he grabbed your crotch in a manner similar to how he would grab his own crotch while doing those performances?
A. No, that’s not true.
Q. You have no recollection of that?
A. No.
Q. That didn’t happen?

A. No.
Q. During the period of time from age eight on, did you stay in Mr. Jackson’s room virtually the entire time?
A. I’m sorry?
Q. The times that you would come and visit Mr. Jackson from age eight on --
A. Uh-huh.
Q. -- did you stay in Mr. Jackson’s room?
A. Yes.
Q. All right. By age 11, you were asked to give a deposition, were you not?
A. Yes.
Q. And you actually did give testimony under

oath in the presence of two prosecutors from Los Angeles; is that right?

A. Yes.

Q. There was also an attorney present who represented you; is that correct?

A. Yes.

Q. All right. After that deposition, did you continue to sleep in Mr. Jackson’s room?

A. Yes.

Q. Did you continue to sleep in Mr. Jackson’s bed?

A. Yes.

Q. All right. Now, during that period of time from age eight until age 11, did you frequently

visit Mr. Jackson?

A. From -- I’m sorry, from eight to 11?

Q. Age eight to age 11, did you frequently visit Mr. Jackson?

A. Yeah. Same amount of time. Maybe twice a year, or every couple of months, something like that.

Q. Is it safe to say that during each of those visits, you stayed in Mr. Jackson’s room?

A. Yes.

Q. All right. Were there ever occasions where you went to visit Mr. Jackson when your mother wasn’t there?

A. Yes. I think a couple of times he had an apartment in Century City that my mother would drop me off and I’d stay for, you know, a night or so by myself with Michael there.

Q. Was that a place called “The Hideout”?

A. I remember a place called “The Hideout.” I don’t remember if it was that place.

Q. Were there more places where you visited and stayed overnight in Century City?

A. Yeah, there was a hotel that was -- I mean, I’m sorry, an apartment that was in Westwood and then one that was in Century City.

Q. Was there a place where Mr. Jackson was living in, either Westwood or Century City, where there was a hotel across the street?

A. Yes.
Q. And would it be the case that periodically you would visit him there, your mother would stay in the hotel, but you would stay with him in his room?
A. One time when we came over, we stayed -- I think it was the Westwood apartment, his Westwood apartment. There was a Holiday Inn that was across and we stayed there most of the time. And then certain nights I would go over to Michael and stay with him.
Q. Mr. Robson, were there ever occasions where you stayed with Michael Jackson where you didn’t sleep with him in his bed?
A. Yes.
Q. How often did that happen?
A. I don’t know. Maybe three, four times.
Q. Three or four times over years we’re talking about; is that right?
A. Yes.
Q. So, for the most part, the overwhelming majority of times you shared his bed with him?
A. Yes.
Q. Now, at any time did you start to develop conversations with your mother about the propriety of sleeping with this man who’s now well into his 30s?
A. No.
Q. Did you consider it unusual at all?

A. No.
Q. Did your mother consider it unusual?
A. No.
Q. Did you ever talk to your father about it?
A. Yeah.
Q. You talked to your father about your sleeping with Michael Jackson?
A. No, I mean, you know, everybody knew, and nobody ever said that it was -- we never talked about it being unusual or anything like that.
Q. Did your mother ever ask you if anything inappropriate happened in bed with him?

A. No.

Q. Did she simply assume nothing happened?

A. Yes.

Q. You’re telling us nothing happened; is that right?

A. Yes.

Q. All right. What you’re really telling us is nothing happened while you were awake; isn’t that true?

A. I’m telling you that nothing ever happened.

Q. Mr. Robson, when you were asleep, you wouldn’t have known what had happened, particularly at age seven, would you have?

A. I would think something like that would wake me up.

Q. On those occasions that you were at 9116 Neverland, you used to play very actively, did you not?

A. Yes.

Q. All right. There was a lot to do at Neverland; is that right?

A. Yes.

Q. And on some days you were actually working out heavily with the defendant, engaged in dance routines, weren’t you?

A. Yeah.

Q. And on other occasions you would be playing very actively. There’s just a host of things that a seven-year-old can do and have fun with; is that right?

A. Yes.

Q. And you can play -- all manner of video games that exist anywhere in the world can be found at Neverland; is that right?

A. Yeah.

Q. And there’s video games, there’s movies, there’s a zoo, there’s all kinds of parks, and the trains. You’re very active during the entire day; is that right?

A. Yes.

Q. And at night you’d go back to his room and you’d play more video games or you’d watch television; is that right?

A. Yes.

Q. And there's movies of any kind that you can see with Mr. Jackson?

A. Yes.

Q. Did your mother ever complain to you that you were losing contact with her and that she was losing her contact with you? Did she ever say that?

A. No.

Q. In fact, she was very upset over the fact that she was losing her ability to have access to her son, wasn't she?

A. No.

Q. Was there, in fact, a shower at Neverland in the suite, the bedroom suite?

A. Yes.

Q. But you didn't use it?

A. I used it by myself.

Q. Was he in the room while you were using it?

A. In the bedroom, not in the shower room, which had its own door.

Q. You were seven years old when you started using that shower; is that correct?

A. Yes.

Q. When did you stop sleeping with Mr. Jackson?

A. I guess when I was about, I don't know, maybe 13, 14, something like that.

Q. Why did you stop?

A. I didn't stop sleeping with him. I just haven't spent the night with him, I mean, in his

room or anything like that since then, I don't think.

Q. You haven't gone back to Neverland since you were 13?

A. I have. Not with him.

Q. Have you gone back to Neverland since you were 13 and actually stayed overnight?

A. Yes.

Q. On how many occasions since you were 13?

A. A lot. Same thing. 20, 25. Something like

that.

Q. Did he take you to other locations such as Las Vegas?

A. Yes.

Q. And while you were at Las Vegas, you went to see Siegfried & Roy?

A. Yes.

Q. And being with Mr. Jackson back then was a very exciting experience, wasn’t it?

A. Yes.

Q. He was able to go anywhere he wanted in Las Vegas and take you with him?

A. Yeah.

Q. Did you start to dress like him?

A. I always did before I met him.

Q. All right. And during the time that you were with him, he enjoyed you wearing clothing similar to what he wore; is that correct?

MR. MESEREAU: Objection; calls for speculation.

THE COURT: Sustained.

Q. BY MR. ZONEN: Did he ever tell you that he wanted you to dress like him?

A. No.

Q. Did he ever give you hats similar to the type of hats that he wears?

A. Because I would ask for them.

Q. And did you, in fact, wear those types of hats when you were out with him?

A. Yes.

Q. And when you were in Las Vegas, did you wear those hats as you wandered around Las Vegas with him?

A. Yes.

Q. When you were in Las Vegas, where did you stay?

A. We stayed at The Mirage Hotel.

Q. Who went to Las Vegas with you?

A. My mother.

Q. Just your mother?

A. Yeah.

Q. Was your sister with you at all?

A. No.

Q. Did your sister move to the United States with you?

A. Yes.

Q. But she didn’t go to Las Vegas with you?

A. Well, we weren’t -- we didn’t live in the United States at that point. We still lived in Australia. We were out on a visit.

Q. When you were in the hotel in Las Vegas, it is true that you stayed with Mr. Jackson in his bed?

A. Yes.

Q. And your mother stayed in a separate room; is that right?

A. Yes.

Q. Now, were there other boys that you knew about who were sleeping with Michael Jackson during that time?

A. No, not that I knew of. I mean, the only other time I was around other boys, other kids at the ranch, I think once or twice, and, you know, we’d all stay in the room and we’d kind of fall asleep on couches, beds, cots, wherever they were.

Q. Did you know Jordie Chandler?

A. Yeah.

Q. You just described -- you just told the jury that -- that you knew Jordie Chandler’s mother; is that right?

A. Yes.

Q. What’s her name?

A. I know her -- June. June Chandler.

Q. All right. Describe her for us. What does she look like?

A. She has dark, almost black hair. Sort of -- sort of brown eyes. I think some -- kind of like a -- a little bit of a darker complexion.

Q. Slim woman? Heavy woman?

A. Slim woman.

Q. Now, do you remember her son Jordie?

A. Yes.

Q. On how many occasions did you meet Jordie?

A. Once.

Q. Only one time?

A. That’s all I can remember, yes.

Q. And did you spend the night with Jordie?

A. Yeah, we all stayed in Michael’s room.

Q. You say “we all stayed.” Were there other people there besides Jordie?

A. Yeah, Macaulay Culkin was there and his brother Kieran Culkin.

Q. Now, Macaulay Culkin has sisters, does he not?

A. I don’t know.

Q. Were there any girls that were staying with you that night?

A. Not that I remember.

Q. Were there ever any girls, other than your sister, at age seven, who actually spent the night in Mr. Jackson’s room with you during the years that you knew him and spent the night in his room?

A. Yes.

Q. Who?

A. There was Brandy Jackson.

Q. I’m sorry?

A. Brandy Jackson, who is Michael’s niece.

Q. And she spent the night on how many occasions with you?

A. Only one that I can remember.

Q. One night?

A. Yeah.

Q. All right. So we’re talking about a period of about five years; is that right?

A. Yeah.

Q. In the five years, you can remember Brandy. Who else do you recall?

A. As far as females?

Q. Yes.

A. My sister. Brandy. That’s all I remember.

Q. Now, your sister actually never went back into that room and spent the night with you after that first week when you were seven; is that correct?

A. Yeah, not that I can remember.

Q. Is it an accurate statement to say that the boys who stayed there for long periods of time started getting pretty rowdy?

A. Rowdy?

Q. Yeah.

A. What do you mean?

Q. Well, goof off, and simply kids who weren’t under a lot of supervision?

A. Oh, yeah. I mean, you know, boys will be boys. We’d go around and have fun.

Q. Loud and boisterous?

A. Yes.

Q. And on occasions break things?

A. Accidentally, yeah.

Q. And be somewhat disobedient?

A. Some of them maybe.

Q. Were there ever occasions where you and Mr. Jackson were throwing stones at the lion in the zoo?

A. Stones at the lion. Yeah, I think so.

Q. That did happen, didn’t it?

A. Yeah.

Q. Mr. Jackson was throwing stones at the lion in your presence; is that right?

A. Yes.

Q. Was he encouraging you to do the same thing?

A. Yeah. Little pebbles, but, yeah.

Q. They weren’t exactly pebbles. They were good-sized stones, weren’t they?

A. No, I remember small stones.

Q. It was designed to irritate the lion, wasn’t it?

A. Yeah, we were trying get him to make some noise.

Q. Because it was entertaining to Mr. Jackson and to you?

A. Yeah.

Q. How old were you at the time?

A. I think I would have been seven or eight.

Q. Were there any other kids around at that time?

A. No. Maybe my sister.

Q. Now, you said that you spent one night that you can recall with Jordie Chandler. Do you know Brett Barnes?

A. Yes.

Q. Did you ever spend a night with Brett Barnes?

A. No.

Q. Did you ever meet Brett Barnes?

A. Yes.

Q. How old were you when you met Brett Barnes?

A. I think I would have been nine. It was soon after we moved to America.

Q. On that occasion when you spent the night with Jordie Chandler, Macaulay, and his brother, was Brett Barnes there as well?

A. No.

Q. Do you know if Brett Barnes spent nights with Michael Jackson?

A. I don’t know.

Q. Do you know if they ever shared a bed?

A. I don’t know.

Q. Did Michael Jackson ever talk to you about the propriety of sleeping with him?

A. Could you rephrase that?

Q. Did Michael Jackson ever have a conversation with you wherein the subject of the conversation was that it was okay for you to sleep with a 30-something-year-old man?

A. Yeah.

Q. He did?

A. We would both talk about it.

Q. Really. From what age? When did that first conversation happen?

A. I don’t remember.

Q. Were you seven?

A. I don’t remember.

Q. Was it the first week that you were there?

A. No.

Q. Do you think it was soon after you moved to the United States?

A. I really don’t remember.

Q. What was the nature of that conversation?
A. I don’t remember an exact conversation. I’m sure it’s just something, you know, we talked about at some point; that -- you know, that it’s fine.
Q. Did Mr. Jackson ever tell you that you were family to him?
A. Yes.
Q. Did he tell you that often?

A. Yes.
Q. Did he tell you that he would take care of you?
A. No.
Q. Did he tell you he would protect you?
A. Yes.
Q. All right. Did he ever tell your mother in your presence that you were family?
A. Yes.
Q. And that your mother could trust him?
A. Yes.
Q. In fact, the word “trust” came up in many conversations with Michael Jackson, did it not?
A. Yeah, we’d talk about trust in, you know, other people, and that sort of thing.
Q. But he encouraged you particularly to trust in him, did he not?
A. No, there was no particular emphasis on it.
Q. How much time did you spend with Macaulay Culkin?
A. Um, there was that -- the trip that we spoke of, that I think was a couple of days. I think I was with him one other time at the Century City apartment, which was a night. I think that was about it.
Q. Now, the trip you described, that trip was where now?
A. Which trip?

Q. Maybe I misheard you. Did you say “the trip I just spoke of”?
A. Oh, the one I spoke of. That was the one where I said where Jordie Chandler was there at

Neverland.
Q. That was Neverland?
A. Yeah.
Q. He was there and you were there for what period of time together? Just one night?
A. No, it was a couple days.
Q. Did it go over more than one night?
A. Yes.
Q. On both of those nights, did both of you spend that time in Mr. Jackson's room?
A. Yes.
Q. Now, did either one of you actually spend the night in Mr. Jackson's bed with Mr. Jackson?
A. No. I think -- from I can remember -- I can only remember one night in particular, and I remember myself and Kieran Culkin, I think, slept on Michael's bed, and Michael slept on a cot, or something, on the side of us, and I don't know, Macaulay fell asleep on a couch or something.
Q. I'm sorry.
A. Go ahead, no.
Q. The Century City apartment, I believe you said you spent some time there with Macaulay Culkin as well?

A. Yeah. I think it was one night there, yeah.
Q. Was his brother there?
A. I don't remember for sure. I don't remember him being there.
Q. Mr. Jackson would periodically kiss you, would he not?
A. No.
Q. Periodically hug you?
A. Yes.
Q. Touch you?
A. Hug me. That would be --
Q. Put his hands through your hair?
A. No.
Q. Touch you about the head and the face?
A. Yeah.
Q. Did he ever kiss you on the cheek?
A. Yeah.
Q. Did he ever kiss you on the lips?

A. No.

Q. Do you remember any other children being there about that time?

A. Which time?

Q. From the time that you were seven until the time you stopped sleeping there at age 13.

A. Being at the ranch?

Q. Yes.

A. Other than we spoke of, no.

Q. Did you know Blanca Francia’s son?

A. No. I knew of him. But I don’t think I ever met him.

Q. What was his name?

A. I don’t know.

Q. Does “Jason” sound familiar?

A. Yes, but I think because I’ve heard it recently. But, yeah.

Q. Now, were there ever occasions after you were 14 years old that you came and stayed at Neverland Ranch and Michael Jackson was, in fact, there?

A. Yes.

Q. And you did not stay with him in his room?

A. The only time I can remember was a time I went up there with a few family members and friends, and we didn’t know he was going to be there. And, you know, we sort of ran into him and hung out a bit, and, no, I didn’t sleep in his room.

Q. Did you ever talk to Michael Jackson about the fact that at some age it was too late for you to be sleeping with him?

A. No.

Q. Did you ever have a conversation with him about whether or not you should continue to sleep in his bed?

A. No.

Q. Remember the last time you slept in his bed?

A. The last -- I think it might have been when I was about 14. It was at a Sheraton Hotel in Los Angeles.

Q. And how did you happen to be there with him?
A. I stayed with him for I think it was just one night.
Q. Did you call or did he call you?
A. I don’t remember.
Q. Was your mother there?
A. No.
Q. Do you remember how you got there?
A. No, I don’t.
Q. Were there occasions that Mr. Jackson would summon you to Neverland Ranch?
A. Summon me?
Q. Yes. Call you up and ask you to come and be there; invite you to Neverland Ranch?
A. Invite us, yeah.
Q. All right. Without your mother?
A. Like ask if I could come without my mother, do you mean?
Q. Or just ask you to come, and you came by yourself.
A. The only time I remember being there -- sorry. The only time I remember being there was that -- that trip that we spoke of by myself with Jordie Chandler and Macaulay.
Q. On the occasions that you stayed in bed with Mr. Jackson, would you ever cuddle in bed?

A. No.
Q. Would you lie next to one another?
A. No.
Q. Would you touch?
A. No.
Q. Would you consider it to have been inappropriate to have cuddled in bed?
A. Sorry?
Q. Would you have considered it to be inappropriate to have cuddled in bed?
A. No.
MR. ZONEN: I have no further questions.

REDIRECT EXAMINATION
BY MR. MESEREAU:
Q. Mr. Robson, the prosecutor for the

government asked you about your dressing like Michael Jackson.

A. Uh-huh.

Q. And I believe you said something about you dressed like him before you met him.

A. Yes.

Q. Would you please explain that?

A. Well, you know, I became a fan of Michael Jackson when I was two years old, when I saw the making of “Thriller,” and started dancing like him when I was, you know, three or four. So I think when I was about five, I started, because I was imitating him. I got costumes made and that sort of thing. So I would dress like him from that point, before I met him.

Q. Did Mr. Jackson ever encourage you to dress like him?

A. No.

Q. Did you dress like him because you were a fan and friend of his?

A. Yes.

Q. Now, the prosecutor talked about your throwing pebbles at a lion.

A. Uh-huh.

Q. Would you please explain what you were describing.

A. Well, there’s a lion that was in a cage. And, you know, went to see the lion roar, and it’s pretty much just sitting there, you know, not doing anything. So we picked up a couple little stones and threw them at the cage, you know.

Q. And the prosecutor used the word “stones,” and you said “pebbles.” How big were these things?

A. Little, you know -- I don’t know, quarter-inch sort of things.

Q. Were you trying to hurt the lion?

A. No.

Q. To your knowledge, was Mr. Jackson trying to hurt the lion?

A. No.

Q. Okay. The prosecutor asked you questions about whether or not you were considered family. Did you consider yourself to be part of Mr. Jackson’s family?
A. Yeah, I mean, in a friendship sort of way. Because we were that close. It was like family.
Q. And did you use the word “family” once in a while --
A. Yes.
Q. -- when you spoke to him?
A. Yes.
Q. Did you hear your mother or sister using the word “family”?
A. Yes.
Q. Did you think anything was strange about that?
A. No.
Q. The prosecutor for the government asked about Mr. Jackson giving you a kiss on the cheek.
A. Uh-huh.
Q. And you said that happened sometimes?
A. Yes.
Q. Did you think there was anything inappropriate about that?
A. No.
Q. Did you do it in front of your mom?
A. Yes.
Q. Did you do it in front of your sister?

A. Yes.
Q. Did your mother kiss him on the cheek?
A. Yes.
Q. Did your sister kiss him on the cheek?
A. Yes.
Q. Did you kiss Mr. Jackson on the cheek?
A. Yes.
Q. Did your mother used to hug Mr. Jackson?
A. Yes.
Q. Did Mr. Jackson used to hug your mother?
MR. ZONEN: I’ll object as irrelevant what happened with his mother.
THE COURT: Overruled. Go ahead.
Q. BY MR. MESEREAU: Did Mr. Jackson used to

hug your mother?

A. Yes.

Q. Did your sister used to hug Mr. Jackson?

MR. ZONEN: I'll object as leading as well.

THE COURT: Overruled.

Q. BY MR. MESEREAU: Did your sister used to hug Mr. Jackson?

A. Yes.

Q. And would you see Mr. Jackson hug your sister?

A. Yes.

Q. Did you ever think there was anything inappropriate about Mr. Jackson hugging any member of your family?

A. No.

Q. Did you ever think it was inappropriate to see any member of your family hug Mr. Jackson?

A. No.

Q. Now, you said your sister would sometimes stay in Mr. Jackson's room, correct?

A. Yes.

Q. And how often do you recall that happening?

A. I remember it just within that first trip we were there. So it was -- it was, you know, three or four nights or something like that.

Q. And you mentioned Brandy. Is that who you mentioned?

A. Yes.

Q. Who was Brandy again?

A. She was Michael Jackson's niece.

Q. You saw Brandy staying in his room?

A. Yeah.

Q. What's the largest number of kids you ever saw stay in Mr. Jackson's room, if you remember?

A. Yeah, probably four to five.

Q. And what do you recall the children doing in his room?

A. Well, before we went to sleep, same sort of things. We'd play video games, watch movies. Have pillow fights. You know, yeah.

Q. Did you ever see anything of a sexual nature between Mr. Jackson and any of those children?

A. Never.

Q. Now, the prosecutor mentioned Macaulay Culkin. Did you get to know Macaulay Culkin at Neverland?

A. Yeah. I mean, we hung out a little bit, yes.

Q. Was that where you first met him?

A. I think I might have met him on a -- on a set of a commercial or one of his videos or -- or, no, I think I met him on “Black or White” the first time, the music video.

Q. Did you stay in contact with Mr. Culkin?

A. No.

Q. Is he someone you communicate with on a regular basis?

A. No.

Q. Okay. Now, would you see Mr. Culkin’s family at Neverland?

A. Other than his brother Kieran, I don’t remember.

Q. And approximately how old was his brother, do you think?

A. At that time, he would have been, I guess, nine or ten, or something like that.

Q. Have you seen Mr. Jackson hug other children at Neverland?

A. Yes.

Q. Have you seen other children hug Mr. Jackson at Neverland?

A. Yes.

Q. Have you ever thought any of this was inappropriate?

A. No.

Q. Have you seen Mr. Jackson kiss children at Neverland?

A. On the cheek, yes. Or on the head, or on the top of the head, something like that.

Q. Ever seen kids kiss Mr. Jackson?

A. Yes.

Q. Any of that ever look inappropriate to you?

A. No.

Q. Have you seen lots of children visit Neverland on occasion?

A. Yes.

Q. And what do you mean?

A. I think we were there once when he had one of his gatherings, like a Heal the World Foundation thing where he had a bunch of kids come up there and -- you know, and have the day there.

Q. And how many kids are you talking about, do you think?

A. Probably about 100 or 50. 75 to 100, something like that.

Q. Were there adults with those children?

A. Yes.

Q. And you said, “Heal the World.” What did

that mean to you?

MR. ZONEN: I’m going to object as exceeding the scope of the direct examination, and irrelevant, and beyond the scope of his knowledge.

THE COURT: Overruled.

You may answer.

THE WITNESS: Could you repeat the question?

Q. BY MR. MESEREAU: Yeah. What was “Heal the World,” as far as you remember?

A. As far as I knew, it was a foundation or a charity that Michael had created that, you know, raised money for kids with illnesses. I don’t know exactly what kind, but --

Q. Did you interact with any of these kids that visited that day?

A. I may have, yeah, I mean, waved at them or met a couple of them or something like that.

Q. Did you see Mr. Jackson hugging other children?

A. Yes.

Q. Did you see them hugging him?

A. Yes.

Q. Did you see Mr. Jackson kiss children?

A. Yeah.

Q. Have you seen them kiss him?

A. Yes.

Q. Ever seen anything inappropriate?
A. No.

Q. Did you see Mr. Jackson hug adults who were with those children?
A. Yes.
Q. Did you see adults hug Mr. Jackson who were with those children?
A. Yes.
Q. Ever think any of that was inappropriate?
A. No.
Q. Now, the prosecutor for the government asked you questions about whether he touched your hair.
A. Uh-huh.
Q. Do you recall Mr. Jackson ever touching your hair?
A. I can’t recall an exact thing, but it seems like something he might have done at some point.
Q. Do you ever recall Mr. Jackson doing anything inappropriate with your hair?
A. No.
Q. Ever seen Mr. Jackson touch another child on the head?
A. Yes.
Q. Have you seen that many times?
A. Many times.
Q. Did it ever seem like anything inappropriate was going on when you saw that?
A. No.
Q. The prosecutor asked about disobedience at Neverland, and you said you did see kids act up sometimes?

A. Yeah, I mean, act up as far as kids go. I mean, you know, driving golf carts around and throwing water balloons at each other, and things that, I guess, I don’t know, maybe parents would get upset about at some point, but that was the extent of it.
Q. And did you engage in some of that, too?
A. Yes.
Q. Did you ever see Michael Jackson in a water

balloon fight with kids?

A. Yes.

Q. Ever see kids throw water balloons at Michael?

A. Yes.

Q. Ever see Michael throw water balloons at kids?

A. Yes.

Q. Did you ever see Michael in golf carts with kids?

A. Yes.

Q. When you used to play at Neverland during the day, would Michael often be with you?

A. Yes.

Q. And what would Michael do with you?

A. We'd go on rides together, you know, where we'd drive around in the golf cart together, look at animals together, watch movies together.

Q. Did you see Mr. Jackson act in a similar way with other children?

A. Yes.

Q. Ever see anything inappropriate go on when he was doing any of these things?

A. No.

Q. Now, how often do you recall your mother going to Neverland with you?

A. It's been every time except for that one time that I spoke of when I was there with Jordie Chandler and Macaulay and I.

Q. What do you recall seeing your mother do at Neverland?

A. A lot of the same things with us.

Q. Would she sometimes be with Mr. Jackson when all the kids were playing?

A. Oh, yes. She was playing along with us.

Q. Now, you mentioned visiting an apartment in Century City with Mr. Jackson, right?

A. Yes.

Q. And what do you recall doing in the apartment with Mr. Jackson?

A. Same sort of things. He had arcade games there. You know, candy. We'd eat, we'd watch, you know, T.V. shows, Stooges. Hang around, play games, you know.

Q. Did you ever see Mr. Jackson do anything inappropriate with any child at that apartment?

A. No.

Q. Where else have you been with Mr. Jackson?

A. Like I said, we covered Las Vegas. Westwood apartment, Century City apartment. Sheraton Hotel. He came and stayed at my place once.

Q. Where was that?

A. That was in Hollywood. It was -- my mother and I had a condo, and my sister.

Q. Did you see Mr. Jackson do anything inappropriate at any of these locations?

A. No.

Q. Ever seen Mr. Jackson touch any child in a sexual way at any of these locations?

A. Never.

Q. Did Mr. Jackson ever touch you inappropriately in any of these locations?

A. No.

Q. Now, have you been following media reporting in this case?

A. Yeah. On and off.

Q. You're aware of allegations that were made that Mr. Jackson --

MR. ZONEN: I'm going to object as leading and exceeding the scope of the direct -- cross.

THE COURT: I don't know what the question is yet.

Q. BY MR. MESEREAU: Okay. You've been following these reports that somehow Mr. Jackson was seen inappropriately touching you?

A. Yes.

Q. What do you think of them?

A. I think it's --

MR. ZONEN: I'll object.
I'll withdraw the objection.

THE WITNESS: I think it's ridiculous.

MR. MESEREAU: No further questions.

RECROSS-EXAMINATION

BY MR. ZONEN:

Q. When Mr. Jackson stayed with you at your Hollywood apartment, how old were you?

A. I would say 11 or 12.

Q. Did he share your bed with you at that time?

A. Yes.

Q. All right. There was one bed that you had in your room; is that correct?

A. No, it was actually -- it was a -- like a futon that was our couch down in the living room.

Q. So both of you stayed on the couch in the living room?

A. Yes.

Q. Was that couch your normal residence? Was that where you normally slept?

A. I think that’s where I was sleeping at that point, yeah.

Q. You think that’s where you were sleeping?

A. Yes.

Q. You slept in other rooms at different times?

A. Yeah.

Q. Now, all those places that you mentioned are all places that you mentioned, a series of places, you had been with Michael Jackson. On all of those occasions you slept in the same bed with him; is that correct?

A. Yes.

Q. Do you think that’s appropriate, for a 35-year-old man to be sleeping with an eight-year-old boy?

A. I don’t see any problem with it.

Q. Suppose the 35-year-old man has an obsession for sexually explicit material. Would that change your view?

MR. MESEREAU: Objection; 352.

MR. ZONEN: It’s in evidence.

MR. MESEREAU: Calls for speculation; assumes facts not in evidence.

THE COURT: I’m going to sustain the objection because of the use of the term "obsession."

Q. BY MR. ZONEN: If you knew that the person, the 35-year-old man who was sleeping with an eight-year-old boy, possessed a great quantity of sexually explicit material, would that cause you concern about that person's motivations while he was

in bed with the boy?

A. Yes.

MR. ZONEN: No further questions.

FURTHER REDIRECT EXAMINATION

BY MR. MESEREAU:

Q. If you had known Michael Jackson, as a grown man, was reading Playboy, Hustler, Penthouse, magazines like that showing naked women, would that have concerned you?

A. No. That's what I was going to say afterward. Depends on what kind of material, what kind of pornographic material you were talking about.

Q. Would that have concerned you?

A. No.

MR. MESEREAU: No further questions.

MR. ZONEN: May I approach the witness?

THE COURT: Yes.

FURTHER RECROSS-EXAMINATION

BY MR. ZONEN:

Q. I'd like to show you a couple exhibits, 841 and 842, that have been shown previously in this court to this jury.

Let's start with one titled "Boys Will Be Boys." I'd like you to take a look at a few of the pages. Just go ahead and start turning pages,

please.

Stop there for a moment.

Would you describe the picture on the right side?

A. There's a young boy with his legs open and he's naked.

Q. All right. The picture prominently displays his genitalia, does it not?

A. Yes.

Q. That boy looks, to you, to be approximately how old?

A. Maybe 11 or 12.

Q. That's how old you were when you were sleeping with Michael Jackson; is that right?

A. Yes.

Q. Go ahead and flip a couple of more pages, if you would.

You can stop right there, the next page.

What's the picture on the left show?

A. Just a young boy who's naked standing on a rock.

Q. His genitalia is prominently displayed in that picture; is that correct?

A. Yes.

Q. Appears that that child is about the same as the other one?

A. Yes.

Q. Flip a couple more pages. Please keep going.

Okay. Stop right there.

What's in that two pages, series of two pages?

A. There's a boy, about the same age, 11 or 12, who's naked.

Q. All right. And in those pictures his genitalia is prominently displayed as well; is that correct?

A. Yes.

Q. In fact, if you'll take just a second and strum through the balance of that book -- you can do it fairly rapidly, if you would. You don't have to go page by page, but as you wish.

Is it true, Mr. Robson, that all of the pictures in that book are of boys about the same age?

A. Yes.

Q. 10, 11, 12 years old?

A. Yes.

Q. And that many of the photographs, if not most of the photographs, depicted in that book are of boys nude; is that correct?

A. Yes.

Q. And in fact, in most of those pictures, the genitalia is prominently displayed; is that right?

A. Yes.

Q. Would you be concerned with a person who possesses a book like that?

A. No.

Q. Would you be concerned about having your 12-year-old child in bed with a person who possesses a book like that?

A. No.

Q. You would have no such concern?

A. No. It’s -- to me, it doesn’t -- it’s not a pornographic book. It’s sort of, you know -- I don’t know, just a book.

Q. I’d like -- and I’d like to show you Exhibit 596, please. Take a moment and look at that book.

Let’s stop there for a moment.

That’s the first, in fact, picture in that book; is that correct?

A. I didn’t notice, no.

Do you want me to go to the first picture?

Q. You know, no, you can pick any picture, actually. Just go ahead and open the book at random.

Right there.

A. Oh, sorry.

Q. Is it a fact, as you look through that book, what is depicted in that book throughout that book are a series of photographs of two men engaged in sex acts with one another?

A. Yes.

Q. And in fact, the sex acts are all acts of either masturbation, oral sex or sodomy; is that right?

A. From what I saw, yes.

Q. And sodomy, as you understand, is an act of anal sex; is that correct?

A. Yes.

Q. Would you be concerned about a person who possesses that book crawling into bed with a ten-year-old boy?

A. Yes, I guess so.

MR. ZONEN: No further questions.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

FURTHER RECROSS-EXAMINATION

BY MR. MESEREAU:

Q. Mr. Robson, I want to show you Exhibit No. 841. It says, “Boys Will Be Boys.” Do you see this?

A. Yes.

Q. Okay. Now, I’d like you to read the inscription on that book, okay? Read it out loud, if you would.

A. Okay. “Look at the true spirit of happiness and joy in these boys’ faces. This is the spirit of boyhood, a life I never had and will always dream of. This is the life I want for my children. MJ.”

Q. Having read that inscription and having looked at this book, would you have any concern being in bed with Michael Jackson if you knew this book was found in his home?

A. No.

Q. Let me show you Exhibit No. 842. Please read out loud the inscription on that book.

A. Is that, “To Michael”? Yeah. “To Michael, from your fan. Kiss, kiss, kiss, hug, hug, hug. Rhonda. 1983.”

Q. You’ve looked through that book - okay? - and it says, “The Boy; A photographic Essay,” right?

A. I didn’t look through that book.

Q. Okay. Why don’t you look through this book the prosecutor showed you, and please say whether or not you would have a problem being in the same bedroom with Michael Jackson based upon what you see in that book and the inscription.

A. No.

Q. Okay. Now, let me show you -- let me show you Exhibit No. 596 that the prosecutor showed you. Just read the cover, if you would.

A. “Man, A Sexual Study of Man. Illustrated With Photographs and Art Prints.”

Q. Okay. Now, you’ve seen those photographs, and you’ve said you were somewhat disturbed by the pictures, right?

A. Well, I wasn’t disturbed by the pictures.

Q. Well, if you -- if you read this book, and it appeared to be a book dealing with male sexuality in all different areas, and you knew that this book existed with hundreds of editions of Hustler, Playboy, Penthouse --

MR. ZONEN: I’m going to object as leading.

Q. BY MR. MESEREAU: -- would that bother you?

MR. ZONEN: I’m going to object as leading.

THE COURT: Overruled.

You may answer.

THE WITNESS: Can you repeat it?

Q. BY MR. MESEREAU: Sure.

Let’s assume that you learned that Michael Jackson had ten years’ worth of Hustler, Playboy, Penthouse - okay? - magazines, heterosexual-type magazines, and let’s assume that -- have you ever seen Mr. Jackson’s library?

A. Yes.

Q. How many books do you think are in there?

A. Thousands.

Q. And let’s suppose in the middle of all those books you found, “A Sexual Study of Man, Illustrated With Photographs and Art Prints,” okay?

A. Yes.

Q. Putting all this together, would being in bed with Mr. Jackson concern you?

A. No.

MR. MESEREAU: No further questions.

FURTHER RECROSS-EXAMINATION

BY MR. ZONEN:

Q. Of course nobody’s told you where this book comes from, did they?
A. No.
MR. SNEDDON: Ron?
THE COURT: It’s time for the break.
MR. ZONEN: It’s not quarter to.
THE COURT: My bailiff told me.
(Recess taken.)
MR. MESEREAU: Your Honor?
MR. ZONEN: Thank you.
MR. MESEREAU: I’m going to object that the questions have become cumulative and there’s no foundation for it to go any further.
BAILIFF CORTEZ: Your microphone is off, sir.
MR. MESEREAU: It’s beyond the scope. And this is not a character witness.
MR. ZONEN: I don’t recall which question he’s referring to.
THE COURT: I’m looking for it myself. I don’t have a question.
THE REPORTER: Would you like me to read the last question, Judge?
MR. ZONEN: I’m prepared to start with a new question.
THE COURT: All right.

Q. BY MR. ZONEN: Mr. Robson, the three books that are in front of you that you’ve already taken a look at, I’d like to go back over the inscription that -- 842 is a book, and you were asked to read that inscription out loud.
Take a look at that inscription again, would you, please?
A. Do you want me to read it again?
Q. No, you don’t need to read it again.
Go to the last word, which is the name.
What is the name on that?
A. Rhonda.
Q. Notice anything unusual about the name?
A. No.
Q. Do you notice it’s written with quotations on both sides of it?

A. Yes.

Q. Doesn’t that usually mean that that’s not the name when somebody writes it in quotation marks?

A. Not that I know of.

Q. Have you ever written your name in quotation marks?

A. No.

Q. That’s actually from somebody who’s not named Rhonda, right?

MR. MESEREAU: Objection; calls for speculation.

THE COURT: Sustained.

Q. BY MR. ZONEN: The three books I’ve given you so far to take a look at, they all feature either boys or adult men, predominantly nude, and the one on adult men is engaged in sex acts; is that correct?

MR. MESEREAU: I’m going to object; asked and answered. This is cumulative.

THE COURT: Overruled.

Q. BY MR. ZONEN: I’m going to show you three additional books now, if I could. Let’s start with Exhibit 578, if you’ll take a look at that one, please.

MR. MESEREAU: Same objection. Cumulative; it’s not character; it’s beyond the scope.

THE COURT: Overruled.

Q. BY MR. ZONEN: I’ll start with the first picture. What do you see right there?

A. I see in the center of the picture, it’s a drawing. And there’s a naked man with his genitalia exposed, and there’s kangaroos on either side.

Q. Okay. Go ahead and proceed.

You can keep going. Just keep going through it.

You can stop.

What you’ve seen so far are all pictures of naked men; is that right?

A. Yes.

Q. And pictures with their genitalia

prominently displayed; is that correct?

A. Yes.

Q. Some of these are bondage pictures, are they not?

MR. MESEREAU: Objection; leading.

MR. ZONEN: It's cross-examination, Your Honor.

MR. MESEREAU: Assumes facts not in evidence.

THE COURT: Overruled.

Q. BY MR. ZONEN: Is that correct? Like that picture right there?

A. Yes.

Q. Would you consider this to be homoerotic material?

A. Yes.

Q. Exhibit No. 590-B, take a look at that, please. Tell us the title.

A. "Before the Hand of Man."

Q. Go ahead and take a look at the content of that book.

That's enough.

Pictures of naked young men; is that correct?

A. Yes.

Q. Would you consider that to be homoerotic material?

A. No.

Q. Why not?

A. I look at this more as sort of -- it's about the photography and it's more of an art book, to me.

Q. Do you think it's the background setting that makes it unique?

A. Unique?

Q. Well, they're all naked men in it; is that right?

A. Yes.

Q. Look at No. 599, if you would.

You can stop.

Those are all pictures of boys and men, all nude; is that correct?

A. I didn't see any boys. I saw men.

Q. How old do you think is the youngest person you've seen in this book so far?

A. Maybe 19. 18, 19.

Q. Teenaged?

A. Yeah.

Q. Okay. They're all about that age or a little bit older; is that right?

A. Yeah.

Q. Do you think this person is 19?

A. 18, 19, yeah.

Q. Okay. And in fact, in each one of them, genitalia is prominently displayed; is that correct?

A. Yes.

Q. Take a look at this book, please, No. 590-A.

You can stop here. What are you taking a look at? Particularly the page you're focused on at the moment, what do you see?

A. There's two naked men and it looks like they're about to kiss each another.

Q. In this book, in fact, each of the pictures depict two naked men; is that right?

A. Yes.

Q. And in each instance, both of them are doing something with one another of a sexual nature; is that right?

A. No.

Q. They're hugging, they're touching, they're caressing?

A. They're posing.

Q. They're posing. And they're all naked?

A. Yes.

Q. Would you consider this to be homoerotic art?

A. Mind if I look a little more?

Q. Go ahead.

A. Yeah, it's -- I don't think it's so erotic. It seems more loving in a way, like not so much about sex.

Q. Well, how about the one you just turned to? Where is his hand?

A. Down his pants.

Q. Okay. You can go ahead and close that one right now.

Mr. Robson, are you concerned about a man possessing these seven books being in bed with a 12-year-old boy?

A. If it was a man I didn't know, maybe. But not Michael.

Q. Is that because you view Mr. Jackson as being, for the most part, asexual?

A. No.

Q. Because you believe that he doesn't really have a sexual interest?

A. I believe that he has a sexual interest in women.

Q. Did you know that he possessed these magazines?

MR. MESEREAU: Objection, Your Honor, he didn't let the witness complete his answer.

THE COURT: Sustained.

MR. MESEREAU: Could the witness complete his answer, Your Honor?

THE COURT: Yes.

THE WITNESS: I believe that he has a sexual interest in women.

Q. BY MR. ZONEN: In women?

A. Yes.

Q. These books don't suggest otherwise?

A. Not necessarily.

Q. All right. Let's go to some other side of the counter.

Exhibit No. 575, have you ever seen this magazine before?

A. No.

Q. Not that specific one. A magazine of that nature?

A. Of that nature, yes.

Q. Okay. And go ahead and turn through it.

You can stop there. You don't need to go too much further.

This magazine depicts naked women, or a

woman in this case, inserting things inside of her; is that right?

A. Yes.

Q. You would consider this to be very graphic --

A. Yes.

Q. -- in terms of sexually explicit material?

A. Yes.

Q. Exhibit No. 520, tell us the title of that.

A. “Hard Rock Affair.”

Q. Okay. Go ahead and turn through a few pages.

You don’t have to turn any further.

That magazine depicts graphic sexual pictures of a man and a woman engaged in acts of intercourse and oral sex; is that right?

A. Yes.

Q. You would consider this to be pretty much as hard-core as sexually graphic material goes; is that right?

MR. MESEREAU: Objection. Misstates the evidence; 352.

MR. ZONEN: I asked him what he considered.

THE COURT: Overruled.

You may answer.

THE WITNESS: That’s as hard-core as it goes, is that what you asked?

Q. BY MR. ZONEN: Yes.

A. No, not as hard-core as it goes.

Q. What could be more than that?

A. I’ve seen crazy things, crazy bondage things, all sorts of stuff.

Q. You saw the bondage in the last publication; is that right?

A. Yeah, but they weren’t really doing anything.

Q. All right. You would consider bondage to be at the height?

A. Yeah. When it gets into, you know, really unusual stuff.

Q. What’s the title of this one? The magazine that we have here is 522.

A. “Double Dicking Caroline.”

Q. Go ahead and turn a couple pages.

Okay. That’s fine.

These are all photographs of a man and a woman engaged in pretty much anything a man and a woman can do; is that right?

A. Yes.

Q. Including acts of intercourse, acts of oral sex, and the picture right in front of you, acts of anal sex; is that right?

A. Yes.

Q. This you would consider to be fairly hard-core, would you not?

A. Yes.

Q. The title of this one, please? No. 510.

A. “Stiff Dick Lynn.” Or “for Lynn,” sorry.

Q. “For Lynn”?

A. “Stiff Dick for Lynn.”

Q. Let’s get our prepositions right.

A. Get it right, yeah.

Q. Go ahead and turn the page, if you would.

A. I never thought I’d have a room of people watching me do this.

Q. That’s enough.

You would agree that this is a depiction of a man and a woman engaged in virtually every variation that a man and woman can do with one another; is that right?

A. Yes.

Q. Sexually.

The collective material that you have just been shown does not cause you a moment of pause when you think about the prospect of this person who possesses all of this crawling into bed with a ten-year-old boy?

A. No.

Q. And you would allow a child to crawl into bed with such a person?

A. If I knew the person, yes.

Q. If you knew them?

A. Yes.

Q. Your own child, you'd have no problem sleeping with a 35-, 40-year-old man?

A. If I knew the person well, no.

MR. ZONEN: No further questions.

FURTHER REDIRECT EXAMINATION

BY MR. MESEREAU:

Q. Mr. Robson?

A. Yes.

Q. That's your fiancee right there, correct?

A. Yes.

Q. You are heterosexual, correct?

A. Yes.

Q. You are a close friend of Michael, correct?

A. Yes.

Q. By the way, did Michael Jackson ever -- oh, I'll ask from there.

When you were a young child, did Michael Jackson ever show you any sexually explicit material?

A. No.

Q. Did you ever see Michael Jackson show sexually explicit material to any child?

A. No.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

Q. BY MR. MESEREAU: Now, let me show you again Exhibit No. 841. Do you see that?

A. Yes.

Q. And have you had a chance to flip through that book?

A. Yes.

Q. Okay. Let me show you again Exhibit No. 596. It says, "A Sexual Study of Man." Do you see that?

A. Yes.

Q. Have you had a chance to flip through that book?

A. Yes.

Q. Okay. And let me show you again Exhibit No. 842, "A boy; A Photographic Essay," okay? And that’s the one with the inscription, “To Michael, from your loving fan, Rhonda,” okay?

A. Yes.

Q. And have you had a chance to flip through that book?

A. Yes.

Q. In fact, you see young children with rather innocent photographs of young boys, correct?

MR. ZONEN: I’m going to object as leading, Your Honor.

THE COURT: Overruled.

Q. BY MR. MESEREAU: Innocent photographs of young boys in various situations, right?

A. Yes.

Q. Okay. You see a young boy hanging from a tree, right?

A. Yes.

Q. You see a young boy sitting outside a door, right?

A. Yes.

Q. See young boys on a beach, right?

A. Yes.

Q. Okay. Now, let’s go to -- quickly, to the material the prosecutor for the government showed you, okay? He showed you some magazines with heterosexual activity, correct?

A. Yes.

Q. Okay. Have you seen one book that depicts child pornography in that group?

A. No.

MR. ZONEN: I believe there was a Court restriction on the use of that word, Your Honor, one initiated by the defense. Unless that reservation is finished.

MR. MESEREAU: He’s correct. And I made a mistake using the word. I’ll withdraw it, and I apologize.

THE COURT: All right. The problem is that sometimes it’s an appropriate word to use and sometimes it’s not. But the jury’s been instructed

on it. And so if you want to rephrase it, that's fine.
MR. MESEREAU: Okay.
Q. In those books that the prosecutor for the government showed you, you see books about men, right?
A. Yes.
Q. You see one book that says, "A Study of Male Sexuality" and shows some sexual acts between men, correct?
A. Yes.
Q. And he showed you a number of magazines involving sexual activity between men and women, correct?
A. Yes.
Q. Okay. Has he shown you one book involving children having sex?
A. No.
Q. Has he shown you one book where a man is having sex with a child?

A. No.
Q. The prosecutor tried to suggest that Mr. Jackson is asexual. Do you remember that question?
A. Yes.
Q. Do you believe he's asexual?
A. No.
Q. Have you seen Mr. Jackson with women in your lifetime?
A. With what kind of woman? A woman that he's in a relationship with?
Q. That he's been married to.
A. Yeah, with Lisa Marie.
Q. When you were at Neverland, did you ever see anything that suggested pedophilia?
A. No.
Q. Ever see any magazine or poster that suggested pedophilia?
A. Never.
MR. MESEREAU: No further questions.

FURTHER RECROSS-EXAMINATION
BY MR. ZONEN:

Q. Mr. Robson, when did you first learn that Michael Jackson possessed material of the nature that's before you right now?
A. Right now I did.
Q. All the years that you have known Michael --
A. Actually, no one's told me where this came from.

Q. Assuming this comes from Michael Jackson's residence.
A. Assuming it does, this is the first I know.
Q. All right. And you had never, ever known that Mr. Jackson collected sexually explicit material?
A. No.
Q. This is something new that you're learning just today; is that right?
A. Yes.
Q. You're telling us that this would have no effect at all on your belief that this bears on some suitability for him sleeping with ten-year-old boys?
A. No.
Q. You knew that there were a succession of ten-year-old boys that he slept with, didn't you?
MR. MESEREAU: Objection. Misstates the evidence; the Court ruling.
THE COURT: Sustained.
Q. BY MR. ZONEN: Did you know about other children that he had slept with?
A. No.
Q. Never?
A. No.
Q. Did you know that he was sleeping with Brett Barnes?
A. No.

Q. Did you know that he was sleeping with Macaulay Culkin?
A. No.
Q. Did you know that he was sleeping with Jordie Chandler?
A. No.

MR. ZONEN: No further questions.

FURTHER REDIRECT EXAMINATION
BY MR. MESEREAU:
Q. You actually saw kids sleeping in his room from time to time, correct?
A. Yeah. When he was present as well, yeah.
Q. And Macaulay Culkin was there as well, correct?
A. Yeah.
Q. Never saw anything inappropriate happen, right?
A. No.
Q. Has anything this prosecutor for the government has said to you changed your opinion of Michael Jackson?
A. Not at all.
Q. Does it change your opinion as to whether or not he ever did anything inappropriate with a child?
A. Not at all.
MR. MESEREAU: No further questions.
MR. ZONEN: I have no questions.

THE COURT: Thank you. You may step down.
Call your next witness.
MR. MESEREAU: Your Honor, may I remove the materials from the witness box?
THE COURT: Yes.
THE BAILIFF: Oh, I'll get it for you.
THE COURT: When you get to the witness stand, please remain standing.
Face the clerk over here and raise your right hand.

BRETT CHRISTOPHER BARNES
Having been sworn, testified as follows:

THE WITNESS: Yes.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: My whole name?
THE CLERK: Yes, please.
THE WITNESS: Okay. It's Brett Christopher

Barnes. B-r-e-double t; C-h-r-i-s-t-o-p-h-e-r; B-a-r-n-e-s.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. MESEREAU:

Q. Mr. Barnes, how old are you?

A. I'm 23 years old.

Q. Where is your home?

A. Melbourne, Australia.

Q. And what kind of work do you do?

A. Right now I'm unemployed. I actually had to quit my job to come here.

Q. Okay. And what job is that?

A. I was a roulette dealer at the casino.

Q. In Melbourne?

A. Yes.

Q. Okay. Do you know the fellow seated to my right at counsel table?

A. Absolutely.

Q. Who is he?

A. It's my good friend Michael Jackson.

Q. And you say your good friend. How long have you known him?

A. Since I was five.

Q. How did you meet him?

A. I actually -- I was a big -- well, I was as big a fan as you can be at that age, of his, and he was in Melbourne for the "Bad" tour. And so my mom thought it would be a good idea for us to write a letter. My sister wrote the letter, but put it in my name as if I was writing the letter.

And we went to meet him -- well, see him at the airport when he touched down. And while we were there, we gave the letter to one of his dancers, and then we left the airport after it was all over.

And I'm not sure exactly how much time passed, but after a little while, he -- we received a phone call from him, and ever since then we've been really good friends.

Q. And is he a friend of your family?

A. Absolutely.

Q. Okay. Have you ever visited Neverland Ranch?

A. Yes, I have.

Q. When did you first visit Neverland Ranch?

A. It would have been December of ‘91.

Q. And do you remember why you visited Neverland?

A. Because he was there, and it’s his house, I guess.

Q. Who did you go with?

A. My whole family went, my mother and my father and my sister and myself.

Q. Did you stay at Neverland?

A. Yes, I did.

Q. How many times do you think you visited Neverland?

A. Too many to remember. Probably -- it would be ten or more, even. More than ten times.

Q. And how many times do you think you’ve stayed over at Neverland?

A. Every time.

Q. Okay. Did you ever stay in Michael Jackson’s room?

A. Yes, I have.

Q. How many times do you think you’ve done that?

A. Countless as well.

Q. And how would you describe his room?

A. It’s big. It’s pretty cool because it’s got lots of fun stuff to do there. Video games, such as stuff like that. And it’s probably the best as I can describe it.

Q. Have you ever stayed in Michael Jackson’s bed?

A. Yes, I have.

Q. How many times do you think you have?

A. Countless as well.

Q. Has Mr. Jackson ever molested you?

A. Absolutely not. And I can tell you right now that if he had, I wouldn’t be here right now.

Q. Has Mr. Jackson ever touched you in a sexual way?

A. Never. I wouldn’t stand for it.

Q. Has Mr. Jackson ever touched any part of your body in a way that you thought was inappropriate?

A. Never. It’s not the type of thing that I would stand for.

Q. When you stayed in Mr. Jackson’s bed --

A. Uh-huh.

Q. -- on any of those occasions was anyone else there?

A. Yeah.

Q. Who?

A. Well, I can’t -- see, I was pretty young at the time, so I can’t remember exactly. But I know my sister as being there, his cousins have been there. And -- yeah, Macaulay has actually been there as well, Macaulay Culkin. So there’s been a few people.

Q. What is the longest period you think you’ve ever stayed at Neverland?

A. I couldn’t tell you. I don’t remember really.

Q. Would it be a week, or three days?

A. Longer than that.

Q. Longer than that?

A. Yeah. It would probably be a couple weeks, maybe a month at Neverland at one time.

Q. And what do you recall doing at Neverland during the times you stayed there?

A. Playing arcade games. Going ATV/motorbike-riding around the property. Going on amusement park rides. And watching plenty of movies, plenty of cartoons. Eating very good food.

Q. Do you consider Michael Jackson to be your family friend?

A. Absolutely.

Q. Do you stay in communication with him?

A. Absolutely.

Q. And how do you typically communicate with Michael Jackson?

A. Like he’s a member of the family. Just always had warm conversations, reminisce about old times.

Q. Are you familiar with a Jacuzzi at Neverland?

A. Yeah.

Q. Ever been in the Jacuzzi?

A. Yes, I have.

Q. Do you recall Michael Jackson ever being in the Jacuzzi with you?

A. I don’t recall. He possibly could have, but I don’t really remember.

Q. Do you recall ever taking a shower with Michael Jackson?

A. Never.

Q. Now, have you visited Neverland without your parents being with you?

A. Yes.

Q. And how many times do you think you’ve done that?

A. It wouldn’t be that many. But I couldn’t give you a ballpark figure even.

Q. Now, have you followed this case in the media?

A. No, I haven’t.

Q. Okay.

A. I chose not to.

Q. Are you aware of any allegations being made that Mr. Jackson inappropriately touched you when you were with him?

A. Yes, I am. And I’m very mad about that.

Q. You’re mad about it?

A. Yeah.

Q. Why?

A. Because it’s untrue, and they’re putting my name through the dirt. And I’m really, really, really not happy about it.

MR. MESEREAU: No further questions.

CROSS-EXAMINATION

BY MR. ZONEN:

Q. Mr. Barnes, do you consider it disgraceful to having been molested?

A. Absolutely.

Q. All right. And why would it be a disgrace for somebody to have been molested?

A. Well, a child is --

MR. MESEREAU: Objection. This calls for speculation; foundation.

THE COURT: Sustained.

Q. BY MR. ZONEN: How old were you when you first started sharing a bed with Michael Jackson?

A. Couldn’t tell you. Don’t really remember.

Q. How old were you when you first started visiting Michael Jackson?

A. When I first started visiting, I was nine.

Q. And you visited Neverland with whom?

A. With my parents.

Q. Both your mother and your father?

A. And my sister as well.

Q. Your sister as well. And how long did you stay at Neverland?

A. The first time?

Q. Yes.

A. I don’t exactly remember.

Q. Did you stay over the week?

A. Yeah.

Q. Did you then visit Neverland on a regular basis thereafter?

A. I wouldn’t say regular, but, yeah, it was quite frequent.

Q. Did you visit Neverland at least once a year thereafter?

A. Yeah.

Q. And when you visited Neverland, would you always stay with Michael Jackson?

A. Yeah, most of the time.

Q. All right. Now, I asked you, I believe, the age the first time you went. Did you answer that question?

A. Yeah.
Q. And you said what? About nine?
A. Yeah.
Q. Okay. And then you would continue to go each year thereafter?
A. Yeah.
Q. Did you sometimes go more than once a year?
A. Yeah.
Q. And would you stay for longer than one week at a time?
A. Sometimes, I guess, yeah.
Q. Were there occasions where you would stay two or even three weeks?
A. I was young at the time, so I don’t really remember the time frames.
Q. Okay.
A. So it would be purely speculation.
Q. Would it have been summer vacation; that is, your summer vacation in Australia?
A. I really couldn’t tell you.
Q. Did you ever go to Neverland without a parent going with you?
A. Yes.
Q. So sometimes you would fly all the way from Australia to Neverland, is that right, by yourself?
A. Absolutely.
Q. Were you much older than nine years old when you did that?

A. I couldn’t tell you. But -- well, right -- yeah, I was older than nine.
Q. Did you visit in your tenth year and your eleventh year and your twelfth year as well?
A. I really couldn’t tell you that.
Q. Did you ever visit in your thirteenth year and your fourteenth year?
A. I don’t remember much about ages.
Q. You can’t tell us how old you were when you stopped visiting Neverland?
A. I still -- I continue to visit to this day.
Q. Do you still sleep with Michael Jackson?
A. No, I don’t.
Q. How old were you when you stopped sleeping

with Michael Jackson?

A. I couldn’t tell you that.

Q. Why don’t you still sleep with Michael Jackson?

A. Well, he’s got kids now.

Q. And?

A. And I -- it would be purely speculation if I told you. I could not answer that knowingly, like -- it’s just --

Q. But during the years that you were visiting Michael Jackson at Neverland, you never stayed anyplace but in his room; is that correct?

A. I couldn’t tell you.

Q. You’re telling us that you don’t remember if you stayed in a guest lodge by yourself or with your mother or if you shared a bed with Michael Jackson?

A. I don’t remember staying in the guest lodge by myself.

Q. But it’s true, sir, that you stayed virtually the entire time in his bedroom; is that right?

A. Yeah.

Q. And during that time nobody else stayed in the bedroom with you other than you and Michael Jackson; is that true?

A. No, that’s not true.

Q. On what percentage of the occasions that you visited Michael Jackson was there somebody else staying in that room?

A. I couldn’t tell you.

Q. Can you tell us the names of the people who stayed in the room with you?

A. My sister. Macaulay Culkin. There was Levon and Elijah. There was Frank, Eddie, and Dominick.

Q. Was Frank --

A. Prince as well.

MR. MESEREAU: Objection, he hasn’t finished the question.

THE WITNESS: His son Prince as well.

Q. BY MR. ZONEN: Prince? Prince is how old now?

A. I'm not quite sure.
Q. About what, seven?
A. Yeah. I guess so.
Q. And how old was Prince when he stayed in the room with you and Michael Jackson?
A. I think he was three.
Q. All right. So it was about four years ago?
A. Yeah.
Q. So you stayed in the room with Michael Jackson when you were 18 years old?
A. Yeah.
Q. You're 22 now?
A. 23. 23.
Q. So you were 19 years old?
A. Yeah, I guess.
Q. Did you share a bed with him at that time?
A. Yeah, I did.
Q. You did. Have you been sharing a bed with him consistently from age nine until age 19?
A. What do you mean by "consistent"?
Q. Well, in all the times that you visit, predominately do you stay in his room, in his bed?
A. Yeah.
Q. Did you do it when you were ten years old as well?
A. Yeah.
Q. Did you do it when you were 11 years old as well?

A. Yes.
Q. Most of the times you did it, there was nobody else in the room; is that correct?
A. I guess you could say that.
Q. Because Macaulay Culkin was only in the room with you once or twice; isn't that true?
A. I couldn't tell you how many times.
Q. Could he have been in the room 20 or 30 times?
A. Probably not.
Q. So really it's closer to once or twice; is that right?

A. Yeah, I guess so.
Q. All right. And your sister stayed there the first time you visited; is that right?
A. Not just the first time.
Q. Did she stay there the second time?
A. I -- look, I don’t really remember.
Q. Did your sister share a bed with you and Michael Jackson ever?
A. I can’t recall.
Q. You can’t recall if your sister shared a bed?
A. I can’t remember.
Q. When did your sister stop visiting Neverland?
A. She still visits to this day.
Q. Does she still share a bed with you and

Michael Jackson?
A. No.
Q. When was the last time your sister shared a bed with you and Michael Jackson?
A. I couldn’t tell you. I don’t know the exact period of time.
Q. Could you have been 15 or 16 years old?
A. I couldn’t tell you.
Q. Could you have been ten?
A. I couldn’t tell.
Q. Mr. Barnes, the best you can tell us about when your sister last shared a bed with you and Michael Jackson, you have no idea?
A. It’s not something that I think of. What -- why would I try and remember that?
Q. Is there --
A. Why would I think about it?
Q. Is there any other 35-year-old man that you slept with when you were ten years old besides Michael Jackson?
A. Yes.
Q. Who?
A. My uncle.
Q. All right. A family member.
A. Yeah.
Q. Who else?

A. That would probably be it. I can’t recall any others.

Q. All right. Now, with whom do you live at this time?

A. My parents and my sister.

Q. And both your parents?

A. Yeah.

Q. And that’s in Australia?

A. Yes.

Q. All right. Did your father ever visit Neverland with you?

A. Yes, he did.

Q. When your father visited Neverland with you, where did you stay?

A. Both in the guesthouse and both with him.

Q. Both in the guesthouse and with Mr. Jackson?

A. I stayed with Mr. Jackson, yeah.

Q. Did you ever have a conversation with your father about the propriety of sharing a bed with a 35-year-old man?

A. Not that I recall.

Q. Did you ever have a conversation with your mother about that, whether that was a wise thing to do, to share a bed with a 35-year-old man?

A. Not that I recall.

Q. Did he ever show you any sexually explicit material?

A. Absolutely not.

MR. MESEREAU: Objection; beyond the scope.

THE COURT: Overruled. The answer is, “Absolutely not.”

Q. BY MR. ZONEN: Were you aware that he possessed sexually explicit material?

A. No.

Q. Did you ever travel with Michael Jackson anywhere?

A. Yes, I did.

Q. Where?

A. South America, North America, Africa, and Europe.

Q. On those occasions --

A. And Australia as well, I’m sorry.

Q. On those occasions did you share a bed with him?

A. Yes.

Q. Were any other people present while you were in the room with him?

A. I don’t recall. I can’t -- I can’t remember.

Q. Was your mother with you when you traveled through South America?

A. I think so.

Q. You think so?

A. Look, when I was young, I wasn’t really thinking about this sort of stuff. I wasn’t trying to retain in my memory this sort of stuff. And what’s sad is that I traveled to all these countries and I really don’t remember much of them. So it’s all sort of -- it’s all sort of meshed into one.

Q. Mr. Barnes, how old were you when you traveled through South America with Mr. Jackson?

A. To tell the truth, I cannot remember.

Q. You can’t tell whether you were 19 or 10?

A. Well, I wasn’t 19. It was in my middle teens, maybe -- no, it would have been in my early -- early teens.

Q. 12?

A. It could have been possibly 12.

Q. So you were 12 or 13. You don’t know if your mother was there with you when you traveled through South America?

A. She was, actually.

Q. In fact, you traveled quite a bit with Mr. Jackson without your mother being present; isn’t that true?

A. No.

Q. Did you travel through North America with Mr. Jackson without your mother?

A. Yes.

Q. And in how many cities through North America did you go without your mother and Mr. Jackson?

A. I’m not too sure.

Q. Six or seven, perhaps eight?

A. I couldn't tell you.

Q. Was he performing at the time, Mr. Jackson?

A. For which?

Q. On the trip through North America, was he performing?

A. No, he wasn't.

Q. Did you travel with him when he was performing?

A. Yes.

Q. Was that -- in South America, was he performing then?

A. Yes.

Q. And every night after the performance, you would go with him to his room; is that correct?

A. Yes.

Q. And you stayed in his bed that night?

A. Yep.

Q. In North America when you traveled, your mother was not there?

A. Not -- well, see, she went to some cities, like we all went to some cities, and sometimes we -- I went. Like on some of the occasions when I was gone, coming over here alone, we'd go around. But sometimes when my whole family was there, we'd go around, too.

Q. How many times did you come to the United States by yourself?

A. Probably only two or three maybe.

Q. And did Mr. Jackson arrange for that to happen?

A. He arranged for all of our trips.

Q. So all of the transportation for you and your family from Australia to Neverland; is that correct?

A. Yeah.

Q. And then all the travels that you did through the United States and through South America?

A. Uh-huh. I was very fortunate.

Q. I'm sorry?

A. I was very fortunate.

Q. When you slept with Mr. Jackson, what generally did you wear?

A. Sorry?

Q. When you slept with Mr. Jackson in the same bed, what would you wear?

A. Pajama pants, T-shirt, pajama top sometimes.

Q. Always?

A. Well, always pajama pants, always a T-shirt.

Q. And Mr. Jackson?

A. Exactly the same thing.

Q. Always pajamas and pajama bottoms?

A. Uh-huh.

Q. I'd like to show you a series of photographs and tell me if you recognize them, the people in this photo. Let's start with 893.

A. Yep.

Q. Who's that?

A. That's me and him.

Q. Are these Polaroids? 9188

A. They look so.

Q. Do you remember taking these pictures?

A. Not at all.

Q. Do you remember where you were?

A. Not at all.

Q. Can you tell us about how old you were?

A. Probably about 11 maybe, 10.

Q. I notice you've changed your hairstyle since then, haven't you?

A. Yes.

Q. You were about nine or ten. So this was early on in your meeting with Mr. Jackson; is that right?

A. Yeah, I would say so.

Q. All right. This is 893, and that has two photos on the front, and two photos on the back; is that right?

A. Yep.

Q. And that's you in the two photos in the back as well?

A. Yep.

Q. All right. 892, is that you as well?

A. Yep.
Q. And Mr. Jackson?
A. Yep. Yep.
Q. And the two on the back? Do these appear to have been taken at the same time?
A. These?

Q. Yes.
A. Yeah, I'd say so.
Q. 891, who is that?
A. That's Michael Jackson.
Q. Did you take those pictures?
A. Couldn't tell you.
Q. They appear to have been taken at the same time; no?
A. Possibly.
Q. All right. If I were to tell you that they were all found together, would that suggest that they were all taken at the same time?
MR. MESEREAU: Objection; calls for speculation.
THE COURT: Sustained.
Q. BY MR. ZONEN: Turn it over, if you would, to the back side. Three more pictures on the back. What are they?
A. Of Michael Jackson.
Q. Do you remember those pictures?
A. Not at all.
Q. Does that look familiar to you?
A. No.
Q. Mr. Barnes, did you take those photographs?
A. I couldn't tell you. I don't -- I couldn't tell you, no.
Q. 890, two pictures on the front. Would you take a look at those two pictures?

A. Uh-huh.
Q. One of those is you; is that right?
A. Yes, it is.
Q. You appear to be in bed.
A. Uh-huh.
Q. The other picture is what?

A. Appears to be Michael Jackson.

Q. And he’s in his underwear; is that right?

A. Yes, it is.

Q. 889, is that you?

A. Yes, it is.

Q. And anything on the back?

A. Yep.

Q. Is that you as well?

A. Yes, it is.

Q. All right. Do you remember those pictures?

A. Don’t remember taking them, but I can tell you where they were taken.

Q. Where?

A. They were taken at the ranch.

Q. They were taken at the ranch?

A. In a photo booth.

Q. There’s a photo booth at the ranch on that one there?

A. Yep.

Q. Do you recognize the background on any of the other photographs?

A. On these?

Q. Yes.

A. No, I don’t. No.

Q. Are all of these photographs accurate photographs of the subjects depicted within? In other words, the photographs of Mr. Jackson really are Mr. Jackson and the photographs of you really are you?

A. That one’s a bit sketchy, but the rest, yeah.

Q. The one in his underwear?

A. Yeah.

Q. You’re not sure that’s him?

A. Well, you can’t really see the face properly.

Q. Mr. Barnes, before coming from Australia, did you speak with anybody about your testimony?

A. No.

Q. They simply flew you from Australia to California?

A. Well, they explained that I’d be a witness.

Q. And then they interviewed you after you got here?
A. The interview?
Q. Yes. You had an interview with an investigator --
A. Yes.
Q. -- who works for Mr. Mesereau; is that right?

A. Yes.
Q. And that interview took place after you got to California?
A. Yes, it did.
Q. So they had no way of knowing what you were going to say while you were still in Australia?
A. No.
Q. Because they never talked with you at all?
A. Not about the case, not being a witness. I signed a declaration.
Q. You signed a declaration from where?
A. From -- I was at home. Melbourne, Australia.
Q. Melbourne, Australia?
A. Yeah.
Q. All right. So somebody wrote a declaration and they sent it to you, is that right, in Australia?
A. Faxed it.
Q. I'm sorry?
A. Faxed it.
Q. They faxed it you. But you had to have talked to somebody to tell them what to put in the declaration, didn't you do that?
A. Yes, I did.
Q. So you did talk with somebody while you were in Australia?
A. Yes.

Q. Who was the person that you talked with while you were in Australia?
A. It was Brian Oxman and some -- I think it might be Scott Ross as well. But I'm not exactly

sure.
Q. And then they prepared a declaration, they sent it to you; is that correct?
A. That’s correct.
MR. ZONEN: Madam Clerk, could I have another sticker that says....
Q. Let me show you 894, four photographs on it.
MR. MESEREAU: Excuse me, Counsel. Are these what I saw before? Are these what you showed me earlier?
MR. ZONEN: Not the first set. Let me show you.
Q. 893, would you take a look at that, please, both sides of that?
A. Yep.
Q. That contains a total of six pictures, two on one side, four on the back; is that right?
A. That’s correct.
Q. And those are all pictures of you, one picture of Mr. Jackson?
A. Correct.
Q. 894?
A. Uh-huh.
Q. That’s who?

A. Michael Jackson.
Q. All four of those pictures?
A. Correct.
Q. Do you recognize the location?
A. No, I don’t.
Q. You have no recollection of that?
A. No.
Q. Could that have been a hotel you stayed in?
A. Quite possibly.
Q. All right. 896?
A. Uh-huh.
Q. Does any of that look familiar to you?
A. Is this New York? I don’t remember any of these pictures.
Q. Do you remember any of those pictures being taken?
A. Not at all.
Q. And your age, approximately, in those

photographs?

A. I would have absolutely no idea.

Q. You would have no idea at all?

A. Well, these ones of me?

Q. Yes. You.

A. Probably about the same age.

Q. Okay. Does it appear that those photographs were taken about the same time?

A. Purely speculation, but, yes.

Q. Is your hairstyle the same as --

MR. MESEREAU: Objection; move to strike.

THE COURT: Stricken. Speculation.

Q. BY MR. ZONEN: Based on your familiarity with yourself, does it appear that you are about the same age in each of the photographs so far shown to you?

A. Yes.

Q. And all those photographs are you with Michael Jackson in a room someplace; is that right?

A. Yes.

Q. You have no recollection of when those photographs were taken?

A. Absolutely not.

Q. And the pictures of Mr. Jackson, you have no recollection of actually taking those yourself?

A. Absolutely not.

Q. Were there many occasions, when you were ten years old, that you traveled by yourself with Mr. Jackson?

A. I wouldn’t say -- well, I’m not sure I understand the question.

Q. Did you travel more than one trip with Mr. Jackson when you were about the age of 10 by yourself?

A. Do you mean from my home?

Q. Yes.

A. Around?

I can’t really remember. I can’t remember how many times. It might have been one, might have been two. I can’t really tell you.

Q. On the occasions when you traveled with Mr. Jackson and he was on tour, did you go to all of the concerts?
A. I’m not sure.
Q. Was there ever a woman traveling with Mr. Jackson while you were traveling with him?
A. A woman?
Q. Yes.
A. I’m not -- what do you mean, though?
Q. Somebody with whom he was close to. I don’t mean an assistant. I mean a friend or a girlfriend.
A. Not that I recall.
Q. At the time that you were traveling with him in South America, was he ever traveling with a woman? And I don’t mean an assistant. A girlfriend.
MR. MESEREAU: Object as beyond the scope.
THE COURT: Sustained.
Q. BY MR. ZONEN: Were there ever any other people traveling with you as part of your unit?
A. Where?
Q. When you traveled.
A. Sometimes.
Q. Did any of them sleep in the same room with you and Mr. Jackson?
A. I can’t really recall. I don’t remember.

Q. Did anyone ever share a bed with you and Mr. Jackson, where there were three of you in the same bed together?
A. Can’t really remember.
Q. Did your sister ever sleep with you in the same bed and Mr. Jackson?
A. Unfortunately, I can’t really remember that either.
Q. Do you know Wade Robson?
A. Yes.
Q. How well do you know Wade Robson?
A. Not very.
Q. Have you kept up some kind of friendship with Mr. Robson?
A. Nope.
Q. Is that a “no”?

A. That's a "no."
Q. When was the last time you spoke with Mr. Robson?
A. Today.
Q. All right. Today you saw him. When was the last time prior to today?
A. Yesterday.
Q. Okay. So you've been staying at Neverland, have you?
A. Yes.
Q. Did you have an opportunity to talk with Mr. Robson?

A. I had an opportunity, yeah. Yeah.
Q. And did you speak with Mr. Robson?
A. Yes.
Q. Did you discuss your testimony?
A. Absolutely not.
Q. And why not?
A. Because it was explained to us that we were not allowed to.
Q. Who was that who told you that?
A. The lawyers did.
Q. Did they say why you weren't allowed to?
A. Isn't it against the law?
Q. Is that what they told you, it was illegal to talk with each other?
A. No, they didn't. They just explained that it wasn't -- they just said, "Don't talk about the case."
Q. Were you aware of Wade Robson spending long periods of time with Michael Jackson?
MR. MESEREAU: Objection. Beyond the scope; relevance.
THE COURT: Sustained.
Q. BY MR. ZONEN: Did Michael Jackson ever speak to you about other boys who spent nights with him in his room?
MR. MESEREAU: Objection. Beyond the scope; relevance; foundation.
THE COURT: Sustained.

Q. BY MR. ZONEN: Did you ever talk with Michael Jackson about the propriety of sharing a bed with him?
MR. MESEREAU: Objection. Beyond the scope; foundation; and relevance.
THE COURT: Overruled.
Q. BY MR. ZONEN: Go ahead and answer the question.
A. Not that I recall.
Q. At no time did you ever have a conversation with Michael Jackson where the subject of the conversation was whether or not you should be sharing a bed with him?
A. Not that I recall.
Q. Did he ever tell you that you were like family to him?
A. All the time.
Q. All the time. Did he ever tell you that you should trust him?
A. Yeah.
Q. Did he ever tell you that he was like a father to you?
A. He may have, yes.
Q. Did he ever tell you that he considered you to be like a son to him?
A. Yes.
Q. Was that something he frequently said to you?

A. Not frequently.
Q. Was that something that he frequently said to you during the early stages of your relationship when you were about age eight?
A. Never met him when I was age eight.
Q. You were about nine?
A. Yeah.
Q. Okay. So how long after you had begun visiting Neverland did Mr. Jackson speak to you in such terms, tell you you were like family to him or like a son to him?
A. I couldn’t tell you.
Q. Did he ever have a conversation with your mother of that nature, tell your mother that he

considered her to be like family to him as well?
A. Wouldn’t have a clue.
Q. That was never done in your presence?
A. Possibly. I don’t remember.
Q. Did your mother ever have a conversation with him about anything in your presence?
A. Quite possibly.
Q. Is it the case that when you were kids and running around Neverland, on occasion you would get fairly rowdy?
A. Nope.
Q. You were always fairly well disciplined and behaved?
A. I was brought up right.

Q. How about the other kids who were at Neverland while you were there?
A. As far as I remember, yeah, we were all pretty -- there were a couple maybe, but I never really saw an outbreak.
Q. You never saw what?
A. An outbreak.
Q. An outbreak?
Who were the other boys who were there about the time that you were there?
A. I saw Mac there, Macaulay Culkin. His -- Levon and Elijah. Frank, Eddie, Dominick --
Q. How old was Frank at the time?
MR. MESEREAU: Objection. He hasn’t finished his answer yet, Your Honor.
THE COURT: Sustained.
Q. BY MR. ZONEN: Go ahead.
A. Aldo. Marie Nicole. My sister, of course.
That’s all I really remember.
Q. Of the ones that you’ve mentioned, how many of them shared Michael Jackson’s bedroom while you were there?
A. All of them have.
Q. Did -- all of them?
A. I’m pretty sure.
Q. On how many nights do you think, all at the same time?
A. Not at the same time, because like one trip

we'd see -- we saw Mac, and the other trips we saw everyone else.
Q. And would they share the same bed with you and Mr. Jackson?
A. I can't honestly recall that.
Q. Do you remember any of those people who you just mentioned sharing a bed with Mr. Jackson in your presence?
A. Yeah.
Q. Who?
A. Mac.
Q. Macaulay Culkin?
A. Yeah.
Q. Who else?
A. Frank.
Q. Frank Cascio?
A. Yeah.
Q. How old was Frank Cascio at the time?
MR. MESEREAU: Objection. He hasn't finished his answer yet.
THE WITNESS: Eddie.
THE COURT: I can't tell if he has or not. Have you finished your answer?
THE WITNESS: No, I haven't.
THE COURT: Go ahead.
THE WITNESS: Eddie. That's probably -- that's all I can recall.
Q. BY MR. ZONEN: "Eddie" is Eddie who?

A. Cascio.
Q. That's Frank's brother?
A. Yeah.
Q. How old was Frank at that time?
A. Wouldn't be able to tell you.
Q. Well, was he a child?
A. I never knew him as a child. He's -- he's older than me, so....
Q. You only know Frank Cascio as an adult?
A. No. He's like a year older, two years older than me.
Q. You said you never knew him as a child?

A. Well, as a child, I consider to be under the age of 10.

Q. How about as a young teenager?

A. Yeah.

Q. So you saw him there as a young teenager?

A. Yeah.

Q. Would he share Michael Jackson’s bed as well?

A. If I recall correctly, yeah.

Q. And Eddie, how old was Eddie during that time?

A. Like he’s -- it would have been a young teenager as well.

Q. What’s the longest period of time that any of those people stayed in Michael Jackson’s room while you were there? In other words, how many consecutive days did that happen?

A. Can’t recall properly.

Q. Did Michael Jackson ever tell you that he loved you?

A. Yeah, all the time.

Q. Did he ever touch you?

A. In what manner?

Q. Did he ever kiss you?

A. On the cheek, on the forehead, yeah.

Q. Often?

A. I wouldn’t say often, but, yeah. I’ve -- I can’t really remember these things. It’s not something that would -- you know, I would try to remember.

MR. ZONEN: I have no further questions.

MR. MESEREAU: I have no further questions, Your Honor.

THE COURT: All right. Thank you. You may step down.

I think we’ll start the next witness tomorrow.

(To the jury) I’ll see you tomorrow at 8:30. Remember the admonition. Have a good evening.

(The proceedings adjourned at 2:30 p.m.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 9016 through 9205 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 5, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
May 5, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
OFFICIAL COURT REPORTER

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

FRIDAY, MAY 6, 2005

8:30 A.M.

(PAGES 9207 THROUGH 9271)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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INDEX

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

DEFENDANT’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
ROBSON, Joy	9210-M	9218-SN	9262-M	

Santa Maria, California
Friday, May 6, 2005
8:30 a.m.

THE COURT: (To the bailiff) Gosh, you don’t have to shout.

(Laughter.)

THE COURT: Good morning.

Call your next witness.

MR. MESEREAU: Yes, Your Honor. The next defense witness is Joy Robson.

THE COURT: Please raise your right hand, face the clerk right here.

JOY ROBSON

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: I’m Joy Robson. It’s J-o-y; R-o-b-s-o-n.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. MESEREAU:

Q. Good morning, Miss Robson.

A. Good morning.

Q. Miss Robson, where is your home?

A. In Sherman Oaks, California.

Q. And do you know the fellow seated at counsel table to my right?

A. Yes, I do.

Q. Who is he?

A. That’s Michael Jackson.

Q. How long have you known him?

A. 18 years.

Q. And how did you meet Mr. Jackson?

A. Originally, in Australia in --

Q. I think you need to speak up a little bit.

A. Sorry. In Australia. He was touring on the “Bad” tour, and my son Wade was five years old and won a Michael Jackson look-alike/dance-alike competition.

Q. Did you develop a friendship with Michael Jackson?

A. Not immediately. Two years later, we returned to the United States for -- Wade was dancing here, and we reassociated with him at that point, and became friends from there, from 1989.

Q. Are you still Michael Jackson’s friend?

A. Absolutely.

Q. Have you been to Neverland?

A. Many times.

Q. How many times do you think you visited Neverland?

A. I have no idea. We average about four times a year since we’ve lived in the United States, which is 14 years now, and quite a few times before that.

Q. Do you remember the first time you visited Neverland?

A. Yes. It was in January of 1990.

Q. And how did you end up visiting Neverland?

A. When we were here, we called around, trying to find Michael again. He had told us if we returned to the United States to contact him. So we called around, and we eventually were put onto his personal assistant, which at that time was Norma Stakos, and they called Michael.

He remembered us, and said he would like to see us again. So we met him at a recording studio where he was working at the time.

Q. And did you stay at Neverland on that first visit?

A. Yes, he invited us to stay that weekend, so we did. We went -- we were touring the United States, we were here on vacation as well. We went away for the week, and came back for the second weekend.

Q. Have you seen Michael Jackson’s bedroom at Neverland?

A. Yes.

Q. When did you first see Michael Jackson’s bedroom at Neverland?

A. That first weekend when we stayed with him.

Q. Ever stayed in that room yourself?

A. No.

Q. Do you recall your son staying in Michael Jackson’s room at Neverland?

A. Yes.

Q. And explain that, if you would.

A. Well, the first -- the first night they had been out doing the usual thing at Neverland, playing. And later that night, they all came back to the suite where my husband and I were staying, and my parents were with us, as well. We were all talking in the suite.

And Wade had been impersonating Michael for some time and had lots of costumes of Michael’s that we had made. And Michael was looking at them, and we were just all discussing those.

And then it was getting late, and my children said to me, both Chantel and Wade, my daughter, said, “Can we stay with Michael.”

And my husband and I sort of looked at Michael, and said, “Well, if that’s okay with you.”

And he said, “Oh, absolutely. If they’d like to stay, that’s fine.”

Q. And did you allow your son and daughter to stay in his room?

A. Yes.

Q. How many times do you think your son and daughter stayed in his room?

A. Many times. I have no idea.

Q. Did you ever have a problem with them doing that?

A. Not at all.

Q. Have you ever traveled with Mr. Jackson?

A. Only once. We went to Las Vegas with him.

Q. What was the purpose of that trip?

A. We went to see Siegfried & Roy.

Q. How did you get to Las Vegas for that trip?

A. We went on a private jet. I think it belonged to Steve Wynn. We were staying at The Mirage.

Q. And did you stay at The Mirage Hotel?

A. Yes.

Q. And where did you stay?

A. We had a penthouse suite. There were two bedrooms, and I stayed in one of them.

Q. And who stayed in the other room?

A. Michael and Wade sort of went between both rooms. He did stay in Michael’s room most of the time.

Q. And were you ever in Michael’s room on that trip?

A. Yes. As a matter of fact, we spent a whole day sitting in bed, the three of us, eating popcorn, watching cartoons.

Q. Ever see anything inappropriate happen on that trip?

A. Never.

Q. Ever see anything inappropriate happen at Neverland?

A. Never.

Q. Okay. When’s the last time you spoke to Michael Jackson?

A. Two weeks ago. We visited his children at Neverland.

Q. Okay. And do you consider yourselves friends of the family of Mr. Jackson?

A. We consider us very good friends, if not family.

Q. Okay. Did Mr. Jackson ever use the word “family” to describe you and your children?

A. Yes.

Q. Okay. Did you ever have any problem with that?

A. Never.

Q. Ever seen Mr. Jackson hug your children?

A. Mr. Jackson hugs everyone.

Q. Ever seen Mr. Jackson kiss your children on the cheek?

A. Yes.

Q. Did you ever have a problem with that?

A. No.

Q. Ever see Mr. Jackson hold any of your children by the hand?

A. I think so, yes.

Q. Did you ever have a problem with that?

A. No.

Q. Ever seen Mr. Jackson playing with your children?

A. Yes.

Q. And what did you see him do?

A. He’d play -- I’ve seen him play games, hide-and-seek. I’ve seen them climb trees. I’ve seen them play in the water fort at the ranch. They play constantly.

Q. Did you ever have any problem with any of that?

A. No. We all did it together often. We were -- all played together.

Q. How would you describe Neverland?

A. I would have once said the happiest place on earth. I -- I always felt that when we arrived at Neverland, you forgot all your problems, you forgot everything. It seemed like a world on its own. You would drive in there, and it was very serene, very peaceful, very beautiful. Inspirational. And everything was perfect when you drive out and reality would hit again.

Q. What did you like to do there?

MR. SNEDDON: Object as immaterial, Your Honor.

THE COURT: Sustained.

Q. BY MR. MESEREAU: What did you do at Neverland?

MR. SNEDDON: Object as immaterial.

MR. MESEREAU: They put an issue what Neverland’s all about, Your Honor.

THE COURT: The objection is overruled.

Q. BY MR. MESEREAU: What did you do at Neverland?

A. We watched movies. I particularly liked the chimpanzees. I spent a lot of time playing with the chimps. All the animals, I enjoyed. We would play on the water fort. We’d drive the quads around the hills. Just a fun time always.

Q. And did you ever meet someone named Blanca Francia?

A. When you say “meet” her, I mean, I knew she

was working there, and I basically would say “Good morning” to her if I saw her, but that would be the extent of it.
Q. Ever see your son in a shower with Michael Jackson?
A. No. Never.
Q. Ever seen the Jacuzzi at Neverland?
A. Yes.
Q. Ever been in it yourself?
A. Yes.
Q. How many times, do you think?
A. Oh. Maybe six or eight times.

Q. Now, to your knowledge, has your daughter ever been in Michael Jackson’s room at Neverland?
A. Yes.
Q. And did she ever stay over there, to your knowledge?
A. Yes.
Q. Did you have any problem with that?
A. Not at all.
MR. MESEREAU: No further questions.
THE COURT: Cross-examine?

CROSS-EXAMINATION
BY MR. SNEDDON:
Q. Good morning.
A. Good morning.
Q. Before you testified here today, did you review any documents?
A. I did review my testimony from the grand jury last time, and the civil suit.
Q. Mr. Feldman’s grand jury --
A. Yes.
Q. -- deposition?
A. Yes.
Q. Okay. Good. I just want to go back and see if we can discuss some of the things you testified about this morning.
As I recall, you first met the defendant at a dance contest in Australia, correct?

A. Correct.
Q. And that was in what year?

A. That was in 1987.

Q. And then your first trip to America was -- or maybe not the first trip, but in 1990, in January, you came here with the dance troupe, correct?

A. Yes.

Q. And the time that you met Mr. Jackson in Australia was in connection with your son winning a dance contest?

A. Yes.

Q. And the occasion of you meeting Mr. Jackson was you were brought behind the stage with a lot of other people who were back there; is that right?

A. It was a meet-and-greet situation, yes.

Q. There wasn't a lot of substance to it?

A. No, it was just, "How are you? It's a pleasure to meet you," type of thing.

Q. Okay. And then the next time that you meet Mr. Jackson is when you come to the United States in January of 1990, correct?

A. Yes.

Q. And when you came here, there were no arrangements when you first came here to meet with Mr. Jackson?

A. No.

Q. And it was as a result of you making contact with Norma Stakos that you were able to make contact with Mr. Jackson, correct?

A. Yes.

Q. And then you were invited up to the ranch, as I understand it, for a weekend?

A. Correct.

Q. So you weren't there for an entire week?

A. No.

Q. Just for the weekend?

A. Yes.

Q. And when you went there for the weekend, the first night, your son and daughter spent the night in Mr. Jackson's bedroom, correct?

A. Yes.

Q. Now, as I understand it, then, this was only the second time that you had met Mr. Jackson; is that correct?

A. Yes.
Q. And the first time you’d really met him on a one-on-one personal basis, correct?
A. Yes.
Q. And how old was your son at this time?
A. When we were at Neverland?
Q. Yes, ma’am.
A. He was seven.
Q. Seven. How old was your daughter?
A. Ten.
Q. So your son and your daughter spent the first night with Mr. Jackson, and this was really the first night you’d ever met Mr. Jackson, that’s correct, on a substantive level?

A. Well, basically we’d spent the day with him, yes.
Q. That was the first time?
A. Yes.
Q. Now, did you know that your son and daughter spent the night with Mr. Jackson in his bed?
A. They did not.
Q. They did not.
A. They slept on the mezzanine level.
Q. That’s your belief?
A. That’s what they had told me.
Q. So that -- if your son testified here in trial yesterday that he slept in the same bed with Michael Jackson with his sister, that would be inconsistent with what he told you before?
A. That was the second night.
Q. I’m asking you the first night.
A. Well, that’s -- what I’ve been told by my daughter and my son was the first night they slept on the mezzanine level.
Q. So it would be correct that if your son testified to that yesterday, that on the first night he and his sister slept with Mr. Jackson in Mr. Jackson’s bed, that statement would be inconsistent with what they had told you before?

MR. MESEREAU: Objection. Improper question, referring to the testimony.
THE COURT: I’ll sustain the objection.

Q. BY MR. SNEDDON: The second night your daughter did not stay with Mr. Jackson?

A. She did.

Q. The second night also?

A. Yes.

Q. Both nights?

A. Yes.

Q. Do you recall telling Mr. Feldman during the deposition that on the second night your daughter did not stay with the defendant?

A. Yes, as a matter of fact, when I read that testimony, and my daughter has told me since that my memory was incorrect, that she did stay.

Q. So you're basing your testimony here today on something your daughter told you as opposed to what you recall when you were under oath in a deposition?

A. Yes.

Q. Now, is it your testimony that your husband was present during the first visit?

A. Yes.

Q. Did you go back for a second weekend?

A. Yes.

Q. And was there a weekend between, or more than one week in between?

A. There was a week in between.

Q. So it was the following weekend you went back?

A. Yes.

Q. And when you went back on that occasion, who was present from your family?

A. My husband, my daughter, my son, and my parents.

Q. Now, on the occasion of the first visit, were your husband and your parents with you?

A. Yes.

Q. Do you recall testifying at a deposition that your parents and your husband were in San Francisco on a trip the first time you visited the ranch?

A. No, they went -- we were all there for the weekend. They left -- we all left and went to San -- no, they went to San Francisco the second week. We went back to Los Angeles with Michael.

Q. The question was, do you recall testifying to that?

A. I wouldn't have testified to that.

Q. Okay. Now, during that first visit, the first weekend that you were at the ranch, did the subject of your son going on a trip to Japan come up?

A. Yes.

Q. So this would have been on the first day or

the second day?

A. I don't recall, I'm sorry.

Q. One of those two days, in any case?

A. Possibly.

Q. And the subject of the conversation was that you had agreed to allow your son to accompany Mr. Jackson on a trip to Japan if they wanted to go, correct?

A. I think we talked about it.

Q. Well, did you agree to allow him to go with Mr. Jackson on a trip to Japan?

A. I can't remember really. I think I may have, but we decided not to.

Q. Mr. Jackson decided he would rather spend time with your son than go to Japan?

A. I think the decision was Wade preferred to stay here. Stay at Neverland.

Q. So it wasn't Mr. Jackson's decision. It was Wade's decision?

A. It was Wade's decision.

Q. Do you recall testifying in the deposition with Mr. Feldman that that was Mr. Jackson's decision to decide not to go to Japan, because he wanted to stay and have the time with your son?

A. I think what happened was that Wade was given the choice.

MR. SNEDDON: Move to strike, Your Honor.

THE COURT: Stricken.

THE WITNESS: I don't remember testifying to that.

Q. BY MR. SNEDDON: During the first weekend trip to Neverland, did you go to Toys-R-Us?

A. No.
Q. Was that the second weekend?
A. I never went to Toys-R-Us.
Q. Did your children go to Toys-R-Us?
A. Yes.
Q. Which one of those weekends did they go?
A. I don't recall.
Q. But you do recall a trip?
A. Yes.
Q. And they went with Mr. Jackson?
A. Yes.
Q. And it was after hours, the store was closed?
A. I don't remember.
Q. And they were allowed to buy anything -- or allowed to get anything they wanted and Mr. Jackson paid for it, correct?
A. I think so.
Q. So as I understand it, then, it's your testimony that if Mr. Jackson had wanted to go to Japan with your son, on this first time that you'd met him, that you would have allowed that?
A. I doubt that --
Q. You had agreed to that?

A. I don't think so. I don't think I would have agreed to that.
Q. Do you recall testifying in your deposition that you had agreed to allow him to go to Japan?
A. No.
Q. You had decided early on in your son's career, or life, actually, that you wanted to get him into the entertainment business, correct?
A. He decided. Not me.
Q. Well, he was five years old.
A. Yes. He made that decision at five.
Q. At five. It was all his decision?
A. Yes.
Q. Okay. And you were going to do everything you could as a good mother to try to support that decision, correct?
A. Yes.
Q. And you felt that your having a good relationship or connection with the defendant in

this case could promote that career; isn’t that correct?

A. That’s -- you’re putting words in my mouth. I’ve never said that.

Q. I didn’t ask you whether you said it or not. I asked you if that’s what you were thinking.

A. No.

Q. You weren’t thinking that at all?

A. Not at all.

Q. You weren’t thinking that Mr. Jackson could help propel your son in an entertainment career?

A. That was not my motive.

Q. I -- I’m not trying to --

A. Yes, you are.

Q. -- demean your motives.

No, I’m not, ma’am. I’m asking a simple question. Did you, in your mind, think that by having a friendship and a connection with Mr. Jackson that could help promote your son’s career?

A. I can’t answer that, because I don’t think that that -- you’re make -- you’re trying to make me say that that was my basis for our friendship, and that’s not true.

MR. SNEDDON: Move to strike as nonresponsive.

THE COURT: Stricken.

Q. BY MR. SNEDDON: I asked you a question about whose decision it was to cancel the trip to Japan. And I asked you if it was, in fact, Mr. Jackson -- that you had stated previously in your testimony it was Mr. Jackson, and you said you had no recollection of that, correct?

A. Yes.

Q. And did you have a chance to review your deposition for Mr. Feldman prior to coming to court here today?

A. I don’t remember reading that.

Q. Would it help you to refresh your recollection if I showed you the deposition?

A. Yes.

MR. SNEDDON: With the Court’s permission, Your Honor.

THE COURT: You may.

MR. SNEDDON: Or Mr. Mesereau? Bob?

MR. MESEREAU: That’s okay.

Q. BY MR. SNEDDON: The procedure is you just read that to yourself quietly, and then I’ll ask you a question, okay? And I want to direct your attention to page 181, and from lines 4 to line 9. And you can read anything else you want.

A. Okay.

Q. Having read that, does that refresh your recollection as to whose idea it was to cancel the trip to Japan?

A. Well, it says that Wade was given the choice, and Wade preferred to stay at Neverland.

Q. It says, “After the first weekend that we were there, he cancelled the trip because he wanted to stay and spend some time with us,” does it not?

A. If you read further down.

Q. Yeah, it says, “But he asked to go on this trip with your son,” and “I offered to let Wade go with him”?

A. Further.

Q. Do you want me to read the whole thing?

A. No, just a couple, few more lines.

Q. It doesn’t get any better.

A. Just a few more lines. It will say exactly what I said.

Q. And then Wade had a choice of going to Japan or staying at Neverland, and he chose to stay?

A. Yeah. That’s what I said, Wade was given the choice. And he decided to stay at Neverland.

Q. But it was the defendant’s choice not to go to Japan, as you testified.

A. He had a business trip and he cancelled it, and because Wade decided to stay at Neverland, but it was Wade’s choice.

Q. Thank you.

After this trip, you went back to Australia, correct?

A. Yes.

Q. And before we get to when you come back, which I think is in May of 1990, correct?

A. Yes.

Q. Okay. I want to ask you a few things about the tour of the house. And when you went to the house at Neverland Ranch, did you go throughout the entire house?

A. The first trip?

Q. Yes, ma’am.

A. Actually, yes.

Q. So you were shown the entire house?

A. Yes.

Q. Including Mr. Jackson’s bedroom?

A. Well, actually, we arrived before Mr. Jackson, my parents and I. And Mark Quindoy showed us through the house.

Q. Okay.

A. I don’t think we went into Michael’s bedroom initially.

Q. At some point during that tour or during that weekend, did you go into Mr. Jackson’s bedroom?

A. Yes.

Q. When you go into Mr. Jackson’s bedroom, you walk down a hallway before you get to the entrance to the door to his bedroom, correct?

A. Yes.

Q. And as you go down that hallway and you approach the door, a little chime goes off, correct?

A. Yes.

Q. And the door cannot be opened from the outside, correct, it’s locked?

A. I think so, yes. From memory.

Q. Now, when you went through the rest of the house, did you find any chimes that went off in any of the other rooms in the house?

A. No.

Q. And it’s true, is it not, that none of the other doors in the house had locks on them?

A. There was no one else staying in any of the

other rooms.

Q. No, I asked you whether there were any other rooms in the house where you had to have somebody from inside open the door in order to get into the room?

A. No.

Q. So you were aware of the fact that at the time that you allowed your children to sleep with Mr. Jackson on the first day or night that you met him, that those children were going to be in a location which you could not get to without somebody from the inside opening the door, correct?

A. Yes.

Q. Is there something funny about that?

A. I just -- it’s not a problem.

Q. I can understand. You weren’t concerned about it at all?

A. Not at all.

Q. Somebody you just met?

A. I -- I think there’s a certain trust that we developed immediately. Nothing ever crossed my mind that there would be a problem there.

Q. In May, when you came back, it was for the purpose of your son participating in an L.A. Gear commercial?

A. Yes.

Q. And who arranged for him to be in that commercial?

A. Michael.

Q. And Mr. Jackson paid his way over here, correct?

A. L.A. Gear paid.

Q. And how did you -- how was yours paid?

A. L.A. Gear. He was a minor.

Q. L.A. Gear paid for that?

A. Yes, they have to if a minor’s working.

Q. Do you recall testifying at your deposition that that was paid for by Mr. Jackson?

A. I testified that L.A. Gear paid for it. I read that when I reviewed it.

Q. Now, at the time that you came over here for the L.A. Gear commercial, you were staying in The Holiday Inn?

A. Yes. In Westwood.

Q. And you were here for approximately six weeks?

A. Yes.

Q. And Mr. Jackson had a condo right across the street?

A. Yes.

Q. And you testified before, I believe, that during that six-week period on at least half of the occasions that your son was with Mr. Jackson in Mr. Jackson’s bedroom in that condo, correct?

A. I think so.

Q. And on a couple of those occasions, you actually were in the condo with them and you and your daughter, or you, slept on the floor; do you recall that?

A. I think that was the first trip that my daughter and I slept on the floor. It wasn’t during that time.

Q. The first trip back in January?

A. Yes.

Q. Was there a time that you visited Mr. Jackson in his condo in January?

A. Yes.

Q. Now, these visits to The Holiday -- these visits to Mr. Jackson when you were staying at The Holiday Inn, many of those calls from Mr. Jackson were very late at night; isn’t that correct?

A. Yes, he was working.

MR. SNEDDON: Move to strike as nonresponsive, Your Honor.

THE COURT: I’ll strike the last -- after “Yes.”

Q. BY MR. SNEDDON: And he would call, and on some occasions you would walk your son across the street, correct?

A. Yes.

Q. And you’d leave him there and go back to the hotel?

A. Yes.

Q. And there was just he and Mr. Jackson together?

A. Yes.

Q. And you knew that at that particular point in time, that he was sleeping with Mr. Jackson in Mr. Jackson’s bed, correct?

A. Yes.

Q. When you came over to make the L.A. Gear

commercial, did your husband come with you?
A. No.
Q. At this point in time, were you and your husband separated?
A. No.
Q. And your daughter didn’t come with you?
A. No. She was in school.
Q. Okay. Now, during the six-month period, I want to just concentrate on the period that we’re talking about, the May visit, you also visited the ranch on occasion, did you not?
A. Yes.
Q. And when you visited the ranch on those occasions, you slept in the guest cottage, correct?
A. No, I slept in the house.
Q. And where in the house?
A. In the rose bedroom. In the rose bedroom.
Q. Okay. And your son slept with Mr. Jackson?
A. Yes.
Q. Now, do you recall an incident that occurred on Mother’s Day during 1990 on a trip to the ranch?

A. Yes.
Q. And you were upset, correct?
A. Yes.
Q. And you were crying at one point?
A. Yes.
Q. And the reason for that was that you had not seen your son all day, correct?
A. Yes.
Q. And it was Mother’s Day?
A. That’s right.
Q. And you found out that the reason that you hadn’t seen your son that day was because he had been sleeping all day, correct?
A. I think so. Yeah.
Q. And you spoke to some people at the ranch about your feelings, did you not, one of the employees?
A. I think someone asked me if I was okay.
Q. And you told them that you felt that your son would rather be with Michael Jackson than with you, correct?
A. I don’t remember saying that.

Q. Do you know somebody by the name of Charli Michaels?

A. Yes.

Q. And who is Charli Michaels?

A. I think she worked security at the ranch.

Q. And did you tell Charli Michaels that you felt that the defendant, Michael Jackson, was separating you from your son?

A. I don't recall saying it.

Q. Do you recall testifying to that in your deposition with Mr. Feldman?

A. No.

Q. Would it refresh your recollection if I showed you a copy of the deposition?

A. Yes.

MR. SNEDDON: May I approach, Your Honor?

THE COURT: Yes.

THE WITNESS: Okay.

Q. BY MR. SNEDDON: Does that refresh your recollection?

A. I don't remember saying it, but I testified to it.

Q. I'm sorry?

A. I said I don't remember saying it, but obviously I testified back then about it. I don't remember saying it.

Q. You said that Wade would rather be with Michael than with yourself and you were upset about it?

A. Well, I read it, but I honestly don't remember saying it.

Q. At the time that you were at the ranch on the first occasions that you were there, to your knowledge, did Michael Jackson have a personal maid?

A. Yes.

Q. And who was that?

A. I don't remember.

Q. Do you remember meeting anybody by the name of Blanca Francia?

A. I remember her being there. I think she did clean Michael's room, I think.

Q. Now, during the time that you -- let me just go through this real quickly so we can get up to the time frame involved here.

You came back in May of 1990, correct?

A. Yes.

Q. And you were here for six weeks, correct?

A. Yes.

Q. And then you came back again in February of 1991, correct?

A. Yes.

Q. For about seven days?

A. Yes.

Q. And during the time that you were here in 1991, you spent time on the ranch, correct?

A. Yes.

Q. You and your son?

A. Yes.

Q. And then in September 1991 -- well, let me go back. When you came here in February of 1991 for seven days, did your husband come with you?

A. No.

Q. When you visited in September of 1991, you came permanently, correct?

A. Yes.

Q. You had no intention of going back to Australia?

A. No.

Q. And you had your son and your daughter with you?

A. Yes.

Q. And your husband did not come?

A. No.

Q. And at that point you had been separated from your husband?

A. Yes.

Q. And then from that point, from September of 1991 up till, let’s just say, September 1993 - okay? - the time frame involved, you and your son spent a great deal of time with Michael Jackson, you were around him a lot, correct?

A. I don’t think so.

Q. You were not at the ranch on a number of occasions during 1991?

A. My memory is in the entire time we’ve lived

here since 1991, we've only been at the ranch with Michael on four occasions in 14 years.
Q. Four occasions?
A. Every other time we've been here without him.

Q. Would that be the same for your son?
A. Yes.
Q. So --
A. He came one -- all the time by himself.
Q. You testified that you've been out at the ranch on an average of about four times?
A. Four times a year, but Michael was never there.
Q. Was that all the way through today?
A. Yes.
Q. He's never there when you go there?
A. Very rarely. I can only remember four times in 14 years that we've been there with him since we have lived here.
Q. So when you were testifying for Mr. Mesereau and you were talking about ever seeing any inappropriate touching, there were only on four occasions that you were even at the ranch to see anything, correct?
A. Since we've lived here, 1991.
Q. You didn't see anything before that, did you?
A. No.
Q. Do you recall having a conversation in which you -- with June Chandler? Do you know who June Chandler is?
A. Yes.
Q. June Chandler is whom?

A. Jordie Chandler's mother.
Q. You've met June Chandler?
A. Yes.
Q. You've met Jordan Chandler?
A. Yes.
Q. Jordan Chandler was at Neverland Valley Ranch at the same time as your son, correct?
A. We were all there together on one weekend.
Q. Okay. And do you recall testifying to a

situation in which your son, Wade, was upset because Jordan Chandler was going to spend the night in Michael Jackson’s room and Wade had to stay with you in the guest cottage?

A. I don’t remember that. I remember reading it in my testimony, but I don’t remember him being upset.

Q. Maybe I’ll use a different word. Disappointed?

A. Possibly.

Q. But you do remember the incident?

A. No.

Q. You don’t?

A. No.

Q. So when you said you read your transcript, it’s in your transcript, right?

A. I read it in the transcript, but it’s 12 years ago. I don’t remember it.

Q. I understand. Do you have any reason to

believe that you would testify to something under oath in a deposition that wasn’t true at the time that you said it?

A. No, I just don’t remember it now.

Q. Okay. Do you recall a conversation in which you told June Chandler that some day Jordan was going to be replaced by another one of Michael Jackson’s friends?

A. Yes.

Q. And you referred to these people as “special friends,” correct?

A. According to my transcript, yes.

Q. You don’t ever remember using that phrase now?

A. No.

Q. But you did use it in your transcript back in 1993?

A. Yes.

Q. And in a conversation you told June Chandler that with these special friends, that when Mr. Jackson moves on to the next special friend, that it has a tremendous emotional impact on the children when they’re no longer the favorite, correct?

A. As does everybody when they lose a friend.

Q. I’m sorry?
A. As does everyone if you lose a friend or a friend becomes friendly with somebody else.
Q. Did you not, in that conversation, specifically refer to the situation where a young child was a friend of Mr. Jackson’s and is replaced by another young child and that that has -- and you were reflecting upon the emotional problems it creates for that child?

A. Yes.
Q. Now, during the time that you were at the ranch -- you described a situation this morning for the jury, you told them that when you go to Neverland it’s like walking through a door and you forget all your worries and all your cares.
A. Yes.
Q. That’s a paraphrase so....
Now, it’s also true that what happens at Neverland Ranch, is it not, that when children come on the ranch, they sort of lose all of their rules and guidelines for conduct?
A. Well, that depends on the child.
Q. Okay. With regard to the time you were at the ranch, the children that you saw were your son --
A. Yes.
Q. -- correct?
And your daughter, correct?
A. Yes.
Q. And you saw Jordan Chandler, correct?
A. Once.
Q. And you saw Macaulay Culkin?

A. I don’t think I’ve been there with Macaulay Culkin.
Q. Brett Barnes?
A. I’ve never been there with Brett.
Q. With regard to the conduct of your son when he was on the ranch, did he get carried away, do things there that he didn’t do other places in terms of manners?
A. No.
Q. He was perfectly --

A. My son was always respectful, always considered it a privilege to be there.

Q. Did he ever do anything that you would think that would not be a good thing to do?

A. Not that I'm aware of.

Q. Are you aware that he was throwing pebbles or rocks at the lions with Mr. Jackson?

A. I think that's been paraphrased. I think what they did is they threw them at the cage, not the lion.

MR. SNEDDON: Move to strike as nonresponsive, Your Honor.

THE COURT: Overruled. Next question.

Q. BY MR. SNEDDON: So you make a distinction between throwing them at the cage and the lion itself?

A. Absolutely. They were just trying to make the lion roar. All it did was make a noise.

Q. I see. How about -- does your son ride the go-carts there?

A. Go-carts or the golf carts?

Q. The golf carts.

A. Yes.

Q. Ever have any problems with getting in any accidents while he was there or driving too fast or being admonished for driving too fast?

A. He may have been admonished for driving fast. He was never in an accident.

Q. The other children that I've mentioned, did you seem them acting out at all at Neverland Ranch?

A. I heard stories. I've never seen it.

Q. Now, when you testified about Mr. Jackson and his special friends in your deposition, you mentioned that the first of the ones that you knew about was your son Wade in 1990, correct?

A. Yes.

Q. And then in 1991 was Macaulay Culkin, correct?

A. Yes.

Q. And in 1992, Brett Barnes, correct?

A. I think so.

Q. And then in 1993, towards the end, was Jordan Chandler, correct?

A. Yes.
Q. With regard to Brett Barnes, you went to Chicago with your -- or I should ask you this: Did you go to Chicago with your son to shoot a commercial?

A. A music video, yes.
Q. And did you go there?
A. Yes.
Q. And with your son?
A. Yes.
Q. And did you meet Brett Barnes there?
A. Yes.
Q. And was Brett Barnes with the defendant?
A. Yes.
Q. And in fact, Brett Barnes was staying with the defendant in the defendant’s room, correct?
A. I don’t know.
Q. Did you see whether or not -- did you meet any of the Barnes’ parents there?
A. His mother and his sister were there on the set.
Q. You sure of that?
A. Yes.
Q. And was it your -- you became aware of the fact that Mr. Jackson referred to some of these young boys as his cousins, correct?
A. Yes.
Q. And you were asked why Mr. Jackson referred to them as his cousins, correct?
A. I was asked?
Q. Didn’t you say that Mr. Jackson used the term “cousins” because he didn’t want the kids to get jealous of each other?

A. Yes.
Q. Now, do you recall an incident that occurred where you were supposed to catch a plane and you couldn’t find your son?
A. Yes.
Q. And the fact is that you hadn’t seen or heard from your son for two or three days?
A. I think two.
Q. And he had been with Mr. Jackson during that

entire time; correct?
A. Yes.
Q. And I believe what you said was you were upset and you were hurt by this, correct?
A. I don’t remember that.
Q. You called a number of people trying to locate your son, correct?
A. I was trying to call Michael, and he was in the recording studio, not answering, not receiving phone calls. And I think I called Neverland to see if they had gone to Neverland.
Q. Well, you called Neverland and you got the Quindoy -- Mr. Quindoy, correct?
A. I don’t remember.
Q. Do you know who Mr. Quindoy is?
A. Yes.
Q. And you were very upset and wanted your son

to be returned so he could make the flight?
A. I called to ask if they perhaps were at Neverland. That’s all I remember.
Q. You don’t remember saying that you needed your son returned, that you were very upset and you were going to miss the plane?
A. No, I don’t.
Q. Did you call Norma Stakos trying to locate your son?
A. Yes.
Q. So just to recap just a little bit, when you were in Las Vegas, you went there by jet. Do you know whose jet that was?
A. Steve Wynn.
Q. I’m sorry?
A. Steve Wynn’s jet.
Q. Steve Wynn. And you went to a hotel?
A. Yes.
Q. Which is The Mirage?
A. Mirage.
Q. And you stayed in a suite?
A. Yes.
Q. And except for the night -- or the day when you all stayed in bed watching cartoons, eating popcorn, your son slept with Mr. Jackson and you slept in the other room?

A. It was one night, yes.

Q. And now, when you came to the United States in 1991, in September, you came here on a -- originally you came here on a visa, temporary visa?

A. A six-month visitor's visa.

Q. Okay. And your goal was to stay here permanently?

A. Yes.

Q. And your goal was that you came because Mr. Jackson had indicated to you that he was going to help your son in his career, correct?

A. I'm not sure about that.

Q. Do you remember testifying in your deposition that the defendant had arranged deals for Wade with his -- Sony records, Sony movies and Sony T.V.?

A. No, that came after the fact. After we'd been here. He didn't promise anything when we came. He actually came to work on the "Black and White" video.

MR. SNEDDON: Your Honor, move to strike the comments. No question pending.

MR. MESEREAU: I'll object, Your Honor, the prosecutor didn't allow her to complete her answer.

THE COURT: Sustained. The request to strike is denied.

MR. MESEREAU: May the witness be allowed to complete her answer, Your Honor?

THE COURT: Yes.

Do you want your answer read back as far as you gave it?

THE WITNESS: No.

He came here originally in 1991 to work on the "Black or White" video, and we stayed after that. That was the reason for coming in the first place.

Q. BY MR. SNEDDON: Okay. I want to ask it again, just to be clear.

Did Mr. Jackson tell you, before you left Australia, that he would help you in any way he could with his record company, his movie company, and his television company, and these were three deals that he had organized with Sony, correct?

A. There were no deals organized. He did say he would do what he could to help, but there were no deals organized.

Q. Would it refresh your recollection if you looked at your testimony before the grand jury?

A. There were no deals. If I testified -- I don't think I would have testified to that.

Q. Would it refresh your recollection if you looked at it to see whether you testified to that?

A. Yes.

Okay.

Q. Does that refresh your recollection as to what you told the grand jury?

A. No. I don't remember that.

Q. You don't remember telling them that he'd organized three deals for your son?

A. Well, he didn't, so I don't remember it.

Q. But that's what you said?

A. I don't know what I meant there. There was nothing organized.

Q. Did you say in the grand jury that you considered these arrangements to be a personal commitment from Mr. Jackson directly to you?

A. No.

Q. You didn't say that?

A. I don't remember saying that. There was no commitment.

MR. SNEDDON: May I approach, Your Honor?

Q. Would it refresh your recollection if I showed you your testimony before the grand jury?

A. Yes.

THE COURT: Yes, you may approach.

MR. SNEDDON: May I approach?

THE COURT: Yes.

Q. BY MR. SNEDDON: It's just one line. Or two lines.

Does that refresh your recollection as to what you told the Santa Barbara County Grand Jury?

A. No.

Q. It does not at all?

A. No.

Q. But you did say that?

A. Obviously I did. I have no memory of it.

Q. And when you came here in September 1991, Mr. Jackson also helped you with some rent for the first month, correct?
A. That was part of the video -- you're always housed when you come to work on a music video.
Q. I think the question was did Mr. Jackson pay for your rent the first month you were here?
A. Yes.
Q. Now, when you came here in September, you also went to work for MJJ Productions, correct?
A. No.
Q. You -- let's see if I get this right. You had a job in a -- cosmetics?
A. Yes.
Q. And because you were here on a certain kind of visa, they couldn't pay you; is that correct?
A. They did pay me, but they paid me through Michael Jackson's company.
Q. So your checks were from MJJ Productions?
A. Well, that makes it sound like MJJ Productions was paying me. They were not.
Q. I just -- the question was, the checks came from MJJ Productions?
A. They were diverted through Michael Jackson's company.
Q. In other words, your company would pay them the money, and then Mr. Jackson's company would pay you the money?

A. Yes.
Q. Just in all fairness. I'm not trying to trick you.
A. Okay.
Q. And that arrangement was worked out with the approval and the help of Mr. Jackson, correct?
A. I think so. I'm -- I mean, I didn't speak to him about it. I spoke to Norma Stakos about it.
Q. Do you recall telling and testifying to the fact that what actually happened in September of 1991 is that Mr. Jackson was your sponsor when you came to the United States with your son?
A. Not initially. We were here for six months

and then he offered, he offered to sponsor after we arrived.

Q. You mentioned to this jury that at some point in time, you realized that your son was spending time in bed with Mr. Jackson, correct, sleeping in the same bed with Mr. Jackson?

A. Correct.

Q. Okay. And in fact, you indicated in prior testimony that you realized that and knew that early on in the relationship between your son and Mr. Jackson, correct?

A. Correct.

Q. Okay. We’re almost done. Let’s fast-forward a little bit to 1993. You were -- you were at the ranch in 1993 and Jordan Chandler was there, correct?

A. Yes.

Q. And in 1993, that was the occasion of you having the conversation with Mrs. Chandler that you’ve described to the ladies and gentlemen of the jury previously, correct?

A. Correct.

Q. And during this particular point in time, not January, but in 1993, at some point, your son was in the process of putting together an album deal where he -- he or somebody with him would cut some records, correct?

A. Correct.

Q. And the negotiations began on that deal when?

A. From memory, June of ‘93.

Q. And I think you described that process as about a six-month process?

A. Well, it varies. But that one took that long, yes.

Q. And the deal was finally signed on December 6th, 1993, correct?

A. Correct.

Q. And the deal was signed with -- with MJJ Productions, correct?

A. Correct.

Q. And in the deal, your son -- not your son -- the total deal was for $100,000, correct?

A. The production company.

Q. Right. And your son’s share of that was $30,000?

A. Correct.

Q. And 15,000 of that was given as an advance?

A. I think so.

Q. And this was in December of 1993, correct?

A. I don’t really remember. I think according to the transcripts that’s what it said.

Q. And you took -- well, let me go back. There was a period of time -- where were you on Thanksgiving? Do you remember where you went Thanksgiving? Did you go to New York Thanksgiving?

A. I read the transcript. We were in New York recording.

Q. Okay. With who?

A. With the production company and they were recording for the album.

Q. Okay. And up until the point of Thanksgiving of 1993, the record deal had not been finalized yet between your son and their representatives and Mr. Jackson’s company, correct?

A. Correct.

Q. And there had been -- there had been some delay in the signing of the contracts, correct?

A. Yes.

Q. And one of the things that had happened in between the time that you first started negotiating

the contracts in June or July and December 6 when you finally signed the contract with Mr. Jackson’s company was that Jordan Chandler had gone to the Department of Social Services in the Los Angeles District Attorney’s Office and reported that he’d been molested by Michael Jackson, correct?

MR. MESEREAU: Objection. Objection; assumes facts not in evidence.

MR. SNEDDON: I’m asking what she’s aware of, Your Honor, and it has to do with motive and bias.

THE COURT: Just a moment.

MR. MESEREAU: No foundation.

THE COURT: The objection is overruled.

You may answer.

Q. BY MR. SNEDDON: You were aware of that, were you not?

A. Yes.

Q. And in fact -- well, let me ask you this: You know a person, or knew a person by the name of Anthony Pellicano, did you not?

A. Yes.

Q. And Mr. Pellicano was Mr. Jackson's private investigator, correct?

A. Correct.

MR. MESEREAU: Objection; beyond the scope.

THE COURT: Overruled.

Q. BY MR. SNEDDON: And Mr. Pellicano was the one who was holding up the deal, correct?

A. Correct.

Q. He told you that?

A. Yes.

Q. And the deal was finally signed on December 6th because the defendant intervened and said, "Go ahead and sign the deal," correct?

A. Correct.

Q. In the meantime, Mr. Pellicano had given you a $12,000 loan, correct?

A. 10,000.

Q. 10,000, you're right. Absolutely. Pardon me. $10,000 loan?

A. Correct.

Q. And did you ever repay that?

A. Yes.

Q. When?

A. I don't remember.

Q. Do you have any proof?

A. Probably. I don't remember when it was.

Q. When's the last time you saw Mr. Pellicano?

A. I haven't seen him since. I have not seen him since '93.

Q. Since '93. So it's your testimony you paid him back in '93?

A. It was sometime after that.

Q. Mr. Pellicano was Mr. Jackson's investigator and you had at least four conversations with him, interviews, you and your son, correct?

A. Probably.

Q. And that was after Mr. Jackson got back in December of 1993?

A. I don’t remember.

Q. You were asked by Mr. Feldman to give a statement to an investigator, and you refused -- for his office, and you refused to do that, didn’t you?

A. I don’t remember. I’m sorry.

Q. Do you remember the Los Angeles Police Department coming to your apartment?

A. Yes.

Q. And you didn’t give them a statement either, did you?

A. Yes.

Q. You gave them a very brief one and then said you had to go somewhere. Isn’t that what happened?

A. No, they were trying to interview Wade without me and I told them they were not to do that.

Q. Was there some concern on your part that trained law enforcement officers shouldn’t talk to somebody who could possibly be a suspect (sic) of a crime?

A. I was concerned of manipulation.

Q. That the consequence, law enforcement would manipulate your son?

A. Absolutely.

Q. You felt that your son could be manipulated easily?

A. No, but I wasn’t going to take that chance. He was ten.

Q. You weren’t concerned about the fact that the defendant in this case, Mr. Jackson, might manipulate your son?

A. No concern at all that he would manipulate my son.

Q. But two law enforcement officers, you thought they would?

A. Possibly. I don’t know them. I know Mr. Jackson.

Q. Okay. Now, you received another -- you received actually a loan from Mr. Jackson for $10,000 in 1992, correct?

A. Yes.
Q. You never paid that one back?
A. No.
Q. And did you receive another loan from Mr. Jackson after the record contract was signed?
A. I don’t think so.
Q. Do you recall telling an investigator that you had gotten a loan from Mr. Jackson for $10,000 and you tried to buy a car? Do you remember that?
A. He paid -- he paid for the balance of the car.
Q. Mr. Jackson did?
A. Yes.

Q. That was $10,000?
A. Yes.
Q. Now, in December of 1993, after the allegations with Jordan Chandler had surfaced, Mr. Jackson came back to the United States, correct?
A. Yes.
Q. And on -- to your knowledge, on the very first night he was back he called your son, correct?
A. He called me.
Q. He called you?
A. I think so. From memory.
Q. Do you remember testifying that you weren’t at the house when the call was made, that you were out with some ladies?
A. I do remember reading that, I’m sorry.
Q. So you weren’t there?
A. Possibly.
Q. You came home, and then both of you, late in the night, drove to Neverland Valley Ranch, correct?
A. Correct.
Q. When you got to Neverland Valley Ranch, it was about 1:30 in the morning, correct?
A. Correct.
Q. When you got there, you went to the guest quarters and your son went to Mr. Jackson’s bedroom, correct?
A. I don’t remember where I slept, but he did go to Michael’s bedroom.

Q. But he went inside the house?

A. Yes.

Q. Where was your son going to school when school started in September of 1993?

A. I think he was doing home schooling by then.

Q. Do you remember him at some point in time going to school with a family named the Kennedys?

A. No.

Q. He had a close friend?

A. No.

Q. Do you remember a young boy by the name of Teja, T-e-j-a?

A. No.

Q. Is the reason that you took your son out of school because the kids at school had found out that he had been sleeping with Michael Jackson and they were making cruel statements about him?

A. I took Wade out of school after the fourth grade. He was -- it was before any of this surfaced.

Q. So he was not in school during the fifth and sixth grades in the valley?

A. Never been in school in the valley.

MR. SNEDDON: Okay. May I have a moment? Excuse me just a second, Your Honor, I'm trying to find a report.

Okay, let's just do it this way. Ahh, here it is.

Q. Kenneth Clark, I'm sorry. Do you know Kenneth Clark.

A. No.

Q. You don't remember Kenneth Anthony Clark being a good friend of your son's?

A. Never heard of him.

Q. Did your son ever go to Garden Street School in West Hollywood?

A. He went there for the fourth grade.

Q. Just the fourth grade?

A. Yes.

Q. Not the fourth, fifth and sixth grades?

A. No. He started with Laurel Springs School when he was -- when he got the record deal.

Q. Yeah, 1993.

A. He was fifth grade.

Q. So it’s your testimony that your son was only there in the fourth grade?

A. From memory. Maybe part of fifth.

Q. And is your testimony that your son never received -- that the home school didn’t start at Laurel Springs because of the fact that your son was being teased at school because people found out he was sleeping in bed with Mr. Michael Jackson?

A. He’s never been teased at school. He started home-schooling because he was a recording artist and could not be in school. He was traveling.

Q. I just asked you is that the case?

A. That’s the absolute case.

MR. SNEDDON: Okay. Thank you. No further questions.

THE COURT: Redirect?

MR. MESEREAU: Yes, please, Your Honor.

REDIRECT EXAMINATION

BY MR. MESEREAU:

Q. Miss Robson, in response to the prosecutor’s questions with regard to manipulation you said, “I know Mr. Jackson.” Do you remember saying that?

A. Absolutely.

Q. Please tell the jury what you meant by that.

A. Well, I’ve known Michael for a long time. I know him very well. I’ve spent many hours talking to him about everything. I feel like he’s a member of my family. I know him very well. I trust him. I trust him with my children.

Q. Why?

A. Because Michael is a very special person. Unless you know him, it’s hard to understand. He’s not the boy next door. He’s Michael Jackson. He’s very -- he’s just a very unique personality. He loves children. And he has a very pure love for children. And to know him is to love him and to trust him.

Q. And when did you begin to know Michael Jackson?

A. I felt like I knew him from the very

beginning. He just has that wonderful way of making you feel at home; that I felt like I knew him very early on.

But particularly in the two years when we were living in Australia before we moved here, and I talked to him every day. We had very long conversations about everything that was going on in his life and my life and my children's lives. And you get to know someone very well when you talk to someone several hours a day over a two-year period.

And then once we moved here, too, we continued that. We've always been able to talk about just about anything.

Q. Now, the prosecutor asked you about Mother's Day at Neverland?

A. Yes.

Q. Remember that?

A. Yes, I do.

Q. And you learned that Wade and Mr. Jackson were in a recording studio that day, correct?

A. Not that day. That was -- that was the time that we were staying in Westwood, and Wade and I had our ticket booked to return to Australia. And he had been at the recording studio with Michael for a couple of days, and I just hadn't heard from them. I know that they were working long hours, and then

they'd take off again the next day. And I was getting --

MR. SNEDDON: Move to strike as a narrative, Your Honor. Objection.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you remember anything else about that day at the recording studio?

A. No, just -- I had called Norma looking for him, and she found them. She said they were in the recording studio and, "Michael is bringing him back to you. They're on their way."

Q. To your knowledge, did your son spend a lot of time with Michael Jackson at recording studios?

A. Often, yes.

Q. And why was that?

A. Because Wade was interested in being a recording artist, he was interested in being a producer. He was learning. He loved to be around that and absorb that. He was like a sponge. And he -- that was the relationship that he and Michael had. It was -- a lot of it was a working relationship and Michael was teaching him.

Q. Now, the prosecutor asked you questions suggesting that you were allowing your son to be with Michael just to further his career. Is that true?

A. Absolutely not.

Q. What do you mean?

A. He was -- as I say, he was learning things from Michael. Michael was teaching him everything he knew, and he couldn’t -- that was part of the friendship, but it was more of a friendship than anything else. And I certainly never asked Michael for anything where my son’s career was concerned. I believe in my son, and I moved here for him to further his career. I believed that he could do that.

MR. SNEDDON: Objection, Your Honor, narrative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you allow your son to spend time with Michael Jackson learning the entertainment business?

A. Absolutely.

Q. Why did you do that?

A. Because he was learning from the best. Michael offered to teach him everything he could. He believed in him, so why would I not?

Q. Now, your son has had a pretty successful entertainment career so far, right?

A. He has.

Q. And has he worked exclusively with Michael Jackson or has he done other things on his own?

A. He’s done most of it on his own.

Q. What has he done?

A. He’s become a choreographer. He started --

MR. SNEDDON: Object as immaterial, Your Honor.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Well, the prosecutor suggested that you were making decisions about what to do with your children because Michael Jackson could help their careers, correct?

MR. SNEDDON: Your Honor, I'm going to object as argumentative and leading.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you ever allow Wade to be with Michael Jackson only because Michael Jackson could help his career?

MR. SNEDDON: Object as leading.

THE COURT: Overruled.

You may answer.

THE WITNESS: Never. We were friends first.

Q. BY MR. MESEREAU: Why did you allow Wade to spend a lot of time with Michael Jackson?

MR. SNEDDON: Object.

Q. BY MR. MESEREAU: Please tell the jury.

MR. SNEDDON: Asked and answered.

THE COURT: Overruled.

Q. BY MR. MESEREAU: Please tell that to the jury.

A. They enjoyed each other. They -- they were very similar people. I remember Michael telling me early on that it was like looking in the mirror, he

saw himself all over again. His interest was because he saw Wade's potential. And Wade loved everything that Michael did and wanted to learn as much as he could.

Q. Did you ever lose your trust in Michael Jackson during any point in time that your son was with him?

A. Never.

Q. Did Mr. Jackson ever do anything that made you suspicious about his behavior towards your son Wade?

A. Never.

Q. Did Mr. Jackson ever do anything that made you suspicious about his behavior towards your daughter?

A. Never.

Q. Now, the prosecutor asked you questions about children being jealous if Michael Jackson had

another friend who was a child. Do you remember those questions?
A. Yes.
Q. Please tell the jury what you meant.
A. It’s like any child who has a favorite uncle or someone in the family that everyone wants to be around.
And Michael’s the sort of person that everybody wants to be around. He has that sort of aura. So naturally, when he was spending time with

one child, another child would be jealous. It’s the same in any family, if you spend time with one child more than the other.
MR. SNEDDON: Your Honor, I’m going to object.
THE COURT: Sustained.
Q. BY MR. MESEREAU: The prosecutor asked you questions about Michael Jackson having special friends who were children. Do you remember that?
A. Yes.
Q. And what did you mean by that?
A. Well, you know, there would be people who would spend time with him at particular times more so than others.
It didn’t mean that he didn’t still spend time with all of them. They were all friends of his. But when he spent particularly more time with one than the other, then they were special for the time.
Q. Based upon what you’ve observed of Mr. Jackson, would it be accurate to say that all over the world children flock to him, don’t they?
A. Absolutely.
MR. SNEDDON: Object. Immaterial; leading.
THE COURT: Overruled. The answer is in.
Q. BY MR. MESEREAU: And have you seen children from time to time get jealous because Mr. Jackson is being nice to another child?

A. Yes.
Q. Has that ever appeared unusual to you?
A. Not at all.
Q. Did you ever see something that you thought

was very suspicious when one child would get jealous of Mr. Jackson’s attention to another child?

A. No, I think that’s normal with children.

Q. When you used the term “special friends,” what did you mean?

A. I think just the one that he was spending time with for now. That he considered all of his friends special.

I don’t know why I would have said that.

I don’t remember saying “special.” But I imagine it would have meant just the child that he was spending time with now.

Q. When you used the term “special friends,” did you mean to suggest anything criminal was going on?

A. Absolutely not.

Q. When you used the term “special friends,” did you mean to suggest that anything sexual was going on?

MR. SNEDDON: Your Honor, that’s a leading question. I object.

THE COURT: Sustained.

Q. BY MR. MESEREAU: The word “special,” you used that term, right?

A. Apparently, yes.

Q. Why?

A. Well, I guess because all children are special and Michael considers them all special. There’s nothing -- no -- nothing necessarily of a bad connotation in that.

THE COURT: I think it’s time for the break now.

MR. MESEREAU: Oh.

THE COURT: You just took that one breath too long.

MR. MESEREAU: Okay.

THE COURT: (To the jury) You know, I’m going to take -- you’re going to get an extra five minutes because at the end of our break I want to talk to the attorneys. Just so you know, you’ll have a little longer break. It’s not a long item.

Don’t worry.

(Recess taken.)

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REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 9210 through 9270 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 6, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, May 6, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

FRIDAY, MAY 6, 2005

8:30 A.M.

(PAGES 9272 THROUGH 9437)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

DEFENDANT’S
WITNESSES DIRECT CROSS REDIRECT RECROSS
ROBSON, Joy 9299-SN
9304-M (Further)
ROBSON,
Chantal 9306-M 9315-A 9330-M 9337-A
9339-M 9342-A (Further) (Further)
BARNES,
Marie Lisbeth 9343-M 9353-Z 9389-M 9391-Z

BARNES, Karlee 9396-M 9407-A 9415-M 9417-A

EXHIBITS
FOR IN PLAINTIFF’S NO. DESCRIPTION I.D. EVID.

895 Sheet of photographs 9372
897 Handwritten letter 9380

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: I just know that you’re about to call another witness, which, according to my list, would be Chantal Robson; is that correct?

MR. MESEREAU: That's correct, Your Honor.

THE COURT: And there was a motion to limit testimony on her and also on Karlee Barnes on the same documents. And I've reviewed those documents, and I'm not going to grant the motion. I'll decide the issues on a question-by-question basis. But for your guidance, it seems, based on the attached police reports, that the information that's in those reports would be the type of information that he would be allowed to ask about.

MR. MESEREAU: Yes. Thank you, Your Honor.

MR. ZONEN: Your Honor, we also filed a motion with regard to Lisbeth Barnes. Is that one that the Court will address at some time?

THE BAILIFF: You can't be heard.

THE COURT: The Lisbeth Barnes issue, I will rule on that on a case-by-case basis. But I will order that the -- that she not be allowed to give opinions about her -- her opinions about how vigorous, et cetera, a prosecutor Mr. Sneddon is. I've already ruled that's out of bounds, not an issue in this case. It's not going to be a personal attack on him.

MR. MESEREAU: Your Honor, if I could just ask for guidance on that issue. Excluding personal attacks, certainly we can discuss with Mr. Sneddon their willingness to cooperate, what he said to them, et cetera, about these issues without making it a personal attack, can't we?

THE COURT: Within limits.

MR. MESEREAU: Yes.

THE COURT: The line there -- there is a probative issue there, but the line about personal -- her opinions of him --

MR. MESEREAU: Yes.

THE COURT: -- I won't allow that.

MR. MESEREAU: Yes.

THE COURT: So while we're doing -- I'm going to do one more that was there. Might as well cover it. I don't see this person on your list, though. You had a person named -- there was a question about witness Michael Viner, V-i-n-e-r.

MR. SNEDDON: That’s --

MR. MESEREAU: Michael Viner. Michael Viner. V-i-n-e-r, Your Honor.

THE COURT: Yeah. He’s not on the list, but --

MR. SANGER: I should address that.

MR. MESEREAU: I’ll address it.

THE COURT: What my ruling on that would be, I’m not going to allow him to testify about overhearing the opinion of Mr. Feldman as to veracity. That’s not admissible.

MR. MESEREAU: If I may, Your Honor, I think we were going to file an opposition, which didn’t get filed. Our position was going to be the prosecution allowed -- I believe, I will double-check.

THE COURT: I’ll withhold that ruling if you intend to file an opposition.

MR. MESEREAU: We do.

THE COURT: That person’s not on the list at this point. But that’s where I was going with it based on just what the District Attorney had filed.

MR. SANGER: It should be filed now.

MR. SNEDDON: Judge, may I address the Court on a matter that I indicated to the clerk that I wanted to take up with the Court?

THE COURT: All right.

MR. SNEDDON: And I was told I could do it at a later time.

THE COURT: All right. What is the issue?

MR. SNEDDON: Discovery. We have a --

THE COURT: Does it relate to any immediate --

MR. SNEDDON: Yes.

THE COURT: -- witness right now?

MR. SNEDDON: Yes. Not to this lady, but to the future of the day. And it -- I want to alert the Court that we have a very substantial problem, and I’d like to -- I know that the Court doesn’t want to keep the jury waiting, but --

THE COURT: On which issue?

MR. SNEDDON: We got a list with three witnesses, Francine Orozco, Russ Birchim and Jimmy Van Norman. Francine Orozco --

THE COURT: What I'm going to do is -- what I'm thinking of doing is letting the jury go an hour or so early today, because there's another issue that Mr. Mesereau wants to take up, so that we can do that when they're not waiting in the hallway.

MR. SNEDDON: All right. Your Honor, then I just want to ask one other thing. And while I don't want to hold things up, but I believe that this witness and the witnesses yesterday have testified to their opinion about character. And we filed the brief this morning, so I was just going to ask, when she's excused, that she's subject to re-call. If the Court agrees with us, then we can then cross-examine her further on those topics.

THE COURT: All right.

MR. SNEDDON: Thank you.

THE COURT: The Court has not excused any witnesses yet. Our agreement was that the witnesses, unless specifically asked, I would not excuse them, they're still bound, because both parties have indicated they want to -- they may want to re-call witnesses. So no witnesses have been excused except where I've specifically excused them, and there are very few of those.

MR. SNEDDON: Judge, I understand. I wanted to make sure I preserved it as a witness coming back on cross-examination and not having to call her as my own witness. I believe that I would be entitled to cross-examine her on have-you-heard statements based on her testimony. That's all I was trying to do was just to preserve the record for that.

THE COURT: All right.

MR. SNEDDON: Thank you.

THE COURT: I'll have the jury brought in.

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: All right. You may proceed.

MR. MESEREAU: Thank you, Your Honor.

Q. Miss Robson, the prosecutor asked you questions about borrowing $10,000. Remember that?

A. Yes.

Q. Would you please explain why you borrowed $10,000?

A. The first $10,000, we had been here for, I think, a year, 18 months. And it was a lot more difficult to establish ourselves here than I had anticipated, so Michael offered to help us out for a while. So we borrowed $10,000 at that point.

The second one was a car. I had been here for a while. My credit from Australia cannot be transferred, so I had no established credit in the United States. I was listed as an employee because of the cosmetics company paying through Michael Jackson’s company. Because I was being sponsored by MJJ Productions, I was listed as an employee of the company. So I had asked if the company would co-sign for my car because I was unable to get the credit to buy a car, and Michael just offered to pay for it rather than co-sign.

Q. Was it -- as you recall, was it his idea to help you or was it your idea?

A. I had asked for help. And he was there for me. He was a friend.

Q. Okay. Was there anything, as far as you know, improper or illegal about anything you did?

A. Nothing.

Q. Okay. The prosecutor asked you some questions about whether or not you had borrowed other funds. Do you remember?

A. Do you mean the Anthony Pellicano situation?

Q. Yes.

A. Yes.

Q. And what were you referring to?

A. Well, that was because the record label -- the deal had been held up, and the advance was something that we needed to survive. And because it was held up, Anthony Pellicano offered to loan the money to me until the balance came through from the record deal.

Q. Okay. Now, did you ask Mr. Jackson for help from time to time?

A. I asked a couple of occasions with the car and the initial 10,000.

Q. And he did help you on those occasions?

A. Yes.

Q. The prosecutor asked you questions about your son’s entertainment career. Did you ask for help from Mr. Jackson once in a while as far as your son’s entertainment career was concerned?

A. No. I had called a couple of time to see if -- when he was doing music videos, to see if he remembered Wade, because he said he would put Wade in his music video. To remind him more than anything. But that was all.

Q. And to your knowledge, did Mr. Jackson help Wade with his career?

A. Yes, he’s always very supportive. He’s always very interested in what Wade did with his career. He would check on him. He would ask him to send him -- keep him in touch and send -- when he was doing music production, he would ask him to send him demos of the music that he was producing so that he can listen to it and encourage him and teach him what he was doing correctly and not. Always very supportive, always very interested.

Q. Now, were you allowing Wade to spend nights with Mr. Jackson because you just wanted to further his career?

A. No.

Q. Why were you letting Wade spend those evenings with Mr. Jackson?

A. Those evenings just happened because they were having fun together. They would play till all hours of the night. They would watch music videos. They would watch cartoons. And they’d basically just go to sleep.

Q. Did you do that with Mr. Jackson as well?

A. Yes, I did.

Q. How often?

A. A couple of times.

Q. Okay. The prosecutor asked you questions about Wade and Michael throwing some pebbles at the

lion cage. Do you recall that?
A. Yes.
Q. How -- when did you learn about Wade and Michael throwing some pebbles at a lion cage?
A. I think Wade had told me about it at some point after the fact. He was basically telling me that he heard the lion roar. And it didn't roar very often, so I was surprised. And he told me what they did to make it roar.

Q. Well, was it your impression that they were engaging in animal cruelty or anything?
A. Absolutely not. That's the last thing that either of them would do.
MR. SNEDDON: I'm going to object.
THE COURT: What was that?
MR. SNEDDON: I said I object. It calls for a conclusion. It's narrative. And it's leading.
MR. MESEREAU: I think the prosecutor asked her about her knowledge and state of mind.
MR. SNEDDON: I'm not objecting to the subject matter. I'm objecting to the form of the question.
THE COURT: All right. I'll sustain the objection. Strike the answer. Next question.
Q. BY MR. MESEREAU: Who told you about Wade and Michael Jackson throwing some pebbles at the lion cage?
A. Wade.
Q. And when did he tell you about that?
A. I think possibly a day or two after it happened, or that night. I really don't remember.
Q. And did he tell you that he had tried to be cruel to an animal?
A. No. Wade loves animals.

Q. Did he tell you that Michael Jackson had tried to be cruel to an animal?
A. No. Michael is -- loves all animals as well. Neither of them would ever do that.
Q. Now, the prosecutor asked you questions about the word "cousin." Do you recall those questions?
A. Yes.

Q. And did you hear Michael Jackson use the word “cousin” in describing children?

A. Yes. He pretty much called everybody cousins, I think.

Q. And did you know why he did that?

A. No. That’s just something that he -- I mean, I think at some point he may have said it so that they weren’t jealous of each other, because that tended to happen.

Q. Did you ever suspect there was something criminal about Mr. Jackson using the word “cousin”?

A. No.

Q. Ever think there was something sexual about Mr. Jackson referring to children as his cousin?

A. Never.

Q. Ever think there was anything inappropriate about Mr. Jackson referring to various children as “my cousin”?

A. No.

Q. The prosecutor asked you questions about Brett Barnes. Do you know Brett Barnes?

A. I don’t know him. I’m associated with him.

Q. Okay. How so?

A. I met him once when he was in Chicago and Michael was shooting the “Jam” music video.

Q. Did you maintain any communication with the Barnes family through the years?

A. No.

Q. Would you call the Barnes family good friends of your family?

A. Not at all.

Q. Okay. How many times do you think you’ve traveled with Mr. Jackson?

A. Just the once, to Las Vegas.

Q. Okay. Now, you referred to Chicago at one point in your testimony.

A. Yes.

Q. Did you go to Chicago?

A. Yes.

Q. And what was the purpose for that trip?

A. Wade was dancing on the music video “Jam.”

Q. Okay. And was that a music video involving Mr. Jackson?

A. Yes.
Q. And was Mr. Jackson in Chicago with you?
A. Not with us. He was there.
Q. Okay. And what do you mean by “not with us”?

A. Well, we weren’t staying with him. We were flown in as Wade was working. And we stayed at a hotel. He did the job, and we returned to Los Angeles.
Q. And to your knowledge, where did Mr. Jackson stay on that trip?
A. I have no idea.
Q. Did you see Mr. Jackson on that trip?
A. On the set, yes.
Q. Did you see him in any other location?
A. No.
Q. Okay. Do you know approximately when that was?
A. I’m not sure. I want to say ‘92. Maybe in the middle of ‘92 somewhere.
Q. Okay. The prosecutor asked you some questions about whether you were concerned about manipulation. Remember that?
A. Yes.
Q. Were you ever concerned about Mr. Jackson manipulating you?
A. Never.
Q. Did you ever tell anyone you were concerned that Mr. Jackson was manipulating Wade?
A. No.
Q. Ever tell anyone that you were concerned that Mr. Jackson was manipulating your daughter?
A. No.

Q. Did you use the word “manipulation”?
A. Not to my knowledge.
Q. Are there any other entertainment-related transactions that you recall either you or your son being involved in with Michael Jackson?
A. And what do you mean by “entertainment transactions”?
Q. Any type of entertainment, transaction, project. You name it.

A. He did three music videos. He did a Pepsi commercial. And the original L.A. Gear photo shoot. I think those are the only things he's ever done with Michael.

Q. Did Mr. Jackson, to your knowledge, help Wade with those projects?

A. What do you mean by "help"?

Q. Any kind of assistance.

A. I mean, he offered -- he decided that he wanted -- he would want Wade to work on it, because he was the best person for the job. Other than that, no.

Q. Okay. And to your knowledge, when is the last time Wade worked with Mr. Jackson on any entertainment-related project?

A. The last thing he -- Michael performed with 'N Sync I think on an MTV Music Awards, and Wade was choreographing and directing it. He put that together.

Q. Do you know approximately when that was?

A. I want to say 2000, something like that.

Q. Now, you said that many times you went to Neverland and Mr. Jackson wasn't there, right?

A. Yes.

Q. And when you did that, how would you arrange to visit Neverland?

A. Through his office. Through Evvy.

Q. Had Mr. Jackson given you permission to visit Neverland when he wasn't there?

A. Yes.

Q. And approximately when did he say you could do that?

A. He's always said that, that we're welcome any time.

Q. And I believe you testified that you were there more times when he wasn't there than when he was there; is that right?

A. Absolutely, yes.

Q. How many times do you think you visited Neverland when Mr. Jackson wasn't even there?

A. Maybe 40, 50 times.

Q. And where would you stay when Mr. Jackson wasn't at Neverland?

MR. SNEDDON: Object as immaterial, Your Honor.

THE COURT: Overruled. You may answer.

THE WITNESS: Before he had the children, I would stay in the house. But since he’s had the children and they’re now the children’s bedrooms, we stay in the guest units.

Q. BY MR. MESEREAU: How many times do you think you stayed in Mr. Jackson’s main house before Mr. Jackson had his own children?

A. Maybe 15, 20 times. I’m not sure.

Q. And where would you typically stay?

A. In the rose bedroom.

Q. Please describe to the jury what the rose bedroom is.

A. Its a large-sized bedroom with an adjoining bathroom. Hardwood floors. Beautiful wood -- carved wooden ceilings. Overlooks the front of the house. It’s on the second floor.

Q. And how far away is the rose bedroom from Mr. Jackson’s bedroom?

A. Mr. Jackson’s bedroom is on the ground floor. I don’t know how to describe how far away. It’s probably the length of two rooms, but on another floor.

Q. Now, do you recall freely walking in and out of Mr. Jackson’s bedroom?

A. Yes.

Q. And when you say “bedroom,” you’re talking about these two levels?

A. Yes.

Q. Okay. Did Mr. Jackson ever put any restrictions on your walking in and out of his own room?

A. No.

Q. And you freely walked in and out of his own room?

A. Yes.

Q. The prosecutor asked you questions about a lock and alarm. Do you remember that?

A. No. Oh, the chimes, yeah.

Q. Do you recollect your always having to go through a locked door to get into his room?
A. I mean, I would always knock first before I went anyway, so I don’t have any idea whether the door was locked or not. But I would never just walk in. I would always knock and someone would open the door.
Q. What typically would happen when you’d knock?
A. Wade would answer the door, or Michael.
Q. Okay. And would someone open the door for you?
A. Do you mean --
Q. When you knocked and someone responded, would they typically open the door for you or would you open the door yourself?
A. I think someone would open it for me.
Q. Did you go into Mr. Jackson’s room at all hours of the day?

A. At any time I wanted to, yes.
Q. Do you recall being in his room during the day?
A. Yes.
Q. Do you recall being in his room during the evening?
A. Yes.
Q. Do you recall being in Mr. Jackson’s room late at night?
A. Yes.
Q. Did you ever get the feeling that somebody was trying to keep you out of Mr. Jackson’s room?
A. No.
Q. Do you recall spending much time in Mr. Jackson’s room at Neverland?
A. I have spent time in there on occasion watching television with them, but not often.
Q. Where would you typically watch television when you were in Mr. Jackson’s room?
A. On the bed.
Q. Would that be the bed on the second level?
A. No. On the ground level.
Q. Okay. Now, the issue of Mr. Jackson helping you with an automobile, when did that happen?

A. I think maybe ‘93. Early ‘93.
Q. And did you go to him and ask for some assistance in getting an automobile?

A. Yes.
Q. Okay. And what was his response?
A. Well, I had asked him to co-sign. I wasn’t asking for money. I was just asking for a signature. And his response was, “Well, why don’t I just pay for it.”
Q. And did he do that, to your knowledge?
A. Yes.
Q. Did you feel that he was doing that because he wanted something in return in any way?
A. Not at all.
Q. Did you feel there was any quid pro quo when he helped you with the car?
A. Absolutely not.
Q. Did you feel there was any quid pro quo when he helped you with money?
A. Never.
Q. Did you feel there was any quid pro quo when he helped you as a sponsor?
A. Not at all.
Q. Now, what was this issue -- you needed him as a sponsor for what purpose?
A. To remain in the United States. We -- permanent residence. To be able to have a green card, we had to have someone sponsor us into the country.
Q. Did you go to him and ask him if he would be your sponsor?

A. I talked to him about it, and he said he would do whatever he could to do. He just instructed his office to do whatever was needed.
Q. To your knowledge, what was done to help you?
A. An offer -- they put me on their books as an employee of the company.
Q. Did Mr. Jackson have to actually sign anything to be your sponsor, if you recall?
A. Yes.
Q. And did you ask him to do that?

A. Yes. Pretty much. Basically I asked for help. So that was the only way we could stay, so, yes.
Q. And he did help you, right?
A. Yes, he did.
Q. Did you feel like you owed him anything after he helped sponsor your family to stay in the U.S.?
A. No. Not at all.
Q. Now, you received some payment through Michael Jackson Productions; is that right?
A. My earnings from the cosmetic company was diverted through the company, through his company, yeah.
Q. What cosmetics company was that?
A. Pigments. P-i-g-m-e-n-t-s.
Q. Where is that company located?

A. On Burton Way in Beverly Hills.
Q. And you actually were working there?
A. Yes.
Q. When did you begin working at that cosmetics company?
A. I think ‘93. ‘92 or ‘93.
Q. And the idea was that because you weren’t a resident, you were not supposed to be employed; is that the idea?
A. I was on a working visa, but it was through MJJ Productions. I was -- I was employed to be employed by MJJ Productions only. So I managed to find this job for myself. And in order to make it legal, it had to be diverted through MJJ Productions.
Q. And where were you living at the time?
A. I was living in Hollywood.
Q. And who else was living there with you?
A. Chantal and Wade.
Q. And were you the main person providing for your family at that point?
A. Yes.
Q. You needed a job, didn’t you?
A. Yes, I did.
Q. Mr. Jackson helped you get a job, correct?
A. Well, he helped me, yeah. I mean, he didn’t

get the job for me. I got the job, but he made it possible for me to be allowed to do that, yes.

Q. And how long did that arrangement last?

A. Oh, I think three years.

Q. Okay. So for approximately three years you were paid through MJJ Productions, right?

A. Yes.

Q. Michael's Jackson's company?

A. Yes.

Q. Were you the primary wage earner for your family at that point?

A. Yes.

Q. And why did that arrangement end?

A. Wade booked a feature film. He was working as an actor on a feature film. And because he was a minor, I had to be there with him. So I left the job and worked with him on the film.

Q. Okay. And did Mr. Jackson ever ask anything in return for what he had done for you during those three years?

A. No.

Q. Ever feel you had to repay him for any of that?

A. No.

Q. Now, you spoke to Mr. Sneddon before today, did you not?

A. Yes.

Q. And you were actually questioned by Mr. Sneddon before today, correct?

A. Yes.

Q. When were you questioned by Mr. Sneddon?

A. Before the grand jury, I think in '93 or '94.

Q. Was that the only time?

A. Yes.

Q. And do you recall Mr. Sneddon trying to get you to agree that your son had been kidnapped by Michael Jackson?

MR. ZONEN: I'm going to object. Argumentative; hearsay; and irrelevant.

MR. SNEDDON: It's my objection.

MR. ZONEN: Oh.

MR. SNEDDON: Let me do it this way. I object. Same basis.

THE COURT: I'll sustain both of you.

Q. BY MR. MESEREAU: To your knowledge -- all right. To your knowledge, has your son ever been held against his will by Mr. Jackson?

A. Never.

Q. To your knowledge, has your son ever been kidnapped by Mr. Jackson?

A. No.

Q. To your knowledge, has your son ever been abused by Mr. Jackson?

A. No.

MR. SNEDDON: Your Honor, object. Leading; asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: The prosecutor asked you questions about seeing June Chandler at Neverland. Do you remember that?

A. I do.

Q. Did you see her at Neverland?

A. I did.

Q. Did you talk to her at Neverland?

A. Yes.

Q. Was she a friend of yours?

A. No.

Q. You didn't care for her, right?

A. I did not.

Q. Why?

A. My impression of June Chandler was that she wanted to be mistress of Neverland; that she was ordering the staff around as if she owned Neverland; that she wanted everything that went with it. My impression of June Chandler was that she was a gold-digger.

Q. Did you see her interact with Mr. Jackson?

A. Yes.

Q. Did you feel she was trying to use Mr. Jackson?

A. Absolutely.

Q. Did you ever talk to Mr. Jackson about it?

A. No, I did not.

Q. The prosecutor asked you about someone named

Blanca Francia.

A. Yes.
Q. Did you know Blanca Francia?
A. I don’t know her. I remember her working there.
Q. Did you ever chat with her?
A. No.
Q. Do you remember seeing Blanca Francia in Mr. Jackson’s room?
A. I remember seeing her go in there to clean. I don’t remember seeing her in there.
Q. Do you recall being at Neverland when large numbers of children would visit?
A. Yes. Once.
Q. And when was that?
A. I don’t remember when it was. It was -- I’m trying to work out about what age Wade would have been. It’s probably around ‘99, 2000. There was a group of children there from the -- the Wish Foundation or Create-a-Wish Foundation.
Q. Did you spend time with those children?
A. Yes, I did.
Q. What did you do with those children?
A. We played with them on the -- in the amusement park.
MR. SNEDDON: Your Honor, beyond the scope of cross.
THE COURT: Sustained.
MR. MESEREAU: No further questions, Your Honor.

RECROSS-EXAMINATION
BY MR. SNEDDON:
Q. Miss Robson, you’re not jealous of June Chandler, are you, because she displaced you?
A. Not at all.
Q. Not at all?
A. Not at all.
Q. That wasn’t the feeling you had at the ranch, because she was in control?
A. Absolutely not.
Q. And her son had replaced your son?

A. My son was there.
Q. Yes, but he wasn't in the bedroom with Michael Jackson anymore, was he?
A. I don't know that he wanted to be. He was Michael's friend. They were there together as friends. I had no wish to be June Chandler.
Q. Well, I didn't ask you whether you wished to be June Chandler. I asked you whether you were jealous of her position.
A. Certainly not. What position would that be?
Q. Of being able to be close to Michael Jackson at that point in time.
A. I don't think she was close to Michael Jackson at that time.
Q. You don't?

A. No. As a matter of fact, Michael spent a good deal --
Q. Do you know --
MR. MESEREAU: Objection. She hasn't completed her answer, Your Honor.
THE COURT: Overruled. Next question.
Q. BY MR. SNEDDON: Do you know how many trips they went on together?
A. No.
Q. Do you know how long they spent with each other?
A. No.
Q. You have no idea, do you?
A. No.
Q. So you don't have any idea how close she was to Mr. Jackson at that point in time, no personal knowledge?
A. My personal knowledge from that weekend was when I saw Michael Jackson trying to elude June Chandler for the entire weekend.
MR. SNEDDON: Move to strike as nonresponsive, Your Honor.
THE COURT: Overruled.
Q. BY MR. SNEDDON: And you said that the defendant, Mr. Jackson here, was the person who easily created trust in people; is that right?
A. Yes.
Q. And in relationship to you and your family,

he created that trust very easily and very quickly, correct?

A. Yes.

Q. You saw him do that with other people, too, correct?

A. No.

Q. You didn’t?

A. No.

Q. You were the only ones that you observed him to be trust --

A. The only time I was ever around anybody else with Michael would have been on the set in Chicago with the Barnes family and that one weekend with the Chandler family.

Q. So your opinion about Mr. Jackson and his ability to form trust quickly and easily has to do simply with your family?

A. Yes.

Q. Now, did I understand you correctly that you stated that when you came to the country, your visa only allowed you to work for MJJ Productions?

A. Yes.

Q. Now, Mr. Mesereau asked you questions about were you aware of what was going on in the evening in Mr. Jackson’s room. Do you recall that?

A. He asked me if I’d been into the room.

Q. In the evening.

A. Yes.

Q. Now, you have no idea, once you left that room, what went on inside that bedroom, do you, of personal knowledge?

A. Only what my son tells me.

Q. Well, you don’t know whether they were playing video games, correct?

A. If my son tells me they were, they were.

Q. Okay. I think I asked you of personal knowledge.

A. That is personal knowledge from my son telling me. I believe him.

Q. Something you saw with your own eyes or heard with your own ears, not from your son. Do you have any personal knowledge what went on behind those closed doors in that bedroom?

A. Not on every occasion. I was not there on every occasion, no.

Q. For instance, have you talked to Mr. Mesereau since the testimony yesterday?

A. No.

Q. Did you talk to him at all in preparation for your testimony?

A. We had a brief conversation about how things would be in the courtroom, yes.

Q. And did -- are you aware of the fact that at the time of the execution of the search warrant in this case at Neverland Valley Ranch, that there was a whole assortment of sexually explicit magazines

and books that were found in Mr. Jackson’s bedroom?

MR. MESEREAU: Objection. Relevance; beyond the scope.

THE COURT: Sustained.

Q. BY MR. SNEDDON: You told Mr. Mesereau in response to his questions that you came to the country without any promises from Mr. Jackson; is that what you said?

A. That’s my memory.

Q. That’s not what you told the grand jury back in 1994, was it?

A. Well, I read something different. I don’t remember that.

Q. Well, that was you testifying, wasn’t it?

A. Well, I’m saying I don’t remember it now. Apparently that’s what I testified to.

Q. Under oath?

A. Verbal -- maybe they were verbal. What I’m saying is there were no contracts. There may have been something verbal.

Q. It didn’t say that in your testimony, did it? It said, “Mr. Jackson had arranged the following”?

A. Well, that’s incorrect.

Q. But you said it?

A. Well, I’m sorry. I made a mistake back then. There was never anything verbal, never any contracts.

Q. You remember better today than you did back then?

A. Apparently.

MR. SNEDDON: No further questions.

FURTHER REDIRECT EXAMINATION

BY MR. MESEREAU:

Q. In response to the prosecutor’s questions, you said you believe your son?

A. Absolutely.

Q. Why do you believe what your son told you?

A. We just have a very close relationship.

MR. SNEDDON: Excuse me, I didn’t ask any questions about believing her son. It’s beyond the scope of examination.

THE COURT: I don’t think it’s beyond the scope. But it’s an improper question. I’ll sustain the objection.

Q. BY MR. MESEREAU: Could you clarify this issue of something being arranged when you came to the United States; what was arranged, what wasn’t arranged?

A. Well, there were no contracts. I honestly don’t know what I was referring to in the grand jury. Perhaps -- from my memory -- I mean, we’re going back 12, 13 years.

From my memory, I remember Michael saying that he would help in whatever way he could. That he had movie companies. He had, you know, record companies. If there’s something he could do, he would help. But there were certainly no arrangements. We came here and -- I mean, I had to get a job to work. There was no -- there were no contracts. There was nothing arranged. I didn’t come here expecting Michael Jackson to give Wade a career.

Q. Has Mr. Jackson always been available to help your family when you needed some assistance?

MR. SNEDDON: Object, Your Honor. Beyond the scope and leading.

MR. MESEREAU: I don’t think so, Your Honor. He talked about arrangements.

THE COURT: You may answer.

THE WITNESS: Michael’s a friend. And like any friend, if we needed anything, he would be there, and -- and vice versa. We were there for each other as friends are.
MR. MESEREAU: No further questions.
MR. SNEDDON: No questions.
THE COURT: All right. Thank you. You’re not being excused. There’s an issue about some other questions that I’m going to take up, so you may be called back.
THE WITNESS: All right.
THE COURT: For now, you may leave.
THE WITNESS: Thank you.

THE COURT: Call your next witness.
MR. MESEREAU: Yes. Defense will call Lisbeth Barnes, Your Honor.
May I take a second?
She’s not right here, so we will call Chantal Robson, Your Honor.
THE COURT: All right.
When you get to the witness stand, please remain standing.
Face the clerk here and raise your right hand.

CHANTAL ROBSON
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Hi, Chantal Robson.
C-h-a-n-t-a-l; last name Robson, R-o-b-s-o-n.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. MESEREAU:
Q. Good morning.
A. Good morning.
Q. Ms. Robson, Joy is your mother, correct?
A. Yes, she is.

Q. And Wade is your brother, right?

A. Yes.
Q. Do you know the gentleman seated at counsel table to my right?
A. I do.
Q. And who is he?
A. He’s a friend of mine. Michael Jackson.
Q. And how long has he been a friend of yours?
A. Since I was ten years old.
Q. And how did you meet him?
A. First time I met him, a trip to America. We went to Record One Studios. He was a friend of my brother’s.
Q. Okay. And have you stayed in contact with Michael Jackson through the years?
A. I have.
Q. How have you stayed in contact with him?
A. Just through phone calls. He would call and say hello to the family. And see him on occasions.
Q. And do you think he’s a family friend?
A. I do.
Q. Okay. Now, when did you last speak to Michael Jackson?
A. When did I last speak to Michael Jackson?
Q. Yes.
A. A couple nights ago.
Q. Okay. And where was that?
A. At the ranch.

Q. Were you visiting the ranch?
A. Yes.
Q. Okay. Were you with your mom?
A. Yes.
Q. Were you with your brother?
A. Yes.
Q. All right. Now, do you recall when you first visited Neverland Ranch?
A. I do.
Q. And approximately when was that?
A. This was ‘89. I was ten years old.
Q. And do you remember who was with you?
A. Yes. When we first went, it was my entire family. My grandparents, my father, my mother, Wade and myself.
Q. Okay. And do you remember where you stayed

at Neverland?

A. I stayed in Michael's room.

Q. Okay. And was anyone else in there with you?

A. Wade was and Michael was.

Q. And how many nights did you and Wade stay in Michael Jackson's room on that occasion?

A. Two nights.

Q. Do you recall anything improper ever going on in that room?

A. Not at all.

Q. Okay. What -- what did you and Wade and

Michael do during those evenings you stayed in his room?

A. We just hung out. Watched cartoons. Watched videos. Played games. You know, what normal kids do. Hang out and have fun.

Q. Did you fall asleep on his bed?

A. Yes, we did.

Q. How many times do you think you've been in Michael Jackson's room?

A. I've probably been there a lot of times, just sort of in and out. I've slept there four times.

Q. When you slept in Michael Jackson's room, has your brother Wade always been there?

A. Yes.

Q. And any of those occasions, have you ever seen anything improper go on?

A. Not at all.

Q. Ever seen Mr. Jackson molest your brother Wade?

A. Not at all.

Q. Ever seen Mr. Jackson touch your brother Wade in an improper way?

A. No.

Q. Ever seen Mr. Jackson abuse your brother Wade?

A. No.

Q. Were you ever suspicious of any touching Mr.

Jackson may have done with Wade?

A. Never.

Q. Has Mr. Jackson ever hugged you?

A. Yes, he has.

Q. Have you hugged him?

A. Yes, I have.

Q. Ever been suspicious of the way he hugged you?

A. Not at all.

Q. Has Mr. Jackson ever kissed you?

A. Yes, he has.

Q. Have you kissed him?

A. Yes, I have.

Q. Ever been suspicious of the way Mr. Jackson kissed you?

A. No.

Q. Ever seen Mr. Jackson hug Wade?

A. Yes.

Q. Ever been suspicious of the way Mr. Jackson hugged Wade?

A. No.

Q. Have you ever seen Wade hug Mr. Jackson?

A. Yes, I have.

Q. Have you ever been suspicious of the way Wade hugs Mr. Jackson?

A. No.

Q. Have you ever seen Mr. Jackson kiss Wade?

A. Yes.

Q. Have you ever seen Wade kiss him?

A. Yes.

Q. Ever been suspicious of any of this kissing?

A. No.

Q. Ever thought any of it was sexual in nature?

A. No, it was just a friendly kiss on the cheek.

Q. How many times do you think you’ve been to Neverland?

A. Millions. I’ve been -- so many, I can’t even remember.

Q. Okay.

A. If -- I think an average of four times a year.

Q. And have you been there when Mr. Jackson wasn’t at Neverland?

A. Yes, I have.

Q. Have you been there a lot of times when he wasn't there?
A. Yes.
Q. The first time you were at Neverland, what do you recall your family doing?
A. We hung out. Watched movies. Ride on golf carts. Played in the playground. Ate dinner. Stuff like that.
Q. Now, to your knowledge, did your parents know that you and Wade were sleeping in Michael Jackson's room?

A. Yes, they did.
Q. To your knowledge, did your grandparents know you and Wade were sleeping in Michael Jackson's room?
A. Yes, they did.
Q. Anyone ever have a problem with it?
A. No.
Q. How would you describe Michael Jackson's room?
A. It's beautiful. It's two floors. There's another bedroom upstairs. His bed is downstairs. There's two closets.
Oh, sorry.
Sorry, there's a closet on the right side and a shower on the left side.
Q. How many times do you think you've been in that room? Can you guess? Not "guess," excuse me. Can you estimate?
A. Five to ten times.
Q. During the times you've been to Neverland when Mr. Jackson was there, did you ever feel that you were being kept out of his room?
A. No.
Q. Have you been in his room during the daytime?
A. Yes, I have.
Q. Have you been in his room during the nighttime?

A. Yes, I have.
Q. And you have been in his room late in the evening, correct?

A. Yes.

Q. Did Mr. Jackson ever put any restrictions on you not coming into his room?

A. Never.

Q. Now, the first time you visited Neverland when you and Wade stayed in Mr. Jackson’s room, where did your parents stay, if you remember?

A. In the guest units.

Q. And where did your grandparents stay?

A. In the guest units also.

Q. Do you recall your parents staying in the main house before Mr. Jackson had his own children?

A. I think my mother did stay in the main house at one point.

Q. All right. Do you know that for sure?

A. I don’t.

Q. Okay. Have you been through all the rooms in the main house?

A. Yes, I have.

Q. Okay. You’ve been through them many times?

A. Yes.

Q. Do you recall a Jacuzzi at Neverland?

A. Yes.

Q. Ever been in the Jacuzzi?

A. I have.

Q. Ever been in there with Michael Jackson?

A. I have.

Q. Ever been in there with Michael Jackson and your brother?

A. Yes.

Q. Did you see anything improper go on when you were in the Jacuzzi?

A. No, not at all.

Q. Do you recall what Mr. Jackson was wearing when you were in the Jacuzzi with him?

A. Shorts.

Q. Have you traveled with Mr. Jackson?

A. No, I have not.

Q. To your knowledge, has your family traveled with him?

A. Yes.

Q. What is your knowledge about that?

A. I know that my brother and my mother have been to Vegas. I take that back. I have been to Los Angeles with him. On my first trip. I went to Los Angeles, just me and my mom. Sorry, me and my brother.

Q. What is your occupation?

A. I’m a dancer.

Q. Now, are you aware of any efforts Mr. Jackson made to help your family move to the U.S.?

A. Yes. He helped us, like any friend.

Q. What do you recall him doing?

A. He basically just helps us with immigration. Helped us, you know, get certain attorneys to help us deal with moving over here.

Q. Did you ever feel that he was doing this because he wanted something in return?

A. No. Never.

Q. Did he ever help you with your career?

A. No.

MR. MESEREAU: No further questions.

CROSS-EXAMINATION

BY MR. AUCHINCLOSS:

Q. Good morning, Miss Robson.

A. Good morning.

Q. You first met Mr. Jackson in 1990; is that correct?

A. ‘89.

Q. ‘89. All right. And that was in Australia?

A. No. That was in America.

Q. All right. So the first time you met Mr. Jackson was the time -- the first time that you visited Neverland Ranch?

A. Yes.

Q. Did Neverland Ranch seem to you to be an awe-inspiring place when you first visited it?

A. I’m sorry, an awe --

Q. Awe-inspiring.

A. Yes. It’s a beautiful place.

Q. Very impressive?

A. Yes.

Q. Were you impressed with meeting Mr. Jackson the first time you met him?

A. Not really impressed. I was young, so the idea of the fact that he was being famous really didn’t mean anything.

Q. Okay. It didn’t strike you as anything remarkable to meet a superstar at that time when you were ten years old?

A. No.

Q. Had you ever listened to his music?

A. Yes.

Q. Did you have any of his albums?

A. Yes.

Q. And then after your first visit to Neverland, you returned to Australia?

A. Uh-huh.

Q. With your family?

A. Yes.

Q. And your brother Wade?

A. Yes.

Q. And did Wade communicate with Mr. Jackson during that period of time?

A. Yes.

Q. Did he call him?

A. Yes.

Q. Did Mr. Jackson call Wade?

A. Yes.

Q. Would this be a frequent occurrence?

A. Yes.

Q. And would they talk on the phone for hours?

A. Yes.

Q. Weekly?

A. Yes.

Q. More than once in a week?

A. Yes.

Q. During that period of time, did your brother seem to be fascinated with his relationship with this star?

MR. MESEREAU: Objection; vague.

THE COURT: Overruled.

You may answer.

THE WITNESS: He was fascinated with the friendship.

Q. BY MR. AUCHINCLOSS: It was something very important to him, wasn’t it?

A. Yes.
Q. Did they send faxes back and forth?
A. Yes.
Q. How often would they do that?
A. I don’t remember. It wasn’t as often as the phone calls.
Q. But this was a very special bond that Wade had with Michael Jackson, wasn’t it?
A. Like any other friend, yes.

Q. But this was a special friend, wasn’t it?
A. I don’t know what you mean by “special.”
Q. Well, did Wade have anybody else that he had a relationship with that you could compare to his relationship with Mr. Jackson?
A. Me.
Q. Okay. But let me paraphrase -- or let me rephrase that.
Any relationship with an adult like he had with Mr. Jackson, an adult who’s not a member of his family?
A. No.
Q. And your first night at Neverland you stated that you slept in Mr. Jackson’s bed?
A. Yes.
Q. Bedroom?
A. The second night. The first time I was in the room.
Q. All right. So the very first night that you went to Neverland you spent the night in Mr. Jackson’s bedroom?
A. In his bedroom, yes.
Q. And on that first night, you slept downstairs in the bedroom, correct?
A. No.
Q. You slept upstairs?
A. Yes.
Q. Did you -- or I’ll rephrase that.

Were you interviewed by Scott Ross, an investigator for Mr. Jackson, on May 2nd, 2005?
A. Yes. Not quite sure if that was the date, but, yes.
Q. That was just a few days ago?

A. Yeah.
Q. And did you tell Mr. Ross that you recalled the first night that you slept downstairs, and Wade went upstairs and slept with Mr. Jackson?
A. No. It would be the other way around.
Q. Okay.
A. Michael and Wade slept -- Michael and Wade slept downstairs and I slept upstairs on the first night.
Q. All right. So Mr. Jackson and Wade slept together separately from the area that you slept in?
A. Yes.
Q. Why was that?
A. Because I left and went upstairs.
Q. Why did you leave and go upstairs?
A. Because I was a little older at that point and I felt like I was interfering in Michael’s bedroom, so I left and went upstairs.
Q. Because you wanted to give Mr. Jackson some privacy?
A. Yes.
Q. And he was alone with your brother at that time?

A. Yes.
Q. And your brother was seven years old?
A. Yes.
Q. And that night, your brother slept in the same bed with Michael Jackson?
A. Yes. I told him to come up with me.
Q. You told him to come up with you?
A. Yes.
Q. Was that because you felt like he shouldn’t be sleeping in a bed with a grown man?
A. Not at all.
Q. Then why did you tell him to do that?
A. Because I didn’t want to make Michael feel like two people were invading his space.
Q. Something about that first night made you feel uncomfortable, didn’t it?
A. No, not at all.
Q. Didn’t you say you felt more comfortable the second night to Mr. Ross when you spoke to him a few days ago?

A. Comfortable with my friendship with Michael, yes.

Q. And that next night, you slept in the same bed with Michael Jackson?

A. I did.

Q. And your mother knew about it?

A. Yes.

Q. He was 35 years old?

A. Yep.

Q. And you were ten?

A. Yep.

Q. Was that the first time you'd ever done anything like that?

A. Done anything like what?

Q. As a young girl, sleeping with a grown man who's unrelated to you, that you just met.

A. That was the first time I'd ever done that. It's not the first time I've ever slept with somebody over 35.

Q. As a ten-year-old, did you sleep with someone over 35, other than Michael Jackson?

A. I've slept with my dad.

Q. I'm talking about an unrelated person.

A. No, that was the first time.

Q. As a child, how many unrelated men did you sleep with that were over the age of 30?

A. None.

Q. Just Mr. Jackson?

A. Other than my father, yes.

Q. Whose idea was it that you sleep in Mr. Jackson's bed?

A. It was actually our idea.

Q. Sorry?

A. My brother and I. It was actually not an idea. We just fell asleep.

Q. Did Mr. Jackson discourage this? Did he say in any way that this is not appropriate for two small children to be sleeping in the bed with a 35-year-old unrelated man?

A. No.

Q. And as you sit here today, as an adult, you think it's appropriate for a ten-year-old girl to

sleep in the same bed with an unrelated 35-year-old man that she's just met?
A. I think it's appropriate for a ten-year-old girl to sleep in a bed with a friend.
Q. All right. What about a 35-year-old man that she has just met. That's my question. Do you think that's appropriate?
A. If she feels comfortable that he is a friend.
Q. If the ten-year-old thinks it's okay, she should do it?
A. And the parents. Yeah.
Q. Something you would allow?
A. Yes.
Q. What about a seven-year-old boy?
A. Yes.
Q. You would allow your own seven-year-old son to sleep with a 35-year-old man that he has just met?
A. If I trusted the man, yes.
Q. Do you think that type of trust can be earned in one day?

A. I don't think trust is always earned.
Q. How do you gain trust, other than earning it?
A. I think it's a feeling. It's a friend.
Q. Mr. Jackson's pretty good at that, isn't he, at gaining trust?
A. I don't understand how you could say somebody's good at gaining trust.
Q. He makes you feel very comfortable when you first meet him; isn't that true?
A. I think it depends on who's meeting him.
Q. Well, you felt very comfortable, true, the very first day?
A. Well, I was his friend.
Q. And your mother felt very comfortable the very first day, true?
A. My mother had already met him two years prior.
Q. But she just met him as an acquaintance. You know that, right?
A. They spent a lot of time together before

that, though.

Q. They had spent what?

A. They spent time together before that.

Q. On how many occasions?

A. Just the once when they were in Australia. But she actually spent hours and had conversation and got to know Michael, so she had a relationship prior.

Q. So your testimony is that your mother knew you were going to be sleeping in the same bed with Michael Jackson that night?

A. Yes.

Q. Did Michael Jackson ever refer to you as a member of his family?

A. No.

Q. Did he ever refer to Wade as a member of his family?

A. Not to my knowledge, no.

Q. Are you aware that there are other boys that have spent the night in Michael Jackson's bed?

A. I am.

Q. Do you know their names?

A. Some of them.

Q. Which ones do you know?

A. Jordie Chandler, Macaulay Culkin and Brett Barnes.

Q. Mr. Jackson has been very generous to you, hasn't he?

A. It depends on what you mean by "generous."

Q. Well, he's allowed you the run of his ranch anytime you wanted, true?

A. Yes.

Q. And he picks up the tab, correct?

A. The tab at his house. It's like me going to any other friend's house and spending time there.

Q. Neverland's not like any other friend's house, is it?

A. No, but I have a lot of friends that have beautiful homes. And when I go there, they allow me to eat for free.

Q. And Mr. Jackson has given your mother loans in the past?

A. Loans?
Q. Yes.
A. Yes.
Q. And at Neverland, you pretty much have -- get to do whatever you please as a child?
A. Well, I don’t know about “whatever you please.” I mean, you’re protected. You can’t --
Q. Within the bounds of safety.
A. Yes.
Q. You pretty much have the run of the ranch, true?
A. Yes.
Q. Get to stay up late?
A. Yep.
Q. Eat all the candy you want?
A. Yes.
Q. There are really no rules, are there, except for your safety?
A. Depending on whether your mother has certain rules for you or --
Q. But when you’re away from your parents and when you’re with Mr. Jackson, you get to do whatever you want?

A. Well --
Q. Pretty much, true?
A. As long as they’re not what your mother’s told you not to do.
Q. All of these families that you’ve mentioned spend time with Mr. Jackson, right, the boys of families?
A. Yes.
Q. And all of these families have one thing in common, don’t they? They all have boys?
A. And sisters.
Q. Right. But each one has boys?
A. Yes.
Q. And each one of those families has a boy that forms a special relationship with Mr. Jackson; isn’t that true?
A. Your idea of special relationship, yes.
Q. Well, Mr. Jackson had a relationship with Wade that was far closer than the relationship that you had with Mr. Jackson, true?

A. Yes.

Q. And Mr. Jackson chose Wade to sleep in his bedroom night after night after night?

A. I don’t think Michael Jackson chose Wade to sleep in his bedroom.

Q. Well, he allowed it, true?

A. There’s a difference between allowing and choosing.

Q. Well, you don’t really know what he chose, do you?

A. I think that we had the ability to leave.

Q. That’s a “yes” or “no” question. Do you know what Mr. Jackson was choosing when he and Wade were sleeping in the same bed together?

A. No.

Q. Ever heard of the “Apple Head Club”?

A. No.

Q. Never?

A. Apple Head Club? No.

Q. How about the “Doo-Doo-Head Club”?

A. No.

Q. Have you ever heard those expressions?

A. Yes. Not “Club.”

Q. Was Wade an “Apple Head”?

A. Yes.

Q. Do you know how many times Wade slept with Mr. Jackson alone in his bed?

A. I do not.

Q. And Miss Robson, you really have no idea what happened between Mr. Jackson and Wade on those many nights that they slept alone behind closed doors in Mr. Jackson’s bedroom, do you?

A. Yes, I do.

Q. You weren’t there, though, were you?

A. It doesn’t matter.

Q. You’re just judging that based upon what Wade told you?

A. Based upon what my brother tells me and my friends tell me, yes. But just like anything, we base a lot on what people tell us.

Q. Would it surprise you to learn that there has been an expert who testified in this case that

up to 50 percent of all children --
MR. MESEREAU: Objection to the question.
MR. AUCHINCLOSS: I haven’t finished the question.
MR. MESEREAU: Referring to other testimony.
MR. AUCHINCLOSS: Based to challenge her credibility.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Do you think all child molest victims divulge, as children, that they’ve been molested?
MR. MESEREAU: Objection. Assumes facts not in evidence; beyond the scope; improper opinion.
THE COURT: Overruled.
You may answer.
Q. BY MR. AUCHINCLOSS: Do you think that?
A. Can you repeat the question, please?
Q. Do you think that all child molest victims divulge the fact that they’ve been molested when they are children?

A. I honestly have no idea. I haven’t studied up on all the requirements of a child molester.
Q. Do you have an impression of the type of shame that would be associated for a child to admit that he’s been molested?
A. Again, I don’t really know what goes through somebody’s mind.
Q. There would be a great deal of guilt associated with a family, parents, that allowed their child to sleep with Michael Jackson or an adult, any adult, if they found out that that child had been molested by that person, wouldn’t there?
A. I don’t think there would necessarily be guilt. I think there would be anger and they would do whatever they could to have that person not around.
Q. It would upset them, though. It would be disturbing, wouldn’t it?
A. Yes.
Q. That’s a feeling they’d like to avoid, wouldn’t it?
A. No, I think it’s a feeling that they would want to solve.

Q. But if they chose to deny that feeling, you could understand why, couldn't you?

A. I don't know. I've never been put in that position.

MR. AUCHINCLOSS: I have no further

questions.

REDIRECT EXAMINATION

BY MR. MESEREAU:

Q. Miss Robson, if you thought your brother had been molested by Michael Jackson, would you go to a lawyer first to seek money?

MR. AUCHINCLOSS: Objection. Requires speculation; argument.

THE COURT: Sustained.

Q. BY MR. MESEREAU: The prosecutor asked you questions about whether or not you believed your brother Wade felt his friendship with Michael Jackson was important. Do you remember that question?

A. Yes, I do.

Q. And you said you thought so, right?

A. Yes.

Q. Why do you think so?

A. Because I think that anybody that gains a friendship with anyone thinks that that relationship is important, otherwise they would not be friends with that person.

Q. And was it your belief that your brother had a good friendship with Michael Jackson?

MR. AUCHINCLOSS: Objection; leading.

THE COURT: Overruled.

THE WITNESS: Yes.

Q. BY MR. MESEREAU: Did you ever see a problem with that?

A. No.

Q. The prosecutor asked you about a special bond between Wade and Michael Jackson. Remember that question?

A. Yes.

Q. And did you think he had a special bond with Michael Jackson?

A. I think like any other friend.

Q. Do you think you have a special bond with Michael Jackson?

A. I do.

Q. Why?

A. Because he is my friend and I love him.

Q. Do you think Mr. Jackson has a special bond with your mom?

A. I do.

Q. Why do you think that?

A. Same reason. We're friends, and we're there for each other.

Q. Now, the prosecutor asked you about whether or not you were comfortable with the fact that children have slept in Mr. Jackson's room. Remember that?

A. Yes.

Q. Are you comfortable with that?

A. Yes.

Q. Why?

A. Because I trust Michael Jackson.

Q. Why?

A. Because it's a feeling that I have. He's a friend, and he's never, ever made me feel like I shouldn't trust him.

Q. Now, the prosecutor asked you questions about the words "Apple Head" and "Doo-Doo Head," right?

A. Yes.

Q. Have you heard those words before?

A. Yes, I have.

Q. Let's start with "Apple Head." Where have you heard the word "Apple Head"?

A. Michael has called me and my brother "Apple Head."

Q. Where have you heard the word "Doo-Doo Head"?

A. Michael has called me or my brother "Doo-Doo Head."

Q. When Michael Jackson called you "Apple Head," did you ever get suspicious that some crime was occurring?

A. No.

Q. When Michael Jackson called you “Doo-Doo Head,” were you ever suspicious that there was some sexual reason for that?

A. No.

Q. When Michael Jackson called your brother “Apple Head,” did you ever suspect some abusive type of thing was going on?

THE WITNESS: No.

MR. AUCHINCLOSS: Objection; leading.

MR. MESEREAU: I think he opened that, Your Honor.

MR. AUCHINCLOSS: Same objection.

THE COURT: The answer was, “No.” Next question.

Q. BY MR. MESEREAU: When Mr. Jackson called your brother “Doo-Doo Head,” did you ever suspect something nefarious was happening?

A. No.

Q. The prosecutor asked you questions about victims of child molestation, okay? Did you ever think your brother was the victim of a child molestation?

A. I did not.

Q. Why not?

A. Because he would have told me.

Q. Did he ever tell you that he had been improperly touched?

A. No, he did not.

Q. Did your brother ever tell you that he had been molested?

A. No.

Q. In fact, did your brother ever tell you, “I have never been molested by Michael Jackson”?

MR. AUCHINCLOSS: Objection; hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Isn’t it true you don’t think for one second that Mr. Jackson ever abused your brother?

A. That is true.

Q. You don’t think for one second that Mr. Jackson ever molested your brother, do you?

A. That is true.

Q. You don’t think for one second Mr. Jackson ever touched your brother in a sexual way, right?
MR. AUCHINCLOSS: Objection; leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: I do not think for one second.
Q. BY MR. MESEREAU: Why not?
A. Because --
MR. AUCHINCLOSS: Objection; asked and answered.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Prosecutor Auchincloss asked you questions about a family feeling guilty for allowing molestation to occur.
Do you feel guilty about anything involving your relationship with Michael Jackson?
A. I do not.
Q. Why not?

A. I have no reason to feel guilty. It’s a normal friendship.
Q. To your knowledge, does your brother feel guilty about anything involving his relationship with Michael Jackson?
MR. AUCHINCLOSS: Objection. Speculation; hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Have you discussed with your brother the prosecutor’s allegations that Michael Jackson improperly touched him?
A. Yes.
Q. Have you had many discussions with him?
A. A couple.
Q. Your brother’s pretty upset with these allegations, isn’t he?
MR. AUCHINCLOSS: Objection. Hearsay; leading.
THE COURT: Overruled.
THE WITNESS: Yes, he is.
Q. BY MR. MESEREAU: Why?
A. Because they’re not true.
MR. AUCHINCLOSS: Objection; hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Are you upset with these

allegations?

A. I am.

Q. Why?

A. Because they’re not true. And a friend of mine is being accused of something that’s not true.

Q. Have you ever felt guilty about having a friendship with Michael Jackson?

A. I have not.

MR. AUCHINCLOSS: Objection; asked and answered.

THE COURT: The answer is in. Next question.

Q. BY MR. MESEREAU: Do you feel guilty about ever staying in Michael’s room?

A. I don’t.

Q. Do you feel guilty about ever visiting Michael’s room?

A. I do not.

MR. AUCHINCLOSS: Objection; leading.

THE COURT: Overruled. The answer was given.

Q. BY MR. MESEREAU: Did you ever get the feeling Michael Jackson was trying to talk you into being in his room?

A. Never.

Q. Did you ever get the feeling Michael Jackson was trying to talk your brother into being in his room?

A. Never.

MR. AUCHINCLOSS: Objection; leading.

MR. MESEREAU: No further questions.

THE COURT: Overruled.

RECROSS-EXAMINATION

BY MR. AUCHINCLOSS:

Q. You said that you trusted Michael Jackson?

A. Yes.

Q. Would you trust him never to give alcohol to a child?

A. Yes.

Q. Would you trust him never to show pornography -- well, excuse me, erotic -- adult erotic materials to a child?

A. Yes.

Q. Would you trust him not to keep those things laying around his bedroom when he has children in that room?

MR. MESEREAU: Objection. Assumes facts not in evidence; improper question.

MR. AUCHINCLOSS: There’s evidence that he had --

THE COURT: Overruled.

You may answer.

THE WITNESS: Can you please repeat your question?

Q. BY MR. AUCHINCLOSS: Would you trust him not to have adult erotic materials sitting around his room when he had children in his room?

A. I don’t know if that’s a trust issue.

Q. Well, would you like him -- would you trust him enough to think that he’d keep those materials separate from children?

A. It would be nice. But I also understand it’s somebody’s house and sometimes things are lying around.

Q. Would you trust him enough to -- would you trust him not to have statues, figurines of nude women in bondage attire sitting around on a desk where he has his own children visiting him?

A. I don’t know if he’s ever had that, so --

Q. I’m asking you, would you trust him not to do that?

A. Yes.

Q. So if he did any of these things, he would be violating your trust, wouldn’t he? You’d have to evaluate your level of trust, wouldn’t you?

A. No, I don’t think it would violate my trust.

Q. If he showed -- if he showed erotic -- adult erotic materials to a child that he’s been giving alcohol to, wouldn’t you have to reevaluate whether you trust this man or not?

MR. MESEREAU: Objection; argumentative.

THE COURT: Overruled.

You may answer.

THE WITNESS: Repeat the question, please.

Q. BY MR. AUCHINCLOSS: My question is, if Mr. Jackson showed adult erotic material to a child that he'd been giving alcohol to, you'd have to reevaluate whether you really trust this man or not,

wouldn't you?

A. If Michael Jackson did do that, yes, you would have to reevaluate.

Q. So you wouldn't trust him if he did that?

A. If he did that, yes. But I don't believe he did it, so....

MR. AUCHINCLOSS: I have no further questions.

FURTHER REDIRECT EXAMINATION

BY MR. MESEREAU:

Q. You've heard about the allegations in this case, right?

A. Yes.

Q. You've discussed them with your family, right?

A. Yes.

Q. You don't believe Michael Jackson ever molested the Arvizo children, do you?

A. I --

MR. AUCHINCLOSS: Objection. That calls for a conclusion; impermissible question.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you trust that Michael Jackson never molested any alleged victim in this case?

MR. AUCHINCLOSS: Same objection.

MR. MESEREAU: He raised the issue of trust,

Your Honor.

MR. AUCHINCLOSS: It is -- well --

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you trust Michael Jackson?

A. I do.

Q. Why do you trust Michael Jackson?

A. Because he is my friend.

MR. AUCHINCLOSS: Objection. Asked and answered; beyond the scope.

THE COURT: Overruled.

You can complete your answer if you didn't.

MR. MESEREAU: Let me withdraw the question.
THE COURT: She answered it.
MR. MESEREAU: Okay.
THE COURT: But I’m not sure she wasn’t cut off in the middle.
THE WITNESS: That’s okay. He’s my friend.
Q. BY MR. MESEREAU: Are there any other reasons why you trust Michael Jackson?
A. He has never, ever given me any reason not to trust him.
Q. Do you think he’s honest?
A. I do.
Q. Do you think he’s a sensitive man?
A. I do.
Q. Do you think Mr. Jackson would ever, ever harm a child?

A. I don’t, no.
MR. AUCHINCLOSS: Objection; leading.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you trust --
THE COURT: Wait a minute. I’ll strike the answer.
Q. BY MR. MESEREAU: Do you trust that Mr. Jackson would --
MR. AUCHINCLOSS: Your Honor, I’m going to object. I’m going --
MR. MESEREAU: Your Honor, the prosecutor asked her all these questions about her trust in Mr. Jackson. I’m just --
THE COURT: That’s correct.
MR. MESEREAU: I’m just examining on those issues.
THE COURT: You may on some issues. And some you may not.
MR. MESEREAU: Okay.
THE COURT: So take it one question at a time.
Q. BY MR. MESEREAU: Do you trust that Mr. Jackson would never give alcohol to a cancer patient so he could commit the crime of molestation?
A. I do.
MR. AUCHINCLOSS: Objection; leading. Also

calls for an ultimate issue, ultimate conclusion.

THE COURT: I'll sustain the objection.

Q. BY MR. MESEREAU: Please tell the jury every reason why you trust Michael Jackson.

MR. AUCHINCLOSS: Objection; asked and answered.

THE COURT: Overruled.

You may answer that.

THE WITNESS: He has been my friend for many years. He has cared for me like an older brother and a father. There has never been one time in my life where he has ever turned his back on my family. Vice versa. My family has never turned our back on him. We love him.

It's hard to explain. When you have a friendship with someone and you know that it's a true person and it's a friend --

MR. AUCHINCLOSS: I'm going to object as a narrative.

THE COURT: Overruled.

Were you through with your statement?

THE WITNESS: It's just that he's a true person and he's a friend, and I trust him always.

MR. MESEREAU: No further questions.

FURTHER RECROSS-EXAMINATION

BY MR. AUCHINCLOSS:

Q. Just one last question.

In your eyes, Mr. Jackson can do no wrong, can he?

A. That is not true.

MR. AUCHINCLOSS: I have nothing further.

MR. MESEREAU: No further questions.

THE COURT: All right. You may step down.

THE WITNESS: Thank you.

THE COURT: Call your next witness.

MR. MESEREAU: Yes. The defense will call Lisbeth Barnes.

THE COURT: When you get to the witness stand, please remain standing.

Face the clerk right here, and raise your right hand.

MARIE LISBETH BARNES
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Do you -- Marie, M-a-r-i-e; Lisbeth, L-i-s-b-e-t-h; Barnes, B-a-r-n-e-s.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. MESEREAU:
Q. Good morning, Miss Barnes.

A. Good morning.
Q. Where is your home?
A. In Melbourne, Australia.
Q. And you have a son, right?
A. Yes, I do. And a daughter.
Q. And what is your son’s name?
A. Brett.
Q. And your daughter’s name?
A. Karlee.
Q. Okay. Do you know the person seated at counsel table to my right?
A. I do.
Q. And who is he?
A. Michael Jackson.
Q. When did you first meet him?
A. 19 -- December 1991.
Q. And how did you meet him?
A. Well, actually, when I met him personally was in December of 1991, but I had spoken to him for several years prior to that. I -- he invited us to his home in December 1991, and that’s when I met him for the first time.
Q. Okay. Now, you said you’d been speaking to him for a while before that?
A. Since 1987.
Q. And why were you speaking to him?
A. Because he had called -- my son had written a letter to him when he was very young, when Michael

was touring Australia. And he received the letter and he -- well, he pulled out a letter out of the bag, that's what he told me, and it was Brett's, and he decided that he'd call him to thank him for the letter. And he spoke to all of us, and we developed a friendship, and he continued calling us and speaking to us.

And then one day he decided to invite us over to his home, and since then we've been regular visitors.

Q. Do you still consider Mr. Jackson to be your friend?

A. Oh, definitely.

Q. Where are you staying at the moment?

A. I'm staying at his -- at Neverland Valley, at his place.

Q. How many times do you think you have stayed over at Neverland?

A. Several times. I can't count.

Q. Can you give an estimate?

A. No.

Q. Would it be ten times?

A. Could be. Yeah.

Q. Could it be 20?

A. No, maybe not 20. Probably about ten, I guess, or a little bit more, a little bit less. I'm not sure. I'm -- I know it's several times. I can take time and count back, but I haven't thought

about it.

Q. Okay. And your first visit to Neverland was when, what year, if you know?

A. December 1991.

Q. Okay. And who did you visit Neverland with?

A. Our family. My husband, my two children.

Q. Okay. And how long did you stay there?

A. About three weeks. Well, we stayed with Michael for that three weeks. He took us to Disneyland, to Las Vegas, and, yes, we were together for three weeks.

Q. Okay. And where did you stay during those three weeks?

A. Sometimes at Neverland Valley. Sometimes at

Disneyland, and Las Vegas, depending on the places we were visiting. And sometimes at the hotel in Los Angeles.

Q. Okay. Now, let me direct you to the first time -- first night you were at Neverland, okay?

A. Uh-huh.

Q. What did you do?

A. We -- he took us on a tour of the place, and we -- pretty much that. And then we watched a film at the theater, had dinner, sat down and talked, and pretty much that.

Q. Where did you stay that evening?

A. In one of the guesthouse -- guest units at the ranch.

Q. And do you know where your children stayed that evening?

A. Same -- well, one of the other units at the -- they're just a group of units, and they were in the next one.

Q. To your knowledge, has your son ever stayed in Michael Jackson's room at Neverland?

A. Yes, he has.

Q. And when was the first time that happened?

A. I couldn't tell you. I couldn't remember. I can't remember. I'm sorry.

Q. To your knowledge, has your daughter ever been in Michael Jackson's room?

A. Yes, she has also.

Q. And to your knowledge, has she ever stayed in his room?

A. Yes, she has.

Q. And how about you, have you ever been in his room?

A. Yes, I have. And I have been invited to stay over because we were watching videos and talking, and he just suggested, "Well, why don't you stay; stay here," because it was raining outside. And he said, "Well, you can stay here." And I stayed for a little while, but then I went back to my room. It was just more comfortable.

Q. How many times do you think you've been in Michael Jackson's room at Neverland?

A. Oh, several times.

Q. Has it been all times of day?

A. Yes. I had pretty much free rein -- just anytime I wanted to, I was allowed to.

Q. Now, let me ask you about that. You’ve been in Michael Jackson’s room during the day, right?

A. Uh-huh.

Q. You’ve been there during the evening, right?

A. Yes.

Q. Have you been there late into the night?

A. Well, yes. Pretty much when we were watching videos, it would be -- go pretty well late into the night.

Q. How often do you think you’ve watched videos late into the night in Michael Jackson’s room?

A. Several times.

Q. Okay.

A. Or times we were just talking, or --

Q. When you visited Neverland with your children, did you feel that you had free access to Michael Jackson’s room?

A. Yes.

Q. And why did you feel that way?

A. Well, he gave me free access. He -- he -- I remember a particular occasion when I wanted to borrow some CDs, and he said, “Just come into my room and” -- that is where they are kept and he showed me where the selection of CDs were kept, and

he said, “Anytime you want to come and borrow the CDs, feel free to do so.”

Q. And how would you describe Mr. Jackson’s room?

A. Just a huge room and -- with lots of things in it. Very, very warm and -- but nothing ostentatious. I don’t know what sort of description you’re looking for.

Q. Is it two levels? Do you recall an upstairs and a downstairs in the room?

A. Uh-huh.

Q. Have you been into both parts of his room?

A. Uh-huh. Yes.

Q. Do you recall having to knock on a door to get into his room?

A. Well, I do that normally when I go into -- doesn’t matter whose place I go, it’s just common courtesy to knock before you enter.

But I could have just -- the door was never locked, so I could go in anytime I wanted to.

Q. Were you ever denied access to his room?

A. Never.

Q. Did you ever go into the room when your children were in the room with him?

A. Yeah.

Q. Have you done that often?

A. Yeah.

Q. Now, what have you seen your children doing with Mr. Jackson in Mr. Jackson’s room?

A. Just talking, watching films, and listening to -- just reading stories or just having fun. Just chilling out, you know. Playing with games, toys, whatever.

Q. Have you ever seen Mr. Jackson do anything inappropriate with either of your children?

A. No. Never.

Q. Ever seen Mr. Jackson inappropriately touch your son?

A. Never.

Q. Ever seen Mr. Jackson inappropriately touch your daughter?

A. Never.

Q. Have you ever seen Mr. Jackson hug your son?

A. Yes.

Q. Have you ever been suspicious of the fact that Mr. Jackson hugged your son?

A. No.

Q. Have you ever seen Mr. Jackson hug your daughter?

A. Yes.

Q. Have you ever been suspicious of Mr. Jackson hugging your daughter?

A. No.

Q. Have you ever seen Mr. Jackson kiss your son on the cheek?

A. Yes.

Q. Has that ever made you suspicious of Mr.

Jackson?
A. No.
Q. Ever seen Mr. Jackson kiss your daughter on her cheek?
A. Yes.
Q. Have you ever been suspicious of that behavior?
A. No.
Q. Okay. Now, you gave your son permission to stay in Mr. Jackson’s room, correct?
A. Yes, correct.
Q. Did you give your daughter permission to stay in his room?
A. Correct.
Q. Why?
A. Why not?
Q. Did you trust Mr. Jackson?
A. Implicitly. I always trusted him and I still trust him.
Q. Why?
A. Because he’s just a very nice person. And you just feel when you can trust someone and when you can’t trust someone. And I had total trust in him.
Q. And your son traveled with him at some point, correct?
A. Uh-huh. Correct.

Q. When was that?
A. It would have been January 1992, I think.
Q. Did you allow your son --
A. January, February.
Q. Did you allow your son to travel with Mr. Jackson?
A. I allowed him, yes.
Q. Why was that?
A. Because, to me, it was a learning experience, and -- visiting other countries, and I couldn’t -- you know, I was -- it didn’t bother me at all.
Q. Did you ever suspect that Mr. Jackson had inappropriately touched your son?
A. Never.
Q. Have you discussed with your son allegations

that Mr. Jackson inappropriately touched him?
A. Well, there were allegations, and we had talked about it, and I have asked him. I said, “Look me in the eyes and tell me that nothing has happened to you, that Michael has never done anything inappropriate to you.”
And he said he --
MR. ZONEN: I’m going to object to the response as hearsay, Your Honor.
THE COURT: Sustained.
MR. ZONEN: Move to strike the answer.
THE COURT: Stricken.

Q. BY MR. MESEREAU: As you sit here today, do you think Mr. Jackson has ever inappropriately touched your son?
MR. ZONEN: I believe that’s character opinion. I’ll object, unless this witness is a character witness.
THE COURT: Sustained.
MR. MESEREAU: No further questions.

CROSS-EXAMINATION
BY MR. ZONEN:
Q. Miss Barnes, good morning.
A. Good morning.
Q. Your child Brett was how old when he first met Michael Jackson?
A. Nine.
Q. And was that on the occasion of your first visit?
A. Going on ten. Yes.
Q. He was nine years old?
A. He may have been ten.
Q. And your daughter was how old?
A. 12.
Q. And your daughter’s name is what?
A. Karlee.
Q. Karlee? Am I doing that right? Karlee?
A. Uh-huh. K-a-r-l-e-e.
Q. And both of them stayed with Michael Jackson

that first night that you were at Neverland?
A. Well, we all stayed together and they --

like I said, they slept in the -- in one of the guest units, and we slept in the other guest unit.

Q. They slept in one of the guest units. Who are “they”?

A. My children. Brett and Karlee.

Q. All right. They both stayed in one of the guest units?

A. That’s correct.

Q. And you stayed in a separate guest unit?

A. That’s correct.

Q. And Mr. Jackson stayed in his residence?

A. That’s correct.

Q. All right. And the guest unit, of course, is an entirely different structure than his residence; is that right?

A. Uh-huh.

Q. You would have to walk outside and some distance before you would get to his house?

A. That’s correct.

Q. Did you continue to stay in the guest unit while you were there?

A. Yes.

Q. And for what period of time did you stay at Neverland before you finally returned to Australia?

A. Well, we were -- we were at Neverland on -- on and off for over a three-week period, but we didn’t stay at Neverland the whole time.

Q. How long did you stay at Neverland?

A. Well, it was a few days in Neverland and a few days outside of Neverland, coming back, so altogether -- I couldn’t tell you exactly how many days altogether.

Q. Was your husband there as well?

A. Yes, he was.

Q. And other members of your family?

A. Well, my son and my daughter, and that’s the complete family.

Q. Okay. You didn’t have any aunts or grandparents or cousins or anything like that?

A. No.

Q. So it was the four of you; is that correct?

A. That’s correct.

Q. And you wandered between Neverland and other locations in California; is that right?

A. And Las Vegas.

Q. And Las Vegas.

Did you travel with Mr. Jackson during that time?

A. Yes.

Q. So he took you to different locations; is that right?

A. That’s correct.

Q. At what stage did your son begin to stay in his room or with him in a hotel room, together?

A. I don’t remember.

Q. Well, the first time you’re telling us --

A. It’s not the first few nights. It could be -- I’m not really sure exactly when.

Q. By about the third night?

A. Could be. It could be a little bit later.

Q. Fourth night?

A. I don’t remember.

Q. This is a trip that went about three weeks; is that right?

A. That’s correct.

Q. The trip was paid for entirely by Mr. Jackson?

A. That’s correct.

Q. And that included all of the transportation for you, your husband and your two children from Australia to California and back; is that right?

A. That’s correct.

Q. As well as all of your housing accommodations, travel needs and entertainment; is that right?

A. That’s correct.

Q. Did he purchase gifts for the four of you while he was there?

A. Yes, he did.

Q. And by the fourth night, your son was sleeping in his room; is that correct?

A. No, I didn’t say by the fourth night he was

sleeping in his room.

Q. What night was it, then?

A. I’m not sure what night it was.

Q. Was it within the first week?

A. It could have been. It may have been. It may not have been. I don't remember.

Q. But he was sleeping with your son in the same bed before this trip was over; is that correct?

A. That's correct.

Q. All right. Was he sleeping in the same bed with your son for an extended period of time?

A. On -- no, not -- not continuously, no. Just on-and-off basis when they were -- the times when my son would fall asleep when we were there, and he stayed there and -- rather than having to go back to -- outside into the unit.

MR. ZONEN: Your Honor?

THE COURT: Thank you. We'll take our break.

(Recess taken.)

THE COURT: You may proceed.

MR. ZONEN: Thank you, Your Honor.

Q. Miss Barnes, we were on a -- the initial visit, your initial visit to California to Neverland, and I believe you were telling us --

BAILIFF CORTEZ: Your microphone's off.

Q. BY MR. ZONEN: We were discussing your initial visit to California and to Neverland, and I believe that you said it was when your son was about nine years old. How much older was your daughter?

A. I said ten, actually. Nearly ten.

Q. I'm sorry, ten years old he was?

A. Well, he was going to be ten in January, so it was December, so he was nearly --

Q. Close to his tenth birthday?

A. Uh-huh.

Q. And your daughter was how old at the time?

A. 12.

Q. And you took trips with the defendant to a number of different locations, including Las Vegas?

A. That's correct.

Q. What other cities did you go to besides Las Vegas?

A. Well, Los Angeles. We went to Disneyland. This is Anaheim, I believe --

Q. Okay. Where else?

A. -- on that trip.

That’s about it, I think.

Q. All right. Would it be fair to say that most of the time that you were there, you were at Neverland; is that correct?

A. Not quite. Not really, no, because we spent a few days in Las Vegas. We spent a few days at Disneyland. And when we were in Disneyland, I know we went to Century City, so I’d say -- I wouldn’t say most of the time, no.

Q. Well, a few days in Century City?

A. A hotel there. There’s a hotel in Century City.

Q. Was that across the street from his condominium?

A. That’s correct.

Q. When you were at the hotel in Century City, was your son staying with Mr. Jackson in his condominium?

A. No, he stayed with us.

Q. He stayed with you for the entire time?

A. I believe so.

Q. When you were at the Las Vegas hotel, did your son stay with Mr. Jackson?

A. We were all together.

Q. In Mr. Jackson’s room?

A. Well, we shared a villa, so there were several rooms in the villa. It’s like a --

Q. And in which room did your son sleep?

A. With my daughter.

Q. Your son slept with your daughter?

A. Yes.

Q. So he didn’t stay with Mr. Jackson at any time while you were in Las Vegas?

A. I don’t recall. I don’t remember.

Q. He didn’t stay with Mr. Jackson at any time when you were in Century City?

A. He may have. I’m not sure. No, I’m not -- I cannot tell you, because I don’t remember.

Q. Did you stay at a hotel when you were at Disneyland?

A. We were at The Disneyland Hotel.

Q. For how long? More than one night?

A. Yes.

Q. Two nights?

A. Probably four, five nights, I would say.

Q. Four or five nights?

A. Uh-huh.

Q. At Disneyland Hotel?

A. Uh-huh.

Q. And did your son stay with Mr. Jackson while --

A. We were all, again, in the same --

Q. Suite?

A. Yes.

Q. Did your son stay in Mr. Jackson’s room in that suite while you were at The Disneyland Hotel?

A. I don’t remember. Possibly. I don’t remember.

Q. You’re not certain?

A. No.

Q. All right. Now, the first time that your son ended up staying in Mr. Jackson’s room, had you had a conversation with Mr. Jackson prior to that event? Did Mr. Jackson talk with you about your son staying with him in his room?

A. No. It was my son’s decision to stay the

night.

Q. It was your son’s decision to stay?

A. Uh-huh.

Q. Well, explain how that happened.

A. He wanted --

Q. Your son came to you and asked you if he could stay with Mr. Jackson?

A. No, we just happened to be in the room, and he said he wanted to stay. He wanted to stay there for the night, because they were having fun, and he -- he just said he was going to stay there and --

Q. Was this is at Neverland we’re talking about?

A. That’s correct.

Q. It’s not at one of the hotels?

A. No.

Q. It’s before you began your series of trips around different places; is that correct?

A. That’s correct. Uh-huh.

Q. So it was in the early part of your stay in California?
A. Yes, I would say so.
Q. And your son came to you -- and your son came to you and said that he would like to spend the night --
A. He didn’t come to me. Well, I was there with him.
Q. And your daughter was there as well?

A. Uh-huh.
Q. You were all on the bed together?
A. Well, we were in the room together.
Q. Which room is that? The downstairs room?
A. That’s correct.
Q. And there is a bed in the downstairs room?
A. That’s correct.
Q. And there’s a bed in the upstairs room?
A. That’s correct.
Q. Were you watching T.V.?
A. We were at the time. I don’t remember what we were doing. I’m sorry.
Q. Was your husband there as well?
A. I don’t remember.
Q. Was your daughter there as well?
A. I presume so.
Q. Do you know at what hour it was that your son --
A. No, I don’t remember.
Q. -- that your son expressed the desire to remain in Mr. Jackson’s room?
A. I don’t remember.
Q. Was it late at night?
A. I don’t remember. I’m sorry.
Q. Was it potentially very early in the morning?
A. I don’t -- I don’t remember. I’m sorry. I just don’t remember. It was just a long time ago.

Q. Did you understand him to mean that he was going to be sleeping in Mr. Jackson’s bed?
A. I would imagine so, because eventually he would have fallen asleep.
Q. Is that where he was at the time that you

left the room?

A. What do you mean?

Q. At the time that your son said he wanted to stay there, was Mr. Jackson there?

A. Yes, he was.

Q. Was Mr. Jackson on the bed?

A. No. He was just in the room, sitting on one of the chairs, walking around. He likes walking around.

Q. He walks around?

A. Uh-huh.

Q. So he was walking around, and your son was on the bed?

A. I'm not really sure whether he was on the bed or whether he was playing with something on the floor, or --

Q. Do you remember the conversation where he asked you -- your son asked you to remain in Mr. Jackson's room? Do you remember that conversation?

A. No, I don't.

Q. But you do remember -- but you do remember that it was your son who asked if he could stay there?

A. It was his decision, yes.

Q. Was Mr. Jackson party to that conversation?

A. No. Well, he was there. But he wasn't party to -- he wasn't actually taking part in the conversation, if that's what you mean.

Q. Did you say to your son, "No, that's not appropriate. Come back to the guest cottage with your family"?

A. No, I didn't.

Q. You said it was all right for him to stay in that room?

A. Yes.

Q. Did Mr. Jackson say to you, "It's okay with me, he can stay here"? Did he say that to you?

A. Well, I don't remember what he said at the time. I just asked him if it was okay. And --

Q. Who asked who if it was okay?

A. I asked Mr. Jackson if it was okay, and he said, "Yes. If he wants to stay, that's fine."

Q. So you did have a conversation with Mr.

Jackson about your son remaining?

A. Well, I can’t say that it’s a conversation. If I just asked him something, it’s not really a conversation as far as I’m concerned, I’m sorry.

Q. Now, your son at the time was almost ten years old?

A. That’s correct.

Q. And Mr. Jackson at the time was in his mid-30s?

A. Yes.

Q. Had your son slept with any other man in his mid-30s up to that point other than a relative?

A. Well, he slept with my brother at my parents’ place.

Q. Do you understand your brother to be a relative?

MR. MESEREAU: Objection. The prosecutor is not letting her complete her answer.

THE COURT: The objection is overruled. You may answer the last question. Do you want it read back?

THE WITNESS: I’m sorry, I didn’t quite hear.

THE COURT: I’ll have the court reporter read it to you.

(Record read.)

THE WITNESS: Yes.

Q. BY MR. ZONEN: All right. Do you understand that the question I asked was other than relatives? Had your son, at that point in his life, slept with any other men other than relatives; adult, grown men?

A. No.

Q. All right. Since that date, has he slept with any adult, grown men during the balance of his adolescence other than a relative?

A. Not that I know.

Q. All right. Now, Miss Barnes, at the time that he first spent the night in Mr. Jackson’s room, in Mr. Jackson’s bed, you had known Mr. Jackson what, a couple days?

A. Well, I had met him a couple of days, but I had known him -- I had been friends with him -- I consider myself being friends with him, because we had communicated over the phone for several years prior to that.

Q. You'd had telephone conversations --

A. Uh-huh.

Q. -- with him. The first time that you actually spent any time in his home with him was the occasion of this first visit just prior to your son's --

A. That's correct.

Q. -- tenth birthday. All right. Did your son continue to sleep with him thereafter?

A. Not every day.

Q. But many days?

A. On occasions.

Q. And your son visited Mr. Jackson on a regular basis over the years for the balance of his adolescence, did he not?

A. And we did as a -- we did as -- my daughter, myself and my son. We did.

Q. Yes.

A. And my husband was present on occasions, but he had to work on other occasions.

Q. Yes. And other occasions your son came by himself?

A. And other occasions, yes, he did come by himself.

Q. Some occasions he went with you?

A. That's correct.

Q. On some occasions he traveled with Mr. Jackson extensively, did he not?

A. I would say so.

Q. He traveled rather extensively with Mr. Jackson throughout the United States, didn't he?

A. I believe so.

Q. Do you know how many cities he traveled with your son, he traveled to with your son?

A. I couldn't tell you how many cities, no.

Q. Were you present when he traveled through the United States with your son?

A. To some places I was present, yes.

Q. Which places were you present?

A. Chicago, Las Vegas. I’m not really sure. There were several occasions where I was present.

Q. Several occasions beyond Chicago and Las Vegas?

A. Well, not several cities, but several occasions where --

Q. Were you with your son on all of the occasions when he traveled with Mr. Jackson throughout the United States?

A. Not all. Not all the occasions, no.

Q. Were there occasions when you stayed back in Australia?

A. Yes, there were occasions when I stayed back.

Q. And your husband stayed back in Australia as well?

A. That’s correct.

Q. For what periods of time would your son be in California or traveling in the United States with Mr. Jackson without you being there?

A. I don’t recall.

Q. And you have no idea what cities they went to?

A. Well, I have an idea of some of the cities they went to.

Q. All right. You just said Las Vegas and Chicago. Do you remember any of the others?

A. I know that he’s been to New York with Mr. Jackson.

Q. He went to New York. Okay. Where else?

A. Chicago.

Q. And Chicago?

A. I don’t really recall any other cities in the United States.

MR. ZONEN: May I approach the witness?

THE COURT: You may.

MR. MESEREAU: May I see?

MR. ZONEN: Same ones we did yesterday.

MR. MESEREAU: Oh, okay.

Q. BY MR. ZONEN: I’d like to show you a series of photographs, if I may, and please tell me if you recognize these photographs. Number 889 I'll begin with; two photographs in the front, two photographs in the back.

Go ahead and look at the back side as well.

A. Uh-huh.

Q. Who's the subject of those photographs?

A. My son.

Q. Brett?

A. That's correct.

Q. And approximately how old was he when those pictures were taken?

A. Like I said, probably about ten, I guess. 10, 11.

Q. Do you have a recollection of those pictures being taken?

A. These ones, definitely, because he was just playing games. And him and my daughter were playing games in the photo box, and they were just pulling faces.

Q. This is a photo box at Neverland?

A. That's correct.

Q. All right. And the two photographs you're talking about are the two on the back side of 889; is that correct?

A. That's correct.

Q. How about the two photographs on the front side of 889, do you recognize those?

A. No, I don't recognize anyone's face in those.

Q. Do you recognize the setting?

A. I believe I do, yes.

Q. And where is that?

A. Or do I? No, I'm not really sure actually.

Q. That's fine. Take a look at Exhibit 890, two photographs in the front. Do you recognize the two photographs?

A. No, I don't.

Q. Do you recognize the people in either of the two photographs?

A. I do.

Q. Who are they?

A. The top photo is Mr. Jackson, and -- I believe so. And -- I need my glasses for that one.

And the bottom one is my son.

Q. All right. Number 891, do you recognize the subject matter of those two photographs?

A. I believe they're Mr. Jackson.

Q. Okay. Are you familiar with the setting of those photographs? Were you there when they were taken?

A. No.

Q. You don't have a recollection of these photographs being taken; is that correct?

A. No.

Q. The three photographs on the back of 891, do you recognize those?

A. I believe them to be Mr. Jackson.

Q. Number 892, two photographs in the front.

A. Uh-huh.

Q. Who are they?

A. The top one of my son Brett, and the bottom one of my son with Mr. Jackson.

Q. How old do you believe Brett is in those photographs?

A. About 12, I would say. Probably 12, 13. Probably 12, I'd say.

Q. He had long hair that he wore at the time?

A. Uh-huh.

Q. Did he wear long hair for a number of years like that?

A. He did. And then he had -- he had a haircut in 1993, and then he grew it again.

Q. On the back side of Exhibit No. 892, who is that?

A. Again, my son with Mr. Jackson.

Q. Number 893?

A. Same.

Q. Again, your son and Mr. Jackson, both photographs?

A. Uh-huh.

Q. And the photograph on the back, the top one --

A. Uh-huh.

Q. -- is your son?

A. That's correct.

Q. Okay. And the bottom one as well?
A. The bottom one is my son.
Q. Number 894, four photographs?
A. Uh-huh. Mr. Jackson.
Q. And the two on the back?
A. Again, Mr. Jackson.
Q. And 895, we have two photographs in the front and four on the back.
A. Uh-huh. My son.
Q. Okay. Now, 896, we have two photographs in the front and two on the back. Take a look at these and tell me if you recognize them.
A. No, I don't believe I know the location.
Q. The two photographs on the back and the one photograph on the front on the bottom are of buildings and a skyline; is that right?
A. Yes.
Q. Okay. And you don't remember that setting at all? That's not familiar to you?
A. No.

Q. Okay. Did you travel to Chicago with your son and Mr. Jackson?
A. I did on one occasion, with -- when he was filming the video for the song "Jam" with -- with Mr. Michael Jordan in that video. Yes, that was the occasion I traveled with --
Q. Where did your son stay in Chicago during that trip?
A. He stayed with -- with me at times and --
Q. With Mr. Jackson?
A. -- with Mr. Jackson at times, yes.
Q. Yeah. How long did that tour go on? Was he actually on a tour?
A. No, that was just a few days that we went to Chicago, and then we had to come back. We had to go back again.
Q. Do you remember how old your son was at that time?
A. About 11.
Q. Between the ages of ten and --
A. Ten.
Q. -- and 13, how often did your son travel to Neverland?

A. Several times.
Q. “Several times” meaning what?
A. I don’t remember.
Q. More than once a year?
A. I would say probably, yes.

Q. More than twice a year?
A. Probably, on average, about two, three times.
Q. Two or three times a year. On how many of those occasions did you accompany him to Neverland between the ages of 10 and 13?
A. Most of the time I did.
Q. Now, your son traveled with him extensively in South America, did he not?
A. No, we were present, my family. My husband, my daughter and I were present when we toured South America.
Q. All right. And how long of a tour was that?
A. I don’t quite remember. Couple months maybe. I’m not sure. I don’t remember.
Q. Did you travel for the entirety of that tour?
A. Yes, I did.
Q. So for a couple months you traveled throughout South America?
A. Uh-huh.
Q. And your son was there as well the entire time?
A. That’s correct. And my daughter and my husband.
Q. Your daughter and your husband and you for the entire time?
A. Yes.

Q. That was a couple months?
A. I would say probably -- it could be -- could have been three months. I don’t remember.
Q. Three months?
A. Could have been.
Q. Your husband was able to take three months off from work?
A. Yes, because he had long service leaves.
Q. He had what?

A. Long -- in Australia, after you work for, say, ten years, you’re entitled to long service leave, so you have three months every ten years. And he had two lots of long-service leave that he was able to take.

Q. And that trip was paid for entirely by Mr. Jackson, was it not?

A. That’s correct.

Q. And is it true that during the entirety of that trip your son slept in Mr. Jackson’s room with Mr. Jackson?

A. I wouldn’t say during the entirety.

Q. Most of it?

A. I would say at times.

Q. At times?

A. Uh-huh.

Q. What does that mean? Once a week?

A. Well, I can’t give you an exact number of times, because it happened quite a while.

Q. Your son was how old at that point, the time of the South America trip?

A. 12, I would say.

Q. I’m sorry?

A. 12. I --

Q. 12? 12 years old? Did your husband ever express any concerns to you about your son sleeping in the same bed with Mr. Jackson?

A. No.

Q. Did you ever discuss it with him at all?

A. Yes. We talked -- well, we didn’t see any -- any reason -- we talked about it. It wasn’t a discussion, as such, that -- because I couldn’t make a decision and say, “Well, yes, it’s okay,” and not consult my husband, because he’s part of the family. So….

Q. So at some point in time there was a discussion that you had with your husband about your son sleeping with Michael Jackson?

A. A conversation that we decided whether we should -- whether it was okay, because we didn’t want to impose on Mr. Jackson.

Q. Was this the sole issue that you were dealing with was whether or not your son sleeping with him was an imposition for Mr. Jackson? That was the sole concern you had?

A. Yes.

Q. How many conversations did you have with your husband about the question of where your son slept?

A. I don’t remember.

Q. More than ten?

A. No. I don’t remember.

Q. Do you remember at what age your child was at the time of that discussion?

A. No. I don’t remember.

Q. He could have been ten?

A. I don’t remember. I’m sorry.

Q. Could have been 13?

A. I don’t remember.

Q. Do you know if he had already been sleeping with Mr. Jackson for a period of three or four years by the time you had this conversation with your husband?

A. I don’t think so.

Q. Well --

A. I think it would have been before, before that.

Q. Perhaps a year?

A. No. It would have been at the beginning, I guess.

Q. So your son was closer to age ten, or perhaps age ten at the time this happened?

A. That’s correct. Yes.

Q. All right. And then your discussion with your husband took place where? Was it in Australia or was it in the United States?

A. While we were here.

Q. So “here” being what? Neverland, California?

A. Yes.

Q. So early on, then. Was it perhaps the first visit that you had taken to Neverland?

A. I’m sorry?

Q. Was it perhaps the first visit that you had taken to Neverland?

A. What's the question?

Q. The question of when you had the conversation with Mr. -- with your husband about your son sleeping with Michael Jackson.

A. I would say that would have been perhaps at the -- during the first visit, yes.

Q. During the first visit?

A. Uh-huh.

Q. And the only subject of that conversation with your husband was whether or not it inconvenienced Mr. Jackson to have your son in bed with him; is that true?

A. I believe so.

Q. Did Mr. Jackson ever tell you that he thought of you as family?

A. Yes.

Q. Did he do that often?

A. I believe so, yes.

Q. Did he encourage you to think of him as family?

A. Yes.

Q. And did he, in fact, suggest that you consider that he be family to you?

A. I believe so.

Q. Did he tell you that he was going to be in the picture for a long time with you and your family?

A. I believe so.

Q. That he would be a friend to you and your family and assistance, and that he would have your family as his family?

A. Well, that we would be his friends for a long time, yes.

Q. Did you ever tell him that you loved him as much as you loved any other member of your family, including your children?

A. I believe that I would have said that I love him very much.

Q. Did you ever tell him that you loved him as much as any other member of your family, including your children, as much as you love your children?

A. I don't remember saying that.

Q. Did you ever send Mr. Jackson any letters?
A. I probably have.
Q. Did Mr. Jackson ever ask you to leave Neverland?

A. Never.
Q. Did you believe that you had to leave Neverland at some point?
A. No.
Q. Was Mr. Jackson going to send you to Paris?
A. No.
MR. ZONEN: May I approach the witness, Your Honor?
THE COURT: Yes.
MR. ZONEN: Mr. Mesereau, here's the original of the letter I gave you.
Q. I'm going to show you Exhibit 897, 8-9-7, a two-page letter. Go ahead and take a moment and look at it.
You can hold on to it. I may ask you a couple questions about it.
Did you read the letter in its entirety?
A. Uh-huh.
Q. Do you recognize that letter?
A. I believe so.
Q. Is that a letter that you wrote?
A. I believe so, yes.
Q. It's in your handwriting?
A. Yes, it is.
Q. Do you have a recollection of having written it?
A. Uh-huh.

Q. Is it true that you said in that letter, "I love my family deeply, and I love you as much as I love them"?
A. I believe -- well, I've read this. Yes, I did say that.
Q. I'm sorry?
A. I did write that, yes.
Q. And was that a true statement when you wrote it?
A. Yes. Well, I wanted to let Mr. Jackson know that I loved him very much, and I -- I believe that

I had hurt him at some stage because I was behaving inappropriately. And that’s why I wanted to apologize profusely, just to let him know that I was regretful of what I had done.

Q. This was written September 9th, 1992; is that correct?

A. That’s correct, yes.

Q. You wrote in the letter that, “Bill told you yesterday we were responsible for your illness. I felt like killing myself.”

A. Uh-huh.

Q. And that is something that you wrote; is that correct?

A. That’s correct.

Q. All right. “Bill” is who? Bill Bray?

A. That’s correct.

Q. Who is Bill Bray?

A. He was Mr. Jackson’s head of security.

Q. Okay. And in 1992, your son was how old?

A. Ten. Oh, 10 going on 11 at that stage. Ten and a half.

Q. So you had known Mr. Jackson about a year at that point?

A. That’s correct.

Q. What illness was it that you believed that you were responsible for?

A. Well, from -- from my recollection of this particular incident, we were on tour and -- with Mr. Jackson on -- in the European tour of the “Dangerous” tour --

Q. Ma’am, what illness was it that you believed --

MR. MESEREAU: Objection. He’s cutting off the witness.

MR. ZONEN: I’ll object as nonresponsive, the answer.

THE COURT: Sustained.

Q. BY MR. ZONEN: Tell us what illness it was that Mr. Jackson had that you believed you were responsible for.

A. I don’t recall what the illness was.

Q. But it was serious enough that you felt like killing yourself?

A. Well, it was probably a bit overdramatic what I had written there, but it was only because I felt so bad about it.

Q. But now you don’t even remember what illness it was?

A. No, I don’t remember what the actual illness was, but I remember that I had caused him some grief.

Q. Did he have an illness that required medical attention?

A. I’m not sure whether it actually required medical attention, but I know that he felt that he was feeling unwell at the time.

Q. Feeling unwell physically or emotionally?

A. I guess probably emotionally. I don’t know. But all I know, that he was feeling unwell. I don’t really know the extent of -- I don’t remember what -- what -- actually how he was feeling, what the actual feeling was, whether it was physical or whether it was emotional. I don’t have any recollection of that.

Q. And was this because of an outburst of some kind that you staged?

A. Pretty much. Well, it was a personal matter between Mr. Jackson and myself.

Q. What did you say to him --

A. Um --

Q. -- that caused you to feel like killing yourself?

A. Well, this is -- the reason why I felt so bad is because it was -- I -- what happened was that during the tour, there was a particular city that we were visiting. There wasn’t quite enough VIP passes for everyone, because they had VIP passes for numerous guests.

Q. What city were you in?

A. I don’t actually recall which city.

MR. MESEREAU: Objection. The prosecutor interrupted.

THE COURT: Sustained.

MR. MESEREAU: May the witness be allowed to complete her answer, Your Honor?

THE COURT: Yes.

MR. ZONEN: I'll object to the narrative form of the answer.

THE COURT: Well, you asked the question.

MR. ZONEN: I'll withdraw my objection, Judge. I'm sorry.

THE COURT: Go ahead. Do you want the part that you've already said read back, so you can complete your answer?

THE WITNESS: That's -- please.

THE COURT: All right.

(Record read.)

THE WITNESS: And I was informed that we -- I wasn't able to go and see the show. And I was upset over that, and that's -- I'm ashamed to be telling this to everyone, but that's pretty much

what happened. And I didn't realize that particular outburst was going to make him feel bad. And what happened was that he explained to me that he had several things on his mind and that he wanted to make us happy, and because I was being -- I was unhappy, that was causing him grief. And so I felt pretty much disgusted with myself for having --

Q. BY MR. ZONEN: What city were you in?

A. I don't recall which city it was. It was a city before -- possibly before Paris, or -- I'm not really sure.

Q. What country were you in?

A. Again, I don't remember.

Q. You were in Europe?

A. We were in Europe, yes.

Q. So you've done tours with Michael Jackson in Europe, in South America, and in the United States?

A. Well, I didn't actually tour with Mr. Jackson in the United States.

Q. All right. On this particular occasion, the occasion of writing this letter, you were someplace in Europe; is that right?

A. That's correct, yes.

Q. And you had some kind of an outburst that upset him deeply?

A. Uh-huh.

Q. All right.

A. And it was to do with the fact that --

Q. I’m sorry?

A. It was to do with the fact that I didn’t -- I wasn’t able to go to a particular show.

Q. And to whom did you complain about not being able to go to this show?

A. I believe it was with -- possibly with Mr. Bray and with Mr. Jackson.

Q. So Mr. Jackson was there at the time?

A. Yes, he was.

Q. And you had an outburst, complaining about not being able to go --

A. I call it an outburst, but it was the fact that I showed my displeasure, and that -- because I was upset, in a way that upset him, because he wanted us to be -- to be happy and to enjoy the tour, and it seemed like I wasn’t because I wasn’t able to go to one of the shows. And it was very petty and -- on my behalf.

Q. Actually, you didn’t say “outburst,” you said “outbursts,” plural. You had a few of them, didn’t you?

A. No, I didn’t have a few outbursts. But probably -- it could have been because I -- I had expressed my displeasure with Mr. Bray and then with Mr. Jackson. That could have been why it’s in plural.

Q. Now, because you had an outburst over your displeasure at not going to a concert, you felt like killing yourself, and you wrote that in a letter to Mr. Jackson?

A. I did, but that -- again, like I said, it’s probably an overdramatic statement because of the fact that I felt so bad. I wanted to let him know how bad I felt, but I had no intention of killing myself. But it’s just to -- that was just an expression to let him know that I was very, very remorseful and how bad I felt about it because of the fact that I had been selfish.

Q. Did your son actually go to that concert?

A. Yes, he did.

Q. Was --

A. No, no, sorry, he didn’t go to the concert, but he was on the tour with us, yes.

Q. He did not go to that concert either?

A. I don’t believe so.

Q. Did you tell Mr. Jackson in this letter that you were prepared to leave?

A. Yes, I did.

Q. Did you tell him, “The only thing that we will not do, we will not leave without Brett, and that could be a bit of a problem”?

A. That’s correct. Yes.

Q. All right. Did you anticipate at that point that Brett would not want to go with you if you left?

A. Yes, because Brett was having such a great time and he would have been very disgruntled about having to leave and probably would have been throwing tantrums, I guess.

Q. You wrote, “If the Paris business bothers you, we would be quite happy to go someplace else to avoid any situation”; is that right?

A. Yes.

Q. What’s “the Paris business”?

A. Well, that could have been that -- that occasion that -- the concert, that particular concert I’m talking about.

Q. So you think it might have been in Paris that you had an outburst?

A. Yes. Whether the concert was in Paris or not, I’m not sure. But it was in Paris that actually --

Q. Was your son sleeping with Michael Jackson during the course of that tour in Europe?

A. At some time, yes. At some stage.

Q. Well, how often would he spend nights with Mr. Jackson as opposed to his family?

A. I don’t remember.

Q. Did you have a conversation with an investigator for the defense last night?

A. Not last night, no.

Q. The night before?

A. Not the night before, no.

Q. From yesterday at 2:30, from yesterday at

2:30 in the afternoon --
A. Yes.
Q. -- did you discuss your testimony or anybody else’s testimony with either Mr. Mesereau or any other member of the defense team, lawyer or investigator?
A. No.
Q. You had no discussion with anybody from 2:30 on yesterday, no one at all?
A. No.
Q. Nobody told you what questions you might be asked today based on yesterday’s testimony?
A. No.
MR. ZONEN: Thank you. I have no further questions.

REDIRECT EXAMINATION
BY MR. MESEREAU:
Q. The prosecutor for the government asked you questions about Mr. Jackson, saying that you’d been friends for a long time. Do you remember that?
A. Yes.
Q. Have you been friends with Mr. Jackson for a long time?
A. Yes.
Q. For how long?
A. Since 1987, I would say.
Q. And you’re his friend today, correct?

A. That’s correct.
Q. The prosecutor for the government asked you questions about loving Michael Jackson. Do you remember that?
A. Yes.
Q. Do you love Michael Jackson?
A. I do, very much.
Q. Why?
A. Because he’s a caring, a generous, considerate human being. He’s just a great person.
Q. Have you ever been embarrassed about loving Michael Jackson?
A. No. I’m proud of it.
Q. The prosecutor asked you questions about Mr.

Jackson referring to you as family, correct?
A. That’s correct.
Q. And has he done that?
A. Yes, he has.
Q. Have you referred to Mr. Jackson as part of your family?
A. Yes.
Q. Do you consider Mr. Jackson part of your family?
A. Yes.
Q. Why?
A. Well, I guess it’s just the closeness that I feel, that it’s a little bit more than just friendship, so --

Q. And he asked you questions about having to leave Neverland or something like that. Do you remember that?
A. Uh-huh.
Q. You’re staying there right now, aren’t you?
A. That’s correct.
Q. Ever been forced to leave Neverland?
A. Never.
Q. Never had to escape from Neverland?
A. Never.
MR. ZONEN: Objection; exceeding the scope of cross-examination.
THE COURT: Overruled.
Q. BY MR. MESEREAU: Ever gotten in a hot air balloon at Neverland?
MR. ZONEN: Objection; irrelevant.
THE COURT: Sustained.
MR. MESEREAU: No further questions.

RECROSS-EXAMINATION
BY MR. ZONEN:
Q. With whom did you speak prior to your testimony today, at any time prior to today, about your testimony?
A. Who do you mean? Anyone --
Q. At the time that you arrived in California, did you talk to anybody about your testimony?
A. From the time I arrived in California, I had

a meeting with Mr. Mesereau for about five to ten minutes. And with Mr. Scott Ross.

Q. For how long?

A. For about probably --

Q. I’m sorry?

A. Between 15 to 20 minutes.

Q. You’ve had 25 minutes of meeting since you’ve arrived in California for preparation for your testimony today and that’s all?

A. Yes. I believe so.

Q. Now, when you were still in Australia, did you have conversations with Mr. Ross over the telephone?

A. No.

Q. Did you have conversations with Mr. Mesereau over the telephone?

A. No.

Q. Did you have a conversation with anybody in Australia before -- anybody while you were in Australia about your testimony, or about this case?

A. No. Well, within my family we did talk about it, but -- with my husband and my children, but that’s about it.

Q. Did anybody from the defense team contact you in Australia?

A. No.

Q. Well, how did you know you were coming to California?

A. I offered to come and help Mr. Jackson. I offered to come testify.

Q. You offered to whom?

A. To Mr. Jackson.

Q. You called Mr. Jackson?

A. I called his office and told them that I was willing to -- to testify.

Q. With whom did you speak?

A. To Grace.

Q. You had a conversation with Grace?

A. Well, I rang her and I told her I was willing to do so and she contacted me. She -- to let me know that, yes, it was -- it was okay to do so. And then they made the arrangements.

Q. And nobody talked to you at all about what

you would say?
A. No.
Q. So nobody had any idea what you would say before you arrived here?
A. No.
Q. And then you had a total of 25 minutes of conversation between two different people?
A. Yes.
Q. All right. And in Australia, did Mr. Oxman call you, Brian Oxman?
A. No. He never called me.
Q. Did he call your son?
A. I believe he called him at some stage, yes.

Q. All right. So Mr. Oxman had a conversation with your son; is that right?
A. Yes, he did.
Q. And did he ask your son questions about what you would be saying as well?
A. No. That was prior to me making that decision.
Q. So your son had already made the decision to come to Neverland when you then made a decision --
A. That’s correct.
Q. -- at a subsequent time?
A. Uh-huh.
Q. And nobody had spoken with you about your testimony prior to that?
A. No.
Q. And then after you made the decision, you called Mr. Jackson’s who? Nanny? Is that who that was, Grace?
A. Yes.
Q. And his nanny was the only person you spoke to about any substantive information about your testimony; is that correct?
A. Well, she was the person I communicated with, and she made the proper arrangements and it was -- all the arrangements was made through her.
Q. And nobody called you back to discuss your testimony?
A. No.

Q. Were you given an affidavit to sign or a declaration to sign at some time before coming to the United States?

A. No.

Q. Did you sign a declaration or affidavit after arriving at the United States?

A. No.

MR. ZONEN: No further questions.

MR. MESEREAU: No further questions, Your Honor.

THE COURT: All right. Thank you. You may step down.

THE WITNESS: Thank you.

THE COURT: Call your next witness.

MR. MESEREAU: The defense will call Ms. Karlee Barnes.

BAILIFF CORTEZ: Mr. Sneddon? Do you still want the letter here?

MR. SNEDDON: I'll take it.

MR. SNEDDON: Photographs too?

BAILIFF CORTEZ: No.

THE CLERK: Please raise your right hand.

KARLEE BARNES

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name is Karlee Barnes. K-a-r-l-e-e; B-a-r-n-e-s.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. MESEREAU:

Q. Good afternoon, Miss Barnes. Miss Barnes, where is your home?

A. In Melbourne, Australia.

Q. And do you know the gentleman seated at counsel table to my right?

A. Yes, I do.

Q. Who is that?

A. That's Michael Jackson.

Q. And is he a friend of yours?

A. Yes, very --

Q. How long --

A. Very good friend.

Q. How long has he been a friend of yours?

A. Well, about almost 18 years. We first started speaking on the telephone, and I've known him in person for about 13 years.

Q. How did you first get in contact with Mr. Jackson?

A. Well, it was pure luck really. When I was about seven years old or so, my brother and I were really, really great big fans of Michael, and my brother wanted to write a letter to him.

So he -- well, with my assistance, we got a letter out to him, and we badly -- really, really badly wanted to go to his concert. That was his "Bad" tour. But my mom wouldn't let us go, because we were too small. We'd get crushed by the crowd. So as a consolation, she let us go see his arrival at the airport.

And at the airport, he had a number of dancers and backup singers and band members there promoting, giving us show bags and things like that. So my mom handed the letter to one of his dancers, who put the letter into a mail bag.

And fortunately, one day Michael decided to pull out a letter and read it, and he put his hand into the fan mail bag and he pulled out my brother's letter, read the letter, and he decided to telephone us to say thank you.

And from there --

Q. And approximately what year was that?

A. It would have been about '87. Or '88.

Q. And did you speak with him on the phone that time?

A. Yes, I answered the telephone.

Q. Okay. And this was in -- this was at your home?

A. Yes. It was at home.

Q. Okay. And how long did you speak to Michael Jackson?

A. Well, when I answered the telephone, I --

you know, I said, “Hello?” And a voice comes back, “Hi. May I please speak to Brett?” And I was like, this isn’t somebody I’ve spoken to before. And I said, “Brett Barnes?” And he’s like, “Yes, please.” And I said, “Okay. I’ll just go get him for you.” I put the phone down. And my mom said, “Who’s on the phone?” And I said, “I don’t know, but it sounds like Michael Jackson.” And so I ran outside, and I’m like, “Brett Brett, Brett, Michael Jackson’s on the phone,” and we’ve gone running back inside. But after that, I was just too shy to speak to him, so it was really only when I answered the telephone that I spoke to him the first time.

Q. Okay. When did you next have communication with Michael Jackson?

A. It was -- it was such a long time, I really don’t remember. But he did call us quite frequently from then on.

Q. And did you used to speak to him from time to time?

A. Yes. Of course, after I lost, you know, my shyness, I definitely loved getting on the telephone to speak.

Q. Did you talk to him a lot?

A. Yes.

Q. Did you become his friend?

A. Yes.

Q. Okay. Did your family become friends of Michael Jackson?

A. Yes.

Q. And you’re still his friend, right?

A. Yes, definitely.

Q. Where are you staying at the moment?

A. I’m staying at his ranch, Neverland Valley.

Q. And had you stayed there before this trip?

A. Yes.

Q. How many times do you think you’ve stayed at Neverland?

A. Oh, many, many times. I wouldn’t know exactly.

Q. Okay. And do you remember the first time you visited Neverland?

A. Yes, that was just after I finished the sixth grade, so that would have been like the -- the Christmas of 1990, like 1991.

Q. And who did you visit Neverland with, if you remember?

A. My mom and my dad and my brother Brett.

Q. How long were you there?

A. Oh, that I really can’t remember.

Q. Okay. What’s your first memory of Neverland when you first saw it?

A. Oh, amazement. I was just so excited and so happy and just so thrilled to be there. And it was just -- it was like going into this -- I don’t know, like this paradise that I’ve never seen before. And it was just, yeah, wonderful.

Q. You still enjoy going there?

A. Every time I come back it feels like I’m coming home.

Q. Okay. Now, the first time you visited Neverland, do you recall where you stayed?

A. Yes. The first time my brother and I stayed in Unit 3.

Q. Okay. And have you ever been in Michael Jackson’s bedroom at Neverland?

A. Yep.

Q. Do you recall the first time you ever were in Michael Jackson’s bedroom?

A. Well, the first time we went to his bedroom was when we first met him, he came -- like our family was invited to meet him in his bedroom.

Q. Have you been in his bedroom many times?

A. Yes.

Q. And describe his bedroom, if you would.

A. Well, it’s like a normal bedroom, really. He’s got a bed, and he’s got some chairs. And he’s got a bathroom.

Q. And it’s two levels, right?

A. Yes, that’s right.

Q. And what else have you seen in his room that you recall?

A. At one stage he had, like, a throne in there, like a big chair. And he had books, and some things that fans have given to him, like a lot of memorabilia.

Q. And have you ever spent the night in Michael Jackson’s room?

A. Yep.

Q. How many times do you think you’ve done that?

A. Well, I don’t remember exactly how many times, but I do recall at least twice.

Q. Have you ever spent the night there with your brother?

A. Yes.

Q. Has Michael Jackson ever made you feel like you weren’t welcome into his room?

A. Never.

Q. Has he ever made you feel that you could go into his room whenever you wanted?

A. Yeah. I mean, basically he’s always said to us that his house is our house, we’re free to go wherever we like whenever we like.

It’s out of personal respect that I, you know, wouldn’t just walk anywhere, just, you know, because everybody deserves a little privacy.

Q. Has Mr. Jackson ever made you feel unwelcome in his home at any time?

A. Never, ever, ever.

Q. Have you ever gone to his room and just knocked on the door?

A. Yes.

Q. And has he been in the room when you knocked on the door?

A. Yes.

Q. Did he let you in?

A. Yes.

Q. Have you ever been in Mr. Jackson’s room with your mom?

A. Yes.

Q. How many times do you think you’ve been in his room with your mom?

A. Again, I’m not really sure, but it has been on more than one occasion.

Q. Now, do you recall ever being in Mr. Jackson’s room late at night?

A. Yeah, I’ve stayed -- I’ve slept in his bedroom.
Q. And what were you doing in his room at the time?
A. Sleeping.
Q. Well, besides sleeping. What --
A. Oh, well --
Q. Let me rephrase the question. It’s not a good question.
Before you fell asleep in his room, what were you doing?

A. We were all talking.
Q. Okay.
A. And, you know, just having fun.
Q. Uh-huh. What kind of fun?
A. I don’t know. The fun that kids have. Just making fun of each other and telling jokes. And, you know, doing silly dances, and, you know, just things like that.
Q. And would Mr. Jackson do that with you?
A. Yeah, he liked skipping and jumping, like all of us.
Q. Have you done silly dances with Mr. Jackson?
A. Yeah, we always like do, you know, crazy things.
Q. Have you walked around Neverland with Mr. Jackson?
A. Yeah, many times.
Q. And what have you done when you did that?
Excuse me. That’s not a good question.
When you walked around Neverland, what were you guys doing?
A. Well, talking, telling jokes. Same sort of thing. You know, running as fast as we can, challenging each other to races. Stopping to look at the animals. And, you know, things like that.
Q. And Mr. Jackson would do that with you?
A. Yeah.

Q. Okay. Have you been to the theater at Neverland?
A. Yes.
Q. Been in the theater with Mr. Jackson?

A. Yes.

Q. What have you done in the theater?

A. Watched movies.

Q. Okay. All right. Do you recall a Jacuzzi at Neverland?

A. Yes.

Q. Have you been in that Jacuzzi?

A. Yes, I have.

Q. Have you ever seen Mr. Jackson in it?

A. Yes, I have.

Q. How about your mom?

A. Yes.

Q. How about your brother?

A. Yes.

Q. Have you ever traveled with Mr. Jackson?

A. Yes, I have.

Q. And how many times have you done that?

A. Well, I've been to, like -- well, in my first -- in seventh grade, I spent half of the year over in Europe with him. And in the eighth grade I spent half of the year over in South America. And I've been to Chicago. And we've been to Las Vegas. So I've been, you know, lucky, very fortunate. When he came to Australia for his "History" tour, he took us to South Australia and to Western Australia. So I've been on many, many trips with him.

Q. Have you ever been into the -- in the swimming pool --

A. Yes.

Q. -- at Neverland?

A. Yes.

Q. And has Mr. Jackson been in there with you?

A. Yes, he has.

Q. Ever recall Mr. Jackson being pushed into the pool?

A. Yes.

Q. What happened?

A. The boys -- like, there was myself and my brother and two of Michael's cousins. And we would just -- we'd been playing. We had had an egg hunt, because it was around Eastertime. And then the boys decided that they were going to be, you know, a bit more crazy, and they started throwing eggs at Michael and putting them in his hair, and then, you know, they pushed him into the pool just to taunt him even more.

Q. Has Mr. Jackson ever hugged you?

A. Yes. Many times.

Q. Have you ever been suspicious when he hugged you?

A. Never, ever.

Q. Has Mr. Jackson ever kissed you?

A. On the cheek, yes.

Q. Have you ever been suspicious of his behavior when he did that?

A. No, never.

Q. Have you ever hugged Mr. Jackson?

A. Plenty of times.

Q. Ever kissed Mr. Jackson?

A. Of course. On the cheek.

Q. Have you ever been suspicious of anything he did when you hugged or kissed him?

A. No, never.

Q. Have you seen Mr. Jackson hug your brother?

A. Yes, I have.

Q. Have you seen him kiss your brother?

A. Yes. On the cheek, yes.

Q. Were you ever suspicious of the behavior when he did that?

A. No, never, ever.

Q. When you were in Mr. Jackson's room, did you ever see Mr. Jackson do anything inappropriate to your brother?

A. No, never, ever.

Q. Have you ever seen Mr. Jackson touch your brother in a sexual way?

A. No.

Q. Have you ever seen Mr. Jackson molest your brother?

A. Never.

Q. When you were traveling, your family, with Mr. Jackson did you see you brother with Mr. Jackson?

A. Yes, I have.

Q. Have you ever been suspicious of any of Mr.

Jackson’s behavior towards your brother?

A. Never.

MR. MESEREAU: I have no further questions.

CROSS-EXAMINATION

BY MR. AUCHINCLOSS:

Q. Good afternoon, Miss Barnes.

A. Hello.

Q. You are positively thrilled to be a friend of Michael Jackson’s, aren’t you?

A. Absolutely.

Q. You seem almost giddy about it.

A. I love him with all of my heart. I’ve known him since I was about seven or eight years old, so he’s one of my closest fields.

Q. Do you feel giddy when you’re going to see him a little bit, excited?

A. I feel no more excited than I would if I was seeing one of my other close friends that I haven’t seen in a while.

Q. Well, but he’s different, isn’t he?

A. No, he’s not. He’s just a normal human being like anybody else. He’s got the same organs, the same blood, the same emotions, the same feelings as anyone else.

Q. Well, but not everybody has Neverland, true?

A. Well, he’s worked hard to get everything that he wants, so everything that he has he’s worked really, really hard for.

Q. And he shares it with you?

A. Yes.

Q. And you love going to Neverland?

A. Of course I do.

Q. You get thrilled when you get to go there?

A. Of course.

Q. And when you were a child and you got to go to Neverland, it’s kind of like having everything you ever wanted as a kid, isn’t it?

A. It’s like going to a theme park and a zoo all at once, yeah.

Q. But it’s better than that, isn’t it?

A. Well, I guess so, yeah.

Q. Because it’s all yours, it’s all private, right? No other kids, no crowds?

A. There are other kids, though, because, you know, it's even better when there are other people there to, you know, play games with, have fun with and share things with.

Q. Haven't you been there when it was just your family?

A. Yes, I have.

Q. And you get to stay up late?

A. Yes.

Q. And you get to have whatever you want to eat whenever you want it, right?

A. Like when I'm on any other vacation or holiday, yes.

Q. And you can play with Michael Jackson, the superstar, right?

A. No, Michael Jackson, the human being.

Q. Well, he is a superstar.

A. Yeah, I recognize that, but he's also a normal human being like anybody else.

Q. But didn't you say that you were a huge fan of Michael Jackson's before you ever met him?

A. Yes. Yes, I was. And I'm still a huge fan of his music today.

Q. Okay. So you greatly admire him for that?

A. I admire him for many things, yes, including his music.

Q. Okay. Now, you testified a little bit about your experiences with Michael Jackson and your brother.

A. Yes. Yes.

Q. And the very first night that you went to Neverland, you spent all night in his bedroom, didn't you?

A. Well, we didn't spend all night in his bedroom, no. We took a tour of the ranch. We went

on the train that goes around the ranch. We saw, you know, as much we could of the theme park, the zoo. Because my brother and I were so excited to see a place we'd never been before, we spent the whole night trying to see everything all at once.

Q. Okay. But eventually you went back to Mr.

Jackson's room, correct?

A. We might have. I don't remember.

Q. Didn't you tell an investigator that; that you spent the entire first night at Neverland in Mr. Jackson's room?

A. No, I didn't.

Q. You weren't playing video games in his room?

A. I didn't say that, no.

Q. Did you go into his room that night?

A. I did go into his room that night when we first met him, yes.

Q. Did you stay up all night?

A. Yes, I did stay up all night, as I said before, both of us.

Q. And --

A. And I remember this because we slept the whole day the next day.

MR. AUCHINCLOSS: It's nonresponsive. I'll object.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Now, Miss Barnes, how many nights have you spent at Neverland?

A. I don't remember. It's been that many that I -- I simply can't recall.

Q. Hundreds, maybe?

A. Well, I wouldn't say hundreds. But definitely more than 10, 20, 30 times, yes.

Q. More than a 100?

A. I don't remember, but maybe.

Q. Okay. And of that 100 or so nights at Neverland, you've spent only two nights in Mr. Jackson's room?

A. That I remember, yes.

Q. Okay. And of those 100 nights that you spent at Neverland, how many nights was Mr. Jackson there?

A. Probably about 80, 90 percent.

Q. Okay. And of that 100 nights, how many nights was your brother there?

A. All the time.

Q. Okay. Every time that you were there?

A. Every time I was there, my brother was there, yes.

Q. And of those hundred or so nights, 80 percent of the time your brother slept -- when Mr. Jackson was there, your brother basically slept in Mr. Jackson’s room virtually every one of those nights, didn’t he?

A. Yes, because he wanted to.

Q. That’s a “yes” or “no” question.

A. Yes.

Q. Can you tell me why you didn’t spend the night in Mr. Jackson’s room as much as your brother?

A. Because I’m a girl, and I prefer to have a little bit of privacy.

Q. Okay. I see. Is it your opinion that -- well, let me back up.

How old was your brother at that time?

A. What, when we first started going to his house?

Q. Uh-huh.

A. He was about -- well, I was about 12, so he was about ten.

Q. Okay. So are you saying that it’s okay for a 35-year-old man who’s unrelated to sleep with a ten-year-old boy, but it’s not okay for a 35-year-old man who’s unrelated to a girl to sleep with her?

A. I’m not saying that at all. I’m saying that from my personal point of view, I was developing into an adult, and I was at the stage where I wanted my own privacy.

Q. Uh-huh.

A. And there were times when I was happy to, you know, hang out with them and sleep in their room, and there were times when I wanted to have my own room.

Q. Only two nights that you felt like sleeping with them?

A. That I remember, yes.

Q. Okay. Did you know that there were other boys that were at Neverland?

A. Yes.

Q. Did you see other boys when you were at Neverland?

A. Yes.

Q. Did you see them sleep in Mr. Jackson’s room?

A. Yes.

Q. Mr. Jackson chose your brother to be a very special friend of his, didn’t he?

A. Yes, because the reason why --

Q. That’s a “yes” or “no” question.

A. Yes. Well, yes.

Q. Thank you.

Now, when you went on tour with Mr. Jackson, you spent how many nights on tour?

A. Well, as I said, it was about half the year I was in Europe when I was in the seventh grade, and about half of the year I was in South America in the seventh -- in the eighth grade.

Q. How old was your brother at that time?

A. I was what, 13, 14. So he would have been about 11 or 12.

Q. And virtually every night on that tour, Mr. Jackson slept with your brother Brett?

A. Yes.

Q. How many nights would that have been, approximately?

A. Let’s see, let’s divide 365 days into half.

Q. Okay. Is that about it? About --

A. Well, if I said I spent half the year overseas with him one year and half of the year overseas with him the other year, I think that would total about 365 days altogether.

Q. Okay. So 365 nights he spent the night alone with your brother in his room?

A. Yes.

Q. Did that ever -- did that ever seem odd to you?

A. No.

Q. Didn’t seem odd to you that a 35-year-old man --

A. Not at all.

Q. -- is sleeping with a ten-year-old boy?

A. Not at all.

Q. During this entire period of time that you’ve known Mr. Jackson, has he given you gifts?

A. Yes, he has.
Q. Did he fly you over to the United States?
A. Yes, he has.
Q. Do you fly first class?
A. I have flown first class, and I’ve also flown business class.

Q. Did your mother permit this?
A. Yes. And so did my father.
Q. And do you know if your brother thinks it’s a disgrace to be a victim of a child molestation?
A. Of course he would. I do, too.
Q. So if he had to admit that, it would be disgraceful, wouldn’t it?
A. Well, no, it’s a disgrace that it would happen to a child. Not a disgrace to admit that it happened, but a disgrace that it has happened, if it has happened.
MR. AUCHINCLOSS: Thank you. No further questions.

REDIRECT EXAMINATION
BY MR. MESEREAU:
Q. The prosecutor for the government asked you about your brother being a special friend of Michael Jackson. Are you a special friend of Michael Jackson?
A. Yes. And my parents are as well.
Q. Why?
A. Well, because we treat him just as we would treat anybody else, as a normal human being. We don’t take advantage of him, we trust him, we love him, and we give him a normal sense of life that so many other people never, ever do.
Q. The prosecutor for the government asked you about your brother sleeping with Michael Jackson, okay?

A. Yes.
Q. And you were traveling when your brother would be in Mr. Jackson’s room, right?
A. Yes.
Q. Did you ever suspect anything improper was going on?

A. Never.

Q. The prosecutor for the government asked you if -- didn’t it seem odd that Michael Jackson was in a room with your brother. Did you think it was odd?

A. No, I didn’t think it was odd.

Q. Why?

A. Because -- well, he’s a family friend. He’s like a brother to us. He’s given us -- not just given us gifts and given us things, but he’s -- you know, he’s given us --

MR. AUCHINCLOSS: Objection; narrative.

THE COURT: Overruled.

You may finish.

THE WITNESS: He’s given us friendship and, you know, experiences that we would never get to see, you know, and....

My brother really always wanted to be there. He wanted to spend every minute, and he still wants to spend all of his minute -- all his time with him.

MR. AUCHINCLOSS: Objection; nonresponsive.

THE COURT: All right.

THE WITNESS: And that’s why it’s not strange, because my brother wanted it.

MR. AUCHINCLOSS: Objection; it’s nonresponsive.

THE COURT: Overruled.

Q. BY MR. MESEREAU: The prosecutor for the government asked you about victims of child molestation. Did you ever think your brother was a victim of child molestation?

A. Never.

Q. Did you ever think you were a victim of child molestation --

A. Never.

Q. -- of Michael Jackson?

A. Never.

Q. Now, have you learned about allegations in this courtroom that somehow your brother was improperly touched?

A. I have heard that that has been said by other people.

Q. What do you think of that?

A. I think they’re liars.

MR. MESEREAU: No further questions.

RECROSS-EXAMINATION
BY MR. AUCHINCLOSS:
Q. Miss Barnes, has it ever occurred to you that virtually all families that have victims of child molestation where the molester is a friend and acquaintance, has it ever occurred to you that they are shocked and disbelieving when they learn that fact?

MR. MESEREAU: Objection. No foundation; argumentative.
THE COURT: Sustained.
MR. AUCHINCLOSS: Goes to credibility.
THE COURT: The objection is sustained.
Argumentative.
MR. AUCHINCLOSS: Nothing further.
There’s no question.
THE COURT: That’s true.
MR. MESEREAU: Oh, okay.
THE COURT: But you could say, “No questions.”
You may step down.
THE WITNESS: Thank you.
THE COURT: (To the jury) I think it’s time for you folks to go home. We’ve got a couple of things to do, and I think we’ll just recess until Monday morning.
Let me tell you another day we’ve just -- I’ve been asked if we could take the 20th of September, which is -- or “September.”
(Laughter.)
THE COURT: I’m going to give you the 20th of September.

The 20th of this month, May, one of the attorneys has asked -- one of the attorneys has a commitment which I’m going to allow him to keep. And I think it’s good, too, that we get a break like that.
So next Tuesday afternoon we’re off, and the 20th of May. And we think we’re on schedule, just so you’re -- if you’re wondering about that

information. Everything looks like we’re right on schedule. So see you Monday.

Remember the admonitions.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: Mr. Sneddon, you had an issue you wanted to take up.

MR. SNEDDON: Yes. Actually, I have two issues, Your Honor.

THE COURT: All right.

MR. SNEDDON: The first issue I’d like to address is a discovery issue, which has been an ongoing problem. And I wanted to alert the Court to the details and also make a record in that respect.

We announced last week that we were going to rest, and then again the beginning of this week

announced that we figured we’d be finished by Tuesday. We didn’t. We finished on Wednesday.

But when we began to ask for defense witnesses, we were given the name of six witnesses. Five of them were not even on the defense witness list, and the discovery was provided about five o’clock the day before we were to rest. Then we find out yesterday on the witness stand that one of the witnesses had signed a declaration that we hadn’t been provided by the defense.

Last Saturday, I faxed a letter to the defense, after having reviewed the defense witness list and compared that to our discovery, and there are at least 75 to 80 people listed on the defense list where we have no documentation or reason or reports or anything to indicate why those people are going to be called in this case.

Since that time, I’ve further expanded my research on that issue. There are at least four employees from the ranch for which we have no reports on. Today there were three witnesses that they were going to call that we have no reports on, one of whom was not even on their witness list that was read to the jury.

There are 21 celebrities that they mentioned in their witness list. Of those, 15 have no reports indicating what they’re going to testify to.

There are 12 Los Angeles Police Department 9420

officers, only six of which can we identify anything that shows their names in the reports. We have no idea what the others are going to testify to, and I might add that I don’t think they know what they’re going to be asked to testify to.

In sum and substance, Your Honor, it is not my desire to prolong this case. I have every -- as much interest as this Court does in moving it. On the other hand, in being fair to us and the way that the Court required us to provide discovery to the defense, I think we’ve been placed in a very unfair posture at this point in the trial with regard -- for instance, just to use an example and then I’ll just sit down.

For example, two of the witnesses that were going to be called today, Detective Birchim and Jerome -- James --

MR. ZONEN: Jimmy Johnson.

MR. SNEDDON: It’s not Jimmy Johnson. Van Norman. They were witnesses whose depositions were taken in a lawsuit for which we have not been able to gain access because there’s Court orders sealing those records. And the defense knows that they’re going to call these people as witnesses, yet they’ve never provided the transcripts to us, yet we provided all of the transcripts of everything we had during the 1993 investigation.

That’s the kind of disadvantage that we’re 9421

being placed at, and I’m only asking the Court to hold the defense to the same standard that we’re held to and were being held to during the presentation of our case.

Now, I’m not unreasonable. I understand that there are going to be times when there are going to be things that are going to be turned over late. That happened to us. Somebody says something different or adds something to something at the last minute. But to have this kind of problem set forth when we’re talking about literally hundreds of witnesses with no documentation, I think it’s going to be very difficult for us to be prepared to continue and keep this trial moving on track. And I’m asking for the Court to enforce the provisions of the Penal Code that requires the defense to comply with discovery.

Oh, I want to also add, some of the reports that we were provided at five o’clock on Tuesday night were reports that were dated in January. In other words, the defense had had them for four, five months.

Oh, can I -- do you want me to tell you the second thing and I’ll sit down, or do you want to do them separately?

THE COURT: Whatever you like.

MR. SNEDDON: Let me do it separately -- at the same time and get it done.

MR. SANGER: At the same time; separate?

MR. SNEDDON: I indicated to the Court that it is our opinion, and we filed a brief on it this morning, that the defense has opened up the area of character evidence by introducing a lot of opinion evidence through all these witnesses, and we’re asking the Court to hold a hearing as to what we are entitled to ask, in good faith, of have-you-heard questions and to have some of those people re-called as witness or for future witnesses that may stray into that area.

Thank you.

THE COURT: I haven’t seen that material yet.

MR. SNEDDON: Okay.

THE COURT: Usually it’s brought over to me as soon as it’s filed, so are you sure you filed it this morning?

MR. ZONEN: It was this morning.

MR. SNEDDON: I was under the impression it was filed this morning.

THE COURT: Okay. Usually I have it by now.

As to the discovery issue?

MR. SANGER: Yes. Before I address that, can I just -- on the matter of things getting to the Court, we also filed something this morning, and

Your Honor, a little while ago, didn’t have it.

THE COURT: Which was the -- yeah, I don’t have that either.

MR. SANGER: It was the response to --

THE COURT: I know what you’re talking -- to the last item on --

MR. SANGER: I remember sequentially what it was, but the substance is escaping me at the moment. Anyway, we did file it. It was on Mr. Viner’s testimony.

THE COURT: Viner’s testimony. Yes, I -- okay.

MR. SANGER: Well, I suppose all I’m saying is, there may be a glitch somewhere in the conveyor belt from where it started and where it’s coming.

THE COURT: I’ll check.

MR. SANGER: With regard to discovery, first of all, there’s some factual inaccuracies in what Mr. Sneddon just said, one of which is he said that names were not on the witness list that we have included on our list of people that we’re trying to give both the Court and counsel prior to calling them.

And that is not correct. They are -- the ones that are added are at the end, starting on page 28 on the sixth amended witness list. So they were put on the witness list, but they are not alphabetical.

THE COURT: But you gave that list yesterday.

MR. SANGER: No, it was -- this last one was a couple of days ago.

THE COURT: The day before?

MR. SANGER: But we have -- well, there’s two different lists. Let’s just be clear, Your Honor.

THE COURT: I guess the question, though, is, does that really comply if you make a new list and put the name on it the day before you call a witness when you gave the real list several months ago? I mean, I find that to be a little --

MR. SANGER: Let me address that before the Court forms an opinion on this - okay? - if I may.

THE COURT: All right.

MR. SANGER: I'm sorry, I didn't mean to misread what the Court was saying.

What I -- what has happened is, we have witnesses on this -- on the big list that was provided originally in December. The prosecution filed one in December, and then we all filed amended ones in January, and both sides have tried to keep up, all right?

The defense has had to react to certain things that have occurred. For instance, the prosecution has called some people that they indicated at first they weren't going to call, particularly on the 1108. Mr. Abdool was a late addition. He may have been on their master list, but when it came down to figuring who they were really going to call, they called a small percentage

of the people they had on their master list.

THE COURT: I hope you do the same.

MR. SANGER: And we will do the same unless Mr. Sneddon forces us to call every one just to show that we can do it.

What we have done, seriously, is taken the master list, which had, oh, let's see, something like -- by the time we add all these other people, something like 500-and-some people on it.

We've taken that master list -- now, the master list, our understanding of providing it was any name or any possible witness who could be called by either side or whose testimony would figure prominently in the case, or their presence, even if they didn't testify. So we were trying to provide the Court with something that the Court could read and ultimately have counsel read it to the jury so they could see if they knew any of these people. It did not mean that we were going to call everybody. And I think both sides know that, that that's the case.

Now we're coming down to the people we're calling. We tried to give a list, not just for today, but we gave a list for a couple of three days' worth of witnesses.

As I explained to Mr. Sneddon personally, and as they did, we have to shift things around as time goes on. We expected that, for instance, we were going to start earlier, and as a result of that, we had other witnesses who were going to be -- who were ready to be called, and now we've had to reschedule them because they're from out of town, and that's just the way it goes. So that's that.

Now, of the people on the list, on our list that we gave to Your Honor and to the District Attorney, the short list, the -- the ones we're calling right now, there was one witness for which we had a declaration which we....

You have it. Okay. I take it you have Mr. Sneddon's as well.

THE COURT: Now I have each of those documents.

MR. SANGER: Thank you.

Of the people that Mr. Sneddon just referred to -- he said there were three people. Of those three people, there was one person, Francine Orozco, who we had a declaration from, and we believed that it had been turned over along with a whole series of declarations that had been turned over. They said they didn't get it.

We went back. We can't show that we gave it to them. I gave a copy immediately to Mr. Zonen and agreed that we would not call Francine Orozco until they had a chance to review it. He said Monday would be fine, so I think we worked that out. We're trying to be reasonable on that.

The other two, Russ Birchim is a sheriff's -- I believe he's a commander now, isn't he?

THE COURT: I think so.

MR. SANGER: He's a commander, and the only thing we were going to ask him about is contained in his reports on this case, and we have not interviewed him independently. There was one other small issue we were going to ask about. I won't announce what it was. I've explained this to Mr. Zonen. It was an issue that he testified to in the Abdool trial.

The Abdool court reporter’s notes are, by and large, not available, and what few notes we got were such -- they were so garbled, we couldn’t read it. In fact, the court reporter hired a computer expert to try to straighten it out and couldn’t. We got no notes with regard to this person.

So he testified. I told Mr. Zonen what he testified to, which was basically a one-sentence issue, and I said we weren’t -- we weren’t going to call him for that anyway. So the only issues we’re calling him on would be issues for which he wrote a report in this case.

The last witness they referred to, James Van Norman, we put on the list not to call him today, but to call him next week. We’re just trying to give them a heads-up for a couple, three days, and

we have not reinterviewed him.

Now, I was just told today, and I wasn’t aware of this, that the prosecution did not receive copies of the Abdool case. Because they had Mr. Ring on their witness list, my understanding was they had all the depositions and the files. All the public files have been ordered unsealed, with the exception of just a very few, thanks to Mr. Boutrous and his never-ending work over there in Judge Canter’s court. I am now informed, as of today, that they did not have these depositions.

I have not reviewed his deposition, and we have no new report. We expect to talk to him before bringing him up here again. I will get his deposition, to the extent we have it, from our old files. If we have it, we will give it to them. So that was really it.

Now, as far as the rest of the people are concerned, we are -- to the extent we knew we were going to call them and we intended to call them and we interviewed them, we have provided reports. If we have any reports on anybody - in other words, anybody that’s on the master list - that we intend to call, if we had a report, we turned it over, to the best of my knowledge. I don’t know how Orozco slipped through as a declaration, but other than that, we have turned them over.

We understand our obligations. I think we're complying with them. The People, as Mr. Sneddon acknowledged -- you know, there were -- a couple people actually got on the stand, as the Court may recall, and we didn't have a report from them at all. So it happens. The Court dealt with it and said, "Call them tomorrow." I voluntarily said to do that with Miss Orozco. I suspect that we will cooperate in that regard. I don't think we're going to have a problem. We will have a further meeting today to make sure that all these Abdool depositions that pertain to witnesses we intend to call get turned over.

So I think that really answers the question. We haven't been withholding anything. And I'd suggest -- rather than arguing back and forth, unless there's something I said that was factually inaccurate, I'd suggest we try to continue to work this out, because I have talked with Mr. Zonen and I thought we were doing fine.

THE COURT: Is there a way that you could -- here's the problem that I find from both sides, and that is that if there's no report, the party notifying the other side of the witness could make such a notation beside the name, so it's clear on the record to each other -- not for me, but to each other that there is no report, and it gives them a chance -- and if you say there is a report and they don't have it, they could get it to you immediately. There's a problem when you don't know if you're just not giving a report, forgot to give a report, or there's no report.

MR. SANGER: More -- beyond that, I would go beyond that. There will be a report on everybody. I mean, even if the report is, "Their statement is their declaration." We actually have one person at this point, the only statement that we could turn over was a statement that a lawyer -- paraphrase of what a lawyer told us. In other words, we haven't had a chance to interview that witness yet. We may or may not before the witness is called. If we do, we'll give a formal report. But we have provided that to the D.A. We'll let them know.

There is the concept of rebuttal, and Mr. Mesereau is reminding me to just let the Court know. Obviously, a couple of these people, I think I said that at the very beginning --

THE COURT: I understood that.

MR. SANGER: -- Orozco and Jimmy Van Norman are really rebuttal to what came up very recently in the case. It's not we're holding back. It's that we're responding the best we can to that.

And we're starting with the '93 segment of the case, which I think is appropriate from our standpoint, but it also is the part where we have the real rebuttal burden because we didn't know whether it was coming in and what was coming in until late, so it's compounded that problem. But I think we're getting it done.

So if there's any other problem, I would suggest we meet and confer. And -- hold on one second. I'm sorry. Yeah.

(Discussion off the record at counsel table.)

MR. SANGER: And I think the Court understands, for instance, there are experts like the financial expert who just came forward, and we got his PowerPoint I think the very morning he was put on, if I'm not mistaken. So, we -- we have to respond --

THE COURT: I understand there's always problems on both sides.

MR. SANGER: We're doing our best is all I can tell you.

THE COURT: I expect you to comply, as I do both sides.

Is there anything you want to add that?

MR. SNEDDON: Well, I'd like to get out of here early today, Judge, but I just want to say, are we to assume, then, from Mr. Sanger if we don't have a report from anybody, they made the decision not to call them? I mean, there's over 100 people on there, plus, that we --

MR. SANGER: No.

MR. SNEDDON: Well, can we find out?

MR. SANGER: There's 500 people on that original list.

MR. SNEDDON: With no indication why they're coming.

MR. SANGER: Let's just make that clear. One more time, just like the prosecution gave us a giant list with a lot of people, we gave them a giant list with a lot of people. We're not going to call everybody on that list. So the prosecution can't assume anything from that.

When we give them the list, which we typed out and gave the Court a copy and we gave the prosecution the same thing, when we do this, as we do this, we expect that there will be a report that's been disclosed on every single one of the people that we put on the list before we call them. And if we have it, we'll give it to them right now. If we're -- for instance, in the case of the one person who's not on the list yet, the one person who we've only talked to his lawyer, we can't give a further report until we get it. So that's the example.

But as far as other people that are on the master list, nothing should be assumed. I mean, we're going to provide the discovery as soon as we can. And if we interviewed somebody and we intended at the time to call them, we would turn it over, and that's still our position, and that's what we will

do. And I think once we get over the 1108, which is a little bit spontaneous because of the way it came up, it should go a little smoother.

MR. SNEDDON: Judge, the difference is very fundamental. We turned -- we had a list of people and we didn't call them all, but we gave discovery on everybody on that list before this trial started, so that if we did call them they could prepare. There were a couple of people -- there were a couple of people who we added to that list during the course of the trial.

And I don't mind a couple of people being added. We're talking about hundreds of people here, without us having an ability to even know why they’re going to be called or what they’re going to say, and they’re going to walk in here, and I guarantee you, they’re going to dump it on us two or three days before they come in here. If we’re lucky.

MR. SANGER: We promise not to dump it on them.

MR. SNEDDON: Well, I don’t want promises. I want compliance. We had compliance dates that you gave us. Why don’t they?

MR. SANGER: Well, I don’t know if this is productive. The fact of the matter is, there were a tremendous number of witnesses for which we had no reports. And we were --

MR. SNEDDON: That’s not true.

MR. SANGER: And we filed something in writing demanding the reports and we were told they didn’t have them. They had several experts in different categories and they gave us no reports. We couldn’t even figure out who they were.

Your Honor may recall we filed a motion because they had names down there that weren’t even real names of people. They had -- I remember one person, they had two people’s names put together, totally different people put together with a hyphen, and we spent forever trying to figure out who that was. So we’re beyond that, and we’re going to do our best and --

THE COURT: What I want you to do is to give them the reports on the witnesses that you have as soon as you possibly can.

MR. SANGER: Yes, sir. That’s what we --

THE COURT: That’s what’s required.

MR. SANGER: That’s what we intend to do. And with the exception of Orozco, for which I apologize - that was an old declaration - I think we’ve been doing the best we can. So we’ll --

THE COURT: And I do remember that I gave you some relief. We continued -- you know, we had to put some witnesses off until the next week, or several days, anyway. So if that is happens, you’re entitled to the same type of relief.

MR. SANGER: Do you want to address the

character issue, or not?
THE COURT: Not right now. Now I have them. I haven't read it, so I want time to study what we're dealing with.
Are you going to file a response to that?
MR. SANGER: That's what I was going to say. If the Court would like, or give us permission to do it, we would like to file a response.
THE COURT: I would, if you'll file that Monday.
MR. SANGER: Yes, sir.
THE COURT: Then I think --
MR. SANGER: Eight o'clock or 8:15 or something?
THE COURT: Yeah, that's fine.
Now we have to have an in-camera hearing on the issue that Mr. Mesereau requested, so I'll need an attorney from each side, the court reporter and the clerk.
MR. SNEDDON: I'll go in.
THE COURT: And for those present in the courtroom, there won't be any further open court sessions today, so if you want to leave, you may.
MR. MESEREAU: Your Honor, can Mr. Jackson leave?
THE COURT: Yes, Mr. Jackson may leave, too.
(The proceedings adjourned at 1:20 p.m.)
--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:
That the foregoing pages 9275 through 9437 contain a true and correct transcript of the

proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 6, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
May 6, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
OFFICIAL COURT REPORTER

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

MONDAY, MAY 9, 2005

8:30 A.M.

(PAGES 9438 THROUGH 9501)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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INDEX

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

DEFENDANT’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
CONTRERAS, Francin	9441-SA	9446-Z	9450-SA	
GOFORTH, Gayle	9451-SA	9460-Z	0466-SA	9468-Z
SILVA, Violet	9469-SA			

Santa Maria, California
Monday, May 9, 2005
8:30 a.m.

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: Good morning.
COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.
THE COURT: Raise your right hand, face the clerk.

FRANCIN CONTRERAS
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Francin Contreras. F-r-a-n-c-i-n; C-o-n-t-r-e-r-a-s.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. SANGER:
Q. Good morning. Miss Contreras, were you known by another name at one point?

A. Francin Orozco.
Q. Okay. And Contreras is --
A. My married name.
Q. Your married name. So you were married since then?
A. Yes.
Q. All right. And have you worked at Neverland Valley Ranch?
A. Yes.
Q. When did you first start working there?
A. I believe it was ‘91, ‘92. I’m not sure. ‘91.
Q. In 1991. And how long did you work there?
A. About two years.

Q. How are you presently employed?
A. I’m at Foods Co., Lompoc, California, lead cashier.
Q. All right. Now, in the time period of 1991 and ‘92, did you have occasion to work with Adrian McManus?
A. Yes.
Q. Can you describe your relationship with Ms. McManus?
A. A good friend at that time.
Q. And at that time, did you go to her house, she go to your house?
A. Yes.
Q. Did you know her husband?

A. Yes.
Q. All right. Did you remain friends after you stopped working at Neverland Ranch?
A. For a bit.
Q. Okay. During the time that you knew Ms. McManus, did she ever make any statements to you whatsoever with regard to the molestation charges against or accusations against Mr. Jackson back at that time, in 1993?
A. Never.
Q. What did she tell you, if anything?
You have to sit forward, first of all, a little bit, because that microphone --
A. Oh, sorry.
Q. Everybody has that problem. You just have to talk into the microphone.
A. All right.
Q. Did she say anything one way or the other about the charges, and about Mr. Jackson?
A. Never. She always talked good about him.
Q. All right. Now, at one point, were you aware that she filed a lawsuit against Mr. Jackson?
A. That’s when I didn’t talk to her no more. We didn’t see each other.
Q. All right. What was -- did you talk to her at some point right at the end, right when that breakup occurred? Did she tell you what she was doing with her lawsuit, if anything?

A. She just -- well, meaning -- I really don’t know what you mean.
Q. Okay. Did she talk to you about her lawsuit? You say you stopped seeing her at some point after she filed the lawsuit, right?
A. Right.
Q. Okay. Did she tell you why she was filing a lawsuit?
A. No.
Q. All right. Now, did you visit the house of Mr. and Mrs. McManus?
A. Yes.
Q. Where did they live?
A. In Santa Maria.
Q. And did you visit there while Ms. McManus was working for Mr. Jackson?
A. Yes.
Q. What did you observe at her house?
A. In all her rooms?
Q. Yeah. Let’s talk about -- was there a room that had some --
A. Yes.
Q. -- Michael Jackson items?
Can you tell us about that?
A. She had hats that belonged to Mr. Jackson. Pajamas. Watches, T-shirts. Items that belonged to the ranch.
Q. Okay. Now, did you ever see her take items

from the ranch?
A. Yeah.
Q. And how did she do that?
A. In a laundry basket. She used to take home Mr. Jackson’s clothes. She said she was going to iron them. But there was, like, a hat underneath there, and you can’t iron a hat.
Q. Okay. Was there an occasion where you all were asked to wrap Christmas presents for needy children?
A. Yes.
Q. Sit a little closer. I’m sorry.
A. Yes.
Q. Everybody has to do it. It’s not comfortable, sorry.

What can you tell us about that?

A. We were sent home -- because there was, like, lots of toys and gifts for the children. And we really couldn’t do all the wrapping at the ranch, because it was quite a bit, so we were asked to take some of the toys home to wrap, and bring them back, because they didn’t belong to us. And I noticed that Adrian had kept some Super Soakers and other items of toys for her son.

MR. SANGER: All right. Okay. Very well. I have no further questions.

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CROSS-EXAMINATION

BY MR. ZONEN:

Q. I’m sorry, is it Miss Contreras or Mrs. Orozco?

A. Contreras.

Q. Miss Contreras, was it more than one occasion that you saw Adrian McManus taking a laundry basket with items home?

A. Yes.

Q. Was that a fairly regular occurrence?

A. Yes.

Q. And would she stop to show you the items that she had in the laundry basket?

A. She didn’t stop.

Q. So she wasn’t showing you what she had and what she was taking home?

A. I seen them. We were walking together out to her car.

Q. All right. And she would have it in a laundry basket covered with items, but you would, nonetheless, see the items because you were looking through them?

A. No.

Q. You understood at the time that she was stealing at that time?

A. No. I thought she was taking them home to iron.

Q. She was taking a hat home to iron?

A. That’s what I said before, how could you iron a hat?

Q. That's my question to you. Did you see on each of the occasions that she took items home to iron, she had items that you believe that she was stealing?

A. No. She was taking them home to iron.

Q. All right. On only one occasion did she take home an item that you believed she was stealing?

A. No, because we were taking toys home, all of us were, to wrap. And they were supposed to be returned.

Q. I'm asking questions specifically about the occasions when you saw her bringing items in a laundry basket covered with laundry.

A. Right.

Q. Now, she did take items home to iron that were Mr. Jackson's items and she would bring them back; is that right?

A. I don't know if she brought them back. I didn't see her bring them back.

Q. Was that part of her job as you understood it?

A. To take them home and iron, yes.

Q. It was part of her job to take items that were, in fact, Mr. Jackson's personal clothing, to iron them for Mr. Jackson, and return them ironed to Mr. Jackson; is that correct?

A. I believe so.

Q. And she did that on a fairly regular basis?

A. Yes.

Q. She would work at home doing ironing for Mr. Jackson?

A. I never seen her ironing them, so I couldn't tell you, sir.

Q. She would -- she would take it -- a laundry basket with his clothing to iron and she would tell you that that's what she was doing?

A. Yes.

Q. You have no reason to believe she wasn't bringing them back; is that right?

A. Right.

Q. On one occasion you saw a felt hat that

didn't need ironing?
A. Yes. I don't know what she was doing. She could have took it home to mend. I have no idea, sir.
Q. She could have mended it and brought it back the next day?
A. I suppose so.
Q. Did you ever ask her about that?
A. Nope.
Q. Did you ever ask her about the Super Soakers that were in there?
A. No.

Q. Miss Contreras, did you go to work for Mervyn's after you left Neverland?
A. Yes, I did.
Q. Did you get fired from Mervyn's for stealing?
A. No.
Q. Were you prosecuted for stealing from Mervyn's?
A. No, it was trespassing.
Q. Well, you were prosecuted for stealing; is that right?
A. No, sir, it was trespassing.
Q. You were trespassing in the store that you were working in --
A. No, sir. No.
Q. Were you not working in there at the time?
A. Yes, I was.
Q. You were prosecuted for trespassing in a store that you were working in?
A. No, sir.
Q. Did -- were you ordered by the court to make restitution to Mervyn's?
MR. SANGER: I'm going to object, Your Honor, as to relevance.
THE COURT: Sustained.
MR. ZONEN: I have no further questions.
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REDIRECT EXAMINATION
BY MR. SANGER:

Q. At the McManus residence, was there a particular room that was dedicated to the Michael Jackson --
MR. ZONEN: Objection; exceeding the scope of the cross-examination.
THE COURT: That’s true.
Did you want to reopen that?
MR. SANGER: Well, let me ask it a different way. The Court may see where I’m going.
Q. Whether or not you saw things in the laundry basket, did you see things from the ranch in Ms. McManus’s house?
A. Yes, sir.
Q. And were they displayed in some fashion?
A. Yes.
MR. SANGER: All right. Okay. No further questions.
MR. ZONEN: No questions.
THE COURT: Thank you. You may step down.
MR. SANGER: Call Gayle Goforth.
THE COURT: Would counsel approach on this?
While she’s coming in, counsel approach. The District Attorney filed an in limine statement.
(Discussion held off the record at sidebar.)
THE COURT: Good morning. I’m going to ask you to face the clerk here, raise your right hand.

Go ahead.

GAYLE GOFORTH
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: My name is Gayle Goforth. G-a-y-l-e. Last name, G-o-f-o-r-t-h.
THE CLERK: Thank you.
THE COURT: Miss Goforth, we’re just going to ask you to sit there a minute. I know you don’t know what to expect, but I was just talking to the attorneys here, and I’m going to talk to them for a second before we do anything.
THE WITNESS: Okay.

THE COURT: (To the attorneys) Come forward.

(Discussion held off the record at sidebar.)

DIRECT EXAMINATION

BY MR. SANGER:

Q. Okay. Good morning.

A. Good morning.

Q. Do you know the gentleman seated right here?

A. Yes, I do.

Q. Who is that?

A. Michael Jackson.

Q. All right. And how long have you known Mr. Jackson?

BAILIFF CORTEZ: I need you to speak right into the microphone.

THE WITNESS: Sorry.

I became employed at Neverland Valley Ranch in 1989.

Q. BY MR. SANGER: All right. Now, every single witness, even those with louder voices than yours, has to sit right up to that microphone for some reason it’s a little uncomfortable there. So just try to project. You have a soft voice to start with.

Okay. So you started working in 1989. And what was your job when you started there?

A. I was a housekeeper.

Q. And did you eventually attain a different position?

A. Yes, I did.

Q. And what was that?

A. I became supervisor of housekeeping.

Q. All right. And when did you become supervisor of housekeeping?

A. In 1990.

Q. Now, did you know Adrian McManus?

A. Yes, I did.

Q. Did you know Ralph Chacon?

A. Yes, I did.

Q. Did you know Kassim Abdool?

A. Yes, I did.

Q. Were they also employees at the ranch?

A. Yes, they were.

Q. Were any of them working under you?

A. Adrian was.

Q. Ms. McManus was on the housekeeping staff; is that correct?

A. Yes, she was.

Q. And you were at that time the head of housekeeping?

A. Yes, I was.

Q. What was her assignment when she first started to work for you?

A. She was a housekeeper.

Q. Did she eventually get a new designation?

A. Yes, she did.

Q. And what was that?

A. She became -- she -- a caretaker of Mr. Jackson’s room.

Q. All right. Now, when you say “Mr. Jackson’s room,” what are you talking about?

A. Primarily -- pardon me, primarily cleaning his room and taking care of his personal items.

Q. All right. Now, first of all, if you’d like some water you can pour yourself some there.

A. Okay. Thank you.

Q. All right. When you say “his room,” we’re talking about the suite that we’ve all heard about that has the two floors and so on?

A. Yes.

Q. And part of her responsibilities were to make sure that the place was clean, I take it.

A. Yes.

Q. And she also was responsible for making sure that his laundry was done; is that correct?

A. Yes.

Q. Now, did you have facilities at the ranch to do laundry?

A. Yes, we did.

Q. And during that period of time and perhaps today, but during that period of time, was the laundry done at the ranch?

A. Some of it was. A lot of the things were sent to the dry cleaners.

Q. I’m sorry, not dry cleaning, but the actual laundry, if you were going to wash sheets or wash clothing that did not need to be dry cleaned.

A. Yes.

Q. And could it be ironed there?

A. Yes.

Q. You had a room to do that in; is that correct?

A. Yes, we had a laundry room.

Q. All right. Was it part of Ms. McManus's duties to take clothing home, Mr. Jackson's clothing home, to iron it?

A. Not necessarily.

Q. Okay. And during that period of time when -- can you tell us when Ms. McManus was there, to the best of your recollection? Let me withdraw that.

Why don't you just tell us when she was taking care of Mr. Jackson's room.

A. I believe she started cleaning his room in -- around 1990, early 1991.

Q. Okay.

A. Until 1994.

Q. All right. Now, in 1994, did Ms. McManus stop showing up for work?

A. Yes, she did.

Q. Do you recall roughly when that was?

A. I don't remember exactly when.

Q. Sometime in 1994, though?

A. Yes.

Q. And the last time -- when I say "the last time," she stopped showing up for work and then she just never came back; is that correct?

A. That's correct.

Q. Before that happened, do you recall her taking any leave or being absent from work?

A. A lot, yes.

Q. And was Ms. McManus -- what was her attitude towards her position; do you recall?

A. Oh, gosh. Well, she changed -- when she was a housekeeper, when she became -- to take care of Mr. Jackson's room, she changed her attitude.

Q. And what did her attitude change to?

MR. ZONEN: I'll object as speculative and irrelevant.

THE COURT: Overruled.

You may answer.

THE WITNESS: I can answer?

Q. BY MR. SANGER: Yes.

A. Like she was above everybody.

Q. Was she a hard worker?

MR. ZONEN: I'll object as irrelevant.

MR. SANGER: I'll withdraw it.

Q. All right. Now, let me move ahead. When did you stop working at the ranch?

A. In 2002.

Q. All right. Were you at the ranch at the time the Arvizo family came to visit?

A. Yes, I was.

Q. And do you remember -- what do you remember about the Arvizo family?

A. They were at the -- their first time that they came, they were very concerned about their son's health.

Q. Okay. And that was Gavin?

A. Yes.

Q. And he was not doing well at that time?

A. No, he wasn't.

Q. How many times did you see the Arvizo family at the ranch before you left your employment there?

A. The first time I saw the whole family was their first arrival. Thereafter, the father and the two boys came back, I would say, maybe four or five times.

Q. Okay. So the first time the whole family was there, that means the mother was there as well, is that what you're saying?

A. Yes.

Q. Do you remember her name?

A. Janet.

Q. Did you have any interaction with Janet Arvizo?

A. Yes, I did.

Q. And what interaction did you have?

A. Shortly after their arrival, she started talking to me about being concerned about her son's

health, and that they were having money problems, and that -- she asked me if I would give her a job at the ranch.
Q. And what was your response to that?
A. I told her that she needed to be more concerned about her son and that it was a long ways to --
MR. ZONEN: I’m going to object to the response as hearsay.

THE COURT: Sustained.
MR. ZONEN: And irrelevant. Move to strike.
THE COURT: Stricken.
MR. SANGER: All right. Not for the truth of the matter, Your Honor, but for the purpose of the response, if I may.
THE COURT: The response that Janet makes to her statement?
MR. SANGER: Yes, that’s correct.
THE COURT: All right.
Q. BY MR. SANGER: Did you say anything specifically about the distance between her home and the ranch?
A. Yes, I did.
Q. And what did -- what did Janet Arvizo say in response to that?
A. She told me she would move to the valley in order to be closer to the ranch.
Q. When you say “the valley,” you mean the Santa Ynez Valley?
A. Yes, I do.
Q. Now, -- excuse me, I’m sorry. Going back to the entire time that you worked at the ranch, did you have occasion to see Mr. Jackson drink alcohol?
A. A few occasions.
Q. All right. And roughly -- let’s put it this way. When did you see him drink? What occasions would you see him drink alcohol?

A. At mealtime, dinnertime.
Q. Okay. Now, when you -- at some point during this period of time, or from time to time, you actually took care of Mr. Jackson’s room as well; is

that correct?

A. Yes, I did.

Q. And so you were one of the staff people who was allowed to go into his room to straighten it up or do whatever needed to be done; is that correct?

A. That's correct.

Q. And also to supervise people who would be doing that; is that right?

A. Yes.

Q. All right. Did you ever see any bottles of alcohol or other evidence of alcohol strewn about? Can you explain what you might see?

A. I don't recall.

Q. Okay. So you might see a glass or something but you wouldn't see -- you wouldn't see alcohol just lying around his room?

A. No.

Q. All right. And let me also ask you about Mr. Jackson and his personal behavior. Would you say -- can you describe his behavior as far as being outgoing or shy or --

MR. ZONEN: I'm going to object as irrelevant, Your Honor, and vague.

THE COURT: Sustained.

MR. SANGER: On vague?

THE COURT: Both.

MR. SANGER: Both? Okay.

Q. Did you have any occasion to observe whether or not Mr. Jackson would change his clothes in front of anyone? For instance, if you were in the room cleaning, would he be changing his clothes in there?

MR. ZONEN: Judge, that's irrelevant as to whether he would change his clothes in her presence.

THE COURT: Sustained.

MR. SANGER: All right.

Q. Were there occasions where you came in and Mr. Jackson might be in the process of changing his clothes, changing a shirt or something?

A. No. He was very private.

MR. SANGER: All right. Okay. I have no further questions.

CROSS-EXAMINATION

BY MR. ZONEN:

Q. Miss Goforth, you were recently interviewed by an investigator for the defense; is that correct?

A. Yes, I was.

Q. And you were asked questions about that conversation that you had with Janet Arvizo; is that right?

A. Yes, I was.

Q. Now, that conversation that you had with Janet Arvizo was approximately August of 2000, was it?

A. I don’t recall exactly. No.

Q. When did you leave Neverland Ranch?

A. I left in 2002.

Q. All right. You only saw Janet Arvizo on one single occasion when she was at Neverland; is that right?

A. One occasion, yes.

Q. And she was there with her husband and her three children; is that correct?

A. That’s correct.

Q. They were there for one night, two nights?

A. They were there for a couple of days.

Q. Couple days? Did you interact with her on more than one occasion during that time?

A. Well, yes.

Q. Now, you told the investigator for Mr. Jackson not that she was prepared to move to the valley, but that she was prepared to sleep in her car outside Neverland; is that right?

A. Yes.

Q. Did you just change it to say that she was prepared to live in the valley?

MR. SANGER: Objection; argumentative.

THE COURT: Sustained.

THE WITNESS: No, I wasn’t able to complete

my --

THE COURT: Just a moment. Just a moment. I sustained the objection. Next question.

Q. BY MR. ZONEN: Now, the statement that you gave was that she was prepared to sleep in her car right outside the doors to Neverland; is that right?

A. Yes.

Q. All right. Now, did you ask her if she had a car?

A. She stated that she didn’t even have a car and that they were living in separate quarters.

Q. All right. So she told you she didn’t have a car but she would sleep in the car she didn’t have outside the ranch?

MR. SANGER: Objection; argumentative.

THE COURT: Sustained.

Q. BY MR. ZONEN: Ma’am, what exactly did she tell you? Did she tell you she had a car?

A. No, she didn’t say that she had a car.

Q. She told you she was going to get a car?

A. No, she didn’t say that. She said that -- the conversation was, she asked me if she could have a job at Neverland. I told her that it was a long ways from -- I assumed that they lived in the Los Angeles area. And it was a long ways to come. She said that she would move to the valley in order to be closer to the ranch. And I told her that the

rents and that were very expensive in the area. Just trying to dissuade her from this.

And she said, “Well, I’ll come and I’ll sleep in my car if I have to. I just need money. I need to work.”

Q. Go ahead.

A. “I need” -- “I need a job. I need to work. We’re living in separate quarters, and we need the money. Gavin’s very sick,” to that effect.

Q. All right. Did you take a job application to give her?

A. No, I did not.

Q. All right. You decided at that time that she wasn’t qualified to clean rooms at Neverland?

MR. SANGER: Objection; argumentative.

THE COURT: Sustained.

Q. BY MR. ZONEN: Did you make a determination as to why she shouldn’t work at Neverland?

A. Well, I just saw her being a guest and everything, that it wasn’t appropriate to -- I had several guests come to the ranch and ask. Everybody thought it was fun to work at the ranch. And --

Q. But she asked specifically for a job as a maid; is that right?

A. Yes, she did.

Q. About that time that job made about what, eight dollars an hour?

A. Yes.

Q. You knew, did you not, that she, in fact, had a job, was working in Los Angeles at the time?

A. No, I did not.

Q. And in fact, she had an apartment at that time?

A. I didn't know. I didn't -- my job was not to stand and carry conversations with the guests and that. I was trying to dissuade her from, and get away -- out of the conversation.

Q. Miss Goforth, your job at Neverland Ranch ended when?

A. In 2002.

Q. And that ended because you were being disciplined for stealing; is that right? Is that right?

MR. SANGER: Objection; lack of foundation.

MR. ZONEN: We're going to get there.

MR. SANGER: And move to strike counsel's remarks.

THE COURT: Sustained.

Q. BY MR. ZONEN: Were you, in fact, suspended from your job because you were taking things that you weren't entitled to take?

A. I was suspended from my job over the sale of some furniture that I thought was allowed to be done. I was just doing what I was told by another party.

Q. All right. So you took some items from Neverland and they then accused you of taking it without the permission of the owner; is that right?

A. I didn't personally take the items.

Q. Somebody else took them and you sold them?

A. I didn't sell them. It was arrangements that were made through someone else.

Q. And ultimately who made the decision to discipline you for that?

A. I believe Mr. Jackson.

Q. All right. And thereafter, you terminated your position voluntarily; is that right?

A. That’s correct.

Q. Because you were offended as to how you were treated?

A. Yes, I was.

Q. In fact, there’s a fair amount of controversy at Neverland about who can take what and when they can take it; is that right?

MR. SANGER: Objection. Vague and argumentative.

THE COURT: Overruled.

You may answer.

Q. BY MR. ZONEN: Please answer the question.

A. Could you repeat the question?

MR. ZONEN: Could the reporter read that back?

THE COURT: I’ll have the reporter read it back.

(Record read.)

THE WITNESS: I don’t believe so. I believe that no one should take anything at any time without Mr. Jackson’s permission.

Q. BY MR. ZONEN: And -- all right. But a lot of people have been accused of taking things from Neverland; is that right?

MR. SANGER: Objection. Vague as to time and --

THE COURT: Sustained.

Q. BY MR. ZONEN: You’ve actually turned in people for taking things at Neverland, haven’t you?

A. No.

Q. You’ve never turned in people for taking things at Neverland?

A. Not personally myself, no.

Q. Didn’t you turn in Ramon Velasco for taking something at Neverland?

A. No, I did not.

Q. And you never went back to work at Neverland after that; is that correct?

A. That’s correct.

MR. ZONEN: No further questions.

REDIRECT EXAMINATION

BY MR. SANGER:

Q. All right. With regard to this business about selling items from Neverland, did you ever sell anything from Neverland for your own personal benefit?

A. I did not.

Q. Was there somebody else who was in a position higher than yours who directed that certain items be sold?

A. Yes, there was.

Q. And was -- were they being sold for your benefit?

A. No.

Q. They were being sold for the benefit of the ranch?

A. Yes, they were.

Q. And the problem was that apparently --

MR. ZONEN: Objection; leading.

MR. SANGER: That’s true. Let me withdraw the beginning of that. I didn’t get it out. But it would have been leading, I agree.

Q. What was the problem that gave rise to the people involved in selling these items eventually being disciplined in some way or being reprimanded?

MR. ZONEN: That’s vague and compound.

THE COURT: Overruled.

You may answer.

THE WITNESS: Apparently Mr. Jackson didn’t want the furniture sold.

Q. BY MR. SANGER: Okay. Were the proceeds of the sale intended to go to Mr. Jackson and to the ranch?

A. For the ranch, yes.

Q. Okay. So nobody was stealing anything; is that correct?

A. That’s correct.

MR. SANGER: Okay. Thank you. I have no further questions.

RECROSS-EXAMINATION

BY MR. ZONEN:

Q. Can we assume you told Mr. Jackson all the things you just told us about this incident?

A. No, I did not.

Q. You did not? Did you have any conversation with Mr. Jackson thereafter?

A. No, I did not.

Q. How did you find out that it was Mr. Jackson who disciplined you?

A. I assumed that it was. I didn’t know that for a fact.

Q. Did you tell anybody about what had happened?

A. No, I immediately left the ranch.

MR. ZONEN: No further questions.

MR. SANGER: And I have no further questions, Your Honor.

THE COURT: Thank you. You may step down. Call your next witness.

MR. SANGER: Call Violet Silva.

THE COURT: Please remain standing. Face the clerk here and raise your right hand.

VIOLET GAITAN SILVA

Having been sworn, testified as follows:

THE WITNESS: Yes.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Violet Gaitan Silva. Violet, V-i-o-l-e-t; Gaitan, G-a-i-t-a-n; Silva, S-i-l-v-a.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. SANGER:

Q. I’ll let you get some water there first. So take your time.

A. Thank you.

Q. All right. Miss Silva, how are you employed?

A. I’m employed by Neverland Ranch as a safety coordinator at this time.

Q. Okay. Now, everybody's having this problem in this courtroom. You have to sit real close.
A. Okay.
Q. It's not -- there we go. That might help. And then when the air conditioner is on it makes it a little harder to hear.

A. All right.
Q. So repeat that again, please.
A. I am employed by Neverland Ranch as a safety coordinator at this time.
Q. And where is your office?
A. My office is located in the administration building.
Q. Where is the administration building with respect to the ranch house, I mean, to the actual house, Mr. Jackson's house?
A. It's southwest approximately less than a quarter mile.
Q. Is it up on a hill?
A. Yes.
Q. All right. And is it outside the manicured grounds of Neverland?
A. I would say the immediate grounds, yes.
Q. Not to say the administration area isn't manicured, but there is a place that's all grass and pastures and so on, right?
A. Yes.
Q. And it's outside of that, correct?
A. Correct.
Q. Can you describe the kind of structure that houses the administrative offices?
A. It's a converted barn. And it has one large office area with a conference area. It has two smaller offices. It also stations a fire engine in the bay and one other small office and two -- three bathrooms, excuse me, and some storage areas.

Q. Okay. So let's start with the fire truck. That's the fire station as it were; is that correct?
A. The fire brush truck is located in the administration building.
Q. All right. So -- and at this time there's one fire truck; is that right?

A. Yes, it's a brush truck.

Q. And on prior occasions, how many fire trucks have been there?

A. We've had as many as two.

Q. All right. Now, when you talk about the brush truck, is it a fully outfitted fire truck?

A. Yes.

Q. All right. And do you have trained fire personnel to man the -- or staff, I should say, the fire truck?

A. Yes. We have trained firefighter/EMTs.

Q. You said EMTs?

A. EMTs, yes.

Q. I'm having a little trouble hearing at the end of your sentences.

A. Okay.

Q. All right. Now, the administrative office is -- you talked about a number of offices being in there. You have an actual executive office there right now; is that correct?

A. Yes. I share it with the fire supervisor at this time.

Q. All right. And then there's a staff area where an administrative assistant sits; is that right?

A. Yes, and the ranch manager.

Q. All right. And then there's a separate office for the ranch manager, or the ranch manager is out --

A. No, they have separate offices.

Q. Okay. At the current time, who is the administrative assistant up there?

A. Tracy Chapman.

Q. And does she have a large phone?

A. Yes.

Q. Okay. Now, in the years -- did I ask you when you started there --

A. No.

Q. -- I think I did. Okay. When did you start working there?

A. July 1st, 1991.

Q. We'll go back over what you've done there in a minute.

A. Okay.
Q. But in the years you’ve been there, have you had occasion to see the different phones throughout the ranch?

A. Yes.
Q. All right. And are there some regular, smaller handset phones throughout the ranch?
A. Yes.
Q. Is the main phone in the administrative office larger than those phones?
A. Yes. There’s a regular small phone and there’s also a larger console type of phone.
Q. Would that be the main phone for the phone system?
A. No, it’s not.
Q. All right. Where is the main phone?
A. The calls are mostly taken through the security gate, and also at Miss Chapman’s desk, depending on which number the person is calling.
Q. When I said “main phone,” I was asking about the equipment. But you’re saying that calls are answered at some of the smaller handsets; is that correct?
A. Yes.
Q. And one of the places where calls are routinely answered is the front gate?
A. Yes.
Q. And the other would be at Miss Chapman’s desk?
A. Yes.
Q. All right. The ranch manager -- who’s the ranch manager at the present time?

A. Joe Marcus.
Q. And does he have an office there in the same administrative building?
A. Yes.
Q. When did you obtain the position that you have now?
A. November of 2004.
Q. Let’s go back to when you started at the ranch. And actually, before you started at the ranch, did you have any particular training and

experience?

A. I had graduated from Allan Hancock Police Academy in 1989, December. And shortly after, well, ‘91, I applied for a position out at the ranch as a security officer, which I started July 1st of ‘91.

Q. All right. So you went to the POST academy?

A. Yes.

Q. Police officer training academy, correct?

A. Yes.

Q. Did you receive the certificate?

A. I graduated but I did not receive the certificate, because I did not work full time as a police officer. So I guess my answer would be no to that, I did not receive the POST certificate.

Q. So you did the education and the training through Allan Hancock, but you didn’t do the inservice training as a police officer; is that correct?

A. Correct.

Q. All right. And do you consider yourself to be a peace officer or a police officer?

A. No.

Q. All right. And have you ever?

A. No.

Q. All right. So you went to work as a security guard at the ranch --

A. Yes.

Q. -- in 1991, correct?

A. Yes.

Q. Did the ranch have a security staff -- well, let’s start with that. You weren’t the only person?

A. No.

Q. Okay. And was the staff organized according to rank?

A. Yes.

Q. Who was the chief of security at that time; do you recall?

A. Terry Cooney.

Q. And between 1991 and 2004, did you continuously work in the security department?

A. Yes.

Q. Can you tell us briefly what -- how you progressed through the department?

A. In October of ‘91, I was promoted to a relief supervisor position, which would carry the rank of corporal. And in January of ‘94, I believe, I was promoted to a full-time shift supervisor, which has the rank of sergeant. In May of ‘97, I was promoted to the chief’s position of security. And in June of ‘98, I assumed the fire chief position as well.

Q. All right. And you -- when you were finally moved into this other administrative position, as of that time in 2004, you were the chief of both the security and the fire department; is that correct?

A. Yes.

Q. All right. Now, you know Mr. Jackson --

A. Yes.

Q. -- correct?
Do you know Mr. Jackson well?

A. I would say so.

Q. All right. Do you spend -- in the course of your employment, do you spend a lot of time talking with Mr. Jackson?

A. No.

Q. All right. And can you explain what the policy is for employees at the ranch as far as having contact with Mr. Jackson?

MR. SNEDDON: Object as immaterial, Your Honor.

THE COURT: Overruled.
You may answer. You may answer.

THE WITNESS: I’m sorry, can you repeat the question?

THE COURT: I can have it read back.

MR. SANGER: Thank you.

(Record read.)

THE WITNESS: Our contact is limited to him making requests. And other than that, if we have any concerns about the operation of the ranch, we channel those through the ranch manager.

Q. BY MR. SANGER: Now, that policy would pertain to security, correct?

A. Yes.

Q. It would pertain to fire; is that right?

A. Yes.

Q. Did it pertain to the other departments as well?

A. Yes.

Q. Okay. So housekeeping?

A. Yes.

Q. The zoo?

A. Yes.

Q. Grounds or maintenance?

A. Yes.

Q. Did I leave any out?

A. There's a few.

Q. Okay. There's some more. But all of the different units out there have their own chain of command, as it were; is that correct?

A. Correct. There's employees, a department head for each department, and each department is directly supervised by the ranch manager.

Q. And who is the ranch manager at the current time? Did I ask you that?

A. Yes. Joe Marcus.

Q. So if somebody in your department -- as the chief of security, if somebody in your department had some question about procedure or how things ought to be done, where would you expect them to go?

A. I expect them to immediately go to their shift supervisor, to whoever the chief is at the time. If I was in charge, then to me. If I couldn't answer the question, then I would go to Mr. Marcus with a question.

Q. All right. Did you ever sit down with Mr. Jackson and ask him how he'd like to have security taken care of at the ranch?

A. No. But if he had a suggestion, he sure would let me know.

Q. Okay. When you had -- when you made policy decisions about security, would you discuss those with Joe Marcus or with somebody else, or how would you do that?

A. I would discuss those with Mr. Marcus.

Q. All right.

A. And my shift supervisors as well.

Q. Now, you said that Mr. Jackson would let you know. Did Mr. Jackson from time to time let people know that he thought something ought to be done at the ranch?

A. Yes.

Q. Okay. And would the staff attempt to fulfill those requests?

A. Yes.

Q. All right. In all the time that you were there, did Mr. Jackson ever ask you to do anything that you thought was inappropriate?

A. No.

Q. All right. Now, by the way, you’ve come here pursuant to a subpoena; is that correct?

A. Yes.

Q. And you also interviewed with law enforcement; is that correct?

A. Yes.

Q. And you have told both sides that you were going to tell the truth to both sides no matter what; is that correct?

A. Yes.

Q. Is that your intention, to tell the truth here on the stand?

A. Absolutely.

Q. Now, in the course of the time that you worked there -- I asked you if Mr. Jackson ever asked you to do anything that was inappropriate. During the course of the time that you worked at the ranch, did you ever observe anything that appeared to you to be illegal or inappropriate?

A. No.

Q. And if you had, what would you have done about it?

A. Well, I would have at the time taken into consideration what the action was and addressed it appropriately.

Q. Now, before you were a chief of security, if you saw anything inappropriate or illegal, would you have reported it to a supervisor? Before you were chief of --

A. Oh, absolutely, yes.

Q. And again, you told us about the chain of

command so --
A. Yes.
Q. And as the chief of security, if you saw anything inappropriate or illegal, what would you have done? Who would you have reported it to?
A. I would have followed my chain of command, and notified my supervisor, who was Joe Marcus.
Q. All right. Now, during the course of the time that you worked in security and you’ve been the chief of security -- in fact, I’m really drawing on that experience as your involvement in security there, whatever rank you had during the period of time. What would happen if you -- if anybody in security observed something, let’s say a golf cart accident - we’ve heard about those - what would happen?

A. Well, we would first immediately make sure -- whoever the driver was, make sure they weren’t injured. That would be our first concern. If they were -- then we would attend to that. Afterwards, if there was no injury or we took care of the injury, then we would either make sure that the vehicle, the cart, whatever it was, was still roadworthy. If it was not, we would remove it and take it to the mechanic’s shop and we would make a report as well. And depending on why it happened, if it was deemed necessary, we would take that privilege away from that person if they weren’t handling the cart properly.
Q. All right. Let’s start with the report. Is there a formal reporting system that has been in place at the ranch since you started there as a security officer?
A. Yes.
Q. And can you explain what that is?
A. Well, depending on the incident or the severity of it, if it’s a medical incident, then a report is made, regardless of how minor or insignificant it may seem. If it’s a damage report, we will do the same. If we consider that there may be a hazard involved, then we address the hazard as well. So -- and just write down a line, if there’s a theft, if there’s something missing, if we have a

trespasser. It could be anything.

Q. All right. Now, with regard to the different kinds of reports you talked about, there are medical reports. There's actually a form to make a medical report; is that correct?
A. Yes.
Q. And is that filled out every time the EMTs are called to attend to somebody who might be injured?
A. Yes.
Q. All right. Now, you said there's EMTs. Firefighters/EMTs. Do you generally have an EMT on the property at all times?
A. We try to make sure that that's covered. It's a priority for us. So we do.
Q. If anybody is injured anywhere on the ranch, whether it's an employee, a guest, Mr. Jackson, you have somebody there who can give first aid?
A. Yes.
Q. Do the -- if somebody is injured, do the EMTs make the final call as to whether or not any further medical assistance is needed?
A. They'll make the assessment, but a patient always has the right to refuse treatment. So if that's what they do, then we can just ask them to, you know, seek further treatment. If not, then that's where it stops. If we feel they absolutely need to go, in the event of a work injury, then they're required to go.

Q. All right. Now, when you say "go," we're talking about going to the local hospital or getting a doctor or --
A. Correct. Or call whatever means is necessary, whether it's ambulance or outside of our department with county fire.
Q. And have you had occasion at times to actually call in ambulances to the ranch?
A. Yes.
Q. Even, I think, a medical helicopter evacuation?
A. Yes.
MR. SNEDDON: I'm going to object as

immaterial and irrelevant, Your Honor.

THE COURT: Do you have a --

MR. SANGER: That was actually the last question in that area. But it does tie into some other evidence.

THE COURT: All right. I'll overrule the objection.

MR. SANGER: All right.

Q. Now, you indicated that in addition to the medical reports, that the -- you also have reports with regard to property damage, correct?

A. Yes.

Q. And then you indicated that there are occasions where a guest -- let me withdraw that. What happens if a guest is not being safe with some of the equipment?

A. Well, then we temporarily give them a cooling-off time, or we would remove the equipment from them.

Q. And why would you do that?

A. For their safety.

Q. Now, is one of the concerns in your department safety of the guests?

A. Yes.

Q. Does that pertain to adults or children or both?

A. Both.

Q. And how is that concern for safety implemented in your department?

A. Well, when they're initially given a cart to drive, or a vehicle, or a quad runner, we give them instructions on how to operate the equipment safely. You know, on occasion it does happen where they get a little rambunctious and we feel like maybe they can't control it properly, then we give them a warning, and advise them again of the proper use of the equipment. And if they continue to either cause damage to the cart or other things, then we usually pull the equipment.

Q. Now, do you have to ask Mr. Jackson first before you do that?

A. No.

Q. And if you see kids who are not being supervised by their parents on the ranch, does security try to keep -- let’s put it this way: Is there any additional attention given to those kids by security?

A. Well, I would say that’s just our priority in general. So -- it’s what we’re doing there. So it’s not -- we don’t have heightened awareness. It’s just what we are trained to do and what we’re there for. So that’s a constant regardless of whether their parents are there or not.

Q. So if you see kids -- whether the parents are there or not, if you see kids riding the carts and you think -- in the morning you saw somebody going a little fast, is security going to tend to watch that kid a little more closely?

A. Sure.

Q. All right. Do you sometimes make entries in the gate logs?

A. Yes.

Q. Now, we’ve seen something about gate logs, so we don’t have to absolutely go back to square one, but can you describe the purpose of the gate logs and how they’re kept?

A. The purpose of the gate logs is we have three different sheets, and it’s evolved over time, depending on what our needs are for our department. It’s mainly used to document in-and-out times for our employees, contractors, guests’ arrival.

It also documents our own activity on the ranch as far as our work that we do, so if we have to refer back to a time or a directive that is given to us, we can refer back to it.

Q. How many security officers are on duty generally? Let’s say in recent years, in the 2000s, how many security officers would be on duty at any given time during the day?

A. We try for four. Four is what we -- is a good number for us.

Q. All right. Would that be 24 hours a day?

A. Yes.

Q. And can you describe what the duties of the four different officers would be?

A. Well, they would come in and get whatever equipment they need. They would either report to three different posts that we have, which is at the front gate, the main house, or a mobile patrol.

Their duties vary at each of the stations.

The main gate is -- primarily their function is to ask guests -- authorize guests or contractors.

They also dispatch a request from the owner or another department that needs something. We answer the phones. A lot of phone calls come through there after hours as well, so --

Q. So you have -- you generally have one officer mobile - all right? - one in the gatehouse, and where would the other two be?

A. One would be at the house and hopefully the other one would be a supervisor. So most of the times it would be a supervisor.

Q. You talked about the front gate. There's a gatehouse there; is that correct?

A. Yes.

Q. And can you describe that building, about how big it is?

A. The building is probably about 15 square feet. It has a small eating area, a desk area, a bathroom, has a phone. T.V.

Q. Okay. I am thinking 15 square feet, that's kind of small.

A. It works.

Q. Okay.

A. It's all we need.

Q. All right. So there's a desk in there; is that correct?

A. Yes.

Q. And there's a bathroom; is that right?

A. Yes.

Q. And there's an area where you can sit and watch a T.V., correct?

A. Yes.

Q. Now, during the course of the shift or during the course of a day -- let's put it this way: During the day, how many shifts are there for security?

A. We work a 12-hour shift, so we have two shifts, starting from 6 a.m. to 6:30 p.m., from 6 p.m. to 6:30 a.m.

Q. All right. And I take it you have the required breaks, lunch breaks and other breaks, in the middle of that shift?

A. Yes.

Q. Now, in addition to security, do you have fire on duty?

A. Yes.

Q. And how many fire people do you have?

A. How the department is worked is that our firefighters do security work. So most of them, or the majority of our security officers, are firefighter/EMTs.

Q. So they also have the EMT training?

A. Yes.

Q. Did that change? Did you have a separate fire staff at one time?

A. Yes. From the time I was first hired in ‘91, the security department was separate from the fire department. And in ‘98, June ‘98, when I assumed the fire chief duties, our department was combined at that time.

Q. By the way, Brian Barron, do you know that name?

A. Yes.

Q. Do you know Brian Barron?

A. Yes, I do.

Q. And is he a police officer?

A. Yes.

Q. Do you recall him working at the ranch?

A. Yes.

Q. At the time he worked at the ranch, was it known to everybody in the security department that he was, in fact, a sworn peace officer?

A. Yes.

MR. SNEDDON: Object; calls for speculation.

THE COURT: Overruled.

Q. BY MR. SANGER: Now, going back to the front gate issue, where are the gate logs actually kept during the day?

A. During the day, the gate logs are kept there, and they're actually kept there for the entire week. And on Monday morning, they're picked up.

Q. And where do they go after that?

A. They go to the administration office.

Q. And the administration office, again, is the building up on the hill?

A. Yes.

Q. All right. Now, there's been discussion about a security office at the end of the building that has the garage, Mr. Jackson's office, and then it has the video library upstairs.

A. Yes.

Q. Can you describe that security office?

A. The -- it has two separate rooms. The first office is approximately a nine-by-ten room. It has a desk, a computer, a counter space that holds our equipment and other things, like paper towels and napkins.

The back area is with lockers and a table for eating and refrigerator and microwave.

Q. All right. Now, is this a staff area?

A. Yes.

Q. All right. And this is part of that structure. Does it have a door that you enter from the outside or do you go inside that structure to enter?

A. No, you enter from the outside.

Q. All right. And the door that you enter is away from the house; is that correct?

A. Yes.

Q. What is kept generally -- in the 2003 time period, what is kept at that location?

A. At that location -- excuse me, I forgot to mention, we do have a file cabinet there. We have a file cabinet that holds reports, our confidentiality agreements. We also have our gate logs in there for the entire year. They're housed in there. And whatever little bits of equipment that we may have in that storage.

Q. All right. Now, you mentioned a confidentiality agreement. Can you explain what that is?

A. The confidentiality agreement is a four-page contract that all guests or anyone entering Neverland reach -- that read, that read it, and they have to be over the age of 18. The contract, in a nutshell, is that you agree to keep your visit private and confidential.

Q. All right. Is it designed to conceal illegal activity?

A. No.

Q. What’s the purpose of the confidentiality agreement?

A. The purpose of the agreement is to keep you from profiting from your experience there, selling to a magazine or any sort of media.

Q. Okay. Does it also include a provision that people are not supposed to take pictures while they’re there on the ranch?

A. Yes, they agree to not use any sort of recording agreement.

Q. And the purpose of that, not allowing any kind of recording equipment or pictures, is what?

A. Is to prevent probably the profit of sale as well.

Q. So if you didn’t have that as the chief of security, you would expect that pictures and recordings from the ranch would end up in the media, on television and in magazines otherwise; is that true?

A. Yes.

Q. Is any of that designed to conceal any kind of untoward or illegal activity?

A. No.

Q. All right. Now, going back to how the security system is set up -- I’m sorry, the security operation is set up, you mentioned the front gate, and we talked about that. The person -- well, let’s talk a little more. The person down at the front gate, I think you said, answers the phones?

A. Yes.

Q. And that’s on a regular little handset phone; is that correct?

A. Yes.

Q. You just forward the calls from there?

A. Yes.

Q. The person at the front gate also has the responsibility of letting people in and out?

A. Authorized persons only.

Q. All right. Now, you mentioned “mobile.” What does “mobile” mean?

A. Mobile patrol is a truck that patrols the property. We also patrol about three miles of the front perimeter as well. They patrol the property and make sure we don’t have trespassers, that our employees are safe, there are no other hazardous conditions going on.

We also respond to alarm calls on the property. They also have the duties of locking up certain buildings and securing the ranch at a certain hour.

Q. Let’s talk about patrolling the front of the property. Does that mean going out on Figueroa Mountain Road?

A. Yes.

Q. And why do you do that?

A. Well, occasionally we find vehicles that are parked outside of our fence line. And that would be an indication that perhaps we have a person who’s jumped the fence and might be on property.

Q. Now, part of the fence is just a split-rail fence, is that correct, in the front?

A. Yes, approximately a half a mile of it is just your typical split-rail fencing.

Q. So it’s not a wire meshed fence?

A. No.

Q. And is it fairly easy for people to go through that fence?

A. Through or over.

Q. Now, there are parts of this ranch -- how big is the ranch?

A. The ranch is 2700 acres, or approximately five square miles.

Q. All right. And is there any kind of a commercial operation on the ranch?

A. Yes.

Q. What is that?

A. We have cattle on the ranch.

Q. All right. Is that something you -- you have your own cattle, Michael Jackson’s cattle?

A. No, part of the property is --

MR. SNEDDON: I’m going to object as immaterial and irrelevant.

MR. SANGER: That has to do with the fencing.

THE COURT: Overruled.

You may answer.

THE WITNESS: Yes, it’s leased by a rancher who has cattle on the property.

Q. BY MR. SANGER: All right. And are there parts of the property that are fenced to keep the cattle in?

A. Correct.

Q. And there are parts of the property that are fenced to keep the cattle out, I take it?

A. Correct.

Q. When you go into Mr. Jackson’s home area, let us say -- do you have a term for that, the --

A. I would say beyond the arched gateway, we call it the main house area.

Q. And the arched gateway, is that the golden gates?

A. The golden gates.

Q. The black gates with gold on them? All right.

Now, is there fencing designed to keep people on the ranch so that they cannot get off?

A. No.

Q. The golden gate that you described, does that automatically open if you approach it?

A. You would have to approach it by a vehicle, with a vehicle.

Q. Okay. If you have a vehicle, it automatically opens?

A. Yes.

Q. There’s no requirement that you ask anybody or push buttons or anything else, right?

A. No. There’s also a way to go around the gate as well, on foot.

Q. Okay. We're going to get to that. But as far as the cars --

A. Okay.

Q. That's all right.

As far as cars are concerned, whether you are coming in or you are going out, if you just pull up, it trips a sensor and the gates automatically open, correct?

A. Right. Depending on the size of the vehicle, it senses the weight or the metal. And a golf cart could open it, could activate it, as well

as a quad runner.

Q. And in fact, golf carts and quad runners do go through that gate; is that correct?

A. Yes.

Q. Now, you said you can also walk around the gate; is that right?

A. Yes.

Q. Is there any kind of a locked fence that you have to get permission to go through to go past that gate?

A. No.

Q. All right. All right. So you said the mobile -- it's -- right now it's a little pickup truck; is that correct?

A. Yes, a Ford.

Q. I'm sorry?

A. A Ford Ranger.

Q. And over the years it's been a different type of vehicle, I would take it?

A. Mostly that, though.

Q. Mostly a small Ford pickup?

A. We did have a Nissan as well.

Q. Some kind of pickup truck, right?

A. Yes.

Q. Besides patrolling from time to time Figueroa Mountain Road to see if there are vehicles or possible intruders, does the mobile also patrol within the ranch?

A. Yes.

Q. And just tell us generally where the mobile unit would go.

A. Well, the ranch has two main roads that loop throughout the property, and they meet about a quarter mile from the front gate. From there -- from that point to the main residence is another quarter mile. So we would patrol that entire area. So we would do a loop approximately of about five miles starting from the house security office to the furthest part of the ranch, back out to the front road and back.

Q. All right. Now, you say “the furthest part of the ranch.” Do you go up past the theater into the zoo area?

A. Yes, the furthest point would be the train barn or another -- another area where we have a stockpile of manure, compost, gravel and sand.

Q. All right. Now, if you have two other people on duty, you said one might be a supervisor and then you’d have another security officer; is that correct?

A. Yes.

Q. What would they do? We’ve got the front gate person who stays at the front gate. You’ve got mobile. What would the other two people be doing on a typical shift?

A. We always have someone located at the main

house.

Q. “Located at the main house” would be sitting in the security house at the end or walking around or both?

A. Both.

Q. And what does the person do who’s there at the main house? Can you describe what their duties would generally be? And they differ at night and daytime, you can make that distinction.

A. Generally what they do is they secure -- they have the responsibility of securing that area, which means doing a foot patrol around the house, which includes the main residence, the rec room, the guest units, and as far away as maybe another quarter mile walking, if it’s necessary. They also accommodate guests’ requests. If, you know, something’s needed, they assist the house staff as well.

Q. So if somebody calls and says, you know, “I’d like to go into the theater and the theater is locked,” is that something that security might take care of?

A. Yes.

Q. And if a guest calls and requests some sort of refreshments, what would -- just tell me what happens. Somebody says, you know, “We want lunch. It’s lunchtime. Can we please have lunch?” What would you do?

A. We would call the kitchen and let them know the guests are ready for lunch.

Q. Now, you said “call.” Do you have radios?

A. Yes.

Q. And what kind of radios do you have? Not the brand, but, you know, is it a -- does it hit a repeater or what?

A. Yes, it hits a repeater. We also have radio to radio within a mile distance.

Q. All right.

A. We have two channels.

Q. So one channel goes off a repeater somewhere on a hill, and you’re able to make communication that way?

A. Yes.

Q. And then you can do the car to car?

A. Yes.

Q. All right. Now, are the radios used just by security or by other departments?

A. No, most of the staff carries radios.

Q. And they all have the two channels, the same two channels?

A. No, we have two separate channels. We have a channel strictly for security and fire and the remainder of the staff operates off another channel.

Q. So you have two main channels off the repeater and then one car to car, or station to station?

A. Sure.

Q. Okay. Is security often called for the purpose of arranging -- we talked about lunch. Could security get a call about lunch, for instance?

A. Yes.
Q. And then you would then forward that to housekeeping or to the cook?
A. Yes. They would either come into our office and request it, if they wanted it somewhere different than the kitchen, a lot of our guests know that they can call the front gate and make a request from there, and then the front gate would dispatch whoever is appropriate to make -- fulfill that request.
Q. So the guests would call the phone number?
A. Yes.
Q. All right.
THE COURT: All right, Counsel.
(Recess taken.)
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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 9441 through 9500 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 9, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
May 9, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MONDAY, MAY 9, 2005

8:30 A.M.

(PAGES 9502 THROUGH 9678)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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INDEX

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

DEFENDANT’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
SILVA, Violet	9558-SN	9597-SA	9614-SN	9618-SA
(Further)				
VELASCO, Ramon	9622-SA	9633-A		
MARCUS, Joseph	9635-SA			

E X H I B I T S

DEFENDANT'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
5030	Map of Solvang area	9671	9672

MR. SANGER: May I proceed?

THE COURT: Yes.

Q. BY MR. SANGER: Okay. You've described the patrol -- you started to describe the patrol around the house, and I think you said the person who's assigned to the house would be in that security office at the end of the video library building, garage building, and would also walk around the house?

A. Yes.

Q. Does that mean walk inside the house?

A. No.

Q. Did security walk inside the house from time to time?

A. Yes.

Q. Was that part of the regular patrol, to walk inside the house?

A. No.

Q. When you say “walk around the house,” then you literally mean around the outside of the house?

A. Yes.

Q. And what was the purpose of doing that?

A. To make sure we didn’t have any hazards or uninvited guests or trespassers.

Q. Was it important to make sure that the house, in general, was secure?

A. Yes.

Q. Now, during the time that you’ve been there, have there been trespassers located on the ranch?

A. Yes.

Q. And how close to the house did they get?

A. We’ve had one trespasser who did enter the house.

Q. And where was that person ultimately found?

A. In the very top floor of the main house, in the train room.

Q. So right up above where the children’s rooms are, Prince and Paris’s rooms are?

A. Yes.

Q. So that was a very private part of the house?

A. Yes.

Q. And without going into a lot of detail, who was this person? Was this a fan or --

A. We determined she was not from this country. She was a fan. We couldn’t communicate with her very well, because she didn’t speak English, so she was arrested.

Q. You speak Spanish yourself?

A. Yes.

Q. So she didn’t speak English or Spanish, I take it?

A. I believe she spoke German, which I do not speak.

Q. So sort of a -- not a normal person to sneak into somebody’s house, though?

A. No.

Q. And do you know how long that person was there before she was located?

A. I’d estimate she was there approximately ten hours.

Q. Have there ever been any people located on the ranch who had weapons?

A. We recently did arrest someone who had a weapon. It was not loaded with anything. It was a disabled weapon.

Q. A handgun?

A. Handgun, yes. Nine-millimeter.

Q. Now, in your years of working in security, have you ever performed security functions for Mr. Jackson off of the ranch?

A. Yes.

Q. And where would that be?

A. I’ve taken them to the Lompoc fireworks show. I think I’ve maybe done that two or three times.

Q. Okay. If -- have you ever been gone on tour or gone to other cities with them?

A. No.

Q. Does he have security staff who he employs for that purpose?

A. Yes.

Q. And that security staff is not in your -- under your jurisdiction; is that correct?

A. No.

Q. Excuse me. All right. So when this foot patrol -- I’m saying “foot patrol,” but the person around the house, you say foot patrol person around the house, what are some of the things that they check? You said there was some woman that got into

the upper house. I assume that's something you try to prevent.
A. Yes. We check the doors. The house is secured at all times. Now the house is secured at all times. So we make sure that the doors and windows are closed. We also make sure that -- you know, if there's anything like a fire happening or some other hazard that's going on.
Q. And that sort of thing has happened in the past, has it not?
A. As far as fires?
Q. Fires.
A. Yes.
Q. So you check the door, like the back door and the front door, correct?
A. We check all the doors.
Q. Are there some doors around Mr. Jackson's private quarters?
A. Yes.
Q. What doors are there?
A. There's a patio door entrance.
Q. All right. So there's a patio right behind Mr. Jackson's private suite, correct?

A. Yes.
Q. And there's a door that locks in the wall around that private patio; is that right?
A. Yes.
Q. And why is it important to keep that secured?
A. To make sure -- well, we do open it occasionally for people to go in and clean. If we do find it unsecured, then we go as far as his back door and make sure that it's still secure, and we clear the area, and then close it afterwards, lock it.
Q. If some -- an intruder were to get in and they knew where they were going, and they were able to get through that door, that would be a pretty significant breach of security as far as Mr. Jackson's personal area is concerned; is that correct?
A. Yes.
Q. All right. Now, when we talk about the

personal area, are you aware that there are locks on Mr. Jackson's door into his personal bedroom suite?

A. Yes.

Q. All right. There are guests who have -- let me withdraw that. If guests stay at the guest quarters that are just across the front driveway -- is that right? By the lake, correct?

A. Yes.

Q. If guests stay there, where do they take their meals?

A. In the main house.

Q. So they would be expected to have the code to come into the main house, sit down at the breakfast table or the breakfast bar there?

A. Yes.

Q. Or the dining table, I suppose, for dinner, right?

A. Yes.

Q. Is that fairly routine? In other words, most of the guests that are staying overnight there have access to the main house?

A. Yes.

Q. Do most of the guests who are staying overnight there have access to Mr. Jackson's private quarters?

A. I wouldn't say most guests.

Q. So Mr. Jackson will decide who he's going to allow into his private quarters; is that right?

A. Yes.

Q. And on a given day, you might have staff people and visitors and a number of other people in that main part of the house; is that right?

A. Yes.

Q. Does Mr. Jackson want to maintain some privacy from that general group of people that might be there at any given time?

A. Yes.

Q. Now, there's also an arcade -- I'm sorry, no, that's right, an arcade building.

A. Yes.

Q. We talked about the video library, but there's a separate building that's the arcade

building, correct?
A. Yes.
Q. All right. And is that usually locked?
A. It’s locked at a certain hour, I would say about 2 a.m. when guests are on property, unless it’s been requested to leave it open all night. Otherwise, it’s open approximately about 8 a.m. in the morning.
Q. All right. And a part of that building are a couple of bathrooms, a men’s room and a ladies’ room; is that correct?
A. Yes.
Q. And where is that in relation to the swimming pool?
A. If you were facing the swimming pool, it would be to the left.
Q. There’s also a tennis court nearby there; is that correct?
A. Yes, it’s further left of that.
Q. So if people are using the tennis court or the swimming pool, is that where they’d be likely to go if they were going to use the rest rooms?

A. Yes.
Q. And are those rest rooms, that rest room area, is that left unlocked during the time people are using the pool?
A. Yes.
Q. All right. Now, that leaves the supervisor, I think. What does the supervisor do?
A. The supervisor is there to supervise the officers. Make sure that -- we have daily duties that we do, such as checking our inventory or equipment, making sure that the basic part of our duties are being met. We have something that’s a little more elevated than regular routine business there to manage that problem.
Q. I take it the supervisor also will keep an eye out for security issues throughout the ranch; is that right?
A. Yes.
Q. By the way, are any of the security guards armed?
A. No.

Q. Not with anything?

A. We do have pepper spray. But that’s used only under very limited conditions. We’ve never pepper-sprayed anyone.

Q. That’s pretty limited. So you’ve never used it?

A. Never used it.

Q. And it’s there for the case of an intruder, for the most part; would that be correct?

A. Yes.

Q. So you don’t carry firearms, stun guns, anything like that?

A. Not during the time when I was chief.

Q. All right. You mentioned the gate logs. And you’re aware that there was a search on November 18th, 2003; is that correct?

A. Yes.

Q. Did you -- were you at the ranch when the search occurred?

A. Not initially. But I did arrive afterwards.

Q. Was it your shift to be there?

A. I was not going to start my shift until noon that day.

Q. So somebody called you, and you came more quickly?

A. Routinely I would call in the morning to see what activities happened overnight, if there was anything I needed to be briefed on. So I’d usually call around 8 a.m. to see what was new or what would be expected for that day.

I was actually on the phone with Brian Salce, who’s a firefighter, just going over regular things when he was describing to me what happened.

Q. All right. So what happened, you were hearing that a whole lot of sheriffs deputies and other people all of a sudden arrived at the ranch; is that correct?

A. Yes.

Q. So you came in?

A. Yes.

Q. At the time of the search, was there any effort made to conceal anything from law enforcement?

A. No.

MR. SNEDDON: Object; leading.

THE COURT: Sustained.

Q. BY MR. SANGER: All right. To your knowledge, were there any efforts made one way or another to prevent law enforcement from finding something?

A. No.

MR. SNEDDON: Same objection, Your Honor.

THE COURT: Sustained.

Q. BY MR. SANGER: All right. In any event, after the officers left, did you stay there till they left?

A. Yes.

Q. About what time of night did they leave?

A. Approximately 11 -- between 10:30 p.m. and 11 p.m.

Q. All right. Excuse me one second. I'll just ask. Can I have the gate logs?

I don't remember the number. It's the book with the gate logs.

THE BAILIFF: Mr. Auchincloss has them.

MR. SANGER: There's a good reason why you can't find it. All right. Thank you.

Q. All right. We're talking about a gate -- or I'm going to talk about gate logs here in a second. So you told us about the gate logs being kept at the ranch, right?

A. Yes.

Q. When are the entries made in the gate logs?

A. The entries are made as people arrive. Their "in" time is documented or logged on the sheet; when they leave.

Q. So in other words, they're logs that are made contemporaneously with the event. Something happens, and it's written down; is that right?

A. Yes.

Q. It's not written down at the end of shift or the next day, for the most part?

A. No.

Q. Okay. When the officers search -- the team from the sheriff's department and the District

Attorney's Office searched and they left, did you -- at some point thereafter, did you have occasion to determine whether or not they had located all of the gate logs?

A. I believe they had complete access -- they did have complete access to it. We had two investigators and one deputy in that security office for approximately two hours.

Q. Did they take the gate logs for 2003?

A. No.

Q. Where were they located?

A. They were located in the file cabinet.

Q. Right there in the security office?

A. Yes.

Q. All right. Did you later at some point locate those records?

A. I located them that same evening.

Q. Later, in the middle of the night?

A. I was there for another day.

Q. All right. So you didn't go home that night?

A. No.

Q. What did you do with the gate logs?

A. I left them in the file cabinet.

Q. At some point, did you take those gate logs out and give them to somebody?

A. Yes.

Q. Who did you give them to?

A. Mark Geragos.

MR. SANGER: All right. I'm going to refer to Exhibit 334 and 335, and I'd like to approach the witness if I may, Your Honor.

THE COURT: You may.

MR. SANGER: And I would -- there is some Post-its on there. I don't know if they're -- okay. May I inquire of counsel, Your Honor? Did you put the Post-its on there, Mr. Auchincloss?

MR. AUCHINCLOSS: One of them, yes.

MR. SANGER: Okay.

Q. All right. Well, just ignore the Post-its, all right?

A. Okay.

Q. And take a look at Exhibit 334 and 335. Just take your time and look through it. So that's the pages from where your hand is all the way to the end of the book, basically, okay. You don't have to look at all the pages.

A. Okay.

Q. Somebody's already made an identification, but I'm just going to ask you if those, in general, appear to be the gate logs that you located in the office after the search?

A. Yes.

Q. And those are the gate logs that you -- that you gave to Mr. Geragos; is that correct?

A. Yes.

Q. At the time you gave them to Mr. Geragos, you understood that Mr. Geragos was representing Mr. Jackson --

A. Yes.

Q. -- correct? And those gate logs are logs that were kept on a contemporaneous basis? In other words, things were written in them when they happened?

A. Yes.

Q. Okay. Now, before we go to some of the details in there, let me ask you a couple more general questions. Do the gate logs sometimes indicate instructions that are to be communicated to all of the security staff?

A. Yes.

Q. And what's the purpose of that?

A. So that we follow that directive for the day. Or if it's a directive that's given to us for a two-week period, then it's noted in the gate log and then carried over until it's no longer in effect.

MR. SANGER: All right. May I approach and retrieve the book?

THE COURT: Yes.

MR. SANGER: Thank you.

Q. All right. Let me go back to a subject that you had discussed earlier with regard to records that were kept. There are medical records; is that right?

A. Yes.

Q. And the medical records, are they part of

the gate logs, or are they just --

A. No, they're separate.

Q. So it's a separate file folder that you keep these --

A. A separate binder.

Q. Or a binder? All right.

You mentioned that there was a -- if somebody was disciplined, for instance, for -- or let me withdraw that.

If somebody was involved in a golf cart accident, as an example, there would probably be a record of that made; is that right?

A. Yes.

MR. SANGER: And I'm going to put, if I may, Your Honor, 300 up on the -- on the board. Or on the screen.

THE COURT: All right.

Q. BY MR. SANGER: Now, the trick is to look at the board, and when you're ready to answer, turn around and speak into the microphone.

A. Yes.

Q. So, first of all, just for the record, I'm showing Exhibit 300, and it shows the tab at the bottom there. And this particular document, the testimony was it was seized by the officers. Do you know where that was seized from?

A. It was most likely in a binder that was located at the security office near the house.

Q. Okay. Now, I'll ask you another question in a minute, so we'll leave that up there, with the Court's permission.

Was it the position of the staff, including the security staff, to reprimand guests, whether adults or children?

A. Yes.

Q. Okay. And when would that occur?

A. Whenever we felt their safety was in jeopardy.

Q. All right. If it's not a safety issue, or an issue of legality, for that matter, you know, something that involves security, was it your position to criticize guests?

A. No.

Q. Okay. What was the policy at Neverland as far as how you treated guests, whether adults or children?

A. We were very accommodating. Our emphasis is on hospitality and making sure that they feel welcome.

Q. Okay. And why was that?

A. That's what Mr. Jackson wanted.

Q. And as far as -- even though there are a lot of people involved, were you trying to make the atmosphere welcome to the guests, as if it was somebody's home?

A. That was our primary duty was to make them feel welcome.

Q. Okay. Now, if somebody was driving the golf cart and there was a safety issue, you now have this up on the board, and it appears that the driver in this case was Gavin Arvizo, is that correct, on Exhibit 300?

A. Yes.

Q. Okay. And this is something that happened June 21st of '02; is that correct?

A. Yes.

Q. All right. Now, according to this -- by the way, it says the reporting officer is G. Silva. That's not you?

A. No.

Q. As -- you were the chief at this time, though; is that correct?

A. Yes.

Q. And you were responsible ultimately for all of the reports and acts by your officers; is that correct?

A. Yes.

Q. Now, it indicates here, "Gave verbal warning to slow down or golf cart would be taken away." Would that be a policy?

A. Yes.

Q. And so what would you expect your officer to do at a time like that?

A. To take the cart away, if it was necessary.

Q. So if it went on, actually take the cart away and say, “You can’t drive the cart”?

A. Yes.

Q. And did that happen from time to time with guests?

A. Yes.

MR. SANGER: All right. Now I’ll take this one down.

And give me just a second, please, Your Honor, because otherwise the book is going to be a mess.

All right. The book is going to be a mess anyway. I have to deal with it in a second.

Q. Okay. Now, did guests -- were guests cleared to do --

We can have the lights, if that’s all right.

I’ll come back to this in just a minute.

Were guests cleared to do certain things?

A. Yes.

Q. Were some guests not cleared to do certain things?

A. Yes.

Q. And there was a list which -- because the book is falling apart, I’m not going to turn to it right now, but there is a list when people are coming on the property that, at various times during the time you were there, guests would be cleared for certain activities and not others; is that right?

A. Yes.

Q. And one of the activities was using the quadrunners; was that right?

A. Yes.

Q. If a guest was not behaving properly on the quadrunners or didn’t show they were able to handle them, they might be excluded from using the quadrunners the next time?

A. Yes.

Q. That would show up in your records so that you would be able to refer to that; is that right?

A. If we were asked for a particular event, we would be able to.

Q. Now, did you always make things available to guests -- take your time. Have some water.

A. Excuse me.

Q. That’s okay. You also make equipment available to guests?

A. Yes.

Q. If they asked for it?

A. Well, if they were allowed to use it, yes.

Q. Okay. Were there occasions where you would not allow guests to use certain equipment?

A. Yes.

Q. And what technique would you use to advise guests that -- or convince guests that they might not use certain equipment?

A. Well, if they requested it and they were

allowed to use it, of course we would make it available to them. If they requested it and they were not allowed to use it, then we would be very diplomatic about our reason for not allowing it to be used at that time.

Q. And how might you do that?

A. We might -- we just would say simply that the quads were not available for this weekend or for this day.

Q. Something like that. All right. So once again, you’re trying to be courteous to the guests, right?

A. Yes.

Q. We’ll come back to the gate logs in a little bit, but let me ask you some general questions. I’m going to take you back to the period from 1991 to 1993 when you worked there.

A. Okay.

Q. Did you have occasion to know the Robson family?

A. Yes.

Q. And can you describe the Robson family?

A. The family that I knew is a mother, daughter and son. Wonderful family. They seemed to be very close-knit. Both Chantal and Wade are bright, very articulate young people. And they’re always very pleasant to be around.

Q. Did you ever see anything inappropriate occur with regard to the Robson family?
A. No.
MR. SNEDDON: Object; vague.
THE COURT: Overruled. The answer is, “No.” Next question.
Q. BY MR. SANGER: Did you know the Culkin family?
A. Yes.
Q. Can you describe that family?
A. Mother and father. I don’t quite remember how many kids they had. I think they had a few. Nice family.
Q. Okay. How about the Barnes family?
A. Yes.
Q. Tell us about them.
A. I met the mother, Karlee and Brett as well. I met the father once or twice. Wonderful family as well.
Q. And did they -- did these families spend time at the ranch while you were there?
A. Yes.
Q. Did they spend time as a family?
A. Yes.
Q. Did they engage in activities at the ranch?
A. Yes.
Q. Was Mr. Jackson always there when these families were there?

A. Not always.
Q. Did you see Mr. Jackson interact with the families?
A. Yes.
Q. If Mr. Jackson was on the property, did he spend all of his time with these families when they visited?
A. No.
Q. What would Mr. Jackson do during this period of time besides spend time entertaining the guests?
A. I wouldn’t know. I guess whatever Mr. Jackson does on his own time.

Q. Okay. Does Mr. Jackson have a studio on the ranch?
A. He has a dance studio.
Q. Does he spend time in the dance studio?
A. Yes.
Q. Is that someplace where he goes to work?
A. Yes.
Q. Does he spend sometimes hours in the dance studio?
A. Yes.
Q. Does he work in the dance studio till late night, late at night sometimes?
A. Yes.
Q. All right. Now, by the way, do you know the Chandler family?
A. Yes.

Q. Can you tell me about the Chandler family?
A. Mother, young daughter at the time, I believe her name is Lily, and Jordie.
Q. Okay. And did you -- same questions I asked with regard to the other families. Did you see Mr. Jackson spend time with that family?
A. Yes.
Q. And sometimes he'd be on the property and wouldn't be with the family?
A. Yes.
Q. And sometimes he would not be on the property?
A. Yes.
Q. Now, for the most part, when children visited Neverland Ranch, did they visit the ranch with their parents?
A. Most of the time, yes.
Q. Now, we've heard about the large groups of kids that would come from either hospitals, or Make-A-Wish, or disadvantaged circumstances. That's a different situation, I take it; is that right?
A. Yes.
Q. And can you describe what would happen when those people would come to the ranch? I say "those people." When those groups would be invited to the ranch.
A. A typical day for them is they would arrive

approximately between 10:30 a.m. and 11:00. They would be greeted by Neverland staff. Depending on the size of the group, they'd either be divided into two groups or kept in one group.

What they would see on the property is the zoo area, which they would arrive via small train that we have. They'd spend time there. They would have lunch approximately around noon, and either go to the theater or the amusement park. If we had two groups, one group would go to the arcade and do the same thing, but switch off so they weren't in the same places at the same time.

Eventually both groups would end up at the amusement park at the same time.

Q. Did those groups of kids tend to have a good time there, as far as you could tell?

A. Oh, yes.

Q. Okay. Is it part of the job that you enjoyed watching these kids?

A. Absolutely.

Q. Now, those groups of kids would be monitored or - what's the word? - chaperoned or supervised by people that generally came along with the group; is that correct?

A. Yes.

Q. And then staff people at Neverland would also assist?

A. Yes.

Q. With regard to the other children that came to the ranch, did the other children who came to the ranch generally come with their parents?

A. Yes.

Q. In other words, the guests, the ones that might stay overnight, came with their parents generally?

A. Yes.

Q. Okay. If parents were there to supervise, would it be appropriate for staff to override a parent's decision on something?

A. Yes.

Q. And would that be appropriate?

A. That would be appropriate, again, if their immediate safety was in jeopardy.

Q. So if kids were getting out of control, would you intercede?

A. I'm sorry, I didn't hear the last --

Q. If kids were getting out of control, would you intercede?

A. Yes.

Q. Did you have any knowledge of any child drinking alcohol or appearing to be under the influence at any time when you worked there from 1991 to the present?

A. No personal knowledge, no.

Q. And the alcohol on the ranch was -- where was that kept?

A. We -- I believe there is some alcohol located in the kitchen. Generally it's kept in the wine cellar.

Q. All right. And was the wine cellar generally locked?

A. Yes.

Q. Were children allowed to go into the wine cellar?

A. No.

Q. Where was the key kept for the wine cellar? And I'm going to ask you if it's moved from one time to another. Would you tell us about that?

A. Depending on the activity, there are two keys available. One in the main house and one in the security office.

Q. All right. And do you know where the key in the main house was kept?

A. Mostly behind the door as you enter the house staff's break room.

Q. So in the house, if you go through the back door, there is a little hallway that takes you to the left. That would take you to the kitchen and the family room, dining room, that sort of thing; is that correct?

A. Yes.

Q. And if you went through all of that, you'd keep going, you'd get to the library and to Mr. Jackson's private area; is that correct?

A. Yes.

Q. If you come in the back door and enter that hallway, just to the right is where the maids' break room is; is that correct?
A. If you go through the back door, it's directly across. You go straight into the --
Q. So instead of going left down the hallway, you just go straight into that room?
A. Straight into it.
Q. All right. And is that a room that has couches and chairs and whatnot?
A. Yes.
Q. Comfortable room?
A. Yes.
Q. And that's used for the staff to take breaks, I take it?
A. Yes.
Q. And as you go across that hallway, just right inside the back door, the rack with the keys on it is just behind the door as you enter the break room; is that right?
A. Yes.
Q. And the break room is left unlocked for the most part; is that right?
A. As far as I know it is.
Q. Okay. Now, with regard to children visiting the ranch and activities - and let's talk about the guests who were staying overnight as opposed to the guests from the Make-A-Wish and that sort of thing - 9532

were both boys and girls included in the activities at Neverland?
A. Yes.
Q. Was there any discrimination, to your knowledge?
A. No.
Q. Did girls seem to have a good time?
A. Yes.
Q. Do you remember Marie Nicole?
A. Yes.
Q. And who's Marie Nicole?
A. Marie Nicole is the only daughter in the Cascio family.
Q. Okay. And did she have the same run of the

ranch, as it were, as her brothers?
A. Yes.
Q. And you mentioned the families -- the Robson family, the Barnes family. They both had daughters?
A. Yes.
Q. And the Culkin family also had daughters; is that correct?
A. One daughter.
Q. Were those girls entitled to the same privileges that their brothers were?
A. Yes.
Q. Did they engage in Super Soaker games from time to time?
A. Yes.

Q. Water balloon fights?
A. Yes.
Q. Did they go in the Jacuzzi?
A. Yes.
Q. The pool?
A. Yes.
Q. Play in the arcade?
A. Yes.
Q. Go in the house?
A. Yes.
Q. All right. Now, at some point, you met a person named Gavin Arvizo; is that correct?
A. Yes.
Q. Do you recall roughly when the first time was that Gavin Arvizo came to the ranch?
A. August of 2002.
Q. August of 2002?
A. August of 2000, excuse me.
Q. Okay. That’s fine. And the -- did he come there with his family?
A. The first time I met him, I met him with his brother Star and his father David, I believe.
Q. Okay. Did you ever -- the first -- let me withdraw that.
Was Janet Arvizo there the first time you met Gavin?
A. I did not meet Mrs. Arvizo the first time.
Q. What do you recall about the first visit

that the Arvizos had to the ranch?
A. Well, Gavin was quite sick at the time. What I most remember is the dad being present and taking care of him with his brother.
Q. Okay. Were there other visits between 2000 and 2003? In other words, before February of 2003, were there other visits that the Arvizo family made to the ranch?
A. Yes.
Q. And during those visits, was Mr. Jackson always present at the ranch?
A. No.
Q. Who did they tend to come with when Mr. Jackson was not present?
A. Chris Tucker.
Q. Was the father always present?
A. No. After they came, I believe, after Gavin was sick, he seemed to recover, and I don't remember the father coming after that.
Q. Okay. So while Gavin was sick, his father was there; is that correct?
A. Yes.
Q. And while the father was there, how did the boys behave?
A. There were very well behaved.
Q. When the father stopped coming, how did the boys behave?
A. They increasingly became a little more

rambunctious.
Q. All right. Now, you said that Gavin seemed to be ill and was eventually recovering, and he got to a point where he seemed to have recovered?
A. Yes.
Q. Okay. While he was visibly ill, how did Mr. Jackson interact with him?
A. I think he was very gentle with him, very caring, just what I remember at the time.
Q. Did he seem to be concerned about him, his well-being?
A. Yes.
MR. SNEDDON: I'm going to object. Calls for speculation.
THE COURT: It's leading. Sustained.

Q. BY MR. SANGER: All right. Now, let's talk about up to the point just before February 2003. Do you recall the last time that this family or any members of this family visited the ranch?

A. I believe it was in the summer of 2002.

Q. And how were the Arvizo boys behaving during that time, in the summer of 2002?

A. They were quite active during that time period.

Q. And when you say "quite active," what did they do?

A. I would say they were enjoying all the privileges of the ranch. I wouldn't say they were nonstop, but they were pretty active.

Q. Okay. And did they have some problems that seemed to need some attention?

A. Yes.

Q. Can you describe what that was?

A. Well, we just had a viewing of a golf cart accident, so that would be one example.

Q. Okay. Do you recall the family coming to the ranch in February of 2003?

A. Yes.

Q. And what happened in February 2003? Let me withdraw that.

Let's start with this: What were the Arvizo children doing in February of 2003?

A. They were there for an extended amount of time. I don't know exactly what they were there for.

Q. Okay. Did they tend to be in the presence of the security people?

A. Yes.

Q. Describe that.

A. Well, they were there for quite a while, off and on, throughout the weeks. We had contact with them because of their behavior, their activity. That's pretty -- it was pretty limited to that.

Q. What did they -- what kind of behavior are you talking about?

A. You know, again, they were active. I guess I'm trying to be polite here. They were very active.

Q. Well, you have to be -- it’s nice that you’re being polite, but we have to ask you to just tell it like it is, whatever it is.

A. They were pretty reckless at the time. They were driving very fast in the golf carts. They were also driving ranch vehicles. They’d get in a ranch vehicle, and take off and drive, and we’d have to stop them. You know, they were young. They couldn’t drive a regular vehicle.

Q. Well, let me stop you at that for a moment. When you say “ranch vehicles,” what kind of vehicles did you have to stop them in?

A. A regular van, like an Astro van. Mr. Jackson’s personal vehicle, a Navigator at the time. Other things, like -- they were pretty destructive, I would say.

Q. So let’s talk about the vehicles first. At the ranch, are the keys usually left in the vehicles during the day?

A. Yes.

Q. Are they left in the vehicles during the night?

A. Yes.

Q. In fact, in the garage -- there are some vehicles that are parked in the garage, correct?

A. Yes.

Q. And the keys for those vehicles are sitting right up on the dashboard right there in view?

A. Depending on what is in the garage at the time, I would say yes.

Q. Okay. So when the Arvizo kids got the -- say, the Astro van, an Astro is like a regular mini-van, right?

A. Yes.

Q. When they got in, say, the Astro van and started driving it, to your knowledge, did they ask anybody for permission?

A. No.

Q. And where would they drive it?

A. They would drive it on the property.

Q. Okay. Do you know if they ever drove out through the gates, the golden gates I guess you call them?

A. Well, they did drive it around. How far they went -- they never drove off the property, but they drove on the property.

Q. Okay. Did they drive golf carts through the golden gates?

A. Yes.

Q. So they would be out in that area between the -- I still don’t have the word for it, but whatever it is, the private --

A. Occupied area of the property.

Q. There you go. Occupied area. They’d be out in the area that is more or less ranch land; is that correct?

A. Right.

Q. All right. Were they neat and tidy?

A. Not always.

Q. What would you tell us about that?

MR. SNEDDON: I’m going to object, unless there’s some foundation as to personal knowledge as to this.

THE COURT: Sustained.

Q. BY MR. SANGER: To your knowledge, did you see whether or not they were neat and tidy?

MR. SNEDDON: Same objection.

THE COURT: Sustained. “To your knowledge” still encompasses beyond her personal knowledge.

MR. SANGER: “Did you see” is what I asked. Okay. Let me withdraw the first part.

Q. Did you see any behavior with regard to whether or not they were neat and tidy?

A. Yes.

Q. Okay. What did you see?

A. I saw them wearing the same clothes for a few days.

Q. How about taking care of policing their area or picking up after themselves? Did they do that?

A. Well, they littered quite a bit. So -- the personal area I didn’t have access to.

Q. All right. Now, from February to March of 2003, did you see Janet Arvizo from time to time?

A. No.

Q. Did you ever see her?

A. Rarely.

Q. Okay. So let's talk about the rare times when you saw her, okay? Can you describe her demeanor during the rare times you saw her from February through March?

A. I would say she was from either excited or not excited. She was never just -- I don't want to say "normal," but she was either very happy or she wasn't speaking.

Q. All right. Was that unusual to you?

A. I don't know. I didn't know Mrs. Arvizo, so I don't know what her demeanor -- her regular demeanor was.

Q. I guess what I'm saying, are you describing somebody that we'd all -- never mind. Let's put it this way: Are you describing what you might call normal behavior or did this seem to be more extreme?

MR. SNEDDON: Your Honor, I'm going to object as lack of foundation.

THE COURT: Sustained.

Q. BY MR. SANGER: All right. So she'd either be happy or she would be very quiet?

A. Very quiet.

MR. SNEDDON: I'm going to object. Asked and answered.

MR. SANGER: It's leading into the next question.

MR. SNEDDON: Well, that doesn't make it --

THE COURT: The answer was, "Very quiet." Next question.

Q. BY MR. SANGER: Where would she go when she was on the ranch during that period of time, February and March?

MR. SNEDDON: Object; lack of foundation.

THE COURT: Sustained.

Q. BY MR. SANGER: Did you see where she went?

A. I saw that she -- I know she was assigned a guest unit.

Q. And did you see her at -- now, you would not be in the house; is that right?

A. No.

Q. Did you see her around other parts of the property from time to time?

A. Very rarely.

Q. Who was taking care of the boys, Gavin and Star?

MR. SNEDDON: Object. Calls for a conclusion; lack of foundation.

MR. SANGER: Okay. Let me withdraw it, just to make this clear.

Q. I’m going to ask you about what you observed yourself, okay? So the first question is, based on your observations, who was taking care of the boys?

MR. SNEDDON: I still object. There’s been no foundation that she ever saw anything, and it calls for a conclusion.

THE COURT: Sustained.

Q. BY MR. SANGER: Did you see the boys, Star and Gavin, during this period of time, February to March of 2003?

A. Yes.

Q. Did you see Davellin?

A. Yes.

Q. Did you have an opportunity to determine who was taking care of the boys?

A. I would say Davellin was taking care of them.

Q. Did you see Janet Arvizo interact with her boys at all during that period of time?

A. No.

Q. What would Davellin do to take care of the boys?

A. If they needed correcting or if they were being -- if they were saying something that was inappropriate, she would ask them to stop talking about that, or she’d remind them to go take a shower, or something like that.

Q. And what was Davellin doing on the ranch during this period of time?

A. She was doing what the boys were doing. Watching movies. Driving around in golf carts.

Q. Did she seem to be having a good time?

A. Yes.

Q. Did any of the Arvizo kids spend time, to your knowledge, to your observation, with the security staff?

A. Yes.

Q. What did they do?

A. They would come and visit us from time to time in the office and sit in our -- sit in our office.

Q. And would they talk to you?

A. Yes.

Q. What would they talk about?

A. Oh, just regular things. You know, what we were doing, and, you know, what was going on, that type of thing.

Q. Did they ever complain to you about anything?

A. No.

Q. Now, you said you saw Janet Arvizo from time to time. Did she ever complain to you about anything?

A. No.

Q. During the February to March 2003 period, did the Arvizos leave the ranch from time to time?

A. Yes.

Q. Who took them off the ranch?

A. I would say it was limited to either Vinnie Amen or Chris Carter. Occasionally Mr. Marcus, Joe Marcus, would take them off property.

Q. Okay. And what were the purposes of going off the property?

A. I'm not sure. I didn't inquire. Once they were there at the gate and they were ready to leave, we would just open the gate and let them leave.

Q. Were there times they went off the property, for instance, during the day, and they came back three or four hours later?

A. Yes.

Q. And when they went through the gate, did they check in and out just like any other guests?

A. Most of the time. I mean, sometimes if we have a guest that's, you know, coming on and off the property, we wave them through, make sure we get a head count to see who's leaving so we can account for them later.

Q. So when people would go off for a trip to town, for instance, you would not necessarily always write that down; is that correct?

A. No, we would write it down. I mean, someone will slip through. You don’t always see someone. Maybe they’re sitting down in the seat. And we try not to hold anyone up at the gate if they’re leaving.

Q. All right. Did you -- do you know Ronald Konitzer and Dieter Weizner?

A. Yes.

Q. And were they at the ranch in February and March of 2003?

A. Yes.

Q. Were they there every single day?

A. No.

Q. Was Ronald Konitzer there with anybody?

A. He was there with his wife and his son.

Q. And did you have an opportunity to observe Mr. Konitzer and his wife and his son?

A. Yes.

Q. Can you describe their demeanor?

MR. SNEDDON: Object as irrelevant, Your Honor.

THE COURT: Overruled.

THE WITNESS: They seemed to interact like a regular family.

Q. BY MR. SANGER: Were they impolite, or polite, or --

A. No, they were very polite.

Q. Did you see -- when you saw Dieter Weizner there, what did you see him doing?

A. He was there on the property. Exactly what his function was, I don’t know.

Q. All right. Did you see either Ronald Konitzer or Dieter Weizner ever treat any of the Arvizos in an unusual or inappropriate fashion?

A. No.

MR. SNEDDON: Object; lack of foundation.

THE COURT: Sustained.

Q. BY MR. SANGER: Did you ever see any of the Arvizos in the presence of Mr. Konitzer and Mr.

Weizner?

A. I can’t recall a specific time, but they were there on the property at the same time.

Q. They were there together with --

MR. SNEDDON: Move to strike as nonresponsive.

THE COURT: I’ll strike the last phrase, they were on the property.

Q. BY MR. SANGER: Okay. Well, during February and March 2003, were Konitzer and Weizner on the property at the same time as the Arvizos?

A. Yes.

Q. Did you see any interaction between them?

A. No.

Q. By the way, who is Miko Brando?

A. Miko Brando is the son of Marlon Brando.

Q. And was he a guest or an employee, to your knowledge?

A. He’s been both. But on this occasion, again, I don’t know what he was doing. I know that he was there off and on.

Q. Did you ever see Janet Arvizo leave the premises with Katie Bernard?

A. Yes.

Q. Who is Katie Bernard?

A. Katie Bernard was the secretary at the time.

Q. All right. So she’s an employee of the ranch, correct?

A. Yes.

Q. And what kind of a vehicle did they leave in; do you know?

A. I don’t recall right at this moment. It probably was a ranch vehicle.

Q. All right. And do you recall roughly when this occurred?

A. It was during the time they were there. I believe during the initial part of their visit.

Q. Okay. Initial part of February? I couldn’t hear you.

A. The initial part of their visit, yes.

Q. Would that be the first part of February?

A. Yes.

Q. And do you recall Katie Bernard -- let me withdraw that.

Do you recall the purpose of Janet Arvizo leaving with Katie Bernard?

A. I believe she had a salon visit.

Q. Okay. Was there any film crew following them as they left the ranch?

A. No. I -- actually, I don’t know.

Q. Okay.

A. Not that -- I was not told that.

Q. All right. You didn’t see any film crew there to follow them when they left the ranch?

A. No.

Q. All right. Was there anything that would have prevented any guest at the ranch, including Janet Arvizo, from calling 9-1-1 if they had some sort of emergency?

A. No.

Q. And how do you call 9-1-1 from the ranch?

A. From the guest units, you immediately receive an outside line, so you could pick up the phone and dial 9-1-1.

Q. So the guest units, you don’t even have to use the code?

A. No. I haven’t done it for a long time, but from what I believe, you can just pick up the phone and you get an outside line.

Q. On some of the other phones, you have to dial a code to get an outside line?

A. Correct.

Q. And that would be true for any kind of a call; is that correct?

A. Correct. We have a -- an emergency procedure, something that would be similar in a hotel room, that shows you how to get out if there’s an emergency. It’s near the phone. It gives you directions on what to do in the event of an emergency. It would be either to call extension --

the extension at the gate and report whatever the problem was.

Again, I’m not very clear if you can just pick up the phone. I’m almost certain you can; that you can pick up the phone and dial out and get an outside line.

Q. So let’s put it this way: The phones in the guest units may or may not require a code to get an outside line?

A. Correct.

Q. But if you can make a phone call from the guest units one way or the other to Los Angeles, for instance, you can call 9-1-1, correct?

A. Yes.

MR. SNEDDON: Your Honor, I’m going to object to the form of the question in the sense that she says she doesn’t know whether there’s a code to get out or not.

THE COURT: Sustained.

Q. BY MR. SANGER: All right. If there’s no code, you would just dial 9-1-1, and you get emergency dispatch, right?

A. Yes.

MR. SNEDDON: Object. Calls for speculation. She doesn’t know.

THE COURT: Overruled.

Q. BY MR. SANGER: And if the phones in the guest room had the same code as other phones on the ranch, you would dial the outside code and then 9-1-1; is that right?

A. Yes.

Q. All right. And my question is, whichever way it worked, if you could make calls to Los Angeles, for instance, from the phone in the guest ranch, you would also be able to call 9-1-1, correct?

A. Yes.

Q. So if somebody knows the code to call an ordinary number, that’s the same code you’d use to get an outside line if you needed it, right?

A. Yes.

Q. Was there an occasion when Janet Arvizo was supposed to leave the ranch and did not want to go or did not show up?

A. I recall a time that the kids left before her, and she left maybe an hour, hour and a half after them. I don’t recall the date, but I remember, leaving, it seemed a little inefficient to me, since they were all leaving, that she wasn’t ready or -- I don’t know the reason for her delay, but she didn’t leave the same time they did.

Q. What kind of vehicle was there waiting for her?

A. I don’t recall the vehicle exactly.

Q. All right. Some sort of vehicle that was being chauffeured by someone?

A. It could have been a ranch vehicle.

Q. But it was being driven by somebody?

A. Yes.

Q. Okay. So somebody had the vehicle there and the kids were ready, but Janet wasn’t?

A. Right.

Q. All right. Let me ask you about the kids, that is, the Arvizo children, being allowed to leave the ranch. Were they allowed to leave the ranch anytime they wanted to?

A. They were allowed to leave the ranch, but they were supervised.

Q. All right. Was there a concern about them not being supervised?

A. Well, their mother wasn’t there on some occasions, so I would say yes.

Q. All right. And when their mother wasn’t there, were they allowed to leave the ranch if they didn’t have an adult with them?

A. Yes.

Q. Okay. Let me ask that again. Maybe you meant to say that. But if they didn’t have an adult --

A. If they didn’t have an adult, they were not allowed to leave.

Q. If there was not an adult?

A. They needed to be supervised.

Q. Do you recall if that was communicated to the security staff at any time?

A. Yes.

Q. And how was it communicated?

A. It was directed to me verbally, and it was also a written directive.

Q. And who told you that?

A. I came in on my shift, and I believe one of my supervisors advised me of the directive and that’s how I was notified.

Q. Did the -- did the children -- you talked to the children from time to time, right?

A. Yes.

Q. Did they ever say they wanted to leave --

MR. SNEDDON: Object. Calls for hearsay.

THE COURT: Overruled.

MR. SANGER: I actually didn’t finish the question, but let’s just leave it at that.

Q. Did they ever -- did the Arvizo children ever say in your presence that they wanted to leave the ranch?

A. No.

Q. To your knowledge, were they ever prevented from leaving the ranch when they requested it?

A. No.

MR. SANGER: Now, Your Honor, what I’d like to do is put up Exhibit 334. And this is the one that has multiple pages, so I’m going to refer to MJ00154 as the particular page from Exhibit 334. May I publish that?

THE COURT: Yes.

MR. SANGER: Thank you.

Q. All right. That’s not focusing really well. Can you read it?

A. It --

Q. I’m going to --

A. The 19th of February?

Q. Yes. February 19. And I’m going to refer to this line right here. Can you read that line? If you can’t, I’ll bring it up to you so you can read it.

A. Yes, I can read it.

Q. What does that line say, first of all?

A. “The kids are not allowed to leave per Joe. ‘Kids’ meaning like Gavin, Star, et cetera.”

Q. Who wrote that there; do you know?

A. I believe that was Officer Elenes.

Q. So there was -- that was an officer who was doing that at whose direction; do you know?

A. Per Joe Marcus.

Q. And there's a number, "1752." So that would be 5:52 in the afternoon?
A. Yes.
Q. Do you know if the kids, in fact, left the ranch that same night?
A. I'm not sure what time they left.
Q. All right. If you look at the gate logs, you could figure that out. We won't have you do it. They've already been introduced.

A. Yes.
Q. So you could tell from the gate logs presumably when they left?
A. Yes. I'm sorry.
MR. SANGER: All right. All right. We can turn the lights back on.
Is that your Post-it?
MR. AUCHINCLOSS: Yes.
MR. SANGER: That's yours?
Q. And the contacts that you had with Janet Arvizo, did she ever indicate to you that she wanted to leave?
A. No.
Q. And if she indicated she wanted to leave, would she have been allowed to leave?
A. Yes.
Q. Were you aware as to whether or not transportation was arranged for -- you mentioned one time. Other than that one time, was transportation arranged for her to leave the ranch from time to time?
A. Yes.
MR. SANGER: All right. May I have just one moment, Your Honor?
THE COURT: Yes.
Q. BY MR. SANGER: Okay. While the Arvizos were there at the ranch from February to March 2003, did you see them have contact with other guests?

A. Yes.
Q. And in particular, Davellin. Did Davellin have contact with other guests?
A. Yes.
Q. Who do you recall, if anyone in particular?

A. Marie Nicole. Whatever -- whatever other guests were there as well. We had quite a few guests during that time period. I can’t recall exactly who was there, but whoever was there, she was involved with them.

Q. Did she spend a lot of time with Marie Nicole?

A. I believe so. They were two girls, and so they did spend some time together.

Q. And did Davellin also spend time with one of the firefighters, firemen, or whatever you call them there? I’m sorry.

MR. SNEDDON: Object; lack of foundation.

Q. BY MR. SANGER: To your knowledge.

THE COURT: Just a moment.

MR. SANGER: Let me withdraw it. I’ll say some other words and make it better.

THE COURT: Okay.

Q. BY MR. SANGER: You said you saw the kids spending time in the security office from time to time?

A. Yes.

Q. Was there anybody in particular, either security or fire person, who Davellin -- who you saw Davellin spend time with?

A. During that time period, or --

Q. February to March of 2003.

A. Not anyone particular. I mean, she was there, but I can’t remember anyone specifically.

Q. All right. So she spent time with more than one person?

A. Well, we’re a staff, and we’re active just as well. So I’m sure in passing, you know, there was a greeting. “Hello, how are you?” that type of thing, or she would come in and ask for something, so --

Q. All right. Now, what about the boys? Who would they spend time with, Star and Gavin?

A. They would mostly spend time with each other or alone, you know, so -- I believe Mr. Brando’s son was there during that time period. So one of the Cascio -- the younger Cascio boys was there as well.

Q. Did they spend time with the Cascio boys, or

one of the boys?
A. Yes.
Q. Did they spend time with one of the Brando kids? This must be a grandchild.
A. Yes.
Q. A grandchild of Marlon Brando?

A. Shane.
Q. Shane. Did they spend time together?
A. Yes.
MR. SANGER: Okay. Very good. I have no further questions.
THE COURT: Cross-examine?

CROSS-EXAMINATION
BY MR. SNEDDON:
Q. Good morning.
A. Good morning.
Q. During the time that you were at the ranch, you had a progression of responsibilities that got larger and larger, correct?
A. Yes.
Q. So you worked there continuously from ‘91?
A. Yes.
Q. Until current? You’re a current employee?
A. Yes.
Q. And you worked your way up to head of security at one point in time, correct?
A. Yes.
Q. And now you’re -- you’ve been -- I don’t want to use the wrong term, but you are no longer head of security?
A. No.
Q. And there’s somebody else who’s head of security out there, correct?

A. Yes.
Q. Now, during this period of time, you met a lot of families that visited the ranch, I would assume, correct?
A. Yes.
Q. And you’ve mentioned the Robeson family, the Robson family --
A. Yes.

Q. -- as one of the families.

The Culkin family?

A. Yes.

Q. The Barnes family?

A. Yes.

Q. And the Chandler family?

A. Yes.

Q. The Cascio family?

A. Yes.

Q. Okay. And the Arvizo family are just a few of the ones that visited the ranch, correct?

A. Yes.

Q. With respect to the Robeson -- or Robson family, I’m sorry, after the first visit of that family to the ranch, the father was never there anymore, was he?

A. I never met the father.

Q. And with regard to the Barnes family, after the Barnes family visited for the very first time, the father was never there at the ranch when they

visited, were they -- was he?

A. The father returned and made visits.

Q. How many occasions do you recall Mr. Barnes being on the property?

A. From one visit to another? Do you mean separate incidents --

Q. Yes, ma’am.

A. -- or days?

I would say at least two or three times afterwards.

Q. Now, there were times that Brett Barnes, the young child, that he was at the ranch alone, correct, without any of his parents?

A. There could have been a time, yes.

Q. There could have been more than one time, couldn’t there?

MR. SANGER: Objection; calls for speculation.

THE COURT: Sustained.

Q. BY MR. SNEDDON: Do you recall there was more than one occasion when Brett Barnes was on the ranch without any parents being present?

A. Yes.

Q. In fact, he would stay several days at a time on the ranch, correct?
A. I wouldn’t -- I don’t remember the exact number of days, but I do remember him being there.
Q. And when he stayed at the ranch, he stayed in Mr. Jackson’s bedroom, correct, when his mother was not at the ranch?

A. I don’t know exactly where he stayed. But he would stay in the main house.
Q. So to your knowledge, he was in the main house, but you don’t know where in the main house?
A. Correct.
Q. And when Mr. Robson -- not “Mr.,” the child Robson visited the ranch, he was there on occasion without his mother or his father, correct?
A. I don’t remember exactly that, but there could have been.
Q. When he did, he stayed in the main residence also, correct?
A. Yes.
MR. SANGER: I’m going to object to the question of “When he did” as assuming facts not in evidence.
MR. SNEDDON: Well --
MR. SANGER: Or vague.
THE COURT: Overruled. The answer was, “Yes.”
Q. BY MR. SNEDDON: And you say, with regard to both Brett Barnes and to Wade Robson, that you just know they’re in the house, because the staff was not allowed into the house, correct, the security staff, except if there was an emergency or at Mr. Jackson’s request?

A. Yes.
Q. And you recall the Chandler family, correct?
A. Yes.
Q. Did you ever recall meeting Mr. Chandler?
A. No.
Q. Or a Mr. Chandler at all?
A. No.
Q. Or a husband at all?
A. No.

Q. And the child’s name was Jordan Chandler, correct?

A. Yes.

Q. You know who I’m talking about when I talk about Jordan Chandler?

A. Yes.

Q. And Jordan Chandler visited the ranch on a number of occasions without his mother, correct?

A. Again, my recollection is he may have. I’m not sure.

Q. And when he did, he stayed in the main house?

A. Yes.

Q. And again, you don’t know where he stayed in the main house?

A. No.

Q. And Macaulay Culkin visited the ranch without his parents, correct?

A. I remember him mostly being with his parents, unless he was an adult. He’s been there recently without his parents.

Q. Well, I don’t mean -- you’re right. I should go back.

Between the period of 1991 and 1993, Macaulay Culkin visited the ranch without his parents being present, is that correct, on occasion?

A. My recollection is that he was there with his parents.

Q. Is it your recollection also that he stayed in the house?

A. Yes.

Q. Now, you mentioned one of the families that you saw a good deal of is the Cascio family, correct?

A. Yes.

Q. And one of the people who you observed over the years was Frank Cascio, correct?

A. Yes.

Q. And you know him as Cascio, right?

A. Yes.

Q. And when you first met Mr. Cascio, he was just a young boy, wasn’t he?

A. Yes.

Q. In other words, he was about 11 or 12 years old?
A. I'm not sure of his age.
Q. Would he -- would he be about the same age as the other boys who were visiting around that time, Brett Barnes, Wade, Jordan?

A. Most likely, yes.
Q. And he also would spend time with Mr. Jackson in Mr. Jackson's house, correct?
A. Yes.
Q. And the difference is that in this case Frank Cascio used to visit with Mr. Jackson a lot, correct, kept an ongoing relationship with Mr. Jackson?
A. The family kept an ongoing relationship.
Q. Okay. That's fair enough. So it was the whole family, as well as Frank Cascio, that kept a relationship with the defendant?
A. Yes.
Q. And you would describe, would you not, that this family is very close to Mr. Jackson?
A. Yes.
Q. Based on your observations?
A. Yes.
Q. And you would -- I believe you said that in the year 2000, you knew that Mr. -- Frank Cascio went to work for Mr. Jackson, correct?
A. I have not said that here.
Q. No. I'm asking. You said that to an investigator, correct?
A. Yes, possibly.
MR. SANGER: Objection; calls for hearsay.

THE COURT: Sustained.
Q. BY MR. SNEDDON: Did you not tell somebody that you believed he went to work for Mr. Jackson in the year 2000?
A. Yes.
MR. SANGER: Objection. Excuse me. Calls for hearsay.
THE COURT: Sustained.
MR. SANGER: Move to strike.
THE COURT: Stricken.

Q. BY MR. SNEDDON: Where did you get the knowledge that Mr. Cascio went to work for Mr. Jackson in the year 2000?

MR. SANGER: Objection. Calls for -- facts not in evidence. The Court sustained its --

THE COURT: Sustained.

MR. SANGER: Thank you.

Q. BY MR. SNEDDON: Were you at any time aware of the fact that Mr. Cascio worked for Mr. Jackson?

A. I was aware that he was working on projects on the property for Mr. Jackson.

Q. During the time frame from 2000 to 2003, would that be the time period that you had reference to?

A. Yes.

Q. And would you describe the relationship between Mr. Jackson and Frank Cascio during this period of time from 2000 to 2003, that it continued to be a very close relationship, correct?

A. Yes.

Q. A trusted friend, correct?

A. I believe so.

Q. Now, with regard to Mr. Frank Cascio, were you aware of the fact that he changed his name or was using another name?

A. Yes.

Q. And that was during the time period of February and March of 2003, correct?

A. I believe so.

Q. And he used the name Frank Tyson, correct?

A. Yes.

Q. Was that the first time you ever heard him use the last name of Tyson during that period, February and March?

A. I don’t know if it was during that time period, but I could safely say probably yes.

Q. It was during the time when the Arvizo family was at the ranch, correct?

A. I believe it was during that time period.

Q. And in fact, during 2002, Mr. Tyson had visited the ranch on a number of occasions, correct?

A. In 2002?

Q. Yes, ma’am.

A. How many times I don’t know, but he -- most likely he did.

Q. When he visited, he would have been noted in the logs, the ranch logs that you referenced?

A. Yes.

Q. And on each occasion he’s referenced as “Cascio,” is he not?

A. Yes.

Q. Did you ever see Mr. Jackson having meetings with Frank Cascio during February and March of 2003?

A. I’m sure they met. I don’t know what -- if it was an actual meeting or what it consisted of, but they spoke with each other.

Q. They had a lot of conversations between the two of them, did they not, regularly? Or conversed regularly, how about that?

A. Well, they’re friends, so I imagine they would have a lot to talk about.

Q. And Dieter Weizner, did you see him having conversations with the defendant during February of 2003?

A. No.

Q. Never?

A. Never.

Q. You never saw them in Mr. Jackson’s office meeting?

A. I did not see that.

Q. But if they were meeting in the house, you wouldn’t have known that either, would you?

A. No.

Q. With regard to Mr. Konitzer, did you ever see Mr. Jackson meeting with Mr. Konitzer?

A. No.

Q. Now, you mentioned Miko Brando. And he has a son named Shane, correct?

A. Yes.

Q. And it’s correct, is it not, that actually during February of 2003, Shane Brando got in an accident with one of the carts and actually injured Gavin, did he not?

A. Yes. They both crashed into each other.

Q. But the log reflects the fact that it was

Shane Brando who was at fault; isn't that correct?

A. Yes.

Q. Now, how old is Shane Brando in 2003? About the same age as Gavin?

A. I'm not sure how old Shane is. He's a big kid, so I don't know exact -- his exact age. Actually, he's -- he's probably about 16 now, so....

Q. So he would have been about 14 or 13 then?

A. Sure.

Q. You've talked a lot about the procedures for the security on the ranch. And I wanted to ask you, first of all, you've said that there is a procedure now where people work 12 -- 12/12, two shifts, right?

A. Yes.

Q. That wasn't always the case, was it?

A. No.

Q. Back in 1991, '92, '93, there was a graveyard shift, correct?

A. Yes.

Q. And that shift started at ten o'clock at night and worked through the morning hours, correct?

A. During different times, we would -- when I initially started working, the shift started at midnight till 8:00 in the morning. I don't know what year we changed that where the shift would start at 10 p.m. and work till 6 a.m.

Q. But there was a shift that worked from 10:00?

A. Yes.

Q. Called the graveyard shift, correct?

A. Yes.

Q. Now, just a couple of questions about the logs that you've described. I think you said earlier in your direct examination with Mr. Sanger that the logs, the gate logs, went to the administrative office up on the hill, correct?

A. Yes.

Q. And how did they find their way down to the security office?

A. The gate logs are used to verify the payroll. Payroll is done on Monday mornings. So if someone forgets to punch in or punch out, then they refer back to the gate logs to see what time that employee left, if it was needed.

Once they're -- once they're through with them, then they're filed back into the office and they're kept in that file for a year, until the end of the year, when they're filed in another box and stored.

Q. By "the office," do you mean taken physically from the administrative office down to the security office?

A. Yes.

Q. Would you tell me how many drawers are there in the cabinet that you say you retrieved these logs from?

A. There's four.

Q. And which of the drawers was it that you retrieved them from?

A. They were in the second drawer.

Q. Second from the top or the bottom?

A. Second to the top. Second to the top.

Q. Now, the keys to the house, you say they're kept in the break room, correct?

MR. SANGER: Objection. That misstates the evidence, "The keys to the house."

THE COURT: Overruled.

You may answer.

THE WITNESS: The keys to the house?

Q. BY MR. SNEDDON: Well, keys to the arcade. I'm sorry if I said the wrong building. I'll take that back. The wine cellar. The keys to the wine

cellar are kept in the break room?

A. Yes, they are kept in the break room. Yes, they are kept in the break room.

Q. The break room has a safe, correct?

A. Yes.

Q. At any time during the time you worked there, have those keys ever been locked in that safe?

A. Yes.

Q. And during the time that you've worked there, has it been the habit and custom of the people working on the property that the housekeepers, during the daytime, keep the key on their person during the entire day?

A. Yes.

Q. In fact, you had to go retrieve the key from the housekeeper the day of the search warrant to let the officers in, correct?

A. Some of the keys I did not have access to during that time period, so it was not available to me. I would have to ask them for the key.

Q. So the answer is --

A. Yes.

Q. -- on the day of the search warrant, you had to go to one of the housekeepers to get the key to allow the officers to get in the arcade and the wine cellar, correct?

A. For immediacy purposes, yes.

Q. Now, in 2003, I'm assuming that if you were the head of security at that time, if you had any problems, staffing problems, they would have been things that you discussed with Mr. Marcus, correct?

A. Yes.

Q. And do you recall having a conversation with Mr. Marcus where you discussed the fact that you were very short of staff and it was becoming a security issue on the ranch?

A. Yes.

MR. SANGER: Objection; calls for hearsay.

THE COURT: Sustained.

MR. SANGER: Move to strike.

MR. SNEDDON: All I asked was if she had a conversation. I didn't ask what was said, Your Honor.

THE COURT: You kind of filled that in, though.

Q. BY MR. SNEDDON: Did you have a conversation with Mr. Marcus about security issues of concern to you?

A. Yes.

Q. Now, let me ask a few other questions about procedures at the ranch. For instance, the groundskeepers, they're day staff only?

A. Yes.

Q. So what time would they ordinarily leave?

A. Their working hours are from 7 a.m. to 3:30

p.m.

Q. And the maintenance people, same hours, basically?

A. Yes.

Q. So they would go home at 3:30?

A. Yes.

Q. And the zoo people?

A. Same time.

Q. And most of the maid staff would go home at the same time, except those that were kept for the night?

A. Yes.

Q. And those that were kept for the night would come in at a little later time, correct?

A. Yes, I believe so.

Q. So basically, other than a few staff -- well, let me ask you this: The housekeeping staff that was retained at night was smaller in numbers than those that were there during the day, correct?

A. Well, it would depend on the activity. I couldn't say during that time frame -- I wasn't in charge of that department, so I'm sure -- just as I would schedule people for the bulk of the activities, so if they had something going on in the evening, I'm sure they would schedule for more in the evening than they would during the day.

Q. Fair enough. But that would be the exception, not the rule, though, correct?

A. No, that's what we had to work with, so you schedule your people when you need them.

Q. No. I meant, it would be the exception that they would have to be there because you were having an event as opposed to the normal situation. You don't have events every night?

A. No, we don't have events every night. But if we have large groups of guests on property, such as during that time period, then, you know, dinner may be served late. I'm not sure exactly what all their duties are, but....

Q. But that would be an exception where those -- where you would have those kind of events.

Obviously you'd have to have people there to help, correct?

A. Yes.

Q. Now, you say that the security staff is not allowed in the building -- I'm sorry, in the main residence unless called by the defendant, Mr. Jackson, or there's an emergency, correct?

A. If it's not necessary for you to be in the house.

MR. SNEDDON: Move to strike as nonresponsive, Your Honor.

THE COURT: Stricken.

Q. BY MR. SNEDDON: I think you told us that the only two occasion where staff, security staff, were allowed into the house was either because Mr. Jackson summoned one of you or there was an emergency. Now, is that correct?

A. Yes.

Q. You have on occasion been in Mr. Jackson's bedroom, correct?

A. Yes.

Q. And you know that to get into Mr. Jackson's bedroom, as you approach the door, there's a chime that goes of inside of the room, correct?

A. Yes.

Q. And you also know that the door is locked from the inside, correct?

A. I believe there may be a deadbolt there.

Q. And that a person cannot -- you cannot enter that room without somebody unlocking the door from the inside, correct?

A. If there's an emergency, I would get through that door.

Q. I'm sure you would. I'm not trying to say you wouldn't do your job and break through it. But short of breaking through the door, you would have to have somebody on the inside open it up, correct? Is that a fair statement?

A. Yes.

Q. And certainly if that was true of you, it would certainly be true of any guest that was staying at the place, correct?

MR. SANGER: Objection; calls for

speculation.

THE COURT: Sustained.

Q. BY MR. SNEDDON: At the time that these young boys that you've talked about were in the main residence with Mr. Jackson, they were there without -- on many occasions without parental supervision, correct?

A. I would say there were some occasions. I don't know if there were many occasions.

Q. I'll settle for "some."

There were some occasions where some of these young boys were in the house with Mr. Jackson with nobody else present; is that a fair statement?

A. I would say that would be fair.

Q. It would also be a fair statement that inside of his room, that nobody would be allowed to go in there and see what was going on; isn't that a fair statement?

MR. SANGER: Objection, Your Honor. Calls for speculation; no foundation.

THE COURT: Sustained.

THE WITNESS: I would say that would be normal for anyone.

THE COURT: Wait. The question was sustained, the objection.

Q. BY MR. SNEDDON: So the simple answer would be, you had no idea what was going on inside the house when those boys were there with Mr. Jackson?

MR. SANGER: Objection; argumentative.

THE COURT: Sustained.

MR. SNEDDON: Do you want to take the break, Your Honor?

THE COURT: All right. We'll take our break.

(Recess taken.)

THE COURT: All right. Go ahead.

Q. BY MR. SNEDDON: Mrs. Silva, are you familiar with a company called Ace Protective Group?

A. Yes.

Q. And do they provide security services for the ranch?

A. Yes.

Q. That's in addition to the regular staff

that’s on the ranch?
A. We used them as contract. The employees were supervised, managed on the ranch, and they officially paid payroll services.
Q. Were they just used for special occasions or were they there all the time?
A. No, they were used from the time period of, I believe, 1997 through 2003, I believe.
Q. So, for instance, somebody who was working as a security officer on the ranch during that time period, they would actually be employed by the Ace Protective Group as opposed to MJJ Productions or the defendant?
A. Yes, some were.

Q. And some were not?
A. Some were not.
Q. But they all worked under your supervision?
A. Yes.
Q. Thank you.
Now, let’s talk a little bit about the ranch. You described some behavior where Gavin Arvizo crashed in a golf cart.
A. Yes.
Q. That happened -- I believe Mr. Sanger showed us it was in, as I recall, June of 2002.
A. Yes.
Q. And there’s no log entry in any of the logs in 2003 that indicate that Gavin ever had his driving privileges taken away on the golf carts, are there?
A. I would have to look at the gate logs to see. I believe what the report said was that a verbal warning was given.
Q. In 2002?
A. Yes.
Q. Yes. We had that report.
A. Yes.
Q. But to your knowledge, you don’t recall any situation where Gavin Arvizo was later, during the time in 2003 while they were on the ranch, deprived of his privileges to drive golf carts, correct?
A. In 2003, he did have a golf cart taken away

from him.

Q. Do you recall what date that was?

A. It was written on the same line where I believe there was an accident that happened with -- that involved Mr. Brando’s grandson. As a result of that accident, the golf carts were taken away.

Q. And your recollection is it was taken away from Gavin and from Shane?

A. Yes.

Q. So it would be that accident report?

A. Pardon me?

Q. It would be that accident report, correct?

A. I believe that incident, the golf carts were temporarily taken away from them.

Q. You’ve described a situation where, I believe, in the past that you thought that at one point or another, every one of the young boys that would visit that ranch got carried away, correct?

A. Not all of them. But I would say they had fun.

Q. Do you recall telling -- do you recall a conversation that you had with a sheriff’s department detective?

A. Yes.

Q. And do you recall him asking you about the conduct of a couple of young boys?

A. Yes.

Q. And you said to him that they all did; “At 9579 one point or another, they would all have to calm down, and we’d all have to take things away from them, all of them”?

A. I would say there was an occasion where all of them needed to be reminded of what the rules were.

Q. So you didn’t tell them that on all occasions, eventually somebody had to have something taken away from them?

A. The way you asked the question, I believe what you’re asking me is every single person has had a golf cart taken away. Is that what you’re asking?

Q. No. Just the young boys.

A. One occasion we would have to remind them, again, to follow the rules.

Q. And you said that -- you thought the reason for that was because the children felt there was so much freedom at Neverland Ranch, correct?

A. Yes.

Q. And you also said that you never saw Mr. Jackson ever tell the children to calm down or not do anything, correct?

A. Yes.

Q. And you felt -- you told the officer that you felt that at times you were forced to be the bad guy because Mr. Jackson wouldn't do that when you thought he should; isn't that correct?

A. He's the host, so that's not his job.

MR. SANGER: I'm going to object, Your Honor. It calls for hearsay.

THE COURT: Overruled.

THE WITNESS: I didn't hear what his reply is.

THE COURT: You should rephrase the question. It was complicated.

Q. BY MR. SNEDDON: You also told the investigator that you felt it was unfair at times that you and your security officers were placed in a bad position because Mr. Jackson would not discipline people?

MR. SANGER: Objection; calls for hearsay.

Q. BY MR. SNEDDON: In his presence, correct?

A. In his presence, it wouldn't be appropriate for him, as a host, to discipline. That would be our job. So he was relying on us to do our job.

Q. Did you tell the officer that you felt that Mr. Jackson had placed you in a position of being the bad guys?

A. Sure.

Q. Now, you stated that you had no personal knowledge about reports of children being intoxicated on the ranch, correct?

A. Correct.

Q. As a head of security, do you review the logs all the time?

A. At the end of the week I review them.

Q. And you discuss with your staff any concerns about things that may be going on on the ranch to make sure everything’s okay?

A. On a daily basis.

Q. You did receive some reports, did you not, that there were children intoxicated on the ranch?

A. I did not receive any direct report, someone coming to me and reporting that they found someone intoxicated.

Q. But you had information to that effect, did you not, as the head of security?

A. There is always a concern for it, because there’s alcohol available, so we would make -- take precautions to make sure that that wouldn’t happen.

Q. I think the question was, did you have personal -- I mean, did you have knowledge of the fact from your staff that there were incidents where they encountered children intoxicated?

A. I was not --

MR. SANGER: Excuse me. Calls for hearsay.

THE COURT: Overruled. You may answer.

Q. BY MR. SNEDDON: I think that’s a “yes” or “no.”

A. No.

Q. Are you familiar with a person by the name of Chris Carter?

A. Yes.

Q. Who is Mr. Carter?

A. Mr. Carter was a personalassistant/traveling security person for Mr. Jackson.

Q. So when Mr. Jackson was around, Mr. Carter was around. He was his security, correct?

A. Yes. No, he was not under my supervision.

Q. No, I know. I mean, the jury may not know, but he worked for -- basically for Mr. Jackson?

A. Yes.

Q. But when Mr. Jackson was at the ranch, Mr. Carter was at the ranch, right?

A. Most of the time.

Q. And did Miko Brando on occasion also serve as part of the security detail for Mr. Jackson, to your knowledge?

A. I'm not aware of that.
Q. And have you ever seen Mr. Jackson carry a cell phone?
A. No.
Q. Have you ever seen Mr. Jackson use a cell phone?
A. No.
Q. Did you ever see any of these personal bodyguards loan Mr. Jackson a cell phone to be used?
A. No.
Q. Now, at the time that the Arvizos came to visit in early February of 2003, did you know that

they had come from Miami?
A. No.
Q. Did you know where they had come from?
A. No.
Q. Did you know how much clothing they had with them or how long they were expected to stay at the ranch?
A. No.
MR. SANGER: Compound, Your Honor. Move to strike the answer.
MR. SNEDDON: I'll break it up.
Q. Did you know --
MR. SANGER: Excuse me. I just need a --
THE COURT: He's going to rephrase.
Stricken.
MR. SANGER: So it's stricken. There was a motion to strike the answer.
THE COURT: Stricken.
Q. BY MR. SNEDDON: Did you know how much clothing they brought with them?
A. No.
Q. Did you know how long they were supposed to stay?
A. No.
Q. Did you know where they had been before they came to Neverland Ranch?
A. No.
Q. Did you know that they came to the ranch

with the defendant, Mr. Jackson?
A. I did not see that personally.

Q. But you’re aware of that?

A. Yes.

Q. Now, during the time that the Arvizo children were at the ranch in February of 2003, and in March, you observed Mr. Jackson spend time with the boys, did you not?

A. I recall Mr. Jackson was there, but I don’t recall any specific interaction with them.

Q. You don’t recall Mr. Jackson spending time with Gavin Arvizo?

A. Not specifically.

Q. And during most of this particular point in time, you would be leaving in the early evening hours to go home, correct?

A. My hours were varied at that time, depending on the coverage that we needed.

Q. All right. And so -- but ordinarily, you would leave to go home in the early evening hours, correct?

A. No, sir.

Q. So if we were to look at your time sheets they would reflect the fact that -- are you, by the way, filled out on the logs?

A. Yes.

Q. Your name’s on the logs, so we can look at the logs and we can all find out what time you

checked in and what time you checked out for the day?

A. Yes.

Q. That would be an accurate depiction of your work schedule during February and March of 2003?

A. Yes.

Q. Is that correct?

A. Yes.

Q. Now, did you basically run things from the administration building?

A. Depended on the activity. If the -- if I had enough officers to cover the shift, then I would come down and supervise the shift and then I’d work from my office. If not, I was part of the rotation as well.

Q. So it’s your testimony that you have no recollection of Mr. Jackson being in the presence of

Gavin Arvizo, for instance, in the arcade room playing games?

A. I can’t recall specifically.

Q. You have no recollection of Gavin Arvizo being with Mr. Jackson in the movie theater?

A. I’m sure it was possible, but you’re asking me specifically, and I don’t remember an occasion. There was a lot of people there during that time, and people were coming and going, so --

Q. I’m just asking what you recall. Do you recall any situation where you recall Gavin Arvizo being with the defendant down in the amusement park?

A. No.

Q. Do you recall any situation where Gavin Arvizo was with the defendant down at the zoo?

A. No.

Q. Do you recall any incident or occasions of Mr. Jackson being with Gavin Arvizo around the swimming pool?

A. No.

Q. Or out at the teepee?

A. I believe they may have had dinner there once.

Q. It’s true, is it not, that Gavin Arvizo spent some of the nights in Mr. Jackson’s house?

A. Yes.

Q. I’m assuming, as one of your chief responsibilities there as the security officer at this point in time in 2003, that you would try to be very proactive about liability issues on the ranch, correct?

A. Yes.

Q. In other words, sort of like a loss prevention concept; you want to make sure that you run things so that accidents are prevented before they happen, correct?

A. Yes.

Q. And you put procedures in place to avoid that kind of situation, right?

A. Yes. We have standard operating procedures.

Q. And also as part of those procedures, one of the things to protect yourself from a liability standpoint is, if there’s something that’s significant that happens on the ranch, you want to put it in the logs so later, if it happens, it could be documented, correct, for liability purposes?

A. Personally, I would do that myself. I’m relying on the discretion of the officers.

Q. Well, you would expect, as you, they worked under your supervision, correct?

A. Yes.

Q. They worked under your direction?

A. Right.

Q. And you would expect that if any significant event occurred on the ranch, that would be documented in the reports, correct?

A. Reports or gate logs, yes.

Q. At someplace where --

A. Yes.

Q. -- something would happen that’s out of the ordinary, that that would be something that you’d want to document?

A. Yes.

Q. To show that if an incident occurred, that you took a response to it to prevent it from happening again, correct?

A. Yes.

Q. You want to document that event, correct?

A. Yes.

Q. Okay. And as part of that policy, you had a rule that the golf carts couldn’t go off the ranch, right?

A. They’re not designed to go off the property. They shouldn’t go off, no.

Q. I just asked --

A. Yes. Yes.

Q. And if somebody tried to drive a golf cart off the ranch, they would be stopped by the gate person and turned around and told to head back out, correct, head back to the ranch?

A. That would be our procedure.

Q. That would be a standard procedure?

A. It would be our policy.

Q. Okay. And somebody who let a person off the ranch with the cart would be in a little bit of trouble, wouldn’t they, with you?

MR. SANGER: Objection; calls for speculation.

MR. SNEDDON: Let me rephrase it. I’m sorry, Judge.

Q. It would be a violation of your policies for somebody at the gate to allow somebody off the ranch with a go-cart; is that correct?

MR. SANGER: Well, I’m going to --

Are you talking about a go-cart or a golf

cart?

MR. SNEDDON: Golf cart.

THE WITNESS: It would be against our policy to allow someone -- someone underage, without driving privileges, to leave the property.

Q. BY MR. SNEDDON: So “underage” would be anybody 16 and below?

A. Driving age, yes.

Q. Or below 16.

A. Driving age, yes.

Q. And the same thing was true of the quads?

A. Yes.

Q. In other words, there was a rule at the gate that you just didn’t let somebody off with the quads?

A. Yes.

Q. Now, in 2003, did you know how old Gavin Arvizo was?

A. No.

Q. He was small for his age in 2003, was he not?

A. I don’t know.

MR. SANGER: Objection. Calls for speculation; lack of foundation.

THE COURT: Sustained.

Q. BY MR. SNEDDON: He was a rather small person, was he not?

A. No.

Q. In 2003?

A. I don’t know how old Gavin was at the time.

Q. What’s your estimate?

A. My estimate would be that he was 15.

Q. 15? And how old do you think Star was?
A. At least 12 or 13 years old.
Q. You told the jury that the reason that there’s a notation in the logs about the boys not leaving the ranch was because they had been driving vehicles around the ranch, correct, the Navigator and the van?
MR. SANGER: Objection, Your Honor. That misstates the testimony.
MR. SNEDDON: Well, I’m -- let me go back. I’ll clarify that. I thought that’s what she said. I’ll withdraw the question, Your Honor.
THE COURT: All right.
Q. BY MR. SNEDDON: Was the reason that the notation that Mr. Sanger showed you up there on the board about the boys not to leave the ranch related to their driving of the Navigator or the van?
A. Yes.
Q. Okay. So I was right. You don’t have to answer that.
At any time in any of those logs, did you ever see a notation that documented the fact that those boys were driving those cars?
A. No.

Q. And you say that the policy of the ranch is to lock the key to the cellar in the safe, correct?
A. On certain occasions it is.
Q. But the policy of the ranch was to leave keys in the cars on the ranch? You didn’t secure them somewhere?
A. No.
Q. You don’t think that would be a liability problem if somebody got in one of those cars and drove it off?
MR. SANGER: Objection; argumentative.
THE COURT: Sustained.
Q. BY MR. SNEDDON: Did it ever occur to you as the chief of security during this period of time that there was a liability issue to the ranch by leaving those keys in the cars unattended?
A. No.
Q. Did you change the procedure at any time? Are they still left in the carts?

A. At this time, I believe they are. Some vehicles are locked.
Q. I assume locked, and the keys aren't locked inside of them. So they're placed somewhere else, correct?
A. No. Correct.
Q. And it's also true that at no time during the time that you've been employed by that ranch do you recall there ever being an entry in a log that children were not to leave the ranch, correct?

A. That's correct.
Q. And that, as a matter of fact, on those occasions you told the ladies and gentlemen of the jury that, for instance, Wade Robson was at the ranch without supervision, you don't find any entry saying, "Don't let Wade Robson leave the ranch unsupervised," correct?
MR. SANGER: Objection. Assumes facts; compound.
THE COURT: Overruled.
You may answer.
THE WITNESS: Answer?
Q. BY MR. SNEDDON: Yes. There's nothing in the logs to that effect, right?
A. I'd have to go through all the gate logs.
Q. Do you have any recollection, as the head of security, that there was ever an entry like that with regard to Wade Robson?
A. No.
MR. SANGER: Objection; lack of foundation.
THE COURT: Overruled.
Q. BY MR. SNEDDON: With regard to Brett Barnes, you've told the jury already that he's been there on occasion without his parents.
Do you ever recall, during the time that he was on that ranch, that there was a notation in the logs that he was not to leave the ranch?

A. I did not see one.
MR. SANGER: I'm sorry. I was trying to object. Objection. One second. Objection; lack of foundation.
THE COURT: They can't hear.

MR. SANGER: Objection. Lack of foundation as to the 1990 gate logs, ‘90 to ‘93.
THE COURT: Sustained.
Q. BY MR. SNEDDON: During the time that you were employed on the ranch as a security officer between the time period of 1991 and 1993, you’ve told us that Wade Robson visited the ranch, correct?
A. Yes.
Q. And at that time, you would have been one of the officers who would review the entries on the log to make sure you do your job, correct?
A. Yes.
Q. And you would have done that on a daily basis when you came to work; isn’t that correct?
A. Yes.
Q. And do you recall any log entries during that period of time in which somebody wrote a note saying, “Don’t let Wade Robson leave this ranch”?
A. No.
Q. And with regard to Brett Barnes, during the same time period that you were working as a security officer and you were reviewing those logs, did you ever see an entry that said anything about not letting Brett Barnes leave the ranch?

A. No.
Q. Now, if I were to ask you the same question about Jordan Chandler, your answer would be the same, correct?
A. Correct.
Q. In fact, the entry that was made on the logs that you testified to, that Mr. Sanger showed you, was the first and only time you’ve ever seen that kind of entry made on a ranch log, correct?
A. Yes.
Q. Are you familiar with some boys from Santa Ynez called the Coultry brothers?
MR. SANGER: Objection; beyond the scope of direct.
THE COURT: Overruled.
MR. SNEDDON: I think I’m entitled to -- I think….
Q. It’s overruled. You can answer. Are you familiar with the Coultry brothers?

A. Yes.
Q. And they were visitors at the ranch quite often, is that correct, during this time period, 2003?
A. I believe after that time period.
Q. You don’t recall them being on the ranch during 2003?
A. Yes, but after the February time.

Q. Yeah. No --
A. Not during the same time.
Q. -- that’s fair.
A. Yes.
Q. During 2003 they were there?
A. Yes.
Q. And by your own statement to investigators, I think you described them as wild, correct?
A. Yes.
MR. SANGER: Objection. Move to strike; calls for hearsay. Also not relevant as to the time period that what we’re talking about.
THE COURT: Overruled. The answer was, “Yes.” Next question.
Q. BY MR. SNEDDON: In fact, while they were on the ranch one day, they egged your car so bad that you had to get it repainted, correct?
MR. SANGER: Objection, Your Honor. Relevance.
THE COURT: Overruled.
You may answer.
THE WITNESS: I don’t know if it was them.
Q. BY MR. SNEDDON: Somebody did, correct?
A. Someone did, yes.
Q. And they were on the ranch at that time?
A. Yes.
Q. All right. During the time that you were employed at the ranch, were you ever aware of who

was sent out to buy adult magazines for Mr. Jackson?
A. No.
Q. Did you receive in your office a package of adult magazines that came from Japan?
A. Yes.
Q. And those were -- the contents of the

envelope were from Mr. Jackson’s luggage that was mailed back to Neverland after he had gone to Japan, correct?

A. I don’t know if it was from Japan, but they were left in my office.

Q. And they were adult materials, correct?

A. Yes.

Q. And you described them, I think, as very graphic?

A. Yes.

MR. SNEDDON: No further questions, Your Honor.

REDIRECT EXAMINATION

BY MR. SANGER:

Q. Okay. Mr. Sneddon asked you about various guests coming with or without parents, one parent or the other. Do you remember that, at the beginning of your cross-examination?

A. Yes.

Q. Okay. Now, the Arvizos -- to your knowledge, the Arvizos came with at least their

father the first several times they came; is that correct?

A. Yes.

Q. And he -- did he supervise them?

A. Yes.

Q. And then there was a period of time in 2002 when they came with Chris Tucker; is that correct?

A. Yes.

Q. And that’s Chris Tucker the entertainer, right?

A. Yes.

Q. And Mr. -- was Mr. Jackson on the premises or not, or sometimes on and sometimes off?

A. Yes.

Q. The latter?

A. Sometimes yes; sometimes no.

Q. All right. Was Mr. Tucker supervising the Arvizo kids while he was there?

A. Yes.

Q. All right. And then after that, the Arvizo kids came with their mother. That was in February of 2003, correct?

A. Yes.

Q. And she was on the property most of the time that they were on the property; is that right?

A. Yes.

Q. She was not there some of the time, though?

A. Correct.

Q. All right. Now, you just indicated that -- you were asked about these gate logs going back to ‘91 to ‘93. Do you remember that?

A. Yes.

Q. And from 1991 to 1993, you were not the chief of security; is that correct?

A. That’s correct.

Q. So it was not your job to review all of the gate logs; is that right?

A. That’s correct.

Q. It was your job to look at the gate logs when you came on your shift to see if there was any information that you should pick up for use during your shift, correct?

A. Correct.

Q. That would include figuring out who’s on the property, if there are any special instructions and that sort of thing, right?

A. Yes.

Q. All right. Did you -- for the purpose of testifying here today, did Mr. Sneddon or anybody on his staff show you the gate logs from 1991 to 1993?

A. No.

Q. Have you had a chance to review those gate logs in recent years?

A. No.

Q. All right. Now, you indicated that the only entry that you recall with regard to children not leaving the ranch was that one entry on February the 19th?

A. Yes.

Q. All right. And that entry was only for that particular day; is that correct?

A. That’s correct.

Q. It was not carried forward beyond February the 19th?

A. Correct. No.

Q. And the entry -- that was the first entry, so it obviously didn’t precede the 19th, correct?

A. Correct.

Q. You indicated that one of the reasons was -- that that -- let me withdraw that.

You indicated that one of the reasons that the notation was in the log, you believed, was because of the kids driving the adult vehicles, correct, the Navigator and the Astro van and so on?

A. Correct.

Q. Was it also -- were there any other factors related to that entry that you’re aware of?

A. Well, the children were there unsupervised as well, so --

Q. Okay. So there wasn’t a parent there, or somebody like Chris Tucker, to make the call as to whether or not they should leave and who they should leave with; is that correct?

A. Correct.

Q. Do you recall if Hamid Moslehi was on the property at that time?

A. Yes.

Q. Was he?

A. I’m sorry?

Q. Was he?

A. Yes, he was.

Q. All right. And did he leave that day?

A. I believe he did. There was an entry above that that said that he was there.

MR. SNEDDON: Well, I’ll object as lack of foundation. No personal knowledge.

THE COURT: Overruled.

MR. SANGER: I think the answer is in.

THE COURT: The answer is in.

Q. BY MR. SANGER: Do you have a personal recollection of him being there around that time?

A. Yes.

Q. Okay. Do you know if he left later that day with the children, with the Arvizo children?

A. I don’t know.

Q. All right. But if you wanted to find out, you would probably be able to look in the log and determine whether that’s the case or not; is that correct?

A. Sure.

Q. And generally if somebody leaves the ranch at the exact same minute, if there are a group of people or a number of people who leave at the exact same minute, it generally means they’re in the same vehicle; is that correct?

A. Yes.

Q. Now, I think you were asked -- and I may be wrong about this. I think you were asked if Wade Robson and Brett Barnes had behavior problems. Let me ask you, did they?

A. No.

Q. Were they polite? Impolite? How would you characterize them as kids?

A. They were very kind and considerate.

Q. Okay. Did they ever, to your knowledge, get into an adult vehicle and start driving around without permission?

A. No.

Q. Okay. Going back towards the beginning of your cross-examination, Mr. Sneddon asked you about Frank Cascio. Do you recall?

A. Yes.

Q. And he asked you if Frank Cascio started using a different name, that is, Tyson, at some point; do you recall?

A. Yes.

Q. Did, in fact, the entire Cascio family start using a different last name?

A. Yes.

Q. Did they all ask to be called “Tyson” instead of “Cascio”?

A. Yes.

Q. Did you honor that request?

A. When I could remember.

Q. Okay. Now, with regard to Frank Cascio/Tyson, you were asked whether or not he was a close, trusted friend of Mr. Jackson, I think, something to that effect. Do you recall that?

A. Yes.
Q. Did Frank Cascio -- did his relationship with Mr. Jackson have difficulties at one point?
MR. SNEDDON: Object; lack of foundation.
THE COURT: Sustained.
MR. SNEDDON: And vague.
MR. SANGER: Okay.
THE COURT: Sustained as to foundation.
MR. SANGER: All right.
Q. You had indicated that Frank Cascio was a close, trusted friend of Mr. Jackson --
A. Yes.
Q. -- correct?
Was that consistently true, or was there any change in that relationship from time to time?
MR. SNEDDON: Object. Calls for a conclusion; lack of foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes, it did change on

occasion.
Q. BY MR. SANGER: Was there a time when Mr. Cascio threw a big party?
A. Yes.
Q. And did that result in the depletion of ranch resources?
A. Yes.
Q. Okay. Did that cause a problem between Mr. Cascio and Mr. Jackson?
A. Yes.
Q. You were asked about the key to the wine cellar, and the part that I’d like to get to is how many keys were there to the wine cellar, to your knowledge?
A. To my knowledge, there were a set of keys in the house for the housekeeping staff, a set of keys in the security office.
Q. Did somebody walk around with those keys, a security officer walk around with the keys, or were they there at the office to be retrieved?
A. They’re on a key ring and they’re kept with the supervisor.
Q. Okay. And when you say “security office,”

are we talking about the office that’s adjacent to the garage and the video library?

A. Yes.

Q. So obviously, if somebody had to use it, they’d take the key ring and they go use it, right?

A. Yes.

Q. Are they supposed to put it back?

A. Yes.

Q. Does that always happen?

A. No, not always. It stays on them sometimes.

Q. There was a question -- I think the question was about opening the wine cellar. Maybe I’m wrong about that. But in any event, at the time of the search, did you have the keys for the wine cellar?

A. Not on me.

Q. Okay. And the officers who wanted to search asked to have the key for the wine cellar; is that correct?

A. Yes.

Q. And did you retrieve the security keys or the housekeeping’s keys?

A. I don’t recall at the time. But I may have -- I was talking with the housekeepers. I was actually in the house at the time. So to quickly retrieve the keys, I may have grabbed the keys from them or asked for them from the housekeeper.

Q. So that -- at that time, to your knowledge, there was a set of keys for the security staff?

A. Yes.

Q. All right. And that included the key to the wine cellar; is that correct?

A. Yes, that’s correct.

Q. Now, there was some questions about -- there were questions about the door to Mr. Jackson’s private area, sometimes called his bedroom or bedroom suite, that area, all right? And you said something about them being locked from the inside. Do you recall that?

A. Mr. Sneddon asked a question.

Q. All right. Is it possible to open that door from the outside?

A. With a key, yes, I imagine so.

Q. Okay. Was there a keypad, an electronic keypad there?

A. Yes.

Q. And did certain people have the combination to that keypad other than Mr. Jackson?

A. Yes.

Q. Who would have had that?

A. Whoever was cleaning his room at the time. Certain guests. And certain house staff.

Q. All right. Did security have the keypad number to his private quarters?

A. No.

Q. Did security have the keypad numbers to other doors in the house?

A. Back door only.

Q. How about the front door?

A. No.

Q. So if security needed to get inside the house, they would have to go through -- without a key, they'd have to go through the back door?

A. Yes.

Q. That's the door most people use anyway to come in and out of that house; is that right?

A. Yes.

Q. If you're visiting formally, you're an invited guest, you come through the front door, I take it, correct?

A. Yes.

Q. At least when you arrive, right?

A. Yes.

Q. And thereafter, if you're staying overnight, you probably just go through the back door, right?

A. Correct.

Q. Now, is there also a key, as opposed to a keypad, is there a key to unlock the back door?

A. Yes.

Q. And security had one of those?

A. Yes.

Q. And is it a different key or the same key to unlock the front door?

A. Yes.

Q. Did security have one of those?

A. Yes.

Q. And security did not have, to your knowledge, the keypad number or the key for Mr. Jackson's room?

A. No, we did not.

Q. Now, you had the key to go into the back patio; is that right?

A. It's only locked. There's just a lock, not a keypad.

Q. Okay. But a key?

A. A key, yes.

Q. So did security have a key to go through the patio?

A. Yes.

Q. All right. So you could get in -- if you needed to get in through the patio, you could go in through that way; is that correct?

A. Yes.

Q. Did you have a key to the back door to Mr. Jackson's suite?

A. I don't believe we did.

Q. You never had occasion to try it, in any event; is that correct?

A. No.

Q. Now, you were asked whether or not you were put in the position of being the bad guys sometimes; is that right?

A. Yes.

Q. Could you explain what you mean by that?

A. Well, our position is to make sure that the guests are being in a safe position, they're not being jeopardized. Mr. Jackson is the host. And it's his position to be gracious and accommodating.

That was our job. "Bad guys" is more of a -- "bad guys." Not that we were bad, but it was part of our job, and we did it, and we did it consistently. And that's what we did.

Q. All right. So, are you complaining about being put in that position?

A. No.

Q. Okay. I kept interrupting. You're getting a drink of water, so I waited there for a moment.

A. Okay.

Q. In other words, that was part of your function was to be the ones that would draw the line on some of the safety issues, particularly with regard to the equipment; is that right?

A. Yes.

Q. Sometimes people want to ride Mr. Jackson's Harley?

A. Yes.

Q. And are there times when you'd have to be the bad guy with regard to that?

A. Yes.

Q. And you'd do that graciously as well?

A. Yes.

MR. SANGER: Okay. Now, I've noticed Mr. Sneddon is using the exhibit. I don't object to that, but I'm going to use it in just a minute, so -- okay. Thank you.

May I ask leave of the Court to approach the

witness with the exhibit, or with the book, and it includes Exhibit 335, if I may?

THE COURT: Yes.

MR. SANGER: Thank you.

There's some water spilled there so -- people do that all the time.

MR. SNEDDON: Counsel, what's the date? Just give me the date.

MR. SANGER: Just one second. I'm going to start with March the 6th.

MR. SNEDDON: Thank you.

MR. SANGER: And page 00194 of Exhibit 335.

Q. And, Miss Silva, you might want to pull that closer to you, whatever is comfortable for you to read, because I'm going to ask you to go through the logs from February the 6th, 2003, through March the 12th, 2003, and tell us, if you would, whether or not you're on the property each day and what your hours were.

A. From February 6th --

MR. SNEDDON: Your Honor, I'm going to object. The document speaks for itself. It's in evidence. Best evidence rule.

MR. SANGER: Well, the best evidence rule -- anyway, I won't argue.

THE COURT: Overruled.

THE WITNESS: On this day of March 6th of 2003, I was already on the property. We -- I was

carried over from the previous day, and so I got off my shift at 6:30 a.m.

Q. BY MR. SANGER: You know what I really meant to do, now that I’ve said that out loud, is I meant to go back to February.

A. Oh, okay.

Q. That was the problem.

What I’d like to do is just get an idea of what your hours were during that time. You indicated on cross-examination that you could look at the logs and talk about what hours you were there. And I believe you said you thought you were there late from time to time. So if you can give us just a quick idea as you look through the logs -- you can do it day by day for a while, but give us a quick idea of what your general working days were like at that time.

A. On February 7th, 2003, I was carried over from the previous shift and went off duty at 0152 hours.

Q. So that meant you were there the night of February 6th, and you were there past midnight and then you went home; is that correct?

A. Yes.

Q. Okay. All right.

A. February 13th, 2003, I was carried over from the previous shift and was signed out at 7 a.m.

Q. So if you look back to the 12th, give us an

idea of when you started.

A. I started at 1500 hours, which is three o’clock in the afternoon.

Q. So you went all night till the next morning?

A. Yes.

Q. All right. Go ahead.

A. On the 15th, I was carried over from the previous day and continued to work and carried over again, and I left my shift at 2125, which is 9 p.m.

Q. Okay. Well, just for the fun of it, go back to the day before. Don’t move your hand. Go back to the day before, when you were carried over, and see when you started the day before.

A. I came in at 4 p.m.

Q. So 4 p.m., the whole night, the whole next day, and didn't leave until the day after that; is that correct?

A. Correct.

Q. Now, as Mr. Sneddon said, the records speak for themselves. So if somebody wanted to go through, they could figure out exactly when you were there; is that right?

A. Yes.

Q. But it's safe to say that you worked many evenings and many nights; is that correct?

A. Yes.

Q. You were asked if you could remember specific occasions that Mr. Jackson was together with the Arvizo children. Do you recall that?

A. Yes.

Q. And you said you can't recall specifically. I think you recalled one dinner at the teepee; is that right?

A. Yes.

Q. And was that -- how many people were at that dinner; do you know?

A. There were other people there. Exactly how many and who was there, I can't recall.

Q. Okay. Other than that one dinner with a number of people, and the Arvizos being amongst them, you say you don't have any other specific recollection during that time period in 2003 of what Mr. Jackson was doing, if anything, with the Arvizo kids?

A. I don't recall ever seeing them together during that time frame.

Q. Okay. So if they were together, you just didn't see them; is that safe to say?

A. I didn't see them.

Q. Okay. Were there times during the February or March period where the Arvizo children were staying -- the Arvizo boys were staying in the guest unit?

A. They were assigned a guest unit, yes.

Q. So you didn’t go to check to make sure they were in there?

A. No.

Q. And this incident with the Coultry brothers -- how do you say that?

A. I don’t know.

Q. However you say the brothers’ names, the incident you talked about where somebody egged your car, first of all, you don’t know if they did it, right?

A. I didn’t see them do it.

Q. And secondly, that did not occur at a time when the Arvizos were on the ranch; is that correct?

A. That’s correct.

MR. SANGER: Okay. No further questions.

RECROSS-EXAMINATION

BY MR. SNEDDON:

Q. Just a couple of questions. It won’t be long.

A. Okay.

Q. Do you recall describing the atmosphere at the ranch with regard to children as being one that you, as a mother, would not allow your children to participate in?

A. Yes.

MR. SANGER: Objection; calls for hearsay.

THE COURT: Sustained.

MR. SNEDDON: I’m asking about her statement.

THE COURT: That’s sustained.

Q. BY MR. SNEDDON: Based upon what you saw at the ranch and your observations as a security officer during the period of time from 1991 to 2003, did you form an opinion with regard to whether you would ever allow your children to participate in the activities at the ranch as you saw them?

A. As a security officer, no.

Q. As a mother?

A. Yes.

Q. And that opinion is that you would not; isn’t that correct?

A. That’s correct.
Q. Now, you said that the entire Cascio family chose to have themselves referred to as “Tyson”?
A. Yes.
Q. Did I understand you correctly?
A. Yes.
Q. And when the Cascio -- when was that decision made, to your knowledge?
A. I can’t recall at this time.
Q. Was it a decision that was made during February and March of 2003, or after?
A. I believe it was around that time.
Q. Do you -- in reviewing those logs for Mr. Sanger, do you see any occasion in those logs, from February 7th through March the 12th, where any member of the Cascio family is referred to as

“Tyson,” other than Frank?
A. I would have to go through each page.
Q. Do you want to do that?
A. Sure.
Q. Go ahead.
A. What were the dates?
Q. From February the 7th until March the 12th.
A. I have one entry here.
Q. What’s the date on that entry?
A. The date of entry is February 28th, 2003.
Q. And the name?
A. There’s an entry in the “Directive” part of our log.
Q. And the name?
A. “Tyson.” “Cascio family will go by Tyson family.”
Q. That’s on the 28th?
A. Yes.
Q. The family wasn’t on the ranch that day, was it?
A. The gate log shows they were on property.
Q. They’re not listed by “Tyson” on the log, are they?
A. No, they’re carried over from the previous day. The gate entry log was at 1700 hours. They left property at 1917.
Q. And the first date where Frank Cascio’s name

is transferred to “Tyson” is on March 1st; isn’t that correct?

A. Continue looking?
Q. Go ahead and check it.
A. Thank you.
That’s correct.
Q. Up to that time, it had been “Cascio” all the way?
A. Yes.
Q. Are you familiar with a person by the name of Vinnie Amen?
A. Yes.
Q. And he was at the ranch about the same time as Mr. Tyson during February and March, correct?
A. Yes.
Q. And do you have any idea why Mr. Amen’s name was changed from “Vinnie Amen” to “Vinnie Black” on March 1st?
MR. SANGER: Beyond the scope of redirect.
MR. SNEDDON: Counsel opened the logs up.
THE COURT: Objection sustained.
Q. BY MR. SNEDDON: So your testimony is, then, that with regard to security, and you being the chief of security at the ranch, that you took greater precautions with regard to the key to the wine cellar than you did the keys to the cars?
MR. SANGER: I’m going to object. That’s argumentative.
THE COURT: Sustained.

MR. SNEDDON: No further questions.

FURTHER REDIRECT EXAMINATION

BY MR. SANGER:
Q. Don’t book put the book away.
A. Okay.
Q. The book is open.
Let’s just be clear. I think this is clear, but it is -- February 28th, 2003, that is the actual date when the directive came out to refer to the entire Cascio family by the last -- as “Tyson”?
A. Yes.
Q. That wasn’t English. Let me try that again.

It was February 28th, 2003, that the directive came out that the entire Cascio family should be referred to as “Tyson”; is that correct?

A. Yes. February 28th.

Q. And so as far as you’re concerned, when people remembered it, that’s what they were supposed to do; is that correct?

A. Yes.

Q. And if somebody came through the gate and was logged in as a “Cascio” instead of a “Tyson,” would that necessarily mean that someone was disobeying the directive?

A. No.

MR. SNEDDON: Object. Calls for a conclusion; speculation.

THE COURT: Sustained.

MR. SANGER: Okay.

Q. Was this a preference that was -- let me withdraw that.

Who informed you that that was supposed to be the case, that as of February 28th, the Cascio family should be referred to as “Tyson”?

A. The gate log shows that it was per Joe Marcus.

Q. So you did not talk to Joe Marcus about that; is that correct?

A. No.

Q. And you saw it in the gate log along with other security staff; is that correct?

A. Right. Or I was briefed by a supervisor about it.

Q. Okay. As far as you know, did the staff make an effort to comply with that request?

MR. SNEDDON: Object. Speculation; conclusion.

THE COURT: Sustained.

Q. BY MR. SANGER: As the head of security, was it brought to your attention that anybody was deliberately disobeying that instruction?

A. No.

Q. And do you know -- beyond it coming from Joe Marcus, do you have any information as to who made the request?

A. No.

Q. All right. You indicated --

Your Honor, this may reopen slightly, but let me ask this question and see how far we get.

As you were going through the gate logs just now, did you come across the entry where the golf carts were taken away from both Shane Brando and Gavin Arvizo?

A. I must -- I don’t recall the date, but I’m sure it’s in here.

Q. Did you see it as you were flipping through this time?

A. No, I don’t believe I saw it in there.

Q. Okay.

A. I didn’t grab the page and see it, but --

Q. You weren’t looking for it. All right. I won’t ask you to go back through it. It’s either in there or it isn’t.

Let me ask you, you indicated that you would have a concern as a mother about having your child stay at the ranch; is that right?

A. Not concern for them saying there, but perhaps some of the activity was beyond my comfort level.

Q. Okay. Now, you’ve -- without going into details about your private life, but you have children, right?

A. Yes, I have two daughters.

Q. Okay. You have grandchildren?

A. Yes, twins.

Q. Would -- did you ever bring your family members to Family Day?

A. Yes.

Q. So your daughters as well?

A. Yes.

Q. So they’ve been there and they’ve played at the ranch and had fun on Family Day, correct?

A. Yes.

Q. Your concern was from your own personal standpoint as a mother, that you would not want to bring your children there on a regular basis; is that right?

A. On a regular basis, no.

MR. SANGER: All right. That's fine. Okay. I have no further questions.

MR. SNEDDON: Nothing further.

THE COURT: Thank you. You may step down. Call your next witness.

MR. SANGER: The next witness will be Ramon Velasco. And Mr. Velasco is going to be assisted by the Spanish language interpreter, the court interpreter.

THE COURT: When you get to the witness stand, please raise your right hand and face the clerk.

RAMON VELASCO

Having been sworn, testified as follows:

THE WITNESS: Yes, I do swear.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Ramon Velasco.

THE INTERPRETER: May I spell, Your Honor?

THE COURT: Yes.

THE INTERPRETER: R-a-m-o-n; V-e-l-a-s-c-o.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. SANGER:

Q. Okay. Mr. Velasco, you asked to be assisted by a Spanish language interpreter in court; is that correct?

A. Yes, correct.

Q. Thank you. And we respect that choice. You do speak English to a certain extent, is that correct, sir?

A. Yes.

Q. Spanish is your first language?

A. Yes.

Q. And you feel more comfortable speaking in Spanish than in English; is that correct?

A. Yes.

Q. Now, let me ask you if you know the gentleman seated right here.

A. Yes, I do know him.

Q. Who is that?

A. Mr. Michael Jackson.

Q. Okay. And have you worked for Mr. Jackson at Neverland Ranch?

A. Yes, I did work.

Q. And when did you go to work at Neverland Ranch?

A. I started in the year 1989. And I stopped around 1999.

Q. Did you work continuously during that period of time?

A. Not the whole time.

Q. Did you take any breaks from working there?

A. Well, I injured my back, and I was operated on.

Q. All right.

A. And I was given the opportunity to return again.

Q. All right. So you were off for a period of time with a back injury?

A. Yes, correct.

Q. When was that?

A. 1991.

Q. How long were you off?

A. About eight months.

Q. All right. So other than that eight-month period, you've been a regular employee at the ranch?

A. Yes, of course.

Q. And what was your first job assignment when you went to work at the ranch?

A. Taking care that the game would not eat the flowers.

Q. Okay. Did you win or did the game win?

A. The deer; the deer won.

Q. Okay. So you worked as a gardener for a period of time?

A. Yes, of course.

Q. About how long was that?

A. I cannot recall exactly.

Q. Was it a matter of months or years?

A. Several years.

Q. All right. And then after doing -- or working in -- working as a gardener, did you take on another job?

A. Yes.

Q. And what was that?

A. Assisting the cook to -- by washing dishes.

Q. All right.

A. And other things.

Q. Okay. And how long did you do that?

A. Several years.

Q. And you left employment at the ranch in 1999, correct?

A. Yes.

Q. What was your job at the time you left employment?

A. I worked full time in the kitchen.

Q. All right. And you assisted the cook?

A. No, at that time I was the one in charge.

Q. Oh, you were the cook. I’m sorry.

A. Yes.

Q. Okay. Now, when you were -- when you were working as the cook -- first of all, you were working as the assistant to the cook and then as the cook. Did you work in the kitchen in the main house?

A. Yes, the whole house.

Q. And when did you first start working in the house?

A. I cannot recall exactly.

Q. Was it after your -- after you came back from your back injury?

A. Yes, correct.

Q. Okay. Do you recall how long after your back injury?

A. Could you please repeat that question?

Q. That’s fine.

Do you recall how long it was after you returned to work from your back injury that you came to work in the house?

A. Right after my operation, it was almost immediately after. It was part time. Oh, partly outside, partly inside.

Q. So you started working partly inside in 1991, then?

A. Both places.

Q. And then when did you start working full time inside?

A. Really, I cannot recall. I wasn’t in one place or the other.

Q. All right. Now, at the time you left, you were working full time inside; is that right?

A. Correct.

Q. Okay. Now, do you have a nephew?

A. Yes, of course.

Q. And is your nephew also -- did your nephew also work at the ranch?

A. Yes.

Q. Okay. Is that Carlos?

A. Yes, correct.

Q. Full name is Carlos Velasco?

A. Correct.

Q. First of all, let me ask you about Jason Francia. Do you remember Jason Francia?

A. Yes, I do.

Q. Did your nephew spend time with Jason Francia?

MR. AUCHINCLOSS: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. SANGER: Okay. Did you see your nephew spend time with Jason Francia?

A. No, I do not recall that.

Q. Okay. Do you know if your nephew went to school in the early ‘90s?

A. I do know that he did at that time, but I don’t know the exact year.

Q. And your nephew Carlos went to school in Santa Maria?

A. Yes, of course.

Q. Do you know if he went to the same school as Jason Francia?

MR. AUCHINCLOSS: Objection; foundation.

THE COURT: Sustained.

MR. SANGER: All right.

Q. Now, did you know Blanca Francia?

A. Yes, I do.

Q. And who is Blanca Francia?

A. What is it, the response that you’re seeking? If I know her as a friend or --

Q. Okay. I forgot what I asked, the exact words. But in any event, did Blanca Francia work at the ranch?

A. Correct.

Q. All right. And what was her job when you first met her?

A. She would clean Michael’s room.

Q. All right. When you first met her, did you -- did you get along with her?

MR. AUCHINCLOSS: Objection; relevancy.

MR. SANGER: Foundation.

THE COURT: All right. Overruled.

THE WITNESS: What was the question?

Q. BY MR. SANGER: When you first met with her, did you get along with her?

A. Yes.

Q. Okay. At some point, did you have occasion to change your opinion of Blanca Francia?

MR. AUCHINCLOSS: Objection; relevancy.

MR. SANGER: Let me just withdraw it, then. I’ll make it easier, okay? If I may.

THE COURT: All right.

Q. BY MR. SANGER: At some point did you notice that Blanca Francia’s behavior with other employees was impolite?

MR. AUCHINCLOSS: Objection. Leading and relevancy.

THE COURT: Sustained.

MR. SANGER: On?

THE COURT: Both.

Q. BY MR. SANGER: Did you -- well, did you see Blanca Francia have encounters with other employees at the ranch?

MR. AUCHINCLOSS: Objection. Ambiguous and relevancy.

THE COURT: Overruled. You may answer.

THE WITNESS: Would you please repeat the question?

MR. SANGER: Could I ask, please?

THE COURT: Yes.

Could it be read back?

(Record read.)

THE WITNESS: I did not see it. I heard it.

Q. BY MR. SANGER: Did you hear her talk to other employees?

A. Yes.

Q. How did she conduct herself with other employees?

MR. AUCHINCLOSS: Objection. Relevancy; hearsay; calls for a conclusion.

THE COURT: Sustained.

MR. SANGER: Dare I ask? All three?

THE COURT: Well, yeah. I'm not sure where you're going, so the foundation and conclusion is a valid objection. But maybe if I understood where you were going. Do you want to approach on this?

MR. SANGER: Could we, please?

(Discussion held off the record at sidebar.)

Q. BY MR. SANGER: All right. Now, while you were working at the ranch, do you know how long Blanca Francia was also there at the ranch?

A. She was there before me. But I don't know how many years.

Q. And she left -- she left long before you did, right?

A. Yes, correct.

Q. Okay. During the time you were working at the ranch, do you know if there was a wine cellar?

A. Yes, there was.

Q. Was the wine cellar kept locked?

A. Yes, the whole time.

Q. Were children allowed in the wine cellar unaccompanied by Mr. Jackson or an adult or somebody; somebody in a position of authority?

A. Not that I was aware of.

Q. Where was the key to the wine cellar kept during the time you were there?

A. It was behind the door.

MR. AUCHINCLOSS: I'm going to object as to relevancy, given his -- the time that he left the

ranch.

THE COURT: Sustained.

Q. BY MR. SANGER: Did you observe the Robson family at the ranch?

A. I did not personally see them. I was not really interested in who the people were. I was there to help them.

Q. Okay. You -- all right. You saw a number of families visit the ranch; is that right?

A. Yes, of course.

Q. And did you see Mr. Jackson engage in play with family members who visited the ranch?

A. Yes, of course.

Q. Did you see water balloon fights, for instance?

A. Yes. Several times.

Q. And during the time from -- well, let me withdraw that.

During the entire time that you were there -- let me withdraw that.

Did you ever see Mr. Jackson do anything inappropriate with any child?

MR. AUCHINCLOSS: Objection; leading.

THE COURT: Overruled.

THE WITNESS: Never. No, never.

MR. AUCHINCLOSS: Foundation.

Q. BY MR. SANGER: Did you see whether or not Mr. Jackson -- let me withdraw that.

During the time you were working in the kitchen in particular, as an assistant and then as a chef, did Mr. Jackson have high standards for the food that you prepared?

MR. AUCHINCLOSS: Objection; relevancy.

THE COURT: Sustained.

Q. BY MR. SANGER: Well, how did he want his guests to be treated, as far as you were concerned?

A. The best.

Q. Did Mr. Jackson himself complain about, for instance, food that he was served personally?

MR. AUCHINCLOSS: Objection; relevancy.

THE COURT: Sustained.

Q. BY MR. SANGER: Did Mr. Jackson ever

complain to you that the food that was being served to the children was not -- to the children or the adult guests was not adequate?

A. Yes, sometimes.

Q. Did you feel that he was complaining unreasonably?

MR. AUCHINCLOSS: Objection; relevance.

THE COURT: Overruled.

THE WITNESS: They were reasonable.

Q. BY MR. SANGER: Okay. And now if I may ask that other question. Did Mr. Jackson ever complain about the food that was served to himself?

MR. AUCHINCLOSS: Objection; relevance.

THE COURT: Overruled.

THE WITNESS: No, never.

Q. BY MR. SANGER: Now, yesterday at almost 8:00 at night, were you contacted by someone who indicated that they were a member of the sheriff's department?

A. Yes. There were two persons.

Q. Was this by telephone or in person?

A. By telephone.

Q. What were you doing when you were called?

A. I was working in my home.

Q. Where were you working in your home?

MR. AUCHINCLOSS: Objection; relevancy.

THE COURT: Sustained.

MR. SANGER: Okay. All right. I have no questions.

THE COURT: We'll take our break.

MR. AUCHINCLOSS: Okay.

(Recess taken.)

THE COURT: Counsel?

MR. SANGER: I have no further questions.

THE COURT: All right.

CROSS-EXAMINATION

BY MR. AUCHINCLOSS:

Q. Good afternoon, Mr. Velasco.

A. Good afternoon.

Q. You mentioned that you saw nothing inappropriate between Mr. Jackson and young boys; is that correct?

A. Correct.
Q. Are you aware that he had unrelated young boys sleep with him alone in his room?
MR. SANGER: Objection. Beyond the scope; calls for speculation, without foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Do you think it is appropriate for young boys to sleep in a man's bed when they are unrelated to him and he is an adult?
MR. SANGER: Objection -- sorry. Objection.

THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Mr. Velasco, did you ever see -- well, let me back up. Were you permitted to go into Mr. Jackson's room when the door was closed?
A. I don't recall.
Q. Were you permitted to go into Mr. Jackson's room anytime you wished?
A. No.
Q. So can I safely say that you were not aware of what Mr. Jackson did in his room when the door was closed and he was in there with somebody?
A. Yes, of course.
MR. AUCHINCLOSS: All right. Thank you. No further questions.
MR. SANGER: No further questions.
THE COURT: All right. Thank you. You may step down.
Call your next witness.
MR. SANGER: Yes, sir. The defense will call Joe Marcus.
THE COURT: Please remain standing, face the clerk and raise your right hand.

JOSEPH MARCUS
Having been sworn, testified as follows:
//
THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Joseph Marcus. J-o-s-e-p-h; M-a-r-c-u-s.

THE CLERK: Thank you.

MR. SANGER: Okay. Excuse me one second, Your Honor.

DIRECT EXAMINATION

BY MR. SANGER:

Q. Mr. Marcus, how are you?

A. Very well, thank you.

Q. All right. What is your current employment?

A. Currently employed at Neverland Valley Ranch as the property manager.

Q. And when you say “property manager,” what are your duties?

A. My duties range from -- maintaining the property. There are multiple supervisors that I supervise on a daily basis, from the zoo, to the amusement park, to the maintenance of the property, to the irrigation, just the actual properties.

Q. All right. And when you say “property manager,” are you sometimes referred to as the ranch manager?

A. Yes.

Q. So you are the -- at the top of the organizational chart as far as the ranch is concerned; is that correct?

A. Right under the top, yes.

Q. Right under. At the very top would be Mr. Jackson, I take it?

A. That’s correct.

Q. And you know Mr. Jackson?

A. I do.

Q. How long have you known Mr. Jackson?

A. About 18 years.

Q. Okay. Now, the ranch that’s called Neverland Ranch, was it always called Neverland Ranch?

A. No. I believe it was called Sycamore Valley Ranch before.

Q. And who owned the ranch before Mr. Jackson did?

A. A gentleman by the name of Bone. William Bone.

Q. Mr. Bone.

A. Yes.
Q. Did you work for Mr. Bone at Sycamore Valley Ranch before Mr. Jackson owned the property?
A. Yes, I did.
Q. Did your father work for Sycamore Valley Ranch before Mr. Jackson owned the property?
A. Yes.
Q. What was your father’s job?
A. I believe he was the property manager at that time.

Q. So the bailiff is getting up to tell you --
A. Talk -- oh. I apologize.
Q. Don’t apologize. Every single witness has had that problem and the lawyers do from time to time. We have to get very close to the microphone to be heard.
Okay. So your father was the ranch manager at Sycamore Valley Ranch, is that correct, or for Mr. Bone?
A. Yes.
Q. And you worked at the ranch for a period of time yourself, Sycamore Valley Ranch, correct?
A. Very briefly, yes.
Q. What did you do while you were there?
A. I worked in maintenance department.
Q. All right. And after Mr. Jackson bought the ranch, did you continue on as an employee?
A. Yes.
Q. And what were your job assignments, or your job position when Mr. Jackson took over the ranch?
A. I actually transferred to security.
Q. Okay. Now, did Mr. Bone have a security department?
A. No.
Q. He was not a celebrity?
A. No.
Q. What did Mr. Bone do?

A. I believe he was in land development.
Q. Okay. Real estate and --
A. Real estate, yes.
Q. -- that sort of thing?
All right. Now, did the main building --

the main buildings, which would be the residence itself, the portion attached to it that now has the garage and Mr. Jackson’s office in it, the guesthouse with the four guest units and the arcade building, were those buildings all there when it was Sycamore Valley Ranch?
A. Yes.
Q. The lake, was the lake there?
A. Yes.
Q. And there were irrigated pastures around the main house?
A. There were.
Q. Since Mr. Jackson purchased the property, have there been improvements to the property?
A. Yes.
Q. Can you tell us what improvements?
A. The number one main improvement would be the trains. There are two trains. There’s a steam train as well as a 24-gauge train. There’s also an amusement park, a zoo, a theater, the train depot. There’s a teepee area that is also a water fort area.
Q. All right. Was the theater in existence?

A. No, Mr. Jackson built that.
Q. All right. So that was another addition?
A. Yes.
Q. And at the time that -- let me withdraw that. Let me ask you about the trains, because we’ve heard testimony about the trains. You said there are two different trains. Let’s take the smaller one. Can you describe that train?
A. It’s a small -- I believe it’s on 24-gauge tracks. It’s three cars that hold approximately 40 to 50 people, and that’s really the description.
Q. All right. Have you ever been to the zoo in the City of Santa Barbara?
A. Yes.
Q. Have you seen the train there?
A. Yes.
Q. Is it similar to the one --
A. It is.
Q. All right. So adults can sit in it, but

it's a fairly small train?
A. Exactly.
Q. And when the engineer sits behind the engine, the engineer is -- sits above the engine?
A. Exactly.
Q. All right. That train -- the tracks for that train go from where to where? Can you tell us?
A. From the golden gate --

MR. AUCHINCLOSS: I'm going to object. Relevancy.
THE COURT: Overruled.
THE WITNESS: From the golden gate to the zoo area, throughout the property. It stops in front of the theater as well as the amusement park and travels all the way back to the zoo and back to the main house.
Q. BY MR. SANGER: So you can do a round trip from down near the main house and come back?
A. Exactly.
Q. By the way, when you mention the golden gates, let me just ask, is that the gate that's black with gold on top of it?
A. It is, the secondary gate.
Q. The big fancy Neverland gate, right?
A. Exactly.
Q. Is that gate locked?
A. I'm sorry?
Q. Is that gate locked?
A. No.
Q. If -- if you're driving in a vehicle, anywhere from a golf cart, to a car, to an SUV, to a truck, is there an automatic trip to open it?
A. There is.
Q. So it doesn't require anybody to give approval or manually do anything, correct?
A. The only thing that -- bicycles, it doesn't pick up bicycles or motorcycles.

Q. All right. As far as -- and then there is a manual way to open it --
A. There is.
Q. -- for a motorcycle.
And is there a way around the gate if you

were on foot?

A. Yes.

Q. Or on a bicycle, for that matter?

A. Yes.

Q. So that gate does not effectively lock anybody in so they can’t get out; is that right?

A. No.

Q. Now, the main gate is about how far from the golden gate?

A. It’s probably a half -- a quarter to a half a mile.

Q. So you go down a road, and you end up down at Figueroa Mountain Road by the main gate, correct?

A. Yes.

Q. And that gate is operated by the guard, the security officer who’s posted at the gate; is that correct?

A. That is correct.

Q. And that’s both for coming in and going out, the guard will open the gates?

A. Yes.

Q. Adjacent to the gate is what kind of

fencing?

A. It’s a three-rail split, split three-rail fence.

Q. Split-rail, kind of rough wood fence?

A. Right.

Q. There’s nothing to prevent somebody from going over it or going through the bars?

A. No.

Q. All right. You were talking about the trains. The other train on the property is what kind of train?

A. It’s a refurbished steam train locomotive.

Q. Was it at one time a working train?

A. I believe it was.

Q. Okay. And so that’s on bigger tracks?

A. Yes. 36-gauge.

Q. I’m sorry?

A. 36-gauge.

Q. All right. And those tracks go from where to where?

A. From just adjacent to the main house where the train depot is on the hill, to the -- to the zoo area also, and then there's a turn-around at both ends.

Q. All right. So instead of doing a loop or a round trip, that one you have to do a turn-around?

A. No, it's a loop at both ends.

Q. Oh, it is a loop?

A. Yes.

Q. Okay. I'm sorry. So you could do a round trip by sitting on it and doing a loop back?

A. Yes.

Q. Okay. You mentioned the train depot being up on the hill, correct?

A. That's correct.

Q. If you are facing the house from the parking lot -- or I shouldn't say "parking lot," but from the parking area, the driveway right in front, and you're standing facing the front door, what direction are you facing? North, east, south or west, if you know, or some variation?

A. East.

Q. You're facing east?

A. From the door of the train depot?

Q. No, I'm sorry, the main house. If you're standing in front of the door --

A. Yes.

Q. -- you're about to knock on the door - okay? - what direction are you pointed?

A. North, or northwest is the train depot.

Q. Okay. You're facing the house, you're facing north?

A. North.

Q. Facing north. So the train depot --

A. Is west.

Q. -- is west. That's to your left, okay.

So the train depot -- what's in the train depot?

A. There's artwork, pictures of trains. Small-scale trains. There's some Disney characters. Some of the old -- there's an old violin. There's also just a lot of different neat little artwork for people to look at.

Q. All right. I was going to say this is someplace where visitors are often taken or allowed to go --
A. Yes.
Q. -- to see things?
A. There’s candy and there’s video games, and it’s a working train depot.
Q. All right. So it -- it looks almost like a museum inside, wouldn’t you say?
A. Yes.
Q. You have been there at the ranch when large numbers of children, and adults for that matter, have been invited to come in groups; is that correct?
MR. AUCHINCLOSS: Objection; leading.
THE COURT: Overruled.
THE WITNESS: That is correct.
Q. BY MR. SANGER: And when that occurs, are the -- are the children, and the adults for that matter, permitted to go to the train station?
A. They are.

Q. Is that an area that gets a lot of attention from the kids?
A. It does. It’s -- yes.
Q. All right. And the kids usually are allowed to ride on the train as well; is that correct?
A. Yes.
Q. All right. You mentioned that Mr. Jackson also added the amusement park, correct?
A. Yes.
Q. And can you describe the amusement park?
A. It’s -- it consists of about 16 rides, from small, young children rides all the way up to amusement-park-sized rides.
Q. All right. So it’s the sort of amusement park you’d see -- it looks like a piece of perhaps Disneyland or something; is that correct?
A. That’s correct.
Q. All right. So you have the smaller rides, you got the rides for the bigger kids and for adults and so on?
A. Yes.
Q. All right. And in addition to that, you

said there's a theater. Where's the theater?

A. Just adjacent or west of the amusement park.

Q. And the amusement park and the theater are in what direction from the house?

A. North.

Q. So you go, from the house, north on a little

road and it will take you up to the theater/amusement park area; is that correct?

A. Exactly.

Q. Or you can take one of the other trains to get there?

A. The trains, that's correct.

Q. About how far is it from the back of the house to the main residence; in other words, to the theater or the amusement park?

A. Probably a quarter -- quarter of a mile.

Q. All right. So did -- Mr. Jackson also added a zoo. Can you describe the zoo?

A. It consists of -- do you want a rundown of the animals or just --

Q. Sure. A general description of the facility and the animals that are in it.

A. Yes. There's a tiger facility. Also an elephant facility. A reptile department. A small petting zoo for the children, different animals that you can actually get up and be hands-on with. And two orangutangs. Giraffes. And that's --

Q. Mr. Bone didn't have any of those there?

A. No. Just horses. There's also horses.

Q. There are horses?

A. Correct.

Q. Are there people who are hired to be the handlers or the trainers, caretakers of these

various animals?

A. Yes.

Q. Are the animals -- in your experience, without going into a lot of detail unless we need to, are the animals well taken care of?

A. Yes.

Q. And do you have people, for instance, who are specifically there to take care of elephants and --

A. Exactly.

Q. And as far as horses, you’ve got people for the horses and so on?

A. That is correct.

Q. All right. You mentioned the teepee area and the water fort. What are those?

A. They’re more of a fun area. The water fort is set up with water cannons and water balloon launchers. That’s mainly for water fights. And just adjacent to that or north of that is -- there’s three teepees with a nice big fire ring for maybe just hanging out at in the evening time.

Q. You said a fire ring. You’re trailing off just a little bit. It’s the end of the day, end of our day, anyway. You said a fire ring?

A. Fire ring. In between the three teepees.

Q. Talking about a place where you can have like a campfire?

A. Exactly.

Q. All right. Are there any clocks at Neverland?

A. Yes.

Q. More than one or two?

A. Yes.

Q. About how many clocks do you think there are at Neverland?

A. Interior or exterior?

Q. Let’s take exterior first.

A. Six. Five or six.

Q. Okay. Let’s start with the clock that’s on the hill just to the west of the guest units.

A. Yes.

Q. And we’ve had a picture of it here in court. It looks like it has flowers around it?

A. Yes.

Q. Do you have any idea how big that clock is? Anybody ever measure it?

A. I don’t know that off the top of my head.

Q. In any event, can you see this clock in the front of the house?

A. Yes.

Q. Can you see it from where the guest units are?
A. Yes.
Q. Okay. And is that clock generally right?
A. Yes.

Q. Okay. It’s maintained by somebody in the clock department, I take it?
A. Yes.
Q. Or somebody in the maintenance department; is that right?
A. That is correct.
Q. Now, right up on top of the hill next to the big flower clock that you can see there is also a big clock on a stand, is there not?
A. Yes.
Q. And if you’re in the area of the train station, can you see that clock?
A. You can.
Q. The -- down by the little train, that was the big train station. Going down to the little train station, which is just across the bridge from the main house, is there also a clock?
A. Yes.
Q. And can you describe that?
A. It’s a two-face -- you can see it from the south as well as the north side. There’s two faces on it. It’s a hanging clock, about two feet in diameter.
Q. All right. So it’s a big clock?
A. Yeah, two to three feet.
Q. Now, let’s just take the year 2003, from February to March. Were both sides of that clock working?

A. Yes.
Q. Subsequent to that time, did one side of that clock stop working?
A. It’s a possibility. I don’t recall.
Q. Are both sides working now?
A. I believe so.
Q. All right. There’s also another clock directly behind the house; is that right?
A. Yes.

Q. It’s on like a lamppost?
A. Right out the back door, yes.
Q. And is that a big clock?
A. It’s fairly big.
Q. All right. When you say right outside the back door, can you explain where it is with relation to the back door of the residence where people might go in and out of the kitchen and eating areas?
A. If you were walking out the back door towards the arcade, you would pass it on your left, as well as if you were coming from the arcade going towards the guest units you would also pass it.
Q. Pretty much if you go out the back door and look over there, you can see it; is that correct?
A. Yes.
Q. Then -- did I cover six clocks? I’m not sure. Is there another clock I missed?
A. There’s another clock on top of the train depot, on the roof.

Q. Okay. Are there any clocks out at the amusement park?
A. There is, a four-face clock at the amusement park.
Q. Okay. Now, other than those outside clocks, are there also clocks inside the house?
A. Yes.
Q. Are there clocks inside the house in the areas where the ranch guests can see them?
A. Yes.
Q. Can you tell us, in the area -- the dining area where there’s a bar, dining bar, and people can sit there right adjacent to the kitchen, are there any clocks that were visible from that vantage point?
A. I believe there’s four that are visible from that -- from the bar area.
Q. Okay. Are there other clocks in the living room and other main parts of the house?
A. Yes.
Q. All right. Now, I took you back to -- back to before Mr. Jackson bought the property and just up to the point that you had gone to work there, or switched your employment to Mr. Jackson’s company or

his employment.

What jobs did you have over the years from the time that you started to now that you’re ranch manager?

A. I’ve worked in the maintenance department as well as security.

Q. So tell us about maintenance, to start with, briefly. Is that the first job you had was in maintenance?

A. Yes.

Q. What did you do?

A. Maintaining anything from electrical to plumbing, lighting, just the whole gauntlet of maintaining the property.

Q. All right. So as ranch manager now, you’ve got a pretty good idea of what it means if you tell somebody to go do something, right?

A. Yes.

Q. Probably done it yourself?

A. Most likely.

Q. All right. And how long did you do that before you went into security?

A. A couple of years.

Q. So that would have been about when to when?

A. ‘89 to ‘92 or so. ‘91 or ‘92, I believe.

Q. All right. And then you started in security, and what was your position?

A. Officer.

Q. And did you work shifts like everybody else?

A. Yes.

Q. All right. How long were you an officer in security?

A. Five years.

Q. Okay. So somewhere in the mid ‘90s you ceased being an officer?

A. Yes.

Q. What did you do after that?

A. Went back to maintenance. I couldn’t stand the shifts.

Q. I couldn’t hear you.

A. I couldn’t stand the shifts.

Q. Okay. So maintenance was a little more regular?

A. Yes.

Q. All right. And how long were you in maintenance?

A. A couple more years.

Q. And then what did you do?

A. Then I’ve been in this position since then.

Q. So you became ranch manager. And when did you become ranch manager?

A. In 2002.

Q. All right. Now, based on your experience at the ranch, are you familiar with the operations of all the different departments?

A. Yes.

Q. Do the department heads for all the different departments report to you?

A. Yes.

Q. Who makes the daily decisions as to -- let me withdraw it and take out the word “daily.” Who makes the decisions in general as to what the policies will be in the various departments?

A. Ultimately it would rest on my shoulders.

Q. All right. You go to Mr. Jackson and ask him to approve the various policies and procedures that you’re putting into place on the ranch?

A. Sometimes. It depends on what it is.

Q. If there’s something that particularly impacts Mr. Jackson personally, you would do that?

A. Yes, definitely.

Q. Otherwise, you have the authority, as ranch manager, to make sure that everybody does their job and to -- your job is to run things; is that right?

A. That’s correct.

MR. AUCHINCLOSS: Objection; leading.

MR. SANGER: It was. I’ll withdraw it.

Q. With regard to each one of the departments, what is your function as to the particular departments?

A. Overseeing that the job is completed in a timely fashion on a daily basis.

Q. Do you have meetings?

A. Yes.

Q. Do you have meetings with all the department heads sometimes?

A. Yes.

Q. And do you have meetings with individual department heads from time to time?

A. That’s correct.

Q. Do you generally deal with the various employees at the lower levels of the hierarchy? Do you deal with them directly or do you tend to deal through their chain of command?

A. A little bit of both.

Q. All right. So you -- certainly you talk to people, employees?

A. Definitely.

Q. All right. Now, you were aware in 1993 that there had been a search of the ranch by the Los Angeles Police Department; is that correct?

A. Yes.

Q. And there was an investigation by the Los Angeles Police Department at that time; is that correct?

A. Yes.

Q. And at some point Mr. Sneddon’s office and the sheriff’s department got involved in an investigation in the ‘93 time period; is that right?

A. I don’t recall, but I believe so.

Q. Okay. You had contact primarily with Los Angeles police officers at that time?

A. I don’t recall.

Q. You were interviewed by police officers, either of Los Angeles or Santa Barbara; is that correct?

A. Yes.

Q. And did you cooperate with the officers at that time?

A. Yes.

Q. And at the time, in 1993, that you were interviewed by police officers you were still working as a security officer at that time; is that right?

A. Correct.

Q. So you had given us some approximate dates, but does that -- that's within the time period that you had been a police -- a security guard, correct?

A. Yes.

Q. And at the time you were contacted by law enforcement, had you seen anything at the ranch that was either inappropriate or illegal?

MR. AUCHINCLOSS: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. SANGER: Okay. During the time that you were a security guard, you had an opportunity to observe activities at the ranch, correct?

A. Yes.

Q. And you had gate logs back then, right?

A. Yes.

Q. And you had interaction with other security guards, correct?

A. Correct.

Q. And you had interaction with your supervisors?

A. Yes.

Q. If you saw anything illegal, it was your job to report it to a supervisor; is that correct?

A. Correct.

MR. AUCHINCLOSS: Objection; leading.

THE COURT: Overruled.

MR. SANGER: The -- the answer was in, Your Honor?

THE COURT: Yes.

MR. SANGER: Okay. Thank you.

Q. Did you observe, during the time you were a security guard in the '90s, anything that caused you to report an illegal activity?

A. No.

Q. During the time in the '90s up until the time that you were interviewed in 1993 by whatever law enforcement agency it was, did you have occasion to see Mr. Jackson interact with his guests?

A. Yes.

Q. How often would you see that?

A. If he was home, probably daily.

Q. All right.

A. If he was out and about.

Q. Other times when Mr. Jackson would be on

tour, and would not be there; is that correct?
A. Yes.

Q. Or he might be staying someplace else for some other reason, correct?
A. That’s true.
Q. During the, let’s say, ‘92, ‘93 period, in that general area, how often was Mr. Jackson at the ranch; do you recall?
A. I don’t recall. I believe he was on tour at that point, but I don’t -- I’m not 100 percent.
Q. Did he come back to the ranch from time to time during the tour?
A. Yes.
Q. And so you had occasion to see him there between ‘92 and ‘93, correct?
A. I believe so.
Q. All right. And you saw him interact with guests; is that correct?
A. Yes.
Q. Did you ever see him do anything inappropriate with regard to any guests, adults or children?
A. No.
Q. If you had seen anything inappropriate, would you have reported it or taken it up with your supervisor?
A. Yes.
Q. Okay. Now, after the -- after that period of time, you understood there was an investigation, and after that period of time you continued to work at the ranch, correct?

A. Yes.
Q. And eventually when you became the ranch manager in 2002, it was part of your job to supervise the security and fire department, correct?
A. Correct.
Q. You were aware that you had a security officer by the name of Brian Barron; is that right?
A. That’s correct.
Q. Were you aware that he was a sworn peace officer?
A. Yes.

Q. And Violet Silva was the chief of security at the time you became ranch manager; is that right?
A. Correct.
Q. Okay. And had you known Violet Silva the entire time that she had worked there?
A. Yes.
Q. Did you have a good working relationship with Violet Silva?
A. I believe so, yes.
Q. Okay. Did you feel that you had open communications both ways; that she could talk to you, you could talk to her about any concerns?
A. Yes.
Q. All right. Now, at some point, the Arvizo family came to stay at Neverland Ranch; is that correct?

A. That’s correct.
Q. And what do you recall about your first contact with the Arvizo family?
A. I believe they were -- my very first contact was when Gavin was ill with cancer.
Q. Okay. And who was there at the ranch with Gavin?
A. I believe his mother and his father and his two siblings.
Q. All right. Do you recall having any particular interaction with Janet Arvizo?
A. No.
Q. Do you recall having any particular interaction with any of the Arvizos --
A. On their first.
Q. -- on the first visit.
A. No. Just seeing them there. That was it.
Q. Were the -- did you see Mr. Jackson with the Arvizos?
A. If they were out and about. Possibly.
Q. All right. Now, after that first visit, did you have occasion to see any of the Arvizos again?
A. Yes.
Q. And what’s your next recollection of the Arvizos?
A. My last recollection?
Q. Your next. In other words, when did you see

them? You don’t have to take them one by one. But did you see the Arvizos again?

A. Yes.
Q. And after the first visit, who came with the Arvizo children?
A. I believe it was just the mother. The mother and the children.
Q. Okay. The next time you recall seeing them, the mother was there?
A. They came with Chris Tucker once or twice.
Q. Were any parents with them when they came with Chris Tucker?
A. Not always.
Q. So you recall them being there with Chris Tucker, maybe parents. And then do you recall the mother being there again before or after the Chris Tucker visits?
A. Before and after.
Q. All right. Now, at some point -- well, let’s put it this way. In February and March of 2003, do you recall the Arvizos being there?
A. Yes. Yes.
Q. Okay. And during that time period, do you recall who was with the Arvizo children for the most part?
A. Sometimes they were by themselves. Sometimes they were with their mother.
Q. The father wasn’t around during this period of time?

A. No.
Q. During that period of time, did you see anything that suggested that the -- any of the Arvizos were being held against their will?
MR. AUCHINCLOSS: I’ll object. Foundation.
THE COURT: Sustained.
Q. BY MR. SANGER: Okay. During February and March of 2003, did you see the Arvizos there on the property?
A. Yes.
Q. Did you see the Arvizo kids out and about on the property?
A. Yes.

Q. What did you see Gavin and Star, the two boys, doing?
A. Do you mean besides just out having fun, just --
Q. Let’s start with that. Were they out having fun?
A. They appeared to be having fun.
Q. Did you see them doing anything else besides out having fun?
A. They were a little destructive at times.
Q. All right. Did you see at any time during February and March 2003, anything that suggested that the Arvizo children wanted to leave and were not being allowed to leave?
A. No.

Q. Okay. They seemed to be happy to be there?
A. They did.
Q. You said they were a little destructive. Can you give me an example of what you’re talking about?
A. Well, they just -- they didn’t respect property, if you will, from golf carts to -- I know that they defaced a few areas on the property, wrote some graffiti, if you will, and just not very respectful.
Q. Did you see Janet Arvizo on the property in February and March of 2003?
A. Yes.
Q. Did you see her outside of the buildings from time to time?
A. Yes.
Q. And what did you see her doing?
A. She seemed to just be enjoying herself.
Q. Did you see her talking with other people?
A. Other people --
Q. Other -- talking with anybody, I suppose.
A. Yeah.
Q. Do you recall in particular any particular individuals she was talking with?
A. With the housekeeping staff or with the chefs, Dieter Weizner.
Q. When you saw her -- I’ll come back to that in one second. When you saw her talking with the

chefs, did you see her inside the house?

A. Yes.

Q. Now, you were in and out of the house yourself; is that correct?

A. That's correct.

Q. And you had the combination to the doors in the house; is that right?

A. Correct.

Q. You had the combination to Mr. Jackson's private room?

A. Correct.

Q. If you were going to go into Mr. Jackson's private rooms, I should say plural, go into his suite, as we're calling it, would you knock first?

A. Yes.

Q. And how did you regard that part of the house?

A. How did I regard it? It was his space. His bedroom.

Q. All right. Were people allowed to just -- randomly allowed to go in and out of his space?

A. Yes.

Q. Okay. Now, was everybody that could get in the house, were they allowed to go into his space?

A. No, not unless they were invited, but --

Q. So if you had guests who were staying overnight at the ranch, would they be allowed to come into the house?

A. Yes.

Q. And in what part of the house did they come into?

A. Mainly the house was open. It was downstairs. Other than his area.

Q. All right. So they'd be allowed to come in the kitchen area, the --

A. Living room.

Q. The family room?

A. The library.

Q. The dining area?

A. Uh-huh.

Q. Okay.

A. There's a crafts room upstairs.

Q. All right. And did people often come in and hang out in that family room/kitchen area?
A. Yes.
Q. Okay. Now, you said that you saw Janet talking with, I think you said the cooks; is that correct?
A. That’s correct.
Q. Could you see her inside the house?
A. Yes.
Q. And where did you see her?
A. In the dining or kitchen area.
Q. Did you see her having meals or just sitting and talking, or what did you see?
A. Both.

Q. All right. Did you see her sitting at the bar?
A. Yes.
Q. You mentioned that you saw her talking with Dieter Weizner?
A. Yes.
Q. Where were the two of them when they were talking to each other?
A. In the breezeway, in between the main house and the office or arcade area.
Q. Okay. Did you see her talking with Mr. Weizner in the kitchen or family room area at any time?
A. I don’t recall.
Q. May have, but you don’t recall?
A. No.
Q. All right. Did Janet Arvizo ever seem in any way to you, from what you saw, to want to leave the ranch and she was not allowed to do so?
A. No.
Q. Did she ever complain to you about anything?
A. Never.
Q. Now, is the -- let me withdraw that.
Did you ever arrange for transportation for any of the Arvizos to and from any locations outside the ranch?
A. Yes.
Q. What arrangements did you make?

A. If it was a phone call, to call for a car service, or I personally took them on more than one occasion off property.
Q. Where did you personally take them?
A. I -- actually, once, shopping in Solvang.
Q. Okay.
A. And --
Q. Now, when you went shopping in Solvang - let’s take that, first of all - who went with you?
A. Janet Arvizo, and I believe it was just the two boys.
Q. Okay. And do you know where Davellin was?
A. I don’t.
Q. Okay. So Janet Arvizo and the two boys went shopping in Solvang. You drove them; is that right?
A. Yes.
Q. And what vehicle did you drive, if you recall? Let’s put it this way, was it a ranch vehicle?
A. Yes, it was one of the cars. I’m not sure exactly which one.
Q. Now, were you to guard them?
A. No.
Q. Did you restrain them in any way?
A. No.
Q. Did you prevent them from using the telephone?
A. No.

Q. Did you prevent them from talking to anybody?
MR. AUCHINCLOSS: I’m going to object as to relevancy. It’s irrelevant unless time is established.
MR. SANGER: I don’t know about that. But it’s a good point. I can establish the time.
Q. What time was this?
A. It was in the afternoon. Do you mean the date?
Q. Yeah. Was it in --
A. It was around that -- 2003, in February or March. I’m not exactly sure when.
Q. Somewhere in the February, March time period? Okay. And -- all right. So you took them

into Solvang shopping. Did you stand there and watch over them while they were shopping?

A. No, it was mainly just transportation. I was actually at the car while they were out and about.

Q. So you drove them. You stayed at the car and they went shopping?

A. Yes.

Q. Did you in general -- if Janet wanted to go somewhere, Janet Arvizo, would she request someone to drive her?

MR. AUCHINCLOSS: Objection; hearsay.

THE COURT: Overruled.

THE WITNESS: Yes. She didn't actually come with a vehicle, so --

Q. BY MR. SANGER: So you would then make arrangements for her transportation; is that correct?

A. That's correct.

Q. And on this particular occasion, you decided just to do it yourself?

A. Yeah, I believe so.

Q. All right. Now, during this shopping trip, about how long did it last; do you recall?

A. Less than an hour.

Q. Did you tell them, "You've got to go back to the ranch," or were they just through shopping?

A. No, they just came back to the car and were ready to go.

Q. All right. Do you recall what kind of stores they went to, or --

A. I was at the car.

Q. All right. And you drove them back to the ranch?

A. Yes.

Q. Now, was there ever a time when Janet Arvizo was followed by a positive PR film crew of Michael Jackson?

A. I don't know.

Q. On that occasion, nobody followed you to take photographs of Janet Arvizo shopping with her kids, as far as you know, right?

A. Not to my knowledge.

Q. Did you see anybody meeting any description like that?

A. No.

Q. Didn’t see any film cameras or crews or anything, correct?

A. No.

Q. Now, you said there was a shopping event. Was there another event where you either took them or went to pick them up or had something to do with their transportation?

A. Yes, I met them at a orthodontist, a local orthodontist in Solvang.

Q. All right. Excuse me just one second. Do you remember the name of the orthodontist?

A. Yes.

Q. And what was her name?

A. Jean Seamont.

MR. SANGER: Your Honor, may I put -- let me just make sure. This is in evidence. It’s 5020. And may I publish that?

MR. AUCHINCLOSS: May I take a look at that?

MR. SANGER: It’s this whole series here. You can take a look at them. There are some that weren’t received.

Q. That’s the sign in front of her office, 9670 right?

A. Yes.

Q. And where is her office located?

A. It’s right off of 246 and First Street possibly.

MR. SANGER: Your Honor, I’d like to have marked for identification, it’s been premarked as 5030, a map.

THE COURT: All right.

MR. SANGER: And I’d like to approach the witness, if I may.

THE COURT: All right.

MR. SANGER: May I just stand here and speak loud for a couple questions?

THE COURT: All right.

MR. SANGER: Thank you.

Q. As you look at that, does that appear to be a map of the Solvang area?
A. It does.
Q. Does that appear to have a star on it at or near where Dr. Seamont's office is located?
A. Yes.
Q. Okay. Does that accurately depict the area?
A. It does.
MR. SANGER: Your Honor, I'd move admittance of 5030.
MR. AUCHINCLOSS: No objection.
THE COURT: It's admitted.

MR. SANGER: May I publish it?
THE COURT: Yes.
MR. SANGER: Thank you.
Q. This appears to be a commercially prepared map of some sort; is that right?
A. Yes.
Q. But where the little star -- okay, there's a star. It's a little more visible on the document than it is on the overhead here, but the little star that I'm circling, is that the approximate location of Dr. Seamont's office?
A. Yes.
Q. And I think everybody knows, but just in case, 246 goes right through the middle of Solvang; is that correct?
A. Yes.
Q. And Buellton's out thataway?
A. Yes.
Q. And Santa Ynez is out thataway. "Thataway" being to the right of the picture, the second "thataway," all right.

Now, is this doctor's office pretty much right on the corner -- not "right on the corner," but very close to the corner of Fifth Street and 246?
A. I believe there's one building in front of it, but, yes, it's very close to the corner.
Q. And I'd like to go through this series of

pictures. There are some that were not admitted and I'm not going to refer to those. We'll start with

5020, which I just had up on the board. All right. I’m going to put up 5021. Does that appear to be the front of Dr. Seamont’s office?
A. Yes.
Q. And the -- 246, the main drag in Solvang, you said there’s like a building in between the two. It would be over this way to the left; is that correct?
A. Yes.
Q. And I’m going to put up now 5022 and ask you, if you’re standing in the front of Dr. Seamont’s office, if that would be the -- what I was calling the main drag, 246, that goes through Solvang?
A. That’s correct.
Q. That’s the street where you go 25 miles an hour?
A. Yes.
Q. All right. Did you go inside Dr. Seamont’s office?
A. Yes.
Q. I’m going to put up 5024, and ask you, does that appear to be the reception area?
A. Yes.
Q. And when you said -- I think you said you went to pick them up. So they were already there

when you got there?
A. No, I actually met them there.
Q. You met them there?
A. Yes.
Q. Were they with anybody when you -- anybody from the ranch when you --
A. Yes.
Q. Who were they with?
A. Vinnie dropped them off.
Q. Okay. When you say “dropped them off,” what was -- what was the story?
A. He brought them to this location. And I met them there to transport them back to the property.
Q. Okay. Had they just arrived at the doctor’s office?
A. Yes.
Q. All right. Did you meet them out in front

of the building or --
A. I did.
Q. Where did you meet them?
A. On the street.
Q. The street we just saw?
A. Exactly.
Q. So let’s go back to that really quickly.
If I may, Your Honor, 5022.
So right out there?
A. Right where that red car is.
Q. And did Vinnie have a car there?

A. Yes.
Q. Were they in the car when you got there?
A. Actually, no. I was there first.
Q. Okay. So you were there waiting for them?
A. Yes.
Q. And when they showed up, what happened?
A. He left, and I escorted them into the place of business.
Q. Were you there to guard them?
A. No.
Q. Were you there to keep them from talking to anybody?
MR. AUCHINCLOSS: Objection; leading.
THE COURT: Sustained.
Q. BY MR. SANGER: Did you have any instructions from anybody to restrict their behavior in any way?
A. No.
Q. Did you -- were there telephones in the office?
A. Yes.
Q. Did you go -- what did you do after you -- you meet them on the street and then what happened? Just tell us what happened.
A. Walked in, introduced them to the doctor. And I waited in the waiting room. And Mrs. Arvizo and the two children were -- went into the -- not operating room, but the --

Q. It seems like an operating room, but --
A. Yes.
Q. If you don’t like dental work.

So you never went back into the back?

A. No.

Q. Did you know Dr. Seamont before that?

A. No.

Q. Were you sitting in the front room to guard the door so they couldn’t leave?

MR. AUCHINCLOSS: Objection; leading.

THE COURT: Overruled.

THE WITNESS: No.

Q. BY MR. SANGER: Do you know if there was a back way out of the office?

A. I’m sure there was. I didn’t actually see it.

Q. Did -- how long did the Arvizo family stay at the dental office?

A. It was probably an hour to -- no more than an hour and 20 minutes.

Q. What did you do during that hour, hour and 20 minutes?

A. Read magazines.

Q. Okay. When they were through at the office, or they were through in the back doing whatever they were doing, did you meet them in the reception room?

A. Yes.

Q. And where did you go from there?

A. Drove them back to the property.

Q. Did they complain about getting in the car?

A. No. It was raining quite heavily, so they were running to get to the car.

Q. Okay. At any time while you were with them during that period of time, this dental visit, did any of them ever cry out for help?

A. No.

Q. Did you see anybody use the phone to call for help?

A. No.

Q. Did you hear anybody ask for help from anyone?

A. Not to my knowledge.

Q. Was there anything about their attitude or demeanor that made you think that any of the Arvizos were unwilling to be there or unwilling to go back to the ranch?

A. No, they were excited to be there.

MR. SANGER: Okay. This might be a good place to take a break, if it's all right, Your Honor.

THE COURT: We'll take our afternoon recess. See you in the morning. Remember it will be a half day tomorrow.

(The proceedings adjourned at 2:30 p.m.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 9506 through 9677 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 9, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, May 9, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, MAY 10, 2005

8:30 A.M.

(PAGES 9679 THROUGH 9735)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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INDEX

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

DEFENDANT’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
MARCUS, Joseph (Contd.)	9682-SA	9713-A		

Santa Maria, California
Tuesday, May 10, 2005
8:30 a.m.

THE COURT: Good morning, everyone. Counsel?

MR. SANGER: Good morning.

JOSEPH MARCUS

Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION (Continued)

BY MR. SANGER:

Q. Okay. Mr. Marcus, when we left off yesterday, we were talking about the trip to Dr. Seamont's office. Do you recall that?

A. Yes.

Q. All right. You went and picked the family up and you stayed there while they were in the dental office, right?

A. Correct.

Q. All right. Now, at that time, was there a film crew following the family into the dental office?

MR. AUCHINCLOSS: I'll object. Asked and answered.

THE COURT: Sustained.

MR. SANGER: Didn't I ask about the shopping trip and not this? Maybe I did. I apologize if I did.

THE COURT: Now you're testing my memory? I'll let you ask the question.

MR. SANGER: Okay. And I apologize, Your Honor. Maybe I did ask it.

Q. But in any event, was there a film crew following anybody into the dentist's office?

A. No.

Q. And was there -- if I didn't ask it, let me ask this, so I cover both of them. Was there any film crew following the shopping trip to Solvang?

A. No.

Q. And those were two separate occasions; is that correct?

A. Correct.

Q. All right. Now, you are familiar with the gate logs; is that correct?

A. Correct.

Q. And I believe I asked you about this, but just to be certain as well, when you -- are the gate logs kept in the ordinary course of business?

A. Yes.

Q. That's something that you rely on on a regular basis, you and the security staff and others, on a regular basis to run the business at Neverland Ranch?

A. Correct.

Q. All right. I'm going to ask you to look at a couple of different entries.

Before I do that, let me just ask you if you know off the top of your head what date the trip to Dr. Seamont was.

A. I do not recall.

Q. And do you recall roughly when it was in the -- the year, first of all, I think you said, was 2003, right?

A. It was.

Q. Do you recall roughly when it was in the stay of the Arvizos? Was it towards the beginning? Towards the end?

A. I honestly don't recall.

MR SANGER: All right. Okay. With the Court's permission, I would like to approach the witness with the gate logbook.

THE COURT: You may.

MR. SANGER: I'll tell you what, let's do this, if it's all right with the Court, why don't I just put them up on the screen. That might be

easier. If that’s all right.
And I’m going to refer to Exhibit 334. And this is page MJ00171. And I’ll slide it up so we can see the bottom there.
Q. First of all, this is for 2-24-03. Does that appear to be correct?

A. Yes.
Q. Okay. Now, the trick is to look over your shoulder and then turn around and talk in the microphone, just as you did. That was perfect.
All right. Now, you notice that it says at the bottom there, “Joe Marcus,” and it looks like it was “Gray van.”
A. Yes.
Q. What does that represent?
A. It represents that I left the property at 1759 and returned at 2005 in the gray van.
Q. All right. And right above it, it appears that there’s a reference there that I think says, “Vinnie,” comma, “Arvizos, 4, Pontiac.”
A. Correct.
Q. What does that tell us about that particular transaction?
A. That Vinnie departed the property at 1634 and returned at 1855.
Q. Okay.
A. With four passengers.
Q. Thank you.
A. I believe.
Q. So it looks like he left at 1634 and came back -- he left at 1634 with four passengers and he came back at 1855 hours. Looks like you left in a gray van, 1759, came back at 2005, correct?

A. Correct.
Q. And then if we look up here at the Arvizos, there’s a reference to Gavin, Star, Davellin and Janet, correct?
A. Correct.
Q. And it appears that they stayed overnight; is that right?

A. That’s correct.

Q. And then it looks like they all left at 1634 hours?

A. Correct.

Q. That would be the same time as Vinnie?

A. That’s correct.

Q. And it looks like one of them, Davellin, came back at 1855?

A. Correct.

Q. Is that the same time as anybody else you see on the list there?

A. I believe they came back with Vinnie.

Q. And then it looks like the others, the two boys and Janet, came back at 2005?

A. Correct.

Q. Now, does that refresh your recollection as to when you took this trip to the dental office?

A. Yes.

Q. Does that appear to be the date that that occurred?

A. That appears to be.

Q. All right. In any event, looking at this, it appears that you, in fact, picked up the mother and the two children somewhere and brought them back to the ranch, correct?

A. That’s correct.

Q. All right. Now, I’m going to take that off and once again make an effort to keep the book in order. Let me ask you about another entry in the book.

And with the Court’s permission, this is Exhibit 334 and it’s page MJ00154. We’ve had that up before. May I put it up?

THE COURT: Yes.

MR. SANGER: Thank you.

Q. So we’ll just show at the bottom here, for the record, for everybody’s reference, that is the Bates stamp number, and I’m going to put this one up here. And there’s a reference here that says, “1752.” It appears to say, “The kids are not to leave per Joe. ‘Kids’ meaning like Gavin, Star, et cetera.”

Do you see that reference?

A. Yes.

Q. And that’s on 2-19-03; is that correct?

A. That’s correct.

Q. Now, you’ve been asked about this incident both by the defense and by the prosecution, is that correct, by police officers?

A. I don’t --

Q. Let’s put it this way. Not this particular log entry, but you were asked about whether or not you had ever given instructions that the Arvizo children were not to leave the ranch; is that correct?

A. Yes.

Q. What was the reason that you recall for the Arvizo children not to be leaving the ranch?

Before you look at that, I’m sorry, I should have started the other way. I don’t want to distract you with that yet. Go ahead.

A. The main reason on this particular situation was that the children had been known to pull up to the gate in vehicles, by themselves without an adult, driving one of Mr. Jackson’s vehicles. So I didn’t want the guards to allow them off property in a vehicle. That was one situation.

There was also a situation where there was a --

MR. AUCHINCLOSS: I’m going to object as to foundation. Move to strike.

THE COURT: Sustained.

MR. SANGER: Your Honor, I’d like to not offer that for the truth of the matter, but offer it for his state of mind as to why he gave this instruction.

THE COURT: You can do that. But that’s not what you did either. So I’ll strike that answer and you can go back and develop that foundation.

MR. SANGER: Let me do that.

Q. Okay. As of February the 19th, 2003, were you aware -- were you aware of any incidents involving the Arvizo children using vehicles in an unauthorized fashion?

A. Yes.

Q. And what were you aware of?

A. That they had used the vehicles of Mr. Jackson's to drive around the property.

Q. All right. Did that cause you any concern as the ranch manager?

A. Yes.

Q. And what was your concern?

A. Number one, their safety. Number two, the safety of the employees and the property. And number three, the vehicle itself.

Q. All right. And what was your frame of mind as far as allowing the Arvizos to leave the property on any vehicles, whether it be automobiles, vans or even ATVs?

A. It was not to happen.

Q. Were the Arvizo children supervised by a parent at all times during February and March of 2003?

A. No.

Q. Were there times when Janet Arvizo was not there?

A. Yes.

Q. Now, was there something else -- you started to respond. Let me go back and ask you, was there something else in your mind around this time with regard to whether or not the Arvizo children should be allowed to leave the ranch?

A. Yes.

Q. What was that?

A. There was a film documentary that was --

MR. AUCHINCLOSS: I'm going to object. No foundation.

MR. SANGER: Not offered for the truth.

THE COURT: All right. I'll overrule the objection.

THE WITNESS: There was a film documentary that was going to be happening on or off the property, and I do not believe that that had been decided where exactly it was going to happen.

Q. BY MR. SANGER: And who was involved in that documentary?

A. I believe Hamid Moslehi.

Q. Did you know Mr. Moslehi?

A. Yes.

Q. How did you know him, or how long had you known him?

A. For a few years.

Q. And you knew him to be an employee of -- or a contract employee of Mr. Jackson; is that correct?

A. Correct.

Q. And did you see him on or around February the 19th, 2003?

A. I believe so.

Q. Okay. And what was he doing there?

A. I believe he was coming to do the documentary.

Q. And what was your understanding when he first arrived as to where the documentary would be occurring?

A. I believe it was undecided at that point.

Q. At some point was it determined that the documentary would be done somewhere else?

A. I believe so.

Q. During that period of time, did you discuss with anybody whether or not the children should leave the ranch? During that particular -- on that particular afternoon.
Was there a period of time when you were trying to decide whether or not they should be allowed to leave without their mother?

A. Yes, I needed, obviously, some guidance on that.

Q. All right. At some point, did you receive guidance?

A. I believe so.

Q. And did you authorize the children to leave with Mr. Moslehi?

A. I believe they did leave.

Q. All right. And now when you look at that entry, 00154 of Exhibit 334, does that seem to reflect an instruction that you gave that particular afternoon at about 5:52?

A. That's correct.

Q. Did that -- did you ever give any instruction to anybody to hold any of the Arvizos against their will?

A. Never.

MR. SANGER: I would like to, with the Court's permission, put up two exhibits. I'll ask at once to do both in succession. 308 and 309, if I could. May I?

THE COURT: Yes.

MR. SANGER: Thank you. Exhibit 308 has already been received into evidence --

MR. AUCHINCLOSS: May I see that?

MR. SANGER: Yes.

Exhibit 308 is a one-page exhibit. I'll put it up so we can see the exhibit number there. And then I'm going to pull it down, and see if we can do a little bit of a wide angle. There we go.

Q. Okay. Up at the top, it says, "Neverland Valley Ranch Security Clearance and Guest Information." Are you familiar with this kind of document?

A. Yes.

Q. And in the course and scope of your duties at the ranch, excuse me, is this the kind of document that is kept in the ordinary course of business?

A. Correct.

Q. And what is the purpose of this document?

A. Number one, to authorize access onto the property. And number two, to advise the proper people what the guests have access to.

Q. All right. Now, at this time, this appears to be for an arrival date of 6-21-02; is that correct?

A. Correct.

Q. And the arrival is expected sometime in the afternoon, right?

A. Correct.

Q. Who were the people who were coming in this particular group?

A. I believe Chris Tucker, Gavin, Star Arvizo, Adrian, Kelly, Davellin, and Aubrey, I believe.

Q. Okay. Now, it said “Gavellin” there, but you take that to -- it should have been “Davellin”; is that right?

A. I believe so.

Q. All right. This particular group -- do you recall, in June of 2002, if this is one of the times that the Arvizos did, in fact, come with Chris Tucker?

A. I believe so.

Q. Okay. Now, at the bottom there it says, “Special Instructions” -- or, “Special Instruction,” I guess, “General Comment.” Do you see that section?

A. Yes.

Q. And what does this tell you? What is this supposed to tell the staff that -- both yourself and all the people that work for you there at the ranch, what does this tell you all about --

A. Tells me that the guests have full access to pretty much anything that they would like to enjoy at the property.

Q. Do you know if Mr. Jackson was even on the property at that time?

A. I don’t know.

Q. All right. Now, when it says, “Full Access,” that’s what it says there, and then there’s some boxes checked. They aren’t boxes, and they aren’t checks for that matter. There’s some lines with “Xs” on them, correct?

A. Correct.

Q. And that outlines the different kinds of activities, right?

A. Yes.

Q. And I see on there “quadrunners.” And I’m pointing to it. You might take a quick look. Is that right?

A. That's correct.

Q. That means this entire group, including the Arvizo children, were authorized to take out the quadrunners; is that correct?

A. Correct.

Q. Now, does that mean they could do anything they wanted with them?

A. Unfortunately, within reason.

Q. All right. So they could use them, they had full access to them, but they were supposed to use them within reason?

A. Within reason.

Q. Okay. What do you mean by "within reason"?

A. Number one, they should wear helmets, goggles, gloves. That was at times an issue to enforce. Security would try to enforce that, of course.

Q. They were supposed to use them safely?

A. Exactly.

Q. All right. And then I want to make sure I go over the head of the court reporter here, so I don't shine this in her eyes.

There's golf cars, jet skis. All of that's okay; is that right?

A. Yes.

Q. So that was on 6-21-02?

A. Correct.

Q. Now I'm going to take down 308, Exhibit 308. Put it back in the book here. Okay. And I'm going to put up 309. And again, I'll just put that up for everybody's reference so we can see at the bottom "309," and show you the top.

This, again, appears to be the same type of document; is that correct?

A. Correct.

Q. And this appears to be for 6-28; is that correct?

A. That's correct.

Q. If you were to look in the logs, could you determine what year that was?

A. If I were to look in the logs, possibly.

Q. So for right now, it says, "6-28." All right. Do you know what year it was without looking at the logs?

A. No.

Q. In any event, if we look farther down here, it appears that -- well, I’m sorry, up at the top it says, “Gavin, brother and sister,” correct?

A. Correct.

Q. You took that to pertain to the Arvizos?

A. Correct.

Q. Okay. And then if we look down here - I’ll do it this way - it looks like, “Quadrunners and” --

A. “Jet skis.”

Q. “Jet skis,” it says, “No.”

A. Correct.

Q. So apparently the Arvizo children were not authorized to use the quadrunners and the jet skis on that visit, the 6-28 visit; is that correct?

A. Correct.

MR. SANGER: We could have the lights again, if that’s all right, Your Honor.

Thank you.

Q. All right. Now, on February the 11th, early morning of the 12th, do you recall Janet Arvizo leaving the ranch with her children? In the early morning hours of the 12th, actually. Do you recall that?

A. What was the date?

Q. February 12th of 2003.

MR. AUCHINCLOSS: I’ll object. Foundation.

MR. SANGER: I’m asking if he recalls personally right now.

THE COURT: All right. You may answer.

THE WITNESS: I do not recall.

Q. BY MR. SANGER: Okay. Do you recall an instance where Jesus Salas took the family to Los Angeles in the middle of the night?

MR. AUCHINCLOSS: I’ll object. Foundation.

MR. SANGER: Does he personally know about it.

THE COURT: You may answer.

THE WITNESS: Yes.

Q. BY MR. SANGER: And were you personally contacted with regard to that trip?
A. Yes.
Q. Who contacted you?
A. I believe it was either --
MR. AUCHINCLOSS: I'll object as hearsay.
THE COURT: Overruled.
You may answer. The question was, "Who contacted you?"
THE WITNESS: I believe it was Jesus.
Q. BY MR. SANGER: All right. Were you there on the ranch that night, into the next day?
A. No.
MR. SANGER: What I'm going do, with the Court's permission, I'm going to ask to approach the witness to show him some gate logs.
MR. AUCHINCLOSS: I'm going to object and move to strike his testimony in this area. He has no personal knowledge.
MR. SANGER: There's no question.
THE COURT: You may approach. The objection is overruled.
Q. BY MR. SANGER: Okay. I'm going to ask you to take a moment and take a look at the gate logs. And you're welcome to look at whatever you want in there that might help refresh your recollection of whether you were on the property the night of February 11th, onto the early morning hours of February the 12th.

A. Okay. I believe that's a possibility. But I didn't spend the night there. That's what I thought you were asking.
Q. All right. So as you look -- so as you look at the gate logs, does that help refresh your recollection? Either it does or doesn't. If it doesn't, that's okay.
Does that help you refresh your recollection as to whether or not you were there into the early morning hours of the 12th?
A. Yes, I left at 1:15 a.m.
Q. All right. Now, at the time that you

were -- let me withdraw that.

Do you recall where you were when you were contacted by Jesus Salas?

A. I believe I was home.

Q. So you think you were actually home by that time?

And where do you live, generally? You don’t have to give your address, but --

A. I live here in town.

Q. In Santa Maria?

A. Yes.

Q. Okay. Now, by reviewing the gate logs, the records of the ranch, can you determine what kind of a vehicle Mr. Salas used to transport this family on that night? You might need to look forward on

the -- to the next date.

A. I’m sorry, I don’t see it here.

Q. Okay. Okay. Do you know off the top of your head, or do you --

A. I believe it was a limo.

Q. All right. In any event, whatever kind of a vehicle it was, do you remember -- do you have a Rolls Royce there on the property?

A. Yes. We have a few Rolls Royces.

Q. Okay. Whatever kind of a vehicle it was, was it your understanding that it was a vehicle that belonged to Neverland Ranch?

A. Yes.

Q. And did Mr. Salas take that, with your permission?

A. Yes.

Q. Okay. And he, I take it, returned with it the next day; is that right?

A. Correct.

Q. All right. All right. We’re getting close to the end here, which is a lot of good news for you and everybody else.

Let me ask about some of the employees. You had mentioned that you were the ranch manager and therefore in charge of the various departments through the chain of command through the department heads, correct?

A. Correct.

Q. We have had some testimony from Brian Barron, and you may have mentioned already, you know Brian Barron was a police officer; is that correct?
A. Correct.
Q. Were there other people who were former police officers or -- well, let's start with police officers.
A. Yes.
Q. Can you recall during the time you were there how many people had actual peace officer/law enforcement experience?
A. Probably five to ten.
Q. Can you give us the names and associations of some of them, as best you can remember?
MR. AUCHINCLOSS: I'm going to object, relevancy, as to this applicable time frame.
MR. SANGER: I can --
THE COURT: Just a moment.
MR. SANGER: I'm sorry.
THE COURT: Objection is overruled.
MR. SANGER: Very well.
THE WITNESS: Yes. There was Retired Herman Stubblefield, who I believe worked for Santa Barbara County Sheriffs. James Wade, who I believe worked for Santa Barbara County Sheriffs. There was a gentleman from Santa Maria Police Department, Rudy Salinas, I believe. He was also retired Santa Maria P.D. There was a gentleman from Grover -- Kelly Cook from Grover -- Grover Beach, I believe. And that's really all that comes to mind at the moment.

Q. BY MR. SANGER: Was there a retired military police officer?
A. We currently still employ a gentleman that was a military police.
Q. Okay. Who is that?
A. Curtis Gordon.
Q. Okay. Where was Mr. Gordon at the time of the search on November 18th, 2003?
A. He was at the front gate.

Q. So he would have been the gentleman wearing a security uniform at the front gate?

A. Correct.

Q. And he would have been the gentleman who was greeted by, or greeted, such as it was, the sheriff’s officers coming through the gate with their search warrants?

A. That is correct.

Q. Now, all of these people you mentioned, I don’t want to go through each one unnecessarily, but did they -- did each of the people you mentioned work there over a period of time? I mean, they weren’t there for a day or two.

A. Correct.

Q. How long did -- let’s take the longest one. How long did the longest one work there, the one who worked there the longest?

A. Probably Curtis Gordon. He’s still employed with us.

Q. About how many years has he been there?

A. Eight, ten years. I’m not exactly sure.

Q. Okay. Now, in addition to police officers, did you also have people who worked at the ranch who were fire -- fire personnel from fire departments?

A. Yes.

Q. And can you give us an idea of roughly how many over the period of time you worked there?

A. At least 20.

Q. Okay. Can you give us the names and affiliations, if you can remember some of them?

A. Currently we have two officers that work at Taft City Fire. One that works at Grover Beach. One that’s full time at Lompoc Fire Department. And there was many more that have left the property over the years and moved on to bigger and better things.

Q. All right. So when you say “bigger and better things,” you didn’t really mean that with Mr. Jackson sitting here, did you?

A. No.

Q. Okay. But as far as law enforcement or fire careers, sometimes this is a jumping-off point; is that right?

A. It’s a stepping stone for them, yes.

Q. And sometimes this is a retirement job?

A. Exactly.

Q. All right. Now, with regard to the police officers, other than Brian Barron, were there any others who were moonlighting currently, they were police officers who are currently moonlighting? Let me withdraw that phrase, “currently.”

Were there other people other than Brian Barron who, during this period of time, were concurrently working as peace officers actively and moonlighting at the ranch?

A. Not to my knowledge.

Q. The others were retired police officers, correct?

A. Correct.

Q. And with regard to the fire department people, apparently there were a number of people concurrently working for fire departments and working at the ranch, correct?

A. Correct.

Q. Was it your understanding that all of these people understood the need to abide by the law?

A. Correct.

Q. All right. And if they observed anything illegal or improper, was it their duty to report it to the staff, to their supervisors?

MR. AUCHINCLOSS: Objection; leading.

THE COURT: Overruled.

You may answer.

THE WITNESS: Yes.

Q. BY MR. SANGER: Did you have, as the owner -- as the ranch manager, did you have an expectation that former police officers, former and current firefighters would also report any unlawful activities to the civilian authorities?

MR. AUCHINCLOSS: Objection; leading.

THE COURT: Sustained.

Q. BY MR. SANGER: The people that you have just mentioned, was there any secret made of their backgrounds?

A. No.

Q. Based on your discussions with Mr. Jackson, was Mr. Jackson aware that some or all of these people were either prior or current employees of police or fire departments?

MR. AUCHINCLOSS: Objection; hearsay.

THE COURT: Sustained.

Q. BY MR. SANGER: Was there any effort made to keep any of this secret from Mr. Jackson?

MR. AUCHINCLOSS: Same objection.

THE COURT: Sustained.

MR. SANGER: All right.

Q. Now, do you recall the Bashir documentary?

A. Yes.

Q. The Bashir television program?

A. Yes.

Q. Did you see it when it was aired originally in February of 2003?

A. No.

Q. Did you hear about it --

A. Yes.

Q. -- around that time? Did it create a certain amount of buzz around the ranch?

A. Yes.

Q. Now, you’ve been there during this entire period of time. Are there times when there is more media attention to Mr. Jackson at the ranch than other times?

A. Yes.

Q. Do you recall back in ‘93, was there a lot of media attention?

A. Yes.

Q. Were there vehicles on Figueroa Mountain Road by the gate on a regular basis?

A. Yes.

Q. Did that subside after ‘93 for a while?

A. For a while, yes.

Q. Now, you do tend to have people up at the gate sort of on a regular basis; is that right?

A. That’s correct.

Q. What kind of people tend to congregate up around the gate?

A. All different types of people, from all different walks of life.

Q. People from other countries?

A. Other countries, here in this country.

Q. What’s their interest in Mr. Jackson, would you tell us that? Are they fans? Are they --

A. Some are fans, some just want to come and see where Neverland is.

Q. All right. Now, in early 2003, did there -- was there an increase in the media attention at the ranch?

A. I don’t recall.

Q. Do you recall at some point there were media vans and whatnot coming to the front gate?

A. Yes.

Q. When the Arvizos came to the ranch, was there any particular concern with regard to the Arvizos and the media?

MR. AUCHINCLOSS: Objection. Foundation; hearsay.

THE COURT: Overruled.

You may answer.

THE WITNESS: Can you repeat the question?

THE COURT: I’ll have it read back.

(Record read.)

THE WITNESS: “Concern,” I don’t -- I don’t really understand the question.

MR. SANGER: Okay.

Q. Were you made aware that the media had attempted to have contact with the Arvizos?

A. Not personally.

MR. AUCHINCLOSS: Objection; leading.

MR. SANGER: Not personally --

MR. AUCHINCLOSS: Objection. Leading; hearsay.

THE COURT: Overruled.

THE WITNESS: Not personally.

Q. BY MR. SANGER: Were you advised that the media was attempting to contact the Arvizos? In general. I’m not talking about at the ranch gate, but just in general.

A. Yes, in general.

Q. What was your understanding of why the media was interested in the Arvizos?

A. Due to the documentary, the Bashir documentary.

Q. Were you aware at some time, and I’m asking now for your state of mind, that there was a discussion regarding the Arvizos taking a trip to Brazil?

A. Yes.

Q. Based on your personal contact with the Arvizos, did the Arvizos ever voice any objection to going to Brazil?

MR. AUCHINCLOSS: Objection; hearsay.

THE COURT: Foundation; sustained.

MR. SANGER: Okay.

Q. Did you have occasion to talk to the Arvizos or be in the Arvizos’ presence when the Brazil issue arose?

A. Yes.

Q. Did the Arvizos at that time voice any objection to going to Brazil?

MR. AUCHINCLOSS: I’ll object. Vague as to which Arvizo. Hearsay.

THE COURT: Sustained as to --

MR. SANGER: As to which one?

THE COURT: -- which one.

Q. BY MR. SANGER: Let’s take the children. Did you have a discussion with the children, or did they have a discussion, or was this discussed in your presence?

A. There was no objection at that point that I know of.

Q. Okay. What about Janet, did you ever have a discussion or overhear a discussion where Janet was involved in some discussion, to use that word again, about going to Brazil?

A. Only that they needed some assistance in finding a spot to take a passport picture.

Q. Did Janet Arvizo discuss that in your presence?

A. It was in the presence of Vinnie and Janet, yes.

Q. Okay. And did she -- was she objecting to having a passport picture?

A. No.

Q. Was she -- what was she doing? What was she saying?

A. They were asking for instructions on where they could go to get their passport picture taken.

Q. And was Janet asking for those instructions as well?

A. I don’t know if she asked personally, but she was standing right next to Vinnie.

Q. And what was her demeanor at that point?

A. They were getting ready to get in the car to head to Santa Maria to get a picture taken.

Q. All right. All right. And then one last area here, for now.

Are you familiar with the kinds of fan mail that Mr. Jackson gets?

A. Yes.

Q. And where is the fan mail delivered?

A. Some is delivered to the property.

Q. Okay. I’m sorry. Of the fan mail delivered -- I take it you haven’t seen his fan mail that goes elsewhere; is that right?

A. Exactly.

Q. So the fan mail that’s delivered to Neverland Ranch is what I’m talking about --

A. Yes.

Q. -- where is that ultimately delivered?

A. It’s delivered to the Los Olivos post office and then delivered to the property.

Q. When it gets to the property, where does it go?

A. Sometimes it goes to Los Angeles, and sometimes some of the nicer stuff we might keep at the property.

Q. All right. Now, when you say “nicer stuff” -- before we get to the distinction, what volume of fan mail comes to the Los Olivos ranch?

A. Three boxes probably every other week.

Q. All right. And sometimes you’ll get big packages; is that right?

A. Correct.

Q. Sometimes people will send artwork?

A. Artwork. Books. Clothing. Ties. Coffee mugs. Gifts. Just lots -- lots of gifts.

Q. How about letters?

A. Letters. Lots of letters.

Q. Cards?

A. Cards, yes.

Q. Whose job is it to go through and screen that, if anybody?

A. We don’t really have somebody doing that at this point.

Q. In the past have you had somebody screen it or does it just all go to Mr. Jackson, and say, “Here. Read your mail”?

A. No.

Q. Does it end up sometimes in the 9711 administration building?

A. Yes.

Q. All right. And from there, you said something about “the nicer stuff.” So going back to that answer, how do you make the decision as to what ought to go to Mr. Jackson himself to look at?

A. Memorabilia. Just some of the nicer -- nicer items that I think that he might be interested in seeing what the fans have sent for him.

Q. Okay. And you mentioned there might be paintings?

A. Yes.

Q. Books?

A. Yes.

Q. When you deliver this to Mr. Jackson, does he tend to keep it or throw it away, or what does he do with the stuff?

A. You would have to ask Mr. Jackson.

Q. Okay. Well, looking at his house -- you’ve been inside his house and his room; is that correct?

A. Yes.

Q. And you're here under oath and we're not here to, you know, either please or insult Mr. Jackson one way or the other. Just tell it the way it is. Does Mr. Jackson tend to keep a lot of stuff all over the place?

A. Lots of stuff.

MR. AUCHINCLOSS: Objection; leading.

THE COURT: Sustained.

Q. BY MR. SANGER: Does Mr. Jackson, based on your observation of his premises, does he tend to keep stuff that's sent to him by fans or throw it all away?

A. I believe he keeps everything.

MR. SANGER: All right. I have no further questions at this time.

THE WITNESS: Do you want this back?

MR. AUCHINCLOSS: Do you have the logbook up there, Mr. Marcus?

If I may approach to retrieve that, Your Honor.

THE COURT: You may.

MR. AUCHINCLOSS: Thank you.

CROSS-EXAMINATION

BY MR. AUCHINCLOSS:

Q. All right. Good morning, Mr. Marcus.

A. Good morning.

Q. You have worked at Neverland since 1988 --

A. That's correct.

Q. -- correct?

You've worked there the entire time that Mr. Jackson has owned that property, true?

A. Correct.

Q. Is there anybody at Neverland Ranch who has worked there as long as you have?

A. Yes.

Q. Okay. Who would that be?

A. There's multiple employees that have been

there longer.
Q. All right. And you began in the maintenance department?
A. Correct.
Q. You’ve been the property manager three years?
A. That’s correct.
Q. You have been a security officer at Neverland Ranch?
A. That’s correct.
Q. Tell me what period of time that was.
A. I believe it was from ‘92, ‘93, through ‘96, possibly.
Q. Okay.
A. Maybe a little bit -- I might be off on the dates.
Q. When you were a security officer there, were you armed?
A. Yes.
Q. And at present, as a property manager, you supervise everybody at Neverland; is that correct?
A. Correct.
Q. And you supervise the supervisors, true?
A. Yes.
Q. How often do you interact with your boss, Mr. Jackson, when he’s on the property, let’s say?

A. Daily.
Q. Daily? And would you meet with him more than once a day?
A. No. Might speak with him.
Q. Okay. Do you ever have meetings with Mr. Jackson?
A. Once in a while, yes.
Q. Does he ever sit down with you and tell you that he wants something changed at Neverland?
A. Yes.
Q. And if he wants something changed at Neverland, does he typically talk to you or will he talk to other employees, more of a direct route?
A. Sometimes he’ll use the direct route.
Q. Okay. So there’s not always a chain of command at Neverland, is that fair to say, in terms

of Mr. Jackson's interaction with his employees?

A. No, he'll sometimes go directly to the source if something needs to be done at that point. Or if I'm not available.

Q. And I believe your testimony is nobody outranks you at Neverland, true?

A. I didn't say that.

Q. I mean other than Mr. Jackson. Is there anybody above you at Neverland, other than your boss, Mr. Jackson?

A. No.

Q. Okay. So you answer only to Mr. Jackson in terms of your job at Neverland Ranch?

A. Yes.

Q. And would it be fair to say that your job is to make sure Mr. Jackson is happy?

A. "Happy"?

Q. Pleased. Pleased with everything at Neverland. Isn't that your job?

MR. SANGER: I'm going to object. That's argumentative.

THE COURT: Overruled.

You may answer.

THE WITNESS: That's fair to say.

Q. BY MR. AUCHINCLOSS: Okay. In fact, that's everybody's job at Neverland, is to make sure Mr. Jackson -- everything that's done at Neverland is exactly the way Mr. Jackson wants it, true?

A. It's mainly for him and his guests, correct.

Q. Yes. But he's the one who decides what guests will be on the property?

MR. SANGER: Objection. That's argumentative.

THE COURT: Overruled.

You may answer.

THE WITNESS: Yes.

Q. BY MR. AUCHINCLOSS: And he decides what people will not be allowed on that property, true?

A. Correct.

Q. Doesn't he sometimes make specific

directives to the security staff, “Do not let this person on the property”?

A. Yes.

Q. And when he allows a guest on the property, sometimes he will take privileges away from those guests, true?

A. Yes.

Q. And he personally gets involved in deciding what privileges individual guests will enjoy at Neverland?

MR. SANGER: I’m going to object. That’s vague as to time and subject matter.

THE COURT: Overruled.

Q. BY MR. AUCHINCLOSS: You can answer.

A. Repeat the question.

Q. My question was that he gets personally involved in deciding what privileges individuals will have at Neverland.

A. I don’t know that to be true, but --

Q. Didn’t we just look at a log that said that Mr. Jackson allows the Arvizos and Chris Tucker, et cetera, to enjoy all the privileges at Neverland?

A. Yes.

Q. So he does at times get personally involved in deciding whether they get to go horseback riding or not, true?

A. Correct.

Q. Would it be fair to say that you probably know more about Neverland Ranch than anybody who works there, being the manager that you are and having your experience?

A. Yes.

Q. All right. Now, you know about the telephone system there, right?

A. Correct.

Q. And you know that it requires a three-button code to get out, to get an outside line, right?

A. Correct.

Q. And if you don’t know that three-button code, you can’t get an outside line, can you?

A. That’s not correct.

Q. Okay. Explain that to me. Why can’t --

how can you get out -- let's say you're at a phone, and you previously testified that it requires a three-button code to get an outside line, true?

A. Not all phones require a three-button, but some phones do.

Q. Tell me which phones require the three-button code.

A. Mainly the outbuildings, the theater, the zoo area, the employees' areas. A few of the phones in the main house, but not all of them. Some of the phones are direct dial where you would pick them up. And it's any code. There's no set code. It's any three digits. It could be 000. It could be 245.

It's not a set code.

Q. But if you don't know there's a code, you can't get out, true?

MR. SANGER: Objection; vague.

THE COURT: Overruled.

You may answer.

Q. BY MR. AUCHINCLOSS: If you just pick up the phone and dial a number, you won't get out?

A. That is correct.

MR. SANGER: Objection. Vague as to which phones.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: All right. Tell me specifically which phones in the house do not require a three-button code, specifically in the main house.

A. In the living room of the main house, as well as -- I believe that -- the library also. I think those are the only two that are direct dial.

Q. Do you know if the library requires a three-button code, or not?

A. I do not recall at the moment. I believe it's just the living room.

Q. What about Mr. Jackson's personal phone in his room?

A. I honestly don't recall if it is -- I believe it's direct dial.

Q. Are you aware that he has a private line in his bathroom?

A. Yes.

Q. And the guest cottages. You neglected to mention the guest cottages. They require a three-button code out, don't they?

MR. SANGER: Objection. That's argumentative.

MR. AUCHINCLOSS: I'll rephrase.

Q. Did you neglect to mention the guesthouses when you were telling us about phones that require a three-button code to get out?

MR. SANGER: Objection; argumentative.

THE COURT: Overruled.

You may answer.

THE WITNESS: I actually didn't go through the whole list of phones. There's multiple areas with phones, as well as the train depot, the theater, the guest units.

MR. AUCHINCLOSS: I move to strike the answer as nonresponsive.

THE COURT: Sustained. But I think what he's saying is that he wasn't allowed to finish the question where he was giving the list. And I think that's correct.

MR. AUCHINCLOSS: All right.

Q. So you would include the guest cottages as being among the phones that require a three-button code to get out, true? Yes?

MR. SANGER: I'm going to object. That's confusing the way it's phrased. It's vague and ambiguous.

THE COURT: Overruled.

You may answer.

THE WITNESS: I believe it's direct dial. But I could be wrong at this moment. But I believe it's pick up and go.

Q. BY MR. AUCHINCLOSS: You believe so?

A. I believe so.

Q. A moment ago did you say that the guesthouses were included in three-button dial-out code?

MR. SANGER: Objection, misstates the evidence and argumentative.

THE COURT: I think I'll allow the question. I think the District Attorney is inquiring if he said that. Go ahead.

THE WITNESS: I believe that they are direct dial.

Q. BY MR. AUCHINCLOSS: They do not require a three-button code to get out, the guest cottages; is that your testimony?

A. At this moment I don't recall.

Q. All right. Now, you testified that Mr. Jackson made a number of improvements to Neverland. He added the amusement park while you were there?

A. Yes.

Q. The water fort? Yes?

A. Yes.

Q. Teepees, the trains? Yes?

A. Correct.

Q. Video arcade?

A. Yes. Actually, the video arcade was already there.

Q. But he put in the video games?

A. There were some video games there before, when he first purchased the property.

Q. But basically the improvements that Mr. Jackson added were all attractions for children, is that correct, in general?

MR. SANGER: Objection. As phrased, it's compound. All, or in general?

THE COURT: Sustained.

MR. AUCHINCLOSS: All right. I'll strike "all" in that question.

Q. In general --

A. Yes.

Q. -- these improvements are for children, designed to attract -- attractions for children, correct?

A. Correct.

Q. And you've seen children when they arrive at Neverland?

A. Correct.

Q. They go crazy when they see all this, don’t they?

A. Yes.

Q. I mean, they love it?

A. Yes.

Q. Never seen anything like it, have they?

A. Some children have not.

Q. And there’s quads. Tell us what a quad is.

A. It’s a four-wheel, all-terrain vehicle.

Q. How fast will it go?

A. One or two of them will go in the excess of 70 miles an hour.

Q. They can be pretty dangerous, can’t they?

A. Yes.

Q. So generally, would it be fair to say that quads are not allowed to be sent out with young boys without any supervision? I mean, would you put an 11-year-old boy on a quad and say, “Go have a great time,” that goes 70 miles an hour?

A. I didn’t say all of them go 70 miles an hour. I said two of them do.

Q. Let’s back up. How fast do the slower quads go?

A. We’re talking about a 50cc motor. They’re very small. Not very fast. Maybe 25, 30 miles an hour, tops.

Q. All right. And they can be dangerous?

A. Yes.

Q. An 11-year-old boy could get hurt on such a vehicle, couldn’t he?

A. Yes.

Q. And generally, you would not, for safety reasons, send an 11-year-old boy out to ride one of these quads even if they just go 30 miles an hour without supervision, true?

A. Yes.

Q. Or a 13-year-old, without any adult supervision, wouldn’t be allowed to ride the quads, right?

A. No, that's not true.
Q. Same thing with the jet skis. They can be dangerous, can't they?
A. Yes.
Q. A child could drown using jet skis?
A. Yes.
Q. And typically you require some supervision to send a kid out on the water with the jet skis, true?
A. Yes.
Q. You mentioned a zoo. And I think you talked a little bit about the animals. You mentioned that they're all well cared for.
A. Yes.
Q. Have you ever seen Mr. Jackson throw stones at the lion?
A. No.

Q. Tell me about the lion cage. What's it look like?
A. It's a cage with a few toys in it for the lions. Some logs. I mean, what exactly do you want?
Q. What separates the lion from the people who are looking at the lion?
A. Wires.
Q. Okay. What do they look like?
A. Did you want me to draw you a picture?
Q. No, I'm just curious. If you can describe it.
A. Like a cage. Like --
Q. Is it like a bar? Bar or chicken wire, or what?
A. No, it's not chicken wire. It's -- it's eighth-inch, I believe, wire that you would see at a normal zoo to --
Q. Okay. Is it wire or bars?
A. It's wire.
Q. Okay. And how is the wire configured, in terms of is it configured in squares, in diamonds, in rectangles?
A. Squares.
Q. How big are the squares?

A. I don’t know.
Q. Can you estimate?
A. I believe you probably couldn’t get two

fingers through --
Q. All right.
A. -- the cage.
Q. All right. Now, have you ever seen any of the other animals abused in any way?
A. I’ve never seen any of the animals abused.
MR. SANGER: I’ll withdraw my -- the beginning of my objection.
Q. BY MR. AUCHINCLOSS: All right. So when children come to Neverland, within the bounds of safety, they get to do whatever they want; isn’t that fair to say?
A. That is fair to say.
Q. They’re treated like royalty almost?
A. Yes.
Q. And kids being kids, getting into mischief is kind of part of the program, isn’t it?
MR. SANGER: Objection. Vague; calls for speculation.
THE COURT: Overruled.
You may answer. Do you understand the question?
THE WITNESS: Yes.
Q. BY MR. AUCHINCLOSS: Would you agree with that statement?
THE COURT: Let him answer it.
MR. AUCHINCLOSS: I’m sorry.
THE WITNESS: Yes.

Q. BY MR. AUCHINCLOSS: And in your assessment of the Arvizo children, you described them as, quote, “a little destructive”?
A. That’s correct.
Q. Okay. And you’ve seen other children there be a little destructive as well?
A. Yes.
Q. It’s common, isn’t it?
A. I don’t know if it’s common, but it does

happen.

Q. Now, during your 17 years at Neverland, you had a firsthand opportunity to see a number of young boys visit Neverland; is that true?

A. Yes.

Q. Okay. Have you had a chance to see a number of these young boys who spent a lot of time with Mr. Jackson?

A. Repeat the question, please.

Q. Have you had an opportunity to see a number of these young boys that you just mentioned spend a considerable amount of time with Mr. Jackson?

A. Yes.

Q. Mr. Jackson tends to form special bonds with these -- some of these young boys, true?

MR. SANGER: I'm going to object. Lack of foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: Not just boys, but yes, I have seen him have bonds with children.

Q. BY MR. AUCHINCLOSS: Okay. And one of the young boys that Mr. Jackson had a special bond with was Frank Cascio. While you were there, did you see that?

A. Yes.

Q. And Frank is now an adult. He's about -- you said, I think, he's in his twenties now?

A. I believe so.

Q. And when you were there in 2003, working, you mentioned -- I believe you mentioned that Frank was there during that time?

A. I believe he was.

Q. Okay. And in fact, he stayed there for several months in early 2003, didn't he?

A. I don't know if he was there several months. He was in and out, yes.

Q. But he was on the ranch for over a month?

A. That's probably fair to say.

Q. And he was working for Mr. Jackson at that time, doing something for him, wasn't he?

MR. SANGER: Objection. Compound; vague;

and no foundation.
THE COURT: Sustained on compound.
Q. BY MR. AUCHINCLOSS: He was working for Mr. Jackson at that time, wasn’t he?
A. I have no knowledge of that.

Q. Well, he had an office at Neverland, didn’t he?
A. He had a space, yes.
Q. He had a desk?
A. I believe he did have a desk.
Q. He was working at that desk?
A. I don’t honestly know what he was doing.
Q. And this was at the same time that the Arvizos were there, true?
A. True.
Q. And what he was doing had something to do with the Arvizos, didn’t it?
MR. SANGER: Objection; foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: Not to my knowledge.
Q. BY MR. AUCHINCLOSS: Well, he had a friend named Vinnie there, didn’t he?
A. I believe so.
Q. Do you know what Vinnie’s last name is?
A. No.
Q. And Vinnie stayed there for about the same amount of time during that period as Frank did, true? Over a month.
A. Not to my recollection.
Q. Okay. What is your recollection about Vinnie, as far as the amount of time he spent at Neverland?

A. I recall him coming and going a lot.
Q. And when Vinnie would come and go, he would come and go with the Arvizos, wouldn’t he?
A. Sometimes. Not always.
Q. But often?
A. Not always.
Q. And you saw Frank with the Arvizos at times,

didn't you?

A. Yes.

Q. You mentioned a time when Vinnie was standing there and you witnessed a conversation with Janet, something to do about getting pictures --

A. That's correct.

Q. -- for the passports?

And it was Vinnie that wanted to -- was concerned about getting these pictures for passports, wasn't it?

A. Vinnie and Janet were standing there asking me for directions to a spot that they could get a picture taken.

Q. Do you know a man named Marc Schaffel?

A. I've met him.

Q. Who is Marc Schaffel?

A. He was a guest on the property.

Q. A guest of Mr. Jackson's?

A. Yes.

MR. SANGER: I'm going to object. This is beyond the scope of direct.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Have you seen Mr. Jackson form a special bond or special friendship with Aldo Cascio?

MR. SANGER: Beyond the scope of direct.

MR. AUCHINCLOSS: He's asked him about his -- any improprieties.

MR. SANGER: Object to a speaking response.

THE COURT: I've looked to him to speak. I'll overrule the objection. Go ahead.

Q. BY MR. AUCHINCLOSS: Did you see Mr. Jackson, observe it, form a special bond with Aldo Cascio?

A. They were friends, yes.

Q. What about Brett Barnes?

A. Yes.

Q. Jason Francia, did you ever see him spend time with Jason Francia?

A. No.

Q. What about Wade Robson?

A. Yes.

Q. Jordie Chandler?
A. Yes.
Q. Macaulay Culkin?
A. Yes.
Q. Gavin Arvizo?
A. Yes.
Q. Did you mention a Shane Brando?

A. I didn’t mention him.
Q. What about Shane Brando?
A. Yes.
Q. Little Michael?
MR. SANGER: Objection, Your Honor. Beyond the scope of direct and the Court’s ruling.
THE COURT: Overruled.
Q. BY MR. AUCHINCLOSS: Little Michael?
A. Do you have a full name?
Q. Omar Bhatti?
A. Yes.
MR. SANGER: Renew my objection. Motion to strike.
THE COURT: Overruled.
Q. BY MR. AUCHINCLOSS: Mr. Jackson is very security conscious, isn’t he?
A. Yes.
Q. Are calls monitored at Neverland?
A. No.
Q. Doesn’t Mr. Jackson have a phone in his private quarters where he can monitor phone calls?
A. Yes.
Q. So you don’t really know if Mr. Jackson monitors phone calls?
A. No.
Q. Mr. Marcus, doesn’t it say in the policy and procedures manual for Neverland Valley Ranch that employees acknowledge that their calls from Neverland Ranch can be monitored?

A. Yes.
Q. And your testimony is that those calls are not monitored?
A. Well, there’s only two phones that you can

actually monitor from. One is in my office. And one is at the house. And I don’t monitor them. And to my knowledge, he doesn’t monitor them.

Q. But you don’t know whether Mr. Jackson monitors phone calls, do you?

A. No.

Q. And didn’t that policy go into effect when Violet Silva complained to you about Mr. Jackson listening to her phone calls?

MR. SANGER: Objection; calls for hearsay.

MR. AUCHINCLOSS: Offered as impeachment.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Did anybody at Neverland Ranch complain to you that their calls were being monitored by Mr. Jackson?

MR. SANGER: Objection; calls for hearsay.

THE COURT: You may answer.

THE WITNESS: Nobody told me specifically that Mr. Jackson had been monitoring a call. But it was brought to my attention that somebody had picked up on a line and listened in on a phone call. But it was never said that it was Michael Jackson.

Q. BY MR. AUCHINCLOSS: Well, his is the only

phone that can do that other than yours, right?

MR. SANGER: Objection; argumentative.

MR. AUCHINCLOSS: I’ll strike that.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: All right. So no unauthorized people are allowed on the ranch. You’ve said that, true?

A. That’s correct.

Q. And in order to drive into Neverland Valley Ranch, someone has to open the gate, right?

A. That’s correct.

Q. And in order to drive out of Neverland Ranch, a security guard has to manually push something that opens a gate, true?

A. That is true.

Q. And the policy at Neverland is not to let golf carts off the property, correct?

A. That is correct.

Q. Same thing for quads, true?

A. There was a gray area, because security will sometimes use a quad to go outside the front gate.
Q. Okay.
A. But normally --
Q. Guests are not allowed to take quads out?
A. That is correct.
THE COURT: All right. Let's take our break.
(Recess taken.)
--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 9682 through 9734 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 10, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, May 10, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION

DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF.)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, MAY 10, 2005

8:30 A.M.

(PAGES 9736 THROUGH 9803)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

DEFENDANT’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
MARCUS, Joseph	9763-SA	9797-A		

THE COURT: Go ahead, Counsel.

MR. AUCHINCLOSS: Thank you, Your Honor.

Q. All right. Where we left off, I believe you were telling us that the quads are generally --

THE BAILIFF: Turn your microphone on, please.

Q. BY MR. AUCHINCLOSS: The quads were generally not allowed off the property when guests were driving them; is that correct?

A. True.

Q. Now, you have been -- when you were a security guard for Mr. Jackson, do you know if he considered you one of his best security guards?

MR. SANGER: I would object. That calls for speculation, without foundation.

THE COURT: The answer is obvious. All right. Sustained.

Q. BY MR. AUCHINCLOSS: Did Mr. Jackson place any special trust in you when you were a security guard?

A. Yes.

Q. And one of the things that he did that involved trust was that while he was on tour in ‘93, he had you personally patrol the hallway to his bedroom to make sure no one entered it; isn’t that true?

A. I don’t recall that.

Q. You don’t remember that?

A. Personally patrol inside --

Q. Inside the main house to make sure no one went in his bedroom when he was not there.

A. I don’t recall that.

Q. When the ‘93 case was under investigation, additional security was brought in to Neverland Ranch. Are you aware of that?

A. Yes.

Q. And they were known as “the OSS”; is that correct?

A. Yes.

Q. Were you the last security guard of the previous staff of security, not including the OSS, that turned his firearm over to -- or actually stopped being armed?

MR. SANGER: I’m going to object to that question as unintelligible.

THE COURT: Sustained.

MR. AUCHINCLOSS: I can rephrase it.

Q. Were you the last armed security guard on Mr. Jackson’s normal staff of security?

A. I don’t know if I was the last. I don’t know.

Q. Well, didn’t you refuse to turn your gun over at one time when you were asked to turn it over to the head of security?

MR. SANGER: That’s argumentative the way it’s phrased.

MR. AUCHINCLOSS: It’s offered as impeachment.

THE COURT: Overruled.

You may answer.

THE WITNESS: Do you know who the head of security was?

Q. BY MR. AUCHINCLOSS: Zimmerman. I believe he was your father.

A. I don’t recall.

Q. All right. Do you consider yourself a loyal employee of Mr. Jackson?

A. Yes.

Q. And you previously testified that he’s the person who gives you your instructions for your job at Neverland?

A. Yes.

Q. Do you take any orders from Dieter Weizner?

MR. SANGER: I’m going to object to the term “orders” as vague.

MR. AUCHINCLOSS: I’ll rephrase that.

That’s fair.

Q. In terms of your duties as the ranch manager of Neverland Ranch, do you take orders from Dieter Weizner?

A. I would take requests from Dieter Weizner and address them as needed.

Q. And those requests would be the normal requests of a guest, true?

A. True.

Q. But as far as policies and procedures at Neverland Ranch, Dieter Weizner doesn’t tell you what to do, true?

A. True.

Q. And neither does Marc Schaffel?

A. True.

Q. Neither does Frank Cascio?

A. True.

Q. Or Vinnie Amen?

A. True.

Q. Or Hamid Moslehi?

A. True.

Q. Ronald Konitzer?

A. True.

Q. That’s because Mr. Jackson is the only person who can tell you how to handle policies and procedures at Neverland Ranch, correct?

A. Correct.

Q. Have you reviewed any documents in this case in your preparation for your testimony?

A. Yes.

Q. Which documents?

A. My -- the document the investigator let me see before.

Q. I’m sorry?

A. It was a document of what I was to testify to.

Q. You were given a document regarding what you were to testify to?

A. No, what I had testified -- what I had stated in an interview with the investigator.

Q. An investigator who was working for Mr. Jackson?

A. Yes.

Q. How many documents did you review?

A. It was just my statement. I think it was a page and a half.

Q. Just one statement?

A. Yes.

Q. How many times have you been interviewed in this case by Mr. Jackson’s investigators?

A. That was it.

Q. Just one time?

A. Yes.

Q. And was that in November of -- I’m sorry. Was that in the early part of 2004?

A. No.

Q. Who was the investigator that interviewed you?

A. Jesus Castillo.

Q. Was he the only investigator that has interviewed you in relation to this case?

A. I believe so.

Q. Haven’t you been interviewed by Eric Mason?

A. No.

Q. You’ve never been interviewed in regards to this case by Eric Mason?

A. I’ve spoken with Eric Mason, but I have not officially been interviewed by him.

Q. Didn’t you testify on August 20th, 2004, at a hearing in this case that you were interviewed by Eric Mason?

A. I believe it was off the record, and I was not actually interviewed.

Q. I see. So Eric Mason -- do you know who he is?

A. Yes.

Q. He’s a private investigator who works for Mr. Jackson?

A. That’s correct.

Q. He had a private interview with you that was, quote, “off the record”?

A. Yes.

Q. Is that what he said?

A. That was my understanding of it, yes.

Q. Did Mr. Mason say that, “This interview is off the record”?

A. I don’t recall.

Q. But that was your understanding?

A. I didn’t actually physically sit down with Eric Mason.

Q. And he didn’t take any notes at that meeting, did he?

A. I don’t believe so.

Q. And he didn’t record it, did he?

A. I don’t believe so.

Q. And no one else was present, were they?

A. No.

Q. And you knew at the time Mr. Mason was working for Mr. Jackson, correct?

A. Yes.

Q. Are you aware of the charges against your employer?

A. Yes.

Q. And you were present when a search warrant was executed at Neverland Ranch on November 18th, 2003?

A. Yes.

Q. And you were interviewed by law enforcement in this case?

A. Yes.

Q. Did you tell the truth in that interview?

A. Yes.

Q. You were completely honest with the interviewer?

MR. SANGER: Objection. Argumentative and asked and answered.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: You were aware at the time that this interview was tape-recorded?

A. Yes.

Q. Did you tell the interviewer that Mr. Jackson had no security for his room except for a key?

A. I don’t recall.

Q. Did you tell the interviewer that alcohol has been served only two times in the history of Neverland at events there?

A. That’s correct.

Q. Is that true?

A. I believe that to be true.

Q. It’s only been served two times in the history of Neverland?

A. At events.

MR. SANGER: Objection.

THE WITNESS: I believe “events” was the key word.

MR. SANGER: I’ll withdraw it.

Q. BY MR. AUCHINCLOSS: What qualifies as an “event”?

A. More than five people, ten people.

Q. Okay. So a dinner party; never been served at a dinner party?

A. No, I didn’t say that. I said “event.”

Q. More than five people?

A. A scheduled event.

Q. Okay. A dinner party with more than five people?

A. Yes, alcohol would be served at dinner if somebody wanted some wine, that is correct.

Q. Okay.

A. The children’s parties? No. Those are --

Q. I’m not asking about children’s parties.

A. Okay.

MR. SANGER: Objection. Argumentative. The witness was answering the question.

THE COURT: Overruled.

Q. BY MR. AUCHINCLOSS: And do you -- let me strike that.

Do you have any knowledge of Mr. Jackson drinking alcohol himself?

A. Yes.

Q. You’ve seen him drink alcohol?

A. No.

Q. You have never seen Michael Jackson drink alcohol?

A. Personally, no.

Q. You said that when you met -- that you knew of the Arvizo family at that interview, correct?

A. That is correct.

Q. But you said -- when questioned about the family, you said, “Honestly, I only met the wife or the mother.” Was that a true statement?

MR. SANGER: Objection.

MR. AUCHINCLOSS: I’ll back up. I’ll back up. I should have asked a predicate.

Q. Did you say that you had only met the wife or the mother of the Arvizo family?

A. I believe that to be true; that I had not met the father.

Q. Well, you understood the question “family” included the entire family, didn’t you?

MR. SANGER: Objection. Argumentative and calls for hearsay.

THE COURT: Overruled.

You may answer. Do you want the question read?

THE WITNESS: Yes.

(Record read.)

THE WITNESS: Yes.

Q. BY MR. AUCHINCLOSS: And was it true when you said, “Honestly, I only met the wife or the mother”? Is that a true statement?

A. With regard to the father, that is true. I have not met the father.

Q. But you understood the question included the entire family, correct?

A. We can go back and forth here. I’m telling you what I recall.

Q. Well, do you recall that the question was, “What does” -- “Who’s included in that family? How many kids, parents, names, et cetera?” Do you recall that being the question when you said, “Honestly, I only met the wife or the mother”?

MR. SANGER: I’m going to object. This is hearsay and it’s improper impeachment.

THE COURT: Overruled.

Q. BY MR. AUCHINCLOSS: Do you recall that being the question when you gave that answer?

A. I don’t recall that to be the question or the exact question.

Q. Did the kids ever stay at Neverland without their mother?

A. Yes.

Q. Did you know that to be true when you gave this interview?

A. Yes.

Q. In the interview, didn’t you specifically state, “The kids never stayed there without their mother”?

A. I don’t recall.

Q. Mr. Marcus, when you gave this interview, weren’t you trying to distance yourself from the facts of this case and protect your employer, Michael Jackson?

MR. SANGER: Objection. Argumentative and compound.

THE COURT: I’ll sustain the objection as argumentative.

Q. BY MR. AUCHINCLOSS: You mentioned that you took this family, the mother and the children at least, to the dentist?

A. That’s correct. Actually, the orthodontist.

Q. Orthodontist. And you took them there because --

A. I did not take them there.

Q. I’m sorry?

A. I met them there.

Q. I’m sorry. Did you arrange that meeting with the orthodontist?

A. Yes.

Q. And you arranged that meeting because the two boys were having -- suffering from pain related to their braces, correct?

A. That’s part of the story that I heard, yes.

Q. Isn’t that what you told the interviewer?

A. Yes.

Q. You didn’t tell them anything else other than the fact that the boys were having pain and they needed to go to the orthodontist immediately?

A. Correct.

Q. And you called the orthodontist, correct?

A. Yes.

Q. You picked that orthodontist?

A. It was recommended to me.

Q. Okay. You made an appointment?

A. Yes.

Q. And you specifically made an appointment after the orthodontist’s office would be closed for business, true?

A. Correct.

Q. What time did you make that appointment for?

A. 6 or 7 p.m. I don’t know exactly what time.

Q. And then Vinnie took them to the orthodontist, true?

A. Vinnie met me at the orthodontist, correct.

Q. But Vinnie was transporting the Arvizo family, true?

A. Yes, he was.

Q. Did you arrange for that?

A. They were on their way back from Santa Maria, so we met there.

Q. Did you arrange for Vinnie to take the Arvizo family to the orthodontist?

A. Did I personally arrange it? No.

Q. You didn’t talk to Vinnie?

A. Yes.

Q. So did you arrange with Vinnie to meet you at the orthodontist?

A. Yes.

MR. SANGER: I’m going to object. That’s argumentative and that’s a different question.

THE COURT: Overruled. The answer was, “Yes.” Next question.

Q. BY MR. AUCHINCLOSS: And the Arvizo family, during that meeting, was never outside either your presence or Vinnie’s presence, as far as you know, correct?

A. Not correct.

Q. When were they outside your presence or Vinnie -- well, let me break that up. Were they outside your presence?

A. Yes.

Q. When was that?

A. While they were in the operating room or --

I was in the lobby. They were in the back, the back room.

Q. But they were in the same building, correct?

A. Yes.

Q. And you sat there for about an hour and a half?

A. Correct.

Q. Can you tell us why you sat there for an hour and a half reading magazines?

A. It was pouring down rain. They needed a ride back. I didn’t know how long the procedure was going to take.

Q. And why did you meet them there at the same time that the appointment was to begin?

A. I arranged the appointment. And I was going to pay for the appointment.

Q. But the payment would be at the end of the appointment?

A. I didn’t know what the -- I don’t believe we had agreed upon a price at that point, possibly.

Q. Was Neverland Valley Ranch on a skeleton crew at this time, in February of 2003?

A. No.

Q. Do you know who International Business Management is?

A. International Business Management. No.

Q. Did you ever contact anyone complaining that Neverland Valley is on a skeleton crew and that you were concerned about safety in the month of February 2003?

MR. SANGER: Objection; beyond the scope of direct.

THE COURT: Overruled.

You may answer.

THE WITNESS: Who was that International Business Management? What is the name?

Q. BY MR. AUCHINCLOSS: My question is, did you ever complain to anybody that Neverland Valley Ranch was on a skeleton crew during the month of February 2003, and that you were very concerned about safety?

A. I don’t recall.

Q. That’s possible that you might have done

that?

A. It's possible.

MR. SANGER: Calls for speculation.

THE COURT: Overruled. The answer was, "It's possible." Next question.

Q. BY MR. AUCHINCLOSS: So my question was, was Neverland Valley Ranch on a skeleton crew at that time?

A. Apparently it was possible.

Q. Do you have any knowledge of children sleeping in Mr. Jackson's room?

A. Yes.

Q. On the interview that you had with the investigator at the time of the search warrant, you specifically said you had no knowledge of children sleeping in Mr. Jackson's room, didn't you, Mr. Marcus?

A. That's correct.

Q. That was untrue, wasn't it?

A. Yes.

Q. So you weren't honest in that interview, were you, as you just testified?

MR. SANGER: Objection; argumentative.

THE COURT: Sustained.

MR. AUCHINCLOSS: I'll strike that.

Q. In terms of the question regarding whether or not the Arvizo children were allowed to leave the ranch, you ordered security not to let Gavin and Star and Davellin off of the Neverland Ranch property, didn't you?

A. No, I don't believe that to be true.

Q. You don't believe it to be true?

A. Ordered? You're saying I ordered someone --

Q. Gave a directive to the security staff not to let those children off of the property, correct?

A. I believe -- I believe that we -- yes.

Q. You did do that?

A. Yes.

Q. And that order was placed on a grease board in the security office, wasn't it?

A. I don’t know about that, no. The only order I know of is the one that you’ve -- that we saw today.

Q. Well, you just testified that you ordered security not to let those children off the property. How did you do that?

A. I believe it was in writing on the overhead that we saw earlier.

Q. My question is, how did you do that, Mr. Marcus? How did you make that order? How did you communicate that order to the security staff? That’s my question.

A. The phone.

Q. You called who?

A. Probably the officer that was at the gate.

Q. And at least one time you made that order at 5:52 p.m. on February 19th, ‘03, correct?

MR. SANGER: I’m going object to the question as misstating the evidence, “at least one time.”

THE COURT: Overruled.

You may answer.

THE WITNESS: Can you repeat the question?

THE COURT: I’ll have it read back.

THE WITNESS: I just don’t have the date in front of me, so....

MR. AUCHINCLOSS: That’s fine.

(Record read.)

THE WITNESS: If that’s what the document says that’s in your hand, then that is correct.

MR. AUCHINCLOSS: Could I have the Elmo, please, Your Honor?

THE COURT: Yes.

Q. BY MR. AUCHINCLOSS: Mr. Marcus, I’d like to show you that document again. For the record, it’s Exhibit 334, Bates number MJ00154.

Okay. Can you read that?

A. Yes.

Q. I’d like you to go down to 1740, the notation that, “Hill house garage is going to be left unlocked per Jesus.” Do you see that?

A. Yes.

Q. And then under that, it said, “Hamid is going up there.” So does that mean at 5:40 Hamid is going up to the hill house garage?

A. That’s what it appears.

Q. And then under that, approximately 12 minutes later, there’s the notation, “The kids are not to leave per Joe. ‘Kids’ meaning like Gavin, Star, et cetera.”

A. That’s correct.

Q. Is that when you made that directive to security that the kids are not to leave?

A. Did I call them at 1752? I don’t know.

Q. Okay. Would it be the policy of the security guard to make that notation when you made that call?

A. It would be the policy, yes, but it’s not always the case.

Q. Okay. But the reason why they have a number next to that, the 1752, that’s to connote the time that you made that order?

A. That’s correct.

Q. Okay. So 12 minutes after Hamid arrives, you decide that the kids are not to leave the property, true?

A. That is true.

Q. And your testimony is that your reason for that is because you were concerned about the kids at that moment driving off the property driving an automobile? Is that the reason why you made that order?

A. I also stated that there was a documentary going on, and it was undecided where the location was going to be that it was going to take place.

Q. Okay. Who told you about this documentary?

A. Hamid.

Q. Okay. So Hamid arrived and told you that he was going to take the kids off the property?

A. That is correct.

Q. And you told Hamid, “The kids are not allowed to leave the property,” didn’t you?

A. Their mother was not on property and, yes, I did.

Q. Okay. So --

A. I do not believe their mother was on property.

Q. So you were not going to allow those kids off the property, no matter what?

MR. SANGER: Objection. Argumentative and vague.

MR. AUCHINCLOSS: I’ll strike that.

Q. So now you’re adding another reason: It’s the mother wasn’t on the property. Is that the reason why you wouldn’t allow them off the property at that time?

MR. SANGER: Objection; argumentative.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Mr. Marcus, Gavin Arvizo and Star Arvizo never drove a full-sized automobile on the Neverland Valley Ranch property, did they?

A. No, that is not true.

Q. Did you personally observe them driving an automobile on Neverland?

A. No.

Q. Do you know of anybody, by name, who saw Gavin and Star Arvizo driving on the Neverland Valley property?

A. Yes.

Q. Who?

A. I believe Jesus Salas let me know that they had driven it back from the -- a van, actually, from the theater. And that was obviously a concern.

Q. A van from the dealer?

A. The theater.

Q. Oh, the theater. Okay. And you were concerned that a 13-year-old boy would drive a van or some full-sized vehicle to the gate and that, unless you told the security guards not to let him out, they would just say -- open the gates, “Have a nice drive”? Is that what your concern was?

A. My concern was, it is not uncommon for a vehicle, if it’s one of the primary vehicles that

have tinted windows, if somebody were to pull up, some guards would just automatically open the gates. So, yes, I would want them to know who was in the vehicle.
Q. Isn't it a fact that they don't let any of the ranch vehicles out unless they know who's driving them?
A. That is not true.
Q. Aren't there notations in this very log where employees attempted to drive out of Neverland Ranch and they were stopped and detained because they didn't have authorization?

A. They attempt. But it's not always the case. I've driven off property many times with --
Q. Well, 13-year-olds are not allowed to drive on Neverland property, right?
A. They do.
Q. But, I mean, the security guards know this, true?
A. The security guards try to limit them.
Q. When Jesus told you about Gavin driving the van on Neverland property, Jesus told you that Jesus was in the van with Gavin at the time, didn't he? Isn't that true?
A. No, that's not true. I don't recall that to be the case.
Q. Is there any notation anywhere in the Neverland documents, security records, logs, anywhere that indicates Gavin or Star Arvizo drove a Neverland vehicle?
A. I believe you have the documents, so I don't know that to be true or not.
Q. I'm asking you what you know.
A. I don't know.
MR. SANGER: Objection; argumentative.
THE COURT: Overruled. Next question.
Q. BY MR. AUCHINCLOSS: And after this driving incident, you continued to keep the keys to these vehicles in the vehicles themselves; is that correct?

A. Yes.
Q. Why?
A. Convenience.
Q. Convenience was more important than safety?
MR. SANGER: Objection; argumentative.
MR. AUCHINCLOSS: It’s a fair question.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: You said that you’ve never seen anything inappropriate at Neverland, is that correct, involving children?
A. Inappropriate, yes.
Q. Now, you have full access to the entire property, correct?
A. Yes.
Q. You have access to Mr. Jackson’s room?
A. With permission, yes.
Q. Yes. You have access to his office?
A. With permission, yes.
Q. You’ve been in his office?
A. Yes.
Q. Children are in his office?
A. That’s correct.
Q. Children are in his room?
A. Correct.
Q. You’ve seen pornography -- or, excuse me, you’ve seen adult erotic materials at Neverland Ranch, correct?
A. Yes.

Q. And have you seen adult erotic materials in Mr. Jackson’s room?
A. No.
Q. Have you seen adult erotic materials in areas where Mr. Jackson allows children to be?
A. No.
Q. Do you know if Mr. Jackson possesses adult erotic materials?
MR. SANGER: Lack of foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes.
Q. BY MR. AUCHINCLOSS: You know that he does possess adult erotic materials?

A. Oh, no. I don’t know that he does.
Q. You have no knowledge of that?
A. Have I gone out and bought them for him? No. Do I know that he owns them? I haven’t seen them with him, no.
Q. Well, you’ve been in his office numerous times, true?
A. Yes.
Q. I’m showing you Exhibit 779. Do you consider these adult erotic materials, Mr. Marcus? Yes? Do you?
A. No. I mean, yes, they are. They’re artwork, but --
Q. You keep looking at Mr. Jackson. Why is that?

MR. SANGER: Objection; argumentative.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Okay. So you admit that these are adult erotic materials?
MR. SANGER: Asked and answered.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: And you have seen these before, haven’t you?
A. Yes.
Q. And they are on Mr. Jackson’s desk in his office?
A. That is correct.
Q. And they are there when children are allowed to come into his office?
A. That is correct.
MR. AUCHINCLOSS: All right. Thank you. I have no further questions.
MR. SANGER: I think you’ve left some things up here, and I’ll let you --
MR. AUCHINCLOSS: I’m sorry.
MR. SANGER: May I proceed, Your Honor?
THE COURT: Yes.
MR. SANGER: Thank you.

REDIRECT EXAMINATION
BY MR. SANGER:
Q. Okay. Mr. Marcus, the figurines that you

just were shown, how big are those figurines; do you know? Do you remember actually seeing them as opposed to seeing the pictures?
A. Probably ten -- well, I don’t know. 16 inches.
Q. And where are these figurines located?
A. I believe they’re on his desk.
Q. And what else is on his desk?
A. Lots of other stuff.
Q. Again, so is his desk messy?
A. Yes.
Q. All right. Let’s go back to a couple things here. First of all, let’s talk about interviews for a second. You were interviewed by the Los Angeles Police Department in 1993; is that correct?
A. I don’t recall that, but if that is --
Q. That’s right. I think I asked you if you were interviewed by law enforcement. You remembered that, but not which department it was; is that right?
A. Yes.
Q. Do you remember there being a detective by the name of Rose Ferrufino?
A. No.
Q. Were you interviewed by a woman detective at that time? Do you remember at all?
A. I don’t recall.
Q. In any event, whatever you did, you cooperated at that time with the interview; is that right?

A. I believe so.
Q. Okay. Now, you were also interviewed on November the 18th of 2003; is that right?
A. That’s correct.
Q. Were you there when the officers arrived at the ranch in the morning?
A. No.
Q. All right. Did somebody call you to come in or did you just come at in your regular time?
A. Yeah, I just arrived a little bit after

the --

Q. And you were at that time, November 18th, 2003, the ranch manager, correct?

A. Yes.

Q. Was this something you expected to happen?

A. No.

Q. Okay. Was it -- did it upset the routine that you had planned for that day?

MR. AUCHINCLOSS: Objection; relevance.

THE COURT: Overruled.

You may answer.

THE WITNESS: Yes, definitely.

Q. BY MR. SANGER: Can you describe the state of things at the ranch? Just sort of describe what was happening.

A. Well, there was 70 officers going in every

different direction doing what they wanted at that point in time, and it caused me concern because we had about 60 employees on property. And I wanted to -- number one concern was the employees, to make sure that they were obviously taken care of or if they needed anything. I wasn’t exactly sure what was really going on at that exact moment.

Q. Okay. And when this group of officers arrived, did they -- did they pretty much all arrive at once?

A. I believe so.

Q. Okay.

A. They arrived before I did.

Q. All right. So by the time you got there, was it pretty overwhelming?

A. Yes.

Q. Now, were there also guests on the property?

A. Yes.

Q. Did you have concern for the guests?

A. Yes.

MR. AUCHINCLOSS: Objection; leading.

THE COURT: Overruled. Next question.

Q. BY MR. SANGER: Did you attempt to respond to requests from the various officers?

MR. AUCHINCLOSS: Objection; leading.

THE COURT: Overruled.

THE WITNESS: Yes.

Q. BY MR. SANGER: Okay. Thinking back to that day, what sorts of things were you being asked about or asked to do?

A. Open certain buildings that they needed access to.

Q. All right. And did you attempt to accommodate those requests?

A. If I had the key available, yes.

Q. All right. Were you also -- when you said you were dealing with employees, what sorts of things were you doing with some of the employees?

A. I mainly wanted to know that they were -- I wasn’t sure if the employees were allowed to leave the property at that point or if they had to stay. And I was trying to figure out if that was an option, if some of the employees could leave. Some of them were uncomfortable with being there for whatever reason. It was just a stressful morning, obviously.

Q. And what did the police officers or the sheriff’s officers do, sheriff’s and district attorney’s investigators? What did they do with regard to the employees?

MR. AUCHINCLOSS: Objection. Vague; relevance.

THE COURT: Sustained.

MR. SANGER: Which ground?

THE COURT: Relevance.

MR. SANGER: May I, Your Honor --

THE COURT: All right.

MR. SANGER: -- in just one word explain? Has to do with his interview.

THE COURT: All right. I’ll allow the question.

MR. SANGER: Thank you.

Q. What did they do with the employees in general?

A. They would interview them or speak with them, get their information. Some were in different

areas, so there was different officers with different employees.
Q. Okay. And did you make arrangements to send some of the people back to work?
A. Yeah. I thought that if they wanted to stay, then, yes.
Q. And did you try to comply with all the officers’ requests with regards to interviews?
A. Yes.
Q. Did you personally submit to an interview yourself?
A. Yes.
Q. And you were aware it was tape-recorded; is that correct?
A. Yes.
Q. And when you were being interviewed, was that after everybody else left and it was all calm, or how were things going at the time?

A. No, it was about eleven o’clock, I believe, and --
Q. 11 a.m.?
A. Yeah, 11 a.m., so it was only two hours into it. They were there until ten o’clock, I believe, p.m.
Q. Was it calm or chaotic, or what was going on around that time?
A. Yeah, it was still -- it was chaotic. The whole day was obviously chaotic.
Q. And did you have a radio?
A. Yes.
Q. Is that something you carry around in the normal course of your duties at the ranch?
A. Yes.
Q. Why did you carry a radio?
A. To communicate with the employees and to be accessible.
Q. All right. Were people on the radio to you seeking guidance and expressing concerns during this period of time?
A. I believe so, yes.
Q. Okay. In fact, while you were being interviewed, your -- you asked permission to answer

the radio several times; is that correct?

MR. AUCHINCLOSS: Objection; leading.

THE COURT: Overruled. You may answer.

THE WITNESS: That is correct.

Q. BY MR. SANGER: All right. And the officers let you -- did the officers let you answer your radio?

A. Yes.

Q. All right. Now, in the middle of this, when you were giving the interview, did you remember all the names of the Arvizo family as you were sitting there?

A. I was extremely overwhelmed at the moment, and no, I did not.

Q. Did the officers eventually tell you the names of the Arvizo family members?

A. I believe it was on the -- the warrant, I guess, if you will. So, yes.

Q. But you went over -- you went over the Arvizo family members with the -- with the officers; is that correct?

A. Yes.

Q. And they asked you about the father. Do you recall that?

A. Yes.

Q. Do you remember telling them whether or not you had seen the father?

A. I don’t believe I’ve ever met the father. I might have seen him, but I don’t know if I’ve ever met him. If so, it was a long time ago.

Q. Okay. And that’s what you told them, right?

A. Yes.

Q. Now, as far as the mother was concerned, did you tell them that you had met Janet Arvizo?

A. Yes.

Q. You told them that you had -- did you tell them that you had met the children?

A. Yes.

Q. Did you tell them where the mother usually stayed?

A. I believe so. I don’t know if that came up. I know that she stayed in the guest units.

Q. Okay. Did one of the officers ask you if the children had ever stayed in the arcade, slept in the arcade?

A. Possibly.

Q. Did the children ever sleep in the arcade?

A. There’s no sleeping quarters in the arcade, so I wouldn’t -- I wouldn’t think so.

Q. All right. Now, did you tell the -- you were asked a question by Mr. Auchincloss about whether or not you said that the children, the Arvizo children, had slept in Mr. Jackson’s room. I believe that was the question that was asked. Do you have personal knowledge -- have you seen the children sleeping in Mr. Jackson’s room?

A. I don’t recall that question being asked.

Q. Okay. Well, let me ask you this: Do you recall the Arvizo children actually sleeping in Mr. Jackson’s room? In other words, did you see them sleeping in Mr. Jackson’s room? Forget about what you were asked. Let me start over. I’m asking you right now. Did you ever see the Arvizo children sleeping in Mr. Jackson’s room?

A. I don’t believe so.

Q. All right. Did you -- were you aware, through your duties and in the course of what you were doing, that the Arvizo children were sleeping in the house?

A. Yes.

Q. Did you assume that they were probably sleeping in Mr. Jackson’s quarters?

A. I didn’t assume. But there is an extra room in the suite, so, yes, they could have been.

Q. All right. And about how long was your interview that day with the police, the sheriff’s and D.A.’s investigators at the ranch on November 18th, 2003?

A. About an hour and a half, I think. An hour maybe.

Q. Now, you were also asked about whether or not you were interviewed by various people. Let’s start with Eric Mason. Do you know who Eric Mason actually worked for?
A. Ultimately? I believe Mr. Jackson.
Q. All right. First of all, is Mr. Mason a licensed private investigator?

A. I don’t know.
Q. Okay. Where is he from? Do you have any idea?
A. I believe he lives in the Bay Area.
Q. Okay. Do you know whether or not he has an office up there?
A. I believe so.
Q. Have you ever seen the name of his office or his firm?
A. No.
Q. Okay. Now, do you know if Mr. Mason was working for an attorney or attorneys as an investigator?
A. I believe so.
Q. Okay. When you say ultimately for Mr. Jackson, do you know whether or not he was working for the attorneys or if he was employed directly by Mr. Jackson?
A. I don’t know.
Q. Have you seen Mr. Mason in the company of any attorneys over the years?
A. Yeah.
Q. Okay. Which attorneys?
A. I believe Mark Geragos, yourself. Do you mean there together?
Q. Yeah. Do you know if -- for instance, do you know Steve Cochran?

A. Yes.
Q. Okay. And who does he work for?
A. Are we talking firm, or --
Q. Yes, his firm. Do you know the firm?
A. Rosenman -- I’m just not sure on the rest of it.

Q. Okay. A firm that includes the name Rosenman; is that correct?

A. Yes.

Q. And is that -- where is that firm located?

A. In Los Angeles.

Q. Do you know if Mr. Mason was working for Mr. Cochran and that firm?

A. I think so.

Q. All right. All right. You mentioned you’d seen me over the years; is that right?

A. Yes.

Q. And during the period of time in recent years that you’ve been the ranch manager, have you been responsible for making arrangements for the attorneys and investigators to come to the ranch for various purposes associated with the case?

A. Yes.

Q. Did you make an effort to avoid being involved in any substantive discussions while attorneys and investigators were there?

MR. AUCHINCLOSS: Objection; leading.

THE COURT: Sustained.

Q. BY MR. SANGER: Did you -- would you be interviewed whenever attorneys or investigators would come to the ranch?

A. No.

Q. What would happen, generally?

A. Generally we would just go about our business, whatever needed to happen with regard to if it was -- they were there for -- it was more or less I was just there to assist them if they needed something, an area opened or -- just mainly to assist them if they needed something.

Q. So you’ve met Mr. Mesereau before, I take it?

A. Yes.

Q. You met Miss Yu?

A. Yes.

Q. Now, as far as being interviewed about this case, as far as defense investigators, somebody representing Mr. Jackson, you referred to about a page -- and I think you said it was a page or a page-and-a-half interview that you reviewed earlier; is that right?

A. Yes.

Q. And who was the investigator who actually did the interview of you for that report?

A. Jesus Castillo.

Q. Jesus Castillo. And did -- is Mr. Castillo a licensed private investigator, to your knowledge?

A. I believe so.

Q. Okay. Where is he from?

A. Here in Santa Maria.

Q. All right. He has an office here in Santa Maria?

A. Yes.

Q. Did Mr. Castillo tell you what to say?

A. No.

Q. What did he do?

A. He asked me -- number one, he subpoenaed me. Number two, he let me see the report, if you will, and just -- I was at his office for 15 minutes. It was --

Q. Okay. That was recently, to get you here --

A. Yes.

Q. -- right?

Okay. Before that, there's a report that you reviewed that had to do with your testimony, you said.

A. Uh-huh.

Q. So my question is, how did that report come about? Was that as a result of you talking to somebody?

A. With Jesus.

Q. There you go. Okay. Do you remember when that was that you talked with Jesus?

A. Just recently. Two months ago maybe.

Q. And so two months ago was the first time you sat down and were actually interviewed by an investigator about this case?

A. That's correct.

Q. Now, back in '93, were you formally

interviewed by anybody, that you can remember?

A. I don’t recall.

Q. Did Eric Mason ever make any effort to have some kind of secretive talks with you?

A. No.

Q. All right. So when you talked to any investigators or lawyers, did you speak honestly, whatever the context was, with any of the defense lawyers or investigators?

A. Yes.

Q. Okay. Let’s go back to other questions that you were asked. You talked about having codes programmed into the phone, right?

A. Yes.

Q. First of all, are guests at the ranch instructed on how to use the phone?

A. Yes.

MR. AUCHINCLOSS: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. SANGER: Okay. To your knowledge -- you’re the ranch manager. Based on your knowledge of ranch operations, is it policy to advise or instruct guests on how to use the phone?

A. Yes.

Q. All right. And have you personally either done so yourself or witnessed other employees instruct guests on how to use the phone?

A. Yes.

Q. Are you asked from time to time how to use the phone?

A. Yes.

Q. Do you ever deny guests the information as to how to use the phone?

A. No.

Q. Now, you talked about two different situations, one being the three-digit entry --

A. Yes.

Q. -- and you said it can be any three digits?

A. That’s correct.

Q. So basically you get one of these phones and you have to push a button to get a line. You hit the digits and that gives you an open line. You hit that button and you can call out; is that right?

A. That’s correct.

Q. And if anybody ever asked you how to do that, you would tell them, right?

A. Yes.

Q. And you believe that there’s some of the phones -- let me withdraw that.

Do you have any question as to whether or not some of the phones are accessible without the three-digit code?

A. That is true.

Q. So you’re not absolutely certain which phones are which; is that right?

A. Exactly.

Q. And you believe that the phones in the guest quarters do not need the three digits?

MR. AUCHINCLOSS: Objection. Misstates the evidence; leading.

THE COURT: Overruled.

THE WITNESS: I believe that to be true.

Q. BY MR. SANGER: All right. Now, let’s put it this way: If somebody were in the guest units, and they were able to call from the guest units to somebody in Los Angeles, they would either have to have a phone without the code or they would have to know the code, correct?

A. Correct.

Q. And if they were able to get that outside line and make a call to people in Los Angeles, they could call 9-1-1; is that correct?

A. That’s correct.

Q. And by calling 9-1-1, they’d actually get the outside 9-1-1 dispatch center; is that right?

A. That’s correct.

Q. Is it also possible to call security for an emergency?

A. That is correct.

Q. And how would you do that?

A. You would use the intercom to call the front gate. They’re there 24 hours a day.

Q. All right. So if there’s ever an emergency of any sort, you can call -- you can call for security and they’ll respond; is that right?

A. That’s correct.

Q. You mentioned that there were a number of things set up in the ranch by Mr. Jackson that involved games and entertainment and that sort of thing; is that correct?

A. Yes.

Q. Are they just for children?

A. No.

Q. Do adults also partake of the various video games and rides and other things at the ranch?

A. Yes.

Q. Do adults seem to enjoy it as well?

A. Yes.

Q. By the way, before I turn my page here, I’ll go back to the telephone calls for a second. To your knowledge, as the ranch manager and having reviewed all the records of the ranch, and based on any information you received from department heads or anybody else at the ranch whatsoever, is there any indication whatsoever that Janet Arvizo was in any way restricted from using any telephone at that ranch?

MR. AUCHINCLOSS: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. SANGER: All right. Now, you were asked by Mr. Auchincloss about special bonds with different people and he asked about young boys, I think, in his own words. Do you recall those questions?

A. Yes.

Q. Did Mr. Jackson have any special bonds with young girls?

A. Yes.

Q. Can you recall -- well, I don’t want to go and list the names here unnecessarily, but do you recall any Cascio children?

A. Yes.

Q. Who would that be?

A. Marie Nicole.

Q. Who how about the Culkin family?
MR. AUCHINCLOSS: Objection; leading.
THE COURT: Sustained.
Q. BY MR. SANGER: Well, you were asked about -- let me see here. You were asked specifically --
May we approach for a moment? I just have a technical issue on this.
THE COURT: All right.
(Discussion held off the record at sidebar.)
MR. SANGER: Okay. May I proceed, Your Honor?
THE COURT: Yes.

MR. SANGER: Thank you.
Q. All right. Were there other girls who were family members -- let me withdraw that.
Were there other girls who visited the ranch?
A. Yes.
Q. And did other girls besides Marie Nicole seem to have a special bond with Mr. Jackson and vice versa?
MR. AUCHINCLOSS: Objection; asked and answered.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes.
Q. BY MR. SANGER: And who were they, the best you can recall? Do you recall some names?
A. I don’t recall the names of each individual child, no, but some of the Culkin kids. Karlee Barnes. I don’t recall exact names now.
Q. Okay. But were there girls involved in activities?
A. Yes.
Q. Now, were there also adult women who had a special bond with Mr. Jackson?
MR. AUCHINCLOSS: Objection -- well, I’ll withdraw that objection.
THE COURT: Go ahead.
THE WITNESS: Yes.

Q. BY MR. SANGER: Okay. Besides the women to whom he was married, were there other women who seemed to be particularly close friends with Mr. Jackson?

A. It appeared to be, yes.

Q. Okay. Do you recall the names of any of those particular individuals?

A. Besides his wives?

Q. Yeah.

A. He has friends. Elizabeth Taylor. I’m drawing a blank on a few of the names, but --

Q. You need to speak up just a little. It’s -- you’re trailing off there.

You said Elizabeth Taylor. And you drew a blank on the others?

A. Yeah. There’s other women, I just don’t --

Q. All right. Okay. All right. Now, just picking up, again, on questions that you were asked here. You were asked about Frank Cascio having a desk. Was there a desk that he was allowed to use at the ranch?

A. Yes.

Q. All right. Do you know if anybody assigned it to him or if he just started using it?

A. He went and bought it.

Q. Oh, he bought it?

A. Okay.

Q. And where did he put this desk?

A. In the video library.

Q. All right. Now, the video library is up above the garage; is that correct?

A. Correct.

Q. Can you describe the video library itself, just briefly? What does it look like?

A. It’s filled with videos and DVDs, laser disks, all different titles.

Q. Are they arranged? Does it look --

A. Yes.

Q. How is it arranged?

A. By category.

Q. All right. Sort of like a Blockbuster? If you walk in there, the same kind of shelves?

A. Yeah, you can go to the comedy section or horror section, cartoon section, yes.

Q. And is there a small living area at the west end of that video library?

A. Yes.

Q. And describe that very briefly.

A. It’s a couch, a massage chair, a bed. Actually, the couch turns into a bed. And a kitchen area and video equipment to watch movies.

Q. All right. And do guests sometimes stay there?

A. Yes.

Q. All right. Now -- and did Frank Cascio sometimes stay there?

A. Yes.

Q. Did other people sometimes stay there?

A. Yes.

Q. Where was this desk that Frank Cascio bought? Where did he put that desk in this --

A. I believe it was in the -- at the other -- the other end of the building.

Q. So the east end?

A. The east end, yes.

Q. So you got the video library, that is kind of like Blockbuster, in the middle?

A. Uh-huh.

Q. And you have the little kitchenette and a convertible sofa on the west end?

A. Exactly.

Q. And on the east end there’s a little cove, and the desk was stuck there; is that right?

A. Yes. Next to the rest room.

Q. And was this a full-fledged office where this desk was placed, or was it -- was it a big office with chairs --

A. No.

Q. -- and all that? Just describe it.

A. One chair. Fax machine. Computer.

Q. All right. Now, you were asked about Vinnie being there as much as Frank. Was Frank sometimes there when Vinnie was not there?

A. Yes.

Q. And we're talking about February and March of 2003, okay?

A. Uh-huh.

Q. How often was Frank there and Vinnie not there?

A. I don't recall.

Q. You recall that it happened, but just not the frequency?

A. Yeah.

Q. And from February the 7th, let's say, to March the 12th, that period of time, was Frank always at the ranch during that period of time?

A. I don't know if he was there every day.

Q. Okay. You can check the logs and that might help you make that determination; is that right?

A. Yes.

Q. Was Vinnie ever there during that period of time when Frank wasn't there?

A. I don't recall.

Q. All right. Now, when you were a security guard, there was something asked about your being armed. Did you have a guard card at that time?

A. Yes.

Q. What is a guard card?

A. It authorized you to carry a weapon here in the State of California.

Q. And do you need to have a guard card, to

your knowledge, on private property?

A. I don't believe so.

Q. Okay. But you had one anyway?

A. Yes.

Q. And did you have to qualify?

A. Yes.

Q. At the time when you were carrying a weapon -- let me stop that for a second and ask this: At this point in time, nobody carries a weapon out there; is that correct?

A. Correct.

Q. At the time when you were carrying a weapon

in the early ‘90s at the ranch, did you feel that it was an appropriate thing to do?
A. At that point, yes.
Q. And this is a ranch, we’ve heard about. Are there unimproved portions of this ranch?
A. Yes.
Q. Are there areas where you will go up into the hills and into brush and --
A. Yes.
Q. -- tree areas, that sort of thing?
A. Yes.
Q. As part of the security job, would you have to go into those areas from time to time?
A. Yes.
Q. Now, since that time, things have worked out okay without being armed; is that correct?

A. Yes.
Q. And do you have good radio communication now, in the last couple, few years?
A. Yes.
Q. So if you encounter a problem or anybody on the ranch encounters a problem, they can call security to back them up?
A. Yes.
Q. What’s the response time usually, if you’re in the main area of the ranch, if somebody puts out an emergency call for security?
A. Couple of minutes.
Q. There was a question about alcohol being served. Is it true or not that alcohol was only served at two events prior to your interview in 2003?
A. When we say “event,” I’m talking like a large group of children or group of people that come to the property. So, yes. A wedding or something of that nature.
Q. And when you say “event,” at your job, that takes on a particular meaning; is that correct?
A. Yes.
Q. It’s not just Mr. Jackson having friends over for dinner?
A. No.

Q. Okay. And for events, what do you generally have to do if you're going to have an event there? In other words, do you have to get special equipment, put tents up, do things like that?

A. Yes. Yes.

Q. And so your recollection that there were two events, do you remember what events they were?

A. I believe the Britto party of 2000 -- I think it was 2003. Or '2, actually. And there was probably two weddings that wine was served.

Q. All right. And since you were there when the ranch was purchased by Mr. Jackson, was it purchased furnished?

A. I believe so, yes.

Q. And was part of what was purchased a collection of wine?

A. Yes.

Q. Has that collection of wine been depleted since the purchase of the property?

MR. AUCHINCLOSS: Objection; relevancy.

THE COURT: Overruled.

You may answer.

THE WITNESS: I believe there's still some, but most of it has, yes, been consumed.

Q. BY MR. SANGER: And that -- let me withdraw that.

Okay. Let's talk about the orthodontist. You were asked some questions about that. Is it your understanding that Mr. Jackson ultimately paid for the orthodontic work that was done on the Arvizo children?

A. Yes.

Q. Do you know how much it was?

A. I believe it was about $700 or $800. 750, possibly.

Q. You were asked about the request that was made by Mrs. Arvizo, Janet Arvizo, for orthodontic care for her children. Can you describe that in more detail? What was requested?

A. I believe the children's --

MR. AUCHINCLOSS: I’ll object. Hearsay.

THE COURT: Foundation.

MR. SANGER: Okay.

Q. You were asked what reason was given for the orthodontic care or the request for the orthodontic care. Do you recall that?

A. Yes.

Q. And you gave an answer, and then Mr. Auchincloss, I think, interrupted you.

Where did you get the information from for that answer? In other words, how did you know that orthodontic care was being requested by Janet Arvizo?

A. I believe I spoke with Janet on that day.

Q. All right. And what did she tell you?

A. That her children’s teeth were hurting extremely badly and needed some care. Didn’t want to go back to the -- the orthodontist in L.A. I

believe there was an issue with prior payment. She just wanted to take those braces off and send them back to the orthodontist that originally put them on, I believe.

Q. All right. Did she tell you what she wanted to do with her children’s teeth after the braces were removed and sent back to the orthodontist?

MR. AUCHINCLOSS: Objection. Relevancy; hearsay.

THE COURT: Sustained.

MR. SANGER: All right.

Q. In any event, you made the arrangements for her to go to the orthodontist, correct?

A. Yes.

Q. And was there any particular reason why it was set up at the end of the day?

A. I believe it was just for convenience. I don’t believe that they were on property and I think it was just easier for the orthodontist as well as for us.

Q. All right.

A. I believe we did request to do it after hours.

Q. Okay. Is that something that -- is that the

only time you’ve ever requested local business people or professionals to see ranch guests after hours?
A. No.

Q. And is there some reason why you do that from time to time?
A. Just for convenience and for -- obviously just to protect the guests, if you will, if it’s somebody that doesn’t want to go into a public place at that point.
Q. All right. Now, on that particular day, you said that Janet Arvizo and all three of her children were in Santa Maria with Vinnie. I believe that was your answer; is that correct?
A. Yes.
Q. What was your understanding of what they were doing in Santa Maria?
MR. AUCHINCLOSS: Objection. Hearsay; foundation.
THE COURT: Foundation; sustained.
Q. BY MR. SANGER: How did you know they were in Santa Maria?
A. I believe they went to get their passport pictures taken.
MR. AUCHINCLOSS: Objection. Move to strike; nonresponsive.
THE COURT: Sustained. Stricken.
Q. BY MR. SANGER: Okay. You answered this question for the District Attorney, so I’m just wondering what is your source of information. Did somebody tell you that they were going to Santa Maria for some purpose?

MR. AUCHINCLOSS: Objection; hearsay.
THE COURT: Overruled.
You may answer that “yes” or “no.”
THE WITNESS: I gave them directions to a place that I thought might be able to help them with their passport picture.
Q. BY MR. SANGER: Okay. So did that discussion you already told us about take place

before Vinnie and Janet and the children left?
A. Yes.
Q. Okay. And then they left, and then you got a call to come and meet them at the orthodontist?
A. I believe we had arranged it earlier that day, but, yes.
Q. Okay. There was a question about International Business Management, which has the initials IBM, it turns out.
Did you -- it’s not International Business Machines, the famous IBM, I guess.
Were you aware of this company, IBM, or International Business Management?
A. I don’t recall. I believe it possibly could have been a business manager.
Q. Okay. Were there accounting firms from time to time that handled business management for Mr. Jackson?
A. Yes.
Q. Were there accounting firms that did so for a long period of time, to your knowledge?

A. Yes.
Q. All right. More recently, what accounting firm has been handling things over the last couple of years?
A. Bernstein, Fox & Whitman.
Q. And prior to that, do you remember the name of the accounting firm?
A. I think it was one or two that were simultaneous, so I’m not sure on the names.
Q. Okay. Was there one that was there for a fairly short period of time?
A. Yes.
Q. And do you know whether or not that was IBM?
A. I don’t recall.
Q. All right. In any event, you were asked if you recall talking to somebody there in February of 2003. Do you remember the question?
A. Uh-huh.
Q. Okay. And you weren’t sure. I think that was the answer.
A. That’s correct.

Q. All right. Before February 7 of 2003, from the beginning of January through February 6th of 2003, was Mr. Jackson on the premises?

MR. AUCHINCLOSS: Objection; foundation.

THE COURT: Overruled. You may answer.

THE WITNESS: I don’t recall. I don’t keep track of every day that he’s on property.

Q. BY MR. SANGER: Okay. Thinking back to the beginning -- let me ask you, was there a period of time when Mr. Jackson was in Florida for an extended stay?

A. Yes.

Q. Do you recall when that was?

A. I believe it was around Christmastime and before.

Q. Okay. Was it before February 2003?

A. Yes.

Q. Okay. Now, when Mr. Jackson is not on the premises, is it necessary to have as much staff power as you would have when he’s on the premises?

A. Not necessarily.

Q. Okay. And if he’s on the premises with a number of guests, do you need more staff time than if he’s not there at all and there are no guests there?

A. Yes.

Q. And if he’s on the premises and there are a number of guests and you also have some kind of media flurry that you talked about, where there is more interest from the media, do you need to have more staff people than if he’s not there, there’s no media attention and there are no guests?

A. Yes.

Q. All right. Now, you mentioned something about adult materials, and we talked about those figurines that Mr. Auchincloss wanted to show you. Did you ever see Mr. Jackson personally in possession of adult materials?

A. No.

Q. Did you ever see him -- did you ever see adult magazines or books on display in any of the public areas or -- I say “public areas,” any of the areas where guests would be frequenting?
A. Not on display, no.
Q. All right. All right. Now, you asked -- you were asked some questions about -- earlier on about the nature of Neverland and its attraction, and Mr. Auchincloss wanted to ask about young boys. Was -- were the attraction --
MR. AUCHINCLOSS: I’m going to object to the prefatory remarks.
THE COURT: Sustained.
Q. BY MR. SANGER: All right. Were the attractions of Neverland oriented towards families?
A. Yes.
Q. Do you believe it’s an appropriate, a nice place for families to visit?
MR. AUCHINCLOSS: Objection; calls for a conclusion.
THE COURT: Overruled.
THE WITNESS: Yes.

MR. SANGER: No further questions.

RECROSS-EXAMINATION
BY MR. AUCHINCLOSS:
Q. Mr. Marcus, in regard to the lack of security at Neverland during February 4th -- February of 2003, the reason for that is because Mr. Jackson wasn’t making his payroll; isn’t that true?
MR. SANGER: Objection. Assumes facts not in evidence and relevance.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Are you, as ranch manager, familiar with the finances, the financial part of operating Neverland?
A. No.
Q. You have no idea what the expense of running Neverland is?
MR. SANGER: First of all, asked and answered; and secondly, no foundation; thirdly, relevance.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: You said that Mr. Jackson was not -- you've never seen him in personal possession of adult materials. What would you call those figurines that I showed you?

MR. SANGER: Objection. Argumentative; asked and answered.

MR. AUCHINCLOSS: I'll rephrase.

Q. Wouldn't you call those figurines that I showed you adult materials?

MR. SANGER: Objection; asked and answered.

THE COURT: Overruled.

Q. BY MR. AUCHINCLOSS: You may answer.

A. They strike me as artwork, yes.

Q. They're just artwork? Or adult materials?

A. It's a type of art.

MR. SANGER: Objection. Excuse me. Object. Argumentative; compound.

THE COURT: Overruled, but I really don't have your question.

MR. AUCHINCLOSS: Yes. I'll rephrase that.

Q. My question is, would you consider the adult -- the figurines that I showed you adult materials?

A. I consider them a type of artwork.

Q. Do you consider them to be adult materials? I'm not asking you whether they're artwork or not.

A. I understand your question.

Q. My question is, do you consider them to be adult materials? Yes or no.

A. A type of artwork of adult nature, yes.

Q. You think it's appropriate for children to be exposed to these type of materials?

A. No.

Q. You were asked about Mr. Jackson's relationship with young girls. And over your

17-year period at Neverland, you were able to come up with two names that he had a close relationship with young girls, Karlee Barnes and Marie Nicole Cascio, correct?

MR. SANGER: Objection; argumentative.

THE COURT: Overruled.

MR. SANGER: And misstates the evidence, Your Honor.

THE COURT: Overruled. You may answer.

THE WITNESS: I believe you gave me a list of the boys' names. And I didn't have a list of the females' names, so, no, I don't recall every single person's name, no.

Q. BY MR. AUCHINCLOSS: So my question is, you were able to come up with two names. Any more? Is that it? Just two?

MR. SANGER: Objection. Argumentative; misstates the evidence. He came up with more than two names, Your Honor.

THE COURT: Overruled. You may answer.

THE WITNESS: I'm sure there are others. There was Shane Brando's sister. I don't recall her name.

Q. BY MR. AUCHINCLOSS: Go ahead.

A. I don't recall her first name off the top of my head.

Q. My question is, can you remember any other names?

A. No.

Q. No. And you were asked about adult women that Mr. Jackson formed a special bond with other than his wives. And you came up with one, Liz Taylor, correct?

A. Do you mean just friends? People that I --

Q. I mean a special bond, close bond, close relationship with.

A. Liza Minnelli has been there, and they seem to be good friends.

Q. How many times has Liza Minnelli been there?

A. I don't recollect.

Q. So we're up to two. Any others?

MR. SANGER: Objection, Your Honor.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: When you were

interviewed by the investigator at the time of the service of the warrant, you did acknowledge that you knew each one of the Arvizo -- each member of the Arvizo family, correct?

A. I did acknowledge?

Q. Yes.

A. Yes.

Q. But in the beginning, you acknowledged that you met only the mother, correct?

MR. SANGER: Objection, Your Honor, this has been asked and answered.

MR. AUCHINCLOSS: Counsel went into it.

THE COURT: The objection is overruled.

Q. BY MR. AUCHINCLOSS: But in the beginning, you stated that you had only met the mother, correct?

MR. SANGER: Objection. That misstates the evidence and it’s argumentative.

MR. AUCHINCLOSS: I’ll rephrase.

Q. If the beginning, you said, “Honestly, I only met the wife or the mother,” correct?

A. In the beginning I also asked for an attorney to be present and was denied that by Mr. Tom Sneddon.

Q. Do you have an attorney in this case?

A. No.

Q. Have you ever had an attorney in this case?

A. Yes.

Q. Who paid for that attorney?

MR. SANGER: Objection, Your Honor, relevance.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Did that attorney tell you not to talk to law enforcement?

MR. SANGER: Objection, Your Honor, calls for attorney-client privilege. Counsel knows better than that.

THE COURT: Sustained.

MR. AUCHINCLOSS: There’s been testimony to this effect, but nevertheless, I’ll move on.

MR. SANGER: Objection, Your Honor. Move to strike counsel's gratuitous remarks.

MR. AUCHINCLOSS: Well --

MR. SANGER: And I'd ask the jury be advised.

THE COURT: I'll strike your remarks, Counsel. That's inappropriate.

MR. AUCHINCLOSS: All right.

THE COURT: I think we'll --

MR. AUCHINCLOSS: End for the day?

THE COURT: We'll take a break.

(To the jury) I'll see you tomorrow. Remember the admonition.

(The proceedings adjourned at 11:30 a.m.)

--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 9739 through 9802 contain a true and correct transcript of the

proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 10, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
May 10, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, MAY 11, 2005

8:30 A.M.

(PAGES 9804 THROUGH 9881)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

DEFENDANT’S
WITNESSES DIRECT CROSS REDIRECT RECROSS
MARCUS, Joseph 9807-A
(Contd.)
9810-SA (Further)
CULKIN,
Macaulay 9813-M 9828-Z 9865-M 9876-Z

Santa Maria, California
Wednesday, May 11, 2005
8:30 a.m.

THE COURT: Good morning, everyone.

THE JURY: (In unison) Good morning.

THE COURT: Counsel? You may proceed.

JOSEPH MARCUS

Having been previously sworn, resumed the stand and testified further as follows:

RECROSS-EXAMINATION (Continued)

BY MR. AUCHINCLOSS:

Q. Good morning, Mr. Marcus.

A. Good morning.

Q. I just have a few more questions and we'll be done.

A. Okay.

Q. First of all, you mentioned in your testimony yesterday that you were -- I believe you were present when the Britto party was held at Neverland; is that correct?

A. That's correct.

Q. And do you recall which month that party occurred?

A. I believe it was September.

Q. September of '03?

A. I believe so.

Q. And do you know who was the organizer of that party?

MR. SANGER: I'm going to object. That's beyond the scope of direct, and relevance.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Mr. Marcus, you mentioned that Mr. Salas called you on the night of the 12th, or the early morning hours of the 12th, when the Arvizos left Neverland; is that correct? The 12th of February?

A. I believe so.

Q. Okay. Are you uncertain of that?

A. I'm uncertain of the date. He called me, yes.

Q. Did Mr. Salas actually talk to you that night?

A. I believe so. I believe he was at the front gate and the officer actually dialed the number and I believe Jesus got on the phone.

Q. So you actually had a phone conversation that night with somebody from Neverland at approximately one o'clock in the morning?

A. I thought it was later than one o'clock, but I could be mistaken.

Q. Sometime in the early morning hours of that morning?

A. I believe so.

Q. Finally, during your interview with the investigator when the warrant was served at Neverland back in November of '03, at some point did you ask the interviewer to turn the tape-recorder off?

A. Yes.

Q. And that was right when you were being questioned about children sleeping in Michael Jackson's room, wasn't it?

A. Yes.

Q. And you never answered that question, did you?

A. I believe I did.

Q. Well, wasn't your next statement, "How many more questions do we have?" after you said, "Could you shut that off a minute?"

A. I believe I finished the interview as was directed by the investigator.

Q. Okay. My question is, didn't you say -- after you asked the investigator to shut off the recorder, wasn't your next answer, "Okay. I" -- "How many more questions do we have?" That's the question I'm asking. Did you say that?

A. I believe so.

Q. And then she said, "One," and you said, "Could we just move on to the next question?" Isn't that what you told the interviewer?

A. I believe there was a little bit more to the question, but, yes.

Q. Well, did you say something else? Is that what you’re telling us, or is that an accurate depiction of what was stated?

A. I believe you have it right in front of you, if you would like to read it.

Q. My question is, is that -- is what I’ve just read to you or what I’ve just told you consistent with your recollections of the event?

A. Yes.

MR. SANGER: I’m going to object. It’s asked and answered.

THE COURT: Overruled. The answer is in. Next question.

MR. AUCHINCLOSS: Thank you. I have no further questions.

THE WITNESS: Thank you.

THE COURT: Mr. Sanger?

MR. SANGER: Yes, thank you.

FURTHER REDIRECT EXAMINATION

BY MR. SANGER:

Q. Just very briefly on that. This interview that you had with the police officers, did you understand that that was voluntary, that you did not have to talk to them if you didn’t want to?

MR. AUCHINCLOSS: Objection; relevancy.

THE COURT: Sustained.

MR. SANGER: On relevancy? Okay. I’m trying to understand. I apologize, Your Honor. Let me think for a second.

Q. The interview we’re talking about is the police officers at the ranch during the search, correct?

A. Yes.

Q. What was your understanding of whether or not you were required to submit to an interview?

MR. AUCHINCLOSS: Objection; relevancy.

THE COURT: I’ll allow the question. You may answer.

THE WITNESS: I was trying to cooperate as much as possible with the investigation on that day.

Q. BY MR. SANGER: Did you know whether or not you had to talk? Do you know if you had an option not to talk?

MR. AUCHINCLOSS: Same objection.

THE COURT: I'll allow the question.

THE WITNESS: Yes.

Q. BY MR. SANGER: And did you agree to go ahead and talk with them?

A. That is correct.

Q. And when you asked if they could turn off the tape-recorder, did they accommodate you? Did they turn it off?

A. No.

Q. You knew that they were continuing to record you; is that correct?

A. That's correct.

Q. And you went on from that point. Do you recall how long the interview lasted on tape after that point in the conversation?

A. Probably five -- maybe five, ten more minutes.

Q. And the officers continued to ask you questions; is that right?

A. I believe one or two more questions.

Q. Okay. And you answered them?

A. Yes.

MR. SANGER: All right. Okay. I have no further questions.

MR. AUCHINCLOSS: No further questions.

THE COURT: All right. Thank you. You may step down.

THE WITNESS: Thank you.

THE COURT: Call your next witness.

MR. MESEREAU: Yes, Your Honor, the defense will call Macaulay Culkin.

THE COURT: For counsel's information, there was a motion to limit filed by the defense on this witness, and --

MR. ZONEN: Your Honor, we're not going to be asking those questions.

THE COURT: All right. Thank you. Come forward, please. When you get to the witness stand, please remain standing. Face the clerk here and raise your right hand.

MACAULAY CULKIN

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Macaulay Culkin. M-a-c-a-u-l-a-y; C-u-l-k-i-n.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. MESEREAU:

Q. Good morning, Mr. Culkin.

A. Good morning.

Q. You are an actor from New York, right?

A. That is correct.

Q. Would you please summarize your career?

A. Summarize my career?

Q. Yes, please.

A. I started working at the age of four doing stage and things like that. And done a number of things; films, things like that. Kind of worked till I was about 14, took a break there for a while, and just started working again recently.

Q. Do you know the fellow seated at counsel table to my right?

A. Yes, I do.

Q. Who is that?

A. That’s Michael Jackson.

Q. Is he a friend of yours?

A. Yes, he is.

Q. How long has he been a friend of yours?

A. I first met him when I was nine or ten years old.

Q. And how did you meet him?

A. He kind of called me out of the blue one time, just said, “Hey,” you know, “This is Michael Jackson.” And this is after the “Home Alone” movie had come out. So it’s kind of like -- it was like, “I think I understand kind of what’s happening, and I’d like to get together and talk.”

Q. And he’s still your friend?

A. Yes, he is.

Q. When did you last talk to him?

A. I talked to him about three days ago.

Q. And at some point, did you visit Neverland for the first time?

A. Yeah, it was after he had called that first time. He invited us, me and my family, over there to hang out.

Q. And did you and your family go to Neverland?

A. Yes, we did.

Q. Did you hang out?

A. Yes, we did.

Q. How long did you hang out there with him?

A. I think the first trip we were there for about three or four days. It was me and my younger brother and my mother and my father.

Q. How many times do you think you visited Neverland?

A. More than a dozen times from basically when I was about 10 to when I was about 14 years old. And I kind of took a break there for a while, just didn’t go. I just never found myself on the West Coast, so I never found myself going there. And then went a couple times between when I was 17 and now, just a handful of times.

Q. And when was the last time do you think you visited Neverland?

A. About a year or so ago.

Q. Okay. And you maintained a friendship with Mr. Jackson all those years?

A. Yes, I have.

Q. Okay. Do you consider him a close friend of yours?

A. Yes.

Q. Let’s go to your first trip to Neverland, okay? You say you were there with your family?

A. Uh-huh.

Q. And who in your family are you referring to?

A. My brother Kieran and my mother and my father.

Q. Okay. And what do you remember about your first visit to Neverland?

A. It was big. It was -- it was -- I had never seen anything like it before. Especially considering it was someone’s house. It was -- you know, it wasn’t exactly what I was expecting. Because you’re nine or ten years old, you don’t really pay attention to what people say or whatever, you know, those kind of things. So -- you know, everything is lit up.

And he was a nice guy. I remember he laughed because I referred to all the Ninja Turtles by their first names, and things like that. And so it was one of those kind of things where it was just very -- it was very casual, really.

Q. Did you and your family have a good time?

A. Yes.

Q. What are some of the things you did at Neverland with your family?

A. Saw a movie in the movie theater. Rode on the amusement park rides, and -- just everything, you know. Just used the facilities, basically.

Q. How many times do you think your family has been to Neverland?

A. About the same amount of times. When I was younger they were there virtually every time I was there.

Q. And you have a sister?

A. Yes, I do.

Q. And did she visit?

A. I have two.

Q. Hmm?

A. I have two of them.

Q. Did they visit Neverland as well?

A. Yes, they have.

Q. How many times do you think they’ve been to Neverland?

A. Not as often, just because they were really never on the West Coast as often as I was. But whenever they were in town and I was going, they would love to go as well.

Q. Have you seen Michael Jackson outside of

Neverland?
A. Yes.
Q. Where have you seen him?
A. Whenever. I’d be staying at a hotel and he’d come and pick me and my brothers up, and we’d sneak into a movie theater like in the middle of the night -- in the middle of, like, you know, a movie, because that was the only way you could really see an actual movie in an actual movie theater with him. Just a number of occasions.
Q. Have you seen Michael in New York?
A. Yes, I have.

Q. Okay. How many times, do you think?
A. Handful of times. Four times. Five times. Something like that.
Q. How about in Los Angeles?
A. Yeah, in the City of Los Angeles, too.
Q. Other than Neverland, New York and Los Angeles, have you seen Michael Jackson anywhere else?
A. Yeah. He was in London when I was out there doing a play. And he was out there for, I don’t know, maybe a week or so. We hung out two times, three times.
Q. Now, in London, what did you do with Michael Jackson?
A. Hung out with his kids. We had -- we had a dinner with a group of people, most of whom I had not met before, but just -- it was a nice, casual, sit-down dinner. And just saw the kids, things like that. I always liked seeing the kids.
Q. And you’re talking about Michael’s kids?
A. Yes.
Q. And what have you done with Michael Jackson in Los Angeles?
A. Same kind of thing. We used to hang out. He had an apartment there that was actually in the city, so we’d go visit there. Just kind of -- it was a little more convenient, and it was smaller. It wasn’t as, you know, far away. It wasn’t the

daunting three-hour drive, you know. When you’re ten years old, that’s an awfully long drive to get out there. So sometimes when he was in the city, we would just hang out at his apartment.

Q. Now, you’ve spoken to him on the phone through the years, correct?

A. Yeah.

Q. How many times do you think you’ve spoken to him on the phone?

A. I couldn’t really count. Couldn’t say. Over 100 times probably.

Q. And have you called Michael Jackson yourself?

A. Yeah.

Q. Has he called you?

A. Yeah.

Q. Has he called your family, to your knowledge?

A. Yeah.

Q. And has your family called him?

A. Yes.

Q. You’re aware of the allegations in this case, correct?

A. Uh-huh. Yes.

Q. You heard about some of the allegations about whether or not Mr. Jackson improperly ever touched you, right?

A. Yes.

Q. Did Mr. Jackson ever molest you?

A. Never.

Q. Did Mr. Jackson ever improperly touch you?

A. Absolutely not.

Q. Has Mr. Jackson ever touched you in any sexual type of way?

A. No.

Q. Has he ever touched you in any offensive way?

A. No.

Q. What do you think of these allegations?

A. I think they’re absolutely ridiculous.

Q. When did you first learn that these prosecutors were claiming that you were improperly touched?

A. When did I first learn that?

Q. Yes.

A. I -- somebody called me up and said, “You should probably check out CNN, because they’re saying something about you.”

Q. And did you check it out?

A. Yes, I did.

Q. And what did you learn?

A. I learned that it was a former cook had done something to me, and there was something about a maid or something like that. It was just one of those things where I just couldn’t believe it. I couldn’t believe that, first of all, these people

were saying these things or -- let alone that it was out there and people were thinking that kind of thing about me.

And at the same time it was amazing to me that they -- that nobody approached me and even asked me whether or not the allegations were true. They kind of just were -- threw it out there just like -- they didn’t even -- they didn’t even double-check it basically. I mean, even if they assumed that they knew the answer, what got me was that they didn’t even ask.

Q. Now, are you saying these prosecutors never tried to reach you to ask you your position on this?

A. No, they didn’t.

Q. Do you know if any police officer from Santa Barbara has ever tried to call you to see what the truth is?

A. No.

Q. Are you aware that they claim they are going to prove that you were molested by Michael Jackson?

A. Excuse me?

Q. Are you aware that they claim they can prove --

MR. ZONEN: I’ll object as leading, Your Honor.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Have you ever been to

Michael Jackson’s bedroom?

A. Yes.

Q. And when did you first see Michael Jackson’s bedroom?

A. I think it was probably the first trip.

Q. And did you go in there with your family?

A. Uh-huh.

Q. And what do you recall about Michael Jackson’s room?

A. It was large. It was -- it was a very comfortable place. He had paintings and all those kind of things on the wall. It was -- you know, it had two bedrooms and it was two stories high. It was -- you know, it’s not what you normally associate with a bedroom.

Q. And have you and your family stayed in that room?

A. Yes.

Q. How many times, do you think?

A. Handful of times.

Q. How many times do you think you’ve stayed in Michael’s room?

A. A handful of times.

Q. How about your sister?

A. Not as often.

Q. How about your brother?

A. Whenever I was there, my little brother was kind of always tagging along with me, so he was usually anywhere I was.

Q. Where else at Neverland have you been with Michael Jackson?

A. Everywhere, essentially. We were always hanging out together, just like I said, and using all the facilities; the zoo, the arcade, or the movie theater, wherever.

Q. Have you spent a lot of time at Neverland with Michael Jackson?

A. Yes.

Q. Have you played at Neverland with Michael Jackson?

A. Yes.

Q. What have you done with him?

A. Like I said, we used everything. We’d play video games. We would fill up a bunch of water balloons and toss them around. Just things like that. It was just good old fun, just like a bunch of, like, kids basically having a good time.

Q. Have you been to the arcade with Michael Jackson?

A. Yeah.

Q. Do you recall playing any games with Michael Jackson in the arcade?

A. Yeah, sure.

Q. And do you recall this going on anytime of day?

A. Playing video games?

Q. Yeah.

A. Yeah. Absolutely.

Q. What time of day would you play video games with Mr. Jackson?

A. Anytime. You know, sometimes -- I mean, sometimes I fell asleep in the arcade and I’d wake up and just start playing, you know. It was one of those kind of things where, you know, you’d be up half the night, you’d be -- you know, you’d be kind of in and out of all these places.

So it was never really any kind of specific time that we spent there, but it was, you know, kind of just -- we were always kind of just either there, or at the theater, or just driving around in the golf carts, or something like that.

Q. Do you recall your family being with you in the arcade?

A. Yes.

Q. Do you recall them being with you in the zoo?

A. Yes.

Q. Do you recall your family being with you in the theater?

A. Yeah.

Q. Did you ever have any reason to think your family was being excluded by Mr. Jackson from anything you did at Neverland?

A. Could you repeat that?

Q. Sure. Did you ever get the feeling that your family was being excluded from anything you did at Neverland?

A. Absolutely not.

Q. Did you get the contrary feeling, that they were always invited to be with you any time you were there?

MR. ZONEN: Objection; leading.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you ever think Mr. Jackson was somehow trying to exclude your family from his room?

MR. ZONEN: Objection; leading.

THE COURT: Overruled.

You may answer.

THE WITNESS: Could you repeat the question?

THE COURT: I'll have it read back.

(Record read.)

THE WITNESS: Absolutely not. It was a real open-door policy just with the entire ranch.

Q. BY MR. MESEREAU: Okay. That applied to your family as well as you?

A. Yes, everyone.

Q. Okay. Have you ever traveled with Michael Jackson?

A. Yes.

Q. Where did you travel to?

A. We took a trip, I was going with some family friends. We were going to Bermuda, and I said, "We're going." And he said, "Is it all right if I tag along?" And I said, "Yes." So we did that.

After that, we ended up in -- we decided to fly back to Orlando, because the family friends that I was traveling with, that's where they were from. So we went there, went to Disney World for a day or two, and ended up flying back with my family.

And I've also -- he was doing a charity event a couple years back in Washington D.C., and so I -- I hitched a ride with him on his plane back to New York.

Q. And did Mr. Jackson ever do anything improper to you on any of these trips?

A. No.

Q. Ever see him do anything that you found disturbing on any of these trips?

A. Absolutely not.

Q. Has Mr. Jackson ever hugged you?

A. Sure.
Q. Have you ever hugged him?
A. Absolutely.
Q. Were you ever suspicious of any of these hugs as being something sexual in nature?
A. No, it was always very casual. It was just the way I hug any of my friends.
Q. Did you ever see Mr. Jackson hug your sister?

A. Sure.
Q. Were you ever suspicious of his hugging your sister?
A. No.
Q. Ever see Mr. Jackson hug your brothers?
A. Yeah.
Q. Ever see them hug him?
A. Yes.
Q. Did you ever think anything suspicious was going on when your brothers hugged Mr. Jackson?
A. No, it was always just how you kind of greeted him, greeted almost anyone basically that you were close with.
Q. Do you know someone named Wade Robson?
A. Yeah, I’ve met him.
Q. Where did you meet him?
A. When we were shooting the “Black and White” video. He was one of the dancing kids. So I met him and hung out with him after the shoot.
Q. Did you ever see Mr. Jackson do anything improper with Wade Robson?
A. No.
Q. Have you been in contact with Wade Robson?
A. No, I haven’t.
Q. When’s the last time you think you talked to him?
A. Was back then when we hung out, when I was 10 or 11 years old.

Q. Do you know someone named Brett Barnes?
A. I think so. But I’m not really sure if I do. I mean, I’ve heard the name before, and I’ve -- I think it’s the same Brett that I know, but I couldn’t be 100 percent.

Q. And if the person you think is Brett Barnes, do you recall seeing him at Neverland?

A. If it -- yeah, if it’s the person I’m thinking of, yeah.

Q. Did you ever see Mr. Jackson do anything improper with him?

A. No, I’ve never seen him do anything improper with anybody.

MR. MESEREAU: Okay. No further questions.

THE COURT: Cross-examine?

CROSS-EXAMINATION

BY MR. ZONEN:

Q. Mr. Culkin, good morning.

A. Good morning.

Q. Sir, isn’t it true that both in 1993 and in 2003 law enforcement attempted to gain access to you to have an interview with you and on both occasions your representatives refused to have -- allow you to have an interview with law enforcement? Isn’t that true?

A. Not to my knowledge.

Q. You’re not aware of any effort by law

enforcement either in 1993 or currently within the last couple years to be able to get an interview with you?

A. Not that I know of, no.

Q. Isn’t it true that your attorney just within the last couple weeks issued a notice that you would not be giving any statements to either side prior to your giving an inter -- prior to your testifying in court?

A. Could you repeat that?

Q. Isn’t it true that just within the last couple weeks your attorney notified us that you would not be giving an interview to either side of this case prior to your taking the witness stand and testifying?

A. You’re -- can you repeat that one more time?

Q. Mr. Culkin, did you talk to anybody from the defense prior to coming into court today?

A. Did I talk to anybody from the defense?

Q. That’s right.

A. I talked to Tom Sneddon yesterday.
Q. You talked to Tom Sneddon yesterday?
A. Sorry. Excuse me. Mr. Mesereau.
Q. You talked to Mr. Mesereau yesterday?
A. Yes.
MR. SNEDDON: I’m the one with the short hair.
THE WITNESS: Yes, sorry about that. I went to his office yesterday for about a half an hour to get my -- like, figure out where I was staying and all that kind of stuff.

Q. BY MR. ZONEN: Did you give him an interview at that time?
A. No, not really. He kind of walked me through the procedure, what I would have to be going through for the day.
Q. And did you talk to him about anything substantive, any of the issues about your association with Michael Jackson?
A. No, we didn’t.
Q. Were you aware that an attorney of yours had contacted us and told us that you would not be giving a statement to either side? Is that true?
A. I think so, yes.
Q. Was that your decision or your lawyer’s decision?
A. I think I just took what he had to say and agreed with it.
Q. So you decided all along you were not going to talk to either side?
A. Essentially, yeah. I wasn’t really planning on testifying.
Q. But you’re complaining that we didn’t interview you?
A. I’m just saying it was something that -- I said I kind of just -- all of a sudden I turn on the television or look on the Internet and there was those things out there, and it was just surprising to me.

Q. Mr. Culkin, are you completely unaware of the fact that law enforcement has made a number of efforts to gain access to you to talk to you?

A. Like I said, I’m unaware.

Q. No one among your representatives has ever gone to you and said, “Law enforcement would like to speak with you”?

A. Never.

Q. How old were you when you went to Bermuda?

A. I must have been around 11 years old.

Q. How long had you known Michael Jackson at that time?

A. About a year or two.

Q. That trip was with the Goldstein family; is that right?

A. That sounds right.

Q. That sounds right? You don’t recall?

A. It was 15 years ago.

Q. You don’t recall with whom you went to Bermuda?

A. I remember it was my friend Brock and his family.

Q. All right. And Brock’s last name is Goldstein; is that correct?

A. That sounds right. Like I said, it was 15 years ago. And it wasn’t -- I haven’t really talked to them since then almost.

Q. And how is it that Mr. Jackson ended up going to Bermuda with you?

A. I told him I was going, and he seemed excited. And I said, “Would you like to come along?” So he said, “Let’s go to Bermuda.”

Q. You’re an 11-year-old child, but you felt it was okay to invite Mr. Jackson to attend a trip that you were going on with another family?

A. Yeah. I mean, and they were fine with it, from what I remember.

Q. Well, did you consult with them before you invited Mr. Jackson to come along?

A. To be honest, I don’t remember.

Q. All right. The Goldsteins have a child who at that time had appeared in a movie with you; is that right?

A. I don’t remember him being in the film. He lived in the same community as me when I was shooting the film “My Girl.” And it was just kind of a community like -- it was almost -- it wasn't exactly a gated community, but it was off of, like, the Universal lot. And he was just a neighborhood kid that I got friendly with.

Q. You became friendly with Brock during the course of the filming of that film; is that right?

A. Yes.

Q. And you used to spend time at their home?

A. Yes.

Q. And you would spend the night at their home as well; is that correct?

A. Yeah.

Q. And when they were planning a trip to Bermuda, they invited you to come along?

A. Yeah.

Q. They consulted with your parents in advance and your parents agreed; is that true?

A. Yeah.

Q. All right. You then invited Mr. Jackson to come along as well; is that correct?

A. From what I remember, yes.

Q. All right. You did not tell either Mr. or Mrs. Goldstein that you had done that in advance of that trip?

A. Like I said, I don't remember that.

Q. Now, you invited Mr. Jackson or Mr. Jackson invited himself? Which was it?

A. To be honest, I don't remember. I do -- I think it was something like, "I'm going to Bermuda." You know, "We're going to have a good time." I don't remember how exactly it went over, whether it was, like, "Oh, is it all right if I come?" Or if it was, "Why don't you come along." I honestly don't remember.

Q. Did Mr. Jackson travel with you to Bermuda

or did he meet you there?

A. I honestly don't remember.

Q. When he got there, he gave you a watch, did he not?

A. I think that's when he gave me the watch.

Q. It was a Rolex?

A. Yes.

Q. He gave a Rolex to an 11-year-old child?

A. Yeah. But it wasn’t -- it wasn’t anything all that crazy to me. I didn’t see it as anything like that. I was not a person without means, so it wasn’t anything that was all that awe-inspiring. I mean, my father had a Rolex. It was that kind of thing.

Q. Did he give a Rolex to Brock as well?

A. I don’t remember.

Q. Did he give any gift to Brock?

A. I don’t remember.

Q. Isn’t it true that the Goldstein family, the parents, Mr. and Mrs. Goldstein, felt excluded by the presence of Mr. Jackson; that he was attempting to and succeeded in taking you away from the family in terms of the events that were being -- that they were doing?

MR. MESEREAU: Objection; calls for speculation.

MR. ZONEN: It’s exactly in response to the question that counsel asked.

THE COURT: You’re asking him for the Goldsteins’ feelings. The objection is sustained.

Q. BY MR. ZONEN: Did they tell you that they felt that they were being excluded from activities with you?

A. Not that I remember.

Q. Did they complain to you at all about the fact that Mr. Jackson was dominating your time?

A. I don’t -- not that I remember.

Q. Did Mr. Jackson suggest that you go with him to different locations in Bermuda separate from the Goldstein family?

A. Excuse me?

Q. Did Mr. Jackson suggest to you that you go with him to locations in Bermuda without the Goldstein family?

A. Not that I remember. Like I said, this whole trip was 15 years ago. And I was nine or ten years old. And if I knew I was going to have to be testifying about it, I’m sure I would have made an effort to remember.

Q. How old are you now?

A. I'm 24.

Q. You're 24. And you're saying it's 15 years ago?

A. 13, 14, 15 years ago. I honestly don't remember exactly how old I was.

Q. You were somewhere between nine and --

A. 11, yes.

Q. And you met him when you were nine?

A. I think that's about right, yeah. So it must have been when I was about 10 or 11.

Q. You had known him for at least a year at the time you went on that trip?

A. Yeah, for at least a year.

Q. All right. And then the question about whether you have a recollection about Mr. Jackson asking you to go with him to locations without the Goldstein family, at this time you do not recall the answer to that question?

A. I don't, no.

Q. Did Mrs. Goldstein at times tell you that it was not okay for you to go away with Mr. Jackson by yourself?

A. Could you repeat that?

Q. Didn't Mrs. Goldstein tell you it was not okay for you to go away with Mr. Jackson by yourself without somebody from the Goldstein family being there? Didn't she tell you that?

A. Gosh, I don't remember those kind of -- those kind of details. I remember -- I could tell you the hotel room, what it looked like. I could tell you, you know, if it was on the beach, and things like that. But I can't tell you -- I don't remember a lot of these specific details, because there just wasn't anything that eventful going on, besides that.

Q. But you don't remember her telling you specifically that she was not going to allow you to go places with Mr. Jackson by yourself unaccompanied by another member of their family?

A. Not that I remember, but I don't know.

Q. How long did you stay in Bermuda?

A. I don't know. It could have been, like, about a week or so.

Q. Did Mr. Jackson stay with you in Bermuda the entire time?

A. From what I remember, he was there the whole time.

Q. Was he there with any other adult companionship?

A. How do you mean?

Q. Did he come with another person, man or woman, a companion?

A. I don’t think so, no. I mean, he might have had some security with him but I’m not sure.

Q. Other than security, did he come with a man or woman with whom he intended to travel purely for companionship?

A. No.

Q. Was it your belief that he was there to visit with you?

A. Yeah, to visit, and spend some time in Bermuda.

Q. All right. And to spend a week or more with a ten-year-old child?

A. To spend a week or more with me, yes.

Q. And had he ever done that prior to that date, gone traveling with you?

A. Not that I remember, no. We never really -- I mean, besides when he was in Los Angeles, and I was, he’d come visit me. But we never really went on, like, trips.

Q. Do you still have that Rolex watch?

A. I think I do have it somewhere, yes.

Q. You don’t wear it any longer?

A. It doesn’t fit.

Q. It’s a woman’s watch; is that correct?

A. Not that I know of. It was small. It was a small watch, and the band is very small on it, so like I said, it doesn’t really fit me anymore.

Q. Did Mr. or Mrs. Goldstein comment to you about anything at the time that watch was given to you?

A. Not that I remember.

Q. In your presence, did they tell Mr. Jackson they thought that was an inappropriate gift?

MR. MESEREAU: Objection. Hearsay; calls for speculation.
THE COURT: Sustained.
Q. BY MR. ZONEN: Had you taken any trips with Mr. Jackson prior to the Bermuda trip?

A. No, we never really took any, like, trips or vacations, really. Like I said, it was something -- when I was in Los Angeles we would hang out. Or if he was in New York, we'd get together.
Q. Did you travel with Mr. Jackson anywhere prior to the Bermuda trip where you stayed overnight in a hotel with Mr. Jackson?
A. I don't think so, no.
Q. Prior to the Bermuda trip, did you go anywhere outside of California with Mr. Jackson?
A. Did we go anywhere outside of --
Q. I asked you, did you go anywhere --
A. I know --
Q. Did you go anywhere with Mr. Jackson prior to the Bermuda trip?
A. Could you repeat that again?
Q. Prior to the Bermuda trip, did you travel anywhere with Mr. Jackson?
A. Not that I remember. Not like we would be somewhere and then travel somewhere else, besides being in Los Angeles or going to Neverland or when he was in New York, that kind of thing.
Q. In Bermuda, did you change hotels because of Mr. Jackson's arrival?
A. I don't remember, but probably, because we were staying in a larger hotel with -- I think it was just a larger hotel, kind of beyond the means of what we were kind of expecting to stay in.

Q. Prior to staying in Bermuda, had you ever spent the night alone with Mr. Jackson?
A. How do you mean "spend the night"?
Q. Did you ever share a bed with Mr. Jackson prior to going to Bermuda?
A. Yeah, I mean, I'd fallen asleep in the same bed as him.
Q. Did you ever do that, fall asleep in the same bed as Mr. Jackson prior to going to Bermuda

where none of your brothers or sisters were present?
A. It’s possible. But like I said, usually my brother was tagging along with me. But I fell asleep basically everywhere in that ranch, or anywhere else when I was hanging out with him. I would just flop down on the floor half the time.
Q. Mr. Culkin, the question was, did you ever share a bed with Mr. Jackson --
A. Yes.
Q. -- the two of you by yourself, prior to going to Bermuda?
A. If I remember correctly, probably, yes.
Q. On approximately how many occasions did you and Mr. Jackson share a bed the entire night prior to going to Bermuda?
A. A handful of times.
Q. Was it your expectation that in Bermuda that you would be sleeping with Mr. Jackson?
A. Excuse me?

Q. Was it your expectation that while in Bermuda you would be sharing a hotel room and a bed with Mr. Jackson?
A. I don’t remember it being like an expectation. It was -- I may have fallen asleep in the same bed with him there, but it was just as likely I’d fall asleep on the couch watching T.V.
Q. You might have fallen asleep in the bed with Mr. Jackson in Bermuda?
A. I might have fallen asleep on his bed, yes.
Q. Now, prior to going to Bermuda, you said it may have been a handful of times. What is a handful of times? About five or six?
A. Yeah, like half dozen times.
Q. Half dozen times?
A. Ten at most.
Q. Ten at most? This is prior to going to Bermuda.
A. Yeah, I’d known him for about a year, and hung out, I’d been to his ranch about four or five times, I think, within that year.
Q. So you think you might have shared his bed with him six to ten times prior to going to Bermuda; is that the case?

A. It’s possible.

Q. All right. On how many of those occasions were you there by yourself without any sibling, alone, without any sibling at all?

A. I don’t really remember. But most every time I was there, I was there with my siblings. And most every time I was with my siblings, they were, like, with me the entire time.

Q. All right. How many times do you think prior to going to Bermuda did you share a bed with Mr. Jackson by yourself?

A. I honestly don’t remember. I couldn’t say.

Q. How about either of your sisters? Did they ever share a bed with Mr. Jackson by themselves?

A. Not that I know of, no.

Q. That never happened, did it?

A. Not that I know of.

Q. In fact, none of your brothers ever shared a bed with Mr. Jackson by themselves either, did they?

A. I’m not sure if that’s true. But I don’t -- I don’t know. Sometimes I would -- I wouldn’t fall asleep. I’d be up for a little bit longer and, you know, my brothers would fall asleep who knows where.

Q. But there were occasions when you went to Neverland without your siblings and without your parents; is that right?

A. I think I took one trip there where I arrived there before my family did, for like a day or two, and then they showed up.

Q. Up until the age of, say, 14, are you telling us every time you went to Neverland you were with your parents and your siblings?

A. In some kind of combination of siblings and parents, yes.

Q. You never once went to Neverland by yourself?

A. Like I said, I think I showed up -- I showed up there once, and it was like a day or two and then my family met me there.

Q. Your home is New York; is that right?

A. Yeah, I’m born and raised in New York.

Q. You never lived in Los Angeles?

A. Not full time, no.

Q. All right. Up until the age of 14, did you ever live in Los Angeles, even part time?

A. I did some work in Los Angeles, but besides that, I'm from New York.

Q. Where else did you go besides New York, London and Neverland with Michael Jackson, and Bermuda? What other places did you and he travel to?

A. We went to Orlando from Bermuda because that's where Brock and his family lived.

Q. Okay. So during that trip, you went to Orlando?

A. Yeah, it was the same trip. We swung by there, and then from there I went home.

Q. How often did you go to Neverland between the ages of 10 and 14?

A. How many times did I go there?

Q. Yes.

A. A dozen times, maybe more.

Q. All those occasions did you sleep in his room?

A. At some point or another I think I probably -- I might have ended up sleeping in his room, but I couldn't really say that I slept there every single time that I was there or anything like that.

Q. Would it be safe to say that 90 percent of the time you stayed there?

A. In his bedroom?

Q. Yes.

A. I don't think it would be 90 percent. It would be --

Q. 80 percent?

A. It would be -- I slept in his room about as often as I fell asleep anywhere. Like, I fell asleep -- I would flop down -- we'd fall asleep in the movie theater. He has beds in the movie theater. I'd flop down and fall asleep there. I've fallen asleep in the video game machines before. I mean, I've -- I would go and play there basically until I'd just run myself out, and I would just flop down wherever I needed to.

Q. And you'd be pretty exhausted and go fast asleep; is that right?

A. Yeah, I mean, that would happen. I'd wear myself out and fall asleep, just like any kid would.

Q. So your question about -- the question that you answered about Mr. Jackson never molesting you, your answer more accurately is he never did while you were awake; is that correct?

A. Could you repeat that?

Q. Well, your answer to Mr. Mesereau's question about he never molested you.

A. Yes.

Q. Your answer more accurately is he never molested you, to your knowledge, while you were awake; is that true?

A. As far as I know, he's never molested me.

Q. While you were asleep as a nine-year-old kid who had run himself ragged, you wouldn't know what happened while you were asleep, right?

A. I find that unlikely.

Q. Well, but you just told us that sometimes you'd be so exhausted after a day of playing you'd fall asleep on a machine.

A. Yeah, but I think I'd realize if something like that was happening to me.

Q. Yes? And on many of those occasions, you would fall asleep in his bed?

A. It would happen.

Q. So you would have no recollection at all, of all of your visits to Neverland, of ever actually making arrangements to simply go to bed like anybody else, putting on pajamas and crawling into bed and turning out the light?

A. I never really wore pajamas. But at the same time, it was something like -- I mean, occasionally, yeah, I'd have to -- like, we'd have to wake up early in the morning because -- for whatever reason, because I'd have to -- because we were going to be leaving in the morning or whatever. I mean, sometimes I was put on a schedule.

Q. Mr. Culkin, as a nine-year-old child, what did you wear to bed?

A. I wore my clothes.

Q. You would just wear whatever you were wearing during the day?

A. Yeah.

Q. Every single night?

A. Up until I was about 17 years old. That’s when I kind of discovered what pajamas were.

Q. And you did that at home as well?

A. Yeah.

Q. Whatever you were wearing?

A. I always fell asleep in jeans and socks and a T-shirt.

Q. All right. So whenever you were at Neverland, you would crawl into bed in jeans and socks and a T-shirt?

A. Yeah.

Q. Did you ever stay at his condo in Los Angeles?

A. Yeah, I think I’ve spent the night there.

Q. With your parents?

A. I’m not sure if they were there. I know they’d been there before, but I’m not sure if they ever spent the night there.

Q. You only spent one night in his condo in Los Angeles? It’s in West L.A.; is that right?

A. I don’t really remember exactly where it was. I was always either -- we’d just kind of go there, and it was very secluded. It was in a garage and things like that. That’s where the entrance was.

Q. All right. There was a hotel across the street; is that correct?

A. I don’t really remember.

Q. Were there ever occasions where your parents stayed in the hotel across the street and you stayed at the condo by yourself with Mr. Jackson?

A. I don’t really remember. I don’t think so.

Q. But that’s possible?

A. I’m not sure if they stayed in the hotel across the street or at another hotel. I don’t know.

Q. What is your date of birth?

A. August 26th, 1980.

Q. And you think when you first started coming to Neverland you were nine years old, that would have been 1989?

A. About nine or ten years old, so it was probably ‘90 or ‘91, like -- just like -- it was after -- it was after the “Home Alone” movie came out.

Q. How old were you when you stopped sleeping in bed with Michael Jackson?

A. Well, like I said, I stopped going there just because I had really -- I had never really found myself going to Los Angeles or anything like that. So I didn’t really come back again until I was about 17.

Q. The question was, when did you stop sleeping --

A. I know. I’m getting there.

And so when I got -- when I started coming back again, I found myself just not sleeping in bed. And I’ve always kind of fell asleep in the guest units ever since then.

Q. Why didn’t you stay with Mr. Jackson in his room?

A. Because I enjoyed my privacy a little bit more.

Q. All right. So is it safe to say that up until and through your 13th year, you stayed with Mr. Jackson in his room?

A. On occasion --

Q. More frequent --

A. On occasion I’d fall asleep there or wherever. It wasn’t really like a thing to, like, “Let’s go to sleep in a particular place.” On occasion I’d end up falling asleep there. I’d fall asleep anywhere.

Q. After you first met Mr. Jackson, did he telephone you a lot?

A. We talked on the phone a good amount.

Q. And sometimes those telephone calls would go two or three hours, wouldn’t they?

A. Sometimes. I guess. Yeah.

Q. Sometimes those telephone calls were in the middle of the night, weren't they?

A. Not really. I was in school. But sometimes it would be in the later side.

Q. Did he express affection toward you during those telephone calls?

A. How do you mean "affection"?

Q. Did he tell you how close he felt to you?

A. Yeah, we had a really close relationship because we had this understanding of one another, because one day I was --

MR. ZONEN: I'll object as exceeding the scope of the question, Your Honor. Nonresponsive.

MR. MESEREAU: Objection, Your Honor, he's cutting off the witness.

THE COURT: The objection is overruled. The question was, "Did he tell you how close he felt to you?"

THE WITNESS: Yeah, and I'm trying to explain --

THE COURT: You don't need to explain.

THE WITNESS: Okay. I understand. Yeah, we were close.

THE COURT: Next question.

Q. BY MR. ZONEN: Did he tell you that he had thought of you like family?

A. Yes. From what I remember.

Q. Did he start telling you about seeing you as family early on in your relationship with him?

A. I don't know how far into the relation -- or friendship it was, that we started talking about how close we felt. But it was definitely something where we understood each other early on.

Q. Even when you were nine years old?

A. Because of circumstances, yes.

Q. Did he give gifts to your parents?

A. I think so. But I honestly don't remember. This is a while ago. But he was -- he was very generous. He always gave gifts to everybody.

Q. Do you remember what gifts he gave to your mother?

A. Not offhand, no.

Q. Do you remember what gifts he gave to your father?

A. Not offhand.

Q. Did you travel with Mr. Jackson to Las Vegas?

A. No.

Q. Did you travel with Mr. Jackson to Europe?

A. No.

Q. Did you travel with Mr. Jackson to South America?

A. No.

Q. Did you ever stay at Neverland while Jordie Chandler was there?

A. I don’t know. I’m not sure if I have. I’m not sure if I know who Jordie Chandler is.

Q. Were you ever introduced to Jordie Chandler?

A. I couldn’t say. I met handfuls of people kind of going in and out. There was always kind of a revolving door of staff and of people kind of coming in. Sometimes there would be guests there that I had never really met before or things like that.

Q. Were you ever in Mr. -- in Mr. Jackson’s bedroom overnight while another boy was present in that room, other than your brothers?

A. On occasion, the other kids there that -- like I said, some of them were introduce -- like, I was introduced to as, like, cousins or family friends and stuff like that. And they’d bring their kids there, and then -- same as me. They would -- they would play with me, and we’d fall asleep anywhere, sometimes his bedroom, sometimes in the theater, sometimes anywhere.

Q. All right. Do you know whether any of those boys who happened to fall asleep with you in his room, if any of those boys, any one of them, was Jordan Chandler?

A. It was 15 years ago. I’m not sure if I remember the names.

Q. Are you aware of the allegations in 1993?

A. Yes, I was.

Q. In 1993, were you aware of the allegations while they were going on?

A. Michael had called me about a month or so, or maybe a couple of weeks before the allegations hit the press. And he let me know that some people were going to be saying something, and they were absolutely untrue, and, “Don’t worry about it. I just need you to be my friend right now.” And I said, “Absolutely.”

Q. At the time that Mr. Jackson placed that phone call, did you know who Jordan Chandler was?

A. I don’t know. I’m not sure exactly who Jordan Chandler is, so I can’t -- I can’t say.

Q. But back in ‘93, there wasn’t a face that went with that name? In other words, when he mentioned the name “Jordan Chandler,” was there a face that automatically came to mind for you?

A. I think I had met the accuser from ‘93 or ‘94, if that’s who you’re talking about. I had met him once or twice. But I don’t remember his name, so --

Q. How about Jason Francia? Did you ever meet Jason Francia?

A. I don’t know. I can’t remember. Like I say, this was -- this was, you know, 13 years ago, you know. 14 years ago. And it wasn’t anything -- it was just sometimes there would be some kids there, you know.

Q. Did you ever spend a night in the same room with Brett Barnes at Neverland?

A. I’m not sure if I remember Brett Barnes.

Q. Did you ever spend a night in the same room with Wade Robson?

A. No.

Q. Wade Robson you remember?

A. I remember him, yes, because he was a very good dancer. And I know him also because of what he’s accomplished in his own career recently.

Q. So he’s -- he has stayed in the United States and you’re familiar with him?

A. I am familiar with him. He had a T.V. show for a while.

Q. You don’t have a recollection of spending a night with Wade Robson in the same room, Michael Jackson’s room; is that correct?

A. Not that I remember, no. I mean, we did hang out, the day, like, after the shoot, and we went to his condo in Los Angeles.

Q. How many nights did you spend with Michael Jackson alone in his room and in his bed between the ages of 9 and 14?

A. How -- could you repeat that?

Q. How many nights do you believe you spent alone in Michael Jackson’s room and in his bed, alone with Michael Jackson, between the ages of 9 and 14?

A. It couldn’t have been more than like -- it was a handful of times. It couldn’t have been more than, like, five times, four times.

Q. Sir, you told us it was a handful of times that did you that before you went to Bermuda and that was at age 10?

A. Altogether -- like I said, I went a lot between the ages of about 10 and -- about 9 and 12, 9 and, like, 11. And then I found -- I never really worked a whole lot in Los Angeles. It was only when I was in town that I would go over there. And I worked -- I worked on two films out here when I was -- one when I was 12, the other one when I was 11 or so, or 10. And those are the times that I would go out there, and occasionally I would fall asleep in his room.

Q. All right. After age 10, from age 11 through 14, how many times do you think you went to Neverland?

A. From 10 to 14? Like, six to eight times.

Q. And of those six to eight times, how many times of those did you spend in his -- let me redo that again.

Six to eight times doesn’t necessarily mean six to eight nights, does it?

A. No, I would -- sometimes I would stay for a weekend, sometimes it would be -- I’d try to get up there -- even if it was for a day, I’d go up there. But sometimes it would be, like, four days, sometimes five days.

Q. What’s the longest you ever stayed at Neverland?

A. When I was -- I think I was 20, I stayed there for about, I don’t know, 10 days, 14 days. And that was the longest trip I’d ever taken there.

Q. At age 20?

A. Yes.

Q. All right. Well, can I assume that at age 20 you were not sleeping with Michael Jackson?

A. I don’t think he was there on that trip. I kind of just said, “I need to relax. Is it okay if I use your house?” And he said, “Sure.”

Q. Even if he was there --

MR. MESEREAU: Objection. He cut off the witness, Your Honor.

THE COURT: Sustained.

MR. MESEREAU: May the witness complete his answer?

THE WITNESS: No --

THE COURT: Yes.

THE WITNESS: No, I was just staying there by myself, and I’d just stay in the guest units, and it was just -- it was just that. He wasn’t even there.

Q. BY MR. ZONEN: Even at age 20, you wouldn’t have been sleeping with him anyway, would you have?

MR. MESEREAU: Objection; calls for speculation.

THE COURT: Overruled.

You may answer.

THE WITNESS: Would you repeat the question?

Q. BY MR. ZONEN: But even at age 20, you would not have been sleeping with him in any event; is that correct?

A. Probably not. Like I said, you know, as you get older, you start enjoying your privacy and you start getting on more of a schedule. And I was falling asleep on -- I had more of a schedule going. I was basically going out there to write and things like that, and to relax.

Q. Probably not -- have you slept with Mr. Jackson since you turned 20?

A. No.

Q. Were there ever any occasions that you spent a night in Mr. Jackson’s room in the presence of another boy, not your brothers?

A. Could you specify? So you’re saying with another boy but not with my brothers or something like that?

Q. With another boy, not your brothers. In other words, did you ever --

A. Like I said, yes.

Q. Did you ever spend a night in Mr. Jackson’s bedroom with another boy, not your brothers?

A. Sometimes. Sometimes, like I said, there would be kids there. They’d be introduced as cousins or something like that. And they would hang with us, just as much as anyone else would.

Q. Do you remember the names of any of them?

A. Not offhand, no.

Q. Can you describe any of them?

A. They were kids. They were -- you know, some of them had dark hair. Darker skin, that kind of thing.

Q. What is the oldest child who ever stayed with you in Michael Jackson’s room for the night?

A. I wouldn’t remember. I mean, they were all about my age, maybe a little bit older.

Q. And you were 10 to 12?

A. It wasn’t -- what was that?

Q. You were 10 to 12 in that period of time, 10 to 13?

A. Right around there, yeah. Whenever I was around, sometimes there would be other kids around. And, you know, it wasn’t like we all, like, “Oh, it’s time to go to bed. Let’s huddle in.” It’s like, you know, you’re chatting in bed, and the next thing you know you’re asleep.

Q. But most of the occasions that you stayed at Michael Jackson’s house was between the ages of 9 and 10; is that right?

A. Most of the times that I went there?

Q. Yes.

A. Yeah, just about. Probably that would be about right. When I first -- when I first went there, it was such an amazing place, that I decided to -- you know, any opportunity I had to go out there, I would go.

Q. And after the Bermuda trip, your visits to Neverland diminished? They were fewer?
A. Not necessarily by choice. I just didn’t really find myself out on the West Coast as often.
Q. Did Mr. Jackson ever take you on shopping sprees?
A. Yeah, we’d go shopping.
Q. Where?
A. We used to do this thing where in the middle of the night -- not necessarily the middle of the night, but around, like, after the stores had closed, he would arrange for us to go to Toys-R-Us. And sometimes he wouldn’t even arrange it. We would go there, and he’d literally knock on the door, and the janitor would drop his mop, and go, “What the heck?” and let us in. And then they’d -- you know, we’d go shopping basically at Toys-R-Us when the store was totally empty, because it’s the only time that he could really go shopping like that.

Q. How many times did he do that with you?
A. Oh, gosh. Like two times, three times --
Q. How old were you?
A. -- something like that.
About -- I think the first time we did it was, like, ten.
Q. Did you ever have a conversation with either of your parents about the propriety of your sharing a bed with Michael Jackson?
A. Did I ever have a conversation with him -- with them about what?
Q. Let me change that question.
Did you ever have a conversation with your parents prior to the age of 13? In other words, 12 or younger. While you were 12 years of age or younger, did you ever have a conversation with either of your parents about whether or not you should be sharing a bed with Michael Jackson?
A. No. They never really saw it as an issue.
Q. Did they know that you were sleeping in his bed?
A. I assume so.

Q. You assume so?

A. I can’t tell you what they -- what they knew or didn’t know or what they thought or didn’t think.

Q. Can we assume from that your parents never came into the room while you were in bed with Michael Jackson?

A. That’s not true, no. Sometimes my father would wake us up, because he liked going horseback riding or something like that and, you know, things that I didn’t necessarily enjoy as much as he did, but he would wake me up early in the morning to go horseback riding.

Q. And you would be in bed alone with Michael Jackson?

A. Not always alone, no. And sometimes I wouldn’t be always there. I would be wherever. But I knew they knew that I was in that room, and they knew I fell asleep there.

Q. Mr. Culkin --

MR. MESEREAU: Objection, he’s cutting off the witness.

MR. ZONEN: The answer is nonresponsive to the question.

THE COURT: It’s overruled. And you are cutting him off.

THE WITNESS: Yeah, he knew that I was --

MR. ZONEN: There’s no question pending.

Q. BY MR. ZONEN: Mr. Culkin --

THE COURT: Well, just a minute. Let me take a minute here. You are getting kind of rushed here. And you are cutting the witness off. I’ll just go back and take a look at this. Ask a new question, please.

Q. BY MR. ZONEN: Did your father ever come into Michael Jackson’s bedroom while you were in bed with Mr. Jackson alone?

A. From what I remember, yeah.

Q. Did that happen more than once?

A. Yeah. From I remember, it’s -- I don’t really remember all these kind of details, but I knew he knew I was staying there. So -- and occasionally, I would be woken up to do something that he felt like doing.

Q. When was the first time your father walked into the room while you were in bed alone with Michael Jackson?

A. I can’t recall.

Q. How old were you the first time your father walked into the room when you were alone with Michael Jackson?

A. I don’t recall. It was during one of the earlier trips.

Q. So you were about nine years old?

A. Probably a little bit older. Like -- I don’t think I went there -- I think I went there the first time when I was ten. I think I first met Michael when I was nine.

Q. So the first time you would have been alone in bed with him, you were already ten years old?

A. Probably, yes.

Q. All right. Is there -- was there at the time an alarm on his door going into his bedroom?

A. There was like a walkway kind of thing where if somebody was approaching the door, it would kind of like “ding-dong, ding-dong.”

Q. All right. Do you remember hearing any “ding-dongs, ding-dongs” as your father came into the room?

A. When anyone would approach the room, yeah, you’d hear this kind of -- soft kind of alarm, like “ding-dong” kind of thing.

Q. On the occasion that your father came into the room while you were in bed alone with Michael Jackson, did he say anything to you about that?

A. No.

Q. Did he say anything to Michael Jackson in your presence about your sleeping with him?

A. No. He didn’t really seem to have a problem with it, from what I remember.

Q. And I asked you if he said anything. Did he say anything to Michael Jackson in your presence?

A. Well, what do you mean by “anything”?

Q. Did he say anything to Michael Jackson about him sharing a bed with his ten-year-old son? Did he say anything to Michael Jackson about that in your presence at that time?

A. No, it was a very casual thing. So, no, he never really said anything.

Q. The answer is “No”?

A. No, he never said anything.

Q. And afterward, when you were alone with your father, did he ever discuss with you about your sharing a bed with Michael Jackson?

A. No.

Q. When was the next time your father came into the room when you were in bed with Michael Jackson alone?

A. I don’t remember the specifics of anything like this. I don’t remember when he, like, came in or when whatever. If I knew I had to remember, I probably would have.

Q. Did your mother ever come into the room when you were alone with Michael Jackson in bed?

A. It’s a possibility, yeah.

Q. Do you remember the first time that happened?

A. No, not really, not in any specific detail.

Q. Do you know if it happened more than once?

A. Yeah. He had a very open-door policy. His bedroom door at that time was never locked. Anyone could walk in.

Q. The question was, did your mother come into the room while you were in bed alone with Mr. Jackson more than one time?

A. I really couldn’t speak of any specifics like that.

Q. Did you ever have a conversation with your mother about whether or not it’s appropriate for a 10-year-old boy to be sharing a bed with a 35-year-old man on a regular basis?

A. No. We didn’t share a bed on a regular basis.

Q. Did Mr. Jackson ever talk to you about other boys who shared his bed with you?

A. Not really, no. Like I said, it was a casual thing, so it wasn’t necessarily something that was, like, talked about. I’d fall asleep there, I’d fall asleep anywhere. People just kind of fell asleep wherever they wanted to. That was kind of the fun of the place, was that there was no rigid rules about when or where you should fall asleep.

Q. Did you share a bed with any other 35-year-old man other than a relative during your adolescence?

A. Not that I remember, but I wasn’t really friends with a lot of 35-year-olds who actually understood me.

Q. Can I assume the answer, then, is “No”?

A. No.

Q. Are you aware of any of your brothers ever sharing a bed with any other 35-year-old man during their adolescence?

A. I can’t speak of that. You’d have to ask, you know, them.

Q. Have you ever witnessed any of your brothers sharing a bed with any adult men, not their relatives?

A. Not personally, no.

Q. Have you ever had a conversation with your parents about sharing a bed with Michael Jackson?

A. No.

MR. ZONEN: I have no further questions.

THE COURT: Redirect?

MR. MESEREAU: Yes, please, Your Honor.

REDIRECT EXAMINATION

BY MR. MESEREAU:

Q. Mr. Culkin, you’re aware that it is not illegal for someone to allow children to stay in their room?

MR. ZONEN: I’ll object as irrelevant and leading.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You said that Michael Jackson understood you. What did you mean?

A. Well, because of circumstances, like with my career, I mean, one day I was essentially a normal kid who happened to be an actor, and the next thing I know, I’m just this thing where people are hiding in the bushes and trying to take your picture. And just -- people are kind of out to profit from you, or next thing you know you have a million acquaintances and no more friends anymore. It was like that.

And he understood that. That was one of the first things we talked about, was don't -- “I get it. I understand what you’re going through. I understand the same thing.” You know, “If you want to talk about anything or if you ever want to” -- you know, I could learn from his knowledge, basically, of where he came from.

And you couldn’t really find a whole lot of people, especially when you’re nine years old, put in these circumstances that nobody else -- you can’t really talk to anybody about this kind of stuff.

And he understood it, and it was -- it was a comforting thing.

Q. Do you still talk to Mr. Jackson about the unique way child actors develop and live?

A. On occasion. It’s not like it’s, you know, a child performer self-help group or something like that. But at the same time, it was -- we still talk about it, because we’re a part of a unique group of people. And so we have a unique understanding of one another.

And when it goes to any person who is a child performer, I kind of keep an eye out for them, and I -- because I get it. And it goes the same for anyone who, you know, was or, you know, is a child performer. I think you kind of keep an eye out. You have an understanding of them.

Q. And when you say you get it, now, what are you saying?

MR. ZONEN: Objection. Asked and answered and irrelevant and exceeding the scope of the cross.

MR. MESEREAU: I believe the prosecutor opened this all up, Your Honor.

THE COURT: The objection is overruled.

THE WITNESS: Would you repeat the question?

Q. BY MR. MESEREAU: Yes. When you say he gets it, what do you mean, specifically?

A. Well, like I said, like the photographers in the bushes, or just profiteers, people looking to --

out to get you kind of thing. And he -- he lived through that before. And so he understood what -- what it was like to be put in a position that I was in, basically just thrust into that position.

And it’s weird. It wasn’t necessarily anything I chose for myself. It was something that kind of just happened, and now I have to deal with it. And he understood that.

Q. Now, the prosecutor asked you questions about the propriety of a man in his 30s sharing his

room with children. Have you ever stayed over at a friend’s house?

A. Yes.

Q. Ever stayed in a friend’s room?

A. Yes.

Q. Was it someone not related to you?

A. Yeah.

Q. Ever thought there was a problem with that?

A. Never.

Q. Did you ever see Mr. Jackson as very childlike himself?

A. He was very childlike, yes.

Q. What do you mean?

A. He liked doing the things that we liked to do. He liked playing the arcade games. Though he wasn’t as good as us, usually, but, you know, he still enjoyed doing it, because, you know, it was one of those things. And he enjoyed the same kind of movies. He liked running around. We used to play tag. I mean, it’s that kind of thing. He played with us, you know, the same kind of way I played with any of my friends my age.

Q. Did Mr. Jackson and you ever discuss the problem of sort of missing out on your childhoods because of all the work and pressures of success?

A. It was one of those things that we talked about, yeah. It just -- it kind of just comes with the territory. Like I said, it’s not really, you

know, it’s not really a therapy kind of thing. It’s just kind of more like occasionally we would just kind of talk about those kind of things, yes.

Q. And you talked about an open-door policy in his room.

A. Uh-huh.

Q. Could you please explain what you mean?

A. Well, no doors were ever really locked in his place. It wasn’t like -- you know, you could always -- you could always come -- he always told me, “You can just come to the ranch whenever you want.” And every door was open, and you can go anywhere you wanted, and that included the bedroom.

Q. And did you feel that adults were free to come in and out as well as children?

A. Absolutely. He had a lot of memorabilia and things like that in his closets, and so people liked to look at that. It was one of those stops on the tour when we first showed up. It’s like, “Come to the bedroom. Come see what’s in the closet,” those kind of things. Like I said, it’s almost a part of the tour.

Q. Now, you talked about shopping sprees Mr. Jackson would take you and other friends on. What -- what other shopping sprees did he take you on, if you remember?

A. I think one time when I was -- I mean, besides the Toys-R-Us kind of things, that we just

kind of show up in the middle of the night and scare the janitor, I think when I was about 17 or 18, he was in town with Prince, and we went to -- he closed down FAO Schwartz, like, late at night, and we kind of showed up there and shopped a little there. And anywhere he shops, they kind of have to close it down for him, or we have to go late at night, just because -- it just kind of comes with the territory.

So I think we also went CD or DVD shopping when we were in London. He was just like, “We’re going to go shopping. Do you want to tag along?”

And I went, “Sure.”

But besides that, there wasn’t really anything else. Those are the only times that I remember.

Q. You said “FAO Schwartz.” Do you mean in New York?

A. In New York, yes.

Q. Was that on Fifth Avenue?

A. Yeah, the one on Fifth Avenue.

Q. Near The Plaza Hotel?

A. Right across the street.

Q. Okay. Did you feel as if there was some ulterior motive or purpose behind Mr. Jackson taking you to toy stores to shop?

A. No, it was just to buy toys. Usually to load up on, you know, water guns or something like that. It was just one of those things where -- it was just one of the fun things that you could do while you were hanging out with Michael.

Q. Now, the prosecutor asked you questions about him buying you a watch.

A. Yes.

Q. Did you think anything unusual was --

MR. ZONEN: Objection; exceeds the scope of the cross-examination.

MR. MESEREAU: It does not, Your Honor.

MR. ZONEN: I'll withdraw the objection. I'll withdraw the objection.

Q. BY MR. MESEREAU: The prosecutor talked about Mr. Jackson buying you a watch. Do you remember anything unusual about his buying you a gift?

A. Not at all. No, it was one of those things where, like, yeah, we'd go shopping or something like that. I thought it was a very nice gift. But at the same time, it was very sweet. And he actually had it engraved for me, it was like, you know, "From Michael Jackson," you know, "1991," or "'92," or something like that. I haven't seen it in a bunch of years, but I know I have it somewhere in a box.

Q. Now, in response to the prosecutor's questions you talked about Michael Jackson being generous. What do you mean?

A. He was just very open and giving with not only his money and what he -- you know, but like even just what he had.

I remember a friend of mine had, like, you know -- no, it was my brother. He liked a box, a certain box. It was this wooden box. “Is it all right if I have it?” And he didn’t give it a second thought. It’s that kind of thing.

He just kind of -- he’ll let me go there, go to Neverland anytime I want. And he will let you use whatever you need to, and go wherever you need to go. And he’s just a very good friend.

Q. Now, the prosecutor asked you questions about maybe being molested when you were asleep and not knowing about it. And you said words to the effect, you would have known about it. What did you mean?

A. I think I would have realized if something like that was happening to me, whether I was asleep or not.

Q. Do you have any reason to suspect that Mr. Jackson at any time improperly touched you?

A. Not at all.

Q. Do you have any reason to suspect that Mr. Jackson at any time had a plan to sort of become your friend so he could molest you?

A. Not at all.

Q. Do you have any reason to suspect that Mr. Jackson at any time was manipulating you with gifts or generosity so he could, at the right moment, strike and touch you sexually?

A. No, never.

Q. Okay. Now, the prosecutor asked you questions about Mr. Jackson referring to you and your family as family. And you said you thought he had done that on occasion, right?

A. Yeah.

Q. And what do you recall about that?

A. Well, we were very close. I know my mother had had contact with my father, had talked to him when I wasn’t talking to him. It was just one of those things where he was a close family friend, like family.

Q. And the prosecutor asked you questions about whether you felt Mr. Jackson was somehow pressuring you somehow to do something improper. Did you ever feel as if Mr. Jackson was pressuring you to do anything?

A. He never pressured me to do anything at all. Just -- he was just my friend. He never really pressured me to do anything. Not even go to sleep at the right time or eat my vegetables, you know.

Q. Did you see Mr. Jackson allow other children and families into his room?

A. Yeah. It was, you know, whenever -- it was -- like I said, it was an open-door policy, not only for me but for whatever other families were there.

Q. Now, the prosecutor asked you questions about the trip to Bermuda. And you recall that trip?

A. Yeah, I mean vaguely. It was like a week-long trip.

Q. Do you recall having a pleasant time on that trip?

A. Yeah, we had a good time.

Q. Do you recall Mr. Jackson somehow trying to pressure you to do anything improper on the trip?

A. Not at all.

Q. Did you feel that when Mr. Jackson gave you this engraved watch as a gift, that he was somehow luring you into something?

A. Not at all. It was just a very nice gift. He had given my father a gold coin before, and things like that. I mean, he gave very nice gifts.

Q. To adults and children, right?

A. Yes.

Q. Okay. Now, you were in Bermuda with someone named Brock; is that correct?

A. Yeah, I was.

Q. Who was Brock?

A. He was a friend of ours. He lives in the neighborhood that I was living in in Orlando. And they had, like, a community center, something like that. This is before the “Home Alone” movie had come out. So it was just kind of like -- it was still easy for me to go to like a community center and play basketball or whatever. And he was just one of those kids I met, and played a lot of video games and hung out, things like that.

Q. Was Brock a close friend of yours at the time?

A. At the time, yeah, we were good friends.

Q. Has he stayed a friend of yours?

A. I haven’t spoken to him for a long time. He lived in Orlando. I’m from New York.

Q. Do you recall Mr. Jackson doing anything that was disrespectful to Brock or his family on the trip?

A. Not that I know of, no.

Q. Did you have a good time with Mr. Jackson on the trip?

A. Yeah, we had a very good time.

Q. Okay. Now, in any of your trips where you visited Mr. Jackson in Los Angeles, did you ever feel as if he was doing anything of a suspicious nature to you?

A. No, not at all.

Q. In response to the prosecutor’s questions, you said that in 1993 Mr. Jackson called you and said these allegations were false, right?

A. Yes.

Q. And had you discussed with Mr. Jackson from time to time those false allegations?

A. Not really. It’s not something we necessarily talk about. It’s -- its -- you know, I think it’s just a painful subject. It was a hard thing for everyone to go through, I mean especially him. It just -- it’s a hard subject.

Q. Did you ever consider making false allegations against Mr. Jackson so you could get money?

A. Absolutely not.

Q. Did you ever even imagine doing such a thing?

A. No.

Q. Ever consider running to a lawyer and coming up with a claim against Mr. Jackson?

MR. ZONEN: Objection. Argumentative and leading and irrelevant.

THE COURT: Sustained; argumentative.

MR. MESEREAU: No further questions, Your Honor.

RECROSS-EXAMINATION

BY MR. ZONEN:

Q. You’re telling us that Mr. Jackson had no problem with people going through the closets in his bedroom?

A. Yeah, it was one of those things. I mean, I don’t necessarily think it was a good thing to rifle through everything, but it was --

Q. But people did?

A. He had a large closet. Like I said, he had a lot of his old rhinestone jackets and things like that in there.

Q. People did that?

A. People would go in there, yes.

Q. Sometimes people he didn’t even know?

A. Well, I can’t really speak of whether or not they knew him or not. I assumed if they were there, they knew him.

Q. Certainly people who were in his room with his permission had his permission as well to go through the closets and look at the memorabilia in his closets; is that right?

A. Sure. Like I said, it was another stop on the tour. It was another kind of thing.

Q. It would be nothing unusual at all about somebody who was in his room with his permission to go through his closets and his drawers?

A. Well, I wouldn’t necessarily say the drawers. But it was kind of more -- one of the closets was a lot -- definitely a lot more for display than it was for, you know, actual clothing.

Q. You said he was childlike. Are you referring to his behavior back when you were 10 and 11 years old?

A. Yeah. I mean, even now, he’s more of a father now. It’s kind of fun for me to see that. But at the same time, yeah, I mean, he still has kidlike qualities.

Q. Do you believe that his possession of a great deal of sexually explicit material is consistent with him being childlike?

A. How do you mean?

Q. Him possessing a lot of magazines that are very sexually explicit?

A. It depends on what you are talking about.

When I was 12 or 13 years old, I had a couple of Playboys under my bed.

Q. How about magazines that depict men and women engaged in sex acts, magazines with men and men engaged in sex acts?

A. What about them?

Q. Magazines of women inserting things inside of them? Would you believe that possession of those kinds of magazines, and a number of them, would it be consistent with or inconsistent with his being childlike?

A. Well, I think -- I don't think there's anything wrong with having those things, whether you're childlike or not.

I mean, overall, he's still a human being, and it's something that human beings possess. And so I don't really necessarily find that

inappropriate. But -- but, yeah, I don't find it inappropriate.

Q. But it's surprising to you that he would be in possession of all of that; is that right?

A. Not necessarily, no.

Q. Did you ever watch him give things away to his employees as well?

A. Not firsthand. But I know it was something that did happen.

Q. Based on your knowledge of his generosity, you wouldn't be surprised?

A. I wouldn't --

Q. Hold on. Hold on. Wait till the question is finished.

A. Sorry.

Q. Based on your knowledge of his generosity, you wouldn't be surprised if he gave things away to his employees, for no more reason than he expressed admiration for them; is that right?

A. I guess so. But I couldn't speak of it.

But he was a very generous person.

MR. ZONEN: Thank you. I have no further

questions.

THE COURT: Counsel, it’s time for a break. Are you going to ask questions?

MR. MESEREAU: Yeah, I have a few more, Your Honor.

THE COURT: All right. We’ll take a break.

(Recess taken.)

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REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)

Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 9807 through 9880 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 11, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
May 11, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF.)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, MAY 11, 2005

8:30 A.M.

(PAGES 9882 THROUGH 9952)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Franklin is listed as “F” on index. Mr. Mesereau is listed as “M” on index.
Ms. Yu is listed as “Y” on index. Mr. Sanger is listed as “SA” on index.
Mr. Oxman is listed as “O” on index.

DEFENDANT'S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
VAN NORMAN, James F.	9886-SA	9916-SN	9931-SA	

E X H I B I T S

DEFENDANT'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
5009-A	DVD - Hamid Moslehi outtakes	9951	
5009-B	DVD - Hamid Moslehi outtakes	9951	
5009-C	DVD - Hamid Moslehi outtakes	9951	

THE COURT: Counsel?

MR. MESEREAU: Yes, Your Honor. I apologize to the Court. I’ve reconsidered, and I have no further questions.

THE COURT: No apologies necessary.

MR. MESEREAU: Okay.

THE COURT: You may step down.

Call your next witness.

MR. SANGER: We’ll call James Van Norman.

THE COURT: Come forward, please. When you get to the witness stand, please remain standing. Face the clerk and raise your right hand.

JAMES F. VAN NORMAN

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: James F. Van Norman. Capital V-a-n, capital N-o-r-m-a-n.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. SANGER:

Q. Okay. Mr. Van Norman, the first thing I’m going to ask is try to use that microphone that’s on your right there.

A. Okay.

Q. And you have -- as you just did, you have to kind of sit close to it. It’s a little hard to do in this courtroom. Everybody’s had that problem.

Okay. First of all, do you know the gentleman seated here to my right?

A. Yes, I do.

Q. And who is that?

A. Michael Jackson.

Q. All right. When did you first meet Mr. Jackson?

A. The first time I met Michael was -- it was either 1990 or 1991 while I was employed with Madonna.

Q. What were you doing for Madonna at that time?

A. Personal security.

Q. Is that like a bodyguard?

A. Yes, sir.

Q. All right. Now, let me go back to your background and education. Do you have any particular education, formal education, in the area of becoming a bodyguard?

A. I have a Bachelor’s of Arts from Arizona State in criminology. As for being a bodyguard, I just got into it in college and kept working it.

Q. And what did you do immediately after college?

A. I went to work for different organizations in the security field.

Q. All right. Did you do anything -- did you have any other employment other than the security field?

A. No.

Q. All right. And when you went into the security field, eventually you started working for Madonna; is that correct?

A. Eventually, I went to work for Madonna in 1988.

Q. And prior to ‘88, did you have other experience as a bodyguard or personal security person?

A. Yes, I worked for a company out of Dayton, Ohio, called Professional Law Enforcement, a division of Business Risk International. I did a lot of strike work where I worked as a bodyguard for the comptrollers and the CEOs of the companies.

Q. All right. Now, when you went to work for Madonna, can you describe the kind of work that you did for her. You said bodyguard, personal security. What was the level of your involvement?

MR. SNEDDON: I'm going to object as immaterial and irrelevant.

THE COURT: Sustained.

Q. BY MR. SANGER: All right. When you first met with Mr. Jackson and you first went to work for him, what was your assignment?

A. I was working personal security for Mr. Jackson.

Q. All right. And what did that entail? Did that entail going on tour? Or give us an idea.

A. At first it entailed -- I started doing a lot of video shoots, where we'd, you know, be on site working the video shoots. I'd be making sure anybody coming to see Michael had to check in with us, and I'd be with him if we were out of town. If we did a tour, I went on the tour.

Q. All right. Now, there are different -- let me withdraw that.

How many different security people worked for Mr. Jackson around that period of time when you first started working for him?

A. When I first started, there was -- there was an A team, a B team, and then you'd have your ranch security also.

Q. All right. So let's talk about what the A team and the B team did.

A. The A team was his personal security that was with him 24/7 as a bodyguard. The B team usually worked -- they worked some video shoots, but they were usually on tour, and they would do the stadium set-up ahead of time with the local security, and they'd do some advance work.

Q. All right. So were you on the A team or the B team?

A. A team.

Q. So the B team might go -- if there was a venue where Mr. Jackson was going to perform, the B team might go in advance and set up all the security and work with local police, that sort of thing?

A. Yes, they'd be there ahead of time, before us, to make sure we got into the building safely.

Q. All right. And the A team, when the A team traveled, did the A team travel with Mr. Jackson personally?

A. Yes, sir.

Q. All right. So you wouldn’t go ahead and just be there to greet him?

A. No. I’d be with him personally.

Q. And how long did you maintain that position as a member of the A team traveling personally with Mr. Jackson?

A. Probably 1991 until sometime in ‘94.

Q. Okay. Was part of the concern that you had or part of your job to make sure that Mr. Jackson was personally safe, in other words, not assaulted?

A. Yes, sir.

Q. Was that a concern during that period of time, from ‘91 to ‘94?

A. Always.

Q. And was that part of your training through the other company you had worked for, to deal with the potential for assault?

A. Yes, sir.

Q. And I earlier asked, and I’m going to ask a slightly different question, so see if I -- so don’t answer it until there’s a chance to object.

MR. SNEDDON: Could I ask counsel to stop the gratuitous remarks and get to the question? I object.

MR. SANGER: Well, and I object to that.

THE COURT: Well, I object to both of you.

(Laughter.)

MR. SNEDDON: Well, the same objection was made --

THE COURT: Be quiet, Mr. Sneddon. You raise an objection with one word.

MR. SNEDDON: I object.

THE COURT: (To Mr. Sanger) same with you. Overruled. Next question.

MR. SANGER: Okay.

Q. So this question: Did you learn anything from your work with Madonna as to how to deal with celebrities?

A. Yes, sir.

Q. Okay. And what sorts of lessons did you learn from working with Madonna?

A. I'm --

Q. Let's put it this way: Is there a particular issue with regards to fans, in other

words, fans who may appear to be adoring fans? Is that always a safe thing to assume?

A. No, it's not.

Q. All right. Now, in your work with Mr. Jackson, you said you traveled from time to time; is that correct?

A. Yes, sir.

Q. Where did you travel to from '91 to '94?

A. All over the world. Everywhere.

Q. Who was the head of the security department, let us say, for Mr. Jackson during that period of time?

A. Bill Bray.

Q. All right. And did Bill Bray have an office?

A. Yes, he did.

Q. Where was that?

A. Down in Westwood.

Q. And was that -- was there an office for MJJ Productions?

A. Yes, sir.

Q. Was his office in that corporate office?

A. Yes, sir.

Q. What was MJJ Productions, to your knowledge?

A. Michael J. Jackson Promotions, Productions.

Q. Okay. So it was his company; is that right?

A. Yes, sir.

Q. And what did MJJ Productions do? What did

they -- you said promotions. What did they promote?

A. They did everything. I mean, they got involved with the tours. They handled all of Michael's business affairs.

Q. All right. Now, Mr. Bray, who you referred to, was then in charge of a particular part of this. Can you describe what -- first of all, what was the name of his organization, if he had one?

A. It was the Office of Special Services, and they handled all of Michael's personal security needs and all kinds of security needs.

Q. All right. Did he do some things other than strictly security?

A. He probably did, but I don’t recall.

Q. All right. So Mr. Bray was in charge of the A team and the B team; is that correct?

A. Yes, sir.

Q. And in charge of Mr. Jackson’s security in general, no matter what, wherever it was?

A. Yes, sir.

Q. Did Mr. Bray sometimes travel on tour?

A. All the time.

Q. Now, Mr. Bray was there when you started working for Mr. Jackson, correct?

A. Mr. Bray hired me.

Q. All right. And do you have any idea of how long Mr. Bray had been with Mr. Jackson?

A. 25, 30 years.

Q. Okay. What was Mr. Bray’s background?

A. Law enforcement.

Q. And what particularly in law enforcement?

A. He was with the LAPD.

Q. Was he retired?

A. Yes, sir.

Q. He had been in the robbery/homicide squad?

A. I believe so.

Q. All right. Now, did Mr. Bray have a second in command, as it were, of his security operation?

A. Yes, sir.

Q. Who was that?

A. Wayen Nagen.

Q. And did Wayen Nagen travel on tour?

A. Yes, sir.

Q. Did he have anybody else in his -- in his direct chain of command?

A. By other --

Q. Well, let me ask you, do you know who Betty Bailey is?

A. Yes.

Q. Who is Betty Bailey?

A. Betty was Bill’s assistant at the time.

Q. So maybe I did the “chain of command” incorrectly there.

Did Betty Bailey also have an office --
A. Yes, sir.
Q. -- in Los Angeles? And what was her background?

A. I'm really not sure. I don't remember.
Q. All right. Was it law enforcement? Or you don't know?
A. It might have been.
Q. In any event, this was the office that you reported to; is that correct?
A. Yes, sir.
Q. And you coordinated your activities to protect Mr. Jackson?
A. Yes, sir.
Q. How many people were on the A team, generally?
A. Six.
Q. Six people? And how many on the B team?
A. Anywhere from six to eight.
Q. Now, on a particular venue, when there was a concert or at a particular venue when there was a concert, would security interact with local police?
A. Yes, sir.
Q. And just briefly, describe how that would work.
A. We'd meet with them, or the advance guy would meet with them ahead of time to work out traffic, work out escape routes, different things throughout -- you know, that's going to go on during a concert that we needed to let them be aware of.
Q. Now, when the concert was not going on, I take it that there were times Mr. Jackson would be residing off of his property; he'd be residing at a hotel somewhere in the world?

A. Yes, sir.
Q. Did you provide security in that respect as well?
A. Yes, sir.
Q. All right. And did you work with the hotel security to try to coordinate things?
A. All the time.
Q. When you traveled with Mr. Jackson, where

would you personally stay?

A. I was usually in the room right next door to Mr. Jackson.

Q. Would that be in a suite with an adjoining door, or --

A. At times there was adjoining doors. Sometimes it was the small little maid’s quarters. It all depended on where we were. I mean, sometimes I had a suite. Sometimes I had a little room. It didn’t matter.

Q. All right. And how much of the day would you personally spend with Mr. Jackson from ‘91 to ‘94?

A. That would all depend on what was going on. I mean, sometimes he’d stay in his room. Sometimes we’d go out for the whole day. I mean, all depended on the day, what was going on. And if he had a show the night before, he’d stay in most of the next day.

Q. Was it easier to go out with Mr. Jackson in Europe than in the United States?

A. Oh, no. I don’t think so.

Q. Was it harder?

A. Yes.

Q. Okay. And why was that?

A. They had a large fan base, and you’re in different countries, different customs, different rules and regulations, and, you know, in certain countries they let the fans run wild where there was no, you know, outside security helping us, so it could become quite chaotic.

Q. Was it easy for Mr. Jackson to go out in the United States?

A. No.

Q. During the period of time you were with Mr. Jackson from ‘91 to ‘94, can you describe what it would be like for Mr. Jackson to try to go to, say, a mall to shop?

MR. SNEDDON: I’m going to object as immaterial; irrelevant.

MR. SANGER: It’s going --

THE COURT: What’s the relevancy?

MR. SANGER: Do you want me --

THE COURT: What is the relevancy?

MR. SANGER: Mr. Van Norman took over as ranch manager in ‘94 and took over the security

concerns of the ranch itself.

THE COURT: All right. Well, then the objection is sustained on the question that was asked.

MR. SANGER: All right.

Q. As far as going out in public in general, was Mr. Jackson able to simply go out in public without a group of security people?

A. Very rare occasions.

Q. And if he did that, how would he do it?

MR. SANGER: I’ll object. Immaterial and irrelevant.

THE COURT: Sustained.

Q. BY MR. SANGER: All right. A little more direct question, if I may.

Would he have to wear a disguise, for the most part, to go out?

A. Sometimes.

MR. SNEDDON: Object as immaterial and irrelevant.

THE COURT: Overruled. The answer was, “Sometimes.” Next question.

Q. BY MR. SANGER: All right. Now, in 1993, do you recall some particular publicity coming out about Mr. Jackson that caused additional security concerns?

A. Yes.

Q. And what was that?

A. That was the Jordie Chandler case.

Q. Okay. The allegations that were made at that time; yes?

A. Yes.

Q. And those -- those allegations were published in the press widely?

A. Yes, sir.

Q. Were they published in the mainstream press?

A. Published all over the world.

Q. Did that -- what did that -- what effect did that have on Mr. Jackson’s personal security?

A. It got a lot tougher for us, not only with the fans, but then we had the media that was all over us also.

Q. Okay. And at some point, did you -- or let me withdraw that.

When did you first go to Neverland Ranch?

A. The first time I went to Neverland Ranch was after the “Dangerous” tour in ‘93.

Q. All right. And was that at the time that these allegations had surfaced and the media was publishing all sorts of things?

A. Yes, sir.

Q. All right. So you had not been to the ranch before that had occurred?

A. No.

Q. So you don’t know what the security policies were at the ranch prior to your arriving there; is

that correct?

A. Correct.

Q. All right. When you arrived there at the ranch, was Mr. Jackson with you?

A. No.

Q. And what was your purpose in going to the ranch?

A. To secure it for his arrival. He was coming back from London.

Q. All right. So you were there a matter of days before he got there?

A. About a day or two.

Q. Day or two. All right. And then Mr. Jackson was there at the ranch, correct?

A. Yes, sir.

Q. Was he there continuously at the ranch through the end of your tenure?

A. No, he wasn’t there continuously. He would only come at different times.

Q. He would go different places?

A. Different places, yes.

Q. At what point did you cease being on the A team, as it were, and start working at the ranch?

A. Sometime in ‘94 Michael asked me to look after the ranch for him, so I did.

Q. And were you at some point, in essence, the ranch manager?

A. Yes, sir.

Q. Did you move to this area?
A. Yes, I did.
Q. Where did you move to?
A. At first I stayed on the ranch itself. And then I moved into Los Olivos, and eventually I was down in the same area.
Q. Santa Ynez area?
A. Santa Ynez, yes.
Q. And how long did you live there?
A. Upwards till August of ‘98.
Q. Okay. And then in August of 1998, did you -- what did you do?
A. I went to work for the Viejas Indian Tribe down in San Diego.
Q. Is that where you still work?
A. Yes, sir.
Q. And your wife was employed; is that correct?
A. Yes, sir.
Q. What was her employment?
MR. SNEDDON: Object as immaterial and irrelevant, Your Honor.
THE COURT: Sustained.
Q. BY MR. SANGER: Did your wife’s employment have anything to do with your moving?
A. No.
Q. All right. So in ‘93, you come to -- I’m sorry, ‘93 you come to the ranch. And was there a security office at the ranch?

A. Yes, there was.
Q. Did they have security guards?
A. Yes, they did.
Q. Who was in charge of that at that time?
A. I believe his name was Bob Wagner.
Q. After Mr. Wagner, who took over?
A. I think there was a brief time where the lieutenant just stepped in, Steve Bailey, and then Kassim Abdool.
Q. And did Mr. Abdool become the chief of security?
A. From what I recall, yes.
Q. Okay. Did you carry a firearm at the ranch

in 1993, ‘94?

A. Yes, I did.

Q. Did you carry the firearm at all times?

A. On the ranch, yes.

Q. And you were trained in firearm safety; is that right?

A. Years ago, yes.

Q. Did you ever display your firearm at anybody for any purpose?

A. Never.

Q. Are you aware that Mr. Abdool alleged that you pulled out your firearm and pointed it through the gate at a fan?

A. I’m aware of that, yes.

Q. Did that ever happen?

A. No, sir.

Q. Did you ever display your firearm in any way?

A. No, sir.

Q. In other words, you carried it on your person?

A. Yes, sir.

Q. Did you ever walk around with a gun just strapped to your hip?

A. No.

Q. All right. All right. Now, at the time you were getting the ranch prepared in ‘93 for that day or two before Mr. Jackson got there, what were your concerns at that time as far as security was concerned?

A. We had a lot of media build-up outside, and then of course we found a few of them sneaking onto the property. So they’d be hiding in bushes. They’d be doing whatever they can to get a picture. So we did have a lot of concern of people getting onto the property and getting close to the house.

Q. Was there a concern about fans as well as media?

A. Yes, sir.

Q. What was the concern about fans?

A. Same thing. They want to get on the property and try to get as close to Michael as they could.

Q. Around that time, was there a lot of activity at the front gate?

A. Yes.

Q. Can you describe what that was like?

A. Lots of media trucks, lots of fans, you know, upwards of 5- or 600 people just standing out there waiting to see who’s coming in and who’s going.

Q. Did you evaluate the security systems at the ranch at that time?

A. I took a look at them, yes.

Q. Okay. Did you do anything to change them?

A. I tried, but they didn’t get changed.

Q. All right. Were the security systems state of the art?

A. No, sir.

Q. Can you describe them?

A. There was some sensors outside that, you know, usually the deer or the raccoons would trigger. The house wasn’t very secure at the time. That’s about it. It wasn’t -- it wasn’t a good security system at the time.

Q. During the time that you were there, did you make some changes with regard to securing the house?

A. Yes, sir.

Q. And what kinds of changes?

A. We limited the access to the house. At times we posted guards at the house. Key access

especially. That, you know, to let the doors be opened by only certain individuals so the house would be locked down so nobody could get in it unless they were, you know, supposed to go into it.

Q. And did this happen immediately or did this take place over time?

A. It took place over time.

Q. Now, you said key access. Were there key pads on the house, or were there keys, or do you remember?

A. There were keys at that time.

Q. All right. And so you limited -- you started, over this period of time, starting to insist that the doors actually be locked?

A. Yes, sir.

Q. And that certain people would have keys to get in; is that right?

A. Yes, sir.

Q. Were guests given keys?

A. No, sir.

Q. So if somebody wanted to get in, they’d call security?

A. They’d call security, yes.

Q. Did they call housekeeping?

A. They had keys also.

Q. All right. Now, nevertheless, if there were guests staying at the -- staying on the property in the guest units, for instance, would they be allowed

to have free access to the house?

A. Yes, sir.

Q. All right. So who were you trying to keep out?

A. Fans and media.

Q. All right. During the period of time you were there, did any fans actually penetrate the property?

A. Yes, sir.

Q. About how many occasions?

A. There was quite a few that they got on the property. As to actually getting to the house, there was a few occasions that they did actually get to the house, and one occasion where they got in.

Q. Okay. And where did the person get in? Where did the person who got in end up?

A. She ended up in the back door, up the stairs, hiding in a crawlspace for the whole day.

Q. Did that appear to you to be a serious breach of security?

A. Yes, sir.

Q. And based on your experience with Madonna and your other experience in the industry, are celebrity stalkers sometimes dangerous?

A. Very.

Q. Most of the time not, I take it.

A. You can’t -- you never know. I mean, they change. They’re very dangerous at times, though.

Q. All right. Now, during the time that you were working for Mr. Jackson, did you have occasion to know the Barnes family?

A. Yes, sir.

Q. Did you see them with Mr. Jackson?

A. Yes, sir.

Q. Did you see -- can you tell us about the family that you saw?

A. Very nice family. They did a lot of traveling with us. I liked them.

Q. Okay. And who were the family members that you remember seeing?

A. Brett. Karlee. Mrs. Barnes. And occasionally Mr. Barnes.

Q. So the whole family, two parents and --

A. Yes.

Q. -- and a son and daughter.

Did you have occasion to meet Macaulay Culkin and his family?

A. I met Macaulay, but not his family, and that was at a time in Chicago when I was there doing a video with Michael.

Q. So you didn’t see Macaulay Culkin or his family at the ranch when you were there?

A. No.

Q. All right. Do you know Wade Robson and his family?

A. Yes.

Q. Can you tell us about that family?

A. I don’t remember if I ever -- I think they were at the ranch a few times, but I met him more at video shoots that we did. And Wade was dancing and things like that. His mother was Joy.

Q. Okay. Did you have occasion to meet Jordie Chandler?

A. No.

Q. Okay. Did you ever meet his mother?

A. No.

Q. Did you know Blanca Francia?

A. No.

Q. She would have been gone before you arrived; is that right?

A. Yes, sir.

Q. All right. So therefore you didn’t meet Jason Francia either?
A. No.
Q. With all of those people that you just mentioned, the ones that you met, the Barnes, the Robsons, Culkin, to the extent that you saw him, did you ever see Mr. Jackson ever do anything inappropriate with any of them?
A. No, sir.
Q. Now, you mentioned Bill Bray, who is a retired L.A. Police Department detective. Did he take an active interest in the security at Neverland Ranch?

A. When we first got there, yes.
Q. And did he come up from time to time?
A. Yes, sir.
Q. Did you answer to Mr. Bray during the time that you worked there?
A. During the whole time that I worked there?
Q. Well, let’s start with from ‘91 to ‘94.
A. From ‘91 to ‘94 I did, yes.
Q. And then after you became ranch manager, you didn’t report directly to him anymore?
A. No.
Q. You still knew him?
A. Yes.
Q. If you had seen anything inappropriate with these children or any law violations, would you have reported them to Mr. Bray?
A. Yes, sir.
Q. By the way, did Mr. Bray travel on tour from time to time?
A. Yes, sir.
Q. Now, how many employees were there at the ranch when you were working as ranch manager?
A. When I started or when I finished?
Q. Give us the range.
A. I think there was about 160 when we first went up there, and about 80 in ‘98 when I left.
Q. Okay. And did the various department heads report to you?

A. Yes, sir.

Q. So at that time, you would have been -- you would have had housekeeping, security, fire, zoo, all the others would have reported to you; is that correct?

A. Yes, sir.

Q. Did you have meetings with them from time to time?

A. Yes, sir.

Q. And the employees that you described, from 160 at the high point down to maybe 80-some at the lower point, were those people who lived in the community here?

A. Yes, sir.

Q. And how many people were there who came up from, as it were, from the corporate headquarters, who worked there?

MR. SNEDDON: I'm going to object as immaterial.

THE COURT: Sustained.

MR. SANGER: Okay.

Q. Did at some point Mr. Abdool, Kassim Abdool, Ralph Chacon and Adrian McManus stopped coming to work?

A. Yeah, they just stopped coming to work.

Q. Did they all stop on the same day?

A. Pretty much.

Q. Okay. Did they at some point sue you?

A. Yes, sir.

Q. And they sued seven other employees; is that right?

A. Yes, sir.

Q. Sued Bill Bray?

A. Yes, sir.

Q. Betty Bailey?

A. Yes, sir.

Q. With the exception of -- let me withdraw that. Melanie Bagnall also joined that lawsuit; is that correct?

A. Correct.

Q. And she sued Andrew Merritt; is that right?

A. Yes, sir.

Q. With the exception of Andrew Merritt, were all the people that were sued people from the corporate headquarters, for lack of a better term?

A. Yes, sir.

Q. And what was the outcome of that lawsuit?

A. We won it hands-down. I think it was 12 “No” verdicts on all but one.

Q. The all but one --

A. Was the Andy Merritt.

Q. Melanie Bagnall’s claims against Andy Merritt?

A. Yes, sir.

Q. Andy Merritt was a security guard?

A. Yes, sir.

Q. And he won that as well?

A. He won that as well, yes.

Q. 10 to 3 or something?

A. Something like that.

MR. SNEDDON: I’m going to object. Asked and answered; move to strike.

THE COURT: Overruled.

Q. BY MR. SANGER: Okay. Now, with regard to the ‘93 period of time, do you recall in ‘93 whether or not there were certain people who went to the media to sell their stories?

A. Yes, sir.

Q. Do you recall who some of those people were?

A. Yes, sir.

Q. Tell us.

A. Ralph Chacon, Adrian McManus, and Kassim Abdool, Melanie Bagnall, Sandi Domz.

Q. Now, actually, before they went to the media, were there any other employees who had gone to the media?

A. I believe there were, but I don’t remember the names.

Q. Do you remember if Blanca Francia --

MR. SNEDDON: Your Honor, I’m going to object as leading.

THE COURT: Overruled.

Q. BY MR. SANGER: Do you remember if Blanca Francia was one of them?

A. I remember hearing that, yes, but I didn’t know her.

Q. These were people that were before you got there?
A. Yes, sir.
Q. During the time you were ranch manager -- you said you reported directly to Bill Bray before you were ranch manager?
A. Yes.
Q. After you were ranch manager, who did you report to?
A. Steve Chabrey or Mr. Jackson himself.
Q. Who was Steve Chabrey?
A. He was the CEO at the time of MJJ Productions.
Q. And he had an office down in L.A.?
A. Yes.
Q. And he would have been Mr. Bray’s boss as well, I suppose.
A. I don’t know if they were separate or not, but Mr. Chabrey was overseeing the whole operation at the time.
Q. And you said you also reported to Michael Jackson?
A. Yes, sir.
Q. Now, have you gotten to know Mr. Jackson on a personal basis, personal level?
A. Yes, sir.

Q. And how did that occur?
A. I think over years of, you know, building up the trust, that, you know, Michael felt comfortable with me, and we talked about different things, and I was able to talk to him about things that were going on.
Q. All right. And that occurred before you became ranch manager?
A. Yes, sir.
Q. While you were ranch manager, did you still have the opportunity to talk with Mr. Jackson when he was on the property?
A. Yes, sir.
Q. Did you talk to him every day?
A. No, sir.
Q. All right. What was your, let’s say, policy or attitude towards talking with Mr. Jackson?

A. I would only talk to him if he would come up to me or if I really needed to ask him something about what was going on. I didn't make it a point to try to, you know, buddy up with him and get to know him, but I had a job to do.

Q. All right. And at the ranch, if there was a policy decision about security, for instance, how would that policy decision generally be made?

A. When I was the ranch manager, I would make the ultimate decision on the policy.

Q. Did you ask Mr. Jackson?

A. No.

Q. All right. And who would you consult with when you were ranch manager?

A. Sometimes I'd run it through Evvy, who was Michael's -- that worked for Michael down in L.A. A lot of times, depending on the policies, you know, I made the decision myself.

Q. And going the other way in the chain of command, who would you consult with?

A. What do you mean, "going the other way"?

Q. In other words, would you talk to the head of security, for instance?

A. I talked to them, yes, about why we're doing this and why it needs to be done.

Q. With regard to other decisions of that sort, was Mr. Jackson hands-on running things at the ranch, telling people what to do?

A. No, sir.

Q. Would Mr. Jackson from time to time ask employees for things, for assistance with something, unlock a door --

A. Yes, sir.

Q. As far as making these policy decisions on security and that sort of thing --

A. No, he wasn't involved.

Q. All right. And despite the fact you left employment to go down and work in San Diego, do you still consider Mr. Jackson to be a friend?

A. Yes, sir.

Q. Have you had any contact with him recently?

A. Just said hello yesterday. I haven't seen

him since I left, so I did consider him a friend, yes.
MR. SANGER: That’s fair enough. Thank you. I have no further questions.
THE COURT: Cross-examine.

CROSS-EXAMINATION
BY MR. SNEDDON:
Q. Good morning, Mr. Van Norman.
A. Good morning, Mr. Sneddon.
MR. SNEDDON: Hand me that water, if you would.
Q. When you began work for Mr. Jackson originally, you were strictly involved in either providing security on the videos or on a tour, correct?
A. Yes, sir.
Q. And you did accompany Mr. Jackson on a European tour at one time?
A. Yes, sir.
Q. And with regard to that particular tour, your responsibilities were security-related on the A team?
A. Yes, sir.
Q. Were you carrying a weapon at that time?

A. No, sir.
Q. Did you ever carry a weapon in the protection of Mr. Jackson during any of the tours that you went on with him?
A. No, sir.
Q. Did you ever carry a weapon during any of the times that you did any video shoots with Mr. Jackson?
A. No, sir.
Q. Did you ever do any -- did you ever carry a weapon at any of the times when you provided security for Mr. Jackson when he was doing concerts?
A. No, sir.
Q. The video shoots that you went on with Mr. Jackson were often done in a public setting, correct?
A. Yes. Yes, sir.
Q. I’m sorry. Go ahead.

A. Yes, sir.

Q. The reason that you had to interact with the local law enforcement is sometimes they would be done with a lot of fans standing around watching what was going on, correct?

A. Yes.

Q. And oftentimes in the concerts that you were at, there were thousands and thousands of fans in an open venue --

A. Yes, sir.

Q. -- correct?

Now, during the time that you said you began your employment on the ranch in December of 1993, okay? Is that correct?

A. Yes, sir.

Q. Okay. And that you, prior to that, had been on tour with Mr. Jackson?

A. Yes, sir.

Q. Now, when the allegations surfaced about the Jordan Chandler situation with Mr. Jackson, the tour was aborted, was it not?

A. “Aborted” meaning over?

Q. Yeah, it was stopped prematurely?

A. No, sir.

Q. You don’t recall Mr. Jackson being in Mexico for a month or a month and a half?

A. Yeah, but when the allegations first came out, we were on tour and we didn’t stop it right then and there. We continued until we got to Mexico City, and then we cancelled a few dates after that.

Q. And then you went to England for a while.

Did you go with Mr. Jackson to England?

A. No, sir.

Q. So there were several months where Mr. Jackson was out of the country in either Mexico or England where you weren’t part of his A team at that time?

A. He left right from Mexico to England, and it

was -- I don’t think it was several months. I think it was six weeks.

Q. I won’t quibble with you over a couple weeks, but you weren’t part of the A team providing

security at that time?
A. I don’t think he had anybody with him at the time.
Q. Now, when you got to the ranch, you did carry a weapon, correct?
A. Yes, sir.
Q. You were armed?
A. Yes, sir.
Q. And the other OSS officers were also armed?
A. Yes, sir.
Q. And there were four of them?
A. Yes, sir.
Q. The names -- Tony Coleman is one I know.
A. Tony Coleman. Marcus Johnson. Jerome Johnson.
Q. Okay. Now, you know what a guard card is, don’t you?
A. Yes, sir.
Q. What’s a guard card?
A. A guard card is something that a security guard needs to work in the State of California.
Q. And during the time that you were providing security for Mr. Jackson at his ranch from December of ‘93 on, you did not have a guard card, correct?

A. No, sir.
Q. And the weapon that you were carrying on your person during the time you were employed there was a nine-millimeter Glock?
A. Yes, sir.
Q. And you had another sidearm -- not sidearm, but another weapon, pistol, I guess. It’s a Witness .40 semi-automatic?
A. Yes, sir.
Q. And you had a stun gun?
A. Yes, sir.
Q. Now, did you carry your -- the one that you carried on your person most of the time was the nine-millimeter Glock, correct?
A. Yes, sir.
Q. Did you carry that on your waist?
A. Usually on my back.
Q. In a -- back here?
A. Back -- uh-huh, yes, sir.

Q. Let’s go back a little bit and talk about some of the tours you were on. You were in Chicago with Mr. Jackson with the Barnes family, correct?
A. Yes, sir.
Q. And on all of the tours that you went on, was it your position to be in the room next door to Mr. Jackson’s room?
A. I would say 95 percent of the time that’s where my room was.

Q. Fair enough. And it was your observation, was it not, that during the time that Brett Barnes was in Chicago, that he stayed with Mr. Jackson in Mr. Jackson’s room, correct?
A. I believe so, yes.
Q. And it was your observation that during the time that the Barnes family accompanied Mr. Jackson to South America -- were you on that tour?
A. Yes, sir.
Q. -- (continuing) that Mr. Jackson -- that Brett Barnes spent virtually every night with Mr. Jackson in his bedroom, correct?
A. I believe so, yes.
Q. And there was a South American tour, correct?
A. Yes, sir.
Q. And Brett Barnes was on that tour with Mr. Jackson, correct?
A. I believe so.
Q. And spent every night with Mr. Jackson in his room?
A. I believe so.
Q. Were you present at the time that Mr. Jackson was about to get on the plane to leave for that tour to South America? Were you in the limo with Mr. Jackson?
A. I don’t recall exactly where I was, whether I was in the limo, but I was on the tour, so I was either standing outside the limo or sometimes I drove in the limo with him.

Q. Do you recall Brett Barnes being in the limo with Mr. Jackson?
A. I don’t remember back then, that far.

Q. Do you remember them having to take Mr. Barnes away from Mr. Jackson and hide him away from the people to get on the plane in a separate way?
A. No, I don’t.
Q. You don’t recall any of that?
A. No, I don’t.
Q. How old was Brett Barnes about the time that he was traveling with Mr. Jackson, in your opinion?
A. About 13.
Q. Teenager?
A. Yes, sir.
Q. You never questioned what a teenager was doing in Mr. Jackson’s bedroom night after night after night?
A. No, sir.
Q. You didn’t think it was inappropriate for a teenager to be sleeping with a 35-year-old man --
A. No, sir.
Q. -- not his relative?
A. No, not at the time.
Q. While you were -- while you were at the ranch, you did purchase some security equipment in an attempt to upgrade the systems there, right?

A. Not really to update the systems. Just to give them a little more security to certain areas, yes.
Q. But you did buy some security equipment?
A. Yes, I did.
Q. And did you ever buy any eavesdropping devices?
A. No, sir.
Q. Anything that you plugged into the wall so you could listen to people?
A. No, sir.
Q. When you purchased the equipment that was to upgrade the security system there, would the invoice that you were given correctly describe the items that you bought?
A. No, sir.
Q. In other words, it was -- it was not correct?
A. It was not correct, yes.
Q. And what was the reason that the invoice did

not accurately depict the things that you actually purchased?

A. We didn’t want anybody to know we were purchasing video equipment to go outside of Mr. Jackson’s bedroom so he could have -- he could see who’s coming down the hallway. And we felt it was nobody else’s business what we were doing. So if we depicted it as video equipment and what it was, then it serves no purpose; that people would know that there’s a camera out there.

Q. Well, who would be looking for invoices that you’d buy security equipment from?

A. People that go through the invoices. The accountants. The people at the ranch that were working in administration. It was none of their business.

Q. So you didn’t use that invoice to hide the fact that you bought eavesdropping devices that were inserted into all the walls in the house?

A. I didn’t buy any eavesdropping devices, sir.

Q. Okay. The ranch phone system. I believe you indicated previously that, to your knowledge, there are three places where one can overhear a telephone call, correct?

A. Yes, sir.

Q. One is in the administrative office?

A. Yes, sir.

Q. One is at the guard shack?

A. Yes, sir.

Q. And the other is in Mr. Jackson’s room?

A. Yes, sir.

Q. Those are the only three places, to your knowledge, when you worked there that that could be done?

A. Yes, sir.

Q. Do you recall a situation where you were called out to the ranch involving a disagreement between Mr. Coleman and Mr. Chacon over a person who had come onto the ranch?

A. I recall something of that, but I really don’t recall the whole incident.

Q. Do you recall there was a couple of

foreigners who had mistakenly strayed onto the ranch and were encountered by guards?

A. Mistakenly?

Q. Yeah.

A. Okay. No. I do recall that incident, yes.

Q. Well, they thought --

A. It’s coming back to me.

Q. Well, they were given permission to go on the neighbor’s ranch, correct?

A. I don’t know the whole story, no. I don’t recall it. I recall bits and pieces, but I don’t know why they were on Michael’s ranch to begin with.

Q. So you didn’t look into it, as the chief of security, to ascertain whether there was a system failure here?

A. I wasn’t the chief of security.

Q. You were one of the security guards?

A. Right, but I wasn’t handling that issue. It was Mr. Coleman.

Q. You actually, as a matter of fact, took reports from the individuals involved, did you not?

A. I don’t --

MR. SANGER: This is beyond the scope of direct; and relevance.

MR. SNEDDON: That has to do with his range of responsibilities, Your Honor. And it also involves Mr. Chacon.

THE COURT: The objection is sustained.

Q. BY MR. SNEDDON: Did you not conduct an investigation?

A. I don’t remember if I did. I did a lot of stuff at the time, and that actual thing I don’t remember.

Q. Do you recall whether the sheriff’s department was called out?

MR. SANGER: Objection. Relevance; beyond the scope.

THE COURT: Overruled.

You may answer.

THE WITNESS: Again, I don’t remember the whole situation. They may have been.

Q. BY MR. SNEDDON: Do you recall whether or not the people were arrested and prosecuted?

A. No, I don’t.

Q. All right. Just a couple more questions. One of the things that you did when you came onto the ranch in ‘93 - okay? - was that you began to look at some of the personnel files, correct?

A. Yes, sir.

Q. And you looked at Mr. Chacon’s file twice, correct?

A. I believe so. Back then - it’s a ways back - but I believe that’s what I did state --

Q. Okay.

A. -- on another case.

Q. And you did look at Mr. Abdool’s file, correct?

A. Yes, sir.

Q. And one of the other things that you looked at was to compare the gate logs with the time cards to see whether or not any individuals on the ranch were cheating in terms of the number of hours they were working, correct?

A. Yes, sir.

MR. SANGER: I’m going to object, Your Honor. This is beyond the scope of direct, and relevance, and 352.

THE COURT: I’m not sure where you’re going.

MR. SNEDDON: It’s credibility, Your Honor.

THE COURT: All right.

MR. SNEDDON: And I think you’ll see when I ask the next question.

THE COURT: All right. Go ahead. Overruled.

Q. BY MR. SNEDDON: And with regard to Mr. Chacon, you compared your records with the time cards and they were accurate. They didn’t cheat the ranch, did they?

A. No, he didn’t, but other employees did.

MR. SNEDDON: Move to strike as nonresponsive.

THE COURT: The last part is stricken.

Q. BY MR. SNEDDON: And with regard to Mr. Abdool, you checked his time cards with the gate logs and they were honestly filled out, correct?

A. Yes, sir.

Q. And with regard to Adrian McManus, you also checked hers, and they were honestly filled out, correct?

A. Yes, sir.

Q. And one of the other responsibilities that you conducted at the ranch was to determine whether or not there were any thefts from the ranch, correct?

A. We looked to see if things were missing and things along those lines, yes.

Q. Correct. And in that connection when you did that, you determined that Adrian McManus, to your knowledge, had never taken anything from the ranch, correct?

A. I don't remember investigating Adrian to see if she took anything from the ranch at that time.

Q. Do you remember your deposition being taken in your lawsuit and being asked that question?

A. No, I don't remember right now. Sorry.

Q. All right. Do you remember the same question being asked as to Mr. Chacon, that you had --

MR. SANGER: Well -- I'm sorry, Your Honor. If he doesn't remember the question, how can he remember the same question? So I object.

MR. SNEDDON: Maybe he just doesn't remember that individual.

THE COURT: Just stop talking to each other. The objection's overruled. You may ask that question. I'm not sure you got it all out.

MR. SNEDDON: I'll start over again, Your Honor.

Q. The question is, with regard to -- I think we're on Mr. Chacon at this point, if I'm not mistaken; that you never saw Mr. Chacon take anything from the ranch, correct?

A. I never saw him take anything, no.

Q. And with regard to Kassim Abdool, you never saw him take anything from the ranch?

A. I never saw him take anything, no.

Q. And with regard to Miss McManus, you never saw her take anything from the ranch?

A. No, I never saw her take anything.

MR. SNEDDON: No further questions. Oh, wait. I’m sorry. I do apologize. One area. This won’t take long.
Q. Also one of your responsibilities was that, after you came there in December of ‘93, the locks on Mr. Jackson’s -- the entrance door to Mr. Jackson’s room were changed, correct?

A. Yes, sir.
Q. And you were one of the people who was given the directive to take care of that?
A. Yes, sir.
Q. And as a matter of fact, it was changed on a couple of occasions due to some communication issues?
A. Yes, sir.
Q. And Mr. Jackson was not present on the ranch at that time, correct?
A. No, he was not.
Q. And the orders were given that no one was to go into his room in his absence, correct?
A. I believe so.
Q. And the locks that were changed are locks that lock on the inside of the door, correct?
A. Lock on the inside?
Q. Yeah, that the lock’s on the inside?
A. Deadbolt on the inside?
Q. Right.
A. I believe so, but I don’t remember offhand.
MR. SNEDDON: Okay. All right. Thank you. I’m sorry.
THE COURT: All right. Redirect.
MR. SANGER: Yes. Thank you.
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REDIRECT EXAMINATION
BY MR. SANGER:
Q. Let’s go to the question area about carrying weapons.
First of all, did you, in the course of your employment with Mr. Jackson at the ranch, ever carry a concealed weapon off of his private property?
A. No, sir.

Q. So if you went into Los Olivos or someplace else, you would not carry a concealed weapon; is that correct?

A. Correct.

Q. Did you understand that you needed a guard card to carry a concealed weapon on Mr. Jackson’s private property, at his home?

A. I don’t believe that I did need a guard card at the time.

Q. You did have training in firearms, right?

A. Years ago, yes.

Q. Did you have any licenses in any jurisdictions to carry a weapon?

A. No, sir.

Q. So when you were in other jurisdictions, did you ever carry a concealed weapon?

A. No, sir. We usually hired off-duty police officers to work with us.

Q. All right.

MR. SNEDDON: Move to strike the last part as nonresponsive, Your Honor.

THE COURT: Stricken.

Q. BY MR. SANGER: All right. I was going to get back to this. You worked with actual on-duty law enforcement in various venues; is that correct?

A. Yes, sir.

Q. And did you hire people who were authorized to carry weapons in other jurisdictions?

A. Sometimes, yes.

Q. Did Mr. Jackson like to have people have firearms around him?

A. No, sir.

MR. SNEDDON: I’m going to object. Call for speculation, conclusion, lack of foundation.

MR. SANGER: Let me withdraw it and phrase it in a different way, if I may.

Q. Did Mr. Jackson ever express to you whether or not he wanted people to have people carrying firearms around him?

MR. SNEDDON: Object. Hearsay.

THE COURT: Overruled. You may answer.

THE WITNESS: I don’t think he liked to have guns around him, no.

Q. BY MR. SANGER: All right. In 1993 when you came to the ranch, and you've already described the situation with the media and fans and all that -- well, let me withdraw it and put it directly this way: Why did you feel it was necessary to carry a concealed firearm while you were on the ranch property?

A. Well, if I can go back to when I worked with Madonna also, they -- these fans can be very dangerous and sometimes they are armed. And there's been occasions where I've had fans that were armed that I've taken a gun away from, or a knife, and it's just for our protection, as well as, you know, I'm not going to go in there blind and get myself hurt.

Q. Now, at the ranch, was there a sheriff's station, you know, within, say, a mile or two of the front gate?

A. No, sir.

Q. And from time to time, did you actually go out and patrol areas away from the house?

A. Do you mean -- oh, yeah, definitely, out in the woods and stuff like that, and we've caught fans out there.

Q. And how would you go out into the wooded area?

A. Usually in a truck. Occasionally on horseback.

Q. All right. Did you ever have to use -- did any of you ever have to use your weapons in any way?

A. No, sir.

Q. All right. There was a question about -- well, let me ask you this: When people travel with Michael Jackson, would it be the responsibility of the personal security staff to also protect those people?

A. Yes, sir.

Q. And would fans or other people have interest in people who travel with Michael Jackson simply because they were doing so?

A. Yes, sir.

Q. So somebody might not be famous, but if they're with Michael Jackson, they're --

A. They're in the line of fire, so to speak. There's instances where we were overtaken sometimes and we would have to get everybody out, so --

Q. You were asked about children being with Mr. Jackson on tour and elsewhere. What was Mr. Jackson's attitude towards the children that you saw him with?

A. His "attitude" meaning --

Q. What's his demeanor? How did he behave with children?

MR. SNEDDON: I'll object to the foundation.

THE COURT: Sustained.

Q. BY MR. SANGER: I'm asking about your personal observation of Mr. Jackson hanging out with children. First of all, did you see Mr. Jackson hanging out with children from time to time?

A. Yes, sir.

Q. And what was your observation about his demeanor, his interrelation with these children?

A. He was like one of the kids. I mean, they'd have water balloon fights, pillow fights, food fights. It was a debacle. Just a lot of things that kids do.

Q. All right. And did this occur on tour?

A. Occasionally, yes.

Q. Did it occur at his home at Neverland?

A. Most of the time.

Q. Did Mr. Jackson also -- well, did you see him with adults?

A. Yes sir.

Q. How did he interact with adults?

A. He'd interact. I mean, he was more shy around adults than he was with the kids. That's how I saw him, you know, with the adults. He related more with the children.

Q. Okay. There was a question about whether or not you called the sheriff or somebody called the sheriff with regard to an intruder. Let me ask you about the policy of the security department at the ranch. Was there a policy with regard to security officers arresting people?

A. I don't remember the policy right off the top of my head.

Q. Well, let’s make it simple.

A. They’d handcuff them. You know, they’d handcuff them, and I believe then they would call the sheriffs, and the sheriffs would come and take them away.

Q. Security didn’t put people in their car or truck and drive them down to a sheriff’s station?

A. No, sir.

Q. So it would be routine policy to call the sheriffs if you had an intruder; is that right?

A. Yes, sir.

Q. You were asked about, when you first came to the ranch, checking to see if there were people cheating on the payroll.

A. Yes, sir.

Q. And one of the things you did, apparently, was to check their time cards against the gate logs; is that right?

A. Yes, sir.

Q. Now, at that time you didn’t find a discrepancy with regard to Mr. Abdool or Mr. Chacon; is that right?

A. That’s correct.

Q. And you were asked about initially looking into theft from the ranch; is that correct?

A. Yes, sir.

Q. During your initial investigations into people cheating, were there other people who you investigated besides Abdool and Chacon?

A. Yes, sir.

Q. Who?

A. Pretty much everybody that worked at the ranch.

Q. All right. And did you find some people cheating?

A. Yes, sir.

Q. And was that part of your job, to try to make sure the ship was being run properly?

A. Yes, sir.

Q. All right. Did you determine if anybody else had stolen from the ranch?

A. Determined by -- I mean, we found out later on that there were things that were taken that were Mr. Jackson’s personal effects.

Q. Okay. Before we get to that, in that initial investigation when you were looking to see if people had stolen --

A. Oh, yes, now I recall. We had people that stold stereos out of golf carts, things like that. We came across that and different things, and we did find that there were other things that were stolen.

Q. Now, were most of the people that worked at the ranch honest, hard-working people?

A. Most of them were, yes.

Q. So you found some that weren’t?

A. Yes, sir.

Q. Now, with regard to Miss McManus and Mr. Chacon, did you later develop evidence that they had stolen from the ranch?

A. Yes, sir.

MR. SNEDDON: I’m going to object. Lack of personal knowledge and foundation and vague as to what time.

THE COURT: Foundation. Sustained.

Q. BY MR. SANGER: Okay. After Mr. Chacon and Ms. McManus left the ranch, did you determine whether or not they had stolen from the ranch?

A. Yes, sir.

MR. SNEDDON: Same objection, Your Honor. Lack of foundation; personal knowledge.

THE COURT: Sustained.

Q. BY MR. SANGER: Were you present every day of the trial where you were being sued by these people?

A. All six months, yes.

Q. And did you see witnesses come and swear under oath that these people had stolen from the ranch?

MR. SNEDDON: Your Honor, I’m going to object. That’s a highly improper question, and it’s hearsay.

THE COURT: Sustained.

Q. BY MR. SANGER: At the time Mr. Sneddon asked you about something that was said in the

deposition, do you remember when that deposition was taken?
A. Not exactly, no.

Q. But it was sometime well before the trial; is that correct?
A. Yes, sir.
Q. Was there other investigation done between the time of your deposition and the trial?
A. Yes, sir.
Q. Was it done by people other than you --
A. Yes, sir.
Q. -- that were licensed private investigators?
A. Yes, sir.
Q. Or at least one?
A. Yes.
Q. So at the time of your deposition, you didn't have any personal knowledge of these people stealing from the ranch; is that correct?
A. Correct.
Q. And from your point of view at the time of that deposition, that was your personal frame of mind; is that correct?
A. That's correct.
Q. And that changed?
A. Yes, sir.
MR. SNEDDON: Objection, Your Honor. That calls for hearsay and conclusion; no personal knowledge.
THE COURT: Overruled. The answer was, "Yes, sir."
MR. SANGER: All right.

Okay. I have no further questions.
MR. SNEDDON: No questions.
THE COURT: All right. Thank you. You may step down.
THE WITNESS: Thank you.
THE COURT: Call your next witness.
MR. SANGER: Your Honor, it would be our intention to play the tapes in the 5000 series. I forgot the exact number, but I'll get it here in just a moment.
MR. ZONEN: I didn't hear counsel. I'm

sorry.

MR. SANGER: Oh, is that on?

THE COURT: He's going to play the outtake tape.

MR. ZONEN: Was the Court anticipating that there would be some discussion as to what outtake tape would be played?

THE COURT: It's easy for you to say.

MR. ZONEN: At one time.

THE COURT: No, I wasn't.

MR. ZONEN: We would object to it being played in its entirety, as the content is not entirely relevant to the proceeding. And I think there should be some hearing on it, because I believe we're talking about hours of tapes.

THE COURT: Two hours.

MR. SANGER: We had a discussion with Mr. Sneddon. I thought it was resolved. I may be wrong, but --

THE COURT: Two hours and -- they can't hear you in the back. Two hours and how long? Tell us.

MR. SANGER: I think it's two hours and 45 minutes, but I'm not positive as I stand here. I can look at my notes.

MR. ZONEN: I would like to be heard as to the content --

THE COURT: All right. I --

MR. ZONEN: -- at this time.

THE COURT: I'll excuse the jury for a couple minutes. We'll call you back in quickly.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: All right. Counsel, do you want to be heard?

MR. ZONEN: To begin with, of course, the film "Living with Michael Jackson" was introduced for nonhearsay purposes, with the exception of small segments that dealt with actual admissions by the defendant to the extent that he sleeps with children and his relationship with the Arvizo children. The balance of it was for purposes of showing the response, the public response, to the damage to his

career and for purposes of explaining the reaction by Mr. Jackson and his employees to that production.

There was some discussion thereafter, but never one that was briefed. We still to this day do not have a written brief from the defense asking the Court's permission to do this and explaining in writing the justification for doing it and giving clarity to the Court as to exactly which sections of the outtakes they want to show and for what purposes.

I viewed the outtakes on a few occasions. There are -- parts of the outtakes show films of Michael Jackson interacting with children on Neverland Ranch. There are films of Michael Jackson in the theater with children. There's a film of Michael Jackson showing a film. The film is on the film, a film that's a promotional film of Michael Jackson being shown to children in the theater. There's films of children walking around Neverland Ranch. None of these, I believe, are relevant to any issue that's properly before the Court.

There are, of course, clips of Debbie Rowe. There are clips of Mr. Jackson's father. There's a dialogue that deals with the question of whether or not Mr. Jackson's father was at any time abusive to the defendant. We don't believe that any of those interviews deal with issues that are properly before the Court at this time.

We believe that to the extent there's been any discussion as to what would be relevant, we think what would be relevant would be any film that corrects the presentation that may have been misleading in Mr. Bashir's interview. In other words, if there are outtakes that show the dialogue was taken out of context and that in fact the outtakes, the Hamid outtakes, would place that dialogue in an entirely different light and would correct it, then we believe that certainly would be appropriate to show to this jury.

We don't believe that there's been any

presentation by the defense to that extent. We don't believe that they have come forward and said that anything so far that appears in the Hamid Moslehi outtakes would in fact clarify any statements made by the defendant. And nor has there been anything in writing or any argument that any other aspect of the outtakes, the Moslehi outtakes, would actually clarify any aspect of the "Living with Michael Jackson" documentary.

So our objection would be, first of all, that it be limited only to areas that specifically clarify what is believed to be misleading information in the Martin Bashir documentary, and that that be brought to the Court's attention in advance so that we know exactly which parts are being shown and that we have an opportunity to

review it in advance of it being shown as well.

As to the other part, the pictures of children running around, it's collateral. It's immaterial. It's irrelevant to any issue that's currently before the Court.

To the extent that there are statements by the defendant in there, again we believe that statements by the defendant would constitute hearsay, it being introduced for the truth of the matter stated, except to the extent that those statements are part of the interviews that were presented in the Martin Bashir and for which they clarify the actual statements that were made by the defendant. Any other statements that are unrelated to what was shown on Martin Bashir we believe would be hearsay by the defendant.

Submit it.

MR. SANGER: I think Mr. Zonen is wrong. And I usually don't say that about a legal argument, a legal argument Mr. Zonen's making, but I think he's just wrong here factually.

We're talking about the outtakes, the Hamid Moslehi outtakes. We're not talking about the Maury Povich show. The Maury Povich included Debbie Rowe material. The outtakes do not. Unless there's --

THE COURT: I agree with you. I've watched the outtakes.

MR. SANGER: All right. And there was also some other references to content that I think are in the Maury Povich production as opposed to this thing. So that's number one.

Number two, procedurally, I think the Court recalls I raised this with Mr. Sneddon in chambers, and then we came out, and there was a point where I was at the bench with Mr. Auchincloss, and Your Honor indicated that we could play it.

I was prepared to submit a brief. I mean, we actually started doing something on that, and then when Your Honor said we could play it today, I instructed my associate lawyer, Mr. Dunkle, to stop working on that and to do something else. So we could have briefed it. However, we did brief this early on in the case and we filed a brief. I just don't have it with me, because I didn't anticipate this argument.

THE COURT: No, it had been briefed early on.

MR. SANGER: Yes.

THE COURT: And I had ruled that it wasn't admissible in the People's case.

MR. SANGER: Right. I'm sorry.

THE COURT: The problem with the outtakes is that it's so long, because it includes a lot of material that's not outtakes. I mean, I guess however you define "outtakes." But it includes a lot of material that was in the original picture, because he's taking original video. He's taking that as the other person is taking it.

But I am going to allow the playing of the entire tape, except I may have forgotten -- it's some time since I watched it. If some material, such as the district attorney's alluded to, is on this tape that I don't recall, then you can object during the tape and I'll put the "Black Screen" up and we'll deal with it.

I think what it is, though, is just a lot of what we've already seen, plus a little additional material. And it's -- it's all sort of tied in together.

MR. SANGER: And just to -- because the

jury's not here, so I can say it in advance in case it comes up that there's a contemporaneous objection, we're submitting this not only as the context under the Evidence Code for the statements that had been offered as admissions, and those statements, while brief, there were a couple, three pages of statements, they're rather comprehensive about Mr. Jackson's attitude and everything else.

So the entire film puts that in context.

In addition to that, the Hamid outtakes are important because the People introduced Bashir to start with, besides for the truth of the matter of some statements, they introduced it to show the state of mind of everybody.

Well, the outtakes, as we already have evidence, were made known and were provided to Maury Povich before the 20th, so the state of mind of everybody was we had some pretty powerful material.

THE COURT: I'm letting that in.

MR. SANGER: Yes.

THE COURT: What I would keep out is -- I have the same recollection you do. I think that the material that he was referring to is on a different tape; it doesn't involve this one. But --

MR. SANGER: That's correct.

THE COURT: -- I'm just telling him it has nothing to do with Mr. Jackson's statements. That's not what I included. It has to do with scenes with children and that sort of thing, an interview with the father, things he's alluded to, the interview with the ex-wife, that thing. I don't think that's on this, but if it is, alert me and I'll stop. But the rest of it, it's going to come in under the authorities that you had previously cited just now.

MR. SANGER: Thank you, Your Honor.

THE COURT: Let's have the jury come back. We'll get 15 minutes in before our break.

MR. ZONEN: Your Honor, will there be an instruction to the jury with regards to the statements of the defendant not being admitted for the truth of the matter stated, except to the extent that they are inconsistent with statements that perhaps came in for the truth of the matter stated in the Povich film -- or, excuse me, the Bashir film?

MR. SANGER: That wouldn't be the law. The entire statement can come in if part of it is admitted.

THE COURT: Yeah, I'm not going to give them any further warning at this time.

MR. SANGER: Before you call -- I just want to make sure this works.

Your Honor, before you call them in - for some reason our side seems to be jinxed - can I just make sure it works?

THE COURT: Yes. That would be a good thing to do.

MR. SANGER: I'm going to push all the buttons here, and I don't want to do anything with that one.

THE BAILIFF: Are you doing it on the DVD?

MR. SANGER: Yes, I certainly hope so.

THE BAILIFF: Could you try "Input 4," Judge?

MR. SANGER: And that just reminds me what I was going to do.

THE BAILIFF: Bring the jury in?

THE COURT: He wants to say something. Just a moment.

MR. SANGER: This is in the reverse order. So what I propose to do there, they're numbered as 5009-A, B and C, which corresponds to the order the sheriff marked them, as 10, 11 and 12. But I believe that 11 and 12 come before 10 chronologically, so I'd just like to play it in that order, if I could. So it would be B, C and then A.

THE COURT: You can play it in whatever order you want to.

All right. Bring in the jury.

MR. SANGER: Could we approach just to be clear on something? Or Mr. Auchincloss come up, too?

MR. AUCHINCLOSS: Yeah.

MR. ZONEN: Me too?

(Discussion held off the record at sidebar.)

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: (To the jury) Mr. Sanger is going to tell you what the tape is that you are about to watch.

MR. SANGER: Thank you, Your Honor. First of all, the exhibit is No. 5009-A, B and C, and we intend to play it in the order of B, C, A. These are videos that were seized by the sheriff’s department. Mr. Moslehi has testified that he had taken videos while Mr. Bashir was interviewing Mr. Jackson. And these -- it was agreed that we would not have to call him back to authenticate these documents, or these videos.

THE COURT: All right. That’s fine. You may start.

MR. SANGER: Thank you. I’ll put in 5009-B.

(Whereupon, a portion of a DVD, Defendant’s Exhibit 5009-B, was played for the Court and jury.)

THE COURT: Why don’t we stop.

MR. SANGER: Your Honor, I stopped it at 7:20, in case it gets lost.

MR. SANGER: Okay.

(Recess taken.)

THE COURT: All right. Go ahead.

MR. SANGER: We’ll resume with 5009-B, if we may.

(Whereupon, a portion of a DVD, Defendant’s Exhibit 5009-B, was played for the Court and jury.)

MR. SANGER: That’s the end of that disk. And we’ll put the next one in, with the Court’s permission.

THE COURT: Go right ahead.

MR. SANGER: For the record, this is 5009-C.

(Whereupon, a DVD, Defendant’s Exhibit 5009-C, was played for the Court and jury.)

THE COURT: We’ll go ahead and take the recess now while you set up the next tape.

(Recess taken.)

MR. SANGER: Yes, Your Honor. The clerk reminded me that we had not formally moved 5009-A, B and C into evidence. I think it was implicit in the Court’s ruling, but I want to officially do it on the record, if you may

THE COURT: You may.

MR. SANGER: Thank you.

And we now have 5009-A which I will start, and it’s Sheriff’s 913-C.

(Whereupon, a portion of a DVD, Defendant’s Exhibit 5009-A, was played for the Court and jury.)

MR. SANGER: Your Honor, I think there’s about four minutes left, but I could be wrong.

THE COURT: There’s no time left.

MR. SANGER: There’s no time left. That’s fine.

THE COURT: See you tomorrow at 8:30.

A JUROR: Thank you.

(The proceedings adjourned at 2:30 p.m.)

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REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 9886 through 9951 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 11, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
May 11, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

THURSDAY, MAY 12, 2005

8:30 A.M.

(PAGES 9953 THROUGH 9999)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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INDEX

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

DEFENDANT’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
VELASCO, Carlos	9965-SA	9969-A	9971-SA	
LEGRAND, David G.	9972-M			

Santa Maria, California
Thursday, May 12, 2005
8:30 a.m.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: Good morning, everyone.

COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.

THE COURT: According to the information I have, you intend to call Mr. Velasco next; is that right?

MR. SANGER: Your Honor -- whoa. Let me go to this one, Your Honor. I think I just destroyed government property. I'm sorry.

We have a few minutes left of this tape. I thought it was four or five. The District Attorney thought maybe there was ten left. Whatever it is, there's not much more.

We have the tape, and then Mr. Velasco next, and following that we're seeking to call Mr. LeGrand and Mr. Robinson. That's our proposed procedure.

Now, we received something on Mr. Robinson. Mr. Mesereau would respond to Mr. LeGrand. And if the Court permits, I would respond to what was just filed regarding Mr. Robinson.

THE COURT: Your next witness is Velasco, right?

MR. SANGER: Velasco. There's no issue with Mr. Velasco. It's going to be very brief.

THE COURT: Is that correct, District Attorney?

MR. AUCHINCLOSS: Yes, Your Honor.

I believe he will be a very brief witness.

THE COURT: You've worked that out.

MR. SANGER: I don’t think there was ever an issue with regard to Mr. Velasco. You’re thinking of Vivanco.

THE COURT: That’s a different person.

MR. SANGER: That’s a different person. We had agreed with I think the thrust of their motion. We filed a response this morning. Did you receive that, Your Honor?

THE COURT: Yes, it upsets me greatly.

MR. SANGER: Oh, I’m sorry.

THE COURT: No.

MR. SANGER: I’m kind of surprised. I don’t know why, which probably makes it even worse. I’m sorry. Okay.

THE COURT: You just stop and think about it.

MR. ZONEN: We haven’t received anything this morning.

MR. SANGER: Okay. That it’s this morning? Okay. I’ll have to think about it some more.

THE COURT: Yes, you better.

MR. SANGER: Vivanco is not for this morning. We were possibly, depending on what else happens, going to try to call him as early as this afternoon. But I’ll have to -- I’ll have to look back at the response and see what it is that upset the Court. And I apologize. I honestly don’t know. But Velasco is okay. And we have Robinson and LeGrand. Those are the issues I think we have to address, if that’s all right.

THE COURT: All right. Take up the issue on Robinson.

MR. SANGER: Yes. I think there is a failure to communicate or something. We went back and forth with e-mails. As I pointed out, we had discovered -- I’m talking like Mr. Auchincloss. We had provided in discovery a copy of the report. We have a Bates stamp number. We’ve shown it to counsel. It was, in fact, turned over -- Was it February?

MS. YU: 3rd.

MR. SANGER: 3rd. It was turned over in a timely fashion. He was, in fact, their witness. He was called before the grand jury and they also have tape-recorded statements of him.

Our statement, as I told Mr. Auchincloss, pretty much says that he says the same thing that he said to them and he said under oath. So there's a question of whether it would have to be turned over or not at all, but we did turn it over on February the 3rd. For some reason, they have some handwritten notes that were turned over at the same time, but Mr. Auchincloss said he wasn't able to locate the other. However, it was Bates stamped in the ordinary sequence and it was turned over. So I think we're fine on Robinson.

MR. AUCHINCLOSS: That is correct, Your Honor. We did have discovery of the Robinson report. Our clerks went through the files, the 40,000 pages that have been provided, and did not locate it. I just pointed out -- it was pointed out to me this morning the exact Bates stamp number. I've reviewed our database, and we do have a report on Christian Robinson, which I've just read.

We also -- I would just mention that the report does have several material facts or additions that were never mentioned in the transcript of the grand jury and the testimony of the grand jury or in the interviews with the police. So there are some new developments there. So I'm trying to get up to speed on Mr. Robinson right now.

If you'd like, I can address Mr. LeGrand's -- the issue concerning Mr. LeGrand. Counsel has just provided me with a LeGrand exhibit book, which I've had no opportunity to look at. I asked Mr. Mesereau if he intended to introduce these exhibits and he said yes, for the most part, he did intend to introduce most of them.

Mr. LeGrand. We've received hundreds and hundreds of pages of legal documents, many of them similar to what appears in this binder, but we have no idea where they came from, whether they represent complete files, partial files. Basic authentication issues. But I don't think those are of any particularly great moment.

We also know that Mr. LeGrand has had communications, or it appears from these very documents that he's had communication with Mr. Cochran and Mr. Geragos, former counsel, and yet there are no reports. So if counsel insists that they have never talked to Mr. LeGrand, we'd at least be entitled to find out how they obtained these documents and the chain of custody of them.

He's going to be a complicated witness. And it will probably take more than a day to cover his testimony. I anticipate that we'll have him on cross for quite some period of time given the defense exhibits. I anticipate the same from the defendant, so we are not prepared to go forward with Mr. LeGrand today.

THE COURT: Mr. Mesereau?

MR. MESEREAU: Yes, thank you, Your Honor.

Your Honor, I produced in December every document involving Mr. LeGrand that was in my

possession. We had decided in December to waive the attorney-client privilege. Mr. Auchincloss has had all of these documents, including the ones in the binder, since December. He has known that we are waiving the privilege since December.

My approach, and I think it was the correct one, was that once we waived the privilege, all of Mr. LeGrand's correspondence, drafts, memorandum, documents in his possession that had been cc'd to him were statements, in effect. So I turned them over to the prosecution as what I believe were witness statements.

They have more witness statements from this particular witness than any witness that's going to appear in the case. And my examination of Mr. LeGrand is going to not differ or vary from what is contained in all of those witness statements. So I am rather shocked at the prosecutor's position, because he's had these things since last December, and he got probably ten binders' worth of documents. The issues they cover are very clear.

Everything from the Bashir litigation, to Dieter and Konitzer, to financial issues. In fact, as the Court may recall, when Mr. Auchincloss put an expert on the stand to deal with financial issues, some of the documents Mr. Auchincloss had him review and refer to were David LeGrand documents, so how he can possibly say he's not prepared, I don't understand.

Every document in this binder that he has, he has had since last December. And as I say, I think if you take the position that these are all witness statements, he has more witness statements than any other witness in the case. There's nothing to surprise him about. In fact, my cross-examination of his financial expert had to do with LeGrand documents that Mr. Auchincloss acknowledged he had. So I don't see -- after we decided to waive the privilege, everything was given to him, or given to the prosecution.

THE COURT: Counsel?

MR. AUCHINCLOSS: Just one remark. We're entitled to more than just exhibits. We're entitled to statements. If they have talked to Mr. LeGrand, we're entitled to discovery of what he said to the defense, and what he provided them, even in the transference of these documents. So to simply state that they can dump this box full of documents in our lap and give us no indication of where they came from or how they were produced or no indication of what they intend to adduce during the testimony of Mr. LeGrand, that we're just supposed to divine what his testimony will be from his complete files, is certainly not in accord with the discovery statutes. Particularly when they've had communications with him. Those communications are statements. They have to be

documented, they have to be turned over, and that hasn't happened.

THE COURT: Mr. Mesereau?

MR. MESEREAU: Yes. I have not discussed his testimony with him.

I have had discussions about flight arrangements. And he's prepared to testify to that. Since I decided to waive the privilege, we've given him everything we had. And as I say, he has more witness statements than with anybody. And I don't think we're required to sit down with the prosecutors and fulfill their every desire to go through every document and tell them where they came from. The reality is virtually every document has a law firm name on it or an indication of where it came from, and the date, and the signature. I don't understand the objection.

THE COURT: All right. We'll go forward with the testimony. And based on that representation, if it appears during the course of the testimony that that's not accurate, we'll take it up then again. All right. We'll bring in the jury now.

MR. SANGER: Before you do that, can we just approach on one procedural matter? Do you want -- do you want me to do it? Okay. One procedural matter?

THE COURT: All right. Do you want to ask someone to come up, Mr. Sneddon?

MR. SNEDDON: I'm coming.

(Discussion held off the record at sidebar.)

THE COURT: All right. We'll have the jury come in.

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: Good morning.

THE JURY: (In unison) Good morning.

THE COURT: I hear you're getting special treats this week.

A JUROR: Yes.

THE COURT: Pretty good. Pretty good. All right. Counsel, you ready to proceed?

MR. SANGER: Yes. I always say that with some trepidation when I'm going to push a button here, but, I believe we left off at Exhibit 5009-C.

And we left off at counter 58:27, so I have it at 58:20. So there will be a repeat of seven seconds, and then we should finish the tape.

THE COURT: All right.

MR. SANGER: If I may.

(Whereupon, a portion of a DVD, Defendant's Exhibit 5009-C, was played for the Court and jury.)

MR. SANGER: That is the end.

THE COURT: All right. Call your next witness.

MR. SANGER: Yes, Your Honor. We'll call Carlos Velasco, if we may, please.

While he's getting there, I'll give this to the clerk. More precisely is, returning Exhibit 5009 to the clerk.

THE COURT: You may remain standing. Face the clerk. Raise your right hand.

CARLOS VELASCO

Having been sworn, testified as follows:

THE WITNESS: Yes.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Carlos Velasco. Last name, V-e-l-a-s-c-o.

THE COURT: Can't hear him.

DIRECT EXAMINATION

BY MR. SANGER:

Q. Okay, Mr. Velasco. Oh. It's real important to sit very close to the microphone. It's just the way it is in this courtroom. It's very hard to do. Every witness has a problem doing that.

A. Okay.

Q. Okay. Mr. Velasco, do you know the gentleman seated right there?

A. Yes, I do.

Q. Who is that?

A. Michael Jackson.

Q. How do you know Michael Jackson?

A. My father worked for him for a long period of time. Still works for him. And I used to go to Family Day once a year.

Q. Okay.

BAILIFF CORTEZ: I'm sorry, sir. You're going to have --

Q. BY MR. SANGER: You have a soft voice. You have to speak even louder and right in the microphone, okay?

So your father -- you say your father worked for Mr. Jackson?

A. Yes.

Q. Did you have occasion to go to Neverland Ranch yourself?

A. Yes.

Q. And on what occasions did you go to Neverland Ranch?

A. Family Day. I worked there twice. And that's basically it.

Q. Okay. So I heard you say "Family Day," and we've heard about that. That's where the employees can invite family members; is that right?

A. Yes.

Q. And so you went, spent the day, had a good time?

A. Yes.

Q. About how many times did you do that?

A. Around 20.

Q. Okay. And did I hear you say you were employed there?

A. Yeah.

Q. You just have to really speak up a little more. I know it's hard.

And what did you do while you were employed there?

A. I did groundskeeping.

Q. And roughly when was that that you were employed there?

A. About '97, '98. 1998.

Q. Okay. During the course of the time that you were employed at Neverland Ranch -- let me withdraw that. During the course of the time that you had contact with Neverland Ranch, as a guest, did you have occasion to meet a young man named Jason Francia?

A. Yes, I did.

Q. Did you meet him at the ranch for the first time or did you meet him someplace else?

A. It was at the ranch.

Q. And on how many occasions did you see Jason Francia at the ranch?

A. Quite a few. I mean, especially during

Family Day. Probably about four times.

Q. All right. And did you also get to know Jason Francia outside of Neverland?

A. Yes, I did.

Q. And how was that?

A. Went to high school together.

Q. What high school was that?

A. Santa Maria High School.

Q. All right. Now, during the time that you spent with Jason Francia at the ranch, did you ever see Mr. Jackson there at the same time that you and Jason were there?

A. Yes.

Q. Did you ever see Mr. Jackson interact with Jason Francia in any inappropriate way whatsoever?

A. No.

Q. What kind of a relationship did Mr. Francia seem to have -- and at that time I guess he was younger, but we'll call him "Jason."

What kind of relationship did Jason have with Mr. Jackson, as far as you could tell?

A. Just a normal one. I mean --

Q. What kind of relationship did you have with Mr. Jackson?

A. Just a normal one.

Q. So was your relationship any different, as far as you could tell, from that of Mr. Francia?

A. No, it wasn't.

Q. All right. Now, during the time you were with Mr. Francia at the ranch and thereafter throughout high school in Santa Maria, did you ever hear Mr. Francia mention in any way anything inappropriate happening with Mr. Jackson?

A. No.

Q. And during high school, did you -- did you consider yourself friends with Jason?

A. Yes.

Q. Did you hang around with the same circle of friends?

A. Yes.

MR. SANGER: Okay. No further questions.

THE COURT: Cross-examine?

CROSS-EXAMINATION

BY MR. AUCHINCLOSS:

Q. Mr. Velasco, have you ever slept with Mr. Jackson?

A. No, I haven’t.

Q. Has that ever occurred to you, to sleep with Mr. Jackson?

A. Never.

Q. Did you ever want to sleep with Mr. Jackson?

A. No.

Q. Do you believe child molest victims normally broadcast the fact that they’re victims to their high school peers?

MR. SANGER: Objection. Beyond the scope of direct and no foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Your testimony is that you never heard that Jason Francia -- or Jason Francia never told you that he was molested by Mr. Jackson?

A. Correct.

Q. You have seen Mr. Jackson interact with Jason Francia, true?

A. Well, he talked to all of us. It wasn’t just specifically him.

Q. Okay. My question was, have you seen Jason Francia interact with Michael Jackson?

A. Yes.

Q. Jason Francia was friend of Mr. Jackson’s, true?

A. Yes.

Q. And do you have any idea whatsoever whether Jason Francia was molested by Michael Jackson?

MR. SANGER: Objection. Calls for an opinion without foundation; beyond the scope of direct.

THE COURT: Overruled.

You may answer.

THE WITNESS: No.

Q. BY MR. AUCHINCLOSS: You have no idea?

A. (Shakes head from side to side.)

MR. AUCHINCLOSS: Thank you. No further questions.

REDIRECT EXAMINATION

BY MR. SANGER:

Q. All right. Did you see or hear anything that suggested to you in any way that Jason Francia was molested by Michael Jackson?

A. Never.

MR. SANGER: Okay. Thank you. No further questions.

MR. AUCHINCLOSS: No questions.

THE COURT: All right. Thank you. You may step down.

Call your next witness.

MR. MESEREAU: The defense is going to call David LeGrand, Your Honor.

While we’re getting ready, I have an exhibit book for the Court as well as the witness. If I may approach.

THE COURT: You may.

Are these marked?

MR. MESEREAU: They are not.

THE COURT: How are you going to proceed?

MR. MESEREAU: I was going to take the witness through the exhibits and then mark them appropriately as the Court would like to do.

THE COURT: You’ll need to mark them when you show him the exhibits so that the record accurately reflects what you're showing.

MR. MESEREAU: Okay.

THE COURT: Come forward, sir.

MR. MESEREAU: Pardon me.

THE COURT: When you get to the witness stand, please remain standing.

Face the clerk here and raise your right hand.

DAVID G. LEGRAND

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name is David G. LeGrand. It's L-e, capital G-r-a-n-d.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. MESEREAU:

Q. Good morning, Mr. LeGrand.

A. Good morning.

Q. You are an attorney, correct?

A. Yes.

Q. And you practice in Las Vegas, Nevada, right?

A. Yes.

Q. At one point you were an attorney for Michael Jackson, right?

A. Yes.

Q. And for the record, Mr. Jackson is the fellow sitting at counsel table, right?

A. Yes.

Q. When did you begin representing Mr. Jackson?

A. I think it was late January 2002, I believe.

Q. And approximately when did you cease representing Mr. Jackson, just approximately?

A. Well, my services were terminated on about March 28th of that year. I think it's '02. I've lost track of time. It may have been ‘03. I think it was ‘03, actually. And then I was re-engaged for one specific case that I continued to manage on his behalf until around September of ‘04.

Q. And you still are a practicing attorney, right?

A. Yes, sir.

Q. Would you please give a summary of your educational background?

A. I’m a -- I have a bachelor of arts degree from Duke University and a JD from the Ohio State University College of Law.

Q. Would you please just summarize your career as an attorney?

A. Following graduation from law school, I was employed at the Ohio Division of Securities as an enforcement attorney for the State of Ohio Department of Commerce, Division of Securities, for about two years. And then for about a year I was counsel to the commissioner of the Ohio Division of Securities. I subsequently entered private practice in 1982.

Q. Now, you said you were an enforcement attorney. Would you please explain what that means?

A. I was responsible for investigating complaints with regards to violations of state securities law and preparing appropriate recommendations to the Attorney General for civil and/or criminal action. Criminal action would be through a state prosecutor.

Q. Now, were you in effect a prosecutor yourself?

A. Actually, I -- for a time I was sworn as an assistant county prosecutor in Franklin County, Ohio, working with the white-collar crime division.

Q. What kind of cases were you prosecuting in -- when you had that job?

A. Securities fraud.

Q. Okay. And what is securities fraud?

A. Securities fraud is -- a typical example would be where money is raised by promoters for investments where the disclosures by the promoters are less than accurate. You know, deceptive, fraudulent misrepresentations for the purpose of obtaining money from others.

Q. You're talking about prosecuting primarily financial-related crimes, correct?

A. Yes.

Q. And you indicated you did some investigating work in one of the prosecuting offices; is that true?

A. Well, my role as an enforcement attorney was to do investigatory work. And then typically we would hand the case over to the Attorney General's Office for civil action or a county prosecutor for criminal action. And then being sworn as an assistant county prosecutor, I was able to assist the prosecutor's office in making the grand jury presentations.

Q. What -- could you give some examples of some of the cases you were involved in prosecuting?

A. The most significant case I was involved in involved oil and gas promotion, and we obtained a plea on six felony counts of misrepresentations in connection with the sale of securities.

I was also involved in a case involving some art tax shelters. And I worked with a federal task force on a coal mine fraud out of West Virginia, where there were victims in Ohio.

Q. And how long were you a prosecuting attorney?

A. Well, I was sworn as an assistant county prosecutor in Franklin County I believe for about a year. It might have been a year and a half. I'm really not sure today. It's been, you know, more than 20 years ago.

Q. And how long were you associated with any prosecuting office?

A. It would have been the same time period.

Q. After you were a prosecutor prosecuting financial-related crimes, what did you do next?

A. I entered private practice in 1982.

Q. And have you been in private practice ever since?

A. Yes.

Q. When you were representing Michael Jackson, were you associated with any law firm?

A. Yes. I was with the firm of Hale Lane Peek Dennison and Howard in Las Vegas, Nevada.

Q. And did you have a specialty?

A. We don’t use the term “specialty.” The Nevada Supreme Court frowns upon that type of terminology. My practice emphasizes corporate and transactional work. But I don’t claim to be a specialist.

Q. All right. And when you were representing Mr. Jackson, was the work you did primarily corporate and transactional work?

A. Yes.

Q. How did you begin to represent Mr. Jackson?

A. I was introduced to Mr. Jackson through a gentleman named Ronald Konitzer.

Q. Had you known Mr. Konitzer for some time?

A. Yes.

Q. When did you meet Mr. Konitzer, approximately?

A. I’m not sure. It was sometime in the early to mid-1990s.

Q. And had you done any legal work for him?

A. Yes. I represented a company he was associated with.

Q. And which company was that?

A. Hi-Tec America, I think was the name.

Q. And how long did you represent Hi-Tec America?

A. You know, it was a couple of years off and on. And then the -- I really hadn’t heard from Ronald for a couple of years. We might have exchanged Christmas cards, but I wasn’t actively providing legal service to him in -- you know, when he contacted me, I think it was in 2002.

Q. Now, did you represent Mr. Jackson personally?

A. Eventually, yes.

Q. And what do you mean by that?

A. Well, the engagement with Mr. Jackson was for -- with him, yes, in January, I think it was January ‘03.

Q. And did you represent any companies associated with Mr. Jackson?

A. Yes.

Q. Which companies were they?

A. Well, there was MJJ Productions. I believe there’s a company associated with the ranch. There’s another company that I can’t remember the name that has to do with some of his creative work. I really don’t remember the names of all the companies, but there were two -- you know, three or four.

Q. And at the time you were representing Mr. Jackson and companies associated with Mr. Jackson, did you consider yourself his primary transactional attorney?

A. Yes.

Q. Why is that?

A. At the time I was engaged, part of the conversation and plan was to basically bring in a new team to represent Mr. Jackson. Part of that process involved terminating some of the representation of people that had been providing legal service to him and bringing, you know, fresh blood to the representation.

Q. And you mentioned January of 2003. Was that the approximate time this activity was going on?

A. Well, that’s when it began. I mean, it -- this process took time.

Q. So approximately January of 2003 efforts were made to bring in a new team to represent Mr. Jackson; is that what you’re saying?

A. Yes. A new set of lawyers, accountants and professionals.

Q. Now, was this your idea?

A. No.

Q. Whose idea was it?

A. It was communicated to me by --
MR. AUCHINCLOSS: Objection. Hearsay; foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: It was communicated to me by both Mr. Konitzer and by Mr. Jackson.
Q. BY MR. MESEREAU: And when you began to bring in a new team to represent Mr. Jackson, what is the first thing you did?
A. The initial focus was to assemble a group of lawyers to respond to the pending presentation of the Martin Bashir video in the UK. I spoke to a number of different lawyers, including partners in my firm, and within, oh, a day or two, we -- I had Mr. Jackson on a teleconference with lawyers in the United Kingdom, as well as the United States, to discuss the possibilities of responding to the pending production in the UK by Martin Bashir and Granada.

Q. What was the concern about the Bashir documentary, as far as you were concerned?
A. That no one, from Mr. Jackson’s perspective, had been given the opportunity to review the final edited production work. That was a concern. We had no idea what was going to be presented in the UK. There were clips that were being broadcast as promotion, but the substance of the program was an unknown.
Q. Now, how did you become aware of these clips that were being used to promote the documentary?
A. I’m not sure today. There were people -- friends of Michael in the UK, I’m sure, who saw them. I really don’t know.
Q. Well, are you saying that there was a concern about what was going to be in the Bashir documentary before it actually aired?
A. Yes.
Q. Okay.
A. And there was news -- I remember there was news press in the United States about these clips and there was a lot of buzz being generated

nationally and internationally about this.

Q. This is still in January of 2003; is that right?

A. Yes.

Q. Okay. And what did you see your job as being when it came to responding to these promotional clips? What exactly were you trying to do?

A. Well, my -- first, you know, as an attorney seeking to represent my client, I engaged professionals with knowledge of, you know, copyright law, contract law, to analyze the agreements and to try to put together a plan of action and alternatives, try to identify the costs associated with taking action, trying to figure out who would be appropriate to contact at Granada to discuss the concerns, and try to take positive action on behalf of Mr. Jackson and his family.

Q. And was there a concern that the promotional clips indicated that there was going to be a documentary before Mr. Jackson or anyone associated with Mr. Jackson had a chance to look at it?

A. Yes. That was clearly a concern.

Q. Okay. What did you do in response?

A. Well, I worked with the Paul Hastings law firm out of Los Angeles, and their firm in the UK. We engaged a barrister, a noted barrister in the UK, Sir Andrew Hochhousler I believe is his name. We engaged a solicitor in the UK. We had several attorneys here in the U.S., Mr. Genga from the Paul Hastings firm, Mr. Joss from the Paul Hastings firm. We reviewed what documents -- the few -- very few documents that existed with respect to Mr. Jackson and Mr. Bashir. We discussed the events that led to the filming with Mr. Jackson.

We ultimately decided upon a course of action that resulted in a lawsuit being filed in the UK against Granada and Mr. Bashir on behalf of Mr. Jackson. And in connection with that lawsuit, Granada entered into a court order agreeing to a number of terms that we had sought that -- you know, that group of lawyers had sought, including that there would be no DVDs produced of the televisual production. There would be no VHS. That they would not use the outtakes to create a second program. I mean, these sorts of things were negotiated over a period of weeks and ultimately agreed to and put into the form of a court order in the United Kingdom.

Q. Now, you mentioned someone named Granada. Who is that?

A. The only person that I recall associated with Granada was Martin Bashir, and I’m not sure if he was an employee or independent contractor at that time.

Q. Maybe my question was poor. What is Granada?

A. Oh. My understanding, Granada is a very large broadcasting company. It’s like an ABC or CBS, in the UK. They own and generate television productions in both UK and I believe in, you know,

Europe.

Q. Now, the lawsuit was filed in England; is that correct?

A. Yes.

Q. And it was filed on behalf of Mr. Jackson, right?

A. Yes.

Q. And you mentioned that there were very few documents involving the Bashir documentary. What do you mean?

A. The only -- there were only two pieces of paper that Mr. Jackson provided to the lawyers with respect to the Martin Bashir broadcast. They were basically two separate pieces of paper signed at two different times, consisting of a little over a paragraph on each piece of paper, and that apparently represented the total contractual arrangement with respect to the production of the Bashir/Granada video.

Q. Did it appear that Mr. Jackson had gotten any legal advice before he entered into this project with Bashir?

MR. AUCHINCLOSS: Objection. Speculation; foundation.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Was it your understanding that Mr. Jackson had had any legal representation when he entered into any arrangement with Mr. Bashir?

MR. AUCHINCLOSS: Same objection.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you know whether or not, before Mr. Jackson did the Bashir documentary, any lawyer had represented him?

MR. AUCHINCLOSS: Objection. Same -- same objection.

THE COURT: Overruled.

You may answer that “yes” or “no.” If you can’t answer that “yes” or “no,” tell me.

THE WITNESS: It’s difficult to answer “yes” or “no,” Your Honor.

THE COURT: All right. Then I’ll sustain the objection to the question.

Q. BY MR. MESEREAU: Had you yourself documented any transactions involving television documentaries in your career before representing Mr. Jackson?

A. No.

Q. Did you have any understanding of what kind of documents one would typically execute and sign before doing a T.V. documentary at that time?

A. Yes.

Q. And what was your understanding about the typical types of documents one executes before doing a television documentary?

A. There are typically fairly extensive agreements that would document ownership of copyright, licensing, you know, national, international royalties, you know, method -- there’s just a host of issues that would typically be addressed with a persona of the magnitude of Mr.

Jackson and a production of this type.

Q. And when you began to represent Mr. Jackson and when you started looking into the circumstances surrounding the Bashir documentary, did you see any of those documents you just described?

A. No.

Q. Did you form an opinion about the kinds of documents Mr. Jackson had signed before he did the Bashir documentary?

MR. AUCHINCLOSS: Objection; calls for a conclusion.

THE COURT: Overruled. You may answer.

THE WITNESS: The two documents reflecting Mr. Jackson’s agreement with Granada were terrible contracts. They were vague. They lacked, you know, precision, detail. There were numerous provisions that simply were not addressed. They were very simple, you know, one-paragraph documents.

Q. BY MR. MESEREAU: Did you ever determine who had drafted those documents?

A. I believe Martin Bashir drafted them.

Q. Was it your understanding that Mr. Bashir --

MR. AUCHINCLOSS: I’ll object and move to strike. Lack of foundation.

THE COURT: Sustained.

MR. AUCHINCLOSS: No personal knowledge.

THE COURT: Sustained. Stricken.

Q. BY MR. MESEREAU: Did you ever learn who had drafted those documents?

A. I honestly don’t recall today.

Q. Okay.

A. I’m sorry.

Q. You reviewed -- was it two documents?

A. Yes.

Q. And what were those two documents?

A. They were one-page -- they each consisted of one piece of paper, one page each, and they, you know, to my recollection, were one, maybe two paragraphs. They were very short. And they basically granted the rights to Granada to make a televisual production based on the life of Mr.

Jackson as he knew it.

Q. Did it appear to you that Mr. Jackson had been taken advantage of by Mr. Bashir?

MR. AUCHINCLOSS: Objection. Improper opinion; calls for a conclusion.

THE COURT: Sustained.

Q. BY MR. MESEREAU: When you looked at these documents and you learned about the circumstances surrounding the development of the Bashir documentary, did you form any conclusion about whether or not Mr. Jackson understood what he was doing?

A. I found it hard to believe that this -- that these two pieces --

MR. AUCHINCLOSS: I’ll object to the answer being more than “yes” or “no.”

THE COURT: Sustained.

Q. BY MR. MESEREAU: You spoke to Mr. Jackson at one point about the making of the Bashir documentary, right?

A. Yes.

Q. You spoke to lawyers in England about the legality surrounding that documentary, true?

A. Yes.

Q. You hired lawyers in America to explore what had happened in the making of that documentary, correct?

MR. AUCHINCLOSS: Objection; leading.

THE COURT: Overruled.

Q. BY MR. MESEREAU: Is that true?

A. Yes.

Q. Was it one of the most poorly documented television transactions you’d ever seen?

MR. AUCHINCLOSS: Objection. Leading; calls for a conclusion.

THE COURT: Overruled.

You may answer.

THE WITNESS: I really had no background, you know, adequate to assess that. However, Mr. Genga from the Paul Hastings firm and -- was, I would say, shocked by the --

MR. AUCHINCLOSS: I’m going to object. Move to strike; hearsay.

THE COURT: Sustained. Stricken.

Q. BY MR. MESEREAU: What was your legal position in the lawsuit that was filed in England on behalf of Mr. Jackson?

MR. AUCHINCLOSS: Objection; vague.

THE COURT: Overruled.

You may answer.

THE WITNESS: I was primarily responsible for managing, coordinating and facilitating the trial lawyers, the solicitors, the U.S. and UK components of the -- of the lawyers. We also had a firm in the UK called Bell Yard that was a public relations firm that was hired through, I believe, one of the UK solicitors.

And my primary role was to assist in formulating a plan, tactics, coordinating the delivery of the legal services by the different components. We needed witness statements. We needed, you know, background material. We needed research. I would -- my primary role was really a facilitator or manager of the other lawyers.

Q. BY MR. MESEREAU: And what was Mr. Jackson’s legal position, as you understood it, in the lawsuit filed in England?

A. Well, this has been a few years. The claims were that Mr. Bashir, and through Mr. Bashir Granada, misrepresented to Mr. Jackson what they were going to accomplish in this production.

Mr. Jackson had told me that Mr. Bashir had promised him the right to screen and edit the final production before it went on to -- you know, on the air.

MR. AUCHINCLOSS: I’m going to object and move to strike that last sentence as hearsay.

THE COURT: Sustained. It’s nonresponsive.

Q. BY MR. MESEREAU: I’m just asking you to testify, as best you can recall, the legal position lawyers took on behalf of Mr. Jackson in that suit in England against Bashir.

A. Well, we took the position that Granada did not own the copyright. We asserted that they had a license, rather than ownership. We were seeking custody and ownership of all the video. We were seeking to limit the after-market production, you know, VHS or DVDs. And seek damages from Granada for breach of their agreement with Mr. Jackson.

Q. And was most of the agreement you were claiming was breached oral understandings, as opposed to written?

A. Well, certainly some.

Q. When you looked at what you described as a few documents that Mr. Jackson had signed involving the Bashir documentary, do you recall seeing anything about compensation?

A. I'm not sure if it was in the document or not. Mr. Jackson did not seek compensation for the production. But he did expect a significant donation to a charity.

Q. So basically Mr. Jackson worked with Mr. Bashir for free, right?

A. Yes.

Q. And Mr. Bashir and his company were standing to make millions on this show, true?

A. To the best of my knowledge, yes.

Q. To your knowledge, was this documentary distributed around the world?

A. Yes.

Q. To your knowledge, did Mr. Jackson get anything financially from this distribution around the world?

A. No.

MR. AUCHINCLOSS: Objection; asked and answered.

THE COURT: Overruled. The answer is in. Next question.

Q. BY MR. MESEREAU: You said you were monitoring the lawyers who litigated the case in England, right?

A. Yes.

Q. And in the course of monitoring those lawyers, what were you doing?

A. I was reviewing draft documents, pleadings, serving as, you know, a facilitator of the conference calls that we were having on a fairly frequent basis, especially in about the first four to six weeks of dealing with Granada. These were extensive conferences where we would discuss the legal position. There was kind of a letter campaign going on back and forth between the UK lawyers and the lawyers for Granada, and we would review, as a group, those letters and assess responses, circulate responses, collaboratively edit and ultimately issue responsive documents.

Q. Was there a lot of media attention devoted to this lawsuit in England?

A. Yes.

Q. Was there media attention in the United States devoted to Mr. Jackson’s lawsuit against Bashir?

A. Yes, though I would say not quite as much as in the UK. But, yes.

Q. And how long did this litigation last, if you remember?

A. It is still going on today. It is on hold. But it is still a record case in England, as far as I know.

Q. And are you still involved in that case in any way?

A. No.

Q. Okay. So you’re the one who hired the lawyers who represented Mr. Jackson in that suit, correct?

A. I would say Mr. Jackson hired the lawyers. I was the facilitator in suggesting that these particular lawyers be engaged for this purpose.

Q. And who contacted the lawyers for possible engagement?

A. I did. Well, I did. I had an acquaintance over a number of years with Mr. Eric Joss from the Paul Hastings law firm here -- well, in Los Angeles. And so I asked Eric Joss if his firm would be able to provide representation. He then also spoke to lawyers. I mean, it wasn't -- this wasn't all me. This was a number of lawyers on two continents. And so I relied upon, you know -- we all relied upon each other as counsel to Mr. Jackson to collaboratively assess and assemble a group of lawyers that had, you know, the skill and background to be appropriate for this type of litigation.

Q. Do you recall what Bashir's position was in that lawsuit? What was he claiming?

A. Well, I don't know about Bashir. I know that Granada claimed that they owned the copyright. They ultimately did agree not to use the outtakes for a second production. They agreed to veil the faces of the children, to do some blurring in the airing of the video to protect Mr. Jackson's family. So there were concessions made by Granada. Their basic position was they owned the copyright and they had the unequivocal right to produce the production without any input or editing from Mr. Jackson.

Q. And without paying Mr. Jackson a penny, right?

A. Correct.

MR. AUCHINCLOSS: Objection; asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You mentioned a concern about his children's -- excuse me. Let me rephrase that.

You mentioned a concern about Michael Jackson's children's faces being on the show. What are you referring to?

A. Part of the film that Mr. Bashir had included filming of Mr. Jackson's children. That's what I meant.

Q. Was Mr. Jackson upset about that?

A. He was concerned about their visual image being shown worldwide without, you know, blurring or some other technique to obscure their faces.

Q. Do you know why?

A. Well, he's concerned about their safety and security.

Q. And was blurring their faces one of the issues that was heavily litigated in England in that suit?

A. I’m not sure I would use the term “heavily litigated.” But it was a significant point in the discussions with Granada and ultimately one of the terms that Granada agreed to.

Q. Was it Mr. Jackson’s position in that lawsuit that Bashir had agreed to not display Mr. Jackson’s children’s faces before it aired, to your knowledge?

A. I remember statements to that effect. I’m not sure exactly when or where in the context.

Q. The overall thrust of the case was that Bashir had completely hoodwinked Mr. Jackson, right?

MR. AUCHINCLOSS: Objection; argumentative.

THE COURT: Sustained.

MR. AUCHINCLOSS: Leading.

Q. BY MR. MESEREAU: Was the thrust of the lawsuit that Mr. Bashir had made numerous misrepresentations to Mr. Jackson about the show?

A. Yes.

Q. What else did you do personally in that litigation, other than what you’ve described?

A. I’m not sure, Mr. Mesereau, what you mean by that.

Q. Do you recall who the parties were in the case?

A. I know we had Mr. Jackson. Simultaneous to the lawsuit there was -- there were complaints filed. The same UK lawyers also indicated there was the potential to file complaints with I believe it’s the British Broadcasting Board. There’s a board that oversees televisual broadcasts in the UK. And the recommendation was, and ultimately there were filed, several complaints with the broadcasting board. Those complaints were filed on behalf of Mr. Jackson and also on behalf of, I believe it was, the Arvizo children, and I’m not sure if Mrs. Arvizo was included or not. But there were -- there was a complaint filed on behalf of them. There was also discussion at least of filing a complaint on behalf of Mr. Moslehi, Hamid, because I believe he appeared without consent as well. There was issues over consent to the appearance of various people and so there were complaints filed with the Broadcasting Standards Board.

Q. When you say “Broadcasting Standards Board” in England, are you referring to an administrative agency that regulates television production?

A. Yes.

Q. And is that an agency that monitors to see whether or not ethical standards are met in television production in England?

A. That was my understanding, yes, sir.

Q. And when you say complaints were filed with that agency, about what Bashir had done?

A. Yes.

Q. And they were filed on behalf of the Arvizo family as well as Mr. Jackson?

A. Yes.

Q. There was considerable publicity surrounding those complaints, wasn’t there?

A. Yes, I believe so.

Q. And there were media reports on the Arvizos when those complaints were made, correct?

A. I’m sure there were.

Q. This is in January of 2003?

A. Well, we’re probably well into February now.

Q. Okay. Certainly it was a media event that Mr. Jackson and the Arvizos had sued Granada and Bashir and filed complaints against Granada and Bashir, correct?

MR. AUCHINCLOSS: Objection; leading.

THE COURT: Overruled.

THE WITNESS: Yes. The media seems to be fascinated with Mr. Jackson and those complaints were the subject of some media attention.

Q. BY MR. MESEREAU: Okay. Do you recall yourself being contacted by representatives of the media in this litigation?

A. I was contacted by members of the media on a repeated basis with respect to Mr. Jackson, whether it was as to the litigation or otherwise. There was seemingly significant interest by the media in seeking statements from me or anyone associated with me.

Q. Was this media attention that you experienced -- this happened throughout your representation of Mr. Jackson?

A. It tailed off. It was especially acute during the -- I’d say the, I don’t know, three, four weeks of February when we were moving forward with the Granada action, and negotiating with FOX over the “Take 2” type of video.

Q. So would it be correct to state that in February of 2003, because of the litigation you were involved in and the complaints that had been filed against Bashir, there was tremendous media attention on Mr. Jackson?

MR. AUCHINCLOSS: I’ll object. Leading.

THE COURT: Overruled.

You may answer.

THE WITNESS: Yes.

Q. BY MR. MESEREAU: Were you involved in efforts to respond to this media attention on behalf of Mr. Jackson?

A. As I indicated, I worked with, you know, Mr. Jackson to engage a number of lawyers and professionals to respond to the Granada broadcast, to respond to the media attention. There was a PR firm in the UK, Bell Yard, that was hired to work on, you know, media pieces. So, yeah, I was involved, but that was not my -- you know, I’m a lawyer. My primary focus was not dealing with the media.

Q. Did you hire Bell Yard?

A. Well, I didn’t. But they were hired through the solicitors in the UK.

Q. And what is a solicitor?

A. As I understand it, in the United Kingdom, there are two types of lawyers. Barristers who go to trial and solicitors who do documents and transactions and business-type dealings. So it takes -- you kind of need both in anything complex that involves the potential of trial. Barristers actually appear in court.

THE COURT: All right. Let’s take our break.

(Recess taken.)

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REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 9956 through 9998 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 12, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
May 12, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

THURSDAY, MAY 12, 2005

8:30 A.M.

(PAGES 10000 THROUGH 10144)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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Note: Mr. Sneddon is listed as “SN” on index. Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index. Mr. Nicola is listed as “N” on index. Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index. Mr. Sanger is listed as “SA” on index.

DEFENDANT’S WITNESSES DIRECT CROSS REDIRECT RECROSS
LEGRAND,
David G. 10062-A

EXHIBITS

FOR IN PLAINTIFF'S NO. DESCRIPTION I.D. EVID.

898 Trust listing re Fire Mountain, LLC 10101 10102

DEFENDANT'S NO.

5037 Book containing charts, diagrams and text outlining business structure for Michael Jackson 10055

THE COURT: Go ahead, Counsel.

MR. MESEREAU: Thank you, Your Honor.

Q. Mr. LeGrand, you mentioned that a new management team was being formed to manage Mr. Jackson's affairs around the time you began to represent Mr. Jackson, right?

A. Part of my direction from Mr. Jackson and Mr. Konitzer was to assist them in developing a new team for cash management, accounting, bookkeeping, and new lawyers with respect to creative elements.

Q. Did you have a lot of contact with Mr. Jackson?

MR. AUCHINCLOSS: I’ll object as vague.

THE COURT: Overruled.

THE WITNESS: At different times during the three or four months that I was most active in representation, it would vary. I mean, when we were focused on the Granada pieces, you know, we had some telephone conferences. The first conference was a couple of hours. At other times my communication with Mr. Jackson was much more brief.

Q. BY MR. MESEREAU: And who was ultimately part of the new management team?

A. Well, the cash management -- initially a company - and I don’t remember the name, but the principals were Ed Grossman and Michael Stern - were selected to cake over cash management from Barry Siegel. That ultimately was changed in a few weeks.

And the firm of -- it’s -- well, it’s Allan Whitman. I’m not sure of the firm name. It’s Fox, Marty Fox, Whitman, and another couple partners.

Q. And were you communicating with Mr. Konitzer in this regard?

A. Oh, yes.

Q. Were you communicating with Mr. Weizner in this regard?

A. Less so, but yes.

Q. And was it your impression that Mr. Konitzer and Mr. Weizner were trying to take over the management of Mr. Jackson’s business?

A. Yes.

Q. Was it your impression that they wanted Mr. Jackson kept out of a lot of the day-to-day discussions?

MR. AUCHINCLOSS: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you consider Mr.

Jackson to be very sophisticated in financial or legal matters?
MR. AUCHINCLOSS: Objection; foundation.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you have daily discussions with Konitzer?
A. During the time period from the end of January until, I would say, mid-March there were probably a few days that I did not have a

conversation with Mr. Konitzer.
Q. And do you recall Mr. Konitzer communicating that no one was to contact Mr. Jackson directly but him?
MR. AUCHINCLOSS: Objection; hearsay.
THE COURT: Overruled.
THE WITNESS: No. I was never instructed by Mr. Konitzer that I could not contact Mr. Jackson.
Q. BY MR. MESEREAU: Do you recall Mr. Konitzer sending memos around basically saying Mr. Jackson is to be kept out of the daily detail?
A. Not specifically. I just remember that Mr. Konitzer wanted to be --
MR. AUCHINCLOSS: Objection; not responsive.
MR. MESEREAU: I think it is responsive.
THE COURT: Sustained. I'll strike after, "Not specifically."
Q. BY MR. MESEREAU: What were Mr. Konitzer's directives to you with respect to whether or not Mr. Jackson was to be involved in the detail of management?
MR. AUCHINCLOSS: Objection; hearsay.
THE COURT: Overruled.
THE WITNESS: Mr. Konitzer wanted to serve Mr. Jackson as the overall manager of business affairs for Mr. Jackson, and that Mr. Jackson would have ultimate authority and decision-making, but that Mr. Konitzer would serve as, you know, the

day-to-day manager, and that was my understanding.
Q. BY MR. MESEREAU: And did you discuss legal matters involving Mr. Jackson with Mr. Konitzer?

A. Yes.
Q. And how often during that period of time do you think you did that?
A. There were legal matters discussed. There were financial matters discussed. There were business considerations discussed. Sometimes, you know, that would be two or three times a day. Sometimes we would have meetings. And, you know, there were a few days where I did not speak to Mr. Konitzer during this couple of months of somewhat frenzied activity.
Q. Now, at some point in time did you become suspicious of Mr. Konitzer and Mr. Weizner?
A. Yes.
MR. AUCHINCLOSS: Objection. Well, move to strike. Leading.
THE COURT: Overruled.
MR. MESEREAU: I can’t recall if there was an answer, Your Honor. I apologize. Could I --
THE COURT: The answer was, “Yes.”
MR. MESEREAU: Thank you, Your Honor.
Q. Why did you become suspicious of Konitzer and Weizner?
A. I became concerned that they were in a position to divert funds. I was concerned about the -- having appropriate documentation for tax purposes for Mr. Jackson and his companies. And in general, I -- I began to disagree with some of Mr. Konitzer’s decisions on matters and felt that he was making bad decisions, I guess is the way to say it. So I -- I became suspicious of his motives and actions.

Q. Could you please explain what you were suspicious of?
A. I was --
MR. AUCHINCLOSS: Objection; asked and answered.
THE COURT: Sustained.
Q. BY MR. MESEREAU: You mentioned you were suspicious of financial matters involving Konitzer, right?
A. Yes.

Q. Please explain.

A. Well, ultimately there was another attorney involved who was serving as the escrow agent for some funds, and I asked him for an accounting in order to get Allan Whitman up to speed on some disbursements, payments, payables, et cetera. And that accounting came from this attorney, and it indicated that there had been about $900,000 -- I don't remember the exact number, but it was many hundreds of thousands of dollars that had been disbursed to Ronald Konitzer or Dieter Weizner. I

mean, the combination was in hundreds of thousands of dollars.

And I then -- I spoke to a couple of the lawyers that, you know, were providing representation, and I ultimately wrote a letter within, you know, a couple of days of learning of this. I wrote a letter to Mr. Konitzer asking him to account for this money.

Q. Was the amount you were concerned about approximately $965,000?

A. Yeah, without seeing it today. But that sounds like approximately the right number, yes.

Q. Would it refresh your recollection if I show you your letter?

A. Yes, it would.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

MR. AUCHINCLOSS: May I see what you've got there, Counsel?

Q. BY MR. MESEREAU: Mr. LeGrand, have you had a chance to review that document?

A. Yes.

Q. Does it refresh your recollection about your concerns involving Mr. Konitzer?

A. Yes, the amount -- the aggregate amount of disbursements that I set forth in that letter was $965,000.

Q. And where did that amount come from, if you

remember?

A. I believe the source of that funds was the FOX -- some of the FOX payments with regard to the “Take 2” video production.

Q. Did you ever get a response to your expression of concern?

A. Yes.

Q. What was it?

MR. AUCHINCLOSS: Objection. Hearsay; foundation.

THE COURT: I think the question is vague. I can’t rule on the objection.

MR. MESEREAU: Okay.

Q. You mentioned the rebuttal show, correct?

A. “Take 2,” yes.

Q. Please explain what “Take 2” was.

A. “Take 2” was a video production produced in collaboration with FOX. Brad Lachman Productions produced -- was primary -- they were FOX’s primary representatives for the production. Maury Povich was the narrator.

It largely consisted of video of Debbie Rowe from her interview with, I think it was Ian Drew at The Globe, and video of -- shot by Hamid Moslehi. I’m not sure how to pronounce his name. But it was video shot by Hamid that was outtakes, so to speak, or video shot of Bashir with Michael. Some of it was video of Martin Bashir filming Michael Jackson,

or filming at Neverland, or, you know, but that was -- two primary components was those two sets of video.

Q. And were you involved in the production of that product?

A. Well, you know, I’m a lawyer. I’m not a videographer, editor or a graphic artist. We -- I facilitated -- again, I brought in -- I hired a law firm to do copyright work with respect to that video. One of my associates in the firm, a lady named Ann-Marie Levy, was coordinating most of the copyright work between this other firm and Brad Lachman’s in-house lawyer on copyrights and the FOX people.

I ultimately negotiated the contract with

FOX. I believe it was -- Marisa Fermin was the vice-president of FOX that I worked with to get a contract for that production.

Q. And was it your understanding that Konitzer and Weizner had a role in that production?

A. They were involved in the discussions as to the contract, the terms of the contract. At least Ronald Konitzer reviewed the draft agreements, and I discussed them with him. I'm not sure -- well, I don't know what all his involvement was. I mean, Mr. Konitzer had things he did that didn't directly involve me, so --

Q. Why did you think Konitzer and Weizner had stolen $965,000 from Mr. Jackson?

A. Well, because --

MR. AUCHINCLOSS: I'll object as misstates the evidence in terms of the word "stolen."

THE COURT: Sustained.

Q. BY MR. MESEREAU: Why did you think Konitzer and Weizner had diverted $965,000 from Mr. Jackson?

A. Because the report I got from this other lawyer showed those disbursements.

Q. And when you saw the record of those disbursements, what did you do?

A. I spoke to several of the other lawyers that were representing Mr. Jackson, and agreed that I should write a letter to Mr. Konitzer asking him to account.

Q. Did you ever find out what he had done with the money?

A. No, I was terminated by Mr. Jackson as counsel within, I don't know, two weeks, maybe, of that letter to Mr. Konitzer.

Q. Did you ever have Konitzer, Weizner -- excuse me. Let me start with something else.
Do you know who someone named Marc Schaffel is?

A. Yes.

Q. And who is Marc Schaffel, to your knowledge?

A. Marc Schaffel is an independent producer. He had worked on one of Mr. Jackson's albums at one point. He was involved in working with Brad Lachman Productions to create the “Take 2” video.

Q. At some point, did you have Schaffel, Konitzer and Weizner investigated?

A. I -- again, on behalf of Mr. Jackson, I engaged an independent private investigative company, and asked them to investigate the backgrounds of Mr. Konitzer and Mr. Weizner and Mr. Schaffel.

Q. Why?

MR. AUCHINCLOSS: Objection; improper opinion.

THE COURT: Overruled.

THE WITNESS: Because I was suspicious of their motives, and some of their statements didn’t quite seem to add up.

Q. BY MR. MESEREAU: Did you think they were stealing from Mr. Jackson?

MR. AUCHINCLOSS: Objection. Improper opinion; no foundation.

THE COURT: Sustained.

Q. BY MR. MESEREAU: What did you do to have Schaffel, Konitzer and Weizner investigated?

A. Working with one of my partners at Hale Lane who had the -- he’s a former U.S. Assistant Prosecutor and had good relationships with a couple of private investigating firms, we selected a firm, got them a retainer and asked them to do background checks and let us know what they found.

Q. BY MR. MESEREAU: Now, you say your partner was an assistant prosecutor. What do you mean?

MR. AUCHINCLOSS: Objection; relevancy.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You hired an investigative firm, correct?

A. Yes.

Q. To start investigating these people, right?

A. Yes.

Q. And others involving Mr. Jackson, right?

A. Yes.

Q. You were doing it on behalf of Mr. Jackson,

correct?

A. Yes.

MR. AUCHINCLOSS: Objection; foundation.

THE COURT: Overruled. The answer is in. Next question.

Q. BY MR. MESEREAU: Were you doing this to protect Mr. Jackson?

A. Yes.

Q. Are you the one who arranged for the investigative firm to do this investigation?

A. My partner Mr. Gibson and I did, yes.

Q. Okay.

A. He actually had the primary contact with the investigative firm.

Q. Did you know whether or not Konitzer or

Weizner had managed to sign documents for Mr. Jackson?

MR. AUCHINCLOSS: Objection; vague.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you know what a power of attorney is?

A. Yes.

Q. What is a power of attorney?

A. A power of attorney is a legal document authorizing one person to act in the place and stead of another.

Q. And does a power of attorney allow one to sign on behalf of someone else?

A. It can.

Q. Did you ever learn whether or not Mr. Jackson had given a power of attorney to either of these two people?

A. Yes, I believe he did.

Q. Did that concern you?

A. Yes.

Q. Why?

A. I was concerned that they could abuse that power or exceed the authority of the power.

Q. Did you do anything about that?

A. Yes. I spoke to some of the other lawyers that were representing Mr. Jackson, and we agreed that we would ask Mr. Jackson to revoke the power of attorney.

Q. Was that done?

A. Yes.

Q. Now, at some point, you learned that Konitzer had arranged to have you terminated, right?

MR. AUCHINCLOSS: Objection. Hearsay; leading.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Was the investigation going on when your duties were terminated?

A. I'm not sure of the exact timing. I'm just not sure today. It's been a couple years.

Q. Okay. Now, your former partner and you were both former prosecutors, correct?

MR. AUCHINCLOSS: Objection; asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Was the investigation into Konitzer, Weizner and Schaffel conducted by you and your partner?

A. Mr. Gibson, my partner, and I discussed the need for some investigative background material. We agreed it was appropriate, and we engaged the investigative firm on behalf of Mr. Jackson.

Q. And when your services were terminated, do you know if that investigation was still going on?

MR. AUCHINCLOSS: Objection; asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Who chose the investigative firm?

MR. AUCHINCLOSS: Objection; asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Where was the investigative firm located?

MR. AUCHINCLOSS: Objection; relevancy.

THE COURT: Overruled.

THE WITNESS: Again, recollection, I believe they were based in New York.

Q. BY MR. MESEREAU: Did you ever meet Janet Arvizo?

A. Yes.

Q. Do you know approximately when that was?

A. I was at Neverland in early February of 2003, the day the 60 Minutes film crew was there. And I met Janet Arvizo during that day. I was there for most of a Saturday at the ranch.

Q. Did you have much contact with her that day?

A. Not much. I mean, we spoke. You know, introduced ourselves. There were a lot of people in and out of the ranch that day. We had an entire film crew. There was -- Mr. Geragos was there with one of his associate lawyers. Mr. Konitzer was there. Mr. Weizner was -- I think Mr. Weizner was there. I’m not sure anymore. It was quite a zoo, so to speak.

Q. And what were your impressions of Ms. Arvizo on that particular day?

MR. AUCHINCLOSS: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you see Mrs. Arvizo at Neverland on that particular day?

A. Yes.

Q. Did you speak to her?

A. Yes.

Q. Did you speak to her at length?

A. I don’t think so.

Q. Did you see her throughout the day?

A. Saw her off and on.

Q. Okay. Did she appear upset to you?

MR. AUCHINCLOSS: Objection; leading.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you observe her demeanor on that particular day?

A. Yes.

Q. What were your observations?

A. She seemed satisfied with being there. She expressed support for Mr. Jackson. That was pretty much what I recall.

Q. Did you see any other members of her family at Neverland on that particular day?

A. I saw Gavin Arvizo and a young lady, I think her name is Star. And then there was I believe Gavin's brother, but I don't recall his name. They were just kind of running around. I mean, literally. They'd be boisterous kids running through the house, and then burst out a door and go somewhere.

Gavin indicated he had been riding bumper cars and having a pretty good time that morning.

Q. Do you recall whether or not you discussed the lawsuit in England with Mrs. Arvizo?

A. I really don't recall that. I'm just not sure where we were in the lawsuit time frame. There was so much going on.

Q. Were there any representatives of the media at Neverland on that particular day?

A. Oh, just Ed Bradley and the entire film crew for 60 Minutes.

Q. And did Mrs. Arvizo appear to be in the proximity of Ed Bradley and the 60 Minutes crew?

A. Oh, yes. I mean, I remember at one point we were kind of seated near the kitchen. There's a video screen/T.V. on the wall. Nickelodeon was playing. And Mrs. Arvizo was sitting on the couch, and I think it was Michael -- I think it was Michael Rodesky. I'm not sure of the exact name, but he was like a real production-type guy, and his assistant, a woman, they were sitting on the couch.

And I was kind of -- I was there for just a few minutes, and then I left the room. But I know -- I saw them later. They were all still sitting there, so --

Q. Did you have any communication with Ms. Arvizo after that date?

A. I'm not sure. There was some phone calls later, a few weeks later. There was some phone calls about the execution of some releases that I had drafted, and I'm not sure if I spoke to Mrs. Arvizo or not.

Q. Do you recall --

A. It was like, you know, ten or eleven o’clock at night, I believe. 10:00 at night. And I’d had, you know -- I was living at that point on about four or five hours of sleep for about six weeks and I’m just not sure.

Q. You say you drafted some releases. What are you referring to?

A. Video consents. We were trying to -- again, this is all relating to the “Take 2” video. My assistant, Ann-Marie Levy, had drafted a form of video consent/release/authorization for a person’s image to be used in a televisual broadcast. It’s a pretty standard Hollywood-type form, and we were seeking those from anybody who might appear in “Take 2.”

Q. Now, was it your understanding that the Arvizo family was going to be involved in “Take 2”?

A. The answer is, I’m not sure whether they were or weren’t going to be. The idea was to shoot

footage and then work with FOX, Brad Lachman Productions, and edit that footage to create a decent program. It wasn’t my decision what footage would get used, but -- but there was a desire to include them, to get some footage of them. Whether or not it would get used, I don’t know.

Q. And you say you drafted these releases, right?

A. Yes.

Q. And then what did you do with them?

A. Gosh, we distributed releases to -- I’m pretty sure we gave them to Brad Lachman Productions. You know, my assistant, Ann-Marie Levy, was really the primary person handling that. I know she had communications with the Brad Lachman folks. I’m fairly sure she would have sent them to Marc Schaffel, because he had some people who were involved. He was helping coordinate Hamid Moslehi, who was actually doing some of the video. Ann-Marie, under my direction, had been coordinating the documents with Attorney Iris Finsilver on behalf of Debbie Rowe for her appearance. So a number of people would have gotten those forms.

Q. Do you recall your being in contact with various companies involving the production of “Take 2”?

A. I’m not sure what you mean by “various companies.” I worked with, you know, Marisa Fermin at FOX. We had a lot of dialogue with Brad Lachman. We hired, you know, a law firm in Las Vegas to assist with copyrights. We had discussions with Schaffel. I’m not sure who else. I don’t know if I talked -- I’m pretty sure I talked to Hamid at one point in that whole process.

Q. Who is Brad Lachman?

A. Brad is the -- I think he’s -- well, Brad Lachman Productions is an independent film company that was hired -- was selected by FOX to produce the “Take 2” video.

Q. And were you communicating with lawyers on behalf of Brad Lachman Productions?

A. Yes.

Q. Why?

A. We needed to have releases from anybody who would appear -- whose image would appear in the video. There was music being selected. A lot of Mr. Jackson’s music was to accompany the video. We had to get the appropriate copyright releases executed, and there’s money involved in making payments for a number of these sorts of things. And my role again, as an attorney, I was, you know, trying to facilitate that process and make sure that we had appropriate lawyers carrying out those processes, and from time to time make sure -- I would have direct conversation to make sure there weren’t glitches, to understand where any hold-ups were, and try to motivate everyone to be effective and get the job done.

Q. And I believe you said you were in contact with people associated with FOX, correct?

A. Yes.

Q. And what were you doing with them?

A. Primarily negotiating the contract for payment for the production.

Q. Did you have a lot of contact with representatives of FOX in that regard?

A. I had a lot of contact with Marisa Fermin during that period. She was really the representative of FOX I dealt with.

Q. Now, you said you were getting four or five hours of sleep a night during this period, right?

A. Yes, sir.

Q. Why was that?

A. The combination of tasks that I was propelled into was pretty overwhelming. We would typically start the day with a teleconference with the United Kingdom, because of the time difference, and then by the end of -- so the middle of my day, late day, would be U.S. work. And then fairly often I would be back on the phone with the United Kingdom at night, you know, sometimes 11:00, 12:00, one o'clock, because that's morning in the UK. It's the next day already. So sleeping became problematic.

Plus, quite honestly, my mind was just full. There was so much content coming to me on a daily basis, it just -- I couldn't sleep. I'd just lay there and have things going through my head and make little to-do lists in my mind.

Q. Now, you talked about the concept of copyright. What do you mean?

A. Well, copyright is a statutory right in the United States. There is -- I believe there's some common law associated with copyright. But copyright -- there's a federal copyright act, and copyright provides protection for creations, artwork, books, media. It's not like patents. You can't copyright a concept. You can copyright a creative work.

Q. And what were you doing for Mr. Jackson in the area of copyrighting?

A. I'm not a copyright lawyer by trade, but I understand enough to know that copyright is very important with respect to televisual production. And so, you know, I engaged appropriate lawyers having expertise, you know, patent/trademark lawyers who work regularly in the copyright field, to help make sure that copyright was preserved for Mr. Jackson, or where other persons' copyright -- copyrighted work would be used, that we had the appropriate release and authority, because copyright can carry -- copyright infringement can carry pretty significant penalties under the statutes.

Q. Were you involved at all in issues involving licensing?

A. Yes.

Q. What were you doing?

A. I -- I interviewed and ultimately recommended that Michael Jackson, MJJ Productions, et cetera, hire Haber International, I think is the name of the company, to do international distribution of the "Take 2" video under license. The contract with FOX specifically provided that basically Michael Jackson preserved the right to distribute internationally.

Q. Mr. LeGrand, there was no secret around the world that the "Take 2" show was being developed, right?

A. It certainly -- I'm not aware of it being a secret, no.

Q. I mean, it was well publicized that a "Take 2" production was being developed, right?

A. I don't know if it was well publicized or not, but there certainly was some publicity.

Q. And lawyers for various entities were working around the clock to help get the "Take 2" production completed, right?

A. Well, I would say a number of people were working very, very hard, including lawyers, to get that production done quickly. And the pressure was FOX wanted the production for sweeps week.

Q. What do you mean by that?

A. In the television world, there's what -- as I understand it, sweeps week is when the rating companies analyze the viewers for -- and this is real important for pricing of commercials, and it really determines a value of T.V. shows and such.

So sweeps week is ratings week, and it's something that's very important to the various networks to have high ratings during sweeps week.

Q. And how did you learn that FOX was concerned about that time pressure?

A. Well, Marisa Fermin told me they wanted the show for that purpose.

Q. During this period of time when you were getting four to five hours of sleep a night, how much of your day was devoted to the development of the "Take 2" project?

A. It would vary day-to-day. That was not my primary focus in representing Mr. Jackson and trying to coordinate all the lawyers. We had -- during that same time frame, we had -- the decision had been made to replace Barry Siegel as money manager with Ed Grossman and Michael Stern's company.

That -- ultimately, Ed Grossman and Michael Stern decided they really could not handle the business, and then we transitioned to Mr. Whitman. That was extremely time-consuming. Took a significant part of my time and effort.

There were other matters that came up. I'm not sure exactly when. There was -- there was -- I had to communicate with, I think it's Brian Wolf at the Lavely Singer firm about some litigation, minor -- you know, fairly minor litigation cases that were going on at the time. I had the entire UK -- you know, U.S./UK litigation in pretty much full gear.

There were just a host of issues that needed attention.

Q. Were you dealing with other countries besides England when it came to licensing any footage involving the "Take 2" show?

A. Yes. Haber International was doing the primary negotiation, but Fred would -- Fred and/or his associate, George Scanlon, would contact me with respect to approvals of -- or seeking approvals for various licensing deals. At some point, we had some, you know, fairly significant discussions. I remember in particular Sky Broadcasting. We had several conference calls and some extensive correspondence with Sky Broadcasting over the licensing for “Take 2.” They’re overseas. I’m not even sure where. I don’t know whether it was UK. I think it was the UK itself. I’m not sure.

Q. Do you recall whether or not you were involved in any contacts with the media at this period of time involving the development of the “Take 2” show?

A. I had e-mails, phone calls, personal visits from various networks and shows expressing interest in “Take 2” before we ended up contracting with FOX. There was -- and I won’t call it a bidding war, but there was certainly interest by several parties, and proposals were being submitted to me.

Q. To your knowledge, was the development of the “Take 2” program part of a conspiracy to kidnap the Arvizo family?

MR. AUCHINCLOSS: Objection. Argumentative; calls for a conclusion.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Was the work you were doing, as far as you’re concerned, part of any conspiracy to violate the rights of the Arvizos?

MR. AUCHINCLOSS: Same objection.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you ever conspire to violate the rights of the Arvizo family in the development of the “Take 2” show?

A. No.

Q. Were you aware of any efforts during the production of this show to falsely imprison the Arvizo family at Neverland?

MR. AUCHINCLOSS: Objection. No foundation. Also calls for a legal conclusion.

THE COURT: I think the problem is with the word “falsely imprison.” I’ll sustain the objection.

Q. BY MR. MESEREAU: While you were doing all of the work that you described around the world, various law firms, with the distribution company, with FOX, with Haber, was it ever your understanding that, as part of that project, the Arvizos were to be held against their will?

MR. AUCHINCLOSS: Same objection as to calls for a conclusion and no foundation. Also hearsay.

THE COURT: Overruled.

You may answer.

THE WITNESS: No, I have no knowledge that the Arvizos were to be held or being held against their will.

Q. BY MR. MESEREAU: During this frantic time period that you have described, did you have any knowledge of whether or not the media was focusing their attention on Mr. Jackson?

A. Yes. There was significant media attention throughout the world following the initial broadcast of the Bashir video in the UK.

Q. And would that media attention have gone on through January, February and March of 2003, to your knowledge?

A. I’m not sure about -- well, it was -- I’m not sure of the exact dates. It was very late January that -- or first of February that the broadcast was in the UK. It was that -- right at that time frame was the first broadcast. So the media started, you know, when the clips were being produced and the Granada broadcast was being publicized in the UK.

The broadcast in the UK kind of started a significant amount of publicity. And then within a few days, the program was broadcast in the U.S., so the -- how long that continued -- I mean, was it still at that level of media in March? I think it was tailing off some compared to what it was in those first couple weeks of February.

Q. Now, you’ve indicated that you had some involvement in Mr. Jackson’s financial affairs, right?

A. Yes.

Q. And please describe what your involvement was.

A. Mr. Konitzer, Mr. Jackson asked me to assist in replacing Barry Siegel as the cash manager for Mr. Jackson. We also looked at the possibility of replacing his tax team. The accountants had actually prepared tax returns. Mr. Siegel did not prepare tax returns. Ultimately that decision was made not to change that accounting firm.

As part of that process, initially Mr. Grossman/Mr. Stern’s company was hired, and I would communicate with them on, you know, often a daily or, you know, sometimes hourly, certainly quite often with regard to financial matters.

Also, during the same time, I would have -- people like Evvy Tavasci would call and say that Michael needed money for something and would ask me to facilitate that.

So I also was in the process of reviewing the various loan documents. I was trying to get a firm grasp of Mr. Jackson’s financial affairs, try to understand, ascertain his assets, his liabilities, and that was all wrapped up in this transitioning of trying to put a new team into place.

Q. Do you recall doing any work involving the Sony/ATV music catalog?

A. Well, I looked -- I got a copy of the Sony/ATV documents.

I had one of my commercial associates analyze those documents and generate a report summarizing the content. These are very voluminous, detailed, complex documents, and I had an associate review them and analyze them and I believe produce a report to me.

Q. And what was -- or, excuse me. What is the Sony/ATV music catalog?

A. Well, Sony/ATV is a joint venture where Mr. Jackson and Sony own -- have ownership in the company that owns a variety of copyrights and rights to music, and basically is, as I recall, the -- Mr. Jackson contributed his ownership of The Beatles catalog and other music that he had acquired rights to. He contributed that into the joint venture. Sony put some of its music licensing rights into the joint venture. And then Sony continued to, as a manager of the joint venture, acquire additional rights to music.

Q. And why were you concerned about the Sony/ATV music catalog?

A. Well, the Sony/ATV joint venture represented a significant portion of Mr. Jackson’s assets. His ownership interest in that entity was a very considerable portion. And I was somewhat surprised to find that Mr. Jackson really did not have a diversified portfolio of investments that, you know, I’m somewhat used to in the more nonHollywood commercial world that I’ve worked in.

Q. Did you feel he had been poorly advised in the past?

MR. AUCHINCLOSS: Objection. Foundation; hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Once you analyzed what the Sony/ATV music catalog was, what did you do?

A. Well, at this time -- by the time I had that analysis -- well, a couple things happened. One, I

spoke to Mr. Konitzer and expressed to him that this was a much more complex set of documents than Mr. Konitzer had earlier indicated to me. He really did not understand the depth and complexity, the rights Mr. Jackson had and the limitations on Mr. Jackson’s ability to, you know, sell any interest in that particular asset.

I found out, you know, that there were loans -- Bank of America, in particular, had a loan portfolio that was involved in this whole Sony/ATV joint venture, as Mr. Jackson’s interest was collateral, and his financial affairs were, you know, fairly complex, and there wasn’t a lot of liquidity there.

Q. Now, at some point, you made some

suggestions to Mr. Jackson about how to restructure his financial affairs, right?

A. Yes.

Q. And why did you do that?

A. Within the first, I'd say, maybe three weeks or so, four weeks of representing Mr. Jackson, I learned that his current payables mid-February were in the range of $10 million. There was insufficient cash available to pay those payables on a current, timely basis.

I came to understand that essentially most of his income primarily went to pay down a credit line and then he was allowed to draw, I think it was $2 million a month on the credit line. But there were significant constraints on his ability to draw against those credit funds, and his -- the bulk of his assets were pledged for these credit lines. There was -- actually, I think there's two different loans. But anyway, he was highly illiquid.

Q. At one point, you suggested he consider selling his interest in the catalog, right?

A. Yes.

Q. And it was your belief that if he did that, he could end up with $200 million after taxes, right?

A. Yes.

Q. And that would be exclusive of royalty income, right?

A. Yes. I want to -- can I redress that?

I wasn't sure about the tax consequences. At that point I really was not -- I can't say I was up to speed on the tax history of his portfolio, his interest in the joint venture. There's -- that's all fairly complex.

So my analysis was based on some assumptions, and qualified, to a degree. So the $200 million number, you know, this -- this was not meant to be precise. I was not in a position to give precision at that point in that analysis.

Q. Did you talk to any financial experts before you gave that advice?

A. Well, I spoke to Allan Whitman, the CPA who was managing -- I think by that time was managing Mr. Jackson's money.

I spoke with another lawyer who was working with Mr. Jackson, a Mr. Malnik in Florida. I'm not sure -- I'm fairly sure I -- he's not a financial expert. I'm pretty sure I talked to Eric Joss at Paul Hastings about my analysis.

Q. And you had suggested that Mr. Jackson restructure his financial affairs, correct?

A. Yes.

Q. And you made suggestions as to how he could do that and avoid bankruptcy, right?

A. Yes.

Q. And your conclusion was that there was a way to end up worth $200 million after taxes and excluding music royalties, correct?

A. That was my analysis, yes.

Q. Okay. Now, during the time that you represented Mr. Jackson, were you involved in any business opportunities involving Mr. Jackson?

A. Well, the FOX negotiations were a business opportunity. I know there were subsequent discussions with FOX for additional programs. There were -- I had discussions with Jack Sussman, I think he's at CBS, with regards to possible programs.

We -- I -- Mr. Jackson indicated a desire to maybe do some film work. And I brought -- I arranged an introduction to a law firm in Hollywood that really practices representing talent in the film and music arena. A young man named Howard Fishman, an attorney, was brought in.

There were discussions with the movie director Bob Evans about producing a biography of Mr. Jackson's life. There were -- you know, those are the ones I remember. I'm sure there were more, but those were the primary discussions I recall.

Q. And do you recall any discussions about marketing any products involving Mr. Jackson?

A. Oh, yeah. I'm sorry. One of the things that -- one of the items that came to my attention during this couple of months was there had been a contract entered into sometime before - I’m not sure whether it was a year or two years - that allowed Mr. Jackson to buy out a company that had acquired the rights to merchandise a variety of goods under his name, I guess is the best way to say it. They had the right to produce, you know, Jackson perfume, for example, or various goods with the “Jackson” name associated with it. And that contract needed to be paid off. There was a balance due to -- on an installment payment arrangement. There was a balance due for him to reacquire those rights. We actually -- I did facilitate the payment being made so that those rights came back to Mr. Jackson.

And there were a couple of negotiations, one I think was a perfume. I know there was something else, but I can’t remember what it was. It wasn’t big money. It was like $20- or $40,000. But there were other instances of opportunities for revenue for Mr. Jackson.

Q. Do you recall, in February of 2003, Sony/ATV offering to pay $10 million to purchase a Christmas song from Mr. Jackson?

A. You know, that sounds familiar. But I really don’t have a specific recollection of that. It -- it rings a bell with me, but....

Q. Might it refresh your recollection if I show you a letter in that regard?

A. Sure.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

Q. BY MR. MESEREAU: Have you had a chance to look at that document?

A. Yes.

Q. Does it refresh your recollection about that issue?

A. Yes.

Q. What do you recall about that?

A. I recall receiving the letter, a copy of the letter from Mr. Branca. And I remember I spoke to Mr. Konitzer. And I’m not sure what the ultimate outcome was. I believe Mr. Branca was told to pursue the discussions.

Q. Do you remember any projects involving games relating to Mr. Jackson, video games, anything of that sort?

A. There were several discussions about the possibility of seeking license money, royalty money, for gaming machines in Nevada in particular. There were some suggestions that one or more of the major manufacturers might be interested in a Michael Jackson slot machine of some sort.

Q. Now, you mentioned your discussions with a producer about a movie about Mr. Jackson’s life?

A. Yes.

Q. Would you please explain what you’re talking about?

A. Well, Mr. Fishman and I attended a dinner one night at the residence of movie director Bob Evans, I think is his name. Robert Evans. And Mr. Evans was very enthusiastic about the possibility of producing a movie based on the life of Michael Jackson. And he wanted to negotiate for those rights.

Q. Would it be accurate to say that while you were representing Michael Jackson in January, February, March of 2003, there was a constant swarm of business proposals from various parts of the world involving Mr. Jackson?

MR. AUCHINCLOSS: Objection. Leading and vague --

THE COURT: Sustained.

MR. AUCHINCLOSS: -- as to “swarm of business proposals.”

Q. BY MR. MESEREAU: Was it part of your responsibilities to involve yourself in potential business opportunities involving Mr. Jackson?

A. Well, for that short time, I really was one of the primary facilitators for business transactions for Mr. Jackson, and several people brought proposals to me or informed me that there were proposals of various kinds.

I’m not sure how much was my responsibility. As a lawyer, when clients ask for assistance, I give them assistance. Sometimes I was in the position where, you know, somebody would say to me, “Gee, do you think this would be of interest?” Or another lawyer, you know, would send me the contract, a proposal. I think the perfume contract actually came from Brian Wolf’s law firm. So, a lot of this came to me, but I’m not sure how much of it was my responsibility.

Q. Now, you’re not a specialist in music law, right?

A. No.

Q. During the time you were doing all of this work for Mr. Jackson, he also had a law firm doing his music legal work, correct?

A. Yes.

Q. So all of the business opportunities or projects you’re talking about are really separate and apart from the music business, right?

A. Yes.

Q. And was it your understanding that business opportunities in the music area were going to another law firm at this point in time?

MR. AUCHINCLOSS: Objection; asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: To your knowledge, while you were representing Mr. Jackson, how many law firms were involved in his affairs?

A. Well, the Katten Muchin firm was providing representation in a couple pieces of litigation. The Ziffren firm, John Branca in particular, was the primary music counsel. Lavely Singer was providing representation on a variety of matters, mostly litigation-related. There was my firm. There was Paul Hastings law firm. There was Mark Geragos. There was the solicitors in the United Kingdom, the barrister in the United Kingdom.

I know I’m missing somebody.

Oh, and I had another law firm in Las Vegas that was assisting on copyright work as well. So I don’t know how many that is, but it’s quite a few lawyers.

Q. Do you remember, in March of 2003, discussions about a proposed television special involving Michael Jackson and Marlon Brando?

A. Yes.

Q. What do you remember about that?

A. You know, not much. There was discussion about that possibility, of combining those two into a production. I never had direct contact with Marlon -- or maybe I did. Well, I ultimately did speak to Marlon Brando and his counsel about putting together some sort of program. But it never got off the ground, as far as I know.

Q. You were doing work for Mr. Jackson in the area of international trademarks, correct?

A. Some of the trademark paperwork came to me and I tried to route it to someone appropriate. I am not an expert in trademark work.

Q. But what were you doing in that area for Mr. Jackson during January, February and March of 2003?

A. Well, I was really just trying to coordinate and make sure that -- if something came to me, I tried to make sure that it went to a lawyer that could appropriately handle it.

Q. And to your knowledge, what was going on in that area, as far as lawyers are concerned?

A. Yeah, I really don’t remember. That was a very minor part of the overall scope of what I was dealing with.

Q. Were you referring trademark issues for Mr. Jackson to other law firms?

A. I think so, yes.

Q. And was it your understanding that trademark issues were constantly coming up around the world involving Mr. Jackson?

A. Yes. There were -- there was some things on the Internet that involved his likeness that were being offered for sale, I think. There were some --

there was a couple different -- I’m not sure what to call them. I don’t know that they were games or not, but they were interactive elements on the Internet that used his image and likeness.

I actually -- the day I was fired, the -- in March, I was having lunch with Allan Whitman and Brian Wolf from the Lavely Singer firm to talk about what kind of actions could be taken and what kind of costs would be associated with taking action to protect Mr. Jackson’s image and likeness.

Q. And was that a concern involving only the United States, or elsewhere?

A. Oh, no. It was worldwide in scope. The Net knows no boundaries.

Q. To handle those issues worldwide, what did you have to do?

A. Well, I’m not sure. I mean, my approach was to find a qualified law firm like Lavely Singer, Brian Wolf and Marty Singer, and, you know, have them engauge the appropriate talent, as needed, around the world.

Q. And to your knowledge, was that done?

A. I don’t know.

Q. Do you recall a project proposal involving Apple computer during this period of time?

A. I remember some discussion about Apple computer, and that Steve Jobs and Michael had a personal relationship, and that there might be some commercial opportunity with Apple, but I don’t recall the details of any proposal.

Q. Okay. And to your knowledge to date, Mr. Jackson has never gone bankrupt, has he?

A. I’m not aware of Mr. Jackson filing a petition in a federal bankruptcy court for relief, no.

Q. Do you remember your firm issuing a letter to the team suggesting that no business proposals were to go directly to Mr. Jackson?

A. I don’t specifically recall that letter, no.

Q. Do you recall a draft letter to come from your firm to someone named Meskin?

A. Yes.

Q. And do you recall the letter said no proposals are to go directly to Mr. Jackson?

A. Yes.

Q. And why was that?

A. Mr. Meskin was one of the people present at the dinner party at Director Robert Evans' house, and I was not impressed with his approach. I did not think the terms he was suggesting to Howard Fishman and I were anything that Mr. Jackson should consider.

And I was concerned, because during that dinner party, Mr. Meskin and Mr. Evans managed to take Mr. Jackson off, away from Mr. Fishman and I, for a short period, 20 minutes, half an hour. And I found out later that they tried to get him to sign --

MR. AUCHINCLOSS: Objection; hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you find out in that regard that efforts were made to get Mr. Jackson to sign documents?

MR. AUCHINCLOSS: Objection. Hearsay; leading.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you remember, when you were brought in to represent Mr. Jackson, Konitzer and Weizner telling you they intended to gain control of Mr. Jackson's financial affairs?

A. Yes.

Q. Do you remember at that time Konitzer and Weizner telling you they wanted to gain control of Mr. Jackson's records, documents, and agreements?

MR. AUCHINCLOSS: Objection; hearsay.

THE COURT: Overruled. You may answer.

THE WITNESS: Yes.

Q. BY MR. MESEREAU: Do you remember, when you were brought on board, Konitzer and Weizner telling you they wanted to gain control of anything belonging to Mr. Jackson?

MR. AUCHINCLOSS: I'll make the same

objection. And leading.

THE COURT: Overruled.

THE WITNESS: In general, Mr. Konitzer and Mr. Weizner wanted to take over management, overall management, of Michael Jackson’s business affairs, financial affairs, and implement a new business plan for Mr. Jackson.

Q. BY MR. MESEREAU: And they essentially told you in writing they wanted to control everything Mr. Jackson owned, right?

A. For the benefit of Mr. Jackson, yes.

Q. Well, you then concluded they were doing it for their own benefit, didn’t you?

MR. AUCHINCLOSS: Objection. Argumentative; leading; misstates the evidence.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You were retained in approximately January of 2003, right?

A. End of January, yes.

Q. And how long did it take you to grow suspicious of what Konitzer and Weizner were doing

to Mr. Jackson?

MR. AUCHINCLOSS: Objection. Argumentative; leading; and asked and answered.

THE COURT: Overruled.

You may answer.

THE WITNESS: Weeks. I mean, whether it was four weeks or six weeks, I’m not sure. But certainly by the end of February, early March period, I was very suspicious, and I’m not sure of the time frame. The first investigative report that I got just increased my degree of suspicion.

But at the same time that some of this was going on with respect to my concerns about Mr. Konitzer and Mr. Weizner, Mr. Malnik had entered the scene and was asserting --

MR. AUCHINCLOSS: Objection; narrative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Who is Mr. Malnik?

A. He’s a -- well, he’s an individual who lives in Florida.

Q. And were you suspicious of anything he was doing involving Mr. Jackson?

A. Because I did not know Mr. Malnik, I was suspicious of him. I mean, I --

MR. AUCHINCLOSS: I'm going to object to an improper opinion; no foundation.

THE COURT: Overruled.

THE WITNESS: I became -- you know, I became suspicious of everybody. It seems that everybody wanted to try to benefit from Mr. Jackson one way or another. But I did eventually cause the investigative service to give us some background on Mr. Malnik. But he is -- the report indicated he's a very wealthy man.

MR. AUCHINCLOSS: Objection; hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You grew suspicious of what Marc Schaffel was doing to Mr. Jackson at some point, correct?

A. I grew suspicious that Mr. Schaffel was seeking to benefit from Mr. Jackson or being -- in relationship to Mr. Jackson. My suspicion of Mr. Schaffel was different than my suspicion of Mr. Konitzer or Mr. Weizner.

Q. Did you have much involvement with Mr. Schaffel in your work?

A. I had a fair amount of involvement with Mr. Schaffel at the very beginning of the development of the "Take 2" production. And I was constantly trying to get Marc Schaffel out of the loop. I was trying to avoid his involvement or minimize his involvement in Mr. Jackson's affairs, and it was a struggle.

Q. But did you ever meet Schaffel?

A. Yeah.

Q. Where did you meet him?

A. I think I met him at his house the Friday night before the 60 Minutes Saturday at Neverland.

Q. And why were you at Schaffel's home?

A. To -- because he had had conversations with Jack Sussman about CBS purchasing some of the rights to the footage. At that time, there wasn’t a “Take 2,” but we had footage. And so I met with Marc for that purpose, to discuss the -- and also, I think I looked at some of the footage at that time. I actually -- they had some of it on a screen, and I was able to watch some of the footage of Martin Bashir and Michael.

Q. And approximately when was this, do you think?

A. I think it was the first weeked in February of 2003. I’m not sure whether that’s the 7th, 8th or 9th, but it was around that first full weekend in February.

Q. And was it your understanding that Schaffel was involved in the production of the “Take 2” program?

A. Yes.

Q. And how did you learn that?

A. I guess one answer is to say Marc Schaffel told me, but he’s the one who had -- well, I believe he’s the one that worked to arrange the Ian Drew interview with Debbie Rowe and coordinate Hamid from I Films to film that interview.

Q. And were you involved in anything involving the Debbie Rowe interview?

A. Well, yes. We were involved with the preparation and exchange of documents to allow Debbie Rowe to engage in the interview and allow her image to be broadcast.

Q. And did you draft those documents?

A. Well, I participated in them. Actually, my assistant, my associate, Ann-Marie Levy, really did most of the work on that with Iris Finsilver. I did speak to Iris Finsilver, you know, a couple times, I think. She was the counsel for Debbie Rowe.

Q. And were your relations with her very professional?

A. Well, I think so.

Q. Did there seem to be any objection on this lawyer’s part to Debbie Rowe being interviewed?

A. She didn’t express any objection to me.

Q. Were you there when Debbie Rowe was interviewed?

A. No.

Q. Did you learn about it at some point?

A. Yes.

Q. How did you learn about it?

A. I’m not sure today who told me. It was probably Schaffel. Might have been Konitzer.

Q. Were you involved in any of the filming of the Arvizo family for purposes of “Take 2”?

A. No. I was never present during any filming of anybody for “Take 2.”

Q. Do you recall talking to anyone who spoke on behalf of the Arvizos when it came to their being filmed as part of the “Take 2” project?

A. I don’t recall.

Q. Is your meeting -- excuse me. Is the time I described, where you saw Janet at Neverland, the only time you recall ever physically seeing her?

A. I think that’s right. I might have seen her again somewhere else, but I really don’t have a specific recollection.

Q. Do you remember ever talking to Janet Arvizo on the phone?

A. As I indicated earlier, I’m not sure if I actually spoke with her or if I was speaking to one of the people working with Schaffel. There were a couple people that were working on various pieces of that filming. And I just -- I’m sorry, I don’t remember specifically whether I spoke with Mrs. Arvizo or not.

Q. Do you recall, in your discussions with representatives of FOX television regarding the “Take 2” project, whether or not the name “Arvizo” ever came up?

A. Yeah, I’m pretty sure it did. Because we needed -- again, anybody who’s going to be in, you know, a televisual production needs to sign a consent, a release for the use of their image. And if -- if the Arvizos were going to have any footage included, there had to be a release.

Q. Do you recall, in your discussions with the distribution company, Lachman Productions, the name “Arvizo” ever coming up?

A. Well, I think it did, again in the context of we needed appearance consents and releases from everybody, because we had footage that had a lot of people in it. We were concerned -- there was one set of footage that had a bunch of kids at Neverland, and we were concerned about those appearance consents.

Q. You mentioned an individual named Haber, correct?

A. Yep. Fred Haber.

Q. Do you remember ever discussing the Arvizos with Mr. Haber?

A. I’m just not sure.

Q. As far as you’re concerned, given all of the communications you had with all of these parties about the “Take 2” project, was it any secret that the Arvizos were going to possibly participate?

A. I’m not aware of any secret about it, no.

Q. In fact, the possibility of the Arvizos participating in the “Take 2” project was something that was discussed constantly, right?

MR. AUCHINCLOSS: Objection; leading.

THE COURT: Sustained.

Q. BY MR. MESEREAU: To your knowledge, was anyone that you spoke with trying to keep the fact that the Arvizos might participate in the “Take 2” project a secret?

A. No.

Q. Approximately when do you think you first learned that there might be a possibility of the Arvizos participating in this television documentary involving Maury Povich?

A. Oh, I’m not sure. I mean, early February. Mid-February. Some -- sometime in that time frame. This all went very quickly. I think the production aired by the end of February, so this was a very short time frame.

Q. But certainly your discussions with representatives of FOX television indicated that people at FOX thought the Arvizos might participate, right?

A. I don’t know about FOX. I think Brad Lachman Productions, but I don’t remember talking about it with Marisa Fermin.

Q. Did you learn at some point that the Arvizo family had participated in an interview for purposes of the “Take 2” project?

A. I believe some footage did get shot, yes.

Q. Did you ever see it?

A. I never saw that footage, no.

Q. Okay. Do you remember learning from someone that they had participated in an interview?

A. Yes. I’m just not sure when.

Q. Do you know if you were at Schaffel’s home before or after you learned the Arvizos had been interviewed?

A. Oh, I’m pretty sure it was before, because -- yeah, I’m pretty sure it was before.

Q. Now, at the period of time you’re talking about, when this “Take 2” project is being produced, to your knowledge, are the Arvizos still parties to the lawsuit in England?

A. No, they’re not. No, they’re not. And I believe the complaint with the Standards Board on their behalf was also withdrawn, but I’m not sure about that.

Q. At some point, did you learn the Arvizos had hired a lawyer in Los Angeles?

A. Yes.

Q. Do you know approximately when you learned the Arvizos had gone to a lawyer in Los Angeles?

A. I think it was the spring of 2004 that I was contacted by a lawyer who stated he represented the Arvizos. I’m not sure, you know, whether that was February, March, April, but I think it was the spring of ‘04.

Q. Do you remember ever hearing from a lawyer named Dickerman?

A. Yes.

Q. Okay. And did you learn at some point that a lawyer named Dickerman in Los Angeles was representing the Arvizos?

A. Yeah, Mr. Dickerman contacted me in that -- I think it was spring of ‘04.

Q. And did you ever learn that at some point in time after they hired Attorney Dickerman, they hired Attorney Larry Feldman?

A. I never had any contact with Mr. Feldman. I think if I know that, it’s only from the press.

Q. Did you ever speak to Dickerman directly --

A. Yes.

Q. -- involving the Arvizos? How many times do you think you did that?

A. Two, maybe three times did I speak with him. We exchanged some letters.

Q. And at some point, he made a request that the Arvizos no longer participate in the British litigation, true?

A. Yes. Well, you have to excuse me. There’s the litigation and there’s the Broadcasting Standards Board complaints, and I’d really want to review the document. When I say “yes,” it’s -- I know he wanted them -- he wanted the Broadcasting Standards Board

complaint process terminated with respect to the Arvizos. I’m just not sure that they were parties to the litigation against Granada. I just -- it’s been a long time.

THE COURT: All right. Let’s take our break.

(Recess taken.)

THE COURT: Counsel?

MR. MESEREAU: Thank you, Your Honor.

Q. Mr. LeGrand, you have an exhibit book in front of you. Would you please turn to Tab 36. Your Honor, I believe the next exhibit, defense exhibit, would be No. 5037, which would be this document.

THE COURT: All right. Thank you.

Q. BY MR. MESEREAU: Mr. LeGrand, please take a look at that document, if you would.

A. Yes.

Q. Have you seen that document before?

A. Yes.

Q. And please describe that document.

A. It's charts and diagrams and text outlining kind of a business structure for Michael Jackson.

Q. And it appears that you faxed that document to various individuals on March 14th, 2003, correct?

A. Yeah. Well, it appears that it was faxed to Mr. Al Malnik.

Q. But you appear to be the -- it appears to have been faxed from your office, right?

A. Oh, yes.

Q. All right. Now, when did you first see that document?

A. I'm not sure. I think I saw an iteration of this document in late 2002. This was a business plan outline that Mr. Konitzer had been working on for some time.

Q. And was it your understanding that Konitzer put this document together?

A. Yes.

Q. And what is your understanding based on?

A. He sent this to me. Mr. Konitzer gave this to me.

Q. And approximately when do you think he did that?

A. Well, again, this iteration I'm going to say happened in probably February, but this is -- again, this was a document that got edited over time. But I think this generation, because of some references in it, time references, I think show late February, maybe early March.

Q. Did Mr. Konitzer tell you he was developing this document?

A. Yes.

Q. Approximately when was that?

A. I'm guessing. You know, sometime February, early March of '03.

Q. And correct me if I'm wrong, the document

appears to be a business plan for Mr. Jackson, right?
A. Yes.
Q. And if you look through the document, it appears to have what is referred to as a diagram of a business structure, right?
A. Yes.
Q. It talks about Mr. Jackson and his family, correct?
A. Yes.
MR. AUCHINCLOSS: I’ll object as leading. And hearsay as far as the document is concerned.
THE COURT: Sustained.
THE BAILIFF: You need to turn your microphone on as well.
MR. AUCHINCLOSS: Yeah.
Q. BY MR. MESEREAU: Mr. LeGrand, please look at what appears to be the third page of that document, okay? The Bates stamp number appears to be MJ020806. Do you see that?
A. Yes.
Q. And it says, “How to protect MJ from business infection.” Do you see that?
MR. AUCHINCLOSS: Objection. Hearsay and leading.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you recall reading this document when you received it?

A. Yes.
Q. And why did you read it?
A. Because it was given to me for my review, and it affected my client, Michael Jackson.
Q. And this is the -- a copy of the actual document that Konitzer sent you, correct?
A. Yes.
Q. And after you read it, did you discuss it with Mr. Konitzer?
A. I don’t recall a specific conversation about this document, no.
Q. Do you recall that one of the plans Mr. Konitzer had for Mr. Jackson was to isolate him from

involvement?

MR. AUCHINCLOSS: Objection. Hearsay and leading.

THE COURT: The hearsay is sustained.

Q. BY MR. MESEREAU: Please turn to page -- Bates stamp MJ020810, if you would.

A. Yes.

Q. And it's entitled, "Michael's involvement," correct?

A. Yes.

MR. AUCHINCLOSS: Objection. Hearsay; leading.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you remember having any discussions with Mr. Konitzer about Michael Jackson's involvement in the new business plan?

A. Yes.

Q. Were there any discussions about whether or not Michael Jackson should be involved in briefings, formalities, procedures, et cetera?

MR. AUCHINCLOSS: Objection. Hearsay; leading.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you know whether or not you had any discussions with Mr. Konitzer about whether Michael Jackson needed to be involved in daily briefings?

MR. AUCHINCLOSS: Same objection.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You've seen that document before, right?

A. Yes.

Q. Do you recall any discussions with Mr. Konitzer about how involved Mr. Jackson should be in the new business?

MR. AUCHINCLOSS: Same objection.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you ever say anything to Mr. Konitzer about to what extent Mr. Jackson should be involved in the new business plan?

A. Yes.

Q. What did you say?

MR. AUCHINCLOSS: Objection; hearsay.

THE COURT: Sustained.
Q. BY MR. MESEREAU: Did Mr. Konitzer’s plan, to the best of your knowledge, involve any considerations about how much Mr. Jackson should be involved in his own business dealings?
MR. AUCHINCLOSS: Same objection.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Mr. LeGrand, Konitzer didn’t want Michael Jackson involved at all in the details of his business, did he?
MR. AUCHINCLOSS: Same objection. Ask counsel to move off this subject. Ask the Court to admonish counsel.
BAILIFF CORTEZ: Your microphone’s off, sir.
MR. AUCHINCLOSS: I’m sorry. Same objection and ask the Court to admonish counsel to move off of this subject.
THE COURT: I think that question was asked and answered earlier this morning, so I’ll sustain it on that ground.
MR. MESEREAU: Okay.
Q. Is the document in front of you that’s been identified as Exhibit 5037 prepared in the normal course of business, to your knowledge?
A. As normal as business was, yes.
Q. And you faxed it off to Mr. Malnik, correct?
A. Yes.
Q. And why did you do that?

A. Because I thought Mr. Malnik at that point was advising Mr. Jackson on business matters. And I thought it very much appropriate for Mr. Malnik to see this document.
Q. Is Exhibit 5037 the actual document you faxed to Mr. Malnik on March 14th, 2003?
A. To the best of my recollection, yes.
Q. Did you discuss the document with Mr. Malnik at any point?
A. Yes.
Q. Approximately when was that, do you think?

A. I would guess within a day or two of this fax. Maybe that day, but I don’t know for sure.

Q. Do you recall discussing Exhibit 5037 with anyone besides Mr. Malnik and Mr. Konitzer?

A. Oh, I’m -- I believe I discussed this with my partner, Pete Gibson.

Q. And why did you do that?

A. I found this document to be somewhat disturbing. It seems amateurish. You know, I already had misgivings about Mr. Konitzer’s sophistication and capabilities, and this document simply reinforced those concerns.

Q. After you read the document, what were you concerned about?

A. Well --

MR. AUCHINCLOSS: I’m going to object that this is going to be a commentary of what’s enclosed

within the document.

THE COURT: Sustained.

MR. MESEREAU: No further questions at this time, Your Honor.

THE COURT: Okay.

CROSS-EXAMINATION

BY MR. AUCHINCLOSS:

Q. Good afternoon, Mr. LeGrand.

A. Good afternoon. We made it to the afternoon.

Q. Just barely.

So tell me, how is it that you became employed by Michael Jackson?

A. Mr. Konitzer had talked to me about whether I would be interested in assisting with the implementation of this new business plan for Mr. Jackson, and then Mr. Konitzer called me and asked me to come to Florida and meet Mr. Jackson to discuss representation.

Q. And you knew Mr. Konitzer through a company named Hi-Tec?

A. Hi-Tec America.

Q. And what is Hi-Tec America?

A. I don’t know what it is. A few years ago it was a company Mr. Konitzer had that was involved in developing a manufactured building process.

Q. And is that company based in Canada?

A. Yeah, Mr. Konitzer lives in Canada, and the manufacturing company was in Canada, but Mr. Konitzer was interested in developing business in the United States when I first met him.

Q. And how is it that he came to employ your services for Hi-Tec America?

A. He was introduced to me by another person that I knew in Florida. And we discussed, you know, what his needs were, and I -- at the time I was with a law firm and we agreed to represent him.

Q. What were you doing in Florida at the time?

A. I really wasn't in Florida. I had done a transaction with some people in Florida, and one of those people subsequently introduced Mr. Konitzer to me.

Q. And at some point Mr. Konitzer called you and informed you that he'd like you to work on behalf of Mr. Jackson?

A. Yes.

Q. And did he introduce you to Michael Jackson?

A. Yes.

Q. Where did that introduction take place?

A. At the -- I think it's the Turnberry Hotel project in Florida.

Q. And did that introduction take place in February of 2003?

A. Yes. No, I think it was January.

Q. January of 2003?

A. Yeah. I don't think it was quite February. I think it was the last weekend in January.

Q. And when Mr. Konitzer contacted you with regard to your services, exactly what did he inform you of in terms of what the expectation would be of your duties, what duties you'd perform for Mr. Jackson?

A. The phone call that precipitated my going to meet Mr. Jackson at the Turnberry was focused on the

Bashir broadcast. And what Mr. Konitzer said to me was that Michael’s lawyers had told him there was nothing they could do to help him deal with Granada or Martin Bashir, and he asked me to come and meet Michael and see if there was anything that I could do or suggest to assist Mr. Jackson.

Q. So in January. Do you have any recollection of the exact date we’re talking about?

A. I just know that I flew to Florida just before the last weekend in January. I’m not sure if that’s the 27th or the 29th. But it was the last week of January.

Q. So it would have been immediately before. Do you mean like a Friday, a Thursday? Do you have an idea?

A. Yeah, I think I arrived there either Wednesday night or Thursday. I’m not sure exactly.

Q. Okay. And you met Mr. Jackson. Where did that meeting take place?

A. At the Turnberry. He had a suite at the Turnberry.

Q. In his suite?

A. Yes.

Q. Was Mr. Konitzer there?

A. Yes.

Q. Was Mr. Weizner at that meeting?

A. I believe he was there for the initial meeting, yes.

Q. What do you mean by that? Did he leave at some point?

A. That first day, I think I had two meetings with Mr. Jackson. And I’m not sure that Mr. Weizner was present at both. I think there were two meetings.

Q. How many days did you stay at the Turnberry?

A. I didn’t stay at the Turnberry.

Q. How many days did you stay in Florida?

A. It was four or five. I returned to Las Vegas that Sunday, the last Sunday in January of ‘03.

Q. And in those four or five days, how many meetings did you have with Mr. Jackson?

A. Hmm.

Q. You mentioned two so far, I guess, the first day.

A. Three or four. I’m really not exactly sure. One of them was the lengthy telephone conference day.

Q. Tell me about that. What day did the telephone conference take place?

A. I’m not sure if it was Friday or Saturday, with the solicitor and the barristers in the UK.

Q. Do you know -- do you know if Hamid Moslehi was in Florida at the time you were there?

A. I don’t know.

Q. Do you know if the Arvizo family was in Florida at the time you were there?

A. I don’t know. I don’t believe so, but I don’t know.

Q. Did you ever meet Ian Drew?

A. I think I eventually met Ian Drew, but I’m not sure when. I don’t believe I met him in Florida, though.

Q. Okay. So tell me about this conference call day. You said it involved the professionals in England?

A. Yes.

Q. Were you in a room where a conference call -- the conference call phone was?

A. Yes.

Q. Who else was present in that room?

A. Mr. Jackson. Mr. Konitzer. I just don’t remember if Mr. Weizner was present or not.

Q. Anybody else?

A. There were other people who came in and out. I mean, there was a bodyguard. Mike -- I just knew him as Mike. I really wasn’t focused on anybody else. We had a table with a phone, and we spent close to two hours going over the Granada documents and the issues associated with going after Granada.

Q. Did you discuss the public relations aspect of the Bashir documentary on Mr. Jackson?

A. There was some discussion that there was, you know, likely to be, you know, increased PR, and the solicitor/barrister team in the UK wanted to engage a PR firm.

Q. So was Bell Yard employed at that time?

A. I don’t think so. I think this was preliminary discussion. The UK folks weren’t even 100 percent sure that they would follow through with taking any action. They really -- this was -- it was a very significant conversation, but it was also exploratory on their part.

Q. And was Mr. Jackson concerned about the fallout in a public relations sense from the Martin Bashir film?

A. I don’t recall Mr. Jackson making a specific statement about being concerned about the fallout from the Bashir film. He seemed very concerned about the -- blurring the images of his children, of wanting to enforce his agreement with Mr. Bashir to edit -- to screen the video and edit the video before it was aired.

Q. Let’s talk about the agreements that you reviewed concerning the Bashir film. You expressed some concern after reviewing those agreements, true?

A. Yes.

Q. Did you discuss those concerns with Mr. Jackson?

A. Yes.

Q. Now, you were employed as Mr. Jackson’s attorney, correct?

A. Yes.

Q. Your fiduciary responsibility was to him?

A. Yes.

Q. To him alone?

A. To him and his affiliated companies, yes.

Q. Okay. So you owed no responsibility to Mr. Konitzer or Mr. Weizner?

A. As part of our representation of Mr. Jackson, we specifically disclosed to Mr. Konitzer that we would no longer, you know, provide any representation to him, and we just had a conflict disclosure document.

Q. To avoid a conflict of interest?

A. Yes, sir.

Q. And do you have any sense of why Mr. Konitzer chose you to become a part of this team?

A. He stated to me that he appreciated that I had a perspective more of a businessman than a lawyer in some of our discussions, and that he wanted the kind of breadth of experience that I brought. That was what he expressed to me.

Q. Did you have a sense that he liked you?

A. Yes.

Q. Did you like Mr. Konitzer at the time?

A. Yes. I found Ronald to be pleasant and engaging.

Q. Now, did you ever have a discussion with Mr. -- I'll back up.

I think you did mention that you had a discussion with Mr. Jackson about entering into the agreement to do the Bashir interview.

A. Yes.

Q. Did Mr. Jackson tell you that Martin Bashir was responsible for the Princess Diana documentary?

A. I don't think Mr. Jackson told me that, but somebody else did. I'm not sure who, but I did know that.

Q. Did Mr. Jackson inform you that doing an interview with Mr. Bashir could be something that could reignite or renew his career?

MR. MESEREAU: Calls for speculation.

MR. AUCHINCLOSS: I'm asking if Mr. Jackson informed him of that.

THE WITNESS: No, Mr. Jackson never made such a statement.

THE COURT: I'm sorry, there's an objection pending. You need to rephrase the question, please.

Q. BY MR. AUCHINCLOSS: My question is, did Mr. Jackson ever inform you that he did the Martin Bashir interview because he perceived it to be a positive public relations opportunity to help renew

his career?
A. No.
Q. Did Mr. Jackson ever indicate that Martin Bashir was unwilling to do the interview in a fashion in which Mr. Jackson would be paid?
A. I don’t believe Mr. Jackson ever made that statement to me. He did confirm to me that he did not expect money from -- you know, payment for the production; that he had agreed to do that without a fee. He --
Q. Okay. And you mentioned you had some experience in business aspects of preparation of legal documents and such for these types of documentaries?
A. No. I indicated that I really had not had substantive experience in entertainment law.
Q. Well, then, how is it that you were able to form an opinion that these documents were inadequate?
A. Because, from my experience in general commercial business, a vague, one-paragraph agreement is simply inadequate under any circumstance for just about any transaction, let alone something of this type.

Secondly, I very quickly consulted with the Paul Hastings firm and had Mr. John Genga review the documents and discussed with him the agreements.
Q. Now, are you aware that Mr. Jackson has engaged in numerous enterprises similar to this one that he engaged in with Mr. Bashir?
A. I’m really not aware of the scope of Mr. Jackson’s enterprises.
Q. You’re aware he’s an entertainer, correct?
A. Yes.
Q. And that he engages in numerous contracts and business negotiations involving entertainment?
A. Yes.
Q. And you realize that this particular documentary was a form of entertainment intended to be broadcast internationally on televisions, correct?
A. Yeah. I’m not sure about “entertainment,”

but, yes, I agree it was a production for broadcast.

Q. Okay. And are you aware of the -- any policy or custom among journalists not to pay for interviews of this type?

A. Yes. I am aware that journalists generally -- that's why I questioned the word "entertainment," because my experience and understanding is that entertainment, they do pay. When it's news, documentary, interview, there is not payment customarily.

Q. All right. Fair enough.

Now, during the discussions with Mr. Jackson -- I want to get back to this perception. Did Mr. Jackson in any way perceive this documentary to present him in a positive light?

MR. MESEREAU: Objection; calls for speculation.

MR. AUCHINCLOSS: I'll rephrase that. That's fair.

Q. Did he ever indicate that to you, that he perceived that this production was going to portray him in a positive light?

A. Mr. Jackson expressed to me the language in the one -- in these agreements that Mr. Bashir was to -- and I'm paraphrasing. Mr. Bashir was to produce a documentary reflective of Mr. Jackson's life as Mr. Jackson knew it.

Mr. Jackson's statement to me was that he felt very comfortable with Martin Bashir during the production of the -- you know, the various filmings, and that he expected Mr. Bashir to honor Mr. Bashir's agreement to allow Mr. Jackson to review the final footage and have some input to the final footage.

We, the various lawyers, asked Mr. Jackson several times to explain what he meant by, you know, "faithful to his life as he knew it," and Mr. Jackson didn't use the word "positive." He expected accuracy, sincerity in this documentary.

Q. Okay. But is it safe to say that he saw this as a public relations opportunity?

A. I don’t know what he saw it as.

Q. Has Mr. Jackson ever expressed to you the public relations maxim that there is no such thing as bad publicity?

A. Mr. Jackson never made such a statement to me.

Q. And in terms of the interview with Mr. Jackson, did you, as the lawyer, as Mr. Jackson’s lawyer -- you said you saw this particular production, correct?

A. I did eventually see it later. I think it was like, you know, the week later, but yes.

Q. And you certainly had a front row seat for the repercussions that ensued; fair to say?

A. Yes.

Q. And would you agree that this production was a public relations disaster for Mr. Jackson?

A. I don’t have a lot to judge by on the scale of PR events, but clearly this had a lot of negative aspects from the press. The initial press in the UK was very negative about Mr. Jackson. The initial press in the United States was, you know, very negative. There were, you know, what I would call talking heads, various people clamoring for an investigation of Mr. Jackson. There were people saying his children should be removed from his custody. I mean, so it was very negative. I mean, you know --

Q. Does that fit your definition of a disaster?

A. It comes pretty darned close.

Q. You yourself used the word “a media frenzy.” Is that what you described it as?

A. Yeah.

Q. And that everything was frantic?

A. Yes.

Q. And it was all negative, true?

A. Yeah. There were certainly some people who were standing up for Mr. Jackson, and there were certainly people who were highly negative of Martin Bashir’s voiceovers, the editing. There was -- largely negative. But there were certainly some people saying, “Hey, wait a minute. This was a hatchet job.”

Q. Let me just rephrase it.

I’m not talking about the people who were reacting to -- maybe reacting negatively towards Mr. Bashir. I’m talking about the people’s reaction to this film. The people who saw this film or reacting to this film had a negative impression of Mr. Jackson?

MR. MESEREAU: Objection; asked and answered.

MR. AUCHINCLOSS: I’ll strike that.

Q. Now, you just said it was a hatchet job.

Was it a hatchet job -- let’s back up a moment.

Isn’t it a fact that the media frenzy, the bulk of this negative public relations disaster or whatever comes close to a disaster, dealt with Mr. Jackson’s admission to the world that he liked to sleep with little boys? That was one of the major outcries; isn’t that fair to say?

A. I think that’s fair to say.

Q. And Martin Bashir did not misrepresent that, did he? Michael Jackson actually said that, and he repeated it, didn’t he?

MR. MESEREAU: Objection; calls for speculation.

THE COURT: Overruled.

THE WITNESS: Yes.

Q. BY MR. AUCHINCLOSS: There’s no confusion over what Michael Jackson likes to do with young boys, and that’s what upset the world; fair to say?

MR. MESEREAU: Objection. Argumentative; misstates the evidence.

THE COURT: Sustained.

MR. AUCHINCLOSS: I’ll strike it.

Q. And there was also a tremendous amount of negative public attention towards the fact that Mr. Jackson hung his child out over the balcony; isn’t that true?

A. That’s true.

Q. Mr. Jackson actually did that, didn't he?

A. As far as I know.

Q. I mean, Martin Bashir didn't make that happen, did he?

A. I wasn't there, I didn't see it, but certainly that's what I've seen on the video.

Q. So there's nothing unfair about Martin Bashir's commentary regarding that?

MR. MESEREAU: Objection. Calls for -- excuse me. Argumentative.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: There was also a tremendous amount of negative attention given to Mr. Jackson's remarks about surgeries that he's had, and just people not believing he was being honest about that, isn't that true, one of the things that people were concerned about?

A. You know, I find it difficult to answer about -- questions about what people thought. I mean, what I know is what I saw reported in the press.

Q. And that's where --

A. It's hard for me to say what's in people's minds. But I did see printed articles questioning the veracity of Mr. Jackson with respect to the number of surgeries.

Q. And there was concern about the issues dealing with his children and keeping them from their mother, or not having a mother for his children, whether that was a good thing?

A. There were certainly some commentators who wrote about that issue.

Q. And there was concern about the issue dealing with the kids at the zoo, the threat to the safety of his children when they went to the zoo and there was somewhat of a media frenzy at that location?

A. Yeah, I remember some commentators questioning the propriety of that zoo trip.

Q. And weren't these the very things that the media was most focused on in terms of this media frenzy? I mean, this list that I've given you?

There are probably others, but --

A. If you’re asking me for my assessment of the media, I’d say you fairly well categorized the bulk of what was the uproar at that time, yes.

Q. Okay. Now, do you know how long Mr. Jackson’s relationship with Dieter Weizner, how far it preexisted your involvement with Michael Jackson?

A. No, I don’t. I mean, I don’t know when that relationship began.

Q. What about Mr. Konitzer?

A. Mr. Konitzer told me that he met Mr. Jackson through Mr. Weizner, and I believe that was in early 2002. But it could have been late ‘01, but it was that time frame. It was not, you know, back in the 1990s.

Q. Do you know why there was a decision to clean house at this particular juncture in Mr. Jackson’s -- Mr. Jackson’s business?

A. Well, I know what Mr. Jackson told me. And I know what Mr. Konitzer told me.

Q. All right. Why don’t you just tell me what Mr. Jackson told you.

A. Mr. Jackson told me that he no longer had confidence in John Branca. He was not pleased with Barry Siegel’s handling of funds. And he was very interested and enthusiastic about the Konitzer ten-year MJ universe business plan.

Q. The MJ business plan was largely a plan to try and reinvent Mr. Jackson as a superstar, wasn’t it?

A. To a degree, yes. I mean, originally the plan was premised upon acquiring a controlling interest in Marvel.

Q. I’m sorry? Marvel?

A. Marvel. Spiderman.

Q. Okay.

A. Fantastic Four, et cetera.

Q. And there was -- part of this was to market Michael Jackson’s name and image in various other products? Was that part of the MJ universe scheme of things?

A. Yes, that was part of it.
Q. And Dieter Weizner had been involved in marketing Michael Jackson products for a long period of time; isn't that true?
A. Yeah. I don't know for how long, but, yes, he was certainly involved, especially in Germany, in distribution of products.
Q. And Michael Jackson had a long business relationship with Mr. Weizner, didn't he?
A. Yeah. Again, I don't know how long, but it -- from the paperwork I saw later, it was certainly a couple of years.
Q. And based upon what you saw, you understood that Michael Jackson trusted Mr. Weizner based upon a long-standing business relationship, correct?
A. Again, I don't know how long-standing. Certainly Mr. Jackson seemed to have a good relationship with Mr. Weizner.
Q. All right. And Mr. Konitzer certainly had a longer relationship with Mr. Jackson than you did; fair to say?
A. Yes. Yes.
Q. And in part of this cleaning of house, Mr. Jackson decided to personally fire his attorney who he had been with for more than a decade?
A. Yes.
Q. And he wrote a letter dismissing that attorney, didn't he?

A. Yes.
Q. He decided to personally fire his business manager at the time?
A. Yes.
Q. And he personally took care of that as well?
A. He executed documents that I delivered on his behalf, yes.
Q. And you did that because that's what he told you he wanted to do?
A. Yes.
Q. He personally fired his entertainment manager?
A. Yes.

Q. Again, part of the cleaning house; part of what he wanted you to do?

A. Yes.

Q. And then a month after hiring you, he personally fired you?

A. Yes. Well, two months, three months. But yes, two months.

Q. Okay. And in -- sometime in January, or before that time, he decided -- Mr. Jackson decided that he wanted to put Ronald Konitzer and Dieter Weizner in charge of his enterprises?

A. Yes. That’s what he told me.

Q. Yes. That was his decision, correct?

A. As far as I know.

Q. I mean, that’s what Mr. Jackson told you,

right?

A. Yes.

Q. And as his attorney, you mentioned that you had a fiduciary duty to him, and part of that fiduciary duty is to keep him informed of everything, correct?

A. I’m not sure what “everything” is.

Q. Everything that is material, everything that is important, everything that is necessary for him to make informed decisions, correct?

A. Yes.

Q. All right. So the month of February comes, and the Michael Jackson/Martin Bashir documentary airs. You said that things became frantic. Is that when things started to get frantic?

A. The pace picked up immediately when I returned to Las Vegas from Florida and we began interviewing for the replacement of the money manager.

Q. And ultimately you settled on Ed Gross?

A. I think it’s Ed Grossman.

Q. Ed Grossman? Was that Michael Jackson’s decision, based upon your advice, to choose Ed Grossman?

A. It was Ronald Konitzer. We discussed it. I know we had a phone call with Mr. Jackson; asked him if he wanted us to go ahead with that recommendation.

Q. Did you inform him of all the particulars regarding that decision in hiring Ed Grossman?

A. Well, he had already told me, when I was in Florida, that he wanted to --

Q. I'm sorry. Who --

A. Mr. Jackson had told me, when he was in Florida, that he wanted Barry Siegel to go and someone else to be engaged.

Q. So did he --

A. And he told us to find somebody, you know, appropriate.

Q. Okay. And did he ultimately okay or make the decision to go with Ed Grossman?

A. I don't remember a specific, "Yes, go with Ed Grossman" conversation. I know that Ed Grossman met with Barry Siegel. Barry Siegel requested authority from Mr. Jackson for transferring, and we provided that authority in the form of a document signed by Mr. Jackson to Mr. Siegel instructing him to transfer.

Q. Okay. So Mr. Jackson signed a document basically instructing that the transfer of his business management interests were going to Ed Grossman?

A. Well, the cash management.

Q. Yeah. The cash management. Ed Grossman is International Business Management, correct?

A. I think so, yes.

Q. IBM, right? So that transaction can't occur without Mr. Jackson's permission, correct?

A. Well, Mr. Konitzer and Dieter Weizner had a limited power of attorney. I'm not sure, as I sit here, whether that was within the scope of power or not, whether they could have done that. But my belief is, my recollection is that Mr. Jackson authorized the transfer to Ed Grossman, International Business Management.

Q. Did you prepare that limited power of attorney?

A. Yes, I did.

Q. And you have no recollection of whether it gives him -- gives Ronald Konitzer the authority to make that transfer on his own?

A. I know there were some limitations on what the authority was, but I don’t remember the specifics. I haven’t looked at that document now for a very long time.

Q. And do you recall who directed you as to what limitations were to be placed on Mr. Konitzer regarding that power of attorney?

A. Actually, I was the one who created limitations, and I specifically consulted with Mr. Jackson about that.

Q. Do you consider Mr. Jackson to be intelligent, an intelligent person?

A. Yes.

Q. When he had business discussions with you, would he ask intelligent questions?

A. Some times more than others. But, yes.

Q. So we go into the month of February. Did this public relations frenzy get better, or worse, or stay the same? You tell me.

A. I’m not sure that I can characterize it. It was certainly bad. And as the program aired in the U.S., you know, there was continued press. I’m not sure how long that press, that -- you know, that continued.

Q. At some point you brought Ann Gabriel on?

A. Yes.

Q. That was your decision?

A. Not mine alone. I --

Q. Who else participated in that?

A. Mr. Konitzer.

Q. Did you recommend Ann Gabriel?

A. Yes.

Q. And she was to help out with the U.S. public relations end of things; is that correct?

A. Yes.

Q. And we’re talking about crisis management here, aren’t we, in terms of public relations? Public relations crisis management?

A. Yes.

Q. And eventually -- was Bell Yard hired before Ann Gabriel came on?

A. Yes.

Q. And Bell Yard is a crisis management public relations outfit, correct?

A. It’s certainly among their qualifications. They do a variety of PR work.

Q. Have you ever seen their letterhead?

A. Yes.

Q. And their letterhead says “Crisis Management” --

A. Yes.

Q. -- doesn’t it?

A. Yes.

Q. Okay. So this was a public relations crisis, true?

A. Yes.

Q. And Mr. Jackson was certainly aware of that?

A. I believe so, yes.

Q. Okay. So at some point Ann Gabriel felt that the public relations end of things was being mishandled in the United States; isn’t that true?

A. Yes.

Q. She told you or basically she informed you about the idea that Mr. Jackson should be more proactive?

A. Yes. That was her position.

Q. And there was a sentiment among Mr. Jackson’s people that this should be -- that they should not be proactive and that they should hunker down and weather this storm out?

MR. MESEREAU: Objection; vague.

MR. AUCHINCLOSS: That’s probably true. I’m not specific enough.

Q. Was there a consensus among anybody in Michael Jackson’s inner circle that this storm should be weathered by hunkering down and avoiding the spotlight?

A. I’m not sure there was consensus. There was certainly voices, you know, on all sides of how to address the PR aspects.

Q. But hunkering down was viewed as a legitimate PR strategy; is that true?

A. Yeah --

MR. MESEREAU: Objection; vague.

THE WITNESS: Oh, sorry.

THE COURT: Overruled.

You may answer.

THE WITNESS: Yes. I mean, subsequently Mr. Dezenhall was engaged, and his advice consistently was to, as you say, hunker down.

Q. BY MR. AUCHINCLOSS: And he was the man who replaced Ann Gabriel, correct?

A. I’m not sure I would use the word “replaced.” But Eric was certainly engaged to shoulder a significant portion of the PR strategy

responsibility.

Q. Now, as the month of February went on, were there other public relations issues that added to the media frenzy?

A. I don’t recall. Do you have an example?

Q. Well, let’s talk about the 60 Minutes interview, the planned 60 Minutes interview at Neverland. Do you remember about the date that that was to take place?

A. I think it was the first full weekend in February.

Q. And would you agree that it’s a bad idea from a public relations standpoint to agree to have 60 Minutes interview you, have them come out, set up, bring their whole staff out to the West Coast, Ed Bradley, and then not show up for the interview?

MR. MESEREAU: Objection. Foundation; argumentative.

THE COURT: Sustained.

MR. AUCHINCLOSS: Okay. I’ll back up a little bit.

Q. Mr. Jackson didn’t show up to the 60 Minutes interview, did he?

MR. MESEREAU: Objection; foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: You were there when 60 Minutes was preparing to shoot an interview with Michael Jackson, correct?

A. I was at Neverland at that time, yes.
Q. Okay. Did 60 Minutes ever shoot that interview featuring Ed Bradley and Michael Jackson?
A. No.
Q. And the reason for that is because Michael Jackson didn’t show up for the interview, correct?
A. You can’t shoot an interview if the interviewee is not cooperative.
Q. Yes. And he decided to change his mind and not do that interview?
A. That’s my understanding, yes.
Q. And one of the reasons for that was because the Complaint regarding the Jordie Chandler case had just come out on The Smoking Gun; isn’t that true?
MR. MESEREAU: Objection; foundation.
THE COURT: Sustained.
MR. MESEREAU: Move to strike.
MR. AUCHINCLOSS: That’s fair.
Q. Do you know -- well, let me start over again.
The Jordie Chandler Complaint had just been published on The Smoking Gun, the Internet source for various documents; isn’t that true?
MR. MESEREAU: Objection; foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Are you aware if there was a publication of Mr. Jackson’s -- or I should say Jordie Chandler’s Complaint against Michael Jackson on The Smoking Gun at that time?

A. I remember that there was some publication on The Smoking Gun of some Chandler-related materials, but I’m not sure that I knew of that when I was at Neverland on that Saturday or not. I’m not sure when I learned of that in relation to that day. I may have known it. I just don’t remember.

Q. Were there also prominent articles regarding Mr. Jackson’s distressed financial condition during the month of February 2003 that contributed to this media frenzy?

A. I’m not sure whether “contributed” is the right word. I think they were part of the media attention to Mr. Jackson and his affairs, and yes, I remember some -- some postings and articles about his financial affairs.

Q. Let’s talk a little bit about Mr. Jackson’s financial affairs.

You said you’d done quite a bit of research into this area?

A. I’m not sure I said “research.” But I certainly exerted -- a considerable amount of my effort and attention went to getting a grasp of Mr. Jackson’s financial situation and financial affairs.

Q. Okay. So what would you call that?

A. Well, I mean, “research” to me is -- you know, as a lawyer, “research” is kind of technical. You go to LexisNexis and such. But, you know, clearly I was trying to get up to speed and obtain knowledge in order to properly advise Mr. Jackson.

Q. And you became aware that Mr. Jackson had a $200 million loan with the Bank of America that encumbered or was pledged against his ATV catalog with Sony?

A. Yeah. I think it’s the other way around, though.

Q. The catalog --

A. Mr. Jackson had pledged his ownership interest in the Sony/ATV joint venture. That’s the pledge of the collateral to Bank of America.

Q. Yes.

A. Yes.

Q. He had a $70 million loan for which he had pledged his interest in the MIJAC catalog with the Bank of America?

A. Yes.

Q. And you were aware that Mr. Jackson had accrued this enormous debt to finance -- help

finance his very expensive lifestyle?
A. I’m not sure what I knew about how the debt accrued. And that’s the only piece. I knew he accrued the debt and I knew he didn’t have a lot of assets to show for the money that had been spent from those loans.
Q. Well, didn’t you write a letter to Mr. Jackson telling him that he’s spending approximately $20,000 more every year than he makes, or I should say $20 million more every year than he makes?

A. Yes.
Q. I have a hard time saying that.
A. Yeah, I did write a letter. My analysis was more current. I just mean I didn’t review his expenses going back for, you know, how the entire 200 million of debt came into existence. That’s all I meant.
Q. All right.
A. Clearly I was concerned about his current rate of expenditure versus the money he had available to cover those expenses.
Q. And you mentioned in that letter that you perceived Mr. Jackson to be on the verge of bankruptcy unless some action was taken, true?
A. Yes, that’s true.
Q. You also talk a little bit about the fact that he has $10 million in unpaid vendors, correct?
A. Yes.
Q. Some of those bills go back years; is that fair to say?
MR. MESEREAU: Objection; Court order.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: And as far as your testimony about the value of this ATV catalog, you said that you are not an expert in this area; isn’t that accurate?

A. Correct.
Q. You really have no idea about what Mr. Jackson’s interest is in the ATV catalog, correct?
A. I certainly have an idea. I can’t say I’m a

qualified business appraiser capable of fully evaluating that asset, no.

Q. Well, are you aware that Bank of America at the time had a right of first refusal on that asset?

A. I did find that out. I’m not sure exactly when. You know, these were a lot of documents that we had to digest, so this took a few weeks. But eventually I did come to learn that. But I’m not sure -- actually, I’m not so sure that the bank --

Q. I’m sorry. I’m sorry, I misspoke.

MR. MESEREAU: Objection. He’s cutting off the witness.

Q. BY MR. AUCHINCLOSS: You can finish your answer.

A. I don’t think the bank had the right. I think Sony actually -- whether it was Sony or Sony/ATV itself had a first right on Mr. Jackson’s interests.

Q. You’re correct. I think I misspoke. I meant to say Sony.

So Sony had a right of first refusal on that catalog?

A. Yes.

Q. So he didn’t have the right to sell it without Sony’s permission, correct, or without giving Sony the right to buy it first?

A. Yes, that’s correct.

Q. Okay. And as far as your general knowledge of this -- I’m just looking back at some of the words you said. You said you’re not up to speed on his interest in this catalog so you don’t really know what it’s worth.

A. I looked at some of the public, you know, materials available about Sony and Sony/ATV. I did talk to a couple of people in the industry, just in general, about, you know, what do these catalogs sell for, what kind of value.

At the time, this was during -- you know, I was very concerned about the value, though, because at the time we had the rise of the Internet and, you know, pirating of material, and so there was concern over the future of revenue streams to be derived from some of these large catalogs because of the piracy that was rampant.

Q. And that concerned these catalogs?

A. So that affects catalog values. The right to first refusal affect catalog values. I mean, because it’s not just the underlying asset. It wasn’t that simple. You know, as most dealings involving hundreds of millions dollars are not simple. And so to say to someone, “Oh, you can write a check and buy this for X dollars,” it just wasn’t that easy.

Q. And those concerns that you had were concerns that the catalog really wasn’t worth what it had been previously appraised at, true?

A. Well, I didn’t know that. Let me put it this way: I believe that a best -- you know, a good, strong scenario existed to get to the numbers that I posited, that 200 million. But those were not meant to be precise. They were meant to be an illustration of what could be achieved.

Sony had bought additional assets into that catalog. I had no way of knowing exactly at that moment in time what Sony had paid, what debts the catalog had to repay Sony for any of that investment. Sony was funding the enhancement of the catalog. They continued to put money in and purchase more assets. I have to believe that Sony were good businesspeople and that they were buying assets that had good value and would continue to have value.

So -- but ultimately to work with the financial elements of something like this, you would have to have, you know, a Goldman Sachs or some sort of investment banking firm come in and do analysis, review.

And it’s been widely reported in the press that that happened in the last few months, six months or whatever.

Q. So you didn’t consider the fact that -- or you didn’t factor in, in your analysis, the fact that Sony had been depositing copyrights into this catalog over a period of years, Mr. Jackson had deposited no additional copyrights into this catalog, thereby decreasing Mr. Jackson’s relative interest in the ATV catalog? You didn’t factor that into your analysis, did you? “Yes” or “no.”

A. I’m not sure that’s a correct statement.

Q. Well, didn’t you factor in that Mr. Jackson just had a half interest in whatever the catalog was worth? Isn’t that what your simple dynamic was?

A. My dynamic view rested on that. I did not take into account whether or not there was a right on Sony’s part to get paid back for invested dollars first. I did not consider that possibility at that time.

Q. And you didn’t consider it to be a possibility that Sony was going to gift Mr. Jackson interest in those copyrights that they were depositing over those years, did you?

A. I don’t expect Sony to gift much of anything to anybody. But it wasn’t about gifting the copyrights. Mr. Jackson owned half of the entity that owned the copyrights.

Q. Right. But owning half of the entity doesn’t mean his financial interest is 50/50, does it?

A. No. From a legal perspective, those two are readily separable.

Q. Okay. And I want to talk about his financial interest in that catalog, so I want to focus on your knowledge about those facts.
Were you aware that Mr. Jackson had been receiving guaranteed payments on the royalties from that catalog that in effect reduced his financial interest in the ATV catalog substantially over a number of years? Were you aware of that?

A. At the time I wrote that letter, no. I actually became aware of that later in a conversation with Mr. Malnik.

Q. So you know now that his interest in that catalog is not worth half of whatever its market value is?

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: And if a financial expert who had considered all these dynamics came into court and testified that Mr. Jackson’s interest in that catalog is, at most, $200 million total, you would have no reason to quibble with that, would you?

MR. MESEREAU: Objection; improper question.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Well, let me just summarize that you really didn’t consider all the factors to ascertain exactly what Mr. Jackson’s financial interest is in the ATV catalog, correct?

A. I did not consider all of the possible factors, correct.

Q. So you cannot tell us -- you really don’t have an idea of how much Mr. Jackson’s financial interest is worth in the ATV catalog, true?

A. I never pretended to really know, as a qualified business appraiser, what the value of Mr. Jackson’s interest in that catalog was.

Q. Okay.

A. I was merely trying to suggest a course of action that could determine that value and hopefully produce a positive economic outcome for Mr. Jackson.

Q. Who is Fire Mountain?

A. Fire Mountain is a limited liability company that was formed in Nevada, and it is a hundred-percent-owned subsidiary, I believe, of MJJ Productions.

Q. Are you aware of covenants and conditions in the Bank of America loans that prevent Mr. Jackson from encumbering the ATV catalog or the MIJAC catalog in any way additionally, additionally encumbering those assets?

A. Yes.

Q. Okay. And are you aware that the covenants and conditions of the Bank of America loan have some very rigorous guidelines about income for Mr.

Jackson?

A. I eventually obtained those loan documents and became better acquainted with the provisions in those documents.

Q. And one of the reasons for those covenants and conditions is because if Mr. Jackson was to come into any additional wealth, Bank of America was to be informed of it so that they could get in line to help pay for interest, pay for -- pay down those loans; isn’t that true?

A. I’m not sure I -- I’d like to defer to the language of the document.

There is no question that Bank of America replenished the credit line note through, I believe it’s the MIJAC catalog. Revenues would be deposited to replenish that credit line.

Q. Do you know if the formation -- let me back up a moment.

What was the purpose of Fire Mountain LLC?

A. It was to isolate liability, any liabilities associated with the production of the “Take 2” video.

Q. Was it also designed to be used to isolate liabilities in association with other FOX releases, like the home movies, anything of that nature?

A. Not initially.

Q. But it developed into that?

A. There was -- I believe that eventually did result. But that wasn’t the initial -- that concept didn’t exist at the time of the formation of Fire Mountain.

Q. Did Ann Gabriel express a concern about making the “Take 2” documentary a money-making enterprise?

A. Yes.

Q. She perceived that to be negative in terms of public relations; that this should be done without any profit motive or any profit on behalf of Mr. Jackson, didn’t she?

A. Yes.

Q. And that advice was not heeded, was it?

A. No.

Q. And the reason for that is because Mr. Jackson was in severe financial distress, true?

A. He had payables of about ten million, and cash in the tens of thousands.

Q. About 30,000 in cash?

A. Whether it was 30 or 40 I don’t recall, but it was not near enough to pay for his payables.

Q. In addition, it was not nearly enough to pay for Mr. Jackson’s current lifestyle. I mean, he didn’t have the funds to pay for his current lifestyle, assuming a spending rate that he had exhibited in the past?

A. Clearly the payables accumulated to the ten-million-dollar level because the bills had not been paid previously.

Q. Okay. When you say that the LLC, limited liability corporation, Fire Mountain, was designed to limit or isolate liability, what do you mean by that?

A. Generally, it’s my understanding that the members of a limited liability company are not directly liable for the obligations of the company. So it has the kind of limited liability that a corporation would have.

Q. And you set that up?

A. Yes.

Q. Who was authorized to sign on behalf of Fire Mountain LLC?

A. For a while I was.

Q. Was Mr. Jackson also -- is he also somebody who could sign on behalf of Fire Mountain?

A. We ultimately delivered documents that MJJ Productions was the member and had the authorization to sign. And I believe Mr. Jackson was the principal officer of MJJ Productions.

Q. And the proceeds from the “Take 2” production, or the rebuttal film, all of the proceeds for that video or film went into Fire Mountain; is that correct?

A. Yes.

Q. And there was a trust account established for Fire Mountain; isn’t that true?

A. Yes.

Q. And didn’t you set up that trust account?

A. I set up a trust account for a while. And ultimately that trust account was transferred to another attorney.

Q. Okay. But during the month of February 2003, you were in control of that trust account, weren’t you?

A. My firm had that trust account, yes.

Q. Okay. And $3 million came in from FOX for the “Take 2” production, correct?

A. I think that’s right, in the aggregate. It didn’t all come in at one time.

Q. But it came in in installments during the month of February 2003?

A. I’m not sure of the timing. But certainly some of it was in February. It might have been all in February. I’m really not sure.

MR. AUCHINCLOSS: All right. If I could just have a moment.

Come on. I’m about to give up on this backing.

Q. I’m going to show you a document which I intend to mark as People’s Exhibit 898, and I’m doing so at this time. It appears to be a five-page document with a Hale Lane fax as the first page. Would you identify that for me, sir?

A. This looks like the trust listings from Hale Lane.

Q. And did you send that document to Michael Jackson at Neverland Ranch?

A. Yes.

Q. On what date?

A. April 1st, 2003.

Q. And did you do that as part of your duties as his attorney to keep him aware of financial matters regarding Fire Mountain LLC?

A. I did this as part of the wrapping-up process of my responsibility for matters for Mr. Jackson other than the Granada litigation.

Q. Yes. But my question is, was that communication made to inform Mr. Jackson of financial matters regarding the Fire Mountain LLC?

A. Yes.

Q. Okay. It’s an accounting, isn’t it?

A. Yes.

MR. AUCHINCLOSS: I’d ask to move People’s Exhibit 898 into evidence at this time.

MR. MESEREAU: No objection.

THE COURT: It’s admitted.

MR. AUCHINCLOSS: And if we could have the Elmo.

Q. Mr. LeGrand, in terms of the proceeds from the FOX production -- sorry -- the “Take 2” production, you were essentially -- let me just --

sorry about that.

You were in charge of disbursement of funds, correct?

A. Well, in my view, the funds belonged to Mr. Jackson, and Mr. Konitzer and Mr. Weizner had authority --

BAILIFF CORTEZ: I’m sorry, sir. You need to talk into the --

THE WITNESS: Oh, I’m sorry.

The funds belonged to -- ultimately to Mr. Jackson through his company. And Mr. Konitzer and Mr. Weizner had the power to direct expenditures. So I didn’t.

Q. BY MR. AUCHINCLOSS: Mr. Weizner had the power to direct expenditures?

A. Mr. Konitzer and Mr. Weizner had authority from Mr. Jackson, pursuant to the power of attorney, to direct expenditures.

Q. Did Mr. Weizner and Mr. Konitzer have powers of attorney?

A. There was one power that was joint.

Q. Okay. And Mr. Jackson signs many powers of attorneys, doesn’t he?

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: You have prepared more than one power of attorney for Mr. Jackson, have you not?

A. I don’t recall more than the one power getting executed. There may have been more than one draft of a power, but I don’t remember more than one power actually getting executed.

Q. You have seen a number of powers of attorneys that have been executed by Michael Jackson, have you not?

A. I’m not sure.

Q. All right. I’ll come back to that.

Let’s go down this list.

The very first entry that we have here shows an incoming wire from FOX Broadcasting Company of $750,000.

Was that part payment for the “Take 2” production?

A. Yes.

Q. All right. There is a disbursement to Stuart Backerman, right here on the second line, 2-13-2003, $6,000.

Who’s Stuart Backerman?

A. Mr. Backerman was a PR person.

Q. Okay. And he was part of this -- maybe on the outer fringes of this team --

A. Um --

Q. -- addressing the media crisis?

A. He was engaged in providing media services for Mr. Jackson, yes.

Q. So there’s -- on 2-13, there’s a disbursement of, I believe that’s $50,000 -- I’m sorry, so you can see that, I believe that’s $80,000 to Hale Lane.

Is that $80,000 to pay for your legal fees?

A. That was to the firm to pay for legal services, yes.

Q. So that paid for your services.

And then there’s an $11,000 cash disbursement. Do you know where that went, on 2-13?

A. It went in a wire, that’s reflective of the wire to Katrin Konitzer, I believe.

Q. Now, there’s funds sent Western Union, $2,000 to Katrin Konitzer.

Are you saying this $11,000 figure is related to Katrin Konitzer?

A. I’m not sure. The 11,000 -- there’s the next entry of distribution of 11,000 cash to purchase.

Q. Okay.

A. And I think that the 11,000 is composed of the 2,000 to Kathryn, the 4500 to Sandra, and the 4500 -- anyway, the 4500, 4500 and 2,000 equal the 11.

Q. Do you know who Sandra Hawk is?

A. I believe she’s an assistant to Mr. Konitzer. That’s what I was told.

Q. Somebody who worked for Mr. Konitzer?

A. Yes.

Q. And what about Canon Kasikci?

A. I believe that -- I was told that was a consultant working with Mr. Konitzer.

Q. Okay. On Mr. Jackson’s behalf?

A. Yes.

Q. Do you know what type of consultant?

A. No.

Q. Next we have, on the same date, $150,000 going out to Neverland Valley Entertainment.

A. Yes.

Q. You sent that?

A. My firm wired that money, yes.

Q. Did you have anything to do with it?

A. I’m sure I did.

Q. Okay. That’s my question.

So you were involved in sending out $150,000 to Neverland Valley Entertainment; is that fair to say?

A. Yes.

Q. I take it that went to your client, Mr. Jackson?

A. It went to Neverland Valley Entertainment.

Q. I’m sorry, I’m misspeaking. Neverland Valley Entertainment is not Mr. Jackson, is it?

A. I believe that’s a corporation that is -- I

believe that's not owned by Mr. Jackson.
Q. Okay. It's not owned by Mr. Jackson? Only tell me if you know.

A. There were some confusing names. I'm not sure -- I'm really not sure today. I'm sorry.
Q. Under whose direction did you send that $150,000 out to Neverland Valley Entertainment?
A. Mr. Konitzer and Mr. Weizner.
Q. Okay. Next you sent out a wire for Mr. Konitzer, $90,000, correct?
A. Yes.
Q. Mr. Konitzer's direction. $10,000 for Gabriel Media. That would be Ann Gabriel?
A. Yes.
Q. Whose direction was that?
A. Ronald Konitzer's.
Q. Okay. Dieter Weizner got 110,000. I'm assuming that was Mr. Konitzer and Mr. Weizner's directive?
A. Yes.
Q. Joseph Marcus, $35,000. Who told you to send Joseph Marcus $35,000?
A. Mr. Konitzer and Mr. Weizner.
Q. Okay. Do you know who Joseph Marcus is?
A. I believe he's the -- I'm not sure what his title is. He helps run Neverland for Mr. Jackson.
Q. All right.
THE COURT: Let's take our break.
(Recess taken.)
THE COURT: Go ahead.

MR. AUCHINCLOSS: Thank you, Your Honor. Could we have the -- yeah, thank you.
Q. All right. Mr. LeGrand, where we left off, we were talking about Joe Marcus. Now, I'm not going to go through all of these, but did you ever talk to Mr. Jackson about this trust account?
A. I don't recall a specific conversation with Mr. Jackson about this trust account. I do recall

telling Mr. Jackson about what we were doing; that is, what I and the other lawyers were doing, and how we were using proceeds from the FOX video to help pay for the various legal and other services.
Q. So Mr. Jackson was being kept apprised about these expenditures?
MR. MESEREAU: Objection; misstates the evidence.
THE COURT: Overruled.
You may answer.
THE WITNESS: Not in detail, line by line.
This was a conversation that, “We are utilizing these proceeds in this fashion.”
Q. BY MR. AUCHINCLOSS: So certainly, when you made a major expenditure, you got some clearance from Mr. Jackson; is that fair to say?
A. I don’t recall getting a specific authority from Mr. Jackson for any particular expenditure.
Q. Okay.

A. He indicated to me he was satisfied with the way things were being handled, that he had confidence in Mr. Konitzer, Mr. Weizner, and the lawyers, and the people that were working at this time, and he wanted us to continue working.
Q. All right. Moving down the list just a little bit, I’ll point out the -- let’s see. There appears to be another $750,000. Maybe that’s the first -- let me pull this down a little bit.
Okay. So we’ve got an incoming wire from FOX for 750,000. We had another incoming wire from FOX for $750,000.
Was that also on the “Michael Jackson “Take 2”” video?
A. Yes.
Q. And then, finally, we had another incoming wire for one-million-five on 2-22-03.
Was that also from the “Take 2” video?
A. Yes.
Q. So this trust account essentially controlled the income and cash outflows for the FOX video, the “Michael Jackson 2”; is that fair to say?

I mean, this trust account reflects income and expenses for the FOX video that's known as "Michael Jackson "Take 2""?

A. It reflects the money coming in from FOX. It reflects expenditures going out, some of which were expenses relating to ""Take 2"," some of which were expenses relating to, you know, the Granada litigation, the engagement of Mr. Geragos, et cetera. So it's not all expenses relating to ""Take 2"."

Q. Okay. Moving down a little bit, we see, let's see here, an outgoing wire to Ken H. Finkelstein, $560,000.

What was that for?

A. That was at the instruction of Mr. Konitzer and Mr. Weizner.

Q. What was it for?

A. Mr. Finkelstein, as an attorney, was going to assume the primary responsibility for the rest of these proceeds.

Q. Okay. And did you talk to Mr. Finkelstein?

A. I believe the answer is yes. I don't remember the specific conversation, but I know I did have a conversation or two with Mr. Finkelstein.

Q. Okay. Did you ever meet Mr. Finkelstein?

A. No.

Q. There's another outgoing wire here, 3-25, 1,400,000 for Mr. Finkelstein.

Do you know what that was for?

A. Same as the 560.

Q. So it was the understanding that Mr. Finkelstein was going to undertake the management of this $560,000 disbursement and $1,400,000 disbursement on behalf of your client, correct?

MR. MESEREAU: Objection. Misstates the evidence; foundation.

MR. AUCHINCLOSS: I'm asking if that's the case.

THE WITNESS: That's the way I understood it from Mr. Konitzer.

THE COURT: The objection's overruled.

THE WITNESS: Sorry.

Q. BY MR. AUCHINCLOSS: And we have -- moving down, we also have, just as an example, another sizeable incoming wire, 566,000, from Alfred Haber. Mr. Haber is the foreign rights distributor for the "Take 2" video; isn't that true?

A. Yes.

Q. So there was $3 million from FOX, plus additional hundreds of thousands of dollars that came in from foreign sources, correct?

A. Ultimately, yes. It came from Haber.

Q. Marketing the video overseas?

A. Yes.

Q. And everything's accountable. In other words, I should say everything is accounted for - is that fair to say - in your basic accounting here, in terms of dollars and cents.

A. I think the numbers add up, yes.

Q. And you sent this to Mr. Jackson?

A. Yes.

MR. AUCHINCLOSS: We no longer need the Elmo, Your Honor. Thank you.

Q. Mr. LeGrand, are you aware of whether or not the covenants and conditions of the Bank of America loan allow Mr. Jackson to funnel moneys such as these that were held in the Fire Mountain account in the manner in which they were disbursed?

MR. MESEREAU: Objection. Foundation; relevance.

MR. AUCHINCLOSS: He said he reviewed these documents.

THE COURT: Foundation; sustained.

Q. BY MR. AUCHINCLOSS: Did you review the covenants and conditions of the Bank of America loans?

A. Eventually, yes.

Q. And those loans prevent Mr. Jackson from having a company like Fire Mountain, LLC, which would effectively conceal funds coming into his possession, profits. Those covenants and conditions are in violation of that loan, aren't they?

MR. MESEREAU: Objection. Foundation; relevance; Court order.

THE COURT: Foundation; sustained.

Q. BY MR. AUCHINCLOSS: Do you know if the covenants and conditions of the Bank of America loan has a proscription, a rule against Mr. Jackson engaging in a company, starting an LCC like Fire Mountain as a profit enterprise? Do you know of that?

MR. MESEREAU: Objection. Foundation; relevance.

THE COURT: Overruled.

You may answer.

THE WITNESS: I don’t know today. I would have to look at the loan covenants. They were pretty detailed.

Q. BY MR. AUCHINCLOSS: You have no recollection of whether there’s a loan covenant that prevents that?

A. The company in question was a subsidiary of MJJ Productions. It was not a new company started by Michael Jackson.

It’s really a complex question, sir, and I would need -- to give you a proper answer, I would need to review the document.

Q. Did you form Fire Mountain, LLC, to hide funds from the Bank of America?

MR. MESEREAU: Objection. Foundation; relevance.

THE COURT: Foundation; sustained.

Q. BY MR. AUCHINCLOSS: All right. Tell me, who is Royalty Advance Funding?

A. I’m not sure who Royalty Advance Funding is.

But I met a person who I believe was associated with Royalty Advance Funding and discussed a proposal for a pledge of royalties, just as the name suggests, a pledge of royalties in exchange for a loan.

Q. And that individual’s name was Parviz?

A. Yes.

Q. All right.

A. That's right.

MR. AUCHINCLOSS: If I may approach, Your Honor.

THE COURT: Yes.

Q. Mr. LeGrand, I show you People's Exhibit No. 422 in a notebook. It appears to have multiple pages.

Have you ever seen the letterhead that is depicted on the first page of that group of documents?

A. I have no specific recollection of this letterhead. It's possible I've seen it, but I don't --

Q. Okay. I'm showing you page two of that document. There appears to be a signature in the lower right-hand corner. Do you recognize that signature?

A. Looks like Michael Jackson's signature.

Q. Are you familiar with Michael Jackson's signature?

A. Not extensively. But I've seen him sign documents, yes.

Q. On numerous occasions?

A. Reasonably often.

Q. Looking at the third page, there appears to be a signature at the bottom of the page. Does that appear to be Michael Jackson's signature?

MR. MESEREAU: No foundation, Your Honor.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Do you feel that you can recognize Michael Jackson's signature when you see it? I'm not asking you as an expert. I'm just asking you for a personal opinion.

A. I think so.

Q. How many times have you seen Mr. Jackson sign documents?

A. Half dozen to a dozen maybe.

Q. How many documents have you seen with Michael Jackson's signature on them?

A. More than a dozen.

Q. A hundred?

A. I would say shy of 100, sir.

Q. Something close to 100; would that be fair?

A. It could be. We had many, many documents that I looked at over a period of time.

Q. All right. I'll resubmit the same question to you. On page three, the lower right-hand corner, does that appear to be Michael Joe Jackson's signature?

MR. MESEREAU: Objection; foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: It appears to be his signature.

Q. BY MR. AUCHINCLOSS: All right. The next page, also Mr. Jackson's signature?

A. Yes.

Q. There are initials on the following page. Have you ever seen Mr. Jackson's initials?

A. Yes.

Q. Do those appear to be his initials?

A. Yes.

MR. MESEREAU: Same objection. Foundation.

THE COURT: Overruled.

Q. BY MR. AUCHINCLOSS: The following page, another signature.

Does that appear to be Michael Jackson's signature?

A. Yes.

Q. I'm skipping ahead one page.

Does that appear to be Michael Jackson's signature on that page?

A. It certainly could be. It's somewhat different than the others, though.

Q. Does he often sign his name a little differently?

A. I've seen documents that vary somewhat in the size of the signature. I've seen it, you know, take up a third of a page, and the loops are sometimes a little different. I'm not an expert in handwriting, sir.

Q. In reviewing Mr. Jackson's financial condition, did it come to your attention that he ever possessed or loaned -- was loaned money by

Royalty Advance Funding?

MR. MESEREAU: Objection. Beyond the scope; relevance; Court order.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: You said that you were thinking about obtaining a loan or there was some discussion with Mr. Parviz about obtaining a loan on Mr. Jackson’s behalf from Royalty Advance Funding?

MR. MESEREAU: Same objection. Relevance; Court order.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: If Mr. Jackson had obtained a loan -- I’ll move on. I’ll move on.

All right. Let’s talk about some of the parties.

Did you meet -- I’m sorry, I believe you mentioned that you met Marc Schaffel?

A. Yes, sir.

Q. And where was -- where did you first meet Marc Schaffel?

A. At his residence in Calabasas.

Q. Okay. Did you ever have a discussion with Marc Schaffel about releases?

A. Yes.

Q. Did you ever have a discussion with Marc Schaffel about a script of questions that was to be asked the Arvizo family, or the Arvizos?

A. I don’t remember a script discussion.

Q. Did you ever discuss with Mr. Schaffel matters over the phone?

A. Yes.

Q. Did you ever have a phone conversation with Mr. Schaffel where you discussed questions which might be propounded to the Arvizo family during their filming for the “Take 2” video?

A. I don’t remember a conversation with Marc Schaffel where I enumerated a list of questions or we discussed specific questions that should or shouldn’t be asked of the Arvizos.

I -- we had -- Mr. Jackson -- we had engaged Mark Geragos to deal with anything that had relevance to potential criminal inquiries or inquiries with regards to, you know, custody of children, because in that original spout of publicity there were people saying, you know, his children should be removed from his custody, et cetera.

And, you know, I'm a corporate lawyer. So my primary mission was to engage Mr. Geragos -- or a part of the mission was to engage someone like Mr. Geragos to provide advice and assistance with respect to those types of matters. And to me, largely, the matters relating to what the -- whether the Arvizos should be in a video or anything of that sort was more Mr. Geragos's venue than mine.

Q. Okay. My question is, did you ever -- well, maybe we should start it this way: Did you ever have a discussion with Marc Schaffel about the Arvizos?

A. Yes.

Q. How many times did you discuss the Arvizos with Marc Schaffel?

A. I don't know. I mean, several.

Q. More than five?

A. Hmm. I'm not sure.

Q. You previously testified that the concern from the media about Michael Jackson sleeping with young boys was one of the major concerns; is that a fair paraphrasing of your testimony?

A. I don't know. It was certainly significant.

Q. And was it also a subject of great interest with the media, the subject of Gavin Arvizo in particular?

A. I'm not sure that I can summarize what the media's -- you know, where their attention was or wasn't focused at that time.

Q. You never had a discussion with any member of the PR team that said, "Gavin Arvizo is somebody everybody wants to know about," something along those lines?

A. It's possible, but I don't recall that specific conversation.

Q. Well, you saw the “Take 2” video, right?

A. Yes, I did.

Q. Was it obvious to you that the world would want to know who this young boy is?

A. In the “Take 2” video?

Q. I’m sorry. I’m misspeaking. In the Martin Bashir video. Was it obvious to you that the young boy in that video, Gavin Arvizo, was going to be the subject of inquiry by the media? Was that obvious to you?

A. Yes.

Q. And you said you had these discussions with Mr. Schaffel, several, regarding the Arvizos. What did you talk to Mr. Schaffel about the Arvizos?

A. I expressed to Mr. Schaffel my concern that we needed, on Mr. Jackson’s behalf, to find a way to wean the Arvizos away from Mr. Jackson.

Q. Did you ever have any discussion with Mr. Schaffel about the Arvizos appearing in the “Take 2” video?

A. I know I spoke to Mr. Schaffel about doing some videotaping, but as to whether or not that would ultimately be included in the “”Take 2”,” no, I was not part of the editing. I played no role in the editing of the film for the “Take 2” video.

Q. But you did talk to Mr. Schaffel about it, correct?

A. In general terms, yes.

Q. Did you ever talk to Mark Geragos about it?

A. I know I had conversations with Mark Geragos about the “Take 2” video, the rebuttal footage that was being included.

I don’t know that I specifically had a conversation with Marc about the Arvizos being included or not in that video.

Q. Did you ever talk to Mr. Jackson about the “Take 2” video?

A. Yes.

Q. Did you ever talk to him about the Arvizos being included in it?

A. No.

Q. You were aware that the Arvizos were

perceived as key players in the rehabilitation of Michael Jackson in the “Take 2” video, weren’t you?

MR. MESEREAU: Objection. Misstates the evidence; no foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Weren’t you aware that the Arvizos could play a critical role in the “Take 2”? video?

MR. MESEREAU: Objection; misstates the evidence.

MR. AUCHINCLOSS: It’s a question. I’m not --

MR. MESEREAU: They weren’t in it, Your Honor.

THE COURT: Overruled.

Do you understand the question? Do you want it read back?

THE WITNESS: Please.

(Record read.)

THE WITNESS: I don’t remember that we -- that I or other members of the legal team and the PR team -- I don’t remember a discussion where it was said, “These are critical people and we have to have them included in the video.”

Our focus -- my focus in terms of the “Take 2” was the Bashir outtakes that Hamid had, because I believe, as presented in “”Take 2”,” that those revealed Martin Bashir to have been deceptive and perhaps at least less than forthcoming in his characterization in the Granada piece. That, to me, was really the critical element of “”Take 2”.”

Q. BY MR. AUCHINCLOSS: But that isn’t what the media was upset about, was it? They were upset about Gavin Arvizo and sleeping with children, true?

A. It’s hard for me to answer questions about what the media was upset about, I’m sorry.

Q. Didn’t you read the newspapers at that time?

A. Sure, I read some newspapers at that time.

Q. Did you follow the Internet at that time?

A. When I had time, I tried to follow what was being put out by the media.

Q. Okay. And one of the things that the media was clamoring about is Gavin Arvizo, and Michael Jackson sleeping with boys, true?

A. I don’t -- I don’t remember how much of it was about Gavin Arvizo. There was certainly a lot of fuss about the sleeping with boys.

Q. You’re aware that there was a press release which indicated Janet Arvizo was going to be in the “Take 2” video, weren’t you?

A. I might have been. I don’t recall that press release today.

Q. Well, you’re aware that Brad Lachman Productions expected Janet Arvizo to be in that video, aren’t you?

A. I don’t know what Brad Lachman Productions expected or did not expect.

Q. Did you provide your file on Michael Jackson to anybody involved in this case?

A. Yes.

Q. Who?

A. I delivered my files to the then defense attorneys back in -- last year, to the Katten Muchin law firm in particular.

Q. Okay. Did you meet with Steve Cochran?

A. Yes.

Q. Did you have a conversation with him?

A. Yes.

Q. Did you converse about the facts as far as your involvement in this part of Michael Jackson’s life, your capacity as an attorney?

A. Yes.

MR. MESEREAU: Your Honor, there was a period of privilege and then it was waived.

THE COURT: I’m sorry, I don’t understand what you’re saying.

MR. MESEREAU: Yeah, okay. There was a period where his communications were privileged and then we waived it.

THE COURT: I understand.

MR. MESEREAU: So I can’t speak for Mr.

Cochran, but I can speak for myself.

THE COURT: Maybe I'm not getting the significance. Do you want to approach and --

MR. MESEREAU: Sure.

THE COURT: I hear what you're saying, but I'm not understanding it.

(Discussion held off the record at sidebar.)

THE COURT: Go ahead.

MR. AUCHINCLOSS: Thank you.

Q. How many meetings did you have with Mr. Cochran?

A. I think it was two. It might have been three. But I think it was two.

Q. And did you turn over your complete files?

A. Best of my knowledge, yes.

Q. Did you remove any documents from those files?

A. I don't recall removing any documents, no, sir.

Q. Is it possible you removed some files, some of those documents?

MR. MESEREAU: Objection; calls for speculation.

MR. AUCHINCLOSS: I'll strike that.

Q. Did the documents that you turned over to Mr. Cochran include billing statements?

A. I don't know.

Q. Did it include your personal notes?

A. I don't know. I mean, I turned over, I think it was, five boxes. It was multiple boxes of documents.

Q. Well, is it fair -- go ahead and finish.

A. Yeah, I'm not sure what all was in there.

Q. Is it fair to say those documents in their complete form would contain a number of pages of personal notes that you took during your representation of Mr. Jackson?

A. I don't know. I'd have to look through the boxes and see what's in there. We had files in numerous places. I had lawyers -- sometimes we had six different lawyers in my firm working on Michael-Jackson-related matters.

Q. I’m asking about your personal notes. You do write personal notes when you’re representing a client, correct?

A. Often.

Q. And you also have phone logs, true?

A. I’m not sure what you mean by a phone log, sir.

Q. Well, don’t you charge by the hour?

A. Yes.

Q. So you have billable hours, right?

A. Yeah. I keep time sheets, yes, sir.

Q. When you’re on the phone dealing with the client’s matters you’re billing for it, correct?

A. Generally, yes.

Q. So you keep notes of that?

A. Yeah. I keep time sheets, yes.

Q. So otherwise, you can’t bill for it?

A. Yes, sir.

Q. And your complete files should include all those time sheets, correct?

A. I don’t remember whether the time sheets were included or not. My time sheets generally are converted into an electronic billing statement. And so I don’t generally keep the -- my handwritten -- I don’t even know where they go sometimes. I give them to a secretary.

Q. When you talk to your client over the phone, isn’t it part of an attorney’s duties to keep detailed notes of what his client is informing him to do so he can go back and refer to those notes in case there is some kind of conflict?

A. Yeah. No, it’s prudent practice to keep notes, and I do keep notes. I just don’t know whether the notes were -- ended up in what was delivered to Mr. Cochran’s law firm or not.

Q. Okay. I guess my next question is, where are your notes?

A. I don’t know. I moved from Hale Lane, and I -- I -- I honestly don’t know where those notes are. I’d have to go to Las Vegas and look.

Q. You have no idea where your notes are concerning personal conversations that you had with Michael Jackson when you represented him?
A. No, I’m really not. I think -- I know I have -- some of my notes are in a couple of boxes that I have because files moved with me to my new law firm.
Q. So are you saying that the files that you provided to Steve Cochran are incomplete and that you withheld some of the documents, including personal notes?
A. They -- I don’t know whether they include my personal notes or not. I would be pleased to look through what Mr. Cochran has and make that assessment. I don’t know today. That was close to, you know, nine months ago.
Q. Did you just testify that you have in your possession some personal notes in your new office?

A. Yes, I have some of my notes.
Q. From the Michael Jackson case?
A. Oh, I don’t know whether they’re from the Michael Jackson case or not.
Q. Did you ever perceive the Arvizo family as a liability to Michael Jackson?
A. I perceived the Arvizo family as a potential liability to Mr. Jackson.
Q. And Mr. Jackson engaged in a lawsuit against Granada, correct?
A. Yes.
Q. And you desired to have the Arvizos join in that matter; isn’t that true?
A. It was not my personal decision and desire that they be included. I had, you know, engaged some very prominent, reputable barristers, solicitors, lawyers, to evaluate the best approach to suing Granada, and there was certainly consideration that the claims against Granada could be enhanced if the Arvizos were included as complainants.
Q. No release was ever obtained for Gavin Arvizo in the Martin Bashir film, was there?
A. I don’t believe so. I agree with you, and

that's my belief. There was never a release to Granada.

Q. And are you aware that Michael Jackson arranged to have Gavin, Star, and his sister come to Neverland Ranch without their mother to film that segment of the Martin Bashir video?

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Are you aware that Gavin was filmed as part of the Martin Bashir video?

A. Yes. I've seen the Martin Bashir video and Gavin was in it.

Q. And Martin Bashir filmed Gavin talking about his cancer, correct?

A. Yes.

Q. And as far as you know, his mother never authorized Mr. -- or Gavin Arvizo to appear in that video?

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Isn't that what you litigated with Granada, the fact that -- one of the facts that you were litigating involved Gavin's -- or the failure to obtain a release from Gavin or his mother? Isn't that one of the issues that you sought to bring to bear on Granada concerning this lawsuit?

A. Again, I have trouble with the lawsuit and the complaints before the Standards Board, the Broadcasting Board. I know for certain that was a concern and a claim made in the complaint to the Broadcasting Standards Board. I just don't remember whether that was also in the litigation. It's --

Q. Did Michael Jackson express any concern about having Gavin's face blanked out before the airing of the Martin Bashir video?

MR. MESEREAU: Objection. Beyond the scope; relevance.

THE COURT: Overruled.

You may answer.

THE WITNESS: Michael generally was concerned about the images of the children, not just his children, but the children.

Q. BY MR. AUCHINCLOSS: I’m asking you if he ever expressed specifically a concern about having Michael -- about having Gavin Arvizo’s face blanked out in that film.

A. I don’t recall that -- Mr. Jackson making such a specific statement to me.

Q. Was it something you attempted to negotiate with Granada?

A. I don’t know.

Q. Did it occur to you when you saw that video that Gavin’s appearance in that video could be quite traumatic to a 13-year-old boy?

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Did you have any concern about Gavin Arvizo in terms of having his face blotted out on the Martin Bashir video?

A. I think the subject -- and I’m not certain. I think the subject came up in one of the teleconferences with the UK team. We were on a very short timeline to present a demand to Granada. The film was supposed to air on Monday, and we were trying to organize ourselves as the legal representatives over that weekend --

MR. AUCHINCLOSS: I’m going to object to the narrative.

THE WITNESS: Sorry

THE COURT: All right. Sustained.

Q. BY MR. AUCHINCLOSS: At some time in your attempts to keep the Arvizo family on board with this lawsuit, did you offer Janet Arvizo money?

A. I don’t know. I don’t -- I don’t -- I don’t remember offering her money. I only spoke with her once or twice. But I remember there were discussions about providing money for the Arvizos. And it wasn’t just, you know, for the video. It was goodwill and --

Q. Janet Arvizo was never paid a dime for the video; isn’t that true?

A. What video?

Q. The video that she made, that was taken of her by Hamid and Schaffel.

A. I don't know.

Q. Okay. You know --

A. I'm not aware of anything.

Q. Okay. There was never any intention to give her money, as far as you know, for her appearance in that video; is that fair to say?

A. There was -- I had a conversation with Mark Geragos at one point about doing something economically to help the Arvizos. Whether it was getting them an apartment with, you know, prepaid rent, some sort of economic accommodation to them.

Q. I'm talking about the video.

A. I do not recall any specific conversation of a payment for the appearance in the video.

Q. And did you not offer Janet Arvizo, through her attorney, Mr. Dickerman, $25,000 to stay on as plaintiffs in the Granada lawsuit?

A. Yes, I did.

Q. You do recall that now?

A. I do recall that, yeah.

Q. You also offered to take care of all the attorney's fees in terms of litigating that lawsuit, in addition to giving her $25,000; isn't that true?

A. Yeah. I'm not sure it was the lawsuit. I think that was the Broadcasting Standards Board complaint.

Q. Okay.

A. Okay.

Q. These were both litigations over some kind of money damages; is that fair to say?

A. No, it's not fair to say. The Broadcasting Standards Board complaint process is not an economic reward process. That is, if you are successful in the complaint, there is no damage award.

Q. What's the outcome?

A. Granada gets a -- if a complaint is upheld, the broadcaster is censured, or I believe there's a potential for fines, but it’s very rare.

Q. Okay. So you offered Janet Arvizo money because you wanted Granada censured; is that true?

A. We wanted to -- as a strategic matter, we wanted to maintain both complaints before the Broadcasting Standards Board, because we viewed that as positive leverage in the lawsuit.

Q. Okay. And all positive leverage aside, Janet Arvizo did not want Michael Jackson’s money, did she?

A. I don’t know what Janet Arvizo did or didn’t want.

Q. It was turned down. Your offer was turned down; isn’t that true?

A. Well, that’s true.

Q. Okay. Would it be positive leverage to keep Gavin, I guess, and Janet, the Arvizo family, in that lawsuit because they were perceived as people who were wronged in the filming of that video? Isn’t that fair to say?

A. It was leverage because it was a good, strong, colorable claim in front of the Broadcasting Standards Board.

Q. Do you disagree with what I said, that they were perceived to be people who were wronged by that action?

A. I don’t know how they were perceived. I know we crafted a complaint and filed a complaint that made allegations to that effect. I just -- I can’t answer about perceptions. I’m sorry.

Q. Well, you perceived it to be a situation where the Arvizos had leverage, additional leverage in this lawsuit because they suffered from it; isn’t that true? Or do you disagree with that?

A. It was -- again, I don’t -- I don’t recall their participation in the lawsuit. This was a complaint before the Broadcasting Standards Board. And there were two complaints filed. Originally there was one complaint filed, and the Broadcasting Standards Board said, “No, this is wrongly pled, and the Arvizos’ complaint has to be a separate and distinct complaint from Mr. Jackson’s complaint.”

So we filed a complaint -- the UK lawyers filed a complaint on behalf of the Arvizos before the Broadcasting Standards Board.

Parallel, there is a lawsuit going on in a court in England.

Q. I'm going to object to the narrative.

I would just ask you -- I don't want to quibble about lawsuits versus complaints, okay? It's the semantics. I want to know --

MR. MESEREAU: Move to strike counsel's comments.

MR. AUCHINCLOSS: Just trying to express my question.

THE COURT: It's stricken.

Q. BY MR. AUCHINCLOSS: Okay. I just want to know that when an individual files a complaint with the Broadcasting Standards Commission -- is that the name?

A. I think it's a board.

Q. Okay. They don't have a complaint unless they've been wronged in some fashion; am I right in that or am I wrong?

A. The complaint alleged that Granada acted wrongly towards the Arvizos.

Q. Thank you.

A. Okay.

Q. Okay. Now, as far as Mr. Konitzer and Mr. Weizner's involvement with Mr. Jackson, you were concerned about 960,000, you said, that was --

A. I think it's --

Q. -- that was disbursed to these two gentlemen, correct?

A. Yes. I think it was 965, yes.

Q. Okay. 965. And you informed Mr. Jackson of that, true?

A. Yes.

Q. And after you informed him of that, Mr. Jackson fired you; is that true?

A. Yes.

Q. And one of the things that you did on your

own was to get -- was to investigate all of the people in Mr. Jackson’s inner circle?
A. Yeah, I don’t know about “all,” but --
Q. Some of the people?
A. Quite a few people, yes.
Q. Okay. And you informed Mr. Jackson of that conduct, that you did that on your own, didn’t you?
A. Yes.
Q. Yes.
A. Well, actually, I think we -- my partner, Mr. Gibson and I, I think we informed Mr. Jackson that we wanted to conduct background investigations on various people. I’m not sure we gave him an entire list, but we got general approval to engage an investigative team and conduct some background investigations.
Q. Okay. And he didn’t fire any of the people that you did the background checks on, did he?
MR. MESEREAU: Objection; foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Do you know if he fired any of the people that he did the background checks on? That you did the background checks on, excuse

me.
MR. MESEREAU: Objection; vague as to time.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Do you know if he fired any of the people that you did the background checks on within, say, a couple of months after you did the background checks, or after you delivered that information to Mr. Jackson?
A. I’m not aware that anyone was fired as a result of the investigative reports.
Q. Okay. And --
THE COURT: Counsel, I’m -- we have an issue we have to take up. I’m just wondering how much longer you have with this witness.
MR. AUCHINCLOSS: I don’t think I’m going to finish this afternoon. I don’t have a lot left, but it’s -- it’s more than eight minutes.
THE COURT: All right. Then we’ll stop now.
So we’ll take up the other issue.

You may step down.

And the jury, I'll excuse you until tomorrow morning. I'll see you at 8:30. Remember the admonition.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: All right. Counsel, I've been told there's an issue you wish to take up.

MR. SANGER: There is. Could we ask -- Mr. Kopp is a lawyer who's waiting outside. Could we ask that he be --

THE BAILIFF: What's his name?

MR. SANGER: Kopp. Shep Kopp.

With the Court's permission, I'll wait until he gets in here so he can hear everything.

Your Honor, Mr. Kopp is with Mr. Geragos's law firm and he is here representing Mr. Geragos, my understanding.

I have given to the bailiff an original subpoena and return thereon, showing that Mr. Geragos was subpoenaed to appear tomorrow. And I would point out to the Court that we had earlier subpoenaed him and had hoped to call him today. "Today" being Thursday.

It turns out that he is in a jury trial. The jury trial goes Monday through Thursday. He indicated that the judge was not willing to let him off for the purpose of being here today, and so therefore we resubpoenaed him for tomorrow. That's the subpoena that the Court will have momentarily. I think your clerk or your secretary is being kind enough to make an extra copy for us.

Mr. Geragos has been struggling with the duty to appear because, being in trial, he scheduled a number of things, including a preliminary hearing tomorrow in another court. I had asked him to please clear that and indicated that we would inform this Court of his need to be here in case the judges wanted to call Your Honor, or vice versa, in order to clear that.

Thank you.

And I’ll just file the original, if we could, please, with the clerk.

Thank you.

And a copy to counsel. And another copy for Mr. Kopp.

To cut through all the nonsense and get right down to the bottom line, we really need him tomorrow at 8:30 or we need him Monday at 8:30. We really cannot put it off any longer.

Mr. Kopp has indicated that -- and, in fact, Mr. Geragos told me on the phone this morning that he would rather come on the 26th, or June something-or-other. It does not work. And we’ve tried to accommodate him, and I understand his situation, but we just need to do something.

I believe that if this Court specifically orders him to be here absolutely on Monday, that that may help him clear his calendar. Or you could order him tomorrow. But we are asking to enforce the subpoena for either tomorrow or Monday. And I gather what Mr. Kopp will tell you is that probably Monday is better than tomorrow, but we’re -- we’ll live with that. But we do need to enforce it somehow or another.

I thought we should bring it to your attention. We do not want to be here having to have a body attachment issued and go through all that unnecessarily. And if this Court’s order are specific instructions to Mr. Kopp or a call to a judge or willingness to receive a call to clear this up, we would appreciate it.

Thank you.

THE COURT: Do you want to say anything, Mr. Kopp?

MR. KOPP: I suppose I should, Your Honor.

I thought maybe we could resolve this maybe through a phone call from Your Honor to the trial court in Orange County.

THE COURT: They can’t hear you. You have to speak into a microphone.

MR. KOPP: I’m sorry.

Good afternoon, Your Honor.

I thought maybe this could be resolved by way of a phone call from Your Honor to the trial court in Orange County, and I have those phone numbers, and maybe this can all be worked out.

We’re doing our best to accommodate the Court. The subpoena was just served yesterday. Obviously there are many other matters scheduled, so

we’re trying to comply.

THE COURT: Let me see the subpoena.

MR. SANGER: Your Honor, I’d point out this is our second subpoena.

THE COURT: As I understand, the subpoena is for tomorrow. So I’ll order him to appear here at 8:30 a.m. tomorrow morning in accordance with the subpoena.

MR. KOPP: Well, may I -- if that is what the Court is going to do, I mean, I guess I would like to be heard on that and just make it known that Mr. Geragos did have -- there was two matters scheduled in Van Nuys, one of which is a custody matter. Those matters have been put over numerous times. And there’s a preliminary hearing scheduled --

THE COURT: Now you know how citizens feel in this community and every community in the state when they’re called away from their employment by attorneys in courts.

MR. KOPP: I --

THE COURT: Now we have a lawyer who wants special accommodation. The answer is no. He’s been subpoenaed. There’s no motion to quash. I expect him here at 8:30 tomorrow morning.

MR. KOPP: Your Honor --

THE COURT: That will give me time to get the warrant out when he doesn’t appear so he’ll be here Monday for sure. Because I expect him to be here

tomorrow morning.

MR. KOPP: Well, I -- I don’t mean to ask for special treatment, Your Honor, but what I do want to ask for is professional courtesy. And I think subpoenaing somebody two days before they’re scheduled to appear is not sufficient notice, particularly given the fact that everyone in this courtroom, I believe, is aware of the fact that Mr. Geragos has been in this trial and has numerous matters scheduled. So I’m not -- I don’t mean --

THE COURT: We’re aware, you know, that he’s a very busy attorney. It’s the same with any citizen who’s subpoenaed. It’s the same with the jurors that are called to testify.

Now, the question is, does the present employment of the person overcome the immediacy of the subpoena? And it’s always the immediacy of the subpoena that overcomes. It doesn’t -- it’s no different than if we subpoenaed a deputy sheriff or a mechanic, or a child victim. You know, this is a subpoena he has to obey.

And, you know, I’m sure you’d be delighted if you were the attorney asking your subpoena to be enforced. So....

MR. KOPP: Well, if I was the attorney, I would have served it more than two days before the court date, but I’m not the attorney.

But that being said, I will convey the

Court’s order to Mr. Geragos.

THE COURT: Thank you.

All right. I do want to see two of the attorneys in chambers for a moment, that would be Mr. Mesereau and Mr. Sneddon, with the court reporter.

THE BAILIFF: Judge, do you plan to come back out?

THE COURT: No, I’m not going to come back out.

THE BAILIFF: Thank you.

THE COURT: This will just take a minute.

(The proceedings adjourned at 2:30 p.m.)

--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 10004 through 10143 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 12, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
May 12, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

FRIDAY, MAY 13, 2005

8:30 A.M.

(PAGES 10145 THROUGH 10188)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

APPEARANCES OF COUNSEL:

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-and- GORDON AUCHINCLOSS,
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Santa Barbara, California 93101

For Defendant: COLLINS, MESEREAU, REDDOCK & YU BY: THOMAS A. MESEREAU, JR., ESQ.
-and- SUSAN C. YU, ESQ.

1875 Century Park East, Suite 700 Los Angeles, California 90067
-and-
SANGER & SWYSEN
BY: ROBERT M. SANGER, ESQ. 233 East Carrillo Street, Suite C
Santa Barbara, California 93101

I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

DEFENDANT’S
WITNESSES DIRECT CROSS REDIRECT RECROSS
LEGRAND, David G. 10150-A
(Contd.)

E X H I B I T S

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
263	MJJ Productions office records	10184	10185

Santa Maria, California
Friday, May 13, 2005
8:30 a.m.

THE COURT: Good morning, everyone.
COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.
THE COURT: (To the jury) How was it?
A JUROR: What?
THE COURT: The breakfast.
THE JURY: (In unison) We didn't have a breakfast.
JUROR NO. 7: It's lunch.

THE COURT: Oh, you're getting lunch? That's what they promised.
JUROR NO. 4: My cereal was okay.
THE COURT: I had information that you were going to get breakfast. So you're getting lunch.
A JUROR: We got presents. We got cups.
THE COURT: All right. Let me just say don't eat too much at lunch.
Okay. Counsel, are you ready to proceed?
MR. AUCHINCLOSS: I am, Your Honor. But, I'm sorry, with the Court's permission, I'd like to have a brief sidebar to discuss a matter that I don't want to go into without your permission.
THE COURT: All right.
(Discussion held off the record at sidebar.)

THE COURT: All right.
MR. AUCHINCLOSS: Thank you, Your Honor.

DAVID G. LEGRAND
Having been previously sworn, resumed the stand and testified further as follows:

CROSS-EXAMINATION (Continued)
BY MR. AUCHINCLOSS:
Q. Good morning, Mr. LeGrand.
A. Good morning.
Q. Yesterday we talked about the LLC Fire Mountain, and you indicated that that LLC, that limited liability corporation, was formed to act as the corporation under which the proceeds from the FOX special, "The Footage You Were Never Meant To See" or what we've been calling the "Take 2" video, to basically funnel those assets or those -- the cash that was produced from that program and then disburse to various parties. Is that correct?
A. Yes.
Q. Okay. And I asked you -- I'm not sure if we ever got the answer, but I asked you, and I'm asking you now, was that corporation formed to conceal assets from Mr. Jackson's creditors?
MR. MESEREAU: Objection. Foundation; relevance.
THE COURT: Overruled.

You may answer.

Q. BY MR. AUCHINCLOSS: In any way.

A. There were multiple concerns with regard to the “Take 2” video at the inception of the process. There was a letter from Granada basically demanding that no footage of Martin Bashir be utilized without Granada’s permission, so we had significant concerns about potential liabilities associated with Fire Mountain.

There were also concerns, not so much about trade creditors in general, but, rather, that the mounting financial demands of the lawyers, the accountants, the production people be met, and we had not yet -- there was -- we had not yet accomplished a complete transition of money management affairs and open --

MR. AUCHINCLOSS: I’m going to object at this time as nonresponsive.

THE WITNESS: Okay.

THE COURT: The objection is overruled. I’ll allow him to complete his answer.

MR. AUCHINCLOSS: All right.

THE WITNESS: I opened a dialogue with Bank of America and discussed with the bank representatives the relationship of Fire Mountain with FOX, and to my knowledge, there was never a demand of default made by Bank of America with respect to any of their credit protection

provisions.

Q. BY MR. AUCHINCLOSS: My question was, was that Fire Mountain, Limited Liability Corporation, formed in any way to conceal assets from Mr. Jackson’s creditors? And my question goes beyond the Bank of America.

MR. MESEREAU: Same objection.

Q. BY MR. AUCHINCLOSS: And do you understand the question?

A. Yeah. It was not my intent to conceal. It was my intent to protect the cash flows being received in order to address the financial needs of my client, Mr. Jackson.

Q. All right. Well, you testified that Mr.

Jackson had creditors with outstanding bills in excess of ten million dollars, true? Yes?

A. Yes.

Q. And some of those creditors had initiated lawsuits; isn’t that true?

A. I don’t know that creditors had initiated lawsuits. The two primary lawsuits that were pending that I had knowledge of early on were the Avram case and the Myung Ho Lee case.

Q. All right.

A. I don’t know that those gentlemen were creditors at that time, because I don’t remember seeing them listed in the payables listings. There was a subsequent lawsuit -- I mean, there was a lawsuit filed somewhere, hmm, I’m not sure if it was late February or early March, filed by an auction house in New York with respect to a painting.

Q. Would that be Sotheby’s?

A. Yes. Yes, that was Sotheby’s.

Q. And that dealt with a painting Mr. Jackson purchased but never paid for; is that correct?

A. Yes.

MR. MESEREAU: Objection; relevance.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: All right. But in effect, the Fire Mountain corporation would prevent any of these creditors from getting their hands on the money, the proceedings from the FOX production; true? I’d like a “yes” or “no” question -- answer to that question.

A. I don’t know --

Q. If you know.

A. I don’t know how it would prevent creditors from getting to it. I mean, if a creditor took a judgment debtor exam of someone and found that this subsidiary of MJJ had these funds, the question is creditor of whom, I guess? I mean, the goal of Fire Mountain was to serve as a subsidiary to MJJ Productions.

Q. Who is Marcel Avram? You just mentioned that. Who is that?

MR. MESEREAU: Objection; relevance.

THE COURT: Overruled.
You may answer.
THE WITNESS: What I've read is that he was a promoter who had entered into some agreements with -- and I'm not sure who with, but with Mr. Jackson or entities affiliated with Mr. Jackson. I'm not even sure who the parties were in that litigation.
Q. BY MR. AUCHINCLOSS: And that was a multimillion-dollar lawsuit?
A. Yes.
Q. And that was here in Santa Maria?
A. I don't know where it was.
MR. MESEREAU: Objection; relevance.
MR. AUCHINCLOSS: My question -- I'm sorry.
THE COURT: Next question. Overruled.
Q. BY MR. AUCHINCLOSS: And that lawsuit was going on during February of 2003?
A. I think so, yes.
Q. And --
A. Yes.
Q. If that lawsuit went bad, wasn't it your opinion that bankruptcy was assured for Mr. Jackson?
MR. MESEREAU: Objection. Foundation; misstates the evidence.
THE COURT: Foundation sustained.
Q. BY MR. AUCHINCLOSS: Did you ever send an e-mail to the effect that bankruptcy was assured if the Marcel Avram lawsuit went bad for Mr. Jackson?

MR. MESEREAU: Objection. Foundation; leading; relevance.
THE COURT: Overruled.
You may answer.
THE WITNESS: I don't recall such a specific e-mail. It's possible. But I don't recall.
MR. AUCHINCLOSS: If I could have a moment, Your Honor.
THE COURT: You may.
Q. BY MR. AUCHINCLOSS: Let me just ask a follow-up question. Was that your opinion?
MR. MESEREAU: Objection. Relevance; foundation.
THE COURT: Sustained.

MR. AUCHINCLOSS: I’ll come back to that.
Q. Mr. LeGrand, did you talk to anybody after you left the stand here today (sic) about your testimony in this case?
A. I did not speak about my testimony in this case. I did speak to several people last night.
Q. Who did you talk to?
A. Talked to my wife.
Q. Did you talk to anybody that was involved in this case in any fashion?
A. I don’t know whether “involved” or not. I did call Al Malnik.
Q. Why did you call Mr. Malnik?

A. He’s -- his wife is expecting a child. It’s been any day for the last couple of weeks. And I called to inquire as to his wife’s health and the prospect of delivery.
Q. Do you work for Mr. Malnik?
A. No.
Q. Have you been employed with Mr. -- by Mr. Malnik in the past?
A. No.
Q. Mr. Malnik has never paid you for any services --
A. No.
Q. -- is that your testimony?
A. That’s my testimony.
Q. Have you ever taken any directives from Mr. Malnik concerning legal matters regarding Mr. Jackson?
A. Yes.
Q. Why did you take directives from Mr. Malnik concerning Mr. Jackson’s affairs?
MR. MESEREAU: Objection; relevance.
THE COURT: Overruled.
You may answer.
THE WITNESS: I was instructed by Mr. Jackson to do so.
Q. BY MR. AUCHINCLOSS: And did Mr. Malnik work for Mr. Jackson, as far as you knew?
A. As far as I knew.

Q. What was his relationship with Mr. Jackson?

A. I believe he was a friend and I believe he was an attorney.

Q. Do you know if Mr. Malnik was retained by Mr. Jackson as an attorney?

A. I did not see an engagement letter. I was instructed by Mr. Jackson to submit all documents that were to be signed by Mr. Jackson, they were to be reviewed by Mr. Malnik before presentation to Mr. Jackson. That instruction was given to Ronald Konitzer and Dieter Weizner as well.

Q. Have you attended meetings with Mr. Malnik and Mr. Jackson?

A. Yes.

Q. On how many occasions?

A. Once for sure. There may have been a second meeting during that same weekend, but I'm not sure. But I know of one in particular. It was mid to late March. Mr. Fishman and I flew to Florida. I think that's when. I'm not sure of the dates, though.

Q. And did Mr. Konitzer attend that meeting?

A. There were several meetings and Mr. -- there were several meetings with myself and Mr. Malnik and Mr. Konitzer attended one of those meetings.

Q. Was Mr. Jackson present?

A. I think so.

Q. Was Mr. Weizner present?

A. You know, I think Dieter was there, but I'm honestly not sure today.

Q. Do you know what time in March that was?

A. Well, it was before the 28th. I think it was a week to ten days before the 28th of March, but I'm not sure exactly.

Q. Was it before your services were terminated as Mr. Jackson's attorney?

A. Yes. That's why I know it's before the 28th.

Q. And the purpose of that meeting was what?

A. To discuss the overall positions, to discuss the -- to discuss how or whether we would continue the various relationships, because Ronald was upset with me for having pointed the finger at him with respect to the $965,000.

We were attempting in that meeting to

construct a framework under which we would -- you know, Ronald and Dieter would remain involved in -- as, you know, consultants, advisors to Mr. Jackson. But Mr. Malnik essentially emerged, in my opinion, as the primary person with Michael Jackson's trust and confidence for business decisions.

Q. Mr. Malnik was one of the people you had investigated?

A. Yes, he is.

Q. So you were suspicious of him, too?

A. Yes.

Q. And you voiced those suspicions to Mr. Jackson, didn't you?

A. Yes.

Q. You voiced those suspicions to Mr. Jackson about Mr. Konitzer?

A. Yes.

Q. And Mr. Weizner?

A. Yes.

Q. And you were suspicious about Mr. Jackson's personal assistant, Evvy?

A. Yes. Primarily because Mr. Konitzer --

Q. There's no question pending.

A. Oh. Sorry.

Q. And you were suspicious about Mr. Geragos?

A. Yes, I was.

Q. And you were suspicious about Mr. Jackson's attorney, Mr. Cochran's associate, Zia Modabber?

A. Less so, but yes.

Q. Well, you had him investigated?

A. Less so, but yes.

Q. And you were suspicious about Mr. Gross, who worked for Fred Haber, the foreign rights people, Edgar Gross? Maybe I'm misstating that. Did you have Edgar Gross investigated?

A. I don't remember that name. Was it -- do you mean -- I'm sorry, I don't recall.

Q. You were suspicious about a Dr. Armen Kazanchian?

A. Yes, I was.

Q. You were suspicious about Mr. Jackson's long-standing business manager, Trudi Green?

A. Yes.

Q. These people had really very little connection with one another, did they? I mean, you tell me. Did they have connection with one another?

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: In effect, you had investigated everybody who was within Michael Jackson’s inner circle; isn’t that true?

A. I don’t know, because I don’t know your definition of “inner circle.” I investigated people that I viewed as being close to Michael or having the potential to do harm to Michael as I saw it at the time.

Q. And you were suspicious of them all, correct?

A. Um, I was -- I was cautious. I was becoming more cautious as time went on.

Q. Well, didn’t you testify that you had everybody investigated that you found suspicious?

A. I’m not sure those were my exact words, sir.

Q. Well, was that true or not?

A. No. I did not have everybody investigated whom I found suspicious. There were certainly people who I had concerns about, but who did not have a position such that I was overly --

sufficiently concerned to spend money.

Q. But you had concerns about all these people. Will you go that far?

A. Concerns about a lot of people.

Q. Okay. And as far as this $900,000, you don’t know what that money was for, do you?

A. No.

Q. You don’t know if that money was owed to Dieter and Ronald, do you?

A. No, I don’t. I never saw -- I never saw evidence it was.

Q. Right. But you never saw any evidence whatsoever about what that $900,000 was for, did you?

A. No, I never saw evidence of it.

Q. You don’t know if Mr. Jackson knew about that at the time or didn’t know about it at the

time, do you, at the time it was disbursed?
A. No, I didn’t.
Q. So you just pointed the finger with virtually no evidence against these people because of your suspicions; isn’t that fair to say?
A. I discussed the matter with Mr. Malnik, and at his direction prepared the letter. He reviewed the letter. So this was not my independent action.
Q. Well, if this was an embezzlement, wouldn’t it be an incredibly lame attempt to embezzle money from a trust account of an attorney with a paper trail one inch long leading directly to the embezzlers?

MR. MESEREAU: Objection; argumentative.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Would you agree with me that it would be a very poor plan to embezzle money?
MR. MESEREAU: Objection.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Would you agree with me that there was never any attempt to conceal that that money went from the trust account to Mr. Weizner and Mr. Konitzer?
MR. MESEREAU: Objection. Misstates the evidence and foundation.
THE COURT: Overruled.
You may answer. Do you want that question read back?
THE WITNESS: I believe that --
MR. AUCHINCLOSS: I’m going to --
MR. MESEREAU: Objection. He’s cutting off the witness, Your Honor.
THE COURT: Sustained. Let the witness answer the question.
MR. AUCHINCLOSS: All right.
THE WITNESS: I believe that Mr. Konitzer was unhappy that Mr. Finkelstein gave me that accounting.
Q. BY MR. AUCHINCLOSS: Would you agree that there was never any attempt to conceal that those moneys went from that trust account to Mr. Weizner and Mr. Konitzer; yes or no?

MR. MESEREAU: Objection. Foundation and misstates the evidence.

THE COURT: Overruled.

You may answer.

THE WITNESS: I do not know -- I do not have actual knowledge of an attempt to conceal those disbursements.

Q. BY MR. AUCHINCLOSS: Michael Jackson Universe, MJ Universe, that was the plan that Ronald and Dieter were working on with Mr. Jackson to remake his image and career, correct?

A. I'm -- I'm not sure I agree with the characterization, "remake his image and career." It was the business plan that Ronald and Dieter had put forth.

Q. It was a promotional plan for Michael Jackson, correct?

A. It involved elements of using Michael Jackson's trademarks, image and likeness to gain revenue.

Q. Wouldn't that be a promotional plan?

A. I'm not trying to be difficult. I just don't know what you mean by "a promotional plan." I mean, that's all.

Q. What I mean by "promotional plan" is a plan that promotes Mr. Jackson. Was it designed to promote Mr. Jackson's image and likeness, his name, to sell products to make profit?

A. I certainly agree it was part of the plan to use his image and likeness to sell products and make profit.

Q. Was it also the idea of this plan, this new enterprise, MJ Universe, to save Mr. Jackson from impending financial ruin? Yes or no.

A. When the plan was first -- the first development of the plan, none of us had knowledge of Mr. Jackson's financial affairs. So the plan was developed in a context where we, that is, Mr. Konitzer, and he expressed to me his belief that Mr. Jackson had significant financial resources to call upon. So the original plan was not about financial ruin. It was developed before any of us knew of the financial circumstances that ultimately were disclosed to me in February of 2003.

Q. Is it true that the plan was designed to make everyone, including Michael Jackson and yourself, a lot of money?

A. The intent of the plan was to make money, yes.

Q. One of the mechanisms for this plan was to use the Internet as a platform; is that true?

A. Yes. There was a portion of the plan devoted to Internet.

Q. You testified yesterday that it seemed like everybody around Michael Jackson was interested in profiting; is that accurate? That was your opinion?

A. Many people, yes.

Q. Did you see something wrong with that, with people profiting who worked for Michael Jackson?

A. I see nothing wrong with people earning appropriate income from providing services.

Q. And Michael Jackson Universe --

MR. MESEREAU: Objection. I don't think the witness has completed his response, Your Honor.

THE WITNESS: I got concerned about where it appeared people wanted to have excessive amounts of money in relation to their contribution.

Q. BY MR. AUCHINCLOSS: Okay. And this is where some of your suspicions took off?

A. That's where they were derived, yes.

Q. But as it turned out, you really didn't know where those funds were going, you've testified, correct?

MR. MESEREAU: Objection. Foundation and misstates the evidence.

THE COURT: Vague; sustained.

Q. BY MR. AUCHINCLOSS: As far as this plan, the idea or hope was to make hundreds of millions of dollars, true?

A. That was the hope.

Q. And that was a hope that Mr. Jackson had, or shared with Mr. Konitzer, true?

A. Yes.

MR. MESEREAU: Objection; foundation.

THE WITNESS: Whoops.

THE COURT: Overruled. The answer was, “Yes.”

THE WITNESS: Yes.

THE COURT: Next question.

Q. BY MR. AUCHINCLOSS: And Mr. Konitzer, from your point of view, had a genuine interest in the success of Michael Jackson, both for his own benefit and for the benefit of Mr. Jackson; isn’t that fair to say?

A. Yes. That’s -- I mean, that’s true. Mr. Konitzer, I believe, was quite sincere in many respects and there was no question that he saw the opportunity for significant financial gain and that that gain would -- the largest gain would come if Mr. Jackson also realized a significant financial benefit.

Q. If this plan took off, Mr. Konitzer had a very legitimate hope of earning millions and millions of dollars, true?

A. Yes. But I’ll also tell you that both Mr. Malnik and I were very skeptical about Mr. Konitzer’s plan.

Q. I understand that, but that’s not a question I asked you.

But that was the hope. That was the idea between you, Mr. Jackson, Mr. Konitzer, that was the reason for Michael Jackson Universe, correct?

A. The reason was to create profit, yes.

Q. So would you agree it doesn’t make much sense for Mr. Konitzer to attempt to steal a few hundred thousand dollars at the very beginning of his relationship with Mr. Jackson?

MR. MESEREAU: Objection. Argumentative; foundation.

THE COURT: Sustained.

MR. AUCHINCLOSS: All right.

Q. Your investigation of these various people was designed to clean house again, wasn’t it? Do you understand that question? Maybe I should start over again.

You’re aware that Mr. Jackson had just cleaned house, he just fired all the people he had been working with for years, including some he hadn't worked with for very long?

MR. MESEREAU: Objection. Foundation and misstates the evidence.

MR. AUCHINCLOSS: I'll simplify the question.

THE COURT: Okay.

Q. BY MR. AUCHINCLOSS: You're aware Mr. Jackson had just cleaned house by firing a number of his associates and close employees, correct, you've testified to that?

A. No, I don't think I did. What employees were terminated?

Q. Well, people that worked for Mr. Jackson. I don't mean to quibble about semantics. Mr. Branca was fired, correct?

A. I'm not aware he was ever an employee of Mr. Jackson. I believe he's an attorney who was providing services to Mr. Jackson. Yes, his services were terminated during this process.

Q. Are you saying that Mr. Branca was never employed by Mr. Jackson in any fashion?

A. No, I'm saying he was not a W-2 statutory employee, which is the sense in which I'm used to using the term. I don't mean to be difficult, but, you know, this is -- my background is corporate law, and "employee" means something very specific to me.

Q. Okay. When I'm asking questions, just so you know, I'll be asking them in the common lay term, not in any technical sense. When I say "employee," I mean he worked for him, he was paid by him.

MR. MESEREAU: Objection. Argumentative and vague. Object to the colloquy.

THE COURT: Counsel, I don't think you can ask this person to accept your definitions. You need to know how he defines various corporate terms.

MR. AUCHINCLOSS: And I appreciate that. I'm just trying to clarify it.

THE COURT: And that be helpful to the jury, I'm sure, if they knew that too. But you -- just as an instruction from me --

MR. AUCHINCLOSS: Sure.

THE COURT: -- you need to find out how he defines them, not tell him how to define them.

MR. AUCHINCLOSS: Okay.

Q. All right. So you would agree with me that Mr. Branca worked for Mr. Jackson, was paid for by Mr. Jackson, correct? He received money from Mr. Jackson for services, true?

A. I believe the Ziffren law firm received compensation from Mr. Jackson for legal services, yes.

Q. Do you think Mr. Branca ever received any of those moneys for work that he performed?

A. I believe Mr. Branca was paid by his firm, yes.

Q. All right. And Mr. Jackson (sic) was one of the people he fired when he was cleaning house, true?

A. Yes.

Q. As was Trudi Green?

A. Yes.

Q. Okay. So we went through the list. I don't need to go through it again.

But wasn't it your desire, in preparing this investigative report or ordering this investigative report on Mr. Jackson's inner circle, to become a trusted associate of Mr. Jackson to the exclusion of the people that you were having investigated?

A. I don't believe that was my intent. It was my intent to gain knowledge about the people who were involved. For example, with respect to Mr. Malnik, I had no intent to eliminate him from Mr. Jackson's circle.

I had much greater concerns about Mr. Konitzer and Mr. Weizner than, say, for example, Mr. Malnik. But at the same time, I felt it appropriate, granted the history, to have greater knowledge about these people. You know, there's an aphorism, knowledge is power. And I felt it appropriate, and my colleagues, Mr. Joss, my partner, Mr. Gibson, concurred in those iterations.

MR. AUCHINCLOSS: Objection; nonresponsive.

MR. MESEREAU: Objection. He cut off the witness.

THE COURT: Sustained. I'll allow him to complete the answer.

Do you want part of your answer read back, so you know where you were, or --

THE WITNESS: Well, I'd just like to say that I and my partner called for those investigations. It was not simply my intent that was ruling. I was consistently, daily communicating with a number of lawyers who, as a group, were providing services to Mr. Jackson. And the decision to have those investigations done was not my unilateral decision.

Q. BY MR. AUCHINCLOSS: You said, "knowledge is power." Wasn't this an effort to obtain more power?

A. Absolutely, for Mr. Jackson to be empowered.

Q. Okay. Let's -- let me ask you a couple of questions, a couple of background questions. I don't think I finished inquiring about people you may have talked to last night.

Did you talk to Mr. Mesereau at all between the time that you took the stand today and the time that you left the stand yesterday?

A. I'm not sure if -- he might have come in the room and left, you know, 30 seconds. I'm -- I'm sorry, I was upstairs in the room for a little bit. I don't remember. I don't have -- I didn't have any substantive conversations if I did see him at that time.

Q. Have you met Mr. Mesereau before?

A. Yes.

Q. On how many occasions?

A. Three, I think. Maybe four.

Q. Did you talk to him about your testimony in this case?

A. We did not discuss my testimony in this case.

Q. Did you talk to him about the facts of this case?

A. I met with Mr. Mesereau, Mr. Cochran, a number of lawyers when I was delivering files and reviewed with them some of the contents of the boxes of files.

Q. When did you deliver those files?

A. I'm sorry, I don't know.

Q. Can you tell me --

A. It was 2004.

Q. Okay. 2004. Can you tell me if it was in the beginning or towards the end of 2004?

A. It was by -- I know it was by mid-September, by Labor Day weekend, that I had delivered the bulk of the files. There's been some bits and pieces that have just -- you know, either were delivered to me or were found, you know, in another file, because I had people in Reno working that were delivered later. But I'm pretty sure 90 percent of it was delivered by Labor Day of 2004.

Q. Did you go through these files with Mr. Mesereau and Mr. Cochran in any fashion?

A. Yes.

Q. Was an investigator present?

A. I think so.

Q. Do you know Scott Ross?

A. Yes.

Q. Was he present?

A. I don't think so. But I'm really not sure. There was an investigator, but I thought it was somebody different. I don't know that I met Scott before arriving here.

Q. Mr. Mason, perhaps?

A. Mason. That name's familiar. I honestly didn't pay a lot of attention to the investigator.

Q. Okay. But there was an investigator there?

A. Yeah.

Q. And have you talked to any investigators between the time you left the stand and the time you took the stand this morning?

A. Yeah. Scott Ross took me back to my hotel last night, and then took me to drop me off at the mall so I could go get something to eat.

Q. And did you talk to Mr. Ross about anything to do with this case?

A. We really didn't discuss the case. We were quite conscious that we -- or I was conscious that I didn't feel that was really appropriate.

Q. Okay. So that's a "no," you did not talk to

Scott Ross about anything about this case?
A. We didn’t talk about this case.
Q. All right. How about Mr. Castillo, did you talk to him about this case at all?
A. Who?
Q. Jesus Castillo?
A. I don’t know who that is.

Q. Well, all right. Now, you mentioned yesterday that you were aware of the “Home Movies” production, the “Michael Jackson Home Movies” production. True?
A. Is that the program that involved Chris Tucker that was produced with FOX?
Q. I can’t answer questions.
A. I’m sorry, I’m not sure what --
Q. Weren’t there -- I’m sorry, go ahead.
A. I’m not sure what you mean by “Home Videos” productions.
Q. Well, weren’t there documents in your files regarding the “Home Movies” production involving Michael Jackson?
A. I think so, yes. We had started -- we had started a negotiation with FOX for some additional production.
Q. And that production was also going to be run through Fire Mountain; that was the plan, correct?
A. Yes, I think so.
Q. And was Mr. Schaffel going to work on that one as well; do you know?
A. It was my goal to minimize the involvement of Mr. Schaffel as much as possible. And I do not know what I was -- I was terminated before that really got rolling. That’s my recollection.
Q. Was your concern about Mr. Schaffel related to his connections in the adult sex videos industry?

A. That was certainly part of the concern, yes.
Q. Did you ever express a concern to Mr. Jackson about Mr. Schaffel being associated with the rebuttal video or the “Take 2” video because of his background?
A. I’m not sure that I had a direct conversation with Mr. Jackson about that or not. I

don’t know.

Q. And he was also one of the people that you had investigated, true?

A. Yes.

Q. Now, as far as money goes, profiting involving Mr. Jackson, isn’t it fair to say that that was one of your goals here too, to make money by being associated with Mr. Jackson?

A. My goal was to get paid for providing legal services.

Q. Weren’t you very excited about becoming Michael Jackson’s attorney?

A. It was exciting.

Q. You perceived it to be a means to make a great deal of money, didn’t you, Mr. LeGrand?

A. Actually, I really didn’t know what it was going to involve.

Q. But you had hopes that it would result in something very good for David LeGrand, true?

A. I saw it as an opportunity to work in a unique and different environment that was interesting, that had great potential. It was -- it was exciting.

Q. Potential for wealth, true?

A. I don’t know about wealth. But certainly gain.

Q. You won’t admit that it’s -- that there was financial gain, that was one of your motives in becoming Michael Jackson’s attorney? You disagree with that?

A. All I wanted was to be paid for my hourly work.

Q. And you wanted to do a lot of hourly work for Michael Jackson, didn’t you?

A. As it turned out, I didn’t have much choice. At least for a while.

Q. Would you answer my last question?

A. The hours ended up being considerable.

Q. And you wanted to do a lot of hourly business with Michael Jackson, true? Can you answer that “yes” or “no” for me, sir?

A. It’s very hard to answer “yes” or “no,” because it really wasn’t formulated in my mind that way.

Q. Mr. LeGrand, didn’t you communicate to Mr. Konitzer that you were worried about getting paid for your services and being first in line for money?

A. I was concerned about that, yes.

Q. And as early as February 11th, you had expressed that concern to Mr. Konitzer that you wanted to be paid?

A. Yes. And when we say “I,” my firm.

Q. Your firm.

A. Yes.

Q. That’s fair. And Mr. Konitzer asked you to calm down about that, didn’t he?

A. Yes, he did.

Q. And he said, “Don’t worry, you’ll be first in line,” true?

A. Yes, he did.

Q. And he did that through e-mail, correct?

A. He also said it to me.

Q. And you did a considerable amount of communication with Mr. Konitzer through e-mail, e-mails, true?

A. Yes.

Q. And if your file is complete, then all of those e-mails should be in it, shouldn’t they?

A. If you mean that a file comprising the totality of my work involving Mr. Jackson would include the e-mails to Ronald Konitzer, the answer is yes.

Q. And my last question was, if your file that you turned over did not include e-mails such as that, it would not be complete, true?

A. I -- I think that follows logically.

Q. All right. Did you remove any e-mails from your file prior to turning it over to Mr. Mesereau and Mr. Cochran?

A. I don’t remember removing any e-mails. I don’t remember removing any documents from the files.

Q. You can conceive of it, though?

A. No, I really didn’t even personally prepare the files. Staff did. I -- I really wasn’t directly involved in the file production process.

Q. Is (702) 222-2520 the direct line to your office at Hale Lane?

A. Yes, it was.

Q. Did you have a cell phone at that time?

A. Yes.

Q. And what was that number?

A. (702) 218-6736.

Q. At some point in time, Mr. Geragos came into the picture. Do you remember when that was?

A. First week of February 2003.

Q. Is that when you first met Mark Geragos?

A. Yes.

Q. And Mr. Geragos is a criminal attorney?

A. Yes.

Q. And who introduced you to Mr. Geragos?

A. I believe it was Ronald Konitzer who selected Mr. Geragos to be interviewed.

Q. Was there an interviewing process going on to find a criminal attorney at that time?

A. Yes.

Q. And can you explain why -- well, let me back up.

Was it perceived that some criminal conduct might be alleged against Michael Jackson at that time, and therefore a criminal attorney should be retained?

MR. MESEREAU: Objection. Foundation; relevance.

THE COURT: Overruled.

THE WITNESS: I’m sorry, what was the question?

MR. AUCHINCLOSS: I’ll ask to have it read back.

THE COURT: I’ll have the court reporter read it.

(Record read.)

THE WITNESS: The press outcry was such that -- and the calls for investigation, calls for removal of his children were such that I and the other lawyers agreed it was appropriate to have a criminal attorney in California to address any possibilities of that kind.

Q. BY MR. AUCHINCLOSS: Okay. So the answer to that question would be “yes”?

A. I think I’ve answered it.

Q. My question is, so the answer to that question would be “yes”?

A. Yes, we were concerned about possible criminal investigation resulting from the video, the Bashir video. There were people, you know, calling for investigation.

Q. Who -- well, let me phrase that differently. Who was in charge in terms of the legal advice provided to Mr. Jackson at that time? We’re talking about the beginning of February. You? Mr. Geragos? Who was running the show there?

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

MR. AUCHINCLOSS: Okay.

Q. What exactly was Mr. Geragos -- do you know what Mr. Geragos was tasked with at the time he was retained, what he was asked to do?

A. I know that we asked him to attempt to ascertain if any criminal investigation had been commenced, and if there was any child custody removal efforts being commenced.

Q. That would be a family law matter, wouldn’t it?

A. I guess it’s more family than criminal, yes.

Q. Do you know who Brad Miller is?

A. I believe he’s an investigator that works or worked -- was engaged by Mr. Geragos’s firm.

Q. Did you ever meet Brad Miller?

A. You know, I don’t know. I might have.

Q. Where might you have met Brad Miller?

A. Mr. Geragos’s office.

Q. Did you meet with Mr. Geragos in his office?

A. Yes.

Q. More than once?

A. I think so, yes.

Q. How many times did you meet with Mr. Geragos, either in his office or elsewhere?

A. Maybe four or five times.

Q. Four or five times?

A. I think so.
Q. Did you ever communicate with Mr. Geragos by e-mail?
A. Yes.
Q. Do you know where those e-mails are?
A. Not specifically, no.
Q. Did you give those e-mails to Mr. Mesereau and Mr. Cochran?
A. I think so.
Q. Did you ever talk to Brad Miller on the phone?
A. I don't know. It's possible.
Q. Do you know what Brad Miller was retained by Mr. Geragos to do?
A. Not really. I know that it had to do with the Arvizos, but I really don't know in detail what Brad Miller was asked to do.
Q. Do you know who Asaf Vilchic is?
A. Who?

Q. Asaf Vilchic?
A. I don't think I've heard that name before.
Q. I'm going to have trouble with this next one. Can you tell me if you've heard of the name Johnny Majetich, something of that nature?
A. That name does not ring any bells, sir.
Q. Have you ever heard of a private investigator referred to as "Johnny in the Sky"?
A. No, sir. I don't think so. It's the sort of thing one might remember, but I don't have a recollection of that one.
Q. Okay. Now, I want to come back to this rebuttal film or the "Take 2" video.
You participated in getting or I should say preparing releases for the entire Arvizo family, correct?
A. Yes.
Q. And who asked you to do that? Maybe I'm making an assumption there. Did you do that on your own or did somebody else ask you to do it?
A. I don't really know. I know it needed to be done, but I'm not sure whether it was, you know, Lachman Productions, Marc Schaffel, or who it was.
The consents and releases started with Debbie Rowe,

and then we just started thinking, “Oh, well, we need releases for everybody that might be in this video.” I prepared a release for Hamid as well.
Q. All right. The one for Hamid, was that

under a Brad Lachman letterhead; do you know?
A. I don’t know.
Q. Okay. But you knew that the plan was to have the Arvizo family filmed for the “Take 2” video, correct?
A. I knew there was a desire to have some footage of the Arvizo family for possible inclusion in the “Take 2” video, yes.
Q. And that was the reason why these consent forms were prepared?
A. Yes.
Q. And you sent those consent forms to Ann Gabriel, true?
A. I don’t know. I might have.
Q. Did you send a consent form to Ann Gabriel and ask her to put “Gabriel Media” on the top of it?
A. I don’t -- I don’t remember. It’s possible, but I don’t remember that.
Q. If it’s possible, can you tell me why that would have happened?
MR. MESEREAU: Objection; unintelligible.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Well, you admit it’s possible.
MR. MESEREAU: Objection; calls for speculation.
THE COURT: Overruled.
Q. BY MR. AUCHINCLOSS: Yes?

A. I really can’t say. I don’t know.
Q. Okay. Can you tell me if you can envision a reason why you would send a consent form to Ann Gabriel and ask her to put “Gabriel Media” on the top of it?
A. I really don’t know today. We were moving quick on a lot of things, and it, you know, if it happened, may have seemed like a good idea at the time, but I really don’t know why in retrospect. It could have been that I was trying to give Ann, you

know, a bit of a role. It --
Q. Did you send consent forms to Neverland Valley Ranch by way of fax for the Arvizo family?
A. I think so, yes.
MR. AUCHINCLOSS: If I may approach, Your Honor.
Q. Mr. LeGrand, I show you People's Exhibit No. 263. It appears to be one, two, three -- five, six, seven, eight -- nine separate pages. Would you look at that for me, please, and identify it if you can.
A. This appears to be a fax from Hale Lane to Joe Marcus at Neverland Valley Ranch containing appearance consents and releases for various members of the Arvizo family.
Q. Did you prepare those consent and release forms?
A. I think my associate, Ann-Marie Levy, did.
Q. At your direction?

A. Yes.
Q. Is that the consent and release form that you wrote or prepared?
A. Well, I directed the preparation. It appears -- the language looks familiar.
MR. AUCHINCLOSS: Your Honor, at this time I'd move into evidence People's Exhibit 263. I'll show it to counsel.
MR. MESEREAU: No objection.
THE COURT: It's admitted.
Q. BY MR. AUCHINCLOSS: Mr. LeGrand, at the top of those consent and release forms is the logo for MJJ Productions, correct?
A. On some of them, yes.
Q. Did you place that logo there? Did you direct, I should say, the placement of that logo at the top of those appearance consent and release forms?
A. I don't believe I did. I have no recollection of so instructing.
Q. And then at the back, a couple of pages, that logo appears to have been removed. Did you direct that appearance consent and release forms for the Arvizos be provided without the MJJ Productions logo?

A. I don’t recall instructing that they be presented in one form or the other.
Q. If your file was complete, Mr. LeGrand, then it should have had that fax and those releases in it, true?

A. If the files of my firm were complete, it should be in there.
Q. And if it wasn’t in your file, can you explain that?
MR. MESEREAU: Objection. Foundation; calls for speculation.
THE COURT: Overruled.
You may answer.
THE WITNESS: No, I can’t explain it. That portion of the file was kept by Ann-Marie Levy. She was subsequently -- her services at my firm were later terminated.
Q. BY MR. AUCHINCLOSS: Is there any reason why Ann-Marie Levy would go through the files and remove those documents, as far as you know?
A. No.
Q. Did you also send the same consent forms to Hamid Moslehi?
A. I don’t know. I’m pretty sure that my firm sent appearance and consent forms to Hamid Moslehi, but I don’t know exactly when or if they were absolutely identical. But -- because I’m not sure we knew where the Arvizos were in order to get the documents executed, and since Hamid was supposed to do the videography, it would not surprise me that we sent them to Hamid.

Q. Well, that’s a good point. They were different, weren’t they? They weren’t the same as the ones you sent to Neverland, correct?
A. I don’t know.
Q. But you agree that your associate sent those to Hamid at your direction?
A. I don’t recall making that instruction today.
Q. Would you agree that your associate would not send those to Hamid on her own without some direction from you?

A. I -- it’s certainly possible that she would have. I mean, she can have been instructed by Mr. Konitzer directly to do so. It’s possible she would have sent them or that she would have interpreted my instruction to prepare and get the consents out as, you know, a broad mandate.

THE COURT: Let’s take a break.

(Recess taken.)

--o0o--

REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 10149 through 10187 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 13, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
May 13, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

FRIDAY, MAY 13, 2005

8:30 A.M.

(PAGES 10189 THROUGH 10362)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

APPEARANCES OF COUNSEL:

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-and- SUSAN C. YU, ESQ.
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-and-
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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

DEFENDANT’S
WITNESSES DIRECT CROSS REDIRECT RECROSS
LEGRAND, David G. 10207-M 10232-A

10240-M 10241-A (Further) (Further)

10242-M (Further)

GERAGOS, Mark 10248-M 10288-Z

EXHIBITS

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
899	Letter from David LeGrand to Barry Siegel	10193	10194

MR. AUCHINCLOSS: Thank you, Your Honor.

Q. I'd like to show you a few documents. We're in the home stretch here, so I'll be finished in a short period.

If I may approach, Your Honor.

THE COURT: You may.

Q. BY MR. AUCHINCLOSS: All right. First of all, Mr. LeGrand, I show you People's Exhibit No. 899. Can you identify that for me, please?

A. Yes. This is a letter I prepared for Mr. Jackson's signature directed to Barry Siegel.

Q. Okay. And that was a letter turning over the financial reins to you for Mr. Jackson's concerns involving Provident Financial Management;

is that correct?

A. I believe the document speaks for itself. It states in one relevant paragraph that, “Mr. LeGrand is engaging a new management company to serve my interests, and you are specifically authorized and instructed to transfer any available funds you are holding on my behalf or for any of my businesses to such management company or Mr. LeGrand’s trust account pursuant to Mr. LeGrand and Miss Brandt’s instructions.”

Q. Okay. Is that Michael Jackson’s signature at the bottom of that document?

A. Yes, it is.

MR. AUCHINCLOSS: Move to admit People’s Exhibit No. 899 into evidence.

MR. MESEREAU: No objection.

THE COURT: It’s admitted.

Q. BY MR. AUCHINCLOSS: All right. Showing you the People’s Exhibit -- the 400 series. Didn’t mean to scare you.

Okay. Beginning with Exhibit No. 406, it appears to be a Hale Lane fax transmittal sheet on the front page. Can you identify that document for me, please?

A. This appears to be the transmittal between myself and Marisa Fermin of the final agreement for the “Take 2.”

Q. And that agreement calls for Fire Mountain to receive three million dollars on behalf of Mr. Jackson; is that correct?

A. Yes.

Q. And did you send that document to Miss Fermin at FOX?

A. Yes.

MR. AUCHINCLOSS: All right. Move to admit People’s Exhibit 406 into evidence at this time.

MR. MESEREAU: No objection.

THE COURT: It’s admitted.

Q. BY MR. AUCHINCLOSS: Showing you People’s Exhibit 412, can you identify that for me, please?

A. This appears to be a transmittal from Hale Lane to Hamid Moslehi containing some appearance consents and a -- yeah. Containing appearance consents and an additional consent for MJJ Productions for the Michael Jackson special.

Q. Did you send that fax transmittal with accompanying documents to Hamid at (818) 224-4664 on -- I’m sorry -- February 10th, 2003?

A. Based on these documents, yes.

Q. And the first document that appears in that group after the fax sheet is entitled “Gabriel Media, Incorporated. Appearance Consent and Release.” Did you send that document to Hamid Moslehi?

A. Yes.

Q. Can you explain to me why the document is entitled “Gabriel Media, Incorporated”?

A. Not today, no. I don’t remember.

And the second document has that whited out, and it has a --

Q. There’s no question pending.

A. Oh. Sorry.

Q. I’m just asking about the first document.

A. No. I don’t know why.

Q. But you admit that you did send that to Mr. Moslehi?

A. Yes, I did.

Q. And Gabriel Media had nothing to do with this production, did they?

A. I’m not sure I can say “nothing” to do with this production. At the time, I believe Miss Gabriel was still a consultant on PR-related matters.

Q. But can you -- go ahead.

A. I really don’t remember today why this document had her company’s title on it.

Q. There’s no reason for that, is there?

A. I -- I don’t know of the reason for it. I don’t remember. I’m sure there was at the time, but I don’t remember it today.

Q. Was the reason “Gabriel Media, Incorporated” appears on that appearance consent and release form intended to distance you and Michael Jackson from these consent and release forms?

MR. MESEREAU: Objection. Argumentative; no

foundation.

THE COURT: Overruled. You may answer.

THE WITNESS: I don’t remember what the intent was.

MR. AUCHINCLOSS: All right. Let’s move on.

THE COURT: I want to ask a question. The Exhibit 406, previously I admitted a portion and not admitted a portion, and then he offered it a minute ago and there was no objection. But I just wanted to bring your attention to my previous ruling.

MR. SANGER: Can we have just a moment?

THE COURT: Yes.

(Off-the-record discussion held at counsel

table.)

MR. MESEREAU: Your Honor, I thought they were complete documents, the ones I saw. Could we hold off a ruling and discuss them?

THE COURT: All right.

MR. MESEREAU: Thank you.

THE COURT: All right. I’ll hold off on that.

Q. BY MR. AUCHINCLOSS: Showing you page seven of Exhibit No. 413, it also appears to be a Hale Lane facsimile transmittal sheet. Can you identify that for me, please?

MR. SANGER: Your Honor, I’m sorry, could we just have that back? Page seven of what exhibit?

THE COURT: 4-1-3.

MR. SANGER: Thank you.

THE WITNESS: This is a fax from Hale Lane to Vincent at MJJ Productions of some model releases for the Arvizos; for Gavin, Star, and Janet.

Q. BY MR. AUCHINCLOSS: Did you send a fax transmittal to -- and we should say, for the record, that you’re looking through -- you’ve removed the document from its sleeve and there appears to be several appearance and consent release forms that are paper-clipped together.

A. I’m sorry, these are different documents with different dates. The paper-clipped transmittal of February 17th appears to be substantially the same as the fax transmittal that we identified earlier to Neverland.

Q. Okay.

A. Whereas these documents that are attached -- that are in this folder that I just referenced are dated February 21. And I don’t know when they were sent or how.

Q. Okay. Let’s talk about that. And why don’t we keep this out for a moment.

A. Oh. Sure.

Q. The first document is dated February 17th, 2003, correct?

A. Yes.

Q. And it indicates a number of pages with cover of nine; is that true?

A. Yes.

Q. But there’s only one, two, three, four, five -- six pages paper-clipped together with this.

A. Yes.

Q. All right. Now, did you direct that this document, either with or without nine pages, was to be sent to Vincent at MJJ Productions at (818) 224-4664 on February 17th, 2003?

A. Yes, I did so direct.

Q. Who is Vincent?

A. I think his name is Vincent Amen.

Q. Have you ever talked to him?

A. I think so, but I don’t have a specific

recollection of talking to him.

Q. Have you ever met Mr. Amen?

A. I don’t recall.

Q. And was your intent to send those forms to Mr. Amen at that number so that he could get the Arvizos to sign consent and release forms for the “Take 2” video?

A. Yes.

Q. Now, moving on to the next form, page, I guess what we would consider page eight of that same exhibit number, 403. Let me double-check that. 413, I’m sorry.

Calling your attention to page eight, is the language of that model release language that you cleared for use in that consent form?

A. Yes.

Q. Did you have a discussion with Vincent Amen at 12 -- looks like 12:57 a.m. in the early morning hours of February 21, ‘03?

A. I think so. I just don’t remember if it was Vincent Amen. But I had -- I think I mentioned in my testimony yesterday that I had one evening a -- late in the evening I had a conversation about the Arvizo releases.

Q. Okay. I’ll come back to that in a moment. I’m showing you People’s Exhibit 807. Have you ever seen that exhibit before?

A. Yes.

Q. What is it, please?

A. This is a document authorizing Theodore Goddard to file, it says, “…this complaint on behalf of my son Gavin Arvizo.”

Q. Was that a document that you had in your file at Hale Lane for Michael Jackson?

A. I don’t know.

Q. Where have you seen that document before?

A. It was filed with the -- well, I don’t know. I’m sorry, let me back up. It was submitted to the law firm in the UK of Theodore Goddard as support for their authorization to file the complaint I referenced with the British Broadcasting Standards Board.

Q. Based on your training and experience, does that document look like it was prepared by an attorney?

A. Well, it looks like it was prepared by somebody who had legal knowledge.

Q. Is that the type of document you would prepare for a release of that nature?

A. I don’t know if I prepared this or not. I remember discussing this matter, and I remember talking to, I believe it’s Ronald Konitzer, who was in Florida at the time, regarding the need to have the authorization for the Broadcasting Standards Board complaint.

Q. Are you aware that Janet Arvizo’s attorney complained that that document was forged around her signature?

A. Yes, I am aware that Mr. Dickerman made that statement.

Q. And were you present when this document was signed?

A. I don't believe so, no.

Q. And where did you get this document from, or a copy of it from?

A. I'm not sure. I believe Mr. Konitzer delivered this document to me. But I -- but I'm not sure.

Q. I'm showing you People's Exhibit 811. It appears to be four pages, if you'd leaf through it. Have you ever seen Exhibit 811 before?

A. Well, Exhibit 811 is a signed version of these other documents that are -- have the February 21, '03, date on them that were faxed under the -- well, I'm not sure they were faxed or not under that. But anyway, yes, I've seen these before, but I don't remember particularly seeing the signed ones.

Q. Okay. Did you have copies of these signed model releases in your file for Michael Jackson?

A. I don't know if I did or didn't. I really -- Ann-Marie was responsible for the release forms.

Q. All right. Going back to the consent forms

that were signed ultimately by the Arvizos, the first consent forms were sent by you to Neverland Valley Ranch to have the Arvizos sign them, correct? That was the first time that you attempted to get consent forms signed by the Arvizos, true?

A. Yes.

Q. And they didn't sign them, did they?

A. No.

Q. Were you informed of why the Arvizos did not sign those consent forms to be sent to Neverland Valley Ranch?

A. The conversation I had, which -- based on what you've presented, I believe --

Q. I'm sorry. That's a "yes" or "no" question first.

A. I'm sorry, what was the question?

Q. I just want to know if you were informed of why those consent forms were not signed.

A. Yes.

Q. Who did you receive that information from?

A. Based on what you've just reviewed with me, I think it was Vincent Amen.

Q. All right. And what did Vincent Amen tell you about that?

Well, let me back up. Did Vincent Amen tell you that the Arvizos did not want to sign those forms?

A. Yes.

Q. The next forms you sent were to Hamid Moslehi, identical forms, except for some minor changes. I think the "MJJ Productions" is removed. Is that fair to say?

A. The body of the consents are the same. I'm not sure -- we've looked at a number of these now. I'm not sure -- did we send -- I'm not sure whether the ones that went to Hamid were particularly for the Arvizos or whether they were general forms.

Q. Would you like to see them again?

A. Yeah, if I could. I'm getting a little confused.

Q. Again, I'm just showing you People's Exhibit 412.

A. Yeah, these do not have the names of individual people typed in to the body of the document, so they are similar in form and substance, but they are different.

Q. Okay. And was it your intent to have Hamid obtain signatures from the Arvizo family on those forms?

A. I don't recall that I had any specific intent with respect to the Arvizos in transmitting those to Hamid. It was certainly my intent to have Hamid further assure that we had consents from anybody appearing in the video.

Q. All right. And then is the exhibit that I showed you marked as -- let me check one more thing.

I'm sorry.

A. I’m sorry, I have not been well.
Q. This is the exhibit that was removed from the sleeve. I’ll put it back in. That will necessitate me finding the missing sleeve. Okay. Here it is. Well, I’ll ask my friend Mr. Zonen to find the sleeve for that.
Q. The exhibit that was to Vincent at MJJ Productions dated February 17th, 2003, that one was specifically sent to have the Arvizos sign, correct?
A. Yes. The body of the document included names of the individual members of the Arvizo family.
Q. And the Arvizos did not sign those forms either, did they?
A. No.
Q. And in the early morning hours, you received a phone call several days later that the Arvizos were still refusing to sign these consent forms, did you not?
A. Correct.
Q. From whom?
A. Again, based on what you’ve presented, I believe it was Vincent Amen.
Q. And you revised the release form to the state that we find in People’s Exhibit 811, which has signatures on it; is that correct?
A. Yes.

Q. Mr. LeGrand, did you conceal any documents from your files on Michael Jackson?
MR. MESEREAU: Objection. Foundation; relevance.
THE COURT: Overruled.
You may answer.
THE WITNESS: I don’t think so.
Q. BY MR. AUCHINCLOSS: Can you tell me where the e-mails are for that file?
A. As far as I know, they’re in the Hale Lane computer system. And to the best of my recollection, there was a CD-rom prepared and delivered to the Katten Muchin law firm.
Q. Can you tell me where your personal notes are regarding your communications with Michael Jackson regarding that period of time of

representation for Mr. Jackson that should be in that file?

MR. MESEREAU: Objection. Argumentative; misstates the evidence.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Can you tell me where your personal notes of Michael Jackson -- involving communications with Michael Jackson during this period of time, early part of 2003, can you tell me where those are?

MR. MESEREAU: Objection. Foundation; misstates the evidence.

THE COURT: Overruled.

You may answer.

THE WITNESS: I'm not sure today.

Q. BY MR. AUCHINCLOSS: You stated that you thought the Martin Bashir film was a hatchet job. Did you ever say in an e-mail that, "Ronald had nothing to do with this. The man did the interview himself. Not good"? Did you ever say that?

A. I don't remember that. It's certainly possible.

Q. If I show you a copy of that e-mail, would that refresh your recollection?

A. It might.

MR. AUCHINCLOSS: May I approach?

THE WITNESS: Yeah, I did say that.

Q. BY MR. AUCHINCLOSS: Mr. LeGrand, concerning your files in this case, did you ever indicate that you would, "Walk away as soon as I plug a few document holes"?

A. I may have. There were some corporate paperwork pieces that needed to get finished that I had -- you know, that I had the knowledge of that we just hadn't had time to finish everything that needed -- that should have been done, in my opinion, so I wanted to complete some of that paperwork.

Q. Did you ever say, "I am cleaning up documents over the next few days which should help

build a strong position for defending our actions if they ever need to be defended"?

A. Could be. Again, there were resolutions, there was some corporate paperwork that was no way a fabrication that would reflect the events as they occurred that, you know, should have been done.
Q. Did “cleaning up the documents” in this case include destruction of documents, Mr. LeGrand?
A. No.
MR. AUCHINCLOSS: I have no further questions.
THE COURT: Mr. Mesereau?

REDIRECT EXAMINATION
BY MR. MESEREAU:
Q. Mr. LeGrand, do you have the exhibit book in front of you that you had yesterday?
A. No, sir.
MR. MESEREAU: May I approach, Your Honor, and --
THE COURT: Yes.
MR. MESEREAU: Oh. Thank you.
Q. Mr. LeGrand, isn’t it true the District Attorney’s Office never subpoenaed documents from you?
A. That’s correct.
Q. Isn’t it true that Prosecutor Auchincloss never once called you and asked you to give him any

documents in your files?
A. That’s correct.
Q. Isn’t it true that Prosecutor Sneddon never called you at any time and said, “Could we please have your files?”
A. That’s correct.
Q. Isn’t it true Prosecutor Zonen never called you at any time and said, “Mr. LeGrand, could we just take a look at your files?”
A. That’s correct.
MR. AUCHINCLOSS: Objection; leading.
THE COURT: Overruled.
Q. BY MR. MESEREAU: Isn’t it true that no representative of the Santa Barbara sheriffs ever called your office and said, “Mr. LeGrand, please give us your e-mails”?
A. That is correct.

Q. Nobody associated with the prosecution has ever called you or your firm and said, “Please let us see your files,” right?

A. That’s true.

Q. Now, Mr. LeGrand, the prosecutor asked you some questions about you and your partners’ efforts to investigate people who were around Michael Jackson, right?

A. Yes.

MR. AUCHINCLOSS: Objection; leading.

THE COURT: Overruled.

Q. BY MR. MESEREAU: And he specifically asked you questions about an attorney named John Branca, right?

A. Yes.

Q. At the time you began an investigation into some of the people around Mr. Jackson that you were concerned about, one of the people you investigated was Mr. Branca, correct?

A. Yes.

MR. AUCHINCLOSS: Objection; leading.

THE COURT: Overruled.

Q. BY MR. MESEREAU: And to your knowledge at the time, Mr. Branca had been an attorney in Los Angeles doing music work for Mr. Jackson, right?

A. Yes.

Q. You yourself, as you’ve indicated yesterday, were not a specialist in music law, right?

A. That’s right.

Q. Mr. Branca purportedly was, right?

A. Yes.

Q. Now, you answered some questions yesterday about the Sony/ATV catalog. Remember that?

A. Yes.

Q. And the Sony/ATV catalog was owned 50/50 by Sony and Michael Jackson, correct?

MR. AUCHINCLOSS: Objection; leading.

THE COURT: Overruled.

THE WITNESS: Yes.

Q. BY MR. MESEREAU: And at times Mr. Jackson and Sony would have business discussions about their respective ownership interests in the catalog,

right?

A. I was never privy to those discussions. It would certainly seem that they would occur, but I don’t have actual knowledge of that.

Q. But you were aware that negotiations went on from time to time between representatives of Michael Jackson and representatives of Sony about their respective interests in that music catalog, right?

A. Well, absolutely, yes, because I obtained files from the Ziffren law firm evidencing the Ziffren law firm and Mr. Branca’s representing Mr. Jackson in just such discussions over a period of time.

Q. And just to clarify, Mr. Branca was a partner at the Ziffren law firm in Los Angeles, correct?

A. Yes.

Q. That firm also represented Sony, correct?

A. I believe the answer is correct. Yes.

Q. And you were concerned that Mr. Branca and that law firm might not be representing Mr. Jackson’s interests properly because of their connection to Sony, correct?

MR. AUCHINCLOSS: Objection; leading.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Didn’t you investigate Mr. Branca because you were concerned that he and Sony had set up an offshore account to funnel money to so they could defraud Michael Jackson?

MR. AUCHINCLOSS: Same objection.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Why did you investigate Mr. Branca?

A. I requested -- well, let me back up.

After consultation with my partner, Mr. Gibson, and discussion with I believe Mr. Joss at Paul Hastings, Mr. Gibson and I instructed the firm Interfor to investigate Mr. Branca, because Mr. Konitzer had indicated in several conversations that he was very concerned about Mr. Branca and that Mr. Jackson had expressed concern about Mr. Branca’s loyalty.

Also, there was -- Mr. Schaffel related

information that also was negative of Mr. Branca. So we made collectively the decision to ask Interfor to further the background investigation, to conduct investigation into Mr. Branca.

Q. But at the time, Konitzer didn't know that you were also investigating him, right?

A. That's correct.

Q. At the time, Schaffel didn't know you were also investigating Schaffel, right?

A. That's correct.

Q. At the time, Weizner didn't know you were also investigating Weizner, right?

MR. AUCHINCLOSS: Objection. Leading; foundation.

THE COURT: Overruled.

THE WITNESS: That's correct. We did not inform them of the scope of -- the full scope of Interfor's actions at our request.

Q. BY MR. MESEREAU: And you also investigated somebody named Tommy Motolla, correct?

A. I'm not sure that's correct.

Q. Do you recall asking Interfor to do some investigation into an offshore bank account?

A. It's kind of the other way around. We asked Interfor to investigate Mr. Branca. They indicated to us that --

MR. AUCHINCLOSS: I'm going to object based on hearsay.

MR. MESEREAU: State of mind, Your Honor.

THE COURT: Sustained.

Q. BY MR. MESEREAU: What was your state of mind when you investigated the possibility that an offshore account had been formed by various people to defraud Michael Jackson?

MR. AUCHINCLOSS: I'm going to object as leading.

THE COURT: Sustained.

Q. BY MR. MESEREAU: What was your state of mind when you investigated the formation of an offshore bank account?

MR. AUCHINCLOSS: Objection; assumes facts.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you investigate the existence of an offshore bank account?

A. We requested Interfor to look into that possibility, yes.

Q. Why?

A. Because there was a --

MR. AUCHINCLOSS: I'll object based on hearsay.

MR. MESEREAU: State of mind.

THE COURT: The objection is overruled. You may complete your answer.

THE WITNESS: Because we had -- we, the lawyers, had been given information from a source that appeared to have some credibility that such an account existed.

Q. BY MR. MESEREAU: And why did you want to investigate that account?

A. Be -- well, to me, that's kind of obvious. But if, in fact, there was an offshore account in which money was being deposited for the benefit of Mr. Branca or others, that would indicate very serious violations of Mr. Branca's responsibilities to Mr. Jackson.

Q. Did you think at one point that Sony was paying Mr. Branca money to sell out Mr. Jackson?

MR. AUCHINCLOSS: Objection. Improper opinion; leading.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did your investigation involve anyone you thought was involved in transferring money to that bank account?

A. The best way I can answer that is to say we asked the investigators to do as complete a job as they could with the financial resources we had available for them. And I didn't delineate who they should or shouldn't look into with respect to such an account.

Q. But at your direction, they looked into the existence of that account, correct?

A. Yes.

Q. And it was your direction that they look into that account because you were concerned that Michael Jackson's attorney and Sony were putting money in that account so Mr. Jackson’s lawyer would essentially sell him out, right?

MR. AUCHINCLOSS: Objection. Leading; argumentative.

THE COURT: Sustained; foundation.

Q. BY MR. MESEREAU: Where was the offshore account, if you know?

A. I’m sorry, I don’t recall. I believe it was in the Caribbean.

Q. Okay. And did your investigation get far enough to establish that, in fact, this lawyer was a signatory on that account?

A. I don’t believe so, no.

Q. But the investigation did indicate he was somehow involved in the account, correct?

A. The investigator’s report so indicated.

Q. And the investigator’s report indicated it appeared that Sony was involved in that account, right?

A. The investigator’s report indicated that Sony had transferred money to the account.

Q. Sony had transferred money to that account for the benefit of Mr. Jackson’s lawyer, right?

A. That’s what was indicated in the report. It -- I need to be very clear here that that was not verified, with a reasonable degree of certainty, that I would have acted upon that information. And Mr. Branca’s a fine lawyer. And, you know, there is no -- I have no proof of these statements.

Q. You investigated Mr. Branca because, in your words, you thought he was involved in self-dealing, right?

MR. AUCHINCLOSS: Objection. Improper opinion; no foundation; leading.

THE COURT: Overruled.

THE WITNESS: Again, you know, I want to be clear. I consulted with my partner and, you know, other lawyers, and we collectively made a decision to -- that it was prudent to have our investigator look into the possibility of such actions being taken by Mr. Branca.

Q. BY MR. MESEREAU: You were concerned that all of the individuals you investigated were involved in self-dealing, right?

A. No. That’s not right. For example, I did not suspect Mr. Malnik of self-dealing in any way.

Q. Then why did you have an entirely separate and more comprehensive investigation done of Mr. Malnik?

A. I had done an Internet search on Mr. Malnik before I met him. That Internet search indicated that he had ties to organized crime; that he was rumored to be the, you know, quote, heir of Meyer Lansky.

There were, you know, sufficient clouds in the public record of Mr. Malnik’s past that, again, we, the lawyers, made a collective decision that it was prudent to further investigate Mr. Malnik. We did not know who he was. And he was becoming a more and more powerful figure in Michael Jackson’s life.

Q. Did you at any point determine that Malnik had ties with Sony?

MR. AUCHINCLOSS: Objection. Foundation; improper opinion; leading.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you know whether or not Mr. Malnik has ever had a position with the Sony corporation?

MR. AUCHINCLOSS: Objection. Same objection. Add relevancy.

THE COURT: Relevancy, sustained.

Q. BY MR. MESEREAU: When you did your investigation, you and your partner, both former prosecutors, were you concerned about Mr. Malnik’s relationship with Sony?

MR. AUCHINCLOSS: Same objection.

THE COURT: Overruled.

THE WITNESS: I really don’t recall that we had any concern over Mr. Malnik’s relationship with Sony. In fact, I’m not aware that he had a significant relationship with Sony.

Our concern about Mr. Malnik was simply based upon the, you know, public records indicating these, you know, vague relationships to criminal figures. And those -- you know, those are all long in the past, but still, you know, in the public domain.

Q. BY MR. MESEREAU: And you were concerned that all of these characters were trying to steal money and take advantage of Michael Jackson, right?

MR. AUCHINCLOSS: Objection. Leading; argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Have you and Prosecutor Auchincloss ever had a discussion about this investigation that you and your partner began?

A. No.

Q. Has Mr. Auchincloss ever tried to approach you to find out why you were investigating all of these people while you were Mr. Jackson’s lawyer?

A. No.

Q. Isn’t it true that you were trying to investigate offshore accounts owned by Branca and someone named Tommy Motolla?

A. Yes.

Q. Who was Tommy Motolla?

A. He was a very powerful figure in the record industry at one time. I believe he was the president of the Sony Entertainment Division in the U.S. I’m not sure of his exact title or position.

Q. Were you concerned that Tommy Motolla and Mr. Jackson’s lawyer, John Branca, were working together to defraud Michael Jackson?

MR. AUCHINCLOSS: Objection. Relevancy; assumes facts; leading.

THE COURT: You may answer.

THE WITNESS: Based on the suspicions that were expressed to me and my partner, we asked Interfor to look into these rumors.

Q. BY MR. MESEREAU: Now, you had known

Konitzer for how many years at that point?

A. I’m not sure. Six, seven, eight maybe.

Q. But you had never investigated Konitzer before you started this investigation, right?

A. Right.

Q. Even though you knew Konitzer all those years, you had never hired an investigative firm to check out his background, correct?

A. Correct.

Q. You were concerned that Konitzer was engaged in self-dealing at the expense of Michael Jackson, true?

A. Yes.

MR. AUCHINCLOSS: Objection. Relevancy; improper opinion.

MR. MESEREAU: I think the prosecutor’s gone through all this, Your Honor.

THE COURT: The objection is overruled.

THE WITNESS: My answer is yes, I was concerned.

Q. BY MR. MESEREAU: You were also concerned that Dieter Weizner was engaging in self-dealing at the expense of Michael Jackson, correct?

A. Yes.

Q. You were -- you asked for an investigation into Konitzer’s background in Canada, right?

A. Canada and Germany, yes.

Q. And you also asked for an investigation into Weizner’s background in Germany, right?

A. Yes.

Q. Have you ever met Tommy Motolla?

A. No.

Q. Ever spoken to him?

A. No.

Q. To your knowledge, did Al Malnik have any relationship with Tommy Motolla?

A. Not to my knowledge.

Q. Did you ever talk to him about that?

A. I don’t believe I ever talked to Al about whether or not he knew or had met Tommy Motolla.

Q. Was it your belief when you started this investigation that Al Malnik, Tommy Motolla, John Branca and people at Sony were trying to find a way to get Mr. Jackson’s interest in that music catalog?

MR. AUCHINCLOSS: Objection. Argumentative; leading; relevancy.

THE COURT: Overruled.

You may answer.

THE WITNESS: I’m not sure that I would

include Al Malnik in that group, but I certainly was concerned that Branca and Motolla, in particular, had set the stage, so to speak, for Sony to be able to obtain Michael’s interest in the Sony/ATV joint venture.

Q. BY MR. MESEREAU: And as a former prosecutor and as Michael Jackson’s attorney, you thought the ethical and professional thing for you and your law firm to do was to investigate these people to protect Mr. Jackson as best you could, right?

MR. AUCHINCLOSS: I’m going to object to the prefatory remarks as argumentative.

THE COURT: Overruled.

You may answer.

THE WITNESS: The investigation was one of the tools we employed to try to be effective in representing our client’s interest.

Q. BY MR. MESEREAU: In response to Prosecutor Auchincloss’s questions, you said you wanted -- excuse me, let me rephrase that.

In response to Prosecutor Auchincloss’s questions about why you started this investigation, you said you wanted Michael Jackson to be empowered.

Do you remember that?

A. Yes.

Q. And what did you mean by the word “empowered”?

A. I wanted him to have a higher degree of detail and knowledge about the people who were becoming influential in his business and financial affairs, so that, having that knowledge, he could then make better decisions about those people and the positions they would occupy in his life.

Q. Did you feel that Michael Jackson had made poor decisions in trusting certain people in his life?

A. No disrespect intended to Mr. Jackson, but it’s -- it was apparent from any review of the lawsuits against him and some of his well-publicized history that he’s been taken -- you know, that people have attempted to gain significantly from being associated with him.

Q. And you felt, looking at his history, that he'd been taken advantage of repeatedly, right?

MR. AUCHINCLOSS: Objection. Leading; argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you make a determination whether or not Mr. Jackson had been taken advantage of?

MR. AUCHINCLOSS: Objection; improper opinion.

THE COURT: Relevancy; sustained.

Q. BY MR. MESEREAU: Did you feel that one of your responsibilities as Mr. Jackson's new attorney was to try and stop people from taking advantage of him?

A. Yes.

Q. Did you have concerns that all of the people that you were investigating were taking advantage of Michael Jackson?

MR. AUCHINCLOSS: Objection. Leading; relevance.

THE COURT: Asked and answered.

MR. AUCHINCLOSS: Asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you know that Mark Geragos was investigating the Arvizos?

A. I don't know. I don't remember -- as I sit here today, I don't remember specifically that I knew he was investigating them. I'm just not sure about that. I'm sorry.

Q. I'm sorry. Did I stop you?

A. No. I just -- I don't remember.

Q. Well, Prosecutor Auchincloss asked you if you had ever talked to an investigator named Brad Miller, right?

A. Yes.

Q. And I believe you thought you might have, but you weren't sure; is that right?

A. That's right.

Q. At some point, you were one of the lawyers responsible for hiring Mark Geragos, right?

A. Yes.

Q. Do you recall ever discussing with Mark

Geragos his decision to investigate the Arvizos' background in extortion and fraud?

MR. AUCHINCLOSS: Objection. Argumentative; assumes facts; hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you ever talk with Mark Geragos about what he learned about the J.C. Penney suit filed by the Arvizos?

MR. AUCHINCLOSS: Objection. Hearsay; exceeds the scope.

THE COURT: Sustained.

Q. BY MR. MESEREAU: When you were communicating with Mr. Geragos, did you ever discuss, you and he, a J.C. Penney suit, that you recall?

MR. AUCHINCLOSS: Objection; hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Now, Prosecutor Auchincloss asked you some questions yesterday about Janet Arvizo turning down an offer of $25,000 from you. Do you remember that?

A. Yes.

Q. And at the point in time when you offered $25,000 to Janet Arvizo, Janet Arvizo was being represented in England by the same law firm that represented Michael Jackson, right?

A. With respect to the British broadcasting administrative complaint process, yes.

Q. If you know, who was paying Janet Arvizo's legal fees in that action?

A. Ultimately Mr. Jackson. I'm not sure which exactly the source of funds was. But ultimately Mr. Jackson.

Q. Do you have any idea how much money Mr. Jackson spent paying Janet Arvizo's legal fees in England?

MR. AUCHINCLOSS: Objection; relevancy.

THE COURT: Sustained.

Q. BY MR. MESEREAU: When you discussed the possibility of giving Janet Arvizo $25,000, you were talking to her new lawyer named Bill Dickerman, right?

A. Yes.
Q. When you spoke to Bill Dickerman, did you know that he had a profit-sharing arrangement with an attorney named Larry Feldman?
MR. AUCHINCLOSS: Objection. Relevancy; hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: If Janet Arvizo was going to file a lawsuit against Michael Jackson with Attorneys Larry Feldman and Bill Dickerman, it wouldn’t make sense to be joined with him in a suit in England, would it?
MR. AUCHINCLOSS: Objection; argumentative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Approximately when did you talk to Attorney Bill Dickerman about your offer of $25,000 to Janet Arvizo?
A. As I think I said yesterday, it was I think spring of ‘04. And whether that was March, April, May or June, I’m not sure. Mr. Dickerman and I corresponded over a period of, I’m not sure whether it was two weeks or six weeks. But there was a little period of time. And I’m pretty sure it was late spring of ‘04.

Q. Did the name Attorney Larry Feldman ever pop up in your discussions with Bill Dickerman?
A. No.
Q. How about Jamie Masada?
A. No.
Q. How about Stan Katz?
MR. AUCHINCLOSS: Objection. Beyond the scope; relevancy.
MR. MESEREAU: I believe counsel explored this issue, Your Honor.
THE COURT: The objection is sustained.
Q. BY MR. MESEREAU: Attorney Dickerman communicated to you his desire that Mrs. Arvizo not be represented by any of Michael Jackson’s attorneys, right?
A. Not exactly. What he communicated was that he wanted the -- the representation with respect to the British Standards Board complaint to be terminated and he wanted the complaint withdrawn.

Q. And that was a complaint that Mr. Jackson and Mrs. Arvizo had filed complaining about Mr. Bashir’s actions and tactics, right?
MR. AUCHINCLOSS: Objection; assumes facts not in evidence.

THE COURT: Overruled.
THE WITNESS: Originally, as I said yesterday, there was one complaint filed on behalf of the Jacksons and the Arvizos. The Standards Board subsequently instructed the lawyers in the UK that the Arvizo complaint was a separate and distinct matter and needed to be the subject of its own complaint.
So that’s -- I mean, so there were two separate complaints. Ultimately one for the Arvizos and one for Mr. Jackson. And those complaints alleged that Granada and Martin Bashir, as Granada’s agent, had violated various aspects of the British broadcasting standards with respect to their actions in the video presented and produced by Granada.
Q. BY MR. MESEREAU: At any point, did you feel that you were a lawyer for Janet Arvizo?
A. No.
Q. At any point, did you feel you were giving any legal advice to Janet Arvizo?
A. No.
Q. Now, Prosecutor Auchincloss showed you a couple of model release forms that you had prepared, right?
A. Yes.
Q. And when you prepared those release forms, it was your understanding that Ms. Arvizo and her family would sign them authorizing the family to be filmed in the “Take 2” production, right?

MR. AUCHINCLOSS: Objection. Leading; assumes facts not in evidence.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Why did you prepare model releases to be signed by the Arvizos?
A. Because we -- because there could not be a broadcast use of any video containing their images without a release.

Q. And at some point, did you learn that Janet Arvizo was bargaining for better terms in those releases?

MR. AUCHINCLOSS: Objection. Hearsay; assumes facts not in evidence; and leading.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You indicated in response to Prosecutor Auchincloss's questions that there was a point in time where Janet Arvizo didn't want to sign the release you had drafted, correct?

A. Yes.

Q. And I believe you said that that refusal to sign was communicated to you by Vincent Amen, correct?

A. Yes.

Q. And I believe you said that you then redrafted a release for Janet Arvizo to sign, correct?

A. Yes.

Q. Why did you redraft that release for Janet Arvizo to sign?

A. Because I needed -- because it had to be in a simpler, more readable, user-friendly, plain-English format, based on what had been presented to me as the concerns and reservations about executing the more formal release that I think is two big paragraphs of like, you know, one sentence per paragraph. It's very legalese, so to speak, and my understanding was that the Arvizos would sign releases if they were drafted in a fashion that were understandable by them.

Q. And was it your understanding that that was Janet Arvizo's request?

A. Yes.

Q. Who communicated that request to you?

A. I think it was Vincent Amen.

Q. How many drafts did that release go through before you learned that Janet had signed it?

A. I think it was just the one revision process. We went from the more complex document that I described that we looked at in the exhibits earlier to a more simpler document I think titled "Model Release," and it's much simpler, less

elegant.
Q. And did you ever learn whether or not the Arvizos had even appeared in the “Take 2” documentary?

A. I’m not sure that they did, to tell you the truth. I mean, I did watch it once, but that was two years ago, and I don’t remember whether they’re in it or not.
Q. Isn’t it true, Mr. LeGrand, that documentary appeared on television, was a great success, and they weren’t even in it?
MR. AUCHINCLOSS: Objection; argumentative.
THE COURT: Sustained.
Counsel? I have this picture of this lawyer upstairs walking back and forth, pulling his hairs out of his head, wondering why the heck I ordered him up here today under threat of warrant while Mr. Mesereau goes on and on. What’s wrong with that picture?
MR. MESEREAU: It’s pretty accurate, I think, Your Honor.
THE COURT: Can we get on with it?
MR. MESEREAU: Yes. Yes, I will. Okay.
(Laughter.)
Q. BY MR. MESEREAU: All right. Prosecutor -- Prosecutor Auchincloss --
THE COURT: Thank you for laughing. That relieves some tension here.
Q. BY MR. MESEREAU: Prosecutor Auchincloss asked you a question yesterday about Mr. Jackson’s music career. Do you remember that?
A. Not precisely, no, sir.

Q. Well, didn’t he say something about you were all working on a “Take 2” documentary because you were trying to shore up a falling music career for Michael Jackson?
A. I think there was a question that had that implicit in it. But I can’t recall the details of the question. It’s been quite a few questions in the last day.
Q. In the Bashir documentary, do you remember Mr. Jackson received a BAMBI award?

A. Yes.

MR. AUCHINCLOSS: Objection; relevancy.

THE COURT: Sustained.

Q. BY MR. MESEREAU: In fact, in that documentary Bashir talks about Michael Jackson as the greatest musical artist of all time, right?

MR. AUCHINCLOSS: Objection; relevancy.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You indicated you spoke to representatives of the Bank of America about the Fire Mountain LLC, right?

A. Yes.

Q. And it was your understanding they had no objection to money from the “Take 2” documentary being placed in the Fire Mountain account, correct?

MR. AUCHINCLOSS: Objection. Hearsay; leading.

THE COURT: Overruled.

You may answer.

THE WITNESS: I had a conversation, I’m not sure which individual at Bank of America. There were two or three that I spoke with. And after discussing with them the overall circumstances, the uses in paying the attorneys and funding the litigation in the UK and such, they indicated that they would not view that as a default under the loan, and to the best of my knowledge, they subsequently extended the loan in negotiations with Mr. Malnik.

Q. BY MR. MESEREAU: And certainly Mr. Jackson was not working with you in any effort to defraud Bank of America, right?

A. That’s right.

MR. MESEREAU: I have no further questions, Your Honor.

MR. AUCHINCLOSS: Just a few. I’ll be brief.

RECROSS-EXAMINATION

BY MR. AUCHINCLOSS:

Q. Mr. LeGrand, you spoke to Attorney Finkelstein at least two times. You testified to that yesterday, correct?

A. I think that's right.
Q. And Mr. Finkelstein was an attorney for Mr. Jackson, true?

A. Today I'm not sure who he was acting for.
Q. That was your understanding, that he was an attorney for Mr. Jackson, correct?
A. It was my understanding he was being engaged to handle the funds with respect to Fire Mountain, which was --
Q. My question is, he was an attorney for Michael Jackson; true or false?
A. I don't know that.
Q. Was that your understanding?
A. I am not aware that Mr. Finkelstein believed he was representing Mr. Jackson as an individual.
Q. Who was he representing?
A. I thought he was acting for Fire Mountain.
Q. And Fire Mountain is completely owned by MJJ Productions?
A. Yes, a corporation.
Q. Which is completely owned by Michael Jackson?
A. Yes. That was my understanding.
Q. So he would be answering to Michael Jackson, true?
A. Ultimately, yes.
Q. Okay. Mr. Finkelstein is a specialist in offshore money, isn't he?
A. I don't know what he specializes in.
Q. Well, isn't it true that you transferred two million dollars to Mr. Finkelstein on Michael Jackson's behalf so that Michael Jackson could establish offshore bank accounts, true, or for deposit in offshore bank accounts for Mr. Jackson?

MR. MESEREAU: Objection. Relevancy; foundation.
Q. BY MR. AUCHINCLOSS: True?
THE COURT: Overruled.
THE WITNESS: I have, and had, no knowledge of establishment of offshore accounts for the benefit of Mr. Jackson at that time.
Q. BY MR. AUCHINCLOSS: Well, you were

entrusted with this two million dollars, correct?

A. Yes, sir.

Q. And you were entrusted with that two million dollars to act in Michael Jackson's interests, correct?

A. Yes, sir.

Q. And when you transferred that two million dollars to Mr. Finkelstein, Mr. Jackson's interests were what you were serving when you did that, correct?

A. That was my intent, yes, sir.

Q. And are you telling us you had no idea where that two million dollars was going?

A. I thought it was going to be used to pay the expenses that were being incurred on Mr. Jackson's behalf in terms of the Granada litigation, to pay bills, and would be delivered to the money manager

once we got the new money manager firmly established. That's what I believed.

Q. But it wasn't, was it?

A. Actually, I believe a significant portion of the funds ultimately were delivered to Allan Whitman.

Q. Do you know that?

A. I'm not sure today, but I thought -- I certainly thought that the residual of the money after that $965,000 was disbursed, I thought that was delivered to Mr. Whitman. But I could be wrong about that.

Q. As far as the John Branca and Tommy Motolla investigation by Interfor, Interfor never found any evidence that Mr. Motolla or Mr. Branca were engaged in any fraud with Mr. Jackson, did they?

A. That's correct. I had no evidence delivered with that report to substantiate those claims.

Q. And in fact, that report only indicate that Sony was depositing money in some offshore account, apparently for Mr. -- on Mr. Jackson's behalf, true?

A. I'm not sure about the "Mr. Jackson's behalf." I would need to see the report.

Q. Okay. But you have no reason to believe that any funds transferred to an offshore account by Sony, you have no reason to believe that those funds were somehow defrauding Mr. Jackson?

A. I was given no credible evidence to support those charges. I would be doing Mr. Branca and Mr. Motolla a great wrong if I said otherwise.

Q. Did you consult with Mr. Jackson before you took two million dollars of his money and sent it to Mr. Finkelstein?

A. I don’t think so.

Q. Did you ever talk to him about that, ever?

A. I believe we talked about it when we were at Al Malnik’s house in Florida later.

Q. And Mr. Finkelstein -- or Mr. Jackson had knowledge of that two million dollars being transferred to Mr. Finkelstein, didn’t he?

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: He never indicated that he didn’t know that you had transferred two million dollars of his money to Mr. Finkelstein without his permission or without his agreement, did he?

A. He never indicated to me that he was dissatisfied with what -- with those transfers.

Q. As far as this litigation or complaint, or whatever was going on in England regarding the airing of the Bashir special, Janet Arvizo never authorized her joinder in that action, did she, as far as you know?

A. The only evidence I saw of her authorization for that action was the page you showed me earlier that Mr. Dickerman subsequently stated was a forgery.

Q. And as far as you know, Janet Arvizo has never authorized any law firm in England to represent her, as far as you know today, based on everything?

A. Yeah, that’s true.

Q. And Janet Arvizo was reluctant to sign those consent forms because she felt that she was burned in the Martin Bashir special; that her family was hurt because Gavin appeared in that special without anybody’s consent. Isn’t that one of the reasons why she was reluctant to sign those consent forms?

A. I don’t know what was in Janet Arvizo’s mind.

Q. No one ever communicated to you that that was part of her reluctance in signing those forms?

A. I don’t remember that. I think Mr. Dickerman said words to that effect in 2004. But I don’t remember anybody at the time, the week or ten days or so that we were engaged in getting appearance consents and releases from various people, I don’t believe I heard that kind of statement at that time.

Q. As far as the allegations of double-dealing, self-interest involving the Interfor investigation, Interfor never came up with anything substantial, substantive, about Mr. Konitzer, did they?

A. I’m not sure what you mean by “substantive.”

Q. Well, in terms of his double-dealing with Michael Jackson, was there ever any indication that he was double-dealing with Michael Jackson based upon that report?

A. No, but that wasn’t -- the report wasn’t about that.

Q. Was there ever any indication that he was double-dealing -- that Dieter Weizner was double-dealing with Michael Jackson in any way, shape or form?

A. Not in that report.

Q. That report was basically full of rumors and unsubstantiated allegations, true, because it was incomplete?

A. Ultimately that was my view.

Q. And if Bank of America knew that you were sending two million dollars to Mr. Finkelstein, do you think they would have gone ahead and authorized the handling of these funds through the Fire Mountain account?

A. I don’t know.

Q. Well, didn’t you know that they were concerned about paying bills and not putting money offshore?

A. I don’t know. I can’t speak for Bank of America, I’m sorry, sir.

Q. Janet Arvizo, based upon everything you knew, was going to get nothing for this film, video, of her and her family that was taken at Mr. Moslehi's house, true?

A. I don't know.

Q. Well, you didn't disburse any funds to her from the account that you pulled in three million dollars from FOX on, correct?

A. That's true.

Q. And she didn't get a dime of that, did she?

A. Not to my knowledge.

Q. And you knew she was a poor individual, indigent, her family did not have money?

MR. MESEREAU: Objection. Foundation; misstates the evidence.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Did it ever occur to you that you were engaging in an exploitation of Janet Arvizo along with Michael Jackson?

MR. MESEREAU: Objection. Foundation; leading; misstates the evidence.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Mr. LeGrand, as far as any requests from the People regarding files or any requests from law enforcement regarding files, the reason why no requests were made is because that would have been futile, because there's an attorney-client privilege that protects those files; isn't that accurate?

MR. MESEREAU: Objection. Misstates the evidence; foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: I'm not an expert in that area of law, but I think generally you're correct, that the prosecution in this case could not have compelled me to produce those files without Mr. Jackson's consent.

Q. BY MR. AUCHINCLOSS: And in fact, you were contacted by the Santa Barbara Sheriff's Office and asked to be interviewed, and you refused; isn't that true?

A. I informed your -- I'm not sure what his title was, but I informed the investigator who called from the office that I would only be able to be interviewed if they obtained Mr. Jackson's consent.

MR. AUCHINCLOSS: No further questions.

FURTHER REDIRECT EXAMINATION

BY MR. MESEREAU:

Q. Mr. LeGrand, do you know whether or not Mr. Jackson has waived the attorney-client privilege as far as you're concerned?

A. Yes. I received documents signed by Mr. Jackson waiving privilege so that I could appear here today and yesterday.

Q. In fact, you were informed quite a while ago

that Mr. Jackson had waived the attorney-client privilege, correct?

A. Well, I was informed that he was prepared to waive it with respect to my testimony, yes.

Q. Nobody from law enforcement has ever asked you if there was any waiver of the attorney-client privilege, right?

A. That's correct.

Q. Nobody from the prosecution has ever asked you if there was any waiver of the attorney-client privilege?

A. That's correct.

Q. Mr. Jackson doesn't even know who Mr. Finkelstein is, right?

MR. AUCHINCLOSS: Objection. Assumes facts; foundation; argumentative.

THE COURT: Sustained.

MR. MESEREAU: No further questions.

FURTHER RECROSS-EXAMINATION

BY MR. AUCHINCLOSS:

Q. As far as this waiver goes, when did you ultimately obtain a waiver from Mr. Jackson on the attorney-client privilege?

A. I believe it was Wednesday morning, this week.

MR. AUCHINCLOSS: No further questions.

FURTHER REDIRECT EXAMINATION

BY MR. MESEREAU:

Q. Mr. LeGrand, do you remember learning that we had turned over your files to the prosecution last December?

A. Yes.

MR. AUCHINCLOSS: Objection; assumes facts.

Q. BY MR. MESEREAU: Did they ever ask you to follow up, give them some more documents after they got your files last December?

MR. AUCHINCLOSS: Objection; argumentative.

THE COURT: Overruled.

You may answer.

THE WITNESS: I had no contact from the prosecutor’s office other than that one phone call from the sheriffs a long -- or investigator a long time ago. But since December, no.

Q. BY MR. MESEREAU: And were you aware that Mr. Auchincloss had your files as of last December?

A. I didn’t even know who Mr. Auchincloss was before yesterday, but I had been informed by you that my files had been delivered to the office headed by Mr. Sneddon.

MR. MESEREAU: Thank you.

MR. AUCHINCLOSS: I have no further questions, Your Honor. But there is one housekeeping matter that I don’t think is appropriate for me to mention in front of the jury.

THE COURT: All right. Then I’ll excuse the jury for lunch. We’ll take our break now, and I’ll remain for a moment.

(To the witness) Just a moment. I’m not sure if this involves you or not.

MR. AUCHINCLOSS: Thank you.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: Go ahead.

MR. AUCHINCLOSS: Your Honor, this witness has indicated that he turned over five boxes of documents to the defense. He has indicated that there should have been e-mails in that -- in those files, as well as his personal notes regarding communications with his client.

I would like to state for the record, we have none of those items. We have what I would say would probably be one banker's box of materials.

And I would like this witness ordered back. I would like him ordered to produce the entire file regarding Mr. Jackson. And I would like an opportunity to review those documents and, if necessary, have him brought back on cross-examination concerning those documents.

THE COURT: As I understood his testimony, he's turned over everything that he had to somebody else. I mean, he doesn't claim that he has any of the documents.

MR. AUCHINCLOSS: And if that is the state of the record, then I'd ask that the Court order the defense to produce the documents that I've mentioned.

THE COURT: Is that your position, that you've already turned over everything you have on this case to someone else?

THE WITNESS: Your Honor, with respect -- I am no longer associated with the firm of Hale Lane.

THE BAILIFF: No one can hear you, sir.

THE WITNESS: I'm sorry.

I am no longer associated with the law firm of Hale Lane. And I have no control over any of the files that remain at Hale Lane. I have no access to any of those materials.

I did, when I left Hale Lane, have a few legal pads of notes. I don't know whether those notes include any references to Mr. Jackson or not. And I will be pleased to, you know, look through those and see if there are. But I have no access or control.

THE COURT: Other than that, is it your belief that all the file was turned over, or do you have any way of knowing that?

THE WITNESS: I really have no way of

knowing that. I mean, I -- when my representation was terminated originally back in March of 2003, I prepared copies of all the files at that time and delivered them, I believe to Mr. Malnik in Florida, who at the time I understood to be the primary attorney serving Mr. Jackson.

Subsequently, I was re-engaged for the limited purpose of continuing to manage the Granada litigation in the United Kingdom, and continued in that role until -- for quite a while, until the charges were brought against Mr. Jackson in this case, at which time the litigation in the UK was put on hold.

Shortly thereafter, I communicated with Mr. Malnik, asked him what I should do. And I corresponded with, I think it was Steve Cochran, Zia Modabber, whom I knew from the dealings with Mr. Jackson, and indicated that I felt it appropriate to turn over my records to the Katten Muchin law firm, which at the time seemed to have a continuing representation of Mr. Jackson.

I instructed my staff to prepare, you know, copies of files. I -- this discussion of completeness is somewhat baffling to me. Nobody ever requested that I turn over every single piece of paper, e-mail or document, that we make, you know, a thorough search of every crevice and cranny of our firm. We simply did our best to, you know, compile the files and deliver them. A lot of --

THE COURT: Have you turned over everything that you have control of at this point to somebody, other than --

THE WITNESS: Yeah, I think so.

THE COURT: Okay.

THE WITNESS: It's possible I have some boxes that may contain some notes.

THE COURT: I'll ask you to look through whatever records you have, and if you find that you have some, prepare -- notify both sides and give both sides access to those documents.

THE WITNESS: Very good, sir.

MR. AUCHINCLOSS: There was one other thing. He mentioned that he delivered a CD of

e-mails to the defense, which we have not received.
THE COURT: Well, my recollection of the testimony was that he thought he did.
Did you --
MS. YU: Your Honor, I believe everything was produced. We printed everything from a CD that, it is correct, that Mr. LeGrand -- and we printed it out and we produced them.
THE COURT: All right.
MS. YU: Every page.
THE COURT: So you should have those.
So the Court will -- you may step down.
Thank you.

The Court will go in recess.
THE WITNESS: There's still a binder here.
Somebody -- I'm not sure whose it is.
(Recess taken.)

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: Call your next witness.
MR. MESEREAU: Yes. The defense will call Mr. Mark Geragos.
THE COURT: Come forward, please. When you get to the witness stand, remain standing.
Face the clerk and raise your right hand.

MARK GERAGOS
Having been sworn, testified as follows:

THE WITNESS: Yes.
THE CLERK: Please be seated.
THE WITNESS: Thank you.
THE CLERK: State and spell your name for the record.
THE WITNESS: Mark Geragos. G-e-r-a-g-o-s.
THE CLERK: Thank you.
DIRECT EXAMINATION
BY MR. MESEREAU:

Q. Good morning, Mark.

A. Good morning, Tom.

Q. Would you please give a little summary of your education?

A. I went to college, I went to law school, I passed the bar.

Q. Okay.

(Laughter.)

Q. That was kind of long-winded, wasn't it?

A. It was not a very distinguished undergraduate or graduate career, so....

Q. And you are a lawyer in Los Angeles, correct?

A. I am. I've got a firm in Los Angeles, which I share with my father and my brother, named Geragos & Geragos. We stayed up all night thinking it up.

Q. All right. Do you know the fellow seated at counsel table to my right?

A. Yes.

Q. And who is he?

A. Michael Jackson, who was a client of mine for about 16 months.

Q. And when did you first meet Mr. Jackson?

A. It would have been probably about February -- the first week of February of 2003, I believe.

Q. And at some point, you were retained to represent Mr. Jackson, right?

A. That's correct.

Q. And how did that come about?

THE WITNESS: Although I know you've told me out of court that there is a waiver, Your Honor, I have not seen nor heard it on the record, and I'm more comfortable if I have that first.

THE COURT: Certainly.

MR. MESEREAU: I can represent to the Court there is a waiver of the attorney-client privilege so Mr. Geragos can testify.

THE COURT: You have a written waiver you'll provide him with after court today?

MR. MESEREAU: We will do that, Your Honor, sure.

THE COURT: Is that satisfactory?

THE WITNESS: That is, Your Honor. Thank you.

Q. BY MR. MESEREAU: When were you first retained to represent Mr. Jackson?

A. It would have been sometime shortly before I met him the first time. The first time I met Michael was at Neverland, and I was contacted by somebody from, I think, Paul Hastings. And then was sent -- or there was a series of transactions, I guess, or faxes back and forth, and ultimately I was retained and then went up to Neverland and met Michael for the first time.

Q. And why were you retained?

A. At that point, there were allegations that were being made in the media and there was also, as I remember, complaints that were being made to Child Services about him, his fitness as a parent, as well.

Q. And did you represent Mr. Jackson in those two areas?

A. I did. I was given the role, so to speak, among a cast of thousands, to kind of coordinate and be a person who would look out for his interests in those areas.

Q. And when you began to represent Mr. Jackson, were you reporting to anyone in particular?

A. Well, when I first came on board, there was a gentleman, who I saw in the hallway just a minute ago, David LeGrand, who was there, who was a lawyer who was coordinating a lot of the stuff.

There was a gentleman who he introduced me to named Ronald Konitzer. And there was a gentleman over at Paul Hastings. And I feel awful, I can’t remember his name, because he’s the person who referred me over there in the first place. But there was another lawyer there.

But generally what would happen is, it wasn’t so much reporting as we would have these interminably long conference calls.

Q. And generally who was involved in those

calls?

A. It seemed like everyone. There were all kinds of people on the conference calls. There were PR people. Paul Hastings lawyers. David LeGrand would be on the conference call. I would plug into the conference call. Ronald Konitzer would be on the conference call, among others. Those are the ones that come to mind.

Q. And were these conference calls occurring on a daily basis?

A. It seemed like it.

Q. Typically who would initiate the conference call?

A. I think David's office would be my -- would -- but that would be a guess. I really don't know.

Q. Was Michael Jackson usually involved in these conference calls?

A. Usually not.

Q. Was he involved in any of them?

A. He -- there were a couple of calls. You're talking about February of '03.

Q. Sure.

A. There were a couple of calls where Michael would get on the phone for brief periods of time, but generally were not the same as what I'm talking about with these conference calls. Those would be a call where maybe Ronald would put him on the phone, there would a brief discussion. It wouldn't be more than, I don't know, 45 seconds or a minute, usually, it seemed like. It was very quick.

Q. And I believe said your work involved response to the Bashir documentary?

A. Well, the lawyers who were responding to the Bashir documentary, as I understood it, was there was -- I think it was Paul Hastings English barristers who were dealing with the documentary there and dealing with some issue that they kept talking about, some board that was involved that they were making complaints about.

And then here, my role was to see if there was any kind of -- anything that needed to be done to protect him in terms of his parental rights or anything else from the accusations that were being made against him.

Q. Was your firm exclusively involved in the area of child custody, parental rights?

A. No. There was -- he had a -- I don’t know if he still has, but there was a lawyer by the name of -- I think his name was Lance Spiegel, from a firm on the west side of Los Angeles, and he was clearly primarily with the custody issues.

My role was if there was any DCFS involvement, if there was anybody who was trying to do anything else. Basically to see if there was anything else that he needed protection against.

Q. Was a potential DCFS investigation the only investigation you were concerned about at the time?

A. No, no, I was concerned about -- obviously at the same time that the documentary came out, at the time, there were people making all kinds of accusations about Michael, and specifically with one young man who was involved in that documentary, and I was supposed to look into that as well.

Q. And was his name “Gavin Arvizo”?

A. Yes.

Q. Okay. At some point, did you ever hear the name “Janet Arvizo”?

A. At the very -- probably before I heard the name “Gavin.”

Q. And how did you hear her name?

A. Initially there was a rundown of exactly what the situation was. And I couldn’t tell you exactly if it was Paul Hastings or if it was the English counterpart or the American counterpart or if it was David, but there was a rundown of the situation. I was told about the Arvizos.

I was also told and the first thing that was done that had any urgency is there was a 60 Minutes taping that was scheduled, and they wanted me to be up there to make sure that Michael didn’t make any statements or questions weren’t asked that were inappropriate.

Q. And was this at Neverland?

A. Yes.

Q. Did you see Janet Arvizo at Neverland on that day?

A. I remember seeing Gavin at Neverland that day. And then we were there for, I don’t know, maybe 12 hours or so. And during that time there, I was getting downloaded with information as well from a number of people at the ranch itself.

Q. And what was your role as far as your representation of Mr. Jackson went on that occasion?

A. Well, that was really -- they just wanted me, I guess, as a backstop on the interview. And ultimately, after sitting there for about 12 hours, it was my decision, or I told them that, look, if I was going to be involved, I didn’t want him doing the interview, and I pulled the plug on it.

Q. So ultimately that interview with 60 Minutes did not take place, correct?

A. On that occasion in February of 2003, it did not. I -- I said that it was not going to happen, and asked that they -- politely asked Mr. Bradley, and there was another producer, whose name I think was Radotsky, Michael Radotsky, who was there, told them that this was not going to happen.

Q. And you say you were at Neverland approximately 12 hours that day?

A. It seemed like it, yeah.

Q. And did you see Ms. Janet Arvizo there the whole time?

A. Well, portions, is my memory. I remember -- I have vivid memories about Gavin Arvizo talking with Ed Bradley and Gavin Arvizo talking with Radotsky, which I think is his name, the producer, and then seeing what was going on there. And also hearing these stories that people were telling me, and trying to just take it in and sort out whatever it was.

Q. And was it your understanding that the Arvizos wanted to have a role in that 60 Minutes documentary?

A. I watched as --

MR. ZONEN: I’m going to object as to speculative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Referring only to your state of mind at the time, Mr. Geragos, did you have any knowledge one way or the other whether or not the Arvizos were supposed to be involved in the documentary?

MR. ZONEN: I object as irrelevant to this question.

THE COURT: You have to let him finish the question so I know what you’re objecting to.

Q. BY MR. MESEREAU: Mr. Geragos, just directing my question to your state of mind at the time, did you have any understanding one way or the other whether or not Janet Arvizo and the children were supposed to appear in a 60 Minutes documentary?

MR. ZONEN: Objection to his state of mind as being irrelevant to this proceeding.

THE COURT: Sustained.

Q. BY MR. MESEREAU: In your capacity as Mr. Jackson’s attorney on that day, did you have any understanding as to why the Arvizos were at Neverland?

A. The -- I saw an interaction between Gavin Arvizo --

MR. ZONEN: I’m going to object to any vision of interaction as being irrelevant to this proceeding, and the question is irrelevant and lacking in foundation.

MR. MESEREAU: He’s cutting off the witness, Your Honor, I object.

THE COURT: I think that question can be answered “yes” or “no,” and we can go from there. Do you want the question read back?

THE WITNESS: God, I hate to say “no.” Did I see -- did I see an interaction? Yes.

THE COURT: I’ll have the question read back so you understand it.

(Record read.)

THE WITNESS: Yes.

Q. BY MR. MESEREAU: What was your understanding?

MR. ZONEN: Objection; lack of foundation.

THE COURT: Sustained.

Q. BY MR. MESEREAU: As Mr. Jackson’s attorney,

were you under any instructions to do anything with the Arvizos at Neverland on that particular day?
MR. ZONEN: Objection; vague. Instruction from whom?
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you talk to Janet Arvizo that day?
A. Briefly, I believe. But -- I know that I didn’t talk to her. I watched her interact or converse with Mr. Radotsky, who was the producer. I believe Mr. Bradley.
Q. Did you see Ms. Arvizo talking to Mr. Radotsky for any length of time that day?
A. I don’t know if I would say a length of time. I saw at least on two occasions, I think.
Q. And why were you at Neverland that day?
A. I was asked to come up by Mr. LeGrand specifically to, I guess, monitor the interview.
Q. And were you under the impression, as you arrived, that the Arvizos were going to be there?
A. Yes.
Q. Why?
A. It’s what I was told.
Q. Is that by Mr. LeGrand?

A. I believe it was.
Q. And were you told why they were going to be there?
A. I believe Mr. LeGrand told me that --
MR. ZONEN: That would be “yes” or “no,” Your Honor. I object to any answer beyond that.
THE COURT: Sustained.
“Yes” or “no.”
THE WITNESS: Yes.
Q. BY MR. MESEREAU: And what was your understanding as to why they were going to be there?
MR. ZONEN: Objection. Hearsay; lack of foundation.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you give any advice to the Arvizos on that particular day?
A. No.
Q. Did you talk to Gavin Arvizo on that particular day?

A. No.

Q. Who else do you recall being at Neverland on that particular day, other than the people you’ve identified?

A. Dieter Weizner was there. I think a gentleman by the name of Jack Sussman from CBS was there. There was a woman which -- also with CBS with the last name of Simon, I think was there. There was another lawyer from my office with me. I can’t remember which lawyer it was. And there was a -- I don’t know, a cast of probably 30 or 40 people, production people, who were there as well.

Q. And what time did you arrive there that day?

A. I couldn’t tell you. It was light outside. But I don’t -- I would imagine late morning, early afternoon, but that’s just a guess.

Q. What time do you think you left?

A. Whatever, eight, ten, twelve hours after I arrived.

Q. When you left, do you know whether or not Janet Arvizo was still there?

A. I do not.

Q. Do you know whether or not Gavin Arvizo was still there?

A. I do not. Not as I sit here today.

Q. Did you hear Janet Arvizo say anything to Mr. Radotsky?

A. Not that I can remember as I sit here.

Q. Did you see Janet Arvizo talk to Ed Bradley of 60 Minutes?

A. I believe that I did.

Q. Did you hear what she said?

A. Not that I can remember.

Q. Okay. Did you see either Mr. Bradley or Mr. Radotsky talking to Gavin Arvizo?

A. Yes. I think Radotsky, with Mr. Bradley. I don’t know that he was actively participating, but I do believe Radotsky was talking.

Q. And approximately what date was this, Mr. Geragos?

A. I want to say February 7th, and I just -- I don’t know if that was a Saturday. I don’t believe it was a court day. So it was either a Saturday or a Sunday, but I'd just be guessing again.

Q. Have you seen the Bashir documentary at this point?

A. I have seen it. But not recently.

Q. No, had you seen it at this particular point in time?

A. No, I had not.

Q. Did you ever see Janet Arvizo again?

A. No, I don't believe that I have.

Q. Have you ever spoken to her on the phone?

A. No, I don't believe that I have.

Q. Okay. Following that visit to Neverland, you continued to represent Mr. Jackson, right?

A. That's correct.

Q. And what were the things you were doing as a lawyer for Mr. Jackson?

A. Well, one of the first things that I did after that was to get ahold of the -- a copy of the documentary by Mr. Bashir. I watched it. We were -- on these conference calls, they would talk about what the various allegations were against Michael.

One of the first things I did is involve a private investigator. And I involved a private investigator and I had some associates in the firm do some database searching on various players involved.

Q. Now, was it your understanding at that point that Mr. Sneddon had started any investigation?

A. No. It was not my understanding that he had.

Q. Had you heard of any statements Mr. Sneddon had made anywhere about an investigation into Michael Jackson at that point?

A. In early February, no. The only thing that -- as I remember, in early February, that sticks out in my mind now as I sit here, was something about somebody complaining to DCFS.

Q. Now, you said you started your own investigation, right?

A. That's correct.

Q. And why did you do that?

A. I was -- the things that I was hearing about the Arvizos gave me great pause.
Q. What were you hearing?
MR. ZONEN: I'll object as hearsay and irrelevance and lack of foundation and vague as to time.
THE COURT: I'm going to overrule the objection and I'm going to allow the witness to

answer, but I'll caution the jury that at this point, what he states that he heard about the family is not offered for the truth of the matter asserted. But it's offered to explain why he did certain things thereafter.
Go ahead.
THE WITNESS: Thank you.
I had -- when I was up there, sitting up there that day, somebody had told me a story about Gavin being told to refer to Michael as "Daddy," and that -- that Michael was uncomfortable with that; that the person that was telling me was probably one of the people who were -- it was either Weizner or Konitzer or somebody, somebody who was up there, and that that concerned him greatly.
That obviously gave me pause, and so in response to that, I decided to run some database searches on the Arvizos.
Q. BY MR. MESEREAU: Did you run those database searches on the Arvizos?
A. I did.
Q. And what did you find?
A. The -- a lawsuit against J.C. Penney's and -- a lawsuit against J.C. Penney's and then a purported -- and then I had somebody, and I don't know if it was in-office or not, take a look at the file or do a little bit more due diligence on it.
Q. That was look at the J.C. Penney file?

A. Correct.
Q. Okay. And why did you do that?
A. Well, I had a concern at that point that given what was going on, that somebody might use the situation to manipulate my client.
Q. And when you say "manipulate" your client,

what do you mean?

A. It was not unknown to me that my client is frequently the target of litigation, so I -- and you’ve got a whirlwind of activity going around and you’ve got people making accusations. It occurs to me that I want to know if some of the players that are involved have a litigious history, so that’s why I ran the database search.

Q. Now, did you do the database search yourself or did you have an investigator do it?

A. That’s what I said before. I don’t know if it was inhouse or out. I can’t tell you, as I sit here, for sure, whether I had Brad do it, whether I had somebody just run it on either Lexis or West Law in the office, but somebody did it and came up with it.

Q. Who is Brad?

A. Brad Miller is the investigator who I hired to start to do an investigation on the Arvizos.

Q. And approximately when did you start your investigation into the Arvizos?

A. It would have been very shortly after

leaving Neverland. So if that was the 7th or the 8th, it would have been within a couple of days.

Q. And when do you think you learned about the J.C. Penney lawsuit that had been filed by the Arvizos?

A. Within a couple of days.

Q. Okay. And what was your reaction to what you learned about that suit?

A. I was gravely concerned.

Q. Why?

A. I thought that given the situation, and I was also given information that they were attempting or that there were rumors that the family was attempting --

MR. ZONEN: I’m going to object to any reference to “rumors” or any information from an unnamed source as lacking in foundation, speculative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Was the investigation you did into the J.C. Penney lawsuit the first part of your investigation into the Arvizos?

A. Probably. I mean, to that extent that you run some kind of a database search, I suppose that was -- if it wasn't the first, it was in the top five.

Q. And was Mr. Miller involved in that search into the J.C. Penney lawsuit, to your knowledge?

A. I would imagine that after I -- if he didn't find it, that I quickly brought it to his attention and he did do -- he probably would have -- he probably would have been the guy that I assigned to follow up on it. But I -- I don't know as I sit here.

Q. Is Mr. Miller a licensed private investigator in California?

A. He is.

Q. And had you worked with him before?

A. I had, on, I think, probably three or four occasions.

Q. Okay. And where was his office at the time?

A. You know, I believe at the time it was in Beverly Hills. But I can't -- that's only because I know it was in Beverly Hills at one time and it's no longer in Beverly Hills. I don't know in February of '03 if it still was in Beverly Hills. I couldn't tell you.

Q. Did the investigation into the Arvizos that you started continue?

A. Yes. I had him -- or I asked him to please find out where they were, and to document what they were doing, who they were meeting with, and whether or not they were either trying to sell a story to the tabloids, or meeting with lawyers, or anything even more grave than that, at least from my client's standpoint.

Q. When you say "more grave than that," what are you talking about?

A. Well, I -- I thought at that time that it was a problem that somebody could manipulate the situation. I don't know -- I don't want to run through a parade of horribles in my mind, but I thought that, given what the situation was, somebody could take advantage of it, and I was worried about that. And I -- so I decided I wanted to know, and I told Brad, “Tell me where they are, tell me what they’re doing, and tell me who they’re meeting with.”

Q. Were you concerned that the Arvizos might be planning to extort Michael Jackson?

MR. ZONEN: Objection; leading.

THE COURT: Sustained.

THE WITNESS: I was; I was concerned.

MR. ZONEN: There’s an objection.

THE COURT: Just a moment.

THE WITNESS: I’m sorry.

THE COURT: Next question.

Q. BY MR. MESEREAU: What else did you do to investigate the problem of the Arvizos possibly manipulating Michael Jackson?

A. Well, I -- besides have Brad do that, we investigate -- they were not the only -- they weren’t the sole focus, but for your -- to answer your question, I also told Brad I wanted him to go and take a statement and get a statement from them.

Q. And why did you want Brad Miller to get a statement from the Arvizos?

A. Because I found that -- in the past, at least, with other cases, that if somebody gives a statement right at the time, that it’s much more difficult later for them to make up something and change the story, because you’re locked into it. That’s what the truth was, and that’s why I wanted a statement.

Q. And in your experience, it’s pretty typical for an investigator to try and get statements, correct?

MR. ZONEN: Objection; leading.

THE COURT: Overruled.

You may answer.

THE WITNESS: It’s what investigators do. The reason you have the investigator take the statement and not the lawyer is so that the lawyer doesn’t end up being like I am up here, on the witness stand.

Q. BY MR. MESEREAU: And to your knowledge, did

Mr. Miller take a statement from the Arvizos?

A. Yes, Mr. Miller took a statement. I told him to identify himself. I told him to tell them that he was taking it for me, and I told him that I wanted him to ask questions.

Q. Okay. And did you ever actually see that statement?

A. Later I saw a transcript of it. But I don’t know that I saw -- I think he downloaded it to me in essence saying, “This is what they said, this is what they said, this is what they said,” in a telephone call is probably what he did.

Q. Was it your understanding, Mr. Geragos, that statement would be recorded?

A. I wanted a tape-recorded statement of them, detailing all of -- or as extensively as possible, and I wanted it done -- I probably told Brad something to the effect, “I want it done yesterday. I don’t want to wait. Get it done.”

Q. Did anything else go on in the investigation of the Arvizos?

A. Well, at the same time that that was happening, the -- there was a rebuttal video being made by a gentleman named Schaffel, who seemed to be running that end of things, and that rebuttal video involved the Arvizos as well.

So at one point I instructed Brad, “Go watch when that gets made and sit there, and don’t leave until you get a copy of that videotape. Because I want a copy of the videotape. I don’t want it to disappear into the ether.”

Q. To your knowledge, did he do that?

A. I know that he went there. I don’t know that we ever got a copy of the videotape.

Q. Is there anything else you had Mr. Miller do to investigate the Arvizos?

A. I don’t know. Off the top of my head, the things that I described is what I remember, as I sit here.

Q. Did you ever arrange to have the Arvizos put under surveillance?

A. I told him at one point I wanted to know where they were, what they were doing, who they were meeting with, and to report back to me.

Q. And as far as you know, putting people under surveillance is part of an investigation, and it’s perfectly lawful, correct?

A. I have done it on more than one occasion. I know most lawyers do it with great frequency. I know D.A.s do it. And law enforcement does it.

Q. Okay. And do you know whether or not the Arvizos were actually put under surveillance at some point?

A. I do now, and I did then.

Q. Okay. To your knowledge, was anyone working with Mr. Miller in your investigation of the Arvizos?

A. I know now that they were. He may have told me that a gentleman by the same of Asaf did something for him on one occasion. I know now that he had somebody named Johnny working for him. And I didn’t know that at the time.

Q. Okay. And how long did your investigation of the Arvizos last, if you know?

A. If he started sometime after February 7th, it would have gone through probably the middle or end of March would be my guess.

Q. Okay. Now, you mentioned someone named Schaffel. Did you meet Marc Schaffel at some point?

A. No.

Q. Did you ever speak to him?

A. I’ve spoken to him on the phone.

Q. How often do you think you’ve spoken to him on the phone?

A. I couldn’t tell you. Anytime that anything came up about this video that was being made, I was always told to talk to Schaffel.

Q. How many conversations do you think you had with Schaffel about the making of the video?

A. It would just be a guess. I have no idea.

Q. Okay.

A. I would say five to ten, probably. Maybe more.

Q. Now, was Schaffel typically involved in the conference calls you have described before?

A. Actually, no. He was not typically involved in the conference calls. In fact, at one point, David LeGrand and I had discussed excising Schaffel from the whole situation --

MR. ZONEN: I'm going to object to that portion as being nonresponsive to the question and hearsay.

THE COURT: Sustained.

MR. ZONEN: Motion to strike.

THE COURT: Strike it after, "Actually, no."

Q. BY MR. MESEREAU: Did you and Mr. LeGrand have any discussions about Marc Schaffel?

A. Yes.

Q. How many do you think you had?

A. At least three.

Q. Okay. Did you have more discussions with Konitzer than you did Schaffel?

A. Clearly. Clearly.

Q. And why do you say that?

A. Ronald Konitzer was, from my perception, the person who was kind of the backstop or the person who was running things.

Q. And did you meet with him personally?

A. Yes.

Q. On how many occasions, do you think?

A. Probably at least three.

Q. Okay. Did you ever talk to a guy named Dieter Weizner?

A. During the time period of February and March of '03, only the time that I was at Neverland did I speak to Dieter, and it was for just a very brief period of time.

Q. Okay.

A. I later -- in terms of time, I later talked to Dieter maybe a year after that more extensively. But February and March, no, I had very little contact with Dieter.

Q. Now, as part of your investigation into the Arvizos, you described the statement that Mr. Miller obtained, his attendance at the rebuttal video, and you say you learned about some surveillance that went on. Is there anything else that was part of that investigation that you remember?

A. Well, I remember a series of letters with a gentleman named Dickerman. And storage of Janet Arvizo’s things in a storage unit. And I remember going back and forth with Mr. Dickerman as to where he wanted those items and the things that he was claiming.

Q. You mentioned Janet Arvizo’s possessions being in a storage unit. How did that happen?

A. I -- I don’t know, because I wasn’t there. Everything I know was later related to me. If that’s okay, I’ll get into that. You don’t have -- there’s no objection.

Okay. It was later related to me by Brad that she was moving in with her boyfriend who was --

MR. ZONEN: I’m going to object as to hearsay. Nonresponsive to the question.

THE COURT: Okay. Sustained.

MR. ZONEN: Was that one sustained, Your Honor?

THE COURT: Yes.

MR. ZONEN: Thank you.

THE COURT: He gave you the opening line, but you were talking to counsel.

THE WITNESS: I tried to prompt you, Mr. Zonen.

THE COURT: He was prompting you. Go ahead.

Q. BY MR. MESEREAU: Did you have anything to do with the storage of Janet Arvizo’s possessions?

A. I told Brad at one point, “If you’re going to do this, film it, so that you don’t later get accused of taking something.”

Q. And did you have any understanding as to why Brad was going to store that material?

A. I believe --

MR. ZONEN: I’ll object as hearsay.

THE COURT: Overruled.

You may answer.

THE WITNESS: I believe it was because he was trying to remain in the good graces to get whatever information he could as to what they were up to.

MR. ZONEN: I’m going to object as

speculative, move to strike.
THE COURT: I’ll strike that.
Q. BY MR. MESEREAU: Was it your understanding that Janet wanted Brad to store her possessions?

MR. ZONEN: Objection. Leading and speculative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you know why those possessions were stored?
MR. ZONEN: Objection; lack of foundation.
THE COURT: Foundation; sustained.
Q. BY MR. MESEREAU: Did you ever at any point have any knowledge as to why those possessions were stored by Mr. Miller?
MR. ZONEN: I’ll object beyond “yes” or “no.”
THE WITNESS: Yes.
I’m sorry, I may have jumped the gun.
THE COURT: That’s fine.
Go ahead. Next question.
Q. BY MR. MESEREAU: Why were they stored?
MR. ZONEN: Objection. Lack of foundation; hearsay.
THE COURT: Foundation; sustained.
Q. BY MR. MESEREAU: Do you know why they were stored?
A. I believe they were stored --
MR. ZONEN: I’ll object to anything beyond “yes” or “no.”
THE WITNESS: Yes.
Q. BY MR. MESEREAU: How did you obtain your knowledge of how they were stored?

A. Talking with Mr. Miller.
Q. Did he tell you why they were stored?
A. Yes.
Q. Did you give any instructions to him about storing that material?
A. I told him when he did the move --
MR. ZONEN: I’m going to object as hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Were those possessions stored at your request?

A. No.

Q. Were they stored because Mr. Miller wanted to store them?

MR. ZONEN: Objection. Lack of foundation; hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you ever see those possessions at any time?

A. No.

Q. Did you ever go to storage to see those possessions?

A. No.

Q. Now, you had some correspondence with Attorney Bill Dickerman about those possessions, right?

A. Yes.

Q. And what can you tell us about that?

A. That every time I'd get a letter it didn't seem to represent the phone conversation that we had.

Q. And did he start writing to you about wanting those possessions returned?

A. Yes.

Q. And do you know approximately when that happened?

A. I do not. It was sometime after -- it was sometime after February.

Q. And you were still representing Michael Jackson at the time, correct?

A. I represented Michael all the way through, I don't know, whatever -- February to whenever, December, I guess.

Q. Now, at some point, did you try to return those possessions to Mr. Dickerman?

A. Yes.

Q. And please explain what you did.

A. I directed -- when I first got the letter from Mr. Dickerman, I told somebody to fax it over to Brad, somebody in my office to fax it over to Brad. And at some point, then received another letter, and letters kept coming back and forth. And there would be phone calls. And I kept trying to get this stuff over there, suggesting that either they take over the storage unit, that they pay for the storage unit, that they do anything to get it out, so that we could get out of the situation.

Q. Did you say that it was at your direction that the move was videotaped?

A. I believe I'm the one who told Brad, "If you're going to do this, you better videotape the move." I believe that's what I told him. It was almost those exact words.

Q. And did he ever tell you that Janet wanted him to move that stuff?

A. Yes.

Q. When did he tell you that Janet wanted him to move that stuff?

MR. ZONEN: I'm going to object as hearsay. Move to strike.

THE COURT: Overruled. The question, though, now, is, "When did she tell you" -- no. "When did he tell you that Janet wanted him to move the stuff?"

THE WITNESS: Probably in the same conversation I said, "If you're going to do it, you should videotape it."

Q. BY MR. MESEREAU: And to your knowledge, was that material ever returned to Mr. Dickerman?

A. You know, I assume so. But I know that there was one instance where I got so fed up with what was going on, that I actually told --

MR. ZONEN: I'll object as nonresponsive.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you know if that

material was ever returned to Mr. Dickerman?

A. I know at one time I directed that it just be dumped into his law office so that he would take it, and the building wouldn't accept it.

Q. That was done at your request?

A. To return it? Yes. At all times I said, "Return the stuff."

Q. Okay. Do you know someone named Frank Tyson?

A. I've met Frank Tyson.

Q. And when did you first meet him?

A. Probably it would have been mid-February of 2003, would be a guess.

Q. Do you know approximately where you met him?

A. No. I can't tell you where I met him. I think he came to my office once with another guy whose name I can't remember. But I -- but I don't know if that was the first time I met him or not.

Q. Did you have much communication with Frank Tyson?

A. I talked to Frank occasionally.

Q. Would he typically call you?

A. Most always. I wasn't calling him.

Q. How many conversations do you think you had with him?

A. Well, if he would call me, I might call him back. But I don't know how many conversations. I don't know that it was a time. I think he was in

communication with Brad more than he was with me.

Q. Okay. Now, at some point did your investigation into the Arvizos terminate?

A. Yeah. I would say probably -- probably about five or six weeks after it started.

Q. And did you reach any conclusions about the Arvizos, based upon your investigation?

A. Yeah. They -- that Michael could have nothing to do with them.

Q. Why is that?

A. I just felt like it was a pending disaster.

Q. And what do you mean by "pending disaster"?

A. I just was not comfortable with what I was finding out, what I was hearing. I just wasn't comfortable with that.

Q. What were you finding out?

A. Well, I --

MR. ZONEN: Objection; hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Were you ever concerned that the Arvizos were going to try to extort Michael Jackson?

MR. ZONEN: Objection; leading.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Were the results of your investigation negative or positive when it came to

the Arvizos?
A. Negative.

MR. ZONEN: Objection; vague.
THE COURT: Sustained.
Q. BY MR. MESEREAU: What did you conclude?
A. I concluded that they -- that they should --
MR. ZONEN: Objection; calls for a conclusion.
THE COURT: You should have said “asked and answered.”
He’s already discussed that. Move on.
Q. BY MR. MESEREAU: Okay. As Mr. Jackson’s lawyer at that point in time, did you think it was in his interest to be involved with the Arvizos?
A. I --
MR. ZONEN: Objection; asked and answered.
MR. MESEREAU: No, it wasn’t.
THE COURT: It is. Next question.
MR. MESEREAU: Okay.
THE COURT: Sustained.
MR. MESEREAU: All right.
Q. Did you ever hear anything about the Arvizos taking a trip to Brazil?
MR. ZONEN: Your Honor, I’m going to object as to hearsay. And vague, “hear anything about.”
BAILIFF CORTEZ: Your microphone’s off again, sir.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you ever learn whether or not the Arvizos were planning to take a trip to Brazil?

A. I learned later that there were --
MR. ZONEN: I will object to anything beyond “yes” or “no” as nonresponsive.
THE WITNESS: Yes.
Q. BY MR. MESEREAU: What did you learn?
MR. ZONEN: Objection; hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you have anything to do with any planned trip to Brazil involving the Arvizos?
A. No.

Q. Did you ever learn if anyone did?
A. I learned that someone --
MR. ZONEN: Objection beyond “yes” or “no.”
THE WITNESS: Yes.
Q. BY MR. MESEREAU: What did you learn?
MR. ZONEN: Objection; hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you ever learn that the Arvizos were traveling to any federal buildings to obtain passports or visas for a trip to Brazil?
MR. ZONEN: Objection; beyond the scope.
Objection; lack of foundation and leading.
THE COURT: Sustained on leading.
Sustained.
MR. MESEREAU: Okay.
Q. During the time you represented Michael

Jackson, did you ever do anything involving a potential trip to Brazil with the Arvizos?
A. I didn’t do anything involving a potential trip to Brazil with the Arvizos.
Q. Did you ever learn anything about such a trip?
A. I did, yes.
Q. When did you learn that?
A. Sometime after Michael was arrested.
Q. Okay. And at some point, did you ever have possession of passports of the Arvizos?
A. Yes.
Q. And could you explain that?
A. The passport -- when I was going through all of the materials that we had in our office in order to itemize them for you, in turning over all the files, the passports were located in a locked file cabinet where we kept a lot of Michael’s files.
I then directed one of the lawyers in my office to file the passports with the Court so that I did not give them to you, so that you wouldn’t be in a position where you would have to testify as to them.
Q. And did you, in fact, turn them in to this Court?
A. I directed one of the lawyers in my office to bring them to the Court and file them with the

Court as a court's exhibit.

Q. Okay. Is that the last you saw of them?

A. Yes.

Q. Okay. Were you involved in any business matters related to Mr. Jackson during the first three months of 2003?

A. There probably were times when Mr. Konitzer would ask about certain projects. And then if it was something somebody in the office, one of the other lawyers, could deal with, I would refer him to one of the other lawyers. So, yes, I would say that there were some occasions.

Q. And what kind of projects are you referring to?

A. My understanding of what Mr. Konitzer's relationship was with Mr. Jackson was that he was helping to promote, I don't know, technological applications of various things. And it was usually surrounding those kind of items and usually it was beyond our expertise. So usually I would tell him -- refer him over to somebody else or to some other lawyer. But he would come and seek advice on those things.

Q. Was any of this business-related legal work done in your office?

A. Some could have been. I mean, there could have been -- I could have sent -- probably my brother Matthew would have done some work in connection with various things that they were asking about. Loan refinancing, things of that nature. There was also a marketing idea that they were doing or they wanted to pursue.

Q. And were you having discussions with Mr. LeGrand about Mr. Jackson's business matters?

A. Mr. LeGrand would bring up those issues, but it was really -- that was really Mr. LeGrand's area of -- I guess his purview, so to speak. That was really what his niche was. He's what's called a transactional lawyer who deals with corporate matters, and that was really his expertise.

Q. In the discussions you had with Konitzer and Weizner about Mr. Jackson's business affairs, do you recall Mr. Jackson ever participating?

MR. ZONEN: Objection. Lack of foundation; assumes facts not in evidence as to those conversations.

THE COURT: Overruled.

You may answer.

THE WITNESS: It was my understanding that there was -- in fact, it was more than an understanding because I believe that my retainer initially was signed on a power of attorney that --

MR. ZONEN: I'll object as nonresponsive to the question.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you have any discussions with Mr. Konitzer about Mr. Jackson's

business affairs?

A. To the extent that Mr. Konitzer represented to me that he was running the business affairs.

Q. Is that what he told you?

A. Yes.

Q. Did you have any discussions with Mr. Weizner about Mr. Jackson's business affairs?

A. Not in 2003, in February or March. Like I said, the only contact I really had with Dieter was that first time I saw him briefly, discussed it briefly. But I didn't really have that much contact with him. I really talked mostly with Ronald.

Q. And when you were retained, you had a retainer agreement signed, correct?

A. That's correct.

Q. And that's your normal practice as a lawyer, right?

A. And the State Bar rules generally encourage that, if not require anything that's going to involve a certain amount of money.

Q. And a retainer agreement basically sets out the terms and conditions under which you'll represent a client as a lawyer, right?

A. Right.

Q. Who signed your retainer agreement?

A. I believe that it was signed by Konitzer and Weizner on a power of attorney, which I also was provided, that was signed by Mr. Jackson.

Q. Okay. Did you ever see Konitzer sign any other documents on behalf of Mr. Jackson while you were representing Mr. Jackson?

A. Not that I can pinpoint. I mean, I -- no, not that I can think of right now.

Q. And did the power of attorney that you saw appear to give Mr. Konitzer the ability to sign documents for Mr. Jackson?

A. It did -- my understanding of it was that it did.

Q. And do you recall at any point in time when that power of attorney was revoked?

MR. ZONEN: I'll object to lack of foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: I believe the power of attorney was revoked about the time that David LeGrand got fired. But that's just my memory as I'm sitting here. I don't have anything to pin that on.

Q. BY MR. MESEREAU: And I believe you said, Mr. Geragos, that you were under the impression that Konitzer was trying to take over Mr. Jackson's business affairs?

A. It was my perception of Mr. Konitzer that he was the one who was running the business affairs in terms of hands on, and that Mr. LeGrand was the lawyer that was doing the corporate transactional work.

Q. And based on your involvement in discussions about Mr. Jackson's business, did it appear to you that Mr. Jackson wasn't involved much at all?

MR. ZONEN: Objection; leading.

THE COURT: Sustained.

MR. ZONEN: Objection; speculative as well.

THE COURT: Leading; sustained.

Q. BY MR. MESEREAU: Did you ever meet Mr. LeGrand in Las Vegas?

A. I met Mr. LeGrand at Neverland. And I met Mr. LeGrand at another -- at Paul Hastings, I believe, downtown L.A. As I sit here, I don't remember Las Vegas. If you've got something to

refresh my memory, maybe, but I don’t recall that as I sit here.
Q. Now, obviously, having represented Mr. Jackson, you’re aware of what the charges are in this case, right?
A. I am.
Q. And you’re aware that the prosecutors are claiming there was a conspiracy to commit various crimes on the Arvizos, right?
MR. ZONEN: Objection; leading.
THE COURT: Overruled.
THE WITNESS: I am aware of that.
Q. BY MR. MESEREAU: Were you ever part of any conspiracy to abduct the Arvizo children?

A. No.
Q. Were you part of any conspiracy to extort anything from the Arvizos?
A. Absolutely not.
Q. Were you ever part of any conspiracy to commit any crime against the Arvizos?
A. Absolutely not. I was trying to prevent a crime against my client.
Q. And what crime was that?
A. I thought that they were going to shake him down.
MR. MESEREAU: I have no further questions.
THE COURT: Cross-examine?

CROSS-EXAMINATION
BY MR. ZONEN:
Q. Mr. Geragos, good afternoon.
A. Good afternoon, Mr. Zonen.
Q. Now, you were retained to represent Mr. Jackson in the early part of February; is that correct?
A. That’s correct.
Q. Could that have been the latter part of January?
A. I don’t think so. But, I mean, if -- I don’t want to quibble with you for a couple of days. I’ve always thought it was -- I’ve always thought it was February 4th and that I went to Neverland on the

7th. I don’t know why, that just sticks in my head.

Q. Now, prior to your being retained, were you familiar or did you know about the documentary “Living with Michael Jackson”?

A. I don’t -- I don’t know.

Q. At the time that you were retained, did you know about the documentary “Living with Michael Jackson”?

A. At the time that the retainer agreement was signed, yes.

Q. At the time that you were first contacted by somebody --

A. I was going to say --

Q. -- for Michael Jackson’s organization about your representing Mr. Jackson, did you know about the documentary “Living with Michael Jackson”?

A. Probably not.

Q. Who was the first person to call you about your representing Mr. Jackson?

A. I think it was a lawyer from Paul Hastings, the same guy I said I’ve got a mental block on the name, who said that one of his partners was an ex-U.S. Attorney who had a case with me and wanted to know if I was interested in it.

Q. All right.

A. I just don’t remember. I just don’t remember the name. And it was -- it could have been -- could he have called me in late January? I suppose he could have. I just don’t remember.

Q. Do you know if that was before the screening of the documentary “Living with Michael Jackson”?

A. I have no idea.

Q. Do you know when “Living with Michael Jackson” was screened?

A. No.

Q. Either in the United States or in England?

A. No.

Q. Do you know -- did you know the content of the documentary “Living with Michael Jackson”?

A. At what time?

Q. At the time that it was aired in the United States.

A. Well, you’d have to tell me when it was aired and then I'd tell you.

Q. I guess you didn't see it, then; is that correct?

A. Well, no, I saw it. But I didn't watch it when it was aired. I --

Q. All right. When you were contacted by somebody --

MR. MESEREAU: Objection, Your Honor. He's cutting off the witness.

Q. BY MR. ZONEN: Was your answer completed?

A. All I was going to say is, I remember watching it for the first time when somebody sent it -- I asked that they send me a copy of the videotape. I was aware of it before I watched it the first time because it was probably a subject of one of these conference calls.

Q. And -- all right. Now, when is the first time you spoke with your client, Mr. Jackson?

A. Would have been probably that day at Neverland.

Q. There's no question that your client was Michael Jackson; is that right?

A. My client was Michael Jackson.

Q. It was not Ronald Konitzer?

A. No.

Q. It was not Dieter Weizner?

A. Right.

Q. It was not Marc Schaffel?

A. That's correct.

Q. Nor was it Vinnie or Frank?

A. Clearly it was not.

Q. And at all times you understood that you represented Michael Jackson alone?

A. I did.

Q. You did not represent the enterprise Neverland Valley Entertainment?

A. I did not.

Q. Did not represent any of Michael Jackson's corporate interests?

A. I did not.

Q. And you represented Michael Jackson for purposes of assuring that he avoided criminal

liability and liability with regards to custody of his children; is that correct?
A. That’s correct.
Q. Your concern was that his children might be taken away from him?
A. That was one of my concerns.
Q. Your concern was that he might be prosecuted for some criminal matter?
A. I think initially my concern was -- were the children and any allegation of the fitness of him as a parent, because that was a subject of a lot of the media firestorm surrounding him at that point.
Q. Was that because of his allegedly dangling his youngest child over a second-story balcony in a hotel in Germany?
A. I think that that’s what started some of that, but then the -- there was -- with the documentary, there was the same usual suspects hurling allegations at him about his fitness once the documentary came out.
Q. All right. But are we talking about simply neglect of his own children, or are we talking about his relationship with other children?
MR. MESEREAU: Objection. Misstates the evidence; lack of foundation; leading.
THE COURT: Overruled.
THE WITNESS: I was concerned about his children and his maintaining his relationship with his children.

Q. BY MR. ZONEN: But the issues that you were dealing with as a consequence of that documentary, “Living with Michael Jackson,” had to do with how he interacted with his own children, correct?
A. The issues dealt with the fact that there were people who were calling for DCFS to take the children out of the house --
Q. All right.
A. -- and to conduct an investigation. That was what -- that was what was the overriding concern initially.
Q. At some point in time, you had an opportunity to either read the transcript of that documentary, “Living with Michael Jackson,” or view

it; is that correct?

A. I viewed it. I didn’t read the transcript.

Q. Did you view it before you arrived at Neverland?

A. I couldn’t tell you, as I sit here, whether I did it before or after. It was sometime within a very close period of time.

Q. At the time that you were at Neverland, you saw Ed Bradley there; is that right?

A. That’s right.

Q. Ed Bradley is somebody you recognized as being one of the commentators from 60 Minutes; is that right?

A. That’s right.

Q. You also saw an entire film crew from 60 Minutes?

A. That’s right.

Q. 60 Minutes you were familiar with. You had seen it in the past; is that right?

A. That’s right.

Q. You were a little concerned about Michael Jackson appearing on 60 Minutes; is that right?

A. Yes.

Q. Had you had a conversation with Michael Jackson prior to your arrival at Neverland on that date?

A. No.

Q. Do you know if that date was the 7th of February?

A. I think I stated before that that date sticks in my mind. If that is a Saturday, that would be my guess. My best guess.

I believe that when you executed the -- or the officers executed the search warrant, they took some gate logs also. I don’t know if the gate logs are accurate, but I later saw where I signed it on the day that I got there.

Q. Did you have a conversation with Mr. Jackson on the 7th?

A. Yes.

Q. All right. Did you have a sense of the content of the documentary “Living with Michael

Jackson”?

A. At that point, I was more concerned with what -- the fact that he was going to sit down with 60 Minutes and what the content of that was going to be.

I spent most of my time talking with and trying to weasel out the information from the producers as to what was going to be the ground rules, which they said there were none. But the content, where they were headed, what they were trying to do, that was my concern.

Q. Did you ask any questions of Michael Jackson about whether he had been sleeping with boys during your conversation with him on the 7th of February at Neverland?

A. No, I did --

MR. MESEREAU: Objection. Leading; lack of foundation.

THE COURT: Overruled.

THE WITNESS: No, I did not start questioning him about whether he was sleeping with boys when I was up there.

Q. BY MR. ZONEN: Did you know, at the time that you were at Neverland on the 7th of February, assuming that is the date, that the issue of him sleeping with boys was, in fact, an issue that had been raised in this documentary?

A. I think that I did know that. I don’t know whether it was through the documentary or whether it was from the download of information. I think I probably had that information.

Q. Did you understand, at the time that you were at Neverland on the 7th of February, that Gavin Arvizo was one of the children it was believed that Mr. Jackson was sleeping with?

A. I don’t know that -- when you say one of the children that he was sleeping with, I’m not clear on what you’re -- what you’re implying there.

I knew that Gavin Arvizo, when I was up there, was somebody who was reputed to be in the documentary. But I don’t know that anybody said, “Hey, Michael Jackson is sleeping with Gavin Arvizo.” I don’t think that that happened.

And I certainly -- as I sit here today, I don’t know if Gavin Arvizo says in the documentary, “Yeah, I was sleeping with Michael Jackson.”

MR. ZONEN: I’ll object as nonresponsive as to what he knows today. The question dealt with on the 7th of February. And move to strike.

THE COURT: All right. I’ll strike from -- well, actually, I won’t. He actually says as he sits here today, he can’t remember what he knew then, so the objection is overruled.

Q. BY MR. ZONEN: All right. But on the 7th of

February of 2003, you were aware that one of the issues that you were dealing with, as his lawyer, was the issue of whether or not he had been sleeping with a succession of different boys over the last number of years?

MR. MESEREAU: Objection. No foundation and misstates the evidence.

THE COURT: I’ll sustain the objection.

Q. BY MR. ZONEN: Did you understand that Mr. Jackson, in the interview with Mr. Bashir, said, “I slept with all of them,” in reference to a number or succession of boys?

A. On February --

MR. MESEREAU: Objection. Foundation; argumentative.

THE COURT: Overruled.

You may answer.

THE WITNESS: On February 7th, I don’t believe -- I know you asked this. I just don’t believe that I can tell you whether I had seen the documentary. I probably had not until after I got back from Neverland is my best guess. So, no, my guess is, as I sit here, but I’m not 100 percent sure of that.

Q. BY MR. ZONEN: Did you have a conversation with Michael Jackson about Michael Jackson doing a press conference in Florida?

A. No.

Q. Did you know that Michael Jackson had been scheduled to do a press conference in Florida?

A. On what date?

Q. The 7th of February.

A. On the 7th of February. No, I did not know that.

Q. Did you know that Michael Jackson had brought the Arvizo family to Florida to do a press conference?

A. On February 7th, I did not know that.

Q. Did you know, on the 7th of February, that Janet Arvizo had never had a conversation with Michael Jackson other than a brief conversation back in the year 2000?

MR. MESEREAU: Objection. Misstates the evidence; foundation.

THE COURT: Overruled.

You may answer.

Q. BY MR. ZONEN: Go ahead.

A. On February 7th, I can’t tell you what Janet Arvizo did with Michael Jackson. The only thing that I can tell you is I saw the Arvizos interacting with --

Q. BY MR. ZONEN: My question was whether you knew about any conversations between --

A. No.

MR. MESEREAU: Objection. He cut off the witness again, Your Honor.

MR. ZONEN: It’s nonresponsive, I’ll object.

MR. MESEREAU: Move to admonish counsel not to cut off the witness.

THE COURT: I’ll strike after the sentence, “The only thing that I can tell you….” From there on, I’ll strike that. Next question.

Q. BY MR. ZONEN: Mr. Geragos, did you have a conversation with any employee of Michael Jackson or representative of Michael Jackson directing them to have the Arvizos brought to Florida?

A. No.

Q. Did you have a conversation with Michael Jackson or any representative of Michael Jackson directing that the Arvizos be brought from Florida to Neverland?

A. No.

Q. Did you know that they were being brought from Florida to Neverland?

A. On February 7th? No.

MR. MESEREAU: Objection. That misstates the evidence. Foundation. They weren't being brought anywhere.

THE COURT: I'm going to sustain the objection as vague.

Q. BY MR. ZONEN: Were you aware that the Arvizo family was flown from Florida to Santa Barbara County and then driven to Neverland?

A. On February 7th?

Q. Prior to, just prior to February 7th.

A. I'm asking you. Do you mean did I know that on February 7th?

Q. On February 7th did you know that?

A. No.

Q. Did you make any inquiry as to what that family was doing there?

A. Later.

Q. When later?

A. Probably middle February.

Q. Two weeks later? A week later?

A. No, by middle February would have been about a week later.

Q. On the 7th of February, did you recommend to your client, Mr. Jackson, that the family, the Arvizo family, be taken home immediately?

A. No.

Q. A week later, did you tell Mr. Jackson that the Arvizo family should be taken home immediately?

A. No.

Q. At any time during the month of February, did you tell Mr. Jackson that the Arvizo family should be taken home immediately?

A. No, I did not.

Q. Did you have any conversation with Mr. Jackson at any time on the 7th of February about the Arvizo family being there on his property?

A. To the extent that this, "He's calling me daddy," or, "Janet's encouraging him to call me 'daddy'" story was told to me.

Q. Did you talk with Mr. Jackson at any time on the 7th of February about the Arvizo family leaving

Neverland?

A. No.

Q. Did you talk with Mr. Jackson at any time on the 7th of February about whether or not Gavin was staying in his bedroom?

A. No. Not on the 7th.

Q. Did you know on the 7th of February that there was an issue dealing with boys staying in his bedroom --

MR. MESEREAU: Objection.

Q. BY MR. ZONEN: -- that had become quite public?

MR. MESEREAU: Objection. Misstates the evidence; argumentative.

THE COURT: Overruled.

MR. MESEREAU: And foundation.

THE COURT: Overruled.

You may answer.

Q. BY MR. ZONEN: Go ahead.

THE COURT: Do you want the question read back?

THE WITNESS: No.

I just don't know what you mean by "an issue." That it was in the public domain? Yes. I knew it was in the public domain.

Q. BY MR. ZONEN: And did you discuss it with Mr. Jackson?

A. No.

Q. As his attorney and hopeful of avoiding any criminal liability on his behalf, did you tell Mr. Jackson on the 7th of February that he ought to refrain from having young boys come into his bedroom?

A. No. I didn't give him, as I told you, any advice right then and there. I was -- the first time I met him, I was trying to do an investigation. I was also trying to stop the 60 Minutes interview, once I got a sense that it was not going to be a warm and fuzzy piece.

Q. All right. You've seen 60 Minutes before, haven't you?

A. If it's Morley Safer, you tend to get a different piece than if it's Ed Bradley or Mike

Wallace.

Q. So even without knowing the issues, as soon as you saw it was Ed Bradley, you assumed it wouldn’t be warm or fuzzy, right?

A. I’ve watched Ed Bradley do some pieces that weren’t exactly hard-hitting.

Q. Now, at any time within the next seven days after the 7th, the next week after the 7th, did you ever tell Mr. Jackson that he would be well-served

by keeping young boys out of his bedroom?

A. I don’t know that I talked directly to him that following week. The only conversations that I had for the next six weeks were usually over the phone and fairly brief.

Q. With Mr. Jackson?

A. If he was on the phone, briefly. But they weren’t extensive.

Q. All right. Do you know if you had any conversations with Mr. Jackson over the next seven days over the telephone?

A. I couldn’t tell you. I don’t think so.

Q. Do you know if you had any conversations with Mr. Jackson over the next 14 days?

A. Probably one.

Q. Just one conversation?

A. Probably one.

Q. Can I assume that that conversation did address the issue of whether or not boys were still sleeping in his bedroom?

MR. MESEREAU: Objection. Foundation; argumentative.

THE COURT: Overruled.

You may answer.

THE WITNESS: No, I don’t think that the discussion revolved around whether boys sleep in his bedroom.

Q. BY MR. ZONEN: Can I assume within the next

14 days after the 7th, in other words, up to the 21st of February, that you had by this point seen, personally viewed, the documentary “Living with Michael Jackson,” the Martin Bashir documentary?

A. Yes.

Q. And you had seen at that point Mr. Jackson’s admission to sleeping with boys; is that right?

A. Well, when you say “admission to sleeping with boys,” what are you saying? The statement that boys will stay in his room?

Q. Yes.

A. Okay. Are you implying that’s necessarily something sexual?

Q. I don’t believe it’s appropriate for me to be answering questions, Mr. Geragos. Let’s go back to the question again.

A. I’m confused as to when you say “sleeping,” “boys sleeping in his room,” I didn’t -- I didn’t think -- my concern was, Mr. Zonen --

MR. ZONEN: I’m going to object as nonresponsive.

THE WITNESS: I was trying to answer it.

MR. MESEREAU: Cutting off the witness, Your Honor. Objection.

THE COURT: Okay. Everyone, we’re going to have a time-out.

MR. ZONEN: Next question?

THE COURT: No. I want you to drop down about two degrees and.... I ride horses, and we wait for the head to relax.
Go ahead. Relax a minute.
All right.

MR. ZONEN: Thank you.

Q. Mr. Geragos, when you watched that film, you did see the portion where Mr. Jackson refers to sleeping with boys; is that right?

A. Mr. Zonen, as I sit here today, I don’t remember seeing in that documentary - I’ll take your word for it - that he said, “sleeping with boys.”
The one thing that I drew from seeing Michael Jackson on February 7th and seeing the kids there was a gentleman who, to my mind, was almost childlike in his love for kids. I didn’t see anything nefarious. I didn’t see anything that struck me as potentially criminal. But I did see somebody who appeared to me to be ripe as a target. And so I took action that I thought was to protect him.

MR. ZONEN: I'm going to object as nonresponsive.

THE COURT: Sustained.

MR. ZONEN: Move to strike the last part of the answer.

THE COURT: I'll strike after, "I don't remember seeing in that documentary...."

Q. BY MR. ZONEN: Mr. Geragos, do you recall the documentary where he said he slept with Macaulay Culkin?

A. No. As I sit here, I don't remember him -- I wasn't fixated on whether or not he slept with Macaulay Culkin. I really -- that was not a concern of mine.

Q. Do you recall him saying he shared a bed with boys?

A. I know that he has said that since then. I know -- I've sat next to him, or in the same room when he said that, so I know that; that I know that he said that.

Q. Do you recall seeing the portion of the documentary where he's sitting next to Gavin Arvizo?

A. That I have a vivid memory of.

Q. And in that portion of that documentary, he's holding Gavin Arvizo's hand?

A. I have a vivid memory of that.

Q. And Gavin Arvizo is resting his head on Mr. Jackson's shoulder?

A. Right.

Q. Gavin Arvizo shared a room with Mr. Jackson; is that correct?

A. I -- you're telling me --

MR. MESEREAU: Objection; argumentative.

THE COURT: Overruled.

You may answer. Do you want the question read back?

THE WITNESS: No.

If what you're telling is Gavin Arvizo spent the night in his room --

Q. BY MR. ZONEN: Were you aware of that?

A. I know that that's one of the things that's been claimed, yes.

Q. Did you ever ask Mr. Jackson if that was true, that Gavin Arvizo shared his bed or spent the night in his room?

A. I think we discussed that.

Q. What did he tell you?

A. That nothing happened.

Q. No, I didn’t ask you that. What did he tell you about whether or not he shared his room or his bed?

A. What he has consistently said the entire time that I represented him, which is that he didn’t do anything; that there was nothing untoward; that there was nothing sexual; and that if somebody spends the night in his room, that that was just an act of unconditional love. That it wasn’t anything that you’re getting in here and --

MR. ZONEN: I’m going to move to strike as nonresponsive.

MR. MESEREAU: Objection. He cut off the witness.

THE COURT: You did cut him off. Your question called for the answer he’s giving, so --

MR. MESEREAU: May he continue to give his answer, Your Honor?

THE COURT: Yes, he may.

THE WITNESS: The problem was, Mr. Zonen, as I saw it, when people say he’s sleeping with somebody in his room, the jump is, with a lot of people, that that is something that is awful, that is something that is really, really bad because it must be sexual.

THE COURT: Just a minute. You’re lecturing the jury. Let’s back up. I’ll strike that. Do you want to go back to the question again?

MR. ZONEN: I’d like to ask a new one.

Q. Mr. Geragos, did you ask Mr. Jackson specifically if Gavin Arvizo had ever spent the night in his room?

MR. MESEREAU: Objection. Beyond the scope and foundation.

THE COURT: Overruled.

THE WITNESS: Yes. And he said nothing ever happened.

Q. BY MR. ZONEN: Did he tell you that Gavin Arvizo had spent the night in his room?
A. He said he may have spent the night in the room, like a lot of the other boys did, and nothing happened.
Q. Did he tell you how many nights Gavin Arvizo spent in his room while he was there?

A. No. I didn’t ask him.
Q. Did he tell you whether or not Gavin Arvizo specifically shared a bed with him?
A. I didn’t ask him about sharing a bed. I asked him in the room, I asked him if anything happened. His answer was, “No.”
Based on my observations --
MR. ZONEN: I’m going to object as nonresponsive.
MR. MESEREAU: Objection. He cut off the witness.
MR. ZONEN: Maybe we better resolve this, I think.
THE COURT: Just a moment.
The ruling is that, “Based on my observations…,” that will be stricken. Next question.
Q. BY MR. ZONEN: Now, you never asked him at any time whether or not he shared a bed with Gavin Arvizo?
A. I may have later on, after the arrest. I assumed we were still talking sometime in February --
Q. Yes.
A. -- of ‘03.
Q. Yes.
A. February of ‘03, no. After the arrest, yes.
Q. All right. Now, during the next two weeks, did you have any other conversations with Michael Jackson about Gavin Arvizo?

A. Other than the ones we’ve talked about, no. Probably not.
Q. Did you ever tell Michael Jackson that the Arvizo family should be taken home as soon as possible?

A. In February of ‘03, no.

Q. Did you come to learn that the Arvizo family was spending a great deal of time at Neverland during the month of February?

A. No, I came to learn that Janet Arvizo was making accusations about Dieter.

MR. ZONEN: I’ll object as nonresponsive.

THE COURT: Sustained. Stricken.

Q. BY MR. ZONEN: Mr. Geragos, did you come to learn that the Arvizo family was spending a great deal of time at Neverland during the month of February?

A. Did I learn that in February?

Q. In February.

A. Probably, yes.

Q. All right. Did you immediately call Mr. Jackson and tell him that the Arvizo family should be taken back to their home in East Los Angeles?

A. No. I think I told him that in March, or told Ronald that in March; that they should -- they should cut ties.

Q. All right. Now, at some point in time, you directed that your investigator have an interview with the Arvizo family?

A. That’s correct.

Q. And I think you said, “Do it yesterday,” right?

A. He said, “When do you want it done?” And I said, “Like yesterday.”

Q. As quickly as he can possibly do it?

A. That’s correct.

Q. This is Brad Miller?

A. Yes.

Q. Brad Miller has been your investigator for some number of years; is that correct?

A. I think at that time Brad Miller I had used on three or four other cases. I’ve used him on a number since.

Q. Did you tell Brad Miller to tape-record that interview?

A. I believe I told him to tape-record the interview, that I wanted a taped statement by the Arvizos.

Q. Did you tell him to turn off the tape-recorder and not to record certain pieces of information?
A. Absolutely not.
Q. Did you ever listen to that tape?
A. Yes.

Q. All right. It is true, is it not, that when he asked the question about whether or not Gavin slept in the same bed with Michael Jackson, Gavin did not answer the question and Brad Miller then turned off the tape-recorder?
MR. MESEREAU: Objection. Misstates the evidence; no foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: I'm not so sure that that's what happened.
Q. BY MR. ZONEN: What is your recollection of hearing that tape-recording?
A. It appears to me, in listening to that tape, that the tape was turned on, off, at least two or three times. And I can't tell you as I sit here what the question was before each one. But the tape is taped and is turned off and then turned on, so I'd agree with you as to that extent.
Q. Did you ask Brad Miller if he specifically turned off the tape-recorder about the time that he asked the question of whether or not Gavin was sleeping with Michael Jackson?
A. I -- you bet I did.
Q. You're aware that other children have accused Michael Jackson of molesting them. You're aware of that?
A. Yes.

MR. MESEREAU: Objection. Foundation; argumentative; Court ruling; move to admonish counsel.
THE COURT: Just a moment.
The objection is overruled. The answer is, "Yes."
Q. BY MR. ZONEN: All right. You're aware that back in 1993, there were -- there was one lawsuit

that was filed against Michael Jackson that was settled on behalf of a child named Jordan Chandler?
MR. MESEREAU: Objection; beyond the scope.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes.
Q. BY MR. ZONEN: All right. You're aware that there was another incident of a resolution of a claim against Michael Jackson involving a child by the name of Jason Francia?
A. No. Not at -- if you're talking February and March of '03, no.
Q. You didn't learn that until some later time?
A. Right.
Q. All right. But at the time that you were meeting with Mr. Jackson on the 7th, you were aware of the incident involving Jordie Chandler; is that correct?
A. I knew --
MR. MESEREAU: Objection; asked and answered.

THE COURT: Sustained.
MR. ZONEN: I don't believe the last time I said in February. I may stand corrected if I'm wrong.
THE COURT: Well, that could be. I'll allow the question with that understanding.
MR. ZONEN: All right.
Q. Was that, in fact, something you knew about on the 7th of February?
A. I think so, yes.
Q. All right. Did you ask Mr. Jackson about that allegation?
MR. MESEREAU: Objection. Foundation; beyond the scope.
THE COURT: Overruled.
THE WITNESS: No.
Q. BY MR. ZONEN: Were you concerned when you saw Gavin Arvizo there, a child of the same age as Jordie Chandler?
A. I don't know that I knew that Gavin Arvizo was the same age as Jordie Chandler. I suppose, obviously, at one point they were the same age, but

I don’t know that that was something that ever went through my mind.

Q. Were you concerned about the presence of this child at Neverland?

A. Well, I was concerned about accusations that were being made, yes.

Q. Accusations by whom?

A. The -- at the time, in February of ‘03, there was a swirl of publicity, and there were accusations that were being made by numerous people that his children should be taken out of the home.

THE COURT: Just a moment.

Let’s take a break.

(Recess taken.)

THE COURT: Counsel?

MR. ZONEN: Thank you.

Q. Mr. Geragos --

THE BAILIFF: Oh, your microphone.

Q. BY MR. ZONEN: Mr. Geragos, did you keep copies of notes of conversations with Mr. Jackson?

A. No.

Q. Did you make any notes of your conversations with Mr. Jackson?

A. Probably not.

Q. You didn’t make any notes at all of any of your --

A. Probably not. I generally don’t do that with my clients. I generally just talk to them.

Q. Did you make notes of any of your conversations with any of the other individuals who were working for Mr. Jackson at the time?

A. I don’t think so.

Q. You made no notes of any conversation with Dieter Weizner?

A. Dieter Weizner, as I explained before, I didn’t really talk to in February or March, other than on that one occasion. Ronald I would talk to, but I’m not a big note-taker.

Q. No notes of conversations with Ronald Konitzer?

A. I wouldn’t say “no,” but none that I can remember taking.

Q. Do you think that your file might have notes of conversations with Ronald Konitzer?

A. To be honest, I’d have to look.

Q. Do you think that your file would have notes of conversations with Mark Schaffel?

A. No.

Q. How about Frank Cascio?

A. No.

Q. How about Vinnie Amen?

A. I don’t know that I ever had -- unless he was standing with Frank when I talked with Frank, I don’t know that I ever had a conversation directly with him. Maybe when he was with Frank, but, no, I wouldn’t have notes.

Q. Did you have any e-mail communications with Michael Jackson?

A. No, I don’t believe so.

Q. Did you have any e-mail communications with any of the other named people, the people I just named?

A. Probably Ronald would be on -- e-mails that would come from David LeGrand would have Ronald’s name on them as well.

Q. So you would have kept communications between yourself and David LeGrand through e-mail?

A. No, I wouldn’t have kept them, but I would have had them at one point. I don’t know that I would have kept them. Like I say, I would have had them if they had sent them to me, but probably would have deleted after I got whatever information I wanted.

Q. Is it your habit and custom to print out copies of your e-mails and keep them?

A. No.

Q. Is it your habit and custom to keep your e-mails electronically stored in your computer?

A. No. If it’s something particularly important, I’ll just click over and save it into Word Perfect and then save it in the file, but I generally do not keep the e-mails segregated with whatever else.

Q. Do you have a Word Perfect file on Michael Jackson?

A. I believe that I do.

Q. Does it contain e-mail communications?

A. I don't think I had any e-mails with him. I'd have to double-check to be sure, but I don't

think I did.

Q. Did you have e-mail communications with Brad Miller?

A. I think that I did.

Q. Did you save those e-mail communications?

A. I don't think that I did.

Q. You might have?

A. Maybe.

Q. Would it be your habit and custom to title those "E-mail communications" with your investigator and put them in your file as a Word Perfect document?

A. If I looked in Word Perfect, that's -- if it was something important and I saved it into Word Perfect, that would be the way to tell.

Q. Is it the case that you're the only lawyer remaining in Los Angeles County who still uses Word Perfect?

(Laughter.)

A. Probably so. But it's the 11 series, so --

Q. Mr. Geragos, I'd like to show you an exhibit.

Could I approach the witness?

THE COURT: Yes.

Q. BY MR. ZONEN: Number 347, would you take a look at that, please?

A. Okay.

Q. That's an exhibit containing two notes; is

that correct?

A. Yes. It's got two blue pieces of paper with handwriting on it.

Q. Do you recognize that as your former client's handwriting?

MR. MESEREAU: Excuse me, could I see what this is?

THE COURT: Yes.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

MR. ZONEN: It’s admitted in evidence, Your Honor.

THE COURT: He just needs to see what it is.

MR. ZONEN: I understand. Thank you.

Q. Do you recognize that as Mr. Jackson’s handwriting?

A. No.

Q. Were you familiar with Mr. Jackson’s handwriting?

A. Familiar with his signature and familiar with some of the way he signs off. But not -- this does not appear -- there’s nothing about it that I recognize.

Q. All right. Would you read those two notes, please, out loud?

A. “But you have to really be honest in your heart that I am your dad and will take care” -- “good care of you, Dad. I want you to have a great time in Florida. I’m very happy to be your daddy. Blanket, Prince and Paris are your brothers and sisters. Love, Dad.”

Q. All right. Would you be surprised to learn that that is, in fact, a note or two notes written by Mr. Jackson to Gavin Arvizo?

A. I don’t know. Would I be surprised? I don’t know. I probably would be surprised.

Q. All right. Mr. Geragos, if, in fact, those are notes written by the defendant to Gavin Arvizo, that would be inconsistent with what you tell us he told you about not wanting to be called “Dad”; is that right?

MR. MESEREAU: Objection. Misstates the evidence. He said someone else told him.

THE WITNESS: Yeah --

THE COURT: Just a moment.

And no speaking objections, Mr. Mesereau.

MR. MESEREAU: Yes, sir.

THE COURT: All right. You may answer. I’m not sure you answered or you were responding to Mr. Mesereau, so --

MR. ZONEN: Should the question be reread, Your Honor?

THE COURT: Reread the question.

THE WITNESS: I believe that the -- that -- I don't know what dates these were written on, and I don't know that it's his handwriting. Are you asking me to assume it's his handwriting? If I assume it's his handwriting, yes, that would be -- that would be surprising to me.

Q. BY MR. ZONEN: Now, to your knowledge, the only trip that the Arvizos ever took to Florida with Mr. Jackson was the one that they took just prior to arriving in Neverland on the 7th; is that correct?

A. From the discovery, that's my understanding.

Q. You have no other information that the Arvizo family ever took any other trip to Florida with Mr. Jackson?

A. Right. I don't have any other information that they took any other trip.

Q. Do you have any information that the Arvizo family took a trip anywhere with Mr. Jackson other than Florida and Neverland?

A. No.

Q. Now, I asked you a number of questions about your giving counsel to your client about the Arvizo family leaving Neverland.

When did you finally tell your client that it's time for the Arvizo family to go home?

A. I think I told -- I don't know that it was Michael or Ronald, or maybe on the same phone call, but sometime in March that -- in March of '03.

Q. Now, were you aware in March of '03 that the Arvizo family was still at Neverland?

A. I think they had come and gone, was my understanding back then, in March of '03.

Q. At the time of the conversation with Mr. Jackson -- let me strike that and reask that.

Did you finally have a conversation with Michael Jackson about the fact that the Arvizos should not be at Neverland?

A. I had a conversation -- my only hesitancy is when you say was it with Michael Jackson. I don't think it was with Michael. I think the conversation was with either Ronald or Brad saying that, "This is not a good situation." I don't think that the conversation was with Michael.

Q. Well, Brad Miller was working for Michael Jackson at the time?

A. Brad Miller was working for me.

Q. All right.

A. Brad Miller would be a liaison. If I were in trial, I would have Brad communicate messages, but Brad was not talking to Michael. Brad would have been talking to one of the people that I mentioned.

Q. All right. Is there a reason you didn’t call Michael Jackson directly, given that he is your -- was your client --

A. Well --

Q. -- and tell him to send the Arvizo family home? Is there a reason you didn’t do that?

A. Because I don’t believe, at the time when I

had that conversation, that Michael was even at Neverland. I don’t think Michael was there then.

Q. Did you make any effort to determine when Michael Jackson would be at Neverland?

A. Well, when you say, “make an effort to determine,” I believe at one point he was out of state and -- in March, and I was informed of that, and so that’s -- that was the basis for my opinion.

Q. Did you --

MR. MESEREAU: Objection. He’s cutting off the witness.

THE COURT: Sustained.

MR. MESEREAU: May the witness complete his answer, Your Honor?

THE COURT: Had you completed your answer?

THE WITNESS: No, but I forgot what I was going to say.

Q. BY MR. ZONEN: Did you make an effort to contact Michael Jackson out of state?

A. No -- well, I think that I was told he was out of state. I think it was one of those brief conversations when he was on with somebody else. I was having a conversation with somebody else, he was either in the room or got on for a minute.

But, no, that was not -- I didn’t consider that -- that I was dictating to him what he needed to do. I was there, I thought, to do an investigation. I was there to make sure that nothing unfair happened to him and his kids. That was my role.

Q. At some point in time around the middle of the month of February, did you learn that the family had left Neverland?

A. This was what was objected to before. You want me to answer it now?

Q. I'd like to know if you learned at some time in the middle of February that the family had left Neverland. Yes or no?

A. Yes, I was told by somebody that the family had left Neverland.

Q. All right. Okay. Now, were you aware that there were telephone calls being made from Frank Cascio to Janet Arvizo asking her to return to Neverland?

A. I found that out later. I did not know it at the time.

Q. Are you aware that your investigator, Brad Miller, tape-recorded one or more of those conversations?

A. I'm aware of one. I found that out when the police searched Brad's office and got that tape, and later learned what that was.

Q. Did you direct Mr. Miller to tape-record those telephone calls?

A. I said I was aware of one.

Q. Did you direct Brad Miller --

A. And I did not direct him to tape a phone call surreptitiously. The only tape that I directed him to do that was an audiotape, was the one where I said, "I want you to sit down and interview them." And I also told him, "I want a log of where they are." I did not tell him to tape Frank Tyson or that one phone call.

Q. Did Mr. Miller tell you about the conversation that he tape-recorded between Frank Cascio or Frank Tyson and Janet Arvizo?

MR. MESEREAU: Objection. Assumes facts not in evidence; no foundation; misstates the evidence as well.

THE COURT: Overruled.

You may answer.

THE WITNESS: Brad later told me, when we were -- you and I and Mr. Sneddon were litigating this issue, and I asked him about it, that the reason he did it is because Frank had led him to believe --

MR. ZONEN: I’m going to object at this time to --

MR. MESEREAU: Objection. He’s cutting off the witness.

MR. ZONEN: Well, I --

THE COURT: Overruled.

The question is simply whether or not he told you about tape-recording the conversation.

THE WITNESS: Do you want me to answer “yes” or “no”? Yes.

Q. BY MR. ZONEN: Now, when was the conversation that you had with Brad Miller where he acknowledged tape-recording that conversation? When was that?

A. It would have been substantially after the tape was seized from his office.

Q. All right. Back during the month of February, was Brad Miller informing you as to the content of his investigation?

A. He was -- he was pretty dil --

MR. MESEREAU: Objection. Leading, Your Honor. Vague as to time.

MR. ZONEN: I said February.

MR. MESEREAU: Can I assume 2003?

THE COURT: Just a moment. Just a moment.

All right. I’ll overrule the objection.

Do you want the question read back? I’ll order it read back.

THE WITNESS: I remember. I was going to answer.

He was being fairly diligent about telling me. He did not tell me about that one particular call until after it was seized when I started to question him about it.

Q. BY MR. ZONEN: Did he tell you about any conversations that took place between Frank Cascio

and Janet Arvizo?

A. That conversation.

Q. Did he tell you that in the middle part of February, Frank Cascio was trying to get Janet Arvizo back to Neverland Ranch?

A. No. That’s not what he told me. Do you want me to tell you what he told me?

Q. Did he tell you that anybody from Neverland Ranch was making efforts to get Janet Arvizo back?

A. No. He told me that he was --

MR. ZONEN: I’m going to object as nonresponsive.

THE WITNESS: No.

THE COURT: Sustained.

Q. BY MR. ZONEN: Mr. Geragos, did you have conversations with any employee of Michael Jackson on whether or not the Arvizo family should be tape -- videotaped and whether or not that videotape should be included in a commercial production to be aired on television?

A. I was told that they were going to be videotaped, and it would have been by David and/or Ronald. And I instructed Brad to go to the videotaping and to remain there until he got a copy of the videotape.

Q. Were you consulted at any time by any employee of Michael Jackson as to whether or not waivers would be necessary for such a thing?

A. No.

Q. Were you consulted by anybody employed by Michael Jackson on the question of whether or not any member of the Arvizo family should be compensated for their involvement in this tape?

A. I was told that they wanted to be compensated for the tape.

Q. All right. And did you tell -- who was that who told you that?

A. As I sit here, I would just be guessing. I know that I was told that they wanted to be compensated for the tape.

Q. And did you tell that person that that would be an appropriate thing to do, since it was a commercial interest?

A. No. I don’t think I did -- had anything to do with it. In fact, I think that that was dealt with -- all of the licensing and everything having to do with the rebuttal was handled by, I think, David and Schaffel.

Q. At the time of the conversation with this person about them wanting to be compensated for this tape, did you ask that person if the Arvizo family was still staying at Neverland Ranch?

A. I don’t remember if I did.

Q. Do you know if you told that person that it was not a good idea for these people to be associating with Michael Jackson?

A. Well, I know that I had that conversation.

Q. With whom?

A. I’m sure I’ve had it with Brad. I’m sure I’ve had it with Ronald. And I’m positive that at one point I had that conversation with David.

Q. With who?

A. David LeGrand.

Q. With David LeGrand.

Did any of them tell you that was difficult to do because Mr. Jackson enjoyed sleeping with Gavin Arvizo?

MR. MESEREAU: Objection. Assumes facts not in evidence; argumentative.

THE COURT: Overruled.

You may answer.

THE WITNESS: No. Nobody told me that.

Q. BY MR. ZONEN: When did you first learn that there was, in fact, a succession of young boys that had been sleeping with Michael Jackson over the last 15 years?

MR. MESEREAU: Objection. Misstates the evidence; argumentative; no foundation; move to strike.

THE COURT: Argumentative; sustained.

Q. BY MR. ZONEN: Did you ever learn about Brett Barnes?

A. Doesn’t ring a bell.

Q. Did you ever learn about Jordie Chandler?

A. The same person you asked me about earlier --

Q. Yes.

A. -- from '93, yes.

MR. MESEREAU: Asked and answered.

MR. ZONEN: All right.

THE COURT: Just a moment.

Q. BY MR. ZONEN: And in the process of investigating --

THE COURT: Just a moment. I'm ruling on an objection here.

MR. ZONEN: I'm sorry. I thought you had.

THE COURT: Sustained.

Q. BY MR. ZONEN: Did you ever determine whether or not Jordie Chandler had spent many consecutive nights in bed with Michael Jackson?

MR. MESEREAU: Objection. Beyond the scope; no foundation; argumentative.

THE COURT: Sustained.

Q. BY MR. ZONEN: Did you make any investigation into any of the allegations against Michael Jackson that occurred back in 1993 and prior to '93?

MR. MESEREAU: Objection. Beyond the scope; no foundation; argumentative.

THE COURT: Overruled.

You may answer.

THE WITNESS: Over the break I was given the written waiver, and the written waiver was up through --

BAILIFF CORTEZ: Microphone, sir.

THE WITNESS: The written waiver was up through the time of arrest. To answer that, I would have to go beyond that.

THE COURT: I didn't understand that the waiver was limited.

MR. ZONEN: Nor did I.

MR. MESEREAU: Yes, Your Honor. If I didn't say that, I meant to. We were going to limit it until up to the time of Mr. Jackson's arrest.

THE COURT: That's not what you informed all of us. Take the jury out, please.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: Counsel, you didn’t inform Mr. Geragos, myself, or anyone else in the courtroom that there was anything other than a waiver of the attorney-client privilege. You didn’t indicate there was any limitations on that waiver.

MR. MESEREAU: That’s my mistake, Your Honor. I was thinking in terms of the period, relevant time period, not after the arrest, the time he was involved with Mr. Konitzer, Dieter, people like that. That’s -- that’s my mistake, and I apologize. I didn’t think anything was relevant after the arrest.

THE COURT: They can’t hear you talking back there.

MR. MESEREAU: I didn’t think anything was relevant after the arrest. And I should have been clear about that. That’s my mistake.

THE COURT: Well, I consider you’ve made a total, complete waiver on the record. You know, I’m not going to allow you to give with one hand and take away with the other.

MR. MESEREAU: Can I inquire, Your Honor? With all due respect, what would be relevant after the arrest to the time period that’s being litigated in court? I don’t think there is anything. I believe the allegations --

THE COURT: The relevancy is one issue, granted. But that’s not what we’re talking about now. We’re talking about the scope of the waiver that you represented that you were -- that existed. Mr. Geragos is on the witness stand. He’s answering questions, and then you inform him during a break that there’s some limitation. I think relevance has to be dealt with on a question-by-question basis. I’m not dealing with that. I’m dealing with the extent of the waiver that you indicated to the Court and to Mr. Geragos that you have.

MR. MESEREAU: I guess I did do that. And unfortunately, I meant to cover the period involving this case, which I thought was before the arrest, and that was my mistake.

I didn’t think it included, Your Honor, the period of time following the initial Information. I didn’t think that was relevant. I wasn’t even considering that. I was thinking about the time period during which the prosecution has elicited testimony and he elicited testimony regarding these alleged events.

THE COURT: Well, what’s your position?

MR. ZONEN: I think it may be appropriate to ask this witness questions about his conversations with the defendant and questions about his involvement in the case even after the arrest. It could have bearing certainly on his conduct here, or conduct that he took after the time of the arrest could have bearing on whether or not he did or didn’t do certain things prior to the arrest. I just don’t think that we should be restrained from having to limit our questions only up to the time of his arrest.

THE WITNESS: Your Honor, may I just interject one thing, since I’m going to be the one asked the questions?

If there’s not a waiver from the client --

MR. ZONEN: I’m going to object.

THE WITNESS: If there’s not a waiver --

THE COURT: No, he has my permission to speak.

THE WITNESS: If there’s not a waiver by the client, I believe under State Bar rules, I am completely exposed. And I would inform the Court, without a written waiver, I am not going to answer, even under threat of contempt, any further questions that have to do with anything which is stated at least in the written waiver that I have, under -- or after December of 2003, because I can’t put that genie back into the bottle at this point.

Frankly, I think technically the arrest was in November of 2003, in the first place, but the letter states December of 2003. And I believe under State Bar rules, I'm not allowed to answer anything unless there's a written waiver that is fully informed by the client.

MR. ZONEN: Your Honor, we haven't been furnished with a copy of that waiver. We would like to see it, please.

THE COURT: Go ahead and --

MR. MESEREAU: We have another copy, Your Honor.

THE WITNESS: Do you want to make a copy or --

MR. ZONEN: That's okay.

THE COURT: The question that was asked was whether or not he'd made an investigation into the 1993 allegations. And that was when he advised us that he had been given a limited waiver.

So I guess if the question was whether you'd made any investigation into the allegations about 1993 back in February, that you would be able to answer that question.

THE WITNESS: That's correct, Your Honor.

In fact, if the question was limited to anything prior to, I believe it was November -- I want to say 18th or 19th of 2003, anything prior to that date I'm comfortable with and don't have a problem.

Anything after that date, I'm going to refuse or decline to answer. Respectfully, of course.

THE COURT: I'm not quite sure how to deal with it, but one way we can deal with it is that the relevancy of his testimony is based on what happened in February, March, and maybe up to the time of arrest. And then we could complete that testimony, and if you then thought you had some need to go into other areas, we could get some points and authorities on where we stand on the misrepresentation that Mr. Mesereau has made to the Court and to counsel.

That way, though, if we take evidence limited in that respect today, we can free counsel up to get back to his trial. I know he's got a trial in Los Angeles that he needs to be at. And if we do it that way, then what I would do is hold you on call to me.

THE WITNESS: I kind of thought I already was.

THE COURT: Huh?

THE WITNESS: I kind of thought I already was.

THE COURT: Yeah, you are. But, you know, in the future, and --

MR. ZONEN: Judge, is the Court under the expectation that we're actually going to finish by 2:30 today?

THE COURT: Uh-huh. Aren't you?

MR. ZONEN: Not optimistically, no. Not with redirect as well. I may finish cross. I don't know that we're going to finish redirect.

THE COURT: Well, let's see what we do. Sometimes -- anyway, I then will proceed in this fashion, reserving what remedies exist -- what should be done under the circumstances, but we don't waste the last hour, and perhaps we're able to free counsel and perhaps not.

Is that an agreeable way to proceed?

MR. ZONEN: It is.

And while the jury is out, let me also ask that we be furnished at this time Mr. Geragos's 10336 file, at least the file that existed up to the date of the arrest, which would include all of his billing records, his notes, his e-mails, his handwritings, communications and reports. There is a waiver up till that time.

THE COURT: I'm not going to order that, Counsel. You can use the proper process for that.

Now, is that an agreeable way to proceed, Mr. Mesereau, today?

MR. MESEREAU: Yes, Your Honor. And I apologize for the -- it was not intentional, what you've categorized as a misrepresentation. I apologize for that. It was not intentional. I was thinking of the period of the alleged conspiracy.

THE COURT: People can't hear you.

MR. MESEREAU: I was thinking of the period of the alleged conspiracy. I was not thinking beyond that, and that's my mistake. And I do apologize to the Court.

THE COURT: All right. We'll see where that gets us. I don't know where that gets us. Let's bring the jury in and see what we can achieve.

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: Go ahead, Counsel.

MR. ZONEN: All right.

Q. Mr. Geragos, the tape-recording of the telephone call that I had asked you about previously, the call between Frank Cascio and Janet Arvizo, you did tell us that you listened to that tape-recording; is that correct?

A. Yes, I -- well, we're right back to where we were before.

THE COURT: Excuse me. I was just -- let me just take care of something.

I'll just have the court reporter mark that. Next question.

Q. BY MR. ZONEN: Mr. Geragos, at some time after that interview that your investigator, Mr. Miller, had with the Arvizo family at your direction, you became aware of the fact that there was going to be a filming of the entire family; is that right?

A. I don't know if it was the whole family, but I was aware there was going to be a videotaping, yes.

Q. And were you aware at that time that that video was going to be used in a commercial production?

A. I knew that the videotaping was going to be -- they were trying to sell it. That's what they were going to do. So if you mean "commercial" that way, yes, they were trying to sell it. I don't know if they had already cut a deal or not.

Q. Was it your understanding that the Arvizos' participation in that video would have commercial value to your client, Mr. Jackson?

A. I don’t know if I’m qualified to answer that.

Q. Was that your belief at the time?

A. I don’t know that I ever thought about it at the time.

Q. Did anybody ever talk to you about the commercial value of their involvement in this video?

A. Nobody was looking for my advice on commercial value of the rebuttal video.

Q. Did anybody ever consult with you at all about the propriety of using the Arvizo family in this video?

A. I don’t know about -- well, I just said if some statements were going to be taped, I wanted a copy.

Q. Did you know that Gavin Arvizo was a cancer survivor?

A. I did not then, when that tape was made.

Q. Well, that tape was made, what, the 20th?

A. I think that tape was made the 20th. And I probably -- probably knew that either on that following day or the day after. But I think very close in time.

Q. Mr. Geragos, you had not watched the documentary “Living with Michael Jackson” prior to that?

A. I had, but I had -- I had not investigated records or anything like that. I later got records and confirmed what was being said.

Q. Isn’t it true that the documentary “Living with Michael Jackson” has clearly stated that Gavin Arvizo is a cancer survivor?

A. Yes.

Q. And you did view that documentary prior to the taping on the 20th?

A. Right, but I wasn’t buying anything until I had documentation.

Q. All right. But you had information, at least, that Gavin Arvizo was a cancer survivor; is that right?

A. That’s what the claim was.

Q. Did you ever ask Michael Jackson if it was true that Gavin Arvizo was a cancer survivor?

A. Not in February of ‘03.

Q. Of any of the conversations that you had with David LeGrand or Ronald Konitzer, did you ask either one of them if it was true that Gavin Arvizo was a cancer survivor?

A. I think that the discussions were had sometime in February about that subject.

Q. You were aware, were you not, that the filming and presentation and airing of the documentary “Living with Michael Jackson” caused Gavin Arvizo considerable problems in his life?

MR. MESEREAU: Objection; foundation.

THE COURT: Overruled. You may answer.

THE WITNESS: I was aware that the claim was made that he was being taunted at school.

Q. BY MR. ZONEN: And you knew that prior to the 20th of February; is that right?

A. I don’t think I knew it prior to the 20th. I think I knew it closer to the end of the month or the beginning of March.

Q. When you viewed the documentary “Living with Michael Jackson,” did you understand at the time that that documentary was going to cause Gavin Arvizo problems?

MR. MESEREAU: Objection; foundation.

THE WITNESS: My --

THE COURT: Overruled. You may answer.

THE WITNESS: Gavin Arvizo wasn’t my client. Michael Jackson was my client.

Q. BY MR. ZONEN: I understand that.

A. I was not -- you know, I don’t want to sound heartless, but I was worried about my client’s problems.

Q. I understand you were worried about your clients problems, but did you, in fact, understand that the airing of that documentary could cause Gavin Arvizo problems because of how he was depicted and portrayed?

A. I -- I suppose in retrospect, yes. At the time, I thought that it was -- it would have the opposite effect for him. He would be able to exploit that for money. That was my worry; that he was going to, or the family was going to go sell their story for a six-figure sum. I had that concern.

Q. Now, actually “sell the story,” sell the story to whom?

A. One of the tabloids.

Q. Well, they would have a right to do that, wouldn’t they?

A. Yes.

Q. There’s absolutely nothing illegal about selling your own story?

A. If it’s false, then you have actions that you can take, and that’s -- that’s one of the reasons I wanted to have the tape, because I didn’t want -- I wanted to have them locked into what the truth was and not later sell a false story, because my experience is that the tabloids are not always absolutely accurate.

Q. All right. Now, that’s not necessarily the problem of the Arvizos, whether or not the tabloids are accurate, right?

A. I don’t know that I would agree with that.

Q. All right. But the Arvizos certainly would have a right, in this country, to sell their story to anybody?

A. They would. And as I stated, I already had a concern about the Arvizos because of the J.C. Penney lawsuit, so I was not exactly looking at them as being pristine or pure at that point. I had -- for lack of a better word, I had a rather jaded view at that point.

Q. In fact, Michael Jackson was marketing the Arvizo’s story for profit; is that true?

MR. MESEREAU: Objection. Foundation; assumes facts not in evidence.

THE COURT: Overruled. You may answer.

THE WITNESS: They were trying to do, my understanding, what they called a rebuttal video.

And the reason they were trying to do a rebuttal video, I suppose, was, as you indicated, for profit. It wasn't being done pro bono.

Q. BY MR. ZONEN: And your client believed that if the Arvizos were included and their story was included in this production, it would be more profitable to him; is that true?

A. Actually, I don't know.

MR. MESEREAU: Objection. Assumes facts not in evidence; foundation.

THE COURT: Overruled.

THE WITNESS: Actually, I don't know what my client believed. All I know is when I heard that they were going to be included, I wanted to have a copy of the statements, the videotaped statements.

I did not specifically talk to Michael about, "Are you doing this for money?" "Is this something that you have a belief we're going to use them for marketing?" or anything of that nature.

Q. BY MR. ZONEN: Did you have a conversation with anybody at Hamid Moslehi's home -- easy for me to say.

A. Common spelling.

Q. -- (continuing) Hamid Moslehi's home on the 19th of February of 2003?

A. I could have, if Brad was there. It would have made sense that Brad might have called me and said, "They're not giving me the videotape," because they didn't give me the videotape.

Q. Did you at any time during the evening of the 19th, into the early morning hours of the 20th, give any direction to any employee of Michael Jackson about what they should ask or what they shouldn't ask --

A. Absolutely --

Q. -- the Arvizo family?

A. Absolutely not.

Q. Did anybody consult with you about the

script that would be used for the Arvizo family?

A. I didn't know that there was a script.

Q. Did anybody ask you whether or not the Arvizos should be specifically asked questions about whether Gavin was molested?

A. I specifically said, “I want copies of the videotape.” I do not believe that I talked to Hamid. And I can’t pronounce his last name.

Q. Moslehi.

A. Easy for you to say.

And I don’t believe that I talked to anybody else that evening but Brad. I could be mistaken. But that -- my memory is that I would have talked to Brad; that Brad told me that they weren’t giving up a videotape, or that it was getting late, or I told him, “I don’t want to talk to you anymore. Don’t call me anymore. It’s late. I’ve got to go to bed.”

Q. Did you talk to Mark Schaffel that night?

A. I don’t think so. I think I might have talked to Schaffel the next day to find out why we didn’t get a copy of the videotape.

Q. Did you talk to Christian Robinson?

A. I don’t think I’ve ever talked to Christian Robinson. At least back in February or March of 2003, I don’t believe I’ve talked to Christian Robinson.

Q. Did you talk to Vicki Podberesky that night?

A. I did not.

Q. Did you refer anybody to Vicki Podberesky?

A. I think Brad called and said that --

Q. Mr. Geragos, did you refer anybody to Vicki Podberesky?

A. I was trying to answer the question. Brad called and asked for a referral. I did not refer to Vicki Podberesky. I referred to Michael Nasatir. Vicki Podberesky is Michael’s partner.

Q. All right. And you referred Brad Miller to Michael Nasatir; is that right?

A. Brad said that Janet wanted a lawyer. I said, “I can’t represent Janet. My firm’s not going to represent Janet. Call Mike Nasatir and see if it’s something he can handle.”

Q. All right. You were the one who then gave Brad Miller the name of Mike Nasatir’s law firm; is that correct?

A. That’s correct.

Q. You didn’t say “Vicki Podberesky”?

A. I did not say “Vicki Podberesky.” I said “Mike Nasatir.”

Q. Did you have a conversation with Vicki Podberesky that night?

A. I don’t believe it was that night. But if she says it was, I would defer to her. My memory is that I talked to Mike Nasatir.

Q. Did you talk to Mike Nasatir that night?

A. Might have. Might have said, “I’m referring over a case,” or “Brad’s going to call you. Talk to him,” you know, “Do whatever you have to do.”

Q. Did you tell Mike Nasatir that you would be financially responsible for his bill?

A. Absolutely not.

Q. Did you tell him that Michael Jackson would be financially responsible?

A. Absolutely not.

Q. Did you know who was going to be responsible for his bill?

A. It wasn’t my firm. It wasn’t my business.

Q. Did it come up in the conversation with Brad Miller?

A. No. Why would it -- no.

Q. Now, at this point, you understood that Janet Arvizo did not have a lot of money?

A. I don’t know that I understood that. I was aware of a J.C. Penney lawsuit. I was aware that she had a boyfriend who seemed to be making very good money. So, no, I’m not aware that she was completely limited in terms of her funding.

Q. Did you ever make any effort to determine whether or not she was going to have to pay a retainer to the law firm of Mr. Nasatir?

A. Absolutely not. It wasn’t my business.

Q. You did have a conversation with Mr. Nasatir either that night or the next morning?

A. I believe it was the next morning, but I could be mistaken. It might have been that night. And I believe the conversation was that, “I referred somebody over, and this is the name and the number.” And, you know, “Handle it however you want to handle it.”

Q. Did you ask Mr. Nasatir to contact you after his interview with Janet Arvizo and tell you the content of that interview?

A. If -- if I talked to him that night, I probably would have said, “Let me know what happens,” yes.

Q. Would you have asked him to tell you about the content of the conversation?

A. I would have wanted to know what was being said, yes.

Q. Would you have asked him to get an express waiver of attorney-client privilege from Janet Arvizo so that he could talk to you about the exact content of that conversation?

A. No. I wouldn’t have advised him how to practice law. He’s a -- I think a certified specialist in criminal law, and I would assume he would know that.

Q. Did you tell Brad Miller that you wanted Brad Miller to become informed of the conversation that Janet Arvizo was having with this attorney?

A. No, it was the opposite. Janet kept telling Brad she wanted him there.

Q. Did you have --

A. And Brad said he couldn’t go, and that’s why he volunteered Asaf instead.

Q. Did you have a conversation with Brad Miller wherein you specifically asked Brad Miller to get as much information as he could of the conversation between Janet Arvizo and the Nasatir lawyer?

A. No. In fact, I -- my understanding was, I told them, “I can’t get in the middle of that. Refer it out.” And she kept asking Brad to attend with her at that interview.

Q. Did Brad Miller tell you specifically that the interview they were referring to was a Department of Child Family Services interview?

A. I think he did, yes.

Q. Did you understand that that interview was existing, was taking place because of concerns about whether or not her children were being exposed to Michael Jackson?

MR. MESEREAU: Objection; misstates the evidence.
THE COURT: Overruled.
You may answer.
THE WITNESS: I -- I learned that after the fact, after the interview.
Q. BY MR. ZONEN: Who is it who told you that Janet Arvizo was going to have an interview with the Department of Child & Family Services representatives?

A. I believe it was Brad.
Q. And he told you that that night?
A. I believe so. I believe that it was that night that he said she was asking him to go with her to the interview.
Q. Do you know why this interview was conducted at two o’clock in the morning, hours before the start of the interview with Janet Arvizo and the Department of Child Family Services?
A. I have no idea --
MR. MESEREAU: Objection; misstates the evidence.
THE COURT: Overruled.
You may answer.
THE WITNESS: I have no idea why it was 2:00 in the morning. I do have a memory of saying, “Stop calling me, because I’m going to bed.”
Q. BY MR. ZONEN: Did you tell Brad Miller at any time that they should have that interview done before the start of her interview with the Department of Child Family Services?
A. Absolutely not. One, in my mind, had nothing to do with the other.
Q. Did you tell Brad Miller to tape-record that interview with the Department of Family Services?
A. Absolutely not. If I -- no, I absolutely did not.

Q. Did you tell Brad Miller that he should have somebody else tape-record that interview?
A. Absolutely not. I didn’t know that he was going to have anybody there.
Q. Did you have Asaf there that day?

A. I did not have Asaf there that day.
Q. Did you know Asaf prior to that day?
A. I think I met Asaf on one prior investigation that I had hired Brad on.
Q. Is that Asaf Vilchic?
A. I think that’s his last name.
Q. And did you understand him to be an employee, a part-time employee, of Brad Miller?
A. Yes.
Q. Is Brad Miller someone you had worked with for a period longer than five years prior to that day?
A. No.
Q. Did you feel that you knew Brad Miller fairly well?
A. I thought I knew him, yes. At that time, I don’t know if I would say “fairly well,” but I used him, as I indicated, probably on three or four different cases. I use a number of investigators.
Q. Was there any conversation between you and Brad Miller that night, on the evening of the 19th, about whether or not the DCSF interview would be tape-recorded?

A. No, absolutely not.
Q. When did you first learn that that interview had been tape-recorded?
THE WITNESS: I can’t answer that, Your Honor.
THE COURT: Mark that.
Next question, please.
Q. BY MR. ZONEN: When did you listen to the tape-recording for the first time?
A. I can’t answer that.
Q. Did you have a conversation with Brad Miller within the next week about the -- about the meeting with the Department of Child Family Services?
A. I probably would have, yes. I don’t have -- as I sit here, I don’t remember it, but it would not have been unlikely.
Q. Did Brad Miller brief you about the content of the Department of Child & Family Services meeting?
A. I think I was told that there wasn’t any

problem. And I don’t -- and I don’t know if I was told that within a week or within a day, but I think I was just told that there was no problem.

Q. Did you ask him, Brad Miller, if he was, in fact, present during the course of the meeting with the representatives from the Department of Child & Family Services?

A. I don’t remember doing it, but it certainly would not have been unusual for me to have done it. As I sit here, I don’t remember asking him that, but it’s logical that I would have.

Q. Did Brad Miller tell you that he was personally present during that interview?

A. I don’t remember the conversation, but I don’t at any time remember Brad telling me that he was present during that interview.

Q. Did he ever tell you who was present during that interview?

A. That’s another question I can’t answer.

THE COURT: All right. Mark it.

Q. BY MR. ZONEN: Did Brad Miller ever tell you that Asaf was present during the beginning of the interview?

A. That’s another question I can’t answer.

THE COURT: Next question. Mark it.

Q. BY MR. ZONEN: Did Asaf ever tell you how that tape got in the hands of MS-NBC and Dan Abrams?

A. That’s another question I can’t answer.

THE COURT: All right. I think we’ll take our recess early today. I don’t think this is productive to proceed this way.

(To the jury) Any objection if you go home seven minutes early?

A JUROR: Oh, no.

THE COURT: See you Monday morning at 8:30.

Remember the admonition.

Counsel remain a moment.

MR. ZONEN: Thank you.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

MR. ZONEN: Mr. Geragos, do you still have that exhibit in front of you or did I take it back already?

THE WITNESS: Yes.

THE COURT: Mr. Geragos, you may step down, but remain within the bar. You have an interest, a stake here. I think you have counsel here.

MR. GERAGOS: Pat’s sitting here, but I’ll be one of those pro pers.

My biggest concern is I’m engaged in Department C35 in a jury trial that has been ongoing now for eight weeks in Santa Ana court before the Honorable Judge --

THE COURT: Could you come to the microphone? There’s people that just can’t hear you back there.

MR. ZONEN: I’ll move out of your way.

MR. GERAGOS: I’m presently engaged in jury trial in Department C35, long-cause court, in Santa Ana. I’ve been there for eight weeks. We have 18 jurors in the box. I’m in the middle of cross-examination. This is a case that’s estimated to last till August. The case is actually seven years old. It’s been to the Supreme Court and back, and there is a published decision on it. The -- all the jurors are ordered back for Monday morning at nine o’clock. I am ordered back by Judge Fasel at 8:45.

Obviously I do not want to incur the wrath of this Court, but I believe that if I’m ordered back for Monday, I’m going to be under competing Court orders, and somebody’s going to find me in contempt.

THE COURT: Who do you want to do that?

(Laughter.)

MR. GERAGOS: I think I’d rather -- I hate to say this, as much as I love Santa Maria, I’d rather spend my time in the OSC jail, so --

MR. SANGER: We have a nice jail here.

THE COURT: We can call that judge. I understand. In fact, that’s why I ordered you up today, was when I heard that you were in a lengthy jury trial, my choice was not to disturb the jury trial on Monday, because I know how hard it is for any jury to have to deal with these kind of problems.

And I fully anticipated that we'd be able to get all of your testimony in today. You know, the District Attorney had said that he only had a few more minutes with LeGrand, and that didn't happen, so you were kept upstairs for a period I didn't anticipate this morning.

But his courtroom is dark on Fridays?

MR. GERAGOS: He I think -- I believe has a law-and-motion calendar on Fridays, and that's why it's dark for jury trials.

The jury was ordered back at -- for nine o'clock. The next day off is the 20th. I've already inquired here. I guess you're not working, I guess this court is dark on the 20th. And then we do have, even though I'm supposed to be out of the country, we're dark on the 26th of May. I suppose I could always delay that trip to later in the day if I could get --

THE COURT: Well, I'm not going to put it off that long. What I could do is cancel our day off on the 20th. The 20th was going to be a day off because Mr. Sanger had made a commitment to appear --

MR. GERAGOS: If it's just Mr. Sanger, I've got no problems screwing up his day off.

THE COURT: So I'm trying to -- what I'm going to require here is some points and authorities from both sides. I'm not quite sure of what -- where we are and what we should be doing. And so it wouldn't hurt if -- I mean, clearly everyone's going to have their points and authorities to me Monday, but then we could take your testimony next Friday and --

MR. GERAGOS: That's fine. And I'd appreciate it. The case I had on Friday I was hoping that you would say that. I had somebody go out to San Bernardino this morning and continue a prelim that was set for the 20th, so I have -- I can move the other two things that I have, so it's not a problem.

MR. SANGER: Your Honor, on Friday, from a selfish standpoint, could we limit the day to Mr. Geragos’s testimony?

THE COURT: Yes.

MR. SANGER: So when we’re through, then we could go, because I could still make part of it.

THE COURT: Right. We can set Friday just for Mr. Geragos’s testimony.

MR. SANGER: Thank you.

THE COURT: How much more testimony -- how much longer do you think you’re -- I know. The problem is if I give you a week, then it will -- to think of questions, then....

MR. GERAGOS: Exactly.

MR. ZONEN: You’re asking me how many more minutes of cross-examination I have?

THE COURT: Estimate your time.

MR. ZONEN: Oh, gosh. A half hour at least.

THE COURT: Is that all?

MR. ZONEN: Well, no.

(Laughter.)

THE COURT: Well, we have a serious problem to deal with, and I really don’t have a -- I really am not -- all we can do is do some research.

MR. ZONEN: I’ll try to accommodate the Court as best I can.

THE COURT: If I bring the jury in, I’m not going to bring them in just for a half hour of testimony on Friday, so we’ll use the whole day. That would not be fair to the jury.

MR. SANGER: Whatever the Court decides.

THE COURT: I think that’s what we’ve got to do.

MR. SANGER: If we quit early -- let me put it this way. If we quit early on Friday, it would be nice, but whatever the Court can do with that in mind.

THE COURT: All right.

MR. GERAGOS: May I be excused, with the promise that I will return at 8:30 on Friday the 20th?

THE COURT: You’re ordered to return on

Friday --
MR. GERAGOS: And I promise I’ll be here.
THE COURT: -- by 8:30.
MR. GERAGOS: Thank you.
THE COURT: I want points and authorities from Mr. Mesereau, and I want points and authorities from Mr. Sneddon. Are you interested in --

MR. GERAGOS: Yes, I had hoped that you would invite me to, but I was going to -- I’ll try to keep it short, but I’ll point to what I think are the applicable code sections that are appropriate and the Rules of Professional Conduct.
THE COURT: The issue -- here’s -- the issue I want addressed is not what the ethical rules are. We know that. What I want to address is what happens in the middle of testimony when the party who’s asserted that they have given you a waiver on the record, a waiver of the attorney-client privilege, suddenly reveals in the writing that you don’t have a complete waiver. And what are the remedies? What should I do?
MR. GERAGOS: My belief is that under the --
THE COURT: Well --
MR. GERAGOS: I won’t give it to you now.
THE COURT: Don’t shoot from the hip. I can’t believe that this ever happened to you before, did it?
MR. GERAGOS: No.
THE COURT: Okay. Well, let’s do some research on it.
MR. GERAGOS: I just think it’s similar to the conflict situation. If it’s not done by the client on the record, then that’s the problem.

THE COURT: Well, that’s not the -- the client -- the attorney made the waiver. The client is sitting there, you know. There’s all sorts of issues here that are different than that. The question is what do we do now? So I would like all of you to weigh in on the issue at hand, which is what do we do now?
MR. GERAGOS: I’d be happy to. Thank you.

THE COURT: Now, will you fax your materials to my office? Do you still have that number?

MR. GERAGOS: I do. I saved that on my Word Perfect.

THE COURT: I'll authorize fax service on Mr. Mesereau and Mr. Zonen, Mr. Sneddon. And I want to have all of this by eight o'clock Monday morning.

MR. GERAGOS: That's fine.

THE COURT: And then would you call your judge and tell him that I have accommodated him and do understand the situation with him?

MR. GERAGOS: I will. Thank you very much, Your Honor.

THE COURT: Anything else?

MR. SANGER: I'm still struggling with this matter that I have on Friday. Assuming we're through with Mr. Geragos by the 11:30 break, would you be willing to call the jury in -- in other words, we would have witnesses -- if he's done in a half an hour, we would have witnesses to take us to the 11:30 break. Would that be all right?

THE COURT: All right.

MR. SANGER: Okay.

THE COURT: Would you have -- I would like to have the jury commissioner immediately leave a message for all the jurors right now that the day off on the 20th has been cancelled. We're going to use it so that any plans they have they can change, and prevent them from making plans in anticipation.

Anything else?

Okay.

(The proceedings adjourned at 2:30 p.m.)

--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 10193 through 10361 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 13, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, May 13, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MONDAY, MAY 16, 2005

8:30 A.M.

(PAGES 10363 THROUGH 10427)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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Tiffany Haynes: Santa Barbara, California 93101

INDEX

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

DEFENDANT’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
SEAMOUNT, Jean Lorraine	10368-SA	10387-Z		
HAYNES, Tiffany	10390-SA	10403-Z		
McCOY, Carole	10405-SA			
BERNERD, Kathryn	10416-M			

EXHIBITS

DEFENDANT'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
5023	Photo of inside dental office	10370	
5028	Photo of outside dental office	10370	
5029	Photo of outside dental office	10370	
5087	Statement of services	10408	10409

Santa Maria, California
Monday, May 16, 2005
8:30 a.m.

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: Good morning, everyone.

COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.
THE COURT: Please remain standing. Raise your right hand, face the clerk.

JEAN LORRAINE SEAMOUNT
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: My name is Jean Lorraine Seamount. Jean, J-e-a-n; Lorraine, L-o-r-r-a-i-n-e; Seamount, S-e-a-m-o-u-n-t.
THE CLERK: Thank you.
MR. SANGER: May I proceed, Your Honor?
THE COURT: You may.
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//

DIRECT EXAMINATION
BY MR. SANGER:
Q. Good morning. Dr. Seamount, what is your professional background?
A. Should I state my degrees?
Q. Sure.
A. I obtained my Bachelor of Science in biochemistry from UCLA. I obtained my doctorate of dental surgery from UC San Francisco. And I obtained my masters of science in dentistry from the University of the Pacific.
Q. All right. And are you an orthodontist?
A. Yes, I am.
Q. How long have you been an orthodontist?
A. About 17 years.
Q. All right. Where is your office located?
A. 511 Fifth Street, Solvang.
Q. In Solvang.
All right. Your Honor, there’s an exhibit that was previously received in evidence. May I put it up on the board? It’s 5030.
THE COURT: You may.
Q. BY MR. SANGER: Give that a second to focus

and give you a chance to look at it.

Do you see the star there?

A. Yes.

Q. Does that appear to be where your office is located in Solvang?

A. Yes.

Q. And you said Fifth Street. How close is that to the main drag in Solvang?

A. It’s almost to the corner.

Q. And I disrespectfully said “the main drag,” but what is that street called?

A. Mission.

Q. Is it also a highway?

A. Yes, Highway 246.

Q. Is that where -- when you’re going from 154 to 101, you have to slow down to 25 and enjoy the shops and the scenery there?

A. As you enter Solvang on 246, you do have to slow down.

Q. All right. Excuse me one second. We’re all going to trip over something here.

Okay. All right. Your Honor, I’d like to approach the witness with a series of exhibits.

THE COURT: You may.

MR. ZONEN: Go ahead. I’ve seen them.

Q. BY MR. SANGER: I’m going to show you 5020 through 5029, which is a series of photographs, and just ask you to take a look at those photographs, and then I’ll ask you a question after you have a chance to inspect them.

All right. Having looked at those photographs, do they appear to be photographs of your dental offices?

A. Yes, they are.

Q. And do they appear to be a fair and accurate depiction of the offices?

A. Yes, they are.

MR. SANGER: Your Honor, I would move into evidence -- most of them have come in, but I would move into evidence the ones that did not, which would be 5023, 5028 and 5029.

THE COURT: Any objection?

MR. ZONEN: No objection.

THE COURT: They’re admitted.

MR. SANGER: And may I publish them on the overhead, please?

THE COURT: You may.

MR. SANGER: 5020 is now being placed on the board.

Q. All right. And what does that represent?

A. That’s the sign in front of my building.

Q. All right. 5021, what is that?

A. That is the exterior of my building. The front entrance.

Q. Front entrance.

5022, go ahead and tell us what that is.

I’m sorry.

A. That’s the handicapped parking in the front area of the exterior of my building, facing Mission.

Q. And you see some cars parked on the street, like that little red car there?

A. Yes.

Q. About how far from Mission Street, 246, is that red car?

A. Not very far. You can see the truck that’s going to be crossing the intersection, so, you know, as far as how many feet, you know, I don’t know, but it’s pretty close.

Q. All right. And is this a populated area of California or are there people that live and work in this general area?

A. Yes, there’s a residence right next door to my building. That’s a hotel that you can see right over there.

Q. I’m going to point here to the right side of 5022. That’s a hotel; is that correct?

A. That’s correct.

Q. And you mentioned earlier a truck. I now have a pointer, for the record.

So you mentioned a truck. It looks like a white pickup truck --

A. Yes.

Q. -- going from left to right on the -- on the exhibit. Is that truck on Mission or 246?

A. It’s on Mission, which is 246.

Q. All right. Now I’m going to put up 5023. Do you recognize that?

A. Yes. This is the counter in my waiting

room, my reception area.

Q. So when you go in the front door, you have a reception area. Looks like there might be a chair there or a couch?

A. Yes.

Q. And then there’s -- looks like a barrier of some sort with a swinging door; is that right?

A. Yes.

Q. And when patients are brought back into the examining room, which way do they go?

A. Not through there. There’s a large entry area, or a large hall that goes into the treatment rooms.

Q. Is that to the right or the left here?

A. It’s --

Q. Or behind us, I suppose.

A. It’s in front of this.

Q. Okay. So as far as this is concerned, is this area the place where your staff would work?

A. Yes.

Q. And is there a telephone back there?

A. Yes.

Q. I’m going to put up 5024. And this appears to be a different view of the same area; is that correct?

A. Yes.

Q. So if I understand you - I apologize for getting that backwards - this would be the front

door coming in; is that correct?

A. No. That’s a window.

Q. That’s a window. Okay. What is this? I give up.

A. The front French doors.

Q. Okay. So that's the way you would come in to the office?
A. Yes.
Q. All right. And then where do you go to go to the examining rooms?
A. To my left, right here.
Q. So in the forefront or in the back?
A. In the back.
Q. All right. So near where you enter, you also go -- you also go back to the examining rooms; is that correct?
A. Yes, that's correct.
Q. All right. All right. I'm going to show you 5025, and ask you if that's one of your examining rooms.
A. This is my main treatment room where I see three patients at a time.
Q. All right. Now, I take it the chairs are for the patients, right?
A. Yes.
Q. I see here what appear to be some doors; is that correct?
A. Yes.

Q. And actually, there's a clock right above that; is that correct?
A. Yes.
Q. Does that clock work?
A. Yes.
Q. All right. Did it work in February and March of 2003?
A. Probably.
Q. All right. Now, where do these doors go to?
A. To my private office and consultation room.
Q. All right. To the left there appear to be some doors; is that correct?
A. Yes.
Q. And where do those doors go to?
A. To the exterior deck in the back.
Q. Now, is there another set of doors to the left of this that are excluded from the picture?
A. Yes.
Q. So I'm going to put up 5026 and ask you, is

this the set of doors that we saw in the other picture, that being the doors on the right here?

A. Yes.

Q. And then here's another set of doors in this picture by the rocking chair on the left, right?

A. Yes.

Q. And that goes out to the back patio; is that correct?

A. Yes.

Q. Are those doors -- if there was an emergency of some sort, can people go through those doors to get outside?

A. Absolutely. You can never lock them from the inside.

Q. All right. I'm going to put up 5027 and ask you what this represents.

A. That is one of our private treatment rooms.

Q. And is there a name for this room?

A. Pardon?

Q. Is there a name for the room?

A. It's called the western room.

Q. Okay. And that's because there's some western pictures on the wall, that sort of thing?

A. A western theme.

Q. And what was the name of the other room, by the way, if there was one?

A. The windmill room.

Q. Okay. So this is a separate room, and then I see some doors here. Where do those doors go?

A. To the outer deck.

Q. Are those doors unlocked so if there's an emergency somebody could go right out?

A. Yes.

Q. Now I'm going to put up 5028. And what does 5028 depict?

A. This is the exterior, the back side of my office, showing the four sets of French doors.

Q. All right. Now, I see one set here. Which room does that go to?

A. The western room.

Q. And then it looks like there are two sets there in the middle, by the chimney. What do they go to?

A. Okay. The door right next to the western room goes to the sunrise room.

Q. Okay. That's the room we didn't see?

A. That's correct.

Q. All right.

A. And then there's two sets of French doors on either side of the fireplace that go into the windmill room.

Q. All right. So what did you say that was called, the --

A. The sunrise room.

Q. It almost makes you want to go have your teeth worked on.

A. That's the point.

Q. All right. I said "almost," though, by the way. Let me clarify that.

All right. Now, if you come out the back here, if somebody wanted to, you know, get away, and go to other people, to civilization to get help or whatever, could they leave by way of this back door?

A. Yes. There really aren't any barriers.

Q. Okay. I'm going to show you 5029, and ask you if you recognize 50 -- I think you told us you do, but what is 5029?

A. This is the side of my building next to the western room.

Q. So on the left here where we only see the corner of the building, if we followed that a few feet to the left, you would have the first of those French doors, correct?

A. Yes.

Q. And what -- the photographer's point of view seems to be from the patio itself, is that correct, or the deck?

A. Yes.

Q. And then there's a ramp here; is that correct?

A. Yes.

Q. Now, there's a walkway, it appears, also in

the picture; is that correct?
A. Yes.
Q. Does this ramp lead to that walkway?
A. Yes.
Q. And right out in front, there seems to be a van parked there. Is that Fifth Street?
A. Yes.
Q. And then we saw in the original picture that a number of yards down to the right from this picture would be Mission, also known as 246, correct?

A. Yes.
Q. All right. Do you know --
Your Honor, we can have the lights, if that's all right.
I'll come back to it in a minute, but not right now.
Do you know Mr. Jackson?
A. I've never talked to him. I know of him.
Q. But you never met him at any time?
A. I've never been introduced.
Q. All right. Have you had occasion to be contacted by anybody from Mr. Jackson's ranch?
A. I think I should have my attorney address the Judge.
MR SANBORN: Your Honor, Max Sanborn. Could I approach?
THE COURT: Do you have an objection, Counsel?
MR. SANBORN: Actually, Your Honor, we're looking for a point of clarification. I understand that Dr. Seamount's testimony is going to be in connection with an examination and treatment of the alleged victim's older brother, and to the extent his mom was involved with it, the mother as well.
I understand that Evidence Code Section 998 says that there is no physician-patient privilege in a criminal proceeding. And we're looking for clarification with the Court, because I reviewed

cases and I can't find any cases where a witness is testifying about a witness. Only the defendant is the holder. So could I have a clarification on that?

THE COURT: I’ll order her to testify.

MR. SANBORN: Thank you.

THE COURT: Go ahead, Counsel.

MR. SANGER: Okay. Thank you, Your Honor.

Q. Okay. I forgot what I asked you. Did somebody contact you from the ranch? Have you ever been contacted by anybody from the ranch?

A. Once I was contacted by, I think it was Joe Marcus, regarding two high-profile patients that needed their braces removed.

Q. All right. And did you eventually treat those patients?

A. I removed their braces for them.

Q. All right. And do you recall the names of those patients?

A. Gavin and Star.

Q. Last name Arvizo?

A. Yes.

Q. All right. And was their mother present?

A. Yes.

Q. And what was her name?

A. I don’t remember.

Q. Okay. But Mrs. Arvizo?

A. Yes.

Q. All right. Now, do you recall when the appointment was scheduled for?

A. It was on a Monday evening, and since they said it was two high-profile patients, I decided to place them at the end of the day.

Q. When do you usually close your office?

A. That night, I think it was six o’clock.

Q. Okay. Do you usually close -- do you have a usual closing time of some sort?

A. For the Solvang office, it’s either 5 p.m., 6 p.m. or 7 p.m., depending.

Q. All right. And on that particular night, when did you meet with these particular patients?

A. I think it was around six o’clock.

Q. Now, you indicated something about taking off the braces. What was the nature of the request? First of all, starting with Mr. Marcus, did he tell you what they needed to have done?

A. Yes. I'm pretty sure that they wanted their braces removed. I think so.

Q. And when you eventually met with the mother and the two boys, did you conclude that that's what they were requesting?

A. The mother requested removal of the braces.

Q. All right. Now, first of all, before we get to what happened there, did you see anybody arrive with the Arvizos?

A. I didn't.

Q. Okay. Where did you see the Arvizo children? Did you see them in different rooms or the same room?

A. One patient was in the western room. The other was in the sunrise room.

Q. All right. So these rooms are rooms that have doors, you can exit to the back patio; is that right?

A. That's correct.

Q. Now, can you explain to us the best you recall the attitude and demeanor of the mother that you observed that night?

A. She was angry at another orthodontist who had placed the braces, and she wanted the braces removed so she could send the braces back in the mail to the orthodontist. She claimed that once the orthodontist found out who she was, he wanted more money, and so she was very angry and she just wanted them removed. And she wanted to personally send them back by mail to him.

Q. Now, was that consistent with your medical advice?

A. No. I spent quite some time explaining to her about the need for treatment, and that I could take over or any orthodontist could take over the braces that were placed, and I recommended not removing the braces and continuing on with treatment.

Q. How did that advice -- how was that received by Mrs. Arvizo?

A. I think that she discussed it with her sons. I can't completely remember. And then we also discussed other treatment options, such as braces behind the teeth.

Q. Now, did she specifically ask about options that would be more expensive than the ones that she had?

A. I don't remember.

Q. Okay. You say "braces behind the teeth." Is that sort of an invisible braces procedure?

A. Yes.

Q. All right. And did she ask you for a quote to install those kinds of braces?

A. She seemed interested. I don't remember if she asked for a quote or not.

Q. All right. Now, why was it that you recommended that she not remove the braces that were there?

A. Because they need braces and it's their best interest to continue on with treatment.

Q. Did you inspect the braces that were in place?

A. Yes.

Q. Did they appear to be installed properly?

A. Yes.

Q. Did they appear to be doing the job they were designed to do?

A. Yes.

Q. And taking them off at that time, did that appear to you to be counterproductive?

A. Yes.

Q. All right. Now, did you have an opportunity to review your medical records and determine the date that this visit occurred?

A. No. It appeared that they had been recently placed, and that there hadn't been much tooth movement. She refused to fill out the paperwork that we normally have patients fill out.

Q. Okay. I guess what I was asking, and it’s my fault, did you review your paperwork to determine what day this family came in to see you?

A. Oh, yes, I did.

Q. And what day was that?

A. That was February 24th.

Q. 2003?

A. Yes.

Q. How long were the three Arvizos in your office that night?

A. Probably a couple of hours. I’m not sure.

Q. And during that period of time did you ever see anybody with them?

A. No.

Q. So if Mr. Marcus was there at all, he never -- you never saw him, he never came back in the back?

A. That’s correct.

Q. Were there any other bodyguards or anybody else like that?

A. I didn’t see anybody.

Q. Was there a positive PR film crew that was following this group around taking pictures of you doing this orthodontic work?

A. No.

Q. When they left, did -- were they -- how did they leave? In other words --

A. They just left.

Q. All right. Said goodbye to you and they walked out on their own; is that right?

A. Yes.

Q. Nobody came and took them out?

A. I didn’t see anybody.

Q. All right. Now, besides the telephone that’s located in the reception area, are there other telephones located in your suite of offices?

A. Yes.

Q. If a patient or client wants to use the telephone, makes a request, do you allow them to do so?

A. Absolutely.

Q. Does that happen on a fairly regular basis?

A. Yes.

Q. Did anybody in this family during that two-hour period ask to use the telephone?
A. No.
Q. Did they give any indication that they were being held against their will?
A. Not at all.
Q. Did anybody in this group make any request for help or assistance?
A. No.
Q. Did anyone attempt to go out the back door and leave that way?
A. No.
Q. Now, during the time that you had Star in one room and Gavin in the other room, what was Mrs. Arvizo doing?
A. I don’t know.
Q. Was she up and walking around or was she seated in one particular place?
A. I don’t know where she was.
Q. You talked to her from time to time during the --
A. Yes.
Q. -- during the visit, right?
And was she in there with one or the other of the boys from time to time when you were working on them?
A. I don’t really remember. She was free to go where she wanted to when she wanted to. I wasn’t really focusing on her.

Q. All right. Now, did you observe the behavior of the two boys?
A. Yes.
Q. And can you describe the behavior of Gavin?
A. He’s the older boy, right?
Q. Yes.
A. He was undisciplined, and he started to go through my drawers with my disposables.
Q. All right. Does that pose a health hazard?
A. Yes, I’d have to throw everything away.

Q. Okay. Did you try to stop him from doing that?
A. Yes. And I told Tiffany, “Please don’t leave the boys alone.”
Q. All right. Did he seem to be intimidated or in fear at any time?
A. Not at all.
Q. Did Mrs. Arvizo appear to be intimidated or in fear?
A. Not at all.
Q. What about Star, the younger of the two? Do you recall what he was doing?
A. His behavior, I think, was better.
Q. Did he appear to be intimidated at all?
A. No.
Q. Okay. Now, with regard to the two boys, are you clear on which one is which right now as you sit there?

A. The boy that I thought was older was in the western room and exhibited the worst behavior.
Q. Okay. Between the two, was one heavier than the other one; do you recall?
A. I -- the boy in the western room appeared to be bigger, heavier, to me.
Q. All right. And was he the one that had the -- the worst behavior or --
A. Yes.
MR. SANGER: All right. I have no further questions.
THE COURT: Mr. Zonen?
MR. ZONEN: Thank you, Your Honor.

CROSS-EXAMINATION
BY MR. ZONEN:
Q. Doctor, good morning.
A. Good morning.
Q. Tell me what made those two patients VIP patients.
A. At the time I didn’t know.
Q. What could -- do you have a collection of VIP patients that you schedule for certain times during the week?

A. Why is that important?
THE COURT: Excuse me, ma’am. Answer the question.

THE WITNESS: Answer the question?
MR. SANGER: Let me do this, Your Honor. Let me object --
THE COURT: Just a moment, Counsel.
MR. SANGER: I’m sorry.
THE COURT: Ask your question.
MR. ZONEN: Is there an answer? I don’t know if there was an answer.
THE COURT: No, you can answer the question.
THE WITNESS: Okay.
If there are scheduling problems with a patient, I will make special arrangements, and it doesn’t matter how important they are as far as the world’s concerned. If somebody has a special need I have come in on off hours for them.
Q. BY MR. ZONEN: My question dealt with why these two children were designated VIP. What exactly was it that made these two children VIP patients?
A. I did not determine that.
Q. Was that your understanding, that somebody in your office determined them to be VIP patients?
A. No, we were told that they were high-profile patients from Joe Marcus.
Q. Okay. Now, “high-profile patient” means what to you?
A. Someone recognizable.
Q. Did Joe -- is Joe Marcus somebody you knew prior to that day?

A. No.
Q. But your understanding is Joe Marcus contacted your office and said both of these kids are high-profile?
A. Yes.
Q. That they would be recognizable?
A. He didn’t say that. He said, “high-profile.”

Q. And that he did not want them recognized; is that the case?

A. He did not say that.

Q. Did he specifically ask that this be at a time when the clinic was otherwise closed to other patients?

A. No, he did not.

Q. Was that a decision that was made by you?

A. Yes.

Q. All right. Did you feel that that was necessary in this particular case?

A. After I met them, no, I never would have recognized them.

Q. And were you aware that Joe Marcus was there the entire time that the patients were there?

A. No.

Q. Did you learn that afterward?

A. I think I just recently heard something to that effect. I had no idea he was there.

MR. ZONEN: Thank you. I have no further questions.

THE COURT: Counsel?

MR. SANGER: Okay. I have no further questions. Thank you.

THE COURT: All right. Thank you. You may step down.

THE WITNESS: Thank you, Your Honor.

THE COURT: Call your next witness.

MR. SANGER: We call Tiffany Haynes.

THE COURT: Come forward, please. When you get to the witness stand, please remain standing. Face the clerk and raise your right hand.

TIFFANY HAYNES

Having been sworn, testified as follows:

THE WITNESS: Yes.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name is Tiffany Haynes. T-i-f-f-a-n-y; H-a-y-n-e-s.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. SANGER:

Q. Miss Haynes, how are you employed?

A. I’m an orthodontic assistant.

Q. For whom are you working?

A. Dr. Jean Seamount.

MR. SANGER: All right. Your Honor, Mr. Sanborn, the lawyer for Dr. Seamount, asked that we clarify that the same ruling would apply to the assistant.

THE COURT: The same ruling does apply. I’ll order her to testify.

MR. SANGER: Thank you.

THE COURT: I’ll make it clear that the Court has waived the considerations of privacy of the patients in this situation and has ruled that the testimony -- the need for the testimony outweighs those considerations, and that’s why I’ve ordered the doctor and any of the staff to testify.

MR. SANGER: Okay. Thank you, Your Honor.

MR. SANBORN: Thank you.

Q. BY MR. SANGER: Okay. Miss Haynes, how long have you worked for Dr. Seamount?

A. Four and a half years.

Q. Did you recently take a leave?

A. Yes. I’m on maternity leave.

Q. You’re on maternity leave?

A. Yes.

Q. Were you working for her in the office on February 27th, 2003?

A. Yes, I was.

Q. And have you had a chance to go back and look at some of the records to refresh your recollection as to that date?

A. Yes, I have.

Q. All right. Now, on that particular day -- I think the bailiff is going to tell you --

BAILIFF CORTEZ: She’s fine.

Q. BY MR. SANGER: Everybody has this problem.

You have to get real close to the microphone. On that particular day, did you receive a telephone call from anybody requesting an appointment for someone?
A. Yes, we did.
Q. And who made the call, to your knowledge?
A. A staff member from Neverland Ranch.
Q. All right. Now, Mr. Jackson is seated right there. Have you ever met Mr. Jackson before?
A. No, I haven’t.
Q. All right. What happened as a result of the telephone call coming from a ranch employee, or staff person at Neverland?
A. We made them an appointment and they came in.
Q. All right. Do you -- as the office manager, do you know who was billed for the services for this family?
A. I’m positive it was Neverland Ranch’s bill.
Q. And did they eventually pay the bill?
A. Yes.

Q. All right. Now, during -- do you recall the name of the people who came in?
A. Yes, I do.
Q. And what was their names?
A. I remember -- well, one was Star.
Q. All right.
A. And I can’t remember the other one. I’d have to look at his paperwork.
Q. All right. Were there two boys?
A. Yes, they were two boys.
Q. And were they brothers?
A. Yes, I believe they were.
Q. So Star and his brother.
A. Yes.
Q. All right. And did anybody accompany them?
A. Yes. Their mother accompanied them.
Q. All right. Did you see any employees of the ranch or any drivers or anybody that might have come with them?
A. Yes.
Q. And who did you see?

A. It was a man from the ranch who made the appointment brought them.

Q. Did you see him inside the examining rooms at any time?

A. No.

Q. Where was he during the time of the examinations and treatment?

A. I believe he was waiting in the lobby.

Q. Okay. Did you ever see him anywhere other than the lobby?

A. No.

Q. Now, do you recall roughly what time the family got there that night?

A. 6:45.

Q. Okay. That’s roughly? All right. And at that time, when was the Solvang office open until?

A. We were seeing patients until 7:00.

Q. Was it unusual to see patients who remained after the official closing time?

A. We do for certain patients that request to be seen after patient hours.

Q. All right. So it sounds like these people got there 15 minutes before closing and were there beyond?

A. Correct.

Q. How long were they there?

A. About two hours.

Q. Now, did you assist Dr. Seamount during the course of her seeing these patients?

A. Yes, I did.

Q. Was there anybody else there from your office?

A. No, there wasn’t.

Q. Just you and Dr. Seamount; is that correct?

A. Yes.

Q. During the time that you were assisting Dr. Seamount, did you have an opportunity to observe the behavior of the two boys?

A. Yes, I did.

Q. And can you describe their behavior?

MR. ZONEN: Your Honor, I'll object as irrelevant.
THE COURT: Overruled.
You may answer.
THE WITNESS: Well, the younger boy stayed in one room with his mother. And he seemed to be fairly quiet, you know. Nobody likes to go to the dentist.
The older boy I ended up assisting was very, could I say kind of rude.
Q. BY MR. SANGER: Okay. When you say "kind of rude" - I know it's not nice to talk about people when they're not there, but this is a court, we have to ask you - what did -- why do you say that?
A. Just the way that he acted with us. He just thought that pretty much he was better than us.
Q. Okay.
MR. ZONEN: Judge, I'm going to object to the answer as a conclusion and speculative.
THE COURT: Sustained.
MR. ZONEN: Move to strike.
THE COURT: Stricken.
Q. BY MR. SANGER: Can you explain the actual behavior? Give us an idea of what occurred that caused you to feel that the older boy was rude.

A. Well, we tried to convince them to stay in treatment, you know, for the better of their teeth, and he just was very abrupt and said, "No, this is what I want done. This is what's going to be done."
And so we ended up doing whatever he wanted.
Q. Now, was there any problem with either of these boys getting into things in the office?
A. No.
Q. Was there any time when either one of them, to your knowledge, was going through drawers or trying to get into things?
MR. ZONEN: Objection; leading.
THE COURT: Sustained.
Q. BY MR. SANGER: Okay. Now, tell me about what you were -- what you were explaining to the patients about their braces. Did you actually talk to them in addition to Dr. Seamount?

A. Yes.
Q. And what did you talk to them about?
A. Well, you know, trying to keep their braces on, because he wasn't done with his treatment at all. And so if he were to take them off, then most likely, when he became an adult, he might have to have braces again, or eventually, you know, get broken teeth and crowns and dentures and whatnot. Trying to save money in the long run.

Q. Now, did he tell you where he was from?
A. Yes, he did.
Q. Where did he say?
A. He was from L.A.
Q. And how did he tell you that?
MR. ZONEN: I'm going to object as irrelevant and hearsay.
THE COURT: Overruled.
You may answer.
THE WITNESS: Well, I was trying to make small talk and asked him where he was from. And I asked if he was from around the valley and he said, "No, I'm from L.A."
Q. BY MR. SANGER: All right. Now, did you ask either one of the boys any other questions, any other personal questions?
A. No. Not after the answer that I got.
Q. All right. And did you try to keep it on a professional level?
A. Yes.
Q. All right. Did either of the boys appear to be afraid of anything? Was there anything that --
A. No.
Q. Other than having a big drill or something?
A. No.
Q. But they didn't appear to be afraid of anybody around, they didn't indicate --
A. No.

Q. Did you talk to the mother?
A. I didn't personally talk to the mother.
Q. Did you see her around?

A. Yes.
Q. Did you see her interact with Dr. Seamount?
A. Yes.
Q. And what was her attitude?
A. Well, she was just there to see what was going to be done to her children pretty much. She didn’t have any reaction to anything really.
Q. Did she make any requests in your presence with regard to their treatment?
A. No.
Q. Okay. Did you ever put together a proposal to replace the braces that were removed?
A. Yes.
Q. Did you do that at the mother’s request?
A. Yes.
Q. Do you recall roughly how expensive that procedure would have been?
MR. ZONEN: I’m going to object as beyond the scope of this witness’s expertise and relevance.
THE COURT: Foundation; sustained.
MR. SANGER: Okay.
THE COURT: Relevance; sustained.
Q. BY MR. SANGER: Okay. During the time that you were talking with these boys and the mother was present, was there a discussion by Dr. Seamount

regarding whether or not they should remove the braces or not?
MR. ZONEN: Objection; hearsay.
THE COURT: Overruled.
THE WITNESS: Yes, they talked about removal of the braces.
Q. BY MR. SANGER: And the proposal that you wrote up, did you write that proposal in the course of your duties as office manager?
A. Yes.
Q. Is that something that you did on a regular basis?
A. Yes.
Q. And how would you go about determining what kind of a proposal to write up for a patient?
A. We just had a standard pricing that we give to everyone.

Q. So who makes the determination as to what treatment would be required?
A. Dr. Seamount does.
Q. And she’d do that in consultation with the patients?
A. Yes.
Q. And after that occurs, does she then turn to you and ask you to do the proposal?
A. Yes.
Q. And the proposal that you did in this case, did that involve working with the existing braces or putting on new braces?

MR. ZONEN: I’ll object as relevance.
THE COURT: Sustained.
Q. BY MR. SANGER: All right. Now, at the time that these people were there, did you have telephones in the office in Solvang?
A. Yes, we did.
Q. And did any of the Arvizos ask to use the telephone?
A. No, they didn’t.
Q. Did anybody cry out for help?
A. No.
Q. Did anybody indicate in any way that they were being held against their will?
A. No.
Q. Did you see any evidence that anybody was holding them against their will?
A. No.
Q. Did they behave in any fashion that suggested that they were not free to do as they pleased?
A. No.
Q. There are some back doors -- we saw some pictures -- I won’t put them up again, but we saw some pictures of some back doors that go out to the patio. Were those unlocked in the event that people could leave in the event of an emergency?
A. They’re locked, but you can unlock them very easily. They don’t require a key or anything.

Q. So you turn the knob and you can go out?

A. Yeah.

Q. Did anybody attempt to escape?

A. No.

Q. Was there any indication that any of these people wanted to escape?

A. No.

Q. Was there -- during the time you saw these people, other than Joe Marcus, I think the gentleman you said that was waiting in the reception area, right?

A. I believe so. I was in the back office with the patients, so I wasn’t aware of whether or not he possibly left to go outside or what not. My main concern is patients.

Q. All right. You saw him there at one point, one or two points in the course of things; is that right?

A. I saw him when they came in.

Q. All right.

A. And then I was in the back office the whole entire rest of the time.

Q. When you saw him when they came in, you saw Joe Marcus in the presence of the Arvizo family, right?

A. Yes.

Q. Did you see anything that suggested that there was any tension between Joe Marcus and the Arvizo family?

A. No.

Q. Did you see anything that suggested that he was holding them against their will?

A. No.

Q. All right. Now, other than Joe Marcus, did you see anybody else -- other than Dr. Seamount and the Arvizos, did you see anybody else in the office during the period of time that we’re talking about?

A. No.

Q. Joe Marcus -- did Joe Marcus have a camera?

A. No.

Q. Was there a positive PR film crew following everybody around?

A. No.
Q. Was anybody filming the removal of the --
A. No.
Q. -- orthodontic work?
A. No.
Q. You’re sure about that?
A. Yes.
MR. SANGER: Okay. Thank you. I have no further questions.
THE COURT: Cross-examine?
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CROSS-EXAMINATION
BY MR. ZONEN:
Q. Miss Haynes, good morning.
A. Good morning.
Q. Who was it who called for the appointment that day?
A. It was Joe.
Q. And did you know Joe Marcus prior to that day?
A. No.
Q. All right. Was he the one who told you that these were high-profile patients?
A. No, they didn’t say that they were high-profile patients. He just said that he was calling from Neverland Ranch, and needed to make an appointment for two guests that were at the ranch.
Q. All right. Who was it who made the decision to make the appointment for the end of the day?
A. They were. They wanted to be seen without so many patients there.
Q. All right. So who was it who said that they wanted to be seen without patients there?
A. Well, Joe was the one who called to make the appointment.
Q. Joe -- was that appointment made with you or somebody else at the clinic?
A. It was made with the front desk lady. It wasn’t made directly with me.

Q. But your understanding was that Joe had indicated that he wanted the appointment when no other patients were there?

A. Yes.

MR. SANGER: I'm going to object and move to strike as no foundation and hearsay.

THE COURT: Sustained. Stricken.

MR. ZONEN: No further questions.

MR. SANGER: No further questions. Thank you.

THE COURT: Thank you. You may step down.

Call your next witness.

MR. MESEREAU: Defense will call Miss Katie Bernerd.

THE COURT: When you get to the witness stand, please remain standing.

Face the clerk over here and raise your right hand.

CAROLE McCOY

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Carole McCoy. C-a-r-o-l-e; M-c-C-o-y.

THE CLERK: Thank you.

MR. SANGER: I can take her.

MR. MESEREAU: We'll switch, Your Honor.

MR. SANGER: Okay. Best laid plans. Sorry about that.

DIRECT EXAMINATION

BY MR. SANGER:

Q. Miss McCoy, how are you?

A. Fine, thank you.

Q. What do you do for a living at the present time?

A. I am a licensed aesthetician and I also manage a restaurant.

Q. And what restaurant do you manage?

A. Cafe Angelica.

Q. Where is that?

A. In Solvang.

Q. All right. Now, you said you were licensed. And can you tell us what that license is, please?

A. Licensed aesthetician is I do skin care, body treatments.

Q. All right. Now, you're doing pretty good, but I think the best thing is to lean into the other microphone.

A. Sorry.

Q. And you got to go right up to it. Everybody's having that problem.

A. All right.

Q. All right. So you do skin care?

A. Yes.

Q. And have you been doing that for a long time?

A. Yes.

Q. When did you get your license?

A. That's a good question. I've been doing it for probably about eight years.

Q. All right. I think maybe if you pull -- the bailiff was approaching you to -- maybe pull it up just a little bit. There you go. And then just talk right into it.

Where were you working February the 11th, 2003?

A. At my day spa.

Q. All right. And what was the name of the spa?

A. Bare Skin Aromatherapy Day Spa.

Q. Where was that located?

A. In Los Olivos.

Q. Do you recall receiving a telephone call from somebody at Neverland Ranch?

A. Yes.

Q. Now, do you know Mr. Jackson, who's seated here?

A. No.

Q. Never met him?

A. No.

Q. Have you dealt with people at Neverland Ranch?

A. No. Well, yes. I have a client that worked out there.

Q. All right. So you had a client that worked there?

A. Uh-huh.

Q. Have you had occasion to treat any of their guests?

A. No.

Q. On February the 11th, did you receive a call from the ranch?

A. Yes, I did.

Q. And what was that -- what did that call pertain to?

A. They had a guest that wanted to come for waxing.

Q. Did you schedule an appointment?

A. Yes, I did.

Q. What time was that appointment?

A. It was my last appointment of the day.

Q. All right. Roughly what time of day was that?

A. Probably around five o’clock.

Q. Okay. Did you have occasion to go back through your records to verify all of this?

A. Yes, I did.

Q. All right. And do you recall the client who finally showed up for this procedure?

A. I’m sorry?

Q. Do you recall the person who showed up?

A. Yes.

Q. Okay. And who was it?

A. Her name was Janet.

Q. All right. Did you get her last name?

A. It was written in the book so I didn’t really refer to her, her last name.

Q. And what was she there for? What services did you render to her?

A. She was there for waxing.

Q. What kind of a waxing?

A. Do you want me to give you details about what she had done?

Q. Yeah. In fact, let me do this. We've marked a one-page document as Exhibit 5087. Who has this witness?

MR. SNEDDON: Go ahead.

MR. SANGER: May I approach the witness, Your Honor?

THE COURT: Yes.

Q. BY MR. SANGER: Miss McCoy, I'm going to show you 5087 for identification and ask you if you recognize this document.

A. Yes, I do. That's one of my statements.

Q. All right. And what does that pertain to?

A. The services she had done. It's listed all separately what she had done.

Q. All right. And those are the services for Janet, who came over from the ranch; is that correct?

A. Uh-huh.

MR. SANGER: All right. I would move 5087 into evidence, Your Honor.

MR. SNEDDON: No objection.

THE COURT: It's admitted.

MR. SANGER: I'd like to put it up, if I may.

THE COURT: You may.

MR. SANGER: Thank you.

Q. Okay. 5087 is on the -- is up on the overhead. And I think you told us that is the receipt for the work that you did, the services you performed for Janet from the ranch; is that correct?

A. That's correct.

Q. First of all, what date is that receipt dated?

A. February 7th.

Q. And that's consistent with the date that you had the appointment with this particular individual, correct?

A. Yes, that's correct.

Q. Now, can you tell us, either by looking at the receipt or from memory, what precise services you performed?

A. She had a brow wax, a lip wax, face, leg, and bikini.
Q. Is that pretty much a full body wax?
A. Uh-huh.
Q. You have to say “yes” or “no” for --
A. Oh, yes.
Q. Thank you. All right. Now, do you recall talking with Janet during that period of time?
A. Yes, I did talk to her a little bit.
Q. What was your policy or is your policy when you’re treating people in the spa as far as chatting with them?
MR. SNEDDON: Object. Immaterial, Your Honor.
THE COURT: Sustained.
Q. BY MR. SANGER: Did you have a long, chatty conversation with her?
A. No, I didn’t.
Q. Okay. Was there any reason for that?
MR. SNEDDON: Object. Immaterial.
THE WITNESS: No.
Q. BY MR. SANGER: All right.
THE COURT: The objection is overruled. Next question.
MR. SANGER: I’m sorry, Your Honor, I didn’t mean to speak so quickly.
Q. Do you recall anything that Janet told you?
MR. SNEDDON: Object. Hearsay.

MR. SANGER: Not offered for the truth of the matter.
THE COURT: All right. Overruled. You may answer the question.
THE WITNESS: I try to make my clients feel comfortable and I do ask them some personal questions.
Q. BY MR. SANGER: What did she say; do you recall?

A. I --

MR. SNEDDON: Same objection, Your Honor.

THE COURT: Overruled.

Go ahead.

THE WITNESS: I asked her, you know, if -- where she was from. I asked her if she had any kids.

Q. BY MR. SANGER: Where did she tell you she was from?

A. I believe that she told me she was from South America. And that she did have children.

Q. Did she at any time while she was there -- well, let me withdraw that.

Let's establish how much time she was there. She got there about five o'clock; is that right?

A. Yes.

Q. How long was she there?

A. She was there for about an hour, maybe a little more.

Q. Okay. And at your spa -- do you still own that spa?

A. No. I sold it.

Q. You sold it. So can you tell us what it looked like inside roughly? What was the physical layout for the spa?

A. Well, you would walk in, and there was a reception desk. And then to the left, there was two treatment rooms. And to the right, there was some stations for manicure patients.

Q. Were there telephones in this office?

A. Yes.

Q. And if a client -- do you call them clients or --

A. Yes.

Q. If a client wanted to use the telephone, did you allow people to use the phone?

A. Uh-huh.

Q. You have to say "yes" or "no" for the reporter.

A. Yes.

Q. Okay. Thank you.

A. Okay.

Q. Did Janet at any time ask to use the telephone?

A. No.

Q. Did she come by herself or was there somebody with her?

A. No, someone came, dropped her off.

Q. Did that person wait around?

A. No. They left her, and then came back and picked her up.

Q. Okay. Was there anybody with Janet during the course of time she was there?

A. No.

Q. And I know you answered this and I forgot the answer. She was there from 5:00 till about when?

A. She was there for about an hour.

Q. So from about 5:00 to about 6:00?

A. 6:00, uh-huh.

Q. During that time that she was there, was she free to leave?

A. Yes.

Q. Did it appear to you that she was restrained in her liberty in any way whatsoever?

A. No.

Q. Did she ask for help?

A. No.

Q. Did she say anything whatsoever that suggested that she was not enjoying her visit at Neverland?

A. No.

Q. Did she say anything or do anything whatsoever that suggested that she was being restrained in her liberty?

A. No.

Q. Now, you said somebody dropped her off. Was it a man or a woman; do you recall?

A. It was a woman.

Q. Do you know the woman by name?

A. No.

Q. And that woman, you said, dropped her off and then came back later, correct?

A. Correct.

Q. So how long a period of time while Janet was there without anybody else there except you?

A. She was there at least an hour, a little bit more.

Q. Okay. And during that time, did you see anybody with a camera taking pictures of any of you?

A. No.

Q. Did you see a positive PR film crew come into your spa and film the hair removal from Janet’s legs?

A. No.

Q. Is that something that would have stuck in your mind?

A. No, I have a private room.

Q. Did you see a positive PR film crew of any sort anywhere on that day in any way related to Janet?

A. No.

MR. SANGER: No further questions.

MR. SNEDDON: No questions.

THE COURT: All right. Thank you. You may step down.

Call your next witness.

MR. SANGER: Why don’t I step out just to make sure. Oh, here we go.

MR. MESEREAU: We’re going to try again, Your Honor.

THE COURT: All right.

MR. MESEREAU: Defense will call Katie Bernerd.

THE COURT: When you get to the witness stand, please remain standing.

Face the clerk over here and raise your right hand.

KATHRYN BERNERD

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and

spell your name for the record.

THE COURT: You were right the first time. Take the other microphone.

THE WITNESS: This one? My name is Katie, or actually Kathryn Bernerd. And it’s spelled K-a-t-h-r-y-n, B-e-r-n-e-r-d.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. MESEREAU:

Q. Good morning, Miss Bernerd.

A. Good morning.

Q. Miss Bernerd, which county do you live in?

A. I live in Nipomo now. Previously than, I did before, so it would be San Luis Obispo.

Q. Okay. And did you ever live in Santa Maria?

A. I did.

Q. Okay. And when was that?

A. It was a year ago.

Q. Okay. And how long had you lived in Santa Maria?

A. Many years.

Q. Okay. Are you familiar with a place called Neverland Valley Ranch?

A. Yes, I am.

Q. How are you familiar with Neverland Valley Ranch?

A. I worked there.

Q. How long did you work there?

A. I worked there for approximately three, three and a half years.

Q. And do you know when you worked there, what years?

A. It was from -- I want to say ‘01 to ‘04, I believe.

Q. And what were your responsibilities at Neverland?

A. I was the administration -- I worked in administration, so I was the assistant along with --

I did the HR and did the events, hosted the events, different -- miscellaneous. If you work at Neverland, you did pretty much everything. Everybody was able to do different jobs.

Q. Okay. Now, where was your office at Neverland?

A. It was in the administration building.

Q. Okay. Could you describe what the building looks like?

A. It was a smaller building next to the fire station.

Q. Okay. And where at Neverland is that building?

A. It's up by where -- the mechanic's shop, and if -- okay. If you knew where Neverland was, when you pulled through the gates and before you went around to the main house area and where the train depot -- before you even get to that area, and you would go -- if you would go up the hill, there is also a building up that way, that is where the administration building would be.

Q. So it's up on a hill next to the fire station, correct?

A. Right.

Q. Did you have an office there when you worked at Neverland?

A. Yes.

Q. You said you did HR work. Do you mean human resources?

A. Correct.

Q. Please explain what kind of work you did in the human resources area.

A. Meaning, you know, work comp claims. Anything that dealt with all the employees, along with anything that would just come in and out of the office for Neverland. Invoicing. Pretty much anything that would deal with office work.

Q. And how many people worked in the administration building when you were working there?

A. Me, and the office manager.

Q. And who was that?

A. Joe.

Q. Joe Marcus?

A. Correct.

Q. Anyone else work there with you?

A. No.

Q. Now, you said you worked on events at Neverland, right?

A. Correct.

Q. What did you do in that regard?

A. I would put them together. Arrange -- a lot of times I would be the contact person for the main people to call. I would then try to set the dates up with another person, see if it’s available to set the event up, and then arrange for it to happen, start everything going, you know, get the supplies, what we needed for the day. And then when the day would come, get the schedule for the day, you know, how we would get it going. And then also host it, take the groups around.

Q. And who would tell you to plan an event, generally?

A. Well, me and Joe both would talk about it together.

Q. So -- but how would the idea of an event originate, if you know?

A. It would originate just by -- well, normally events would be -- every year we would do events for schools. Schools would call us. The normal -- like, local schools. Or there were -- Evvy would call us when she would have events from the L.A. areas that would be coming, would just call us, and that’s how we would call, you know, and just try to get the dates available.

Q. Now, you said local schools would call and they would want to schedule something at Neverland?

A. Correct.

Q. Would this happen often?

A. Every year.

Q. Okay. And what kind of events are we talking about?

A. They would -- it just depends. If they were doing -- every year, the school themselves, if they were wanting to for that class -- say that class that was graduating or something, they wanted to do one day for them, for the graduating class that did well and they wanted to bring them out. Say another school for good grades. It just would depend upon that school.

Q. So the school would want to bring students to Neverland for an event?

A. Correct.

Q. And you would help plan the event?

A. Correct.

Q. And you're talking about graduation-type ceremonies?

A. Not ceremonies.

Q. Parties?

A. Yes. A day of fun for the students.

Q. And was there a typical time of year when you would schedule these events or would they happen anytime during the year?

A. We would always schedule them at least when the days weren't rainy. They would always be sunny.

Q. Would they typically be at the end of the school year or did things go on during the school year as well?

A. During the school year.

Q. Any other type of school events that you would get involved in yourself?

A. No, just the events.

Q. Now, you said you would help plan them, right?

A. Uh-huh.

Q. And you also said you hosted them?

A. Correct.

Q. What would you do to plan them?

MR. SNEDDON: I'm going to object as immaterial, irrelevant.

THE COURT: Sustained.

Q. BY MR. MESEREAU: When you hosted these events, what were your responsibilities?

MR. SNEDDON: Same objection, Your Honor.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You said you planned events with the groups from Los Angeles, right?

MR. SNEDDON: Object. Same. Irrelevant and immaterial.

MR. MESEREAU: We need her responsibilities, Your Honor.

THE COURT: Overruled.

You may answer.

Q. BY MR. MESEREAU: You said you helped plan events from Los Angeles, correct?

A. (Nods head up and down.)

Q. And what events are you referring to?

A. Well, in regards to events from L.A., it would be Evvy contacting us, and what would happen is she would give us a list of who would be coming, so she would start that process.

And pretty much from then on, we would just put the day together as in getting the materials, the food, the supplies we needed for the day, and then making sure everybody that we needed to work for the day to be there.

Q. And what events are you referring to? What kind of things did you plan with people from Los Angeles?

MR. SNEDDON: Object. Immaterial and irrelevant.

THE COURT: Overruled.

You may answer. You may answer.

THE WITNESS: It just would depend on -- let me see. Let me think of one. Say one that comes to mind, you know, because they have labels to them, “A Time For Kids” was -- you know, is one. That is what one event was called.

Q. BY MR. MESEREAU: So that was a group that came?

A. That was a group that came.

Q. And you would coordinate their visit?

A. Yes.

Q. And would you arrange for food and things of that sort?

A. Correct.
Q. Okay. And was this sort of a regular part of your work at Neverland?
A. One part, yes.
Q. Okay. Now, you said you had an office in the administration building, right?
A. Yes.
Q. Did you do other types of work at Neverland besides what you just described?
A. Yes, I would help out also in the house once in a while.
Q. And that’s the main residence?
A. Correct.
Q. What would you do in the main residence as part of your work?
A. Whenever they were -- the cleaning ladies were a little shorthanded I would help them with housekeeping.
Q. Okay. And what percentage of your work do you think was involved in housekeeping, where you would just help out?
A. Very small percentage.
Q. And what were your hours typically when you worked at Neverland?
A. Always 40 hours, but I also had overtime also.
Q. And when you worked in the main residence,

who did you work with?
A. A lot of the times I would work with Maria, who is one of the head housekeeping -- housekeeping cleaners.
Q. Was that Maria Gomez?
A. Correct.
Q. Who else would you work with?
A. Let’s see. Luz. And I can’t recall everybody’s name right now.
Q. Now, you mentioned you talked to Evvy, right?
A. Correct.
Q. Was that someone named Evvy?
A. Evvy, yes.
Q. And she would help you plan events; is that

right?

A. That’s mainly what I would talk to Evvy about, yes.

Q. And was it your understanding that Evvy was Michael Jackson’s personal assistant? Right?

A. Yes.

Q. So she would call you from time to time and get you going on various planning, right?

A. Yes. Yes.

Q. All right. Now, if you helped out in the main residence, who would ask you to do that?

A. It would be Joe. If he would know they were shorthanded, he would -- and I had my work done in the office, he would see if I needed -- if I could go down and help.

Q. And he would simply ask you, you know, “We’re shorthanded today. Would you come down and help out?”

A. Uh-huh.

Q. And you would just do that?

A. Yeah. Or sometimes the ladies would tell me, you know, if I had time, and then I would see if it was okay.

Q. And if you -- if you helped out in the main residence, what are the kinds of things that you would do?

A. Cleaning.

Q. Okay. Clean rooms?

A. Clean rooms. Uh-huh.

Q. And which rooms; do you remember?

A. I’ve cleaned guest rooms, the guest cottages. I’ve cleaned train depots. The main house. The theater.

Q. Okay. And are there any other activities that you were involved in as part of your work at Neverland that you haven’t described?

A. Mainly those.

Q. Were you ever asked to transport people from time to time?

A. Yes.

Q. Okay. Please explain what you mean by that.

A. Also, again, whenever some people just were shorthanded and, you know, people were busy doing other things, they would also ask me if I could run around or do other errands for other -- whatever reasons might be. And, yes, when I was asked to give rides to certain guests, take them off property from time to time.

Q. And who would typically ask you to do that?

A. It would either be Joe, the ranch manager, or sometimes it would be the person who was in charge of the house, whoever at that time would be in charge of the house.

THE COURT: Counsel?

MR. MESEREAU: Yes, Your Honor.

THE COURT: Take our morning break.

(Recess taken.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 10367 through 10426 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 16, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
May 16, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

MONDAY, MAY 16, 2005

8:30 A.M.

(PAGES 10428 THROUGH 10595)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

BY: Official Court Reporter

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The Interpreter: Rose O’Neill

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Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

DEFENDANT’S
WITNESSES DIRECT CROSS REDIRECT RECROSS

BERNERD, 10431-M Kathyrn (Continuing)
GOMEZ,
Maria 10458-M 10484-A
MERIDITH, Shane 10498-M 10526-A
SALCE,
Brian 10534-M 10542-A
BIRCHIM, Russell
Robert 10544-SA 10553-SN 10567-SA 10569-SN
10569-SA
(Further)
VIVANCO, Angel 10571-SA

THE COURT: Counsel?
MR. MESEREAU: Thank you, Your Honor.
Q. Miss Bernerd, have you ever met somebody named Janet Arvizo?
A. Yes, I have.
Q. And when did you first meet her?
A. First time I met her was just passing by in the main house area.
Q. And you say “passing by.” Now, what do you mean?
A. I was going to the main house just to pick up something, and she was in the garage area, and it was just a “hello” kind of thing.
Q. This is the garage area of the main house?
A. Correct.
Q. And is that attached to the main house?
A. It’s attached -- yes.
Q. And what did you see her doing in the garage area of the main house?
A. She was just standing outside.
Q. Okay. Did she appear to be doing anything in particular?
A. No.
Q. Was she talking to anyone, to your

knowledge?
A. No.
Q. Just standing there?
A. Yes.

Q. In the garage area, what do you typically see?
A. You would just see the garage doors and the entrance then to the opening to the main area where you can go to the pool area or the arcade room or the main door to the main house.
Q. And did you say hello to her?
A. Back door, I mean.
I'm sorry, what was that?
Q. Did you say hello to her at that time?
A. Yes, I did.
Q. And that was the first time you had ever seen her?
A. Yes.
Q. Did she say hello to you?
A. Yes.
Q. Okay. But you saw her standing there not doing anything in particular?
A. Yes.
Q. And what time do you think it was?
A. It was mid-afternoon. I couldn't give you an approximate time. I don't actually recall. It was just afternoon.
Q. And you went into the main house after you saw Janet Arvizo?
A. Correct.
Q. Were you just doing some work in the main house that day?

A. I believe I was just picking up something real quick.
Q. Did you ever see her again that day?
A. No.
Q. Okay. Do you recall ever talking to Janet Arvizo on any telephone?
A. Yes.
Q. And could you explain what you mean?

A. She used to call up several different times to -- while I was in the -- in my office requesting different things.

Q. Okay. Now, we're talking about sometime in February 2003, right?

A. Correct.

Q. Okay. And did she start to call you after you met her in the garage area?

A. Correct.

Q. Okay. And you introduced yourself by name to her?

A. Correct.

Q. Did you tell her what your position was at Neverland?

A. I didn't tell her what my position was. After we did introduce ourselves, she did ask what I did there, and then that's how she found out. She asked me and then I told her what I did.

Q. Sorry. Did you finish?

A. Yes.

Q. Okay. I'm sorry I interrupted.

A. That's okay.

Q. After you met her in the garage area as you were on your way to the main house, she started to call you; is that correct?

MR. SNEDDON: Object; asked and answered.

THE WITNESS: What was that?

THE COURT: Just a moment. He's objecting.

THE WITNESS: Oh.

MR. SNEDDON: It's me.

THE COURT: Overruled. You may answer. I'll have the question read back so you know.

(Record read.)

THE WITNESS: Yes.

Q. BY MR. MESEREAU: Would she call you at your office in the administration building?

A. Correct.

Q. Was that the only phone you had while you worked at Neverland?

A. No. There was many phones, but for a direct number, because they were direct-connect lines, she would call me directly.

Q. And do you know how she got your direct line number?

A. Yes, there's main phone lists around Neverland. Every phone has a phone list as to which numbers connect you to which phone.

Q. And would the guesthouses have that phone list?

A. Yes.

Q. Okay. So it was not difficult to find out how to get ahold of you, correct?

A. No.

Q. And is that phone list revised from time to time?

A. All the time.

Q. And who typically revises the phone list?

A. I do.

Q. And when you revised the phone list, what do you do?

A. I would just go into the computer and revise it and make copies again, and send it to the -- whoever's in charge of the main house and they would make sure it got around.

Q. And the phone list would have numbers for virtually everyone who worked at Neverland, right?

A. It would have -- the phone list actually had, for every phone, like, the numbers. Like it would be No. 21 for this phone would be whoever this phone, you know, it would connect you to.

Q. Okay.

A. So every phone to Neverland.

Q. So it was no secret how to call people who worked at Neverland if you were on the ranch, right?

A. Correct.

Q. Okay. And how many phone lists do you think there were around Neverland showing you where to call someone if you wanted to?

A. There was at least approximately probably 20, if not more.

Q. Okay. And you are talking about phones in the theater and phones at the train station and phones all over, right?

A. Correct.

Q. And you would redo the phone list, and you would arrange to have someone insert it in all the phones at Neverland, right?

A. Correct.

Q. Do you recall approximately the first time Janet Arvizo called you after you met her?

A. If you’re asking for a date, no.

Q. Approximately when? Would it be sometime in February of 2003, do you think?

A. Yes, February of 2003.

Q. Okay. And what did you talk about?

A. She had asked if I can get her --

MR. SNEDDON: I’m going to object to the statements as hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you ever do anything for Janet in response to any request of hers?

A. Yes, I took her off property.

Q. Where did you take her?

A. To a day spa.

Q. And where was that day spa?

A. It was located in Solvang.

Q. And why did you take Janet to a day spa?

A. She wanted to get some different things waxed and wanted to also get her hair done up and different things done to her hair.

Q. Did she make that request to you?

A. Yes, she did.

Q. Did she call you on the phone to make that request?

A. Yes, she did.

Q. And when she asked you to take her to a spa to do the things you described, what did you do in response?

A. I first told Joe about it, just to let him know that she’s making this request, and to make sure if it was okay to set an appointment for -- like that, and got the okay, and went ahead and set the appointment up.

Q. Okay. And did you choose any particular date for that appointment?

A. She wanted it done right away.

Q. Okay.

A. Within the hour.

Q. Okay. And Joe gave you the approval, right?

A. Correct.

Q. You called the spa, right?

A. Correct.

Q. How did you know which spa to call?

A. I just tried to find one real close by. It was one I had never -- I didn’t even know we had one that close by, so I had looked at the phone book.

Q. Had anyone at Neverland ever made a request like that to you before?

A. Never.

Q. And was it your understanding that you were supposed to make the appointment and take Janet to the appointment?

A. I didn’t know I was supposed to take her to the appointment.

Q. At some point in time, did you actually learn you were going to take her to the appointment?

A. Yes.

Q. Okay. How did you learn that?

A. After I set up the appointment.

Q. What happened?

A. I just got asked if I could take her.

Q. Okay. And who asked you that?

A. Actually, at the time the main house -- who was in charge of the main house, Jesus, asked me if I could take her.

Q. Okay. And did you take her?

A. Yes, I did.

Q. Now, did you transport her yourself?

A. Yes, I did.

Q. Was anyone with you and Janet when you took her?

A. No.

Q. And what car did you take her in?

A. I took her in a van.

Q. And whose van was that?

A. It was Mr. Jackson’s, one of his vehicles.

Q. Okay. And so it was just you and Janet in the van, right?

A. Correct.

Q. This is the appointment you had arranged, right?

A. Correct.

Q. And approximately what time of day do you think you took Janet to her appointment?

A. This was closer towards the evening. I want to say it was approximately around 4:00-ish. I could -- yeah.

Q. And when you took Janet to her appointment at the salon, did you have any understanding as to who was going to pay for it?

A. We were.

Q. How did you know that?

A. Because we always do with -- with any request from any guests. We just pay -- we do. We just pay for whatever the request might be.

Q. Did you ever discuss with Janet who was going to pay for the waxing treatment at the salon?

A. No.

Q. Okay. Was it your understanding that she just assumed you’d pay for it?

A. Correct.

MR. SNEDDON: Object, Your Honor. Calls for a conclusion.

THE COURT: Sustained.

MR. SNEDDON: Move to strike.

THE COURT: Stricken.

Q. BY MR. MESEREAU: Did you ever tell Janet, “Mr. Jackson’s going to pay for your appointment”?

A. No.

Q. So there was no discussion about payment at all?

A. Never.

Q. Okay. And when you took her to the appointment at the salon, tell us what happened.

A. As we were driving?

Q. Sure.

A. As we were driving -- again, I really didn’t know Janet too well except for the few phone conversations and the request that she had. We were driving along, and she started to tell me about --

MR. SNEDDON: I’m going to object to anything she says as hearsay.

MR. MESEREAU: Not for the truth, Your Honor.

MR. SNEDDON: What relevance does it have,

then?

MR. MESEREAU: It impeaches.

THE COURT: Just a moment.

MR. SNEDDON: Well, that’s just a basis --

THE COURT: Let’s not start.

MR. SNEDDON: Relevance. Hearsay and relevance.

THE COURT: The objection is overruled. You may answer.

THE WITNESS: She started to talk about her ex-husband, and about how she was trying to get away from him. Going into detail about those type of -- how badly she had it; how well, you know, Michael had been treating her; how he was so much of a father figure to her kids; how he’s helped them out so -- you know, how he’s helped them out. She just pretty much was praising Michael and telling me also just how -- how bad she had it off with her ex.

And I was just driving the whole -- you know, the distance, because it’s not too far from the salon to Neverland. And the whole time, though, I was thinking, “I don’t know this lady and I can’t believe she’s telling me this much into her background of her story,” because I wouldn’t normally tell anybody my kind of story. And --

MR. SNEDDON: Object to the narrative, Your Honor.

THE COURT: Sustained.

Q. BY MR. MESEREAU: How long was the drive to the salon?

A. It would be about a ten-minute drive.

Q. Okay. And did you drop her off at the salon?

A. I took her inside and talked to the front lady that I had talked to on the phone, and we talked about payment. And if I recall, I think I did pay then. And then -- and then they told me, “Okay, it will be about this long.” And I decided -- I still had more work to do, so I said, “I’ll come back for her,” and I left.

And then after she had told me how long it would be, and I think it was maybe about 45 minutes she said to come back, and I came back.

Q. So after you dropped Janet Arvizo at the salon, did you go back to Neverland?

A. Yes, I did.

Q. Okay. And you resumed your duties at Neverland when you got back?

A. Correct.

Q. Okay. And at some point you decided to return to the salon to pick Janet Arvizo up, right?

A. Correct.

Q. Now, while Janet Arvizo was at the salon, did you speak to her at all on the phone?

A. No.

Q. Did you speak to anyone at the salon while you were back at Neverland?

A. No.

Q. Okay. So at some point you drive back to the salon to pick her up, right?

A. Correct.

Q. And you get to the salon, and what do you do next?

A. Go inside to get her, and then she wants to get her hair done. And I just talked with the lady at the -- you know, the front desk lady. And we tried to arrange for her to get her hair done.

And the person who was going to do her hair, she didn’t have anything available until the next morning, so then we walked through the back, because I guess the hair place is just right through the back of their area. The salon’s right in front.

And we spoke to her, and she was going to make a special trip in for the next morning, and we set it up for the next morning, and we were going to bring Janet back the next morning to get her hair done.

Q. Okay. Now, while you were driving Janet to the salon and while she was telling you about her personal life, did she ever complain that she was being held against her will at Neverland?

A. Never.

Q. During that drive to the salon, did Janet Arvizo ever say she and her family were being falsely imprisoned at Neverland?

A. Never.

Q. During that drive to the salon, did she ever complain that Michael Jackson or anyone associated with him was doing anything bad to she or her family?

A. Never.

Q. Were you ever part of any effort to hold Janet Arvizo against her will?

A. No, I was not.

Q. Were you ever part of any conspiracy to falsely imprison the Arvizo family?

A. No, I was not.

Q. Were you ever part of any conspiracy to extort or threaten anyone in the Arvizo family?

A. No, I was not.

Q. Did anyone at Neverland ever ask you to hold the Arvizos against their will?

A. No. No one ever did.

Q. Anyone at Neverland ever ask you to extort the Arvizos or threaten them in any way?

A. No.

Q. Okay. Did you ever get the feeling, separate and apart from what she told you when you drove her to the salon, that she was being held captive?

A. Never.

Q. Now, when you drove Janet Arvizo to the salon, do you recall there being any public relations group following you with cameras?

A. No.

Q. When you brought Janet Arvizo into the salon, do you recall seeing any public relations crew following you?

A. None whatsoever.

Q. Did you see anybody with cameras following you when you took Janet Arvizo to the salon?

A. No, I did not.

Q. When you went to pick up Janet Arvizo, after she'd completed her appointment, did you go into the salon?

A. After I had picked her up?

Q. No, excuse me. When you went -- I didn't rephrase it. Excuse me, I didn't phrase it very well. Let me withdraw the question.

When you returned to the salon to pick up Ms. Arvizo, did you park the van?

A. Yes, I did.

Q. And did you get out of it?

A. Yes.

Q. Did you go into the salon?

A. Yes, I did.

Q. What did you do when you got in the salon?

A. That's when we went to the back area to try and schedule the appointment for her hair.

Q. Okay. Was Janet with you when you went into the back area?

A. Yes.

Q. Was she with you when you tried to schedule another appointment?

A. Yes.

Q. Did she ever complain that she was being held against her will at the salon?

A. No.

Q. Okay. Did she ever complain that her children were being held against their will at any time?

A. No.

Q. Okay. And because she wanted a hair appointment, you scheduled one, right?

A. Correct.

Q. Okay. After you scheduled the hair appointment, what did you do next?

A. We just drove back to Neverland.

Q. And you recall paying for the salon appointment, right?

A. Yes.

Q. On the way back to Neverland, did you and Janet chat?

A. I'm sure it was small chitchat.

Q. Was anyone else in the van with you?

A. No, it was still -- we were alone.

Q. On the way back, did she ever complain about anything Mr. Jackson had ever done?

A. No.

Q. On the way back, did she ever complain about anything that was going on at Neverland?

A. No.

Q. Now, you said that Janet called you from time to time at Neverland, right?

A. Uh-huh. Yes.

Q. And on -- obviously on one of the occasions she asked for the opportunity to go to the salon, right?

A. Correct.

Q. Do you recall her calling and asking you other things?

A. Yes.

Q. What else did she ask you to do?

A. She has asked for us to take her off property to go shopping for clothes for her and her children.

She's also asked me to set up an appointment with a dentist so she could get some braces removed from one of her sons.

Q. Okay. And did you set up that dental appointment?

A. Actually, I believe Joe Marcus did.

Q. Okay. And when she asked you to set up a dental appointment, was there any discussion about who would pay for the appointment?

A. No, there was not.

Q. Was it your assumption that Mr. Jackson

would pay for it?
A. Correct.
Q. Okay. And did you have anything to do with that dental appointment other than what you’ve just described?
A. No. That was it.
Q. Okay. Now, you said she called up and asked you to take she and her family out to buy clothes?
A. Correct.
Q. And do you remember what she said?
A. Just --
MR. SNEDDON: Object. Hearsay.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes, she said that she had lost her suitcases and didn’t have any clothes at all, and needed to get some clothes.
And at the time, Chris Carter was in the office when I was taking the call, and was standing there, and he said that he had just taken them to get clothes and some shoes, and he didn’t understand why she was calling asking for those things.
Q. BY MR. MESEREAU: So your understanding --
MR. SNEDDON: I’m going to object to the second hearsay statement.
THE COURT: It’s stricken.
The jury is admonished to disregard the statement by Chris Carter.

Q. BY MR. MESEREAU: Was it your understanding that this was not the first time she had called and made a request to go shopping for clothes?
A. Yes.
Q. Did you arrange for Janet Arvizo to go shopping for clothes?
A. No.
Q. Why didn’t you do that?
MR. SNEDDON: Object. Immaterial.
THE COURT: Sustained.
Q. BY MR. MESEREAU: How many phone calls do you think you had with Janet Arvizo while she was at

Neverland?
A. Maybe four or five.
Q. In any of those conversations, did she ever complain that she was being held against her will?
A. No, she did not.
Q. Did you ever get the impression in any of those conversations that Janet was scared of anything?
A. Never once.
Q. Did you ever get the impression that she was trying to hide anything when she spoke to you on the phone?
A. No.
Q. Were those phone calls all initiated by Janet or would you call her as well?
A. No, they were initiated by Janet.

Q. And did you know where she was calling from when she made those calls?
A. No. I don't have that capability of knowing where she's at.
Q. Okay. Did Janet explain to you why she wanted a dental appointment?
A. Yes.
Q. What did she say?
MR. SNEDDON: I'm going to object. Excuse me. Are you finished with the question?
MR. MESEREAU: Yes.
MR. SNEDDON: Object. Hearsay.
MR. MESEREAU: State of mind, Your Honor. And not for the truth.
THE COURT: The objection is overruled. You may answer.
THE WITNESS: She stated that she was being hassled by the dentist who put the braces on, and couldn't afford to pay for them. And she wanted to send the braces back in an envelope to the dentist.
Q. BY MR. MESEREAU: And did you relay that information to Mr. Marcus?
A. Yes, I did.
Q. Okay. Did you ever see Mr. Jackson interact with Janet at Neverland?

A. No, I did not.

Q. Did you ever see -- excuse me. Did you ever meet any of Miss Arvizo’s children at Neverland?

A. Just passing by.

Q. Okay.

A. Like how I did with her outside in the garage areas.

Q. And where was this --

A. Also --

Q. -- at Neverland?

A. Also -- when I met them, it was also in the garage areas.

Q. Okay.

A. When they were just standing around.

Q. Were the children with Janet or without Janet?

A. One time they were with Janet. And then one time I believe they were just getting ready to get on some quads or something.

Q. Okay.

A. Or go-carts.

Q. At the time you saw them with Janet, approximately what time of day was that?

A. Again, in the afternoon. It could have been one, two, three o’clock.

Q. And approximately where at Neverland did you see Janet and her children together?

A. In the front -- in the main house area, in the pool -- in the garage/pool area.

Q. So roughly were you had seen Janet the first time, correct?

A. Correct.

Q. And what did she seem to be doing with her children?

A. She was just standing around with them. She wasn’t doing anything.

Q. What do you recall the children doing on that day?

A. Nothing. On the day that she was with them?

Q. Yes.

A. They were just standing around with her also at that time, at that moment.

Q. But there was no question in your mind they seemed to be together, right near -- Janet seemed to be together with her children?

A. Oh, yes.

Q. Near the main house, right?

A. Yes.

Q. Okay. Okay. So for how long did you observe them all on that particular day?

A. It wasn’t long at all. I was just passing by, so it was a few minutes.

Q. Now, were you going to the main house or away from the main residence?

A. To the main residence.

Q. Okay. Did Janet introduce you to her children?

A. No.

Q. Okay. You just said hello?

A. Uh-huh.

Q. Okay. Have you ever spoken to any of her children, other than what you described on that day?

A. No.

Q. All right. Did you ever see Janet inside the main house when you were helping out?

A. I believe I saw her one time in the kitchen area, but that would be it.

Q. And what do you recall seeing her doing?

A. Sitting at the kitchen bar.

Q. Okay. And the kitchen bar --

A. Stool.

Q. -- is like a counter where you can see into the kitchen, right?

A. Correct.

Q. And that’s a counter which has wooden seats attached to it, right?

A. Correct.

Q. And you typically have plates with homemade buns on the counter every day, right?

A. Correct.

Q. And people will sometimes order food and it will be prepared right in front of them in that kitchen area, correct?

A. That’s correct.

Q. And are you saying you remember seeing Janet sitting there?

A. Yes.

Q. Okay. Did you see her eating anything?

A. I don’t recall.

Q. Was she talking to anyone, if you recall?

A. I don’t believe so.

Q. Were her children with her on that occasion?

A. No.

Q. Okay. Any other time you remember seeing the Arvizo children doing anything at Neverland?

A. No. A lot of the times I was in the office working, so they were always running around playing.

Q. And you’d see them playing?

A. No. We would just -- I would know -- we would know a lot of times if they had requests to take the quads out, because then we’d have to call security to pull them out or the mechanics to pull them out. So a lot of times I would just know when those kind of things -- you know, if the kids were out running around on those.

Q. So part of your job would be to arrange for the children to drive the quads?

A. Or just to let the security or somebody know to pull them out or put them away.

Q. And typically when this request was made, who would make the request?

A. The kids would ask somebody around the house area, and then they would call one of us in the office. Just depends on whoever was around to ask,

and then they would call us.

Q. And if you got a request to arrange for the children to drive quads, what would you do?

A. Well, we always need the okay and the authorization from Joe, so he would be the one to go to next.

Q. And was any such request ever turned down; do you know?

A. I don’t believe so, no.
Q. Okay. And how many times do you think you were involved in a request to provide quads for the Arvizo children?
A. Maybe just a couple times.
Q. Okay. Did you ever see them actually driving around?
A. It’s possible.
Q. Not sure?
A. I’m not sure. A lot of times people wear helmets, you know, or we make sure everybody does wear helmets. So I couldn’t tell you underneath the helmets who was who.
Q. Have you seen other children drive quads?
A. Yes.
Q. Have you been involved in arranging for other children to drive quads?
A. Yes.
Q. What do you have to do to make that arrangement?

A. Just get the authorization through Joe, and then just make sure that they’re available and working and ready.
Q. Would you then contact the children who wanted to drive quads and let them know that they were available?
A. No.
Q. What would happen next as far as their being able to drive a quad?
A. If I was involved with that actually, I would just let security know, and security would come and take over from there after I found out -- or had the authorization. They would get them available and then find the kids or let them know where they are. And I don’t know from then on what they did.
Q. Now, you said your work was mostly at the administration building up on a hill, right?
A. Uh-huh.
Q. And the main house, when you helped out --
A. Uh-huh.
Q. -- right?

And did you ever work at the theater?

A. On events, yes.

Q. What events are you talking about?

A. When -- when I wasn’t hosting events, and, say, if we had weekend events and they needed help, I would -- like, working behind the theater, the snack bar. I would work inside the theater, like handing out candy or popcorn, those kind of things.

Q. Would you hand out candy and popcorn to children?

A. Yes.

Q. Okay. They were children who were there for specific events?

A. Yes.

Q. Do you recall seeing the Arvizo kids in the theater?

A. No, I don’t believe so. I don’t think I’ve ever -- not for an event.

Q. Do you think you’ve seen the Arvizo children anywhere else at Neverland during the time that you worked?

A. No.

MR. MESEREAU: No further questions, Your Honor.

MR. SNEDDON: No questions.

THE COURT: All right. Thank you. You may step down.

Call your next witness.

MR. MESEREAU: Defense will call Ms. Maria Gomez.

THE COURT: When you get to the witness stand, please remain standing.

Face the clerk here. Raise your right hand.

//

MARIA GOMEZ

Having been sworn, testified as follows:

THE WITNESS: Yes.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name is Maria Gomez.
THE CLERK: Will you please spell that?
THE INTERPRETER: The interpreter will spell.
M-a-r-i-a; G-o-m-e-z.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. MESEREAU:
Q. Good morning, Miss Gomez.
Miss Gomez, do you know the fellow seated at counsel table to my right?
A. Yes.
Q. Who is he?
A. He is my boss. I work for him.
Q. What is his name?
A. Michael Jackson.
Q. And how long have you worked for Michael Jackson?
A. I have worked for him ten and a half years.
Q. And have you worked for him at Neverland?
A. Yes.

Q. And what kind of work have you done at Neverland?
A. (In English) The housekeeping.
Q. Okay. And as a housekeeper, what are your responsibilities?
A. Cleaning. Cleaning the house. To serve.
Q. And is all of your work in the main house?
A. No. In other areas as well.
Q. And what other areas do you work at?
A. The units. The theater. The train depot.
Q. And when you say “the units,” do you mean the guest units?
A. Yes.
Q. And as part of your responsibilities, do you and others clean the guest units?
A. Yes.
Q. Now, is there a particular time of day that you usually clean the guest units?
A. Yes. We always clean them when the guests go out to lunch.

Q. So do you typically clean the guest units around midday?

A. Yes.

Q. And when the guests go to lunch, where do they typically go?

A. To the kitchen.

Q. And is that the kitchen in the main house?

A. Yes.

Q. And so you will watch to see when the guests go to the main house and then go to clean the guest units?

A. Usually, yes.

Q. And how long does it typically take to clean a guest unit while the guests are having lunch in the main house?

MR. AUCHINCLOSS: Objection; relevancy.

THE COURT: Overruled.

THE WITNESS: About an hour.

Q. BY MR. MESEREAU: Okay. Now, if the guests don’t leave for lunch and stay in the unit, what do you do about cleaning the unit?

A. We ask. We call them on the phone and ask if they would like service.

Q. So you try and schedule an appropriate time with the guest?

A. Yes.

Q. Okay. Now, in the main house, what areas do you typically clean?

A. The whole house. Well, not his room.

Q. What areas, do you think?

A. The upper floor of the house, the library. All the areas except for his room.

Q. Would you be responsible for cleaning the wine cellar area?

A. Yes.

Q. And let me direct your attention to the year of 2003, okay? And I’d like to talk about January, February, March of 2003. Okay. Were your duties the same as you’ve just described?

A. Yes.

Q. And were you cleaning the wine cellar then?
A. Yes.
Q. Were you cleaning the guest units then?
A. Yes.
Q. Okay. Do you recall ever meeting someone named Janet Arvizo?
A. Yes.
Q. And when do you recall first meeting Janet Arvizo?
A. I cannot recall.
Q. Do you recall seeing them in 2003?
A. Yes.
Q. And do you recall seeing them in the time period of, say, January, February, March 2003, roughly?
A. Yes.
Q. Okay. Did you ever see Janet Arvizo's children at Neverland?
A. Yes.
Q. And what were their names, if you remember?
A. Davellin, Star and Gavin.
Q. And do you recall the Arvizo family staying at the ranch?
A. Yes.

Q. Would you see them often?
A. Yes, all the time.
Q. Did you see Janet Arvizo all the time?
A. Yes.
Q. And where would you often see Janet Arvizo?
A. Sometimes I saw her in her room, because I cleaned when she was inside the room. And other times, most of the time in the kitchen.
Q. What would you -- excuse me, let me rephrase that.
What did you see Janet Arvizo doing in the kitchen?
A. Well, not exactly in the kitchen, but at the counter.
Q. And what would you see her doing at the counter?
A. When she would go for meals, she would spend a lot of time there, because there was a machine

where they can play games there.
Q. Did you see Janet with her children in that area of the house?
A. Yes, many times.
Q. Would you see them all playing games?
A. Yes.
Q. Was there a particular time of day where you would see them playing games in the kitchen area?
A. Well, at lunchtime or mealtimes.
Q. Did you see Janet in the main house at other

times?
A. Yes.
Q. And how often do you remember seeing Janet in the main house at times other than lunch?
A. Well, usually they would go and spend time there at the sitting room.
Q. And what is the sitting room?
A. It’s an area next to the kitchen.
Q. And what do you see in the sitting room?
A. How is that?
Q. Well, is there a television in the sitting room?
A. Yes.
Q. Is it a big television?
A. Yes.
Q. And would you see Janet and the kids watching television in the sitting room?
A. Yes.
Q. And you have couches near the T.V., right?
A. Yes.
Q. Would you see them there at all times of day?
A. Many times they would spend a lot of hours there.
Q. Now, what hours did you work during the first three months of 2003?
A. Well, we’re always rotating. Usually my schedule, I would go at 9:00, 8:00. Then sometimes

I would leave at 4:30. But when I had the afternoon shift, actually I would stay until we locked up the house.

Q. And what time would you lock up the house when you did the afternoon shift?

A. 9:00 or 10:00 in the evening.

Q. Did you sometimes see Janet Arvizo in the house in the evening?

A. Yes.

Q. Would you see Janet with her children in the house in the evening?

A. Yes, after supper.

Q. Did you see Janet and her children have dinner in the main house often?

A. Yes, but at that time she spent a lot of time in her room.

Q. And would you visit her in her room?

A. Only the times that I would go and clean when she could request it.

Q. Did you ever see Janet watching television in the main house in the evening?

A. I cannot recall exactly, but it was normal to see them spend a lot of time in that area.

Q. And that’s in the main house, right?

A. Yes.

Q. Now, in Janet’s guest quarters, did you have a television also?

A. Yes.

Q. And did you see her children in the guest quarters ever?

A. Yes.

Q. How many times do you think you saw Janet’s children in the guest quarters at Neverland?

A. I would not be able to say how many times. But when we would go and clean, they would be there for a short while and then they would go out and then come back in.

Q. Now, during the first three months of 2003, how many guest units do you remember the Arvizos having at Neverland?

A. Three.

Q. And whose rooms -- excuse me, let me rephrase that. Who was staying in those three units?

A. The lady in No. 4. Gavin in No. 3. And Star and Davellin in No. 2.

Q. And did you often clean those three units?

A. Sometimes I would do one or sometimes another. But not very often, not every day would I clean all three.

Q. Okay. Do you recall seeing the children in their units from time to time?

A. As I said, they came and went.

Q. Okay. Do you recall cleaning the children’s units?

A. Yes.

Q. Did you do that often?

A. Sometimes.

Q. And did those units need cleaning?

A. Oh, yes.

Q. And what do you mean by that?

A. Those children were tremendous. They usually would bring a lot of things from the theater, lots of candy. And they would make a big mess. Something -- it was almost as if they would want to waste whatever.

Q. Was it hard cleaning their rooms?

A. Yes.

Q. Why was that?

A. They would leave them -- well, I don’t think that guests staying for one night would make such a filthy mess in one day.

Q. Did they make a mess often?

A. Yes.

Q. Was there any question -- excuse me, let me rephrase that.

They clearly were using those rooms, weren’t they?

MR. AUCHINCLOSS: Objection. Calls for a conclusion; ambiguous.

THE COURT: Overruled.

THE WITNESS: Yes.

Q. BY MR. MESEREAU: Now, you said you would clean Janet’s room, right?

A. Yes.

Q. Was her room a little easier to clean than the kids?

A. It was easier, yes, of course.

Q. Okay. She didn’t mess her room up the way those children did, right?

A. No.

Q. Did the children mess up their beds?

A. Oh, yes.

Q. And what do you mean by that?

A. Well, when one -- well, I don’t know if they -- if they were very wild when they slept, but the sheets and the blankets were -- they were all -- they had been taken out of the bed.

Q. Did that happen often?

A. Many times. They would always make a mess. And the beds --

Q. Did you see Janet at any other locations on the property from time to time?

A. Well, when she would spend a lot of time there in her room, I happened to mention to her why she didn’t go out and take a walk. Because to me, it seemed that she spent a lot of time there. And that would be when sometimes -- well, very few times.

MR. AUCHINCLOSS: I’ll object as nonresponsive.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you ever see Michael Jackson with Janet Arvizo at Neverland?

A. Yes.

Q. And what do you recall seeing Michael Jackson and Janet Arvizo doing?

A. Talking or eating dinner.

Q. Would Michael Jackson eat dinner with Janet Arvizo?

A. Not all the time, but sometimes.

Q. Would you see Michael Jackson and Janet having dinner without the children?

A. But you are asking about those -- that time, January?

Q. January, February, March 2003,

approximately.

A. Oh, no. She spent a lot of time in her room.

Q. And did you see her with Michael Jackson at all?

MR. AUCHINCLOSS: I’ll object. Vague as to time.

THE COURT: Sustained.

Q. MR. MESEREAU: During the approximate period of January, February, March of 2003, do you recall seeing Michael Jackson with Janet Arvizo at Neverland?

A. I would not be able to say. I can’t recall.

Q. Do you recall seeing Janet Arvizo with her children at Neverland outside of the main house?

MR. AUCHINCLOSS: I’ll object. Vague as to time.

THE WITNESS: Yes.

MR. MESEREAU: I’ll rephrase it, Your Honor.

Q. During the approximate period of January, February and March of 2003, do you recall seeing Janet Arvizo with her children at Neverland outside of the house?

A. Yes.

Q. And where did you see them?

A. Around the units area.

Q. What did you see them doing?

A. Just talking.

Q. Did you ever see the children playing at Neverland during that time period?

A. Yes.

Q. And what did you see them doing?

A. They used the motorcycles, the skateboards. There are bikes, bikes that they use around the house.

Q. Would you see Janet Arvizo with her children when they were playing?

A. No.

Q. And in your work, do you go all over the property?

A. Yes.

Q. Did you see the children at other locations on the property?

A. At the theater.

Q. And what did you see them doing at the theater?

A. Well, when there are films, they would watch the films, or they would spend time at the counter eating ice cream.

Q. Now, is that the counter in the theater?

A. Yes.

Q. And is there a place to sit there?

A. There is no sitting area.

Q. Do you sort of lean against the counter and order what you want?

A. Yes, or they could serve themselves.

Q. Okay. And that’s where you get ice cream and popcorn, right?

A. Yes.

Q. And you can get candy there as well?

A. Yes.

Q. And you would see them when you were cleaning the theater?

A. Yes.

Q. Did you ever see the children, Star, Gavin, Davellin, interacting with other guests at the ranch?

A. Yes.

Q. And what do you mean by that?

A. Well, at that time I was trying to recall

who was there at that particular time.

No.

Q. You don’t recall seeing the Arvizo children playing with other children at Neverland?

A. At that time, I cannot recall.

Q. Do you recall seeing the children in the area where the rides are, the amusement rides?

A. We don’t go -- usually don’t go out to that area.

Q. Okay. Now, you said that in the main house, you used to clean the wine cellar area, right?

A. Yes.

Q. And what did you used to do there as part of your work?

A. That is not in the area that is usually cleaned. It's cleaned once in a while. It is not a place that is frequented. It's a place that is always locked and we really don't say we usually cleaned it. Only when it needed it.

Q. And who would decide when the wine cellar area needed cleaning?

A. At that time I would, or Jesus.

Q. And when you say clean the wine cellar area, what are you talking about? Please describe the -- that part of Neverland.

A. That place is used to store meals or food that the cooks use, for example, if they buy big amounts. There are some refrigerators that they use. And there's a sink right next to that, and if they leave things out, sometimes they make a mess right there. And -- or maybe they have a drink there and then someone just leaves the glass behind. But really, it's not that much that's something that we would have to clean all the time.

Q. And where would the food be stored in the wine cellar area?

A. Where the refrigerators are.

Q. Would the food be actually in the area where you find wine?

A. Yes.

Q. And that's an area that's refrigerated, right?

A. Yes.

Q. So would the cooks go into the wine cellar to get food from time to time?

A. Yes.

Q. Do you know how often they would do that?

A. Not very often.

Q. And what kind of food was stored in the wine cellar during the period of, say, January, February, March of 2003?

A. They used refrigerators when they buy meats, juices or extra milk. Those refrigerators are used as storage.

Q. So the wine cellar itself is refrigerated, right?

A. Yes.

Q. And it gets very cold in there, right?

A. Yes.

Q. Now, when you would go in there to clean, how would you get in?

A. There is a key that we had to go in there.

Q. And where would you get the key?

A. The key -- Jesus had the key, or Joe.

Q. And who would decide when you needed to go clean the wine cellar area?

A. Well, if someone that had gone in there became aware. But we did not go.

Q. Would you clean that area if it needed cleaning?

A. Yes.

Q. And typically would you decide when to go there or would someone tell you it needed cleaning?

A. Usually -- well, since the key was held by only two people, we had to request the key.

Q. Okay. Do you recall the key hanging anywhere in that area?

A. They had it on a key chain.

Q. Okay. But when you needed the key, did you get the key yourself or did someone give it to you?

A. Someone would give it to me.

Q. Okay. Did you need permission to go into that area or would you just go there when you thought it was necessary?

A. I would have to ask.

Q. Now, when food was being prepared for a large number of guests at Neverland, would there be a lot of activity in and out of the wine cellar area?

A. Yes.

Q. And would you see cooks, for example, going in and out of the wine cellar area?

A. Yes. Usually they were the ones who would have the key. If there was an event, they would have the key with them during the day in order to go in and out.

Q. Was it only the cooks you would see going in and out, or would you see other people?

A. Just the cooks.

Q. And was it your understanding that anytime the cooks needed to go into the wine cellar, they could get in?

A. Yes, but they would also have to request the key.

Q. In the kitchen area, you also have refrigerated areas, right?

A. Yes.

Q. And they're not locked, right?

A. No.

Q. And there is alcohol -- excuse me. Alcoholic beverages are contained in those areas as well, right?

A. Yes.

Q. And anybody can open the refrigerator and get those alcoholic beverages, right?

A. Yes.

Q. And those refrigerated areas have see-through glass, right?

A. Yes.

Q. You can see what's in that refrigerated area before you open it to get something?

A. Yes.

Q. And you can see things like beer and wine in that area, right?

A. Yes.

Q. Okay. Do you recall a key chain to the wine cellar hanging on a wall in the maids' room?

A. Well, before, a long time before, that key was used.

Q. Okay. Now, after a large number of guests would be served dinner, would it be normal for you to have to clean in the wine cellar area?

A. No.

Q. So you just did it when somebody requested it pretty much?

A. Yes.

Q. Would you clean -- excuse me, let me rephrase that.

When you would clean in the wine cellar area, would you also clean the area that’s next to the wine cellar?

A. What area?

Q. The area that’s right up to the wine cellar door.

A. The arcade?

Q. Yes.

A. Yes.

Q. Did you clean that area as well?

A. We would clean the counter. And the bath rooms.

Q. Okay. Do you remember ever seeing any of the Arvizo children in the wine cellar area?

A. No.

Q. Do you remember ever seeing Janet Arvizo in the wine cellar area?

A. No.

Q. Do you remember ever seeing Gavin Arvizo drinking any alcoholic beverage?

A. I never saw.

Q. Do you remember ever seeing Gavin Arvizo look like he was intoxicated?

A. No.

Q. Do you remember ever seeing Star Arvizo drinking any alcoholic beverage?

A. I never saw.

Q. Do you remember ever seeing Star Arvizo look like he was intoxicated?

A. No.

Q. Do you remember ever seeing Davellin Arvizo drinking an alcoholic beverage?

A. No.

Q. And do you remember ever seeing Davellin Arvizo look like she was intoxicated?

A. No.

Q. Did you ever see Michael Jackson with any of the Arvizo children drinking alcohol?

A. No.

Q. Do you recall Janet Arvizo ever complaining about Michael Jackson?

A. No.

Q. Do you recall Janet Arvizo ever saying nice things about Michael Jackson?

A. Yes.

Q. And what did she say?

MR. AUCHINCLOSS: Object. Hearsay.

MR. MESEREAU: Not for the truth.

THE COURT: The objection's overruled.

THE WITNESS: That he was like a father.

Q. BY MR. MESEREAU: And when did you -- excuse me, let me rephrase that.

When do you recall hearing Janet Arvizo say that?

A. At that time.

Q. And did she start the conversation with you?

A. Yes.

Q. And where did this conversation take place, if you remember?

A. I was in Gavin's room, Unit 3. I was doing the room, and she came in to either find him or get something from the room. And she began to speak to say that Michael Jackson was like a father to her children, and that she wanted them to call him "Dad."

Q. How long did that conversation last?

A. Oh, it was just a short while.

Q. Did Janet Arvizo ever talk to you about her son's illness?

A. Yes.

Q. And what did she say?

A. Well, even though she spoke Spanish, she mentioned her child, her son's illness. On that occasion, she mentioned the illness and how he was improving. But she was speaking in English, so I couldn't really understand her exactly, what she was saying about the illness that her son had.

Q. Did Janet Arvizo ever say that Michael Jackson had helped her son with his illness?

MR. AUCHINCLOSS: Objection; leading.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did Janet Arvizo ever mention Michael Jackson when she was telling you about her son’s illness?

A. How is that?

Q. Well, did she ever say anything about

Michael Jackson helping her family with the son’s illness?

MR. AUCHINCLOSS: Objection; leading.

THE COURT: Overruled.

You may answer.

THE WITNESS: Yes. That he had been a blessing to them; and that he was the type of person -- he was like a father to her children.

Q. BY MR. MESEREAU: Did you ever hear Janet Arvizo complain about Michael Jackson at any time?

A. No.

Q. Did Janet Arvizo ever tell you she was being held against her will at Neverland?

A. After that conversation, about a week later, she began to talk about being there against her will.

Q. And what did she say?

A. That we should help her leave.

Q. Did she ever mention someone named Dieter Weizner?

A. On that occasion she said that three persons, including that person Dieter, they were holding her there.

Q. And did she say anything about they’re interfering with her relationship with Michael Jackson?

MR. AUCHINCLOSS: Objection; leading.

THE COURT: Overruled.

You may answer.

THE WITNESS: That they were interfering with her relationship with him, yes.

Q. BY MR. MESEREAU: And approximately when did she say that Dieter Weizner and others were interfering with her relationship with Michael

Jackson?

A. That happened almost at the time that they left.

Q. Did she ever mention someone named Frank Cascio?

A. Yes.

Q. And did she say he was interfering with Janet’s relationship with Michael Jackson?

A. Yes.

MR. AUCHINCLOSS: Objection; leading.

THE COURT: Overruled. You may answer -- the answer’s “Yes.” Next question.

Q. BY MR. MESEREAU: Did she ever mention a Vinnie Amen?

THE INTERPRETER: I’m sorry, what was that?

Q. BY MR. MESEREAU: Did she ever mention someone named Vinnie Amen?

A. Oh, Vinnie, yes.

Q. Did she complain about him as well?

A. Yes.

Q. Did she say anything about whether he was interfering with her friendship with Michael Jackson?

A. Yes.

Q. Okay. Now, you’ve mentioned Frank, Vinnie and Dieter. Did she say anyone else was interfering with her friendship with Michael Jackson that you recall?

A. No, just those three persons.

Q. Okay. At some point, do you recall Janet asking Jesus to take her home?

A. Yes.

Q. And were you with Janet and Jesus when you heard that?

A. Yes.

Q. And where were you?

A. In that -- on that occasion we were in Unit 4.

Q. Was Jesus there as well?

A. Yes.

Q. And did Janet say she wanted to leave Neverland?

A. Yes.
Q. And to your knowledge, did Jesus agree to arrange to let her leave?
A. Not at that moment when I was there.
Q. Did he do it at some point?
A. I believe so.
Q. And did he tell her he would arrange to have Frank or Vinnie take her home?

MR. AUCHINCLOSS: Objection; leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes. She wanted -- well, she did say that they were interfering.
Q. BY MR. MESEREAU: And to your knowledge, was she taken home at some point?
A. I don’t know.
Q. Okay. Do you recall Janet telling you and Jesus that Frank and Vinnie were separating her from Michael Jackson?
MR. AUCHINCLOSS: Objection; asked and answered.
THE COURT: Sustained.
MR. MESEREAU: If I may take just one moment, Your Honor.
THE COURT: Yes.
Q. BY MR. MESEREAU: Do you recall -- excuse me.
Mrs. Gomez, do you recall seeing any adult magazines at Neverland?
A. Yes, on one occasion.
Q. And do you recall seeing any of those magazines with the Arvizo children?
A. Well, I’m pretty sure, yes, because in Unit 2 there was a backpack with those type of magazines.
Q. And who was staying in Unit 2?
A. Davellin and Star.

Q. And what did you do when you saw those magazines in Unit 2?
A. I left them there.
Q. Did you tell anyone about that?

A. No.
Q. Did you find them when you were cleaning?
A. Yes. But I just saw them.
Q. Okay. And you saw them in a backpack?
A. Yes.
Q. Okay. Do you know who owned the backpack?
A. Well, I would suppose it was Star’s.
Q. Okay. Do you remember seeing -- was the backpack open?
A. Yes.
Q. And do you recall seeing these magazines wrapped in a shirt?
MR. AUCHINCLOSS: Objection; leading.
THE COURT: Sustained.
Q. BY MR. MESEREAU: When you saw the magazines in the backpack, were they in full view?
A. The backpack was slightly open, and I saw those magazines.
Q. Did they appear to be wrapped inside of something?
A. No. That was another occasion. That was in his office.
MR. AUCHINCLOSS: Objection; nonresponsive.
THE COURT: How do you know?

(Laughter.)
MR. AUCHINCLOSS: I took a guess.
THE COURT: I have to hear what she says. I don’t --
THE WITNESS: There were two magazines in the lower cabinet under the sink.
Q. BY MR. MESEREAU: And this was in the office area?
A. Yes, in the office.
Q. Okay. Did you ever see adult magazines just laying around in the main house?
A. No.
MR. MESEREAU: No further questions.
THE COURT: Cross-examine?

CROSS-EXAMINATION
BY MR. AUCHINCLOSS:
Q. Good morning, Ms. Gomez.

A. Good morning.
Q. You have never cleaned Mr. Jackson’s room, did you?
A. No.
Q. In fact, over your nine years, you were only allowed in Mr. Jackson’s room three times; isn’t that true?
A. Yes, sometimes.
Q. And is that because Mr. Jackson only allowed certain people in his room to clean it?

A. Yes.
Q. As far as adult magazines go, there would be no place for children to get adult magazines at Neverland unless some adult gave them to them; isn’t that true?
MR. MESEREAU: Objection. Foundation; leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: I don’t know.
Q. BY MR. AUCHINCLOSS: Well, you said there’s no magazines lying around. So for those kids to get adult magazines, someone would have to give them to them, right?
MR. MESEREAU: Objection; no foundation.
THE COURT: Overruled.
THE WITNESS: I don’t know.
Q. BY MR. AUCHINCLOSS: As far as -- and you did testify that you have seen adult magazines in Mr. Jackson’s office; is that correct?
A. Yes.
Q. And you’ve seen adult magazines in a bathroom? Is that another area?
A. No, no, no. In the office, underneath the sink, I saw two magazines. And then in the children’s room, Davellin and Star.
Q. Okay. And that would be Mr. Jackson’s office, the bathroom near Mr. Jackson’s office, is

that correct, where you saw those magazines?
A. Yes.

Q. Now, you've been an employee of Neverland for nine years straight; is that correct?
A. Yes.
Q. And you value your job there?
A. Of course.
Q. Did you sign a confidentiality agreement when you went to work at Neverland not to discuss things off of -- when you leave the property?
A. Yes.
Q. And did you know that your phone calls can be monitored at Neverland?
MR. MESEREAU: Objection. Foundation; misstates the evidence.
THE COURT: Overruled.
You may answer.
THE WITNESS: I had an idea that they were, that the calls would be checked, yes.
Q. BY MR. AUCHINCLOSS: And do most employees of Mr. Jackson know that their phone calls can be monitored when they're at Neverland?
MR. MESEREAU: Objection; calls for speculation.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes.
Q. BY MR. AUCHINCLOSS: Now, when you were interviewed at Neverland on November 18th, the day of the search warrant, do you remember that day?

A. Yes.
Q. You told the officer that the Arvizo children were polite and normal, true?
A. I said that, but I felt intimidated that day.
Q. Okay. And you said that the Arvizo children would make quite a mess in their room; isn't that correct?
A. Yes.
Q. And they'd eat a lot of candy?
A. Yes.
Q. Isn't it fair to say that most children who come and visit at Neverland eat a lot of candy?
A. But those children, they were even more

special. They ate more than was normal.

Q. But most of the children at Neverland eat all the candy they want; isn't that right?

A. Yes.

Q. And do they act like children -- the children that eat candy, do they act differently? Do they act like they're full of sugar?

MR. MESEREAU: Objection; vague.

MR. AUCHINCLOSS: Maybe I'll ask the question a little differently. Ask for foundation.

Q. Have you ever noticed how children act when they've been eating a lot of sugar?

A. Yes. But those children would get a lot of candy.

MR. AUCHINCLOSS: Object as nonresponsive.

MR. MESEREAU: Objection. He's cutting off the witness.

THE COURT: The objection is overruled. I'll strike the second part of the answer. The answer is, "Yes."

MR. AUCHINCLOSS: Okay.

Q. You said that their rooms would be messy, the Arvizo children's rooms would be messy?

A. Yes.

Q. The sheets would be off the bed, and the Arvizo children would play in those rooms during the daytime, wouldn't they?

A. They came and went, I would assume.

Q. Because you didn't stay there at night after, say, nine o'clock, did you?

A. Not in the rooms.

Q. Yes. And didn't you say you normally left Neverland around 9 p.m.?

A. Yes, 9:00 or 10:00.

Q. Okay. So you don't know where children would sleep at Neverland after that time, do you?

A. I would assume in their rooms. I don't know.

Q. But without assuming, you don't really know, do you?

A. No, I don’t know.

Q. Now, when you heard this remark about Frank and Dieter and Vinnie trying to interfere with Miss Arvizo’s family and Mr. Jackson, was that conversation in English or in Spanish?

A. In English.

Q. And Miss Arvizo told you she liked Michael Jackson, true?

A. Yes.

Q. Did you ever hear any of the children refer to Michael Jackson as “Daddy” or “Dad” when Michael Jackson was there, any of the Arvizo children?

A. I did not hear that.

Q. Who were Vinnie -- who was Vinnie? Let’s start with him. Do you know who Vinnie is?

A. Well, I only knew that he was Frank’s friend.

Q. And who is Frank?

A. A friend of Mr. -- Mr. Jackson.

Q. Now, when the Arvizo children were there in February and March, they were there for almost a month; isn’t that true?

A. Yes.

Q. Do you know why they were taken out of school to stay at Neverland for that period of time?

MR. MESEREAU: Objection; assumes facts not in evidence.

THE WITNESS: No.

THE COURT: Overruled. The answer is, “No.” Next question.

Q. BY MR. AUCHINCLOSS: And you also stated that Janet stayed in her room most of the time in February and March; is that correct?

A. Yes.

MR. AUCHINCLOSS: Thank you. No further questions.

MR. MESEREAU: No further questions.

THE COURT: All right. Thank you. You may step down.

Let’s start our break early.

(Recess taken.)

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: I understand there's an issue that needs to be heard.

Mr. Zonen?

MR. ZONEN: Yes, Your Honor.

THE COURT: Who is your next witness?

MR. SANGER: We have Mr. Vivanco, Your Honor.

THE COURT: It's in regard to this witness?

MR. ZONEN: Yes, Your Honor.

THE COURT: Something you want to add?

MR. SNEDDON: Ron?

MR. ZONEN: Your Honor, the brief that we filed dated May 11th --

THE BAILIFF: Can you turn your microphone on, please?

MR. ZONEN: The brief that we have filed dated May 11th, 2005, illustrates the points we believe are irrelevant to this proceeding. And we believe, under 352 and general rules of relevancy, that this witness ought not be allowed to engage in any of those questions or offer commentary on any of those facts.

MR. SANGER: We filed our brief showing the five areas of exceedingly relevant testimony that we believe this witness will testify to. And other than going on a question-by-question basis, if there's something that is -- there's no foundation for, or some other objection of that sort, I don't see any need for the Court to make a ruling in advance.

On the initial issue regarding the details of specific acts, we had conceded that long ago, so I don't think that is an issue before the Court. We had no intention of asking specifically about that after we filed a brief in response. And there was another brief listing a number of potential objections to what potentially might be done. And I believe there's a foundation for everything we intend to ask. I think it should be question by question.

THE COURT: I don’t know what you intend to ask. Do you mean you filed something in response to the one where there’s A through M?

MR. SANGER: No. We had filed --

THE COURT: I have seen the previous ones.

MR. SANGER: We filed the one with the five different categories.

THE COURT: Which date was that? I want to be sure I’m looking at the right one.

MR. SANGER: May 12th, I believe. Called “Response to Motion to Exclude,” and specifically in that response we indicated that we believed that the real issue -- the issue that was raised initially was resolved. And so based on colloquy, we set forth the five basic reasons why this testimony is relevant to these proceedings.

THE COURT: Well --

MR. SANGER: And the District Attorney filed something I think a day later. We did not file another response because we felt we had responded.

THE COURT: Okay. Well, I agree with the District Attorney’s brief that certain things are not relevant. And just on reading it, I believe that A through N are properly objected to.

MR. SANGER: A through M?

THE COURT: A through N.

MR. SANGER: N.

THE COURT: But I didn’t see any of your other materials that you intended to ask those questions, but I don’t think they exclude you from covering the areas that you indicated that you were going to cover. But these are areas that are properly objected to, so I’ll sustain their objections to those questions.

If you want to take a minute to go through them -- I assume you’ve already gone through them.

MR. SANGER: I have not only gone through them, but I left them back in my office, so I have everything but that.

THE COURT: Do you want to look at mine? I was afraid I had left something of yours in my office when you said there were five things, but now I see what they're referring to. They weren't numbered 1 to 5. They just happened to be five things. So if you want to look at those for just a minute so there's no confusion about what my ruling is.

MR. SANGER: From what Your Honor is saying, I take it Your Honor has ruled and you're not inviting any argument on this?

THE COURT: Well, you didn't have the paper in front of you. If there's something you want to address, I would certainly listen to you.

MR. SANGER: Well, in general, and that's --

I felt we had answered it, but maybe not. In general, all of these, as I'm looking at them here, with the exception of N and L -- and now I have the paper and you don't.

THE COURT: Right.

MR. SANGER: With the exception of L and N -- and I'll give it back to you.

So with the exception of "Lincoln" and "Nora," L and N, which we do not intend to ask L and N, the rest of them would be admissible, I think, for two reasons. One, for direct impeachment for both Davellin and Janet Arvizo, because they both testified absolutely to the contrary as to each one of those points.

And secondly, for the state of mind of both Davellin -- Davellin and Janet Arvizo, because they both testified that contrary to those points that were made, all the other points except L and N, that they were -- for instance, David was the bad guy. Much evidence was introduced by the prosecution on that. This flies in the face of it and it's an admission. But Davellin said she basically stayed in the room with her mother at all times, and yet she's out talking to people and talking to this particular witness and being very expressive about her upset with her mother.

Her mother portrays herself as being concerned about her children, and that her children are close to her. And instead, that the children are -- this particular daughter is calling the mother various names and making statements. I mean, that's a public record. I'm not repeating it unnecessarily. I mean, it's a totally different picture than the picture painted by the prosecution through the testimony of both Janet and Davellin.

It also shows --

THE COURT: You can't impeach Janet's testimony with this, and a lot of this you didn't ask Davellin. So the only purpose for impeachment -- you know, you can't impeach Janet with what Davellin says.

MR. SANGER: I understand, Your Honor. It impeaches Davellin to the extent that she was saying her mother was sincere and in her room and was afraid that her -- some of the direct statements to the effect that all of these children, including Davellin, have made about their biological father. And it turns out she misses her father. She blames her mother for that. Those are direct contradictions to her testimony that she's given so far.

THE COURT: Well, I guess one of the problems I'm having is recalling which question you asked which of the children.

MR. SANGER: Let me remind the Court for a moment. Maybe this will help.

Remember Mr. Mesereau did the questioning.

But Mr. Mesereau did the questioning of Davellin. And in the course of that, he had asked her about Carol Lamir, and Davellin immediately volunteered, "Carol Lamir is a terrible person. She made me clean her house." And then Janet testified to the same thing.

Whereas this witness will say she is saying she stayed with this friend. She wanted to get away from her mother. That Davellin was asked by Mr.

Mesereau, “Did you tell Carol Lamir that you didn’t want to be with your mother?” “No, I never said that. I didn’t stay there very long.”

THE COURT: The only way you can impeach that is to have Carol Lamir come and say that she said that.

MR. SANGER: We will.

THE COURT: So what she tells or didn’t tell this person doesn’t impeach that, because you didn’t ask her, “Did you tell this person that?” You’re trying to bootstrap yourself into something here.

MR. SANGER: Well, we’re not impeaching her statements about Carol Lamir. We’re impeaching the other statements that were made in the course of that questioning by Mr. Mesereau to the effect of, “Did you get along with your mother?” “Were you” -- “Did you try to get away from her?”

And this shows that those answers -- Carol Lamir was kind of the lead-in to that, but the direct questions I believe were asked of Davellin by Mr. Mesereau.

THE COURT: Well --

MR. SANGER: And she denied it.

THE COURT: See, if you’d responded to me in this brief with the cites where those questions had been asked, that would have been helpful.

MR. SANGER: All right.

THE COURT: It’s not helpful to give me a general statement that all of this rebuts something that was said.

MR. SANGER: I understand, Your Honor.

THE COURT: And I think, you know, absent you being able to show me those quotes that would justify these questions, I’ll stand by my ruling.

MR. SANGER: All right.

THE COURT: Let’s bring in the jury.

(The following proceedings were held in open court in the presence and hearing of the jury:)

MR. SANGER: Your Honor, if we may, we’ll call a different witness so we have a chance to look at this, if we might briefly.

THE COURT: Yes, that’s fine. Respond to the specific items.

MR. SANGER: Okay. Thank you.

THE COURT: Go ahead.

MR. MESEREAU: Thank you, Your Honor. The defense will call Mr. Shane Meridith.

THE COURT: All right. Remain standing, please. Face the clerk here, and raise your right hand.

SHANE MERIDITH

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Shane Meridith. It’s S-h-a-n-e. Last name is M-e-r-i-d-i-t-h.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. MESEREAU:

Q. Good afternoon, Mr. Meridith.

A. How are you?

Q. Good, thanks.

Where is your home?

A. Santa Maria, California.

Q. And how long have you lived in Santa Maria?

A. About five years now.

Q. Are you familiar with the fellow seated at counsel table to my right?

A. Yes, sir.

Q. Who is that?

A. Mr. Jackson.

Q. How do you know that?

A. I used to work for him.

Q. When did you work for Mr. Jackson?

A. From 2002 till 2003.
Q. And did you work at Neverland?
A. Yes, sir.
Q. And what was your job there?
A. I was a security officer.
Q. Were you a security officer for the whole time of your employment?
A. Yes, sir.
Q. Did you have any training in security work before you worked at Neverland?
A. No, not really.
Q. What was your work history, just in summary?
A. Prior to that, I was mostly in sales.
Q. Did you have any training in firefighting?
A. No, sir.
Q. Okay. Did you have any training to do your job in security at the ranch?
A. Yes, I did.
Q. What was it?
A. The training that we received from the ranch, which was from individuals that worked there. Supervisors trained us on basic techniques, you know, as far as detaining people or interrogating people, things like that.

Q. Who did the training program for you?
A. Mine was a supervisor -- or two supervisors, Julio Magana and Curtis Gordon.
Q. And what did you do at Neverland as a security officer?
A. Basically view day-to-day activities, answer phones, maintained the security of the ranch itself. Make sure that, you know, everybody that was there was supposed to be there, and people that weren’t supposed to be there weren’t allowed to come on. Things like that.
Q. What kind of shift did you work typically?
A. Typically my shift was 6 p.m. to 6 a.m.
Q. And was that your shift during the entire period of employment at Neverland?
A. Roughly. Some of them would vary. I think Sundays I would work a day shift, which was 6 a.m. to 6 p.m.

Q. Did you ever meet someone named Janet Arvizo?

A. Yes, sir, I did.

Q. When did you first meet her?

A. It must have been -- well, it was in 2002. It was probably February, maybe March of 2002.

Q. Would it be 2003, do you think?

A. Maybe around Christmastime of 2002.

Q. Okay. That’s when you first met her?

A. Yeah, I believe so.

Q. And where did you meet her?

A. On the property.

Q. Okay.

A. She was actually -- when they were coming onto the property, I met her at the front gate.

Q. Okay. Did you ever see her on the property while you were working there?

A. Yes, sir, I did.

Q. And how many times do you think you saw Janet Arvizo at Neverland when you were working at Neverland?

Possibly five times. Five or six times.

Q. What did you see her doing?

A. Mostly just walking around the property. Either from the bungalow areas to the house itself or just, you know, hanging around by the front of the house where our security station was.

Q. Would you talk to her from time to time?

A. I think I had one conversation with her.

Q. Okay. Okay. And where did that conversation take place?

A. That took place in front of the security office close to the main house.

Q. All right. Did you see her in any other location other than near the main house, that you recall?

A. No.

Q. Okay.

A. Not that I recall.

Q. Did you ever meet her kids?

A. Yes, I did.

Q. And when did you meet her children?

A. Roughly the same time.

Q. Okay. And they were Gavin, Star, and Davellin, right?

A. Correct.

Q. Where did you see them?

A. You'd see them all over the ranch. They used to come up to the front security office sometimes riding bicycles. I'd see them at the theater. I'd actually take them from the house, from the main house, up to the theater periodically, as I did, you know, many guests. But all throughout the ranch.

Q. Would you talk to them from time to time?

A. Yes, I would.

Q. And why would you talk to them?

A. Just speaking to -- like I said, to all guests. Just basic conversation, "How you doing?" Things of that nature. "Can I get anything for you?" You know, stuff like that. Stuff of that nature.

Q. Did you ever see Michael Jackson with Janet Arvizo?

A. No, I don't believe so.

Q. Did you ever see Michael Jackson with her children?

A. Yes.

Q. And what do you recall seeing?

A. Just them walking around the house area or going up to the theater to view a movie.

Q. Did you ever see Michael Jackson do anything you thought was inappropriate with those children?

A. No, sir.

Q. Now, you say you saw Michael Jackson and the children walking up to the theater?

A. Yeah, they were -- once they were walking, and also I remember taking them up in a van, as well.

Q. And what was the purpose in going to the theater, if you knew?

A. To view a movie. They were watching a movie. I’m not sure -- it was a new release of some kind.

Q. Did the kids seem to do that very often?

A. They used to go up to the theater quite often. Not necessarily to view movies, but just to go up there. There was candy and various other things for them to go up there and have.

Q. Now, if Gavin, Star and Davellin went to the

theater, how would they arrange to have a movie shown; do you know?

A. They would usually -- somebody from the house would usually contact one of us and we would either contact the projectionist, or they would either contact, you know, a security officer that was directly in their sight, and then we would contact a projectionist and have them come up to put the movie on.

Q. Would that happen any time of day?

A. Yes. If there was a projectionist on property, that could happen any time of day, night, whatever.

Q. Do you recall seeing the Arvizo children at the theater in the evening?

A. Yes.

Q. How many times do you think you saw the Arvizo children at the theater in the evening?

A. I think the two times that I recall them walking up, and the second time with me taking them in the van, they were both in the evening time.

Q. Did you, as part of your work, go into the main house ever?

A. Yes.

Q. And what would you do in the main house?

A. Either deliver messages, or there was a couple of occasions that I was sent in to wake up some individuals that were -- that were in the

house.

Q. Okay. And who were they?

A. Those were the owner’s nephews that were upstairs.

Q. And do you remember their names?

A. No, I do not.

Q. Okay. And they were Michael Jackson’s nephews?

A. Correct.

Q. Where were they?

A. They were upstairs in the owner’s room.

Q. Okay. And describe, if you would, where they were.

A. They were -- when I woke them up, the -- I woke them up on two different occasions. And the first occasion I believe they were on the floor in sleeping bags. And the second time they were up and about, you know, already walking around the room, but they just didn’t want to get up, I guess, or something.

Q. This is in Michael Jackson’s bedroom area?

A. Correct.

Q. Would you please describe that room area?

A. I only saw it from the doorway, which was -- you open the door, I just remember seeing -- there’s a bed and then the floor area. There’s a lot of stuff that was in there. You know, a lot of tables and lamps and things like that.

Q. Did you walk through that area?

A. No, I didn’t go into the room.

Q. Would you knock on the door?

A. Yes. Yeah.

Q. And someone answered?

A. Yeah.

Q. Who was that?

A. That was one of the nephews at the door.

Q. At some point you saw them sleeping in the room area; is that right?

A. That’s correct. That was on the first occasion I saw them sleeping in the sleeping bags.

Q. Where were the sleeping bags?

A. On the floor. They were right near the door in the sleeping bags.

Q. Okay. And you said that was a couple of occasions that you saw that?

A. Them on the sleeping bags?

Q. Yes.

A. Only on the one. I woke them up on a couple of occasions, but most of the time they were already up. I saw the sleeping bags, but they were usually -- just on the two occasions. The first occasion, there was a couple -- the one nephew was actually in the bed -- I mean, in the sleeping bag. But the other occasion, they were already up. The bags were down.

Q. And please describe what Mr. Jackson's nephews look like.

A. Slender, fairly tall for their age, I would think. African-American. That's about --

Q. Boy? Girl?

A. Oh, they were both -- the two boys.

Q. Uh-huh. Okay. All right. Did you ever see the Arvizo children in Mr. Jackson's personal quarters?

A. No, I did not.

Q. Do you recall ever bringing any soda or popcorn to Mr. Jackson's personal quarters and seeing the Arvizo children in there?

A. Yeah, actually I did bring the popcorn. They requested some popcorn and they were in there, that's correct.

Q. Who made the request?

A. That was made by, I believe, Star. I believe Star was the one who made the phone call to the security office.

Q. And he asked for someone to bring popcorn to Mr. Jackson's quarters?

A. Yeah, if I could bring some popcorn, sodas, you know, Red Hots, snack items from the theater. They didn't want to have to come downstairs and go to the theater.

Q. Did you do that for them?

A. Yes, I did.

Q. Did you talk to Star on the phone?

A. Yes, I did. Yeah, that was -- I took the phone call.

Q. And was it part of your responsibilities to respond to requests like that?

A. Sure. It wasn’t out of the norm for me to do that.

Q. If a guest asked for popcorn or food be delivered, would you be one of the people who would do that at Neverland?

A. Absolutely.

Q. This is during the night shift?

A. Night shift, day shift, yeah, whenever. Any request that was given by a guest, we were more than happy to help them out.

Q. And did you bring the food to Mr. Jackson’s personal quarters?

A. Yes, correct.

Q. In response to Star’s request?

A. Yes.

Q. And approximately what time of day do you think this was?

A. This was in the evening. It was probably eight o’clock, 8:30, maybe, p.m.

Q. And did you go into Mr. Jackson’s room?

A. No, I didn’t. I stood at the door.

Q. Did you have a chance to look into the room?

A. I don’t believe I did.

Q. Okay. Do you recall seeing any sleeping bags in Mr. Jackson’s room?

A. Not on that particular night, no. As a matter of fact, on that particular night, I saw the children later on in their -- their sleeping quarters down, you know, by the officers’ station, those bungalow areas. They were -- that night they were down there.

Q. These are the Arvizo children?

A. Those are the Arvizo children.

Q. And you’re referring to Gavin, Star and Davellin?

A. Yes.

Q. And where did you actually see them?

A. On that night?

Q. Yes.

A. They were -- later on, probably about an hour and a half after I brought the candy and popcorn to them, they were in their sleeping quarters, and that would be -- I'm not sure if it was the -- Room 1 or Room 2. It was one of the rooms. And they were -- you know, they were inside. They were in their pajamas, ready for bed, watching T.V.

Q. And why is it that you went into the guest quarters and saw the Arvizo children?

A. I was doing my rounds around that area, the light was on, and they were goofing around. They opened the door and they saw me, and we had a little

conversation.

Q. What time of night do you think this was?

A. It had to be around 11:00. Yeah, it was later at night. I know that, because the lights were -- if they weren't already off, the lights on the property were getting ready to be shut off. I'm not sure, but it was probably 11:00, 11:30.

Q. Typically in your work, would you check out the guest quarters from time to time?

A. Absolutely. We would do that on 15- to 30-minute increments. We would check the guest quarters as well as the main house, the perimeter checks.

Q. And when you check guest quarters, what do you do?

A. Just walk around the guest quarters themselves, make sure that the doors are locked that are supposed to be locked, and, you know, make sure that the guests are either okay, or if they have anything that they need, or, you know, we would give them what they need, things like that.

Q. Do you know approximately when this was? And I'm talking about the time you first saw the Arvizo kids in Mr. Jackson's room and then later on saw them in the guest quarters.

A. The difference in time frame or the exact time of night?

Q. Let me state that better. I asked a poor question. I'm talking about the month and year.

A. Oh. Probably the beginning of 2003. I left employment in April, so it had to be prior to April. Maybe February.

Q. Do you remember seeing the Arvizos during a time when you thought it was their final visit?

A. Well, I didn't know if it was their final visit, but I recall them -- seeing them when they were packing out at a late hour.

Q. And do you recall seeing them leave?

A. Yes.

Q. Okay. Did you ever see them come back again?

A. After that, no, I did not.

Q. Okay. Now, when -- let me rephrase that. The time you saw them earlier in Mr. Jackson's room and then later on in the guest quarters, was that close to the time when you believe they were last at Neverland?

A. Yeah, that was probably the last visit they were there. If not, it was around the last visit they were there.

Q. Now, you checked the guest quarters, you think, around 11:30, right?

A. Correct.

Q. Did you check them again that evening?

A. Well, yeah, like I said, I would do my every 15- to 30-minute checks, and then after -- after

midnight, one o'clock, I think one o'clock would have been my last check, right around that time frame, and then I was to relieve the officer at the front gate.

Q. Now, in the main house, when you would do your security checks, where would you go?

A. Around the house. We would check the arcade, the bathrooms, the pool area, and just around the main house in general.

Q. Do you know where the wine cellar is?

A. Yes, sir.

Q. And as part of your security check, would you go into the wine cellar from time to time?

A. Periodically. It wasn't a complete

destination, but we would -- we would check the -- to make sure that the lights were off down in that -- in that little corridor, as well as the jukebox was placed in front of it blocking the entrance.

Q. And how often would you check that area of the house during your shift?

A. If I was on the 12-hour shift, personally I would check that area -- I would go through the arcade every occasion that I would do a house check, which was every 30 -- you know, 30 minutes. So -- but I wouldn’t physically go down to check the door unless there was reason to believe that that area was -- you know, there was somebody down there or there was a reason to check that door physically.

Q. What kind of a reason would you need to do a security check of the wine cellar?

A. Either I saw lights, heard a noise, the jukebox was moved away from the area, or someone had requested that I go to check that area. Or if I knew that people were actually in the arcade, then I would go down and check that area.

Q. During any of your security checks in February of 2003, did you ever find Gavin and Star in the wine cellar?

A. I did find them in the wine cellar. And I’m not sure of the time frame when they were there, but there was a night that I did find them in the wine cellar, or an evening.

Q. Was it in the year 2003, to your knowledge?

A. I believe so.

Q. Were they with anybody else?

A. No, it was just the two of them.

Q. Why did you go into the wine cellar to check it on that particular day?

A. The jukebox was moved away from the stairwell, and I could see that there was a light on from under the door. Because the game room was dark, there was no light on in the game room, so I could see the light from under the door.

Q. You went down the stairs?

A. Correct.

Q. You went to see the wine cellar, correct?

A. Correct.

Q. What did you see?

A. When I walked in, I saw the two children laughing, giggling, whatever. They were -- they were obviously startled. I kind of snuck down on them, because I wasn’t sure who was down there. And they kind of looked at me, and, you know, were laughing, and I could see them with a bottle of alcohol that was in front of them.

Q. Was the bottle open?

A. Yes, it was.

Q. Did you say anything to them?

A. Yeah, I told them that they needed to get out of that area right now and get upstairs, which they did.

Q. Did you see Michael Jackson anywhere near that wine cellar on that occasion?

A. No. No, he wasn’t there.

Q. Was there anybody else there besides Gavin and Star?

A. No, it was just the two boys.

Q. Did they seem to respond to your request?

A. Yeah. Yeah, they were pretty shaken.

Q. And what did you see next?

A. Then I just inspected the area to see exactly -- to see if I could figure out exactly what they were doing down there, and that’s when I took a closer look at the bottle and I noticed there was -- some of the contents were missing out of the bottle.

Q. Did you determine how much of the bottle was -- excuse me, how much of the contents of the bottle was missing?

A. It was about half full.

Q. Do you remember who was -- was anybody holding the bottle?

A. No, they were just standing. The bottle was on the table. There was a little kitchenette area that’s in the -- in that wine cellar area. And the bottle was in front of them, and the two boys were kind of around the bottle, but nobody was physically -- I didn’t see anybody physically holding it.

Q. And when you -- did you ask them to leave?

A. Yes, I did.

Q. Did they leave?

A. Yes, they did.

Q. Did they leave quickly?

A. Yes, they did.

Q. Did they actually run up the stairs?

A. Yes, they scurried.

Q. All right. Did they say anything to you in response to your request that they leave?

A. Nothing, other than they were -- they were kind of caught off guard, so they were, you know, a little surprised. And they just -- they just took off, you know, when I told them that they needed to be -- that they weren’t supposed to be down there and they needed to be upstairs, they -- you know, they turned and hightailed it out of there.

Q. Now, at some point, you saw the Arvizos leave for what you think was the last trip from Neverland, right?

A. Correct.

Q. Do you know approximately how close to that date the incident in the wine cellar was?

A. I think it was the visit prior to that. It was -- it was fairly close. I mean, all their visits were -- that I recall, were very close together towards the end of their -- that last visit, or that I assumed was the last visit, because I didn’t see them after that again.

Q. Do you recall the time you think they left for the final time?

A. Yes.

Q. Approximately when was that?

A. That was, I believe, in February, March.

Q. And did you see them actually in the process of leaving?

A. That’s correct. Yeah, I was doing a house check, and they were -- the -- they were being packed out -- they had -- one of the limos was in the back of the house, and Jesus Salas was helping them with their luggage, which there was a lot of luggage that was being packed up, so I helped them pack that luggage up.

Q. Did they ask you for your help or did you volunteer it?

A. I volunteered my help.

Q. Okay. And did they seem to want you to help them?

A. Oh, sure. The kids weren’t doing anything physically. They were just getting ready for the ride home. They were kind of watching us do the labor.

Q. Did you talk to Janet at all as you were helping them load the car?

A. No, I did not. No. I spoke to the children, but I didn’t speak to her.

Q. Did the children appear upset at all?

A. No, not at all.

Q. What was your impression of their demeanor?

A. They were in fairly good spirits. I mean, despite how -- you know, whatever. It was kind of a late hour. I know it was probably one o’clock, two o’clock in the morning. But they seemed in pretty good spirits. I mean, they said -- you know, they said goodbye and they’d see me again on the next visit.

Q. Did you ever hear Janet Arvizo ever complain about Michael Jackson?

A. No, I did not.

Q. Did you ever hear Gavin Arvizo ever complain about Michael Jackson?

A. No, I did not.

Q. Did you ever hear Star Arvizo ever complain about Michael Jackson?

A. No, I did not.

Q. Did you ever hear Davellin Arvizo complain about Michael Jackson?

A. No, I did not.

Q. Did Janet Arvizo say anything to you at any time about being held against her will at Neverland?

A. Not to me.

Q. Now, when you were helping them load their luggage into the vehicle, what do you recall actually putting into the vehicle?

A. Duffel bags. They were, you know, like gym bags, sort of large duffel bags. That’s what I helped load in. You know, I got there at the tail end of the loading, so I just -- there was maybe three bags left, four bags. I know there was some toys and things, too. But most of them were duffel bags. And like I say, it was the tail end of the packing.

Q. Did you ever see a backpack?

A. I do not recall a backpack.

Q. Okay. Who owned the duffel bags, if you know?

A. I don’t know. I believe they were

everyone’s. I mean, you know, they didn’t actually have names on them and nobody was standing next to them to claim either one of them. They just -- they were just there by the back of the car and I helped load them in the back of the car.

Q. And did you help Janet load her possessions into the vehicle?

A. I’m not sure if any of those possessions were Janet’s or not. Like I say, nobody laid claim to anything that I loaded in there. They were just standing, watching, and I helped load those bags in.

Q. Is that the last time you saw them?

A. That was the last time that I saw them, yeah.

Q. Did you ever speak to Janet on the phone at any time?

A. Merely to -- yeah, actually, I did. But it was merely to pass along messages to the -- to the owner.

Q. And how often did you do that?

A. I probably spoke to her on the phone maybe twice, three times.

Q. So she would call you to give a message to Michael Jackson?

A. She would call to see if she could be put through to Mr. Jackson. And we would try to ring him and get him on the phone that way, or we would just send her -- send the call directly to the house itself, and she could try her luck that way.

Q. As far as you know, was that the standard way she tried to reach Michael?

A. As far as I know, yeah. That’s how she pretty much tried to reach him.

Q. So she would try to go through you to get connected to Michael Jackson?

A. That’s correct. Now, if she called a private line or something like that, I would have no knowledge of that.

Q. Okay. Now, did you have any knowledge, during the time you worked at Neverland, about how one would get into the wine cellar?

A. Yes. Yeah.

Q. What was your knowledge about that?

A. You would -- the door was usually locked, but it wasn’t always locked, and you would have to -- you’d have to unlock that door to gain access to it. But the door was always shut.

Q. Did you ever determine how the two Arvizo boys got into that cellar?

A. No, I did not. And I didn’t take it any further than what it was. I told the house manager about the incident and I told my supervisor about - Violet Silva - the incident. But other than that, I didn’t do any further investigating as far as how they got into the cellar.

Q. Was that the only time you saw Gavin and Star Arvizo drinking in the wine cellar?

A. Well, that was the only time I saw them in the wine cellar, yeah.

Q. Did you know anything about where a key was kept to get into that cellar?

A. We had a key in the officers’ station, yeah.

Q. And where was that kept?

A. That key was kept in our filing cabinet, locked in the top of the filing cabinet.

Q. Do you know if there was a key in an employee break room?

A. That I do not know. Possibly. I mean, that's a good possibility. Somebody in the house might have had -- one of the house individuals might have had a key.

Q. Now, when you say "possibly," what do you mean?

A. Well, I mean, I don't recall them ever --

MR. AUCHINCLOSS: Object.

THE WITNESS: Go ahead.

MR. AUCHINCLOSS: Object. Foundation.

THE COURT: Overruled.

You may complete your answer.

THE WITNESS: Can you repeat it?

Q. BY MR. MESEREAU: Let me withdraw the question and ask it again.

You said possibly there was another place where a key was kept, in the employee break room?

A. Right. Yeah, I knew that there was keys that were located in the break room, but I didn't know what those keys were or what they were to.

Q. Did you ever see any of the Arvizo children in that area?

A. Personally, I did not see anybody in that area. It wasn't frequently that I would go into that area, though, since it was located in the house.

Q. To your knowledge, how many keys were there to the wine cellar at Neverland?

A. To my knowledge, I would assume it was just our key. We had the only key. I mean, I don't know for sure, but that's the only key that I was aware of.

Q. Do you know if Joe Marcus, for example, had access to a key?

A. Possibly. I mean, that could be possible.

Q. Do you know if the cooks had access to keys?

A. I don't believe the key -- the cooks did, because I recall them frequently asking us to unlock that door for them.

Q. Do you have any knowledge of cooks going up and down the stairs into the wine cellar to get food that was in the refrigerated wine cellar?

A. Yes, I do.

Q. Okay. But do you have any idea how they would gain access when they did that?

A. When they did that, they would ask us for access into the cellar. It was pretty frequent that we would -- if they needed access to that cellar, that we would open it and just leave it open, since they would be going -- if they were going to be getting food or drinks or whatever from that cellar, they would need nonstop access, so we would just leave it open, and they would come and go as they pleased.

It wasn’t feasible for us to continually open and lock, open and lock, open and lock, every time they needed to get access to it.

Q. So are you saying that there were periods of time when it was open for quite a while?

A. Yes, that’s correct.

Q. And when it was open, how long would it be open?

A. Well, it depends on the -- on the checks. If there was nobody -- if there was visibly nobody that was entering the wine cellar, and we could see that they were done there, we were doing our 15- or 30-minute checks, then we’d go ahead and secure it. But if we could still see individuals coming and going, we would leave it open. So it just depended on visually what we saw on our rounds, on our checks.

Q. Now, if you had a large event at Neverland, where a lot of food was being prepared by the cooks, would it be accurate to say that probably the wine cellar might be open for hours so people could go back and forth with -- and get food or wine?

A. That would be -- that would be a fair assumption, yeah. It could be open for an entire shift.

Q. When you saw Gavin and Star Arvizo in the wine cellar alone, you had no idea how they got in there, right?

A. No, I did not.

Q. Okay. Did you ask them, “How did you get in?”

A. No, I did not.

Q. Would you see them all over Neverland while they were visiting?

A. Yes.

Q. What would you see them doing?

A. Usually playing. They were either, like I said, at the theater, riding the go-carts -- I mean, the golf carts. On the rides. Up at the train station. Back at the zoo. They’d be everywhere, just doing, you know, what -- basically just doing whatever they wanted to.

Q. In your opinion, were they well behaved?

A. Not -- not -- I mean, they weren’t completely out -- they were acting, you know, not like totally out of control, but they were pretty much -- you know, they were there to have fun, and they were -- there was occasions where they’d break things, let me put it that way. I mean, there’s occasions where they would, you know, destroy some property.

Q. What property are you talking about?

A. Golf cart. They crashed a golf cart and did some damage to it, which they -- which they denied doing. But later they admitted to doing it. And I believe that’s the only real damage, other than turning rocks over or just throwing trash around and, you know, things like that.

Q. Where would they throw trash around?

A. Pretty much anywhere they were at around the ranch. They’d throw, you know, wrappers of candy bars, and things like that, just kind of anywhere.

Q. Anything else they did that bothered you?

A. There wasn’t -- you know, there wasn’t -- like I said, they weren’t -- they weren’t too bad.

Q. Now, when they crashed the go-carts, did you make a report?

A. A report was made, but it wasn’t made by me. One of the other officers made that report.
Q. Did you actually see it happen?
A. I saw the golf cart. I didn’t witness them crashing. I saw them coming from the area where that golf cart was, but I didn’t actually -- I don’t think anyone actually witnessed the -- you know, the crashing of the golf cart. But they were the only people -- they were the only kids that were there at that time, the only people.

Q. Now, was your job at Neverland the first job you had had in the area of security?
A. Yes.
Q. Okay. And how are you currently employed?
A. I’m employed at the Lompoc prison.
Q. Okay. What do you do there?
A. I’m a correctional officer.
MR. MESEREAU: Okay. No further questions.

CROSS-EXAMINATION
BY MR. AUCHINCLOSS:
Q. Good afternoon, Mr. Meridith.
A. Good afternoon sir. How are you doing?
Q. I’m doing very well, thank you.
Your job as a security officer at Neverland, part of that job was to prevent intruders from coming onto Neverland; is that fair?
A. That’s correct.
Q. Did you wear a uniform for that job?
A. Yes, sir.
Q. All the security guards wear uniforms?
A. Yes, sir.
Q. Pretty visible presence there at Neverland?
A. Yes.
Q. Is that designed to give intruders some visible presence so that they know that they’re going to have to get through the security guard to get onto the property?

A. Yes, sir, that’s a fair assumption.
Q. All right. And the guests are aware of your

presence?

A. Absolutely.

Q. And your job is to keep them safe as much as the owner; is that fair to say?

A. That’s correct.

Q. All right. Now, as far as the Arvizo boys at Neverland, you mentioned that they were a little rambunctious; is that a fair assessment?

A. That’s fair, yeah.

Q. And is it also fair to say that all the kids who come and stay at Neverland for extended periods eventually start to become pretty rambunctious?

A. Eventually. There’s no real supervision, and kids are going to be kids. So it’s not uncommon for -- children that, you know, are on the ranch kind of get the emperor feeling and kind of act up.

Q. Is it fair to say that the fact there really is no supervision, they get to kind of do whatever they please, one thing leads to another, and that’s probably when they start to get somewhat destructive or rambunctious?

A. I’m sure, yeah, that’s a fair assumption.

Q. Okay. What about Mr. Jackson’s cousins, would you characterize them in the same fashion?

A. They -- they pretty much came and went. You know, they were never there for an extended period of time. They would maybe be a night or two nights or a weekend, so they were -- they were -- they were pretty much okay. I don’t think they had a lot of idle time. They were there strictly to visit and then they would go. I don’t recall them ever doing anything other than playing basketball.

Q. Would they ever break things?

A. That I -- I don’t know. No, I don’t recall. I don’t recall that they ever broke anything.

Q. Now, at one time you were interviewed by, I believe, the defense investigator, and you indicated to him that you thought the wine incident was around Christmas of 2002; is that --

A. Yeah, it was roughly around the time of their -- you know, all in that area, the Christmas, February, March. I mean, it was all around that time. I’m not real sure on the exact time frame.

Q. As far as your patrol duties go, your patrol duties don’t really take you inside the main house unless there’s some specific reason; is that fair?

A. That’s correct.

Q. Okay. And this one incident where you went into the main house to -- actually, I believe you said there were two incidents where you went into the main house to wake up the nephews?

A. Correct.

Q. And you said you went upstairs to do that; is that right?

A. That’s correct. Yeah.

Q. So you went to a bedroom up the main staircase?

A. That’s correct.

Q. So as you enter Neverland, or I should say as you enter the main house through the main front doors, to the right is a stairway?

A. That’s correct. I would come in from the back door, though. We didn’t usually access the front door unless we were requested.

Q. So coming into the main hallway, you see a very large staircase there --

A. Correct.

Q. -- is that right? Is that the stairway you went up to go to the bedroom where you woke up these children?

A. Yes, it is.

Q. And they were in a room with some sleeping bags?

A. On -- on one occasion, they had the sleeping bags with the children. When I woke up the nephews the first time, they were in the sleeping bags. On the second occasion that I recall, they were already up and, you know, around and about in there.

Q. Did you see Mr. Jackson at that time?

A. I did not, no.

Q. You said that there was an incident where you saw Gavin and Star in the wine cellar?

A. Correct.

Q. Now, your routine as a security officer is to go around and check doors and make sure they’re locked; is that right?

A. That’s correct.

Q. How often do you make your rounds in the evening?

A. Like I said, we usually do them 15-, 30-minute rounds.

Q. When you make those rounds, is one of your duties to check the wine cellar and make sure it’s locked?

A. That’s a fair assumption. I think it would be to go downstairs and actually physically check that door.

Q. So if that door is left unlocked, would it be reasonable to say that it’s not unlocked for very long. Eventually some security guard goes down there and locks it?

A. Correct. That’s correct. As long as there’s nobody visibly -- you know, house staff that’s visibly coming in and out of that.

Q. You mentioned that. If there’s some activity where people are moving in and out, you’ll just let it remain open?

A. Right. We’ll just kind of leave it open.

Q. When you went down there, Star and Gavin were laughing?

A. Yeah, they were having a good time. They were obviously playing, goofing off.

Q. Did they seem intoxicated at all?

A. You know, I didn’t even get to talk to them that long. All I did when I came downstairs was, you know, just tell them that they weren’t supposed to be in that area and they knew better than that, and they needed to get upstairs immediately.

Q. You said there was a half bottle of wine that had been opened?

A. That’s correct.

Q. Do you remember where that half bottle of wine was in relation to Gavin and Star when you went in the room?

A. They were behind the -- like I said, when you walk into that -- to the wine cellar, there’s a kitchen area that’s in there. There’s a table in that kitchen area. The wine was sitting there, and they were on either side of that bottle, just kind of standing, you know, standing, laughing, goofing off, pushing each other, doing things like that.

Q. Any glasses?

A. No, I didn’t see any glasses.

Q. Did you smell any alcohol on their breath?

A. No, I did not. I did not.

Q. So you really don’t know whether or not they had been drinking that alcohol?

A. No. I can’t guarantee that they were actually drinking the alcohol.

Q. Was Mr. Jackson on the property at the time?

A. Yes, sir, I believe he was.

Q. All right. Do you know if he’d been spending some time with Gavin and Star?

A. Not that evening, I don’t believe so.

Q. Would you know that? Were you spending time around Gavin and Star that evening?

A. I would see them. I mean, at that time, they were our only guests, so, you know, I would see -- if they were out and about, then I would -- you know, I would see them.

Q. Was their mother there at the time?

A. I believe Janet was there at the time.

Q. Are you sure about that or --

A. No, I’m not positive. I’m not positive.

Q. As far as these dates go, did you make any notations or notes or anything?

A. Nothing really stood out in my mind as far as -- you know, as far as the circumstances surrounding any of those instances, so I didn’t really -- you know, other than making reports if something was damaged, or the instance where they were drinking in the cellar where I told my supervisor. Or where I assumed they were drinking in the cellar.

Q. Did you make any reports about that?

A. Other than telling my supervisor, that’s all I did.

Q. When they left the wine cellar, did they appear to have a key with them?

A. No, they did not. Not that I could see.

Q. Did it ever come to your attention that they had a key?

A. I have no knowledge whether they had a key or not.

Q. Mr. Jackson, of course, has access to that wine cellar; is that true?

A. With -- usually Mr. Jackson would call and ask one of us to unlock that wine cellar if he wanted access to it. It wasn’t frequent that I ever saw him go down there, though. I mean, on my shift, you know.

MR. AUCHINCLOSS: Thank you. No further questions.

THE WITNESS: Thank you.

MR. MESEREAU: No further questions, Your Honor.

THE COURT: All right. Thank you. You may step down.

Call your next witness.

MR. MESEREAU: Defense will call Mr. Brian Salce.

THE COURT: Please remain standing. Face the clerk and raise your right hand.

BRIAN SALCE

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name is Brian Salce. B-r-i-a-n; S-a-l-c-e.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. MESEREAU:

Q. Good afternoon, Mr. Salce.

Mr. Salce, where are you currently employed?
A. Neverland Ranch.
Q. And how long have you worked at Neverland Ranch?
A. On and off for six years in October.
Q. And do you know the fellow seated at counsel table to my right?
A. Yes, sir.
Q. Who is he?
A. Mr. Jackson.
Q. Okay. He’s your employer?
A. Yes, sir.
Q. All right. What kind of jobs have you held at Neverland Ranch?

A. When I started there, I was in the fire academy. And I was hired as a safety officer doing security work. Then when I completed the fire academy, I was promoted to firefighter, and I did that for most of the time I was there. Became a supervisor, and then just recently was promoted to fire chief.
Q. And where is the fire academy?
A. Allan Hancock.
Q. And when did you attend the fire academy?
A. In ‘99, I believe.
Q. And how long a course was that?
A. That’s -- I took the nine-month. I took it at night. There’s a daytime and a night. I took the nighttime, Tuesday and Thursday nights, and Saturday days.
Q. So you are a trained firefighter?
A. Yes, sir.
Q. And when you become a trained firefighter, do you get some type of a license?
A. Yes, it’s -- as far as I know, most of the fire academies are state-certified fire academies. At least that’s what I went to at Allan Hancock. When you’re done with that, then you hold a state certificate.
Q. Now, there is a portion of Neverland that’s involved in fighting fires if necessary, right?
A. Yes, sir.

Q. And please describe that.

A. That would be the fire department.

Q. Okay.

A. And -- where you have firefighting equipment. We have a fire engine. We train. We do everything we’re -- you know, we’re -- that you would do as a firefighter.

Q. Are you -- excuse me. When you were working with the fire department at Neverland, were you the only firefighter?

A. No, sir.

Q. How many, typically, did you have in the fire department at Neverland?

A. We -- over my course of employment, we would run anywhere from seven to fifteen firefighters, possibly more.

Q. And were most of these firefighters trained the way you were?

A. Absolutely. In order to be employed as a firefighter, you have to go through a fire academy, state certified.

Q. Now, would these individuals typically come to work at Neverland after attending the fire academy?

A. Yes. On some occasions, like with myself, they would start there. We had one employee that started there, was working as a safety officer, and then just from interacting with the firefighters realized that that’s something he may be interested in, and then he enrolled in the fire academy. And I --

Q. Now, would there be firefighters at Neverland 24 hours a day?

A. Yes, sir.

Q. And how many -- excuse me, let me rephrase that.

What would your typical shift be at Neverland as a firefighter?

A. Hourly?

Q. Yes, please.

A. Since I’ve been employed with Neverland, we’ve ran from either 6:00 in the morning to 6:30 p.m., or 6 p.m. until 6:30 in the morning. So you have a half hour of overlapping.

Q. On each shift, how many firefighters would there be?

A. It’s varied over the years. We used to always try to have two firefighters, with a minimum of one. But over different times when they’ve had different levels of employment, sometimes we have not had a firefighter there.

Q. And during the year of 2003, I’m talking particularly about the first three months of the year, January, February and March, did you typically have firefighters present at Neverland?

A. I was not employed during those dates.

Q. Okay. Do you know if any firefighters were there during that period of time?

A. I would not know that, sir.

Q. Okay. When did you last work as a firefighter at Neverland?

A. Yesterday.

Q. Okay. All right. You were at Neverland in 2003, were you not?

A. I was -- I left Neverland in -- I left in -- I’m drawing a blank -- in 2002 of November, I believe, and came back June of 2003.

Q. Do you remember ever meeting a family named Arvizo?

A. Yes, sir.

Q. And what do you remember about them?

A. I -- I -- nothing different than any other guests.

Q. Did you ever meet Janet Arvizo?

A. I did on one occasion.

Q. And describe that occasion, if you would.

A. Met her -- it was the day of an event. Met her in the theater. The three children were with her. They introduced her to me, and right away, she knew who I was, said that the kids spoke very highly of me; that they really liked me; that I was very nice to them. Gave me a hug. And asked me if I liked Mexican food and gave me their number and address and told me to write the kids. Said if I’m

ever in L.A., I should stop by the house and eat Mexican food is what she said.

Q. Did you ever do that?

A. No, sir.

Q. Okay. You met her children?

A. Yes, sir.

Q. And were they Gavin, Star and Davellin, to your knowledge?

A. Yes, sir, I believe so.

Q. Two boys and a girl?

A. I remember Gavin and Star. The girl’s name I wasn’t always clear on.

Q. Did you ever observe the children at Neverland?

A. Yes, sir.

Q. What did you see them doing?

A. Playing with the golf carts. Just more outdoor stuff. Riding quads, things of that nature.

Q. Did you ever see Michael Jackson with the Arvizo children?

A. I saw him interact with them, but not in -- not in great lengths. It was --

Q. And where do you think you saw Mr. Jackson interact with the Arvizo children?

A. I believe I saw him talking to them one day near the main house.

Q. Now, where is the fire station in relation to the main house?

A. Well, what we actually call the fire station used to be up at the administration office. We called it the fire station. It housed the fire engine, but we didn’t actually -- we weren’t housed there. We were at an office down closer to the main house.

Q. When you say “closer to the main house,” what do you mean?

A. Connected by a breezeway, but not part of the same structure.

Q. When did the fire station become permanently located up top?

A. When I started there. That’s what they had always called the fire station.

Q. Now, if you’re at the fire station, do you have a view of Neverland?

A. Of --

Q. What do you see as you look out the windows at the fire station?

A. One window you see railroad tracks on a hillside. Excuse me. Another window you see the same. The other window you can see the parking lot for the administration office.

Q. As a firefighter, do you patrol around Neverland as part of your duties?

A. Yes, sir.

Q. Please explain what you mean.

A. We -- the firefighters are trained as

firefighters, but everybody in our safety department acts as a safety officer or a security officer as well, so we trade off with shifts at the gate or driving around and patrolling the property. Just to make sure nothing is out of place or anything of that nature.

Q. Now, as a security officer, what were your duties at Neverland?

A. Primarily it was to come in and get pass-on from the shift prior. We would spend a certain amount of time at the front gate, depending on staffing. Could be anywhere from four to six hours. And then we would spend -- if you spend four there, you would spend four patrolling. You could open buildings, certain buildings, in the morning to start the day, or at the end of the day you could lock buildings up. We would, depending on the hour, check on just animals, the zoo. You know, a lot of it’s making sure doors are locked, or unlocked. Just washing the vehicle, washing the fire engine. And then the other thing, we would do house checks. If we were stationed at the house, at that office, we would do a house check every hour or so. And we would walk around the house, check doors, make sure that they’re secure or unsecured, depending on what the, you know, directive was.

Q. And does that happen every shift?

A. Yes, sir.

Q. Would you check the guest quarters as well?

A. The guest quarters we would check. We would check most of the time. If we didn’t have guests, we would make sure the doors are secured. If we had guests, we wouldn’t mess with the door that had a guest, so we didn’t interrupt them, but the other ones that were supposed to be empty we would check, yes, sir.

Q. And what are the locations at Neverland where you saw the Arvizo children?

A. I remember one time in particular at the theater, and I remember another time that we had to -- we had to go get them from down by the front gate. They had gone either horseback riding or quad riding, I don’t remember exactly which it was, and I believe the little girl needed to go back to her guest unit. I think she was asthmatic and she needed to get her inhaler or something. I think. I’m not sure.

Q. Did you ever see Mr. Jackson act inappropriately with the Arvizo children?

A. No, sir.

Q. Did the Arvizo children ever complain to you about Mr. Jackson?

A. No, sir.

Q. Did Mrs. -- Mrs. Arvizo ever complain to you about Michael Jackson?

A. No, sir. I met her on that one occasion and she was happy and laughing, and that was my only contact with her.

Q. Did you see her walking around the property?

A. No.

Q. Okay.

A. That was the only day that I know of her being there when I have been employed there.

MR. MESEREAU: Okay. No further questions.

CROSS-EXAMINATION

BY MR. AUCHINCLOSS:

Q. Good afternoon, Mr. Salce.

A. Good afternoon, sir.

Q. I just want to be clear on the period of time that you were not at Neverland.

A. Okay.

Q. You mentioned a period of several months when you were not employed there.

A. Yes, sir.

Q. Can you mention that for me again, the exact dates?

A. I started in October of ‘99. I left in November, I believe it was end of November of 2002. And then I started again -- I then worked for another company. Came back in, I believe, June of 2003.

MR. AUCHINCLOSS: All right. Thank you very much. No further questions.

THE WITNESS: Thank you, sir.

MR. MESEREAU: No further questions.

THE COURT: Thank you. May step down. Call your next witness.

MR. SANGER: Yes, Your Honor. The defense will call Commander Russ Birchim.

THE COURT: Come forward, please. When you get to the witness stand, remain standing. Face the clerk here and raise your right hand.

RUSSELL ROBERT BIRCHIM

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Russell Robert Birchim. B, as in boy, i-r-c-h-i-m.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. SANGER:

Q. Commander Birchim; is that right?

A. Correct.

Q. Commander Birchim, the first thing is you need to lean into that microphone on the right side. It's hard for everybody to get close in this courtroom for some reason.

How are you employed?

A. I'm employed by the Santa Barbara County Sheriff's Department.

Q. You're a commander in that department --

A. Yes.

Q. -- is that correct?

Were you employed by the Santa Barbara County Sheriff's Department in 1993 and 1994?

A. Yes, I was.

Q. And in early 1994, what was your position at that time?

A. I was in the CID, the detective bureau, as a detective.

Q. CID stands for Criminal Investigations --

A. That's correct.

Q. -- Division?

A. Yes.

Q. Okay. In any event, you were a detective, right?

A. Yes.

Q. Did you have occasion to work with Detective Monk?

A. Yes.

Q. You recall, in 1993, do you not, contacting a Kassim Abdool and a Ralph Chacon?

A. No.

Q. Okay. Do you recall working on an investigation regarding Mr. Jackson?

A. Yes.

Q. Do you recall contacting two security guards for the purpose of serving them with a grand jury subpoena?

A. In 1994, yes. Not '93.

Q. Did I say ‘93?

A. Yes.

Q. I’m sorry. Okay. In 1994, did you contact Kassim and Ralph Chacon?

A. Yes.

Q. There you go. All right. And where did you first contact them?

A. At their homes in Lompoc, their respective homes.

Q. All right. And what was the purpose of contacting them?

A. Serve them with grand jury subpoenas, a sitting grand jury in Los Angeles, California, I think, for May 9th of ‘94.

Q. All right. Did you, by chance, review your report before you came to testify?

A. I reviewed a lot of reports, but yes.

Q. Okay. Well, that’s good. So based on your reviewing your report, you’ve refreshed your recollection as to these events; is that correct?

A. That’s correct.

Q. All right. Now, did you -- let’s start with 10546 Kassim Abdool. He was at his house in Lompoc when you made contact?

A. That’s correct.

Q. And both you and Detective Monk went to his house; is that right?

A. Yes.

Q. And did you both -- excuse me. Did you both identify yourselves as sheriff’s detectives?

A. Yes, we did.

Q. Did you serve him with the subpoena? You accomplished that task?

A. Yes.

Q. And at that time, did he give you any information about criminal activity or alleged criminal activity with regard to anyone at Neverland Valley Ranch?

A. No.

Q. Did you leave him, then, with a subpoena and go about your business?

A. Yes.

Q. Did you also contact Ralph Chacon?
A. Yes.
Q. And similarly, did you and Detective Monk meet him at his house in Lompoc?
A. Yes, we did.
Q. Did you serve him with a grand jury subpoena for the L.A. County Grand Jury?
A. Yes.

Q. And I take it you also identified yourselves as detectives for the Santa Barbara County Sheriff's Department?
A. We did.
Q. Did Ralph Chacon give you any information about any alleged criminal activity at Neverland Ranch?
A. No.
Q. And I take it, after you served them, you went about your business; is that correct?
A. That's correct.
Q. Actually, before you left either of those people -- well, let's do it one at a time.
Before you left Mr. Abdool on that date, did you give him a business card?
A. Yes, we did.
Q. And did you tell him that if he wanted to discuss any observation or knowledge regarding any activity on the ranch, that he could call you?
A. Yes.
Q. And did you do the same thing with Mr. Chacon?
A. Yes.
Q. And as of the time you left them on that day, they did not give you any information whatsoever about anything pertaining to the investigation; is that correct?
A. That's correct.

Q. Did we establish that day was 4-29-94?
A. Yes, sir.
Q. Now, when was the next time you had any contact with Mr. Abdool?

A. That would have been in -- on May 4th, I believe, of ‘94.

Q. May 4th, did Mr. Abdool phone and request a meeting?

A. Yes, he did.

Q. Did he -- did he have any restrictions on what kind of a meeting he would have with you?

A. Yes.

Q. What were the restrictions?

A. He wanted to meet Detective Monk and I alone with Ralph Chacon, in a secluded area away from Santa Maria and Santa Barbara.

Q. All right. On the telephone, did he give any information about any alleged information that he might claim to have?

A. I’m not sure if he did on the phone at that point. I don’t believe so.

Q. You say you do not believe so?

A. I don’t believe so.

Q. And in fact, you set up a meeting at a isolated and relatively private place; is that correct?

A. That’s correct.

Q. And what place did you select?

A. Gaviota rest stop on U.S. 101 halfway between here and Santa Barbara.

Q. Is that something that you have mutually agreed upon between yourselves and the sheriff’s department and Mr. Abdool on behalf of Mr. Chacon?

A. Yes.

Q. Did you meet them at the rest stop?

A. Yes, we did.

Q. And what day was that?

A. I believe that was either the same day or the following day. May 4th, 5th.

Q. All right. Did you bring that report with you?

A. No, I didn’t.

Q. Would it help refresh your recollection to see a copy of that report --

A. Yes.

Q. -- for the date?

May I approach, Your Honor?

THE COURT: Yes.

Q. BY MR. SANGER: Commander, having reviewed the report, does that refresh your recollection as to the date that you met with Mr. Abdool and Mr. Chacon at the Gaviota rest stop?

A. Yes. It was May 5th, ‘94.

Q. And at that time, did -- who did the talking? Mr. Abdool or Mr. Chacon?

A. Mr. Abdool.

Q. Did Mr. Chacon speak with you at all?

A. Very briefly.

Q. All right. Did Mr. Abdool tell you that he had any specific information with regard to any criminal activity?

A. No, he didn’t.

Q. Did he request a meeting with Deputy District Attorney Tom Sneddon?

A. Yes.

Q. I’m sorry, with District Attorney Tom Sneddon?

A. Yes.

Q. Almost caught me on that one. All right. All right. And did you arrange for a meeting between Mr. Abdool and Mr. Chacon and Mr. Sneddon?

A. Yes.

Q. Did you attend the meeting that eventually occurred?

A. Yes, I did.

Q. Okay. Now, when did that meeting occur?

A. May 6th, ‘94.

Q. All right. And who was present besides Mr. Sneddon?

A. Ralph Chacon, Kassim Abdool and myself. I believe Detective Monk was also there.

Q. All right. At that time, did Mr. Abdool or Mr. Chacon state that they had eyewitness accounts

as witnesses of illegal activity?

A. No, they did not.

Q. Did they ask hypothetical questions in the form, “Well, what if we had information?”

A. They did not specify “we.” They asked what if they had information.

Q. Did they ask if they could be placed into a government witness program?

A. Yes, they did.

Q. Did they ask what was involved in being placed in a government witness program?

A. Yes.

Q. Did they ask if they would receive compensation while in that program?

A. I don’t believe it was that general -- it was more general than that. It wasn’t that specific as to what they would receive.

Q. Did Mr. Chacon indicate that he owed child support?

A. Yes.

Q. At some point during this conversation, did both Mr. Abdool and Mr. Chacon say that they had information that the tabloids would probably purchase from them?

A. I don’t remember the specific words. It was akin to that statement, yes.

Q. And did they tell you that instead, they felt morally obligated to tell the truth in the

grand jury proceedings?

A. Yes.

Q. And did they tell you that they felt morally obligated not to seek money for what they might know?

A. Possibly. I don’t recall.

Q. Would it help to look at your report?

A. Yes.

MR. SANGER: May I approach, Your Honor?

THE COURT: Yes.

I’m referring to right there, but you can read whatever you want.

Thank you.

Q. Does that refresh your recollection?

A. Yes.

Q. Did they say that they felt morally

obligated not to seek money for what they knew?

A. Yes, they did.

Q. At the conclusion of the meeting, they still had not told either you, Detective Monk, or District Attorney Tom Sneddon what they knew; is that right?

A. That’s correct.

MR. SANGER: I have no further questions.

THE BAILIFF: Judge, it is the break time.

CROSS-EXAMINATION

BY MR. SNEDDON:

Q. Commander, I’ve been waiting 30 years to do this.

MR. SANGER: Move to strike that remark. I’m not sure I know what it meant, but I would move to strike it.

MR. SNEDDON: To cross-examine him. That’s what I meant. I’m sorry.

THE COURT: Go ahead.

Q. BY MR. SNEDDON: The first time you contacted Mr. Kassim Abdool was on the 29th of April of 1994 to serve a subpoena for the grand jury, correct?

A. Yes, that’s correct.

Q. And when you served that subpoena on Mr. Abdool, he did indicate to you at that time that he was afraid to appear before the grand jury, did he not?

A. Yes, he did.

Q. And he stated to you, in fact, that he was afraid to appear before the grand jury because it might jeopardize his job; isn’t that correct?

A. Yes.

Q. And that he was in fear if he had to tell the truth; isn’t that correct?

A. Yes, it is.

Q. And when you got to Mr. Chacon’s house, you served a warrant -- “a warrant.” You served a subpoena on Mr. Chacon, correct?

A. That’s correct.

Q. And when you served the subpoena on Mr. Chacon, he also indicated to you that he felt that if he honored that subpoena that it could jeopardize his job at the ranch?

A. That’s correct.

Q. And he also told you that if he had to tell the truth as to what he knew before the grand jury, that he was in fear for his family and his life?

A. That’s correct.

THE COURT: Counsel? Break time.

MR. SNEDDON: I was just getting going, Judge.

(Recess taken.)

THE COURT: Go ahead.

MR. SNEDDON: Thank you, Your Honor.

Q. Commander Birchim, when you went out to serve Mr. Abdool and Mr. Chacon on the 29th of April of 1994, was it your purpose or intention to do an interview of them at that time?

A. No, it wasn’t.

Q. And you did not do an interview of them at that time, correct?

A. No, we didn’t.

Q. And you knew that they were going to be, pursuant to the subpoena, required to attend the Santa Barbara or Los Angeles County grand juries, correct?

A. That’s correct.

MR. SANGER: Objection. Compound and calls for speculation.

MR. SNEDDON: I’ll divide it up, Judge. No problem.

Q. The subpoena that you served Mr. Abdool with required him to appear in Los Angeles in front of the Los Angeles County Grand Jury on the 9th of May of ‘94, 1994, correct?

A. Yes, correct.

Q. And the subpoena that you served to Mr. Chacon also required him to be there on that particular day in Los Angeles before the Los Angeles County Grand Jury?

A. That’s correct.

Q. And that was in connection with allegations that had been made by a young child by the name of Jordan Chandler; is that correct?

MR. SANGER: Objection. Calls for hearsay; beyond the scope of direct.

THE COURT: Sustained.

Q. BY MR. SNEDDON: Were you aware of the nature of the proceedings that were then underway in Los Angeles that required Mr. Chacon and Mr. Abdool to be subpoenaed?

A. Yes, I was.

Q. Was that the matter of which you were investigating?

A. Yes.

Q. And you had been assigned at that particular point as one of the lead investigators; correct?

A. That's correct, yes.

Q. Would that be true also if I asked you the same question with regard to Mr. Chacon's appearance before the Los Angeles County Grand Jury?

A. That would be also true, yes.

Q. And did the subject matter have to do with allegations against Mr. Jackson for child molestation?

A. Yes, they did.

Q. Now, the next time that you met with Mr. Abdool and Mr. Chacon was on May the 5th, correct?

A. That's correct.

Q. And that was at the Goleta area -- Goleta beach area?

A. No, it was at Gaviota rest stop.

Q. Gaviota. And that meeting had been set up the day before, correct?

A. That's correct.

Q. Now, it was in an area I think you described as a secluded area up there; is that correct?

A. Yes.

Q. And the reason that you chose that particular area as being secluded is because they indicated to you that they were afraid; isn't that right?

A. That's right.

Q. And that they were afraid that they may be followed or that somebody from Mr. Jackson's representatives would see them meeting with law enforcement authorities, correct?

A. That is correct, sir.

Q. And at that meeting on the 5th, when you met with those -- with Mr. Kassim and Mr. -- I'm sorry, with Mr. Abdool and Mr. Chacon, they indicated to you that they had actually had a meeting on the 3rd of May with representatives of Mr. Jackson's attorney team, correct?

MR. SANGER: Objection. Calls for hearsay; beyond the scope of direct.

THE COURT: Overruled.

THE WITNESS: That's correct, yes.

Q. BY MR. SNEDDON: And they indicated to you at that time that they had been offered the services of a free lawyer to appear before the Santa Barbara County -- the Los Angeles County Grand Jury, correct?

MR. SANGER: Objection. Calls for hearsay; beyond the scope of direct.

THE COURT: Hearsay objection is sustained.

MR. SNEDDON: Your Honor, I indicated it was a prior consistent statement involved here in the whole conversation. There's been -- I don't want to say anything more, but there's --

THE COURT: When you say prior consistent

statements have been offered, do you mean within this witness's testimony?

MR. SNEDDON: No, statements made by the other two individuals who, I believe, under 791, when there's been a --

THE COURT: What is this -- your witness. Isn't that true, though, that would be outside the scope of the direct testimony?

MR. SNEDDON: Your Honor, I think it bears on the sequence of the total testimony that Mr. Sanger elicited. He elicited the sequence of events, but I don't want to argue with the Court. I

don’t want to say anything to get myself in trouble, but there’s more that happened in between that explains some of the conduct. That’s all I’m suggesting to the Court. And in fairness -- let me withdraw that question, Your Honor, and ask another question.
THE COURT: All right.
MR. SNEDDON: See if I can get there another way without --
THE COURT: All right. Go ahead.
MR. SNEDDON: Okay. Because this one goes directly to....
Q. During that conversation that Mr. Sanger asked you about when you met with him on the 5th, do you recall that?
A. Yes.

Q. And you recall Mr. Sanger asked you whether or not they disclosed any details to you on that particular occasion?
A. Yes.
Q. Now, did they, in fact, tell you on that particular occasion that they had been asked to have representatives of Mr. Jackson present at the grand jury hearing and that they declined those services and told them they were simply going to tell the truth and they didn’t need a lawyer for that?
MR. SANGER: Objection. That is grossly compound, a speech by the District Attorney. It should be stricken. And it also calls for hearsay and it’s beyond the scope of direct.
THE COURT: The objection is overruled. You may answer.
THE WITNESS: Yes.
Q. BY MR. SNEDDON: Did they tell you whether or not, after that conversation with Mr. Jackson’s lawyers on May 3rd, whether or not they’d ever been contacted by an investigator representing Mr. Jackson?
A. Yes.
Q. And did they give you --
MR. SANGER: Objection. Calls for hearsay and it’s beyond the scope of direct.

THE COURT: Overruled. The answer was, “Yes.” Next question.

Q. BY MR. SNEDDON: When did they tell you that they received a contact from -- well, first let me get to the name.

Who was -- they identified the person as Mr. Mason, did they not?

MR. SANGER: Objection. Calls for hearsay’, beyond the scope of direct.

THE COURT: Overruled.

THE WITNESS: Yes, Eric Mason.

Q. BY MR. SNEDDON: And when did they tell you that contact occurred?

A. I believe it was at Gaviota. It may have been at the meeting in your office. I don’t recall when.

Q. And that the meeting had occurred prior to the time that they had contacted you, correct?

A. That’s right.

Q. And at the meeting that Mr. Sanger asked you about at Gaviota on May 5th, 1994, both Mr. Abdool and Chacon indicated to you that they could be in danger from Mr. Jackson’s people if they told what they knew, correct?

A. Yes, that’s correct.

Q. And they were worried about that?

MR. SANGER: Objection; calls for speculation.

MR. SNEDDON: I’ll rephrase it.

Q. And they told you they were worried about that, did they not?

A. Yes, they did.

Q. And the reason that they didn’t want to say anything to you at that point in time is because they wanted to meet with the District Attorney’s Office to discuss the fact of getting protection before they went into the details of what they knew; isn’t that correct?

MR. SANGER: Objection. Calls for speculation. It’s also compound.

THE COURT: Overruled.

You may answer.

THE WITNESS: Yes, that’s correct.

Q. BY MR. SNEDDON: And in the same meeting at Gaviota, when you were talking to Mr. Chacon and to Mr. Abdool, they told you that -- they indicated to the attorneys representing Mr. Jackson in that meeting that they intended to tell the truth in front of the grand jury, correct?

A. Yes, that’s correct.

Q. And they told you that, in the call from Mr. Mason, that they indicated to Mr. Mason that they were going to tell the truth when they testified before the grand jury?

A. Yes, that’s correct.

Q. Now, moving to the conversation on the 6th of May that occurred in the District Attorney’s Office, both Mr. Abdool and Mr. Chacon expressed grave concerns about protection, correct?

MR. SANGER: Objection, Your Honor, particularly the adjective. Calls for speculation and it’s vague.

MR. SNEDDON: I’ll withdraw that and just leave the word. It doesn’t make any difference. I’m sorry.

Q. During the meeting on the 6th, at the District Attorney’s Office, did Mr. Chacon express to you concerns about the safety of him and his family?

A. Yes, he did.

Q. Did Mr. Abdool express to you concerns about his safety and that of his family during that conversation?

A. Yes, he also did.

Q. And did they actually ask for somebody connected with our offices, the Santa Barbara Sheriff’s Department and the District Attorney’s Office, to explore the possibility of a federal protection witness program if they went before the grand jury and told the truth?

A. Yes, they did.

Q. And were they told at that particular point in time that there were no assurances that that kind of protection could be given even if they testified?

A. That’s correct.

Q. Did they indicate -- did Mr. Chacon indicate to you at that time that he was -- that in speaking to law enforcement, he believed that he was placing himself at great risk?

MR. SANGER: Objection; asked and answered.

THE COURT: Sustained.

Q. BY MR. SNEDDON: Now, you indicated to Mr. Sanger that in discussing the conversation that occurred on May 6th of 1994, that Mr. Abdool and Mr. Chacon -- let me take them separately. That Mr. Abdool was doing most of the talking; is that correct? Do I have the conversations mixed up?

A. On the 5th at Gaviota?

Q. Yes.

A. Yeah, he was doing most of the talking.

Q. How about at the 6th at the meeting?

A. They spoke at that.

Q. Okay. During that conversation on the 6th where you were present and representatives of the D.A.’s were present - office - did they relate to you -- or they did relate to you, did they not, that they had information about Michael Jackson fondling, passionately kissing on the mouth and sucking the penis of small boys?

MR. SANGER: Objection, Your Honor. First of all, that misstates the evidence, unless counsel’s got another report he hasn’t turned over.

MR. SNEDDON: It’s right here.

MR. SANGER: No, it’s not right there. I know what it says.

THE COURT: The objection is overruled.

You may answer.

THE WITNESS: They indicated they may have that evidence, yes, they did.

Q. BY MR. SNEDDON: I couldn’t hear you.

A. They did indicate that they had that knowledge or had knowledge about who might have that knowledge, yes.

Q. And it was related in a hypothetical, correct?

A. Yes.

Q. But the words they used was that they said Michael Jackson fondling, correct?

MR. SANGER: Objection; asked and answered.

THE COURT: Sustained.

MR. SANGER: And also misstates.

Q. BY MR. SNEDDON: Now, when -- to your knowledge, did Mr. Abdool appear before the Los Angeles County Grand Jury on the day that he was supposed to?

A. Yes.

MR. SANGER: Objection; beyond the scope of direct.

THE COURT: Sustained.

Q. BY MR. SNEDDON: Were you present during a conversation where Mr. Chacon was called in and appeared before -- his statement was taken under oath?

MR. SANGER: Objection; beyond the scope of direct.

MR. SNEDDON: I believe these qualify under 791.

THE COURT: I think the question is vague. I can’t tell exactly what you’re referring to.

MR. SNEDDON: I’ll clarify it.

Q. On May the 10th of 1994, Mr. Chacon appeared before an individual -- or appeared in a hearing and was placed under oath. Were you present then?

MR. SANGER: Objection. First of all, that’s a statement, not a question. And it’s compound, assumes facts not in evidence.

THE COURT: Sustained.

MR. SANGER: And it’s beyond the scope of direct.

THE COURT: Sustained.

Q. BY MR. SANGER: Were you present on May 10th when Mr. Chacon was brought in and his statement was taken under oath?

MR. SANGER: Beyond the scope of direct.

THE COURT: Sustained.

MR. SNEDDON: Is that the basis, Your Honor? I don't want to quibble with the Court. If it is, I'll just move on.

THE COURT: It is, I think, beyond the scope.

Q. BY MR. SNEDDON: Commander Birchim, were you, in fact, later assigned to investigate death threats that were received by both Mr. Abdool and Mr. Chacon?

MR. SANGER: Objection, Your Honor, beyond the scope of direct.

THE COURT: Sustained.

Q. BY MR. SNEDDON: To your knowledge, were official reports filed with law enforcement agencies concerning death threats against Mr. Chacon and Mr. Abdool?

MR. SANGER: Objection, Your Honor. Counsel is just testifying. I ask he be admonished. It's beyond the scope of direct.

THE COURT: Objection sustained.

MR. SNEDDON: Nothing further, Your Honor.

MR. SANGER: Excuse me just one second.

REDIRECT EXAMINATION

BY MR. SANGER:

Q. Okay. Now, the fact is that Mr. Abdool and Mr. Chacon said to you they might have to go to the tabloid, or the tabloids were interested in purchasing stories from them; is that right?

A. They said they had information that would be valuable to the tabloids.

Q. Okay. And they said they weren't going to do that, right?

A. That's correct.

Q. And you're aware that they, in fact, did that; isn't that right?

A. That's correct.

MR. SNEDDON: Object as argumentative.

THE COURT: Overruled. The answer is in. "That's correct," he said.

Q. BY MR. SANGER: Do you know whether or not these two people joined with others and filed a lawsuit against Mr. Jackson for money?
A. Yes, they did.
Q. And by the end of the conversations that you had at the rest stop and the meeting with Mr. Sneddon, neither one of these people reported to you what they claimed to know; is that correct?
MR. SNEDDON: Object as argumentative, Your Honor. And leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: They indicated hypothetically what information they may have.
Q. BY MR. SANGER: They didn't say they had it. They said they might know that somebody might have that.
A. Information that would come from them.
Q. And they asked you if that would be valuable to you, didn't they?
A. Yes.
MR. SANGER: Okay. I have no further questions.

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RECROSS-EXAMINATION
BY MR. SNEDDON:

Q. With regard to the lawsuit that Mr. Sanger was talking to that Mr. Kassim or Mr. Abdool and Mr. Chacon were involved in against the defendant in this case, to your knowledge, did that lawsuit occur after they had made the statement to you that they felt morally obligated to reveal this information to a grand jury?
A. Yes.
Q. And did it occur before they were threatened?
MR. SANGER: Objection, Your Honor, calls for speculation.
MR. SNEDDON: I can lay the foundation, but -- seems to me he opened it up.

THE COURT: The objection is sustained on the question.

MR. SNEDDON: All right. No further questions.

FURTHER REDIRECT EXAMINATION

BY MR. SANGER:

Q. All right. Was there -- did at any time,

during these meetings, Mr. Abdool and Mr. Chacon mention that James Van Norman was threatening them?

MR. SNEDDON: Your Honor, I'm going to object as beyond the scope of re -- whatever it was I did, cross.

THE COURT: Overruled.

Go ahead.

THE WITNESS: Specifically Jimmy Van Norman, I believe they did, yes.

Q. BY MR. SANGER: And did you believe at the time that they were trying to use law enforcement for the purpose of helping them win a civil case?

A. No, I did not.

MR. SANGER: I have no further questions.

MR. SNEDDON: Nothing further.

THE COURT: You may step down.

MR. SANGER: Your Honor, we'll -- I take it you intend to go to 2:30?

THE COURT: Yes.

MR. SANGER: Okay. I just knew there was something pending, so I just wanted to know. In any event, we'll call Mr. Vivanco. And what we propose to do is start with testimony that doesn't have to do with the areas that were under --

THE COURT: That's good. That would work.

MR. SANGER: I may run out. We'll see how long it takes.

THE COURT: You may run out.

MR. SANGER: I don't want to just prolong it unnecessarily to get to 2:30, but I do have some question areas and we'll go through those, if that's all right.

THE COURT: Okay. That works.

When you get to the witness stand, please remain standing.

Face the clerk here and raise your right hand.

ANGEL VIVANCO

Having been sworn, testified as follows:

THE WITNESS: Yes.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Angel Vivanco.

BAILIFF CORTEZ: Take a seat and speak in here.

THE WITNESS: Oh.

Angel Vivanco. A-n-g-e-l; V-i-v-a-n-c-o.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. SANGER:

Q. Okay. Mr. Vivanco, you know the gentleman seated right there?

A. Yes.

Q. And is that Mr. Jackson?

A. Yes.

Q. And how do you know him?

A. I worked for him for three years.

Q. All right. Do you still work for him?

A. No.

Q. Where do you work now?

A. At Radco Company.

Q. Okay. When you worked for Mr. Jackson for that three-year period, what were your job duties?

A. I was a chef assistant.

Q. And what was the time period that you worked for him? You started right around when?

A. ‘99 through 2003, I think.

Q. Okay. About when in 2003 did you cease working for -- or whenever you stopped. Do you remember when it was? Was it 2003?

A. Yes.

Q. Okay. When in 2003 was it that you stopped working for Mr. Jackson?

A. I don't remember what month it was. But it was -- I think it was six months ago. Or seven months ago.

Q. Okay. So if it was six or seven months ago -- if this is 2005, what year would that be? It's okay.

A. Sorry.

Q. Take your time.

A. I don't remember the month, actually. I don't remember the month.

Q. But it was 2005. Was it in 2004 that you stopped working?

A. 2003.

Q. 2003. Okay. And you think it was six or seven months ago from today?

A. Yeah.

Q. Okay. All right. Now, let's clear something up while we're at it here. Where do you live?

A. Santa Maria.

Q. And where did you live in February of 2003?

A. Guadalupe.

Q. Guadalupe.

Your Honor, with the Court's permission, I'd like to put up on the board Exhibit 451, and I'm going to go to Tab 5 and the page. I think the way we identified it is this was a phone bill, March 26th, of David Ventura, and it's 8-1 of 9, 8-2 of 9, and 5-4 of 5. And those pages are -- there's one page in between them, but that's what they are.

THE COURT: All right.

MR. ZONEN: These are exhibits already in evidence.

MR. SANGER: Who's doing this?

MR. ZONEN: I am.

MR. SANGER: Do you know which one this is?

MR. ZONEN: Yes. Go ahead.

MR. SANGER: May I? Thank you.

Q. I'm going to put up -- let's see if I can do it this way: I have to hold the book, so I'm going to try to hold it steady. Try to hold it steady and project my voice from here.

I want you to look up at the board. And after you get through looking at the board, you can turn back around and talk into the microphone. But do you see the two lines there that say, "Guadalupe, California"?

A. Yes.

Q. And then you see next to it, it says "(805)," right? Do you see that right next to it?

A. Yes.

Q. And it says, "343-5002." Do you see that?

A. Yes.

Q. Do you recognize that phone number?

A. Yes, I do.

Q. Is that your phone number?

A. Yes.

Q. Is it still your phone number?

A. No.

Q. Why not?

A. I don't live in Guadalupe anymore.

Q. So you moved?

A. Yes.

Q. All right. In February of 2003, was that your phone number?

A. Yes.

Q. I'll just put that one page up, so I won't need the screen anymore at the moment.

All right. Let me ask you, when you were working for Mr. Jackson, I think you said, what, starting in 1999?

A. Yes.

Q. At some point, did you have occasion to meet the Arvizo family?

A. Yes.

Q. Can you remember the first time you met the Arvizo family?

A. No.

Q. Okay. I'm not asking you for a date, but do you remember first meeting them in general, first seeing them?

A. Yes.

Q. Okay. Do you remember who was with them the first time you saw them?

A. I saw them with their mother.

Q. Okay. And do you remember the mother’s name?

A. Yes.

Q. What’s her name?

A. Janet.

Q. All right. And who -- when you say “them,” who is the “them”? Who did you see with Janet?

A. Her children. Star, Gavin and Davellin.

Q. All right. And can you tell us what they were doing at the ranch when you first saw them there?

A. They were visiting the ranch.

Q. All right. Now, do you recall if this is a time when -- or do you recall roughly when this was?

A. No, I don’t.

Q. Was it closer to the beginning of your employment or the end of your employment?

A. The beginning.

Q. All right. Did you see them there with their father at any time?

A. No.

BAILIFF CORTEZ: I’m sorry, could you speak a little louder?

Q. BY MR. SANGER: It’s not just you. Everybody has trouble with that microphone. You really have to lean into it - okay? - and then speak up.

All right. Now, at some point, do you recall seeing the Arvizos, at least the children, at the ranch when Mr. Jackson was not there?

A. Yes.

Q. Do you recall who it was that had invited them to the ranch?

MR. ZONEN: I’m going to object as speculative. Lack of foundation.

THE COURT: Sustained.

Q. BY MR. SANGER: Do you recall who it was that they were with visiting the ranch?

A. They were with their mother.

Q. Was there anybody else that was there?

A. The brother and sisters, Star and --

Q. Is that the first time you saw them?

A. Yes.

Q. All right. Let’s fast-forward a little bit and go on in time. Was there some point when they were there for a birthday party?

A. Yes.

Q. Okay. And whose birthday party was that; do you recall?

A. I don’t remember the occasion.

Q. Okay. Do you remember a movie star of some sort being there with them?

A. No.

Q. Okay. Okay. You recall a birthday party of some sort, though; is that right?

A. Yes.

Q. You don’t know whose birthday party it was?

A. No.

Q. Did you have occasion to have interaction with Star Arvizo during that period of time?

A. Yes.

Q. And do you remember anything unusual?

MR. ZONEN: I’m going to object as vague as

to what period of time.

THE COURT: Sustained.

Q. BY MR. SANGER: Okay. During the period of time when they were visiting during this birthday party -- you recall it was a birthday party, right?

A. Yes.

Q. And they’re there visiting?

MR. ZONEN: Object as vague as to what period of time.

THE COURT: Overruled.

You may answer.

MR. SANGER: Did we not get an answer to the last question?

THE COURT: The last question was, “And they were there visiting?” And I think you might have been interrupted.

MR. SANGER: All right. Let me restate that, then.

Q. When they were visiting during this birthday party, was Mr. Jackson there at the ranch?

A. No.

Q. All right. Now, that period of time - I’m talking about this birthday party period of time when they’re visiting, and Mr. Jackson’s not there - do you recall having any interaction with Star Arvizo?

A. No.

Q. Okay. What was your job during that period of time? Where did you work?

A. I was a chef assistant.

Q. Chef assistant?

A. Yes.

Q. So where did you do that job?

A. What did I do?

Q. Where did you do it? Where were you? Where did you stand?

A. I was at the theater.

Q. Okay.

A. And I would serve food for them.

Q. Okay. Where did you get the food to serve?

A. From the kitchen at the main house.

Q. Okay. Take a deep breath or two here. I know it’s hard sometimes.

Where were you working? In other words, when you showed up, where was the main place that you’d be working during the day?

A. At the main house.

Q. Okay. And where in the main house?

A. In the kitchen.

Q. There you go. And the kitchen has like a counter; is that right?

A. Yes.

Q. And people sit there?

A. Yes.

Q. All right. Now, you said something about the theater. What was that about?

A. Oh, well, I would sometimes take food to the theater when they needed -- when they asked for it.
Q. So you would get a call. Somebody would call and ask you to bring food to the Arvizo kids at the theater?
A. Yes.
Q. All of the kids? Gavin, Star and Davellin?
A. Not all together. Just sometimes one at a time, or sometimes together, you know.
Q. All right. Do you recall any of the kids asking you to prepare something with alcohol in it?
A. Yes.
Q. What was that? Tell us about that incident.
A. It was a milkshake.
MR. ZONEN: Vague as to time.
THE COURT: I'll sustain the objection, but I'm assuming that this is all around the date of the birthday, right?
MR. SANGER: That's my understanding. Let's just ask to be sure.
Q. Was that the same trip as the birthday?
A. No.
Q. It was a different trip?
A. Yes.
Q. Okay. Was Mr. Jackson there at the premises when this occurred?
A. No.
MR. ZONEN: Objection; lack of foundation.

THE COURT: Overruled.
MR. SANGER: The answer came in I think?
THE COURT: It's in. It was "No."
Q. BY MR. SANGER: All right. Now, on that occasion, what was the incident? What happened? You were asked to prepare a drink with alcohol?
THE COURT: Just a minute.
Michele, do you need a little break here?
THE REPORTER: I think I'm fine now. Thanks.
THE COURT: Go ahead.
Q. BY MR. SANGER: Okay. Tell us about that

occasion when one of the boys asked you to prepare an alcohol drink.

A. He was at the bar, in the kitchen.

Q. Do you remember which one it was? Star or Gavin?

A. It was Star.

Q. All right. And what did Star say to you?

A. He asked me to make him a milkshake.

Q. All right.

A. And just -- I made it for him, and he pointed at the cabinets full of liquor, and he pointed out one of the bottles and asked me to pour some in the milkshake.

Q. Okay. What was in the bottle?

A. Liquor.

Q. Okay. Do you remember which kind?

A. It was a Mexican kind. It was called Jimador.

Q. He was asking you to put that in the milkshake?

A. Yes.

Q. All right. Did you do that?

A. Yes.

Q. You put the alcohol in the milkshake?

A. Yes.

Q. Okay. Before you put it in the milkshake, did Star say anything to you?

A. Yes.

Q. What did he say?

A. He told me if I didn’t do it, he would tell Michael, and I would get fired.

Q. So then you put the -- you put the alcohol in the milkshake?

A. Yes.

Q. Do you recall Gavin ever having any particular incident with you?

A. Yes.

Q. Can you tell us about that?

A. Be more specific.

Q. Was there a time that Gavin asked you for some -- for some Cheetos?

MR. ZONEN: I’m going to object as

irrelevant.

THE WITNESS: No.

THE COURT: Overruled.

Q. BY MR. SANGER: Do you recall him asking for some food of some sort?

A. I don’t remember.

Q. Okay. Do you remember if Gavin ever swore at you?

A. Oh, yes.

Q. What did he do?

MR. ZONEN: I’ll object as irrelevant.

THE WITNESS: He just swore at me.

MR. ZONEN: I’ll object as irrelevant.

THE COURT: Overruled.

You may answer.

THE WITNESS: He just swore at me and -- asking for some Cheetos or saying --

Q. BY MR. SANGER: You can say it. Tell us what he said.

A. “Give me the fucking Cheetos.” That’s what he said.

Q. Okay. Now, was there an incident that occurred with Star in the kitchen involving a knife?

A. Yes.

Q. And can you tell us about that?

A. I was serving some guests on the bar some food, and he was helping us that day to cook.

Q. Star was in there helping you in the kitchen area?

A. Yes, he asked to help. So we let him. I was serving a plate to one of the guests, and he had a knife like two -- one inch on my neck.

Q. Okay. What kind of a knife was it?

A. It was a kitchen knife.

Q. Do you recall about how big it was?

A. It was nine inches. Or -- a foot long. It was a foot.

Q. A foot?

A. Yes.

Q. What was the knife for? What kind of a knife was it?

A. It was to cut meat.

Q. Did you keep that pretty sharp in your kitchen?

A. Yes.

Q. And you said he had it about an inch from your neck. What was he doing with it when he put it an inch from your neck?

A. He just had it holding up onto my neck. And I didn’t realize it until one of the guests yelled at Star, saying, “What are you doing?”

Q. Who was the guest; do you recall?

A. It was Vinnie.

Q. All right. And do you recall what Vinnie said?

A. He said, “If” --

MR. ZONEN: I’ll object as hearsay.

THE COURT: Overruled.

THE WITNESS: He said, “If that was my mother seeing me doing that, I would get a beating.”

Q. BY MR. SANGER: All right. He was saying that -- he was directing those remarks to Star?

A. Yes.

Q. Now, were you -- how did you react to that? How did you feel about that?

A. I didn’t really think nothing of it.

Q. Were you scared?

A. Sort of, yeah. Mostly -- well, it made me nervous.

Q. Okay. All right. Do you recall a time when Star showed you some magazines?

A. Yes.

Q. Was this a time when Mr. Jackson was on the property?

A. No. He was not on the property.

Q. Was this near the time of the birthday party or near the time -- the beginning of your employment, or towards the end?

A. Towards the end.

Q. Okay. Now, do you remember -- there was the Bashir documentary. Do you remember that?

A. Yes.

Q. Do you remember -- that came out on television at some point, right?
A. Yeah.
Q. Do you remember if this family came to the ranch after the Bashir documentary?

A. No.
Q. Okay. Before the -- before the Bashir documentary, do you remember the family being there? When I say “family,” I mean the kids.
A. Yes.
Q. All right. When Star showed you the magazine, and Mr. Jackson wasn’t there, was that before the Bashir documentary or after it?
A. It was after.
Q. It was after the Bashir documentary?
A. Yes.
Q. Okay. So do you then recall them being at the ranch after the Bashir documentary?
A. Yes.
Q. Okay. All right. Now, you said you served food or you were responsible for being an assistant cook. Do you know whether or not Star and Gavin would take food to the guest unit?
A. Yes.
Q. All right. And did they do that?
A. Yes.
Q. All right. Now, after the Bashir documentary, do you remember seeing Janet Arvizo at the ranch?
A. Yes.
Q. Do you know somebody by the name of Dieter Weizner?

A. Yes.
Q. Was Dieter Weizner at the ranch in that same period of time?
A. Yes.
Q. Now, how long was the family at the ranch after the Bashir documentary, before they left for the last time?
A. Probably about two -- two to three weeks

maybe.
Q. And during that period of time, did you see Janet Arvizo come out to the kitchen area or come into the kitchen area where you were working?
A. No.
Q. Okay. When I say “kitchen area,” I don’t mean going in the actual kitchen, but in the kitchen area, you have a counter, right?
A. Yes.
Q. Did you ever see Janet Arvizo come to that counter?
A. After the Martin Bashir --
Q. Yes.
A. No. After that, no.
Q. Okay. Did you see the Martin Bashir video when it came out?
A. Yes.
Q. All right. So your recollection is you saw her there before the Martin Bashir video?
A. Yes.

Q. Did you see her there with Dieter?
A. Yes.
Q. Okay. Now, let me ask you what you recall about her being there with Dieter.
Okay. I want you to get a mental picture of what was going on. As best you can, try to remember what happened. You see Janet Arvizo coming into the area. What do you call that area where the counter is?
A. The bar.
Q. The bar. Okay. You see her coming into the bar. And were you there when she arrived the first time, or do you recall?
A. Yes.
Q. Where was Dieter?
A. He was sitting at the bar.
Q. Okay. And were they sitting next to each other to begin with?
A. No.
Q. What do you recall happened after that?
A. They started talking.
Q. Okay.

A. And they got -- they asked for a bottle of champagne.

Q. Okay. Now, did -- was Dieter talking to Janet, or Janet to Dieter, or were they both talking to each other?

A. Well, I don't know who started the conversation. But it seemed Janet started talking to Dieter.

Q. Okay. Did they remain at their places at the bar?

A. No, they got closer together.

Q. Okay. How long did they sit at the bar together that first time?

A. For a couple hours.

Q. Okay. Do you recall Janet Arvizo's demeanor, how she was acting?

A. Flirtatious.

Q. Okay. After they sat at the bar for that period of time, did they go anyplace else?

A. They went to the living room.

Q. Okay. And where is the living room?

A. Couple steps to the right.

Q. Okay. There's like a formal living room and then there's a family room area; is that correct?

A. Yes.

Q. Did they go to the family room or the living room?

A. The family room.

Q. And are there couches there in the --

A. Yes.

Q. Where did they sit?

A. They sat next to each other in front of the T.V.

Q. Okay. And what were they doing?

A. They kept on talking.

Q. All right. Were they drinking anything?

A. Yes.

Q. What were they drinking?

A. The champagne they ordered.

Q. All right. Do you recall how long they sat there in the family room area?

A. A couple more hours.

Q. And then during that period of time what was Janet Arvizo's attitude?

A. Flirtatious.

Q. So just continued on the entire time?

A. Yes.

Q. And did they seem to be having a good time?

A. Yes.

Q. Did they eventually leave?

A. Yes.

Q. And did they leave together or separately that first time?

A. The first time, together.

Q. And do you recall them saying anything on the way out?

A. No.

Q. All right. Do you know where they went?

A. No.

Q. All right. So they went out the door together?

A. Yes.

Q. Okay. Did you see them again that night?

A. No.

Q. Now, did you see them again the next day?

A. Yes.

Q. And what happened that day?

A. The same thing. They ordered champagne again, and they were talking together --

Q. Okay.

A. -- after dinner.

Q. And when they -- when they left the area, was -- how did Janet seem? What was her attitude?

A. Different. It was more, like, serious.

Q. Okay.

A. They just talked. They didn't really flirt as much as they did the other day.

Q. Did she seem to be happy or unhappy?

A. More --

MR. ZONEN: I'm going to object as speculative.

THE COURT: Sustained.

Q. BY MR. SANGER: Were you able to determine by observing her whether or not she seemed to be happy or unhappy?

MR. ZONEN: Objection; speculative.

MR. SANGER: That would be a “yes” or “no.”

THE COURT: I’ll overrule the objection.

Q. BY MR. SANGER: Were you able to determine, by looking at her, whether she seemed to be happy or unhappy?

A. She seemed more serious.

MR. ZONEN: Object to anything beyond “yes” or “no.”

THE COURT: Sustained.

Q. BY MR. SANGER: Did you see whether or not Dieter Weizner and Janet Arvizo had any physical contact?

A. No.

Q. Did either one hug the other?

MR. ZONEN: Objection; leading.

THE COURT: Sustained.

Q. BY MR. SANGER: All right. That was the second night. Now, was there another night?

A. I don’t remember if there was a third night.

Q. Okay. All right. Now, during this period of time, did you have occasion to talk with Davellin?

A. Yes.

Q. And what was your first contact with Davellin Arvizo, social contact, as it were? What were the circumstances, in other words?

A. Well, if she asked for something, like a hamburger or something, I would make it for her. That’s the only way I could talk to her.

Q. Okay. And you’d make something for her. Would she come and get it or would she ask you to deliver it?

A. Well, at first she would sit at the bar and I would serve it to her.

Q. At some point did she have you deliver food to her?

A. Yes.

Q. And where would you deliver it?

A. To the theater.

Q. Was she at the theater alone?

A. No.

Q. Who was with her?

A. Well, actually she asked me to take her to the theater with the food.

Q. Oh, with the food. Okay.

A. Yes.

Q. Now, was she at the theater more than once?

A. Yes.

Q. Was she at the theater with anybody from time to time?

A. I don’t remember. Maybe her brothers were there with her.

Q. Okay. Did she -- after you drove her to the theater that one time, did she ask you to come back and bring her food there on other occasions?

A. No, not there.

Q. Other places?

A. Yes.

Q. All right. What was your shift? When did you usually work?

A. Seven o’clock in the morning till maybe 10:00 at night.

Q. All right. So you’d be there in case guests or anybody or Mr. Jackson needed food; is that right?

A. Yes.

MR. SANGER: All right. Now, I know it’s not quite 2:30, and I could probably drag some questions out, but I really think we’re at a point we need to address the other issues, Your Honor, if we could.

THE COURT: All right.

You’re asking to recess early so you can --

MR. SANGER: So we can address that, yes, sir.

THE COURT: Okay. We’ll recess early today.

I’ll see you tomorrow at 8:30.

You’re going to have that for me in the

morning, are you?

MR. SANGER: Yes. I could have it this afternoon maybe, if that’s of any help.

THE COURT: The earlier the better.

MR. SANGER: Okay.

(The proceedings adjourned at 2:20 p.m.)

--o0o--

REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 10431 through 10594 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 16, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
May 16, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
OFFICIAL COURT REPORTER

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, MAY 18, 2005

8:30 A.M.

(PAGES 10846 THROUGH 10928)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

APPEARANCES OF COUNSEL:

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District Attorney -and-
RONALD J. ZONEN, Sr. Deputy District Attorney
-and- GORDON AUCHINCLOSS,
Sr. Deputy District Attorney 1112 Santa Barbara Street
Santa Barbara, California 93101

For Defendant: COLLINS, MESEREAU, REDDOCK & YU BY: THOMAS A. MESEREAU, JR., ESQ.
-and- SUSAN C. YU, ESQ.
1875 Century Park East, Suite 700 Los Angeles, California 90067

-and-
SANGER & SWYSEN
BY: ROBERT M. SANGER, ESQ. 233 East Carrillo Street, Suite C
Santa Barbara, California 93101

I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

DEFENDANT’S
WITNESSES DIRECT CROSS REDIRECT RECROSS
JACKSON, Simone
Pech 10849-M (Contd.) 10850-Z 10862-M 10863-Z
JACKSON,
Rijo 10865-M 10877-Z 10906-M
JACKSON, Michelle
Henriette 10907-M 10911-Z
ROBINSON, Christian 10916-SA

Santa Maria, California
Wednesday, May 18, 2005
8:30 a.m.

THE COURT: Good morning, everyone.
COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.
THE JURY: (In unison) Good morning.
THE COURT: Counsel?
MR. MESEREAU: Thank you, Your Honor.

SIMONE PECH JACKSON
Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION (Continued)
BY MR. MESEREAU:
Q. Good morning.
A. Good morning.
Q. Simone, you talked about the incident where you saw Gavin and Star steel some wine, okay? And you said that was in March of 2003?
A. Yeah.
Q. Do you know approximately when in March that was?
A. No, I don’t.
MR. MESEREAU: Okay. No further questions.
THE COURT: Cross-examine?

CROSS-EXAMINATION
BY MR. ZONEN:
Q. Miss Jackson, good morning.
A. Good morning.
Q. During the month of February of 2003, how often did you go to Neverland?
A. It was once.
Q. You went once during February?
A. Yes.
Q. And for what period of time?
A. For one day.
Q. And then you left at the end of that day?
A. Yes.
Q. All right. And did you see Gavin and Star

on that day?

A. Yes.

Q. Had you ever met them prior to that day?

A. No.

Q. Did you ever see them on any of your other trips to Neverland, prior to February of 2003?

A. Excuse me, what does “prior” mean?

Q. Before. Before 2003.

A. No.

Q. Did you know who they were on the day that you arrived there in February?

A. No.

Q. You had not met them, and you didn’t know who they were?

A. No.

Q. They were just a couple kids who were staying there?

A. Yes.

Q. Did you have an opportunity to talk to them when you were there in February?

A. Yes.

Q. All right. Did you learn where they were from?

A. No.

Q. Did you learn how long they had been staying at Neverland?

A. No.

Q. Did you learn where they had been prior to going to Neverland?

A. No.

Q. Did you know why they were at Neverland?

A. No.

Q. Did you know that they were personal friends of your cousin Michael Jackson?

A. Yes.

Q. Now, Michael Jackson is your cousin, is that right, not your uncle?

A. Yes.

Q. Okay. Did you know how they met Michael Jackson, your cousin?

A. No.

Q. Did you know the extent of their friendship with Michael Jackson?

A. No.

Q. Now, on that occasion, on the occasion of that birthday party, you were there just for one day; is that right?

A. Yes.

Q. And then you went home at the end of that day?

A. Yes.

Q. Did you tell your mother or anybody else anything about Gavin or Star?

A. Yes, I did.

Q. All right. And who was that who you talked to?

A. My mother.

Q. All right. Was that something that you told her that you were concerned about Gavin or Star?

A. No.

Q. What did you tell your mother about Gavin or Star.

A. I just told my mother that I met them.

Q. That you met the two of them. Did you meet their sister as well?

A. Yes.

Q. Did you meet their mother as well?

A. No.

Q. You didn’t know their mother; is that right?

A. Yes.

Q. You didn’t known their parents; is that right?

A. Yes.

Q. Did you wonder why they were at Neverland without their parents?

A. No.

Q. Did you ask either one of them whether they were in school?

A. No.

Q. Did either one of them tell you whether or not they were in school?

A. No.

Q. When was the next time that you saw them?

A. In March.

Q. That was in March sometime?

A. Yes.

Q. Do you remember when in March?

A. No, I don’t.

Q. Did you have more than one visit to Neverland in March?

A. Yes.

Q. How many visits did you have to Neverland in March?

A. Two.

Q. Two? And on each of those occasions did you stay overnight?

A. Yes.

Q. For how long did you stay overnight in

March?

A. A total of five days.

Q. You stayed five days in March?

A. Yes.

Q. In total? For both visits or --

A. Both visits.

Q. Both visits total? Does that mean five nights or four nights; do you recall?

A. Five nights.

Q. Five nights in total. Was that during the week?

A. Yes.

Q. All right. Were you in school at that time?

A. Yes.

Q. Did you miss any school while you were staying at Neverland?

A. Yes, I did.

Q. Did you see Gavin and Star the entire time you were there?

A. Yes.

Q. Did you see their mother during that time as well?

A. Yes.

Q. Did you see Davellin during that time as well?

A. Yes.

Q. Did it occur to you that they were there the entire time; in other words, from the time that you

had been there in February, to the time that you came back to Neverland in March?

A. Yes.

Q. All right. And you understood that they were simply staying there for that entire time; is that right?

A. Yes.

Q. All right. Did you wonder whether or not they were going to school?

A. Yes, I did.

Q. Okay. Did you ask any of them whether or not they were going to school?

A. No.

Q. Why not?

A. I just didn’t.

Q. Well, did it seem strange to you that they were staying at Neverland for such an extended period of time without going to school?

A. Yes.

Q. Did you talk to your cousin Michael Jackson about why they weren’t in school?

A. No.

Q. Did you talk to your cousin Michael Jackson at any time about Gavin or Star?

A. No.

Q. All right. Now, at some point in time, you saw these kids take wine from the kitchen; is that right?

A. Yes.

Q. All right. And Mr. Mesereau called it stealing wine. Did you think they were stealing wine?

A. Yes.

Q. Now, did you think they were stealing wine because they’re kids?

A. Yes.

Q. All right. If your mom went to the kitchen, she could take a bottle of wine; is that right?

A. Yes.

Q. It was there for the guests?

A. Yes.

Q. Okay. But you felt it was improper for them to do it because they were 12 years old and 13 years old; is that right?

A. Yes.
Q. Is that correct?
A. Yes.
Q. Okay. So you felt that that was stealing; is that right?
A. Yes.
Q. Now, did you tell somebody immediately when that happened?
A. No, I didn’t.
Q. Now, this was one o’clock in the morning; is that right?
A. Yes.

Q. And you were in the kitchen at one o’clock in the morning?
A. Yes.
Q. Was there a video game there?
A. Yes.
Q. Is that what you were doing?
A. Yes.
Q. Was it one of those games that rings and dings as you press the different buttons?
A. Yes.
Q. And was it doing that at the time that you were there?
A. No, it wasn’t.
Q. Why wasn’t it?
A. Because I wasn’t playing it. I was watching them.
Q. You were sitting there watching them?
A. Yes.
Q. All right. Did you at any time tell them that you were there?
A. They saw me after. After they left they saw --
Q. And why didn’t you greet them as soon as they walked in the door?
A. I don’t know.
Q. Were you already angry at them?
A. No.
Q. Okay. Did you tell anybody afterward?

A. Yes.
Q. Okay. Who did you tell?

A. My mother.
Q. All right. Did you tell Michael Jackson, your cousin?
A. No.
Q. All right. At any time while you were there at Neverland, did you go talk to Michael Jackson, your cousin?
A. No.
Q. Did you ever spend the night in Michael Jackson’s room?
A. Yes.
Q. Okay. By yourself?
A. Yes.
Q. Did you ever spend a night in his room in his bed with him?
A. Yes.
Q. By yourself?
A. Yes.
Q. All right. How old were you when you did that?
A. I was about eight or nine.
Q. Eight or nine. Have you done it since age eight or nine?
A. No.
Q. Why not?
A. I don’t know.

Q. Were you invited to come back into his room?
A. Yes.
Q. Were you invited to come back into his bed?
A. Yes.
Q. By Michael Jackson?
A. Yes.
Q. So he offered you his bed to share with him?
A. Yes.
Q. When was the most recent time he did that?
A. When I was 14.
Q. When you were 14 years old. So he invited you to come sleep with him in his bed by yourself?
A. With my brother.
Q. Okay. The question that I had asked you is whether or not you had been invited to sleep in his bed by yourself.
A. Oh, no.

Q. Had you been?
A. No.
Q. At any time since age eight?
A. No.
Q. Okay. Was your brother sleeping in his bed with you?
A. Yes.
Q. Okay. And when he invited you and your brother to come back when you were 14 years old to sleep in his bed, did your brother go sleep in his bed?

A. Yes.
Q. Where did you sleep?
A. I slept with them.
Q. You slept in the bed?
A. Yes.
Q. So you were 14 years old?
A. Yes.
Q. And you and your brother and Michael Jackson --
A. Yes.
Q. -- in his bed?
A. Yes.
Q. Okay. Now, why did you do that? Why didn’t you sleep in the guest cottage?
A. I don’t know.
Q. You mentioned that when you went into the house or would go into the house that you would have to knock on the door to get in; is that right?
A. Yes.
Q. Was that just at night or was it during the day as well?
A. During the day.
Q. So that door was kept locked all the time; is that correct?
A. Yes.
Q. So all the time that Janet Arvizo was there, the doors to the main house were locked; is that right?

A. Yes.
Q. All right. And they were not opened at night and kept locked just during the day. They

were locked all the time?

A. Yes.

Q. All right. Now, when you would go to knock on the door, who was it who would come to the door to let you in?

A. One of the chefs.

Q. Were the chefs there 24 hours a day?

A. No.

Q. So the chefs would not be there at the nighttime; is that right?

A. Yes.

Q. Would there be somebody standing by the door to let you in if you wanted to knock and come in late at night?

A. No.

Q. So you would simply not be able to gain access to the main house at night if you were not already in there; is that right?

A. Yes.

Q. Unless you got a security guard to let you in?

A. Yes.

MR. ZONEN: Thank you. I have no further questions.

REDIRECT EXAMINATION

BY MR. MESEREAU:

Q. Simone, did the Arvizo children ever tell you that they had gotten homework from school --

A. No.

Q. -- that they could do? Did Janet ever tell you?

MR. ZONEN: Objection; exceeds the scope of the -- withdrawn. Withdrawn.

Q. BY MR. MESEREAU: Did Janet Arvizo ever tell you she had gone to the school and gotten homework sent to the kids?

MR. ZONEN: Objection; leading.

MR. MESEREAU: I think they opened it.

MR. ZONEN: Well, it’s still leading.

THE COURT: Sustained. “I think they opened it” is a good response. “They opened it, Your Honor.”

MR. MESEREAU: I’m at the door.

(Laughter.)

THE COURT: Oh, the door. Go ahead.

Q. BY MR. MESEREAU: All right. Was it your impression that Janet Arvizo could enter the main house when she wanted to?

A. Yes.

MR. ZONEN: Objection. Speculative and leading.

THE COURT: Overruled. The answer is, “Yes.” Next question.

Q. BY MR. MESEREAU: Did you ever see Janet Arvizo enter the main house?

A. No.

Q. You did see Gavin and Star in the main house from time to time, right?

A. Yes.

Q. And did you know whether or not they seemed to have pass codes to get into the house?

MR. ZONEN: I’ll object as leading.

THE COURT: Overruled.

You may answer.

Q. BY MR. MESEREAU: Did you know either way?

A. No.

MR. MESEREAU: No further questions.

RECROSS-EXAMINATION

BY MR. ZONEN:

Q. Miss Jackson, did you have a pass code to get into the house?

A. No.

Q. Nobody ever told you what the pass code was?

A. No.

Q. Did you have a pass code to get into your cousin’s bed?

A. No.

Q. Nobody ever told you that code?

A. No.

MR. ZONEN: No further questions.

MR. MESEREAU: No further questions, Your Honor.

THE COURT: Thank you. You may step down.

MR. MESEREAU: Defense will call Rijo

Jackson.
THE COURT: I just wanted to -- I’ve just been informed that the Police Department Honor Guard is going to be shooting some rounds today, so I don’t want anybody to panic. They didn’t want me to panic, so I’m going to share with you what they just told me.
MR. SANGER: Do we know where they’re going to be shooting? That might be --
THE COURT: I’ve given them some -- no.
(Laughter.)
THE COURT: Come forward to the witness stand here, please. Remain standing. Face the clerk here, and raise your right hand.

RIJO VALDES JACKSON
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Rijo Valdes Jackson. R-i-j-o; V-a-l-d-e-s; J-a-c-k-s-o-n.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. MESEREAU:
Q. Good morning.
A. Good morning.
Q. Mr. Jackson, do you know the fellow seated at counsel table to my right?
A. Yeah.
Q. Who is that?
A. Michael Jackson.
Q. And are you related to him?
A. (Nods head up and down.)
Q. How are you related to Michael Jackson?
A. Cous -- cousin.
Q. Okay. And where is your home?
A. At Lompoc.
Q. Okay. And is Simone your sister?
A. Yes.
Q. Okay. Have you ever been to Neverland?
A. Yes.

Q. You’ve been there a lot?

A. Yes.

Q. Okay. And what do you like to do at Neverland?

A. Play games and have fun.

Q. And what -- how do you have fun at Neverland?

A. Like, watch movies. Go to the rides, and go ride his motorcycles and --

Q. Have a good time?

A. Yeah.

Q. Okay. How do you get to Neverland when you go?

A. You go through Santa Ynez, I think.

Q. Does somebody pick you up?

A. Yes. My mom.

Q. Okay. And does she go there with you a lot?

A. Yes.

Q. Does your mom take you home?

A. Yes.

Q. And sometimes does your cousin Michael have somebody pick you up?

A. Yes.

Q. Okay. And, Rijo, have your met anyone named Gavin Arvizo?

A. Yes.

Q. And have you ever met someone named Star Arvizo?

A. Yes.

Q. Okay. Where did you meet Gavin and Star?

A. At Neverland.

Q. Okay. And was that in the year 2003; do you know?

A. Yes.

Q. Okay. Now, where did you meet them?

A. Like right -- when we first walked in, we seen them in the kitchen.

Q. Okay. And what did you see them doing in the kitchen?

A. They were just playing games and having fun.

Q. Okay. And there were games in the kitchen area, right?

A. Yes.
Q. What kind of games?
A. Like, the one -- it’s like on a television that you touch, and, like, a touch-screen game.
Q. And you play that game, too?
A. Yeah.
Q. Okay. Did you spend time at Neverland with Gavin and Star?
A. Yes.
Q. And what did you used to do there with Gavin and Star?
A. We used to go on the rides, watch movies, go to the zoo, and play games, and that’s all.
Q. Okay. Now, do you remember staying at Neverland with Gavin and Star?
A. Yeah.
Q. And where did you stay?
A. In the unit.
Q. Okay. Is that a guest unit?
A. Yeah.
Q. Okay. And were you staying in the same room with Gavin and Star?
A. Yes. For one night I was.

Q. Pardon me?
A. For one night.
Q. Okay. Did you spend that night with Gavin and Star?
A. Yes.
Q. Okay. Was that -- did they sleep in the guest unit?
A. Yes.
Q. Okay. Is that where you slept?
A. Yes.
Q. Okay. Now, what did you see Gavin and Star do in the guest unit, Rijo?
A. I saw them go to the T.V. and turn to a channel that had, like, naked girls on there, and doing other stuff, like nasty stuff.
Q. What nasty stuff?
A. They were, like, jacking off and everything.
Q. Okay. Did they do that in front of you?
A. (Nods head up and down.)
Q. Was Michael Jackson anywhere near that room?

A. No.

Q. Okay. What did you do when you saw Gavin and Star jacking off?

A. I told my sister and she told me to go to Michael’s room.

Q. And did you run to Michael’s room when you saw that?

A. (Nods head up and down.)

Q. Did Gavin and Star stay in the guest unit?

A. Yeah.

Q. Did Gavin and Star say anything to you when they did the nasty stuff?

A. The other day they did. They said, “Why don’t you do that with me?”

Q. And what did you say to them?

A. I said I didn’t want to because it was nasty, and it’s wrong.

Q. Now, when you ran to Michael’s room, did you leave them in the guest unit?

A. Yeah.

Q. Okay. Did you ever spend another night with Gavin and Star?

A. No.

Q. Okay. Did you ever see Gavin and Star with any wine at Neverland?

A. No, I seen them take it, but --

Q. Where did you see them take it?

A. In Michael’s room.

Q. And what did you see them do?

A. I seen them take it upstairs and then that’s all. And then, like, a few moments later I seen them run out the door.

Q. With wine?

A. No. They were just running out the door.

Q. Okay.

A. Real quickly.

Q. So you saw them in Michael’s room, right?

A. Uh-huh.

Q. And you saw them grab some of Michael’s wine?

A. Yeah, because he ordered some, and then they -- then the chef brought it in, and Star and

Gavin said, “We’ll take it upstairs for him.” And so I seen them do that for -- like, ten minutes later they came downstairs and ran out the door.

Q. Did Michael ever see them with the wine?

A. Huh-uh.

Q. Where was Michael at that time; do you know?

A. He was in his studio or the bathroom.

Q. Okay. So Michael never saw them steal the wine?

A. Huh-uh.

Q. Did you see them actually drink the wine?

A. No.

Q. You have to say “yes” or “no,” Rijo.

A. No.

Q. Okay. But you saw them run out with it?

A. Yes.

Q. Which way did they run with the wine?

A. I don’t know. I seen them go out the door. That’s all.

Q. And Michael wasn’t there?

A. He wasn’t there.

Q. So he didn’t see them take the wine?

A. No.

Q. Did you ever observe Gavin and Star in the house?

A. Can you repeat it?

Q. Yeah. Sure. I’m sorry. I’m probably not using the right word. Did you ever watch what Gavin and Star were doing in the main house?

A. They were just running around the house doing, like, what they do, like, playing.

Q. When you say like they do, what do you mean, Rijo?

A. Like, play with each other, like, tag and --

Q. Did you ever see them looking through drawers?

A. Yes.

Q. And what do you mean?

A. Like, in the kitchen, they had like -- like -- they took some money, and, like, that was the chef’s money and stuff.

Q. Now, what money are you referring to?
A. Like, in the kitchen there’s all kinds of drawers. And then we seen them go in the -- Jesus’ office after they went into the kitchen and seen them take some stuff.
Q. What stuff did you see them take?
A. They had, like, little crystals. We seen them take crystals and money, and that was all they took. We seen them.

Q. Now, where did you see Gavin and Star take money?
A. In Jesus’ office.
Q. Okay. And what did you see them do? Did they go into a drawer?
A. Yeah.
Q. Were you watching them?
A. No.
Q. Okay.
A. I was in the kitchen.
Q. How do you know they took money?
A. Because we seen them run out with it.
Q. Run out with money?
A. Yeah.
Q. Okay. Did they have money in their hands?
A. Yes.
Q. And were they running out of Jesus’ office?
A. Yes.
Q. You have to say “yes,” Rijo.
A. And they ran out the door.
Q. Okay. I don’t think you answered that other question. You have to say “yes” or “no,” okay? Because this court reporter is writing down what you say.
Now, you saw them run out with the money?
A. Yes.

Q. Okay. And what direction did they go?
A. They went to the outside.
Q. Okay. And was the money in their hands?
A. Yes.
Q. Okay. Did you see them take anything besides money?
A. No.

Q. Okay. Now, you mentioned crystals. Now, what were you talking about when you said crystals?
A. They’re like little plastic crystals. They look like little crystals. They took them.
Q. Gavin and Star took them?
A. Yeah.
Q. And where did they get the crystals?
A. From Jesus’ office.
Q. Okay. Now, you said they were looking through drawers in the kitchen; is that right?
A. Yeah.
Q. You have to say “yes” or “no.”
A. Yes.
Q. All right. Now, when did you see them looking through drawers in the kitchen?
A. Like earlier before they went through Jesus’ office drawers.
Q. And did you see Gavin and Star take anything from the drawers in the kitchen?
A. Not really. I see them take, like, a deck of cards and that’s all.

Q. You said “cards”?
A. Yeah.
Q. What do you mean by “cards,” Rijo?
A. Like playing cards.
Q. You saw them take them out of the kitchen?
A. Yeah.
Q. Now, you said something about chef’s money. What did you mean?
A. Like, his money that he -- that he worked for and everything.
Q. This was the chef?
A. Yeah.
Q. Do you know what the chef’s name was?
A. I think it was Angel or Rudy.
Q. And where did you see them take Angel’s money?
A. Outside.
Q. Okay. They took it outside the house?
A. Yeah.
Q. Did you see them actually take it from the kitchen?
A. Yes.

Q. Explain what you saw when they took the money.

A. I seen them have some green paper in their hand, so -- you know, I seen them run outside, so --

Q. And, Rijo, how did you know it was Angel's money?

A. Because the -- the cook, he doesn't really, like, keep his stuff -- he keeps his stuff in there, but that's all where he puts it.

Q. That's in a drawer?

A. Yeah.

Q. Was Angel there at the time?

A. No.

Q. Okay.

A. Nobody was there at the time.

Q. Okay. Did you ever hear Gavin or Star talk about the money they'd taken?

A. No.

Q. Okay. Now, you say you saw Gavin and Star steal wine, right?

A. Uh-huh.

Q. Did you ever actually watch them drink it?

A. No.

Q. Okay. Have you ever gone to the store Toys-R-Us?

A. Yes.

Q. And who did you go to the store Toys-R-Us with?

A. With Michael and Star and Gavin and his friend -- Michael's friends that he picked up.

Q. Okay. And are these people he met --

A. Yes.

Q. -- on the road? Michael just picked them up and took them with him?

A. No, he had met them before.

Q. Okay. Were they fans?

A. Yes.

Q. Okay. And what did you do at the store Toys-R-Us?

A. He took us to buy stuff, like just go around and play.

Q. And were Gavin and Star there the whole time with you?

A. Yes.

Q. Did you play?

A. Yes.

Q. What did you do when you played?

A. Like, we got the balls and played with them, toss back and forth. Rode the bikes. And that was it.

Q. And then did Michael take you back to Neverland?

A. Yeah.

Q. Okay. And were these fans that Michael picked up and took with you to the store, were they girls?

A. Boys and girls.

Q. Boys and girls. Okay. How many were there, do you think?

A. I’m not sure.

Q. Okay. And if you remember, Rijo, what time of day was that when you went to Toys-R-Us?

A. It was at night.

Q. At night? Okay.

Have you ever spoken to Janet Arvizo, the mother of Gavin and Star?

A. Not really. I only seen -- I seen her once and that was it.

MR. MESEREAU: Okay. No further questions.

CROSS-EXAMINATION

BY MR. ZONEN:

Q. Rijo, good morning.

A. Good morning.

Q. In February of 2003, how often did you go to Neverland?

A. A lot.

Q. A lot? Does that mean like every week?

A. No, not every week. Like once every two weeks, I think.

Q. And when you went to Neverland every two weeks, did you go with your sister?

A. Yes.

Q. And your sister was there the entire time?

A. Yes.

Q. How long did you stay each time you went to Neverland in February?

A. A day or we spent the night sometimes.

Q. A day or you spent the night?

A. Yeah.

Q. Could you have spent the night on both times you went?

A. No. Because we had school probably.

Q. So you weren’t missing school while you were going to Neverland?

A. Can you re -- what?

Q. In February of 2003. Do you remember that clearly, in February of 2003? It’s over two years ago. Do you remember it fairly clearly now?

A. A little bit. A little bit.

Q. A little bit? Do you remember going to Neverland on more than one occasion?

A. Yes.

Q. And when you went to Neverland, did you go simply with your sister?

A. Yes.

Q. Did you do that more than one time in February?

A. Yeah.

Q. Okay. Did your mother ever go with you to Neverland?

A. Yes, she did.

Q. Did your father ever go with you to Neverland?

A. No.

Q. In March, did you go back to Neverland?

A. Yes.

Q. Do you know how many times you went to Neverland in March?

A. No.

Q. Could you have gone to Neverland as much as five days in March?

A. Yeah.

Q. On all of the occasions that you went to Neverland in February and in March, were Gavin and Star there?

A. No.
Q. Was it always on the weekends when you went to Neverland?
A. No.
Q. Well, if you didn’t go to Neverland on the weekends, would that have meant that you missed school on some days?
A. Like once.
Q. Just one time?
A. I --
Q. Do you remember when that was that you missed school to go to Neverland?
A. No.
Q. Did you spend some time talking to Gavin and Star while you were at Neverland?
A. Yeah.
Q. Did you learn that Gavin and Star had been staying at Neverland the entire time that you were visiting?

A. No.
Q. That they were at Neverland for the entirety, just about, of February and for quite a bit of March as well?
A. No.
Q. Did you think that they were simply coming at the same time that you were coming and then going back?
A. What?
Q. Did you ask them how long they had been staying there?
A. No.
Q. Did you ask them if they were going to school?
A. No.
Q. Did you ever talk to your cousin Michael about Gavin and Star?
A. We didn’t bring -- we didn’t bring their name up in our conversations.
Q. Rijo, I’m sorry, I can’t hear you. You’re going to have to say that --
A. We didn’t bring their names up in conversations.
Q. You never brought their names up in

conversations with your cousin Michael?

A. Not really.

Q. Did you have conversations with Michael during the time that Gavin and Star were there?

A. Yeah.

Q. Did you tell Michael that they were stealing?

A. No.

Q. Why didn’t you tell him?

A. Because he wasn’t around.

Q. All right. But you just said you had conversations with Michael.

A. Yeah, that was after.

Q. All right. You didn’t have any conversations with Michael at any time during February or March?

A. No.

Q. No conversations with him at all?

A. Because we didn’t see him.

Q. You did not see your cousin Michael at any time during all of February or March, not once?

A. Can you -- what? Can you repeat that?

Q. Did you see your cousin Michael at any time during the month of February of 2003?

A. Yes.

Q. During the time that you saw your cousin Michael, did you ever talk with him about Gavin and Star?

A. What? You’re talking too fast.

Q. I’m sorry. I’ll slow down.

(Laughter.)

MR. ZONEN: There’s a court reporter here

who would agree with you.

Q. At some time during February, did you see your cousin Michael?

A. Yes.

Q. Okay. Did you talk with your cousin Michael during the month of February?

A. Yes.

Q. Did you talk with your cousin Michael about Gavin and Star during the month of February?

A. No.

Q. Why not?

A. Because we didn’t -- because we didn’t have nothing to say about them.

Q. Does that mean that nothing happened in the month of February with Gavin and Star?

A. No, it did, but, like, we didn’t talk about them.

Q. Well, weren’t you concerned about their behavior?

A. Not really.

Q. You weren’t concerned about it?

A. I was, but I tried to tell -- I forgot about it.

Q. You forgot about it?

A. (Nods head up and down.)

Q. He was stealing, and you forgot about that?

A. Yeah.

Q. So you didn’t tell Michael anything about Gavin or Star?

A. (Shakes head from side to side.)

Q. At any time of the month of February?

A. Because he had to go -- like someone -- during the day he had to go to, like, the studios, and then he had to go, like, L.A. and everything.

Q. So you never had a chance to talk with him at all?

A. We did, but, like, after our chance to talk to him, he went to L.A., and so he came back and then that was it.

Q. Did you tell your cousin Michael about what Gavin and Star were doing in the bedroom?

A. (Shakes head from side to side.)

Q. No?

A. I was scared, no, so --

Q. Did you tell your cousin Michael about the television and the fact that they were watching something bad on television?

A. No.

Q. Now, that television is in a guest room; is that right?

A. Yes.

Q. Do you know if they were using a video or a DVD?

A. No, they weren’t.

Q. Do you think they were using regular television?

A. Yes.

Q. And then you said they were jerking off; is that right?

A. Yes.

Q. Do you know what that means?

A. Yeah, like putting your hand, like, on your private and then just moving it.

Q. And were they both standing at the time?

A. They were in bed.

Q. They were in bed. And they were covered with blankets?

A. (Nods head up and down.)

Q. You could tell what they were doing?

A. (Nods head up and down.)

Q. Were they in separate beds?

A. Yes.

Q. How many beds were in the room?

A. Three.

Q. Three beds in the room. So usually there’s two beds in that room; is that right?

A. Uh-huh.

Q. Did they bring another bed into the room for you?

A. Yes.

Q. Okay. And then after that happened, you left the room; is that right?

A. Yes.

Q. And you went to your sister?

A. Yes.

Q. And your sister said, “Go to Michael’s room”?

A. (Nods head up and down.)

Q. Did you go to Michael rooms?

A. (Nods head up and down.)

Q. Was Michael there?

A. (Nods head up and down.)

Q. And did you tell him what happened?

A. No.

Q. You didn’t tell him what happened.

All right. Do you remember being interviewed by an investigator for your cousin Michael?

A. Yes.

Q. Do you remember telling him that you went to your sister, and your sister said, “Go back to your room”?

A. (Nods head up and down.)

Q. And is that true, that you went back to your room?

A. Yes, and then I went to Michael’s room to get my stuff.

Q. All right. So you went to your sister’s room and then you went to Michael’s room?

A. Yes.

Q. Afterward. Okay. But you told the investigator that you went back to your room and you never went to Michael’s room; is that true?

A. (Shakes head from side to side.)

Q. No?

A. (Shakes head from side to side.)

Q. So did you go to Michael’s room?

A. Yes -- no, first I went to my sister’s room and then I went back to my room, and then I went to Michael’s room.

Q. Now, when you went to Michael’s room, I think you said Michael was there at that time?

A. (Nods head up and down.)

Q. Is that “yes”?

A. Yes.

Q. Okay. And you told Michael what had happened in the bedroom; is that right?

A. I told him a little bit. And then he left to the bathroom.

Q. And he left for the bathroom?

A. Yeah.

Q. When you told him a little bit, did you tell him -- among the little bit that you told him, did you tell him that they watched something bad on television?

A. Yes.

Q. And you told him that they watched something that had naked women --

A. Yes.
Q. -- on television?

A. And then -- yes.
Q. And did it also have naked men?
A. No.
Q. Just naked women?
A. Yes.
Q. Okay. What did Michael say to you when you told him that they were watching something with naked women on television?
A. He didn’t believe it.
Q. He didn’t believe it?
A. Because, like, he thought -- he thought they were cool, and he didn’t think they would do that.
Q. I’m sorry, I can’t hear you. Say it again.
A. He thought they were good, and they wouldn’t do that.
Q. Did you tell him about what they were doing inside the bed?
A. No.
Q. You didn’t tell him that? How come you didn’t tell him that?
A. Because I didn’t want to, like, tell him, because I was scared.
Q. Did you spend that night in bed with your cousin Michael?
A. Yes.
Q. Okay. Did you do that often, share a bed with your cousin Michael?
A. Yes.

Q. Did you tell your cousin Michael about the fact that they were stealing money?
A. No.
Q. Why not?
A. Because he was gone.
Q. I’m sorry?
A. He was gone. We tried to tell a maid or something like that.
Q. Did you tell --
A. But they were gone. It was at night.
Q. Did -- did you see your cousin Michael again after the boys were stealing money?

A. No, I only seen him, like, once, like, a day. Because he was gone most of the time.
Q. You said he was stealing money from Jesus' office; is that right?
A. No, the kitchen.
Q. In the kitchen?
A. Yes.
Q. Did you also say that he was stealing something from Jesus?
A. Yes.
Q. And you said he was stealing money from Jesus?
A. Jesus' office.
Q. Jesus' office?
A. Yes.
Q. And were you there at the time? 10888

A. I was in the kitchen.
Q. Is Jesus' office in the kitchen?
A. It's near the kitchen.
Q. Okay. Were you in the office at the time you saw them steal?
A. No.
Q. Okay. Was Jesus there that day?
A. No.
Q. Was he there the next day?
A. No.
Q. All right. Did you tell anybody the next day?
A. No.
Q. Why not?
A. Because I don't -- I forgot.
Q. You forgot to tell somebody?
A. (Nods head up and down.)
Q. When did you remember it?
A. Like -- I don't know.
Q. You said that he stold some plastic crystals, little plastic crystals?
A. Yes.
Q. Explain what those are for me.
A. Like little -- you know how crystals look, they're little plastic things. They're, like, shiny, and that's all they are. They're, like, shiny balls, like crystals.

Q. And where were they from?

A. From Jesus' office in his drawer.
Q. And that was inside his office?
A. Yes.
Q. And you were inside his office at the time?
A. I was at the kitchen.
Q. Were you able to see inside his office at the time from where you were in the kitchen?
A. When they got out, I seen them with some stuff, like I can see them juggling, like, crystals and stuff.
Q. Did you know what they were, the crystals?
A. (Nods head up and down.)
Q. And you were able to get them; is that right? You were able to see them?
A. Yeah.
Q. And when did you seen them before?
A. Just then. And then Michael showed me what they were, and so --
Q. Michael showed you?
A. So I knew what they were.
Q. Because --
A. Because he had some in his room.
Q. Because your cousin Michael had showed them to you once before?
A. Yes.
Q. And then you saw the boys take them?
A. (Nods head up and down.)
Q. Do you know if they returned them?

A. No.
Q. How do you know? You don't know if they did or didn't?
A. I don't --
Q. So they might have returned them?
A. Yeah.
Q. Might have been just been playing with them?
A. (Nods head up and down.)
Q. Did you tell anybody about them taking the crystals?
A. (Shakes head from side to side.)
Q. Was that the same time they took the deck of cards?

A. Yes.

Q. Were the deck -- was the deck of cards there for people to play with?

A. Yes.

Q. So they took it, and were they then playing with the deck of cards?

A. Yes.

Q. Did you play with them with the deck of cards, too?

A. No.

Q. The time that you went to Toys-R-Us, was Gavin and Star with you?

A. Yes.

Q. And you say that Michael stopped and picked up some other kids?

A. Some other people.

Q. Some other people. How old were they?

A. Like around his age, like twenties, thirties.

Q. Like whose age?

A. Like twenties or thirties.

Q. Oh, they were older?

A. Yeah.

Q. So they weren’t kids?

A. No.

Q. They were adults?

A. Yes.

Q. Okay. And where were they?

A. They were like around his gate in the front entrance.

Q. And you said, “like his age.” Do you mean your cousin Michael?

A. (Nods head up and down.)

Q. Do you know how old your cousin Michael is?

A. 40.

Q. 40?

A. I think.

Q. Do you remember when it happened that they were looking at the television show? Do you remember if that was in March or in February?

A. No.

Q. Do you remember if it was right before they left?

A. No, I don’t remember.
Q. Did you ever talk with Michael about any of these incidences, other than conversation you told us about, them looking at the show?
A. No.
Q. Did you ever tell your mother about it?
A. Yes. And then she called Chris Carter.
Q. You said that you saw them walk out with green paper?
A. Uh-huh.
Q. This was from the chef’s money?
A. Yes.
Q. Did you actually see that it was green paper or money?
A. It was green, it was like -- it looked like green money -- it looked like money, so --
Q. You didn’t see them take it; is that right?
A. Yeah, I seen them take it in their hand.
Q. Did you ever report any of this to anybody at Neverland?
A. No.
Q. Did you know Jesus Salas?
A. No.
Q. Did you know Chris Carter?
A. Oh, I knew Jesus, yeah. I knew Jesus and Chris Carter.
Q. You thought it was Jesus’ money that was stolen; is that right?

A. Yeah.
Q. Did you ever tell him?
A. And the chef’s money.
Q. You thought it was the chef’s money?
A. Yeah. Or -- I don’t know whose money it was.
Q. But didn’t you think there was something stolen from Jesus Salas as well?
A. Yeah.
Q. Did you tell Jesus Salas about that?
A. No, because I didn’t see him.
Q. Did you ever tell the chef about that?
A. No.
Q. Now, you said that he took some wine that

had been ordered by Michael?

A. Yeah.

Q. Is that right?

A. Yes.

Q. All right. Were you up in his room when it was ordered by Michael?

A. I was downstairs in his room.

Q. You were downstairs in his room. And where was Michael at the time it was ordered?

A. He was upstairs, and then he ordered it, because I could hear him upstairs, and then he went to the bathroom, and he told the cook that -- to bring it upstairs, but Gavin and Star answered the door.

Q. Okay. So he brought it into the room while Gavin was there, and while Star was there, and while you were there; is that right?

A. Yeah.

Q. Okay. And he ordered it while you were there, and while Gavin was there, and while Star was there?

A. Yes.

Q. Okay. And you expected that he would bring -- that they would bring wine to the room while you were there; is that right?

A. Yes.

Q. And your cousin Michael knew that you were there, and Gavin was there, and Star was there; is that right?

A. Yes.

Q. So you're telling us that as soon as they delivered it, Gavin and Star grabbed the wine and left?

A. They grabbed the wine from the door, and then they took it upstairs, and then like a few minutes later, I don't know how many, but they came downstairs and ran out the door.

Q. So they took the wine?

A. Yes.

Q. And they went upstairs?

A. Yes.

Q. And upstairs is where your cousin Michael's bed is; is that right?

A. Yes.

Q. All right. So they were upstairs with your cousin Michael and with the wine?

A. No, Michael was downstairs.

Q. All right. Michael was downstairs when the wine was delivered?

A. Yes.

Q. So Michael saw that the wine was delivered?

A. No. He was in the bathroom.

Q. He was in the bathroom when the wine was delivered?

A. Yes.

Q. All right. So they took the wine upstairs to the bedroom; is that right?

A. Yes.

Q. And your cousin Michael stayed in the bathroom?

A. No, because he ordered it, and then he said, “I’ll be right back, because I’m going to go to the bathroom.”

And so the cook brang -- he took it to the door, and then Gavin and Star took it upstairs while Michael was in the bathroom.

Q. Okay.

A. And then like a couple minutes later, they took it outside. Or they -- they -- they ran outside with no -- with no wine.

Q. They ran outside what?

A. With no wine.

Q. I didn’t hear that last word.

A. No wine.

Q. Oh. They did take the wine outside?

A. No, they didn’t.

Q. So the kids left the wine in the room?

A. Yes.

Q. All right. So they didn’t take the wine?

A. Michael’s -- they took it upstairs.

Q. We’re going to start from the beginning a little bit, because this is my doing, not yours. This is not your problem, this is my problem, all right? I’m having a little hard time understanding this. So let’s see if we can just start at the beginning and make it clear. Michael ordered wine to be delivered to the room?

A. Yes.

Q. At the time he ordered the wine, you were there, Gavin was there, and Star was there?

A. Yes.

Q. Michael then said, “I’m going into the bathroom”?

A. Yes.

Q. He went into the bathroom knowing that wine was going to be delivered to the room?

A. Yes.

Q. He knew the three of you were in the room; is that right?

A. Uh-huh.

Q. The wine was delivered while the three of you were in the room?

A. Yes.

Q. What time was it?

A. It was nighttime.

Q. How late at night?

A. I don’t remember.

Q. It’s -- I’m sorry, go ahead.

A. What?

Q. I asked you if you knew how late it was at night. Do you know?

A. No.

Q. It’s true, isn’t it, that when you stay with your cousin Michael, sometimes you stay up all night, don’t you?

A. Yes.

Q. Because he likes to stay up all night?

A. Yes.

Q. It’s fun to be with him all night long, isn’t it?

A. Yes.

Q. Because you do things all night long.

A. Uh-huh.

Q. So when that wine was delivered, it could have been very, very late at night, couldn’t it?

A. Yes.

Q. Well past the time you normally go to bed; no?
A. I think, yeah.
Q. Do you remember if it was well past the time you normally go to bed when this wine was delivered?
A. It was, yes, I think.
Q. Do you remember who it was who delivered the wine? Was it somebody you knew?
A. It was Angel.
Q. It was Angel who brought it. Angel Vivanco?
A. Yeah.
Q. Did he bring it with glasses?
A. Yeah, he brang it with one glass and a bottle.
Q. Just one glass? And when it came in, the wine and the glass, did Angel put it down in the room?
A. Yeah.
Q. And when he put it down, was Star and Gavin in the room?
A. Yes.
Q. And you were in the room?
A. I was downstairs, so --
Q. So Star and Gavin were upstairs?
A. Yes.
Q. But when Angel brought it in, he brought it in downstairs, didn't he?

A. (Nods head up and down.)
Q. “Yes”?
A. Yes.
Q. You have to answer out loud, if you would.
A. Yes.
Q. Did Angel then take the bottle of wine upstairs?
A. No, he set it downstairs and then Star and Gavin took it upstairs.
Q. Okay. And was Michael in the bathroom downstairs or the bathroom upstairs?
A. Downstairs.
Q. He was downstairs in the bathroom?
A. (Nods head up and down.)
Q. Did you tell Michael when he was in the bathroom that the wine had been delivered?

A. Yes.

Q. You told him it had been delivered, okay, and what did he say?

A. He said, “Okay. I’ll be right there.”

Q. Okay. And meanwhile, Gavin and Star were upstairs; is that right?

A. Yes, and then they left.

Q. With the bottle, with a bottle of wine?

A. Yes.

Q. Was the wine open or closed?

A. It was closed.

Q. Do you remember if it was a bottle of red wine or a bottle of white wine?

A. White wine.

Q. Do you know if there was a bottle opener with it?

A. I don’t -- I think so, but I don’t know.

Q. You’re not certain?

A. I’m not sure.

Q. But you remember it was definitely closed at the time?

A. Yes.

Q. So nobody had uncorked the bottle; is that right?

A. Right.

Q. Okay. Now, while you were there on the first floor, did Gavin and Star then come back downstairs?

A. Yes.

Q. Okay. And is it true that if you are upstairs in the bedroom in your cousin Michael’s suite, that you can’t leave from there without going downstairs; is that right?

A. Ri -- what do you mean?

Q. If you were upstairs in the bedroom, you have to come downstairs before you can leave the suite?

A. Yeah.

Q. So they would have had to have come back downstairs to have left the suite?

A. Yes.

Q. And did they come downstairs?

A. Yes.
Q. And did they come downstairs with the bottle of wine?
A. No.
Q. All right. Where was the bottle of wine?
A. It was upstairs for Michael.
Q. They left it upstairs?
A. Yes, because he was going back up to his room.
Q. So Gavin and Star came downstairs?
A. Yes.
Q. The bottle of wine stayed upstairs, and Gavin and Star then left?
A. Uh-huh.
Q. Okay. Then Michael Jackson came out of the bathroom?
A. Yes.
Q. And Gavin and Star were gone?
A. Yes.
Q. Okay. Did you then go upstairs with your cousin Michael?
A. Yes.
Q. Did you spend the rest of the night with your cousin Michael --
A. Yes.
Q. -- upstairs? 10902

Was the wine still there?
A. Yes.
Q. Okay. Was it still corked, still closed?
A. I don’t know.
Q. Well, was it already open when you got upstairs?
A. Yes.
Q. I’m sorry?
A. Yes.
Q. So it was already opened. And was it finished?
A. No.
Q. So was there some missing?
A. Yes.
Q. So they were the only two who were upstairs; is that right?
A. Yes.

Q. So they took the bottle of wine, they opened it and they had a drink; is that right?
A. I -- I’m not sure if they drank it or not.
Q. Well, some was missing, right?
A. Yes.
Q. So they either drank it or they poured it out; is that right?
A. Yes.
Q. Now, did you talk with Michael about that?
A. No, because I wasn’t sure that they drank it or not. Because --

Q. You weren’t sure that they drank it?
A. Yes.
Q. Well, was anybody else up there?
A. No.
Q. Did Michael seem upset that there was some wine missing from the bottle?
A. No.
Q. Did he ask you about why wine was missing from the bottle?
A. No.
Q. Did he know that the only other two people who were there were Gavin and Star?
A. Yes.
Q. Okay. And did he say something to you about, “Boy, those rascals, they just get into the wine whenever they can”?
A. No.
Q. He didn’t say anything like that?
A. Huh-uh.
Q. Did you tell him that the boys had taken the bottle of wine upstairs?
A. Yes.
Q. Did you tell Michael that? And did you tell him that when they took it upstairs the bottle was sealed?
A. Yes.
Q. Okay. Did your cousin Michael seem upset about that, that it was opened?

A. (Shakes head from side to side.)
Q. He thought it was okay?
A. Yeah.

Q. And --
A. Because he might have thought that the cook opened it for him.
Q. He might have thought that?
A. Yeah.
Q. But you told him that it was closed when it was delivered; no?
A. No.
Q. And even if the cook had opened it, would the cook drink some of that bottle of wine?
A. No.
Q. So it was probably the boys who drank the wine, right?
A. Yes.
Q. That’s probably what your cousin Michael thought, right?
A. Yes.
Q. But you didn’t have a discussion with him about that?
A. No.
Q. You didn’t -- now, when you were up there with that bottle of wine, was that before or after that incident that took place in the guest room with the television and the naked lady on the television?
A. It was after -- I don’t remember.

Q. You’re not sure?
A. No.
Q. Was it before or after you had seen the boys stealing money?
A. It was -- it was after, I think.
Q. You think it was after that?
Okay. So you were with Michael Jackson that entire night; is that right?
A. Yes.
Q. And during that time, did you tell your cousin Michael that the boys had stolen money?
A. No.
Q. Was there a reason you didn’t?
A. No.
MR. ZONEN: I have no further questions.

REDIRECT EXAMINATION
BY MR. MESEREAU:

Q. Rijo, at the time that you saw the Arvizos run out of Michael’s room before he came out of the bathroom, you were nine years old; is that right? Were you ten?

A. I think I was ten.

MR. MESEREAU: No further questions.

MR. ZONEN: I have no questions.

THE COURT: All right. Thank you. You may step down. Call your next witness.

MR. MESEREAU: Yes, Your Honor, the defense will call Michelle Jackson.

THE COURT: Please remain standing, face the clerk here and raise your right hand.

MICHELLE HENRIETTE JACKSON

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Michelle Jackson. M-i-c-h-e-l-l-e. Henriette is my middle name, H-e-n-r-i-e-t-t-e. Jackson, J-a-c-k-s-o-n.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. MESEREAU:

Q. Good morning, Miss Jackson.

A. Hi.

Q. Miss Jackson, do you know the fellow seated at counsel table to my right?

A. Yes, I do.

Q. Who is he?

A. He’s my nephew, Michael.

Q. Okay. And -- excuse me. Pardon me. Do you know Simone Jackson?

A. Yes, she’s my granddaughter.

Q. Do you know Rijo Jackson?

A. Yeah, he’s my grandson.

Q. Okay. And have you ever been to Neverland Ranch?

A. Yes, I have.
Q. Been there many times?
A. Yes, I have.
Q. Okay. And where is your home?
A. My home is in Lompoc.
Q. Okay. Do you recall ever meeting Janet Arvizo?
A. Pardon?
Q. Do you recall ever meeting Janet Arvizo?
A. I have never met.
Q. Do you recall meeting the Arvizo family at Neverland?
A. I have met the children.
Q. Okay. Who did you meet? Did you meet Gavin?
A. I have met Davellin, and I have met Gavin, and I have met Star.
Q. Okay. And do you know approximately when you met them?
A. During the time that the children was there. It was around the time that Prince was supposed to have a birthday party sometime.
Q. Would this be 2003, do you think?
A. Yeah.

Q. Okay. Do you know approximately what month?
A. February.
Q. February or March? Okay. Okay. And did you attend the party for Prince?
A. No.
Q. Okay. Did you ever talk to Gavin about a trip to Brazil?
A. Yes, I have.
Q. And did Gavin say anything to you about a trip to Brazil?
A. I was introduced to the children by my granddaughter. She introduced me to Davellin first. Then Gavin came in the kitchen, and she introduced me to Gavin. And she told me they were waiting there for going on a trip. And I asked --
MR. ZONEN: I’m going to object to a commentary from her as hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Who told you about a trip?

A. Simone.

Q. Did you ever talk to Gavin about this trip?

A. Yes.

Q. What did Gavin say?

MR. ZONEN: Objection; hearsay.

THE COURT: Overruled.

You may answer.

THE WITNESS: Gavin told me, “We don’t want to go to Brazil. This is my mother who wants to go.

We want to stay here.”

MR. ZONEN: I’m going to object as to multiple hearsay.

THE COURT: Sustained.

MR. ZONEN: Motion to strike.

THE COURT: I’ll strike the last sentence.

Q. BY MR. MESEREAU: Did Gavin tell you why they were planning to go to Brazil?

A. He told me his mother wanted to go.

MR. ZONEN: Objection. Move to strike; hearsay.

THE COURT: Stricken.

Q. BY MR. MESEREAU: Did you ever talk to Davellin about Brazil?

A. No.

Q. Okay. Now, your granddaughter is Simone; is that correct?

A. Yes.

Q. And was Simone there when you spoke to Gavin about the Brazil trip?

A. Yes.

Q. Okay. And did you ask Gavin whether or not his mother wanted to go to Brazil?

MR. ZONEN: I’m -- objection.

THE COURT: Sustained.

MR. MESEREAU: No further questions.

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CROSS-EXAMINATION

BY MR. ZONEN:

Q. Miss Jackson, good morning.

A. Hi.

Q. When was that that you were at Neverland and had that conversation with Gavin?

A. Around February, March. I’m not exactly the -- I don’t know -- I don’t remember exactly the dates.

Q. Did you go to Neverland on a number of occasions during February and March?

A. Yes, I have.

Q. On all the occasions that you went to Neverland during February and March, did you see either Gavin or Star?

A. This is the only time that I was talking about just before now that I saw the children when I was introduced to them.

Q. You have no recollection of ever seeing those children on any other occasion at Neverland?

A. No, sir.

Q. And you went to Neverland on how many occasions during February and March?

A. Maybe three, four times. Maybe more.

Q. Maybe more?

A. Yeah.

Q. When you went on those occasions, did you spend the night there?

A. No.

Q. You would only go during the day and then leave?

A. Yes, I would go and check on my grandchildren.

Q. You would accompany your grandchildren when they went?

A. No. I would go from work to the ranch, to check on my grandchildren to see if they had baseball practice.

Q. You would check on -- you would go to the ranch to see if your grandchildren were there?

A. Yes.

Q. Because sometimes they had baseball practice?

A. Right.

Q. And you would have to pick them up at the ranch to take them to --

A. And take them to Lompoc to practice.

Q. Did you know before going to ranch whether

or not your grandchildren had baseball practice or not?
A. No. No, I can’t keep up with everything with my grandchildren, you know.
Q. So you would have to go to the ranch --
A. Right, from work.
Q. One of the problems is that my question has to finish before you start your answer, or we make the court reporter crazy.

A. Sorry.
Q. Okay? So if you can just wait till the question’s done and then you can answer.
Did you know in advance of going to the ranch whether or not the kids had practice?
A. Sometimes.
Q. Sometimes. Okay. And how did you know when they were at the ranch?
A. I knew everything that my grandchildren do.
Q. So somebody told you in advance; is that right?
A. No.
Q. Do they live with you, your grandchildren?
A. Sometime.
Q. Did you know that they were at the ranch because they were living with you at the time they went to the ranch?
A. No, it’s because I do a lot of driving. My daughter can’t do a lot of driving. I do all the driving for her and I drive the children a lot of place.
Q. Okay. She can’t drive because she works?
A. No, because she had injury in the neck.
Q. All right. So you do all the driving to get the kids around?
A. Yes, sir.
Q. All right. Now, on only one occasion did you meet Gavin?

A. Yes.
Q. And you never met his brother Star?
A. Yes, I did. The same day.
Q. The same day. Did you meet their sister Davellin?

A. Yes, I did.

Q. Did you meet their mother Janet?

A. No.

Q. Do you know if she was there?

A. I didn’t know. I didn’t ask.

Q. Did you talk to any of them about why they were there?

A. No.

Q. Was it during the week?

A. Yeah.

Q. All right. So the kids were in school at the time; is that right?

A. I don’t know about them. I know my grandchildren was in school.

Q. Okay. Did you know at the time that you talked to Gavin how long he had been at Neverland?

A. No, sir.

Q. Did you ever talk to Gavin about how long he was going to stay at Neverland?

A. No.

Q. Okay. When Gavin talked about a trip to Brazil, did you understand that that was going to be your cousin Michael Jackson sending them to Brazil?

A. I didn’t even question. It didn’t even dawn on me to ask the question how they were going.

Q. Did you ever have a conversation with Michael Jackson about the family?

A. No.

Q. About Gavin and Star --

A. No.

Q. -- and Davellin.

I have no further questions.

MR. MESEREAU: No further questions, Your Honor.

THE COURT: Thank you. You may step down.

MR. SANGER: We call Christian Robinson, Your Honor.

THE COURT: Come forward, please. When you get to the witness stand, please remain standing. Face the clerk and raise your right hand.

CHRISTIAN ROBINSON

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Christian Robinson. C-h-r-i-s-t-i-a-n, R-o-b-i-n-s-o-n.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. SANGER:

Q. Take your time. I'll let you get a drink of water there.

A. Thank you.

Q. And while you're getting it, I'll just tell you we have to tell all the witnesses to please use the microphone on the right side. And then you have to really lean into it to get very close to it; okay. There you go.

A. All right.

Q. Mr. Robinson, how are you employed?

A. I'm self-employed. I develop reality television shows. And work a camera. I do a lot of post-production.

Q. All right. So you said reality shows, work a camera and post-production; is that right?

A. Correct.

Q. And do you know Mr. Jackson, who's seated here at counsel table?

A. I do.

Q. Do you know him well?

A. Not extremely well, no.

Q. Have you met him in the course of your work?

A. Yes.

Q. All right. Do you know him socially? Do you hang out with him?

A. No.

Q. All right. Now, are you here pursuant to a subpoena?

A. Yes, sir.

Q. Let me ask you to explain a little bit about your background. How long have you been working in the film industry?

A. I do a lot of things. I've only been doing reality shows for about a year now. In the past, we published film-related publications, and we sort of run a trade organization in Denver and Salt Lake, so it’s all related. And I’ve always done video work, so....

Q. All right.

A. How long, was that the question?

Q. Well, how long -- I said “film industry,” but, you know, the -- whatever you call it.

A. Television or videography, about eight years.

Q. All right. Good. Now, during that eight-year period of time, you indicated that you also worked a camera. Can you tell us what you mean by that?

A. Operate a camera, a video camera. All kinds.

Q. Is this something that you do professionally?

A. Yes, sir.

Q. All right. So somebody would hire you to be the videographer or the person running the camera to do some sort of filming; is that right?

A. Yes. In the past, that’s correct.

Q. All right. And then you said you’re also involved in post-production. What do you mean by “post-production”?

A. I take a project and shoot it, and then I edit for the network or for the production company who’s presenting the piece.

Q. Okay. Very good. You were not involved in the reality television projects as of 2003; is that right? Is that something that happened after that?

A. I always had the dream of making films. Reality television is sort of like rock bottom. So I’m young, so that’s what I have to do.

Q. But the question is -- you said the last year. So I want to know what you were doing in 2003. By 2003, you hadn’t started the reality television?

A. Well, I was working for Mr. Jackson. That wasn’t exactly reality. That was more of a documentary type of position. I was in charge of like -- not “in charge,” but one of my responsibilities was sometimes booking crews and making sure that we were covering the right steps. Sort of like a producer.

Q. You say you were working for Mr. Jackson. Let’s go back. When is the first time you worked for Mr. Jackson or somebody associated with Mr. Jackson?

A. Wow. That would have been in September of 2001.

Q. Okay. And what project was it that you were working on?

A. It was the Michael Jackson charity single, “What More Can I Give?”

Q. And what was the production “What More Can I Give?”

A. What was the production?

Q. Yes. You said it was a charity single. Can you explain that, please?

A. It was a combination of different artists recording a song that Michael wrote. Really nice song.

And what I would do is -- my background was in radio. At the time I had still done a lot of video work, but mostly my job on that was to ask questions. I would interview all the different artists.

Q. So the artists participated in --

A. In recording --

Q. -- in recording the song?

A. In recording the song.

Q. You’ve got to let me finish first, and I’ll try to let you finish.

A. Gotcha.

Q. Because the court reporter tries to write down what we say here.

So we’ll just take it here so everybody understands. “What More Can I Give?” was a song, that was the title of a song, right?

A. Correct.

Q. And I think you said it was written by Mr. Jackson; is that correct?

A. I believe so.
Q. Okay. And there were a number of recording artists who participated in putting that song together; is that correct?
A. True.
Q. Can you recall some of the artists?
A. Celine Dion, Mariah Carey, Tom Petty, Billy Gilman, The Backstreet Boys. Well, Nick Carter, Nsync. Maya. Luther Vandross. We must have interviewed like 40 people.
Q. That was -- before we get to the interview part, as far as the singing part is concerned, and the performing --
A. Right.
Q. -- did these people actually perform in the song?
A. Correct.
Q. So they’d come to a studio; is that right?
A. We would usually travel to them, but in a studio, yes.

Q. All right. And then they would perform, they’d record whatever they were doing, right?
A. Right.
Q. Did they all record it at the same time or was --
A. No, no. Everybody recorded separately.
Q. All right. Now, you said something about interviewing the people.
A. Right.
Q. Your job was to do the interviews; is that right?
A. My job -- one of my responsibilities was to do the interviews.
Q. And did you, in fact, interview various people?
A. I interviewed all of the people, yes.
Q. So Celine Dion, for instance, you would be asking her questions and she would respond?
A. Right.
Q. And the idea was to use this footage to help put this together for charity; is that right?
MR. AUCHINCLOSS: Objection; relevancy.
THE COURT: Overruled.

You may answer.

THE WITNESS: Yes.

Q. BY MR. SANGER: All right. Now, did that project come to a conclusion? Was it finished and marketed?

A. It did come to a conclusion. But not the conclusion that we had hoped.

Q. All right. It got interrupted at some point; is that correct?

A. I believe so. I didn’t deal with the business side of it.

Q. All right. Now, who did you work with on that project?

A. I worked with Marc Schaffel and Hamid Moslehi.

Q. All right. Were there other people on the crew for that?

A. Yes.

Q. About how many people were involved in that project?

A. Let’s see. We had myself and Hamid, and we had two grips who helped us carry things and set up lights, and we had a sound guy, Marc. Marc.

Q. Now, what was Mr. Schaffel’s role in this, as far as you could tell?

A. He was like the per -- he was the person who was orchestrating the whole thing, you know, besides Michael. Michael wasn’t always on scene, so Marc was arranging the artists and the times and the places, and, you know, getting the most important things done, you know.

Q. Now, when you say “Michael,” we have to use last names in court so....

A. Oh. Mr. Jackson, yeah.

Q. Mr. Jackson, or Michael Jackson was the person who was there during some of the creative process; is that correct?

A. Right. Michael would come into the studio occasionally and produce, which is, you know, obviously one of his fortes, so --

Q. So he would, on occasion, be there when the artists were actually recording?

A. Not all the time, but, yes.

Q. Okay. And he’d sit at one those big things that has all those switches on it?

A. Right, it’s called a board.

Q. Okay, the board. And would he interact on an artistic level with people?

A. Yes. Yes.

Q. All right. Now, what was Hamid Moslehi’s -- I know I’m mispronouncing that, but Hamid Moslehi’s job, what was that?

A. Hamid was what I would call a director of photography. He took -- he not only was in charge of the main video camera, but he would also do a session of still photographs every day.

Q. All right. Now, after -- after this occurred -- this, you said, was September of 2001, is your best recollection?

A. Well, it -- it began before 9-11 and we didn’t finish until November, so --

Q. All right. Now, after that, did you have occasion to work on any projects that involved Mr. Jackson?

A. Yes.

Q. And what was the next thing?

A. The next thing? Probably would have been a trip to Gary, Indiana.

Q. When was that?

A. No, it would have been a trip to Las Vegas, and I don’t know when it was.

Q. Okay. Now, were you doing this -- were you working under Marc Schaffel?

A. Yes.

Q. So --

A. Well, I was working with Marc.

Q. With Marc. Okay, sorry. Don’t want to misconstrue the hierarchy here. But you were working with Marc Schaffel on these various projects; is that right?

A. Correct.

Q. All right. Now, did you have occasion at some point to work on a project involving Debbie Rowe?

A. Yes, sir.

Q. What was your role in the Debbie Rowe project?

A. Oh, I was prepared to ask her the questions, and I wrote questions, but I did not end up asking the questions, so I ran a camera on the shoot.

Q. Okay. Who asked the questions in that situation?

A. That was Ian Drew.

Q. Okay. And Ian Drew was a reporter of some sort?

A. Yeah, he was a freelance reporter, a tabloid reporter.

Q. Now, you -- actually what you did on that occasion, you were present in the room during the -- during the interview; is that right?

A. Yes.

Q. And you had a camera?

A. Yes.

Q. Did you actually take some of the footage?

A. Yes.

Q. Do you recall how much footage was actually taken? When you say “footage,” I guess that hearkens back to film. But how long was the video that came out of that?

A. The raw tape was probably between one hour and an hour and a half, I would guess.

Q. Okay. That was the part you did?

A. Well, there was two cameras, but, yes. Yes.

Q. Okay. Now, on that occasion, do you know whether or not there was a script? Was there a script?

A. No, sir.

Q. Okay. And you know what a script is; is that correct?

A. Yes.

Q. Okay. Were there questions that were written out in advance?

A. Of course.

Q. And you wrote some of those questions; is that correct?

A. Right.

Q. Now, in your experience, you indicated you had experience doing interviews in “What More Can I Give?” and you also were prepared to do an interview here. Have you had occasion to do other interviews?

A. Other interviews?

Q. Yeah. Without going into who or what, but just have you done other interviews for film?

A. Yes. Yes.

Q. Okay. Now, as an interviewer for something like this, where you’re interviewing Celine Dion for “What More Can I Give?” or you’re interviewing Debbie Rowe, would it be customary for the person asking the questions to have a list of questions to ask?

A. Yes.

Q. Okay. You smiled a bit. Would it be unusual for somebody to just walk in there and try to wing it without a list of questions?

A. Yeah, that would not be proper.

Q. Okay. And is it appropriate to have a list of questions that attempt to cover the subject matter, that is, the subject matter of the video? In other words, do you just put random questions together or do you give some thought to it?

A. Before you -- can I answer this?

Q. Yes.

A. Before you do a project, you have to have some sort of vision of what is going to come from that project. So of course you have questions that shape the outcome.

Q. All right. Now, when you watched the Debbie Rowe interview, you were there for it. You were running a camera. Were Miss Rowe’s -- I’m sorry. Let me try that again.

You were there for the interview. Were Miss Rowe’s responses scripted?

A. No.

MR. AUCHINCLOSS: Objection; foundation.

THE COURT: Overruled. The answer is, “No.” We’ll take our break.

(Recess taken.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 10849 through 10927 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 18, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
May 18, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)

Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, MAY 18, 2005

8:30 A.M.

(PAGES 10929 THROUGH 11104)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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INDEX

Note: Mr. Sneddon is listed as "SN" on index.
Mr. Zonen is listed as "Z" on index. Mr. Auchincloss is listed as "A" on index.
Mr. Mesereau is listed as "M" on index. Ms. Yu is listed as "Y" on index.
Mr. Sanger is listed as "SA" on index.

DEFENDANT'S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
ROBINSON, Christian	10957-A	11011-SA	11034-A	
JOHNSON, Vernee Watson	11037-M			

EXHIBITS

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
414	Marc Schaffel's expenses file	11067	
416	Marc Schaffel's file; accounting of expenses and receipts	11067	

THE COURT: Go ahead.
MR. SANGER: Thank you, Your Honor.
Q. Okay. Mr. Robinson, we were talking about the Debbie Rowe interview. And by the way, can you tell us what the approximate date of that interview was?
A. I don't know the date.
Q. All right. What year was it; do you recall?
A. It would have been around January of 2003.
Q. All right. You say around January. Could it have been early February?

A. Yes. It probably was early February. But I just know a range.

Q. That's fine.

Do you recall the Bashir television show?

A. Of course. Yes.

Q. All right. And do you recall whether or not you saw it when it first aired in the United States?

A. I did see it when it first aired in the United States, but I had read the entire transcript before it aired here.

Q. All right. And at the time that -- so you read the transcript. And then did that have anything to do with Debbie Rowe?

A. As soon as we, as in Mr. Schaffel and Hamid and the other people that were working around Mr. Jackson at the time, heard about this documentary, we began working on creating other programs which we

felt were more truthful.

Q. All right. And so was Debbie Rowe -- I guess what I'm asking is, was the Debbie Rowe interview part of this project that you were working on?

A. Yes.

Q. And did the interview of Debbie Rowe occur around the time that the Bashir television show aired in the United States?

A. Yes. Around the time.

Q. All right. Now, what was Miss Rowe's attitude during the time that this was being taped, to the extent you could observe it?

A. Yes, Miss Rowe was -- she was very eager to do the interview. She was very happy to be doing it, and she was almost like -- well, she was very irate. She was very angry about what she had heard or what she had seen as far as this program. That's why she agreed to do it.

Q. And what angered her? Did she express what angered her about the program?

MR. AUCHINCLOSS: Objection; hearsay.

THE COURT: Sustained.

Q. BY MR. SANGER: All right. Now, where did the filming of Debbie Rowe take place?

A. The filming of Debbie Rowe took place in

Marc Schaffel’s living room in Calabasas.

Q. All right. And at the time of the interview, did you have occasion to talk with her in between the actual filming?

A. Yeah.

Q. And was there anything about your discussions with her, your interaction with her during the period of time of the filming, including when the camera was on, that indicated that her production was rehearsed in any way?

A. Absolutely not.

Q. Now, this particular interview was done on rather short notice, I take it; is that correct?

A. I don’t know if it was short notice. I don’t.

Q. All right. Let me put it this way: Were you in the process of trying to put something together for release to television? Let’s talk about that.

A. Oh, yeah, we were working on productions as quickly as we could. I don’t know how much time we had to prepare, though.

Q. Have you had occasion to work on productions like that, when you were trying to get something out for television on a short schedule?

A. Yes.

Q. All right.

A. Right now, actually.

Q. All right.

A. I’ve got to go home.

Q. Except you’ve been up here waiting to testify; is that right?

A. Yeah.

Q. Now, when you have a schedule for television, do you have -- let me withdraw that. You mentioned you did these interviews with the “What More Can I Give?” Did those interviews all take place on a real short schedule?

A. Yes.

Q. All right.

A. Yes.

Q. You were trying to get that project together quickly?

A. I don’t think it was as efficient as it could have been, but, yeah.

Q. Now, with regard to these television shows, was there -- was there a schedule; in other words, “We have to get these interviews done by a certain date”?

A. Marc Schaffel had made business deals for the Debbie Rowe interview to get them on the air and in publications immediately, so, yes, we were on a very tight deadline once everything was done businesswise.

Q. Now, when you’re doing -- shooting on a short schedule, do you observe bankers’ hours, you know, 9:00 to 5:00 kind of hours?

A. No.

Q. Is it typical, in your experience, to work late into the night?

A. Yes.

Q. Okay. Now, after you did the Debbie Rowe interview, did you have occasion to be involved in interviewing the Arvizo family?

A. Yes.

Q. And what was your general role in that project?

A. My general role. Well, I was told the day of that we were doing this interview, so I wrote questions, submitted them to Marc Schaffel. And about -- I don’t know, you know, later in the day, I went -- later that night I went to the Arvizo -- to Hamid Moslehi’s home and did the interview, conducted the interview.

Q. So your role was not to run a camera on that occasion?

A. I may have actually set up a B camera. But it wouldn’t have been manned. It would have been like a wide shot.

Q. And a B camera --

A. Is a secondary camera.

Q. I just felt we had to ask that question. So you have the main camera and the main camera operator?

A. Uh-huh.

Q. And then you might have a second camera just running to pick things up?

A. Well, you always need a close or a medium and wide so that they can cut. You know, you can't show the entire interview, so you have to be able to cut. And you can't cut from the same frame to the same sized frame and make it look natural.

Q. And sometimes you'll do other shots, like two shots; is that right?

A. Exactly.

Q. Where you'll go and -- you'll go backwards and film, for instance, the interviewer.

A. In this case, I wasn't being filmed.

Q. All right. So you were not being filmed. So the B camera in this case -- just in case anybody's up on this, the B camera in this case was a stationary camera that was just doing the wide shot?

A. Yes.

Q. So there was no two shots of the interviewer?

A. No.

Q. All right. Now, your recollection is you were called the day of this to participate?

A. Yes. Yes.

Q. And when you wrote out the questions, did you write out answers?

A. No.

Q. Was there ever a script for the Arvizos to follow?

A. Absolutely not.

Q. Did you receive instructions on specifically what your questions should be?

A. I submitted a list, and some of them were crossed off.

Q. All right.

A. So, yes.

Q. So what -- your first list, then, you just wrote from what you knew by then about the situation; is that right?

A. Exactly.

Q. And then you submitted that to Mr. Schaffel?

A. Correct.
Q. And somehow by the time you got ready to ask the questions, some things were crossed off; is that right?
A. That is correct.
Q. All right. Okay. Now, you were told to report, as it were, you were asked to go to Mr. Moslehi’s home, correct?
A. Yes.
Q. Had you been there before?
A. Yes.
Q. And did he have a professional set-up for filming an interview?
A. Yes.
Q. All right. He had a backdrop? A screen backdrop, right?

A. He had a backdrop. I mean, it wasn’t the best of locations to do this, but, you know.
Q. Did you -- were you aware of the deadline that you were on to submit this film to the television producer?
A. I know there was a deadline. I don’t know what that deadline was. I only knew it was urgent.
Q. So you were trying to get it done that evening; is that correct?
A. Yes.
Q. All right. When did you get to Mr. Moslehi’s house?
A. Later in the evening. Probably 10:30 or 10:00. Maybe even later.
Q. And when you arrived, who was there?
A. Oh. I know Hamid and the crew was there, because I went in and helped them set up. So that would be Hamid, Mark, a guy named Ray, and one other crew member. I don’t remember his name.
Q. All right. So you had the -- when you say “Mark,” that’s Marc Schaffel?
A. No, Marc wasn’t there.
Mark is an audio guy, I’m sorry.
Q. I’m sorry, that’s right. All right.
So Mark is an audio guy. We don’t know his last name.
A. No.

Q. All right. In any event, let’s just do it this way: You had the crew, the audio guy and a couple of other people assisting?

A. Right. And I -- you know, you think about this series of events, and I don’t know if the family was there yet. I don’t think they were.

Q. Okay. That’s what I was going to ask you next. But you had Hamid Moslehi, who was basically the director of photography for this shoot; is that right?

A. Yes.

Q. All right. And some staff, and then yourself, right?

A. Right.

Q. All right. Now, you just told us you’re not sure when the family got there. You thought they weren’t there yet. But as you sit there, do you have a better recollection?

A. All I know is that at one point there was more people there. There was also the family and another guy who was working with Marc, Vinnie Amen, and there was a man that I was told was a private investigator there.

Q. All right. Do you remember that person’s name?

A. No. I -- I know his name now, but I didn’t know who he was at the time.

Q. You didn’t know him. And did you even know he was a private investigator at the time?

A. I know I knew that by the end of the night. I don’t know at what point I asked a question and -- you know, because we weren’t talking a lot, you know. I was doing my job, so --

Q. Let me ask about the private investigator. Did -- did he do anything to interfere with the production?

A. No, he just -- he was an onlooker.

Q. Okay. Did he do anything to suggest questions or answers or --

A. No.

Q. -- anything whatsoever?

A. No. No intervention.

Q. Now, you mentioned Vinnie Amen. You said he worked for Marc Schaffel; is that correct?

A. Yeah.

Q. And was he there during the entire shooting?

A. Yes.

Q. Did he do anything to interfere with the production?

A. No.

Q. Did he suggest questions, change questions, do anything with regard to questions?

A. No.

Q. All right. Did he do anything to suggest answers or anything of that sort?

A. No.

Q. All right. Now, you said the family was there. Do you recall if they all arrived at the same time?

A. No, I don’t recall.

Q. When you say “the family,” can you tell us who they were?

A. They were Janet, Gavin, Star and Davellin. Davellin.

Q. Arvizo?

A. Arvizo, yes.

Q. And the mother and the three children; is that right?

A. Yes.

Q. Have you ever had occasion to see the raw footage that was shot that night?

A. No.

Q. Was it your intention to produce from this shooting a three-hour interview that would be shown in its entirety?

MR. AUCHINCLOSS: Objection; leading.

THE COURT: Overruled. You may answer.

THE WITNESS: It would not be shown in its entirety, no.

Q. BY MR. SANGER: What is your understanding of what you were doing? In other words, what the end result would be. You’re shooting raw footage. What do you expect is going to happen to it after

that?

A. Well, first of all, obviously it has a television value. Anything we want to interject -- any Michael program that we would want to use to rebut the Martin Bashir documentary, that would obviously be a huge building block and foundation for that production.

Q. So I guess what I'm asking is more on a technical level. Did you expect somebody would edit and cut and take parts out of this and use it?

A. Yes.

Q. Okay. Do you know if it ever aired?

A. No, I don't think Hamid ever gave it to Marc, so, no.

Q. Okay. So nobody had a chance, then, to cut it or select scenes from it or questions from it to play on television, as far as you know?

A. No. Nobody ever had the footage.

Q. All right. When you are doing an interview of this sort, do you simply go through in a linear fashion and ask questions and stop, or do you sometimes reask the same questions?

A. Some -- especially when you're dealing with four people, sometimes I'll ask the same question four times. Or if I get an answer that is like cold, "yes" or "no," or, "Yeah, he's a really good guy," then I'm going to say, "Would you restate the question and your answer?" You know, "If you're trying to tell me that Michael is a really nice guy, say, you know, 'Michael is a really nice guy; for example...."

So, yeah, you definitely help them in the ways that -- they're not going to hear my voice in the television production, so they need to restate my question in their answer.

Q. So in other words, you're trying to get answers in the tape that would be usable to be cut into a television program; is that correct? On this particular occasion that's what you were trying to do?

A. Yeah, so that anybody could do, like, a voiceover or even another interviewer could be heard asking the questions. It's kind of a trick of the

trade, I guess.
Q. In other words, you didn’t expect that your actual voice would be used on television; is that right?
A. Right. Right.
Q. And in fact, you were not miked in a way that your voice was being recorded appropriately?
A. Yeah, I wouldn’t have been miked.
Q. All right. Now, in the course of this interview -- and I’m going to go back to the set-up here in a second, but let me ask you a general question.
In the course of this interview, were any of the answers scripted?

A. No.
Q. Were any of the answers rehearsed?
MR. AUCHINCLOSS: I’ll object. Foundation.
MR. SANGER: Let’s put it this way. Fair enough. Let me withdraw it.
Q. To your knowledge -- you’re sitting there. You’re doing the interview. Did you have any of the answers in advance?
A. Of course not.
Q. All right. Did it appear to you to be a spontaneous interview as far as the answers to your questions?
A. Oh, I think they were nervous. Can I --
Q. But --
A. It was spontaneous, yes. I would ask questions and they would give answers.
Q. All right. Now, let’s go back to the set-up for this for a second.
You say the family got there. Do you remember what the kids did before the filming actually took place?
A. Yeah. I remember meeting the kids. I shook their hands. We were introduced. And I wanted to make them feel comfortable with me, because I was going to be asking them sometimes questions that might not be, you know, comfortable to ask to a stranger.

So they were playing video games, and they showed me a production that Michael funded at the ranch called “Neverland T.V.,” and it was like a kids’ show.

Q. And did that star Star?

A. Yes, Star was the star. Star was really adamant he was going to be a comedian.

Q. All right. And so you talked with them. They showed you that video there?

A. Right. And, you know, they were just kind of lounging. You know, I would try to be nice to them and stuff, but they were -- they were kind of in their own world, in a way. They didn’t --

Q. Did they feel -- I’m sorry. Let me withdraw that.

Did they appear to be comfortable there in Mr. Moslehi’s house?

A. You would have thought it was their house.

Q. All right. Now, what about Janet Arvizo? Do you remember her demeanor?

A. Yeah, I probably talked with Janet. For some reason, it took a long time to get going, so I had about probably a half-an-hour conversation with Janet before the interview.

Q. All right. And what was she doing before the interview actually started, besides talking with you?

A. Talking with me, talking with Hamid. She

was on her cell phone a lot. You know, eating food. Just being comfortable.

Q. Did she appear to be comfortable in Mr. Moslehi’s house?

A. Yes.

Q. You say “eating food.” How did she get food?

A. Oh, you know, there was probably drinks and stuff out. But I know that -- you know, we were in the kitchen, and she was just opening the fridge, and -- you know, it was a very comfortable setting. It wasn’t like a normal T.V. production. It wasn’t huge lights and 50 crew members. It was pretty intimate.

Q. She felt comfortable just going in his refrigerator and getting --

A. Yeah, she -- yeah.
Q. All right. Now, Janet Arvizo appeared to have makeup on in this film; is that correct?
A. I don't know.
Q. Okay. Did you have anybody there doing makeup?
A. No. No.
Q. Did you have anybody there to do her hair?
A. No.
Q. And when she arrived, did she look pretty much the way she looked when she was on the screen?
A. I think so, yes.

Q. So she didn't get there and then somebody made her up for the show?
A. Not -- not that I remember, no.
Q. Okay. Now, when you were talking with her before the shooting started, do you recall what she was saying?
MR. AUCHINCLOSS: Objection to any answer other than "yes" or "no."
Q. BY MR. SANGER: Start with that.
A. Yes.
Q. Okay. What was she saying?
MR. AUCHINCLOSS: Objection; hearsay.
MR. SANGER: Both for impeachment and state of mind, Your Honor.
THE COURT: Overruled.
You may answer.
THE WITNESS: She was saying a lot. She talked about Michael being a great father figure to the family. She talked about how horrible it was, how he was portrayed in the video.

She was very eager to do the interview. She wanted to make the situation right for Michael, because she felt like what had happened on television was, you know, like a really bad thing.

She had so much respect.

And -- you know, she -- and she's a very religious woman. She kept talking about God and Jesus, and, you know, how lucky that they were to have, you know, Jesus help them and brought Michael into their lives, and that he was a healer.

Like, she was saying things that I thought were a little nutty. You know, I -- I thought she was a warm person, but at the same time, I didn't want -- you know, she was -- she was warm, but I didn't feel --

MR. AUCHINCLOSS: Object to the narrative.

THE COURT: Sustained.

Q. BY MR. SANGER: Okay. Do you recall anything else that she talked about during the time she was talking to you?

Let me ask, did she talk about her ex-husband at all?

A. Oh, yeah, a lot.

Q. Could you explain what she talked about in that regard?

MR. AUCHINCLOSS: Objection. Hearsay; irrelevant.

THE COURT: Sustained.

Q. BY MR. SANGER: Let me put it this way.

Did she have a name for her ex-husband?

A. Yes.

Q. What did she refer to him as?

MR. AUCHINCLOSS: Objection. Hearsay; relevance.

THE COURT: Overruled.

You may answer.

THE WITNESS: The children's biological father.

Q. BY MR. SANGER: Now, without going into detail as to what she said to you any further about the ex-husband or the biological father, what she was telling you in this half-hour conversation, was that consistent with what she said when the cameras were rolling?

A. Yes.

Q. And when she was talking to you, did she appear to be spontaneous? In other words --

A. Before or after?

Q. Well, let's take the half-hour conversation.

Was she just talking to you?

A. Oh, yeah. Yeah.

Q. And were you asking her questions to elicit all this that she was talking about?

A. No, she was -- I mean, I asked her some questions. I wanted her to feel comfortable with me, but that was like, you know, zero to -- that was in no time. She was talking a lot. And I was probably asking her questions to see -- you know, because I gave her the questions that -- I told her a lot of the questions that I was going to ask her, you know.

Q. When you say you gave her the questions, did you give a written list?

A. No, no, no. I did not give her the

questions, but I let her read my questions, and I went over, you know, "If you don't feel comfortable with anything, that's fine, I don't have to ask it." You know, that kind of stuff.

Q. All right. And is that an unusual procedure when you're doing an interview with somebody, to go over the questions in advance?

A. If they've done a lot of interviews, then you would not want to give them -- you would not want to show them the question, because they're used to answering questions.

But I was pretty sure that this was the family's first time doing a televised interview, so I -- yeah, I went over certain kinds of things with all the kids to make them feel more comfortable. I didn't tell them what to say. I just told them, you know, "I just want you to tell the truth." I said that a lot. But I definitely, you know, made them feel as comfortable as possible.

Q. Now, do you recall Janet Arvizo talking to anybody about being compensated for doing the video?

A. I don't recall her talking to anybody about being compensated, but Hamid told me that she wanted to be compensated.

MR. AUCHINCLOSS: Objection. Hearsay; move to strike.

THE COURT: Stricken.

Q. BY MR. SANGER: So she had no discussion in

your presence about being compensated; is that right?

A. Not that I know of.

Q. All right. Was there any discussion with Janet Arvizo about model releases?

A. Yes, that was the big issue of the night.

Q. Now, are model releases an unusual procedure in your profession?

A. Are they unusual?

Q. Yeah. Is it unusual --

A. No.

Q. -- to get somebody to sign a model release?

A. No, it's required.

Q. So before you do an interview or you're going to put somebody on tape to send to television, you have them do a model release; is that right?

A. Yeah, especially when you're dealing with kids. That's the -- yeah.

Q. Was there anything unusual, as far as you were concerned, about the model release in this particular case?

A. Yes. She wasn't signing the model releases and she was yet so eager to do this interview. And so I just -- I thought it was money, and I -- that was purely my thought, but -- you know, I thought she wanted money.

Q. All right. At some point, did she -- did she, meaning Janet Arvizo, talk with somebody on the telephone about the model releases?

A. Yes, she was talking about the model releases, but I don't know what else -- you know, she was answering "yes," "no."

Q. So during the time you were trying to get a model release signed, she was on the phone?

A. Right. Right.

Q. Was it more than once?

A. Yeah, it was ongoing. Like I was freaking out, because, you know, I was calling Mr. Schaffel and saying, "We're not going to be able to do this. She won't sign the model releases," because I was told not to do it without signed releases.

Q. Did she eventually agree to sign the model release?

A. I believe she signed, but I believe it was after the interview.

Q. All right. So at some point, the production went ahead?

A. Yes.

Q. And were you in charge of actually getting the model release in your hand, or was that somebody else?

A. No, I needed to see them signed. I know Vinnie was supposed to take the model releases up to Mr. Schaffel at the end of the night. It wasn't my responsibility.

Q. So your understanding is that they were signed sometime before the night was over; is that right?

A. No. I know they were signed, yes.

Q. Did anybody -- did you see anybody coerce Miss Arvizo into signing the model releases?

MR. AUCHINCLOSS: Objection; foundation.

THE COURT: Overruled.

THE WITNESS: No, I didn't see anybody coercing her.

Q. BY MR. SANGER: And when she went to begin the interview, did it appear to you -- let's put it this way. Was there anything that you saw that indicated that she was not absolutely willing to give this interview? Was there anything that you saw that indicated to you that she was unwilling to give this interview?

A. No. Except for the model releases.

Q. All right. And I guess what I'm saying is, when it started --

A. No, she wanted to do the interview. She was adamant about wanting to do the interview. But that's why I was like in a very strange place, because, "If you're so eager to do this interview, then why won't you just sign the model release?" Like, I didn't know how to treat the situation.

Q. All right. Now, you finished that project that night?

A. Correct.

Q. And that was the end of your involvement in that part of it, is that correct; in other words, the filming of the Arvizos?

A. Yes.

Q. The filming was over. Okay.
And by the time -- did it appear to you that anybody had, in your presence, done anything to intimidate Mrs. Arvizo or the children?
A. Absolutely not.
Q. By the time you left that night, or they left, whoever left first, by the time you parted company with the Arvizos, did you ever see them again in person?
A. I don’t think I did.
Q. That was -- your contact with the Arvizos was that night; is that correct?
A. Correct.
Q. During the entire course of that time that you had contact with the Arvizos, did any of them indicate to you in any way that they were being held against their will?
A. Not at all.
Q. Did any of them indicate that they were being extorted?
A. That they were being extorted?
Q. Extorted.
A. No.
Q. All right. Did any of them indicate in any

way that they had been mistreated by Michael Jackson in any way?
A. No, they indicated -- they indicated the opposite.
Q. And that was true of the statements off camera as well as on camera; is that right?
A. Right.
Q. Did they indicate in any way that they had been mistreated by anybody who was working for Mr. Jackson?
A. No.
Q. Was -- did there appear to be any animosity or tension or anything inappropriate in the relationship between Mr. Amen and any members of this family?
A. No.
Q. Did the private investigator appear in any way to do anything or exhibit any behavior that indicated there was anything inappropriate going on

there?

A. No.

Q. Now, you did mention Gary, Indiana. Do you recall participating in another production -- or not a -- a production of another piece?

A. A lot of pieces, yeah.

Q. Was the Gary, Indiana, ultimately televised as “Michael Jackson’s Home Movies,” or was that part of what you did for that?

A. You know, that may have been part of the “Michael Jackson Home Movies,” but I -- I always viewed my purpose filming for Michael as more of an archival documentary. I don’t -- it will be on television some day. And, you know, Michael has seen a lot of the footage, but I don’t know how much of that has aired.

MR. SANGER: Okay. All right. I have no further questions. Thank you.

THE COURT: Cross-examine?

CROSS-EXAMINATION

BY MR. AUCHINCLOSS:

Q. Good morning, Mr. Robinson.

A. Good morning.

Q. Now, you’ve testified that you are a videographer?

A. Among other things, yes, sir.

Q. Among other things. And would it be fair to say that videography was the primary job that you did when you were working in -- on behalf of Michael Jackson?

A. No, I wouldn’t say it was primary.

Q. Okay. Give me a description of the types of tasks that you would undertake on behalf of Mr. Jackson.

A. Okay. It’s a lot. I started out on “What More Can I Give?” as mostly an interviewer who ran a

B camera, a secondary camera. It transitioned to the point where I would produce events. Like Michael had a birthday, so I booked crews, and I would locate -- you know, I would give crews positions and give them instruction on what we’re going to cover. I would take the footage from, like, Gary Indiana, for example, and edit like a ten-minute selects reel with music for Michael to watch, you know, so he could enjoy it. And also if we had a media person that was interested in the footage, we would -- we could show them that at some point. So it was -- it was pretty encompassing.

Q. You also said that you would sometimes prepare videos for archival purposes.

A. Yeah. I didn’t feel like what I was shooting was for any specific television show most of the time.

Q. Would you sometimes prepare videos just for Mr. Jackson’s personal use?

A. Yes. I prepared a few, yes.

Q. And would those mostly comprise videos of fans praising Mr. Jackson, that type of thing?

A. No. I mean, the fans are obviously praising Jackson, but it’s also, you know, you establish with the airport in Gary, you know, and then you just show the madness of the trip. And, you know, if Michael’s being awarded something, then you show that. You know, it’s just like a mini documentary about the event.

Q. But haven’t you stated before that Michael Jackson particularly enjoyed videos of his fans when they were praising him, King of Pop, King of the World?

A. He was the king of -- yeah. Absolutely.

Q. You used those words, “King of Pop,” “King of the World”?

A. “King of Pop,” “King of the World.” The people loved -- they loved to let him know how they felt.

Q. And Mr. Jackson liked to see those videos?

A. Absolutely.

Q. All right. Now, would it be fair to say that in your work for Mr. Jackson, some of this video work that you would do would be for public relations purposes?

A. Yeah, I’m not going to obviously film somebody saying, “Michael is a jerk.” I’m like,

"Oh, yeah, that's going to make the video."
Q. So you were primarily involved in public relations aspects of --
A. Yeah.
Q. -- Michael Jackson and his image, making his image appealing to the public?
A. Sure. You could say that that was part of my job description.

Q. Okay. Because you were working for Michael Jackson?
A. Exactly. I was working for an artist. I'm not going to -- I'm going to make him look as good as possible.
Q. All right. And you've had a business relationship with him?
A. Correct.
Q. How many times would you say you have personally talked business with Michael Jackson, if you can approximate?
A. You know, maybe -- maybe 100. You know, and if there's an eight-day trip, then a couple times a day, so that's how I am coming up with that number.
Q. All right. And your relationship with him was strictly business?
A. Well, I mean, I considered him a nice guy. We would talk a little bit. He was interested in what the camera was. And, you know, he was always very kind to me.
Q. And you're aware that Mr. Jackson has been in the entertainment industry for virtually his entire life?
A. Yes.
Q. Okay. Over 40 years?
A. 40, wow, that's -- that's a long time.
Q. It is.
So would you agree that Mr. Jackson is

fairly accomplished in the area of public relations?
A. No.
Q. You wouldn't agree with that?
A. No. He's -- he's a public relations nightmare in a lot of ways, I think.
Q. Well, how did he become the king of pop

without having some acumen in public relations?

A. Because he’s a genius musically, man. You know, that’s I believe how he became so famous. I think the PR thing is a whole different story.

Q. Well, as far as his work in the public relations part of his career --

A. Uh-huh.

Q. -- this -- let’s talk a little bit about the “Home Movies” thing.

A. Okay.

Q. Was that a public relations film?

A. Well, I believe they paid, like, eight million dollars for it, so I wouldn’t call it a public relations film.

Q. But it was designed to promote Michael Jackson’s career in some fashion?

A. Everything an artist does, yeah, I believe is.

Q. Do you think everything Michael Jackson does is somehow related to promoting his career?

MR. SANGER: Objection, Your Honor. That’s vague. Beyond the -- no foundation.

THE COURT: Sustained as vague.

Q. BY MR. AUCHINCLOSS: Well, let’s talk about the -- you’ve heard some of the stories about Mr. Jackson with sleeping in a hyperbaric chamber, that type of thing?

MR. SANGER: Objection, Your Honor. Beyond the scope of direct and no foundation and calls for hearsay.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Have you heard of any PR stunts that Mr. Jackson has pulled on his behalf that are somewhat odd or unusual that get a lot of attention?

MR. SANGER: Objection, Your Honor. Argumentative; no foundation; assumes facts not in evidence; and hearsay from tabloids.

MR. AUCHINCLOSS: It’s a “yes” or “no” question.

THE COURT: Sustained.

MR. AUCHINCLOSS: All right.

Q. Now, you’ve been personally involved on a

number of projects with Mr. Jackson?
A. Yes, sir.
Q. The “What More Can I Give?” shoot, correct?
A. Correct.
Q. “Home Movies”?
A. Yes.
Q. That was -- part of that, I believe you said, was shot in Gary, Indiana?

A. You know, I believe they used some of that footage. I never saw the finished product.
Q. Did you also involve yourself in a shooting of a party that involved an artist by the name of Britto at Neverland?
A. Oh, yes. Yes.
Q. So you shot the film for that?
A. Yes.
Q. When was the “Home Movies” shot?
A. The “Home Movies” --
MR. SANGER: I’m going to object. I believe there’s a lack of foundation on that.
MR. AUCHINCLOSS: Well, I can maybe clean that up a little bit.
Q. When did you do the shoot that you’ve talked about in Gary, Indiana, that was used in “Home Movies”?
MR. SANGER: I’m going to object to that. There’s no foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: Gary, Indiana. That would have been -- it was getting warm. I would say it was -- this is an estimation. I could be way off here. I think it was in the spring of 2003.
Q. BY MR. AUCHINCLOSS: I’m sorry?
A. I think it was in the spring of 2003.

Q. Okay. And when was the Britto party filmed?
A. Neverland party. I don’t know. I really don’t know the dates of the Neverland party.
Q. Could it have been in the fall of 2003?
A. Yes, likely.
Q. Does that ring a bell?
A. I mean, you guys know, you know. And I’m

horrible with dates, but -- yeah.

Q. It was several months after the shooting of the Arvizos; is that accurate?

A. It was after the shooting of the Arvizos?

Q. Yes.

A. Okay.

Q. Well, do you know?

A. I don’t know. I don’t know. That was -- that was a stressful trip to me, and I think my mind flushed it away.

Q. So the -- but both of those projects were Neverland Valley Entertainment projects, correct?

A. Neverland Valley Entertainment, yes.

Q. They both involved Marc Schaffel?

A. Yes.

Q. Michael Jackson was employing Marc Schaffel for each of those projects, to help produce them?

A. Yes. You know, I don’t think Michael Jackson produced -- actually, I don’t think Michael -- I think the party was Marc’s idea. I don’t think that was something that Michael initiated. I think that was a Marc thing.

Q. And that was a promotional party, thousand-dollar-a-plate dinner type of a thing, right?

A. It was weird, yeah.

Q. Why do you say it was weird?

MR. SANGER: Objection. Your Honor, this is beyond the scope of direct.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Now, did you get to know an individual named Brett Ratner during any of these shoots?

A. Yes.

Q. Which shoot was that?

A. That would have been the “Home Movies” shoot, and kind of -- there’s another shoot that Hamid had, you know, the second camera show, the FOX “The Interview You Weren’t Meant To See.” He may have had something to do with getting some footage for that as well, but I know those were close together, so --

Q. So did Mr. Ratner work with Mr. Schaffel in

those two productions?
A. Did Mr. Ratner work with Marc?
Q. Yes.
MR. SANGER: I’m going to object. Lack of foundation. And also beyond the scope of direct, and relevance.

THE COURT: Overruled.
You may answer.
THE WITNESS: I believe that Brett Ratner was paid by FOX.
Q. BY MR. AUCHINCLOSS: All right. And --
A. That’s my --
Q. Do you know that?
A. That’s what I have assumed the entire time.
Q. Weren’t these productions produced, packaged, and then sold to FOX?
MR. SANGER: Objection; lack of foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Okay. How did you meet Mr. Marc Schaffel?
A. The first time I came to L.A., I met Mr. Schaffel on a pilot for a comedic sitcom that was produced by Joseph Medawar.
Q. You didn’t meet Mr. Schaffel at an Indy film festival?
A. No.
Q. And what year was it that you met Mr. Schaffel?
A. Hmm. When I first met Mr. Schaffel, it would have been sometime early 2001 or in 2000.
Q. Did you form a business relationship with Mr. Schaffel after that time?
A. I was back and forth from Utah a lot, so, yeah, I mean, it started then, you know, that I

realized that, you know, he was a very smart person, and I would like to work with him, sure.
Q. Okay. And Fred Schaffel headed up Neverland Valley Entertainment, correct?
A. Correct.
Q. And that was an enterprise that was formed with Mr. Jackson?
MR. SANGER: Objection; lack of foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Do you know if that was an enterprise that was formed with Mr. Jackson?

MR. SANGER: Objection. Lack of foundation beyond a “yes” or “no.”

THE COURT: You may answer “yes” or “no.”

THE WITNESS: Please repeat the question.

Q. BY MR. AUCHINCLOSS: Do you know if Neverland Valley Entertainment was an enterprise formed with Mr. Jackson -- by Mr. Schaffel with Mr. Jackson?

A. Yes.

Q. Okay. And was Neverland Valley Entertainment an enterprise that was formed by Mr. Schaffel with Mr. Jackson?

MR. SANGER: Objection; lack of foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: How do you know that this enterprise was formed with these two individuals?

A. How do I know?

Q. Yes.

A. Well, I never saw any paperwork.

Q. But did you see them work together in enterprises that involved Neverland Valley Entertainment?

MR. SANGER: Objection; argumentative.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: How do you know that? Why do you say that you know that Neverland Valley Entertainment involved Mr. Jackson and Mr. Schaffel?

MR. SANGER: Well, I’m going to -- I’m going to object that that’s what he said. That was not the question, so misstates the evidence.

THE COURT: Overruled. You may answer.

Q. BY MR. AUCHINCLOSS: Go ahead.

A. I assumed that because of “What More Can I Give?” And then everything I did with Marc was under the same company, so, yes.

Q. Marc Schaffel --

MR. SANGER: Excuse me, I’m going to then move to strike the answer as being without an

adequate foundation and the answer to the prior questions on that subject.
THE COURT: I'll strike the answers that he gave relating to that relationship as a company.
Go ahead. Next question.

Q. BY MR. AUCHINCLOSS: Neverland Valley Entertainment -- everything that Neverland Valley Entertainment did involved Mr. Jackson in some fashion, as far as you know, true?
MR. SANGER: Objection; lack of foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Michael Jackson and Marc Schaffel were friends, correct?
A. Yes.
Q. And Mr. Schaffel admired Mr. Jackson?
A. A great deal.
Q. He respected him?
A. Yes.
Q. Did you ever spend the night at -- well, let me back up.
How many times did you work for Marc Schaffel?
A. How many times did I work for Marc Schaffel?
Q. Yeah.
A. Couldn't put a number on it. A lot of days.
Q. On how many different projects did you work for Marc Schaffel on behalf of Neverland Valley Entertainment?
A. How many different jobs or how many different days?
Q. Let's start with jobs.
A. Probably 10 or 12. Maybe 15.
Q. And -- go ahead.

A. A lot of them were more than one day, so --
Q. And how many different days, approximately?
A. Probably 140 days of work. Maybe between 100 and 140. I'm not positive.
Q. And --
A. Maybe less, actually. Maybe like 70, even.
Q. Did Mr. Schaffel see working with Mr. Jackson as a significant career opportunity?
MR. SANGER: I'm going to object. Lack of

foundation; calls for speculation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Did you ever discuss with Mr. Schaffel his work with Michael Jackson?

A. While I was -- Marc didn’t --

MR. SANGER: It’s -- excuse me, Your Honor. I believe that would be a “yes” or “no.” Otherwise, I object as calls for hearsay.

THE COURT: All right. I’ll sustain the objection.

You can read back the question.

It’s a question that only requires you to answer “yes” or “no.”

THE WITNESS: It only requires me to answer “yes” or “no”?

THE COURT: Yeah. So wait. I’ll let you have the question back.

THE WITNESS: Okay. Thank you.

(Record read.)

THE WITNESS: Did I ever discuss with Schaffel his work with Jackson. I tried.

Q. BY MR. AUCHINCLOSS: Okay. And you, I believe, have testified that you engaged in work for Mr. Jackson that involved Mr. Schaffel?

A. Yes.

Q. On numerous occasions?

A. Yes.

Q. And you would agree that Marc Schaffel would never do anything to hurt Michael Jackson, would you not?

MR. SANGER: Objection. Calls for speculation; lack of foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Based on everything you’ve heard and seen.

THE COURT: Sustained.

THE WITNESS: Sustained. I can answer?

MR. AUCHINCLOSS: No.

Q. Have you ever seen Marc Schaffel do anything to hurt Michael Jackson --

A. No.

Q. -- intentionally?

A. No.

Q. When you’ve worked with Schaffel, have you stayed at his house at times?

A. Yes.

Q. And when you worked for Mr. Schaffel on behalf of Neverland Valley Entertainment, were you paid by Neverland Valley Entertainment?

A. Most of the time. Once in a while I would get a check from Michael’s office, I believe.

Q. And do you consider yourself a friend of Marc Schaffel?

A. Yes, I do.

Q. A close friend?

A. No, no, not close, but, you know, he’s a good guy.

Q. When was the last time you talked to him?

A. I probably talk to him once a week. If -- sometimes a month will go by, especially lately. I’ve been very busy, so I don’t see him much.

Q. Do you respect Marc Schaffel?

A. In a few ways I respect Marc Schaffel a lot. In a few ways I would say that he’s not the kind of person that -- in a few ways I respect him a lot, like as a business mentor. He was very good to me, you know. I know his family, you know. But in a few career decisions that he made in the past, I wouldn’t model my career after.

Q. Such as his previous --

MR. SANGER: Objection, Your Honor.

MR. AUCHINCLOSS: I haven’t finished the question.

MR. SANGER: But I’d like to be heard, then.

THE COURT: Go ahead. Ask your question.

Q. BY MR. AUCHINCLOSS: Such as his previous experiences in the entertainment industry?

A. Such as his previous experiences in the entertainment industry.

Q. All right.

A. Yeah.

Q. Now, does -- do you know if Mr. Schaffel has connections in Brazil?

MR. SANGER: Objection.

THE WITNESS: Connections?

MR. SANGER: Beyond the scope of direct.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Let’s talk a little bit about the Bashir film.

A. Okay.

Q. That film was indeed a public relations nightmare for Mr. Jackson, true?

A. Yes.

Q. And you saw the appearance of Gavin Arvizo in that film as a serious liability for Michael Jackson, correct?

MR. SANGER: Objection; vague.

THE COURT: Overruled.

You may answer.

THE WITNESS: Yes.

Q. BY MR. AUCHINCLOSS: Okay. And that one of the problems in that film was that Michael Jackson was recorded holding hands, cuddling with Gavin Arvizo on a sofa, and talking about sleeping -- Gavin Arvizo was talking about sleeping in Michael Jackson’s bed?

A. There were --

MR. SANGER: Object. One second, please. Objection. That’s compound and it misstates the evidence.

THE COURT: Compound. Sustained.

Q. BY MR. AUCHINCLOSS: One of the problems in that film was that Gavin Arvizo was on a sofa with Michael Jackson being physically affectionate with him, true?

A. One of the problems, yes.

Q. Yes. And another problem was that Gavin talked about sleeping in Michael Jackson’s bed?

A. Did he? I think he did. Yes. If he did, then, yes, absolutely.

Q. All right. And later in that video, Mr. Jackson admitted that he slept with a number of small boys, or small children?

A. Okay.

Q. That was part of the --

MR. SANGER: I’m going to move to strike the answer as without foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: You’ve seen the video, right?

A. I’ve seen it once and I read it once, but

that was two years ago, so I can’t -- I don’t know the exact language in the film.

Q. Well, you were -- you saw yourself as an individual that was attempting to address the public relations disaster or nightmare of the Martin Bashir footage, correct?

I mean, isn’t that what you were trying to do in the month of February with Marc Schaffel?

A. That -- was I trying to address the public relations nightmare? Yes.

Q. And this film footage that you were putting together with people like Debbie Rowe and the Arvizos was designed to help rebut the Martin Bashir?

A. Yeah, in part. Beyond financial, probably.

Q. And there was a financial component to this --

A. I’m sure.

Q. -- rebuttal film, correct?

A. Absolutely.

Q. Because it was designed as a money-making enterprise, true?

A. Yes. Not designed as a money-making -- I think it was -- I think it had two purposes, and they were equal.

Q. Okay. And the two purposes were --

A. To --

Q. -- to help Michael Jackson --

MR. SANGER: Objection. The witness was trying to answer.

MR. AUCHINCLOSS: I hadn’t finished my question.

THE COURT: The objection is overruled. Go ahead.

Q. BY MR. AUCHINCLOSS: And the two purposes were to help Michael Jackson with his public relations nightmare and make some money doing it. Those are the two purposes?

A. I think the PR thing was more important, now that I -- now that you say it that way.

Q. Okay.

A. But really the first thing we did was “The Interview You Weren’t Meant To See,” which showed how poorly Michael was treated in the first.

Q. Okay. So one of the things that you mentioned is very early on, you read a complete script of the Martin Bashir video?

A. I don’t know if it was complete. I found it online. It was a transcript, supposedly.

Q. Okay. And -- but that was before you even saw the Martin Bashir video?

A. Yes.

Q. And was that before -- between -- let me strike that.

Was that after it had been aired in England?

A. Yes.

Q. And you worked with Debbie Rowe on the filming with Debbie Rowe?

A. Correct.

Q. Videography; is that a fair way to describe your job at that particular time?

MR. SANGER: I’m going to object. That’s ambiguous.

THE COURT: Overruled. You may answer.

THE WITNESS: Like we’ve already talked about, I don’t classify my work as one thing. So that is part of what I do is videography, yes.

Q. BY MR. AUCHINCLOSS: But you weren’t the interviewer in that, right?

A. I was prepared to do the interview, but I did not do the interview.

Q. So you helped out with the cameras?

A. Right.

Q. Lighting?

A. I helped set up, get it done.

Q. And there were questions prepared for that interview?

A. Yes.

Q. Okay. And you don’t know for a fact whether or not Debbie Rowe was coached or screened beforehand concerning those questions?

A. She wasn’t coached or screened at Marc Schaffel’s house, if she was.

Q. Okay. But you don’t know, other than what happened at Marc Schaffel’s house?
A. Right.
Q. And how did it come about that Marc Schaffel contacted you to help with that?
A. If he had a video project and he needed to get it done, he would call me to help pull all the things together.
Q. You were in California at the time?
A. I may have been in Salt Lake at the time. I have a business in Salt Lake that I would travel back and forth whenever I had work here.
Q. Was there any discussion at the time about how you would be paid?
A. No. I always -- Marc always paid my invoices.
Q. Okay. Now, at this time, there was also -- let me strike that.
After the -- the Debbie Rowe interview was shot after the Martin Bashir had aired in the United States, true?
A. I don’t know.
Q. Okay. In any event, after the Bashir film aired in the United States, you were aware that it would be very valuable to get the Arvizos on videotape?
A. Yeah, I think we knew that that was a possibility.

Q. “We” being you and Marc and who else?
A. Anybody who, you know, has a logical brain, you know. You know, this kid that’s causing all this news, he’s worth money. And I don’t think that was our primary motivation. But if you can fix a bad problem and make money doing it, wow, you just -- you know, you just killed two birds with one stone.
Q. But certainly you knew that was going to be worth money? That’s really my question.
A. Sure. Of course.
Q. And you spent some time over at Mr.

Schaffel's house during that time period in February of 2003?

A. Yeah, we probably worked a lot.

Q. Were you spending the night over there at that time?

A. We had a whole camp set up there. A lot of people were spending the night up there.

Q. So you were one of them?

A. Yes.

Q. Did you see the comings and goings of various people that were involved in this enterprise?

A. Like Stuart and Vinnie and Frank, yeah.

Q. Okay. And Stuart Backerman, that was -- he was Michael's PR man?

A. That's correct.

Q. Vinnie, he's a close personal friend of Frank's?

A. He's a friend of mine, yeah.

Q. Okay.

A. He's a good guy.

Q. Friend of yours as well.

And Frank, you're talking about Frank Cascio, right?

A. Uh-huh.

Q. Frank Cascio's kind of like a brother to Michael Jackson; is that fair to say?

MR. SANGER: Objection. Objection.

THE WITNESS: I didn't see them together that much.

MR. SANGER: I'll withdraw it.

THE COURT: Okay.

MR. SANGER: I was going to say no foundation, but I think that's --

Q. BY MR. AUCHINCLOSS: You've seen Michael and Frank together?

A. I have.

Q. And in the past, you have described Michael and Frank as best friends, true?

A. That's how Frank --

MR. SANGER: I'm going to object. I'm going to object that that calls for hearsay.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: In the past, you have described Michael and Frank Cascio as sort of like brothers?

MR. SANGER: Objection; calls for hearsay.
Q. BY MR. AUCHINCLOSS: True?
MR. SANGER: No foundation.
MR. AUCHINCLOSS: Offered as impeachment.
THE COURT: Yeah, just a moment. I need to check something here.
All right. I'm going to overrule the objection.
Q. BY MR. AUCHINCLOSS: Didn't you say that in the grand jury when you testified?
A. Yes, that's how Frank would have described -- I would ask, probably, and that's --
Q. Well, that was your opinion when you described it, wasn't it?
A. Okay. Yes. If that's -- if those are my words. I don't have a transcript in front of me, so --
Q. Okay.
A. You can tell me. I'm not --
Q. Did you know a guy by the name of Dieter Weizner?
A. I know Dieter.
Q. How many times have you met Dieter?
A. Maybe 20. Maybe 15.
Q. And Dieter is an individual who's involved in business with Michael Jackson, correct?

A. Yes. Or he was.
Q. All right. And he was at that time?
A. Yes.
Q. Hamid Moslehi, he was Michael Jackson's personal videographer?
A. Yes. And photographer.
Q. I'm sorry?
A. And photograph.
Q. Director of photography?
A. Yeah, that's a good word for it.
Q. Okay. And the effort at this camp at Marc Schaffel's house was directed at helping Michael Jackson; is that true?

A. Yes.
Q. Everybody was working hard to help Michael Jackson during that entire period, correct?
A. Yes.
MR. SANGER: I’m going to object. It calls for speculation without a foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: That’s what you were trying to do, right?
A. Yes.
Q. Is help Michael Jackson?
A. Yes.
Q. And from everything you saw, it looked like Marc Schaffel was helping -- trying to help Michael Jackson, true?

A. Yes. Yes.
Q. And Frank?
A. Frank’s lazy, but, yeah.
Q. Okay. He’s lazy, but he wanted to help Michael Jackson if he could?
A. Yeah.
MR. SANGER: I’m going to -- well, I’ll withdraw it.
Q. BY MR. AUCHINCLOSS: All right. So one of your tasks during this time was to interview the Arvizo family?
A. That is correct.
Q. And Marc Schaffel is the one who assigned you to that task; is that correct?
A. Yes.
Q. And on the day that that was to be shot, you said that you spent some time writing down questions to ask the Arvizos?
A. That is correct.
Q. Okay. Had you ever met the Arvizos at that point?
A. No, I had seen the mother once, but I had never -- I had never been introduced to her.
Q. And you saw the mother at one time when?
A. Vinnie was driving her around doing errands and he had to stop by Marc’s.
Q. And the mother was out in the car?
A. I think she came up to the doorstep and I

opened the door, you know, but I didn’t have a conversation with her.

Q. And ultimately this film was to be filmed at Hamid’s house? That’s where it ultimately took place?

A. That’s correct.

Q. Do you know why it wasn’t filmed at Marc’s house, like Debbie Rowe?

A. Well, Hamid --

Q. That’s “yes” or “no.”

A. -- had all the stuff in his garage. It’s probably a pretty convenient location. I mean, we’re talking a thousand or more pounds of gear, so --

Q. Okay. Now, let’s talk a little bit about your day. What time of the day did you find out that you were going to be interviewing the family approximately, if you can?

A. Probably early afternoon.

Q. Okay. Did you ever tell a police officer that it was in the morning that you started work on this?

A. It might have been my morning. You know, I might -- if I woke up at -- late or something.

Q. And you started to prepare this script of questions, or this list of questions, and ultimately you were assisted in the final product, correct?

A. That is correct.

MR. SANGER: I’m going to -- well, I’m going to object to that question as being compound, misstating the evidence as phrased.

THE COURT: Compound, sustained.

Q. BY MR. AUCHINCLOSS: You were ultimately assisted in preparing this list of questions, correct?

A. Yes.

Q. And one of the people who assisted you was Marc Schaffel, correct?

A. Can I answer -- I don’t know. I mean, he was talking to somebody, so I don’t know if it was actually his call.

Q. Okay.

A. I may have taken the papers and faxed them to somebody or sent them an e-mail.

Q. You can answer that question. Who was he talking to?

A. I don’t know.

Q. You believed he was talking to a lawyer based on everything you saw, though?

A. Well, yeah, it wouldn’t --

MR. SANGER: Objection. Calls for speculation; no foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Were there some legal questions asked when you watched -- well, let me back up first.

Does Mr. Schaffel have a speakerphone in his office?

A. Yes.

Q. Does he frequently talk on that speakerphone?

A. Yes.

Q. Does he frequently talk on that speakerphone when people are present and can overhear conversations?

A. If it has no -- you know, if it’s not a personal conversation, sure. I mean --

Q. And did you overhear him talking on the phone when these questions were being worked on by Mr. Schaffel and another person who was on the phone?

A. I think at one point.

Q. Okay.

A. I don’t think it was the entire conversation.

Q. And based on everything you heard, did you form an opinion as to what the other person’s occupation was?

A. Yes.

Q. And what is that?

A. I felt -- because of the nature of the interview, I felt that the advice they were giving implied that they had a lot of legal knowledge or that they were an attorney.

Q. Okay. And the script of questions was modified and returned to you?

A. Not modified as in they just -- he just crossed them out.

MR. SANGER: I'm going to move to strike the answer for the purpose of objecting. The question misstates the evidence as to the word "script."

MR. AUCHINCLOSS: I said "script of questions."

THE COURT: The objection is overruled.

Q. BY MR. AUCHINCLOSS: Okay. The script of questions was modified and returned to you?

A. The list of questions was modified, yeah. Some of the questions were crossed out.

Q. Now, ultimately, this whole script or list of questions was formed by committee; is that accurate?

MR. SANGER: Objection, Your Honor. The witness has now clarified it's not a script. I object to the question. It's also compound.

THE COURT: Overruled.

You may answer.

THE WITNESS: I need to clarify that. It was not a script. That's not --

Q. BY MR. AUCHINCLOSS: That's fine. Call it a list.

A. It's a list.

Q. A list of questions.

A. Okay.

Q. Ultimately this list of questions was formed by committee; is that true?

A. True. That is true.

Q. Okay. And what was produced in this list of questions was somewhat thematic; would you agree?

A. Yes.

MR. SANGER: I'm going to object -- well, all right. I'll withdraw it.

Q. BY MR. AUCHINCLOSS: In other words, there were certain themes that you were going for; is that fair?

A. Yes.

Q. And you basically have testified on direct that the questions shape the interview?

A. That is -- that is correct.

Q. And the attempt here was to shape this interview into something that would be usable for the rebuttal film?

A. Yes.

Q. And you saw that this rebuttal film would be worth -- and I should say this rebuttal film in particular, the filming of the Arvizo family, you believed that that film would be worth a fortune, correct?

A. That would have been my opinion, yes.

Q. You believed it was worth millions, true?

A. Probably.

MR. SANGER: I'm going to object. There's a lack of foundation.

THE COURT: He answered it. I'll overrule the objection. Next question.

Q. BY MR. AUCHINCLOSS: Let's talk about some of the themes that were developing in the script of questions.

One of the major themes was that Michael Jackson is a good person; fair to say?

A. Described his character, sure.

Q. Another major theme was that Michael Jackson was taking in the Arvizo family as part of his family?

A. I mean, do you want all the beats? I probably can explain it to you. That was part of --

Q. What do you mean by "beats"?

A. Beats. Points that you're going to hit on.

Q. Okay. That was one of the points you were going to hit on, right?

A. Sure.

Q. And one of the points was that Michael was like a father to these kids?

A. Caretaker.

Q. I mean --

A. Father.

Q. -- that word was used, "father," in your questions, right? Wasn't it?

A. I don't have my list of questions.

Q. Okay.

A. But probably.

Q. Another beat was that Michael is a good parent, correct?

A. Is he a good parent?

Q. Another beat was that Michael is misunderstood?

A. Is Michael misunder -- yeah, yeah.

Q. Yeah. And another beat was that Michael is somehow responsible for healing Gavin’s cancer. Helpful or responsible, something along those lines, true?

A. Not responsible.

Q. Well, helpful.

A. Helpful, yes.

Q. Something he did, he helped heal --

A. Absolutely. He definitely --

Q. -- helped heal Gavin’s cancer.

A. We wanted to get that story, because it’s a great story.

Q. How long did it take you to ultimately achieve a finished product with this list of questions?

A. It may have been two hours. It may have been three. I was definitely working on other things at the same time, so....

Q. Do you know the person’s name who Marc Schaffel was talking to on the phone?

A. I don’t.

Q. Were you directed not to use any inflammatory language in your questions?

A. “Inflammatory” as in like the word “sex” or --

Q. “Sex” or “molest”?

A. Yeah.

Q. Were you told not to use those words?

A. I think -- “sexual” I think I ended up using. But I definitely didn’t use “molest.” I don’t think I used “sex.”

Q. My question is, were you directed not to use such --

A. Yes.

Q. -- inflammatory language? By whom?

A. Marc.

Q. During the time that you were at Mr. Schaffel’s home during this period, were you privy to conversations about the Arvizos being sent to Brazil?

A. I had heard -- you know, I had heard them on the phone talking about tickets and stuff, yeah.

Q. Who would “they” be?

A. Marc. Maybe -- maybe Vinnie. I think Vinnie had to do -- like he was -- he was like the grunt. He had to go to get passport photos and all that kind of stuff and -- you know.

Q. So you completed the script, and then -- or the list of questions. Let me say that correctly. And you were to report somewhere to conduct this interview?

A. Yes.

Q. Who directed you to report to Hamid’s house?

A. Hamid probably gave me instructions to his house. I probably called him.

Q. Do you know who directed you to go to Hamid’s house?

A. Who directed me to go there?

Q. Yes.

A. It was Marc Schaffel.

Q. In fact, wasn’t this -- the plan for this video, wasn’t the original plan for this video to be shot at Neverland of the Arvizo family?

A. Probably. I’m not positive. I think, you know --

Q. Weren’t you planning on going to Neverland to do this interview?

A. I think the family was staying up there, so that probably -- that was probably my plan. I can’t speculate as to my plans as going to Neverland. That doesn’t --

Q. Were you ever directed that you were going to Neverland at any time to conduct an interview of the Arvizo family? Did anyone ever tell you that you were going to do an interview of the Arvizo family?

A. Nobody told me we were going to. I think they told me that we wanted to.

Q. Okay. So, when did that plan -- when was that plan aborted?

MR. SANGER: I'm going to object to the -- misstates the testimony.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Was there a plan to go to Neverland to interview the Arvizo family?

A. I'm not sure.

Q. Who told you that, "We wanted to go to Neverland to interview the Arvizos"?

A. It was probably my suggestion. Marc. I don't know if that was Marc's opinion.

Q. Did you ever intend to go to Neverland to interview the Arvizos?

A. I would have liked to, yes.

Q. Did you ever intend to go to Neverland to interview the Arvizos?

A. Did I ever intend -- intend.

MR. SANGER: I think it's been asked and answered, Your Honor.

THE COURT: Sustained.

That's all right.

MR. AUCHINCLOSS: It has been asked and answered.

Q. When did your intent to go to Neverland to interview the Arvizos change?

MR. SANGER: Objection; misstates the evidence.

THE COURT: What he said was he would like to go there.

MR. AUCHINCLOSS: Okay.

THE COURT: I felt that was a sufficient answer to your question.

Q. BY MR. AUCHINCLOSS: When did your desire to go to Neverland to interview the Arvizos change?

A. I don't know. I don't know when that changed.

Q. Did it change on the date that you interviewed the Arvizo family?

A. Probably, if that's where I'm doing the interview, yeah.

Q. Were you ever told by anybody that the film cannot be done at Neverland because there's a problem?

A. I don’t know.

Q. You don’t know?

A. No.

Q. Now, some of the questions that you asked, I’m going to ask you some specific questions about those questions.

Did you say in the interview, “But in reality, has he actually taken you on as his family? Did Michael take you all in as his family? And please explain it.” Was that one of the questions you asked the Arvizo family?

A. I haven’t seen that list for two years. So I -- it sounds like something I might have asked them, but I can’t tell you for sure. And I’m not -- unless it’s a short question, I might not be able to.

Q. Okay. If I show you your testimony from the grand jury, do you think that would refresh your recollection?

A. That would be great, because that was a year closer to the actual events, so --

MR. AUCHINCLOSS: If I may approach, Your Honor.

THE COURT: Yes.

MR. SANGER: If I may inquire as to what page, please.

MR. AUCHINCLOSS: Page 530.

MR. SANGER: Thank you.

THE WITNESS: This question?

Q. BY MR. AUCHINCLOSS: Yes.

A. That was my testimony, uh-huh.

Q. Does that refresh your recollection?

A. If I didn’t ask that exact question, then it was definitely close to that, then.

Q. Okay. So you asked them a question close to, “But in reality, has he actually taken you on as a family? Did Michael take you all in as a family? And please explain it.” That’s close?

A. Sure.

Q. Okay.

A. Yes.

Q. Was that one of the --

MR. SANGER: I’m going to object, Your Honor, and ask to approach on that.

THE COURT: I don’t think he finished his question. I think you interrupted him.

What was the question?

Q. BY MR. AUCHINCLOSS: My question was -- the question I was starting --

THE COURT: Finish the question, yeah.

Q. BY MR. AUCHINCLOSS: Okay. Where did you get the notion that Michael had treated the Arvizo -- the Arvizo family as a family if you’d never met them?

A. Because I had been told by people like Vinnie, probably, who had spent a lot of time with them and knew everything about them, so --

Q. Vinnie told you about the Arvizo family being treated as a family by Michael?

A. Probably told me a little bit, yeah, or Frank.

Q. Did you have any other sources of information about the Arvizo family other than Vinnie and Frank?

A. Well, what Marc knew, you know; what Stuart knew. I don’t -- anybody who was around knew the family better than I did, if they had met them.

Q. Did you ask the question, “How about personally for Davellin and Star? Maybe give me an example of how Michael has treated you like a family.”

Does that sound about -- sound like an approximation, at least, of a question you asked?

A. Yes.

MR. SANGER: Well, that’s vague.

THE WITNESS: Oops.

THE COURT: Overruled. The answer was, “Yes.” Next question.

Q. BY MR. AUCHINCLOSS: “So you truly believe that your attitude about life has something to do with your health; is that right?” Is that a question you asked Gavin Arvizo?

A. Is that a question that I asked him?

Q. Yes.

A. How do I answer that if I don’t know if I asked the question when I was in his --
Q. Well, I don’t know, unless -- I mean, unless you tell us that --
THE COURT: Wait. Wait. Wait. Wait. If you don’t know the answer to a question, it’s all right to say “I don’t know” or “I don’t remember.”
THE WITNESS: I’m not sure if I asked him that exact question.

Q. BY MR. AUCHINCLOSS: What about, “And so do you feel that Michael’s love and Michael example and everything he did, do you think that had something to do with helping you get better? And explain it, please”? Is that one of the questions you asked?
MR. SANGER: I’m going to object that there’s a lack of foundation for this witness to answer about those questions.
MR. AUCHINCLOSS: I believe he testified he wrote it.
MR. SANGER: And, Your Honor, I object to that remark. These are questions that were asked, not the questions that were written.
THE COURT: Well, the objection is overruled. You may answer the question.
THE WITNESS: Please ask the question again.
THE COURT: I’ll have the court reporter read it back to you.
THE WITNESS: Oh, thank you.
(Record read.)
THE WITNESS: It was close, if it wasn’t the question.
Q. BY MR. AUCHINCLOSS: Okay. So where did you get the idea that Michael’s love and Michael’s example had something to do with Gavin getting better? Who told you that?
A. That probably would have been my assumption after spending time with Hamid and seeing the video of the child, Gavin, when he was very sick and Michael was, you know, like pushing him around in the wheelchair and -- you know.

So with that, me knowing what I’ve seen in videos before, and talking to people who have spent a lot of time with them.

Q. Okay. And you also asked a question, did you not, that “What was the biggest misconception that other people have, things that they don’t understand about Michael?” Was that one of your questions?

A. Yes.

Q. How did you know the Arvizos believed that there were misconceptions about Michael?

A. How did I know?

Q. Yes.

A. Well, if they’re going to come to a rebuttal video, then they probably feel like I do, and know that -- what everybody who knows Michael knew, which was that what was in that video, the Martin Bashir piece, wasn’t accurate, so that creates misconceptions.

Q. You said, asked Janet Arvizo, “Mom, do you think Michael is a good parent, a fit parent? And please explain.” Was that one of your questions?

A. Yes.

Q. And, “First of all, very briefly, just by -- just state -- by now I already know, but state for me how close a relationship you have with your children and then answer for me if you think Michael’s a good parent, if he is a fit parent.

“The first part of the question is, how close are you to your children? And then the second part is, knowing your children as well as you do, do you think Michael is a good parent? Do you think Michael is a fit parent?”

Is that one of your questions?

A. Pretty close.

Q. Was that one of the bullets that you were trying to --

A. Yeah, that would be a beat.

Q. A beat. A beat, yes.

A. That would be a talking point for sure.

Q. “And let’s just ask one more question. Let’s go. I think a lot of the time when people look at Michael as a parent, they see an extremely successful person who spoils his kids.” “I mean, even with you, Gavin, does Michael -- you know, does he give you instruction for -- you know, say things that you shouldn’t do, things that are wrong, I mean give you advice?” Is that one of your questions?

A. “Does Michael counsel you?” That was probably a talking point.

Q. That was a beat?

A. That’s like acting like a father, okay.

Q. And you expected to get positive responses to those questions, correct?

A. Yes.

Q. And when you went into this video shoot, you showed Janet the entire list of questions?

A. Probably, yes.

Q. Well, you said you did on direct.

A. Yeah, I showed her.

Q. So she saw you had a list --

A. I don’t know if she read all the questions, but I showed her the list.

Q. You showed her a piece of paper and there were a lot of questions written down on it?

A. Right. You know --

Q. Or papers, I should say. How many pages was this?

A. Probably two. Maybe three.

Q. Was it word-processed or handwritten?

A. It was probably mostly word-processed. I may have written some notes on those papers.

Q. Did you talk to the kids about these questions you were going to ask?

A. I gave them an order of the kinds of questions I would be asking them.

Q. Did you show them the piece of paper that you showed Janet?

A. I don’t think so.

Q. Do you know?

A. No.

Q. And you said -- I believe you talked with them for some time before the video shoot took place. Was that about an hour that you spent with the Arvizos before the shoot took place?

MR. SANGER: That’s really compound, Your Honor.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Was this about an hour of time that you spent with the Arvizos before the shoot took place?

MR. SANGER: Same question. Objection. Compound.

THE COURT: Overruled.

You may answer.

THE WITNESS: I wanted to start the interview as soon as possible. And we were held up because of the releases issue. So, yes, I did, in fact, spend more time with them before than I would have liked.

Q. BY MR. AUCHINCLOSS: And at this shoot, there was Vinnie Amen?

A. Yes.

Q. The Arvizo children?

A. Yes.

Q. Janet?

A. Yes.

Q. Was a man named Paul Hugo there?

A. Wow. If Paul was there, he was keeping a low profile. But it’s possible.

Q. Who’s Paul Hugo?

A. I don’t know. Well, he was -- he’s somebody who works -- knows Marc. Beyond that, I really don’t know who he is.

Q. Was Paul Hugo at Marc Schaffel’s house during that period of time?

A. He may have been. He may have been brought in to help.

Q. And you did the video shoot with the Arvizos and asked the questions?

A. Yes.

Q. There were breaks in the film?

A. We probably took either one or two breaks. And we probably had to interview two at a time and then four at a time is what I recall. So there would have been multiple breaks to move things around.

Q. There was a private eye present?
A. Yes.
Q. And he was just watching and monitoring?
A. That was my understanding.
Q. Did that seem odd to you?
A. Yeah, of course.
Q. Have you ever been to a video shoot where a private investigator was monitoring the shoot?

A. Not that I know of. That’s why they call them P.I.s.
Q. Okay. And during this shoot, there was -- or prior to the shoot, there was a problem with Janet and the releases?
A. That’s correct.
Q. It’s common in the industry to sign these model releases before you do a shoot, correct?
A. It’s common if you’re used to it.
Q. Okay. But Michael Jackson would know that you have to sign releases before a shoot takes place?
MR. SANGER: Objection. Relevance and calls for speculation.
THE COURT: Overruled.
THE WITNESS: Michael would be aware?
Q. BY MR. AUCHINCLOSS: Yeah. I mean, isn’t that fundamental?
MR. SANGER: Objection; argumentative.
THE COURT: Sustained.
MR. AUCHINCLOSS: All right.
Q. So back to my other question. So Michael would be aware of something known as a model release and that it needs to be signed to obtain the rights to shoot an individual on a video?
MR. SANGER: Objection; compound.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Would Michael be aware of the issue of signing model releases before videos are shot?

A. I would hope so.
Q. Okay. Now, you worked --
MR. SANGER: Your Honor, I’m sorry, I’m going to move to strike the answer for lack of

foundation.

THE COURT: Stricken.

Q. BY MR. AUCHINCLOSS: There was some testimony about Janet being on a cell phone.

A. That’s correct.

Q. Do you know whose cell phone it was?

A. I don’t remember whose cell phone it was.

Q. Who was she standing next to when she was talking on the cell phone?

MR. SANGER: Objection; assumes facts.

MR. AUCHINCLOSS: I’ll strike it.

Q. Was there someone standing near Janet when she was talking on the cell phone?

A. It’s not a big house. I’m sure. I mean, I could hear her. I was probably standing close to her.

Q. So you were standing near her. What room was she talking on the cell phone in?

A. The front living room. She may have been -- she may have walked around the house, but --

Q. Did you hear her discuss on the phone anything concerning the Department of Child & Family Services?

A. No.

THE COURT: All right. Let’s take our break.

(Recess taken.)

THE COURT: Counsel?

MR. AUCHINCLOSS: Thank you, Your Honor.

Q. Mr. Robinson, this whole evening with the Arvizos where you asked them questions and assisted in the filming of their various statements seemed very weird to you; isn’t that fair to say?

MR. SANGER: Objection; vague.

THE COURT: Is that a quote you have from him from an earlier --

MR. AUCHINCLOSS: (Nods head up and down.)

THE COURT: All right. Overruled.

THE WITNESS: Yeah, it was different. It was weird.

Q. BY MR. AUCHINCLOSS: One of the things that was weird about it was the fact that there was a P.I. there? You already talked about that.

MR. SANGER: Asked and answered. Asked and answered.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: And -- well, another thing that was weird about this was the fact that it was being shot at some time around one o'clock in the morning with this family of young teenagers, kids, right?

MR. SANGER: Objection. Compound and assumes facts not in evidence.

THE COURT: Overruled.

You may answer.

THE WITNESS: When we finished, it was late.

Q. BY MR. AUCHINCLOSS: And that was odd, wasn't it, to have this family --

A. Well, it's not odd in -- I mean, I work 18-hour days a lot. But when you have kids, you want to wrap it up a little bit early, but....

Q. Okay. Now, you spoke to a sheriff's deputy by the name of Detective Bonner in this case; is that correct?

A. There was a bunch of them. That rings a bell.

Q. And you spoke to a detective at the time when your home was searched pursuant to a warrant?

A. Right. There was two guys.

Q. And you also spoke to Mr. Bonner the following day on the telephone?

A. Yes. No, I saw him the following day.

Q. Oh, you saw him the following day?

A. Yeah.

Q. And are you aware that that interview was recorded?

A. No.

Q. Okay. And were you honest in your responses to Detective Bonner's questions?

A. What were they?

I'm sure I was. I'm not a dishonest person, but if you want to ask me the question first.

Q. Well, you told Detective Bonner that during this interview Janet Arvizo seemed to be rehearsed; isn't that true?

A. Well, how you interpret -- interpret that, I think, is objective. I think if I'm going to be interviewed by the news cameras for the first time in my life, I want to know what I'm going to say. So in that case, I think a few things that she said she said a lot, and those things seemed a little bit rehearsed.

Q. Okay. She said things over and over again?

A. That's correct.

Q. And you stated, "I felt like she had rehearsed some of the things she was going to say," true?

A. Just like I just explained.

Q. Okay. And as far as Gavin's responses to your questions, you believed that he knew the questions were coming up; it was like he had heard those questions before?

A. Like when I told him about them before the interview.

Q. Well, you thought Gavin had been --

A. Well, I'm sure they said, "We're going to do this interview. We're going to ask you about," you know, "your relationship with Michael" and stuff. I'm sure they asked, "What are you going to interview me about?" You know, I'm sure they were told.

Q. You felt somebody talked to them before you did?

A. They're briefed. If you want to do an interview, they want to make sure they're not going to be asked things they don't want to answer.

Q. And it seemed to you like they'd been briefed?

A. I couldn't answer --

MR. SANGER: I'm going to object. That calls for speculation.

THE COURT: Overruled. You may answer. Do you want the question read back?

THE WITNESS: No. No. I'm sure they knew where they were going, yes.

Q. BY MR. AUCHINCLOSS: Okay. And you stated someone must have at least told him what the interview was going to be about?

A. In general terms. There’s no way that he was told questions before.

Q. And didn’t you also -- wouldn’t you also agree that the kids were parroting one another?

A. The kids were doing what?

Q. Parroting one another? Saying the same thing that their mother said?

A. Um --

MR. SANGER: I’m going to object. That’s compound and unintelligible

THE COURT: Sustained. Compound.

Q. BY MR. AUCHINCLOSS: Did you say that the kids parroted the mother?

A. I probably did say that.

MR. AUCHINCLOSS: If I could have just a moment, Your Honor.

Q. As far as any money that was given to Janet Arvizo by Hamid, were you present when that money was given?

A. No, I think I knew that it happened, but I just --

Q. It’s just a “yes” or “no.”

A. Ask it again, please.

Q. I’m sorry?

A. Did I --

Q. Were you present when that money was given?

A. I was probably in the home, yes.

Q. Did you see it --

A. No.

Q. -- being handed over to her?

Do you know when it was given to her?

A. I don’t know if it was.

Q. Okay. When this telephone call with the

cell phone call was going on, you said you were standing right there?

A. For part of it I was, that’s true.

Q. Was Brad Miller standing right there as well?

A. I don’t know.

Q. Was Vinnie Amen standing right there?

A. When I was -- the only reason I remember standing close to her is because I could hear the gender of the person on the other line.

A. I don’t know who else was there.

Q. But it was clear to you that Janet Arvizo had a serious problem with signing these releases?

MR. SANGER: Objection to the characterization. Misstates the evidence. Argumentative.

THE COURT: Overruled.

You may answer.

THE WITNESS: I was aware that she had a problem signing the releases. Yes.

MR. AUCHINCLOSS: Thank you. I have no further questions.

REDIRECT EXAMINATION

BY MR. SANGER:

Q. Okay. Let’s just start with something here. You were interviewed by the Santa Barbara Sheriff’s Department, correct?

A. That is correct.

Q. And you submitted voluntarily to that interview; is that correct?

A. Yeah, a lengthy, long interview.

Q. All right. And that was -- that interview was given roughly when?

A. Man. Wow.

Q. Put it this way: Was it well over a year ago?

A. Oh, yeah.

Q. All right.

MR. SANGER: I just thought I’d watch the bailiff do that before I ask the next question.

BAILIFF NARRON: You were hoping I was going to spill it.

MR. SANGER: Okay. I didn’t -- okay. There we go. Okay. I wasn’t quite sure what the bailiff was doing, so I wanted to wait. I think we’re okay. I hope we’re okay.

Q. All right. So basically you told -- you told the Santa Barbara Sheriff’s Department pretty much what you had to say, what you observed, right?

A. Everything, I think.

Q. At least everything in response to what they asked you, right?
A. That's correct.
Q. And was there any other reason why the Santa Barbara District Attorney would be aware of what you

had to say in this case?
A. Would there be any other reason --
MR. AUCHINCLOSS: Objection; ambiguous.
MR. SANGER: Yeah.
MR. AUCHINCLOSS: Assumes facts.
MR. SANGER: That's fine. Let me withdraw it, and I'll ask directly.
Q. Were you called by the Santa Barbara District Attorney's Office to testify before the grand jury in this case?
A. Yes, I was.
Q. And did a Deputy District Attorney ask you questions at those proceedings?
A. Did a deputy ask me questions?
Q. Yeah, one of the district attorneys.
A. Oh, yeah. Mr. "Auchinelos" or something.
(Laughter.)
Q. So you've disclosed his true name now for the first time.
A. That was good, yeah. Quote that one.
Q. Okay. I think it's Auchincloss.
But in any event, it was this gentleman right there?
A. That's the dude.
(Laughter.)
Q. Okay. Now, and you answered -- you answered all of their questions at the grand jury, right?
A. Yeah.

Q. And that grand jury took place long before the beginning of this trial, right?
A. It did.
Q. Now, let's take up some of these questions right at the end, and then I'll go back, while this is fresh in our minds.
You were asked some questions about rehearsed and parroting and that sort of thing.
First of all, let me ask you about the parroting

issue.

When you asked a question in that tape and you were trying to get an answer from one of the kids, did the kids always get a chance to answer it?

A. Sometimes I had to address the kids separately. The mom was really -- she had something to say about everything, so the kids wouldn’t always get something in, and I would reask the questions for the kids.

Q. So quite often you would ask the question of the group or of the children and the mother would just answer; is that right?

A. A lot. Gavin was a pretty good talker, too.

Q. Okay. So when -- when you -- let me withdraw that.

Would you reask the questions sometimes in order to get the kids to answer the questions?

A. Yes.

Q. All right. And on occasion -- the District Attorney actually, a little bit ago in his questioning, was asking you about some questions that were asked. Were -- all the questions that were asked, were they written out in advance the way you asked them?

A. No. No. You always come up with different things while you’re doing the interview.

Q. All right. So he was asking you about questions that actually appeared on the tape or appeared --

A. Oh, okay.

Q. All right. And in that context, were those questions sometimes based on what had happened previously?

MR. AUCHINCLOSS: Objection; leading.

MR. SANGER: It probably was, Your Honor. Why don’t I withdraw it.

Q. How would you -- after the interview got started, how would you formulate your questions? In other words, would you read them from the list of questions, or what would you do?

A. Sometimes you read from the list. Sometimes you say, “Oh, they’re talking really well about this, so I’m going to take it in this direction.”

You know, sometimes you want to get a lot of emotion out of this. Just -- you ask them whatever you feel they’re going to answer best.

Q. All right. And would you incorporate in your questions information you had learned during the course of the interview?

MR. AUCHINCLOSS: Objection; leading.

THE COURT: Overruled.

THE WITNESS: Yes.

Q. BY MR. SANGER: Now, did -- when you were talking to Janet for the half-hour-or-so period that you actually talked with her before you went on camera, did she use some of the same language that she used in answering the questions on tape, or not?

A. Yes.

Q. All right. Do you know whether or not there had been a tape-recorded interview of this family three or four days before you did this interview?

A. No.

Q. Do you have any information what had been said by this family specifically in any kind of a formal interview prior to that?

A. No. I didn’t know there was.

Q. All right. Were you made aware specifically of cards and letters that this family had sent to Mr. Jackson in the year 2001?

A. No.

Q. All right. Do you know if this family used the same sort of language to describe Mr. Jackson before the Bashir tape came out?

A. Do I know --

Q. Do you know?

MR. AUCHINCLOSS: Objection. I’ll object. Foundation.

MR. SANGER: The question truly is, do you know whether or not, so I’m asking for a “yes” or “no.”

THE COURT: Sustained.

Q. BY MR. SANGER: Okay. Let me rephrase it. Do you have knowledge as to whether or not this family used the same sort of language they used in your interview in response to questions at any time in the past?

MR. AUCHINCLOSS: Same objection.

THE COURT: Do you mean any time before that interview?

MR. SANGER: Any time before that interview. Any time before he talked to them there that evening.

THE COURT: All right. Overruled. You may answer.

THE WITNESS: It was implied to me, but I didn’t know of any way that they were going to talk.

Q. BY MR. SANGER: All right. So when you say “implied” to you, what was implied to you?

A. That they really loved Micahel and they were, like, really mad about this video. That’s what was implied to me.

Q. Okay. So was any specific language given to you in advance that you were trying to elicit?

A. Was any language given to me by the family or by --

Q. By anybody before that evening. Was any specific language given to you? You just told us -- you just told us a conclusion, that you understood how they felt. Were you given any specific language that you were supposed to get out with your questions?

A. Well, that was the plan. I mean, we want to get emotional, powerful sound bites. You know, it makes good television. That’s always the plan.

Q. What I’m saying is specific language. Did anybody tell you specific words that you were supposed to elicit?

A. No.

Q. All right. Now, this was designed to get some footage - keep calling it that - get some clips, I guess, is what you call it.

A. Right.

Q. Get some clips for a television production; is that right?

A. Yes.

Q. And you understand -- do you understand television values, the value -- values not as far as moral values. Values as far as what you’re looking for technically in getting a piece that is acceptable for television?

A. Yes.

Q. Okay. Does content for television -- can you go on for a long period of time, have rambling pieces for television?

A. No.

Q. Okay. What do you try to look for for television clips?

A. As far as news and documentary clips, you want concise, powerful, short clips, if possible. You want tears. You want -- you want things that captivate an audience. If I'm here bawling and putting my hands in my face, it's going to be more interesting to watch, right? So that's what you look for. It's news.

Q. I'll try not to elicit that from you, all right?

And is there something -- when you're trying to get content, is there something about the kinds of statements that you try to get? In other words, do you want to have a lot of question-answer, question-answer, or do you want to get self-contained statements? What are you looking for?

A. You want self-contained statements that restate a question, that pack in points, you know. And that's the kind of stuff we were getting. It was plentiful.

Q. And when you say you were getting, did you get this only after reasking the questions several

times, or did you feel you got some of it right off the bat?

A. A lot of it I got right off the bat.

Sometimes I would rephrase a question and have them include different answers in one -- I would have them paraphrase different answers, you know --

Q. All right.

A. -- that they had already given.

Q. Okay. Going back over some of the testimony you gave in response to questions by Mr. Auchincloss --

A. Auchincloss.

Q. Auchincloss, yes. You said that you had worked on something to deal with the “Home Movies”?

A. Right.

Q. Okay. And I understand you didn’t see the actual television show called “Home Movies”; is that right?

A. I probably saw part of it, yeah.

Q. All right. In any event, do you know whether or not your footage was included in that television show?

A. My footage of Michael?

Q. Your footage of anything.

A. Mostly -- I mean, mostly what I pulled for that was all of Michael’s home videos. Like, it was older stuff, so I don’t know what current was used, no.

Q. All right.

A. When you went to Gary, Indiana -- you were asked by Mr. Auchincloss about going to Gary, Indiana.

A. Correct.

Q. Did you go back there for a shoot?

A. Yes.

Q. Did you shoot any footage of Mr. Jackson’s old family home?

A. Yes.

Q. What did it look like?

A. Small.

MR. AUCHINCLOSS: Objection; relevancy.

THE COURT: Overruled.

You may answer.

THE WITNESS: It was -- it was dirty and small. It was like, you know, a very poor neighborhood. Well, not poor, but -- yeah, poor. Poor neighborhood.

Q. BY MR. SANGER: All right. Now, you say it was dirty. Mr. Jackson’s family didn’t own that home anymore by the time you went back there; is that right?

A. I think the guy was his cousin, maybe.

Q. Okay.

A. I think it was his cousin or his uncle. His uncle or cousin or something.

Q. Somebody in the family may have still owned

it?

A. Yeah.

Q. Did you shoot inside or just outside?

A. Yes, inside.

Q. How many rooms was that home?

A. If it was -- if it was more than one, then it was two. Had a main room and a bedroom.

Q. And do you know how many people lived in that home when Mr. Jackson was growing up?

A. Yeah, we talked about that. It was a lot. I don't know how many siblings Michael has exactly. It was like 11 people that lived there. A lot.

Q. Okay. A few more questions.

You said that you were familiar with what was, in general terms, what was going on in Mr. Schaffel's house. You described some things for Mr. Auchincloss, and I want to go to that subject matter.

Was there a business operation being conducted out of Mr. Schaffel's house following the Bashir video?

A. Yes.

Q. And how many people were doing business out of that house?

A. Anywhere from four at a time to, like, eight or nine. I mean, it was a big operation.

Q. Did -- were there work spaces set up?

A. Yes, there were work spaces, but they were

makeshift.

Q. All right. So various rooms in the house were made into makeshift --

A. Right.

Q. -- offices?

A. Exactly.

Q. Were there file cabinets?

A. Lots of them.

Q. Was there paperwork floating around?

A. Oh, yeah.

Q. Now, you mentioned Vinnie Amen.

A. Uh-huh.

Q. And I think in response to what the prosecutor said, you said Vinnie Amen was a friend of Frank's and he was also a friend of yours, right?

A. Uh-huh. Yes. Sorry.

Q. Can you describe Vinnie Amen?

MR. AUCHINCLOSS: Objection; vague.

Q. BY MR. SANGER: Give us a physical description of him.

THE COURT: Overruled.

You may answer.

THE WITNESS: A physical description?

Q. BY MR. SANGER: Yeah.

A. He's like a couple inches shorter than I am. He has -- very clean cut. Very, very, very proper. Very -- not a big stature guy.

Q. And what his demeanor? Was he impolite? Rude? Rough?

A. No, he's very, very polite. He acted like he went to an Ivy League school. And that he did. He went to some, like, big business college. And he was just a very nice, well-mannered kid. And him and Frank were like opposites. I couldn't believe they were best friends.

I liked Frank, too. I'm not -- I'm not bashing him, but -- Vinnie was just one of a kind. I didn't know why he was --

MR. AUCHINCLOSS: Objection. Objection; narrative.

THE COURT: Sustained.

THE WITNESS: Sorry.

Q. BY MR. SANGER: Okay. And as far as Frank was concerned, was he an aggressive -- what was his demeanor? Was he an aggressive, mean person?

A. Frank was very gentle as well. He was just different. Frank is very different. He's also polite and very nice, but there's just -- he's just different.

Q. All right. There was some questioning about Marc Schaffel's speakerphone. Did Marc Schaffel show off in your presence by talking on the speakerphone?

MR. AUCHINCLOSS: Objection; leading.

THE COURT: Sustained.

Q. BY MR. SANGER: All right. Did Marc

Schaffel -- in using the speakerphone, did he use it in an unusual fashion?
A. No.
Q. Did -- if he had private conversations, what would he do?
A. He would ask --
MR. AUCHINCLOSS: Objection; foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: He would ask me to leave the room or he would pick up the phone. I didn’t try to listen to a lot of his conversations.
Q. BY MR. SANGER: Were you able to hear him talking on the phone on a private conversation if you left the room?
A. Maybe if you were in one of the rooms next door, sure.
Q. Now, there was a question about the -- your opinion as to whether or not the film would be worth millions, and I wrote down “film.” That may not have been the word used, but I think it was.
Do you have an opinion as to the value of just the raw footage? You can say “yes” or “no.”
A. Of the interview?
Q. Yes.
A. Do I have an opinion?
Q. Yes.
A. Yeah. Yes.

Q. Okay. Do you have an opinion as to the value of the raw footage if it were cut and put into a production that was played on television?
MR. AUCHINCLOSS: I’ll object as vague as to time.
THE COURT: Sustained.
Q. BY MR. SANGER: Okay. And I’m asking you about at that time. Not whether or not because of this trial it would be worth something. But back at that time in February of 2003.
A. Did I have an estimation as to what it was worth?
Q. What it was worth if it was picked up and

cut.
A. That’s objective. You could cut it to make it worth a lot less if you did the wrong thing, so....
Q. Or you could cut it to make it be --
A. It could be worth more, sure.
Q. Make it be worth more. All right.
And basically the film at that time, in February of 2003, the value would be the value of that film being used in a television production, right?
A. That would have been the value at the time.
Q. All right. And you did not have anything to do with the business transactions regarding this footage of the Arvizos; is that correct?

A. Unfortunately not.
(Off-the-record discussion held at counsel table.)
MR. SANGER: Excuse me just one second.
(Off-the-record discussion held at counsel table.)
Q. BY MR. SANGER: All right. Let me just ask you on that before we leave that subject.
You said that the film would be worth millions, and I think you might have said eight million at some point. But millions, anyway, as to this.
Was the -- was that -- is that your opinion, that the film was worth millions at that time?
A. Yeah. Absolutely. I mean, it’s a worldwide story. It’s worth millions of dollars.
Q. Okay. And it would have been worth millions of dollars if it had been marketed at that time; is that correct?
A. Yeah. Yes.
Q. So you’re talking about the value of that film as produced in a television show, correct?
A. That is correct.
Q. Nobody offered you any money for that footage; is that correct?
A. No, I charged them a day rate, as I would.
That’s all I asked.
MR. SANGER: Yeah. Excuse me one second.

(Off-the-record discussion held at counsel table.)

Q. BY MR. SANGER: All right. So -- all right. So you felt if this -- so we can get off this, if that was marketed properly, that somebody might have been able to get millions to sell that to somebody who would include it in a show, right?

MR. AUCHINCLOSS: Objection; asked and answered.

MR. SANGER: It’s foundational, just to ask the next question, if I may.

THE COURT: All right. Go ahead. You may answer.

THE WITNESS: Yes.

Q. BY MR. SANGER: All right. Now, you offered an opinion that -- about eight million. What was the eight-million-dollar opinion?

A. No, he -- I know they got somewhere around eight million for the -- like, this is a ballpark. You know, this is what -- someone might have been showing off to me or something, but it was for “The Interview You Were Never Meant To See,” which is the camera that Hamid had in the room while Martin Bashir was interviewing with Michael.

Q. So that was not talking about this footage of the Arvizos?

A. No.

Q. All right. And what was your opinion based

on, that that was worth eight million?

A. Man, I --

Q. In other words, did somebody just tell you that, or did you see some documentation?

A. I must have read something or remember it from a conversation. But, you know, eight million, that sounds like too much. I mean, it is Michael Jackson, but it’s an hour- or two-hour program. It’s probably like four or five. But internationally it probably made more than eight million. I don’t know.

Q. Okay. All right. So in other words, you may have read about it? You may have read about it in the press?

A. Right.

Q. All right. Then you were asked about overhearing some conversations about the Arvizo trip to Brazil. Do you remember those questions?

A. Do I remember the questions or --

Q. You were just asked about it. Do you remember being asked?

A. Yeah, I remember being asked.

Q. During the time that you heard those conversations, did you ever hear anybody saying that they were forcing the Arvizos to go to Brazil, or coercing them or doing anything inappropriate?

MR. AUCHINCLOSS: Objection; hearsay.

THE COURT: Overruled.

THE WITNESS: No. I didn't hear -- I didn't hear people talk about that stuff.

Q. BY MR. SANGER: And you understood Vinnie was going to help the Arvizos get their passports?

A. Right. That's really the stuff that I had heard about, because Vinnie was really agitated by having to go do these runt things.

Q. And Vinnie's -- Vinnie felt he was more qualified to do other things; is that correct?

A. Vinnie could run --

MR. AUCHINCLOSS: Objection. Relevancy; foundation.

THE COURT: Sustained.

Q. BY MR. SANGER: You said Vinnie was agitated by having to do something.

And actually, I couldn't hear the word, Your Honor.

THE COURT: Do you want it read back?

MR. SANGER: Well, I think it was "grunt things" or "grunt work." My colleague tells me it was "grunt work," but I don't know.

THE COURT: Interesting. Were you talking about what he just said or what he said half an hour ago?

MR. SANGER: What he just said.

THE COURT: He didn't say "grunt" this time.

MR. SANGER: Okay. That's what I thought I heard.

Q. He was irritated by doing what, by having to do what?

A. Pointless chores that had no -- you know, you have a business degree. Do you want to go down to -- and get passport photos? No, you don’t.

Q. All right. Now, with regard to the taping that you did of the Arvizos, you were asked about a number of questions.

Based on your conversations with Janet, your brief conversations with the kids, and then the interview that you did that night with them, did you believe that their responses were sincere that Michael Jackson helped Gavin?

A. As far as Michael --

MR. AUCHINCLOSS: Objection; calls for a conclusion.

THE COURT: Sustained.

Q. BY MR. SANGER: Okay. The District Attorney asked you about various questions you asked about Michael Jackson helping Gavin.

Did you believe that you were coaching these people to say something that was not true about Michael Jackson helping Gavin?

A. No. It was -- I felt very much so that it was very sincere and very truthful.

Q. And when you asked questions about parenting, you asked Mrs. Arvizo about her relationship with her own children, right?

A. That is correct.

Q. And did you ask her children, or at least Gavin about his relationship with his mother?

A. I believe I did.

Q. Do you remember his response to that?

MR. AUCHINCLOSS: Objection; hearsay.

MR. SANGER: That would be a “yes” or “no,” first of all. And I take it he’s going to say “no.”

THE COURT: I’ll sustain the objection.

MR. SANGER: All right.

Q. Now, when you asked questions about Michael Jackson, Michael Jackson’s parenting, first of all, had you seen Michael Jackson with his own children?

A. Yes.

Q. And did you have an opinion of his abilities as a parent, his relationship with his kids?

A. Yes, I did.

MR. AUCHINCLOSS: Objection. Relevancy; calls for a conclusion; lack of foundation.

THE COURT: Sustained.

Q. BY MR. SANGER: When you asked the question whether or not Michael Jackson was a good parent, did you ask that question based on any information that you had about his -- whether or not he was a good parent?

MR. AUCHINCLOSS: Same objection.

THE COURT: Overruled.

But I do want you to just answer that “yes” or “no,” whether you had information. “Yes” or “no.”

THE WITNESS: Yes, I had information.

Q. BY MR. SANGER: And what was the source of that information? Without telling us what the information was, what was the source of that information?

A. The source of my opinion based on Michael’s parenting was based on my own interpretation of things that I had witnessed with him and his children. Events when they were together, that kind of stuff.

Q. Did Janet Arvizo or the Arvizo children at any time, prior to the taped interview, indicate in any way that they thought Michael Jackson was not a good parent?

A. Did they indicate that he was not?

Q. Yeah.

A. No. No, they did not.

Q. Okay. And then you said that -- something to the effect that it took a while to get the model release sorted out, and you would not have wanted to spend that much time. I believe you said something to that effect. Do you recall that?

A. That is true.

Q. Can you explain why that is?

A. Because it was getting late. And I don’t want to have -- we’ve set up our equipment. I don’t want to send people home because of something so strange to me.

That was part of the strangeness of the night. She's wanting to do this interview so badly, but she won't sign the model release. And I was just like, "This was a joke." And I don't know, it was stressing me out, because, you know, that was -- one of my jobs is -- I wasn't supposed to start until we had them done, and that never happened until after. They just had to get out of the way. If we couldn't use it, we couldn't use it.

Q. All right. And as to all of the questions that you asked, did you have any reason to believe that the answers were not the answers of the Arvizos themselves?

A. Not at all.

MR. AUCHINCLOSS: I'll object as vague.

THE COURT: Overruled. He said "Not at all," so....

MR. SANGER: Okay. And then I have no further questions. Thank you.

RECROSS-EXAMINATION

BY MR. AUCHINCLOSS:

Q. Mr. Robinson, you were assigned to leave that video shoot with the videotape; was that one of your assignments?

A. That was one of the assignments.

Q. And you were assigned to get those model releases signed by the Arvizo family?

A. That is correct.

Q. Okay. And when you left --

A. Well, Vinnie might have -- Vinnie might have been taking care of the model releases, actually.

Q. Okay.

A. But I knew it had to be done.

Q. And Brad Miller, too?

A. I didn't -- I didn't talk to Brad much at all. If anything, it was like a hello, you know.

Q. But was he around when those model releases were signed, if they were?

A. Oh, man. Like I said, you know, he was staying very quiet and staying in the background. He may have been there. But I don't know if he was

in the room at all.
Q. And Hamid would not turn over that videotape at the end of the evening, would he?
A. That’s correct.
Q. So you left without that videotape?
A. That’s right. I wasn’t going to go to jail over it. He wasn’t going to give it to me no matter what I did. It wasn’t something that I had any power over.
MR. AUCHINCLOSS: All right. Thank you. No further questions.
THE WITNESS: Sure.

MR. SANGER: No further questions, Your Honor.
THE COURT: Thank you. You may step down.
THE WITNESS: Thank you very much.
MR. ZONEN: Your Honor, can counsel and I approach the sidebar before the next witness is called?
THE COURT: All right.
(Discussion held off the record at sidebar.)
THE COURT: All right. You may call your next witness.
MR. MESEREAU: Yes. Thank you very much, Your Honor. The defense will call Mrs. Vernee Watson Johnson.
THE COURT: When you get to the witness stand, please remain standing.
Face the clerk here and raise your right hand.

VERNEE WATSON JOHNSON
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: My name is Vernee Watson Johnson. Vernee is spelled V-e-r-n-e-e, with an accent. And then Watson Johnson, it doesn’t have to

be hyphenated, W-a-t-s-o-n, J-o-h-n-s-o-n.
THE CLERK: Thank you.

THE WITNESS: Uh-huh.

DIRECT EXAMINATION

BY MR. MESEREAU:

Q. Good afternoon, Miss Watson Johnson.

A. Hi.

Q. Would you please give us a brief history of your career?

A. Okay. I started out with an acting group in New York. And I did quite a few commercials in New York. And I moved out to Los Angeles, and I was -- I appeared on Welcome Back Kotter for a while as a sweathog. And then I did a couple of stuff on That's My Mama, the Love Boats, and did another series called Carter Country. And Foley Square. And then I did Fresh Prince. And a lot of episodics, guest-starring on episodics. A few films. And more commercials. And -- Is that enough?

Q. That's enough.

A. Okay.

Q. Yes. Thank you very much. Do you live in Los Angeles?

A. Yes. I live in Los Angeles, the city of -- I don't live in the City of Los Angeles, but I live in the valley, San Fernando Valley.

Q. Okay. Have you ever met someone named Janet Arvizo?

A. Yes. Yes.

Q. And when did you meet Janet Arvizo?

A. I was teaching acting at a place called The Los Angeles Academy of Fine Arts. And her children were in my acting class.

Q. And approximately what year was this?

A. Back in about 1997.

Q. And did Mrs. Arvizo come to your school at some point?

A. Yes. Her and David, her husband. Her ex-husband, I guess.

Q. And did they approach you about her children going to your school?

A. Well, they -- you know, the director of the school just lets me know who's coming into my acting

class. So, you know, I met them, and their kids attended my classes.
Q. And how long did the Arvizo children attend your acting classes?
A. I think they were there for maybe a session, a session and a half, “a session” being six months to a year. And they --
Q. And are those children Gavin, Star and Davellin?
A. Yes.
Q. Do you know all three children?

A. Yes.
Q. Did you see Janet Arvizo from time to time when you were teaching her children?
A. Yes.
Q. And would she come to your class?
A. Come in my class? I don’t allow the parents in my class.
Q. Where would you see her?
A. Out in the waiting area or in her car.
Q. And would she, as far as you knew, typically bring her children to the class?
MR. ZONEN: I’m going to object. No, I’ll withdraw the objection.
THE WITNESS: Her and her husband brought the kids to class. Yes.
Q. BY MR. MESEREAU: Was it your understanding that Janet and her husband would pick up the kids and take them home from your class?
A. Yes.
Q. Okay. Did you ever learn at some point that Gavin was ill?
A. Yes.
Q. How did you learn that?
A. They had not been in my class for a while. Actually, I had actually stopped teaching at LAAFA. That’s the L.A. Academy of Fine Arts. And the director called me and said that, “Vernee, do you remember Gavin?”

I was like, “Hmm, okay. Yeah, I think so.”
And she said, “Well, his mother called me and said that, “You know, you used to be very” --

"you were very nice to him, and he's very sick right now, and she wants you to come and visit him in the hospital."

Q. Did you speak to Janet about any fund-raisers for Gavin?

A. Yes.

Q. And what did she say to you about a fund-raiser for Gavin?

A. We -- you know, we -- you know, I had -- there were -- I had seen David a lot at the hospital. And we knew that they -- David -- you know, sometimes they didn't eat and stuff, so we were trying to get some money together to -- you know, a fund-raiser for them.

And I had -- but I was a little suspicious of, because of some other things that had happened, where the money was going.

So anyway, we -- I asked Janet to open an account. I said, "We're going to do a fund-raiser but we need Gavin to have his own account, a trust account."

MR. ZONEN: I'll object as --

THE WITNESS: What? I'm sorry.

(Laughter.)

MR. ZONEN: I'm going to withdraw the objection.

Q. BY MR. MESEREAU: You can continue to answer.

A. Okay. And --

MR. ZONEN: Now I will object --

THE WITNESS: There's so much back story here --

MR. ZONEN: I will object now to continuing the answer as a narrative.

THE COURT: All right. Next question.

Q. BY MR. MESEREAU: Okay. Who first mentioned the word "fund-raiser" to you regarding Gavin?

A. Myself and Carol Lamir and -- me and Carol were going to put a fund-raiser together for her.

Q. Okay. Was it your idea to do that?

A. I guess. I mean, we were all in -- we were all in agreement that we would try to raise money for them, yes.

Q. And did you discuss the idea of a fund-raiser for Gavin with Janet?
A. Yes, I did.
Q. And what did you say to Janet about a fund-raiser?
A. I told her that we were going to try to do a fund-raiser for her, but we needed a separate account opened up for Gavin.
Q. Why did you say that to Janet?
A. Because I --

MR. ZONEN: I’m going to object as irrelevant, the explanation.
THE COURT: Overruled.
Q. BY MR. MESEREAU: You may answer.
A. Because I had found out from talking to Carol that the moneys --
MR. ZONEN: I’ll object as hearsay, Your Honor.
THE COURT: Sustained.
Q. BY MR. MESEREAU: What was your state of mind?
A. I didn’t trust her.
Q. Why not?
MR. ZONEN: I’m going to object as hearsay and lack of foundation. And opinion, improper opinion.
THE COURT: Sustained.
Q. BY MR. MESEREAU: What did you say to Janet about an account for Gavin?
A. I told her I needed a separate account for Gavin. I wanted her to open an account in his name so that the money could be deposited in that account.
Q. And with respect to that particular issue, what was her response?
A. She said, “Don’t worry about it. You can put it in my account.”
Q. What was your reaction to that?

MR. ZONEN: I’m going to object as irrelevant, her reaction to it.
THE WITNESS: Is that objection sustained?
THE COURT: I’m thinking.

THE WITNESS: I’m sorry, sir.

(Laughter.)

THE COURT: Are you asking her to tell you something she said? If so -- if not, I’ll sustain the objection. If so, rephrase the question.

Q. BY MR. MESEREAU: Okay. You’ve indicated that Janet did not want to set up a separate account for Gavin, correct?

A. Yes, I did.

Q. You wanted her to, correct?

A. Yes.

Q. Okay. And I believe you said Janet said she would take the money, right?

A. Right.

Q. Did you then continue efforts to put together a fund-raiser?

A. No.

Q. Why not?

MR. ZONEN: Objection; irrelevant.

THE COURT: Overruled.

You may answer.

THE WITNESS: I didn’t hear you, sir. Your Honor, I didn’t hear you.

THE COURT: You may answer.

THE WITNESS: Okay.

What was the question again? I’m sorry.

Q. BY MR. MESEREAU: Why didn’t you continue to set up the fund-raiser when Janet said she would put the money in her account?

A. Because I had a strong feeling that the money would not be used for the purposes --

MR. ZONEN: I’m going to object as speculative, lack of foundation, and improper opinion.

THE COURT: Overruled.

Q. BY MR. MESEREAU: You may answer.

A. Because I didn’t trust her.

Q. Why not?

MR. ZONEN: I’m going to object as irrelevant, improper opinion, immaterial.

THE COURT: Overruled. The answer is in.

Next question.

Q. BY MR. MESEREAU: You said you didn’t trust

Janet, right?
A. Correct.
Q. Why?
MR. ZONEN: Objection; improper opinion.
BAILIFF CORTEZ: Your microphone's off.
THE COURT: Excuse me. I couldn't hear you.
MR. ZONEN: I'm sorry.
Objection. Irrelevant and improper opinion.
THE COURT: Overruled.

You may answer. Do you remember the question at this point?
THE WITNESS: Yes. Why didn't I --
THE COURT: Trust her.
THE WITNESS: -- trust her.
Because I feel -- and I don't know if this is just my opinion, but I feel like if you want to raise money for someone, and the person that's doing the fund-raiser feels that it should be in an account for your child, and you tell me to put it in your account, then something is wrong.
Q. BY MR. MESEREAU: Okay. At the time you had this discussion with Janet --
A. Yes.
Q. -- about a possible fund-raiser, had you done anything to put the fund-raiser together?
A. Myself personally? I had called some people, yes.
Q. Okay. And had you spoken to Janet about who you were going to call?
A. No, I don't -- we didn't get that far in our conversation. I mean, she knew Carol. And she knew Miss Kennedy, who was also involved in --
MR. ZONEN: Object to what she knew as nonresponsive.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Who did you call about getting people to a fund-raiser for Gavin?

A. Carol Lamir. Arlene Kennedy. That was about it.
Q. And after Janet made that comment to you, did you stop all efforts to put together a fund-raiser?

A. Yes, we did.
Q. Okay. Now, had you been visiting Gavin at the hospital?
A. Had I been?
Q. Yes.
A. Yes.
Q. And how many times do you think you visited Gavin at the hospital?
A. Many times. I went there two, three times a week for his -- the extent of his hospitalization, yes.
Q. Was there a particular time of day that you often went to see Gavin at the hospital?
A. During the day, you know, anytime I had an audition or -- I would just go down there. I would go there quite often.
Q. And did you see Janet at the hospital with Gavin?
A. I saw her the first time I went down there. And I saw her maybe once again.
Q. Did you see Gavin's father David at the hospital?
A. Yes. All the time.

Q. Okay. Did you stay in contact with Janet during the time that Gavin was in the hospital?
A. She would call me, and actually she would have Star call me.
MR. ZONEN: I'll object as speculative, lack of foundation.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did Janet herself continue to call you while Gavin was in the hospital?
A. She called me. I mean, I'm going to say the same thing I said the last time, so I don't know --
Q. Let me just ask you about Janet only.
A. Okay.
Q. I'll get to the others.
A. All right.
Q. Was Janet calling you while Gavin was in the hospital?
A. She may have called me several times, yes.
Q. And did you talk to her about efforts to raise money?

A. Yes. When the fund-raiser -- the fund-raiser effort came up, yes.
Q. Do you know whether or not Janet herself ever asked you for money?
A. Um, I gave them money.
MR. ZONEN: Objection; nonresponsive.
THE WITNESS: But I’m not sure --
MR. ZONEN: Objection; nonresponsive.

THE COURT: She’s answering.
Go ahead, finish your answer.
THE WITNESS: -- if it was, you know, because she directly asked me for it or because I just felt that they needed some help, and she didn’t refuse it when I gave it to her.
Q. BY MR. MESEREAU: Let me just go one step at a time, okay?
A. Uh-huh.
Q. Did Janet ever directly ask you for money, that you recall?
A. I don’t recall.
Q. Did Janet ever indirectly suggest she’d like money?
MR. ZONEN: I’ll object to that as vague.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did Janet ever say anything to you that suggested that she wanted money from you?
MR. ZONEN: Objection; vague.
THE COURT: Overruled.
THE WITNESS: That means I can answer?
THE COURT: Yes.
THE WITNESS: Okay.
Say that again, please. I’m sorry.
Q. BY MR. MESEREAU: Did Janet ever suggest anything to you in your conversations that made you think she wanted money?

A. She would -- I mean, whenever I would talk to her, it would be a lot of what they needed and how they didn’t have anything, and how they were struggling, and didn’t have a place to live really, and, you know, all that kind of stuff. So it was heavy-handing there going on.

Q. And how often did you give the Arvizos money?

A. I gave David money a couple of times. I didn't have much money, so it wasn't like I was -- you know, so -- I just gave him money a couple of times, yes.

Q. Do you recall whether or not David himself ever asked you for money?

A. David -- no, I offered it to him. I mean, I just -- I wrote a check to them a few times and I gave him some cash and that's it, yeah.

Q. Did you give him this money at the hospital?

A. Yeah. I also gave him food.

Q. Okay. Who did you give the food to?

A. David, because he was always there. He never went home to shower. He didn't go -- he was hungry. And I would say, you know, "You should get up out of here sometimes." I never saw Janet there after that, but I saw him there all the time. And I would -- and he wouldn't eat, so I would prepare food for him and bring it to him.

Q. Okay. Now, did Gavin ever call you on the phone?

A. When he was in the hospital, do you mean?

Q. Yes.

A. I mean, David would call me and say that Gavin would want to see me. I don't remember hearing Gavin's voice on the phone. I don't know. I know I did -- they would call me and say, "Well, when are you coming over again?" And, "When are you coming to visit us again?" You know, that kind of stuff.

Q. Do you recall whether or not Star ever telephoned you?

A. Uh-huh. Yes, I do.

Q. And was this around the time Gavin was ill?

A. Yes. He had -- yes. Gavin would get out of the hospital sometimes and then he'd have to go back, you know.

And when he got out, they would want to come over to my house. And I would -- you know, Star would call me and I could hear Janet in the background prompting him, you know.

Q. Did the family ever come to your house?

A. Yes.

Q. And on how many occasions?

A. I didn’t allow it after the first time -- well, they came there once, and it was just ridiculous. You know, they were just all over my house. And I couldn’t stand the energy that they had. And I wouldn’t allow all of them to come at one time. It was just, “Okay. If you want to come visit me, just David and Gavin.”

Q. Now, you say you didn’t like the energy. What do you mean?

MR. ZONEN: Objection; vague.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Why didn’t you want the family to return to your house after that first visit?

MR. ZONEN: Objection.

THE WITNESS: Because they were not --

MR. ZONEN: Objection; irrelevant.

THE COURT: Overruled.

THE WITNESS: They were not ruly kids. They were very unruly. And they were all into my stuff. They would walk around my house, they would be all in the other rooms. They were jumping on my son’s bed. Just very disruptive.

Q. BY MR. MESEREAU: Did the family ever spend the evening at your house?

A. Do you mean like spend the night?

Q. Yes.

A. No.

Q. Were you ever asked if they could?

A. Yes.

Q. By who?

A. By them.

Q. Who is “them”?

A. Well, I -- Star would call me. I could hear Janet in the background, “Tell her you love her, Star. Tell her you love her.” And I was like, “O-kay.”

MR. ZONEN: I’m going to object as nonresponsive and irrelevant.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Who in the family asked you if the family could spend the night? Just give the name.

A. The children would ask me.

Q. All right. So this happened more than once?

A. Yes.

Q. Okay. Did you ever hear Janet directly ask you if the family could spend the night at your house?

A. I heard her telling Star to ask me.

Q. Okay. Did Janet herself ever ask you, if you remember?

A. No, I don’t remember that.

Q. Okay. Do you recall whether or not David ever asked you if the family could spend the night at your home?

A. No.

Q. You have -- I didn’t --

A. I mean -- no, he didn’t. That I recall. I don’t remember that.

Q. Now, you’ve indicated that Star called you on some occasions and you heard Janet in the background; is that right?

A. Yes.

Q. How many times did that happen?

A. Several times.

Q. Okay. Do you recall whether or not Davellin ever called you on the phone during this time period?

A. Oh, excuse me. One second. Let me think about this. Davellin.

No. Davellin didn’t call me. It was usually Star. And -- I’m sorry, I think Gavin did call me a couple of times when he was out of the hospital. Yeah.

Q. Okay. And did you ever visit the Arvizos at their home?

A. No.

Q. How long were the Arvizo children enrolled in your class?

A. Like I said before, maybe a session or so.

Q. And how long would a session be?

A. We kind of went from September to June, you know, during that time. So, six, nine months or something.

Q. Okay.

A. Uh-huh.

Q. Now, this was a school that you taught at, right?

A. Uh-huh.

Q. And who owned the school?

A. Her name was Belinda Johnson. Her name is Belinda Johnson. It was a nonprofit performing arts center. And she had after-school tutoring, and actually had some -- she had some academics going on there, too. And we did performances with the young children for Christmas and stuff.

Q. Okay. Do you know whether or not the children paid for their schooling?

MR. ZONEN: Objection. Irrelevant; lack of foundation.

THE COURT: Sustained. Foundation.

Q. BY MR. MESEREAU: Was your role at the school strictly to teach or were you involved in the business affairs as well?

A. Well, I mean, if someone came in and wasn’t going to pay, I would, you know, be asked, or, you know, “Is it okay that they take class?” And that kind of stuff. So, yeah. That way I was. And -- but I got a check -- well, not much, but I got paid a little bit for teaching.

Q. All right. Now, at some point in time, did you learn that the Arvizos were visiting Neverland?

A. Yeah, I helped set that up.

Q. What did you do?

A. Well, when I was visiting Gavin in the hospital, I had been to Neverland, and I knew, you know, what a nice -- what a wonderful place it was and that Michael would have kids come out there, especially children who were sick.

And I asked my friend Carol if she could possibly set it up for Gavin to go out there. And she -- do you want to hear any more?

Q. I’ll just go a little bit at a time, if I may.

A. Okay.

Q. And did you ever learn whether or not Carol Lamir had helped arrange for the Arvizos to go to Neverland?

A. Oh, yeah, she did. She did that -- with a little reluctancy, but she did it.

Q. Now, is Carol Lamir a friend of yours?

A. Yes.

Q. And is she still a friend of yours?

A. Yes.

Q. Okay. At some point in time, did you ever learn whether Davellin was living with Carol Lamir?

MR. ZONEN: Objection. Lack of foundation; irrelevant.

THE COURT: Overruled.

You may answer.

THE WITNESS: Yes.

Q. BY MR. MESEREAU: And what did you learn about that?

MR. ZONEN: Objection; hearsay.

THE COURT: Sustained.

THE WITNESS: I saw her there.

I’m sorry.

THE COURT: Next question.

MR. MESEREAU: Let me rephrase the question.

Q. Did you ever discuss with Davellin whether or not she was staying with Carol Lamir?

MR. ZONEN: Objection. Hearsay; relevancy.

MR. MESEREAU: Impeachment.

MR. ZONEN: Collateral impeachment.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you ever visit Carol Lamir at her home?

A. Yes.

Q. Would you do that on a regular basis?

MR. ZONEN: Objection; irrelevant.

THE COURT: Overruled.

You may answer.

THE WITNESS: Yes.

Q. BY MR. MESEREAU: Did you ever see Davellin at Carol’s house?

A. Yes.

MR. ZONEN: Objection; irrelevant.

MR. MESEREAU: Impeachment, Your Honor.

THE COURT: The objection is overruled.

THE WITNESS: Yes, I did.

Q. BY MR. MESEREAU: How many times did you see Davellin at Carol Lamir’s home?

A. When I was there?

Q. Yes.

A. She was there all the time when I -- during a time period of a couple of months.

Q. Did you actually see her there during those couple of months?

A. Yes.

Q. Did Davellin herself ever tell you she was staying at Carol Lamir’s?

A. Did she tell me? Do you mean like call me up and say, “Vernee, I’m at Carol’s,” or --

Q. Did Davellin ever tell you, “I’m living at Carol Lamir’s house”?

A. Well, I -- no, I mean, I just knew it. She was there.

Q. Did she ever discuss with you the fact that she was living with Carol Lamir?

A. No. Not really, no.

Q. Okay. When did you first learn that Davellin was staying at Carol Lamir’s home?

MR. ZONEN: Objection. Lack of foundation; irrelevant.

THE COURT: Overruled.

You may answer.

THE WITNESS: When she first got there. I mean, I don’t know the date. But I -- I know she was having some problems and that she needed --

MR. ZONEN: Objection.

THE WITNESS: Okay.

MR. ZONEN: Lack of foundation; nonresponsive.

THE COURT: Sustained.

Q. BY MR. MESEREAU: I’m simply asking you --

A. Oh, I’m sorry.

Q. -- if you know that Davellin --

A. Carol called me as soon -- when she --

MR. ZONEN: I’m going to object as to hearsay.
THE COURT: Sustained.
THE WITNESS: Oh, boy.
MR. MESEREAU: I’m sorry. Let me try and rephrase it.
THE WITNESS: Okay.
Q. BY MR. MESEREAU: Did Davellin ever say anything to you that indicated she was living at Carol Lamir’s house?
MR. ZONEN: Objection; asked and answered.
THE COURT: Sustained.
Q. BY MR. MESEREAU: When did you first learn, through observation, that Davellin was staying at Carol Lamir’s home, if you know?
A. Do you mean when did I first look in her face in the house?
Q. Sure.
A. When I visited Carol after she moved in there.

Q. Okay. And do you know approximately when that was?
A. Well, the only thing I can say is that it was during a time when Carol’s son was in school, because it was -- yeah, because Davellin wasn’t and he was. So that’s during that time. I don’t remember exactly.
Q. And if you can estimate, how many times do you think you saw Davellin at Carol Lamir’s house?
A. 10, 15 times. I don’t know.
Q. Did you ever speak to Davellin inside Carol Lamir’s home?
A. Oh, yeah.
Q. Did you do that many times?
A. Yeah.
Q. Okay. Did she ever tell you why she was living at Carol Lamir’s house?
A. Not me, no.
Q. Okay. Did you ever talk to Gavin about his experiences at Neverland?
A. Yes.
Q. Approximately when was this?
A. The first time he went.

Q. What did he say?

MR. ZONEN: Objectionl; irrelevant.

THE COURT: Sustained.

MR. MESEREAU: No further questions, Your Honor.

THE COURT: Cross-examine?

MR. ZONEN: I have no questions, Your Honor.

THE COURT: All right. Thank you. You may step down.

MR. MESEREAU: We have no further witnesses for today, Your Honor.

THE COURT: (To the jury) All right. We’ll excuse you until tomorrow morning. The Court will use the time. We’ll take up some motions that are pending.

Remember the admonition. I’ll see you at 8:30 tomorrow morning.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: All right. We have some motions pending that we can take up.

All right. The first issue I’ll take up is the plaintiff’s brief re admissible evidence of defendant’s character.

Do you wish to be heard?

MR. SNEDDON: Not unless you’re willing to change your mind. Let me just say this, because you already indicated --

MR. SANGER: Excuse me, I’m sorry.

MR. SNEDDON: -- you’ve already made a tentative indication.

THE COURT: I gave you both a tentative indication. That’s correct.

MR. SNEDDON: And so I would just say that we put everything in our brief, and nothing’s changed. I would just ask the Court, if you’re going to continue to make that ruling, that you give us the option, if at some point some witness comes in and opens the door, that we have the ability to renew the motion.

THE COURT: That would be the case. The Court -- the issue that's raised here is whether or not the defense has put Mr. Jackson's character at issue with some of the testimony concerning witnesses testifying that they have never seen Mr. Jackson do anything untoward towards children.

And under certain circumstances, that could raise character testimony. But I think that in this case, where the Court's allowed testimony under 1108, which was the testimony of alleged prior similar acts of sexual activity or that type of activity towards children, that that creates a situation where they're not raising character. They're just dealing with the 1108 material and rebutting the 1108 material.

So I'm not going to put them in a position where they're -- they can't try to rebut the 1108

material without being -- without being accused of raising character. So that's really why I'm ruling the way I am.

And so in a different context, they could raise character, and of course this ruling wouldn't have anything to do with what happens in the future, but I don't believe that they have at this time. So that's my ruling. Character's not at issue.

The next item that I'll take up is the testimony regarding -- the District Attorney's motion regarding testimony of David Conn.

Again, I gave a tentative ruling on that. The tentative ruling was that I would allow the cross-examination suggested by the District Attorney.

And do you wish to be heard on that?

MR. MESEREAU: Yes, Your Honor.

As I mentioned at sidebar, based upon the tentative ruling, we have withdrawn him as a witness.

THE COURT: All right. Then that moots that. If you change your mind, then I would reconsider their motion.

MR. MESEREAU: Okay. Thank you.

THE COURT: The next issue I want to take up is an issue that we keep going back to, the 400 series of exhibits, but every time I think we've put them to rest, I find out we have not.

The defense has notified me that they -- that even though the prosecution withdrew Exhibit 414 and 416, that they had asked that they be admitted into evidence. And I do remember -- when you reminded me of that, I now remember that you did make that request.

So it seems to me that 416 was -- there was a lot of testimony about 416.

Do you want to respond? Who's going to respond to this?

MR. AUCHINCLOSS: I'll respond to that, Your Honor.

If I could have the exhibit, please. Thank you.

THE COURT: Was there a foundation laid for 416?

MR. AUCHINCLOSS: I can't recall if the detective indicated whether or not he located these documents in Mr. Schaffel's home. If memory serves, I believe counsel did ask a couple of questions about that on cross-examination.

The problem with these exhibits is that it appears to be a writing or an accounting in someone's personal handwriting. No one has been identified, and it purports to be literally dozens, if not 100 receipts and additional accountings for items, with no testimony concerning the authenticity of the individual receipts, which probably is not of

any great moment. They appear to be what they look like, receipts from various businesses, restaurants, stores.

But the purpose of this evidence, ostensible purpose for the defense is to attempt to prove that these purchases were made for the Arvizo family.

And if that's the case, there's absolutely no connection. There's no authentication or foundation for that position, given that we don't know who was present when these receipts were created. We don't know who the purchases were made for. We don't know who created the receipt, and therein lies the problem.

I'll also address the second question. Can you direct me to the exhibit that you were inquiring about, Your Honor?

THE COURT: 414 and 416 are the two exhibits. They really, I think, are the same.

MR. AUCHINCLOSS: They're pretty much the same thing.

THE COURT: Let me hear what -- who's speaking for the defense?

MR. SANGER: I'm sorry, that was with regard to a witness issue, and I couldn't hear what you said. Did you ask to respond?

THE COURT: Yeah.

MR. SANGER: That was my guess, but I don't want to guess before talking.

THE COURT: Yes, thanks. Right. Thank you.

MR. SANGER: Can I inquire of the clerk, was 415 received?

THE CLERK: Yes.

THE COURT: Yes.

MR. SANGER: Was the answer to that "Yes," Your Honor?

THE COURT: The answer was "Yes."

MR. SANGER: Okay. 415 was offered -- and I just want to make sure that was one of them. There were several exhibits, including 415, that were offered by the prosecution based on the fact that these documents were found in Mr. Schaffel's house, and therefore indicated that they were business records that were kept for some purpose.

THE COURT: Well, and you know that on most of those, I made them put in an additional foundation. Although there were some -- I can't remember how many now, but a few that I felt that that was sufficient. Do you think this comes within that clarification?

MR. SANGER: Well, I think if you look at 414, for instance, where there's just accountings, and I believe there was a couple of other exhibits in this book that come in that same category, that they're just general accountings or accounting documents that were found in Mr. Schaffel's file cabinets. And I think where the Court made a

particular delineation was where you had documents that purported to be, for instance, contracts that may or may not have been signed, may or may not have been seen. There was a fax cover that didn't match the fax, you know.

THE COURT: And there were e-mail addresses that hadn't been verified and that kind of thing.

MR. SANGER: That's correct.

But I believe this would be consistent, allowing 414 -- I mean, 414 and 416 in would be consistent with the Court's other rulings where you had documents which appeared to be an accounting or financial documents that were kept in the business records at the Schaffel residence, that they would be admissible.

The fact is that 415 is a business record -- I'm sorry, I'm looking at the tab. 414 is a business record. It comes off the computer, just as 415 did, and includes a list of expenses that says, "Janet cash account. Vinnie, Frank."

And then when you go to 416, you have a "Summary of petty cash expenditures, Vinnie, for Janet and children." They're itemized, and then you have a whole bunch of receipts, some of which the subject matter has been covered by testimony of even Janet Arvizo, where she admitted that certain of these expenditures were made on her behalf.

So it would seem to me that it comes within

the same category of items that were admitted, as I understood the Court's ruling, as business records that appeared to have been kept in the ordinary course of business at the Schaffel residence relating to what we've now heard from other testimony apparently was part of what he was involved in. And Vinnie and -- Vinnie was involved in purchasing things for Janet and the children.

Based on that, I think there's an adequate showing that this is not only a business record, but it's reliable. It's been testified to by the police officer. As I stand here, I think we asked somebody else about this too, but I can't be sure.

THE COURT: I think so, too. Let's take our break. I've got the argument.

(Recess taken.)

THE COURT: All right. On the issue of where we left, I'll admit 414 and 416.

Let's see, an issue came up during the break about Larry King. And counsel had asked me to allow him not to appear tomorrow because his attorney's father was ill. And now I understand that his -- her father has passed away.

MR. MESEREAU: That's what I've just learned, Your Honor.

THE COURT: But what I told you, just so it's clear, is that you fill up the space. He can come whenever you want him. I'm not telling him when he can come, when he can't come. But I want this court operating, not shut down, and I want that clear. We've shut down twice, now, for you. So you have your witnesses lined up, just like I made the D.A. have their witnesses lined up.

MR. MESEREAU: Yes, Your Honor.

THE COURT: All right.

MR. MESEREAU: If I may, Your Honor --

THE COURT: The next item --

MR. MESEREAU: Your Honor, if I may.

THE COURT: Yes.

MR. MESEREAU: Some issues have come up with regard to motions in limine filed recently, and as often as today or as current as today, involving certain witnesses we propose to call. And we have tried to work out some understandings in that regard, Your Honor, as we discussed in chambers briefly.

We were planning to call an expert named Mrs. Minnow, and she would take a considerable amount of time. The prosecution has filed a motion to preclude her testimony and have said that if she is allowed to testify, they will be calling an expert in the rebuttal case. And we're trying to work things out like that. And it appears there may be a mutual agreement not to call either one, for example.

THE COURT: Okay.

MR. MESEREAU: So as Mr. Sanger did mention to the Court earlier, we're trying to make sure the witnesses we call have a valid and clear and definite purpose. We're not just trying to call witnesses to make sure we have witnesses.
THE COURT: I understand.
MR. MESEREAU: And I want the Court to know that. We're trying to pare things down.
THE COURT: Both sides do that. And both sides, you know, have to have their witnesses lined up. I said this from day one. And that means if I exclude a witness's testimony, right then you still have to have a witness available to testify. So it's -- the burden on you is no greater than the burden was on the District Attorney. If anything, it's less. You've had a lot more time since the trial started to have your witnesses lined up.
I understand the fact that situations change, and I appreciate you're trying to do a good job with that, but we have to think about the fact that we've had a jury. We've taken them out of their lives. We've still got several weeks to go, and not using the times available, we've got law enforcement standing around in the outer areas. We've got all sorts of funds committed to this trial that, when we shut down, costs us, and that's why I encourage you to -- strongly encourage you to keep the witnesses coming.

MR. MESEREAU: I understand, Your Honor, and we'll try to do that.
THE COURT: Okay.
MR. MESEREAU: Appreciate it.
THE COURT: And any of the matters that we're deciding that you don't want me to decide because you think you're trying to work something out, tell me. They're not really formal in limine motions. They're really motions that are just being made as quickly as either side can make them, just -- and I appreciate it. What you're doing is giving me a heads-up on an issue that's going to come up on an issue that I'm going to need to rule on, and that

really helps me because we can spend the time to do that.

MR. SANGER: I was waiting for the opportunity to tell you that one of them is taken off the table with an agreement, and I'd just like to refer to that. It's the motion that was -- one of them I believe was filed this morning by the District Attorney to exclude the testimony of Mary Minnow, and Mr. Mesereau referred to that. I believe Mr. Sneddon would agree.

Part of their response was, if we called Miss Minnow, they would call their expert, and we would mutually agree to withdraw our expert on the agreement that they withdraw their expert. Obviously subject to some other change in circumstances, but basically --

THE COURT: That would be --

MR. SANGER: If we called another expert, for instance, that would change the ballgame.

THE COURT: Okay. Do you agree with that?

MR. SNEDDON: I do.

THE COURT: All right. Then I'll accept the stipulation, and I will not make a ruling on those issues.

MR. SANGER: And I think that's what Mr. Mesereau was respectfully referring to was that was a big hole for tomorrow, so we're doing our best to fill it.

THE COURT: Part of the problem here, too, is that I'm going to try to end early Friday. You know, we had Friday set aside as not going so you could go to your appointment, and now, because of the issue that has arisen involving the testimony of Geragos, I've had to use that time.

To the extent that we can finish Mr. Geragos on Friday, then I won't expect you to call any more witnesses on Friday so that Mr. Sanger can go to the event that he had made a commitment to go to.

But --

MR. SANGER: Thank you.

THE COURT: -- that means it's all the more important that we use today and tomorrow and Monday, okay?

MR. SANGER: Yes, sir.

One other thing that might factor in. You said “quite a number of weeks” or “a number of weeks,” something like that. We have pared down our witness list even more since yesterday, so things are going even more quickly, and I think it’s safe to say that “a number of weeks” is probably an overstatement on the amount of time that we’re going to be taking up, here.

THE COURT: Well --

MR. SANGER: Just to point that out. I’m not criticizing the Court.

THE COURT: That’s one place I would really like to be wrong.

MR. SANGER: Yes.

THE COURT: There’s -- to overestimate when the trial will be completed, that would be great to be wrong.

MR. SANGER: We had talked generally where we were, and we have eliminated a number of witnesses since we had that discussion with the Court.

THE COURT: Okay. Thank you. I know you’re working hard. I’m not accusing you of not working hard to get this done. I’m just saying get it done.

The James -- let me see. Let me take up the next thing. What was I going to take up? We’re not going to take up the Geragos issue until Friday,

because I believe he should be here and has standing to be involved in that.

Take up the plaintiff’s motion to exclude hearsay testimony of defense witness Michael Viner. I’ll give you a tentative. Do you want a tentative, or --

MR. ZONEN: I believe you already had, Your Honor.

THE COURT: I gave a sidebar tentative; is that right?

MR. ZONEN: You gave an open court tentative.

THE COURT: Open court tentative.

MR. ZONEN: Yes.

THE COURT: All right. Does either side wish to say anything before I make a ruling on that issue?

MR. SANGER: I'm not sure what the Court's tentative was on this one. You had given a tentative on two others.

MR. MESEREAU: To grant the motion to exclude.

MR. SANGER: Okay. Yes, it was before we had filed the brief.

THE COURT: That's correct.

MR. SANGER: It was the same day that they filed --

THE COURT: That's correct.

MR. SANGER: So you have not given a tentative since you've had a chance to look at the transcript cites that we --

THE COURT: Correct.

MR. SANGER: Does that change the Court's tentative?

THE COURT: Well, a little bit.

You know, to the extent that this may apply to Larry King also, since he was -- if I remember the testimony correctly, he was at a table with Viner or next to Viner, and they may have overheard the same thing. So to the extent that we're talking about the same conversation, then this ruling would be the same, you know; apply to both of these people.

And I think that the testimony would be -- the part that I would allow would be that Mr. Feldman was heard to express opinions contrary to his assertion that anyone that said that he expressed opinions about his clients would be a liar.

But I'm not going to allow the specific statements that are opinions of the credibility of the witnesses, accepting the D.A.'s argument that it's improper to give opinions about the credibility of other people. And this is -- I'm not going to let it in through the side door which I wouldn't -- what I wouldn't let in through the front door, in spite of your “They opened the door.” You know what I’m talking about?

MR. MESEREAU: Yeah.

MR. SANGER: So may I respond?

THE COURT: Yes.

MR. SANGER: Okay. Sounds like there’s quite a breeze going through this house here.

I understand the Court’s ruling. I’ll just try to go right to the exact point that I think is the sticking point, and we’ll see if it is or it isn’t.

I think the impeachment of Mr. Feldman is not just that he said that and just to show that he then said something different, that he did express opinions about a client’s case in public when he said he didn’t, but also to show, to the contrary of what the prosecution was trying to show on the merits of this, that Mr. Feldman’s testimony was being offered to show that he -- that Janet Arvizo abandoned the case and that they were no longer seeking money, something to that effect.

And that’s certainly what was argued in the opening statement, and it was a fair interpretation of Mr. Feldman’s testimony under direct examination by the prosecution; that he was saying, “Gee,” you know, “This case was given up because the Arvizos just didn’t really want to pursue it.” It is contrary to what we believe to be the case and we have some other evidence on that. But in this particular instance, you have Mr. Feldman expressing an opinion indicating that he’s not taking a case because he doesn’t think they’re credible.

Now, for that purpose, it would be offered for, in that regard, not for the truth of the matter that they’re not credible, so it doesn’t go to the issue of credibility per se, which the prosecution is objecting to, but it does go directly to the contention of the prosecution that they, for some reason, had this contingent fee arrangement for a lawyer and they were not seeking money. I mean, it makes no sense, but that’s their contention.

MR. ZONEN: Your Honor, in the Simmons California Evidence Manual, it reads as follows:

"Counsel often mistakenly believe that if they allow the other party to admit objectionable evidence by refraining from making the objection, they will then be entitled to admit relevant evidence that is otherwise inadmissible. The so-called 'open the door' or 'open the gates' argument is a popular fallacy." And it quotes a number of different cases including People vs. Gambos and People vs. Williams.

The questions were asked by Mr. Mesereau on cross-examination. It was done for purposes of soliciting information that is not relevant to this proceeding, that is not material, and that is inadmissible for purposes simply because it's

opinion, improper opinion, to then be able to set up an opportunity to be able to engage in impeachment. That's improper impeachment. You can't do that.

In that regard we're going to be asking that the matter be kept out in total. In total. We do not feel that any of that is admissible.

One other issue we have to deal with is that I don't know if Mr. King actually is going to come, Larry King. But my conversation with his attorney, Kelli Sager, who is the attorney who represented Ian Drew in this proceeding, and I think the Court remembers her contribution to this proceeding, unless they can show in advance that any of that statement actually was aired and published, published in the journalist sense, in other words, it appeared on the television or in radio or newsprint coming directly from Mr. King, I don't believe Mr. King is going to say one word in this proceeding without Miss Sager standing up and yelling, and I suspect that the result will be exactly the same as what happened with Mr. Drew. And he is the witness to this encounter. And in the absence of that witness, I think it's one more factor for the Court to put into this equation in terms of whether or not this material should come before the jury, because one of the witnesses, I suspect, will simply not be testifying based on the shield law.

MR. SANGER: May I respond to that?

THE COURT: Yeah. Yeah.

MR. SANGER: And Miss Sager unfortunately is the person who lost her father just now. But I did talk to her day before yesterday specifically about this, and she said that this is not covered by the shield law. She agrees, because it was a conversation being had in a restaurant, and she is not objecting to Larry King's testimony as to this. She would object to anything we attempted to elicit with regard to any reporting that he was doing, but she agrees that this is not -- this is not reporting.

So I -- I pass that along as being what she did tell me, and I believe she will show up or her partner will show up at the appropriate time and say exactly that.

The other thing is that Larry King -- we've got both Larry King and Michael Viner lumped together here. I believe Larry King is going to say that -- something to the effect -- I don't have the exact quote, but something to the effect that he -- that he was discussing the case, saying, "She's crazy and all she wants is money."

So it goes directly to the money issue as to whether or not Janet Arvizo is involved in wanting money. She says all she wants is zero. And Major Jay Jackson says, "All we want is zero," using the same terms. That is not evidently what they told Mr. Feldman, and it would run contrary to any lawyer's observation that Mr. Feldman is not going to take a case like this on a contingent fee if somebody doesn't want money. This, however, for the jury's purpose, is evidence showing that what he said is, in fact, contradicted by his own statements.

And so we'd ask to admit it.

THE COURT: That's a little different than the problem I was having with the opinions as to his opinion that they were only in the case for money, as opposed to her saying -- someone reporting -- I guess he's reporting. That's double hearsay, right? He's reporting that Feldman said that she said? Is that what you're -- how you're putting it now?

MR. SANGER: Well, I suppose that -- that wasn't how I was putting it, but I understand the Court's construction of that. However, the important thing is that Feldman said it, because Feldman on the stand said that wasn't the case. So whether -- let's assume for the moment --

THE COURT: Well, the question is, are you offering an opinion by Feldman that -- are you offering a statement that he gave an opinion that all she wanted was money, or are you offering a statement that she said all she wanted was money?

MR. SANGER: I believe he will say she said that.

THE COURT: That's not what you have in your brief.

MR. SANGER: Well, the brief -- of course the brief was very brief.

THE COURT: Right.

MR. SNEDDON: It was done very quickly.

THE COURT: The quote --

MR. SANGER: That's true.

THE COURT: You didn't leave any ellipsis in there.

MR. SANGER: The door was opened and it could have gotten away.

Quite frankly, the brief was with regard to Viner, and now we have King. But anyway, that's what we believe that Mr. King will say. However, either way, I understand what is the distinction.

THE COURT: The safest way to handle this is to have a little 402 hearing before you -- before either of those people testify, so there's nothing -- so that I know exactly what they say they heard.

MR. SANGER: That's fair enough, because we have been dealing through lawyers with them, and so I think that's a fair enough way to --

THE COURT: So you haven't had a one-on-one conversation? Okay.

MR. MESEREAU: That's not --

THE COURT: And I will instruct them, and I would like you to let them know, if I rule certain things cannot come in, they cannot blurt that out.

MR. MESEREAU: Your Honor, that statement is not completely true. I was at -- having lunch at The Grill one day in Los Angeles, and Larry King was there, and he told me that.

THE COURT: You were having lunch at --

MR. MESEREAU: I was. Larry King was there.

THE COURT: They can’t hear you back there. You’re --

MR. MESEREAU: Okay. All right.

MR. ZONEN: We have not been furnished a report of counsel’s conversation with this witness. And before it’s broadcast to the press, I think we ought to be given a written comment of this.

THE BAILIFF: They didn’t hear you either.

MR. MESEREAU: I happened to be having lunch one day --

MR. ZONEN: I have a request, Your Honor.

THE COURT: I deny your request. Go ahead.

MR. MESEREAU: -- at The Grill restaurant in Beverly Hills. And Mr. King, I believe, came over and introduced himself and blurted out this statement. I then asked my investigator to follow up on it. And I have had no further discussions. The investigator has talked to Mr. King’s

attorney, I believe, and got from him what he’s going to say and that was a statement turned over. But I want to make sure the Court knows what happened.

THE COURT: Thank you. So it would behoove all of us to start having lunch at The Grill.

(Laughter.)

THE COURT: All right. We’ll do that with 402 hearings.

MR. MESEREAU: Your Honor, if I may, just for the record, I didn’t interview him.

THE BAILIFF: Please use the microphone.

MR. MESEREAU: Okay. All right. I did not interview Mr. King.

THE COURT: I understand. He came over and voluntarily told you.

MR. MESEREAU: And I asked an investigator to follow up on it. Thank you.

THE COURT: Okay. The next item I’ll take up is the James Newton. That was on -- handed to me just a little while ago.

MR. SANGER: It’s the People’s motion, but if I could be heard, because I think I can focus the issue much more.

THE COURT: Yes. Go ahead.

MR. SANGER: It was just handed and so therefore I don’t have the document in front of me.

And we obviously have not had a chance to file anything in writing, but the motion talks about a number of conclusions in the article that relate to the wrapping up of the Michael Jackson case and there are quotes from Gil Garcetti and other people in there that the People object to. None of that is what we intend to introduce.

There is a statement by Larry Feldman, a quote in the article. And I don’t know if the Court has a copy of the article there. I don’t think it was attached to their moving papers.

THE COURT: It’s not attached, no.

MR. SANGER: We can provide that. But there’s a quote in the article, basically two different quotes by Mr. Feldman, where he was quoted verbatim saying that he was, in 1993 -- this is an article written in 1994. He said in the 1993-1994 case, that he had -- he was disappointed that the prosecution did not go ahead and prosecute, and that he would much rather have had the District Attorney prosecute so that it would help him in his civil case.

And Your Honor may recall that on the stand here, he said something to the effect, “You’d have to be nuts to do that. You don’t want to have the prosecution go first.” So it’s an absolute contradiction. That’s the only thing from that article that we want to bring in.

I’m paraphrasing this off the top of my head, but I think it’s pretty close. There are two different quotes. They’re in two different paragraphs, I think. But they essentially add up to what I just said. And that’s the only thing we want to offer, and I think it’s admissible for the reasons stated.

THE COURT: Okay.

MR. SNEDDON: First of all, Judge, there’s been no verification with regard to what context that statement was made and when that statement was made. But if you look at the history of that case, as everybody knows it, the fact of the matter is, that Mr. Feldman’s case was completed and the money was already in the bank before we had ever finished our investigation.

So the statement makes no sense at all. He had already obtained a civil settlement from the defendant prior to the time we had finished our investigation. The time of that press conference is not until seven months later, after Mr. Feldman had already completed his case. So it has nothing to do with that statement. Nothing whatsoever. He couldn’t be disappointed about anything. He’s already got his money and he’s already got his settlement.

THE COURT: Do you have the article? Have you seen it.

MR. SNEDDON: I had it. We got it last night at -- we just saw it. Maybe it was this morning, I don’t know. We just got it. And we immediately -- it may have been last night we got it. But I might -- I don’t have it here. I actually thought it was attached, but it’s not.

MR. MESEREAU: Miss Yu has it on her system. She can print it out for you.

MR. SANGER: Or perhaps she’s got to go upstairs.

MR. SNEDDON: The timing of this makes no sense in light -- it’s attributed to him, and of course he was never asked about this particular statement at any point in time, so it wouldn’t be impeaching.

MR. MESEREAU: Would you like to just see the screen, Your Honor?

THE COURT: That would be fine, if I can just see the quote.

MS. YU: Which quote do you want?

MR. SANGER: May I approach, or to deliver the laptop?

THE COURT: Yes. Do you want to look at this, Mr. Sneddon?

MR. SANGER: I'm just going to scroll down a little bit and then I'll turn it around for you.

THE COURT: Okay.

MR. SANGER: Let me just make sure. Yes,

okay. I believe that's the quote we're talking about. Do you want me to take it?

THE COURT: That's fine.

MR. SANGER: Okay. Thank you.

THE COURT: Okay. I think what I'll do on that is, if you would give me a printed out copy, I'll look at Mr. Feldman's testimony, which I have in my office, and see how it fits, how the two things fit.

MR. SANGER: Yes, sir.

THE COURT: If you want to help me with that, Mr. Sneddon, if you'd find the -- either of you.

MR. MESEREAU: Miss Yu is getting you a copy.

THE COURT: I was just saying, I remember -- at this point I remember the essence of Mr. Feldman's statement. I don't remember his exact statement, and I want to see -- compare the two and see if they are truly inconsistent, which I need to do.

MR. SNEDDON: Yeah, it would have been easier to pinpoint the exact statement, but when I asked Mr. Sanger if that was the subject of the person's testimony, he didn't pinpoint that for me, so we just had to file the motion the way we did, otherwise I would have done that beforehand.

THE COURT: Thank you.

MR. SANGER: And I apologize. If Mr. Sneddon asked me that, I didn't get the call of his question. I certainly would have told him that that was it. So I apologize to Mr. Sneddon for not making that clear.

THE COURT: Okay. The next one is -- I just received, too, is another -- Dexter Mason and Paul Kruegman.

MR. SANGER: Yes, Your Honor. That was just filed by the prosecution. We can respond to it orally.

THE COURT: Go ahead.

MR. SANGER: All right. Understanding I've been working here instead of reading this over carefully, but it's a short motion and the thrust of it is the Court has already made a ruling that the evidence with regard to J.C. Penney's is limited, and we have, in fact, tried to limit our testimony about that.

However, these two witnesses, of the 20 or so that could be called with regard to that, these two witnesses go right to the heart of the J.C. Penney's testimony by Janet Arvizo and why it was fraudulent.

And Dexter Mason was one of the security guards who was accused by Janet Arvizo of beating her and sexually molesting her on the ground and while she was up against a wall, and there was all that detail that we believe ties into a pattern that on at least three occasions has been demonstrated by Miss Arvizo. Allegations are made, false imprisonment, and then months later you come up with some kind of sexual thing. She did that to her husband, she did it to the J.C. Penney's people, and she did it to Mr. Jackson.

Paul Kruegman is a civilian. He's an individual who was -- just happened to be in the parking garage, and he saw the woman, which would be Janet Arvizo, striking the security guards, and saw them simply restrain her. There was no sexual molesting. There was no kicking, pounding or bruising or anything else.

We feel that in light of the credibility issues involved and the significance of this family litigating in unison and being deposed in a choreographed fashion to make out a case against

J.C. Penney's, that it is relevant that we be allowed to at least bring in these two witnesses.

Now, we had a bunch of other ones and we made the cut. And I'm assuming the Court wouldn't punish us for doing that. We could have come in with 20 people and said, "Can we just call two?" But we picked the two that we think are appropriate on those issues. They will not cause a great deal of consumption of time, but I think it will be of significance to the jury in seeing this same pattern and understanding the significance of that pattern in this case.

THE COURT: What about -- I mean, you were talking about Paul Kruegman, right?

MR. SANGER: Yes, sir.

THE COURT: What about Dexter Mason?

MR. SANGER: Dexter Mason was one of the security guards who was accused of punching, kicking and molesting her. And he will not only tell you that --

Oh, thank you.

Appreciate the Court asking that question, because he will not only tell you that he didn't do it, but he will also say that the very next day, Janet Arvizo came to J.C. Penney's and -- while she was facing criminal charges, she came to J.C. Penney's and hugged him and apologized.

I think that's just critical testimony that confirms the same modus operandi to try to ingratiate yourself, as well as the modus operandi of proceeding seriatum to make increasing charges and claims resulting in sexual charges and claims when it comes down to trying to get something resolved in her favor.

THE COURT: Seems to me, though, that these two witnesses are just witnesses that end up doing exactly what I've been trying to prevent, which is to litigate all of the facts of the J.C. Penney case, you know, and we've -- we had -- I think you went beyond what I had ordered, and then the response by the District Attorney was to bring in the pictures, the photographs, and now we're back on

that.

I'm not in favor of extending the J.C. Penney litigation here.

MR. SANGER: I understand the Court's not in favor of it, and I'm trying to persuade Your Honor that we should do it anyway. I think it's very limited, and I think, you know, the People did bring in the pictures. They widened it a little bit. I'm not saying the whole thing should be relitigated, but I think this is pretty critical testimony, particularly coming back the next day and offering an apology and a hug, and then once their criminal case is resolved, then they sue them and then -- and then escalate their claims.

So I think it is particularly relevant. I don't think that it is going to open yet another door to some large relitigation, but it's -- it's a fair response to their showing pictures. It's a fair, I think, comment or fair evidence as to the hugging and the apologies and then the escalation of claims.

MR. ZONEN: Your Honor, we didn't ask anything about the J.C. Penney's lawsuit in our direct examination. That was entirely brought up on cross-examination, and we dealt with it in a very limited and perfunctory fashion on redirect examination in a manner that we felt addressed the specific issues, and we did so in as limited a way as we could.

The Court indicated at the time that this motion was litigated, back, I think, in January, that we were not going to be litigating the J.C. Penney's lawsuit. If these two witnesses are called to testify, we're going to be exploring our options in terms of dealing with rebuttal witnesses and in terms of addressing exactly those issues. And this was exactly what we advised the Court that we felt was going to be the problem with this type of thing; that we are effectively, once again, litigating a case that took place six or seven years ago. We would ask that these witnesses not be allowed to testify.

THE COURT: All right. I'm going to rule

that they cannot testify.

All right. Okay. The only other issue I think I have left was a memo about leading questions filed by the District Attorney asking me to -- basically I guess the position is that I have allowed leading questions on redirect by the defense. And you want me to quit doing that and chastise the defense for asking leading questions on redirect. Is that the essence?

MR. ZONEN: I don’t need the chastisement, but quit doing that, yes.

THE COURT: Let’s talk about it a minute, you know.

MR. ZONEN: Okay.

THE COURT: There’s a lot of evidence in this case that’s in, it’s been in through umpteen witnesses, you know. Two witness, five witnesses, whatever. And during direct it’s brought out without leading questions. You do your cross, and then they come back and do some leading. And leading questions are allowed where it expedites the proceedings. They aren’t required to lay a foundation, go back through every step. Neither are you. I’m sure they’re as chagrined as you are sometimes when what is obviously a leading question I overrule.

The law is not that you have to prohibit all leading questions. You know, you have to -- the Judge has to measure whether or not there’s any loss of evidentiary value by a leading question. And if the evidence is in -- in fact, I think the waste of time here is people objecting to leading questions all the time. It’s -- you know, it’s a useless objection. Very seldom does it get you anywhere.

Here’s an example: “Are the buttons on your sweater blue?” And I get from both sides, “Objection, leading question.”

Well, what is the suggestion there? You know, answer “yes” or “no.”

It’s a little different than, “You are wearing a sweater with blue buttons, aren’t you?” It’s a little different, and if you can’t perceive that difference, then we got a problem.

So putting words in a witness's mouth is a leading question. Asking questions that can be answered "yes" or "no" that are inconsequential anyway, the waste of time comes from the objection, not from the question or the answer.

So I don't find your suggestion to be productive. I would still weigh each objection that you make on each of you, but, you know, I've tried whole cases where I haven't had as many objections as you all are giving me in a day. I mean, it's literally -- you know, not to pick on anybody, but we had someone object to an answer that was in Spanish. No one knew what she'd said, and we had an objection.

I mean, what -- you know what I mean.

Mr. Zonen? Do you wish to say anything?

MR. ZONEN: No, thank you.

(Laughter.)

THE COURT: You're all doing a good job. I appreciate the hard work you're doing.

Is there anything else to come before the

Court today?

All right. Court's in recess.

MR. MESEREAU: Your Honor, shall I use the term "open the floodgates"?

(Laughter.)

THE COURT: Oh, I'm sorry. Counsel, I forgot. My secretary just pointed out I didn't cover the Vinnie Amen issue.

MR. SANGER: That is true. That's on the list.

THE COURT: I can't tell from your points and authorities -- I guess what I'm saying, does this require a 402 hearing? Does -- no? Who's going speak to it?

MR. AUCHINCLOSS: Well, I will for the People, Your Honor.

Have you received our response?

THE COURT: Yes.

MR. AUCHINCLOSS: It's our position that's dispositive of the issue. We are not going to -- I think the question that was presented to the Court and to counsel was that whether or not Mr. Amen had been granted use immunity. Two things are pointed out in our response.

One, the District Attorney has no power to grant use immunity. It's something that the Court can petition -- or the District Attorney can petition the Court for a grant of use immunity.

THE COURT: Can you grant use immunity without petitioning the Court?

MR. AUCHINCLOSS: I don't believe so.

THE COURT: Can you just grant it in your office?

MR. AUCHINCLOSS: I do not believe so.

THE COURT: Did you --

MR. AUCHINCLOSS: I know of no authority for that, and I don't know of any time that it's ever been done in our office.

Every time that, in my experience as a prosecutor, we have sought use immunity for a witness, it has been through a petition.

But secondarily, the fact remains that we have never given or agreed to give Vinnie Amen use immunity.

THE COURT: This --

MR. AUCHINCLOSS: It's predicated on his taking the stand as a witness for the People, and that discussion fell through.

THE COURT: It says he was offered -- in the sheriff's report, it says he was offered use immunity.

MR. AUCHINCLOSS: Well, the lieutenant in that case is paraphrasing a conversation. And I'm not sure he's privy to the legalities of use immunity or exactly the discussion that took place.

I can represent to the Court that I talked to John Fahey, Mr. Amen's attorney, about this, to confirm that our understanding was identical. And he did agree with me, and that is what I placed in my affidavit.

THE COURT: Who's going to speak for the defense?

MR. SANGER: I am, Your Honor.

I must admit, in the rush to do all these things, I can't find my moving papers. I've got their response, but the --

THE COURT: Do you want -- I think these are your moving -- is the one with the sheriff's report attached to it?

MR. SANGER: Yes, yes. Thank you. I don't want to take it from the Court if you need it. Thank you.

First of all, Mr. Auchincloss was there. There is a tape of this, of this interview, and Mr. Auchincloss was right there while this immunity was discussed on the tape. So it may be necessary to have a 402 hearing where we either play the tape or have Mr. Amen here. It would be nice to resolve this before flying him out from the East Coast.

THE COURT: When does --

MR. SANGER: We had hoped to call him next week, but we're waiting for a ruling on this so that we can, you know, schedule him for a particular day. We could lodge the tape with the Court so the Court could listen to it. I don't know how -- you don't have to listen to the whole thing. It's several hours. You could just listen to the beginning where they talk about it.

The fact of the matter is, number one, Mr. Auchincloss was there, so so much for saying that the lieutenant doesn't know what he's talking about.

Number two, they very clearly gave Mr. Amen immunity. They told him that. His lawyer was present. And there is no discussion about, "This is subject to us going to court and getting court approval." That's number two.

Number three, use immunity can be conferred de facto by a prosecutor. It is true that the statute says that the Court is ultimately the one to determine whether or not immunity should be granted. In other words, the order. The prosecutor can't give an order of immunity, because the prosecutor is not a judicial officer. That requires a judicial officer to have the order of immunity.

However, effectively, a person can be granted and is granted routinely immunity, and in my experience, as opposed to Mr. Auchincloss's evidently, the immunity is granted routinely by police officers and district attorneys. Usually the District Attorney's Office is involved, is granted routinely to people. They're told, "You have immunity. Come on, let's talk."

That's what happened here. They have a lawyer, you have immunity and talk.

What happened was Mr. Amen went through very patiently, very politely, as I think we heard he was, for I want to say two and a half hours or maybe more and answered all of their questions. They said they didn't finish the interview. They asked him to get some documents and bring them back. And he said, "Yeah, I'll go find the documents and bring them back."

We have no follow-up report, so I don't know if he ever did that, but they asked him virtually every question. Mr. Auchincloss asked him questions himself. Mr. Auchincloss participated in the interview at great length, all under a purported grant of immunity.

And were they to prosecute Mr. Amen and say, "We're now going to use these statements against you," you can bet that his lawyer would be in here and say, "Your Honor, he was granted immunity." And the Court would say, "Yeah, Mr. Auchincloss, you sat there with the sheriff saying, 'You have immunity. Talk to us.' You cannot use those statements."

So de facto immunity was granted.

What has happened is, Mr. Amen very specifically answered their questions about his interaction with Janet Arvizo and contradicted -- not only contradicted, but explained exactly what happened, and explained things that, now we see from other evidence, were in fact true.

MR. AUCHINCLOSS: I'm going to object to counsel's paraphrasing the interview in a way that he perceives to be beneficial to his client.

MR. SANGER: Well, I don't know how else I would be speaking if I didn't deal with --

MR. AUCHINCLOSS: It's irrelevant to the

discussion.

MR. SANGER: It is relevant.

MR. AUCHINCLOSS: There's an objection.

MR. SANGER: I'm sorry. There's an objection, so I'll stop.

THE COURT: Well, I'll give you an opportunity. I'm not going to sustain the objection. I'm trying to -- I'd like to back up, though, to the point.

Mr. Auchincloss, how would you like to proceed? There is a tape-recording. Do you want to -- it sounds to me like a 402 hearing is necessary.

MR. AUCHINCLOSS: We can do that if you wish, Your Honor.

The issue is, though, that the agreement was reached before we went on tape. We went -- as I recall. And I talked to Mr. Fahey about this, and his recollection is identical to mine.

So the issue as to whether or not immunity was to be granted was conditional upon being called by the People as a witness. That was clearly the understanding. It was not just, "We're going to grant you immunity, and whatever happens happens."

So, you know, he's -- of course, Mr. Fahey's on the East Coast, and I suppose we could, for the sake of convenience, conference him in in some fashion into this inquiry.

But I'll listen to the tape again. Perhaps that will -- I mean, I haven't listened to it recently.

THE COURT: Okay. Just a moment.

(Discussion off the record at counsel table.)

MR. AUCHINCLOSS: And that's -- Mr. Sneddon makes a good point. We'd be happy to provide a declaration under penalty of perjury from Mr. Amen's attorney, Mr. Fahey. That may be handling the issue right there.

MR. SANGER: Your Honor, that's my point.

It's not up to Mr. Fahey right now to make some judgment call. The People didn't evidently like the testimony. They offered immunity. That's our position. It’s -- I believe it’s sufficiently called out on the actual audiotape, because I got the audiotape before I got the report and I listened to the tape. And I heard that, and we’ll get the tape so the Court can hear it.

I’m always subject -- I always say these things subject to, you know, actually having the evidence, but I’m certain that it’s on the tape to start with. So if that --

THE COURT: Why don’t we start with that. Let me hear the tape, and then maybe I can see what’s the best way to proceed from there.

MR. SANGER: All right. We will get a copy of that for you as soon as possible. No later than tomorrow morning.

THE COURT: Okay.

MR. SANGER: And I think, unless you want us to try to redact it, we’ll give you Disk 1. If I’m not mistaken, I think there’s three disks. Three or four disks, right?

THE COURT: I just want --

MR. SANGER: It’s just -- in other words, we’ll give you Disk 1, but -- the whole thing. You don’t have listen to the whole thing. You just have to listen to the beginning.

THE COURT: Just the beginning. It’s -- you could leave a note if I need to -- you know, if there’s several conversations, you leave a note and say, “Don’t stop at the end of the first conversation,” or something, that would help me.

MR. SANGER: Yes, sir.

THE COURT: If it’s all in -- once you get into that subject matter, it’s all completed, I’d

appreciate a note to that effect so I know not to keep going.

MR. SANGER: We’ll give you the counter numbers, which should be the same.

THE COURT: Is it on a DVD?

MR. SANGER: It’s on a DVD or a CD, a disk.

MR. AUCHINCLOSS: Since what’s on the tape is only a portion of the discussion that we had, which was somewhat lengthy before the tape started, I would like to go ahead and submit a declaration from Mr. Fahey, with the Court's permission.

THE COURT: All right.

MR. AUCHINCLOSS: Thank you.

MR. SANGER: I'm not -- I mean, we have a problem here with Mr. Auchincloss also, you know, sort of testifying before this Court as to what happened. You know, we don't --

THE COURT: I'm not -- I understand the difference between attorneys talking and testimony. And when he submits a declaration, then I'll decide whether or not that's sufficient and whether or not I would allow you to cross-examine if there's some issue there. I'm not going to just accept -- we're trying to see what's the least bothersome to everybody that we have to do, whether we have to call him out here to testify, you know, when maybe he's not going to testify. I don't know. So if you give me the tape and you give me a

declaration, give it to the other side, and then we can make a decision as to where we go from there.

MR. SANGER: Very well, Your Honor. And we're hoping to call him. He's not under subpoena, but his lawyer has agreed to produce him as long as the Court clarifies the immunity issue.

Pardon me for sitting down. If I stand up, I'll be too far from that.

And his lawyer's agreed to produce him, so we would like to know as soon as possible so we could get him on a plane to get him out here, within reason.

THE COURT: With me, I'm saying we've got to move along. I understand we need to know the answer to this as soon as possible.

MR. SANGER: I will return the Court's copy.

THE COURT: Thank you. All right.

(The proceedings adjourned at 2:35 p.m.)

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REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 10932 through 11103 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 18, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, May 18, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

THURSDAY, MAY 19, 2005

8:30 A.M.

(PAGES 11105 THROUGH 11163)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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-and-

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

DEFENDANT’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
KING, Larry (Nonjury)	11113-M			
VINER, Michael (Nonjury)	11120-M	11127-Z	11128-M	
PRYOR, Azja	11138-M			

E X H I B I T S

DEFENDANT’S NO.	DESCRIPTION	FOR I.D.	IN EVID.
5088	CD of Vinnie Amen interview	11110	
5089	DVD entitled “Neverland Ranch 2005”	11137	

Santa Maria, California
Thursday, May 19, 2005
8:30 a.m.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: Good morning, everyone.

COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.

THE COURT: I have the CD on the other issue, but I listened to it this morning. Did you deliver that, Mr. Sanger?

MR. SANGER: Yes, sir, we delivered it with a pleading.

THE COURT: And the transcript, I have that.

MR. SANGER: The same way we were doing that. Okay.

THE COURT: So what do you want to do with this? I listened to it. Should we put it in evidence or --

MR. SANGER: I think -- as we suggest in

writing, I think we should mark it as an exhibit.

THE COURT: Next in order.

MR. SANGER: Next in order, yes.

THE CLERK: That would be 5088.

MR. SANGER: Thank you.

THE COURT: All right. Now, I understand you're ready to call your next witness.

MR. MESEREAU: Yes, Your Honor. The defense will call Mr. Larry King.

THE COURT: All right.

Mr. King, come forward, please.

MR. BLUM: Good morning, Your Honor.

My name is Jeff Blum at Davis Wright Tremaine representing nonparty journalist Mr. King this morning. I'm here with Mr. Fields and Mr. Barondess, Mr. King's private attorneys.

MR. FIELDS: Good morning, Your Honor.

MR. BLUM: Your Honor, we have submitted a short memorandum outlining the shield law along the lines of Mr. Drew's testimony several weeks ago for the US Weekly.

And what Mr. King requests is that you conduct a brief 402 hearing to determine the scope of the direct and cross-examination to protect Mr. King's rights under California shield law and the First Amendment to the U.S. Constitution.

THE COURT: All right. I've reviewed your points and authorities. Thank you.

Mr. King, would you stand, and I'll have you sworn. Please raise your right hand, face the clerk.

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LARRY KING

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Larry King. L-a-r-r-y.

K-i-n-g.

THE CLERK: Thank you.

MR. MESEREAU: Shall I conduct the hearing, Your Honor?

THE COURT: Yes.

Before you start, let me complete a note I’m making.

THE BAILIFF: Make sure you guys either talk at the microphone --

MR. MESEREAU: Your Honor, Mr. King’s counsel would like to reserve the right to object.

Where would you like him to be?

THE COURT: Right there is fine.

MR. BLUM: All right. Thank you, Your Honor.

MR. MESEREAU: With your permission, I will not go into Mr. King’s background, I’ll simply get to the heart of the matter, the questions that I think are of importance to the Court.

THE COURT: I appreciate that.

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DIRECT EXAMINATION

BY MR. MESEREAU:

Q. Good morning, Mr. King.

A. Good morning.

Q. Mr. King, do you know an attorney named Larry Feldman?

A. I do.

Q. And how long have you known Attorney Larry Feldman?

A. Probably ten years.

Q. And do you have -- do you meet with Mr. Feldman from time to time?

A. Occasionally.

Q. And have you interviewed Mr. Feldman?

A. Yes.

Q. My questions are not going to concern any of those interviews.

Have you ever discussed this case with Attorney Larry Feldman?

A. Yes.

Q. When did that happen?

A. Last year sometime, I think. I don’t know the date.

Q. And approximately what month do you think it was?

A. Gee, I, you know -- I’d be -- it would be a wild guess. It was sometime before this trial started.

Q. Okay.

A. Quite some time.

Q. And where did this meeting take place?

A. Took place at Nate ‘n Al’s Restaurant in Beverly Hills.

Q. Who else was present?

A. One of my producers, Nancy Baker, and three friends, Sid Young, Asher Dan and Michael Viner.

Q. And who arranged the meeting?

A. We contacted him -- I contacted Larry Feldman in order to try to convince him to come on our show.

Q. And did Mr. Feldman show up at Nate ‘n Al’s?

A. He did.

Q. Did he show up with anyone else?

A. No.

Q. Did he sit down with you?

A. We were in adjoining booths. He sat here. The booths only hold four. So -- I have breakfast there every morning. So I was sitting here, and Asher was sitting there, and Sid was sitting there, and Michael over here, and Nancy over there, and Larry Feldman was sitting right next to me.

Q. Did Mr. Feldman express any interest in working with your show?

A. Very much.

Q. How long did the meeting last?

A. About 45 minutes.

Q. Okay. Did Mr. Feldman say anything to you about the Michael Jackson case?

A. He did.

Q. What did he say?

A. He said that -- that the case of ten years ago, when he represented the other person when there was a settlement, that was a definite good case. But he thought the woman in this case, the mother, was a whacko, was the term he used, and he thought she was in it for just the money. He had met with her. He didn’t want to represent her. He advised her to see someone else and he informed the authorities. He didn’t tell me which authorities.

Q. Did he say that this woman told him she wanted money?

A. No, I think he said he thinks she wants money.

Q. Did he say what he based that opinion on?

A. No.

Q. Did you ask him?

A. No. He just said she was a whacko. That -- he said “whacko” a couple of times, and he said, “She’s in this for the money.”

Q. When he said she was a whacko, did you ask Mr. Feldman what he meant?

A. No, I think that’s self-explanatory.

Q. Okay. Did he say anything else about Janet Arvizo?

A. Other than he refused to take her case.

Q. Okay. Did he give any other reasons why he refused to take her case?

A. He thought that it was -- she was just in it for the money, and she was a little erratic, or whacko, as he said, and he didn’t want to represent her.

Q. Did he say he had met Janet Arvizo?

A. Yes.

Q. Did he tell you how many times he had met her?

A. No.

Q. Did he tell you where he met her?

A. I gathered it was his office, but he didn’t say that.

Q. Now, you said he, Mr. Feldman, mentioned that he had given the authorities his opinion?

A. Yeah. I don’t remember what authorities. He said that he gave his opinion to the authorities.

What authorities, I don’t remember.

Q. And did he say when he had given this opinion to the authorities?

A. I guess it was subsequent to meeting with her.

Q. Okay. Did he tell you who he was speaking to with the so-called authorities?

A. No.

Q. Did he tell you whether he had gone to authorities in Los Angeles?

A. Could have been Los Angeles. Could have been Los Angeles, could have been Santa Barbara. I don’t remember.

Q. Did he say anything else about the Michael Jackson case that you remember?

A. Other than that he would like to be a regular on our show.

Q. Okay. And after that meeting, did he pursue any further discussions with you about being a regular on your show?

A. Well, we left the meeting and we would call him to pick a date for him to come on and he would be a regular panelist during the course of the trial.

And then we called him a week later. He didn’t respond. And then a couple weeks later, I saw him at another restaurant at lunch, and I said, “What’s going on?” And he said, “Well, there’s -- something came up.” And that’s the last -- last we heard of it. He never came on.

Q. And at some point you learned he had decided to represent Janet Arvizo, correct?

A. I learned that just through reading it in the paper.

MR. ZONEN: I’ll object as lack of foundation. Hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you ever learn that Mr. Feldman decided to represent Janet Arvizo after your discussion with him?

MR. ZONEN: Objection; lack of foundation.
MR. BLUM: Objection, Your Honor, to the extent it calls for the unpublished information. Mr. King got that information publicly. I'll permit him to testify to it.
THE BAILIFF: You've got to talk louder.
MR. BLUM: All right. I'll --
THE COURT: I'll sustain both of your objections.
MR. MESEREAU: No further questions.
THE COURT: Just a minute, Mr. Zonen. You may sit down, Mr. Mesereau. I'm not going to cut off examination, but at this point I don't find any reason to allow Mr. King to testify.
MR. ZONEN: I have no questions.
THE COURT: All right. Based on the offer of proof, I don't find that Mr. King's testimony would impeach Mr. Feldman, based on the record that you presented in your points and authorities. So I'll disallow his testimony.
MR. MESEREAU: Okay.
THE COURT: Thank you, Mr. King. You may step down.
THE WITNESS: Thank you.

MR. BLUM: Thank you, Your Honor.
MR. MESEREAU: Your Honor?
THE COURT: Yes.
MR. MESEREAU: We would be calling Mr. Michael Viner next. And perhaps the Court would like to find out what he has to say outside the presence of the jury.
THE COURT: Thank you, Mr. Mesereau.
THE BAILIFF: Who's next?
MR. AUCHINCLOSS: Can I just address the Court real quick? While we're waiting, I just wanted to let you know, I'm still trying to get ahold of Mr. Fahey. I did listen to the tape last night. It's not in conformity with my recollection, so I did learn a few things listening to it. But we will be filing some paperwork on the issue, and I hope to have Mr. Fahey's declaration when we do.

So I just wanted to let you know that should be coming in hopefully today.

THE COURT: All right.

When you get to the witness stand, please remain standing. Face the clerk and raise your right hand.

MICHAEL VINER

Having been sworn, testified as follows:

THE WITNESS: Yes, ma’am.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Michael Viner. V-i-n-e-r.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. MESEREAU:

Q. Good morning, Mr. Viner.

A. Good morning.

MR. MESEREAU: Your Honor, again, for purposes of the hearing, I think I’ll dispense with background information and just get to the heart of the matter.

THE COURT: Thank you.

MR. MESEREAU: With your permission. Thank you.

Q. Mr. Viner, do you know someone named Attorney Larry Feldman?

A. I have met him.

Q. And where have you met him?

A. At Nate ‘n Al’s Restaurant.

Q. And when was this?

A. About six months ago.

Q. That was before this trial began?

A. Yes.

Q. And what was the purpose of the meeting?

A. I was just a bystander. It was really a meeting with Larry King and some people from CNN.

Q. And what was the purpose of the meeting, if

you know?

A. They -- I -- they were discussing Larry Feldman becoming a guest or an expert or rendering opinions on Larry's show regarding this upcoming trial.

Q. And where were you sitting at the meeting?

A. I was sitting on -- in the corner of one of two booths, side-by-side booths.

Q. Could you hear Mr. Feldman speak?

A. Yes.

Q. And did you hear him speak?

A. Yes, I did.

Q. Did you ever hear Mr. Feldman say anything about this particular case?

A. Yes.

Q. What did you --

A. About the subject matter of the case.

Q. What did you hear him say?

A. He expressed opinions about the accuser and his family.

Q. And what were his opinions?

A. To paraphrase, that he had met with them and felt that their statements, their case didn't hold up to scrutiny, and he didn't believe them.

Q. Did he say anything about the mother?

A. Yes.

Q. What did he say about the mother?

A. That -- again, paraphrasing, not remembering verbatim, that she was out for money.

Q. Did he quote her as being out for money?

A. Yes. Well, no, he -- I'm sorry. I'm quoting him. I'm not implying that she said those words exactly.

Q. Did he tell you she said anything?

A. There was some discussion, but I couldn't and wouldn't want to say exact words, because I don't recall them.

Q. Did he ever say words to the effect, "She told me she wants money from Mr. Jackson"?

MR. ZONEN: Objection; leading.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you recall Mr. Feldman saying anything about what Mrs. Janet Arvizo told him?

A. That her motives were financial.

Q. And did Mr. Feldman say anything about Janet Arvizo's children?

A. Again, only referring, to my recollection, to the accuser, that -- that he had talked and I believe had someone else talk to the accuser, and he didn't believe the story.

Q. Did you say anything to Mr. Feldman about his comments?

A. I'm sure I -- you know, I chimed in a little bit on the conversation, but I don't remember what I said. Nothing significant in any way, I'm quite sure.

Q. Do you recall anyone else responding to his comments that the mother said she was out for money?

A. Again, I know there --

MR. ZONEN: That's a misstatement of the evidence, Your Honor.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you recall anyone else commenting on Mr. Feldman's statement about money?

A. There was general conversation, but I couldn't quote it.

Q. Okay. Did Mr. Feldman tell you when he had met with the mother?

A. I only knew it was sometime in the past, before that breakfast.

Q. Did he tell you where he met with her?

A. My impression, and I don't remember why this was my impression, but that it was his office.

Q. Did Mr. Feldman say anything to you about his belief that the allegations against Mr. Jackson are false?

A. Again, I want to be clear. I was a -- more a wallflower at this. He wasn't talking directly to me. But -- but I went away believing that -- definitively that he did not believe the allegations.

Q. Okay. Do you know what your belief was

based on?
A. Yes.
MR. ZONEN: I’m going to object as a speculative belief. So I’ll move to strike the last answer.
THE COURT: Stricken.
Q. BY MR. MESEREAU: Was your belief about what you heard Mr. Feldman say?
MR. ZONEN: Your Honor, that belief was stricken from the record.
THE COURT: I think it needs to be termed in something other than his beliefs.
MR. MESEREAU: Okay.
THE COURT: I’ll sustain the objection.
Q. BY MR. MESEREAU: Did Mr. Feldman say anything about what the mother had told him?
A. He said that he didn’t believe the mother’s story.
Q. Okay.
MR. ZONEN: I’ll object as nonresponsive to the question.
THE BAILIFF: Is your microphone on, Mr. Zonen?
MR. ZONEN: I’ll withdraw the objection, Your Honor.
Q. BY MR. MESEREAU: What did he say the mother’s story to him was?
A. Again, not being able to quote him exactly, and not wanting to misquote, it was that her son was sexually abused by Michael Jackson.

Q. And he said that he thought it was false?
A. Yes.
Q. Did he say she ever said anything to him about wanting money from Mr. Jackson?
MR. ZONEN: Objection; asked and answered.
THE COURT: Overruled.
You may answer. Do you want the question read back?
THE WITNESS: No, Your Honor.
I cannot specifically recall whether he said it was his opinion or she stated it, but -- but he

did state that -- that that was -- or left me with the -- believing that that was her purpose in seeing him.

Q. BY MR. MESEREAU: And I’m trying to find out what your belief stemmed from.

A. The conversation.

MR. ZONEN: I’ll object as to his belief being irrelevant and lacking in foundation.

THE COURT: I’ll overrule the objection. He’s not calling for the belief, he’s calling for the underlying statement.

Q. BY MR. MESEREAU: Did you hear him say anything to the effect that, “My opinion is based upon her statement to me that she wants money”?

MR. ZONEN: I’ll object as leading.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you recall anything in that discussion that suggested that Janet Arvizo, the mother, told Mr. Feldman she wants money from Mr. Jackson?

MR. ZONEN: I’ll object as leading and calling for a conclusion, an opinion, and asked and answered.

THE COURT: I’ll sustain the objection on “suggested.” Calls for his opinion.

MR. MESEREAU: No further questions.

THE COURT: Mr. Zonen? I have -- there’s one area I’m still concerned about. Let me find it. Both attorneys, do you have a transcript in front of you?

MR. MESEREAU: Yes, Your Honor.

THE COURT: Look at page 13, lines 9 through 12.

MR. ZONEN: The Livenote you’re talking about?

MS. YU: Of yesterday?

THE COURT: Today.

MR. SANGER: We don’t have it.

THE COURT: Would you look at it? Do you have it in front of you?

MR. ZONEN: Did you say 30 or 13?

THE COURT: 13, 12. Actually 13, 9, I’m sorry.

MR. ZONEN: This is Mr. King's testimony?

THE COURT: No. Come up here, please. I've got it here.

(Discussion held off the record at sidebar.)

CROSS-EXAMINATION

BY MR. ZONEN:

Q. Mr. Viner, good morning.

A. Good morning, sir.

Q. Am I pronouncing your name correctly?

A. Viner.

Q. Mr. Viner.

Is it true that Mr. Feldman did not say anything to you during the course of that conversation?

A. No, I don't think so. I'm sure, you know, there was some -- some back and forth.

Q. I'm sorry, there may have been some back and forth between you and Mr. Feldman?

A. There was back and forth. Yes, sir.

Q. Was it a discussion at all about this case?

A. Yes.

Q. Is it true that Mr. Feldman did not tell you anything that Janet Arvizo told him?

A. I don't recall exact quotes.

Q. All right. You cannot stand here today with any degree of certainty and tell us what exactly it was that Janet Arvizo told Larry Feldman?

A. I certainly wasn't there. No, I don't know exactly what he told her.

Q. And you don't have a specific recollection of any specific quote that Mr. Feldman told you that was directly related to Janet Arvizo?

A. I can tell you only in a general term what he said, not specifically.

Q. All right. And you have difficulty at this time being able to distinguish between Mr. Feldman giving a personal opinion as opposed to Mr. Feldman telling you what his client had said?

A. Um, in terms of exact quotes, that would be

correct, sir.
MR. ZONEN: I have no further questions.
THE COURT: Mr. Mesereau?

REDIRECT EXAMINATION
BY MR. MESEREAU:
Q. Mr. Viner, excluding any requirement that you give an exact quote, is it correct that Mr. Feldman said words to the effect --
MR. ZONEN: I'm going to object as leading.
Q. BY MR. MESEREAU: -- that, "Janet Arvizo wants money"?
MR. ZONEN: Objection; leading.
THE COURT: Just a moment.
I'll overrule the objection.
You may answer that.
THE WITNESS: Yes.

Q. BY MR. MESEREAU: Was it your understanding, based upon what you heard Mr. Feldman say, that Janet Arvizo had told him in a meeting that her motives against Mr. Jackson were financial?
MR. ZONEN: Objection to his understanding as being opinion and irrelevant. The question is what was said.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did Mr. Feldman say words to the effect, "I met with Janet Arvizo and I learned from her that her motives against Mr. Jackson are financial"?
MR. ZONEN: Objection; leading.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you know whether or not Mr. Feldman said words to the effect that he met with Janet Arvizo and her motives are financial, based on what she told him?
MR. ZONEN: Objection. Leading; calls for an opinion.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did Mr. Feldman say that Janet Arvizo, the mother, had told him anything?
A. Yes.
Q. What did Larry Feldman say Janet Arvizo had

told him?
A. I do not have the ability to quote exactly. But the upshot of what he said was that he believed

that she was out for the money.
Q. And did he say his belief --
MR. ZONEN: I'll object as nonresponsive, "that he believed."
Q. BY MR. MESEREAU: Did he say --
MR. ZONEN: There's an objection pending.
THE COURT: Sustained. Stricken.
Q. BY MR. MESEREAU: Did Mr. Feldman say his belief was based upon what Janet Arvizo had told him about money?
A. Yes.
Q. In effect, without remembering the exact quotation, did Mr. Feldman say, "Janet Arvizo is out for money, based on what she told me"?
MR. ZONEN: I'll object as leading and calling for a conclusion.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did Mr. Feldman ever say words to the effect Janet Arvizo told him she wants money from Mr. Jackson?
A. That is my belief, yes.
MR. ZONEN: Your Honor, I'd like the record to reflect there was a 15-second pause between the conclusion of the question and the answer. And I'll move to strike the answer as an opinion.
MR. MESEREAU: His belief is based on what he heard, Your Honor.
THE COURT: Just a moment. Let me read this.

The objection is overruled.
MR. MESEREAU: No further questions.
MR. ZONEN: No further questions.
THE COURT: All right. I do not believe that this witness's statements are sufficient to impeach Mr. Feldman, so I will not allow him to testify.
You may step down.
THE WITNESS: Thank you, sir.
THE COURT: Who is the next witness you're

going to call?

MR. MESEREAU: It's Azja Pryor, Your Honor.

THE COURT: And we don't need to have another hearing on this?

MR. MESEREAU: Not that I know of.

THE COURT: Okay. I'll recess so that you can bring in the jury.

MR. SANGER: Your Honor, just for a heads-up, we do have a witness after this who I believe the District Attorney is going to interpose an objection to part of what the witness after this is going to be presenting. So just as a heads-up, we may need to address that.

THE COURT: Is that something we should address now or should it wait?

MR. SANGER: We could address it now. That's why I was bringing it up so the Court can decide. It's not inviting their objection, I just want to make sure we're --

THE COURT: No, it's just to help the flow of evidence. Thank you.

THE BAILIFF: Are you leaving the bench or do you just want them brought in?

THE COURT: We're not doing anything right at the moment, but I will leave the bench before you bring in the jury.

MR. SANGER: Can I tell you what it's about and that will help?

THE COURT: Yes, but let's make sure we have their attention.

MR. SNEDDON: Yes, sir.

THE COURT: Do you know what he's talking about?

MR. SNEDDON: Yes, sir.

THE COURT: Are you prepared to deal with that right now?

MR. SNEDDON: I am.

MR. SANGER: We have a witness by the name of Larry Nimmer and he is a videographer in Carpinteria. His office is there. He's experienced in doing day-in-the-life videos and other documentation for court cases. He's testified all over the place, we’ll lay the foundation.

He is going to come in and present, if -- or it would be our request that he come in to present two different videos. The first one I believe we do not have an objection, or we’ve worked it out. It has to do with the ringing of the bell at the entrance to Mr. Jackson’s suite. And we have an agreement that he can testify to that, and put that on.

We will call back Maria Gomez, who was the person who is setting the bell off by walking through the door, at the request of Mr. Sneddon for whatever purpose, for whatever questions he wants to ask about that video. So that’s worked out.

The second is a video of Neverland that we are offering in lieu of the visit to the scene that we requested. And it goes from the front gate to -- through Neverland, to the end. I believe it is 19 and a half minutes. That’s my recollection.

THE COURT: So it’s not unduly long.

MR. SANGER: Not unduly long.

We tried to capture -- most of it’s during the day, showing the guesthouse, showing clocks, showing the trains, showing the out -- you know, the overall property. And then the part at the end is during the night, showing it lit up, and then that’s it.

So that’s our offer. We do have the video. We could show the Court. But that’s our offer. I think it should be acceptable.

THE COURT: Mr. Sneddon?

MR. SNEDDON: Judge, first of all, about the short video, the shorter of the two, Mr. Sanger is correct. We’ll agree to go ahead and let it be played this morning subject to the maid. And I’m assuming in Mr. Sanger’s offer that Mr. Nimmer is going to testify about the manner and method of the preparation of it as opposed to just -- we’re not agreeing to -- we want that foundation part to come in and we want to hear testimony, because we have some questions we want to ask him. So with that caveat, then the answer is yes.

MR. SANGER: Just to clarify that, the answer to that is yes, we will have him testify how he did it.

MR. SNEDDON: And with regard to the second video, I really think the Court should see the entire video, because there is a lot of things in there, including notes from Mr. Jackson's children to him, and a lot of focusing on photographs showing him with children, and I'm not -- in my recollection, some of the stuff that's in there wasn't even at the ranch at the time these events occurred, and I believe -- we object to it. We object to -- if they'd just simply shown the grounds and done a straightforward presentation, that's one thing. But this is clearly a puff piece that has a lot of stuff that is really not relevant to this -- to this -- to this case. And I think if you see it, that you will see it in that manner and not for simply being an illustration of where the guest cottages are or the bedroom is or where this is. It really doesn't reflect that.

And I would ask the Court to please view it ahead of time before you allow the jury to see it. It's about 19 minutes, I think. It's not unduly long, but I do believe it's unduly -- I don't want to use the word "prejudicial," but it's really -- it's a self-serving documentary that goes far beyond just simply showing what the ranch is like. So that is our objection.

THE COURT: Well, if you -- I would have to review it first, if that's your request, before I determine its admissibility.

MR. SNEDDON: Thank you.

MR. SANGER: I have a copy. I have the original, actually. I don't know. It's a CD. So I have whatever it is. I'd be happy to have it marked and then the Court can take a look at it.

THE COURT: Why don't you do that.

MR. SANGER: Should I do that? Let me do it on the record.

All right. I have a DVD that's entitled "Neverland Ranch 2005" and it says, "Length, 19 minutes and eight seconds. Duplication date, 5-17-05. Nimmer Legal Graphics." And I'd ask that this be marked as defense next in order.

And then I take it the Court's going to watch it off the bench, or do you want to watch it

here?

MR. SNEDDON: I would request that the Court view it off the bench.

THE COURT: I think I should view it on the bench, because it's not an evidentiary hearing that requires any secrecy. It's just -- but I don't want to do it now. The jury's been waiting.

I'm trying to think. How long is the next witness going to take?

MR. SANGER: I believe she'll probably be a little while. That's as close as I can get to an estimate.

THE COURT: You don't really know.

I should watch that before you call the next witness after her.

MR. SANGER: Right now, this -- Mr. Nimmer would be the next witness after her. If there's a problem, we may be able to put another witness in first. Just depends. This witness, the next witness, could go for a half an hour or three hours. I just don't know.

THE COURT: Why don't we handle the next witness.

MR. SANGER: Very well.

THE COURT: And then we'll see where we are and how we'll deal with me viewing that.

Have you given that CD to the clerk?

THE CLERK: Yes.

THE COURT: You have it.

THE CLERK: Judge, that's Exhibit 5089.

THE COURT: You know what I would like to do if -- well, that's okay. Let's get the jury in.

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: Good morning.

COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.

THE COURT: Call your next witness, please.

MR. MESEREAU: Your Honor, the defense will call Ms. Azja Pryor.

BAILIFF CORTEZ: Face that way.

THE COURT: Raise your right hand and face the clerk here.

AZJA PRYOR

Having been sworn, testified as follows:

THE WITNESS: Yes, I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My full name is Azja Pryor. A-z-j-a, P-r-y-o-r.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. MESEREAU:

Q. Good morning, Miss Pryor.

A. Good morning.

THE BAILIFF: Mr. Mesereau, you’re going to have to have her move way forward.

BAILIFF CORTEZ: Move closer.

Q. BY MR. MESEREAU: Okay?

A. Uh-huh.

Q. Miss Pryor, you live in Los Angeles County, correct?

A. Yes, I do.

Q. And what is your line of work?

A. I’m a casting assistant in television.

Q. And where do you do that?

A. At Paramount Studios.

Q. Okay. Do you know someone named Chris Tucker?

A. Yes, I do.

Q. And how do you know Chris Tucker?
A. Chris is the father of my son.
Q. Okay. And how long have you known Chris Tucker?
A. For about eight years now.
Q. How old is your son?
A. My son is six.
Q. Okay. Do you know the fellow seated at counsel table to my right?

A. No, I do not.
Q. Okay. Have you ever been to his home?
A. Yes, I have.
Q. And when did you do that?
A. About three to four times.
Q. Okay. When did you first visit Neverland?
A. I first visited Neverland in 1999.
Q. Okay. And Mr. Jackson was not there?
A. No, he was not.
Q. Okay. Did you ever meet a family by the name of Arvizo?
A. Yes, I did.
Q. And when did you meet them for the first time?
A. I first met the Arvizos in October of 2000.
Q. And where did you meet them?
A. At my home.
Q. Okay. What caused them to be at your home?
A. My son's father, Chris, brought them over and we were going to take them to an amusement park.
Q. Okay. And do you recall their names?
A. Yes.
Q. And what are their names?
A. Star, Gavin and Davellin.
Q. Okay.
A. And also David, the father.
Q. Okay. Did you ever meet the mother, Janet?
A. Yes, I have.

Q. When did you first meet Janet?
A. I first met Janet in July or August of 2001.
Q. And where was that? Where did you meet her?

A. I believe it was The Four Seasons Hotel in Beverly Hills.

Q. Okay. Now, so when you first met the Arvizos at Chris Tucker's home --

A. At my home.

Q. At your home, excuse me. -- (Continuing) was Janet there?

A. No, she was not.

Q. Was David, the father, there?

A. Yes, he was.

Q. And who else was present?

A. The three children, their father, Chris and myself.

Q. Okay. And that was to go on a trip?

A. Yes.

Q. Okay. Did you do that?

A. Yes.

Q. And how long a trip was it?

A. I'll say we left my house around 8:30 and didn't return back to my house till about 1:30 in the morning.

Q. Okay. And that was the first time you had ever actually met them, right?

A. Yes, it was.

Q. Did you have an understanding as to how long Chris Tucker had known them?

A. Not for long. I can't give you a period of time. I would say no more than a month, a couple of weeks.

Q. And did you have an understanding as to where Chris Tucker met the Arvizo family?

A. Yes, he met them at The Laugh Factory.

Q. Okay. Now, after that first trip that you just described, did you stay in touch with the Arvizo family?

A. Yes, I did.

Q. And what do you mean by that?

A. More so Chris stayed in touch with them, talking to them on the phone at this period of time, but I would see them from time to time. Chris would bring them over to his house. And along with myself and my son, we would all take them different places,

various places.
Q. And where did you take them?
A. We took them -- well, Chris took them to a Raiders game in Oakland. We took them to -- out to eat. I took them horseback riding once, even though we didn't end up horseback riding, but I did take them with the intention of going. And I can't remember anything else.
Q. You were not on the trip to the Raiders game, right?
A. No, I was not.

Q. That was in Oakland, right?
A. That was in Oakland.
Q. Do you know how the Arvizo family and Chris got to that game?
A. By plane.
Q. Who arranged that trip, if you know?
A. Chris did.
Q. And after the trip to the Raiders game in Oakland, you said that you went out to eat with them?
A. Well, I didn't go to the Raiders game.
Q. Okay.
A. But I had taken them out to eat before.
Q. Okay. Is this before the Raiders game?
A. Not on the actual day, but before that time when they went to the game. You know, maybe a month before, or maybe a month afterward.
Q. Now, when you say you would take them out to eat, who are you referring to?
A. The three kids.
Q. Okay. What about the parents?
A. Well, David was always there. When David was around, David was always with the children.
Q. Okay. Did you ever see Janet with the children when you were with them?
A. Not until after I met her in July 2001. I never saw her until that point.
Q. Okay. Would you talk to the children on the phone from time to time?

A. From time to time, yes.

Q. And normally would you call them or would they call you?

A. They would call me.

Q. Okay. Would they call you at your home?

A. Yes, they would. They did not have a phone a lot of the time. So if I did call them, it would be over to their grandmother’s house, who did have a phone, or they would call me, definitely.

Q. Now, what year did the phone calls start?

A. I don’t remember.

Q. Okay. Did you start talking to the Arvizo children on the phone shortly after you first met them?

A. No.

Q. Okay. Was there a reason that you know of why you didn’t talk to them right after you first met them?

A. No. You know, I just -- I thought they were more Chris’s friends. Chris had met them. You know, he had taken a liking to the children, and I didn’t -- I had a lot going on in my own life so I didn’t -- I just didn’t call them right away. It wasn’t until later, until we actually developed a relationship, that I would call them.

Q. And when do you think you actually developed a relationship with the Arvizo family?

A. I’ll say in late 2001.

Q. And is there any particular reason why you suddenly began to talk to them on your own as opposed to when you were with Chris?

A. Yes. The reason being is the kids, especially Davellin, really took to me. We really bonded. And she was in an Explorer program or a cadet program, some kind of police academy something, I don’t know exactly the name of it, and she invited me to the graduation. I went, and after that, that’s when we really started talking on the phone.

Q. And that’s approximately 2001?

A. Yes, late -- sometime before Christmas 2001. Sometime in December.

Q. Would Davellin call you on the phone?

A. Yes, she would.

Q. Would Gavin call you on the phone?

A. Sometimes, yes.

Q. How about Star?

A. He wouldn't call me. But I would talk to the three children. If I was on the phone with either one of them, they would put the other ones on the phone.

Q. So when you spoke to any of the children on the phone, the other two were usually there?

A. Yes. Definitely.

Q. Did you speak to the father, David, from

time to time?

A. Only when I saw him. I never talked to him on the phone.

Q. Okay. And how many times do you think you've ever seen David Arvizo?

A. If I would have to estimate, I would say probably about four or five times in all.

Q. And where did you see David Arvizo?

A. At my home.

Q. Okay.

A. At Chris's home. At a premier for Rush Hour 2. Those are the only times I can recall seeing him.

Q. Okay. Would you say that you spoke to Davellin more than Gavin?

A. Yes.

Q. Would you say you spoke to Davellin more than Star?

A. Yes.

Q. And would it be accurate to say you spoke to Gavin more than Star?

A. No.

Q. Okay. You spoke to Gavin and Star about the equal amount of times?

A. About the same, yes.

Q. Okay. Did you ever learn anything about a fund-raiser at The Laugh Factory for Gavin?

A. Yes, I did.

Q. And what did you learn about that?

A. I learned that there had been a fund-raiser held at The Laugh Factory to raise money for Gavin’s sickness.
Q. Okay. And where did you learn that from? Or who did you learn that from? Excuse me.
A. First from Chris. Chris told me. That’s how he met Gavin.
Q. Okay. He met him at the fund-raiser?
A. Uh-huh.
Q. Now, at that point in time, did Chris Tucker go to The Laugh Factory on a regular basis?
A. I don’t know.
Q. Do you know how often he would show up there?
A. Not that often.
Q. Okay.
A. I don’t know.
Q. Do you know how he found out about the fund-raiser?
A. From what Chris told me, he had been at The Laugh Factory --
MR. SNEDDON: Your Honor, I’m going to object to hearsay statements. Move that the answer be stricken.
THE COURT: Sustained. Stricken.
Q. BY MR. MESEREAU: Do you know whether or not Chris Tucker attended the fund-raiser at The Laugh Factory that you just talked about?

A. Yes.
Q. Do you know approximately when that was? If you recall.
A. I would say maybe in the month of October, but that would be a guess. Again, I think it was shortly before we went to the Knott’s Berry Farm, before we took the children to Knott’s Berry Farm. He had just met them.
Q. And do you recall whether or not there was more than one fund-raiser for Gavin’s sickness?
A. Through later conversations with his mother, I do believe that there was more than one.
MR. SNEDDON: Move to strike, based on

hearsay.
MR. MESEREAU: State of mind. Not offered for the truth.
THE COURT: The motion to strike is denied.
Q. BY MR. MESEREAU: What year do you think you first met Janet?
A. 2001.
Q. Okay. And did you develop a relationship with Janet?
A. Yes.
Q. And could you please describe that relationship?
A. The relationship that I had with Janet was based on the love that I shared for her children. It's hard for me because I really do love the kids a

lot.
Q. Would you like some water? Do you want a little water? Are you okay?
A. Okay. Because of the love I have for her children and because of Gavin's sickness, and I'm a mother myself, I -- that's how we became, I wouldn't say friends, but it was -- there was a mutual feeling there that she could talk to me about a lot of things --
Q. Okay.
A. -- regarding her children. And I really did love her kids.
Q. Okay. And did she talk to you from time to time about her children?
A. Yes.
Q. Okay. Would Janet typically call you on the phone?
A. Yes.
Q. And do you know where she would typically call you from?
MR. SNEDDON: Your Honor, I'm going to object as vague as to time.
THE COURT: All right. Sustained.
MR. MESEREAU: I'll rephrase it, Your Honor.
Q. Miss Pryor, during the year 2001 --
A. Uh-huh.
Q. -- do you recall Janet Arvizo telephoning

you?

A. Yes.
Q. And approximately when did these calls start?
A. I would say that the calls started towards the later part of the year. I believe it was after Davellin’s Explorer graduation or the cadet graduation. That’s when they started.
Q. Did you used to talk to Janet about Gavin’s illness?
A. Yes.
Q. Okay. Did you visit Gavin at the hospital?
A. Once, yes.
Q. And when was that?
A. That was New Year’s. It was after midnight so it would have been New Year’s of 2001. And Janet was not there.
Q. Okay. Who was there?
A. The three kids and David.
Q. Okay. And what time of day was this, if you remember?
A. It was after midnight.
Q. And that’s Kaiser?
A. Yes.
Q. In Los Angeles, right?
A. In Hollywood, yes.
Q. Now, how many times do you think you spoke to Janet Arvizo on the phone?
A. I have no way of telling you that answer. I don’t know.

Q. Was it quite often?
A. There would be times when I would talk to her two or three times a week and there would be times when I wouldn’t talk to her for three to four months at a time.
Q. Okay. Did you and Janet ever meet at any locations during the year 2001?
A. Only at Davellin’s cadet graduation.
Q. Okay. How about during the year 2002, did you stay in touch with Janet?

A. I stayed in touch with her. I talked to her mostly during the beginning part of the year of 2002. And then I saw her in September of 2002.

Q. And where did you see Janet in September of 2002?

A. She was on a bus with us. My son was having a birthday party at Neverland, and she rode up on the bus with myself and our family.

Q. Okay. Now, when she accompanied you on that bus trip, were her children with her?

A. Yes.

Q. Okay. And would that be Star, Gavin and Davellin?

A. Yes.

Q. Okay. And did you meet at the bus for that trip?

A. I don’t remember.

Q. Okay.

A. I believe so. We didn’t pick her up. I think she met us. We all met at The Beverly Hills Hotel.

Q. And did you talk to Janet in advance about her family joining you on that trip?

A. Yes.

Q. And did you invite Janet and the children to join you on that trip?

A. Yes, I did.

Q. Okay. So you met at The Beverly Hills Hotel?

A. Uh-huh.

Q. Was day was this, if you remember?

A. It was September 14th, 2002.

Q. And was that during the week or was that a weekend?

A. It was a Saturday.

Q. Okay. And what time did you meet the Arvizo family for purposes of the bus trip?

A. I don’t remember.

Q. Okay.

A. It would have been in the morning time, maybe around 11:00.

Q. Okay. So they came with you to Neverland for the birthday party, right?

A. And her friend Jay came.

Q. Is that Jay Jackson?

A. I guess. I don’t know. I remember his name was Jay. I don’t know his last name.

Q. What did he look like?

A. White. Not too tall. Probably about five-seven. Maybe in his late 30’s, early 40’s. Blond hair.

Q. Was it your understanding that he was in the United States Army?

A. No, it was not. No one told me that.

Q. But you think his name was Jay?

A. I know his name was Jay.

Q. And he had blond hair?

A. Yes.

Q. Was it long?

A. No. It was like this.

Q. Okay.

A. I don’t know.

Q. Okay. So you went to Neverland for the party?

A. Uh-huh.

Q. All of you. You spent the day at Neverland, right?

A. We spent the whole day at Neverland, yes.

Q. And did you talk to Janet during that day?

A. I don’t remember having any conversations. I would see her around on the rides and things like that. But I -- we had over 50 people there, so I was entertaining, and, you know, I don’t remember having any in-depth conversations with Janet at that time.

Q. Was Chris Tucker there?

A. Yes, he was.

Q. Okay. How did he get there, if you know?

A. We all rode together.

Q. He was on the bus, too?

A. Yes.

Q. How many people were on that bus ride?

A. We actually had two buses. And there were a lot of people. We have a very big family.

Q. Now, Michael Jackson wasn’t there that day, right?

A. No, he was not.

Q. And was it your understanding that the -- Michael had allowed the party to take place at Neverland?

A. I know he allowed it.

Q. How do you know that?

A. Because I actually talked to him on the phone briefly when he and Chris were in Vegas.

Q. Okay. Did you ask Michael if you could have the party at Neverland?

A. I believe Chris did, and Michael said it was okay.

Q. Okay. And if you know, who made the arrangements for the party at Neverland?

A. A woman by the name of Evvy.

Q. Okay. Is that Michael Jackson’s assistant?

A. I guess so.

Q. Did you speak to her?

A. Yes, I did.

Q. Okay. And so she made the arrangements for the party. Did she arrange the buses also?

A. No. That was our own arrangement.

Q. Okay. Now, did you spend much time with the Arvizo children that day during the birthday party at Neverland?

A. Davellin was by my side the entire day.

Q. Okay. And how about Gavin and Star, did you see much of them?

A. No. They were with Chris or they were -- you know, they knew their way around so -- it wasn’t like it was their first time there, so they were all over the place.

Q. Okay. But that was your first trip there, right?

A. No, that was --

Q. That was your second trip?

A. My second or third. I can’t remember.

Q. Okay. All right. And when the party ended, was it nighttime?

A. Yes.

Q. And did you all come back on the bus?

A. Some of us did. Chris and the kids stayed overnight at Neverland.

Q. So that would be Chris and the Arvizo children?

A. Yes.

Q. Okay. Do you know if Janet stayed there?

A. I don’t remember. I know she was not on the bus that I was on.

Q. Was David Arvizo there for the party?

A. No. David hadn’t been in the picture at this time for about a year.

Q. So you know that Chris stayed with the children at Neverland but you’re not sure if Janet was there, right?

A. Right.

Q. Do you know whether or not Janet came home that day?

A. I don’t know.

Q. Okay. Excuse me. Did you ever return to Neverland again?

A. Yes, I did.

Q. And when was that?

A. In February of 2003.

Q. Why did you go to Neverland in February of 2003?

A. The children asked me to take them.

Q. Okay. Now, before you went back in February of 2003, did you have regular contact with the Arvizo family?

A. No. I don’t -- during that period, from

September of ‘02 to February, I don’t remember talking to them. Maybe I had one phone conversation. I know I definitely did not see them during that time.

Q. Now, at some point in time, did any of the Arvizo children spend the night at your house?

A. Yes.

Q. And approximately when was that?

A. I don’t know.

Q. Who spent the night at your house?

A. Davellin did.

Q. Okay. Did either Star or Gavin ever spend the night at your house?

A. Huh-uh.

Q. Did they ever request to?

A. Uh-huh.

Q. Tell us about that.

A. They would ask. When I went to their apartment to pick up Davellin, they tried to jump in the car, but I kind of wanted it just to be a girls day out, but they -- I think Gavin even jumped in the trunk of my car.

Q. All right.

A. Trying to come along.

Q. And what did you do when Gavin jumped in your car trunk?

A. I told him to get out; he couldn’t come. It was just for his sister.

Q. Did he get out?

A. Yeah, he got out.

Q. Now, where was this?

A. That was at their apartment.

Q. So you had driven to their apartment?

A. Uh-huh.

Q. And where was the apartment located?

A. Kind of near downtown. I think Soto Street.

Q. Okay. At this point in time, did you observe the behavior of the Arvizo children?

MR. SNEDDON: Your Honor, I’m going to object as vague as to time.

Q. BY MR. MESEREAU: Well, during the time that Davellin came to your house to spend the night --

A. Uh-huh.

Q. -- the same time where Gavin jumped in your trunk and you had to get him out, did you have an occasion to observe the behavior of the children?

A. On that day?

Q. Yes.

A. Yes.

Q. And what was your observation?

A. Same observation I've always had when watching the children, is that the boys were a little rough. My son at the time was only four, and Gavin and Star were older, and they were a little rough. And it would concern me sometimes, because my son would want to play, but they really

roughhoused a lot, so I would be extra -- I would have to be extra careful around them.

Q. Okay. When you say they roughhoused a lot, what do you mean?

A. Wrestling, you know, doing the things that boys do that just -- play-fighting and things like that.

Q. And I gather the boys never did spend the night at your house, right?

A. No.

Q. Do you know if the Arvizo children ever spent the night at Chris Tucker's home?

A. Yes, I believe Gavin and his dad did.

Q. Do you know approximately when that was?

A. No, I don't.

Q. Okay. Do you know how many times they spent the night at Chris Tucker's home?

A. No, I don't.

Q. Did Janet ever ask you for any help for the children?

A. No.

Q. Did Janet ever ask you for any kind of assistance for her family?

A. No.

Q. Did you ever give the family any assistance?

A. Do you mean monetarily?

Q. Sure.

A. Yes.

Q. When was this?

A. I gave them a Christmas gift of $600.

Q. And what led up to that gift?

A. I knew that it was a really hard time for them. This would have been after Davellin's graduation. And I found out that Janet had been being abused by her husband, and that he had left and taken the car and left them with no money.

Q. Did Janet tell you she was left with no money?

A. Yes.

Q. And did she tell you she didn’t have a car?

A. Yes.

Q. Okay. Did any of the children tell you they didn’t have money?

A. I don’t really remember them saying that they did not have money. I don’t remember those words coming out of their mouth, but I do know that references were made to them not having certain pieces of clothing that they needed, equipment. I think Gavin played baseball or something, and I know he broke his arm one time. His mom said he caught a ball with a torn up glove. You know, it wasn’t adequate equipment, I guess, for the sport that he was playing.

So while they never said that they needed money, you know, I knew of the hardships that they were going through.

Q. Was that because they would periodically tell you that?

A. Uh-huh. More so Janet than the kids, though.

Q. What are the kind of things that Janet would tell you about their hardship?

MR. SNEDDON: I’m going to object. Hearsay.

MR. MESEREAU: I think it’s --

THE COURT: Overruled.

You may answer.

THE WITNESS: Can you repeat the question?

Q. BY MR. MESEREAU: Sure. What kinds of things would Janet say to you about the family’s hardship?

A. Janet told me how much of a horrible, awful husband and father David Arvizo was, and from that, she told me about the abuse. She told me that he told the children he did not love them. She told me that money that had been raised from the benefit --

the fund-raiser at The Laugh Factory, or I’m not sure if it was The Laugh Factory or somewhere else. She just said “the fund-raiser”; that he had spent it all taking his family out to show them a good time, things of that nature.
Q. Did she ever tell you she had taken any of the money from any of these fund-raisers?
A. No.
Q. Did she ever tell you that there was an account set up for Gavin that she would take money from?

A. No. We never talked about that.
Q. Did she ever mention to you there was a bank account set up for Gavin?
A. No. Or if she did, I don’t remember her saying that.
Q. Okay. Now, you say she told you that Gavin had a broken arm?
A. Yes.
Q. And she said it was from baseball?
A. Yes. He was playing -- he was playing in a game.
Q. Did she ever tell you he broke his arm because a security guard at J.C. Penney broke it?
A. No.
Q. Did Janet ever tell you about any incident at J.C. Penney?
A. No.
Q. Ever tell you she’d gotten any money from J.C. Penney?
MR. SNEDDON: Your Honor, I’m going to object as hearsay.
MR. MESEREAU: It’s impeachment, Your Honor.
MR. SNEDDON: It’s not impeachment.
THE COURT: The objection is sustained. Is this a good time to break?
MR. MESEREAU: Oh.

THE COURT: We’ll take our morning break.
(Recess taken.)
--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 11110 through 11162 contain a true and correct transcript of the proceedings had in the within and above-entitled

matter as by me taken down in shorthand writing at said proceedings on May 19, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
May 19, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

THURSDAY, MAY 19, 2005

8:30 A.M.

(PAGES 11164 THROUGH 11320)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

DEFENDANT’S
WITNESSES DIRECT CROSS REDIRECT RECROSS
PRYOR, Azja 11244-SN 11261-M
NIMMER,
Laurence 11271-SA 11302-SN

E X H I B I T S

DEFENDANT'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
5089	DVD entitled "Neverland Ranch 2005"	11289	
5090	Photo mailed to Azja from Gavin	11230	
5091	Photo mailed to Chris from Gavin	11230	
5092	Photo mailed to Boo Boo from Gavin	11230	
5093	Photo mailed to Azja from Star	11230	
5094	Photo mailed to Chris from Star	11230	
5095	Letter to Azja from Davellin	11242	11243
5096	DVD - Neverland alarm test	11275	11282

THE COURT: Go ahead.

Q. BY MR. MESEREAU: Miss Pryor, before the break, you said that you were told that Gavin had broken his arm at a baseball game, right?

A. Yes.

Q. Who told you that?

A. Janet did.

Q. Did Gavin ever tell you that?

A. No.

Q. Was Gavin there when Janet told that to you?

A. I don't know. It was over the phone.

Q. Okay. And did she tell you exactly how he had broken his arm in the baseball game?

A. She told me he was running to catch the ball, and his -- his glove was worn through. Something about a worn-out glove.

Q. Okay. And did she tell you in that conversation that the family needed money for baseball equipment?

A. No, she didn't. When she told me, I told her, "Janet, if you need anything, you can ask me." I said, "Anything for the kids." I said, "If Gavin needs a glove, then let me know."

Q. Did Janet tell you Gavin needed a glove?

A. No.

Q. Did she ever tell you he needed anything related to baseball?

A. No.

Q. Okay. What about any equipment or uniforms or anything of that sort?

A. No.

Q. Okay. Did she tell you why she was telling you he had broken his arm in a baseball game?

MR. SNEDDON: Your Honor, I'm going to object. Calls for a conclusion. Speculation.

THE COURT: Overruled.

You may answer.

THE WITNESS: Can you repeat that?

Q. BY MR. MESEREAU: Yes.

Did Janet give you any indication why she was telling you that Gavin had broken his arm in a baseball game?

A. I would think she told me just because we would talk about the kids. And, you know, with a child breaking a bone, that’s pretty serious.

Q. Did she ever tell you he had broken a bone anywhere else?

A. Not that I can remember, no.

Q. Did she ever tell you he had broken a bone in a parking lot?

A. I don’t remember if she said Gavin or Star did, but one of them did break a bone, she told me, when they were younger.

Q. Okay. Did she ever mention any altercation with security guards anywhere?

A. No.

Q. Did she ever tell you she had filed any lawsuit of any kind?

A. No.

Q. Now, you did give a Christmas gift, right?

A. Yes.

Q. And you indicated this was after Janet had discussed some financial problems they were having, right?

A. Yes.

Q. And approximately what year did you give a gift to them?

A. The gift of $600?

Q. Yes.

A. That was in December of 2001.

Q. Okay. Did you give $600 in cash or did you give a check?

A. It was a cashier’s check.

Q. Who did you give it to?

A. Janet.

Q. Okay.

A. I mailed it to her.

Q. Okay. And did she ever thank you for it?

A. Yes.

Q. All right. Now, did you give Janet this check before or after you knew there were fund-raisers for Gavin’s illness?

A. Well, I knew there had been a fund-raiser when I first met Gavin, so therefore I gave her the $600 after I knew about it. Now, if I gave it to her before or after she told me about them, I don’t remember.

Q. Okay. Now, you knew that Chris Tucker had gone to the fund-raiser, right?

A. Yes.

Q. And did you learn whether or not he had given them any financial assistance?

A. Not to my knowledge.

Q. Okay. Do you recall whether or not Davellin ever asked you for a car?

A. If she asked me for a car?

Q. Yes.

A. Yes.

Q. When was that?

A. This was in February of 2003.

Q. Okay. And explain what she asked you.

A. She didn’t ask me to give her the car out of the blue. There had been a discussion about them receiving a car of mine from Chris.

Q. And who did you have that discussion with?

A. Janet.

Q. What did Janet say about that?

A. She thanked me profusely for -- for giving them the car. I knew nothing about it until they actually told me. Chris had not even told me. They told me.

Q. So Janet thanked you for giving her a car?

A. For giving her the car, yes.

Q. Had you given her a car?

A. I had not given it to her yet.

Q. Were you surprised when she thanked you for giving her a car that you never gave her?

A. Obviously I was a little surprised.

However, I felt like -- I kind of knew it was coming, because Chris had spoken about it before, that he wanted to help them out. He knew that Janet was taking Gavin to his weekly doctor appointments on the bus.

Q. Is that what Janet told him?

A. Yes.

Q. So it’s in approximately February of 2003 that she thanks you for the car?

A. Yes. She told me that Chris said he would give them the car. And she called me to thank me, and I guess I assumed to ask when it was going to be handed over to her.

Q. And what did you say to her?

A. The car was not in my name, so I told her it needed to be changed. She needed to wait till Chris got back in town to switch the registration and everything.

Q. Was it your intention to give them the car?

A. No, not necessarily.

Q. Did you ever give them a car?

A. No.

Q. Did Janet ever ask you for a car on another occasion?

A. No.

Q. How many phone conversations did you have with Janet when she asked you for a car?

A. Too many to remember. I don’t know.

Q. What do you mean by that?

A. A lot of times. If Janet wouldn’t call me, Davellin would call me.

Q. Asking you for a car?

A. For the car.

Q. And did Davellin act as if they owned the car?

A. No, I think it was more so they just wanted to know when they were going to get it, to gain possession of the car.

Q. And during these many conversations, what would you tell them about the car?

A. It was out of my hands. There was nothing I could do about it.

Q. Is that what you said to them?

A. Uh-huh. I told them they had to wait on Chris.

Q. At some point, did they stop calling you and

asking for a car?
A. Well, yes.
Q. Approximately what was that?
A. The last conversation I had with Davellin,

which was in April of 2003, I believe.
Q. Okay.
A. That was the last time I talked to her.
Q. Was it your choice not to talk to her anymore?
A. No, not at all.
Q. Why did you stop talking to her?
A. I have no idea.
Q. Did they stop calling you?
A. Yes.
Q. Did you stop calling them?
A. I didn’t have a number to reach them.
Q. Okay. If you can guess, how many times do you think Janet asked you for a car?
A. If it was my guess, I would say anywhere from seven to ten times.
Q. And did this all happen in the year 2003?
A. Yes.
Q. If you can estimate, how many times did Davellin ask you for a car?
A. I don’t remember. I know Davellin would leave me messages, because I wouldn’t always answer the phone. So there were numerous messages.
Q. Okay. And in those numerous messages, was Davellin requesting the car?
A. Yes.
Q. And all this was in the year 2003?
A. This was all in February.

Q. February of 2003?
A. Uh-huh.
Q. Okay. Now, did Janet tell you in February of 2003 that they had no car?
A. Yes.
Q. Did Davellin tell you in February of 2003 that they had no car?
A. Yes.

Q. All right. In any of these phone conversations, were Janet and Davellin on the phone together?

A. No, there was no kind of three-way or two different phones where they were. You know, I would maybe start on the phone with Davellin and she would hand the phone to her mom, or vice versa.

Q. Do you recall whether or not Gavin was ever on the phone when you were asked to give them a car?

A. I don’t remember Gavin ever even mentioning the car to me.

Q. How about Star?

A. I don’t remember Star either.

Q. Okay. Okay. Now, you saw the Arvizo children at Chris Tucker’s home, correct?

A. Correct.

Q. And could you describe their behavior?

A. I don’t like to call people’s kids bad, but Gavin and Star really needed attention, I felt like.

Q. In what --

A. They really needed attention.

Q. What do you mean by that?

A. You know, they would do little things, very mischievous. One time I remember us sitting down in front of Chris’s big-screen television and there was a drink on the floor. I don’t remember what it was. But Gavin, I saw him look at the glass and I saw him just kind of do his foot and kick it over and then act like it was an accident, you know, just to get that reaction out of us. Like, “Gavin,” you know, “what happened?”

You know, they would do little things like that.

Or, you know, like I said, roughhousing, just playing around. I mean, they were kids. You know, I think at the time they were maybe 11 or 12. I don’t remember.

Q. Would you describe them as well behaved?

A. At times. But I think that they lacked discipline.

Q. And what do you mean by that?

A. I think that anytime I saw David Arvizo with his kids, I never saw him discipline them, even when they got out of hand. And I think -- because Gavin was sick, I think that he did not discipline them when I think -- I felt like they needed it at times.

Q. Now, at any time did Janet tell you that Star had a cyst in his brain?

MR. SNEDDON: Your Honor, I'm going to object as hearsay.

MR. MESEREAU: Impeachment, Your Honor.

MR. SNEDDON: There's -- no.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you ever learn whether or not Star had a cyst on his brain?

MR. SNEDDON: Object. Lack of foundation; immaterial; irrelevant.

THE COURT: Overruled.

You may answer.

THE WITNESS: Did I learn Star had a cyst?

Q. BY MR. MESEREAU: Yes.

A. Not that I can recall.

Q. Did Janet ever say anything like that?

MR. SNEDDON: I object. Hearsay.

THE COURT: Sustained.

MR. MESEREAU: Okay.

Q. Do you recall when the -- or what has become known as the Bashir documentary was aired?

A. I'm sorry, I didn't hear you.

Q. Did you ever hear of something called the Bashir documentary?

A. Yes.

Q. And when did you learn about that?

A. I learned about it when I watched it on television.

Q. And do you know approximately when that was?

A. In early February.

Q. After the Bashir documentary aired, did you speak to any of the Arvizos?

A. Yes.

Q. Who did you speak to?

A. Davellin.

Q. Okay. Did she call you?
A. Yes.
Q. And did she talk about the documentary?
A. Yes, she did.
Q. What did she say?
MR. SNEDDON: Object. Hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you ever talk to Janet about the Bashir documentary?
A. Yes.
Q. When was this?
A. After it aired. Maybe the same conversation when Davellin first called me.
Q. Now, who called you?
A. Davellin did.
Q. Okay. And did she discuss the Bashir documentary?
A. Yes, she did.
Q. Okay. And do you know where Davellin was living at the time?
A. No, I don’t.
Q. Was she living at her grandmother’s, to your knowledge?

MR. SNEDDON: Object. Leading.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you know where Janet and the boys were living?
A. At the time when they called me?
Q. Yes.
A. After the documentary?
Q. Yes.
A. No, I don’t know.
Q. After the Bashir documentary aired, did Janet ever tell you they were spending a lot of time with Major Jay Jackson?
MR. SNEDDON: Object. Calls for hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you know whether or not, after the Bashir documentary aired, if the Arvizos were spending time with Major Jackson?
MR. SNEDDON: Object. Lack of foundation.
THE COURT: Sustained.

Q. BY MR. MESEREAU: You mentioned that you met Major Jackson on a bus, right?

A. Yes.

Q. And that was the bus --

MR. SNEDDON: Excuse me. I'm going to object as a misstatement of the testimony with regard to the rank and the last name.

THE COURT: Overruled. You may answer.

Q. BY MR. MESEREAU: Did you meet Major Jackson on a bus?

A. Yes.

Q. And that was to go to the birthday party at Neverland, right?

A. Yes.

Q. Did you ever see him again after that?

A. No.

Q. Did you ever speak to him on the phone?

A. No.

Q. Did you ever meet Janet Arvizo at an address where Mr. Jackson lived?

A. I don't know. It would be my guess that the apartment on St. Andrews that I met them at for an interview would be Jay's apartment, but no one told me that. Or if they did, I don't remember.

Q. Okay. So the only time you ever saw Jay was at the birthday party?

A. Correct.

Q. Okay. Now, did you talk to Janet about the Bashir documentary?

A. Yes, I did.

Q. What did she say to you?

MR. SNEDDON: Object. Hearsay.

MR. MESEREAU: It's impeachment, Your Honor.

THE COURT: I can't tell really. The question is too general. I'll sustain the objection.

MR. MESEREAU: Okay.

Q. Did Janet ever complain to you about the Bashir documentary?

A. Yes.

MR. SNEDDON: Object. Hearsay.

THE COURT: You're offering this for impeachment?

MR. MESEREAU: Yes, Your Honor. Yes.

THE COURT: All right. I'll overrule the objection.

Q. BY MR. MESEREAU: You can answer.

A. Can you repeat that?

MR. MESEREAU: Sure. I'll withdraw the question and repeat it.

Q. Did Janet Arvizo ever complain to you about the Bashir documentary?

A. Yes, she did.

Q. Approximately when did she complain about that documentary?

A. In the first conversation I had with her after the documentary.

Q. Okay. Would that be in 2003?

A. Yes.

Q. And what did she say to you?

A. She said that there had been a documentary aired showing Gavin and her children which she had not given her permission for. She had not given

permission for her children to be taped.

Q. And did she say she was going to do anything about it?

A. No, not that I can remember.

Q. Did Janet ever tell you that David was on drugs?

A. Yes.

Q. When was this?

A. After Davellin's graduation.

Q. Did she ever tell you that David was spending all the money they raised on drugs?

A. She did tell me that he was spending -- I wouldn't say "all." She didn't use the word "all," but she said that he was spending some of the money on drugs and to take his family out and show them a good time.

Q. Did she ever tell you that she had spent any of that money?

A. No.

Q. Okay. Let’s go to 2003, after the Bashir documentary airs, okay?

A. Uh-huh.

Q. You have this conversation with Janet about the documentary, right? And when do you talk to her again after she complains about the documentary?

A. There’s no way for me to say. There were many conversations after that initial conversation.

Q. Well, did you talk to her on a regular basis

in the year 2003?

A. In February I did.

Q. Okay. And is there any particular reason why you were talking to her so often in February of 2003?

A. I think Janet was in over her head, and I don’t think she really knew what to do. So I believe that she knew I was always there, at least to listen, you know. And if I could help in any kind of way, she knew I was there. She knew I was good for that.

Q. Did she ever tell you she was looking for an attorney?

A. No. I don’t remember.

Q. Did she ever tell you she was going to do anything about the Bashir documentary?

A. No. Again, like I said, I believe she was in over her head, and I don’t think she really knew what to do at that moment. I believe I suggested to her that she should get an attorney.

Q. Okay. Did she ever tell you she got one?

A. No, she never told me she did.

Q. Did she ever tell you she had joined in any complaint in England against the Bashir documentary?

A. No.

Q. Did Janet ever mention a trip to Brazil to you?

A. Yes.

Q. What did she say?

A. She said that they --

MR. SNEDDON: I’ll object as hearsay.

MR. MESEREAU: Impeachment, Your Honor.

THE COURT: The objection’s overruled.

THE WITNESS: She said that they were going to Brazil for Carnivale.

Q. BY MR. MESEREAU: And what is Carnivale, to your knowledge?

A. Beautiful costumes, beads. I guess it’s kind of like Mardi Gras.

Q. Kind of a holiday celebration, right?

A. A holiday celebration.

Q. Did she ever ask you to go with her?

A. Yes, she did.

Q. And when did Janet ask you to go to Brazil with her to attend Carnivale?

A. During a phone conversation. It was sometime in February.

Q. Okay. And did you say anything in response to her invitation?

A. I said, “Sure, I’d love to go.”

Q. And did you ever talk to her about Brazil again?

A. Yeah, we talked a couple of times about Brazil.

Q. And did you talk about your going with her?

A. I’m sure -- I’m sure I did. I told her I couldn’t go for too long. I was in school at the time, so I would only be able to be there for, like, three or four days.

Q. Did she say that was okay?

A. Yes.

Q. Okay. Did she seem excited about you going to Brazil with her?

A. I don’t know. I don’t know if she was excited. Janet’s always excited. She’s excited -- either she’s excited or she’s sad. So it was kind of hard to gauge whether she was excited about me going or this is just during one of the times that she was really happy.

Q. But you had a number of discussions about you and she going to Brazil?

A. No more than two, maybe three. On occasion.

Q. And were all these conversations on the phone?

A. Yes.

Q. Did she call you or did you call her, if you remember?

A. I would guess she called me during this time. I didn’t really know where they were staying, so my guess is that she called me.

Q. Okay. And do you think this is February of 2003?

A. I know it was February of 2003.

Q. And did you have any discussions with her about going to Brazil in March of 2003, if you know?

A. I don’t remember.

Q. Okay. Did she tell you what she wanted to do in Brazil other than attend Carnivale?

A. No, she didn’t say.

Q. Did she seem excited about going to Carnivale?

MR. SNEDDON: Object. Asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did Janet tell you when Carnivale is in Brazil?

A. No.

Q. But there’s no question she mentioned Carnivale, right?

A. Yes.

Q. Did she tell you whether or not her family were going to be at Carnivale in Brazil?

A. Yes.

Q. And what did she say about that?

A. Well, she said that Michael and I guess his family and their family, they were all going to go to Carnivale. That’s all she said.

Q. Do you mean Michael Jackson?

A. Yes.

Q. So she said Michael Jackson and his family are going to Carnivale with her?

A. Yes.

Q. And this is in February of 2003?

A. This is in February.
Q. Okay. Did she ever tell you that she had learned that Michael Jackson was not going to Brazil?
A. Yes, I believe she did.
Q. Do you know approximately when that was?
A. It would have been in early March.
Q. Okay. Was she upset about that?
A. No.
Q. Okay. Did she still, as far as you know, plan to go to Brazil?
A. By this time I don’t think she wanted to go.
Q. Okay. Was that -- did she tell you she didn’t want to go because she found out Michael wasn’t going?
MR. SNEDDON: Object. That’s a leading question, Your Honor.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did Janet tell you why she no longer wanted to go to Brazil?
A. Because there were a lot of unknowns. Her children had been out of school for one month. She didn’t know when they were going back to school. She didn’t know exactly where she was staying in Brazil.
Q. Did she ever tell you she had cancelled the trip?
A. No. I don’t even remember when we stopped talking about Brazil.

Q. Okay.
A. It just kind of went away. We didn’t talk about it anymore.
Q. Did you learn at some point she never went to Brazil?
A. No.
Q. Okay. Did she tell you that tickets had never been purchased to go to Brazil?
A. Had never been purchased?
Q. Yes.
A. No, she didn’t tell me that.
Q. Okay. Now, do you think the last time you talked to Janet was in March of 2003?

A. Yes.

Q. And where were you when you talked to her in March of 2003?

A. At my house.

Q. Did Janet ever tell you that Michael Jackson had falsely imprisoned her?

A. No.

Q. Did Janet ever tell you that Michael Jackson had kept her family against their will?

A. No.

Q. Did Janet ever tell you that Michael Jackson had extorted her family?

A. No.

Q. Did Janet ever tell you that Michael Jackson was in a conspiracy to commit crimes against her family?

A. Absolutely not.

Q. And you were talking to her on a regular basis in February 2003, right?

A. Yes.

Q. And would that be daily?

A. I don’t remember if it was daily. And again, if I got calls, sometimes they were from Davellin and sometimes they were from Janet.

Q. Okay. Did Davellin ever tell you that the family was being held against their will?

A. No.

MR. SNEDDON: Object as hearsay, Your Honor.

THE COURT: Overruled. The answer was “No.” Next question.

Q. BY MR. MESEREAU: Did Davellin ever tell you that the family was being falsely imprisoned by Michael Jackson?

A. No.

Q. Did Davellin ever tell you that her family were the victims of extortion by Michael Jackson?

A. No.

Q. Did Davellin ever tell you that there was some conspiracy to injure her family?

A. No.

Q. Did you have any discussions with Gavin during February of 2003?

A. Yes.

Q. And would he call you or would you call him?

A. If his sister would call me, he would get on the phone. Normally if Davellin would call, they would all get on the phone.

Q. Okay.

A. One by one.

Q. And that would include Janet?

A. Sometimes -- no, not all the time. A lot of times during this period Janet had a headache, she would say.

Q. Okay.

A. They would tell me their mom was lying down.

Q. Okay. Now, when Janet invited you to go to Carnivale in Brazil, were the kids around, to your knowledge?

A. I don't know.

Q. Do you know if the children were on the phone at the same time?

A. Not the same time, meaning there was more than one phone, no.

Q. Okay. But you think you had two or three conversations with her about Brazil?

A. Yes.

Q. Did she ever tell you she was being forced to go to Brazil?

A. No.

Q. Did Janet say anything about whether or not

Jay Jackson was going to go to Brazil with her?

A. No, she didn't mention it to me.

Q. Okay. And did she express disappointment that Michael Jackson wasn't going to go to Brazil with her?

MR. SNEDDON: Your Honor, I object. Asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did Janet Arvizo ever complain to you about Michael Jackson in February of 2003?

A. No.

Q. Did Janet Arvizo ever complain to you about Michael Jackson in March of 2003?
A. No.
Q. Now, there was a point in time where you attended an interview between the Arvizo family and some social workers in Los Angeles, right?
A. Correct.
Q. And did you attend that interview?
A. Yes, I did.
Q. Why did you do that?
A. Janet asked me to.
Q. Do you know approximately when she asked you to?
A. I would say approximately about a week before the interview.
Q. Okay. Do you remember whether she called you or you called her?

A. Again, I'm sure she called me during that time. They were from place to place, so I had no way of reaching them.
Q. Okay. And was she calling you often during this particular part of February?
A. Yes.
Q. Would it be correct to say she was calling you on almost a daily basis?
A. I don't remember.
Q. Could it have been a couple of times a week?
A. Yeah. Several times a week.
Q. Okay. Is there any particular time of day when Janet would call you?
A. No. All hours of the day.
Q. Okay. And did you consider Janet to be your friend at the time?
A. Yeah, she was a friend.
Q. You seem to hesitate. Is there a reason?
A. I mean, she's not someone who I ever hung out with on a one-on-one basis. If the children were around. She's not one of my girlfriends who I would call up and talk about a new CD or a new movie or -- you know, most of the conversations we had, about 95 percent I was listening to her or it would be about her children.

Q. Now, when Janet called you in February of 2003, did she ever tell you she was being forced to go to any location?

A. No.

Q. Did Janet ever tell you she was being forced to get into anyone’s car and go anywhere?

A. No.

Q. Did Janet ever tell you in February of 2003 that her children were being forced to travel to various locations --

A. No.

Q. -- by anybody?

A. No.

Q. Did Janet ever tell you that she was forced to do any interview about Michael Jackson?

A. Never.

Q. Did Janet ever tell you that her family was forced to rehearse lines that they were then to articulate in an interview about Michael Jackson?

A. No.

Q. Did Janet ever tell you that she or her family were given scripts to memorize --

A. No.

Q. -- for an interview?

A. No.

Q. Did she ever complain about having to do any interview for a rebuttal documentary?

A. No. As a matter of fact, she was happy to do the rebuttal video.

Q. Please explain what you mean.

A. She was very upset about the uproar that had been caused by this documentary. Not only that her children had been taped without permission, but that the relationship, the friendship that her son had with Michael was taken completely out of context and made -- and made into something that was bad. She was upset about that.

Q. And she told you that?

A. She told me that.

Q. Okay. Now, when did she tell you she was happy to do an interview for the rebuttal documentary?

A. Her exact words were not, “I’m happy to do this,” but she was very excited about doing it. She was very anxious to do it, to tell the world that this friendship was nothing more than what they saw, a beautiful friendship, and that’s it.

Q. She used those words to you?

A. She’s used the word “beautiful friendship” before in regards to Michael, yes. I don’t know in this specific conversation if she used it.

Q. Is there anything else she told you about Michael and her family, that you remember?

A. Janet told me the same thing about Michael as she said about Chris and I. She praised Chris and I to the point where it made me uncomfortable, saying that we were sent -- we were angels and how we just have done so much for her family.

And while I believe that we did provide the children with happiness and maybe love that they were not receiving from the other parent, David, you know, me, as a woman, I feel uncomfortable because I’m only a human being, you know.

And I would tell her all the time, “Janet, stop. Stop. I’m only doing what anyone else would do with a heart,” you know.

She praised Chris. She praised myself. She praised Michael.

Q. When she praised Michael, what did she say?

A. I don’t remember exact words, but she -- it was something to the effect of, “What a great man he is,” “He’s an angel,” “His love is great.”

Q. Did she ever refer to you and Chris Tucker as part of her family?

A. All the time.

Q. What would she say about that?

A. “You are our family.” She said it over and over and over. The children said it. I said it. I would call them my Mexican brothers and sisters, because they were like my little brothers and sisters.

Q. Would Gavin say you were part of his family?

A. Yes.

Q. Would Star?

A. They called me --

Q. I’m sorry.

A. They called me “big sister.”

Q. Okay. Did Star say you were part of the Arvizo family?

A. Yes.

Q. Would Davellin say you were part of the Arvizo family?

A. Yes.

Q. Do you recall whether or not Janet said Michael Jackson was part of the Arvizo family?

A. I’m sure over the three-year relationship we’ve had she’s mentioned that at some point in time. I don’t remember any specific conversation, but I’m sure she has.

Q. Now, during February of 2003, do you recall whether or not Janet ever referred to Michael Jackson as a father figure to the Arvizo family?

A. Yes.

Q. Now, around the same time, did she refer to Chris Tucker as a father figure to the Arvizo family?

A. No.

Q. Did she ever refer to Chris as a father figure, to your knowledge?

A. No.

MR. SNEDDON: It was asked and answered, Your Honor

THE COURT: Sustained.

Q. BY MR. MESEREAU: Now, in 2003, was it your understanding that Gavin was still ill?

A. No.

Q. Did you learn at some point that he had recovered from his illness?

A. Yes, I did.

Q. And what did you learn?

A. After undergoing all of his chemo, I believe his dad told me his cancer had gone into remission.

David was still in the picture at this time.

Q. Okay. Did Janet ever tell you words to the effect that Michael Jackson had helped her son overcome his illness?

A. She mentioned that after the Bashir documentary.

Q. And what did she say about that?

A. Exactly what you just said; that Michael had helped cure her son, and this is what a beautiful friendship they have.

Q. Now, do you recall -- excuse me, let me rephrase that.

Did you learn at some point that Janet and the children were going to be interviewed for a rebuttal documentary to the Bashir program?

A. That’s -- excuse me, yes.

Q. And you just said that she praised Michael for helping her son overcome his illness, right?

A. Uh-huh.

Q. Now, to your knowledge, was that praise that she gave to Michael Jackson before the family was interviewed for a rebuttal program?

A. Yes.

Q. And did she say that many times before that interview?

A. I don’t know about “many times,” but she said it.

Q. More than once?

A. One time is clear in my head. Once.

Q. Okay.

A. During the initial conversation that we had after the documentary aired.

Q. Okay. Do you recall when Janet and the children were interviewed for the rebuttal documentary?

A. Yes.

Q. And what do you remember about that?

A. I remember it was the night before the interview with the social workers.

Q. Now, Janet asked you to come to the interview with the social workers, right?

A. Yes.

Q. Did she tell you why?
A. Why --
Q. She wanted you to be there.
A. For support. Janet has asked me -- well, first of all, I -- Janet had been interviewed, or the children had been interviewed by social workers before, so Janet was very scared that her children were going to be taken away from her. So I believe that's why she asked me to come, for support.

Q. And did you agree to come?
A. Yes.
Q. Okay. Did you go to that interview?
A. Yes, I did.
Q. Was your child with you?
A. Yes, he was.
Q. Okay. Did you drive to Major Jackson's home for the interview?
A. I don't know if it was Major Jackson's home, but I drove to an apartment.
Q. And what street was that on?
A. St. Andrews.
Q. That's in Los Angeles, right?
A. Yes. Near Western.
Q. Okay. And do you know about what time of day you and your child drove there?
A. It was in the morning. I think about nine o'clock. 9 a.m. Maybe earlier.
Q. Did you park on the street?
A. Yes. And I got a parking ticket.
Q. Okay. And you then went into the apartment, right?
A. Yes.
Q. Did you have to go up the stairs to do that?
A. I took an elevator up.

Q. Okay. And when you first got into the apartment, what did you see?
A. First of all, I rode up in the elevator with the three social workers. I didn't know they were the social workers until I got in the apartment, till we went to the same place.

When I got in, I saw the -- I saw Janet and three children.

Q. And so you walked in at the same time the social workers did, right?

A. Yes.

Q. And what's the next thing you remember seeing?

A. Oh, and there was another guy there. I don't know his name.

The first thing that I saw, Janet was talking to the social workers.

Q. Okay. Did you hear what she said?

A. I don't remember.

Q. And you met the social workers, obviously.

A. Yes.

Q. And did you talk to the social workers at all?

A. Briefly, yes.

Q. And what did you say to them, if you remember?

A. We were introduced.

Q. By who? I'm sorry.

MR. SNEDDON: Go ahead.

THE WITNESS: We were introduced, and they were commenting about how cute my son is. Because he really is cute.

MR. SNEDDON: That's why I let you say it.

Q. BY MR. MESEREAU: And do you remember anybody showing a video?

A. Yes.

Q. What do you remember about that?

A. I remember -- I don't know who put it in, if the kids put it in or Janet, but the video was of Michael Jackson and Gavin when Gavin was very ill. He was undergoing chemo at the time. You could tell he was very weak, very pale, little to no hair. At times I don't think he was walking. I think Michael was maybe pushing him around in a wheelchair.

And there was a part of them where Gavin kind of just plops on a blanket. You could tell he was just so weak he can't really just sit down. He kind of just falls. His knees buckle. And they're by a lake. And that’s it.

Q. And you watched that with the social workers and Janet and the Arvizo children?

A. Yes.

Q. Okay. Did it -- do you know whose idea it was to watch that video?

A. I believe -- yeah, I think it was Janet’s.

Q. Okay. After the -- after you -- excuse me.

Let me rephrase the question. After you all watched the video, what happened next?

A. After the video, I believe that’s when the interview started and I was asked to leave. My son and I were asked to leave.

Q. And who asked you to leave?

A. One of the social workers.

Q. And did you leave?

A. I did, but Janet put up a fight. She wanted me to stay.

Q. Okay. When you say she put up a fight, now, what do you mean?

A. She said, “Absolutely not. Azja is our family and I want her here.”

Q. And did you see Janet have a discussion like that for a while?

A. For about a minute.

Q. And what was the result of that discussion?

A. The social workers told her she understood that, but, you know, I guess by law, that no one else outside of the family could be present.

Q. Okay. And then what did you do?

A. I told Janet it was okay, and I would go wait outside. And as soon as she was done, “Come get me.”

Q. Did you go wait outside?

A. Yes.

Q. How long do you think you waited outside?

A. Well, I went and got something to eat. And I came back, and it was still another hour, hour and a half, so it was altogether maybe two hours.

Q. And then did you go back in?
A. Yes.
Q. And what did you see when you went back in?
A. A completely different scene from the beginning. Everyone was hugging each other. And it was like the tension had left the room. You could tell that everyone was happy.
Q. And when you say “everyone,” who are you referring to?
A. The kids and Janet, and the social workers.
Q. Okay.
A. It was very tense at first when the social workers first arrived. It was very tense. And by the end of the interview, it was a completely different scene.
Q. And at the end of the interview, what did you do?
A. I stayed around for a while.
Q. Okay. Did you stay with Janet and the children?
A. Uh-huh.
Q. All right. Now, you made a comment about Janet having a prior experience with the Department of Children & Family Services, right?

A. Yes.
Q. And what were you referring to?
MR. SNEDDON: Your Honor, I’m going to object. Lack of foundation and calls for hearsay. No personal --
THE COURT: Sustained.
Q. BY MR. MESEREAU: Were you ever with Janet before this particular time when she had an experience with the Department of Children & Family Services?
A. No, I was not with Janet. I was with the children.
Q. And when was this?
A. It’s unclear to me if it was in December of 2001 or early 2002. It was somewhere around that time, though.
Q. And you say you were with the children?
A. Yes, I went to visit them at the apartment.

Q. Okay. Which apartment now?
A. The one near downtown.
Q. Okay. Was that on Soto Street?
A. I believe so.
Q. Was that in East Los Angeles?
A. Yeah. I think East L.A.
Q. And why were you at the apartment that day?
A. I went to visit, to check on them. This was during a time that Janet and I were talking a lot on the phone, and she had told me about the abuse from her husband, and I was worried about them. And I’m a very spiritual person, as well as Janet is, so I went over to pray with her.

Q. Did you do that?
A. She wasn’t there.
Q. Were the children there?
A. Yes.
Q. Were they alone?
A. They were alone. And they told me that the --
MR. SNEDDON: Your Honor, I’m going to object. It’s nonresponsive and it’s hearsay.
THE COURT: Sustained. I’ll strike after she said, “They were alone.”
Q. BY MR. MESEREAU: Did you stay at the home that day?
A. I stayed for a couple of hours.
Q. Okay. Did you ever see Janet that day?
A. No.
Q. Why did you go to the home that day?
A. For support.
MR. SNEDDON: That’s asked and answered.
THE COURT: Overruled.
You may answer.
Q. BY MR. MESEREAU: For support, did you say?
A. For support and to pray with her.
Q. And you mentioned that this had some relationship with the Department of Children & Family Services?

A. Yes. Prior to me getting there, the

children told me that a social worker or two, I don’t know, had come to their apartment.

Q. On that day?

A. On that day.

Q. And was the mother not home that day?

A. She was not home, and she had given the children instructions not to answer the door, but Star had let them in.

Q. Okay. And you never saw Janet that day at all?

A. Nope.

MR. SNEDDON: Your Honor, I’m going to object as asked and answered.

THE COURT: Overruled. Next question.

Q. BY MR. MESEREAU: Okay. Now, to your knowledge, was Chris Tucker visiting the Arvizo family at their home?

A. No.

Q. Do you know if he ever has done that?

A. Not to my knowledge, no.

Q. Okay. The day that you attended the interview with three social workers at St. Andrews Place, did you speak to Janet or the children before the interview?

A. Meaning that day did I speak to them?

Q. Yes.

A. No.

Q. Do you know if you spoke to Janet or the children the day before that interview?

A. Yes, I spoke to them the night before.

Q. Okay.

A. When they were doing the rebuttal video.

Q. And did you talk to Janet?

A. Yes. She called me.

Q. Do you know where she called you from?

A. From wherever they were doing the video.

Q. And did she ever tell you she didn’t want to do the video?

A. No.

Q. Did she tell you she wanted to do it?

MR. SNEDDON: Your Honor, object. Asked and answered.

MR. MESEREAU: Not this particular time.

THE COURT: Overruled. Connect the time.

MR. MESEREAU: Sure.

Q. We're talking about the night that Janet and the children did the rebuttal interview, okay?

A. Uh-huh.

Q. This is the night before your meeting with the Department of Children & Family Services, all right?

A. Yes.

Q. You say Janet called you?

A. Yes.

Q. And did Janet ever complain about anything in that call?

A. No. She was -- she seemed happy. Whoever's house they were at, she put them on the phone and introduced us.

MR. SNEDDON: Your Honor, I'm going to object to anything beyond "No." Move to strike.

THE COURT: Sustained. Stricken.

Q. BY MR. MESEREAU: In that phone call, did Janet put anyone else on the phone?

A. Yes.

Q. Do you know who it was?

A. I'm trying to think of the name. It was an interesting name. I don't remember. It was like -- I want to say like an Arabic name or something. I don't know.

Q. Did you talk to this person?

A. Yes.

Q. How long did you talk to Janet in that call, if you remember?

A. I don't remember. It wasn't a long conversation, though.

Q. But she called you and seemed happy?

A. Uh-huh.

Q. Did she ever ask you to call the police because they were being held against their will?

A. No.

Q. Did Janet ever tell you they were being

falsely imprisoned; “Please help”?
A. No.
Q. Did she sound like she was in any kind of trouble in that call?
A. No.
Q. Did you talk about the social workers’ interview the next day?
A. I believe that’s when she gave me the address of where it was going to take place.
Q. And did you agree on a time that you would be at the St. Andrews address for the next day?
A. Yes, she told me what time the interview started.
Q. Okay. Okay. Now, you said that when the interview was completed, you went back into the apartment, and you hung around for a while?
A. Yes.
Q. Did the children seem happy?
A. Not happy. Just -- you know, just like their normal selves. I don’t know. They might have been even watching T.V.
Q. Did Janet seem happy?
A. Yes.
Q. Did you talk to Janet?
A. Not -- not much.
Q. At some point, did you leave that apartment on St. Andrews Place after the interview with the social workers?

A. Yes.
Q. And where did you go?
A. I went to Neverland.
Q. Why did you go to Neverland?
A. The children asked me -- the children and their mother asked me to take them.
Q. And you agreed to do that?
A. Yes.
Q. And did you drive the three children to Neverland?
A. Yes. And my son.
Q. Okay. Now, did Janet ask you to take them to Neverland after the interview?
A. Yes.

Q. Did she ask you to take them to Neverland while she was in the apartment on St. Andrews Place?

A. Yes.

Q. Did she tell you why she wanted you to take the children to Neverland?

A. I assumed that's where they were staying.

Q. At this point, had Janet ever told you that she was forced to escape imprisonment at Neverland?

A. No.

Q. At this point in time, had Janet ever told you she ever escaped from Neverland?

A. No.

Q. Did Janet tell you how she was going to get to Neverland on that day?

MR. SNEDDON: Object. Calls for speculation, conclusion.

THE COURT: Overruled.

You may answer.

THE WITNESS: Can you repeat that?

Q. BY MR. MESEREAU: Sure.

You agreed to take the Arvizo children and your son to Neverland, right?

A. Correct.

Q. This is after the interview with the social workers?

A. Yes.

Q. Did you have an understanding where Janet was going to be?

A. Yes. A young man came to the house, and Janet told me that they were going to retrieve some birth certificates to get their passports.

Q. Was that for the Brazil trip?

A. I assumed it was.

Q. Did she ever complain to you about the Brazil trip?

MR. SNEDDON: Your Honor, I'm going to object as asked and answered.

THE COURT: Sustained.

MR. SNEDDON: Vague as to time.

THE COURT: Sustained.

Q. BY MR. MESEREAU: After the interview with the three social workers --

A. Yes.

Q. -- when you were in the apartment on St. Andrews Place, did Janet ever complain about the Brazil trip?

A. Yes.

Q. What did she say?

A. This was in a conversation about two or three weeks later --

Q. I’m talking about this particular day now.

A. Oh. No. No, no, not that day.

Q. Did she say anything negative about the Brazil trip on that day?

A. No. She seemed eager to go to get the birth certificates to take care of the passport situation. And she told me she’d come to Neverland after that.

Q. Okay. Now, you drove to Neverland after that?

A. Uh-huh.

Q. Took the children to Neverland?

A. Uh-huh.

Q. And about what time do you think you arrived at Neverland?

A. About three o’clock.

Q. And what did you do when you arrived at Neverland around three o’clock?

A. What do you do when you go to Neverland? You do everything. I mean, I probably got on the bumper cars. I don’t know. I turn into, like, a child. I turn into a child when I go to Neverland. I maybe got on the Ferris wheel. I don’t know. I was all over the place.

Q. On that particular day?

A. Yes.

Q. So you were -- so you were essentially playing with the children at Neverland, right?

A. Yes.

Q. At some point, did you see Janet at Neverland that day?

A. No.

Q. Okay. When did you next see Janet Arvizo?

A. I never saw her again.

Q. Did you ever talk to her again?

A. Yes, I did. On the phone.

Q. When was that?

A. The only time I remember -- the only time that's clear in my head is a phone conversation we had two to three weeks after this interview with the social workers.

Q. Okay. We'll get to that.

Did you leave the Arvizo children at Neverland?

A. Yes.

Q. Okay. And where did you leave them, if you remember?

A. What do you mean where did I leave them?

Q. Did you leave them in the main house? Did you leave them in the guest units? What went on?

A. I believe we were in the main house.

Q. Okay. Did you talk to Janet while you were at Neverland?

A. No.

Q. What time do you think you left that day?

A. I spent the night that day, and that was a Thursday. I did not leave until about ten or eleven o'clock Friday night.

Q. Okay. So Thursday night you stayed at Neverland, right?

A. I stayed overnight, yes.

Q. Did you see Michael Jackson there?

A. No.

Q. Did you see Michael Jackson the next day?

A. No.

Q. Do you know where the Arvizo children stayed that night?

A. No.

Q. Where did you stay?

A. In a guest unit.

Q. Okay. Did someone bring you to the guest unit at Neverland?

A. I think I walked over there.

Q. Okay. And the next day you got up in the morning?

A. Yes.
Q. And what did you do?

A. Ate breakfast.
Q. Okay. Was that in the main house?
A. Yes.
Q. Did you just walk into the main house?
A. I don’t remember. I can’t remember someone letting me in. I think the door is locked or something. I think someone let me in.
Q. And did you go to the kitchen area?
A. Yes.
Q. Did you sit at the counter?
A. Yes.
Q. And were there some cooks on the other side of the counter?
A. Yes.
Q. And you just ordered breakfast and had breakfast right there, right?
A. Yes.
Q. And your son was with you?
A. Yes.
Q. What did you do after breakfast?
A. I don’t remember.
Q. Okay.
A. Oh, I do remember. We fed -- we fed elephants --
Q. Okay.
A. -- and the birds and things like that.
Q. Were the Arvizo children with you?
A. Yes, they were.

Q. Did they meet you in the main house?
A. I believe they called me. And they were the ones to tell me, kind of, “Hurry and get up and come over here.”
Q. Do you think you met them at the main house?
A. Yes.
Q. Did they have breakfast with you?
A. Yes, they did.
Q. Okay. And that’s -- after breakfast, you all fed the elephants?

A. Uh-huh.
Q. Okay. How long were you at Neverland that day?
A. Until I left, which was about 10:00 or 11:00 that night.
Q. Okay. And did you ever see Janet that day?
A. No.
Q. Okay. Were you with the Arvizo children during the entire day?
A. Yes.
Q. Were you with them that evening before you left?
A. Yes.
Q. Okay. Did you have lunch and dinner with them?
A. I believe so, yes.
Q. And did you ever see Michael Jackson there?
A. No. He wasn't there.

Q. Okay. How did you find that out?
A. There were other children there. There were other guests there who said that he wasn't there.
Q. Did you know what the other guests' names were?
A. Marie Nicole, Baby Rubba, and I don't remember the older brother's name. And Marlon Brando's son and his three kids.
Q. Okay. Now, if you know, where were Marlon Brando's son and his three kids staying?
A. I don't know.
Q. Do you know where the other children were staying?
A. I don't know.
Q. Was their name Cascio, if you know?
A. I don't know.
Q. Okay. When you went around Neverland, were you with the other children as well?
A. Yes.
Q. So you were with Marie Nicole?
A. Uh-huh.
Q. And Baby Rubba?
A. Uh-huh.
Q. And the third person?

A. No, the older one, who was probably about 15 or 16, I don’t know, maybe even older, he was kind of just doing his own thing.

Q. Okay.

A. He wasn’t with us at that time.

Q. Were the Brando children with you?

A. No. They were on the quads.

Q. Okay. They were on the quads driving around?

A. Uh-huh.

Q. Okay. So you leave about eleven o’clock at night, right?

A. Uh-huh.

Q. You went home?

A. Yes.

Q. Did Janet ever complain to you about the way the media was treating her?

A. I don’t remember.

Q. Did she ever say words to the effect that her family was being hassled by the media?

MR. SNEDDON: Your Honor, I’m going to object as leading and suggestive.

THE COURT: Sustained.

Q. BY MR. MESEREAU: After the Bashir documentary aired, did you ever discuss the media with Janet?

MR. SNEDDON: Your Honor, I’m going to object. It’s hearsay and it’s asked and answered on the prior question.

MR. MESEREAU: I don’t think so.

MR. SNEDDON: The word was “ever.”

THE COURT: It’s a time difference.

Go ahead. You may answer. If you’d like it read back, we can do that.

THE WITNESS: Please.

(Record read.)

THE WITNESS: Yes.

Q. BY MR. MESEREAU: And did you say anything to Janet about the media?

A. Not that I can remember.

Q. Did she say anything to you about the media?
A. She did. But I don’t remember what she said.
Q. Okay. Did Janet ever tell you anything to the effect that the media was following her?
MR. SNEDDON: Your Honor, I’m going to object as leading.
THE COURT: Sustained.
MR. SNEDDON: Suggestive.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Okay. Did Janet ever say anything to you about getting a body wax?
A. No.
Q. Did she say anything to you about Michael Jackson paying for her children’s dental work?
A. No.
May I go back to one of those questions to follow up?
Janet never mentioned anything that I can remember about the media following her, but Davellin

did.
Q. And what did Davellin say?
A. Davellin --
MR. SNEDDON: Excuse me. Object as hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: How many times have you discussed the media with Davellin?
A. I don’t remember how many times.
Q. Was it more than once?
A. Yes.
Q. Okay. Was this during your phone conversations with Davellin?
A. During the initial conversation with Davellin.
Q. Was this about the same time that Davellin was asking for a car?
A. No, this was before.
Q. Okay. I think you said this, but I don’t remember. I apologize. Do you remember when the last conversation you had with Davellin was when she asked for a car?
A. I don’t remember.

Q. Was -- it was in 2003, right?
A. It was in 2003, yes.
Q. Okay. Okay. So you -- you leave Neverland at about eleven o’clock, right?
A. 10:00 or 11:00.
Q. The Arvizo children remain at Neverland,

right?
A. Yes.
Q. And to your knowledge, Michael Jackson is not at Neverland, right?
A. Right.
Q. When do you next talk to any member of the Arvizo family, if you recall?
A. The next day or so. Maybe Saturday or Sunday.
Q. Who did you talk to?
A. Davellin.
Q. Did Davellin call you?
A. Yes.
Q. Do you know where Davellin was when she called you?
A. At Neverland.
Q. How long did you talk to Davellin on that occasion?
A. I don’t remember.
Q. Okay. When did you next talk to Janet?
A. I can’t remember.
Q. Did Janet ever talk to you about some German people?
A. Yes.
MR. SNEDDON: I’m going to object. Vague as to time.
MR. MESEREAU: I’ll ask when.
THE COURT: All right.

Q. BY MR. MESEREAU: When did Janet first talk to you about some German people?
A. I don’t remember the first conversation when she first talked to me about them.
Q. Was it in the year 2003?
A. Yes.

Q. And did she call you the first time she mentioned some German people?

A. I’m sure she did.

Q. Okay. And do you remember what she said about them?

A. She didn’t like them.

Q. Did she tell you why?

A. They were rude. They said mean things to her. She didn’t elaborate what mean things they said, but she just did not care for them at all. And it was obvious that they didn’t care for her.

Q. Did she ever complain that these German people were keeping her away from Michael Jackson?

A. Yes.

Q. What did she say?

A. It was in an answer following a question that I asked her. I asked her -- with all the mean things they were saying, I said, “Does Michael know anything about this? And she said, “No, they won’t let us around him, because they know that the children tug at his heart strings.”

Q. Tug at whose heart strings?

A. Michael’s.

Q. Okay. Now, was this conversation about the German people after the interview with the three social workers?

A. Yes, this conversation in particular I’m talking about was two to three weeks after the social workers’ interview.

Q. Was that the first time you had spoken to Janet since the social workers’ interview?

A. I don’t know if it’s the first time, but it’s the only time that’s clear in my head right now.

Q. Did Janet tell you where she was during that discussion?

A. She was at Neverland.

Q. Okay. And do you know whether or not her children were at Neverland when you had that conversation?

A. Yes.

Q. Did you ever learn whether or not Janet went back to Neverland to be with her children after the interview with the social workers?

A. Can you repeat that?

Q. Sure. After the interview with the social workers, you took the children to Neverland?

A. Uh-huh.

Q. And did you ever learn that Janet went to Neverland to be with the children?

A. After I took them there?

Q. Yes.

A. In the phone conversation I had with Davellin following my time at Neverland, I don’t remember her mentioning her mother being there. I don’t remember her mentioning her mother not being there. I just -- I can’t remember that.

Q. So you don’t really know if Janet went back to Neverland after the interview with the social workers?

A. I know she went back at some point. I just don’t know when.

Q. Okay. And I think you said the next time you spoke to Janet, it was your understanding she was at Neverland, right?

A. I know she was at Neverland.

Q. How do you know?

A. Because she told me.

Q. Okay.

A. And because whenever I have Privacy Manager or something like that, Neverland Valley Ranch shows up on my caller I.D.

Q. Okay. Approximately when do you think you had the conversation with Janet at Neverland that you just described?

A. I’ll say it was anywhere from two to three weeks after that interview with the social workers.

Q. Okay. Did Janet talk about the German people in that discussion?

A. Yes.

Q. What did she say?

A. She didn’t like them.

Q. Did she elaborate?

A. I'm sure she did. But I don't remember exactly what she said about them. It was a very long conversation, so I don't remember exactly what she said about the German people.

Q. Okay. And she mentioned Brazil in that conversation?

A. Yes.

Q. Did she say she wasn't going?

A. She said she didn't want to go.

Q. Okay. And did she mention in that conversation that she learned Michael Jackson wasn't going to Brazil?

A. Not that I can remember, no.

Q. Okay. Did she complain about Michael Jackson in that conversation?

A. No.

Q. Did Janet ever complain to you about Michael Jackson?

A. Never.

Q. Did she say nice things about Michael in that conversation?

A. No.

Q. Did she really talk about him?

A. I'm sorry?

Q. Did she talk about Michael in that conversation, if you remember?

A. The only instance that I remember her mentioning Michael's name is when she said that they would not allow the children around -- her and the children around Michael.

Q. Okay. And that was in February of 2003 or March of 2003?

A. I believe it was March of 2003.

Q. Okay. And that conversation -- excuse me. In that conversation, was it your understanding that Janet was at Neverland?

A. I know she was at Neverland.

Q. Okay. Okay. Now, did you ever talk to Davellin about whether or not she had any friends she used to be with at Neverland?

A. Davellin talked about Marie Nicole a lot.

Q. And what did she say about her?

MR. SNEDDON: Your Honor, I'm going to object as hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Was it your understanding, based upon your discussions with Davellin, that Marie Nicole was her friend?

A. Yes.

Q. Did you ever see Davellin at Neverland with Marie Nicole?

A. Yes.

Q. On how many occasions do you think?

A. When I drove to Neverland after the interview, she told me about Marie Nicole on the way there, and that we would meet her once we got there. And once we arrived, Marie Nicole was there.

Q. Okay. And did you see Davellin hang out with Marie Nicole at Neverland?

A. Yeah, we all kind of hung together.

Q. Okay. In the conversation with Janet in March that you have just described, did she ever tell you that her family had been held against their will at Neverland?

A. No.

Q. In that conversation with Janet in March, did she ever say that her family had been falsely imprisoned?

A. No.

Q. In that conversation with Janet in March, did she ever say that her family were the victims of extortion?

A. No.

Q. And in that conversation with Janet in March of 2003, did she ever say that she or her family were forced to escape from Neverland?

A. No. I'm sorry.

Q. Why are you smiling?

A. I mean, it's Neverland. I don't really know

who would want to escape Neverland. It's just a fun place.

Q. Okay.

A. But, no, she never said that.

Q. Okay. Now, you’ve indicated that Janet would speak to you for long periods of time, right?

A. Yes.

Q. And what -- when you say a long period of time, what do you mean?

A. Sometimes an hour or two.

Q. And is this in the year 2003?

A. This is pretty much from the start of us talking on the phone until the last conversation we had.

Q. Did Janet ever complain to you that Michael Jackson had molested her children?

A. No.

Q. And when do you think the last conversation you had with Janet was?

A. In March of 2003.

Q. Do you have any idea what part of March that was?

A. I’ll say early March.

Q. So in early March, she told you that the German people wouldn’t let her children see Michael Jackson?

MR. SNEDDON: Your Honor, I’m going to object. Asked and answered.

THE COURT: Sustained.

MR. MESEREAU: With the Court’s permission, I’d like to approach the witness, if I may, Your Honor, to show some exhibits.

THE COURT: All right.

MR. MESEREAU: They would be Defense Exhibits 5090, 5091, 5092, 5093 and 5094. They are photographs with writings on the back, and I have showed them to the prosecution.

THE COURT: All right.

MR. MESEREAU: Thank you.

MR. SNEDDON: Just let me see them a minute.

Q. BY MR. MESEREAU: Miss Pryor, I’m showing you the exhibits I just described, and I’d like you to first look at Defense Exhibit 5090, okay?

A. Okay.

Q. Have you seen that photograph before?

A. Yes.

Q. And where have you seen that photograph?

A. At my house.

Q. And how did you ever see that photograph?

A. It was mailed to me, along with other photographs.

Q. Okay. And do you know who mailed it to you?

A. The children did.

Q. Okay. Would you please read what's on the back of that photograph?

A. Sure.

MR. SNEDDON: Well, Your Honor, it's not in evidence yet, so I'd object. But to save some time, I'll just indicate to the Court, I'll stipulate to the admissibility of all these, just to make the record clear.

THE COURT: You're offering all of them?

MR. MESEREAU: We are. We are.

THE COURT: They're admitted.

MR. MESEREAU: If I can approach, I'll just put them all in front of the witness, then.

Q. Will you please read what's on the back of the first exhibit?

A. "Hi, Azja. I am sending you a picture of us so when we are not with you, you can see us. I love you, Azja. Your little guy, Gavin Arvizo."

Q. Do you know if Gavin sent that to you?

A. I'm assuming he did.

Q. And when did you receive it?

A. I don't know.

Q. Okay. Do you know which year?

A. I don't remember.

Q. Okay. Could you read the back of each exhibit in front of you?

A. Sure.

THE COURT: Tell us the number you're reading.

THE WITNESS: Oh. Sorry. 5091. This one is for Chris. It says, "Chris, this is a picture for you to remember us always and when you are far away from us you can see us. I love you, Chris. See you soon, big bro. Your little bro, Gavin Arvizo."

Q. Okay.

A. 5092. "Hi, Boo-Boo." That's my son's nickname. "Hi, Boo-Boo. This is your big brother. Now you can see us all the time. I love you, Boo-Boo, and I miss you. Your big brother, Gavin Arvizo." 5093. "Dear, Azja. I give this to you with love. I love you. Love, your little brother, forever, Star." 5094: "Dear, Chris. I love you and miss you with all my heart. Love, Star David Arvizo."

Q. Now, these are all photographs of the Arvizo children, right?

A. Yes.

Q. And were they mailed to you at once or did you get them periodically?

A. No, they all were mailed at one time.

Q. And do you know approximately when that was?

A. No.

Q. Okay.

A. Sometime during our friendship.

Q. Okay. Now, in March of 2003, did you speak to any of the Arvizo children?

A. Yes.

Q. Who did you speak to in March of 2003?

A. I spoke to the three children.

Q. And when you spoke to them, did you know where they were?

A. I don't remember.

Q. Did any of the children ever complain about Michael Jackson to you?

A. No.

Q. Did Janet Arvizo ever mention someone named Jamie Masada to you?

A. Yes.

Q. And when did she mention Jamie Masada to you?

A. I've been hearing Jamie's name since I believe the first day I met the children. And subsequently, after that, when I would speak on the phone to their mother.

Q. Did Janet ever mention to you that Jamie Masada was a close friend?

A. Yes.

Q. Did she ever mention to you in February of 2003 that Jamie Masada had taken her to an attorney?

A. No.

Q. Did Janet mention to you at any time in February of 2003 that she had seen an attorney named Bill Dickerman?

A. I believe so.

Q. Okay. And do you know when she told you that?

A. I don't remember. It's not so clear in my head, but I do remember her mentioning the name Bill Dickerman.

Q. Do you know when she mentioned Dickerman?

A. No, I don't know.

Q. Okay. Did she ever tell you that Jamie Masada had taken her -- excuse me. Let me rephrase that.

Did she ever tell you that Jamie Masada introduced her to Attorney Bill Dickerman?

A. I don't remember.

Q. Okay. Did Janet ever tell you that Jamie Masada and Attorney Bill Dickerman had introduced her to Attorney Larry Feldman?

A. No.

Q. Now, when you were at Neverland, right after the interview with the social workers, --

A. Uh-huh.

Q. -- this is the day you drove the children there when Michael wasn't there, do you recall whether or not the Arvizo children ever asked to stay in Michael Jackson's room?

A. Yes.

Q. And did you hear them make that request?

A. Yes, I did.

Q. Where were they when they made that request?

A. Maybe in the kitchen. I can’t remember.

Q. Do you know who they asked if they could stay in Michael Jackson’s room when Michael wasn’t there?

A. I believe his name is Joe. He’s the guy who’s always there.

Q. And do you recall what he said?

A. He said no.

Q. And do you know where the kids stayed -- excuse me, the Arvizo children stayed that night?

MR. SNEDDON: Your Honor, that’s been asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you ever learn that a rebuttal documentary with Maury Povich appeared on television?

A. Yes, we watched it that night.

Q. And who is “we”?

A. It was myself and my son, the three children, Marie Nicole, Marlon Brando’s son, and I don’t know if some of his children were there or not.

Q. Did you watch the rebuttal show with Maury Povich at Neverland?

A. Yes.

Q. Okay. And did you notice that the Arvizos were not in that show?

A. Yes.

Q. Did you say Janet was there?

A. No, she was not.

Q. Okay. Okay. Just a few more questions. May I just take a minute, Your Honor, just to --

THE COURT: Yes.

Q. BY MR. MESEREAU: Do you recall Janet ever discussing whether or not Michael Jackson was going to set up a college fund for her children?

A. Can you repeat that?

Q. Sure. Do you recall whether or not Janet ever discussed words to the effect that Michael was

going to set up a college fund for her children?
A. Yes.
Q. When did this discussion take place?
A. I believe it was in the conversation that I had with her two or three weeks after the interview. We covered many grounds during that phone conversation.
Q. This is after the interview --
A. With the social workers.
Q. Okay. Did she tell you that she thought a college fund was being set up for her son?
A. No. She didn’t tell me that there was a college fund being set up. She said there was mention of a college fund.
Q. And did she want one?
A. No.

Q. What did she say?
A. Her exact words were she doesn’t even know if her son is going to be alive in ten years; “What is a college fund going to do for him?”
Q. Did she say she wanted anything?
A. She didn’t say she wanted anything.
Q. Okay. Did you think she was suggesting she wanted money?
MR. SNEDDON: Your Honor, I’m going to object. Calls for opinion, speculation.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you ever have a discussion with Janet about her hiring a lawyer to sue the people who did the Bashir documentary?
A. Yes. I asked her -- I’m sorry. Just one moment.
I don’t know if I asked her if she has an attorney and whether she should look into legal action against Martin Bashir, but I asked her, “Has anyone spoke on compensating you for this?” And that’s when she mentioned the college fund to me.
Q. But did she indicate she wanted compensation of any kind, to you?
A. She indicated that a college fund wasn’t going to do her son any good when he might not even be alive in ten years.

Q. Okay. Did you suggest to her that she get an attorney to try to get compensation?

A. I may have. I don’t remember clearly, but I probably did.

Q. Did Janet ever talk to you about whether she should sign a release form?

A. I asked her did she sign a release form.

Q. And when was this?

A. During the same conversation.

Q. Okay. And again, when did this conversation take place?

A. Two to three weeks after the interview.

Q. Okay. And did she say she had signed a release?

A. No.

Q. Did she say she hadn’t?

A. Yes, she said she had not signed one.

Q. Okay. Did you have any further discussion with Janet about the fact that her family had been interviewed?

A. I’m sorry, can you repeat that?

Q. Yes. Did you have --

MR. SNEDDON: I’m going to object to the question as assuming facts not in evidence with regard to -- can’t do any more than that, but it’s unclear, vague as to time, and also as to which conversation.

MR. MESEREAU: I think it is vague. I’ll rephrase it.

Q. After the interview with the three social workers, and after the Arvizo family had been interviewed for the rebuttal show, did you have any further discussion with Janet about that rebuttal show?

A. No.

Q. Did you ever talk to Janet about the fact that you watched the Maury Povich rebuttal show with her children?

A. No, not that I can remember.

Q. So do you recall Janet ever commenting on

that show at any time?
A. No.
Q. Did Janet ever mention anything to you about phone calls being monitored at Neverland?
A. No.
Q. Ever tell you she thought she couldn’t talk because her phone calls were being listened in to?
A. No.
Q. Did Janet ever talk to you about going shopping?
A. No.
Q. Did Davellin ever mention the names of any young women who went to Neverland with her?
A. No.
Q. Ever mention the name of a woman named Adrianna or --
MR. SNEDDON: Your Honor, I’m going to object as leading and suggestive.

THE COURT: I didn’t hear the end of the question.
MR. MESEREAU: I’ll restate it.
Q. To your knowledge, did Gavin ever invite a female to Neverland?
A. Yes.
Q. And when was this?
A. This was before the interview with the social workers.
Q. Okay. And how did you learn about that?
A. They told me about it.
Q. Who is “they”?
A. Gavin and Davellin and Star.
Q. And --
MR. SNEDDON: I’m going to move to strike based on hearsay.
THE COURT: Stricken.
Let’s take a break.
(Recess taken.)
THE COURT: Counsel?
MR. MESEREAU: Thank you, Your Honor.
Q. Miss Pryor, you said that when you were at Neverland with the Arvizo children, you walked around the property, right?

A. Yes.
Q. And do you recall ever going into the theater?
A. Yes.

Q. And did you go into the theater with the Arvizo children?
A. Yes.
Q. Do you recall ever going into a dance studio?
A. I didn’t go in, but I looked in it.
Q. Okay. Now, when you looked in it, was it locked?
A. Yes.
Q. And did somebody unlock the door?
A. No. No one had a key. There was, like, a keypad on the door.
Q. Okay. And did someone know the combination?
A. Yes, Star opened it.
Q. Okay. Did you ever see Star open any other combinations at Neverland?
A. Just the dance studio and the main house.
Q. Did you ever see Gavin open any combination locks at Neverland?
A. Just the main house.
Q. Okay. Did Star and Gavin tell you they knew the combinations?
A. Star didn’t. He opened the dance studio door. He said no one should be in there.
Q. And did he tell you how he learned the combination?
A. No.
Q. Did Janet ever complain to you about her

children drinking alcohol at Neverland?
A. No.
Q. Did she ever mention anything about her children drinking alcohol at Neverland?
A. No.
Q. Do you recall Janet ever commenting about people making millions of dollars off of her son?
A. Yes.

Q. What did she say about that?
A. She said everyone around them was making millions of dollars off of the video. They didn’t -- she didn’t specifically say her sons, but off of this documentary.
Q. Did she complain that she wasn’t making millions?
A. No.
Q. Was that the implication you got from her comment?
MR. SNEDDON: Your Honor, I’m going to object to the question. It’s asked and answered; leading; speculation.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did Janet ever complain that she and her children were beaten up by a group of white boys?
A. Yes.
Q. What did she say about that?
A. This was during one of the times when she was telling me what a horrible husband David was, and she told me that David had stood there and watched while some white boys beat up her and her children, her and her two sons.

Q. Did she ever mention any lawsuit?
A. No.
MR. MESEREAU: Your Honor, I’d like to show the witness a document that’s been marked as Exhibit No. 5095, if I may.
THE COURT: All right.
MR. MESEREAU: May I approach?
THE COURT: Yes.
MR. MESEREAU: Thank you.
Q. Miss Pryor, have you seen that --
A. Yes, I have.
Q. -- document before?
And what is that?
A. It’s a letter to me from Davellin.
Q. And if you look at the bottom, you see some driver’s license information. Do you see that?
A. Yes.
Q. Is that all part of the same document?

A. Yes, it is.
Q. Did you receive that document?
A. Yes, I did.
Q. And did Davellin send it to you?
A. Yes.
Q. Do you know why?

A. From the looks of it, to give me her mother's license information.
Q. And do you know approximately when she sent you that driver's license information?
A. It's hard to see here, but I can remember from seeing the letter. It was dated February 13th.
Q. Do you know what year that probably was?
A. 2003.
MR. MESEREAU: Okay. I move this document into evidence, Your Honor.
MR. SNEDDON: No objection.
THE COURT: It's admitted.
MR. MESEREAU: May I approach and retrieve it?
THE COURT: Yes.
MR. SANGER: Your Honor, could we have the screen to the Elmo?
MR. SNEDDON: Your Honor, may we approach on the display of this exhibit?
THE COURT: Because of address information?
MR. SNEDDON: The DMV information on it, yes. I don't believe that should be public.
MR. MESEREAU: We will not display that information.
Q. Davellin -- "Davellin." Miss Pryor, Davellin sent you her mother's driver's license information, right?
A. Yes.

Q. She sent you her mother's address, right?
A. I believe it was her grandmother's address.
Q. And she sent her mother's birthday information, right?
A. Yes.
Q. And she sent her driver's license

information, right?

A. Yes, she did.

Q. And was that in relation to the conversations you had -- excuse me. Was that in relation to the many conversations you had about their wanting a car?

A. Yes, it was.

Q. Did you ask for Janet Ventura’s driver’s license information?

A. No.

Q. Did you know Davellin was going to send you Janet Ventura’s driver’s license information?

A. No.

Q. What was your reaction when you received it?

A. I guess it was -- I knew that they wanted the car, so it didn’t really surprise me, even though she didn’t tell me she was sending it, but it didn’t really surprise me.

MR. MESEREAU: No further questions.

MR. SNEDDON: Would you leave that exhibit there for a second?

CROSS-EXAMINATION

BY MR. SNEDDON:

Q. Good afternoon.

A. Good afternoon.

Q. Miss Pryor, I just want to ask you a few questions. I won’t be long.

A. All right.

Q. With regard to your relationship with the Arvizo family - okay? - I believe you’ve indicated in the past that you found the family to be a very affectionate family, correct?

A. Yes, very much so.

Q. And in fact, Davellin used, as you’ve indicated, the term “sister” in relationship to describe her relationship with you.

A. Yes.

Q. And they were a family that would like to hug people even the first time they met them, correct?

A. Yes.

Q. And some people, who aren’t familiar with the family or the way they behaved, sometimes took that the wrong way?

A. I don’t know.

Q. Okay. But you didn’t take -- it didn’t bother you that they hugged you?

A. Not at all.

Q. Okay. And you knew that they were a religious family, correct?

A. Yes.

Q. They would use the term “God bless” a lot to express thanksgiving for things?

A. Yes.

Q. And you, in fact, went over to pray one time with Janet, correct?

A. Yes. Yes.

Q. Now, when you went to the Soto Street apartment, that was a -- to call it an apartment may even be misleading. It was a one-room apartment, correct?

A. Correct. It was a studio apartment.

Q. There was no bedroom in it. Everybody was in one room, correct?

A. Right.

Q. Did you observe mattresses on the floor?

A. Yes.

Q. And the room was divided off with sheets hanging up just to partition it into certain areas?

A. I never saw any sheets.

Q. So you just saw mattresses on the floor?

A. Yes.

Q. And it was your understanding that everybody was sleeping in that one room, correct?

A. Correct.

Q. Now, you’ve described how you met Janet Arvizo for the first time, and you’ve described some of your relationships with the children. I’d like to just review some of this, if we can.

You indicated that you and Chris Tucker and your son visited Gavin in the hospital on New Year’s

Eve, correct?

A. Correct.

Q. Actually, it was -- it was the next year, right?

A. New Year’s day, yes.

Q. New Year’s day. But it was early in the morning?

A. Right.

Q. So you got there just in time to be there for the year 2001, correct?

A. Right. We got there on January 1st, 2001.

Q. Yes, ma’am. When you got there, you actually -- Janet was not there?

A. No, she was not.

Q. But you did talk to her on the phone, correct?

A. Yes, I did.

Q. And when you talked to her on the phone, she thanked you for everything you had done for Gavin, right?

A. Yes, for her family.

Q. For her family. And she said that -- even in that conversation, though she had never met you, she said she loved you for what you had done for them?

A. Correct.

Q. Now, you talked about Knott’s Berry Farm and you talked about the premier and the Oakland game, but let me ask you another thing about this. Was there an occasion when Chris Tucker’s brother got married?

A. Yes.

Q. And did you go to that wedding?

A. Yes.

Q. And did you invite the Arvizo children to go with you?

A. I don’t remember if I did or Chris did, but one of us did.

Q. But the Arvizo children went with you to Chris Tucker’s brother’s wedding, correct?

A. No, they came in their mother’s car.

Q. Okay. I’m sorry. But they were there

because you invited them?
A. Yes.
Q. Either you or Chris?
A. Yes.
Q. And they were there as your guests?
A. Yes.
Q. You were with Chris?
A. Uh-huh.
Q. And was -- were there a lot of people at this wedding? Was it a big wedding?

A. There were about 60 people altogether.
Q. Okay. And where was it held?
A. In Pasadena.
Q. At a private club?
A. It was at a residence.
Q. At a residence?
A. Uh-huh.
Q. A nice residence?
A. Yes.
Q. And then you invited them to your son’s birthday party at the ranch?
A. Yes.
Q. And was there an occasion where you actually stayed at the ranch with the children for about a week after the birthday party?
A. No.
Q. So to your knowledge, was Chris Tucker there with them for about a week during the summer?
A. I have no idea.
Q. Okay. You weren’t there if they were?
A. I wasn’t there.
Q. Okay, fine. Now, Davellin -- Davellin --
A. Davellin.
Q. -- called you her big sister, right?
A. Yes.
Q. Did you call her your little sister?
A. Yes.
Q. And it’s clear you have a very strong affection for Davellin and the boys. And she did stay at your house on occasion?

A. Yes.
Q. Did you find her helpful when she stayed at the house in playing with your son and helping take care of your son?
A. Yes. She’s very nurturing. Very sweet girl.
Q. Very loving girl?
A. Very loving.
Q. Somebody you really cared for a lot?
A. Yes.
Q. And still do?
A. Yes.
MR. SNEDDON: Hand me that pen.
Q. Now, you told us about attending Davellin’s graduation from the academy.
A. Yes.
Q. The Explorer academy. And when you attended that graduation, did you sit with Janet Arvizo?
A. Yes, I did.
Q. And it’s true, is it not, that on that particular occasion, you actually observed bruises and injuries on Mrs. Arvizo’s person, correct?
A. Yes, I did.
Q. Now, Mr. Mesereau asked you about this conversation about Gavin hurting his arm and the conversation about the glove. Do you remember that?

A. Yes.
Q. And do you remember you saying to Janet if she needed some equipment, you’d give her the equipment; you’d give her the money to get the equipment, correct?
A. I said if she needed anything, just to ask, and if I could do it, I would help her.
Q. Did she ever ask you to buy any equipment for the family?
A. No.
Q. Now, let’s talk a little bit about the DSS meeting that you went to with Miss Arvizo. You had had at least, as I recall your testimony, at least two conversations with her prior to the time that you went to the St. Andrews Street address on the 20th, correct?

A. I'm sure I had more than two conversations.

Q. I said at least two.

A. Yes.

Q. And one was the night before where she gave you directions on how to get there?

A. Correct.

Q. And one was before that in which she expressed to you that there was going to be some kind of a meeting with DSS?

A. Yes.

Q. And when she talked to you about that, she told you that she was really scared about the meeting, correct?

A. She didn't say she was really scared about the meeting. She was afraid that her children may be taken from her. I don't know if she was afraid it was going to happen at that meeting, but just the whole surroundings of this documentary and actually someone calling and reporting her to Social Services was scary for her.

Q. Okay. So she was very concerned about whether or not they might take her children from her?

A. Yes.

Q. And you knew that that was her mindset before she went into that interview?

A. Yes.

Q. And the concern was directly related to, as you understand, directly related to the fact that Gavin had appeared with the defendant, Michael Jackson, in the Bashir video, correct?

A. Can you repeat that? I'm sorry.

Q. Yes, ma'am. The concern of Mrs. Arvizo was that the DSS folks had focused on the fact that Gavin had appeared in the Bashir video, correct?

A. I don't know if that was her main concern. I'm sure that had something to do with it since it seems like this investigation had arisen since the documentary aired. But I don't know if that was her main concern, just because her son had appeared in a video with Michael Jackson.

Q. Had you seen the video before you went to the DSS meeting?

A. Which video?

Q. The documentary.

A. Yes, I had.

Q. Okay. And you had seen Gavin in the documentary?

A. Yes, I had.

Q. You recognized him?

A. Yes.

Q. And you recognized that it was Gavin sitting on the couch with the defendant in this case with his head on his shoulder?

A. Yes, I did.

Q. And holding hands with him?

A. Yes.

Q. Okay. And you knew also that during the same documentary -- let's call it a "documentary" so we don't confuse it with the other video that you mentioned. That in that documentary also, that Mr. Jackson had stated publicly that he slept with little boys, correct?

A. Correct.

Q. Okay. Now, it was the media attention that had been generated by those scenes and those statements that was causing the DSS people to investigate Janet, correct?

A. I believe so. I'm not sure if there was something else involved, but I believe it was stemming from that documentary.

Q. So this was the nature of the relationship between Gavin and the defendant, Michael Jackson, that was -- that was the reason that she was concerned about being declared an unfit mother, or, let me change that, in your words, that they would take the children away at some point?

A. Yes.

Q. Now, you mentioned that -- when you were at the DSS meeting, that Janet -- at some point you were asked or told that you would have to leave by the Department of Social Services ladies. The

social workers, let's just call them that.
A. Yes.
Q. And you said that Janet objected to that?
A. Yes, she did.
Q. And you used the word "absolutely objected"?
A. She was adamant.
Q. Okay. And do you remember that?
A. Yes.
Q. So do you know that that conversation was tape-recorded?
A. What conversation?
Q. The conversation with the Department of -- the social ladies, the social workers.
A. No, I wasn't aware of that.

Q. Have you heard a tape of it?
A. Not at all.
Q. Did Mr. Mesereau provide you a tape to listen to before you testified?
A. No.
Q. So you at no time, up to me just telling you this, did you know that there was actually tape-recording of that part of the conversation?
A. No. Actually, I heard that there was a tape-recording, but I wasn't aware of it at the time. It was up until recently.
Q. Do you recall during that conversation that when the social workers asked you to leave, that Mrs. Arvizo actually apologized to the social workers for having invited you and said it was her fault for having you come?
A. I don't remember that.
Q. Now, let's just talk a little bit about a couple of things dealing with some of the conversations that you had with Mrs. Arvizo. Just so we don't -- so we can make it easier for both of us and for everybody, let's talk about -- let's give these things different names, okay?
A. Okay.
Q. I want to ask you some questions about the Martin Bashir documentary, okay?
A. Okay.

Q. And then there is what has variously been called the rebuttal video that occurred the night before you went over to the house for the Department of Social Services meeting, okay?

A. Correct.

Q. All right. Now, with regard to the Bashir documentary, it’s true, is it not, that Mrs. Arvizo’s conversations with you about the fact that no release had been signed dealt with the Martin Bashir documentary, correct?

A. Prior to the Martin Bashir documentary, I don’t recall us having any conversation about any release being signed. It wasn’t until two to three weeks after she was interviewed by the social workers.

Q. Right. But the conversation about -- that she was complaining about the lack of a release being signed had to do with the Bashir documentary, correct?

A. Correct.

Q. It wasn’t anything to do with the rebuttal film that had occurred the night before the Department of Social Services?

A. No, it was not.

Q. All right. Let’s talk just a little bit about the car.

A. Okay.

Q. Mr. Mesereau asked you a number of times about them asking about a car, asking for a car, okay? In this particular situation, actually Chris Tucker had given them the car, right, your car, to your knowledge?

A. He had not given them the car. The car has never left my -- my parking space.

Q. It eventually never went to them, but your understanding was that he had indicated to them that he was giving them your car, correct?

A. Yes.

Q. As a gift?

A. Yes.

Q. Out of the kindness of his heart?
A. Yes.
Q. So it wasn’t a car. It was the car. It was your car.
A. Right. It was my car.
Q. Yeah. And part of the problem here was that during the month of February, Mr. Tucker had flown to Florida and then was gone the entire month of February, correct?
A. I don’t remember. I don’t think he was gone the entire month of February.
Q. He was gone for an extended period of time?
A. He may have been.
Q. But in any case, the car that they were talking about was your car that you had -- let me go back. You got a new car, right?

A. Yes.
Q. You got a Mercedes?
A. Yes.
Q. An SUV Mercedes?
A. Yes.
Q. Did the children go with you when that car was picked out?
A. I wasn’t there when the car was picked out. The children went with Chris to pick out the car.
Q. And to your knowledge, did Chris let them pick out the color for the car?
A. I don’t know. I think they may have mentioned that before, but I don’t know. The children told me that they actually went with Chris.
Q. When he bought the car for you?
A. Right.
Q. You mentioned giving the Arvizo family a cashier’s check for Christmas as a present, correct?
A. Correct.
Q. And that was in the year 2001, for the Christmas 2001?
A. Yes.
Q. And you sent that to them with a nice Christmas card and a note, right?
A. I’m sure I did, yes.
Q. And as a matter of fact, they also gave you

some Christmas presents and gift certificates for your son, correct? Do you recall that?

A. I remember them giving me gift certificates. I don’t know when it was, if it was that Christmas or Mother’s Day. They would send me gifts from time to time, different holidays.
Q. So the feeling between you and the kids was that it was one of -- that close, that you would actually exchange gifts and pleasantries with each other, correct?
A. Correct.
Q. I actually just have one more question.
A. Great.
Q. I know that’s a great relief to you. When -- actually, I have two, I’m sorry. That’s a lawyer’s problem. They can never ask just one. But the exhibit that Mr. Mesereau handed you, which is the 5095, which is the one with the information on it --
A. Okay.
Q. -- that I’m showing you now, actually the document itself contains an affectionate note from Davellin to you before all the information about the driver’s license and all that, does it not?
A. Yes.
Q. And in fact, there’s like a heart at the top of it with “February,” and then there’s a nice note to you about how much she loves you and cares for you?
A. Yes.

Q. And then the information is below that?
A. And then the driver’s license information.
Q. Okay. She signs it, “Love, your little sister”?
A. Right.
Q. Okay. Now we can get to the last question.
A. Okay.
Q. At the time you were with the Department of Social Services workers and just before you were asked to leave, do you recall that?

A. Yes.

Q. Do you recall telling the Department of Social Services that you would like to stay because you considered these people your family?

A. I didn’t say that. Janet said that. She said she would like for me to stay because I am her family.

Q. Do you recall making this statement? “I mean, I was -- I’m here to support my family. That’s -- you know, but I understand your policies about it. If she wants, you know, she needs me with them.”

Did you make that statement?

A. Maybe I did. I don’t know. I don’t really remember saying that. I may have said that, yes.

Q. But you used the term “family” --

A. Right.

Q. -- there, “to support my family”?

A. I don’t know if I said there “to support my family,” but I have used “my family,” that term before when talking about them. So I may have said it that day.

MR. SNEDDON: Okay. Thank you. No further questions.

REDIRECT EXAMINATION

BY MR. MESEREAU:

Q. Ms. Pryor, nowhere in the Bashir documentary does Mr. Jackson ever say, “I sleep with little boys,” does he?

A. No, that was an issue that Janet and I talked about. My understanding of watching the documentary was that Mr. Jackson said that children have slept in his bed and he slept on the floor. And that was another issue why we didn’t understand there was being such a big uproar about this when he clearly said that he slept on the floor.

Q. And Mr. Jackson makes a point to say that he never has any sexual contact with children, right?

A. I believe he did.

Q. The words “I sleep with little boys” are just made up by the government, right?

MR. SNEDDON: Your Honor, I'm going to object. That is argumentative, and I'd ask counsel to be admonished for this.

THE COURT: Sustained. It's argumentative.

Q. BY MR. MESEREAU: Now, Mr. Jackson also in that documentary talks about children needing more love and attention, doesn't he?

A. Yes.

Q. He talks about kids bringing guns into schools, doesn't he?

MR. SNEDDON: Your Honor, I'm going to object as leading, suggestive.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Now, the prosecutor, Mr. Sneddon, talked about Mr. Jackson holding hands with Gavin, correct?

A. Correct.

Q. Isn't it correct that Gavin often wanted to hold hands with people around him?

MR. SNEDDON: Your Honor, I'm going to object. Calls for a conclusion, speculation, and it's leading.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you ever see the rebuttal footage of the Arvizo family interview when Janet says to Gavin, "Let's hold hands"?

A. I haven't seen any rebuttal footage of the Arvizos, no.

Q. Do you remember Janet often saying, "Let's hold hands"?

A. Yes.

Q. She said that to you, didn't she?

A. I don't remember.

Q. Didn't Janet tell you that her family all held hands and prayed to God that they would meet Michael Jackson and Chris Tucker?

A. Yes, she did.

Q. And when the prosecutor, Mr. Sneddon, asked about the Arvizos being affectionate, you agreed with him, right?

A. Very much so.

Q. When he said they were very unduly and very quickly affectionate with people, you agree with that, right?

A. Very much so, yes.

Q. And they used to immediately hug people, correct?

A. Yes.

Q. People they hardly knew, right?

A. I don’t know, but -- I don’t know. I haven’t really been around them when they just met strangers, but anyone who I ever brought around them, yes, they --

Q. I’m sorry.

A. -- they were very affectionate towards them.

Q. Part of their being affectionate was also holding hands at times, right? Ever see them hold hands?

MR. SNEDDON: Well, Your Honor, let -- she was waiting for the answer to the first question.

THE WITNESS: I’ve seen them hold hands.

THE COURT: All right. That’s okay. Go to your next question.

MR. MESEREAU: Okay.

Q. Now, the prosecutor, Mr. Sneddon, asked you if you’d been to the Soto Street address, right?

A. Yes.

Q. Have you been to the grandparents’ address?

A. No.

Q. But you’ve been to what you now know is Jay Jackson’s address, correct?

A. Yes.

Q. When Janet -- excuse me. When Davellin and Janet were asking you for a car, did you know whether or not Jay Jackson was supporting them?

A. I was not aware that Jay Jackson was even in the picture during this time.

Q. Okay. Was -- Janet and Davellin, were they telling you they were too poor to get a car?

MR. SNEDDON: Object. Calls for hearsay and leading.

THE COURT: Compound, sustained.

Q. BY MR. MESEREAU: At the time they were asking you for a car, did you know whether or not Janet was collecting welfare checks?

MR. SNEDDON: Object, Your Honor. This is compound and leading.

THE COURT: It's sustained. Compound.

Q. BY MR. MESEREAU: Well, when they consistently called you, call after call, and asked for an automobile, did they tell you in any of those conversations that they were too poor to buy a car?

MR. SNEDDON: Your Honor, I'm going to object to that as argumentative in the use of the word "consistently."

THE COURT: Sustained.

MR. MESEREAU: I have no further questions, Your Honor.

MR. SNEDDON: No questions, Your Honor. Thank you.

THE COURT: All right. Thank you. You may step down.

THE WITNESS: Thank you.

MR. SANGER: Your Honor, our next witness would be -- our next witness would be Mr. Nimmer.

BAILIFF CORTEZ: Mr. Sanger?

THE BAILIFF: I'll come get it.

THE COURT: Are you prepared to show me that? (To the jury) All right. I have to review a piece of evidence here that's going to take, according to counsel, 19 minutes and 8 seconds.

MR. SANGER: Three seconds.

THE COURT: Three seconds. So I'm going to let you go outside and have some more soup.

A JUROR: There's none left.

THE COURT: Ahh.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

MR. SANGER: Your Honor, are you ready to proceed?

THE COURT: Yes. Is it “1” or “4”?

MR. SANGER: All right. Before I start it, let me just state for the record that we have Exhibit 5089, which I think I already identified for the record. I’ve put that in the machine, and then we’ll keep a good thought.

It might be helpful if we could have the lights. Thank you. I know there’s somebody usually on the other side there.

THE BAILIFF: Is there sound?

MR. SANGER: No, there is no sound with this, Your Honor.

(Whereupon, a DVD, Defendant’s Exhibit 5089, was played for the Court.)

MR. SANGER: That’s the end of the video, and we would propose to have Mr. Nimmer narrate basically where he was when he was shooting, and he would say, “This is the front gate,” “This is Figueroa,” “This is the guest unit,” that sort of thing.

MR. SNEDDON: Judge, as I indicated earlier, I believe that this -- a good deal of what’s in this video is inadmissible. And particularly objectionable is those parts that deal with having staff out there doing things, basically scripted or -- “scripted” is probably not a good word to use in light of everything that’s happened in this courtroom, but certainly the way they’re performing on the video and performing for the camera specifically.

Secondly, there are some parts about this that there is no way to establish that this is the way that the premises looked at the time of the events in February and March of 2003. And I believe this video, portions of it were filmed earlier this year and maybe portions of it recently, and we know for a fact that certain portions of it are different from when we went out there, when members of the sheriff’s department went out there in December of 2004.

So it’s misleading to the jury in the sense that it portrays certain locations and places different than they were and certain facilities. If this were simply a video of somebody showing the zoo or showing the giraffes or showing the amusement park -- and you can see it's unduly suggestive in the fact that they have notes on the board that are obviously propaganda in the sense they're notes with, "We love you, Daddy," and in the mail room where they took them, there was actually a sign of protest dealing with this case.

Those things don't belong in front of the jury, and it's highly inappropriate focusing on one particular picture and one particular room. And so I just think that this video should not be admitted. It's -- it's 352. It's of little or no value to the jury, and that it would tend to mislead the jury as to the factual issues they have to make.

And I think it's particularly misleading with regard to the fact of the clocks. There's some testimony about where the clocks were. It's not inconsistent with what's portrayed here, but the way they portrayed it here is the way the clocks were operating when this video was taken, and it misleads the jury that they may have been operating differently at another time.

And so I think in all respects that this video should not, in its current condition, be submitted to this jury for observation and review, and we object to that, Your Honor.

Thank you.

THE COURT: Well, I think the -- I did deny the request to go to the Neverland Ranch, but I had in mind, when I denied that, that the parties would be capable of showing the property with a video such as this. And there's some truth to the fact they're showing -- I guess it's probably the typical welcome that the guests get at Neverland when they go there, but I don't think it's a prejudicial issue, and I'll allow the film.

MR. SNEDDON: Judge, I can't convince the

Court that they should edit out some of the parts that are really inappropriate for the jury to see? It's a simple editing job. It seems to me if you're going to let some of it in, that's fine, but it also seems to me that some of those things are really not appropriate, particularly the writings on the chalkboard and --

THE COURT: Well, I don't know. It moves pretty rapidly. I mean, I didn't get the feeling that I could read any of that material. It moves right along. I tried to -- I started to look at it, and about the time I was understanding what might be there, it was gone. So I don't really see any problem with it.

I would not want you dwelling on those items with your narrator, if you had that in mind. You haven't said that you do.

MR. SANGER: No. In fact, we will make it clear the narrator did this in 2005. It says it right on the -- on the video. And the thing on the board was just there when he was out there. It was Mr. Jackson's kids had written something, evidently. But that's clear he did it in 2005, and the jury will know it wasn't in 2003.

THE COURT: All right.

MR. SANGER: What I'd propose to do is to play the other tape first, the one we have an agreement on, and we can probably do that before we have the break.

THE COURT: All right. Let's have the jury come in, and we'll play the other part first.

Did you call them in?

THE BAILIFF: I did.

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: When you get to the witness stand, please remain standing. Face the clerk over here. Raise your right hand.

LAURENCE NIMMER

Having been sworn, testified as follows:

THE WITNESS: Yes, I do.

THE CLERK: Please be seated. State and spell your name for the record

THE WITNESS: Hello. Laurence, or Larry, Nimmer. Laurence is L-a-u-r-e-n-c-e. Nimmer is N-i-m-m-e-r.

THE CLERK: Thank you.

MR. SANGER: Okay. May I proceed, Your Honor?

THE COURT: Yes.

DIRECT EXAMINATION

BY MR. SANGER:

Q. Mr. Nimmer, how are you presently employed?

A. I have a legal graphics, demonstrative evidence company.

Q. All right. And you did just the right thing. We have to tell every witness to sit right up into that right microphone.

A. Okay.

Q. All right. And how long have you had a legal graphics company?

A. I’ve had my company for 13 years, and I’ve worked in the field another two years.

Q. All right. Can you give us your background, training, and experience that leads up to your being employed in the legal graphics field?

A. Well, I have an undergraduate degree in architecture, and then I studied broadcasting at San Francisco State University. I worked in T.V. news for the CBS affiliate in San Francisco. And I’ve been involved in graphics and multi-media for the last 30 years.

Q. Now, as far as the legal graphics aspect and legal documentation aspect is concerned, I think you’ve said you’ve been doing this for about 15

years?

A. Correct.

Q. All right. And during that 15 years, have you had occasion to prepare exhibits for presentation in court cases?
A. Yes, quite a few.
Q. Is that one of the main things that you do?
A. That is correct.
Q. All right. Can you tell us whether or not you have been called to testify in any of the courts in this general area?
A. Yes, I have.
Q. And what courts do you recall testifying in?
A. Santa Barbara. Ventura. Los Angeles.
Q. Have you testified in Santa Maria courts?
A. I don't believe I've testified here. I've had trial exhibits in these courts.
Q. Have you testified in San Luis Obispo?
A. I have not testified there. I've had trial exhibits there.
Q. Your exhibits have been received in court without your testimony?
A. Correct.
Q. All right. Now, over the course of your work in the last 13 years in your own company, about how many cases have you prepared exhibits for?
A. Between 900 and a thousand.
Q. And about how many exhibits do you believe have been, to your knowledge, admitted into evidence in court?

A. I would guess around a thousand exhibits --
Q. So you prepared --
A. -- I'd estimate.
Q. So you've prepared more than one exhibit --
A. Per trial.
Q. -- per case?
A. Yes.
Q. So a percentage of the cases you work on go to trial, and of those, there's a number of exhibits per case that might go before a jury or before a judge; is that correct?
A. That's correct.
Q. All right. Now, you have -- have you worked primarily in the criminal area or the civil area?

MR. SNEDDON: Your Honor, in order to expedite this, I'll stipulate to his qualifications. We can just move on to the --

MR. SANGER: I'll accept the stipulation. I need to ask a couple more foundational questions for the first tape, but --

THE COURT: Okay.

MR. SANGER: Thank you.

THE COURT: Thank you.

Q. BY MR. SANGER: Now, as far as the work that you do, does part of it involve preparing diagrams and charts for court?

A. Yes.

Q. Does part of it involve preparing video documentation?

A. Yes.

Q. And can you explain what the purpose is to video documentation, in general? What are you doing when you're doing that?

A. Generally it's to give an objective view of a scene, or an object, or whatever the subject matter.

Q. And have you worked for both sides in cases, both the plaintiff's side and the defense side?

A. Yes, I have.

Q. When you say -- I think you said "an objective view." Were those your words?

A. Yes.

Q. Is it possible to manipulate video or visual media to give a distorted view of something?

A. Yes.

Q. Do you attempt to avoid that when you're preparing a video documentation?

A. Yes, I do.

Q. Can you explain what kind of video documentation you often prepare for court cases?

A. I've done day-in-the-life videos that document, if someone's been injured, what their quality of life is now or when they were involved in a certain job.

I've documented accident scenes, different environments, buildings, that type of thing.

Q. All right. And you mentioned day in the life. Can you just explain just briefly what that means?

A. Well, if someone in a personal injury case has been injured, sometimes I will follow them around and show what their quality of life now is for the jury to be able to evaluate what their problems are or what their lifestyle is like, basically.

Q. All right. In this particular case, did you prepare two different videos?

In fact, what I'll do, Your Honor, let me back up for a second. During the break, I asked that a DVD, which I'm calling a video, be marked as Exhibit 5096, and it's entitled, "Neverland alarm test."

And then prior to this, I believe out of the presence of the jury, we marked -- we had already identified a video entitled "Neverland Ranch 2005," and that was marked for identification as 5089.

THE COURT: Yes.

MR. SANGER: Okay. Thank you.

May I approach the witness with these exhibits?

THE COURT: Yes.

Q. BY MR. SANGER: All right. You have before you Exhibit 5096?

A. Yes.

Q. Okay. Do you see the little yellow tab on there?

A. I do.

Q. Okay. And what is that?

A. The Neverland alarm test.

Q. And is that a video that you created?

A. Yes, it is.

Q. All right. Now, with regard to that video, did you have a particular assignment that you were asked to carry out?

A. Yes, I did. Should I describe it?

Q. Yes, please.

A. I was asked to document the sound of the alarm in the private suite of Mr. Jackson, both downstairs in the private suite and upstairs in the bedroom area.

Q. Okay. When we say “alarm,” I suppose that’s what it says on the video. Can you describe what this is? You say “alarm.” What is it?

A. Yes, it’s kind of a chime sound that is triggered when someone walks in the outer area of the private suite.

Q. All right. And did you have occasion to go to Mr. Jackson’s home?

A. Yes, I did.

Q. Did Mr. Jackson give you permission to go in there and spend the time you needed to do this video?

A. Yes.

Q. All right. Did you have any assistance in doing this video?

A. I used the assistance of a maid on the property to walk out and walk in to trigger the alarm. I had an assistant with me for some other purposes, but during the alarm test, I didn’t have any other really assistance on that.

Q. So basically for the alarm test, you pretty much commandeered somebody who was working that day; is that correct?

A. Correct.

Q. And you asked her to walk through the hallway area to set off the chimes, or the bell, or whatever it was, correct?

A. That’s correct.

Q. And then what did you do to record the sound of that bell?

A. I used my professional video camera, it’s a Sony VX2100, and I used the internal stereo microphone on the camera to record the sound.

Q. Did you make any modifications to that camera in order to do this test?

A. No.

Q. How long have you had that camera?

A. Approximately a year, year and a half.

Q. And have you used that camera during the last year, year and a half routinely in other cases?
A. Yes. About every day, every other day.
Q. All right. So that’s your regular everyday camera is what you’re saying?
A. Correct.
Q. All right. Now, in the course of doing this -- we’re going to show it, but before we do -- or we’re going to ask to show it. Before we do, though, I want you to set it up a little more.
In the course of this, do you recall where you were standing during the first part of the test?
A. During the first part of the test I was inside the private suite area downstairs, perhaps about 15 feet from the front door, opposite the front door.
Q. And did you have -- do you remember the name of the particular employee who you asked to help you?
A. I believe her name was Maria.
Q. Do you remember her last name?
A. No.
Q. Does Maria Gomez sound right? Or you don’t know?
A. I’m afraid I don’t know her last name.
MR. SANGER: I’d like to refer to her by her last name.
Is there any objection to my doing that?

Miss Gomez? I can represent to the Court, as you’ll see, that’s who it is.
THE COURT: Is there any problem with that, Mr. Sneddon?
MR. SNEDDON: I’m assuming that’s who it is.
Q. BY MR. SANGER: So I’ll refer to Miss Gomez.
A. Okay.
Q. Just so we’re proper and polite here.
What did you instruct Miss Gomez to do?
A. I instructed her, once the camera was recording, to walk out and then walk back in.
Q. Now, did you have her go down the hallway a

certain point?

A. Correct. There’s an outer hallway where the alarms or the chimes are triggered. I had her walk through there so she was on the other side of it, and then walk in.

Q. You say the other side of the hallway. Would that be the door that’s adjacent to the foyer and the front door?

A. That’s correct.

Q. So you had her walk down that little hallway and turn around and walk back into the room; is that correct?

A. That’s correct.

Q. And did you have her close the door behind her as she went out?

A. Yes. And possibly it automatically closed.

Q. Okay. Now, so -- and the first test was you standing on the first floor of Mr. Jackson’s suite, private suite area, and doing just what you said. What was the second test?

A. The second test was upstairs in the private bedroom area. My camera was positioned two or three feet kind of behind the bed. So we see the bed in the foreground pointing towards the stairway where people walk up to get upstairs to the private bedroom. And your question was what was the test?

Q. Well, that was -- I think you answered my question. I think. But let’s try another question. All right. And that’s where you were located. So then what did you instruct Miss Gomez to do?

A. I instructed her, similar to the first test, to walk downstairs, walk through the room downstairs, through the hallway downstairs where the alarm is triggered, to walk all the way out into the foyer area, and then to turn around and walk back in through the hallway, through the downstairs area, up the stairway into the private bedroom.

Q. All right.

A. And I should mention we had the door open at the bottom of the steps.

Q. So we're going to get to that. The second test we're going to see, the door at the bottom of the steps --

A. Of the stairway.

Q. -- it's an internal door in between the first-floor room and the hallway and stairway leading up to the second-floor room. There's a door there; is that correct?

A. That's correct.

Q. So the second test, in the sequence of three tests here, you had the door open, correct?

A. That's correct.

Q. And then what was the third test?

A. The third test was just the same as the second test; however, we had the door closed at the bottom of the stairway which leads up to the upstairs bedroom.

Q. All right. Now, have you had a chance to listen to the -- or listen to and watch the video that you prepared?

A. Yes.

Q. You were there, of course, during the time this was being filmed? You were the one filming it, correct?

A. Correct.

Q. Did you have an opportunity to compare what you heard on the video to what you heard with your own ears as you were standing there?

A. Yes.

Q. Does the video fairly and accurately depict what you heard?

A. I'd say fairly and accurately. Perhaps the last test, with the door closed downstairs, I believe the alarm actually sounded somewhat louder in person than you'll hear it on the tape. But otherwise, I believe it's more or less like the experience of being there.

MR. SANGER: All right. And with that, Your Honor, I'd like to play 5096, if we may. I think I need to move it into evidence first, which I do.

MR. SNEDDON: No objection.

THE COURT: All right. It's admitted.

MR. SANGER: And -- all right. And now I've got to retrieve it.

THE WITNESS: Okay.

(Whereupon, a DVD, Defendant's Exhibit 5096, was played for the Court and jury.)

MR. SANGER: Okay. May I proceed with questioning?

Q. Now, with regard to Exhibit 5096, you just heard it?

A. Correct.

Q. Does that appear, as you listen to it, to be a fairly accurate depiction of what you were able to hear of the bell?

A. Well, as I said, the last test with the door closed, I remember hearing it very clearly. Here, you hear it, but not that loudly. So other than

that, I'd say it's fairly accurate.

Q. Now, there was a -- there seems to be a faint bell that seemed to be triggered when Miss Gomez was going out, but not every time. Did you -- did you hear that?

A. I noticed that, and I don't know why it's inconsistent that way.

Q. In other words, sometimes it seemed there was a faint bell set off when she went out the door, and other times there was no bell at all that you could hear; is that correct?

A. Correct. And sometimes the bell seemed louder when she went out. Sometimes it didn't seem to trigger at all when she went out, but it always seemed to trigger when she came in.

Q. Okay. Now, you have in front of you 5089?

A. That's correct.

Q. All right. And is that the DVD that you compiled as a result of visiting and going around the Neverland Ranch itself?

A. Yes, it is.

Q. And is that video cut from longer -- I want to say film, but it's not film, it's all on video, so whatever you call it. Is that cut from a longer

series of shots?
A. Yes, it is.
Q. And did you try to -- what did you try to do in compiling that video?

A. I tried to give an objective view of the experience of a visitor to Neverland.
Q. All right. There is some people who are seen in the video at various places. People, for instance, driving a tractor or golf cart or something like that. Were they planted there by you or were they actually doing that?
A. They were actually doing that.
Q. Now, there are some scenes where -- a scene, for instance, where you have some people lined up -- there are people lined up as you’re going into the main house. Did you ask them to do that for a particular reason?
A. Yes. I was told that often, when visitors come, the staff stand out in front and greet the visitor. So I asked if I could experience that as well with my camera.
Q. So that is something you requested as opposed to somebody just driving a tractor on the property?
A. Correct. And I think there’s also a repeat of the scene of Miss Gomez walking in the downstairs private suite and I arranged for that shot, too.
Q. All right. And there are a couple of others where there’s -- at the train station or the theater where people are offering -- offering you something or holding out something; is that correct?
A. That’s correct.

Q. And was that arranged?
A. That was arranged. I asked if they could have it as it would normally be for a visitor and what the experience was like.
MR. SANGER: All right. Very well.
THE COURT: We’ll take our break now.
(Recess taken.)
THE COURT: I scared the bailiff. She

stepped right out, and I was standing right there.

We were like that, for a second.

All right. Are we prepared to go forward?

MR. SANGER: Yes. I wanted to ask a few more preliminary questions, before we start, to set the scene.

THE COURT: All right.

Q. BY MR. SANGER: You have up there -- you have 5089. That's what we're talking about. And that's your -- what a visitor might see if they came to Neverland?

A. That's correct.

Q. Now, the ranch itself is -- and I think we had testimony, is 2700 acres, something like that.

Did your video cover the 2700 acres?

A. Well, not every acre, but we went throughout the property.

Q. And on the video that you've come up with here, can you tell us, just in general terms, where it starts, where it goes? In general terms. Not every frame, but where it starts, where it goes, and how it ends.

A. Sure. We start on the front gate, on Figueroa Mountain Road. We come in. We go into the inner gate, the golden gate.

And then we come to the main house area, the guest cottage area, which is opposite the main house.

We see some of the grounds.

Then we go out to the arcade, next to the main house.

Then we go to the amusement park, north of the main house.

And then the zoo north of that.

And then we see a few other areas on the property, such as video library, administrative offices.

Q. All right. There's -- in this video that we're going to see, there is -- seems to be a number of clocks.

Did you have a particular -- were you given some particular instruction with regard to clocks?

A. I did have an instruction to video clocks that one would see particularly around the main house, the guest cottage area. Other exterior --

Q. Could you do me a favor and talk in the other microphone?

A. Sure.

Q. That's the one.

A. Should I repeat that answer?

Q. I think I stepped on it. So if you would, go ahead.

A. So, yeah, I did have a direction to document clocks around the main house area, the guest cottage area and other clocks outside that one would see.

Q. All right. And then I believe you said you photographed this in part during the day; is that right?

A. That's correct.

Q. Was this all done on one day?

A. No, I was there on three or so occasions.

Q. And what year was that that you did that?

A. This year. 2005.

Q. All right. And then did you also video some of the footage at night?

A. Yes, I did.

Q. All right. And when -- when you were taking these videos, do you personally know whether or not all of this is exactly the same as it was in 2003?

A. No, I don't know.

Q. Did you ask anybody to change anything in any way that would cause it to be different than the way you were finding it as you went there?

A. No. In some cases, there was an effort to make it look like it was in 2003, I believe. But I didn't ask for any particular direction.

Q. Okay. Can you explain what you just told us about making it look like it was in 2003?

A. The only example I can think of for that is in the private suite area, the first time I came there, it was kind of in a state of disarray. And then I was told, when I came back, that the furniture was more or less arranged like it was in 2003.

Q. Okay. And was -- do you know if the people that did that had a reference, any kind of a video reference that they could use to try to make it look as much as they could like 2003?

A. My understanding is that they did have some reference.

Q. All right. Is that the search video that --

A. I don’t know what they used. It was the ranch manager.

Q. That’s fine. All right.

Okay. Your Honor, with the Court’s permission, we will play the tape, if we can.

THE COURT: All right.

MR. SANGER: Oh. I have to retrieve it first. Let me do that.

May I approach, Your Honor?

THE COURT: Yes. Did you offer that into evidence?

MR. SANGER: I was just going to do that now, Your Honor. I would offer Exhibit 5089 into

evidence, please.

THE COURT: Subject to your previous objection, I’ll admit it.

THE WITNESS: And should I give some narration?

MR. SANGER: Before I start it, let me -- as I indicated to the Court earlier, I’m going to ask the witness to give brief narrative statements while the tape is playing, which will be primarily statements as to what we are looking at, where we are at various points, if that’s acceptable.

THE COURT: That’s -- Mr. Sneddon, is that acceptable?

MR. SNEDDON: I’ll --

THE COURT: You’ll object if something --

MR. SNEDDON: If I see something untoward, I’ll say something.

MR. SANGER: There you go.

THE COURT: Subject to his objection, then you can proceed that way.

MR. SANGER: Thank you.

Excuse me just one second. Just one second, Your Honor.

(Off-the-record discussion held at counsel table.)

MR. SANGER: Thank you. We have a little technical matter that we were going to -- second time.

(Off-the-record discussion held at counsel table.)

(Whereupon, a DVD, Defendant’s Exhibit 5089 was played for the Court and jury.)

THE WITNESS: This is Figueroa Mountain Road, the main entrance to the Neverland Ranch.

This is just inside the main entrance.

These are the perimeter fences on Figueroa Mountain Road.

Straight ahead here is the bus parking and turn-around area for groups that visit.

This is the golden gate to enter near to the main house area.

This is the small train depot opposite the main house and the guest cottages.

This is the guest cottage and the lake and the main house area.

This is the main house on the southwest side.

This is entering by the front door.

Here we are in the front foyer area by the front door.

This is still the front foyer area.

This is right upstairs from the foyer area.

This is the downstairs dining room.

This is a view out of the dining room window of the guest cottages. Panning into the dining room area.

This is still the dining room area.

This is the entrance to the library, the downstairs library.

This is the living room area. And from the

living room we see into the family room/den/kitchen area.
This is the private suite area, as we saw earlier.
This is back downstairs in the main foyer area.
And we pan out the front door and see the relationship of the guest cottages across the way from the main house. There’s a cluster of guest cottages together. Facing us is Unit No. 4.
This is another view of that same unit.
There’s the main house across the way.
This is in front of the guest cottage.
And now we’re inside this unit of the guest cottage. This is Unit No. 4.
Out the window you see a view of the front door of the main house. You’re still in the guest cottage.
That’s the bathroom of the guest cottage.
This is right -- the front porch of the guest cottage. And this is a view from the front porch.
This is the other side of that guest cottage, and we pan over and you see the oversized flower/plant clock. Another angle of it, and it’s 11291

in front of the main train station.
There’s another angle of the main train station, which I said is opposite the main house and the guest cottages.
This is inside the train station.
This is the back side of the train station.
This is the back side of the main house.
And this is a pan of that side of the house, which is on the north side of the home.
This is the west end of it, the garage, and just outside the garage area.
This is the pool on the north side of the home.
Just north of the home, this is the arcade building.
And here we’re going inside the arcade building.
Upstairs from the arcade building is this

book storage area.
By the way, they have three trains on the property.
And now we’re heading -- we’re going to see -- the next scene will be north of the main house at the amusement park.
Opposite the amusement park, this is the theater.
This is in the entryway to the foyer of the theater.

Now, about a quarter of a mile further north, is the zoo area.
These are the grounds around the main house and the guest cottages.
This is the small train depot.
This is the front of the train station.
This is the security office at the west end of the main house.
Just east of the security office is the video library. This is upstairs.
These are the administrative offices in the administrative building, southwest of the main house.
This is fan mail in the administrative offices.
This is outside the main house and grounds around the main house area.
The guest cottage.
Again, around the main house area.
This is towards the end of the day, the guest cottage.
That completes the day scene.
And then here we are at night. This is the amusement park.
This is the theater across from the amusement park.
This is one of the clocks by the main train station, which is opposite the main house and the

guest cottages.
This is the lake opposite the guest cottages

and the main house.

This is the guest cottage, Unit No. 4. You see it's across the way from the small train depot.

These are some wide-shot views of the small train depot.

This is the guest cottage again.

And this is as one leaves, one goes through the golden gate area.

And then further down the hill, by the main exit, is the "Goodbye" sign.

MR. SANGER: I have a few more questions, if I may.

Q. Okay. About how many times did you have occasion to go to Neverland Ranch?

A. I think it was four or five times.

Q. And those were all this year?

A. Yes.

Q. During those times -- we saw on the film that there was some pictures of some children's toys and tricycles and other things.

During those times, did you see those toys or toys like that around the main house?

A. Right. Just the way I found them.

Q. Did it appear that this was a family's home?

A. Yes.

Q. Now, there was some shots of the Guest Unit

No. 4, several shots of Guest Unit No. 4 and the guest units in general.

As a part of your directions or assignment, as it were, were you asked in part to determine whether or not you could see clocks from the vicinity of Guest Unit No. 4?

A. Yes, I was.

Q. I think I noticed that in the video there were two clocks inside the unit; is that correct?

A. That's right.

Q. Can you describe where they were?

A. One was on the bedside table, and the other was in the bathroom.

Q. And that's the way you found that to exist in 2005 when you visited there; is that correct?

A. Correct. And I believe the ranch manager told me it was set the way it was --

MR. SNEDDON: I'm going to object to anything the ranch manager told him as hearsay.

THE COURT: Sustained.

Q. BY MR. SANGER: Now, as far as the view from Guest Unit No. 4, were you able to see any clocks from the general vicinity of Guest Unit No. 4?

A. Yes.

Q. What clocks were you able to see?

A. Well, the general vicinity of Guest Unit No. 4, you saw three clocks in the main train station area, and two clocks -- or a two-sided clock at the small train depot area, and then there were two clocks inside the guest unit.

Q. So if -- when you were standing at Guest Unit No. 4, if you just opened the door, you could see the small train station clock; is that correct?

A. That's correct.

Q. And if you stepped outside and looked around the corner, you could see the flower clock; is that correct?

A. That's correct.

Q. And then there was also the clock up on the top of the train station; is that right?

A. That's right.

Q. And then there was that -- what looked like a big pocket watch clock by the main tracks of the train, the big train, correct?

A. That's correct.

Q. Was there also a clock right behind the house?

A. Correct. There was a two-sided clock right behind the house.

Q. And was that on -- can you describe what that clock looked like?

A. It was on a stand, and somewhat antique looking.

And to correct one answer, or to add to one answer, when you're in the vicinity of the guest house, if the front door to the main house was open, you'd also see a large clock in the foyer area.

Q. The clock you just described as being on a large stand, was that a permanent stand, or was it a lamppost kind of a thing, or --

A. Yes, it was permanent. It appeared to be permanent.

Q. And then I believe you indicated that -- or let me withdraw that.

I believe the film indicated there was some other clocks on the property on the outside, for instance, at the amusement park; is that correct?

A. Correct.

Q. And there were other clocks that were shown inside by the kitchen; is that right?

A. That's correct.

Q. How many clocks could you see if you were seated in that kitchen area where the seats are at the bar?

A. Well, if you were a couple feet just to the side of that, you'd be able to see three clocks.

Q. All right. And if you -- so if you're in the kitchen area or the family room area, you could see three clocks; is that correct?

A. Right.

Q. Let me go back to the Guest Cottage No. 4.

And I asked you about the clocks that were in there.

But let me ask you about the decor in there.

You could see it on the film, but from your

personal observation, how would you describe that unit?

A. Deluxe. Very comfortable. Nicely decorated.

Q. I noticed in the film that there were no children depicted in the film. Was that by design?

A. Yes.

Q. Okay. In other words, you were asked not to film children; is that correct?

A. That's correct.

Q. And you were asked to not film a day when children were coming up for an event or anything like that?

A. That's correct.

Q. Now, on the other hand, we had Ferris wheels turned on and a lot of things. Did you ask that that be done?

A. Yes, I did ask if the equipment could be, you know, in operation.

Q. So that was done for you so you could film it?

A. Yes, I asked them to simulate what it would be like when kids are visiting.

Q. All right. And then we had the film at night. Did you ask that the lights at the amusement park be turned on?

A. I don't recall if I asked for them to be turned on or if they were already turned on.

Q. When you were there at night, were the lights that you showed for the rest of the property around the house and the guest units, were those lights on?

A. As I recall, yes, they all were on.

Q. Now, you mentioned that there were three trains on the property. We actually saw one. That was from the small -- what you called the small train station. And then we saw a larger train station, and we didn't see the train. We'll come back to that. Where was the third train?

A. You know, I believe the third train is at the amusement park, but I'm not sure about that.

Q. Is it a very small train?

A. I believe so.

Q. So you have a very small train. You have the one you saw. And then there's a larger track up by the train station; is that correct?

A. That's correct.

Q. And at the time you were filming, you were not able to get a film of that train in operation; is that correct?

A. Right. I was told there was a mechanical problem with the train.

Q. Did you have occasion to see the train yourself?

A. No, I didn't see it.

Q. There was -- all right. Very well.

Excuse me just one second.

(Off-the-record discussion held at counsel table.)

MR. SANGER: All right. Sorry, Your Honor.

All right. Now, what I'd like to do, with the Court's permission, about 20 seconds into this video, you see that -- the fence. And I'd like to just -- I've got it ready to start again. I'd like to just start it again and stop on the fence for a moment and ask about the extent of that fence. I won't play the whole video, just the first 15, 20 seconds, whatever it is.

Would that be acceptable?

THE COURT: The fence along Figueroa?

MR. SANGER: Yes.

THE COURT: All right.

MR. SANGER: Actually, right at the very beginning there, I've -- this is easier said than done, so just a moment, please. Maybe I can back up.

Okay. That's a still shot.

Q. Mr. Nimmer, there is -- just out of the frame to the left is the big gate with the big doors that open, correct?

A. Correct.

Q. And just to the right of it here, you have a split-rail fence that seems to go for quite some ways; is that right?

A. That's right.

Q. Let me now just go forward.

I think there's one other shot of this and then I'll turn it off, Your Honor.

See the fence there in the background?

A. I think there's two more shots of the fence coming up.

Q. I'll put a still on that.

So that's the other side of the fence.

That's Figueroa Mountain Road right there on the other side; is that correct?

A. That's correct.

Q. And that's a close-up of the actual fencing material there; is that right?

A. Correct. This is also on Figueroa Mountain Road.

Q. This is on the other side of the gate; is that correct?

A. Correct. Just south of the gate.

Q. The first ones that we saw were on the right side of the gate as you face the ranch, and this is on the left side?

A. That's correct.

MR. SANGER: Okay. Your Honor, that was, in fact, 27 seconds into the tape. I'll stop it there, if that's all right. Thank you.

Q. The mail that we saw, there was -- you indicated there was fan mail that was accumulated up in the administration building; is that correct?

A. Right.

Q. And is that what you saw when you walked in the room?

A. Yes.

Q. That was not staged in any way?

A. Correct. Not that I'm aware of.

Q. Do you personally know how long that mail had accumulated; in other words, whether it was a day's worth or a week's worth or whatever?

A. I don't really know.

Q. You just took a picture of what you saw when you got up there; is that correct?

A. Yes.

MR. SANGER: All right. Very well. I have no further questions on direct.

THE COURT: All right. Mr. Sneddon?

CROSS-EXAMINATION

BY MR. SNEDDON:

Q. Good afternoon, Mr. Nimmer.

A. Good afternoon.

Q. I want to talk about the short one first, with the chimes, okay?

A. Okay.

Q. With regard to the chimes, is the footage we saw in the courtroom on that exhibit all of the footage that you shot with regard to that documentation of the chimes going off?

A. I believe so. Possibly I had a few more seconds at the beginning or end of the test, but that was basically all the footage of that test.

Q. In other words, you did not try it more than once for each one of the three sequences --

A. That’s correct.

Q. -- and then select one?

A. Correct. I don’t believe we did.

Q. You say you “don’t believe we did.” Are you sure of that?

A. Possibly the first test we did in the downstairs private area, when the door opened, there was some -- I’m not sure. The door opened -- I think maybe the maid walked in, she opened the door, and she paused for a moment and she didn’t continue in, and so I said, “Can we do that over again?”

As I recall, that’s the only -- and that’s the only other footage that may have been shot of that test.

Q. Okay. So we can assume that with regard to the -- for purposes of our discussion, let’s just call it the three scenes: The first scene, the door opening; the second scene, the door open and you’re upstairs; and the third scene being the door closed and you’re upstairs.

A. That’s correct.

Q. I think that will help our discussion.

A. Okay.

Q. So for purposes of your testimony, we’re to assume, then, that we have the entire footage of everything that was shot in Scene 2?

A. That’s correct.

Q. And we can assume that we’ve seen all of the footage that was shot with regard to Scene 3?

A. That’s correct.

Q. And then all of it with Scene 1, except for the small part that you just told us about?

A. Right.

Q. Okay. Now, you said you had an assistant there. Was the assistant present during the entire time that each one of those three scenes was photographed?

A. I believe so, yes.

Q. And what was the role of the assistant?

A. Well, the assistant was there to help me in some other regards, not -- the assistant didn’t help me in that scene. The assistant helped me some with my tripod and driving the car at some point and helping with some still photography. That was the purpose of the assistant.

Q. Okay. Now, in connection with the video that we just saw, did you do any still photography to document any of the important aspects of this video?

A. No.

Q. And in other words, you didn’t document -- you didn’t take still photographs of the location of the sensors that set off the chimes?

A. That’s correct.

Q. And you didn’t take any photographs of the speakers in the rooms that amplified the chimes when they went off?

A. That’s correct, I did not.

Q. Now, with regard to the equipment that you have, you have a video camera, I take it, a VCR?

A. Correct, a -- well, it’s not a VCR.

Q. A CD?

A. It’s a mini DV camera.

Q. The latest equipment, let’s put it that way.

A. Correct.

Q. And does the microphone that you have on there have a setting on it that you can turn it up or down if you choose?

A. There is a setting. I wasn’t using it.

Q. So you were using just what the normal setting is that comes with the equipment?

A. Yes.

Q. Okay. And does the normal setting for the equipment have a sensitivity level associated with it?

Usually when you go to the store and you buy it, it will say on the -- where I shop anyhow, it's Circuit City, it will tell you, you know, the mike

has this degree of sensitivity, or you can get the lower model with this degree of sensitivity.

Can you tell us what the degree was on the normal in your sensitivity, your equipment?

A. Frankly, I can't tell you any specifications as to the sensitivity of it.

Q. And what was the brand of the camera that you were using?

A. Sony VX2100.

Q. Okay. Now, have you ever used, in your professional capacity, a decibel calibrator?

A. No, I haven't.

Q. Have you ever been asked before to try to document and reproduce the sound of something that's made for purposes of courtroom preparation?

A. No, I have not.

Q. So this is your first sort of an experiment into the area of sound reproduction for courtroom purposes?

A. I've used sound for other purposes in videos.

Q. I'm sure of that. But I meant for purposes of documenting and reproducing, as accurately as you can, a sound of something that is important to the case itself. You haven't done that?

A. That's correct.

Q. You are aware that there are some instruments that are called decibel calibrators,

correct?

A. I would think so, yes.

Q. And decibel calibrators are used in order to measure the sound that comes out of a particular speaker or the noise that's made by a particular person, or a band, or whatever it is, correct?

A. Correct.

Q. Did you attempt to get ahold of a decibel calibrator to calibrate the sound made by the chimes with the sound that you hear coming out of your video equipment?

A. I did not. However, my camera has a VU meter in it which does measure the level, but I did not note any levels when I was recording.

Q. Now, with regard to the experiment you did, as I understand it, you told the maid -- let’s go to the first scene, and this is probably the easiest way to amplify it. In the first scene we see -- Gomez?

MR. SANGER: Miss Gomez, yes.

Q. BY MR. SNEDDON: -- Maria Gomez walk out the door and the door closes. And she walks -- the last time we see her, she’s headed away from the camera, correct?

A. Correct.

Q. Now, you’re familiar with the hallway that leads from the front --

A. Foyer area.

Q. -- foyer area, thank you, down to the actual entrance to Mr. Jackson’s private room, correct?

A. Correct.

Q. And was her instructions to go all the way outside of that door that leads into the hallway, out into the foyer area?

A. Correct. Her instructions were to go all the way out into the foyer area, turn around and then come back inside.

Q. All right. Now, with regard to that particular part of your instructions to her, before you actually started filming, I’m assuming that you walked down the hallway yourself, correct?

A. Correct.

Q. And when you did, the sensors set off the chimes?

A. Correct.

Q. And did you do that more than once to get a sense of what the sound was like and where the sensors were that were operative?

A. I don’t believe I walked through more than once. Perhaps I heard it again with my assistant walking through and others who were there walking through.

Q. And was it your understanding that in that hallway, that there are two sensors? One as you walk through the first door from the foyer, and another when you approached the door to the entrance of Mr. Jackson’s master suite?

A. Frankly, I don’t know where the sensors are.

Q. From the way that the sounds were presented, did you get any sense that the sensors -- that there was more than one sensor involved here?

A. Frankly, I wouldn’t know.

Q. So you never looked up into the ceiling to determine where the sensors were located?

A. That’s correct.

MR. SANGER: I’d object. That assumes facts not in evidence.

THE COURT: Sustained.

MR. SNEDDON: Actually, Judge, there are photographs.

Never mind, I’ll take care of it. I apologize.

Q. With regard to the sensors, were you aware of whether or not there was more than one sensor in that hallway?

A. I didn’t know one way or the other.

Q. Were you aware of whether or not all of the sensors in that hallway were operative on the day you did your test?

A. I don’t know one way or the other.

Q. Were you aware of whether or not all the sensors in that hallway were operating back in February and March of 2003?

A. I don’t know one way or the other.

Q. Were you aware of whether or not the sensors to that hallway were operating on November 18th, 2003?

A. Same answer.

Q. And if I were to ask you the same thing as to December of 2004, it would be the same, correct?

A. Correct. Same answer.
Q. Now, when you go into the room, and you go through the door to Mr. Jackson's master suite, did you determine that there was more than one speaker that amplified the sounds of the chimes in that room?
A. No.
Q. When you heard the sound with your own ear, did you -- did it appear to you that there was more than one speaker in that room?
A. I couldn't say.
Q. Do you know whether or not, in March and February -- February and March of 2003, whether or not there were more than two -- more than one speaker in that room?
A. I don't know.
Q. Do you know whether or not all the speakers were operating at that time?
A. I don't know.
Q. Do you know what speakers were operating on the day you did your test?
A. I don't know.

Q. Do you know what the situation was with the speaker or speakers on November 18th of 2003?
A. Same answer.
Q. And if I'd asked you about December, you'd say the same thing, correct?
A. Correct.
Q. So in doing this test, you made no attempt to try to document exactly where the sound of the chime was coming from; is that correct?
A. That's correct.
Q. And whether or not there was more than one speaker in this video that was producing the sound that was heard by the jury in this case, correct?
A. More than one speaker, that's correct.
Q. Before you went out there, did you ask anybody about how many speakers there were to the chime in order to determine whether or not your video could reproduce the sound of one or more speakers, if they existed?
A. No.

Q. Did somebody from the ranch talk to you about the chime system itself before you did your video?
A. No.
Q. Did you know that there could be some significance attached to the fact that there may be more than one speaker in the downstairs area?
A. No.

MR. SANGER: Objection. Argumentative and assumes facts not in evidence.
THE COURT: Overruled.
You may answer.
MR. SNEDDON: I think you said “No.”
THE WITNESS: Correct. I didn’t know whether it had.
Q. BY MR. SNEDDON: Now, it is -- how many times have you actually viewed the video? Let me see if I can get the number here so we --
A. Maybe six or seven times.
MR. SNEDDON: Is this the chimes one?
MR. SANGER: No, I think that’s the one that’s in the machine.
Q. BY MR. SNEDDON: So the video 5096, Defense Exhibit 5096, you viewed how many times?
A. Six or seven times.
Q. So let’s start with Scene 1.
In Scene 1, when you videoed that, on the time that it shows up on the exhibit, the maid closes the door and she disappears out of our sight and then you hear two series of chimes, the chime rings three times and then three times, correct, back to back?
A. Something like that.
Q. Okay. Yet, when you look at Series 2, or you listen to Series 2 and you listen to Series 3, you don’t hear the chime three times back to back,

do you?
A. They were inconsistent.
Q. So do you have any idea of why they would be inconsistent?

A. No.

Q. So we -- are we to assume, then, that perhaps the maid wasn’t doing the same thing consistently when she walked out of the room?

A. You may if you want. I don’t know if it had something to do with the maid walking in and out or how the equipment’s set up.

Q. How the equipment’s set up?

A. Correct.

Q. Your equipment?

A. No, the sensor equipment.

Q. Oh. And it is true, as you indicated on direct examination with Mr. Sanger, that clearly in both Scene 2 and Scene 3, there are times in the beginning where you barely can hear the chime, and then the second series, when it rings and there’s a space of time in between, you hear it much louder, correct?

A. Correct.

Q. And you have no idea what accounts for that?

A. That’s correct.

Q. And you have no idea where you were whether the very, very, very faint one that you could hear might be the more accurate of the two, do you?

A. Well, it felt like the faint one --

MR. SANGER: I’m going to object to that question as being argumentative and vague. It’s ambiguous.

THE COURT: It’s vague.

Q. BY MR. SNEDDON: With regard to the Scene 2 film where you can hear -- just barely hear the chimes go off and then there’s a sequence that’s silent and then you hear the chimes in a somewhat louder fashion, correct?

A. Correct.

Q. Okay. You don’t know -- I believe you conceded to us that you have no idea how to account for the difference between the two sounds?

A. Well, one way I account for it is the first chimes are her going out and the second set are her coming in.

Q. So you think that the first set is somebody going out?

A. I think that's what I assume. But I don't know that for sure.

Q. Do you know whether those chimes go off when you go out?

A. Well, it appeared they did on the first test, Test 1, when we were in the downstairs area.

Q. It's your recollection what when the maid closed the door and she walked out of the door, that the chime went off?

A. That's correct.

Q. Now, with regard to the equipment, we heard this CD played with a courtroom-amplified stereo situation, correct?

A. Correct. It's actually a DVD.

Q. DVD. And there, of course, is a volume control on what happens in the courtroom in terms of how loud one plays this particular exhibit, correct?

A. That's correct.

Q. And it would not be your testimony, would it, that the sound of your voice that we heard on that video we would call the normal sound of your voice if somebody were simply standing there without the amplifying equipment in this courtroom?

A. I think it was more or less the normal sound.

Q. You think that was the normal sound of your voice?

A. Well, your own voice --

MR. SANGER: I'm going to object, Your Honor. I think the question is ambiguous as phrased, or vague.

THE COURT: I'll overrule the objection. He was in the middle of an answer when he was interrupted.

Do you remember where you were?

THE WITNESS: Yes.

I was saying when you hear your own voice

played back, it often doesn't sound normal to you. However, as normal as my voice is when I hear it played back, that sounded normal.

Q. BY MR. SNEDDON: In terms of the level of the voice, however, that was louder than what you’re talking right now in the courtroom, isn’t it?

A. I don’t believe it was louder than one can hear me amplified. But I’m not sitting where you are, so I don’t really know.

Q. It’s clear, is it not, that the effect of the ability of the person inside the room to hear would also affect the sound perceived from the system, correct?

A. Correct.

Q. And it’s true that the ability -- or the degree of concentration of someone in the room could affect whether they hear the chime or not as we heard it on the video, correct?

MR. SANGER: I’m going to object as beyond the scope of direct and beyond the scope of the expertise of the witness.

THE COURT: Overruled.

You may answer.

THE WITNESS: Can you repeat the question?

THE COURT: I’ll have it read back to you.

(Record read.)

THE WITNESS: Frankly, that isn’t my expertise. Maybe. I don’t know, if someone is not

concentrating, whether they hear it any less or more.

Q. BY MR. SNEDDON: How about if they were intoxicated?

MR. SANGER: Objection.

THE WITNESS: I also --

MR. SANGER: Lack of foundation.

THE COURT: Sustained.

Q. BY MR. SNEDDON: How about if there were other noises in the room at the time?

A. That could affect things.

Q. So there’s a number of variables in -- let me just put it this way: Is this a fair statement: That the video that the jury saw in this case was a video done in the most ideal situation for hearing those chimes?

A. I don't know that it was the most ideal situation. As I said before, the third test with the door closed I remember hearing the chimes louder than they appear in playing back the tape.

Q. There were no inside noises --

A. Correct.

Q. -- to interfere?

And there were no outside noises to interfere?

A. Correct, not that I recall.

Q. All right. Let's talk about the video.

A. Okay.

THE COURT: How much time are you planning on going beyond the --

MR. SNEDDON: I wasn't planning on going beyond, because I know you don't let people go beyond.

THE COURT: I meant --

MR. SNEDDON: I've learned that lesson in three months.

I don't see any way I'm going to finish. I was actually trying, but I can't get it done in four minutes, in fairness.

THE COURT: Okay. Then what I'd like to do is have you stop questioning the witness right now, but I would like you and Mr. Mesereau to approach for a moment so I can ask you about a scheduling problem.

You may step down, sir. Thank you.

THE WITNESS: Thank you.

THE COURT: I think you want him back Monday, right?

MR. SANGER: Yes, Your Honor.

MR. SNEDDON: Could we talk about that?

THE COURT: Yes. Come forward.

(Discussion held off the record at sidebar.)

THE COURT: All right. The reason I wanted to have a conference with counsel is what we're going to do is to --

Is he available?

MR. SANGER: He said that Monday would be much better. But if you prefer, he will be here tomorrow morning.

THE COURT: Okay. I prefer.

MR. SANGER: Okay. He'll be here.

THE COURT: (To the jury) Here's what the plan for tomorrow is. The reason we had to cancel your day off tomorrow is that Mr. Geragos is coming back to complete his examination tomorrow. We have about 20 minutes or 30 minutes, at the most, left with the present witness and then we're going to have Mr. Geragos on. And how much time he is going to take is not -- I can't predict that for you.

There's some issues that I haven't resolved. And then there's the attorneys, whatever time they take.

But what I wanted you to know was that whatever time he takes, then we will quit at the end of his testimony. So that, you know, if you keep staring at the attorneys when they ask questions....

All right. With that, I'll see you tomorrow.

And I think there's nothing else for me to do.

MR. MESEREAU: I don't think so, Your Honor, no.

THE COURT: All right. Court's in recess.

(The proceedings adjourned at 2:30 p.m.)

--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 11168 through 11319 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 19, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
May 19, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

FRIDAY, MAY 20, 2005

8:30 A.M.

(PAGES 11321 THROUGH 11492)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

APPEARANCES OF COUNSEL:

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

DEFENDANT’S
WITNESSES DIRECT CROSS REDIRECT RECROSS
NIMMER, Laurence 11324-SN 11332-SA 11335-SN
(Contd.)
GERAGOS, Mark
(Re-called) 11348-Z (Contd.)

Santa Maria, California
Friday, May 20, 2005
8:30 a.m.

THE COURT: Good morning, everyone.

COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.

THE COURT: Where's the witness? You may be seated. You're still under oath.

THE WITNESS: Okay.

THE COURT: Go ahead.

MR. SNEDDON: Thank you, Your Honor.

THE WITNESS: Good morning, Mr. Sneddon.

LAURENCE NIMMER

Having been previously sworn, resumed the stand and testified further as follows:

CROSS-EXAMINATION (Continued)

BY MR. SNEDDON:

Q. Good morning, Mr. Nimmer. How are you this morning?

A. Good, thank you.

Q. I just have a few more questions.

A. Okay, sure.

Q. I want to go back to what we talked about yesterday just to try to get a point of clarification.

Between yesterday and this morning, did you get a chance to review the video again?

A. No, I didn't.

Q. Okay. Do you recall yesterday we were talking about how, in Scene 2, the chimes went off and was very faint at one point and then louder at another point and -- in the scene?

A. Yes.

Q. And do you recall me asking you yesterday -- I think -- I believe -- and if I'm not saying this correctly, you correct me. I believe your explanation was you thought one was when they went out the door and the other was when they came back in?

A. I think -- yes, that was my guess.

Q. And then I asked you yesterday, in the Scene 1, when the maid goes out the door, whether the chimes went off or not. Do you recall that?

A. I believe so.

Q. And you said you believed the chimes did go off?

A. That’s correct.

Q. When this video was made, was Joe Marcus present?

A. Yes, he was.

Q. Was a defense investigator by the name of Scott Ross present?

A. No.

Q. Or Mr. Castillo?

A. No.

Q. So the representative there was Mr. Marcus?

A. And one other person from Neverland Ranch was a woman whose first name was Grace.

Q. Okay. And where was Mr. Marcus during the time that you were doing the filming?

A. Standing behind me.

Q. So he was in your presence the entire time?

A. Correct.

Q. Okay. Now, one of the other questions I’m going to ask you and then I’m going to show you the video again, just a part of it.

A. Sure.

Q. In the first scene, when you’re downstairs and you ask the maid, Maria Gomez, to walk out, and then you hear the chimes go off, okay?

A. Yes.

Q. When you’re standing there, where are you standing? Next to the throne chair?

A. No, I’m standing kind of right in the middle of the room, more or less. Probably 10 or 15 feet from the doorway into the center of the room.

And when you say “the throne chair,” do you mean the large chair that leads into the next room where the stairway is to the upstairs bedroom?

Q. Yes, sir.

A. Yeah. So it wasn’t that far away from me.

The room is not that large, but I was about in the center of the room.

Q. Okay. And when you filmed the Scene 1 material, Scene 1, could you tell where the sound was coming from? From your right or from your left?

A. I couldn’t say.

MR. SNEDDON: Okay. I want to -- if we could have -- I think it’s already on the right one, Your Honor.

THE COURT: All right.

MR. SNEDDON: If we could just have the lights for just a second. And we’re going to play Exhibit 5096 and just the Scene 1.

THE COURT: Go ahead.

(Whereupon, a portion of a DVD, Defendant’s Exhibit 5096, was played for the Court and jury.)

MR. SNEDDON: Okay. Let’s stop it right there.

Q. Now, would it be a fair statement to say that that chime did not go off when she went out the door, did it?

A. Possibly it was triggered from her going out the door and didn’t ring immediately. But frankly, I don’t know one way or the other if it was triggered by her going out or coming in.

Q. Do you know where the sensor is that’s closest to the door?

A. No, I don’t.

MR. SANGER: Objection; asked and answered.

THE COURT: Overruled. It’s answered. Next question.

Q. BY MR. SNEDDON: In the segment on Scene 2 where there is a faint sound and then a louder sound - okay? - there is probably a five- or ten-second delay between the two sounds, correct?

A. Correct.

Q. And that’s what led you to believe that the first sound was when she exited the door and the second sound was when she came back in, correct?

A. That’s correct.

Q. And that did not occur on Scene 1, did it?

A. Well, you didn’t let it continue playing. Is there another set of rings after that one?

Q. I don’t think so. But we can play it. Go ahead.

THE COURT: Do you want to play it again?

MR. SNEDDON: Yes, sir.

MR. AUCHINCLOSS: Let’s start over.

MR. SNEDDON: Yeah, let’s go back again.

THE WITNESS: You may need to hit “stop” twice to reset it to the top.

(Whereupon, a portion of a DVD, Defendant’s Exhibit 5096, was played for the Court and jury.)

THE WITNESS: That’s the second set.

Q. BY MR. SNEDDON: Okay. Right. And they were almost back to back, were they not?

A. Correct. And on this take, I asked her to go out and come back in, which she did. When I was upstairs, I asked her to wait about ten seconds after she went out before she came back in, so -- so that it was more clear when she’s coming in and when she’s going out.

Q. All right. So your explanation is that in Scene 1, you didn’t give her the instruction -- a similar instruction to the one you gave her in Scene 2 and Scene 3?

A. That’s correct.

Q. All right. The individual you identified as Grace, where was Grace during the filming?

A. Standing behind me as well.

Q. All right. Let’s move on to the second video.

A. Okay. Sure.

Q. I just have a few questions on that. I believe you said you went out there on multiple occasions?

A. That’s correct.

Q. About four or five?

A. Correct.

Q. And on those occasions that you went out there, the folks knew you were coming. I’m assuming you made previous arrangements?

A. Right.

Q. And prior to going out there, you told us before that you had been advised by somebody to make sure you take pictures of the clocks, correct?

A. Correct.

Q. Was that somebody connected with the defense?

A. Yes.

Q. Were there any other things that they told you that you should focus on in that film?

A. Well, let’s see. Basically all of what I saw while I was out there. I was asked to get shots of the guesthouse, the guest rooms. I was asked to get some shots of the -- some of the paintings by the artist Nordahl, and -- as well as various other places, including the arcade, the amusement park, the zoo, et cetera.

Q. Okay. Now, when I was looking at the film, it appeared to me - and you would be the best person who would know this - that some of the library shots about the books on the shelves were taken in a small library located on the top floor of the arcade; is that correct?

A. That’s correct.

Q. Okay. Now, part of this video was to show -- the objective view of it was to show a day in the life of somebody who may be visiting the ranch, correct?

A. Correct.

Q. Did you have an understanding that that was a room up there that was open to the public?

A. I didn’t really know one way or the other. Anything that’s personal of Mr. Jackson’s I think would be of interest to the public, so it was interesting to see what his books -- a cross-section of his books are.

Q. But you didn’t know when you went up there whether or not that room is actually locked most of the time or not?

A. I don’t know one way or the other.

Q. And whether the public was invited to use that room?

A. I don’t know one way or the other.

Q. Now, just a couple of more questions. Let me ask you this: Were you asked to film the

employee break room?
A. Not that I recall.
Q. Were you asked to film the cellar?
A. No.
Q. Were you asked to film Mr. Jackson’s office?
A. Yes, I was, actually.
Q. Did you do that?
A. No.
Q. Were you asked to film the bathroom area in -- the bathroom that’s adjacent to the arcade?
A. No.
Q. Were you asked to film -- I guess I asked

you that. And you did film the kitchen, correct?
A. Correct.
Q. Were you asked to film the location of the refrigerator in the kitchen?
A. No.
Q. And you say that you were attempting to portray this as an objective view of what somebody would see at the ranch. But in reality, some of the decisions that were made were subjective on your part, correct?
A. Correct.
MR. SANGER: Objection; argumentative.
THE COURT: Overruled.
MR. SNEDDON: Nothing further, Your Honor.
THE COURT: Mr. Sanger?

REDIRECT EXAMINATION
BY MR. SANGER:
Q. All right. Mr. Nimmer, first of all, why were Grace and Joe Marcus there?
A. Frankly, I’m not sure why. Perhaps so that they could make sure I didn’t tamper with anything in the room. They led me to where the different rooms are. They know their way around better than I do.
Q. So when you make arrangements -- when you made arrangements to go to the ranch, did somebody accompany you so you could go in the different

locations?
A. Yes, at most all times somebody always

accompanied me.
Q. Did anybody prevent you from taking pictures of anything in particular?
A. No.
Q. All right. Now, with regard to the last questions about the tape of Neverland itself, you were asked about filming certain areas like the cellar and the break room and all that. Were there other interior areas of buildings on that ranch that you did not film?
A. Yes.
Q. And was this an effort to film every part of every building on that ranch?
A. No.
Q. If you were to do that, even in the abbreviated format you have here, how long would your video end up being?
A. Well, possibly hours. Much longer.
Q. Okay. Let's talk about the doorbell test. Were you asked to do any technical evaluation of the alarm system?
A. No.
Q. Is that within your particular expertise?
A. That isn't my expertise.
Q. Do you have reason to believe that there are other people who have such expertise?

A. Yes, I do.
Q. All right. Secondly, with regard to the decibel level that was asked about last time, did you have any decibel level, any known decibel level, to compare decibel levels to had you determined the decibel level? Do you know what I'm saying?
A. I did not.
Q. So if you -- if you do a decibel level test, you generally need to have something else, some other known level to compare it to, right?
A. Correct.
Q. All right. Were you asked to do decibel levels at all?
A. No, I was not.
Q. What were you asked to do with regard to the doorbell test?
A. To do a video- and audio-recording in those

two environments to get a general sound of what it sounded like with the alarm going off.

Q. And were you asked also to listen to it while you were doing it?

A. Yes.

Q. And did you compare what you heard to what was seen on the tape?

A. Yes, I did.

Q. What was heard on the tape, more accurately.

A. Correct. What was heard.

MR. SANGER: Okay. Thank you very much.

THE WITNESS: Thank you.

RECROSS-EXAMINATION

BY MR. SNEDDON:

Q. Mr. Nimmer, you were trying to produce something that would be useful to the jury in reproducing the sound created by those chimes, correct?

A. Correct.

Q. And to that extent, wouldn’t the first thing that you would want to do is to ask Mr. Marcus or Grace whether or not the sound system that was in there was the same -- the chime system that was in there was the same one that was in there back at the time of these events?

A. I did ask them if the room was set as close as possible to how it was back in 2003, and they said it was.

Q. Okay. But you didn’t ask them about the actual chime system itself, did you?

A. I didn’t ask about anything specifically.

Q. And you were talking about -- I think you told us yesterday you were talking about the furniture, were you not?

A. I was talking about everything in general.

Q. In specific with regard to the chime system, which was why you were really there, you never asked them that question, did you?

MR. SANGER: Objection. Argumentative; compound.

THE COURT: Asked and answered. Sustained.

Q. BY MR. SNEDDON: With regard to the integrity of the product that the jury has just seen, you would agree with me, would you not, if there was differences with the way the actual chime system was hooked up, or the equipment that was there, if it was different from February or March of 1990 -- of 2003, that it would not be an accurate reproduction of what you displayed to the jury, would it?

MR. SANGER: Objection. Asked and answered; beyond the scope. Sorry. Asked and answered and beyond the scope of redirect.

THE COURT: It’s argumentative. Sustained.

Q. BY MR. SNEDDON: Had you asked the specific question of whether the system that you reproduced on this video was the same as the one that was there, let’s say, on November 18th of 2003, then we would know for certain that what you reproduced was the same, correct?

MR. SANGER: Argumentative -- I thought the question was over, I apologize.

MR. SNEDDON: It was.

MR. SANGER: Okay. I object. Argumentative.

THE COURT: Sustained.

MR. SNEDDON: I have no further questions.

MR. SANGER: No further questions, Your Honor.

THE COURT: All right. Thank you. You may step down.

THE WITNESS: Thank you, Your Honor.

THE COURT: (To the jury) All right. We only have one other witness, and before we can have him come in, I have to make some rulings. So I’m going to ask you to step out, and we’ll do this as quickly as we can.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: You may be seated.

Do you want the witness in for this?

MR. SANGER: Yes.

THE COURT: Come forward to the witness stand. You may be seated.

MR. GERAGOS: Thank you.

THE COURT: You're still under oath.

MR. GERAGOS: Thank you.

MARK GERAGOS

Having been previously sworn, resumed the stand and testified further as follows:

///

THE COURT: All right. I've received the points and authorities that I requested. Thank you, everybody. And reviewed them.

I've also received a revised or amended waiver of attorney-client privilege/work product that changes the written date -- or the date of the written waiver to commence in November as opposed to December, which the original one stated, so I accept the new date for purposes of our discussions. I don't think it's an issue that I'm going to -- I accept that there was just a mistake on the dates, so that's not an issue.

I have a sense of what I want to do, but before I do that, Mr. Sneddon, does your side wish to add anything or make any further arguments?

MR. ZONEN: Your Honor, I think the -- the defense would be the moving party, I believe, to the extent that they're asking that the Court observe a conditional waiver at this point. Perhaps I'll respond to what they have to say rather than give a statement at this time.

THE COURT: All right. Is there anything that you wish to add? Are you speaking?

MR. SANGER: Yes, I am, with the Court's permission. Even though this is Mr. Mesereau's witness, I started arguing the motions, and I'll finish, if that's all right with the Court in this one instance.

There's nothing else that we didn't say, but there is at least a sentence or two in here that might bear a little amplification. As I think is pretty clear, our position should be that there is a limited waiver; that that satisfies all the requirements of this proceeding.

And the sentence, I think, needs a little amplification. The sentence or two, is that if the door were opened -- since we talked about opening doors. If the door were opened and there was a general waiver, it would lead to irrelevant material. It would lead to material that’s not going to come into this case anyway. But it would also be quite a disaster, I think, from the standpoint of the attorney-client privilege for Mr. Jackson, beyond the point of the adversarial proceedings starting, which would include communications that Mr. Geragos had with co-counsel and investigators and even counsel, perhaps, after he was no longer involved in the -- or he’s no longer attorney of record in the case.

And based on that, I think -- that alone, I think, is the kind of prejudice that would be -- the Court would want to avoid. And so I’d ask the Court to just consider that in the context of the rest of what we filed, including the need for a knowing and intelligent waiver on the part of the defendant himself and the relevance issues.

Thank you.

MR. ZONEN: Your Honor, here’s our concern:

When we began direct examination of Mr. Geragos, we were under the understanding, given the waiver that was executed in open court in the defendant’s presence by Mr. Mesereau, that this was an unconditional, unqualified waiver as to all aspects of the attorney-client relationship.

All of cross -- all of direct examination was concluded, and cross-examination commenced until we discovered that, after a break, there had been a qualified waiver executed in writing. There were three attorneys in the room who knew that that happened. Mr. Geragos knew it because he had been furnished a copy of it. Mr. Mesereau knew it because the signature on it by Miss Yu indicated that he had reviewed the document for content and approved it. And Miss Yu knew it because she drafted the document.

None of the three attorneys, when they came into court, either furnished the Court a copy of that waiver or furnished the prosecution a copy of that waiver. And none of those three lawyers told either the Court or the prosecution that the waiver had changed, unilaterally had changed from an unconditional, unqualified waiver to a very conditional, qualified waiver that would end at the time of the defendant's arrest.

Now, we went through all of direct examination and a good portion of cross-examination with an understanding, at least from our standpoint, and I believe from the Court's standpoint, that it was an unqualified, unconditional waiver, and that that's how we were going to conduct cross-examination.

As the Court pointed out, you can't give and then take away at the same time without telling us.

And I believe the fact that we weren't told, either the Court or the prosecution -- during the course of that break, neither one of us were furnished copies of the waiver and instructed that the terms and conditions of the waiver had taken place.

And I believe that we should proceed with cross-examination as if it were an unconditional, unqualified waiver, and proceed with appropriate objections for relevancy and appropriate objections for any other evidentiary issues, but that the waiver should be unqualified.

MR. SANGER: Just a factual issue, Your Honor. I don't want to reargue what we've already argued in writing. But on a factual issue, I believe that Miss Yu did give the clerk -- give your clerk a copy of the waiver before the break -- during the break at the same time it was given to Mr. Geragos, and I believe that a copy was given to the District Attorney at the same time.

MR. ZONEN: No, it wasn't.

MS. YU: Yes, it was. Yes, it was.

THE COURT: Wait, wait, wait. That's okay.

MR. SANGER: I'm reporting -- I did personally see Miss Yu go up to Miss Frey, your clerk, to give a copy. So I --

THE COURT: It’s really insignificant, you know, whether you revealed this at the break or ten minutes after the break. I mean, the fact is that there was a complete change in what the purported waiver was.

MR. SANGER: There --

THE COURT: You can sit down. That’s okay.

MR. SANGER: All right. Thank you, Your Honor.

THE COURT: I did review the entire testimony of Mr. Geragos last night before considering my rulings in this matter, and there are two issues that we’re dealing with. One is questions beyond the scope of the direct examination and the other is the scope of the attorney-client privilege waiver. And we do have Mr. Geragos’s assertion that I assume hasn’t changed.

But you will claim the privilege based on the waiver; is that -- regardless of my ruling?

THE WITNESS: Regardless of your ruling, I’m going to claim the privilege. I’ve been furnished, as I think -- I don’t know if it was furnished to the Court. I think you said it was.

THE COURT: It was, yeah.

THE WITNESS: The other. And regardless of the ruling, I’m still going --

THE COURT: You will make --

THE WITNESS: I will stand on that.

THE COURT: -- make that claim?

THE WITNESS: Yes.

THE COURT: That was my understanding from what you said last week, but I think I should -- thank you for affirming that.

That puts us in a difficult situation. You know, there’s things that I could do, and that would be to strike his testimony. In looking at the examination, I’m not sure who that would punish in the end. I mean, there was some direct examination, there was more lengthy cross-examination. Nobody’s moved that I strike his testimony, and if you do, the jury has heard it.

We can -- we strike things all the time, but we all know you can’t -- you know, we don’t really know what the effect of trying to unring a bell is. You give people instructions not to consider things, but hope that they're capable of doing that. But it doesn't appear to be a really good remedy at this time, although I could consider it.

I feel deceived by Mr. Mesereau, and I am considering -- although I've reached no conclusion at this point, and I don't want to divert the process of the trial with this type of thing, but I'm considering sanctions of some sort against Mr. Mesereau. Again, that doesn't really help or hurt in the factual presentation.

So at this point I think what I'm going to do is to recognize, according to the law, that there is a qualified privilege and accept the waiver as it stands only up until November 2003. But I am going to -- and then I'm going to allow the prosecution to continue their examination and I'm going to require that any claim of privilege between attorney-client be made in front of the jury so that the jury understands what is actually happening in the courtroom.

You know, we've had several other situations. Some, I've said, privileges had to be claimed in front of the jury. Some I've said they are not to be claimed in front of the jury. And it's a factual situation. You know, you get to that conclusion based on all of the surrounding facts. And in this case, I think it would be productive for the jury to know that the privilege is being claimed.

Mr. Geragos before, which is really the proper thing, kind of what I wanted him to do, was not -- you just said, "I can't answer that," which clued me in it was a claim of privilege, but nobody else really.

So that will change now. You'll have to say, "I'm claiming the attorney-client privilege and cannot answer that question."

THE WITNESS: I did not assert that before because I didn't have the Court's ruling or guidance.

THE COURT: I'm saying that you did the right -- you did it the way I wanted you to then, but now we're changing the rules.

THE WITNESS: That's fine.

THE COURT: Okay. So that's my ruling on the issue.

And you can bring the jury back in.

MR. SANGER: Before you do that, just one further point of clarification, if I could.

THE COURT: Yes.

MR. SANGER: I know this is Mr. Mesereau's witness, but this will be my last remark with regard to the motion.

THE COURT: I think it's --

MR. SANGER: Would the Court still entertain objections that it's beyond the scope and relevance with regard --

THE COURT: Yes. I said there's two issues.

MR. SANGER: Yes, sir.

THE COURT: I haven't abrogated the rule that you called this witness for a specific purpose. And in reviewing the rulings that I made last week,

which it's a luxury, you know, to be able to go back and review, I think I was making the correct rulings because of his assertion.

So where you thought that the District Attorney was exceeding the scope and I ruled that he was not, I still feel that way. You know, he's made some assertions about what he knew at the time that he was advising, and that area I had allowed them to open up, so I would continue to allow that area to be opened up. But there's -- of course, there's the -- I don't want to say too much, but that, I think, addresses something that should have been addressed.

MR. SANGER: I appreciate that. Thank you, Your Honor.

THE COURT: Do you have any questions, Mr. Zonen?

MR. ZONEN: Your Honor, we -- we did, in fact, request of the Court that the Court consider the option of striking the testimony of this witness in its entirety. I'm not going to renew that at

this time. But I'd like to see what happens in terms of cross-examination at this point vis-a-vis his assertion of that privilege. And I wouldn't bring that up in front of the jury.
THE COURT: A better way for me to have said what I was trying to say was that I won't grant a motion to strike at this time, but I would

reconsider one at some other time if --
MR. ZONEN: And that's what I was asking.
THE COURT: -- if it's made.
And I'm not inviting it. I'm just saying at this time, when I weighed the testimony that had been given, I didn't think that was the way to go.
MR. ZONEN: That's fine.
THE COURT: All right. Let me --
MR. SANGER: Oh, before -- a different matter, just real quick, Your Honor.
THE COURT: Yeah.
MR. SANGER: You still have the Amen testimony issue.
THE COURT: Yes.
MR. SANGER: Amen. Joining in the bailiff's spirit of coming together here.
THE COURT: They can't hear you.
MR. SANGER: Okay. We're hoping to have a ruling on that in time that we could -- if we're able to call him, we would be able to get that in motion, so --
THE COURT: I'm prepared to make a ruling on that. My suggestion is we have the jury in, we finish this, and then we deal with that when we can let them go, instead of taking more time now.
MR. SANGER: Perfect. Thank you.
THE COURT: I'm just going to step off the bench so that you can bring the jury in. I'll be

right there, ready to come right back. Okay.
(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: You may proceed.
MR. ZONEN: Thank you, Your Honor.

CROSS-EXAMINATION (Continued)

BY MR. ZONEN:

Q. Mr. Geragos, good morning.

A. Good morning, Mr. Zonen.

Q. Mr. Geragos, you were aware in advance of the meeting with the Department of Social Services, Child & Family Services, that there was going to be a meeting involving Janet Arvizo; is that correct?

A. Yes.

Q. Who was it who notified you or advised you of that fact?

A. Probably would have been Brad.

Q. Did you know at the time that there was going to be somebody working for Brad Miller who would be attending that meeting?

A. I don’t think so.

Q. Did you instruct Brad Miller to be there?

A. No. No.

Q. Did you have a conversation with Brad Miller before that meeting?

A. I think that would have been the conversation where he told me about the meeting.

Q. All right. Did you express concern to Brad Miller about comments that Janet Arvizo might make to the workers, social workers?

A. I don’t think so. I don’t think I expressed concern about comments she might make. I think I -- as I testified to last week, I think the question was she wants somebody -- or wants to talk to a lawyer or something, something to that effect, and that’s when I gave Mr. Nasatir’s name.

Q. All right. Now, you did not know at the time that there was going to be a representative of Mr. Miller who would be there?

A. Like I say, as I sit here today, I don’t think that I knew that either he or Asaf were going to be there. I don’t know when I learned that.

Q. And Mr. Miller never consulted with you in advance about the propriety of tape-recording that conversation?

A. I had no idea up until the time that the search warrant was issued or executed that there was any kind of a tape that was done.

Q. Were you aware as of that day of Brad Miller ever having tape-recorded illegally conversations prior to that time?

A. Well, I don't know that that was -- if you're suggesting that that was an illegal taping, I don't believe that was an illegal taping. And the previous taping that I was aware of, he told her, Janet Arvizo, that he was working for me, that he had a tape-recorder, and that he was taping it, and something to the effect, if memory serves, that was that okay?

Q. Mr. Geragos, do you believe that it's legal to surreptitiously tape a Department of Child & Family Services interview?

A. I don't believe that you can surreptitiously tape their interview, no. I don't think that that would be legal.

Q. Is it your opinion, as an attorney specializing in criminal law, that the interviews with the Department of Child & Family Services are confidential?

A. Yes.

Q. And therefore, somebody tape-recording it for purposes of being able to listen to that conversation, that would be in violation of the confidentiality laws; is that true?

A. I don't know if it would be in violation of the confidentiality laws. I think it would probably be a violation of a Penal Code section.

Q. In any event, it would be illegal?

A. I -- in my opinion, it probably would be.

Q. You are not aware of Mr. Miller ever having done that in the past; is that correct?

A. Well, I'm aware --

MR. MESEREAU: Objection; relevance.

THE COURT: Overruled.

You may answer.

THE WITNESS: I'm aware of many private investigators, and I would probably say Brad included, who understand that the Penal Code has exceptions. And one of the exceptions is if you believe that there are certain enumerated crimes that are going to be committed, you are allowed to, under the code section, tape surreptitiously.

So I don't know. Your definition of whether or not it's illegal or not and mine probably differ, but I think that the Penal Code clearly states that there are exceptions when you can tape.

Q. BY MR. ZONEN: Did you believe that there was going to be a crime committed at the Department of Child & Family Services interview with Janet Arvizo?

A. As I told you, I don't know what was going to happen there. But I think what you're asking me is in reference to the other tape that was made.

Q. No, sir, I'm asking --

A. Which was with Mr. --

Q. -- about the Department of Child & Family Services interview. Did you believe there was going to be a crime committed during that interview?

A. No, I didn't believe that a crime was going to be committed because I don't think that I had a discussion as to what was going to take place, other than to say, "Look, I can't represent her. Talk to Nasatir."

Q. And you did not tell Brad Miller that you thought there would be some kind of crime committed during the course of the Department of Child & Family Services interview?

A. Well, if she would lie to them, that would be potentially a crime, I suppose. But I don't know if I had --

Q. And did you tell Brad Miller that?

A. I don't know that I had that discussion with Brad. In retrospect, who knows what she was going to say.

Q. And Brad Miller did not tell you that he planned on tape-recording that interview?

A. Did not.

Q. And if he had, you would have told him not to?

A. Well, if he had told --

MR. MESEREAU: Objection; calls for speculation.

THE COURT: Sustained.

Q. BY MR. ZONEN: When did you first get possession of that tape?

MR. MESEREAU: Objection.

THE WITNESS: After the -- well --

MR. MESEREAU: Relevance; beyond the scope.

THE COURT: Overruled.

THE WITNESS: And I'd have to -- Your Honor, as the Court instructed, I'd have to assert attorney-client privilege at this point.

THE COURT: You refuse to answer based on the attorney-client privilege?

THE WITNESS: Could I?

THE COURT: Is that right?

THE WITNESS: Yes.

THE COURT: Next question.

Q. BY MR. ZONEN: From whom did you first learn that that conversation had, in fact, been tape-recorded?

A. I believe, as I sit here today, the only conversation that was tape-recorded was something between Asaf and Janet Arvizo. I don't -- I don't know -- as I sit here today, I haven't listened to that tape in quite a while. I don't know how lengthy that tape was. I thought it was just between Janet and Asaf.

Q. From whom did you first learn that there had been a tape-recording that took place at Jay Jackson's apartment while the Department of Child & Family Services workers were there?

MR. MESEREAU: Objection. Beyond the scope; relevance; assumes facts.

THE COURT: Overruled.

You may answer. Do you want the question read back?

THE WITNESS: No, I remember the question. I'm just trying to -- I couldn't tell you if I learned it from -- it was either from Brad or when I got copies of the documents that were seized, when I had asked Mr. Sneddon for that. So I might have gotten the items from Mr. Sneddon. And he had represented to me that he had not listened to them yet, so --

Q. BY MR. ZONEN: And Brad Miller, did he brief you on the content of the interview with -- the Department of Child & Family Services interview?

A. At what point?

Q. After it occurred.

MR. MESEREAU: Objection. Beyond the scope; relevance.

THE COURT: Sustained.

Q. BY MR. ZONEN: When was the first time you had a conversation with Brad Miller following the Department of Child & Family Services interview?

MR. MESEREAU: Objection. Relevance; beyond the scope.

THE COURT: Overruled.

THE WITNESS: I couldn't tell you as I sit here. I'm sure it was sometime shortly thereafter, but I just don't know.

Q. BY MR. ZONEN: Did you ask him about how he knew about the content of that interview?

A. I'm sure he would have -- well, I would just be speculating.

Q. Did he tell you that he had somebody there at the time?

A. No. It was -- I can't -- if you're asking me for, in February, what I knew then, I would only be speculating. I think what he told me was that he had Asaf there because Janet wanted somebody there, and then Asaf left, is I think what I was told in February.

Q. All right. Between the time that -- of this interview with the Department of Child & Family Services and the time your client was arrested in November, did Brad Miller ever tell you that that conversation was tape-recorded?

MR. MESEREAU: Objection. Relevance; beyond the scope.

THE COURT: Sustained.

Q. BY MR. ZONEN: Did you receive a copy of the tape-recording at any time between the interview on the 20th of February, '03, and the time that your client was arrested in November?

MR. MESEREAU: Objection. Relevance; beyond the scope.

THE COURT: Sustained.

MR. ZONEN: I’m sorry?

THE COURT: Sustained. I think the relevant period is through April. That’s why I’m sustaining the objections.

MR. ZONEN: Okay.

Q. If I were to ask those questions again through the end of April, would your answer be different? Let me change that question.

Between the time of the interview on the 20th of February through the end of April, did you receive a copy of the tape of that interview?

A. I don’t know. I couldn’t tell you.

Q. You might have?

A. I don’t think so. But I couldn’t tell you. I don’t think that I did. I don’t think that I was aware of that or the other tape until after the search warrant, but I’d just be guessing.

Q. Now, you commenced surveillance of the Arvizo family; is that right?

A. Not me personally, but I asked Brad to find out who they were meeting with, what they were doing. So if he surveilled in response to that, that would be what I would have expected.

Q. You didn’t personally want to sit in a car in East L.A. and watch them?

MR. MESEREAU: Objection; argumentative.

THE COURT: Sustained.

Q. BY MR. ZONEN: Did you have a conversation with Mr. Miller as to who was going to participate in the surveillance?

A. No.

Q. Did you give Mr. Miller any direction as to what they were supposed to do?

A. I think the same thing I testified to before: “Find out where they are, who they’re meeting with, and what they’re doing.”

Q. Did you tell them to surveil the children?

A. Well, I assumed that the children would be in the company of adults, and that one of the adults would be Janet Arvizo.

Q. Did you --

A. That would be the assumption.

Q. Did you tell them to conduct surveillance of the children when they're not in the presence of the adults?

A. I don't think we had that discussion, no.

Q. Did you tell Brad Miller to have people conducting surveillance of the children while they were coming and going from their junior high school?

A. No, I didn't give him specific instructions as to what to do. I think I just gave a broad directive that said, "I want to know who they're meeting with, what they're doing."

Q. Did you tell Brad Miller that the surveillance operatives should be obvious so that the children know they're being followed and taped?

MR. MESEREAU: Objection. Argumentative; assumes facts.

THE COURT: Overruled. You may answer.

THE WITNESS: No. As I indicated before, I told -- I gave the same directive. I didn't tell him, "This is what I want you to do on this day. This is what I want you to do on that day." I said, "I just want to know who they're meeting with and what they're doing."

Q. BY MR. ZONEN: Did you get a report from Brad Miller as to the scope and extent of the surveillance that he conducted?

MR. MESEREAU: Objection. Relevance; beyond the scope; and vague as to time.

MR. ZONEN: There were questions about surveillance by the defense.

THE COURT: That's true. Vague as to time is sustained.

Q. BY MR. ZONEN: Well, the period of time that the surveillance was conducted was what, 60 days?

A. No, I think it was less than that. I think it was about 30 or 35 days, something like that.

Q. And it commenced when?

A. Sometime after February 7th.

Q. Sometime after February 7th?

A. Yeah.

Q. Were they actually being --

A. Yes.

Q. -- surveilled while they were at Neverland?

A. I don’t know that they -- I don’t think Brad was ever at Neverland, if I had -- if I had to -- if that’s what you’re asking me.

Q. Well, if you’ve directed Brad Miller to conduct a surveillance of the Arvizo family as early as the 7th of February, then you would have been informed as to exactly when they were at Neverland; no?

MR. MESEREAU: Objection. Argumentative; assumes facts.

THE COURT: Overruled.

You may answer.

THE WITNESS: Mr. Zonen, what I directed him to do was find out who they were meeting with, what they were doing, and then give me a report back.

And he would have given me a report back saying, “They’re either here or they’re there. We either found this out; we didn’t find this out.”

I did not ask him to tell me exactly who he was using. I didn’t get into that. It didn’t occur to me at that point.

Q. BY MR. ZONEN: Did Brad Miller tell you that the children were meeting with Michael Jackson during that period of time?

MR. MESEREAU: Objection. Hearsay; relevance; beyond the scope.

THE COURT: Overruled.

MR. ZONEN: That was overruled.

THE WITNESS: That means I can answer?

Q. BY MR. ZONEN: I think it does, yes.

A. Thank you.

I don’t believe so. I didn’t have the impression, at least, that when he was finding out what they were up to, that that included any time that they may or may not have been at Neverland.

Q. Did you have an opportunity to review the surveillance tapes?

A. Not prior to November.

Q. You directed a surveillance be done as early as the 7th of February?

A. I directed that they find out who they were meeting with and what they were doing.

Q. All right.

A. I know you keep saying “surveillance.” I didn’t tell them to go sit in a car outside. I didn’t give them directives as to how to do it. All I said is, “Find out who they’re meeting with and what they’re up to.”

As I explained last week when you asked me this, the concern was, is that they were either going to go meet with a lawyer of some kind to make some accusation, or they were going to sell the story to the tabloids.

I -- the extent of what he did I learned sometime later, but did not know at the time. And what I knew at the time was that they were either

here or there at particular points.

Q. Do you know where those surveillance tapes are today?

MR. MESEREAU: Objection. Relevance; beyond the scope.

THE COURT: Overruled.

THE WITNESS: I assume in Steve -- the sheriff’s possession.

Q. BY MR. ZONEN: Are you saying that all the surveillance tapes were kept at Brad Miller’s office?

A. I -- the surveillance tapes, as you call them, all I’m aware of in terms of surveillance tapes were the things that were seized during the search warrant.

Q. You never asked Mr. Miller if, in fact, there were additional tapes other than the ones seized during the course of the search of his office?

MR. MESEREAU: Objection. Vague as to time; relevance; beyond the scope.

THE COURT: Overruled.

You may answer.

THE WITNESS: I would have to assert the attorney-client privilege, because I think built into the question is asking me what my discussion --

THE COURT: All you have to say is you refuse to answer because you're claiming the privilege, that's all.
Next question.

Q. BY MR. ZONEN: Up until the time of your client's arrest, did you ever view any surveillance tapes?
MR. MESEREAU: Objection. Relevance; beyond the scope.
MR. ZONEN: I'm trying to establish if the ones in evidence are accurate.
THE COURT: The objection is overruled.
You may answer.
THE WITNESS: No, I don't believe that I did.
Q. BY MR. ZONEN: All right. Were you ever briefed as to the content of those surveillances?
MR. MESEREAU: Objection. Vague as to time; relevance; beyond the scope.
THE COURT: Sustained as to time.
Q. BY MR. ZONEN: Were you ever briefed before the conclusion of the month of April 2003 as to the content of the surveillance tapes?
A. I think I was, yes.
Q. All right. Did they tell you that they -- who was it who briefed you?
A. It would have been Brad.
Q. Did Brad tell you that they conducted a surveillance of Janet Arvizo's parents at their home in El Monte?
A. I think that he did.

Q. Did you direct that they do a surveillance of her parents?
A. No. As I explained before, I told him, "Find out who they're meeting with and what they're doing." I didn't -- I didn't --
MR. MESEREAU: Objection. Objection. He cut off the witness.
THE COURT: Sustained.
MR. MESEREAU: Could the witness please answer, Your Honor?
THE COURT: If you haven't completed your answer, you may do so.

THE WITNESS: Thank you. I said I didn’t specify the exact locations or what they should do.

MR. ZONEN: Just one second, Your Honor.

Q. Are you aware of any other surveillance tapes other than the ones that we seized from Brad Miller’s office?

A. No.

MR. MESEREAU: Objection. Relevance; beyond the scope.

THE COURT: Overruled. You may answer.

THE WITNESS: No.

Q. BY MR. ZONEN: Are you aware if the Brad Miller tapes seized from Brad Miller’s office have been altered in any way by Brad Miller?

MR. MESEREAU: Objection. Relevance; beyond the scope.

THE COURT: Overruled. You may answer.

THE WITNESS: No.

Q. BY MR. ZONEN: Were are you aware of whether or not there’s additional footage to those tapes that have been excised or deleted from the tapes?

MR. MESEREAU: Same objection.

THE COURT: Overruled.

THE WITNESS: No.

Q. BY MR. ZONEN: Now, at some point in time you became aware of the fact that there was a tape-recording of the telephone call between Janet Arvizo and Frank Cascio; is that correct?

MR. MESEREAU: Objection. Vague as to time; relevance; beyond the scope.

THE COURT: Overruled. You may answer.

THE WITNESS: I can’t answer that because of attorney-client privilege.

Q. BY MR. ZONEN: Did you ever listen to the tape-recording of the conversation between Janet Arvizo and Frank Cascio?

MR. MESEREAU: Objection. Relevance; vague as to time; beyond the scope.

THE COURT: Vague as to time.

Q. BY MR. ZONEN: Did you ever listen to that

conversation up until the time that your client was arrested?
A. No.
Q. Did you know that it existed, that tape-recording?
A. Up until the time of the arrest?
Q. Yes.
A. No.
Q. Did you have a conversation with Brad Miller about conducting or monitoring conversations between Janet Arvizo and any of the other employees or people who work for Michael Jackson?
A. No.
MR. MESEREAU: Objection. Relevance; vague as to time; beyond the scope.
THE COURT: Vague as to time.
Q. BY MR. ZONEN: That last question that I asked, if I were to say up until the time of your client's arrest, what would your answer be?
MR. MESEREAU: Same objection.
THE COURT: Counsel, I'm going to tell you again. The area that I think is relevant on some of these questions is the time period that he testified to on direct where he was doing certain things. And your questions are relevant -- you know, it's not the cutoff date that's relevant. So I'm just trying to give you some guidance.
MR. ZONEN: Thank you. Perhaps that

question could be modified, then, through the end of April.
Q. Do you remember the question?
A. I do. And the answer is no.
Q. Pursuant to the surveillance investigation that you had directed Mr. Miller to conduct, were you kept advised as to the movement of Janet Arvizo between Neverland and her home or Major Jackson's home?
MR. MESEREAU: Objection. Vague as to time; relevance.
Q. BY MR. ZONEN: During the period of time of the surveillance, which is roughly 30 days from the

7th.

A. When you say kept apprised, I'm sure that I would have had conversations with Brad, and he would have told me in general terms what was happening.

Q. Did Brad Miller then tell you the number of times that Janet Arvizo left Neverland and then returned?

A. You know, as I sit here, I don't remember him telling me. I know your focus on the question is Neverland and returning, and I don't think that was really the focus of what he was doing. As I indicated before --

MR. ZONEN: Your Honor, I'll object as nonresponsive.

THE COURT: Sustained.

THE WITNESS: I do not believe that he was -- if he did, I wasn't paying attention to it. I was concerned with other things.

Q. BY MR. ZONEN: Did he tell you that Janet Arvizo left Neverland on the 12th of February at about one o'clock in the morning?

MR. MESEREAU: Objection. Vague as to time; relevance; beyond the scope.

Q. BY MR. ZONEN: At the time, concurrent with those events. In other words, within a few days of the 12th, did he tell you that?

THE COURT: All right. He's changed the -- I'll accept that change.

THE WITNESS: Probably did.

Q. BY MR. ZONEN: Did he tell you within a few days of the event, in other words, contemporaneous of the event, that the family returned to Neverland within a few days thereafter?

A. As I sit here, I don't remember. I do have a memory of being told that she had left, but I don't know about her returning.

Q. All right. Would you have been concerned about the prospect of the Arvizo family returning to Neverland --

MR. MESEREAU: Objection; calls for speculation.

Q. BY MR. ZONEN: -- as not being in your client's best interest?

MR. MESEREAU: Objection; calls for speculation.

THE COURT: Just a moment. I don’t want you to add to your question after there’s an objection. It’s okay on that timing, but it causes me difficulty when you’re --

MR. ZONEN: I actually intended that to be one question.

THE COURT: All right. Why don’t you just rephrase the question.

MR. ZONEN: Give me a moment.

Q. All right. Did you have concerns about the Arvizo family returning to Neverland after they left on the 12th?

A. I had concerns about the Arvizo family.

Q. But particularly in the context of them being in the presence of Michael Jackson?

A. Yes. I always had concerns about the Arvizo family from early February, meaning sometime after the 7th or the 9th, something like that.

Q. Did your concerns include a concern that Gavin Arvizo would end up back in Michael Jackson’s room?

A. Well, when you say back in his room, no, that wasn’t my concern. My concern was that there was going to be some kind of an accusation made; that there was going to be some kind of a false story concocted. That was my concern.

Q. Did you at any time contact Michael Jackson after the 12th, after the 12th --

MR. MESEREAU: Objection; vague as to time.

MR. ZONEN: It’s in the midst of the question. I’m just putting the time parameters on it.

MR. MESEREAU: My apology. I withdraw the objection.

Q. BY MR. ZONEN: After the 12th of February, at any time after the 12th of February, within the next week or so, did you have a conversation with Michael Jackson about not allowing the Arvizos back on the property?

A. No, I don’t think that I had a conversation about anything to do with them coming back and forth to the property. I wanted to know what they were up to. I didn't -- I don't think I had a conversation as to them coming onto the property.

Q. All right. Mr. Geragos, you knew that there was going to be an interview that would take place in the late evening hours of the 19th into the early morning hours of the 20th that was going to be part of "Take 2"; in other words, a filming of the Arvizo family that was designed or intended to be a part of this commercial production; is that right?

A. I knew that they were filming what they called -- it wasn't -- as I remember it, they kept referring to it as the rebuttal.

Q. Were you aware that there was a substantial amount of money that had been paid to Michael Jackson by FOX Studios in advance of the filming of that production, an advance towards that production?

MR. MESEREAU: Objection. Assumes facts not in evidence; no foundation; beyond the scope.

MR. ZONEN: Your Honor, it is in evidence, and the exhibit specifically is 898.

THE COURT: The objection is sustained.

Q. BY MR. ZONEN: Were you paid out of an account that was funded by FOX Studios?

A. Not that I'm aware of.

Q. Did you know from what source came your income?

MR. MESEREAU: Objection. Relevance; beyond the scope.

THE COURT: Sustained.

MR. ZONEN: Could I be heard, Your Honor?

THE COURT: Yes.

MR. ZONEN: Could we do it at sidebar?

THE COURT: All right.

(Discussion held off the record at sidebar.)

Q. BY MR. ZONEN: Based on your briefing with either Brad Miller or any employee of Brad Miller, did you learn that Janet Arvizo had been entirely complimentary of the defendant during the course of the interview that was tape-recorded in person at Major Jackson's home on the 16th?

MR. MESEREAU: Objection; hearsay.

THE COURT: Overruled.

THE WITNESS: Yes.

Q. BY MR. ZONEN: She had nothing bad to say about Michael Jackson at all?

A. That was my understanding.

Q. Based on your briefing with Brad Miller about the content of her interview with the Department of Child & Family Services, is it your understanding that Janet Arvizo had nothing bad to say about Michael Jackson in that interview as well?

A. Yes.

Q. Okay. Did you understand that she was going into that interview concerned that her children would be removed from her custody?

A. I don’t know that I knew that prior, but that would not surprise me. I mean, it’s a Department of Children’s Services interview. I think anybody would be concerned.

Q. Would it be your expectation that the more complimentary she was of Michael Jackson the greater the likelihood that they would not take her children?

MR. MESEREAU: Objection. Foundation; calls for speculation; relevance.

THE COURT: Overruled.

You may answer.

THE WITNESS: I don’t know that that was the thought process. I believe I was told that she had previously had close encounters with the DCFS and that was her concern.

Q. BY MR. ZONEN: Did you direct Brad Miller to work with anybody from Michael Jackson -- anyone among Michael Jackson’s employees in terms of conducting his investigation?

A. I don’t know that I directed him to talk to anybody in particular. I told him to go -- I told him to contact people and investigate, do what an investigator does.

Q. Do you know who paid the balance of Janet Arvizo’s rent at her Soto Street apartment?

A. I think at the time -- are you talking about in April of 2003, roughly that time period?

Q. Try March.

A. In March -- I think I knew in April that Brad had paid it.

Q. All right. Did Brad Miller have money to be able to pay that?

A. Probably not.

Q. All right. So do you know how he paid that?

A. I would have told him to get reimbursed from the accountant.

Q. Did you advance any money?

A. I did not.

Q. Did you advance any money toward emptying out the apartment?

A. I did not.

Q. Did you tell Brad Miller that he should go ahead and pay off the balance of the rent on that apartment?

A. I don’t know that I told him. I know that he told me he was going to do it. I don’t know that I told him to do it. I mean, I know that he told me he was going to do it or he had done it. I just don’t remember the context of the conversation.

Q. Did you ask Brad Miller where the Arvizo family would be moving once that apartment was moved out?

A. He had told me that they were moving in with her boyfriend.

Q. Did you tell Brad Miller, “This is not a problem for Michael Jackson to be paying for cleaning her out of her apartment”?

A. What do you mean, “cleaning her out of her apartment”?

Q. Moving them from the apartment and putting their things in storage. “This is something that Michael Jackson ought not be involved in.” Did you tell him that?

A. He was talking to Janet. Janet wanted that done. Janet was trying, according to him at least, to get these things done. And I told him if he was going to do that, that he better videotape the contents so that there later is not an accusation

that something was tampered with.

Q. Why did you tell Brad Miller that he should move Janet Arvizo out of her apartment on Soto Street?

A. Did I? I didn’t say I told him that.

Q. Why did you approve it? He works for you, right?

A. He works for me.

He said that she wanted that done. He was going to assist her. He was trying to be on her good side, I guess is -- for lack of a better term.

Q. Did you know at the time that she was moved out of that apartment where her possessions went?

A. I don’t think at the time, no. I’ve learned later on.

Q. All right. Now, did you instruct Brad Miller that he should place them in a locker someplace under his name?

A. No, I don’t think that I did.

Q. Do you know under whose name her possessions were, in fact, deposited?

A. I learned that later, yes, that it was under his name.

Q. All right. Now, did you -- as soon as you learned that, did you immediately instruct him to change that?

A. Well, no. When I learned that was when I got those letters from Mr. Dickerman. And he and I

went back and forth as to where he wanted the stuff. And I think at one point I told him that he could take over the lockers. I offered to have him switch it to whatever name he wanted, and I think we went back and forth on that.

MR. ZONEN: May I approach the witness?

THE COURT: Yes.

Q. BY MR. ZONEN: Mr. Geragos, I’m going to show you exhibit number -- Exhibit No. 630. I’d like you to take a moment and strum through those collection of documents in that exhibit, if you would.

A. I’ve strummed through it.

Q. Strumming through documents is something lawyers do well, right?

A. I don’t know if we do it well. We do it a lot.

Q. Mr. Geragos, do you recognize those documents as being a compilation of letters sent to you by Mr. Dickerman and a few letters sent by you back to Mr. Dickerman in response?

A. No, I do not.

Q. You don't recognize any of those letters at all?

A. I think you have probably given me the wrong exhibit.

(Laughter.)

You haven't been strumming documents enough.

This is the --

MR. ZONEN: It's the wrong exhibit.

(Laughter.)

MR. ZONEN: Could we have 629?

MR. SNEDDON: My fault. Not his.

MR. ZONEN: You could have told us at the early stages of the strumming.

THE WITNESS: I couldn't figure out why you were having me look at it. You were close. It was the right lawyer. Just the wrong series of correspondence.

THE COURT: Maybe we ought to just start our break early, huh? Okay.

(Recess taken.)

MR. SANGER: Your Honor, may we approach, please?

THE COURT: All right. Yes.

MR. SANGER: Thank you.

(Discussion held off the record at sidebar.)

MR. ZONEN: Your Honor, could we approach the bench again?

(Discussion held off the record at sidebar.)

THE COURT: (To the jury) Do you want in on any of this? No, you don't. Oh, I'm sorry, this is just a complicated area. I'm trying to make it work. In my other courtroom where -- you know, this is not my normal courtroom. I'm really across

the hall there. And when attorneys approach, the jury sits right there, sort of like if Mr. Geragos is sort of like me and you’re the jury. And when the attorneys want a sidebar, I make them come over and kneel there, so -- so we have a lot less sidebars over in that court.

(Laughter.)

MR. ZONEN: I’m prepared to proceed.

THE COURT: Yes.

Q. BY MR. ZONEN: Mr. Geragos, I think you now have Exhibit 625. That was the exhibit we intended to hand you before the break.

Did you have an opportunity to look at 625?

A. Yes.

Q. Is 625 a compilation of letters and communications between you and Attorney Bill Dickerman?

A. Well, there’s -- some of these letters are mine. I don’t believe -- for instance, this top letter, which doesn’t have a letterhead and which is not signed, I don’t believe that’s the letter that was sent to me.

Q. You don’t believe you’ve ever received that letter?

A. I don’t believe that this is the letter he sent to me. And I don’t believe that this letter -- it has no letterhead and no signature on it. I don’t think he sent that to me either.

Q. All right. Now, I’m not asking you if he sent you an unsigned --

A. No.

Q. -- unletterheaded letter.

A. Right. I’m telling you I don’t believe that this is the letter that he sent me, April 11th. And I’m almost positive that the March 26th letter that’s on here is not the letter he sent me.

Q. All right. You’ve never seen that letter before?

A. I have never seen --

Q. Let me clarify my question.

A. Right.

Q. Not that -- hold on.

MR. MESEREAU: Objection. He’s cutting off the witness.

MR. ZONEN: Let me --

THE COURT: All right. Ask another question.

Q. BY MR. ZONEN: Let me clarify my question. The front letter on there that's dated in March -- what is that, March 24th?

A. March 26th.

Q. March 26th. All right. The content of that letter you're not familiar with?

A. Well, let me just tell you what -- why I don't -- there's several things that --

Q. Mr. Geragos, are you familiar with the content of that letter?

MR. MESEREAU: Objection; cutting off the witness.

MR. ZONEN: Well, I'm going to object to nonresponsive answers.

THE WITNESS: I hadn't answered.

THE COURT: The question is, are you familiar with the content of the letter?

THE WITNESS: I don't know how to answer that. I don't --

THE COURT: All right. Ask another question.

Q. BY MR. ZONEN: All right. Did you receive a communication from Mr. Dickerman at any time during the latter part of March of 2003 where he asked for Janet Arvizo's passport and the passports of her children?

A. I received and responded to -- and my response is here, and this is my letter where I respond to his April 3rd letter where he wanted things retrieved from storage is what my memory is. So this letter that I sent on April 6th is in response to some earlier letter, and I reference an April 3rd letter.

Q. Did you receive a letter at any time in the month of March from Mr. Dickerman asking specifically that passports belonging to the Arvizo family be returned to him?

A. Well, I see where he's -- as I sit here, I don't remember a letter in March. I remember a letter that I responded to in April.

Q. All right. And that letter that you're responding to, did that, in part, inquire about the existence of passports belonging to the Arvizo family?

A. No. His April 3rd letter says, “I wrote you and asked you to locate certain items.” And that’s what I did. I think I testified to Mr. Mesereau, I faxed that letter to Brad and told him, “Let’s deal with it.”

Q. Mr. Geragos, at any time during the month of March of 2003, did you have a conversation with Mr. Dickerman wherein Mr. Dickerman asked you to return his clients’ passports?

A. I don’t believe that I had a conversation with Mr. Dickerman in March.

Q. At any time in the early part of April, say up till April 15th, did you have a conversation with Mr. Dickerman wherein the subject of the Arvizos’ passports was raised?

A. No, I believe the conversation we had was in reference to the contents of the storage unit.

Q. Did you have any conversation with Mr. Dickerman about passports at any time in the month of April?

A. He might have mentioned it.

Q. He might have mentioned it?

A. He might have mentioned it --

MR. MESEREAU: Objection.

THE WITNESS: -- in April, but I’d just be guessing.

MR. MESEREAU: Cutting off the witness.

THE COURT: Next question.

Q. BY MR. ZONEN: Do you have a recollection of any specific conversation at any time from the 24th of March through the end of April where the subject matter of that conversation was passports belonging to the Arvizos?

A. As I sit here, my memory is contents of the storage unit is what we kept talking about, he and I.

Q. Did you ask anybody in your office to locate passports belonging to the Arvizos at any time in April?

A. Absolutely not.

Q. At any time in May, did you ask anybody in your office to locate passports?

A. No.

Q. Did you have any conversation with Mr. Dickerman about passports at any time in April or May of 2003?

A. I just don’t remember. I remember -- all I remember about the conversations was the contents of the storage units.

Q. Did you know from Brad Miller that the Arvizo family was going to go to Brazil?

MR. MESEREAU: Objection. Assumes facts not in evidence; foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: In what time period?

Q. BY MR. ZONEN: In 2003.

A. I don’t believe that I did.

MR. MESEREAU: Objection; vague as to time.

THE COURT: Sustained.

Q. BY MR. ZONEN: At the time you began communications with Attorney Dickerman, did you know that the Arvizo family had intended to take a trip to Brazil, a trip that would have been sponsored by the -- Michael Jackson?

MR. MESEREAU: Objection. Foundation; assumes facts not in evidence; vague.

THE COURT: Compound question. Sustained.

Q. BY MR. ZONEN: Did you know at any time during the month of March or April of 2003 that the Arvizo family was going to go to Brazil?

A. I just don’t remember. I can’t tell you.

Q. You have no recollection whatsoever of the subject of a Brazil vacation for the Arvizo family coming up?

A. Well, with anybody?

Q. Yes. Anybody.

MR. MESEREAU: Objection; vague as to time.

THE COURT: Sustained.

Q. BY MR. ZONEN: During the month of March or April, did you have a conversation with anybody wherein the subject matter of that conversation was whether or not the Arvizo family would be going to Brazil?

A. I would just be guessing. I can’t answer that as I sit here. If you want me to guess, I would say that the one person who would have -- if I had had that discussion, it might have been Dickerman or it might have been Brad.

Q. Were you aware at any time during March or April of 2003 that employees of Michael Jackson were assisting the Arvizos in getting visas, birth certificates and passports?

A. I think I -- I think I became aware of that. I just don’t know if it was from Brad or from -- Dickerman made the accusation. I just don’t remember at the time. And what I subsequently learned is other material.

Q. During the period of time that you instructed your employee, Brad Miller, to learn about who the Arvizos were associating with and talking to, did you learn that they were being escorted to places like federal buildings to get visas and passports?

A. I don’t believe he ever told me that he followed them to a visa application office or a

passport office or the federal building.

Q. Did Brad Miller ever tell you that he was aware of that there had been an application to get visas from the Brazilian embassy on behalf of the Arvizos?

MR. MESEREAU: Objection. Vague as to time; relevance; and beyond the scope.

MR. ZONEN: During the month of March and April.

THE WITNESS: I don’t think so.

THE COURT: Just a minute.

THE WITNESS: Sorry.

THE COURT: Overruled. The objection is overruled. The answer is in.

Q. BY MR. ZONEN: At any time between the time you became involved with Mr. Jackson on the 7th of February until the end of April of 2003, did anybody tell you that the Jackson -- that Jackson’s employees were assisting the Arvizos in getting visas to go to Brazil?

MR. MESEREAU: Objection. Hearsay; foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: I think I -- it would be the same answer I gave you before. If it happened, it would have been either Dickerman or Brad.

Q. BY MR. ZONEN: Did you associate the request by Mr. Dickerman for passports belonging to the Arvizos, did you associate that with a trip to Brazil?

MR. MESEREAU: Objection; vague as to time.

THE COURT: Sustained.

Q. BY MR. ZONEN: During the time you were receiving communications from Mr. Dickerman.

MR. MESEREAU: Still vague as to time.

THE COURT: Overruled.

THE WITNESS: No.

Q. BY MR. ZONEN: Are you telling us to the best of your recollection right now, in all of the telephone conversations you had with Mr. Dickerman, you do not recall him ever asking you specifically to have the Arvizos' passports returned to him; that that simply didn't come up?

A. No, I think what I testified to is that if passports came up, it would have been either through a conversation with Mr. Dickerman or with Mr. Miller, Brad.

Q. All right. Do you have a specific recollection of a conversation with Mr. Dickerman wherein he asked you to return his clients' passports?

MR. MESEREAU: Objection; vague as to time.

THE COURT: Sustained.

Q. BY MR. ZONEN: Do you have a recollection today of any conversation that you had with Mr. Dickerman in March or April or May or June of 2003 wherein the subject matter of that conversation was his clients' passports?

MR. MESEREAU: Objection; vague as to time.

THE COURT: Overruled.

THE WITNESS: I think if you take it into June, yes, I think we talked about that.
Q. BY MR. ZONEN: All right. You think that the first time that the conversation about passports came up in June?
A. No. But I think, as I indicated before, if I had the conversation -- the first question was March or April, and I do have a vague recollection of either Dickerman or Brad bringing that subject up. In my mind, the two are associated because I would fax his letters over to Brad and tell Brad to get the item.
Q. Between March and the end of June of 2003, did you tell Bill Dickerman that you would locate the passports that belonged to their clients?
A. The conversations with Dickerman were always not specific to items, at least when I was talking to him. It was as to the storage locker and the -- or the storage units.
Q. Did you have a conversation with Bill Dickerman at any time before the end of June 2003 about the return of passports?
A. Once again, the return of “items” in the 11386 storage locker.
Q. Mr. Geragos, passports. Did you talk about passports?
A. I do not believe -- yes, as I testified, I think in March or April we talked about passports, and it was either Dickerman or with Brad. And I think sometime before June, we had at least two phone calls where I talked about getting his items, or the items for his client, over to his office.
Q. Let’s focus on passports right now, okay? We don’t need to talk about anything beyond passports at this moment, all right? Did you ever tell Mr. Dickerman that you would try to locate his clients’ passports?
A. No, I told Mr. Dickerman I would try to locate “the items.”
Q. Did you ever tell Mr. Dickerman that you have located the passports?
A. I said, “We’ve got” -- “I know where the items are.”

Q. Did you ever have a conversation about where the passports were?

A. I do not believe I ever had a conversation as to where the passports were.

Q. Did he specifically ask you to return passports?

A. When?

Q. At any time during your phone conversations with him.

A. During the phone conversations I believe that he mentioned passports, that’s what I said, in March or April.

Q. When he mentioned passports to you, did you immediately understand those to be passports to get the Arvizo family to Brazil?

A. No. I did not understand that that was -- there was any connection.

Q. Did you understand that passports were in reference to the Arvizo family leaving this country, the United States?

A. I know what a passport is. I don’t know what -- I wasn’t trying to read his mind.

Q. Did you understand the passports to be in reference to the Arvizo family leaving this country?

A. That they wanted to leave? No, I didn’t have that understanding.

Q. Did you understand the passports to have something to do with Michael Jackson or his employees?

A. I understood that the items he wanted he felt were, or I felt, based on my conversations with Brad, were in storage.

Q. How many telephone conversations did you have with Mr. Dickerman between the 24th of March and the end of June of 2003?

A. I couldn’t tell you.

Q. Ten?

A. No.

Q. More?

A. Less.

Q. Five?

A. Maybe.

Q. And you’re telling us now that you have no recollection of a specific conversation where he specifically asked you to get the passports?

A. I’m telling you that when I talked to Mr. Dickerman, we always talked about getting the items from storage or him taking over the storage units. That’s what the subject of the conversations were.

And I’m telling you that he -- because you seem to be concentrating on the passports, that I think sometime in March or April, he either wrote it in the letter or he mentioned the passports as being among the items.

Q. All right. Now, when he said “passports,” did you make an effort to determine if your client or any of his representatives were in possession of Mrs. Arvizo’s passports?

MR. MESEREAU: Objection. Vague as to time; relevance; beyond the scope.

THE COURT: Overruled.

You may answer.

THE WITNESS: I took the letter and I faxed it to Brad and asked Brad to follow up on it.

Q. BY MR. ZONEN: All right. Now, did Brad Miller then contact you and tell you, yes, he knew where the passports were?

A. No.

Q. Did he tell you that the passports were in their storage locker?

MR. MESEREAU: Objection. Assumes facts not in evidence; foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: I don’t believe that he did.

Q. BY MR. ZONEN: Did you learn whether or not the passports were in the storage locker?

A. Firsthand knowledge or through hearsay?

Q. Any source.

A. Well, I was told later that the passports were in the possession of Vinnie; that Asaf had picked them up and Asaf had delivered them to my office.

Q. All right. Now, the passports were in the possession of Vinnie?

A. I’m told that Asaf picked them up from Vinnie.
Q. And took them to your office?
A. And delivered them to my office.
Q. Now, Asaf is Brad Miller’s employee?
A. Yes.
Q. All right.

A. That was my understanding.
Q. All right. He’s not your employee?
A. Well, I hired Brad. Asaf, my understanding, was working for Brad at the time.
Q. All right. Now, Asaf was working for Brad on behalf of Michael Jackson at that time?
MR. MESEREAU: Objection. Assumes facts not in evidence; misstates the testimony.
THE COURT: Overruled.
You may answer.
THE WITNESS: Asaf was working for Brad, and I assumed that Brad was working for me.
Q. BY MR. ZONEN: All right. When exactly was it that Asaf picked up the passports from Vinnie?
A. I don’t have any idea.
Q. When did Asaf deliver the passports to Geragos & Geragos?
A. I don’t have any idea.
Q. Did he give them to you?
A. No.
Q. Did he book them into some safe in your office?
A. They were put into an evidence locker style that has a locking device on it.
Q. Does Asaf have a key to that evidence locker?
A. No.
Q. So it had to go through somebody in your

office?
A. Yes.
Q. Was that you?
A. No.
Q. All right. Who was it?
A. I don’t know.
Q. Did you make an effort to determine who that

was?

A. I did.

Q. And who was it?

A. I still don’t know. It was either the receptionist or one of the assistants.

Q. The receptionist has a key to your evidence locker?

A. The receptionist has access to that locker to put items into it, yes.

Q. When did you find out that Mrs. Arvizo’s passports were in your evidence locker?

A. When I got a substitution of attorney from Mr. Mesereau, and I itemized all of the items that were in there, I located the passports.

I determined at that point that -- did a little legal research, realized that they would possibly be evidence in this case, did not want to give them to Mr. Mesereau because I thought that would make him a witness, and I filed them with the court.

Q. Mr. Geragos, you represented Michael Jackson

for what, 16 months?

A. Yes.

Q. And you didn’t know during that entire time that you had possession of Mrs. Arvizo’s passports?

A. That’s correct.

Q. And you made no effort to determine whether you had those passports during the time of your conversations with Mr. Dickerman?

A. Mr. Zonen, I don’t believe that I had them at the time of my conversations with Mr. Dickerman, because Mr. Dickerman would write me letters, I would fax the letters over, and I was relying on the items getting from the storage unit over to Mr. Dickerman’s office.

MR. ZONEN: May I take possession of Exhibit 625?

THE COURT: Yes.

Q. BY MR. ZONEN: Now, at the time that you discovered the passports in your storage facility, were you surprised to see them?

MR. MESEREAU: Objection. Relevance; argumentative.

THE COURT: Sustained.
Q. BY MR. ZONEN: Do you have a system in your law office where you’re supposed to be told what exhibits are being booked into your exhibit room?
MR. MESEREAU: Objection. Relevance; argumentative.

THE COURT: Overruled.
You may answer.
THE WITNESS: There’s a log that is supposed to be kept.
Q. BY MR. ZONEN: Did you check with the log to find out when the passports came in?
A. I did, and there was no notation for them. They apparently were in a manila envelope, and it may be the same manila envelope that I filed with the Court.
Q. Did you make an inquiry of the employees of your law office to find out who it was who received it?
A. I did. I couldn’t find anybody who had checked it in, and I made an inquiry with Brad, who told me about Asaf having picked them up and then delivered them.
Q. Did Brad Miller find out who Asaf gave the passports to?
MR. MESEREAU: Objection. Calls for speculation; relevance.
THE COURT: Sustained.
Q. BY MR. ZONEN: Based on any conversation you had with Brad Miller about the movement of those passports, did you then consult with anybody in your office about whether or not they had, in fact, received those passports?
MR. MESEREAU: Objection. Asked and answered; relevance.

THE COURT: Overruled.
You may answer.
THE WITNESS: Yes, I asked virtually everybody who was there, if not everybody who was there, who had received them. Nobody had knowledge of them. And I couldn’t get to the bottom of how they got in there. I assumed that because they were

in the manila envelope, somebody had placed them in there because they were told that it related to Mr. Jackson’s case.

Q. BY MR. ZONEN: When you found those passports, did you look at them?

A. Yes.

Q. Now, you recognized those passports as being passports that did not belong to you; is that right?

A. I recognized them as passports that were not mine, absolutely.

Q. And your understanding is that passports are the possession of the person to whom they’re issued?

A. Well, rather than give them to --

Q. Was that a “yes” or “no”?

A. I don’t know how to answer that. I recognized that the court would want them, or that they should be in possession of the court, and I delivered them to the court.

Q. It did not occur to you that those passports belonged to Janet Arvizo and her children?

A. I was not in this case, as the lawyer for this case, going to take items which I thought had evidentiary value and send them back to the Arvizos. My ethical obligation was to file them with the court.

Q. Did you immediately file them with the court, that day?

A. No. I believe I researched it, and I consulted with several other lawyers, and did it within a relatively short period of time.

Q. How long is “a relatively short period of time”?

A. I couldn’t tell you. I know that I did it -- it was a -- it was a concern.

Q. Did you have Attorney Benjamin Brafman write a letter to the Court?

A. I talked to Benjamin Brafman about it. He’s one of the lawyers I consulted with.

Q. Did you ask him to write a letter to the Court?

A. I don’t know. I know that I had a lawyer -- what I did do is I directed a lawyer from my office to file them with the court.

Q. Did you contact Bill Dickerman and tell him you've located the passports?

A. No.

Q. Why not?

A. Well, Bill Dickerman, as I understand it, was on the witness list at that point, and I didn't feel that that was appropriate.

Q. So you gave consideration to contacting Bill Dickerman?

A. I had given consideration to a number of alternatives, in discussions with lawyers about it.

Q. Do you know where all of the communications are between you and Bill Dickerman?

A. No.

MR. ZONEN: If I could approach, Your Honor.

THE COURT: Yes.

Q. BY MR. ZONEN: Showing you again Exhibit No. 625, and this time a letter on April 8th of 2003, do you recognize this letter?

A. This may be one of the letters that he sent me.

Q. If you could go to Paragraph 3, please. Read that out loud, if you would, please.

A. "Regardless of when the apartment items are returned, please deliver to my office the passports, visas, birth certificates and all other documents belonging to my clients immediately. They were last, to my client's knowledge, in Vinnie's possession."

Q. "Immediately" is underlined; is that right?

A. That's correct.

Q. Do you understand underlining to mean --

A. Emphasis.

Q. Emphasis. All right. Now, when you received this presumably on or about the 8th of April, did you then make an effort to look for those passports?

A. I don't believe that the passports were in my possession on the 8th of April.

Q. Did you contact Vinnie to find out if, in fact, Vinnie had those passports?

A. No. I -- what I said before is, I took the letter, I faxed it to Mr. Miller, and I asked Mr. Miller to take action.

Q. All right. Did you follow up with Mr. Miller soon after the 8th of April to find out if, in fact, he had located the passports?

A. I just asked him about the items. I wanted all items delivered to Mr. Dickerman’s office.

Q. You acknowledge now receipt of the April 8 letter; is that correct?

A. I -- when you say “acknowledge receipt,” it looks like one of the letters he sent me. I don’t -- frankly, as I sit here, I don’t know if all of those letters are the same letters that Mr. Dickerman sent me, because there’s a number of them that don’t have letterhead, nor are they signed.

Q. Now, this particular letter does actually have a letterhead, “Law Offices of Dickerman & Associates,” April 8th, the one you acknowledge receiving?

A. No, I didn’t acknowledge receiving it. I said it looks like a letter he would have sent me. But I can tell you as I sit here, the more I think about it, that I don’t believe he sent me this March 26th letter. I think he may have sent me a letter in March, but it wasn’t this letter. And I think that’s why there’s no letterhead on it, and I think that’s why there’s no signature on it. I wouldn’t trust anything Mr. Dickerman tells me.

Q. Let’s move on to the letter that you’ve said looks more familiar, all right? The April 8th one. And I believe you said that it does look familiar. You think you’ve read that; is that correct?

A. No. I’m telling you it looks familiar because it’s got a letterhead, it’s addressed to me, it’s purportedly signed by him. I am not going to sit here, unless you want me to go back and review it, but I wouldn’t -- I wouldn’t -- I wouldn’t attest to anything that Bill Dickerman has produced is the accurate item.

Q. April 9th, take a look at this letter, please. That has a letterhead and a signature; is that correct?

A. It does.

Q. All right. The content of that letter refers to passports, doesn't it?
A. Yes, it does.
Q. Visas and birth certificates?

A. Yes.
Q. Do you have a recollection of reading this letter?
A. I don't have a recollection of reading that letter.
Q. Do you know where your communications are between you and Mr. Dickerman?
A. I do not as I sit here. I don't know if I still have them in the office or not.
Q. You could very well have these in your office?
A. I don't know if I do.
Q. Did you turn over your file to the current defense team, Mr. Mesereau and Mr. Sanger and Miss Yu?
A. I believe that I've turned over my entire file.
Q. Would that have included the letters from Mr. Dickerman?
A. Should have.
Q. You acknowledge that the one dated April 9th also contains a reference to birth certificates, visas and passports?
A. The one that he's provided you does. I would also tell you that the April 11th letter, which has no letterhead, no signature on it, I don't believe I ever received, the following one. I will tell you that if I have a letter,

that I generally referenced in my letter the one that he would send me. And I would do it there. I would say, "Thank you for your letter dated May 12th." Or I would say, "Thank you for your letter --
Q. Let's turn to the --
MR. MESEREAU: Objection. He's cutting off the witness.
THE COURT: Sustained.
MR. MESEREAU: Could I ask the Court to

allow the witness to complete his answer?

Q. BY MR. ZONEN: You do have a letter here --

THE COURT: Just a moment, Counsel. We're having a conversation over here.

MR. ZONEN: Did you want me to be part of that?

THE COURT: It would help.

Mr. Mesereau requested the witness be allowed to finish the answer. I agree. He probably doesn't remember where he was at this point.

Do you have anything to add to your answer?

THE WITNESS: All I was going to say is that if I reference a letter, I would assume that I got -- that would normally be how I would start it. I would start my letter back to him referencing or thanking him for his letter of that particular date.

That does not, however, mean that the letter that he's produced that I necessarily think is the

one that I got. And I would just show you the -- here's the March 26th letter. This is the one that has no letterhead and is not signed.

The first letter that he apparently has put in this package, I say, "Thank you for your letter of April 3rd. Please give me a call."

I don't mention the March letter, which leads me to believe I didn't get it. I do the same thing with the others. And I don't believe he sent this letter to me.

Q. MR. ZONEN: A letter from you to Mr. Dickerman, a one-sentence letter.

A. Yes.

Q. It says, "We have retrieved various items from storage and would appreciate your advising us as to where they should be delivered."

A. Yes.

Q. The date is the 15th of April.

A. Right.

Q. Does that reference any letters from Mr. Dickerman?

A. I believe that was when we started to talk about, in the phone conversations with him, of having them delivered to a location. And at some subsequent point we actually tried to deliver the items to his office directly.

Q. Did you arrange to have all of the possessions that were placed in storage that belonged to the Arvizo family delivered to Mr. Dickerman’s office?

A. I told Brad to deliver them to the office and give him everything that they had.

Q. Did you tell him to do that knowing that he had no way of accommodating an apartment full of possessions at his office?

A. Did I do it knowing that he couldn’t accommodate them?

Q. Yes.

A. I thought he could accommodate it, and I thought it was a law office, and I thought if he wanted them immediately, I was going to give him them immediately, because he would not go and take the storage locker or deal with the storage locker.

Q. Did you get Mr. Dickerman’s position -- Mr. Dickerman’s permission to deliver the entire content of the Arvizo familys apartment to his office in advance of your doing so?

A. No. What happened was, is when they took --

Q. That’s a “yes” or “no,” Mr. Geragos. Did you or did you not get his permission?

A. No.

Q. All right. Did you arrange to have it delivered to his office on a day that you knew he would not be there because it was a religious holiday for him?

A. No, I have no idea what religion he is.

Q. Did you know that there was a message on his voice mail indicating that he would not be in his office because of a religious holiday on the date that those possessions were delivered to him?

A. No. I did not know that there was a message on his voice mail. And in any event, the landlord apparently would not accept the items, so they didn’t get delivered.

Q. Did you instruct Mr. Miller to deliver all of the items to Mr. Dickerman?

A. Yes.

Q. Did you tell Mr. Dickerman where the items were being stored, the location?

A. Either I did or Brad would have.

Q. When?

A. I don’t know.

Q. Do you know why that they were stored under Brad Miller’s name?

A. As opposed to whose?

Q. Janet Arvizo. They’re her possessions, weren’t they?

A. She would have had to have paid for it, and she claimed she had no money, is what my understanding was from Brad.

Q. And why exactly was Brad Miller willing to assume the cost of paying for the storage of her possessions for months? Why was he willing to do that?

A. I don’t know. You’d have to ask him that. I don’t think he wanted to.

Q. Why were you willing to do that? You were paying that bill, weren’t you?

A. I don’t believe I was paying that bill, and I don’t believe that he wanted to do that. I think he wanted them -- and I told Mr. Dickerman that I wanted him to take that over so Brad did not have to continue doing that.

Q. Mr. Geragos, were you responsible for vouchers being submitted to you by Brad Miller for expenses that he incurred in this investigation?

A. Vouchers?

Q. How did you bill -- how did he bill you? How did you pay him?

MR. MESEREAU: Objection; relevance.

THE COURT: Overruled. You may answer.

THE WITNESS: He would send me a bill and I would pay it.

Q. BY MR. ZONEN: Did you keep copies of those bills?

A. Probably not.

Q. Did you review them to see what he was doing?

A. Well, I would have looked at it for the amount, and then would have authorized payment, if we paid it directly. I don’t know, as I sit here, whether I paid all of his bills or whether he submitted them to Mr. Jackson’s accountant. I couldn’t tell you as I sit here.

Q. When did Mr. Jackson stop being responsible for the storage of Miss Arvizo’s property?

MR. MESEREAU: Objection. Assumes facts not in evidence; foundation.

THE COURT: Sustained.

Q. BY MR. ZONEN: When did you stop being responsible for the storage fees of Mrs. Arvizo’s property?

MR. MESEREAU: Objection; assumes facts not in evidence.

THE COURT: Overruled.

THE WITNESS: All right. I don’t know that I -- I guess ultimately I’m responsible because Brad was working for me, but I don’t think that I was trying to keep those items. In fact, I was trying to get those items to Dickerman.

Q. BY MR. ZONEN: During the four or five months that Miss Arvizo’s possessions were in a locker under the name of Brad Miller, who was paying that bill, the storage fees?

A. I assume Brad was.

Q. Would he then bill you?

A. He would either bill me or he would have billed Mr. Jackson’s accountant.

Q. Would there be a specific designation for that bill as “Arvizo family storage”?

A. I don’t know if there would or not, or whether it would have just been some kind of a listing of expenses.

Q. Do you know where those bills are today?

A. I do not.

Q. Did you order a surveillance be conducted upon Hamid Moslehi?

A. I think that I did tell Brad to find out what he was doing with the videotape when he wouldn’t return it.

Q. Did you specifically tell Brad Miller to

follow Hamid Moslehi?
A. I wanted to know what he was doing with the videotape.
Q. Did you ask him to film Hamid Moslehi?
A. Probably not.
Q. Did you believe that Hamid Moslehi was also going to shake down Michael Jackson?
A. I wanted to know why -- when I was promised that we were going to get a copy of the videotape, why we didn’t get it.
Q. Did you know a man by the name of Johnny?
MR. SNEDDON: It’s not there.
MR. ZONEN: I’ve got it up here? Where is it? The one that’s in evidence.
MR. SNEDDON: It’s in there.
MR. ZONEN: I’m like that on Fridays.

THE WITNESS: I understand.
Q. BY MR. ZONEN: Did you know a person named Johnny Mejietich?
A. When?
Q. Easy for me to say, huh? M-e-j-i-e-t-i-c-h, Mejietich.
A. Not in 2003.
Q. All right. You later learned who that was; is that right?
A. That’s right.
Q. And when you learned who that was, you learned that he was some kind of an investigator working for Brad Miller?
A. I learned that later.
Q. You learned that he was not a licensed investigator; is that right?
A. I will accept your representation, but, no, I didn’t know that.
Q. Did you ever meet Johnny personally?
A. I don’t believe I have.
Q. Did you know at the time that he was working for Brad Miller? And when I say “at the time,” I mean on the assignment to follow and investigate the Arvizo family.
A. No. Not him specifically.
Q. Did you know that he contacted the Arvizo family at the home of Janet Arvizo’s parents in El

Monte?

A. No.

Q. Did you know that he was throwing stones at their house?

MR. MESEREAU: Objection. Misstates the evidence; assumes facts not in evidence; foundation.

MR. ZONEN: That’s Maria Ventura’s testimony, Your Honor.

MR. MESEREAU: That’s not what she said.

MR. ZONEN: And Davellin Arvizo’s testimony.

THE COURT: The objection is overruled. You may answer.

THE WITNESS: No. I don’t know, and I would find that hard to believe.

Q. BY MR. ZONEN: You would not have approved of such behavior on behalf of an agent working on your behalf; is that right?

A. Right. I don’t send people out to throw stones at people’s houses.

Q. Did you ever meet Mr. Mejietich personally?

A. I think I said I don’t believe that I have.

Q. Did you ever see him?

A. I don’t believe that I’ve ever met him, so I don’t believe I’ve ever seen him.

BAILIFF CORTEZ: Can’t hear you, sir.

THE WITNESS: I don’t believe I’ve either met or seen him.

Q. BY MR. ZONEN: When the hands go flying out there, it means they can’t hear.

A. I thought it was bathroom break.

(Laughter.)

Q. Exhibit No. 277, would you take a look at that note, both front and back?

THE COURT: Mr. Zonen, you’ve been taking a lot of liberty at the witness stand.

MR. ZONEN: “Liberty” what, sir?

THE COURT: At the witness stand.

MR. ZONEN: I will move away immediately.

Q. Do you recognize that exhibit?

A. No.

Q. Is that, in fact, what appears to be a note?

A. Yes. It’s a -- it looks like a piece of paper that's torn out of a spiral notebook of some kind.

MR. MESEREAU: Excuse me. Can I see what the exhibit looks like?

THE COURT: Yes.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: Yes.

MR. MESEREAU: Thank you.

MR. ZONEN: We learn never to open those binders. They go everywhere once we do that.

Q. You said you don't recognize that note; is that right?

A. I do not.

Q. During the course of your representation of Mr. Jackson you never saw that exhibit?

MR. MESEREAU: Objection; vague as to time.

Q. BY MR. ZONEN: At any time.

MR. MESEREAU: Beyond the scope.

THE COURT: Sustained.

Q. BY MR. ZONEN: Did anybody tell you that Mr. Mejietich, on behalf of Brad Miller, went to the home of Janet Arvizo's parents in El Monte?

A. I think I read a report, one of the sheriff's reports that mentioned that.

Q. If you were to learn that that note was left by Mr. Mejietich at the Ventura family residence in El Monte, would that be consistent with your instructions to Brad Miller?

MR. MESEREAU: Objection. Calls for speculation; foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: I don't know what -- I don't know how to answer that, because I don't know why it would have been left.

Q. BY MR. ZONEN: Do you know why an employee of yours was requesting Gavin or Star contact Vinnie or Frank?

A. I don't know. It doesn't say Gavin or Star on it.

Q. Turn it over.

A. Is that what it says? It looks like "To Stat" or -- I guess that could be "Gavin." I don't know.

Q. Do you know why an employee of yours would be directing a 13-year-old boy and a 12-year-old boy to call Vinnie or Frank?

A. I don’t know why the note was left. Like I said, I’ve never seen the note.

Q. All right. Now, after the 13th of March, would you have --

A. Of 2003?

Q. -- would you have any reason --

A. Of 2003?

Q. Of 2003. Would you have any reason to direct an employee of yours to have these children contact employees of Michael Jackson?

MR. MESEREAU: Objection. Calls for speculation; foundation; relevance; beyond the scope.

THE COURT: Overruled. You may answer.

THE WITNESS: I don’t know why the note was left.

Q. BY MR. ZONEN: Do you know if Brad Miller was working with Frank or Vinnie during the early to middle part of March?

A. When you say “working with,” I believe he was talking to them.

Q. All right. Was he receiving instructions from them?

A. I don’t think he was receiving instruction from them.

Q. Did you give any direction to Brad Miller to take instruction from either Frank or Vinnie?

A. No. I don’t think that he was taking -- I don’t know, but I don’t think he was taking instruction from them.

Q. Did you know that in the early part of March of 2003, there was an effort by some employees of Michael Jackson to have the Arvizo family go to Brazil?

MR. MESEREAU: Objection. Assumes facts not in evidence; foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: In March or February of 2003, I don’t believe so. I think that was -- is that a different question than what you had asked me before?

Q. BY MR. ZONEN: No.

A. Before the break?

I don’t believe so. I think, as I indicated before, if I had that conversation, it would have been with either Dickerman or Brad.

Q. During February or March of 2003, did you have a conversation with Marc Schaffel about the Arvizo family going to Brazil?

A. I don’t believe so.

Q. Were you aware, during the month of March of 2003, whether or not employees of Michael Jackson checked the Arvizos’ sons out of John Burroughs Middle School?

A. No, I’m not aware that that happened.

Q. When did you learn that happened?

MR. MESEREAU: Objection. Foundation; assumes facts not in evidence; relevance; beyond the scope; vague as to time.

MR. ZONEN: Leading, too?

MR. MESEREAU: Leading, too.

THE COURT: The objections are overruled.

MR. ZONEN: Mine too?

THE WITNESS: I don’t know that I’ve ever learned that.

Q. BY MR. ZONEN: Was there ever a conversation with Brad Miller about the children going to John Burroughs Middle School?

MR. MESEREAU: Objection. Vague as to time; relevance; beyond the scope.

THE COURT: Overruled.

You may answer.

THE WITNESS: I don’t remember. I mean, they may have attended there. Maybe. I don’t know.

Q. BY MR. ZONEN: Were you aware that Johnny Mejietich was seen filming the Arvizo children at John Burroughs Middle School?

A. No.

MR. MESEREAU: Objection; vague as to time.
THE COURT: Overruled. The answer was “No.” Next question.
Q. BY MR. ZONEN: Did Brad Miller ever talk to you about conducting a surveillance of the children at John Burroughs Middle School?
A. No, not that I’m aware of. I don’t know that I talked specific locations. Like I said, I told him to find out where they were, what they were doing, who they were meeting with.
And the middle school doesn’t ring a bell. It’s not to say he might not have said they’re attending school or might not have told me at some point that they were attending school or he saw them attending school. I just don’t remember John Burroughs Middle School.
Q. Do you know why the children were checked out of John Burroughs Middle School by Vinnie?
A. I don’t know that that happened.
Q. Well, let’s assume, hypothetically, in early March 2003, Vinnie Amen, then an employee of Michael Jackson, checked out these two boys from John Burroughs Middle School.
A. I don’t know why he would have done that.
Q. Did anybody have any conversation with you about Michael Jackson’s employees being involved with these two boys being taken out of that school?
MR. MESEREAU: Objection. Vague as to time; assumes facts not in evidence; relevance; beyond the scope.

THE COURT: Overruled.
You may answer.
THE WITNESS: Discussions with Vinnie? Is that what you’re asking? Or with anybody?
MR. ZONEN: Could the question be read back?
THE COURT: Yes.
(Record read.)
THE WITNESS: I don’t believe so, no.
Q. BY MR. ZONEN: Now, during this period of time, of February and March of 2003, you were representing Michael Jackson?
A. Yes.
Q. And your concern, of course, dealt with the

Arvizo family?

MR. MESEREAU: Objection. Vague; argumentative; foundation.

THE COURT: Overruled.

Q. BY MR. ZONEN: Is that correct?

A. That was one of my concerns, yes.

Q. All right. I assume one of the other concerns you had is whether or not the statements Michael Jackson made in the “Living with Michael Jackson” documentary were true?

MR. MESEREAU: Objection. Vague as to time; relevance.

THE COURT: Overruled.

You may answer.

THE WITNESS: Which statements?

Q. BY MR. ZONEN: About sleeping with boys.

A. Whether they were true?

Q. Yes.

A. We went through this before. I told you before. The suggestion that the sleeping with boys was sexual, if that’s what you’re suggesting, no, I did not believe that that was true.

Q. Mr. Geragos, the question was whether or not any boys occupied the same bed with Michael Jackson at the same time.

A. That wasn’t the question.

Q. All right.

A. You asked me about sleeping with them and now you’re asking me whether they’re sleeping in the same bed.

Q. All right.

A. Okay. So I don’t know what statements you’re talking about. Be specific.

Q. Did you make any inquiry with Michael Jackson during the months of February and March about whether or not he shared a bed with a child other than his own?

MR. MESEREAU: Objection. Relevance; foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: Michael Jackson, in the

discussion I had with him and my observation of him with the kids, I did not --

MR. ZONEN: I’ll object as exceeding the scope of the question.

MR. MESEREAU: Objection; he’s cutting off the witness.

MR. ZONEN: We’re going to have to resolve that, too.

THE COURT: The objection is sustained. He’s not cutting off the witness. He’s not answering the question.

Read the question back.

(Record read.)

THE WITNESS: Yes.

Q. BY MR. ZONEN: Did you ask him if it was true that he shared a bed with a child other than his own?

A. No, I did not ask that question.

Q. During February and March of 2003, during the period of time that you had directed Brad Miller to take account of who the Arvizo family were associating with, did you consult with any employees of Michael Jackson to determine what they were doing with the Arvizo family?

A. Yes, I think that I talked to a number of people.

Q. Did you talk with Marc Schaffel?

A. I believe that I talked a number of times with Marc Schaffel. I talked with, I believe, Joe Marcus. And I had other lawyers in the office talk with people at the ranch as well.

Q. Did you have conversations with Marc Schaffel specifically about the Arvizo family?

A. I think that I’ve talked with Schaffel about the Arvizo family.

Q. Did Marc Schaffel tell you that they were making arrangements to move the Arvizo family to Brazil?

A. I just don’t remember if he told me -- if he ever told me that. I think that normally when I talked to Schaffel about the Arvizos, my memory of it is in regards to the video and this rebuttal tape, as they called it.

Q. Mr. Geragos, with regards to conversations with Marc Schaffel, are you telling us it’s possible you had a conversation with him about moving the Arvizo family to Brazil?
A. That if -- no. I don’t think that he ever told me that he was moving the Arvizo family to Brazil. I just don’t have any recollection of that.
Q. Do you have a recollection of any conversation with Marc Schaffel wherein the subject of Brazil came up?
A. You know, I think that Schaffel, during that period of time, told me that he had gone to Brazil.

Q. All right. Did you have a conversation with Marc Schaffel at any time in February, March of 2003, where Marc Schaffel mentioned Brazil in the context of the Arvizo family?
A. I don’t believe so. I believe that when he talked about Brazil, it was because he had gone to Brazil or was going to Brazil or something to that effect.
Q. Did you have any conversations with Frank Cascio during the month of February and March?
A. Yes.
Q. Did you have numerous conversations with Frank Cascio during the months of February and March of 2003?
A. I would say more than five.
Q. Could it have been more than 25?
A. It could -- well, I wouldn’t say 25. But I would say more than five.
Q. Do you have a recollection as to whether any of those conversations included a discussion of Brazil?
A. I don’t know if the conversations took place after I would have talked to Brad or Dickerman. I just don’t know. I can’t put it in context. But I don’t -- as I sit here, I don’t remember, but that doesn’t mean I didn’t.
Q. Do you have a recollection of any specific conversation you had with Frank Cascio regarding the

Arvizos and Brazil?
A. I don’t have any specific recollection as I

sit here.

Q. Do you have a recollection of anything Frank Cascio may have said to you about the Arvizo family going to Brazil?

A. No, I still think that probably would have been with Brad or with Dickerman.

Q. Did you have any conversations with either Dieter Weizner or Ronald Konitzer during March or February of 2003?

A. I think, as I testified last week, that in February and March of 2003, I had very limited contact with Dieter.

And I talked with Ronald. And I don’t think I talked to Ronald about any of -- any of those things. Ronald’s discussions with me generally wouldn’t have been about things like that.

Q. Do you have a recollection at all during the months of February and March of 2003 of thinking to yourself that Michael Jackson or his employees ought not be involved in moving the Arvizo family to Brazil?

MR. MESEREAU: Objection. Argumentative; foundation.

THE COURT: The objection is overruled.

THE WITNESS: Of thinking to myself?

Q. BY MR. ZONEN: Yes.

A. I don’t know.

Q. Did you have a conversation with anybody at all during the months of February or March of 2003 where the subject of that conversation was the fact that Michael Jackson’s employees ought not be involved in moving Janet Arvizo and her children to Brazil?

A. If I would have had that conversation, like I said, it would have been with Dickerman and/or Brad.

Q. All right. And you’re saying you would have, but you have no independent recollection of it?

A. I don’t remember what the conversation was or who brought up Brazil. I know that there was discussions, and I just don’t remember if it was Dickerman or Brad.

Q. Were any bills paid for passports or visas, passports or visas or birth certificates that were paid for by you?

A. No.

Q. Were there any bills paid for by you that involved moving the Arvizo family from their apartment or their rents?

A. Not that I’m aware of.

Q. Only the storage unit, then, was paid by your office?

A. If he submitted it with an expense bill, but I don’t believe that he did. I would have to take a look at the bills.

Q. Mr. Geragos, I asked you a question early on about the DCFS taped interview, the tape of that interview. And you answered that you thought it may have come from Mr. Sneddon.

A. The tape would have been turned over as a copy after the search warrant was executed.

Q. All right. Mr. Geragos, you know that that tape was not in our possession until just prior to the trial?

A. I didn’t --

MR. MESEREAU: Objection. Argumentative; assumes facts not in evidence

THE COURT: Sustained.

Q. BY MR. ZONEN: Mr. Geragos, when you say the tape was received, do you mean in discovery?

A. I believe that, yes, in discovery, the tape was received.

Q. All right. You think that that tape was then seized from Michael Jackson’s residence?

A. No.

MR. MESEREAU: Objection.

THE WITNESS: I think --

MR. MESEREAU: Objection; foundation.

MR. ZONEN: Well, then we need to resume this at sidebar, based on the earlier conversation as to how to resolve this.

THE COURT: Do you have any other questions you want to ask?

MR. ZONEN: Perhaps, if I could have just a moment, yeah.

May I have just a moment, please?

(Discussion held off the record at counsel table.)

Q. BY MR. ZONEN: Mr. Geragos, did you at any time have a conversation with your client, Michael Jackson, during the months of February or March where the subject of Brazil came up?

A. No.

Q. He never told you he was going to go to Brazil?

A. No.

Q. Did he ever talk to you about the Arvizo family?

A. Going to Brazil? Absolutely not.

Q. Were you aware that employees of yours were standing guard outside the Country Suites in Calabasas?

MR. MESEREAU: Objection. Argumentative; assumes facts not in evidence.

THE COURT: Overruled.

You may answer.

THE WITNESS: I don’t believe any employees of mine were standing guard outside of the Country Suites. I don’t buy that for a second.

Q. BY MR. ZONEN: Are you aware that Johnny was there at the Country Suites at the time that the Arvizo family was staying there?

A. If he was there, I don’t believe he was standing guard.

Q. Do you know what he was doing there?

A. I don’t. But I don’t believe that he would be standing guard.

Q. Did Brad Miller ever talk to you about his involvement with the Arvizo family at the Calabasas -- at The Country Suites & Inn in Calabasas?

A. At the time in February or March, no.

Q. All right. Did he tell you that he was surveilling them while they were at The Country Inn & Suites in Calabasas?

A. I don’t believe that he was.

Q. Did he tell you that he was doing that?

A. I don’t believe that he did, no.

Q. Did he tell you that he was conducting any kind of surveillance of the family between the days of the 25th of February and the 2nd of March?

A. I think that he was, yes.

Q. All right. Now, that, of course, was during the period of time that you had directed him to do an investigation of the Arvizo family; is that right?

A. I wanted to know where they were and what

they were doing.

Q. And that direction included finding out where they were and what they were doing, right?

A. Exactly.

Q. Did word get back to you from Mr. Miller that for that five-day period they were at a hotel in Calabasas?

MR. MESEREAU: Objection; vague as to relevance.

MR. ZONEN: The 28th of February -- I’m sorry, the 25th of February to the 2nd of March, 19 -- 2003.

THE COURT: The objection is overruled.

THE WITNESS: I don’t remember if he did. It wouldn’t surprise me if he did, but I don’t remember.

Q. BY MR. ZONEN: Did he tell you what they were doing there?

A. Like I say, I don’t remember if he did.

Q. Did you learn from him if they were there with Vinnie and/or Frank?

MR. MESEREAU: Objection. Vague as to time; relevance; beyond the scope.

THE COURT: Overruled.

THE WITNESS: As I indicated, I don’t have an independent memory of what he would have told me back then as to the Country Suites.

Q. BY MR. ZONEN: Was Brad Miller working

directly with Vinnie and Frank to determine the whereabouts and location and movement of the Arvizo family?

A. I don’t believe that he was, no.

Q. Did you instruct employees of Michael Jackson to cooperate with Brad Miller so that he could do his investigation of the Arvizo family?

A. I instructed Brad Miller to talk to people.

Q. Did you tell him to specifically talk to Vinnie and Frank about where the Arvizos were going and from where they were coming?

A. I would tell him to talk to Vinnie and Frank, absolutely.

Q. So it would be reasonable to assume that Brad Miller knew where they were during this period of time if they were in the company of either Frank or Vinnie?

A. I think that’s reasonable.

Q. All right. Did you ever learn that they were at The Country Inn & Suites in Calabasas during that period of time?

A. Did I learn it in February or March?

Q. Yes.

A. I don’t think that I did. But like I say, he may have told me.

Q. If, in fact, Johnny was there at that time, he would have been there at Brad Miller’s direction; is that true?

A. As I sit here today, yes.

Q. Did you know something back then different from that?

A. I didn’t -- as I explained to you, I didn’t know Johnny was working for him at the time. I know --

Q. When did you first learn the expression --

MR. MESEREAU: Objection. He cut off the witness.

THE COURT: Sustained.

You may complete your answer.

THE WITNESS: It’s okay.

Q. BY MR. ZONEN: When did you first hear the statement “crack whore” in connection with Janet Arvizo?

MR. MESEREAU: Objection. Assumes facts not in evidence; foundation; argumentative.

THE COURT: Sustained. Foundation.

Q. BY MR. ZONEN: Did you ever have a conversation with Marc Schaffel about Janet Arvizo where the term “crack whore” came into the conversation?

MR. MESEREAU: Objection. Foundation; argumentative.

THE COURT: Overruled.

THE WITNESS: I don’t believe so.

Q. BY MR. ZONEN: Did you have a conversation with Brad Miller about the content of the telephone calls that he had been monitoring between Frank and

Janet Arvizo?

MR. MESEREAU: Objection. Foundation; assumes facts not in evidence.

MR. ZONEN: I’m sorry?

THE COURT: Foundation, sustained.

Q. BY MR. ZONEN: Did you learn from Brad Miller that Janet Arvizo and Frank Cascio had been having telephone calls during the month of February while she was away from Neverland Ranch?

A. In -- did I learn that in February or March -- in March of 2003?

Q. Yes.

A. I believe that I knew that they had called -- that they had talked to each other on the phone, yes.

Q. All right. Did Brad Miller tell you about the content of those telephone conversations?

A. He might have. I don’t have any memory of it.

Q. Did he tell you specifically that Janet Arvizo told Frank Cascio that she could not be bought and that she would not sell a story to any of the media or the tabloids?

A. No.

Q. He never said that to you?

A. No.

Q. Did he tell you about the content of any of those telephone calls that she had with Frank?

A. Yeah, and that -- one of the things that sticks out in my mind is that she was complaining about what she called “the Germans.”

Q. All right. She was scared of the Germans?

A. She wasn’t scared. She didn’t indicate she was scared. But she was complaining about them, that they were limiting her.

Q. Now, you never listened to those phone conversations, right?

A. Which phone conversations? The ones between Frank and Janet?

Q. Janet, yes.

MR. MESEREAU: Objection. Vague as to time; relevance; beyond the scope.

THE COURT: Overruled.

You may answer.

Q. BY MR. ZONEN: Did you ever listen to those?

A. In February or March of 2003, no.

Q. All right. When did you finally listen to that telephone conversation or conversations?

MR. MESEREAU: Objection. Relevance; beyond the scope.

THE COURT: Overruled.

THE WITNESS: Sometime after February or March of 2003.

Q. BY MR. ZONEN: All right. And in fact, she said that she was scared and upset about the Germans, right?

MR. MESEREAU: Objection. Hearsay; assumes facts; foundation.

THE COURT: It’s vague. The question is vague.

Q. BY MR. ZONEN: When did you listen to the tape-recording of the phone conversation between Janet and Frank?

MR. MESEREAU: Objection. Relevance; beyond the scope; vague as to time.

MR. ZONEN: That’s what I asked, was when.

THE COURT: The objection is overruled. He did answer that. He said, “Sometime after,” and he gave a period of time.

Q. BY MR. ZONEN: I would like to know when that was, please.

A. I don’t know the exact date. It would have been sometime well after.

Q. All right. Prior to --

A. It would have been after the time of the search warrant on Mr. Miller’s office.

Q. All right. And when you listened to it, you heard what she had said; is that correct?
A. That's right.
Q. All right. And did you listen to that tape in the company of Brad Miller?
MR. MESEREAU: Objection. Beyond the scope; relevance; vague as to time.
THE COURT: Overruled. You may answer.

Q. BY MR. ZONEN: Did you listen to it in the company of Brad Miller?
A. I don't think so.
Q. After you listened to it, did you call Brad Miller?
MR. MESEREAU: Objection. Foundation; relevance.
THE COURT: Overruled.
THE WITNESS: Overruled?
THE COURT: You may answer.
THE WITNESS: Yeah. Probably did, yes.
Q. BY MR. ZONEN: You probably listened to it in the company of Brad Miller?
A. No, I listened to it and then probably called him afterwards, yes.
Q. Did you ask him why it was that he had a tape-recording of a conversation that was clearly a telephone conversation?
A. Yes, I --
MR. MESEREAU: Objection. Relevance; foundation; vague as to time; and argumentative.
THE COURT: Overruled. The objection is --
THE WITNESS: Yes, I did.
Q. BY MR. ZONEN: What did he tell you?
A. He told me --
MR. MESEREAU: Objection; hearsay.
MR. ZONEN: A declaration against penal interest.

THE COURT: Overruled.
Q. BY MR. ZONEN: Go ahead. What did he tell you?
A. He told me that Frank had expected that there was going to be some kind of a -- an admission

or crime that Janet was going to propose on the telephone call and that's why he taped it.

Q. Now, you understand that that should be monitored by law enforcement, right?

A. That's one of the exceptions, yes.

Q. Can you tell us what Penal Code section says that a private citizen can decide on their own to tape-record a conversation because they think there's going to be a crime?

A. If you give me the Penal Code at the break, I'll be happy to point it out to you, and I'll give you the case as well.

Q. Did you give Brad Miller instruction to do that, to tape-record telephone conversations between Frank and Janet?

A. No, I did not.

Q. In fact, what you listened to didn't evidence any crime whatsoever, did it?

A. I did not hear any crime on that phone -- on that phone call.

Q. She did not ask Frank for money at all, did she?

A. That's correct.

Q. She did not tell Frank that she was going to take her story to the press, right?

A. That's correct.

Q. And that wouldn't have been a crime either, would it have?

A. It would not have been.

Q. The only crime that you anticipated would be her telling Frank, "I would like some money or I'm going to make a false claim against your client, Michael Jackson"?

A. When you say I "anticipated," I told you I didn't listen to it until after it was seized out of Mr. Miller's office.

Q. Did Mr. Miller make the decision on his own to tape-record that conversation?

A. That's what he told me.

Q. So he didn't consult with you in advance?

A. He did not.

Q. Did he tell you that that was a compilation of a number of different phone calls?

A. He did not.

Q. Did you hear breaks in that recording?

A. I didn’t notice any breaks in that recording. The only breaks that I noticed were in the ones that we talked about last week, the one that I think was on February 16th.

Q. Did you ask Brad Miller if he made multiple tape-recordings of conversations?

A. I asked if there were any others.

Q. What did he tell you?

A. That there were not.

Q. Did you ask him if he altered that tape in any way?

A. I didn’t ask him that. I asked him specifically as to the February 16th tape.

Q. Did he tell you that that tape was an accurate recording of a single conversation?

A. He said that they had sat down in the location of the apartment and had recorded it all at one sitting.

Q. Did he tell you who was present at the time of that recording?

A. I believe that he did. I believe he told me that it was the family, and I think at one point the boyfriend was there as well.

Q. Did he tell you that there was nothing said in the course of that conversation that would cause you concern about Janet Arvizo?

A. I’m sorry, what?

Q. Did he tell you that there was nothing said in the course of that conversation that would cause you concern about Janet Arvizo?

A. No, on the contrary. He told me that he thought that they were telling the truth and that Michael Jackson hadn’t done anything --

Q. I’m sorry?

A. -- to the kids.

Q. Did Brad Miller tell you that, in the course of the telephone conversation he monitored, that there was nothing Janet Arvizo said that would cause him concern about her taking any kind of legal action against Michael Jackson?

A. We're talking about the Frank and Janet, not the other --

Q. The telephone conversation.

A. Okay. There's two tapes. One tape is February 16th with the family. The other tape that you found in the office was a tape-recording of Frank's call to Janet.

Q. Mr. Geragos, I'm asking about the telephone conversations that were surreptitiously taped.

A. Frank's call to Janet.

Q. Yeah. Because Brad Miller thought she was going to shake him down for money, right?

A. That's correct.

Q. That phone call was placed to Janet Arvizo, correct?

A. That's correct.

Q. Now, why exactly was Brad Miller placing a telephone call to Janet Arvizo wherein he anticipated she would then hit him up for money?

A. I don't know why he was -- why -- I don't think Brad placed the phone call. I think that Frank placed the phone call. It sounds like it's his voice.

Q. Well, but they're in the same room, right?

A. I don't believe that they were. I think that was a three-way call.

Q. Well, all right. But somebody set that up, right?

A. I don't know. You'd have to ask him. I believe that the -- that Frank said he was going to call her. Brad told me that he was going to tape it. I don't think that they did it in the same room.

Q. And Brad and Frank, Brad Miller and Frank Cascio, then coordinated with each other to be able to have this conference call tape-recorded without Janet Arvizo's knowledge; is that right?

A. I would just be assuming that. I don't know. I didn't ask that question.

Q. All right. Now, did you ask Brad Miller if he had a conversation with Frank Cascio in advance of that, of that call, as to what Frank Cascio should say to Janet?

A. No.
Q. Did he offer to you the fact that there was a conversation between he and Mr. Cascio about what would be said to Janet Arvizo?
A. Not that I remember, no.
Q. Did he tell you?

A. I just assumed it, because it was recorded.
Q. Did he tell you in advance that they were going to set up that telephone call, “he” being Mr. Miller? Did Mr. Miller tell you in advance?
A. Mr. Miller didn’t tell me about it until you seized -- or “you” being the progression -- seized it from the office, and that’s when I asked. That would have been sometime after November of 2003.
Q. Did Brad Miller write any reports to you about his surveillance or investigation of the Arvizo family?
MR. MESEREAU: Objection. Vague as to time; relevance; beyond the scope.
MR. ZONEN: I didn’t hear the ruling, I’m sorry.
THE COURT: It hasn’t come yet.
MR. ZONEN: Ahh. Maybe that’s why.
THE COURT: The objection is overruled.
THE WITNESS: Yes.
Q. BY MR. ZONEN: Did he write those reports to you during the months of February and March of 2003?
A. No.
Q. Did he write them after March of 2003?
A. Yes.
MR. MESEREAU: Objection. Relevance; beyond the scope.
THE COURT: I’ll leave the answer in. Next question.

Q. BY MR. ZONEN: When did you receive a report from Brad Miller that specifically dealt with that telephone conversation between Janet and Frank?
A. I don’t think that I did.
Q. Did he never -- did he never write a report about that conversation?
A. I don’t believe that he did.
Q. Did you ask him to write a report about that

conversation?

A. No.

Q. Why not?

A. Why?

Q. Did you think it was illegal?

A. At the time I felt, when I talked to him, that he articulated to me at least a reasonable expectation that a crime was going to be committed, so, no, I did not think this was illegal.

Q. How many reports did Brad Miller write to you about his investigation of the Arvizo family prior to the end of April 2003?

A. I couldn’t tell you.

Q. Where are those reports today?

A. If they exist, I would have turned them over.

Q. You don’t have them in your possession anymore?

A. I don’t believe so.

Q. What do you mean by “if they exist”? Is it possible you destroyed those reports?

A. No, I’m saying if he made them.

Q. You don’t --

A. I wouldn’t have destroyed them. But if he had made a report, I would have turned them over.

Q. You believe that during a three-month investigation, he might not have written any reports at all?

A. No, the -- the period of time for the investigation would have been sometime after February 7th through March, which would have, as I indicated before, been about 35 to 40 days. I believe that what he was doing would orally update me on what was happening.

Q. At any time -- at any time, Mr. Geragos, at any time up through the end of June of 2003, did Bradley Miller write any reports of his activities involving the Arvizo family?

MR. MESEREAU: Objection; relevance.

Q. BY MR. ZONEN: And submit those reports to you?

MR. MESEREAU: Objection. Relevance; foundation; beyond the scope.

THE COURT: Overruled.

THE WITNESS: I couldn’t tell you as I sit here. I know that I talked to him about it, and I don’t know if he wrote up a formal report.

Q. BY MR. ZONEN: You don’t have a clear recollection at this time of receiving any reports from Brad Miller prior to the conclusion of 2003?

A. Not as I sit here. If you’ve got one, you can show it to me.

Q. Did you ever take possession of any of the surveillance tapes from Frank -- excuse me, from Brad Miller? Did he ever give you any of the surveillance tapes?

A. No. Are we talking the same tapes you were asking me about?

Q. The surveillance tapes from the Arvizo family.

A. I was told those were seized through the search warrant, and I got those through discovery.

Q. Did Brad Miller ever give you copies of those surveillance tapes?

A. No.

Q. Did Brad Miller ever furnish you written reports of the surveillance activities that he was conducting?

MR. MESEREAU: Objection. Relevance; foundation; beyond the scope.

THE COURT: I think it’s been asked and answered. I think he said he doesn’t know.

Q. BY MR. ZONEN: Did Brad Miller ever send you e-mails that detailed his activities, specifically with regards to the surveillances?

A. He might have.

Q. All right. Now, where are those e-mails?

A. If they -- as I indicated last week, if I saved them, I probably would have saved them into the -- at the risk of being mocked, into my Word Perfect file.

Q. I promise I won’t do that today.

A. Thank you.

Q. Do you still have that in your office?

A. My Word Perfect file?

Q. Yes.
A. Yes.
Q. Did you check that file over the last week since you were here last Friday?
A. I checked on the date of the retainer after you had asked me.
Q. Did you check to see if you still have notes in any capacity, either by way of e-mail or handwritten notes or typed notes, from Brad Miller still in your file?
A. I didn’t check on notes. I checked on -- because you were asking me about whether it was late January or early February. I checked on when the retainer agreement was, and it looked to me to be February 4th. And that’s the thing that I was focused on checking on.
Q. Did you check in your Word Perfect, Series 11 --
A. 11. 11442

Q. -- file --
A. Yes.
Q. -- on Mr. Jackson, the Jackson file, on whether or not there were e-mails from Brad Miller?
A. I did not.
Q. Did you check -- over this last week, did you check to see if there were e-mails from any of the people we’ve previously discussed, Mr. Schaffel, Mr. Weizner, Mr. Konitzer, Amen or Cascio?
A. No. Like you, I’ve been in trial for the last week.
THE COURT: All right. Let’s take a break.
(Recess taken.)
THE COURT: Counsel?
MR. ZONEN: Your Honor, I have concluded my cross-examination.
BAILIFF CORTEZ: Microphone’s off, sir.
MR. ZONEN: You’d think after three months I would have learned this.
I’ve concluded my cross-examination. I had indicated before that we needed a conference prior to that, and I think we may have resolved that issue.
THE COURT: Okay.

MR. ZONEN: Don’t need to do that. I will require an additional conference, but it does not have to be until the conclusion of redirect examination.

And before the witness is excused, I would like to have a conference. It doesn’t need to be in the presence of the jury.

THE COURT: All right.

MR. MESEREAU: Thank you, Your Honor.

REDIRECT EXAMINATION

BY MR. MESEREAU:

Q. Mr. Geragos, during February and March of 2003, did you know whether or not Janet Arvizo ever told anyone she wanted to go to Brazil with Michael Jackson?

MR. ZONEN: Objection. Lack of foundation; lack of personal knowledge.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Mr. Geragos, during February or March of 2003, did you have any personal knowledge of whether or not Janet Arvizo ever told anyone she wanted to go to Brazil with Michael Jackson?

MR. ZONEN: Personal knowledge being limited to conversations with Janet Arvizo?

THE COURT: Just a moment.

Sustained.

Q. BY MR. MESEREAU: During February or March of 2003, did you have any personal knowledge of whether or not Janet Arvizo wanted Michael Jackson to get her a new home?

MR. ZONEN: I’m going to object to “personal knowledge,” and vague.

BAILIFF CORTEZ: Your microphone’s off.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Mr. Geragos, during February and March of 2003, was it your understanding that Janet Arvizo wanted possessions moved out of her apartment in East L.A., wanted those possessions stored, and wanted someone else to pay for it?

MR. ZONEN: I'll object as to lack of foundation and speculation.
THE COURT: And compound.
MR. ZONEN: And compound.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Mr. Geragos, during February and March of 2003, did you have any personal knowledge of whether Janet Arvizo wanted to move out of her apartment on Soto Street in East Los Angeles?
MR. ZONEN: "Yes" or "no." I'll object beyond "yes" or "no."
THE COURT: You may answer that "yes" or "no."
THE WITNESS: Yes.
Q. BY MR. MESEREAU: And what was your knowledge based upon?
A. Based on my conversation with Brad Miller.

Q. During February and March of 2003, did you have any personal knowledge of whether or not Janet Arvizo wanted someone to retrieve her possessions from the apartment on Soto Street?
A. From Brad Miller, I --
MR. ZONEN: I'll object, Your Honor, as a lack of foundation.
THE COURT: I'll strike the answer. But you are to answer that question "yes" or "no." It's a question about -- do you want it read back?
THE WITNESS: "Yes" was the answer to the question.
Q. BY MR. MESEREAU: And what was your personal knowledge based upon?
A. Conversations with Brad Miller.
Q. And what was your personal knowledge?
MR. ZONEN: I'll object as hearsay.
THE COURT: Overruled.
THE WITNESS: That she wanted the -- she wanted to move in with her boyfriend, she wanted those items stored, and that she arranged with Brad to do that.
MR. ZONEN: I'm going to move to strike as hearsay.
MR. MESEREAU: It was his personal

knowledge, Your Honor.
THE COURT: Well --
MR. ZONEN: If it's for the truth of the matter --

THE COURT: Just a moment. Just a moment. This is another one of those situations where that is what he testified to under your cross-examination. The objection is overruled. Next question.
Q. BY MR. MESEREAU: Mr. Geragos, during February and March of 2003, did you have any personal knowledge of whether Janet Arvizo wanted the storage costs for storing her possessions paid for by someone else?
A. Yes.
Q. And what was your personal knowledge based upon?
A. Conversations with Brad Miller.
Q. And what was your personal knowledge about that subject?
MR. ZONEN: Objection; hearsay.
THE COURT: Overruled. You may answer.
THE WITNESS: Precisely that. That she wanted the items stored there and she wanted somebody else to pay for them.
Q. BY MR MESEREAU: During February and March of 2003, did you have any personal knowledge about whether or not Janet Arvizo was planning to go to Brazil with Michael Jackson?
A. If I did, it would be the same answer I gave to Mr. Zonen, that the conversations would have been either through Brad or through Dickerman's conversations, which would have stretched into April and May.

Q. During February and March of 2003, did you have any personal knowledge of whether or not Janet Arvizo changed her mind about Brazil when she decided Michael Jackson was not going with her?
A. I don't think that that was in February or March of 2003 that I heard that.
Q. During February and March of 2003, did you

know whether or not Janet Arvizo was using the Soto Street address in East Los Angeles to defraud welfare authorities?

MR. ZONEN: Objection. Exceeds the scope of the cross-examination. Lack of foundation. Also legally speculative.

THE COURT: The objection is sustained. It’s argumentative.

Q. BY MR. MESEREAU: During February and March of 2003, Mr. Geragos, did you have any personal knowledge of what purpose Janet Arvizo had in keeping that Soto Street address?

MR. ZONEN: Objection. Speculative; lack of foundation; and irrelevant.

THE COURT: All right. You may answer that “yes” or “no.” I’ll overrule the objection.

THE WITNESS: Can I answer it “I don’t know”?

THE COURT: Yes. That’s an option.

THE WITNESS: Okay. I don’t know.

Q. BY MR. MESEREAU: During February and March of 2003, Mr. Geragos, did you have any personal knowledge of whether or not Janet Arvizo arranged to have someone else pay the rent at Soto Street?

A. Yes.

Q. And what was your personal knowledge based upon?

A. Conversations with Brad.

Q. And what was your knowledge about that?

A. Brad said that she wanted the rent paid and I believe at some point produced some document from the landlord, or something like that, that I saw later on after February or March.

Q. And was it your personal knowledge in February and March of 2003 that someone else actually paid Janet Arvizo’s rent for the Soto Street address?

A. I was told that.

Q. By who?

A. Brad.

Q. And what were you told?

A. That he had paid it.

Q. Did you learn how many months he had paid Janet Arvizo’s rent at Soto Street?

A. I think he told me two.

Q. Did you ever learn for how many months Brad Miller paid Janet Arvizo's storage costs?

A. Only through Mr. Zonen's questioning.

Q. Okay. You didn't know --

A. I didn't know at the time. I think I had assumed it was from the time that the storage -- or the items had gone into storage to the time that I was dealing with Dickerman, which would have been, I don't know, 45 or 60 days, something like that.

Q. Now, during February and March of 2003, was it your understanding that Janet was spending most of her time living at Jay Jackson's apartment?

MR. ZONEN: I'll object. Lack of foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: I knew she was -- I believe she was there on February 16th, because that was when that tape-recording was made with her and the family and I believe with her then boyfriend. And I know that Brad told me that they were spending time there; that they had moved in there.

So I don't know that I can tell you back in February or March exactly which days they were there off the top of my head, but I know that I was aware of the fact that they were there.

Q. BY MR. MESEREAU: Now, in cross-examination, you stated words to the effect that you wanted a videotape of the movement of Janet Arvizo's possessions from the Soto Street address, right?

A. I specifically have a memory of telling Brad, "If you're going to do that, you better videotape it, so that nobody's later going to accuse you of taking some of the possessions."

Q. And was it your understanding in February and March of 2003 that, in fact, the move was videotaped by Mr. Miller?

A. He told me that was -- something to the effect that that was a good idea. And I assumed he did it.

Q. Okay. Now, in February and March of 2003, were you aware of any effort by Mr. Miller to hide from anybody where those possessions were stored?

A. On the contrary. I think he wanted to turn it over and get off the hook for paying for them.

Q. And to your knowledge, in February, March of 2003, was the storage locker in the name of “Brad Miller, Licensed Private Investigator”?

A. I believe that it was.

Q. Did you know, in February and March of 2003, whether anyone else’s possessions, separate and apart from Janet Arvizo, were in that locker?

A. No, not back in February, March of 2003.

Q. Okay. Now, the prosecutor asked you questions about whether or not a private citizen has a right to record a telephone conversation if they think a crime is going to be committed, right?

A. That’s correct.

Q. And in February and March of 2003, what was your knowledge about the right of a private citizen to record a conversation if they think a crime is going to be committed?

A. My knowledge of the Penal Code has always been that there is a code section in the Penal Code that allows a private citizen to do that if there are certain enumerated crimes that you expect to occur, and that you’re gathering evidence.

Q. And one of those crimes is extortion, correct?

A. That’s correct.

Q. If a private citizen reasonably believes someone might be attempting to commit extortion, they can, in fact, lawfully record a phone conversation without the other party’s consent, right?

A. That’s my understanding of the law. And I believe that there’s an addition to the code section that there is a specific case, although I don’t have access to Lexis right now - I do use Lexis, not West Law - and I would assume that I could find that case that also has interpreted that code section the same way.

Q. Now, you indicated that when you first were retained by Mr. Jackson, you did a quick search and learned about the J.C. Penney case filed by Janet Arvizo and her children, correct?

A. Correct.

Q. Did you know at that point in time that Janet Arvizo was arrested that day?

MR. ZONEN: Objection; beyond the scope.

THE COURT: Overruled.

You may answer.

THE WITNESS: I believe if it wasn’t that day, it was very shortly thereafter.

Q. BY MR. MESEREAU: During February and March of 2003, Mr. Geragos, did you think or reasonably suspect that the Arvizos might attempt to extort Michael Jackson?

A. That was exactly what my concern was.

Q. Did your knowledge of the J.C. Penney case cause you concern in that regard?

A. Combined with the fact that there had been an arrest, I thought that the fact that the civil lawsuit was being used to blunt the criminal case is what gave me great pause.

Q. What do you mean by that?

A. The civil case appeared, at least, to be an outgrowth of a criminal incident, and I just had grave concerns about that.

Q. Are you suggesting that Miss Arvizo used a civil case to nullify her arrest?

A. That thought had crossed my mind.

Q. Have you seen that happen before?

A. Yes.

Q. Did you ever, in February and March of 2003, represent Marc Schaffel?

A. Not that I’m aware of. I don’t think I ever represented Marc Schaffel.

Q. In February and March of 2003, did you represent Dieter Weizner?

A. No.

Q. In February and March --

A. No.

Q. In February and March of 2003, did you represent Ron Konitzer?

A. No.

Q. In February and March of 2003, did you represent Frank Tyson?
A. No.
Q. In February and March of 2003, did you represent Vinnie Amen?
A. No.
Q. Now, in February and March of 2003, Mr. Geragos, did you ever give legal advice to Marc Schaffel?
A. No.
Q. In February and March of 2003, did you ever give legal advice to Dieter Weizner?
A. No.
Q. In February and March of 2003, did you ever give legal advice to Ron Konitzer?

A. To the extent that they would ask questions and I would -- Ronald would ask questions about specific things and whether they should do things, and I would say I want it run by me if it was -- for instance, they’re going to make a statement, or they’re going to issue some kind of a press release or something, I would say, “Please let me have some input into that.”
Q. Now, in February and March of 2003, did you ever give legal advice to Frank Tyson?
A. No.
Q. In February and March of 2003, did you ever give legal advice to Vinnie Amen?
A. No.
Q. Now, is the statute you’re referring to that allows a private citizen in California to secretly record a conversation if they think there’s a reasonable belief that extortion might happen, is that Penal Code 633.5?
A. I believe that it is, because I think the section that prohibits it is 632. So it would be my guess, at least, that it’s the 630 section or 633.
Q. And prior to February and March 2003, were you aware of instances where, in fact, private citizens have secretly recorded others who they thought were going to try to commit a crime?
A. Yes. In numerous instances.

Q. And in fact, private investigators sometimes do that if they think they’re going to get evidence of a crime, correct?

A. That’s as a private citizen. A private investigator has no more and no less rights than a private citizen. So I am aware of various private investigators doing that, only with the caveat that they have that expectation that a crime is going to be committed.

Q. Now, was there anything else about Janet Arvizo that made you suspicious that she might try to shake down Mr. Jackson other than what you’ve described?

A. Not other than what I’ve described to you and to Mr. Zonen.

Q. In February and March of 2003, did you have any personal knowledge that Janet Arvizo had told anyone that her husband came from a family of drug dealers?

A. No, not -- not that I remember.

Q. In February and March of 2003, did you have any knowledge of Janet Arvizo claiming that her husband was using all of their money on a drug habit?

A. No, I don’t believe so.

Q. In February and March of 2003, were you aware of any bank accounts Janet Arvizo had set up allegedly for the benefit of her son?

MR. ZONEN: I’m going to object unless counsel has a good-faith offer of proof that the answer is “yes.” Because otherwise it’s simply inadmissible questions.

THE COURT: Overruled.

You may answer.

THE WITNESS: I may answer?

THE COURT: Yeah.

THE WITNESS: I -- I believe that I had received information, but I don’t think that I was able to verify it in February or March. I had just, what I would call, suggestions that was the case. But I did not have anything to substantiate it.

Q. BY MR. MESEREAU: Now, in February and March of 2003, Mr. Geragos, did you have any personal knowledge of Janet Arvizo trying to get money from various celebrities?

A. I -- not from celebrities. I had knowledge of her trying to get money from other people, but not from various celebrities.

Q. When you retained Brad Miller in February of 2003, was that your first effort to have an investigator investigate the Arvizos?

A. Do you mean had I used any other investigator prior to Brad?

Q. Yes.

A. No, I had not. I don’t believe I have used any other investigator in February.

Q. Okay. So Brad Miller was the first licensed investigator you ever retained to investigate the activities of the Arvizos?

A. Yes.

Q. Now, you said that the period of surveillance and investigation by Mr. Miller was approximately 35 days; is that right?

A. Give or take. It was -- it started in February and it ended sometime in March.

Q. And to your knowledge, was Mr. Miller doing an investigation into public records involving Ms. Arvizo other than the J.C. Penney case?

A. Yes.

Q. What other public records do you believe he was examining as part of his investigation into the Arvizos in February and March of 2003?

MR. ZONEN: Objection. Irrelevant; exceeds the scope of the cross.

MR. MESEREAU: I don’t think it does, Your Honor.

THE COURT: The objection is overruled. You may answer.

THE WITNESS: I believe that he had checked -- I mentioned before that he had checked what are called the civil indexes, which are a list of cases that people file in civil court. I believe he also checked the criminal indexes, and I believe he came up with various cases that she was listed as either a complaining witness or involved in one way or another or as a witness.

Q. BY MR. MESEREAU: And did the information you were aware of in February and March of 2003 about the Arvizos and their record of civil litigation and noncivil litigation concern you?

A. Yes.

Q. Did you believe that what you knew about the Arvizos in February of 2003 almost required you to put them under surveillance?

MR. ZONEN: I’ll object as speculative and argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: In your experience, prior to February of 2003, when a lawyer like yourself is concerned about a client being extorted or shaken down, typically what does the lawyer do?

A. I know what I do in that situation, is I want to find out everything I can about the person who I’ve got concerns about. And if I think that I can -- that I’m going to get somewhere with having somebody check them out, I’ll have an investigator check them out. And I believe that any lawyer who gets hired by a client has an ethical obligation to do that.

Q. And in February and March of 2003, was it your understanding that putting someone under surveillance by a licensed private investigator was

lawful?

A. To my understanding.

MR. ZONEN: Objection; asked and answered.

THE COURT: The answer is in. The objection is overruled.

Q. BY MR. MESEREAU: In February and March of 2003, when you put the Arvizo family under surveillance through a licensed private investigator, was this the first time you had done such a thing?

A. That I had had somebody investigated and --

MR. ZONEN: Objection; asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Now, Mr. Geragos, the prosecutor asked you questions about what you did with these passports when you located them, okay?

A. Yes.

Q. And what you did was, you had them lodged with this particular court, correct?

A. I told one of the lawyers in my office to take them to Judge Melville's court. I believe we prepared some kind of notice of lodging, and we notified the court of what we were doing, and it was lodged, I believe, with the clerk of the court.

Q. And that would be Judge Melville's court?

A. Yes.

Q. Is there any reason why you preferred giving those passports to Judge Melville rather than Janet Arvizo?

A. I believed that they were something that both -- either Mr. Sneddon or yourself would want for various reasons. I believed that based upon that, that they had evidentiary value. I believed that I had no business holding on to them myself, and I didn't want to put you in a position where you would have to be a witness and be conflicted out of the case.

So I made the decision, after consulting with numerous lawyers, that the best thing to do was to file them directly with the court, which I thought was my ethical -- also my ethical obligation.

Q. And when you did that, were the passports addressed to Judge Melville?

A. I believe -- I assume that the document is here. I believe a document was prepared by my office in connection with the lodging when it was filed. Either a notice of lodging or a notice of filing. I believe I saw something to that effect.

Q. Now, you knew when you lodged those passports with Judge Melville's court that Janet Arvizo wanted them, right?

A. Well, I would assume that those were things that would go to Janet Arvizo, Gavin, Star, and the daughter, yes.

Q. And my question is, were you concerned about what Ms. Arvizo or her attorney, Mr. Dickerman, might do with those passports?

A. Well, I knew that it was -- that it was not going to be a great situation when I filed it with the court. I wasn't happy that I was in that situation. I gave consideration, or at least thought about the idea of turning them over to Mr. Dickerman, but thought that it made more sense to do it with the Court so that there was at least a record that -- in the chain of custody, so to speak, so you could document where they were and what had happened.

I wasn't comfortable with the fact of giving them back to Mr. Dickerman. I thought that the thing to do, and several other lawyers that I talked to, that the thing to do was to lodge them with the court.

Q. Now, you indicated on cross-examination that you did not trust Mr. Dickerman, correct?

A. That's correct.

Q. Why?

A. Because I would get --

MR. ZONEN: I'll object as irrelevant.

THE COURT: Sustained.

Q. BY MR. MESEREAU: At the time you lodged those passports with this court, did you know whether or not Janet Arvizo was represented by Attorney Larry Feldman?

A. Yes, I did know that.

Q. Did you ever consider giving those passports to Attorney Larry Feldman?

MR. ZONEN: Objection; irrelevant.

THE COURT: Sustained.

MR. MESEREAU: I have no further questions.

RECROSS-EXAMINATION

BY MR. ZONEN:

Q. Did Mr. Miller tell you in advance that he was going to go ahead and pay a couple months' rent of Ms. Arvizo's?

A. I don't know. I can't tell you. I know that he paid the rent. I don't know if he told me after he did it or before.

Q. Would Mr. Miller be willing to pay my next month's mortgage?

A. I don't know. How big is your house?

Q. I live in Santa Barbara. It's small.

A. But I'm sure expensive.

Q. Mr. Geragos, did he talk with you at all in advance about the propriety of Michael Jackson's employees paying Miss Arvizo's rent?

A. Did who?

Q. Did Brad Miller speak with you in advance of paying that month's rent or two months' rent?

A. Mr. Zonen, my experience with Mr. Jackson is that this is a man with great --

Q. The question is, did Mr. Brad Miller speak with you in advance?

A. You asked me about the propriety of Mr. Jackson's employees.

Q. No, the question --

A. I was trying to answer that.

Q. -- is, did Mr. Brad Miller speak with you in advance of doing that?

A. The answer is the same one I gave you when you asked me the first time, which was I don't remember as I sit here if he told me before or after, but I know at some point I knew.

Q. When did you first learn about it?

A. I don't know. Sometime in February or March.

Q. What was Mr. Miller's explanation to you as to why he felt it was a good thing to do?

A. I don't know that I quizzed him on it.

Q. Now, you said that you wanted that videotape to be done in advance of the move-out of the apartment; is that right?

A. I wanted -- if he was going to move, I wanted him to videotape the move. I didn't feel comfortable having him handle her possessions because I thought she would come back later and make some accusation that something was taken out of there, or that she had some -- who knows? That there was going to be five refrigerators and a

$10,000 stove.

Q. So you knew about this in advance of them moving her out of the apartment?

A. I knew that he was going to move her, because as I said before, I told him, “If you’re going to do that, you better videotape it.”

Q. And that means, yes, you knew in advance of them moving her out of the apartment, that she was going to do -- that they were going to do so in advance; is that right?

A. I knew that he was going to help her move, and I told him to videotape it.

Q. All right. And you knew that they had not yet commenced the move?

A. Well, I would assume that. Yes, I would assume that.

Q. So you still had the opportunity to tell Brad Miller, “What? Are you nuts? Don’t do anything for Janet Arvizo”?

MR. MESEREAU: Objection; argumentative.

THE COURT: Sustained.

MR. ZONEN: I’ll leave out the “Are you nuts?”

THE COURT: The objection is sustained.

Q. BY MR. ZONEN: Did you tell Brad Miller, “Don’t do it. Don’t move her stuff. Don’t have anything to do with her”?

A. No.

Q. Did you tell him that you believed that she was ready to engage in a shakedown of Michael Jackson and you ought not be conducting any business with her or association with her?

A. No. On the contrary. I wanted to know what she was up to.

Q. Did Brad Miller tell you, up to that point, that she had ever said that she wanted money from Michael Jackson?

A. Yes.

Q. For what?

A. She felt that she deserved money. She wanted -- you know, he was wealthy and she wanted money.

Q. How much?

A. I didn’t how much she wanted. I wasn’t going to -- I wasn’t going to recommend that my client pay the money.

Q. When did that conversation take place?

A. It would have been sometime shortly after we discovered that she had filed suit against J.C. Penney.

Q. Then why did you tell him to go ahead and proceed and move her stuff out of the apartment?

A. I did not want him to lose track of her. I didn't want her to go into the ether, because I was afraid that she would do exactly what she ended up doing in this case, which is get into the hands of a

lawyer who would refer her to a psychiatrist, and all of a sudden we'd get a false accusation.

Q. Now, you've looked at that videotape, haven't you, the videotape of the move?

A. I know it exists. I don't know that I -- no, I don't think I've sat down and documented the videotape.

Q. Mr. Geragos, would you be surprised to learn that that videotape does not show the items being removed from the house?

MR. MESEREAU: Objection; misstates the evidence.

THE COURT: Overruled.

THE WITNESS: I would be surprised that he took a videotape of not moving after I told him to take a videotape of moving the items or documenting what the items were.

Q. BY MR. ZONEN: Did he ever tell you what the videotape was of?

A. Yes, the items that were placed into storage.

Q. All right. Did he tell you that, in fact, that videotape was of them cleaning an empty apartment; that that's what it was of?

A. I think that he -- I don't know that it was cleaning. I think he wanted to show what the condition of the apartment was after the move.

Q. Did you ask -- so there's another videotape?

A. I think it's all one -- one videotape. The videotape is of documenting of the items is what I was told, and what the place looked like after the items were out.

Q. Do you believe that there exists today a videotape of them documenting the items from Janet Arvizo’s apartment?

A. I believe that the video -- that there is a videotape and that the videotape is of the items.

Q. Did they do a written inventory of the items that they moved from her apartment?

A. I don’t know if they did or if the moving place did. I couldn’t tell you.

Q. Did you ask them to get on videotape Janet Arvizo specifically making that request to have her things moved from that apartment?

A. No, I don’t think I told him that.

Q. You now believe that Brad Miller is a liar, don’t you?

MR. MESEREAU: Objection. Argumentative; no foundation.

THE COURT: Sustained.

Q. BY MR. ZONEN: Did you ever ask Brad Miller why he arranged to have the DCFS interview tape-recorded?

MR. MESEREAU: Objection. Misstates the evidence; foundation; personal knowledge; and beyond the scope; vague as to time.

THE COURT: I’m thinking. There’s a lot of material.

The objection’s overruled.

THE WITNESS: I don’t believe he was the one who did it. I think that Asaf did it, if I’m not mistaken. I don’t think Mr. Miller was there at the DCFS.

Q. BY MR. ZONEN: Did you ever ask Brad Miller if he was aware of the fact that Asaf was going to do it?

MR. MESEREAU: Objection; vague as to time.

MR. ZONEN: At the time it was done.

MR. MESEREAU: Beyond the scope; relevance.

THE COURT: Sustained. It really is beyond the scope.

Q. BY MR. ZONEN: Did you ever direct Brad Miller to have Janet Arvizo sign a letter that said she wanted her things moved out of that apartment?

MR. MESEREAU: Objection. Beyond the scope; relevance; foundation.

MR. ZONEN: I’m sorry?

THE COURT: The objection is overruled. Do you want the question read back?

THE WITNESS: No, I remember it. I don’t know. I don’t know if I did or not.

Q. BY MR. ZONEN: You knew during February and March of 2003 that Janet Arvizo had a prior lawsuit, true?

A. I knew that she had filed a lawsuit, yes.

Q. You knew during February and March of 2003 that she had been arrested?

A. I knew that there was a criminal index with some hits involving her.

Q. You were very concerned about her involvement with Michael Jackson, true?

A. I had concerns, yes.

Q. You contacted Michael Jackson’s employees, the ones that were closest to him, and told them of your concerns about Janet Arvizo; is that true?

MR. MESEREAU: Objection. Beyond the scope; foundation; vague as to time.

THE COURT: Overruled. You may answer.

Q. BY MR. ZONEN: Is that true?

A. No, that isn’t true the way you phrased it.

Q. Did you contact Marc Schaffel and express to him your concern about Janet Arvizo?

A. Actually, I was concerned about Schaffel.

Q. Did you contact Ronald Konitzer and tell him your concerns about Janet Arvizo?

A. I probably would have told Ronald about my concerns on one of the -- on one of our phone calls, yes.

Q. During any of those phone calls, did he then tell you that they’re sending Janet Arvizo to Brazil?

MR. MESEREAU: Objection. Beyond the scope; foundation.

THE COURT: Overruled. You may answer.

THE WITNESS: I don’t believe he told me that, no.

Q. BY MR. ZONEN: Did you ask Ronald Konitzer to tell you if Gavin Arvizo moved back into Michael Jackson’s bedroom?

A. No, I did not tell him to tell me that.

Q. Did you have a conversation with Michael Jackson about the Brazil trip?

A. No.

MR. ZONEN: I have no further questions.

MR. MESEREAU: No further questions.

THE COURT: You may step down.

Oh. I think there was an issue you wanted me to take up.

MR. ZONEN: I’m sorry?

THE COURT: Mr. Zonen, you want the witness to remain?

MR. ZONEN: If he could, yes.

THE COURT: (To the jury) I’ll excuse you for today. And we’ll see you Monday at 8:30.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE WITNESS: Do you want me to remain here?

THE COURT: Yes.

MR. ZONEN: Your Honor, I know the Court’s preference is to have these matters done in writing in advance, but we’re approaching the end of this trial rapidly. I believe the defense has indicated they might be resting as early as next Tuesday.

Given the waiver of both work product and attorney-client privilege, as to Mr. Geragos’s file and the comments as to representation of the defendant and the testimony today, we would make a demand at this time orally, if the Court will entertain that, for the production of all e-mails between Brad Miller and Mr. Geragos, as well as any notes in his file for that period of time dealing with communications between this witness, Mr. Geragos, and Mr. Jackson, Mr. Konitzer, Mr. Weizner, Mr. Amen and Mr. Schaffel and Mr. Cascio, as well as the computer files that have been previously the subject of litigation from Brad Miller's office that were previously determined to be inaccessible because of the existence of that privilege.

We believe now that those files should be turned over to us, at least for that period of time, subject to this waiver.

THE COURT: And I think the -- now that you have the waiver, all that work we did on those computer hard drives, based on the privilege which he subsequently waived, should be turned over.

MR. SANGER: The -- let me use the mike for just a second.

I just want the Court's ruling to -- I want to clarify the Court's ruling. On Mr. Miller's hard drive, there were communications with Mr. Geragos --

THE COURT: On another case, other cases.

No, I'm not ordering you to turn that over. Just on this case.

MR. SANGER: Okay. And you are asking that we turn it over?

THE COURT: Yes.

MR. SANGER: Okay.

THE COURT: Turn it over, say, by 5 p.m. tomorrow, Saturday.

MR. SANGER: Yeah, for the -- for the period of time of the waiver. I don't think there are any outside of the period.

THE COURT: For the period of the waiver, right.

MR. ZONEN: If we could have that by 5 p.m. tomorrow.

THE COURT: Yes, that's the order.

I don't think -- I think that takes care of it. I don't think I order --

MR. ZONEN: Does that include the e-mail communications as well?

THE COURT: The e-mails, that's primarily what was on that material.

I'm not going to limit it to the e-mails, but obviously on a hard drive between -- that was primarily what was there was e-mails. And I don't know what other material was there. But any other material that you held back because of the privilege between Mr. Geragos, Brad Miller and Mr. Jackson, you should release.

MR. SANGER: Yes, sir. I think there was a Word Perfect document, not to get back into that.

THE COURT: Yeah.

MR. ZONEN: I wonder how we'll ever access it. No, we'll figure it out.

THE COURT: I'm not going to order Mr. Geragos to do that.

THE WITNESS: Could I interject that my only concern is that there's -- if there is any e-mail that contains any information related to this case and if it's related to any other case --

THE COURT: Well, we know that.

THE WITNESS: Okay.

THE COURT: We are very familiar. You know, you don't know this, but we've had -- well, maybe you do, but we had a couple -- we had an expert go through the computer hard drives with some software that doesn't disturb anything in the drive. It's really unique. And then we had a special master

review all of the files and segregate out privileged documents. And then we had Mr. Jackson's team review that before what remained was turned over. So there's -- every effort to protect your clients has been followed.

MR. SANGER: Your Honor, I think what he's referring to -- I'll just remain seated here and talk into this if that's all right.

I think what he's referring to are there are some e-mails that refer to more than one case, so we would redact the part that refers to other cases.

THE COURT: Exactly.

MR. SANGER: Yes.

THE COURT: Okay. Then to the extent that that's what you're asking, I grant that. And we have that straight. To the extent that you're asking me to order Mr. Geragos to turn over something, I'm not going to do that.

MR. ZONEN: As long the representation is that they're in possession of what Mr. Geragos has, then I’m happy with it coming from the defense.

THE COURT: Well, I’m not -- what we know that they have is what you seized under search warrants of --

MR. ZONEN: That’s fine. That’s fine.

THE COURT: All right. Then you may step down.

THE WITNESS: Thank you. May I be excused?

MR. ZONEN: Then, like the other witnesses, this witness is not excused?

THE COURT: You’re not excused. You’ll remain on call until the case is complete.

THE WITNESS: Thank you, Your Honor.

THE COURT: All right. The next issue you wanted to take up was the -- which witness was it?

MR. SANGER: Mr. Amen. I didn’t know if you were looking at us, but the Vinnie Amen --

THE COURT: Yes.

MR. SANGER: -- issue.

THE COURT: Here’s my thoughts on this one: It appears that the -- Mr. Amen did get a use immunity to talk to the District Attorney as it relates to just what happens in their office. They couldn’t use that to prosecute him, or any of the fruit of that interview could not be used to prosecute him if they later decided to prosecute him.

It’s not an immunity that extends to anything that he says in the courtroom, and it’s not an immunity that protects him except for what he said to them in their office.

Absent an application by the District Attorney to the Court to grant him immunity, I am without power to grant him immunity on my own. Under the code, it’s a procedure that the District Attorney has the sole right to institute. If he

institutes it, then I have some discretion. But absent that, I can’t institute it, so he is not protected.

I’ll reiterate, he is not protected if called for anything he says here. So if -- if you call him and he claims the privilege, then he would not be compelled to answer questions under the Fifth Amendment. If you called him and asked him questions, and he didn’t claim the privilege, but then the District Attorney called him -- or cross-examined him, excuse me, and he claimed the privilege, then we’d be somewhat back in the position we were with some of the other witnesses. And so somewhere I would have to -- that leaves us with the remedies we had before. You know, either strike his testimony or make him claim the privilege in front of the jury, or, you know, there’s -- all the same things. Now we’ve had three or four witnesses that present this issue from, it seems like, a different angle every time.

MR. SANGER: I think there’s a little different angle here and I’d like to discuss that.

THE COURT: I’m sure there is a little different angle, and I’ll let you speak to that. Just let me make sure I’ve finished saying what I was going to say.

Anyway, so the bottom line, I guess, is, we would have to have some indication from him before I let him testify in front of the jury as to what his position on his testimony was going to be.

Now, what do you want to say about that special angle?

MR. SANGER: Well, I think this is a little bit of a different angle, and therefore I’d -- I don’t know if that was the Court’s ruling or a tentative.

THE COURT: No, no, I said that’s where I’m going, you know.

MR. SANGER: All right. Fine.

THE COURT: You’re not prevented from trying to show -- persuade me otherwise.

MR. SANGER: I think the different angle is this, Your Honor: That basically the California Supreme Court has left the door open, because we like that reference, to the possibility that there might be a case in which immunity could be granted by the Court where the prosecution has not stepped forward and requested it.

And I know that the weight of the authority, or the number of cases that are floating around in various jurisdictions and a couple of DCA cases, tend to indicate that there is no such thing as defense immunity. But -- or defense-requested immunity for a witness. But the reason I think this might be the case that the Supreme Court had in mind or would have left the door open for is that here we have an actual grant of immunity.

Now, you recall that Mr. Auchincloss represented to this Court that absolutely nothing ever happened, and that whatever happened happened before the tape was turned on, and the officer got it wrong, and the officer didn’t understand things. And lo and behold, we got the tape, and he very clearly says, “That’s the agreement.” And his words include, “In California, we call it use immunity. So nothing you say in this interview can be used against you, and we can’t use the fruits,” et cetera, et cetera.

Now, I understand the Court’s distinction, that that doesn’t say that, “When you testify or if you testify, we will ask the Court for immunity at that time.” That is generally what happens. A witness gives a statement to the prosecution under immunity. They like it; they come in and they ask for immunity, put the person on the stand and get the benefit of it.

What happened in this case invokes this small exception that I think the Supreme Court would acknowledge is appropriate. What happened in this case is you have a witness who’s debriefed for -- I believe it’s like four hours, maybe over four hours, on tape. He is asked every imaginable question about this case. He is the witness who was with Janet Arvizo more than anybody else, according to the testimony we have here.

And he answers the questions about what happened. “What happened when you went to get the passports? What happened? Did she want to go Brazil?” All those questions are answered and they are answered in a way that is consistent with the defense position and inconsistent with Janet

Arvizo’s position.

MR. AUCHINCLOSS: Your Honor, I’m going to object to the description of the facts. That’s a matter that is of some contention between the parties.

THE COURT: I understand. But I don’t know what -- I haven’t heard the tape, so I can’t rule on your objection.

Go ahead.

MR. SANGER: And the point is, and the Court has -- I don’t know if the Court wants to spend four hours listening to it. The Court has the tape.

THE COURT: Oh, thank you.

MR. SANGER: I evidently have something to do before Saturday at five o’clock myself, so I thought the Court should as well.

The point of the story is that you have a key witness in a case, who not only -- let us assume -- so I don’t get in an argument with Mr. Auchincloss, let us assume that his version of events is consistent -- it’s Brady material, in essence. It’s consistent with the weight of the witnesses who have testified, with the exception of Janet Arvizo and her children. And primarily Janet Arvizo, who testifies to all sorts of things that are not consistent with anybody else.

They take that witness and they say, “Well, it was Brady material. We got to turn it over to you, but ha-ha, we are now going to revoke our agreement to grant immunity. We’re not going to give this person immunity.”

MR. AUCHINCLOSS: Object to this characterization. May I make an objection?

THE COURT: What?

MR. AUCHINCLOSS: Just that that characterization is completely inaccurate. We are not revoking the informal immunity for this witness for that day’s interview.

THE COURT: I understand that. That’s correct.

MR. SANGER: So they say, “Okay. We are not going to take the next step and call you as a witness in court and give you immunity. We now know that your testimony is exculpatory, so we are going to make it impossible for the defense to present exculpatory evidence to the jury.”

Now, this is different than the cases that are cited. Because most of the cases that are cited are cases in which, for instance, the defense is trying to call a witness who has not been interviewed by the prosecution, or it’s a witness who is a witness on a collateral matter. It’s not a witness who has been given immunity to talk to the prosecution first.

That’s why this is different. He was talked to. He was debriefed for four hours. And he gives exculpatory evidence. And now they say, “You can’t use it.”

It was the prosecution who decided to call Mr. Amen an unindicted co-conspirator. It’s the prosecution that decided to present him as a criminal wrongdoer, unindicted though he may be, in the eyes of the jury. It’s the prosecution that interviewed him. It’s the prosecution that chose to give him immunity. And then it’s the prosecution that says, “King’s X, we’re not going to let the jury find out what he really has to say.”

THE COURT: Let me ask you a question. I don’t know what the tape says, and I understand just from listening to the two of you that there’s, surprisingly, a disagreement over the content.

But let me assume for a moment that you’re correct, that he tells the series of events exactly what happened from his standpoint, and it in fact supports your position that no crime’s been committed in the conspiracy, which is the crime we’re talking about on all of the elements, all of the various variations. And that the reason the District Attorney doesn’t want to call him is because, in fact, he doesn’t verify the criminal activities of your client or anyone else.

So why would that person just not take the witness stand, testify, and not claim the Fifth Amendment since he’s not admitting to any crime? He’s only telling the truth and, in fact, verifying, as you point out, what everybody else except Janet Arvizo says.

MR. SANGER: We would very much like him to do that. I think that in the real world -- as the Court knows, in the real world, a lawyer is going to advise him, and the lawyer has advised him. Everybody’s dealing with his lawyer here. The lawyer’s advised him that he cannot testify. He is being accused of being an unindicted co-conspirator in a very serious case.

THE COURT: But they can’t prosecute him for anything they learned. And if he says the same thing here, they can’t prosecute him, can they? Because they have given him use immunity.

MR. SANGER: Well, if the Court takes that position, I think he would come and testify.

THE COURT: If --

MR. SANGER: But I think --

THE COURT: If he says -- your position would be if he says the same thing that he told them, that they gave him use immunity for, only he says it in a different room, the use immunity fails. Is that what your position is?

MR. SANGER: No. Quite to the contrary. My position is they’ve given him immunity, and he should be allowed to testify.

THE COURT: No, no, no.

MR. SANGER: I understand what Your Honor said. They just got through saying -- Mr. Auchincloss just got through saying it was only for the conversation in the room.

THE COURT: Okay. Let me talk to him, then. If he testifies and says the same thing that he told you, let’s say he doesn’t deviate from what he told you under the use immunity --

MR. AUCHINCLOSS: In this courtroom?

THE COURT: If he says it in this courtroom, you could prosecute him?

MR. AUCHINCLOSS: Yes. And here’s the reason: The use immunity statute provides the prosecution with discretion as to when and where and how it’s going to ask for immunity. In virtually every criminal case, the process -- and, you know, virtually every, most criminal cases, the process involves a proffer, involves coming into the office, talking to that witness, assessing the credibility, checking the facts against what they say, having the District Attorney determine whether this witness is going to be accurate, is going to be telling the truth, is going to be a fit witness in the case to present the facts to the jury.

And when the District Attorney makes that determination, then it’s appropriate for the District Attorney to come into court and petition the Court for immunity, testimonial immunity, which is a completely different creature. Both sides going at it, objections. It’s just a different thing than an informal interview. And a proffer is made to the District Attorney as far as what he’s going to be saying or what he might have to say about the facts of that case.

And we provided authority that immunity agreements can be fashioned in a variety of ways, and limitations can be presented, provided for, in those immunity agreements. And it’s clear, even from the tape, and while I did tell you there was another discussion that occurred prior to us going onto the tape, but even that little brief colloquy that refers to the discussion that we obviously had just had talks about “today,” “what’s said here today,” specifically.

So, no, the immunity does not extend to trial immunity, immunity in the court, testimonial immunity and a formal grant of immunity.

THE COURT: What about the --

MR. AUCHINCLOSS: Just a moment. I’m sorry.

(Off-the-record discussion held at counsel table.)

MR. AUCHINCLOSS: Well, Mr. Sneddon wanted me to just make sure that I told -- that I communicated to you that we believe that if Mr. Amen takes the stand and incriminates himself, he will not be protected. That the immunity -- he does not have immunity from what he says on the stand in this case.

THE COURT: I understood that.

MR. AUCHINCLOSS: I thought you did. Thank you. Is there another question you had?

THE COURT: Yes. Counsel suggested that the Supreme Court has hinted that there's a unique case where the Court could grant immunity without you asking me for it. What do you think of that?

MR. AUCHINCLOSS: I think that this Court in this case should not go where any court has gone before.

THE COURT: Where any court has not gone before.

MR. AUCHINCLOSS: Yeah.

THE COURT: I've been doing that for --

MR. AUCHINCLOSS: Don't go where any court has gone before.

THE COURT: I thought that's what I've been doing here for the last few months.

MR. AUCHINCLOSS: That may be. That may be. I don't think this is the case where the Court should attempt to make new law.

THE COURT: Do you believe that's possible, though, that they --

MR. AUCHINCLOSS: No, I don't. It's dicta, and the overwhelming weight of authority is that this is a statutory discretion that the prosecutor has.

THE COURT: All right. Well, I am not going to strike out on that trail. So....

MR. SANGER: Then I have another question in that regard.

THE COURT: Okay.

MR. SANGER: The Court may sense I have a deep belief that this anomaly in the law or what's unresolved in the law results in a true injustice in a criminal case. That bothers me.

THE COURT: Yeah.

MR. SANGER: It would seem to me that another remedy the Court could fashion, the Court having turned down our request that this be clarified, that this man has immunity if he comes in and testifies to the same things he testified or he talked about in the D.A.'s Office, if the Court's turned that down, then --

THE COURT: I turn that down.

MR. SANGER: -- I would suggest that he is now unavailable as a witness. He has been made unavailable by the acts of the District Attorney, and that we should be allowed to -- assuming he comes in here and says he's taking the Fifth, that makes him unavailable. Not in front of the jury necessarily, but that we then be allowed to play his tape as the statement of a witness who's unavailable. It is a tape that was not created in an adversary situation, but it is a tape that was created based on the questioning of one of the prosecutors seated at this very table and two police officers, a lieutenant and a sergeant. And they had adequate opportunity to confront and cross-examine him and they conducted an extensive interview. There is no harm to the prosecution in allowing that. He's unavailable. I think we should be allowed to do it.

MR. AUCHINCLOSS: I can address that if you need to hear from me.

THE COURT: Yes.

MR. AUCHINCLOSS: Well, that doesn't satisfy the former testimony exception to the hearsay rule. It's not former testimony. And there is no exception. Moreover, this particular type of testimony, I don't want to probably even have to go there, but Crawford deals with the issue of a police interview coming in as testimony. So --

THE COURT: It does when the District Attorney introduces it, but does Crawford -- Crawford's about the right of the defendant to have cross-examination, not the People.

MR. AUCHINCLOSS: I agree. I agree. But really the main point is, I mean, I think that an argument could be made that Crawford has applicability. We don't even need to get there. The point is, this is not -- there is no exception to the hearsay rule.

THE COURT: This is not prior --

MR. AUCHINCLOSS: It’s not former testimony under cross-examination from both sides. Thank you.

MR. SANGER: And the Court is correct, Crawford is a confrontation clause case, which is a defendant’s right. Has nothing to do with this.

THE COURT: Well, it does have something to do with it if he -- if the District Attorney attempted to --

MR. SANGER: Yeah.

THE COURT: -- introduce his -- instead of you being the person who suggested that, they had suggested it, Crawford would apply. Because if you had called him and he answered some questions, and then they asked him some questions and he claims the Fifth, and then they said, “Well, Judge, we’ve got this statement,” then you would be screaming Crawford, right?

MR. SANGER: Well, confrontation clause, which is the defendant’s right, but not a People’s right.

THE COURT: Yeah, it’s --

MR. SANGER: But I would suggest, though, since we’re musing as the day goes on here --

THE COURT: Yeah, we’re wasting --

MR. SANGER: And it was my day. But that’s all right. This is important.

THE COURT: You’re right, this was your day.

MR. AUCHINCLOSS: It was all of our day.

MR. SANGER: I think it is important. The true hypothetical would be that the defendant makes a long, detailed statement, and then deliberately makes the person unavailable.

THE COURT: Or even doesn’t deliberately. Just -- they become unavailable.

MR. SANGER: Well, I think --

THE COURT: You want to say they’re deliberately making him --

MR. SANGER: They’re deliberately making him unavailable.

THE COURT: Go ahead. I see the scenario.

MR. SANGER: Without going into all the details, but, I mean, he explained what was happening at Schaffel's house, who he was working for, he was working for Schaffel, why he rented a car, what he was told to do.

THE COURT: I know.

MR. SANGER: Everything is there. It's everything the jury wants to know about this case that they haven't heard, and fills in all the spaces between the other legitimate witnesses in this case.

THE COURT: Yeah. But truthfully or not truthfully, we don't know the answer to that.

All right. That's my ruling on that issue.

It is a -- it's really a pleasure for a judge to be dealing with both sides who are dealing with very difficult issues and sometimes not resolved. In this case, we've had several situations where we're just dealing with things that there's no law on, and it's a pleasure to see the quality of work that you turn out. It really helps me.

Thank you. See you Monday.

(The proceedings adjourned at 12:55 p.m.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 11324 through 11491 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 20, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, May 20, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MONDAY, MAY 23, 2005

8:30 A.M.

(PAGES 11493 THROUGH 11539)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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The Interpreter: Rose O’Neill

INDEX

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

DEFENDANT’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
GOMEZ, Maria (Re-called)	11497-SA	11503-SN	11508-SA	
RADAKOVICH, Mike	11512-SA	11530-A		

E X H I B I T S

DEFENDANT'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
5097	Washington Mutual Bank statement, 12-22-00 through 1-25-01	11513	11525
5098	Washington Mutual Bank Check payable to Hollywood Ford	11513	11525
5099	Check from Michael Alder payable to Janet Arvizo	11519	11525
5100	1-2-03 City of Los Angeles check payable to Janet Arvizo	11522	11525
5101	$637 check dated 1-2-03 payable to Raymond Trujillo from Jay D. Jackson	11522	11525
5102	2-15-03 City of Los Angeles check payable to Janet Arvizo	11522	11525
5103	2-25-03 check payable to Raymond Trujillo from Jay D. Jackson	11522	11525
5104	3-17-03 City of Los Angeles check payable to Janet Arvizo	11522	11525
5105	Analysis of certain financial transactions of Arvizo family, June 15, 2000, to present	11512	

Santa Maria, California
Monday, May 23, 2005
8:30 a.m.

THE COURT: Good morning, everyone.
THE JURY: (In unison) Good morning.
COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.
THE COURT: Call your next witness, please.
MR. SANGER: We would call Maria Gomez back

to the stand, please.

THE COURT: All right. Come forward to the witness stand. You're still under oath, so when you get to the witness stand, you may be seated.

MR. SANGER: May I proceed, Your Honor?

THE COURT: You may.

MARIA GOMEZ

Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION

BY MR. SANGER:

Q. Okay. Miss Gomez, we've called you back to the stand to ask you more questions. First of all, did you participate in a test of the bells at Neverland outside Mr. Jackson's private suite?

A. Yes.

Q. And first of all, remind us how long you've worked out there at Neverland.

A. I have worked there nearly 11 years.

Q. And when was the first time you went down that hallway and heard the bells go off?

A. When the first time was?

Q. Sure. About how many months or years ago was that when you first heard those bells go off?

A. Oh, many years ago.

Q. Okay. And it would have been before February of 2003; is that correct?

A. Yes.

Q. Okay. And has the -- excuse me one second. At the time you did this alarm test, or this -- let me withdraw that, I'm sorry. At the time you did this test with Mr. Nimmer where you walked in and out, do you remember that?

A. Yes, that was about, I don't know exactly, but just a few days ago.

Q. Okay. Sometime this year, correct?

A. Yes.

Q. When you heard the bells at that time, is that what the bells have always sounded like over the last few years?

A. Yes.

MR. SANGER: Your Honor, I'd like to have permission to play the -- Exhibit 5096. It's the short one, if that's all right.

THE COURT: All right.

MR. SANGER: I can't find the remote control. Do you see it? Oh, here it is. Thank you.

Q. Miss Gomez, we're going to play 5096 and I'm just going to ask you to watch it and see if you recognize yourself in there and recognize what was going on, and then I'm going to ask you some questions about it after it's over, okay?

A. Fine.

(Whereupon, a portion of a DVD, Defendant's Exhibit 5096, was played for the Court and jury.)

MR. SANGER: With the Court's permission, I'm going to stop it after the first test to ask some questions.

THE COURT: All right.

Q. BY MR. SANGER: Okay. Miss Gomez, you recognize yourself in that film?

A. Yes.

Q. All right. And you remember Mr. Nimmer, the man who was shooting this?

A. Yes.

Q. What were you asked to do in that particular test?

A. I was supposed to walk outside to a -- like a hallway that's right in front of the house, and that I should walk all the way in to the room, passing by the doors. I had to punch in the code

and then I could open the door.

Q. Okay. So when you -- when you went out, you went all the way down the hallway to the end of the hallway that's near the front door; is that right?

A. Yes. Outside of the house, yes.

Q. All right. So did you actually go out of the hallway into the front door area?

A. Yes.

Q. Now, do you know anything about the technology of how this alarm system is set up?

A. No. No, I don't know anything about that.

Q. Is there some point when you're walking down the hall that it makes the bell ring?

A. Yes, when you reach about halfway down the hallway, it begins to ring.

Q. All right. And then it continues to ring for a number of rings; is that right?

A. It will stop for a few moments and then when you arrive at the door, I don't know if it's stepping into the lift or -- it begins again.

Q. All right. Now, the sound that you heard on that tape, is that the sound of the alarm that you have heard for the last few years?

A. Yes.

Q. Are there any changes to it that you know of?

A. No.

MR. SANGER: All right. I'm going to resume playing this, if it's all right, Your Honor.

THE COURT: Yes.

(Whereupon, a portion of a DVD, Defendant's Exhibit 5096, was played for the Court and jury.)

MR. SANGER: Let me just pause it right there.

Q. There's a door down at the bottom of the stairway there.

A. Yes.

Q. All right. And the door appears to be open right now; is that correct?

A. Yes.

Q. Okay. Did you do a test where you left that door open?

A. Once.

Q. Okay. And then the second time you closed the door; is that right?

A. When I went out, I closed it.

MR. SANGER: All right. And I'm going to resume playing.

(Whereupon, a portion of a DVD, Defendant's Exhibit 5096, was played for the Court and jury.)

Q. BY MR. SANGER: Okay. I'm going to pause it right there on the blank screen.
And for that test, you went down the stairs, correct?
A. Yes.
Q. You went out the door, we could see, at the bottom of the stairs?

A. Yes.
Q. And then you went out the main door to Mr. Jackson's suite?
A. Yes, it's all in the same process. I went all the way out.
Q. So then you went all the way down the hall, out the end of the hall, turned around and walked back; is that right?
A. Yes.
Q. All right. And you could hear the bell in that tape, correct?
A. Yes.
Q. Okay. And that's the same bell that you've heard for years; is that right?
A. It's the same -- it's the same bell.
MR. SANGER: All right. Okay. And then we'll resume, if we may.
(Whereupon, a portion of a DVD, Defendant's Exhibit 5096, was played for the Court and jury.)
MR. SANGER: All right. Thank you.
Q. On that last test, you did the very same thing that you did the time before except you closed the door at the bottom; is that right?
A. Yes, that's the only different thing.
Q. All right. And let me ask you, did you do this a whole bunch of times or did you just do it these three times?

A. I did it, not very many times, but....
Q. So when -- I'm talking about when they filmed it. Did Mr. Nimmer film it more than three times or he just had you do the three tests and he filmed what you did?
A. He filmed it -- well, the first one he did

it once, the first time. And then the other times, like when I went up to the room, since he did two different tests, perhaps he taped more than one.

Q. Okay. So he did the first one, the second one and the third one?

A. Yes. Yes.

MR. SANGER: All right. Okay. I have no further questions. Thank you.

CROSS-EXAMINATION

BY MR. SNEDDON:

Q. Good morning.

A. Good morning.

Q. How many times did you go up and down the stairs?

A. I cannot recall, but at that I did do more. Three or four times.

Q. So we saw two times on the film, correct?

A. Yes.

Q. But there were other times that did not appear on the film?

A. Maybe one or two times, I believe.

Q. In each time you walked out of the doors of the room, you walked all the way to the end of the hallway, correct?

A. Yes.

Q. And then you turned around -- you went through the doors, correct?

A. Yes.

Q. And you turned around and came right back, correct?

A. Yes.

Q. So in each of the occasions that we saw on the film, you did exactly the same thing?

A. In the first -- the first test, I just got to the point and then returned. And then when I went up the stairs to the room, I waited -- I counted to about 15 and then I repeated the process. I came back.

Q. And where was it that you counted to 15?

A. In front of the main doorway.

Q. So you go all the way out, count to 15, and

then come back?
A. Yes.
Q. The chimes that go off, you can hear them when you go through the first door to begin your route down the hallway, correct?
A. What do you mean, when you’re just about to go in?
Q. Okay. You’re outside of the hallway to Mr. Jackson’s room, near the entrance of the front door of the house, correct?

A. I am inside the house by the doorway to the main residence.
Q. Correct. And you’re going to go through the first set of doors heading towards Mr. Jackson’s bedroom?
A. Yes.
Q. And when you go through those doors the bells, the chimes, go off, correct?
A. When you reach about halfway down the hall.
Q. And then they stop -- well, and then the second set of chimes goes off right before you get to Mr. Jackson’s door to his bedroom?
A. When you go in the doorway, the door to his room, then they begin to sound.
Q. For the second time?
A. Yes. I don’t know if it’s because you’re standing by the lift or when you press the code or what it is.
Q. Now, during the year -- during the time of February and March of 2003, were you responsible for cleaning Mr. Jackson’s room?
A. No.
Q. During February and March of 2003, did you go into Mr. Jackson’s room for any reason?
A. No.
Q. In -- were you at work the day that the sheriff’s deputies came to the ranch and executed the search warrant?

A. Yes.
Q. And that was November of 2003, correct?

A. Yes.

Q. And at that time were you responsible for cleaning Mr. Jackson’s room?

A. No.

Q. Had you gone into Mr. Jackson’s room during 2003 at all?

A. No.

Q. In 2004, the next year - okay? --

A. Yes.

Q. -- were you responsible for cleaning Mr. Jackson’s room at that time?

A. I have never been in that position.

Q. And during 2004, did you ever go into Mr. Jackson’s bedroom?

A. Perhaps.

Q. Do you remember -- let’s go back to 2003. Do you remember during 2003 whether both of those chimes were working?

A. Yes.

Q. And if you didn’t go into Mr. Jackson’s bedroom during that time, what were you doing going down the hallway?

MR. SANGER: Objection. Argumentative as phrased.

THE COURT: Overruled.

You may answer.

THE WITNESS: Could you repeat that again?

Q. BY MR. SNEDDON: Yes. You told the jury that during 2003, you did not go into Mr. Jackson’s bedroom.

A. Yes.

Q. And I’m asking you, if you did not go into his bedroom, why would you be in the hallway leading to his bedroom?

A. There is a bathroom in that hallway.

Q. Okay.

A. And that hallway is our responsibility to clean. And then -- and then when one is walking in that hallway, you will hear the chimes.

Q. Okay. That’s what I wanted to get to.

Now, during 2003 you did clean that bathroom, correct?

A. Yes.

Q. And when you do that, the alarm only goes off once, correct, when you go through the first set of doors?

MR. SANGER: Objection. Misstates the evidence and compound.

THE COURT: Overruled.

THE WITNESS: It -- it rings -- I don’t know. It will ring and then it stops.

Q. BY MR. SNEDDON: During 2003, in November,

when the sheriff’s deputies came to Mr. Jackson’s ranch, is it your testimony that the alarm through the first set of doors was working?

A. Yes.

Q. And in December of 2004, do you recall sheriff’s deputies coming back to Mr. Jackson’s main residence on another occasion?

A. Yes.

Q. And you were there?

A. Yes.

Q. And is it your testimony that the chimes at the first set of doors were working during December of 2004?

A. Yes.

MR. SNEDDON: All right. Nothing further.

REDIRECT EXAMINATION

BY MR. SANGER:

Q. I believe you said that the alarm goes off the first time when you’re just about the middle of the hallway; is that correct?

A. Yes.

Q. And this is a hallway that has a lot of stuff in it; is that right?

A. Yes.

Q. Okay. And you need to dust and clean in there; is that correct?

A. Yes, we are responsible for that place.

Q. All right. So aside from the bathroom that’s off that hallway, you need to go down the hallway to Mr. Jackson's door and dust and do things, right?

A. Yes.

Q. So the alarm that we heard is the same alarm that you've heard for years in that hallway; is that right?

A. Yes.

Q. Okay. And you were just asked by Mr. Nimmer to help him by walking, right?

A. Yes.

Q. This was not your idea to be in this, was it?

A. Oh, no. No, no.

MR. SANGER: All right. Your Honor, what I'd like to do is play Exhibit 345, which is already in evidence, and this was the People's version of the alarm that they taped on November 18, 2003.

THE COURT: All right.

MR. SANGER: If I may play that.

I'm going to play that in one second, and when I do, I'm simply going to ask that you watch this and then -- I'll play this one all the way through. It's very short. And when we get through playing it, then I'll ask you a few questions about it, okay? And I don't believe you were there at the time, so I'm just going to ask you to watch it.

(Whereupon, a DVD, Plaintiff's Exhibit 345, was played for the Court and jury.)

Q. BY MR. SANGER: Okay. Now, that's a very short film there, and we don't know exactly where the cameraman was on that picture. Did you hear a bell in that?

A. Yes.

Q. Was that the first bell or the second bell; do you know?

A. The second bell.

Q. All right. So the first bell would have already gone off from somebody going through the middle of the hallway?

MR. SNEDDON: Object. Calls for a conclusion and speculation as to that point in time.

THE COURT: Sustained.

Q. BY MR. SANGER: All right. Did you hear the bell that goes off when you go through the middle of the hallway in that tape?

A. I wasn’t present at that time.

MR. SANGER: Okay. All right. Okay. I have no further questions.

MR. SNEDDON: No questions, Your Honor.

THE COURT: All right. Thank you. You may step down.

Call your next witness.

MR. SANGER: Can I just have one second, Your Honor?

(Off-the-record discussion held at counsel table.)

MR. AUCHINCLOSS: May we approach, Your Honor?

THE COURT: Yes.

(Discussion held off the record at sidebar.)

MR. SANGER: All right. My apologies, Your Honor. As the Court knows, we’re all getting down to the end here, so we’ve got a few details to work out.

We would call Mr. Radakovich, whose name I probably mispronounced. I apologize in advance.

THE COURT: Come forward, please. When you get to the witness stand, please remain standing. Face the clerk over here, raise your right hand.

MIKE RADAKOVICH

Having been sworn, testified as follows:

THE WITNESS: Yes, I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name is Mike Radakovich. R-a-d-a-k-o-v-i-c-h.

THE CLERK: Thank you.

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DIRECT EXAMINATION

BY MR. SANGER:

Q. Okay. I did mispronounce your name, but you weren’t in the room so you didn’t hear it.

Mr. Radakovich, what do you do for a living?

A. I’m a certified public accountant.

Q. How long have you done that?

A. Around 30 years.

Q. All right. And where do you have your office?

A. In San Luis Obispo, California.

Q. And do you work in this area, in the Santa Maria area as well?

A. Yes, I’ve testified both in Santa Maria and San Luis Obispo County.

Q. In addition to doing forensic work, which is testifying in court, do you do ordinary CPA-type duties?

A. Yes, I do.

MR. SANGER: All right. I’m going to -- maybe I should have this marked first, Your Honor, as defense next in order. I’m going to ask that a chart, an analysis chart, be marked, and my guess is that would be 5105.

May I approach, Your Honor?

THE COURT: Yes.

Q. BY MR. SANGER: I’m going to -- I’m going to show you 5105 for identification and ask you if you prepared that chart?

A. Yes, I did.

Q. And did you prepare that chart after reviewing certain documents?

A. Yes, I did.

Q. All right. Now, I’m going to show you what’s been marked for identification as 5097, which appears to be a Washington Mutual Bank statement, and also 5098, which appears to be a Washington Mutual Bank copy of a cashier’s check.

May I approach for that purpose?

MR. AUCHINCLOSS: Can I see that?

MR. SANGER: Yeah.

Q. Okay. Now I’m showing you those two

documents.

And for the record, Your Honor, those have been retrieved from subpoenaed documents from Washington National Bank. I believe counsel's indicated they have no objection to the foundation as being subpoenaed business records.

MR. AUCHINCLOSS: That's correct.

Q. BY MR. SANGER: Okay. Were those two of the documents that you looked at in the course of preparing your analysis sheet?

A. Yes, it was.

Q. Now, on your analysis sheet, there are two entries at the very beginning that indicate "Date" and "Source," and the "Source" on those first two entries are "Louise Palanker" and the amounts on those two entries are $10,000 apiece. Do you see those?

A. That is correct.

Q. And you reviewed copies of those checks; is that correct?

A. Yes, I did.

Q. And you put those on your analysis sheet, correct?

A. Correct. Those are two checks. One was written to Ms. Janet Arvizo and one was to Mr. David Arvizo.

MR. AUCHINCLOSS: Your Honor, I'm going to object to statements being read from this report and --

BAILIFF CORTEZ: Can't hear you, sir.

MR. AUCHINCLOSS: I'm going to object to statements being read into the record from this report, as well as referencing this document as an analysis before there is some foundation laid as to its admissibility on the basis of hearsay, authentication and relevance.

MR. SANGER: I don't think I asked him, Your Honor, to read from the report. I just asked him if he made an entry as to two checks.

MR. AUCHINCLOSS: I believe counsel has already read the first two entries to the witness.

THE COURT: So I think what -- your objection

is that the items are not in evidence yet?
MR. AUCHINCLOSS: They're not in evidence and no foundation has been laid.
MR. SANGER: Your Honor, I believe they are in evidence. I believe these were admitted in evidence by the prosecution some time ago.
THE COURT: What number?
MR. AUCHINCLOSS: I'm not referring to the items. I'm referring to this document that counsel is reading from. My foundation and hearsay --
THE COURT: That's the question. What I need to know is are they in evidence.
MR. SANGER: The two Palanker checks are in evidence, Your Honor. And I know you're going to ask me the number and I don't have the number off the top of my head.
THE COURT: That's all right. Do both sides agree they're in evidence?
MR. AUCHINCLOSS: Yes, I believe those two documents are in evidence, those two checks.
THE COURT: Your objection is overruled.
Q. BY MR. SANGER: So now we go down to -- so, before we go down there, as to those two checks, did you simply record, from the information on the checks, the date, the source, the amount, and a brief description?
A. Yes, sir.
Q. All right. Now we're going to go down to 11515 the next lines and we'll try to take these all at once. They would be the next five lines. And those appear to be references to deposits in the Washington Mutual account.
A. Yes, those are the same deposits that appear on this bank statement that you handed me, Exhibit No. 5097, as being deposits into that Washington Mutual account.
Q. So 5097 appears to be a bank statement; is that correct?
A. Yes, sir.
Q. And that bank statement is from what bank?

A. Washington Mutual Bank.

Q. And who is the account holder?

A. The name at the top of the statement is Janet Arvizo, FBO Gavin Anton Arvizo.

Q. What does FBO mean?

A. My understanding, that's "for the benefit of."

Q. That's an account that Janet Arvizo -- under ordinary banking practices, Janet Arvizo would have the ability to sign on and she is putting it in the form that it's for the benefit of somebody else; is that right?

A. Yes, sir.

Q. All right. Now, from that exhibit, 50 -- which exhibit was that? 5097?

A. The bank statement is 5097, yes.

Q. Yeah. From 5097, did you record the date of the various deposits?

A. Yes, sir. Those appear in the column headed "Date."

Q. And then we'll skip "Source" for a second. Under "amount," you indicated the amounts that were deposited into the account; is that correct?

A. Yes, sir.

Q. And then you have, under "Description," "Deposit into" that particular bank account number, "Janet Arvizo, FBO Gavin Anton Arvizo," correct?

A. Yes, sir.

Q. All right. Now, the source says, "Fund-raiser." Were you asked to assume that there had been testimony in this case that moneys were deposited in that account from fund-raisers?

A. Yes, that was my assumption.

Q. Okay. So between that assumption and what you saw on Exhibit 5097, the next five entries would be correct; is that right?

A. Yes, sir.

MR. AUCHINCLOSS: I'm going to object to foundation as to the source and assumptions made by the witness regarding specifics -- specific sources for these five deposits. I don't think there's been any testimony concerning those specific deposits and the sources.

MR. SANGER: Your Honor?

THE COURT: Yes.

MR. SANGER: There was testimony that this account was set up by Janet Arvizo; that she had set up an account and she admitted on cross-examination that the money had gone in and she had withdrawn it all.

So this is an expert witness -- although his expertise for the purposes of this is very limited, but he's an expert witness who's being asked to simply organize these facts. And I asked him to assume hypothetically that there had been proof that this money came from a fund-raiser, which is consistent with prior testimony.

MR. AUCHINCLOSS: And that is a matter of contention.

THE COURT: As to whether it came from the prior testimony or not?

MR. AUCHINCLOSS: Yes, and the specific source for these deposits on these individual dates.

THE COURT: Well, I'll allow the witness to make that assumption.

(To the jury) It goes back to an instruction I gave you a long time ago, it seems now, about hypothetical questions. Remember that? It was a short instruction, but basically it tells you that when a hypothetical question is proposed to a witness or propounded to a witness, the jury, the fact finder, still has to determine whether or not

the underlying hypotheticals are proven or not, when you consider this witness's testimony.

So I'll just remind you of that instruction, and allow the attorney to proceed with this line, making it clear that you're --

Use the word "hypothetical," if you would, so that the jury understands that, and then I'll -- based on that, I'll overrule the prosecution's objection.

Q. BY MR. SANGER: All right. So other than

the characterization of “Fund-raiser” on those next five lines, the rest you simply recorded from the documents, from the Washington Mutual records, correct?
A. That is correct.
Q. All right. Now, I’m going to show you 5099 for identification.
If I may approach, Your Honor.
THE COURT: You may.
Q. BY MR. SANGER: 5099 is a copy of a check; is that correct?
A. Yes, sir.
MR. SANGER: And, Your Honor, that also comes from the materials that were business records that were subpoenaed, and there’s a stipulation as to the foundation.
Q. As to 5099, did you record on the next line of your analysis the date that that check was

written?
A. I recorded the date it was deposited. It was actually written on November 2nd.
Q. All right. And it was deposited November 5?
A. Yes, sir.
Q. And that was 2001; is that correct?
A. Yes, sir.
Q. The source is Michael Adler?
A. Yes, Michael Adler.
Q. And it looks like it says “Alder” here.
A. It is -- it’s hard to read a copy of the copy, but I think it is Alder. A-l-d-e-r.
Q. And then the amount is $32,308; is that correct?
A. Yes.
Q. And that amount was deposited in that same account; is that correct?
A. That’s correct.
Q. All right. Now, there’s a notation, “J.C. Penney lawsuit.” Do you see that under “Description”?
A. Yes, that’s under the “Description,” “J.C. Penney lawsuit.” On the check itself it says, under “Memo,” “Arvizo settlement.”

Q. All right. And were you asked to assume that there had been testimony -- for the purpose of a hypothetical for the entry of this material on your analysis, that there had been testimony that the settlement source was a J.C. Penney lawsuit?

A. Yes, sir.

Q. All right. Now, I'm going to ask you to look at 5098, which is a document dated November 9, 2001; is that correct?

A. Yes.

Q. And what does that appear to represent?

A. About four days after the $32,000 is deposited, Ms. Arvizo withdraws $29,000 from the same account, and it's made into a money order payable to Hollywood Ford.

Q. All right. Now, could you determine that on November 9, 2001, Janet Arvizo withdrew $29,000, approximately, from her Washington Mutual Bank account?

A. I see that same amount clearing the bank after this check is drawn.

Q. All right. So you determined that from the Washington Mutual Bank account records; is that correct?

A. Yes, sir.

Q. All right. And then the actual document that you have in front of you is a -- what appears to be a cashier's -- a copy of a cashier's check; is that correct?

A. Yes.

Q. Now, do you know if that cashier's check actually was cashed by Hollywood Ford?

A. I do not know where it was cashed. I do know that there's a withdrawal from the bank around that time for $29,000.

Q. All right. And is there any indication that $29,000 went back into the account?

A. I never saw it go back into the account.

Q. All right. Now, the next line under the analysis is December 2001 --

A. Yes, sir.

Q. -- is that correct?

Were you asked for the purpose of preparing this analysis to assume that Azja Pryor had testified in this court that she had given $600 to Janet Arvizo in December of 2001?

A. That's the assumption that I've made, yes.

Q. And -- okay. And I'm sorry, I couldn't help overhearing Mr. Sneddon, so I apologize, but it was a stage whisper.

Whether it's cash or a cashier's check, were you asked to assume that money was given to Azja Pryor?

A. I assumed money was given to Azja Pryor.

Q. You assume that because you were asked to assume that, for the purpose of preparing this, correct?

A. Yes, sir.

Q. All right. Now, if -- we're going to skip -- no, we aren't. We're going to go from

January 2 through March 17, and I'm going to show you a series of checks and these checks are Nos. 5100 through 5104.

May I approach, Your Honor?

THE COURT: Yes.

MR. SANGER: Thank you.

Q. I'm showing you 5100 through 5104. Those are documents that came from the bank records that have been subpoenaed of Jay Jackson, and I'm going to ask you if you reviewed those for the purpose of preparing this analysis?

A. Yes, I did. They are listed on my schedule.

Q. And is the information listed on the schedule the information that comes directly off of all of those checks?

A. Yes, sir.

MR. AUCHINCLOSS: Could we have the actual exhibit numbers traced to the individual exhibits?

MR. SANGER: Sure. So 5100 would be the January 2 welfare check of $769; is that correct?

A. That is correct.

Q. And that was deposited into Jay Jackson's

Bank of America account; is that correct?

A. Yes, it was.

Q. And then 5101 was the same date, January 2, 2003, and that’s a check from Jay Jackson to Raymond Trujillo, rent for Soto Street apartment.

A. That is correct.

Q. And then 5102 is a February 24 welfare check for $769, and that was deposited in Jay Jackson’s Bank of America account?

A. Actually, the check is February 15th. I think it was deposited February 24th.

Q. Okay. So the date of the check is the 15th, deposited February 24th?

A. That is correct.

Q. All right. And there’s a notation that apparently somebody switched the numbers around at the bank, and they had to correct that error?

A. Yeah. Being an accountant, it’s not unusual to transpose numbers. And when it was first deposited, it was deposited as $796, and the bank caught that. And so when it first -- it shows up as a deposit on his bank deposit as $796, and Bank of America catches it and takes $27 back out of the account.

Q. All right. So the bottom line -- aside from all that accounting business within the bank, the bottom line is the welfare check of $769 was deposited into Jay Jackson’s Bank of America account, correct?

A. That is correct.

Q. And the next one is 5103, and that’s a check from Jay Jackson of $425, a rent payment to Raymond Trujillo for the Soto Street apartment; is that correct?

A. That is correct.

Q. And the last one, 5104, appears to be a welfare check; is that correct?

A. Yes, dated March 17th, 2003.

Q. And that’s for $769?

A. Yes, it is.

Q. And that appears to have been cashed by Janet Arvizo?

A. It’s hard to read, but I -- it looks like it’s her signature.

MR. SANGER: All right. Okay. Your Honor, we would move into evidence 5097 through 5104, which are those documents as exhibit records from the various accounts.

MR. AUCHINCLOSS: No objection.

THE COURT: They’re admitted.

Q. BY MR. SANGER: Now, looking at your analysis for the moment, or back to that, the last five entries are entries for which you did not have specific documentation; is that correct?

A. Correct. Except for the February 6th through March 12th, I did review what I referred to as Exhibits 414 and 416.

Q. All right. Well, let’s start with that. Did you have an occasion to look at court exhibits 414 and 416?

A. Yes, sir.

Q. And what did those appear to be?

A. They appeared to be expense -- I guess you’d call them expense reports that showed various expenses being made and the notation on those was for Janet Arvizo.

Q. All right. And who -- whose bank account -- what was the name -- I’m sorry, let me withdraw that.

What was the name of the entity for which this expense report was prepared?

A. It was my understanding it was Neverland Valley Entertainment.

Q. All right. Now, were you able to come up with a precise number as to how much money had been expended on behalf of Janet Arvizo or her children as opposed to expended indirectly on her behalf in some other fashion?

A. No, I was not, but it appeared to be several thousand dollars.

Q. All right. And were you asked to assume for the purpose of preparing this chart that there was testimony in this court indicating that several thousand dollars had been spent on behalf of Janet Arvizo and her children during this period of time?

A. Yes.

Q. All right. So under the “Amount,” rather than putting an exact dollar amount, you just put “Several Thousand Dollars”; right?

A. That’s correct.

Q. Was your purpose to come up with a bottom line that was going to be computed?

A. No.

Q. It was just to record these various transactions so we’d have them all in one place; is that right?

A. Yes, sir.

Q. All right. And then February -- the next line is February 5th to February 24th, 2003. And this says, “Source,” “Michael Jackson.” Were you asked to assume, for the purpose of preparing this, that there had been testimony that money had been expended on behalf of Janet Arvizo and her children for a trip to Miami, body wax, children’s braces, lodging, travel, food expenses and so on?

A. Yes, sir.

Q. You indicated in the “Amount” column “Several Thousand Dollars,” correct?

A. Yes, sir.

Q. Once again, did you have any ability to do an accounting as to what Mr. Jackson expended on behalf of these particular individuals?

A. No, sir.

Q. Okay. All right. And then I see there’s actually maybe a typo here. The next line is February 7 to March 12th, 2003. There’s an indication, “Several Thousand Dollars,” “Living Expenses at Neverland Ranch”?

A. Yes, sir.

Q. All right. And it says, for some reason, “MJ Sounds” and I have no idea why it says “Sounds” there. Why don’t we just strike that word out.

A. That’s fine.

Q. Was it -- were you asked to assume there had been testimony that this family had been living at the Neverland Ranch, the previous one was living elsewhere and other expenses for them, but this line being living expenses while they’re at Neverland Ranch?

A. That is correct.

Q. All right. And again, you didn’t know how much so you put “Several Thousand Dollars”; is that correct?

A. That is correct.

Q. Now, the next line is February 20, 2003, and you indicated “Hamid Moslehi,” and the total amount of $2,000, and “Description,” “Cash.”

Were you asked to assume that there was testimony in this trial that Hamid Moslehi had given Janet Arvizo $2,000 in cash on February 20th?

A. Yes, I was.

Q. And were you asked to assume whether that was a loan or a gift or anything else or just that it was $2,000?

A. I assumed that he received $2,000 -- or the Arvizo family received $2,000 from that gentleman.

Q. All right. And then the last entry is November 2 to present. It says “Source” is Jay Jackson. “Amount” is “Unknown.”

Were you asked to assume that there had been testimony from Gavin and from Jay Jackson that Janet Arvizo had been living with Jay Jackson off and on from November 2002 to the present?

A. That is correct.

Q. And so you’ve indicated there would be some sort of lodging and use of an automobile based on the assumptions that we asked you to make; is that correct?

A. Yes, sir.

Q. All right. Based on all of that, is this chart now a fair and accurate depiction of what you have just testified to, that is, the documents you received and looked at, and also the assumptions you were asked to make from the prior testimony?

A. That is correct.

MR. SANGER: Your Honor, I would move into evidence Exhibit 5105.

MR. AUCHINCLOSS: I’d object to the admission of that evidence, Your Honor. I’d like to take the witness on voir dire.

BAILIFF CORTEZ: Microphone’s off again, sir.

THE COURT: I’ll -- I won’t rule on the admissibility until after your cross-examination.

MR. AUCHINCLOSS: All right.

MR. SANGER: I was going to request to publish it so I could just show it to the jury, but I’ll hold off, if that’s all right, if I would be allowed to do that after Mr. Auchincloss concludes his cross, assuming it’s admitted.

THE COURT: I’m going to hold off on the ruling until he examines. We could do it by voir dire or cross, but I think it’s better just to do it by cross.

MR. SANGER: With that exception, I would like to put this up if it’s admitted later. I’ll defer to Mr. Auchincloss.

THE COURT: All right.

CROSS-EXAMINATION

BY MR. AUCHINCLOSS:

Q. Good morning, Mr. Radakovich.

A. Yes, sir.

Q. Did I pronounce that correctly?

A. Perfectly.

Q. All right. I’m looking at Exhibit 5105 and I’m going to go through that with you somewhat quickly, but I want to focus on the items for which you do not have any evidence before you. There’s several things you were asked to assume in this document and I want to talk about those, first of all.

Beginning at the top of this document, you have a June 15th, 2000, entry from Louise Palanker, $10,000, check to Janet Arvizo. Have you seen that check, first of all?

A. Yes, I have.

Q. Do you know if Janet Arvizo actually received, personally received, that $10,000?

A. I saw a signature that appeared to be her signature on the back of it, cashing it. I don't know what happened to the funds.

Q. Okay. How about the check to David Arvizo, the next entry, July 10th? Can you tell us whether or not Janet Arvizo actually received that $10,000?

A. The check was made out to David Arvizo.

Q. Okay.

A. And it looked -- I've never seen his signature before to compare, because that was the only document that his signature was on, but it looked like he cashed it.

Q. Okay. But you have no evidence to lead you to believe or conclude that Janet Arvizo received that $10,000?

A. No, sir.

Q. Now, what were you specifically asked to do in preparing this document, Exhibit 5105?

A. Well, to look at particular transactions, and to basically list the pieces of information from those documents in the order that shows up on the schedule.

Q. Was the idea here to create a list of income that Janet Arvizo received between the dates of, let's say, June 15th, 2000, and I guess March 12th, 2003, over those three years?

A. Not to list any income. Just to show the transactions.

Q. Okay. Just to show a list of transactions?

A. That is correct.

Q. Was there any guidance as far as what transactions you were going to put in this list?

A. I was provided, I'm going to call it a book of evidence, an evidence book, that had various checks. Some of which are in evidence here, additional ones that I don't know if they're in evidence or not in evidence as those checks from Louise Palanker. I was given those documents.

Q. You were given a book of documents?

A. Yes, sir.

Q. Who gave you the book of documents?

A. Actually it was delivered to my office, but it's my understanding it came from Mr. -- either Mr. Sanger's or Mr. Mesereau's office.

Q. Do you have that book with you today?

A. Yes, I do.

MR. AUCHINCLOSS: May I approach and take a look at that item, Your Honor?

THE COURT: Yes.

MR. AUCHINCLOSS: All right. Thank you.

Q. So when you received this book -- I noticed that -- well, is it fair to say that the book has some additional documents in it apart from what you've included in your report on Exhibit 5105?

A. Yes, sir.

Q. And did you receive some guidance from Mr. Sanger or anybody else as to which documents were going to be selected out of that book to be included in this exhibit?

A. Yes, we met and discussed the documents in the book and which ones Mr. Sanger wanted to have on the schedule and which ones had the actual documentation behind them.

Q. Okay.

A. There were a lot of documents in the book.

Q. So Mr. Sanger told you what he wanted on this list?

A. We had a meeting and we discussed various transactions. And I suppose, yes, he told me which transactions to put on the book, but it was a discussion that him and I had back and forth. We discussed various transactions.

Q. But many of these transactions you don't even have in that book; is that fair to say? You don't have any evidence of the transaction in the book that was delivered to you?

A. Just the ones that Mr. Sanger brought up at the end from February 6th on. There aren't any indications of those in this book.

Q. And you also don't have any indication of the transaction involving Azja Pryor in December of 2001?

A. I'm sorry. That one also. There's no indication for that.

Q. And some of this information in this report you don't have any knowledge of except based upon what Mr. Sanger told you; is that fair to say?

A. I don't quite understand what you're asking.

Q. Well, for instance, the source of the deposits to Janet Arvizo's account at Washington Mutual, you have no idea what the source of those deposits was?

A. No, and I don't think I'm trying to -- all -- under "Description" I just say, "Deposit into the Washington Mutual account." I'm not making any kind of opinion as to where I think those sources are coming from.

Q. But the "Source" you wrote in this document is "fund-raiser," "fund-raiser," "fund-raiser," "fund-raiser," "fund-raiser," for those five documents. And you don't know that the source of those funds on those entries was, in fact, a fund-raiser except for what Mr. Sanger told you; is that fair to say?

A. Yes, as he indicated, that was an assumption that was made.

Q. Okay. So moving down the list, you assumed that each of those deposits came from a fund-raiser, but you don't have any knowledge of that?

A. That is correct.

Q. Moving to the next entry, November 5th, 2001, there's a check from Michael Alder. It says, "J.C. Penney lawsuit." Did Mr. Sanger ask you to assume that as well?

A. Yes, and there was -- also I reviewed a J.C. Penney lawsuit settlement statement.

Q. And then moving down to the next one, that's a cashier's check from Hollywood Ford. Do you have

any information as to whether or not that check to Hollywood check was cashed?
A. Actually, it’s a check to Hollywood Ford, not from --
Q. I misspoke. A check to Hollywood Ford. Do you have any idea whether that check was ever cashed?
A. I have no idea.
Q. Do you have any idea where those funds went?
A. The check is made out to Hollywood Ford. I assume it went to Hollywood Ford.
Q. But that’s all you have had. Does that check cashed -- does it indicate it’s been cashed based upon the markings on the check?

A. Well, what we have is a copy of a cashier’s check. So we don’t have the actual check itself. The check would have not been returned to Miss Arvizo. It would have been returned to the bank. When you get a cashier’s check, it doesn’t come back in the mail with your bank statement. It’s returned to the bank.
Q. Okay. Did you call Hollywood Ford?
A. No, sir.
Q. So you really don’t know if Hollywood Ford received that check, true?
A. All I can say is it was made out to Hollywood Ford.
Q. Do you have any idea whether the $32,000, $32,308, do you have any idea whether those funds went to Janet Arvizo or if she shared those with her husband or if they went to somebody else? Do you have any idea where those funds went ultimately?
A. Yes, I do. They went to the Washington Mutual account and they were deposited into the Washington Mutual account, the $32,000.
Q. Yes.
A. And about seven or eight days later, the funds were basically cleared out when she wrote a check to Hollywood Ford. Basically, money comes into the bank and the money goes out to Hollywood Ford.
Q. So with the exception of the $3,000,

approximately, $3,000?

A. That is correct.

Q. Okay. But we're back to my previous question. You don't know what happened to that $29,000, exactly where those funds went?

A. Well, it went to Hollywood Ford. I guess I'm --

Q. You have a cashier's check, but you said you didn't have an indication whether or not that check was cashed, true?

A. No, I -- the funds were withdrawn from the bank. I know that.

Q. Yes.

A. The funds were withdrawn from the bank. There is a check on that same day for the same amount to Hollywood Ford. It's not unreasonable to think that that check went to Hollywood Ford.

Q. Gotcha. But that's an assumption that you're making, correct? You don't have any direct evidence that that check was cashed at Hollywood Ford, true?

A. Well, the check was made out to Hollywood Ford, the funds left the bank. I guess I'm assuming that, but I guess I assumed the sun came up this morning, too.

Q. Well, let me throw another assumption at you.

THE COURT: Let's take a -- let's assume we're going to take a break.

(Laughter.)

--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 11497 through 11538 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 23, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, May 23, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

MONDAY, MAY 23, 2005

8:30 A.M.

(PAGES 11540 THROUGH 11685)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

DEFENDANT’S
WITNESSES DIRECT CROSS REDIRECT RECROSS
RADAKOVICH, Mike 11563-A
MANRRIQUEZ,
Mercy Dee 11566-SA 11618-A 11625-SA 11631-A
ARVIZO,
Marian 11633-M 11642-Z
KEENAN, Connie 11646-M 11658-SN 11676-M 11681-SN

E X H I B I T S

DEFENDANT'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
5106	Subpoenaed records from the Department of Public Social Services	11569	11569

THE COURT: Counsel?

MR. AUCHINCLOSS: Thank you, Your Honor.

Q. Where we left off, Mr. Radakovich, we were talking about whether the sun was going to come up tomorrow, and I wanted to just ask you about another assumption, okay?

Assume that you take a -- you go into your bank, your bank is Washington Mutual, let's say, and you have a $30,000 balance in your account. And you go in and you get a cashier's check for $30,000 for, let's say, an automobile dealer. You walk out of the bank intending to buy a car, and you turn around and you say, "You know, I don't really want that car," and you walk back into the bank and you say, "I've changed my mind. Here's my receipt. Here's my cashier's check. I don't want the car. I just want cash." The bank will negotiate that check for you, won't they?

A. I would assume so, yes.

Q. So there's an example where that check would not have gone to Hollywood Ford, a conceivable possibility?

A. That would be a possibility, yes.

Q. And you can't testify whether or not Hollywood Ford actually received that check, true?

A. No, sir.

Q. So the sun will come up tomorrow; is that fair to say?

A. I certainly hope so.

Q. Okay. Let's go back down to the next entry involving Azja Pryor. You had absolutely no information as to that particular transaction except for what Mr. Sanger told you?

A. He told me that that was admitted as -- I don't know the legal term. Was admitted as evidence or there was testimony as to that.

Q. Okay. But in terms of him supplying you with any hard documentation, any accounting records of any kind, you have nothing to justify that except for what Mr. Sanger told you, true?

A. That is correct.

Q. All right. Now --

MR. SANGER: I'm going to object. Really I asked him to assume that for purposes of a hypothetical --

MR. AUCHINCLOSS: I'm going to --

MR. SANGER: -- as opposed to just --

THE COURT: The objection is overruled. Next

question.

Q. BY MR. AUCHINCLOSS: Moving down, let's see, let's go to the four -- five final transactions. Now, each of these transactions were based completely on assumptions or hypotheticals that Mr. Sanger gave you; is that correct?

MR. SANGER: Objection; misstates the

evidence.

MR. AUCHINCLOSS: I'll ask a different question.

THE COURT: All right.

MR. AUCHINCLOSS: Strike that.

Q. With the exception of Exhibits 414 and 416 -- same question. With the exception of those two exhibits, which I believe you were supplied, correct?

A. Yes.

Q. Did the rest of this information come from Mr. Sanger?

A. Yes, sir.

Q. All right. And as far as the amounts that are itemized, we don't have specific amounts for any of these transactions, with the exception of the one involving Hamid Moslehi, $2,000, true?

A. That is correct.

Q. Okay. So we don't really know what kind of dollar figure we're talking about with each of those transactions?

A. No, sir.

Q. All right. And have you ever prepared a document like this before?

A. I've prepared many documents. Yes, I prepared many documents. I'm not sure when you say "like this" --

Q. Well, a document that included many

assumptions and unknown amounts and hypotheticals.

A. I've prepared documents for different cases, and it seems like almost every single case is different. I'm not sure exactly how to answer that question. I mean, I have never prepared a document just like this one, because this case is different than the next case.

Q. Let me ask you another question. You said that this was a fair and accurate document. But in fact, it’s not accurate at all because we don’t know the figures that we’re talking about; isn’t that fair to say?

MR. SANGER: Objection. Argumentative, and misstates the evidence as a matter of fact.

THE COURT: Overruled.

You may answer.

THE WITNESS: It’s fair and accurate based on the assumptions that underlie the schedule.

Q. BY MR. AUCHINCLOSS: Assuming that all of Mr. Sanger’s hypotheticals are accurate, then it’s fair and accurate?

A. Yes, sir.

Q. With the exception of the fact that it’s not accurate in the amounts that you provided for these various transactions for which you have no specific amount, known amount; is that fair to say?

A. It’s accurate based on the assumptions that were used to prepare it. I don’t know how else to

say that.

Q. What does “several thousand dollars” mean in terms of accuracy?

A. Well, it was explained to me, as an example; that they flew to Miami and that they stayed at a hotel. And it would be my experience that that would be several thousand dollars to get there, to stay at the hotel, and the assumption that the goods and services provided them would probably be several thousand dollars.

MR. AUCHINCLOSS: All right. Thank you, Mr. Radakovich. Thank you. No further questions.

MR. SANGER: Your Honor, I would ask to admit 5105, which is the summary chart.

MR. AUCHINCLOSS: And we would object to the admission of that document based upon improper foundation and -- or lack of foundation.

THE COURT: Right now I’ll sustain the objection to the chart. I think, basically, it would be helpful in your final argument as an exhibit of -- you know, to explain to the jury that, but I don’t think that it has an evidentiary value independently of argument, so --

MR. SANGER: It is foundational to the next witness. That’s the purpose of doing it this way. Could we approach for a moment, Your Honor?

THE COURT: Yes.

MR. SANGER: Thank you.

(Discussion held off the record at sidebar.)

MR. SANGER: May I approach the witness to retrieve the exhibits that have been admitted?

THE COURT: Yes.

MR. SANGER: Okay. And I’m holding out 5105. That was not. The others have been received and I’d like permission, then, to publish them.

THE COURT: You may.

MR. SANGER: Thank you.

Q. I’m putting up these documents that have been received. They’ve been received into evidence and -- do we have our laser thing there?

MS. YU: Yeah.

MR. SANGER: Sorry. Technical moment here. There we go. Thank you. There we go.

Q. Okay. What I want to do is go through these quickly. You’ve already testified to them before they were received, but just to publish them so the jury can see what we’re talking about.

This is Exhibit 5097, and you referred to this exhibit. You indicated it showed an account, “Janet Arvizo, FBO Gavin Anton Arvizo,” correct?

A. That is correct.

Q. All right. And the address for the statement was in El Monte on Ramer Street; is that correct?

A. Yes.

Q. And this particular exhibit -- I want to be careful not to shine this in the court reporter’s eyes here.

This particular exhibit shows deposits and withdrawals from this particular FBO account; correct?

A. That is correct.

Q. And you had indicated that -- there we go. I think our laser is getting faint here for some reason. It may be running out of battery or something.

Okay. These are the deposits, and you listed those -- well, never mind what you listed. But the deposits show how much money went into this account?

A. Looks like $7,000 in that one month, yes.

Q. Okay. All right. And that month would have been December, and actually into January. December of 2000 and January of 2001; is that correct?

A. That is correct.

Q. Thank you. Let's see if we can get a -- whoa, that's a lot better. Okay.

Let's take 5098. Now, in looking at this particular document, this is the copy of the Hollywood Ford cashier's check, correct?

A. Yes, that's the infamous Hollywood Ford check.

Q. And basically you don't have a copy of that thing that's endorsed by Hollywood Ford to show that 11550 it actually went into one of their accounts; is that correct?

A. Again, as I said, because it's not returned to the person writing the check. It goes back to the bank.

Q. All right. However, did it appear, from your review of the records, that this money ever went back into Janet Arvizo's account?

A. I never saw it going back into any account I looked at, no.

Q. So in other words, whether Hollywood Ford got it or somebody else got it, it did not go back into Janet Arvizo's account?

A. That I could see, that is correct.

Q. All right. Now, I'll put up 5099, and that is very hard to read. But it appears to be Mr. Alder's check; is that correct?

A. Yes. That was a check from Mr. Alder's office to Janet Arvizo. And the bottom, where the "Memo" says "Arvizo settlement," it's $32,307.88.

Q. Now, you said you also reviewed the J.C. Penney's settlement documents, or lawsuit documents; is that correct?

A. Yes, sir.

Q. Did it appear that other Arvizo family members received additional sums in their name in addition to the amount that Janet Arvizo received?

A. Yeah, the total settlement was $152,000.

Q. All right. Some of that went to attorney's fees and costs?

A. Attorney fees and costs, and I think some went to the kids, and I think Mr. Arvizo received a check. And I think this was the check that went to Janet, or obviously this is a check that went to Janet.

Q. This is just Janet Arvizo's portion of that, right?

A. That is my understanding.

Q. And I think you're doing okay, but you got to really speak --

A. I'm scared I'm in their way over here. I feel like I'm at the movies and I want to --

Q. I think they can see over your head. The concern is make sure you talk into the microphone. Okay. And that amount of money went into this FBO account for Gavin and then was taken out shortly thereafter by virtue of whatever this transaction was with the Hollywood Ford cashier's check?

A. That's correct. 32,000 goes in, 29,700 goes out, and then later that month the remaining 3,000 goes out.

Q. All right. And then the -- oh, I won't put all of these up, but we had the series of 5100 through 5104. This is 5100 that I'm putting up there. And that's basically a copy of a check that

shows that it was deposited into Jay Jackson's

account; is that correct?
A. That is correct.
Q. And you had a couple of those; is that right?
A. Right. And I also looked at the Bank of America account of Mr. Jackson and actually saw that same amount on that same day being deposited into his account.
Q. All right. So the actual check record corresponded with the statement from the bank; is that correct?
A. That is correct.
Q. And similarly, looking at 5101, which I indicated was the rent payment for Soto Street, that’s noted on there; is that correct?
A. That is correct.
Q. And that appeared to have been paid out of the Jay Jackson account to Raymond Trujillo; is that correct?
A. That is correct.
Q. And you had a couple of those.
A. Yes, sir.
Q. Now, there were -- in the documents you looked at, there were a number of other payments made by Jay Jackson; is that correct?
A. Yes, sir.
Q. All right. And were you asked to take a

liberal approach to this? A conservative approach? Can you explain what you were asked to do?
A. I looked at all the documents submitted to me, and there were a lot of documents I looked at. And I didn’t see, in my opinion, the relevancy of those documents. There was just a check from Jay Jackson’s account to American Express, but it didn’t -- I mean, that’s all I had. To me, that’s a meaningless check. The --
Q. Let me stop you there, if I could, just so we can pick up on that point. In other words, you saw a number of expenditures, but you couldn’t tie them directly with the information you had to Janet Arvizo; is that correct?
A. That is correct.

Q. So you took the representative ones here that are clearly for something that has been identified as a residence of Janet Arvizo; is that correct?

A. That is correct.

Q. All right. Now, I want to ask you --

Switching gears here for a second, I'd like to first approach the witness and I'm going to come back and put this up on the board, if I can. I'd like to approach the witness with the book that includes Exhibit 414 and 416 that have already been received into evidence. And while I'm at the microphone here, I'll just say it here so we don't have a colloquy up there.

I'm just going to ask you to look at 414 and 416. And these have been placed in these glassine protectors, or whatever they are, and unfortunately the book is broken on the top, and it tends to come apart, so we've got to be careful flipping through.

I'm going to ask you to look through 414 and then look through 416, and tell me if those appear to be the same documents that you looked at earlier, okay?

Did I ask if I may approach? I think I did, yes.

In fact, what we'll do is just start with 414.

A. Yes. This is the document I previously saw.

Q. Okay. Now, on 414, that appears to be a report of some sort that was generated on behalf of a company called Neverland Valley Entertainment, correct?

A. I don't know who it was generated on. It's a Quicken report generated by the Quicken software, and it appears to be disbursements with different categories, such as Panda Express, Anchor Blue Clothing, Johnny Rocket's, with various dollar amounts and then a running balance going forward.

Q. All right. And at the end -- so the running balance going forward at the end should show you the total amount of the expenditures for the particular items included in that Quicken report; is that correct?

A. That’s correct.

Q. Take your time.

A. And what happens, the way the account reads, it starts at zero. Somebody puts in $2500, and that $2500 is eaten up, so your balance actually goes down, if that makes any kind of sense.

Q. Can you tell -- and I’m sorry to put you on the spot here, but can you tell quickly about how much money was expended through that account? I see you brought a calculator. I’m not really encouraging you to use it, if you can give us an approximation.

A. I’m going to give it about $7,000.

Q. So earlier when you said several thousand dollars, you see about 7,000 there; is that correct?

A. Yes, 7,000 or so.

Q. All right. Now, I’m going to ask you to turn to 416. And I’m going to come and help you, because the book is going to fall apart. If I may, Your Honor.

THE COURT: Yes.

MR. SANGER: Let me just help you with this. All right?

Q. Now, I’ll ask you to go through 416. Just kind of flip through it and see if that appears to be the same documents that we showed you as being a

copy of 416.

A. Yes. And the title of it is “Summary of Petty Cash Expenditures,” and it lists dates and various payees such as Banana Republic, Pacific Sunwear, Levi’s. And then it has dollar amounts, $160, $450, and has a running total that adds up to $4,800 for about a one-month period. 4,800 for a month period.

MR. SANGER: All right. May I retrieve the book? I’d like to publish selected pages.

THE COURT: Yes.

MR. SANGER: Thank you. And with the Court’s permission -- oops, that's probably why the book is broken. It's because I did it wrong. No? Okay.

With the Court's permission, I would like to take Exhibit 414, which has been received, and publish some representative pages here of the eight-page register, if I may.

THE COURT: Yes.

MR. SANGER: Okay. Thank you.

Q. Now I'm taking them out of the book. And the first page of Exhibit 414, for the record, the little glassine envelope has a "1" on the bottom and it has a couple of computer disks inside. So I'm going to go to 2, page two of Exhibit 414, and just ask you if -- can you read that? Is it clear enough or --

A. Yes.

Q. You can? Okay. Let's just start at the top. And all of these pages are set up the same way; is that correct?

A. That is correct.

Q. All right. So they've got a date, which appears to be obliterated by a hole punch. And then it's got "Number," it says "N-U-M," "Transaction," "Spend," "C," "Received" and "Balance." Do you know what those columns relate to in this Quicken register?

A. Yes. The date is obviously the date. The number is probably a transaction number. Either a check number or a credit card number. The "Transaction" is somebody putting a description as to who the payee is and the reason for it. The "Spend" is the amount of the transaction. And the "Received," as I was saying, was where somebody's putting money into that account.

So the first transaction is an $80 deposit, so we have a balance of $80. The second transaction is Five Star Parking for $6. And so our balance now is only $74. And it goes into a running total.

Q. Okay. I'm sure everybody's up to date with us here, but the opening balance, somebody put -- the opening balance is zero, and then on 2-20 they record an $80 deposit, showing a balance of a deposit of $80, correct?

A. That is correct.

Q. And then you have the next transaction, $6 is spent, so that leaves you $74 --

A. Yes, sir.

Q. -- right?

And you can follow this through. I'm going to move this particular page up a little bit. You had mentioned there was a $2500 deposit at some point, and that appears to have occurred on 2-25-03, 2500, correct?

A. Yes.

Q. And looks like there was a negative balance here after an expenditure at Robinson's-May -- actually, there's been a negative balance for a while here. And now the total is 2272.70, which means that the $2500 then replenished that account; is that correct?

A. That is correct.

Q. And in the various -- in the columns here for the period of time covered by this register, you have certain indications such as "Hair products for Janet," "Outback Restaurant, Janet," and looks like it says "Vinnie"?

A. Yes, sir.

Q. All right? And it also -- apparently "Gas for rental car." That's also included in this account; is that correct?

A. That is correct. I think the -- I think the account title is "Janet."

Q. All right. All right. So if we take this through to the end, there's the same -- same accounting procedure through the entire seven pages.

A. That's correct. And when I came up with that $7,000, I ran a mental total of all the deposits, that 80, the 2500, and I came up with around 7,000.

Q. Okay. And that's why you're an accountant because you can do that fairly quickly.

All right. Now, let me turn to -- I'm going to turn to the next exhibit, Your Honor. I just need to do it carefully. To Exhibit 416. And may I put that up on the board?

THE COURT: Yes.

MR. SANGER: It’s been previously received.

Q. Okay. You talked about 416 and you told us that this appears to be what you reviewed. This is a handwritten, obviously, expenditure sheet of some sort; is that correct?

A. That’s correct.

Q. All right. And this appears to go from 2-26-03 to, looks like, 2-28-03?

A. Yes.

Q. Okay. In any event, this has -- the bottom line for this period of time, it shows, you thought, about $4,000 in expenses?

A. $4,817.

Q. Now, they said “Cash left” of 180. So, to be technically correct, I suppose you’d subtract the 180 from that 4800?

A. I believe that 180 is the amount of the expenditure --

Q. Oh, okay.

A. -- to the left. So --

Q. Okay.

A. I don’t know what “cash left” means.

Q. But the rest of the things seem to be expenditures of some sort for McDonald’s, Mobil and so on, Baskin Robbins, I see, right?

A. That is correct.

Q. All right. Now, in the rest of Exhibit 416, there are -- the first two pages, there were a series -- there was a series of receipts; is that correct?

A. That is correct.

Q. Now, you did not go through and attempt to match all the receipts to expenditures; is that right?

A. No, sir.

Q. I’m going to take page three and put this up here. There’s a note, “Luggage for trip.” Do you see this up there?

A. Yes, it appears to be to Wilson’s down at the Camarillo Outlet.

Q. Wilson’s is a leather or luggage store?

A. I believe it is.

Q. And then there’s a note, “Food,” and it shows a Denny’s receipt?

A. Denny’s in Thousand Oaks.

Q. And I’ll take the next page here quickly. I’ll put that back there. It appears to be a Banana Republic receipt; is that correct?

A. Correct. It looks like they’re all from the Camarillo outlets.

Q. Pacific Sunwear. So all of these seem to be from the same general place?

A. Yes, sir.

Q. Okay. And basically, if you go through here, based on your understanding of accounts and documenting accounts, it appears that somebody at least attempted to put together all the receipts, or put together receipts that would back up the kind of accounting document that you saw either in 414 or the beginning of 416; is that correct?

A. Correct. Assuming that those match up. Now, I didn’t match them up, no.

Q. And you weren’t asked to assume that every single one of these receipts pertained to Janet Arvizo.

A. No, sir.

Q. So if we look at Outback Steakhouse here, it looks like there’s a number of different dinners that were purchased on a particular evening; is that correct. Five guests?

A. That’s correct. It appears that the total was $111, with a $10 tip.

Q. All right. And we’ve just gone through the tip of the iceberg here to save time, but I think there are -- if I’m not mistaken, in the exhibit there are about 60 pages. The last number is numbered 63. But assuming a couple of the pages are for the handwritten accounting in this exhibit, there are about 60 pages of documentation for this; is that correct?

A. I would assume so, yes. Excuse me.

MR. SANGER: All right. I have no further questions.

REDIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Just a couple of final questions. As far as the Exhibits 414 and 416, 414 has a number of entries indicating for Janet; is that true?

A. That is my recollection, yes.

Q. Do any of the entries likewise indicate a recipient of those services or goods for someone else other than Janet?

A. I just remember seeing “Janet,” but I couldn’t tell you every transaction, no.

Q. Okay. And do you know who prepared that document?

A. No, sir.

Q. Do you know where it came from?

A. Mr. Sanger gave it to me out of an evidence book.

Q. Okay. But other than that, you don’t know who prepared it or under what circumstances it was prepared?

A. No. For some reason in the back of my mind, I remember I was told it was Neverland Ranch or -- but I don’t really --

Q. Neverland Valley Entertainment?

A. But I don’t even know who that is.

Q. And as far as Exhibit 416, which has the handwriting entries, those handwritten entries, by and large, don’t associate those goods with any individual; is that fair to say?

A. I’d have to look at the document. I thought there was some indication, but I don’t remember.

Q. Do you remember seeing any entries that indicated goods or services for Frank and Vinnie?

A. Those names I remember.

Q. Okay. So some of those entries were things that Frank or Vinnie arguably received. At least that's what it indicates?

A. I would agree with that, yes.

Q. Were there entries for The Country Inn & Suites?

A. I don't remember that particular entry.

Q. Were there entries for gasoline?

A. I remember seeing gasoline.

Q. Okay. And there were a number of entries for fast food places; is that fair to say?

A. That is correct.

MR. AUCHINCLOSS: All right. Thank you. No further questions.

MR. SANGER: No further questions.

THE COURT: Thank you. You may step down. Call your next witness.

MR. SANGER: We'll call Mercy Manrriquez. And -- and, Your Honor, while the witness is coming in here, maybe we could approach quickly on a procedural matter.

THE COURT: Okay.

MR. SANGER: Try to handle this with the clerk.

(Discussion held off the record at sidebar.)

THE COURT: Would you remain standing, please, and face the clerk here and raise your right hand.

MERCY DEE MANRRIQUEZ

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Mercy Dee Manrriquez. M-e-r-c-y, D-e-e, M-a-n-r-r-i-q-u-e-z.

THE CLERK: Thank you.

MR. SANGER: Okay. Your Honor, before we start -- well, let me start with this so everybody knows where we are.

DIRECT EXAMINATION

BY MR. SANGER:

Q. Miss Manrriquez, how are you employed?

A. I’m employed by the County of Los Angeles, the Department of Public Social Services.

Q. What does the Department of Public Social Services do?

A. The program I’m involved in -- we determine eligibility for people that are requesting public assistance.

Q. Okay. And you’re doing pretty much okay, but maybe you can pull the right microphone up just a little bit. It’s kind of a hard one to talk into.

A. Okay. Is that better?

Q. That’s a little better. You’re doing okay, actually. All witnesses tend to fall off a bit if we’re not careful.

Okay. So you determine welfare eligibility, correct?

A. Yes.

Q. Do you personally know an individual by the name of Janet Ventura Arvizo?

A. No, I don’t.

MR. SANGER: We have subpoenaed the records from the Department of Public Social Services and I believe the clerk has them. And pursuant to prior orders, they have not been opened by anybody. So I would ask that --

THE COURT: Do you have those?

MR. SANGER: And, Your Honor, I’m going to ask that the witness and counsel be allowed to inspect those documents. I believe the Department of Public Social Services required a court order that the witness be allowed to testify as to this particular individual, if I’m not mistaken.

Is that correct?

THE WITNESS: That’s correct.

MR. SANGER: So we would request an order; the Court order the witness to testify regarding Janet Arvizo.

THE COURT: In anticipation of this this

morning, I reviewed these records.

Sorry. In anticipation of this this morning, I reviewed these records, and I will make a determination that the Court has waived the privacy privileges involved and finds that the probative value and the nature of these proceedings are such that I will order the records revealed and order the Department of Social Services to answer the questions propounded by both sides here today.

MR. SANGER: Thank you, Your Honor.

Procedurally, may both counsel take a quick look at it, since we haven't seen it yet?

THE COURT: Yes.

MR. SANGER: Can we approach and do that?

THE COURT: Why don't you just take them.

There were several envelopes. The mailing envelope I'm discarding. There was an envelope that also was opened to ensure that the subpoena had been complied with, and then I reviewed the records.

MR. SANGER: Okay. Could --

THE COURT: Yes.

MR. SANGER: Could Mr. Auchincloss and I just have a moment so we can see where we're going?

THE COURT: Go ahead.

MR. SANGER: Your Honor, there are a few pages in here that are upside down. And with the permission of counsel, I'm going to turn them right side up, if that's all right.

THE COURT: All right.

MR. SANGER: Otherwise, I'll try to leave it in the same condition.

Your Honor, both counsel and I have had an opportunity to review the documents that were subpoenaed to the court. And I believe they were delivered in January, if I'm not mistaken. And we've just now taken a look at them.

What I propose to do, if it's all right with the Court, I'd like to question the witness on these documents, so I would ask that we mark them all as one exhibit. There is the Court's order endorsing the subpoena duces tecum from November 5, 2004. I would remove that, unless somebody wants to keep it in there.

THE COURT: That's fine to remove it.

MR. SANGER: I'll remove that and we'll just give that back and lodge it with the Court. And then I suppose the envelope and the -- all the documents could be marked as one exhibit next in order.

THE COURT: That will be fine.

THE CLERK: That would be 5106.

Q. BY MR. SANGER: Okay. We're back to you. Sorry to make you sit there so long.

All right. What I -- we have these documents marked as Exhibit 5106 for identification, and I would actually move to admit them at this time as based on -- based on the Evidence Code section 1560 verification.

THE COURT: As official records?

MR. SANGER: As official records.

THE COURT: They're admitted.

MR. SANGER: Thank you. May I approach the witness?

THE COURT: Yes.

Q. BY MR. SANGER: Now I'm going to ask you just to flip through that, if you would, just so you feel comfortable with what's in there. And I am going to go through and ask you questions on some of the documents as we go along.

Okay. Miss Manrriquez, have you had a chance to flip through those and get a feel for what's in there?

A. Yes, I did.

Q. All right. Now, I want to ask you some questions in general, and then I'm going to come down and retrieve those from you after a little while. Not right now, so you can look at them. And I'm going to ask permission to put some of them up on the screen as we go along. But let's start.

So you're free to answer the questions, if you know, directly. If you need to refer to the file, indicate that you want to do that, and then we

can do that as well, okay?
A. Okay.
Q. So first of all, let me ask you some general questions about welfare eligibility.
What is the function of the welfare eligibility worker?
A. To determine eligibility for the participants that are receive -- there’s the three programs that I work, Cal-Works, which is cash assistance, food stamps, and Medi-Cal.

Q. Okay. And are these benefits distributed by the State of California, the County of Los Angeles, the federal government, or what?
A. The County of Los Angeles. The County of Los Angeles.
Q. Okay. And wherever the funds come from initially, it’s the County of Los Angeles that is given the job of deciding who should get the funds?
A. Correct.
Q. Now, you said there are three categories.
The first one was Cal-Works; is that correct?
A. Cal-Works.
Q. Can you spell that so we can hear what you’re saying?
A. C-a-l-W-o-r-k-s.
Q. It’s Cal-Works?
A. Correct.
Q. And Cal-Works is what kind of a program?
A. That’s the cash assistance.
Q. If somebody comes in and has an emergency need for cash, can they -- I’m sorry. If somebody comes in and they can make a showing that they have a need for emergency cash, would it be distributed under that program?
A. Yes. They need to meet the qualifications.
Q. Okay. Now, as to all of the programs, is there -- I mean, this is an obvious question, but is there a bottomless pit of money that’s out there to be distributed to people in California?

A. No.

Q. All right. Is it important to determine who really needs the assistance?

A. Yes, it is.

Q. Why is that? It may be an obvious question, but why is that?

A. In my opinion, I would think it would be to cut down on the fraud.

Q. And if people come in and do not accurately represent to you their assets or the availability of funds or people to assist them in their living expenses, does that keep you from doing your job properly?

A. Yes, it would.

Q. And if they willfully exclude any of those items I just mentioned, would that amount to fraud?

A. Yes, it would.

Q. It's your job to try to eliminate fraud the best you can or avoid fraud the best you can so you give money to people who really deserve it and need it; is that correct?

MR. AUCHINCLOSS: Objection. Argumentative; leading.

THE COURT: Sustained.

MR. SANGER: All right.

Q. Now, do you have an opportunity to verify everything that people put in the written applications to you?

A. No, not everything.

Q. Do you have an opportunity to verify everything that people tell you orally in interviews or over the phone?

A. No, not always.

Q. Do you have to depend on people telling the truth when they fill out the various forms?

A. Yes.

Q. Now, one of the forms that you had there I think was an eligibility form, and I think it's -- well, it's called Statement of Facts. So I don't really know what it is. But I think you've got something there called a Statement of Facts; is that correct?

A. Yes.

Q. Can you tell us what the purpose of that document is?
A. This is their application to determine their eligibility.
Q. Do you depend on people to be honest when they fill out a form like that, or fill out that particular form?
A. Yes, we do.
Q. And do you make decisions as to who should receive benefits based on the information in that form?

A. Yes.
Q. Is that form signed under penalty of perjury?
A. Yes, it is.
Q. Now, were you the actual eligibility worker who worked with Janet Arvizo to determine her eligibility?
A. I was her intake worker.
Q. All right. And so as the intake worker, you went over this form with her?
A. Yes.
Q. Do you have that form as part of the exhibit?
A. Yes, I do.
Q. I’ve now forgotten what the exhibit number is. I apologize.
MR. MESEREAU: 5106.
MR. SANGER: 5106.
Q. So you have 5106, which is the big packet of information there?
A. Yes.
Q. And right towards the top is the actual Statement of Facts application part of that?
A. You have two Statement of Facts in this exhibit here.
Q. Okay. Is there a reason for that? Because I have no idea. We just opened it.
A. The first one that’s dated 11-15-01, that’s

her intake. The second one, which is dated

10-23-02, is her yearly affirmation.

Q. All right. Now, how many -- you’ve got one application for November 15th of ‘01?

A. Correct.

MR. SANGER: Could I have the Post-its there? Just the little ones. The little ones.

Q. You have the initial application and then you have one for 2002; is that correct?

A. Correct.

Q. Do you have one for 2003?

A. No.

Q. All right. The first date was November 2001. The second one was November 2002; is that right?

A. No. The first one is 11-15-01, and the next one is 10-23-02.

Q. Okay. So 11-15, November 15 of 2001, and then October-something of 2002, correct?

A. Correct.

Q. So if Janet Arvizo had continued, wanted to continue to collect money through your office in October or November of 2003, she would have had to fill out an annual form at that time; is that correct?

A. Yes.

Q. Is there also a monthly form that you have to fill out when you’re receiving welfare?

A. Yes, there is.

Q. And what monthly form is there?

A. It’s called a CEW7. CW7.

Q. CW7, okay. We have to learn a new vocabulary every time we get into a new area.

So the CW7 is a monthly form. In order for somebody to receive a check, do they have to file that monthly form?

A. Yes. There are exceptions, but the norm is, yes, you do file one every month.

Q. Now, I interrupted. We are going to come back to the CW7 in a second, and the other one as well. I interrupted you.

Cal-Works is a cash payment program. And you have food stamps; is that correct?

A. Correct.

Q. And food stamps are certificates that can be redeemed at a retail market, for instance, for food products; is that correct?

A. Correct.

Q. And the idea is that these are given to families so that they can buy food products or use those to buy food products.

Is it a complete dollar-for-dollar sort of thing, or is it a percentage off, or how does it work?

A. No, it’s a dollar for dollar.

Q. You get so many dollars’ worth of food stamps. You can go to a food store and buy food, and those count just like dollar bills?

A. Correct.

Q. The third category you told us about?

A. Medi-Cal.

Q. And that’s for medical care?

A. Correct.

Q. All right. If somebody is not covered by a medical insurance program?

A. Correct.

Q. So if somebody is covered by a medical insurance program, the medical insurance would pick up the tab first; is that right?

A. That is correct.

Q. And then Medi-Cal will kick in if there is anything left over?

A. Correct.

Q. All right. And with regard to Janet Arvizo and her family, can you tell us if she received any Cal-Works benefits?

MR. AUCHINCLOSS: I’ll object as vague as to time.

THE COURT: Sustained.

MR. SANGER: Okay.

Q. Let’s do this. Can you tell us when Janet Arvizo started receiving benefits of any sort through your program and when she ceased receiving benefits?

A. Okay. According to what I have here, she started receiving assistance, Cal-Works, in November of ‘01 and stopped in January of ‘03.

Q. That was the Cal-Works?

A. Correct.

Q. Did she receive any other sorts of benefits, food stamps or Medi-Cal?

A. Medi-Cal goes hand in hand with Cal-Works, so she did receive that.

Q. I’m going to show you exhibits that have already been admitted into evidence, these three exhibits. They’re Exhibits 5100, 5102 and 5104.

May I approach, Your Honor?

THE COURT: Yes.

MR. SANGER: I’d put them up on the board, but they’d be hard to see. So let me -- let’s put this over here so we don’t get mixed up, and let’s just take a look at those exhibits.

Q. 5100, does that appear to be a benefit that’s distributed through your agency?

A. Yes, it is.

Q. And what does that appear to be a check for?

A. A check for the amount of $769 for Cal-Works.

Q. That’s Cal-Works?

A. Correct.

Q. Okay. And then the 5102?

A. Also is a check made out to Janet Arvizo for 11578

$769 for Cal-Works.

Q. Now, that’s dated February 24, 2003, I believe; is that correct?

A. February 15, 2003.

Q. I’m sorry. We have a deposit date here, but the actual date of the check is February 15, 2003?

A. Yes.

Q. And, now, you indicated that your records -- the records that were brought to the court and we all looked at here just now seem to indicate she received Cal-Works through January of ‘03.

A. Correct.

Q. Is that consistent with her receiving a

check dated February 15, ‘03?
A. February 15th, yes.
Q. In other words, the other records seem to end January ‘03, and here we have a February 15, ‘03, check.
A. Can I go back and make sure that I have seen --
Q. You’re welcome to do that. But so we don’t waste time, if you look at the next one, 5104, it appears to be a welfare check dated in March of 2003; is that correct?
A. Correct.
Q. That does look like one of your Cal-Works checks?
A. Yes, it does.

Q. With that in mind, so I didn’t have you do it twice, can you tell from your records if it appears that Miss Arvizo was, in fact, receiving welfare checks through March of 2003?
A. Yes, through March of 2003.
Q. Okay. Now, that’s Cal-Works. The food stamps, do you have any ability to determine when she received food stamp assistance?
A. She started receiving food stamps 11-15-2001.
Q. And when do those records show that she continued to receive the food stamps through?
A. There’s no --
Q. Go ahead, sorry.
A. There’s not a printout of that.
Q. So you can see it started, but you can’t see from the records that were delivered here to court when it ended?
A. Correct.
Q. Okay. The Medi-Cal would have just followed with the Cal-Works?
A. Correct.
Q. And so it would be your opinion that she would have had Medi-Cal for uninsured medical expenses at least through March of 2003; is that correct?
A. At least through March 2003.

MR. SANGER: All right. Now, let me -- if I may approach and retrieve Exhibit 5106, and I'll try to put that up on the board, if that's all right.

THE COURT: Yes.

MR. SANGER: Thank you.

I'll take the envelope and the documents and everything. There we go.

Your Honor, this part will be easy. This is starting with the third page of this exhibit. I suspect it will get a little more difficult as we go along, but I'll refer to this as the Statement of Facts. It is the third page in the stack as I have it here, if that's all right.

And may I publish that?

THE COURT: Yes.

MR. SANGER: All right.

Q. All right. Well, we'll start with this for a second first. But I see the way this is organized, for some reason, this is the -- the current print date says 10-23-02; is that correct?

A. Correct.

Q. So this is the second one of those that you were talking about; is that right?

A. Yes.

Q. All right. So let me, now that I've figured that out, take that off and we'll come back to this in one second, and I'm going to mark that and come back to it.

Now, more precisely, somewhere about a third of the way through this exhibit is something else entitled "Statement of Facts."

Is that close enough to identify it?

THE COURT: I think so.

MR. SANGER: Thank you.

THE COURT: There's just two Statements of Facts in the file?

MR. SANGER: That's correct, Your Honor.

And I'm going to put the first page up.

Q. All right. Miss Manrriquez, it's a little hard to -- a little fuzzy there, but this apparently is -- current print date is 11-15-01, correct?

A. Correct.

Q. It says, “Worker name, Mercy Manrriquez”?

A. Correct.

Q. That would be you?

A. Yes.

Q. All right. Is this Statement of Facts the statement that you printed out after interviewing Janet Arvizo?

A. Yes.

Q. Was she asked to review it carefully and sign it if it was correct?

A. Yes.

Q. And at the end of this document, there is a certification; is that correct?

A. Yes.

Q. And down at the bottom -- let’s see if we can -- I’ll leave it there. It says, in bold print, “I declare, under penalty of perjury under the laws of the United States of America and the State of California, that the information in this Statement of Facts is true, correct and complete.” Is that right?

A. Yes, it is.

Q. And then you see what appears to be a signature there. And that would be the signature of the applicant in this case, Janet Arvizo; is that correct?

A. That’s correct.

Q. And the date 11-15-01, correct?

A. Correct.

Q. Now, I note that the declaration statement says, “the State of California,” because we’re in the State of California, and it also says, “under the laws of the United States of America.” Are any of the funds, in part, federal funds that are used for funding these programs?

A. Yes, it is.

Q. So somebody is being asked to not only swear under the laws of California, but also the laws -- the federal laws that what they say is true and correct, correct?

MR. AUCHINCLOSS: Objection. Relevancy; argumentative.

THE COURT: Overruled.

Q. BY MR. SANGER: Is that correct, ma’am?

A. Yes, it is.

Q. Thank you. All right. Now, Question No. 47 -- I don’t want to mix the pages up here, so this is a page from the middle of this Statement of Facts from 11-15. It says “11-15-2001” there.

Question 47 says, “Does anyone, including children, have any personal or business-related resources?” Do you see that?

A. Yes, I do.

Q. Is that one of the standard questions?

A. Yes, it is.

Q. And Miss Arvizo answered, “No”; is that correct?

A. That’s correct.

Q. Miss Arvizo did not disclose to you on November 15, 2001, that on November 5, 2001, she personally had received $32,308, did she?

A. No, she did not.

Q. If she had disclosed that, would that have resulted in a different answer to that question?

A. Yes.

Q. Now, it says, “Children.” Did Miss Arvizo advise you at that time that her children had also received -- one of them had received $25,000 on that same date?

A. No.

Q. The other child had received, I believe it

was, in excess of 10,000, off the top of my head. I don’t remember. But did she disclose anything like that?

A. No, she did not.

Q. Did she disclose that her ex-husband had received money from a court settlement as well?

A. No, she did not.

Q. If she had disclosed that, would that have been a material fact that you would have wanted to know in evaluating whether or not she was eligible for welfare?

A. That would have been something we needed to know.

Q. Now, how long back does this relate? In other words, what I just asked you about was within ten days of signing this, November 5th. How far back does this relate? Does it go back a year, two years, three years? What’s the -- when a question like this is asked?

A. As long as the participant has the resource they need to put it in no matter what the date is as to when they received it.

Q. All right. And is it the obligation of the applicant on the monthly eligibility reports to report any change in any of these circumstances?

A. Yes, it is.

Q. Question No. 48, “Does anyone get or expect to get money from any of the above resources, such

as interest, dividends, et cetera?” If somebody had -- let’s take the children. If one of the children, say, had $25,000 in a bank account that was earning interest, would it be necessary to disclose that under Question 48?

A. Yes, it would be necessary.

Q. And again, the answer there is “No”; is that correct?

A. That’s correct.

Q. And you relied on Mrs. Arvizo telling you that that was the answer?

A. Yes, I did.

Q. I’m going to put up the next page, with the Court’s permission. The next page is -- I’m going to direct your attention to Question No. 53. Now, that one says, if I may read it, “Has anyone received money from insurance or court settlements, inheritance, lottery or back pay in the last three years (36 months)?” Do you see that?

A. Yes, I do.

Q. And the “anyone” would be the applicant or the children of the applicant; is that correct?

A. Correct.

Q. Did Mrs. Arvizo disclose to you that she had just received a settlement, a court settlement, of $152,000, less attorney’s fees and costs?

A. No.

Q. Would that have been a material consideration on your part in determining her eligibility?

A. Yes.

Q. And if she, in fact, had received such a settlement, would that be fraud, to fail to disclose it on this form?

A. Yes, it would be.

Q. I’m going to put up the next page, with the Court’s permission. I did it before asking, I suppose, but....

THE COURT: That’s all right.

MR. SANGER: Thank you.

Q. Look at No. 62. “Does anyone have health, dental, vision, hospitalization or long-term care insurance or health plans, such as Kaiser, Blue Cross, CHAMPUS, et cetera?”

Do you see that?

A. Yes, I do.

Q. Did Miss Arvizo tell you she did not have such?

A. Correct. It says, “No.”

Q. So if she, in fact, had health insurance, comprehensive health insurance for her children under Kaiser, would that be a false answer?

A. Yes, that would be false.

Q. And that would also be fraud, would it not?

A. Correct.

MR. AUCHINCLOSS: I’m going to object to the characterization as calling for a legal conclusion.

THE COURT: Sustained.

Q. BY MR. SANGER: Okay. Whatever we want to call it here, you are trying to -- I think you told us you’re trying to avoid fraud?

A. Correct.

Q. And if we -- let’s put it this way: In layman’s terms, rather than describing it in legal terms, so we don’t get into a legal definition of fraud, if somebody tells you something that is materially false with regard to their assets or income, and you grant them welfare based on those false statements, is that what you’re referring to as fraud?

A. Yes.

MR. AUCHINCLOSS: Same objection.

THE COURT: Overruled. The answer’s in. Next question.

Q. BY MR. SANGER: All right. Now, in this packet, there were monthly -- I didn’t see a monthly eligibility report for every month. Did you?

A. No, I did not.

Q. Does that mean they don’t exist, or they just didn’t end up being produced here?

A. It could mean either/or.

Q. Okay. If somebody continues to receive welfare of the type you described through March of 2003, you would expect them to have to fill out monthly eligibility reports, correct?

A. Yes, monthly, until I believe it was in July of 2002 we went into a quarterly reporting system.

Q. Okay. So monthly up to July of 2002 and then it was quarterly?

A. I believe it was July.

Q. All right. I’m going to turn to some of the other pages. By the way, these pages don’t seem to be in chronological order, do they?

A. I don’t know.

Q. Okay.

A. They should be.

Q. Okay. Well, that’s all right. I didn’t -- let’s -- I’m going to try to keep the pages together here.

I’m going to go a few more pages into the materials. And these two pages are next to each other, so I’m going to ask to put these up one after the other and see if they have anything to do with anything.

All right. The first page is something entitled, “Application for Cash Aid, Food Stamps, and/or Medi-Cal, State CMSP (CW1).” Now, I heard about a CW7 earlier. The “7” is the monthly report?

A. Yes, it is.

Q. Okay. So this is a CW1. What is the purpose of this?

A. The CW1 is taken when the participant first comes in, into our office. This is the first page of their application.

Q. Oh, okay. So this -- in this packet, it follows that Statement of Facts, but actually this would have been part of the application?

A. The original.

Q. Okay. And if we look down here, it says, “I need” -- I think everybody can see it there. Here we go. Right here, it says, “I need,” and it says, “Cal-Works, immediate need payment; yes.” “Food stamp, expedited service; yes.” “Medi-Cal or are pregnant and have an immediate medical need; yes,” correct?

A. Correct.

Q. And that would have been Janet Arvizo’s request?

A. Yes.

Q. And this would be the signature of Janet Arvizo, the applicant?

A. Correct.

Q. The date, 11-15-01?

A. Correct.

Q. And what’s that? Looks like the signature of a witness?

A. That’s the signature of our -- one of our clerks that takes the application at the window.

Q. So the clerk is certifying that Janet Arvizo is signing this on that date; is that correct?

A. Correct.

Q. Okay. And this particular form says that

the person certifies that they got a cover sheet, and it says, “I understand and agree that I have to comply with eligibility rules, some of which I may be asked to do before any aid can be given. I understand the statements I have made on this form may be checked and verified,” correct?
A. Correct.
Q. And there’s another entry there. The last part before the signature says, “I declare, under penalty of perjury under the laws of the United States of America and the State of California, that information I have given on this form is true and correct and complete” -- “true, correct and complete,” right?
A. Correct.
Q. So this is signed under penalty of perjury as well.
The next page in the file, and I’m quite frankly not sure if this goes directly with it or not, can you tell us what that page is?
A. Those are the notices that have been issued to the participant, and, no, it does not go with that first page.

Q. Okay. It’s also dated 11-15-2001, correct?
A. Correct.
Q. So this is basically a receipt that the person who is applying for welfare payments acknowledges that the following items were reviewed with her and issued to her today, on 11-15-2001, correct?
A. Correct.
Q. And included in those are the cover sheet of the application for cash aid, food stamps and/or Medi-Cal, correct?
A. Correct.
Q. And it says, “Cover Sheet.” Does that mean that’s the whole Statement of facts?
A. No. That’s the cover sheet. There is a cover sheet that goes on it.
Q. And is this issued before they sign the Statement of Facts?
A. It’s issued after.

Q. After. Is there reference to the Statement of Facts here in all these code numbers?
A. The reference would be both on the SAWS 1 and SAWS 2A. They would give them all their responsibilities.
Q. All right. So the idea that you’re signing under penalty of perjury and telling the Department of Public Social Services that what you’re saying is the truth is covered by one or more of these forms; is that correct?

A. Yes.
THE COURT: All right. We’ll take our break.
(Recess taken.)
THE COURT: Counsel?
MR. SANGER: May I proceed?
THE COURT: Yes.
MR. SANGER: Your Honor, we had on the board a page that we’ve been talking about, which, for the purpose of the record, is the best way to put it.
And I want to put it back up on the board.
THE COURT: All right.
MR. SANGER: Thank you.
Q. Now, this was the page that -- you were just telling us about this page, and down at the bottom there, it has “Client’s Signature.” Would that be Janet Arvizo’s signature?
A. Yes, it would.
Q. And that’s dated 11-15-2001. That would have been the date that she signed that?
A. Correct.
Q. And it says, “Copy to client.” So the client, that being Janet Arvizo, would have gotten a copy of this as well; is that correct?
A. Correct.
Q. Now I’m going to put up the next page in order in the exhibit, 5106.
Looking at the top part, did this have something to do with the application of Janet Arvizo on 11-15-01?

A. That’s what they use to clear her name, and if she had a previous record, case, with the county.

Q. All right. So when you're -- it's like running a records check; is that correct?

A. Yes. That's our Medi-Cal system that that form is from.

Q. And the date is 11-15-01, so that would have been when that was done?

A. Correct.

Q. I see some handwriting on the bottom. Is that your handwriting?

A. No, it's not.

Q. Okay. What would be the purpose of this type of a note in the file?

A. That -- you know, we don't have a screener. The intake worker that was interviewing her before me would have taken notes down. And once it became aware to that intake worker that it was a domestic violence, and then she referred her to me.

Q. Okay. That's interesting. You can turn around a bit, it will make it easier, and I'll ask you about that in a minute. Turn around this way, and that will make it easier to talk into the microphone.

You said the case was referred to you because it was domestic violence?

A. Correct.

Q. Do you have some particular role there with regard to domestic violence cases?

A. I was the intake domestic violence worker.

Q. So when Janet Arvizo first came in, she talked to another intake worker; is that correct?

A. Correct.

Q. And that intake worker would have gone over the same questions; is that correct?

A. Not on the application.

Q. Okay.

A. Which does a screening first to see what the participant needs.

Q. Okay. So a preliminary kind of screening?

A. Correct.

Q. And then when it was determined who should get the final screening, it was sent to you to do the final screening?

A. The final intake.

Q. All right. Now, the intake worker -- and now you can turn around, if you like, and take a look.

The intake worker made a note here, and this says, looks like, “Mother and three children, all U.S. born,” and then it indicates, “Gavin has cancer. Advised mother to apply for SSI.”

Would that be an ordinary kind of a note?

A. Yes.

Q. And that would be the course of action that an intake worker might pursue; is that right?

A. Correct.

Q. So in addition to the benefits that are being sought through your office, Janet Arvizo was advised that she could apply for benefits through the federal government through SSI; is that correct?

A. Correct.

Q. And that’s a program under Social Security, correct?

A. Correct.

Q. It also indicates - and I’m going to lengthen the abbreviations, unless I’m wrong, so tell me - “Month last worked was 10-31-01 due to surgery on her foot”; is that correct?

A. Correct.

Q. And then it says, “On DIB.” I guess disability?

A. Correct.

Q. $104 a week for disability that she was getting?

A. Correct.

Q. Now, it says, “No bank accounts. No cars.”

A. Correct.

Q. Does that reflect, in the ordinary course of business in your department, that somebody would have asked her, “Do you have any bank accounts?”

A. Yes, we did.

Q. And any cars?

A. Yes.

Q. And you not only ask for cars, but you ask for access or use of a vehicle; is that right?

A. Correct.

Q. And according to this, there was no bank accounts and no use of a vehicle?

A. Well, the “no cars” would be that she was -- does not own a vehicle.

Q. Fair enough. And “no bank accounts” would be no bank accounts, right?

A. Correct.

Q. All right. And then it says -- what’s the abbreviation down there?

A. It says, “Part.” Participant.

Q. Participant, okay. “Participant also applying for divorce due to domestic violence,” “DV”?

A. Correct.

Q. So this would have been information coming from Janet Arvizo to that first worker; is that correct?

A. Correct.

Q. And when you got the file, then, you would have looked at that note in the file?

A. Right.

Q. And in fact, that’s the reason it was sent to you particularly, because it was a DV case,

domestic violence case?

A. Right.

Q. All right. The next -- ask leave to put up the next piece of paper in order, if I may.

THE COURT: You may.

Q. BY MR. SANGER: And this is another piece of paper. It says “Emergency” on the side there. Whose handwriting is that; do you know?

A. No, I don’t.

Q. Would that be the applicant’s handwriting?

A. No, I believe it would be one of our clerks.

Q. So it would probably be an intake worker of some sort?

A. No, one of our clerks, the receptionist.

Q. So this would be the very first page, the very first piece of paper in the process?

A. Correct.

Q. Okay. And it shows the applicant as applying for various benefits, and it says, “Are you in need of emergency?” I think that’s what it says. “Are you in need of emergency”?

A. Correct.

Q. Right?

A. Correct.

Q. By that we mean emergency benefits, correct?

A. Correct.

Q. And then down here it says, “Domestic abuse, child and spousal,” correct?

A. Correct.

Q. And this is based on information that would have been obtained from Janet Arvizo herself?

A. Correct.

Q. An emergency -- an emergency request, as noted up here on the end, is that noted for some reason in your department?

A. Yes, in order to expedite services to that participant.

Q. And why do you -- I mean, it may be obvious, but explain why you have a process to expedite services.

A. One might be the family’s in danger. We don’t want to put the children in -- and, you know, the woman back in there.

Q. All right. And so they need to have money right away so they can go someplace to be safe?

A. Well, not always cash, but we can locate a shelter.

Q. Okay. And so when you say “emergency,” it means, “We need” -- “We’re just not going to put this in the system and go through the normal process; we’re going to pay special attention to your case”?

A. Correct.

MR. SANGER: All right. I’m going to put up 5099, if I may. That’s been received.

THE COURT: All right.

Q. BY MR. SANGER: If you were aware -- you haven't seen this before, but this is admitted into evidence.

If you were aware that Janet Arvizo personally, in addition to what her children got, had received a check for $32,000, $32,308, and that she had -- it's dated on November 2nd -- that she had actually deposited it in her bank on November 5th, 2001, would that have affected your decision as to whether or not this was an emergency case?

A. Yes, it would.

Q. Okay. Now, you mentioned that there was a need to fill out a monthly application form, or a monthly -- I'm sorry, what do we call it? It was a monthly form to show that there were no changes; is that correct?

A. Correct.

MR. SANGER: All right. Sorry, Your Honor, excuse me just one second.

Q. I may be wrong, but I'm not sure that I find all the monthly eligibility reports in here. Did you see a set for monthly and then quarterly?

A. I didn't see a set. I believe I saw one.

MR. SANGER: Yeah. With the Court's permission, I'll put this up.

THE COURT: All right.

Q. BY MR. SANGER: And this, for the record, is from 5106 and it's a page somewhere in the middle.

I'll put it back in the same order.

Now, this particular form -- this is the monthly eligibility report that you would expect to be filled out by applicants each month to be entitled to welfare assistance the next month; is that correct?

A. Correct.

Q. Skipping down to the bottom, this one is dated 1-10-03, correct?

A. Correct.

Q. Okay. It appears, it says here, "Received January 9, '03." And then it says, upside down, "SCU scanned." What does that mean?

A. We have clerks that scan the reports as they come in.
Q. Is it possible that these other reports are scanned in the system somewhere and they just didn’t make it to the court documents?
A. Yes.
Q. In fact, you would expect that, if somebody received --
A. Correct.
Q. If somebody received assistance the entire time, you would expect to have these every month?
A. Yes. If not, their case would be terminated.
Q. This is really hard to read, so -- I’m going to try to make it harder. I’ll make it a little easier there.
This question, No. 3, is that a standard question on all of these monthly eligibility reports?
A. Yes.
Q. And what’s the purpose of Question No. 3?
A. It’s to determine eligibility.
Q. And in essence, you want to find out if, during the last month or since the last report, there has been any change, people have come up with some money from some source; is that right?
A. Correct.
Q. And it says, “Did anyone receive money or benefits from any other source?” All right?
A. Correct.
Q. And it says, “Include child, spousal support, interest or dividends.”
Now, that would pertain to interest or dividends on accounts that were held in the name of children; is that right?
A. Correct.
Q. I’ll skip over here. “Legal settlements, strike benefits.” Cash is included; is that right?
A. Correct.
Q. And it wouldn’t matter whether it was cash in greenbacks, as they say, or if it was a cashier’s check; is that right?

A. Correct.

Q. Or a regular check, right?

A. Correct.

Q. Gifts? So a gift would count, right?

A. Correct.

Q. Loans? If somebody said, “Well, I’m going to loan it to the person. If they can pay it back, fine, and if they can’t, it’s okay,” it would still go in there, right?

A. It would still go in the record.

Q. There’s a number of other things here. Basically that’s intended to describe what you mean by “Anyone receive money or benefits from any other source,” right?

A. Correct.

Q. Okay. Now, on 1-10-03, it appears that this applicant said, “No change,” and checked the box “No” there; is that correct?

A. Correct.

Q. There is a second page to this form, is there not?

A. The reverse side.

Q. Should be on the other side? Ahh. Yes, there is. How about that?

And on this form Question 7, it says, “Did anyone move in or out of your home, or did you move in with someone else?” Correct?

A. Correct.

Q. And if somebody had moved in with their boyfriend and were living there, you would want to know about it?

A. Yes.

Q. What if somebody was just living there about half the time. Would you still want to know about it?

A. Yes.

Q. And this person said, “No.” Is that correct?

A. Yes. That’s correct.

Q. And then, just in case, it’s hard to make it fit yet be able to read it. But in this particular case, it says, “Does anyone have anything else to report, including expected changes, et cetera?” Right?

A. Correct.

Q. So you’re really telling them, “Look, be honest with us. Tell us what’s going on in your life,” right?

A. Yes.

Q. And then this form was signed by Janet Arvizo on 1-1-03; is that correct?

A. Correct.

Q. And was that form relied upon by your office for the purpose of disseminating welfare benefits?

A. Yes.

Q. And you saw some of these checks that I showed you, I think three checks there, from

January, February and March of 2003, the last one being March 17, 2003. Were those checks, based on, in at least one case, this particular form, and in all cases on filing a similar form?

A. Yes, it is.

Q. Now, if somebody received $600 in cash at Christmas because they said they really needed money and a nice person said, “Here, I’m going to give you $600,” is that something that should have been reported on such a form?

A. Yes.

Q. Would that affect eligibility?

A. It could affect eligibility.

Q. Okay. In February of 2003. Now we have a March 17, 2003, check showing welfare was still being received.

If a person received a check in the amount of -- I’m sorry, either check or cash in the amount of $2,000 on February 20th, is that something they should have reported to welfare?

A. Yes.

Q. If a person were receiving several thousand dollars for their living expenses from various sources, from a corporation and from an individual, during a period of time from February to early

March, is that something that should have been reported by the person before accepting a March 17 welfare check?

A. Yes.

MR. SANGER: With the Court’s permission, I’ll put up the next page in order.

THE COURT: Yes.

Q. BY MR. SANGER: Oh, before I do that, let’s assume somebody receives a windfall. They get a lot of money and they got their February check and they know they got all this money. They don’t report it for some reason, and they get their March 17 check. Is it proper for them to keep that check?

A. It all depends when they received this amount of money.

Q. If they received the -- let’s say they received the amount of money between -- during the month of February and then they go ahead and get a check March 17, and deposit it or cash it sometime later in the month. Is that appropriate or should they refuse to cash it?

MR. AUCHINCLOSS: I’m going to object as vague as to the term “appropriate” or “proper.”

THE COURT: Overruled. You may answer.

THE WITNESS: They should report it. And if they received it in January, it would affect their March.

Q. BY MR. SANGER: Okay. Would February affect their March?

A. We would consider it as a resource and we would have to do a work sheet on it. Yes, it would.

Q. So before they are really entitled to a March 17 check, you’d theoretically want to know about what money they received in February?

A. Yes.

Q. And welfare -- recipients of -- people who are receiving these benefits from the government are advised, are they not, that they have to report any significant changes in their situation?

A. Yes.
MR. SANGER: I'm going to now, if I may, put up the next page.
Q. First of all, who is Pamela Adkins?
A. I believe she's another worker at the Lincoln Heights office.
Q. So we have, "Attention: Pamela Adkins" with a little heart over the "i" there. So this is a note to somebody in your office; is that correct?
A. Correct.
Q. And the fax number, is that a fax number you're familiar with?
A. That's a fax number to Lincoln Heights.
Q. All right. I'm not sure -- let me just see, here. Don't -- just -- if I may, let me put it up and see if you can read it there. Otherwise I'll bring it up to you.
Can you tell what the fax date on this is?
A. No.

MR. SANGER: Okay. May I approach the witness?
THE COURT: Yes.
Q. BY MR. SANGER: Of course now you're sitting in the dark, which is apparently my fault here. But can you see that?
A. I can see partially.
MR. SANGER: If I may just ask the question up here, Your Honor.
THE COURT: Yes.
Q. BY MR. SANGER: Can you tell me what date that was faxed?
A. It appears to be March 3rd, 2003.
Q. Okay. Very well. Now I'm going to put this up again. And it says, "I, Janet Arvizo, chooses to discontinue and be off of the welfare system aid effective today, 3-3. Thank you so much, Janet Arvizo." Do you see that?
A. Yes, I do.
Q. Do you often receive letters like this?
A. We do receive.
Q. So people tell you that circumstances have changed and they're no longer going to be on

welfare?

A. Yes.

Q. After this was sent, apparently this check of March 17 was cut and eventually sent to Janet Arvizo. Why would that be?

A. Because we have a cut-off date. If they wanted their aid terminated the beginning of March, that would be for the end of February they would give us notice. But this seems that she did this in March, and everything was already mailed out to be batched out.

Q. So the check was in the pipeline one way or another?

A. Right.

Q. All right. Now, if this person who wrote this, Janet Arvizo, had, in fact, during the month of March, between -- I'm sorry, let me withdraw that.

During the month of February of 2003, if Janet Arvizo had received several thousand dollars in gifts, spa treatments, trips to Miami, private jet flights, lodging, food, if she had received that sort of thing during the month of February, should she have reported that to the welfare department?

A. Yes.

Q. Now, if Janet Arvizo had, in fact, been living with her boyfriend, a major in the United States Army, who was paying her expenses and depositing her welfare checks in his bank account, should she have reported that?

MR. AUCHINCLOSS: I'm going to object as compound and assumes facts not in evidence, improper hypothetical.

MR. SANGER: I'll break it down, if you like.

THE COURT: The objection is sustained.

Q. BY MR. SANGER: Okay. Let's take it one at a time.

If a person were -- I think I asked you this part already, but let me just be sure. If a person were residing -- a welfare applicant or participant were residing with her boyfriend in his apartment, is that something that should have been reported to the welfare department before accepting checks?

A. Yes.

Q. If that person, in this case Janet Arvizo, were in fact depositing her welfare checks into her boyfriend's bank account, is that something that should have been reported?

A. Yes.

Q. If the boyfriend were a major in the United States Army, with a base pay, exclusive of allowances, a base pay of over $5,000, is that something that should have been reported to the welfare department?

A. Yes.

Q. If the boyfriend, the major in the United States Army, were, in fact, paying expenses for Janet Arvizo, is that something that should be reported?

A. Yes.

Q. Would each of those factors have an impact on the eligibility of that person to receive welfare?

A. Yes.

Q. And I'll ask you to assume, for the moment, that those facts are true that I just recited with regard to the boyfriend. Janet Arvizo was living there. He was a major in the United States Army. He was depositing her checks and he was paying some of the expenses, and his income was $5,000 -- more than $5,000 per month base pay. Would that cause her to be ineligible for the type of welfare that you see in this file?

A. No.

Q. So she would still be able to get all this welfare?

A. Not "all."

Q. Okay. How would it affect her welfare?

A. We would determine what the cost -- what he's paying, and we would include it as in-kind, and we would deduct that from the amount of her grant.

If he’s purchasing -- and they’re purchasing and preparing their food together, their whole income has to be counted as one.
Q. All right. So you would have to do a calculation to see if she’d still be entitled to welfare?
A. Correct.

Q. Now, if he had an automobile and she had the use of the automobile, is that something that you would want to have reported?
MR. AUCHINCLOSS: I’m going to object. Assumes facts not in evidence.
MR. SANGER: The testimony of Mrs. Arvizo.
THE COURT: The objection is overruled.
Q. BY MR. SANGER: Is that something you would want to know?
A. If the vehicle’s not in her name, it would not be counted towards her grant.
Q. So there’s a question on the original form about having the use of a vehicle. Is that something you do not have to disclose in the monthly updates?
A. Not on a monthly update.
Q. Okay. Now, if somebody is receiving more welfare than they’re entitled to, is that a concern that you have?
A. Yes, it is.
Q. And you had mentioned in your lay version of fraud -- I’m not asking for a legal opinion, but you said you were trying to avoid fraud. Is that fraud that you’re trying to avoid?
A. Yes.
MR. SANGER: Now I’m going to refer -- if I may, Your Honor, this is the one I put up first, the Statement of Facts, which turns out to be chronologically second.

I wanted to make sure everything was in the same order.
Q. Taking a look at this, this says -- this is a Statement of Facts, and it says, “Current print

date 10-23-02," correct?
A. Correct.
Q. And I think we covered before that it says, "For application dated 11-15-01"; is that right?
A. Correct.
Q. So the next year, this is the one where Miss Arvizo came back and talked to Pamela Adkins in your office; is that right?
A. Correct.
Q. And we go through the same questions here as of 10-23-02 that we covered in the other form. The form remains the same. It didn't change; is that right?
A. Correct.
Q. And there remains the question, for instance, No. 53, which I'll now put up with the Court's permission: "Has anyone received money from insurance or court settlements, inheritance, lottery or back pay in the last three years?" Correct?
A. Correct.
Q. So once again, that same settlement -- if a settlement were received for $152,000 November 5th, 2001, that should have been disclosed in response to that question even a year later, correct?

A. Yes.
Q. And if the children of the applicant still had bank accounts that had money in them, is that something that should have been disclosed in this form?
A. Yes.
Q. And it appears that it was not disclosed in this form; is that correct?
A. Correct.
MR. SANGER: And I'm going to put the last page on, if I may, Your Honor.
THE COURT: Yes.
Q. BY MR. SANGER: And this is the signature page, once again showing under penalty of perjury under the laws of the United States of America and the State of California; is that correct?
A. Correct.
Q. And it appears that Janet Arvizo signed this

form on 10-23-02?

A. Correct.

Q. And the -- besides the monthly and later quarterly updates -- I always forget the name of that. Whatever they’re called, the monthly eligibility reports. In addition to that, the department, your department, relies on these Statement of Facts, these annual Statement of Facts in order to award welfare?

A. Correct.

Q. All right. I’m going to put -- actually, this part of it being a little bit out of order here, there are a number of documents that you use -- or let me withdraw that.

There are a number of documents generated when there’s a claim of domestic violence; is that correct?

A. Correct.

Q. Do the applicants always bring in their police reports and divorce papers?

A. No, not always.

Q. In this case, do you know if Mrs. Arvizo brought in papers?

A. I believe she did.

Q. Okay. And back in 2001 -- I apologize for the lack of sequence here, but I just discovered these. Back in 2001, did Janet Arvizo indicate that she did not want to go to a shelter?

A. Yes, sir.

Q. And you gave her a form that gave information about domestic violence information -- I’m sorry, that’s redundant. You gave her a form entitled, “Confidential Domestic Violence Information”; is that correct?

A. Yes.

Q. And that told her about her -- the sorts of things that she could avail herself of in addition to the actual money that you were dispensing; is that right?

A. Yes.

MR. SANGER: Okay. I think I’m almost through here, Your Honor. Just one more moment.

Q. Did it appear at some point that you realized -- I’m sorry.

Did it appear at some point from this file that your department became aware that Janet Arvizo was receiving other assistance? Do you want to look at the file so --

A. Yes.

Q. You don’t know without looking?

A. No, I would not.

Q. All right. I’m going to approach with these three pages of the exhibit.

I’ve just handed you three pages that appear to apply to other benefits other than the DPSS benefits; is that correct?

A. Correct.

Q. And what does that show?

A. That she was entitled to receive -- that she did receive disability benefits.

Q. Okay. So is that something that -- a check that you run through your computer somehow?

A. Yes. There’s a match.

MR. SANGER: May I approach and exchange documents? This one for that one.

Q. This is a document I’ve located in your file. It appears to be a rent receipt, and it’s in the Janet Arvizo file from your department. Why would that be in there?

A. It’s to -- we use a rent amount in order to calculate her food stamp allotment.

Q. Okay. And that shows that Raymond Trujillo was getting 400-and-some dollars a month; is that correct?

A. Correct.

Q. So in the course of calculating her food stamp allowance, you were assuming that she was actually paying rent in October of 2002 of 400-and-some dollars a month; is that correct?

A. Correct.

Q. If you were aware that the landlord had allowed her to stay in that apartment rent free for a period of time, would that have been something that should have been reported to you?

Let me withdraw that, because that question made no sense, if you’re aware of it.

Let me put it this way: If a person presenting a rent receipt like that in fact had been given free rent for a period of time by her landlord, is that something that should have been reported to you?

A. Yes.

Q. And if, in fact, in 2003, in January and February, somebody else was paying that rent, that $425 a month, is that something that should have been reported to the department?

A. Yes.

MR. SANGER: Okay. If I may retrieve that so I can put it back in the same place here.

Okay. I have no further questions of this witness at this time.

CROSS-EXAMINATION

BY MR. AUCHINCLOSS:

Q. Good afternoon, Miss Manrriquez.

A. Good afternoon.

Q. Tell me, why is there a domestic violence unit in the welfare department?

A. We have a domestic violence worker, and the reason is that we want to make sure that we take care of those people. We don’t want to put them in any danger. We want to take them out of that.

Q. Do they have special needs that need to be addressed in the welfare system that are different from your average recipient of welfare?

A. Their safety.

Q. Okay. And when you spoke to Janet Arvizo back in 2001, did she express concern for her safety in regards to her domestic violence situation?

A. Yes, she did.

Q. In what way did she express her concern for her safety?

A. That she was afraid to go back home.

Q. All right. In fact, did she ask for an escort from the welfare department to accompany her to her home to make sure she was safe?

A. We don’t escort our participants.

Q. But isn’t there a request in the file from her to obtain an escort --

A. Yes, there is.

Q. -- to transfer her home, to help her get home safely?

A. Yes.

Q. Now, in your reports, your official reports indicate that she was receiving welfare, food stamps and Medi-Cal; is that correct?

A. Correct.

Q. And the Medi-Cal covers insurance, health insurance, over and above an individual’s needs that are covered by their own insurance; is that correct?

A. Correct.

Q. So if a person has their own insurance, that doesn’t exclude them from Medi-Cal?

A. Does not exclude them.

Q. So if Janet Arvizo had insurance coverage, that wouldn’t prevent her from getting these benefits?

A. No, it would not.

Q. Do you know if she received any Medi-Cal benefits?

A. Medi-Cal goes hand in hand with Cal-Works.

Q. But if she actually received any insurance proceeds from Medi-Cal, do you know if any --

A. I don’t know.

Q. Okay. And as far as her -- as far as her receiving disability, counsel asked you a few questions about that, that she received some disability benefits; is that right?

A. Yes.

Q. And were those disability benefits for a time when she was unable to work because she had to have surgery?

A. Yes, it is.

MR. SANGER: Objection. Well, calls for

speculation.

MR. AUCHINCLOSS: Well, is that reflected -- I'll let the Court rule.

THE COURT: What you're asking her is if that's on the application?

MR. AUCHINCLOSS: Yes.

THE COURT: Rephrase your question.

Q. BY MR. AUCHINCLOSS: The question, really, I have is based upon your records. Is it reflected that Janet Arvizo had to have some surgery, and that's why she went on disability for a period of time?

A. It's noted at the intake.

Q. Okay. And that was for a limited period of time while she was going through her medical procedures?

A. I believe so.

Q. Okay. In your experience, how diligent are welfare recipients, if you can characterize, about these details concerning reporting gifts, reporting if someone lets them use their car, that kind of thing? How --

MR. SANGER: Objection. Compound; vague; and not relevant.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Do you often find that at Christmastime people come rushing down to the welfare office to report their Christmas gifts?

MR. SANGER: Objection; argumentative.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: When did the quarterly notices go into effect?

A. Quarterly notices, I believe -- I want to say July of 2004. I thought it was '3, but it may be 2004. We just went in -- Cal-Works --

Q. Okay.

A. -- just went into quarterly reports.

Q. Did you say before it was 2003?

A. I did. But I believe it's 2004.

Q. Are you sure?

A. I'm not positive.

Q. Is it possible that it was in effect in 2003, based on your recollections?

A. It may have been. But like I say, I'm not positive.

Q. If a mother sets up a trust account for their child, based upon proceeds from a personal injury case, and this trust account cannot be touched by the mother or by the child until that time -- the time that the child reaches maturity, 18 years old, would that affect a person's right to receive welfare?

MR. SANGER: Objection. Improper hypothetical. It assumes facts not in evidence.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Can you tell me if funds placed in trust for a child, let's say by a lawyer, that the child cannot receive, would that affect -- would those funds placed in trust that the child cannot touch, would that affect their eligibility for welfare?

MR. SANGER: Objection; assumes facts not in evidence.

THE COURT: Overruled.

THE WITNESS: Yes, it would.

Q. BY MR. AUCHINCLOSS: Okay. And if the funds cannot be used for current needs, why would that limit eligibility for welfare?

A. They would have to actually bring in a 11622 statement saying that they cannot touch it, but even if they were to be penalized for withdrawing that money.

Q. I'm saying they can't withdraw the money even with penalty. It cannot be withdrawn. It's untouchable.

MR. SANGER: I object. This calls for speculation; it's an improper hypothetical; assumes facts not in evidence.

MR. AUCHINCLOSS: I believe counsel's asked numerous questions about interest on these accounts.

THE COURT: Sustained.

THE WITNESS: I believe it still would have --

THE COURT: Just a minute. He has to ask another question.

THE WITNESS: Oh, I'm sorry, sir.

Q. BY MR. AUCHINCLOSS: If a child is going to receive benefits at 18 that he cannot receive before that time, regardless of the benefit, okay? It's an item that the child cannot receive. The child is, let's say, a teenager. Would that affect eligibility for welfare?

MR. SANGER: Well, again, improper hypothetical; assumes facts not in evidence.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: All right. If a welfare recipient does not have a bank account of their own, and they allow a friend to cash that check for them, and then they obtain those welfare benefits from that friend, is that a violation of the rules of receiving welfare?

A. No.

Q. Okay. So if an individual has a boyfriend and she uses his account to simply cash the check, and then she receives those funds, that's not a violation?

A. That's not.

Q. What about if she uses those funds to be deposited into his account and then he, in turn, writes a check, for instance, to her landlord. In other words, using the funds for the benefit intended, but it's just run through the paperwork in that fashion. Is that a violation? Do you understand the question?

A. I believe I do understand, and he's the one -- we, in our department, would say he is the one paying the bills.

Q. Okay. But if -- let's say the boyfriend simply writes the check to the landlord. She gives him $450 from her welfare. He writes a check to the landlord -- for $450 to the landlord. Is that a problem?

A. Yes, it would be.

Q. And why would that be?

A. We are now looking that he's making out the check. He's paying it.

Q. Okay.

A. He's the one that's paying the rent.

Q. Even though the benefit to the welfare recipient is the same?

A. Correct.

Q. Would that term be something more technical in nature?

A. Yes.

Q. All right. And as far as receiving, let's say, a trip to Miami, suppose someone takes you to Miami, pays for your plane fare to Miami, allows you to stay, at their expense, at a hotel for a couple of days, and then you fly back, all at the expense of this friend. Is that something that's going to affect your eligibility for welfare?

A. No.

MR. AUCHINCLOSS: All right. Thank you. I have no further questions.

MR. SANGER: Okay. Let's just pick up where we left off.

REDIRECT EXAMINATION

BY MR. SANGER:

Q. If during the month of February, let us say, somebody not only takes the trip to Miami, has all expenses paid, including food, but during this same period of time they then return and stay, all expenses paid, somewhere during the entire month,

including another luxury hotel for a period of time, including a beautiful home that belongs to a major celebrity. The whole month, in essence, they're taken care of. Is that something that needs to be reported?

A. If it's over 30 days that they're out of their home, they need to report that.

Q. Okay. So if it was from February 6th to March the 12th, where either the children or the parent, or both of them, were out of the home, living all expenses paid on somebody else's nickel, is that something that should have been reported?

MR. AUCHINCLOSS: Objection. Compound; assumes facts not in evidence.

THE COURT: Sustained.

Q. BY MR. SANGER: You’re basically looking to find out if this is somebody who, month to month, has a need for welfare, correct?

A. Yes.

Q. Okay. Now, I posed several hypotheticals to you. And I want to avoid doing them all again, but we had a number of expenses that were paid that we talked about being paid that include not only lodging, but food, purchase of gifts, spa treatments, full body waxes, cosmetics.

If somebody was receiving that kind of a treatment for a month, is that the sort of person who should also be receiving a check from the government for welfare?

MR. AUCHINCLOSS: Objection. Vague, compound and assumes facts not in evidence. I’ll throw in argumentative, too.

THE COURT: Sustained.

Q. BY MR. SANGER: Do you want to have accurate information on your monthly reports so that you can evaluate who’s really entitled to welfare in this state when you’re doing the job as an eligibility worker?

A. Yes.

MR. AUCHINCLOSS: Objection. Asked and answered; beyond the scope.

THE COURT: Overruled.

MR. SANGER: I’m sorry, did you rule, Your Honor?

THE COURT: Overruled.

MR. SANGER: Thank you. And the answer came in?

THE COURT: I believe so.

MR. SANGER: Okay. Now, I’d like to put up 5098. 5099 first, if I may.

MR. AUCHINCLOSS: I’m going to object as beyond the scope.

THE COURT: Overruled. Go ahead.

Q. BY MR. SANGER: All right. I think I showed you this check for $32,307.88, something like that, and asked you about this previously. The District Attorney asked you about some kind of trust account.

If Janet Arvizo, in fact, had access to this money, no matter whose name the account was in, is that something that should have been reported on her initial form on 11-15-01?

A. Yes.

Q. Okay. And I'll put up 5098, if I may. This has been received into evidence that there was, in fact, a cashier's check to Hollywood Ford, but there's no indication as to who actually got the proceeds from this check. However, it was withdrawn shortly after the money was deposited in Miss Arvizo's account and it was withdrawn by Miss Arvizo herself.

Is that the kind of financial transaction that you would want to know about days before deciding whether or not she's entitled to welfare?

A. Yes.

Q. I believe -- it's hard to see, and I apologize. I believe that's November 9th. I think that's what it says up there.

Now, those -- if somebody has access to funds and uses the funds, it doesn't matter what the name of the account is, does it?

A. As long as they're a household member.

Q. Okay. So now we'll move on to -- there's one question to which there was not an objection sustained that had to do with a trust account.

If the children of Miss Arvizo, Star and Gavin, received between them in excess of $40,000 at this same time that you just saw these transactions for Janet Arvizo herself, if they received an additional $40,000, whether --

MR. AUCHINCLOSS: I'll object to the amount. Misstates the evidence.

THE COURT: Go ahead. Complete your question.

MR. SANGER: Well, let’s do it -- just so -- I believe that’s correct, but let me just put it this way.

Q. If one child received in excess of 25,000 and the other child received in excess of $10,000 at the same time that this transaction occurred when Mrs. Arvizo received her $32,000, and that money was put in any kind of a bank account for their benefit, is that something that was required to be disclosed to your department on these forms?

A. Yes.

Q. Now, the District Attorney in that question about a trust account -- does it matter whether it’s a trust account or not a trust account, if they received the money for their benefit?

A. No, it should be reported.

Q. And if it’s reported and there’s some argument about it, you would want to see all the documentation about that account; is that correct?

A. Correct.

Q. But the form clearly says you have to report any money in bank accounts for any of the people in the family; is that right?

A. Correct.

Q. All right. There were questions about the boyfriend paying the rent, and I got lost on some of that, but basically one of the concerns that you have in your department is that participants will receive benefits, let us say, and at some point their circumstances change and they start living with someone else who starts providing for their basic needs, and you need to know about that; is that correct?

A. Correct.

Q. All right. And it’s not uncommon that people will move in with a boyfriend or a girlfriend, and that boyfriend or girlfriend will start paying for things that the participant previously had to pay for out of his or her own pocket, correct?

A. Correct.

Q. And part of your screening process for each month's eligibility is to determine whether or not that has occurred, correct?

A. Correct.

Q. And if you aren't told about it, you don't have an ability to evaluate it; is that right?

A. Correct.

Q. And you believe that it's -- that it's part of the reporting requirement that a person who moves in with a boyfriend, and the boyfriend is not only cashing the welfare checks, but also paying rent and paying other expenses on behalf of the participant, that that participant has an obligation to report that so you can evaluate it, correct?

A. Correct.

MR. AUCHINCLOSS: Objection; asked and answered.

THE COURT: Compound. Sustained.

MR. SANGER: It wasn't asked and answered? If it wasn't, I won't ask any more questions.

THE COURT: Okay. Asked and answered.

MR. SANGER: There you go. Okay. I have no further questions.

RECROSS-EXAMINATION

BY MR. AUCHINCLOSS:

Q. Just real quickly, clearly if Mrs. Arvizo received a $30,000 settlement, that should have been reported and mentioned to welfare; isn't that fair to say?

A. Correct.

Q. The only question that I have remaining is not whether or not the reporting of funds placed in a trust account for children should have taken

place. My question is, provided that children -- the children in the family received those funds, they were placed in trust, and they cannot be touched until the children became adults, that wouldn't affect the eligibility for welfare, would it, just as far as eligibility goes?

MR. SANGER: Objection. Improper

hypothetical; assumes facts not in evidence.

THE COURT: Sustained.

MR. AUCHINCLOSS: I believe there are a couple of exhibits that are in evidence, 820 and 824, dealing with the trust.

THE COURT: Let's see. I don't have those up here.

MR. AUCHINCLOSS: I can tell you my foundation based on -- at sidebar if you want.

THE COURT: I'll look at your exhibit.

MR. AUCHINCLOSS: 821 and 820.

THE COURT: The problem that I'm having with your hypothetical is that the....

See, the problem in the exhibits is that under these compromises for minors, the Court can always authorize the release of funds. So, every question you've asked, with the exception of one, presupposed that the minor couldn't get to the funds. And it's just not the law. The law is that the Court can give access to the funds. That's what the document says. So let's go to our next question.

MR. AUCHINCLOSS: All right. I have no further questions then. Thank you.

THE COURT: All right.

MR. SANGER: Nor do I.

THE COURT: Thank you. You may step down.

THE WITNESS: You're welcome.

THE COURT: Call your next witness, please.

MR. MESEREAU: Thank you, Your Honor. The defense will call Miss Marian Arvizo.

THE COURT: When you get to the witness stand, please remain standing.

Face the clerk here and raise your right hand.

MARIAN ARVIZO

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name is Marian Arvizo.

Spelled M-a-r-i-a-n; Arvizo, A-r-v-i-z-o.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. MESEREAU:

Q. Good afternoon, Miss Arvizo.

A. Good afternoon.

Q. Miss Arvizo, are you related to David Arvizo?

A. Yes, I am.

Q. How are you related to him?

A. I'm his sister.

Q. Okay. And do you live in the Los Angeles area?

A. I do.

Q. Okay. Do you know Janet Arvizo?

A. Yes, I do.

Q. And how do you know her?

A. She was married to my brother David Arvizo.

Q. Approximately when did you first meet Janet Arvizo, just approximately?

A. About 19 -- about 18, 19 years ago.

Q. Okay. And did you stay in contact with her through the years?

A. No.

Q. Okay. Did you at some point learn that Gavin Arvizo was ill?

A. Yes, I did.

Q. And how did you learn that?

A. Through fellow neighbors in the neighborhood that I live in, that my family lived in, in South El Monte.

Q. This is El Monte?

A. In South El Monte.

Q. Okay. Now, at this point in time, when you

learned that Gavin was ill, were Janet and David still together?

A. Yes, they were.

Q. Okay. And did you visit Gavin at the hospital?

A. No, I didn’t.

Q. Did you get involved in any efforts to do any drives for Gavin?

A. Yes, I did.

Q. What did you do?

A. I organized a blood drive that was held at the Von’s warehouse in El Monte.

Q. Now, approximately when did you start organizing the blood drive for Gavin?

A. I don’t remember the dates and times. It was probably maybe -- it was at the time where he was needing -- he was needing blood transfusions pretty frequently. And what happened was, is that the news had put out that they needed blood for him --

Q. Okay.

A. -- because --

Q. Let me just ask one question at a time, if I can. Thank you.

You say that the news had put out information that there was a need for blood for Gavin?

A. Yes.

Q. And did you hear that on the news?

A. Yes, I did.

Q. So you were not talking to Janet when you learned that?

A. No, I didn’t.

Q. And did you learn there was a particular type of blood that he needed?

A. Yes.

Q. And how did you learn that?

A. On the news.

Q. Okay. What did you do after you learned that information on the news?

A. I -- I started to see if I can organize a blood drive to get more of the blood type that he needed, because it was a rare blood type.

Q. What did you do to organize the drive?

A. I had a -- I knew of a woman that worked at Kaiser, who was in charge, by the name of Marie Triggs. And I talked to her and asked her how would

I go about organizing a blood drive to help them out to make sure he had enough blood.
Q. And did you learn from her what to do?
A. Yes. She did help me to organize the blood drives.
Q. And Kaiser was the hospital that Gavin was -- the hospital that Gavin was being treated at?
A. Yes, she was -- he was.
Q. And what did you do to put a blood drive together?

A. We talked to one of the supervisors at the Von's warehouse, and he opened up the warehouse for us to come in and have the guys donate blood. And Marie Triggs and I met there, and we went into the warehouse and set up in the break room and did a small blood drive there with all -- I don't remember how many units of blood she got that day, but there was quite a few people that donated.
Q. Now, why did you choose Von's to do the drive?
A. I'm also an employee for Von's, and I had heard through several people that there was a lot of guys at the warehouse that were interested in donating blood.
Q. You say you're also an employee of Von's. What did you mean by that? Who else are you referring to that was employed there?
A. My brother, David.
Q. That's David?
A. Yes.
Q. And so you both were working at Von's at the same time?
A. He works in the warehouse now and I work in the stores.
Q. Okay. And was David working at this point in time at Von's; do you know?
A. No, I believe he was out.

Q. Okay. Was he out to visit David (sic) at the hospital?
A. I believe he was still with Gavin and going

through his -- the chemo and all the --

Q. Right.

A. -- at the hospital.

Q. So you had a blood drive, right?

A. Yes.

Q. At Von’s?

A. Yes.

Q. And approximately how many people do you think came to the blood drive?

A. I would say maybe 25 or 30.

Q. Were they mostly people from Von’s?

A. They were all the guys in the warehouse.

Q. Okay. And did you actually obtain blood for Gavin?

A. Yes, we did.

Q. Okay. And did you do more than one blood drive?

A. Yes. We did -- also did a second blood drive. One of my sisters, her sister-in-law’s church donated the church recreational room. And Marie Triggs, my sister Karen and myself, we all met down at the church and we had a small blood drive there. It was just announced at the church, so we mostly had -- mostly had church members that came in to donate.

Q. Now, did you communicate with Janet Arvizo about the blood drives you were organizing?

A. No, I didn’t.

Q. Did you ever talk to her at all about it?

A. No, I didn’t.

Q. Okay. Did she ever contact you about a blood drive?

A. Yes, she did.

Q. And approximately when was this, do you think?

A. I don’t remember a certain day and time.

Q. And do you remember whether or not she wanted to participate in the drive?

A. She didn’t seem to want to participate. She -- I didn’t talk to her before the blood drives. I talked to her -- I talked to her before the blood drives, not while I was doing the blood drives.

Q. And did you offer her the opportunity to get involved?

A. No, I didn’t.

Q. Did you offer the opportunity to give her views about whether this was a good idea?

A. Well, there was a letter that went in the City of South El Monte that had information on our family, because we had been in the city for so many years, and that letter actually just said if you are willing to donate blood for Gavin, and gave a specific blood type, that to donate it at the Kaiser

on Sunset, and just thanking -- you know, “On behalf of the entire Arvizo family, we thank you.”

And Janet did call me on that.

Q. Did Janet ever complain to you about the blood drive?

A. Yes, she did.

Q. What did she say?

A. She told me that she didn’t need my fucking blood. That she needed money.

Q. And did she call you on the phone when she said that?

A. Yes, she did.

Q. Are you okay?

A. Yes.

Q. What was your response, if any?

A. I think I just hung up on her.

Q. Did you ever talk to her again about the blood drive?

A. No, I don’t believe so.

Q. How many drives do you think you organized for Gavin?

A. There was two blood drives.

Q. The second one was at the church?

A. The second one was at the church.

Q. Okay. Now, after David and Janet separated, do you recall an incident where Gavin, Star and Davellin were swimming?

A. Yes, they came over to my house and went

swimming.

Q. Okay. Now, was this long after the separation; do you know?

A. No. It was just in the beginning of the separation.

Q. Okay. And they went swimming at your house?

A. Yes, they did.

Q. And this was in El Monte?

A. This is in Covina.

Q. Covina, okay. All right. And do you recall Star -- whether or not Star ever made a comment about a house they were going to move to?

MR. ZONEN: Objection; hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you ever learn from Star that the family might move to the Hollywood Hills?

MR. ZONEN: Objection; hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you ever say anything to Star Arvizo about the family's moving to the Hollywood Hills?

MR. ZONEN: Your Honor, the third objection. Hearsay.

THE COURT: Sustained.

MR. ZONEN: Ask for an admonition.

THE COURT: Next question.

MR. MESEREAU: I'll move on. I'll move on, Your Honor.

Q. Have you had any contact with Janet since the conversation you just described?

A. No, I haven't.

Q. Okay. Have had you had any contact with any of the Arvizo children since the drives?

A. No.

MR. MESEREAU: No further questions.

THE COURT: Cross-examine?

CROSS-EXAMINATION

BY MR. ZONEN:

Q. Ms. Arvizo, good afternoon.

A. Good afternoon.

Q. Do you know a Connie Keenan?

A. Do I know Connie Keenan? No, I don’t.
Q. You never met her?
A. I believe I met her today.
Q. That’s the first time you’ve ever met her?
A. Yes.
Q. Had no prior association with her at all?
A. No.
Q. Did you have a prior association with anybody who works at Mid Valley News?
A. No, I don’t.
Q. Had you ever talked with anybody at Mid Valley News?
A. No, I didn’t.

Q. Now, you testified that the manner in which you became familiar with the fact that your nephew needed this blood was from the news account; is that correct?
A. Yes, I did.
Q. Was that a news account on the radio or news account on television?
A. On television.
Q. On television?
And had you seen that throughout El Monte on a number of occasions or just on one occasion?
A. Actually, I was viewing the television set at my house in Covina.
Q. You and your brother both work at Von’s; is that right?
A. Yes, we do.
Q. Did you both work at the same Von’s?
A. No. He works in the warehouse and I work in the actual grocery stores.
Q. And do you work in more than one store?
A. No, I work in one store.
Q. Is there a reason your brother didn’t tell you about the need for blood?
A. I didn’t have contact with my brother.
Q. During that period of time?
A. No, I didn’t.
Q. During the time that you were raising money on behalf of Gavin -- excuse me, raising -- not

"raising," but recruiting volunteers to donate blood on behalf of Gavin, had you had any contact with your brother at all during that time?

A. Yes, I did.

Q. And did he tell you about the need for blood that Gavin was experiencing at that time?

A. I explained to him that I was having -- organizing blood drives and doing the best I can to get the information out. As far as him being involved, no.

Q. And was that during the time that you were organizing the blood drives?

A. Yes, it was.

Q. And prior to that, how long had it been since you had spoken with your brother David?

A. About 15 years.

MR. ZONEN: Thank you. No further questions.

MR. MESEREAU: No further questions, Your Honor.

THE COURT: Thank you. You may step down. Call your next witness.

MR. MESEREAU: Your Honor, shall we call a witness or have a break? Whatever you like.

THE COURT: Do you want to break early?

MR. MESEREAU: Sure.

THE COURT: All right.

(Recess taken.)

THE COURT: I'm sorry. We took a few minutes longer. We're trying -- as you know, we're getting to the end of the trial. We're --

Is that a sigh I heard?

What Mr. Sneddon and Mr. Mesereau and I were trying to do was just get a feel for where we are and schedule it out in our own minds. We didn't reach any conclusion. We're going to talk again tomorrow, but when we get our --

I think I left my cell phone on. I'm out of here.

THE BAILIFF: I have the "Sorry" card.

(Laughter.)

THE COURT: How can I follow that? As soon as we figure out a plan here so that you'll -- we'll tell you, so you know what the schedule for arguments and jury instruction will be, but I don't think we can do that right at this point. We didn't get that final conclusion.
All right. Mr. Mesereau, would you call your next witness?
MR. MESEREAU: Yes, thank you, Your Honor. Defense will call Ms. Connie Keenan.
THE COURT: When you get to the witness stand, please remain standing. Face the clerk and raise your right hand.
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CONNIE KEENAN
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: My name is Connie Keenan. C-o-n-n-i-e, K-e-e-n-a-n.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. MESEREAU:
Q. Good afternoon, Miss Keenan.
A. Good afternoon.
Q. Miss Keenan, how are you employed?
A. I'm sorry, I didn't hear --
Q. How are you employed?
A. I am an editor for a community newspaper.
Q. Which newspaper is that?
A. That's the Mid Valley News.
Q. Where is that newspaper circulated?
A. In El -- well, we circulate in seven cities. The City of El Monte, South El Monte, Rosemead, Monrovia, Arcadia and Temple City.
Q. And how long have you been doing that?
A. Since 1999, June.
Q. Okay. And have you been in the newspaper

business before that day?

A. Yes.

Q. And please just summarize what work you’ve done in the newspaper business.

A. I was a reporter, a political reporter, for The Independent Voice in San Diego Valley. Before that, I was fashion editor for Teen Magazine.

Q. Now, where is your office located?

A. Our -- my office is 11401 Valley Boulevard, Suite 100, El Monte.

Q. Okay. At some point in time, did you meet someone named Janet Arvizo?

A. I have never met Mrs. Arvizo.

Q. Have you spoken to her?

A. Yes, I have.

Q. And do you recall the circumstances under which you spoke to her?

A. Mrs. -- I had assigned a story about her son to a college intern I had at the time by the name of Christie Causer. And I had some bad feelings about the whole incident and the whole story, and the mother wanted an additional story because she didn’t make money enough money from the first story. And that’s her words, not mine.

Q. Which story did you authorize the paper to publish?

A. I authorized “Gavin Still Smiles,” which was the story about Mrs. Arvizo’s son, who was suffering from cancer at the time. And the general thrust of

the story is with the family was very, very bad off. They were losing their car. They were losing their home. And it’s not a story we normally do. It was one I did not want to do. However, Mrs. Arvizo did play on some sympathies in the office, and it kind of -- I assigned it to Christie to do, because I didn’t want to deal with it.

Q. Now, how did you begin to even think about doing such a story?

A. Mrs. Arvizo called the office.

Q. Okay.

A. And she con -- she continually called the office, and I had told my secretary to tell her --

MR. SNEDDON: Your Honor? Excuse me. I’m going to object on the basis of hearsay unless it’s a personal conversation that she had with Mrs. Arvizo. Move to strike.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Let me ask you --

THE COURT: Stricken.

MR. MESEREAU: I’m sorry.

THE COURT: Go ahead.

Q. BY MR. MESEREAU: Okay. You at the time -- let’s set a time. What year was this, if you know?

A. This would be year 2000.

Q. Okay. And you were editor at that time?

A. Yes.

Q. And does your newspaper have a particular

thrust, a particular --

A. Our --

Q. -- theme to it?

A. We do nothing but positive community news. We are not an investigative-type newspaper at all.

Q. And what is positive community news?

A. My goal, when I took over the paper and I purchased the paper, was to -- there’s enough negative media out there. I wanted -- my goal is to make sure every kid in our cities have their face or photo in the publication sometime before I retire.

Q. And how old is the publication?

A. Actually, the publication in itself was adjudicated in 1966.

Q. And has it always had the same sort of thrust to it?

A. No.

Q. Okay. What changes has it gone through?

A. It came -- it’s evolved from a purely political piece, making commentary within the communities it circulated, to, others would say, a purely fluff piece, and that’s where it is now.

Q. Now, at some point you assigned, as you said, the writing of this particular article about Gavin Arvizo to an intern, correct?

A. Correct.

Q. And you said her name was Christie Causer; is that right?

A. That's correct.

Q. Why did you do that?

A. It is not -- there are many people within the cities I serve that need money and are facing hard times, and my -- I felt that if I did one, I would have to do many, many more. I did not want to deal with it. I thought it was a human interest story, that's something Christie could learn from doing, which was part of her being an intern, but it was something that I didn't want personally to deal with myself.

Q. And when you assigned it to Christie Causer, had you made the decision to have this article about Gavin Arvizo published?

A. No, not until her article was finished.

Q. Was it your idea that you would first see what Christie Causer wrote and then decide whether or not it's publishable?

A. Indeed. That is my job.

Q. And just directing your thoughts to just what you were thinking at the time, what made you decide to have this article written?

A. I read all copy that goes into the newspaper.

Q. Let me rephrase it. I'm not being clear. At some point, you got some information about Gavin Arvizo, right?

A. Uh-huh.

Q. You thought about whether or not you wanted to assign this project to an intern, right?

A. I don't know where you're going, Counsel.

Q. I'm trying to figure out why you wanted this article written.

A. We kept getting telephone calls from Mrs. Arvizo. Mrs. Arvizo talked to my secretary.

MR. SNEDDON: I'm going to object. Excuse me. I'm going to object, unless it's based on personal knowledge, as being hearsay.

THE WITNESS: I received messages.

MR. MESEREAU: It’s not offered for the truth.

MR. SNEDDON: Then it has no relevance.

THE COURT: Just a moment. I’ll sustain her objection to her repeating what the secretary said.

Q. BY MR. MESEREAU: Okay. Don’t repeat what your secretary said.

A. Uh-huh.

Q. But at some point, you made a decision you wanted this article created, right?

A. Indeed.

Q. And without saying what the secretary said, was it based on the fact that these calls had come in?

A. Yes.

MR. SNEDDON: Same objection. Move to strike. No personal knowledge; lack of foundation.

THE COURT: Overruled. The answer was, “Yes.” Next question.

Q. BY MR. MESEREAU: Without saying what was said, did you have a discussion with someone about this subject matter before --

A. I just --

Q. -- before you decided that you wanted to try and do an article about Gavin?

A. I discussed it with my secretary, and my secretary told me --

Q. You’re not allowed to say what she told you.

A. Okay.

Q. So let me just try -- we have some technical rules we have to follow, okay?

A. All right.

Q. The calls came in, and you discussed it with your secretary, right?

A. Yes.

Q. And after the discussion, you made the independent decision to assign to Christie Causer the responsibility of writing an article about the subject, right?

A. Yes.

Q. And was a draft article written?

A. Yes. A draft article was written. I read through the article. I questioned the amount of money that was supposedly paid for an injection. I questioned the fact that the money had been requested to be sent to Mrs. Arvizo at her home address. And I told Christie that was not ethical, we could not do that, and we would not have that information in the paper unless there was a trust fund that was set up or if -- and that was the only way it would be in the paper.

Q. Now, eventually did you authorize the publishing of that article?

A. Yes, I did.

Q. Okay. What was your concern about the costs of an injection?

A. My concern was that $12,000 for an injection was a little over the top. And I said, “Are you sure, Christie, that this was the amount that she said?”

She said she tape-recorded it, and she went through it again, and yes, indeed, she said $12,000 for a chemotherapy injection.

Q. Now, was the intent of the article to raise money to pay for Gavin’s medical expenses?

A. It wasn’t the intent. It was, “If you wish to do so, you may” --

Q. Okay.

A. -- type of thing.

Q. Was it your intent to provide information to readers who wanted to contribute money regarding where to send the money?

A. Yes.

Q. And did you do that?

A. Yes, I did.

Q. As far as what the money was to be raised for, was it your intention that this article was to raise money purely for medical expenses?

A. The thrust -- the whole slant of the article was how expensive it was for his medical care, which

is what we assumed that money was going to go toward.
Q. And did you know at the time you authorized the publishing of this article whether or not insurance was paying for Gavin’s medical expenses?
A. I -- I will answer that yes, in a -- in an after-the-fact case.
Q. Let me rephrase it. I’m sorry. I’ll withdraw the question.
Before you published an article that talked about raising money for Gavin, did you know whether or not insurance was paying for his medical expenses?
A. Before that? No, I did not know that.
Q. Now, did you authorize the publishing of an article which talked about $12,000 per injection for Gavin?
A. Yes, I did.
Q. And where did that information come from?
A. From Mrs. Arvizo.
MR. SNEDDON: Your Honor, I’m going to object to that as lack of foundation and hearsay.

THE COURT: Sustained.
MR. SNEDDON: Move to strike.
THE COURT: Stricken.
Q. BY MR. MESEREAU: Were there any other purposes to the publishing of this article as far as you were concerned?
A. No other, than --
Q. Did you think this was an issue of community interest like you’ve described?
A. Of course.
Q. Okay. And how often -- or let me rephrase that.
How many times did this article appear?
A. One time.
Q. Okay. Was there any reason why it only appeared one time?
A. Um --
MR. SNEDDON: Object as immaterial and irrelevant.
THE COURT: Overruled.

You may answer.

THE WITNESS: I found out that the child was indeed covered by insurance.

Q. BY MR. MESEREAU: To your knowledge, was any money raised through your newspaper’s article?

A. Mrs. Arvizo told me that she wanted a second article because she didn’t raise enough money from the first article, and that is why there were no other articles written.

Q. Did you ever learn how much money was, in fact, raised?

A. No, sir.

Q. Now, to your knowledge, did the intern that you’ve mentioned, Christie Causer, actually write the article?

A. Yes, she did.

Q. And did you then edit the article?

A. Yes, I did.

Q. And after you edited the article, did you authorize the publication?

A. I did.

Q. Now, how often -- let me get to the year 2000.

How often was your newspaper appearing in the year 2000?

A. Once a week.

Q. Does it still appear once a week?

A. Still once a week.

Q. Okay. Did you ever mention in any of your -- excuse me.

Did you ever mention in your article about Gavin any information about a bank account where people could contribute to?

A. Yes.

Q. And where did the information on that bank account come from?

A. I instructed Mrs. Causer that she could not use the name of Mrs. Arvizo, nor her home address to send money or funds because we would have no idea where the funds went; that we would have to have a

trust account.
Approximately four days later, Christie came back to me and said that indeed the family had a trust fund.
Q. Okay. And did you mention that trust fund in the article?
A. Yes, I did.
Q. Okay. Did you ever confirm whether or not it was, in fact, a trust fund?
A. No, sir.
Q. Who told you that it was, in fact, a trust fund?
A. It was listed in the article as a trust fund and an employee of that particular bank to refer all matters to.
Q. Do you know who was a signatory on that account?
A. No, sir.
Q. Do you know if any withdrawals were ever made from that account?
A. No, sir.
Q. Do you recall ever communicating with a former attorney for Mr. Michael Jackson named Mark Geragos?

A. I wrote Mr. Geragos a letter.
Q. And was that approximately November 24th, 2003?
A. Approximately, yes.
Q. Okay. Why did you write the letter to him?
A. I had seen the --
MR. SNEDDON: Your Honor, I'm going to object as immaterial, and irrelevant, and calls for hearsay.
THE COURT: Sustained.
MR. MESEREAU: No further questions at this time.
THE COURT: Cross-examine?

CROSS-EXAMINATION
BY MR. SNEDDON:
Q. Good afternoon.
A. Good afternoon.

Q. Did you have a chance to review -- is it Ms. Causer? It's Ms.?

A. Yes. Yes.

Q. Missus?

(Continuing) -- Ms. Causer's article before you came to court here today?

A. Not yet, but I did bring it.

Q. You didn't review it before you came to court?

A. No.

Q. Did you have a chance to review the article that you wrote in your newspaper about the experience?

A. I did not write an article. I simply --

Q. Well, you wrote an editorial?

A. Oh, I did read an editorial. No, I didn't reread my editorial, no.

Q. Are you acquainted with anybody in the Arvizo family personally?

A. No.

Q. David Arvizo, Marian Arvizo, nobody from that family?

A. No.

Q. And with regard to the article that was published in your newspaper that was initially done by the intern, Christie Causer, did you make substantial changes in the editorial process or was it basically pretty much what she wrote?

A. It's basically pretty much what she wrote, the context.

Q. And your goal as a newspaper was to attempt to put -- to emphasize the medical aspects of what was going on with Gavin at this particular point in time, correct?

A. Correct.

Q. And did you have a picture of Gavin that accompanied the article?

A. Yes, we did.

Q. And it's correct, is it not, that the article, in essence, the way it -- not "in essence," the article that was eventually published after you had edited it basically dealt with Gavin’s medical experiences on the whole, did it not?

A. Yes.

Q. In other words, they talked about what had happened to him in terms of the cancer and the size of the tumor and the -- what had happened to him internally, correct?

A. And how expensive it was.

Q. Well, I’m getting there. I just want to talk about, first of all, the process of the article itself.

A. Okay.

Q. Okay? And then they talked about this need for blood, correct?

A. I believe so.

Q. And they talked about the fact that the tumor weighed 16 pounds that they took out of him, correct?

A. Correct.

Q. And then they talked about his fragile condition and how high risk he was, correct?

A. Correct.

Q. And they talked about the fact that they had actually sent the tumor to research at Johns Hopkins

and Cedars-Sinai to try to determine what kind of cancer it was. Do you recall that?

A. Yes, I do.

Q. And then they talked a little bit about Gavin. They talked about how -- what a great sense of humor he had, and what a great spiritual outlook he had on the whole process, correct?

A. I believe so.

Q. And then they talked about the fact that there were comedians and people in the entertainment industry who were supporting the family during this time of need, correct?

A. Correct.

Q. And they mentioned, in fact, Chris Tucker, did they not?

A. Yes.

Q. And they talked about the fact that Fritz

Coleman had actually advertised on T.V. to try to raise blood for Gavin, correct?

A. I don’t recall that, but --

Q. You don’t recall that?

A. I just truly don’t recall.

Q. Do you have the article in front of you?

A. Yes, I have it.

Q. Would it refresh your recollection if you looked at the article?

A. Okay.

Q. And I just direct you down to probably five-sixths of the way down to the bottom of the article.

A. Okay. Yes, sir. I see it.

Q. Okay. And then after that, Gavin is quoted as saying, “There are more friends than reporters,” correct?

A. Correct.

Q. And then they go on to talk about the expressions of gratitude and the fact that the family prays for helping Gavin in this particular situation, right?

A. Correct.

Q. Now, we’re almost at the end of the article, are we not?

A. Yes.

Q. We’re basically down to the last paragraph, correct?

A. Yes.

Q. And it’s only in that paragraph is there anything mentioned about the financial situation of the family; isn’t that correct?

A. True.

Q. So would it be a fair statement to say that the vast -- vast majority of this article dealt with the personal plight of Gavin and the family rather than any financial aspects of the family, correct?

A. Correct.

Q. Now, in the article it says that their car was repossessed, correct?

A. Yes.
Q. And it says that there's one chemotherapy injection that cost $12,000, correct?
A. Yes.
Q. And that's the only things mentioned about the finances for the family?
A. Uh-huh.
Q. Now, there's no mention in this article at all about the fact that they're going to lose their home, is there?
A. No.
Q. You told the jury in your direct examination that you were told that they were going to lose their home, that Miss Causer told you that?
A. No, but the secretary that doesn't exist did.
Q. Ma'am --
A. I'm sorry, I don't mean to be rude. It's just --
Q. Well, you are being, so --
MR. MESEREAU: Objection, Your Honor. Move to strike counsel's comments.
THE COURT: I'll strike --
THE WITNESS: That was the only reason --
THE COURT: Just a moment. I'm going to instruct you that you must follow the rules of evidence here --

THE WITNESS: Okay.
THE COURT: -- and not comment to the jury on your opinion of them. Do you understand?
THE WITNESS: I --
THE COURT: Just a moment. Just tell me whether you understand that or not. You are not allowed to do anything except answer the questions.
THE WITNESS: I understand that.
THE COURT: Okay. Mr. Sneddon, ask the next question.
MR. SNEDDON: Yes, sir.
Q. Did you not say on direct examination in front of this jury that you received the information with regard to the possible repossession of the house from Miss Causer?

A. Among other people, yes.
Q. That information is not in the article, is it?
A. No.
Q. Now, are you certain that Miss Causer tape-recorded this conversation?
A. I asked -- yes, I am certain.
Q. And did you review the tape of that conversation?
A. No, sir.
Q. So you never -- you did not independently review the tape before you edit -- before you applied your editorial license to the article?

A. That's correct.
Q. Now, did you write an article? You said you did write an editorial later, correct?
A. Yes, I did.
Q. In the editorial you were very critical of Mrs. Arvizo, correct?
MR. MESEREAU: Objection; relevance.
THE WITNESS: I don't recall being --
THE COURT: Just a moment.
THE WITNESS: -- critical.
THE COURT: Just a moment, ma'am. You have to wait till I rule.
THE WITNESS: Oh. Oh.
THE COURT: The objection is overruled. All right. You may answer.
THE WITNESS: The question once again.
THE COURT: I'll have the question read back.
(Record read.)
THE WITNESS: I don't -- I -- I'm sort of stuck on the word "very." I was critical, but I don't know about the rest.
Q. BY MR. SNEDDON: I'll settle for that. That helps.
A. Okay.
Q. Did you say in that article that Miss Causer had taken a cooked turkey over to the Arvizo family?
A. That was my understanding, yes.
Q. Okay. You put that in the article?

A. Yes, I did.
Q. Did you determine later that that was incorrect?
A. Yes.
Q. And did you put in that article that Mrs. Arvizo said that she would rather have money than the turkey?
A. Yes, I did.
Q. Did you determine that was incorrect?
A. No.
Q. Did you talk to Miss Causer about that?
A. Yes.
Q. And you know that she denies that Mrs. Arvizo ever made that statement?
A. Then it’s after the fact. I don’t know that.
Q. Did she tell you that when you asked her?
A. She told me that the reason she was upset was the mother said she would rather have the money instead of the food.
Q. And that’s what she told you?
A. That’s what she’s told me. And she’s not retracted it since then.
Q. She hasn’t?
A. No, sir.
Q. She denies that statement today, though. You know that?
A. No, I do not.

MR. MESEREAU: Objection; improper question.
MR. SNEDDON: No, I’m asking if she’s aware of that.
THE COURT: Objection sustained.
Q. BY MR. SNEDDON: Are you aware of the fact that she has denied ever making such a statement to you about that?
A. No.
Q. You said in your article that she was crushed, correct?
A. Who?
Q. Cindy Causer (sic).
A. Yes.

Q. And that she was furious; is that correct?

A. That is correct.

Q. Are those the words that she used in describing that event to you?

A. Those were the words I used when she relayed them to me.

Q. I think the question was, were those the words that she used to you to describe the situation?

A. No. That was my observation.

Q. Now, you at some point contacted Kaiser, correct?

A. I did.

Q. It was at that point that you determined that there was medical coverage for the Arvizo family, correct?

A. Yes.

Q. And that event, in contacting Kaiser, did not occur until the allegations in this case became public; isn't that correct?

A. No, sir.

Q. They were not?

A. No. If you're speaking of still my editorial? The -- the original story and the editorial.

Q. I'm talking about when you contacted Kaiser to determine whether or not the Arvizo family had medical coverage. When did that occur? Before or after the allegations in this case became public?

A. Before.

Q. How much before?

A. Three months before -- after the original article was written, so I would say January of 2001.

Q. Now, did you -- did you ever determine whether or not the Arvizo car, the Arvizo family car, was in fact repossessed?

A. No, sir.

Q. And did you do any research into the financial background of the family in general?

A. No, sir.

Q. Did you determine whether or not the husband was employed?

A. No, sir.

Q. Did you determine whether or not the husband was on disability at the time that Miss Causer did the article?

A. No, sir.

Q. Did you determine whether or not the fact that he was on disability at the time may affect whether or not the medical insurance would continue to cover the child's expenses during the time of the cancer treatment?

A. No, sir.

Q. Did you determine -- did you assume that Miss -- Mrs. Arvizo was the one who was totally in control of the trust account that was set up in the name of the child?

A. I didn't know who was in charge of the trust account.

Q. Okay. So you didn't know whether it was Mrs. Arvizo or David Arvizo, the husband?

A. Right.

Q. But when you wrote your article, you didn't mention David Arvizo, did you?

A. Not to my recollection, no.

Q. You pointed your article at Mrs. Arvizo?

A. That is who I had the dealings with.

Q. I know. But you didn't mention the husband that she was married to?

A. No.

Q. And you knew -- you knew no role what he played in the family.

A. None whatsoever.

Q. Were you aware that Mrs. Arvizo was the victim of domestic violence for 16 years in relationship with the husband?

A. No, sir.

MR. MESEREAU: Objection; relevance.

MR. SNEDDON: I think it --

THE COURT: Sustained.

MR. SNEDDON: Your Honor, can I just be heard briefly?

THE COURT: All right.
MR. SNEDDON: It goes to the credibility of the bias in the article.
THE COURT: The objection is sustained.
Q. BY MR. SNEDDON: Did you determine whether or not any other members of the children of the family had been the victims of domestic violence?
MR. MESEREAU: Objection. Beyond the scope; relevance.
THE WITNESS: No.
THE COURT: Sustained.
Q. BY MR. SNEDDON: Did you contact any of the celebrities who were mentioned in the original article by Miss Causer to get more information on the background of the family?
A. No.
Q. You didn't contact, for instance, Fritz

Coleman?
A. No.
Q. You didn't contact Chris Tucker?
A. No.
Q. Were you aware of the fact that George Lopez, the comedian, and Ann Lopez, his wife, were helping the family at the same time to raise money?
A. No.
Q. Did you ever contact them?
A. No.
Q. Were you aware that Louise Palanker had provided funds to the family at the same time?
A. No.
Q. To see whether or not -- what she knew about the family and the family's needs?
A. No.
Q. Are you familiar with a person by the name of Jamie Masada who owns The Laugh Factory?
A. I know the name.
Q. Did you contact Mr. Masada to determine what his efforts were on behalf of this family to help their plight while their son was going through cancer?
A. No.
Q. And you made no attempt to determine the

husband’s role in the expenditures of those funds from the trust account, correct?
A. Correct.

Q. Now, the trust account information was placed in the newspaper by you?
A. I authorized its placement, yes.
Q. And it’s your testimony that Miss Causer was the one who got that information?
A. Yes.
Q. And provided it to you to be printed in the paper?
A. Yes.
Q. And when Miss Causer went out to the house, she also gave the family some money, did she not, of her own?
A. She did not mention that to me.
Q. You didn’t reprimand her for giving them money and saying it was against your policy?
A. No.
Q. Now, were you aware of the fact that at the time that Miss Causer was writing this article -- let me go back.
Was it your understanding that you were putting an article in the paper to enlist the community’s support to assist this family during Gavin Arvizo’s fight against cancer?
A. Yes.
Q. Okay. And was it your -- was it your particular understanding or at least the goal of the paper only to help raise money to offset the medical expenses?

A. That’s true.
Q. In other words, you didn’t care whether their car was repossessed or what the other financial implications were to the family?
A. Well, I definitely care. But if money was raised for his medical expenses, then whatever moneys they were paying for medical could go to their everyday care.
Q. But your article implied to the community,

did it not, that this family was suffering not only because of medical expenses but also personal hardships that resulted from Gavin’s cancer, correct?
A. No.
Q. Isn’t that why you put the part in there about their car being repossessed?
A. You’re referring to the editorial piece.
Q. No, ma’am. I’m referring to the original article.
A. The original article says his car has been repossessed?
Q. Yes, ma’am.
A. I don’t recall that either.
Q. Go ahead and look at the article. It’s right down at the bottom.
A. Oh, yes.
Q. It does, does it not?
A. Yes, it does.

Q. So it’s informing the community of El Monte and all the surrounding cities, the six other cities, that this family not only had medical expenses associated with Gavin’s illness, but they had some personal hardships, personal financial hardships, correct?
A. As a result of medical problems.
Q. Well --
A. Yeah.
Q. You assume it was a result of the medical problems?
A. Sure.
Q. Did you not assume that it could have been as a result of some of the other related problems created by the medical problem?
MR. MESEREAU: Objection; compound.
MR. SNEDDON: Let me rephrase, Your Honor.
Q. Has it been your experience that people who go through a severe medical hardship like this incur other substantial hardship expenses that are not directly related to the medical aspects of it, correct?
MR. MESEREAU: Objection. Beyond the scope;

relevance.

THE COURT: Overruled.

You may answer.

THE WITNESS: I -- having been in that situation, yes.

Q. BY MR. SNEDDON: And were you aware at the time that Miss Causer wrote her letter, for instance, that Gavin Arvizo, when he would come out of the hospital from his chemotherapy treatments, would have to be in a special room? Did you know that?

A. No, sir.

Q. Okay. And did you know that in that special room they had to buy a special air purifier in order to protect against infection? Did you know that?

MR. MESEREAU: Objection. Relevance; foundation.

THE COURT: Sustained.

Q. BY MR. SNEDDON: Did you know when this article was prepared that there were special hardship -- financial hardships associated with his medical treatment outside the course of the hospital?

MR. MESEREAU: Objection. Foundation; relevance; beyond the scope.

THE COURT: Overruled.

You may answer.

THE WITNESS: No.

Q. BY MR. SNEDDON: So you -- you’ve told us that you do believe or understand the fact that there are financial hardships not associated with the direct paying of medical costs. Did you envision that this fund could be used to offset some of those financial hardships on the family?

A. No.

Q. That was what was in your mind?

A. That was in my mind. I thought it was purely for medical reasons.

Q. Would you concede to me that a public reading this article, you having mentioned the

repossession of their car, might want to give money to help for other aspects of the hardships created by Gavin’s medical situation, could you not?
MR. MESEREAU: Objection. Foundation; calls for speculation.
THE COURT: Sustained.
MR. SNEDDON: No further questions.

REDIRECT EXAMINATION
BY MR. MESEREAU:
Q. Did you ever determine that the figure $12,000 for chemotherapy treatment given to your paper by Janet Arvizo was false?
A. No. Um -- no.
Q. Did she ever call up and say, “You made a typo, it’s really $1200”?
A. No.
Q. Now, how many messages did she leave with your paper, if you know, about these articles?
MR. SNEDDON: Object. Calls for hearsay.
THE COURT: Foundation. Sustained.

Q. BY MR. MESEREAU: Do you know how many phone calls Janet Arvizo made to your paper around the time you published the article?
MR. SNEDDON: Same objection, Your Honor.
THE COURT: You may answer that “yes” or “no.”
THE WITNESS: Yes.
Q. BY MR. MESEREAU: How many?
A. Five.
MR. SNEDDON: Same objection.
THE COURT: Sustained.
Just a moment. I’m going to change my ruling on that. I’ll leave the answer in, “Five.”
Next question.
Q. BY MR. MESEREAU: The prosecutor asked you questions about what you were thinking when you published the article and what your intent was.
Was it your belief that the Arvizos had to spend $12,000 per chemotherapy injection for Gavin?
A. Yes.
Q. And what was your belief based upon?

A. Based upon the interview by Christie, and she had it on tape.

Q. And was it your understanding that insurance would not pay for the $12,000 cost per injection?

A. At that time, yes.

MR. SNEDDON: Your Honor, I'm going to object to that. Calls for her conclusion; speculation.

THE COURT: Sustained. Stricken.

Q. BY MR. MESEREAU: Was the intent of the article -- excuse me. Was one of the purposes of the article to raise money to pay for the $12,000 per chemo injection cost?

A. Yes.

Q. Now, the prosecutor asked you questions if you knew about Miss Arvizo's marriage. Did you think it was your obligation to dig into that?

A. No.

Q. Was there any purpose in your article to talk about Ms. Arvizo's marriage?

A. Never -- no.

Q. Was one of the purposes of the article to raise money to pay for a repossessed car?

MR. SNEDDON: Your Honor, I'm going to object as to which article he's talking about here now. It's vague as to which article. There's --

MR. MESEREAU: I'll rephrase it.

Q. Let's talk about the first article. Was one of the purposes of your newspaper publishing that article to help Janet Arvizo raise money for a repossessed car?

A. No.

Q. Let's talk about the second article. Was one of the purposes for having your newspaper publish that article the raising of money to pay for a repossessed car?

A. No.

Q. The prosecutor asked you questions about financial hardship that comes to a family that has some medical expenses, okay? Was one of the

purposes of your first article to raise any money to pay for ancillary financial expenses of the family?
A. No.
Q. Was one of the purposes of the second article you published to raise money for nonmedical family expenses?
A. No.
Q. Did you ever try to ask the public to pay for any nonmedical expenses of the Arvizos in any of your articles?
A. No.
Q. Now, was it your understanding that the original article was based upon an interview with Janet?
A. Yes.
Q. Was it based upon one interview with Janet, if you know?
A. I don’t know that.
Q. Okay. Was it your understanding that Janet had called the paper about an article?
A. Yes.
Q. And who did you learn that from?
A. My secretary.

Q. To your knowledge, did Janet ever call the paper and want other articles published to raise money?
A. Yes.
Q. How many times did she do that, if you know?
MR. SNEDDON: Object. Asked and answered.
MR. MESEREAU: I think I limited it to raising money, Your Honor.
THE COURT: I think the last question was how many times she’d called totally, so I’ll sustain the objection.
MR. MESEREAU: Okay.
Q. To your knowledge, how many times did Janet Arvizo call your newspaper for the purpose of raising money?
A. I have no way of gauging that, Counsel.
Q. Okay. And other than Christie Causer and your secretary, do you know if anyone else associated with your newspaper ever spoke to Janet?

A. No.

Q. Okay. How large a staff did your newspaper have at the time?

A. At the time, three.

Q. Okay. And when you published your newspaper in 2003, approximately how many articles would you devote to this topic?

A. Very, very, very, very -- almost none to a family-in-need article.

Q. Okay. And if you know, which page was the article published on?

A. It was on front page.

Q. Was there any reason for that?

A. I think the story tugged at your heart strings. The child’s face, beautiful.

Q. Now, you said that Janet complained that not enough money was raised from the first article, right?

A. Yes.

Q. Did she complain to you?

A. Yes.

Q. Did she call you at the paper?

A. Yes.

Q. How long was that conversation?

A. The conversation was approximately one minute and 20 seconds.

Q. Why?

A. Because I didn’t want to talk to her.

Q. How come?

A. Because I had already established the fact that I had been duped.

MR. MESEREAU: No further questions.

RECROSS-EXAMINATION

BY MR. SNEDDON:

Q. Are you telling us that the conversation you had with Miss Arvizo was three months after the

publication of the first article?

A. She wanted what --

Q. No, I’m asking you a very specific question.

A. Okay. I'll listen again.
MR. SNEDDON: Maybe the court reporter could read it back, Your Honor.
THE COURT: All right.
(Record read.)
THE WITNESS: Approximately, yes.
Q. BY MR. SNEDDON: Was three months later?
A. Yes.
Q. After you'd already called Kaiser?
A. Yes.
Q. And did you have a conversation with Miss Causer and ask her whether or not she could have made a mistake about the $12,000 and it really could have been $1200?
A. Yes.
Q. Did you go back and verify that?
A. I asked Mrs. Causer to verify it on her tape.
Q. No, I think --
A. Oh, okay.
Q. Let me make it clearer for you.
After you determined from calling Kaiser -- well, first of all, you drew the conclusion you'd been duped because you determined that full medical coverage was being taken care of by Kaiser, correct?

A. Correct.
Q. But you made none of the inquiries I asked about before. You didn't check to see whether or not the insurance may have been jeopardy. Did you do that?
A. No, sir.
Q. Okay. And the reason that you feel that you were duped is because you felt, in your mind, that the money only should have been used to pay for the direct medical costs, correct?
A. Correct.
Q. And yet, the article itself says nothing about where the money -- how the money is going to be expended, does it?
A. No.
Q. Okay. So the article, to somebody reading it in the public who didn't know your mindset, would

not be able to determine from that that the money had to go directly into the direct medical expenses for Gavin Arvizo, would it?

A. No. You’re right.

MR. SNEDDON: Thank you. I’ll quit while I’m ahead.

MR. MESEREAU: Move to strike his comments.

THE COURT: Stricken.

MR. MESEREAU: No further questions.

THE COURT: All right. Thank you. You may step down.

All right. We’ll recess until tomorrow. 8:30.

(The proceedings adjourned at 2:30 p.m.)

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REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 11544 through 11684 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 23, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, May 23, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
OFFICIAL COURT REPORTER

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, MAY 24, 2005

8:30 A.M.

(PAGES 11686 THROUGH 11751)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

DEFENDANT’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
LENO, Jay	11691-M	11707-Z	11712-M 11717-M (Further)	11713-Z
McCULLUGH, Sulli	11718-SA	11723-A	11724-SA	
WAKEFIELD, Monica De La Santos	11726-SA	11738-SN	11740-SA	11742-SN
HOLZER, Mary Elizabeth	11744-M			

E X H I B I T S

DEFENDANT’S NO.	DESCRIPTION	FOR I.D.	IN EVID.
5107	Kaiser Permanente lab report	11733	11743

Santa Maria, California

Tuesday, May 24, 2005

8:30 a.m.

THE COURT: Good morning, everyone.

COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.

THE JURY: (In unison) Good morning.

THE COURT: Call your next witness.

MR. MESEREAU: Your Honor, the defense will call Mr. Jay Leno.

THE COURT: All right. Come forward, please. When you get to the witness stand, remain standing. Face the clerk here and raise your right hand.

JAY LENO

Having been sworn, testified as follows:

THE WITNESS: Yes, I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name is Jay Leno. L-e-n-o.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. MESEREAU:

Q. Good morning, Mr. Leno.

A. How are you?

Q. Fine, thank you.

Mr. Leno, in your work, do you deal with children’s organizations?

A. Yes, quite a bit.

Q. And what do you do?

A. There are groups like Phone Friends, Make-A-Wish. You’ll get phone calls, children in the hospital. “Could you give them a call?”

And they’ll ask you questions about, you know, “Oh, did you meet Britney Spears?” Whatever it might be. But usually that type of thing.

It’s usually kids that are maybe lonely or sick or something, and they watch T.V. or they watch it late at night, and you try to cheer them up. And it usually goes through, as I said, organizations like Phone Friends and Make-A-Wish.

Q. Do you have a specific procedure that you typically follow to learn about a child’s desire in this regard?

A. Well, when it comes from a legitimate organization, there’s no procedure. We deal with them on -- I would say maybe 15 a week sometimes, 20 a week.

So, “Oh, could you call” -- you’ll get a list of children, “These are some kids that would like to hear from you today.”

“Okay.”

Sometimes they’re in Minneapolis or -- they’re all over the country. And you have a five- or ten-minute phone call. And then sometimes you do a follow-up, and you send a picture and hats, you know, things like that.

Q. Now, do you have someone who screens these calls for you?

A. Well, my assistant, who screens them. Not necessarily those calls, but, you know, all calls, yeah.

Q. And is there a particular number that people get ahold of if they want to reach you or talk to you about something like this?

A. I’m pretty accessible, either through the main Tonight Show number or my number at the show.

Q. How many years have you been dealing with children’s organizations like the ones you’ve described?

A. Well, I’ve been doing The Tonight Show about 13 years and -- certainly that long. And before that, more informally.

Q. And does your work with children involve simply talking to them on the phone, or do you make visits and things of that sort?

A. Any of those things. Sometimes with Make-A-Wish, you’ll have a situation where -- those are especially sad, because sometimes they’re terminally ill children. They’ll say, “Oh, this kid’s 15, and he always wanted to go for a ride in a Lamborghini,” or something like that.

And sometimes kids will come over to the garage and we’ll take them for a ride. And maybe they want a back-stage tour of The Tonight Show. Maybe they want to sit at the desk and talk in the microphone. So it varies. Sometimes it’s just a phone call, and sometimes it’s a little more than that.

Q. And if you decide to do something for a child, or an organization of children, what are the kinds of things you will do? What benefits will you provide them?

A. Sometimes it’s an auction-type deal to raise money. Sometimes they’ll say, “We’re having” -- you know, “This child was in a car accident,” or whatever it might be.

“The family is having an auction. Would you sign some items or have celebrities sign items?”

Sometimes you’ll make a donation. Sometimes it’s tickets to the show. It really varies on a case-by-case basis.

Q. And if people want to raise money through you, how do they go about it?

A. Well, you just sort of call and tell us what the situation is, and if we can do something to help, that’s what we do. I mean, we try to do a little something for everybody that calls.

Sometimes it's more; sometimes it's less.

Q. Do you sometimes reject requests from parents or children?

A. I don't know if "reject" is quite the word. I mean, sometimes -- you try to make -- if it goes through a legitimate organization, no, you don't reject them.

Sometimes you get the odd, you know, "I'm a farmer. Our crops are" -- "our tractor's broken. Our fields are not doing well," and the return address is Brooklyn, New York.

So you go, "Hmm, that seems a little suspicious." You know. So that one you kind of go, "I don't really know how legitimate that one is."

So, you know, you take them on a case-by-case basis.

Q. At times do people who want to reach you get ahold of you directly?

A. Yes.

Q. And how does that happen?

A. They just call me. I'm pretty accessible. I pick up the phone. I go, "Hi, this is Jay."

And they go, "No, it's not."

And I go, "Yes, it is."

And then I spend ten minutes convincing them it is me, so -- but, yeah.

Q. Will they call the studio to reach you directly?

A. Yes, and I'll probably get a lot more calls after this.

(Laughter.)

My phone will be ringing tomorrow.

Thank you for that.

(Laughter.)

Q. If they call the studio, can they get right to you or do they go right --

A. Sometimes they can get right to me, actually. Yes, they can. Up until today they could get right to me.

(Laughter.)

Until just a few moments ago, you could

reach me quite easily.

(Laughter.)

Q. The numbers that might get right to you, where do they get access to that?

A. Well, other performers, comedians, car guys. I mean, my number is pretty much out there. I mean, I wasn't even unlisted until a couple of years ago. I was in the phone book.

Q. Do you know someone named Jamie Masada?

A. Yes, Jamie owns The Laugh Factory, a comedy club in Hollywood.

Q. Have you known him for a long time?

A. Yes. I'm not -- I don't -- I tend to work some of the other clubs. I don't work his club very often. I've been doing this a long time, so I had some clubs that I worked. And then he opened up, and he was sort of the new club. And I kind of stuck with the clubs that I worked all the time. But, yes, I know him. Yeah.

Q. And would it be accurate to say he's a friend of yours?

A. Well, an acquaintance, yeah. A "friend" is all right. He's asked me for favors and things, yeah. "Friend" is okay.

Q. Is he a close friend?

A. No, I wouldn't say close friend.

Q. Do you go to The Laugh Factory often?

A. No, not very often.

Q. When were you last there, if you remember?

A. Oh, maybe a year ago. Not quite a year ago. A comedian, George Miller, had passed away, and there was -- they had a little service for him with a bunch of comics, and we all went down and told some jokes. I think that was about a year or so ago. Maybe a little bit longer.

And occasionally -- Jamie does a lot of benefits, and he'll say, "Oh, could you come down and do 15 minutes or something?"

And that's usually what it was. I don't work there but I'll go down and do benefits and things.

Q. Do you know someone named Louise Palanker?

A. Yeah, Louise is a comedian. Yeah.

Q. Is she a friend of yours?

A. Yes, I’ve known Louise for a long time.

Q. And would you describe her as a close friend?

A. No, not a close friend, but an acquaintance. She dated a friend of mine, and I got to know her through him.

Q. Do you remember a couple of years ago receiving a call from a child named Gavin?

A. Yes.

Q. And approximately when did that happen?

A. Well, let’s see. It’s quite a few years ago. I guess 2000 maybe.

Q. And was it your understanding that Gavin had cancer?

A. Yes.

Q. Okay.

A. That’s what I was told.

Q. Did you ever talk to Gavin’s mother?

A. I believe I did. The circumstance -- I had gotten a number of calls, and I had -- you know, there are ways to sort of legitimize this. I had gotten these calls. And I called the hospital. I was put through to a room. I believe if I -- I believe I spoke to Gavin. And I think I spoke to possibly his brother, and I think I spoke to his mother.

It’s a little confusing, because these kind of conversations do tend to run together. When you make three or four of them a day, and you’re calling hospitals, especially when it’s five years ago, it’s a little tricky.

But I’m told -- I was told by Louise that they were really happy to hear from me, that I had called the room. So that verified yes, I did call.

Because whenever I hear from a child, I always try to follow up on it. So I’m sure I called.

Q. Now, how did you learn about Gavin?

A. I had gotten a number of voice mails from him. That’s how I was made aware.

Q. Okay. And did the voice mails give you a number to call the hospital?

A. I'm not sure if the voice mails gave me the number or if I got the number from Louise, but somehow I obtained the number. I can't be sure on that point.

Q. And you've indicated, Mr. Leno, you think you talked to Gavin's mother, right?

A. I think so. Yes.

Q. Okay. And do you recall whether she called you or you called her?

A. No, I called. I called the hospital room. I had gotten a number of voice mails from the child, and I called the hospital room.

Q. And they put you through at Kaiser to Gavin?

A. I guess it was Kaiser. I can't remember what hospital it was, but they put me through to the room. Now, I'm not sure whether he was maybe a little groggy. I spoke to someone. It might have been the brother. And I believe I spoke to the mother but I can't be 100 percent sure, but I think I did.

Q. Do you recall what Gavin said to you?

A. The conversation in the hospital? Or any of the voice mails?

Q. Well, let's start with the voice mails.

A. Okay. The voice mails I got were, "Oh, I'm a big fan. You're the greatest." Overly effusive for a 12-year-old.

Most of the times when you talk to children, they talk like, "Hi, how are you doing. Uh, good to see you."

Yeah, I mean, it's -- you kind of have to pull it out of them: "Hi, how you feeling?"

"Good. Hi." I mean, you're talking to a kid.

And this was -- sounded -- very adult-like conversation. I thought -- it just, you know, perked my interest at the time.

Q. When you say "overly effusive," what do you mean?

A. "Jay Leno, you're the greatest." You know,

"I think you're wonderful. You're my hero," this type of thing, which seemed a little odd to me at the time, for someone so young. Why a comedian in his mid-50s would be -- you know, I’m not Batman. You know what I mean? It just seemed a little unusual, but okay.

And then I got two or three more.

Q. Okay. Were the two or three more messages from Gavin, as far as you know?

A. Yes.

Q. Did you ever get any messages from anyone who claimed to be Gavin’s mother?

A. No. I didn’t get any from the mother. Just from the child.

Q. Okay. And based on those messages you then called the hospital?

A. Called the hospital. And I believe I sent, you know, hat, T-shirts, that type of thing.

Q. Okay. And you spoke to Gavin at the hospital, right?

A. Again, to the best of my knowledge, I did. Whether he was groggy, or in bed, or “Hi, uh, uh.” And then I spoke to someone else. And then I believe I spoke to the mother, who seemed very pleased that I called.

Q. Do you recall what the mother said to you?

A. No. Very general. “Thank you so much.” And, you know, my conversation was along the line, you know, “Our prayers are with you,” that type of thing. And, “If he gets out, and he’d like to tour the Tonight Show studios…,” you know, that type of thing.

Q. Was that the only time you recall speaking to Gavin?

A. Yes, I believe that is.

Q. And was that the only time you recall speaking to the mother?

A. Yes, I believe so.

Q. Do you recall ever getting any messages after that from Gavin or the mother?

A. No, I don’t think I did. I don’t think I got any more after that.

Q. Okay. At some point, did you complain to Louise Palanker about messages you were getting from

Gavin?

A. It wasn’t so much a complaint. I just said to her, “What’s the story here? This” -- “This doesn’t sound like a 12-year-old. This sounds like an adult person.”

It seemed -- I -- I think the words I used was, “It seemed a little scripted in his speech.”

And then she said to me, you know, “That’s just the way he is. He wants to be a comic, so he writes everything out before he says it, and then he kind of reads it.”

And I said, “Oh, okay.” Well, that sort of made sense at the time.

Q. Now, the child at the time was approximately 13, right?

A. No, I think he was younger than that.

Q. He was younger than that? Okay.

A. This is about, what, --

Q. 2000?

A. 2000, yeah.

This was just another typical day at the office up to this point. I didn’t think anything unusual. So I guess he was younger than that, wasn’t he?

Q. What, about 10?

A. 10 or 11 possibly.

Q. Did you ever ask Louise Palanker who was writing these questions out for Gavin?

A. No, I don’t think I said that. I think I just said, you know, it sounded real scripted. It sounded like -- it didn’t sound like....

And she said, “Well, he’s very mature and he wants to be a comic, and so he’s very careful in what he says.”

And I said, “Oh, okay.”

Q. Did that seem unusual to you?

A. Well, once I got that explanation, it didn’t seem unusual. It was just unusual for a child to contact me directly, because usually, as I said, at the very least, a parent, a doctor, a nurse, a teacher, Phone Friends, Make-A-Wish, those people call and say, “You’ll be getting a call from this young boy or this young girl.”

“Oh, okay.”

“Expect it at this time.”

“Okay.”

To just get a call out of the blue was a little unusual.

Q. When you say it seemed scripted, do you mean coached?

MR. ZONEN: I’m going to object as speculative.

THE WITNESS: No, it just --

THE COURT: Just a moment.

THE WITNESS: Oh.

THE COURT: Sustained.

THE WITNESS: Okay. Sorry.

Q. BY MR. MESEREAU: Did Louise tell you someone had written out what Gavin was supposed to say?

MR. ZONEN: I’m going to object as hearsay, Your Honor.

THE COURT: Sustained.

Q. BY MR. MESEREAU: At some point did you ask that Gavin stop calling?

A. I asked Louise, I said, you know, “I’ve been getting a lot” -- I don’t think I said, “Stop calling.” But I said, you know, “I’ve been getting a lot of these calls.”

And she said, “Oh, I’ll take care of it. Don’t worry about it.”

And I said, “Okay.”

Q. When you said that to Louise, was it your desire that those calls stop?

A. Yes.

Q. And why was that?

A. Um, because it was kind of the same call, sort of over and over again.

Q. Did the child seem to call more than most do?

A. Well, most children don’t call. You call them, and you do follow-ups, and things like that. Every now and then I will give a child a private number if it seems especially -- I didn’t do that in this case. But I’m not saying I never get calls directly from children, but this was a little unusual.

Q. Do you recall the mother being in the background of your call to Gavin?

A. I remember someone in the background, but again, I couldn’t say it was the mother. It could have been a nurse. I just remember hearing someone talking as he was talking.

Q. And after your last conversation with Gavin, did you ever do anything for Gavin?

A. No. I never sent any money. Or -- I mean,

I sent, I think, Tonight Show paraphernalia, hats, T-shirts, pictures. I wasn’t asked for any money, nor did I send any.

Q. In your conversation with Gavin, did you decide at some point to terminate the call?

A. No, it wasn’t -- whatever conversation we had, the best of my recollection, it was very brief. Because he was ill and I think he was, you know, maybe in the hospital bed or something. And that seemed more, “Hi, how are you?”

“Okay.”

“Okay. Hey, listen, keep your hopes up,” and this type of thing.

Q. And do you recall whether or not you ever met Gavin?

A. No, I don’t think I ever met him.

Q. Do you recall whether or not you ever met the mother?

A. No, never met the mother.

Q. Okay. Did you tell any of your assistants to try and stop the calls?

A. I don’t believe so. I think I just spoke to Louise about it. And I think Louise said, “Oh, I’ll take care of it. I’ll speak to him.”

Q. Did the calls stop?

A. Yes.

MR. MESEREAU: No further questions, Your Honor.

THE COURT: Cross-examine?

MR. ZONEN: Thank you.

CROSS-EXAMINATION

BY MR. ZONEN:

Q. Mr. Leno, good morning.

A. How are you?

Q. Very well, thank you. How are you today?

A. Fine.

Q. Welcome to Santa Maria.

A. Why, thank you. It’s a lovely town.

Q. Mr. Leno, is it fair to say that you probably get calls, maybe 100 calls a year or even more from children who are in distress?

A. A lot more than that. Yeah. Easily a couple of hundred. Maybe three or four, maybe five, six, seven a week. You know, one a day probably.

Q. Would you say that your recollection of your conversation with Gavin was as clear as your conversation with any of the other children you may have spoken to over that same year?

A. Not much clearer, because, again, the conversation was in 2000. I thought nothing unusual until, what, three or four years later. So then I was thinking back, you know.

Q. Three or four years later you did get a call from law enforcement; is that correct?

A. Yes.

Q. And at that time they asked you about any conversations you may have had with a young child named Gavin?

A. Yes, they did.

Q. At the time of that conversation, were you familiar with the content of a documentary that had screened entitled, “Living with Michael Jackson”?

A. Yes, I had seen that.

MR. MESEREAU: Objection; beyond the scope.

MR. ZONEN: It deals with recollection and familiarity with the name.

THE COURT: All right. Overruled.

Q. BY MR. ZONEN: That’s the Bashir documentary, Martin Bashir?

A. Yes. I saw that, yes.

Q. And the part that you actually saw of that documentary, did it feature a child named Gavin?

A. Yes, it did.

Q. At the time that the police contacted you, did you make an association between the name “Gavin” and that feature with Michael Jackson?

A. Well, I had made it before that. The feature was on, and I had heard from a friend of mine --

MR. MESEREAU: Objection; hearsay.

THE COURT: Sustained.

THE WITNESS: Oh.

Q. BY MR. ZONEN: At that point in time, you heard -- excuse me, let me try that one more time.

A. Okay.

Q. At some point in time you drew a correlation between the Gavin who was in the documentary “Living with Michael Jackson” and the Gavin who had called you; is that correct?

A. Yes. Because the name “Gavin” is very unusual. And I saw, “Gavin, cancer.... Hey, wait a minute. I spoke to a Gavin that had cancer. I wonder if it’s the same one.”

Q. All right. Did that cause you to believe at the time law enforcement contacted you that that was the same child?

A. Well, they didn’t contact me until two years later.

Q. Okay. All right. Now, in the course of the conversations -- excuse me. In the course of the phone calls that were made by Gavin to you --

A. Uh-huh.

Q. -- that went to your voice mail --

A. Right.

Q. -- do you have a sense of how many calls those were?

A. Well, I think there were at least three or four. I think it was some -- there were three or four. And then I think we had gone on hiatus, vacation. And when we had come back, there were a few more.

And that’s when I spoke to Louise and said, “Um, what’s going on? I keep getting a lot of these calls.”

And she said, “I’ll take care of it. He

gets overanxious,” whatever it might be.

I said, “Okay. It’s not a big deal.” And then I didn’t hear any more.

Q. Did she explain to you that Gavin was in and out of the hospital dealing with chemotherapy?

A. Yes, she did.

Q. And had a fair amount of time on his hands?

A. Oh, yeah. Yeah.

Q. Did she tell you that he, in fact, did watch your show every night?

A. She did. She went on to explain that he was a big fan. You know, you just tend to be -- in my position, as I said, there’s a lot of odd -- you don’t know whether it’s a radio station playing a trick on you. So your first contacts sometimes are very, Uh-huh, okay. How are you doing? Where are you from? You know.

And then it wasn’t until I called the hospital, “Oh, this really a child who really is sick. Okay.” Then it got more real, you know.

Q. Were you aware -- did you become aware at any time that Gavin Arvizo was a graduate of the comedy camp at The Laugh Factory?

A. I found that out later, yeah.

Q. And you’re familiar with the comedy camp, are you not?

A. I know of it. I don’t have -- I have never been to it, but I know of it, yeah.

Q. You understand that’s a Jamie Masada creation?

A. Right, right, right, right.

Q. And that’s for disadvantaged children?

A. Right.

Q. Were you aware that he had had kind of a long association with comedians like Chris Tucker and George Lopez and had even met Adam Sandler?

A. Yeah, I found that out later.

Q. Would that tend to suggest to you that he really did have a sincere appreciation of comedians?

A. Yes, it did.

Q. Does that clarify, at least in your mind, to some extent the motivation for the multiple voice messages that he left?

A. Yes, it became clear.

Q. Did he ask you for money in any of these calls?

A. No, no one ever asked me for anything. And I'm sure of that, because if they had, I would have sent something.

Q. Did Gavin ask you to do anything in these calls other than speak with him?

A. I know I sent a picture and a hat and some

other things. I was told by Louise he had the picture over his bed and he was thrilled to get it. So other than that, no, I was never asked for any, you know, financial things or anything like that.

Q. All right. And so you never had occasion to send them money; is that correct?

A. No.

Q. And he did not ask you for money; is that right?

A. No, no one asked me for money.

MR. ZONEN: Thank you. I have no further questions.

THE WITNESS: Okay.

REDIRECT EXAMINATION

BY MR. MESEREAU:

Q. Mr. Leno, when the police called you --

A. Uh-huh.

Q. -- did they call you at the studio?

A. Called me at the studio, yeah.

Q. Did you know you were being secretly recorded?

A. No.

Q. Did you ever learn that?

A. Yeah, I did learn that actually.

Q. Do you remember when the police asked you if they were looking for money, you said, "I think so"?

A. Yeah, I probably did say that. But they never asked me for any money. But at the time when I got the phone calls, originally, it sounded -- as I said, it sounded suspicious. When a young person that overly effusive, and, "Oh, Mr. Leno, you're the

greatest. And you’re” --
I thought, really? Why would -- it just didn’t quite click for me, you know.
Q. And you thought they were looking for money, right?
MR. ZONEN: I’m going to object as asked and answered and improper opinion.
THE COURT: Sustained.
MR. MESEREAU: No further questions.

RECROSS-EXAMINATION
BY MR. ZONEN:
Q. Does the degree of effusiveness, is that explained by his affection that you now understand for comedians?
MR. MESEREAU: Objection; calls for speculation.
THE COURT: Sustained.
MR. ZONEN: All right.
Q. You did not know at the time of those voice messages that this is a child who had been a graduate of The Laugh Factory, laugh academy; is that correct?

A. No, I didn’t know, because, as I said, it was unusual to have a 12-year-old child leave you a long voice message. In the kind of business I’m in, you hear from a lot of crazy people, you know. And things -- and you’re reluctant sometimes to follow up. But whenever it’s a child, I always do follow up. You kind of drop all your guard, and go, okay, let me just -- because this might be real, you know. So that’s what I did here.
Q. When you actually had the conversation with Gavin, was he gracious on the telephone?
A. Again, that recollection is not clear to me. Because having spoken to a number of children in the hospital, you know, four or five a week sometimes, sometimes it kind of -- especially when children are sick, you tend to have a very general conversation along the lines of, you know, “Our prayers are with you.” And, you know, “Your parents love you.” And, you know, “When you get out,” you know, “maybe you’ll be able to do this,” or “Come to our show,

and we'll give you a VIP seat," and -- you know, so you tend to talk in very general terms, so I can't be real specific about that.
Q. Could you have been speaking with a nurse when you were talking with Gavin at the hospital?
MR. MESEREAU: Objection; calls for speculation.
THE COURT: Sustained.

Q. BY MR. ZONEN: Well, you got on the telephone with a female; is that correct?
A. Yes. It -- at the time I believe it was the mother.
Q. Okay. There was no advance notice from you that you would be placing that call; is that right?
A. No, I just -- I tend to be -- I like to take care of things as they happen. You get a call, you get a letter.
"Okay. Give me that number. Let me call them right now," because if I put it down, there will be three more, and, you know, you don't want to leave a kid hanging. So, yeah, you take care of it right away.
Q. And there had been a series of phone calls over a period of time; is that correct?
A. Yes.
Q. And a vacation?
A. I believe so.
Q. Okay. And then a conversation with Louise Palanker?
A. Right. Right.
Q. And then you called back?
A. Uh-huh.
Q. Okay. And there were no other calls after that conversation; is that correct?
A. No.
MR. MESEREAU: Objection; misstates the

evidence.
THE WITNESS: Oh.
THE COURT: Overruled.
You may answer.
Q. BY MR. ZONEN: Is that true?
A. I'm --

Q. That there were no other calls from Gavin to your voice message after your conversation?

A. Right. After my conversation with Louise Palanker, she said, you know, “He gets real excited. I’ll take care of it.”

And I said, “Okay.”

Q. Then you called Gavin at the hospital afterward, after your conversation with Louise Palanker?

A. No, I think it was before. You know, again, I -- I can’t say for sure. Because it all tends to blend together.

I remember I called -- I believe I called the hospital. And then after that, there were -- I think the messages came after that, but I would not swear to it.

Q. And nobody from your office arranged that telephone call in advance? In other words --

A. No, no. I just pick up the call and -- I just pick up the phone and I make the call.

MR. ZONEN: Thank you. No further questions.

FURTHER REDIRECT EXAMINATION

BY MR. MESEREAU:

Q. Mr. Leno, when you spoke to Gavin and his mother --

A. Uh-huh.

Q. -- did you know the family was trying to get money from various celebrities?

MR. ZONEN: I’m going to object as assuming facts not in evidence, beyond the scope of cross-examination.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you know anything about any fund-raisers at The Laugh Factory?

MR. ZONEN: Objection; irrelevant.

THE WITNESS: Oh.

THE COURT: Sustained.

MR. MESEREAU: No further questions.

MR. ZONEN: No further questions.

THE COURT: Thank you. You may step down.

THE WITNESS: We have Renee Zellweger on the show tonight.

(Laughter.)

THE COURT: Call your next witness.

MR. SANGER: Could I have just a second to make sure the next witness is there? Because I believe he is.

Your Honor, with the Court's permission, we'll call Suli McCullough. He's on our list, but he's farther down the list.

THE COURT: That's fine, Counsel.

Come to the front of the courtroom, please.

When you get to the witness stand, I'd like you to remain standing up there.

Face the clerk over here and raise your right hand.

SULI MCCULLOUGH

Having been sworn, testified as follows:

THE WITNESS: Yes.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name is Suli McCullough. S-u-l-i. Last name, M-c-C-u-l-l-o-u-g-h.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. SANGER:

Q. Mr. McCullough, how are you?

A. Oh, good. How are you?

Q. I'm doing pretty well so far.

Now, you need to talk into the right -- the other one. That one, yeah. It's kind of hard to get close enough to it.

All right. First of all, what is your occupation?

A. I'm a stand-up comedian, a writer and an actor.

Q. There you go. And do you have any connection from time to time with The Laugh Factory?

A. Yes, I perform there regularly. I've been a regular there since 1989.

Q. All right. And do you know Jamie Masada?

A. Yes, I do.

Q. Okay. Now, have you ever met Michael Jackson?

A. No, I have not.

Q. All right. At The Laugh Factory, did you have occasion to meet a child by the name of Gavin Arvizo?

A. Yes, I did.

Q. And did you have occasion to actually visit him at the hospital from time to time?

A. Yes, I did.

Q. About how many times?

A. I would say about three or four times.

Q. All right. Did you have extensive dealings with Gavin, or how would you describe it?

A. I would say, yeah, I did have extensive dealings with Gavin. He was in my comedy camp. Comedy camp is something we do for underprivileged kids, and we teach them the fundamentals of stand-up.

Q. All right. And have you -- for instance, have you ever been to his house?

A. No, I have not.

Q. Has he ever been to your house?

A. No. They did call my house often. And I invited the family -- I was on The Jamie Fox Show for a couple seasons, and I invited the family to a taping.

Q. Did they go?

A. Yes, they did.

Q. So at some point, you understood that Gavin Arvizo became sick; is that right?

A. Yes, I did.

Q. Was there a fund-raiser that was organized by Jamie Masada at The Laugh Factory?

A. Yes, there was. We actually did two fund-raisers.

Q. I was going to ask you how many.

A. We did two, yes.

Q. Were you there at the fund-raisers?

A. I was there for both fund-raisers.

Q. Did you see how they were put on? In other words, what happened?

A. Yes, I did see how they were put on. I also participated in both of them.
Q. So you participated as a comedian on the stage --
A. That's correct.
Q. -- is that correct?

And did you see the actual fund-raising, the collecting of the money?
A. No, I did not.
Q. All right. Now, in the course of this fund-raising, were you told by Jamie Masada what the purpose of the fund-raisers were?
A. Yes, I was.
Q. And what did he tell you the purpose was?
A. He told me the purpose --
MR. AUCHINCLOSS: Objection; hearsay.
MR. SANGER: It's impeachment.
THE COURT: All right. Overruled.
THE WITNESS: Jamie told me that the purpose of the fund-raisers were to raise money to help pay for the medical expenses.
MR. AUCHINCLOSS: I'll object as irrelevant.
THE COURT: Overruled.
Q. BY MR. SANGER: And did you have occasion to be at a press conference held by Jamie Masada on January 5th, 2005? I think that was the date.
A. Yes, I was.
Q. All right. And did Mr. Masada at that press conference indicate that the fund-raiser for Gavin Arvizo was put on --
MR. AUCHINCLOSS: I'm going to object as leading and hearsay.
THE COURT: Sus -- I didn't hear the whole question. Do you want to --

MR. SANGER: It may be leading. Rather than just blurt it out, let me rephrase it.
THE COURT: Okay.
Q. BY MR. SANGER: Did Mr. Masada speak at that press conference?
A. Yes, he did.
Q. And did he state the purpose of the fund-raiser for Gavin Arvizo at that press

conference?
A. I don’t remember if he did or not.
Q. And did you?
A. Did I state that? Yes, I did.
Q. And you stated at that time that it was for raising money for medical bills, right?
A. That’s correct.
MR. AUCHINCLOSS: Objection. Leading and hearsay.
THE COURT: Sustained.
Q. BY MR. SANGER: All right. Did you state the purpose of the fund-raiser at that time?
A. Yes, I did.
Q. All right. And what did you say it was?
A. I said --
MR. AUCHINCLOSS: Objection; hearsay.
THE COURT: Sustained.
THE WITNESS: Can I continue?
Q. BY MR. SANGER: Was Mr. Masada present at the press conference when you spoke?

A. Mr. Masada was present, yes.
Q. And you stated the purpose of the fund-raiser as you understood it, correct?
A. That’s correct.
MR. SANGER: Okay. I have no further questions.
THE COURT: Cross-examine?

CROSS-EXAMINATION
BY MR. AUCHINCLOSS:
Q. Good morning, Mr. McCullough. How are you?
A. I’m good, how are you?
Q. I’m just fine.
You had a conversation with Mr. Masada where he told you that Gavin’s fund-raiser was going to help raise money for medical expenses?
A. Jamie asked me to participate in the fund-raiser and he said that the money would be used to go -- to help cover the medical expenses. That’s correct.
Q. Okay. Were you aware whether or not Gavin was going to have any medical expenses after he got out of the hospital?

A. From visiting him in the hospital, and knowing that -- where the family came from, it was pretty common knowledge that medical expenses are expensive.

Q. Uh-huh.

A. And yes, they were going to incur some costs.

Q. Okay. Did you know that they were going to have to prepare a safe room or a room that would be germ-free for Gavin after he got out of the hospital?

A. I was aware of that, yes.

Q. Would you consider that a medical expense?

A. I would, yes.

MR. AUCHINCLOSS: All right. Thank you. No further questions.

REDIRECT EXAMINATION

BY MR. SANGER:

Q. Were you aware that the germ-free room was paid for by Louise Palanker?

MR. AUCHINCLOSS: Objection. Hearsay, foundation, and vague as to time, I would say.

THE COURT: The objection’s sustained.

Q. BY MR. SANGER: Were you aware that -- as of the time that you made this last statement in January of 2005 about the fund-raiser being for medical expenses, were you aware that Gavin Arvizo had full medical coverage through Kaiser Permanente as a result of his father’s long-time employment at Von’s?

A. No, I was not aware of that.

MR. AUCHINCLOSS: Objection. Hearsay;

irrelevant.

THE COURT: Overruled. The answer is in.

MR. SANGER: Okay. Thank you. I have no further questions.

MR. AUCHINCLOSS: No further questions.

THE COURT: All right. Thank you very much.

THE WITNESS: All right. Thank you.

THE COURT: Call your next witness, please.

BAILIFF CORTEZ: Judge, I’m sorry, one of the jurors needs to go to the back room.

THE COURT: She had to step out for a second. Can counsel approach? We can take up that issue that we were going to have to take up.

MR. MESEREAU: Do you mean the motions?

THE COURT: Yeah.

MR. MESEREAU: Okay.

THE COURT: On your motion.

(Discussion held off the record at sidebar.)

THE COURT: (To Juror No. 5) Just so you know, I used that time very effectively.

JUROR NO. 5: Thank you.

THE COURT: All right. Call your next witness.

MR. SANGER: May I proceed?

THE COURT: Yes.

MR. SANGER: Okay. Monica Wakefield, please.

THE COURT: Come to the witness stand,

please. When you get to the witness stand, please remain standing.

Face the clerk over here and raise your right hand.

MONICA DE LA SANTOS WAKEFIELD

Having been sworn, testified as follows:

THE WITNESS: Yes.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: I'm Monica De La Santos Wakefield. Shall I spell my last name?

THE CLERK: Yes, please.

THE WITNESS: W-a-k-e-f-i-e-l-d.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. SANGER:

Q. All right. Miss Wakefield, the first thing we tell everybody is to lean into that right microphone, the one on the right. It's a little hard to do so --

A. Sorry.

Q. No, that’s okay. How are you employed?
A. I work for Kaiser Permanente Regional Reference Laboratory.

Q. And where is that located?
A. North Hollywood.
Q. All right. Now, at some point, you were contacted by the Santa Barbara Sheriff’s Department to look into some medical records; is that correct?
A. That is correct.
Q. And you did that for them; is that correct?
A. Yes, sir.
Q. And you reported back your findings?
A. Yes.
Q. Okay. I’d like to refer to that same incident. Before I do that, do you recall roughly when it was that you talked to the sheriff’s department?
A. Yes.
Q. When was that?
A. I think that was a year ago, May or March. One of the “M” months --
Q. Okay.
A. -- for sure.
Q. March or May. But sometime sort of the spring of 2004; is that right?
A. Yes.
Q. And were you asked to look into your records to see if a creatinine clearance test had been conducted with regard to a patient, Gavin Arvizo?
A. Yes.
Q. Did you determine whether or not that had

occurred?
A. I don’t understand what you mean. If that had -- the test was taken?
Q. Whether or not the test was taken, yes. Did you look into the records to determine what had happened?
A. Yes.
Q. All right. Do you recall when the procedure, the medical procedure, occurred; that is, the sample was brought in?

A. I don’t remember the date of collection, because it was on microfiche when I received the photocopy from microfiche.

Q. All right.

A. And so I don’t remember the date of collection. But I do remember that I think there was - it’s been a year, so I apologize - not enough specimen for the test to be completed, I think.

Q. All right. Let me --

May I approach with --

Or let me ask you if it would refresh your recollection to take a look at a police report that was --

A. Certainly.

MR. SANGER: May I approach?

THE COURT: Yes.

Q. BY MR. SANGER: I’m going to leave this up here. I have another copy. You can look at the

whole thing. And I think you might want to look right around that area of the report.

Take a moment, read that over, and see if that helps refresh your recollection as to what it was that you reviewed when you looked at the records, and then I’ll ask the specific questions.

A. May I ask a question?

Q. Yeah.

A. Do you know who may have the microfiche copy that I had sent? May I look at that if it’s available?

Q. If -- you sent it to the --

A. To Sergeant Robel.

Q. To Sergeant Robel. Well, you can ask that question and I can’t answer it.

A. Okay. Okay.

Q. Sergeant Robel happens to be in the courtroom, but let’s go on with what we’ve got here as best you can.

A. Okay.

Q. If you need to look at the underlying records, we’ll take a break, call another witness, and we can try to find those records.

Let’s see how far we can get.

A. Sure.

Q. If this helps you refresh your recollection. Does it at all?
A. Yes, it does.

Q. Okay. So do you recall when the -- the original report for medical services was? In other words, somebody came to Kaiser Permanente with regard to this creatinine clearance on a particular date. Do you recall what that date was?
A. I don’t remember the date of collection. I just remember the phone call.
Q. All right.
A. I think it was --
Q. Reviewing the report does not refresh your recollection as to the date?
A. The date of collection where the specimen could have been taken, is that what you mean?
Q. The outpatient summary report, the date that something occurred at Kaiser Permanente.
A. Like on Tuesday, May 11th, right? Talking about that one, when I received the fax?
Q. Yes. There’s --
A. I do remember that, uh-huh.
Q. Okay. Now, there’s a date of the actual report that’s in this report. Does that refresh your recollection as to that date? If it does, fine. And if it doesn’t, that’s okay.
A. Yes.
Q. What was the date that the actual summary report occurred?
A. It was the 10th.
Q. March 10th of what year?

A. Of -- no, wait, last year, so it was 2004. Last year. May. I think it was May 9th or 10th. I’m looking back into my memory bank here, and -- of the phone call, and of the date of the phone call originally. And then when I had faxed it to Sergeant Robel, I think it was May 11th.
Q. All right. It was May 11th, 2004, when you faxed the report to Sergeant Robel?
A. Okay.
Q. So the question is, what was the date of the original report?

A. The date of collection?
Q. You’re saying date of report --
A. What I mean is when a patient comes in and has their specimen drawn. Is that what you mean?
Q. Okay. All right.
A. That I don’t recall.
Q. Okay. And looking at that paragraph doesn’t refresh --
A. It does not ring a bell.
Q. Okay. So you would be able to --
MR. SNEDDON: I may be able to help speed this up a little bit. You may want to show her this.
MR. SANGER: Okay. Thank you.
May I -- yes, okay. May I approach with this document?
THE COURT: Yes.

Q. BY MR. SANGER: Let’s see if that helps.
A. Oh, yeah.
Q. There you go.
MR. SNEDDON: I’m glad to help.
MR. SANGER: Thank you, Mr. Sneddon.
Q. Okay. All right. Now, take a look at that and then see -- first of all, as soon as you’re finished looking at it, let me know and I’ll ask you a question.
A. Okay.
I do have a memo of that, uh-huh.
Q. All right. Now, was that a record that is kept in the ordinary course of business at Kaiser Permanente?
A. Not in our department, but it is on microfiche. When it’s in the system, there’s a certain amount of days that it’s kept in the system and then it’s purged and then we have to request for microfiche.
Q. And you are a client service advocate for Kaiser Permanente; is that correct?
A. Yes.
Q. And so your job is to field issues and problems that relate to services that are provided for patients of Kaiser Permanente; is that correct?
A. Yes.

Q. And it's your job to routinely look into the records of Kaiser Permanente to determine what procedures were performed and report that to other people; is that correct?

MR. SNEDDON: Your Honor --

THE WITNESS: Only to --

MR. SNEDDON: Excuse me.

Maybe I can speed this up, too. If counsel is trying to establish the business records exception, I'll stipulate that the exhibit can be admitted into evidence.

MR. SANGER: I think I'll accept that.

May I take one more look at it, just to see?

THE WITNESS: We only speak to medical staff.

MR. SANGER: Hold on one second.

All right. Before I accept that stipulation, can I ask a few more questions?

THE COURT: Absolutely.

MR. SANGER: Thank you.

Q. When you look at that particular document --

THE COURT: Counsel, I'm sorry to interrupt you. Would you mind -- let's put a number on it right now.

MR. SANGER: I realized that just as I started to talk. Defense next in order, please.

THE COURT: All right. What is that?

THE CLERK: That would be 5107.

THE COURT: That will be 5107.

Yes. Go ahead.

Q. BY MR. SANGER: All right. Now, looking at Exhibit 5107, does that indicate when the patient came to Kaiser Permanente?

A. Yes. It says, "Date of collection."

Q. Was that March 10, 2003?

A. Yes.

Q. All right. And the patient in that case was Gavin Arvizo; is that right?

A. It does say so.

Q. Okay. Now, it does not say on that report that there is not an adequate specimen, does it?

A. It says, "No specimen received." So

according to this, the technologist who tested in the chemistry department did not have a specimen to test.

Q. Okay. Now, does it tell you whether or not -- which specimen we're talking about, a urine or a blood specimen?

A. Doesn't indicate to me.

Q. Does it show that there is a urine specimen of 90 milliliters?

A. I think with that indication of "90 ML," I think that means that they need at least that, or they need that to complete the test.

But it says -- the "TV" is total volume. So if it says "90 ML" and -- for the specimen container to be in, and there's nothing in there, it's going to say, "No specimen received." They will result it out as "No specimen received" if it's an empty --

Q. Do you remember telling the Santa Barbara sheriffs that it was noted in the results that the -- that the urine sample contained 90 milliliters? So the question is whether or not you recall telling the sheriff that?

A. I don't remember.

Q. Do you recall telling the sheriff -- let me withdraw that. Do you recall, after faxing the report to the sheriff's department, that you were recontacted by telephone by the sheriff's officer?

A. Uh-huh. Uh-huh. I do remember that.

Q. And that was Sergeant Robel; is that correct?

A. Yeah, uh-huh.

Q. And Sergeant Robel asked you why the creatinine test was incomplete. Do you recall him asking you that?

A. Yes.

Q. Okay. And do you recall telling him because the lab technician failed to take blood from the victim?

A. Not so much that they failed. I don't remember saying that. But for a creatinine clearance, I belive they need a serum and a urine, and it looks like that it may be one or both specimens. According to this report, as I look at it, there was no specimen received for either.

Q. Okay. Now, again, do you recall telling Sergeant Robel at that time that you need both the blood and the urine to complete the test?

MR. SNEDDON: Object as asked and answered, Your Honor.

THE COURT: Overruled.

You may answer.

THE WITNESS: I think, yeah, it rings a bell.

Q. BY MR. SANGER: And do you recall telling them that you only needed 10 milliliters of urine to conduct the test?

A. Yes, at least 10 ML. Yes, I do remember that.

Q. I'm going to ask you to look at the report that's in front of you, not the exhibit, but the police report --

A. Okay.

Q. -- and look at the last three lines there on page three, which I think is the one that you're turned to. Just read it to yourself.

A. Uh-huh.

Q. And you can turn to page four and read the rest of it if you want.

A. Okay. I do recall this, yes.

Q. Does that refresh your recollection that you told Sergeant Robel that there was 90 milliliters of urine that was brought in?

A. I still wouldn't remember. And the reason

why I say -- if I may say so, when --

Q. Well, the question, first of all, is --

A. Okay.

Q. -- does that refresh your recollection --

A. No.

Q. -- as to whether or not that's what you told --

A. No, it still doesn't. It still doesn't. But there's a reason why, though, that I would think that's why. But I won't state it if it's not necessary.

Q. All right. Let me ask another question. I don't mean to keep you from talking, but let me ask another question here.

A. Okay.

Q. And then just to be clear, if you look at the paragraph before that -- and this may have been asked and answered, and I will apologize in advance, but I'm bit unsure at the moment. Look at line 23 and 24 on that page three. The sentence there.

A. Uh-huh. Uh-huh.

Q. Does that refresh your recollection that you told Sergeant Robel that the reason the creatinine test was incomplete was due to the lab technician failing to take blood from the victim?

A. Rings a bell.

Q. So does that refresh your recollection that that's what you told Sergeant Robel after reviewing the records?

A. Yes.

Q. Okay.

A. But there's also an explanation with that, too. But I won't add to it unless you want me to.

Q. Okay. Well, my question, is that what you told Sergeant Robel?

MR. SNEDDON: Your Honor, asked and answered. Object.

THE WITNESS: Yes.

THE COURT: Just a moment, I'm sorry. Overruled. And the answer was, "Yes."

MR. SANGER: Okay. I have no further questions.

THE COURT: Cross-examine?

CROSS-EXAMINATION

BY MR. SNEDDON:

Q. Would you like to tell the jury what it is that you'd like to tell them about the explanation?

A. Yes, I would.

MR. SANGER: Objection. Calls for a narrative.

THE WITNESS: If they want me to.

THE COURT: Overruled. You may answer.

THE WITNESS: I'm sorry.

Q. BY MR. SNEDDON: That means you can go ahead and tell the jury.

A. Okay. When we do research, you know, a medical staff person, we do not speak to patients at the regional reference lab. We only have their specimens.

But in this particular one, when we receive a phone call, as Sergeant Robel had called, what I know I did was that I looked up in our reference manual for the information of what a creatinine clearance would require for a certain specimen.

There are hundreds of specimen tests that we reference every day. You know, we'll get a phone call, "What does the hepatitis surface antibody need, or a surface antigen need? Virgin 2 or not Virgin 2?" Things like that.

So if I remember in my mind back a year ago - and I do apologize for the incomplete explanation - but I do know that if -- when I received the phone call, I looked up creatinine clearance in one of our reference manuals. And it spec -- it just gave an explanation of it needed such and such specimen.

And I don't even know it now, you know, even though we do creatinines every day. But it would just say something and then we'd have to give it --

THE COURT: Just a moment.

Q. BY MR. SNEDDON: Okay. I'll ask you another

question.

A. Okay.

THE COURT: Go ahead.

Q. BY MR. SNEDDON: Let me just ask you this.

A. Okay.

Q. Looking at the document, 5107, --

A. Uh-huh.

Q. -- is it your -- as I understand, it is your opinion, in reviewing that document, that from that document, it indicates that neither one of the specimens were sufficient to do the test, correct?

A. That is correct.

Q. Both the urine and the blood?

A. Uh-huh.

MR. SNEDDON: No further questions.
THE WITNESS: Yes.
THE COURT: Counsel?

REDIRECT EXAMINATION
BY MR. SANGER:
Q. All right. Now, you said you talked to Sergeant Robel from the sheriff’s department?
A. Yes.
Q. Last year, correct?
A. Yes.
Q. And then you talked to an investigator, Scott Ross, on the 20th of this month, four days ago, right?

A. Yes, Friday.
Q. And he went over what you had told Sergeant Robel; is that correct?
A. Uh-huh. Yes. This is the same page.
Q. And you told him that you were -- you had been in communication with Sergeant Robel, correct?
A. Yes.
Q. A year ago?
A. Yes.
Q. And you told him that --
A. Back in February, too. February.
Q. And you told him you received a subpoena in February of this year from the prosecution; is that right?
A. Yes.
MR. SNEDDON: I’m going to object as immaterial and irrelevant. It’s beyond the scope.
THE COURT: Overruled. Go ahead. The answer was, “Yes.” Next question.
MR. SANGER: Thank you.
Q. And when you talked to Mr. Ross four days ago, you told him that your recollection was correct -- I’m sorry, your recollection was consistent with the police report; is that right?
A. Yes.
Q. And you told him that the specimen collected was 90 milliliters; is that correct?
A. Yes.

Q. And you told Scott Ross that the amount needed for the test was 10 milliliters, correct?

A. Yes.

Q. And you told him that the test was not performed as a result of lab personnel's failure to obtain blood; is that correct?

A. Yes, but that's with the explanation that I was giving to the other gentleman there.

Q. That's -- you didn't give Scott Ross that further explanation, did you?

A. No, it's all coming back to me, you know, after a year.

Q. So you told Scott Ross that the test was not performed as a result of lab personnel's failure to obtain blood; right?

A. Yes, I did.

MR. SANGER: Okay. Thank you. No further questions.

RECROSS-EXAMINATION

BY MR. SNEDDON:

Q. Thank you, by the way, for calling me a gentleman.

When Mr. Ross interviewed you, he didn't show you that report that's been marked for identification?

A. This one?

Q. No, no, the lab report.

A. No. He didn't have it.

Q. He didn't show it to you?

A. No. But I asked him if you had it, I'd be able to remember better, you know. Because I know in line 22 or 23, or -- no, up here --

MR. SANGER: Objection; nonresponsive.

THE WITNESS: I'm sorry.

Q. BY MR. SNEDDON: That's okay. During the interview you were not shown a copy of that, of the lab --

A. No.

Q. -- of the report that you now have?

A. Huh-uh. No.

MR. SNEDDON: I have no further questions. And I move that be admitted into evidence.

THE COURT: All right. Do you have any other questions?

MR. SANGER: I have no further questions.

THE COURT: As to the motion?

MR. SANGER: I’ll submit it, Your Honor.

THE COURT: And I’ll admit the document.

You may step down. Thank you.

Call your next witness.

MR. MESEREAU: Thank you, Your Honor. The defense will call Miss Mary Holzer.

THE COURT: Come forward, please. When you get to the witness stand, remain standing.

Face the clerk here and raise your right hand.

MARY ELIZABETH HOLZER

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Marry Elizabeth Holzer. H-o-l-z-e-r.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. MESEREAU:

Q. Good morning, Miss Holzer.

A. Good morning.

Q. Miss Holzer, what kind of work do you do?

A. I am an office manager/paralegal for a law firm.

Q. And which law firm is that?

A. Law Offices of Feldman & Rothstein.

Q. Is that in Los Angeles?

A. Pasadena.

Q. Okay. And where is your home, without giving the address? Do you live in Los Angeles?

A. I live in Encino.

Q. Okay. Do you know someone -- actually, before I go into that, please give a brief history of your responsibilities at the firm.

A. I handle cases, clients.
Q. All right. Let me start a little better than that.
A. Okay.
Q. When did you first start work at that law firm?
A. I believe it was 1985 or ‘86. I’m not sure.
Q. And when you started work at the firm, what were you doing?
A. I was originally hired as a personal secretary to Mr. Rothstein.
Q. And Mr. Rothstein is a partner at the firm?
A. Yes, sir.
Q. Okay. And did you have any other responsibilities at that firm from time to time?
A. Yes, I do the banking. I do supply ordering. I handle clients that need assistance. Occasionally, you know, I work the files.
Q. And have your job responsibilities changed through the years?
A. I’ve gotten more responsibilities, yes, over the years, of course.
Q. And what do you mean by that?
A. Well, when I first started out, I was just as secretarial, and then it proceeded to -- I was promoted to office manager, as our firm got larger. And then I took on more responsibilities.

Q. Did you ever meet someone named Janet Arvizo?
A. Yes.
Q. And do you know approximately when you met Janet Arvizo?
A. I can’t give you the year, I’m sorry.
Q. Do you know approximately when it may have been?
A. Maybe 1999.
Q. Do you recall the circumstances under which you met Janet Arvizo?
A. The family came to our office to retain us to represent them in a case.
Q. And what case was that?
A. It was a case, assault and battery, against J.C. Penney’s.

Q. And did your firm represent the Arvizo family in that case?

A. Yes.

Q. And do you know who in the Arvizo family you represented?

A. David Arvizo, Janet Arvizo, Gavin Arvizo and Star Arvizo.

Q. After your firm agreed to represent the Arvizo family in the lawsuit against J.C. Penney, did you have a lot of involvement with the Arvizos?

A. Yes.

Q. Would you please explain what you mean.

A. I was in charge of -- I don’t want to call it hand-holding, but pretty much -- they didn’t have a car, so I drove them to appearances. I sometimes helped out when they didn’t have child care, when they needed -- if David or Janet needed to go somewhere for the case. Not personal.

Q. And did you talk to Janet Arvizo from time to time?

A. Daily.

Q. And what do you mean by that?

A. She would pretty much call several times a day, yes.

Q. That was almost every day?

A. Close, yes.

Q. Would she call for you?

A. Yes.

Q. And did you develop a friendship with Janet Arvizo?

A. That’s kind of hard to explain. “A friendship” as in did I like her and were we buddies?

Q. Yes.

A. She was a client.

Q. Was she a friend?

A. No.

Q. Did you talk to her children from time to time?

A. Yes.

Q. And typically how would that happen?

A. They would come into the office. Usually they would pop in every once in a while and the children would come in my office, and sit on my lap, and draw me pictures, tell me how much they loved me, and write little notes and post it on my pin board, and say how great I was, and that I was helping their family.

Q. Would Janet tell you how great you were?

A. Yes.

Q. How would she do that?

A. She always would say when everything’s over, she wants to take me to Las Vegas and have a girls weekend, and things like that.

Q. Did you ever go to Las Vegas with her?

A. No. No.

Q. Did you ever have a girls weekend with her?

A. No.

Q. Now, you indicated that you would drive the family to various locations?

A. Yes.

Q. And you said you would drive them to appointments?

A. Yes.

Q. What kind of appointments are you talking about?

A. Defense Independent Medical Examinations, mediation, the minors’ comps, hearings, depositions.

Q. How many times do you think you drove the family to these various appointments while your firm was representing the Arvizos in the J.C. Penney suit?

A. Multiple, multiple times. I -- more than I could count.

Q. Now, do you recall at some point Janet Arvizo being in a driveway?

A. Yeah.

Q. What do you recall about that?

A. Well, it depends on which driveway you’re speaking of.

Q. Well, what do you recall about her being in a driveway and falling down?

A. Throwing herself down on the ground?

Q. Yes.

MR. ZONEN: I’ll object as relevance, Your Honor.

THE COURT: Overruled.

THE WITNESS: She had an Independent Medical Examination with a physician for her injuries. I don’t know if you want me to tell you --

MR. MESEREAU: Yes, please.

THE WITNESS: -- the whole story.

Q. BY MR. MESEREAU: Yes, please.

MR. ZONEN: I’ll object to the narrative answer.

THE COURT: Sustained.

Q. BY MR. MESEREAU: What did Janet Arvizo do in the driveway when she was there for that examination?

A. She threw herself down on the ground, started kicking and screaming, carrying on that the doctor was the devil, and the nurses were the devil, and they were all out to get her.

And I explained to her that they were only asking her standard questions that they ask in an Independent Medical Examination; that -- the history of her injuries and how she obtained the injuries.

And she was very defensive. And they asked us to leave because she was so irate.

Q. Did you leave?

A. Yes, I took her out.

THE COURT: Counsel? Let’s take our break.

MR. MESEREAU: Oh. Yes, Your Honor.

(Recess taken.)

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REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 11691 through 11750 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 24, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
May 24, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, MAY 24, 2005

8:30 A.M.

(PAGES 11752 THROUGH 11940)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

DEFENDANT’S
WITNESSES DIRECT CROSS REDIRECT RECROSS
HOLZER, Mary Elizabeth 11763-Z 11782-M
RANIERI, Anthony 11791-M
BRANDO, Karen 11797-M
BRANDO, Prudence 11804-SA
ESPLIN, Phillip W. 11810-SA 11847-SA 11863-SA 11867-Z
AVILA, Julio 11868-M 11886-A
LESSIE, Dean Wraggs 11894-M 11903-A
KENNEDY, Arlene 11908-M 11914-A
TUCKER, Chris 11917-M

MR. MESEREAU: Thank you, Your Honor.
Q. Miss Holzer, you indicated that your law firm was representing the Arvizo family in a lawsuit against J.C. Penney, right?
A. Correct.
Q. And that was a civil lawsuit, correct?
A. Correct.
Q. That was a lawsuit in which the Arvizo family were seeking money from J.C. Penney, correct?
A. Correct.
Q. And the money they were seeking was allegedly based upon personal injuries they claim they had received from J.C. Penney security guards, right?
MR. ZONEN: Objection, Your Honor. Leading.
THE COURT: Overruled.
You may answer.

THE WITNESS: Yes.
Q. BY MR. MESEREAU: Would you please speak into the microphone to your right, if you can. That one, yeah.
A. Yes.
Q. Thanks.
The purpose of medical examinations was to determine the extent of injuries, correct?
A. Correct.
Q. Without injuries, there would be no claim for money, right?

A. Correct.
Q. Now, did Ms. Arvizo ever tell you that she was the victim of domestic abuse by her husband?
A. Yes.
Q. And was it your understanding her husband's name was David?
A. Yes.
Q. And was David also a claimant, a plaintiff, in that lawsuit?
A. Originally.
Q. And originally was David also suing J.C. Penney for damages?
A. Yes.
Q. And the children, Star and Gavin, were also suing for damages, true?
A. True.
Q. Okay. Did Ms. Arvizo ever tell you that her children were abused by David, to your knowledge?
A. Determine "abused."
Q. Did she ever use the word?
A. She never used the word "abused."
Q. Did she say the children were mistreated by David?
A. Yes.
Q. Okay. Now, at one point in the course of your responsibilities, you were shown photographs of Janet with bruises, true?
A. True.

Q. And who first showed you those photographs?
A. I believe Anthony Ranieri.
Q. And was it your understanding those

photographs were to be used in the lawsuit against J.C. Penney?

A. Yes.

Q. And was it your understanding that the photographs were supposed to show injuries inflicted on Ms. Arvizo by J.C. Penney security guards?

A. Yes.

Q. Did you ever have a chance to discuss with Janet Arvizo those photographs?

A. Yes.

Q. And what did she tell you about those photographs while that lawsuit was going on?

A. She told me that the bruises that were on her body were inflicted by David that night after the altercation at J.C. Penney’s.

Q. And what was your response to her telling you that?

A. Well, it scared me.

Q. Why?

A. Well, I represent my law firm, and when a client admits to fraud, it’s kind of scary.

Q. And did you say anything to Mrs. Arvizo in response?

A. Yes, I did.

Q. What did you say to Ms. Arvizo about that?

A. I told her that she couldn’t do that, that that was wrong, and that, you know, she needed to retract that, and that she needed to speak to Mr. Rothstein about it.

Q. Did you tell her that was fraudulent?

A. I don’t know whether I used that word. I told her it was wrong; that “You can’t do that.”

Q. And --

A. I was very upset.

Q. And what did she say to you in response?

A. She said, “Well, don’t say anything to anybody,” because she was at that time in a custody battle with David, and that -- I -- I don’t know. I’m sorry. I lost my train of thought.

Q. Did she threaten you?

A. Yes, she did.

Q. How?

A. She told me that David’s brother Ray is in the Mexican mafia and runs drugs between Los Angeles and Las Vegas, and that she knows where I live, because she had been to my house on several occasions, and they would come and kill me and my nine-year-old daughter.

Q. Did this terrify you?

A. Yes.

Q. Did you ever tell anyone at the law firm about what Janet had told you?

A. No, I did not.

Q. And why didn’t you do that?

A. Because she told me not to.

Q. Did you have any additional discussions with Janet Arvizo about these fake injuries?

A. Well, her injuries weren’t fake. She had injuries.

Q. Or, let me rephrase it. Did you ever have any further discussions with her about the fake claims against J.C. Penney?

A. I did. I tried to get her to speak to Mr. Rothstein about it. I asked her if I could speak to Mr. Rothstein about it, because we run a clean law firm, and I really didn’t feel that we should be involved in something like that.

And she proceeded to call me daily and tell me she had told David, and David was raging mad, and that he was going to come after me, and that I better watch my back.

Q. How many times do you think Janet Arvizo threatened you and your daughter?

A. I’d say about eight, nine times.

Q. Are there any other -- are there any other things you haven’t described that she said to you when she threatened you?

A. She just said she was scared for me and my daughter; that she didn’t want to see anything bad happen to us, because she considered me her dear friend.

Q. Did you consider her to be your dear friend?

A. Not at all. I was just doing my job.

Q. At some point did you learn that Janet Arvizo and her family obtained approximately

$152,000 from that lawsuit?
A. Yes.
Q. And was it your understanding that that money was distributed to various members of the family?
A. Yes.
Q. And at some point, did you stop representing Janet Arvizo, “you” being the firm?
A. No.
Q. At some point, did the lawsuit end?
A. Yes.
Q. And did your responsibilities as far as the Arvizos go end at some point?
A. Once I made the blocked minors’ accounts with the bank.
Q. And what do you mean by that?
A. Well, it’s my responsibility to -- when a child under the age of 18 gets a settlement, it’s my duties to purchase certificates of deposit at the bank so that they roll over until they’re 18.
Q. Did Janet Arvizo ever talk to you about Michael Jackson?
A. Oh, yes.
Q. What did she say about him?

A. She would invite me and my daughter to come with them, and how wonderful he was, and what a great time my daughter would have at his ranch.
Q. Did you ever accept her invitation?
A. No.
Q. Did Janet Arvizo ever tell you anything about her children being in acting classes?
A. Yes.
Q. What did she say?
A. She told me she had them in comedy -- stand-up comedy classes and acting classes. I don’t know how far in detail you want me to go.
Q. I do.
A. All the way?
MR. ZONEN: I’ll object to the narrative form of the answer.
THE COURT: Sustained.
Q. BY MR. MESEREAU: What did Janet Arvizo tell you about her children learning to act?

A. She said she wanted them to become good actors so she could tell them what to say and how to behave.

Q. Did she ever say anything to you about Gavin getting his stories straight in the J.C. Penney case?

A. Yes.

Q. What did she say?

A. She said she wasn't worried. This was at the Independent Medical Examination for psychiatric of all three, Gavin, Star and Janet. And when we were at the doctor's office, she was very concerned about them completing general forms, you know, like, "Generally do you feel happy?" "Generally do you feel sad?" You know, "What kind of days" -- "How do you feel when you wake up?" Those kind of forms. And she refused to have the children fill them out.

And then she wanted to participate in the medical examinations with the doctor and the children.

And I asked her, you know, I said, you know, "It doesn't work that way." You know, "The doctor sees the children on their own." You know, "You can't go in there."

And she said, "Well, I'm pretty sure Gavin will get the story straight, but I'm not sure Star will remember what we practiced and what I told him to say."

Q. Now, at any point in time, did Janet Arvizo ever tell you words to the effect, "Call up J.C. Penney or their lawyers and tell them I lied under oath"?

A. Never.

Q. At any time did Janet Arvizo ever tell you words to the effect, "Call up J.C. Penney or their lawyers and give the money back"?

A. No.

Q. Did Janet Arvizo ever tell you words to the effect, "Let the other side know I perjured myself"?

A. No.

MR. MESEREAU: I have no further questions.

THE COURT: Cross?

MR. ZONEN: Thank you.

CROSS-EXAMINATION

BY MR. ZONEN:

Q. Ms. Holzer, during the time that you were working at this law firm and this case was in your office, you had an opportunity to be able to have numerous conversations with Miss Arvizo and other members of her family; is that correct?

A. That is correct.

Q. And your file became extensive at your law firm; is that right?

A. Yes, sir.

Q. All right. And it included a lot of the information about the incident and depositions and police reports and medical reports; is that correct?

A. Correct.

Q. In fact, the Arvizos never got anything close to $152,000, did they?

MR. MESEREAU: Objection; foundation.

THE COURT: Overruled.

Q. BY MR. ZONEN: Is that true?

THE COURT: You may answer.

THE WITNESS: Okay.

Well, I believe that was the gross settlement.

Q. BY MR. ZONEN: And from that settlement was spent all the expenses, was paid for the expenses; is that correct?

A. Some of it was expenses. There was attorney fees. There was expert fees.

Q. Yes.

A. The children received a portion.

Q. Yes.

A. And David rejected any portion. And, you know, he had dropped out of the case, so....

Q. David Arvizo was paid nothing?

A. Paid nothing.

Q. Are you certain?

A. Yes.

Q. Okay. Janet Arvizo got about $32,000; is that right?

A. I would say that’s about right.

Q. All right. Gavin Arvizo got about what, $28,000?

A. I think 25 maybe.

Q. Okay. 25. That went into an account and will stay there until he’s 18?

A. Correct.

Q. Star Arvizo got about 5,000, 6,000?

A. I think it was eight.

Q. About $8,000?

A. Yeah.

Q. That was because of a concussion that he had; is that right?

A. Correct.

Q. Gavin’s injury was a broken elbow, fractured elbow; is that correct?

A. Correct.

Q. And that is an injury that he received at that particular event; is that right?

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. ZONEN: Well, your law firm certainly represented that that was an injury that was received in the J.C. Penney’s event?

A. That’s what we were told at the time.

Q. And that was the basis of the injury; is that correct?

A. That’s what we were told at the time.

Q. And in fact, did he have a broken elbow?

A. Correct.

Q. Did Janet ever tell you that David broke that elbow?

A. Janet told me that David pushed Gavin and Star away from her when they tried to protect her --

Q. All right.

A. -- as he was beating Janet that evening.

Q. All right. But do you remember telling us in an interview at your attorney’s office --

A. Yes.

Q. -- that Janet did not tell you --

A. No.

Q. -- that Gavin -- hold on, that Gavin’s injury was caused by her husband?

A. No, she did not tell me that.

Q. At any time?

A. At any time.

Q. All right. So you're telling us that at some later time she told you that her injuries were caused by her husband?

A. Correct.

Q. Now, among the information that you had in your law firm was the information about the arrest and release of both David and Janet Arvizo from county jail; is that right?

A. Could you repeat that, please?

Q. At the time of their arrest on that date, back in 1998, and I believe this was on August 27th, 1998, the date of the incident at J.C. Penney's, both of them were arrested and taken to jail; is that right?

A. Correct.

Q. All right. Janet was released a few hours before David, and David was released just after midnight; is that correct?

A. That sounds correct.

Q. All right. Janet checked into the ER room about an hour and ten minutes later after David's release; is that right?

A. Not to my knowledge.

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. ZONEN: You have medical records from that, don't you?

A. Well, yeah, but I haven't looked at them in years.

Q. All right. I understand that. But it is true that Janet went to the ER room that night after her release and after the release of her husband?

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. ZONEN: Are you familiar -- are you aware of whether or not she sought medical treatment that night?

MR. MESEREAU: Objection.

THE WITNESS: No, I believe she sought medical treatment the next day.

Q. BY MR. ZONEN: Would the next day be after midnight?
A. I guess so.
MR. MESEREAU: Objection; argumentative.
THE COURT: Overruled.
Q. BY MR. ZONEN: You don’t know how long it was?

A. I don’t know the hour.
Q. All right. But do you know how much time went by from the time of David’s release to the time that she checked herself into a clinic?
A. No, I do not.
Q. If you were to learn it was an only an hour, would that be consistent with her statement to you that it was David who beat her up and caused those injuries?
A. Well, no. Maybe. I don’t know.
Q. All right. Did she tell you, in fact, during this conversation where she revealed to you that it was her husband who inflicted those injuries, did she tell you that the children were there?
A. Yes.
Q. All right. Now, you know that the children, in fact, were taken from J.C. Penney’s by their grandparents?
MR. MESEREAU: Objection; foundation.
THE COURT: Sustained.
Q. BY MR. ZONEN: Do you know how the children left J.C. Penney’s?
A. No, I do not.
Q. You know that the children were at J.C. Penney’s at the time of this incident?
A. Yes, they were.
Q. And in fact, they were two of the complainants, two of the plaintiffs in this lawsuit?

A. Correct.
Q. Both of them were injured; is that correct?
A. Correct.
Q. All right. And that was the cause of action for a settlement of this case; is that right?
A. Correct.

Q. Now, did you ever ask her how the children left J.C. Penney's given the fact that she and her husband were arrested?

A. No, I did not.

Q. Did you ever ask her how these children came back into her possession in time for her to be beaten in their presence?

MR. MESEREAU: Objection; foundation.

MR. ZONEN: I asked if she asked.

MR. MESEREAU: Relevance.

THE COURT: The objection's overruled.

You may answer.

Q. BY MR. ZONEN: Did you ever?

A. No.

Q. Did she tell you that she went home and picked up the children first?

A. She told me that when they got -- she said when they got home -- these were her words. When they got home, David was raging mad and accused her of creating the chaos at J.C. Penney's and Tower Records.

Q. Which home are we talking about?

A. I'm not sure.

Q. Did she have more than one residence she stayed at at the time?

A. Well, they lived someplace prior to where they lived later in the case.

Q. All right. This was not the Soto Street address?

A. I don't believe so.

Q. All right. But they had a separate residence at the time?

A. Well, they lived somewhere.

Q. But do you know if they went to the grandparents' residence in El Monte?

A. I don't believe so, no. They were living on their own, because they had a neighbor that you had to call because they didn't have a telephone.

Q. All right. Now, these children were small at the time, weren't they?

A. Star's pretty hefty. He's -- he was a --

Q. Let me ask that question. I meant young. They were young?

A. They were young, yeah.
Q. They were seven and eight, weren't they?
A. Yeah.
Q. Now, seven- and eight-year-olds taken away from J.C. Penney's would have been taken from J.C. Penney's by some adult; is that right?

MR. MESEREAU: Objection. Calls for speculation and no foundation.
THE COURT: Foundation, sustained.
Q. BY MR. ZONEN: All right. Well, your understanding is that an adult came and picked them up while their parents went to jail?
A. I have no understanding. I have no understanding of any of that.
Q. Do you know how they joined up with their children that night in the period of time from the time of the release of David Arvizo from jail to the time that she checked herself into a clinic?
A. No, I do not.
Q. But she told you that the children were present when David went into a rage; is that right?
A. Correct.
Q. So she ended up back in the presence of both of the children?
A. Correct.
Q. And then David got angry and inflicted injuries?
A. Correct.
Q. Now, you've seen the photographs of her injuries, haven't you?
A. Yes.
Q. All right. They were photographs that were furnished to your law firm at some time later; is that right?

A. Correct.
Q. And your law firm did not become involved in this case until after the criminal matter had long been dismissed; is that true?
A. Correct.
Q. So there was no pending criminal matter at all by the time she became involved in your law firm and this suit started; is that right?

A. That is correct.

Q. Isn't it true that in those injuries that were shown to you, those injuries on those photographs, they go from the bottom of each leg right at the ankle, all the way up to the top of each thigh, both front and back, up to close to the buttocks on both legs? Is that true?

A. Correct.

Q. And is it true that the injuries on her arms go all the way from the wrist, all the way to the shoulder on each arm, both front and back; is that true?

A. That is correct.

Q. And it is true that they are rather large, substantial black and blue marks --

A. Yes.

Q. -- that extend all the way from literally the wrist to the shoulder on both arms, and large, substantial black and blue marks that go all the way from the ankle to the buttocks on both legs? Is that true?

A. That's true.

Q. In addition, there was an injury to her face; is that true?

A. I don't recall.

Q. In addition, there was an injury to her wrist; is that right?

A. Yes.

Q. And that would be consistent with somebody putting handcuffs on her at the time of a struggle; is that right?

A. That's correct.

Q. In fact, all of those injuries that you saw depicted in those photographs are completely consistent with her being forced down to the ground by three or four different people who are either on top of her, using their knees to put pressure on the backs of her legs, the front of her legs, and on her arms and wrists; is that right?

MR. MESEREAU: Objection.

THE WITNESS: That's what I believe --

MR. MESEREAU: Calls for speculation; lack of foundation.

THE COURT: Sustained.

Q. BY MR. ZONEN: Did you believe, based on your observation of those injuries, that they were perfectly consistent with what you were representing in your lawsuit?

A. At that time I did.

Q. All right. Now, did she at a later time come to you and ask you to go with her to an attorney named Michael Manning?

A. Did he own the cigar shop? If he owned a cigar shop, yes. I don’t remember his name.

Q. Do you remember telling us in an interview that she came to you and asked you to go with her to her --

A. Divorce attorney.

Q. -- family law lawyer?

A. Her what?

Q. Family law lawyer.

A. Yes.

Q. Okay. And she showed you injuries; is that right?

A. Yes. Well, she showed them to me in my office.

Q. These were not injuries sustained in the J.C. Penney’s suit?

A. This was after the case was settled.

Q. This was years and years later?

A. Yes.

Q. All right. But you described injuries that are very consistent, in your opinion, with the injuries that she received in these photographs?

A. They looked exactly the same.

Q. They’re identical injuries?

A. Pretty much, except for the handcuffs.

Q. All right. So she had bruises that were intense and huge and deep blue that went all the way from the ankle to her buttocks, the front of her leg, the back of her leg, both legs; is that right?

A. Yes.

Q. She had injuries that went all the way from her wrist to her shoulders, the front of her arms, the back of her arms, both arms; is that correct?

A. That's correct.

Q. It was identical to the injuries that you had seen three years earlier?

A. How identical do you want me to get? They were very consistent.

Q. But they were as close as you can describe in the sense that they were consistent, large, very large, very deep, dark blue, black and blue marks, bruises --

A. Yes.

Q. -- that ran, again, all the way from her ankles to her buttocks, and all the way from her wrist to her shoulders in a consistent fashion to those --

MR. MESEREAU: Objection. Pardon me.

Q. BY MR. ZONEN: -- to those photographs that you saw three years earlier; is that true?

MR. MESEREAU: Objection. Foundation and misstates the evidence.

MR. ZONEN: She saw it.

THE COURT: The objection is overruled. Do you understand the question?

Q. BY MR. ZONEN: Is that true?

A. That's true.

Q. Now, you then went with her to an attorney in Pasadena; is that right?

A. Well, I first asked her to speak to Mr. Rothstein. First I asked her if I could take her to a shelter, her and the children, because she should not subject herself or her children to that.

Q. Miss Holzer, did you go with her to an attorney in Pasadena?

A. Yes, I did.

Q. That attorney was represented to you by her as being her family law lawyer?

A. That is correct.

Q. She was already separated from David Arvizo at that time?

A. That is correct.

Q. And you went, and you went up into the office with her; is that right?

A. That is correct.

Q. All right. Now, this is a person who had threatened to kill you and your child?

A. No, she didn’t threaten to kill me. She threatened to have the Mexican mafia, her brother-in-law, kill me.

Q. But she -- you believed that she was the person who was going to be instrumental in arranging the assassination of your child; is that right?

A. That’s correct.

Q. So --

A. Well, no, she said it was her husband.

Q. Well, ma’am, did you just tell Mr. Mesereau on direct -- wait till the question is asked. Did you just tell Mr. Mesereau on direct exam that she had threatened to have your child killed?

A. She warned me.

Q. All right. So you’re telling us now that she did not threaten to have your child killed?

A. What she said was David is going to send his brother over to take me and my daughter out.

Q. All right. So you -- you did not interpret that as meaning that she was going to --

A. No.

Q. -- arrange to have that done?

A. Not her. She was saying that -- she had told David that he had beat her that night and pushed the children out of the way when they tried to protect her.

Q. All right. Now, Mr. Mesereau asked you questions about whether or not she threatened to have your child killed, and you said, “Yes.”

A. I guess I misunderstood.

Q. You misunderstood his question?

A. I suppose I did.

Q. All right. Your testimony at this moment is she did not threaten to have your child killed; is that correct?

A. What she said was, “I’m worried for you and your child. I don’t know what David’s going to do. His brother’s in the Mexican mafia. He runs drugs between Las Vegas and Los Angeles. David is mad that I told you that he beat me that day.”

Q. So this is a subsequent conversation to the first conversation that she had about --
A. That was every conversation. She said the same thing every time.
Q. All right. And now she comes back into the office after the lawsuit with J.C. Penney’s has concluded; is that right?
A. That’s correct.
Q. You no longer have any business with Janet Arvizo whatsoever; is that right?
A. No, that is not correct. She still hadn’t done the minors’ compromise.
Q. All right. So she comes back to the office and she shows you now, in the privacy of your office, all of these injuries that David had inflicted on her; is that correct?
A. Correct.
Q. Did she tell you that she was no longer with David at that point?

A. Yes.
Q. All right. Did she tell you how it was that she -- that he inflicted those injuries on her if she was no longer with him?
A. No.
Q. Well, did you ask her that?
A. Well, she just said, “He,” you know, “came over, like he usually does, and beat me up again.”
Q. All right. And beat her from head to toe?
A. Head to toe, yeah. She said she’d be on the floor, and he’d be kicking her, stepping on her, kicking her, stepping on her.
Q. And you were very concerned about her well-being?
A. Yes, I was.
Q. So you went with her to her family law lawyer, and in fact, you told the family law lawyer that he should do something about this, because this is a terrible situation?
A. I did. I asked him if he was going to file a TRO.
Q. All right. A TRO would be a legal proceeding, a temporary restraining order; is that right?

A. That’s correct.

Q. Now, you did not feel that by doing that you would somehow activate David Arvizo’s wrath and cause your child to be murdered; is that right?

A. Well, at that point I was -- I felt bad for her. I mean, I felt bad for the kids.

Q. You were no longer concerned about whether or not you and your child would be assassinated; is that true?

A. No, I was still worried.

Q. All right. You did not call the police?

A. No, I did not.

Q. You never called the police?

A. No, I did not.

Q. You worked for two attorneys that you’d been working for for about 15 years; is that right?

A. More than 20.

Q. More than 20. And you understand that between an attorney and a client, there’s a confidential relationship; is that true?

A. That’s correct.

Q. And you could have gone to either one of those lawyers that you knew and say, “I’m now talking to you as a client, and this is in confidence”; is that right?

A. No, I didn’t want to involve my boss.

Q. You didn’t want to involve your boss, the person who’s prosecuting the civil suit?

A. That’s correct.

Q. Ma’am, have you returned the money yet to J.C. Penney’s?

A. No.

Q. The conversation that you had with Mr. Manning, that was his name; is that right?

A. I don’t remember his name.

Q. But he’s the attorney who has an office above a cigar store?

A. That’s correct.

Q. And you sat in that office with him and with Janet Arvizo?

A. That’s correct.

Q. All right. And you had her remove enough of her clothing in your presence so that he could see those injuries; is that right?

A. That’s correct.

Q. And you told him that he should do something about those injuries; is that right?

A. Yes. He’s her family attorney.

Q. And you were pretty insistent about that; is that right?

A. Of course.

Q. And you did that knowing that that would activate some kind of a legal action against David Arvizo?

A. She already had a legal action against him.

Q. Did you tell Mr. Manning, or whoever that lawyer was, that you did not want to have your name included in any report? Did you tell him that?

A. No.

Q. Did you tell him under no circumstances should he mention to the other party of that family law matter, David Arvizo, or to David Arvizo’s lawyer, that you were in any way instrumental in having those injuries depicted to him?

A. No. I was there about three minutes.

Q. You were there long enough for him to see the injuries?

A. Yeah.

Q. And you were there long enough to give him direction as to what he should be doing on behalf of this woman; is that right?

A. I wouldn’t say give him direction. I just said, you know, “What are you going to do? Are you going to file a TRO?” I mean, it’s just common sense.

Q. Ma’am, are you taking any medications at this time?

A. No.

MR. ZONEN: I have no further questions.

REDIRECT EXAMINATION

BY MR. MESEREAU:

Q. Prosecutor Zonen asked you questions about those photographs that show injuries on Ms. Arvizo, okay?

A. Uh-huh.

Q. Did you know that Ms. Arvizo had those photos taken a week after the J.C. Penney incident?

A. No, I don’t, because she came to our office well after the fact.

Q. Did Janet Arvizo ever show you her -- oops, excuse me. Did Janet ever show you her booking photos at the jail which show no injuries?

MR. ZONEN: Objection. Assumes facts not in evidence, and leading.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you ever see the booking photos at the jail which were taken when Janet Arvizo was arrested the day of the J.C. Penney events?

A. I believe I did. She was sitting in a chair. I’m not sure. It was many years ago. I’m not sure.

Q. They don’t show any injuries, do they?

A. No.

Q. Do you recall ever asking her, “When did you take the photograph that shows the injuries?” that Prosecutor Zonen just described?

A. No, I never asked her.

Q. And just to clarify, how long after the J.C. Penney incident did your law firm get involved with the Arvizos, if you know?

A. I would say nine months maybe.

Q. Okay. Now, you talked about a minor’s compromise, and would you please explain what that is?

A. Well, when a minor under the age of 18 receives any form of settlement or financial gain - I believe they call it the Jimmy Coogan Law - it’s to be blocked until the minor becomes 18, unless it’s an annuity.

Q. And does that mean the money sits in an account and earns interest for the child until they turn 18?

A. That’s correct.

Q. Okay. And is the account in the child’s name?

A. The account is in the mother’s name as legal guardian of the child.

Q. Okay. So to your knowledge, was that account in Janet Arvizo’s name?

A. Yes.

Q. Okay. So Janet Arvizo would have had full notice and knowledge about the existence of that account, correct?

A. Oh, yes. She went with me to the bank.

Q. There’s no question that Janet Arvizo knew about the existence of that account, correct?

A. Yes, she knew about the existence of that account.

Q. Did you help her set up that account?

A. Yes, I did. I filled all the paperwork out myself.

Q. And to your knowledge, was that account earning interest for Gavin?

A. Yes.

Q. Was there also an account for Star?

A. Yes.

Q. Did you help set that account up for Janet?

A. Yes.

Q. And to your knowledge, was that account in Janet’s name?

A. Yes, it’s Janet Arvizo as legal guardian of Gavin Arvizo, a minor.

Q. Okay. And which bank were those accounts set up at, if you know?

A. City National Bank.

Q. Okay. Now, was it part of your responsibilities at the firm to continue to gather information about those accounts after they were set up?

A. No.

Q. To your knowledge, did the accounts then simply appear in Janet’s name, right?

A. Correct.

Q. And the statements would go to Janet, correct?

A. Correct.

Q. And Janet would essentially take control of those accounts, right?

A. Well, she can’t touch them. She can’t take the money out.

Q. But she’s in charge of them, right?

A. Yeah, she gets -- the statement is in her name.

Q. Okay. Okay. So approximately when do you think those accounts were set up?

A. It was a long time before I could get her in. I really had to really get on her. As a matter of fact, the checks had expired and I had to have the checks reissued.

Q. And you set up the account for her?

A. Right. And I had to set the accounts up again.

Q. Did she tell you where to send the statements?

A. Yes.

Q. Do you know where they were sent?

A. To her mother’s address in El Monte.

Q. Did she tell you why she wanted them sent to that address instead of the home address?

A. No.

Q. Did you think she was trying to hide those accounts?

MR. ZONEN: Objection; speculative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did Janet ever tell you she had used her mother’s account to funnel moneys?

MR. ZONEN: I’ll object to the term “funnel moneys,” argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did Janet ever tell you about her mother’s bank account?

A. No.

Q. Did you ever know what bank her mother’s accounts were at?

A. No.

Q. Did she ever tell you about a Washington Mutual account?

A. Gavin’s donation account?

Q. Yes.

A. Yes.

MR. ZONEN: I’m going to object as exceeding the scope of the cross-examination

THE COURT: Sustained.

Q. BY MR. MESEREAU: When did you last talk to Janet Arvizo?

MR. ZONEN: Objection; exceeding the scope of the cross-examination.

THE COURT: Overruled.

You may answer.

THE WITNESS: She called me, I would say, about three, four months ago.

Q. BY MR. MESEREAU: Do you know why?

A. She wanted to be friends.

Q. What did you say?

A. I said I was very busy.

Q. Did she say anything else?

A. She asked me to call her. She’d like to get together and maybe have a girls’ weekend. And that she had just had a baby and she was remarried.

And I felt like --

MR. ZONEN: I’ll object as to her personal feelings as irrelevant.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did she say anything about this case at any time?

A. No.

Q. Did she say anything about the J.C. Penney case?

A. Well, yes, she did. I rephrase that. Yes, she did.

Q. Did she talk about the J.C. Penney case?

A. No, she talked about this case.

Q. Did she remind you of her threats?

A. No. She proceeded to tell me that Michael Jackson was no longer her savior. He was now the devil.

Q. Did that remind you of her calling the doctor the devil?

MR. ZONEN: I’ll object as leading and argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Was that the first time you heard her use the word “devil”?

A. No.

Q. Did she use that word many times?

MR. ZONEN: I'll object as exceeding the scope of the cross-examination.

THE COURT: Sustained.

MR. MESEREAU: I have no further questions.

MR. ZONEN: I have no further questions.

THE COURT: All right. Thank you. You may step down.

THE WITNESS: Thank you.

THE COURT: Call your next witness.

Do you want to check that microphone? Is there a connection that -- look at the connection. There's something causing static there.

THE BAILIFF: I can turn it down a little.

THE COURT: It didn't do that before. I don't think it's the volume. I think the lawyers have beat my poor microphone to death.

BAILIFF CORTEZ: If you want, we can switch this one out with that one.

THE BAILIFF: We can switch microphones, if that's all right.

THE COURT: Okay. Yeah, try that.

(To Mr. Ranieri) If you'd just stand there for a moment, we're switching microphones.

MR. RANIERI: No problem.

THE COURT: Why don't you -- don't plug that in there.

BAILIFF CORTEZ: No?

THE COURT: Let's leave that alone and let's have a technician look at it on the break.

Take a seat.

BAILIFF CORTEZ: No, not yet, Your Honor.

THE COURT: Test that for me.

MR. MESEREAU: Hello, hello, hello.

THE BAILIFF: It's not working.

THE COURT: Okay. That's perfect.

(Laughter.)

THE COURT: Let's put the other --

MR. MESEREAU: Hello.

THE COURT: Put the other microphone back and have a technician come over on the break, please.

BAILIFF CORTEZ: Okay, it's off. So make sure you turn it back on.

THE BAILIFF: It is the connection.

THE COURT: We'll get some help here on the break.

MR. MESEREAU: Hello, hello, hello.

MR. ZONEN: Mr. Mesereau was there last.

(Laughter.)

MR. MESEREAU: Hello.

I'm not going to touch it, Your Honor.

THE BAILIFF: Okay. No touching.

THE COURT: Would you have the technicians come and check?

THE BAILIFF: Yes.

THE COURT: Now, I'm sorry, raise your right hand.

ANTHONY RANIERI

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name is Anthony Ranieri. R-a-n-i-e-r-i.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. MESEREAU:

Q. Good morning, Mr. Ranieri.

A. Good morning.

Q. Do you know someone named Janet Arvizo?

A. I do.

Q. And when did you first meet her?

A. My best recollection was probably in 1998.

Q. And what were the circumstances under which you met her?

A. I was contacted by her and her family relating to a lawsuit against J.C. Penney's.

Q. And what kind of work do you do?

A. I'm a personal injury attorney.

Q. What kind of work were you doing at that

time?

A. Personal injury trial work.

Q. And did you meet with Janet Arvizo?

A. I did.

Q. Approximately when did you meet with her?

A. At the same time that I got the first call. It was at a colleague's office, and I met her and two children at that time.

Q. And what did you discuss with her?

THE WITNESS: Your Honor, I just want to make sure that since I have not been served with any of the orders concerning the waiver of the privilege, and it's my understanding that the privilege, as between myself and all of the family members, has been waived unconditionally, and if that's the case, I'll go ahead and proceed.

THE COURT: Can you help me on that?

MR. MESEREAU: I believe that was the Court's order.

THE COURT: All right. Counsel, you agree? Who's on this case?

MR. AUCHINCLOSS: That's mine, Your Honor. And we will agree with that.

THE COURT: All right. I will find there is a total waiver of the confidential attorney-client privilege, and you may testify.

THE WITNESS: Thank you, Your Honor.

THE COURT: I'll make it different. And I'll order you to testify.

THE WITNESS: Thank you. Could you please repeat your question?

Q. BY MR. MESEREAU: Yes. When you first met with Janet Arvizo, what was discussed?

A. She related to me the circumstances of the incident that formed the lawsuit against J.C. Penney's in which there was an altercation between herself, the children, her husband and J.C. Penney's security guards.

Q. And approximately when was this?

A. The altercation or the meeting?

Q. The meeting.

A. I believe in 1998. That's my best

recollection.
Q. To your knowledge, how long after these alleged events happened did you have this meeting?
A. Probably within a couple of weeks. That was my recollection.
Q. And did you agree to represent her?
A. I did.
Q. Okay. Did you represent the Arvizo family in the J.C. Penney's lawsuit?
A. I did as a member of the law firm, yes.
Q. What firm was that?
A. Feldman & Rothstein.
Q. Okay. Do you recall attending a deposition

of Janet Arvizo?
A. Yes, I do.
Q. And in a deposition, someone testifies under oath, correct?
A. That's correct.
Q. Someone is asked questions by the other side with a court reporter, true?
A. That's correct.
Q. And at the beginning of the questioning, the person being deposed is told they are testifying under oath, right?
A. That's correct.
Q. Was it your understanding that Janet Arvizo was testifying under oath, under penalty of perjury, in that deposition?
A. It was my understanding and my instruction to her.
Q. And did she agree to abide by the oath in that deposition?
A. I -- my recollection is that in the deposition, when she was sworn by the reporter, that she understood the meaning of the oath she was taking.
Q. Do you recall in that deposition, under oath, Janet Arvizo denying that she'd ever been beaten by her husband David?
A. I don't specifically recall that question. But I do remember in general that that was -- that

she always had denied that, yes.

Q. Okay. And to your knowledge, did she always maintain that any physical injuries she had had come from J.C. Penney’s security guards?

A. Yes.

Q. Did she ever tell you that wasn’t true?

A. No, she did not.

Q. Did you ever learn at some point that wasn’t true?

MR. AUCHINCLOSS: Objection. Foundation; hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you recall in that deposition Janet Arvizo saying that she was fondled approximately 25 times by J.C. Penney’s security guards on that particular day?

MR. AUCHINCLOSS: Objection. Hearsay; relevance; and Court’s order.

THE COURT: Overruled.

You may answer.

THE WITNESS: Yes, I recall that.

Q. BY MR. MESEREAU: And had she ever told you that before?

A. She had not.

Q. Was that the first time you ever heard Janet tell that story?

A. It was.

Q. How many times do you think you had met her -- excuse me, let me rephrase that. How many times do you think you had discussed these alleged events with Janet before that deposition?

A. No less than 25. I talked to her quite often.

Q. And you’re saying that in those approximately 25 discussions, she never told you about her being fondled 25 times by J.C. Penney security guards?

MR. AUCHINCLOSS: Objection. Asked and answered; argumentative.

THE COURT: Asked and answered, sustained.

Q. BY MR. MESEREAU: Were you surprised when she said that under oath?

A. Yes.

Q. Do you recall ever learning about a

fund-raiser for Gavin Arvizo?
A. Yes.
Q. How did you learn about that fund-raiser?
A. I believe all of my recollection is that Janet informed me that there was some sort of fund-raiser going on to raise funds for Gavin's medical treatment and living expenses.
Q. Were you invited to the fund-raiser?
A. No. I don't recall it being a formal fund-raiser. I thought it was just sort of a solicitation of money.
Q. Did she ask you for money directly?

A. She did.
Q. Did you give her any money?
A. I did not.
MR. MESEREAU: I have no further questions.
THE COURT: Cross-examine?
MR. AUCHINCLOSS: No questions, Your Honor.
THE COURT: Thank you. You may step down. Call your next witness.
MR. MESEREAU: Yes, Your Honor, the defense will call Miss Karen Brando.
THE COURT: Come forward. When you get to the witness stand, please remain standing. Face the clerk here and raise your right hand.

KAREN BRANDO
Having been sworn, testified as follows:

THE WITNESS: Yes.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: My name is Karen Brando. K-a-r-e-n, B-r-a-n-d-o.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. MESEREAU:
Q. Good morning, Mrs. Brando.

A. Good morning.
Q. Mrs. Brando --

THE COURT: Your mike.
MR. MESEREAU: Oh. Okay. Pardon me.
Q. Mrs. Brando, are you related to Marlon Brando?
A. Yes.
Q. How so?
A. Daughter-in-law.
Q. Okay. And do you have any children?
A. Yes.
Q. And who are they?
A. Faustif, Franco, Shane, Nelson and Prudence.
Q. And have you ever been to Neverland Ranch?
A. Yes.
Q. How many times do you think you've been there?
A. Several. Maybe 10, 15.
Q. Do you know the fellow seated at counsel table on my right?
A. Yes.
Q. And who is he?
A. Michael Jackson.
Q. Is he a friend of yours?
A. Yes.
Q. Did you ever meet a person named Janet Arvizo?
A. Yes.

Q. Do you know approximately when you met Janet Arvizo?
A. It was a couple years ago at the ranch.
Q. And were you staying at the ranch?
A. Yes.
Q. To your knowledge, was Janet staying at the ranch?
A. Yes.
Q. And do you recall where you met Janet Arvizo at the ranch?
A. In the kitchen.
Q. And what do you recall her doing in the kitchen?
A. She came up to me and told me she was going home with me.
Q. She told you she was going home with you?
A. Yes.

Q. Is this the first time you ever spoke to her?

A. Yes.

Q. Were you surprised by that comment?

A. No, because I was going with the driver.

Q. How long had you been at the ranch at that point?

A. Two days.

Q. And were your children there as well?

A. Yes.

Q. Who of your children were at the ranch?

A. Prudence was there. And I'm not sure if Shane was there.

Q. Okay. Now, how old was Prudence at that point?

A. Seven.

Q. And how about Shane?

A. 14.

Q. Okay. And had you arranged or had someone arranged for a driver to take you home?

A. Yes.

Q. And how was that arranged, if you remember?

A. My husband Miko came up to me and told me that he was going to stay and that Gary would drive me home.

Q. Okay. Was your husband Miko at the ranch at that point?

A. Yes.

Q. Okay. This wasn't the first time you'd visited Neverland, right?

A. No.

Q. You'd been there many times before this?

A. Yes.

Q. So what were you doing in the kitchen when Janet Arvizo came up to you?

A. I was standing -- I was just standing there. I was standing kind of in the hallway right between the kitchen and the breakfast nook.

Q. And do you know about what time of day this

was?

A. It was early evening, around six o'clock.

Q. And do you recall the date being March 12th, 2003?

A. I don’t remember.

Q. Okay. Do you recall if it was March of 2003? Don’t know?

A. I’m sorry.

Q. Okay. All right. So Janet Arvizo came up to you and said, “I’m going home with you”?

A. Yes.

Q. And had you met her any other time before that?

A. No.

Q. Did she introduce herself?

A. No.

Q. What did you say when she -- when this stranger walked up and said, “I’m going home with you”?

A. I didn’t say anything to her. I couldn’t. I wasn’t driving.

Q. Did you and she have a conversation?

A. No.

Q. How long did she talk to you about going home?

A. She just told me she was going home with me.

Q. And after she said that, what do you recall her doing?

A. She just walked off.

Q. And what did you do after that?

A. I went to Miko and told him I didn’t want her going home with me. But he said, “It’s okay. Just make sure she gets dropped off at her house first so she doesn’t know where we live.”

Q. And did you go home that evening?

A. Yes.

Q. Did she go with you?

A. No, she came up to me about an hour later and said she changed her mind, she was going to stay.

Q. Did you say anything to her in response to her statement?

A. Nothing.

Q. Can you describe Janet Arvizo’s demeanor when you first met her?

A. I watched her in the kitchen and she was very abrupt. She was very hyper, demanding. Someone that you don’t trust.

MR. SNEDDON: Your Honor, I’m going to object to the last --

THE COURT: Stricken.

MR. SNEDDON: Move to strike.

THE COURT: It’s stricken.

Q. BY MR. MESEREAU: Did she demand anything of you?

A. Just to go home with me.

Q. Okay. How much time elapsed, if you remember, between the time she came up to you and said, “I’m going home with you,” and when she came up to you and said, “I’ve changed my mind. I’m staying”?

A. About an hour.

Q. Okay. Can you describe her demeanor when she came up to you and said she was going to stay?

A. Calmer. She was calmer than she was earlier. Earlier it was like she was frantic.

Q. Did you ever see her after that, that moment?

A. No.

Q. Ever talk to her after that moment?

A. No.

MR. MESEREAU: No further questions.

MR. SNEDDON: No questions.

THE COURT: All right. Thank you. You may step down.

MR. SANGER: We’ll call Prudence Brando.

THE COURT: Please remain standing. Look over here and raise your right hand. Face the clerk.

PRUDENCE BRANDO

Having been sworn, testified as follows:

THE WITNESS: Yeah.

THE COURT: All right. You may be seated.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: P-r-u-d-e-n-c-e.

MR. SANGER: Okay? Last name okay?

THE COURT: That’s fine.

MR. SANGER: All right. Okay.

DIRECT EXAMINATION

BY MR. SANGER:

Q. Prudence, hello. I’m going to ask you some questions, okay?

A. (Nods head up and down.)

Q. Now, we need you to talk right into that microphone on the right, right there, the one you’re right in front of. Good.

How old are you?

A. Nine.

Q. Okay. And you go to school?

A. Yeah.

Q. Okay. What grade are you in?

A. Fourth.

Q. Fourth grade?

A. (Nods head up and down.)

Q. Do you like it?

A. Yeah.

Q. Okay. Who’s your dad?

A. Miko.

Q. And who’s your mom?

A. Karen.

Q. Okay. Did your mom just come into court here?

A. Yeah.

Q. All right. Now, do you remember spending some time at Neverland Ranch?

A. Yes.

Q. Okay. How often do you go there?

A. A lot.

Q. Okay. Do you know the gentleman seated right here?

A. Yes.

Q. And who’s that?

A. Michael.

Q. Okay. Is he a friend of yours?

A. Yes.

Q. All right. When you were at Neverland Ranch, do you recall some kids whose last name was

Arvizo?
A. Yeah.
Q. Do you remember their first names?
A. Yeah.
Q. What are their first names?
A. Star and Gavin.
Q. All right. And did you see them around the ranch while you were there?
A. Yes.

Q. Can you tell me what you remember them doing around the ranch?
A. Driving the golf carts and going on rides.
Q. Okay. How were they at driving the golf carts? What did they do with the golf carts?
A. They were crashing them.
Q. Now, you say “crashing them.” Was it like by mistake, or what did you think they were doing?
A. I think on purpose, because they were driving all crazy and going -- they were just driving crazy.
Q. Okay. Did they ever say anything to you when they were driving the golf carts and they were -- let me ask you this: Did you ever see them crash the golf carts?
A. A couple of times.
Q. And what did they crash into; do you remember?
A. Like when they turned, they would, like, skin the side of it.
Q. Okay. Do you know if the Arvizo kids, Star and Gavin, would hang out around the zoo sometimes?
A. Yes, they would.
Q. And were they good to the animals at the zoo?
A. Yeah.
Q. They were okay? Did you see them at the theater?

A. Yeah.
Q. What would you see them doing at the theater?
A. They would be watching movies and stuff.
Q. And did they get stuff while they were at

the theater?
A. Yes.
Q. What would they get?
A. Like candy, popcorn.
Q. Okay. And that was there for people to have, right?
A. Yes.
Q. Okay. Did they go on the rides at the amusement park?
A. Yeah.
Q. What would you see them doing on the rides?
A. Throwing candy off the rides.
Q. Okay. Would they throw it at people?
A. No.
Q. Do you know -- when they were at the theater, do you remember them doing anything with the candy and popcorn while they were at the theater besides eating it?
A. No.
Q. Do you remember if they'd throw it or anything?
MR. SNEDDON: Your Honor, I'm going to object as leading. He answered the question. It's asked and answered.

THE COURT: Sustained. I will allow some leading. That is an asked-and-answered question, so --
MR. SANGER: Okay. Very well.
Q. Do you recall the Arvizo kids, Star and Gavin, doing anything with the telephones that are in the theater?
A. No.
Q. Don't recall? Okay. Now, when you saw them doing stuff they weren't supposed to do, did you ever tell them to knock it off?
MR. SNEDDON: Your Honor, I'm going to object to that question, the use of the words "they weren't supposed to do."
THE COURT: Sustained.
MR. SNEDDON: It's editorial.
Q. BY MR. SANGER: Did you ever see Star and Gavin doing anything they weren't supposed to do?
A. Sometimes.
Q. Did you ever talk to them about that? Did

you ever say anything to them?

A. No.

Q. Do you recall talking to Mr. Jackson at any time, to Michael? Did you ever tell Michael the kids were doing something?

A. No. I'd just hang out with him sometimes, but --

Q. Okay. Do you recall Davellin Arvizo? Do you know who she is?

A. Yeah.

Q. Okay. And is that the sister of Star and Gavin?

A. Yeah.

Q. Do you recall -- do you recall if Davellin used to tell Star and Gavin to stop doing things?

A. I don't think so, no.

Q. You don't recall? Okay. Okay. And then have you been in Michael's private room in his house?

A. Yeah.

Q. And you know Prince and Paris, right?

A. Yeah.

Q. Who are Prince and Paris?

A. His kids.

Q. Michael's kids?

A. Yeah.

Q. Okay. Have you gone in there with Prince and Paris?

A. Yeah.

Q. And what do you do when you go into his room?

A. He just showed us around his room.

Q. Did you watch T.V. in there?

A. Yeah, for a couple minutes.

MR. SANGER: Okay. All right. I have no further questions.

MR. SNEDDON: No questions.

THE COURT: All right. Thank you. You may step down.

MR. SANGER: May I have just a moment to see who's --

THE COURT: You may.

MR. SANGER: We’ll call Phillip Esplin to the stand.

THE COURT: When you get to the witness stand, please remain standing.

Face the clerk over here. Raise your right hand.

PHILLIP W. ESPLIN

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name is Phillip W. Esplin. E-s-p-l-i-n.

THE CLERK: Thank you.

MR. SANGER: May I proceed, Your Honor?

THE COURT: Yes, you may.

DIRECT EXAMINATION

BY MR. SANGER:

Q. Okay. Dr. Esplin, what is your profession?

A. I’m a forensic psychologist.

Q. All right. I’m going to ask you to move that right microphone up a little higher. Just bring it up higher, like that, and try to talk into the right microphone, if you can.

All right. A forensic psychologist?

A. That’s correct.

Q. And what does a forensic psychologist do?

A. It’s a psychologist that tends to focus on psychological or social science issues that are related to various judicial proceedings. It could be a dependency matter, a juvenile court. It could be a competency to stand trial. It could be study relative to children and witnesses, things of that nature.

Q. Okay. And where do you practice? Where is your office right now?

A. Phoenix, Arizona.

Q. All right. Now, I’d like you to go back and give us a brief description of your educational background starting with college.

A. I have a bachelor's degree obtained in 1967. I then spent three years in the United States Marine Corps. When I was released from active duty, I went back to graduate school, obtained my master's degree in 1973. I continued on with my doctoral studies. Finished my doctoral dissertation in late summer of 1978.

I took the national examination, psychology, in the fall of 1978, was licensed by the Arizona Board of Psychologist Examiners in November of 1978, and I've been licensed since that time.

I did an internship in child psychology in Tempe, Arizona, in 1974-75.

Q. All right. Let me go back. What is your bachelor's degree in, what subject?

A. Sociology was my major. Psychology was my minor.

Q. And your master's degree is in what subject?

A. Psychology.

Q. And your Ph.D.?

A. Psychology.

Q. Now, is that clinical psychology or --

A. No, I came from a psychoeducational background. And my interest and dissertation had to do with studying brain-injured children, that may have had an injury, an acute injury or an injury secondary to a congenital condition. So I was interested in how children learn, how children -- to help them remember things that they learn.

Q. All right. And since 1974 and 19 -- I'm sorry, 1975, when you concluded your internship, how have you been engaged?

A. My career's been divided into two parts. From beginning roughly 1976 until 1988, I worked predominantly in a clinical area. I worked with a

hospital system where I had some responsibilities for a child program, inpatient program, an adolescent program.

I also assessed and treated children that had been removed from their homes by the state for either sexual maltreatment, neglect or physical maltreatment.

I also, during that period of time, worked extensively with the courts in Arizona relative to evaluating children and families that were going through a divorce.

In 1988, I began my relationship with the National Institute of Child Health and Human Development in Washington, D.C. They began what’s called The Child Witness Project, research project, which began the -- the planning began in 1988. We began the first field study in 1989.

And that series of studies involves children ages 3 through 14 who may have been the victim of a crime or a witness to a crime. And I’ve participated as part of that team effort to try to understand how children go about accommodating adversity in an environment, how their memories operate, whether there’s age effects of memory, and how can we develop procedures that will increase the accuracy of information that we can obtain from children during the course of an investigation.

Q. All right. So let’s go back over this in just a little more detail. From 19 -- in 1974 and ‘75, when you did your internship, did that involve children?

A. Yes.

Q. And how did that involve children?

A. I was involved in a re -- my internship was under the auspices of a federal demonstration project that was attempting to develop what’s called engineered classrooms for mentally challenged children, for brain-injured children, for deaf children, and for children that were designated as severely emotionally disturbed.

Q. Okay. Now, in part, your graduate education related to brain-injured children; is that right?

A. Well, I -- my independent research, my dissertation, I was interested in developing a method for examining sensory suppression effects and if there’s hemispheric damage. Once I got out and started practice, that got left, frankly, by the wayside.

Q. So after the internship, is it correct to say that you began to work more with children who were maltreated, or at least that became a -- allegedly maltreated or actually maltreated, that became a predominant part of your practice?

A. Yes. There was -- I was the clinical director of a day-treatment program that was run by the State of Arizona. That program had 150 families

in the program. Those children had been removed from their home and placed in a psychiatric facility.

And the objective of the program was, where feasible, to return them home, or in the alternative, to consider parental termination and placement in a long-term either adoptive home or a -- what was called then a therapeutic foster home. The majority of those children had been maltreated in some capacity.

Q. And this would have been during your experience from 1976 to 1988?

A. That's correct.

Q. All right. So at that point you began to have -- go ahead and take your time. Get some water there first.

A. Excuse me. I've got a little bit of a cold.

Q. Okay. At that point, you began to have fairly regular contact with children who either were or claimed to have been sexually abused; is that correct?

A. That's correct.

Q. Now, you mentioned in the course of this, that -- oh, thank you.

You mentioned in the course of this that the -- some of the children were involved in legal proceedings, or maybe all of them?

A. They all were involved in one way or another

with legal proceedings.

Q. All right. And so the court was supervising what happened with these children pending a placement or some other resolution of their situation; is that right?

A. Correct.

Q. Now, in 1988, you talked about The National Institute of Child Health. Can you describe that in a little more detail? What is The National Institute of Child Health? I think there's more to the name than that, but --

A. Well, there's National Institutes of Health. That's a government-sponsored series of research institutes. There's The Center For Medicine, The Center For Cancer, The Center For Retardation. Within it, The National Institute of Health, there's a section called the section on children's social and emotional development within the Institute on Child Health and Human Development.

Q. All right.

A. So it was within that section that The Child Witness Project was funded.

Q. All right. So you were working within that section on a child witness project?

A. That's correct.

Q. And what specifically was the mission of this particular funded section?

A. I had presented a pilot study at a NATO conference in 1988 in Italy in which I had compared two groups of children, one group in which we felt we had strong independent evidence that they had been sexually abused, a second group in which we felt that there was substantial indication they had not been abused. And I was interested in seeing to what degree could you develop information that would help you categorize those two groups.

That field study then led to me going back, spending a couple of days with Dr. Lamb and his colleagues at NICHD, and out of that then came The Child Witness Project.

What our mission has been is to work -- we conduct what's called field studies, and that's a little different than laboratory studies. Laboratory studies occur when you can control all the conditions in the laboratory. So you subject a child to certain experiences. You videotape it. You then can question them in various ways and you can measure precisely the accuracy that may come from different types of questions and so on.

Q. Let me interrupt you right there. That type of laboratory experiment does not lend itself to sexual abuse experimentation; is that correct?

A. Well, it’s -- it’s very important work to establish theoretical principles about how memory operates. But you cannot recreate the circumstance in a laboratory that may exist for a child who has been subjected to sexual maltreatment.

So the laboratory studies, in and of themselves, are insufficient. So it requires taking those principles in the laboratory about memory, motivation, how to question witnesses, and then apply it in field studies in which there are live investigations of potential crimes against children, and see how that data converges. The degree to which the principles in the laboratory you can replicate in the field, the more confidence you can have that your methods are sound.

Q. Now, in addition to the laboratory studies, you mentioned, then, the field studies. Can you describe the field studies?

A. Those are studies that are conducted in cooperation with law enforcement and/or Child Protective Services.

So we would go to a site, and we would spend X number of years there. We would be training the sex crime investigators in interviewing procedures. We work with them on trying to collect corroborating evidence, and we then measure how well that interview and investigative protocol works compared to whatever they were doing before we began our research.

So we’ve been -- we just finished up a five-year project with the Salt Lake Police Department and the Utah Sheriff’s Department or Salt Lake County Sheriff’s Department. We’ve been in Israel nationally since 1990. We had a five-year project with the West Palm Beach Sheriff’s Department, and with the Marian County Sheriff’s Department. We have an ongoing project with The Children’s Justice Center in Salt Lake, which is an advocacy center in which children are questioned and it’s videotaped. And they are implementing our procedures there at that site.

Q. Now, is it the object of these projects that you are conducting with law enforcement, both internationally and throughout the country as you described, is it the object to develop techniques to try to avoid false claims?

A. Well, it’s -- the answer is yes. It’s intended to try and develop methods that maximize the opportunity of, number one, obtaining accurate information. And number two, probably motivating the child to try to be accurate, because you have problems. You have some children that deny because the event did not occur. You have some children deny, which is a false denial, for whatever motives they may have for withholding the information. So you have kind of a two-pronged problem. The other difficulty is, in the majority of these kinds of cases, oftentimes it’s the word of the child against the word of the defendant, and oftentimes there isn’t the kind of corroborative evidence that would be nice to have. Consequently, the child becomes a central player in the process. So it’s -- our efforts have been geared to trying to adopt strategies that will maximize accurate information from the children and then also understand dynamics that occur when a child, for whatever motive, may not be forthright with you.

Q. And in that regard - I asked about one side of it - you are looking to see if you can develop techniques that will maximize the ability to get the truth, is that right, get to the truth in your investigation?

A. To get accurate, forthright information.

Q. So that could go either way. You’ve got children who are denying when something did happen. And you’ve got children saying things happened when they didn’t happen; is that correct?

A. That’s correct.

Q. All right. Now, it sounds like your involvement with the National Institute of Child Health has continued from 1988 to the present; is that correct?

A. That’s correct.

Q. All right. In addition to that, have you continued on in working with children in other respects?

A. Yes, I have.

Q. And what regard is that?

A. I evaluate children who have been -- in civil matters, who have been the victim of abuse, relative to treatment needs, short and long term.

I consult with institutions that provide care to children so that their environment lessens the opportunity for a child to be exploited at the hands of an adult.

And I also continue to look at cases that are unusual and do retrospective analysis where we know what the ground truth is.

So I also will do some training. I do some instruction about children’s competency, factors that can affect their competence.

Q. All right. Now, you mentioned -- just to clear up a couple things, you mentioned you’re licensed as a psychologist in the State of Arizona. And that license you obtained in 1978; is that correct?

A. Yes.

Q. And you have been continuously licensed and in good-standing there?

A. That’s correct.

Q. All right. Now, are you licensed in the State of California?

A. No, I am not.

Q. So you would not be permitted to practice clinical psychology and see patients without going to open -- or going to -- I’m sorry, would not be able to open an office for doing that in California without getting a license?

A. Well, most states have a guest provision, so I could come in the State of California to do an assessment, something of that nature, so many days a year, just like a California psychologist could come into Arizona, if there’s provision.

If I was going to move here and set up a practice, I would need to get a license through the

California Board.

Q. All right. And you do not -- at this time, you haven’t moved here. You don’t intend to practice here?

A. There’s too many people.

Q. And evidently the dry air is better for your respiratory system.

The -- now, is there anything that prevents you from offering -- either ethically, professionally or license-wise, from offering your forensic services and your opinions in courts in states within which you do not have a license?

A. No.

Q. All right. Now, you have -- in addition to the educational background and history you gave us, so on, you have written a number of articles; is that correct?

A. Yes.

Q. And are a number of these articles -- let me ask you this: Do you know how many articles you’ve written on the issue of child psychology in general?

A. I believe there’s 25 articles on child witnesses that have been published in peer-reviewed journals.

Q. Okay.

A. I think there’s eight book chapters.

Q. Okay. So the 25 articles in peer-reviewed journals, can you tell us what that means? What is a peer-reviewed journal?

A. That would -- it refers to a professional journal in which, when you submit the article, the article is blindly reviewed by other experts in the field, who make editorial comments, recommend either acceptance or rejection of the article, and provide you feedback if they feel that the article needs to be modified, rewritten, for -- you know, if it’s not clear, whether there’s confusing areas.

So it’s an attempt to increase the quality of scientific publications. So most scientific journals are what they call peer-reviewed journals.

Q. And that would be true for, say, physicists who are publishing articles in their peer-reviewed journals as well?

A. That’s correct. That would be in contrast, say, if I wrote an article for Newsweek magazine, it wouldn’t be peer-reviewed.

Q. All right. So in these peer-reviewed journals, how recently is your most recent publication?

A. I have a publication that was accepted December of ‘04 in the -- I believe it was The Journal of Developmental Sciences.

Q. And you have published articles -- without going into each one, but you’ve published articles pretty much each year over the last --

A. I believe the first --

Q. -- ten years or so?

A. Well, the first article was 1991. And I believe I’ve published pretty much annually since that time.

Q. Have you published in The Developmental Review?

A. Yes.

Q. And who is the -- what organization sponsors that review?

A. APA. American Psychological Association, I believe.

Q. All right. And you’ve published in The Journal of Consulting and Clinical Psychology; is that correct?

A. Correct.

Q. Applied Developmental Science?

A. Correct.

Q. A publication called Child Development?

A. Correct.

Q. A publication called Child Abuse and Neglect?

A. Correct.

Q. A publication called Legal and Criminological Psychology?

A. Correct.

Q. Another one called Family and Conciliation Courts Review?

A. Correct.

Q. Another one called Learning and Individual

Differences?

A. Correct.

Q. International Journal of Behavioral Development?

A. Correct.

Q. Psychology, Public Policy and the Law?

A. Well, that’s a law review journal published jointly by the University of Miami and the University of Arizona Law School. But I have published in that law review journal.

Q. All right. And then do you recall the books to which you contributed chapters?

A. First chapter was in a book put out by the APA, the American Psychological Association, called The Suggestibility of Children’s Recollections. Actually, the first one was a book put out by NATO called Credibility Assessment. Then there was a chapter in a book on -- a forensic handbook. I’d have to look. I don’t --

Q. We don’t have to go over all of them, but these are -- these are books that are respected in the field of psychology, for the most part?

A. They’re books that are sponsored by the Office of Scientific Affairs for the American Psychological Association.

Q. All right.

A. I believe all but one.

Q. And in order to be asked to write a chapter for that, you have to be accepted among your peers as to somebody who’s qualified to write such a chapter?

A. Whoever is editing the book has got to believe you have something to contribute to the book.

Q. All right. Now, have you also given seminars? Do you speak at seminars from time to time?

A. Yes, I do.

Q. All right. And do you speak on the issue of child witnesses and the general subject matter you’ve been talking about?

A. Yes.

Q. And when I said seminars, that would include also presenting scientific papers at symposiums?

A. Correct.

Q. Okay. Now --

THE COURT: Do you want to take the break?

MR. SANGER: I was just going to get to the next big subject. So that would be fine. Thank you.

(Recess taken.)

THE COURT: Counsel?

MR. SANGER: Thank you.

Q. All right. Dr. Esplin, there’s one other little detail I want to clear up before we go on to the more substantive part of your testimony. Do you charge for your services?

A. Yes, I do.

Q. All right. And what do you charge for the services in a case like this?

A. My standard rate is $400 per hour for the time I spend in my office. $3600 per day, plus expenses, if I have to leave Arizona.

Q. All right. And are you charging the defense in this case those amounts?

A. Yes, I am.

Q. Now, I’d like to ask you, first of all, if you were asked to see any patients or do any clinical evaluations of anybody involved in this case?

A. No, I was not.

Q. Were you sent a transcript of the testimony of Dr. Anthony Urquiza?

A. Yes, I was.

Q. Other than that, were you sent any other information?

A. No, I was not.

Q. Now, I’d like to ask you if you had an opportunity in the course of your studies and your practice over the years to hear the term “Child Sexual Abuse Accommodation Syndrome”?

A. Yes, I have.

Q. And are you familiar with the person who developed that work on that syndrome?

A. Yes.

Q. And who was that?

A. Roland Summit.

Q. Was he a doctor?

A. Dr. Summit was an adult psychiatrist that worked in the Los Angeles area at I believe it’s Harbor View, consulted with Los Angeles County relative to maltreatment issues.

Q. All right. And did he -- what was the primary thrust of his work with people who are allegedly mistreated?

A. I believe that his -- that -- that the experiences that underlie the paper, the 1983 paper where he discussed the syndrome, were female patients who had been subjected to chronic incest or that they were individuals who had been sexually abused over an extended period of time by the father. And that -- and so it was not brief encounters. It was not encounters of short duration. It was encounters in which there was other facets to the relationship that was very important.

Q. All right. Now, you mentioned 1983, a paper written by Dr. Summit. Is that where he basically came up with the phrase “Child Abuse Accommodation Syndrome” or “Child Sexual Abuse Accommodation Syndrome”?

A. Yes. That was the first paper -- that’s what people attribute to when he wrote that initial position.

Q. All right. And in Dr. Urquiza’s testimony, he actually referred to Dr. Summit; is that correct?

A. Yes.

Q. All right. Now, to further understand what you just said, Dr. Summit’s work was based primarily on adult females who were reporting incest by their fathers; is that right?

A. It’s my understanding as of the time that he wrote that initial paper.

Q. Now, was this -- did he develop this Child Sexual Abuse Accommodation Syndrome as a diagnostic tool, or what?

A. No, he -- it was -- as I understand it, it was written to assist professionals and other people, other general population, in understanding the dynamics in which a child who has been subjected to a sexualized relationship goes about making the best of it.

Q. All right.

A. So to help therapists trying to understand that there's dynamics there that are complex.

Q. So a female child who is sexually molested by her father from a young age and was in later life dealing with this, is that the sort of situation that would be core to what Dr. Summit was dealing with?

A. I think the essence of it was, number one, the chronicity, and number two, the complexity of the relationship that existed independent of the sexual aspect.

Q. All right.

A. If you have a child and they're in a family system, and the father is sexually exploiting the child, the child -- that's a complex circumstance for the child to react to. The child may love the father dearly, the child may recognize the importance of the father to the family's survival economically, and so the child is presented with a dilemma, and oftentimes the dilemma is they don't want this aspect of the relationship to continue. They don't want to have a sexual relationship with their father, but at the same time, they may love him dearly, and they may not want the family system to come apart, so they're put in a difficult spot. And oftentimes they -- in fact, in those circumstances, more often than not, I think they try to accommodate it.

Q. All right.

A. So make the best of it, and -- until something happens where it comes out or they get older and separate from the family.

Q. All right. And so when you say "accommodate," that's one of the words in the title that he gave to this. Are there validation studies -- let me ask you first. What are validation studies in general in a way that would apply to this sort of thing?

A. I think it’s important to distinguish between a circumstance where we know abuse occurred so -- and how does the person that’s in this situation make the best of it, and looking at how we make a determination about whether abuse has or has not occurred. So the accommodation syndrome is best suited for helping us to understand how a known victim accommodates that victimization.

That’s separate from the utility of the syndrome in trying to determine whether an event occurred or did not occur. Then it has less utility. It wasn’t intended for that purpose, and it can lead to mistakes.

Q. So let me just stop you -- break this up a little bit.

So when you’re saying CSAAS, Child Sexual Abuse Accommodation Syndrome, may lead to mistakes when you’re trying to use it to predict whether or not somebody’s telling the truth, is that what you’re saying?

A. When you’re trying to decide whether an event’s occurred or not occurred, it has very limited value.

Q. Okay.

A. Now, it has value. For example, one of the factors, the delay in reporting, that factor does have substantial scientific support, meaning that there are a lot of reasons why children that are in the circumstances don’t tell anybody else for some substantial period of time.

Now, but having said that, the timing of the outcry is not related to the validity of the allegation. So a person can come forward immediately. Maybe that’s true; maybe it is not. A person can make the allegation after a period of delay. Maybe it’s true; maybe it is not. So that it’s a mistake if you used the timing of when the person first tells somebody else as suggesting that means it’s more likely that it happened or did not happen.

Q. Okay. In other words, there are -- there are certain things that are predictors and there are other things that are not necessarily predictors; is that correct?

A. That’s correct. And the other problem is, the absence of any of those factors would not suggest that the child had not been victimized.

Q. All right. So let’s take delay, first of all, one of the factors in Roland Summit’s original work. What you’re saying is, delay -- I’m sorry, let me withdraw that.

What you’re saying is actual abuse, sexual abuse, could end up resulting in a delay in reporting or not; is that correct?

A. Correct.

Q. And whether there’s a delay or there’s not a delay, that doesn’t, in and of itself, help you to predict whether or not the person is telling the truth about the sexual misconduct; is that correct?

A. That’s correct.

Q. All right. And other than delay, have the other factors been subject to validation studies using control groups and scientific method?

A. No.

Q. So, what are some of the other factors that are often quoted following Dr. Summit’s original work?

A. He talks -- they talk about secrecy, so that there will be a process in which the child is engaged. And in a lot of these cases, these are

crimes of intent, not of impulse. So the person wants to lessen the probability of the child reporting, so there’s some process in which they will convince the child, either directly or subtly, that it’s something you have to keep to yourself. So that was the first phase, which was called secrecy.

The second was called helplessness, and that related to a circumstance in which the child’s not equipped, because of the power imbalance, to respond to the overtures in the way they might if it was an age mate, so that there’s a sense of helplessness in that regard that they’re more dependent. They’re less capable of standing up for themselves.

The third stage had to do with the process of accommodation, making the best of it, living with it.

The fourth stage had to do with disclosure, or unconvincing disclosures, incomplete disclosures.

And the fifth had to do with recantation, taking back.

So those five factors are looked at as constituting the syndrome.

Q. Have there been validation studies to validate any of those five factors?

A. The only one that has received validation is the delay in reporting. There are cases in which -- there are cases that occur in which the acts are acts of impulse. They’re not acts of deliberation. A person gets intoxicated. He’s a stepfather. The child is there, and he acts out those impulses.

There are cases where the -- there is an engagement process, a seduction process that does involve secrecies. But the difficulty is the concept -- it’s a heterogeneous group of kids that get maltreated, so the secrecy hasn’t been borne out as in substantiated cases. That doesn’t mean that there are occasions in which some process is undertaken by a perpetrator to lessen the likelihood the child’s going to tell somebody, but it’s just that it hasn’t stood out and been validated.

Q. So in the research, this has not been validated; is that correct?

A. That’s correct.

Q. And therefore, the presence or the absence of any or all of these elements that you’ve just got through talking about wouldn’t really have any diagnostic utility; is that correct?

A. That’s -- none of the five factors have been subjected to ground truth studies in which you have three groups. You have one group of children which have indisputable evidence that the abuse occurred. You have a second group of children in which there’s no abuse. And you have a third group of children of false allegations.

Q. All right.

A. And then you see to what degree do those concepts assist you in identifying accurately which group the child should be in. And there has not been that type of validation study.

Q. So in your training of law enforcement and your multi-year process working with various law enforcement agencies both internationally and throughout the country, have you taken the position that their procedures should not rely on these particular factors for diagnostic purposes?

A. Yes, with the caveat that they need to be aware that there are circumstances that could involve one or more of these. But the absence wouldn’t mean it didn’t, and they don’t want to think that, for example, that a delay suggests that it’s not accurate. So that you need to inform them so they don’t have beliefs that are incorrect.

Q. All right. So it doesn’t -- it doesn’t act as a predictor. It’s just information?

A. That’s correct.

Q. All right. Now, with regard to contradictory reports, is there a difference when you’re dealing with small children who might be, you know, three or four years old or five years old, and children in other age groups?

A. Yes.

Q. All right. Can you tell us about children who would be in the 10- to 14-year age group, what you look for in reports?

A. If you examine the studies that’s relating to the age effects on memory, and you look at the different effects, and you look at, say, three- to six-year-olds, six to nine, ten and up, what the developmental literature suggests is that by age ten, ten years, kids ten and up, have roughly the equivalent qualities of memory as it relates to reporting events, what happened. They’re less sophisticated when interpreting the meaning of what happened.

As you move below ten, then you begin to see age effects in the amount of information reported, the different categories of details that they report. You see differences in what is meaningful to them versus older-aged children, important.

So it’s important to know that with regard to event memory, what happened, where they were, other things that were occurring preceding the event and after the event, what’s called contextual embedding, children are quite capable, from ten up, to report that and to remember that quite well.

Q. So in the 10 to 14 area, let us take that as an age group, would it be correct to say that incomplete reports would be fairly common, but contradictions of key details would not be expected?

A. That’s what the literature would suggest.

What that means is that it would not be uncommon, whether it is an adult or a child, if they’ve had a complex relationship in which sexual encounters have occurred on a frequent basis, to not give you all the information at one setting.

The key is, as you look at what they say across time, is on what kind of details are they being consistent, and on what kind of details may there be omissions or additions upon each telling.

The core elements, the central features of the event should remain steadfast.

Q. Now, again, you were talking about over time where you have the chronic abuse that may go over a period of years. Is that the sort of situation you’re talking about?

A. Yes.

Q. If you have a situation that occurred involving a number of days at the most, within recent memory, would you expect children in the area of 10 to 14 to not only have key details right, but also to be fairly consistent in their report?

A. Yes.

Q. Okay. Now, I’m going to ask you about --

A. Now, I’m sorry, let me just add something.

Q. Sure.

A. That assumes that they are motivated to disclose to you.

Q. All right.

A. It assumes you have a motivated child. It assumes that the events had distinctiveness or they were important to the person, and that they were alert at the time the events were occurring.

Q. All right. Now, Dr. Urquiza offered some anecdotal testimony about the rate of false claims.

A. Yes.

Q. Do you recall that?

A. Yes, I do.

Q. And do you think it’s appropriate in your scientific background and your experience in working with this area to measure false claims rates using anecdotal experiences?

A. I think that you could fit that in, into the scheme, but that would not be wise to rely on that.

Q. All right. And if somebody only had interaction, excuse me, with children who had been adjudicated to have been abused, and that was their experience for evaluating whether or not false claims occur, would that be an adequate experience base to make such an accurate determination?

A. Well, I think you’d need to point out that your sample were children that had previously been adjudicated, so that the rate of false alarms in that population you would expect to be less than if you were looking at children on the front end, where there was an ongoing investigation.

Q. All right.

A. Because there’s an investigation, there’s

been an evidentiary hearing, there’s been a sorting out of the evidence, so that the likelihood that you have a false alarm in that population would be less. It wouldn’t be nonexistent, but it would be expected to be substantially less than if you were looking at substantiation of the first reports. Those are much higher in unsubstantiated cases.

Q. All right. Now, there are studies -- there have been studies to determine a range of false claims, a range of percentage of false claims; is that correct?

A. Well, let me just respond this way: To begin with, the base rate of true cases and false cases is not static. It’s not the same -- you might have different rates in 1985 than you have in 1995. You might have different rates of false alarms in

2000 than you had in 1995. Because as you're increasing public awareness, as you were doing programs with children to encourage reporting, those affect your base rates. So you can't -- that's one problem.

The second problem is the estimation of the base rates varies depending upon what criteria you've used to substantiate a case as being true or false, and so that makes it complex.

I think the important thing is to be concerned not about the magnitude of the problem, but acknowledging that there are false cases of sex abuse. There are true cases of sex abuse, and there are false denials of sex abuse. And there are true denials. That's a fact. And then we could -- to try to argue about its frequency or infrequency is counterproductive scientifically.

Q. Well, without arguing about it, let me ask you, have there been studies that have shown a false report rate somewhere between the 15 to 40 percent range?

A. Yes, I think if you looked at the survey studies, you'd see the estimates ranging from 2 percent to over 40 percent.

Q. On the one hand, the 2 percent, do you believe that those -- that the -- that that's an accurate overall number?

A. That there are 2 percent of false allegation cases?

Q. Right.

A. I do not agree with that. In 1992, there were 500,000 reports of sex abuse. There were -- in the United States. There were 128,000 that they determined were substantiated or indicated.

Now, they could be making mistakes both ways, but if you use that data, you would have a false alarm rate or a nonsubstantiated rate of over 50 percent. So you have to be very careful, you know, when you talk about some absolute rate.

Q. Who conducted that study, by the way?

A. The Center For Child Abuse/Neglect, National Center For Child Abuse and Neglect. It was based on

1992 U.S. Department of Health and Human Services data on reports.

Q. Okay. Would it be correct to say, do you feel, the actual rate of false reports is somewhere between that on the high side and 2 percent on the low side?

A. Well, I think that’s way -- here’s my problem: I think that you have to look at the context in which you’re trying to evaluate the report. So you have a different rate of false alarms when you’re looking at a divided family issue. So someone going through a divorce, that rate would be higher than the general population rate.

The rate of false alarms would be lower when a child is left to their own devices than it would be if the child was subjected to external influences by someone in a position of authority.

So you can’t just take a rate out here as an absolute rate. You have to look at what are the contexts in which those classes of cases occur.

Q. All right. Let’s talk about the person in position of authority. Would that include a mother?

A. Could well include a mother.

Q. Now, there are different types of false claims; is that correct?

A. Yes.

Q. Can you describe the types of false claims?

A. One type, which is more often seen with the three- to six-year-olds than the older-aged kids, is a circumstance where the child has a genuine but mistaken belief. So the child believes what it is they’re telling you, they’re just incorrect. That’s one type of false belief.

Q. Ah -- go ahead.

A. Another type of false belief is an older child who is reporting a belief that something happened in the fore-distant past. So a 12-year-old is telling you about an event that happened when they were three. The 12-year-old may believe that, but they could be incorrect. So that’s the second type.

You have a type where if the event under investigation is vague, so that the actions are not distinct and complex, that can be subject to confusion. So a witness could have a genuine belief, but because of the simplicity or vagueness of the event, that belief could be mistaken.

The other category is where the child is being deceptive, either by omission or commission, meaning the child is saying this did not happen, when, in fact, it did, as being deceptive by omission, not telling you. Commission would be telling you something that they know is not correct.

Q. Now, let me ask you about that last category. Would that be an intentional false claim?

A. Yes.

Q. All right. And do intentional false claims occur most often in a particular age group?

A. Ten and up.

Q. Now, is this still relatively rare if the child is left to his or her own devices?

A. Yes, in the absence of external influences, the base rate with which a child, on their own, would come up with a false allegation would be significantly lower than it would be in the absence -- or in the presence of external influences.

Q. So in a situation where a parent was pushing the child to make a false claim for gain, would that be a circumstance under which an intentional false claim might be found?

A. Yes.

Q. Now, is there anything that -- any other factors that would affect that, such as the truthfulness, the general truthfulness of the parent or the person who is in a position of authority?

A. I don’t believe scientifically we’ve figured out yet how to separate valid from invalid accounts based upon what a child or adolescent may tell you alone, without considering other types of evidence. We haven’t been able to figure that out.

Having said that, the -- and the other concern is, is that there’s a point where children come to know the power of certain statements or information. So there is circumstances where they can understand that and use that for manipulation. You would want to look at the environment, the world of that child. You'd want to look at what are the ethical standards of the caretakers, what is their customs, what's their belief about the importance of forthrightness, or, in the alternative, lack of forthrightness. The primary influence on forthrightness or integrity comes from children watching how their parents conduct themselves.

So if you want your child to have a good work ethic, you have one. If you want your child to be forthright, you try to be forthright. So it has a powerful influence. You want -- you'd want to look carefully at the environment of the child.

Q. So that environment would include whether or not the parents or parent that is in the child's environment is a truthful and forthright person; is that correct?

A. Whether or not they have a character of being accurate and candid and forthright about important matters.

Q. And basically, if they don't have that character, if they aren't forthright about important matters on a regular basis, that could increase the chance that a child, age ten or older, could engage in intentional false claims?

A. Well, it lessens the child's appreciation for forthrightness. It provides them an opportunity to model behavior where you may decide not to tell the truth because it suits your purposes. So it would increase the likelihood that a child may adopt that type of pattern in their relationships.

Q. Now, is it possible that false claims can occur in situations where there is a motive on the part of the influential adult?

A. Yes. It's very important to look at the context of the original outcry, look at the key players, and look to see whether there exists any stake in the outcome or any potential gain by people who are significant in the child's world. You'd want to rule that out as a matter of investigative

course.
Q. And would financial gain be a potential motive on the part of the influential adult?
A. Could be.
Q. And a desire to seek retribution against somebody on the part of the influential adult?
A. Could be.
Q. Would that also be a motive?
A. Revenge.
MR. SANGER: Okay. Thank you. I have no further questions at this time.

CROSS-EXAMINATION
BY MR. ZONEN:
Q. Doctor, you mentioned a -- good afternoon. Excuse me.
A. Hi.
Q. Doctor, you mentioned that there was -- am I on?
Okay. You mentioned there was a study that you had reviewed that talked about 500,000 different accusations in a period of time and only so many substantiated. Do you have that study with you?
A. I don’t have the study. I have the citation.
Q. You didn’t bring the study with you?
A. No.
Q. Would you tell us the citation on that, please?
A. Yeah, it was published by The National Center For Child Abuse and Neglect, 1994. It covered the reporting period of 1992. The data came from the U.S. Department of Health and Human Services statistics on child maltreatment. So there was physical abuse, emotional abuse and sex abuse, reported incidents in that data.
Q. We’re not talking about exclusively sexual abuse, then?
A. No. I think there were 200 and -- 2.8 million cases reported. Of that 2.8 million, 500,000 were sexual maltreatment.

Q. And when you talk about validated or substantiated, what do you mean?

A. They were simply whoever did an investigation, the investigative agency classified them as indicated or substantiated, or not indicated or not substantiated.

Q. If a child makes an allegation of sexual abuse and then recants it, would that be indicated, substantiated or otherwise?

A. I don’t know whether they would substantiate it and then remove it. I have a problem with the concepts “substantiate” and “indicated,” because I think there’s errors on both using that concept. It’s a concept that was developed out of Protective Services, which is reason to believe, but there’s a lot of errors both ways when you look at what criteria they’re using for, quote, “indicated,” or, quote, “substantiated.”

Q. It’s hard to make sense of such a figure if we don’t know what exactly it is they do to substantiate an accusation, right?

A. That’s correct.

Q. Would it be fair to say that the substantiation of those accusations would be different depending on whether they’re sexual abuse, physical abuse or emotional abuse?

A. Yes, I would put very little stake in that data, because it didn’t define ground truth sufficiently. I would not put any data on saying, well, that means there’s 128,000 true cases, and the balance false. I think that would be incorrect. So how I use it was to show the extremes of the estimates --

Q. Okay.

A. -- and the limitations of the estimates.

Q. You view the 2 percent rate to be a little bit silly?

A. Yes.

Q. And you view the 50 percent rate to be a little bit silly?

A. I would view it that way, yes.

Q. It’s somewhere in there, but nobody knows quite where; is that right?

A. Again, left to their own devices, I would say with children below 13 it would be a lot less.

Q. And in -- you mean false accusations?

A. Yes.

Q. Do you believe that they are -- there are fewer false accusations the younger the child goes?

A. Six to ten, left to their own devices, I think the rate of false alarms, where that child would come up with it on their own, would be very low, compared to the 13-plus group or the 3 to 6 group. With the 3 to 6 group, I don't believe the majority are intentionally lying. I think they may have mistaken beliefs due to concerns of suspicions on the part of people that have influence on them.

Q. All right. Doctor, in terms of disclosures, you agree with Dr. Urquiza that you really can't draw any conclusion from a child reporting late; is that right?

A. Yes.

Q. We're talking about reporting allegations of sexual abuse?

A. Correct.

Q. And is it a true statement that most children never report?

A. Well, if they never report it, we wouldn't know they were abused. So I think that the more accurate statement would be there are a number of people that wait an awfully long time to come forward. They may not come forward during their minority. If they never come forward, we wouldn't know whether they were abused or not.

Q. But are there figures that speak in terms of the numbers or percentages of occasions that victims of childhood sexual abuse report, either during their adolescence, during their teen years, during their young adult years or at any time during their adult years?

A. Yes.

Q. And are those figures such that you're able to say that there are substantially large numbers of people who never report, ever?

A. I think it would allow you to say -- to estimate there would be a sizable number that do not share that with another person.

Q. I mean, we can't conclude that the number of people who ultimately do report stand for the entire population of those who have ever been abused; is that correct?

A. No, that's right. And I agree. I think we agree. Given the fact that a sizable do not report as children but report later in life, would allow you to assume there's also a sizable number that haven't reported yet.

Q. And you would agree with Dr. Urquiza when he says that the time and even the manner in which one discloses is not necessarily reflective of whether -- of the truth of the allegation?

A. Yes.

Q. And in fact, children often report in piecemeal. They'll give a little information now, and a little information later, and more information after that. Would that be true, that's not unusual?

A. I would agree with that if, by that, you're talking about that they don't tell you everything there is to tell you on the initial disclosure.

Q. Uh-huh.

A. I would agree with that.

Q. And that kids don't necessarily know what's important to tell or not to tell?

MR. SANGER: I'm going to object. It's vague, because -- as to the age of the kids.

THE COURT: Overruled.

Q. BY MR. ZONEN: Go ahead.

A. I think what they would view as important would not be the same as what we may view as important.

Q. And that's the distinction that you made when you told us that children from about ten on have memories that are fairly comparable to adults?

A. Event memories.

Q. Event memories, yes. But they don't necessarily know what's important to say?

A. That's correct. They -- they're less capable of giving meaning to the event as it's occurring.

Q. All right.

A. And they're less capable of determining how important it may be to tell versus not tell. And they become indecisive, so they don't take any action because they're -- you know, when I talked about their capacities, it was for event memory, not understanding and developing a strategy for their own best interest.

Q. And, Doctor, sometimes it's dependent upon age and gender of the child in terms of the likelihood that they would be disclosing at all; would that be correct? Those are factors to weigh in consideration?

A. Yes.

Q. All right. And if you're talking about a male adolescent child and a male offender, that could be very difficult for a child to reveal that kind of abuse; is that correct?

A. Do you mean a male offender or a -- a male offender, male victim?

Q. Male offender, male victim, male adolescent victim.

A. Yes.

Q. And by "adolescent," we're talking about, you know, age 10 to 13, 14, around there.

A. Yes.

Q. And one of the reasons that that's particularly difficult is because of the stigma of being labeled homosexual; would that be correct?

A. Yes.

Q. And in fact, children from 10 to 14 really do appreciate the significance of that label, don't they?

A. I think they appreciate by third grade.

Q. All right. So --

A. So you have a greater denial rate on validated cases with males than females.

Q. All right. An adolescent child walking up to another boy in the school ground is not particularly inclined to tell that other boy or group of boys that they were molested by a man; would that be true?

A. I would agree with that.

Q. All right. Now, Doctor, in assessing

credibility of victims, I mean, one of the things you do is just look at what they say, right, see if it makes sense?

A. You would want to examine how the information was obtained and the different categories of details --

Q. Uh-huh.

A. -- to the statement.

Q. Uh-huh. You’d want to see if those interviews are tape-recorded, would you not?

A. Yes.

Q. Because that would tend to resolve a lot of questions about what exactly was said or not said to the child?

A. Help you do a systematic analysis of that interview.

Q. And, Doctor, when we’re dealing with compliant victims particularly, you’re looking to the extent of the relationship between the victim and the offender; is that right?

A. Yes.

Q. All right. I mean, as opposed to a victim who simply comes upon an offender on the street and is forcibly abducted or forcibly molested. Those are different kinds of cases, are they not?

A. Yes.

Q. And in dealing with compliant victims, there’s usually a relationship that exists or occurs or is developed between the offender and the victim?

A. Yes. You’re talking about outside of the sexual elements?

Q. Yes.

A. Yes.

Q. Yes. And that relationship establishes or the activities that lead to that relationship are what allow this act to take place, is that correct, the sexual act?

A. If the person -- if the acts were intentional, purposeful, then there would be -- it would be quite usual for there to be aspects to the development of the relationship, the development of other aspects to it, that would set the stage for the sexualization of it and potentially lessen the probability of disclosure.

Q. Yes. Children around the age of, oh, 9 to 13, are really not inclined to engage in sexual activity with an adult unless they've been groomed for it; would that be correct?

MR. SANGER: I'm going to object. That's beyond the scope of the direct.

THE COURT: Sustained.

MR. ZONEN: I believe that what leads to these acts are exactly what was asked in direct. Certainly in the context of the activity and evaluating it.

MR. SANGER: I would object to speaking responses.

THE COURT: Sustained.

Q. BY MR. ZONEN: Doctor, would you expect that, in dealing with a compliant victim or a victim who knows the person and has some level of relationship, that if a child tells you that he was befriended by this person, that would certainly be consistent with establishing that kind of relationship; is that right?

A. Correct.

Q. If the child tells you that he or she has spent a great deal of time with that person, perhaps an inordinate amount of time than one might expect an adult to be spending with a nonrelated child, that would be consistent with the establishment of that type of relationship; is that right?

A. Could be.

Q. If a child tells you that he or she was given gifts or privileges beyond what an adult would normally give a child, that would be consistent with the establishment of this type of relationship; is that right?

MR. SANGER: I'm going to object. This is beyond the scope of direct.

THE COURT: Overruled.

Q. BY MR. ZONEN: Is that correct?

A. I would agree.

Q. All right. If the gifts are particularly personal in the sense of a gift of something that's literally taken off the person of the adult, a watch or jacket, and given to the child, that they may then put it on themselves, that’s a particularly personal gift, that could be consistent with the development of that kind of relationship; is that right?

MR. SANGER: I’m going to object to the relevance; “could be consistent.”

THE COURT: Overruled.

Q. BY MR. ZONEN: You can answer.

A. The greater -- the greater the value of the gift to the recipient, to the child, the more persuasive the gift would have, the more persuasiveness.

Q. Taking a child to fun places and occupying that child’s time with fun events would be consistent with the development of that type of relationship; is that true?

A. It could.

Q. Giving a child money would be consistent with that, would it not?

A. It could.

Q. Having a child share intimate moments with the adult such as, oh, staying in his room for long periods of time, would be consistent with it, would it not?

A. It could be.

Q. Having a child share a bed with the adult would be consistent with the establishment and creation of that type of relationship, would it not?

A. Could be.

Q. Getting a child’s parents to trust the person, making efforts to really become close to the child’s parent and even telling them that they have to trust the person would be consistent with that, would it not?

A. Could be.

MR. SANGER: I’m going to object. This is speculative and -- at this point.

THE COURT: Overruled.

Q. BY MR. ZONEN: Allowing a child to do grown-up things, such as drinking or swearing, would be consistent with the establishment of the kind of relationship that would sexualize a child or reduce inhibitions; would that be true?

A. It would develop a specialized relationship. Yes, I would agree with that.

Q. Okay. Hugging a child, kissing a child, I don't mean in a sexual way, but just allowing a child to become comfortable with physical contact, so touching a child and kissing a child more frequently than what an adult would do with a nonrelated child, that could be consistent with the establishment of that kind of relationship; is that right?

A. It could.

Q. Letting a child stay up late or even up all night long?

A. Again, if it was a special entitlement or a special privilege, that could relate to the process.

Q. Undressing or being naked in front of a child is a way of sexualizing a child; is that right?

MR. SANGER: I'm going to object. That's beyond the scope of direct.

THE COURT: Sustained.

Q. BY MR. ZONEN: Showing a child sexually graphic material is a way of sexualizing a child; is that right?

MR. SANGER: Objection; beyond the scope of direct.

THE COURT: Sustained.

Q. BY MR. ZONEN: Well, Doctor, wouldn't you want to look at statements of children who talk about, or who complain of being victims of sexual abuse and who would fit into the category of the compliant victim, wouldn't you want to see if, in fact, there is that kind of a relationship that had been established that would accommodate the commission of those kinds of acts on a child?

A. Yes, you'd want to look at that within the investigation, both with information you may have obtained from the child and other sources of -- to see whether or not there was materials that were sexually toned.

Q. Because it’s exactly that type of behavior that allows a child to be party to those types of behaviors; is that right?

A. Well, it would -- it could serve to desensitize the child to sexually toned materials that could lead to more sexually toned acts.

Q. And it’s that type of behavior that would, to the greatest extent possible, guarantee that a child would not report those types of events; is that true?

MR. SANGER: I object to that question. It’s ambiguous and argumentative.

THE COURT: Overruled.

Q. BY MR. ZONEN: Is that true?

A. To the extent that the child comes to perceive they were a party to it and had a stake in it, it could -- it could lessen their motive to report.

Q. Children don’t always understand what is happening to them when they are being subjected to sexual behavior by an adult, do they?

A. No, but what I was trying to point -- the point I was trying to make is if they come to think they’ve got some responsibility, so they’ve gone along, and if they’re aware that that would not be sanctioned by, say, the parents, then if they then participated, they may have a motive to not disclose out of fear of consequences for themselves.

Q. Is that unusual, that a child would have or experience some level of self blame; that they would think that they’re responsible for what happens?

A. No. That’s not uncommon.

Q. That’s not uncommon. Okay.

A. When the -- when the participants are known to each other, it would be less common if it would be a stranger assault circumstance.

Q. Doctor, is it your expectation that a child who has been molested would immediately report that molestation to that child’s parent, mother or father?

A. No.

Q. In fact, isn’t it the case that the parents are often the last ones to know; that they don’t want their parents to know?

MR. SANGER: Objection, Your Honor, it's argumentative.

THE COURT: Overruled.

You may answer.

THE WITNESS: Okay. With ten and up, I would say that the like -- with younger-aged children, the more likely to go to parents. They may not know they've been abused; that -- they may not appreciate the circumstances. I think the older-aged kids are more likely to go to a friend, not the parents.

Q. BY MR. ZONEN: Are children concerned about not being believed?

A. Yes, if they --

MR. SANGER: Objection. That's ambiguous as phrased; overbroad.

THE COURT: Sustained.

Q. BY MR. ZONEN: Are children concerned that they will not be believed if they disclose that they have been molested?

A. The older-aged children, I would agree with that statement.

Q. By "older-aged," are you referring to ten and older?

A. Eight and up for that question.

Q. That's one of the issues that they deal with, "Will I be believed?" in terms of whether or not to come forward with this disclosure?

A. Correct.

Q. And if the person who committed these acts, if that person is a respected person in the community, highly regarded person in the community,

do children intuitively understand that and understand that that factors into the question of whether or not they'll be believed?

A. The older children, yes. The younger -- the children below age, not as willing. Over ten, I think they can appreciate -- they can weigh that possibility clearer than the five-year-old can.

Q. Are children concerned, even at age eight, with the stigma of sexual abuse?

A. Yes.

Q. And does that factor into their decision as to when to disclose?

A. Yes.

MR. ZONEN: I have no further questions.

REDIRECT EXAMINATION

BY MR. SANGER:

Q. Okay. As a scientist, you were asked a bunch of questions there that started out, “Could it be consistent with.” Do you understand what those questions meant? In other words, “consistent with”?

A. Well, could you see it occurring in a particular case; not see it in another case.

Q. In other words, if somebody says, is it consistent with somebody going into a 7-Eleven and committing an armed robbery in broad daylight, is it consistent with that that the person got up in the morning, the answer would be, “Yes,” wouldn’t it?

A. That’s correct.

Q. “Consistent with” questions prove too much, don’t they?

MR. ZONEN: I’ll object as argumentative.

THE COURT: Sustained.

MR. SANGER: Okay.

Q. What Mr. Zonen asked you about, taking people to fun places, does that mean if a person takes children to fun places that they are therefore molesters?

A. No. And that’s why you have to be quite careful when you develop investigative leads which would come from patterns of conduct that might have that motive, because -- but you don’t want to base your determination about whether a crime’s occurred based upon what might be consistent with.

You could have a Boy Scout leader or a Little League coach that was a pedophile, a predatory pedophile, that was seeking opportunities to exploit those kids that were under their care. You could also have a wonderful human being that was trying to shape the personality development of those kids.

And you have to be pretty careful, because you -- you know, there’s things to be -- to take note of, but they don’t constitute the kind of corroboration that allows you to have increased certainty about whether a sexually motivated act has occurred.

Q. There are people who are just nice, caring, loving people who love children; is that right?

A. That’s correct.

Q. And they’re not molesters, right?

A. That’s correct.

Q. All right. Now, you indicated in response to some of the questions of the District Attorney that children may make one kind of report or another kind of report. Again, the question is whether or not the actual event occurred; is that correct?

A. Yes.

Q. Now, you were asked about some indicators. Let me ask you about some other indicators. You were asked about some specific things that I stayed away from, but I’m going to ask you now in response to the D.A.’s questions.

If a child who is in that age of 10 to 14 were to report that his grandmother told him that he had to masturbate, because boys get to a certain level, and if they --

MR. ZONEN: I’m going to object as exceeding the scope of direct examination; assuming facts not in evidence.

THE COURT: What’s the direction here?

MR. SANGER: I’m going to ask if that statement has been made consistently, under oath and then in prior statements and then in court, the defendant is accused of making that statement, is that consistent with children directly lying?

THE COURT: All right. I’ll sustain the objection.

MR. SANGER: All right.

Q. When you look at the category of cases where there’s a potential for intentional false statements - okay? - because I know you’ve told us about everything else, but let’s just focus on intentional false statements by minors - are the factors that you want to look at, do they include whether or not a minor makes a directly contradictory statement about something that was said or done?

A. Yes.

Q. And when you look at intentionally false claims cases, is it important to look to see whether or not the parents of that minor engaged in a long course of deceptive and lying behavior?

A. Yes.

Q. And would it be important to look at whether or not the parents of that minor child actively engaged the minor child in supporting them in their deceptive behavior to people?

A. Yes, that would be particularly important.

MR. SANGER: Okay. Thank you. No further questions.

//

RECROSS-EXAMINATION

BY MR. ZONEN:

Q. But Mr. Sanger asked you about nice people who generally love -- genuinely love children as being people that would tend to do the types of things that I read to you earlier.

You would not include among that category, nice people who genuinely love children, those who show children sexually explicit material, would you?

A. I would not.

MR. ZONEN: Thank you. No further questions.

MR. SANGER: And I have no further questions, Your Honor.

THE COURT: Thank you. You may step down.

THE WITNESS: May I be excused, Your Honor?

THE COURT: You're not excused. You may step down. You are to remain on call until the completion of this trial --

THE WITNESS: Okay.

THE COURT: -- which is not very much longer.

THE WITNESS: Thank you, sir.

MR. SANGER: But he may go --

THE COURT: He certainly may go back to

Arizona. He remains on call.

THE WITNESS: Thank you.

THE COURT: Call your next witness.

MR. MESEREAU: The defense will call Mr. Julio Avila.

THE COURT: When you get to the witness stand, please remain standing.

Face the clerk here and raise your right hand.

JULIO AVILA

Having been sworn, testified as follows:

THE WITNESS: Yes.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name's Julio Avila. Julio, J-u-l-i-o. Avila, A-v-i-l-a.

DIRECT EXAMINATION

BY MR. MESEREAU:

Q. Good afternoon, Mr. Avila.

A. Good afternoon.

Q. Mr. Avila, where are you employed?

A. Neverland Ranch.

Q. And how long have you been working there?

A. About four years and six months, seven months.

Q. What kind of work do you do there?

A. Right now I'm working as security.

Q. And what other jobs have you had at

Neverland?

A. I worked in the park.

Q. What did you do?

A. I was a park operator.

Q. Okay. Is that the amusement park?

A. Yes.

Q. What were you doing as an amusement park operator?

A. Maintenance, run the rides for guests, and run the small trains.

Q. Any other jobs you've had at Neverland?

A. No, those are the only two.

Q. Those two?

A. Yes.

Q. And currently you’re in security?

A. Yes.

Q. What do you do in the area of security?

A. I work in the night shift. On the night shift we just do our perimeter checks, walk around the property to make sure everything is good.

Q. And do you know the fellow seated at counsel table to my right?

A. Yes.

Q. Who is he?

A. That’s Mr. Jackson, my boss.

Q. Okay. Do you recall ever meeting a family by the name of Arvizo?

A. Yes.

Q. And when do you think you first met them?

A. I met them maybe a couple of months after I started working there. It was maybe like -- like five months after they had, like, the blood drive.

Q. And approximately when do you think that was; do you know?

A. I’m guessing maybe like -- like in December, January of 2000, I think. No, January 2001.

Q. Now, you mentioned a blood drive. What blood drive are you talking about?

A. I think it was a blood drive that they had for Gavin.

Q. Did you participate in that?

A. No, I started working maybe, like, three weeks after that.

Q. Okay. So when you first met -- let me rephrase that.

Did you meet Janet Arvizo at some point?

A. Janet. I met her, but I hardly talked to her.

Q. Did you ever meet Gavin Arvizo?

A. Yes.

Q. And do you recall when you first met him?

A. It was like a regular guest. Comes to the park and wants to ride some rides.

Q. Did you meet Star Arvizo?

A. Yes.
Q. Where did you meet him?

A. In the park.
Q. How about Davellin Arvizo?
A. Same. In the park.
Q. Met her in the park, too. And that’s the amusement park, right?
A. The amusement park, yes.
Q. When you first met Gavin Arvizo, what was he doing?
A. When I first met him, he -- I think he drove up on, like, one of the golf carts that the guests use, and just came up and he wanted to run some rides, so I run some rides.
Q. Now, did he just come up to you and ask you to let him on the amusement rides?
A. Yeah. They’ll come up and they just say, “I want to get on” -- “on the Ferris wheel.” “Okay.” So I’ll go over there and I run it for them.
Q. If there aren’t a lot of children at Neverland, can whoever is there just come up to you and ask you if you’ll turn a ride on and let him do it?
A. If he could turn them on himself?
Q. No, if you will.
A. Oh, yes, yes.
Q. Typically if there aren’t a lot of children on the rides, will a child come up to you and say, “Could you please start the Ferris wheel,” or “Could you please start the carousel,” that kind of thing?

A. Yes.
Q. And normally would you try and accommodate them?
A. Yes.
Q. And what hours were you working when you were working in the amusement park?
A. Usually there’s two shifts. Usually I would work the 7:00 to 3:30, and sometimes I would switch off from like 1:30 to 10:00. The park usually closes at ten o’clock.
Q. Okay.

A. The amusement park.
Q. Okay. Now, did you operate some rides for Gavin?
A. Yes.
Q. Did you operate some of the rides for Star?
A. Yes.
Q. How about Davellin?
A. Yes.
Q. Okay. And what rides did you observe them to be on?
A. They were mostly on the big rides, which was The Zipper, The Spider, the Ferris wheel, Sea Dragon, the bumper cars, and the swings.
Q. How many times do you think you accommodated Gavin when he wanted to get on an amusement park ride?

A. Wow. A lot. Numbers, like 60, 70, 80. A lot of times.
Q. And how many times do you think you accommodated Star Arvizo when he wanted to take a ride?
A. About the same.
Q. And how many times do you think you accommodated Davellin Arvizo when she wanted to get on one of the rides?
A. About the same.
Q. All right. Now, did you have a chance to observe the behavior of Gavin on those rides?
MR. AUCHINCLOSS: I’ll object. Vague as to time.
MR. MESEREAU: I’ll rephrase.
THE COURT: All right.
Q. BY MR. MESEREAU: At any time did you have a chance to observe Gavin on those rides?
A. Not really in the beginning to observe him, because they were just regular guests that would come, and then they would just leave somewhere else after they were done with the rides.
Q. But did you ever see them do anything that bothered you?
A. At first, no.
Q. At any time?
A. After a while, they would -- you know, they

would -- their behavior would get like more - how

can I say it? - confident to do other stuff that we didn’t approve of.

Q. What didn’t you approve of that they did?

MR. AUCHINCLOSS: Objection; relevancy.

THE COURT: Overruled.

THE WITNESS: Like spit at myself and a co-worker. Stuff like that. Like when they would be on the rides, they would, you know, either spit at us when we were -- like on The Wave Swinger, when they would be all the way on the top, they would spit at us down, take off their shoes and throw it at us. Stuff like that.

Q. BY MR. MESEREAU: Did you see Gavin do that often?

A. Yes.

Q. Did you see Star do that often?

A. Yes.

Q. Did you ever see Davellin do anything like that?

A. No. She -- no.

Q. You said they dropped things from the rides?

A. Yes.

Q. What did they drop?

A. It was mostly like when they would throw stuff. That would be their shoes. Their shoes, and they would spit and stuff like that.

Q. Did you see them spit on you?

A. Yes.

Q. Did you see them drop shoes on you?

A. Yes.

Q. Now, what did you do -- excuse me, let me rephrase that. What was your response to Gavin and Star spitting on you?

A. I would just tell them to stop or I wouldn’t run any rides for them.

Q. And did they seem to respond to your statements?

A. Yes. When I would tell them to stop, they would.

Q. And what was your response when they’d throw their shoes at you?

A. Same thing. I would tell them to stop, and they stopped.

Q. Did you ever see them spit on anyone besides yourself?

A. Yes. My co-worker.

Q. Who was your coworker?

A. His name is Javier Velasco.

Q. And did you ever see them throw shoes at anyone else?

A. On anyone else, no.

Q. Was there any time of day that you would tend to operate the rides for Gavin and Star?

A. What was that again?

Q. Was there any particular time of day when you tended to operate the rides for the Arvizo children?

A. Just whenever they would get there. Sometimes they would get there early. You know, then they'd leave. A couple hours later they would come back. So just whenever they would want to ride the amusement park, we would run the rides.

Q. You mentioned one other employee, Mr. Velasco, right?

A. Yes.

Q. To your knowledge, did any other employees complain about the Arvizo children's behavior in the amusement park?

A. I'm not -- maybe the other co-workers that work in the park, they seen stuff like that. But the ones that interacted more with them was myself and Javier Velasco.

Q. Did you ever see Gavin and Star operate one of the rides themselves?

A. Yes.

Q. And describe what you're talking about, please.

A. I was running The Zipper, which is at one side of the park, and -- and then when I looked to the other side of the park, I noticed that the swing was running and I was the only one there. So I had to stop this ride and run over to the ride that was running and figure out what was going on, and I guess Star was turning on the rides by himself

without any supervision of an employee.
Q. So what did you do in response?
A. I just stopped it right away, and I told them, “You can’t be doing that, because it’s” -- you know, “someone could get in an accident.”
Q. Did you actually see them begin to operate that ride?
A. No, but when I was getting there, he was sitting down in the control panel.
Q. Where is the control panel in relation to the actual ride?
A. It’s right in the middle of the ride. So the swings are going, and he’s like in the middle. The control panel’s right in front right here.
Q. So was he sitting down in the control area?
A. He was sitting down, yes.
Q. And operating the ride?
A. Yes.
Q. Was anyone actually riding on the ride --
A. Yes.
Q. -- while he operated it?
A. The sister was on the ride.
Q. So Davellin’s on the ride, and Star is operating it at the control panel?
A. Yes.
Q. Did you see Gavin anywhere at that point in time?
A. No, not at that moment.

Q. Okay. Did you determine how long Star had been operating that ride on that occasion?
A. About -- maybe like 30 seconds before I got there.
Q. And where did you have to come from to stop that behavior?
A. I was running The Zipper, which is, let’s see, about maybe like 60, 70 yards away.
Q. Okay. Did you -- excuse me. Let me rephrase that.
Is there a part of Neverland called the control room?
A. Control room, yes. That’s a room that turns on all the lights -- well, most of the lights for

the amusement park.
Q. And where is the control room located?
A. It is -- as soon as you come in towards the park, it’s by, like, a tree, castle kind of thing, like treehouse, and it’s right under that.
Q. And what does the control room look like?
A. There’s some stereo equipment and then there’s a lot of breaker boxes that turn on the lights.
Q. Is the control room a big area?
A. No. It’s maybe like -- like from right here to like right there, something like that. It’s kind of small.
Q. And how do you get into the control room?

A. There’s a door that -- you open up a door and you just go right in.
Q. Is the door ever locked?
A. When we’re there it’s open all the time. But when we leave, we lock it.
Q. Okay. And how do you lock the door to the control room?
A. It’s just a simple knob, you know. Hit the switch and close it.
Q. Do you have a key?
A. Yes.
Q. Okay. Does anyone else work in the amusement area with you?
A. That has a key?
Q. Yeah. Does everybody have a key to that?
A. Yes.
Q. Is that everybody who works in the amusement ride area?
A. It’s -- amusement ride area and security has one key.
Q. Now, when you’re operating those rides, you say you leave the door open?
A. Yes.
Q. Okay. Are you generally far away from that control room door?
A. No, it’s usually pretty close.
Q. Okay. So you’re not far away from it when you’re doing your work in the amusement park, right?

A. Oh, no, no.

Q. Okay. Did you ever have a chance to find Star Arvizo in the control room?

A. Yes.

Q. Please explain what you mean.

A. Well, I was using the telephone and -- well, then Star or Gavin would just know where to find us sometimes. When they couldn't find us -- when they couldn't find us around the park, they would check the control room, if we were there.

Q. Did you have a chance to watch Star's behavior in the control room?

A. Yes.

Q. What did you see?

A. He was writing on the control room, like on the -- by where the phone's at, the words, "You suck dick."

Q. You saw him write that?

A. Yes.

Q. And what time of day was this?

A. Mid-afternoon.

Q. And did you walk into the control room and see him doing this?

A. When I was using the phone, he was doing it. And when I turned around and saw, I asked him, like, "What are you doing?" You know, "You can't be writing that kind of stuff here."

And he kept on doing it. And when he was done, I just kind of like, with another pen, just kind of went over it, take out the words.

Q. Did you say anything to him?

A. Yeah, I told him not to be writing that kind of stuff here.

Q. Did he say anything back to you?

A. No, he just laughed.

Q. Did he leave the control room after that?

A. Yeah.

Q. Okay. Was that the only time you ever saw him in the control room?

A. He would go some other times, like, too, but he wouldn't write anything no more.

Q. Okay. Now, did you ever see Star with any adult magazine?

A. Yes.

Q. Explain what you saw.

A. Like one time in The Zipper, in the control panel, which is -- the ride's here. The control panel's right in front to run the ride. There was a magazine in there. And then Star came up and he saw it, he's like, "Oh, that's mine."

Q. And did he tell you where he got the magazine?

A. Yeah, he said he brought it from home.

Q. From his home?

A. Yes.

Q. What did you see him do with that magazine?

A. He was just looking at it. And when he would, you know, walk away, he would just stash it like in the pant area, like tuck it in.

Q. Did you ever see him put it anywhere to hide it?

A. Not put it, but I would find -- I found it in The Zipper and I think someone else from the park found one like where the swings are at.

Q. Okay. And did they say anything to him, to your knowledge?

A. To my knowledge, no. I don't know.

Q. Yes. Now, after he told you he brought it from his home --

A. Uh-huh.

Q. -- what did he do with the magazine?

A. He was just looking at it. And then I'm like, "Well, you know what? Just put it away, because there's" -- you know, "There's other guests here, and just don't be bringing it to the park."

Q. And what part of the park did you find Star with the magazine he said he brought from his home?

A. Where The Zipper's at, which is closer to the -- to like where the theater area is at.

Q. Was Gavin with him at this point in time?

A. No, not at that point.

Q. Was Davellin with him at this point in time?

A. I think she was.

Q. And what were they doing when you caught Star with that magazine?

A. I think she was in the -- on the ride, the one I was running, while Star was looking at it.

Q. Okay. Now, which ride was she on, if you know?

A. The Zipper.

Q. Okay. So are you at the control panel?

A. Yes, I'm in the control panel.

Q. You're operating The Zipper for Davellin, right?

A. Yes.

Q. And where is Star standing at that point?

A. The control panel's here, and then there's a fence area, just like small, right here, and he was right here on this side, to the right.

Q. When you first saw his magazine, where did you see it?

A. It was -- the control panel, there's two doors that you open up, like two little black doors you open up, and it was tucked in there.

Q. And did he admit it was his?

A. Yes, he did.

Q. Did he then take it from that area?

A. Yeah, he took it away, and he started looking at it, and then he -- when I told him to put it away, he just tucked it in his pants.

Q. Now, was this sometime in the year 2003, do you think?

A. Yes, yes.

Q. Was it February or March of 2003; do you know?

A. You know what? I'm not sure exactly what month.

Q. Okay. When you talked to Star about the adult magazine, was Davellin still on the ride?

A. Yes.

Q. Had they arrived together, to your knowledge, for the ride?

A. I think she arrived first, and then she got on, and then -- I think -- because each one had different cars, I think. And when she got on, Star was right behind her.

Q. Okay. Now, you've described one incident where you caught Star trying to operate a ride --

A. Uh-huh.

Q. -- with Davellin on the ride, right?

A. Yes.

Q. Did you ever see any of the Arvizo children do that again?

A. Maybe before that, Gavin would try to start them, too.

Q. And describe what you mean, please.

A. For example, let’s say him -- Gavin, Star and his sister would come up and they would be, “I want to” -- “Can we ride The Zipper?”

“Sure.”

As we were walking, maybe Gavin was already at the control panel trying to start it.

Q. And you saw this happen?

A. Yes.

Q. What did you do when you saw that happen?

A. I told them, like, not to be doing that, because, you know, only the employees can be running the rides.

Q. Did you ever see Gavin or Star driving quads on the property?

A. Yes.

Q. And please describe what a quad is.

A. That’s a -- a quad is like a four-wheel -- like a motorcycle where you can take to the mountains and drive them around there, around the property.

Q. How fast do they go?

A. How fast do they go? Maybe like 30 miles per hour, I guess. 40.

Q. Did you observe them driving those quads?

A. Yes.

Q. What did you notice about it?

A. Destructive. Run over the grass. Just almost -- I mean, Gavin almost tried to -- like, he almost ran over, like, my co-worker, Javier Velasco. If he wasn’t paying attention, he would have gotten hit, but he was aware of how they were driving, so --

Q. And when you saw them driving like this, did

you say anything?

A. No. We did at first, but after a while they would keep on doing it, and, you know, we would just stay out of the way.

Q. Did you see the mother around while they were driving the quads in this fashion?

A. I hardly saw the mother.

Q. Did you ever see the mother at the amusement area?

A. Rarely. Maybe like once. Let's say if they were there for a week, maybe she would come down once for, like, a couple minutes and that's it.

MR. MESEREAU: No further questions, Your Honor.

THE COURT: All right. We'll take our break.

(Recess taken.)

THE COURT: Counsel?

MR. AUCHINCLOSS: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. AUCHINCLOSS:

Q. Good afternoon, Mr. Avila.

A. Good afternoon.

Q. You've worked at Neverland for about five years. Is that about right?

A. A little bit less than five years, yes.

Q. You're in security now?

A. Yes.

Q. How long have you been a security guard?

A. Like four months, five months.

Q. And you testified that the Arvizo boys became more and more rowdy as their stay increased at Neverland; is that right?

A. Yes.

Q. So when they first came there, they were -- would you say that they were fairly well behaved?

A. I would say fairly well. It was quick. They would come, get on the rides, and leave.

Q. But as they stayed there more and more, their behavior became more and more rowdy?

A. Yes.

Q. Would you say that's a common pattern among children at Neverland?

MR. MESEREAU: Objection.

THE WITNESS: Yes, among children --

THE COURT: Just -- overruled.

Q. BY MR. AUCHINCLOSS: So the longer kids stay at Neverland, the more rowdy they tend to become; is that fair to say?

A. Rowdy --

Q. Misbehaving, that type of thing.

A. Misbehaving. A little bit. Not a lot.

Q. Okay. You were interviewed about these facts by the Santa Barbara Sheriff’s Office; is that correct?

A. Yes.

Q. And during that interview, you had some problem determining whether the sheriff’s department was talking about the Cascio kids or the Arvizo kids; isn’t that true?

MR. MESEREAU: Objection.

THE WITNESS: Yes.

MR. MESEREAU: Objection; foundation.

THE COURT: Overruled. The answer is, “Yes.” Next question.

Q. BY MR. AUCHINCLOSS: All right. And the reason for that is because the Cascio kids, who stay there quite often at Neverland, are quite rowdy themselves; is that fair to say?

A. They would stay there a lot, but they weren’t rowdy.

Q. Didn’t you say they were rowdy? Didn’t you tell the sheriff’s department that they were?

A. No, they weren’t. Not the Cascios.

Q. None of the Cascio kids misbehaved?

A. No.

Q. As far as this magazine that you said was found in Star’s possession, I believe your testimony is he was standing beside you and leafing through a magazine with pictures of nude women?

A. Yes.

Q. And that was one magazine, correct?

A. Yes, just one magazine.

Q. Okay. Now, you signed a declaration in this case for the defense; isn’t that correct?

A. Yes, I did.

Q. And who prepared that declaration?

A. I think it was Eric Mason. I think he first interviewed me.
Q. A private investigator?
A. Yes.
Q. All right. Now, in that declaration, it says that Star had pornographic “magazines.” Was that a misprint?
A. That I have seen, it was just one magazine.
Q. Okay.
A. Someone else said they found one. Maybe that’s why it’s “magazines.”
Q. But you have no direct knowledge of this other magazine that was found?
A. No. Other magazines, no.
Q. So Star -- if I’m picturing this correctly, Star is standing next to you, and he’s just casually looking at this magazine?
A. Yes, I’m running the ride here, and he’s about maybe like right here, this far away, to my right.
Q. Okay. Indicating maybe about three or four feet?
A. Yeah.
Q. And just casually looking at the magazine?
A. Yes.

Q. Like it’s no big deal to look at a nude magazine at Neverland?
A. Yeah. Yeah. Well --
MR. MESEREAU: Objection; assumes facts not in evidence.
THE COURT: Argumentative.
MR. MESEREAU: Argumentative.
THE COURT: I’ll strike it. Sustained.
MR. AUCHINCLOSS: Okay.
(Laughter.)
Q. BY MR. AUCHINCLOSS: So let’s move on to the -- well, before we move off that subject, is it -- did you know that Mr. Jackson kept nude magazines at Neverland?
MR. MESEREAU: Objection; foundation.
THE COURT: Overruled.
THE WITNESS: No.
Q. BY MR. AUCHINCLOSS: Didn’t you tell the

sheriff's department that you had knowledge that Mr. Jackson had nude magazines at Neverland?
A. No. No. No.
Q. You're sure about that?
A. Yeah.
Q. Didn't you tell Detective Vic Alvarez that this magazine might have come from Mr. Jackson?
MR. MESEREAU: Objection; misstates the evidence.
THE COURT: Overruled.

THE WITNESS: No.
Q. BY MR. AUCHINCLOSS: As far as this ride that was started by Star, you said that you were in a different part of the park?
A. Yes.
Q. And you were operating The Zipper?
A. Yes.
Q. Didn't you also state in one of your interviews that the Arvizo children were the only three children at Neverland during that time?
A. There was times that they were. And then there was times that, you know, after a day or two, there was more people there.
Q. But didn't you specifically state that during this incident that Star operated the swing ride, the Arvizo children were the only three children at Neverland? Didn't you specifically state that?
A. I can't remember if I specifically said it, but I know that it was -- it was them three that were there during that time.
Q. So they were the only three at the amusement park at that time?
A. At the amusement park, yeah.
Q. Why were you operating The Zipper if the Arvizo children were the only three people at Neverland and they were in a different part of the park?

A. Well, they were in the park. They -- you know, they split up. Let's say one wants to ride on this ride, one wants to ride on this ride. Okay, "Well, let me go run this ride first," and then if there's, you know, one person, two other -- the other two people are somewhere else. I don't know where they're at.

Q. Well, didn't you just say Gavin wasn't anywhere to be seen during this time; he wasn't around?

A. When was this at?

Q. When Star and Davellin were over on the swing ride and Star was operating it.

A. No, Gavin was not -- when Star started the ride, Gavin was not there.

Q. Gavin was not at the amusement park at that time?

A. I don't know if he was in the amusement park, but I didn't see him there where the swing was at.

Q. Okay. So do you know who was on The Zipper at that time?

A. The Zipper -- what time?

Q. During the time that Star was operating the swing ride.

A. Okay. You know what? I'm not sure.

Q. Okay. Now, do these rides have keys that prevent their operation by children?

A. Some do.

Q. And there are very young children that stay at Neverland; is that correct?

A. Yeah.

Q. And the swing ride does have a key, correct?

A. The swing ride has a key, yeah, I think it does.

Q. Didn't you tell that to investigators, that it had a key?

A. Yeah, I think it has a small key on the left corner.

Q. So don't you remove those keys when those rides are not being operated?

A. No.

Q. You just leave the keys there, and if someone comes up and operates them, you'll try and stop them, I guess?

A. Yeah.

MR. AUCHINCLOSS: Thank you, Mr. Avila. I have no further questions.

MR. MESEREAU: No further questions, Your Honor.

THE COURT: Thank you. You may step down. Call your next witness.

MR. MESEREAU: Yes. The defense will call Ms. Lessie Dean Wraggs.

THE COURT: When you get to the witness stand, please remain standing.

Face the clerk here and raise your right hand.

LESSIE DEAN WRAGGS

Having been sworn, testified as follows:

THE WITNESS: Yes, I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name is Lessie Wraggs. Lessie Dean Wraggs. It’s L-e-s-s-i-e, D-e-a-n, W-r-a-g-g-s.

THE CLERK: Thank you.

MR. MESEREAU: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. MESEREAU:

Q. Good afternoon, Miss Wraggs.

A. Hi.

Q. Miss Wraggs, you live in the Compton area?

A. Yes.

Q. And that’s in Los Angeles County, right?

A. Yes.

Q. Have you ever met someone named Janet Arvizo?

A. Yes.

Q. And when do you think you met Janet Arvizo for the first time?

A. I think it was like ‘98. I’m not for sure.

Q. And what are the circumstances under which you met her?

A. She came to Universal Dance to bring her kids.

Q. And what is Universal Dance?

A. It’s a dance -- tap school, ballet and jazz.

Q. Okay. You may want to just put the microphone a little closer if you can. Thank you very much.

You said it’s a school for what?

A. Dance.

Q. Okay. And were you working at that school?

A. Yes. Receptionist.

Q. What was the name of it?

A. Universal Dance.

Q. Okay. And where was the Universal Dance school located?

A. 6009 West Olympic Boulevard in Los Angeles.

Q. And you were the receptionist?

A. Yes.

Q. Okay. When you first met Janet Arvizo, was she with her children?

A. Yes.

Q. And where did you meet this family?

A. She came up to me and asked me about classes for her kids, but she wanted free classes, and I told her that she would have to talk to the owner.

Q. Okay. She wanted free classes?

A. Yes.

Q. And did you send her to the owner?

A. Yes.

Q. And who was the owner of the school at that time?

A. Paul and Arlene Kennedy.

Q. Okay. Now, do you still work at the school?

A. Part time. I go up and help out.

Q. Okay. And so for how many years have you -- I received a note to ask you to try and raise your voice a little bit.

A. Okay.

Q. Thank you very much.

How many years now have you worked at that school?

A. About 13 or 14 years.

Q. Now, when Janet asked you if her kids could go to the school for free, did you have the authority to tell her they could?

A. No.
Q. And that was the owners’ responsibility, right?
A. Yes.
Q. Okay. You sent her to the owner?
A. Yes.
Q. And what’s the next thing you recall about Miss Arvizo?

A. She -- he talked to her. I don’t know what he said to her. And Arlene talked to her. They decided to let them have some free classes.
Q. Do you know why?
A. Do I know why?
Q. Yes.
A. She said she couldn’t afford to pay for the classes, and that she had been passing by looking at the school and saw some of the kids dancing, and she was interested in her kids dancing.
Q. Now, to your knowledge, did the Arvizo children attend the school?
A. Attend Universal?
Q. Yes.
A. Yes.
Q. How long do you recall their doing that?
A. They were there like about maybe three years.
Q. Okay. So this would be starting in approximately when?
A. Eighty -- ‘98.
Q. Okay. Okay. And would you see them often?
A. Yes, I used to see them. Well, I was seeing them every weekend.
Q. Do you ever recall whether or not Janet asked anyone for money at the school?
A. Yes. Mr. Kennedy. Paul Kennedy.
Q. How do you know that?

A. I had heard. Well, he said something to me about it.
MR. AUCHINCLOSS: I’ll object and move to strike based on multiple hearsay.
THE COURT: Sustained. Stricken.
Q. BY MR. MESEREAU: Would you see the children

with the mother from time to time?

A. Yes.

Q. And can you describe the mother’s demeanor?

A. She -- she had control of the kids. She controlled the kids very well. The father, he didn’t have control like she did.

Q. And when you say “control,” what do you mean?

A. Okay. We had advanced classes and beginner classes and intermediate classes, and she wanted her kids in the advanced class and they wasn’t ready, and she would tell her kids to go on and go into the classes anyway.

And I would tell them that they couldn’t go, but when I would turn away, she would try to send them in. After sending them in, Miss Kennedy would have to go and pull them out.

Q. Okay. Did that happen often?

A. Quite a few times.

Q. Were the kids well behaved, to your knowledge?

A. No.

Q. What do you mean by that?

A. They would be all over the dance school, into things that they didn’t have no business being into, going to the shoe boxes. Like we had tap shoes that were, like, behind me or either in the closet. They would be in the closet. They would just go all over the desk and just do whatever.

Q. Did you try and stop them from time to time?

A. Yes. They always talked smart. The two boys especially.

Q. That’s Gavin and Star?

A. Yes.

Q. And what would they say to you?

MR. AUCHINCLOSS: I’m going to object as hearsay.

THE WITNESS: “We’re doing what we want to do.”

THE COURT: Just a moment.

The objection is overruled.

Q. BY MR. MESEREAU: What did Gavin and Star say to you that you thought was smart?

A. "We're doing what we want to do."

Q. And what would you say to them?

A. I would tell them they have to get off the shoe boxes. Sometimes I have to move them out of their way to make them leave them alone.

Q. Now, did this kind of smart behavior happen right from the start?

A. I think about the second time they came, that's when I noticed how they were. And I mentioned to Paul and Arlene Kennedy that, "These kids are out of control, and I think they're only here because the mother want to use you. I think they have money to pay for their classes." I told her that.

MR. AUCHINCLOSS: I'll object. Improper opinion; no foundation.

THE COURT: Sustained.

MR. AUCHINCLOSS: Move to strike.

THE COURT: Stricken.

Q. BY MR. MESEREAU: Do you recall how the Arvizo family would arrive at the dance school?

A. The only time that I really recall is when they came in with a new car.

Q. And what kind of car was it?

A. It was like an SUV.

Q. Do you know approximately when they arrived with the SUV?

A. She told us about -- well, he told us first about that they had had a problem at J.C. Penney's; that the security guards beat --

MR. AUCHINCLOSS: I'll object as nonresponsive.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Let me just first focus on the car.

A. Okay.

Q. When they first started coming to the school, were they arriving in an SUV?

A. No.

Q. One day you saw them arrive in an SUV, right?

A. Uh-huh.

Q. And approximately when was that, do you think?

A. I’m not for sure when. It might have been like --

BAILIFF CORTEZ: You need to speak up.

THE WITNESS: I’m not for sure what year it was.

Q. BY MR. MESEREAU: And did it seem to be new?

A. It was new.

Q. Okay. Did you ask Janet where they got this new SUV?

A. No, I didn’t ask her.

Q. Did you see them arrive in that brand-new SUV after that?

A. Yes.

Q. How many times do you think they arrived in that brand-new SUV?

A. At least three or four times.

Q. Okay. Now, did you ever talk to Janet about an incident that happened at J.C. Penney’s?

A. Yes.

Q. And did she tell you about that incident?

A. Yes.

Q. What did she tell you?

A. That the security there jumped on her for no reason at all, and her kids was running trying to help her, and as they was running trying to help her, the security guard beat her to the ground. That’s about it. She --

Q. Did she ever say anything about the race of those security guards?

A. Black.

MR. AUCHINCLOSS: Objection. 352; relevance.

MR. MESEREAU: I think it’s impeachment, Your Honor.

THE COURT: The objection’s overruled. The answer was, “Black.” Next question.

Q. BY MR. MESEREAU: Did she say anything more about the race of those security guards to you?

A. She just said that they were black, all of them were black.

Q. And did she say she was concerned about something coming out of that incident?

A. She said the reason they hadn’t been back to dance school is because her kids were scared to death of black people and that they hated blacks now.

Q. Do you recall whether or not Janet ever said that her family was homeless?

A. Yes.

Q. Did she say that?

A. Yes.

Q. Do you know approximately when Janet said that her family was homeless?

A. It was after that incident.

Q. Did you believe her?

A. No.

MR. MESEREAU: No further questions.

CROSS-EXAMINATION

BY MR. AUCHINCLOSS:

Q. Good afternoon, Miss Wraggs.

A. Hi.

Q. Hi. Now, you began your testimony by telling us about how Janet stopped by the dance school and asked about free classes.

A. Yes.

Q. Do you know if that dance school ever gave scholarships to students before that time?

A. Yes, they gave scholarships to certain kids.

Q. Okay. Did Janet ask for a scholarship?

A. No.

Q. When she came in, tell me about how she asked for the free classes. How did that conversation come about?

A. First she stood around and looked at the kids dance.

Q. I’m sorry?

A. She went around and went to each class and was watching the kids dance.

Q. Did she have any children with her?

A. Yes, she had her kids with her.

Q. All three?

A. All three.

Q. Okay.

A. And then she came to the desk and asked me about free classes.

Q. If there were any free classes?

A. Yes.

Q. Did she know whether or not -- were there any signs posted that this dance school was maybe a community-service-oriented enterprise, or was for pay? Does it have anything like -- you know, like pricing sheets on the wall, anything like that?

A. Yeah, we have -- we had schedules, and it showed how much the classes cost. Gave her a schedule.

Q. Where are those schedules?

A. They were at my desk.

Q. All right. And you referred her to Paul Kennedy?

A. Yes.

Q. And he’s the owner of that school, right?

A. Paul and Arlene Kennedy. She talked to both of them.

Q. And the Kennedys agreed to allow Miss Arvizo’s children to attend that dance school for free?

A. Yes.

Q. Were you present during that conversation that she had with the Kennedys?

A. Yes.

Q. All right. And the Kennedys continued to allow the Arvizo children to have free classes at their school for three years?

A. Yes. I don’t know how many years, but they were there.

Q. For three years?

A. They were free. They were free.

Q. Well, didn’t you testify just a few moments ago that it was three years?

A. I told you also I’m not for sure about the years, but she was there taking free classes. It was probably about three years.

Q. All right. And the Kennedys could have terminated those classes at any time that they wanted?

A. Yes.

Q. As far as this remark about the children not attending dance class because they were afraid of black people, you didn’t believe that, did you?
MR. MESEREAU: Objection. That misstates the evidence.

THE WITNESS: Pardon?
THE COURT: Overruled. You may continue.
Q. BY MR. AUCHINCLOSS: My question was, you didn’t believe that the children disliked black people, did you?
A. No, I didn’t believe it.
Q. Okay. Janet was concerned that that was their perception; that they might have a problem with black people. She was worried about that, wasn’t she?
A. No. I don’t think so, because the kids --
Q. Did she express it?
A. No, because the kids had came before Janet brought them back. She didn’t know that her husband had already brought them there, and they had been playing with the kids. But when she came, she said the reason they hadn’t been back was because the kids were scared of blacks and that they hated blacks now.
Q. Okay. So that was Janet, what Janet thought, but Janet was wrong?
A. Yes.
Q. Now, how old were the children when they started this dance school?
A. Let’s see. I think one was about eight.
Q. Do you know which one that was?
A. I think -- well, the baby boy might have been seven or eight, and then Gavin was about nine.

I think. And I’m not for sure how old the girl was. She might have been 10 or 11.
Q. Did Gavin have cancer during the period of time they attended the school?
A. No.
Q. Was this before he had cancer or after he had cancer?
A. Before.
MR. AUCHINCLOSS: All right. Thank you. No

further questions.

MR. MESEREAU: No further questions, Your Honor.

THE COURT: All right. Thank you. You may step down.

Next witness, please.

MR. MESEREAU: Defense will call Ms. Arlene Kennedy.

THE COURT: When you get to the witness stand, please remain standing.

THE WITNESS: Sure.

THE COURT: I'm going to ask you to face the clerk right here and raise your right hand.

ARLENE KENNEDY

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name is Arlene Kennedy. A-r-l-e-n-e, K-e-n-n-e-d-y.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. MESEREAU:

Q. Good afternoon, Miss Kennedy.

A. Good afternoon.

Q. Miss Kennedy, do you run a dance school?

A. Yes, I do.

Q. And how long have you done that?

A. I'm in my 25th year.

Q. What is the name of the school?

A. Universal Dance Design.

Q. And where is it located?

A. In Los Angeles.

Q. And do you teach there as well?

A. Yes, I do.

Q. Have you taught during the entire time that you've owned the school?

A. Yes, I have.

Q. Okay. Do you know someone named Janet Arvizo?

A. Yes, I do.

Q. And how do you know her?

A. Janet came to my school with her family, her husband and her three children, when her youngest was about -- Star was about five years old. And they came into my school and they asked my brother and I -- they said they couldn't afford to take lessons, so they asked if we could give them a scholarship that they could take free lessons, and my brother said yes, they could.

Q. Do you know approximately when this was?

A. Star was about five years old. That's the only -- I can't tell you, you know, what year it was, because I don't know how old he is now, but he was about five -- he was five years old.

Q. Now, were the father and the mother together when they asked for free classes?

A. Yes, they were.

Q. Did you ask whether or not the father was employed?

A. I didn't. My brother actually did talk to the family, and my brother actually made that decision.

Q. And did you know whether or not the father worked for Von's?

A. I didn't know where he worked.

Q. Did you know whether or not the mother worked?

A. The mother I don't think worked at that time.

Q. Okay. Did anyone tell you that they were homeless?

A. No.

Q. Okay. Did they tell you they had no money?

A. They said they didn't have any money. They said they didn't have any money. They couldn't afford dancing classes.

Q. Okay. And you and your brother agreed to give them free classes, right?

A. Yes.

Q. And how long did the free classes go for, if you know?

A. Well, they went in and out, because there was like a series of events. So, let's say that they would take the classes for this period of time, and then they were gone. And then when they came back, there was -- the father was telling me about the issue of J.C. Penney's. And so they were back for a short time, and then they were gone again, and then Gavin got cancer.

And so when -- all during the time when he had cancer, I was up, you know, at the hospital visiting him and what have you, and then they were gone. So they were gone during that time and then after he got healed, they came back again.

And then after, they were -- they were back again for a short period of time, and then they were gone again, and I guess it was during the time of her divorce. And then they came back again.

And the last time that I saw them, they were in middle school, and they rode a bike. Star and the girl rode bikes to my school from East L.A., and they had to go back at night, and I said, "If this is your best way of traveling," you know, "as young as you are," I said, "that's very dangerous for you to be going from L.A. to East L.A. on a bike at night."

And I said, "If you don't have an adult," you know, "coming with you," I said, "I don't think you should come like that."

And that was the last that I saw them for dance classes.

Q. Now, your description of the children being on bikes, was that after Gavin had recovered from cancer?

A. Yes. Yes.

Q. Okay. Did the children tell you they had no car?

A. They didn't -- they didn't say that they didn't have a car, because they didn't discuss that. I know that while they were in the hospital, I know that Carol Lamir asked Michael to give them a car so that they can get back and forth to the hospital. I remember that.

Q. And to your knowledge, did that happen?

A. Yes, it did.

Q. Now, during the entire period of time that you've described, were the Arvizos going to your school for free?

A. Yes.

Q. Did you ever charge them a dime to go to your school?

A. Never.

Q. And this is for how long a period of time?

A. Well, I would say from Star being five years old until they were in middle school.

Q. And did you ever learn whether or not during that period of time the father was employed?

A. The father was employed, yes, prior to Gavin's being sick. And I know once Gavin was sick, stricken with cancer, the father became unemployed because he stayed at the hospital night and day with his son. So he gave up his job to stay at the hospital with his son.

Q. Now, did you discuss the alleged events at J.C. Penney with Janet?

A. When Janet came back. But the father and I discussed it first, because I said, "Well, where have the kids been?"

And he said, "Oh, Miss Kennedy," he said, you know, "It's been crazy." And he started telling me about J.C. Penney's, but when Janet came back, it was a different story than what he had told me.

Q. What did Janet tell you?

A. Janet told me that the event happened in the alley, and it was some black guys that, you know, jumped on her and what have you, and that she said that she hoped that her children wouldn't grow up to hate black people.

But the father, on the other hand, had told me that it happened in the middle of the mall.

MR. AUCHINCLOSS: Object as to hearsay, the statements of Mr. Arvizo.

THE COURT: Sustained.

Q. BY MR. MESEREAU: And were you told that the children were not attending the school because of the J.C. Penney incident?

A. Yes.

Q. Okay. Now, at some point while you were giving free lessons to the Arvizo children, did you ever learn that the family had obtained $152,000 from J.C. Penney and another company?

MR. AUCHINCLOSS: I’ll object as vague as to time.

THE COURT: Sustained.

Q. BY MR. MESEREAU: At any time did Janet Arvizo ever tell you, “We don’t have to get free lessons anymore. We just got $152,000 from the J.C. Penney lawsuit”?

MR. AUCHINCLOSS: I’ll object as to relevancy, without foundation.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you ever learn whether or not the Arvizos obtained money from J.C. Penney?

A. Yes, I did.

Q. When was that?

A. Janet told me that the last time. I think it was after the -- when they came back to dancing school, she said that she had a lot -- they got a large settlement, and she said that the only thing that they really got was these bicycles. That’s the way she put it.

Q. All they got was the bicycles from J.C. Penney?

A. That’s what she said. “We got a lot of money, but the only thing that we got that we can show for it was the bicycles.”

Q. And did you continue to give the children free lessons after that?

A. I did. I did.

MR. MESEREAU: I have no further questions, Your Honor.

CROSS-EXAMINATION

BY MR. AUCHINCLOSS:

Q. Good afternoon, Miss Kennedy.

A. Good afternoon.

Q. So, the information that Janet gave you about the J.C. Penney settlement, she didn’t hide from you that she got some money out of that

settlement; is that true?
A. That’s true.

Q. Okay. And as far as the time that the Arvizos were attending your dance school on scholarship, if I understand it correctly, there was a period of time that they attended, and then they left, they came back, they left, they came back again?
A. That’s true.
Q. Okay. And how long were these two periods where they left your dance school for a period of time?
A. Well --
Q. Let’s go with the first one.
A. I would say the first one probably was -- was months, I would say.
Q. All right.
A. I want to say that.
Q. And was that around the time that -- when they left at that point, was that around the time that the J.C. Penney’s incident occurred?
A. Yes. Yes.
Q. Okay. When Janet was talking to you about the alley incident that you just described, are you certain that she was talking to you about the J.C. Penney’s incident at the same time?
A. Yes. Yes.
Q. She said an alley?
A. Yes.
Q. But in either event, she indicated that she was attacked and assaulted and injured?

A. Yes.
Q. All right. Did you ever attend church with Miss Arvizo?
A. Yes.
Q. On more than one occasion?
A. Well, it’s the reverse. Actually, she attended with me.
Q. On more than one occasion?
A. Yes.
Q. And the decision to give this family a scholarship, was that just a thing that you and your

brother did out of the kindness of your heart?
A. Yes.
Q. Did you ever feel like you shouldn’t have done that?
A. No.
Q. All right. And you’ve done that for other people as well?
A. Of course.
MR. AUCHINCLOSS: Thank you. No further questions.
MR. MESEREAU: No further questions, Your Honor.
THE COURT: Thank you. You may step down.
THE WITNESS: Okay.
THE COURT: Call your next witness.
MR. MESEREAU: Yes.

Defense will call Mr. Chris Tucker.
THE COURT: When you get to the witness stand, would you remain standing.
Face the clerk here and raise your right hand.

CHRIS TUCKER
Having been sworn, testified as follows:

THE WITNESS: Yes.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: My name is Chris Tucker.
C-h-r-i-s, T-u-c-k-e-r.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. MESEREAU:
Q. Good afternoon, Mr. Tucker.
A. Good afternoon.
Q. Mr. Tucker, do you know the fellow seated at counsel table to my right?
A. Yes.
Q. Who is he?
A. Michael Jackson.
Q. Is he a friend of yours?
A. Yes.

Q. How long have you known Michael Jackson?

A. Probably four, three years. Four to three years.

Q. And what are the circumstances during which you met Michael Jackson for the first time?

A. What are the circumstances?

Q. Yeah. How did you meet him?

A. It’s funny; I met him through Gavin Arvizo.

And we talked on the phone one time, but of course I knew of him for years. And we talked on the phone, and again we met -- we talked, and we met in New York City, and we -- from then, we met a few other times and went from there.

Q. Now, how did you meet Gavin Arvizo?

A. I met Gavin at The Laugh Factory. And I’m a stand-up comedian, so I went to The Laugh Factory and I met his father. His father approached me and told me that his kid -- he had a kid that loved me and he was dying of cancer.

And I met him -- he told me he was doing a benefit at The Laugh Factory. I told him, “I don’t know if I can make it, because I’m always in and out of town, but I’ll try to make it,” because, you know, he said his kid was dying. So I met him at The Laugh Factory, and that’s how I met him.

Q. Okay. Do you remember the first time you met Gavin at The Laugh Factory?

A. The first time was at a benefit.

Q. Okay. And what do you know about that benefit?

A. The benefit was a camp for kids that they put on, they said, every year for kids that wanted to act and do comedy, I guess.

Q. And was the benefit, to your knowledge, for the purpose of raising money?

A. Oh, yes. Yes. It was for raising money, and there was -- it was, I guess, to like -- for the doctor bills and stuff. I don’t know. Something like that. But it was definitely for raising money.

Q. And who invited you to the benefit?

A. The father. Gavin Arvizo’s father, his father.

Q. Okay. So the father told you there was going to be a benefit to raise money for medical bills for Gavin?
A. Yes.
Q. Okay. And you attended that benefit, right?
A. Yes.
Q. Who else did you see there, if you remember?
A. I seen -- I met a lot of kids, and I met his brother Star. And it was kind of dark in the comedy club, but from what I can recall, that's where I met a few of the -- I think it was Star and his father and that was it.
Q. Do you recall whether or not you contributed money on that occasion?
A. I don't -- not that night, but I did contribute some money, yes.

Q. And explain that, if you would.
A. I was asked a few days later to give some money, because they didn't raise any money. They didn't make any money. So I did. I wired some money to their foundation.
Q. Okay. Who told you they hadn't raised any money at the benefit?
A. Gavin told me, and his father -- well, Gavin told me. Gavin told me.
Q. So Gavin told you they didn't make a dime at that fund-raiser?
A. Yeah, they said they didn't make any money, and they needed some money. They couldn't -- you know, they needed some money. So --
Q. And you then wired them some money?
A. Yeah, I wired them some money.
Q. How much did you send them; do you know?
A. It was probably 1500 or more.
Q. Okay. And you believe that was for medical expenses?
A. Yes, I was hoping it was for that.
Q. Okay. Now, did you see the father from time to time?
A. Yeah, only with the kids.
Q. Okay. And where would you see the father?
A. When they visited. I took them to Knott's Berry Farm one time. I took them to the mall a few

times to buy them clothes and stuff. Those were the times I seen them. Only with the kids.

Q. Okay. Now, you say you took them to Knott's Berry Farm?

A. Yeah.

Q. And please explain what you did.

A. Well, I took them also with my son, went to some rides to make him, you know, have a good time. We rode rides, and that was -- that was about it.

Q. And who -- who was on that trip, that you can remember, every person that was there?

A. It was my son, Star, Gavin's brother, Davellin, I think my son's mother, and -- yeah, that was -- yeah, my son's mother, and David, the father.

Q. And who arranged that trip?

A. I did.

Q. And did you arrange for transportation?

A. Yes, I think we went in my car and they followed us in a car.

Q. Okay. Was that an all day type of trip?

A. Excuse me?

Q. Was that an all-day affair?

A. I think so, yes. I think it was nighttime. It went into the night, yeah.

Q. Now, you said you bought clothes for the Arvizo children at a mall; is that correct?

A. Yeah. Yeah. Yeah.

Q. And explain what you did, if you would.

A. We went to, like, a sports store. They liked the Raiders, and bought them Raiders stuff, shirts and hats and shoes and stuff like that.

Q. And who was with you when you bought these clothes for the Arvizo children?

A. The father.

Q. Okay.

A. And -- David.

Q. Did you ever meet the mother?

A. I met her in -- the first time in -- in Las Vegas.

Q. Okay. And her name was Janet?

A. Janet, yes.

Q. Okay. And please explain the circumstances

under which you met Janet Arvizo in Las Vegas.
A. Yeah, it was real brief a few times, because I was filming, and it was -- I didn't really have a lot of time so it was real brief. So, it was just, "Hello," "Hello," because we was filming a movie the first time.
Q. Was this on the set that you met Janet Arvizo?
A. On the set, yes.
Q. Who was with her, if you remember?
A. I think David, her husband, and all the kids came up to Las Vegas on a road trip to visit me on the set. I invited them to the set.
Q. To your knowledge, who arranged for that

trip? Was it David or the mother?
A. I don't know. I think it was David, because at that time I never met her. It was always the kids and the father.
Q. And approximately what year do you think this was?
A. I think it was 2001.
Q. Okay.
A. I think.
Q. And they came to the lot, right?
A. Yes.
Q. You met them there?
A. Yes.
Q. To your knowledge, did they stay very long?
A. To my knowledge, I heard they stayed a while, and they was -- they was trying to get them to leave, but I didn't know because I was so busy. That they did stay a couple of -- a week or two. I don't know.
Q. And you say they were trying to get them to leave. Who are you talking about?
MR. SNEDDON: Your Honor, I'm going to object. Lack of foundation; calls for hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: To your knowledge, did the Arvizo family remain on the set while you were filming?
A. Only the kids, they came. The father -- I

think they came with the father, and they was on the set for a while, and then they was doing stuff around town, but they was on the set a few times, yes.

Q. During that trip to Las Vegas when you first met Janet, did you ever see the family again after the day they came to the set?

A. Yes. I seen -- after that day, I think -- I think it was the day they came to my house, and I met the mother again when we went to Miami, I think.

Q. Now, let me -- maybe -- I may not have asked you a very good question.

You're in Las Vegas, you're filming, and you meet the Arvizos on the set, correct?

A. Uh-huh.

Q. That's the first time you meet the mother, right?

A. Yes, uh-huh.

Q. Do you see them again in Las Vegas on that trip?

A. Yeah, I see them in and out several times, because I was filming long hours, so I'd -- I definitely seen the kids because they'd come to the set and they would be at the set, and I would -- and I think the mother came a few times, too, and the father. So I seen them, but I was so busy. So it was definitely several times I seen them again, yeah.

Q. And did you help them stay on the set? I mean, did you give them a pass or anything of that sort?

A. Yes, I told them that -- I told the people that this was okay for them to be there. They were my guests.

Q. Okay. And did you consider them friends of yours at the time?

A. Yes. Yes.

Q. Now, after that Las Vegas trip, did you see the Arvizos again?

A. After that, I seen them -- I think it was at the house that time. And any other time I can't think of it, but it was at the house that time.

Q. Is this at your house?

A. My house.

Q. Was this in Los Angeles?

A. In Los Angeles, yes.

Q. Okay. Now, why were they at your house in Los Angeles?

A. Well, they called me, because they wanted to go out of town, and they wanted to -- and they wanted to find out where Michael was, because they always wanted to find out -- they wanted to find out where Michael was, and they wanted to go out of town.

Q. Okay. Now, you say “they wanted to go out of town.” Are you referring to Janet?

A. I’m saying the kids, because most of the time I talked to Gavin.

Q. Okay.

A. And --

MR. SNEDDON: Your Honor, I’m going to move to strike as hearsay.

MR. MESEREAU: It’s impeachment.

MR. SNEDDON: I don’t think there’s --

THE COURT: Sustained. You’ll need to be more direct about who’s speaking.

MR. MESEREAU: Okay.

Q. I won’t use the term “they” when I ask you questions about who’s speaking. I’ll just use individual names, okay?

You said the Arvizo family was at your home after the Las Vegas trip, right?

A. Yes.

Q. And who in the Arvizo family was at your home?

A. Gavin, Davellin, Star and Janet, the mother.

Q. Was the father there on that occasion?

A. No.

Q. Did you invite them to your home?

A. Yes.

Q. Who did you invite specifically to visit you at your house?

A. Star -- Gavin and his family, whoever was with him. At the time, I didn’t know who was with

him at the time. David, Davellin, Star and Gavin.

Q. Now, before Janet and her children visited you at your home in Los Angeles, did you speak to Janet on the phone?

A. I did speak to her before that --

MR. SNEDDON: Vague as to time.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Okay. What year was the Las Vegas trip?

A. I guess it was 2001.

Q. And how long after the Las Vegas trip did Janet and the children come to your home in Los Angeles?

A. It had to be -- I was filming, so it had to be a couple of months, a few months.

Q. So do you think we're still in 2001?

A. I think so.

Q. Okay. Did Janet call you on the phone after the Las Vegas trip?

A. Yes.

Q. And did you speak to her on the phone?

A. Yes.

Q. Did -- what did she say to you?

A. I talked to her one morning, and I remember because we was promoting a movie and we was talking about something, and she started crying on the phone, was crying, crying, crying, and, you know, she always said I was their brother, the kids' brother, and all that stuff.

And we -- you know, I can remember this phone call, because she was crying. And I was -- you know, I was always saying, you know, "Everything's going to be all right," because that's about as much as I could do. And that phone call was kind of confusing, so I don't remember what was said and all that stuff.

Q. But you remember her crying?

A. Yeah.

Q. Okay. Did you invite her to your home during that phone conversation?

A. No. No, that was another conversation.

Q. Okay. After that first conversation, did she call you again?

A. I don't recall.

Q. Okay. Do you recall whether or not you ever called Janet?

A. No, I never called her.

Q. Did you ever call David on the phone, to your knowledge?

A. Never called him, no.

Q. Did he ever call you on the phone?

A. Not that I can recall. It was mostly Gavin.

Q. So Gavin would call you on the phone?

A. Yes.

Q. Did he call you often?

A. Yes.

Q. And I’m talking now about the time period after the Las Vegas trip, okay?

A. Okay.

Q. How did Gavin get your phone number?

A. I gave him my number at The Laugh Factory the first time I met him. He asked for it, and I gave it to him.

Q. Okay. And is there any particular reason why you gave Gavin Arvizo your phone number at The Laugh Factory?

A. Because, I mean, I felt like, you know, whatever I could do to help him out. You know, he didn’t have any hair. He was going through, you know, all this what they say, you know, he was going through, whatever. But, you know, he was a kid, and whatever I could do, you know, I’d say, you know, “Here.”

Q. Was he going through chemotherapy?

A. Yes. That’s what they said, yeah.

Q. Did they tell you he was undergoing cancer treatment?

A. That’s what they said.

Q. This was at the fund-raiser, right?

A. Yes.

Q. All right. Now, after that fund-raiser, Mr. Tucker, did he start calling you on a regular basis?

A. Yes, he did. Yes.

Q. And when you say “a regular basis,” like how often would Gavin Arvizo call you on the phone?

A. He called -- he called a lot. And then --

and then -- he called a lot. It wasn’t my main number, but I knew it was -- I checked all the time, because I was always different places. So I checked it so I can tell how many times he called. But I always called him back when I got a chance, because I wanted to let him -- you know, just to call him and say hello.

Q. And when Gavin would call you, did you ever believe his mother was on the line?

A. No. I didn’t -- no, I only talked to him. I didn’t think nobody was on the line, no.

Q. Did Star ever call you?

A. Star, he called sometimes with Gavin, yes.

Q. Okay. How about Davellin?

A. Davellin never called, no.

Q. How many times did the Arvizos visit your home in Los Angeles?

A. Probably once -- probably three times. Probably three times, yes.

Q. Were all of these visits after the Las Vegas trip?

A. No. They was before. I think one of them was afterwards, but the rest of them was before.

Q. Okay. Now -- now, the first time they visited your home, was that after the fund-raiser?

A. Yes.

Q. And that was after you gave Gavin your phone number at the fund-raiser, right?

A. Yes. Yes.

Q. Okay. Was that the only fund-raiser you ever attended for Gavin?

A. Yes.

Q. Okay. Who do you recall seeing at that fund-raiser besides the Arvizo family?

A. A lot of young kids. A lot of comedians that I didn’t know their names, but a lot of comedians, but a lot of kids. That was -- and I was like the only, like, I think, comedian, known comedian there, yeah.

Q. And was it your understanding that everyone was there to raise money for Gavin?

A. That’s what I was told, yes.

Q. Okay. Did you see Gavin in the lobby of The

Laugh Factory, if you recall?

A. I met him upstairs after -- well, I think right after, right after it was over, I met him upstairs in The Laugh Factory.

Q. Do you recall, when you entered The Laugh Factory, if Gavin was at a table?

A. Don’t know. Don’t know.

Q. Do you recall if any member of the Arvizo family was at a table in the lobby of The Laugh Factory collecting money?

A. I don’t know.

Q. Okay. So after it was over, you say you met Gavin upstairs?

A. Yes.

Q. Was anybody with Gavin?

A. I think his father and his brother was there when I was introduced to them.

Q. Okay. And did you spend time talking to Gavin upstairs?

A. Yes. I was talking to him.

Q. Is that when you gave him your number?

A. I gave him my number and a pair of shoes, Nike shoes that I got.

Q. How did you end up buying Nike shoes from them?

A. I get them for free from NikeTown, so I called them and told them I was meeting a kid, and I wanted to get him something, a gift.

Q. His father was there when you gave him the shoes?

A. Yes.

Q. And Star and Davellin were there also?

A. Star was there, yes. Yes.

Q. Was Davellin there, if you know?

A. I think she was. I don’t know.

Q. Okay. So was the first visit to your home shortly after that fund-raiser?

A. Yes.

Q. Okay.

A. Yes.

Q. And what was the purpose of the first visit to your home, if you know?

A. Just visiting.
Q. Okay.
A. Just visiting.
Q. Did they spend a lot of time there?
A. I think so. Just -- they wanted to know where I lived and where I stayed, so I told them to come over.
Q. And did they spend a lot of time on that visit?
A. I think they just stopped by probably an hour or so. They might have been somewhere. I don’t know.
Q. Do you recall what they did in your house?
A. I showed them around. And I got a small basketball court, so we probably shot basketball. Just -- you know, a pool table. That’s about it.
Q. And did they continue to call you after that first visit to your home?
A. Yes.
Q. And who -- when I say “they” --
MR. SNEDDON: Your Honor, I’m going to -- that’s why I was going to object.
MR. MESEREAU: I asked the wrong question.
Q. Did any member of the Arvizo family call you after that first visit to your home?

A. Gavin. Gavin called.
Q. Okay. Did he call you a lot between the first visit to your home and the second visit to your home?
A. Yes.
THE COURT: Counsel? I need to stop a couple minutes early because there’s an issue, so would this be a good point?
MR. MESEREAU: Yes, Your Honor.
THE COURT: All right. I’ll excuse the jury, and we’ll see you tomorrow morning at 8:30.
THE COURT: And Mr. Tucker, you may step down.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: All right. I understood you had an issue, Mr. Sneddon.

MR. SNEDDON: Yes, Your Honor. Thank you very much for accommodating me.

What I was going to ask the Court, if the Court recalls, during the course of the testimony of the trial, Detective Bonner, he indicated in his testimony that we had obtained from the telephone company not only the subscriber information for Mr. Geragos, but also had obtained the telephone records

for Mr. Geragos, but that those records had not been looked at and would remain sealed.

In light of Mr. Geragos's testimony in the courtroom last week and the waiver of the attorney-client privilege, we are now requesting the Court for authorization for us to look into those telephone records with regard to the communications between Mr. Geragos, Mr. Miller and other members of the indicted -- the mentioned co-conspirators in the Indictment. So I'm asking the Court's permission for us to be able to do that now.

THE COURT: Wish to be heard?

MR. SANGER: Well, just briefly.

May I?

MR. SNEDDON: Sure.

MR. SANGER: It's a little late in the game to do this, but aside from that issue, I also see there being an issue about phone records of a law firm involving other confidential matters. It's -- that's not necessarily our issue per se, but since Mr. Geragos isn't here, I think it's fair to say, as an officer of the court, that that would be an issue.

THE COURT: How would you propose to review the records? Or do you agree there's an attorney-client privilege involved?

MR. SNEDDON: No, there's nothing confidential in the communications. It's a

telephone conversation. I don't think there would be a problem, because we're only looking for specific numbers that we already have as evidence in this case, and those would be the only numbers we would be looking at.

THE COURT: So you’ll just look at the --

MR. SNEDDON: We’re not fishing for new information. We’re fishing -- we’re not fishing at all, but we’re only looking for those numbers that have already been put in evidence in this case, Your Honor.

MR. SANGER: And I object the District Attorney is fishing.

MR. SNEDDON: Maybe that’s where I wanted to be. It was a Freudian slip.

THE COURT: All right. I’ll order them released with the proviso that you only look for the numbers that have been mentioned and you not look to see what other numbers there are.

MR. SNEDDON: Yes, Your Honor.

One other minor matter. I just wanted to let you know, consistent with our conversation in chambers, that I anticipate the defense will be finished tomorrow morning sometime. We will have witnesses ready to go tomorrow. I cannot guarantee to the Court that we will have a whole day, though, because we have at least five or six people coming from Los Angeles, some of which had previous commitments, but I will tell the Court we should be done on Thursday.

So I wanted to let you know that, and I think that’s what I told you right from the get-go, and we’ve done what we can.

THE COURT: Okay.

MR. SANGER: Your Honor, I just have -- I know you want to go. I have one question.

THE COURT: You know I want to go? Do I look anxious to you?

MR. SANGER: The fact that you were jumping out of your chair was circumstantial evidence.

Your Honor, with regard to the records, I’m just a little unclear. I understand you’ve resolved the privilege issue, but we should also have the records.

I’m not interested in looking at anybody else’s records, but if they’re going to look at the records, we should have the records, so we can see if there's some information that's beneficial to the defense. And I don't know how the Court would propose to do that.

THE COURT: Well, I think I'll let them look at them, and then you can follow. The problem really arises because of the late waiver of the attorney-client privilege by Mr. Jackson with Mr. Geragos, so -- we had all of those protective records. So I think the -- I'll just let them look at them first, and when they're through they'll give them to you.

MR. SNEDDON: I don't mind making a copy for them, if the Court would authorize me to do that. I would be more than glad to do that this afternoon, Your Honor.

THE COURT: All right. And both sides are under the same order to only look for the numbers that are in evidence, and neither side is to reveal any other numbers to anybody.

MR. SANGER: Yes, sir. Thank you.

MR. SNEDDON: That's fine. Thank you.

THE COURT: Is this -- you know, I'm going by the list you gave me, and by the list you gave me, this would not be your last witness. Is this your last witness?

MR. MESEREAU: This would be our last witness.

THE COURT: This is your last witness?

MR. MESEREAU: Yes.

THE COURT: So the other name that was there, you're not --

MR. SANGER: There was another name that's --

THE COURT: They can't hear you in the back.

MR. MESEREAU: This is our last witness.

THE COURT: So this is the last witness.

MR. MESEREAU: Yes.

THE COURT: All right. See you tomorrow morning.

MR. MESEREAU: Thank you.

THE COURT: Notice how slowly I'm leaving.

(The proceedings adjourned at 2:30 p.m.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 11755 through 11939 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 25, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, May 25, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
OFFICIAL COURT REPORTER

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, MAY 25, 2005

8:30 A.M.

(PAGES 11941 THROUGH 12008)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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-and-
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315 South Beverly Drive, Suite 305 Beverly Hills, California 90212

I N D E X

Note: Mr. Sneddon is listed as "SN" on index.
Mr. Zonen is listed as "Z" on index. Mr. Auchincloss is listed as "A" on index.
Mr. Mesereau is listed as "M" on index. Ms. Yu is listed as "Y" on index.
Mr. Sanger is listed as "SA" on index.

DEFENDANT'S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
TUCKER, Chris	11944-M	11981-SN		
(Contd.)				

Santa Maria, California
Wednesday, May 25, 2005
8:30 a.m.

THE COURT: Good morning, everyone.

THE JURY: (In unison) Good morning.

COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.

THE COURT: Has anyone seen my gavel?

(Laughter.)

THE COURT: You may proceed.

CHRIS TUCKER

Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION (Continued)

BY MR. MESEREAU:

Q. Good morning, Mr. Tucker.

A. Good morning.

Q. Mr. Tucker, yesterday, you testified that Gavin Arvizo called you after the one fund-raiser you attended, told you that no money had been raised, and that because of what he said, you sent him $1500 or more, right?

A. Yes. But he was over my house when he asked for the money.

Q. It wasn't on the phone?

A. It wasn't on the phone.

Q. Who was he with at your house when he asked for the money?

A. With his father.

Q. Okay. And did you write him a check right there?

A. No, I didn't have no money on me, so I told him I would wire it, and they gave me the information to the -- the place to wire the money to.

Q. Okay. And obviously that was a bank somewhere, right?

A. Yeah. It was -- yeah.

Q. Do you recall what bank it was?

A. No, because I just gave the information to my people to wire the money.

Q. Okay. Okay. Now, did you ever learn whether or not any money was actually raised at that first fund-raiser?

A. No.

Q. Did you ever learn whether or not other moneys had been deposited into that bank account?

A. No.

Q. Okay. And were you ever asked to attend any other fund-raiser for Gavin?

A. No.

Q. All right. Do you recall the words Gavin used when he asked you for money at your home after telling you no money had been obtained at the first fund-raiser?

A. It was just -- he was just real sad-looking and said he didn’t -- they didn’t raise any money, and they needed some money.

Q. Now, you saw people at that fund-raiser, right?

A. Yes.

Q. Were you a little suspicious when Gavin made that statement to you?

A. Yes. Yes, but I was always thinking I was helping him, so I just did it.

Q. Did his father also ask you for anything at that particular time at your house?

A. No.

Q. Okay. And did -- did it appear that his father drove Gavin to your home that day?

A. Yes.

Q. Did you ever see Gavin and his father at your home on any other day?

A. They visited a few times.

Q. And do you recall whether or not Gavin’s mother came to your house on any occasion in Los Angeles?

A. Yes, one time.

Q. And approximately when was that, if you know?

A. I can’t say approximately, but it was at the

time we took the trip.
Q. Okay. And that would be in approximately February of 2003, right?
A. I guess, yes.
Q. Okay. Now, do you recall the Arvizos -- excuse me. Do you recall any member of the Arvizo family ever asking you for an automobile?
A. No.
Q. Do you recall whether or not any member of the Arvizo family asked your fiancee Azja --
A. Yes.
Q. -- to try and get a car?
A. Yes.
Q. What do you know about that?
MR. SNEDDON: I'm going to object. Excuse me. I'm going to object as hearsay.
THE COURT: Sustained. Foundation.
Q. BY MR. MESEREAU: Did you speak to Azja about the Arvizos' desire to obtain an automobile?
A. Yes. Yes.
MR. SNEDDON: Your Honor, I move to strike. Hearsay; lack of foundation.
THE COURT: Stricken. Sustained. Foundation.
Q. BY MR. MESEREAU: Mr. Tucker, did you ever say anything to Azja about whether or not the Arvizos should get one of your cars?
A. Yes.

Q. What did you say to Azja about that?
A. Well, they was calling to get some keys to a truck that I own, and I told her not to give them to her. But it was -- you know, we talked about it. And they kept calling, the kids kept calling, asking her for these keys for the truck.
MR. SNEDDON: Your Honor, I'm going to move to strike the answer as hearsay.
THE COURT: Stricken. It's nonresponsive.
Q. BY MR. MESEREAU: Was your information about the Arvizos' desire to take your truck, did that come from Azja?
A. No. Well, I knew about the truck, them wanting the truck, yes.

Q. How did you know about that?

A. Because -- because the kids was telling me they needed a ride around town. They needed a car. So I offered to give them the truck.

Q. Okay.

A. But then I said “No,” because I got a little nervous.

Q. What did you get --

MR. SNEDDON: Your Honor, I’m going to object. Move to strike; hearsay.

MR. MESEREAU: It’s impeachment, Your Honor.

THE COURT: Stricken.

Q. BY MR. MESEREAU: Did you ever decide not to give a truck to the Arvizos?

A. Yes.

Q. Why?

A. Because I got a little suspicious and nervous, and I thought I was doing too much. I said -- I said, “No.”

Q. Who did you say “No” to?

A. I said it to my son’s mother after the fact that I offered it. But then I changed my mind.

Q. Okay. And you never gave any member of the Arvizo family any automobile?

A. No.

Q. Okay. Do you recall Gavin putting you on the telephone with Michael Jackson?

A. Yes.

Q. And --

MR. SNEDDON: Your Honor, I’m going to object. Vague as to time.

THE COURT: Overruled. Next question.

Q. BY MR. MESEREAU: Please explain what happened.

A. I was on the set of one of my movies in Las Vegas, and Gavin told me that he talked to one of Michael’s people, and it was -- possibly he was going to call the next day and we’d talk on the phone, because he knew I was a fan of Michael’s, I guess, and I told him that would be fine.

And we talked on the next day. Michael was on the phone in my trailer, I went to my trailer and

I talked to him, and that’s when we talked.
Q. And did you go see Michael Jackson after that call?
A. Yeah, after I finished filming, we made plans to maybe later on connect and meet, and I did in New York after I finished filming, we met.
Q. And did you stay in contact with Mr. Jackson after that?
A. Yes.
Q. Okay. And are you in contact with him to this day?
A. Yes.
Q. Okay. At some point you learned that Janet and David Arvizo had separated, correct?
A. Yes.
Q. And how did you learn that?
A. Through my son’s mother.
Q. Okay. And did you stay in contact with David after that?
A. No.
Q. Did you stay in contact with Janet Arvizo after the separation?
A. No.
Q. Did you stay in contact with the children?
A. They would call every now and then and we talked very few times.
Q. Now, you mentioned your son’s mother. You’re referring to Azja, correct?

A. Yes. Yes.
Q. Before 2003, how many times do you think you had been to Neverland?
A. Probably five. Five, six times.
Q. And how many times -- excuse me. Had you ever been to Neverland with the Arvizos?
A. I think once or twice.
Q. And do you remember what the occasion was?
A. I remember one time it was -- I think they came for my son’s birthday party, and also another two or three times. I don’t know.
Q. And was Michael Jackson always at Neverland when you visited?
A. No.
Q. How many times do you recall seeing Michael

Jackson at Neverland before the year 2003?
A. Once or twice.
Q. Now, at some point you learned about the Bashir documentary, right?
A. Yes.
Q. And how did you learn about that?
A. I think the news maybe, in the news.
Q. And do you know whether or not, after the Bashir documentary, you spoke to Gavin?
A. Yes, I did.
Q. And did you call him or did he call you?
A. I think he -- I called him one time, but I think he definitely probably called me, too. I

don't remember.
Q. Okay. Let me ask you a question about something that happened before the Bashir documentary that I neglected to talk about.
At one point you took the Arvizo family to Oakland, right?
A. Yes. Yes.
Q. And approximately when was that?
A. I don't know approximately, but it was -- I know it was during the football season, because I took them to a Raiders game and it was -- I can't recall what --
Q. And who did you take to the Raiders game in Oakland?
A. It was my son, Davellin, Star, and Dave, the father, and Gavin.
Q. Okay. Was that just a one-day trip?
A. One day, yes.
Q. Did you pay for everything?
A. Yes.
Q. Okay. So you speak to Gavin after the Bashir documentary airs, right?
A. Yes.
Q. And what does he say to you?
MR. SNEDDON: Object. Hearsay.
MR. MESEREAU: Impeachment.
MR. SNEDDON: I'm --
THE COURT: Well, there's two ways we can go.

I can ask him to be more specific and then I don't want to hear “leading,” you know. That’s the problem.

MR. MESEREAU: I can be more specific if you’d like, Your Honor.

THE COURT: All right.

Q. BY MR. MESEREAU: Mr. Tucker, after the Bashir documentary aired, do you recall discussing with Gavin Arvizo whether or not the media was hounding their family?

A. Yes.

Q. And what did Gavin say about that?

A. One time I can recall he said that it was hard to get around because they had no transportation, and the media was following them everywhere.

Q. Okay. Did you ever talk to Janet Arvizo about that problem?

A. Not that I can recall.

Q. Okay. How about Star?

A. Most -- I can’t remember.

Q. And how about Davellin?

A. Can’t remember. No, I don’t think so.

Q. Was Gavin the member of the family that called you the most?

A. Yes.

Q. Okay. Did Star call you from time to time?

A. He called. Sometimes he was on the phone, he would give the phone to Gavin. It was always Gavin and Star.

Q. Okay. Never Davellin, that you remember?

A. No.

Q. Okay. And did you ever think the mother was on the line or in the background?

A. No.

Q. Okay. Do you know one way or the other?

A. I don’t know.

Q. And did you ever know where Gavin was calling you from from time to time?

A. No. I knew sometimes he stayed with his grandmother. Sometimes he stayed other places. I just didn’t know.

Q. Okay. Now, what did you say to Gavin when he told you the media was hounding his family after the airing of the Bashir documentary?

A. I told him, you know, I felt sorry for him and I told him if there was anything I could do, I'd try to do something, but --

Q. And did he make any request of you?

A. You know, he was always complaining about they couldn't get around. And that's what made me say, "Okay. I'll try to do what I can to try to get them transportation." But -- I was very cautious with that, but -- that's when I was like, "They can't get around. The media's around them." So that's what made me say, "I'll try to give them a car or something."

Q. You think you made that offer in the year 2003?

A. I think so, yes.

Q. Because they said they had no way to drive around?

A. Yes.

Q. Did you know whether or not Michael Jackson had lent them an automobile at that point?

A. Yes.

Q. But they still were saying they couldn't get around?

A. Yes.

Q. Did that make you suspicious?

A. Yes.

Q. Did anything else that they did make you suspicious?

A. Well, I think they did a lot of things that I didn't see that my people were telling me to watch out.

MR. SNEDDON: I'm going to object to that and have that stricken. It's hearsay.

THE COURT: Stricken.

Q. BY MR. MESEREAU: Who were your people?

A. My brother, a few of my assistants that was on the set with me, was watching everything, you know. Gavin's behavior, Star's behavior. And they was telling me, but I was working. And they was telling me to -- you know, it was time for them to leave.

"They're" -- "Chris, they're doing a lot of stuff," you know, and --

MR. SNEDDON: Your Honor, I'm going to object as hearsay and a narrative. Move that the answer be stricken.

THE COURT: Hearsay. Stricken. It's nonresponsive, also.

Q. BY MR. MESEREAU: Were your suspicions based on what you observed or what you observed and what other people told you?

A. I observed a lot of stuff, but I always -- you know, I always gave it the benefit of the doubt, because I felt sorry for Gavin and I always wanted to try to help him and I let a lot of stuff just go by. But I knew what they was talking about.

Q. What did you observe that made you concerned?

A. Well, they stayed for a long time in Las Vegas, but, like I said, I was working, you know. But they stayed. They wanted to move to my hotel, and they wanted the same room I had and stuff. I was getting all this information, but I was so busy. So I knew about that, and I knew about Gavin wouldn't sit down on the set and all this stuff. But I knew how Gavin was, and I just wanted him to have fun and be -- to be a kid, or whatever.

So I did know everything, yeah, of course.

Q. Now, you say they stayed for a long time in Las Vegas. Were you paying for that?

A. Yes.

Q. How long do you remember their staying in Las Vegas?

A. It had to be weeks.

Q. Did you think they were taking advantage of you?

A. I was hoping they wasn't. I was hoping they wasn't, but, you know, when it got back to me, yeah, that's what it looked like. But I was hoping they wasn't.

Q. You mentioned Gavin's behavior on the set. Please describe what you're talking about.

A. He just -- just -- just bad, you know, being bad, being like a little kid.

And people -- you know, the director was telling me, you know, it was time for them to leave, they got to go. But I was like being naive, still being naive, you know, This kid, let him have some fun.” But everybody was saying the same thing, so it was -- it was getting, you know, that we couldn’t hardly film, because they wouldn’t know it was time to -- for action, I mean, “Be quiet. We got to do a scene.” So it got a little out of hand.
Q. And was anyone on the set in Las Vegas with the Arvizo children?

A. The father was there, yes.
Q. Okay. Did you ever see the mother there?
A. I think she was there once or twice.
Q. Okay. And are you saying that the parents didn’t seem to discipline the children very well on the set?
MR. SNEDDON: I’m going to object to the question.
THE WITNESS: No.
MR. SNEDDON: Compound in the use of “parents.”
MR. MESEREAU: I’ll rephrase it. I’ll rephrase.
THE COURT: I’ll sustain the objection.
Q. BY MR. MESEREAU: Did it appear to you that David properly disciplined his children on the set in Las Vegas?
A. No.
MR. SNEDDON: Object as leading.
THE COURT: Overruled.
Q. BY MR. MESEREAU: Did it appear to you that Janet properly disciplined her children on the set in Las Vegas?
A. No.
Q. How much of a problem were they on the set?
A. It -- you know, it was handled, but it was to a point that they -- you know, everybody had to say, you know, “Chris,” you know, “We got to” -- “We

got a job here to do. Make sure that they’re either in the trailer or off.” And then we had to send them off to have stuff to do all day.

Q. When you agreed to pay for their visit to Las Vegas, was there any understanding how long they would stay?

A. No.

Q. Okay. Did you have an expectation about how long they would stay?

A. A few days. Come to the set, visit, and then -- and then, of course, leave, yeah.

Q. And when did you learn that they had stayed there for weeks?

A. My brother told me, and was telling me that they wanted to stay where I was staying and they wanted the same room.

And I was like, you know, “Don’t bother me with that stuff.”

MR. SNEDDON: I’m going to object. Hearsay, move to strike.

THE COURT: Stricken.

Q. BY MR. MESEREAU: Did any member of the Arvizo family ever refer to you as part of their family?

A. Yes.

Q. Who?

A. The mother and Gavin and Star.

Q. And what did the mother say about that?

A. She just was frantically always saying I was their brother and all that stuff, and that she loved me and all this stuff.

Q. And what was your reaction to that?

A. I was -- you know, I was getting a little nervous, because, you know, my whole thing was to just help the kid, not to get attached to the whole family. Not like that. Because I just wanted to make his life a little easier. So I said, you know, I need to watch myself because I know, you know, I’m high-profile, you know, I got to be careful, because sometimes when people see what you got and what you -- you know, they’ll take advantage of you. So I tried to be careful and tried to pull back a little bit.

Q. What did Gavin say to you about being family?

A. He -- he always just said, you know, “You’re like a big brother,” and, you know, stuff like that.

Q. Did Gavin tell you he loved you?

A. Yeah.

Q. Did he say that often?

A. Yeah.

Q. Did Star say anything to you about being part of their family?

A. Yes.

Q. What did he say?

A. He -- he said, “You’re like a brother to us. You’re like a brother,” always said stuff like that, yeah.

Q. And did Star tell you he loved you?

A. Yes.

Q. Did Davellin say anything to you about being part of their family?

A. Yes. Yes.

Q. And what did Davellin say?

A. She would always say, “You’re like a big brother to Gavin and Star,” and she appreciated everything I did for her little brother and stuff like that.

Q. All right. Now, let’s move to the period of time after the Bashir documentary. You said you spoke to Gavin about it, right?

A. Yes.

Q. He talked to you about the media hounding them?

A. Yes.

Q. Did he make any requests?

A. He always complained about they couldn’t get around, and -- you know, and he wasn’t feeling, you know, good about that. So that was the main thing, I think, that he said.

And so I tried to, you know, make that easier for him, because I felt sorry for him.

Q. Now, at some point, did you travel to Miami with the Arvizo family?

A. Yes. Yes.

Q. And why did you do that?

A. Well, that was part of the -- they -- Gavin called, and they wanted to -- to -- they couldn’t get around. The media was following them around. And they wanted to -- to find Michael. They wanted to go out of town to find Michael.

And I said, “Okay.” I was trying to help them so they can get around and to get out of town so they can, you know, be left alone.

Q. And Gavin told you they wanted to be with Michael?

A. Yeah. They was looking for Michael and they wanted to find him and they wanted to go -- and they found out he was in Miami some kind of way and they wanted to go to Miami.

MR. MESEREAU: Your Honor, at this time, with the Court’s permission, we’d like to put up Exhibit 451, which is in evidence. It would be Tab 6, page two. I’d like to put it on the overhead.

THE COURT: You may.

MR. MESEREAU: Thank you.

Q. Mr. Tucker, I’m showing you a document which is in evidence, and it appears to be a phone record of Mr. Jay Jackson, okay? And do you know who Major Jay Jackson is?

A. No.

Q. Okay. Did you ever discuss with Janet Arvizo whether or not she had a friend who was in the United States Army?

A. No.

Q. She never told you anything about that?

A. I think boyfriend or somebody.

Q. You did learn about that?

A. Yes.

Q. All right. Let me just ask you a question about this document.

Now, if you look at the two calls on February 4th, you see a call from Reseda. Do you see that?

A. Yes.

Q. Then you see a second call on February 4th from Reseda?

A. Yes.

Q. Do you see that?

A. Yes.

Q. There is a number for both those calls. It’s (818) 757-1861. Do you see that?

A. Yes.

Q. Whose number is that?

A. That’s my number.

Q. And it says it’s a call in the evening, right?

A. Yes.

Q. Okay. All right. Now, was that your cell phone number?

A. That’s my home number.

Q. Okay. And do you recall any of the Arvizos calling you on February 4th in the evening?

A. Yes.

Q. Okay. And who called you on February 4th in the evening?

A. Gavin. Gavin called me, yeah.

Q. Is that the conversation where he said that he wanted to be with Michael in Florida?

A. Yes.

Q. Okay. Now, do you remember -- Thank you, Your Honor. Do you remember anything else that Gavin said in those two calls on February 4th to you?

A. That was -- I think that was about it; that he just said that they couldn’t get around and they wanted to get out of town, because they had nowhere to go.

Q. Okay. And did you offer to help them go to Florida?

A. Yes.

Q. What did you say to Gavin in that regard?

A. I said that, “Well, I may be” -- “I’m going out of town, and maybe I can” -- I was thinking about going out of town. So then at that time I knew that they wanted to go out of town, so I said, “Okay. You guys can fly with me. I’ll fly you out of town, so you guys can,” you know, “get away,” yeah.

Q. And just to clarify, the phone records we just showed you, the call is from someone to you?

A. Yes.

Q. All right. You never called Gavin on February 4th?

A. I don’t remember.

Q. Okay. All right. So did you agree to help Gavin get to Miami?

A. Yes.

Q. What did you tell him about that?

A. I told him to, you know, “Come over and you guys can fly with me” -- “I’ll try to charter a plane, and you guys can fly with me and go to Miami.”

Q. Now, did you tell Gavin that you had a home in Florida?

A. I told him -- he knew I had a house in Orlando, yes.

Q. How did Gavin know that?

A. I told him.

Q. Did you ask Gavin how he knew Michael Jackson was in Florida?

A. I can’t remember. I’m pretty sure I did. But I think that he was calling Michael’s people and he found out some kind of way.

Q. Now, at this point, given all the conversations you’d had with Gavin, his requests for money, the talk about automobiles, what you’d seen on the set, did you consider Gavin to be awfully sophisticated for someone his age?

A. Yes.

Q. And explain what you mean by that.

A. He was really smart, and he was cunning at times, but I always overlooked it because I felt sorry for him. But I knew he was -- he was a little kid, but he was cunning. And his brother Star was definitely cunning.

Q. When you say “cunning,” explain what you’re saying.

A. Always say stuff like, “Chris, let me have this. Let me have this. Let me get this. Come on, I’m not feeling good,” stuff like that.

And I knew it was going a little too far, but I always said, “He’s sick,” you know, “He’s got a lot of problems, family problems,” so I always just overlooked it.

Q. Did you agree to take the family to Florida?
A. Yes.
Q. And did you do that?
A. Excuse me?
Q. Did you do that?
A. Yes.
Q. And how did you arrange that?
A. I chartered a plane, and it was later on in the evening when it was ready, the plane was ready, and then we -- and we left.

Q. Okay. And if you remember, who was on the plane with you?
A. Davellin, Janet, Star and Gavin.
Q. And did you speak to Gavin on the plane?
A. It was kind of late, so everybody sort of fell asleep after -- well, everybody was happy and was excited to go. Relieved -- like relieved to get away from California. And we spoke -- everybody spoke for a little bit, but it was kind of late. And he was happy, ready to go see Michael, excited. And then everybody sort of fell asleep.
Q. Now, how did everyone get to the plane, if you know?
A. They was dropped off, I think.
Q. Okay.
A. You know.
Q. Do you know whether or not they went to your house that day?
A. Yeah, they was dropped off at my house.
Q. At your house?
A. Yes.
Q. Do you know who dropped them off?
A. I don’t -- I don’t remember.
Q. Okay. And did you then go to the airport with them?
A. Yes.

Q. Okay. Now, before you went to the airport with them, do you recall having a discussion with Janet Arvizo at your home?
A. Yes.
Q. And what was that about?
A. That’s the point that I was -- I was going

to give her this truck, the loaner, this truck to drive, but I got real uncomfortable when I was getting ready to loan the truck because she started frantically crying, like -- not crying like something normal, but it was like something was wrong with her.

And I got really, really -- something in my spirit just didn’t feel right about it, and I felt -- I said, “Oh, I’m going too far,” because -- and I knew she was -- something mentally wasn’t right. So I gave her the keys. But then I didn’t feel -- I didn’t feel comfortable about it at all.

Q. So was it your impression that Janet was, in her own way, asking for a truck?

A. No. I was just doing it as helping Gavin. I don’t think she was asking for it, no.

Q. But you say she was acting kind of crazy?

A. She started acting frantically, like mentally something wasn’t right.

And then I was, like, --

Q. Do you remember what she said?

A. She was just, like, you know, “Chris,” you know, “you like a brother,” and the “brother” thing again, and crying and -- just frantically crying and stuff.

And then I was, like, “Something” -- you know, “Something ain’t right,” you know.

Q. And did you then go with the family to the airport and fly to Miami?

A. Yes.

Q. All right. Do you recall whether or not Janet seemed excited about going to Florida to see Michael Jackson?

A. Yes, she was excited. Everybody was excited, the kids. And everybody was excited to go down there to see Michael, yeah.

Q. Did Janet say anything about how excited she was, that you remember?

A. She was -- she was relieved to leave, and she was happy to -- to go. She was -- she was thanking me and was excited to see Michael. And the kids were. They was all excited.

Q. Did anyone in the Arvizo family ever give you the impression they were going there against their will?

A. No.

Q. Now, when you got to Florida, what did you do?

A. We met up -- I met up with my brother at the airport and then we went straight to the hotel.

Q. And which hotel was that?

A. I think it was the Turnberry.

Q. Okay. And had you arranged in advance to have reservations at the Turnberry?

A. Yes.

Q. And did you stay there?

A. Yes.

Q. Okay. Now, when you got to the airport, did anybody pick you up?

A. Yeah, we had a car there. Yes.

Q. Okay. And did you arrange that or did Michael Jackson, if you know?

A. I arranged it and my brother was there waiting on me.

Q. Okay. Now, you got to Florida, went to the hotel, right?

A. Uh-huh.

Q. You went to the hotel with the Arvizos, right?

A. Yes.

Q. What's the next thing that happened?

A. I went to the hotel, and I went to my room, and the kids, I think, was looking for Michael.

Q. And were you with them when they were looking for Michael?

A. Yes. Yes.

Q. And did you see Michael?

A. Yes.

Q. And where did you see Michael Jackson?

A. We went to his room. I think we all just went up there to say hello.

Q. And did you speak to Michael?

A. Yes, briefly.

Q. Was that in his hotel room?

A. Yes.

Q. Okay. And were the Arvizos with you when you spoke to Michael?

A. Yes.

Q. Do you recall your saying anything to Michael in his room?

A. Just said hello and was happy to see him.

Q. And did you discuss the Arvizos with him?

A. We did. I did.

Q. What did you say?

A. Later on I did. I just told him to watch out for Janet because I felt suspicious about her.

Q. And did you tell Michael Jackson why you were suspicious about Janet Arvizo?

A. Yeah, because -- and she even made me more suspicious later on. But first, like I said, I gave her the keys. I -- at that point I knew something wasn't right.

And then I was trying to talk to Michael.

She kept interrupting, like -- and I was like -- I didn't know why she was doing it.

And then I just -- I tried to pull Michael in the room, and I said, "You need to watch out. Just be careful." And then -- that was really brief, and then I left.

Q. Now, why was that conversation brief?

A. Because the phones was ringing, the kids was all over the place, and it was -- you know, Michael's very busy, so it was always somebody pulling at him.

Q. Do you recall whether or not Michael responded when you said, "Be careful of these people"?

A. Yes, he did. He was listening. And we talked about other stuff and then I left.

Q. Okay. And where did you go when you left?

A. To my room.

Q. Okay. And when you went to your room, do you know where the Arvizos were?

A. I think they stayed in the room. I don't know.

Q. Okay. Did you see Michael Jackson again on that trip?

A. I think I seen him once before and then I

left.
Q. Okay. Did you see the Arvizos again on that trip?
A. Yes. Yes.
Q. Where did you see them?
A. I think I -- I think I seen them when I went

back to say bye to Michael in the room or around the hotel.
Q. Now, do you recall whether or not you spent any money on the Arvizos on that trip, besides the flight?
A. The flight and -- and I can’t remember if it was anything else.
Q. Did they get a massage or anything like that, that you remember?
A. No, not that I can remember.
Q. Okay. Okay. When you were trying to warn Michael Jackson about Janet, where was Janet?
A. She was in the next room.
Q. Okay.
A. Yeah.
Q. And did you -- did she ever come to you while you were trying to warn Michael?
A. I mean, it was knocks on the door. I don’t know who it was. But I don’t know who it was at the door, no.
Q. Do you recall Janet saying anything about Michael Jackson being a father to their family?
A. Oh, yes. Oh, yes. That was right before we went in the room. She was frantically -- the same thing. Michael’s the father. I’m the brother.
And that’s when -- that’s when I told Michael. I took him in the room, and I was trying to talk to him. I said, “Something ain’t right.”

Because I was never around her that much until that point. They came to the house and then in Miami. And I said, “Mike, something ain’t right.”
Q. Do you recall in Miami whether Gavin was saying anything about Michael Jackson being a father?
A. Yes.
Q. And what was Gavin saying?

A. He was repeating the same thing. It was -- it was -- she was saying “father,” and Gavin was saying “father,” and he was saying I was a brother, and it was just getting to be a little bit too much.
Q. Okay. Now, when you were in -- did you go to Orlando at some point?
A. Yes, I went to Orlando the next day.
Q. Okay. And when you were in Orlando, did you learn whether or not Janet had any keys to a vehicle?
A. She left the keys at the hotel. I heard.
Q. At what hotel now?
A. I think at the Turnberry.
MR. SNEDDON: Your Honor, move to strike. Hearsay; lack of foundation.
THE COURT: Stricken. Sustained.
Q. BY MR. MESEREAU: Did you know whether or not Janet left any keys at the Turnberry Hotel?
A. Yes.
MR. SNEDDON: Same objection. Lack of foundation.

THE COURT: Foundation, sustained.
MR. MESEREAU: Okay.
Q. When you got to Florida with the Arvizos, did you have any personal knowledge of whether or not Janet had any keys to a vehicle?
A. Yes. I knew she had the keys, yes.
Q. Keys to what vehicle now?
A. To -- the keys that I gave her to the truck that I own.
Q. Okay. And did you ever learn what she did with those keys?
A. Yes.
MR. SNEDDON: Object. Lack of foundation.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you ever get those keys back?
A. No.
Q. What happened to them, if you know?
A. They was lost.
MR. SNEDDON: Object. Lack of foundation; calls for hearsay.
THE COURT: Sustained. Foundation.

Q. BY MR. MESEREAU: Did you give the keys to your vehicle to Janet?
A. Yes.
Q. And when did you do that?
A. When she was at my house right before the

trip to Miami.
Q. Okay. Did you see her do anything with the keys?
A. She took them, put them in her hand, in a pocket. I don’t know.
Q. And at some point did you ever try to find out where those keys were?
A. She called my son’s mother looking for the keys. She lost them apparently.
MR. SNEDDON: Your Honor, I’m going to object. Move to strike as hearsay and ask counsel to move on.
THE COURT: Sustained. Stricken.
Q. BY MR. MESEREAU: Did you ever get the keys back at any time?
A. No.
MR. SNEDDON: Object. Asked and answered.
THE COURT: Overruled. The answer was, “No.” Next question.
MR. MESEREAU: Okay.
Q. Now, at some point you got back to Los Angeles from Florida, right?
A. Yes.
Q. How long were you in Florida?
A. A couple of weeks.
Q. Okay. Did you still have the truck in your possession when you returned?
A. Yes.

Q. And did you do anything to get a new set of keys to the truck?
A. No.
Q. Whatever happened with the keys, if you know?
A. They were lost. Fortunately they were lost, so -- yeah.
Q. All right. Now, after this Florida trip, did you ever hear from Janet again?

A. Yes.
Q. And when was that?
A. Well, I heard from the kids, several messages, wanting another pair of the keys to get the truck.
MR. SNEDDON: I’m going to object as nonresponsive and hearsay.
MR. MESEREAU: I’ll rephrase it.
THE COURT: All right. I’ll strike that answer.
Q. BY MR. MESEREAU: After you got back from Florida, did Janet ever call you again, to your knowledge?
A. No.
Q. After you got back from Florida, did Gavin ever call you?
A. Yes.
Q. And did he call you at home?
A. He called me, yes.

Q. Okay. Do you remember what he said to you?
MR. SNEDDON: Object as hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Mr. Tucker, you’ve described a truck --
A. Yes.
Q. -- that you had offered to the family. What kind of truck was that?
A. A Toyota truck. A Toyota truck.
Q. Do you know about what year that was?
A. What year was the truck? It had to be maybe 19 -- I don’t know. I don’t know.
Q. Do you know approximately what the truck was worth at that time?
A. Yes, 14,000. I think it was maybe a 2000 or something like that.
Q. Okay. Did Gavin continue to call you after you got back from Florida?
A. Yes.
Q. And did you continue to talk to Gavin?
A. Yes.
Q. And did Gavin ever ask you for any more financial assistance?
MR. SNEDDON: Object. Calls for hearsay,

Your Honor.

MR. MESEREAU: Impeachment.

THE COURT: The objection is overruled. You may answer.

THE WITNESS: They was constantly calling for the truck. And I felt like the mother was making them call for the truck because it was getting on my nerves.

MR. SNEDDON: I’m going to object to the last statement and ask it be stricken as conclusion and speculation.

THE COURT: Stricken, not responsive.

Q. BY MR. MESEREAU: When Gavin called you after the trip to Florida, did he himself ask for the truck?

A. Yes.

Q. Did Janet ever call you after the trip to Florida and, to your knowledge, ask for the truck?

A. I think once or twice. I don’t remember.

Q. Okay. Do you remember whether or not Star called you after the Florida trip and asked for the truck?

A. I don’t remember.

Q. Okay. Now, at this point in time, was it your understanding that Azja Pryor was in touch with the Arvizo family?

A. Yes.

Q. And do you know whether or not she was talking to them quite often?

A. Yes.

Q. And without saying what she told you, were you discussing the Arvizo family with Azja?

A. Yes.

Q. Did you yourself ever discuss your concerns about the Arvizo family with Azja?

A. Yes. I told her about the truck, and I told her, “Don’t give it to them,” because I felt uncomfortable, and I felt like I did enough. And she was telling me they kept calling about the truck, because the truck was with her.

Q. When did you last talk to any member of the Arvizo family?

A. Last time I talked to them was Gavin for a quick second.

Q. And when was that?

A. It had to be a year ago. Almost a year or two ago, I think. A year ago, probably.

Q. And did he call you?

A. No, I called him.

Q. Okay. Why did you do that?

A. I was going through some old notepads that I had. I was throwing away a lot of numbers and I ran across his name, and I didn't even think the number worked. And I just called it just to check, and he answered the phone.

And I said, "Gavin," and he said, "Chris." Like real happy, like, to hear from me, because he hadn't heard from me for a long time. And he was like, "Hey, Chris," and I said, "Hey, Gavin."

And all of a sudden I heard a "Get off that phone - now," and the phone just -- click.

And I knew it was Janet. And I was really concerned at that time because I was, like, you know, that was really, really strange, because, you know, I didn't know what -- what was going on.

Q. Have you talked to any member of the Arvizo family since that particular call?

A. No. No.

Q. Now, did that call -- Mr. Tucker, when do you think the last time you spoke to Gavin was?

A. I think it was after the -- after the Miami trip, I sort of, like, just wanted to distance myself. So I think it might have been a few times after that. I don't remember.

Q. And this is after you warned Michael Jackson to get away from these people?

A. Yes.

MR. MESEREAU: No further questions.

THE COURT: Cross-examine?

CROSS-EXAMINATION

BY MR. SNEDDON:

Q. Good morning, Mr. Tucker.

A. Good morning.

Q. Mr. Tucker --

BAILIFF CORTEZ: Your microphone’s off, sir.

Q. BY MR. SNEDDON: Mr. Tucker, were you contacted by law enforcement with regard to making a statement involving the Michael Jackson investigation?

A. Yes.

Q. And you declined to give a statement to law enforcement, correct?

A. No, I don’t think so.

Q. You don’t think so?

A. No.

Q. You weren’t contacted and asked if you would cooperate with law enforcement and refused?

A. No.

Q. Do you recall your attorney being contacted and requested that we talk to you?

A. Yes.

Q. And he declined to allow us to contact you?

A. No. No.

Q. That’s your recollection?

A. Yes.

Q. Do you recall how many times that -- did your attorney ever tell you that we had contacted -- that law enforcement had contacted you and wanted to interview you?

MR. MESEREAU: Objection; privilege.

THE COURT: Sustained.

MR. SNEDDON: I’m not asking what was said, I just want to know if he was contacted.

THE COURT: No, that’s not what you asked.

MR. SNEDDON: All right.

Q. Were you contacted by your lawyer about --

A. Yes.

Q. -- about a request for law enforcement to talk to you?

A. Yes.

Q. And on how many occasions?

A. I don’t know how many occasions.

Q. It was more than once, was it not?

A. I don’t remember.

Q. Do you recall law enforcement leaving cards at your house to ask you to call them so that they could interview you?

A. I recall they came one time and wouldn't even come to my door. I came outside looking for them. But they wouldn't come to my door.

Q. I asked if you recall them leaving business cards at your house and asking you to contact them so they could do an interview with you.

A. I don't know if they left them at the house. They might have left them at the gate. You can't get to my door unless they call me.

Q. What I'm asking is, do you recall law enforcement leaving any cards at your house asking you to contact them so they could interview you?

A. If they did, I would immediately return it to my attorney, and he got back in touch with them. I do recall giving it to my attorney to get in touch with them, because I know you have to do that or that's breaking the law.

Q. At any time prior to your testimony here this morning, did you ever grant an interview with any law enforcement officer?

A. We set up appointments and it never happened.

Q. You personally recall setting up appointments with law enforcement?

A. My attorney took care of that, yeah.

Q. That's your understanding?

A. That's my understanding, that my attorney did that, yes.

Q. That law enforcement never showed up?

A. They came to my gate one time, my mother was there as a witness, and never came to my door.

Q. No, I'm asking you whether or not on those occasions that you said that your attorney set up an interview with law enforcement that they didn't show up for the interview?

A. Excuse me?

Q. Maybe I misunderstood you. I understood you to say that, through your lawyer, you actually consented to an interview with law enforcement; is that correct?

A. Of course. I told him if -- if I got to go in there, I got to go in.

Q. And was an appointment set up to do that with law enforcement, to your knowledge?

A. It was supposed to be set up. To my knowledge, it was supposed to have been set up, and I think you guys didn’t want to interview me.
Q. That’s what you think, huh?
Did you ever -- so at no time prior to your appearance here in court were you ever interviewed by law enforcement; is that a fair statement?
A. I don’t think so. I don’t remember.
Q. Now, the telephone call that you told the jury about where you heard Janet yell in the background to hang up the telephone, do you recall that?
A. Yes.
Q. You just testified about that. That actually was made by you to Gavin after the charges had been filed against Mr. Jackson; isn’t that correct?
A. Yes. It was that time period, yes.
Q. And prior to that, you had been seen publicly with Mr. Jackson appearing at a number of functions; isn’t that correct?
A. I don’t remember.
Q. Well, did you appear publicly at a number of functions with Mr. Jackson at or about the time the charges were filed in this case?
A. I don’t remember. I don’t.
Q. You don’t -- you can’t say one way or the other?

A. I don’t -- maybe. Maybe not. I --
Q. Would you agree with me that there certainly were occasions that you did appear with Mr. Jackson publicly?
A. I can’t say. I can’t say, because at that period of time I didn’t see Michael for a while, for a long time, yeah.
Q. So you have no recollection of ever appearing publicly with Mr. Jackson during that time period, after the charges were filed and between the time of the telephone call with Gavin?
A. Maybe. Probably before that period of time

or -- I don’t know. I can’t remember.

Q. Would you agree with me that after you were introduced to Mr. Jackson by Gavin that you and Mr. Jackson thereafter struck up a friendship?

A. Yes.

Q. And that, as you describe it, you became friends?

A. Yes.

Q. So it was an ongoing relationship between you and Mr. Jackson?

A. Yes.

Q. Do you recall an occasion of being with Mr. Jackson -- let me ask you this question. Do you know who Al Malnik is?

A. Yes.

Q. And do you recall an occasion where you were actually photographed with Mr. Jackson and Mr. Malnik together?

A. Yes.

Q. And that that photograph was actually made public. Do you recall that?

A. Yes. No, I don’t recall the photograph, but I know that we was at a birthday party one time.

Q. And was that at Neverland Ranch?

A. No.

Q. It was at another -- it was in Miami?

A. Yeah, it was in Miami.

Q. Where Mr. Malnik lives?

A. Yes.

Q. And that would have been after the charges had been filed in this case; isn’t that correct?

A. I don’t remember.

Q. Let me go back a little bit and talk a little bit about your relationship with Gavin. You first met Gavin because of his cancer, correct?

A. Yes.

Q. And you were kind enough to actually visit Gavin in the hospital on a number of occasions, correct?

A. Yes.

Q. And when you visited Gavin at the hospital on those occasions, his father David was there most of the time, correct?

A. Yes.

Q. Did -- and I guess, based on your testimony, you never met Janet Arvizo at the hospital?
A. Most of the time they -- you know, I asked about it, but they was ashamed of her.
MR. SNEDDON: Move to strike as nonresponsive, Your Honor.
THE COURT: Stricken.
Q. BY MR. SNEDDON: What I asked you, Mr. Tucker, was when you visited the hospital and visited Gavin, did you meet Janet Arvizo at the hospital?
A. No.
Q. And you were also kind enough that, on New Year's Eve or right after New Year's, which would be the year 2001, you and Azja Pryor and your son visited Gavin in the hospital, correct?
A. I think it was just me. It was New Year's night. It was New Year's Eve, yes.
Q. And you don't think Azja Pryor was present?
A. I think she might have been. She might have been.
Q. When you were there that night, do you recall having a conversation with Janet on the phone on that evening?
A. I don't know. I don't remember.
Q. Do you recall Janet telling you that she appreciated very much everything that you were doing for her son?

A. I don't remember.
Q. Were you aware of the fact that Gavin had attended a comedy camp at The Laugh Factory?
A. Yes.
Q. And you are aware of the fact that Gavin was very fond of comedians, correct?
A. Yes.
Q. And that one of the reasons that he had selected to meet you was because you were a comedian of some note, correct?
A. I wasn't aware he was fond of that many comedians. I think his father said I was his favorite comedian, and I didn't know they had

contacted everybody in the whole town.

Q. Well, a lot of comedians, correct?

A. I wasn’t aware of that. I thought that he was -- you know, he was particularly saying, “Chris, you are my favorite comedian, and you are” -- you know.

Q. Did he talk to you about the fact that he admired Jay Leno?

A. No. He didn’t mention not one time about any other celebrities, any other times.

Q. Okay.

A. Not one time.

Q. So the answer is “No”?

A. No.

Q. So if I would read you a list of celebrities, the answer would be “No,” “No,” “No”?

A. To me he mentioned nobody but Michael Jackson. And he knew I was a fan of Michael Jackson, and that was it.

Q. Okay. So your testimony is that he mentioned to you when he was in the hospital that he was a friend of Michael Jackson’s -- a fan of Michael Jackson’s?

A. He mentioned it when we first met, because I guess he seen from my movies that I’m a fan of Michael Jackson. So he mentioned it. The first thing that came out of his mouth --

MR. SNEDDON: Your Honor, I’ll move to strike as nonresponsive.

THE COURT: Overruled. Next question.

Q. BY MR. SNEDDON: I think the question I asked, Mr. Tucker, was, was that what he told you in the hospital?

A. No.

Q. Okay. So he was not in the hospital at the time that he told you that he was a fan of Michael Jackson?

A. The first time we met he told me he was a fan of Michael Jackson.

Q. And that would have been at The Laugh Factory?

A. The Laugh Factory, yes.

Q. At the benefit?

A. Yes.

Q. Okay. Did he tell you at that time that he knew Michael Jackson?

A. At what time?

Q. At The Laugh Factory, the first time you met him.

A. Yes. Yes.

Q. And that he had been in contact with Michael Jackson?

A. Yes.

Q. By way of phone?

A. Yes.

Q. And during the time that you took Gavin to Knott’s Berry Farm with your family, that was a time when Gavin was still fighting his battle with cancer, correct?

A. Yeah. I think he was still going through chemotherapy, yes.

Q. And were you aware from conversations -- well, I’ll just ask you, were you aware of the fact that the family was having financial problems?

MR. MESEREAU: Objection. Assumes facts not in evidence; foundation.

THE COURT: Overruled.

You may answer.

Q. BY MR. SNEDDON: Just “yes” or “no” is fine.

A. I had an idea they were, but I wasn’t concerned. I was concerned about his health.

Q. All right. So that’s fair enough. Did you ever visit their apartment in East Los Angeles?

A. No.

Q. Did you know they lived in East Los Angeles?

A. They told me they lived, yeah, in East Los Angeles, yeah.

Q. Did you know that the mother of your child, Azja Pryor, had actually visited their place in East Los Angeles?

A. Yes.

Q. Did she describe to you what the place was like?

A. Yes.

Q. And it was pretty bad, wasn’t it?

A. She -- she really told me what -- mostly about what -- you know, what was going on. I don't remember what she said. I really don't.

Q. So she didn't describe what this one-room apartment was like?

A. I don't think she was concerned about that. I think she was more concerned about what was going on with that family.

Q. But the question --

Move to strike as nonresponsive, Your Honor.

THE COURT: Stricken.

Q. BY MR. SNEDDON: I asked you whether she described to you the apartment.

A. No, she described what -- you know, there was a lot of problems going on in that family and I was asking her why was she over there with my son.

MR. SNEDDON: Move to strike as nonresponsive, Your Honor.

THE COURT: Stricken.

Q. BY MR. SNEDDON: So --

THE COURT: The first --

MR. SNEDDON: Everything beyond "No." So we don't have to go through this again. Thank you.

THE COURT: Yes.

Q. BY MR. SNEDDON: Were you aware of the fact when you visited the hospital that the father, David Arvizo, was not working?

A. No.

Q. Were you aware of the fact that, during the time that you were visiting the hospital, that the mother was working?

A. No.

Q. Were you aware of the fact of how the medical bills were being paid?

A. No.

Q. And when you gave the money -- let me talk about this situation where you actually were kind enough to give money to the family. Gavin was at your house, correct?

A. Yes.

Q. And the father was at the house?

A. Yes.

Q. Was Star at the house?

A. Star was there, yes.

Q. And I want to see if I'm not confusing this with something else in your statement to the defense investigator. But you indicated that there was an occasion where Gavin asked you for some money, and that he was being prodded into it by his father David; is that correct?

MR. MESEREAU: Objection; misstates the evidence.

THE COURT: Overruled.

You may answer.

THE COURT: Do you want the question read back?

THE WITNESS: Yes.

THE COURT: All right. The court reporter, read it back, please.

(Record read.)

THE WITNESS: It was a time that Gavin approached me and asked for some more money after I initially sent some money, wired some money.

And I was -- I didn't know. I was suspicious. I didn't know if it was the father, because I was still naive; Gavin -- would Gavin do something like that.

But then I thought about it. And Gavin was so cunning and so smart that I -- Gavin -- it's hard -- if Gavin didn't want to do something, he's

not going to do it, so --

MR. SNEDDON: Your Honor, I move to strike as nonresponsive to the question.

THE COURT: Stricken.

Q. BY MR. SNEDDON: Mr. Tucker, the question I asked was, do you recall telling the defense investigator in this case that there was an occasion where Gavin Arvizo and David Arvizo were at your house and that Gavin was being prodded by his father to ask for money?

A. I said --

Q. Do you recall that?

A. I remember the occasion that Gavin came to me and asked for some more money and his father was with him and his father said, "Gavin, come to the car.”

And I told Gavin, “No, I can’t give any more money, you guys.” I remember that occasion.

Q. Do you remember telling the defense investigator that the father was actually prodding and pushing Gavin to ask for the money, but you said it appeared Gavin didn’t want to ask? Do you recall telling him that?

A. I thought I told Gavin that I couldn’t give any more money. And when the father responded, “Gavin, let’s go,” I didn’t -- I was like, “What is this? Is this a tag team?” I didn’t know what was going on. But I knew Gavin was smart enough and I knew that he was --

MR. SNEDDON: Your Honor, move to strike as nonresponsive.

THE COURT: Stricken as nonresponsive.

Q. BY MR. SNEDDON: I’m going to ask one more time, and if the answer is “no,” that’s fine. I just want to -- did you tell the defense investigator in this case that there was an occasion --

A. Yes.

Q. -- where Gavin -- let me finish, in fairness to you. Let me finish the question.

That Gavin Arvizo asked you for money and that you -- your observation was that he didn’t want to do it but was being pushed by the father to ask?

A. No, no.

Q. You never told the investigator that?

A. What I said is, yes, I told them I thought the father was a part of that, but Gavin was the one who asked me for the money. And I said I think the father was there with him.

Q. Put him up to it?

A. No. I knew Gavin was doing it on his own, but the father was there. And I think they was doing it together. That’s what I said.

Q. And you didn’t say that Gavin was reluctant to do it; is that --

A. I said the father was there, and Gavin was asking, yes.

Q. The question is “yes” or “no.” Your opinion was that Gavin wasn’t being prodded into it by his father?

A. I think it was both of them, yes.

Q. And this was at a time when Gavin was still going through chemotherapy, correct?

A. I don’t remember. I don’t remember.

Q. Do you remember when it was that the Arvizos split up?

A. I don’t remember. They didn’t tell me. I’ve heard from other people.

Q. Now, at the time that you took the family to the Raiders game, was Gavin still going through chemotherapy at that time?

A. I think so. I think so.

Q. And the father was there on that trip?

A. Yes.

Q. And you also took Gavin to some Laker games, did you not?

A. Yes.

Q. In fact, you took Gavin down to the locker room on one occasion; is that correct?

A. Yes.

Q. Introduced him to some of the players?

A. Yes.

Q. And you arranged, actually, to have Gavin’s photograph taken with Kobe Bryant at one time, did

you not?

A. Yes.

Q. Were you the one that arranged to have Gavin’s picture put up on the speaker system above the arena at the Laker game?

A. I don’t remember.

Q. Now, you told us that you began to develop some suspicions about Gavin, is that correct, or the family?

A. Yes.

Q. Which was it, the family or Gavin?

A. It was the family.

Q. Okay. And was this a time -- at a time when Mr. Arvizo, David Arvizo, was involved with the kids?

A. Excuse me?

Q. Was this a time when your suspicions started to develop that David Arvizo was still in the family picture?
A. It started when we was -- when I met the entire -- in Vegas, when they was staying the whole time and not leaving.
Q. Up to that point in time you had no reason to have any suspicions?
A. I wasn’t.
Q. And that’s when -- when you began to have doubts in your mind, let’s put it that way; is that fair enough?

A. That’s when my people was telling me that, “Watch out.”
Q. Now, that trip to Las Vegas, you were filming there on the set. And that was during a summer, was it not?
A. I think so.
Q. That would have been the summer of 2001; isn’t that correct?
A. I think so.
Q. Or 2000? 2001?
A. I don’t know.
Q. Well, it was your movie -- so -- I mean, 2001?
A. I think we were filming in 2001, 2002. It was a long movie. I’d have to check.
Q. Do you recall when the movie came out?
A. I think it came out 2001.
Q. Now, the car that -- did you see them driving a car at that point in time?
A. They -- I think they had a truck.
Q. That was the one that Mr. Jackson had given them, correct?
A. Yes.
Q. And based upon your direct examination testimony, was it your impression that the Arvizo family retained custody and control of that truck all the way up during the time that you were talking to them about the other Toyota truck?

MR. MESEREAU: Objection; foundation.
THE COURT: Overruled.

You may answer.

THE WITNESS: Repeat the question.

Q. BY MR. SNEDDON: Yeah. You told the jury that you were a little suspicious of the Arvizo -- or the Arvizo family about you giving them the truck, because you thought that Michael Jackson had already given them a truck. Did you not tell us that?

MR. MESEREAU: Objection; misstates the evidence.

THE COURT: Sustained.

Q. BY MR. SNEDDON: Did you have -- did you have a concern at the time that you were talking to the Arvizos about the Toyota truck that they already had a truck that had been given to them by Mr. Jackson?

A. They told me they didn’t have a car. And I just said -- you know, trying to help out Gavin, giving them another car.

Q. So the fact that Mr. Jackson had at one time given them a car or a truck was not -- you didn’t feel that they were misrepresenting the fact that they didn’t have a car, correct?

A. I didn’t ask any questions, because, I mean, it’s a little kid. So I just said, you know, “If you need a car, I’ll” -- you know, “I’ll get you a 12000

car.” I didn’t know what happened, if it broke down or what. I didn’t know.

Q. Mr. Tucker, what I’m asking you was what your mindset was at the time these conversations were going on with Gavin Arvizo regarding the truck. Was it your mindset that they already had a car that had been given to them by Mr. Jackson?

A. I was -- I didn’t even think about it, because the car -- I didn’t think about the car that they already had or Mr. Jackson’s car. I wasn’t even thinking about that. They told me they didn’t have a car and I gave them a car.

Q. At the point you gave them a car, you had no suspicion that they did not have a car, correct?

A. I -- I didn’t think about it. I just didn’t think about it. I should have, probably, but I didn’t think about it.

Q. If you didn’t think about it, I guess you didn’t have a suspicion then, right?
A. I didn’t know. I just --
Q. All right. Did you know that, in fact, that car -- that Mr. Jackson’s car had been returned?
A. No.
Q. Over a year before?
A. No.
Q. And you knew at the time that they were talking to you about the subject of the Toyota, your Toyota truck or Azja’s Toyota truck, Azja Pryor’s, that the father, David Arvizo, was no longer in the picture, he had been gone for a while, correct?

A. I had heard from my son’s mother that there was a lot of problems going on, and -- you know, all this stuff. And I just heard a lot of stuff. So I didn’t know definitely. I was hearing a lot of stuff.
MR. SNEDDON: Your Honor, move to strike as nonresponsive.
THE COURT: Sustained. Stricken.
Q. BY MR. SNEDDON: What I asked you, Mr. Tucker, was, did you know at the time that they were talking about the truck whether or not David Arvizo was no longer a part of the family? Did you know that?
A. Well, how I found out was through my son’s mother. Because they told me that there was all this stuff going on in the family.
Q. Okay. So --
A. They didn’t tell me anything.
Q. I’m not --
A. They didn’t tell me.
Q. I’m -- that’s fine. I just want to make sure we understand. Your understanding was, at this point in time, that the father was no longer in the picture, correct?
A. I just heard a lot of mis -- stuff. I didn’t know. I didn’t know what was going on. No, I didn’t know.

Q. You hadn’t seen David Arvizo for a long time?

A. I didn’t see the whole family for a little while. I didn’t see them every day.
Q. I know you didn’t see them every day. But you talked about having phone conversations with them, didn’t you?
A. With who?
Q. You talked about having phone conversations with the family.
A. He never told me everything. Every time Gavin called, I asked him how he was doing, but he never told me about this other stuff.
Q. When was your brother married?
A. I don’t know. A few years ago. I don’t know. My brother? Which brother?
Q. Well, the one that got married that you took the kids to. The wedding.
A. That I took the kids?
Q. Do you remember taking -- inviting the Arvizo children to your brother’s wedding?
A. My brother -- okay, I know which one you’re talking about now. I don’t know what year. It had to be maybe 2000. Maybe. I don’t know.
Q. Do you recall going to a wedding in Pasadena for your brother?
A. Yes.

Q. You can’t recall the year that you went to your brother’s wedding?
A. No.
Q. You invited the Arvizo children to go with you, did you not?
A. Well, they wanted to go, and they basically invited themselves, but, yeah, they came.
Q. You could have said “No.”
A. Yeah, but I thought I was doing the right thing.
Q. Okay. So you took them to your brother’s wedding in Pasadena, correct?
A. They came to the wedding, yes. They wasn’t in the car with me.
Q. Okay. But they -- you had your picture taken with them at the wedding, didn’t you?
A. Yeah, they was at the wedding. They showed up.

Q. But you invited them?
A. Yeah. If they wanted to come, they could come.
Q. I mean, they didn’t know where the wedding was. You had to give them the information, didn’t you?
A. No, I didn’t. I didn’t know where the wedding was. I mean, they sent out -- they must have called somebody. I don’t know. I don’t know how --

Q. You don’t know how they found out where the wedding was in Pasadena?
A. No.
Q. It was at a private residence, wasn’t it?
A. Well, you could call -- I mean, they got people for that, that when they do weddings. I don’t know who they called. But I’m pretty sure they asked me -- I don’t remember if I told them to come, because, you know, like I said, anything, you know, for Gavin, for him to feel, you know -- have some fun or whatever. And he knew my brother, so --
Q. Well, at this point in time, Gavin’s cancer had been in remission for some time, hadn’t it?
A. I think he was doing better, yeah.
Q. I mean, in the photograph that shows you and the kids, Gavin no longer has the pale look --
A. Yes.
Q. -- and the loss of hair, right? Correct?
A. In the photograph. Which one?
Q. The one taken with you at the wedding with the kids.
A. I don’t remember. I don’t remember that photograph.
Q. He has all his hair back and it’s dark again; isn’t that correct?
A. I think he did, yeah. He was doing pretty good at that time.
Q. In fact, he’d been over cancer for almost a

year, in remission, hadn’t he, by the time your brother got married?
A. I’m pretty sure that he was getting better at that time, yes.

Q. And he looked very healthy at the time the photograph was taken at the wedding; isn’t that correct?
A. I don’t even know what photograph you’re talking about, but I guess you know.
Q. Okay. I’m going to show it to you in just a second. Maybe that will help you jog your memory.
A. Okay.
Q. Now, you bought your -- the mother of your child - I should refer to her as Azja Pryor - a new car. It was a Mercedes SUV, correct?
A. Yes.
Q. And when you went to buy that car, you actually took the Arvizo children with you, did you not?
A. I don’t remember.
Q. You don’t recall them being with you; that you took them and you even allowed them to pick out the color?
A. I don’t remember. They may have been with me. I don’t know.
THE BAILIFF: Judge.
Q. BY MR. SNEDDON: And that would have been somewhere just before Christmas of the year 2002,

correct?
A. I don’t know. I don’t remember.
Q. You don’t remember when you bought Azja Pryor a Mercedes SUV?
A. I can -- I know it was -- it was recently. But I don’t remember exactly, the exact date and time, because I don’t remember.
Q. Well, can we pin it down that it was before Christmas --
THE COURT: Counsel. Let’s take a break.
MR. SNEDDON: Okay. Judge.
(Recess taken.)
--o0o--

REPORTER’S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 11944 through 12007 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 25, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
May 25, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, MAY 25, 2005

8:30 A.M.

(PAGES 12009 THROUGH 12160)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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Beverly Hills, California 90212

I N D E X

Note: Mr. Sneddon is listed as "SN" on index.
Mr. Zonen is listed as "Z" on index. Mr. Auchincloss is listed as "A" on index.
Mr. Mesereau is listed as "M" on index. Ms. Yu is listed as "Y" on index.
Mr. Sanger is listed as "SA" on index.

DEFENDANT'S

WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
TUCKER, Chris	12045-M			

PLAINTIFF'S

WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
ROONEY, Timothy Patrick	12057-SN	12060-SA	12065-SN	
MERIDITH, Shane	12082-SN	12084-M	12090-SN	
SALAS, Jesus	12092-A	12102-M	12114-A	
ALVAREZ, Victor	12117-A	12126-SA	12141-A	12143-SA

E X H I B I T S

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
900	DVD of sheriff's interview of Gavin Arvizo		12150

DEFENDANT'S NO.

5108 One page of Verizon phone records 12158

THE COURT: Counsel?

MR. SNEDDON: Thank you, Your Honor.

Q. Mr. Tucker -- there we go.

Mr. Tucker, you were shown a phone number on an exhibit that was displayed on the board there, and you identified that as your phone number, correct?

A. Yes.

Q. That's a landline, meaning it's a non-cell phone? That's your home phone number?

A. Yes.

Q. And that's a number you had given to Gavin, correct?

A. Yes.

Q. Is that the only number you gave?

A. No, I gave him a voice mail number when we first met, and eventually he had my home phone number.

Q. Does your home phone also have voice mail on it?

A. Yes, message.
Q. Yeah, yeah, voice message, sorry. Now, I want to show you a photograph, if we could have --
MR. AUCHINCLOSS: “Input 4.”
MR. SNEDDON: -- “Input 4.”
Q. Would you take a look at that for a second. And that’s People’s Exhibit -- People’s Exhibit No. 14.

Do you recognize the people depicted in that photograph?
A. That’s a nice photograph. Can I get it after the trial?
(Laughter.)
A. I haven’t even seen it.
Q. That depends on whether you’re a good boy or not.
(Laughter.)
Q. Do you recognize that?
A. Yes, I do.
Q. The people in the photograph?
A. Yes, I do.
Q. And that’s you and your son and your girlfriend, correct?
A. Yes.
Q. And the Arvizo family?
A. Yes.
Q. And that photograph was taken at your brother’s wedding?
A. Yes.
Q. Okay. All right. Thank you. Your son, I believe his name is Dustin?
A. Yes.
Q. Okay. And what is Dustin’s birthday party -- birthday name -- excuse me. What is Dustin’s date of birth?
A. September the 13th.

Q. Okay. And so his birthday would be on September 13th?
A. Yes.
Q. And do you recall having a birthday party for him at Neverland Valley Ranch?
A. Yes.

Q. And you invited a number of people to the party, correct?

A. Yes.

Q. And in fact, you invited the Arvizos to that party, correct?

A. Yes.

Q. And in order to get everybody out to the ranch, you chartered two big buses to get them out there, correct?

A. No, we had one bus. One bus. I think it was one bus, yes.

Q. Just one bus?

A. It might have been two. I don’t know.

Q. Do you recall that the Arvizo family was on the same bus that you were on?

A. Yes.

Q. And that, in fact, Janet Arvizo was on that bus, correct?

A. I don’t know if she was on there or not.

Q. You don’t recall seeing Janet Arvizo and a person named Jay?

A. I think so. I think so.

Q. Now, that birthday party that you had for your son was during the year 2002, correct?

A. I think so. I think.

Q. And how old would your son have been in the year 2002?

A. Might have been five, going on five.

Q. Okay. Now, after the birthday party, did you stay at the ranch with your son?

A. I don’t remember. I don’t remember.

Q. Do you recall an occasion during the year 2002 where you were at the ranch during the summer for about a week with your son?

A. I don’t remember how long it was, but I know I’ve been at the ranch with my son before, yes.

Q. Okay. And do you recall that during the summer of 2002, you were at the ranch with your son and the Arvizo children for approximately a week?

A. I knew we all was at the ranch before one time, and I don’t know what year, what time. I don’t remember now.

Q. But you do recall spending at least a week

with the Arvizo children at Neverland Valley Ranch at some point in time?
A. I don’t remember how long it was or how many days it was.
Q. Was it more than --
A. What year it was.
Q. Was it more than two days?

A. I don’t remember. I don’t remember.
Q. Do you remember going horseback riding with the children at the ranch?
A. I remember that.
Q. All right. I think we were -- one other thing I want to go back and clear up.
You told the ladies and gentlemen of the jury that you gave -- or you wired some money or had money wired to an account that was given to you -- account information that was given to you at your house, correct?
A. Yes.
Q. And the people who were present at your house on that occasion were David Arvizo, Gavin Arvizo and Star Arvizo, correct?
A. Yes.
Q. Okay. And it was the father, David Arvizo, who gave you the account information, correct?
A. No, Gavin gave it to me.
Q. Gavin gave you the account information?
A. It was on a news -- a paper, a piece of paper, and he gave it to me.
Q. Okay. So he showed you an article that had been published about him?
A. Yes.
Q. And he showed you the account information on that?
A. And he gave me the proper spelling of his

name, because I didn’t -- he spelled down the name and everything.
Q. I want to talk a little bit about the car, or the truck, the Toyota truck, okay?
Do you recall that the new car you bought for Azja Pryor was before Christmas of 2002?
A. It might have been that time.

Q. Okay. And do you recall that when you made the decision to give the Toyota truck to the Arvizo family, that that decision was made around Christmastime, that it was going to be a gift to them?

A. No.

Q. It was never going to be a gift to them?

A. No.

Q. Did you ever tell Azja Pryor that it was going to be a gift to them?

A. No.

Q. So it's your testimony that the decision on your part to give the Arvizos the truck occurred after the Bashir video?

A. Yes.

Q. And one of the things that you said that kind of turned you off was Janet's reaction to the news that you were going to give her the truck?

A. Yeah.

Q. She was overly effuse -- overly grateful to you?

A. No.

MR. MESEREAU: Objection; misstates the evidence.

Q. BY MR. SNEDDON: Did she tell you that she was grateful that you gave her the truck?

A. Her behavior was frantic, and I was -- I was -- I got real scared that I went in too deep with the family.

MR. SNEDDON: Your Honor, I move to strike as nonresponsive.

THE COURT: Sustained. Stricken.

Q. BY MR. SNEDDON: What I asked you, Mr. Tucker, was, did Janet Arvizo tell you that she was grateful to you for giving them the truck?

A. She was -- like I said, she was crying, and saying that -- she didn't say that, no. She was just saying, "You're my brother. You're like a brother. And Michael's like a father." She kept repeating it and she kept repeating it. That's when I got, like, "Whoa."

Q. So it's your testimony that the thing that bothered you about her response was that she said

that you were like a brother to her?
A. No. She started frantically crying, eyes got red, and shaking.
Q. Okay. So she was crying and she was shaking?
A. Like she was possessed.

Q. Well, or she was terribly grateful to you for something that you'd done?
A. I know the difference of that.
Q. You do?
A. Yeah, I meet a lot of people. I know the difference of that.
Q. This is one of the first occasions you actually met Janet in person, isn't it?
A. I met her in Las Vegas.
Q. And this was the second occasion in which you'd met her?
A. Yes.
Q. And the family does have a practice of hugging people the first time they meet them, do they not?
A. No.
Q. No?
A. No.
Q. You have never seen that?
A. No.
Q. Did it bother you that the children called you "brother"?
A. No.
Q. Did it bother you that Davellin called you like a "big brother"?
A. No.
Q. Did you think that because of the things that you'd done for them that that was how you were acting towards them, as a brother?

A. At that time, at first, yes.
Q. Now, you said that at some point in time the children would call -- or Gavin would call and ask about the car, correct?
A. Yes.
Q. And this was after you'd already been to Miami, correct?

A. Yes.
Q. Did you just tell Gavin that you changed your mind and you weren't going to give them the car?
A. I was -- I didn't tell -- I didn't speak to Gavin, because I was thinking it over, because -- you know, I was -- like I said, I was -- I think I crossed the line, and I was getting in too deep.
And I was really, really nervous.
And I didn't talk to him, because I was down in Orlando, and they was calling my son's mother every day. And she was trying to get in touch with me to see what was going on. Because I didn't tell her that I was doing that, because I didn't have a chance to talk to her because I had went out of town.
Q. You didn't tell her to just say, "Tell them I've just changed my mind. I'm not going to give them the truck"?
A. When I got back, I told them -- I told her.

Q. You told her that?
A. When I returned back to California, yes.
Q. And when was that?
A. Weeks later. It had to be two weeks later, because I was working.
Q. And this was after many telephone calls asking for the status of the truck, correct?
A. Yes.
Q. You've talked about Las Vegas and the filming on the set. Who is Brett Ratner?
A. The director of Rush Hour.
Q. And there actually was the Rush Hour, and then there was a sequel to that, correct?
A. Yes.
Q. Another Rush Hour?
A. Yes.
Q. Mr. Ratner was involved in that also?
A. Yes.
Q. And to your knowledge, Mr. Ratner is married to Al Malnik's daughter, correct?
A. No, I don't know.
Q. You don't know?
A. I don't know.

Q. You’ve been to Mr. Malnik’s house, have you not?
A. Yes. Yes.
Q. You didn’t see any pictures of Brett Ratner’s wife at Mr. Malnik’s house?

A. No.
Q. So you don’t know if they’re connected in that way?
A. No.
Q. Now, when you were in Miami -- let me see if I can get this straight. You arrived in Miami, and you were met at the airport by your brother, correct?
A. My brother met me there, yes.
Q. Yeah. Yes, sir.
A. Yes.
Q. And then you went over to the Turnberry Inn?
A. Yes.
Q. And did the Arvizos ride with you and your brother to the Turnberry?
A. I’m pretty sure they did.
Q. And when you arrived in Miami, it was close to -- it was after 1 a.m. in the morning, correct?
A. I don’t know. I think probably -- it was late, yeah. It had to be late, yeah.
Q. Okay. And when you got to Miami -- I’m sorry, when you got to the Turnberry Hotel - all right? - your room was in like another tower away from where Mr. Jackson’s room was; is that right?
A. I don’t know how the hotel is situated, but it was another room.
Q. It was a ways away, though?
A. I don’t -- I don’t know.

Q. You don’t remember?
A. I don’t remember, no.
Q. That -- you said that you went to Mr. Jackson’s room. Now, did you go to Mr. Jackson’s room when you got there in the early morning hours of the -- when you got to Miami, or did you go to bed and then go over there the next day?
A. I think we all went to his room. I don’t know if it was that late.

Q. You don’t think it was past one o’clock in the morning?

A. I don’t know if it was that late.

Q. So your recollection is that these events occurred on -- right after you arrived in Miami and arrived at the Turnberry, and then you went to Mr. Jackson’s room that night --

A. Yes.

Q. -- or early morning, whatever it was. That’s your recollection?

A. I think when we got there, the kids was so excited to see Michael, and we -- and they pulled me along with them all the time, so I think we went right up there. If I recall, we went right to see -- and we was trying to find out where Michael was.

Q. And this was -- and this was the -- well, let me go back and ask you another question. You were able to find out where Michael

Jackson was staying, correct?

A. They found out. The kids found out.

Q. The kids found out?

A. Yeah.

Q. Do you know how they found out?

A. I don’t know how they found out.

Q. Do you know whether they were called by Mr. Jackson?

A. No. I don’t know.

Q. And it’s on this occasion that you pulled Mr. Jackson aside, and you tell him -- you give him a warning about the Arvizo family, correct?

A. I was -- yes. I was -- I was scared. And then once -- I tried to talk to Michael for a second, because I was getting ready to leave back out of town, and the mother went frantically again, “brother,” “father,” and I couldn’t even talk to him. And that’s when I said, “Michael,” you know, “Something ain’t right.”

Q. You pulled him aside and gave him some advice?

MR. MESEREAU: Objection. He cut off the witness.

THE WITNESS: I said, “Something ain’t right. Be careful.”

Q. BY MR. SNEDDON: This was a conversation just between you and Mr. Jackson?

A. Yes.

Q. And I think you said it appeared to you that he took your advice seriously?

A. He -- yes, yes.

Q. Okay. Did you know what the Arvizo family -- well, let me put it this way: Did you know that there was a press conference planned with the Arvizo family and Mr. Jackson in Miami?

A. No.

Q. Did you know that after Miami, a couple of days later, that Mr. Jackson chartered a plane and flew back to California to his ranch?

A. No.

Q. Did you know that he took the Arvizo family with him on that chartered flight?

A. No.

Q. Did you know that the children actually stayed at the ranch for the better part of a month after you gave Mr. Jackson that advice?

A. I was in Orlando.

Q. I’m just asking you if you were aware.

A. No.

Q. Did you ever talk to Mr. Jackson during that period of time?

A. No.

Q. Did you follow the media coverage of the Bashir documentary?

A. I’ve seen it from time to time on

television, yes.

Q. You saw there was quite a furor that was created as a result of what was put on T.V., correct?

A. Yes.

Q. Did you ever follow up with your friend, Michael Jackson, and ask him, “Did you follow my advice and stay away from the Arvizos?”

A. No, because I was still, like, really suspicious and didn’t know, because of my relationship with the kids, knowing him, I still -- you know, Gavin was calling me. I would have said hello to Gavin, too.

So I didn’t -- I just said, “Just be careful,” because I knew we was both high-profile, to be careful. And I knew how nice Michael was, and I knew that you had to be careful.

Q. Now, you indicated to the jury that Gavin called you and said that the media was hounding them, correct?

A. Yes.

Q. Was that at your house?

A. Yes.

Q. Do you remember how many telephone calls you had with Gavin about that?

A. I don’t remember. No.

Q. Would it have been more than one?

A. I don’t remember. I really don’t.

Q. And do you remember that telephone conversation -- well, you said as a result of that conversation, that you decided that you were going to charter a plane and help them out and take them to Florida, correct?

A. Yes.

Q. Okay. So after that telephone conversation with Gavin, you decided -- you made some contacts with somebody to charter a plane to fly them to Florida?

A. Yeah, because I was already going to Orlando, and I was debating if I was going to go. And then I decided yes, I was going to go if they needed to go, and they didn’t have nowhere else to go because of the media, and they was trying to find Michael. So I said, “Okay. Let’s go.”

Q. So you had already chartered a plane?

A. No, I was -- I was thinking about it, because --

Q. Thinking about it?

A. -- because I have a home in Orlando. And they told me they needed a place to go, and they was trying to get away. They was trying to find Michael.

Q. I understand that.

A. And I said, “Okay. I’ll charter a plane for you guys, if you all want to go down there and get away because the media is hounding you.”

MR. SNEDDON: Move to strike as nonresponsive, Your Honor.

THE COURT: Sustained.

Q. BY MR. SNEDDON: Mr. Tucker, isn’t it a fact that you had already chartered a plane to fly to Orlando, Florida, and that you were scheduled to leave for Orlando, Florida --

A. No.

Q. Let me finish the question, in fairness to you.

(Continuing) at 4:45 on February the 4th of 2003; isn’t that true?

A. No. That’s -- I booked the flight. And when they said they wanted to go, that’s why we left later on in the afternoon.

MR. SNEDDON: Move to strike as nonresponsive, Your Honor.

THE COURT: Overruled.

MR. SNEDDON: Your Honor, may I have the overhead, please?

Q. Mr. Tucker, do you recognize the document I’ve placed on the board?

A. No.

Q. Do you recognize that it -- it indicates that a trip was planned for February 4th, to leave from Van Nuys and to fly to Orlando, and that there was a cost of the charter flight indicated at the bottom?

MR. MESEREAU: Objection; foundation.

MR. SNEDDON: This is in evidence. I’m sorry, I didn’t give you a number. I apologize. This is Exhibit 250, Your Honor.

THE COURT: Okay. Let me look at the question.

MR. SNEDDON: I’m sorry?

THE COURT: All right. I’ll overrule the objection.

You need to have the question read back.

(Record read.)

THE WITNESS: Yes.

Q. BY MR. SNEDDON: And do you recall -- Mr. Tucker, is the name of a company you have called Tuck-You-In?

A. Yes.

Q. Okay. And do you recall that you actually ended up getting billed for the fact that you were going to leave on February 4th of 2003? Do you recall that?

A. Excuse me?

Q. Yes. That you actually paid for a part of the plane on February 4th of 2003? Do you recall that?

A. I paid for all of it, and I recall making a trip on that same exact day and leaving later on that afternoon.

Q. So you think you left on February 4th?

A. No. I left on the day I chartered -- I said that I was going, and I don't know what day that was.

Q. Well, this says you're leaving on February 4th. Does it not say, "Trip date, February 4th, 2003"?

A. If that's the day I left.

Q. So your testimony is whatever the day it says up here is the day you left?

A. No. I'm saying whatever day I said I was going, that's the same exact day I left. Whatever date that was.

Q. Well, this indicates you're going to leave on February 4th.

A. Well, whatever date that is. And I have documents to say that same day that I left, I left. And the same day I chartered the plane was on that day, and I can get it to you.

Q. All right. Let's look at another exhibit under 250.

I want the top part of it, please. If you could freeze in on that.

Do you see the document that we've placed up there that's People's Exhibit 250?

A. Yes.

Q. And it indicates that you are to leave at

1615 hours, isn't that correct, on February 4th of 2003?

A. Yes. That's what it says, yes.
Q. Were you at the airport at that time on that date?
A. I don't know. I don't know.
Q. Do you recall that the plane sat on the ground for about nine hours on that date and you were at the airport?
A. No, because they don't do that. Planes won't do that.
Q. You don't do that.
This is another document that's in 250. Get the bottom part, please.
Do you see the notation there, it says, "No fly. Sat at the airport for nine hours"?
A. Uh-huh.
Q. Do you recall that happening; that you were at the airport and it didn't take off?
A. No.
Q. You have no recollection of that?
A. No.
Q. Do you have a recollection as to what time the plane did leave?
A. It was later in the evening, when I notified my people and told them I was going. And they -- it took a while to get the plane together, I guess. Because they just can't get a plane together. And that's when we left.
Q. It was through the same company, correct?

A. Excuse me?
Q. It was through the same charter company?
A. I think so, yes.
Q. Now, do you remember talking to Evvy Tavasci? Do you know who that is?
A. Yes.
Q. Okay. That's Michael Jackson's secretary, correct?
A. Yes.
Q. And you have talked to Miss Tavasci on occasion?
A. Yes.

Q. And do you recall talking to her on the -- on the day that you went to Miami?

A. Yes. Yes.

Q. Okay. And when you talked to her, did she indicate to you that she'd already made arrangements for the family to fly to Florida?

A. No.

Q. She didn't tell you that?

A. No.

Q. Did you call her to tell her that you were going to take the family to Florida?

A. I called her to find out where Michael was, because I was also looking for him. And if he was there, I was going to stop by and say hello.

Q. So you didn't know where Michael was at that point?

A. No.

Q. And so I guess at this point you hadn't had that conversation with Gavin?

A. No, I had -- I had the conversation with Gavin. That's why I was looking. Because he said that Michael was down in Miami. He was looking for him. So I called Gavin to confirm it before I chartered a plane to go down there and see him.

Q. Do you recall what time it was when you called Evvy Tavasci?

A. No.

Q. Was it in the morning or in the afternoon?

A. I don't remember.

Q. Was it on the same day that you talked to Gavin, right after you talked to Gavin?

A. The same day, yes.

Q. The same day you talked to Gavin?

A. Yes.

MR. SNEDDON: You had an exhibit? Thank you.

May I approach the witness, Your Honor? I'm sorry.

THE COURT: Yes.

Q. BY MR. SNEDDON: Mr. Tucker, I have an exhibit here that's been marked in evidence in this particular case as 451, and I think you can accept this representation, because I've just talked to counsel.

These are your telephone records, your receipts, okay?
A. Uh-huh.
Q. And under Tab --
MR. MESEREAU: Objection. Wait a minute. I didn’t stipulate to that.
MR. SNEDDON: Well, okay. I’ll just have him look at it. I was trying to save some time.
Q. Under Tab 9, does that appear to be, at the top, your telephone number?
A. Yes.
Q. Okay. And it indicates this is the information for the account under that telephone number, correct?
A. Yes.
Q. True?
A. Yes.
Q. Now, what I want you to do is, I would like you to look at the information on this -- this telephone record very quickly, and particularly, to make it easier for you, I want you to focus on the dates of the 4th and 5th of February of 2003. Okay?
Go ahead and take whatever time you need, but it should be quick.
A. I’m kind of confused. It’s just on this one page?
Q. No, sir. Well, I want you to look at all the pages, so when I ask you the question, you’re satisfied that what I’m asking you doesn’t appear on -- I want you to look at all of the records from here through where it says “Tab 10.” These records right here. Okay?

And particularly, I want you to focus on -- if I may turn to the second page, you can see it has dates, times, and places called, and the length of the call. See that?
A. Yeah.
Q. Okay. So if you’d look at that, those few pages real quickly, if you want, or take as much time as you want, and what I’m going to ask you questions about are the 4th and the 5th.

MR. MESEREAU: Your Honor, may I inquire as to whose phone records he’s showing him?

MR. SNEDDON: I -- Mr. Tucker’s records.

MR. MESEREAU: Mr. Tucker’s records.

MR. SNEDDON: Yes, sir. That’s what I showed you.

MR. MESEREAU: Okay. Not Mr. Jackson’s records?

MR. SNEDDON: No, Mr. Tucker’s records.

MR. MESEREAU: Okay.

Thank you, Your Honor.

MR. SNEDDON: I’m sorry, Judge.

Q. With regard to the tab that I asked you to look at, those are your phone records, correct?

A. I didn’t really look at them.

Q. Okay. It has your name and your number and your billing address, correct?

A. This is really confusing to me. I’m -- but, yeah, it does have my number, one of my numbers. But this is not my number, (310) 821 -- I don’t know who number that is, whose number that is.

Q. Which number are you referring to?

A. This number right here.

Q. Go ahead. Put your finger on it again, so I can --

A. Those numbers right there.

Q. Right here?

A. Yeah.

Q. Those are calls. Is this your number at the top?

A. That’s my number, yes.

Q. All right.

A. Okay.

Q. Now, it’s true, is it not, that on February the 4th, 2003, those records reflect you made no telephone calls from that telephone number, correct?

A. I don’t understand the question, then. On February 4th, I don’t know how many calls I made to who or what.

Q. Well, look on the records.

A. I don’t understand these records. And if I did -- if it’s on there, it’s on there. I guess you could say it, but I don’t know how this record is.

Q. You don’t understand the records?
A. No.
Q. Do you see any telephone calls on February 4th in those records?
A. I see February 2nd, 5th, 5th, 11th. I don’t see 4th on here right now. I don’t see 4th.
Q. All right. Thank you. Now, with regard to the 5th - okay? - what’s the time of the telephone call on the 5th?
A. I don’t understand these records. I’m sorry. You can repeat it.
Q. Mr. Tucker, in the column on the far left-hand side, it says, “3:33 P,” right?
A. That’s what you say. I don’t know.
Q. No, I want you to look and tell me if that’s what it says.
A. I don’t even know which is the top or bottom.
Q. The left-hand side on February the 5th.
A. Yes.
Q. Right next to that, it goes, “3:33 P,” correct?
A. Yep.
Q. 3:30 p.m., correct?
A. Uh-huh.
Q. And underneath that, on the 5th, there’s another call, correct?
A. Yes. 12038

Q. What time was that call made?
A. It says on these records 4:37.
Q. Okay. And those are the only two calls on the 5th --
A. I don’t know.
Q. -- on your phone.
A. I made a lot of phone calls on the 5th, whatever day that was. I don’t remember.
Q. But they’re not reflected in your telephone logs?
A. I have a lot of phones. I don’t know.
Q. Were you at home?
A. I don’t -- I guess I was at home part of the day.

Q. Were you at home when Gavin called you that day?
A. Yes.
Q. On the 5th?
A. Yes.
Q. You’re positive?
A. Yes.
Q. Do you recognize the number that you called at 3:30?
A. No.
Q. Do you recognize the number you called a little after 4:00?
A. No.
Q. Do you know what Evvy Tavasci’s telephone

number is?
A. No, not by heart.
Q. Do you remember what time it was when you placed the call to Xtra Jet that day?
A. No.
Q. Do you know what the number is at Xtra Jet?
A. No, because I don’t call them directly.
Q. Who do you call?
A. My assistant calls them.
Q. So you didn’t call Xtra Jet that day?
A. No.
MR. SNEDDON: May I have just a moment, Your Honor?
THE COURT: Yes.
Q. BY MR. SNEDDON: All right. So it’s your testimony that after you talked to Gavin that day, the flights were made, arranged to fly to Miami. They all came to your house the same day, correct?
A. Yes.
Q. Okay. And that you were taken to the airport, and you flew to Miami?
A. Yes.
Q. That’s your testimony?
A. Yes.
Q. Now, I actually just have a couple more questions.
When you were in Miami, do you recall taking the kids down and paying for a massage for them, for

the boys?

A. No.

Q. Or a pedicure for Davellin?

A. No.

Q. You have no recollection of that at all?

A. Not that I know of. No.

Q. And this was a time where you were suspicious of the Arvizo family at this point, correct?

A. Yes.

Q. Were you aware of the fact that on the day that you flew with the children to Miami that Michael Jackson had called Gavin in the morning?

A. No.

Q. Gavin didn’t tell you that?

A. No.

Q. Nobody told you that?

A. No.

Q. Did Michael Jackson tell you that he had called Gavin?

A. No.

Q. Did you ask him if he had called Gavin?

A. I didn’t talk to Michael.

Q. I meant when you got to Miami.

A. No.

Q. Do you know somebody by the name of Gary Hearn?

A. No.

Q. Do you know who Mr. Jackson’s chauffeur is?

A. No.

Q. Limo driver?

A. No.

Q. So it’s your testimony that you didn’t call or talk to the Jackson limo service on that day?

A. No.

Q. Now, on the flight, you said everybody was pretty subdued and tired, correct?

Let me correct that, because that’s not what you said. I want to be fair to you.

You said the kids were excited and Janet was excited about seeing Michael Jackson?

A. Everybody was excited about -- they was excited about getting out of Miami and going to see

Michael. Getting out of Los Angeles, going to Miami, and to see Michael, yes.

Q. Okay. But you indicated, I think, that you -- you went to sleep because of the lateness of the hour?

A. No. I was up until it got late, and when everybody dozed off, I dozed off, too.

Q. Now, when you left California, it was California time, right? That's a bad question.

(Laughter.)

Q. It's just a joke. I laugh at yours. There's a time difference between California and Miami, right?

A. Yes. Three hours.

Q. Three hours. And it was your understanding that the controversy that had led the Arvizo family to go to Miami was the Bashir documentary tape?

A. It's because they couldn't get around. The media was on them. And they said they had nowhere to go and they wanted to go see Michael. That's my understanding.

Q. Because of the Bashir tape?

A. Because of I guess whatever happened in the media. I don't know.

Q. I thought you told us on direct examination that you were aware of the fact that the Bashir documentary had been shown.

A. Yes.

Q. And you were aware of the -- I think you even mentioned on cross that you were aware of the controversy that had created --

A. Yes.

Q. -- for Mr. Jackson.

A. Yes. But the reason why I gave them a ride was because the media, they had nowhere to go. They was getting hounded and they wanted to go see Michael.

Q. I think we've got that.

A. All right.

Q. Now, when you left Miami, you went to Atlanta with your brother, correct?

A. No, I went to Orlando.

Q. Orlando?
A. My brother went to Atlanta.
Q. Did your brother take the charter?
A. No.
Q. So you -- how did you get to Orlando?
A. A charter.
Q. A charter?
A. Yes.
Q. Your brother went a separate way to Atlanta?
A. Yes.
Q. That’s your recollection?
A. Yes.
Q. And did you stay on the East Coast for a couple of weeks?
A. Yes.
Q. And you came back to your home in California after that?
A. I -- yes. I think I did, yeah.
Q. Well, do you recall whether you did or not?
A. I think I came back. I think I came back shortly, after a couple of weeks, yeah.
Q. When you came back, were you still getting calls about the car? The truck, I’m sorry.
A. When I got back, my son’s was mother was all tangled up with this family, going places. And I didn’t know what was going on, because we was out of touch. And, yes, they was -- some kind of way they got to her and got her connected in all this mess.

Q. Yeah. All right. So what I want to know is, at that point in time, did you tell Gavin, “I’ve changed my mind. I’m not going to give you the truck”? That can be answered “yes” or “no.”
A. I didn’t talk to Gavin, no, not at that time.
Q. Okay. You didn’t talk to Gavin at that time?
A. No. But I told my son’s mother to tell them.
Q. You told Azja Pryor --
A. Yes.
Q. -- to tell them you’d changed your mind and you weren’t going to give them the truck?
A. And they kept calling. And she said, “They

keep calling." And everybody's getting on the phone and talking to her.

MR. SNEDDON: Move to strike as nonresponsive, Your Honor.

THE COURT: After "Yes," I'll strike it.

MR. SNEDDON: All right, Mr. Tucker. I have no further questions. Thank you very much.

REDIRECT EXAMINATION

BY MR. MESEREAU:

Q. Mr. Tucker, in response to the prosecutor's questions, you said that your fiancee, Azja, was

tangled up with this family?

A. Yes.

Q. What did you mean by that?

A. She -- they -- they was --

MR. SNEDDON: Excuse me. I'm going to move to strike. No foundation. It calls for hearsay.

MR. MESEREAU: There was no objection to the answer, and I'm just asking him to explain it, Your Honor.

THE COURT: It calls for a narrative. I'll sustain the objection.

Q. BY MR. MESEREAU: During the time when you became suspicious of the motives and actions of the Arvizos, was your fiancee, Azja, involved with the Arvizos?

A. She -- she was talking, but she wasn't aware of what I was aware of at that time, because I was in Orlando. But she wasn't that involved. They called every now and then, but not like they started calling when they was trying to get that truck, get the truck.

Q. Okay. Now --

MR. SNEDDON: Move to strike that part that refers to hearsay testimony, Your Honor.

THE COURT: I'll strike after "She wasn't that involved."

Q. BY MR. MESEREAU: You said Azja was in a mess with this family, right?

A. Yes.

Q. What did you mean by that?

A. She was --

MR. SNEDDON: Same objection. Lack of foundation, and it will call for hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Were you concerned about your fiancee being involved with the Arvizos?

A. Yes.

Q. Why?

A. Because she was going to couns -- meetings and stuff over at the house and --

MR. SNEDDON: I'm going to object again. It calls for lack of foundation and hearsay.

THE COURT: Overruled. The answer stays in. Next question.

Q. BY MR. MESEREAU: Are there any other reasons why you were concerned about Azja's involvement with the Arvizos?

MR. SNEDDON: Same objection. Well, I take that back. It can be answered "yes" or "no." I'll take it back. I'll wait for the answer.

THE WITNESS: Yes. Because I always --

Q. BY MR. MESEREAU: Excuse me. Just answer "yes" or "no."

MR. SNEDDON: Now I object to anything beyond the answer "yes" or "no."

THE WITNESS: What was the question?

Q. BY MR. MESEREAU: Were there any other reasons, other than the ones that you described, why you were concerned that your fiancee, Azja, was involved with the Arvizos?

A. Yes.

Q. What concerned you?

MR. SNEDDON: I object. Lack of foundation. Calls for hearsay.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you ever warn Azja at some point, "Get away from that family"?

A. Yes.

Q. And approximately when did you start warning Azja to get away from the Arvizos?

A. It was before the Miami trip. I was just like -- because they was calling her all the time.

And I was like, “Wait a minute,” because I knew how far I was going to go, but I told her to -- you know, to be careful, because, you know, they calling, and they wanted to talk to my son all the time and all this stuff.

And I said, you know, “Just hold off.”

Q. Now, to your knowledge, where was Azja when you were in Miami with the Arvizos?

A. In Los Angeles.

Q. And despite your growing suspicions, you continued to be nice to them, correct?

A. Yes.

Q. Why?

A. Because, you know, I still wanted to -- you know, to -- I just didn’t want to just -- totally just cut them off, because I didn’t know what they would do. So I tried to ease my way away, because I started to find out all these problems they had.

And they never told me about these things. So I was like -- my friends was warning me, but -- and now I was finding out from my son’s mother and from other --

MR. SNEDDON: Object as a narrative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You were concerned about them, first of all, because of things you observed, right?

A. Yes.

Q. You were also concerned because of what other people told you, correct?

A. Yes.

Q. And you were concerned because of requests and demands the Arvizos made on you, right?

A. Yes.

MR. SNEDDON: Your Honor, I object.

Compound and leading.

THE COURT: Overruled.

Q. BY MR. MESEREAU: Now, the prosecutor asked you if you knew about the Arvizos’ financial problems, right?

A. Yes.

Q. Did you know about their $152,000 J.C. Penney settlement?

A. No. No.

Q. Did you know whether bank accounts had been set up by the mother for her children out of that settlement?

A. No.

Q. Did you know whether or not Jay Jackson was supporting them on an 80,000-a-year salary?

A. No.

Q. Did you know whether or not the mother was getting welfare at the time she was being supported by Jay Jackson?

A. No.

Q. Did you know whether or not the Arvizos were raising money from other celebrities?

A. No.

Q. Now, at some point you said you learned they were calling every comedian in town, right?

A. Yes.

Q. When did you learn that?

A. Later on, in the media.

Q. Did you know whether or not they were asking other comedians in town for financial assistance?

A. No.

Q. Did you know whether or not George Lopez was arranging a fund-raiser for them?

A. No.

Q. Did you know whether or not they were getting free benefits from an acting school -- or dancing school? Excuse me.

A. No. No.

Q. Did you know whether or not they were telling people they were homeless?

A. No.

Q. Did you know whether or not Janet hired lawyers to defraud J.C. Penney?

A. No.

MR. SNEDDON: Your Honor, I’m going to object to that question. It’s argumentative and it calls for a legal conclusion.

THE COURT: Overruled. The answer is, “No.” Next question.

Q. BY MR. MESEREAU: When did you begin to think that Gavin was cunning?

A. When he approached me and was asking for more money, I knew that -- you know, I know -- I meet a lot of kids, and I knew that he -- he -- and the little things that he would say.

And definitely Star. Star would say stuff all the time like, “You got too much stuff.” And, “You don’t need all this stuff.”

And -- but I would always ignore it, because I’m thinking I’m helping a kid with cancer, and it’s all about, you know, that.

But Star would always say cunning stuff, and would always -- I had to check -- almost check his pockets before he would leave my house, because I didn’t really -- I never really trusted him. But I was always naive because I thought I was doing a good thing.

Q. Now, you said the mother was possessed, in your mind, right?

A. Yes. I thought --

Q. What did you mean by “possessed”?

A. Just -- she had some mental problems.

And I remember the kids always -- you know, they was always ashamed to talk about her, and always --

MR. SNEDDON: Your Honor, I’m going to object to the question. Calls for a conclusion, speculation, the way it’s phrased.

THE COURT: I’ll leave in that part of the answer that she had some mental problems and strike the rest of the answer.

Q. BY MR. MESEREAU: Now, the prosecutor showed you some phone records. Do you normally analyze your phone records?

A. No.

Q. Who handled your phone bills?

A. My business people.

Q. Was that true in 2003?

A. Excuse me? Yes.

Q. In the year 2003?

A. Yes, yes, yes.

Q. Would your phone bills go right to your business people?

A. Yes.

Q. And would they handle them?

A. Yes.

Q. Have you analyzed a phone bill before?

A. No.

Q. How many phone numbers did you have in 2003?

A. Probably three.

Q. How many landlines do you think you had?

A. Four. Probably four.

Q. And how about cell phones?

A. Two.

Q. Okay. So you may have had five phones?

A. Yes.

Q. Did you typically carry a cell phone with you all the time?

A. Sometimes, yes.

Q. Okay. Now, did you have a different carrier, if you know, for long-distance service rather than basic service?

A. I’m pretty sure I did.

Q. Do you know who they were?

A. No.

Q. Okay. Now, during February of 2003, were you typically the only person at your home?

A. Yes.

Q. Okay. At some point, did you learn that Azja was no longer in communication with the Arvizo family?

A. No, I -- I don’t know.

Q. Was it your understanding that Azja was communicating with them after you became suspicious?

A. Yes.

Q. Okay. And were you getting a lot of your information about the Arvizo family from her?

A. Yes.

Q. And in 2003, did you know whether or not the Arvizo family was living at Jay Jackson’s home?

A. No.

Q. Did you know whether or not they were living at their grandparents’?

A. No.

Q. Did you know whether or not they were trying to get rid of their East L.A. apartment?
A. Um --
MR. SNEDDON: I'm going to object to that. Assumes facts not in evidence.
THE COURT: Overruled.
Q. BY MR. MESEREAU: Did you know anything about that?
A. Excuse me, what was that?

Q. Whether or not the Arvizos were trying to get rid of their East Los Angeles apartment?
A. I didn't know anything about that.
Q. Okay. Now, was that flight to Miami the last time you ever flew with them?
A. Yes.
Q. Okay. And do you recall who was paying their hotel bill in Florida?
A. I don't remember.
Q. Okay. Did you pay that?
A. I don't know.
Q. You don't know?
A. I don't think so. I don't know.
Q. Did you have any meals with them in Florida, if you recall?
A. I don't think so.
Q. Did you take them around at all during that trip?
A. No.
Q. Now, is it unusual for a celebrity who schedules a press conference to suddenly cancel it?
A. No.
Q. Celebrities schedule and cancel press conferences all the time, don't they?
A. Yes.
MR. MESEREAU: No further questions.
MR. SNEDDON: No questions.
THE COURT: All right. Thank you. You may step down.

THE WITNESS: Thank you.
MR. MESEREAU: Your Honor, the defense rests.
THE COURT: Rebuttal?

MR. SNEDDON: Yes. We're going to need a moment, Your Honor. We might want to take a couple of minutes. We have to find Mr. Auchincloss and the witness.

THE COURT: You lost Mr. Auchincloss?

(Laughter.)

MR. SNEDDON: I didn't know that. I was so engrossed with Mr. Tucker, I didn't see him leave. I'll tell you what. Hang on. I know what we can do.

MR. SANGER: There are a couple of matters to take up, so I don't know how the Court wants to handle that.

THE COURT: I guess we need to know their first witness. Who's your first witness?

MR. SNEDDON: I've changed them. We were going to put on the one that was the subject of some consideration, but I have two that I can put on that are relatively short, and I'll do that if the Court wants me to.

THE COURT: I'd appreciate that.

MR. SNEDDON: And I've had the bailiff summon them down.

THE COURT: Counsel, are there any exhibit issues left on your case? I don't know of any. I'm just wondering if --

MR. MESEREAU: I don't think so, Your Honor. I already spoke to my co-counsel about it. I don't think so.

THE COURT: Okay.

(Discussion off the record.)

THE COURT: Remain standing. Face the clerk. Raise your right hand.

TIMOTHY PATRICK ROONEY

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Timothy Patrick Rooney. R-o-o-n-e-y.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. SNEDDON:

Q. Actually, Mr. Rooney, you've testified previously in this case, correct?

A. Yes, sir.

Q. All right. Now, just to refresh the jury's

memory, you're an employee of Santa Barbara County?

A. As a D.A. investigator.

Q. All right. And so you work for the District Attorney's Office?

A. Correct.

Q. And on the 11th of November -- not the 11th. Let me rephrase that.

On November 18th, 2003, you were part of the law enforcement personnel that went to the ranch at -- Neverland Ranch, correct?

A. Yes, sir.

Q. And you had previously testified in connection with some of the ranch logs that you had seized during the course of the search warrant, correct?

A. Yes, I did.

Q. Now, you were in the security office, correct?

A. Yes.

Q. And were you assigned a particular responsibility on that search that day in the security office?

A. A couple different responsibilities, yes, sir.

Q. Did one of those involve the filing cabinet?

A. Yes.

Q. And were you the one that was solely responsible for the review of the materials in the

filing cabinet?

A. Yes, I was.

Q. And did you go through each and every one of the drawers of that filing cabinet?

A. Yes.

Q. Did you do that carefully?

A. Very.
Q. And were you briefed ahead of time as to what you were to look for?
A. Yes.
Q. I think you previously indicated you were looking for records involving the Arvizo family for 2002 and 2003?
A. Correct.
Q. And certain other individuals who were on the list, correct?
A. Yes.
Q. Associated with Mr. Jackson?
A. Yes.
Q. Now, with regard to your going through the drawers in that file cabinet, did you, in going through that drawer, find any records at all that dealt with 2003 and the Arvizo family?
A. No.
Q. And you went through those records carefully; is that correct?
MR. SANGER: Objection; asked and answered.
THE COURT: Overruled.

THE WITNESS: Very carefully.
MR. SNEDDON: No further questions.

CROSS-EXAMINATION
BY MR. SANGER:
Q. Investigator Rooney, how’re you doing?
A. Good.
Q. Now, you were informed sometime before you took the stand today that there had been testimony that the 2003 records were in the very file cabinet that you had looked through, correct?
A. Vaguely, yes, sir.
Q. Did the District Attorney, Mr. Sneddon, tell you that there had been testimony in this trial that the 2003 records for the gate logs at Neverland were in the file cabinet that you were assigned to search through; is that right?
A. No, that’s not accurate.
Q. Who informed you?
A. That’s not what I was informed.
Q. What were you informed?

A. I was simply asked if I was the one who searched that file cabinet and were these records present.
Q. Were you told that the records were produced by the people at Neverland Ranch through their attorneys?
A. No.

Q. Were you told that a witness had testified that the records for 2003 were, in fact, in that file cabinet?
A. I don’t believe I was told that, no, sir.
Q. Now, you just said you went through very carefully?
A. Correct.
Q. All right. So if you were supposed to locate these records, you said anything to do with Arvizos in 2002, 2003, if you were supposed to locate them and they had been there and you missed them, that would be an embarrassment, wouldn’t it?
A. Not necessarily.
Q. Okay. It could happen?
A. Could it have happened?
Q. Well, you say it’s --
A. Repeat your question.
Q. If you missed them, if they were there, it’s not necessarily an embarrassment --
A. No, sir.
Q. -- I’m just trying to find out why not.
A. Why it’s not an embarrassment? Well, that’s your verbiage.
Q. And I don’t mean to really embarrass you right now, but the point is, you understood you were being brought in here to testify that you really looked in that file cabinet thoroughly and you didn’t find 2003 records; is that right?

A. That is correct.
Q. So you didn’t ask, “Why am I being brought in to testify to that?”
A. I did not ask, no.
Q. You were told?
A. I had heard. No, I wasn’t even told.
Q. You had heard it?

A. Yes.

Q. Okay. All right. Now, let’s go back to November 18, 2003. You were part of the search team, correct?

A. Yes.

Q. And that was comprised of 70-some people, I think; is that right?

MR. SNEDDON: Your Honor, I’m going to object.

THE WITNESS: I don’t know the number.

MR. SNEDDON: This is irrelevant and beyond the scope of direct.

THE COURT: Sustained.

MR. SANGER: Let me do something else.

THE COURT: Okay.

MR. SANGER: All right.

Q. You had a meeting with sheriff’s deputies and others before you went out to the ranch to search; is that correct?

A. A briefing, yes, sir.

Q. A briefing. And you were given a packet of

information to review; is that right?

A. Right.

Q. And that packet of information explained the basic suspicions or allegations in the case; is that correct?

A. I don’t believe it did.

Q. It gave a basic overview of what this investigation was about, did it not?

MR. SNEDDON: Same objection, Your Honor. Beyond the scope of direct.

THE COURT: Overruled.

THE WITNESS: I’m sorry?

THE COURT: Overruled. You may answer.

THE WITNESS: No, I don’t believe it did. I believe it was just a list of the items we were looking for. I don’t recall that identifying details of the case.

Q. BY MR. SANGER: When you were at the briefing, where did the briefing occur?

A. Solvang substation.

Q. And how many officers were there during your part of the briefing?

A. Guessing, about 60.

Q. All right. And were you making an effort to keep this briefing confidential so that the public and others wouldn't know that you were having a briefing about a search warrant that was about to be

executed?

A. You're asking me about a role that -- I was attending as one of the search members. My role was not to keep anything confidential, but to search.

Q. Well, let's ask about that. Was it your role to, say, call the press and say, "We're going to search" --

A. No. No.

Q. It was your understanding, in your years in law enforcement -- I forgot how many, but it's quite a number, if I recall.

A. 27.

Q. 27. In your 27 years in law enforcement, when you're going to execute a search warrant, part of what you were doing is trying to execute it by surprise, for the most part, right?

A. Certainly.

Q. You don't want anybody to know you're coming out, right?

A. Correct.

Q. And when you got to Neverland Ranch, did it appear to you that you had achieved that goal?

A. Not completely, no.

Q. Okay. Do you have any information whatsoever that there was anybody in that security office who had any information about the nature of your search or what you intended to do before the first officers got there?

A. I'm sorry, repeat the question.

THE COURT: I can have it read back.

MR. SANGER: Please.

(Record read.)

THE WITNESS: I have no idea.

Q. BY MR. SANGER: And when you went -- when you arrived at the security office, were there other officers there already?

By “officers,” I’m referring to anybody in the search party, the investigators, like yourself, the D.A. or sheriff’s officers.

A. I believe we went there as a unit. I don’t know if somebody was in there previously and had photographed. I know they were photographing the interior of the residence prior to us searching.

Q. And the protocol for that search, and basically any other search, is when you arrive, you get the personnel, whether it’s individuals in a single-family residence or people at a workplace, you get those individuals and you move them away from the areas you want to search; is that correct?

A. Yes.

MR. SANGER: All right. Okay. I have no further questions.

REDIRECT EXAMINATION

BY MR. SNEDDON:

Q. Mr. Rooney, is there any doubt in your mind that those records were not in that file cabinet on the day you looked in there?

A. There’s no doubt in my mind at all.

MR. SANGER: Argumentative.

THE COURT: Sustained.

Q. BY MR. SNEDDON: Mr. Rooney, with regard to the search of that file cabinet, can you assure this jury that everything that you saw, that there was nothing in there that dealt with the Arvizos after 2003?

A. Yes.

MR. SANGER: Objection. Argumentative; move to strike.

THE COURT: Overruled.

THE WITNESS: Yes, I’m certain of that.

MR. SNEDDON: No further questions.

MR. SANGER: No further questions, Your Honor.

THE COURT: All right. Thank you. You may step down.

MR. SANGER: Your Honor, I think we will get to this witness -- my understanding is that they were going to call a couple of police officers.

Before we get to this particular witness, we may have to have our motion heard. There's actually motions from both sides.
THE COURT: Is that correct?
MR. SNEDDON: I was busy lining up the witness, Your Honor. I apologize, but --

THE COURT: He said this was one of the witnesses we needed to have a hearing on. I don't have that on the papers that were --
MR. SNEDDON: Neither do I.
MR. SANGER: Well, we didn't have -- they had not listed this witness. They had not listed -- I'm sitting down, I apologize, just so I'm close to the microphone.
They had not listed this witness for today as of the time we did that motion, so we couldn't list it. Although we, I think, had a footnote in there saying it would probably apply to other witnesses.
MR. SNEDDON: It's right on your list.
MR. SANGER: Yeah, last night.
MR. SNEDDON: Well --
THE COURT: (To the jury) all right. I'll give you an extra long lunch. We won't reconvene until the normal end of the lunch period, because I want to take one, too.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: All right. The jury is out.
All right. We'll take up the issue that you wanted to exclude the testimony of Michaels and Francia. And apparently this applies to someone else, too.

MR. SANGER: Yes, Your Honor.
As I explained to the Court before we started today in chambers with Mr. Sneddon, we had received one witness list, which I'm not faulting the D.A., but we received one witness list --
THE COURT: You don't have to explain that.

MR. SANGER: We prepared this, and then we have a different list here. On page six, I did indicate in a footnote, “We respectfully request a proffer as to all of the prosecution’s witnesses and a 402 hearing, if necessary.”

Now, I can understand, for instance, the last witness would be appropriate rebuttal. The question that we have with regard to any of these other witnesses is whether or not they are proper rebuttal or if they have just been held back as something that should have been put on during the case-in-chief. We don’t know -- we can’t really tell from Shane Meridith’s reports what aspect of that they wish to present.

We also -- when it comes to the testimony of Charli Michaels and Blanca Francia, in particular, those are 1108 witnesses. And we have a particular concern about 1108 witnesses being called in rebuttal, who -- we have a particular concern about

1108 witnesses called in rebuttal who could have been called in the case-in-chief. And we cited the Supreme Court’s statement on this from the Carter case, which is really -- reflects the Penal Code. You’re not supposed to use --

THE COURT: Yeah, I’ve read that.

MR. SANGER: So the dramatic effect that can be achieved by holding things back to rebuttal is to be avoided by the Court. It’s particularly prejudicial when it has to do with 1108, because 1108 is particularly prejudicial to start with.

The Court made a delicate balancing decision. And they shouldn’t be allowed, for instance, with regard to Charli Michaels, in particular, this is a witness who they knew about. They knew that the conduct that she allegedly said that she saw and she said on television in paid appearances, that that conduct was denied not only by Mr. Jackson, but it was denied by the person who was the alleged victim. They knew that for the last ten years. So there was no surprise.

There’s no purpose in bringing this person in for rebuttal other than to say that -- other than to make a dramatic point at the end of the case and have that bell ringing in the jurors' ears.

So we -- and that's the brief that we filed.

I think we tried to keep it brief, but we specifically highlighted that point; that 1108 has to be dealt with, I think, in an even more sensitive fashion, because otherwise it is dramatic, and it is improper rebuttal.

We can't tell what exactly Blanca Francia is going to be called for as far as rebuttal. But we can't imagine what it would be that would be relevant, and that's why we ask for a proffer.

Jesus Salas. There's a paper that was filed this morning and handed to us. Of course, just as we handed them ours this morning, because this just came up. And they -- the prosecution seeks to call that witness for -- let's see if I've got the right one. As I recall, they said to show that Mr. Jackson was intoxicated in the presence of young people.

Now, that was already covered in the case-in-chief. There was no particular defense evidence about that. And that's just the sort of thing that should not be permitted in rebuttal.

When we brought this up in chambers, this general subject matter this morning, Mr. Sneddon said, well, there's actually five areas that they want to get into with either this witness or these witnesses. I wasn't sure exactly what the delineation was, but we don't know what those areas are.

So we can identify some areas for some of these witnesses that we believe is clearly improper rebuttal, and we don't know what the other areas are. So we would ask for a proffer as to each of these witnesses so that we have a chance to have a fair hearing on the issue of whether it is proper rebuttal.

THE COURT: Who's speaking for the People?

MR. ZONEN: I am, Your Honor.

The witnesses we're talking about are Charli Michaels and Blanca Francia; is that correct? I don't want to start talking about somebody else.

THE COURT: Yes. I think he wanted a proffer on Shane Meridith, too. That’s what --

MR. ZONEN: What are the others? I think Mr. Auchincloss will speak to Shane. Mr. Sneddon will speak to Shane Meridith.

THE COURT: You found him?

Go ahead.

MR. ZONEN: As to the other two, as to Charli Michaels and Blanca Francia, we’re intending to call Charli Michaels to testify to three specific things, matters that were brought up with defense witnesses, and for which defense witnesses either specifically denied or gave testimony inconsistent with what we believe will be clarified by Charli Michaels.

Charli Michaels will testify that she did witness Michael Jackson dancing or rehearsing on one occasion with Wade Robson and did witness an event where she had -- where Michael Jackson had his hand around the crotch of young Wade Robson, who at the time was probably around 11 or 12 years old, in a move similar to a dance routine that he, in fact, has done and performed.

She will also testify that she had had conversations with Joy Robson, Wade Robson’s mother, and that in the course of those conversations, Joy Robson had complained to her and was very upset, and expressed to her concern that Michael Jackson was interfering with her relationship with her son; that her son wasn’t spending time with her; that her son had become distant from her because of the attention that he was expressing. That’s directly contradictory to what Joy Robson testified to on the witness stand.

THE COURT: Well, is it?

MR. ZONEN: I have one more, but go ahead.

THE COURT: Go ahead.

MR. ZONEN: The third matter was when Wade Robson was specifically asked questions about he and Mr. Jackson throwing stones at the lion at the time.

And what he acknowledged initially on cross-examination was, yes, that they both had, and that in fact he had been encouraged to do so by Mr.

Jackson for purposes of tormenting the lion to get it to roar. By the time the break came about, throwing stones at a lion became throwing pebbles at a cage, but initially it was throwing stones at a lion.

That event was witnessed by Charli Michaels, who will testify that it is, in fact, throwing stones at a lion.

We have listened to days and days and days and days of testimony about bad conduct by Star and Gavin Arvizo. It has been our position all along that that kind of conduct by the boys at the ranch is not just tolerated by Mr. Jackson, but encouraged by Mr. Jackson. This is a direct example of how that's done. We believe it's very relevant on that issue.

As to Blanca, Blanca's testimony would be similar to that of Charli Michaels with regards to a conversation she had with Joy Robson. And once again, that conversation was also that she was in a state of real distress; that she was crying; that she was very upset; that she had not been able to see her child; that her child had been kept from her by Michael Jackson, a statement that she directly denies. We think it's relevant in that regard.

THE COURT: What -- let me ask you the -- what is -- how do you see that this is different than what she testified to on direct in the defense case?

MR. ZONEN: I don't believe that she was asked that question because it would have required a hearsay answer from Joy Robson. I don't believe I either asked it or it was offered. And I don't believe we would have been entitled to have done so. To ask her about her conversations with Joy Robson would have been hearsay. If somebody can show me a transcript of that, I'll certainly stand corrected. But my recollection is that I never asked her that question for that exact reason: It's hearsay.

THE COURT: I thought she testified -- well, you've seen the points and authorities by Mr. Sanger.

MR. ZONEN: I have them right here, Your Honor.

THE COURT: And he’s saying she didn’t deny that on --

Isn’t that what you’re saying, Mr. Sanger?

MR. SANGER: Yes, sir. She was asked and then eventually --

THE COURT: Initially she didn’t remember, and then --

MR. ZONEN: I’d have to see the transcript, Your Honor. That’s not my recollection. My recollection is we never asked her.

THE COURT: Well, my recollection is that she didn’t remember, and then --

MR. ZONEN: We’re talking about Blanca Francia?

THE COURT: Maybe I’m talking -- I’m talking about Miss Robson.

MR. ZONEN: I’m sorry, I didn’t do that examination. I thought you were referring to Blanca.

THE COURT: Okay. I’m back to where I went -- interrupted you, and you wanted to finish.

MR. ZONEN: My recollection is that Joy -- Joy -- their contention is Joy Robson was asked directly those questions about whether or not she had told other people that Michael Jackson was in some way interfering with her relationship with her child. And on the witness stand she was, what, ambivalent about it? I’m not sure what the defense position is.

THE COURT: I think she said -- first she said she didn’t remember telling somebody that. And then I have a vague recollection that she later said, “Well” -- someone showed her the transcript and she said, “Well, I must have said it,” you know, “There it is.”

But then didn’t she try to say that it was really because it was Mother’s Day or something? I’m having a hard time remembering.

MR. ZONEN: If that was the transcript, then it was likely a transcript of a deposition, which certainly would be different from a conversation that she would have had in the presence of --

THE COURT: Yeah, she was shown the deposition. Look at page five, where Mr. Sanger lays it out, what -- lines 12 through 20.

MR. ZONEN: That's with regards to -- hold on. I'd have to see it in the context of the entirety of the testimony. That would be again saying, "I don't recall the conversation." I believe that that would be grounds for being able to bring in the person who actually had the conversation to be able to impeach that witness with the content of the conversation. And it is, of course, separate and apart from the observations of Blanca Francia as well.

I'm sorry, I just got this brief this morning, and I've been trying to read it while listening to testimony as well, so I'm not as focused on it as perhaps I should be.

THE COURT: Take a minute to read it.

MR. ZONEN: Okay.

MR. SANGER: Your Honor, I have the actual transcript here. And it may be, with our dailies, that we have a slightly different pagination. I'm not sure. No, no, I think that is right. 9234. I don't know if you have the transcripts on the computer that you can go back to.

THE COURT: No. I have the transcripts in my office, but not on this desktop here.

MR. SANGER: Yeah, I have it here. And if I may, I mean, there was a specific reference to Charli Michaels. And it is what we said. I can show it to the Court and counsel.

THE COURT: Well, let me just ask you, since you have the transcript, I was trying to remember -- I remembered her conceding, as you indicated in your points and authorities, that she must have said that. I mean, she said it because it's there in the deposition transcript.

Did she go on to say -- or did she say -- did she give any explanation as to why she would have said that in the deposition? That's what I was trying to remember. I thought she'd given an explanation, perhaps, about Mother's Day or -- but I don't have the transcript.

MR. SANGER: I can answer that. Is this unplugged?

Let me just stand up here, and I'm happy to let --

(Discussion held off the record at counsel table.)

MR. SANGER: There's apparently a second screen that has work product before we show it to everybody. I don't think it was a big deal.

THE COURT: Your secret tactics.

MR. SANGER: Secret tactics. It says, "Bob Sanger, say this next."

THE COURT: (To Ms. Yu) Oh, you're the one that's responsible.

MS. YU: For everything. Sorry, Your Honor.

THE COURT: Go ahead.

MR. SANGER: I could read it. Maybe that's the easiest way.

THE COURT: That would help me, and then everybody gets to hear it.

MR. SANGER: And Mr. Zonen is welcome to look over my shoulder, as long as I can get my bifocals in the right place here.

MR. ZONEN: No, that's all right.

MR. SANGER: All right.

THE COURT: You know, I'm just interested --

MR. SANGER: Yes.

THE COURT: -- to what explanation, if any, she gave regarding that.

MR. SANGER: And I just had it and now I've lost it, so.... It will just take me a second, I'm sorry.

Okay. Yes. This is Mr. Sneddon asking questions. Line 27, on 9234, according to the -- I believe this is the final daily.

And it says:

"Q. Now, do you recall an incident that occurred on Mother's Day during 1990 on a trip to the ranch?

"A. Yes.

"And you were upset, correct?

“A. Yes.

“And you were crying at one point?
“Yes.
“And the reason for that was that you had not seen your son all day, correct?
“Yes.
“And it was Mother’s Day?
“That’s right.
“And you found out that the reason you hadn’t seen your son that day was because he had been sleeping all day, correct?
“A. I think so, yeah.
“And you spoke to some people at the ranch about your feelings, did you not? One of the employees?
“A. I think someone asked me if I was okay.
“Q. And you told them that you felt that your son would rather be with Michael Jackson than with you, correct?
“A. I don’t remember saying that.
“Q. Do you know somebody by the name of Charli Michaels?
“A. Yes.
“And who is Charli Michaels?
“I think she works security at the ranch.
“And did you tell Charli Michaels that you felt that the defendant, Michael Jackson, was separating you from your son?

“A. I don’t recall saying it.
“Q. Do you recall testifying to that in your deposition with Mr. Feldman?
“A. No.
“Would it refresh your recollection if I showed you a copy of the deposition?
“A. Yes.
“Mr. Sneddon: May I approach, Your Honor?
“The Court: Yes.
“The Witness: Okay.
“Q. By Mr. Sneddon: Does that refresh your recollection?
“A. I don’t remember saying it, but I

testified to it.

“Q. I’m sorry?

“I don’t remember saying it, but obviously I testified back then about it. I don’t remember saying it.”

THE COURT: Okay. Thanks.

MR. SANGER: It goes on. As far as I can tell, it’s -- yeah, maybe I should -- just to be clear, I don’t think it changes it, but -- all right. Let’s see. Where did I leave off. There?

MR. ZONEN: Right here, “Question.”

MR. SANGER:

“Q. You said that Wade would rather be with Michael than with yourself and you were upset about it?

“Well, I read it, but I honestly don’t remember saying it.

“Q. At the time you were at the ranch on the first occasion” --

Is that how far we have to go? Yeah, I think that’s it.

THE COURT: Thank you. That helps.

And then -- okay. On those issues, then my ruling will be that I will allow the testimony, as proffered, of Charli Michaels and Blanca Francia.

MR. SANGER: Your Honor, I don’t know what Blanca Francia -- we haven’t been told what Blanca Francia is going to testify to. Oh, just on the Joy Robson was upset?

THE COURT: Yes.

MR. SANGER: Okay. Sorry.

THE COURT: There’s nothing -- is there anything else that you’re representing?

MR. ZONEN: No, Your Honor.

THE COURT: And on the -- and I think the part on the rocks is admissible, too. I will allow that.

MR. ZONEN: Thank you.

MR. SANGER: I didn’t have a chance to address that, of course, because that wasn’t in their original proffer, but --

THE COURT: But I don’t need you to.

MR. SANGER: I had that feeling.

THE COURT: And I am going to admit the evidence on the “good parent” issue that you’ve proffered.

MR. ZONEN: Thank you.

THE COURT: All right. Let’s take our noon break.

MR. SANGER: We didn’t hear what -- did I miss something? We didn’t hear what Shane Meridith had to say.

THE COURT: Why don’t you talk to each other, and let me know if a hearing is necessary.

We’ll take our break.

(Recess taken.)

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: Go ahead.

MR. SNEDDON: Thank you, Your Honor.

SHANE MERIDITH

Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION

BY MR. SNEDDON:

Q. Mr. Meridith, you are the same Shane Meridith that testified previously in this case?

A. Yes.

THE COURT: All right.

(To the witness) Let me remind you that you’re still under oath.

THE WITNESS: Yes, sir.

THE COURT: Go ahead.

Q. BY MR. SNEDDON: Mr. Meridith, you’ve already told us that you were employed at Neverland Valley Ranch, correct?

A. That’s correct.

Q. And your role was as a security guard, correct?

A. Yes.

Q. And during the dates -- during the month of February, you were employed there, correct?
A. Yes.
Q. And between the 17th and the 20th of February, you were working that week, is that correct, on those days?
A. Yeah. I would have been if I was there, yeah.
Q. And the shift that you were working would be what?
A. Predominantly it would be a 12-hour shift, and it would be anywhere from 6 p.m. to 6 a.m., or 6 a.m. to 6 p.m.
Q. You were working in the daytime on many of those days, correct?

A. Yeah, correct.
Q. During the time between the 17th of February and the 20th of February when you were at work at the ranch, did you ever see any boys driving any cars on the property?
A. No, I did not.
Q. During the time that you were on the ranch during that period of time, did you ever read any notes in any of the logs that were kept that indicated any boys were driving cars on the property without adult supervision?
A. No, I did not.
Q. Based upon your training and experience in working at Neverland Valley Ranch, if somebody had seen an underage child driving one of the cars during that period of time, would that be the kind of thing that would be noted in the logs of the ranch?
A. I would imagine so.
MR. SNEDDON: No further questions.
THE COURT: Mr. Mesereau?
MR. MESEREAU: Thank you, Your Honor.

CROSS-EXAMINATION
BY MR. MESEREAU:
Q. Mr. Meridith, Neverland is approximately 2800 acres, correct?

A. That’s correct.
Q. And when you worked security, how many other security personnel were there?
A. That could be anywhere from two to four other individuals, besides myself.
Q. Did you all hang out together during your shift, or did you go separate directions?
A. Yes, sir, we would have our own specific jobs.
Q. And what specific jobs are you talking about?
A. Well, one officer would be at the gate, which would be the gate security, and that would be a -- depending on how many officers were available, we would split that shift up.
And the other officers, you would have either one or two officers that were doing the house checks, and then you would also have an officer doing a mobile check in a vehicle.
Q. Now, you’re not sure which checks you did during the time period the prosecutor just identified?
A. Right. Yeah, I could have been doing anything during that time.
Q. What could you have been doing?
A. Doing a perimeter check, doing a house check, doing a mobile check, or working the front gate.

Q. Now, please describe what you mean by “a perimeter check.”
A. You would drive -- what you would do is, we would leave our security shack area. We would drive through the front of the property, leaving actually through the front gate, going off property for about -- probably a mile or so in either direction of the ranch, just to check to make sure that the fence line was secure.
Q. If you were doing a perimeter check, someone could have driven a vehicle on the property and you wouldn’t see it, true?
MR. SNEDDON: Object. Calls for speculation.
THE COURT: Overruled.
You may answer.

THE WITNESS: Sure.

Q. BY MR. MESEREAU: If you were doing a perimeter check, how far away from the main house would you be?

A. Well, like I said, you'd actually -- you know, at some point during that mobile perimeter check, you would actually leave the property. So I'd say at any -- the furthest point you would be -- would probably be six, seven miles maybe.

Q. So you could be six or seven miles away from where the vehicles are located, right?

A. Correct. During that check.

Q. And there would possibly be hills even blocking your view of the main house, correct?

A. That's correct.

Q. And if someone were driving a vehicle around the house, you would have no way of even seeing it if you were looking that direction, right?

A. That's correct.

MR. SNEDDON: Object as argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Now, besides a perimeter check, what else could you have been doing during your security work during that time period?

A. You'd also do a house check, which was where you'd be, you know, physically checking the house area, walking around the house, going through the arcade, areas like that.

Q. And what other types of checks would you have been doing?

A. Other than that, other than the mobile or the house check, you would be at the front gate, or any check that was deemed necessary by a supervisor. Somebody would have you check something.

Q. Now, the prosecutor asked you whether or not, if someone was caught driving a vehicle for a short distance, for example, it would automatically go into the log. Doesn't actually get logged in, does it?

A. Not -- I mean, that's -- no. It wouldn't be unusual for it not to be logged.

Q. In fact, every time a guest is found

violating any type of rule at Neverland and stopped and told not to do it, it isn't automatically logged in, is it?

A. That's correct. It's left up to the supervisor whether it gets --

Q. Would it be accurate to say that percentagewise, when guests or their children are caught violating some rule at Neverland, most of those never get logged in anyplace, correct?

MR. SNEDDON: I'm going to object to the question. It calls for speculation.

MR. MESEREAU: It's cross-examination.

MR. SNEDDON: And doesn't deal with the subject matter.

THE COURT: Just a moment.

Overruled. It calls for custom and habit.

Go ahead.

Q. BY MR. MESEREAU: I now don't remember if you actually --

THE COURT: I'll have it read back.

MR. MESEREAU: I'm sorry.

(Record read.)

THE WITNESS: I couldn't -- I couldn't speculate on whether -- on a percentagewise. I mean, personally, if something were to come to my attention, it would be logged in. But that's just my personal -- you know, I wouldn't know -- as far as somebody else dealing with something that happens like that, I wouldn't have any knowledge of that.

Q. BY MR. MESEREAU: Wouldn't you agree that other security personnel often did not log things in that they thought were violative of a rule?

A. I mean, that's a fair assumption. That's a fair assumption. I wouldn't -- again, if it's something that I would -- you know, that I thought was pertinent, I would log it in. Or I would have whoever I was supervising log it in. But, you know, it's possible, sure.

Q. Now, were you given a course on when to log something in?

A. No, sir.

Q. Was anybody given a course about when they should put something into the logs if they see a rule being violated?

A. Not that I’m aware of.

Q. Is the decision to log something in pretty much up to the individual who sees the violation?

A. That’s correct. Or the supervisor. Like I said, more times than not it would be the supervisor’s discretion whether it should be logged in.

Q. If you’re going to log something in, what do you have to do?

A. As far as?

Q. Where do you go to log it in?

A. The front gate. You would call the front gate and they would log it in the logbook there, and then you’d also do a log at our shack area.

Q. All right. Now, if you’re doing a perimeter search, and you find someone -- say you found a visitor wandering around the property where you didn’t want them to be - okay? - and you said, “Why don’t you go back to the main house. You shouldn’t be here. This is 2800 acres of property, and you don’t want to get lost,” or whatever, you would have to drive a distance, possibly, to log that in, correct?

A. Yeah, you’d have to drive back to the main house area to log that in, or just call it in to the front gate.

Q. And while you were working at Neverland, do you recall any situations where somebody brought to your attention that some child had violated a rule and you never, ever saw that logged in?

A. Yeah, that’s fair to say.

MR. MESEREAU: No further questions.

REDIRECT EXAMINATION

BY MR. SNEDDON:

Q. Mr. Meridith, I’m not talking about violating any rule at the ranch. I’m talking about an underage child driving a vehicle on the ranch, okay?

A. Yes, sir.

Q. And in your experience, would that be something that would be logged in or officials to be notified?

A. Absolutely.

Q. The ranch has -- is very safety conscious, is it not?

A. Yes, it is.

Q. And they try to minimize the amount of liability or risk that can occur from the many guests that occur at the ranch; isn't that correct?

A. Yes.

Q. And the fact that an underage child would be allowed into a vehicle and to drive it without supervision would be something that would be a very serious violation of the ranch protocol, would it not?

A. I would think so, yes.

MR. SNEDDON: Thank you. No further questions.

MR. MESEREAU: No further questions.

THE COURT: All right. You may step down. Thank you.

MR. AUCHINCLOSS: Call Jesus Salas to the stand.

THE COURT: You're recalling him. He's already testified.

MR. AUCHINCLOSS: Yes, he has, Your Honor.

THE COURT: You may be seated. You're still under oath.

JESUS SALAS

Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Good afternoon, Mr. Salas.

A. Good afternoon.

Q. You have previously testified in this case that you were the house manager during the period of 2003 at Neverland Ranch, correct?

A. That is correct.

Q. And during the period of February-March 2003, how often were you at Neverland Ranch?

A. I would say I was there like for a couple of weeks.
Q. Okay. Did you -- were you working in the month of February?
A. Yes, I was.
Q. How many days a week were you working in February?
A. Well, I was working pretty much every day.
Q. Every day?
A. Uh-huh.
Q. Even weekends?

A. Even weekends.
Q. And what about in the beginning of March? Were you working in March?
A. Yes, I was.
Q. How many days a week were you working in March?
A. It was about the same.
Q. Okay. So you were working without days off during that period of time?
A. Well, I had some days off, but, you know, pretty much I was busy most of the time, yes.
Q. Would you ever spend the night at Neverland?
A. Yes, I did.
Q. How often during that period of February-March 2003?
A. I would say I spent more time during the month of March.
Q. Okay. As far as spending the night there?
A. Yes.
Q. In the first couple of weeks of March, have you had a chance to review the logs concerning your attendance at Neverland Ranch?
A. Yes, I have.
Q. And how often were you spending the night during the first couple of weeks in March?
A. It was about a week and a half, couple weeks that I was spending -- staying there over the night.
Q. During the first couple of weeks?

A. That’s correct, yes.
Q. All right. During your period of -- during the period of time that you worked at Neverland

Ranch, and I believe you said you've worked there for quite a few years; is that correct?

A. That is correct, yes.

Q. Going back to what year?

A. I'm sorry?

Q. Going back to what year? When did you start working at Neverland Ranch?

A. I started working there in '83.

Q. Okay. So before Mr. Jackson purchased the ranch you were working there?

A. That is correct, yes.

Q. Did you ever witness children, underage children, driving motor vehicles at Neverland Ranch?

A. No. I never --

Q. Did you ever hear that underage children were driving motor vehicles at Neverland Ranch?

A. No. Never heard anything about -- nobody ever reported anything to me.

Q. Did you ever report to anybody that underage children were driving vehicles at Neverland Ranch?

A. No.

Q. You never told Joe Marcus anything like that?

A. I never told Joe Marcus.

Q. While you were house manager -- let me just

refresh my memory. When did you start your duties as house manager for Mr. Jackson?

A. When?

Q. When. When did you become house manager?

A. Oh, that was 2002, I believe.

Q. All right. During the period of time that you were house manager at Neverland, did you have an office in the main residence?

A. Yes, I did.

Q. Did you have a desk in that office?

A. Yes.

Q. Did you ever keep money, cash money, in that desk?

A. No. Never kept any money there.

Q. Did you ever have -- so was there ever a time when you were missing money, where money was taken from your desk or from your office area at Neverland Ranch?

A. Never lost any money, no.

Q. During the time that the Arvizos were guests at Neverland Ranch, did you ever keep anything that -- maybe a paperweight of some sort, something that looked like a crystal made of plastic or glass? Did you ever have anything like that in your office or your desk?

A. Not that I can remember, no.

Q. Did you ever have anything like that that you found to be missing --

A. No.

Q. -- in your office or desk during the period of time that the Arvizos stayed there?

A. No, not at all.

Q. During the time that you were house manager and the Arvizos were staying at Neverland Ranch, did you ever receive a report of any kind from a chef working in the kitchen that money had been removed from a drawer or from the kitchen area that belonged to one of the chefs?

A. No. Never was reported to me.

Q. Did Angel Vivanco specifically ever tell you that money was taken from the kitchen area by one of the guests?

A. No. Never told me anything.

Q. During the time that you were house manager at Neverland and the Arvizos were staying there or at any time, did Angel Vivanco ever tell you of an incident where Star Arvizo was playing around with a knife involving Mr. Vivanco?

A. No. Never was reported to me.

Q. You have previously testified that one night you helped the Arvizos to leave Neverland Ranch, that you drove them to their home. Do you remember testifying about that?

A. That is correct, yes.

Q. The night that you drove the Arvizo family from Neverland Ranch, did you ever notify Joe Marcus that you were leaving Neverland with the Arvizo family?

A. No, I didn't never talk to Joe Marcus that night.

Q. Did you ever notify anybody to tell Joe Marcus that you were leaving Neverland with the Arvizo family?
A. No, I didn’t.
Q. Never had a conversation with him that evening?
A. No.
Q. During the period of February and March of 2003, you remember that the Arvizo family spent quite a bit of time at Neverland, true?
A. That is correct, yes.
Q. Can you characterize in a percentage basis the number of nights during that period that the Arvizo children spent the night in Mr. Jackson’s bedroom?
MR. MESEREAU: Objection; foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Were you aware whether or not the Arvizo children ever spent the night in Mr. Jackson’s bedroom?
MR. MESEREAU: Objection; foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Did you ever personally witness the fact that the Arvizo family would spend the night in Michael Jackson’s bedroom?

MR. MESEREAU: Same objection.
THE COURT: Overruled.
Q. BY MR. AUCHINCLOSS: You may answer.
A. Yes.
Q. As house manager, would you often -- how late would you stay before you went home at night?
A. Varies. Sometimes it was one o’clock, two o’clock, three o’clock in the morning.
Q. And when you would leave the property, would you generally be aware of the location of individual guests who were in the main residence?
A. I would say yes.
Q. Okay. Was that part of your job, to be somewhat aware of what the guests were doing inside the main house? Not what they were doing, but I should say their various locations?
A. Well, it was necessary for me to know where they were so I can notify the security for safety

reasons.

Q. Okay.

A. Yes.

Q. And based upon your personal experience -- let me back up.

So during that period of time when -- let's say in the evening hours and in the early morning hours when you were staying late at Neverland Ranch, would you frequently -- would you generally stay around the main residence?

A. Yes.

Q. Okay. Would you be inside the main residence?

A. I was inside there.

Q. And that's where your office was, correct?

A. That is correct, yes.

Q. So were you personally aware -- during this period of time, February-March, when the Arvizos were visiting Neverland Ranch, were you generally aware of their location, the location that the Arvizo boys slept in?

MR. MESEREAU: Objection; foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: Yes, I was aware.

Q. BY MR. AUCHINCLOSS: And can you characterize, based upon your own personal observations, the -- on a percentage basis the number of nights you would estimate that the Arvizo boys spent in Michael Jackson's bedroom during that period of time that they were visiting in March and February of 2003?

MR. MESEREAU: Objection; foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: I would say they spent 90 percent of the time.

Q. BY MR. AUCHINCLOSS: Mr. Salas, during that same period of time, focusing again in 2003 -- I believe you said that you left your employment at Neverland sometime during the summer of that year; is that correct?

A. That is correct, yes.
Q. During that period of time of 2003, before you left your employment, did you ever see Michael Jackson when he was in an intoxicated state?
MR. MESEREAU: Objection. Beyond the scope; improper rebuttal.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes, I did.
Q. BY MR. AUCHINCLOSS: How often would you see Mr. Jackson in a condition that you would characterize as intoxicated during that period of time?
MR. MESEREAU: Objection. Foundation; relevance.
THE COURT: Overruled.
You may answer.
THE WITNESS: It was quite a few times.
Q. BY MR. AUCHINCLOSS: Did you ever see him intoxicated in the presence of his own children?
A. Yes, I did. Yes.
MR. MESEREAU: Objection; relevance.
THE COURT: Overruled.

THE WITNESS: Yes.
Q. BY MR. AUCHINCLOSS: I didn’t hear.
A. I said, yes, I did.
Q. How often did you see him intoxicated in the presence of his own children?
MR. MESEREAU: Objection; relevance.
THE COURT: Overruled.
You may answer.
THE WITNESS: My belief, it was, say, about three times.
Q. BY MR. AUCHINCLOSS: Did you ever see him intoxicated, in such an intoxicated condition that you had a concern as to whether or not he could properly and responsibly care for his children?
MR. MESEREAU: Objection. Relevance; beyond the scope; leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes, I -- I did.
Q. BY MR. AUCHINCLOSS: And what was your

opinion about that?

MR. MESEREAU: Objection; irrelevant opinion.

THE COURT: Overruled.

Q. BY MR. AUCHINCLOSS: You may answer.

A. To me, it wasn’t -- it wasn’t -- it wasn’t safe for the skids to be around him.

MR. AUCHINCLOSS: All right. Thank you, Mr. Salas.

CROSS-EXAMINATION

BY MR. MESEREAU:

Q. Mr. Salas, you say you’ve seen Mr. Jackson intoxicated maybe three times during that period?

A. That is correct, in the way that I thought it wasn’t safe for him and his family.

Q. Was a nanny around?

A. Yes, it was.

Q. In fact, there was a nanny around taking care of his children, correct?

A. That is correct, except when he used to take them to his room, yes.

Q. Okay. And have you ever been intoxicated in your house?

A. Oh, yes.

Q. Were your children there?

A. Yes.

MR. AUCHINCLOSS: Objection; irrelevant.

THE COURT: The answer is in. Next question.

Q. BY MR. MESEREAU: Now, you say you saw the Arvizo children in Michael Jackson’s room, right?

A. That is correct.

Q. Were you in the room with them?

A. I was not in the room with them.

Q. Pretty big room area, isn’t it?

A. Yes, it is.

Q. It’s two levels?

A. That is correct, yes.

Q. And people sometimes sleep on the lower level, right?

A. True.

Q. Sometimes people sleep on the higher level,

right?
A. That is correct, yes.
Q. In fact, Mr. Jackson has had a lot of people in and out, correct?
A. Yes.
Q. You don’t know where anyone was sleeping when the Arvizo children were in that area, right?
A. Actually, I knew where they were staying.
Q. Well, they were staying in that large area, correct?
A. Right.
Q. You testified earlier at one point you saw them on the lower level, right?
A. That’s correct, yes.
Q. The lower level below Michael Jackson’s bed, true?
A. True.
Q. His bed’s upstairs, and you saw them sleeping downstairs, right, one time?
A. That is right, yes.
Q. Now, was it part of your job to normally go into his room?

A. Only when he asked me or he needed something.
Q. And if he asked you to bring him something, you would open the door and go in, right?
A. Yes.
Q. Okay. And there are other people he would ask to come in his room and bring him things, right?
A. That is true, yes.
Q. Now, the prosecutor asked you about whether or not Angel Vivanco ever reported a knife incident to you, correct?
A. Correct.
Q. Were you aware that he never said he reported it to you; he said he reported it to Rudy Lozano?
A. I wasn’t aware of that. Never was reported to me.
Q. Who is Rudy Lozano?
A. He is the chef.
Q. Okay. He was Mr. Vivanco’s direct supervisor, true?

A. Yes. In the kitchen area, yes. But I was responsible for all of them.
Q. Okay. Now, did you know that Star Arvizo pulled a knife on Kiki Fournier one time?
MR. AUCHINCLOSS: Objection. Irrelevant; no foundation.
THE COURT: Overruled.

You may answer.
Q. BY MR. MESEREAU: Did you know that?
A. I was not aware of that.
Q. So she didn’t report that to you?
A. No.
Q. Not everybody always reported to you problems that the Arvizo children caused at Neverland, right?
MR. AUCHINCLOSS: Objection; argumentative.
THE COURT: Overruled.
You may answer.
THE WITNESS: Well, I’m just finding that out.
Q. BY MR. MESEREAU: Yeah. Did anyone ever report to you that Star was found with an adult magazine that he said he brought from his own home?
MR. AUCHINCLOSS: Objection; argumentative.
THE COURT: Overruled.
Q. BY MR. MESEREAU: Was that ever reported to you?
A. Never was reported to me, no.
Q. Did anyone ever report to you that Star and Gavin Arvizo were caught masturbating in the guest unit?
MR. AUCHINCLOSS: Objection; argumentative.
THE COURT: Overruled.
Q. BY MR. MESEREAU: Was that reported to you?
A. No, it wasn’t.

Q. Was it ever reported to you that Star Arvizo went into the control room of the amusement park and wrote the words “Suck Dick” on the wall? Anyone report that to you?
A. No. Never was reported to me.
Q. Was it reported to you that one of the security guards caught Star and Gavin Arvizo in the

wine cellar alone with a half-filled bottle of wine?

A. No, that was never reported to me either.

Q. Was it reported to you that Gavin Arvizo told Angel Vivanco, “You put alcohol in my milkshake or I’ll get you fired”?

A. No, it wasn’t.

MR. AUCHINCLOSS: Objection; misstates the evidence.

THE COURT: Sustained.

MR. AUCHINCLOSS: And argumentative.

THE COURT: Misstates the evidence, sustained.

MR. MESEREAU: Excuse me. I’ll rephrase it. My mistake.

Q. Was it ever reported to you Star Arvizo told Angel Vivanco, “You put some alcoholic beverages in my milkshake or I’ll get you fired”?

A. No, it was never reported to me.

Q. Was it ever reported to you that Star and Gavin used to spit on employees when they rode the amusement park rides?

MR. AUCHINCLOSS: Objection; argumentative.

THE COURT: Overruled.

THE WITNESS: No. Never was reported to me either.

Q. BY MR. MESEREAU: Was it ever reported to you that Star and Gavin Arvizo would take their shoes and throw them at people from the amusement park rides?

A. Never heard that either.

Q. Was it ever reported to you that Star and -- Star and Gavin Arvizo made an absolute mess out of their bedrooms in the guest quarters?

A. Not that I can remember, no.

Q. Was it ever reported to you that Star and Gavin Arvizo used to search the television for adult films --

MR. AUCHINCLOSS: Objection.

Q. BY MR. MESEREAU: -- at their guest unit?

MR. AUCHINCLOSS: Assumes facts not in evidence.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Not everybody reports every violation of a guest to you, do they?

A. Well, I guess not.
Q. Now, you said you learned a lot of things weren’t reported to you, right?
A. Yes.
Q. Okay. And where have you learned that from?
A. Well, being part of responsibility.

Q. Now, there are drawers in the kitchen, correct?
A. There are what? I’m sorry.
Q. Drawers in the kitchen, right?
A. Yes.
Q. And certainly someone in the kitchen could put money, if they wanted, in one of the drawers temporarily, couldn’t they?
A. I believe so, yes.
Q. And not everybody would report that to you, would they?
A. I guess not necessarily, no.
Q. And if one of the Arvizo children stold money from a drawer in the kitchen, you wouldn’t necessarily find out about it, would you?
A. Not if they don’t tell me.
Q. And if Angel Vivanco thought his job was in jeopardy if he reported it, you might not hear, right?
MR. AUCHINCLOSS: Objection; argumentative.
THE COURT: Sustained.
MR. AUCHINCLOSS: Assumes facts not in evidence.
Q. BY MR. MESEREAU: Now, have you looked at any records to determine whether or not you called Joe Marcus the night you drove Janet Arvizo from the ranch?
A. No, I never -- no.

Q. Would it refresh your recollection if I showed you a phone record showing a phone call on the night of February 12th, time, 12:55 a.m., to Joe Marcus from a ranch number?
A. No, I can tell you, because Joe wasn’t even at the ranch that day.
Q. Do you know why anyone would be calling his number?

A. I have no idea, no.
Q. Where was he at that point, do you know?
A. Not sure, but I believe he was at home.
Q. Okay. Do you know who would have called his number at 12:55 a.m. on Wednesday, February 12th --
A. No, I don’t.
Q. -- 2003? If I showed you the record, would it refresh your recollection at all?
A. Probably not.
Q. Okay. Okay. Now, you said something about being at the ranch for a couple of weeks during that time period; is that right?
A. That’s correct, yes.
Q. And what did you mean by “a couple of weeks”?
A. I mean to spend the night, most of the nights there.
Q. And are you talking about working all day and all night, or just all night?
A. No, talking about working all day and all

night.
Q. Okay. Okay. And that’s in the main residence?
A. Yes.
Q. Well, if you’re working all day or all night, or both, in the main residence, are you necessarily going to see if somebody drives a vehicle?
MR. AUCHINCLOSS: Objection; argumentative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: You’re not always looking at the vehicles, are you, when you do your work?
A. Absolutely not, no. That was not my job to keep an eye on them.
Q. And that’s a very big house, right?
A. It’s true. Very big -- big house.
Q. And what kind of work were you doing in the house at that point in time?
A. Well, it was different. Many things. Just making sure that the house was clean; that we had what the guests needed. And it was not just that. It was just also driving the limousine different areas. It could be picking up people, dropping off

people. So I was not always there at the ranch.
Q. And if you’re not always there at the ranch, you couldn’t possibly always know if someone’s driving a vehicle on the ranch, correct?
A. That is correct.

MR. AUCHINCLOSS: Objection; argumentative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Were you always on the ranch during those weeks that the prosecutor asked you questions about?
A. Well, once again, I was not always there. Like I said, I was always driving somebody somewhere else.
Q. Okay. Where would you drive people to?
A. I drove people to L.A., pick up people from L.A., Burbank. I mean -- yes, Burbank. Santa Barbara, you know.
Q. And how often would you drive people off the ranch to L.A., or Burbank, or Santa Barbara?
A. Well, it depends. I mean, it was -- it was to the point that I was driving people, I mean, almost every other day or every day during the Christmas season.
Q. And if you’re driving people off the ranch to L.A. and Burbank and Santa Barbara, and you’re gone every day or every other day, would it be reasonable to say you’re not going to be looking at who’s driving a vehicle on the ranch?
MR. AUCHINCLOSS: Objection; argumentative.
THE COURT: Overruled. You may answer.
THE WITNESS: That is correct.
Q. BY MR. MESEREAU: And are you saying that during that period of time, you were probably more off the ranch than on it while you were working?

A. Not necessarily, because if it was -- it depends on the area that I was picking up people. It could have been two, three hours, four hours, five hours. But I was -- you know, I spent a lot of time at the ranch also.
Q. When you drove to Los Angeles, typically how long would it take you from the moment you left the

ranch till the moment you returned?
A. Talking five hours, six hours.
Q. Okay. Now, were you the primary person who would drive people off the ranch?
A. No. It was another driver before I started to do that, yes.
Q. Who would decide whether you were going to drive someone off the ranch?
MR. AUCHINCLOSS: I'm going to object as beyond the scope.
THE COURT: Sustained.
Q. BY MR. MESEREAU: The prosecutor asked you questions about your office at Neverland, okay?
A. Right.
Q. And where is that office located?
A. It is located on the back of the house. When you first go in the main entry in the back, it is the first room on your left side.
Q. And is that very close to the kitchen?

A. It's just a wall dividing that.
Q. Is there a door to that office?
A. No, it has no door.
Q. In fact, people can go in and out of that office very freely, correct?
A. That is correct, yes.
Q. In fact, you pass that office when you're coming in from the back, right?
A. Correct, yes.
Q. You pass that office if you're leaving the house from the back, right?
A. That is correct, yes.
Q. And what do you find in that office?
A. There's videos. There's -- I mean, there's all kinds of stuff. Glasses. I mean, stuff that is there that belongs to Mr. Jackson.
Q. There are phones, right?
A. There's a phone, yes.
Q. Virtually anyone can walk in or out of that office, right?
A. Yes.
Q. You were not the only one using that office at that point in time, right?
A. No, because everybody can go in and use it.

Q. Were you the only one using the drawers in that office at that point in time?
A. No, not necessarily.
Q. In fact, other people used those drawers and didn't tell you what they put in them, right?

A. Well, I know pretty much I knew what was in those drawers.
Q. Well, if you were on a drive to L.A. and back, you wouldn't know who was in or out of that office, right?
MR. AUCHINCLOSS: Objection; argumentative.
THE COURT: Sustained.
MR. MESEREAU: No further questions.

REDIRECT EXAMINATION
BY MR. AUCHINCLOSS:

Q. Mr. Salas, I wanted to just make sure I understood one thing about your testimony correctly. Mr. Mesereau asked you at the beginning of his cross-examination if you saw Mr. Jackson intoxicated only three times. Is that accurate, that you saw him intoxicated only three times?
MR. MESEREAU: Your Honor, I limited that to the time period.
MR. AUCHINCLOSS: Okay. Let me rephrase.
Q. Let's say during the last -- during the year 2003, how often did you see Mr. Jackson intoxicated?
MR. MESEREAU: Objection; foundation.
THE COURT: Overruled.
Q. BY MR. AUCHINCLOSS: You may answer.
A. Lately, it was -- it was a lot. I mean, I would say it was -- it became to the point that he was intoxicated a lot.

Q. How often in a week?
A. I'll say, you know, four times maybe, or more than that.
Q. And Mr. Mesereau asked you a number of questions about whether certain things were reported to you, such as children asking for vodka in a drink. That was never reported to you?
A. That was never reported to me, no.
Q. Or children writing something nasty on a

wall. That was never reported to you?

A. That is correct.

Q. Now, do the amusement park operators report to you as the house manager?

A. No, they never reported it to me.

Q. So I believe your former testimony is that only the maids would report to you, and the chefs, the people who work in the house?

A. Yes.

Q. And can you tell me, is there a general rule concerning giving children what they ask for at Neverland?

MR. MESEREAU: Objection; beyond the scope.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Well, if a child asks for something like vodka from somebody, is that something that would necessarily be reported?

MR. MESEREAU: Objection. Argumentative; beyond the scope.

THE COURT: Overruled.

Q. BY MR. AUCHINCLOSS: I mean, is that something that you’ve seen reported before?

A. Well, I would say that it had to be reported.

Q. I’m sorry?

A. It had to be reported if there was something like that, yes.

Q. And did you ever see a report of that nature?

A. Never got any reports.

Q. Then how do you know it had to be reported?

A. Well, I’m saying because if it’s a kid, and the kid is asking for a drink, you know, somebody needs to tell somebody.

Q. So that’s the type of thing that would have been reported if it happened?

A. Absolutely, yes.

MR. AUCHINCLOSS: Thank you. No further questions.

MR. MESEREAU: No further questions.

THE COURT: All right. Thank you. You may step down.

Call your next witness.

MR. AUCHINCLOSS: Call Vic Alvarez.

THE COURT: Come forward, please, to the witness stand. You may be seated. You’re still under oath.

THE WITNESS: Thank you, Your Honor.

VICTOR ALVAREZ

Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Good afternoon, Mr. Alvarez.

A. Good afternoon.

Q. I should say “Detective Alvarez.” Did you interview an employee of Neverland Ranch by the name of Julio Avila?

A. I did.

Q. And did that interview take place on March 21st, 2005?

A. Yes.

Q. All right. And why did you interview Mr. Avila on that date?

A. I had received a defense interview that had been taken by a private investigator.

Q. And did you go to confirm some of the information that you received in that report?

A. I did.

Q. Did you ask Mr. Avila some questions about the Arvizo family operating one of the amusement park rides at Neverland Ranch?

A. Yes.

Q. What did he tell you?

A. He said that -- I asked him in particular the ride, I believe it was the swing, how it operated. He said it had an “off” and “on” button, and that Star had started the ride after watching him operate it.

Q. Did he tell you which Arvizo children were present when that ride was being operated?

A. Yes, he did.

Q. Who was present?

A. He said all three were present.

Q. Did he tell you whether or not there were any other children who were in the amusement park area during that time?

A. Only the three children were present.

Q. There were no other children present?

A. No.

MR. SANGER: Objection; leading.

THE COURT: Overruled.

Q. BY MR. AUCHINCLOSS: Did he say anything about operating a Zipper ride immediately before he went over and stopped the Arvizo children from operating that ride?

A. Yes.

Q. Did he say who he was operating that Zipper ride for?

A. No.

Q. Did you ask him about the Arvizo children and their behavior in general?

A. Yes.

Q. Did you ask him about whether or not they crashed any carts, or did he give you any information about that?

A. Yes. He -- I believe he did say that they would ride the carts recklessly, but he said all the kids -- I think he was pretty general about all the kids ride the carts recklessly.

MR. SANGER: I’m going to move to strike after, “Yes.” He said they did. Nonresponsive.

THE COURT: Stricken; nonresponsive. The answer is, “Yes.”

MR. AUCHINCLOSS: That’s fine.

Q. Did he say anything about how all the kids operated carts at Neverland?

A. He did.

MR. SANGER: Objection; relevance.

THE COURT: Overruled.

Q. BY MR. AUCHINCLOSS: What did he tell you about that?

A. He said that all the kids ride the carts recklessly.

Q. Did he tell you anything in general about the behavior of children who are guests at

Neverland?

A. I asked him.

Q. All right. And did he answer you?

A. Yes.

Q. What did he tell you?

A. He said that basically the kids are free to do whatever they want. And I asked him, “Do they pretty much run amuck here?” And he said, “Yes.”

Q. At some time during your interview, did he ever express some confusion as to whether or not he was talking about the behavior or misbehavior of the Arvizo children as opposed to the Cascio children?

MR. SANGER: Objection; calls for a conclusion without foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Did he ever express to you any indication that he didn’t understand he was talking -- you were talking about the Arvizo children?

A. Yes.

Q. And how did he express that?

MR. SANGER: I’m going to object. I may have to object to the last question in order to make it correct, so I’d move to strike the answer for the purpose of objecting that it calls for a conclusion without a foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: The question again, please?

Q. BY MR. AUCHINCLOSS: The question was, how

did he express to you any confusion he had over which family you were trying to ask him questions about?

A. He did not know the sister’s name, and he was confusing names of the two families.

Q. Did he ever say anything to you about where he believed the family that was -- that you were asking questions about, did he ever indicate where he believed they were from?

A. He just said they were not from California.

Q. Did he ever indicate to you whether or not he filed reports on any of this information that he was giving you?

A. He did not file any reports.

Q. Did he ever indicate to you whether or not he had knowledge that Mr. Jackson possessed erotic materials, adult erotic materials in his bedroom?

A. Yes.

Q. What did he say?

MR. SANGER: I'm going to object. This is without foundation.

THE COURT: Overruled.

You may answer.

MR. SANGER: Well, I'm -- okay.

THE WITNESS: We were --

MR. SANGER: It seems to me there should be a foundation first as to how this witness would have known --

MR. AUCHINCLOSS: I'll object to the speaking objection. This is impeachment of the testimony.

THE COURT: The objection was overruled. Go ahead.

THE WITNESS: There was mention of adult material and where it had come from. And I asked him if it came from -- "Could it have possibly come from Mr. Jackson's bedroom?" at which time he said, "Yes, it could have" --

MR. SANGER: I'm going to object and move to strike. That's just based on speculation. It's not impeachment.

MR. AUCHINCLOSS: I don't think he's finished answering the question.

THE COURT: Are you finished? Had you finished answering the question?

THE WITNESS: No, Your Honor.

THE COURT: All right. Go ahead and finish.

THE WITNESS: He said, "Yes, it could have come from the bedroom."

Q. BY MR. AUCHINCLOSS: And did he say why?

A. He was aware that there was this type of material in the bedroom.

MR. SANGER: Your Honor, it's improper impeachment if there's no foundation for the testimony, the hearsay. I object.

THE COURT: I’ll sustain that objection and strike his answer.

MR. AUCHINCLOSS: I believe -- well --

THE COURT: Being aware lacks foundation, personal knowledge.

MR. AUCHINCLOSS: We did -- well, I could ask to tell you at sidebar that there was specific testimony regarding this that goes to this impeachment, irrespective of foundation.

MR. SANGER: I mean, I know what it is, if there’s any question in the Court’s mind.

THE COURT: Well, come forward.

(Discussion held off the record at sidebar.)

THE COURT: I’m going to strike this witness’s testimony concerning what knowledge Mr. Avila had about adult material, and I’m going -- at the ranch, and I’m going to base that ruling on the fact that there is insufficient foundation for that testimony, so the jury’s ordered to disregard that testimony.

MR. AUCHINCLOSS: Thank you, Your Honor.

Q. Mr. Alvarez, during this interview that you had with Mr. Avila, did you ask him generally about the behavior of the Arvizo children at the ranch?

A. I did.

Q. Did he ever mention to you anything about the Arvizo children misbehaving using the quads?

A. No.

Q. Lastly, did you attempt to contact Chris Tucker as a witness in this case?

A. I did.

Q. On how many occasions?

A. Three different occasions.

Q. And how did you go about doing that?

A. Mr. Tucker lives in the L.A. County area. It’s a gated community. So every time you pull up to the guard shack, they ask you who you are and what your business is. So I would identify myself as a detective with the sheriff’s department. I had his address. The guard takes down the license plate of your vehicle, and I went to his residence.

Q. So you actually made it through the gated entry?

A. I did.

Q. Did you go to his residence?

A. I did.

Q. Is his residence gated?

A. No.

Q. Did you go to his front door?

A. I took pictures of his residence, and then I went to his front door.

Q. Did you ever make contact with anybody at Mr. Tucker's residence?

A. No, I didn't.

Q. Did you leave your business card?

A. I did.

Q. Did you write any notes on that card?

A. I did.

Q. What did you leave as a note?

A. On -- my business card has my name, my title, and phone numbers. And I would put on the bottom "Over," and on the back side, I wrote, "Please call me," and I'd put my cell phone down on it.

Q. You did this on how many occasions?

A. Three different occasions. I would leave a card on the front door and the mailbox.

Q. Each time?

A. Yes.

Q. Did you ever make contact with Mr. Tucker's attorney?

A. I did.

Q. On how many occasions?

A. I believe it was one time.

Q. And did you request of Mr. Tucker's attorney that Mr. Tucker contact you and allow you to interview him?

A. I did.

Q. Have you ever received any calls from Mr. Tucker or his attorney to set up an interview for the purposes of this case?

A. No.

MR. AUCHINCLOSS: Thank you. No further questions.

//

CROSS-EXAMINATION

BY MR. SANGER:

Q. Detective Alvarez, first of all, with regard to Chris Tucker, how many times did you go to the actual residence of Mr. Tucker?

A. Three times.

Q. Three times to the front gate?

A. To the front door of his residence.

Q. Okay. So you went to the gate, and three separate times you were allowed to go through the gate to go to his front door?

A. Yes. Actually, after the first time, the guard knew me and just waved at me.

Q. I didn’t ask that. I asked did you go to his front door?

A. I went to his front door of his residence, not of the guard shack.

Q. Okay. That’s what I’m asking. You went to the front door of his residence?

A. Yes.

Q. And you’re saying he was not there or nobody answered the door each of the three times?

A. That’s correct.

Q. So the guards did not get permission to let you through from Mr. Tucker. They let you through because you showed a badge and said you had business there?

A. That’s correct.

Q. Were you ever on the property at any time when you saw Chris Tucker’s mother?

A. No.

Q. And you believed you went to the correct house?

A. Yes.

Q. You took pictures of it?

A. I did.

Q. All right. Now, with regard to Mr. Tucker’s lawyer -- let me withdraw that.

First of all, on one of those occasions you left a card; is that correct?

A. No, I said on three occasions I left a card.

Q. All three occasions you left a card?

A. Yes, I did.
Q. In response to having a card left, on one occasion you got a call back from Chris Tucker’s lawyer; is that correct?
A. No.
Q. You called Chris Tucker’s lawyer yourself?
A. I did.
Q. How did you know who his lawyer was?
A. I believe it was given to me by one of my supervisors.
Q. Okay. Do you know if Chris Tucker’s lawyer called to say, “I’m Chris Tucker’s lawyer”?
A. I spoke to him.
Q. Okay. Before you spoke to him.

A. Okay.
Q. Before you spoke to him, one of your supervisors gave you a name and said, “Here’s his lawyer,” right?
A. Correct.
Q. And then you called him up?
A. Correct.
Q. All right. Now, and then Mr. Tucker -- Mr. Tucker’s lawyer, do you remember his name?
A. I don’t.
Q. Is that Mr. Sweeney, by any chance, or is it somebody else?
A. The name sounds familiar, but I can’t positively say that that was his attorney.
Q. Okay. Do you know how many attorneys Mr. Tucker has?
A. I don’t.
Q. Okay. Now, you’ve been around for some time working in the courts as well as being on the street and being a detective, correct?
A. Yes.
Q. All right. You’re aware that people who are movie stars or celebrities tend to have a number of different lawyers; is that correct?
A. Yes.
MR. AUCHINCLOSS: Objection. Relevancy and assumes facts.
THE COURT: Sustained.

Q. BY MR. SANGER: When you talked to this lawyer - you can't remember his name - do you recall what capacity he was calling you back in? Did he tell you, "I'm an entertainment lawyer," or a --

A. He didn't call me back. I actually made contact with him when I called him.

Q. I'm sorry. I think you said that. It gets to be this time of day and sometimes --

A. I understand.

Q. I missed that. In any event, you called him?

A. Yes.

Q. Did he tell you what his capacity was? "I'm Mr. Tucker's entertainment lawyer," or "I'm a lawyer who" --

A. "I'm Mr. Tucker's lawyer. What can I do for you?"

Q. And you had asked to have a meeting with Mr. Tucker?

A. I asked him if -- well, I told him who I was, and I told him I would like to interview his client.

Q. Okay. All right. And did you call him back after that?

A. No.

Q. So you called him one time, and that was it?

A. He told me Mr. Tucker had nothing to say.

Q. Okay. Did you call him that one time and

that was it?

A. There's no reason for me to call him back after that comment.

Q. I see.

Did you go out to Mr. Tucker's house before or after you had that conversation with this lawyer who said, "Mr. Tucker has nothing to say"?

A. This was after.

Q. The call was after? Or the visits were after?

A. The visits were after.

Q. The visits. So after Mr. Tucker's lawyer said he has nothing to say to law enforcement, you then went to his house three times and left cards?

A. When I called his attorney, it was early on in the investigation, and I would say it was probably in ‘04 sometime. When I went to Mr. Tucker’s residence, it was earlier this year.

Q. All right. Now, having said all of that, a person has absolutely no obligation to speak to you under the law of California; isn’t that right?

MR. AUCHINCLOSS: Objection. Argumentative; relevance.

THE COURT: Overruled.

THE WITNESS: That’s true.

Q. BY MR. SANGER: Okay. And this is not the first witness who has refused to talk to you?

A. I wanted to talk to him. I didn’t want to talk to his attorney.

Q. My question was, this is not the first witness, in your experience as a law enforcement officer, who has refused to talk to you, is it?

MR. AUCHINCLOSS: Same objection.

THE COURT: Sustained.

Q. BY MR. MESEREAU: All right. Do you think it’s possible that people who know Michael Jackson feel that the Santa Barbara Sheriff’s Department is on a witch hunt?

MR. AUCHINCLOSS: Objection, Your Honor. Argumentative.

THE COURT: Sustained.

Q. BY MR. SANGER: All right. Let me ask you about the interview you had with Mr. Avila. Now, this interview took place on March the 12th, I think it was?

A. 21st.

Q. I’m sorry, March the 21st. Okay. March the 21st of this year, correct?

A. Yes.

Q. And that was after Mr. Avila had already been interviewed and submitted a declaration; is that correct?

A. Three months after.

Q. Okay. So you were aware of basically what he had to say by the time you went to see him; is that correct?

A. Well, I knew what was on the report. I didn’t know what he had to say.

Q. All right. Now, when you went out to talk to Mr. Avila, where did you meet him, by the way?

A. I went to his residence.

Q. Okay. It was about 1:30 in the afternoon?

A. Yes.

Q. And you took the prior interview and declaration with you; is that correct?

A. I did.

Q. Was the prior interview with the sheriff’s department?

A. I took the prior interview that he had done with the private investigator.

Q. So there was a private investigator’s interview, and then a declaration that was prepared and he signed under penalty of perjury; is that correct?

A. It was a declaration that I had in my hand.

Q. So --

A. Because --

Q. Go ahead.

A. I suppose -- go ahead.

Q. Let me ask another question. Let’s just clear that up, clear this up.

When you say he had a prior interview with you, you had a report of an interview by a private investigator; is that correct?

A. Yes. I don’t think we had interviewed him prior, our department.

Q. And then -- that was my original question.

Fine.

And then you had a declaration that Mr. Avila had signed under penalty of perjury?

A. All I had was a declaration with a signature at the bottom.

Q. In your report, you said you spoke to Mr. Avila concerning a prior interview and declaration.

So your reference is to --

A. The one piece of paper that I had in my hand.

Q. So you believe that the declaration was a result of the prior interview. Was that the reference there?

A. Yes.

Q. All right. Fine. Most of -- almost all of what you went over with Mr. Avila was, in fact, consistent with his declaration, was it not?

A. I don’t agree with that.

Q. All right. He said he worked as a ride attendant in the amusement park at Neverland Ranch; is that correct?

MR. AUCHINCLOSS: I’m going to object to counsel reading the interview into the record.

MR. SANGER: This isn’t the interview. This is the report of the interview, but I’m hitting particular points.

Sorry to respond.

THE COURT: The objection is overruled.

Q. BY MR. SANGER: Do you have the question in mind?

A. No, I don’t.

Q. I’ll ask it again. Mr. Avila told you that he worked as a ride attendant in the amusement park area of Neverland Ranch, correct?

A. No, he didn’t.

Q. Did he tell you -- well, he didn’t say that?

A. He said he was a security guard, but used to be a ride attendant.

Q. What I asked you was, did he tell you he worked as a ride attendant in the amusement park area?

A. Prior.

THE COURT: Well, wait a minute. I’m going to go back, here. I’m going to sustain the objection. There’s no sense in going through and asking those kind of questions. Let’s move along.

MR. SANGER: All right.

THE COURT: The parts that, he’s right, that they agree upon is not relevant. The parts they don’t agree on is.

MR. SANGER: Well, prior consistent statements --

THE COURT: No.

MR. SANGER: No? All right.

Q. You indicated that there was an issue about -- or let me put it this way: You testified, in response to questions from Mr. Auchincloss, that there were -- he had made some statements about who was present at the ranch at the time that he was operating some rides while the Arvizo children were there?

A. Yes.

Q. All right. Now, one thing, if I may, he did tell you he was a ride attendant at that time?

A. At that time.

Q. Okay. And when the Arvizo children were there, he told you about the time that Star Arvizo went over and started the swing ride; is that correct?

A. Correct.

Q. All right. And he said that -- you asked him who was present when Star did that, and he said that he couldn't remember the name of the sister at that point; is that correct?

A. Right.

Q. But he said -- he said Star and Gavin. He's the one that gave the names "Star" and "Gavin," correct?

THE COURT: Aren't you just doing what I've asked you not to do?

MR. SANGER: Well, this is the particular

area that he was talking about, who was present, and I believe the issue was --

THE COURT: You can ask those questions. What I don't want you doing is to read the report and ask him if that's right. The question of whether he said Star and Gavin were there is a legitimate question, but you're doing exactly what I asked you not to do.

MR. SANGER: Okay. I'm sorry. I will not look at it. I will try to do it this way.

THE COURT: It's one thing to ask him the facts. It's another to ask him whether he agrees with statements in the report. And you continue to ask him whether or not he agrees with statements in the report, which is what I don't want you to do.

MR. SANGER: Very well.

Q. So, Mr. Avila told you that Star was the one who tried to start the ride, correct?

A. Yes.

Q. And he told you he couldn’t remember the sister’s name, but he said the sister was there; is that correct?

A. Yes.

Q. And then he also told you Gavin was present, correct?

A. I don’t know if he actually mentioned his name.

Q. Now, you asked him if anybody else was present, right?

A. Yes.

Q. He told you he couldn’t remember whether or not other children were present at the ranch; isn’t that correct?

A. He told me there was nobody else present.

Q. Where?

A. At the rides, at the amusement park.

Q. My question was, did he tell you he couldn’t remember whether or not other children were at the ranch, were staying at the ranch at that time?

MR. AUCHINCLOSS: Objection; relevancy.

THE COURT: Overruled.

THE WITNESS: Possibly.

Q. BY MR. SANGER: Would it refresh your recollection to look at your report?

A. Sure.

Q. Do you have your report with you?

A. I do.

Q. I’d like you to look at page two at the bottom. Read it to yourself and see if that --

A. That’s correct.

Q. Okay. Thank you.

Now, you asked him also -- you talked about the Arvizo children being destructive at the ranch, something to that effect?

A. Yes.

Q. All right. Isn’t it a fact that Mr. Avila told you that other children would do things, but it seemed like the Arvizo children did this more often than other children?

That's offered for impeachment. I'm not --

THE COURT: I understand.

MR. SANGER: Okay.

THE WITNESS: Possibly, but there was more to it than that.

Q. BY MR. SANGER: I'd ask you to look at page three of your report and see if that refreshes your recollection.

A. Yes.

Q. Okay. And in fact, does that refresh your recollection that he said, quote, "But it seemed seemed like the Arvizo children did this more often than other children," close quote?

A. That's correct.

Q. When you put quotes in a report, that is a direct verbatim quote from what the person actually said to you; is that correct?

A. That's why I do that.

Q. Yeah.

May I have just a moment here, Your Honor?

THE COURT: Okay.

Q. BY MR. SANGER: And did Mr. Avila relate to you that Star Arvizo had written some obscene words on the wall in one of the control rooms?

A. Yes.

Q. And he used the name "Star," correct?

A. Yes.

MR. AUCHINCLOSS: I'll object as beyond the scope.

THE COURT: Sustained.

Q. BY MR. SANGER: All right. And then what -- let me put it this way and see: On that last issue about the writing something obscene on the wall, was there any hesitation when Mr. Avila told you the name of the person that did it?

MR. AUCHINCLOSS: Same objection.

THE COURT: Overruled.

THE WITNESS: No.

MR. SANGER: And may I ask, then, the name of the person?

Q. What was the name of the person he gave you who did it?

A. Star.

Q. Okay. Thank you.
And with regard to the pornographic magazines, did Mr. Avila tell you the name of the child who had the pornographic magazines that he brought from home?
MR. AUCHINCLOSS: Objection; beyond the scope.
THE COURT: Overruled.
THE WITNESS: It’s “magazine.”
Q. BY MR. SANGER: Or “magazine.” All right. I’ll accept that for now, but did he tell you the name of the person who did that?

A. Yes.
Q. Who was it?
A. Star.
Q. I’m sorry?
A. Star.
Q. And if you look at the bottom of page four -- let me ask you if that helps refresh your recollection as to whether or not Star had pornographic “magazines” as opposed to a “magazine.”
MR. AUCHINCLOSS: Objection; beyond the scope.
THE COURT: Overruled.
THE WITNESS: I can explain that, but it does say “magazines.”
Q. BY MR. SANGER: So your reference, though -- your understanding was he was talking about Star having one magazine in his pocket or one magazine in his possession that he said he brought from home?
A. I was referring to what was written in the investigative report from the private investigator, and it said “magazines.”
Q. Okay.
A. And that’s what I thought, it was magazines.
Q. So when you asked him about that, he said Star told him that he brought the pornographic magazines from home; is that correct?

A. Yes.
Q. And then you clarified with Mr. Avila that he had seen one magazine in Star’s possession; is that correct?

A. Yes.

Q. All right. Now, you said something else about, “Did Mr. Avila ever tell you about the quads?” I don’t have the exact quote, but it was something to that effect, and you said, “No, he didn’t.”

Do you remember that question and answer?

A. Yes.

Q. Did you ever ask Mr. Avila about the quads?

A. No.

MR. SANGER: No further questions.

REDIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Just one question. Detective Alvarez, when Mr. Avila was describing the issues concerning the writing of the information on the control room, I believe it was a control door of some type --

A. Yes.

Q. -- and when he was referring to the issue regarding pornographic magazines or a magazine, was this after or before the confusion was cleared up about which family you were talking about with Mr. Avila?

MR. SANGER: I object. That misstates the evidence; assumes facts not in evidence.

THE COURT: It’s a difficult question.

MR. AUCHINCLOSS: Yeah, I can rephrase it. Maybe make it a little simpler.

Q. You previously mentioned that there was some discussion between you and Mr. Avila regarding whether or not you were talking about the Arvizo family or the Cascio family, correct?

A. Correct.

Q. Did that discussion take place before or after you talked to him about the magazine?

A. That was before.

Q. Did that discussion take place before or after you talked to him about the writing that Star did?

A. As far as which family it was, it was before.

Q. Okay. So you had already had a discussion about the individual names of the children before you spoke to him about those two incidents?

A. Yes.

MR. SANGER: Objection.

MR. AUCHINCLOSS: All right.

MR. SANGER: Objection. It’s argumentative and misstates the evidence.

THE COURT: All right. Overruled. The answer is in.

MR. AUCHINCLOSS: Thank you. No further questions.

THE BAILIFF: Judge, it’s --

RECROSS-EXAMINATION

BY MR. SANGER:

Q. Here’s what I’m getting at: The original discussion, when you first started, you were asking him if he was talking about the Cascios or the Arvizos. Do you remember that?

A. Yes.

Q. And he told you that he was talking about the Arvizos, and they were more destructive than the Cascios, correct?

A. I think he said “than other kids.” He didn’t specify.

Q. And he said he recalled the Arvizo boys were the ones throwing things and spitting at employees from the rides?

MR. AUCHINCLOSS: Objection; beyond the scope.

MR. SANGER: That’s the place where he was --

MR. AUCHINCLOSS: Objection; speaking.

MR. SANGER: -- clarifying it.

THE COURT: Go ahead. You may answer that.

THE WITNESS: Repeat your question.

Q. BY MR. SANGER: During this conversation, he told you that he recalled the Arvizo boys throwing things and spitting at employees while on the rides, correct?

A. Yes.

Q. And he told you that the Arvizo boys would throw their shoes off the top of the Ferris wheel, correct?

A. Yes.

Q. And then he said that the Cascio children were also active, but not as active as the Arvizo boys, correct?

A. Yes.

Q. And thereafter, when he -- when he talked about -- let me withdraw that. At all times when he talked about Star and Gavin, he used their first names as “Star” and “Gavin,” correct?

A. Not at first, no.

Q. The very beginning of your interview with him, he told you -- let me withdraw that. Before that conversation we just had about who was more active, the Arvizos or the Cascios, he had told you specifically that Star Arvizo was the one that started the swing ride, correct?

A. I don’t recall if he used the name, but he did say the younger of the two brothers.

THE COURT: Let’s -- just a minute. I’m letting this go on, but the reason is, I understand this is the last witness we have today, right?

MR. SNEDDON: Yes.

THE COURT: I don’t want to take a break and come back for one question if we’re going to release the jury. That’s why I’m sitting here, just so everyone understands. “Everyone” being the jury.

MR. SANGER: With that kind of pressure, I have no further questions.

MR. AUCHINCLOSS: No.

THE COURT: All right. You may step down.

THE WITNESS: Thank you, Your Honor.

THE COURT: So that is the last witness, right?

MR. SNEDDON: It is, Your Honor.

THE COURT: For today. We have witnesses tomorrow.

MR. SNEDDON: We do. And can I request the Court stay on the bench after the jury leaves?

THE COURT: Yes.

(To the jury) So I’m going to excuse you now for the rest of the day and we’ll see you tomorrow morning at 8:30.

What, did they lock you out?

AN ALTERNATE JUROR: Roadblock.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: All right. The door’s closed.

MR. SNEDDON: Thank you, Your Honor. I appreciate that.

I wanted to have the Court remain just briefly because I wanted the Court to have an opportunity -- we intend to move the Court tomorrow morning, as part of our evidence, to play the videotape interview, the initial interview with Gavin Arvizo which occurred in July of 2003. And I wanted to have the exhibit marked, and I’m sure the Court would like to look at it in advance in order to make a ruling. I shouldn’t say I’m sure you would like to, but I’m sure the Court would feel compelled to do that.

And the video is about an hour long, and there are -- if the Court could make a note that when the video gets to, on a timer, 49 minutes and 50 seconds, that there is a portion that we would propose be deleted, up to 51 minutes and 45 seconds. And then that the videotape be terminated at one minute and four seconds -- I’m sorry, one hour and four minutes and ten seconds. The actual length is one hour and four minutes and 30 seconds. We feel that the materials contained within the time frame that we’ve delineated would not be appropriate and would be, in our view, prejudicial and so we’re taking them out on our own.

But we would like to play it. We believe that the tape is relevant on the issues of prior consistent statements made by Gavin Arvizo, and we believe it is also relevant, particularly relevant, on the issue of whether or not the testimony of the child was scripted.

They put a witness on, Mrs. Holzer -- Miss Holzer, to indicate that Mrs. Arvizo was in the habit and custom of having her kids script things, and there's been other indications by the defense throughout this trial that this whole thing was scripted by the mother. And I believe that this is relevant evidence on that issue for the jury in rebuttal to rebut that evidence that's been put on by the defense.

And that's our offer of proof, and I would like to have this marked as next in order, and if the clerk could help me -- actually, I have some tags.

MR. SANGER: While that's being marked, unless Mr. Sneddon has another comment, could I be heard on that briefly?

I have no idea what occurs during the deleted sections, so I have no opportunity to speak to that at this precise moment.

However, this is just the kind of rebuttal that is designed to be dramatic, and it's just what the Supreme Court said should not occur. It's a way to have Gavin Arvizo come back and testify, in essence, without cross-examination one more time in front of the jury right at the end of the case to bolster what is, I think, quite a weak case with quite a bit of impeachment as to this family.

And if they wanted to play this tape, they could have played it previously, because the impeachment occurred during the prosecutions's case. It continued during the defense case, but the impeachment was substantial during the prosecution case, and there's no reason why they couldn't have played it then and said, "Well, if you're going to suggest he made this up," you know, "let's play this tape."

And I'd remind the Court that we had police officers up on the stand who -- I believe Detective Robel and Detective Zelis, and we went over specific statements that were made in this interview that they now want to play. They held it. Instead of playing it at that time and saying, "Okay, we'll show you what it said," now they've held it until rebuttal to play it, and that’s improper rebuttal. That’s the kind of dramatic thing that should not be permitted.

The fact that there was other impeachment of Janet Arvizo during the defense case is hardly a reason to bring in this tape, when the actual impeachment of Gavin Arvizo occurred during the case-in-chief. So we would strongly object on that.

And also, of course, it could well -- I mean, we have to go back and look at it. I’m not saying this is a promise or a threat. I’m just saying it’s -- as a lawyer, if we look at this, if this sort of thing starts to come in, obviously we may be playing other excerpts from other things, and, you know, he was interviewed several times, made several inconsistent statements over a period of time, depending on whether or not law enforcement knew of the rebuttal video and other things that have been brought out. And so we may have to play other parts or ask leave to play other parts.

I think it’s too late. They had their opportunity, didn’t take it. They can’t do it now just for dramatic effect.

MR. SNEDDON: Judge, I take exception to what Mr. Sanger says, first of all, about the status of the evidence in this case, that we could have played this tape in our case-in-chief, because I don’t think we could have. And second of all, I don’t know it was at that point where the defense had raised, through evidence, the fabrication issue and the scripted issue.

And they have made a big deal about this and this family, and I think after the Court sees this videotape, it will see, as the jury should have the opportunity to see in a case of this importance, that this was far from videotape -- scripted, and we welcome Mr. Sanger to put on any other kind of videos that he wants. There’s only one other one, it was a short one, with regard to the victim in this case, but we believe that the case that the defense has put on has raised this as an issue to the point where we feel we now are entitled, under the Evidence Code, to present it.

And this wasn't an issue we created. This is an issue they created. And they created it through their witnesses, not through ours. And it seems a little unfair, having sat through hours of outtakes and minute -- minutes of puff pieces about the ranch and some of the other videos that the defense was allowed to put on in their defense, that we can't now put on a piece of evidence that goes right to the heart of this case and to the heart of their defense.

And so I would ask the Court -- and we can talk about it after you see it, but I think you'll see what we're talking about, and I've had it marked as People's 900 for identification purposes, and --

THE COURT: That's a DVD, is it?

MR. SNEDDON: It is, Your Honor, a DVD.

MR. SANGER: Your Honor, I realize ordinarily it's argument, rebuttal, argument, but -- or response, rebuttal. In other words, I usually don't get another chance, but could I respond to one thing particularly? I want to make a legal point, if I could.

THE COURT: All right. One point.

MR. SNEDDON: I wasn't finished.

MR. SANGER: Oh, I'm sorry.

MR. SNEDDON: I wanted to alert the Court to one other thing, Your Honor, with regard to the video.

The sound on the video on this particular DVD, the sound is not the greatest, and it may be that you need amplification. The courtroom will be no problem. Everybody can hear it. But I know when you listen to it on the DVD, you may have to use headphones to hear it, or maybe your computer can jack up the sound, but I wanted to alert you to that.

If that's a problem, we have a VHS version of it that we can bring over that you can plug in, and it has no problems. So I wanted to let the Court know that.

I'm sorry, Counsel.

MR. SANGER: On that last point, VHS or

otherwise, it just needs to be marked for identification, whatever it is, so we know what we're talking about.

The legal point is, in addition to what I've already said about the dramatic effect, there's also a confrontation issue with regard to this, and I think under Crawford, which is still law that is developing from the United States Supreme Court, I think under Crawford, the confrontation issue here would involve a constitutional right of the defendant.

This witness, had it been brought out while he was in the case-in-chief, we could have -- maybe could have dealt with it. And even then, it would only be -- it could only be offered for prior consistent statements where inconsistent statements were offered, it seems to me.

But to bring it out now really denies the right of confrontation. So --

THE COURT: Okay.

MR. SANGER: I take it the Court's going to watch it, or listen to it, or -- I don't know.

THE COURT: Well, do you think I should just rule out of hand? Just deny playing it and not know what it says?

MR. SANGER: Not necessarily, but I think the offer from the prosecution was such that I think the Court knows it's a long video of the complaining witness, so I suppose you could rule based on that alone, but that's why I said I assume the Court's going to watch it.

THE COURT: All right.

All right. Let me -- on another issue here, looking at your witness list here for tomorrow, it looks like you also put "slash Friday." Is that your thinking? This is going to go into Friday?

MR. SNEDDON: No, I really think -- most of those witnesses are very short, Your Honor, and of course I can't account for cross-examination and who's doing it, but I really -- I think there's every reason to believe we will finish on Thursday, and maybe it could flop over, Your Honor. You know how it is in trial. But our expectation is that some of these people are like some of these witnesses today, like we ask three or four questions and that's it. And several of them have to do simply with establishing the records, custodian of records, that we want to ask a couple of questions about.

But frankly, I don't -- the only one that's problematic is Mr. Geragos, and that involves a discussion that I need to have with counsel on some of those e-mails about whether -- you know, his establishing the foundation for some of those.

But I'm telling the Court that we are doing the best we can to try to get this done tomorrow. And that's all I can promise you.

THE COURT: Okay.

MR. SANGER: Now, in that --

MR. SNEDDON: Could I --

MR. SANGER: In that regard, before we change to another subject, and I'll just sit here if that's all right, depending on what the Court does with this tape, if the Court allows the tape to be played, we will then want to have Gavin Arvizo available for surrebuttal. And if the prosecution's going to rest on Thursday, rest their rebuttal on Thursday or early Friday, he would be one of the witnesses we would -- I believe right now we would want to call.

Obviously, this is a fairly spontaneous decision, but I believe that's the case, and we were required -- and appreciate also the courtesy. We're required to let the District Attorney know if we need any of the Arvizos here, rather than subpoena them directly or contact them directly, so I just want to let the Court know that's what we are considering, and they should make arrangements to have him available, if possible. Or even if it's not possible, for that matter.

MR. SNEDDON: Well, I'm -- we will do what we promised to do for the Court. And we'll discuss the relevancy and the appropriateness of that when we come to that.

Judge, could I make one other comment? I know the court personnel needs to take a break, too, but I promise it will only take a second, but it's important in terms of the schedule.

We filed a motion with the Court with regard to the limiting instruction on the Bashir outtakes.

Not on the Bashir outtakes, the Hamid outtakes. And you recall, at the time you agreed to play them, you said you were deferring the ruling on whether it's hearsay or whether it was going to be a similar instruction to the Bashir tape itself.

Obviously, if the Court's going to determine that those outtakes come in for the truth of the matter stated, we will expand our rebuttal to confront the questions that were made. I sincerely believe, in all honesty, that it should -- the jury should be instructed the same way they were as to the Bashir tape, and I hope the Court will do that.

But I wanted to tell you, if you decide to do otherwise, I will have to represent to the Court that our rebuttal would be substantially longer, to take on some of the issues in those outtakes, as to the truthfulness of those statements.

THE COURT: The instruction that we gave on the Bashir tape was that it was not being admitted for the truth of the matter asserted, with the exception that some statements by the defendant were being admitted to the truth of the matter asserted, right?

MR. SNEDDON: Except for those admissions dealing with -- the sleeping with boys admissions.

THE COURT: So you're proposing that same instruction?

MR. SNEDDON: Yes, sir, I am. And as a matter of fact, I read -- I went back last night in preparation for this, and I actually read your admonition to the jury, and it strikes me that we all forgot this; that we were going to tell them -- we were going to tell them what portions, because you say in your instruction -- you might want to look at it, but you say in your instruction that you were going to tell them what portions of that, at a later time, come in under those auspices, and I guess we really never did it. We kind of assumed they would figure that out on their own.

I might just say to the Court, you might want to look at that to see if you want to give further clarifying instructions, and we had that motion where we did cull out, and the Court did cull out certain parts of that particular video that the Court did agree could come in for the truth of the matter, and we might want to highlight that to the jury so there would be no mistake to the jury what it is that the Court ruled in that respect.

I do believe that I will -- I do believe that in the outtakes portion, most of those admissions by the defendant that you admitted for the truth of the matter are not in that outtake part. Both counsel, I believe, probably, we should review that to make sure that my representation to the Court is correct. But that is a loose end that I noticed last night when I was preparing for this thing.

THE COURT: I have a note to myself on that issue, too.

MR. SNEDDON: All right. Thank you, Your Honor.

MR. SANGER: We have -- that took more than a second, but --

THE COURT: It was a lawyer's second.

MR. SANGER: A lawyer's second. And I'll just say --

THE COURT: It's like a New York minute.

MR. SANGER: It's the opposite of that.

MR. SNEDDON: See if you can do it in the same time.

MR. SANGER: I can do it in the same amount of time.

First of all, on those issues, we would like to be heard, and I don't want to press the Court and the staff while you're waiting for a break, but I would like to be heard on that motion that was filed in general, and what portions of the original Bashir tape should be received by the jury for the truth of the matter and how that should be presented to the jury, and then secondly, on the issue of whether or not the entire outtakes come in for the truth of the matter asserted as the context of the overall statements of the defendant.

So if the Court wants to hear it now, fine, but I suspect not.

THE COURT: No.

MR. SANGER: I'd be happy to address it some other time.

THE COURT: Okay.

MR. SANGER: And I did have one of those things that really would only take about 45 seconds.

I have an exhibit I'd like to mark next in order, and it is a part of the Verizon bill for Neverland Valley Ranch that we received at the same time the prosecution did from the records, or the phone records that were subpoenaed. However, when the prosecution marked their records, they pared them down to the ones they wanted to use, of course, so this has not been admitted yet.

Mr. Sneddon agreed that he would not object to the foundation; in other words, that this is a phone bill that was prepared in the ordinary course of business and was presented to the Court under 1560 of the Evidence Code. Mr. Sneddon wants to argue relevance. But I'd like to get the first part done, and let the Court know that we then need to argue as to whether or not the jury should see this.

THE COURT: You can have that marked, then.

MR. SNEDDON: The representation by Mr. Sanger is correct. I waived the foundation, but I don't waive the relevancy and the materiality. Thank you.

THE COURT: All right. We'll recess until tomorrow morning.

MR. SANGER: Thank you, Your Honor.

(The proceedings adjourned at 1:20 p.m.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 12013 through 12159 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 25, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
May 25, 2005.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

THURSDAY, MAY 26, 2005

8:40 A.M.

(PAGES 12161 THROUGH 12207)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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INDEX

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Nicola is listed as “N” on index. Mr. Mesereau is listed as “M” on index.
Ms. Yu is listed as “Y” on index. Mr. Sanger is listed as “SA” on index.

REBUTTAL

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
VILLEGAS, Gina	12188-Z	12190-M	12203-Z	12205-M

E X H I B I T S

FOR IN PLAINTIFF'S NO. DESCRIPTION I.D. EVID.

448 Brad Miller phone records 12185

DEFENDANT'S NO.

901 Brad Miller e-mails 12175

Santa Maria, California
Thursday, May 26, 2005
8:30 a.m.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: Good morning.

COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.

THE COURT: All right. We have two issues I think to take up before -- at least two before the jury comes in.

THE BAILIFF: Is your microphone on?

THE COURT: I’m sorry, we have two issues to take up before the jury comes in.

The first issue is on the tape that was -- I watched yesterday afternoon. The Court will allow the playing of the tape. I think the -- it’s awful long. It seemed to me that, you know, playing half an hour of it would be better than playing the whole hour. There’s a lot at the beginning that’s not even the boy talking.

MR. SANGER: Could I be heard on that part, Your Honor?

THE COURT: Yeah.

MR. SANGER: I watched -- of course the prosecution made the motion towards the end of the day, and so I watched that thing in the middle of the night, basically, again to see what it looked like from the standpoint of playing it. And there’s a tremendous amount of prejudicial material by way of police officers making statements that are absolutely inadmissible in court.

On the other hand, to simply pick out, you know, statements of Gavin Arvizo in a vacuum that don’t show that the police officer just said, you know, “You’re really brave. We want you to do this. You’re doing the right thing,” and all the other things that they were saying, you know, takes it out of context. I don’t think that we’re prepared -- I don’t think the People are prepared either to present a pared down version, nor are we.

THE COURT: This is -- excuse me. This is one of those rulings that is not -- you know, if the defense wants the whole tape played, then -- you know, they don’t want any of it played, but if it’s played, they want the whole tape played, then that’s all right. I would understand that.

MR. SANGER: I understand what the Court’s saying, and I’m just saying if we’re going to come up with a pared down version, I think we’d have to meet and confer on that because they’re going to want some parts and --

THE COURT: Yeah.

MR. SANGER: I don’t think we can do it off the cuff right now is my point.

THE COURT: Well, let me ask you this: Are you saying that if they -- I understand that you don’t want to play it at all. Having made that ruling, are you saying you would rather have it all played than parts of it?

MR. SANGER: I can’t absolutely say that either. I think it probably should be edited, but the question would be how would it be edited.

THE COURT: You’re not going to agree on that. I mean, you make the suggestion that you and the prosecution could get together and agree on that. That’s not going to happen. I mean, you couldn’t agree on a simple stipulation on some evidence that had no significance whatsoever. So I just don’t really --

MR. SANGER: I don’t want to argue with the Court on that. But I think we have agreed on quite a number of things, Your Honor, in fairness.

THE COURT: This is --

MR. SANGER: But it seems somewhat impractical, because we’re at -- and Your Honor is saying, you know, “Do you want all” -- “You don’t get nothing, so do you want all or part?” And what I’m saying, I don’t know what part they want to show.

THE COURT: They wanted to show all -- you know what they said. They said it yesterday. They want all except from 49 minutes 50 seconds to 51 minutes 45 seconds and the last 20 seconds. I mean, they told you what they wanted. They told me what they wanted.

MR. SANGER: No, I understand that, Your Honor. Maybe I’m not communicating here. I understand that. Your Honor is suggesting they should show a half an hour, more or less.

THE COURT: I thought, because it's a lengthy tape and there's a lot of material there that doesn't relate to anything, that they should show less.

MR. SANGER: Right. And having had our motion denied to exclude the whole thing, I don't necessarily disagree with the Court, but I can't agree unless I know what half hour they want to play. So all I'm saying is, we have to at least know what they're proposing if they're going to do that. I would agree there's extraneous material on the tape that probably shouldn't be shown, but I don't know which half hour they want.

Does that make any sense?

THE COURT: Okay. That was just a suggestion that they try to reduce the amount. I wasn't ordering that.

MR. SNEDDON: Good morning, Your Honor.

First of all, I think we're in a position -- I don't have a problem with what the Court suggested. I think that the first part of the video, where the -- what we might call the rapport-building stage could easily be deleted out or edited out.

Mr. Auchincloss doesn't have any witnesses this morning, so he could go upstairs and begin the editing process and come back with a suggestion. If the Court would like us to do that, we'd be more than glad to do that. I think probably that would account for about 10 or 15 minutes, at least, of the interview that I don't have a problem with. And we would be willing to do that. I'm not saying that -- I mean, I'm -- I share the Court's concern about reaching an eventual stipulation, but I'm willing to do what we can do to at least take that part out and move on with it. And so if you want us to do that, we'll do that.

And absent that, then my position is -- other than the things that we've indicated to you that we really feel should not go to the jury because of the 352 nature of it -- to the defense, not to us. But it's not appropriate, and I agree with that, and I'm sure the Court does, too, having heard what's in there. So that's our position, and we'll do what we can to accommodate the Court.

MR. SANGER: Your Honor, I have a suggestion. I'm just still a little taken aback.

I don't think the Court's fully aware of how much cooperation there has been, despite the fights over other things here.

THE COURT: I'm sorry, there has been a lot of cooperation.

MR. SANGER: There we go. Thank you. A little appreciation goes a long way at a time like this.

THE COURT: You guys have really done a good job on this.

MR. SNEDDON: You don't sound too sincere about that.

THE COURT: No, I want to make Mr. Sanger feel better.

(Laughter.)

MR. SANGER: Thank you. It's working. Just another minute or two and --

THE COURT: And your last argument was really excellent.

(Laughter.)

MR. SANGER: There you go. Thank you. That would be the one I lost on this tape.

THE COURT: But a good argument nonetheless.

(Laughter.)

MR. SANGER: Well, what I would suggest is this: With the consent or concurrence of the District Attorney, I will ask Mr. Dunkle, who's my associate lawyer in my office here in Santa Maria,

I'll ask him to go over to the D.A.'s Office. They can get a running start if they want to, but at some point this morning, if they would meet with him and try to confer and try to work it out, we'll take our best shot.

THE COURT: That's a good way to do it.

MR. SANGER: I think Mr. Mesereau and I

should have the final say, so we probably need to --

THE COURT: Confer.

MR. SANGER: -- have some time to confer, but we'll try to do that.

Now, with regard to the Court's ruling that the tape is coming in in one fashion or another, we had indicated that we would need to then have Gavin Arvizo made available. We'd also like to have Janet Arvizo, Dr. Katz and Larry Feldman.

THE COURT: For a moment, I thought you were going to say something else. But that's fine.

MR. SANGER: Could you indicate what it is and I'll add it to the list?

So we'd like to have them available, and I understand they were the People's witnesses and that they would have a number to call them. We tried to find a number for Dr. Katz to give him a heads-up and we didn't have one, so --

THE COURT: All right. So I think that one of your people should call them right away this morning, right?

MR. SNEDDON: Yes, Your Honor. We'll do that.

I want to tell the Court that, first of all, we're not waiving any objection with regard to the materiality of whether it's appropriate.

THE COURT: That's fine.

MR. SNEDDON: Okay. Second of all, my understanding as of -- I'm trying to think of the day, because I don't want to misrepresent to the Court. Whenever it was that Larry King was here. As of that point in time, Mr. Feldman was in South Africa, and I didn't know that until I called up to talk to him and he was gone and his partner told me that.

So I will call the office today and find out if he's back. But I know he's -- I know at that point last week, whenever Mr. King was here, that Mr. Feldman was in South Africa. So I'll do what the Court told me to.

THE COURT: And you have the list of witnesses that he just gave?

MR. SNEDDON: Right. There was four of them. Dr. Katz, Mr. Feldman, Mrs. Jackson, and Gavin.

THE COURT: All right.

MR. SNEDDON: And that’s not a problem. We already alerted the family. So that’s not a problem.

THE COURT: Okay. All right. Then --

MR. SNEDDON: Judge, if that’s the situation, then I think we can -- the other issue I talked to you about, the letters with Mr. Geragos, I guess we’ll have Mr. Geragos come back tomorrow and establish the foundation since we can’t reach a stipulation. Unless there’s one that they reached.

(Off-the-record discussion held at counsel table.)

MR. SNEDDON: If the Court agrees to receive it into evidence based on the circumstantial nature of the thing, like some of the Schaffel documents. So I guess what I’ll say is we’ll move for the admission of those. If the Court doesn’t admit it, then we would have Mr. Geragos come back tomorrow. It looks like we’re going to be here tomorrow. But let’s play it by ear and see what comes about.

THE COURT: Well, I would prefer that, rather than have Mr. Geragos come back, that both sides are working so well together throughout this case.

MR. SNEDDON: I have no problem with that.

THE COURT: I thought we reached -- I thought you reached some possible agreement when you were talking to me just before we came --

MR. SNEDDON: That was on a different piece of evidence, Your Honor. That was on the tape. And I think Mr. Mesereau and I have -- I don’t want to speak for Mr. Mesereau, but I think we probably worked that one out to our satisfaction.

But this is a different -- this is the e-mails, the Brad Miller e-mails to Mr. Geragos that the Court allowed us to --

THE COURT: That were seized in the search warrant.
MR. SNEDDON: Yes, sir, these are the ones that were the subject of the attorney-client privilege and were released to us late, I think last week. We got them on Saturday, actually, because of the waiver, and that was the first time we saw them, and so we determined that we want to have those admitted into evidence.
And we'd so move. I could have them marked right now, if you like, for identification.
THE COURT: Have them marked so I can look at them and see what you're talking about.
MR. SNEDDON: Hand me the stickies.
MR. SANGER: I believe it's our position -- I'm sitting down at the microphone, so I'll stand.
It's our position that we need Mr. Geragos with regard to the content. They are not necessarily self-authenticating. And even if they are, the relevance is not established without his testimony, so that's why we're asking that he come back up in order to -- it's not just perfunctory, there is a reason for him to come up.

THE COURT: Okay.
MR. SNEDDON: Your Honor, the documents have attached to them a one-page cover sheet. Actually, I don't know if there's a page missing, but it's a document from counsel to us. I really think that probably should not be part of the exhibit. So with their permission, I'll remove that and just have the e-mails themselves marked for identification.
MR. SANGER: Could I see?
MR. MESEREAU: That's fine.
MR. SANGER: Yeah, that should be removed.
THE COURT: All right.
MR. SNEDDON: This would be Exhibit 901, Your Honor. And it's a multi-page document. I haven't counted them, but it's maybe 20 -- 20 pages, and I'll hand that to the clerk.
THE COURT: I'd like that exhibit.
THE CLERK: Oh, sorry.
THE COURT: All right. The next issue that

we have is the motion to admit evidence concerning Jordan Chandler.

Do you wish to be heard on that, Mr. Sneddon?

MR. SNEDDON: Mr. Zonen is going to handle that, Your Honor.

THE COURT: Mr. Zonen?

MR. ZONEN: Your Honor, I think we've adequately stated our position in the pleadings. I can tell you that with regard to the relevance of that material, there was quite a bit of testimony that was presented during the course of the defense case about nothing untoward or inappropriate occurring in Michael Jackson's bedroom and numerous witnesses who have testified to the fact that many children, particularly back in the 1993, '94, '92 period, who spent not just nights, but weeks and even months in Michael Jackson's bedroom, in Michael Jackson's bed, and it was a completely nonsexual event.

The fact that this child was able to give a description of a unique feature of his anatomy that could not have been known by him except for a very intimate acquaintance with Mr. Jackson is very good circumstantial evidence of the fact that the relationship between he and at least that child was something more than casual and something more than innocent.

In that regard, we'll submit, unless you have questions.

THE COURT: Let me hear from the defense.

MR. ZONEN: Thank you.

MR. SANGER: I, once again, tried to keep the brief brief. I hope the Court --

THE COURT: I appreciate you keeping your briefs brief.

MR. SANGER: Yes. I don't want a lack of volume to suggest that this didn't take well into the night to get done here. And I don't want to repeat everything, but I think because it is such an important issue, we’re right at the end of the case, I feel compelled to speak about it just briefly, if I may.

First of all, this seems to come directly within the California Supreme Court’s discussion in the Carter case, which basically says it’s not proper to bring in evidence that magnifies evidence that the opposition has not had a chance to meet squarely during the case-in-chief, which we haven’t, because this was not offered, it was not hinted at. It was not even in the original 1108 motion from which the Court made a cut and reduced what they had presented originally. So it wasn’t even in there.

I mean, we had no notice to deal with these issues -- with this issue at all. So there is certainly unfair surprise, as stated directly in the Carter case.

And Carter also says that the Court is supposed to avoid dramatic evidence introduced late in the trial that’s going to have an undue effect.

Now, as we pointed out, this was not offered. I mean, this is really a stretch to even come up with any kind of an argument as to why this should -- why they could even ask to bring this in. And they’re not asking to bring it in as 1108

evidence. They’re asking to bring it in as 1101(b) evidence.

And the idea is, I think they’ve said in their pleadings, that this goes to the issue of whether or not Mr. Jackson was shy or modest. Now, that’s not what Mr. Zonen just said when he got up here and argued. I think he shifted the argument a bit, if I’m not mistaken, and talked about things happening in the bedroom.

They didn’t offer -- I mean, we can’t just keep having a moving target here. They didn’t offer it in their moving papers. They didn’t offer it for that purpose. They offered it on the shy and modest purpose. So it would be 1101(b) evidence on kind of a collateral matter, if it ever happened. But it didn’t happen in this case in the defense.

We went through and did a word search on the entire transcript, several different words, “shy,” “modest,” all sorts of things. We found one question that used the word “shy,” not even in this context. It had to do with whether or not a maid saw Mr. Jackson change his shirt. And the objection was sustained to that question. So it was never answered. So it didn’t happen.

We also went through and -- just to be sure, and read -- we read all the testimony from the key witnesses in the defense who might have said something like that if anybody said it. And the only thing we can come up with is an investigative report where the word -- I think “shy” -- it was either “shy” or “modest,” one of the two was used. We quoted it in there. And it turns out that that was never brought out from that witness on the stand.

So it seemed to me that, when I was looking at this, this was a pocket brief the District Attorney had originally prepared in case somebody did this. It didn’t happen. Now they’re trying to bring it in by way of rebuttal, and it would just be absolutely inappropriate as 1101, because it doesn’t rebut anything, okay?

What really they’re trying to do, and I think that’s what I heard Mr. Zonen just argue, is they’re trying to argue this is 1108. And it doesn’t meet the criteria for 1108. It doesn’t meet the criteria the Court set down that it would be somebody directly observing something. So it would have the prejudicial effect of the jury considering it, obviously, for 1108 purposes. Because it would be very shocking to see pictures of -- anatomical pictures and all that sort of thing.

So just from that standpoint, they’ve made no -- show no basis. There’s no foundation to admit this as rebuttal, because there’s -- they haven’t shown what they’re rebutting under 1101(b). And obviously, if they did that, the prejudice would be so overwhelming, because it would go to the 1108 and it shouldn’t come in for that reason.

And as we said before, 1108 -- as the Court is well aware, 1108 is a very delicate kind of an issue. The jury is given tremendously prejudicial evidence, that is, prejudicial in the sense that it is propensity evidence, and that propensity evidence -- under this weird law we have in California that doesn’t exist most other places, propensity evidence is allowed to come in, but the Court has to exercise discretion in limiting it, so it doesn’t overwhelm the trial. And the Court made those rulings. And to bring this in at this point and emphasize 1108 in rebuttal with something that isn’t even really 1108 evidence would be tremendously prejudicial.

But when you get right down to it, the main reason that it has to stay out is it violates Crawford and the confrontation clause. It’s not admissible hearsay. It is testimonial directly under Crawford. This is the kind of stuff that Crawford is talking about, when police officers do interviews, and they get information and they write it down in reports, and then they preserve that and the prosecution wants to bring it in, that violates the confrontation clause. You cannot do that.

So you would have a violation of a federal constitutional right were this allowed in, in any

event, and so the Court can start at either end. Either just decide it on that and it’s over, or you look at the other end. It’s not proper rebuttal, because there was no evidence to rebut. And under the Carter case, it’s simply dramatic evidence that would be overwhelming at the end of the trial and really, in my opinion, and as we briefed, totally meaningless. There is no probative value. But if there was, by a stretch, it would be on a collateral matter.

And so I think -- I feel very strongly about this that this is absolutely inappropriate. And I will submit it, Your Honor. Thank you.

THE COURT: Mr. Zonen?

MR. ZONEN: Just briefly with regards to

Crawford. This is not hearsay at all. It’s not an exception to hearsay. It’s not hearsay.

The issue is whether or not this child had knowledge of the existence of that particular spot. And the evidence of his knowledge, certainly his ability to draw that picture, would be circumstantial evidence that he knew about it. It would be the equivalent of a child being able to say that a room was green. And he would only know that if he had been in the room. It’s not for the truth of the matter that the room is green. We can show that independently with the photograph as can we show the spot with the photograph. But the fact

that a child would know that the room was green would only be knowledge that the child would have circumstantially because he was there or because somebody told him.

In this particular case, it’s the type of information that was not commonly available at the time, and circumstantially it would be relevant for the fact that he must have seen that particular spot, and therefore it’s not testimonial. It’s not communication in that regard. It would not fit within Crawford. It’s simply not hearsay.

MR. SANGER: And if I may make just one comment on that -- I know we shouldn’t go back and forth but --

THE COURT: I’d really like you not to do that.

MR. SANGER: Very well, Your Honor.

THE COURT: I’m going to deny the request to bring in the evidence of the blemished penis. This is the reason: It’s twofold, really. And under a 352 analysis, the Court agrees with the defense, that shyness really was not an issue of any proportion. I think you’ve reminded me -- I knew there had been some statement somewhere in the trial about shyness, but the -- I think you’ve reviewed that with me, and I think I agree with -- my recollection now has been refreshed to exactly what that was. But I knew it was only a small thing to start with, if anything. And you’re saying it was actually nothing.

But the analysis there would be, even if shyness had been raised as an issue, the prejudicial effect would far outweigh the probative value of the shyness issue. And secondly, I think -- even though your analysis is I think correct, I keep going through it, but I think it is not hearsay. I still think Crawford would apply to the ability to cross-examine the boy -- or the -- you know, Mr. Chandler. He’s not a boy anymore -- on that issue, and that’s definitely not available, so that would be my reasoning for excluding that evidence.

Was there anything else we needed to discuss before we brought the jury in?

MR. ZONEN: Could we have just one moment?

MR. AUCHINCLOSS: Your Honor, we delivered to the Court the only copy of the DVD of the -- oh, that’s already been delivered. Thank you.

THE COURT: The clerk has it. I’ve --

THE CLERK: Is it okay to release it?

THE COURT: Yes, I’ll release it. I’m going to release it to the District Attorney in accordance with our agreement that he’ll notify your associate to work with him to --

MR. SANGER: Yes, certainly. And we’ll need a minute or two to get on the phone and arrange that, if that’s all right, Your Honor.

THE COURT: Yes.

MR. SANGER: Since you’re there, there’s one housekeeping matter. And let me address that first. Mr. Mesereau may have something.

Just one quick housekeeping matter. I identified a phone record, for the record, at the end of the day yesterday, and it was the last exhibit marked for the defense, the number of which is not directly in front of me.

Let me stand up, I’m sorry.

I talked to Mr. Sneddon, and when we offered that exhibit, I just want the record to be clear, I indicated that it was actually from the subpoenaed materials. And I've clarified that with Mr. Sneddon because I went back and checked. The same information is in the subpoenaed materials. It's in a different computer printout. This is from an actual bill that Mr. Sneddon agrees to the foundation.

Do we have the number, just so we're --

THE CLERK: 5108.

MR. SANGER: 5108. So the foundation is taken care of, and I wanted to clarify that so there wasn't any misrepresentation. And we'll address the issue of the admissibility of that, and I think we'll bring a witness to court to show the relevance.

Thank you.

THE COURT: That's where we left it yesterday. You're just clarifying where the document came from.

MR. SANGER: Yes, sir.

THE COURT: All right. Is everybody ready to bring in --

MR. SANGER: Well, I just need a couple minutes. I've got to talk to Mr. Dunkle and find out if he's --

THE COURT: All right. Would you --

MR. SANGER: Excuse me one second.

(Off-the-record discussion held at counsel table.)

MR. SANGER: Oh, okay. The bailiff indicated she called Mr. Dunkle for me and he will be coming over, so I'll --

THE COURT: I'll give you a couple of minutes to talk to him before we call the jury in. Just do it as quickly as you can.

MR. SANGER: Yes. Yes, sir.

MR. NICOLA: Your Honor, there's one matter that we might be able to take up. It's a subpoena duces tecum for the Brad Miller telephone records. It's premarked as Exhibit 448. It's been discovered to Mr. Sanger. There's a certificate by the custodian. We'd be offering that into evidence. I don't know if the Court would like to look at that now or when the jury comes in.

THE COURT: Does it have to do with your next witness, or is this --
MR. NICOLA: We're going to be presenting some more link charts. It will be brief telephone testimony.
MR. SANGER: The only issue that I have with that, I assume that it is from the correct source. I did not know they were going to bring in Brad Miller records today. I knew they were bringing in Geragos records. I did not get -- bring over that set of records. So if I could have just a moment on that, when we have the break here, I'll take a look, and I think it should be okay.
THE COURT: Okay.
MR. NICOLA: Thank you, Your Honor.
MR. ZONEN: Could we have a couple of minutes before the jury is brought in?
THE COURT: Yes. I'm not going to call the jury in until you tell me you're ready, but I'll ask you to expedite it for me.
MR. ZONEN: We're going to make efforts to contact the witnesses that they've requested for tomorrow.
THE COURT: Okay.
(Recess taken.)
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(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: Good morning.
THE JURY: (In unison) Good morning.
THE COURT: Sorry for the delay, but it's going to be a little bit this way as we get through these rebuttal and perhaps surrebuttal issues.
Go ahead, Counsel.
MR. ZONEN: We'll call Gina Villegas to the

stand.

THE COURT: Please remain standing. Face the clerk here and raise your right hand.

GINA VILLEGAS

Having been sworn, testified as follows:

THE WITNESS: Yes.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name’s Gina Villegas. It’s G-i-n-a, V-i-l-l-e-g-a-s.

THE CLERK: Thank you.

MR. ZONEN: May I proceed?

THE COURT: Yes.

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DIRECT EXAMINATION

BY MR. ZONEN:

Q. Miss Villegas, good morning.

A. Good morning.

Q. What is your current occupation?

A. I am an office manager for Hollywood Ford.

Q. And what is Hollywood Ford?

A. Hollywood Ford is an automobile dealership.

Q. In Hollywood, I’m assuming?

A. Yes.

Q. And that’s in Los Angeles County, correct?

A. Yes.

Q. And what is your position at Hollywood Ford?

A. I’m an office manager.

Q. What does that mean? What do you do?

A. I do payroll and I also do DMV for the company.

Q. Are you familiar with the record systems that they have at Hollywood Ford?

A. Yes.

Q. And you’re familiar with how they keep records of the purchases and sales of cars?

A. Yes.

Q. Were you asked to make a search of your records at Hollywood Ford to determine whether or

not a car had been sold to a person by the name of Janet Arvizo or Janet Ventura?
A. Yes.

Q. And for what period of time did you search?
A. I was told to search from 2002 to 2003, and then I just took it upon myself to go back to 2000 to 2004, to make sure.
Q. So the earliest date you went to is what?
A. 2000. The year 2000.
Q. The year 2000?
A. Yes.
Q. Would that be January 2000?
A. Yes. The whole year of 2000, yes.
Q. Through 2004; is that correct?
A. Correct.
Q. Were you able to determine if Janet Arvizo or Janet Ventura ever purchased a car from Hollywood Ford?
A. She never did.
MR. ZONEN: Thank you. No further questions.
THE COURT: Cross-examine?
MR. ZONEN: Oh, excuse me. If I could. One -- one last question.
THE COURT: All right.
Q. BY MR. ZONEN: Were you able to determine whether or not there had been other inquiries into this exact matter, whether or not Janet Arvizo or Janet Ventura had ever purchased a car?
MR. SANGER: Objection, Your Honor, that would call for hearsay.

MR. ZONEN: I'll change the question.
THE COURT: Overruled.
Q. BY MR. ZONEN: Go ahead and answer.
A. If I checked if there was other ways?
Q. Were there other inquiries about this exact matter, whether Janet Arvizo or Janet Ventura had purchased a car?
A. I got paperwork in the mail from another attorney asking to -- to look for those files.

Q. And was that an attorney for Michael Jackson?

A. I’m assuming it was. I don’t really -- I can’t be for sure because I didn’t even bother to look. I just looked for the names, if it was on there, and I called back the person to let them know that I didn’t find anything under those names.

MR. ZONEN: Thank you. No further questions.

THE COURT: Cross-examine?

MR. MESEREAU: Yes, please, Your Honor.

CROSS-EXAMINATION

BY MR. MESEREAU:

Q. Good morning.

A. Good morning.

Q. Miss Villegas, we haven’t met. My name is Thomas Mesereau and I speak for Mr. Jackson.

A. Okay.

Q. Were you asked by the prosecutors to do a search?

A. Yes.

Q. And when did they ask you to do that search?

A. It was Thursday -- I got a phone call on Tuesday from a Detective Alvarez. He didn’t personally ask for me, he just asked if he could speak to somebody who could do a search under certain people’s names.

Q. Okay. Now, did he ask you to determine whether or not a money order was ever presented to Hollywood Ford by someone named Janet Ventura?

A. No, that he did not ask me.

Q. Do you know, as you speak today, whether or not someone named Janet Ventura ever presented a money order in the amount of $23,000 and zero cents to Hollywood Ford at any time?

A. No, we never got a check from --

Q. Did he ask you to determine if Janet Ventura ever presented a money order drawn on Washington Mutual Bank to Hollywood Ford between 2002 and 2003?

A. Did he ask me to check for the check?

Q. Yes. Yes.

A. No. No.
Q. Did you look to see what deposits were made at Hollywood Ford during that period of time?
A. No. I didn't look for the deposits.
Q. Do you know whether or not a Janet Ventura essentially laundered a money order through Hollywood Ford during that period of time?

MR. ZONEN: Objection, that's argumentative, Your Honor.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Let me ask you this: If someone goes to Washington Mutual Bank and says, "Prepare a money order payable to the order of Hollywood Ford for $23,000 and zero cents," and someone shows up at Hollywood Ford with that money order, what is the normal procedure for handling it?
A. The normal procedure for handling it is making a receipt for the cashier's check. And also we reference if -- they're called stock numbers. Every car is identified by a number. So we reference the number on there and the receipt number on there, so that if something should come back, fraud or NSF or however, then we know what deal it belongs to.
Q. Let me ask you this: What does Hollywood sell besides automobiles?
A. They sell service to vehicles, and they sell parts.
Q. Okay. Now, if someone came to Hollywood Ford with a money order to the amount of $23,000 dated November 9th, 2001, and wanted to purchase parts with that money order, could they do so?
A. I assume so. I've never seen that amount of money being purchased for parts, but --

Q. And if they purchased parts for less than $23,000, would they get change?
A. On a money order, no.
Q. What would the procedure be to handle that money order?
A. The procedure would be, we would wait 15

days for that -- we treat it as a check. We would wait 15 days for it to clear and then we would create an account where we would refund you the money back after the 15 days had cleared.

Q. Now, to your knowledge, as an office manager, if someone were to go to Washington Mutual Bank, have a money order prepared that’s nonnegotiable, written in the amount of $23,000 and zero cents, payable to the order of Hollywood Ford, and it says on the money order, “Remitter, Janet Ventura,” and then changed their mind about presenting that money to Hollywood Ford, what would the procedure be, if you know, to get that money in your pocket?

A. Well, if it was done all in the same day, if we made the receipt and it was done in the same day, we would void out the receipt and give it back to you. But if we’ve already deposited also into our account, then again, we would wait 15 working days for the check to clear.

Like I said, everything is set up by a stock

number, so that money would be holding with that stock number and that account number. And then we -- if there was no deal, they would say, “Hey, there’s no deal,” and we refund back the money.

Q. How would you refund back the money?

A. With a Hollywood Ford check.

Q. And did the prosecutors ever ask you to check to see if a Hollywood Ford check was ever presented to someone named Janet Ventura?

A. No.

Q. Did they ever ask you to check to see if a Hollywood Ford check was ever given to Janet Ventura designated to receive that money on her behalf?

A. No.

Q. Okay. What if you get a cashier’s check in the amount of $23,000, zero cents, payable to Hollywood Ford, drawn on Washington Mutual Bank for $23,000, will you allow someone to negotiate that instrument?

A. Negotiate to get --

Q. Yeah. Can they use that to purchase

something?
A. Yes.
Q. And how hard would it be to purchase something with a cashier's check?
A. Not hard. It would -- I mean, they would just present it, and --
Q. Could you use it almost as you could any

other check?
A. Yes.
Q. Okay. And if you see a cashier's check like that, $23,000, paid to the order of Hollywood Ford, it says, "Remitter, Janet Ventura," and someone wants to purchase something with that check, what is the procedure at Hollywood Ford for authenticating the check or making sure it's valid?
A. The same as we would treat any other check. We would just deposit the same way, I mean, or whatever they're purchasing, whether it's a vehicle, parts or service, deposit it the same way.
MR. MESEREAU: Okay. May I approach the witness, Your Honor?
THE COURT: You may.
MR. MESEREAU: Your Honor, I have a document I'd like to mark next in order. Oh, it's already marked?
MR. ZONEN: May I see it, please?
MR. SANGER: Your Honor, I have Exhibit 5098 and we'd like to put that up, if we could, please.
Q. BY MR. MESEREAU: Miss Villegas, I want you to look at that exhibit, if you can. It's a little bit blurry. You may notice at the top, you see "Washington Mutual Bank, Paid to the Order of Hollywood Ford." Do you see that?
A. Yes.
Q. And you see to the right, the date is

November 19th, 2001. The amount's $23,000, okay?
A. Okay.
Q. It says, "Balancing Copy Non-Negotiable." See that to the right?
A. Yes.

Q. It says under that, “Remitter, Janet Ventura.” Do you see that?

A. Yes.

Q. Now, if someone comes to Hollywood Ford and presents them with that check --

A. Uh-huh.

Q. -- what can they do with that check at Hollywood Ford?

A. They can either use it to deposit, you know, money for a car or pay cash for a car, if that’s the total amount. I’ve never seen service or parts meet any kind of total like that, but, I mean, I guess if they’re going to buy tons of accessories, maybe I guess it would be.

Q. Okay. Did you determine whether or not someone named Janet Ventura had ever purchased anything from Hollywood Ford during that period of time?

A. Janet Ventura did not purchase anything.

Q. Purchase anything?

A. Right.

Q. And do you know if anyone ever was presented with that check for any purpose?

A. No, I don’t know. I mean, I wouldn’t think so, because on any type of -- on the top part of the check, there would have been our account numbers, our receipt numbers. Even if you purchase, you know, service or parts, there would be a repair order number, a counter ticket number. And we also do ask for people’s driver’s license, because we do get fraud copies of cashier’s checks or personal checks. So we ask for a lot of identification.

Q. Okay. So basically you don’t know what this person, Janet Ventura, ever did with this particular document?

A. No, I do not.

Q. You don’t know why she had it drawn paid to the order of Hollywood Ford?

MR. ZONEN: I’ll object as irrelevant. I’ll object as irrelevant, beyond the witness’s scope of understanding.

MR. MESEREAU: That’s what I’m trying to

determine, Your Honor.
MR. ZONEN: Lack of foundation.
THE COURT: You may answer.
THE WITNESS: Okay. I’m sorry, could you repeat the question?
MR. MESEREAU: Yeah, sure. Let me withdraw the question and repeat it.
Q. As you sit here today, you don’t know whatever happened to that document, correct?

A. No, I do not.
Q. And if Janet Ventura withdrew $23,000 in this form of a document from an account for the benefit of her son, Gavin Arvizo, who was ill, you don’t know what she did with it?
MR. ZONEN: Your Honor, I’m going to object as argumentative and beyond the scope of this witness’s knowledge.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Now, let me refer you to the document on the bottom, okay?
A. Okay.
Q. You may notice that the instrument on the top says, “Remitter, Janet Ventura,” the one on the bottom has the name Janet Arvizo. Do you see that?
A. Yes, I do.
Q. And you see it says, “Payable to Hollywood Ford”?
A. Correct.
Q. It’s on Washington Mutual. Looks like a receipt, okay?
A. Uh-huh.
Q. That’s not something that you can find in any of your records, correct?
A. No. Those are deposit or withdrawal slips from Washington Mutual.
Q. Yeah. Okay.
A. So I wouldn’t have that.

Q. Wouldn’t have that at all?
A. No.
Q. Now, did anyone from the prosecution ask you

to check your records to see if the name Janet Ventura came up anywhere?

A. In vehicle sales --

Q. Yeah. No vehicle sales.

A. No vehicle sales for Janet Ventura.

Q. Okay. And none for Janet Arvizo?

A. And none for Janet Arvizo either.

Q. So I guess it would be safe to say that whatever was done with that check, you don’t know what happened to it?

A. Hollywood Ford --

MR. ZONEN: Object as speculative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: And if whoever Janet Ventura is, or Janet Arvizo, took that and endorsed it and deposited it into some other account, that’s nothing you’d know about?

A. No.

MR. ZONEN: Objection. Asked and answered and speculative.

Q. BY MR. MESEREAU: Did your records --

THE COURT: Overruled. You need to wait.

MR. MESEREAU: I’m sorry.

THE COURT: The answer is, “No.” Next question.

Q. BY MR. MESEREAU: Did your records indicate whether a Janet Ventura had ever even been to Hollywood Ford during these particular years?

A. I mean, if she came off the street to inquire about a vehicle?

Q. Yes.

A. No, I’m sorry, I wouldn’t know that. Just the sale itself I would know.

Q. Okay. Now, at your business, if someone comes in off the street, claims they’re interested in buying a vehicle or parts, is there any procedure for keeping their name and address in a marketing file, or a public relations file, or a file where you would send promotional brochures, that kind of thing?

A. Not for the accounting office purposes. But for the salesman, I mean, he could keep her name to contact her later to see if she's interested.

Q. Okay.

A. I've seen that happen.

Q. Now, would the individual salesperson be responsible for that particular account information or would the actual store keep the information?

A. Information, her personal information, like an inquiry type of thing?

Q. Yes.

A. The salesman would have that.

Q. So basically, these are salespeople on commission; is that the idea?

A. Yes.

Q. Okay. So they're responsible for their own marketing files, their own index of potential customers or clients?

A. Correct.

Q. The company itself wouldn't keep that information?

A. No. Only the actual sale.

Q. And would the salesperson put that information into a computer owned by the company, do you know?

A. We're manual, we don't go off of computers. Everything we have is manual.

Q. Now, what other -- let me rephrase that. Specifically what was the task you were asked to do by the prosecution?

A. The task I was asked to do was to look for either a Janet Arvizo or Janet Ventura to see if she had purchased a vehicle between the years 2002 and 2003.

Q. Now, if you wanted to find out whether or not the company had any other information on Janet Ventura, what other files could you have checked?

A. Um, as for sales or service, there wouldn't really be anything I could check for that. I would have to -- like I said, the reference on the check would have a counter ticket number, which are all filed numerically, and I can go back and look at

that.

Q. Okay. Okay. And is there any other source of information on potential customers, clients, whatever, that could possibly have any information on Janet Ventura that you didn’t check?

A. Just the service and the parts. I mean, like I said, if that money was used for service or parts, that would be the only thing.

Q. Okay.

A. The reference number would have to be there.

Q. Okay. All right. Now, were you asked to check the name Janet Arvizo?

A. Yes.

Q. And nothing showed up for her either?

A. Nothing came up for her either.

Q. Okay. Let’s see, did you check the name Gavin Arvizo?

A. No, I just looked for “Arvizo.” I didn’t have any Arvizos.

Q. And no Venturas either?

A. And no Ventura either.

Q. Okay. So we really don’t know what happened with that?

A. No, I do not.

MR. MESEREAU: Okay. Thank you very much.

MR. ZONEN: Happened with what? Objection; vague.

THE COURT: Sustained.

Q. BY MR. MESEREAU: We don’t know what really happened to this $23,000 that apparently a Janet Ventura had paid to the order of Hollywood Ford, really?

A. As for car sales, no.

MR. ZONEN: That’s a misstatement of evidence. Objection. And argumentative and speculative.

THE COURT: Sustained.

MR. MESEREAU: Okay. No further questions.

REDIRECT EXAMINATION

BY MR. ZONEN:

Q. Is Hollywood Ford a check cashing service?

A. No.

Q. If I walk in there with a $23,000 check and tell you, “I’m not particularly interested in a Ford product, but I have a check to cash,” would they cash it?

A. No.

Q. All right. Did you determine whether or not any checks had been cashed on behalf of Janet Arvizo?

A. I didn’t look in the deposit books to see anything like that.

Q. All right. But you would have records if a check was cashed in conjunction with a purchase of a car?

A. Right.

Q. There would be no other reason that somebody would be cashing a check of that size?

A. No.

Q. If I walked in and said, “I’d like to buy a $20 sun visor and I’d like to pay for it with a $23,000 cashier’s check,” they might balk at that; no?

A. I’m sorry?

Q. They might be resistant to selling me a $23,000 sun visor -- or excuse me, a $20 sun visor --

A. For 23,000 --

Q. -- with a $23,000 check --

A. No.

Q. No?

A. Right.

Q. There was no record at all of a purchase of a car by Janet Arvizo, a Janet Ventura?

A. No.

Q. And this information was given to the defense in advance; is that right?

A. Yes.

MR. ZONEN: Thank you. No further questions.

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REDIRECT EXAMINATION

BY MR. MESEREAU:

Q. Excuse me, what information was given to the defense in advance?

A. About not purchasing -- Janet Ventura or Janet Arvizo not purchasing a vehicle.

Q. Okay. But you didn’t tell the defense what Janet did with that money, correct?

MR. ZONEN: Objection; argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You certainly -- the prosecutor asked a question about providing information to the defense. You couldn’t provide the defense any information whatever happened to this money, right? You don’t have that knowledge?

A. I don’t have a car sale --

MR. ZONEN: I’ll object --

THE WITNESS: I don’t have a car sale for that name.

Q. BY MR. MESEREAU: Yes, okay. The only information you gave to the defense was that it didn’t look like a car was purchased, but what the person did with that money is beyond your knowledge?

MR. ZONEN: I’ll object as argumentative.

THE COURT: Sustained.

MR. MESEREAU: No further questions.

MR. ZONEN: No further questions.

THE BAILIFF: It’s break time.

THE COURT: You may step down. We’ll take our break.

(Recess taken.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 12165 through 12206 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 26, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
May 26, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

THURSDAY, MAY 26, 2005

8:40 A.M.

(PAGES 12208 THROUGH 12374)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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The Interpreters: Doris Vick Rose O’Neill

I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Nicola is listed as “N” on index. Mr. Mesereau is listed as “M” on index.
Ms. Yu is listed as “Y” on index. Mr. Sanger is listed as “SA” on index.

R E B U T T A L

PLAINTIFF’S VOIR WITNESSES DIRECT CROSS REDIRECT RECROSS DIRE

AGGERS, Donna 12213-Z 12217-SA 12228-Z 12229-SA
12230-Z
(Further)
ERWIN, George 12231-SN 12245-SA 12263-SN
MARQUEZ,
Theresa 12271-Z 12274-SA
DICKERMAN, William 12278-Z 12294-M 12325-Z 12329-M
CAUSER,
Christine 12335-SN 12337-M
VENTURA, Maria 12342-Z
(Re-called)
BONNER, Craig 12347-N 12362-SA
(Re-called) 12359-SN
(Contd.)

EXHIBITS

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
157	Photo of view of electronic device under the table on the bottom floor of Jackson's master bedroom suite	12361	12363
159	Photo of close-up view of latch at top of door within Jackson's master bedroom suite	12361	12363
160	Photo of close-up view of ceiling electronic video device within Jackson's master bedroom suite	12361	12363
447	Affidavit of custodian of records for Exhibit No. 448	12348	
448	Brad Miller phone records for Pay Less Cellular	12346	12346
449	Mark Geragos phone records	12348	12350
460	Phone link chart prepared by Craig Bonner	12350	
901	Brad Miller e-mails to Geragos	12333	12333
903	Copies of documents from William Dickerman's office containing communications between Dickerman and Geragos	12278	12294
904	Copy of records from Dino's Moving & Storage	12233	12235
905	Copy of inventory made by George Erwin	12241	12256
906	8-28-98 - Janet Arvizo's Kaiser Permanente medical records	12272	12272

EXHIBITS (Continued)

DEFENDANT'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
5109	West Covina Police Department records for David Arvizo	12217	12220
5110	West Covina Police Department records for Janet Arvizo	12217	12220

THE COURT: Call your next witness.

Please remain standing. Face the clerk and raise your right hand.

DONNA AGGERS

Having been sworn, testified as follows:

THE WITNESS: Yes.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name is Donna Aggers. D-o-n-n-a, A-g-g-e-r-s.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. ZONEN:

Q. Good morning.

A. Good morning.

Q. What is your current occupation?

A. Records supervisor at the West Covina Police Department.

Q. How long have you held that position?

BAILIFF CORTEZ: Your microphone’s not on.

Q. BY MR. ZONEN: For what period of time have you held that position, records supervisor?

A. West Covina, since August.

Q. And this is the West Covina Police Department; is that correct?

A. Yes.

Q. West Covina is located in Los Angeles County?

A. Yes.

Q. Were you asked to do a records check to determine the time, release time, on a person who had been taken into custody at West Covina City Jail?

A. Yes.

Q. Was that person David Gavino Arvizo?

A. Yes.

Q. Do you have those records with you?

A. Yes.

Q. All right. And is this an arrest that occurred on or about the 28th of August of 1998?

A. Yes.

Q. All right. Can you tell me when that person was booked into the jail and when he was released?

A. He was arrested at 1813 hours, booked in the jail at 2145 hours, and released on that same evening at three minutes after midnight.

Q. So three minutes after midnight on the 28th?

A. On the 28th.

Q. So he was brought in on the 27th?

A. 27th, right.

Q. And released three minutes after midnight on the 28th?

A. Right.

MR. ZONEN: Thank you. I have no further questions.

MR. SANGER: Excuse me one second. There was a change in the order of witnesses. I apologize.

Miss Frey, do you have the West Covina

records? They were the ones that Steve Dunkle came over and looked at and got a copy of yesterday.

Perhaps we should hand it to the Judge first.

Your Honor, I was going to ask that -- there were records that were subpoenaed from the West Covina Police Department by the defense, and I believe they were --

THE COURT: There’s a return.

MR. SANGER: -- handed to you there by the clerk.

THE COURT: Yes.

MR. SANGER: And I would like to have those records marked as defense next in order.

THE COURT: Did you want me to open them? I’m not quite sure why you handed me --

MR. SANGER: Yes, well, in case there was any question. I would like them opened. I believe they were opened previously.

THE COURT: They do not appear to have been previously opened.

MR. SANGER: All right. Maybe that’s a

different set. So let’s live dangerously and find out what’s in the envelope if we may, Your Honor.

THE COURT: All right. They appear to be West Covina City Jail booking records with the appropriate subpoena attached and the declaration of business records.

MR. SANGER: All right. May I approach and check that out?

THE COURT: I’ll let you decide how you want them marked.

MR. SANGER: Please. Before they’re all stapled together, there might be two groups. Let me take a quick look, if I may. Thank you.

I think the most appropriate thing to do, Your Honor, now that I look at them, there appears to be, in the materials handed to counsel, the subpoena and then the declaration, and then there appears to be a set of records pertaining to Janet Arvizo and another set pertaining to David.

I would be interested in marking as separate exhibits the set pertaining to Janet and the other set pertaining to David, and then it would be up to the Court and counsel as to what should be done with the other documents. I don’t think they’re relevant, except for foundation.

THE COURT: All right. I’ll have them marked separately as you’ve requested.

MR. SANGER: And then the other documents

would be lodged with the envelope and would remain with the court files.

THE COURT: That would be fine.

THE CLERK: David’s records are 5109 and Janet’s records are 5110.

CROSS-EXAMINATION

BY MR. SANGER:

Q. Okay. Miss Aggers, sorry to keep you sitting there?

A. That’s okay.

Q. I see you brought some papers with you. Is that a copy of the same thing that was provided directly to the Court?

A. Yes.

Q. All right. And you have reviewed the records to testify to what you told us just a little while ago; is that correct?

A. Yes.

Q. In other words, you wouldn’t remember off the top of your head everybody’s booking information?

A. No.

MR. SANGER: All right. I would like to approach, if I may, Your Honor, with 5110, and show the witness this packet of information.

THE COURT: You may.

MR. SANGER: That’s the -- Janet.

MR. ZONEN: Yes, go ahead.

Q. BY MR. SANGER: Did you have occasion to review the information pertaining to Janet Arvizo?

A. Briefly, when I sent this to the court.

Q. All right. So you were the actual person that sent this in, then?

A. That's correct.

Q. Okay. And those records are, in fact, true and correct records of the West Covina City Jail?

A. Yes.

Q. And they're kept in the ordinary course of business as official police records; is that correct?

A. Yes.

Q. And similarly, the records that you provided with regard to David Arvizo, which I've marked as 5109, would also be true and correct records of the West Covina City Jail, and they are official police records; is that correct?

A. Yes.

Q. Kept in the ordinary course of business?

A. Yes.

Q. All right. So let's take a look at 5109. And I'm going to ask if you can tell, by looking at that packet, when Janet Arvizo was booked into the West Covina City Jail.

A. 5110? 5109?

Q. I'm sorry, you're right. 5110, I'm sorry.

Let me restate it, just so we're clear. Taking a look at 5110, Exhibit 5-1-1-0, can you tell from those records when Janet Arvizo was booked into the West Covina City Jail?

A. Yes.

Q. And when was that?

A. She was arrested at 1800 hours. And she was booked in the jail at 1948 hours.

Q. Okay. And is there a different place to book in females than males in that jail?

A. It's the same place.

Q. Same place. So you go into the booking area and people are processed as they go through; is that right?

A. Right.

Q. So it appears that Janet Arvizo was booked into the jail before David Arvizo; is that correct?

A. That's correct.

Q. And what time does it show she was released?
A. At 2115 hours.
Q. So she was released before David Arvizo; is that correct?
A. Yes. Yes.
MR. SANGER: All right. Now, may I approach just to make sure we're literally on the same page, here?
THE COURT: Yes.
MR. SANGER: They have this in a different order for some reason. Excuse me one second, Your Honor.

Okay. First of all, Your Honor, I'd like to move into evidence 5109 and 5110 if I can, please.
THE COURT: All right. They're admitted.
MR. SANGER: And I think the easiest way to do this, because we have different pagination here, would be to put this up on the board, if I may, and so I'd ask to show 5110, if that's all right.
THE COURT: Yes.
Q. BY MR. SANGER: First of all, in these records with regard to Janet Arvizo, is there any indication that Janet Arvizo was beaten up?
A. I didn't see any indication of that.
Q. Okay. And I'm going to turn to -- two, three, four, five, six, seven -- I'm going to turn to page seven and put that up, with the Court's permission.
THE COURT: Yes.
Q. BY MR. SANGER: And again, this is of 5110.
Excuse me.
This form, are you familiar with this particular form?
A. Yes.
Q. How many years have you worked for West Covina?
A. This is my first year with West Covina.
Q. Have you worked elsewhere?

A. Yes.
Q. During your year, have you become familiar

with these forms at the West Covina Jail?

A. Yes.

Q. Okay. And is that one of the standard forms?

A. Yes, it is.

Q. And it says, “County of Los Angeles Sheriff’s Department.” Does West Covina have a independent -- an independent police department, or is it part of the sheriff --

A. Independent police department.

Q. And is the jail facility run by the sheriff or the police?

A. Police department.

Q. Okay. So for some reason you’re using an L.A. County Sheriff’s Department Medical Receiving Screening Form; is that correct?

A. Yes.

Q. And that’s something you use in the ordinary course of business there, right?

A. Right.

Q. And what is the purpose of this particular form?

A. Basically to screen the incoming in-custodies to make sure there are no medical problems that you need to be aware of.

Q. Can you go a little closer to the right microphone there? Everyone has this problem, especially when we ask you to turn around. Sorry. All right. So, you want to find out if an inmate comes in and they’re suffering from any kind of injury; is that right?

A. That’s correct.

Q. Because you want to make sure that they either have medical attention or something happens so they’re not just put in the jail and have a further problem, right?

A. Right.

Q. If somebody was severely beaten, for instance, you would want to know that when you book them in, correct?

A. Correct.

Q. The first question on this form is, “Do you require any medical attention?" And in Janet Arvizo's case, it's checked "No"; is that correct?

A. That's correct.

Q. And then at the bottom of this form, there is a place there for "Inmate Signature"; is that correct?

A. Yes.

Q. And I know you're not a handwriting expert, but you would expect that the inmate, in this case Janet Arvizo, is the one that signed there; is that right?

A. That's correct.

Q. And before somebody's booked into the jail, unless they're unconscious or something else is going on, they're required to sign this form in the presence of an officer; is that right?

A. That's right.

Q. Okay. Now, if we look at the page preceding that, there's a form here entitled, "Officer's observations"; is that correct?

A. Yes.

Q. And is this also a form that's used in the ordinary course of business there at the West Covina City Jail?

A. Yes, it is.

Q. And what is the purpose of this form?

A. The same as the previous form. It's just more in-depth, to see if there's any observation that the jailer or officer would have indicating injuries.

Q. And who is the one that actually fills out this form?

A. The jailer.

Q. Okay. And the jailer is somebody whose job it is to take people in and process them into the jail; is that correct?

A. That's correct.

Q. So when you have somebody -- when you say "jailer," you have a booking officer who's assigned to take people in, fill out their paperwork,

correct?

A. Right.

Q. And that person is also supposed to observe the individual to see if they have any visible signs of injury, correct?

A. That's correct.

Q. And they look not only for actual injury, but they look for symptoms of drug withdrawal, mental illness issues, other issues; is that correct?

A. That's correct.

Q. And once again, they are concerned to make sure that they're not checking somebody in who has injuries that may not be readily visible; is that right?

A. That's right.

Q. All right. In this -- in this particular case, it says, "Deputy Completing the Form," and there's a deputy's name there; is that right?

A. Yes.

Q. With a badge number or employee number?

A. Yes.

Q. And that would be -- that would indicate that that individual, whoever it is, did that screening when Janet Arvizo came into the jail, correct?

A. That's correct.

Q. And it says the form is "Approved By" -- it looks like a doctor down there. Does that mean the doctor actually conducted an examination of the person?

A. I don't believe so.

Q. All right. So the doctor signs off in general, saying that, you know, he's looked at the form and it looks okay, and this -- as he goes through this night's paperwork, it looks okay; is that right?

A. Yes.

Q. And in this particular case for Janet Arvizo, there is a "No" checked in each of the categories on the form; is that right?

A. That's correct.

Q. And the way it works there, if you have a "No" in every category, that means that the person doing the actual booking has not seen any indication that there's anything physically wrong with the person or anything that would require medical or psychiatric attention at that time; is that correct?

A. That's correct.

MR. SANGER: If you could leave it on for just one second.

Q. All right. And then there are also other questions -- and I'm going to turn to another page in just a second. But there are other questions that are asked to evaluate a person's mental level -- let me withdraw that.

There are other questions that are asked to determine a person's level of mental functioning; is that correct?

A. That's correct.

Q. So you want to see if you have someone who's developmentally disabled who may, you know, not really be understanding what's going on; is that right?

A. That's correct.

Q. And again, in this case, it appeared that Miss Arvizo was, according to the records, was functioning at an appropriate level; is that correct?

A. Yes.

Q. Then there's a property inventory showing what property was on the person's -- on the person of the individual who was being booked into jail; is that correct?

A. That's correct.

Q. All right. Now, is there also a process for obtaining a booking photo?

And just as the lights go on, that's what I'm going to put up. Anyway, if I may, Your Honor, I'm going to put up the booking photo.

Is there a process for obtaining a booking photo?

A. Do you mean during the booking process?

Q. Yes.

A. It’s just done during the course of the booking.

Q. Yes. Okay. So during the booking, you take a photograph of the individual, correct?

A. Right.

Q. And in this case there is a photograph as part of the records, here, of the West Covina City Jail, correct?

A. That’s correct.

Q. And if there were particular -- let me withdraw that.

If you had an individual who had -- well, let me withdraw that and just put this up. This is the last page of the exhibit.

Is that a true and correct copy of the booking photo that was taken at the time that Miss Arvizo was arrested?

A. Yes, it is.

Q. And by the way, both Mr. and Mrs. Arvizo, both Janet and David Arvizo, show as their residence address 12643 Ramer in El Monte; is that correct?

A. I don’t have her copy in front of me, but his address shows that.

Q. All right. Let me show you this. And I’ll just put it up on the board, if I may.

A. Yes, it shows the same address.

MR. SANGER: Excuse me one second. I think somebody was trying to get my attention.

(Discussion held off the record at counsel table.)

MR. SANGER: Okay. And, Your Honor, I think I offered both and they were received; is that correct?

THE COURT: That’s correct.

MR. SANGER: So I have no further questions. Thank you.

THE COURT: Are there Social Security numbers on that?

MR. ZONEN: We’ll take a look at it. If there are, we’ll delete it.

MR. NICOLA: There are; halfway down on the left.

MR. SANGER: Oh, there is. Hard to read. I apologize, I put it up. I don’t know if I got that whole thing up there.

REDIRECT EXAMINATION

BY MR. ZONEN:

Q. Do you know if Miss Arvizo was actually put into a jail cell?

A. I don’t know that.

Q. If somebody is arrested and kept for less than two hours on a misdemeanor, where are they processed?

A. They may be placed in a cell temporarily.

Q. Okay. Is there a reception center that they would be taken to?

A. There is.

Q. So they wouldn’t go through the whole process of actually changing clothes into the jail garb, would they?

A. Not for a misdemeanor.

Q. Not for a misdemeanor.

And do you know if she was released on O.R., own recognizance, or she posted bail of any kind?

MR. SANGER: Objection; relevance.

I’m sorry. Objection; relevance.

THE COURT: Sustained.

Q. BY MR. ZONEN: This appears to be a fairly prompt processing of an inmate; would that be your opinion?

A. It would be.

MR. ZONEN: All right. I have no further questions.

MR. SANGER: I have just one question, I think, just to clear this up.

RECROSS-EXAMINATION

BY MR. SANGER:

Q. You said they are booked on misdemeanors; is that right?

A. Yes.

Q. And a misdemeanor is a crime?
A. Yes.

Q. It's not like a traffic violation. It's an actual crime in California; is that correct?
A. That's correct.
MR. SANGER: All right. Thank you.

FURTHER REDIRECT EXAMINATION
BY MR. ZONEN:
Q. I'll reask the question. Was she released on O.R. or did she post a bond?
MR. SANGER: Objection; relevancy.
MR. ZONEN: It's relevant given the last question.
THE COURT: Sustained.
MR. ZONEN: No further questions.
MR. SANGER: And obviously no further questions.
THE COURT: You may step down.
Call your next witness.
MR. SNEDDON: I'll call George Erwin.
THE COURT: Come forward, please. When you get to the witness stand here, remain standing.
Face the clerk over here and raise your right hand.

GEORGE ERWIN
Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: My name is George Erwin.
G-e-o-r-g-e, E-r-w-i-n.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. SNEDDON:
Q. Good morning, Mr. Erwin.
A. Good morning.

Q. And the microphone that you want to use is the one over there. Yes, sir. And lean into it, because we'll want everybody to hear what you have to say.

You have a business in the Los Angeles area, correct?

A. That's correct.

Q. And what is the name of that business?

A. It's Dino's Moving & Storage.

Q. And how long have you been associated with Dino's Moving & Storage?

A. Oh, 25, 30 years.

Q. It's a family business?

A. It's a family business.

Q. Passed on to you and your brother?

A. Correct.

Q. And where is this? Give you a little free advertising. Where is it located?

A. It's in North Hollywood.

Q. So could you give us a brief description of what the nature of this moving and storage business is that you have?

A. We are a third-generation family business, referral-based, residentially oriented. We move homes, and store as incidental to moving. We do packing and relocating of homes.

Q. And when you are asked to store items, do you have a storage facility that you use to do that?

A. Yes, we do.

Q. Is that located at your headquarters?

A. Yes, it is.

Q. And could you just describe generally to the ladies and gentlemen of the jury what your storage facilities are?

A. Our storage facility is a 12,500-square-foot concrete tilt-up warehouse. It's a state-of-the-art building. It is high security; motion detectors; wired into the police and the fire department. Inside the warehouse, we have hundreds of vaults. Vaults are large wooden cubes approximately five feet by seven feet by eight feet tall. They stack three high. We have approximately 330 vaults in the warehouse.

Q. Okay. Now, were you asked to come to court here today and to bring some records in connection with the storage of some items under the name of an

individual by the name of Bradley Miller?

A. Yes, I was.

Q. And did you bring your file?

A. Yes, I did.

Q. And you have the original documents in the file; is that correct?

A. I do.

MR. SNEDDON: Okay. Your Honor, may I approach?

THE COURT: Yes.

MR. SNEDDON: I'm just going to show them to counsel.

MR. SANGER: I don't want to interfere with counsel, but would it be appropriate for me to look at them at the same time?

MR. SNEDDON: I was going to bring them to you.

MR. SANGER: Oh. Then that's even better.
If I could have just a moment, Your Honor.
May I just have a second?

(Off-the-record discussion held at counsel table.)

MR. SNEDDON: All right. Your Honor, with the permission of counsel, I believe that -- let me ask the witness for foundation, and then we'll just make the offer.
Your Honor, I'm going to have a set of documents marked as People's No. 904 for

identification purposes. Where shall I put it?

Q. Mr. Erwin, you were kind enough to bring your original documents on the Bradley Miller file to the court, correct?

A. That's correct.

Q. You also made copies of the originals that are in your file, correct?

A. That's correct.

Q. And have you had a chance to compare the copies that you made with the originals in your file?

A. Yes, I have.

Q. And they’re accurate with regard to the -- they’re accurate with regard to the originals. They’re duplications of it, correct?

A. Yes, they are.

MR. SNEDDON: Your Honor, I would move --

Q. And these are kept in the normal course of business at your establishment?

A. Yes.

Q. And they’re prepared at or about the time of the transaction?

A. Correct.

Q. And they’re used in the conduction of business for you; is that correct?

A. That’s correct.

MR. SNEDDON: Your Honor, I would move that Exhibit 904 be admitted. And we used the copies and we’ll allow the witness to take the originals back to his office.

MR. SANGER: With the exception of the word “conduction,” I would not have an objection.

THE COURT: They’re admitted.

And the agreement is you may take the originals back.

MR. SANGER: I would like the witness to keep the originals there until I finish cross-examination.

THE COURT: Exactly.

Q. BY MR. SNEDDON: I’ll try not to use any more bad grammar in my questions to you.

All right. Your Honor, is the Elmo on the right -- it should be, I think.

Mr. Erwin, I’m going to put these documents up and just ask you a few quick questions about it, all right?

A. All right.

Q. And you have the originals in front of you, so if you need to look at them, but I think you should be able to see from the board.

The first document I'm going to place up has the actual tag "904" on it.

Now, with regard to this document, does this document have a title?

A. Yes. This is a bill of lading.

Q. And what purpose does it serve?

A. It serves as a -- an accounting of where we -- of origin and destination, and a time ruler across the top for the time of arrival, time at a location, transportation time to destination or next pick-up or delivery. So it's a time accounting and geographical locations.

Q. All right. If we could just scoot that document down a little farther so we could see the top of it.

No, the other way.

All right. It has a No. 5020 in the upper right-hand corner. What is that? That's just the receipt number?

A. That's just random printing -- it's a random print number. When these are printed, they routinely do sequential numbers.

Q. Underneath that is a date, or is a series of numbers, "3-1-03." What is that?

A. That would be the date of the -- that this activity took place.

Q. And then on the left-hand side of the exhibit, "From," has the name "Brad Miller." Would that be the person that you were doing business with?

A. That's correct.

Q. And underneath that is an address that's on Soto Street, and an apartment number. What would that indicate?

A. That would be the pick-up location.

Q. Okay. And then where it says, "To," what does that information indicate?

A. The "DMS" is our in-house -- it stands for Dino's Moving & Storage. The Lot No. 439, which is a number -- it's comparable to an account number that we assign whenever we bring a lot into storage.

Q. Okay. And then there is a part of the form that is not prefabricated or preprinted, with a “CK#1477.” What does that indicate, if you know?

A. That means that the charges on the bill of lading were paid with that check number.

Q. Okay. Now, on -- where it indicates “From: Brad Miller,” there is information there with a name and a phone number. What is the purpose of that information?

A. That’s a contact name, where it says, “See Asaf,” I believe.

Q. Okay.

A. Apparently they’re a representative of Brad Miller’s or -- or I don’t know. That would be the contact person to see there.

Q. Okay. Let’s go to the next document. And this one, what is this particular document?

A. All right. This is a service agreement. It goes hand in hand with the bill of lading. And it -- it simply -- it states the -- as a service

contract, it states the itinerary for the job, which would be in this case a pick-up location, and bringing the shipment to Dino’s Storage. It’s assigned as Lot No. 439. States the hourly rate at which we’ll proceed.

Q. Okay. And this was also filled out on March 1st of 2003, correct?

A. That is correct.

Q. All right. Let’s go to the next document. This document has a “5025” at the upper right-hand corner and a series of numbers, “3-5-02,” underneath it. What is this document?

A. This is another bill of lading that was issued for a continuation of the job.

Q. Now, I noticed that the first document had “03” and this one appears to have “02.” Is that a “2” or a “3”?

A. Right, we do not use those numbers in our system.

Q. What do you mean by that?

A. You’re referring to the “5025” in the top right-hand corner?

Q. I’m referring to the “3-5” and what appears to be “02.”

A. Well, it should be “03.” I don’t know if it’s an error or it’s just illegible.

Q. But this transaction, this series of transactions, occurred in ‘03, correct?

A. That’s correct.

Q. Now, on this particular document is another group of writings that are placed on it, and it looks like a dollar sign.

What does that information on the right-hand -- middle right-hand side of the document indicate?

A. That’s payment information again.

Q. For the services you provided?

A. Correct.

Q. The payment by check?

A. Correct.

Q. Okay. Let’s go to the next document.

May I approach the witness for a moment, Your Honor? It appears that there’s one page missing.

THE COURT: Yes.

MR. SANGER: Perhaps I could have a moment, too, so I can figure out what’s going on.

MR. SNEDDON: I’ll show counsel what I think is missing from the exhibit.

(Off-the-record discussion held at counsel table.)

Q. BY MR. SNEDDON: Mr. Erwin, in your original documents -- well, let me put it this way. Let me just do it so we have it in evidence.

That’s good. Well, drop it just a little bit. There.

This document has a “No. 439” in the upper right-hand corner, correct?

A. Correct.

Q. Okay. And it has a date of “3-1-03” on it,

correct?

A. That's correct.

Q. Could we scoot the exhibit up just a little bit? All the way, so we -- okay. Keep going. All right. That's good.

All right. Now, the information that's contained on the bottom portion of this exhibit that is part of 904, what is this information?

A. That is an inventory of the items that we picked up.

Q. Now, what I want to ask you is, it appears on the right-hand side that there's -- it says, "Pick-up, 3-4-03." Do you see that?

A. Yes, I do.

Q. Was there more than one pick-up of goods at this particular location?

A. There were two -- there were two pick-ups.

Q. When was the first one?

A. The first one was on 3-1-03, and the second one was on 3-5-03.

Q. Okay. Now --

A. So that should read "3-5-03" for the second pick-up there.

Q. Now, is there a document in your original files that reflects just what was picked up the first day, on 3-1-03?

A. Well, that document shows that.

Q. That shows -- okay.

Let me approach, if I might, Your Honor, just so counsel and I can get this straightened out.

(Whereupon, an off-the-record discussion was held between Mr. Sneddon and the witness at the witness stand.)

MR. SANGER: I was going to say, could we do it on the record so we all hear it, I guess is what I was going to ask.

MR. SNEDDON: I'm going to have a document marked as 905 for identification purposes, Your Honor. I'll show it to counsel.

(Off-the-record discussion held at counsel table.)

MR. SNEDDON: May I approach the witness and ask him some questions about Exhibit 905, Your Honor?

THE COURT: Yes.

Q. BY MR. SNEDDON: Mr. Erwin, do you recognize the exhibit that I've shown you as 905?

A. Yes, I do.

Q. Do you find the original of that document, 905, in your file presently, currently?

A. Yes. I have the original document that this was copied from after the first stage in the development of the original.

Q. Okay. Would that be the exhibit that's on the board right now?

A. No, sir, that is -- the exhibit on the board now is a complete document. This is a copy after the first pick-up. It's a copy of what -- of the inventory at the time of the first pick-up.

Q. Okay. So that document -- go ahead.

A. And before we were called back to -- for the second pick-up.

Q. So that document - and by "that," I mean 905 - reflects the items that were picked up on the first occasion, on March 1st?

A. Yes.

Q. All right.

A. I probably -- I probably made a copy -- when I knew that this original was going to go back out for a continuation of additional items, as a caution, I made a copy of the original for myself --

Q. Okay.

A. -- to keep in the office, which I don't have in my file because you have it.

Q. Thank you for sharing.

MR. SANGER: The problem is, I don't have it either, so I'm just a little bit lost here. Perhaps I could have just a moment with counsel to ask a question off the record?

THE COURT: All right.

(Off-the-record discussion held at counsel table.)

Q. BY MR. SNEDDON: Okay. Mr. Erwin, the document that you have in your hand is 905, and that reflects the items that were picked up on the first time, on March 1st, 2003, correct?
A. That’s correct.
Q. All right. Now, the item that’s on the board that the ladies and gentlemen of the jury are now viewing, that is a compilation of what was picked up on both the first time and the second time; is that correct?
A. That’s correct.
Q. And that’s an itemization, correct?
A. Yes, it is.
Q. And I noticed that in the column to the far left of each of those items, there’s a little “X.” Do you see that?
A. Yes, I do.
Q. What is the purpose of that “X” on the document?
A. That “X” is -- is -- is placed there when the item is checked off at the time that it leaves storage.
Q. Okay. So when you release these items, that’s how you determine and document what you gave back?
A. That’s correct. It’s checked off as it goes out of storage.

Q. All right. Now, does your file reflect the date in which these items were released?
A. Yes.
Q. And what was that date?
A. That would be October 1st, 2003.
Q. And that would be to a Major Jay Jackson and a Janet Arvizo, correct?
A. That’s correct.
MR. SNEDDON: Your Honor, if I haven’t, I move that 905 be admitted into evidence.
MR. SANGER: I have a problem. As far as I can tell, it wasn’t provided in discovery, and it’s not -- it’s a copy that seems to be a fax Xeroxed copy of something that’s not in the witness’s file. So I’d like to have an opportunity to get a copy of

it, number one, and number two, ask some questions before that's received.
THE COURT: All right. I'll withhold ruling until he's had a chance to ask some questions.
MR. SNEDDON: That's fair enough.
Judge, has 904 been moved into evidence?
THE CLERK: Yes.
MR. SNEDDON: It has?
THE CLERK: Yes.
MR. SNEDDON: Thank you, ma'am.
I have no further questions, Your Honor.
MR. SANGER: To expedite -- this is yours.

This is mine. Okay.
Excuse me one second. This is the entire exhibit here, 904?
MR. SNEDDON: As far as I know.
MR. SANGER: Okay. Fine.
Your Honor, could I ask to retrieve 905 and see if there's somebody available, with the Court's permission, to make a copy for both the parties? It might make it easier.
THE COURT: Okay. Thank you.
MR. SANGER: Could the court staff do it?
The D.A.'s offered, but whatever is quickest.
THE COURT: That's what I say. Whatever is quickest.
MR. SANGER: It's been returned to me to hand to the bailiff, and --
THE BAILIFF: Just one of each?
MR. SANGER: No. Two. One for each side, for two of us.
THE BAILIFF: It will be on yellow paper.
THE COURT: Yes.

CROSS-EXAMINATION
BY MR. SANGER:
Q. Let me ask you a few questions here while we get that copied, and then we'll go through some of your documents with a couple other questions.
First of all, I think you said you're the

owner and the proprietor of Dino’s Moving & Storage; is that correct?

A. That’s right.

Q. And you mentioned it’s a family business?

A. Yes.

Q. This is a business that belonged to your parents at one time?

A. My Uncle Dino.

Q. Your Uncle Dino?

A. Yeah.

Q. All right. And your brother and you now are the principals in the business?

A. Yes, we are.

Q. And how long has the place been in existence?

A. The facility that we’re currently at?

Q. The business.

A. The business? Well, it started with grandpa in the ‘50s, and Dino jumped in in the late ‘60s. John and I got involved in early to mid-’70s.

Q. All right. And from what I gathered from the way you started out, you’re rather proud of the business?

A. We are.

Q. Good.

A. We’re very successful. We’re referral-based only.

Q. I heard that, and I was going to ask about that. You’re saying referral-based. So you don’t really put out a lot of advertisements. You get referrals from satisfied customers and others; is that correct?

A. That’s correct.

Q. And you are bonded and licensed; is that right?

A. We’re licensed by the State of California Public Utilities Commission.

Q. In order to maintain that license, do you have to meet certain standards?

A. Yeah, definitely, you must comply with the minimum requirements for insurance, property -- property and liability insurance, as well as workers' comp.

Q. And if you maintain a professional operation, you can keep your license, I take it?

A. Yes.

Q. And you have kept your license with the Public Utilities Commission of the State of California for how long?

MR. SNEDDON: Your Honor, I'm going to object to this as being immaterial and irrelevant.

THE COURT: Overruled.

THE WITNESS: Oh, we -- our current license was obtained in 1984, and it's been in place since then.

Q. BY MR. SANGER: All right. And do you have to -- when you say "insurance," I asked about bonded. You have to have adequate insurance to cover any liability for any malfeasance on the part of Dino's, if there is any; is that right?

A. Yes.

Q. All right. And your job -- well, let me put it this way: The work of Dino's Moving & Storage is to assist people in actually moving from one location to another in some cases; is that right?

A. Yes.

Q. So you have moving vans, and you have movers who do their thing; is that right?

A. That's it.

Q. And you also have the storage facility you told us about where you can store people's valuables for them; is that right?

A. Correct.

Q. All right. Now, in this particular situation, you've looked at your records, which you brought with you, and it appears that there was an initial engagement of your services for the date of March the 1st, 2003, correct?

A. Yes.

Q. And there were services performed on that date; is that correct?

A. Yes.

Q. Can you tell us what services were performed?

A. Items 1 through 20 on the inventory were picked up. They were tagged, inventoried, loaded onto the truck, and stored in the warehouse.

Q. All right. So if I put up page four of the exhibit, which I'll just move to the top there, this is your warehouse receipt; is that right?

A. That's correct.

Q. And so you said Items 1 through 20. Do we have our pointer?

A. No, it would be 1 through 19. And Number 20 would be the starting number on March 5th.

Q. All right. So what we see here, it is blurry. Either that or my vision is going, here. But right down this line here, it says 1 through, and it -- apparently the first number is cut off, but that would be 19 right there.

A. Yes.

Q. It says, "Small box"?

A. Correct.

Q. And then somebody wrote a "2" in next to the zero on this; is that correct?

A. Right. That's how we use this form.

Q. All right. On your original, is it cut off, or is that the way -- it just goes 1 through 10 repeatedly. I guess it does, doesn't it?

A. It's -- it goes 1 through -- yeah, 1 through 10 without the 1.

Q. 1 through zero and then 1 through zero?

A. Right.

Q. So now that I figured that out -- all right. And it isn't cut off. It's just not there. So this one right above the 20 is where it cut off?

A. That was the last item on 3-1-03.

Q. Okay. The people that went to move this out of the location were there for how long; do you know?

A. I need to reference the bill of lading and I can tell you.

Q. So would that be -- let me guess. Is that this one?

A. Yes, that’s the one.

Q. That’s the one, okay. So the people who came to do this move would have come to the apartment on Soto Street, right?

A. Correct.

Q. With a truck, and they would have picked up whatever is there, correct?

A. Yes. They arrived at 8:15. They loaded until 9:30. They drove to the warehouse, stopped for 15 minutes to -- for a break, and unloaded at the warehouse from 10:30 to 11:00.

Q. All right. I was just pointing up there, so I want to make sure I got this right. This is -- do you count portal to portal? In other words, they start the clock running when they drive from the warehouse to the location?

A. No, generally -- well, yes, with storage -- with storage we do.

Q. All right. So 8:15 is when they would have left the warehouse, correct?

A. 8:15 is when they arrived at origin.

Q. So you have some other time showing when they --

A. Right. Seven o’clock.

Q. Okay.

A. There’s a little -- there’s an indication at seven o’clock with a “WH” above the time ruler. That’s the time they left the warehouse.

Q. You’re looking at the original, and you can read what I’m showing with the pointer. There is “WH,” warehouse, “7:00.” 8:15 is the time that they arrive at the location?

A. Correct.

Q. And then they load from 8:15 to 9:30, correct?

A. Yes.

Q. And then 9:30 to 10:15 is driving back to the warehouse?

A. Yes.

Q. And they take a break, represented by the “X,” correct?

A. Correct.

Q. And then they offload the materials from 10:00 -- what is it? 10:30 to 11:00, correct?

A. Yes.

Q. All right. Now, when you look back at this -- do you charge for packing if your people have to go pack stuff up?

A. Yes, we do.

Q. Can you tell whether or not your people had to pack stuff up?

A. It doesn't look like it, because there's no materials listed on this bill of lading in the section to itemize materials.

Q. Yes. If you look up here on the bill of lading, this area, you would have packing materials and that sort of thing; is that correct?

A. That's correct.

Q. All right. And when you look at page four, which I'm putting up again with the Court's permission --

THE COURT: Go ahead.

Q. BY MR. SANGER: If I may do it retrospectively, it appears that the first five items there, it says, "Wardrobe"; is that correct?

A. Yes.

Q. So that would represent things that are in a wardrobe kind of a box; is that right?

A. That's correct.

Q. And then you have 6 through 10, it says, "Small box." So it indicates things were packed in small boxes; is that right?

A. Right. And No. 11 is a large box.

Q. Okay.

A. And No. 12's a four-foot-five cubic-foot box. Number 11 and 12 are large boxes. 13, 14 are -- well, 13 is a dining table. 14 and 15 are dining chairs. 16 is a picture. And 17's a picture. 18's a large box. 19's a small box.

Q. All right. Now, as a part of being licensed and taking pride in your business, you would expect your employees to accurately record what they load on and off the truck, correct?

A. Absolutely.

Q. And you would expect them to deliver to the destination, in this case the warehouse, exactly what it is that they picked up when they got to the place where they're picking the things up, right?

A. Yes.

Q. Okay. Now, I don't mean to insult you, but, I mean, that's an important part of your business, is making sure --

A. Absolutely.

Q. All right. Now, this other document, which was marked as 905, it hasn't been admitted yet, do you have any idea where that came from?

A. It's likely that I made a copy of this inventory when I knew that -- that we were going to have to go back to get -- to finish the job. And so subsequent to -- well, no, prior to sending this

document, this original document inventory, I made a copy of the -- of the inventory as it -- as it existed on -- after 3-1 and prior to 3-5.

Q. So --

A. Because --

Q. But you didn't keep a copy in your file?

A. Well, I did. And that's where that came from. But I was visited by a couple of gentlemen from the District Attorney's Office that asked for copies of my file. And it seems to me that I gave them that copy without noticing that it was not a complete copy.

Q. In any event --

A. I probably assumed at the time that -- well, here's a copy of the inventory in my file. You can have this one, rather than making a copy. I had over -- it seems to me that I must have overlooked the fact that that was a copy of -- a freeze frame picture in the middle of the job, after Stage 1 and before Stage 2.

Q. That's okay. That's fair enough. I'm just trying to find out, because it's obviously -- we want to make sure it's accurate here.

And you're basically saying, now that you

compare it, it looks like that was the freeze frame after the first move, right?
A. Right. And I can also tell there's something on that document that's not on the original, which is -- it has a fax stamp across the top, and it has a signature under -- where the contract signature belongs in the middle of the page, where it says, "Per G.E."

Q. Yes.
A. "G.E." are my initials. My foreman, who executed Stage 1 here, on the -- March 1st, got a signature in the bottom left-hand corner, but didn't get a signature in the middle of the page where the "X" is. So I put "Per G.E.," acting on behalf of Brad Miller, who hired me to do this job. And subsequently I must have faxed that copy to Brad Miller to have him sign the contract line, because it's signed on that copy.
Q. Okay. Is Brad Miller a personal friend of yours, by the way?
A. No.
Q. Was he just a customer?
A. I don't know him.
Q. Don't know him at all?
A. No. I know his assistant was a long-time client of Dino's.
Q. Long-time client of your company?
A. Yes.
Q. Okay. I couldn't hear what you said. All right. But you didn't know Brad Miller himself. All right. So the mystery is going to come to a close here somehow or another. This is the page from 904 and it shows, "Per G.E."

Your Honor, I'm going to withdraw my objection to the admission of 905.
THE COURT: All right. It's admitted.
MR. SANGER: And then I'll ask to put it up, if I may.
THE COURT: Well, all right. Go ahead.
MR. SANGER: Is that all right? Okay.

Q. What I'm going to try to do is put it up next to this, so we get this over with here, if we can. Is that all right?

THE COURT: The only reason that I hesitated was the District Attorney was going to put it up and ask some questions, and you requested to ask him some questions before that, so if he has no objection, then --

MR. SNEDDON: I'll defer to counsel, Your Honor.

THE COURT: All right. Go ahead.

MR. SANGER: Okay. Thank you. So -- all right.

Q. If we put this up, that's as wide as it gets here, so I'm going to slide it over. But on the right is 905, and on the left is the page from 904, and you can see here what you were talking about when you say this seems to be a freeze frame. It doesn't have the other items listed. It just goes up to 19. But it otherwise appears to be a copy or a faxed copy of the same document pretty much, right?

A. Right.

Q. Now, when you say "pretty much," it looks like somehow somebody got Brad Miller to sign this one, but he obviously didn't sign the original, because the original that had the new things added on it still doesn't have his signature on it, true?

A. True.

Q. If we look up here, though, it appears that this is actually a copy of the document in progress, because it has the same notations, the same slant of the writing and all that, right?

A. It is.

Q. Okay. There we go.

Now, the significance of this, I suppose, is that on 3-1, 905 is what happened, and we went over this with the boxes. So pretty much a bunch of boxes were picked up, a table, some chairs and a couple pictures, right?

A. Correct.

Q. All right. And it appears from this that somebody had already prepared this house for -- or this apartment for a move, and had boxed material up; is that correct?

MR. SNEDDON: Object. Calls for a conclusion and speculation.

THE COURT: Sustained.

Q. BY MR. SANGER: In any event, it appears that somebody had boxed things or at least there were things in boxes by the time your people arrived?

MR. SNEDDON: I'm going to object to that also. No foundation.

THE COURT: Sustained.

Q. BY MR. SANGER: You indicated if your people had boxed things, that you would have had a notation on the --

A. Only if we used our materials. If there were existing materials there, which oftentimes when people are relocating they have some materials.

Q. All right. So --

A. So I wasn't there myself personally. So I don't know -- yeah, I don't know.

Q. So you don't know, all right. Whatever it was, the loading -- according to 904, the loading and if there was any packing, would have occurred between -- now I can't see anymore. What is that? -- 8:15 and 9:30, right?

A. Yes. It would -- if there was any packing, it would be incidental to loading.

Q. Okay. Now, it appears that on -- let's see, which one is which?

Yes, on page four of 904, there's a notation there, "3-4-03," and there's other documentation in here that indicates that actually the pick-up occurred on 3-5-03; is that correct?

A. Correct.

Q. All right. So your understanding, looking at all the documents, is there was an initial move of boxed materials and a couple tables, some chairs, a couple pictures on 3-1.

And then 3-4, somebody came back, your people came back and picked up a number of other items; is that correct?
A. The actual pick-up, the second pick-up, was on 3-5.
Q. I'm sorry, on 3-5. It says "3-4," but your other records show it was actually 3-5?
A. Right.
Q. All of this went to your warehouse, then, on 3-5, right?
A. The second half went on 3-5.
Q. So all of it was in your warehouse by 3-5?
A. That's correct.
Q. And it was locked up and secure there?
A. It was secured in vaults.
Q. Was there any indication that anybody had come to look at it or tamper with it between the time it was placed there in early March and later when it was removed?
A. No.
Q. And when was it removed?
A. On October 1st, 2003.

Q. And you would not have expected, based on the professional running of your business, that anybody would have tampered with this material in any way from the time it was delivered to you to the time that it was picked up; is that correct?
A. It's not possible.
Q. So I said "Is that correct"? You're agreeing with me; is that --
A. That's -- yes.
Q. You're saying it's not possible that anybody would have tampered with it in between?
MR. SNEDDON: Your Honor, vague as to time as to what "in between" is.
MR. SANGER: I'm sorry, I'm clarifying the same question, but let me reask it so we have a good question.
Q. Between the time that the materials were delivered to you and the time when they were picked up by Janet Arvizo, or by Janet, whatever her name was at the time, Janet and Jay Jackson, in that time

period was the material that was stored tampered with in any way?

A. No.

Q. Now, when you provide movers for moving purposes, do you ever provide cleaning services?

A. No.

Q. So --

A. We clean up our -- we pick up our own milk cartons.

Q. So if you have movers come in and they bring their lunch, they'll take their lunch and the bag, or whatever, and throw it away, right?

A. We hope they will.

Q. Okay. But you don't -- you don't have somebody come in with a vacuum cleaner and vacuum the apartment?

A. Generally not.

Q. Is that possible that could happen, or --

A. It's possible. But I know most of our men would not want to do that.

Q. All right.

A. Because they're movers.

Q. Is there anything in your file to indicate that there was -- there were cleaning services that were provided?

A. Nothing to indicate that.

MR. SANGER: All right. Now, with any luck, did we get the disk?

It would have been the CD version of that.

(Discussion off the record.)

MR. SANGER: I apologize, Your Honor, but we're trying to find the DVD of the moving and we're honing in on it.

I would accept any assistance from the prosecution if they know.

MR. SNEDDON: If I know what? I know a lot of things, but --

MR. SANGER: The number of the exhibit on the move.

MR. SNEDDON: The surveillance move?

MR. SANGER: The move of the items or --

MR. ZONEN: I think it’s 817 or near 817. It’s near 813 to 817.

(Discussion off the record.)

MR. SANGER: I wonder if we could do this, Your Honor. What I’d like to do, there were two copies of this, if I’m not mistaken. One was received and the other wasn’t.

THE COURT: They can’t hear.

MR. SANGER: Okay. Let’s see if we can use our time wisely here.

What I’d like to do is play the tape of the move that’s already been introduced into evidence. We’re just having a little difficulty making sure we have the right tape.

Could I defer to Mr. Sneddon to go ahead with his redirect, if any, and then try to do this at the break?

MR. SNEDDON: Your Honor, first of all, I -- I object to the showing of this. He’s indicated he wasn’t there, and he indicated his people don’t do any clean-up services. So what’s the relevancy of showing this to this witness?

MR. SANGER: There are two employees who appear to be movers. There’s a third person who appears to be a cleaner, but I just want to establish these are his people who were doing this move.

THE COURT: You’re not going to show the whole video?

MR. SANGER: No, we don’t need to show the whole thing. I just need to show a clip of it so he can look at it and tell us those are his people doing the job.

THE COURT: Do you want to do your other -- do you have any other examination?

MR. SNEDDON: Yes, I do.

THE COURT: All right. Would you accommodate him by doing that until the break?

MR. SNEDDON: I would, Your Honor.

THE COURT: Thank you.

REDIRECT EXAMINATION

BY MR. SNEDDON:

Q. All right. Mr. Erwin, we placed back up on the board --

If we could have the lights, Your Honor, please.

-- one of the documents containing your file, and this is the one from 3-5-02, but you really say it is ‘03, with the number “5025” at the top.

Does this particular bill indicate that there were in fact boxes purchased, or that you charged people for, for packing during the course of this particular move?

A. Yes.

Q. All right. So it looks like, to me, there was at least two and perhaps a third -- a fifth one down here?

A. There’s two small boxes, two medium boxes, and one roll of tape.

Q. Okay. So that’s tape. When I say it says “1,” that word is “tape”; is that right?

A. That’s correct.

Q. Okay. So there were four boxes that were used?

A. Yes.

Q. Okay. Now, if we could, I want the item, the inventory items, please.

Thank you.

All right. Now, on the inventory items that show all of the items collected over the two-day process, do you see -- first of all, it looks like there were some chairs taken, correct?

A. Yes.

Q. And a scooter?

A. A scooter, yes.

Q. And a refrigerator?

A. Yes.

Q. Okay.

A. And a mattress.

Q. And a mattress.

Now, with regard to the items that -- take a second to review your original there, if you have to, but do you see any plants at all that were taken?

A. No.

Q. So there was -- no plants were taken during the time that you went to the -- your movers were there?

A. There’s none on the inventory here.

Q. Okay.

A. And they wouldn’t live well in the warehouse.

Q. I understand that. Would you have ordinarily taken them, though?

A. Not to our warehouse.

Q. What would you have done with them?

A. Sometimes we do transport plants over to another location along the way. Some people will keep their plants at a friend’s house while we put their belongings in storage, if there are nice outdoor plants in planters that they want to keep.

Q. So if there were plants, let’s say, for instance, at this particular location, would your workers unilaterally either leave those plants there or throw them out? Do you know what your directions and your policy would be on that, if the owner has not made any arrangements with you?

A. We -- we’re working for -- whatever the client requests. That’s what we would do.

Q. So if --

A. If they want them left, we leave them. If they want them dropped off somewhere, we would do that. If they want us to carry them to a dumpster, I suppose we would do that for them. If they want us to take them to the warehouse, we would advise them that they’re not going to survive --

Q. All right.

A. -- in the warehouse.

MR. SNEDDON: Fair enough. No further questions. Thank you, Your Honor.

MR. SANGER: The problem is, without putting it in the machine and looking at it, I'm not sure which is which. From the notations that we have, it appears to be Exhibit 813, but the DVD and the sleeve of 813 does not appear to be that which was described on the record. So we just need to look at it. I apologize, Your Honor.

THE COURT: All right. Are the jurors going to object if they get an extra five minutes?

No? All right.

(Recess taken.)

THE COURT: Go ahead.

MR. SANGER: Your Honor, I have to recite something for the record.

I've talked to Mr. Sneddon about this and the clerk. In the transcript, at page 6335, there's a reference to playing a tape, Exhibit No. 813, and a further reference to the fact that that was the move from the house.

There's all sorts of possibilities as to what could have happened here, but it turns out that 813, as it's marked by the clerk, is an exhibit that did not come into evidence and is something else, okay?

As far as I can tell, it appears that 818 is in fact the exhibit previously referred to on the record as 813. So I think if we just recite it, we'll let the chips fall where they may.

THE COURT: The chips are someone misspoke and that's what happened, and thank you for correcting that.

MR. SANGER: Okay.

So 818 does show it was received into evidence, and this does purport to be the video of the house, so whatever the record shows before, that's what we're going to play now, if that's all right.

THE COURT: That's all right.

MR. SANGER: All right. Thank you.

What I'm going to do, with the Court's permission, is start it, just so the witness can see the very beginning, and then I'll fast-forward, and I'll just use fast-forward, because it's very shortly thereafter it shows the moving people, and then we'll go from there.

THE COURT: Okay.

(Whereupon, a portion of a DVD, People's Exhibit 818, was played for the Court and jury.)

Q. BY MR. SANGER: I'm going to pause here right at the beginning.

There's a gentleman there who seems to be doing some cleaning or something. Does he appear to be one of your employees?

A. No.

Q. All right. And we see a date of March the 5th, 2003, just for the record.

Let me now play, and I'm going to go ahead and fast-forward.

(Whereupon, a portion of a DVD, People's Exhibit 818, was played for the Court and jury.)

Q. BY MR. SANGER: On the counter, we're now at 3:32. I'm going to freeze this for a second.

These gentlemen seem to have shirts that say "Dino's Moving & Storage." Are those your people?

A. Yes.

Q. Do you know who they are from the back?

A. The foreground would be Joe Chavez, and the background is Carlos Solano.

Q. And Mr. Chavez and Mr. Solano, have they

been employed by you for some time?

A. Quite some time. A few years.

Q. Are they trusted employees?

A. Very much.

MR. SANGER: Your Honor, unless somebody wants me to play more, that's all I want to play.

THE COURT: Well, we're not going to take a vote on it, so --

(Laughter.)

MR. SANGER: Very well.

So I'm going to press "Stop" and take the thing out, and I have no further questions.

THE COURT: Anything further?

MR. SNEDDON: No, Your Honor.

THE COURT: All right. Thank you. You may step down.

Now, the understanding was he can take his original records with him?

MR. SNEDDON: That’s correct, Your Honor.

THE WITNESS: I also still don’t have a copy of what was originally in my file.

THE COURT: That one sheet?

THE WITNESS: The in-progress with the signature on it.

THE COURT: We can give you a copy of that right now, can’t we?

MR. SANGER: Yes. To save time, I’ll just give him my copy and I’ll have another one made.

MR. SNEDDON: I have a copy of the other one, so I’ll just give him mine and you can keep yours, and then we don’t have a problem.

MR. SANGER: Just for the record, so we’re clear, I am returning 818, in that envelope, to the clerk, along with the other exhibits.

THE COURT: All right. Thank you.

All right. Call your next witness.

MR. ZONEN: Theresa Marquez, please.

THE COURT: When you get to the witness stand, please remain standing.

Face the clerk over here and raise your right hand.

THERESA MARQUEZ

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated and state and spell your name for the record.

THE WITNESS: My name is Theresa Marquez. T-h-e-r-e-s-a, M-a-r-q-u-e-z.

THE CLERK: Thank you.

MR. ZONEN: May I proceed?

THE COURT: Yes.

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DIRECT EXAMINATION

BY MR. ZONEN:

Q. Miss Marquez, what is your current occupation?

A. Custodian of records at Kaiser Permanente in Baldwin Park, California.

Q. At what location, please?

A. Baldwin Park, California.

Q. Were you asked to make a determination as to whether or not there were medical records belonging to a Janet Arvizo --

A. Yes, we were.

Q. -- with a date of 8-28-98? In other words, a visit to the ER room at a Kaiser facility on 8-28-98?

A. That's correct.

Q. And in fact, were there records of that day?

A. Yes, there are.

Q. And which Kaiser facility is that?

A. Baldwin Park Medical Center.

Q. Where is the Baldwin Park Medical Center?

A. It's located in the City of Baldwin Park off the 10 freeway. You would get off on Baldwin Park Boulevard.

Q. And that's in Los Angeles County?

A. Los Angeles County.

Q. Did you make a copy of those records for us?

A. Yes, I did.

Q. And do you have them with you?

A. Yes, I do.

Q. Could we have those, please?

(Whereupon, an off-the-record discussion was held between Mr. Zonen and the witness at the witness stand.)

(Off-the-record discussion held at counsel table.)

MR. ZONEN: Could I approach the witness, Your Honor?

THE COURT: Yes.

Q. I'm showing you now Exhibit No. 906. Is this in fact what you just handed me?

A. Yes, it is.

Q. And are those in fact an accurate copy of the medical records from Kaiser Hospital?

A. Yes, they are.

Q. For that date of 8-28-98; patient, Janet Arvizo?

A. Correct.

MR. ZONEN: I would move to introduce those records into evidence.

THE COURT: They're admitted.

MR. SANGER: I'm sorry, Your Honor. I haven't quite had a chance to finish looking at them, if I could. We just received them.

MR. ZONEN: If I could go on with just a different question, then.

MR. SANGER: I don't mind if he goes ahead while I'm looking at them.

THE COURT: Okay. Go ahead.

Q. BY MR. ZONEN: Can you tell us the time -- there's a registration time that's logged in these reports when a patient comes in; is that correct?

A. That's correct.

Q. What does the registration time reflect?

A. This reads 1:11 a.m.

Q. 1:11 in the morning; is that right?

A. Yes.

Q. All right. Now, what does that mean, "registration time"?

A. That's actually the time they come to the desk and they ask to see a physician, and they are actually checked into the ER.

Q. So that's the first time they actually meet with somebody at the hospital facility?

A. Correct.

MR. ZONEN: Okay. Subject to the introduction of this exhibit into evidence, I have no further questions.

MR. SANGER: And I'll submit it as far as the admission of the documents

THE COURT: All right. I'll admit the records.

MR. SANGER: I was doing too many things at once. What is the exhibit number, if I could ask,

please?

THE CLERK: 906.

MR. SANGER: Thank you.

CROSS-EXAMINATION

BY MR. SANGER:

Q. Okay. So it appears that this person came to Kaiser Permanente on the 28th at 1:11 in the morning; is that right?

A. That's the time that this member was checked in, yes.

Q. All right. So somebody -- are you familiar with this particular facility?

A. Yes, I am.

Q. So somebody walks into -- they can walk into the emergency room; is that correct?

A. That's correct.

Q. And they would be met by somebody who would assess their immediate need for medical assistance; is that correct?

A. Well, the procedure would be they would walk in. They would speak to the receptionist. Their medical record number would be taken. They would be asked a few questions. Then they'd be asked to be seated until a physician can come up to see them.

Q. So when they walk in and have that first contact, that would be the time of registration; is that correct?

A. That's correct.

Q. So this person walked in shortly before 1:11 in the morning of the 28th?

A. Yes.

Q. And it appears, from the records, that the person was released that evening, right?

MR. ZONEN: I believe that may be a misstatement; vague. "Released that evening."

MR. SANGER: It was early in the morning, so however you want to put it.

Q. Early in the morning. It appears that the patient was released later that morning; is that correct?
A. Yes, it does.
Q. About what time?
A. The latest time I see on here is 4:15 for the last note.
Q. And it indicates at 4:15 in the morning, “DC’d,” right?
A. Yes.
Q. That’s “discharged”; is that correct?
A. That’s correct.
Q. “Discharged in good condition,” correct?
A. Yes.
Q. And she was prescribed aspirin?
A. I don’t know what she was prescribed. Not by this note. I believe the first page, we have a prescription of Motrin 400.

Q. Okay. That was at 2:45 she was given some Motrin?
A. I am looking at the first page which indicates a prescription of Motrin. Let’s see. It’s indicating that at 2:45, she was given Motrin.
Q. All right. And then when people come in at that time of the early morning, is that a fairly busy time for the emergency room, usually?
A. That’s difficult to say. We don’t have trends of busy times and slow times.
Q. Okay. I guess you can have a major problem, but that’s one of the times when you’re likely to see people coming into the emergency room, right?
A. You know, I really don’t want to say that that’s so, because in looking at the records, again, looking at trends, there isn’t a definite trend as to if it’s a peak time or not.
Q. Okay. If there are other people there, then the person has to wait?
A. Correct.
Q. And then they’re eventually seen by a physician; is that correct?
A. Correct.
Q. And then it appears here that she was seen

somewhere around 1:45?

A. Well, if you look at the first page on the top, after “Time Registered, Triage Time,” that’s when the nurse actually talked to her.

Q. The triage time was what? 1:15?

A. 1:15. And then they probably put her in a room until the physician can see her.

Q. So in the ordinary course of things, she eventually had some X-rays; is that right?

A. That’s correct.

Q. And all of that came back negative?

A. “Normal study.”

Q. And then it -- and then it shows, “4:15, Discharged in good condition”?

A. Correct.

MR. SANGER: All right. Very good. No further questions.

MR. ZONEN: No further questions. And the exhibit is in; is that correct?

THE COURT: The exhibit is admitted.

MR. ZONEN: Thank you.

THE COURT: Thank you. You may step down.

MR. ZONEN: We’ll call William Dickerman to the stand.

THE COURT: He’s recalled; is that correct?

MR. ZONEN: Yes. Re-call him. Thank you. Who’s doing Mr. Dickerman? Oh, okay.

(Off-the-record discussion held at counsel table.)

THE COURT: Come to the front of the courtroom. You were previously sworn. You may be seated.

WILLIAM DICKERMAN

Having been previously sworn, resumed the stand and testified further as follows:

MR. ZONEN: May I proceed, Your Honor?

THE COURT: Yes.

MR. ZONEN: May I approach the witness?

THE COURT: Yes.

DIRECT EXAMINATION

BY MR. ZONEN:

Q. Mr. Dickerman, good afternoon. And we are just at good afternoon.

A. Good afternoon.

BAILIFF CORTEZ: Microphone’s off.

MR. ZONEN: Thank you. If the trial goes another four months, I will learn.

Q. Thank you for coming back. We have a few questions to ask you about a few exhibits.

You brought with you a collection of letters and communications; is that correct?

A. Yes, I did.

Q. And I’d like to show you right now a collection of documents that’s before you that is now marked as People’s Exhibit No. 903; is that correct?

A. Yes.

Q. And could you take a look at those very rapidly, just to assure yourself that those are the same documents or a copy of documents that you brought with you today; is that right?

A. Yes.

Q. And those are copies of documents that you have in your file?

A. Yes.

Q. And that file you brought with you today; is that right?

A. Yes, I did.

Q. So to the extent that you have actual copies, the actual copies you brought with you, and these are copies of copies?

A. I’ve also got originals that were faxed.

Q. And originals that were faxed; is that right?

A. Yes.

Q. Now, do these represent communications between you and an attorney by the name of Mark Geragos?

A. They sure do.

Q. You testified previously to some

communications, and some of those letters were shown to you previously; is that right?

A. Yes.

Q. All right. But I’d like to specifically go over some of these letters and talk to you about how they were communicated specifically to Mr. Geragos;

is that all right?

A. Sure.

Q. Let’s begin with the very first letter on this collection of documents that is marked 903. And this letter is dated March 26th, 2003. Is this a letter that you authored?

A. Yes, it is.

Q. Is this a letter that you sent to Mr. Dickerman -- excuse me, Mr. Geragos?

A. I had it messengered to Mr. Geragos.

Q. All right. And explain what you mean by having had a messenger deliver it.

A. I or my secretary phoned Allstar Messenger Service, which is the attorney service/messenger service I’ve been using for about 15 years, put in an order, filled out a form, had them come over, told them to deliver it to Mr. Geragos, and they took it.

Q. All right. In this particular letter dated March 26th, 2003, do you refer to the passports and visas belonging to your clients, the Arvizos?

A. Yes, in paragraph two at the bottom of the first page.

Q. And the delivery service that you use and have been using for 15 years, is it your experience that they are reliable and responsible in delivering letters?

A. I don’t think I’ve had a problem with them

in delivering anything in 15 years, whether it’s court documents or letters or anything else.

Q. Let’s please go to the next document on here, and that’s the one -- it’s about four pages in. It begins with “Allstar Messenger” is the heading on the top. That, plus the next page after that, what are those two documents?

A. The first document is my copy of the form that was filled out and given to the messenger service, along with the letter to be sent. So there are, I believe, three pages of it. The first one they take, and the last one is a pink copy. I have the original here, and that is what I kept for my files.

Q. And that also is dated March 26th, ‘03?

A. Yes.

Q. The second page is what, please?

A. The second page is the invoice from Allstar Messenger Service for that delivery, reflecting that I owe them $14.75 for delivering the letter to Geragos & Geragos.

Q. All right. Move to the next page, if you would, please. Is this a letter to Mr. Geragos as well?

A. Yes.

Q. And is the date on this April 3rd, 2003?

A. Yes.

Q. All right. In this letter, do you reference a prior letter that you sent him?

A. Yes, I referenced the March 26th letter that I just testified about.

Q. And how was this letter, the April 3rd letter, delivered to Mr. Geragos?

A. That was by fax. On my fax machine to his fax machine.

Q. All right. Now, if you’ll turn to the next page, the page right after the April 3rd, 2003, letter, is that a facsimile transaction report?

A. Yes, it is.

Q. Explain what that is, please.

A. Every time a fax is sent from my office, I get a report showing that the fax was received or it wasn’t received, and the reason if it wasn’t received.

Q. All right. Is this generated by your fax machine?

A. Yes, it is. It’s a machine that I had -- I no longer have, but I had it for 10, 12 years.

Q. All right. Was it your experience that when this machine tells you a fax has been transmitted, that it actually had been?
A. Always.
Q. Did you ever have an occasion where the machine told you the facsimile had been transmitted and in fact it hadn’t?
A. Never.

Q. Does this piece of paper now, and we’re dealing with the one that says April -- April 3 at 6:16 p.m., does this indicate that the fax that you had sent to Mr. Geragos on the 3rd of April in fact had been transmitted?
A. Yes.
Q. And at what time of the day was that?
A. It says 6:16. The fax machine always ran a couple minutes off, so it could have been 6:14 or 6:12, something like that.
Q. Go to the next page, please. Is the next page a cover letter from Geragos & Geragos, a fax cover sheet?
A. Yes, it is.
Q. Does that contain Mr. Geragos’s fax number?
A. Yes, it does.
Q. All right. Is that in fact the same fax number that you sent the prior communication to?
A. Yes. It says that right on the transaction report.
Q. All right. And in fact, all of your communications sent to Mr. Geragos were sent to that same fax number; is that correct?
A. Yes. That’s correct.
Q. Let’s move to the next page. Is the next page a letter from Mr. Geragos dated April 6th, 2003?
A. Yes, it is.

Q. All right. Now, that’s two sentences, is it not?
A. Yes.
Q. Would you read it out loud to us?

A. “Dear Mr. Dickerman: Thanks for your letter of April 3, 2003” --

MR. MESEREAU: Objection. Hearsay. The letter -- the document speaks for itself.

THE COURT: It is speaking for itself. He’s just reading it.

MR. MESEREAU: Okay.

THE COURT: That’s how it talks.

(Laughter.)

THE COURT: Go ahead, Counsel.

Q. BY MR. ZONEN: Go ahead and please read it.

A. “Thanks for your letter of April 3, 2003. Please give me a call so that we can make arrangements.”

Q. Now, in your experience as an attorney, when you get a letter back from somebody else who thanks you for a letter dated a particular date, that tends to suggest that they got that letter; is that right?

A. In my experience, always.

Q. All right. Now, going back to your letter of April 3rd, 2003, let’s turn back a few pages, the letter that he acknowledges that you received --

A. That I -- oh, sorry.

Q. Do you have it in front of you?

A. Yes.

Q. The letter of April 3rd, 2003, that he acknowledges that you received, what -- in the first sentence, what do you say in that letter?

A. “Dear Mr. Geragos: On March 26th, 2003, I wrote you and asked that you deliver certain items to my office by April 1.”

Q. You don’t have to go any further than that. That letter that he acknowledged receiving referred to the March 26th, 2003, letter, the one that demanded the passports and the visas; is that correct?

A. It’s the only letter I wrote on March 26th.

Q. All right. Now, let’s move on. We left off with Mr. Geragos’s letter to you that’s dated April 6th, 2003. Go to the next page, please. Is that next page a letter from you to Mr. Geragos dated April 8, 2003?

A. Yes.

Q. Do you refer to passports, visas and birth certificates in that letter?

A. Yes. In the third paragraph.

Q. All right. How is this letter communicated to Mr. Geragos?

A. By fax machine to the same number as the others that I had faxed.

Q. And did you in fact keep a transaction report from your fax machine indicating whether it

had been successfully faxed?

A. Yes. That’s the next document.

Q. And that’s the next page; is that correct?

A. Yes.

Q. That transaction report indicates what?

A. That on April 8th at 7:18 p.m., I faxed two pages to Mr. Geragos’s fax number, and that it was received.

Q. Okay. Let’s move on, please, to the next page. The next page is a letter from you dated April 9, 2003; is that correct?

A. Yes.

Q. This is also a letter to Mark Geragos; is that correct?

A. Yes.

Q. Okay. Was this letter faxed to him?

A. Yes.

Q. Was that letter received by him, or at least was it -- did your fax machine indicate that it went through?

A. Yes.

Q. All right. In that letter of April 9, 2003, do you reference passports, visas and birth certificates?

A. Yes.

Q. Actually, you demand their return to your client; is that correct?

A. Yes, I asked that he, quote, “immediately

deliver to me,” along with the documents you just mentioned, some other items.

Q. Now, the next page again, as we acknowledge, was the transaction report on the fax machine?

A. Yes.

Q. Please now go to April 11, 2003. Is that the next page?

A. Yes.

Q. Is that a letter from you to Mr. Geragos?

A. Yes.

Q. Was that faxed to him as well?

A. Yes. At the same number.

Q. And the transaction report indicates that that letter was processed as well?

A. Yes.

Q. Please move to the next one. We now have a letter from Mr. Geragos to you, April 15, 2003; is that correct?

A. Yes.

Q. Okay. And that is a letter from Mr. Geragos that appears to be one sentence?

A. Yes.

Q. All right. What does that sentence read?

A. “We have retrieved various items from storage and would appreciate your advising us as to where they should be delivered.”

Q. Did Mr. Geragos up to this point, either by telephone or in any other communication, indicate to you anything about passports belonging to your clients, the Arvizos?

A. He -- in one conversation, I think it was on March 31st, I asked him about passports and visas, following up on the letter that -- well, when he called me, because he wanted additional time to respond to the March 26th letter, we talked about it briefly. He didn’t exactly know what I was talking about. I think he said that there were -- there were passports around that he had heard of, but he didn’t know what it was -- what that was about.

Q. Okay.

A. I understood he was going to find out and get back to me. He never did.

Q. Did he ever?

A. He never got back to me on that. He never

responded to any of my letters asking for any of these items, except for items in the storage unit.
Q. Okay. Moving on to the next page, a letter dated April 22, 2003 --
A. Yes.
Q. -- is that a letter that you sent to Mark Geragos?
A. Yes.
Q. And this letter is dated April 22nd, 2003. Do you once again demand the return of their possessions, including their passports?
A. Yes.

Q. Was this letter delivered in some fashion to Geragos & Geragos?
A. It was faxed at about 2:17 p.m. to the same fax number as I previously stated, and it indicates that it was received.
Q. Okay. Move on to the next page, a letter dated May 12, 2003, from you to Mr. Geragos; is that correct?
A. Yes.
Q. All right. In this letter, do you fax this letter to him?
A. Yes.
Q. And did your fax report, the next page in these documents, indicate that it was received?
A. Same as all the others, yes.
Q. Next letter, please, the next page. Is this a letter from Geragos & Geragos, from Mark Geragos to you?
A. Yes.
Q. And the date is May 15, 2003; is that correct?
A. Yes.
Q. All right. In this letter, does he acknowledge receipt of a prior letter from you?
A. Yes, my letter dated May 12th.
Q. Does he refer to passports at all?
A. No.
Q. Move to the next one, please. May 15, 2003.

Is this a letter from you to Mr. Geragos?

A. Yes.

Q. And in this letter, do you once again ask him to return immediately your clients’ passports and birth certificates?

A. Yes. And the last sentence of the second paragraph, and you can see my frustration, because I underlined “immediately,” and I had been getting no response, so I was quite disturbed.

MR. MESEREAU: Objection; move to strike.

THE COURT: I’ll strike the -- after “Yes.”

Q. BY MR. ZONEN: But the word “immediately” is, in fact, underlined; is that correct?

A. Yes.

Q. All right. Now, did you send this by facsimile?

A. Yes.

Q. And do you have a transaction report that indicates it was, in fact, processed?

A. Yes.

Q. All right. Can you tell us when this letter was processed?

A. It says 4:33 p.m., May 15, to the same fax number.

Q. I’m sorry?

A. To the same fax number.

Q. Okay. The next page is a fax cover sheet from Mr. Geragos; is that correct?

A. Yes.

Q. And the next page after that is a letter from Mr. Geragos back to you?

A. Yes.

Q. Now, the letter is dated, from Mr. Geragos to you, May 17, 2003; is that correct?

A. Yes.

Q. Please read to us the first sentence of that letter.

A. “Thank you for your histrionic letter dated May 15, 2003.”

Q. Are communications getting a little testy at this point?

A. Yes.

Q. Okay. But he acknowledges receiving the May 15, 2003, letter?

A. Yes.

Q. And the May 15, 2003, letter specifically demands the immediate return of your clients' passports and birth certificates; is that true?

A. Yes.

Q. Let's move on to the next, a letter from you dated May 20, 2003. You sent that to Mr. Geragos?

A. Yes, by fax.

Q. By fax. Again, the same fax number?

A. Identical.

Q. All of these are to the same identical fax number?

A. Yes.

Q. And you, once again, have a transaction report indicating that that letter was properly processed.

A. Yes.

Q. May 29, 2003, another letter from you to Mr. Dick -- from you to Mr. Geragos; is that correct?

A. Yes.

Q. Properly faxed that same day, May 29. The next page is a letter from Mr. -- the cover sheet of a fax from Mr. Geragos to you; is that correct?

A. Yes.

Q. And then the next page after that is a letter from Mr. Geragos to you dated June 2nd, 2003?

A. Yes.

Q. All right. It references your letter of May 29, 2003; is that correct?

A. In the first sentence.

Q. All right. Does not mention anything about passports, does it?

A. No.

Q. And finally, the last page of that is a document that appears to be a fax to you from Bradley Miller; is that correct?

A. Yes.

Q. And that's dated June 12th, 2003; is that

correct?
A. Yes.
Q. Up until this facsimile was sent to you by Brad Miller, did they ever tell you where your clients’ possessions were?
A. No.
Q. Did Mr. Geragos or anybody from his office ever acknowledge the fact that there were passports that belonged to your client and were in his possession?
A. No.
MR. ZONEN: No further questions.
I will move to admit -- excuse me. One more second.
Q. Mr. Dickerman, the documents -- the copies that you have before you that are the collection, a complete -- let me do that one more time.
Exhibit 809 -- 803 --
A. 903.
Q. 903. It’s Friday, isn’t it? Thursday.
I’ll start again.
Exhibit No. 903, a collection of documents that are, in fact, communications between you and Mark Geragos, is this a complete collection of the letters that were sent by you to Mr. Geragos and returned from Mr. Geragos to you?
A. As far as I know, yes.
Q. And this is an accurate copy of each of these documents; is that right?

A. Yes.
MR. ZONEN: I would move to introduce into evidence Exhibit No. 903.
MR. MESEREAU: No objection.
THE COURT: It’s admitted.

CROSS-EXAMINATION
BY MR. MESEREAU:
Q. Mr. Dickerman, I’d like to refer you to your letter which purports to be dated March 26th, 2003. Do you see that?

A. Yes.
Q. Is that letter signed?
A. This document does not bear a signature.
Q. Do you have a copy of a signed letter of March 26th?
A. No.
Q. Do you normally sign letters that you send as a lawyer?
A. Always.
Q. Why didn’t you sign this one?
A. I did sign the letter. This is a copy.
Q. Does anyone know where it is, a copy of the signed letter?
A. I didn’t -- apparently I didn’t sign -- I didn’t copy the signed letter. I probably ran a duplicate from the printer. And I usually do not copy my signature because it’s easier to run a copy from the printer than to go to the Xerox machine.

Q. Let’s look at your letter of April 3rd, 2003. Does that have a signature of you?
A. It does, because that was a document that was faxed. That’s the exact copy of what was faxed.
Q. You’re suggesting that when you messenger copies of your letters you don’t sign them, but when you fax copies of your letters you do sign them?
A. No.
Q. What are you suggesting?
A. A document that is faxed is the exact document with the signature. I made -- I have an original of a letter that I mail or messenger, and the original would be signed, and very often I don’t copy the signature, but I run a second copy out of the printer.
Q. Have you been in touch with the prosecutor about these letters before you testified today?
A. Yes.
Q. Did he ask you to look in your file to get copies of your letters?
A. I’m not sure. But I told him I had copies of my letters.
Q. Did he ask you to look in your file and look at the copies of the letters you claim you sent to

Mark Geragos?

A. I don't remember specifically.

Q. So far, there is no copy you've been able to find of a March 26th letter that you actually signed, true?

A. Yes.

Q. Yet, we have other letters in this package that you did sign, right?

A. That's right. And as I explained, they are copies of precisely the document that I faxed. I would not fax a document without my signature. However, I did messenger the document with my signature.

Q. How do you know that if you don't have a copy of the signed letter?

A. Because I sign my letters before they go out.

Q. Where is the copy?

A. I didn't make a copy of my signature. There's no reason to make a copy of my signature. The -- these copies are of faxes that were sent that were faxed. They are faxed, obviously, with my signature.

Q. When you make a demand letter like the letter of March 26th on behalf of a client, do you routinely sign the letter?

A. Always.

Q. Where is the signed copy?

MR. ZONEN: That's argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You don't have a signed copy, do you?

MR. ZONEN: Objection; asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Let me refer you to the first page of your March 26th, 2003, letter. I'd like to refer you to the last paragraph. It's number two. Do you see that?

A. I do.

Q. You say as follows: "The Arvizos demand that Jackson immediately return to them," and I want you to look at Item B, "The papers they have signed, including passport, visa applications, school documents, documents in connection with the legal action in Britain concerning 'Living with Michael Jackson.'" Do you see those words?

A. I do.

Q. Isn't it true that later, after you sent this letter, assuming you sent it, your client, Janet Arvizo, denied ever authorizing a legal action in Great Britain?

MR. ZONEN: I'm going to object as compound and vague and exceeding the scope of the direct examination.

BAILIFF CORTEZ: Microphone's off.

MR. MESEREAU: He introduced it into evidence, Your Honor.

MR. ZONEN: This letter's been in evidence.

THE COURT: Sustained. Exceeds the scope of direct.

MR. MESEREAU: Okay.

Q. Let me go to the next page, number four.

A. Yes.

Q. You asked for copies of any model release your client, Janet Arvizo, signed involving footage, right?

A. Can you point me to the line?

Q. Sure. Paragraph number four. One, two, three, four, five -- I'd say at 5, 6 -- lines 5, 6 and 7 in paragraph number four.

A. Where it says, "Titled "This Model Release'"?

Q. Yes.

A. Okay.

Q. Now, did you have a copy of a model release when you wrote the letter?

A. I don't remember.

Q. Did Janet Arvizo tell you she had negotiated and signed a model release?

MR. ZONEN: Objection; exceeds the scope of the direct examination.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Let's go to the letter you claim you sent to Mr. Geragos on April 8, 2003. Do you see that?

A. Okay.

Q. Let's look at the first paragraph. One, two, three -- well, the first complete sentence. Excuse me, I'm sorry. The second complete sentence. Could you please read that sentence to yourself?

A. Okay.

Q. You say in your letter to Mr. Geragos, referring to the apartment, "She tells me that, contrary to what you said about there being a truckload, she had very few possessions, since she lived in a bachelor apartment. She does not believe that much, if any, furniture was removed." Was that what Janet Arvizo told you about her address at Soto Street?

MR. ZONEN: Objection; exceeds the scope of the direct examination.

THE COURT: Sustained.

Q. BY MR. MESEREAU: In that paragraph, are you referring to the Soto Street address in East Los Angeles?

MR. ZONEN: Objection; exceeds the scope of the direct examination.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Let me refer you to a letter of April 11, 2003, that purports to be to Mr. Geragos from you. Do you see that letter?

A. Yes.

Q. And in the second letter, you write, "My clients have also learned that Mr. Jackson has

produced or is producing and that FOX will broadcast a program involving home videos or home movies." Do you see that?

A. Yes.

Q. Did your client tell you that?

MR. ZONEN: Objection; exceeds the scope of the direct examination.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Let’s move to a letter from Mr. Geragos to you, which is signed and faxed on April 15th, 2003. Do you see that?

A. Yes.

Q. Mr. Geragos says to you, “We have retrieved various items from storage and would appreciate your advising us as to where they should be delivered,” right?

A. Yes.

Q. And did you immediately advise him where to deliver the items?

A. No.

Q. Why not?

A. Well, if you go back to previous letters, and I don’t know which exactly they are without going through and reading them, I had requested, on numerous occasions, I believe, that Mr. Geragos give us a list of what there was, and to tell us where it was. And I had told him that what we were most interested in were passports, visas, birth certificates and these other things that are included in the March 26th letter that apparently he says he didn’t receive, but that he acknowledges having received in phone conversation and refers to in subsequent letters.

It was obvious to me that he was skirting the issue and trying to make the issue different from what it was, which was to get back these items. And we were not talking about the items in storage. We were talking really about the passports, visas, items of clothing that apparently were taken at Neverland, and the other documents and tapes and whatnot that was mentioned very specifically in March 26th -- in the March 26th letter.

Q. Let me ask you the question again. You may not have understood.

Mr. Geragos, on April 15th, says to you, “We have retrieved various items in storage and would appreciate your advising us as to where they should be delivered.”

My question is, why didn’t you tell him where to deliver them?

A. I’m just referring to these letters, because I know there is voluminous correspondence here about this specific issue.

Well, if you look at the April 22nd letter, you’ll see I wrote, quote, “Your April 15” -- yes, I had asked for these items to be delivered immediately. There was no reason for there to be any discussion, any movement, any mailing, any anything to get back the passports, visas, birth certificates and those other materials.

Mr. Geragos never referred to those, except in this one conversation that I referred to. He never responded in these letters, and it was clear he was dodging the issue. And I kept on writing to him saying, “These are the things that we want,” and I didn’t want him skirting the issue by dealing with things that were not at issue.

And I wrote in that letter on April 22nd, quote, “Your April 15 letter,” that’s the one you just referred to, “ignores the specific requests and refers simply to,” quote, “’various items,’” period, close quote. “As to those referred to above, you already have my instructions for delivery. I demand, for the fourth time, that you comply with my request,” period, close quote.

And then the second paragraph, here’s the more specific answer to your question: Quote, “As for any other items,” and that’s referring to, I guess, the items that he was referring to in the April 15 letter, “I repeat my request of March 26th that,” quote, “’Jackson immediately provide a list of all” -- “of all,” bracket, “my clients’,” closed bracket, “personal property that he possesses or controls or stored, whether it was left at Neverland, removed from my clients’ apartment, or obtained in any other way. They also demand to know the precise location of all such property, and the identity, address and phone number of each person with access and/or a key to any place where the property is located.’”

And that's a close quote, because I'm quoting the March 26th letter.

And I continue, "In order to know what to do with items other than those I have asked you repeatedly to deliver to me," and there I'm referring to the passports, visas, birth certificates and items of clothing, "my clients need to know what and where it is. They have a right to know, too," period, close quote.

And then I go on to discuss something else.

Q. I understand --

A. Did that answer your question?

Q. No, it doesn't. I understand all the legalese in your letters. What I'm asking you is, where do you tell them where to deliver the material? Show me some place.

A. I didn't tell them where to deliver the materials.

Q. So he asked you where to deliver it, and you would not respond?

MR. ZONEN: I believe the witness was interrupted.

THE COURT: It's asked and answered.

Q. BY MR. MESEREAU: Did your client tell you that no furniture was stored on her behalf? And I'm referring to Janet Arvizo.

A. I don't remember specifically, but if it's in the letter, then that's what happened.

Q. Well, in your letter of May 12th, you still haven't told them where to deliver it, right?

A. As of May 12, he still hadn't told us what there was, where it was stored and who had stored it. I asked him very specific questions since March 26th. I asked him for a list of what there was, who had possession of it, where it was. They had a right to know those things. And his intention to just dump whatever he felt like dumping was not what we were about. It was quite easy for him to tell us where the stuff was. That's what I wanted to know. My client wanted to go out there and retrieve the items, not to have them delivered, actually, anywhere.

What I wanted delivered and what I told him repeatedly, over and over and over again, was deliver the passports, birth certificate, visas, clothing, to my office.

Yes, he knew exactly where to send those materials.

Q. And when you didn't respond to his letter of April 15th asking you where he should deliver the possessions, you knew exactly what you were doing, didn't you?

MR. ZONEN: Objection; argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You and your client were trying to set up Mr. Jackson for a lawsuit, true?

MR. ZONEN: Objection; argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you have your profit-sharing arrangement with Larry Feldman at this time?

MR. ZONEN: Objection; argumentative.

THE COURT: Beyond the scope.

THE WITNESS: Could I respond to that?

THE COURT: No. It's beyond the scope. Next question.

THE WITNESS: Your Honor, could I correct a statement that I made in previous testimony? Because it seems to make a big difference here to Mr. Mesereau.

MR. MESEREAU: Your Honor, I think, with all due respect to the witness --

THE COURT: Next question.

MR. MESEREAU: Okay. All right.

Q. Now, I'd like to refer you to Mr. Geragos's letter to you of May 15th, 2003. Do you have that in front of you?

A. May 15th?

Q. Yes. 2003.

A. Got it.

Q. And I'm referring you to -- excuse me, let me start off -- let me withdraw the question.

First, Mr. Geragos indicates that your landlord refused delivery of items, correct?

A. Yes.

Q. And it is true that your landlord did refuse to accept items Mr. Geragos had arranged to deliver to your office, correct?

A. Mr. Geragos had not arranged to deliver anything to me at any time, any place. The landlord -- well, I don't know, "landlord."

Landlord's representative, the person that I deal with at the property, left me a phone message about some -- some things being attempted to be dropped off. I got that at home, as I was observing -- or at the end of observing a religious holiday, which Mr. Geragos full well knew I was doing, because it was on my answering machine, and told me that these items were attempted to be delivered.

And I came back to the office the next day, saw an e-mail, I believe -- I forget who it was between, and I wrote an e-mail back to the office manager named Salome Ahadi and told her -- she was expressing some pique about this having happened because no arrangements were made.

And I said to her, and I'm almost quoting, "I would apologize if I had any idea what this was about." And I said, "I knew nothing about it, made no arrangements, made no agreement, have no knowledge about it whatsoever."

Q. Let me refer to your letter of May 12th, 2003, to Mr. Geragos.

A. Yes.

Q. Don't you confirm in the first paragraph that Mr. Geragos sent movers to your office with furniture?

A. Yes, according to what the office manager had told me. I don't know for sure whether there was furniture or what was involved.

Q. You didn't know for sure?

A. I wasn't there. I wasn't there. As I say, I got this phone message --

Q. Right --

A. -- and that's it.

Q. Don’t you write the following, Mr. Dickerman: “This then will serve to confirm that on April 24th at about 9:30 a.m., you sent purported movers to my office laden with a huge amount of furniture and possibly other items that the movers told the receptionist and building services representatives I had directed and arranged to be delivered”?

You confirm that an attempted delivery was made of items and furniture, correct?

A. It wasn’t from my personal knowledge, but that’s what it says. That’s based on what I was told at the office. I have no reason to believe that that’s not correct.

And I go on, if you want to keep this in context --

Q. Sir, I’ll --

A. -- to state that there was no such --

Q. I’ll ask the questions.

A. -- arrangement.

Q. I’ll ask the questions.

A. Well, if you want to get to the truth here, Mr. Mesereau, instead of playing games --

Q. Mr. Dickerman --

A. -- I’ll be happy to explain all of this, and then we can have a reasonable trial where the facts come out instead of implications.

THE COURT: Just a minute, Counsel. You’re not an advocate here. You’re a witness.

THE WITNESS: Sorry, Your Honor.

THE COURT: Everyone understands what position Mr. Mesereau is in and what position you’re in. Now, I want you to listen to the questions and answer the questions.

THE WITNESS: I will, Your Honor.

Q. BY MR. MESEREAU: Mr. Dickerman, when you wrote these letters on behalf of Janet Arvizo, did you think it was her right to decide what materials

would stay in storage, paid by someone else, and what materials you would accept when you felt like accepting them?

MR. ZONEN: Objection. Argumentative and compound.

THE COURT: You may answer the question. Do you want it read back?

THE WITNESS: No, but I'm not willing to waive the attorney work-product privilege. He's asking for my thoughts, and those are out of bounds, as he well knows.

THE COURT: I think you need to listen to the question.

Have the question read back.

(Record read.)

THE WITNESS: He's asking for my thoughts. My thoughts are my work-product. I'm not willing to waive the privilege.

THE COURT: The work-product privilege doesn't apply in criminal cases. I know you're a civil attorney, so I'll give you a little leeway here.

THE WITNESS: I am. All right.

I'm sorry, could you read it back one more time?

THE COURT: What I'm going to do, though, is ask you to rephrase it so that I know the question you're attempting to ask.

MR. MESEREAU: Yes.

Q. Mr. Dickerman, in one of your earlier letters to Mr. Geragos, you confirm your belief that although there may be little furniture stored for Janet Arvizo, there in fact may be some, correct?

A. You'd have to point me to the letter. I --

Q. Sure.

A. I don't have the letters memorized.

Q. Okay. Let me refer you to your letter of April 8th, 2003.

A. Okay.

Q. In that first paragraph, referring to your client, Janet Arvizo, you say that, "She does not believe that much, if any, furniture was removed."

A. Right.

Q. Do you see that?

A. Yes.

Q. Now, did she tell you she did not believe that much, if any, furniture was removed?

A. She must have, or I wouldn’t have put it in the letter.

Q. Did you ever confirm whether or not any furniture was removed from the Soto Street apartment?

A. I’m not sure what the Soto Street apartment is, so I guess the answer would be no.

Q. Wasn’t that the apartment that Janet purported to live in?

A. I don’t know about the address. I don’t know the street name.

Q. Well, what -- what apartment are you referring to in your letter?

A. An apartment that they lived in. I don’t know that she ever referred to the address.

Q. And Janet Arvizo never told you where the materials were taken from?

A. She told me they were taken from her apartment, but I don’t know that there was any reason to tell me an address, a street number or a street name. Or maybe she did and I just don’t recall it. The name of the street was not important.

Q. Was the purported home of Janet Arvizo, where materials were taken, allegedly, against her will, important to you?

MR. ZONEN: I’m going to object as argumentative and irrelevant.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Are you saying under oath you didn’t know what the address was of the apartment where possessions were supposedly taken from?

A. I may have known then. I don’t remember now. The name is not familiar to me.

Q. Did you review your file before you agreed to testify today for the prosecution?

A. I didn’t review my file. I made copies of the documents that have been put in evidence.

Q. How many meetings have you had with any representative of the prosecution before testifying today?

A. I don’t know what you mean by “meeting.”

I was upstairs in the room awaiting testimony. And Mr. Zonen came up and I gave him these documents. If that’s a meeting, I don’t know. One today and one before the last time I testified. And I testified to Mr. Sneddon -- meeting Mr. Sneddon, gosh, I don’t know, two years ago, or a year and a half ago.

MR. ZONEN: I’ll object as to irrelevant, anything beyond the prior testimony, and asked and answered.

THE COURT: Overruled. You interrupted the witness.

I’m not sure you had completed your answer.

THE WITNESS: Yeah, I don’t know what you mean by a “meeting.” A meeting can be defined as two people in the same room together.

I never had a meeting for the purpose of discussing testimony or reviewing documents.

Q. BY MR. MESEREAU: You don’t know how to define the word “meeting”?

A. As I said, a meet -- you define it and I’ll tell you whether I had them.

As I said, I was with Mr. Zonen for a couple of minutes upstairs. If that’s a meeting, then, yes, I had a meeting with Mr. Zonen today. And I had a meeting with him the time -- before I testified last time.

And I met with Mr. Sneddon long before there was a case, I guess. But a long, long time ago. Just an introductory meeting, you know. I -- I think that’s it.

Q. Well, Mr. Dickerman, in this series of correspondence with Mr. Geragos, you were threatening to sue Mr. Jackson on behalf of the Arvizos for a number of things, including withholding possessions from Ms. Arvizo that were taken from an apartment, correct?

A. You’d have to point me to that.

Q. Well --

A. I don’t know that I ever threatened to sue Mr. Jackson on behalf of the Arvizos for anything.

Q. Let’s go to your first letter, then, on the 26th. Do you see that letter, the one that you didn’t sign?

A. I signed it.

Q. Okay. You just don’t have a copy. The one you claim you signed, but there is no copy, correct?

A. Correct.

Q. Okay. Let’s look at the last paragraph. It says, “The Arvizos expect Jackson to comply with the demand to cease contacting and intimidating them immediately. His failure to heed this demand will force my clients to seek a civil restraining order and perhaps to vindicate their rights in other ways.”

A. Yes.

Q. You’re not threatening a lawsuit?

A. Well, when you say “a lawsuit,” I think of actually a civil -- a full-blown civil action. To get a restraining order is -- I guess technically it’s a lawsuit, but it’s a quick thing. You go down to court, you put in a declaration, perhaps have some testimony, and it’s done really quickly.

Q. But, sir, it says, “They may seek a civil restraining order and perhaps to vindicate their rights in other legal ways,” right?

A. That’s correct. And it’s purposefully vague there. I didn’t threaten a lawsuit. “Other legal ways” meaning anything that we can legally do is a possibility, sure.

Q. Like what, for example?

A. Well, there --

Q. That isn’t a lawsuit?

A. There’s a writ of possession. You can’t do anything without actually filing a Complaint or a Petition. In order to get a court order, as you well know, having practiced civil law yourself, you need to file some kind of an action. You can call that a lawsuit. You can call it an action. You can call it -- I believe the civil procedure refers to a number -- I think the Code of Civil Procedure refers to a number of different kinds of action.

So as I say, when I refer to a lawsuit, when I ask somebody, “Do you want to file suit?” I’m talking about a full-blown civil action with causes of action that you eventually go to trial on to recover, usually, damages for your client.

Saying various other legal ways could have been, as I say, a writ of possession, which is, yes, you have to file some kind of a Complaint or a Petition, or whatever else there was.

There was no decision made here as to what was going to be done, so to say “other legal ways” leaves open anything that my clients decided to do.

Q. Including lawsuits, true?

A. Sure.

Q. That’s your first letter, right?

A. My first letter to Geragos.

Q. Yes.

A. Yeah.

Q. Was that the first letter you ever wrote to anyone on behalf of Janet Arvizo?

A. I think so.

MR. ZONEN: I will object as exceeding the scope of the direct.

THE COURT: Overruled. The answer is in.

Q. BY MR. MESEREAU: Now, when you first met your client, Janet Arvizo, you didn’t ask about the address of the apartment that she was complaining about?

MR. ZONEN: Objection; asked and answered.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Now, let me refer you to a letter from Mark Geragos to you of May 15th, 2003. Do you see that letter?

A. Yes.

Q. Mr. Geragos writes the following to you: “Since it appears that you are not equipped nor willing to receive the property at your office, we suggest that a simple matter in which to resolve this situation is for your client to assume the $100 a month charge for the rental units in which the property is being stored.” Do you see that?

A. Yes.

Q. Did you agree to that in your next letter?

A. You’re referring to the May 15 letter in which I say, quote, “You seem to believe that if you repeat or imply a falsehood often enough it will be believed.” Is that --

Q. That’s correct. Did you think it was false that he said the unit cost $100 a month?

A. No. What I was referring to was his statement that we had somehow agreed, or that he was acting properly in having these materials deposited,

or he tried to deposit them at my office, when there was no arrangement, when he knew that I was out for a religious holiday, and we had no agreement whatsoever, and he had never responded to any of the requests to know what there was, where it was, who had possession of it.

Q. Now, the day you learned that Mr. Geragos had a mover appear at your office, did you call him back and say, “I’m back in the office. Let’s arrange to deliver it at a certain location”?

A. No. What I did was carry on correspondence with Mr. Geragos. I believe at one point, and I think there’s a letter here, that when it turned out that he was being totally deceitful and dodging and not responding, I believe I told him that we should have no further communications orally, but that everything should be in writing.

The reason these things are in writing, which I usually -- I just never had an experience with anybody where there’s this series of letters to get an answer to a question.

The reason for this writing is just to document the impossibility of getting him to do what I had asked him to do so many times, which was a simple request: Give us the passports, the visas, the birth certificates. In fact, the other materials were not that critical. What my clients wanted were the passports, birth certificates, visas, the other documents that were very specific.

Q. Did your client prefer that someone else continue to store the furniture at their own expense?

MR. ZONEN: Objection. Asked and answered and argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: In any of these letters, do you tell Mr. Geragos where to deliver the furniture?

THE COURT: Counsel, that’s asked and answered.

MR. MESEREAU: Okay.

Q. Let me refer you again to the paragraph on the Geragos letter to you of May 15th, 2003. He asked you on that date --

A. I’m sorry, what date?

Q. I’m sorry, May 15th, 2003.

A. Okay.

Q. Mr. Geragos says, “Since we have not been able to resolve this,” he asks if your client will assume the $100 a month charge for the rental units, right?

A. Yes.

Q. And what was your response to that?

A. Well, that same day I responded to him detailing his lie about having had an arrangement to drop off those materials.

And then I said, in the next paragraph, quote, “I will consider your suggested resolution once you comply with my previous requests that you provide a list of all items you intend to,” quote, “deliver,” period, close quote.

“I was told there was a massive amount of furniture in your,” quote, “’delivery,’” close quote, “while my clients, who lived in a bachelor apartment, had very few possessions and little, if any, furniture. Your client, thorough deception, makes mine understandably reluctant to take his or your word for anything. I'd also like you to deliver immediately," underlined, "my clients' passports, birth certificates, and the clothing items previously described."

And there, in the final paragraph, is my request that he not communicate with me in any way but writing, because I did not want any more -- I hate to say this about another lawyer. I did not want any more lies. And if they were in writing, I didn't think that he was going to lie, although he continued to do so.

Q. I understand. Let me reask my question again.

In your response to Mr. Geragos, Mr. Dickerman, do you ever tell him, one, where to deliver the items, or two, that your client will assume the cost of representing the unit? Anywhere 12319 in all your verbiage, do you say anything about either of those issues?

A. Yeah. I said once he complies with my previous requests -- I don't know if there's a problem. Is the microphone on? Maybe you're not hearing me. It says -- well, now it's not. Oop, is it on now?

It says that once he complies with my previous requests made over a period of, let's see, March, April, May, almost two months, that I would be happy to do what he wanted.

Again, my clients' immediate concern was not to get the items back from the vault. That was not the big deal.

Q. And does your client care about who paid to store them?

A. My client agreed subsequently to pick up the tab once they knew where the items were, absolutely.

Q. Months later, correct?

A. I don't believe so.

Q. Well, let's keep going, okay?

A. Excuse me, just to complete the answer --

Q. Sure.

A. -- the final paragraph of that May 15 letter says, quote, “Finally, your blatant dishonesty regrettably compels me to instruct you to act only on my written authorization, instruction or agreement.”

Q. I understand all the words.

What I’m trying to find out is, two months after your March 26th letter, you’ve never told him where to deliver the items and you’ve never agreed to have your client pay the costs of storage, true?

A. Well, he asked about the cost of storage later on, and --

Q. Can you answer my question?

A. Yeah, of course.

Q. Please do.

A. The letters say what they say. But to make it sound like I was dodging --

MR. ZONEN: I’m going to object as nonresponsive to the question.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Well, let’s go -- let’s keep going and see if you ever tell him where to deliver the material, okay?

We’ve got a letter that you sent him on May 20th, 2003, right? Is that correct?

A. Yes.

Q. That’s approximately two months since your first letter of March 26th, 2003, right?

A. Yes.

Q. Have you still told him where to deliver anything?

A. You’re referring to the letter in which I say, “My clients are willing to assume payment for storage of their possessions”?

Q. Yes.

A. And the one where I say, “I ask that you provide the precise location of all such property, and the identity, address and phone number of each person with access and/or a key to any place where the property is located”?

Is this the letter that says, “You have

never responded to that more than reasonable request"? And the one where I go on to say, "If my clients are to," quote, "assume payment on the two storage lockers," close quote, "as you requested they do, they will obviously need that information, as well as any agreements that are to be assumed. I look forward to receiving all such information at once."

Q. It wasn't until two months later that you agreed to pay the costs on behalf of your client, true?

A. Not two months after -- two months after what?

Q. Well, from March 26th to May 20th, you went back and forth with all this verbiage, and it wasn't till May 20th that you ever agreed to assume the costs of the storage facility, true?

A. No, that's false. And you know it's false, because there was no vault discussed by Mr. Geragos or even acknowledged early on. So to say it's two months from the date when I asked for items that were never responded to, you know that's false. So, no, it was not two months.

Q. Did your client ever assume the costs of the storage locker?

A. I don't know whether they did or not.

Q. You don't know till today? You don't know at all?

A. I understood that -- well, I know that they told me that they would do so, and I transmitted that information to -- it was either Geragos or Miller, sure.

Q. Well, let's look at Miller's fax to you of June 12th, 2003. Do you see that?

A. Yes.

Q. It's the last document in this package, right?

A. Right.

Q. Brad Miller sends you a message: "Dear Mr. Dickerman: Sorry I was not able to get back to you yesterday. My office manager, Karen, let me know you called this morning."

So, in fact, you're not just reducing everything to writing. You're making phone calls, aren't you?

A. My comment about writing was to Geragos. I have no understanding of a connection between Geragos and Miller except that Miller's doing something on his behalf.

Q. What does that mean? What does that mean?

A. I didn't have a problem with Mr. Miller.

Q. Please explain what you mean by that. He's doing something on his behalf, but you don't think he has anything to do with him?

MR. ZONEN: Objection. Argumentative --

THE WITNESS: I knew nothing about --

MR. ZONEN: -- and exceeding the scope of the direct examination.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Let's look further at Mr. Miller's fax to you, Mr. Dickerman, on June 12th. It says, "Janet's belongings were packed and loaded by Dino's Moving & Storage, 12641 Saticoy Street South, North Hollywood, California. They then placed the items in storage at their facility where they have remained since, occupying, I believe, two vaults. I just sent a check to Dino's for storage payment May and June. Please call John at Dino's, (818) 503-3999, and make whatever arrangements are necessary to transfer the storage from myself to either you or your client. Tell Dino's they can fax whatever paperwork is necessary for me to sign," and it gives the fax number. "Thank you, Brad," with a cc to Mark Geragos.

You didn't know he had a connection with Geragos when you got that fax?

MR. ZONEN: Objection. Argumentative and exceeding the scope of the direct.

THE COURT: Overruled.

THE WITNESS: Well, I don't know exactly what you mean by "connection." Obviously they had something to do with each other, yeah. But I had no problem with Miller, when you talk about putting things in writing. I --

Q. BY MR. MESEREAU: Well, you got this fax of June 12th, correct?

A. Yes.

Q. What did you do about it on behalf of your client, Janet Arvizo?

A. I'm pretty sure I called my client, and told them that we had now located the items, and I believe I asked them whether they wanted to assume the cost, and I think Janet Arvizo said she did.

Q. Did she?

A. I don't know. I don't know what happened after that.

MR. MESEREAU: No further questions.

REDIRECT EXAMINATION

BY MR. ZONEN:

Q. The last letter that Mr. Geragos -- that Mr. Mesereau asked you about dated June 12th, 2003, that identifies Dino's Moving & Storage, is that the first communication you had from anybody identifying

where your clients' property was stored?

A. Yes.

Q. Did Mr. Geragos ever tell you where the property was stored?

A. Never.

Q. Did Mr. Geragos ever tell you that he had the passports that belonged to your client?

A. No.

Q. Let's go back to the letter that's dated May 12th, 2003. That's the one where you wanted to move on a little bit, and let's go back to the beginning of this letter.

MR. MESEREAU: Objection; move to strike.

THE COURT: Stricken.

Q. BY MR. ZONEN: May 12th, 2003, your letter to Mr. Geragos, do you have that in front of you?

A. Yes.

Q. Read -- the first two sentences end with the words "to be delivered." If you'd read those out loud, please.

A. "Dear Mr. Geragos: I thought I had previously memorialized by letter your April 24th stunt with the movers, but I find I did not. This then will serve to confirm that on April 24, at about 9:30 a.m., you sent purported movers to my office laden with a huge amount of furniture and possibly other items that the movers told the receptionist and building service representatives I had directed and arranged to be delivered."

Q. Stop right there.

That was the part that Mr. Geragos read to you -- that Mr. Mesereau read to you; is that correct?

A. Yeah. At least part of it, yeah.

Q. Go ahead, now, and read the next sentence that you wrote.

A. "As you know, and knew then, and as my correspondence reflected, there was no such arrangement. In fact, much to the contrary, I asked you on numerous occasions to deliver just the passports and certain other documents and a few items of Gavin Arvizo's clothing. Not only did you never deliver those items, you never even acknowledged any intention or interest in doing so."

Q. Now, this is actually another letter I had not pointed out to you earlier where you refer to the passports again; is that right?

A. That's right.

Q. So this is the May 12th letter that refers to your clients' passports?

A. Yes.

Q. And previously I identified five different letters. That's actually May 6th; is that correct?

A. I haven't been counting.

Q. All right. Now, did you know in advance, at the time of the delivery of the contents of your clients' apartment to your office building, that Mr. Geragos was going to do that?

A. I'm sorry, did I know whether -- did I have any advance notice that he was going to do it?

Q. Yes. Yes.

A. None.

Q. Did he ever call you and say, “We’re going to just go ahead and deliver your clients’ property to your office”?

A. Never.

Q. Are you a sole practitioner?

A. Yes.

Q. How large is your office?

A. One, sometimes two.

Q. All right.

A. Well, and sometimes other attorneys that I associate in on cases. But as a regular matter, one and a secretary.

Q. Okay. And do you have room to store a refrigerator and possessions from even a small or modest studio apartment?

A. I have no storage whatsoever except for some files. I keep everything off site. I would never -- I could never store anything in the building. I have no agreement with them to do so.

Q. If you had been asked in advance to accept possession of the Arvizo family residence at your office, would you have agreed?

A. No, I --

MR. MESEREAU: Objection; calls for speculation.

THE WITNESS: It doesn’t call for speculation. I certainly wouldn’t have. I couldn’t have.

THE COURT: Just --

MR. ZONEN: Mr. Dickerman, you can’t do that, okay? Please, just answer the question.

THE WITNESS: Sorry.

THE COURT: The objection is overruled.

Q. BY MR. ZONEN: Would you have agreed to that?

THE COURT: Read the question back.

(Record read.)

THE WITNESS: Absolutely not.

Q. BY MR. ZONEN: All right. And nobody contacted you from Mr. Geragos’s office in advance;

is that correct?

A. That’s correct.

MR. ZONEN: No further questions.

RECROSS-EXAMINATION

BY MR. MESEREAU:

Q. Mr. Dickerman, isn’t it true that at one point Mr. Geragos was so frustrated because you would not let him know where to deliver --

MR. ZONEN: I’m going to object as to whether or not Mr. Geragos --

Q. BY MR. MESEREAU: -- your client’s property that --

MR. ZONEN: -- was frustrated as exceeding the scope, and --

Q. BY MR. MESEREAU: -- that he had to write you a letter --

THE COURT: Just a moment.

Q. BY MR. MESEREAU: He wrote you a letter threatening to auction it off if you didn’t tell him where to deliver it or accept responsibility for storage, right?

THE COURT: Just a moment. You’re going to have to start over. The question is garbled by interruption.

MR. MESEREAU: I’m sorry.

Q. Isn’t it true, Mr. Dickerman, that at one point Mr. Geragos was so frustrated at your unwillingness to tell him where to deliver the items in storage, that he told you if you don’t tell him where to deliver it, he’s going to possibly let it be subject to auction by the owner of the storage facility, right?

MR. ZONEN: I’ll object as speculative as to whether or not he was frustrated.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Do you have the May 17th letter from Mr. Geragos to you?

A. Yes.

Q. Let me just go through that letter with you.

"Dear Mr. Dickerman: Thank you for your histrionic letter dated May 15, 2003. Beyond your bluster and personal attacks, please remember that you have a duty to resolve this matter in the most efficient manner possible. In that regard, please advise us as to whether your clients will accept our offer that they assume payment on the two storage lockers."

Next paragraph: "As to your request for an inventory of the property, our offer allows your clients immediate possession of all their property," period. "We will waste no further time or resources of our client. You have caused us the unnecessary expense of one delivery attempt and we will not waste additional funds for the sole purpose of placating you."

"Lastly, please be advised, in the event your clients, one, refuse to assume the payments on the storage lockers, or two, fail to promptly remove the property therein, the property may ultimately be subject to auction by the storage facility. Govern yourself accordingly. Very truly yours, Mark Geragos."

You wrote him back and still didn't tell him where to deliver it, right?

A. You're referring to the letter where I tell him that we're willing to assume payment and take delivery once he complies with the request I've been making since March 26th, for almost two months.

Q. So your --

A. Is that the one?

Q. -- your position was, "Give me what I want, and you keep storing what I don't want at your expense"?

MR. ZONEN: Objection. Argumentative and asked and answered.

THE COURT: Sustained.

MR. MESEREAU: No further questions.

MR. ZONEN: No further questions.

THE COURT: All right. You may step down. We'll take our break.

(Recess taken.)

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: Excuse me, I just stepped in quickly because I understand there's -- you want to put a stipulation on the record; is that right?

MR. MESEREAU: Yes, please, Your Honor.

THE COURT: Okay.

MR. ZONEN: Do we already have this exhibit identified? We do. We turned it in to the Court.

THE COURT: Yes, I just handed it back to the clerk. It's 901.

MR. ZONEN: Thank you, Your Honor. Exhibit 901 we're going to stipulate can be admitted into evidence subject to the stipulation that these are from Brad Miller's computer. They are e-mail communications between Brad Miller and Mark Geragos, and that the deletions that are in here, the deletions are done with Court approval, directed by Mr. Geragos, and they delete sections that refer to other clients.

THE COURT: All right. Do you agree with that stipulation?

MR. MESEREAU: Yes, Your Honor.

THE COURT: I'll approve that stipulation, and that relieves the necessity of Mr. Geragos' appearance tomorrow; is that correct?

MR. ZONEN: I believe so, yes.

MR. MESEREAU: Yes. My understanding is he would like to fly out of town --

THE BAILIFF: Microphone.

MR. MESEREAU: My understanding is Mark Geragos would like to fly out of town tomorrow, and we have no objection to that, but I would not want to tell him to do so until the Court approves.

THE COURT: I'm asking you. Do either of you -- do either of you have any need for Mr. Geragos to appear tomorrow?

MR. MESEREAU: No, Your Honor.
MR. ZONEN: No.
THE COURT: So we can release him to go where he wants to go?
MR. ZONEN: Yes.
THE COURT: All right. That will be fine.
MR. MESEREAU: Thank you.

(The following proceedings were held in open court in the presence and hearing of the jury:)

(Off-the-record discussion held at counsel table.)
MR. MESEREAU: Excuse me, Your Honor.
THE COURT: Would you face the clerk and raise your right hand, please.

CHRISTINE CAUSER
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Christine --
BAILIFF CORTEZ: Ma’am, be seated first.
THE WITNESS: Christine Causer.
C-h-r-i-s-t-i-n-e, C-a-u-s-e-r.

THE CLERK: Thank you.
THE COURT: Counsel, before you ask a question, there’s -- can you give us an indication of -- I’m speaking to all of you -- are we going to have a full day tomorrow on evidence? Does that seem to be the situation?
MR. MESEREAU: I think we might, Your Honor.
THE COURT: Okay. Go ahead, Counsel.
MR. SNEDDON: Thank you.

DIRECT EXAMINATION
BY MR. SNEDDON:
Q. Mrs. Causer?
A. Yes.

Q. Mrs. Causer, you’re going to have to lean into the --
A. Right here?
Q. The other one.
A. Oh. Okay.
Q. There we go. Thank you very much.
Mrs. Causer, you live in the Los Angeles area?
A. Yes.
Q. And what is your current occupation?
A. I work as a visitation -- visitation services at a mortuary.
Q. That’s at Rose Hills?
A. Yes, it is.

Q. Now, at one point in time, did you work as an intern for the Mid Valley News?
A. Approximately four or five years ago.
Q. And was the person that you worked for Connie Keenan?
A. Yes.
Q. She was the editor at that time?
A. Yes.
Q. And you’re familiar with Mrs. Keenan?
A. Yes.
Q. And in connection with your work with Mrs. Keenan, did you become involved in writing an article for the Mid Valley News?
A. Yes, I did.
Q. Now, I want to ask you some questions, some specific questions. Did you ever tell Mrs. Keenan that you had delivered a cooked turkey to the Arvizo family?
A. Not a cooked turkey.
Q. Okay. You delivered a turkey, did you not?
A. Yes.
Q. And when you delivered that turkey to the Arvizos, did you also give them some money?
A. Yes.
Q. How much did you give them?
A. Five dollars.
Q. That was a lot of money to you at that time, wasn’t it?

A. It was -- it was somewhat -- not really a lot, but it was a token amount, really.

Q. Did you tell Mrs. Keenan that you had done that?

A. Yes.

Q. And did you get in trouble for doing that from her?

A. Yes, I did.

Q. Did you ever tell Mrs. Keenan that, when you delivered the uncooked turkey to the Arvizo family, that Mrs. Arvizo said to you, “That’s nice, but I’d rather have money”?

A. No.

Q. You never made that statement to her?

A. No, I did not.

Q. Did you ever tell Mrs. Keenan that the Arvizo family was going to lose their home as a result of what -- the medical expenses connected with their son Gavin?

A. I don’t believe so.

MR. SNEDDON: No further questions, Your Honor.

CROSS-EXAMINATION

BY MR. MESEREAU:

Q. Good afternoon, Miss Causer.

A. Hello.

Q. Miss Causer, my name is Tom Mesereau. I speak for Mr. Jackson.

You did have a discussion with Miss Keenan about Janet Arvizo’s reaction to your bringing the turkey, did you not?

A. Yes.

Q. And what did you tell her Janet Arvizo’s reaction was?

A. I just felt that she rather discarded it. She didn’t seem really pleased.

Q. And did Janet Arvizo proceed to tell you anything about her financial condition?

A. Yes. She did mention the medical expenses were uncovered by the insurance that they have -- had at the time or didn't have anymore.

Q. And did she tell you that her car had been repossessed?

A. Yes.

Q. Did she tell you that one chemotherapy injection cost more than $12,000?

MR. SNEDDON: Your Honor, I'm going to object. This is beyond the scope of the direct examination. I --

MR. MESEREAU: I don't believe so, Your Honor.

MR. SNEDDON: I was specific as to her conversation with Mrs. Keenan.

THE COURT: Sustained. It's beyond the scope.

Q. BY MR. MESEREAU: Now, did you tell Miss Keenan that Janet Arvizo told you that one chemotherapy injection cost more than $12,000?

A. I don't think I said "more." I think I said "12,000."

Q. And did you tell Mrs. Keenan that Janet Arvizo told you her car had been repossessed?

A. Yes.

Q. Did you tell Mrs. Keenan that Janet Arvizo said they had a deteriorating financial condition?

A. Yes.

Q. And did you tell Mrs. Keenan that Janet Arvizo said they no longer had medical insurance?

A. Yes.

Q. Did you tell Mrs. Keenan that Janet Arvizo said the financial toll on the family has been undescribable?

A. I don't recall those words, actually.

Q. Would it refresh your recollection if I just show you this article?

MR. SNEDDON: Well, which article?

MR. MESEREAU: The article written by Miss Causer.

Q. Might that refresh your recollection on what that word was?

A. Probably.

MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.

Q. BY MR. MESEREAU: Have you had a chance to review that portion of the article?
A. Not recently.
Q. Okay. I mean just this second, did you have a chance to look at that?
A. Just recently now, yes.
Q. Does it refresh your recollection about what you told Miss Keenan?
A. Yes.
Q. And did you tell Miss Keenan that Janet Arvizo told you that the financial toll on the family has been undescribable?
A. Yes.
Q. Now, did you tell Miss Keenan that Janet Arvizo told you that becoming a comedian is Gavin’s dream?
A. Yes.
MR. SNEDDON: Your Honor, that’s double hearsay. I’m sorry. Double hearsay.
THE COURT: Just a moment, please.
MR. MESEREAU: Sure.
THE COURT: It’s overruled.
Q. BY MR. MESEREAU: I’m sorry, I didn’t hear your answer, Miss Causer.
A. Yes.
Q. Okay. And did you tell Miss Keenan that Janet Arvizo told you that before his illness, he, meaning Gavin, attended Rush Hour and became friends with Chris Tucker, who has become a big brother to him?

A. Yes.
Q. And did you tell Miss Keenan that Janet Arvizo told you that Suli McCullough, a stand-up comic on The Jamie Fox Show, was also an important support to Gavin?
A. Yes.
Q. Did you tape-record your interview with Janet Arvizo?

A. Yes.

Q. And at some point did you double-check to see if the fact about the chemotherapy costing $12,000 was correct?

A. Yes.

Q. That wasn't a typographical error, was it?

A. I don't believe so.

MR. MESEREAU: I have no further questions, Your Honor.

MR. SNEDDON: No questions.

THE COURT: All right. Thank you. You may step down.

Call your next witness.

MR. ZONEN: We'll call Maria Ventura. Maria Ventura.

We need an interpreter.

THE COURT: I'll remind you that you're still under oath. You're still under oath. And you may be seated.

MRS. VENTURA: Okay, of course.

MARIA VENTURA

Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION

BY MR. ZONEN:

Q. Miss Ventura, good afternoon.

A. Good afternoon.

Q. I'd like to direct your attention, please, to the 27th of August of 1998.

A. That's fine.

Q. All right. On that particular occasion, in the evening hours, did you proceed to a shopping mall in the West Covina area?

A. Yes.

Q. Did you go there for purposes of picking up your grandchildren?

A. Yes.

Q. Was that the day your daughter Janet and her then-husband David were arrested?

A. Yes.

Q. When you got to the shopping mall, was either David or Janet still there? Were either one of them still there?

A. Janet was there, a police officer, a patrol car, and the kids.

Q. Okay. Did you -- which kids?

A. Gavin and Star.

Q. Did you take the children home with you?

A. Yes.

Q. Was Janet taken by the police?

A. Yes.

Q. How long did the children stay with you?

A. Till the next day.

Q. All right.

A. Because I called her. The kids were not well.

Q. All right. What was the matter with the children?

A. They complained all night. Star was complaining about a headache, and Gavin, his arm. And I gave them Tylenol.

Q. All right. The next day, did somebody take them to the doctor?

A. Yes, both of them.

Q. Okay.

A. Janet and David.

Q. All right. Did David or Janet see either of the boys from the time you picked them up?

MR. MESEREAU: Objection; foundation.

MR. ZONEN: Let me reask that question again.

Q. You took the two boys from the shopping mall directly to your house; is that true?

A. No. I went to see if I could get my daughter out.

Q. Okay. Where were the boys when you went to get your daughter?

A. With me.

Q. In the car?

A. We walked over there to the police station.

Q. It’s not too far from the shopping mall?

A. No, the mall is right there, and then we just came like that in the car, and then we got out and went in.

Q. Was your husband with you?

A. He was driving.

Q. Okay. And were you able to get your daughter out at that time?

A. No.

Q. And did you then go back to your home?

A. Yes.

Q. And that’s your home in El Monte?

A. Yes.

Q. All right. And did you stay at your home that night with your two grandsons, Star and Gavin?

A. Yes.

Q. Do you know approximately what time it was that Janet and her husband David arrived at your house and took the boys?

A. The next day.

Q. All right. Do you know approximately what time the next day that was?

A. I don’t remember.

MR. ZONEN: Thank you. No further questions.

MR. MESEREAU: No cross-examination.

THE COURT: All right. Thank you. You may step down.

Call your next witness.

MR. SNEDDON: Re-call Detective Bonner, Your Honor.

THE COURT: All right. Be seated. You’re still under oath.

DETECTIVE BONNER: Thank you.

CRAIG BONNER

Having been previously sworn, resumed the stand and testified further as follows:

MR. NICOLA: Your Honor, before I begin questioning Detective Bonner again, I brought up the issue of an SDT. I think we’ll need it admitted into evidence. Mr. Sanger mentioned he needed to get his reports. I believe he’s had time to do that.

MR. SANGER: Well, that would assume facts not in evidence, but if we’re talking about the Brad Miller phone records, we can proceed with those.

MR. NICOLA: Premarked as Exhibit 448.

MR. SANGER: We can proceed with those, Your Honor.

THE COURT: So I’ll --

MR. NICOLA: May I approach the clerk, Your Honor?

THE COURT: You’re consenting to their admission, Counsel?

MR. SANGER: Yes. In other words, they were subpoenaed.

THE COURT: Okay. So 448 is admitted.

MR. SANGER: Well, the question -- all right. They’re subpoenaed, and so I don’t know what part he’s going to mark, so I’ll wait until I find out.

THE COURT: Well, you’re not -- I misunderstood. You’re not consenting to their admission. You want him to proceed. I’m not sure what you’re agreeing to. That’s all.

MR. SANGER: Okay. I had earlier indicated to counsel that I needed time to look at this. I don’t need any more time to look at them, but I don’t know what he’s going to do with them.

THE COURT: You’re not agreeing to anything.

MR. SANGER: Assuming he’s not marking the affidavit, if he wants to mark the phone records -- just to make it easy, so we can get it done, if he wants to mark the phone records as a particular

document or a particular exhibit, I have no objection to that. And I’ll agree that there is a foundation laid, provided, pursuant to the subpoena.

MR. NICOLA: We actually marked the envelope that all of those documents came in. We would withdraw the actual affidavit of the custodian of records prior to introducing them into evidence.

THE COURT: All right.

MR. NICOLA: I don't believe there's an argument they're the Brad Miller phone records for January, February and March of 2003. And I would ask just a couple of foundational questions prior to moving them into evidence.

THE COURT: All right. Go ahead.

DIRECT EXAMINATION

BY MR. NICOLA:

Q. Detective Bonner, placed in front of you are the contents of Exhibit 448; is that correct?

A. Correct.

Q. And the first page of those documents appears to be the certification of the custodian of records from Pay Less Cellular; is that true?

A. That's true.

Q. And have you examined a copy of these documents and ascertained what they are?

A. Yes, I have. And they are the cellular telephone records for an account belonging to 12347 Bradley Miller.

Q. Do they cover a period of January through March of the year 2003?

A. They do.

MR. NICOLA: We'd move Exhibit 448 into evidence at this time, Your Honor, save the certificate of authenticity.

MR. SANGER: All right. And I have no objection.

THE COURT: Well, they're admitted.

MR. NICOLA: Thank you.

THE COURT: And let's mark the certificate of -- or let's just lodge the certificate.

MR. NICOLA: We can also mark it as Exhibit 447, if that works.

THE COURT: All right. All right. Mark it 447, but it does not go in evidence.

MR. NICOLA: Madam Clerk?

Q. Detective Bonner, I've handed you Exhibit 449, and do you recognize those cellular telephone records for Mark Geragos and the firm Geragos & Geragos?

A. That’s correct.

Q. And do they cover a period of January through March of the year 2003?

A. I believe February through March of 2003.

MR. NICOLA: Okay. And I believe, Your Honor, counsel agreed to a stipulated foundation on those records, and we move those into evidence, if I’m accurately representing the stipulation.

THE COURT: Just offer them in.

MR. SANGER: It’s a little bit confusing because counsel’s got different numbers than we had before. Let me just look.

I had 460. Is 460 just the diagram?

MR. NICOLA: 449 are the actual --

MR. SANGER: Is this 449? No. That’s all 460. All right. Let me take a look at 449.

Just a moment, please.

If I may approach for that.

THE COURT: Yes.

MR. SANGER: With regard to 449, I’ve decided to say I don’t have a horse in this arena, but -- if I can, but 449 does have apparently the other -- what would be sensitive, confidential attorney-client phone numbers, I would suppose, from a law firm. And I think, as an officer of the court, as I said before, we should be cautious with that. If it’s being admitted, there’s -- unless there’s some protective order, it would be open to the public.

I don’t want to make a big thing out it, but I think I should make that point to the Court.

MR. NICOLA: May I respond, Your Honor?

THE COURT: Yes.

MR. NICOLA: With respect to all the phone numbers, all the phone records that were exhibit -- that were introduced throughout this trial, we’d make a motion that they be sealed from public view at the end of the case, and that they only be shown to court personnel, the attorneys and the jury.

THE COURT: You'll have to file a formal written motion.

MR. NICOLA: We will.

THE COURT: But assuming you're going to do that, I'll admit the records with that understanding.

MR. NICOLA: Thank you, Your Honor. And finally, if I may approach the witness with Exhibit 460. That's --

MR. SANGER: Yeah, 460 I've got.

Q. BY MR. NICOLA: Detective Bonner, is Exhibit 460 a series of telephone link charts and supporting documentation that you created for the rebuttal portion of this case?

A. That is correct.

Q. And with respect to Exhibit No. 449 and Exhibit No. 448, did you examine the contents of those telephone tolls for Mr. Miller and Mr. Geragos in coming up with your charts --

A. I did.

Q. -- as exhibited in Exhibit 460?

A. That's correct.

Q. And does the period of time of Exhibit No. 460 cover the months of February and March of 2003?

A. That is correct.

Q. Okay. If you could turn your attention to the first two pages, 2-4 and 2-5.

A. 2-4 and 2-6?

Q. Excuse me, 2-4 and 2-6. You put the year '05 on that?

A. That is incorrect.

Q. It is '03?

A. Yes.

Q. Do the rest of the charts show the proper year of 2003?

A. They do.

Q. Now, with respect to the link charts in Exhibit 460, did you try to show the communications between telephones registered to Mr. Geragos, Mr. Miller and the other unindicted co-conspirators in this case?

A. That is correct.

MR. SANGER: I’m going to object to the characterization by counsel and move to strike. My point being it should be, at the very least, “alleged.”

THE COURT: All right. Use the word “alleged,” at least.

MR. NICOLA: I would substitute the word “other” with “alleged.”

THE COURT: All right.

THE WITNESS: That’s correct.

Q. BY MR. NICOLA: Okay. With the alleged co-conspirators in this case.

Can you quantify for the jury, please, generally, approximately how many communications within that period of time occurred between the phone -- the cell phone registered to Mr. Geragos and the cell phone registered to Mr. Miller?

A. A minimum of 50 telephone calls.

Q. And the cell phone belonging to Mr. Geragos and the cell phone belonging to Mr. Schaffel?

A. In excess of 15 telephone calls.

THE REPORTER: 15?

THE WITNESS: 15.

Q. BY MR. NICOLA: Did you note any communication between the cell phone registered to Mr. Miller and Mr. Frank Cascio?

A. Yes, I did. There were in excess of 60 telephone calls between those two telephones.

Q. Generally, without going into each exhibit in there --

If I could please have “Input 4,” Your Honor, please.

I’d like to show you the chart you’ve created for February 12th of 2003.

THE COURT: Should it be “Input 4”?

MR. NICOLA: “Input 4.”

THE COURT: That’s “Input 4.”

MR. NICOLA: Ahh. Thank you, Mr. Auchincloss.

Q. Now, this appears to resemble the charts you previously testified about, with the exception of a number of links. If you could explain the differences to the jury, please.

A. Absolutely.

Basically what we did here is, in reviewing the records of Brad Miller and the Geragos records, we found that there were links between Geragos, Brad Miller, Marc Schaffel and Cascio, and because of that, we also included the existing phone analysis involving the alleged co-conspirators as well as Neverland Ranch.

Q. Did you find any three-way calls between the phones of Geragos & Geragos, Brad Miller and Marc Schaffel?

A. On the 12th, there was one three-way call between Mr. Geragos, Mr. Miller and Mr. Schaffel.

Q. And do your records indicate whether or not Mr. Geragos, or the phone registered to Mr. Geragos, was the initiating party in that three-way conversation between those three phones?

A. My recollection is that it was, yes.

Q. Okay. If you could turn your attention to the chart for February 19th, please, of 2003.

Once again, if you could explain to the jury the difference in this chart compared to the chart

you testified to in the People's case-in-chief.

A. In the original charts, we did not have the Brad Miller or Geragos & Geragos records. Upon including these records, we found connections between Geragos and Miller, and Miller and several of the co-conspirators. Because of that, we have included them within this graphic.

MR. SANGER: Objection and move to strike the answer.

MR. NICOLA: Can we try to refer to the "alleged co-conspirators," Sergeant?

THE WITNESS: I thought I did, but --

MR. NICOLA: Okay.

THE COURT: Is that the objection, Counsel?

MR. SANGER: That was the objection, Your Honor.

THE COURT: All right.

Q. BY MR. NICOLA: With respect to the chart and your spreadsheet, which is I believe the last part of Exhibit 460, did you try to capture all of the calls on the spreadsheet on these diagrams?

A. Yes, I did.

Q. And there were a few that you didn’t put on here for one reason or another?

A. Correct.

Q. Is there a link on February 19th between the Marc Schaffel phone and the Geragos & Geragos phone directly?

A. That’s correct. There should have been one.

Q. Okay. And were there any three-way calls on the 15th?

A. Again, I believe there was one three-way call involving Mr. Schaffel’s phone, Mr. Miller’s phone and Mr. Geragos’s phone.

Q. Okay. And when did the toll records become available to you for the Geragos & Geragos phones?

A. I believe that was on Tuesday of this week.

Q. And that was pursuant to a court order?

A. I believe so.

Q. If you could turn your attention, please, to the February 20th, 2003, chart. Once again, you just added the Brad Miller tolls, the Geragos and Geragos tolls to the alleged co-conspirators?

A. That’s correct.

Q. Do your records reflect whether any three-way calls between the Brad Miller phone, Geragos phone and the Schaffel phone occurred on Thursday, February 20th of 2003?

A. I believe there was one call, yes.

Q. And with respect to the telephone calls between the Miller phone and the Cascio phone, were those predominantly one direction or both directions?

A. My recollection is both directions.

Q. In analyzing the records for the entire period between February 1st and the end of March of

2003, did you find daily or nearly daily contact between the Brad Miller phone and the Geragos & Geragos phone?

A. “Nearly daily” would probably be the better terminology.

Q. And if I asked you the same question with respect to the Brad Miller phone and the Frank Cascio phone, how would you answer that?

A. “Nearly daily” again.

Q. Was there also a substantial amount of contact between Mr. Amen and Mr. Schaffel during that period of time?

A. Yes, there was.

Q. Or at least the phones registered to them?

A. Correct.

MR. NICOLA: If I may have just a moment, Your Honor.

Q. Sergeant Bonner, if you would turn to the next chart. Not the next chart, the chart for Saturday, February 22nd of 2003.

I’m sorry, I misled you. I do want to go to the 21st. I apologize.

And does the chart for February 21st of 2003 accurately reflect the phone records that you analyzed for the individuals seen up there on the chart?

A. That is correct.

Q. Okay. I only want to ask you specifically about the call between the Geragos phone and the Schaffel phone, and calls between the Geragos phone and the Brad Miller phone.

Do your records show that the call from the Geragos phone to the Schaffel phone was one placed by the Geragos phone?

A. The Geragos and Schaffel connection was from Geragos’s phone to Schaffel’s phone.

Q. Okay. With respect to the calls between the Geragos phone and the Miller phone, were those one directional or both directions?

A. Both directions.

Q. Okay. Generally, with respect to the phone calls between the Geragos phone and the Schaffel phone, were those conversations longer than one or two minutes? I'm asking about the whole volume.

A. In general, usually they were longer. They were usually 10- to 13-minute telephone calls.

Q. Okay. If I asked you the same question with respect to the Geragos phone and the Miller phone, what would your answer be?

A. Again, usually more than one to two minutes. But in this case, more like the four- to six-minute time frame.

Q. If you could turn to the chart for February 22nd, 2003, a Saturday. And with respect to the calls between the Geragos phone and the Brad Miller phone, were those generally over one minute in length?

A. Yes.

Q. And can you tell us what time of day those calls began?

A. The first telephone call I have is at about 9:26 a.m. for five minutes.

Q. And that's from the Miller end to the Geragos end?

A. I believe that's actually the Geragos phone calling the Miller phone.

Q. Oh, I apologize.

And if you could tell us when those calls last came in on the 22nd.

A. The last call I have is at 5:23 p.m. for three minutes. Again, a call from Geragos's phone to Miller's phone.

MR. NICOLA: If I may yield the questioning to the District Attorney, Your Honor.

MR. SNEDDON: Could I have the lights, please?

(Off-the-record discussion held at counsel table.)

MR. NICOLA: While they're talking, may I offer Exhibit 460 into evidence, Your Honor?

MR. SANGER: I think before it's admitted, I do have a reason to ask some questions.

THE COURT: All right.

MR. SANGER: I'd like to do that. Thank

you. I can wait until cross-examination, unless the Court wants me to do it on voir dire.

MR. SNEDDON: All right. We'll just wait. I'm sorry.

(Off-the-record discussion held at counsel table.)

MR. SNEDDON: All right. We're just going to go ahead.

I gave you a copy of this this morning, right?

MR. SANGER: Yes.

DIRECT EXAMINATION (Continued)

BY MR. SNEDDON:

Q. Sergeant Bonner, I think you previously testified in this case that you were present at the Neverland Valley Ranch on November 18th, 2003, during a portion of the execution of the search warrant, correct?

A. That is correct.

Q. And during the course of the execution of that search warrant, you had occasion to go into what we call the master suite or master bedroom of the defendant in this case, Mr. Jackson, correct?

A. That's correct.

Q. And during the time that you were in Mr. Jackson's room, the master suite, let's just call it that for right now, master bedroom, did you hear the

chimes go off in that area?

A. Yes, I did.

Q. Now, did you at that time have occasion to examine the mechanism by which the chimes were activated?

A. No.

Q. Now, did you go back on December the 4th of 2004?

A. Correct.

Q. And you were on the premises at that time; is that correct?

A. Yes, I was.

Q. Did you have occasion at that time -- and you were in the bedroom, Mr. Jackson's bedroom, correct?

A. I was, yes.

Q. Both upstairs and downstairs, correct?

A. Correct.

Q. Did you have occasion at that time to examine the mechanism by which those chimes were activated?

A. I did. I was present, along with the security personnel who was examining it and explaining the workings to us.

Q. And were you present when the chimes were actually activated during the time that you were in the bedroom suite on that particular occasion?

A. I was.

Q. Were you also present in the bedroom on the 18th of November of 2003 when the chimes were activated?

A. Yes, I was.

Q. Now, I want to show you some photographs.

(Off-the-record discussion held at counsel table.)

MR. SNEDDON: Your Honor, I've had three photographs -- they've been marked for identification purposes and I've shown them to counsel. They're marked as 157, 159 and 160 for identification purposes.

May I approach the witness, Your Honor?

THE COURT: Yes.

Q. BY MR. SNEDDON: Detective Bonner, let's start with the photograph that's marked as 157 for identification purposes, okay? Do you recognize that photograph?

A. Yes, I do.

Q. Do you recognize what's depicted in that photograph?

A. This is a picture --

Q. Before you tell me what it is, just tell me, do you recognize what's depicted?

A. Yes, I do.

Q. And is it an accurate depiction of what it

purports to represent?
A. Yes, it is.

Q. Let’s turn to 159. And do you recognize what’s depicted in the exhibit People’s 159?
A. Yes, I do.
Q. And is that an accurate depiction of what it purports to represent?
A. Yes, it is.
Q. All right. And let’s go to 160. All right. Now, with regard to 160, do you recognize what’s depicted in that photograph?
A. Yes, I do.
Q. Is that an accurate depiction of what it purports to represent?
A. Yes, it is.
MR. SNEDDON: All right. I move that 157 and 159 and 160 be admitted into evidence, Your Honor.
MR. SANGER: Could I voir dire briefly on that, please?
THE COURT: Yes.

VOIR DIRE EXAMINATION
BY MR. SANGER:
Q. Did you take those photographs?
A. No, I did not.
Q. Do you know who took them?
A. I know -- I do not specifically know who took these exact photographs, no.
Q. Do you know what date those particular photographs were taken on?

A. I do not, other than one of the two days that we were out there.
Q. Do you believe that because you believe that would be the two days that somebody might have had access to take those sorts of photos?
A. And because I know -- I have reviewed these and I know that it came out of the photographs that our forensics people took during the service of our warrants.

MR. SANGER: I don’t think that’s an adequate foundation, but I don’t know if the Court can understand the basis without looking at the photographs and perhaps having us approach for a moment.

THE COURT: All right. Do you want to bring the photographs over?

MR. SANGER: Yes.

Thank you.

And may we approach?

THE COURT: Yes.

(Discussion held off the record at sidebar.)

THE COURT: Let’s see. Did you offer those?

MR. SNEDDON: They’re admitted. I’m sorry, I’m taking your job over. I think I asked that they be admitted.

THE COURT: All right. They’re admitted.

(Laughter.)

MR. SNEDDON: I’m sure no offense was taken at that, Your Honor.

THE COURT: I was almost ready to hand it over to you.

MR. SNEDDON: That would be a big mistake.

THE BAILIFF: You need to turn your microphone on so they can hear you.

MR. SNEDDON: It’s on.

THE BAILIFF: No, him.

MR. SNEDDON: Judge, I don’t think your mike is working.

THE COURT: My mind is -- oh, my mike.

(Laughter.)

Q. BY MR. SNEDDON: Detective Bonner -- excuse me. Detective Bonner, with regard to the chimes system at the Neverland Valley Ranch connected with the defendant’s bedroom - okay? - did you actually have occasion to be present when the chimes were activated on November 18th, 2003?

MR. SANGER: Asked and answered, twice.

MR. SNEDDON: I’m trying to go back and satisfy your --

MR. SANGER: The objection is asked and answered.

THE COURT: Overruled. Go ahead.

THE WITNESS: Yes, I was.

Q. BY MR. SNEDDON: And did you also -- were you present on the 12th -- I mean, on the 4th of December of 2004 during the time that you were out there when the chimes were activated?

A. Yes, I was.

Q. And did you personally participate in experiments to determine how the various chimes were activated?

A. Yes, I did.

Q. And did you personally observe the sensors that activated certain portions of the chimes?

A. Yes, I did.

Q. And did you personally hear those chimes when they were activated?

A. Yes, I did.

Q. Now, with regard to -- we're going to put some photographs up on the board.

Are you also familiar with the mechanism by which the door -- by which entry into the door of the suite to Mr. Jackson's bedroom can be accessed?

A. Yes, I am.

Q. All right. Now, let's put some photographs up on the board. And let's begin with 160.

All right. Do you recognize what's depicted in the photograph People's Exhibit 160 in evidence?

A. Yes, I do.

Q. Would you tell the jury what that is?

A. That is a curtain motion sensor. It is mounted on the ceiling and it sends down what can probably be best described as a blanket of the sensor, and as soon as you walk into that blanket, it would then set off whatever it's supposed to set off.

Q. And in this case --

MR. SANGER: Excuse me, I'm sorry. I'm going to move to strike the answer as being an opinion without a foundation.

THE COURT: Sustained.

Q. BY MR. SNEDDON: In this particular case, did you actually conduct experiments with regard to this particular sensor as depicted in the photograph, Exhibit 160?

A. Yes, I did.

Q. As you walked past the sensor, what happened?

A. As I walked underneath the sensor, the alarm sounded within the living space of the master bedroom suite.

Q. And could you tell the jury where this particular sensor is located in the hallway to Mr. Jackson's bedroom?

A. That sensor is located just outside of the door that leads into the living space of Michael Jackson's master bedroom suite.

Q. All right. Now, let's -- let's turn to 157. Do you recognize what's depicted in the photograph 157?

A. Yes, I do.

Q. In particular, do you recognize what's depicted, the little white -- what appears to be a white rectangular box in the middle -- in the center of the photograph?

A. Yes, I do.

Q. And what is that?

A. That is the alarm enunciator, which was set off when you broke the plane of the curtain sensor that was on the ceiling outside of his bedroom.

Q. Now, was there more than one curtain sensor outside of Mr. Jackson's bedroom?

A. Yes, there was.

Q. Was there a second sensor?

A. There was a second sensor that was located down the hallway, just prior, at the doorway leading into what I guess could be called a foyer or entryway to the house.

Q. So that if you're in the foyer and you open the doors and walk through those doors down the hallway to Mr. Jackson's bedroom, there's a sensor up by those doors?

A. Yes.

Q. And do they activate a chime within the room?

A. During the -- on both November 18th, 2003, and December 4th, 2004, there was no activation of an enunciator within the room when you walked under those -- the curtain sensor that was closest to the foyer.

Q. Now, you had occasion to review the defense exhibit that was admitted in this case with regard to the three scenes where the maid was asked to walk out the door and down the hallway, correct?

A. That's correct.

Q. In those particular scenes that you observed, the sensor at the far end of the hallway near where the doors from the foyer are was working during the course of those videos, correct?

A. I believe --

MR. SANGER: Objection. Move to strike the answer for the purpose of objecting. There's no foundation for this opinion.

THE COURT: Well, sustained, the foundation objection.

Q. BY MR. SNEDDON: Were you present on the 18th of November of 2003 where you saw people walk through the entryway, through those doors from the foyer into the hallway, to begin to walk down to Mr. Jackson's bedroom? Were you present and did you hear any alarm go off when they did that?

A. No.

MR. SANGER: Objection. Wait, excuse me. Objection. That's compound. And I move to strike the answer, because it would be without foundation as to at least one of those two parts.

MR. SNEDDON: Judge, I asked him if he was present.

THE COURT: All right. I'll overrule the objection. The question is basically whether he heard an alarm go off on that date when someone walked under the sensor, right?

MR. SNEDDON: That's basically it, when he was present.

MR. SANGER: And the objection is -- yeah, the objection is no foundation that he was present while somebody was walking under that sensor.

THE COURT: All right. The objection is overruled.

Do you understand the question?

THE WITNESS: I do.

And the answer is that, yes, I was there, and, no, it did not activate anything when somebody walked under the sensor.

Q. BY MR. SNEDDON: Was that the same situation in December when you went -- December of 2004 when you went back?

A. That’s correct.

Q. Now, so we could probably orient this for the ladies and gentlemen, the exhibit that’s on the board there, which is 160, I believe.

MR. NICOLA: 157.

Q. BY MR. SNEDDON: 157, the one with the white box in the middle, can you tell the ladies and gentlemen of the jury, where is that located in Mr. Jackson’s bedroom? Is it on -- let’s start, first of all, is it on the first floor or on the second floor?

A. It’s on the first floor in the living area of the master bedroom suite.

Q. Where in the living area of the suite?

A. It was located underneath a bookcase/cabinet that was backed against a wall nearest the -- as you’re walking into the room, the left bathroom.

Q. Would that be the bathroom where the Jacuzzi is?

A. That’s correct.

Q. All right. Now, did you determine that -- that there was another one of these devices that’s depicted in the photograph, 157, within the room?

A. That’s correct.

Q. Where was the second device located?

A. It was located on the ground, underneath a red and gold chair, also could be considered a throne, I suppose.

Q. Where was that located in Mr. Jackson’s bedroom?

A. That was located against the same wall, but this chair was located immediately next to the doorway that led into the right bathroom where -- the bathroom that had the stairwell leading to the upstairs sleeping quarters.

Q. Now, on -- in December of 2004 when you were out there, did you participate in some -- did you personally participate in some experiments to determine whether or not the device located under the throne chair, that’s similar to the one depicted in 157, was working?

A. Yes.

Q. Did you determine whether or not it was working?

A. There was at no point in time, in walking under any of the sensors, that that enunciator was activated.

Q. So you call it an enunciator; is that correct?

A. That’s the correct terminology.

Q. But the one depicted in 157, over by the entrance to the bathroom where the Jacuzzi is, was working?

A. It was working, correct.

Q. Now, on November the 18th of 2003, when you went out to execute the search warrant - okay? - on that particular occasion, did you personally determine whether or not the enunciator that was located under the throne seat, as you referred to it, was working on that date?

MR. SANGER: That would be a “yes” or “no.” Otherwise, I have an objection.

THE COURT: Okay. Answer “yes” or “no” only.

THE WITNESS: Yes.

Q. BY MR. SNEDDON: You were able to make a determination? “Yes” or “no.”

A. Yes.

Q. And what was it?

MR. SANGER: I’m going to object. No foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: It was not working.
Q. All right. Let’s show the last photograph.
That should get us through the rest of the day.
This is 159 in evidence, and particularly I want to direct your attention to the small white device that is located by the doorway.
First of all, do you know what that is?
A. Yes, I do.
Q. And how do you know what it is?
A. Because I was present when the security personnel analyzed it, and I also tested that object.
Q. Yourself?
A. Yes.
Q. All right. And what is that? What function does it serve?
MR. SANGER: I’m going to object.
THE WITNESS: It’s a motion sensor.
MR. SANGER: I’m going to object. It calls for hearsay.

THE COURT: Overruled.
You may answer.
THE WITNESS: It is a motion sensor that, when activated, unlocks the entry/exit doors to Mr. Jackson’s personal bedroom, allowing a person to walk out without needing a key.
Q. BY MR. SNEDDON: Okay. So, the view that the jury has of this particular exhibit, and let’s direct your attention directly to the door itself, where would you be standing if you were looking at that door?
A. You are inside Mr. Jackson’s living area of his personal bedroom, looking out into the hallway which leads to the foyer.
MR. SNEDDON: Your Honor, I think this would be an appropriate time to --
THE COURT: All right. We’ll take our recess. See you tomorrow, 8:30. Remember the

admonition.

(The proceedings adjourned at 2:30 p.m.)

--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 12213 through 12373 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 26, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
May 26, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
OFFICIAL COURT REPORTER

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

FRIDAY, MAY 27, 2005

8:36 A.M.

(PAGES 12375 THROUGH 12484)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

R E B U T T A L

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
BONNER, Craig (Re-called)	12413-SN	12429-SA	12453-SN	
(Contd.)				
ROBEL, Steve (Re-called)	12464-SN	12469-SA	12474-SN	12475-SA

EXHIBITS

FOR IN PLAINTIFF'S NO. DESCRIPTION I.D. EVID.

460 Phone link chart prepared by Craig Bonner 12454
889 Photos of Brett Barnes 12457
890 Photos of Brett Barnes and Michael Jackson 12457
891 Photos of Michael Jackson 12457
892 Photos of Brett Barnes and Michael Jackson 12457
893 Photos Brett Barnes and Michael Jackson 12457
894 Photos of Michael Jackson 12457
896 Photos of Michael Jackson and buildings 12457
900 Sheriff's interview of Gavin Arvizo 12467
907 Diagram prepared by Craig Bonner 12418 12419
908 DVD of a portion of December 2004 Neverland search 12416
908-A Redacted version of 908 12417 12419
909 Photo of sensor areas 12413 12414

Santa Maria, California
Friday, May 27, 2005
8:36 a.m.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: Good morning.

COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.

THE COURT: Let's see, we have a motion to quash a subpoena.
Mr. Levine, is it?

MR. LEVINE: Yes, Your Honor. Did the Court have an opportunity to read my motion?

THE COURT: I've read your motion. I don't have a copy of the subpoena.

MR. LEVINE: Could you --

MR. NICOLA: I have to get one.

MR. LEVINE: I faxed it over, but I didn't fax the subpoena, Your Honor. The content of what they want is pretty much everything in the file. And I think the Court has previously ruled twice that they were not entitled to that. And I think the Court told Mr. Zonen on two separate occasions, on the 13th and the 20th, that the Court wasn't going to order that. And I just wanted to point out --

THE COURT: You must understand, though, I was telling them that they had to follow the proper legal process. They couldn't just, in open court, ask me to order people to produce records. So you've misconstrued my refusals.

MR. LEVINE: To the extent that that may be -- I will accept that, Your Honor. But I think what we have here is a very limited attorney-client waiver. There's been no waiver of the attorney work-product privilege. And I think the law is very clear that that privilege is strictly with Mr. Geragos.

THE COURT: I think you're mistaken there. There was a waiver of the attorney work-product privilege, plus it's very limited in criminal cases anyway. So it's very, very limited, if at all.

MR. LEVINE: Well, 105.46 of the discovery code incorporates the attorney work-product privilege. I mean, I understand that the waiver executed by Mr. Jackson purported to waive that privilege, but case law is very clear that that privilege rests solely with Mr. Geragos.

THE COURT: Yes. It's also very clear it's very limited in criminal cases. We've been through this on numerous witnesses here, Counsel. We've been schooled well on this issue.

MR. LEVINE: Okay. The point that I would like to make, Your Honor, is that the request is just for everything. And I think that --

THE COURT: I haven’t seen the subpoena. That’s the deficiency I’m dealing with here.

MR. LEVINE: Could we wait, then, until after you review the subpoena?

THE COURT: Sure.

MR. LEVINE: Thanks.

THE COURT: Okay. And somebody’s getting it for us?

MR. ZONEN: Yes, Your Honor.

MR. LEVINE: Yes.

THE COURT: All right. There’s another issue here, the -- a couple of issues I want to bring up. One is the -- originally when we allowed the rebuttal tape in, I gave -- I guess the takeout tape. It was the takeout that -- no, it wasn’t the outtakes. It was the original Bashir tape; that the District Attorney asked that certain things that Mr. Jackson said be admitted for the truth of the matter asserted, and we instructed the jury that certain things would be -- that we’d advise them later. Someone brought this to my attention the other day, and I think the District Attorney should provide us with the portions of the tape -- not right now.

(Laughter.)

THE COURT: With the portions of the tape

that show -- that you intend to argue are admissions, so that perhaps the Court should be more specific; at least we should discuss in our preparation of final instructions what areas the jury might conceivably consider are admissions or not admissions, which ones you were thinking about, because it is ultimately a jury question, but there is some preliminary finding, maybe, that I should make.

MR. SNEDDON: Yes. I’ll do that, Your Honor. I believe I have the notes that were made the day the Court ruled as to which ones would be admissible when we went through it. And I’ll take the responsibility for that, and share it with Mr. -- with counsel for the defense, and hopefully we can just come up with something we both agree on. It’s on the record. I remember we did it in open court, so -- and it was by page and line number, so it shouldn’t be that difficult to come by.

THE COURT: And in connection with that, then you had asked for a special instruction along the same lines on the takeout tape.

MR. SNEDDON: We did.

THE COURT: The outtakes and -- so we should address -- I will give that instruction, but we should address the same issue on that tape.

MR. SNEDDON: All right. I’ll review that tape. I don’t believe there’s any in there, but

that would be good for us to come to a consensus on.

THE COURT: Yeah. I would want it.

MR. SNEDDON: Okay. I’ll do that.

THE COURT: And be sure that everyone agreed that was the case.

MR. SNEDDON: That would be fine, Your Honor.

MR. SANGER: I take it you’re going to give us an opportunity to argue that motion. I don’t think that’s actually been heard yet.

THE COURT: What motion is that?

MR. SANGER: The motion the prosecution made to limit the outtake tape.

THE COURT: Oh, yeah. No. That’s why I didn’t give -- that’s what I’m talking about.

MR. SANGER: Yes.

THE COURT: I want some actual material, what we’re talking about; this piece of information, that piece of information, all the information. I want both sides to address that. I’m more concerned -- the tape’s been shown, you know. What we’re talking about is jury instructions on this issue.

MR. SANGER: Right. Correct.

THE COURT: So I’m just asking you to be prepared to discuss those as we get ready to discuss jury instructions.

MR. SANGER: Yes, sir.

MR. SNEDDON: Judge, can I ask for a point of clarification on that?

THE COURT: Yes.

MR. SNEDDON: I understand exactly what the Court is saying, but, as I mentioned yesterday, I'm assuming -- and I don't want to assume too much, but I'm assuming that some sort of a limiting instruction on the tape in general is going to be given; that it was not admitted for the truth of the matter, except for those portions that may --

THE COURT: That's the issue.

MR. SNEDDON: Well, it would affect our rebuttal, because if the Court determines that those statements come in for the truth of the matter, then we obviously would be putting on evidence to show some of the statements made by Mr. Jackson during the course of those outtakes were not true. And so that's why we filed it prior to the time that we sit down for instructions.

I know I'm not -- I'm not asking the Court to carve out those portions of the tape where there may be -- may or may not be admissions by the defendant that would come in for the truth of the matter. But generally speaking, there's a great deal of narrative, an interview by the defendant that has nothing to do with what I would believe to be an admission.

And so I guess that's what I'm asking the Court now, because we need to know that before we rest, because, I mean, if some of that stuff comes in for the truth of the matter, we're going to call witnesses to prove otherwise. That's why we filed the motion, Your Honor.

And I believe that the understanding on the original Bashir tape was that that was not for the truth of the matter, except for the admissions, and it seemed to me that the same thing should apply to the outtakes.

THE COURT: That is true. That's what the Bashir tape ruling was, and that's the reason for admitting the outtakes. There really was not a truth-of-the-matter admission there. It was to balance the information. It was sort of the rest of the story.

I kind of viewed it as a situation where you have a conversation and only part of the conversation is admitted, so you let the other side admit the conversation, or the document. Sometimes part of a document's admitted. It's not clear the total meaning unless the whole conversation -- or a whole document.

So that's why I admitted the outtakes, was to give the defense -- they had been requesting that. They wanted the balance of the total picture and --

MR. SANGER: But in that case, it would come in for the truth of the matter. The whole conversation comes in for the truth of the matter.

THE COURT: Then the Bashir tape all comes in for the truth of the matter, right?

MR. SANGER: No.

THE COURT: You just want your side to have the truth of the matter.

MR. SANGER: No, I understand the irony there, in a sense, but the fact is that the whole Bashir tape has all sorts of other hearsay. The only reason that it was admissible for the truth was that --

THE COURT: I meant as to Mr. Jackson's statements.

MR. SANGER: As to his statements, yeah. If his statements come in for the truth of the matter --

THE COURT: Whether they're admissions or not. I don't think you do understand the irony. But go ahead.

MR. SANGER: No, no, I do. I'm wrestling with the irony at the moment. Ironically, it turns out.

(Laughter.)

MR. SANGER: I understand what the Court is saying, and I was just about to concede that, but I don't know -- I'd have to think about the Bashir tape. But it seems to me, if Mr. Jackson said things on the Bashir tape -- we had limited portions of the tape --

THE COURT: We've already told them they are not to take that tape for the truth of the matter asserted except for certain parts, which we told them we'd advise them about later.

MR. SANGER: Now, I'm not too worried about what Mr. Jackson said in the Bashir tape. What I'm worried about is -- you're not suggesting, Your Honor, that what Mr. Bashir says and other people --

THE COURT: No.

MR. SANGER: Okay. So that would still not come in for the truth.

Then the rest of the conversation, it would seem to me, whether it was on the Bashir tape or the outtakes, the whole conversation would come in for the truth of the matter as to what Mr. Jackson said.

THE COURT: Well, what Mr. Jackson said there was hearsay, and it has to have an exception to the hearsay rule to come in for the truth of the matter asserted, and admissions is one exception.

MR. SANGER: Well --

THE COURT: Clearly you don't let out-of-court statements of the defendant in that are not within the normal classifications, and that's what you're suggesting.

MR. SANGER: Well, generally, under the Evidence Code, if the entire statement comes in --

THE COURT: That doesn't --

MR. SANGER: -- it generally does all come in. I understand, Your Honor --

THE COURT: As to one limited piece of the conversation. You know, if they said, "Okay. The admission is, 'I sleep in the bed with young boys,'" and the other part of the conversation is, "But I don't have sex," then, yeah, that comes -- that's it. But if, you know, part of the conversation was what he did in town yesterday, no. And that's where we come in. There's a lot of outtake material there that's not material to the parts that are admissions.

MR. SANGER: Well, and that -- I think that's something we need to -- I don't know that we can accomplish it right now, because --

THE COURT: Well, the D.A. says he can't rest until -- literally he can't rest --

MR. SANGER: The District Attorney is restless.

MR. SNEDDON: That's the most accurate thing you've said during this whole trial, Judge.

MR. SANGER: Okay. Well, my first argument is, under the Evidence Code -- I understand what the Court just said, but under the Evidence Code, generally if they let in part of the conversation, the rest of it -- ordinary case, the rest of it comes in and it just comes in for the truth.

THE COURT: That's your argument.

MR. SANGER: Your Honor is saying, well, we need to do something to pare it down. In order to pare it down, it's going to --

THE COURT: We need to do something to give the jury some legal instruction, some help here, you know. We can talk about it, but they have to decide it.

MR. SANGER: All right. Now, the tape itself also came in, the outtakes. The Hamid video came in also to show -- to rebut -- to rebut the contention that the Bashir tape was such a disaster and there was nothing that could be done except to do illegal things to the Arvizos.

THE COURT: That's right.

MR. SANGER: And so it came in to show, "Well, no, we had this in the bank." That was there. That was a strong piece of information or something that could be put out to the public.

THE COURT: Let me ask the District Attorney what his --

What is your position on the instruction we should give on the outtake tape that Mr. Sanger and I have just been discussing?

MR. SNEDDON: Judge, our position is I think outlined in the papers we filed with you; that is, that the outtakes were admitted, as the Court has amply pointed out, as simply a further picture of

the entire portions of the interview of the Bashir documentary which was originally shown, and that they do not meet any exception to the hearsay rule, and therefore the limiting instruction that you gave the jury early on in this case with regard to the original documentary should be given with regard to the rest of the outtakes.

Now, what we haven’t done, and the part where we addressed earlier in our conversation is, I can’t tell you, as I stand here, whether there are or are not any admissions by Mr. Jackson during the course of those outtakes.

Frankly, my recollection is that there are not, because I recall that the tape -- the outtakes ended before the discussion began of his relationship with Gavin and his relationship with other boys and his -- and the questions asked by Mr. Bashir about, you know -- that dialogue about, “Well, isn’t it” -- “Shouldn’t an adult man not be sleeping with little boys?” So I don’t believe that’s on the outtakes.

So I don’t think -- I believe that probably all of the outtakes are probably subject to the limiting instruction, except for one portion. And the one portion I would point out to the Court that we put in independent of the outtakes, actually we put in in our case, is the defendant’s statement about the Jesus Juice, as an admission that he did use that term and it corroborates the statement of the kids.

But other than that one statement, my recollection, as I stand before the Court right now is, I don’t believe there’s probably any other admissions that would qualify as those that we set out - when I say “we,” the Court, and counsel for the defendant, and us - in open court and delineated in the original Bashir, which may qualify as admissions.

But I’ll tell you that my opinion is that the bulk of that tape, the outtakes takes are hearsay and should be subject to the same instruction as the original Bashir documentary.

I hope that addresses what the Court asked.

THE COURT: It does. Let me ask you a question now. On the tape of Garvin -- Gavin --

MR. SNEDDON: Yes, sir.

THE COURT: -- what’s your purpose in introducing that?

MR. SNEDDON: Well, we indicated to the Court that there were two purposes. And of course one was prior consistent statements. And the other was that there has been an allegation on the part of the defense that this entire case, and the allegations made by Gavin in particular, was scripted by the mother. They presented several witnesses, most particularly Mary Holzer, to try to infer from what happened, or what statements were made in prior cases, or a prior case, that this case is a similar situation.

And so we are offering it for two purposes. One is the prior consistent under Evidence Code Section 791, but more importantly, we’re offering it for the -- it would be actually a nonhearsay purpose, which would be for the purpose of allowing the jury simply to examine the demeanor and the manner in which the disclosures were originally made by Gavin to the law enforcement agencies.

And of course I realize that is a different type of a ruling for the Court. And when you ruled that we could show it, I realize that you just made the ruling and didn’t say on which basis. And so I do -- I do recognize, and I did recognize at the time, that there may be -- the way it would come in and whatever instructions you would give the jury may be different, and I do concede that, and so --

THE COURT: If I didn’t say it - and I think, now that you mention it, I probably didn’t - my intent in allowing that, making that ruling, was to -- not for the impeachment statements, but for the purpose of allowing the jury to examine his demeanor and the manner in which he made the disclosures.

And it’s been my thought to give some instruction along with that, or afterwards when we give instructions, to limit the use of that tape not for the truth of the matter asserted.

MR. SNEDDON: Judge, I have no problem with that. For us, the significance of it is simply the way the disclosure occurred, and his manner and the way he behaves and reacts to the officers in what he says. So that's not a problem with us. And I understand the difference. And I kind of anticipated that might be what the Court had in mind.

THE COURT: Mr. Sanger?

MR. SANGER: Yes, sir.

THE COURT: Would you address that point, please? You are doing that issue, aren't you?

MR. SANGER: Yes.

I agree with the Court, it was not -- it should not be let in for prior consistent statements, because that should have been in the case-in-chief. And that's why we argued that on this thin basis, that it's collateral impeachment of Holzer, scripted, that may or may not apply to this situation.

And we argued that it was very -- you know, to be able to play this at the end, as we cited the case several times, the Carter case from the Supreme Court, that says you shouldn't be allowed to put dramatic evidence on at the end for a purpose that isn't really -- or that goes beyond what the real lawful purpose is, and we still believe that that's the case. So that's the first thing.

Secondly, as far as the truth of the matter, I think the Court could frame an instruction. The danger, though, would be that no matter what the Court says, the jury's going to sit here and listen to Gavin's statement at the end of the case and they're going to hear the words, and there's no way that they're going to be able to disregard what he's saying.

And if the Court limits it the way the Court limits it, there's also the fact that then we can't cross-examine even on some strange remarks that are made by Gavin that may not otherwise be picked up. Because it is our position that this was rehearsed. He had told Davellin this story. Davellin had told Dr. Katz. Davellin had told the police. And then he comes in, and by the end of the statement, he says, "I haven't told my sister or my brother about this.”

If we can’t -- if we can’t inquire about that -- the officer, when they put the tape on, for instance, and say, “Well,” you know, “he told you” -- “Isn’t it a fact that you already interviewed Davellin and she already told you that, and you are aware Dr. Katz interviewed Davellin and she had all the details?” You know, I’m just giving that as an example.

THE COURT: And to respond to that example, it seems to me that if the purpose is the spontaneity and demeanor of the child reporting it to the police for the first time, then in fact that cross-examination would be permitted, because -- not for the truth of the matter, but because it shows -- or it’s evidence that a jury could infer shows lack of spontaneity.

MR. SANGER: Okay.

THE COURT: So it’s tricky business, I understand. You know, that’s why I --

MR. SANGER: We can live with that. That would -- that makes sense. I appreciate what the Court just said. And that would make sense if we’re at least allowed to cross-examine on a couple of those issues like that.

I still -- I don’t know if the Court was inviting a further argument it shouldn’t come in at all, but I certainly would argue that. I think the Court ruled previously, so I don’t mean to be arguing with the Court.

THE COURT: I did. And I understand that.

And all of these issues are -- they’re similar legal concepts, and that’s why it’s good to be discussing all of them at the same time, because invariably one side wants to produce evidence that’s very similar to what the other side wants to produce, and they both oppose the evidence.

MR. SANGER: Right. That’s our job.

THE COURT: Well, but I like to make you look at it that way.

MR. SANGER: No, I understand that.

Well, and so in this -- if the Court was going to let it in -- I don't know if the Court's considering revisiting that decision.

THE COURT: Well, I would consider -- since we're rediscussing it, I would consider anything new that you want to say on that issue, if you felt that you were cut short. I don't want to hear the argument again. I heard the argument. But if there's something you thought of later, or in this conversation we've just had this morning, if there's something else you want to say about that ruling, say it.

MR. SANGER: What I would add to everything else I said is that -- and it's actually become more clear right now, is that, by playing the tape, that could well lengthen the -- the surrebuttal process considerably. By not playing the tape, it would eliminate a good amount of surrebuttal that I don't think -- I think by the time all the dust settles with that rebuttal and the surrebuttal, I don't think the jury is going to be any further ahead in their process of finding out what happened, but --

THE COURT: Well, in that regard -- let's talk about your surrebuttal. If it's admitted -- if the tape's admitted only for the purpose of the demeanor, spontaneity, that type of issue with Gavin, and not for prior consistent statements or the truth of the matter asserted, you'll be required to address for me each issue, each witness that you intend to call on surrebuttal as to what the significance, relevance of that witness would be.

MR. SANGER: Well, I understand. I could address that briefly so the Court has an idea. I mean, for instance, Gavin would be called and could be cross-examined on circumstances leading up to giving this interview, and whether or not he's spontaneous during the particular interview. And there's some particular issues I --

THE COURT: I'm not really concerned about Gavin. I could clearly see that. But why would you re-call Mrs. Arvizo?

MR. SANGER: Mrs. Arvizo, because she has -- let me answer my part first, and I think Mr. Mesereau wants to add something there.

But the -- but we'd call Mrs. Arvizo because that is the reason it's called -- I mean, the reason it's presented by the prosecution is they're saying this rebuts somehow Holzer's implication that because J.C. Penney's was coached, that this was coached. Well, we can -- we would like to call her, now that we've had some further evidence in this case, and confront her with some issues that suggested this was coached. And so --

THE COURT: When you say that "this was coached," you're saying that this interview with the sheriff was coached.

MR. SANGER: That's correct.

THE COURT: Okay.

MR. SANGER: And then we have Dr. Katz, because Dr. Katz did the prior interviews where Davellin also told him all the details. And that obviously flies in the face of the idea that this is spontaneous and the police officers are somehow dragging this out of him. And Gavin also told all -- different details, but generally the same story, with some striking inconsistencies, but generally the same story he told to Dr. Katz.

So we would need to go through and show that this is not as spontaneous as it appears. And I think if it's looked at in those eyes, it isn't spontaneous. But if it isn't looked at through those eyes, then, you know, the People are going to say, "Well, look and see how spontaneous he is." And so we need to do that.

We also have Mr. Feldman --

THE COURT: What I really wanted to be sure of was that you weren't going down the street of now you have to impeach him with statements he made post. I mean, that's how we -- you see what I'm saying?

If they're not admitted for the truth of the matter asserted, we're not -- we're not admitting them for prior consistent statements, then we're not going to admit them for inconsistent statements.

MR. SANGER: And if the Court does that, if that's -- if the Court's going to allow the tape --

and I’m urging the Court to reconsider that, because I think at this point it’s -- it shouldn’t be. But if the Court were to admit the tape, then I think that would be a good part of the instruction to give the jury, to let them know that we are not going to be attempting to impeach his statement, because it’s not offered for the truth. We’re not going to be attempting to impeach it at this time. Counsel’s not being allowed to, or however the Court would phrase it, go into the subsequent statements that were made.

Now, we have introduced evidence of some of those previously, so they’re in evidence, but I think that would be fair. Otherwise, it will appear that we’re just kind of giving up or not challenging what was said. And I don’t think that would be fair to the defense.

Could I have a second, just to see if Mr. Mesereau wanted --

MR. SNEDDON: Judge, may I have a chance to respond just briefly to something?

THE COURT: Yes.

MR. SNEDDON: I’ll wait for Mr. Mesereau.

MR. SANGER: I’m sorry, I heard Mr. Sneddon’s voice, but I didn’t hear what he said because I was talking to Mr. Mesereau.

THE COURT: Well --

MR. SANGER: Too bad, I missed it?

THE COURT: Well, I don’t know. It was pretty important.

MR. SANGER: All right. Let me respond to that, Your Honor. Once again, Mr. Sneddon is wrong.

THE COURT: He said, “Let me be” -- he wants to be heard.

MR. SANGER: On this issue.

THE COURT: On this issue.

MR. SANGER: I would like to just remind the Court, please, on the outtakes, I did have a response. I would like to respond to what Mr. Sneddon said on that. But we are now talking about this other issue, so I’ll -- as long as you give me an opportunity to do that before we’re through.

THE COURT: No, go ahead and respond to the outtakes.

MR. SANGER: Okay. Switching gears here to the outtakes, Mr. Sneddon said the outtakes ended before the discussions about Gavin. Well, that's not correct. That's not even close to being correct. The outtakes are outtakes that were done in June, the end of June of 2002, the first two tapes, and then the third disk is in January of 2003. The third disk, actually, is at the very end. All of the other filming for the entire video, for the entire Bashir video, has been done at that time. In June, some of the videotaping has been done. But -- and the last -- the last one, all of it was done.

Secondly, not all of the statements of Mr. Jackson were taken by Mr. Bashir's film crew during the same time that Hamid was taping. So in other words, Bashir also taped at other times, obviously in Las Vegas and other places, at the ranch, at other dates undisclosed. We don't know because he's asserting the shield and won't answer. So he has other material that he got, and we don't have outtakes from that.

So, first of all, on the outtakes, let me give an example here. If the Court is going to limit it, our first position is the outtakes come in for the truth of the matter because it's part of the overall conversation. And there were cuts from that that were played in the actual Bashir, so the whole thing comes in.

Second, if the Court says it doesn't come in for the truth of the matter entirely, then we would ask that the Court look at this liberally. For instance - I was just thinking of an example - there's a point at which Mr. Jackson talks about his former wife, Debbie Rowe. And you recall there's questions about the children and -- a number of questions that related to the children.

If the Court is going to start carving things out, I suppose there could be an order that the statement as to the circumstances of the birth of his children would not be offered for the truth of the matter. But the statements that relate to his love for his children and his relationship with his children, particularly in direct response to questions from Mr. Bashir, would be admitted for the truth of the matter, because that goes directly to the issues in the Bashir tape where he talks about his love for children.

What Bashir did is, he cleverly and surgically took out what he thought was the most sensational clips from all the footage he had, which included all of this, and he did not include extensive commentary by Mr. Jackson about how he loves children, and Mr. Bashir encouraging him, and Mr. Bashir saying, "Oh, this is wonderful. I've seen your relationship," and he's responding to it. Because that truly does put the statements on the tape in context. So, if we're going to do it surgically, it would have to be somewhere along those lines.

Now, the Court could probably -- if our motion to admit it all for the truth is denied, the Court could probably give a general instruction, without going through and saying, "The tape up to this part is admissible for the truth of the matter, and then from this counter number to this counter number it isn't." And the Court could probably fashion something that covers the subject matter, in other words, saying that the entire tape -- give examples, perhaps.

THE COURT: I understand your position.

MR. SANGER: Okay. Very good.

All right. So unless there's a response to what Mr. Sneddon has on the other thing, I'll submit it.

THE COURT: All right. Mr. Sneddon?

MR. SNEDDON: Judge, I'm done on the Bashir thing. I think the Court has our position on it. And we'll look at the tape. If there's something on there, there's something on there. If there's not, there's not. I think I made that clear.

With regard to the second part, however, I do want to say this, because I think there's been the creation of a misimpression with this Court, and that is that -- the question that you asked about Dr. Katz and the reason that Dr. Katz would be called, and counsel's reference of a fact that Davellin made statements to Dr. Katz about there had been previous disclosures, based upon my recollection of the testimony, is untrue.

There had been discussion by Gavin with Davellin with regard to certain incidents, including the showing of the pornography, adult materials, the drinking, the mannequin incident, but there had been no disclosure of the sexual activities between the defendant and Gavin. And I think Dr. Katz was very clear that, in Gavin's conversation with him, there was no disclosure, and when he got to that point he just dropped his head and he wouldn't talk anymore, and that's why Dr. Katz felt he needed to make a mandated report.

So I think what I'm saying to the Court simply is, before the Court opens up a lot of avenues for cross-examination or bringing these witnesses in, I think it's incumbent on the defense to show where there's some testimony in this case that there really was a disclosure of the sexual conduct between the defendant and the victim in this case on a prior occasion, before he disclosed on the video that we're about to play.

I believe the state of the evidence in this case is there was absolutely none. This was it. And that this would be collateral to the main issue as to why this tape is being shown. So --

THE COURT: I think, so that you understand, I will require both sides, but in this case specifically the defense, to -- before a witness is called, to make an offer of proof on surrebuttal as

to why they're calling the witness and how it relates to your rebuttal. I'm not opening up this trial again for anybody.

MR. SNEDDON: Okay.

THE COURT: So -- and at that time you'll have an opportunity to address it. I just wanted -- and I appreciate that Mr. Sanger gave me a picture of some of the material he thought he was going to be bringing in, and most of what he said seemed relevant. But I will look at each piece, and I’m going to hold people tight to this, because we’re on surrebuttal. The case is over. You’re on rebuttal.

MR. SNEDDON: All right. Thank you, Your Honor.

THE COURT: On your subpoena, come forward.

MR. LEVINE: Yes, my more boring issue, Your Honor.

Just to keep it very brief --

THE COURT: I don’t think your issue is boring, Counsel.

MR. LEVINE: Thank you, Your Honor.

Compared to the others.

With the benefit of hindsight, it seems that Mr. Geragos testified pretty much that he ordered surveillance in this case and the reasons why he did that. And I think that’s the extent of what both sides were getting at during the cross.

We have here an attempt to basically try to get billing statements, everything related to his representation. A lot of that, the Court can see, is irrelevant to what has occurred. It would be beyond the scope of both cross and direct. And I think to even -- and I think what he stated in his testimony is that he didn’t take any notes. He didn’t have any tapes. Whatever e-mails there were, the Court -- they have been provided by the defense to the prosecution.

And I think that Brad Miller, who did the surveillance and would be the relevant witness as to what occurred during the surveillance, I think he was raided, and I think that there was a search warrant served on his offices. I don’t really think that the records, his billing records and what are other extraneous items that may be in the file, are really relevant at this point.

I think both sides -- Mr. Zonen did a very effective cross-examination that lasted almost five hours. And I think that there’s really nothing left to do in this particular area. So, it appears that the request, as it’s framed in their subpoena, is just overbroad, putting aside any privileges or any other issues. And I think that it would be better if there was something specific that we can respond to.

I mean, you have to understand, the file with Mr. Jackson, the brunt of it is just box -- I don't know how big it is. I haven't seen it. But most of it is after he was arrested. So there would be a lot of --

THE COURT: That seems to be one of the problems with the subpoena, now that I see it, is that the -- there's not a limitation to the time period that the waiver purports to. You know, it appears to be overly broad from the standpoint that they subpoena everything, which, you know, clearly they are not entitled to subpoena records beyond the time waiver.

MR. LEVINE: Even if we limit it to records within the time waiver, I mean, let's say they add that sentence and it's in there, which I think they -- I think that was their intent. Again, it's just a situation here where, at this very late stage of the trial where everybody has rested, and we're getting back into what seems to be very insignificant information. Mr. Geragos's testimony was very collateral to -- it's just ancillary, a very small part, and he just basically ordered surveillance. And it seems that --

THE COURT: It's a little more complicated than that.

MR. LEVINE: I understand. I read --

THE COURT: You didn't see the trial, so I'll accept --

MR. LEVINE: I did see parts of it. It was very compelling, Your Honor. I was here last week. But I think that it would be better if we can just have --

THE COURT: One of the things I'm addressing is there was some testimony just yesterday about the number of phone calls between Mr. Geragos and other people involved during this period, which flies in the face of your assertion that he was just -- that he just ordered surveillance. You know, that's not true. He was very involved in a lot of that, you know, what was going on, and that -- so I just -- you know, I just have to tell you, your assertion doesn’t stand up. But --

MR. LEVINE: I’m not suggesting that he didn’t talk to people. The fact that a phone call was made, again, I’m just really -- just seems -- again, what the defense called him for was for that purpose. That other items came up, I understand. I’m just trying to --

THE COURT: You have to realize that, until the defense called him, he claimed the privilege, and he -- the District Attorney couldn’t call him. They couldn’t subpoena his records. In fact, I had a special master spend months going through the e-mails, the computer hard drives that were seized, and segregating out the privileged material, only to have him come into court and have the privilege waived. So what may appear to you to be a late

subpoena isn’t late at all, considering when Mr. Geragos and Mr. Jackson waived the privilege.

MR. LEVINE: All right. We didn’t like that argument. We didn’t like the attorney-client and not the attorney work-product. I understand that.

THE COURT: I’ll just make this easy for you. I’m going to -- I’ll make it easy for me, excuse me, not for you.

MR. LEVINE: Thank you, Your Honor.

THE COURT: I’m going to allow the subpoena, but I’m going to limit it to materials that are within the scope of the waiver.

MR. LEVINE: Okay. Is there a time frame as far as -- I know that the boxes are in storage somewhere and they have to be pulled out.

THE COURT: Well, Mr. Geragos actually said he didn’t think there was much material.

MR. LEVINE: I agree.

THE COURT: So it can’t be very burdensome. He didn’t think there was hardly anything.

MR. LEVINE: Well, that would be me, though. I would have to go through the boxes, Your Honor, so --

THE COURT: All right. We’re back in session

Tuesday. That's when I want it here.

MR. LEVINE: Thank you, Your Honor.

MR. ZONEN: Your Honor, would it be possible to get it earlier than that? Given the reality of our case, we're going to be done Tuesday.

THE COURT: They can't hear you back there.

MR. ZONEN: One of these days I'll remember this.

We believe that we will likely be resting on Tuesday. If we don't get the materials until that time -- and frankly, if we have to wait till Tuesday, we would probably need Mr. Geragos's presence here. If we could have it before Tuesday, we might be able to resolve a stipulation where he wouldn't actually have to come; that we could perhaps stipulate to the admissibility of some materials. But we would need the materials in advance of that date. Otherwise, I'm afraid Mr. Geragos would have to be here on Tuesday, as he would be the only one to lay the foundation for the introduction of those documents, assuming there's some relevant documents among the file.

MR. LEVINE: I really have nothing to do this weekend, it being Memorial Day weekend. I'm happy to accommodate this request to go through it. I don't really think there is much, because I think his testimony was he didn't take notes, he didn't have tapes. And I know that --

THE COURT: That's pretty much what he testified to.

MR. LEVINE: He also turned over a lot of stuff to the defense, which I would assume they have possession of and they would be obligated to turn over to the prosecution, given the fact that they waived the privilege that they had.

THE COURT: They have different obligations. You're only required to turn over what you have, not what's been forwarded to other people.

So in order to help bring this case to an end, and to ruin your weekend, I'll order that you present it on Monday to the district attorneys.

MR. LEVINE: It's a lovely drive here from

Los Angeles, Your Honor.

MR. ZONEN: He’ll only have to go to Santa Barbara.

MR. LEVINE: Okay.

THE COURT: You should make an agreement how you’re going to get together.

MR. ZONEN: I’ll do that. Thank you, Your Honor.

MR. LEVINE: Thank you, Your Honor.

THE COURT: Thank you.

What I want to do is -- you want to say something?

MR. SANGER: I do. I just missed the last part there.

These are documents that are subpoenaed to the Court, not to the District Attorney’s Office. I don’t mind them being delivered to the District Attorney’s Office if we have an agreement that they

will immediately provide us with a copy.

THE COURT: So ordered.

MR. SANGER: Thank you.

THE COURT: But I don’t think they were listening this time either.

MR. AUCHINCLOSS: I was listening.

THE COURT: Oh, you were. Okay.

Oh, it was you that wasn’t listening last time. I get confused about who’s not listening.

Don’t bring the jury in. I want to just take a couple minutes and look at some material here before you bring the jury in.

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: (To the jury) I know what you’re thinking.

JUROR NO. 7: Uh-oh.

THE COURT: You’re probably thinking, “Well, if you don’t want us to come in until 9:15, then why do you have us here at 8:30?” Right?

This is just a little bit more complicated.

We’re in the rebuttal stage, and the legal issues become more complicated, and I'm just trying to take care of them as quickly as they come up and then get you in here.

Just think of it this way: You only have 15 more minutes till the break.

Counsel, you may proceed.

MR. SNEDDON: Thank you, Your Honor.

CRAIG BONNER

Having been previously sworn, resumed the stand and testified further as follows:

MR. SNEDDON: First of all, I'd like to begin by having another photograph marked as 909 for identification purposes. I've shown it to counsel and I'd like to approach the witness, with the Court's permission.

THE COURT: You may.

DIRECT EXAMINATION (Continued)

BY MR. SNEDDON:

Q. Detective Bonner, yesterday, we were talking during your testimony about the location of the two areas where the sensors were located in the downstairs area of Mr. Jackson's bedroom suite, okay? And I've handed you the exhibit marked as People's 909. Do you recognize that photograph?

A. Yes, I do.

Q. And have you seen that area before?

A. Yes, I have.

Q. And is that photograph an accurate depiction of what it purports to represent?

A. Yes, it is.

MR. SNEDDON: Your Honor, I'd move that 909 be admitted into evidence.

MR. SANGER: No objection.

THE COURT: It's admitted.

MR. SNEDDON: Your Honor, could we have the input for the Elmo, please?

Q. We put on the board the photograph -- excuse me. There we go -- the photograph marked as 909, which is now in evidence. And do you recognize that

photograph?
A. Yes, I do.
Q. Okay. And in that photograph, do you see the areas where the -- what you call the -- what do you call them? -- the enunciators are located?
A. Yes.
Q. And I guess I should give you the red -- that's the laser. Would you, first of all, point out the locations of what you call the enunciators?
A. The two enunciators, or alarm speakers, were located, the first one, underneath this bookcase/cabinet, right down here.
Q. You're indicating in the lower left-hand corner of the Exhibit 909?
A. Correct. Underneath it.
Q. All right.
A. The second enunciator was located underneath

this chair, or throne.
Q. Okay. Now, I'm going to show you another photograph marked as 54, which is in evidence. Do you recognize that photograph?
A. Yes, I do.
Q. And that's the same chair -- the chair that's depicted in that photograph is the same chair depicted in photograph 909; is that correct?
A. That's correct.
Q. And was that the location of the chair the time that you were out at the house in November of 2003?
A. Yes.
Q. And was that the location of the sensor -- or the enunciator that you mentioned on that occasion?
A. Yes.
Q. And the same thing in December of 2004?
A. Yes.
Q. So -- and this is -- which door is this?
A. This is the doorway that leads from the hallway into the private area of Michael Jackson's room, or the living space downstairs.
Q. All right. Now, the next photograph is People's 69, which is in evidence. You recognize that photograph?

A. Yes, I do.

Q. And is the cabinet depicted in that photograph the same cabinet that you referenced earlier in your testimony?

A. Yes, it is.

Q. And the room just to the left of that cabinet is what room? What is that?

A. That's the bathroom with the Jacuzzi tub.

Q. Okay. And again, was this the same location -- was this cabinet and the enunciator in the same location as depicted in this photograph on the 18th of November, 2003?

A. Yes. However, due to the angle that the film -- or the photograph is taken at, you cannot see it in this photograph.

Q. But you did see it personally?

A. Yes.

Q. And in December when you went out there in 2004, was that cabinet still in the same location?

A. Yes, it was.

Q. And the enunciator was still in the same location?

A. Yes, it was.

MR. SNEDDON: We can have the lights, Your Honor.

Now, Your Honor, I have an exhibit which has been marked as 908 for identification purposes, and I've indicated to counsel what portion of the exhibit that we want to play, and we have it pre-set to that portion. And what I've told counsel that we would do, if this is okay with the Court, is that we will take the portion that's played in court out of this exhibit and provide that, simply that portion, for the Court in case the jury wants to look at it later. In other words, we'll substitute -- not -- we won't substitute. We will provide a 908-A, which will have just the portion that's shown to the jury.

THE COURT: That's good.

MR. SNEDDON: Because there's other matters on here, and we didn't have time to do the editing on it. And I think that's acceptable to the Court and I think that's acceptable to counsel.

MR. SANGER: Yes, it is.

THE COURT: All right. That's good. I'd like you to do that.

MR. SNEDDON: We will do that, Your Honor. So this is Exhibit 908, and we're going to -- let me ask a few foundation questions and then we'll show it.

Q. Detective Bonner, you had occasion to review a DVD disk of some portions of the search warrant that was executed in December of 2004, correct?

A. That's correct.

Q. And you were present when those portions of the video that the jury is about to see were filmed; is that correct?

A. Yes, I was.

Q. In fact, your voice can be heard on the video?

A. Correct.

MR. SNEDDON: And with regard to the portions that we are about to see, Your Honor, I have another exhibit that I'd like to have marked as People's 907 for identification purposes. I've shown it to counsel, and it's a diagram. And I'd like to show it to the witness and authenticate it before we show the video.

THE COURT: You may. How long is the video now?

MR. SNEDDON: Very short. It's --

THE WITNESS: About 40 seconds, 45 seconds.

MR. SNEDDON: 40 seconds. What's the number on that? 907?

THE WITNESS: Absolutely.

MR. SNEDDON: Your Honor, can I ask the questions here? I'll talk real loud, if that's all right.

I'll go back and forth. I could use the exercise.

Q. 907, do you recognize that?

A. Yes, I do.

Q. Did you prepare that?

A. Yes, I did.

Q. And is that -- does that purport to be to scale or just an illustration of the various locations of the rooms of the defendant's master bedroom?

A. This is not in any way to scale. It's just a quick drawing just to show relative location.

MR. SNEDDON: With the Court's permission, I move that be admitted for illustrative purposes of the witness's testimony that he's about to give.

MR. SANGER: No objection.

THE COURT: It's admitted.

MR. SNEDDON: All right. I think we'll play the video and then we'll go back to this exhibit.

THE COURT: All right.

(Whereupon, a portion of a DVD, People's Exhibit 908 (to be later marked as 908-A) was played for the Court and jury.)

MR. SNEDDON: All right. For the record, that portion of the video that was shown was 19:20 to 19:55.

Now, we could have the lights again, Your Honor.

Q. Mr. -- Sergeant Bonner, where was the cameraman located at the time that those chimes were going off?

A. He was standing directly in front of or on top of the area where the enunciator was located underneath the bookcase/cabinet.

Q. All right. Let's put this Exhibit 907 up on the board, if we can.

Okay. This is Exhibit 907, correct?

A. That's correct.

Q. All right. Now, on the particular exhibit - you have the laser there - you have an "Enunciator 1," with a little square; is that correct?

A. Correct.

Q. Where is that located in relationship to the room?

A. Enunciator 1 is located right here. This was where the bookcase was. And the enunciator was underneath the bookcase.

Q. All right. And could you illustrate to the ladies and gentlemen of the jury the approximate location of the cameraman at the time that they heard the chimes going off in the Exhibit 908?

A. Our cameraperson was standing right above that bookcase pointing down, at one point in time directly, the camera pointing directly at where that enunciator was at.

Q. You're indicating just to the top left of the small square, correct?

A. Correct.

Q. Or rectangle?

A. Through the video, he moves -- he starts out approximately right here, and I believe he ends right about here.

Q. Okay. And then with regard to the "Enunciator 2," what does that relate to in your previous testimony?

A. Enunciator 2 was the nonworking enunciator that was underneath that red and gold chair.

Q. Now, using this diagram as a further illustration, you were shown a photograph yesterday that showed one of the sensors up in the ceiling prior to -- close to the entrance of Mr. Jackson's bedroom door, correct?

A. Correct.

Q. And would you show us the location of that on the diagram?

A. It is right here, and I have called it "Curtain Sensor 1."

Q. Now, in November and December -- November of 2003, let's take them one at a time, was that curtain sensor working?

A. Yes.

Q. And in December of 2004, was that curtain sensor working?

A. Yes.

MR. SANGER: I'll object, asked and answered, Your Honor.

THE COURT: Overruled. Next question.

Q. BY MR. SNEDDON: With regard to the exhibit, 907, you have a second curtain sensor located on that exhibit, correct?

A. Correct.

Q. And why don't you show the jury where that's located?

A. That’s located prior to the doorway leading into the foyer. Right there.

Q. And was that sensor active on November 18th, 2003?

A. It did not activate any alarms.

Q. And with regard to December of 2004, was it working?

A. Again, it did not activate any alarms.

Q. You weren’t out at the ranch in February and March of 2003, correct?

A. Correct.

Q. All right. I’m just going to ask you one other thing and then we’ll be done.

I’ve handed you the exhibit that -- it’s 907, correct?

A. Correct.

Q. And would you please put on Exhibit 907, with the red pen I’ve given you, the approximate location of the sheriff’s department cameraman at the point where the video was played to the jury?

So with regard to Exhibit 907, you’ve placed a little red figure on that; is that correct?

A. Two circles with a line between the two, approximating the positions that you observe him to be in.

Q. So he moved during the course of the filming; is that right?

A. Correct.

Q. But in that area. That was the area during the entire time that the chimes were ringing?

A. Correct.

Q. Okay. You’ve had occasion to view the defense video of the three scenes where the chimes were filmed?

A. Correct.

Q. Okay. And with regard to the time that those were filmed, could you determine, from your experience of being out there twice, whether both of the enunciators were working on that day?

A. I believe both enunciators were working when the defense did their video.

MR. SANGER: I’m going to move to strike

that. I didn't understand the question. I move to strike the answer for the purpose of objecting. That would call for speculation. There's no foundation. He wasn't there.

MR. SNEDDON: I'm about to ask him that question.

THE COURT: All right. I'll sustain the objection and strike the answer so you can --

Q. BY MR. SNEDDON: Have you reviewed that video?

A. Correct.

Q. And from reviewing that video, are you able to determine whether or not both of those enunciators were working at the time that the defense conducted their experiment?

A. Yes.

MR. SANGER: Objection. He answered. He just answered "yes" or "no," so that's fine.

Q. BY MR. SNEDDON: And are you able to reach that opinion based upon your prior experiments and familiarity with how this system works?

A. Yes.

Q. When you were actually out there?

A. Yes.

Q. I would ask you how -- what is the basis of your opinion that both enunciators were working the day that the defense filmed their exhibit concerning the chimes in the Jackson suite?

MR. SANGER: Objection, Your Honor. Assumes facts not in evidence. There's no evidence as to his opinion, only that he had one. And I object to his opinion, to any opinion, as not being based on an adequate foundation.

THE COURT: Overruled. I'll allow the answer.

THE WITNESS: There are two different enunciators located in two different locations. There are two different curtain sensors located in two different locations.

We know, based upon our being there in December of '04 and on November 18th of '03, that Curtain Sensor 1 activated Enunciator 1, which is located furthest from the stairwell, and that would presumably have a lower volume than if Enunciator 2 was activated, based upon the filming with the individual in the upstairs.

When you listen --

MR. SANGER: Excuse me. First of all, it’s a narrative. And second of all, I move to strike the last part as being an opinion without a foundation.

THE COURT: I am going to sustain the objection and strike the opinion.

Q. BY MR. SNEDDON: Are you able to tell, from a review -- based upon your familiarity with the system and your having been out there, are you able to determine, “yes” or “no,” from a review of those films, that both enunciators were working that day?

A. Yes.

Q. And are you able to determine that based upon your review of the sounds, the differing sounds that the chimes make at certain portions during those scenes?

A. Yes.

Q. Were you also able to determine, when you were out there before, that the enunciators have three volume settings on them?

A. No.

Q. Multiple volume settings?

MR. SANGER: Objection. Leading; asked and answered.

THE COURT: Overruled.

THE WITNESS: No.

Q. BY MR. SNEDDON: Did you determine that at some other point in time?

A. Yes.

MR. SNEDDON: All right. I have no further questions on this subject, Your Honor. But I believe at this point I would have this witness -- I’ll ask one question, and then I think we have a stipulation to offer to the Court. And we can have the lights.

MR. SANGER: First of all, I want to object to the last question and move to strike the last answer for the purpose of objecting to the question on the grounds there's no foundation.

THE COURT: Overruled.

Q. BY MR. SNEDDON: During the course of your role in this investigation, was it your responsibility to review the items that had been obtained through the course of the search warrant process?

A. Yes.

Q. And was one of the assignments that you had to determine the items that were seized from the office of Investigator Brad Miller?

A. Yes.

Q. And during the course of that review, did

you determine whether or not there was a tape that was recovered from Mr. Miller's office that dealt with an interview between Janet Arvizo and the Department of Child & Family Services in Los Angeles on February the 20th of 2003?

A. There was not.

MR. SNEDDON: All right. I believe the stipulation, Your Honor, is that --

MR. SANGER: Tom?

MR. MESEREAU: Oh.

MR. SNEDDON: Do you want to read it? That's fine, thank you. I'll read the stipulation, Your Honor, into the record, if that's appropriate for the Court.

THE COURT: You may.

MR. SNEDDON: Both sides are willing to stipulate to the following: That prior to the trial, both the prosecution and the defense exchanged documents and other evidence with each other, and on December the 6th of 2004, the defense provided to the prosecution a copy of the DCFS interview of February the 20th of 2003.

THE COURT: Is that your agreement, Mr. Mesereau?

MR. MESEREAU: The stipulation reads we provided the prosecution with our copy of that interview, I believe.

THE COURT: All right.

MR. SNEDDON: That's fine.

THE COURT: Is that your agreement?
MR. SNEDDON: That’s our agreement
THE COURT: Is that your agreement?
MR. MESEREAU: So stipulated, Your Honor, yes.
THE COURT: I’ll approve that stipulation.
(To the jury) When the parties stipulate to a fact, the jury is bound by that stipulation.
MR. SNEDDON: Your Honor, I think probably to tie things together for the jury and the Court, we should indicate that the stipulation we entered into is directly related to the exhibit that has been played for the jury here in the courtroom. And I don’t have -- I’m sorry, I apologize for not having the exact exhibit number, but I will find that and provide that to the Court later, if you want.
MR. MESEREAU: I’m not sure what that even refers to, Your Honor.
MR. SNEDDON: I’m referring to the tape that was played of that conversation that the jury heard, which is the February 20th DCFS interview.
MR. MESEREAU: I’m not stipulating to that. I’m just -- if he wants to argue that, he can. The stipulation is the stipulation.
THE COURT: (To the jury) All right. So you’re not bound by what they don’t stipulate to.

All right. Let’s take our break.
(Recess taken.)
THE COURT: Go ahead.
MR. SANGER: I believe Mr. Sneddon was concluded, so may I proceed, Your Honor?
THE COURT: Yes.
MR. SANGER: Thank you.

CROSS-EXAMINATION
BY MR. SANGER:
Q. Detective Bonner, how are you doing?
A. Good.
Q. All right. Now, there was a lot of testimony about “enunciators” and “curtain sensors” and things like that. Did you learn those terms when you were out there in December of 2004?

A. The terminology, yes.
Q. Okay. And you learned that because you were out there with some people who had some background in these items; is that right?
A. Correct.
Q. All right. You’re not an expert in any of this; is that correct?
A. No.
Q. And before December the 4th, 2004, if somebody said, “Where was the enunciator?” what would you have said?
A. “What is an enunciator?”

Q. All right. And if somebody said, “Where is the curtain sensor?” what would you have said?
A. “What’s a curtain sensor?”
Q. All right. Now, you mentioned in the video that we saw that the person was pretty much standing right on top of that cabinet. Do you remember that testimony?
A. Correct.
Q. All right. In fact, the person with the camera was standing some distance away from the cabinet, wasn’t he?
A. Not far.
Q. Okay. Not far. But that’s some distance away. That’s not “on top of,” is it?
A. He was -- in the position of the camera, the camera was on top of the location.
MR. SANGER: Uh-huh. Do we have the Exhibit 907? Oh. It’s right here. Thank you.
May I put 907 up, Your Honor?
THE COURT: Yes.
MR. SANGER: Thank you.
Q. I’m showing the exhibit tab, “907,” at the bottom and then I’ll shift back up here.
This is your not-to-scale drawing, correct?
A. Correct.
Q. And you did not make that at the time that you were out there, did you?
A. No, I did not.

Q. You made that when? Yesterday? Or --
A. A couple days ago.

Q. All right. Do you remember a piano in that room?

A. Yes, I do.

Q. It says, “First floor living room area.” Where is the piano?

A. It’s not in there.

Q. I know you didn’t draw it in there, but can I have the --

A. It was located right about approximately where the “R” -- where the “O” is for “Enunciator 1.”

Q. All right. Well, anyway, everybody can see that, I suppose. We used to have a pointer. Do you have a pointer?

MR. ZONEN: Yes.

MR. SANGER: May I borrow it?

MR. ZONEN: Certainly.

MR. SANGER: Thank you. I’m not sure what you do to make it point. All right. Here you go. That’s it.

Q. So the piano -- there’s a little alcove over here, is that right, with a window?

A. Yes.

Q. And the piano is right in that alcove; is that correct?

A. Correct.

Q. Do you remember seeing the piano in the video, the little clip that we just saw?

A. No.

Q. All right. And the picture -- let’s see which one this is. May I put up 909, Your Honor?

THE COURT: Yes.

Q. BY MR. SANGER: In the picture, 909, the photographer was standing right in this area right here; is that correct?

A. From that point to poss -- I believe a little bit left of where you’re pointing.

MR. SNEDDON: I’m going to object as vague as to whether he’s talking about this photograph or the cameraman.

THE COURT: Sustained.

Q. BY MR. SANGER: I obviously meant the

cameraman that you were talking about who's taking the video. Because the photographer who took this picture, if he was standing there, you'd see him, right?

A. Correct.

Q. So the photographer who was taking the video was standing in approximately this location that we're -- I'm pointing at on Exhibit 909; is that right?

A. Correct, and then moved slightly to his left within the filming.

Q. Moved over here a little more; is that right?

A. Up closer, but, yes.

Q. Okay. All right. Now, you heard the video that was played, right?

A. Which video are you talking about?

Q. The one that was just played. I forget the number. It was --

A. Our video.

Q. -- your video.

A. Yes.

Q. I'm sorry, forgive me one second. 908-A theoretically is the video that was played.

A. Right.

Q. You heard that?

A. Yes, I did.

Q. All right. Now, were you aware that there's a volume control on this video player here on the console in the middle of the courtroom?

A. I am aware of that, yes.

Q. Okay. Were you aware that all other videos that were played for all subject matter were played between Sound Level 7 and 9?

A. Yes.

Well, I'm sorry, I take that back. No, I am not.

Q. Were you aware that Mr. Auchincloss set this video on 1, the sound level 1 to play the 908-A?

MR. SNEDDON: I move to strike this testimony as lack of foundation on the witness's part and irrelevant as to the testimony.

THE COURT: Sustained on foundation.

Q. BY MR. SANGER: Okay. Do you know what setting Mr. Auchincloss put that on when he played it?

A. No, I don't.

Q. You would agree that there's generally volume controls when you're playing videos, right?

A. There are.

Q. Now, you were asked some questions about being aware of the investigation in this case because of your position as one of the detectives in the case, right?

A. Correct.

Q. And are you aware that a number of people have testified that the bell that they heard at the time of the video that was played by the defense, that being the video of the test of the alarm, that that alarm is pretty much the alarm that they've been hearing at that ranch in that hallway for years? Were you aware of that?

A. I've heard that secondhand, yes.

Q. And you don't have any decibel level tests to produce to the Court at this time?

A. No. We attempted, and it was not -- it wasn't worth doing. There was no -- it wasn't consistent would be the best way to describe it.

Q. Well, decibel level tests really don't do you much good unless you have something to compare it with; is that right?

A. Correct.

Q. So you're basically saying, "Yeah, pretty much that's what I heard. I heard a bell, and it sounded like a bell," right?

A. And the volume level, yes.

Q. And other people have said they heard what they heard, right?

A. Correct.

Q. All right. And I think you answered this to Mr. Sneddon, but just to be certain, you personally have no idea how this system was functioning in February and March of 2003, correct?

A. Correct.

Q. All right. Okay. Let me go back to the phone records now, which is the first thing you testified to. And let me clear some of this out of the way.

You have in front of you, I think, Exhibits 460, 448 and 449; is that correct?

A. Correct.

Q. And those exhibits would be the packet of -- let me withdraw that.

Exhibit 460 would be the packet of materials that contain your various charts of phone calls made to and from various people; is that correct?

A. Correct.

Q. And 460 also includes the list of the phone numbers that went to and from; is that correct?

A. That's correct.

Q. That's a chart that's also in 460.

All right. Now, 460 was your effort to add certain phone calls, based on records that you reviewed, to the charts that you made previously; is that right?

A. Not necessarily, no.

Q. Not necessarily. I always worry about an answer like that.

A. Well, in certain situations, we did.

However, in situations where the calls only showed calls between Bradley Miller and Mark Geragos and did not connect up to the alleged co-conspirators, then we did not include that data in there.

Q. Okay. So what I'll do -- I think, to be safe, I better take the actual exhibit.

Your Honor, may I approach to retrieve the exhibits?

THE COURT: Yes.

MR. SANGER: Thank you.

Just so we're oriented, Your Honor, I'd like to put up the first page of Exhibit 460, if I may.

THE COURT: All right.

Q. BY MR. SANGER: So on page one on 460, you show four calls going between Geragos & Geragos and Brad Miller, correct?

A. Correct.

Q. And to make that determination, you used the

phone records that were in those other two exhibits, 448 and 449; is that correct?
A. Correct.
Q. So 448 were the records of Brad Miller?
A. Correct.
Q. All right. And then 449 were the records of Geragos & Geragos?
A. Correct.
Q. Now, what phone was it that you looked at for the records of Geragos & Geragos?
A. His cellular telephone ending in 3900. I’m sorry, ending in 2100.
Q. 2100. Now, Freudian or otherwise, you said 3900. Why would that --
A. That is his office phone.
Q. Did you analyze that phone number as well?
A. We do not have those records.
Q. Okay. Did you analyze that number when you looked at the Brad Miller records?
A. Yes, I did.
Q. Okay. So are some of the phone calls that you’ve identified on your chart? And I’m putting up the first page here of 460. Are some of those phone records phone calls that were made between the law firm’s number of Geragos & Geragos and Brad Miller?

A. Correct.
Q. Brad Miller’s cell phone records have both incoming and outgoing calls; is that right?
A. Correct.
Q. So that’s not always the case, right? In phone records, you don’t always --
A. That’s correct, yes.
Q. So in this case, you could tell, by Brad Miller’s phone records, what calls were being made from that phone and what calls were received in most cases, correct?
A. Correct.
MR. SANGER: Now, let me skip ahead to the next page. And actually this is page three, because there’s a page -- if I may, Your Honor, there’s a page on the back of page one. They’re two-sided. So I’ll put up what is, in essence, page three.
THE COURT: All right.

Q. BY MR. SANGER: And this is for 2-12 of 2003; is that correct?

A. Correct.

Q. And I think you told us, by the way, the first two pages say "'05" and they're really "'03"?

A. That's correct.

Q. I put one up there that said "'05," but it's really "'03."

Now, you have lines back and forth. You still don't show which direction the calls are going in your chart; is that right?

A. Correct.

Q. And if you go back to the records, you could figure that out, and you did on occasion; is that right?

A. Correct.

Q. Except for the three-way calls that you identified, of which there were a couple, I think you testified to --

A. Correct.

Q. -- the rest of them are calls between two different phones?

A. Correct.

Q. Okay. So once again, when you put everybody together, when you loop everybody together, it doesn't mean that Brad Miller's phone, for instance, in this -- if you look at this chart for 2-12, that Brad Miller's phone has any connection to Vincent Amen's phone; is that correct?

A. Only in that they have Schaffel in common.

Q. Well, but they don't have Schaffel on the line at the same time; is that right?

A. No.

Q. All right. So from the standpoint of the theory of the prosecution that somehow these people are all related, that's --

MR. SNEDDON: I'm going to object to that question as argumentative.

THE COURT: Sustained.

Q. BY MR. SANGER: When you say they have Schaffel in common, you're simply showing that there's phone calls from Miller to Schaffel, however you say his name, and there's phone calls from Schaffel's phone to Amen's phone or vice versa, right?

A. Correct.

MR. SNEDDON: I object. That's unintelligible and compound.

THE COURT: Well, it's compound for sure.

MR. SANGER: Okay. Is it sustained, Your Honor? I couldn't quite hear what you said.

THE COURT: I said it's compound. I didn't rule on the other issue. Go ahead.

MR. SANGER: Spared me an unintelligible ruling.

THE COURT: Right.

Q. BY MR. SANGER: Okay. Well, what I'm getting at here is, the Brad Miller phone and the Schaffel phone have calls that go one way or the other, three calls going one way or the other, right?

A. Correct.

Q. And then the Schaffel phone and the Amen phone have three calls going one way or the other, correct?

A. Correct.

Q. You have no information from these phone records who was on any of those phones, correct?

A. Yes and no.

Q. Okay. You have phones that are registered or purchased by a certain person?

A. And cellular phones at that.

Q. And some are cellular phones, so you might assume that the person who has the cell phone is a person who's making the calls, right?

A. Correct.

Q. All right. So -- but other than that, you don't know --

A. No.

Q. -- who was on the phone?

All right. And you certainly don't know the subject matter of these calls, right?

A. No.

Q. Now, throughout here, and I'm not going to put all these up, you listed quite a number of phone calls between Brad Miller and -- Brad Miller's phone and the Geragos & Geragos phones, right?

A. Correct.

Q. And those phone calls you listed starting on February the 4th of 2005, right?

A. Correct.

MR. SANGER: So I'll go back -- with the Court's permission, I'll go back to that page.

THE COURT: Yes.

Q. BY MR. SANGER: And you prepared this as an exhibit in the case of People versus Michael Jackson, correct?

A. Correct.

Q. And from these phone records, do you have any information that any of those four phone calls had anything to do with Michael Jackson or any of these other people who were doing whatever they were doing during this period of time?

A. On that particular day, I do not.

Q. Okay. In fact, you omitted to list a large number of telephone calls between the Geragos phone or phones and the Brad Miller phones during the period of time for which you had records, did you not?

A. I don't understand what you're --

MR. SANGER: Okay. Well, let's do this. May I approach? I want to show the witness an exhibit.

THE COURT: Yes.

MR. SANGER: I'll tell you what, I'll do it this way, if it's all right with the Court. I have Exhibit 903, which actually was introduced through the testimony of Mr. Dickerman, and I'd like to turn to a page several pages into it, and I'll put that up.

MR. SNEDDON: Can I see it, please?

MR. SANGER: Yeah.

Q. I'm going to put this up here, and I'm really just showing the top part of it, which is the letterhead of Geragos & Geragos, right?

A. Correct.

Q. And you mentioned a 3900. It's a little unclear, actually, as I look at it, but the phone number there is (213) 625-3900. That’s the main phone number for that law firm, correct?

A. It appears by that particular document, yes.

Q. And you had mentioned earlier 3900?

A. Correct.

Q. So you were aware that this is, in fact, the main phone number for the Geragos & Geragos law firm; is that right?

A. 3900 or 3000.

Q. 3900?

A. 3900 is the information that I have received from the phone company.

Q. Yeah. Okay. Well, now we’re having some -- where do you get 3000 from? Does that look like 3000? It does, a little bit, to me.

A. It does -- it does when I’m looking at it here.

MR. SANGER: May I approach, Your Honor?

THE COURT: Yes.

Q. BY MR. SANGER: That was my concern, too. So let me just show you the document.

When you look at it -- if I may ask the question here, when you look at it, it really is 3900, correct?

A. Correct.

Q. Okay. I’ll put it back up, and maybe I can -- there we go. That’s the way it is. So that number, (213) 625-3900, that is the number that you looked for when you looked for phone numbers starting with February 4, 2005, correct?

A. Correct.

Q. Were you aware that Brad Miller was a private investigator?

A. Yes.

Q. Were you aware that Brad Miller was working for Mr. Geragos during the time period 2003, February through March?

A. That is my understanding.

Q. Were you aware that Mr. Miller was working for Mr. Geragos on other cases during that time?

A. I am not aware personally, no.

Q. Not personally, but through your

investigation, you became aware of that, did you not?
MR. SNEDDON: I'll move to strike as hearsay; lack of foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: As of, I believe, yesterday, I

heard somebody mention another case that they were working on together.
Q. BY MR. SANGER: High-profile case, right?
A. Correct.
Q. And you would expect a lawyer and an investigator working on a high-profile case -- having nothing to do with Mr. Jackson, right? The case you just heard about, the case you heard about had nothing to do with Mr. Jackson, correct?
A. Correct.
Q. You would expect that Mr. Geragos and Mr. Miller, his investigator, would be having telephone conversations about that high-profile case, independent of anything to do with Mr. Jackson or anybody associated with Mr. Jackson, right?
MR. SNEDDON: Same objection, Your Honor. Lack of foundation; calls for speculation.
THE COURT: Sustained.
Q. BY MR. SANGER: In fact, when you look at the records --
And I have here, Your Honor, 448, and this is an envelope of records which were the Bradley Miller records. And I want to turn to certain pages.
Okay. As luck would have it, they're in a different order. Give me just one second, Your Honor.
I'm going to turn to the page that is the

telephone bill of January 8, 2003, and it's page 6 of 29, and I'd like to put that page up on the screen, and it would be from Exhibit 448.
THE COURT: All right.
MR. SANGER: Thank you.
Q. I'm not going to go through all of these, because they're in evidence, but just as an

example -- take a few examples here. Here on November 30th of 2002, there is a call from the Geragos law firm to Mr. Miller’s phone; is that correct?

MR. SNEDDON: Your Honor, I’m going to object to this. November is way out of the time frame of the purported testimony offered by the prosecution. This is irrelevant and immaterial.

THE COURT: Overruled.

MR. SANGER: I don’t know if there was an answer, Your Honor.

THE COURT: No, there wasn’t.

Q. BY MR. SANGER: So my question was, it appears November 30th, 2002, there was a telephone call from the Geragos & Geragos telephone system to Mr. Miller; is that correct?

A. Correct.

Q. And let’s see if we can -- I’m not going to go through all of these again, but let me just do some representative ones here.

If we -- I’d like to put up page 9 of 29, the January 8th phone bill from Exhibit 448, if I may.

Do you see an incoming call? Brad Miller’s phone receives a call from the Geragos & Geragos law firm on December 5, 2002, correct?

A. That’s correct.

Q. And you see down here a couple of calls. One is an incoming call from the cell phone number you had for Geragos & Geragos; is that correct?

A. That’s correct.

Q. And that would be December 6th, 2002?

A. Correct.

Q. And it’s followed by an outgoing call to the Geragos cell phone on that same date, three minutes later, right?

A. Correct.

Q. In fact, if we go through the records prior to February 4, 2003, the records that you have that start about November of 2002 and go through February 3, 2003, there’s quite a number of calls, dozens of calls between Mr. Miller’s phone and the Geragos & Geragos phones; is that correct?

A. I know now that there are three. We did not extend beyond the relevant time frame during our analysis.

Q. Well, and how did you determine the relevant time frame?

A. Based upon what was happening with the family and the events that occurred beginning in the beginning of February and ending mid March.

Q. So when you say you’re showing the phone calls that are in the relevant time period, you’re saying that you believe somehow support your theory in this case against Mr. Jackson; is that right?

MR. SNEDDON: I’m going to object to that and ask counsel be admonished. It’s argumentative.

THE COURT: Sustained.

Q. BY MR. SANGER: Saying the relevant time period, you’re talking about the time period that you believe pertains to this case, right?

A. Correct.

Q. But you don’t know that the phone calls were made during that period of time. Let me withdraw that.

You don’t know whether or not the phone calls made during that period of time had any relation to this case?

A. I think I can, yes.

Q. You think some of them did?

A. Correct.

Q. Some of them -- there are calls being made between Mr. Miller and Mr. Geragos that have something to do with what he testified to that he was doing in this case, we would assume, right?

A. Well, in addition to that, you have direct calls between Mr. Geragos and the alleged co-conspirators. You also have direct calls between Mr. Miller and the alleged co-conspirators.

Q. That’s right.

A. And calls between Mr. Geragos and Mr. Miller during that same time frame.

Q. That’s right. But when you put the calls between Mr. Geragos and Mr. Miller up there, you don’t know how many of those pertain to this case and how many of those pertain to the other high-profile case you talked about, right?

MR. SNEDDON: Your Honor, I'm going to object. It's argumentative and asked and answered.

THE COURT: Overruled.

THE WITNESS: No.

Q. BY MR. SANGER: And you also don't know how many calls pertained to other things that relate maybe to other cases or other matters, do you?

A. Not necessarily, no.

Q. Okay. Now, you said you only know of three. I think I showed you four so far, but --

A. I remembered three, but if you showed me four, I know four.

Q. All right. Let me ask you to do this, because I really don't want to take up the Court's time doing this, if I may.

What I'd like to do is take this off the board, and I'm going to -- with the Court's permission, I'm going to take Exhibit 448, which is the actual court exhibit of the Brad Miller phone records, and I'm going to also bring up a book with some markers on it and let the witness take a look at all of that and see if we can't identify some more phone calls more quickly.

May I do that?

THE COURT: Fine.

MR. SANGER: Thank you.

THE WITNESS: Thank you.

Q. BY MR. SANGER: That's 448, and I'll show you my book there, and you can do whatever you want to answer this question. But what I'm going to ask you, after you have a chance to flip through, there appears to be some phone numbers that we already highlighted and put some post-its there so you can find them.

And what I'm going to ask you is, after you reviewed that, if that would give you sufficient information to tell me whether or not there appear to be dozens of phone calls between Mr. Miller and -- Mr. Miller's office and Mr. Geragos's office prior to February the 4th, 2003.

A. I did it.

Dozens, as long as you're talking multiple, as in two or three dozen, yes.
Q. Two or three dozen, all right. May I approach with another exhibit, Your Honor?

THE COURT: Yes.
Q. BY MR. SANGER: I was going to say while counsel is looking at that, but by the way, the Law Firm of Geragos & Geragos, you determined, has a number of lawyers in it; is that correct?
A. I know of at least two --
Q. Okay.
A. -- personally.
Q. Personally you know of two?
A. Yes.
Q. All right. In fact, besides personally knowing of two, there's five or six lawyers in the firm, is there not?
A. I don't know.
MR. SNEDDON: I'm going to object to that. Calls for speculation
THE COURT: It's overruled. He said he doesn't know.
MR. SANGER: All right. I'm going to show you what's been marked for identification as Exhibit 5108.
And, Your Honor, this was previously marked for identification perhaps at a point when the jury wasn't in the room, so if I may recite what it is. It is a page from a telephone bill of February the 25th, 2003, to a number at the ranch, 688-1679. And I believe Mr. Sneddon agreed to the foundation for that. It hasn't been offered yet.

Q. Okay. So I'm asking you to look at Exhibit 5108. You've got that in front of you. And I'd like you to look at the first entry, which is on line 13, for February the 12th, a call at 12:55 a.m.
A. Okay.
Q. Does it appear that a call was made at 12:55 a.m. from the ranch to a particular number that's shown there? Do you see it?
A. Yes.

Q. And it lasted about seven minutes. They were billed for seven minutes?
A. Correct.
Q. All right. Do you recognize the number to which that call was placed?
A. I do not.
Q. But you would agree that there is a call at 2:55 a.m. that’s made from the ranch elsewhere; is that correct?
A. 12:55 a.m.
Q. I’m sorry, 12:55 a.m., and it’s made to a local (805) area code --
A. Correct.
Q. -- destination.
All right. Thank you. And I have no further questions.
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REDIRECT EXAMINATION
BY MR. SNEDDON:
Q. Detective Bonner, with regard to the exhibit that was played for the jury, 808, I believe is the exhibit --
MR. SANGER: It was 908-A.
MR. SNEDDON: I’m sorry.
MR. SANGER: 908.
MR. SNEDDON: 908? Thank you.
Q. 908-A, the one that was played in the courtroom, the one that you marked the location of the cameraman at the time it was made --
A. Correct.
Q. -- you were there at that location when that film was made; is that correct?
A. Yes, I was.
Q. And you were obviously in the courtroom when you heard it played for the jury?
A. Yes, I was.
Q. Was the sound of those chimes louder or softer at the time that you were standing next to the cameraman in the room than in the courtroom here?
A. I would say it was consistent.

MR. SNEDDON: All right. Thank you very much.

MR. SANGER: I have no further questions.

MR. SNEDDON: Oh.

MR. SANGER: Oh, maybe I do.

MR. SNEDDON: I'm just reminded, yeah, before the witness leaves, that there was -- we moved 416 into evidence and the Court held it back until after Mr. Sanger had cross-examination, and we would now move that 416 -- 460, I'm sorry. That's how these problems occur -- 460 be admitted into evidence.

MR. SANGER: Those are the --

MR. SNEDDON: Charts.

MR. SANGER: -- the charts. They're cumulative to a certain extent, but I'll submit it.

THE COURT: Admitted. Any other questions?

MR. SNEDDON: No, I don't have any questions.

THE COURT: All right. You may step down.

THE WITNESS: Thank you, Your Honor.

THE COURT: Call your next witness.

MR. SNEDDON: Your Honor, at this time I have a document which I'd like to move -- I've had marked as People's 902 for identification purposes. I gave counsel a copy of it yesterday. I'll let him examine it to make sure it's --

MR. SANGER: No, no. That's all right.

MR. SNEDDON: It's a document from the Superior Court, the State of California, the County of Los Angeles, and it's a five-page document, and

it is part of the lawsuit involving the Arvizos and J.C. Penney. And I would move that this document be admitted into evidence. It is certified by the Clerk of the Court May 26th of 2005.

MR. SANGER: Your Honor, I have an objection to that which I'll state in legal terms first. The objection is that the document contains hearsay, and the Court will have to look at it to see what I'm talking about. There's a declaration that's just hearsay, opinion.

Secondly, it's an incomplete document.

THE COURT: Wait. Who has the document?

MR. SNEDDON: I do, Your Honor. I'll --

MR. SANGER: It's an incomplete -- if I may just finish my objection. Is that all right, Your Honor?

THE COURT: Yes.

MR. SANGER: It's an incomplete document in that it refers to Exhibits, I believe, A and B that are not attached to this particular document, and it is also one document that, besides being hearsay, is out of context without those exhibits and without the other documents surrounding it.

If you'd want us to approach, I was going to pinpoint the objection.

MR. SNEDDON: I could state the relevancy, which probably might be helpful to the Court. I could do it from here or I could do it at the bench.

THE COURT: Why don't you approach.

(Discussion held off the record at sidebar.)

MR. SNEDDON: Your Honor, there is another item.

THE COURT: All right.

MR. SNEDDON: There is a series of photographs marked 889 through 897, which are the photographs I believe that were relevant to the testimony of Brett Barnes, and they were marked for identification. They were authenticated by at least two witnesses, and we move that they be admitted into evidence.

MR. SANGER: And I missed the numbers on that. I'm sorry.

MR. SNEDDON: 889 and 897. I believe the letter is 897. The photographs are 889 to 896. And there might even be a blank space in there.

MR. SANGER: Before we get to that, Your Honor, just so the record is clear, I don't think the Court ruled on the record.

BAILIFF CORTEZ: Your microphone's off, sir.

MR. SANGER: My fault, I'm sorry.

I don't think the Court ruled on the record with regard to 902.

THE COURT: All right. I'm ruling at this point, without further information, it's inadmissible.

MR. SANGER: Now, with regard to what was just offered, quite frankly, I'd have to take look at it to see what we're talking about.

THE COURT: 889 --

MR. SANGER: Could I approach your clerk? I believe she's retrieving them.

THE COURT: Yeah. 889 through 897. 895 has not been identified, so it wouldn't include 895.

MR. SANGER: Let me show them to Mr. Mesereau.

(Off-the-record discussion held at counsel table.)

MR. SANGER: Your Honor, as far as the photographs are concerned, which are 889 through 896, minus 895, which is not being offered, we would have no objection to that series.

With regard to the letter, which is 897, that's hearsay, and we would object.

THE COURT: 889 - let me see those, please - through 896 are admitted.

895, not having been identified, it's not one of the ones I'm admitting.

MR. SANGER: With regard to the letter -- I just gave it back. Whatever number that was. 897?

THE COURT: Yes.

MR. SANGER: I'll object as hearsay, but I'd also object that this is not proper rebuttal. This is something that occurred during the defense case or was brought up during the defense case, and if it was going to be moved in, it should have been moved in then. But it's still hearsay, so I don't think it comes in either way.

THE COURT: Do you want to speak to the hearsay issue?

MR. ZONEN: Yes, Your Honor.

It's reflective of the declarant's state of mind. She was cross-examined extensively about that letter. The author of that letter was a witness for the defense during the defense case. And that letter, without getting into the content of it, reflects her feelings and views of the relationship between she, the defendant and her child, and I believe it’s relevant for that, in that regard.

THE COURT: I’ll take this up later.

MR. ZONEN: Would you like a typed copy of that? It’s easier to read in a typed copy.

THE COURT: If you have one.

MR. ZONEN: I don’t know that I have one here, but I will get one for you as soon as possible.

THE COURT: Okay.

MR. SANGER: Will you give us a copy of the typed copy?

MR. ZONEN: Yes.

THE COURT: Go ahead.

MR. AUCHINCLOSS: Your Honor, at this time we would like to publish for the jury seven different documents from the 400 series of documents, all in the 400 notebook. These were the documents that were admitted pursuant to a search of the home of Marc Schaffel.

I can proceed in a couple of ways. There’s two of the documents that will require reading, either by myself or by the jury. So those will take just a little bit of time. And I can publish them on the Elmo and give the jury time to read them. The other documents are short and should be pretty quick to get on and off the screen.

So I’m happy to proceed any way you’d like me to. These documents, by the way, are not part of our rebuttal case. They were admitted at the end of the People’s case, and we did not have a chance to publish them because of that.

THE COURT: And I said I would allow you to publish them.

MR. AUCHINCLOSS: How would you like me to proceed? Just to put them on the Elmo and give the jury time to read them?

THE COURT: That’s fine.

MR. AUCHINCLOSS: All right. Very well. I’ll just mention each document as I’m placing it on the Elmo.

THE COURT: All right.

MR. SANGER: Your Honor, could we just approach for a moment? Could we approach for a

moment?

THE COURT: Yes.

MR. SANGER: Thank you.

(Discussion held off the record at sidebar.)

(Off-the-record discussion held at counsel table.)

MR. AUCHINCLOSS: I believe counsel’s just going to take a moment to look at the documents before I publish them.

THE COURT: That’s what we agreed to.

MR. SANGER: Based on the representation that each of these has actually been received -- I know the Court had some rulings, but based on that representation, I have no objection.

THE COURT: All right. Thank you.

MR. AUCHINCLOSS: All right. Your Honor, if I could please have the Elmo.

MR. SANGER: I would object to any reading. I mean, introduce what it is, but I don’t think there should be further discussion, except to say, “This is Exhibit so and so.”

MR. AUCHINCLOSS: That’s my intention. And if I could confirm with Madam Clerk, was 419 received into evidence? 419, page three?

THE CLERK: Yes. Yes. Yes, it was.

MR. AUCHINCLOSS: Thank you. The first exhibit will be 419, page three, Your Honor.

(Whereupon, People’s Exhibit 419, page three, was published to the Court and jury.)

MR. AUCHINCLOSS: The next exhibit will be 418-A.

THE CLERK: 418-A was not received.

MR. AUCHINCLOSS: 418-A?

THE CLERK: 418, page three, was received.

MR. AUCHINCLOSS: Yes, okay. But 418-A?

THE CLERK: Was not received.

MR. AUCHINCLOSS: Not received, okay. 418?

THE CLERK: That was received.

(Whereupon, People's Exhibit 418 was published to the Court and jury.)

MR. AUCHINCLOSS: The next exhibit I'll ask to publish is Exhibit 417, page 12.

(Whereupon, People's Exhibit 417, page 12, was published to the Court and jury.)

MR. AUCHINCLOSS: I'll show a wide-angle view, and then I'll close in on the text portion.

THE COURT: Counsel, we're going to stop just for a second.

Go ahead, Alternate.

MR. SANGER: Could we use the moment to approach on a different matter at this time?

THE COURT: Yeah.

MR. SANGER: I think with Mr. Sneddon on this one.

I'm sorry, Mr. Sneddon.

MR. SNEDDON: What's the matter?

MR. SANGER: Approach.

MR. SNEDDON: May I know what it's about?

(Off-the-record discussion held at counsel table.)

(Discussion held off the record at sidebar.)

MR. AUCHINCLOSS: May I proceed, Your Honor?

THE COURT: Yes.

MR. AUCHINCLOSS: The next exhibit I will be publishing will be Exhibit No. 410, page two.

(Whereupon, People's Exhibit 410, page two, was published to the Court and jury.)

MR. AUCHINCLOSS: And the next exhibit I will be publishing will be 407, pages two and three. And this one will take a little bit of time. These next two are -- have some text in them, so I'll probably move in close and then gradually move down the page, with the Court's permission.

(Whereupon, People's Exhibit 407, page two, was published to the Court and jury.)

MR. AUCHINCLOSS: If I may, I'll move the letter down.

(Whereupon, People's Exhibit 407, page two, continued to be published to the Court and jury.)

MR. AUCHINCLOSS: And finally, I'll move on to page three now.

(Whereupon, People's Exhibit 407, page three, was published to the Court and jury.)

MR. AUCHINCLOSS: And then the last exhibit we'll be publishing at this time is Exhibit No. 405. I'll also move this down slowly to give everyone a chance to read it.

(Whereupon, People's Exhibit 405 was published to the Court and jury.)

MR. AUCHINCLOSS: All right. Thank you very much, Your Honor.

THE COURT: Mr. Sneddon?

MR. SNEDDON: Yes, Your Honor.

THE COURT: Do you have the -- remember that short brief you gave me on the issue on this tape, on this DVD?

MR. SNEDDON: Do I remember the issue?

THE COURT: Do you have the brief that you provided me with?

MR. SNEDDON: On this issue?

THE COURT: Yeah.

MR. SNEDDON: I -- I -- I'm not sure if I do. Could I check my briefcase?

THE COURT: Yes. I don't have mine at bench, so I was just wondering if someone had it.

MR. SNEDDON: Oh, on the -- yes, sir, I know what you're talking about.

I'm sorry, Your Honor, I did not bring my copy with me. I think Mr. Auchincloss can retrieve it on his computer, but to get it printed out would be another thing.

THE COURT: Okay. Are you going to -- are you preparing to play that now?

MR. SNEDDON: I was. I have a few questions to ask to lay the foundation, but I can have somebody run upstairs and print it out. It may be on -- should be on Mag's computer, isn't it?

Your Honor, I think Mr. Nicola has it on his computer as well, and we can go up and print it out and have it down here, I think, in just a couple of minutes.

THE COURT: All right. I appreciate it.

MR. SNEDDON: Would you like me to go ahead and at least lay the foundation?

THE COURT: Yes. Go ahead.

MR. SNEDDON: All right. I’ll call Sergeant Robel back to the stand, Your Honor.

THE COURT: You’re still under oath. You may be seated.

STEVE ROBEL

Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION

BY MR. SNEDDON:

Q. Sergeant Robel, in conjunction with your assignment involved in this investigation, did you

conduct an interview with Gavin Arvizo?

A. Yes, I did.

Q. Do you recall when the first time it was that you interviewed Gavin Arvizo?

A. Yes, I do.

Q. And when was that?

A. I believe it was July the 6th, 2003.

Q. And where did that interview take place?

A. In the City of Santa Barbara.

Q. And where in the City of Santa Barbara?

A. At the SART Cottage.

Q. And what does “SART” stand for?

A. Sexual Assault Response Team. It’s a building that we use to conduct forensic interviews.

Q. And was the conversation and interview that you conducted that day with Gavin Arvizo tape-recorded?

A. Yes, it was.

Q. Was it also videoed?

A. Yes, it was.

Q. And was there another officer who participated with you in that interview?

A. Yes, there was.

Q. And who was that?

A. Detective Paul Zelis.

Q. Now, you have had occasion since then to review the tape of the interview with Gavin Arvizo, correct?

A. Yes, I have.

Q. And you've actually done that on a number of occasions?

A. Yes, I have.

Q. Now, with regard to the original interview, what media format was that done in?

A. VHS.

Q. And you've reviewed that VHS tape; is that correct?

A. Yes, I have.

Q. And later, for purposes -- well, later, that VHS was converted into a digital form; is that correct?

A. Correct.

Q. And have you had occasion to review the digital form of the interview between you and Gavin Arvizo?

A. Yes, I have.

Q. And have you -- with regard to the VHS original and the DVD copy that was made, do they appear to you to be the same?

A. Yes, they do.

MR. SNEDDON: Your Honor, I believe that we have previously marked People's 900, and it was marked for identification purposes at that time, and we would now move that People's Exhibit 900 be admitted into evidence.

MR. SANGER: We object, of course, but if it's admitted, it's admitted for a limited purpose.

THE COURT: It is.

MR. SNEDDON: With that understanding, Your Honor, and --

THE COURT: It's admitted.

MR. SNEDDON: -- I'm afraid I've stalled as long as I can.

THE COURT: Maybe we'll just start the break. The reason I wanted that is, I want to give a limiting instruction, and I'm trying to develop some words, and so I think we'll just break early so I can look at that. I don't want to show the tape till we've done that.

MR. SNEDDON: I understand. That's -- I

understand fully. Thank you.

THE COURT: Send it back to me as soon as you --

MR. SNEDDON: I'm sorry?

THE COURT: Send it back as soon as you get it.

MR. SNEDDON: Oh, send it back. Yes, sir.

(Recess taken.)

THE COURT: (To the jury) I was going to say, "Would you step out for a minute?" but I got the laugh anyway.

All right. What I've been working on, what we've been working on, is an instruction here, and this is an instruction as it relates to this evidence that the District Attorney is about to present:

You have previously heard evidence of Gavin's statements presented by both the prosecution and the defense. You are about to hear and see a tape-recording of the interview of Gavin Arvizo by Sergeant Robel and Detective Zelis in July of 2003.

This is being shown to you only to observe the demeanor, manner and attitude of the witness. His statements are not to be considered for the truth of the matter stated.

Since the evidence is offered for this limited purpose, the defense is only permitted to offer rebuttal evidence for this limited purpose.

All right. You may proceed.

MR. SNEDDON: Your Honor, we're prepared to show the video at this time, and I would request that Sergeant Robel be allowed to sit back here so he wouldn't be in the way for people to see the video.

THE COURT: Yes.

MR. SNEDDON: Is that okay with the Court?

THE COURT: Yes.

MR. SNEDDON: All right. Fine.

I think I should indicate for the record, this is Exhibit 900. It's in evidence.

THE COURT: And you should tell everyone about how long it will take to play it.

MR. SNEDDON: Oh, okay. It's about one hour and four minutes long.

THE COURT: All right.

(Whereupon, a DVD, People's Exhibit 900, was played for the Court and jury.)

MR. SNEDDON: I have no further questions, Your Honor.

THE COURT: Mr. Sanger?

CROSS-EXAMINATION

BY MR. SANGER:

Q. All right. I only have a couple of areas to cover with you here.

The first one is that there's sniffling you hear throughout that tape. Did you hear that?

A. Yes.

Q. That was Detective Zelis; is that right?

A. On a couple occasions it was Detective Zelis. He had a cold.

Q. A couple of occasions?

A. There were occasions that it was Gavin as well.

Q. And I saw you giving Gavin Kleenex to help him with his sniffling?

A. No, he was wiping his nose with his finger.

Q. And you would agree, if people watch that, they can form their own opinion on that?

MR. SNEDDON: I'll object as argumentative.

THE COURT: Sustained.

Q. BY MR. SANGER: All right. Now, the other thing I want to ask you about is, and this relates to the demeanor of Gavin Arvizo, because that's our limited scope here, okay?

The demeanor of somebody when you're -- well, let me put this in context. Excuse me.

I think we've already been over this, but you've been a police officer for a long time, correct?

A. Correct.

Q. And you've conducted many, many interviews; is that correct?

A. That's correct.

Q. And you've conducted many, many

interrogations; is that correct?

A. Correct.

Q. All right. And there's a difference between an interview and an interrogation, correct?

A. Correct.

Q. An interview, you're listening, you're taking notes, you're hearing what has to be said, right?

A. Correct.

Q. An interrogation, you're trying to get somebody to tell you something. You think they're not maybe being forthcoming. You want to interrogate them and get it out of them; is that right?

A. That's correct.

Q. All right. This was an interview, not an interrogation, correct?

A. Correct.

Q. And the demeanor of a person will differ -- in your vast experience in this regard, the demeanor of a person is going to be affected by whether or not you're doing an interrogation or an interview, correct?

A. In a way, I don't agree totally with that.

Q. Let's start with this: Do you agree mostly with that?

A. When you're interviewing adults versus children, there is a difference in their demeanor, whether -- and even interviewing children, there's a major change in their -- even if it's a friendly interview, you're going to see behavioral changes in a child versus an adult.

Q. All right. You may be reading more into the question than I thought there, but the fact is, if you're saying to somebody in a situation where you are interrogating them and challenging what they are telling you, that is likely to have an effect on their demeanor, as opposed to simply interviewing them and listening to what they have to say, right?

A. That is correct.

Q. And in this particular case, Gavin was 13 when you did this interview; is that correct?

A. Yes, he was.

Q. And, for instance, there’s a part where you ask him what an erection was, if he knew what an erection was; is that right?

A. Yes.

Q. And this 13-year-old boy told you he knew what it was because Michael Jackson had told him. Remember that?

A. He shook his head and -- I even had a hard time hearing what he said, but he shook his head as “Yes.” I couldn’t say exactly if he said it was Michael or not at this point.

Q. Okay. Whatever it is, it’s on there.

A. Right.

MR. SNEDDON: Your Honor, I’m going to object to counsel’s statements and move to strike.

THE BAILIFF: Can’t hear you.

MR. SNEDDON: Object to counsel’s statements and move to strike.

MR. SANGER: It’s actually foundational to the next question.

MR. SNEDDON: Well, it --

MR. SANGER: But, whatever.

THE COURT: Sustained.

Q. BY MR. SANGER: Okay. My point is, whatever he said, whatever he said in response to the questions as to whether or not this 13-year-old boy

knew what an erection was, you did not challenge him at that point and say, “Well, what do you mean? You’re 13 and you’re telling me you don’t know what an erection is,” right?

A. No, I did not.

Q. All right. And you would agree that if you had conducted an interview in that fashion, that that might have resulted in a different demeanor on the part of the witness that you were interrogating; is that correct?

A. Can you ask that again, please?

MR. SANGER: Probably not.

THE COURT: Do you want it read back?

THE WITNESS: Yes, please.

MR. SANGER: If we can read have it back, if that’s all right, Your Honor.

(Record read.)
MR. SANGER: Now that it was read back, I actually used two words there that probably aren’t compatible. Can I withdraw it and make it more clear?
THE COURT: Yes.
Q. BY MR. SANGER: You indicated you were conducting an interview and not an interrogation, so my question is, if you had used interrogative techniques in response to questions like that, you would expect to see a different demeanor on the part of the subject, no matter who it is, right?

A. Asking that particular question? Is that --
Q. Sure. I was just using that as an example.
A. Under interrogation versus interview.
Q. Yeah. You’d expect to see a different demeanor, correct?
A. Possibly.
MR. SANGER: Okay. Thank you. I have no further questions.

REDIRECT EXAMINATION
BY MR. SNEDDON:
Q. Sergeant Robel, in the course of your training, you have been to a number of classes and training exercises dealing with the specific interview of child sexual assault cases, have you not?
A. Yes. Several.
Q. And have you ever been to a class where they’ve told you to use the interrogation and techniques that you would use with an adult with a kid in that setting?
A. No.
MR. SANGER: I would object, Your Honor, as beyond the scope of cross and outside the limited issue.
THE COURT: Sustained.
Q. BY MR. SNEDDON: Would you ever use an interrogation technique with a child molestation victim?

A. No, I wouldn’t.

MR. SANGER: Objection; outside the scope.

MR. SNEDDON: Judge, he asked specifically that question.

THE COURT: Overruled.

You may answer.

THE WITNESS: I would not. It’s --

Q. BY MR. SNEDDON: Why?

A. Because interviewing a child, he is -- this person is a victim, not a suspect, and in this particular interview, I was trained in forensic interviewing, and that is interviewing and not interrogation.

MR. SNEDDON: Nothing further.

RECROSS-EXAMINATION

BY MR. SANGER:

Q. And that decision is based on the fact that you assumed that this individual was a victim, correct?

A. I assumed to -- the charges that I was investigating, the alleged charges, yes.

MR. SANGER: Thank you. No further questions.

MR. SNEDDON: Nothing further, Your Honor.

THE COURT: Thank you. You may step down.

MR. SNEDDON: Your Honor, we have no further

evidence to present in rebuttal.

I would indicate to the Court, however, that with regard to the document that we went to the Court -- to sidebar on, which I believe is 902, that I would like the opportunity to present further documentation on Tuesday morning on that issue, so I could rest contingent upon that.

THE COURT: Is that agreeable with you?

MR. MESEREAU: Yes, sir.

THE COURT: All right.

MR. SNEDDON: Thank you, Your Honor.

Thank you, Counsel.

THE COURT: I was trying to remember what document that was, but now I do remember.

MR. SNEDDON: Do you remember now?

THE COURT: I do. So now I’m -- I would allow you to try to resubmit that. That was taken under that --

MR. SNEDDON: Thank you.

MR. SANGER: Before we proceed, could we have a moment to talk?

THE COURT: Well, you can have a break if you'd like.

MR. SANGER: Very well.

THE COURT: But I wouldn't want to have to take a break and then come back and you weren't going to do anything.

MR. MESEREAU: Let me talk to counsel if I

can, Your Honor.

MR. SANGER: Can we just have a moment?

THE COURT: Yeah.

Let me make a ruling. Counsel? You don't have to move. I'm just -- I am going to sustain the hearsay objection to 897.

(Discussion held off the record among the defense team.)

MR. MESEREAU: Your Honor, the defense rests.

THE COURT: All right. Both sides have rested subject to one document.

MR. SNEDDON: That's correct, Your Honor.

MR. ZONEN: Your Honor, there's one additional document that the Court has under submission as well. That's the letter. And I did furnish --

MR. SNEDDON: He just ruled on that.

MR. ZONEN: Oh.

THE COURT: I just ruled it was hearsay.

MR. ZONEN: Oh, I'm sorry.

MR. SNEDDON: You lost it.

THE COURT: And I sustained the objection.

MR. ZONEN: It's not the first time.

THE COURT: (To the jury) All right. Then you have heard all of the evidence that you're going to hear in this case. What remains for the Court and the attorneys is the process to agree and work

out jury instructions.

It's hard for me to estimate how much time that's going to take. I know it's going to take a day. I know that. I mean, that's a minimum. And that means that you would not come in on Tuesday. So Monday is a holiday, right?

Okay. Tuesday you're not going to come in because we're going to go over jury instructions.

Now, what I'm going to have you do is to call in on Tuesday afternoon at -- let's say, you know, not before -- say at four o'clock, and there will be a message on whether you're to come back in on Wednesday or -- yeah, Wednesday or Thursday. And that depends on whether we get all of our jury instructions done, and I think we will. I really think we will, but I don't want you coming in and, you know, have to wait around. I just don't want that. I want us to be done with our job before you come back.

Now, is there a number -- what number can I give them? What's your number, Leslie?

THE BAILIFF: Mine?

THE COURT: No, no.

THE BAILIFF: Mine?

THE COURT: No, I need -- what's a number to give them so that we can have a message for them? Should they call Jury Services?

THE BAILIFF: Jury Services would be the best number.

THE COURT: You know what? If you'll go back in the jury room, I'll release -- just stay there until the bailiff comes back and gives you a number to call. So it's kind of -- I know it puts you on this kind of a situation, but it's better to do it Tuesday afternoon than Wednesday morning.

MR. SANGER: Your Honor, could there be an admonition, given the long weekend?

THE COURT: Oh, yes.

MR. SANGER: Thank you.

THE COURT: I will admonish you to remember you're not to discuss the case with anyone. You're still not to form any opinions or conclusions, because until you know the law, until you hear the law, until you hear the argument of counsel, you really aren't allowed to decide this case. You've got to wait till that moment when everything has been done for you to decide the case.

You're not to go to any place mentioned in the evidence for the purpose of investigation or trying to find out for yourself. You're not to consult any written works, legal works or other works, to try and help you in this case. Remember, you can only decide the case from what you hear on the witness stand and the evidence that comes in.

You're not to watch any news events, any news programs. You're not to read any newspapers or magazines relating to this case.

And there's an admonition, too, that I never have to give a jury, and you're going to hear about it in the final instructions, but there is a rule of law that prevents jurors, after the case is over, from charging compensation for giving information or accepting compensation for giving information about your experience.

And I alert you to that, because it's not something we usually read, you know. It's not something you really -- jurors aren't usually offered compensation or have that opportunity. But I wanted to just advise you in advance there is some specific laws about that that affect all of you, and I will give you the actual law when I read it to you next week.

And I'll see you probably on Wednesday, but we'll get this phone number for you in just a couple minutes.

Take them back and --

BAILIFF CORTEZ: Yes, sir.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: All right. Is there any reason not to recess until --

MR. MESEREAU: I don't think so, Your Honor.

THE COURT: -- until Tuesday morning?

MR. MESEREAU: I don't think so.

THE COURT: You'll be prepared in every

respect with your jury instructions, any that you don't have?

MR. MESEREAU: If I may, Your Honor, I think I may have spoken prematurely. There was an issue yesterday that --

THE BAILIFF: Can't hear you.

MR. MESEREAU: There was an issue yesterday --

MR. SNEDDON: Microphone. Gordon? He wants to use the mike.

MR. AUCHINCLOSS: Oh.

THE COURT: My secretary's reminding me that there was a motion that you're going to file to seal those phone records, Mr. Geragos's phone records.

MR. SNEDDON: I'll take care of that. We'll have it on Tuesday morning.

MR. SANGER: I believe the representation was that the motion was going to be to seal everybody's phone records.

THE COURT: All phone records, yeah. Okay.

MR. MESEREAU: Your Honor, there was an issue yesterday where I stipulated to some e-mails that it appeared had been sent from Mr. Miller's office to Mr. Geragos's office. I later learned that there was some documents attached to that exhibit that were not strictly e-mails. I think Ms. Yu and Mr. Zonen met with you about that.

THE COURT: They did.

MR. MESEREAU: And I was not stipulating to the non-e-mail documents. And I did discuss that with Mr. Zonen as well. I don't -- I think --

THE COURT: They're not -- that was explained to me. Those are not in evidence.

MR. MESEREAU: Yeah, okay. Thank you, Your Honor.

MR. ZONEN: The entire packet has been withdrawn; is that right?

THE COURT: The entire packet has been withdrawn. Make sure my clerk knows the number of that packet.

MR. ZONEN: Okay.

THE COURT: Anything else?

MR. MESEREAU: Not from the defense, Your

Honor.

MR. AUCHINCLOSS: Just one minor detail, Your Honor. We now have the redacted portion of 908-A, and we'll submit that to the Court for admission at this time.

908, we will -- it's marked, and it will be an exhibit, but we will not ask for its admission.

MR. SANGER: And out of an abundance of caution, it's the old pig in a poke as opposed to the horse in the arena thing. I should probably listen to it once. It's only 40 seconds.

MR. AUCHINCLOSS: I have a copy for defense counsel.

MR. SANGER: Maybe what I could do is just play it here. After you leave the bench, play it here real quick, listen to it. If it's okay, we will submit it. If not, we'll bring it up Tuesday morning.

THE COURT: That's fine.

MR. SNEDDON: What time did the Court want us here Tuesday morning, Your Honor?

THE COURT: We're going to conduct court the same time as we have.

MR. SNEDDON: Regular hours, okay.

THE COURT: Okay?

MR. SANGER: Okay. Thank you, Your Honor.

THE COURT: I intend to do that during deliberations, too. Deliberations will only be during the same hours as we've had court.

(The proceedings adjourned at 1:25 p.m.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)

Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 12379 through 12483 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 27, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
May 27, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
OFFICIAL COURT REPORTER

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, MAY 31, 2005

9:15 A.M.

(PAGES 12485 THROUGH 12503)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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Santa Maria, California
Tuesday, May 31, 2005
9:15 a.m.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: Good morning.
MR. SANGER: Good morning, Your Honor.
MR. SNEDDON: Good morning.
THE COURT: Let’s see, I have a question for the District Attorney. I’ve had a package of your instructions for a while, and then I was given a manila envelope with another set of them. Is that a different set or is that just another copy of the same ones?
MR. SNEDDON: Judge, that is a different set. And the reason is, is that several of the instructions we originally requested have been withdrawn because they’re no longer applicable based on certain evidence that came in or didn’t come in, and that there are several others that were needed to be added because, again, of the evidence the way it came in in the case.

THE COURT: Well, I guess what I’m going to do is -- you know, I’ve spent a considerable amount of time analyzing the instructions given to me by both sides before today. So I’m going to use the set that I’ve worked with now for quite a while.

MR. SNEDDON: Right.

THE COURT: And to the extent that you want to have me take copies out of the new set, you can do that, but there’s no way I could start again this morning to figure out what you’re doing.

MR. SNEDDON: Judge, I don’t think you’re going to find this to be a problem, because I think on your own you will discover that some of the ones that we requested are not applicable. So I don’t think this is going to be a big thing.

And I want to let you know that the ones we submitted this morning are ones that have all the “his”es and the “her”s corrected out of it and the applicable language inserted, so we thought that might be helpful to the Court.

THE COURT: That would be helpful.

MR. SNEDDON: So I think you’ll find those to comport with what the actual instruction should be so it can be read in an intelligent manner.

THE COURT: Okay. And I did get a few new ones from the defense, their new suggested specials, which I anticipated specials from both sides being submitted.

MR. SANGER: As I understand it, Your Honor, just so we’re clear, we don’t have any specials from the prosecution.

THE COURT: Other than what they’d already submitted in their original package. Like 222, 222 Penal Code Section, which was the last instruction they added.

MR. SANGER: Okay.

THE COURT: And I think they did during the course of the trial at one point, although I can’t remember if -- maybe I did a special myself on the Bashir tape.

MR. SNEDDON: We had requested the Court to take judicial notice of certain things and you said you would defer those until the time of the instructions.

THE COURT: Right. You'll need to bring my attention to those items.

Okay. I have made a list of the instructions, comparing the ones that have been given by both sides, and made some notes on which ones need to be modified, which I think is what you were addressing, Mr. Sneddon, that maybe the modifications have already been given.

So if we start at 1.00, I showed that both of you had requested that. And now I see that on the new one from the D.A., you don't request that; is that correct?

MR. FRANKLIN: No, Your Honor. We do request that the -- apparently the program, the CALJIC program we have, knocked off 1.00 in this list. We have included it as a part of the instructions and it should be given. I don't know why -- I just noticed now that it was not at the top of the list. It should have been.

THE COURT: Okay.

MR. SANGER: But I would think it should be, yes, Your Honor.

THE COURT: I'll give that, then.

And then 1.01, I'll give that. Both of you requested that.

MR. SANGER: I gather, since we're not hearing anything, that the new packet of the District Attorney from this morning does not have changes to these so far.

THE COURT: Right.

1.02, and I think this is where you have -- there is a -- some selection had to be made at that point, right? That's why the -- I just need to see what it is.

MR. SNEDDON: Judge, we just -- since there were stipulations, we removed the brackets on 1.02. I think you'll see that in the one we proposed. Other than that, I don't think there's any changes to 1.02.

THE COURT: All right. The brackets are removed as to the party making the objection; is that right?

MR. SNEDDON: Your Honor, actually --

THE COURT: I'm making the stipulation, excuse me.

MR. SNEDDON: Yes, sir. Where it says, "However, if the attorneys have stipulated or agreed," the CALJIC has brackets, and we simply removed that because there were stipulations during the course of this case.

THE COURT: Okay. Do you understand that, Mr. Sanger?

MR. SANGER: Yes. They had -- they left one bracket in their original thing and they've taken it out. So we'll take that. That's fine.

THE COURT: So that's fine. I'll give that. 1.03.

MR. SNEDDON: Again, Your Honor, we removed the brackets because we have had witnesses testify in Spanish.

THE COURT: Okay.

MR. SANGER: And I don't see any brackets in their original version, so I take it it's the same.

THE COURT: That's true. So I'll give that. 1.20. 1.20 is okay. "Willfully defined," I'll give that.

MR. SANGER: Your Honor, you skipped over 1.05. The prosecution withdrew it.

THE COURT: Okay.

MR. SANGER: We did not. You've already given that at the beginning of this case, but it's such a long case that it might be good to give it again.

THE COURT: We could give 1.05 minus the first two paragraphs.

MR. SANGER: Yes.

THE COURT: Is that your request?

MR. SANGER: That would be my request, Your

Honor.

THE COURT: Okay. Modify that. Jed, for purposes of preparing these, you're going to take notes and send them over to Carrie?

MR. BEEBE: Yeah.

THE COURT: So the first two paragraphs of 1.05 would be deleted.

MR. BEEBE: Okay.

THE COURT: Then 1.06, it looks like that's a correct statement that should be given. You don't have that in your second group, Mr. Sneddon?

MR. SNEDDON: No.

MR. SANGER: Um --

MR. SNEDDON: It seems to be -- I mean, I'm not making an excuse, but it seems to be covered by other instructions that are going to be given. If the Court recalls, on the conspiracy instruction, you actually even have to read the entire overt acts and indictment again. And with regard to the other offenses, it's -- since there's only one defendant

in this case, it seemed it would be covered, but we have no problem if the Court wants to give it. Seems to me this is more where you have multiple defendants, but there would be no harm in doing it.

THE COURT: I really actually like the idea of, right at the beginning, reminding them of exactly what we're going to be talking about in total, because the rest is all piecemeal. Is there any objection --

MR. SNEDDON: None.

THE COURT: -- Mr. Sanger?

MR. SANGER: There's no objection to that. I think the bracketed part at the bottom, there are no lessers.

THE COURT: Well, there's a question on that. And the -- do you want to just think for a moment? Is there a lesser-included providing intoxicating liquor to a minor? Isn't that a lesser-included of the administering an intoxicating agent to assist in the commission of a felony?

MR. SANGER: It probably is. We'd have to look at the exact elements, but I believe that it would be. However, we’re not requesting the lesser.

THE COURT: Is it something that you have any say about? I mean, isn’t it mandatory for the Court to do that?

MR. SANGER: I believe --

THE COURT: It’s not something that the defendant can waive, is it?

MR. SANGER: I believe the defendant can waive it. But I believe the defendant has to waive it. And -- I could be wrong. But I believe the law right now -- it’s changed, as Your Honor knows, over a period of time. I believe that if the prosecution requests the lesser, then -- that may be what the Court is thinking of, that the defense can’t waive it. But I’m not conceding that, but just having a discussion about it. I believe that may be true. But I think if both sides waive the lessers, unless the law changed again here, and I’m not positive, but I believe we can waive it, if both sides do.

THE COURT: And is that your position, Mr. Franklin?

MR. FRANKLIN: I don’t have a position on that, Your Honor.

THE COURT: They’re waiving --

MR. SNEDDON: I think the reality is --

MR. SANGER: I should have said that. That was a lot simpler, wasn’t it?

MR. SNEDDON: We’d like to look at that during the break, Your Honor.

THE COURT: I think that has to be resolved. There’s too many other issues that are tied to that, that we have to resolve that after the first break. I mean, I want to know that because we’ll have to change this instruction. We’ll have to change other instructions. This isn’t something that we can decide at the end of the day. It’s something we have to decide at the beginning.

MR. SANGER: Just one second. There is a section in CALJIC itself that deals with lessers.

It’s Appendix C, as the Court knows, and it may answer the question right now as to the current state of the law.

MR. SNEDDON: Which one?

I’m sorry, Your Honor, I didn’t hear which one he said. C or --

THE COURT: C.

MR. SANGER: It does appear that the Breeverman case, 1998 case --

THE COURT: They can’t hear you.

MR. SANGER: The Breeverman case, 1998 case, from this, looks like it may be controlling. It looks like the Court would have to make a determination as to whether the evidence supports the giving of a lesser.

THE COURT: And I have looked at all of the charges. And this is the one charge that seemed, to me, that the evidence does support the giving of that lesser.

MR. SNEDDON: It does.

THE COURT: Which would then make it sua sponte required instruction, and I don’t see anything in there that allows a waiver.

MR. SANGER: Yeah, just reading the discussion and refreshing my recollection such as it is on this, it seemed to me that we had an argument at one point that if both sides agree, and there’s a stipulation and a waiver on the record by the defendant personally, that the Court does not have to give it where there’s -- but, if -- because the language was notwithstanding the waiver by one side or the other. There was some -- there was some language in the case that left the door open, not to mention doors being opened to interpretation, that if both sides actually agree and the defendant waives it on the record.

But I’ll submit it, unless the Court wants to take the next break, and we can take a look at the case itself.

THE COURT: What’s your -- Mr. Sneddon, what’s your position? Mr. Franklin doesn’t have one, so I’ll ask you what yours is.

MR. SNEDDON: Well, I’m --

THE COURT: You still want to wait a few minutes?

MR. SNEDDON: No. I’m convinced that the Court needs to give it.

THE COURT: That’s what I thought. Okay.

So then that language at the bottom of 1.06 would be necessary.

MR. SANGER: And just for the record, although I would suspect if the prosecution is not joining, our position is fairly weak on this, but for the record, we would object to the giving of an instruction on the lesser.

THE COURT: Okay. Now, one of the questions I have, which I think has to be decided, again we have to discuss it early on, because it will come up in other instructions, is in Count 6, the crime alleged is an attempt to commit a lewd act upon a child.

May I ask what -- what acts you’re relying on for that?

(Off-the-record discussion between the Court and Court Research Attorney Jed Beebe.)

MR. SNEDDON: Does the Court want me to respond to that, Your Honor?

THE COURT: Yeah, just a second. If you’ll wait just a second.

Okay. Yes.

MR. SNEDDON: Specifically, the testimony from Gavin Arvizo that the defendant reached over and grabbed his hand and moved his hand towards Mr. Jackson’s crotch area, and that the boy then took his hand away and said he didn’t want to do that. I also believe that there’s some testimony that at that point Jackson said something to the effect that it was natural and okay, but the boy didn’t want to do it.

THE COURT: All right. Thank you.

Additionally in 1.06, I think we should add the language, “In Count 1, the crime alleged is conspiracy." And then say, instead of moving right to the date, "to commit the crimes of extortion, false imprisonment or child abduction," to make the statement to the jury clear at this point.

And then I'd like to add at the end of the instruction, after the last paragraph, "In Counts 7 to 10, namely, administering an intoxicating agent to assist in the commission of a felony, the lesser crime is furnishing alcohol to a minor."

MR. SNEDDON: Your Honor, is the Court -- does the Court have in mind the "furnishing" aspect being the violation of 272, contributing, or the specific B&P Code Section --

THE COURT: The specific B&P Code Section.

MR. SNEDDON: Okay. I just wanted to know. Thank you.

THE COURT: And that would be 16.010, we would modify later to -- when we get to the specific offenses, to have that -- use paragraph two of that, furnishing liquor to a person under 21. The second paragraph, "Every person who unlawfully sells, furnishes, gives or causes to be sold, furnished or given away any alcoholic beverage to any person under the age of 21 is guilty of a violation of Business & Professions Code Section 25658, 12498 Subdivision (a), a misdemeanor."

And then it goes on, "In order to prove this crime, each of the following elements must be proved: One, the defendant, Michael Jackson, furnished, gave or cause to be furnished or given away an alcoholic beverage to Gavin Arvizo; and two, Gavin Arvizo was under the age of 21. "

MR. SANGER: At the end of 1.06, Your Honor?

THE COURT: No, I'm going to put that at 1.06.

MR. SANGER: Oh.

THE COURT: I'm going to put it back where we have a discussion of the crimes.

MR. SANGER: I agree with that. That's not what I meant, I'm sorry. I was referring the Court's attention to the end of 1.06. It says -- you indicated "the lesser crime is furnishing

alcohol to a minor," and I think that should say "a misdemeanor." Is that correct?
THE COURT: It should. You can say that if you want.
MR. SANGER: Well, it says that --
THE COURT: We will say that.
MR. SANGER: It says "a felony" elsewhere, so I think we should say that.
THE COURT: Yes, I think you're right. Okay.
MR. SANGER: I think 1.12 was requested by both sides and was withdrawn by both sides. If it wasn't by us, it is now.

MR. SNEDDON: One point what?
MR. FRANKLIN: 12.
MR. SANGER: 1.12.
MR. SNEDDON: Oh, yeah.
THE COURT: Yes.
MR. SANGER: Now, in that regard, if the Court is going to read the indictment at some point --
THE COURT: I don't think I need to read the indictment.
MR. SANGER: I don't think you do. I heard Mr. Sneddon say that.
MR. SNEDDON: No, I didn't say that. I said that there's a CALJIC instruction which requires you to read the conspiracy charges and the overt acts in the 1600 series.
THE COURT: Which you've already prepared.
MR. SNEDDON: I have.
THE COURT: And the only problem with it, in the old package - I haven't seen the new package - was that the Doe names were used.
MR. FRANKLIN: The new package does, too.
THE COURT: So we want that instruction with the names in it.
MR. SNEDDON: We can modify that.
THE COURT: We've used their names throughout the trial.
MR. SNEDDON: We'll modify that for the Court.

THE COURT: Yes. But will you modify it quickly?

MR. SNEDDON: Well, how quickly would you like it? By noon?

THE COURT: Yes.

MR. SNEDDON: You’ll have it.

THE COURT: Thanks.

The reason I want to do this is -- I don’t know if I told you this or not, so I’ll tell you, I intend to give each of the 20 jurors a full package of the instructions to read as I read them to them. So I will have those prepared. So I have to have a full package today so that I can have those prepared. You know, usually we have overnight to clean up any things like this. But we don’t in this case.

MR. SNEDDON: Are they going to be allowed to take their packet in with them to deliberate?

THE COURT: Yes.

MR. SNEDDON: Okay.

THE COURT: That’s the purpose of giving it to them.

MR. SNEDDON: That’s fine.

MR. SANGER: All right. If we’re keeping track, that was my concern, that the name -- we don’t have “Does” showing up in the instructions anyplace.

THE COURT: That’s my intent here.

MR. SANGER: With that, we withdraw the 1.12.

THE COURT: Okay. 1.12 has been withdrawn by both sides.

You know, it’s break time. And we have people in the audience that have been sitting even though we’ve been not sitting here. So I will take the break. That will give you a chance to catch up, Counsel, on those items.

(Recess taken.)

--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 12487 through 12502 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 31, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, May 31, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

TUESDAY, MAY 31, 2005

9:15 A.M.

(PAGES 12504 THROUGH 12608)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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MR. SANGER: I guess we’re ready to begin, but we’re not going to have the benefit of Mr. Franklin’s opinion. A little humor, sorry.

THE COURT: I appreciated it. It didn’t call for a belly laugh.

MR. SANGER: No, no, it wasn’t a real knee-slapper, but I appreciate the smile.

THE COURT: 1.21.

MR. SANGER: I think you passed 1.20 without saying you’re giving it, but I believe it should be given.

THE COURT: Well, let’s see. You’re right. 1.20, “willfully,” I had marked that off as giving it. 1.21 I will give. That’s “knowingly.” And 1.22.

MR. SANGER: That’s “malice.” And “malice” is used in false imprisonment, which is CALJIC 9.72.

MR. BEEBE: That’s child abduction.

MR. SANGER: I’m sorry, child abduction.

MR. SNEDDON: Your Honor, it’s defined in 9.72 in the sections under child abduction. “Maliciously” is defined in that instruction.

THE COURT: So we don’t need --

MR. SNEDDON: So we don’t need the -- this would be a repetition.

THE COURT: Okay.

MR. SANGER: If it's not on -- if it's not used in any other instruction - and I couldn't find it going through here quickly - then we'll submit it.

THE COURT: All right. So I'm not going to give 1.22, because it is in another instruction.

1.23, "Consent," I'll give that one.

1.25. That defines a minor.

MR. SNEDDON: I think we asked that, and we withdrew that. That's one of the ones we withdrew because the age limitation is actually 14 in this case.

MR. SANGER: Well, the age limitation for alcohol is 21, so you've got three different ages.

THE COURT: Yeah, for the lesser-included.

MR. SNEDDON: Well, that's defined, though. In the B&P it says "21."

THE COURT: Under that code section?

MR. SNEDDON: I believe it does.

THE COURT: Let me see.

MR. SANGER: It was 16.010.

MR. SNEDDON: Yes, it does say "21."

THE COURT: Yeah, I think that's sufficient, don't you?

The "furnishing," do you have that in front of you, Mr. Sanger?

MR. SANGER: Yeah. 16.010, there's no question that's covered. I'm just thinking is there any other place where "minor" is used in this case, and I don't think there is, because I think the other is under the age of 14. So we would agree to withdraw it based on that.

THE COURT: Okay. The next one is "Direct and circumstantial evidence," 2.00. I'll give that.

The next one is 2.01, "Sufficiency of circumstantial evidence," I'll give that.

The next one is "Sufficiency of circumstantial evidence to prove specific intent or mental state," I'll give that.

MR. SNEDDON: I believe, Your Honor, in the ones that we submitted, that the bracketed information is filled in and/or brackets taken off where appropriate. I just wanted to direct the Court’s attention to that.

THE COURT: Okay. Thank you.

MR. SANGER: I think that’s the same. I think that was done in the original one.

THE COURT: Yes, I think so. But that’s good then.

MR. SANGER: Wait a second. There is another change here. It’s modified. Can we have just one second, please?

THE COURT: Yes.

MR. SNEDDON: I can just indicate to the Court, with regard to the originals that we submitted, those were done by Mr. Nicola, but the ones that we submitted this morning were done by Mr. Franklin and I over the weekend, so I have a great deal more confidence in the fact we -- they may be the same in some cases, but I --

THE COURT: Looks okay.

MR. SNEDDON: Yeah.

THE COURT: But you’re looking at something that I don’t see, Mr. --

MR. SANGER: There is a difference, and it may not be a big difference, but it always worries me when there’s a modification and there’s no indication it’s modified.

The original one just says --

MR. SNEDDON: Which one are we dealing with, Counsel?

MR. SANGER: 2.20, the first one says, “You may not find the defendant guilty of the crimes charged unless the proved circumstances are not only…,” and then it says, in the second version, “…guilty of any of the crimes charged in the indictment unless the proved circumstances…,” which just causes me to wonder why we have different language. And I don’t think it’s necessary to say “indictment.” “Crimes charged” is adequate. An indictment is not evidence of a crime.

MR. SNEDDON: That’s fine. Whatever. It

doesn’t make any difference.

THE COURT: So we’ll take out “in the indictment” and just leave “charged crimes.”

MR. SANGER: If you have your original one, I think that’s --

THE COURT: We can use that one.

MR. SANGER: You can use that one.

THE COURT: No change is necessary, Tracy, because we’re using --

MR. SNEDDON: 2.02 has that language there for the lesser-included, but I believe the lesser-includeds in this case are general intent crimes, or a general intent crime.

THE COURT: It is a general intent crime.

MR. SNEDDON: So I just wanted to bring that to the Court’s attention.

THE COURT: Okay. All right. 2.03 is “Consciousness of guilt, falsehood.”

MR. SANGER: We originally requested that at the beginning of the trial.

THE COURT: It is requested by both sides.

MR. SANGER: But I would withdraw our request and object to it.

THE COURT: Okay. What evidence are you relying on?

MR. SNEDDON: Your Honor, I’m specifically relying on that portion of the Bashir video in which the defendant was confronted with the statement about a 40-year-old man sleeping with children, and said it’s not sexual, it’s not sexual, and then went on to portray the incidences being those of where they eat cookies and drink milk, and things like that. And I think that those are fabrications, which I think, if the jury finds those to be not true statements, can be used to reflect his consciousness of guilt.

MR. SANGER: The only problem is that the crimes charged in this case are alleged to have occurred after that video. That video was done in 2002, the fall of 2002, and the crimes alleged here are alleged to have occurred in February and March of 2003. So it could not be a false statement regarding the crimes for which he is now being tried, which is the language of this --

MR. SNEDDON: I don’t think there’s any requirement that it be during the time frame of the charges. It can be a statement that’s made before that reflects on the charges that are currently pending.

THE COURT: It says, actually, “…deliberately misleading statement concerning the charge for which he is now being tried.” So he can’t be making a misleading statement about a crime he hasn’t committed; I mean, hold him to that, it doesn’t seem to me. I think Mr. Sanger is right.

Is there any other evidence that you can think of that you --

MR. SNEDDON: No, that’s what we had in mind.

THE COURT: All right. I’ll reject that, as requested by the defense. It’s rejected.

MR. SANGER: And for some reason, 2.04 was in our packet early on. And we’d withdraw the request for that and also object to it.

MR. SNEDDON: It can be withdrawn, Your Honor, 2.04.

THE COURT: 2.04 is withdrawn.

2.05.

MR. SANGER: The same with 2.05.

MR. SNEDDON: Same.

THE COURT: 2.05 is withdrawn.

MR. SANGER: And 2.06.

THE COURT: 2.06 -- let’s see, 2.05 -- 2.04, that was withdrawn, is, “Efforts by a defendant to fabricate evidence.” And 2.05 is, “Efforts other than by defendant to fabricate evidence.” And those have both been withdrawn.

2.06, “Efforts to suppress evidence.”

MR. SANGER: I think I said this, but we also withdraw our original request and object.

THE COURT: Do you have any evidence you’re relying on for that, Mr. Sneddon?

MR. SNEDDON: No, you can withdraw that, Your Honor.

THE COURT: Okay. 2.06 is withdrawn. 2.09, “Evidence limited as to purpose,” that should be given. I’ll give that.

MR. SANGER: We obviously have specials that I take it the Court will come to at the end.

THE COURT: Yes. I was just thinking, should there be something in 2.09 that says, “You will be instructed further on that”?

MR. SANGER: Well, I was thinking the special --

THE COURT: On one part we did not instruct them at the time, the takeouts. I am going to give a limiting instruction on that, but they didn’t receive it at the time.

MR. SANGER: Oh, I see. You’re saying take the words out “at the time”?

THE COURT: Yeah.

MR. SANGER: Well, I would suggest you leave that in, and then follow this with the special instructions regarding the various items. I don’t know whether the Court will entertain all of our requests, but following the various -- I’m sorry, following this with the specials relating to the various specific items. And when you introduce the outtake evidence, you can say at the time we did not give a particular limiting instruction; however, this is also subject.... So I think you should alert them.

THE COURT: I think you’re right. Because there was -- all right. That’s fine. And you’re suggesting that we put the limiting instructions right after this instruction.

MR. SANGER: Yes, sir.

THE COURT: Well, I’ll tell you, I’m willing to do that as a placement, but I think I would like to put off the discussion of those until later, because it’s going to be a little more intense discussion, but --

MR. SANGER: We'll try not to disappoint you at the given time.

MR. SNEDDON: Judge, can I point out that there is still some other limiting instructions that you give that are involving 1101 evidence that probably -- that there are specific instructions on, so you won't be able to line up all of those limiting instructions under this one.

THE COURT: Yeah, that's why I want to look at the whole --

MR. SNEDDON: Package before we get there.

THE COURT: Yeah. To where it all fits best. I mean, I kind of like the idea of following the general, but we'll see how it fits.

MR. SNEDDON: All right.

THE COURT: This is that change, Mr. Franklin, in the overt instruction?

MR. FRANKLIN: Yes, Your Honor.

THE COURT: Thank you.

MR. FRANKLIN: The wonders of global search made it faster.

THE COURT: Thank you.

Mr. Sanger made a joke about you in your absence, but I'm not going to take the time to explain it to you.

MR. FRANKLIN: I'll sweat it out of him outside.

THE COURT: Yes.

MR. FRANKLIN: Thank you, Your Honor.

THE COURT: 2.11, "Production of all available evidence not required," I'll give that.

2.11.5, I'll give that. That's "Unjoined perpetrators of the same crime."

MR. SANGER: Yeah, just for the -- Your Honor already ruled, so I'm not arguing, but just -- we would intend to withdraw our request for that and object to it.

THE COURT: All right.

2.13, "Prior consistent or inconsistent statements as evidence," I'll give that.

2.20, "The believability of witnesses." It looks like you have removed the "conviction of a felony.” We don’t have any convictions of a felony, do we?

MR. SNEDDON: No. No.

THE COURT: And did you take anything else out? “Character evidence”? That’s out, right?

MR. SNEDDON: Correct. I believe we took out the --

THE COURT: Yes, you did. I’m just checking the other one prior. Okay.

MR. SANGER: Well, but they also took out “past criminal conduct of a witness amounting to a misdemeanor” and “whether the witness is testifying under a grant of immunity.”

MR. SNEDDON: Right.

THE COURT: I think both of those should be in.

MR. SNEDDON: Which is that, Your Honor?

THE COURT: “Past criminal conduct of a witness amounting to a misdemeanor” and “whether the witness is testifying under a grant of immunity.”

MR. SNEDDON: What misdemeanor is that?

THE COURT: Possibly welfare fraud.

MR. SANGER: Actually, the law’s a bit of an anomaly, because it says “prior conviction of a felony,” and then you don’t have to have -- or you can’t just use a conviction of a misdemeanor.

THE COURT: You have to have the facts.

MR. SANGER: You have to have the facts. However, if you have the facts of a felony, that also would count, where you don’t have a conviction for a felony, but you have the facts. So it really should say, “past criminal conduct of a witness,” period.

We don’t have convictions of a felony, but we have criminal conduct that amounts to a felony.

And possibly to both. Possibly a felony and a misdemeanor.

THE COURT: I’m not sure that’s correct. The rule for impeachment with misdemeanors is that you have to impeach by the actual conduct. And with a felony you may impeach by a conviction.

MR. SANGER: I agree with that, but the obverse of that is not necessarily true. In other words, the fact that you don't have a conviction for a felony does not preclude you from showing felony conduct to show moral turpitude and lack of truthfulness.

So the fact that perjury, for instance, is a straight felony, it's not a wobbler, you could only introduce -- if the other were -- the opposite were true, you could only introduce evidence of a conviction for perjury, but you couldn't introduce evidence of underlying conduct, where you could introduce evidence of welfare fraud because that could be either a misdemeanor or a felony, so it wouldn't make any sense.

I mean, in other words, I think the rule is that if it's a felony, a conviction is sufficient. If it's a misdemeanor, a conviction is not sufficient. You have to show the conduct. But that doesn't mean that you can't show the conduct of a felony. The instruction is worded that way simply because that's usually the case, I think, that you have --

THE COURT: I'm going to use the instruction as worded and add "the past criminal conduct of a witness amounting to a misdemeanor" and the "whether the witness testifying is under a grant of immunity."

Do you have that, Tracy?

And 2.21.1, "Discrepancies in testimony," I'll give that.

2.21.2, I'll give that. That's "A witness willfully false in their testimony."

2.22, "Weighing conflicting testimony," I'll give that.

2.23, "Believability of a witness, conviction of a felony," that's withdrawn.

MR. SNEDDON: I don't think we have any evidence of that.

THE COURT: Is either side requesting that?

MR. SANGER: I don't believe there's any

evidence of that, actual conviction of a felony.

THE COURT: 2.23.1, “Believability of a witness, commission of a misdemeanor.”

The question there would be whose name goes in there, or names? “Evidence has been introduced for the purpose of showing that a witness....”

Do you want to leave the names out and just argue it?

MR. SNEDDON: That’s what I think ought to be done.

MR. SANGER: Well, there’s Janet Arvizo and Rudy Provencio.

MR. SNEDDON: Rudy Provencio?

MR. SANGER: Manufacturing evidence, false evidence.

THE COURT: What --

MR. SANGER: And I’m still troubled by this felony, that you can --

THE COURT: Well, let’s just move on. Be troubled elsewhere.

MR. SANGER: It has to do with this instruction, though, that’s -- and the prior instruction as well.

THE COURT: Let’s just deal with the question at hand, please.

MR. SNEDDON: I think it should be left blank and argued.

MR. SANGER: I suppose, because there’s more than those two witnesses that could arguably fall into that category. Cindy Montgomery and -- so I’ll submit it.

THE COURT: It seems better to do it that way, I think, and leave each side to whatever crimes they think have been shown.

Is there any -- on this issue that you’re worrying about, Mr. Sanger, is there anything in the supplements? I mean, these are instructions that have been used for years.

Is there anything in the supplements that shows that the language of the CALJIC official instructions shouldn’t be followed? I’ll come back to it if you want.

MR. SANGER: Yes, if I could. We’ll try to --

THE COURT: Some authority would help.

MR. SANGER: -- at a break, see if we can.

I was just looking at the use note to see if -- it doesn’t say to the contrary either, which surprises me, if there’s a rule to the contrary. It doesn’t say only a felony conviction may be used. It talks about the fact that there’s -- a conviction is adequate proof, and that shows there’s moral turpitude, and that’s the basis for impeachment.

So we’ll see if we can take a look on the break at that.

THE COURT: Yeah, I thought that to some extent. Well, do you think we should change 2.23.1 to say, “Evidence has been introduced for the purpose of showing that a witness” -- “or to show” -- “Evidence has been introduced for the purpose of showing witnesses have engaged in past criminal conduct”?

MR. SANGER: Period. That would be my request.

THE COURT: It’s changing it, though, from “a” to “witnesses.”

MR. SANGER: Yes.

THE COURT: Is that okay?

MR. SANGER: That would be correct, yes.

MR. SNEDDON: Well, I would prefer that you put “witness” and then bracket, “e-s,” paren, so that the Court doesn’t appear to be editorializing that there really are, because this is a jury decision.

By putting more in, it’s an indication that there is some lack of discretion in this area, and, quite frankly, it is up to the jury to make that decision. Or to put “witness or witnesses.”

But I think to say “witnesses” tends to imply that there has been some misconduct done, and I don’t think that’s really -- I think that infringes upon the jury’s fact-finding process.

MR. SANGER: There’s definitely more than one witness. I mean, I said Rudy Provencio and I got an argument on that, but --

THE COURT: The rest of the instruction talks about a witness.

MR. SNEDDON: It would have to be modified throughout, I think.

MR. FRANKLIN: “The” to “a.”

THE COURT: Do you have an opinion on this, Mr. Franklin?

MR. FRANKLIN: Change “the” to “a” where it appears. The third sentence, “The fact that a witness engaged in....” Other than that, with respect to policy decisions, I defer to my senior lead counsel.

THE COURT: I’m not sure where you’re saying change “the” to “a.”

MR. FRANKLIN: The second sentence commences, “The fact that the witness engaged in” --

THE COURT: Oh.

MR. FRANKLIN: -- I’d suggest we change “the” to “a” to keep it sort of noncommittal. And I think there’s merit to the notion of “witness or witnesses.”

THE COURT: “Witness or witnesses.” Is that okay, Mr. Sanger?

MR. SANGER: Yes, Your Honor.

THE COURT: Then I think I’ll just leave “the” alone.

MR. FRANKLIN: Your Honor, are we going to leave in “amounting to a misdemeanor” or strike that?

MR. SNEDDON: No, that stays in.

THE COURT: Right now it’s staying in.

MR. FRANKLIN: Very well.

THE COURT: And I’m allowing Mr. Sanger to show me a reason to go along with his approach, which would be just to put in “a crime” as opposed to “a misdemeanor.” What’s your position on that?

MR. FRANKLIN: If we -- I think if you either specify -- if you specify a misdemeanor, then you have to define what crimes are misdemeanors. The jury won’t know. So there may be some merit to leaving out either specification of a misdemeanor or felony and leave it just “crimes.” Although it could be argued, of course, by either side as to what crime is a misdemeanor.

THE COURT: So neither side is advocating that we just follow the “misdemeanor” language then; is that correct?

MR. SANGER: That’s correct.

THE COURT: In that case, we’ll follow the “crime” language. “Has engaged in criminal conduct,” that’s where that would stop, right? On 2.23.1?

MR. SANGER: Yes. And then, depending on which version you have, three or four lines down says “amounting to a misdemeanor” should be left out.

THE COURT: Yeah, we cross out “amounting to a misdemeanor,” and then again that repeats itself. And then the heading on this instruction should be changed to “Commission of a crime,” right?

MR. SANGER: Yes.

Would it be appropriate to then revisit 2.20 and take “amounting to a misdemeanor” out of that?

THE COURT: Yes. Okay. And that’s where it would say, “Past criminal conduct by a witness amounting to” -- that’s all. Just “past criminal conduct of a witness,” huh?

MR. SANGER: Yes. Period.

THE COURT: Period. Okay.

Okay. 2.24, “Believability of a witness.”

What character testimony has been introduced?

MR. SANGER: I don’t think there is, and we would withdraw the request and object to it.

MR. SNEDDON: That’s fine.

THE COURT: Okay. It’s withdrawn by both sides, 2.24.

2.25: “Refusal of witness to testify,” when a witness refuses to testify to any matter based on the privilege against self-incrimination.

MR. SANGER: We've submitted a special instruction that tries to grapple with the situation I think we're in here. I don't think 2.25 adequately addresses it. And I know the Court ruled otherwise previously and gave an instruction, but the more I've thought about it, the more it seemed that we have the right-of-confrontation issue when it's a prosecution witness and that that should be acknowledged.

So I wonder if the Court would want to hold this, tab it or something, until we get to the specials.

THE COURT: Okay.

MR. SANGER: And, actually, the same would go for 2.26. Just hold that, too, because I think there's a special that tries to grapple with all of those.

THE COURT: Neither of those were in the original packages, so I'll hold ruling on 2.25 and 2.26 until we look at the specials at the same time.

2.27, I'll give that. That's "the sufficiency of the testimony of one witness."

2.40, "Traits of character of defendant."

MR. SANGER: Excuse me one second.

Well, there was a 2.29, but I take it that was withdrawn. That was a witness in custody, so -- I'm sorry.

THE COURT: I don't have that.

MR. SANGER: I had a note that the prosecution asked for it. It doesn't matter. If the Court doesn't have it, we don't want it, nobody wants it.

THE COURT: Okay. 2.40. I don't think that the --

MR. SNEDDON: Your Honor, are we on 2.29?

THE COURT: Well, yes.

MR. SNEDDON: Yeah, I think in light of the Court's ruling that we couldn't ask any have-you-heard questions, that this instruction should not be given.

MR. SANGER: 2.29?

THE COURT: 2.40.

MR. SNEDDON: Yes, I’m sorry. And we’re on 2.29 now?

THE COURT: There is no 2.29. I don’t have one.

MR. SNEDDON: That’s a mistake.

THE COURT: Okay. 2.40, which is “The traits of character of defendant,” so you’re right. You’re not asking for this. Nobody’s asking for 2.40 at this point.

MR. SNEDDON: All right.

MR. SANGER: I think we asked for it, but I -- I think the Court ruled that there was -- that there was not character evidence during the course of the trial.

THE COURT: Yes. Which is exactly what you wanted me to rule.

MR. SANGER: Right. Except for the 1108, which was not character, but it was --

THE COURT: Right.

MR. SANGER: So I think in light of that, we’d have to withdraw it.

THE COURT: Okay. Both sides withdraw 2.40.

MR. SANGER: And 4. -- 2.42 would go as well.

THE COURT: Yes. That’s “Cross-examination of a character witness,” so that’s gone also. Do you agree, Mr. Sneddon?

MR. SNEDDON: Yes, that would have been one of the ones we would have withdrawn, Your Honor.

THE COURT: Okay. 2.50, “Evidence of other crimes.”

MR. SANGER: We have two versions from the prosecution. We got the earlier one, and the more recent one, which is the one we have this morning, I haven’t had a chance to compare it and see which brackets were eliminated.

MR. FRANKLIN: We’ll eliminate the “he/she” on line 5.

MR. SANGER: Well, that would be a good point right there.

THE COURT: This is evidence that the defendant committed other crimes.

MR. SNEDDON: Right.

THE COURT: So you’re going to submit a new one with “he” in it?

MR. FRANKLIN: Yes.

MR. SNEDDON: Just going to take out the word “she.”

MR. SANGER: It’s -- doing this on the fly, it’s a little hard to tell which brackets have been taken out here, so --

THE COURT: I know.

MR. SANGER: I see in the new one there’s -- inexplicably the word “certain” shows up at the beginning of the instruction. I suppose it doesn’t hurt anything, but that causes me to have concern about the rest of the instruction.

I have some observations, if the Court is ready.

THE COURT: Yes. Just a moment.

Did you want to say something?

(Off-the-record discussion between the Court and Court Research Attorney Jed Beebe.)

MR. FRANKLIN: Which one, Bob?

MR. SANGER: We’re on 2.50. At least I am. I think the Court is.

THE COURT: Yes.

MR. SANGER: I have objections to the new version, and I think the new version eliminated some of what was in the old version that clearly does not apply, so I think we could work with the new version, if that’s all right with the Court.

THE COURT: Okay.

MR. SANGER: We’re already eliminating the word “she” up there in the second paragraph. I don’t know why the word “certain” is there. I don’t know why that really matters, but that’s not part of the instruction at the very beginning.

THE COURT: Okay. We’ll take out “certain.”

MR. SANGER: Now, I have really two objections to this. After the words “Counts 2 through 10,” the bracketed material, “or a clear connection between the other offenses and the one of which the defendant is accused so that it may be inferred that if defendant committed the other offenses, defendant also committed the crimes charged in this case," which is 1101(b), this is an 1101(b) instruction, and under the facts of this case, that sounds like propensity, which is not what 1101(b) was designed to do. And I take it there's an 1108 as a separate instruction.

The other thing, and I'll just defer to counsel to comment on whatever, but just let me indicate there's -- this instruction apparently is related to the alleged sex offenses. It's not related to the conspiracy. There is no conspiracy with regard to Counts 2 through 10. So the two paragraphs at the bottom of page one that pertain to part of a larger continuing plan, scheme or conspiracy, and existence of conspiracy, that should be eliminated. That would not apply to the 1101(b) evidence.

MR. SNEDDON: I disagree with both those comments. But, first of all, the comment above is the direct language taken from the 2.50, which was bracketed, and it does refer to the inferences which the jury is allowed to draw with regard to this type of evidence.

And secondly, there are -- there is evidence before the Court, before the jury, that involves 1108 type of conduct on the issue of the conspiracy.

So it seems to me that this instruction applies not only to the events and testimony directed at the 1101, but also directed to the conspiracy.

MR. SANGER: May I just have a moment, Your Honor, please?

MR. SNEDDON: Judge, just to make it clear with regard to the 1101(b) on the sexual part, this is a situation where the jury is allowed to draw inferences from the conduct involved in that evidence for certain limited purposes under 1101, and then those same acts of conduct are allowed to be expanded on in 1108.

But that's not to mean that the inferences that are traditional 1101 types of things for modus operandi, scheme, motive and intent are not -- that those other offenses, just because they're allowed on the grounds of 1108, are not useful under 1101 for the purposes that 1101 authorizes. I think that's why that language should be kept in.

THE COURT: But I thought the 1101 evidence was limited to the method, the characteristic method. Isn't that why we introduced that?

MR. SNEDDON: No, I think in our moving papers we actually delineated five separate reasons why it was admissible under 1108 -- 1101. And each one of these are reasons that we set forth, along with the factual recitation as to why they would be

admissible under the traditional 1101 approach.

MR. SANGER: Well, the way I see it, there's a separate instruction and then we requested a special on 1108. And I understand this is a 2005 revision, and that doesn't mean that the jury -- that the commission that proposes these instructions got it right.

In 2.50, they basically talk about common plan or scheme, intent, motive, knowledge, and those are the issues for 1101(b). And that's what 2.50 should address. They throw in a sentence at the end of the third full paragraph there, or a portion of the sentence, right after the word "10." It says, "or a clear connection between the offenses so that it may be inferred that if a defendant committed the other offenses, the defendant also committed the crimes charged in this case."

That's clearly 1108. That's clearly not 1101. There's no reason to put 1108 language in the 1101(b) instruction. So I think that should be -- that should be taken out.

And the use note also says if you have 1108, you should be using 2.50.01. And once again, the conspiracy is -- the existence of a conspiracy has nothing to do with this prior sexual acts, so that should go out.

And I think, if you take that last sentence out after the Counts 2 through 10, starting with -- or the portion of the sentence starting with “or a clear connection” to the end of the paragraph, if you take that out, then it stands on its own as an 1101(b) instruction. And then you go to 2.50.01, and that covers the 1108. So to the extent it’s not coterminous, I think some of the evidence was 1101(b) and some of it was 1108.

MR. SNEDDON: Judge, I think that counsel’s making two mistakes. One, I think that the 12 -- the revisions to 2.50 are the insertion of the gang enhancement ones, which were previously not in there. I don’t think it changes the basic language of the instruction 2.50.

And I think what counsel’s preoccupied with is the fact that 1101(b) does not have to be used only in sexual assault cases. It can be used in burglaries. It can be used in robberies. It can be used in murders. It can be used in virtually any type of a crime.

And in this particular case, I think we have evidence that not only relates to issues involved in the molestation of Gavin Arvizo, but also to the conspiracy. And particularly motive evidence. And some of the other acts are acts that are alleged in the overt acts from which the jury is entitled to draw inferences.

MR. SANGER: Well, now, if Mr. Sneddon is now saying that 2.50 is just a straight 1101(b) instruction, then that’s all the more reason that you would have to take out that 1108 language, because if he’s claiming that it pertains to all of the counts, then it should just be a generic 1101(b) instruction.

MR. SNEDDON: No, that’s --

THE COURT: This is how I’m going to give the instruction, then. Do you want to --

MR. SANGER: Yeah.

THE COURT: -- get your materials? “Evidence” -- I’m not going to use the word “certain.” “Evidence has been introduced for the purpose of showing that the defendant committed crimes other than that for which he is on trial.” So that sentence has one change, right? And then the next one, “Except as you will otherwise be instructed, this evidence, if believed, may be considered by you only for the limited purpose of determining if it tends to show,” colon, “A,” the next paragraph, “A characteristic method, plan or scheme in the commission of criminal acts similar to the method, plan or scheme used in the commission of the offense in this case which would further tend to show the existence of the intent which is a necessary element of the crime charged.” Then the rest of that paragraph goes out. Next paragraph: “The existence of the intent which is a necessary element of the crime charged.” The next paragraph I will use would be, “A motive for the commission of the crime charged.” And the next paragraph I would use would be, “For the limited purpose for which you may consider such evidence, you must weigh it in the same manner as you do all other evidence in this case.” Okay. 2.50.1 -- 2.50.01, “Evidence of other sexual offenses, Evidence Code 1108.” Is there any reason -- going back to 2.50 for a minute, is there any reason that the heading on that shouldn’t at least cite Penal Code Section 1101?

MR. SANGER: Evidence Code Section 1101?

THE COURT: Excuse me. Yeah.

MR. SANGER: That would make sense.

THE COURT: So would you add that, Tracy? Evidence Code -- just like the next -- the way I picked that up is the next one, 2.50.01, cites Evidence Code 1108. And I think -- the reason I think that’s important is that, to some extent, my instructions to the jurors might have used the numbers “1101” and “1108.” I can’t remember. To the extent that it does, that would be clarifying help, right?

MR. SANGER: I don’t think it hurts.

THE COURT: Excuse me?

MR. SANGER: I say, I don’t think it hurts.

THE COURT: Okay.

MR. SANGER: I do have a question about the interrelation between 2.50 and 2.50.01.

THE COURT: Yes.

MR. SANGER: Your Honor excluded the portion -- the traditional portion of 1101(b), which is that the evidence cannot be considered to prove that a defendant is a person of bad character or that he has a disposition to commit crimes.

Now, I understand that the reason the Court did that, I suppose, is that 2.50.01 is going to, you know, say, “But you can consider the disposition to commit crimes”; however, there is 1101(b) evidence that wasn’t 1108, so you’re not making that distinction. And in case we have anybody who’s got an advanced degree in philosophy, they might pick up on that at some point in the instruction.

Would it be possible to say at the end, “You’re not permitted to consider such evidence for any other purpose, and except for the evidence referred to in the next instruction, you may not consider this evidence to prove the defendant is a bad person” -- “is a person of bad character or that he has a disposition to commit crimes”?

THE COURT: Well, I think there is -- the sentence in the second paragraph states that, “It may be considered only by you” -- or, “may be

considered by you only for the limited purpose of determining if it tends to show....” so it tells exactly what the limitations are.

MR. SANGER: I suppose -- I realize 1108 turned the law on its head here, but one of the things that jurors were always warned of in 1101(b) was that very delicate matter that they’re not supposed to consider it for proof of the fact that the person is of bad character or has a disposition. And to the extent there's 1101(b) that's not 1108, we're not giving them that admonition.

THE COURT: I think it's clearer if the one instruction, 2.50, tells them it can only be considered for certain purposes, and the next instruction tells them that they can consider it for a disposition. I think it's more confusing to do it the way you're suggesting.

Okay. 2.50.01.

MR. SANGER: We once again have a new one, which is fine. It removes some brackets.

MR. SNEDDON: We just took out the ones that didn't apply in this case, which were the --

THE COURT: Right. So you left --

MR. SNEDDON: -- force and violence.

THE COURT: You left in A and took put B, C, D, E and F, which I think is appropriate, and then you took out "she" in the next paragraph.

MR. SANGER: We do have a special on 1108,

but I don't think it's going to impact this --

THE COURT: Okay.

MR. SANGER: -- so much.

And the only objection I'd -- I don't want to be too picky here, but since "any of the following" is one --

THE COURT: Is only one.

MR. SANGER: -- it should just say, "Sexual offense means a crime under the laws of the state or of the United States that involves...," and then just take out "any of the following," "any conduct made criminal by...."

MR. FRANKLIN: Striking "any of"?

MR. SANGER: Strike "any of the following," and then it will just read "involves any conduct made criminal by...."

THE COURT: Okay. You stop at "the United States"; is that right?

MR. SANGER: No. You just say "that involves...," and it's just one sentence. "Sexual offense means a crime under the laws of the state or of the United States that involves any conduct made criminal by Penal Code Section 288.”

THE COURT: All right. And just keep the sentence running.

MR. SANGER: Yeah. And actually, as I think about it -- I mean, I understand there could be conduct outside the state.

THE COURT: Yeah.

MR. SANGER: But there’s no definition of the laws of other states or the United States, so how would a jury know if something violated a federal law or a state law of another state?

THE COURT: Because it has to involve conduct made criminal by Penal Code Section 288. I mean, that’s what the real subject matter is.

MR. SANGER: That’s right. “Sexual offense means a crime that involves conduct made criminal by” -- it’s not a big thing. It’s just a thing.

THE COURT: Okay. So I do think I’ll accept your change there and take out the words “any of the following,” and the second paragraph at the end, colon, and go straight. “Conduct” becomes part of the sentence. “Any conduct,” okay?

And the next one is 2.50.1, “Evidence of the other crimes must be proved by a preponderance of the evidence,” I’ll give that.

And then 2.50 -- 2.50.2, “Definition of preponderance of the evidence,” I’ll give that.

MR. SANGER: Yes. So 2.50.1 and 2.50. --

THE COURT: 2.

MR. SANGER: -- 2. Excuse me one second.

Okay. So on 2.50.1, we have proposed a Special Jury Instruction No. 4 that I think would basically be a suggestion to modify 2.50.1 with some or all of the language of that. Could we come back to that, or --

THE COURT: Yes.

The next one’s 2.51. 2.51, “Motive.” I’ll give that.

The next one is 2.60, “Defendant not

testifying. No inference of guilt," I'll give that.

2.61, "Relying on the state of the evidence, defendant may...," I'll give that. 2.61.

MR. SANGER: I think 2.70 is withdrawn by both parties. Put it this way: I believe it was withdrawn by the People in their latest set, and we would also withdraw any request for it.

THE COURT: Okay. And that leaves 2.71, "Admission defined."

MR. SANGER: Yes. And the People's latest version has the bracketed gender issues resolved.

THE COURT: That's okay. I'll give that.

2.71.5, "Adoptive admission."

MR. SANGER: We would withdraw -- excuse me. We would withdraw any request for that and object to that being given.

MR. SNEDDON: This will pretty much rise and fall on the basis of your previous decision as to the failure to respond to the accusation on the program, so that's the theory we had. So I would guess that this would be one that you would refuse. We're not withdrawing it, but I think -- to be consistent, I think that I need to point out that

the Court will probably refuse it.

THE COURT: Yes, that's correct, I will refuse it.

Then 2.71.7.

MR. SANGER: And we would -- at the beginning of the trial we submitted a bunch of these, obviously not knowing exactly what was going to happen, but this is one we would withdraw and object to it being given.

MR. SNEDDON: And it seems to me this is one that specifically applies, because it says it's a pre-offense statement. And we're talking about the admissions.

MR. SANGER: But this is designed -- I'm not looking at the use notes, but I will. I mean, this is designed for a situation where somebody's talking about, "I'm trying to rob the bank," or "I got a gun in case I want to rob a bank," something like that. It doesn't add anything to the --

THE COURT: What did you have in mind?

MR. SNEDDON: Hearsay statements about sleeping with teenaged boys.

THE COURT: So you’ve listed, “Evidence has been received from which you may find that an oral statement of intent, plan, motive or design....” You used all of the words in the instruction. What words were you thinking of?

MR. SNEDDON: Well, I think -- I think all four of them apply. But that’s his intention, that he plans to do that, and it’s a motive for the crime in this case, and he has a design on young teenaged boys.

MR. SANGER: That’s not the way the word’s used. That was clever, though.

MR. SNEDDON: It’s not what?

MR. SANGER: You know, it’s actually interesting, because 2.71 may not even apply. However, 2.71.7, basically I think what the prosecution is saying is that there’s statements that were made that the admissions, under 2.71, would be statements that were made that would be admissions of something that might pertain to the 1108 evidence. It’s not admissions as to the future conduct.

And 2.71.7 I believe pertains to the kind of pre-offense statements that I referred to, like “I’m going to go out and buy the gun because I might want to rob a bank some day,” and then the person robs a bank, and then you say, “Well, he said he was going to do that.”

MR. SNEDDON: And our contention is that these statements indicate a predisposition and his intention to continue in this kind of conduct from which the jury can draw a reasonable inference that this conduct occurred with regard to Gavin Arvizo.

MR. SANGER: Well, then, so that’s 1108.

MR. SNEDDON: No, it’s not 1108. It’s an admission. It’s an admission on his part. It’s his statement. 1108 is conduct that was viewed with regard to other individuals.

MR. SANGER: Well, I don’t mean to get involved in a direct argument with Mr. Sneddon, but addressing the Court, the predisposition -- the word “predisposition” is -- evidence pertaining to predisposition is inadmissible unless it comes in under 1108. So this can only be talking about 1108, in which case it’s redundant. It doesn’t make any sense the way it’s worded. 2.71 would be the admission that would pertain to 1108. It’s something that was said after the fact that the prosecution wants to argue bears on 1108 events having occurred.

2.71.7, there is no -- despite the creative use of the word “design,” there is no predisposition issue under 2.71.7. If you say somebody has -- you know, we’re talking about robbing a bank, I suppose they’re talking about robbing a bank, it’s not a predisposition. It would go to intent or something.

So I think for purposes of argument -- I mean, nobody’s going to understand this unless it’s argued by the lawyers. So for purpose of argument, 2.71 gives the prosecution the opportunity to argue that things that were said on the tape -- and the only statements that came in by Mr. Jackson are pre-offense statements. So the things said on the tape they could argue were an admission of some sort that pertains in some way to the 1108 evidence.

MR. SNEDDON: That is not --

MR. SANGER: 1108 evidence --

MR. SNEDDON: -- what we’re saying.

MR. SANGER: Excuse me one second.

1108 evidence, then, is offered for the purpose of showing there’s some predisposition, which are propensity. But 2.71.7 doesn’t advance the ball for anybody.

THE COURT: This requires -- in your mind, it requires some statement that shows at that time he’s contemplating a crime of some sort.

MR. SANGER: That he’s --

THE COURT: So his statements --

MR. SANGER: -- subsequently charged with.

THE COURT: -- that he allows young boys to sleep in his room doesn't show a crime. That's what you're saying?

MR. SANGER: Well, that's correct. But it doesn't show the intent, plan, motive or design. It -- he's talking historically at that time. If you remember, the statements that were selected were statements with regard to Gavin Arvizo that occurred prior to 2003, and then also a remark -- we have it here someplace, but a remark to the effect that he has allowed other children to sleep in his bed.

THE COURT: I guess I'll have to go back to exactly what statements you're relying on for this instruction.

MR. SNEDDON: I'm relying on the statements that the Court allowed to be admissible as admissions on the part of the defendant. And that is those admissions in the Bashir video. And I think I provided the Court with a copy of what I believe to be consistent with the Court's ruling earlier before the trial started, and I believe those statements apply.

You know, I think the problem here is that, you know, an admission is something from which the jury draws an inference. Whereas a confession would be a complete -- would be a completed statement as to all elements of the crime. And -- and the reason that the Court ruled that those admissions were to come before the jury is because it does indicate that he has a motive and intent to sleep with young teenaged boys, and he has admitted to doing so, which allows the jury to draw an inference that he did so with Gavin under circumstances which are directly related to the crimes alleged in this count.

MR. SANGER: Actually, I'm looking at what was submitted this morning by the prosecution, and it's a document that doesn't have anybody's name on it. And I think Your Honor asked your clerk to

check. That's the one that was filed by the prosecution and --

THE COURT: Yes, I have it.

MR. SANGER: I'm just looking at it now, again having received it this morning. I'm certain these are not the correct excerpts.

MR. SNEDDON: Well --

THE COURT: "The correct excerpts" meaning what?

MR. SANGER: Well, Your Honor ruled earlier that certain statements could come in if they laid the foundation and got the tape in, and they got -- they introduced the Bashir tape that had some statements. They also sought to introduce another tape that never came into evidence.

But, for instance, page two here, it says, on page 41, there's a discussion between Gavin and Bashir. You know, I just look at that, and I know that wasn't one of the parts that the Court approved.

We could go back and figure it out, but aside from that, the general proposition is that what they wanted to introduce were statements of Michael Jackson that could be construed as --

THE COURT: Admissions.

MR. SANGER: -- admissions that of course would have to be admissions as to prior conduct, not future conduct, because there's no future conduct yet by definition. That would come in under 2.71.

We are proposing in a special instruction that the Court not delineate the exact paragraphs, and instead, with both the Bashir tape and the outtakes, the Court categorize it as statements by Michael Jackson that pertain to his relationship with children.

THE COURT: I know that. But I can't see you getting anywhere with that one, so --

MR. SANGER: Oh, you can't. Well, it just seemed to be an easier way to do it. But the point of the story is, whether we do it that way or not, that's what it was about. The Court was ruling that statements --

THE COURT: But what I had ruled was that certain statements, if the jury determined that they were admissions, could be used for the truth of the matter asserted. And I asked Mr. Sneddon to give me a list of the statements that he thought he would be relying on to submit to them for admissions.

And the purpose of that was that I needed to know what statements I might allow you to put in for the truth of the matter asserted which were connected to the admissions and not generally connected to everything he said about children.

MR. SANGER: Okay.

THE COURT: Which is what you threw in in your instruction.

So let's take a break.

(Recess taken.)

THE COURT: Okay. On 2.71.7, I will go ahead and give that, but I'll just, I think, limit it to "intent." Take out "plan, motive and design."

MR. SANGER: And I believe this is correct, Your Honor, but just so I'm clear on the record, we did withdraw our request and we object to this.

THE COURT: All right. It's clear now.

MR. SANGER: Okay. Thank you.

THE COURT: 2.72, we don't need that anymore, do we?

MR. SNEDDON: I think that's a sua sponte instruction.

THE COURT: Okay. 2. -- all right. I'll give that.

2.80, that's expert testimony, I'll give that.

2.81 --

MR. SANGER: Could you slow down one second, Your Honor, please? There's two issues here.

Okay. On 2.80, you're giving their newer version?

THE COURT: Yes.

MR. SANGER: Okay.

THE COURT: 2.81. Actually, 2.81 is the one that you originally had requested, right?

MR. SANGER: We had requested, well, yes, in advance of the trial.

THE COURT: So that’s given.

MR. SANGER: Yes. I think there was some such testimony.

THE COURT: And then 2.82, “Hypothetical questions,” we’ll give.

MR. SANGER: Yes.

THE COURT: And 2.83, “Resolution of conflicting expert testimony,” I’ll give.

2.90, “Presumption of innocence,” I’ll give.

Now we come to the principals and accessories. My take on this is that we shouldn’t be giving that at all, 3.00, 3.01, 3.02. In this case we’re dealing with -- on one crime we’re dealing with conspiracy, and that has all the instructions that relate to the relationship between co-conspirators, which are different than principal and agent.

MR. SANGER: And we would -- I’m sorry, we would withdraw 3.00, .01 and .02, and object to them being given.

MR. SNEDDON: We agree.

THE COURT: Okay. So I’ll withdraw 3.00, 3.02 -- 3.01, 3.02.

3.10 withdrawn? This is the definition of an accomplice.

MR. SANGER: Well, it appears that the prosecution has withdrawn 3.11 and .12, but not .10.

MR. SNEDDON: There was some method in our madness in that, Judge. And the method was -- or the madness was perhaps that we felt that the conspiracy instructions adequately covered any liability issue, and we wanted to make sure that if there was going to be a discussion as to whether these accomplice instructions need to be done, there at least be one left in to make it a conscious ruling on the record.

And our feeling is the same as the Court’s, and that is the conspiracy instructions adequately have addressed the involvement of other participants in this crime, but we just felt that it should be discussed and either withdrawn or objected to on the record by the defense, and that's the reason we left the one in and took the others out.

THE COURT: Okay.

MR. SANGER: Well, there's a difference between the aiding, abetting and principal instructions, which we agree should go out, and the accomplice instructions, because those have to do with the testimony of the accomplice as opposed to criminal liability.

In other words, I agree that the conspiracy instruction covers the liability of individuals involved in the offense for substantive law purposes, but the accomplice instructions pertain to whether or not corroboration is necessary for an

accomplice witness. That's a different issue.

THE COURT: I think the accomplice instructions don't apply either, so let's take them one at a time.

I'm not going to give 3.10. And do you want to object to that?

MR. SANGER: Yeah, we're requesting that the accomplice -- all the accomplice instructions be given. So starting with 3.10, yes, we request it.

THE COURT: I'm not going to give 3.11. I'm not going to give 3.12. I'm not going to give 3.13. I'm not going to give 3.14. I'm not going to give 3.16. I'm not going to give 3.18. I'm not going to give 3.19. And all of those were relating to accomplices.

3.31, "Concurrence of act and specific intent."

MR. SANGER: Now, the prosecution has provided, this morning, a fuller version of 3.31.

THE COURT: That's correct. I'm looking at that.

Tell me when you've had time to read it.

MR. SANGER: I've had time to read it, and I have a question so far, two questions.

One, I'm not sure that the specific intent on conspiracy is exactly right. But let me look at that.

The other one is the attempted lewd act requires the specific intent to commit the lewd act, but it also requires the specific intent to arouse or appeal to or to gratify, I think.

So an attempt, you have to have the specific intent to commit the actual crime, plus the specific intent that's -- I'm sorry, that's required --

THE COURT: Is the same.

MR. SANGER: -- in the definition, yes. And then you also have to specifically intend to commit that crime. It's an attempt.

THE COURT: Do you want to respond to that?

MR. SNEDDON: If they want to put it in, that's fine, Judge. I think what we envisioned there was that there is going to be another instruction as to what that crime envisions and entails, but I see no harm in just dropping down that section from above and adding it on there.

Actually, I'm not sure that that's even -- I mean, it's a little redundant because that's what the crime is. I'm not so sure you just couldn't take out "the specific intent to commit a lewd act" and just put in "the specific intent to arouse, appeal to, or gratify the lusts or passions or sexual desires of the perpetrator or the child." That's really what it is.

THE COURT: Are you conferencing on this?

MR. SNEDDON: No, I think there was some confusion on --

MR. FRANKLIN: Can I have just a moment to confer with Mr. Sanger?

Bob?

(Off-the-record discussion held at counsel table.)

MR. SNEDDON: No, I think I was on the right page.

THE COURT: Okay. So how do you want to change that, then?

MR. SNEDDON: Well, I would suggest that what we do is simply start with the word where it says “specific intent,” and then just take out “commit a lewd act with a child under the age of 14,” and just put in “requires a specific intent to arouse, appeal to, gratify the lusts and passions or sexual desires of the perpetrator or the child.” In other words, take the same exact language --

THE COURT: Okay.

MR. SNEDDON: -- for the crime above and just drop that down.

THE COURT: Okay.

MR. SANGER: Well, I would propose that, instead, say, “requires the specific intent to commit the” -- “a lewd act with a child, with the further specific intent to appeal to, gratify” -- “or gratify the lusts or passions or sexual desires.” Because technically in an attempt, you have to have the specific intent to commit the act. And then in order for it to be an attempted 288, it’s got to be with the further specific intent of arousing passions and so on.

The way the prosecutor suggested it, it eliminates the specific intent to commit the act, and it could be interpreted as just, you know, some intent to arouse passions on the part of the individual.

MR. SNEDDON: Just add them both in. That’s fine with me. I don’t really care.

THE COURT: Okay.

We don’t have 3.31.5 in your new set, right?

MR. SANGER: They withdrew it. But before we get there, is the Court giving 3.31 with that modification? Was that the final ruling?

THE COURT: Yes.

MR. SANGER: All right.

MR. SNEDDON: Judge, it occurs to me that --

THE COURT: Why wouldn’t you give 31 -- 3.31.5?

MR. SNEDDON: With regard to what crime?

It occurs to me that 3.30 needs to be given because of the general intent crime on the lesser, according to the use note.

THE COURT: I know we have to give a general intent instruction on the lesser and --

MR. SNEDDON: That would be 3.30, I think, which we didn't request because we didn't see the lesser at the time. But I agree with the Court, it has to be given, so --

THE COURT: Well, there's another place that the general intent applies, isn't there, in the false imprisonment, when we get to the definition describing the conspiracy?

MR. SNEDDON: You're correct. According to the use note, that's correct.

THE COURT: So when we are thinking of giving the 3.30, it seems to me maybe we should put that with the definition of the lesser-included at the time we give the instruction on the lesser-included. And then because of the complications of the specific intent in the conspiracy instructions and specific intent to commit -- this is similar to what you were just saying, the specific intent to commit a crime, specific intent to commit false imprisonment, which has a general intent, we need to be very cautious about how we instruct the jury on that issue. And I don't want to mix up the two. Even though we're dealing with a general intent on both of those crimes, they're going to treat the approach to the general intent separately on each crime.

So I think what we should do is give 3.30 separately at each point, at the right point. So --

MR. SNEDDON: I think that's the safest thing to do. That way it doesn't confuse it.

THE COURT: If we're careful, it won't. Even then we could. But we'll work on that.

MR. SANGER: There is a problem, I think, with conspiracy, getting that confused and saying --

THE COURT: I know.

MR. SANGER: Yeah.

THE COURT: That's what I was bringing up. That's why I want to be careful about how we deal with giving the general intent instruction here.

MR. SANGER: Okay. And, I mean, we all agree it has to be given with regard to the lesser.

THE COURT: Yeah.

MR. SANGER: But does it have to be given in conjunction with the underlying offense for conspiracy?

THE COURT: I think so. Because since it’s a general intent crime, all they have to do is intend to do the acts that, in effect, are false imprisonment.

MR. SANGER: I understand. I’m just thinking --

THE COURT: If they intend to do those acts and they agree to do those acts, specifically they intended to do those acts, they intended -- specifically intended to agree, then you have a conspiracy within the law.

MR. SANGER: So you have the specific intent to agree. We’ve got that. And then the next is a

specific intent to commit the crime. And if you have a specific intent to commit a general intent crime, don’t you have to have a specific intent to commit that crime?

THE COURT: Yes. But -- but to get to committing the crime itself, that’s not enough. You know, the law is, you have to not only have the intent, you have to commit the crime. You have to do the act. And the act is a general intent --

MR. SANGER: I’m with you on all of that. What I was going to say is, in the instruction 9.60, it says, “In order to prove this crime, each of the following elements must be proven.” The first is, “A person intentionally restrained…,” dah-dah-dah-dah-dah. Isn’t that enough? The reason you give a general intent instruction is to eliminate -- seems to me, is to eliminate the situation where somebody, for instance, would be convicted of breaking and entering when somebody -- they’re walking down the sidewalk and somebody pushed them through the door. They didn’t have the general intent to commit the act. Otherwise, I mean, the instruction protects defendants against being convicted of an act that was not -- was not intentional in a general sense. Okay? How would the defendant be protected here where you have to have the specific intent to commit the crime and the crime is to intentionally do something? In other words, I don’t know that you’re -- that we’re furthering the purpose of the general intent instruction. It doesn’t really help or hurt the prosecution. Generally an instruction that would give a defense to the defense. But my concern is, in giving -- in talking about this, if it’s not necessary, and I understand the Court thinks it is --

THE COURT: It could hurt the prosecution if the jury thinks that they have to have the specific intent to have false imprisonment. In fact, it --

MR. SANGER: But you do. You have to have the specific intent.

THE COURT: No, you can just have specific intent to do the acts.

MR. SANGER: Right. Specific intent to do the act.

MR. SNEDDON: Intent to do the act.

THE COURT: What are you saying?

MR. SNEDDON: It’s the intent to do the act. I think it needs to be given.

THE COURT: I think it needs to be given, too. It was the question of giving it correctly in a way that’s not -- you know, that is helpful and not confusing.

MR. SNEDDON: Well, it seems to me the only logical place to give it would be when you give the other instructions on defining false imprisonment. If you do it anywhere else, I think it could be misleading.

THE COURT: Right. That’s what I think, too. And I think that we should give 3.30 probably twice, at two different places, so that we’re careful as to how it relates to each of those two crimes.

MR. SNEDDON: Exactly.

MR. SANGER: I would agree -- if you're going to do it, I would agree that that's -- that would be the way to do it.

THE COURT: Okay.

MR. SANGER: My only objection is to the second one, which is giving it in conjunction with the --

THE COURT: Well, when we get to that, we'll try to work through that.

So we are now -- we're at 3.30, so we need a 3.30 prepared, but we're not going to give it at this point.

MR. SANGER: And you need two 3.30s prepared based on what the Court just said.

THE COURT: Yeah, but we may tie -- yeah.

MR. SANGER: I'd ask, just while we're on that subject, perhaps the second 3.30 could be worded to the effect that, "You were already instructed that conspiracy requires the specific

intent to agree and the specific intent to commit an underlying offense. One of those underlying offenses is a general intent crime," something like that. So it makes sense otherwise.

THE COURT: I think so.

MR. SANGER: It's going to be a sea of words and they're never going to figure it out.

THE COURT: Yeah. I think so. So we can....

The next one we're on here is 4 --

MR. SANGER: 3.31.5. Did you rule on that?

MR. SNEDDON: No. And I have a -- oh, go ahead.

THE COURT: I think what we should do with 3.31 -- 3.31.5 is to say, "In the crimes charged in Counts 1 through 10," and for --

MR. SNEDDON: Judge, could I be heard on that?

THE COURT: Yes. Just a second.

I think it should say, "In the crimes charged in Counts 1 through 10, and in the lesser crimes, there must exist a union or joint operation of act or conduct and a certain mental state in the mind of the perpetrator. Unless the mental state exists, the crime to which it relates is not committed. The mental states required are included in the definitions of the crimes set forth elsewhere.”

MR. SNEDDON: Judge, I believe that this instruction is actually directed when there’s a mental state other than specific intent. And I believe that this instruction ought to be limited to those portions of the child molestations that requires the mental state of the arousal part of it. This is like for second-degree murder, where you have malice and some of the other mental state degrees, like if it was knowingly and things like that.

So I think it would -- that the part that you just talked about really is covered by 3.31. And this is when there’s a special mental state that’s different from the specific intent. And the only one I can think of here would be the arousal part of the 288 offense. Now, there could be others, but --

THE COURT: Do you agree with that?

MR. SANGER: No. I was just reading the use note, which is singularly unhelpful. It seems to me that there are other mental states. I think the arousal, that’s a specific intent. So I disagree with Mr. Sneddon, respectfully, that that is a mental state other than specific intent. But there are references to “willful, knowing, malicious.” Those are mental states, I suppose.

THE COURT: Mr. Dunkle, what do you think?

MR. DUNKLE: I agree with Mr. Sanger on

that.

MR. SNEDDON: Just for the record, to make it complete, Mr. Franklin disagrees with me and he agrees with Mr. Sanger, so it looks like I’m on the short end of this one.

MR. DUNKLE: It does say, “specific intent for 288, to arouse.” It says “specific intent.”

MR. SNEDDON: Then it shouldn’t be given.

MR. SANGER: I think it should be given. I think it should be given the way the Court indicated.

THE COURT: All right. We’ll give it that way.

I think, though, Mr. Dunkle, the first time you ever spoke in here, you conceded to your boss. That was a bad start right there.

The next one is 4.51. The D.A. doesn’t have that. Let’s see, “Alibi.” We don’t need that.

MR. SANGER: That’s withdrawn.

THE COURT: Do you agree?

MR. SNEDDON: Yes.

THE COURT: 4.71, “Proof need not show exact time of crime.”

MR. SANGER: I think both sides would withdraw that. The prosecutor has withdrawn it, and we would also.

THE COURT: Withdrawn.

4.71.5, “When proof must show specific act or acts within time alleged.”

MR. SANGER: This was a new instruction that was presented this morning by the prosecution. We do not object to it, except for the last sentence. And as to that last sentence, perhaps the Court could just put a Post-it on that, because we do have a special.

THE COURT: That you submitted for the first time this morning.

MR. SANGER: Yes. Yes. I’m not faulting the D.A.

MR. DUNKLE: That one we submitted on the 28th.

MR. SANGER: Wait a second. Mr. Dunkle has something to say.

MR. DUNKLE: I think that one was submitted on the initial proposed jury instructions on the 28th of February.

MR. SANGER: There you go. That’s why he’s here.

So if we could, we would agree with all of it except for the last sentence, and if the Court could just hold up on the last sentence until we determine what we are doing on that subject.

THE COURT: Okay. I do think that this correctly states the law in that regard, though.

MR. SANGER: Well, there’s an issue under Blakely as to whether or not there has to be

unanimity on the specific acts, and there is a question as to whether or not it has to be reflected in the verdict forms. So we aren’t there yet and I think we need to discuss that, because I don’t necessarily think everything has to be put -- specified in the verdict forms, but it does have to be dealt with.

THE COURT: Okay. So it may be that this last sentence is just fine, but it just depends on how we handle the Blakely issue.

THE COURT: Okay. The next one is 6.00, “Attempt.”

MR. SANGER: Don’t have an objection to it. However, I think it should be given just before the instruction on the count, whatever count it is that’s the attempt count.

THE COURT: Put it in a different order.

6.01, “Conspiracy and overt act defined.” Looks like the same. You didn’t change it. You just put it double-spaced, in a different format.

MR. SANGER: Look the same to me, but I don’t know. I read it quickly.

THE COURT: It looks the same. Is it the same?

MR. SNEDDON: As far as I know it is.

THE COURT: Okay. I’ll give that one.

And 6.11, any problem with that? Just took out the parentheticals. Left the words in.

MR. FRANKLIN: Added “Count 1.”

THE COURT: Added “Count 1.”

MR. SANGER: Actually, it just said “count” in the other one.

THE COURT: Okay. We'll give that one.

MR. SANGER: Can I -- before you do that -- I'm sorry, I didn't speak quickly enough, I suppose, on the substance.

What "natural and probable" consequences are involved here, other than what is alleged to have been agreed to to start with? I suppose in giving a full definition of conspiracy to the jury, this does it. But this isn't a typical thing where a bank robbery goes wrong and somebody gets shot, and then the question is, is that a natural and probable consequence of agreeing to do a bank robbery? The People's theory is Michael Jackson intended all of this. Obviously we dispute that, but that's their theory.

MR. SNEDDON: Well, that they intended to isolate and control the family, and it's a natural and probable consequence of that that they took them to the Calabasas Inn and held them there against their will. And that would be something that, even though he didn't know about it, the jury could construe as being a natural and probable consequence from the agreement to control and isolate them, or to falsely imprison them.

MR. SANGER: But -- sorry.

MR. SNEDDON: So it should be given.

MR. SANGER: An agreement to control and isolate is not --

MR. SNEDDON: I used the wrong words, Counsel.

MR. SANGER: Yeah, it would have to be the agreement to -- the specific intent to commit these crimes.

THE COURT: Okay. I'll give it as prepared.

6.12.

MR. SANGER: And we would withdraw our request for that, for 6.12, and object.

THE COURT: On what basis do you object?

MR. SANGER: I think it's -- it unduly emphasizes one aspect of the People's case. It's already covered in general terms. I understand it's a CALJIC instruction, and I’ll submit it.

THE COURT: All right. I’ll give 6.12.

THE COURT: 6.13, “Association alone does not prove membership in the conspiracy.”

MR. SANGER: That’s requested by both sides.

THE COURT: I’ll give that. 6.14, “Acquaintance with all co-conspirators not necessary,” I’ll give that.

MR. SANGER: We would withdraw our consent to that and object. I’m speaking a little bit behind here. Your Honor already ruled, but --

THE COURT: 6.16, “When conspirators not liable for act or a declaration of co-conspirator,” I’ll give that. 6.17, “Conspirators not bound by act or declaration of non-conspirator,” I’ll give that. 6.18, “Commission of act in furtherance of a conspiracy does not itself prove membership in the conspiracy,” I’ll give that. 6.19, “Joining conspiracy after its formation,” I’ll give that. Oh, wait. I don’t have that in the new form.

MR. SANGER: That was apparently withdrawn by the prosecution, but I think it’s -- I think it’s appropriate. We requested it.

THE COURT: Okay. I’ll give that. 6.20, “Withdrawal from a conspiracy,” I’ll give that. 6.21. 6.21, “Liability for acts committed after termination of conspiracy,” I’ll give that. 6.22, “Conspiracy” --

MR. SANGER: There’s a revised version.

THE COURT: Yeah, “Case must be considered as to each defendant.”

MR. SANGER: Okay. I have two objections to 6.22. And I do not object to the amendment at the beginning to say “the defendant” rather than “each defendant,” since we only have one person accused of this conspiracy, or accused in the indictment of this conspiracy. So that’s okay.

The two problems I have are, one, this misstates the elements of the offense. And it’s somewhat beyond me. I know this is CALJIC once again, but why it’s being restated and why “conspiracy” is being restated in different terms. It says, “There was a conspiracy to commit one or more of the crimes of…,” and this leaves out the specific intent to agree.

And the second part of that, or the second objection to this, is that the last two sentences violate Blakely, that there has to be a jury determination as to the underlying facts, and it has to be unanimous, beyond a reasonable doubt. And I think we’ve addressed that in a special.

I would take the position that, under Blakely and the U.S. Supreme Court decisions following that, that any instruction that says that you are not required to unanimously agree as to who committed an overt act or which overt act was committed so long as each of you finds beyond a reasonable a doubt that one of the conspirators committed one of the acts, that would violate the unanimity and proof-beyond-a-reasonable-doubt requirements of Blakely.

THE COURT: Do you want to say anything?

MR. SNEDDON: Well, we’re going to take this up, I guess, later, but Blakely doesn’t have anything to do with this case. Blakely is a sentencing allegation finding. This is not a sentencing allegation finding. This is the law of conspiracy that’s been in effect for years and years and years in California. It doesn’t have anything to do with Blakely.

MR. SANGER: It obviously does. I mean, Blakely doesn’t just talk about sentencing. And the cases that have construed Blakely since it came down make it clear that it applies to anything that has to do with imposing criminal liability on a defendant.

THE COURT: Okay. I’ll accept it as it is at this point. We’ll see if it changes as we discuss the others. But I have read the others.

6.23 --

MR. FRANKLIN: Judge, our version on 6.22, I see that I, down -- in the fourth line down on the second paragraph, I spelled “false imprisonment” and left off the “ment,” if that could be noted.

MR. SANGER: Where?

MR. FRANKLIN: On 6.22, the fourth line down in the second paragraph, where it lists the crime. “Extortion, child abduction, and false” -- it says “false imprison.”

THE COURT: Not mine.

MR. SANGER: Not on mine.

MR. FRANKLIN: Then I’ve got an earlier version and I do apologize.

THE COURT: You’ve got -- you’ve got an erratic computer.

6.23.

MR. SANGER: Okay. Now we have -- this is the brand-new one.

THE COURT: Ahh, yes. Now I need to put this in and take this out.

Is there any problem with that that you see, Mr. Sanger?

MR. SANGER: I haven’t had a chance to really look at it. This was more recent, so could I have just a moment, please?

The only thing I would object to so far, and I’m up to Overt Act No. 9, is that they’ve capitalized all of the names of the people they chose to capitalize and not capitalized the other people. And I looked up and Your Honor was gone, and I’m glad to see you’ve returned.

THE COURT: I’ve got all this trash I was throwing on the floor. I was taking an opportunity --

MR. SANGER: I thought it was something I said. All of a sudden you were gone.

In other words, they capitalize Ronald Konitzer, Dieter Weizner. They capitalize Frank Tyson and Marc Schaffel, Vinnie Amen, but they don’t capitalize Janet Arvizo or anybody else ‘s name.

MR. FRANKLIN: Judge, there was a reason.

This language was simply copied from the language of the indictment itself. And it was thought appropriate in the indictment to capitalize the names of -- the person's name as conspirators, or co-conspirators.

MR. SANGER: That doesn't mean it's right in a jury instruction. Seems to me you capitalize everybody's names or you don't capitalize anybody's names. This is an instruction by the Court. And to make it look like the Court is emphasizing one group of people over another I think would be inappropriate. And I'm sure, as Mr. Franklin mentioned, due to whatever he called it, the modern wonders of the computer, you can search these names and you can change them fairly instantaneously.

THE COURT: Well, since we are going to give all the jurors copies of it, I think they should be the same.

MR. FRANKLIN: I'll do that.

THE COURT: Just let me finish picking up this paper.

Okay. The next one is 6.24.

MR. SANGER: I'm sorry, I'm still reading this instruction. Can I have just another minute?

THE COURT: Okay.

MR. SANGER: Thank you.

Maybe one way to do this, I was just conferring with Mr. Dunkle on this, Overt Acts 19, 21 and 22, let's just stick with those three for the moment, we would renew our 1118.1 motion, I think is procedurally the way to get to it.

And we could renew our 1118.1 motion as to all matters, but just specifically looking at those overt acts, based on the evidence in this case, they don't seem to have anything to do with the alleged conspiracy. They may or may not have something to do with the alleged other acts, and so under whatever appropriate code section, 1118.1 or some other code section or some other procedure, we would move to strike those from the jury instructions and to have the Court, as a matter of law, finding that those are not relevant to the conspiracy count.

THE COURT: I'm not really willing to entertain such a motion while we're trying to do jury instructions. It's untimely, and it's not -- doesn't really solve problems. It just creates them, so --

MR. SANGER: Okay.

THE COURT: But have you read the rest of the --

MR. SANGER: I was going to say, based on the Court's ruling on that, other than correcting the font or the caps, the lower case, whatever we're doing, I don't have any further objection to 6.23.

THE COURT: Okay. So there's no misunderstanding, I think what you should do is

leave the "Michael Joe Jackson" in all caps, and then put the rest of the names that are involved other than Mr. Jackson's in lower cap, you know, with the proper capitalization.

MR. SANGER: Could I be heard on that? There's no other instruction where "Michael Joe Jackson" is in all caps. This is a jury instruction. I think it should just be regular lower case.

THE COURT: No, I think it puts the right emphasis on each of the allegations, so you understand, when you read the allegation, it's "Michael Joe Jackson did this," and "Michael Joe Jackson..." I don't think it's at all harmful to you as you think.

The 6.24. Okay. No objection? I'll give that.

MR. SANGER: I'm just looking at it quickly here in the book. Just one more second, please. All right. Thank you.

THE COURT: 6.25.

MR. SANGER: The revised version. Subject to the verdict forms, working that out, if that's the way the Court ultimately rules the verdict form should look, then this will be acceptable.

THE COURT: Okay. And then the next one,

let's see, I have in the old stack is 6.26.

MR. FRANKLIN: That's the -- essentially it's a guide for the jury verdict form.
THE COURT: So we don't need that.
MR. FRANKLIN: No.
THE COURT: And then 9.60, "False imprisonment."
MR. SANGER: And this is the one general intent underlying offense.
THE COURT: Yes. And the question, I guess, is the 9.60 -- CALJIC 9.60 is what? Is it a felony that they're reporting?
MR. SNEDDON: Yes.
MR. SANGER: False imprisonment, 236.
MR. SNEDDON: The misdemeanor instruction for false imprisonment is back in the 10.00 series, I believe.
THE COURT: 16.00.
MR. SNEDDON: Or 16.00 series, yeah. This is the felony one, which is the appropriate one.
THE COURT: And do you agree with that?
MR. SANGER: That the felony instruction should be given rather than the misdemeanor? Yes.
THE COURT: You said "yes"?
MR. SANGER: Yes, sir. I was just clarifying the question, but --
THE COURT: Okay. Have you looked at this one, 9.60? Is that okay?
MR. SANGER: Yes, that seems to be the 9.60 from the book.

THE COURT: Okay.
MR. SANGER: And I hear Mr. Franklin saying something. Is it not?
MR. FRANKLIN: There's only an introductory phrase indicating that he is accused of that in the conspiracy count. Otherwise, it's from the book.
THE COURT: Where it says, "Defendant is accused in Count 1"?
MR. FRANKLIN: Yes.
THE COURT: That's the introductory phrase?

MR. FRANKLIN: “Of having conspired to commit.”

MR. SANGER: That’s fine.

THE COURT: And then the next one is 9.70.

MR. SNEDDON: Judge, can we hold on for a second, raise an issue with the Court that just occurred to me?

THE COURT: Yes.

MR. SNEDDON: I’m wondering if we need to give -- probably not, but I just want to bring it up. Inasmuch as this is not a lesser-included, it doesn’t seem like we need to give the misdemeanor false imprisonment instruction, because -- although conspiring to commit a misdemeanor is a felony.

THE COURT: Right.

MR. SNEDDON: So maybe it needs to be stated in the alternative. Misdemeanor is no force or violence. In other words, the -- as alleged in the indictment, it’s alleged as a felony. I think it’s pretty clear.

THE COURT: Well, it says “a felony” in the indictment.

MR. SNEDDON: Yes, sir.

THE COURT: But the language is not felony language in the indictment.

MR. SNEDDON: Oh.

THE COURT: So it’s not pretty clear.

MR. SNEDDON: Okay. I think the working assumption has been, from both sides, that it was a felony. But I understand what the Court’s saying, and it occurs to me that perhaps they need to be instructed under both theories and --

MR. SANGER: Well, the indictment is a felony and the language of “by violence or menace” is the language of the felony. I mean, whether you say it’s a felony or you say why it’s a felony, he was indicted for --

THE COURT: A felony.

MR. SANGER: -- conspiracy to commit this felony. I don’t think that --

THE COURT: You just think the language of the felony would be sufficient.

MR. SANGER: Yes, I think it would be probably required, but it would certainly be sufficient.

THE COURT: Well, let's see. A misdemeanor is not a necessarily-included of the felony, so I guess we'll go with the felony instruction.

That being the case, then that language is okay.

And then 9.70 is "Child abduction."

MR. SANGER: They've changed 9.70 to put in an introductory paragraph in the latest version, and I think that's probably a good addition.

THE COURT: All right.

9.72?

MR. SANGER: That appears to be a correct statement directly from CALJIC. And the bracketed material that was removed is appropriately removed.

THE COURT: That they took out "right to custody" and "abduct." "Abandonment," I mean.

MR. SANGER: That's correct.

THE COURT: And that's good. You agree with that?

MR. SANGER: Yes.

THE COURT: Okay.

And then 9.73? Okay. I'll give that.

MR. SANGER: That is according to CALJIC, 9.73. I withdraw any consent to it if we did, and I would object to it on the grounds that it's misleading. And it's misleading because it doesn't say it's not a defense if the other elements are met.

THE COURT: Okay. I'll give that.

10.41, "Lewd act with a child under 14."

That looks like it's the same, doesn't it? You didn't change that, Mr. Franklin?

MR. FRANKLIN: No, Your Honor.

MR. SNEDDON: Just removed the brackets.

THE COURT: Okay. I'll give that.

10.60 -- did you take out 10.43 for some reason?

MR. SANGER: They withdrew .43 and .44.

THE COURT: So they're withdrawn.

MR. SNEDDON: May I have a second, Your Honor?

Right, those don't apply to the facts of our case. I'm sorry. Those don't apply to the facts of our case.

THE COURT: 10.43 and 10.44 are withdrawn.

10.60, "Sexual crimes - Corroboration not necessary," I'll give that.

10 --

MR. SANGER: Can I indicate that we withdraw -- I'm sorry to be just a step behind you, but it's hard to keep up. I'm trying to compare both of these.

On 10.60, we would withdraw our request and object to that.

THE COURT: 10.61, I don't have that. Did I have that?

MR. SANGER: It was withdrawn by the prosecution in the latest set.

THE COURT: Okay.

MR. SANGER: And we would object to it.

THE COURT: So I won't give that.

MR. SNEDDON: Yeah, I don't think it applies.

THE COURT: 10.64, "Cautionary instruction - Child abuse/rape trauma syndrome," I'll give that.

MR. FRANKLIN: Your Honor, we don't remove the "rape trauma syndrome" language in the heading. The Court might want to consider doing that.

THE COURT: All right. Would you do that?

MR. SANGER: And we do object -- I'm just trying to keep track, Your Honor, I'm sorry, here. We would -- no, never mind. We'll submit it.

THE COURT: Okay. I'll give that.

And it's in the heading, just what they're talking about.

MR. BEEBE: All right.

THE COURT: 10. -- or 14.70, "Extortion."

MR. SNEDDON: Judge, I think the Court needs to know ahead of time that the last paragraph of that instruction was added. It's language that was similar to an instruction given to the grand jury defining what a thing of value is, but that is not part of the standard instruction in 14.70.

MR. FRANKLIN: Your Honor, I believe that part of the grand jury record includes not only that instruction, but also the authority that we had mustered for that particular language. If that's not a part of it or not available to you, I can make that available to you promptly.

MR. SANGER: Well, we'd object to the addition of the paragraph. As I'm reading it here --

THE COURT: Well, let's do this: I'll give 14.70 on -- No. 2, "In order to prove this crime, the following elements must be proved: One, a person obtained property from the alleged victim. And two, the property" -- let's put "the thing of value" or "something of value." Let's put "something of value" there. The "something of value" -- well, let's see. "A person obtained something of value from the alleged victim." And then the second one, "The something of value was obtained with the consent of the alleged victim." And then the final sentence, No. 4, "Victim to consent to the giving up of his or her thing of value."

Then if you want to submit a special on that other issue, with authorities attached, we're going to take a break now, and I'll give you ten minutes to go do that. But I won't put it in as part of this instruction. Okay?

(Recess taken.)

THE COURT: Okay. 16 point -- or 10.64, I think we agreed to give that one, right?

MR. SANGER: Okay.

THE COURT: I changed it. Yeah, I just changed it, and then there was going to be a possible addition.

MR. SANGER: I'm sorry, I'm completely lost.

We’re on 14.70, and you went back to 10-something.

THE COURT: No, I misspoke, and then I said 14.70.

MR. SANGER: I’m sorry, I didn’t hear you.

THE COURT: I did go -- I mis...
All right. 14.71, I’ll give that.

MR. SANGER: That’s the new one?

THE COURT: Yes.

MR. SANGER: The one line. The one sentence.

THE COURT: Yes. I’m going by his new ones as best I can.
14.72, “Unlawful injury,” I’ll give that.
And now I have 14.73.

MR. SANGER: Submit it.

THE COURT: Which I didn’t have before, I guess.

MR. SANGER: We did.

THE COURT: Did you?

MR. SANGER: But the new one looks appropriate.

THE COURT: Is it okay?

MR. SANGER: Yes, sir.

THE COURT: All right. And then I have 14.74.

MR. SANGER: I can see there’s a typo. There’s a number of brackets eliminated and so forth. We need a minute to figure that out, if we could, please.

THE COURT: Yeah. “...threatened ora third person”?

MR. SANGER: “Ora.”

THE COURT: “Ora.”

MR. SANGER: And I guess the number “1” should be removed, since --

THE COURT: Yeah. So take out the number “1” and the -- put a space in, “...or a third person.” And then it appears to be all right. I’ll give that with those corrections.
16.135?

MR. SNEDDON: That’s withdrawn.

THE COURT: Withdrawn.

17.02.

MR. SANGER: Yes.

THE COURT: That's withdrawn? Or that's the new one. There was a 17.03.

MR. SANGER: Well, 17.02 was not requested originally, but --

THE COURT: Right.

MR. SANGER: -- but it is now.

MR. SNEDDON: It needs to be given.

MR. SANGER: It is now and it should be given, right.

THE COURT: Okay. And 17.03 should not be given, right?

MR. SNEDDON: Correct.

MR. SANGER: I believe that's true, yes.

THE COURT: So that's withdrawn.

MR. SANGER: 17.10, do we have a -- 17.10 was submitted originally and then it's been withdrawn.

THE COURT: Is that correct?

MR. SNEDDON: It should be given, though.

MR. SANGER: But I think it should be given, and it should be tailored to meet the particular lesser.

THE COURT: Okay. What we'll put on that, 17.10, is - and this has to be filled out - "If you are not satisfied beyond a reasonable doubt that the defendant is guilty of the crime charged, you may nevertheless convict him of any lesser crime if you are convinced beyond a reasonable doubt that the defendant is guilty of the lesser crime."

MR. SANGER: It should say "a" lesser crime. But it's not a big deal. Oops.

THE COURT: "The crime of furnishing alcohol to a minor is lesser to that of administering an

intoxicating agent to a minor charged in Counts 7 through 10."

And then down at the bottom, we'll reiterate the Counts 7 through 10.

The next one is --

MR. SANGER: And we agree to that, without waiving the objection to the lesser, but we agree that that’s otherwise correct.

THE COURT: 17.12, that hasn’t been filled in. Does that have to be given now?

Mr. Sneddon, does 17.12 have to be given now?

MR. SNEDDON: I think it does, Your Honor. And I do not believe, in the packet of the verdict forms, there was a lesser-included, so I’ll have to do that.

THE COURT: Okay. Do you want to get somebody working on that?

MR. SNEDDON: Well, as soon as Mr. Franklin comes back from the other thing, I’ll send him up to start on that one.

THE COURT: Okay. And then there’s 17.24.1. 17.24.1 is the enhancement allegation, substantial sexual conduct.

MR. SANGER: That’s under 1203.066 --

THE COURT: Yeah.

MR. SANGER: -- I take it.

THE COURT: I think that’s the proper -- but

there will be a finding included in the form for that.

Then 17.30, “Jury not to take a cue from the judge,” we’ll give that.

17.31, “All instructions not necessarily applicable,” we’ll give that.

17.32 --

MR. SANGER: That should not be given. I guess both sides thought Your Honor was going to be more vociferous.

THE COURT: Don’t you think this would be a good case for me to --

MR. SANGER: Maybe.

THE COURT: All right. I’ll reject that.

MR. SANGER: Your Honor, you realize we’re all speaking in code to the extent that nobody in the court knows what we’re talking about.

THE COURT: Oh, yes. The instruction 17.32 is an instruction that the judge may comment on the evidence, which in England is done regularly by judges, and in the United States is not done very often by judges. In fact, in my career I only had one judge do that, and he was reversed for doing it. So it’s not something I would have ever done or intend to do this time.

MR. SANGER: I did remark, Your Honor, that if we had televised today’s proceedings, we could have deterred an entire generation of kids from

going to law school.

THE COURT: Okay. And 17.31, “All instructions” -- oh, 17. -- 17.31, “All instructions not necessarily applicable.”

MR. SANGER: That was already in there.

THE COURT: Okay. And then 17.40.

MR. SANGER: 17.40.

Oh, wait, 17.32 we did do, which is --

MR. SANGER: That’s the one you’re not giving.

THE COURT: When the judge does not comment on the evidence. And then --

MR. SANGER: I’m sorry, Your Honor, maybe I’m losing it, here.

THE COURT: They didn’t put it in their new --

MR. SNEDDON: Which one, Judge?

MR. SANGER: .30 you gave. .31 you gave. .32 you’re not giving, I believe.

THE COURT: No. .31 I’m giving.

MR. SANGER: Yes.

THE COURT: 17.32 is -- I have not --

MR. SANGER: This is the one you’re not giving.

THE COURT: All right. You’re right.

17.40. There is one that I did that says I am not --

MR. SANGER: That’s .30.

THE COURT: That’s .30. Okay.

17.40 --

MR. SANGER: I think that’s correct.

THE COURT: -- I’m giving. 17.41 I’m giving. 17.42 I’m giving. 17.43 I’m giving.

MR. SNEDDON: Judge, we didn’t know -- on the second paragraph there, on 17.45, we didn’t know exactly what format the Court was going to be giving these in, but that may be that that should be deleted, because it looks like the Court’s going to be giving clean copies to all the jurors.

MR. SANGER: Well, actually, the whole thing should be changed, given the Court’s proposed course of action.

THE COURT: Yeah.

MR. SANGER: I think we should say the jurors will each be given their own copy of the jury instructions which they may mark on if they wish. There will be one official copy of the jury instructions which shall not be defaced in any way. That’s what you have to tell them, I think.

THE COURT: Yeah, I think you’re right. This we should give at the beginning of the instructions, though, instead of the end.

MR. SANGER: Yes, that’s a good idea.

THE COURT: Let’s come back. We’ll modify that a little bit.

And 17.47, “Admonition against disclosure of jury balloting.”

Are they going to receive a separate verdict form on each of the crimes? I guess. So I’ll give 17.49.

And 17.50 I’ll give, “Concluding instruction on selecting a jury foreperson.”

MR. SANGER: 17.49, I didn’t see -- where’s .49? Let me just see, here.

I’m sorry to go backwards, Your Honor, but on 17.49, the one currently submitted by the prosecution does not take into account the lesser-included, and I think that language has to be put back in there.

THE COURT: I think it’s all right, though, as long as the return of the -- the one we still have to have, the partial verdict form instruction, is complete.

MR. SANGER: Maybe it’s because it’s the end of the day, but does that cover --

MR. SNEDDON: I think this needs to be given, because what will happen is if, on the lesser part, if you don’t give it, they may sign it thinking that if they’ve convicted on the larger, they’re supposed to sign on the smaller also, and it’s a matter of clarification for them in terms of what their role is in terms of the lesser and the larger.

THE COURT: Do you mean -- you’re talking about 17 --

MR. SNEDDON: .49. I thought that’s what Mr. Sanger was talking about.

MR. SANGER: Yeah, 17.49.

THE COURT: He just wondered if there should be a statement of the lesser-included in that paragraph. It says, “You’ve been charged with one count of conspiracy, four counts of lewd act upon a child, one count of attempted lewd act and four counts of administering an intoxicating agent.”

MR. SNEDDON: Well, I understood that he was also suggesting that the second larger paragraph be reinserted, because it was not in there.

THE COURT: Oh. I don’t have that.

MR. SNEDDON: No, sir. That’s because we didn’t envision lessers at the point in time.

THE COURT: So you think it should go in now?

MR. SNEDDON: I do, Your Honor. I think that’s what counsel was talking about, and I do agree with him. The language is, “Since a lesser offense is included in the greater, you are instructed that if you find the defendant guilty of the greater offense, you should not complete the verdicts on the corresponding lesser offense.”

THE COURT: Okay.

MR. SNEDDON: “And those should be returned to the Court unsigned.” I think that’s important. Otherwise, they may misconstrue the way the verdicts operate.

And I'm not suggesting the last paragraph be left out. I'm just trying to direct them where --

MR. SANGER: The last paragraph would be more beneficial to the defendant, so there's one for each side there, and both should be in.

MR. SNEDDON: I agree. I just wasn't going to read the whole thing.

THE COURT: So now you want us to put in the entire instruction as it appears in the book?

MR. SANGER: I think if we have a lesser, I think you should do that. That's what he's saying.

THE COURT: "Separation admonition."

"The admonition to alternate jurors" I'll give, 17.53.

MR. SANGER: You're way ahead. You said 17.50?

THE COURT: Yes.

MR. SANGER: That's where I was, 17.50. Did you go beyond that, Your Honor?

THE COURT: Yes. 17.52.

MR. SANGER: Okay.

THE COURT: And 17.53. And then there's this post-verdict admonition, which I won't give to them in their package now.

MR. SANGER: Right.

MR. SNEDDON: Judge, this is sort of a new CALJIC, CALJIC 17.54. I didn't request it. I just

happened to notice it, but the basics of it is that people not take cell phones into the jury deliberation room.

THE COURT: They're not allowed to bring in cell phones now.

MR. SNEDDON: Okay. This is a new instruction. I mean, I just didn't know whether -- it looks like the problem's taken care of. We don't need to give it.

THE COURT: What number is it?

MR. SNEDDON: 17.54. And they cite a case, but --

MR. SANGER: It replaced the old one that had to do with bringing Ouija boards in.

I don't think it's mandatory. In fact, it says if you're going to do it, you should do it as part of the preinstruction back in the beginning of the case under 0.50. But if the court staff and the bailiffs are not allowing the jurors to have cell phones to start with I think saves the problem. Whatever the Court wants to do.

THE COURT: That's the case, isn't it, Leslie?

THE BAILIFF: It is. They do not have cell phones.

THE COURT: I should give 17.47, too. Did I give that? Yeah, I did. Okay. CALJIC 16.0.10 -- .010?

MR. SNEDDON: We withdrew that.

THE COURT: Well, but where we were -- where are we going to put it in the --

MR. SNEDDON: Oh, is that the B&P one?

THE COURT: I read it earlier.

MR. SNEDDON: Is that the B&P one, Your Honor?

MR. SANGER: Yes.

MR. SNEDDON: Oh, I'm sorry. I was thinking of another one.

THE COURT: I read to you what I would do, and then we needed the -- that should go, what, right next to the other charges? What number are they?

MR. SNEDDON: Well, you could put it right after your instruction on the lesser-included offense.

MR. SANGER: Do you mention --

THE COURT: Well, we had -- there's 222, which is a special also.

MR. SANGER: Yeah, I'm not seeing 222. That's the problem.

THE COURT: That's where it goes. Did you see it? Did you not get it?

MR. SANGER: I can't say I didn't. I cannot say I did not get it, but I do not have it.

THE COURT: It was in your original package, but it's not in your new package, Mr. Sneddon.

MR. SNEDDON: I’m sorry, Your Honor, what section is that?

THE COURT: 222, which is the Penal Code Section 222 special, “...administers to another any intoxicating agent with intent to...,” and that’s the one that this lesser should be with.

I’m going to put it right after -- both of those right after the extortion, but I don’t understand. Your instruction has “Elements,” and then nothing after that. Have you seen it?

Do you both want to approach?

MR. SANGER: Yes.

(Discussion held off the record at sidebar.)

THE COURT: Tracy?

And then the furnishing, that goes behind it.

MR. SANGER: In between those two, would you not put 17.10?

THE COURT: Put what?

MR. SANGER: 17.10, in between the --

THE COURT: Do you mean 17.12?

MR. SANGER: No, 17.10.

THE COURT: Lesser-included. Okay.

MR. SANGER: Now, did that 222 start out with, “In the crimes charged in Counts 7 to 10”?

THE COURT: No, it says, “Any person who administers to another any” --

MR. SANGER: I think it should start out --

because that was the typical introductory paragraph. Just a paragraph that says, “In the crimes charged....” How does it start out in the other ones? Not the conspiracy ones, but the others?

THE COURT: No, it doesn’t.

MR. SANGER: Well, for instance, 10.41, “The defendant’s accused in Counts so and so” --

THE COURT: 9.70 just says, “Defendant is accused in Count 1 of....” Is that what you’re talking about?

MR. SANGER: Yeah. So we need to say, “The defendant is accused in Counts 7 through 10 of” --

THE COURT: Okay.

MR. SANGER: -- whatever it’s called.

THE COURT: Did you get that?

Look at the extortion one, or the child abduction one, and you’ll get the opening sentence to it.

MR. SANGER: Not quite, because that says “conspiracy to commit,” I think.

THE COURT: Okay.

MR. SANGER: So it should just be “the crime of.” I was looking at 10.41 as being a good example. “The defendant’s accused in Counts 2, 3, 4 and 5.” Here it should be, “The defendant’s accused in Counts 7, 8, 9 and 10.”

THE COURT: Now, I think what we have left are the specials; is that right?

MR. SANGER: Yes, sir. And then also -- those also may or may not have an impact on a few of the instructions we tabbed.

THE COURT: Okay.

MR. SANGER: We have Special No. 1.

MR. SNEDDON: Which ones?

MR. SANGER: Those are your original instructions, and I think the Court considered that way back when, when the thing was played.

THE COURT: And we did a -- do you have the transcript, Tracy or Jed, of the instruction I actually gave when it was played?

MR. BEEBE: Yes.

THE COURT: I had it this morning. Because we took part of yours and part of the district attorney’s at that time.

MR. SANGER: When the Court’s ready, I would like to be heard briefly on this theory that I think Your Honor was rejecting, but we --

THE COURT: Wait till we get to it. We haven’t done it. I was just indicating my feelings.

MR. SANGER: Okay.

THE COURT: Okay. On Special Jury Instruction No. 1, I’m willing to give that instruction, without the middle paragraph, in this form: “The video of ‘Living with Michael Jackson’ is not offered for the truth of anything said or shown in the program, with the exception of certain identified passages. You will receive additional instructions with regard to those identified passages. The rest of the contents of the video is hearsay and cannot be considered by you to prove anything other than the fact that the program aired in February of 2003 and its likely impact on Mr. Jackson’s state of mind.”

And then skip the middle paragraph, and then, “You should not be biased, prejudiced or influenced in any way by the content of the video or by its commercial packaging. Except for the limited specific statements that the Court will instruct you” -- “Except for the limited specific statements that the Court will instruct you may be considered, the remainder of the program should only be considered for the fact that it aired and its impact on Mr. Jackson.”

MR. SANGER: Can we say “its impact, if any,” on Mr. Jackson?

THE COURT: Yes.

MR. SNEDDON: Judge, may I make a comment?

THE COURT: Yes.

MR. SNEDDON: I thought the additional circumstantial basis for the admission of it was to show the motive for the crime, of the conspiracy. And that goes a little bit beyond merely Mr. Jackson’s -- any impact, if any, on Mr. Jackson’s state of mind. It goes to the actual motive for forming or need to form the conspiracy. So maybe something like “any relevance it may provide, if any, on the motive for the conspiracy,” or something like that.

MR. SANGER: Well, one way to accommodate it, just to try to accommodate it at the end of the day here, you could say, “its impact, if any, on Mr. Jackson or on other individuals mentioned in the course of the trial.”

But then if you say that, then we should say, “It is up to you to determine what significance, if any, to place on this evidence.”

THE COURT: Isn’t there somewhere else in the instructions that we discussed the motive as --

MR. SNEDDON: Yeah, there’s a general instruction on motive, which is, I think, 2.51, but you’re actually -- in this one, you’re being very specific about this piece of evidence and what the limited purpose of it is.

THE COURT: When I say “its likely impact on Mr. Jackson’s state of mind,” aren’t we saying that then you can argue that the impact is motive? I mean, should I have “motive” in the instruction if I’m saying that it was introduced to show the impact on him?

MR. SNEDDON: I just didn’t want to get in the position, Your Honor, of having someone stand up and make an argument and start talking about motive

in this connection and then saying, you know, it’s really for his state of mind in terms of whether he was angry or upset about the production.

THE COURT: No, I think that’s one of the states of mind. That’s what we’re talking about is in his state of mind of whether or not that was a motive to do certain things that you allege he did based on that video.

MR. SNEDDON: Well, I’m comfortable with what the Court’s saying as long as everybody understands that. I just didn’t want to have to argue an objection on that, because I think that was one of the underlying reasons.

THE COURT: Okay.

MR. SANGER: All right. I under -- I think that -- I think that’s sufficient and it can be argued.

THE COURT: Okay.

MR. SANGER: Do you want to have our office retype this?

THE COURT: No, I think we’ll do it. (To Mr. Beebe) Do you have a problem?

MR. BEEBE: We’re not clear what the language is now.

THE COURT: It’s exactly what’s here except where I wrote in “if any” in red.

MS. SPLITGERBER: Okay.

MR. SNEDDON: Judge, when you say “exactly what’s here,” that’s different from the defense instruction, correct?

THE COURT: Right. It’s what I just read.

MR. SNEDDON: Yeah. Thank you.

THE COURT: Now, the second instruction was --

MR. SANGER: It might be helpful to look at proposed Instruction No. 5 because I think that -- Special Instruction No. 5 would follow this instruction.

THE COURT: Well, okay. I’m just going to reject Special Instruction No. 2. So I’m giving No. 1. as modified. Reject 2. Refuse 2.

And then we go to the ones you filed this morning. No. 3, I’ll give No. 3.

MR. SNEDDON: Your Honor, may I be heard on that?

THE COURT: Yes.

MR. SNEDDON: Judge, I think that’s a misstatement of the law. And I’ll tell you -- first of all, I object to the use of the word “government.” Second of all -- I mean, I don’t see one CALJIC instruction that uses the word “government” anywhere in it.

But second of all, I don’t believe that it’s the law that the jury necessarily has to agree to the particular set of facts that make up the charges. For instance, let me just give you an example. If all the jurors agree that Mr. Jackson placed his hands inside of the child’s pants, it’s not necessary for the jury to agree that he had underpants on at that time or he had pajamas on at that time, or he had a shirt on at that time or he didn’t have a shirt on at that time, or that Mr. Jackson had his socks on at that time or he didn’t have his socks on at that time.

And I think that’s what’s misleading about this, and that’s what happens when you stray from the standard instructions, and this is a very misleading instruction.

MR. SANGER: Well, nothing happens if you stray from the standard instructions if they don’t cover the law. If they don’t cover the law it’s reversible, so we have to do something in light of Blakely and Aprendi and the cases after it that there has to be unanimity, particularly when the charges are alleged in such a broad fashion. So the prosecution has to, in essence, opt for a set of facts.

I would agree with Mr. Sneddon, of course, it doesn’t, you know, matter -- the details don’t matter as to whether or not the jury agrees on the set of facts that make up the elements. But you can’t have one -- you know, six jurors agreeing to one occurrence, and another six jurors agreeing to another occurrence, and particularly in a case like this where you’ve had a lot of descriptions. You haven’t had consistent descriptions for these various offenses. You can’t have, say, one set of jurors saying, “Well, let’s see, I believe that Star’s story was correct and I don’t believe Gavin’s,” and the other saying the other way around. Either it’s -- so we have to accommodate that somehow.

MR. SNEDDON: Well, I think the standard instruction does that. It tells them they have to deliberate on each -- each count separately and arrive at a decision on each count separately.

MR. SANGER: It says, “...particular set of facts as alleged in a particular count,” so, I mean, that is saying it’s the facts alleged in the count.

THE COURT: Let me -- no one say anything. We’re off the record.

MR. SNEDDON: Oh, okay.

(Discussion held off the record at sidebar between the Court and the court reporter.)

THE COURT: Where’s a -- Commander? If I take a ten-minute break and go for another half hour after that, what’s it going to do to you?

COMMANDER MEYER: No problem.

THE COURT: We can do it?

Okay. I just want to take ten minutes. And this is a pretty serious part where we are, the last six instructions. I don't want to rush them, and the court reporter's consented to work. She's the one that's the most affected by this, next to security. So let's take ten, and a short break, and then we'll come back and deal with the -- and maybe you'll have your things by then.

MR. SNEDDON: I've got the verdicts already. I'll give them to you.

THE COURT: And the changed instructions?

MR. SNEDDON: Jerry's working on it.

(Recess taken.)

THE COURT: What I'm feeling is I can't really finish the instructions the way I want to do it, and I don't like working under the pressure of worrying about other people here and myself. I'm not satisfied with any of the specials proffered by the defense. But I feel that we have not -- none of us have put together a good jury instruction on the tapes, all of the tapes.

We have four tapes that they have watched, and there's some very limited uses that each of those tapes can be used for, and there's no instruction here that adequately guards against misuse. So I'm not -- I'm not going to proceed. I'm not going to go all this distance and then try to rush, in half an hour, to get something done that needs to be done.

MR. SANGER: Can I add something to the Court's concern?

THE COURT: Yeah.

MR. SANGER: And I hate to be the bearer of these tidings. We were looking at the lesser-included, which we objected to. And since we objected, I suppose I could just leave it on the record like that, but as I was talking to Mr. Dunkle, he had the added observation that actually

222 doesn't have the same elements, because 222 doesn't require a minor.

And remembering case law on lessers, where it has to be exactly the same elements, minus one or two, it's -- that's an issue. And then furnishing is not the same as administering.

So I want to give the Court a fair opportunity on that. I didn't want to not mention it, but if we are going to have to change that, that's something that's going to be more than a two-minute change to go back.

THE COURT: Yeah. Well, and I haven't also got to review the materials that you typed in a hurry and brought down, and the verdict forms, and since I'm putting packages together for the whole jury, I don't want to be doing it at the last minute.

I think what I should do is continue the jury instruction conference until tomorrow morning at our regular time. Then the question becomes, when do I have the jury come back in? And I could have them come in at noon, at our normal noon recess. That would give me an hour. If I instructed from, you know, around 10:00 to 12:00 till -- reading these instructions is probably going to take over an hour. So that would put me at one o'clock or so.

And then that would start Mr. Sneddon with his argument. Or I could have you come back in and do your argument on Thursday morning. But it seems to me even bringing the jury in just to instruct them is worth it, considering trying to get the case out by Friday, late Friday, that it would be a wise thing for me to at least instruct tomorrow.

MR. SANGER: That seems like a good idea, and it does seem that there's probably nothing wrong with the jury just getting the instructions on the law one day. It has --

THE COURT: It's not a very good use of time, but considering that we want to do this right and not be rushed into decisions that are not good ones, I think that's what we'll do.

MR. SNEDDON: Judge, my preference would be to have us not start argument after you give the jury instructions tomorrow, and I guess part of that still has to do with what -- whether there is or is not any time limitations that might drive that decision, too, which we have not decided, and which we really need to come to grips on, but I don't think we need to keep all the staff here to do that.

THE COURT: No.

Well, we can -- I think what we'll do is recess and let everyone go. I'll have one attorney from each side come back and we'll discuss time limitations on your argument, and then I'll work on the rest of these instructions. And we'll start at 8:30 tomorrow morning.

MR. SANGER: Just before you break, on the issue of the -- what comes in for the truth of the matter on the tapes --

THE COURT: Yes.

MR. SANGER: -- could I just be heard on that very briefly? And I know it's keeping staff. I'm sorry.

But we did try to go through and outline what would be relevant. The problem with doing that is that even if we were to agree - or it doesn't matter if we don't agree, the Court decides - then the Court has to sit there and read that to the jury, which then has the effect of unduly emphasizing both sides. I mean, it's -- you know, you're reading specific statements of Mr. Jackson either from the Bashir tape or from the outtakes.

And that's why -- it was not out of laziness. It was after reflecting on it, that if you can do it generically, what ultimately in this case would be the harm? I mean, there's very limited statements in the Bashir tape that pertain to Mr. Jackson's relationship with children, which is what the prosecution wants to bring in, and it has to be statements of Mr. Jackson and relating to children, and there are pretty much identifying statements in the outtakes.

I don’t think there’s a big danger in doing it that way, and what it really avoids is the Court, you know, having to read from both tapes and unduly emphasizing the text. So I just wanted the Court to understand that was our theory behind it.

Now, if the Court wanted to have the parts that we believe should be read by the Court from the outtakes, we could --

THE COURT: I never asked to have the material given to me so that I could read it to anybody.

MR. SANGER: Okay.

THE COURT: It never was my intent. It was so that I could see what the District Attorney was going to argue were admissions so that I would have a sense of what I could allow you to put in, to show the complete context of those statements, which is what you’re -- I think you’re allowed to do, but I never thought you were lazy either. I thought you were -- you thought it over and you thought, “Well, it would be good if everything he ever said about children could be taken for the truth of the matter

asserted,” and I just didn’t think that was a good way to approach it.

MR. SNEDDON: Judge -- well, I do need to make a statement about that. The reason I think it’s very important for us to have some agreement and consensus on what statements do constitute the admissions part is that so, during the course of the arguments, if the defense attempts to use something for the truth of the matter, there is some guidelines as to what it is the Court recognizes is hearsay and not hearsay.

So there’s another reason for us -- for you to decide that, not to read to the jury, but that both sides know what the boundaries are, so --

THE COURT: I agree.

MR. SNEDDON: Okay. Thank you.

THE COURT: There’s a preliminary determination that is not binding on the jury, because ultimately whether something is an admission or not is up to them.

MR. SNEDDON: Correct.

THE COURT: But the Court has the duty of making a preliminary look at the material and not allow them to be considering admissions that aren't admissions.

So then we'll see -- well, first of all, two of you come back on the time issue, and other than that, we're through for the day.

THE BAILIFF: 12:00 for the jury.

THE COURT: That's what time they're in the courtroom, not when they're supposed to get there. So having them here at 11:30 might be the right time to have them.

(The proceedings adjourned at 2:55 p.m.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 12506 through 12607 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 31, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
May 31, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
OFFICIAL COURT REPORTER

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, JUNE 1, 2005

8:40 A.M.

(PAGES 12609 THROUGH 12717)

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BY: Official Court Reporter

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Santa Barbara, California 93101

EXHIBITS

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
910	Portions of Bashir documentary that the Court found to be admissible as admissions	12624	12624

Santa Maria, California
Wednesday, June 1, 2005
8:40 a.m.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: Good morning.

MR. SANGER: Good morning, Your Honor.

MR. SNEDDON: Good morning.

THE COURT: Let's see, would you -- would counsel approach, here?

I'll just give you a couple minutes to read the instructions I just handed you.

Have you had time to read those?

MR. SANGER: Yes, Your Honor.

THE COURT: Mr. Sneddon?

MR. SNEDDON: Yes.

THE COURT: Well, I'm sure glad we stopped yesterday. That was exhausting. It's amazing how things look different the next morning, huh?

Okay. Number one, I'm going to take some items up that are hanging loose here. Number one is that the special instruction requested by the District Attorney re the definition of "property" as being "something of value," I'm going to give that instruction.

For your purposes, I'm placing the instruction in the package to the jurors following CALJIC 14.70.

Number two --

MR. SANGER: And, Your Honor, just so the record is clear, I think we objected to this yesterday, but we definitely object to it.

THE COURT: Okay. The record's clear. You definitely object to it.

MR. SANGER: All right. Thank you.

THE COURT: Number two, D.A.'s proposed CALJIC 3.30 re general criminal intent, it appears that the D.A.'s proposed 3.30 is adequate, furnishing alcoholic beverage as a lesser-included. I'm going to give that and place it after 16.010. That's in the package I -- the next one is in the package that I gave you on false imprisonment.

MR. SANGER: Yes, Your Honor. I don't think we got the 3.30 for furnishing, the one you just referred to. We do have the one on false imprisonment. Maybe I'm wrong on that.

THE COURT: It came down -- the District Attorney -- I had ordered them to prepare it and bring it to my office. And they did. I assumed they would give you a copy of it.

Did you give them a copy of it?

MR. SNEDDON: Your Honor, I can't tell you that, because Mr. Franklin did all that, and when he left, he went directly back to Santa Barbara. So I guess if they didn't get it, I would assume that he did not do that.

THE COURT: Well, he gave me three or four instructions yesterday afternoon.

MR. SNEDDON: I'm -- I know he did, because he was called back. And -- but I was not in communication with Mr. Franklin after that. And I know he went back to Santa Barbara.

THE COURT: Why isn't he here today?

MR. SNEDDON: Because he has a brief due with the California Supreme Court.

THE COURT: Oh. You got him here as being your representative on instructions, you know.

MR. SNEDDON: I got him here to carry my briefcase. But I apologize, Judge, I just didn't know. These are not --

THE COURT: How do I know what ones you --

MR. SNEDDON: I think you should assume that whatever Mr. Franklin did for the Court and gave extra copies of did not get to Mr. Sanger. I think that would be a fair assumption.

MR. BEEBE: Here's another copy.

MR. SNEDDON: I understood there was only two, perhaps three.

THE COURT: What’s the another one?

MR. SANGER: The only one that we received, Your Honor, was the “property” or “something” -- and “something of value” defined.

MR. SNEDDON: I know he did 3.31. The mental state one he came back and did. And there was one other that the Court requested he come back and do.

MR. SANGER: I think we got “property” and “something of value” yesterday. I think he brought this back yesterday before the end of the day while we were still in court. But we did not receive anything else.

I don’t want to pick on Mr. Franklin. He was, I’m sure, trying to do his best, but we just haven’t seen them. So if we could have a copy, I’d appreciate it.

THE COURT: What were the other ones? He did 17.01.

MR. BEEBE: 3.31 and 3.31.5, and the property one.

MR. SNEDDON: I think it’s the mental state one.

MR. BEEBE: Yeah.

THE COURT: And what number was that; do you know?

MR. BEEBE: I think it’s 3.31.5.

MR. SNEDDON: So that would be 3.31.5.

THE COURT: Okay.

MR. SNEDDON: I know that one for sure. And I think there was one other, which may have been the lesser-included, 17.00.

THE COURT: What was the long one we had him filling in all those blanks? Do you remember?

MR. BEEBE: That was 6.23.

THE COURT: And give it to Mr. Sanger and then give it back to me.

What was the other one?

MR. BEEBE: 6.23.

THE COURT: Okay.

MR. SNEDDON: I believe that one was actually delivered to the Court and I think Mr. Sanger has a copy of that one.

MR. SANGER: Yeah.

MR. SNEDDON: It was delivered before we left yesterday.

MR. SANGER: That was delivered yesterday during the day while we were in session, changing the --

MR. SNEDDON: Font.

MR. SANGER: Changing whether it was capped or not capped. We got the final version of that, so we're okay on that one.

Okay. So we now have 3.30 on the furnishing, misdemeanor. And I think the Court's ruled that comes in.

And we have 3.31.5 on mental states, and we will submit on that.

And then we have the "property" and 12616 "something of value," which we got yesterday, to which we objected and the Court accepted it.

And then we have 6.23, which changed the capitalization.

So are there any others that we're missing?

THE COURT: Probably, but I don't know. I have a feeling there's one more, and I'm trying to remember which one it was.

MR. SANGER: I heard somebody say 17-something.

THE COURT: I said that.

MR. BEEBE: 17.12.

THE COURT: I'm thinking of the one that had all of the blanks in it that we asked them to prepare. Maybe Tracy remembers.

MS. SPLITGERBER: That was, I think, 17.12.

THE COURT: 17.12.

MR. SNEDDON: That's my recollection. It was something in the 17.00 series, and I think that's the one.

MS. SPLITGERBER: And they did do it, and I think the copy was in the packet that you handed out, the copy of what the D.A. prepared.

THE COURT: You got that copy?

MR. SANGER: You gave us that this morning, 17.12.

THE COURT: Okay. What I want you to do, then, is come up and get these. There's two more

here. These are minor changes.

On that, I just changed the heading. I took the heading off. I'll show you the -- this is what it said before.

MR. SANGER: Yes.

MR. SNEDDON: Okay.

THE COURT: Then the next one, I gave you a proposed C, and now I'm giving you a different proposed C. And the only difference is in this line here, "identified as People's Exhibit 910," instead of "as an addendum," which it previously said.

MR. SANGER: Very well. Thank you.

THE COURT: That's in the package I gave you this morning.

MR. SANGER: And we do want to be heard on that.

THE COURT: We're going to go through all this. I'm just -- we were starting to go through all of this.

MR. SANGER: All right.

THE COURT: All right. The next thing, we had just finished discussing 3.30 on the furnishing alcoholic beverage lesser, and I told you I would put it behind -- well, following CALJIC 16.010.

The next one is the instruction as it relates to false imprisonment.

MR. SANGER: Yes. Could I be heard on that, Your Honor?

THE COURT: Yes.

MR. SANGER: I'll stand up so I get a little exercise here this morning.

I have a suggestion on that one that I think will help, and we'll see.

I would propose that there be a second paragraph added to that that says, “However, before a person can be convicted of conspiracy to commit false imprisonment, the specific intents to commit conspiracy must be proved.”

And I think that’s -- I could have made it more elaborate, but I think that would help the jury not to get confused when they’re being told “specific intent,” “specific intent,” and then all of a sudden “general” on one of the conspiracy counts. And I wrote it out, if the Court would like to have what I just read.

THE COURT: Okay.

MR. SANGER: Mr. Sneddon?

THE COURT: Do you have it? This is that area that’s -- it’s a difficult area. So that repeats another instruction, but I don’t see any problem with giving it at that point, just to -- because it is a tricky area.

MR. SNEDDON: I don’t have a problem with that, Judge.

MR. SANGER: May I approach? Or just --

THE COURT: Would you just give it to --

MS. SPLITGERBER: Thank you.

THE COURT: I think if you send that over to Carrie....

MS. SPLITGERBER: I’ll take it.

THE COURT: Then the -- number three, 17.12, as it has been prepared, seems -- this is the one that the District Attorney -- it’s a standard CALJIC instruction, but there were a lot of blanks in it, so I had them fill in the blanks for us. It looks all right to me.

Have you looked at it?

MR. SANGER: I have looked at it. Obviously I haven’t compared every word, but it looks correct.

THE COURT: Okay.

MR. SANGER: However, could I just briefly be heard --

THE COURT: Yes.

MR. SANGER: -- on that?

I don’t want to -- it seems the Court is committed to giving the lessers, but having done a little more research on it last night, it does appear that the standard would be that you cannot commit the greater without committing the lesser. And the greater involves anyone. The lesser involves a minor. So you can commit the greater without committing the lesser.

And of course there’s the issue of furnishing versus administering. I believe that Mr. Sneddon yesterday -- and I don’t know if he actually said it loud enough to be on the record, but said something to the effect that if it’s substantially the same, it’s acceptable. And whether he said it on the record or not, that seems to be the Geiger standard for lesser-relateds.

THE COURT: You mean you listen to what he whispers to his colleagues?

MR. SANGER: He wasn’t whispering. It was, at the very least, a stage whisper, if it wasn’t said loud enough for the record. I don’t know if it got on, but I couldn’t help but hear it. The point being -- whether the Court heard it or not, the point being the Geiger case was overruled. That was the lesser-related standard. And that was only at the request of the defense. So I’m not going to argue it further.

I think the Court has in mind what the law is, but I do think that it would be incorrect to let in the lesser. I realize that would result in some revision of jury instructions at the last second, but --

THE COURT: Well, that’s not the issue, but, you know, we’re here. As you see, we’re changing jury instructions as we speak. So it’s not a hardship on the Court to change the language in a jury instruction.

MR. SANGER: Especially if you’re deleting some of them. I suppose that would be a good thing.

THE COURT: Well, getting to the point, there’s two mandatory -- I’m sure you’ve read this

Mandatory Criminal Jury Instruction Handbook. And on page III, D.[1.7], “Lesser Offenses to Offense Charged,” there’s two approaches that you have to look at. One is the legal elements test, which you’ve been discussing, and the other one is the accusatory pleading test.

And when you look at the language in the indictment, you find that the accusatory pleading test, if you follow that, is the test that mandates that I give the lesser-included.

MR. SANGER: I think that would answer the second part, which is minor versus anyone, because the accusatory pleading would give notice of a minor.

THE COURT: Right.

MR. SANGER: And I think that’s what the Court’s referring to. But the furnishing versus administering I think is still an issue.

THE COURT: It seems that you would have to furnish to administer or -- it doesn’t seem, to me, to be a --

MR. SANGER: There’s --

THE COURT: Anyway, yes, I’ve decided to give the lesser-included.

MR. SANGER: Okay.

THE COURT: And here’s the changed 330, 3.30.

MR. SANGER: I’ll bring it back if you want.

THE COURT: And that should go in the material -- what’s the number of the instruction on false imprisonment?

MR. BEEBE: 9.70?

THE COURT: Yeah, here it is, 9.60. 9. -- so I’m going to put it right behind 9.60.

Then I do not have a clean copy of 17.12.

Does someone have a --

MS. SPLITGERBER: Yes, Carrie does.

THE COURT: Okay. I need that.

MS. SPLITGERBER: All right.

THE COURT: Number four, let’s see, we covered that, the furnishing alcohol to a minor.

Number five, the Court’s proposed instruction C and C-1 on the various use of the videos. What I’m proposing to do here is to instruct with the Court’s proposed C and put that after 2.09, “Evidence limited as to purpose.”

The thing that’s -- and I did receive your points and authorities this morning. And I agree with your points and authorities on use of the outtake language. You know, it’s clear that -- that’s why I admitted the outtake footage was to give a complete context of everything that was said. But the case you cited doesn’t stand for admitting it for the truth of the matter asserted. I think it stands for what we thought, is that you admit that for what other purpose you admitted the main body of material.

So it’s a good citation, but it’s -- it doesn’t change my approach. My approach is outlined in Instruction C.

MR. SANGER: I do have a comment on that whenever the Court’s ready.

THE COURT: Yes. Before you comment, let me explain something so you get -- maybe you have the complete picture, maybe not, but I want to be sure you do.

So, initially the -- well, I’m beginning to think like you. I was going to explain all of the side stuff before I got to the point. It’s time we end this, you know.

I’m going to go to using an exhibit, which I’ve marked as People’s 910, and that contains the material that they prepared at my request, which is the material that they are going to maintain to the jury is an admission.

And by using an exhibit of the People -- I had originally placed it as an appendix to the instruction, but I think that makes the connection to the Court that I don’t want to make; that it’s not me that’s proposing that these are admissions. I have to make some preliminary determination, but not final, and I don’t think they need to know that I have to make some preliminary determination.

So the D.A. needs to say, “These are” -- in his argument, he’ll say, “These are things that we urge you to believe are admissions by the defendant.” Then I have -- the exhibit is referenced, so that the jury can, if they choose to, look at it, or if the D.A. chooses to, can show the jury this exhibit, which is the admissions you are claiming. But at any rate, they have something specific to relate this instruction to.

And on Instruction C-1, it’s really the standard admission instruction, but I have pinpointed it to -- with the paragraph in the middle that refers them to Exhibit 910, and then reiterates again that they are the exclusive judges as to whether or not there are admissions.

So that’s my proposal for covering the admission part of this video.

Now you may speak.

MR. SANGER: At my peril, evidently, but I will.

On Exhibit C, first of all, I would propose to modify it in paragraph four that says “the outtakes video.” If you go to the second sentence -- let me tell the Court what I propose to modify and then explain why.

THE COURT: Yes.

MR. SANGER: I propose to say -- instead of

“none of,” take that out and say, “The statements in the outtakes video may be considered for their truth,” and then strike the rest of it and say, “If they are on the same subject matter as the statements offered by the People in Exhibit 910.”

And conveniently, your modification to put the reference to Exhibit 910 in the very latest version makes that work conveniently.

Now, having said that, the argument is --

THE COURT: Just a moment. Let me make sure I understand that.

MR. SANGER: I can say it again, if that helps.

THE COURT: Well, I’m reading it.

Okay. So the proposal is, instead of “none of,” it will say -- it will start out with, “The statements in the outtakes video may be considered for their truth.”

I see. It’s covering -- there’s actually -- I’ve taken a sentence that was covering another subject, which is that in any of -- either the outtake or the Bashir video, if the same -- they show the same scenes. Some of the scenes are the same. Some of the outtakes are the parts that the Bashir video uses, so the words are the same. So to the extent that those are the same words in both videos, if those -- then that’s what that sentence is meant to say, that they would be admitted for the truth of the matter asserted, if they’re on this list.

Now you want to cover the second problem, which is, “What parts of my statement that I want to introduce can be taken for the truth of the matter asserted”?

MR. SANGER: That’s correct. And I think, given Evidence Code Section 356 that says “on the same subject,” so we’ve taken the same language there, “If they are on the same subject as the statements offered by the People in 910.”

Now, I understood, from the Court’s comments earlier, that the Court apparently is not reading 356 to say that statements on the same subject come in for the truth of the matter. In the Douglas case that we cited, where it says --

THE COURT: No, they would be -- you’re not understanding what I said.

356 and the Douglas case do not stand for the proposition that if I admit statements not for the truth of the matter asserted, and you want to connect statements to that, that they get to go in for the truth of the matter asserted.

MR. SANGER: Okay.

THE COURT: You are not maintaining that --

MR. SANGER: I would agree with what the Court said. I’m talking about the statements in Exhibit 910. So if --

THE COURT: Okay. So I’m not saying what you thought -- what you accused me of saying.
MR. SANGER: All right. Good.
THE COURT: All right. So the issue is -- I agree with you that if part of the admission is not given, if the part of the statement, the context of the statement is not given by the District Attorney and there’s more to that statement, then that should be considered for the truth of the matter asserted also as part of the statement. If there’s an admission there and it comes in for the truth of the matter asserted, then any part of that statement that was excluded by the D.A. should also come in with the same understanding.
MR. SANGER: If it’s on the same subject matter.
THE COURT: If it’s part of that statement. See, what --
MR. SANGER: The way I look at it -- I understand what the Court’s saying.
THE COURT: Here’s the problem that I see with your position, is that there’s a whole lot of discussion about children by Mr. Jackson. And if the subject matter you’re saying is “children,” then my answer to you is no, that’s too broad of a subject matter.
MR. SANGER: Well, okay. And I understand that’s the answer. If that’s the ruling, I won’t argue with it, but if you’re inviting discussion on it --

THE COURT: I’m inviting discussion.
MR. SANGER: -- it seems to me this comes up all the time, and you’ll have typically a letter or a writing or a statement made to the -- to the police by a defendant. Somebody’s arrested, they’re given the Miranda rights, and they sit down and they talk about the case, and the prosecution comes in and says, “Ahh, we want to take this statement and that statement and we want to say that’s an admission.”
You’re allowed to play the entire tape and

the jury’s entitled to consider the entire tape. It happens all the time. The entire tape of the police interview. And they can consider it for the truth of the matter asserted.

Now, I suppose -- and I must say, I can’t remember anybody ever doing this, but I suppose it could happen that there could be a discussion on the tape about something that’s totally irrelevant, and the prosecution could say, “Well,” you know, “you can’t have that,” because they’re talking about,” you know, another event or something totally unrelated to the case, but otherwise the whole -- the whole tape comes in, and it happens all the time. Same thing with a letter. The whole letter comes in as long as it’s the same subject matter.

And so what you have here is you have a series of tapings and interviews by Bashir that take place during the latter part of 2002, on into the early part of 2003, in January 2003, and Bashir clips from these various interviews snippets that he puts into his production.

Some of those actual conversations Mr. Moslehi did not have -- he wasn’t there, nor did he have a camera running to tape-record the rest of what was said during that period of time. We’re stuck with what Mr. Bashir has pulled out to put in his video. However, the rest of it is one big ongoing conversation with Michael Jackson, and he does take clips from the other -- from the other tapes.

So I believe that -- and I’m disagreeing with the Court directly, but I believe that anything that’s in 910 that is put in context or involves the same subject matter that’s on these tapes is fair game for the jury. Now --

THE COURT: And the Bashir tape should come in for the truth of the matter asserted because it’s all on the same subject matter.

MR. SANGER: Well, no, actually there’s an argument -- there would be an argument by the District Attorney that anything that Michael Jackson said on the same subject matter on that tape could come in. And I think that that's true. If Michael Jackson said it on the Bashir tape, and it pertained to the subject matter of children, it could be considered. I think that that's basically the -- I suppose you could put a sentence in to that effect as well.

And it really takes us back -- I hate to say, but it does take us back to the initial approach where I suggested that on both the Bashir tape and the outtakes, that any statements -- I don't have it in front of me here, but I provided in writing, any statements by Mr. Jackson on the subject matter of his relationship with children can be considered by the jury for the purpose of determining whether or not it's an admission, and it can be considered for the context of any such alleged admissions.

See, if we try to parse it -- I mean, I do agree with the Court --

THE COURT: I understand your argument.

MR. SANGER: I do agree with the Court that the other statements by Mr. Jackson would come in, but not the whole Bashir tape.

THE COURT: All right.

Do you want to be heard, Mr. Sneddon, on this?

MR. SNEDDON: Only if the Court's going to entertain this change, because I think it substantially changes the situation that we all operated on from the very first day that this trial started.

THE COURT: The --

MR. SNEDDON: I believe Mr. Sanger is wrong, I believe the Court's analysis is correct, and I think the instruction correctly states the state of the law and the state of the evidence in this case and should be given just as you proposed it.

THE COURT: I'm going to give it as I proposed it, with this caveat, and I've invited you to do this before: If there is specific -- that's why, by the way, I asked him in the beginning to provide us with the statements that he asserted were admissions, was so that you could look at those areas and see if you wanted to show me, and then the jury, that, “Wait a minute, he’s taken this out of context. What was being discussed at that moment, here’s the whole discussion at that moment, at that minute,” not at that day or hour or -- you know. So I feel I’ve given you the opportunity to do that. And that was specifically the reason I --

MR. SANGER: As I indicated yesterday, we had marked the transcripts of the outtakes to show the portions that we believe are --

THE COURT: You --

MR. SANGER: But I’ll tell the Court in advance, they are substantial. So if the Court’s saying limit it to the minute --

THE COURT: Yeah, it’s the same thing you’re saying, and that’s not what I’m willing to accept. I know you’re not missing my point.

MR. SANGER: Okay.

MR. SNEDDON: Judge, I was just going to make a comment about that. It’s my recollection -- and Mr. Sanger and I disagree on this, but you have the transcript. It’s my recollection that the outtakes end before the substantial part of the discussion that are the subject of what would be People’s Exhibit --

THE COURT: I know you asserted that before, and I don’t have to make that determination because it’s up to Mr. Sanger to bring up those points and, if he wants to bring them to my attention, to do so.

MR. SNEDDON: Okay.

THE COURT: So as -- with your noted objection and reasoned argument, I will go ahead and give Instruction No. C and C-1, and I’m going to put the limiting instruction after 2.09 in the total package.

And then 17.12 --

MR. SANGER: Your Honor, where did you say C and C-1 go, if you recall?

THE COURT: It goes after 2.09.

MR. SANGER: All right. Thank you.

THE COURT: And did I tell you I placed 17.12 in front of 16.010?

Now, the next item will be should 17.01 be given when you consider 4.71.5 and 17.02?

MR. SNEDDON: Your Honor, what was the first one, 4 what?

THE COURT: 4.71.5.

17.02 says, “Each count charges a distinct crime. You must decide each count separately.”

17.01 says, “The defendant is accused of having committed the crime of lewd act upon a child under 14 in Counts 2 through 5,” and then it goes on with the others. “The prosecution has introduced evidence for the purpose of showing that there is more than one act upon which a conviction may be based.”

So I’m asking you, do you need both of those instructions?

MR. SANGER: Well, 17.02 does not cover the subject matter in 17.01. And I’m looking at 4.71.5, and the problem with 17 -- I’m sorry, the problem with 4.71.5 is that that’s really related to a time period.

THE COURT: Uh-huh.

MR. SANGER: And it’s not related to the actual proof of the particular acts, and I think 17.01 does in fact address --

THE COURT: Different --

MR. SANGER: -- the issue.

Now, we submitted Special No. 3, which the Court was thinking about giving, and then -- which attempted to cover the same issue.

THE COURT: Uh-huh.

MR. SANGER: And I think that issue has to be covered directly. 17.01 seems to be a more direct instruction on that subject matter. I don’t think the others really are -- really address it.

The only thing I’d add is I think Count 6 has to be in there, too, because even the Court had to ask the prosecutor, “What was your contention as to Count 6?”

THE COURT: Well, I guess the question I would have is -- to the District Attorney is, under 17.01, we have Counts 2 through 5, lewd acts, and Count 7 through 10, administering an intoxicating agent. And then we say that the -- all jurors must agree upon the same act or acts, which is what was covered in No. 3 Special, somewhat, that Mr. Sanger submitted.

And I guess I would ask the District Attorney, what are the acts in Counts 2 through 5 that you’re depending on, if you care to tell me?

MR. SNEDDON: Well, sure.

THE COURT: And -- okay.

MR. SNEDDON: I mean, I don’t think there’s any mystery as to this. The -- two of the counts are the incidents as viewed by Star Arvizo.

THE COURT: Right.

MR. SNEDDON: And the other two counts are the two counts that were testified to by Gavin Arvizo.

THE COURT: I agree. That’s what I -- I don’t think there’s a mystery about that either. But which one is on which count?

MR. SNEDDON: Which -- as to which count? Well, that’s --

THE COURT: That’s the mystery.

MR. SNEDDON: Well, it’s not a mystery, but it’s not delineated, that’s correct.

In reading the use notes under 17.01, it does look that 17.01 is directed to those situations where there is a singular count but multiple acts upon which the jury could derive a verdict of guilty on the singular count. I think that’s somewhat different than the situation that we have here.

THE COURT: I don’t think so.

MR. SNEDDON: Well, I was going to say, I don’t see -- I don’t see a particular problem in giving both, if the Court wants to give both.

THE COURT: The reason I don’t think it’s different is as to each count there are multiple acts that could be attributed to that count.

MR. SNEDDON: Because they’re not delineated.

THE COURT: Because they’re not delineated.

MR. SNEDDON: All right. I -- I think that’s correct. I think perhaps -- yeah. I mean, I don’t have a problem with giving the instruction. I just think that our problem with the special given by the defense was the particular set of facts, and I indicated to the Court yesterday where I saw that to be a problem. So --

THE COURT: Well, it actually -- their language isn’t much different, when you look at it, than 17.01. “All jurors must agree that he committed the same act or acts.”

MR. SNEDDON: To me, that’s substantially different than a particular set of acts, but it encompasses the entire -- it encompasses more than the commission of the crime as defined by the Court. And to me, that’s -- to me, that’s substantially different, and particularly it’s -- it eliminates the mischief that can be made from arguing the kind of thing that I pointed out to the Court. So if you’re asking me whether I think we should give 17.01, I see no problem in giving both of them.

THE COURT: I guess I’m asking you one thing further, and that is, are you going to tell the jury that Count 2 is when Star saw him the first time, Count 3 is when Star saw him the second time, and Count 4 is when Gavin said he was first touched, and Count 5 is when he was -- you know, I don’t want to --

MR. SNEDDON: I have -- let me put it this way, Your Honor: I don’t think we specifically intended to do that in relating one to the other, only because they’re not mentioned. However, if the Court is inviting us to make that election, and there’s no -- there’s no objection from the defense, we have no problem doing that. I just think to do that in the middle of the argument, without prior approval of the Court or counsel for the defense, would be not right.

But if you’re asking me to make an election, that’s a very simple thing for us to do, and if counsel for the defense wants us to do that, and I believe it would probably help the jury in their deliberations, I’m more than glad to make that election right now.

THE COURT: And --

MR. SNEDDON: And you can put that in the verdict forms if you wanted.

THE COURT: And the same would be true on the Count 7 through 10.

MR. SNEDDON: On the alcohol.

THE COURT: The alcohol.

MR. SNEDDON: Yes, sir.

THE COURT: Do you wish to be heard, Mr. Sanger?

MR. SANGER: Yes. That is a point I wanted to raise before we are through, so -- I think the election should be made, and the problem we have is

there is a good instruction, 6.23, on conspiracy that lays out exactly what the charges are there, and then there’s really nothing else. There’s the introductory -- well, it’s one -- I don’t have the number right here, but it’s one of the first few where you talk about what the charges are, and they just list the charge by name. And then when you have the actual substantive charges on lewd act, 10.41, for instance, and the other substance, it simply says the defendant’s charged. Nothing ties it to particular acts.

THE COURT: But if we make him -- accept his --

MR. SNEDDON: Offer.

THE COURT: -- offer to make an election, then -- and to tell the jury in his argument the election, then I think we -- that takes care of that problem.

MR. SANGER: I think that that would take care of it. The other way to do it would be to instruct on it, or --

THE COURT: I think I'll -- because we're pushing this, I think I'll go with the election.

MR. SANGER: We want to make sure we know exactly what the election is.

THE COURT: He's going to do that right now.

MR. SANGER: Okay.

THE COURT: And then we can discuss -- he is willing to have it as a finding in the verdict also. Would you like that?

MR. SANGER: I'd have to see what it looks like. I get concerned about verdicts being too factual.

THE COURT: We can discuss that. And it doesn't have to be in the argument.

MR. SANGER: That's correct.

THE COURT: All right. Would you make your election and --

MR. SNEDDON: Count 2 would be as to Gavin Arvizo. Count 3 would be as to Gavin Arvizo. Count 4 would be the same victim, but the observations made by Star Arvizo. And Count 5 would be the same victim, but the observations made by Star Arvizo.

With regard to the intoxicating -- the violations of 222, they would just mirror them. So the first two would be as to -- well, the first two would be as to those incidents, as to Count 2 and to Count 3, and the last two would be as to Count 4 and to Count 5.

THE COURT: Can you define the two -- you've -- now you've got it down to two. You still have an ambiguity, which -- is there something you can say further to select that Count 2 is as to Arvizo -- as to Gavin is this, and Count 3 is that? Is there some language?

MR. SANGER: First in time and second in time.

THE COURT: First in time, second in time?

MR. SNEDDON: I would not be willing to go that way. Because I don't think there's any -- the state of the evidence at this particular point is open to the jury to make that decision on their own basis.

THE COURT: But if they decide --

MR. SNEDDON: I don’t think that’s why we alleged --

THE COURT: That’s not that clear. Is that what you’re saying?

MR. SNEDDON: I’m saying the jury has the option. His statement over and over again has been it was towards the end, and so I’m not prepared to say that one was before the other, and I don’t think we even have to.

And I am willing to say that, you know, the first two were based upon -- solely upon -- or based upon the testimony of Gavin Arvizo and the last two were based upon the testimony of Star Arvizo, and I think that makes it very clear for the jury during that time period that that’s exactly what we’re talking about.

THE COURT: Okay.

MR. SNEDDON: And if --

THE COURT: And will you have the person arguing your case --

MR. SNEDDON: State that?

THE COURT: -- state that at some point in their argument?

MR. SNEDDON: Yes, sir. I think -- I think it’s also important, however, at some point in either in the verdict forms or in the instructions that that also come from the Court.

MR. SANGER: Before we get to that -- go ahead.

MR. SNEDDON: And I really feel that it ought to be in the verdict forms. I really feel that if we’re going to make this kind of election and we’re going to tell this jury, “This count applies to this and this count applies to this,” that to simply have somebody get up and state in final argument, “This is our election,” doesn’t help the jury.

THE COURT: You don’t have to say it’s your election. You can say, “This is what we’re maintaining."

MR. SNEDDON: I understand that. But what I'm saying is, I think the jury needs the direction that that is, in fact, what the verdict forms reflect.

MR. SANGER: I do have a suggestion on this when we get --

THE COURT: Yes.

MR. SANGER: I don't want to cut off Mr.

Sneddon.

THE COURT: Yes. Let me hear your suggestion.

MR. SANGER: My suggestion, first of all, is if you take 1.06, that's where it's the identification of the parties and the crimes charged, and we use that instruction to simply add some language after the description of the crime charged -- in other words, it says, "Lewd act upon a child," and you can say "to wit," if you want to be archaic about it, but something to that effect, and then indicate in brief form what Mr. Sneddon said.

Now, I do have a problem with the concept that the jury can pick and choose even between the two sets of -- or within the two sets of charges.

So I want to be heard on that --

THE COURT: No, go ahead now.

MR. SANGER: Just procedurally, first of all, I think we can add the words right there in that 1.06 and that should clarify for the jury entirely. They have 6.23 to clarify the conspiracy, and then they would have this to clarify the rest.

Now, on the substantive part, I don't believe that, consistent with the case law that we've been discussing, that the prosecution can say, "Well, we have" -- "We have two or more acts, and they could have occurred, and we don't know which one is which." And if the prosecution can't even

tell the jury which one is which, the jury certainly can't discharge its duties, under Blakely, to determine beyond a reasonable doubt whether or not a person is guilty of that offense.

So if we’re going to honor the commitment which I think is reflected in 17.01, that the jury has to actually decide on a -- on an act or acts for a particular count, somebody’s got to delineate what those acts are. And it’s not close enough to say, “Well, there are two things that Gavin may have testified to, two or more, and there’s two or more that Star may have testified to seeing, and that’s close enough for government work.”

I think we have to make it very clear.

My recollection of the testimony was that there was an effort on the part of the prosecution to bring out from Gavin that there was a first instance and a second instance. He was vague about it. Clearly -- I’m clear in my recollection with regard to Star’s testimony, that he testified there was a first instance and a second instance. So I don’t see why the prosecution should not be held to that. I mean, the jury can’t simply say, “Well, we kind of think something may have happened on some day or another.” That’s exactly what the problem is that we’re addressing.

THE COURT: What was the language --

MR. SNEDDON: I think my remarks were misconstrued.

THE COURT: What was the language that you thought you could add in 1.06 that --

MR. SANGER: I would say, for instance, if you go down 1.06 where it says, “In Count 2, the crime alleged is lewd act upon a child,” and then you -- I said, “to wit,” but you could say instead, “The act alleged is the first act alleged to have occurred in the testimony of Gavin Arvizo.” I think we have to also say Gavin Arvizo is the “alleged” victim.

And then Count 3 would be the second act alleged in the testimony of Gavin Arvizo. 4 would be the first act alleged in the testimony of Star Arvizo regarding Gavin, or however the Court wants to put it. I’m trying to keep it short.

THE COURT: I understand. That’s right.

MR. SANGER: And then 6 should also be identified as the attempt. The Court asked about it should be at least the attempt alleged with regard to Gavin Arvizo. And then 7, 8, 9 and 10 would be the same language.

THE COURT: Okay. What did you want to say, Mr. Sneddon?

MR. SNEDDON: I have no problem with that. That's what I was telling the Court.

THE COURT: Okay.

MR. SNEDDON: I have no problem telling -- making an election. In fact, if you want to be more specific about it, you can say, with regard to Star Arvizo, that the first incident involves the one where the doors were locked, and the second one involves the incident where the door was closed but not locked.

THE COURT: That's --

MR. SNEDDON: I wasn't trying to not be definitive. I mean, we made an election. There's no secret here about what happened and I think that's -- I was misconstrued, what I was offering to do for the Court. Seems like the more I offer, the worse it gets for me, so I'm willing to do that.

THE COURT: I misunderstood what you were saying.

MR. SNEDDON: Well --

THE COURT: And I don't think it's getting worse for you.

MR. SNEDDON: Well, okay. I'll just let it go.

THE COURT: I think we're working out a problem that exists in all of these cases. I've never had a case involving a child molestation allegation that didn't involve the same problem, the children don't give dates and times, and you work with a difficult scenario of trying to determine when these things happened and to plead those items in a good way, a way that's productive. So I sympathize with the problems the prosecution has.

And I think your agreement to elect is very helpful to the Court. It would be very helpful to the jury.

MR. SNEDDON: I agree. I agree.

THE COURT: And, you know, I just don’t see this as a bad thing for anybody.

MR. SANGER: Maybe what the Court could do --

THE COURT: I was thinking of taking the break.

MR. SANGER: Maybe what the Court could do is take a break.

THE COURT: But before you do, what was your last suggestion?

MR. SANGER: I was just thinking that the way to word this might be, “In Count 2, the crime alleged is lewd act upon Gavin Arvizo,” so you don’t have to repeat it.

THE COURT: Yeah.

MR. SANGER: And then say, “alleged in the testimony” -- “the first event alleged in the testimony of Gavin Arvizo,” words to that effect.

THE COURT: Well, I think I -- I would go with the language the D.A. is suggesting, so that -- “the first” is still a vague statement in terms of the child’s testimony, I think.

MR. SANGER: There are two --

THE COURT: If he wants to identify -- you

know, put some identifying factor, “The door is locked,” “The door is unlocked,” that’s -- something that clarifies each issue is fine with me.

MR. SANGER: He could do that in argument.

THE COURT: He could.

MR. SANGER: And I was just trying to think of a generic way to address it, because these are the Court’s instructions, obviously.

THE COURT: Right.

MR. SANGER: And rather than have the Court talk about too many facts, because you have to keep saying “alleged,” “alleged,” “alleged,” otherwise it has the impression --

THE COURT: If you’re satisfied with just identifying that Gavin is the -- the first two are

Gavin’s testimony and the second two are Star’s, and the District Attorney delineating which those acts are in argument, I’m satisfied with that.

MR. SANGER: Okay. Well, I still think it should be some delineation like the first and the second. I thought --

THE COURT: If the D.A. opposes that, and I understand why he opposes that, so considering that that’s not going to work, are you satisfied with the way I’ve presented it just now?

MR. SANGER: Well, then -- no. Because I think we do have to distinguish -- the problem is we have to distinguish between Count 2 and Count 3. And I understand the District Attorney’s saying he’s going to argue it that way, but I think there should be something in the allegations so that the jury can look at it and say, “This is what we’re asked to decide.”

THE COURT: All right. We’ll take a break.

(Recess taken.)

THE COURT: Okay.

MR. SANGER: May I address the Court on that issue?

THE COURT: Yes.

MR. SANGER: Well, let me get to the point, Your Honor: I’m right. How’s that?

THE COURT: Good. We got all of that.

MR. SANGER: Here’s why I’m right.

If you look at Counts 2, 3, 4 and 5 in the indictment, they specifically refer to the first and second incident testified to by the witness. The first two say testified to by the witness. It says “John Doe,” but that referred to Gavin Arvizo. And 4 and 5 refer to the first and second incidents testified to by Star Arvizo.

So I think the election has been made in the indictment, and that’s what he was indicted on. I think the jury’s entitled to be told that there’s -- just that.

If you look at -- actually, the Count 2 does not say “first,” but Count 3 says, “The second molestation concerning which John Doe testified."

And then Count 4 says, "The first witnessed by James Doe." And Count 5 says, "The second witnessed by James Doe."

So it's been delineated that way, and what I would say -- what I'd suggest the Court do, because I think we're -- the defendant's entitled to have this kind of certainty. That's what he was indicted on. That's what we --

THE COURT: I think you have a very good point.

Mr. Sneddon, do you want to say anything about that? It seems like we could just take the language from the indictment and attach it to the counts, and that -- that's pretty close to what you were saying anyway.

Do you have the indictment?

MR. SNEDDON: I do, and I'm reading it, and either -- either I have a different copy of the indictment than Mr. Sanger does or the Court, but my indictment -- I was not present when the indictment was returned, and --

THE COURT: It does. I have -- it does say that.

MR. SNEDDON: Well, that's what I said.

They must have given me a different copy than the copy --

THE COURT: Would you like to approach and

look at --

MR. SANGER: It's up to you. I've got it.

This is a copy.

MR. SNEDDON: The copy that Mr. Sanger is showing me is not the copy that I have.

THE COURT: Okay.

MR. SNEDDON: So it is not -- I have special findings as to the -- as to the conspiracy, but my copy has no special findings as to allegations. But if that is what the Court has, and if those elections have already been made, I don't have a problem with them.

THE COURT: Okay. That's what I have, and --

MR. SNEDDON: Okay. And that's the indictment that's filed with the Court?

THE COURT: Yes. This is --

MR. SNEDDON: All right

THE COURT: This is filed April 21st, 2004.

MR. SNEDDON: Then that should take care of the problem.

THE COURT: I just had this printed off this morning so I could deal with the lesser-included issue.

MR. SNEDDON: All right.

MR. SANGER: One way to handle it, to keep the number of words down to a minimum, would be to indicate in the paragraph that immediately precedes the list of Count 2, 3, 4, 5, where it starts, "The accusatory pleading also alleged the following crimes to have been committed by the defendant," and then put "against Gavin Arvizo," or some words to that effect, so you don't have to say he's the alleged victim in all --

THE COURT: That's a good point. Yes, let's do it that way. And then as to each one, you just use the indictment language.

MR. SANGER: So simply say, I think, to economize on words, "The first alleged incident testified to by Gavin Arvizo," and then the same language, "the second," and then Count 4 would be, "The first alleged incident testified to by Star Arvizo," and "the second."

THE COURT: Okay. That's what we'll do. Now, on --

MR. BEEBE: As to 7 through 10 --

THE COURT: 7 through 10 is the same language there?

MR. SANGER: That should be -- my understanding is those mirror the other counts, so it would be the same language, I would take it.

THE COURT: Is that -- I agree.

MR. SNEDDON: (Nods head up and down.)

THE COURT: Yeah, okay. Same language.

MR. BEEBE: And do you want that language spelled out, or would it be enough to refer to "as described in Count 2," "as described in Count 3"?

THE COURT: Yeah, I think that would be fine.

MR. SANGER: I think that would be good, yes.

THE COURT: And then on 17.01, you suggested that we should add Count 6, the attempt, the language in there; is that right?

MR. SANGER: Yes, Your Honor.

THE COURT: So, did you get that, Jed?

MR. BEEBE: I'm sorry?

THE COURT: 17.01, we're going to add the Count 6 language, a sentence involving Count 6.

MR. BEEBE: All right.

THE COURT: Between --

MR. BEEBE: Well, if we -- if we have these identified, we could actually use 17.02.

THE COURT: Just use 17.02?

MR. SNEDDON: That's what I think. I don't think you should be using 17.01.

THE COURT: All right. Then we don't need 17.01?

MR. SANGER: I still think we need 17.01. Let me look at 17.02 again, but I don't think it covers the same subject matter. 17.01 makes it clear --

THE COURT: Yeah, I agree with Mr. Sanger. We need both. So put in the language on 6, just a sentence after, the same sentence after. Okay. Now what I propose to do is give you my rulings on your specials. I really think I've taken care of all of the problems and issues that you raised through your specials, and what I want to do is give you my rulings and -- and then we need to get these instructions printed so that when the jury comes in, I can give them all copies.

MR. SANGER: One housekeeping matter.

THE COURT: Yes.

MR. SANGER: If the Court is inclined to do it, based on prior experience, it would be very nice if the pages could be numbered.

THE COURT: I’m not able to do that at this point. We’ve pushed ourselves to the limit here, so I’m going to take my package to be printed, with my greasy prints on them and everything.

MR. SANGER: I was thinking maybe a handwritten number on the bottom. It’s up to the Court.

THE COURT: Well, if we can do it, I will, I’ve got staff standing by ready to make these copies, and it’s going to take a while.

The defense has submitted special instructions, and basically I’m telling you that I considered all of those in revamping the instructions that we’ve all gone through up until today, up until now, today.

But for the record, I will -- I reject Special Instruction No. 1, because it’s incorporated

in the Court’s Instruction C and C-1.

I will reject No. 2. I’ve already made a ruling on that.

The next one, No. 3, I reject that, because I now believe that it’s covered by 17.01 and 4.71.5.

Special Instruction No. 4 I reject, as it is adequately covered by CALJIC 2.50.01.

On Special Instruction No. 6, this is the one about the sheriff’s interview of Gavin, is adequately covered by the Court’s proposed -- or the Court’s Instruction C.

On Special Instruction No. 7 re Janet’s assertion of the Fifth Amendment, I am using CALJIC 2.25, and your proposal is contrary to that. So I reject your special instruction and I will give CALJIC 2.25.

As to Special Instruction No. 8 re evidence of Janet’s purported welfare fraud, I reject, because that is covered under both CALJIC 2.20 and 2.23.1. The effect of using No. 8, if I did, which I reject, would be to put an undue emphasis on this evidence.

Special Instruction No. 9, the Court -- this is the instruction considering Mrs. Montgomery’s grant of -- Miss Montgomery’s grant of immunity.

This is adequately covered by CALJIC 2.20 and 2.23.1. Again, I reject this because it puts an undue emphasis on this evidence.

Special Instruction No. 10, which was a request to have the jury not consider the invocation of the attorney-client privilege by Geragos, I reject that because CALJIC 2.26 is a better instruction and does not unduly emphasize that evidence.

And finally, Special Instruction No. 11 instructs -- is concerning possible discussion by witnesses of their testimony out of court. And I think that 2.20 instructs the jury to take into account the attitude of the witness toward this action or towards the giving of testimony, and I therefore refuse No. 11.

Those are my rulings. And we're -- we will now recess, print the instructions, and if the attorneys will stand by, be available, let's say at 11:15, we have to get you copies and get a final look at what we've got.

MR. SNEDDON: Are you deferring, for now, the motion that we filed on the comment during argument?

THE COURT: Oh.

MR. SNEDDON: I mean, we can take it up after you instruct, when the jury's done. We're probably going to have time.

THE COURT: That's a good thing, because I need to get these instructions.

MR. SNEDDON: That's what I figured.

MR. SANGER: I was going to say, I can make it easy. The motion we're talking about is the limitation on the instruction on arguing why --

THE COURT: Yeah.

MR. SANGER: -- the defendant did not take the stand. And I don't think we disagree that it's inappropriate to give specific reasons.

THE COURT: All right.

MR. SANGER: I don't think we disagree with that, and that could be handled by an objection. It's been briefed.

THE COURT: All right.

MR. SNEDDON: I'm trying to avoid that objection, so --

MR. SANGER: I don't think it's going to happen is what I'm saying.

THE COURT: All right.

MR. SNEDDON: Okay. I'll let you get --

THE COURT: There's an agreement that your statement of the law is correct, and I will confirm and they agree, and if something happens, object.

MR. SNEDDON: Sounds good.

THE COURT: Thank you.

MR. SANGER: I'm sorry, we're back -- we can be off the record, but we're back at 11:15 to get the instructions, and the jury's coming in at ten minutes of 12:00?

THE COURT: Yes.

MR. SANGER: Okay. Thank you.

THE COURT: And if I need something -- I'll call you if something comes up, but I think we're ready to go.

MR. SANGER: We're right here. We'll be available.

(Recess taken.)

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: Good afternoon.

MR. MESEREAU: Good afternoon, Your Honor.

MR. AUCHINCLOSS: Good afternoon.

THE COURT: (To the jury) Today I'm going to instruct you on the law, and tomorrow and Friday you will hear the arguments of counsel.

I'm giving you copies of the instructions.

There's one thing that is not in the instructions, and I want to tell you now, and that is that during -- from now and through the deliberations, to the reaching of a verdict, you must leave your notes and your instructions here at court when you go home in the evening.

At the end of the trial, I will allow you to take your notes and the instructions with you, but you just can’t take them home during deliberations.

Everyone got that?

THE BAILIFF: You’re going to have to talk louder for --

THE COURT: Are you having trouble hearing that? Why didn’t I know that?

THE BAILIFF: This one picks up better.

THE COURT: I’ll get my voice here in a minute.

THE BAILIFF: Also, they have instructions, but they’re turned face down, so when you want them to, you need to tell them to turn them over.

THE COURT: All right. Thank you.

You have your -- a copy of your instructions, and so you can follow along and keep them during your deliberations. You can look at them as we go along.

Members of the jury:

You have heard all of the evidence and you will hear the arguments of the attorneys, and it is now my duty to instruct you on the law that applies to this case. The law requires that I read the instructions to you. You will have these instructions in their written form in the jury room to refer to during your deliberations.

You must base your decision on the facts and the law.

You have two duties to perform. First, you must determine what facts have been proved from the

evidence received in the trial and not from any other source. A fact is something proved by the evidence or by stipulation. A stipulation is an agreement between attorneys regarding the facts.

Second, you must apply the law that I state to you to the facts, as you determine them, and in this way arrive at your verdict and any finding you are instructed to include in your verdict.

You must accept and follow the law as I state it to you, regardless of whether you agree with it. If anything concerning the law said by the attorneys in their arguments or at any other time during the trial conflicts with my instructions on the law, you must follow my instructions.

You must not be influenced by pity for or prejudice against a defendant. You must not be biased against a defendant because he has been arrested for the offense, charged with a crime, or brought to trial. None of these circumstances is evidence of guilt and you must not infer or assume from any or all of them that a defendant is more likely to be guilty than not guilty. You must not be influenced by sentiment, conjecture, sympathy, passion, prejudice, public opinion or public feeling. Both the People and the defendant have a right to expect that you will conscientiously consider and weigh the evidence, apply the law, and reach a just verdict regardless of the consequences.

You each have a copy of the instructions that I am now reading to you. You may take notes on your copy, if you wish. An official copy of the instructions will be provided to the jury for use during deliberations. You should not make notes or deface the official copy in any way.

If any rule, direction or idea is repeated or stated in different ways in these instructions, no emphasis is intended and you must not draw any inference because of its repetition. Do not single out any particular sentence or any individual point or instruction and ignore the others. Consider the instructions as a whole and each in light of all the others.

The order in which the instructions are given has no significance as to their relative importance.

Statements made by the attorneys during the trial are not evidence. However, if the attorneys have stipulated or agreed to a fact, you must regard that fact as proven as to the party or parties making the stipulation.

If an objection was sustained to a question, do not guess what the answer might have been. Do not speculate as to the reason for the objection. Do not assume to be true any insinuation suggested by a question asked a witness. A question is not evidence and may be considered only as it helps you to understand the answer. Do not consider for any purpose any offer of evidence that was rejected, or any evidence that was stricken by the Court; treat it as though you had never heard of it.

You must decide all questions of fact in this case from the evidence received in this trial and not from any other source. When a witness has testified through a Certified Court Interpreter, you must accept the English interpretation of that testimony even if you would have translated the foreign language differently.

You must not independently investigate the facts or the law or consider or discuss facts as to which there is no evidence. This means, for example, that you must not on your own visit the scene, conduct experiments, or consult reference works or persons for additional information.

You must not discuss this case with any other person, including, but not limited to spouses, spiritual leaders or advisors, or therapists, except a fellow juror during deliberations when all 12 of you are together in the jury room, and then only after the case is submitted to you for your decision and only when all 12 jurors are present in the jury room.

Notes are only an aid to memory and should not take precedence over recollection. A juror who does not take notes should rely on his or her recollection of the evidence and not be influenced by the fact that other jurors do take notes. Notes are for the note-taker's own personal use in refreshing his or her recollection of the evidence.

Finally, should any discrepancy exist

between a juror’s recollection of the evidence and a juror’s notes, or between one juror’s recollection and that of another, you may request that the court reporter read back the relevant testimony, which must prevail.

The plaintiff in this matter is the People of the State of California. The defendant is Michael Joe Jackson.

The defendant is accused of having committed the following crimes:

In Count 1, the crime alleged is conspiracy to commit the crimes of extortion, false imprisonment or child abduction;

The date of the alleged crime is between February 1, 2003, and March 31, 2003;

The accusatory pleading also alleges the following crimes to have been committed by the defendant against Gavin Arvizo on or about and between February 20th, 2003, and March 12th, 2003:

In Count 2, the crime alleged is lewd act upon a child, the first alleged molestation testified to by Gavin Arvizo;

In Count 2, the crime alleged is lewd act upon a child -- excuse me.

In Count 3, the crime alleged is lewd act upon a child, the second alleged molestation testified to by Gavin Arvizo;

In Count 4, the crime alleged is lewd act upon a child, the first alleged molestation witnessed by Star Arvizo;

In Count 5, the crime alleged is lewd act upon a child, the second alleged molestation witnessed by Star Arvizo;

In Count 6, the crime alleged is attempt to commit a lewd act upon a child;

In Count 7, the crime alleged is administering an intoxicating agent to assist in the commission of a felony, as alleged in Count 2;

In Count 8, the crime alleged is administering an intoxicating agent to assist in the commission of a felony, as alleged in Count 3;

In Count 9, the crime alleged is

administering an intoxicating agent to assist in the commission of a felony, as alleged in Count 4;

In Count 10, the crime alleged is administering an intoxicating agent to assist in the commission of a felony, as alleged in Count 5.

In addition to deciding if a defendant is guilty of the crime or crimes with which he is accused, you must also consider whether a defendant is guilty of any crime that is lesser to that charged. You will be more fully instructed on this subject later. However, in general, a defendant may be found guilty of a lesser crime if the jury unanimously concludes that the defendant, while not guilty of the crime charged, is guilty of a lesser crime.

In this case, the counts with lesser charges are:

One: In the Counts 7 through 10, namely, administering an intoxicating agent to assist in the commission of a felony, the lesser crime is furnishing alcohol to a minor, a misdemeanor.

The word “willfully” when applied to the intent with which an act is done or omitted means with a purpose or willingness to commit the act or to make the omission in question. The word “willfully” does not require any intent to violate the law, or to injure another, or to acquire any advantage.

The word “knowingly,” means with knowledge of the existence of the facts in question. Knowledge of the unlawfulness of any act or omission is not required.

To consent to an act or transaction, a person, one, must act freely and voluntarily and not under the influence of threats, force or duress; two, must have knowledge of the true nature of the act or transaction involved; and, three, must possess the mental capacity to make an intelligent choice whether or not to do something proposed by another person.

Merely being passive does not amount to consent. Consent requires a free will and positive cooperation in act or attitude.

Evidence consists of testimony of witnesses, writings, material objects, or anything presented to the senses and offered to prove the existence or nonexistence of a fact.

Evidence is either direct or circumstantial.

Direct evidence is evidence that directly proves a fact. It is evidence which, by itself, if found to be true, establishes that fact.

Circumstantial evidence is evidence that, if found to be true, proves a fact from which an inference of the existence of another fact may be drawn.

An inference is a deduction of fact that may logically and reasonably be drawn from another fact or group of facts established by the evidence.

It is not necessary that facts be proved by direct evidence. They also may be proved by circumstantial evidence or by a combination of direct and circumstantial evidence. Both direct and circumstantial evidence are acceptable as a means of proof. Neither is entitled to any greater weight than the other.

However, a finding of guilt as to any crime may not be based on circumstantial evidence unless the proved circumstance are not only, one, consistent with the theory that the defendant is guilty of the crime, but, two, cannot be reconciled with any other rational conclusion.

Further, each fact which is essential to complete a set of circumstances necessary to establish the defendant’s guilt must be proved beyond a reasonable doubt. In other words, before an inference essential to establish guilt may be found to have been proved beyond a reasonable doubt, each fact or circumstance on which the inference necessarily rests must be proved beyond a reasonable doubt.

Also, if the circumstantial evidence as to any particular count permits two reasonable interpretations, one of which points to the defendant's guilt and the other to his innocence, you must adopt that interpretation that points to the defendant's innocence, and reject that interpretation that points to his guilt.

If, on the other hand, one interpretation of this evidence appears to you to be reasonable and the other interpretation to be unreasonable, you must accept the reasonable interpretation and reject the unreasonable.

The specific intent or mental state with which an act is done may be shown by the circumstances surrounding the commission of the act.

However, you may not find the defendant guilty of the crimes charged unless the proved circumstances are not only, one, consistent with the theory that the defendant had the required specific intent or mental state, but, two, cannot be reconciled with any other rational conclusion.

Also, if the evidence as to any specific intent or mental state permits two reasonable interpretations, one of which points to the existence of the specific intent or mental state and the other to its absence, you must adopt that interpretation which points to its absence. If, on the other hand, one interpretation of the evidence as to the specific intent or mental state appears to you to be reasonable and the other interpretation to be unreasonable, you must accept the reasonable interpretation and reject the unreasonable.

Certain evidence was admitted for a limited purpose.

At the time this evidence was admitted, you were instructed that it could not be considered by you for any purpose other than the limited purpose for which it was admitted.

Do not consider this evidence for any purpose except the limited purpose for which it was admitted.

You have been shown four different videotapes during the course of this proceeding:

One, “Living with Michael Jackson,” which has also been referred to as the “Bashir video”; two, the “outtakes video,” comprised of footage taken by Hamid Moslehi, Mr. Jackson’s videographer; three, the “rebuttal video,” made in response to the Bashir video and including comments from the Arvizo family; and, four, the Sheriff’s July 2003 interview with Gavin Arvizo. These videos are offered for limited purposes.

The video of “Living with Michael Jackson” is not offered for the truth of anything said or shown in the program, with the exception of certain identified passages. You will receive additional instruction with regard to these identified passages. The rest of the video is hearsay and cannot be considered by you to prove anything other than the fact the program aired in February of 2003 and its likely impact, if any, on Mr. Jackson’s state of mind.

You should not be biased, prejudiced or influenced in any way by the content of the video or its commercial packaging. Except for the limited specific statements that will be identified in People’s Exhibit 910, the remainder of the program should only be considered for the fact that it aired and its impact, if any, on Mr. Jackson.

The “outtakes video” was offered to provide context for the statements made in the Bashir video. None of the statements in the outtakes video may be considered for their truth, unless they are identical to the identified passages you may consider from the Bashir video.

The “rebuttal video” was offered by the Defense to dispute the claim that Mr. Jackson or his co-conspirators scripted the statements made by members of the Arvizo family in that video. The video was offered so that you could observe the demeanor of the members of the Arvizo family and determine whether their statements were scripted. None of the statements made in the rebuttal video may be considered for their truth.

The July 2003 interview of Gavin Arvizo was offered to rebut the claim that Gavin Arvizo's responses had been coached or scripted. The interview video was offered for the purpose of evaluating Gavin Arvizo's demeanor and assessing whether his responses were coached or scripted. None of the statements made in the interview video by Gavin Arvizo or the interviewers may be considered for their truth.

As I just told you, certain identified passages from the video "Living with Michael Jackson" have been offered for their truth as admissions.

An admission is a statement made by the defendant which does not, by itself, acknowledge his guilt of the crimes for which the defendant is on trial, but which statement tends to prove his guilt when considered with the rest of the evidence.

The statements that are being offered as admissions from the video "Living with Michael Jackson" will be identified for you as the People's Exhibit No. 910.

You are the exclusive judges as to whether the defendant made an admission, and if so, whether the statement is true in whole or in part.

Evidence of an oral admission of the defendant not made in court should be viewed with caution.

Neither side is required to call as witnesses all persons who may have been present at any of the events disclosed by the evidence or who may appear to have some knowledge of these events. Neither side is required to produce all objects or documents mentioned or suggested by the evidence.

There has been evidence in this case indicating that a person other than a defendant was or may have been involved in the crime for which the defendant is on trial.

There may be many reasons why that person is not here on trial. Therefore, do not speculate or guess as to why the other person is not being prosecuted in this trial or whether he has been or will be prosecuted. Your sole duty is to decide whether the People have proved the guilt of the defendant on trial.

Evidence that at some other time a witness made statements that are inconsistent or consistent with his or her testimony in this trial may be considered by you not only for the purpose of testing the credibility of the witness, but also as evidence of the truth of the facts as stated by the witness on that former occasion.

If you believe a witness's testimony that he or she no longer remembers a certain event, that testimony is inconsistent with a prior statement or statements by him or her describing that event.

Every person who testifies under oath or affirmation is a witness. You are the sole judges of the believability of a witness and the weight to be given the testimony of each witness.

In determining the believability of a witness, you may consider anything that has a tendency reasonably to prove or disprove the truthfulness of the testimony of the witness, including, but not limited to, any of the following:

The extent of the opportunity or ability of the witness to see or hear or otherwise become aware of any matter about which the witness has testified;

The ability of the witness to remember or to communicate any matter about which the witness has testified;

The character and quality of that testimony;

The demeanor and manner of the witness while testifying;

The existence or nonexistence of a bias, interest, or other motive;

The existence or nonexistence of any fact testified to by the witness;

The attitude of the witness toward this action or toward the giving of testimony;

A statement previously made by the witness that is consistent or inconsistent with his or her testimony;

The character of the witness for honesty or truthfulness or their opposites;

An admission by the witness of truthfulness;

Past criminal conduct of a witness;

Whether the witness is testifying under a grant of immunity.

Discrepancies in a witness's testimony, or between a witness's testimony and that of other witnesses, if there were any, do not necessarily mean that any witness should be discredited. Failure of recollection is common. Innocent misrecollection is not uncommon. Two persons witnessing an incident or a transaction often will see or hear it differently. You should consider whether a discrepancy relates to an important matter or only to something trivial.

A witness, who is willfully false in one material part of his or her testimony, is to be distrusted in others. You may reject the whole testimony of a witness who willfully has testified falsely as to a material point, unless, from all the evidence, you believe the probability of truth favors his or her testimony in other particulars.

You are not required to decide any issue of fact in accordance with the testimony of a number of witnesses, which does not convince you, as against the testimony of a lesser number or other evidence which you find more convincing. You may not disregard the testimony of the greater number of witnesses merely from caprice, whim or prejudice, or from a desire to favor one side against the other.

You must not decide an issue by the simple process of counting the number of witnesses who have testified on the opposite sides. The final test is not in the relative numbers of witnesses, but in the convincing force of the evidence.

Evidence has been introduced for the purpose of showing that a witness or witnesses engaged in past criminal conduct. This evidence may be considered by you only for the purpose of determining the believability of that witness. The fact that the witness engaged in past criminal conduct, if it is established, does not necessarily destroy or impair a witness’s believability. It is one of the circumstances that you may consider in weighing the testimony of that witness.

When a witness refuses to testify to any matter, relying on the constitutional privilege against self-incrimination, you must not draw from the exercise of this privilege any inference as to the believability of the witness or whether the defendant is guilty or not guilty or any other matter at issue in this trial.

When a witness refuses to testify to any matter, relying upon the exercise of a lawful privilege, you must not draw from that fact any inference as to the believability of the witness or whether the defendant is guilty or not guilty or any other matter at issue in this trial.

You should give the uncorroborated testimony of a single witness whatever weight you think it deserves. Testimony concerning any fact by one witness which you believe, whose testimony about that fact does not require corroboration, is sufficient for the proof of that fact. You should carefully review all the evidence upon which the proof of that fact depends.

Evidence has been introduced for the purpose of showing that the defendant committed crimes other than that for which he is on trial.

Except as you will otherwise be instructed, this evidence, if believed, may be considered by you only for the limited purpose of determining if it tends to show:

A characteristic method, plan or scheme in the commission of criminal acts similar to the method, plan or scheme used in the commission of the offense in this case which would further tend to show the existence of the intent which is a necessary element of the crime charged;

The existence of the intent which is a

necessary element of the crime charged;

A motive for the commission of the crime charged;

For the limited purpose for which you may consider such evidence, you must weigh it in the same manner as you do all other evidence in this case.

Evidence has been introduced for the purpose of showing that the defendant engaged in a sexual offense on one or more occasions other than that charged in the case.

“Sexual offense” means a crime under the laws of a state or of the United States that involves:

Any conduct made criminal by Penal Code Section 288, and that should be a sub (a), with parentheses on the “a.” The elements of this crime is set forth elsewhere in these instructions.

If you find that the defendant committed a prior sexual offense, you may not -- excuse me.

If you find that the defendant committed a prior sexual offense, you may, but are not required to, infer that the defendant had a disposition to commit sexual offenses. If you find that the defendant had this disposition, you may, but are not required to, infer that he was likely to commit and did commit the crime or crimes of which he is accused.

However, if you find by a preponderance of the evidence that the defendant committed a prior sexual offense, or offenses, that is not sufficient by itself to prove beyond a reasonable doubt that he committed the crimes charged.

If you determine an inference properly can be drawn from this evidence, this inference is simply one item for you to consider, along with all other evidence, in determining whether the defendant has been proved guilty beyond a reasonable doubt of the charged crime.

Within the meaning of the preceding instructions, the prosecution has the burden of proving by a preponderance of the evidence that a defendant committed sexual offenses other than those for which he is on trial.

You must not consider this evidence for any purpose unless you find by a preponderance of the evidence that the defendant committed the other sexual offenses.

If you find other crimes were committed by a preponderance of the evidence, you are nevertheless cautioned and reminded that before a defendant can be found guilty of any crime charged in this trial, the evidence as a whole must persuade you beyond a reasonable doubt that the defendant is guilty of that crime.

“Preponderance of the evidence” means evidence that has more convincing force than that opposed to it. If the evidence is so evenly balanced that you are unable to find that the evidence on either side of an issue preponderates, your finding on that issue must be against the party who had the burden of proving it.

You should consider all of the evidence bearing upon every issue regardless of who produced it.

Motive is not an element of the crime charged and need not be shown. However, you may consider motive or lack of motive as a circumstance in this case. Presence of motive may tend to establish the defendant is guilty. Absence of motive may tend to show the defendant is not guilty.

A defendant in a criminal trial has a constitutional right not to be compelled to testify. You must not draw any inference from the fact that a defendant does not testify. Further, you must neither discuss this matter nor permit it to enter into your deliberations in any way.

In deciding whether or not to testify, the defendant may choose to rely on the state of the evidence and upon the failure, if any, of the People to prove beyond a reasonable doubt every essential element of the charge against him. No lack of testimony on defendant’s part will make up for a failure of proof by the People so as to support a finding against him on any essential element.

An admission is a statement made by the defendant which does not, by itself, acknowledge his guilt of the crimes for which the defendant is on trial, but which statement tends to prove his guilt when considered with the rest of the evidence.

You are the exclusive judges as to whether the defendant made an admission, and if so, whether the statement is true in whole or in part.

Evidence of an oral admission of the defendant not made in court should be viewed with caution.

Evidence has been received from which you may find that an oral statement of intent was made by the defendant before the offense with which he is charged was committed.

It is for you to decide whether the statement was made by the defendant.

Evidence of an oral statement ought to be viewed with caution.

No person may be convicted of a criminal offense unless there is some proof of each element of the crime independent of any admission made by him outside the trial.

The identity of the person who is alleged to have committed a crime is not an element of the crime. The identity may be established by an admission.

Witnesses who have special knowledge, skill, experience, training or education in a particular subject have testified to certain opinions. This type of witness is referred to as an expert witness. In determining what weight to give to any opinion expressed by an expert witness, you should consider the qualifications and believability of the witness, the facts or materials upon which each opinion is based, and the reasons for each opinion.

An opinion is only as good as the facts and reasons on which it is based. If you find that any fact has not been proved, or has been disproved, you must consider that in determining the value of the opinion. Likewise, you must consider the strengths and weaknesses of the reasons on which it is based. You are not bound by an opinion. Give each opinion the weight you find it deserves. You may disregard any opinion if you find it to be unreasonable.

In determining the weight to be given to an opinion expressed by any witness who did not testify as an expert witness, you should consider his or her believability, the extent of his or her opportunity to perceive the matters upon which his or her opinion is based and the reasons, if any, given for it. You are not required to accept an opinion, but should give it the weight, if any, to which you find it entitled.

In examining an expert witness, counsel may ask a hypothetical question. This is a question in which the witness is asked to assume the truth of a set of facts, and to give an opinion based on that assumption.

In permitting this type of question, the Court does not rule and does not necessarily find that all of the assumed facts have been proved. It only determines that those assumed facts are within the possible range of the evidence. It is for you to decide from the evidence whether or not the facts assumed in a hypothetical question have been proved.

If you should decide that any assumption in a question has not been proved, you are to determine the effect of that failure of proof on the value and weight of the expert opinion based on the assumed facts.

In resolving any conflict that may exist in the testimony of expert witnesses, you should weigh the opinion of one expert against that of another.

In doing this, you should consider the qualifications and believability of each witness, the reasons for each opinion and the matter upon which it is based.

A defendant in a criminal action is presumed to be innocent until the contrary is proved, and in case of a reasonable doubt whether his guilt is satisfactorily shown, he is entitled to a verdict of not guilty. This presumption places upon the People the burden of proving him guilty beyond a reasonable doubt.

“Reasonable doubt” is defined as follows:

It is not a mere possible doubt, because everything relating to human affairs is open to some possible or imaginary doubt. It is that state of the case which, after the entire comparison and consideration of all the evidence, leaves the minds of the jurors in that condition that they cannot say they feel an abiding conviction of the truth of the charge.

In the crimes charged in Counts 1 through 10, there must exist a union or joint operation of act or conduct and a certain specific intent in the mind of the perpetrator. Unless this specific intent exists, the crime to which it relates is not committed.

The specific intent required is included in the definitions of the crimes set forth elsewhere in these instructions.

The crime of conspiracy, as alleged in Count 1, requires the specific intent to agree to commit a crime and a further specific intent to commit that crime.

The crime of lewd act with a child under 14 years of age, as alleged in Counts 2, 3, 4 and 5, requires the specific intent to arouse, appeal to, or gratify the lusts or passions or sexual desires of the perpetrator or the child.

The crime of attempted lewd act with a child under 14 years of age, as alleged in Count 6, requires the specific intent to commit a lewd act with a child under 14 years of age and the specific intent to arouse, appeal to, or gratify the lusts or passions or sexual desires of the perpetrator or the child.

The crime of administering an intoxicating agent to another, as alleged in Count 7, 8, 9 and

10, requires the specific intent thereby to enable or assist the perpetrator to commit a felony.

In the crimes charged in Counts 1 through 10, or lesser crimes thereto, there must exist a union or joint operation of act or conduct and a certain mental state in the mind of the perpetrator. Unless this mental state exists, the crime to which it

relates is not committed.

The mental states required are included in the definitions of the crimes set forth elsewhere in these instructions.

Defendant is accused in Count 1 of having committed the crime of conspiracy, a violation of Section 182 of the Penal Code, on or about a period of time between February 1, 2003, and March 31, 2003.

Defendant is accused in Counts 2 through 5 of having committed the crime of lewd act upon a child, a violation of Penal Code Section 288, Subdivision (a), on or about a period of time between February 20, 2003, and March 12, 2003.

Defendant is accused in Count 6 of having attempted to commit the crime of lewd act upon a child, a violation of Penal Code Section 664 and 288, Subdivision (a), on or about a period of time between February 20, 2003, and March 12th, 2003.

Defendant is accused in Count 7 through 10 of administering an intoxicating agent to assist in the commission of a felony, in violation of Penal Code Section 222, on or about a period of time between February 20, 2003, and March 12th, 2003.

In order to find the defendant guilty of the crime charged against him in a particular count, it is necessary for the prosecution to prove beyond a reasonable doubt the commission of a specific act or

acts constituting that crime within the period alleged.

And, in order to find the defendant guilty of the crime charged against him in a particular count, you must unanimously agree upon the commission of the same specific act or acts constituting that crime within the period alleged.

It is not necessary that the particular act or acts committed, so agreed upon, be stated in the verdict.

An attempt to commit a crime consists of two elements; namely, a specific intent to commit the crime, and a direct but ineffectual act done toward its commission.

In determining whether this act was done, it is necessary to distinguish between mere preparation on the one hand, and the actual commencement of the doing of the criminal deed on the other. Mere preparation, which may consist of planning the offense or of devising, obtaining or arranging the means for its commission, is not sufficient to constitute an attempt. However, acts of a person who intends to commit a crime will constitute an attempt where those acts clearly indicate a certain, unambiguous intent to commit that specific crime. These acts must be an immediate step in the present execution of the criminal design, the progress of which would be completed unless interrupted by some circumstance not intended in the original design.

You know, I read to my wife at night so she'll go to sleep. I'm not having that effect here, huh?

(Laughter.)

THE COURT: Okay. A conspiracy, as charged in Count 1 of the Indictment, is an agreement entered into between two or more persons with the specific intent to agree to commit the crime of child abduction, false imprisonment, or extortion, and with the further specific intent to commit that crime or crimes, followed by an overt act committed in this state by one or more of the parties for the purpose of accomplishing the object of the agreement.

Conspiracy is a crime.

In order to find a defendant guilty of conspiracy, in addition to proof of the unlawful agreement and specific intent, there must be proof of the commission of at least one of the acts alleged in the Indictment to be an overt act and that the act found to have been committed was an overt act. It is not necessary to the guilt of the defendant that he personally committed an overt act if he was one of the conspirators when the alleged overt act was committed.

The term “overt act” means any step taken or act committed by one or more of the conspirators which goes beyond mere planning or agreement to commit a crime and which step or act is done in furtherance of the accomplishment of the object of the conspiracy.

To be an “overt act,” the step taken or act committed need not, in and of itself, constitute the crime or even an attempt to commit the crime which is the ultimate object of the conspiracy. Nor is it required that the step or act, in and of itself, be criminal or an unlawful act.

Each member of a criminal conspiracy is liable for each act and bound by each declaration of every other member of the conspiracy if that act or declaration is in furtherance of the object of the conspiracy.

The act of one conspirator pursuant to or in furtherance of the common design of the conspiracy is the act of all conspirators.

A member of a conspiracy is not only guilty of the particular crime that to his knowledge his confederates agreed to and did commit, but is also liable for the natural and probable consequences of any crime or act of a co-conspirator to further the object of the conspiracy, even though that crime or act was not intended as a part of the agreed-upon objective and even though he was not present at the time of the commission of that crime or act.

You must determine whether the defendant is guilty as a member of a conspiracy to commit the originally agreed-upon crime or crimes, and, if so, whether the crimes alleged in Count 1 was perpetrated by co-conspirators in furtherance of that conspiracy and was a natural and probable consequence of the agreed-upon criminal objective of that conspiracy.

In determining whether a consequence is "natural and probable," you must apply an objective test based on what the defendant actually intended -- excuse me.

In determining whether a consequence is "natural and probable," you must apply an objective test based not on what the defendant actually intended, but on what a person of reasonable and ordinary prudence would have expected would be likely to occur. The issue is to be decided in light of all of the circumstances surrounding the incident. A "natural consequence" is one which is within the normal range of outcomes that may be reasonably expected to occur if nothing unusual has intervened. "Probable" means likely to happen.

The formation and existence of a conspiracy may be inferred from all circumstances tending to show that -- the common intent and may be proved in the same way as any other fact may be proved, either by direct testimony of the fact or by circumstantial evidence, or by both direct and circumstantial evidence. It is not necessary to show a meeting of the alleged conspirators or the making of an express or formal agreement.

Evidence that a person was in the company of or associated with one or more other persons alleged or proved to have been members of a conspiracy is not, in itself, sufficient to prove that person was a member of the alleged conspiracy.

It is not a defense to the crime of conspiracy that an alleged conspirator did not know all the other conspirators. The members of a conspiracy may be widely separated geographically, and yet may be in agreement on a criminal design and may act in concert in pursuit of that design. The adoption by a person of the criminal design and criminal intent entertained in common by others and of its object and purposes is all that is necessary to make that person a co-conspirator when the required elements of a conspiracy are present.

Where a conspirator commits an act or makes a declaration which is neither in furtherance of the object of the conspiracy nor the natural and probable consequence of an attempt to attain that object, he alone is responsible for and bound by that act or declaration, and no criminal responsibility therefor attaches to any of his confederates.

The act or declaration of a person who is not a member of a conspiracy is not binding upon the members of the conspiracy, even if the act or declaration tended to promote the object of the conspiracy.

Evidence of the commission of an act which furthered the purpose of an alleged conspiracy is not, in itself, sufficient to prove that the person committing the act was a member of the alleged conspiracy.

Every person who joins a conspiracy after its formation is liable for and bound by the acts committed and declarations made by other members in pursuance and furtherance of the conspiracy during the time that he is a member of the conspiracy.

A person who joins a conspiracy after its formation is not liable or bound by the acts of the co-conspirators or for any crime committed by the co-conspirators before that person joins and becomes a member of the conspiracy.

Evidence of any acts done or declarations made by other conspirators prior to the time that person becomes a member of the conspiracy may be considered by you in determining the nature, objectives and purposes of the conspiracy, but for no other purpose.

A member of a conspiracy is liable for the acts and declarations of his co-conspirators until he effectively withdraws from the conspiracy or the conspiracy has terminated.

In order to effectively withdraw from a conspiracy, there must be an affirmative and good-faith rejection or repudiation of the conspiracy which must be communicated to the other conspirators of whom he has knowledge.

If a member of a conspiracy has effectively withdrawn from the conspiracy, he is not thereafter liable for any act of the co-conspirators committed after his withdrawal from the conspiracy, but he is not relieved of responsibility for the acts of his co-conspirators committed while he was a member.

No act or declaration of a conspirator committed or made after the conspiracy has been terminated is binding upon co-conspirators, and they are not criminally liable for that act.

The defendant in this case is entitled to, and must receive, your determination whether he was a member of the alleged conspiracy. You must determine whether he was a conspirator by deciding whether he willfully, intentionally and knowingly joined with any other or others in the alleged conspiracy.

Before you may return a guilty verdict of the crime of conspiracy as charged in Count 1, you must unanimously agree and find beyond a reasonable doubt that, one, there was a conspiracy to commit more -- excuse me -- there was a conspiracy to commit one or more of the crimes of extortion, child abuse and false imprisonment; and two, the defendant willfully, intentionally and knowingly joined with any other or others in the alleged conspiracy.

You must also unanimously agree and find beyond a reasonable doubt that an overt act was committed by one of the conspirators. You are not required to unanimously agree as to who committed an overt act, or which overt act was committed, so long as each of you finds beyond a reasonable doubt that one of the conspirators committed one of the acts alleged in the Indictment to be overt acts.

In this case the defendant is charged with conspiracy to commit the following public crimes:

One, a violation of Penal Code Section 278, child abduction, a felony; Two, a violation of Penal Code Section 236, false imprisonment, a felony; Three, a violation of Penal Code Section 518, extortion, a felony.

It is alleged that the following acts were committed in this state by one or more of the defendants and were overt acts and committed for the purpose of furthering the object of the conspiracy.

Overt Act No. 1: On or about February 4th, 2003, Michael Joe Jackson told Janet Arvizo that the lives of her children, Gavin, Star and Davellin Arvizo, were in danger due to the recent broadcast on British television of the documentary "Living with Michael Jackson," in which Gavin Arvizo appears with Michael Joe Jackson. Michael Joe Jackson did tell Janet Arvizo that she and her three children would be flown to Miami to participate in a press conference, which press conference never took place.

Overt Act No. 2: On and between February 4th, 2003, and February 5th, 2003, the documentary "Living with Michael Jackson," in which Gavin Arvizo appears, was broadcast in the United States. Michael Joe Jackson did personally prevent the Arvizo family from viewing the program while at the Turnberry Resort Hotel in Miami, Florida.

Overt Act No. 3: On and between February 7th, 2003, and February 8th, 2003, Michael Joe Jackson did return the Arvizo family to Santa Barbara in a private jet. On the flight, Michael Joe Jackson did sit with Gavin Arvizo and did give him an alcoholic beverage, concealed in a soft drink can. Michael Joe Jackson did then present Gavin Arvizo with a wristwatch. Michael Joe Jackson did tell Gavin Arvizo that the watch was worth $75,000. Michael Joe Jackson did tell Gavin Arvizo not to tell anyone about them drinking alcoholic beverages together.

Overt Act No. 4: On or about February 8th, 2003, Michael Joe Jackson brought the Arvizo family to Jackson's Neverland Ranch, where Gavin, Star, Davellin and Janet Arvizo remained for approximately five days.

Overt Act No. 5: On and between February 6, 2003, and February 12th, 2003, in both Miami, Florida, and at Neverland Ranch in Santa Barbara County, Ronald Konitzer and Dieter Weizner did tell Janet Arvizo that there were death threats made against her and her children by unknown individuals. They did further tell Janet Arvizo that the only way to assure the safety of her family was for the Arvizos to participate in the making of a “rebuttal” video favorable to Michael Joe Jackson.

Overt Act No. 6: On and between February 12th, 2003, and February 15th, 2003, after the Arvizo family had departed Neverland Ranch in the night, Frank Cascio, aka Frank Tyson, did telephone Janet Arvizo and urge her to return with her children to Neverland Ranch and did say, “I know Michael would love for you to come back to the ranch, for the safety of all concerned,” and “Now is not the right time to be out there alone,” and “Never turn your back on Michael,” and “Michael wants to see you and the family,” and “You need to go back to the ranch and see Michael, because he is very concerned,” and “Even staying another night alone is not safe.”

Frank Cascio, aka Frank Tyson, did tell Janet Arvizo that, “We would love for you to go on tape and just say something beautiful about Michael.” Frank Cascio did assure Janet Arvizo and Gavin Arvizo that Ronald Konitzer and Dieter Weizner would no longer be present at the ranch if they returned. He did state, “They are not there; I know that for a fact.”

Overt Act No. 7: On and between February 2003 and March 2003, at Neverland Ranch, Frank Cascio, aka Frank Tyson, did threaten Star Arvizo that Cascio did have ways to make Star Arvizo’s grandparents “disappear.” Frank Cascio did tell Gavin Arvizo, “I could have your mother killed.”

Overt Act No. 8: On or about February 14th, 2003, and February 15th, 2003, Michael Joe Jackson's personal chauffeur, Gary Hearn, did drive to Janet Arvizo's Los Angeles residence and did transport her and her children back to Neverland Ranch in Santa Barbara County.

Overt Act No. 9: On and between February 14th, 2003, and February 15th, 2003, upon the Arvizo family's return to Neverland Ranch, Ronald Konitzer and Dieter Weizner were, in fact, present; whereupon Janet Arvizo asked to leave with her children. Ronald Konitzer and Dieter Weizner did tell Janet Arvizo that she was free to depart; however, her children must remain at the ranch.

Overt Act No. 10: During the month of February 2003, in Santa Barbara County, California, Michael Joe Jackson's personal security staff was directed in writing not to allow Gavin Arvizo to leave Neverland Ranch.

Overt Act No. 11: During the month of February 2003, Frederic Marc Schaffel, Christian Robinson and an unknown attorney did prepare a script of questions to be asked of the Arvizo family during the filming of the "rebuttal" video by Hamid Moslehi.

Gee. I need a drink - of water.

I'll try that one again.

During the month of February 2003, Frederic Marc Schaffel, Christian Robinson, and an unknown attorney did prepare a script of questions to be asked of the Arvizo family during the filming of the "rebuttal" video by Hamid Moslehi, Michael Joe Jackson's personal videographer.

Overt Act No. 12: On or about February 19th, 2003, the Arvizo children were transported by Hamid Moslehi from Neverland Ranch to Moslehi's home in the San Fernando Valley, and on the same date, Vinnie Amen did transport Janet Arvizo to Hamid Moslehi's residence for the filming of the "rebuttal" video.

Overt Act No. 13: On or about February 19th, 2003, and February 20th, 2003, in Los Angeles County, between 11 p.m. and 1 a.m., the employees and associates of Michael Joe Jackson did tape the “rebuttal” video, an interview of the Arvizo family, in the presence of Vinnie Amen and Bradley Miller, a licensed private investigator. During the taping, previously scripted questions were asked of the Arvizo family.

Overt Act No. 14: On or about February 20th, 2003, Vinnie Amen did transport Janet Arvizo to Norwalk, in Los Angeles County, to obtain birth certificates of the Arvizo family for the purpose of obtaining passports and visas to travel to Brazil.

Overt Act No. 15: On and between February 25th, 2003, and March 2nd, 2003, Vinnie Amen did take the Arvizo family from Neverland Ranch to the Country Inn & Suites in Calabasas, Los Angeles County. Vinnie Amen did transport Janet Arvizo to public offices in Los Angeles County where passports showing the destinations of Italy and France and visas for the entrance to Brazil for the Arvizo family were obtained. Frederic Marc Schaffel, business partner of Michael Joe Jackson and president of Neverland Valley Entertainment, did pay expenses in connection with this activity.

Overt Act No. 16: On or about February 25, 2003, Frederic Marc Schaffel did make airline reservations for the Arvizo family to travel to Brazil on March 3rd, 2003.

Overt Act No. 17: On or about February 26th, 2003, Frederic Marc Schaffel paid Frank Cascio, aka Frank Tyson, $1,000 in connection with “vacation” expenses for the Arvizo family.

Overt Act No. 18: On or about February 27th, 2003, Frederic Marc Schaffel did pay Vinnie Amen the sum of $500 cash for costs related to the Brazilian visas of the Arvizo family.

Overt Act No. 19: On and between February 2003 and March 2003, at the Neverland Ranch, Michael Joe Jackson did have Gavin Arvizo sleep in his bedroom and in his bed.

Overt Act No. 20: On and between February

2003 and March 2003, at Neverland Ranch, Michael Joe Jackson did house Janet and Davellin Arvizo in a guest cottage on Neverland Ranch, where Janet and Davellin Arvizo slept.

Overt Act No. 21: On and between February 2003 and March 2003, at Neverland Ranch, Michael Joe Jackson did show sexually explicit materials to Gavin and Star Arvizo.

Overt Act No. 22: On and between February 2003 and March 2003, at Neverland Ranch, Michael Joe Jackson did drink alcoholic beverages in the presence of Gavin and Star Arvizo and provided alcoholic beverages to them.

Overt Act No. 23: On and between February 2003 and March 2003, Michael Joe Jackson did monitor and maintain control over the activities at Neverland Ranch by means of multiple interior door locks, proximity sensor alarm devices, and a keypad combination lock, as well as video and telephone surveillance equipment. Michael Joe Jackson did personally monitor telephone conversations of Janet Arvizo without her knowledge or permission.

Overt Act No. 24: On or about March 1, 2003, Vinnie Amen did pay the rent on the residence of the Arvizo family in Los Angeles County and moved their belongings into storage.

Overt Act No. 25: On or about March 6th, 2003, Vinnie Amen did go to John Burroughs Middle School in Los Angeles County and he did withdraw Gavin and Star Arvizo from their enrollment there, telling school authorities that the children were relocating to Phoenix, Arizona.

Overt Act No. 26: On or about March 9th, 2003, Michael Joe Jackson was told by Gavin Arvizo that Gavin Arvizo had a medical appointment the following day, at which time he was to give the medical staff a 24-hour-long urine collection specimen for laboratory analysis. Michael Joe Jackson, in Santa Barbara County, did tell Gavin Arvizo to cancel the appointment, because the sample would reveal that Gavin Arvizo had been consuming alcoholic beverages while staying at Neverland

Ranch.

On or about March 10th, 2003, in Los Angeles County, after Janet Arvizo refused to cancel the medical appointment and while on the way to the medical appointment, Vinnie Amen did destroy most of Gavin Arvizo’s collected urine specimen, intended for laboratory analysis in connection with Gavin Arvizo’s follow-up treatment for the disease of cancer.

Overt Act No. 27: On and between February 2003 and March 2003, in Los Angeles County, and as revealed by a surveillance videotape located on November 18th, 2003, in the office of Private Investigator Bradley Miller, an unknown co-conspirator conducted video surveillance of Gavin Arvizo and various members of Gavin Arvizo’s family, including his grandmother and grandfather, his mother, his mother’s boyfriend, his brother and his sister, at and near their respective residences and elsewhere.

Overt Act No. 28: On or about March 31st, 2003, Michael Joe Jackson did direct Frederic Marc Schaffel to pay Frank Cascio, aka Frank Tyson, the sum of one million dollars from “Petty Cash” of Neverland Valley Entertainment on behalf of Michael Joe Jackson.

Evidence of a statement made by one alleged conspirator other than at this trial shall not be considered by you as against another alleged conspirator unless you determine by a preponderance of the evidence:

One, that from other independent evidence that at the time the statement was made a conspiracy to commit a crime existed;

Two, that the statement was made while the person making the statement was participating in the conspiracy and that the person against whom it was offered was participating in the conspiracy before or during that time;

And, three, that that statement was made in furtherance of the objective of the conspiracy.

The word “statement” as used in this instruction includes any oral or written verbal expression or the nonverbal conduct of a person intended by that person as a substitute for oral or written verbal expression.

Defendant is charged in Count 1 with conspiracy to commit the crime of extortion, in violation of Penal Code Section 518, the crime of child abduction, in violation of Penal Code Section 278, and the crime of false imprisonment, in violation of Penal Code Section 236.

In order to find the defendant guilty of the crime of conspiracy, you must find beyond a reasonable doubt that the defendant conspired to commit one or more of the crimes, and you also must unanimously agree as to which particular crime or crimes he conspired to commit.

If you find the defendant guilty of conspiracy, you will then include a finding on the question as to which such alleged crimes you unanimously agree the defendant conspired to commit. A form will be supplied to you for that purpose.

Defendant is accused in Count 1 of having conspired to commit the crime of false imprisonment by violence or menace, a violation of Section 236 of the Penal Code.

Every person who, by violence or menace, violates the liberty of another person by intentionally and unlawfully restraining, confining or detaining that person and compelling that person to stay or go somewhere without his or her consent is guilty of the crime of false imprisonment by violence or menace, in violation of Penal Code Section 236.

“Violence” means the exercise of physical force used to restrain over and above the force reasonably necessary to effect the restraint.

“Menace” means a threat of harm, express or implied, by word or act.

False imprisonment does not require that there be confinement in a jail or prison.

In order to prove this crime, each of the following elements must be proved:

One, a person intentionally and unlawfully restrained, confined, or detained another person, compelling him or her to stay or go somewhere;

Two, the other person did not consent to the restraint, confinement, or detention;

And, three, the restraint, confinement or detention was accomplished by violence or menace.

In the crime of false imprisonment, there must exist a union or joint operation of act or conduct and general criminal intent. General criminal intent does not require an intent to violate the law. When a person intentionally does that which the law declares to be a crime, he is acting with general criminal intent, even though he may not know that his act or conduct is unlawful.

However, before a person can be convicted of conspiracy to commit false imprisonment, the specific intents to commit conspiracy must be proved.

Defendant is accused in Count 1 of having conspired to commit the crime of child abduction, a violation of Section 278 of the Penal Code.

Every person, not having a right of custody, who maliciously takes and entices away, keeps, withholds or conceals any child with the specific intent to detain or conceal the child from a lawful custodian is guilty of the crime of child abduction, in violation of Penal Code Section 278.

In order to prove this crime, each of the following elements must be proved:

One, a person took, enticed away, kept,

withheld, or concealed a child;

Two, that person did not have a right of custody of the child;

Three, that person acted maliciously;

And four, with the specific intent to detain or conceal the child from a lawful custodian.

As used in the crime of child abduction:

"Child" means a person under the age of 18.

"Maliciously" means with intent to vex, annoy or injure another person, or to do a wrongful act.

"Fraudulently" includes all surprise, trick, cunning, and unfair ways by which one person deceives or attempts to deceive another.

"Keeps" or "withholds" means retains physical possession of a child whether or not the child resists or objects.

"To entice" means to allure, to attract, to draw on, or to lead astray by exciting hope or desire. It does not necessarily include any domination over the child's will.

"Detain" means to delay, to hinder, or to retard. It does not necessarily include force or menace.

"Lawful custodian" means a person, guardian or public agency having a right to custody of a child.

"Abduct" means take, entice away, keep, withhold, or conceal.

The fact that a minor child decided to go, or to stay, or decided voluntarily to accompany an adult is not a defense to the crime of unlawfully taking, obtaining, concealing, or enticing away a minor child.

Defendant is accused in Counts 2, 3, 4 and 5 of having committed the crime of lewd act with a child, in violation of Section 288, Subdivision (a), of the Penal Code.

Every person who willfully commits any lewd or lascivious act upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the specific intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or that child, is guilty of the crime of committing a lewd or lascivious act upon the body of a child, in violation of Penal Code Section 288, Subdivision (a).

A "lewd or lascivious act" is defined as any touching of the body of a child under the age of 14 years with the specific intent to arouse, appeal to, or gratify the sexual desires of either party. To constitute a lewd or lascivious act, it is not necessary that the bare skin be touched. The touching may be through the clothing of the child.

The law does not require as an essential element of the crime that the lust, passions, or sexual desires of either of such persons be actually aroused, appealed to, or gratified.

It is no defense to this charge that a child under the age of 14 years may have consented to the alleged lewd or lascivious act.

In order to prove this crime, each of the following elements must be proved:

A person touched the body of a child;

The child was under 14 years of age;

And, three, the touching was done with the specific intent to arouse, appeal to, or gratify the lust, passions or sexual desires of that person or the child.

It is not essential to a finding of guilt on a charge of lewd acts with a child under the age of 14 years that the testimony of the witness with whom the sexual relations is alleged to have been committed be corroborated by other evidence.

Is it time for a break? I think so. We’re very close, but let’s take a break.

(Recess taken.)

THE COURT: All right.

Evidence has been presented to you concerning Child Sexual Abuse Accommodation Syndrome. This evidence is not received and must not be considered by you as proof that the alleged victim’s molestation claim is true.

Child Sexual Abuse Accommodation Syndrome research is based upon an approach that is completely different from that which you must take to this case. The syndrome research begins with the assumption that a molestation has occurred and seeks to describe and explain common reactions of children to that experience. As distinguished from the research approach, you are to presume the defendant innocent. The People have the burden of proving guilt beyond a reasonable doubt.

You should consider the evidence concerning the syndrome and its effect only for the limited purpose of showing, if it does, that the alleged victim's reactions, as demonstrated by the evidence, are not inconsistent with him having been molested.

Defendant is accused in Count 1 of having conspired to violate 518 of the Penal Code.

Every person who obtains property or other things of value from another with his or her consent, which consent has been induced by a wrongful use of fear, is guilty of the crime of extortion, in violation of Penal Code Section 518.

In order to prove this crime, each of the following elements must be proved:

One, a person obtained property or something of value from the alleged victim;

Two, the property or thing of value was obtained with the consent of the alleged victim;

Three, the alleged victim's consent was induced by the wrongful use of fear;

And, four, the person who wrongfully used fear did so with the specific intent to induce the alleged victim to consent to the giving up of his or her property or thing of value.

The terms "property" and "something of value," as used in the law of extortion, include both tangible and intangible property to which a monetary value can be found. Intangible property includes every benefit and legal right belonging to a person and susceptible of being enjoyed, exercised or disposed of by him or her. Examples include a person's personal identification number, PIN number, for access to his or her bank account, or a person's right to pursue available legal remedies, and a person's exclusive right to make use of his or her name or likeness for commercial purposes.

Fear may be induced by a threat to inflict an unlawful injury on the person threatened or a third person.

The words “unlawful injury” mean an injury which, if inflicted, would create civil liability against the person doing it and would support a civil action against the person. A threat to do that which one has a legal right to do is not a threat to do an unlawful injury.

To constitute extortion, the fear induced by the threat must be the operating or inducing cause which produces consent and results in the property or other thing of value being delivered to another.

If some other cause is the primary and controlling cause for the consent to the property or thing of value being delivered to another, the crime of extortion has not been proved.

As used in the law of extortion, “consent” is obtained from the person threatened when property or other thing of value is turned over to another with the understanding that the person threatened will be saved from injury to the person threatened or a third person.

The delivery of the property or other thing of value is the lesser of two unpleasant alternatives. Consent, as used in the law of extortion, exists under these circumstances notwithstanding the fact that the person threatened may violently protest in his or her own mind against the circumstances which compel the choice.

A coerced and unwilling consent compelled by the wrongful use of force or fear constitutes consent in extortion.

Defendant is accused in Count 7, 8, 9 and 10 of having committed the crime of administering an intoxicating agent to assist in the commission of a felony.

Any person who administers to another any intoxicating agent with the intent to enable or assist himself or any other person to commit a felony is guilty of the crime of administering an intoxicating agent to assist in the commission of a felony.

In order to prove this crime, each of the following elements must be proved:

One, administers to another any intoxicating agent;

Two, with the specific intent to enable or assist himself or any other person to commit a felony.

If you are not satisfied beyond a reasonable doubt that the defendant is guilty of the crime charged, you may nevertheless convict him of any lesser crime if you are convinced beyond a reasonable doubt that the defendant is guilty of the lesser crime.

The crime of furnishing alcohol to a minor is lesser to that of administering an intoxicating agent as charged in Count 7 through 10.

Thus, you are to determine whether the defendant is guilty or not guilty of the crimes charged in 7 through 10 or of any lesser crimes. In doing so, you have discretion to choose the order in which you evaluate each crime and consider the evidence pertaining to it. You may find it productive to consider and reach a tentative conclusion on all charges and lesser crimes before

reaching any final verdict. However, the Court cannot accept a guilty verdict on a lesser crime unless you have unanimously found the defendant not guilty of the charged greater crime.

If you are not satisfied beyond a reasonable doubt that the defendant is guilty of the crime of which is he accused in Count 7, 8, 9 and 10, and you unanimously so find, you may convict him of any lesser crime provided you are satisfied beyond a reasonable doubt that he is guilty of that crime.

You will be provided with guilty and not guilty verdict forms for the crime charged in Count 7, 8, 9 and 10, and the lesser crime thereto. The crime of furnishing an alcoholic beverage to a person under 21 years is a lesser crime to that of administering an intoxicating agent to assist in the commission of a felony.

Thus, you are to determine whether the defendant is guilty or not guilty of the crime charged in Count 7, 8, 9 or 10 or of any lesser crime. In doing so, you have discretion to choose the order in which you evaluate each crime and consider the evidence pertaining to it. You may find it to be productive to consider and reach tentative conclusions on all charged and lesser crimes before reaching any final verdicts.

Disregard the instructions previously given which requires that you return but one verdict form as to Counts 6, 7, 8, 9 and 10.

Before you return any final or formal verdict, you must be guided by the following:

One, if you unanimously find the defendant guilty of the crime of which he is accused in Count 7, 8, 9 and 10, your foreperson shall sign and date the corresponding verdict form. All other verdict forms as to Count 7, 8, 9 and 10 must be left unsigned;

Two, if you are unable to reach a unanimous verdict as to the crime of which the defendant is accused in Count 7, 8, 9 or 10, do not sign any verdict form as to the count or counts as to which you are in disagreement and report your disagreement to the Court;

Three, the Court cannot accept a guilty verdict on a lesser crime unless the jury also unanimously finds and returns a signed verdict form of not guilty as to the charged greater crime;

Four, if you unanimously agree and find the defendant not guilty of the crime with which he is charged in Count 7, 8, 9 or 10, but cannot reach a unanimous agreement as to the lesser crime, your foreperson should sign and date the not guilty verdict form as to the charged crime and report your disagreement as to the lesser crimes to the Court.

Every person who unlawfully sells, furnishes, gives or causes to be sold, furnished or given away any alcoholic beverage to any person under the age of 21 is guilty of a violation of Business & Professions Code Section 25658, Subdivision (a), a misdemeanor.

In order to prove this crime, each of the following elements must be proved:

One, Defendant Michael Jackson furnished, gave or caused to be furnished or given away an alcoholic beverage to Gavin Arvizo;

And, two, Gavin Arvizo was under the age of 21 years.

In the crime of furnishing an alcoholic beverage to a person under 21 years, which is a lesser crime of the crime charged in Count 7, 8, 9 and 10 of the Indictment, there must exist a union or joint operation of act or conduct and general criminal intent. General criminal intent does not require an intent to violate the law. When a person intentionally does that which the law declares to be a crime, he is acting with general criminal intent even though he may not know that his act or conduct is unlawful.

The defendant is accused of having committed the crime of a lewd act upon a child under 14 in Counts 2 through 5. Similarly, the defendant is accused in Count 6 of having attempted to commit the crime of a lewd act upon a child. Also, the defendant is accused in Count 7 through 10 of having committed the crime of administering an intoxicating agent to assist in the commission of a felony or the lesser-included offense of furnishing alcohol to a minor.

The prosecution has introduced evidence for the purpose of showing that there is more than one act upon which a conviction for each count may be based. Defendant may be found guilty if the proof shows beyond a reasonable doubt that he committed any one or more of the acts. However, in order to return a verdict of guilty as to any individual count, all jurors must agree that he committed the same act or acts. It is not necessary that the particular act agreed upon be stated in your verdict.

Each count charges a distinct crime. You must decide each count separately. The defendant may be found guilty or not guilty of any or all of the crimes charged in Counts 1 through 10. Your finding as to each count must be stated in a separate verdict.

It is further alleged that at the time of the commission of the crimes charged in Counts 2 through 5, that the victim in the above offenses, Gavin Arvizo, was under the age of 14 years and that the defendant had substantial sexual conduct with Gavin Arvizo. If you find the defendant guilty of the crimes charged in Counts 2 through 5, you must determine whether or not the truth of this allegation has been proved.

“Substantial sexual conduct” means masturbation of either the victim or the defendant.

The People have the burden of proving the truth of this allegation. If you have a reasonable doubt that it is true, you must find it to be not true. Include a special finding on that question using a form that will be supplied to you.

In your deliberations, do not discuss or consider the subject of penalty or punishment. That subject must not in any way affect your verdict.

The purpose of the Court’s instructions is to provide you with the applicable law so that you may arrive at a just and lawful verdict. Whether some of the instructions apply will depend upon what you find to be the facts. Disregard any instruction which applies to facts determined by you not to exist. Do not conclude that because an instruction has been given, I am expressing an opinion as to the facts.

All right. That’s all of the instructions you’re going to hear today. And after argument, I have just three or four or six, you know, a very small summary of concluding instructions, which I will provide you copies of at that time.

So I’m going to excuse you now, have you return at 8:30, and we will hear the final

arguments. Have a good evening.
Is there any reason not to recess for today?
MR. MESEREAU: No, Your Honor.
THE COURT: All right. Court's in recess.
(The proceedings adjourned at 1:47 p.m.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 12612 through 12716 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on June 1, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
June 1, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
OFFICIAL COURT REPORTER

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

THURSDAY, JUNE 2, 2005

8:30 A.M.

(PAGES 12718 THROUGH 12774)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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Santa Maria, California
Thursday, June 2, 2005
8:30 a.m.

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: Good morning, everyone.
COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.
THE COURT: Mr. Zonen, you may proceed.
MR. ZONEN: Your Honor, ladies and gentlemen of the jury, good morning.

Am I turned on? I’m not turned on.

I’m now turned on. Everybody can hear. All right.

Ladies and gentlemen, good morning.

This is the closing argument. We expect that it will go through a few hours today. We will be covering quite a few areas of testimony and evidence that has been presented.

Ladies and gentlemen, this case is about the exploitation and sexual abuse of a 13-year-old cancer survivor at the hands of an international celebrity. The case is about a woman trying to protect her children from a collection of overpaid employees all determined to profit at the expense of her and her children.

Over this closing argument, I will discuss with you the evidence that proves that Michael Jackson molested Gavin Arvizo and numerous other boys. I will discuss with you the methods that he uses to seduce boys into his confidence, into his bedroom, and into his bed.

I will talk with you about the defense in this case. I will talk to you and tell you that the defense in this case is limited entirely to attacking the mother of this child, as well as the children. We will talk about how easy it is to say that Janet Arvizo concocted this entire story, and we will talk about how entirely impossible it would actually be to do so.

There are two themes that will run through this closing argument. One is that Michael Jackson inserted himself into the life of the Arvizo family, not the other way around.

It’s Michael Jackson who invited the Arvizo children to his home in September of 2002 so that he might benefit from their inclusion in a documentary that was designed to jump-start his career. It was Michael Jackson who called those kids to his house on that day. It was Michael Jackson who told Gavin Arvizo that, “This is an audition for you.” It was Michael Jackson who put those children in that documentary. It was Michael Jackson who exposed themselves, all of them, to the ordeal that came about when that documentary turned out to be something other than what he expected.

It was Michael Jackson who contacted the Arvizo family in early February. It was Michael Jackson who brought the Arvizo family to Florida. It was Michael Jackson who was oblivious of the consequences that would occur to the lives of these children and to the life of their mother by including them in his escapades.

It was Michael Jackson who decided that these children were necessary for him to be able to further his career, to be able to stem the flow of negative press that was occurring as a consequence of that documentary. It was Michael Jackson who brought them to Florida.

Now, the second thing is this: Janet Arvizo never asked for one penny from Michael Jackson. Janet Arvizo, in fact, had never had a conversation with Michael Jackson, other than the first time that she met him early in June of 2000 at the occasion that the whole family went to Neverland when Gavin Arvizo was sick with cancer.

At that time, they all had dinner together and she, as part of the family, had conversation with Mr. Jackson that I'm quite certain neither one of them remember the context of.

Beyond that visit in June of 2000, Janet Arvizo never went back, except for the occasion of Chris Tucker's child's birthday where she was there with a busload of other people. Michael Jackson was not there. She left at the end of the day.

During that three-year period of time up to the point where Michael Jackson called her, because he needed her, not the other way around, Janet Arvizo had never asked for one penny from Michael Jackson, and to this day has never asked for one penny from Michael Jackson, has never asked anything of him, has never desired anything from him, and there is absolutely no evidence whatsoever that she does today.

And those are the two concepts that you need to keep in mind during the balance of this closing argument.

Now, I'd like to read something to you, and this is something that you heard in the course of this trial. I'm not going to tell you right now when you heard it or who spoke it, but you might recognize it, and at the conclusion, I will tell you where it came from.

"I want to take it a step further and I want to let all of you know that I think an opening statement is a contract. You make promises in an opening statement, you better fulfill them. Because at the end of the trial, the jury's going to know whether you did or didn't. And I say to you right now, I’m going to make some promises in this case. I am going to fulfill them and I want you to judge me accordingly at the end.”

Do you remember who spoke those words?

That was Thomas Mesereau at the very beginning of his opening statement. He was making a contract with you, a contract that what he was representing in the course of his opening statement, he was going to prove, and he was inviting you to judge him on whether or not he did so.

Let’s begin that judgment.

Janet Arvizo staged a shakedown of George Lopez was one of the first things that he said in the course of his opening statement and went ahead and described this event of Janet Arvizo being involved in leaving a wallet behind in the actor/comedian’s home, George Lopez. That wallet was Gavin’s wallet and later there was a claim by Janet Arvizo that there was $300 missing from that wallet; that Janet Arvizo wanted George Lopez to pay $300 to her. A shakedown, as described by Thomas Mesereau.

What does the evidence reveal? We’re the ones who brought George Lopez into this courtroom, and George Lopez said there most certainly was something going on. There was definitely a wallet left at his home. It was definitely Gavin’s wallet. It was left in his home after Gavin and his father, David Arvizo, were at the house. There was a $50 bill in that wallet. He called David Arvizo and said, “What do you want me to do with it?” and the wallet was sent back to him.

It was David Arvizo who later told Jamie Masada that there was $300 in the wallet. It was Jamie Masada who gave $300 to David Arvizo on the representation that it had been taken from that wallet at George Lopez’s home.

Janet Arvizo had nothing to do with this. Janet Arvizo didn’t know about it. Janet Arvizo was not there. She had never been there. Janet Arvizo had never been in George Lopez’s home. The only time Janet Arvizo had ever seen George Lopez was during the period of time that George Lopez was mentoring her children at the comedy camp. On those occasions Janet would travel by bus, multiple buses, from East Los Angeles to the Sunset area in Los Angeles, to bring her kids to comedy camp. During the course of those mentorships, they would meet, he would work with the children, and sometimes he would take them out to lunch. That was it.

When Gavin became ill with cancer, Janet Arvizo called George Lopez very upset over the prospect of her child having cancer, and having cancer in such an advanced stage at the time that they discovered it.

George Lopez and his wife very graciously visited Gavin at the hospital on a number of occasions. They had a few conversations with Janet. Janet at no time asked for money from anyone. Both George and Ann Lopez testified in this courtroom she never asked for anything. And in fact -- in fact, the only time that there was any kind of a transfer of anything between the two of them was when Janet Arvizo gave a key chain to George Lopez, an amulet, a mustard seed amulet for good luck. It was right off her key chain.

It probably had not much value monetarily. It was sentimental and she wanted George Lopez to have that, and he appreciated that gift. She had nothing to do with any kind of a shakedown with George Lopez.

Now, Mr. Mesereau either knew it or should have known it before he made that representation to you. He asked to be judged. Go ahead and do so.

Janet Arvizo tried to get money from Fritz Coleman. We brought Fritz Coleman in here. Fritz Coleman never gave Janet Arvizo a penny. Fritz Coleman was never asked for a penny. Fritz Coleman was never the subject of a shakedown by Janet Arvizo or anybody else. What Fritz Coleman testified to was that he had met the Arvizo children when he did a benefit or participated in a benefit on behalf of Gavin while he was sick to raise funds and to raise blood for this very sick child.

He testified that at one point over

Christmas, probably Christmas ‘00, of 2000, that he wanted his children to understand that there were other children less fortunate than them. So he brought his children with Louise Palanker to the residence where Janet Arvizo lived on Soto Street in East Los Angeles. That residence was a single room. It was a studio apartment, and all five of them lived in that studio apartment.

They were not brought there for purposes of soliciting charitable contributions. The idea was Fritz Coleman’s idea. There was no conversation whatsoever with Janet Arvizo in advance of that idea.

Fritz Coleman contacted Louise Palanker. He thought it would be a good idea. She agreed. They went out and bought a few hundred dollars of gifts for the children. They then got in the car. They called 20 minutes in advance. I wanted you to hear that, 20 minutes in advance, so that there was no possible way that Janet Arvizo would set up this apartment in some fashion for purposes of encouraging some kind of a charitable donation.

They got to the apartment. It was neat. It was orderly. There were partitions in this one room to afford some measure of privacy for the family. The family were all, each and every one of them, were gracious in their acceptance of these gifts for

Christmas. There was never a shakedown. There was never a request for money. There was never a request for anything else.

Mr. Mesereau either knew, or should have known, that what he said was simply not true. Janet Arvizo approached Mike Tyson, Adam Sandler, and Jim Carey for money. Did you see any of those three come in here? I didn’t. And I know what they all look like, and I think probably most of you know what most of the three of them look like, and I suspect you would have recognized them as well.

There was some testimony that one of them, I believe Jim Carey, or Adam Sandler I think it was, gave a gift to Gavin Arvizo. There’s absolutely no evidence that Janet Ventura -- that Janet Arvizo ever met any of the three of them. There’s no evidence she ever asked any of the three of them for anything. There’s no evidence she ever received anything from the three of them.

Janet Arvizo tried to shake down Jay Leno. Jay Leno testified. It couldn’t be further from the truth. There were a number of telephone calls that were placed by Gavin to Jay Leno. For a good reason. Gavin was in a bed, either in his cleanroom at his grandmother’s house or in a hospital, for the better part of a year. There were periods of time that he was well enough to move around, but for the most part, while he was undergoing the chemotherapy, he was either in a hospital or he was in a cleanroom in his grandmother’s house.

He had a lot of time on his hands. He loved comedians. He was a graduate of the comedy camp at The Laugh Factory. He had met quite a few comedians. His favorite was Jay Leno. He called him. He probably called him many times. He was a ten-year-old child afflicted with cancer and he probably didn’t have the social subtleties down. He probably didn’t understand that too many calls would be boorish, it wouldn’t be appropriate to do.

Jay Leno didn’t understand. He called Louise Palanker. He asked, “Who is this child? What’s going on?” She explained that he was a cancer patient. He then called. He called and may or may not have reached the hospital at the time that Janet was there.

He says he remembers talking to the child, he remembers talking to Star Arvizo, and he remembers talking to the person who he believes to be the mother. There was no shakedown at any time. Nobody asked for anything. No one asked for money. He never gave money.

He says that the person he spoke to who he believes to be the mother, Janet Arvizo, she was gracious, she was kind, she was appropriate, she was thankful, she was sincere. There was absolutely nothing that she said in this conversation that indicated that she was looking for money or anything else, other than a person to extend a moment of kindness to her sick child for which she was eternally grateful.

Now, let me point out that it is inconsistent with the testimony of both Gavin and the mother in the sense that neither remember that conversation. They remember certainly that Gavin had called Jay Leno but they don't remember actually talking with him. That's not necessarily inconsistent. If Gavin was in the hospital, then he was sick at that time. He was undergoing chemotherapy. He was probably receiving all manner of medications. He might not have known that the person that he was on the phone with was actually Jay Leno. That's certainly possible. There were probably plenty of people who were calling him and wishing him well, and it's entirely likely that he did not know who he was speaking to at what time. And he may not have remembered it, even if he did know it at that time. He certainly remembers calling him. He certainly remembers his admiration for Jay Leno.

Was that Janet Arvizo who was on the phone with him? It may have been. It may have been somebody else who was there at the time. It was a very brief conversation. She may not have remembered it either.

That's almost insignificant. The significant point is, Mr. Mesereau represented to you that it was a shakedown. And it clearly was nothing of the sort.

Janet Arvizo held her son's arm out at The Laugh Factory looking for money. Remember when he said that? Janet Arvizo was never at The Laugh Factory during the time of those fundraisers. Those fund-raisers were during the month of October of 2000. During that period of time she was working. She was waitressing at the St. Bonaventure Hotel in downtown Los Angeles.

It was David Arvizo who was organizing and pursuing and receiving the money from those fund-raisers. To the extent that any money came in, and some money did come in, it went to David Arvizo. How much of that he used for the family, how much of it he used for himself, how much he blew on drugs, was something that he will ultimately have to answer for.

But the question of whether or not it was Janet Arvizo at The Laugh Factory pushing her son’s arm out looking for donations is simply a statement that is not true. And there is no evidence to support it, and all the people who were at The Laugh Factory agree with that. Everyone who testified in this trial said they have no recollection of Janet Arvizo being there. They have a major recollection of David Arvizo being there, because he was at times obnoxious in his behavior. That statement was simply not true. Janet Arvizo was not there.

Janet Arvizo bought a car from Hollywood Ford. That’s come up quite a few times. And in fact, they even put a witness on the witness stand who told you, as the son rises in the morning, she purchased a car from Hollywood Ford.

What we found out, of course, when we brought the witness from Hollywood Ford, I think that was Gina Villegas, when she came from Hollywood Ford, testified, “No, no Janet Arvizo or Ventura ever purchased a car from here. And in fact, we notified the defense of that accordingly.”

Mr. Mesereau apparently knew that she never purchased that car. Now, incidentally, it’s an irrelevant point. She has a right to buy a car. She got a civil judgment of $32,000. She could have purchased a car with it. She intended to do so. She took out a cashier’s check. She changed her mind. It’s just that simple. And then she cancelled the check.

But why would they put a witness on, and why would Mr. Mesereau make the representation that she purchased a car, if in fact they knew all along that she didn’t?

Janet used the Soto Street apartment to get money from celebrities. Remember him saying that in the course of his opening statement? Janet Arvizo used the Soto Street apartment for sympathy ploys to get money from celebrities. Yes? Name one. Name one. Of all the witnesses who testified in this trial, one, name one who came in and said, “You know, I was brought to that apartment for purposes of looking at it, and I was so impressed with the miserable conditions that they live in, that I organized some kind of fund-raiser.” Nobody said that, because it never happened.

There were two people who actually came to the Soto Street apartment, and that was Fritz Coleman and Louise Palanker. There was no evidence that any other celebrity was ever brought there for any reason whatsoever. And the two of them went there on their own initiative for reasons that I’ve already explained. There was no other person who was ever brought to the Soto Street apartment for any reason.

Later, he says the Soto Street apartment was used as a grounds for some form of fraud against somebody or other, perhaps welfare fraud. No, that’s not true either. That was their apartment and they lived in that apartment for many years. And after David Arvizo finally left the family after years of a tumultuous relationship, a violent relationship, Janet Arvizo continued to live in that apartment with her children.

Finally at about November of ‘02, 2002, after she had met and became involved with a very decent man, Jay Jackson, Major Jackson from the Army, eventually started using his address at his apartment so that the kids could start attending John Burroughs Middle School, a much better school than the Hollenbeck District in East Los Angeles, where the kids were starting to be exposed to gang activity. That was with the understanding of the school, it was with the understanding of Jay Jackson, it was okay with them. They started living more and more at his apartment, but they maintained -- she maintained her own apartment. And that apartment was the same Soto Street studio apartment that they had had for years, and lived in. And at the time that Mr. Geragos’s employees moved all of their possessions out of that apartment to some unknown location, unknown to her, it was a truckload of possessions that filled two vaults. There was no question but that she was still living in that apartment and that was her residence. Yes, they were spending days during the week at Jay Jackson’s apartment while the kids attending school, but she still had that residence. She paid for it, she supported it, she paid utilities, and she paid rent, and they lived in it, and all of their possessions were in it.

And that was in November.

By March of 2003, they were finally in their own apartment -- in the apartment with Jay Jackson.

Janet told law enforcement that they needed money. No, she didn’t. No, she didn’t. That was one of his statements in opening statement. Janet Arvizo told law enforcement, the detectives who interviewed her. All of the interviews with law enforcement that were done back at that time were videotaped. There was transcripts of it. It would have been very easy to present that evidence, if she actually told them that she was in need of money. She didn’t. She never said that to law enforcement. They never presented it. He never proved it.

Janet Arvizo was negotiating for more money with an attorney during the rebuttal taping. Remember him saying that, that she was on the phone with an attorney negotiating for more money? No, she wasn’t. No, she wasn’t.

We’re going to show you the documents that were generated during the taping of that rebuttal video. That was in the Calabasas residence of Hamid Moslehi. That was taken -- they arrived at that place on the 19th. We’ll talk about it a little more. The taping was on the 20th. Who she was on the phone with was an attorney, talking about whether her children were going to be taken away from her the next morning. Taken away from her because there was an allegation that she was not a

fit mother. Why was she not a fit mother? Because she allowed her children to spend time alone with Michael Jackson in his room, and in fact in his bed, something she didn’t even know about at that time.

That interview with the Department of Child & Family Services was a direct result of Michael Jackson’s intrusion into their life, not the other way around. And she was on the telephone with a lawyer by the name of Vicki Podberesky, and that was the extent of that conversation, and you have not heard one word of testimony to the contrary.

It was a conversation that was limited entirely to how she can hold on to her children and not have her children taken away from her because of what Michael Jackson did, not because of anything that she did. Other than perhaps the moment of neglect when she assumed that she could trust Michael Jackson, given his reputation.

There was no conversation with any lawyer looking for money. And in fact, what we will show you is that the only discussions that took place between lawyers were the lawyers who were drafting the release agreement for her to sign. And we will show you the release agreement that she had to revise during the course of that evening because the original one was simply too complicated for her. And the one that they ultimately signed, she ultimately signed, was simply a simplified version of the more complicated; smaller words, smaller sentences, smaller paragraphs, simpler to understand, and larger font, the print was bigger. That’s all that was. She never negotiated for one penny.

She did receive that money. She did receive money that night. Not from Michael Jackson or any employee of Michael Jackson. She got $2,000 from Hamid Moslehi. Why did he give her $2,000? It’s pretty obvious. Hamid Moslehi knew what was going on that night. He was well aware that he was going to get $250,000 for his efforts the very next day.

He knew that all of the people who were promoting this video were going to become very wealthy off of it, and he understood what was going on; that the only people who were to get nothing from this production were, in fact, the Arvizo family members. Not one penny were they going to get. And he reached into his pocket and he gave her

$2,000 because he recognized the injustice of what was going on. Did she ask for it? No. And he readily said that she did not ask for that. That was his own doing. That had nothing to do with Michael Jackson. It had nothing to do with any of Michael Jackson's employees. She was not negotiating for more money that night. And he either knew that or should have known that.

Michael Jackson -- Michael Jackson took a lot of time away from his career to help Gavin. Do you recall him saying that in the course of his opening statement?

There's no evidence that Michael Jackson took one minute away from his career to help Gavin. Michael Jackson was on the telephone with Gavin when he was sick, when he was in the hospital, and when he was at home. He had many, many, many long telephone conversations with Gavin, some in the middle of the night. Some that went on for hours.

But guess what? He did that with all the boys who ended up in his room. He would have long conversations with all of them. That's how Michael Jackson functioned. That's what Michael Jackson does. That had nothing to do with benevolence, that had nothing to do with him taking time away from his career. There's not one moment of testimony in this case that shows that he sacrificed his career on behalf of either Gavin or any member of Gavin's family.

Michael Jackson never once went to Los Angeles to visit. Never once went to the hospital during the time that he was ill at the hospital.

Janet Arvizo was soliciting funds while being supported by a man earning $80,000 a year? How many times did you hear that from Mr. Mesereau?

Janet Arvizo was soliciting funds while being supported by a man earning $80,000 a year?

No, she wasn't, nor is there any testimony that she did that. Presumably, at some point in time, she ended up living with Michael -- with Jay Jackson, and in fact they ended up married together, and it's certainly presumable that he's supporting her at this stage, and perhaps even before they actually got married.

But at the time that these solicitations were going on, which was very early, very early in the course of this testimony, and very early in a period of time, and we're going to look at a slide right now, that will give you a sense of the time periods that we're involved in, jumbling together all of these things together.

Would you do the first one.

The J.C. Penny's incident that ultimately resulted in a favorable judgment on behalf of Janet Arvizo and her children, that incident occurred on August 27th of 1998. It was in June of 2000 that Gavin was diagnosed with cancer and his first visit at Neverland was in August of 2000. The fund-raisers for Gavin were in October 2000. That's when all of those occurred. Every one of the witnesses who testified to whatever was going on was, for the most part, around October, was the fund-raiser at The Laugh Factory, and then into Christmas of 2000.

The turkey that supposedly she wasn't as appreciative of as she should have been. Think about that for a moment. When you think about Michael Jackson and the people who work for him, who expect to make millions of dollars off the exploitation of this family, think about them begrudging her for receiving a turkey and for not demonstrating the proper level of appreciation. Think about them begrudging her because she accepts a body wax for $100, or a leg wax, or wherever they wax.

And then he exploits this family to the extent of millions of dollars that they expect to profit off of this. Millions of dollars. Very careful to make sure that they don't get a penny of it.

The fund-raisers occurred in October of 2000. David and Janet were separated in June of 2001. She was on her own at that point. Married at 16, and pregnant at 16, for the first time in her adult life, she's now on her own in 2001, and raising three children. No child support until the child support starts coming in through the District Attorney’s Office, not until March 2003.

Did she make a false representation on an application with the Department of Social Services for welfare? Yes, she did. Yes, she did. She got a check for $32,000. A check for $32,000. From the disposition of that settlement, that check was received and cashed on November 5th, ‘01. The settlement was resolved on the 18th of October, ‘01. Fifteen days later she went on welfare, and she did not disclose that she had $32,000 from that.

This is a woman who was on her own, with three children. That was a mistake. It was fraud. She shouldn’t have done it. And she stood before you, at age 37, by the time that she was here as a witness in this case, and that is the only thing in her lifetime that she has done that she clearly should not have done. That was a bad mistake on her part. And she may yet have to deal with the consequences before all this is over with.

Go ahead to the next slide.

The summer visit to Neverland was in the year of 2002, with Chris Tucker. That was during the summertime. The kids stayed on. Janet and Jay went back. That was the time of Chris Tucker’s son’s birthday. Chris Tucker remained at Neverland for some period of time. When we came to September of 2003 was the Bashir filming. And then finally in January 2003 was the time that the transcript was received from a reporter by the name of Kathryn Milofsky. She sent that transcript to Rudy Provencio and to Marc Schaffel. I’ll talk about that a little bit in a moment.

On the 24th of January, Michael Jackson and his crew arrive at the Turnberry Resort Hotel and they stay there until the 7th of February at that hotel.

Much of the conversations that take place between Michael Jackson, between Dieter, between Ronald, between Marc Schaffel, some of the conversations overheard by Rudy Provencio, are with

Michael Jackson at the Turnberry Resort. “Living with Michael Jackson” aired in England on the 3rd of February. And it was Jackson who called Gavin and asked him to come to Miami on the 5th of February.

Go ahead to the next slide.

Gavin met Michael Jackson, as I said, in August of 2000. At the time of that meeting, very early on, Gavin was taken into Michael Jackson’s room with his younger brother Star. Gavin at the time was ten years old. His brother was nine years old. At the time that they went in there, Michael Jackson and Frank Cascio showed them sexually explicit material.

Incidentally, the admonition is over for purposes of this argument. And I may, at my judgment, refer to any of this material as pornography, and I will be doing so. And I will show you what it is, and why it is.

Showed them sexually explicit material on the computer. That material was brought up by Frank Cascio. It was talked about at that time. And both of these kids, when they testified on the witness

stand, already a number of years later, talked about the fact that Frank and Michael Jackson showed them pornographic images on the computer. At that age, Gavin was sick at the time with cancer, but they were being entertained with sexually explicit material.

Both of them remember two statements that Michael Jackson made at the time. The first was that parody of an ad that was popular back then, where he says, “Got milk?” in reference to a picture of a naked woman whose breasts were exposed. And the second statement was a statement that Michael Jackson said, as he mentioned to his young son, who was then four years old, who was asleep on the bed, and he says to him, “You’re missing some good pussy.”

Both of those statements were relayed to you as statements that came from Michael Jackson at that time. They were in the presence of Frank.

Now, I have to ask you this at the very beginning of this opening argument, and I wish you to recall this and think about this every time we talk about evidence of this nature. Their contention is Janet Arvizo made all of this up and had the children say it. So I ask you now, and you use your good judgment and decide whether common sense dictates that these are events that simply happened. That’s all, they happened. And these children are recalling these events with remarkable accuracy.

Why would they make up something like this and put a witness in? Why would they ever do that? Why would Janet Arvizo sit down with her three children and say, “This is how we can make a fortune sometime in the future, years in the future, but we will start with you talking about looking at sexually explicit pictures in the presence of a witness, and the witness that we’re going to select will be one favorable to Michael Jackson”?

Frank Cascio, also known as Frank Tyson, was very close to Michael Jackson and had been very close to him since he was 13 years old. Why would they make this up and put a witness in there? Someone who they have every reason to believe would come forward and say that never happened. They’re going to put a witness in, put a witness who would be favorable to them.

Now, your common sense, which you don’t leave at the doorway when you walk into this courtroom -- you were, in fact, selected for jury duty because of your ability to be able to exercise common sense and rely upon your experiences.

Your common sense tells you that when these children testified to that event, that they were accurate in that testimony. That, in fact, when they said that Michael Jackson made both of those statements, that it simply has the ring of truth to it. And if he made no statements, then what is he telling you? What he’s telling you, is that he was entirely happy to be sitting in a room with these two young boys and showing them sexually explicit material. Why? Because it excited him. That’s why. That’s why he has all of that material there.

We'll talk about that a little bit later.

The boys had a few visits thereafter. As we said, Janet Arvizo never went back again, not until the summer of 2002 for that one-day birthday party when Michael Jackson wasn't there.

They go back for the Martin Bashir taping. They're part of that taping. Of course Martin Bashir interviews the children. Janet Arvizo has nothing to do with it, doesn't know it's happening. Signs no releases.

January 2003, a script comes. The script is delivered by Kathryn Milofsky and it goes to Rudy Provencio, and to Marc Schaffel, and there is an absolute firestorm that begins, because many members of the press already have the script. And then finally the showing, which I believe is on the 3rd of February, and that showing is in England, and at this point it's madness.

Rudy Provencio testified that, as he said, "If I was an octopus, I could not have answered all the phones that were ringing at that time." The phones were ringing off the hook. They had all manner of concerns that they had. They were concerned about Michael Jackson as a parent. They were concerned about that scene, pushing the baby bottle into his baby's mouth. They were concerned about the incident that occurred in the zoo where there was too large of a crowd of people. They were concerned about his children being veiled. They were certainly concerned about the dangling incident, the baby over the rail. They were concerned about that ridiculous shopping spree in Las Vegas.

But mostly they were concerned about his admission in the course of this interview that he shares not just his room with young boys, but his bed with young boys. And that he has done that over and over and over again. As he said specifically, "I've slept with all of them."

They were particularly concerned about that image of a young boy sitting next to him, holding his hand and leaning his head on Michael Jackson's shoulder. Because anybody in the press who was familiar with the 1993 investigation, who knew about that civil suit against him by Jordie Chandler, who had information about the other resolution of the case involving Jason Francia, all of them knew that this was a very sensitive and very risky issue for Michael Jackson.

And as they watched that picture, their reaction was the very same reaction anybody would have of Michael Jackson talking about how wonderful and how loving it is to share your bed with a child. And gets asked over and over again by Martin Bashir, “But this isn’t right. I mean, what is wrong with this picture? You’re not related to these children. You’re a 45-year-old man. What are you doing in bed with a child?”

And his response over and over again is, “It’s loving. It’s wonderful. We have warm milk. We have cookies.” And they juxtapose this image of Gavin Arvizo, at that time 12 years old, sitting next to him with his head resting on his shoulder. And everybody who watches that has exactly the same reaction. The reaction is, “Get that child out of there. Somebody take that child and get that child away from him. And where are his parents?” That reaction is simply undeniable.

And so there was an immediate outcry, and there were problems and calls from the press, and it created chaos in the Michael Jackson camp, and a need to do something about it.

They immediately assemble a whole collection of people, most of whom have been working for Michael Jackson for some time and some were new who came into the picture at a later time. All of these people were activated to deal with this particular emergency that was coming along. Michael Jackson, of course, in the middle. The attorney, David LeGrand, who was handling the financial matters at the time. The Germans, who have been referred to in the course of this trial, Dieter Weizner and Ronald Konitzer. Marc Schaffel, who had been working for Michael Jackson for quite some time, held a very close position with Michael Jackson, was included as a credit in his production of “Invincible,” where I think the statement, “Marc, I love you very much. Thank you for all the work that you have helped to make this project possible.” The byline for Marc Schaffel was every bit as long as the byline for his own parents.

Mark Geragos, who testified in this trial, and Brad Miller, who did not testify in this trial. And we’ll be talking about that some more. Mr. Geragos was the attorney. Geragos was hired by Michael Jackson or more specifically by his employee, Mr. Konitzer, to take care of two particular issues. One issue was the question of whether or not his children would be taken from him, because of his remarks.

The second issue is the question of whether or not there would be pending criminal liability.

We’re going to talk about Mark Geragos, as you can imagine, in greater detail a little bit later in this argument.

Up here is Frank Cascio. This is the person who was in the room with Michael Jackson back in 2000 at the time. That he, Cascio, accessed graphic pornographic images on the computer for purposes of showing to these two kids, age ten and age nine. I want you to think about that in the course of this argument.

Because there is no question in your mind that Frank Cascio knows exactly what’s going on in Michael Jackson’s bedroom. And as we start to show you the evidence, particularly confirmed by the telephone calls you’ll see, that Frank Cascio was the closest person among all of these people to Michael Jackson. That Frank Cascio was, in fact, a close friend of Michael Jackson since he was a child. That Frank Cascio was the one who was the hub of all of the communications on all of these crucial dates. That Frank Cascio was very, very devoted to Michael Jackson.

And the suggestion that Michael Jackson was ignorant and kept in the dark about these events simply doesn’t hold water given the extent of their relationship, and the communication that Frank

Cascio had in the course of the days that took place following the publication of “Living with Michael Jackson.”

And the last person up here to the right, that’s Vinnie Amen, close friend of Frank Cascio, and who was brought in particularly from the time around the 20th to the time of the filming of the film.

Now, as I move on -- before I move on, let me talk a little bit to you about Rudy Provencio. Because Rudy is going to -- Rudy testified, Mr. Provencio testified to a number of conversations that took place between a variety of different people.

And before I get into the content of the conversations, let me mention something about Mr. Provencio. He’s an unusual person. He was a lively personality. Funny. Was very, very candid in the answers that he gave. I expect at some time during Mr. Mesereau’s closing argument that he will tell you that Mr. Provencio cannot be trusted. He might even say he lies. He might even say he committed perjury. Before we get to that discussion, let me point out something about Mr. Provencio.

Mr. Provencio accepted a contract for $225,000 with Neverland Valley Entertainment. Neverland Valley Entertainment was a corporate entity that effectively was Michael Jackson, the money that went in to create it was Michael Jackson’s money. The agreement in the creation of that entity was between Michael Jackson and Marc Schaffel. He was hired on to be the executive officer, to be able to manage it and run it. He had 20 years of experience in the music industry, something Marc Schaffel didn’t have. Marc Schaffel’s experiences were varied, but there was a great deal of it, frankly, in the porn industry. He was very good at promoting things, but he didn’t understand the music industry.

Rudy Provencio was brought in for that purpose. Rudy Provencio signed a contract for $225,000. It was expected that the project would be over in one year. It took longer than that and ultimately didn’t resolve for a variety of different reasons. But they worked hard at this project. The project was creating one song, “What More Can I Give?” It was supposed to be the sequel to “We are the World,” “We are the Children,” We are the Someone.” It was the first song that made a tremendous amount of money. This was expected to make money every bit as much, perhaps as much as or more than $100 million.

During the course of the dealings between Mr. Provencio and Michael Jackson, he was personally given a one point interest in the entire profits of “What More Can I Give?”

That one point means 1 percent. It’s 1 percent of the gross profits. That means that Rudy Provencio stood to make, in addition to his $225,000 salary, up to or even more than one million dollars, if this song was successful on the level of the last one.

And if this song raises the kind of money that he expected, it certainly would have brought in hundreds of thousands of dollars in addition to his salary. Rudy Provencio, at some point during the course of his work for Neverland Valley Entertainment and for Michael Jackson, came to the realization and conclusion that the work that he was doing did not justify the receipt of that percentage, and he gave it back to Michael Jackson.

He did it officially, used David LeGrand to put it in writing, and he returned it. He believed that, one, he returned it, and, two, he did not want to be involved with them particularly for the rest of his life, as that percentage might necessarily involve in terms of the giving of royalties, and frankly he didn’t believe that he earned it.

It was an entirely admirable thing to do.

It was an entirely unselfish thing to do. It was a sign of great integrity. He didn’t give it to Marc Schaffel. He didn’t sell it to somebody.

Schaffel, it turns out, sold his interest to somebody who died before they were be able to collect anything. Schaffel got the money from it, they died, that was the end of it. Even Rudy Provencio felt that was inappropriate; that Schaffel should have given that money back to that investor as well. Did not sell that percentage. He gave it,

he gave it to Michael Jackson. Simply felt that he didn't deserve it. Didn't want to have it.

I want you to think about that when Mr. Mesereau stands up here and tells you that Rudy Provencio is lying. Think about that. What motive would he have? Rudy Provencio tells us that the conversations that took place as early as the first of February were conversations between one or both of the Germans, Michael Jackson, Marc Schaffel, and perhaps others. And it was early on in February, before the first screening of "Living with Michael Jackson" in England.

The purpose of those conversations -- the purpose of those conversations was to determine how to stem the problems that were created by the presentation of this documentary. It was decided at that time that there would be two goals in what they were about to do. One was to reverse the negative publicity, if that was at all possible, and the second was to raise money.

The second proposition was argued against by Ann Gabriel Kite, who was hired for public relations in New Orleans, who said, "You don't do both, because one compromises the effect of the other one. Either make it profitable or do it for reversing the negative publicity that he received, but don't do both." She was soon thereafter fired.

It was very clear that their goal was to

look for a money-making venture, and they found one. But one of the things that was decided early on in this event was that they needed to have a second or third person involved. Early on, it was decided, and we know this from Rudy Provencio because of the calls that he monitored early on. And we're talking about the 1st or the 2nd of February, where it was decided at that time that they needed the assistance of Debbie Rowe, Michael Jackson's ex-wife and the mother of his two children, and they needed the assistance of Gavin Arvizo. Both of these people were going to come in and effectively say, “He’s normal. He’s normal. All of this publicity is” -- “bad publicity is inappropriately generated. He’s a normal human being.”

Debbie Rowe was going to say, “He’s a good father. He’s attentive to the children.” All of that business about, “Oh, the children don’t have a mother, they shouldn’t have a mother, they can’t have a mother,” all that stuff that came in that dealt with him raising children, “Where is the mother? Whether they have access.” Debbie Rowe was going to stem the publicity dealing with that issue. And then they had to deal with the issue of whether or not Michael Jackson had an appropriate or inappropriate relationship with Gavin Arvizo, and for that they needed Gavin.

As to the first, Debbie Rowe, they dangled

the prospect -- and it was specifically Michael Jackson who did this, not one of his employees. They dangled the prospect of her being able to once again see her children. Quite unlike what he was representing, she did in fact want to see her children, and had not seen them for two and a half years.

And that representation was made specifically by Michael Jackson, that “If you do this, you’ll come” -- “you’ll come to Neverland, you’ll visit with the children.” And she was quite excited and quite willing to do so. In like fashion, Michael Jackson dangled Janet Arvizo’s children in front of her as well, but in a different manner.

Debbie Rowe wasn’t going to be convinced that her children were in danger. That wasn’t something that Debbie Rowe was going to be influenced by. For her incentive was to be able to see the children. For Janet Arvizo it was a different matter entirely.

There were a series of telephone calls that began. The first telephone call that we have from Michael Jackson at the Turnberry Hotel was on the 4th of February, 1635 is 4:35 in the afternoon. A second one at 1754, that’s 5:54, almost six o’clock in the afternoon. The duration of both of those phone calls was one minute in length, but this was on the 4th of February, in the late afternoon hours of the 4th of February.

And I bring this to your attention because I want you to understand that the defense contention is they’re going to be saying that it was actually Gavin who initiated this trip to Florida, not the other way around. And it’s simply not true. The first conversations and the first phone calls come from Michael Jackson. And that was at 4:35. That was to the Ventura residence in El Monte. It was for purposes of being able to locate Gavin and be able to make that arrangement. Obviously that happened, on the same day, at 6:11. And then a second phone call at 6:14, both for a duration of four minutes each, were from Jay Jackson’s residence in the west -- excuse me, in the mid-Wilshire area of Los Angeles to Chris Tucker at that point.

Now, obviously there was communication between Chris Tucker and Michael Jackson and Evvy Tavasci. And we’re going to go through a few more of these. Excuse me. You’ll be able to see what it is. But the original calls came from Michael Jackson at that time.

Now, let me suggest to you that two telephone calls of one minute each being placed three minutes apart, and only for a maximum duration of four minutes or less, that could be actually three minutes and one second, as Mr. Nicola was effective in pointing out with each of the telephone records people. It will show as four minutes, if it’s only one second beyond three.

But that could be a reflection of how long his answering machine is, at Chris Tucker’s home.

And in fact, when you look at Chris Tucker’s records of the phone records of his phone for that day, of the 4th of February of ‘03, you’ll see that there are no phone calls made by Chris Tucker. None whatsoever that go out, at least phone records that would have registered, phone calls that would have registered, which means, in all likelihood, Chris Tucker was not there.

Gavin Arvizo probably called Chris Tucker.

He left two messages, one back-to-back, which is what people do when they max out a message and they call right back and leave a second message for the same duration of time. That’s probably what happened. There was no actual conversation between Gavin Arvizo and Chris Tucker at that time.

There is then in the early morning, 6:58, this is Pacific Standard time, so that call was placed at 9:58 in the morning by Michael Jackson from the Turnberry Hotel in Florida. The duration of that conversation was 27 minutes. That was the call where Michael Jackson reached Gavin Arvizo and asked him to come and do a press conference. Gavin Arvizo, of course, was 13 years old at the time. He was not about to tell Michael Jackson, “Sure, I can come to Florida, no problem.” Janet Arvizo got on the phone and immediately said, “Of course he is not going to Florida by himself.” And that began a 27-minute conversation between Michael Jackson and Janet Arvizo. And it was in that conversation that Michael Jackson told Janet Arvizo, “This is necessary to protect your child. Your child is in danger.”

In that conversation, she talked with her about -- he talked with Janet Arvizo about her ex-husband. He told Janet Arvizo that she knew -- that he knew about the violent relationship that she had had with her ex-husband, David Arvizo, for that entire period of time. He knew exactly what he needed to be able to say to Janet Arvizo to be able to gain her cooperation. He told her that the child was in danger; that there were crazed people out there in response to the presentation of this video. And, “Please, you need to come to Florida.”

She agrees. That took 27 minutes, that conversation.

Immediately thereafter, as you can see, roughly that same period of time, Michael Jackson called Evvy Tavasci at her home. That’s his personal assistant and secretary. Immediately thereafter, there's a call to Jay Jackson's residence. Again, that's to set up the arrangements. There is a call soon thereafter, within an hour and a half or two hours thereafter to Air Apparent. Air Apparent was the travel agency at that time that Michael Jackson was using. That was to make the transportation arrangements. Those records are in evidence. They're there for you to see. In the course of those arrangements, transportation was arranged for a one-way passage to Florida. This was not a round trip. They had no intention on returning this family home as soon as the press conference occurred.

It was already decided early on, that once they had the family in their grips, they were going to keep them in their grips, and for good reason. They understood what was going to happen in terms of the press going after this family. And the last thing that they wanted was Gavin Arvizo standing up on some other reporter's television station talking about pornography and booze in that room. That's the last thing they needed.

They needed to be able to stem what might be coming out of the mouths of these children and out of the mouth of Janet Arvizo and they needed to be able to profit from it. And they weren't going to profit from it if, in fact, they were giving statements to some other reporter. Something that Janet Arvizo had no intention of doing anyway, and did not do at any time, never mind all the offers that ultimately came in.

A series of phone calls later in the afternoon, it's now noon, to MJJ Productions. That's the cell phone. Presumably that's the phone of the person that's going to be driving them, Gary Hearn. Another call a couple minutes later. Another call a couple minutes later to Jay Jackson's residence at 12:17. Again from the cell phone that they called, presumably Gary Hearn, the driver.

Another phone call from Evvy. Another phone call here to Chris Tucker.

Now, Chris Tucker is in the picture. This is on the 5th, and it’s at -- just after 12:30 in the afternoon. They are now making the arrangements that they’re going to be going with Chris Tucker. MJ -- and incidentally, Chris Tucker had a flight that was arranged for the day before. This was a flight that was going to take him. He left it there. That plane sat on the tarmac for nine hours, didn’t go anywhere. Chris Tucker was billed for the fact that the plane sat on the tarmac for nine hours ready to go. He paid the bill. It was not till the next day that plane left, Chris Tucker’s private flight for Miami.

Again, a series of phone calls from Chris Tucker to the Jackson limo service. Chris Tucker to, again, the driver. This is now at 3:17 in the afternoon. The driver presumably is Gary Hearn. A 12760

call from the Ventura residence to Michael Jackson Productions from Chris Tucker to again that cell phone, and again from Chris Tucker to that cell phone.

And they arrived in Florida.

And they arrived in Florida very late on the -- on the 6th, or very early on the 6th. They flew late into the early morning. And during the entirety of the 6th, they stayed in Michael Jackson’s suite. They did not leave that hotel room, excuse me, at all during that entire time. This was not a vacation for Janet Arvizo.

Mr. Mesereau says that she should be grateful because she was extended a vacation in Florida. And you need to understand that she stayed in her room, or in the room or suite of Michael Jackson.

When there was finally the presentation of “Living with Michael Jackson,” the American showing, Michael Jackson made it very clear that nobody was to watch that and they were all rounded up and taken up to the suite, and that’s where they all stayed during that showing. She has, to this day, never watched it. She’s seen clips of it on news. She’s seen that image that you saw, but she has never watched the entire presentation. Jay Jackson has, but she hasn’t.

They stayed that entire day. It was during that entire time that Janet was exposed to quite a few events that were taking place then. She met the two Germans, Dieter Weizner and Ronald Konitzer, and the two of them had her sign a release at that time, except it wasn't a release. The document that you're going to see soon was, in fact, a document that was a blank piece of paper that she signed and later there was an addition to it.

Michael Jackson told her very specifically that she was to do what the Germans told her to do. And once again, they asserted the fact that there were people out there who meant to harm her children; that they were in danger; that they had to do this press conference; that this was the only way to relieve the danger to her children.

The Germans became, very rapidly, very heavy-handed with her. They were not complimentary by any stretch of the imagination. They were dictating things that she had to do. They scared her from the very beginning and they were having her sign things as well.

Now, she was there voluntarily. She had nothing bad to say about Michael Jackson at all. She had never had anything bad to say about Michael Jackson. She believed that he was a good influence in the life of her child. She was appreciative of the generosity that he extended to her family over this period of time. She felt that he was kind to her child when her child was ill. She was very grateful for that. She never had a bad word to say about Michael Jackson at all.

The Germans scared her, Dieter and Ronald, and they did from the very beginning, and they did so for a reason. They wanted her cooperation and they believed that that was the way to do it. You need to understand that this was something that was agreed upon as a strategy from the very beginning.

They knew that they needed Janet Arvizo's cooperation and they knew that they were not going to get it unless there was a motivation, and they needed to scare her, and that's how they did it.

She signed those documents, but something else was going on in Florida at that time.

Michael Jackson was renewing a relationship with Gavin Arvizo during this period of time. They were in the room together. He gave him a gift. He gave him the jacket off his back. And he started drinking with him. It was during that time that Gavin had his first drink of alcohol with Michael Jackson. They were together during that entire time.

They finally went back on the 7th, in the early part of the 7th. They did not want Janet to be in the vehicle with them, in the plane. They were going to have her take a commercial flight back and she insisted otherwise. And in the course of that flight back, which was about seven or eight hours, in that flight going back, for about seven or eight hours --

You can move on.

This is a note -- I’m going to take a moment here before we move on.

This was a note that was shown to you, and I want you to take a look at it. This is in evidence. This exhibit right here. Look at the piece of paper and the writing on it, and look at the serration at the very top. This was obviously a piece of paper that was pulled from a small notebook, a spiral notebook. This is a note that was written by Gavin Arvizo to Michael Jackson. This note was discovered in Michael Jackson’s bedroom area in a black -- not exactly a briefcase, but more like a suitcase, a black suitcase. That suitcase also contained pornographic magazines, but it had this note. And this is a note that Gavin wrote to him. And in it, he says, “I’m your son. I love you and Prince, Paris and Blanket, but especially I love you. I love all of you a lot.” It’s three separate pieces of paper, and Gavin Arvizo indicated that he wrote that.

Go to the next one.

This was found in exactly the same place.

This is a note that he said was written by Michael Jackson. “You have to really be honest in your heart that I am your dad and will take good care of you. Signed, Dad." "I want you to have a great time in Florida. I'm very happy to be your daddy. Blanket, Prince and Paris are your brother and sisters" -- "brothers and sister. Love, Dad."

All those notes were found together. They were obviously written together at the same time. The notes were written by Gavin and given to Michael Jackson. That other note was written by Michael Jackson to Gavin. One of them brought all of the notes back to Neverland. Likely Michael Jackson. He kept that note, all of the notes. He kept the note from Gavin Arvizo. That note went into the briefcase, in that very briefcase that was in his bedroom, no place else. It was also found pornographic images, and you will see.

Now, what is significant about this note? Well, first of all, do you remember the testimony of Janet Arvizo? Do you remember Janet Arvizo telling you that when they were in Florida Michael Jackson said, "We are family. I am your family. I will take care of you. I will protect you. You need to believe that I am your family"? Have you heard that before from other witnesses? In fact, isn't it true that virtually all of the witnesses from the 1993 case who were in some way involved with Michael Jackson, whether it was the Barnes family or whether it was the other

family, the Robson family, or whether it was the Chandler family, virtually all of those witnesses said the same thing? Michael Jackson would stress over and over again, "We are family. I am your father. We are family. You have to trust in me."

This note corroborates that testimony. When Janet Arvizo told everybody that that conversation had taken place, she had no way of knowing that one day we would do a search, nine months later, of Neverland and we would recover exactly this note from Michael Jackson. The note has two misspellings in it, "really" and "Blanket," his own child's name. But that is him. That's his note. It was in his room. And Gavin said that was written to him at the same time. It’s clearly from the same piece of paper or the same notepad. That corroborates Janet Arvizo. And once again, she had absolutely no way of knowing that we would eventually find this note at a later time.

They’re coming back on the plane. This was written obviously in Florida, because they were together. They hadn’t seen each other before Gavin arrived in Florida. They’re now on the plane and they’re heading back. And while they’re heading back, there is testimony before you from Gavin and from Janet Arvizo that there were two things that occurred during this flight, this four or five -- five or six hours, five-hours-plus flight heading back.

One of the things that occurred was the testimony of Janet Arvizo that she said she saw an unusual event. She saw the defendant lick the top of her son’s head. That was also testified to by Star, who said he saw it as well. Neither one told the other until a much later period of time, when they both discovered that the other had seen that particular event.

Now, this is in the category of something -- this is like Frank being in the room at the time that pornography is being shown. If they’re going to make up events, why would they make up something like this? This is an event that takes place in a public setting. There are plenty of other people in that plane. Dr. Farshshian is in that plane. Mr. Mesereau told you Dr. Farshshian would testify to what he did and did not see. He didn’t.

All right. There are other people in that plane. The nannies for the children are on that plane. Many other people are on that plane. Why would they make up something like this, and particularly a head-licking event? That is a bizarre activity, by anybody’s standard. I mean, the notion of licking the top of the head of a 13-year-old boy. Many of you have had 13-year-old boys living in your household. Some of you may currently have a 13-year-old boy in your household.

You would no sooner lick the head of a 13-year-old boy than you would lick the bottom of their shoe, all right?

And Janet Arvizo understands that. She understands that this is a pretty bizarre observation. She knew it was bizarre at the time she saw it, and she knew it was bizarre at the time she was saying it. And Janet Arvizo clearly understood that she is not necessarily the most credible person around. She knew that this would be the type of thing that would be hard to believe. That people would react to that observation by saying, “Come on, give me a break.”

And yet what happens months later, we come upon a person by the name of Bob Jones. Who is Bob Jones? Bob Jones was the publicist for Michael Jackson for over 30 years. Thirty years the publicist for Michael Jackson. Bob Jones knew Michael Jackson since he was a teenager. He worked with him throughout his entire career, as he was developing his career, when he was in the prime of his career, and up until fairly recently.

Bob Jones had a number of communications with a man by the name of Stacy Brown. Stacy Brown was co-writing a book with him about Michael Jackson, and other aspects of his long and distinguished career. Bob Jones came to court reluctantly. He was subpoenaed to come to court.

When he took the witness stand, he basically said he didn’t remember any such observation. And then we showed him an e-mail that he sent to Stacy Brown, where he says in this e-mail, “I saw Michael Jackson do exactly the same thing to Jordie Chandler ten years earlier, lick the top of his head.” And guess where they were at the time? On an airplane, with Jordie Chandler sitting right next to Michael Jackson in exactly the same fashion that we had on this particular airplane as well.

When Janet Arvizo told law enforcement about this event, as bizarre as it was, she had absolutely no way of knowing that we would ultimately produce an entirely credible witness, reluctant, but credible, who would come into court and say he saw him do exactly the same thing to another 13-year-old boy, who looks very much like him, seated next to him on an airplane ten years earlier.

Now, Bob Jones was as reluctant as a witness could probably be. He did not want to give testimony against Michael Jackson, the man he had worked for for over 30 years. Until he was shown that e-mail, and then he acknowledged, “If I wrote it in the e-mail, and if I wrote this, it’s my e-mail, it is true.”

And then, of course, we put Stacy Brown on the witness stand. And Stacy Brown said, “I had a number of conversations with Bob Jones where he told me about that exact observation,” because it’s so bizarre, for exactly the reason that we’re initially asked to view that event as incredible, it is for exactly that reason that he remembered it, because it is so bizarre, him licking the top of Jordie Chandler’s head.

Stacy Brown said, “He told me about that on a number of occasions. He sent me e-mails.” And in fact, it’s in the manuscript of the book that they are about to publish, exactly that observation.

What else happened in the course of that flight? Gavin Arvizo told us that they made crank telephone calls. Michael Jackson’s having them make crank telephone calls. Now, we’re going to learn a lot about it in the course of this argument as we go on, Michael Jackson encouraging bad behavior from kids who are entrusted to him, who are placed in his trust and in his custody. He wants them engaged in bad behavior. And this is the first instance, other than the drinking. But keep in mind, once again, that this is a statement that Gavin makes that his mother is making him make, because, after all, a shakedown, then why would he make a statement about an event that we can prove or not prove, because this is something that’s fairly easy to do.

This is Exhibit No. 850 that’s before you. This is the records of telephone calls. I suspect you’ve seen enough phone records probably to last you for a lifetime. But I want you to look at this one. Maybe a few more, but look particularly at this one. This is the Xtra Jet air-ground telephone calls that were coming through.

You don’t have many occasions to make a telephone call where each telephone call cost $12, okay? Plus a variety of other fees on there.

Some of these telephone calls are -- are very legitimate. I mean, the ones to El Monte is obviously the kids calling their home, their grandparents in El Monte. That air linkage time, you have AirLink. That’s simply the method of connecting that telephone call through the air. That’s all part of the same call. That’s -- in other words, 25 and 26 is all one phone call. 26 -- 27, 28, is one telephone call.

But look what happens at around number 42 on here. All the way from 42 through 50 -- there’s a second page we’re going to get to in a moment, but from 42 through 50 are on a series of telephone calls that are all one minute in length. Okay? We have a Santa Ynez one that’s probably a legitimate one. But all the rest of them, from 42 on, this is -- this notation right over here where it says, “NM,” that means New Mexico. That’s where they’re flying over at the time that these phone calls occur. And they begin from about 42 on, at about 8:43 p.m., and in rapid succession, as you see 8:44,

8:46, 8:49, 8:51, each of these telephone calls lasting one minute or less. One minute or less.

Go to the next one.

Los Angeles up here, once again. 8:52.

Then there’s a break to 9:03. Excuse me, 9:08. 9:09. Both of these, when it says “short term,” that means that telephone call is for 30 seconds or less. No more than 30 seconds. A prank telephone call. One to New Jersey here. Short term. Here’s three different phone calls that are so short they don’t even connect. Here’s one to New Jersey. California. The El Monte, California, is probably -- is probably a legitimate one. New Jersey. New Jersey.

There’s a whole bunch of them as they’re flying over Arizona now, and moving on. All of these calls are one minute or less. Some of them are 30 seconds or less. They're all different. As you look at these numbers, they're all different.

There's probably 18 or 19 telephone calls that are probably exactly what Gavin said they were, prank calls. There is no evidence before you that these are legitimate telephone calls. Dr. Farshshian didn't come in and say, "I made a bunch of prescription fill-in calls to patients while I was on that plane that took one minute or less." This is direct -- and it's all within a similar period of time. This is roughly a 40-minute period of time.

About 19 phone calls are made during that period of time, one minute or less. It is direct corroboration, direct corroboration of Gavin.

He had no way of knowing that we would be able to do that. And if these crank calls, in fact, were being made at the time that they were on the plane, then doesn't that really cast doubt as to the testimony of people like Cindy Bell, the stewardess, who says, "During that entire flight I always had an eye on Michael Jackson; that I could tell you exactly what Michael Jackson was doing; that I would have seen if there was any problem going on."

They're making crank calls from this telephone at $12 a shot. Gavin is sitting next to Michael Jackson at that point in time. It is direct corroboration of Gavin Arvizo. It is also corroboration that at a later time in Michael Jackson's bedroom, and in the presence of the younger brothers and sisters of Frank Cascio, Nicole Marie and Aldo Cascio, who they called Baby Rubba, that also they were doing that same game of playing -- of making crank telephone calls and taking drinks of alcohol during that period of time.

THE COURT: Counsel.

MR. ZONEN: Yes.

THE COURT: Let's take a break.

MR. ZONEN: Okay. Thank you.

(Recess taken.)

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 12720 through 12773 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on June 2, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
June 2, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

THURSDAY, JUNE 2, 2005

8:30 A.M.

(PAGES 12775 THROUGH 12929)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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THE COURT: Counsel, you may proceed.
MR. ZONEN: Thank you.

I had a moment of panic when I wondered if the microphone I walked into the rest room with was still on.

(Laughter.)

MR. ZONEN: It wasn’t.

February 8th, 2003, they’re in Neverland. They had arrived in Neverland on the 7th. Janet Arvizo was never told she was going to Neverland. She was never told anything in terms of what was going to be happening to her and her family from that point on.

On the 8th of February, they were joined by Mark Geragos, by the entire 60 Minutes news crew, including Ed Bradley. Janet Arvizo and the children were there. Dieter and Ronald were there. One of them was there at that time, the other one arrived later, I don’t remember which. Frank Cascio was there. Michael Jackson was there. The boys at that point were staying with Michael Jackson.

And that began five weeks of the boys staying with Michael Jackson, except for those periods of time that he was gone, the brief period of time that they were in Los Angeles when Janet finally grabbed them and left, and the period of time that they were at the Calabasas hotel, The Country Inn & Suites in Calabasas while they were

getting all the arrangements done for their departure for Brazil.

Keep in mind, barely five days earlier, Janet Arvizo was minding her own business in her own home, with her children healthy, all healthy children, and in a new relationship that ultimately ended up in a marriage. At this point, five days later, they’re planning on sending her to Brazil.

She was at Neverland over the next five days. Did not return home during that time. During that period of time, she worked with the two Germans, Ronald and Dieter. They prepared for this video that they were going to be doing. They were briefing her on what she needed to be saying. They were coaching her on what she needed to be saying. The boys more and more were separated from her. They were staying with Michael Jackson in his room during that period of time.

Once again, she was being encouraged to believe that outside of Neverland was a danger situation for her children. And once again, the threats became more oppressive. They are now no longer against just Gavin, but they were threats against Gavin, his brother, his sister, and in fact the threats have extended to Janet herself and to her parents. They were no longer just threats that there were people out there who would cause her harm, crazed fans, sort of an obscure sort of person that nobody quite -- could quite describe. But, in fact, at this point there were threats that specifically were coming from the two Germans in terms of, “We know where your parents live. We can make people disappear.”

She had enough by the early morning hours of the 12th. She had enough by the early morning hours of the 12th.

At one or two o’clock in the morning, she finally went to Jesus Salas, who was the house manager at that time, and speaking in Spanish with him, she asked him to please take her home, and the kids home.

Janet Arvizo, for all of her shortcomings, for all of her shortcomings, understood that Neverland is not the place to have her children long-term. That might be nice for a day visit. But it’s not where you want to have children long-term. She grabbed her kids, they got in the car with Jesus Salas, and he drove them to her mother’s house in El Monte.

Now, that began a whole series of events that took place at that point. This was on the 12th when they finally took off. But there were immediately a whole collection of telephone calls that next day. Now, granted, understand this was the early morning hours of the 12th. By the time the 12th was done with, look what was going on in terms of telephone calls.

38 separate telephone calls between Frank Cascio and Marc Schaffel. 38 separate phone calls.

There are two calls between Mark Geragos and Brad Miller. And three between Brad Miller and Marc Schaffel. There were three phone calls between Frank Cascio and Mark Geragos. There was one three-way phone call between Mark Geragos, Brad Miller and Marc Schaffel. But look at the collection of calls, 19, between Frank Cascio and Vincent Amen. What is going on? 38 telephone conversations between Frank Cascio and Marc Schaffel. 38. What is going on at this point?

The answer is, they escaped. Literally escaped, as preposterous as that sounds. Who would want to escape from Neverland? But they did. She grabbed her kids, and at one or two o’clock in the morning, they got out of there. And immediately what this entire collection of people, all working for and around Mark Geragos and Frank Cascio and Marc Schaffel, all realized that this was a very difficult situation and even dangerous situation for them, because they needed to produce this video, because this video was going to be contained in the “Take 2” program that was going to be shown in just a few days. I believe it was on the 21st, late at night, that that performance was going to be shown on FOX television, FOX Studios.

There was a tremendous amount of money riding on all of this, and their expectation and their promotion was that Janet Arvizo was going to be part of this production, and now she left.

On the 13th, the very next day, a series, again, of phone calls. Four between Marc Schaffel and Mark Geragos. Four between Mark Geragos and Ann Kite. Mark Geragos’s answer to every question I asked him, every single one, about the content of any telephone conversation that he had with anyone was, “I don’t really recall. I was kind of in the dark on all of this.”

On the 19th, over that period of time, a whole collection of telephone calls as they lead to the filming. But before we get to this, let me talk a little bit about what happened in that in-between period of time.

Janet Arvizo was the recipient of many

telephone calls from Frank Cascio. Many of them.

And in the course of one or more of those conversations, there was a tape-recording made. That tape-recording was made by Frank Cascio. Excuse me, that tape-recording was of a telephone call involving Frank Cascio, but it was made by Brad Miller. And we recovered it when we seized -- when we searched Brad Miller’s office and seized that tape-recording.

There was an expert who testified, a man who came from the Los Angeles area, works in the aerospace industry, and who also does work analyzing tape-recordings to determine authenticity. His testimony to you was that that tape, which goes over 20 minutes, it’s 20-plus minutes, that that tape was, in all likelihood, a second-generation tape, and in fact there were 34 breaks in that tape. In other words, somebody started and stopped that tape 34 times. Well, the “somebody” is Brad Miller. It’s not likely to be anybody else under the circumstances.

Mark Geragos told you that that telephone call was tape-recorded because they were certain at that point that Janet Arvizo was going to shake them down for money. In other words, it was going to be in that telephone conversation that there was going to be the demand by Janet Arvizo that they pay money.

That statement was not true. When he testified to that, he was not giving you truthful testimony. There was never the expectation by either Mark Geragos or Brad Miller or Frank Cascio that Janet Arvizo would ever ask for a penny in the course of that conversation. And you can tell by the nature of the conversation.

If this was a conversation where they were going to be talking about a shakedown, then that conversation would have begun with Frank Cascio saying to Janet Arvizo, “All right. You asked for a million dollars in a numbered account in the Cayman Islands, let’s talk about that. What do we get if we give you a million dollars in a numbered account in the Cayman Islands?" That's what that conversation would begin with. This conversation was very different. I'd like you to go to that. These are either a series of telephone conversations or a single telephone conversation that had been edited 34 times. It may be more than one conversation. It may be many. We don't know. Brad Miller didn't testify in this case. The first thing that she begins to talk about is the Germans:

Frank: "What happened?"

Janet: "It's just those German people. You don't imagine."

Janet: "Those people terrify me, Frank. They were threatening. They were terrifying."

Frank: "Like I said, you don't, like, like I said, I promise you, Janet, you don't have to talk to them anymore."

Janet: "Because they were trying to dictate to me exactly what to say."

Janet: "Are the German guys there?"

Frank: "No, don't worry. And if -- they're not there. And if they are -- they're not there, I know that for a fact. But if they are, you don't have to talk to them. You just talk -- it's unsafe."

This came up continuously in the course of this telephone conversation between the two of them.

Frank: "Let us take care of you. Let us protect you. Now is not the right time to be out there alone."

Frank: "No, no, that's not what I'm worried about. I'm worried because you and -- you and -- the protection, because there's a lot of evil people out there right now."

"Frank: That's why even staying another night alone is not safe, so I want to talk to Gavin and see if he's okay, but then I want to talk to you and we can make some arrangements."

"Frank: And when you left like that, it was just so dangerous, and we were so worried about you."

"Frank: I'm going to get you guys out of there into a safe place tonight. I need you to be safe, and I need your family to be safe."

Janet says, "Okay."

Frank says, "To you and to your family, because you know how vindictive people can be."

Now, Janet Arvizo came into this courtroom and told you that over and over and over they were telling her it was very dangerous outside of Neverland. And that she, in fact, had to be at

Neverland. She had no way of knowing that this conversation was being tape-recorded. She was never told that. She had no way of knowing that we would some day recover that tape-recording. This corroborates her testimony 100 percent. Janet doesn't want money.

Remember, this was the whole purpose of tape-recording this telephone call, according to Mark Geragos. This was the telephone call where Janet was going to make a demand for money.

"Don't" -- "Don't worry, Frank, I can't be bought."

Remember when she says that in there? We have no idea what they cut out of this tape-recording, but this is the part that they left in. This is exactly the opposite of what is the pretense for them tape-recording this telephone call in the first place.

"Don't worry, Frank, I can't be bought."

Janet says, "Are, like, crazy here."

Frank says, "Who?"

Janet says, "The reporters and stuff. And we haven't talked to a single person, Frank."

She can talk to anybody she wants. This is America. If she wants to sell her story, she can sell her story. And what is she doing? She's not talking to anybody. She's not accepting any offer, and there are -- offers abound.

"And, you know, Frank, I have -- my mom's table is filled with offers and stuff like that. And I didn't take a single penny," is what she says to Frank. They're recording this conversation. There are parts that they are cutting out, but this they don’t cut out.

She goes on: “It’s like -- it’s like crazy. Can I read you one of the letters? It’s like all kinds of things and it’s of no interest to me, because family never leaves family behind, you know.”

This is Janet. This is Janet telling Frank that her biggest concern is friends and family. She has no interest at all in profiting off Michael Jackson. Once again, she has never asked for a penny from Michael Jackson.

Michael Jackson’s statements, now listen to this. This is all from Frank, the person who is quite possibly the closest person at Neverland. The closest person among Michael Jackson’s entire entourage is Frank Cascio, and look what he says:

“Michael would love to see you. He is so worried. Michael cares about you and your family, entire family, and we would not mislead you. Michael has been missing you. Michael wants to see you. He was almost -- he didn’t know what happened. He thought he did something and he was trying to get in touch with you. And I said, ‘Don’t worry, I’ll

take care of this.’”

Frank: “We didn’t know that, where you went. Michael didn’t know. Nobody knew anything. I know Michael would love for you to come back to the ranch.”

Look at that. “I know Michael would love for you to come back to the ranch.”

Who is it who’s trying to get this family back at Neverland? Who is exploiting whom here?

“You need to go back up to the ranch and see Michael because he’s very concerned. He’s concerned about you and Gavin and Star and your daughter.”

The trip.

Now, this part is pretty interesting, because you get a sense here as to what exactly it is that they may have cut out. Understand that they don’t want anybody to know about this Brazil trip.

But look what the statements are here:

Frank: “Michael -- we were all going to go away.”

And this includes Michael Jackson, is his representation to her. Exactly consistent with her testimony, exactly consistent with what she said in the interviews. This is a trip to Brazil and Michael Jackson is personally coming as well.

“Michael -- we are all going to go away. We are gonna -- we are actually going to take you to a really great place that -- I was going to take you first, and Michael and the rest of them was going to come join us.”

“For the safety of everyone, and trust me, where are you going to go? You’re going to have an unbelievable time. I’m going to take you dancing every single night.”

Remember her response to that? She said, “Oh, that’s okay, Frank. I just want you guys’ hugs.”

Janet Arvizo has never asked for anything other than friendship and compassion. Ever.

Frank: “I’m going to just let you and Michael -- we’re all going to have to go someplace, including Michael, from what’s going on, and it’s going to be a fun trip. Even my brother and sister are going to be coming out.”

In the course of that telephone call, she never makes a demand for a single penny. In the course of that telephone call, there was never an offer of a single penny. And in the course of that telephone call she assures Frank she doesn’t want money, has never asked for money, is not going to sell her story, is not going to say anything bad about Michael Jackson at all.

They stayed together. She stays in Los Angeles until the 19th. She finally makes the determination that she is going to do the video.

They are desperate at this point with regards to the video. They are desperate because they want this thing prepared and done and completed in time for the production that’s going to take place.

Frank: “But one thing I would love for you to do, and this would really help Michael, if you could tell your story, because you know this whole documentary we’re dealing, and this is, like I said, you don’t have to talk to the Germans. You don’t have to do anything. We would love for you to go tape and just say something beautiful about Michael.

“Because they are trying to dictate....”

And here’s her answer. Listen to this:

“Because they are trying to dictate to me what exactly to say.”

That is exactly what she’s been complaining about all along. She has no trouble saying a few good words about Michael Jackson. Up to this point, she has had not one reason in the world to be angry or upset with him, other than what she saw on the plane of him licking the head, and she had no idea what that was all about.

Other than that, there was no reason to be upset with Michael Jackson, nor did she ever express it. When asked if she would say good words about him, she said, “Fine.” She was upset with the Germans and how they were behaving and what they were telling her about the danger to her and her children and what they were saying about what she had to say.

“But you know? I know there are things and the way” -- the way doing. They were going to take you down to see me, actually, because we were going to do the whole interview the next day, remember? But, listen, you don’t ever have to deal with them again.”

That was the conversation that took place.

She went back. She made the determination she still wasn’t going back to Neverland. She caused them to have to move that interview to Hamid Moslehi’s house in Calabasas. And at that point that interview took place there.

In the course of that interview, she had that conversation with Vicki Podberesky. That conversation was limited entirely to the concerns that she would have the following morning when she had to address Child Protective Services.

She gave that interview. It was well over the top. She was filled with praise for Michael Jackson, praise for things he never did, and praise for things he did do. That business of helping the kids with their homework and spending time and curing her son of cancer, stuff that he obviously didn’t do.

But she did what was asked of her, and she did it for a variety of different reasons. One, she liked Michael Jackson and was happy to do that for him. Two, she believed them when they said, “You have to do this to protect the well-being of your children.” And, three, she believed that there was a correlation between what she said in that interview and ultimately whether her children would be taken away from her. She understood that if she made sure the Child Protective workers understood that Michael Jackson was a decent and loving man who was protecting her children and helping her children, and not causing harm for her children, that she would be able to keep her children. And that was her motivation as she went through that next thing.

From the 21st to the 25th, they went about the efforts -- they went back to Neverland, the entire family. These kids have now been at Neverland or out of school or in the presence of Michael Jackson since the 5th of February. It is now between the 21st and the 25th, and all of them have been staying at Neverland. On the 25th, they go to Calabasas, they stay in Calabasas. And let me go back just one moment, and I’ll move back to Calabasas again.

What you see here is Exhibit 413, and this is the consent and release agreement. Remember Mr. Mesereau telling that you she was negotiating for more money? Well, this was the agreement that was originally furnished to her that she did not sign. This is the one that she did sign.

As you can see, there was no offer of money in any way. She has never asked for money. They never gave her money. This simply released her and allowed them to be able to use her image, to be able to profit from it. The second release is the one that waives rights on behalf of her children, as well. So that they can use the image of her children in this production. That she asked for no money in any of this; has never asked for any money in any of this at all.

During the period of time -- during the period of time between the 25th, the period of time between the 25th and the 2nd of March, Janet Arvizo and the kids stayed at a hotel in Calabasas. She had at this point reconciled herself to the fact that she was heading off to Brazil. She had had the interview with the Child Protective Services. That interview was tape-recorded. It was tape-recorded by -- until she turned the tape off, because she believed that the tape-recording was illegal. That tape-recording was done by an employee of Mark -- an employee of Brad Miller, the private investigator who worked for Mark Geragos.

Mark Geragos told you he knew nothing about it. That is probably unbelievable. Of course, he told you he knew nothing about anything, and we'll get to Mark Geragos a little bit further on.

That tape-recording was made and it eventually ended up on television. Ultimately we received a copy of that tape-recording from the defense, and that was the copy that was played for you, in its entirety, until she finally turned that tape-recording off.

Between the 25th and the 2nd, the 25th of February and the 2nd of March, they made the arrangements to go to Brazil. She obviously at this point agreed that she was going to go to Brazil.

She was never happy about it under any circumstances. And why would she be? She had a child who was sick and needed continuous medical attention. She was scared. She was worried. She was in a new relationship. She didn't trust the people who were dictating what was going on in her life at this point, but she was convinced that she needed to leave the country at that point.

They got passports, they got visas, they got her birth certificate. They got the court records that showed that she had sole custody of her children, custody having been taken away from her ex-husband, David Arvizo. They took them shopping. They got new clothes for this trip. They got luggage for her to be able to pack all of this stuff. And they were making the arrangements to go. They went back to Neverland on the 2nd of March, and guess who returned to Neverland at exactly that time? Michael Jackson. And you'll see from the Air Apparent records that he had actually flown his family from Neverland out to Florida the very day before, leaving the family behind in Florida. He then returned back to Neverland on the 2nd of March, as he was then reunited after this five-day absence with Gavin and Star. Gavin and Star both go back into his bedroom during that period of time.

During that period of time, they stayed in his bedroom the entire time from the 2nd of March to the 10th of March, with the exception of two nights. There were two nights that Michael Jackson went to a hotel in Los Angeles. Excuse me. That was the night of the 7th and the night of the 8th. Other than that, these boys were in Michael Jackson's bedroom the entire time. It was during this period of time that the behavior had turned to something horribly illegal.

On the 9th of March, Janet Arvizo had her child begin the collection of a 24-hour sample, urine sample, for a creatinine testing at Kaiser Hospital. Gavin was still under the care of a doctor, and receiving regular appointments and regular checkups. Once again, the reason why she would not pick up and simply move this family to Brazil. The urine collection was the 24-hour urine collection that was put in a large container and it would be taken to the hospital for the test.

In the morning hours of the 10th of March, she received a telephone call from her son Gavin, four o'clock in the morning. And he explained to her for the first time that Michael Jackson was giving them alcohol. And he was worried because this test, as he had told -- as Gavin had told Michael Jackson, Michael Jackson came to believe that this test would reveal that the children were given alcohol and could cause problems for him. Michael Jackson wanted Gavin to throw it away and cancel the test. And he, in fact, wouldn’t do that.

Janet Arvizo was very upset at hearing this, very concerned about hearing this. This is the first time that she had ever expressed anything negative about Michael Jackson, that he would give her child, who had suffered from cancer, who suffers still from an immune deficiency problem because of that. Alcohol was just unspeakable for her.

And she sent her daughter Davellin to the house at six o’clock in the morning to gain entry, to get Gavin, to get them out so that they could leave. Davellin pounded on the door. There was no response, no answer. Remember Macaulay Culkin talking about Michael Jackson has an open-door policy? Well, apparently not on that day. She wasn’t able to rouse anybody.

It wasn’t until much later that morning that she finally arranged with Vinnie and Gavin that they were going to go to the Kaiser Hospital. On the way to Kaiser Hospital there was a stop. She used a rest room. When she came back in, the urine had been spilled.

Vinnie spilled out the urine. Said it was an accident. Spilled out the urine. There wasn’t a sufficient quantity to test. There was no blood test that was done at that time either. But Janet at this point knew that there was a serious problem.

And I want you to think about something.

From the moment that Janet Arvizo understood that Michael Jackson posed a direct threat to her child -- and this was not molestation. That wasn’t what she was thinking. It was alcohol being furnished to a child who was sick and still undergoing medical attention. From the moment she learned that, 36 hours later, her children were out of Neverland and never went back. 36 hours.

Contrast that against Liz Barnes, who allowed her child to sleep in Michael Jackson’s bed for over a year.

Contrast that against Joy Robson, who took thousands of dollars from Michael Jackson and allowed her child to spend months at a time in that bedroom.

Contrast that even against June Chandler, who today understands what she did wrong. And today regrets the fact that she has even lost her child because of his association with Michael Jackson. But who also allowed Michael Jackson to spend months in bed -- in her own house, in bed with her son at age 13.

For all her shortcomings, for all her shortcomings, Janet Arvizo, within 36 hours of learning that Michael Jackson was giving her child alcohol, had all three of her kids out of Neverland and they never went back. And that was amid a great deal of pressure from a lot of very highly paid people during that period of time.

On the 10th, when she went to the hospital to furnish the sample of urine, she made this ruse about going to a beauty parlor in West L.A., and in that beauty parlor she called Jay Jackson. Jay Jackson came. She said she was not going back to the ranch. They took Gavin back to the ranch.

On the next day she had a court appearance, on the 11th. They went to that court appearance. Vinnie was supposed to bring the kids. Vinnie came. He never brought the kids.

That next day was the 11th. They understood very clearly that they had to get the kids out of there, and that began the process of doing so.

They then hatched a plot with her mother, Maria Ventura, who you met. You heard her testimony. Again, use common sense. Is she making all of that stuff up? You saw her, you saw her demeanor, you heard the words out of her mouth as it was translated to you. The testimony was in Spanish.

But they had to use a ploy to be able to get those kids delivered from Neverland over to their house. And they were delivered there. And they never went back.

And Maria Ventura’s testimony to you was that she did not even recognize these children by the time they got back. And certainly she did not recognize Gavin. Angry, hostile, confrontational, very upset that he had been taken away from Neverland during that period of time. Very upset. She testified to you that even today he is not the same child that he was before he met Michael Jackson.

What happened at Neverland during that period of time? I mean, what was going on at Neverland when they were there.

Well, you need to understand a little bit of what the grooming process is. What happens to a child who is exposed to a predator, and particularly a predator who has a great deal of money and a great deal of influence over children, and has the ability, because of his reputation and his position, not in the community, but the international community as a celebrity, to be able to work with children in ways that nobody else can possibly imagine?

The first thing that begins with children at Neverland is that they're separated from their parents, and they're separated from authority, and they are separated from discipline.

During the five weeks that these children were exposed to Michael Jackson, they've had no schooling. They had no homework. They had no discipline. Their mother, when she was there, basically stayed in her room. The kids stayed with Michael Jackson. They ran free. They did whatever they wanted to do. They played all of the games that are in Neverland. They rode on the rides. They drove the golf carts around. They drove the quads. They went to the zoo. They ate whatever they wanted, which for a 12- and 13-year-old means candy. They ate enormous amounts of sugar, candy, ice cream, soda pop, whenever they wanted. When they didn't want to eat, they didn't eat. There was no discipline, there was only fun.

They played with video games, and they were clearly the best video games that had ever been invented. They played with all manner of toys.

They watched movies. They did whatever they wanted to do during the course of the day.

And at night, they entered into the world of the forbidden. At night they went into Michael Jackson’s room, which is a veritable fortress. It is a room that nobody else has access to. It is a room that has codes and locks and multiple doors and alarm systems, and they knew all of those alarm systems and all of those codes, and they stayed there, and they knew all of that information because Michael Jackson wanted them to know all of that information. And inside that room, in the evening time, they entered the world of the forbidden and they learned about human sexuality from somebody who is only too willing to be their teacher.

And that discussion began with looking at magazines. Looking at pornography. Looking at a collection of sexually explicit material. It began with very frank discussions about sexuality designed to reduce their inhibitions. It began with discussions about masturbation. It began with discussions about nudity. It included a presentation by himself, nude, to them, to these children. It included an act of simulating a sex act on a mannequin that was up in the room.

Now, again, I ask you, Mr. Mesereau is going to say these kids made all of this up and they made all of this up at the behest of Janet Arvizo. And when he says that to you, you need to ask yourself, does common sense suggest that that’s how it happened, when we find a mannequin in that room, exactly the mannequin that they talked about nine months later? Janet was never up in that room. Does that make sense that they would find -- that they would find this thing that corroborates the testimony of these boys so well when they talk about him presenting himself nude? Who made that up?

It simply has the ring of truth to it. And as you apply your common sense to this evidence, you see that that’s true, particularly given the wealth of poverty -- of pornography that is found in that room. Not just that room but in other places at

Neverland as well, something that clearly all of them understand.

The grooming process takes a while. It takes a while. Not a terribly long while, but a while. And it begins with the selection of a vulnerable child, because a child who comes from a healthy household with two parents, two loving parents who are watching carefully over their children, is a much harder hold, to get a foothold in for a predator than would be a child from a broken home with only one parent, and with one parent who deals with her own collection of disabilities. That is a much more vulnerable home.

And when you look at all the other kids, you will realize that there’s a common theme with all of them. There’s no father in the picture in virtually all of them. In the Barnes family, in the Robson family. There was no child (sic) in the Chandler family. There was no father in the picture. Jason Francia, there was no father in the picture. And at this point, there was no father in the picture for Gavin Arvizo either.

And in the case of their mother, as well meaning as she was, this is a person who had endured 16 or 17 years of domestic violence, and an additional year of watching her son almost die, and she simply lacked the emotional wherewithal to be able to deal with all that was going on at Neverland, as hard as she tried. And even given her limited sophistication and understanding, she still, more than any of the others, understood that Neverland was not the place for her children to be, and she battled valiantly to get those kids the heck out of there.

So what happened over that particular period of time? Well, the vulnerable child is the one who simply doesn’t have the protection. A colleague of mine uses the expression, he says, “The lion on the Serengeti doesn’t go after the strongest antelope. The lion on the Serengeti goes after the weakest antelope.”

All predators go after the weakest, not the strongest. To distinguish the weakest in terms of children is the level of protection their parents are able or unable to afford. And in this case, this was the vulnerable child.

Now, Gavin stood up here, at age 15, and he testified for you. This is why we thought it was so important that you see the actual disclosure in the tape when he was 13 years old, and for the first time disclosed to Steve Robel what had happened to him.

But as he stood up here at age 15, think about this for a moment. He stood before you at age 15 and in a room that’s filled with people. It was filled with people back then. There’s 20 jurors sitting in this box. There’s a collection of people sitting up here, and there’s Michael Jackson, the man that he once held in such high regard, the man that he loved, the man that he spent endless nights in bed with in the most intimate manner possible.

And he stood up here, at age 15, in a room filled with people, and there’s no question that the people out there, a good number of them, are press, national press. He knew that his words were going to be showing up everywhere. It is a large collection of people out there. That had to be intimidating for him. It’s intimidating for me. You look out there, there are faces out there you recognize. Some of them I even like.

(Laughter.)

MR. ZONEN: What would it have been like for a 15-year-old child? And talking about what? Talking about the most sensitive subject matter

possible. The fact that he had been molested by a man he once loved, a man he held in very high regard.

And he plugged through it. And he talked about what happened. And he talked about this entire process of, over a period of weeks, being shown sexually graphic material, being talked to about intimate sexual matters, being oriented into the world of sexuality at age 13, and sharing a bed with him.

And finally he described to you an act of lying in bed, drinking, having been drinking on numerous occasions, drinking every night to a point of intoxication, and he described to you two events that he said he was sober enough to be able to give descriptions with some level of accuracy. He believed that there were more events, but those were two that he was able to describe to you.

And he described the defendant lying in bed with him and reaching his hand into his pajama bottoms and fondling his genitalia, and at least on one occasion to the point where he ejaculated. And he described that, a 15-year-old boy.

All of you have known or know a 15-year-old boy. And you have got to understand that that may be probably the second most difficult moment in his life. The first most difficult moment was that moment you saw on tape as he sat with Steve Robel and for the first time ever disclosed what happened to him.

That has got to be a difficult moment. And yet we are supposed to believe, we are supposed to believe that what he said was all made up, because there’s some expectation that in the future he would become a wealthy person. This is a 15-year-old child.

All of you have dealt with children at one time or the other. All of you understand that the expectation of telling a child, “Do this for me now, and in two weeks, something good will happen for you,” that the response that you get from that teenager is something along the line of, “Whatever.” That it is almost impossible to assure from a child that they will receive some expectation of gratitude or appreciation of something that will happen at sometime down the line.

The suggestion that this child should subject himself to the humiliation of this kind of an ordeal and the ordeal of going through that interview with Steve Robel that you watched, and you watched that twisted response of a small child having to disclose for the first time those kinds of words at age 13.

The suggestion that all of this was planned and plotted and it was simply nothing more than a shakedown, a good acting job, is nonsense. It's unmitigated rubbish. You cannot do that to a child. It would be impossible to do, even if he was motivated to do it, and he wasn't. And he wasn't.

Would you go to the experts, please, Katz?

Now, there were a number of witnesses who testified in this proceeding. And I'm going to be quoting Stan Katz at this moment, who is of course the person who was retained by Larry Feldman to evaluate these children at the time. These are questions that he answered:

"A pre-adolescent or adolescent boy is hypersensitive about his sexuality."

"It would be extremely unusual for a child who's developmentally at a stage where he's trying to figure out who he is, and to actually become a man, to make an allegation which would suggest that he's had inappropriate sexual relationships with a male."

This is somebody who has been doing this for many years and has the reputation of being conservative in his determinations that sexual molestation took place.

"It would be extremely rare, because these children are so protective and so guilt-ridden and shamed by any behavior that's extraordinary and ultra-normal."

"In my experience, a child who is going to lie and fabricate cannot be consistent and hold that very long, because children are impulsive. They can't delay gratification. You can't tell a child, 'Years from now, if you lie, something good will happen.'"

All right. Now, Stan Katz obviously was a witness who was hired by Mr. Feldman. There is every expectation that Mr. Mesereau will say, "Well, he's biased in his view. He was paid by Feldman. Obviously he's on one side." But let's look at some of the comments, if we could, by Dr. Esplin.

Dr. Esplin was, of course, the expert who was retained by the defense, who was called by Mr.

Sanger. And look at a number of the questions that he answered to.

"All right. Doctor, in terms of disclosures, you agree with Dr. Urquiza" -- Dr. Urquiza testified for the prosecution. "You agree with Dr. Urquiza that you really can't draw any conclusion from a child reporting late; isn't that true?"

"Yes."

"And you would agree with Dr. Urquiza when he says that the time and even the manner in which one discloses is not necessarily reflective of the truth of the allegation?"

And he says, "Yes."

"And in fact, children often report in piecemeal. They give a little information now, and

a little information later, and more information after that; would that be true? That's not unusual?"

And his answer is: "I would agree with that, but you're talking about that they don't tell you everything there is to tell on the initial disclosure."

Dr. Esplin was the retained expert for the defense who testified, and as I started asking him questions about what might you logically see in the case of the consenting victim, the victim who's in a relationship with the offender, not one who's abducted off the street, but one who is in a consenting relationship with the defendant, with the suspect, one who has been groomed to be able to behave appropriately, because you need to understand, it's not that hard to molest a child. What's hard is getting away with it. In other words, you need to develop the relationship where you have the confidence that the child will not reveal what's going on, that the child will accept what's going on. Sometimes that the child will even enjoy engaging in acts that a 13-year-old would otherwise find repulsive, and you do that by developing a relationship. Befriending a nonrelated child. Spending a great deal of time with a nonrelated child. Providing the child with extravagant gifts or money.

In this case, that child had been given not just extravagant gifts or money, but gifts that are personal to the defendant: The jacket off of his back, a watch off of his wrist, a watch that he represents is worth $75,000. I don’t know anything about expensive watches. That one looks a lot less than that, but that’s what he represented to Gavin at the time, “That’s a watch worth $75,000.”

Taking the child to fun places. Doing fun things. This is Dr. Esplin, their own witness. What could be more fun than everything that is Neverland?

Bestowing special privileges. Shares intimate moments. What could be more intimate than going to bed with a person night after night after night, but staying in the same room, sequestered in his suite, locked away from the rest of the world, even locked away from the rest of Neverland?

Gavin Arvizo is the child in the upper left. Brett Barnes is the child in the upper right. Jordie Chandler is the child on the lower left. And on the lower right is Jason Francia.

I want to talk to you now about some of the corroboration that we’ve presented in this particular case.

There was a collection of testimony from different witnesses who came before you, and I’m going to start with Jason Francia. Jason Francia

today is 24 years old.

I apologize, I have a bit of a cold. But I’ll get through this, okay?

Jason Francia today is 24 years old. He is very actively involved in his church. When he was 13 years -- excuse me, when he was ten years old, he was molested by Michael Jackson. In fact, he had been molested on two previous occasions by Michael Jackson.

On the first of those occasions, which could date back as young as age seven, Mr. Jackson fondled his genitalia on the outside of his clothing. That happened a second time. And then finally on the third occasion, when he was about ten years old, it was by putting his hand on the inside of his shorts up through the leg and fondling his genitalia, skin to skin. That event occurred when he was about ten. He was the son of a maid who worked for Michael Jackson.

Today, he’s 24 years old. This was disclosed when he was 13. It was disclosed in conjunction with the investigation that took place surrounding the allegations about Jordie Chandler in the civil suit that was filed by Larry Feldman on behalf of Jordan Chandler back in 1993 and 1994.

Jason Francia went through five years of therapy after the resolution of their civil case in his favor. Over five years, up until age of 18, and at the age of 18, he stopped his therapy, and he went and became involved with his church.

Over the next six years, he went through a program, an apprenticeship program to become a youth pastor at that church, and today is a youth pastor, but as well is the director of a youth mentorship program at that church. In other words, they take at-risk children, at-risk children, and they work with them to show them that there are alternatives to being involved with gangs, to being involved with drugs, to being involved with criminal behavior. And as he said it to you, one of the alternatives is the discovery of God.

There is absolutely no reason to believe that Jason Francia has anything to gain by coming into this courtroom and testifying about what happened to him when he was ten years old and when he was younger.

Not only does he have nothing personal to gain by it, he is not selling his story. He is not going to a tabloid. He has never sold his story. He has never gone to a tabloid. The civil claim that was settled back when he was 13 years old had nothing to do with him. Nobody asked his permission or his involvement. He had no idea that his mother had sold her story for $20,000 until just days before he walked into the courtroom.

Jason Francia appears to be the kind of

young man you want living next door to you. He is an absolutely -- a delightful young person and there’s just no indication that there’s anything about his personality or character that could be defined in any way other than absolutely beyond reproach, a man of impeccable character and integrity. He came into this courtroom and he testified that he was molested by Michael Jackson. Michael Jackson paid money to his mother and to him to settle that claim against him, as did he do for Jordie Chandler. “Very favorably resolved,” as Mr. Feldman said.

If you believe that Jason Francia testified truthfully as he testified before you, then Michael Jackson is a child molester. If you believe that his testimony is truthful, and you have no reason in the world not to believe it, it’s corroborated by the fact that Michael Jackson paid this kid off, and the mother, and it’s corroborated by the fact that -- frankly, the testimony of Gavin himself.

But it is mostly corroborated by this child himself, whose presentation before you was absolutely sincere and painful. You watched him struggle through his testimony in very much the same way that Gavin struggled through his, both on that video and in court as well. This is not an easy subject for an adolescent boy, and it doesn’t get easier when they get into their 20s. He testified to you that he never told his mother. To this day he has never told his mother. Gavin told you exactly the same thing. He has never told his mother what happened.

Jason Francia told you on the witness stand that he never told his wife he had just married within the last month before the testimony; that she was hearing it for the first time sitting in the courtroom. This is not the type of thing that adolescent boys talk about or disclose. It is not easy.

The suggestion that his testimony was contrived and part of a plot to shake down a celebrity is nonsense. You’ll notice they never accused Chris Tucker of anything. They never accused George Lopez of anything. There were a variety of celebrities that they were exposed to when Gavin was sick. None of them have ever been the recipient of any accusation whatsoever.

June Chandler testified in this particular case. June Chandler testified that her child was saturated with telephone calls, many telephone calls over a long period of time, long calls going hours. Exactly what Gavin said. This is what he does. This is how he begins his relationship.

June Chandler testified that they went on trips together. They traveled to Las Vegas. They traveled to Monaco. They traveled to Paris. They traveled to New York. They traveled to Florida together. This whole family. He took them many, many places. June Chandler testified that he gave the mother a diamond Cartier bracelet. June Chandler testified that she got a gift certificate from Michael Jackson from Fred Siegel, a higher-end clothing store in Los Angeles. $7,000.

And what was his relationship with her child? While he was wining and dining the family, and again there was no father in the picture during this time, he was coming to June Chandler's home every day at about three o'clock after school let out, and he would spend the balance of that day and night - and night - with Jordie Chandler, the balance of the day and nights in his room, in his bed, until the next morning, when Jordie would go off to school and Michael Jackson would then leave and return at three o'clock the next day. This went on for weeks and weeks. It was at least 30 days that this was going on. And that doesn't count the period of time that they were traveling to places like Monaco and Paris and New York and Florida and Las Vegas during this period of time.

June Chandler has lost her son as a consequence of this. She hasn't had a conversation or seen her son since he was 13 years old. When all of this came to light, the investigation occurred, he went to live with his father.

There is no reason to disbelieve anything June Chandler said. In that lawsuit, she got a settlement as well, and that settlement was at the request of the defense, and it was at the request of the defense because it included within that settlement a provision that she not discuss any aspect of Michael Jackson or that settlement. That money that she got was to buy her silence, and it did until this came along.

Ralph Chacon testified in this trial. Ralph Chacon testified that he saw Michael Jackson in a shower with Jordie Chandler. He believed that Jordie Chandler was young at the time. Both of them were nude. He saw it through the window into the shower. He saw Michael Jackson caressing his hair, he saw him kissing his head, kissing his face, once against kissing his head. Again corroboration of what Janet saw on the plane. She saw him -- he saw him kissing his mouth. He saw Michael Jackson with his hands all over Jordie's body, kissing his nipples, and then finally putting Jordie Chandler's penis in his mouth. He said he went back to the house at that time.

He said he saw them leave the shower with the bathing suits left behind. He said he saw them leaving with Jordie Chandler up on Michael Jackson's shoulders wearing only a towel, obviously nothing else. The bathing suits had been left behind in the shower room.

You saw a separate occasion of them standing in front of the Peter Pan display as Michael Jackson kissed him and ran his hands down his crotch.

Ralph Chacon acknowledged that at a later time he was involved in a lawsuit. He lost that lawsuit. He declared bankruptcy. There was over a million-dollar judgment entered against him as a counterclaim by Michael Jackson, but you need to understand something.

The disclosure of what he saw that day was made under oath, in testimony under oath, a year prior to that lawsuit taking place. It was made under oath after he had been contacted by attorneys representing the defendant, including Robert Sanger.

And he refused, refused at that time, to give statements to them. That testimony was done under oath well in advance of that matter.

There was the testimony of Kassim Abdool. Kassim Abdool testified that he saw very much the same thing in terms of Jordie Chandler walking out of that shower on the shoulders wearing that towel.

There was the testimony of Adrian McManus. Adrian McManus gave testimony that she saw Wade Robson being kissed by Michael Jackson with his hand on his buttocks. That she saw Brett Barnes in bed together with Michael Jackson, something Brett Barnes readily acknowledged. That she saw Macaulay Culkin being kissed on the cheek with a hand on his rear end. And that she saw Jordie Chandler being kissed on the cheek and then on the mouth and then with his hand on his crotch.

She also filed a lawsuit against Michael Jackson. She was part of that one at a subsequent time. She lost that lawsuit. She's the only one who did not seek bankruptcy protection, and as a consequence, Michael Jackson has in the past garnished her salary. She comes here and she testified ten years later, says the same thing. She's not going to get anything from this. She's not going to get a story sold, none of that. The only risk she runs is that her salary could still be garnished at some time in the future.

Blanca Francia testified. She testified that she saw Wade Robson in the shower with Michael Jackson. His underwear was on the floor of the room. He was about eight years old. She saw Wade and -- Wade and Macaulay spending days on end in Michael Jackson's bedroom.

Phillip LeMarque testified. And Phillip LeMarque testified that they delivered french fries to the arcade, and while he was in there, he saw Michael Jackson holding up Macaulay Culkin. He saw his hand going underneath his shorts. And he saw his hand in the region of his crotch. Phillip LeMarque's testimony directly corroborates both Jason Francia, and it directly corroborates as well

Gavin Arvizo.

Now, what other corroboration do we have of the testimony of Jason Francia?

Could I have the pictures of the magazines?

There was a collection of material that was shown to you during the course of this trial. And, frankly, it took quite some time to show it to you, and I want to go through some of this material right now.

This book up here, entitled, “Man, A Sexual Study of Man,” was found inside Mr. Jackson’s bedroom. We had last night thought about presenting some of the photographs inside this book. And we decided -- and understand, as you’ve seen in the course of this trial, we’re not squeamish about showing photographs. We’ve done that. We could not find a photograph inside this manual that we felt could be projected on this wall.

This is a detailed study of what two men are able to do to one another sexually. The two men are depicted in numerous photographs. The photographs are divided in three categories. A series of photographs of two men masturbating one another, the second category of two men performing oral sex on one another, and then the final chapter is two men performing acts of sodomy or anal sex on one another. The pictures are absolutely graphic. This

is not a publication that you’re going to find on anybody’s coffee -- anybody’s coffee table.

This is a publication that Michael Jackson had in his possession because it excites him. The content of this publication is sexual. And it is sexually exciting for him to have. That is the only reason somebody would have this type of publication. This is not appreciation of the content for its photographic sake. It is not appreciation of the content for its artistic sake. There is no artistic sake to it. It’s graphic depictions of two men performing sex acts on them. You need to look at that book. You need to look at the content of that book. This is not possessed by him for any reason other than the fact that he finds sexual excitement in looking at them.

And then you have to ask yourself, are you comfortable with a middle-aged man getting into bed with a 13-year-old boy as he possesses material like this that is, for him, sexually exciting? That's the question you have to deal with.

"The Boy, A Photographic Essay." This book was seized from Michael Jackson's possession in 1993. It is filled with photographs very much like this.

"Boys Will Be Boys" is the other publication. It is filled with photographs just like this. All of the photographs in this publication are very much like this.

Now, I will suggest again that there may be people who possess these because they find the photographs to be artistic. That's possible. But let me suggest to you that Michael Jackson possessed this book in 1993, at a time that he was sharing his bed, for months at a time, with one child after another. A succession of young boys going into his room for days and weeks and months at a time and sharing his bed in the most intimate manner possible. This was the kind of material that he had in his room at the time. He possessed this because it was sexually exciting for him, not because he thought that there was something good about the quality of the photography or because he considered that to be art.

This is a book called "Cronos" that was found in his room as well. That is a description or an example of the photography in that book.

Now, in his bedroom, when we went in there and we started opening drawers conducting our search, is a drawer that contains, as -- just as you open the drawer, that is the magazine that you see that's in there. In that drawer, the testimony to you was also found photographs of the Arvizo children. That picture of the Arvizo children, with Davellin in her uniform as an LAPD cadet and the other two boys, was found in that drawer at that time.

This was found in a box at the foot of the bed. Just like that. I mean, it may have been closed, but all you have to do is open it up. Remember the open-door policy that Mr. Culkin talked about? Anybody could walk in there. His children walk in there. The people -- the staff who walk in there and clean his room. It had to be the case that every single person who works at Neverland understands that he collects material like this.

This is his bathroom on the first floor.

Look at the -- I didn’t lose it. I didn’t lose it. It’s here.

Right down here, that is a suitcase. Right there is the black suitcase. This is in his bathroom on the first floor. Anybody can walk into that bathroom at that time. Inside that suitcase was a number of different documents, including these magazines. Also, there was a contract that you received in evidence, a contract, I believe it was the Neverland Valley Entertainment -- no, no. I don’t remember which one. There’s a contract that was in that suitcase at the time.

This is some magazines that was found on the first floor near the bathroom.

Go ahead.

This was found in the bathroom, simply sitting up on the counter, “Pimp Up, Ho’s Down,” and then copies of “Barely Legal.”

Go ahead to the next one.

Guess what this is? This is the suitcase that Gavin told you about. This is the suitcase, or the briefcase that Gavin told law enforcement about. And Star as well. Both of them said that there were magazines in there. They described some of the magazines. Some have been added to since then, some have been taken away. It is from this collection of magazines, from this collection, that we found all of the fingerprints.

Go ahead to the next one.

These are figurines that are found in his office. This is the office in the separate building that’s connected by a breezeway. You walk in there, and they are on the desk. Again, his open-door policy. Anybody in that ranch walks in there and sees this stuff, including his own children. He is simply not inhibited about hiding what he finds to be interesting sexually. Everybody on the ranch knows what's in there. His own witness, Maria, who testified, the maid, says she has seen the magazines.

Go on to the next one.

That's another one of the figurines.

Next.

This is inside the cabinet in the bathroom to the office. You just open the door, and that's what you see. Another copy of "Barely Legal." I'm going to be talking about that publication in a moment.

Next.

Here is another drawer in the bathroom to the office. You just open the door, a bottle of Vaseline on the left and another pornographic magazine on the right.

Go ahead to the next one.

All right. Now, the fingerprints that we presented over a great deal of time, I'm going resolve this in less than one minute - all right? - because you already heard days and days of that.

This is a collection of the magazines for which the fingerprints were found. You were exposed to hours of cross-examination of each of these witnesses as they talked about a fingerprint that was misidentified in Spain, okay? Or in Oregon, or in Philadelphia, or something like that. But the bottom line is that there were no experts who were presented by the defense to say that what we believed to be fingerprints of Star or Gavin were, in fact, mistakes. They didn't do that. And these prints were given to them to analyze separately.

So the bottom line is that these are their fingerprints. And by not producing evidence to the contrary is an acknowledgement that these are their fingerprints. As to Star in the green, there were fingerprints on one magazine called "Finally Legal."

Look at the topics of these things.

As to Gavin there are fingerprints on a

title “Barely Legal - Hardcore.” And then there was another magazine, “Visions of Fantasy,” and another one’s “Al Goldsteins 100 Best Adult Videos.”

One of those magazines actually went to the grand jury, and it was that one. Remember Mr. Sanger asking Paul Zelis on the witness stand, “Detective Zelis, isn’t it true all of these magazines were handed to the boys during the grand jury?” And the answer is, “No.”

Of all the magazines that we found fingerprints on, only one of them actually went to the grand jury. All the rest of them were in the possession of Charlene Marie, who testified. Charlene Marie is the criminalist from the Department of Justice, and all of those magazines during the period of the grand jury hearings were, in fact, in her possession.

This is the mannequin that Janet testified to. The mannequin that -- not “Janet testified.” I’m sorry, that Gavin and Star testified that the defendant simulated a sex act against them at that time.

Let me take a moment to talk to you -- let me take a moment to talk to you about the sexually explicit material that was in his home. It was probably in three categories of material. There were the two books, and others, that depict nude children. There was the collection of material that was homoerotic. Some of it extraordinarily graphic. There are about five or six publications that he had that contain homoerotic material. Some just photographs and some depicting sex acts in the extreme. And it’s whatever two people, two men, can do to one another.

Then there was a collection of heterosexual material, mostly in the form of magazines. The greatest collection of that material had titles like “Just Legal” or “Barely Legal.” They are magazines that are selected -- for whom models are selected because they are presumably 18 years old, but frankly look 14. Okay? And for all we know, they’re 14 pretending to be 18 pretending to be 14, because there’s no way of knowing what their true age is. Identification is easy to get ahold of.

Why is he in possession of all of those magazines? Because he has 13-year-old boys in his room and 13-year-old boys who look at those magazines, and it’s not an accident that that’s where the fingerprints come up. It’s not an accident. They did not go through his drawers and find it in that room. It’s not an accident that that happened.

They’re going through that material because he’s showing them that material, and the selection of those particular magazines are designed to appeal to a 13-year-old boy, who is exactly at that stage in his life, and looking through those pictures, he sees images of -- what he sees are like girls that he knows and goes to school with. He’s 13 years old, and these models are selected because, frankly, they look that age, or 14, or 15, but girls that he would be familiar with. That is sexually exciting to a child and that reduces his inhibitions.

Why would he possess all of this material? Why would a man who has an interest in homoerotic material also have an interest in this kind of heterosexual material? And my answer to that question is, it’s not for him. It’s for the children who come into his room.

The third area of corroboration that we’re dealing with is the alcohol. There was a great deal of alcohol that was being poured at Neverland. He was drinking a lot of it, and the kids were drinking a lot of it. And we know it’s true. Michael Jackson has a drinking problem. There’s no other explanation to it. Jesus Salas described him as being intoxicated many nights a week. Not drinking many nights a week, intoxicated many nights a week. That corroborated the boys when they said he was intoxicated on a regular basis as well.

Let’s go to the jury instructions, if we can.

We found bottles of alcohol in his room. There’s no question but that he was drinking. We even have the testimony of his cousin, Rijo Jackson, who said that while the boys were in his room, a bottle of wine was delivered to his room.

I’m going to go through some of the instructions fairly rapidly and we’re going to move on quickly.

He’s charged with four counts of lewd act with a child. That’s Counts 2, 3, 4 and 5. Counts 2 and 3 deal with acts of molestation as described by Gavin Arvizo. Counts 4 and 5 deal with the acts of molestation as described by Star Arvizo.

Go ahead.

A lewd act with a child is -- there are three elements to this offense. We have to establish that a person touched the body of a child, a child was under 14 at the time; that the touching was done with the specific intent to arouse, appeal to, or gratify the lust, passions or sexual desires of either the person or the child.

If there’s any kind of touching of a child, it doesn’t matter whether it’s skin to skin, or skin on clothing, or otherwise. Any touching of a child under the age of 14 that is done because of the sexual interest, it’s done because he finds it sexually satisfying to do, or he wants it to be

sexually satisfying to the child, that is an act of child molestation as defined under 288(a), which is the offense that we deal with. Four counts. Two counts separately as described by Gavin; two counts separately as described.

On Count 6, Count 6 was an attempt of child molest. That was described by Gavin, and that was the incident where Michael Jackson took his hand and brought his hand toward his crotch intending him to fondle Michael Jackson. Gavin was not ready to do that. The grooming process had not yet extended far enough. He pulled his hand away. It’s charged as an attempt, but that’s that count.

Attempt is a specific intent to commit the crime, and a direct but ineffectual act toward its commission. In other words, he took an act toward doing it, and he intended to do it at the time. That satisfies that crime.

The final four counts deal with

administration of an intoxicant to aid the commission of a felony.

This is the final four counts, and each one reflects a correspondence with each of the child molestation counts. That the accused administered an intoxicating agent to another person. He did that every night while they were there. And, two, the accused administered the intoxicating agent with the specific comment to thereby enable or assist him

in committing a lewd act with the child.

Conspiracy.

Move through this.

This conspiracy began as they were in Florida. This conspiracy began when they decided that they needed to get into the mind of Janet Arvizo that she was in danger. A conspiracy is an agreement to commit a crime, a specific intent to commit the crime, a specific intent to commit that crime, the specific intent to commit an overt act in furtherance of that crime, all right?

The agreement may be unspoken, and the agreement may be inferred from the circumstances.

Now, what does this mean?

Three men get together and decide that they're going to rob a liquor store. One goes out and buys a gun, one goes out and gases up the car, one goes out and selects which liquor store. All three of those acts are in furtherance of that conspiracy.

The three men get together and they specifically say they're going to do that. You now have a crime of conspiracy to rob a liquor store.

Does it matter that they did not rob the liquor store? No, not in the least. Conspiracy is what they call an inchoate crime, an incomplete crime.

The crime is sufficient --

There is something flying around. I'm not

just doing that.

The crime is sufficient when they get into the agreement that they're going to do it and one of them takes one step in furtherance of the commission of that crime.

They are charged with conspiracy in this case.

There were overt acts - go ahead - “A step or act committed by one or more of the co-conspirators which goes beyond mere planning or agreement to commit a crime and which step or act is done in furtherance of the accomplishment of the object of the conspiracy.”

In other words, when the -- of the three men, the one who goes out and buys a gun, which is legal to do; one goes out and gases up the car, that’s legal to do; but it is the step in furtherance of the conspiracy. All you need is one.

In this case, there are 28 overt acts that are alleged in this conspiracy.

Go on.

“Overt act need not be criminal or unlawful.”

Go ahead.

It is, in this case, a conspiracy to commit any of three different crimes, and all you need to do is find one of them. Any of three different crimes that they agreed to do. One is child abduction. In other words, the separation of Janet Arvizo from her children.

Go ahead.

“A person took, enticed away, kept or withheld, or concealed a child.” “No right of custody.” “Malicious,” which means bad. That’s all that means.

And No. 4, “A specific intent to detain or conceal the child from the lawful custodian.”

This was what happened. And this actually -- remember, I said the crime doesn’t have to be completed at all? It’s simply that they intend to do it. This crime was completed when they told her she could leave Neverland, but her children are not leaving, and she was so scared that she felt the need to leave. This crime was actually committed at that time.

Go to the next one.

Definition of “keeps” or “withholds.”

“Retains physical possession whether or not the child resists or objects." In other words, these kids were happy to be at Neverland. That's not -- it's a question of whether the mother has the right to have these children.

"To entice," the -- the definition of that is, "To allure, to attract, to draw, or to lead away by exciting hope or desire." In other words, draws these kids away with the promise that there was something fun to do, but separating the kids from the mother. It does not necessarily include any domination.

"Detain" means to delay, to hinder, or to retard. It does not necessarily include force or menace."

The second crime that we're dealing with here is false imprisonment.

Now, there was a lot of cross-examination of witnesses by Mr. Mesereau and even Mr. Sanger, where they asked such questions of, "Well, did you hear any screaming? Did you hear anybody calling for help? As they walked from the car, did you hear anybody calling for help? As they walked from the car, did you hear anybody calling for help? As they went in the building, did you hear anybody calling for help?" That demonstrates a complete lack of understanding of what this case is all about, and this crime.

Nobody was falsely imprisoned, but there was the allegation that they conspired to do so; that they wanted that. They wanted to keep this family at Neverland, and they wanted to take them to Brazil. Now, the question is, did a number of people get together and decide that they were going to tell Janet that her life was in danger, and her children's lives were in danger, and they used that as a means to isolate her and keep her from moving about at will?

Whether or not it actually happened, we went through hours - hours - of cross-examination about all the opportunities she had to run away. That has nothing to do with this case. The ultimate was when we had that -- the orthodontist on the witness stand giving testimony with a road map of Solvang, talking about all the different escape routes out of Solvang, and all the questions about, “Did you hear any screaming out of the office? Did you hear any yelling for help in the orth” -- as if Janet Arvizo is going to leave her kids in the orthodontist seat with braces on and run through the streets of Solvang screaming. It simply has nothing to do with this case.

The question is, did a number of people get together and decide that they were going to frighten her into believing that her children were in danger for the purpose of keeping them isolated at Neverland? That is false imprisonment. It is the intent to commit that crime. Whether it actually happened or not is completely irrelevant.

“False imprisonment. Intentional or unlawfully confined or detained another.”

By the time we got to that stage of talking about whether the locks were on the inside of the door of the orthodontist office or on the outside of the door of the orthodontist office, I was ready to come screaming from the courtroom at that point.

Number two, that there was no consent in false imprisonment. That somebody was simply taken -- was required to stay at a particular location.

Number three, “Accomplished by force or threats that are either express or implied.”

These were express threats. They told her her children were in danger of dying; that there were killers out there. And that has been corroborated by that tape that we recovered from Brad Miller’s office.

Go ahead.

Extortion. This deals with taking from her a value, and it was under threat or fear.

Go ahead.

“A person obtained tangible or intangible property or other thing of value from a victim.”

Go ahead.

“With consent. Consent induced by wrongful use of fear.” Fear.

“Specific intent to wrongfully use fear to induce victim to give up their property.”

What constitutes fear?

Go ahead.

Definition of “property” in this case. What are we talking about? The use of fear to have them give up their own likeness, which in this case was a very valuable object. Everybody who testified in

this case as to what went on in the early morning hours of the 20th of February for this video acknowledged that this was done for profit. That video was worth millions of dollars to somebody. But it was taken from the people who actually were entitled to it. And that was the Arvizo family, and that was done by means of fear.

The threat that there were people who would harm her and her children if they didn’t do this particular project, that is extortion.

In this particular case it was a crime that was actually accomplished. They certainly intended to do it, but in this case it was actually accomplished.

Go on to the next.

All right. I’d like to show you a couple of documents very quickly. This is an interesting one.

Go ahead and expand the sentence on here.

This is a letter that had been e-mailed, and I believe it was Marc Schaffel to one of the Germans, but look at this statement that’s on this letter: “There’s a possibility of a second show for the 25th or 26th for the same amount or more. As always, again, in my first plan, this would include Gavin and his mother, as well as a Michael Jackson interview.”

Go to the next page.

The next page is an accounting of the amount

of money that was going to come from this production and that amount of money came to about $3.2 million. They were planning on using this production in a very profitable way. They were planning on using Gavin and his mother, Janet Arvizo, for their profit. They had no intention on giving them a penny.

Go to the next, please.

No.

MR. AUCHINCLOSS: Sorry.

MR. ZONEN: This is an exhibit of a document that was signed by Janet Arvizo on the 7th of February. This was while they were in Florida. That top line, as she said, it was a blank piece of paper when she signed it. When you take a look at this document, that makes sense. The writing is typed in, it’s well above the signature. It’s certainly consistent with the fact that she signed a document that had no paper (sic) on it.

If you look at the writing below it, “Mrs. Arvizo also learned that Davellin and Star may have been on T.V. without their consent. Please send it back accordingly.”

Do you know what this document does? This document gives Michael Jackson the authority to include Janet Arvizo in his lawsuit in England to take “Living with Michael Jackson” off the air, because she’s the one with standing to do it. She’s the one who has children for whom she did not give consent for them to be on it. Michael Jackson needs Janet Arvizo’s signature to effectively pursue that litigation. Not the other way around.

This is a fraudulent document. The signature on the bottom was transposed. In other words, a copy of her signature was made from another document, it was pasted on, and then a Xerox was made, and then somebody wrote -- and, look, it’s in the third person.

And in that bottom paragraph, “Miss Arvizo also learned,” whereas in the top paragraph, it’s “I confirm,” first person.

This is a fraudulent document, and it was used to be able to effect her inclusion in this lawsuit in England. And even David LeGrand on the witness stand has so acknowledged.

Go ahead.

This is a document containing the expenditures of money.

Can we see this? Can we blow it up? Go ahead.

This is incoming money from Fox Studios on the 13th. This is an advance on what this production was going to be, $750,000. On the 20th, the day before the production, it was 750,000. We’re up to 1.5 million. On the next one, an incoming wire, this is the day after the production, of 1.5 million. They’re now up to three million.

Go ahead.

And finally, Alfred Haber, this deals with the incoming money from overseas, another half million, and another half million five days later. Four million dollars they got on the production of the “Take 2,” the one that Michael Jackson was going to include the production of the Arvizos as well, but frankly, he couldn’t get it done in time because she refused to go back to Neverland.

Go ahead.

“Hale Lane” means that there was -- this is the money to David LeGrand. He gets $80,000.

Go ahead.

This is for Neverland Valley Entertainment. That means Marc Schaffel. He gets $150,000 for his involvement.

Joe Marcus gets $35,000. He’s the ranch manager. And this is on the 14th. This is before. You know, and this goes into his account. Joe Marcus is the one who put the notations, “Do not let Gavin leave the property.” Remember that? On the 19th?

Remember what they said about that? “Well, do not let Gavin leave the property was because he drives an SUV.”

That’s nonsense. That notation went on one-half hour after Hamid Moslehi arrived to do that video. They wanted to make sure that family was there to do that video.

Go to the next one.

Neverland Valley Ranch. That’s Michael Jackson. $60,000.

Go ahead.

Geragos & Geragos. Look at this. On the 14th, Geragos & Geragos. Mark Geragos worked for him for seven days and got $70,000. It's not over yet.

Go ahead.

Hale Lane, that's -- again, that's the attorney, LeGrand, $40,000.

Ken Finkelstein is the attorney in New York, represents Michael Jackson. He's managing the money. This is the account from Fire Mountain. This is the money that came into that account that had been created, a corporate structure that had been created to be able to deal with the money that came from the production of "Take 2." Ken Finkelstein is an attorney representing Michael Jackson. With Michael Jackson's knowledge and approval, two million dollars goes to him for his management on behalf of Michael Jackson of that production.

Go to the next one.

Hale Lane, another $30,000.

Go ahead.

Allan Whitman is his accountant, $150,000. That's what goes to pay the creditors. That's it. He owes ten million dollars to his creditors. That's what goes for that.

Go ahead.

Another document in here. This is the demonstration of the money, of the two million dollars that went to Finkelstein in New York.

Another $41,000 to Geragos & Geragos. At this point we're up to $110,000.

Another $70,000 to Geragos & Geragos. This is now $180,000 to Mark Geragos. This is all within the first three weeks of his representation of Michael Jackson.

Do you remember his testimony here? Do you remember when I asked him how many conversations he had with Michael Jackson? One that he had, on the first day he was there, he does not remember the content of that conversation. Remember that? When I asked him about conversations with anybody else, he had no recollection of any of them.

Conversations with Marc Schaffel, conversations with Dieter or conversations with Ronald Konitzer, conversations with Cascio. None of them did he remember, none of them did he take notes on, none of them did he keep notes on, none of them he could say in court.

He got $180,000 in his first three weeks of representation of Michael Jackson and can't sit up here and represent to you one single conversation he had and adamantly denies that he ever had a conversation with Michael Jackson. Adamantly denied that he ever knew that this family was staying at Neverland. Adequately denied that he knew anything about a trip to Brazil. Adamantly denied that he knew anything about passports. Mark Geragos, who stood up here and testified, "I" -- anything about ever being told by an attorney representing Janet Arvizo, that there was a demand for her passport, her birth certificate, original certified copies, and visas to New York.

She had an absolute right to be concerned about them being in possession of her passport. An absolute right. And Dickerman had an absolute right to demand it. And he sent six letters to Mark Geragos, and we presented them. And every one of those letters we corroborated and confirmed that they had been -- the first one delivered, hand-delivered to Mark Geragos, and five additional letters sent by fax, and we provided the proof that the facsimile had been delivered.

In all six of those letters he makes a demand that the passports be returned. Mark Geragos says, "I knew nothing of the passports. I knew nothing of the visas. I knew nothing of the trip to Brazil. I had no conversation with Michael Jackson, certainly not that I recall. I took no notes of anything. I don't remember anything of any conversation with anybody else. All I knew was that Janet Arvizo was trouble, and I said, 'You need to do something about that.'"

I said to him, "Well, when did you first learn that they were living there for the better part of five weeks, that these children were staying in his room, that these children were about the last of a succession of boys who had been living in his room, sharing his room and in fact sharing his bed?” And his answer, “I knew nothing about that.”

Even the production of “Living with Michael Jackson,” the reason that he had been retained, that production itself he said he didn’t watch for weeks and had never read the transcript. Did not know about the content of the phone conversation that was recorded by Brad Miller. Had never seen that transcript either.

What exactly was he paid $180,000 for over a three-week period? Because if you believe him in his testimony, he is both the most incompetent lawyer who ever occurred and the most uninformed. And that is not Mark Geragos. That’s not his reputation. And that means when he testified that he did not know anything about those passports, even though they were in his vault, and had been in his vault for over a year, in a law office that had a protocol set up to be able to deal with evidence being deposited into that vault, “I didn’t know it was there. I didn’t know who got it. I didn’t know who put it in there. Nobody signed for it. It just happened to be there.”

This is the case of The People versus Michael Jackson. This isn’t the case of John Doe being charged with drunk driving. This is the case of People versus Michael Jackson. There is nobody who is going to be able to convince you that when four passports, four birth certificates and four visas are delivered to Mark Geragos’ office involving who? The victim in this case and his mother, his brother and his sister, that he did not know about that.

Go ahead to the next one.

$180,000. Mark Geragos’ testimony before you was simply not true.

Now, why was Mark Geragos testifying there? He was there to testify that his investigator, Brad Miller, told him that Janet Arvizo asked for money. You have to simply not believe that.

Because Brad Miller, one thing he’s capable of doing is running a telephone wire and running a tape-recorder. And if, in fact, she had ever asked him for money, we would have a tape of that. They never even put Brad Miller on the witness stand.

And you have to disbelieve Mark Geragos when he says, “That’s what Brad Miller told me.” And that is the only testimony that came in, three months of trial, that actually has somebody saying Janet Arvizo asked Michael Jackson for money. Nobody else has said that at any time.

This is a document that was sent to Yolanda and Raymond Trujillo. They were the landlords of the Soto Street address. That document right there. The reason I’m showing it to you is, I want you to look at that signature.

Go to the next one.

Again, to Yolanda and Raymond Trujillo.

This is about moving them out of that apartment. Mr. Geragos said, “We paid for it because they wanted to keep tabs on her.” The answer to that is no, they didn’t. They moved them out of that apartment because they wanted to ship them off to Brazil and Mr. Geragos was part of that plan.

Again, look at the signature over “Janet Arvizo.”

Now go to the next one.

The two top are the two signatures you just looked at. The bottom one is actually her signature. She never signed those authorizations to have her property moved out of that apartment. Those are forgeries. Just like that document on the 7th of February that was done in Florida that included her in that civil suit.

Go to the next one.

This is a document, and as we blow up the portion in here that I want you to see, it shows Janet Arvizo at 11520 Trent. The “N” is obscured in this photograph, but you can actually see it in the document which is in evidence. 11520 Trent Avenue, Trent Court in Calabasas, is an address that does not exist. Does not exist.

Go to the next one.

All right. Before I get to that, let me talk a little bit more about what was going on in terms of Mark Geragos, Brad Miller and all of the others.

THE COURT: Counsel? Since you shifted, it’s time for a break.

MR. ZONEN: Okay. We’ll do that.

(Recess taken.)

THE COURT: Counsel?

MR. ZONEN: Thank you.

They were erasing this family. Remember that movie that came out a few years ago starring our Governor? They were erasing this family. It began with that note that you just saw, the Trent Court address that doesn’t exist as the address that they used for the purchase of the tickets to Brazil. A one-way ticket was the testimony of what they wanted to do. Ultimately bought a round-trip, because that’s the only way they could do it and get into Brazil was to show that you have a ticket to get back out of the country, but that wasn’t one that they had to use. They had no intention of bringing this family back from Brazil at any time soon.

The furnishings that were taken out of the apartment were taken to an unknown location. Nobody knew where it was. And it took Mr. Dickerman two and a half months in order to get a response of where this property was. The property was put into the vault at this storage facility and it was put in the name of Brad Miller. Nobody else’s name was on it. There was no way to trace that stuff to them. There was no information that was given that reflected accurate information about where the family was going. Vinnie checked the kids out of John Burroughs Middle School. All debts were paid to John Burroughs Middle School with regard to the, excuse me, debts on the books. Whatever books weren’t returned, they were paid. At John Burroughs Middle School, they were told the kids were going to be going to Phoenix. They obviously weren’t going to Phoenix.

On the applications for the passports, they said that the family was going to be going to France and Italy. They obviously were not going to France or Italy. And finally, they got visas through the Brazilian embassy to go, in fact, to Brazil. Janet Arvizo told you that that decision was made to go to Brazil after they realized that any other country in South America would be a country where she would be able to speak the language, but couldn't do so in Brazil.

The family literally was being erased. There was no evidence where they were going to. There was no evidence of where they had been, the apartment being closed out, all debts having been paid. They were simply going to disappear in Brazil.

Now, why? Why were they doing that? Why was the surveillance going on? Why did the surveillance continue to go on even days after they had left?

And I think the answer to that, I want you to think about two things. When we showed you the surveillance tapes that we seized from Brad Miller's office, and again there's no reason to believe that was the sum total of them, because they were simply snippets of surveillances. They obviously did hours and hours and hours over a long period of time. Something had to justify $180,000 worth of billable hours in three weeks, so it was obviously more than seven minutes of surveillance. But one of them was particular -- two of them were particularly telling.

The first one was the surveillance camera from a car that was directly behind that Range Rover that had the Department of Social Services workers in it as they were having a conversation with Janet. This was the day after, the day after her interview with the DCFS at Jay Jackson's apartment. And it was being filmed as she talked with them through the window of the Range Rover, exactly as she had said.

Janet Arvizo had no way of knowing that, months later, we would do a search of Brad Miller's office and find a surveillance tape, but she kept telling everybody, "They're following us. They're filming us." And she told you that accordingly.

That film is corroboration of the fact that that happened.

That film actually captures Vinnie running up to the car at some point as they left and her walking with Vinnie. They're literally surveilling Janet while she's with Vinnie. And he knows it. They're still following behind and they're taking pictures. And yet we're supposed to believe she's nuts when she says they follow with a camera crew and take pictures. They do. And we seized some evidence of that.

But the other one that's the most telltale of all of the surveillance was the one that was done I believe on the 22nd of March. You can see it again, if you wish. It was the one in El Monte at the home of the Venturas, David and Maria Ventura. And it was while Davellin was walking home from school. And she had her book bag on her back. And what's telling about this is, she knew she was being followed and they knew that she was watching and that she knew. They knew she knew. She knew they knew.

She was scared to death. She looks back. She sees this car. She runs to her parents' backyard, closes the gate behind her, and once again looks back, and you can see that. And you can see the expression on her face. And they continue to film. They don't drive away. They don't engage in any kind of evasive behavior. They wanted her to know that she was being followed. They wanted her to be scared. They wanted this family to understand that there was still a threat to them. They wanted this family still back at Neverland.

If you would, please.

There was a note that was left on Maria and David Ventura's house. That note is this one right here. The note that was left and the testimony that they had, it was this person Johnny, whose, frankly, level of education is comparable to the photograph that he took. Johnny misspells "Vinnie" in here.

But think about this for a second: This is ten days after they had left Neverland. And you have this adult man misbehaving, throwing stones at the house, who leaves a note to a 13-year-old boy and to a 12-year-old boy to, “Please call Frank or Vinnie” That, I’m assuming, should be “Vinnie,” V-i-e-n-n-y, at -- and that’s the number. And that’s of course in -- up in Santa Barbara County. That’s at Neverland. Now, they add -- and on the other side it says, “To Star or Gavin.”

Now, imagine that you’re the parent for a moment and some man is throwing stones at the house and leaving a note on the door to your children to call for an emergency.

There was a real concerted effort to get this family back to Neverland. Why? Why would they do that? Why can’t they just leave this family alone?

And the answer to that is that they were profitable to them, and they were a potential liability against them. If they were out wandering about and doing what they wanted to do, there was always the possibility that at some point in time this family would end up on a television station, of some other station, talking about all the pornography and all the drinking, all the problems that is Neverland. That was their fear.

There was a second fear that they had. And let me suggest to you that that fear was even more paramount.

Aside from the fact that they were exploiting this family for just simply money, the very thing that Mr. Mesereau tells you was the motivation for Janet Arvizo, in fact was their motivation all along. This family was profitable. The press wanted to know all about them, who they were. Frankly, they wanted to know who Michael Jackson’s new boyfriend was, the truth being very simple in this regard. This family was profitable. And they wanted to capitalize off that profit, not allow them to do so.

But I think another issue that you need to take into consideration is this: All of the sexually explicit material that we showed you during the course of this trial, and during this closing argument, was found in a number of different locations in Neverland. It was in the bathroom, it was in the office, it was in the cabinets, it was out of the cabinets, it was on the counters. It was readily visible and a lot of people knew about it. The maids, certainly, who cleaned, they knew about it. The kids who were around there, they knew about it. The staff, they knew about it. The person who bought this material for Mr. Jackson, they knew about it.

They all knew about the drinking. They all knew that Michael Jackson drinks entirely too much and achieves levels of intoxication on a regular basis. They also knew that Gavin was not the first of a succession of young boys who have disappeared into his room for long periods of time. Not just hours, but days, weeks, and even months. Everybody understood what was going on at Neverland, and for anybody to say otherwise is simply not being honest. They understood.

And the realization, particularly from Frank, who was there back in the year 2000, at the time the sexually explicit materials and images were shown to these boys, who were then only nine or ten years old, he particularly understands. And that's why, when you look at those phone record charts, you realize that he is the center of attention.

There is the very real fear that at some point in time, a Sergeant Steve Robel, or a Detective Craig Bonner, or a Lieutenant Jeff Klapakis, or a Detective Vic Alvarez is going to show up at that door with a search warrant, because they know what's going on at Neverland. And that effort to isolate this family, not just from the public and not just from the press, but from the police, was one of the incentives to get this family into Brazil where they might stay for any length, period of time.

Among the documentation that you have in evidence is documentation that came back and forth between Marc Schaffel and others that refer to this "vacation" that they were going to be taking. And in a number of those documents, whenever you see the word "vacation for Janet and boys," "vacation" is in quotes, which of course means it's anything but a vacation.

The incentive in this case by Michael Jackson and all of his employees was, first of all, to exploit this family financially so that he might be able to salvage a second career financially and bring some much needed funds into that business enterprise, and secondly, to salvage his career. And that was done at the expense of this family.

It is also the case that Gavin Arvizo, demonstrating remarkable courage in coming into this courtroom, gave testimony to you about a series of events that took place in Michael Jackson's bedroom when Michael Jackson, not for the first time, took sexual liberties with a 13-year-old boy. That information and testimony is entirely credible, entirely accurate, and entirely truthful. It should be believed, and Michael Jackson should be held responsible for what he did.

Thank you.

THE COURT: All right. Thank you, Counsel.

Mr. Mesereau?

MR. MESEREAU: We need some time to set up, if we may, Your Honor.

THE COURT: You may.

MR. MESEREAU: Thank you. Miss Yu went upstairs. I have to find her. She's doing computer type of things.

May I just --

THE COURT: Yes.

MR. MESEREAU: Okay. Thank you.

(Discussion off the record.)

MS. YU: I'm having some computer problems. I'm sorry, Your Honor.

THE COURT: It's okay.

MR. MESEREAU: Still having a computer problem.

THE COURT: Take your time.

MR. MESEREAU: Thanks.

It may take five or ten minutes. Something happened to the computer. Apologize.

THE COURT: That's okay.

THE BAILIFF: Judge, I.T. is on their way, too.
MR. MESEREAU: We’re going to be just a couple of minutes. Thanks.
I think we’re almost there, Your Honor.
MS. YU: I’m sorry.
THE COURT: (To the jury) I should tell you, everything was tested yesterday and it all worked. So it’s not that this is the first time they’re trying to do this.
THE BAILIFF: This computer gremlin came and....
MR. MESEREAU: I think we’re ready, Your Honor.
THE COURT: All right, Counsel.

MR. MESEREAU: Thank you.
Thank you, Your Honor. Like in the age of computers, right?
Ladies and gentlemen of the jury, I’d like to begin my closing argument by thanking each and every one of you on behalf of Michael Jackson, his family, and everyone at the defense table for all the time you’ve spent on this case. It’s been a long trial. You’ve spent many months. You spent a lot of time looking at some testimony that was interesting and some that was not, some that was dull and some that was exciting, but you’ve had to work very, very hard, and we all appreciate it very much. Thank you very much.
Ladies and gentlemen, I just heard a prosecutor get up, start his closing argument with an attack on me. And whenever a prosecutor does that, you know they’re in trouble.
Now, I can look at you and say, “Mr. Sneddon said that Debbie Rowe would testify that the outtakes were scripted.” She did not. She said the opposite.
I can tell you that Mr. Sneddon said that Chris Carter would testify to acts at Neverland. He never showed up.
I can tell you that Christian Robinson was supposed to come for the prosecution and say things were scripted. He did not. We called him. He

said they were not scripted.

That's not the point. This is not a popularity contest between lawyers.

The issue in this case is the life, the future, the freedom and the reputation of Michael Jackson. That's what's about to be placed in your hands. And the question you have before you is very simple. Do you believe the Arvizos beyond a reasonable doubt, or not?

If you don't, Mr. Jackson must go free.

I submit, based upon the testimony you've heard, the witnesses you've seen, the issues you've seen addressed, there is no way in the world you can find that the Arvizos are trustworthy beyond a reasonable doubt.

And if you can't do that, if anything they said to you, if anything they presented to you causes you to pause and wonder or suspect what really happened, Mr. Jackson must be acquitted under our legal system.

You have heard so much testimony about the scams of Mrs. Arvizo. The prosecutor gets up and tries to prop her up, justify her actions, explain her as a nice person, tell you you can trust her, tell you everyone should trust her. And he especially looks at you in the eye and says, "She never asked for money."

Well, I have some questions for the jury.

When she took her children to The Laugh Factory, placed them on stage, had them do skits and plays about their poverty, about how poor they were, about the part of town they came from in front of George Lopez; when she told George Lopez a story about how her children used to dive for coins in a fountain; when the fund-raisers took place and money was raised, and Janet Arvizo called George Lopez and wanted to give him a gift to thank him, was she asking for money?

When Janet Arvizo and Davellin kept hounding Chris Tucker, "When are we getting the truck? When are we getting the truck? When are we getting the truck?" was she asking for money?

When Janet Arvizo went to Miss Kennedy, who owned the dance class and said, “You know, we settled the J.C. Penney case. We got some money out of it, but all we ended up with were two bicycles. Please continue to give my children free lessons,” was she asking for money?

When Janet Arvizo concocted the J.C. Penney fraud, when her lawyer was shocked, after 25 meetings with her, to hear her say at a deposition how she’d been fondled 25 times by J.C. Penney security guards, was she asking for money?

When Janet Arvizo had her children call celebrities, constantly hounding celebrities, trying to get money, with her in the background scripting them and coaching them, do you think she was asking for money?

When Janet Arvizo went to the editor of the local newspaper in El Monte and said, “We have no insurance. Chemotherapy costs $12,000 per injection. Please put the bank account number in your article. Please do an article. I know it’s against your policy to do things like this, but please do it for us, because we can’t pay our medical bills,” was she asking anyone for money?

When the calls went to Jay Leno, repeated messages, “You’re my favorite comedian,” messages he thought were awfully effusive, sounded scripted, sounded contrived, didn’t sound like the appropriate message from a child of that age, when he called the hospital and a woman was in the background telling her son to be effusive, to be wordy, to continue to tell him, “You’re my favorite comedian,” when he thought they might be asking for money but they actually didn’t, what was Janet Arvizo doing?

Ask yourself, “Do I have any problem believing what Janet Arvizo says?” Because if you have the slightest problem that’s a reasonable one, the slightest doubt that’s a reasonable one, the slightest suspicion, Mr. Jackson must go home and he must be free.

Now, the list of people she hustled is endless. You know that ten days after the J.C.

Penney settlement -- the prosecutor wants you to think she just got $32,000. The fact of the matter is, she put 25,000 in an account for Gavin, she put 8,000 in an account for Star, and she set that up so that she can't touch it, which I commend her for. She got much more than $32,000, and yes, she had to pay legal fees and costs, and that's what you normally do when you file a lawsuit and take it to settlement. But when she filed for emergency welfare ten days after getting that money, was she asking for money?

In the J.C. Penney case, in her deposition when she admitted that she had filed a state disability claim because she was depressed, and when she was asked, "Why are you depressed?" she said, "Because I'm a nobody," was Janet Arvizo asking for money?

When she fraudulently sought food stamps, when she fraudulently sought disability, when she fraudulently sought every state benefit she could get her hands on by perjuring herself and perjuring herself and perjuring herself through constant welfare applications, where she disguised settlements, disguised bank accounts, disguised benefits, was Janet Arvizo seeking money?

Because if you think she was, the prosecution falls.

Now, ladies and gentlemen, the issue is

very, very simple. If you do not believe the Arvizos beyond a reasonable doubt, Michael Jackson must be acquitted. That's the law.

And these claims are completely based upon your having to believe the Arvizos every which way but Sunday. You've got to believe them.

Now, I submit that the witnesses we have called and the cross-examination we have elicited in this case proves the Arvizos are con artists, actors and liars.

What do I mean?

Janet Arvizo is a very interesting individual in some ways. Janet Arvizo sometimes directly asks for money. She directly asked her lawyer, Mr. Ranieri, for a contribution. He said no.

More often than not, Janet Arvizo does not directly ask for money. But she’s so skilled at what she does in articulating her tales of woe, her family’s poverty, her abuse, all the problems, that invariably the person she’s talking to decides on their own to write her a check.

Isn’t that what happened to Hamid Moslehi at the home during the rebuttal video? He saw her giving an acting lesson, as she describes it, about her state of affairs. “Everybody abandoned us. DCFS. My husband. Everyone. Nobody would come. I couldn’t -- I couldn’t feed my children. I had no cereal to give them. We had no money. We had no means of transportation. We couldn’t get anywhere.”

She tells all of this in the rebuttal. Then she has a 25-minute discussion with Hamid, and what does he do? He writes her a $2,000 check.

I ask you, was she asking for money?

When she was on the phone with Jamie Masada and Jay Jackson -- and she was living with Jay Jackson at the time. He was making $80,000 a year. And Jay Jackson asked if Masada would pay the costs of the karate school with Janet on the phone, do you think she was asking for something?

See, Janet Arvizo is much smarter than her ex-husband David. David was like a bull in a china shop. He would just come out and say, “Give us money,” or he’d send Gavin out to say, “Give us money.”

Janet develops a relationship first. She hardly knows you and she’s hugging you. She’s loving you. She’s saying, “You’re our family. You’re my brother. You’re my father. We’re all part of your family and you’re part of ours.”

She starts sending letters to Michael Jackson in 2002, when Mr. Zonen told you there was no contact. Every letter, “Daddy Michael, you’re our family. We love you. We can’t live without you,” words to that effect.

Janet Arvizo waits and develops a relationship before she looks you in the eye and gives you a tale of woe about why you should give something to her. And it’s happened time again, time again, time again.

Now, you know that Janet Arvizo wanted her children to be actors. You know that, because they went to various schools to be actors. Every time they went to a school about how to act, she told the teachers how poor they were. You know her children wanted to be actors. They said they wanted to be actors. And you know that she had an almost compulsive addiction to celebrities. I submit it wasn’t just about getting money. It was almost a thrill. It was almost an excitement. They called every celebrity in town they could get their hands on. Chris Tucker said, “They made me think I was the only comedian in their life. I later learned they were calling every comedian in Los Angeles.” It’s a very unusual story. It’s hard to believe that it’s true when you really step back and look at the MO of the Arvizos. But it is true and we proved it.

Now, are they liars? I’m going to show you pages of this transcript from this trial, their testimony to you, and I’m going to show you where they have repeatedly committed perjury in this trial. But that’s nothing new. Look at the J.C. Penney lawsuit. How did that suit originate?

Eight-year-old Gavin shoplifted, ran into a parking lot and was followed by security guards. David followed, Janet came out from another location, and an altercation developed. Janet and David were arrested.

You saw Janet’s booking photo at the police department. Not only is there not a bruise on her face, her hair is very neat. It couldn’t be neater. She filled out documents, “I have no medical problems. I have no injuries. I don’t need attention.” She left the jail at approximately twelve o’clock, went to a hospital that evening, and had photos taken within the next couple of weeks at the request of her attorney, and lo and behold, she was bruised, lo and behold she was injured, and lo and behold a lawsuit was filed.

Very interesting the way that lawsuit developed, because Janet Arvizo had Gavin testify for her in a sworn deposition at the age of approximately nine or ten. And Janet Arvizo initially did not allege sexual assault. Initially she alleged assault and false imprisonment. As her thoughts about how to get money from J.C. Penney and Tower Records developed, the sexual assault claims developed as well. She amended her complaint, and suddenly, to the surprise of her own lawyer, who couldn't believe what he was hearing at a deposition, she had been fondled 25 times in a parking lot, after security guards did belly flops on top of her, after they spit on her children, after they spit pumpkin seeds at them, after they hit them all with closed fists, after they hit them with handcuffs, after they bruised every part of her body. The claims went through an evolutionary process. They developed and got bigger and bigger and bigger.

And she used her son's illness, his cancer, to get damages. She claimed that Star had a cyst on his brain. That was to get damages. Eventually J.C. Penney settled in a fraudulent lawsuit for $152,000.

This is a pattern that serves as a looking glass for everything that followed. And I repeat: Ten days after she gets the money, she doesn't just seek welfare under penalty of perjury, she seeks emergency welfare assistance using violence in the home as a reason.

Now, I have some graphs we're going to show you that plot out these evolutionary claims, but I have to tell you, it's a pattern and it does not stop, and it's going to right in this courtroom today.

You know that Gavin Arvizo, at a very young age, made a false claim of abuse against his mother in the 1990s to the Department of Children & Family Services. He then withdrew the claim. He was very young. He was very street smart. He'd been schooled by his parents, David and Janet.

You note in the middle of Janet's spousal abuse case with her ex-husband David, suddenly the claim that David had molested Davellin surfaced. I'm going to show you her testimony in this courtroom. She doesn't remember it. She didn't know it happened. She said she was too young. Janet told her it happened. The slow evolution of a claim of molestation.

Just like what happened in this case. And I will chart it out for you, the meetings with lawyers, the meetings with Masada, the development of claims, starting off with claims about, "We don't want to be in the lawsuit in England. We don't -- we want our stored materials back," evolving into harassment, evolving into false imprisonment, evolving into molestation. I will chart that out for you in my closing argument.

Whenever you see a legal claim from Janet Arvizo or Gavin Arvizo, you have cause to be suspicious. The history is clear. The manipulation is absolute.

Janet Arvizo and lawyers.

Have any of you tried to count how many lawyers she's seen in her short life? I'll give you some ideas. She said she had a lawyer in her civil divorce action with David and her criminal proceedings with David for all these years named Manning. She had lawyers represent her in the J.C. Penney case against J.C. Penney and Tower Records. She had a criminal defense attorney represent her when they were arrested at J.C. Penney. She went to Bill Dickerman while she allegedly was being falsely imprisoned.

And by the way, she first went to Bill Dickerman on the 21st of February, 2003. Two days after that, they were continuing to go after their visas and passports at various federal buildings. And the prosecution tells you she was not trying to develop a lawsuit against Michael Jackson? You have in evidence the visa applications. You have the passport applications. You have documents showing they're going to the Brazilian consulate, they're going to the federal building in Los Angeles. She's already been to Bill Dickerman. What do you think is going on?

Bill Dickerman represents her for a period of time and then shuttles her off to Larry Feldman, who is a very well-known attorney in Los Angeles who had represented the Chandlers against Mr. Jackson in 1993. Why do you think he sends her to Larry Feldman? Why do you think he has a profit-sharing arrangement with Larry Feldman? Why do you think Mr. Feldman gets ahold of Stanley Katz, a psychologist he used against Mr. Jackson in the early '90s? Why do you think Mr. Masada is bringing her to all these meetings? Doesn't it suggest everybody's looking for a big payday against Michael Jackson? There's only one thing they need. A conviction, by you.

There's going to be great celebration in Los Angeles among this group if he is convicted of one single count in this case.

You heard Mr. Feldman testify. He spent an enormous amount of money in the early '90s litigating and getting a settlement against Mr. Jackson. He didn't want to do it again. He told the grand jury in Santa Barbara he didn't want to spend that money again. He grudgingly admitted that if Mr. Jackson is convicted in this courtroom, he will not have to spend huge sums of money establishing liability in a civil courtroom. It will be established.

Now, he tried to fudge his way around this by suggesting that once liability is established, if you want to prove punitive damages, you still have to prove malice and you still have to go into court.

That's true. But isn't liability the big hurdle?

Aren't they all after millions from Mr. Jackson? Haven't you seen one witness after another come into this courtroom having sued Mr. Jackson, having tried to get a settlement out of Mr. Jackson? Every one, Ralph Chacon, McManus, Abdool, Cindy Montgomery. They're all lined up.

He has a reputation for being a very

childlike person, very naive, very idealistic, a musical genius. A person who likes to sit in trees and compose. A person who likes to spend time in the studio. A person who, from an early age, was such a genius at what he did that he attracted millions of dollars before he even knew what it meant. A person who has not managed his money terribly well. Has allowed people to use his signature. Has trusted the wrong people. They've emptied out accounts. They've diverted funds. Mr. LeGrand even had the people around him investigated for stealing from Mr. Jackson, the very people the prosecution claims were his co-conspirators.

And he has been a target for years, particularly after he settled with Chandler and Francia, because he doesn't like courtrooms, he doesn't like lawyers particularly, he doesn't like litigation. He's known to be childlike, and different, and creative, and offbeat. He's known not to trust adults.

He's known to have developed Neverland as a Disney-like environment to bring inner city children so they can have some fun. He's known to have developed his own lifestyle in a very idealistic and naive kind of way. And he is an unbelievable target because he's attracted millions and millions and millions of dollars through the years because of his genius and his talent and through his hard work.

This case is no different.

You saw Mr. Robel in that taped interview with Gavin in July, the first interview, before any investigation had ever taken place, he looked at him and he said, "We're going to bring a criminal case. You and your mother are victims. Mr. Jackson is wrong. The people around him are wrong."

He hadn't even investigated the case and the train started rolling and nobody would put the brakes on. They didn't know anything about the Arvizos on that date. They didn't want to know.

They didn't want to know about welfare fraud and perjury and lying under oath, and J.C. Penney, and hustling celebrities, and bank accounts, putting checks into her mother's account to hide it from welfare and everybody else. Nobody knew about that on this side of the table. The problem is when they began to learn, nobody wanted to say “Stop,” and that’s why we’re here.

And I submit, you cannot let injustice happen in this courtroom. You cannot let these people prevail. They’re all just ready to pounce with a conviction.

I don’t have to say much about welfare fraud and perjury. We proved it. The applications prove

it. They’re all signed under penalty of perjury. They’re all manipulative. Not only what’s said and what’s not said, but what she does. She takes her welfare checks and puts them through Jay Jackson’s account, a person in the United States Army making $80,000 a year.

She doesn’t want a record of where she’s depositing them. She doesn’t want them to be traced. She lies about settlements. She lies about where she’s living. She lies about who’s helping support her. She lies to get food stamps. She lies to get disability. Everything she can get her hands on, we have proven is true.

And perjury is meaningless to her. She lied in the J.C. Penney depositions. She lied on the applications. Perjury is a habit. And she committed perjury right in this courtroom. We’re going to show you some transcripts to show it.

I submit, ladies and gentlemen, the biggest red flag in these claims is Janet Arvizo and Gavin Arvizo and Star Arvizo and Davellin Arvizo going to lawyers before they go to the police.

The visits to lawyers start on February 21st, 2003, when they meet Attorney Bill Dickerman. As I said before, they have more meetings with him. He refers them to Larry Feldman. Feldman brings in Stan Katz. Feldman has a profit-sharing arrangement with Dickerman. They’re having all of these

meetings, developing their claims, and they don’t go to the police until June 13th, 2003, four months later.

If you truly believe you’ve been falsely imprisoned, you've been extorted, your children have been abducted, your children have been molested, they've been plied with alcohol to take advantage of illness, why are you going to all these lawyers first?

This is not the first time civil lawyers have tried to manipulate the criminal process to get their work done for them, by the way. Think about it. You don't have to hire experts. You don't have to hire investigation. You don't have to go through months of trial. Because if somebody is convicted and found guilty beyond a reasonable doubt, the civil burden of proof, preponderance of the evidence, is already established.

They want the taxpayers of this county to establish liability for them. And it's crystal clear that that has been their plan from day one.

And I'm asking you not to let it happen.

To let it happen, you have to strip Mr. Jackson of his freedom and reputation. You have to label him a convict. You have to label him a sex offender. You have to label him all of the things he is not and they have not proven he is.

This is a case, a prosecution, based on the Arvizos' lies and innuendo and exaggerations only.

Do any of you really think, from what you've learned about Mr. Jackson, that he would even be capable of running a conspiracy to abduct children, falsely imprison a family, ship them off to Brazil? For what purpose? To make a documentary that they didn't even appear in? For what purpose?

I want you to think carefully, ladies and gentlemen, I beg you to think carefully about the dates of the alleged molestation. The charge says the molestations occurred February 20th, 2003, through March 12th, 2003. They claim the molestations begin right after the filming of the rebuttal and the DCFS interview.

Now, why do they pick those dates? Because Janet and her family were so laudatory, so effusive about Michael Jackson, praising him every which way they could. "He's a father figure. He's generous. He's caring. He's sensitive. He's always there for them. He helped Gavin with his illness.”

The dates were carefully chosen to follow those statements. They couldn’t get away from those statements. They had to do something about them.

But think about this, ladies and gentlemen: How absurd is it to say molestation by Michael Jackson occurred on Gavin Arvizo between February 20th and March 12th? What’s going on at that point in time? And I will show you a timeline as well.

You’ve got international media scrutiny of Michael Jackson. He’s under a microscope, the Arvizos are under a microscope, because of the Bashir documentary. Everyone’s talking about it. All sorts of media are buzzing around. They’re following the Arvizos. They’re trying to follow Michael Jackson. There’s ample evidence to suggest that. The Arvizos don’t like it. Mr. Jackson, of course, is used to it. He seems to have generated publicity his whole career.

But to make a long story short, there is no question you have a media frenzy going on internationally.

You have a Department of Children & Family Services investigation going on as well. Mr. Jackson knows it, Janet Arvizo knows it, everyone knows it. Remember the evidence of leaks from DCFS that the prosecution didn’t care for? Everyone knows about the investigation.

Mr. Geragos is doing his own investigation into the Arvizos because he’s concerned about who they are, who they meet with, what their motives are, what they’re up to. He told you that he did a quick litigation search. He saw the J.C. Penney suit. It raised some red flags, as it should have for any lawyer pledged to protect a client, and he started his own investigation with Brad Miller, a licensed private investigator. So that’s going on.

The evidence has shown and proven that the effort to produce a rebuttal show was monumental. You had producers, you had distributors, you had agents, you had lawyers, you had different networks vying to do it. You’ve already heard about CBS being at Neverland. Janet Arvizo was there on that particular day. Mr. Geragos was there on that particular day. To make a long story short, you have an intense effort to produce this rebuttal that the Arvizos never appeared in and didn't have to appear in.

According to the prosecution, this criminal conspiracy is beginning on February 1st, 19 days before the alleged molestation. Put all this together, what does it say to you about the dates the so-called molestation occurred? It's absurd. It's unrealistic. And it makes no sense. Because the whole case makes no sense.

You know, these molestation counts and this attempted molestation count, they are completely based on the testimony of Gavin and Star Arvizo. There is no independent witness who allegedly sees any of this. Star changed his story a bunch of times, as I will show you through transcript. But he's the one who says he saw molestation one night, when all the lights were out except the light on the stairwell. The lights in the room were out, he looked for a couple of seconds, and he says he saw Mr. Jackson, lying in bed, touch his brother, who's out like a light. He's asleep. He says he saw that twice.

Gavin Arvizo says he was touched a couple of times as well. There is no independent witness to any of this. You have to believe Star beyond a reasonable doubt, you have to believe Gavin beyond a reasonable doubt, and look at the lies they told in court.

I am going to go through transcripts of their testimony, but just to whet your appetite a little bit, they are profuse in their testimony that they only had alcohol with Mr. Jackson. And you know Shane Meridith caught them with alcohol. You know Simone caught them with alcohol. You know Angel Vivanco caught them with alcohol. They were profuse in their testimony that they didn't know anything about sexuality till Mr. Jackson showed them a "Hustler"-type magazine. And we know that's false, because they were caught.

You know that Gavin looked at you, under oath, and said, “Mr. Jackson told me that if men don’t masturbate, they’ll go out and rape,” forgetting that he had told the grand jury, “My grandmother told me that.”

We will go through a transcript as well about these particular witnesses, but you have to understand there’s no independent witness allegedly watching any of this. You got to believe them beyond a reasonable doubt. You got to believe them all the way. It’s impossible.

The prosecution doesn’t like to focus on the fact there is no forensic evidence supporting any of these alleged molestation claims. No DNA supports it. There’s no semen stain or sample that supports it. No evidence of bodily fluids support it that you can link to Gavin. No hair, no fibers. They didn’t fingerprint the bottles or any of the area where he’s supposed to have been molested. No forensic evidence. No independent witness to any of this.

Conspiracy.

They have to prove beyond a reasonable doubt that Michael Jackson had a specific intent to enter into an agreement to falsely imprison, abduct children and extort.

There is no evidence that he did anything like that whatsoever. They don’t put him at meetings. They don’t record his phone calls. They don’t have anything that suggests he wanted to enter into a felony conspiracy to commit these crimes on a family. They have to prove that he wanted to abduct these children to Brazil, I guess.

How absurd is that? No plane tickets were ever purchased for the trip to Brazil. When they didn’t want to go to Brazil, they went home. And they went home when they realized Michael Jackson was not going to Brazil, because Janet was playing all sides, like so many other people around Michael Jackson. She wanted to be part of Michael Jackson’s world. She wanted to benefit from the financial, the celebrity, the public relations advantages she had with Michael Jackson.

And everybody's playing everybody to see if they can gain advantage and be with Michael Jackson. It's been the story of his life. It's why his finances have had problems despite all these millions generated.

The Arvizos were no different. Once she found the most popular celebrity in the world, who happened to be that childlike and that naive, who, unlike Jay Leno, didn't see the signs, unlike Chris Tucker, who eventually saw the signs, unlike others that got taken and disappeared, Michael brought this family into Neverland and took care of them.

Can you imagine, based upon what you've seen in this courtroom, Michael Jackson conspiring to abduct children, falsely imprison or commit extortion? Does he look like the kind of person who would do that? You saw a tape. He wants to have celebrity animal parties. He wants an international day for children. He likes to sit in a tree and do music. He says, "Other people go to baseball games and football games. I like to sit in my tree." He

likes to create. He lets children visit Neverland who are ill and sick.

Does he look like the kind of person who is even capable of masterminding a criminal conspiracy of this magnitude? It's absurd.

And to even consider it, you have to believe Janet Arvizo beyond a reasonable doubt that she escaped from Neverland, went back, escaped from Neverland, went back, escaped from Neverland, went back.

It's absurd on its face. And, ladies and gentlemen, you have to shake your head to think they would even bring a claim like that against Mr. Jackson, who, by the way, is the only person charged with it.

Have one of these other alleged co-conspirators even been charged with a misdemeanor? No. No. It was done to keep them away from this courtroom, scare them.

If you really think there was a conspiracy of this magnitude, if you really think the actions were this serious, if you really think a family was being abducted and hidden and spirited away to their doom, why do you only charge Michael Jackson? Because he's a mega celebrity and that's what this case is about. Seventy officers search his home. They don't do that in homicide cases. Seventy officers invade his privacy.

Yes, he's a human being. They find a lot of girlie magazines; "Hustler," "Playboy," "Penthouse." He does read them. Did he want the world to know that? No, that's his private life. Did he think they were going to bring it all into a courtroom and just flash it for the world? No.

They went all around his house trying to find something. And I'm going to tell you in a little while what they didn't find. But let me just go through this general outline first.

There is no incriminating statement by Mr. Jackson of any kind that, "I want these people spirited to Brazil. I want them held against their will. I want these children abducted, separate them from their mother"; nothing. In fact, throughout all of this elaborate evidence of a conspiracy, you hardly hear of him. He's not at meetings. He doesn't have a cell phone. They can do all this, you know, fancy arrows going every which way but Sunday, but where is Michael Jackson in the middle of this?

In fact, the evidence is that Janet complained to Azja Pryor and others, including Maria Gomez, that "These people are separating me from Michael Jackson." She felt she was a victim of their efforts to monopolize Michael Jackson and keep her away. And indeed, Mr. LeGrand did testify Dieter and Konitzer were intending to take over all of his affairs, all of his business matters, and Dieter and Konitzer didn't want Michael Jackson involved in their discussions.

What significant events in this so-called conspiracy is he even at? Where is he? You don't know where he is. You don't hear from him. He's at Neverland. He's in his studio. He's traveling.

Where is he when this so-called conspiracy is being hatched and operated?

Janet’s statements refute this whole idea of a conspiracy. Her actions refute the idea of a conspiracy, as you heard me say ad nauseam in my examination of witnesses: “Did you call the police? Did you call the police? Did you call the police.”

No.

The conspiracy’s happening at Jay Jackson’s apartment, a major in the U.S. Army. That’s where the interviews with Brad Miller take place. That’s where the Department of Children & Family Services interview take place. What kind of a conspiracy is going to want to meet at Jay Jackson’s apartment? What kind of a conspiracy goes on with all of these hotels, and all of these shopping sprees and all of this stuff in full view? What kind of conspiracy goes on when you’ve got a licensed, bonded mover to move her stuff into storage and put it in Brad Miller’s name?

This is not a conspiracy. There’s no conspiracy at all involving Mr. Jackson.

Now, what some of these other guys may have done on occasion is unclear, because they weren’t in the courtroom and Mr. Jackson wasn’t with them. They’re all trying to make a buck off of him, that’s clear. They’re all angling for advantage. That’s clear. The testimony that Schaffel was trying to make a buck off Mr. Jackson is clear. The testimony that Konitzer and Dieter wanted to take over his affairs is clear.

Where is Mr. Jackson in this conspiracy?

You can put him in the center of a nice photograph and you can have all these faces around him, but that’s not evidence. That’s a substitute for evidence.

Now, Mr. Jackson got himself in trouble by very innocently and naively telling Bashir, “I have allowed children into my bed. I have allowed children into my room. What do you do with a child that has no parents? What do you do? Children flock to me all over the world. I’m a childlike figure. And I see nothing wrong with it because nothing sexual happens. And the world needs more love, and children need more caring, and this is, like, kids are bringing guns to schools.”

Idealistic, naive, in light of the target he is, but not criminal in nature. And if he really were out to commit crimes, why would he go on an

international documentary and make these statements? Because he hasn’t been committing crimes.

But he has naively and idealistically and in a childlike way let people run roughshod through his home, let them sleep in his bedroom. He has opened his gates to all kinds of people. And it’s a naive way to look at the world because he is such a target. He is.

Say to yourself, why would he say these things to Bashir if he were a criminal? Why? Because he’s not.

Now, because their case is so weak, because of their concern that you’re not going to believe the Arvizos beyond a reasonable doubt, this prosecution has engaged in a mean-spirited, nasty attempt, a barbaric attempt to dehumanize and degrade Mr. Jackson. It started during jury selection when Mr. Zonen talked about his sagging music career. It continued as they flashed magazines to you throughout the trial. It continued with efforts to show you his finances to show he’s had some financial problems through mismanagement and misguided motives.

And what am I talking about?

The guy’s millions in debt and he gives a million dollars to Marlon Brando because he feels bad about his friend. He pays for everybody. Shopping sprees, hotels. He has all these sharks

around him getting power of attorney so they can sign documents for him. His generosity, his lax behavior knows no bounds because the man has a wonderful, kind heart.

But they do it thinking somehow he’ll be embarrassed, or they’ll embarrass him by this preposterous claim that because Mr. Jackson had some financial difficulties with cash flow, that he would want to abduct a family to do a broadcast that didn’t even include them, a broadcast that generated money that isn’t even close to fulfilling the debt obligations that they tried to establish.

They didn’t really do it because they think you’re going to buy that it’s a motive for a conspiracy. They did it to embarrass him and dehumanize him in your eyes because they’re worried you just might like Michael Jackson. You just might admire Michael Jackson. You just might have pity for Mr. Jackson for being treated the way they’ve treated him and for being the target of Mr. Sneddon’s actions for many years.

They’re worried, and the only way they can handle it is through dirt everywhere. To take everything he has tried to build and create and accomplish and try and degrade it and dehumanize it, and I submit it’s wrong.

And I submit it’s no substitute for evidence. It is absolute misconduct by them.

He’s not charged with possessing any illegal pornography, because no illegal pornography was found. Everything they found in his home was lawful. That was clear. He’s not charged with showing adult material to children. That’s not one of the charges here. They’re doing that to dirty him up, and try to get you to somehow make it easier for you to convict him.

He’s not charged with lax supervision. How many times in this trial have we heard that kids get all the candy they want, all the ice cream they want; that kids can run around Neverland and have fun with the animals; that they’re not supervised well enough; that the doors are open; that they run in and out of his room, in and out of his house? How often have we heard that? That they can jump on ATVs and drive everywhere.

They tried to make it look like a crime.

He’s not charged with lax supervision. Kiki Fournier said he’s too nice to people. He lets people into his house too often. He lets them run around.

And of course you know the Arvizo kids, what they were doing, in and out of everything, like they were at every house they were able to get into.

The prosecutor mentioned Dr. Esplin, our expert. Dr. Esplin said most false claims of molestation come from children ten and up and usually the motive is financial gain. And he talked specifically about a long history of deceptive behavior by the parents.

Could you have parents with more of a pattern of deceptive behavior than David and Janet?

The prosecution did us a favor. They focused on David, how he just hustled Mr. Lopez for money, and irritated people at The Laugh Factory, and irritated people at the hospital, and kept trying to get money, and concocted this scheme with Gavin, his young son, about George Lopez stealing money from a wallet.

They painted him as the bad guy, not realizing that there was no way in the world they were going to make Janet look good. And what they did was they added all the pieces to the puzzle.

This is a family where children have been taught to con, and children have been taught to lie, and children have been taught to very brashly and brazenly, and with no embarrassment or any type of restraint, call one celebrity after another, and keep bombarding them with calls, like they did to Jay Leno, like they did to Chris Tucker, like they did to Michael Jackson. This is the way they've been taught.

It doesn't mean they're irredeemable. It doesn't mean they don't have some good qualities. Azja Pryor, a very nice person, fell in love with the kids. But she wasn't street smart like Mr. Leno. She didn't see what was coming until eventually they hounded her for a truck, hounded her for money. Janet told her her tale of woe and she gave her 600 bucks, and the pattern continued.

The prosecutor mentioned Stanley Katz. He quoted Stanley Katz, Larry Feldman's good friend, who he hired in '93 to go after Mr. Jackson, who he brought into this case to take the same type of approach with the Arvizos.

Do you remember Stanley Katz, a psychologist with the Ph.D., looked at you and said, “I’ve never heard of a false claim by a teenager”? Remember he said that? Remember he said that? Did anyone on this jury believe that?

Of course you didn’t. It was self-serving, it was manipulative and it was dishonest.

Dr. Esplin is the leading authority on false claims. He’s done studies with law enforcement all around the world. He told you children ten and up are the biggest group for making false claims like this. And if you see a pattern and a history of bad behavior by parents, it raises a red flag.

Could you ever have imagined more of a history than what you’ve seen here?

I want to clarify some of the issues in the case, ladies and gentlemen, because I really believe the prosecution, with their scattered claims of too

much candy and too much girlie magazines and too much ice cream, and here, there and everywhere, are muddying the waters so you will not focus on what the real claim is.

First of all, the only alleged victim of child molestation in this case is Gavin Arvizo. The counts only relate to Gavin Arvizo. They brought in alleged victims from the ‘90s - three of them came in and said nothing happened - because they’re desperate. They are absolutely desperate. The only claims here relate to Gavin. If you don’t believe Gavin and Star beyond a reasonable doubt, acquittal is necessary.

As I said before, they’re the only witnesses to the molestation counts. Nobody else. I told you they repeatedly lied under oath and I told you there’s no independent witnesses to support their claims.

What are you left with? What are you left with? What kind of a system do we have if these kinds of witnesses can convict someone and destroy their life, with all you know about them at this point.

I talked about there not being forensic

evidence. There’s none.

You know that he went to his teacher and was questioned twice. “Did Mr. Jackson ever molest you?” And the answer was, “No.”

And that’s when the prosecution started to backpedal. “Well, we have evidence that people delay reporting, and we have evidence that young men get embarrassed about being sexually handled in a way like this.”

Some of that may be true, but how do you know it’s true here? How do you know it’s true here?

And if the prosecution has the burden to prove a case beyond a reasonable doubt, how can they come to you and respond to the fact that he told this teacher on two occasions, “Mr. Jackson never touched me,” by saying, “Well, studies show that sometimes people delay their reports”?

Is that proof beyond a reasonable doubt or is it just a wishy-washy type of explanation for something they know is devastating to their case because the problems continue: The lack of forensics, the lack of an independent witness, the lies under oath, the history of the family. Now you got a witness who Gavin Arvizo said it never happened to.

And as I said before, he’s the only alleged victim in the case.

As I said before, he made a false claim about his mother abusing him in the ‘90s. He made false claims as a child in the J.C. Penney case where he was deposed under oath. He supported his mother in everything she wanted to do.

I’m going to go through their transcripts, their testimony, and show you where Gavin and Star kept changing their stories, kept telling lies. And as I said before, the timing is outrageous that molestation is going to occur starting February 20th.

THE COURT: Is this a good place for a break?

MR. MESEREAU: Yes, sir.

(Recess taken.)

THE COURT: Counsel?

MR. MESEREAU: Thank you, Your Honor.

Ladies and gentlemen, the prosecution would like the defense to focus only on Janet Arvizo. That is their dream. Their dream is that we will focus on her and somehow the children will look clean and honest and truthful. And I want to make sure that’s not what our thrust is.

You may recall that Gavin Arvizo met Chris Tucker at his home and lied. He told him, “We made no money at the fund-raiser,” and that’s when Chris Tucker wrote a check. Chris Tucker described him as cunning, smart. He didn’t trust him.

Even at a young age, Star Arvizo told Louise Palanker, “All we got was love for Christmas,” and she began to write the $10,000 checks.

Davellin kept hassling Azja Pryor for Chris Tucker’s truck. It was relentless. She finally had to stop talking to Davellin, and she actually liked Davellin.

I don’t want to suggest, in any shape or form, this is just a target of Janet. The whole family has difficulties with the truth, difficulties with honesty, difficulties with money, and the children have been raised this way.

Now, I want to make a couple of things clear that I talked about earlier.

In the J.C. Penney fraud, which Gavin was very much a part of at a young age, Janet was arrested and got out of jail at 9:15. David got out of jail at 12:03. Janet checked into the ER at 1:11 that day claiming she’d be injured.

The family has been part of these fraud scams, not someone alone.

When David was in the picture and manipulating celebrities, he used Gavin.

Do you remember George Lopez said, “We’d go to a mall, and David would be standing there, and Gavin would be asking me to buy all these things. And I thought it was strange that the father would simply stand there, not say anything, and let his child just keep asking me to buy and buy and buy.”

But that’s the way it’s worked. Mrs. Watson

Johnson said that Star would call her asking for money and she could hear Janet in the background coaching him.

Mary Holzer said that Janet bragged to her that her kids were good actors, that Gavin knew his lines well, but Star used to falter. He wasn’t quite as smart, wasn’t quite up to it.

Could you believe how many witnesses came in to establish this MO of scamming and manipulating and lying? Can you believe that many people would come in to testify that this family has gotten in a rhythm, a pattern of going after celebrities? Because it’s worked and worked and worked. It’s a family program. It’s not just Janet’s problems.

Now, ladies and gentlemen, the prosecution has tried to focus your attention on what they now call pornography at Neverland. And they found for the last ten years’ worth of “Hustler,” “Playboy,” “Penthouse,” things of that sort. All legal. All heterosexual.

In a library of thousands and thousands of books, they found a couple of books that focused on men. And they wanted you to think that somehow Mr. Jackson was some -- I don’t know whether they’re trying to say he’s a gay man, or, as Mr. Zonen in his mean questioning, try to suggest he’s asexual. They’re not sure which way they’re going. But basically they went through this home where thousands and thousands of books have accumulated, where the evidence was, that when fans around the world sent things to Mr. Jackson, he keeps everything like a pack rat.

And what do they find? They found this book, “Boys Will Be Boys” - okay? - published in New York in 1966. Yes, it has some naked pictures of boys. It also has pictures that are not naked, okay?

And what does it say, what is inscribed in the book? It says, “Look at the true spirit of happiness and joy in these boys’ faces. This is the spirit of boyhood, a life I never had and will always dream of. This is the life I want for my children, MJ.”

Now, you’ve already seen the outtakes where Mr. Jackson talks about his not having a childhood. He was working clubs at a young age at 3:00 in the morning --

MR. ZONEN: Your Honor, I’ll object to this matter as exceeding the scope of the Court ruling.

MR. MESEREAU: Your Honor, the prosecution talked similarly about Bashir.

MR. ZONEN: It’s the outtakes.

THE COURT: The objection is sustained on that.

MR. MESEREAU: Is this the sign of a pedophile? To write an inscription in a published book of this sort?

The other book, “The Boy: A Photographic Essay,” says, “To Michael: From your fan, Rhonda,” with a little heart. “1983, Chicago,” it says in it.

Now, Mr. Zonen didn’t know what to do with that so he suggested through his questioning on cross-examination that maybe somebody had faked it. But there’s no evidence anybody faked that. They seized these things in the early ‘90s.

And was there any evidence that these books were ever shown to any witness? No. Not one witness came into this courtroom and said, “Michael Jackson showed me books of men.” Not one.

Now, we’re asking you to use your common sense in this area of alleged pedophilia.

First of all, they never put a pedophilia expert on the stand, because they were afraid. Having all of these heterosexual books and magazines doesn’t add up to pedophilia, okay?

What do you typically find? You find illegal child pornography, websites galore, pictures. None of that came in. And, yes, the prosecution suggested they would prove that, and none of it was found at Neverland. No websites of pedophilia. No child sex pictures on websites. No photographs. None of the things you typically associate with a pedophile.

And their biggest problem is repeated

editions of "Hustler" and "Playboy" and "Penthouse" and "Barely Legal" do not equate with what they're trying to prove. I'm not saying it's necessarily commendable that you have all these magazines, but you can get them at any newsstand and there's been no evidence that anything was illegal.

And if Mr. Jackson has been proven to like to read these magazines for years and years and years, how does that equate to their theory that he wanted to sexually touch a male child?

It doesn't. There's a problem with their case. And as I said before, not one of these books they found, among thousands, of males was shown to a single witness. No illegal child pornography, either in a website or anywhere else. No websites where you try to meet children, like pedophiles often do, and the rest.

This is nothing but a mean-spirited attempt to damage his reputation and embarrass him by digging into his private life through repeated searches, with 70 officers, trying to find something to dirty him up with.

They have dirtied him up, because he's human. But they haven't proved their case. They can't.

Now, you know that Gavin and Star tried to act like they're very naive on sexual matters. Do you remember that last police interview which they showed you so you would understand Gavin's demeanor? Well, you can certainly study his demeanor in conjunction with what's said, because they played for you what was said. It wasn't offered for the truth. The tape was offered to show his demeanor, but you can consider his demeanor in terms of what is said.

Do you remember, after Mr. Robel said, "We're going to bring a criminal case against Mr. Jackson, and you're the victims, you and your mom," before they'd even investigated? Do you remember he started off by looking at Gavin and saying, "Tell me something that's wrong. Give me an example of something that's wrong."

And Gavin hesitated. And you study his demeanor. He's sort of stymied. He doesn't quite know what to say. He comes up with, "Staying out late at night."

MR. ZONEN: I'll object to the content as exceeding the scope of the court ruling.

THE COURT: Overruled.

MR. MESEREAU: And then they ask him, "Come up with something else."

And he hesitates. He has this guilty look on his face. He doesn't know what to say. He says, "Break things."

And then Mr. Robel says, "How about something else?"

He hesitates. He looks stymied. He looks confused, and he says, "Kill somebody."

Did he ever say lie, cheat, or steal? Do most children his age, if you ask them, "Give me an example of something that's wrong," say, "Don't lie; don't tell the truth"?

No. And if you have time in the jury room, just take a look at the beginning of that interview.

By the way, that's the same interview where his mother's outside the door, and he says, "I haven't told my mother any of this," after they met for months with lawyers, okay?

That's the same interview where you can study his demeanor as he lies about wanting to leave Neverland because he was scared.

Didn't he testify to you that he loved Neverland, wanted to be there? Didn't he tell various witnesses he loved Neverland, wanted to be there?

Study his demeanor. That's why they asked you to look at it. Study it. And study this sort of fake notion that he's unsophisticated in sexual matters. He acts like he doesn't know what an erection is.

He's 13. His brother's been caught with girlie magazines at Neverland. He acts like he doesn't know what an ejaculation is. He acts so innocent.

They've been meeting with Feldman and

Dickerman and Masada and Katz for months. He's been talking to his mother about this stuff for months.

Do you believe for a second they went to Feldman without thinking there was some type of molestation they could pull off? Why else do you go to Feldman? Why else? Do you really believe his mother was outside the door and they never talked about it? Study his demeanor. You don't see much emotion.

You know, one of the most important moments in this trial was, I submit that when you get in the jury room, discuss this occurrence: He's on the witness stand. He describes the alleged sexual touching, the alleged molestation. You saw no emotion whatsoever.

When did you see him really get mad? When he talked about Michael Jackson abandoning his family.

Do you remember? Do you remember the emotion, the anger? Do you remember how he reacted? You can't look at a transcript and see it. You have to see it in person. He was angry because he felt that Michael Jackson had abandoned his family. They were not part of his world. And he wanted to be part of his world. That was clear.

No emotion about the alleged touching.

Plenty of emotion about, "Why did Michael do that to us?"

That happened on cross-examination. And that sums up this case when it comes to Gavin Arvizo.

Put all of this together, what do you get?

The Arvizos, Gavin and Star, tried to suggest that Michael Jackson corrupted them with these magazines. Yet Star was caught twice with his own magazines. Julio Avila caught him with a magazine in his backpack. He said, "I got it at home," when he was caught writing "Suck dick" on the wall.

That is not a naive kid on sexual matters, but they'd like you to think it was all Michael Jackson taking these innocent little lambs and corrupting their minds. And it's baloney.

They tried to tell you that Michael Jackson taught them masturbation and taught them the facts of life and, again, they were just these innocent little kids. But they were caught masturbating by Rijo, who took the stand and was as honest as can be and thoroughly abused by Mr. Zonen. Do you remember he started to wipe his eyes he was so scared about this whole event?

Gavin and Star are not what they’re trying to make you think they are.

I’ve already talked about the financial motive. It’s clear as day. You don’t keep going to all these lawyers and changing your claims unless you have a financial motive.

Demeanor? Well, in that police interview that they ended their case with, do you remember Gavin begins with, “How long is this going to take?” Do you remember that?

You’ve got a police officer stroking him along, “You’re the victim. You’re the victim. We’re going after Michael Jackson. We’re going after his people. We’re on your side. Don’t be afraid,” encouraging him to make these accusations that conflict with things that he said to the police on other occasions.

He didn’t show emotion. Remember, he’s trained as an actor. His mother’s proud of it. He’s proud of it.

Does it complicate your job?

Yes. But you have to deal with the facts.

Does it make it harder to believe him beyond a reasonable doubt?

It does. But the facts are the facts are the facts.

These are the same kids that were dancing on the stage at The Laugh Factory about their poverty so celebrities would feel sorry for them.

Now, as I said before, we’re going to get into some transcript, because transcripts don’t lie. I want to show you what they said in this courtroom so the prosecution can’t get up and just misinterpret what they said or did.

Let me cover a few more points first.

The alcohol counts. I want to be clear on what you're being asked to do. The felony alcohol counts require proof beyond a reasonable doubt that alcohol was given to molest Gavin Arvizo. He's the only alleged victim of those counts.

What they're saying is Michael Jackson, with all you know about him through this trial, would look at a cancer patient, a child, and say, "Ah-hah, I'm going to ply him with alcohol so I can disable him and molest him."

Michael Jackson couldn't even conceive of such a thing. He couldn't.

The same problems with the molestation counts exist for the felony alcohol counts, because it's allegedly giving alcohol for the purpose of molesting.

Now, Judge Melville read you the jury instructions yesterday, and there is the option of a misdemeanor count on alcohol. It's called a lesser-included. But it still requires that you believe Gavin Arvizo beyond a reasonable doubt, okay? And it still requires that the time period for the alleged molestation be the time period for that misdemeanor count.

And you can't believe Gavin Arvizo on alcohol beyond a reasonable doubt. Why?

He and Star claim they only drank with Michael Jackson. Remember that? They repeatedly say that under oath. Shane Meridith caught the two

of them in the wine cellar with a half-empty bottle of wine. Michael Jackson was nowhere around. So they lied under oath.

Rijo Jackson. He says he was in Michael Jackson's bedroom. Michael Jackson was in the bathroom. A glass and a bottle of alcohol was brought in while Michael Jackson was in the bathroom. Gavin and Star ran upstairs and then ran out of the room, and after they'd run out of the room alcohol was missing from the bottle.

Now, I ask you this: If Michael was so freely giving them alcohol, why did they have to run out of the room behind his back? Why?

Simone Jackson was in the kitchen area. Saw them come in and go to the refrigerator and take alcohol. They didn't see her.

Michael Jackson was nowhere near where they were that night. They've lied under oath about alcohol.

Angel Vivanco. He says that Star told him, "You either put this liqueur in my milkshake or I'll get you fired." Michael Jackson isn't there.

Now, the alcohol allegations don't relate to the air flight, okay? That's not the time period.

As I said before, the time period for the alcohol allegations is the same time period for the molestation allegations, which allegedly start February 20th, and I've talked to you about how

weird that is and how ridiculous it is.

But the Arvizos came up with this story on the plane about drinking alcohol, but Cynthia Bell saw none of this. And she didn't have credibility problems. They did.

Michael Jackson wanted alcohol in cans so kids couldn't see it, because he does drink alcohol on occasion and he doesn't like to advertise it. Of course, with this investigation, his personal life has been turned topsy-turvy, and they're trying to make a criminal out of him because he gets intoxicated from time to time.

You have to look at this with a human lens. You have to look at him as a human being. He's been put under this microscope his whole life as this megastar. Some say he's better known than Elvis around the world, but that has a price attached to it. And the price sometimes is loneliness and confusion and not knowing who your friends even are. And he is a human being, but he's not a criminal.

Jesus Salas. They thought he was going to be their star witness on alcohol. They put him on the stand. He said he came into Michael's room with wine, glasses and soda.

They got upset that he mentioned soda. He said, "You never asked me about it before."

Now, if Michael Jackson is giving alcohol to the Arvizos, then why is he coming into his room with soda cans for them? Why?

When the Arvizos testified that they only had alcohol with Michael Jackson, they lied, and they lied and they lied. You cannot believe them beyond a reasonable doubt. You cannot convict on those counts.

I just want to refer you to the end of this. Some of this is a little repetitive, but he's not charged with negligent or lax supervision. That's not a crime. It's not in this case. If they were running wild around Neverland because their parents let them do it or Michael let them do it, if they get ahold of the key, if they did kitchen raids, as they testified to, in the house and grabbed alcohol from the refrigerator, that's not a crime he's charged with.

He's not charged with being negligent, okay? They've got to prove beyond a reasonable doubt that he intended to furnish stuff to these kids.

I want to refer you to the third one, because, you know, in their efforts to say there's a conspiracy by Michael Jackson to abduct children, extort, falsely imprison, that because he was having a cash flow problem, despite the millions he makes every year, that he was going to engage in this scam to whisk this family off to Brazil, I'd like to refer you to the third item.

Ladies and gentlemen, turn on the television any night of the week. Don't celebrities have public relations problems? Don't celebrities get arrested, get charged, get videotaped in compromising positions, get audiotaped, get photographed? Don't people who've known them with an axe to grind come forward and tell stories? When they have public relations problems, they deal with them.

The public relations problems associated with Bashir were dealt with. You had a Maury Povich documentary to deal with it. It was a successful documentary. All of these various factors came together to produce it on the 20th. This is the way celebrities deal with PR problems. They're always faced with them, and their public relations spokespeople always tell them, “This is a crisis. This is the biggest problem of your life. We’ll deal with it. Here’s how we deal with it.”

The idea that the Bashir documentary was such a public relations problem that he would commit felonies like this is ridiculous. Is ridiculous.

Now, if some of the people around them are excessive -- I don’t know if they were or not. I mean, they brought in evidence there was a rock thrown at the Arvizo house. I mean, Michael Jackson is nowhere near that if it happened.

They brought in testimony that the Germans, so to speak, were mean to Janet, although Angel Vivanco says she was having champagne with Dieter, and they appeared to be getting along the first time and the next time they weren’t.

If anybody acted excessively, Michael Jackson didn’t. He’s nowhere to be seen. And he had no intention and would never deal with a PR crisis -- it wasn’t the first PR crisis in his career, by the way. He’s been under a microscope, a looking glass, since he was a child. He doesn’t engage in a conspiracy to kidnap a family to Brazil.

The response was the documentary, which was successful.

Okay. Now -- okay. All right.

You know, and I will show you Janet’s transcripts, you know, that she knew a lot of police officers. Do you remember I asked her all these questions about Andrew Lassak, a police officer that she knew, police officers from the MTA, the Metropolitan Transportation Authority, that she knew, and she was gladly describing how the police station was constructed? I’ll show you the transcript.

And Lassak was in touch with them. She had his cell phone number. She knew other police in the area and never went to any of them and said, “We’re in trouble. We’re being falsely imprisoned. We’re being held against our will. We’re victims.”

Nothing of this.

She told Azja Pryor she was hoping to go to

Brazil and she hoped Azja would come with her.

Now, you know that David LeGrand was concerned that Dieter and Konitzer and Schaffel, he even investigated Vinnie and Frank, who were like really young kids, he was concerned they were all engaged in self-dealing and they were taking advantage of Michael Jackson. And he hired an investigative firm in New York to investigate. Do you remember the testimony about finding an offshore account that he thought Sony had set up, et cetera? And he approached Dieter and Konitzer and said, “Where did this $900,000 go? You’ve just withdrawn it. Justify it.”

And of course Mr. Auchincloss, in a remarkable shift of position, got up and tried to prove they hadn’t stolen anything.

If LeGrand was concerned about these alleged co-conspirators and what they were doing to Michael, does that suggest Michael is involved in a conspiracy with them? Or does it suggest the same old pattern of Michael Jackson, the creative genius, generating hundreds of millions of dollars in his lifetime, and letting people sign his name, and letting people steal money, and letting people get away with all sorts of financial things? Otherwise, with what you’ve seen of his finances, why would he have cash flow problems? Why would that Beatles catalog be leveraged?

He hasn’t always managed money well, but he’s not a criminal, and he doesn’t commit crimes because of it.

You know that Weizner and Konitzer tried to take over his business, because LeGrand said so. He saw documents where they said, “We’re going to take over Michael Jackson’s affairs.” You know that Schaffel was stealing from Michael Jackson. Their star witness, Rudy Provencio, who none of you would buy a used car from, believe me, he said Schaffel was stealing from Michael Jackson.

Remember Provencio, who suddenly came up with a diary at the last minute, who was recording people’s phone calls not knowing he was being recorded as well, and in one classic comment said, "I'm not even giving my lawyer information. This is for the book, honey." Remember the word "honey"? This is the guy they want you to think you can trust, their star witness on conspiracy, who couldn't put Michael Jackson anywhere either, except in a recording studio.

They did nothing to refute the notion that Geragos, as any lawyer would in his position, put the Arvizos under surveillance. You're allowed to do that. It's done in cases all the time. People do in divorce cases. They do it in criminal cases, and they have private investigators who are licensed, like Miller was, follow people around to see where they're going.

And based on what you knew of the Arvizos, you can see why. It's not part of a conspiracy. It was a lawyer representing a celebrity client who he feared was about to be shaken down, about to be taken advantage of, who had a history of being taken advantage of, and he did exactly what he should have done. He investigated. And he was very open about what he did.

As I said before, if this was a conspiracy to hide a family, or worse, whatever they're saying, why is Miller using a bonded, licensed mover, who had pretty good record-keeping procedures, to move their stuff into storage and put it under his name?

Dickerman and Janet and Masada meet at The Laugh Factory on the 21st. Dickerman never calls the police. And as I said before, after the 21st, she continues to go to these various embassies and get her visas and her passport stuff done.

Does that suggest there's a conspiracy going on? Does that suggest she's worried? Or does it suggest, "Hey," you know, "We wanted Michael to be our family. We wanted to be included. There's nobody left now. Gavin's healed. Star's healed. We're not going to use illness to generate money anymore through any lies or manipulations. We're slipping away from Mr. Jackson. These guys are taking over his affairs. They're keeping us away from him. Now how do we get something out of this?"

Go to a lawyer.

That's what she did, and that's what she's still doing.

You've heard a lot about the body wax, the shopping sprees, the hair appointment. She had an excuse for everything, that somehow she was being forced to the orthodontist against her will, that somehow she was being forced to get a body wax against her will.

The woman from the salon came in, and it was interesting. She said Janet looked at her and said, "I'm from South America." A little strange. Sounds like she might have Brazil on her mind, and it sounds like it may not be something she's particularly concerned about.

But she was left there alone. She could have done whatever she wanted. She could have called 9-1-1 at any time. She wanted a hair appointment for the next day.

I mean, all of these witnesses came in. No one detected any concern by Janet that she was being held against her will. Nobody saw a PR crew following. Nobody substantiated any of the things Janet said to you under oath, because they're false.

Her problem, as I said before was, she figured out, "At some point Michael's not going to be our family/father soon. Now what do we do to gain?"

And here we are.

Now, the prosecutor talked about these alleged prior bad acts.

A prosecutor once told me, "Prior bad acts are a band-aid for a bad case," because none of these alleged victims are alleged victims in this case. So why do they bring them in? If they've got such a great case for Gavin being a victim, why are they bringing these people in and why are they trying to sell you false claims of molestation? And I do mean false.

Macaulay Culkin says he was never molested. He called it absolutely ridiculous. And they tried to attack Macaulay like he was trying to lie on the stand.

They want you to believe people like Ralph Chacon, Adrian McManus and Kassim Abdool rather than Macaulay Culkin or Wade Robson or Brett Barnes.

Why does a prosecution come into this courtroom and tell you these three people are victims of molestation when they are absolutely adamant they’re not? Why? If they’re trying to tell you the truth.

Adrian McManus said in a deposition under oath that Mr. Jackson never did anything to any child. Then changes her story; goes to the tabloids. She and Chacon and Abdool find out that Blanca Francia and Jordan Chandler got money, and they want money, too. They don’t want to work. They want to be millionaires at Mr. Jackson’s expense.

Ladies and gentlemen, when he settled those two cases in the early ‘90s, he became a real target for people who don’t want to work. And he still is.

McManus, a Judge in this courthouse, in this county, finds that she stole from a child’s trust. A Judge in this courthouse finds that she acted with malice against Michael Jackson. She sues Michael Jackson. He cross-complains and decides not to settle that case, just to fight it. It’s the longest trial in the history of -- civil trial in the history of this courthouse, six months. And he prevails, and he wins his cross-complaint, and there’s a judgment against McManus and Chacon and Kassim for over a million dollars.

McManus is found with materials from Neverland stored in her house. She steals from a children’s trust. She steals from Mr. Jackson. She has judgments against her. They want you to believe her over these alleged victims who come in and say, “He didn’t do anything to us.”

What does that tell you about their case? What does that tell you about how desperate they are to do something to win?

Wade Robson got on the stand and he said, “These claims that I was molested are ridiculous,” were his words.

What does Mr. Zonen do? He starts grabbing these books and shoving them in his face, books he's never seen before, and asking him to describe sex acts to you. That's his response. Abusive, mean-spirited, and having nothing to do with seeking the truth. Nothing.

Brett Barnes came in and was angry. He said, "It absolutely never happened. I wouldn't stand for it." He was angry. He flew from Australia, he gave up his job, to come here and testify that this stuff is false.

Do they want you to believe him?

No. No, put your faith and trust in Ralph Chacon, who said he wanted to be a millionaire in his deposition in that case. Put your faith and trust in Kassim Abdool, who forgot that he had signed a statement saying he never saw anything improper happen at Neverland and admitted he wanted to be a millionaire. Put your faith and trust in Adrian McManus. Put your faith and trust in all the trips to the tabloids they made through that agent they hired, who they claim their lawyer was responsible for. Don't believe these three young men who say, "We were never touched."

It's the story of this case.

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Jordan Chandler never testified. He filed a lawsuit with Larry Feldman and got money. Mr. Jackson settled that case in the early '90s. He didn't even come into court, say one way or the other. His mother hasn't seen him.

June Chandler, his mother, never testified she saw any molestation. What she testified to was that Michael became essentially a member of their family and stayed at their home in his room. She also said he stayed at her ex-husband's home in the room with Jordan, but she never saw any molestation and never testified to any.

And that's a strange story, too, because Joy Robson said, "She's a gold digger." She made a statement in an interview that men had disappointed her in her life and she didn't know if she wanted another man in her life, meaning Michael.

Joy was correct. She was out for fame and fortune, and that's what she's all about.

Blanca Francia took 20,000 from a tabloid, talked to Larry Feldman and ended up with another lawyer and settled.

Jason Francia says tickling went too far after he initially denied anything had happened. He said, "At the age of 16, money became important to me," and he settled.

And guess what? No criminal case was ever filed against Michael Jackson for any of these alleged victims.

Now, let me ask you this, ladies and gentlemen: If Jason Francia cooperated with Mr. Sneddon, and indeed he said Mr. Sneddon was there for the first meeting with his counselor, I wonder what Mr. Sneddon was trying to do? If he cooperated with the sheriffs, if he allowed himself to be interviewed -- although in his last interview, he said, "Don't tape-record it." Do you remember that? That was an interview having to do with this trial. He and his lawyer showed up at the sheriff's office and said they didn't want it tape-recorded, all right?

But let's assume, and it seems pretty clear, that he cooperated with law enforcement from day one. Remember the cross-examination on his interviews? He first denied anything happened. Then these police were leaning on him with curse words, et cetera, and he said, "Well, he tickled me," and then he started remembering it went too far, et cetera, said his genitals were touched.

Let's assume all of that's true. He cooperates. He works with Mr. Sneddon. He works with the sheriffs. Why was a case not filed? Why?

Because they didn't think they could win one with him. He took money. His mom took money. His mom went to a tabloid. He came into court and said, "Gee, I didn't even know my mom went to a tabloid."

Mr. Zonen said that to you in his closing argument a little while ago like you're supposed to believe it. He didn't tell you he didn't want his interview with the police tape-recorded, did he?

No criminal case for any of these people.

Phillip LeMarque. I've already talked Chacon, McManus, Abdool. They were all part of that group that did the same thing.

Phillip LeMarque, he was the chef that claims that Macaulay Culkin was being touched, when Macaulay Culkin says he wasn't being touched.

Remember, he was the one who tried to up his price to $500,000 for a story and said, "I was just kidding around." He had that agent representing him. He kept upping the price, and eventually he found out the agent sold the story himself.

You're going to trust him over Macaulay Culkin?

They want you to. That's what they want.

If you listen to them, Macaulay, Wade, Brett, all came here to lie under oath and say they weren't molested. Do you buy any of that?

I want to mention one other thing about these families.

The prosecution would like you to think that Michael Jackson, the manipulative monster, sort of befriends families and just uses them and discards them, and that he somehow has a pattern of doing

this, and he did it to the Arvizos, those poor souls.

These families have been friends of Michael Jackson, in one case almost 20 years. They consider Michael to be in their family. They love him as a family member. They trust him. They have stayed friends all these years, and if they wanted to develop false claims, like others, they could have. And they could have stood in line for millions, the Robsons, the Barneses, Macaulay.

They didn't.

And when their family member, their friend, was in trouble in this courtroom, they came here to testify, and they didn't have to.

Macaulay Culkin is 24 years old. He is very wealthy and very successful. He's on top of the world. He's in his 20s. You're immortal in your 20s. He didn't have to come here and testify for his friend. He did it because he wanted to do the right thing.

And the same with Brett Barnes flying from Australia.

The same with Wade Robson. He’s a successful choreographer now.

They came here to stand up for their friend in a time of need and tell the truth.

And they want you to believe Chacon, Abdool and McManus and LeMarque rather than these three individuals and their families, sisters, mothers, et cetera.

What does it tell you about their motives?

What does it tell you about their case? What does it tell you about what they’re willing to do to try and win in this courtroom?

I have some timelines I just want to quickly go through with you before we get into transcript, if I may.

J.C. Penney suit. All right. August 27th, ‘98, the arrest. Then you have the lawsuit filed in ‘99, okay?

Janet files for divorce in October of 2001, right before the settlement. The settlement checks are received, and ten days later she wants emergency welfare assistance.

And as I said to you before, this provides a lens through which you can look at this case, because the sexual assault claims evolved later on. That’s why her lawyer was so shocked at the deposition.

Janet Arvizo versus David Arvizo. 9-29-01, she tells the Los Angeles Police Department her husband assaulted her. Later on, as things evolve, she claims false imprisonment and child molestation on Davellin, where Davellin says she doesn’t remember it. Her mother told her about it.

Now, I’m not saying David is some prize character. Apparently he’s not. Sounds bad news to me and probably to you. But did he really molest Davellin? Or did Janet concoct it? And would Janet concoct false claims of sexual touching? Ask yourselves that question.

Here's the lawsuit developing against Michael Jackson.

February 21st, she meets with Attorney Bill Dickerman at The Laugh Factory. They have a number of meetings with Masada. She meets Attorney Larry Feldman April 3rd. He has her meet with Stan Katz, his business associate, on May 15th. Feldman goes to the police in June. Gavin's first interview is July. And all the while she's having meetings with Masada, Dickerman, Feldman and Katz, and the claims get bigger and bigger and bigger.

Remember the correspondence that Dickerman sent Geragos? Nothing about false imprisonment, nothing about alcohol, nothing about molestation. Begins with, "Make sure nobody has the rights to our film footage. Give us our stored materials back. Stop harassing us." Evolves, evolves, evolves.

And you got to ask yourself this question: Gavin says he never told his mother, and he went to the police and finally said, "I was molested" in July. Why did they go to Feldman in April? Why does anybody go to Feldman in a situation like this? Do any of you really think they didn't have in mind a molestation case when they went to Feldman?

And you know something? Three lawyers in this courtroom, Feldman, Dickerman and a lawyer for Blanca Francia, all told you Gavin, Star, Davellin, they have till the age of 18 before the clock starts ticking on a civil suit. Feldman told you there's still time for Janet to sue Michael Jackson. And he told you he filed a Notice of Claim against Los Angeles County, and there's still time for Star and Gavin to file a claim against Los Angeles County.

And Janet on the stand tried to hesitate about whether he still represents her. They were playing all these games. But the fact is, he'd been on the phone with her recently, he'd been on the phone with Jay Jackson, he had been helping her with subpoenas. What do you think is going on?

If the time hasn't run to file a civil case, and if a conviction here allows you to automatically win it, and the lawyer's still in touch with these alleged victims, what do you think is going on?

And by the way, remember in the J.C. Penney case, in her deposition Janet said, “Initially I only wanted an apology, and I said there would be no civil suit.” Do you remember that?

Did she keep her word? Did she file a civil suit eventually when she realized, “I can get some money out of this deal?” Did sexual assault claims then evolve later on?

Yes. Same pattern. Same motives. Same lies.

Just like here. Just like here. She just needs one more thing: You to convict Michael. All this group wants. Masada, Dickerman, Feldman, Katz and the Arvizos. That’s all they need. And you have that power in your hands to make them rich, and they’ll never have to work a day in their life. You have the power.

I talked about the questionable timing of this so-called molestation. February 6th, airing of the Bashir documentary. There’s a suspected child abuse report filed with DCFS February 10th. You have the rebuttal taping and the DCFS interview on the 19th and 20th. You got all these things going on.

Look when they say the alleged molestation takes place. Does it make sense to any of you? How can it?

Their problem was what they did on the 19th and 20th.

Ladies and gentlemen, remember when Janet was asked questions about the Brad Miller interview on the 16th of February where she praised Michael Jackson as a father figure, someone who came into their life, mentored her children, kind, considerate, and she said it was all true. I’ll show you the transcript. She said it was all true.

But then she got there on the 20th and said it was all scripted, and she said essentially the same things.

They had to allege molestation after the 20th because of all the statements they’d been making before that date. It’s purely a manipulative gesture. And you’re going to see through it, I believe.

At this point I’d like to go into some of the trial testimony of Gavin Arvizo, because I think you’ll find it quite revealing, especially in light of what Mr. Zonen said to you today.

“Did you ever go down there and drink any alcohol without Mr. Jackson being present?

“No.”

Under oath.

“And did you have -- don’t tell us what she said, just tell us - I want to know - did you have any conversations with her?

“Yes.

“Did you have any conversation with her about leaving?

“Yes.

“Did you want to leave, you personally?

“Not really, because I was kinda having fun.”

This is about leaving Neverland.

Remember the police interview they showed you at the end of their case?

“I was scared. I wanted to leave.”

He’s asked about the Bashir documentary where, as you know, he said nothing bad happens in Mr. Jackson’s bed. Remember that?

Well, as I said before, when all the furor starts and all the pressures from every side begin and the storm starts building is when they now claim molestation happens.

He’s asked about Mr. Jackson:

“Did Mr. Jackson ever say anything to you about going to Brazil?

“Yeah.

“What did he say?

“He said that we were going to go to Brazil, that we were going to have a good time.

“Do you remember anything else Mr. Jackson said to you about the trip?

“That he was going to come a week later after we got there.”

Now, assuming that’s true and assuming they are planning a trip to Brazil, all of them, why can’t you cancel it? And wasn’t it cancelled? The tickets weren’t purchased. The trip was cancelled. Nobody went out of the country. The Arvizos went home.

Where’s the crime? Please tell me. Where’s the crime? Is it a crime to plan a trip abroad and cancel it?

If you listen to the prosecution, it was a crime when Mr. Jackson thought of having a press conference in Florida and then cancelled it. Big nefarious part of a conspiracy. Nonsense.

“We would only drink with Michael.”

“So -- all right. So when you came back from Calabasas and Mr. Jackson was there, did you drink with him?

“Yes.”

He keeps saying they only drank with Michael, but the witnesses have proven that’s a lie. A lie under oath. Repeatedly he says it. Why? Because it’s to their advantage to say it. And you’re supposed to believe him beyond a reasonable doubt on alcohol. He’s the only alleged victim with alcohol.

This is Mr. Sneddon’s questions:

“And where were you when you saw Mr. Jackson coming up the stairs?”

Do you remember the testimony of Star and Gavin about Mr. Jackson coming up the stairs of his room naked? I’d like you to look carefully what happens here.

Mr. Sneddon: “And where were you when you saw Mr. Jackson coming up the stairs?

“Me and my brother were laying on the bed.

“Q. And what were you doing?

“I think we were just laying there.

“Q. All right. And Mr. Jackson came up the stairs. Did you notice anything?

“Yeah, he was naked.

“Q. When you say ‘naked,’ what do you mean by that?

“A. Like not clothes on.

“Q. Did Mr. Jackson do or say anything at that point in time?

“No, he just ran up and just got something and went back down.”

“Q. By Mr. Sneddon: I’m sorry?

“A. I think he just ran up there and got something and went back downstairs.

“Q. Do you recall him saying anything at that point?

“A. No.

“Q. And what was your reaction to what you saw?

“A. Nothing. It was just kind of like -- me and my brother were kind of like, ‘Eeuuww,’ you know what I mean.

“Q. Kind of like what?

“’Eeuuww,’ like we never really saw a grown man, like, naked before.”

Which, of course, is baloney, but....

Here we go again. At some point -- now, they’re trying to make that look like some kind of a molester or something, that Mr. Jackson was in his room, came out of the bathroom, came up the stairs, saw them, and ran back down again. Nothing nefarious happened at all.

“Q. At some point did you tell somebody else that you’d been drinking alcohol in connection with the fact that you had to collect your pee in that bottle?

“Yes.”

Now -- keep going.

“Who was that?

“It was my mom.”

I want to present something to you. He admits at 4:00 in the morning telling his mother that he had wine. His mother admits on the stand that that happened, that she knew he had wine. They have an appointment at Kaiser Hospital that morning. Janet takes possession of the urine sample. Vinnie’s driving. Now, does Gavin want that test if he’s been drinking wine? Does Janet want that test if she knows he’s been drinking wine? Do they really want to go to Kaiser and have him fail that test?

What she came in here and said to you was, “I noticed suddenly urine was missing and we never had the test.”

Do you believe her? Do you believe Gavin?

Should you believe them? Is it possible the two of them didn’t want to have the test? They wanted to make their appointment, because this was their treating physician. Do you necessarily believe Vinnie had something to do with this?

Think about their lack of credibility, their lies under oath, their manipulative scams and schemes. Are you sure they’re victims when it comes to this urine sample and lack of test? What do you think?

Let me go back:

“What did you say to your mother?

“Well, I called her and I told her, ‘Well, Mom, you know how Jesus drank juice? I mean, Jesus drank wine?’

“And then she told me -- I don’t know. I don’t remember what exactly she said. She said like, ‘Yeah.’

“And then, like, I just tried to tell her that -- I’m not really too sure what happened in that conversation. I know I called my mom and I told her.”

Their assumption is you must believe everything Janet said about suddenly finding urine missing, that they’re victims. Why should you believe it?

I know this: Michael Jackson’s nowhere near any of this.

I actually thought this was going to appear a little earlier, but we’re back on that subject of Mr. Jackson going up naked, seeing them and running down the stairs. This is Mr. Sneddon:

“And the time you said he was naked --

“Yes.

“-- and I asked you whether or not he said anything to you at that particular point in time --

“Uh-huh.”

“--and you said you didn’t recall anything?

“I do not.

“Do you recall testifying at the grand jury?

“Yes.

“You testified there a couple of times, did you not?

“Yes.

“One time that I asked you questions and one time Mr. Zonen did?

“Yes.

“Would it refresh your recollection if I showed you what you said to the grand jury about that incident?

“Probably.”

And in other words, Mr. Sneddon didn’t like the answer when he said nothing happened. Mr. Jackson did nothing untoward or improper. Mr. Jackson ran up the stairs, saw them, and ran down. That wasn’t enough for Mr. Sneddon, so he wanted to give a transcript to his own witness to remind him of what he should say.

Okay. So he does it. He does it, right in front of you:

“Gavin, with regard to that portion of your testimony when you indicated to this jury just a little while ago that you had no recollection of what Mr. Jackson said when he walked in front of you naked; do you recall that?

“Yes, well, he didn’t really walk. He just came up the stairs.

“He came up the stairs?

“Yes.

“And you saw that he was naked?

“Yes.

“And I asked you if you recall whether he said anything to you, do you recall that, in front of this jury here?

“Yes.

“And you said you did not?

“Yes.”

And it goes on and on. It’s the story of this case. Anything to win.

THE COURT: All right. We'll stop for the afternoon. See you tomorrow morning at 8:30.

(The proceedings adjourned at 2:30 p.m.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 12777 through 12928 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on June 2, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
June 2, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
OFFICIAL COURT REPORTER

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER’S TRANSCRIPT OF PROCEEDINGS

FRIDAY, JUNE 3, 2005

8:30 A.M.

(PAGES 12930 THROUGH 13055)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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Santa Maria, California
Friday, June 3, 2005
8:30 a.m.

THE COURT: Good morning, everyone.

COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.

THE COURT: Mr. Mesereau?

MR. MESEREAU: Thank you, Your Honor. Good morning.

THE JURY: (In unison) Good morning.

MR. MESEREAU: Ladies and gentlemen, yesterday I summed up for you a history of con artists, actors and liars in the Arvizo family. I talked about welfare fraud. I talked about perjury. I talked about the J.C. Penney case. I talked about fake disability claims. Fake food stamp claims. Fake unemployment claims. Signing documents under penalty of perjury that are false. I talked about fake bank accounts.

I talked about Janet Arvizo putting her children on stage to do plays about their poverty.

I talked about Gavin being an actor.

Chris Tucker telling you that he was cunning and smart; that he didn’t trust him; that he warned

Michael Jackson, “Stay away. Something is wrong with these people.”

And unfortunately, Michael didn’t listen.

With respect to the issue of actors, please consider, additionally, the following:

Gavin Arvizo testified that when he went to Neverland to do the Bashir documentary, he thought it was an audition. Janet Arvizo in the rebuttal video testified her children wanted to be in movies.

There is evidence that Star wanted to be in a documentary and that’s why Michael Jackson did the Neverland documentary that Star narrated.

These people wanted to be actors. They wanted to be around celebrities. They are actors.

And Paralegal Mary Holzer told you that Janet admitted to her that Gavin knew his lines, Star had trouble, and she was coaching these kids in the J.C. Penney case.

I told you that the J.C. Penney case had two primary players, Janet and Gavin. It began with Gavin shoplifting, and his testimony under oath at a very young age buttressed Janet’s fraudulent claims.

You can’t just look at the Arvizo family in terms of Janet’s misdeeds. You’ve got to look at the whole group. You’ve got to look at broad scams.

David, as I said yesterday, was more like a bull in a china shop. He just comes out and says, “Give me money.”

Janet’s much more sophisticated. She gets to know you. She hugs you. She loves you. You’re part of her family. And then she tells you a tale of woe and she gets money.

Hamid was the classic example. She tells him her tales of woe, and he writes her a $2,000 check, and he hardly knows her.

Now, Mr. Zonen yesterday made a broad statement to you, and you have to take his broad statements and put them under a microscope in the jury room. He said, “Michael Jackson shows adult material to kids.”

My question to you is, who?

Macaulay Culkin never said he showed him anything. Wade Robson never said he showed him anything. Brett Barnes never said he showed him anything. Jordie Chandler didn’t testify. And even Jason Francia, who said he was improperly tickled, never testified that Mr. Jackson showed him any adult material.

The only people who have come before you to say they were shown adult material by Mr. Jackson are con artists, actors and liars.

And the only forensic evidence they had to hang their hat on are fingerprints on some girlie magazines that were owned by Michael Jackson. And you know that everywhere the Arvizo children went, they would rummage through drawers, rummage through the house. They did it at the dentist’s office. They did it in Vernee Watson Johnson’s home. This is the way they behave.

And unfortunately, Michael was rather lax and generous, as Kiki Fournier said, too generous in letting people run through his room, run through his house, run through Neverland. And he’s paying a price for it right now.

But it’s not a crime.

There is a piece of evidence lacking in the prosecution’s case that is very significant, particularly with allegations like this. And let me explain what I’m talking about.

Typically, in a sex-crimes-type investigation -- and let’s face it, in this case, you’ve had at least 70 officers running everywhere trying to find anything they can on Michael Jackson because he’s a mega celebrity.

But typically in this kind of investigation, you have what is called a pretext phone call.

Typically, the police will get the alleged victim, they will sit with the alleged victim, and they will talk about making a phone call to the person who’s suspected of committing the crime. And I’m sure you’re familiar with this from television. They will make the phone call. The so-called victim makes the call, and the so-called victim is told to ask certain questions that are incriminating in nature.

For example, Gavin could have called Michael Jackson and said, “Why did you improperly touch me? Why did you do that to me in bed? Why did you touch me that day we were together? Why, when we were in the wine cellar drinking, did you do this or do that?” And typically the police are listening in, and they’re recording it, and that becomes their primary evidence.

Now, particularly in a case like this, where you have no independent witnesses, with credibility, watching the alleged molestation, and you have no forensic evidence to support it, you would think, if they did anything, it would have been a phone call like that.

You know why they didn’t do it?

Look at that police interview. Gavin refuses. Doesn’t want to make a call to Michael Jackson. And Gavin is someone who has been schooled by his parents to very effortlessly call celebrities, one after another, after another, after another. He’s not shy about phone calls. He’s not shy about contacting Jay Leno, Chris Tucker, Michael Jackson, Suli McCullough, you name it.

Why no recorded phone conversation with an incriminating statement from Michael Jackson?

Because he knew if he did that, he wouldn’t get an incriminating statement, because it didn’t happen.

Now, they’ll probably tell you he was terrified, he was scared, he was traumatized to be on the phone. That’s a bunch of baloney.

I’m going to show you Gavin testified on the witness stand that Michael is a nice person, even in this courtroom. He’s not afraid of Michael. He’s angry that Michael abandoned his family and didn’t take care of them for the rest of their life.

And as I said yesterday, they put demeanor in issue. The only time you ever saw him get angry was when we talked about what Michael really had done for he and his family and what had happened. And his anger came out when he made the false statement that Michael had done nothing for his family.

Remember, he started using this scripted phrase, “In my 11-year-old mind, I believed George Lopez had done more, because he went to the hospital and bought me clothes. In my 11-year-old mind, I thought others had done more because they were at the hospital. In my 11-year-old mind, Michael Jackson hadn’t done much for me at all.”

And I went through all the things he had done. The visits to Neverland, the plane flights, the hotel, the truck, all the blood drives, you name it. The gifts, the watch, the jacket. I’ve probably forgotten half of them.

Michael did all sorts of things for this family. The problem was, they wanted it to continue, and they realized at some point it would not continue. Michael was not going to be their benefactor for the rest of their life, and that’s when all the trouble started.

In that police interview, where the prosecution says you watch the demeanor of a victim, you see a victim of molestation act in an inappropriate way, the way you would expect, you will also see someone who’s an actor. You see someone who is acting. And you see someone who’s hesitant about condemning Michael Jackson, who fundamentally he likes, because he said he liked him right on the witness stand. I’m going to show you.

So you’ve got to look at that tape with skepticism. You’ve got to look at it and be very careful with what conclusions you draw, because as I said before, Mr. Robel had already decided he wanted a criminal case. He already decided the Arvizos were victims. He knew nothing about their background as con artists, actors and liars.

I also said to you, when asked, “What’s a bad thing?” Gavin never said, “Lie.” Never said, “Cheat.” Never said, “Steal.” He had to struggle.

And he talked about killing people, he talked about breaking things. I went back to the transcript. He talks about breaking a window. He talks about staying awake at night.

Now, isn't it normal for a child, when pressed to that extent, "Tell me something else that's wrong. Tell me something else that's wrong. Tell me something else that's wrong," to say, "Not tell the truth? To lie"?

He can't say it, because that's the way he's been raised. And even when he was asked, "How did you learn right from wrong?" he never really had an answer to that. He said, "I kind of figured it out myself." Just look at the tape.

Gavin, as Chris Tucker said, cunning, smart. He worried him.

And he and Star tried to make it look as if they were innocent little lambs and Michael taught them everything about sex. They didn't know what an erection was until they met Michael. They didn't know what ejaculation was until they met Michael. It's all Michael, Michael, Michael.

And I said yesterday, if you convict him of anything, they are going to be multi-millionaires through Attorneys Feldman and Dickerman. It's all set up. They're just waiting. Waiting to celebrate. Waiting to walk into court. Waiting for the biggest con of their careers, right here. They just need you to help them. That's all.

You have to look at the changing stories. You have to look at the inconsistent statements by Gavin and Star, because they're the only witnesses to this so-called molestation.

And as I said to you yesterday, look at that tape. Gavin says he's being molested after they get back from Florida. That only changes when they realize what the import, what the effect of the rebuttal tape and the DCFS interview is, where they praise Michael to the hilt, where they say he's wonderful, he never would touch them.

They don't change the dates till they realize they told the social workers, in Jay Jackson's apartment, from the DCFS that they were angry about these accusations. Gavin said he was angry about this claim that Michael had touched him. It's only when they realized what this all does that the dates change.

He says in that police interview, "I think he touched me five times." He says here it was twice. Everything starts changing.

And I'm about to show you some transcript testimony of him which I think will raise even more red flags:

"Q. You went to two lawyers and a psychologist, who Larry Feldman referred you to, before you went to any police officer, right?

"Yes.

"Now, these weren't the first attorneys you ever talked to, correct?

"I've talked to other people, other attorneys before."

This is a 15-year-old alleged victim whose family has been swimming around lawyers and swimming around manipulations and swimming around false claims for years.

Officer Robel said that Gavin told him that his grandmother made the statement of, "If men don't masturbate, they'll rape a female." But he came into court and said, "Michael Jackson told that to me." He was confronted with that lie. And what was his explanation?

"Q. But your grandmother said to you, 'If men don't do it, men might get to a point where they might go ahead and rape a woman,' correct?

"Yes. Michael also told me that."

Now, what are the chances of his grandmother and Michael telling him, word for word, that identical statement? He's a liar, he's a perjurer, and that's an excuse.

This is where he has the discussion with the teacher, where he says, "Michael never touched me," okay? And I want you not just to look at what he says, okay? I want you to envision and recall how he tried to finesse it on the witness stand:

“Okay. And the purpose of the discussion was what, if you know?
“A. It was probably about Michael.
“Q. Okay. You say ‘probably about Michael’?
“Uh-huh.
“But you’re not sure?

“A. I’m not sure that the whole conversation was about....”
“Okay. But sometime in that conversation, Dean Albert looked at you in the eye and said, ‘Are these allegations that Mr. Jackson sexually abused you true,’ right?
“Uh-huh.
“And you said they were not true, right?
“Yeah. I told them that Michael didn’t do anything to me.
“And the second time he asked you, you said to him, ‘No, he did not touch me in any sexually inappropriate way,’ correct?
“A. I don’t know.
“You don’t know?
“A. I’m pretty sure I told him that.
“Okay.
“But, I mean, I don’t know how exactly it happened.”

That’s Gavin, in this courtroom on the witness stand, fudging around, finessing how he’s going to handle the fact that he went to a teacher and twice said, “Michael Jackson never touched me.”

Okay. Now, I only put this statement up here because you may recall Davellin got up and said, “All my brother ever did in class was talk when he shouldn’t have,” okay?

And what they were trying to do, because they’ve all been scripted by their attorneys, they want you to think that he’s a molestation victim, and suddenly became aggressive, and combative, and had disciplinary problems because of the molestation.

And Davellin kept saying, “The only problem he had at school was speaking when he shouldn’t.”

We went through a litany of problems with all these teachers. Getting up and singing in the middle of class. Fighting. Remember, he said, “One teacher, I lost respect for him. He sunk down to my level.”

This is a very precocious disciplinary problem, this person Gavin, not the little lamb they want you to think he is.

“Okay. And in summary, you’ve had some disciplinary problems with Mr. Geraldt, right?

“A. I had a lot of disciplinary problems.

“Q. What disciplinary problems did you have?

“A. I would get into fights sometimes at school.”

I only put that there because Davellin testified under oath he never got in fights.

You know what’s interesting? Do you remember, every Arvizo witness said they’ve never discussed the case with each other. All these Arvizo witnesses said, “We don’t talk about Bashir together.”

And I looked at Davellin and I said, “Well, how come on that rebuttal video your mother looks at Gavin and says, ‘Let’s hold hands like you did in Bashir’? How could that happen if she didn’t look at the Bashir documentary?”

And she had no answer.

“Q. Do you remember telling the Santa Barbara sheriffs that Michael Jackson first touched you inappropriately during your last days at Neverland?

“Yes.”

But hasn’t he made statements that he was inappropriately touched right after the Miami trip?

When did this change? I just told you when it changed. When they realized that these statements were going to haunt them: Brad Miller, the rebuttal video, and the DCFS interview.

“Okay. Were you ever personally threatened by anyone associated with Mr. Jackson?

“No.

That’s testimony in this courtroom. Look at the police interview they showed you last week. He says Frank said his mother would be killed. He flip-flops all over the place, because he’s a liar.

“Q. Do you recall telling them the following, ‘We didn’t drink a lot’?

“A. No.

“Would it refresh your recollection if I show you a transcript from that interview?

“Yes.”

I’m talking about the police interview. Gavin and the Santa Barbara sheriffs.

“Q. Mr. Arvizo, have you had a chance to look at that page?

“A. Yes.

“Q. Does it refresh your recollection about what you told the Santa Barbara sheriffs?

“A. Not really.

“Q. You told them, “We didn’t drink a lot,’ right?

“A. I don’t know. It says it on there.”

Didn’t he tell you they drank night after night after night? How many lies does this guy have to tell for you to see what’s really going on?

“Q. You initially told them you didn’t drink a lot?

“A. That’s true.

“Q. So you are saying that at different times you gave Mr. Sneddon different accounts of when the molestation supposedly happened?

Witness: “Yes.”

That’s Gavin admitting all the flip-flops, the different stories, the fabrications, the inconsistent ways of describing what happened. He’s not truthful.

And as I said yesterday, if you don’t believe him beyond a reasonable doubt, if you don’t believe Star beyond a reasonable doubt - and wait till you see what’s coming up on Star - they’re out of the box. It’s over.

“Q. Until you realized that you were not going to be part of Michael Jackson’s family, you never made any allegation of child molestation, correct?

“A. I didn’t want to be part of his family. I just saw him as a father figure.

“Q. Until you left Neverland for the last time, you never made any allegation of child molestation, correct?

“A. I didn’t tell anyone until I left for the last time, correct.

“Q. And you never called the police until after you’d seen two lawyers, right?

Witness: “Yes, it wasn’t until I saw two lawyers until I told the police what really happened.”

When you’re molested, when your family thinks you’re molested, when parents think their child is molested, who do they go to? The police or lawyers?

“Q. Let me ask you what you’re talking about. Do you think when your mother said Michael Jackson was honest and told the truth that she was being truthful?

“A. Yes. He’s a nice man.”

He said Michael’s a nice man right in the courtroom to you under oath.

“Q. Mr. Arvizo, you were caught masturbating at Neverland when Michael Jackson wasn’t even around, weren’t you?

“A. No.

“Q. You were caught masturbating in a guest quarters, weren’t you?

“A. No.

“Q. No one ever saw you do that?

“No.

“No one ever talked to you about that?

“No one ever talked to me about it.”

That’s false. Rijo didn’t come in here and lie under oath. Rijo told the truth.

“Q. Was Rijo ever in a guest room with you when you were watching T.V. at Neverland?

“A. Um, no. I don’t remember really. I mean, I might have hung out with him in a guest room for a minute, but, I mean, I don’t remember watching T.V. with him.”

Lying.

“You don’t?

“No.

“Are you saying you don’t remember or are you saying it just didn’t happen?

“A. I don’t think it happened.

“Q. Okay. Do you recall ever telling Rijo you wanted to look at adult movies on television at Neverland?

“No, I don’t remember that.

“Ever remember stealing alcohol from Michael Jackson’s bedroom when Rijo was present?

“No.

“Ever remember masturbating in front of Rijo?

“No.

“Now, earlier in your testimony, you said the only time you ever tasted wine was in church. Do you remember that?

“Yes.”

Does anybody believe that? Do you think he never had had wine except in church? Based upon what you’ve seen about this family and what they say, and what they do, and how they change their stories, and how they lie under oath with no respect for the oath whatsoever, do you believe that?

“Q. Are you telling the jury the only time you tasted wine before you went to Neverland was in a church?

“Yes.

“Did you ever tell Rijo or anyone else at Neverland that you knew what wine tasted like?

"No, I don't remember telling them that."

Does Rijo have a history of fraud and acting and lying? No.

Does Gavin Arvizo? You bet.

"Q. Mr. Arvizo, when you claim you were inappropriately touched by Mr. Jackson, you claim there were no witnesses watching, correct?

"Yes."

And I identified that problem yesterday.

You got a lying witness, no independent witness supporting it, and no forensics.

And by the way, they want you to think these fingerprints on a couple of magazines are bombshell forensic evidence.

What are they evidence of? That he looked at Michael's magazines.

Are they evidence of any of these crimes?

No.

No DNA, no semen, no hair, no fiber.

Nothing.

"Q. Never knew an employee named Shane Meridith at Neverland?

"A. If I did, I don't remember that.

"Q. He caught you with an open bottle of alcohol at Neverland, didn't he, when Michael Jackson wasn't even around?

"A. No."

Do you trust him or do you trust Shane Meridith, who was an impeccable witness? He works at Lompoc. He was a truthful witness, and he had no reason to come in and lie. He doesn't even work at Neverland anymore.

"Q. Do you remember ever telling Chris Tucker that you didn't make any money from the fund-raiser?

"A. No. Well, what fund-raising?"

Look at that.

"Q. A fund-raiser for you at The Laugh Factory.

"No, no, because we did make money at the Laugh Factory.

"Q. Yes. So you never told Chris Tucker, 'We didn't make any money from the fund-raiser'?

"A. Why would I say that when we did? No, I never said that.

"Okay. Do you recall yourself asking Chris Tucker for money?

"No."

Who do you believe, Chris Tucker or Gavin Arvizo? Why would Chris Tucker come in here to testify and lie? He's one of the most successful actors in the world. He is flying high. He is popular all over the planet. Why does he need to come in here and testify and lie?

Do you believe him or do you believe Gavin? Because you got to make a choice.

Now, I want you to watch all of this. This is Star's testimony from the courtroom in front of you, under oath, about these claims:

"Okay. Before you testified yesterday, had you ever discussed what you were going to say with your mom?

"No.

"Before you testified yesterday, had you ever discussed with Gavin what you're going to say?

"No.

"Before you testified yesterday, had you ever discussed with your sister Davellin what you were going to say?

"No.

"Have you ever discussed this case with your mom?

"No.

"Ever discussed this case with Gavin?

"No.

"Have you ever discussed this case with Davellin?

"No.

"Never discussed it with your mom before you went" --

This is about the J.C. Penney case, by the way.

“Never discussed it with your mom before you went into the deposition, right?

“Yes.

“Just like you’ve never discussed the facts of this case with your mom at any time, right?

“Yes.

“And didn’t you say under oath that your mother and dad never fight? That’s in the J.C. Penney deposition.

“Yes.

“Was that true?

“Um, I really don’t -- sometimes.

“I’m sorry. I didn’t understand your answer. When you told -- excuse me, let me rephrase. When you stated under oath in the J.C. Penney deposition in the year 2000 that your mom and dad never fight, were you telling the truth?

“No.

“Did someone tell you to lie in that deposition?

“A. I don’t remember.

“Q. You don’t remember at all?

“No, it happened a long time ago.”

Now, this kid’s lying at the age of what, nine, ten? He never discussed it with his mother? Nobody told him to lie? Nobody told him what the case is about? It starts with him shoplifting.

“Q. You also said in that deposition, under oath, that your dad never hit you. Do you remember that?

“A. Not really.

“Q. Would it refresh your recollection if I show you that page?

“Sure.

“You were asked if your dad ever hit you, and you said, ‘Never,’ right?

“Yes.

“Was that the truth?

“No.

“Did someone ever tell you to lie about that under oath in your deposition in the J.C. Penney case?

“A. I really don’t remember.

“Q. Don’t remember at all?

“A. No. I don’t remember nothing from there.”

Is he telling you the truth? Do you trust him? Do you trust him beyond a reasonable doubt? Do you trust him to the point where you’re going to convict Michael Jackson, take away his freedom and reputation? I don’t think so, ladies and gentlemen. These are terrible witnesses.

“Q. Have your -- excuse me. Did your father ever coach you about what to say in the J.C. Penney deposition?

“No.

“Did your mother ever coach you about what to say in the J.C. Penney deposition?

“No.”

Then who told them to lie? Who told them to lie to get money from J.C. Penney? He’s a young kid.

“Please tell the jury why you lied under oath.

“I don’t remember. It was like five years ago. I don’t remember nothing.

“By the way, do you remember yesterday when you told the jury that on that plane you looked at a soda can that Michael Jackson had, and you saw a red ring around it?

“A. Yes.”

Remember that testimony?

“Q. You told that to the police in one of your interviews also, didn’t you?

“I think so.

“Q. You also told the police that you looked in the can and saw white wine, correct?

“A. When?

“Q. When you told them there was a red ring around the can, you then told them that you looked in the can and saw white wine, remember?

“A. I don’t remember saying that.

“Would it refresh your recollection if I show you a transcript from a police interview?

“Sure.”

Look what he says:

“The lady might have misheard me.

“Excuse me, what did you just say?

“A. I never looked into the can.

“Q. You said a lady might have misheard you?

“A. The -- I don’t know what her -- what the --

“The court reporter?

“Yes.

“Oh, you think the court reporter made a mistake?

“Yes.”

Any of you believe that?

“Q. Do you recall ever being caught in the wine cellar?

“A. The wine cellar doesn’t have a combination lock.”

Look at that answer.

“Do you recall ever being caught in the wine cellar drinking wine when Michael Jackson wasn’t present?

“A. Never.”

Flat-out lie. Shane Meridith caught them.

“Q. Never happened?

“A. It -- it’s always locked, and it always -- it -- to unlock it, you need a key. There’s no combination to get in there.

“Let me repeat my question. Do you recall ever being caught in the wine cellar at Neverland with Gavin drinking wine when Michael Jackson wasn’t even there?

“No.

“Are you saying that never happened?

“Yes.

“Do you recall ever being caught at any other location in Neverland drinking wine when

Michael Jackson wasn't there?

"No."

And you already heard the witnesses that contradict them. Lies under oath about a fundamental issue in this case. Reasonable doubt all over the place when lying witnesses come in and make these claims.

"Okay. That never happened?

"A. Yes.

"Okay. Now, you just told the jury voluntarily where the key is to get in the wine cellar, right?

"A. No, I said that the door -- the wine cellar needed a key to get in there.

"And you knew where the key was, correct?

"I knew it was in the lounge.

"You knew where it was hanging in the lounge, right?

"Not exactly. I didn't know where it was hanging. I just knew it was in the lounge."

He always has an out.

These kids knew exactly how to get in the wine cellar, and they were caught repeatedly all around Neverland getting into everything.

Okay. Another subject:

"Had you ever seen any girlie magazines in your life before you say Michael Jackson showed them to you?

"Um, no.

"Never?

"Well, I was only like 11 or 12.

"Weren't you caught at Neverland looking in girlie magazines?

"I said no.

"No one ever caught you and your brother looking at girlie magazines at Neverland?

"Never."

He was caught by Julio Avila with a girlie magazine in his backpack and said it was from his own home.

"Okay. Okay. And your testimony is, until you got to Neverland, you and your brother had never looked at girlie magazines at any time; is that right?

“Yes.”

Flat-out lies. Con artists, actors, liars.

Look at this, Star’s testimony here:

“You told the police in your first interview you looked at www.pussy.com?

“No, I was making an example that I was trying to say. That wasn’t the exact site. I’m just saying I was just making an example.

“Okay. You also told the police you might have looked at www.teenpussy.com, right?

“A. No, I never said that.

“You never said that to the sheriffs?”

All right. But this is a guy who never learned anything about sex until he met Michael Jackson. You’re supposed to buy that beyond a reasonable doubt.

This is that stairwell incident, okay?

Now, do you remember Gavin said Michael Jackson came out of the bathroom, ran up the stairs, saw the two of them there and ran down and nothing happened? And that’s what Mr. Sneddon kept trying to get him to say, something bad happened, and he couldn’t remember anything bad happening. He said he barely saw Michael Jackson.

But this is what Star says:

“And you claim you went up the stairwell” --

Excuse me, this is the -- pardon me. This is when he says he saw molestation. This is when he says he saw molestation, and he’s the only witness to it, there’s nobody else. And he sees his brother touched in bed, and his brother doesn’t know what’s going on because he’s asleep, remember?

“And you claim you went up the stairwell and saw Mr. Jackson and your brother on that bed on two occasions, right?

“Yes.

“You also told the jury that those lights were off, correct?

“Yes.
“You told the jury there was a light in the stairwell that was on, but those lights over the bed were off.
“Yes.
“You’ve also told the grand jury that you only watched for a couple seconds.
“Yes.
“So those lights are off. A light on the stairwell is on. You see it for a few seconds, and you run, correct?
“A. Yes.
“Okay. Both occasions?
“Yes.”
All right. You have a lying witness. He says there’s no lighting in the bedroom. He says it happened for a few seconds, and he ran. Nobody corroborates it. And no forensics prove it. And you’re supposed to convict Michael Jackson of serious felonies beyond a reasonable doubt on the basis of this guy alone. It’s ridiculous. 12959

“Q. Do you remember telling the Santa Barbara Grand Jury when you were asked the question, ‘Star, while you were at the ranch, did you have any discussions with your mother about the subject of her wanting to leave the ranch,’ and your answer was, ‘No’?
“A. I remember her saying it to me. Probably don’t even remember -- probably didn’t even remember at that time.
“Would it refresh your recollection if I show you what you told the Santa Barbara Grand Jury?
“A. You told me what I said.
“Q. Would it refresh your recollection to show you the transcript?
“Okay.
“May I approach, Your Honor?”
And I do.
“Does it refresh your recollection about what you told the Santa Barbara Grand Jury under oath?

“Yes.

“Your answer to the question was, ‘No,’ correct?

“Yes, but probably at the time I didn’t remember.

“At that time you didn’t remember?

“Yes. Probably, yes.

“Did you ever talk to your brother or sister about leaving the ranch?

“No.”

Now, they have this conspiracy claim, which I submit is ridiculous. The mother is claiming she was held against her will, the family was falsely imprisoned, they were extorted, they were abducted, they were kidnapped, it was a conspiracy engineered by Michael Jackson. And Star tells the grand jury, “She never talked about anything like that to me,” and then comes into court and tries to tell you the opposite.

Why? Do you believe him?

Remember this?

“You don’t recall threatening Kiki with a knife when she confronted you in the kitchen?

“No.

“Never happened?

“No.”

He pulled a knife on Kiki, and he pulled a knife on Angel Vivanco.

Lies under oath.

“Now, Prosecutor Sneddon asked you what you meant when you told the grand jury you hadn’t seen Michael Jackson touch Gavin’s genitals or penis. Do you remember that?

“Yes.

“And your response to Mr. Sneddon was, ‘Well, I was just talking about the dinner table,’ right?

“Yes.

“How come you never mentioned ‘dinner table’ to the grand jury when you made that statement?

“I don’t know if they asked me.
“Q. Well, let me just go through what you said, okay?
“Okay.
“’Q. What kind of things?
“’Fix his shirt.
“’What else?
“’He looked like from -- if you are standing in front him, it looked like he’s trying to fix his shirt.’”

He is talking about Michael Jackson.

“’But it’s hard to explain. But he would fix it, like he would touch -- well, it was weird.
“He would be touching him a lot?
“’Yeah.
“Not his genitals, not his penis?
“’I never saw that, but I saw it in the paper.’
“A. I don’t know what I meant by ‘paper,’ but I was trying to say that I didn’t see it that time.
“But you never mentioned any kitchen table, right?

“But it wasn’t the kitchen table.
“But you never mentioned any table at all, correct?
“I know.”

So he says, “I’ve never seen Michael Jackson touch his genitals or penis.” He gets caught. He makes up a story that, “I was only talking about the dinner table,” and then he contradicts that story. Are you going to believe this guy?

“Q. And in none of your police interviews do you limit that statement about not seeing genitals or penis touched at any table, right?
“No.
“Q. Today is the first time you ever limited that statement to what you saw at a table, correct?
“I don’t -- yes.

“Q. Now, you’ve indicated the first time you ever discussed any alleged inappropriate touching by Michael Jackson was with Psychologist Stanley Katz, right?
“Yes.
“And you have admitted that you gave Stanley Katz a different description than you’ve given in this courtroom, right?
“Yes.”

He admits to inconsistent statements about what happened. And of course he went to Stanley Katz because they first went to Larry Feldman to try and build a molestation case against Michael Jackson, because Larry Feldman had done it many years ago.

Now we have Davellin:

“Okay. Have you discussed what you were going to say in court with your mother?
“No.
“Not at all?
“A. Not at all.
“Did you ever discuss what you were going to say before the Santa Barbara Grand Jury with your mother?
“Never.
“Never talked about it once?
“Never.
“Did you discuss what you were going to say in court with either of your brothers?
“No.
“Just didn’t talk to one of them?
“No.
“At any time?
“No.

Do you believe any of this?

“Did you ever discuss what you were going to say before the Santa Barbara Grand Jury with any of your brothers?
“No.
“Not once?

“Never.
“Did your mother ever call you to talk about what you were going to say?
“No.
“So are you in contact with your brothers?
“Yes.
“Regular contact?
“Of course.
“Are you in contact with your mother?
“Of course.
“Is it regular contact?
“Yes, of course.
“And yet during all of this regular contact, nobody has even discussed what was going to happen in this courtroom?
“What’s more important to us is our feelings and if we’re okay. That’s what’s important to us.
“So no one ever has even discussed it, right?
“No.
“Not once?
“Never.
“How often do you talk to your mom?
“Every day. More than -- probably like every hour. We talk a lot.

“Every hour?
“Yeah, we talk a lot. We’re very close.
“Okay. Would it be accurate to say you talk to her maybe 12 to 15 times a day?
“Probably a little less, but yeah.”
Do any of you believe she’s never discussed the facts of this case with her mother or her brothers? Do any of you buy that for a second? Does it make any sense whatsoever? It does not.
“Ever discuss this case with your mother?
“No.
“Ever discuss this case with Gavin?
“No.
“Ever discuss this case with Star?
“No. At the home that you share with your mom, Gavin and Star, have you ever seen any documents about this case?

“No.

“None?

“Well, just what was given to us for us to think, but we’ve never seen them. We just saw what they came in, but we’ve never read through each other’s stuff.

“Okay. Let me just explore that, if I can. You saw documents come in some type of package; is that correct?

“We all got separate packages, yes.

“Okay. Now, did you testify before that no one in your family watched the Bashir documentary?

“Yes.

“Do you recall in the videotape your mother talking about her holding her hand with Gavin like they did in the Bashir documentary?

“Yes.

“She must have learned that by watching the Bashir documentary, right?

“A. No.

Do you believe any of this?

“Do you know for sure your mother’s never seen it?

“I don’t think so. I’m with my mom always.

“Well, there are times you’ve lived separately from your mother, right?

“Yeah, but I would visit almost every day.

“Have you ever discussed the Bashir documentary with your mom?

“No.

“Ever discussed the Bashir documentary with Gavin?

“No.

“Ever discussed the Bashir documentary with Star?

“No.

Do any of you believe this? If you lie under oath about something like that, you cannot be trusted.

There is a jury instruction about willfully false testimony that I will show you in a little while. It was read to you yesterday by Judge Melville. And it says, basically, someone who will lie about something significant can be totally discounted in a trial.

Okay. Now, this has to do with the molestation claim that Janet Arvizo made against David Arvizo when she told the police, not initially, that David Arvizo molested Davellin:

“Okay. Okay. But were you present when your mother told the LAPD that your father had molested you?

“A. No, but I had heard when he had asked her, ‘If you want to get anything off your chest,’ and she said, ‘Yes,’ and that’s when they went to the kitchen area of the East L.A. apartment.

“Q. But when you were interviewed by the police, you never told them your father had molested you, did you?

“A. Because they weren’t asking me about that, and I didn’t know. I was very young.

“Okay. Okay. Have you ever discussed with your mother what your father did to you?”

“They were both present that day.

“Okay. He had -- she had said, ‘Well, I never told Davellin that.’ And he says, ‘Well’ -- he said, ‘Well, she doesn’t need to know anyways.’ It was just a horrible experience for me to find out that he did that to me when I was young.

“And you found that out through your mother?

“From both of them, because he had agreed to it when I was standing right there, because they were having an argument, and my mom screamed it out at him.

“And your father agreed he had done that?

“Yeah.

“Do you want a second?

“I’m fine.”

I’ve already told you that Gavin told the

DCFS in the 1990s his mother had abused him, so what I'm pointing out to you is, there is a history, proven history, of making molestation and abuse allegations against all kinds of people by this family.

We're talking about the Brazil trip:

“And your position is that you've never told any other witness that your mother wanted to go to Brazil, but your brothers wanted to stay, right?

“My brothers wanted to stay and be with Michael, yes.

Didn't Gavin, in that police interview, say

he was scared at Neverland and wanted to leave?

He flip-flops all over the place, depending on what he wants to accomplish.

Now, before we move further, the photo on your left, that's Janet's booking photo, where she says she was beaten up all over the place by J.C. Penney guards. That's the booking photo. Look at her face and look at her hair. And you already know that all the booking documents indicate there's no medical problem. There's no injury. She doesn't need medical attention. And Mary Holzer told you that Janet confided in her that after she got released, she was beaten by David before she went to the hospital. And of course they had photos taken weeks later and blamed it all on J.C. Penney and Tower Records' employees to get money.

And remember some of the testimony about what's been said about J.C. Penney? Janet told Azja Pryor some white boys beat them up in the mall. Janet told Mrs. Kennedy that black guys beat them up in an alley.

You trust her?

“Q. You were investigated by the Department of Children & Family Services in the 1990s when Gavin alleged you had abused him. Remember that?

“Yes, I do.

“Okay. Did you have a good relationship with the Department of Children & Family Services at that time?

“Yes, I did.”

So she confirms Gavin. How old could Gavin have been? He was like a little kid. These kids are being raised to make allegations.

Now, I’m not saying that a kid can’t make a true allegation. But put it all together. Look what’s going on. Allegations come easily and quickly to authorities.

All right. Mr. Zonen talked about Janet’s conversations with Frank Tyson:

“Q. You say here, ‘I know we’re family, Frank. Me, you, me, my kids are family. You, Marie Nicole, my kids, Baby Rubba are family. Michael, Marie Nicole, Frank Cascio, you, me, are family, and my parents. That’s all I got. So that’s why when these German people,’ and then it’s inaudible. Do you see that?

“That’s correct.”

Now, the point I’m making is this: They had decided Michael is their family. And Prosecutor Zonen said to you yesterday, there was a year period where there was no contact between Gavin and Michael, and that’s baloney. There were cards going everywhere. Every member of the family is sending cards calling him “Daddy.” “We love you. We’re family.”

They do this with everybody. They did it with Chris Tucker. “You’re our brother. We’re your family.” This is one of their MOs. And before Janet really starts telling you about her poverty, she tells you you’re her family.

Now, Mr. Sneddon, in his opening statement, tried to neutralize that by saying this is an overly affectionate family.

They’re affectionate all right.

“Now, this conversation is taking place after you say you escaped from Neverland with Jesus, true?

“Correct.

“You are still calling Michael your family, correct?

“That’s correct.

If she had to escape false imprisonment at Neverland, and if Michael is the leader of this big scheme to abduct and kidnap, why is she still calling him family?

What is her goal?

Her goal is to be with Michael. And all the legal stuff, and all the talk with the police, all of it follows her conclusion, “We’re out. We’re not going to be part of his family anymore.”

“How many times did you escape from Neverland, Miss Arvizo? 12972

“With Jesus, with Chris, and then the last time, and that’s the best I can remember.”

Three escapes from Neverland. What does that sound like to you?

And they always go back. And in the end, they go home.

“In the J.C. Penney case, you waited till after a criminal investigation was over to file your civil claims, true?

Doesn’t want to answer it.

She says, “I want an apology.”

“Q. You wanted over 100,000, didn’t you?

“A. I didn’t get over 100,000.

“Q. You got 152,000 in the settlement, Miss Arvizo, didn’t you?

“A. In my hand? I did not get 150,000.”

Now, look at these answers.

“The Witness: In my hand I received only $32,000. That’s it. In my hand. And that’s my best approximation.

“Miss Arvizo, what did Gavin get in his hand from that settlement?

“A. I don’t remember, because it’s been put away where it’s to be untouched by me.

“What did Star get in his hand in that settlement?

Still nothing.

"I don't know, because it's -- it's something that's untouched by me. It's for them."

Do you think she really doesn't know the amounts? She's under oath in this courtroom making these statements.

"Q. The total was over 152,000 that your family was given in a settlement, true?

"That you have to ask my civil attorneys.

And I think this statement may be correct.

"Q. During the time you had your deposition taken in the J.C. Penney lawsuit --

"Yes.

"-- did you consider David to be an honest person?

"No.

"Do you remember testifying under oath in the J.C. Penney lawsuit that David is extremely honest, he's too honest?

"A. If that's on there, then that's correct. Whatever is on the deposition is correct.

"Q. How many lies under oath do you think you told in your depositions in the J.C. Penney case?"

She was deposed twice.

"Like I said, I tried -- after David was arrested, I went to the Rothstein office, and I pointed out to them prior to a settlement agreement that I would like to correct the statements that were inaccurate, because finally David was arrested. Finally we and my children could speak. And Rothstein, including with Mary Holzer, said, 'Don't worry. We'll take care of it.' And they didn't, so I considered their firm liars."

She's always blaming someone else.

"The lawyers are liars. The lawyers made me do it."

Has she turned over the money? Has she gone to J.C. Penney or Tower Records and said, "What we did was wrong. We lied under oath. We collected money that we are not entitled to. My injuries were fake. I had Gavin lie under oath. I had Star lie under oath. David lied under oath”? No.

Do you remember in the rebuttal video they talk about gang signs, and she’s acting very spontaneously and she’s laughing? And it’s not a rehearsed, memorized type of response. It’s spontaneous, and she’s having fun.

“Q. So when you said about Gavin he was doing gang signs, that was what he was doing, he’s -- he showed out to his friends on the west side, was that all scripted?

“Everything. Everything was scripted.”

Now, you’ve seen that video four times. Was everything memorized, rehearsed, to the word? Was she ever spontaneous? Did she ever seem to be enjoying herself? Did she seem like she liked being on camera? Remember she looked at it, and she said, “Oh, my God, we’re on camera,” and she had a big grin on her face?

And now it’s part of some evil plot by Michael Jackson. And yet everything they said, they had said before, particularly to Brad Miller, when she says she was talking honestly about Michael Jackson.

Everybody’s a liar but Janet Arvizo. Have you noticed that? The social workers are liars. The lawyers are liars. Everybody’s a liar but her.

“Did you ever ask Azja Pryor for the keys to Chris Tucker’s car?

“No.

“To your knowledge, did Davellin ever do that?

“No.

“Do you recall ever being in a call with Davellin where you and Davellin asked Azja Pryor for the keys to Chris Tucker’s automobile?

“No.”

Now Azja’s a liar.

“Do you recall discussing going to Brazil with Azja Pryor?

“Like I had told you, remember those conversations that I would have and try to slip something in? So at the end of the -- all of these people could put this puzzle together as to where me and my children were finally at.

“Do you recall telling Azja Pryor that you were excited to go to Brazil?

“No.

“Do you recall inviting Azja Pryor to go to Carnivale in Brazil with you?

“No.

Who do you trust based on what you saw on this witness stand? Janet Arvizo or Azja Pryor?

“Did you ever tell Azja Pryor that your family was being held against their will?

She says, “Yes.”

“When was this?

“I think -- I think it was during the hotel period. That’s the best I can remember. I -- I tried to reach different people.”

Azja Pryor told you that she never said anything like that. She wanted to go to Brazil; that she invited Azja to go to Carnivale and that she was excited. And Azja was as honest as you can be.

“And you specifically remember telling her that you were being held against your will?

“Yes.

“Do you remember ever asking her to call the police?

“No, that was another thing I slipped in. And I was always hoping that these people would call themselves. This way the call didn’t come from me.”

What is that supposed to mean?

She’s staying at Jay Jackson’s. She’s in hotels. She’s in shopping centers. You can call 9-1-1 at Neverland. She has a million different places she can get a phone and call 9-1-1 if a crime was being committed against she and her children.

The dentist’s office, the salon, you name it.

Nothing.

“Q. Do you remember telling Azja Pryor that you had learned that Michael Jackson was not going on the Brazil trip?

“A. No.

“Do you remember ever telling Azja Pryor that once you learned Michael Jackson was not going on the Brazil trip, you didn’t want to go?

“No.

“It’s your testimony you never discussed the Brazil trip at any time with Azja?

“I’m -- like I said to different people in the midst of the conversation, I tried to slip something in as to what was happening.

“Do you recall complaining to Azja Pryor that Michael Jackson was making money on the Maury Povich show and your family was getting nothing?

“Never.

“Do you recall commenting to Miss Pryor that a college fund was being set up for Gavin by Michael Jackson?

“No.

“Do you remember telling Azja Pryor, ‘What good will a college fund do for my son? He may not be alive in ten years’? Do you remember saying that?

“No. All of that --

“And did you ever discuss the rebuttal video with Azja Pryor?

“No.”

All of that directly contradicted by Azja Pryor, who, I repeat, was a very honest witness. Are you going to believe Janet or are you going to believe Azja? I think I know who you’re going to believe when you put all this stuff together, ladies and gentlemen.

She is a complete liar and fabricator. She is a con artist. She’s conned people for years.

This is a great one:

“Miss Arvizo, did you ever tell anyone that

you were living in a stable with hay and horses in Bakersfield?
“No.
“Ever say anything to that effect to anyone?

“No.
“Did you ever hear or learn that you were quoted as saying that?
“Yeah, I came to find out a lot of things.
“When did you find out that you were quoted as saying that you and your family were so poor you were living in a stable with hay in Bakersfield?
“Just recently. I’ve never lived in Bakersfield.”

Did somebody make that up? Remember, she said she was homeless to get free lessons at the dance school for her kids. She’ll say anything. Absolutely anything.

“You claim you first learned about any alleged molestation in September of 2003, correct?
“A. I don’t understand what he’s saying, but I was becoming aware of things through Gavin and Star little by little.
“Q. You claim that you learned about any alleged molestation in September of 2003 from Prosecutor Sneddon, Sheriff Klapakis and Sheriff Robel, right?
“Yes.”

Then my question to you is, why did they go to Larry Feldman? Why?

Moving along:

“Okay. Did you learn at some point about some fund-raisers that went on at The Laugh Factory for the benefit of Gavin?
“A. I came to find out everything afterwards.
“Q. Did you know those fund-raisers were going on when they actually happened?

“A. I don’t think so. We’re talking five years ago.”

Do you really think, based on everything you know about Janet Arvizo, that she didn’t know fund-raisers were going on?

This is under oath in front of you. Put it all together.

“Q. So you’re not sure whether you knew they were even going when they happened, right?

“No, I would find out afterwards.

“Now, were you in touch with Jamie Masada at this point in time?

“Just a little bit.”

They’re trying to raise money for her son’s illness. They’re going everywhere they can to raise money. Do you think she doesn’t know?

“Q. Were you ever standing in the background during a phone call that Gavin made to Jay Leno?

“A. No.

“Have you ever spoken to Jay Leno?

“I’ve never spoken to Jay Leno.

“Were you aware of Gavin making any attempt to contact celebrities by phone?

“No.”

Do you believe that for a second?

Okay. Ladies and gentlemen, it only takes one lie under oath to throw this case out of court by you. Just one.

You can’t count the number of lies under oath by all of the Arvizo witnesses. You can’t count them. They lie directly. They lie to your face. They lie under oath. They exaggerate. They give run-around answers to try to avoid the question. How many does it take to let you know this case is a fraud?

They are trying to take advantage of Michael Jackson. They are trying to profit from Michael Jackson. They think they’ve pulled it off. They’re just waiting for one thing, and that is your verdict.

At this point, I’d like to talk to you a little bit about some jury instructions, some of the instructions that were read to you yesterday.

Now, we’ve talked about reasonable doubt. You’ve heard me mention that a lot. And as I have been saying throughout my closing argument, if you have a reasonable doubt about the Arvizos, the case is over, because the whole case hinges on them. They have come together. They have compared notes. They have made up stories. They’ve lied under oath, like they’ve done for years, and they’ve been caught at it. You have caught them at it.

The instruction reads as follows:

“A defendant in a criminal action is presumed to be innocent until the contrary is proved. And in a case of reasonable doubt whether his guilt is satisfactorily shown, he is entitled to a verdict of not guilty. This presumption places upon the People the burden of proving him guilty beyond a reasonable doubt.”

Why the standard of proof called “reasonable doubt”? Why?

Many legal systems around the world don’t have it. Many legal systems around the world don’t use juries. They use judges. One, two, three, or more. But our country has a philosophy, and that is we cannot convict people who are innocent. We cannot run the risk, because what happens to them is so harmful, so brutal, so devastating.

And what they’re trying to do to Michael Jackson is so harmful, so brutal, so potentially devastating to him, that we have a very high standard. It’s higher than you find in civil cases where you have disputes over money or over property.

If you have any reasonable doubt about this case, about the testimony, about the double-talk, the lies, about their past, about their motives, it’s over. You must acquit Michael Jackson to follow the law. It’s that strict.

And you know something? Our system still isn’t perfect. You still have examples where, years later, DNA exonerates people who were convicted.

They've added up like 130 people the last ten years who were actually convicted, by juries who meant well, wrongfully, because DNA exonerated them.

But nevertheless, we have to have a system.

It's the best system in the world. It can't be perfect, because human beings aren't perfect. But it's the best system in the world.

And ladies and gentlemen, I'm begging you to honor that principle. Honor that principle of proof beyond a reasonable doubt. He must be acquitted under that standard, with all the problems and falsehoods and issues that I have addressed.

They can't overcome them. They can exaggerate. They can dirty up Michael's background. They can fling dirt everywhere. They can expose the fact that he's a human being who has had his problems. They can do whatever they want. But they can't prove this case beyond a reasonable doubt, and they never should have brought it to begin with once they learned who the Arvizos were.

These are what we call burdens of proof in our legal system.

In a civil case, which is a dispute over

money or property, if one side proves by a preponderance of the evidence, that's the standard, that they should prevail, and it's often described in very simple terms. If you have a scale of justice and one side is stronger, is heavier, that side wins. It's called a mere preponderance of evidence.

That's enough to bankrupt somebody. That's enough to take away their business. That's enough to leave them penniless. But it's not enough to convict of a crime.

We have a higher standard called clear and convincing evidence.

I'll give you an example: In some custody disputes, you can take a child away from a parent if you prove, by clear and convincing evidence, that that parent should not have custody, that they have not met the standards our legal system requires for parenting.

Clear and convincing evidence alone is not enough to convict in our system.

And let me ask you this: Do you think you’ve seen clear and convincing evidence that the Arvizos are truthful? Are believable? Are honest? Are honorable? Don’t have financial motives in this case? Are to be believed and trusted?

No. They can’t even meet that standard, let alone the highest in our legal system, which is beyond a reasonable doubt. They’re not even close. The case shouldn’t have been brought.

This is just an illustrative aid to further explain reasonable doubt to you and what a high standard it is. If you think somebody may be guilty, it’s not enough. If you think perhaps they’re guilty, it’s not enough. If you suspect they might be guilty, it’s not enough. Possibly guilty is not enough. Probably guilty, not enough. Guilty likely, not enough. Guilt highly likely, not enough. It’s got to be guilty beyond any reasonable doubt.

And ladies and gentlemen, when you get in the jury room, ask yourselves, “Do we have any reasonable doubts about this family and this case?” Any. All it takes is one.

The prosecutor has talked to you about circumstantial evidence, okay? There’s what is called direct evidence, someone actually watches something. And there’s circumstantial evidence, where you’re to put the circumstances together and decide what you can infer from the circumstances.

Of course, I’m coming to you and saying the same thing. Look at the circumstances of the Arvizos and their past history and their lies and their motives, and I’m saying put those circumstances together to find a reasonable doubt in this case.

So what does the instruction say? “A finding of guilt as to any crime may not be based on circumstantial evidence unless the proved circumstances are not only, one, consistent with the theory that the defendant is guilty of the crime, but, two, cannot be reconciled with any other rational conclusion.”

Can any of you imagine, within reason, the Arvizos doing what I’ve told you they’re trying to do here? Does it seem rational to you? Does it seem realistic? Is it plausible? Is it likely?

Of course it is.

Would it be rational to assume, based on all you’ve heard, that this is a scam by them, and that they are, in fact, con artists, actors and liars?

The answer is yes. And if you agree with what I just told you, out the door.

“If the circumstantial evidence as to any particular count permits two reasonable interpretations, one of which points to the defendant’s guilt and the other to his innocence, you must adopt that interpretation that points to the defendant’s innocence and reject that interpretation that points to his guilt.”

This all works in tandem with the proof beyond a reasonable doubt standard. It all works in tandem with the proof beyond a reasonable doubt objective of our system that we protect freedom and

liberty and reputation more than we protect money, more than we protect property. It’s a strict system of values built into the system, and you must, under this legal standard, throw this case where it belongs: Out the door.

Now, you were instructed that these alleged crimes by Michael Jackson require that they prove what is called specific intent. In plain language, that he specifically intended to commit certain crimes. I’m going to show you some conspiracy instructions where he has to specifically intend, and they must prove beyond a reasonable doubt that he specifically intended, one, to enter into a conspiracy agreement, and, two, to commit false imprisonment, child abduction or extortion on the Arvizos. Okay? So that’s what this idea of specific intent essentially means.

This is a similar instruction to the ones you just saw: “You may not find the defendant guilty of the crimes charged unless the proved circumstances are not only, one, consistent with the theory that the defendant had the required specific intent or mental state, but, two, cannot be reconciled with any other rational conclusion.”

It’s a protective mechanism to protect our freedom and our liberty and our reputation from false claims.

You’ve been instructed by Judge Melville.

You must follow this to the T. You cannot run roughshod over these instructions. You cannot treat them lightly. If you have another rational explanation for what these people are doing based on their past and their behavior, it’s out, all of it.

Michael Jackson goes home - where he belongs. Not here.

“Evidence as to any specific intent or mental state, if it permits two reasonable interpretations, one of which points to the existence of a specific intent or mental state and the other to its absence, you must adopt that interpretation which points to its absence.”

And as I said to you yesterday, show me any evidence anywhere that Michael Jackson wanted to be in a conspiracy with other alleged felons, none of whom have been charged. None. With all they tell you about Schaffel, Konitzer, Dieter, Geragos, whatever it is, have any of them been charged with anything? Even a misdemeanor? If not, why did they bring this case against him? Why? Where is the justice? Where is the fairness? Where is it?

With these instructions that you’re bound to follow, with the instruction that you have another rational explanation, another rational conclusion as to why someone acted a certain way that goes against the concept of guilt, the concept of convicting someone of a crime, with these instructions, which

they know about - they know about them - why did they bring this case against Michael Jackson? Because he’s a mega celebrity, and they hope they can get away with it. They only have one obstacle left: You. They’re hoping you won’t follow these instructions, you won’t understand these instructions, they won’t have any meaning in the jury room, you just won’t get it. I don’t know what they’re thinking.

How, with these instructions on the table, in your hands -- you’ve already gotten packets of them. How, if you look at these carefully and look at this evidence, can you convict Michael Jackson of anything?

Ladies and gentlemen, you can’t. You just can’t. The witnesses are preposterous. The perjury is everywhere. The claims are preposterous. None of it works. The only thing they have left is throwing dirt all over the place to see if something sticks.

Girlie magazines. He’s had problems in his personal life. He’s been immature, and naive, childlike. But remember, their basic claims are that he’s akin to a monster, that he would take a cancer-stricken child and look at that person as a target and ply him with alcohol so he can molest him.

From what you’ve seen about Michael Jackson in this trial, does that make sense? If you look deep into your heart, do you think it’s even remotely possible that Michael Jackson is constructed that way, is evil in that particular way? Has no conscience? Has no feeling for children? Has no idealism? Isn’t childlike? He’s really just -- it’s all -- Neverland’s a ruse for criminal activity? Does what you’ve seen in this trial reflect that? Is it even possible?

It’s not. It really is not.

And no matter what Mr. Zonen throws around the courtroom, you know what I’m saying is true. And I’m sure it will be a real topic of discussion in the jury room. What is Neverland? Why the music? Why the Disney-like environment? Why the animals? Why do children come from the inner city? Why do sick children come by bus? What goes on? What are his goals? What did he want to accomplish? Is it all just a lure for criminal conduct, a veneer, a big fantasy to lure people in because he’s a monster?

No. Not even close.

Might be a good time to stop, Your Honor.

Is that all right?

THE COURT: All right. We’ll a break.

(Recess taken.)

THE COURT: Mr. Mesereau?

MR. MESEREAU: Thank you, Your Honor.

Ladies and gentlemen, I have two more instructions to show you. I can’t show you every one, they’re pretty voluminous, but I’d like you to just give careful consideration to these particular instructions, particularly this “Witness Willfully False” instruction:

It says, “A witness who is willfully false in one material part of his or her testimony is to be distrusted in others. You may reject the whole testimony of a witness who willfully has testified falsely as to a material point unless, from all the evidence, you believe the probability of truth favors his or her testimony in other particulars.”

And when you go into the jury room and talk about the Arvizos, please give careful consideration to this instruction.

This is the last one I’m going to point out:

It says, “Association alone does not prove membership in a conspiracy. Evidence that a person was in the company of, or associated with, one or more other persons alleged or proved to have been members of a conspiracy is not, in itself, sufficient to prove that person was a member of the alleged conspiracy.”

So when the prosecutor gets up and tries to tell you that somehow knowing Marc Schaffel or knowing Konitzer or Dieter is proof that Michael Jackson engineered -- remember, they’re saying he engineered a criminal conspiracy as a response to the Bashir documentary. If they try and suggest that through documents showing people are in business together, or associated together, or might be seen together, that's not proof.

They have to prove beyond a reasonable doubt that Michael Jackson, one, specifically intended to form an agreement to conspire, and, two, wanted to falsely prison, abduct kids, or commit extortion.

And it's nonsense.

Now, ladies and gentlemen, the prosecution claims that Mr. Jackson had a response to the Bashir documentary, and the response was to commit crimes.

And the prosecutor wants you to think that after February 20th, through all those interviews, that somehow molestation began. And now I want to show you what was available at the time.

MR. SANGER: "Input 4," please, Your Honor.

(Whereupon, portions of DVDs, People's Exhibit 2 and Defendant's Exhibits 5000-A, B and C, were played for the Court and jury.)

MR. MESEREAU: Ladies and gentlemen, this has been a nightmare for Mr. Jackson. He has been lax with his money. He has let the wrong people sometimes associate around him. He was naive to allow the Arvizos anywhere near him. But under the law and the facts in this courtroom, you must return a verdict of not guilty on all counts. It's the

only right verdict.

Thank you.

THE COURT: Thank you, Mr. Mesereau.

Mr. Zonen, did you need a couple of minutes to set up?

MR. ZONEN: Just a minute, Your Honor.

Yes, please.

Leslie? I'm going to use that one.

THE BAILIFF: I don't need a minute.

MR. ZONEN: Your Honor, an hour and 14 minutes?

THE CLERK: 1/14.

MR. ZONEN: 1/14, thank you.

MR. AUCHINCLOSS: Can we go back to “Input 1,” Your Honor?

MR. ZONEN: Ladies and gentlemen, good morning.

This responding argument is going to be in response to the argument delivered by Mr. Mesereau over the last four hours of court time and it will be limited to those issues that he has presented.

I would like to begin by talking to you about a statement that had been projected up on the board by Mr. Mesereau yesterday, and that statement that had been projected up on the board referred to this comment: He said, “Prosecutor” -- he was quoting a prosecutor. He said, “A prosecutor said that it was like a band-aid for a bad case.” What he was referring to, of course, was the propensity evidence that had been presented by the prosecution. The propensity evidence was the evidence of all of the witnesses who testified to the 1993 investigation. That, of course, included the testimony of June Chandler, and Jason Francia, and Jason Francia’s mother, and the other people who had previously been employed at Neverland.

That statement -- prosecutor said, “like a band-aid for a bad case.”

Let me suggest that that probably was not said. Let me suggest that that’s not the first time that Mr. Mesereau has referred to a prosecutor who has made a quote improperly.

Let me remind you of the time that Mr. -- that Mr. Mesereau was cross-examining Dr. Katz and kept referring to a statement from a prosecutor in a book that Mr. Katz had written, until we finally asked to see the book and discovered that the real word was “lawyer.”

Now, that statement would make more sense if it was in fact “lawyer,” “A lawyer said that this is like a band-aid for a bad case,” because no prosecutor will ever stand up here and tell you that giving too much information to a jury is bad. In fact, in this particular case, it’s highly appropriate. The information about the use of propensity evidence is what gives you a clear and concise understanding about the type of people who commit these -- about the type of people who commit these types of crimes.

Let me read something to you: “By their very nature, sex crimes are usually committed in seclusion, without third-party witnesses or substantial corroborating evidence. The need for this evidence is critical, given the serious and secretive nature of sex crimes, and the often resulting credibility contest at trial. The willingness to commit sexual offenses is not common to most individuals, thus, evidence of any prior sexual offense is particularly probative and necessary for determining the credibility of the witness.”

What I’ve been quoting to you is the legislative text that accompanied the enactment of that statute that allows us to be able to bring in evidence of prior sexual misconduct by the defendant charged with a child molestation. Why? Because these types of crimes take place in private. They don’t take place in public.

And in this particular case, we’re talking about the privacy of literally a fortress, behind multiple locked doors, and multiple alarm systems, where the defendant, after much effort, after much seduction, after much grooming, has the advantage of having a child in his room, and not the first one, in this case for long periods of time, subject to the intimacy that he dictates. And that’s why it’s so important so that a jury is not left with the belief, why, at age 45, does this man suddenly act out with a 13-year-old child? And when you see the total picture, you realize it was anything but suddenly acting out with a 13-year-old child.

Now, look at the evidence that was presented even by the defense in the course of this case.

Think about the testimony of Mr. Barnes, Brett Barnes, who, while on the witness stand, was extraordinarily evasive on the question of, “Tell me how much time you actually spent with Michael Jackson. Was it one night? Was it two nights? Was it a week?”

And his answer was, “I, you know, really don’t recall. I can’t recall when it was. Some nights it was here; some nights it was there. I was” -- he just did not answer the question.

And when his mother was on the witness stand, she wouldn’t answer that question either. “Sometimes he stayed with us. Sometimes we were traveling. Sometimes he would be with Mr. Jackson.” And again, very evasive in terms of committing to any kind of detail about Brett Barnes’ relationship with Michael Jackson.

Not until his sister was on the witness stand, and not until cross-examination by Mr. Auchincloss, when all of a sudden he started asking her, in all her jubilance -- I mean, she was an excited witness up there, very happy, filled with glee and a big smile, and very happy to be here on behalf of Mr. Jackson, until Mr. Auchincloss started asking questions, “Tell us how long we’re talking about. What period of time exactly was it that your brother was in the accompaniment of Mr. Jackson and specifically in his room.”

And suddenly it came out. She says, “A year.” She said it in terms of, “Well, there was a six-month tour, and another six-month tour.” It was the entirety of those two combined tours, which meant over one year.

And it was like a ton of bricks landed in the middle of the floor. All of a sudden, everybody got it. All of a sudden everybody is sitting and thinking, one year, one continuous year this child, who at the time was either 11 to 12, or 12 to 13 years old, was sleeping in Mr. Jackson’s bedroom continuously.

This man has never had adult companionship to that extent that any of us have heard of at any stage during the testimony in this case. One consecutive year. This man went to bed every night with a 12-year-old boy the entire time. As they traveled from one European capital to another, as they traveled from one South American capital to

another, as they ventured even into Africa.

And it was confirmed by a second witness called by the defense, when James -- James Van Norman, the security chief at that time, was called as a witness and testified entirely on direct examination without any reference whatsoever to Brett Barnes.

And then on cross-examination by Mr. Sneddon was asked exactly the same question. And he also acknowledged exactly the same thing.

That witness had the nerve to sit on the witness stand and tell you that nothing improper happened at Neverland while he was head of security there. And then on cross-examination acknowledged to you that at the end of each day, this child, maybe 12 years old, went into Mr. Jackson’s hotel room, each hotel room throughout Europe and South America, went into his bedroom and stayed there. He was his constant and continuous companion for the better part of 12 months.

That is not a friendship. That’s a relationship.

Mr. Jackson loved that child not as one loves a child, but as one loves a companion, an adult, a sexual relationship. It’s the only explanation for that. In your entire lifetime, you have never heard of another middle-aged man doing that with a child. In your entire lifetime you

never will hear of another middle-aged man doing that with a child. You would be outraged if you were to find out that there was somebody who lived in your neighborhood who was taking young boys into his bedroom amidst a sea of pornography and alcohol. You’d be on the phone with the police in a second.

And yet in this case, we’re expected to say that that is normal. It is loving, it is kind, it is nurturing, and it is nonsexual.

Why is that? How exactly was he nonsexual with this child in his bed for over a year? Over a year. Are we expected to believe that he’s simply nonsexual?

When we look at the collection of materials that he has in his house, in his own home, and the distinction between the thousands of books that Mr. Mesereau was talking about is the fact that -- which was a million books in his opening statement. It’s now down to thousands of books, and, it’s probably substantially less than that, and frankly, probably came with the house. Most of the books depicted in the video that he showed you looked like they’ve never been opened.

But as to those books, they’re in a library.

As to the books that we seized, they’re in his bedroom. And that included the entire collection of homoerotic material, some of which was so extreme in its nature we simply couldn’t open that book in this

courtroom.

But what, then, do we say about him? How do you explain that? How do you explain child after child after child, Mr. Robson for an extended period of time as a child, was in his bed going back to age seven. Seven.

Think about your children when they were seven years old, what they looked like and how big they were. Eight years old.

He was in his bedroom. Not just bedroom, but in his bed.

Macaulay Culkin, he flew across the country to spend a week with Macaulay Culkin alone.

Where is the adult companionship in this case? Where has he ever had that kind of trip to be with an adult, a special relationship? No words about that at all in the course of this trial.

Nothing.

It is because we have heard that testimony that we have an understanding of Michael Jackson that we never would have had had that testimony not been presented to you in the first place.

So let me suggest to you that the testimony of Brett Barnes, particularly his sister, Wade Robson, Robson, Macaulay Culkin, who spent an entire vacation with Michael Jackson, who invited himself so he could be there with an 11-year-old boy. And then June Chandler.

June Chandler, who was described by -- in Mr. Mesereau’s closing argument as a gold digger, and of course was a quote from Joy Robson. Joy Robson, who received over $20,000 from Mr. Jackson, a car, immigration to the United States, and a job, as well as an apartment, describes her, June Chandler, as a gold digger.

June Chandler said in her testimony, about an event that took place in New York, that Mr. Jackson was so upset and so angry during the course of their being in New York, because she was protesting the fact that Jordie Chandler was spending all of his time with her, a statement that was shared with Joy Robson in her deposition ten years ago in the -- in the Jordie Chandler lawsuit - he simply grabs up the time of whichever child he is with - he broke a lamp. He tried to get Lily to say that it was broken by accident. He was crying. He was upset. He was pleading with her to allow him to have access to her son, Jordie Chandler.

He slept with Jordie Chandler for well over a month, closer to two, and particularly -- and this was in his own home, in his own bedroom, in his own room, between the times that he would come from school and go to school during that period of time.

What kind of answer is there to that? How do you possibly come to grasp with that kind of information except to conclude that they had a

relationship? He was in love with that child. In love with that child the way that an adult would fall in love with another person, and it wasn’t the only child.

And it was happening with Gavin during this period of time. Gavin went right into it. It began with long phone calls, long periods of conversations in the middle of the night. They'd go for hours.

It began with him coming to Neverland. It was the same kind of run-around-and-do-anything-you-want on Neverland and end up in his room from the very beginning.

Understand something about Mr. Jackson and his relationship with his family and his relationship with Gavin Arvizo.

On the 2nd of March, while he was there, on the 2nd of March while he was in Florida with his family, he came back to Santa Barbara, leaving the family behind. And who happened to be back at Neverland on the 2nd of March? Was exactly the day that Gavin and his brother and sister and mother returned back to Neverland.

And at that point the boys returned back into his room, and eventually Star left that room.

And during that period of time they stayed there forever, until they finally left at Janet Arvizo's behest on the 12th of March.

Exactly the same kind of relationship that he had with Jordie Chandler. Exactly the same kind of relationship he had with Brett Barnes. It simply didn't go long enough because his mother had the sense and foresight to get them out of there.

A couple issues dealing with the jury instructions.

There was an instruction that was read to you. It was the very, very first instruction that was read to you, and it's one that's probably worth reading again. I'm not going to read it to you, I'm just going to tell you.

It is an instruction that says that you are not to consider sympathy, pity, punishment or consequences of the crime in your deliberations in this case. You cannot consider what will happen, what won't happen, and you can't sit back and say, "I feel sympathy for or against the defendant in this case." You can't be sympathetic on behalf of the victims. You can't be sympathetic on behalf of the defendant. You simply have to judge the evidence dispassionately and impartially.

Counsel has talked repeatedly about the question of why aren’t the co-defendants, the unindicted co-defendants, included in here? There is an instruction that was read to you, you are not to consider that either.

Those are two instructions that Mr. Mesereau violated within the first half hour of his opening -- of his closing argument.

You cannot consider the question of whether others were included or not included, will be included, won’t be included. That is simply not part of your deliberation process. You’re to decide this case singularly. I would think Mr. Mesereau would be happy after four months of trial, over four months of trial, not to have to have dealt with five more lawyers in this courtroom, frankly.

The J.C. Penney litigation that took place, let me suggest -- I’m not going to go over this at length, but let me suggest to you that that was a case that was in no way fraudulent based on the evidence that’s before you and reasonably resolved by everybody.

Janet Arvizo was never in that store. She had nothing to do with that theft. She went out and she came from a different place where she was applying for a job. She saw an altercation involving her husband. She went to his rescue. She got beat up. Not horribly, but got beat up. Had bruises up and down her legs, up and down her arms.

Those photographs were not taken weeks later. Those were taken days later, as black and blue marks do tend to surface days later. Those injuries that she had were reflective of the kinds of restraint that she was subjected to with her being down on the ground and people on top of her legs, people on top of her arms, so that both -- the arms on both sides and legs on both sides were subjected to those kinds of contusions.

She did go to jail. She was there for less than two hours. She did not make a claim of injuries at that time. Those are not the kind of injuries that would surface initially. They're black and blue contusions. They would come up later. She had no interest in staying in jail, as would anybody have any interest in staying in jail. Did not make any claims. Was out of jail in an hour and 45 minutes. And within one hour and six minutes after her husband was released from jail, she went into the clinic.

Now, we're supposed to believe that it was during that period of time that her husband beat her up. That he would beat her up on the front of her legs, the front of her arms, the back of her legs, the back of her arms in that period of time, and then take her to a clinic.

Let me suggest to you that in the history of the world, no batterer has ever beat up his wife and then rushed her to a clinic. That is a one-way ticket to jail. Because the first thing they do is ask what happened and how did it happen. And those injuries were not that bad that he would have been compelled to take her during that time.

Mary Holzer not only said that Janet Arvizo said that that's what happened, but Mary Holzer said that the kids were there, and the kids were injured in like fashion. We know that didn't happen.

Excuse me.

We know that both children stayed at the scene at the time of the arrest of the father, in the presence of the mother, until the grandmother got there, Maria Ventura. When she got there, the father was already in custody and had been taken away. The police were there and had been there for the entire time.

She took the children and took them home.

The kids complained of pain. Star complained of pain to his head, and in fact he had a concussion. Gavin complained of pain to his arm, and in fact he had a fracture in his elbow. They had not had any contact with their father at all. It wasn't until the next day that they went to the hospital by the parents, were taken, and the injuries were diagnosed.

Mr. Mesereau said that Janet Arvizo complained that the cyst that was discovered in Gavin’s (sic) head she credited to the beating that was -- occurred at J.C. Penney’s. No, she never did. She never said that at all.

What she said was it was discovered at that time when they were trying to determine the cause of the headaches that he had. They discovered he had a cyst, benign, benign, and hopefully will remain that way.

There was a lawsuit at that time. There was a deposition that was taken at that time. She did lie in that deposition. About what? She said she was not a victim of violence at home. She was still living with him. What is she going to do? Say otherwise? The kids also were asked that question. Mr. Mesereau is mystified that they would say that they were not coached to lie. No, they weren’t coached to lie. They don’t have to do that. Children in a violent household intuitively know not to discuss that sort of thing. That is just not discussed. There was no lying in that regard.

Yes, it’s true, she said she was not a victim of domestic violence. That’s pretty understandable under the circumstances. She said she had asked the law firm to change it later.

Now, the question of whether or not, given that period of time, could her husband have inflicted those injuries on her, and on the children, who were not even in his presence, does that necessarily mean, then, that there was a fraudulent lawsuit? And the answer is, there was no fraudulent lawsuit, notwithstanding Mary Holzer’s desire to be a witness in this case.

And as evidence of that is the fact that the lawyers that she works for have kept the money that they got, all $85,000 of it. They’ve known about her accusations for some time, and they haven’t seen fit to return that money. Nor has J.C. Penney's seen fit to go after it. So everybody seems to think that this was an entirely reasonable resolution of this case, for being beaten up and for being falsely arrested and falsely charged, until ultimately the charges were dismissed.

She got $32,000. That is not unreasonable. Gavin had a fractured arm, and he got $25,000. It's sitting in a bank account. Star had a concussion. He got $5,000. It's sitting in a bank account for when he turns 18. And the father, David, got $5,000, approximately. I don't know what he did with his, nor do I care. That comes to about $65,000 total. The balance of $85,000 went to the law firm. They've kept it.

The resolution of that case was fair. It was appropriate. The disposition was appropriate.

Lawyers.

There was a lot of discussion about Janet Arvizo going to lawyers and having had many lawyers. She had a lawyer who represented her in J.C. Penney's. She had a lawyer who represented her in the J.C. Penney's case. She had a lawyer who represented her in her divorce and family law matter.

And after she was -- she stayed at Neverland for that period of time and finally got out, she went to see a lawyer by the name of Mr. Dickerman.

She went to see Bill Dickerman after being told by two different people, "You need to go see a lawyer." One of them was Azja Pryor, who testified to that in court during the course of this trial. The other one was Jamie Masada, and he was the one who suggested Bill Dickerman, who was his personal lawyer.

She went to Bill Dickerman. And what did he do? He made demands for the return of all of her property, two and a half months of demands, without being told where the property was and without having any of it returned. And he made demands that the kids be taken off television through Granada Productions. In other words, his pursuit was in two directions, and he at no time filed any kind of a lawsuit against Michael Jackson.

How did he get to -- how did the family get to Larry Feldman, was the question was Mr. Mesereau asked.

Well, the answer to that question is Bill Dickerman took them to Larry Feldman, because he knew that Michael Jackson was involved in all of this, and he was not about to take on Michael Jackson and his minion of lawyers. As you recall, Michael Jackson pays four million dollars a year in legal fees. He has plenty of lawyers.

Bill Dickerman, who was a sole practitioner, was not about to take on Michael Jackson by himself. He knew that Larry Feldman had taken on Michael Jackson in the past, and he went to Larry Feldman. Larry Feldman is senior counsel in a 600-lawyer law firm. Six hundred lawyers is exactly the opposite of Bill Dickerman as a sole practitioner.

Larry Feldman sees this family walk in the door, and he looks at Jordie Chandler -- excuse me, he looks at Gavin Arvizo, who is literally a Jordie Chandler clone, like these other boys, and he takes a look at him, and he immediately sends the family to Stan Katz, Dr. Katz.

Mr. Mesereau described Katz as Larry Feldman’s good friend, Dr. Katz. In fact, the evidence is exactly the opposite. Stan Katz has worked with Mr. Feldman on one other case, and that was the Chandler case and that was ten years earlier. And in his 25-plus years has never worked on any other matter with Larry Feldman, has never been to his home. Feldman’s never been to Katz’s home. They know to say hello to one another when they meet one another in court or in other places. But they certainly are not close friends or even friends at all. They are simply acquaintances and associates in terms of professional associates.

That statement was designed to cast some aspersion upon the both of them that they’re in league together. And in fact, there’s no evidence of either one of those.

Stan Katz interviewed the children, interviewed the mother, interviewed the sister, and decided that this matter needed to be reported to Child Protective Services, and did so. From there, it went to the sheriff’s office in Santa Barbara.

There was no disclosure by Gavin at any time to anybody until he did so to the police, when he sat in an interview. And you watched that interview, and you’re going to watch a portion of it before we leave.

That disclosure did not -- or at any time has Gavin varied in the contents of the description of what happened to him. And the only extent of the variance that Mr. Mesereau was able to talk about is the timing. And now we’re going to talk about the timing a little bit, because I think that is appropriate for you to understand.

The question posed by Mr. Mesereau is, why would he do it then? Why would he begin a molestation just after this child has been interviewed about exactly that? Why would he do it after the publication of this thing on television? Why would he do it after he spends time in this video presentation?

The answer simply is: Because he could.

It’s really not much more complicated than that. Because he has no restraints on his impulses. Because he had been working with this child for some time. Because this child had been in his bed for some time.

And it may not have begun after the video was produced. Gavin testified to you that he had a recollection of two specific events. He believed it happened after the video was produced, and that would mean after the interview with the Department of Child & Family Services simply because they are closely aligned. He went from one to the next. And at some time after that, which would have been on the 20th of February and sometime thereafter, before the time he left.

He also said, and has consistently said, he thought it was closer to the time when he actually left. And that would be consistent, too.

Why would Mr. Jackson do it? Because he could. Because he had this child in his room. Because he had been working with this child for some time. Because this child was in love with him. Because this child would do anything that he wanted him to do. Because this child was already in his bed and already sharing the intimacies of his affection. Because this child already was viewing the pornographic materials that were there. Because this child was already freely drinking. Because Star had started leaving the room and was no longer there at that particular time. And his opportunity was there and the child was ripe.

And Mr. Jackson frankly was completely indifferent to the question of whether or not this was in close proximity to a televised production of one nature or another. In fact, he was more confident because he knew that by virtue of the fact that this child had gone on tape saying nothing had happened, that he was probably pretty safe at exactly that moment.

When did the molestations begin? We don’t know. We don’t know. The best estimate was at some time after the meeting with the Department of Child & Family Services. Certainly could have been before.

Gavin initially said he had been molested five times. By the time he got before the grand jury, which was some number of months later, his testimony was, “I remember two in specific particularly I can give you details of. There may have been more. There probably were more. I just can’t give you the kinds of details. We were drinking a lot during that period of time.” A 13-year-old boy.

Now, Dr. -- Dr. Esplin was quoted yesterday in one of the displays by Mr. Mesereau as saying something to the effect that there are many allegations, false allegations, that are motivated or spurred by profit.

I didn't remember Dr. Esplin saying that.

And I can -- and certainly Dr. Katz did not say that. And Dr. Urquiza did not say that. In fact, both of them said that there was no recollection whatsoever of any event. They just were unfamiliar with any occasion at all involving an adolescent boy who had been molested and that -- or, rather, an adolescent boy making a false accusation of molestation for purposes of financial gain. Neither one of them had any recollection of any case like that at all.

So when I hear or when I see Dr. Esplin being quoted as saying, "Yes, that's a common feature," I went back to his testimony to see exactly what it was.

This is a question by Mr. Sanger: "And would financial gain be a potential motive for -- on the part of the influential adult?"

And his answer was, "Could be."

"Could be."

Suddenly, being told, "Could be," that there could be a financial motive on the part of the influential parent, has translated to multiple accusations of child -- false accusations of child molest motivated by finances. As you can see, his testimony in this regard was nothing akin to what

was presented to you yesterday.

None of these doctors who testified, three of them, two for the prosecution, one for the defense, not one of them stood up and told you that this is a common occurrence at all. And in fact, all three of them told you that adolescent boys making accusations of being molested at the hands of an adult male is probably the single most difficult accusation for a child to make in terms of disclosure of molestation. That is the toughest, because no other victim endures the hardships of wondering whether they're going to be tormented at any particular time.

Now, one of the pieces of information that was said to you by Mr. Mesereau in his closing argument was the fact that Gavin had twice been interviewed by Dean Alpert and had not disclosed the molestation to him.

Keep in mind that all of the experts who had testified, including the defense expert, Dr. Esplin, said, “These are very difficult disclosures, and piecemeal disclosures are not unusual and in no way bear on the validity or integrity of the disclosure in any way.”

But let’s look particularly at that statement of not disclosing to Dean Alpert.

Gavin Arvizo was in Dean Alpert’s office because he was acting out. Okay? He was acting out because he was being tormented by other kids in the school, and he was being tormented because they were accusing him of having had some kind of sexual connection with Michael Jackson. He was a 13-year-old boy in middle school. And he was getting in fights because of those accusations. And kids were teasing him about it.

And suddenly he finds himself in a principal’s office or a dean’s office, someone with no ability whatsoever to be able to deal with this kind of situation, who simply says, “Is it true?”

And he says, “No, it’s not true.”

Would any 13-year-old boy that you know say anything other than that under those circumstances?

That, my friends, is not a reflection of his integrity in any way whatsoever. Nor is it a reflection on whether or not his ultimate testimony here is anything but completely truthful.

It’s a 13-year-old boy out there alone, by himself, harboring this horrible secret about what had happened to him, having been outed, effectively, by this nationally televised production, who is now trying to protect himself as best he can. You can’t conclude anything from that at all.

Dr. Katz said, “In addition to all the cases that I’ve seen, I’ve supervised numerous interns and other professionals. I don’t recall seeing any adolescents or preadolescents who are making allegations to profit.”

Mr. Mesereau told you yesterday that he said that Mr. Katz, Dr. Katz, had said to you that he had never seen a false accusation of sexual assault, of child molestation.

In fact, Dr. Katz said nothing of the kind. He said that there are many false accusations when children are very, very young, often pre-verbal, and those accusations are usually in conjunction with a divorce proceeding where one parent wants to keep the child away from the other parent. He says, as children get older, those instances reduce substantially. He says he had some familiarity with teenagers who made false accusations. He said they were all girls attempting to get out of a household situation. In other words, a parent that they did not want to be living with. Those circumstances that he believed to be false.

He said he had no familiarity at all involving an adolescent boy who had made a false accusation. And particularly an adolescent boy who had made a false accusation motivated by profit.

The suggestion that you can tell a 13-year-old boy, “You need to humiliate yourself, you need to stand up and give testimony that’s going to be demeaning, it’s going to be tormenting, you’re going to be in front of a roomful of people, you’re going to be harassed by your friends, you’re going to be tormented by a defense attorney, you’re going to be cross-examined at length, but don’t worry, we will be rich some years down the line,” a 13-year-old boy? Not likely. And not given what we know about Mr. Jackson and what we know about his history.

Excuse me.

Mr. Mesereau said that Gavin Arvizo had told you that he was touched right after the Miami trip.

No, he didn’t. He never said that at all. That is not part of the testimony. And you will not be able to find that in the transcript anyway. He never said that. His statements about when this happened were all fairly consistent in terms of being toward the end of his stay at Neverland, which covered about a five-week period of time.

There was a lot of commentary by Mr. Mesereau about the bad conduct of the children while they were -- not just while they were at Neverland, but also Gavin’s conduct while he was a child at John Burroughs Middle School, and it was documented and there was a lot of evidence and the teacher talked of that. It went on for hours in terms of, you know, “Were you acting out? Were you getting in fights? Were you talking in class? Were you singing in class?”

There’s really not anything that’s all that bad. It showed a child who was disrespectful to a teacher, and a child who was acting out.

Let’s begin this discussion with my saying something about his testimony, what he told you.

Gavin today is an honor student. He’s an honor student at his high school. He plays on the football team. He is a graduate of three years of military cadet training, which is the equivalent of scouting. Three years he’s been doing that.

All of you who have children who have been in scouting, I think you understand the commitment that a child makes to stay in scouting for three years, and the progress that they make as they go along through three years of scouting. And I think that you see, for those of you who have children or who have been in scouting or know children who have been in scouting, the change and the transformation that takes place with a child who stays committed to that kind of a program over that long a period.

MR. MESEREAU: Objection.

THE COURT: Sustained.

MR. ZONEN: Let me suggest to you that the child that you see testifying here today, or over this trial, who is a child who is an accomplished -- a child who is an honor student, and a child who’s doing entirely --

MR. MESEREAU: Objection.
MR. ZONEN: This is not inappropriate. This is in evidence.

MR. MESEREAU: It's not.
MR. ZONEN: Gavin testified to it.
THE COURT: Overruled.
You may proceed.
MR. ZONEN: That the testimony, when Gavin told you about his state of affairs today, means a decent and a quality of life, a good child.
What is consistent in his life and what is inconsistent in his life today?
He no longer has David Arvizo in his life, and he no longer has Michael Jackson in his life. And Jay Jackson's in his life. And today he's thriving. So now let's talk about what happened back at Neverland and what was going on even before Neverland.
At Neverland, the accusation as to -- as to Gavin, the accusation as to Gavin, both Gavin and Star, that they were stealing, that they were drinking, that they were misbehaving, that they were cursing, that they were behaving inappropriately with other people, that they were sexually inappropriate, at one point that they were caught masturbating, at one point they were caught in possession of sexually explicit materials, that Star at one point threatened somebody with a knife -- incidentally, both of those people who talked about that incident said it was a joke, that they never took it seriously. They understood it to be a joke.

That Gavin used to like to cook in the -- excuse me, Star used to like to cook in the kitchen. Neither one of them took it seriously.
All of those accusations that were made about the boys, let me also tell you that virtually all of the witnesses who testified to their bad conduct also said that they were quite well-behaved at the beginning, or certainly better behaved, and got worse as time went on. Five weeks. Five weeks

of a lack of discipline certainly would explain it.

Before I get into too much of a discussion about this issue, let me say something that would govern -- and, I mean, the whole question of whether or not these allegations are true or not true, let me start with one basic observation:

Any adolescent male, any adolescent boy in America, delivered at Neverland and left to Mr. Jackson's agenda, will eventually do just about every single thing that these two boys have been accused of doing. Doesn't matter how good of a child initially. Doesn't matter how good the family is. It doesn't matter how good the parents are. The most religious, the most conservative, the kindest, the best parents.

You take that child away from his parents, and you subject him to the ordeal that is Neverland, play all day, do anything you want, no discipline, no school, no homework, eat whatever you want, do whatever you want, pornography, and alcohol, stay up all day, up all night, sleep when you want, do what you want, it will not take long before any adolescent boy in America would ultimately end up doing any of those things.

So I begin that comment to you because I want to be able to say, as I sit here and talk about some of these things, that I'm not going to put myself in a situation of saying, "This didn't happen. This did happen. This didn't happen." We don't know. But let me say, just as an observation on the testimony of those witnesses, nobody ever wrote that stuff down. There is not a log anywhere that reflects any of the things that they're accused of doing, including driving an SUV. There is no observation of any single person who came into this court and testified that they ever saw Gavin or Star, these 12- and 13-year-old kids, who are barely five feet tall, if that much, driving a Navigator around this property. And they now say that was the reason for a sign that said, "Don't let them leave the property"?

How about a notation that says, "Don't let them get in the SUV"? Or even better, "Deliver them back to their home in East Los Angeles."

The notion that these kids are misbehaving to that extent, and yet what are they doing about it? Their keeping them there and trying to get them back there is simply inconsistent. It's simply inconsistent, unless the people who work for Michael Jackson were motivated by two things: One, the profit that would go along with having that family there to be able to capitalize on their statements, and their videos, and their image; and, two, that that child was needed in Michael Jackson's bedroom. There is no other explanation for it. Simply not.

Now, some of these witnesses would come into court and testify to stuff, and you'd immediately say, "Who did you talk to about this? Who did you tell?"

I was described as being barbaric, and, gosh, I don't even remember all the language that he called. My cross-examination of Rijo Jackson, I think I was called abusive and barbaric, and one other adjective that was used to describe it, in 15 minutes of cross-examination, which is all I did. I really didn't ask him anything about what occurred in the bedroom. And I pretty much asked him only what occurred in Michael Jackson's room and what he told Michael Jackson.

Virtually all of the witnesses who were asked questions about, "Okay, you saw this thing, you saw graffiti, you saw Star writing graffiti on a wall, what did you do about it? Who did you tell? Where did you note it? Where did you write it down?" None of them ever wrote any of this stuff down, ever.

So let me suggest -- and this is a place where they write everything down and they write it down constantly and all the time. So let me suggest to you that the absence of any kind of documentation of any of these instances should cause you pause to believe that they're probably exaggerated and some of them are probably made up. And probably the most egregious of all of that would have been Rijo's testimony about the boys in a bed under the blankets and what he said was masturbation.

Now, you wonder how he would know that, necessarily, if they're under the blankets. And you might wonder exactly why a 12-year-old and a 13-year-old brother would be doing such a thing in the presence of each other. And you would wonder why the two of them would do such a thing as a door would open and somebody would walk into the room and they would have no idea who that somebody would be, but they would continue doing that.

That is simply not consistent with common sense. That's not consistent with your understanding as to how adolescent boys function.

If it is true, then it's evidence of two boys who have been significantly sexualized. And that would be consistent with their testimony as to what took place in Michael Jackson's bedroom. In other words, his constant talking with them about masturbation, and his constant talking about -- with them about adult sexuality, and his constant introduction to them of sexually explicit material.

If you believe Rijo Jackson's testimony is truthful and accurate in its entirety, then you have to ask yourself, "Why are these kids doing that?"

What is going on at Neverland? If you believe the testimony about Star walking around with explicit magazines, then you have to ask yourself, "Why does this child feel so uninhibited that he can do that?" Because it's certainly not the child that you saw on the witness stand.

And then the question of where did he get it? He did not -- if it's true that he had such a magazine, he did not get it from home.

He would not have said to his mother, as they were preparing to go back to Neverland from one of their trips at home, "Hold on a second while I get my copy of Hustler." That's not what a 12-year-old would say. And it's not what a 12-year-old would do. And he would not have such a thing in his back pocket as he walks around Neverland. And it wouldn’t be necessary to do so, because there was plenty of that material in Michael Jackson’s bedroom and they had the run of that bedroom.

So you have to sit back and say, how much of this testimony is exaggeration? How much of it is

just plain false? And how much of it is true.

And if it’s true, why is it true? Why are these boys behaving in such a fashion? And why are so many of the witnesses from Neverland saying all of the boys eventually start misbehaving? Why is that true as well?

Counsel made a number of remarks about Janet Arvizo hounding celebrities for money. Calling them constantly. Hounding them for money. Causing the children to hound them for money.

Now, my answer to that is, “Who?” I mean, we dealt with all of the celebrities who were called in this particular case. None of them testified to that.

And even the testimony of Jay Leno is entirely inconsistent with Mr. Mesereau’s description of Jay Leno’s testimony. At the beginning of this case, in his opening statement, Mr. Mesereau said that Janet was in the background telling Gavin what to say on the phone in the conversation with Mr. Leno.

In his closing argument, his testimony was Janet Arvizo was in the background telling Gavin what to say in his conversation with Jay Leno. The problem was that’s not what Jay Leno said. And his testimony was very different.

“Did you ever get any messages from anyone who claimed to be Gavin’s mother?

“No.”

“And then I spoke to someone else, and then I believe I spoke to the mother, who seemed very pleased that I called.

“Do you recall what the mother said to you?

"A. No. Very general. 'Thank you very much,'" quote, end quote.

And that's the extent of it. There was never any testimony of Jay Leno whatsoever about a mother in the background trying to get her child to say things to a comedian who would then give them money. And furthermore, none of these comedians did give them money.

Now, the one exception is Chris Tucker, who had a close relationship with this family, although he denies it today. He simply has taken sides in this lawsuit. That's all. But before that, he took these kids up to Oakland to go to a Raiders game, he took these kids to the Lakers -- Staples Center to see a Lakers game. They had Gavin's name up on the wall at some time during the half time. Excuse me. He was sick at that time.

He took them to a wedding that was in Pasadena. Today he denies that he knows anything about how they got there. That's simply not credible. That's simply not credible. That whole business about not knowing how they got to a wedding, that he didn't invite them there, and that they just somehow showed up on their own. That these kids are going to show up at a wedding in Pasadena without even knowing where it is, is really just not credible.

But when you look at this collection of witnesses who have testified, I mean, whether it was Jamie Masada, or whether it was Louise Palanker, whether it was Jay Leno, whether it was Fritz Coleman, whether it was George Lopez -- George Lopez' testimony about Gavin was that he was a great kid. Said, "A lot like me when I was that age." And none of them say they were ever asked for money by Janet Arvizo. None of them say they ever gave money to Janet Arvizo. None of them do that. And then he comes back in his closing argument and he says, "Constantly calling celebrities, constantly hounding them for money."

Well, when you go back in your deliberations, sit back and ask yourself, okay, which one? Which one was actually called by me? Which one was actually called by Janet Arvizo and hounded for money?

That statement about Davellin's testimony on the witness stand about what her father did to her when she was a toddler, she has no recollection of it. That statement was pretty remarkable when she testified to it in court.

And you saw her reaction to it. And you saw her start crying during the course of that. She came to find out that her father had molested her when she was very small. Her father was in the room at the time, and it came out in the course of an argument between her parents. Her father acknowledged that it happened.

Now, are we supposed to believe today that it didn't happen? What testimony is there today that it didn't happen? And the answer? None. The answer is none. Nobody came in. They certainly could have called David Arvizo to say it didn't happen. They didn't do that.

Alcohol. There was testimony by both of the boys that they drank with Michael Jackson. There was a drinking game with Michael Jackson. It was in the presence of two witnesses. In the presence of Simone and in the presence of Aldo, the younger sister and younger brother of Frank Cascio. They weren't called to say it didn't happen. And both of these boys knew certainly at the time that they gave this information to law enforcement that this is information that could be contradicted by these three witnesses, who certainly have no loyalty to them, and have quite a loyalty to their older brother Frank, who is one of Michael Jackson's closest friends again.

Why would they include the presence of witnesses who would be able to say that it didn't happen? And more significantly, why didn't they come to court to say it didn't happen? That information is not contested.

DNA evidence.

Let me talk to you a little bit about that, because you need to understand the extent to which this really is a red herring in this case.

He says we didn’t look for hairs or fibers.

Hairs or fibers would reveal nothing.

Fibers, they talk about. They call that trace evidence. And what they mean is it traces back to a particular source. Fibers would be things like unusual fiber from clothing found at a location which would tend to suggest that that person had been at that location, if it’s unusual fiber from clothing.

We know these boys were inside that house. Everybody says they were inside that house. Fibers would lend no relevance to this case whatsoever.

Not only do we know they were inside this house, but they can describe every foot of his residence. They spent the better part of five weeks at that residence.

Hair, same thing. The presence of hair wouldn’t be particularly interesting to you, because all that means is that they were in the room and they left hair behind. We already know they were in the room.

DNA. DNA isn’t going to be particularly interesting for you unless it’s DNA from his semen. Because then what we’re saying is that they ejaculated in that room, or one of them did. And now that tells us that there’s sexual activity in the room, and that would be relevant, and that’s what we were looking for when we took the mattress and looked to see if we could find his DNA on the mattress.

Now, given his statement, what’s the likelihood of that happening? His statement as to when he ejaculated, if at all, was lying on top of the bed and he was being masturbated inside his clothing, which means the ejaculation would have occurred inside his clothing. To find it on the mattress, we would have to have had a liquid seepage through his clothing, through the blankets, and through the sheets, through the mattress pad and into the mattress, nine months earlier.

In other words, that there wouldn't have been any sheets washed in nine months. There wouldn't have been blankets changed or washed in nine months. And in fact, it would have escaped his own clothing in that particular period of time.

That is a long shot. That is a long shot.

I guess the equivalent would be to say if any adult couple had sex in a hotel room, what is the likelihood that there would be DNA found from that activity nine months later in that hotel bed? And the answer is not likely. Not likely.

But we looked anyway.

So the question is, does that mean that there wasn't a molestation? The answer is no. It simply means we didn't find ejaculate at that time. He either did or didn't get to that stage.

Let me just say a word about Mr. Jackson's finances, because that was brought to your attention by Mr. Jackson (sic). He said that there were people who took advantage of him and that was why his finances were in trouble.

No, that's not why. His finances were in trouble because he was living a much too extravagant lifestyle that he couldn't afford. He had been going on -- he had been going on with a loss of $20 to $30 million a year that our forensic accountant was able to trace back to 1999, and likely earlier behind that, because you don't start $20 to $30 million a year deficit.

He was running on a credit card, effectively, through a bank. And it was getting larger and larger and larger and larger. And as of the time of the filming of "Living with Michael Jackson," he was $270 million in debt. Mortgaged -- Neverland was mortgaged to the tune of $18 million, and he owed $10 million to his vendors. In other words, the people who supply services and products for Mr. Jackson and to his family, he owed them $10 million.

This had nothing to do with people taking advantage of him. This had to do with him living an extravagant lifestyle that he couldn’t afford. One that he could afford 20 years earlier but can’t afford today and couldn’t afford in 2003.

And then all of a sudden, this disaster comes along. And Mr. Mesereau says all celebrities deal with public affairs disasters. They take care of it. They deal with it. They do some kind of something. They hire a PR person and everything is just fine.

And the answer is, no, it doesn’t really work that way.

Because in this case, what he is accused of is child sexual abuse. And that is a disaster for any performer. That’s not the equivalent of a disaster that includes getting caught with drugs, as many of them are. Or getting caught drunk driving, as many of them are. Or getting caught having an affair, as many of them are, which sometimes actually enhances their career. Nobody benefits from being accused of molesting a child. Nobody benefits from that.

He said that there were people who were stealing from him. Marc Schaffel. Marc Schaffel is not somebody that you would want to admire. Nobody

who works in the sex trade business or industry should be admired, frankly.

But there’s no evidence that anybody stold from Michael Jackson. And we have the accounting of all the funds that came in, and all the funds are accounted for and distributed appropriately.

Two million dollars of that goes to an attorney by the name of Mr. Finkelstein in New York, who set up an account on behalf of Michael Jackson. That is his share of all of that. All of the other money is properly accounted for.

If they had a question about it, they could have brought a forensic accountant in here to tell you that, in fact, somebody was stealing. There’s no evidence that anybody was ever stealing from

Michael Jackson. Not the Germans, not Marc Schaffel, not anybody else who was associated with him, Frank or Vinnie.

Now, with one exception.

There's an inventory that you have in evidence, and that inventory of expenses that are credited to Janet Arvizo, which she says she did not incur all of that, as you look at that interview, go to the very last page of -- the inventory, excuse me. Go to the very last page of the inventory and look at the last few dates and notations. You will find that Janet Arvizo and her family were taken out to dinner. They were taken out -- there were a

couple different dinners. I don't remember the restaurants at this time. But you will -- as soon as you see it, you'll understand; that those dinners were at a time that Janet Arvizo was in Los Angeles back with Jay, and the kids were at Neverland. In other words, they never took anybody out to dinner. So they were obviously padding the expense account on that. You'll be able to see that as soon as you look at it. That's really the only indication, a few hundred dollars that may have gone to Vinnie or Frank, that they thought would have otherwise been Marc Schaffel's. I don't think they would have stolen from Michael Jackson. Frank was very close to him and very akin to him.

Did you want to take a break at this time? This would be a good time.

THE COURT: All right. We'll do that.

(Recess taken.)

THE COURT: Go ahead, Counsel.

MR. ZONEN: Thank you, Your Honor.

Ladies and gentlemen, we left off before the break, we were talking about Mr. Jackson's finances, his state of financial peril, what was going on at the time on the 3rd, and then what happened thereafter and the fact that there was a great deal of money that had been generated. None of that money went to pay any of his creditors. That money was deposited on his behalf. There was over two million dollars that went to an account in New York on his behalf. There was an additional one-million-dollar check that was cashed for cash. And that was done on the 2nd of April and that was for Michael Jackson as well.

There was all indication that he was in no way being victimized by anybody who was working for him. There were probably plenty of people who were working for him who are vying for higher positions on that ladder and who wanted to be a little closer to Michael Jackson, because that’s a profitable place to be, certainly. But there’s no indication, no evidence, when there could have been, that there was thievery going on or any stealing from Michael Jackson at all.

Jason Francia. Jason Francia, as we had talked about earlier, young man, deeply religious young man, with a great deal of difficulty testifying on the witness stand, questioned on many occasions by Mr. Mesereau asking about “inappropriate tickling,” much in the same way that he referred to the conduct with Jason Francia as “inappropriate tickling” in his closing argument.

Jason, you will remember eventually on cross-examination in some degree of exasperation, finally said, “You mean when he played with my balls?” was the answer.

This was, to Jason Francia, not inappropriate tickling. It was child molestation. He may not have understood that at age ten, but he most assuredly understands it at age 24, and I believe all of you do as well.

There was a lot of commentary, of course, about Janet Arvizo and the kids all lying, because they said they had not talked with one another about this case, and particularly that Janet Arvizo was lying when she talked about holding hands, her son holding hands with Michael Jackson.

That’s not inconsistent. Janet Arvizo testified that she had seen clips on television, on the news, of that documentary. She never watched the documentary, but she had seen clips. And many of those clips featured her son, who she said she recognized, and depicted particularly that one scene of him resting the head on the shoulder and holding the hands of Michael Jackson. She certainly would have known about that without having watched the actual documentary.

As well, the kids having testified that they did not discuss their testimony with one another, they've been instructed not to discuss their testimony with one another. That is not unusual either. And in fact, is consistent with everything that you had heard, that kids don't like talking about such things. Rarely tell their family, rarely tell their parents. Rarely discuss the intimacies of those kinds of details.

Now, it's a rather vague question, but the question is, "Did you discuss the case with other people?" Does that mean did you discuss what you were going to wear for court, or whether you had to be in court, or whether you had to be in Santa Maria, or whether you could be back at home? That's discussing the case on some level. And certainly to that extent, they probably had discussions. It's a very vague question.

But the question of whether or not they actually sat down and talked about their testimony, what they were asked or what they said, they were asked not to do that, and in all likelihood they didn't. That's not necessarily the type of thing they want to rush into.

Janet Arvizo is not the sophisticate that Mr. Mesereau would like you to believe. She's a person who's not well educated, does not speak well, does not present well, does not function necessarily well in the workplace, as a victim of 16 years of domestic abuse. And you see it. You see it in how she presents. You see it in her personality.

The notion that she is sophisticated enough that she would be able to come into court and stage this kind of vast fraud, including all of the details that we've talked about in the course of this trial, I mean, the details that can easily be disputed, if in fact it was made up, who was present at different times, different things, different pieces of information or evidence, the fingerprints on the sexually explicit magazines, the presence of the doll. I mean, to be able to keep straight such things as him presenting himself naked on a particular occasion. They don't exaggerate it. They don't exaggerate it at all. They simply say, "He came in; he had no clothes on."

At one point he said, "This is natural. It's okay." Exactly the type of thing that you would expect in a grooming process.

Nothing is exaggerated. Nothing is made up.

The amount of detail that went into their testimony as they were on the witness stand for days at a time, and subjected to days of cross-examination - days - you got treated to about ten minutes of inconsistent testimony out of two days of cross-examination and three days of total testimony as to each one of those children. And Janet Arvizo was on the witness stand for four days. That's a combined 13 days of testimony. And you got about 40 minutes of inconsistent statements out of 12 days of testimony.

Their testimony was really rather remarkably consistent and it made sense, given what we know. It made sense, given the level of corroboration that we've been able to establish. We found the passports. We found all of the documentation. Ultimately the passports were in Mr. Geragos's office, something that he did not talk about in his closing argument, Mark Geragos, for good reason. We found all of the documentation of the visas, found all of the documentation. Everything that she was saying that had happened we were ultimately able to confirm. That she left the ranch at two o'clock in the morning we were able to confirm from the logs. That it was Jesus who took her out we were able to confirm from the logs.

As you go through your deliberations, you stop and ask yourself, with every single piece of information, how could they make that up? How could they make that up and keep the story straight like that?

She doesn't have that level of capability. Janet Arvizo, frankly, can't string two consecutive sentences together that make sense. But yet she is somehow going to convince her children to engage in this elaborate fraud because they might someday make a lot of money, and we know that's not true.

In fact, Larry Feldman and Kris Kallman both gave testimony that they settled those cases back in 1993, before the advent of the criminal investigation, which would make sense. Michael Jackson's running out of money anyway.

Now, it took some effort to go ahead and get this family to Santa Barbara. And in fact, the testimony of Steve Robel on the witness stand was this: "You have victims that are terrified in coming forward to law enforcement. That is to reassure them that they are not the suspects or they're not the victims in this case."

And he goes on to say, "And I was reassuring them through that and letting them know that they are doing the right thing, because they are terrified when they come forward. And it took us about two weeks to get them to come forward and up here to be interviewed."

Now, that is not the sign or the indication or the behavior of a family that is looking to, quick, grab the spotlight and cash this into money. It is a family that's frightened about taking on Michael Jackson and all who work for him, and subjecting themselves to this kind of ordeal.

And now I'd like to play for you about six minutes and 40 seconds of that first interview where he discloses what happened to him.

MR. AUCHINCLOSS: "Input 4."

MR. ZONEN: Your Honor, "Input 4," please.

(Whereupon, a portion of a DVD, People's Exhibit 900, was played for the Court and jury.)

MR. ZONEN: You just witnessed the seven worst minutes of this young man’s life, 13 years old, and you saw him disclose for the first time

that he had been molested by Michael Jackson, a person that he had been close to, a person that he had loved, a person who had been a very important person in his life.

Mr. Mesereau has told you that that child made all that up and that is all an act; that’s a product of having been in an acting class some number of years prior. I’m telling you that your common sense will tell you otherwise.

This is an absolutely sincere revelation by this child that he had been sexually abused by a man that he had been previously close to. And his behavior here is completely consistent with exactly what you would expect a child to endure in disclosing this kind of offense.

Ladies and gentlemen, my closing argument is concluded. I’m telling you now that, as you go back in deliberation, you’re going to discover something. You’re going to discover, as the 12 of you get together and begin your deliberations, that the collective wisdom that you’re going to generate far exceeds the sum of its parts. You’re going to find it amazing, when you start talking among yourselves and looking at the evidence, as you’ll have to do, the revelations for you, what you’ll be able to discover in this case that you had previously not even thought about, and you’ll find that it will be quite possible to achieve justice in this case.

And you will find, as you deliberate, that these accusations are not false; that these accusations are entirely accurate, entirely appropriate, and in fact entirely truthful.

And we’ll ask you to go back and begin your deliberations in this case and return guilty verdicts as to all counts against Michael Jackson.

Thank you.

THE COURT: Thank you, Mr. Zonen.

I have not intended, by anything I have said or done, or by any question that I have asked, or by any ruling that I may have made, to intimate or suggest what you should find to be the facts, or that I believe or disbelieve any witness.

If anything I have done or said has seemed to so indicate, you will disregard it and form your own conclusion.

The People and the defendant are entitled to the individual opinion of each juror. Each of you must consider the evidence for the purpose of reaching a verdict, if you can do so.

Each of you must decide the case for yourself, but should do so only after discussing the evidence and instructions with the other jurors. Do not hesitate to change an opinion if you are convinced it is wrong. However, do not decide any question in a particular way because a majority of the jurors or any of them favor that decision. Do not decide any issue in this case by the flip of a coin or by any other chance determination.

The attitude and conduct of jurors at all times are very important. It is rarely helpful for a juror at the beginning of deliberations to express an emphatic opinion on the case or to announce a determination to stand for a certain verdict. When one does that at the outset, a sense of pride may be aroused, and one may hesitate to change a position, even if shown that it is wrong.

Remember that you are not partisans or advocates in this matter. You are the impartial judges of the facts.

During deliberations, any question or request you may have should be addressed to the Court on a form that will be provided.

If there is any disagreement as the actual testimony, you have the right, if you choose, to request a read-back by the reporter. You may request a partial or total read-,back. But any read-back should be a fair representation of that evidence.

If a read-back of testimony is requested, the reporter will delete objections, rulings and sidebar conferences so that you will hear only the evidence that was actually presented. Please understand that counsel must first be contacted and it may take time to provide a response or read-back.

Continue deliberating until you are called back into the courtroom.

Do not disclose to anyone outside the jury, not even to me or any member of my staff, either orally or in writing, how you may be divided numerically in your balloting as to any issue, unless I specifically direct otherwise.

In this case, the defendant has been charged with one count of conspiracy, four counts of lewd act upon a child, one count of attempted lewd act upon a child, and four counts of administering an intoxicating agent to assist in the commission of a felony, all felonies.

You will be given separate verdict forms encompassing each of the charged crimes, and forms on which to record certain special findings in connection with Counts 1 and 2 through 5.

Since the lesser offense is included in the greater, you are instructed that if you find the defendant guilty of the greater offenses, you should not complete the verdict on the corresponding lesser offense, and that the verdict should be returned to the Court unsigned by the foreperson.

If you find the defendant not guilty of the felonies charged, you then need to complete the verdict on the lesser-included offense by determining whether the defendant is guilty or not guilty of the lesser-included crime, and the

corresponding verdict form should be completed and returned to the Court signed by the foreperson.

You shall now retire and select one of your number to act as a foreperson. He or she will preside over your deliberations. In order to reach verdicts, all 12 jurors must agree to the decision and to any finding you have been instructed to include in your verdict. As soon as you have agreed upon a verdict, so that, when polled, each may state truthfully that the verdict expresses his or her vote, have them dated and signed by your foreperson.

A caveat there. The foreperson would place their number as their signature, not actually their name.

When you reach a verdict as to any particular count, place all verdict forms for that count in a sealed envelope, which will be held by the clerk until verdicts on all counts have been reached.

At that time, the sealed verdicts will be returned to the foreperson, and the jury will return with them to this courtroom. Also return any unsigned forms.

Before and within 90 days of your discharge as a juror in this matter, you must not request, accept, agree to accept or discuss with any person receiving or accepting any payment or benefit in consideration for supplying any information concerning the trial.

It’s the next one.

You must promptly report to the Court any incident within your knowledge involving an attempt by any person either to improperly influence any member of this jury or to tell a juror his or her view of the evidence in this case.

You will be permitted to separate during recesses and in the evening. During your absence, the courtroom will be locked. You are to return following the recess and following the evening recess on the next succeeding court day.

During periods of recess you must not discuss with anyone any subject connected with this trial, and you must not deliberate further upon the case until all 12 of you are together and reassembled in the jury room. At that time you shall notify the clerk or bailiff that the jury has reassembled and then continue your deliberations.

As to the alternate jurors, you are still bound by the admonition that you are not to converse among yourselves or with anyone else on any subject connected with this trial, or to form or express any opinion on this until the case is submitted to you, which means until such time as you are substituted in for one of the 12 jurors not deliberating on the case.

This also means that you are not to decide how you would vote if you were deliberating with the other jurors.

Now, we have quite a bit of evidence accumulated behind the clerk there. What I’m going to ask you to do, the 12 of you who are going to start deliberations, is to go into the jury room and select your foreperson. Once the foreperson has been selected, notify the bailiff, and then we will have the evidence brought to the jury room.

The foreperson will be responsible for keeping the evidence in its numerical order, in the boxes, so that it will be easy for the staff to ascertain that all the evidence is there at the end of each deliberating period.

For the alternates, we are going to call you when the jury advises us that they have reached verdicts, and give you the opportunity to come back and sit in the audience and hear the verdict. We will allow a little over an hour. I know some of you don’t live in this community. We’ll give you time, but we’re not going to be waiting beyond -- if we called your home or the number that you’ve left us to call and you weren’t there and you weren’t available, we will not be looking for you or waiting for you. Do you understand? We will call and give you the opportunity to be here.

I want to thank all of the alternates. You are not released. You understand that you may still be called if we had to replace a juror for any reason. It’s very important that you keep the pledge that you’ve made and not talk to anyone until after the verdicts are returned.

THE BAILIFF: Judge?

(Off-the-record discussion held between the bailiff and the Court.)

THE COURT: For the jury that's going to be deliberating, you will deliberate during the normal hours that we were holding court, so from 8:30 to 2:30 will be your deliberations. I would like you to take your breaks at the same time as you were taking breaks. And there's a reason for this. It has nothing to do with you, but it has to do with the whole rest of the Court.

The reason we ran such a strict schedule was the other courtrooms have to shut down. So many things happened that are not you, it's the rest of the whole system that we have to rely on. They have to rely on us operating on a certain time zone to take care of their ongoing business.

So I'd appreciate it if you would do that.

All right. I'm going to allow all of you to go out this way, because I assume that some of the alternates have personal belongings that they need to pick up. And then after the alternates have departed, then you may start your deliberations.

THE BAILIFF: Judge, you need to swear the bailiff.

THE COURT: All right. Would you swear the bailiff, please?

THE CLERK: Do you and each of you solemnly swear that you will keep the jury together in a private and convenient place, and do not speak to them or to allow anyone else to do so, except to ask them if they have agreed upon a verdict, and to return them into court when they have done so or upon the instructions of the Court, so help you God?

BAILIFF AVILA: I do.

BAILIFF CORTEZ: I do.

THE CLERK: Thank you.

(Whereupon, the jury retired to its deliberations at 12:20 p.m.)

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: Counsel, a couple of items:

Number one, I need you to be available within ten minutes of the court in case there’s a request for information from the jury or instructions. I need you to give your phone number to the clerk where you will be during the deliberations. Keep her informed of your phone number of where you are at all times during the deliberations.

Mr. Jackson, I have no problem with you being at your residence on Figueroa Mountain.

Mr. Mesereau, is an hour sufficient time for him to come for a verdict?

MR. MESEREAU: I think so, Your Honor. Yes. Yes, it is, Your Honor.

THE COURT: If you were slightly delayed, I would rather be slightly delayed than to be -- you know, have you rush too fast. But I want -- that is a reasonable time?

MR. MESEREAU: Yes, Your Honor.

THE COURT: Okay. Is there an agreement with the attorneys that if, after the -- if the jury requests that testimony be reread, that after we meet and agree on what should be read to them, that the court reporter may go into the jury room and read the material, the requested material?

MR. SANGER: Your Honor, I would say that we would probably agree to that, but I’d like to reserve that until we have the discussion, which we would have anyway. I would assume it would be okay, but I’d like to know what it’s about.

THE COURT: All right.

MR. SNEDDON: It’s fine with us.

THE COURT: All right. Is there any matter either side would like to take up at this time?

MR. SNEDDON: Judge, I would like to know what the procedure is going to be at the end of the day at 2:30.

Do you require counsel to be present when the jury is discharged or do you intend to just let them go at that point with an admonition?
THE COURT: I would request that counsel stipulate that the jury can convene and reconvene without your presence, my presence and without further admonition.
MR. SANGER: Yes.
MR. SNEDDON: That’s fine on our part, Your Honor.
MR. SANGER: Yes, Your Honor.
THE COURT: And if there is any request to change their hours, I will notify everybody as soon -- what I’m thinking of is that they might ask on a particular day to come in later or to leave early or something. I know some graduations are going to be taking place. Some of the jurors have undoubtedly -- might ask for that time. But if something like that happens, I’ll inform you so you know you don’t have to remain available during a period when you’re not needed.
MR. SANGER: Thank you, Your Honor.
THE COURT: All right. Is there anything else?
MR. MESEREAU: No, Your Honor.

MR. SANGER: No, sir.
THE COURT: This Court is in recess.
(The proceedings adjourned at 12:30 p.m.)
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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 12932 through 13054 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on June 3, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
June 3, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304